



# **AGENDA**

**Wednesday, 16 October 2024**

## **Ordinary Council Meeting**

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

**Date: Wednesday, 16 October 2024**

**Time: 9:00am**

**Location: Council Chambers**

**Peter Franks  
Chief Executive Officer**



## Order Of Business

<b>1</b>	<b>Members in Attendance .....</b>	<b>5</b>
<b>2</b>	<b>Apologies/Leave of Absence/Absence on Council Business .....</b>	<b>5</b>
<b>3</b>	<b>Bereavements/Condolences .....</b>	<b>5</b>
<b>4</b>	<b>Declaration of Conflicts of Interest .....</b>	<b>5</b>
<b>5</b>	<b>Confirmation of Minutes .....</b>	<b>5</b>
<b>6</b>	<b>Business Arising out of Minutes of Previous Meeting .....</b>	<b>5</b>
<b>7</b>	<b>Deputations and Delegations.....</b>	<b>5</b>
<b>8</b>	<b>Corporate and Community Services .....</b>	<b>6</b>
8.1	Kanjini Co-Op Limited - Material Change of Use - Outdoor Sport and Recreation, Function Facility and Tourist Park - Lot 66 on RP896904, Lot 67 on SP328197 and Lot 68 on SP282408 - 545 Kay Road and 483 Emerald Falls Road, Mareeba - MCU/22/0002 .....	6
8.2	Dusty Nuts Pty Ltd - Material Change of Use - Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017) - Lot 1 on RP741791 - 8 Vicary Road, Mareeba - MCU/24/0013 .....	165
8.3	Land Tenure User Agreement - Lot 213 CPHG550 - Park Avenue Dimbulah .....	205
8.4	Council Policy Review .....	247
8.5	Extension of Contract Term - Commercial Real Estate Services For Sale of Mareeba Industrial Park.....	283
8.6	Cassowary Art Trail .....	285
8.7	Development & Governance Quarterly Report - July to September 2024 .....	287
8.8	Operational Plan 2024/25 Progress Report .....	297
8.9	Proposed Adoption of Amending Local Laws .....	307
8.10	Irvinebank School Of Arts & Progress Association - Community Loan Application .....	539
8.11	Mareeba Rotary Club Carols by Candlelight.....	541
8.12	Kuranda Fund one-off payment .....	543
8.13	Annual Report 2023/24 .....	545
8.14	Financial Statements Period Ending 30 September 2024 .....	659
<b>9</b>	<b>Infrastructure Services.....</b>	<b>671</b>
9.1	Infrastructure Services, Capital Works Monthly Report - September 2024 .....	671
9.2	Traffic Advisory Committee - Minutes of Meeting held 17 September 2024.....	683
9.3	Application to Purchase a Portion of Reserve Land - Being Lot 3 on SP331730 - Abutting Lot 41 on NR7561 - 1 Abbott Street Mareeba.....	695
9.4	Tender Award T-MSC2024-18 Sewer Manhole Refurbishment.....	717
9.5	Tender Award T-MSC2024-23 Kuranda Coondoo Street Footpaths Pavement Upgrades ....	721
9.6	Tender Award T-MSC2024-22 Kuranda Upper Coondoo Street Lighting.....	725

9.7	T-MSC2024-26 Mareeba Byrnes Street Safety Upgrades .....	727
9.8	Parks and Open Spaces Quarterly Report July 2024 - September 2024 .....	729
9.9	Infrastructure Services, Technical Services Operations Report - September 2024.....	733
9.10	Infrastructure Services, Water and Waste Operations Report - September 2024 .....	741
9.11	Infrastructure Services, Works Section Activity Report - September 2024 .....	747
<b>10</b>	<b>Office of the CEO .....</b>	<b>751</b>
10.1	Tourism & Economic Development Quarterly Report .....	751
10.2	The 2024 National Local Roads, Transport and Infrastructure Congress.....	771
<b>11</b>	<b>Confidential Reports.....</b>	<b>773</b>
Nil		
<b>12</b>	<b>Business without Notice .....</b>	<b>773</b>
<b>13</b>	<b>Next Meeting of Council .....</b>	<b>773</b>
<b>14</b>	<b>For Information .....</b>	<b>775</b>
14.1	Summary of New Planning Applications & Delegated Decisions For The Month of September 2024 .....	775

- 1 MEMBERS IN ATTENDANCE**
- 2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**
- 3 BEREAVEMENTS/CONDOLENCES**
- 4 DECLARATION OF CONFLICTS OF INTEREST**
- 5 CONFIRMATION OF MINUTES**  
Ordinary Council Meeting - 18 September 2024
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**

## 8 CORPORATE AND COMMUNITY SERVICES

**8.1 KANJINI CO-OP LIMITED - MATERIAL CHANGE OF USE - OUTDOOR SPORT AND RECREATION, FUNCTION FACILITY AND TOURIST PARK - LOT 66 ON RP896904, LOT 67 ON SP328197 AND LOT 68 ON SP282408 - 545 KAY ROAD AND 483 EMERALD FALLS ROAD, MAREEBA - MCU/22/0002**

**Date Prepared:** 23 July 2024

**Author:** Coordinator Planning Services

**Attachments:**

1. Proposal Plans [↓](#)
2. State Assessment and Referral Agency changed referral agency response dated 16 September 2024 [↓](#)
3. Powerlink Qld advice agency response dated 24 November 2023 [↓](#)
4. Queensland Parks and Wildlife Service & Partnerships third party advice dated 16 December 2023 [↓](#)
5. Submissions [↓](#)
6. Kanjini Correspondence with Neighbours/Submitters [↓](#)

### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Kanjini Co-Op Limited	<b>ADDRESS</b>	545 Kay Road & 483 Emerald Falls Road, Mareeba
<b>DATE LODGED</b>	1 September 2022	<b>RPD</b>	Lot 66 on RP896904, Lot 67 on SP328197 & Lot 68 on SP282408
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park		
<b>FILE NO</b>	MCU/22/0002	<b>AREA</b>	Lot 66 – 294.9 ha Lot 67 – 842.49 ha Lot 68 – 1683.32 ha
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	Kanjini Co-Op Limited
<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>	Thirty-nine (39)		

### EXECUTIVE SUMMARY

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

The application is impact assessable and 39 properly made submissions were received in response to public notification of the application. 12 of the submissions are in support of the development, with

the remaining largely comprising of similar letters expressing concerns about potential noise nuisance and traffic impacts for Kay Road.

The subject site is a 2820 hectare rural property which has existing approval for bush camping (13 sites) and has also successfully held the Kuranda Roots Festival for the past three (3) years. The application seeks to expand on these activities by carrying out the following development in four (4) stages:

- Six (6) additional camp sites;
- 10 RV/caravan sites and 8 tourist cabins; and
- Two (2) event sites & function facility – cumulative maximum of 12,000 persons per annum, with no single event hosting more than 2,000 persons.

The proposed 12,000 persons per annum ultimate scale of the event sites/function facility has generated significant community concern amongst the wider Kay Road community. This scale is a substantial increase from the single annual Kuranda Roots Festival held at Event Site 1 (Emerald Falls Road). In discussions with the applicant, it is apparent that a significant portion of the proposed 12,000 persons per annum scale has been proposed as a means of avoiding any potential future need to seek further State and Council approval. In doing so, this has added unnecessary complexity to the proposed development.

Careful consideration has been given to what would represent an appropriate scale of development for the event sites/function facility aspect and Council officers propose a cumulative maximum of **3,500 persons per annum**, with Event Site 2 being capped at 500 persons per annum, with any single event at Event Site 2 being capped at 300 persons.

Kay Road would serve as access to the eight (8) tourist cabins, four (4) camp sites, ten (10) RV/caravan sites, Event Site 2 (capped at 500 persons per year, with any single event capped at 300 persons) and the function facility.

Emerald Falls Road would serve as access to two (2) camp sites and Event Site 1. Event Site 1 will hold the larger events with up to 2000 persons at any single event.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and the reduced scale of development as proposed by the officer's recommendation can be appropriately conditioned to avoid conflict with any relevant planning instrument.

Careful consideration has been given to the potential noise and traffic impacts and the applicant will have ongoing obligations to manage both for the life of the development.

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

#### **OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Kanjini Co-Op Limited	<b>ADDRESS</b>	545 Kay Road & 483 Emerald Falls Road, Mareeba
<b>DATE LODGED</b>	1 September 2022	<b>RPD</b>	Lot 66 on RP896904, Lot 67 on SP328197 & Lot 68 on SP282408
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan and Proposal Details	-	-

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. This Development Permit authorises the following development:

- Six (6) additional camp sites;
- Ten (10) RV/caravan sites;
- Eight (8) tourist cabins;
- Two (2) event sites; and
- Function facility (300 person capacity).

2. 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.
3. Timing of Effect
  - 3.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
  - 3.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
4. General
  - 4.1 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.
  - 4.2 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.
  - 4.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
  - 4.4 Waste Management
    - 4.4.1 On site refuse storage area/s must be provided and be screened from view from adjoining properties and road reserve by 1 metre wide landscaped screening buffer or 1.8m high solid fence or building.
    - 4.4.2 Where bulk bins are used and are to be serviced on site, prior to the issue of a development permit for building works, Council's delegated officer must be satisfied that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear only.
  - 4.5 Event Sites/Function Facility Capacity
    - 4.5.1 The cumulative maximum capacity of the event sites and function facility must not exceed 3,500 persons per annum.
    - 4.5.2 No single event at Event Site 1 is to host more than 2,000 persons.

4.5.3 The cumulative maximum capacity of Event Site 2 must not exceed 500 persons per annum.

4.5.4 No single event at Event Site 2 is to host more than 300 persons.

#### 4.6 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.

#### 4.7 Noise Management

##### 4.7.1 Event Site 2 and Function Facility

No amplified music or use of loudspeakers is to occur at Event Site 2 or the Function Facility between the hours of 12 midnight and 7:00am the following day.

4.7.2 No single event is to exceed three (3) days in length.

##### 4.7.3 Noise Management Plan

A one-off noise management plan for the event sites and function facility must be developed by the applicant in conjunction with an acoustic engineer to identify potential impacts and measures to reduce those effects.

To assist in demonstrating that all reasonable and practicable measures have been taken to minimise environmental harm from occurring, the following actions must be included in a noise management plan:

- (i) A site plan including the location of the events, neighbouring land-use details;
- (ii) For all events with over 500 attendees, the distribution of a notification letter/email to surrounding potentially (within a two (2) kilometre radius of the event sites and function facility) noise-affected premises used for residential or business purposes which includes:
  - a small version of the site plan
  - a description of the planned event
  - the time the event starts and finishes
  - the times for any sound testing to take place
  - a description of the proposed measures that will be implemented to minimise noise from the event

- any changes that have been made to further minimise noise following previous events
  - the name and phone number of a site contact person for any complaints lodged before, during and/or after the event.
  - This letter/email must be distributed to all potentially affected parties at least one (1) month prior to the event. Please be aware that letter-box drops have the potential to not reach all intended recipients, partly due to delivery staff being unwilling to deliver this information to letterboxes marked with 'no junk mail' stickers. The preferred method for delivery is in an addressed envelope marked 'to the resident' or 'to the occupier'.
  - A copy of the letter/email must be sent to Council.
- (iii) For all events/functions (including those under 500 attendees), an events calendar is to be maintained on the applicant's website.
- (iv) Undertake acoustic monitoring during the event to ensure that all reasonable and practicable measures are taken to minimise the overall sound level and low frequency noise at noise-affected premises.
- (v) Maintain a complaints register which must include:
- contact details of all complainants;
  - the time and date the complaint is received;
  - a description of the complaint;
  - a description of the activities occurring which gave rise to the complaint;
  - any action taken as a result of the complaint.
- (vi) Following each event, the applicant must notify Council of all complaints and the actions taken as a result of the complaint.
- (vii) The noise management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.
- (viii) The approved use must comply with the approved noise management plan at all times.

#### 4.7.4 Investigation of Noise Nuisance Complaints

In the event that a substantiated (in the opinion of Council's delegated officer) noise nuisance complaint is received by Council regarding the

approved use, the complaint will need to be assessed by an independent acoustic consultant at the cost of the applicant.

The complaint shall be assessed against the conditions of approval and the Environmental Protection (Noise) Policy 2019 Acoustic Quality Objectives at the next comparable event/function.

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

#### 4.8 Camp Site Capacity

The capacity of each camp site must not exceed 30 persons.

#### 4.9 Maintain Records of Attendee Numbers

The applicant must maintain an up-to-date record of the number of attendees for all on site events and functions.

This record must be provided to Council's delegated officer upon request.

#### 4.10 Bushfire Management

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

#### 4.11 A site manager/s must be present on-site at all times to ensure compliance with these conditions of approval.

### 5. Infrastructure Services and Standards

#### 5.1 Access Crossover

All access crossovers used for this development must be upgraded/constructed/maintained (from the edge of the relevant Council road to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

#### 5.2 Road Safety Assessment/s

Road Safety Assessment/s must be undertaken by a suitably qualified RPEQ that identifies safety risks for vehicles using:

- Kay Road (between the Kennedy Highway and the subject site); and
- Cobra Road and Emerald Falls Road to the subject site.

The road safety assessment/s must 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 road safety assessment/s must 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 road safety assessment/s must be submitted to Council for review and agreed works must be undertaken by the applicant at no cost to Council, prior to the commencement of the use.

The value (as agreed by Council's delegated officer) of the agreed works undertaken by the applicant shall be credited against the adopted infrastructure charge payable for this development.

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

#### 5.3 Road Pavement Condition Assessment (for all events with over 500 attendees)

A Road Pavement Condition Assessment is to be submitted to Council pre and post events with greater than 500 attendees. The pre-event assessment must be undertaken within a month on the lead up to the event and submitted to Council. The pre-event assessment should detail the location of any existing deficiencies of the road pavement & surface and site photos of the road, especially at areas where turning movements occur including bends in the road. The post event assessment must be submitted to Council within a month following the event.

In review of the pre and post event condition assessments, should it be evident to Council that damage has occurred as a result of the additional event traffic, all rectification works identified shall be undertaken at the applicant's expense.

#### 5.4 Event Traffic Management Plan (for all events with over 100 attendees)

An Event Traffic Management Plan (ETMP) prepared by a suitably qualified RPEQ be submitted for Council approval. The ETMP must give consideration to the management of road safety risks along Emerald Falls Road and Kay Road as a result of increased traffic volumes and provide details of proposed measures to be implemented to manage these risks.

The agreed measures must be implemented for each event with greater than 100 attendees, at no cost to Council.

5.5 Stormwater Drainage/Water Quality

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

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

5.6 Car Parking/Internal Driveways

5.6.1 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.

5.6.2 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.

5.6.3 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.

5.7 Non-Reticulated Water Supply

The development must be provided with a potable water supply 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.

5.8 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.

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

## 5.9 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.

### (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) Food Premises

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

- (d) Compliance with applicable codes/policies

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

- (e) 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.

- (f) Environmental Protection and Biodiversity Conservation Act 1999

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

- (g) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural

heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.dsdsatsip.qld.gov.au](http://www.dsdsatsip.qld.gov.au).

(h) 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.

(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](http://ElectricantsinQueensland.com.au) or contact Biosecurity Queensland 13 25 23.

(g) Powerlink Advice – 24 November 2023

1. *The development must be carried out generally in accordance with the reviewed plans detailed in Table 1.*
2. *The statutory clearances set out in the Electrical Safety Regulation 2013 must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.*
3. *Compliance with the terms and conditions of the easement dealing no. shown in the heading of this letter.*
4. *Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure as detailed in the enclosed Annexure "A".*

(h) Queensland Parks and Wildlife Service & Partnerships Advice

*The proposed development includes a new Camp Site (No.17) to be located close to the boundary of Dinden West Forest Reserve (Emerald Creek) Lot 1 on AP19244. QPWS&P are the owners of this parcel. The proposed camp site will be on the eastern side of the only firebreak between Emerald Creek and Davies Creek road.*

*Given the fire history and potential for wildfire in this locale, consideration should be given to fire management of all Kanjini Co-op Ltd assets; whereby Kanjini Co-op Ltd should include QPWS&P (as the adjacent landowner) in those considerations for fire management proposals on their estate.*

(E) REFFERAL AGENCY CONDITIONS

State Assessment and Referral Agency conditions dated 16 September 2024.

(F) RELEVANT PERIOD

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

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

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

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

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	per 10 vpd	vpd			
Stage 1	\$5,452.00	8.58	\$4,677.80	Nil	\$4,677.80
Stage 2	\$5,452.00	8.71	\$4,748.70		\$4,748.70
Stage 3	\$5,452.00	3.5	\$1,908.20		\$1,908.20
TOTAL CURRENT AMOUNT OF CHARGE					\$11,334.70

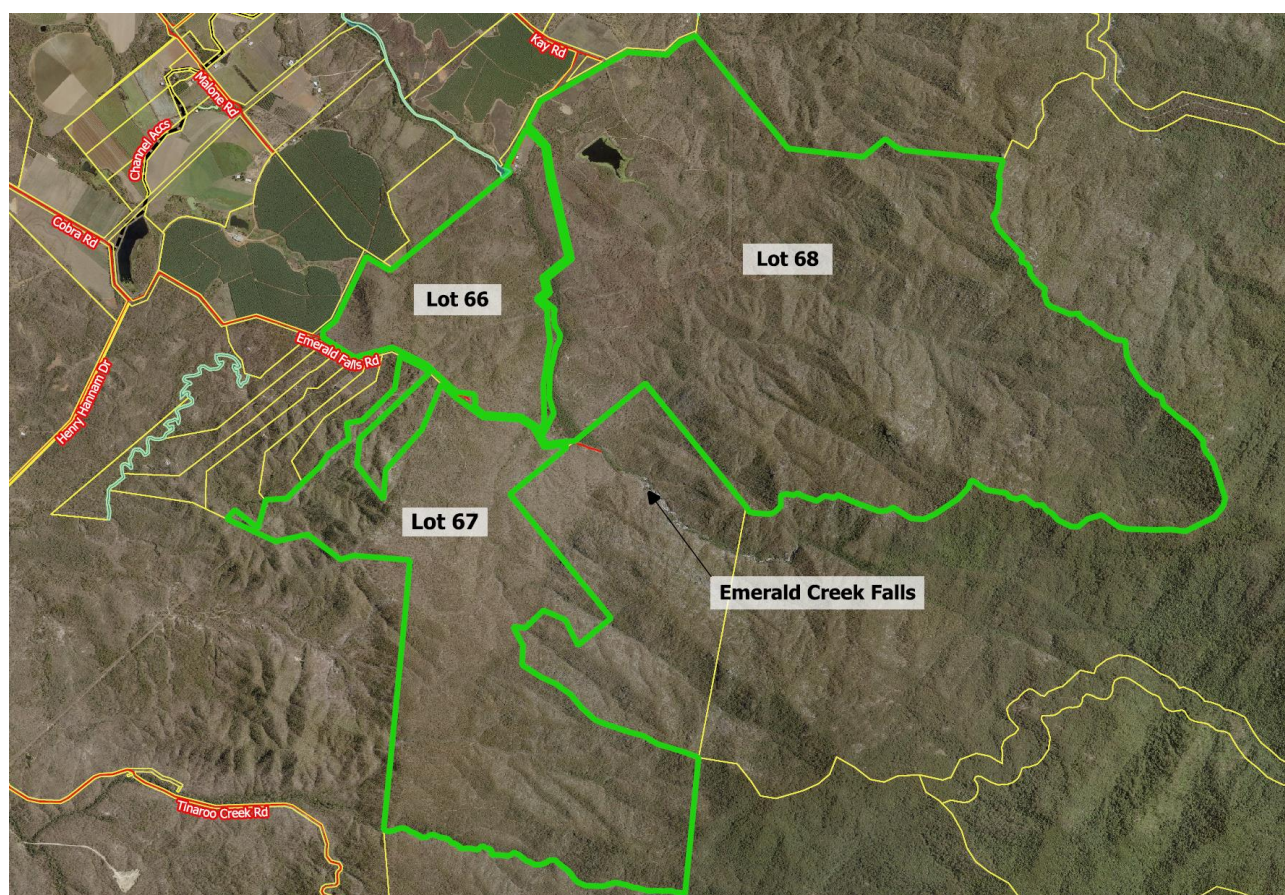
**THE SITE**

The subject site is situated at the end of both Kay Road (545 Kay Road) and Emerald Falls Road (483 Emerald End Road) and comprises of the following lots:

- Lot 66 on RP896904 – area of 294.9 hectares, in excess of 2 kilometres frontage to Emerald Falls Road and unnamed road reserves;
- Lot 67 on SP328197 – area of 842.49 hectares, approximately 1.7 kilometres frontage to Emerald Falls Road;

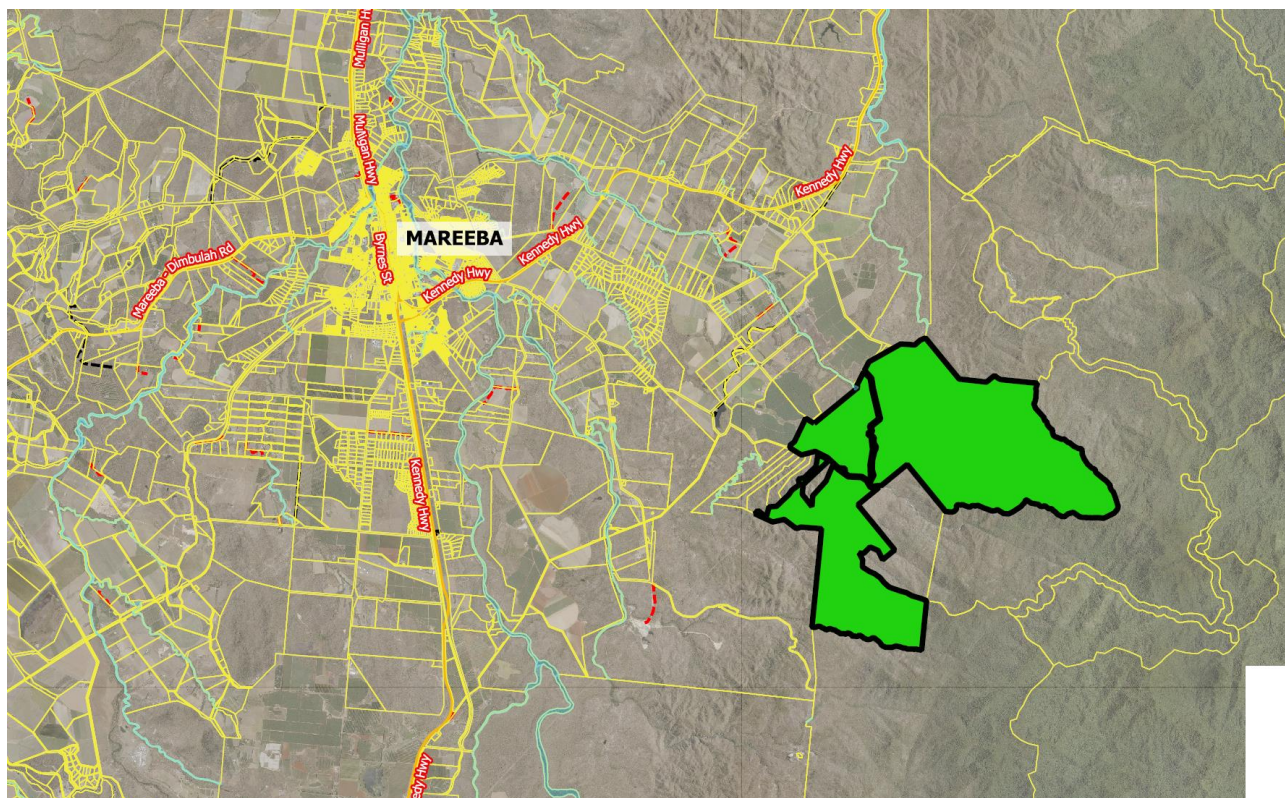
- Lot 68 on RP896905 – area of 1683.3251 hectares, approximately 330 metres frontage to Emerald Falls Road, 900 metres of frontage to Adler Hill Road and approximately 1.3 km of frontage to mostly unformed section of Kay Road.

The site has a combined area of 2,820.7151 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. Kay Road, Adler Hill Road and Emerald Falls Road are all constructed to a formed gravel standard leading up to the site.



**Map Disclaimer:**

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**Map Disclaimer:**

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The site contains an undulating topography leading up to significant mountain ranges at the rear (Dinden National Park). Topographical maps of the site identify two significant landscape features, these being Mt Turtle and an outcrop known as Ogs Brow with elevations of 936 metres and 892 metres respectively. The site is traversed by Emerald Creek, Brindle Creek and multiple undernamed waterways.

Lot 66 is improved by a farm dwelling and multiple outbuildings. Lot 67 is unimproved. Lot 68 is improved by a dwelling house, multiple outbuildings and large dam. A high voltage transmission line and associated easement traverses all three (3) lots.

The majority of the subject site remains covered by remnant vegetation.

## BACKGROUND AND CONTEXT

The development application included the following context setting statements by Kanjini Co-Op Limited which explains their philosophy and the reasoning for the current development application:

*"We are a Cooperative with a vision "to create and implement innovative social, technological, economic and environmental solutions that are important for global and local resilience and sustainability." With that vision in mind, we bought this remarkable property, which offers many opportunities to realise that vision.*

*Our initial 2014 Development Application was for a very limited number of camp sites which were located far apart and designed for private and isolated nature experiences. Sites were built around trees and in harmony with nature and are serviced with innovative and environmentally friendly wheelie-bin composting toilets, which proved to be even better than anticipated (no smell and no flies). We minimise driving across the creek, do not allow cats, dogs, motor bikes,*

*4-wheelers or noisy campers. To ensure campers adhere by our rules and leave no rubbish, we require a security bond for each booking. Our campers very much appreciate our strong caring for country philosophy.*

*Victor Steffenson, Australia's best-known Aboriginal fire practitioner is using our land to showcase his art and we have been practising indigenous inspired fire and land management for over three years now.*

*We are a member of the northern bettong recovery team as our land is in the heart of the last stronghold of this endangered species. We understand ourselves as stewards of this country and have a strong interest to ensure any activity on this land is sustainable.*

*The Kanjini Co-Op not only have ties to the land of which they own, but also strong ties to the Community and local groups through Mareeba, the Tablelands and Far North Queensland Region. Below is a small insight into some of the Community Engagement that Kanjini Co-Op provides in relation to the site.*

*We have made and continue to make our land available for free (some give us a small donation or pay very reduced camping fees) to:*

- various scientists (research on northern bettongs, cats, indigenous burning, northern masked owls, vegetation surveys and hands-on classes for JCU and School of Field Studies students)*
- community groups, including but not limited to Rogaining, Mareeba Mountain Goats, Cairns to Karumba charity bike rides, CAFNEC charity bike rides, Tableland Walking Club and birding groups*
- SES (4WD training) and Parks and Wildlife (upper escarpment burns)*
- Firesticks Australia, local Indigenous fire practitioner Victor Steffenson, Aboriginal rangers and local traditional owners*

*We also donate hundreds of dollars each year to various local land-care causes including Rural Fire Brigades.*

*Kanjini has hosted the Roots Festival three times now with up to 1,200 attendees, performers and staff.*

*There has been no noticeable negative effect on the ecology, in fact several hundred native bushes and trees have been planted and cared for during and as a part of those events. Additionally, Kanjini does not envision events with more 1,500 guests to ensure that minimal impact, if any, is provided to the natural Flora and Fauna of the site.*

*Additionally, Kanjini is actively engaged in environmental land management, is a member of the Northern Bettong Recovery Team, practices Indigenous inspired fire management, hosts a Wildlife Sanctuary and cooperated with several scientists on various environmental research. Last and not least Kanjini Co-Op Ltd over the last ten years has returned significantly large areas of this property from cleared land to high value regrowth.*

*Kanjini has such a strong commitment to the environment that we do not allow any dogs or cats on over 99.9% of our land (only exceptions are tenant's house yards) and we take a sizable security bond from all campers to ensure they look after country and leave no trace.*

*Large events are required to lodge large security bonds with us, and we are committed to ensure they too look after the country and leave no trace.*

*Freshwater Planning informed us that dance or martial arts workshops also require "Sports and Recreation", even if they are small groups for a few hours, and we have been approached by*

*people who would like to hold such classes in nature. We have been approached for marriages at lake site or Camp 2, which is why we need to apply for the "Functions" use. We have also been approached by Firesticks Alliance Indigenous Corporation as a venue for their events including the National Firesticks Workshop, a one week event with about 500 people camping and participating in various workshops on Indigenous knowledge and land management. The last day would be a stage event and open for another 500-1000 people to join and get a taste and enjoy some music. This event would be held at lake-side (Event Site 2).*

*We envision holding a yearly Eco-inspirations gathering/field-day at lake-side. To be able to accommodate these and possibly a few more of these type of events in the future, we are asking for more attendees in later Stages of our DA. We can assure Council that we have no intentions to have rave parties on our land."*

## **PREVIOUS APPLICATIONS & APPROVALS**

On 10 March 2015, Council approved a development permit DA/14/0054 for Material Change of Use for two (2) Caretaker's Residences and Caravan Park (Bush Camping) over Lot 68 on RP896905.

The approval provided for thirteen (13) bush camping sites throughout Lot 68. All camp sites have been established and are shown on **Attachment 1** as Camp\_01 to Camp14. There is no Camp\_13.

The applicant states that these camping sites have been successful resulting in a required expansion of six (6) sites forming part of this current development application.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use - Outdoor Sport and Recreation, Function Facility and Tourist Park in accordance with the plans shown in **Attachment 1**.

It is proposed that the development be carried out in the following four (4) stages:

- **Stage 1 (Tourist Park and Outdoor Sport and Recreation)**

Tourist Park use

- four (4) additional camp sites (camps C15 to C18)
- five (5) new RV/caravan sites

Outdoor Sport and Recreation use

- two (2) new event sites (Event Site 1 (Camp\_02) and Event Site 2 (existing Lake-side Day Area) – catering for a cumulative maximum of 2,000 persons per annum, with no single event hosting more than 1,500 persons

Ancillary uses

- Manager's Residence (accepted development)
- additional amenities (Toilets/Showers)

- **Stage 2 – Tourist Park and Outdoor Sport and Recreation**

Tourist Park use

- two (2) additional camp sites (camps C19 & C20)
- five (5) additional RV/caravan sites

- three (3) new tourist cabins

Outdoor Sport and Recreation use

- Expansion of the two (2) new event sites – catering for a cumulative maximum of 3,500 persons per annum, with no single event hosting more than 1,500 persons

Ancillary uses

- additional amenities (Toilets/Showers)

- **Stage 3 – Tourist Park, Outdoor Sport and Recreation, and Function Facility**

Tourist Park use

- five (5) additional tourist cabins

Outdoor Sport and Recreation use

- Expansion of the two (2) new event sites – catering for a cumulative maximum of 6,000 persons per annum, with no single event hosting more than 2,000 persons

Functions Facility

- new 300m2 GFA function facility and ancillary car parking

- **Stage 4 –Outdoor Sport and Recreation, and Function Facility**

Outdoor Sport and Recreation use

- Expansion of the two (2) new event sites – catering for a cumulative maximum of 12,000 persons per annum, with no single event hosting more than 2,000 persons

A summary of all four (4) stages of the development is:

- 6 additional camp sites (3 sites within Lot 66, 3 sites within Lot 68), bringing the total camp sites on the subject site to 19;
- 10 RV/caravan sites and 8 tourist cabins (all tourist cabins are within Lot 66, all RV/caravan sites are within Lot 68); and
- 2 event sites & function facility – cumulative maximum of 12,000 persons per annum, with no single event hosting more than 2,000 persons (all within Lot 68).

Event Site 1 and Camp Sites C19 & C20 would be accessed via the Emerald Falls Road frontage. The remainder of the proposed development would be accessed via the Kay Road frontage.

The application provides the following description of the proposed site uses:

*“It is considered that the proposal provides a Nature-Based, environmentally friendly and educational Farm-based Tourist development that is rapidly becoming an Icon for Nature-Based Farm Stays in Mareeba and within Far North Queensland.*

Outdoor Sport and Recreation and Function Facility Uses

*The proposal is for the provision of Events (Outdoor Sport and Recreation and Function Facilities) provided over the site and within the existing Camping Areas, being the Lakeside Day Area and Camping Area 2. The Staged Event numbers steadily increase over the Stages with the proposed Events to be located and associated within the Approved and existing Camping/Day Areas. These Event Areas are already cleared with no clearing proposed with the Outdoor Sport and Recreation and Function Facility Uses. The first Event Area is Camping Area 2 which is accessed from Emerald Falls Road and was the location of last year’s Kuranda Roots Festival.*

*This site contains five existing toilets, two handbasins and three showers, inspected and Approved by Council.*

*The second Event Area is the Lakeside Day Area, which is accessed from Kay Road and provides a large area that is currently used as one of the Day Areas for campers to hang-out and go for a swim, etc. This area contains running water and three toilets which have been Approved and inspected by Council. In relation to the provision of Events, any additional facilities and services will need to be supplied by the organisers of that particular Event, be it marquees, mobile catering, extra toilets or showers, skip bins for refuse, tents for accommodation, security, etc. Kanjini Co-Op Limited require a large security bond (several thousand dollars) from any Event organiser to ensure they take care of the site's land and facilities and provide adequate facilities and services. For the provision of smaller or particular Outdoor Sport and Recreational Activities, the Kanjini Co-Op makes the particular individual Camping Areas available, again, any additional facilities and services need to be supplied by the organisers, be it marquees, mobile catering, extra toilets or showers, skip bins for refuse, tents for accommodation, security, signs for directions, refresh stations for sports events like Rogaining or Mountain Biking, etc. All Events, large or small, will be recorded and registered with the Kanjini Co-Op Limited.*

*In relation to the Outdoor Sports and Recreation and Function Facilities, the Kanjini Co-Op has provided the following to Freshwater Planning Pty Ltd:*

*The 2021 Kuranda Roots festival was held with about 900 people at our Camp 2 site and was a resounding success. The organisers and the local Aboriginal elders would like the Kuranda Roots festival to continue happening at our Camp 2 (proposed Event Site 1). For us to respect the wishes of the local Traditional Owners, we need to successfully apply for a change of use for "Sports and Recreation". The organisers have informed us that attendances over the last 15 years have ranged from 800 to 1100 and that they value the atmosphere of such a medium sized event and like to keep the event from getting too big. We will not allow any event to be any larger than 1500 people at that site.*

*Freshwater Planning informed us that dance or martial arts workshops also require "Sports and Recreation", even if they are small groups for a few hours, and we have been approached by people who would like to hold such classes in nature. We have been approached for marriages at lake site or Camp 2, which is why we need to apply for the "Functions" use. We have also been approached by Firesticks Alliance Indigenous Corporation as a venue for their events including the National Firesticks Workshop, a one week event with about 500 people camping and participating in various workshops on Indigenous knowledge and land management. The last day would be a stage event and open for another 500-1000 people to join and get a taste and enjoy some music. This event would be held at lake-side (Event Site 2).*

*We envision holding a yearly Eco-inspirations gathering/field-day at lake-side. To be able to accommodate these and possibly a few more of these type of events in the future, we are asking for more attendees in later Stages of our DA. **We can assure Council that we have no intentions to have rave parties on our land.***

#### *Tourist Park – Camping Areas*

*The proposed development includes the additional provision of a further six (6) Camping Areas to those already Approved and existing. With the recent Global Pandemic, Lockdowns, and greater push for eco-friendly and sustainable way of life, the Nature-Based Tourism popularity has taken off which has resulted in the requirement for additional Camping Areas provided over the site. These additional Camping Area will be provided within existing cleared areas an accessed by existing internal access tracks. No clearing is proposed with the additional*

*Camping Areas with each Area provided with the same Environmentally friendly servicing (pit or wheelie-bin composting toilets as Approved with the existing Approval).*

#### *Tourist Park – RV Area*

*The recent surge in the Grey Nomads have seen the increased requirement for the availability for RV Camping spaces on the Tablelands. Due to this popularity, the proposal is to incorporate up to ten (10) RV Sites within the first two stages. The site contains the provision of an existing cleared and previously terraced Area that was previously a Council Quarry. The previous works were provided over the site to fix the existing erosion and to aid in stormwater dispersal. The proposal is for the provision of the terraced areas to be provided as RV Sites. As this area was previously a Council Quarry, there are existing all-weather internal access tracks servicing this site. Due to the Kanjini Co-Op's environmentally and eco friendly approach, all RV's will be required to be self-sufficient, leaving no trace. However, it is expected that the RV Area will be provided with running non-potable water and one pit or wheelie-bin composting toilet for every six (6) RV sites. As the site is already terraced cleared due to its previous Uses, no clearing is proposed nor required for the RV Area.*

#### *Tourist Park – Tourist Cabins*

*The proposed development incorporates the provision of eight (8) Eco-friendly Tourist Cabins supplied over Stages 2 – 3. These Eco-friendly and environmentally sustainable cabins are proposed to be constructed out of recyclable and sustainable materials fitting in with the existing nature, character and amenity of the site and the Kanjini Co-Op way of life. It is expected that the Eco-friendly Tourist Cabins will be provided with running non-potable water and individual or shared wheelie-bin composting toilet or other toilets as approved by Council at the time of building plans being submitted. Kanjini is currently looking into alternatives like worm or other new environmentally friendly toilet designs.*

*In relation to the Tourist Park Use, the Kanjini Co-Op has provided the following to Freshwater Planning Pty Ltd:*

*We are already providing a unique camping experience, by offering 13 isolated sites spread over a couple of thousand acres, ensuring privacy and a true nature experience of silence and solitude in pristine country, rather than cramming dozens of camp sites and hundreds of people next to each other.*

*We offer camping from as little as \$5.40 up to \$21.10 / person / night, depending on location, features and facilities, length of stay, weekend etc). However, our existing camp sites do not create enough income to pay for maintenance and the time it takes to run them, hence we need to increase the number of sites and diversify. We have already transformed an old quarry (it was apparently used by Council to gravel Kay Road) with major erosion problems into five terraces, which are designed for RVs or large caravans and offer spectacular views. We like to start with only a few and slowly increase numbers and might not increase to the maximum applied for if we feel that it gets too crowded or affects the land too negatively. We envision to target the grey-nomad market with very affordable rates. For the Tourist Cabins we envision to use different construction materials and innovative designs so visitors can experience what it feels like to live in a house built from stones or mud or air-crete etc. We envision 1-3 bedroom cabins to be able to cater to different family needs.*

*The proposed expansion of the Approved Caravan Park – Bush Camping Use in the form of a Tourist Park will ensure that no change to the existing services is proposed and that the existing level of servicing is appropriate and acceptable for the proposed expansion. The site contains existing and Approved effluent disposal systems and potable and non-*

*potable water supplies, riparian rights for the site and for any firefighting purposes. Any concentrated Stormwater will be appropriate dispersed over the site and into legal points of discharge if required. The site is connected to power and telecommunications. The proposed Tourist Park will ensure that no change to the existing nature, character and amenity of the site and surrounding area is envisaged.*

*No change to the existing Accesses is proposed with the Tourist Park expansion other than the formalisation of the existing internal access tracks. All internal access tracks can be provided in keeping with the natural and Rural nature of the site and the existing Uses. Any internal access tracks requiring 4WD capabilities will be clearly signed.*

*While this application certainly has a commercial aspect, it is noted that Kanjini Co-Op Limited already makes this property and its Tourist Facilities freely available to various Community groups and organisations. Approval of this development will allow these groups and others to use improved facilities and expand their activities.*

## REGIONAL PLAN DESIGNATION

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

- *Strategic Rehabilitation Area*
- *State & Regional Conservation Corridors*
- *Wetland Area of General Ecological Significance*
- *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 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 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>

Function facility	Premises used for conducting receptions or functions that may include the preparation and provision of food and liquor for consumption on site	Conference centre, reception centre	Community use, hotel
Outdoor sport and recreation	<p>Premises used for a recreation or sport activity that is carried on outside a building and requires areas of open space and may include ancillary works necessary for safety and sustainability.</p> <p>The use may include ancillary food and drink outlet(s) and the provision of ancillary facilities or amenities conducted indoors such as changing rooms and storage facilities.</p>	Driving range, golf course, swimming pool, tennis courts, football ground, cricket oval	Major sport, recreation and entertainment facility, motor sport, park, community use
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

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 and the character of the locality will be maintained.

The limited areas of Class A and B agricultural land within the subject site are avoided and remain available should they be needed in the future.

Although some built improvements are proposed, the subject land could readily be returned to primary industry – grazing should the currently proposed development cease.

- (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 flooding or landslide. Parts of the subject site would be impacted by these hazards; however, the proposed development is sited to avoid these hazards.

Bushfire is a significant hazard over the subject site and adjoining National Park areas. A bushfire hazard management plan will be conditioned to mitigate this risk. The applicant already utilises fire management such as traditional burning and these practices will be taught on site as part of the development.

The cyclone risk is as per other land within 50 kilometres of the coastline. All buildings and structures will need to meet the relevant cyclone rating.

##### **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 and 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 and the character of the locality will be maintained.

The environmental values of the subject site are essential to the success of the proposed development. Council officers have had a long relationship with this applicant and are aware of the importance they place on the protection of the environment and rehabilitation of degraded areas.

- (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. Access and noise management will be appropriately conditioned.

- (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

Although some built improvements are proposed, the subject land could readily be returned to primary industry – grazing should the currently 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 flooding or landslide. Parts of the subject site would be impacted by these hazards; however, the proposed development is sited to avoid these hazards.

Bushfire is a significant hazard over the subject site and adjoining National Park areas. A bushfire hazard management plan will be conditioned to mitigate this risk. The applicant already utilises fire management such as traditional burning and these practices will be taught on site as part of the development.

The cyclone risk is as per other land within 50 kilometres of the coastline. All buildings and structures will need to meet the relevant cyclone rating.

### **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.
- (2) Natural corridors through the landscape, including *ecological corridors*, and natural areas which provide linkages between areas of significant biodiversity and habitat value are protected and enhanced. Opportunities are realised to connect habitat fragments across the regional landscape through strategic rehabilitation and protection of potential habitat connection corridors, such as *habitat linkages*. The resilience of natural systems and wildlife to respond to climate change is strengthened by providing maximum connectivity across a range of habitats, allowing species to migrate and retreat.

#### Comment

The development is to be selectively sited to take advantage of previously cleared/disturbed areas.

Limited clearing is proposed to accommodate the development.

In response to the site's environmental values, the applicant has provided the following statement:

*“Kanjini has hosted the Roots Festival three times now with up to 1,200 attendees, performers and staff.*

*There has been no noticeable negative effect on the ecology, in fact several hundred native bushes and trees have been planted and cared for during and as a part of those events.*

*Additionally, Kanjini does not envision events with more 1,500 guests to ensure that minimal impact, if any, is provided to the natural Flora and Fauna of the site.*

*Additionally, Kanjini is actively engaged in environmental land management, is a member of the Northern Bettong Recovery Team, practices Indigenous inspired fire management, hosts a Wildlife Sanctuary and cooperated with several scientists on various environmental research. Last and not least Kanjini Co-Op Ltd over the last ten years has returned significantly large areas of this property from cleared land to high value regrowth.*

*Kanjini has such a strong commitment to the environment that we do not allow any dogs or cats on over 99.9% of our land (only exceptions are tenant's house yards) and we take a sizable security bond from all campers to ensure they look after country and leave no trace.*

*Large events are required to lodge large security bonds with us, and we are committed to ensure they too look after the country and leave no trace.*

*The proposal is for the extension to the existing Nature-Based Tourism Use, being the provision of a Tourist Park including Outdoor Sport and Recreation and Function Facilities with limited clearing proposed (now Function Facility and Tourism Cabins) over the 1,978 hectare site (Lots 66 & 68). It is not considered that the proposal will affect the areas of Environmental Significance over the site.*

*Any proposed clearing provided within the Mapped Regulated Vegetation will be minimal and minimised ensure not to adversely affect the majority of the Vegetation provided over the site.*

*Any loss or reduction in the Vegetation is minimised with any possible residual impacts offset by the vast Mapped Regulated Vegetation provided over the site. All interconnectivity will be maintained and enhanced with the proposed development. This is evident with the additional native vegetation being planted as a part of the Roots Festival.*

*It is considered that the minimal limited clearing of vegetation over the site will not adversely affect the existing Environmental Values and functioning of the site, instead will ensure to maintain and enhance the existing.*

### **3.4.2 Element—Conservation areas**

#### **3.4.2.1 Specific outcomes**

- (4) New development adjacent to conservation areas will:

- (a) be compatible with natural values; and
- (b) sensitively located and setback from *conservation areas*; and
- (c) ensure no irreparable disturbances to the areas of ecological significance; and
- (d) mitigate the cumulative impacts of development; and
- (e) ensures contaminants do not impact *conservation areas*.

Comment

The development is to be selectively sited to take advantage of previously cleared/disturbed areas.

Limited clearing is proposed to accommodate the development.

In response to the site's environmental values, the applicant has provided the following statement:

*"Kanjini has hosted the Roots Festival three times now with up to 1,200 attendees, performers and staff.*

*There has been no noticeable negative effect on the ecology, in fact several hundred native bushes and trees have been planted and cared for during and as a part of those events.*

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*Any proposed clearing provided within the Mapped Regulated Vegetation will be minimal and minimised ensure not to adversely affect the majority of the Vegetation provided over the site.*

*Any loss or reduction in the Vegetation is minimised with any possible residual impacts offset by the vast Mapped Regulated Vegetation provided over the site. All interconnectivity will be maintained and enhanced with the proposed development. This is evident with the additional native vegetation being planted as a part of the Roots Festival.*

*It is considered that the minimal limited clearing of vegetation over the site will not adversely affect the existing Environmental Values and functioning of the site, instead will ensure to maintain and enhance the existing.*

### **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.

- (2) Wildlife predation from domestic animals in *biodiversity areas* is avoided by restricting cats and dogs, providing sufficient fencing or other appropriate mitigation measures.

#### Comment

Cats and dogs are not permitted over the majority of the site, with the exception of the Managers Residence's yard.

### **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.
- (2) Development on lots containing *biodiversity areas* ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.
- (3) *Biodiversity areas* that are considered to be of regional, state or higher levels of significance are awarded levels of protection commensurate with these values.
- (4) The ecological values of *biodiversity areas* which have been degraded are rehabilitated as part of the development, and commensurate with the scale of development.
- (5) Areas within the Einasleigh Uplands bioregion to the west of the shire are recognised for their high level of endemism and significant biodiversity values.
- (6) Endangered and of-concern ecosystems and threatened species habitat including upland refugia ecosystems, wet sclerophyll, and the habitat of endemic species are protected across all land tenures.

Comment

The development is to be selectively sited to take advantage of previously cleared/disturbed areas.

Limited clearing is proposed to accommodate the development.

In response to the site's environmental values, the applicant has provided the following statement:

*"Kanjini has hosted the Roots Festival three times now with up to 1,200 attendees, performers and staff.*

*There has been no noticeable negative effect on the ecology, in fact several hundred native bushes and trees have been planted and cared for during and as a part of those events.*

*Additionally, Kanjini does not envision events with more 1,500 guests to ensure that minimal impact, if any, is provided to the natural Flora and Fauna of the site.*

*Additionally, Kanjini is actively engaged in environmental land management, is a member of the Northern Bettong Recovery Team, practices Indigenous inspired fire management, hosts a Wildlife Sanctuary and cooperated with several scientists on various environmental research. Last and not least Kanjini Co-Op Ltd over the last ten years has returned significantly large areas of this property from cleared land to high value regrowth.*

*Kanjini has such a strong commitment to the environment that we do not allow any dogs or cats on over 99.9% of our land (only exceptions are tenant's house yards) and we take a sizable security bond from all campers to ensure they look after country and leave no trace.*

*Large events are required to lodge large security bonds with us, and we are committed to ensure they too look after the country and leave no trace.*

*The proposal is for the extension to the existing Nature-Based Tourism Use, being the provision of a Tourist Park including Outdoor Sport and Recreation and Function Facilities with limited clearing proposed (now Function Facility and Tourism Cabins) over the 1,978 hectare site (Lots 66 & 68). It is not considered that the proposal will affect the areas of Environmental Significance over the site.*

*Any proposed clearing provided within the Mapped Regulated Vegetation will be minimal and minimised ensure not to adversely affect the majority of the Vegetation provided over the site.*

*Any loss or reduction in the Vegetation is minimised with any possible residual impacts offset by the vast Mapped Regulated Vegetation provided over the site. All interconnectivity will be maintained and enhanced with the proposed development. This is evident with the additional native vegetation being planted as a part of the Roots Festival.*

*It is considered that the minimal limited clearing of vegetation over the site will not adversely affect the existing Environmental Values and functioning of the site, instead will ensure to maintain and enhance the existing.*

### **3.4.5 Element—Strategic rehabilitation and ecological corridors**

#### **3.4.5.1 Specific outcomes**

- (1) *Ecological corridors* are major existing habitat corridors that link key *biodiversity areas* within Mareeba Shire and greater Far North Queensland region. Development does not compromise the habitat connectivity of *ecological corridors*.

#### Comment

The development is to be selectively sited to take advantage of previously cleared/disturbed areas.

Limited clearing is proposed to accommodate the development.

In response to the site's environmental values, the applicant has provided the following statement:

*"Kanjini has hosted the Roots Festival three times now with up to 1,200 attendees, performers and staff.*

*There has been no noticeable negative effect on the ecology, in fact several hundred native bushes and trees have been planted and cared for during and as a part of those events.*

*Additionally, Kanjini does not envision events with more 1,500 guests to ensure that minimal impact, if any, is provided to the natural Flora and Fauna of the site.*

*Additionally, Kanjini is actively engaged in environmental land management, is a member of the Northern Bettong Recovery Team, practices Indigenous inspired fire management, hosts a Wildlife Sanctuary and cooperated with several scientists on various environmental research. Last and not least Kanjini Co-Op Ltd over the last ten years has returned significantly large areas of this property from cleared land to high value regrowth.*

*Kanjini has such a strong commitment to the environment that we do not allow any dogs or cats on over 99.9% of our land (only exceptions are tenant's house yards) and we take a sizable security bond from all campers to ensure they look after country and leave no trace.*

*Large events are required to lodge large security bonds with us, and we are committed to ensure they too look after the country and leave no trace.*

*The proposal is for the extension to the existing Nature-Based Tourism Use, being the provision of a Tourist Park including Outdoor Sport and Recreation and Function Facilities with limited clearing proposed (now Function Facility and Tourism Cabins) over the 1,978 hectare site (Lots 66 & 68). It is not considered that the proposal will affect the areas of Environmental Significance over the site.*

*Any proposed clearing provided within the Mapped Regulated Vegetation will be minimal and minimised ensure not to adversely affect the majority of the Vegetation provided over the site.*

*Any loss or reduction in the Vegetation is minimised with any possible residual impacts offset by the vast Mapped Regulated Vegetation provided over the site. All interconnectivity will be maintained and enhanced with the proposed development. This is evident with the additional native vegetation being planted as a part of the Roots Festival.*

*It is considered that the minimal limited clearing of vegetation over the site will not adversely affect the existing Environmental Values and functioning of the site, instead will ensure to maintain and enhance the existing.*

### **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

Numerous waterways are scattered throughout the subject site. Of these waterways, Emerald Creek has the highest stream order being a stream order 4.

All proposed aspects of the development will achieve the setback relevant to applicable stream order.

Creek and waterway crossings will be minimised.

### **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.
- (3) Land uses which emit high level of noise, including for example motor sports, gun clubs and the like will be appropriately located and managed to mitigate acoustic impacts.

#### 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.). The Kuranda Roots Festival has been held on the subject site (Event Site 1) for the past three (3) years without reports of noise nuisance. The land has been used as a tourist park (12 bush camp sites) since 2015, again without any reports of nuisance being caused.

To further minimise the potential for noise nuisance, it is recommended to reduce the proposed event development scale to a maximum cumulative attendance of 3500 persons per annum (in lieu of the applicant's proposed 12,000 persons per annum). To further ensure that larger events are held at Event Site 1 and away from sensitive land uses on Kay Road, a maximum cumulative attendance of 500 persons per annum has been conditioned for Event Site 2.

The development has been conditioned to require a Noise Management Plan and to establish a Complaint Investigation Process. Similar conditions were placed on the Springmount Raceway development approval.

Due to the nature of the proposed development, hours of operation have not been proposed by the applicant. The tourist park aspect will involve guests being on site 24 hours a day, 7 days a week. Similarly, large events (Kuranda Roots Festival) occur over multiple days with guests remaining on site through-out the event. A three (3) day maximum length has been conditioned for any single event.

The only specific hour limit being proposed as a condition is to prevent amplified music at Event Site 2 and the Function Facility between the hours of 12 midnight and 7:00am.

### **3.4.9 Element—Contaminated land**

#### **3.4.9.1 Specific outcomes**

- (3) Development of land with substantial Unexploded Ordnance (UXO) potential only proceeds following the conduct of UXO investigations and any necessary remediation by a qualified UXO investigation and remedial search contractor.

#### Comment

The subject site is impacted by UXO from World War Two training activities.

The State Assessment and Referral Agency has assessed and conditioned UXO.

### **3.5.2 Element—Local character**

### 3.5.2.1 Specific outcomes

- (3) Development promotes opportunities to foster local arts and culture and celebrate local history and identity.

#### Comment

The subject site has hosted the Kuranda Roots Festival for the last three (3) years and has approval to host this year's festival.

This festival in particular strongly supports local arts and culture.

## 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

Council Officers sought external expert assessment and advice in respect of the developments traffic impacts from NJM Engineering Consulting, a specialist transport engineer.

NJM Engineering Consulting have assessed the applicant's Traffic Impact Assessment (TIA) and recommend reasonable conditions. Safe road access will be ensured through the conditioned Road Safety Assessments, Pavement Condition Assessments and Event Traffic Management Plans.

The applicant will be required to undertake all works identified through the Road Safety Assessments to bring both roads to an acceptable level of safety, prior to the commencement of the use.

Pavement Condition Assessments will be required for all events of 500 or greater attendees. The applicant will be required to repair any road damage caused as a result of the event.

An Event Traffic Management Plan must be in place for all public events of 100 or greater attendees of greater.

### **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.

### **3.6.10 Element—Energy supply**

#### **3.6.10.1 Specific outcomes**

- (2) High voltage *major electrical infrastructure* and *energy generation facilities* are protected from conflicting development.

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 and the character of the locality will be maintained.

The environmental values of the subject site are essential to the success of the proposed development. Council officers have had a long relationship with this applicant and are aware of the importance they place on the protection of the environment and rehabilitation of degraded areas.

### **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 and the character of the locality will be maintained.

The environmental values of the subject site are essential to the success of the proposed development. Council officers have had a long relationship with this applicant and are aware of the importance they place on the protection of the environment and rehabilitation of degraded areas.

Although some built improvements are proposed, the subject land could readily be returned to primary industry – grazing should the currently proposed development cease.

### **3.7.7 Element—Tourism**

#### **3.7.7.1 Specific outcomes**

- (2) Major tourist accommodation facilities that can accommodate large numbers of overnight visitors in the shire are developed in strategic locations where amenity impacts are mitigated and physical infrastructure appropriately provided.
- (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
- 8.2.8 Hill and slope overlay code
- 9.3.1 Accommodation activities code
- 9.3.7 Sport and recreation 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	<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 performance outcomes:</p> <ul style="list-style-type: none"> <li>• Performance Outcome PO6 – Amenity</li> </ul> <p>Refer to planning discussion section of report for commentary.</p>
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.
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.
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.

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

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

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

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

An infrastructure charge has been calculated for each stage and aspect of the proposed development.

The charge is limited to transport infrastructure only, as no other infrastructure network will be used by the development.

The vehicle per day (vpd) movement assumptions used in the applicant's Traffic Impact Assessment have been used in the calculation. These assumptions are as follows:

- 0.7 vpd for each camp site (6 sites or 4.2 vpd)
- 0.7 vpd for each tourist cabin (8 cabins or 5.6 vpd)
- 0.7 vpd for each RV/Caravan site (10 sites equals 7 vpd)
- 0.417 vpd for each guest of the Function Facility/Event Sites (3,500 per year or 9.59 guests per day, or 4 vpd)

The assumed total for the development is 20.79 vpd.

The 2024/2025 Schedule of Fees and Charges establishes a transport infrastructure charge of \$5,452.00 for each 10 vpd.

The applicable charge for this development is  $2.079 \times \$5,452.00$  or **\$11,334.70**.

#### **REFERRAL AGENCY**

#### **Concurrence**

The application triggered referral to the State Assessment and Referral Agency (SARA) as a referral agency for:

- Material change of use that involves clearing native vegetation; and
- Premises contaminated because of unexploded ordnance.

That Department advised in a letter dated 16 September 2024 that they require conditions to be attached to any approval (**Attachment 2**).

### **Advice**

The application triggered referral to Powerlink Queensland as an advice agency.

Powerlink Queensland responded in a letter dated 24 November 2023 proposing standard conditions to reinforce the applicant's existing obligations under the transmission line easement (**Attachment 3**).

### **Third Party Advice**

The Queensland Parks and Wildlife Service & Partnerships (QPWS&P) has provided third party advice on the proposed development (**Attachment 4**).

QPWS&P has requested that the applicant consult with them, as an adjacent landowner, in relation to ongoing fire management.

An appropriate advice statement has been included as part of the officer's recommendation.

### **Internal Consultation**

Due to the size of the subject site and the one (1) kilometre separation distance between Event Site 2 and the closest sensitive land use (dwelling house), an external acoustic assessment was not required.

Council Officers sought external expert assessment and advice in respect of the developments traffic impacts from NJM Engineering Consulting, a specialist transport engineer.

NJM Engineering Consulting have assessed the applicant's Traffic Impact Assessment (TIA) and recommend reasonable conditions requiring the following actions:

- **Emerald Falls Road**
  - (i) Road Safety Assessment

The TIA identifies existing hazards, however recommendations of treatments to address these safety hazards have not been detailed. It is therefore recommended that the development be conditioned to undertake a formal Road Safety Assessment (RSA) in accordance with Austroads Guidelines. The assessment should be undertaken by a suitably qualified RPEQ with TMR accreditation as a Road Safety Auditor. The RSA should provide detail on the locations of any safety hazards and their risk rating in accordance with the methodology detailed in Austroads Guide to Road Safety (Part 6). The RSA report should also provide recommendations on practical treatments for each location that

could be implemented to reduce the risks to acceptable levels. This report would need to be submitted to Council for review and approval prior to the Operational Works stage.

As a minimum, it would be considered reasonable to condition the development to implement the treatments identified in the assessment for the high-risk hazards, at their own cost. A design of the agreed treatments should be submitted as part of an Operational Works application for Council acceptance.

(ii) Pavement Condition Assessment

Given the impact of traffic generated by attendees of a large-scale public event, as well as consideration of vehicles requiring access for bump in/ bump out (note: term used for the set up and pack down of the event), it is recommended that a condition be placed on the development that a Road Pavement Condition Report is submitted to Council pre and post large scale events. The pre-event assessment must be undertaken within a month on the lead up to the event and submitted to Council. The report should detail the location of any existing deficiencies of the road pavement & surface and site photos of the road, especially at areas where turning movements occur including bends in the road. The post event report must be submitted within a month following the event.

In review of the pre and post event condition assessments, should it be evident to Council that damage has occurred as a result of the additional event traffic, all rectification works identified shall be undertaken at the applicant's expense.

- **Kay Road**

(i) Road Safety Assessment

Based on the number of traffic hazards along Kay Road and the increase in traffic as a result of the development, it is recommended that the development be conditioned to undertake a formal Road Safety Assessment (RSA) in accordance with Austroads Guidelines. The assessment should be undertaken by a suitably qualified RPEQ with TMR accreditation as a Road Safety Auditor.

The RSA should clearly identify any locations of safety hazards, including consideration of horizontal & vertical geometry, pavement & seal widths. The hazards need to be individually risk rated in accordance with the methodology detailed in Austroads Guide to Road Safety (Part 6) and the report provide recommendations on practical treatments that could be implemented to reduce the risks to acceptable levels. This report would need to be submitted to Council for review and approval prior to the Operational Works stage.

It would be considered reasonable to condition the development to implement the recommended safety improvements between Sabin Road East (inclusive of the intersection) and their access, at their own cost.

A design of the agreed treatments should be submitted as part of the Operational Works application for Council acceptance.

Conditions addressing NJM Engineering Consulting's advice have been drafted and form part of this report's recommendation. A pavement condition assessment has been proposed for both Emerald Falls Road and Kay Road.

An event traffic management plan prepared by a suitably qualified RPEQ will be conditioned for all events of 100 or greater attendees.

## PUBLIC NOTIFICATION

The development proposal was placed on public notification from 15 November 2023 to 8 December 2023. The applicant submitted the notice of compliance on 12 December 2023 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Thirty-nine (39) properly made submissions were received and twenty-seven (27) of those objected to the proposed development. A copy of all submissions is included as **Attachment 5**.

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

Grounds for objection /support	Comment
Applicant has a policy of sustainability and supports traditional owners, clubs. Development would be an asset attracting visitors to the area.	Noted. This is a common opinion expressed by supporting submitters.
Site is ideal due to its large size, natural environment, and distance to neighbours.	Noted. This is a common opinion expressed by supporting submitters.
Concerned about traffic impact on Kay Road. Specifically, the volume of traffic at the start and finish of events; the noise from this traffic in early mornings/evenings; excessive dust and hazardous driving; deterioration of the gravel road and bitumen shoulders; road is not wide enough for two cars to pass.	Council Officers sought external expert assessment and advice in respect of the developments traffic impacts from NJM Engineering Consulting, a specialist transport engineer.  NJM Engineering Consulting have assessed the applicant's Traffic Impact Assessment (TIA) and recommend reasonable conditions. Safe road access will be ensured through the conditioned Road Safety Assessments, Pavement Condition Assessments and Event Traffic Management Plans.
Kay Road is already at capacity with banana, avocado workers and frequent livestock movement. The proposal offers no intent to upgrade Kay Road.	The applicant will be required to undertake all works identified through the Road Safety Assessments to bring both roads to an acceptable level of safety, prior to the commencement of the use.
The intersection of Kay Road and the Kennedy Highway is unsafe with no pull off lane from Cairns.	Pavement Condition Assessments will be required for all events of 500 or greater attendees. The applicant will be required to repair any road damage caused as a result of the event.  An Event Traffic Management Plan must be in place for all public events of 100 or greater attendees of greater.
Clearing of vegetation and the associated environmental impacts.	1. The development is to be selectively sited to take advantage of previously cleared/disturbed areas. 2. Limited clearing is proposed to accommodate the development. 3. In response to the environmental significance overlay, the applicant has provided the following statement: 4. <i>"Kanjini has hosted the Roots Festival three times now with up to 1,200 attendees, performers and staff."</i> 5. <i>There has been no noticeable negative effect on the ecology, in fact several hundred native bushes and trees have been planted and cared for during and as a part of those events.</i>

	<p>6. Additionally, Kanjini does not envision events with more 1,500 guests to ensure that minimal impact, if any, is provided to the natural Flora and Fauna of the site.</p> <p>7. Additionally, Kanjini is actively engaged in environmental land management, is a member of the Northern Bettong Recovery Team, practices Indigenous inspired fire management, hosts a Wildlife Sanctuary and cooperated with several scientists on various environmental research. Last and not least Kanjini Co-Op Ltd over the last ten years has returned significantly large areas of this property from cleared land to high value regrowth.</p> <p>8. Kanjini has such a strong commitment to the environment that we do not allow any dogs or cats on over 99.9% of our land (only exceptions are tenant's house yards) and we take a sizable security bond from all campers to ensure they look after country and leave no trace.</p> <p>9. Large events are required to lodge large security bonds with us, and we are committed to ensure they too look after the country and leave no trace.</p> <p>10. The proposal is for the extension to the existing Nature-Based Tourism Use, being the provision of a Tourist Park including Outdoor Sport and Recreation and Function Facilities with limited clearing proposed (now Function Facility and Tourism Cabins) over the 1,978 hectare site (Lots 66 &amp; 68). It is not considered that the proposal will affect the areas of Environmental Significance over the site.</p> <p>11. Any proposed clearing provided within the Mapped Regulated Vegetation will be minimal and minimised ensure not to adversely affect the majority of the Vegetation provided over the site.</p> <p>12. Any loss or reduction in the Vegetation is minimised with any possible residual impacts offset by the vast Mapped Regulated Vegetation provided over the site. All interconnectivity will be maintained and enhanced with the proposed development. This is evident with the additional native vegetation being planted as a part of the Roots Festival.</p> <p>13. It is considered that the minimal limited clearing of vegetation over the site will not adversely affect the existing Environmental Values and functioning of the site, instead will ensure to maintain and enhance the existing."</p> <p>The State Assessment and Referral Agency (SARA) have assessed the development's impact on remnant vegetation and have issued conditional approval.</p>
<p>Development will significantly change the amenity of this rural property. The proposed development is within a kilometre of homes. Prolonged noise will cause nuisance.</p>	<p>In terms of sensitive land uses, the closest dwelling is situated approximately 900 metres to the north of the proposed RV/Caravan area/Function Facility. Event Site 2 (beside the large dam) is approximately 1.1 kilometres from the closest dwelling house.</p> <p>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.). The Kuranda Roots Festival has been held on the subject site (Event Site 1) for the past three (3) years without reports of noise nuisance. The</p>

	<p>land has been used as a tourist park (12 bush camp sites) since 2015, again without any reports of nuisance being caused.</p> <p>To further minimise the potential for noise nuisance, it is recommended to reduce the proposed event development scale to a maximum cumulative attendance of 3500 persons per annum (in lieu of the applicant's proposed 12,000 persons per annum). To further ensure that larger events are held at Event Site 1 and away from sensitive land uses on Kay Road, a maximum cumulative attendance of 500 persons per annum has been conditioned for Event Site 2.</p> <p>The development has been conditioned to require a Noise Management Plan and to establish a Complaint Investigation Process. Similar conditions were placed on the Springmount Raceway development approval.</p> <p>Due to the nature of the proposed development, hours of operation have not been proposed by the applicant. The tourist park aspect will involve guests being on site 24 hours a day, 7 days a week. Similarly, large events (Kuranda Roots Festival) occur over multiple days with guests remaining on site throughout the event. A three (3) day maximum length has been conditioned for any single event.</p> <p>The only specific hour limit being proposed as a condition is to prevent amplified music at Event Site 2 and the Function Facility between the hours of 12 midnight and 7:00am.</p>
Potential impacts on Emerald Creek water quality.	<p>All proposed development will be setback from on-site waterways in accordance with the buffers nominated by the Planning Scheme's Environmental Significance Overlay.</p> <p>The application states that water crossings will be minimised to avoid adverse water quality impacts.</p>
Large gatherings will require sanitation and waste disposal, and this may impact underground aquifers. They rely on bores to supply domestic and stock water.	<p>All on site wastewater disposal must be through an approved on-site wastewater disposal system.</p> <p>Other rubbish waste will be collected on site and disposed of at a lawful waste management facility in Mareeba.</p>

**Attachment 6** is Kanjini Co-Op Limited response to neighbours/submitters.

### Submitters

Name of Principal submitter	Address
1. Frank Burton	frkburton@gmail.com
2. Mareeba Mountain Goats Inc	Mareebamountaingoats@gmail.com
3. Walter Bonvecchio	Bonwal2000@yahoo.it
4. Djabugay Tribal Aboriginal Corporation	PO Box 495, Kuranda QLD 4881
5. Melinda Norris	tinytropicalhome@gmail.com
6. Rebecca Scott	createmorefuntimes@gmail.com
7. Lynette Alba	8 Elsie Close, Mareeba QLD 4880

8. Scott & Patti Hill	scotnpat@bigpond.com
9. Owen Allen	owen@phoenixfunctions.com.au
10. Victor Steffensen	steffensenvictor@gmail.com
11. Bruce Zell	brucezell@gmail.com
12. Morgyn Quinn, William Johnston, Pahlada Cave and the Kuranda Roots team	rudekatrecords@gmail.com
13. J Ney	251 Kay Road, Mareeba QLD 4880
14. Hazel Bensted	487 Kay Road, Mareeba QLD 4880
15. Sarah Bensted	487 Kay Road, Mareeba QLD 4880
16. Jonathon Bensted	487 Kay Road, Mareeba QLD 4880
17. Courtney Stephenson	487 Kay Road, Mareeba QLD 4880
18. Phil & Alana Bensted	487 Kay Road, Mareeba QLD 4880
19. Dave Srhoj	60 Kay Road, Mareeba QLD 4880
20. Max Srhoj	60 Kay Road, Mareeba QLD 4880
21. Wayne Srhoj	100 East Sabin Road, Mareeba QLD 4880
22. Denise Srhoj	60 Kay Road, Mareeba QLD 4880
23. Megan Srhoj	100 East Sabin Road, Mareeba QLD 4880
24. Bean Sanders	322 Kay Road, Mareeba QLD 4880
25. Mami Oyama	322 Kay Road, Mareeba QLD 4880
26. Luke Antequera	224 Kay Road, Mareeba QLD 4880
27. Narella Antequera	224 Kay Road, Mareeba QLD 4880
28. Des & Joanne Butler	208 Kay Road, Mareeba QLD 4880
29. Jacob Cooper	322 Kay Road, Mareeba QLD 4880
30. Emmett Kerlin	452 Kay Road, Mareeba QLD 4880
31. David Fittock	93 Kay Road, Mareeba QLD 4880
32. Kim Burns	219 Kay Road, Mareeba QLD 4880
33. Alen Cranswick	143 Kay Road, Mareeba QLD 4880
34. John McDowall	63 Rollison Drive, Mareeba QLD 4880
35. Tara Peckham	59 Kay Road, Mareeba QLD 4880
36. Marnie Peckham	59 Kay Road, Mareeba QLD 4880

37. Karen Peckham	59 Kay Road, Mareeba QLD 4880
38. Adam & Diana Spena	128 Kay Road, Mareeba QLD 4880
39. Janice & Brian Herbohn	3823 Kennedy Highway, Mareeba QLD 4880

## PLANNING DISCUSSION

Compliance with Performance Outcome PO6 of the Rural zone code is discussed below:

### Rural zone code

#### **Amenity**

##### **PO6**

*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.*

##### **AO6**

*No acceptable outcome is provided.*

#### Comment

Performance Outcome PO6 of the Rural zone code ensures that new development is appropriately managed to minimise impacts on the amenity experienced in the immediate vicinity of the development site. In terms of sensitive land uses, the closest dwelling is situated approximately 900 metres to the north of the proposed RV/Caravan area/Function Facility. Event Site 2 (beside the large dam) is approximately 1.1 kilometres from the closest dwelling house.

**Noise** – 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.). The Kuranda Roots Festival has been held on the subject site (Event Site 1) for the past three (3) years without reports of noise nuisance. The land has been used as a tourist park (12 bush camp sites) since 2015, again without any reports of nuisance being caused.

To further minimise the potential for noise nuisance, it is recommended to reduce the proposed event development scale to a maximum cumulative attendance of 3500 persons per annum (in lieu of the applicant’s proposed 12,000 persons per annum). To further ensure that larger events are held at Event Site 1 and away from sensitive land uses on Kay Road, a maximum cumulative attendance of 500 persons per annum has been conditioned for Event Site 2.

The development has been conditioned to require a Noise Management Plan and to establish a Complaint Investigation Process. Similar conditions were placed on the Springmount Raceway development approval.

**Hours of operation** – Due to the nature of the proposed development, hours of operation have not been proposed by the applicant. The tourist park aspect will involve guests being on site 24 hours a day, 7 days a week. Similarly, large events (Kuranda Roots Festival) occur over multiple days with guests remaining on site through-out the event. A three (3) day maximum length has been conditioned for any single event.

The only specific hour limit being proposed as a condition is to prevent amplified music at Event Site 2 and the Function Facility between the hours of 12 midnight and 7:00am.

**Traffic** – Council Officers sought external expert assessment and advice in respect of the developments traffic impacts from NJM Engineering Consulting, a specialist transport engineer.

NJM Engineering Consulting have assessed the applicant's Traffic Impact Assessment (TIA) and recommend reasonable conditions. Safe road access will be ensured through the conditioned Road Safety Assessments, Pavement Condition Assessments and Event Traffic Management Plans.

The applicant will be required to undertake all works identified through the Road Safety Assessments to bring both roads to an acceptable level of safety, prior to the commencement of the use.

Pavement Condition Assessments will be required for all events of 500 or greater attendees. The applicant will be required to repair any road damage caused as a result of the event.

An Event Traffic Management Plan must be in place for all public events of 100 or greater attendees of greater.

**Advertising devices** – No advertising devices have been proposed.

**Visual amenity** – All proposed development will be largely screened from view (from roads/adjoining lots) by distance and vegetation.

**Privacy** – Similar to visual amenity, privacy will be maintained due to the subject site's size and the developments distance from sensitive land uses.

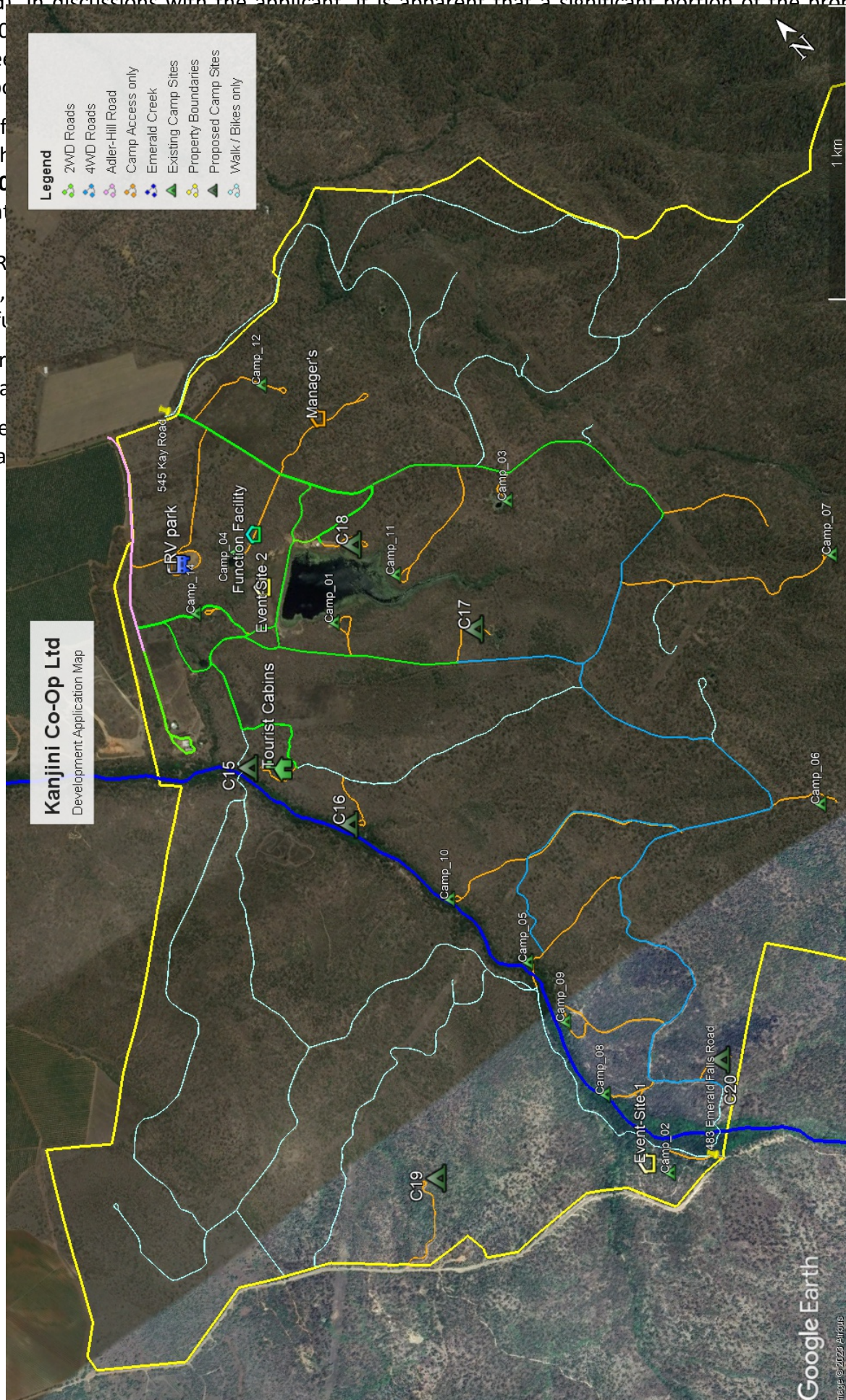
**Lighting** – A condition of approval has been included ensuring that light emitted from the development does not cause nuisance to any neighbouring property.

**Odour & Emissions** – The proposed development is not likely to produce significant amount of odour or other emissions such as dust and smoke. The significant distance to sensitive land uses will mitigate any potential nuisance emission caused by emissions.

The proposed 12,000 persons per annum ultimate scale of the event sites/function facility has generated significant community concern amongst the wider Kay Road community. This scale is a substantial increase from the single annual Kuranda Roots Festival held at Event Site 1 (Emerald Falls

Road). In discussions with the applicant, it is apparent that a significant portion of the proposed 12,000 to see to the proposed Caref for the 3,500 even Key R sites, the fu Emer the la Subje can a

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## Proposed Event Site 1

The proposed Event Site 1 is at 438 Emerald Falls Road. There is some existing infrastructure, namely two ~70sqm covered decks, five toilets, five showers and two hand basins.

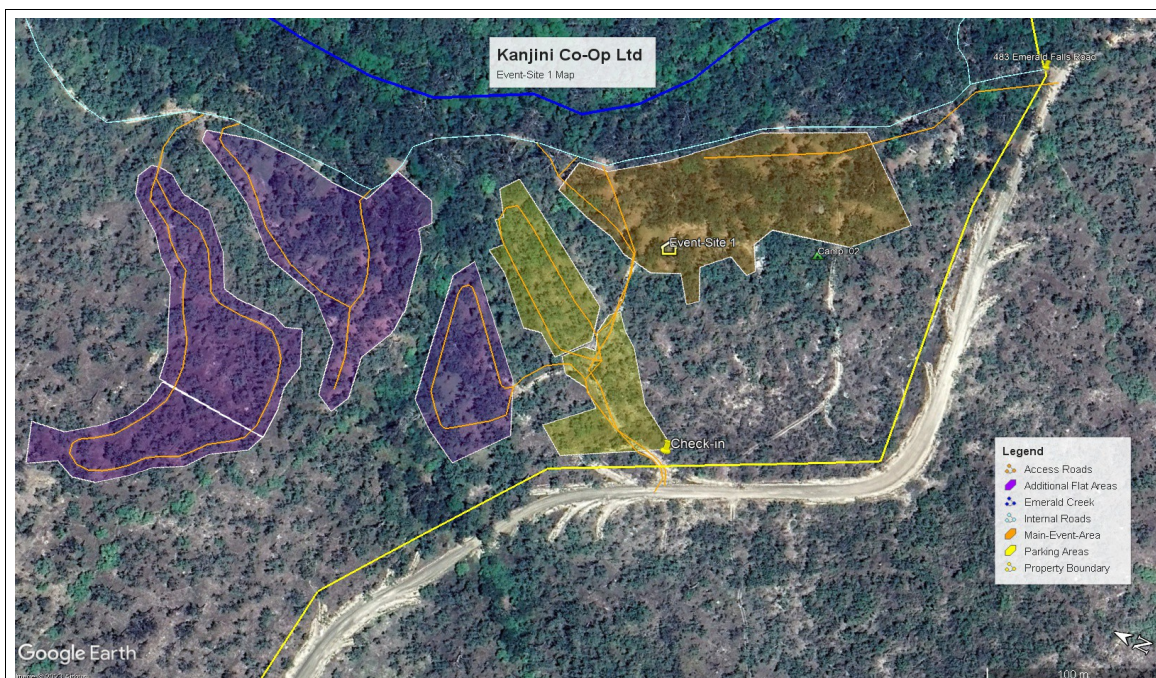
While it always will be the event organiser's responsibility to ensure the supply of sufficient facilities for their event, Kanjini might add more facilities in the future.

The Kuranda Roots Festival used this site in 2021, 2022 and 2023 with great success. Kuranda Aboriginal elders were

very happy to see this over 20 year old event to happen on country and without alcohol.



Indigenous dances at Kuranda Roots festival



Event Site 1 – shaded areas are level areas available for event infrastructure and activities

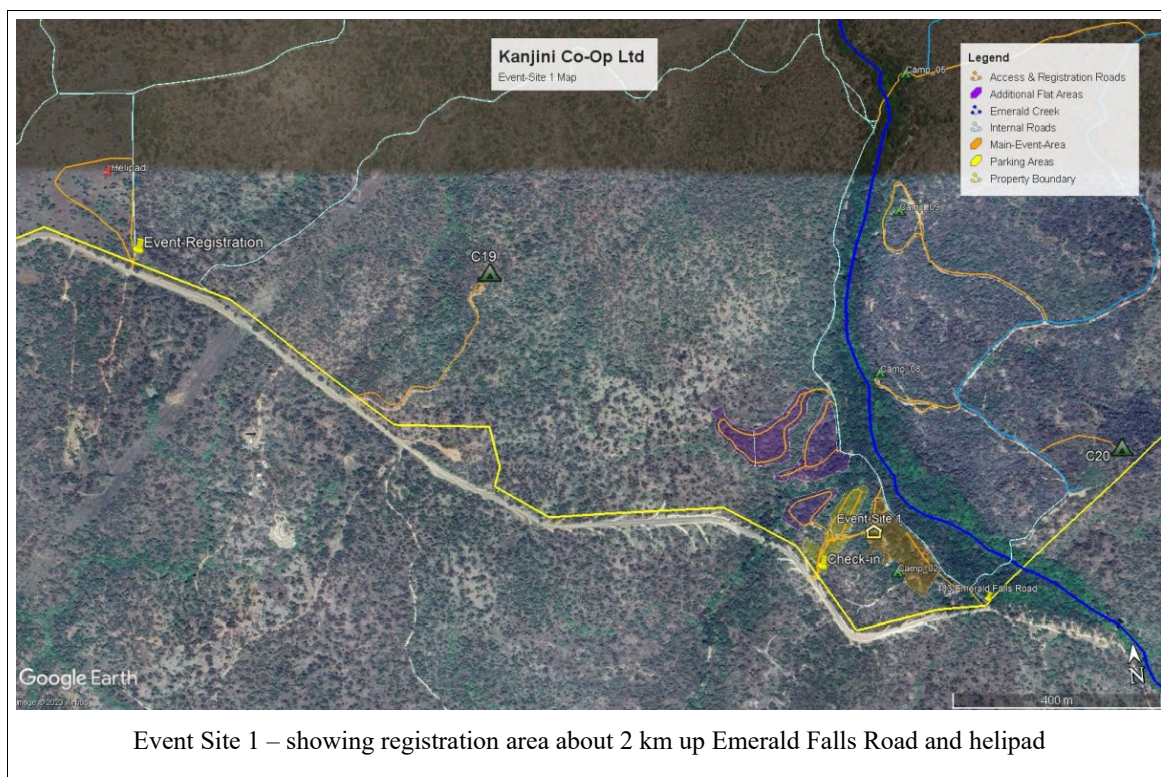
The orange shaded main event area in above "Event-Site 1 Map" map provides about 1.2Ha, shaded by large trees.

The yellow shaded area provides about 0.8Ha for parking.

The purple and blue shaded areas would make about 3Ha of additional level areas available for parking, or other event infrastructure or activities.

Kanjini Co-Op intends to limit any event to about 1,500 - 2,000 guests to minimise any environmental impact and ensure a relaxed family atmosphere.

There is a helipad for emergencies and a separate registration area on our land about two kilometers up Emerald Falls Road (see below map). This registration area features an over 500m long loop road to avoid any cars lining up along Emerald Falls Road during registration.



This festival layout has worked very well over the last three years and none of the neighbours within 3km of this site had any issues with the minimal noise and traffic impacts.

## Proposed Event Site 2

The proposed Event Site 2 is next to our 25 acre lake.

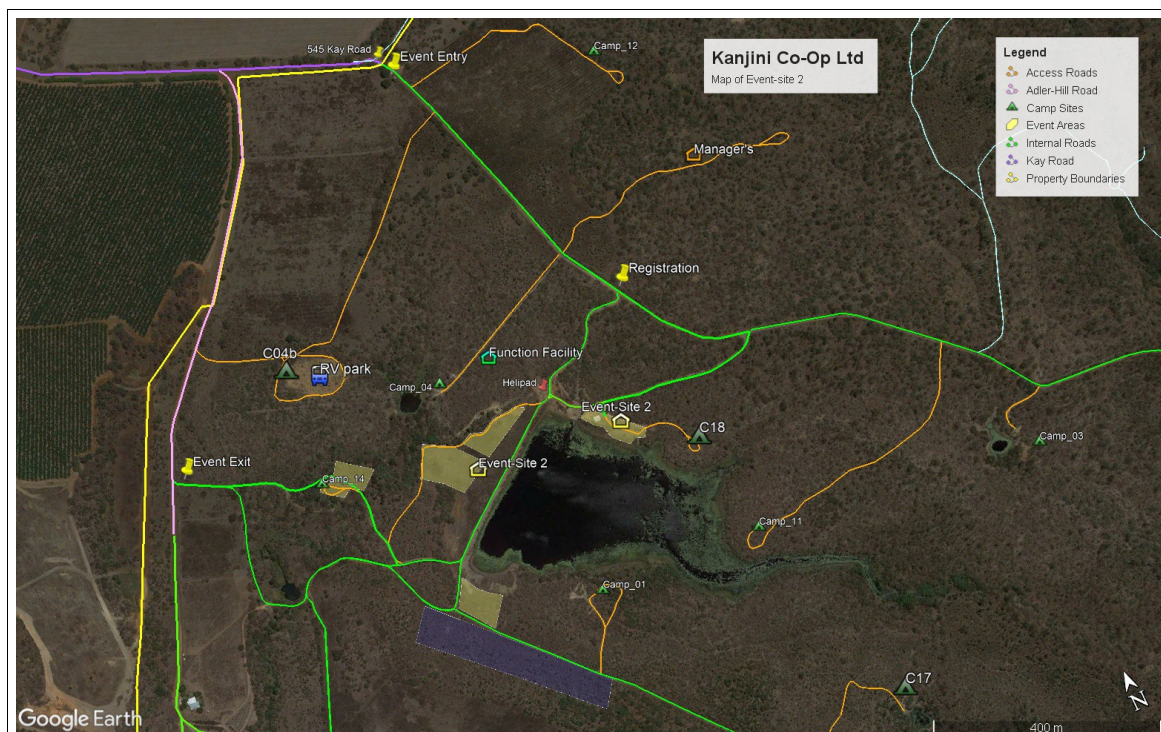
There is some existing infrastructure, namely three toilets, a hand basin, and an about 100 square meter tarp.

While it always will be the event organiser's responsibility to ensure the supply of sufficient facilities for their event, we might add more facilities in the future.

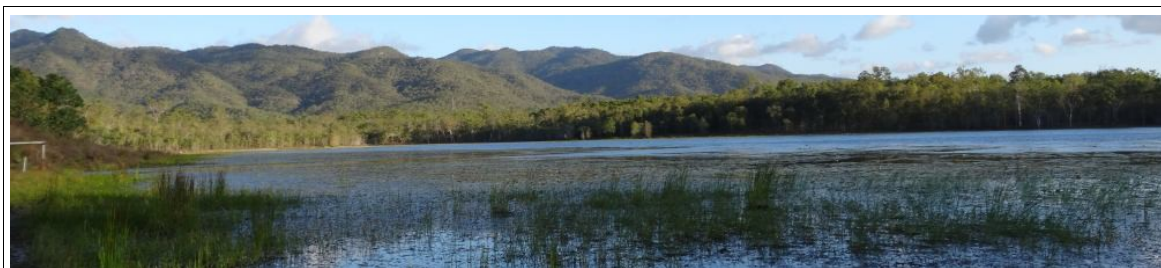
The five smaller yellow shaded areas in below map are level areas available for event purposes. They add up to about 2Ha in size.

The larger blue shaded area in the bottom of the below map can provide another 2Ha of level area for event purposes.

Four camp sites and the proposed function facility are within a short walk from this event site and could also be hired by the event organisers.



Event Site 2 – shaded areas are level areas available for event infrastructure and activities



View across the dam

## Proposed Tourist-Cabins

The proposed Tourist Cabin site is utilising an about 2.5Ha area on a ridge within walking distance of Emerald Creek.

The site was chosen because it is naturally already almost totally clear of trees.

The site is serviced by an existing 2WD gravel road.

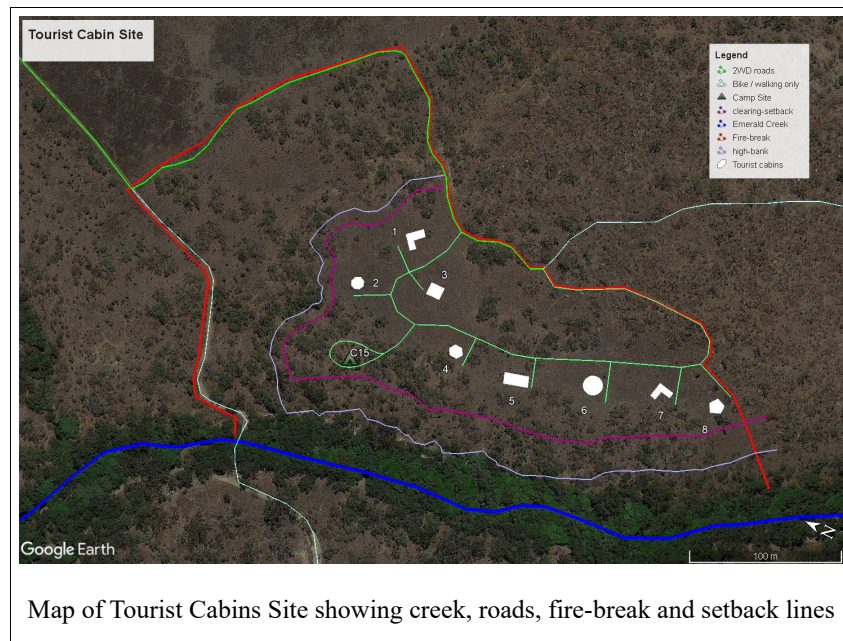
We envision to build eight tourist cabins here and the vision is for each one to be built using unusual designs and materials.

For example there could be a round cabin or a curved one, an octagon or a hexagram, a free-form or spiral or a tower.

Materials used could be rock, mud, straw, air-crete or hemp-crete, some could have green roofs or one could be a hobbit cabin.

If we secure approval without too onerous conditions, we intend to invite architects and designers to come up with innovative and interesting designs.

We are hoping to attract southerners and overseas visitors to Mareeba Shire to experience spending a few days or weeks in such a totally different house, to get a feel for more sustainable living.

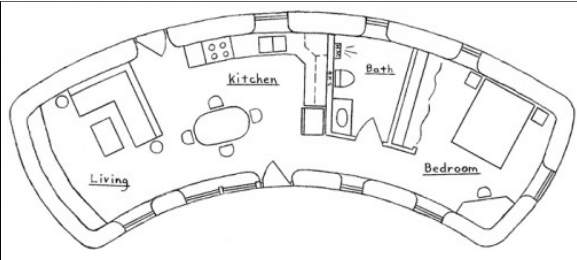


Tourist Cabin Site – Chosen because there is a large natural clearing already

Here a few concept drawings on what these tourist cabins may look like:



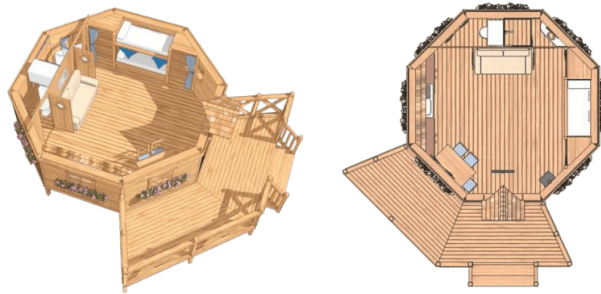
Arc-shaped cabin with green roof - Elevation



Arc-shaped cabin with green roof - Floorplan



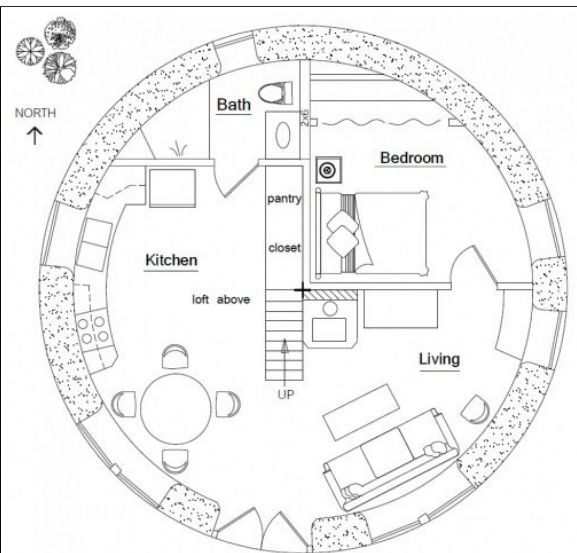
Hexagonal Wood Cabin - Elevation



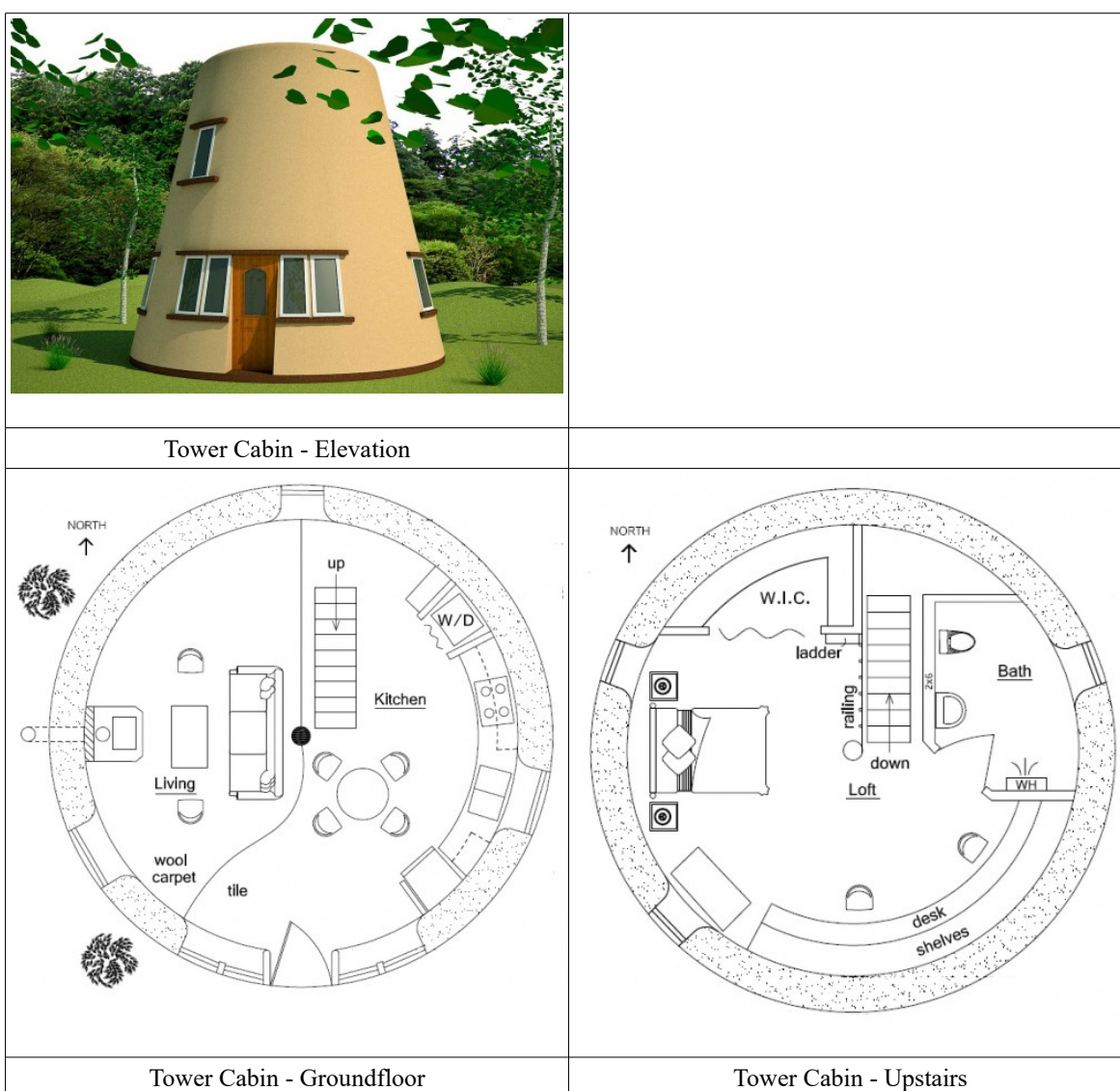
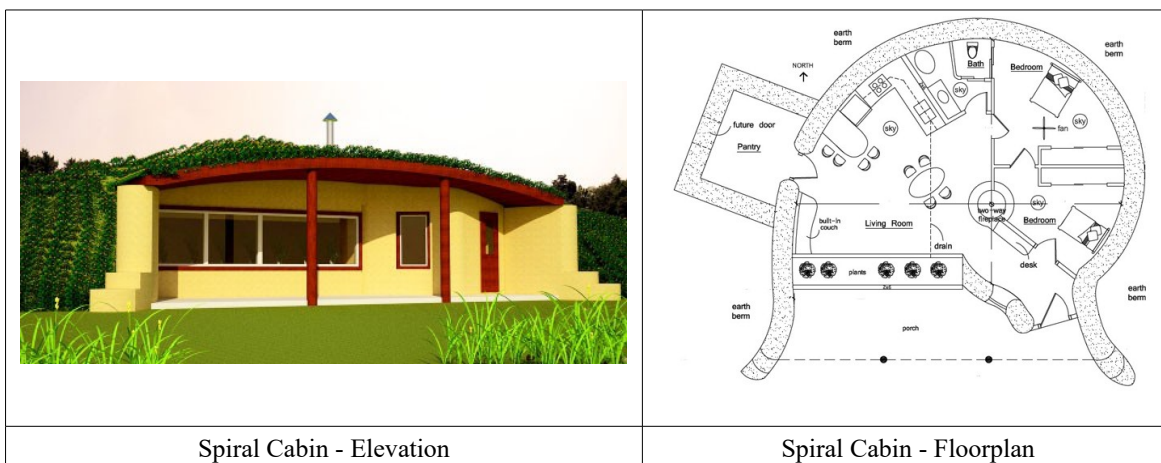
Hexagonal Wood Cabin - Floorplan



Round Cabin - Elevation



Round Cabin - Floorplan



## Proposed RV Site

We were told that the proposed RV site was used as a council quarry for road base a long time ago and then again by previous owners or lessees.

When we purchased the property, this area was badly eroded and with hardly any vegetation.

About four years ago we decided to arrest the erosion by shaping the area into five east-facing terraces, offering panoramic views of the mountains, including Kahlpahlm Rock, Bunda Badjigal (Turtle Rock), Mount Tiptree and Mount Haig.



Aerial view of terraces



Google-earth view of the area when we bought the property (orange lines are existing roads)

The lower four terraces are each about ten to twelve meters wide and about sixty meters long, while the top one is triangle shaped and about 800 square meters.

We envision only two to three RV sites on each terrace, with RVs parked in the middle of a terrace, allowing for other RVs to pass behind and still giving plenty of outdoor space on the eastern side of the RV to enjoy the views. Stage 1 of the proposed development will see 5 RV sites used, Stage 2 the other five.

RV's are totally self contained and do not require the provision of any services.

We believe that the location, the views and the numerous activities available on our property will make this a valuable tourist asset for the Mareeba area.



View from RV site

## Proposed Events & Functions

The development application includes two event sites and one function facility.

### EVENTS:

The proposed Event Site 1 is located at 438 Emerald Falls Road.

The proposed Event Site 2 and Function Facility are located close to each other near our 25 acre (10Ha) lake with access from 545 Kay road.



View over most of our property

Both event sites are at least 1.2km from the nearest neighbouring residence and 2.5km away from each other.

Stage 1 of the development allows for a total of up to 2,000 guests per year to attend various Events and Functions.

Stage 2 of the development allows for up to 3,500 guests per year

Stage 3 of the development allows for up to 6,000 guests per year and the construction of the function facility

Stage 4 of the development allows for up to 12,000 guests per year



View of part of event site 1

These are very modest numbers. For example in stage 1 we can only have one medium sized event like Kuranda Roots and maybe half a dozen smaller functions or other events during a whole year, while stage 4 will allow us to have say four to five medium sized and a dozen smaller functions or other events during the year.

The proposed development is very small scale considering the vast size of this property and the reason for this development application is not to make large amounts of money, but to share this amazing property with the wider community.

The availability of level areas and practicalities of both event sites is likely to limit the number of people attending any single event to no more than ~1,000-2,000 persons.

The establishment of the event sites does not require any clearing.

They already have some facilities and Kanjini Co-Op Ltd might add more facilities to the event sites in the future.

However it will always be the event organiser's responsibility to ensure the supply of sufficient services and facilities for their event (security, medic, traffic control, catering, insurance, stages, marquees, toilets, showers, power etc)



Views at event site 2

Kanjini Co-Op Ltd has already hosted the Kuranda Roots Festival in 2021, 2022 and 2023 with about 700-1,200 persons at the proposed event site 1. These three-day festivals were very successful and without any major incidents and all attendees really enjoyed the beautiful location.

**FUNCTIONS:**

The proposed function facility will be limited to about 300-400 sqm in size and as such will not be able to accommodate more than 200-300 people (see attached concept drawings).

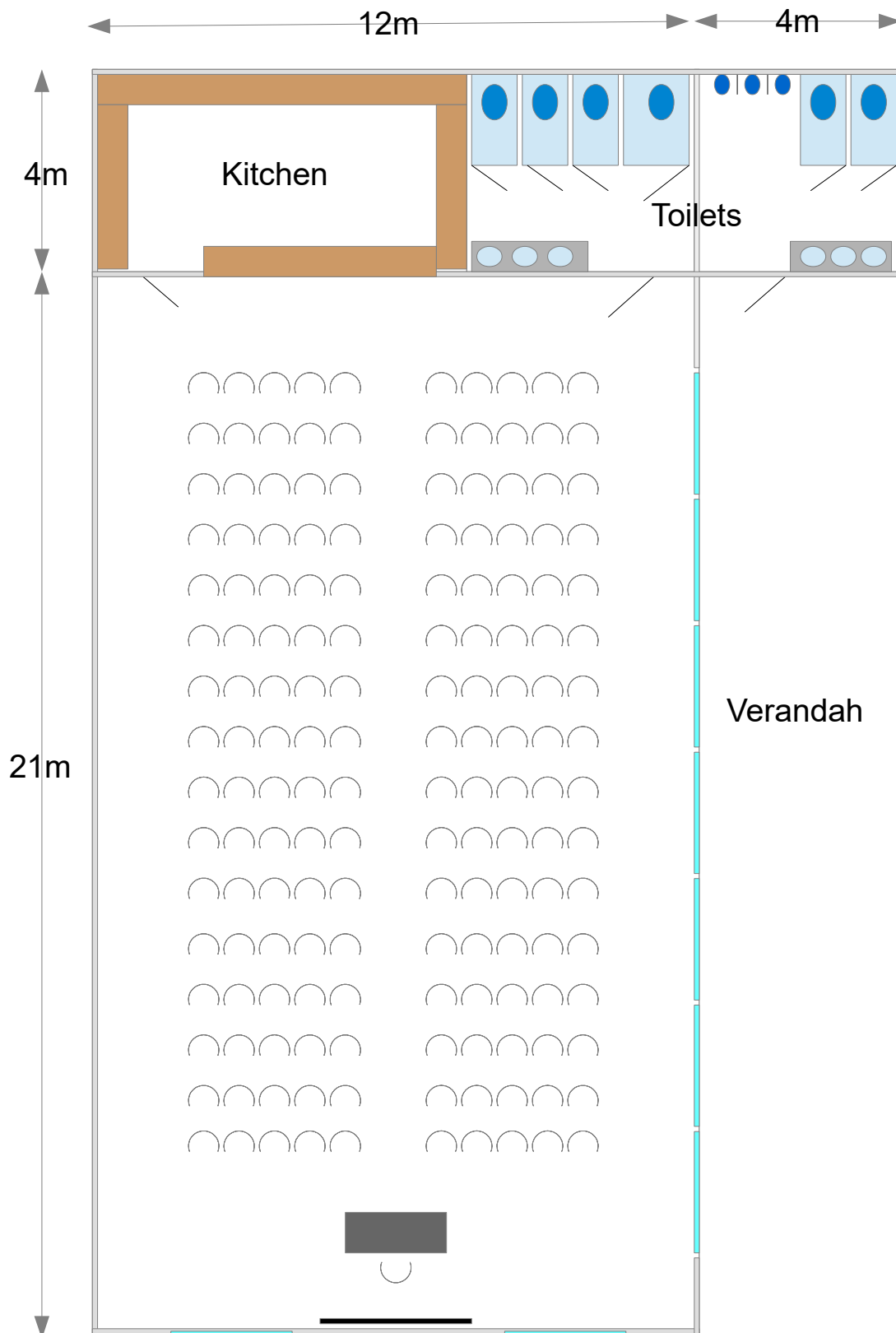
It is overlooking and within walking distance of our 25 acre lake and will offer a stunning backdrop to any marriage or other function.

It is located close to our main entry to ensure easy 2WD access and there is plenty of already cleared parking areas close-by.



View from proposed function facility site

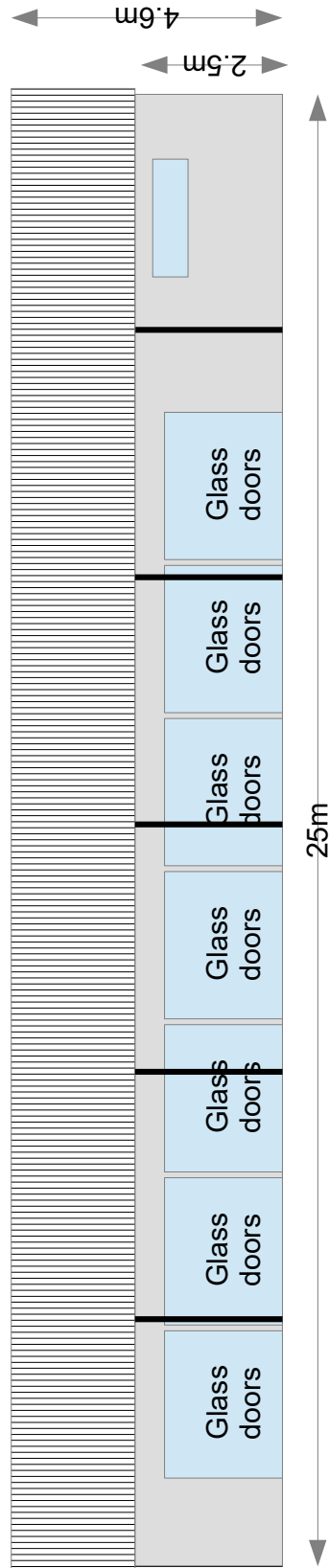
The unique scenic location of these events and function sites have the potential to attract boutique events and functions to Mareeba Shire. For example, we already had an inquiry from a major firm to fly their Sydney staff in for their Christmas function because of the unique scenery



**Proposed Function Facility - Layout**

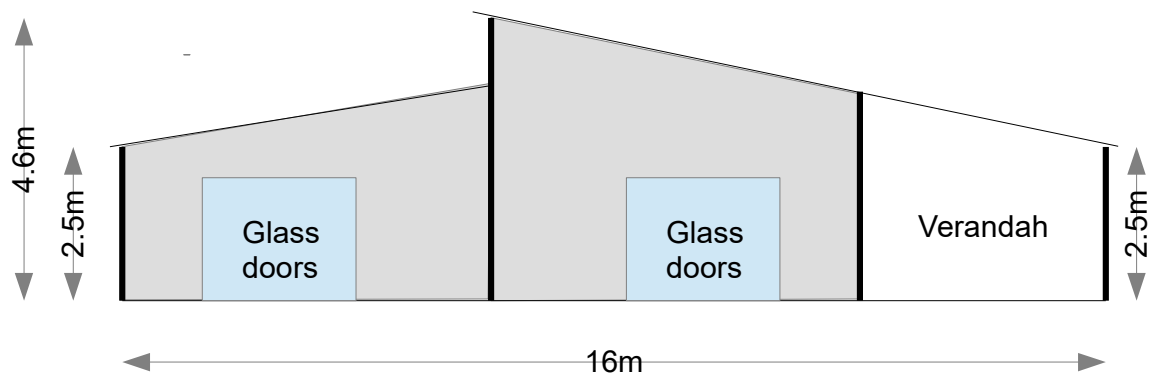
# Proposed Function Facility

## South-East Elevation



# Proposed Function Facility

## South-West Elevation



RA29-N



Our reference: 2303-33622 SRA  
Council reference: MCU/22/0002  
Applicant reference: F21/374

16 September 2024

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

Attention: Carl Ewin

Dear Sir/Madam

## Changed referral agency response—with conditions

(Given under section 28 of the Development Assessment Rules)

On 2 September 2024 the State Assessment and Referral Agency (SARA) received your complete representations regarding notice of a change to the development application described below. SARA has assessed the changes and now provides this changed referral agency response which replaces the response dated 1 February 2024.

### Applicant details

Applicant name:	Kanjini Co-Op Limited
Applicant contact details:	C/- Freshwater Planning Pty Ltd 17 Barron View Drive Freshwater QLD 4870 freshwaterplanning@outlook.com

### Location details

Street address:	483 Emerald Falls Road, Mareeba; 545 Kay Road, Mareeba; Emerald Falls Road, Mareeba
Real property description:	Lot 66 on RP896904, Lot 67 on SP328197 and Lot 68 on SP282408
Local government area:	Mareeba Shire Council

### Application details

Development permit	Material Change of Use for Outdoor Sport and Recreation, Function Facility and Tourist Park
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Page 1 of 6

Far North Queensland regional office  
Ground Floor, Cnr Grafton and Hartley  
Street, Cairns  
PO Box 2358, Cairns QLD 4870

2303-33622 SRA

**Referral triggers**

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- Schedule 10, Part 3, Division 4, Table 3, Item 1 (Planning Regulation 2017) - Material change of use that involves clearing native vegetation
- Schedule 10, Part 4, Division 3, Table 1, Item 1 (Planning Regulation 2017) - Premises contaminated because of unexploded ordnance

**Conditions**

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

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

**Advice to the assessment manager**

Under section 56(3) of the Act, SARA offers advice about the application to the assessment manager—see Attachment 3.

**Approved plans and specifications**

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

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

For further information please contact Charlton Best, Senior Planning Officer, on 07 4037 3200 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc Kanjini Co-Op Limited C/- Freshwater Planning Pty Ltd, freshwaterplanning@outlook.com

enc Attachment 1—Changed conditions to be imposed  
Attachment 2—Changed reasons for decision to impose conditions  
Attachment 3—Changed advice to the assessment manager  
Approved plans and specifications

2303-33622 SRA

**Attachment 1—Changed conditions to be imposed**

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 10, Part 3, Division 4, Table 3 – Clearing native vegetation — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Resources to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Clearing of vegetation must: (a) only occur within Area A (Parts A1 – A9) as shown on the attached: (i) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2303-33622 SRA, Sheets 1 & 2, version 4 <b>2</b> ; and (ii) Attachment to Vegetation Management Plan VMP 2303-33622 SRA Derived Reference Points for GPS; (b) not exceed 0.8 <b>0.18</b> hectares.	At all times.
2.	Built infrastructure, other than fences, roads, underground services, must not be established, constructed or located within Area C (Parts C1 – C2) as shown on the attached: (a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2303-33622 SRA, Sheets 1 & 2, version 4 <b>2</b> ; and (b) Attachment to Vegetation Management Plan VMP 2303-33622 SRA Derived Reference Points for GPS, <b>Pages 1 - 3</b> .	At all times.
Schedule 10, Part 4, Division 3, Table 1 – Unexploded ordnance — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Housing, Local Government, Planning and Public Works to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition:		
3.	Provide written confirmation to the Department of Housing, Local Government, Planning and Public Works via email to CairnsSARA@dasilgp.qld.gov.au by an approved contractor on the Australian Government, Department of Defence, Unexploded Ordnance (UXO) Panel that <del>all proposed use areas upon the site</del> <b>each proposed stage of development including any associated vehicular and pedestrian access tracks</b> specific to this application has been assessed, remediated and cleared of unexploded ordnances. Specifically, these proposed use areas as shown on the plan entitled 'Kanjini Co-Op Ltd – Development Application Map' that was provided as part of the response to SARA's information request must include but are not limited to: <ul style="list-style-type: none"> <li>• Event site 2;</li> <li>• Tourist cabins (total of 8);</li> <li>• Function facility and associated car parking area;</li> <li>• Bush camp sites 1, 3-5, 10-12, 14-18;</li> <li>• RV park;</li> <li>• Manager's residence; and</li> </ul>	Prior to the commencement of <b><u>building works or operational works for each stage of development; or</u></b> <b><u>Where no building works or operational works are required prior to the commencement of the use.</u></b>

2303-33622 SRA

	<ul style="list-style-type: none"> <li>• All vehicular and pedestrian access tracks associated with the abovementioned use areas.</li> </ul> <p><b><u>The proposed stages of development are confined to the area shown on the plan entitled 'Kanjini Co-Op Ltd - Development Application Map' that was provided as part of the request to make representations to SARA's referral agency response and are specifically shown on the following UXO treatment plans (as amended in red by SARA):</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Stage 2 – Event site 2 &amp; camp 18</u></b></li> <li>• <b><u>Stage 3 – Tourist cabins</u></b></li> <li>• <b><u>Stage 4 – Camps 15 &amp; 16</u></b></li> <li>• <b><u>Stage 5 – Camp 17</u></b></li> <li>• <b><u>Stage 7 – Camp 20</u></b></li> <li>• <b><u>Stage 8 – RV site</u></b></li> <li>• <b><u>Stage 9 – Function site</u></b></li> <li>• <b><u>Stage 10 – Possible alternative camp site (C-A1)</u></b></li> <li>• <b><u>Stage 11 – Possible alternative camp site (C-A2)</u></b></li> </ul>	
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2303-33622 SRA

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**Attachment 2—Changed reasons for decision to impose conditions**

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

- Ensures that the proposed development areas upon the site identified as having substantial unexploded ordnance (UXO) potential is investigated and, where necessary, remediated so as to not place another part of the environment, or human health, at risk as a consequence of development.
- The impacts on connectivity or loss of biodiversity and the impact on ecosystem function is considered minimal as the scale of exemption clearing will be small and the extent of adjoining remnant vegetation is large.
- Appropriate fire and safety buffers from existing remnant vegetation have been addressed to maintain the safety of persons and property that will be associated with the proposed development and future buildings and/or infrastructure being constructed upon the proposed lots.
- The proposed development has reasonably avoided clearing where possible and reasonably minimised the adverse impacts of clearing where it cannot be reasonably avoided.
- SARA has carried out an assessment of the development application against State code 13: Unexploded ordnance and State code 16: Native vegetation clearing, and has found that with conditions, the proposed development complies with relevant performance outcomes.

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

- The development application material and submitted plans
- *Planning Act 2016*
- *Planning Regulation 2017*
- The State Development Assessment Provisions (version 3.0)
- The Development Assessment Rules
- SARA DA Mapping system
- *Human Rights Act 2019*

2303-33622 SRA

**Attachment 3—Changed advice to assessment manager**

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.

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

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

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

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

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

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

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

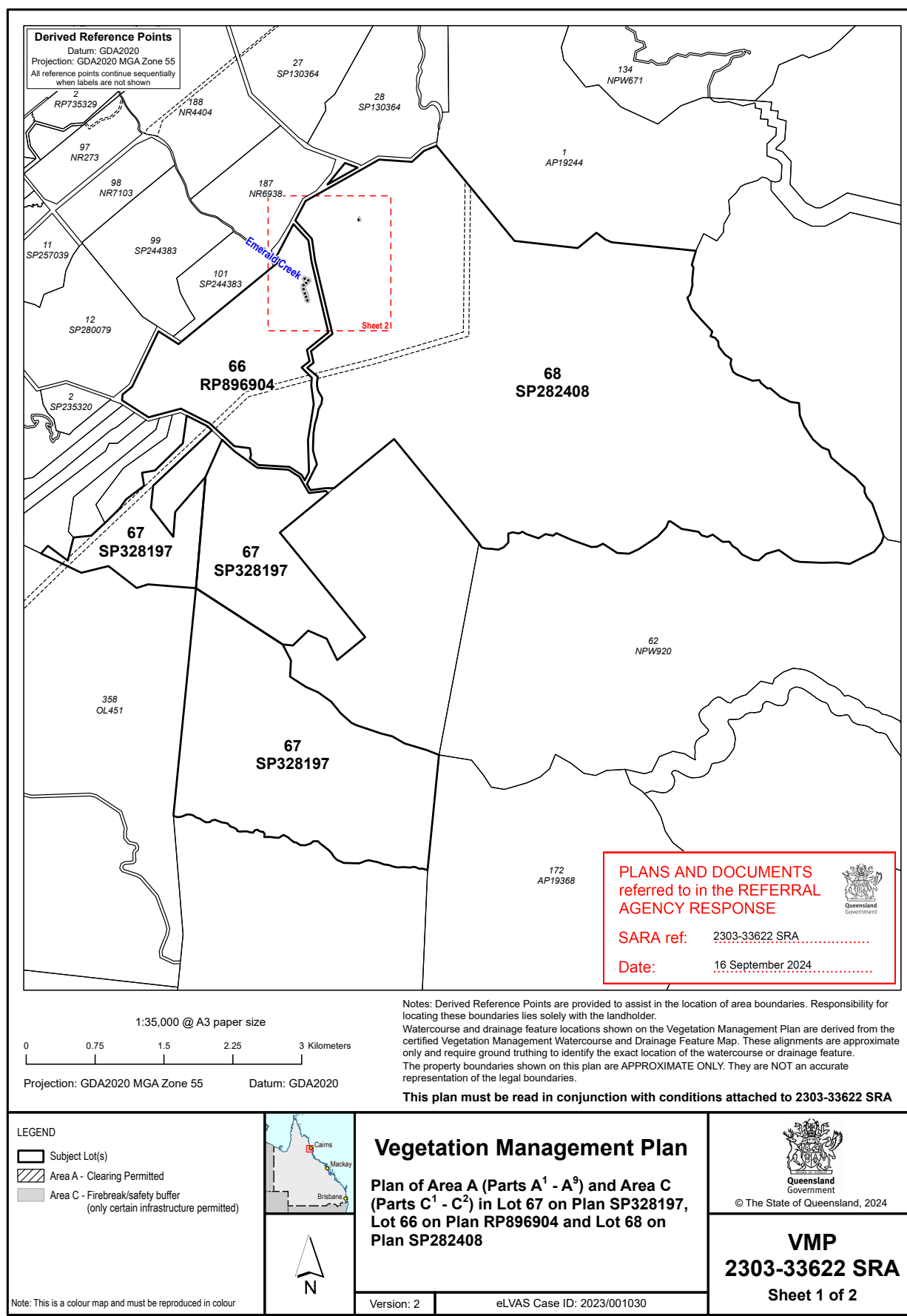
## **Part 7: Miscellaneous**

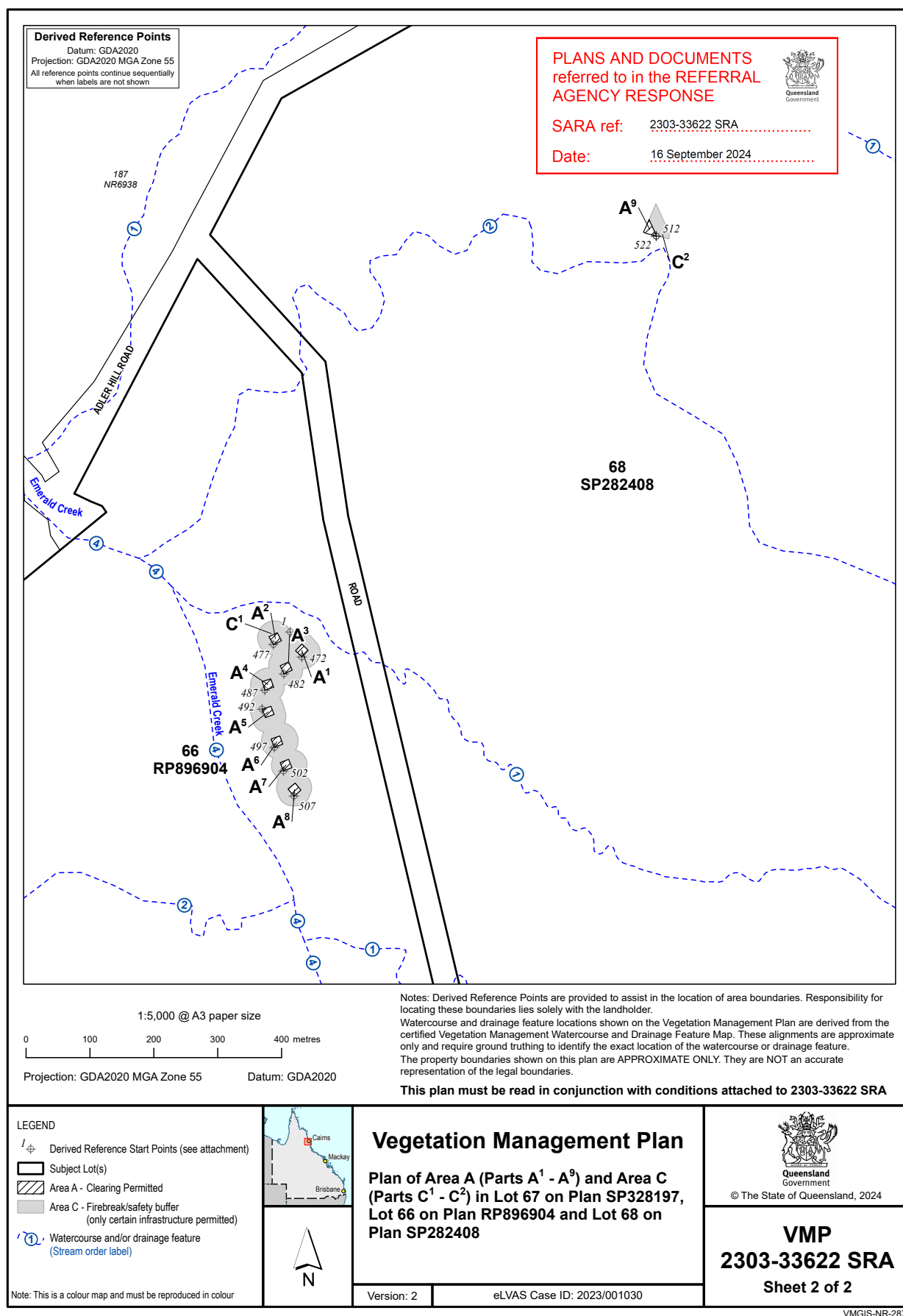
### **30 Representations about a referral agency response**

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

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





**Attachment: 2303-33622 SRA**  
**Derived Reference Points**  
**Datum: GDA2020, Projection: MGA Zone 55**

**PLANS AND DOCUMENTS**  
referred to in the REFERRAL  
**AGENCY RESPONSE**



**SARA ref:** 2303-33622 SRA

**Date:** 16 September 2024

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Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing
C1	1	344244	8116393
C1	2	344245	8116392
C1	3	344246	8116390
C1	4	344246	8116388
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C1	10	344253	8116391
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C1	31	344289	8116369
C1	32	344290	8116367
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C1	34	344291	8116363
C1	35	344291	8116361
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C1	54	344269	8116336
C1	55	344267	8116336
C1	56	344265	8116336
C1	57	344263	8116336
C1	58	344263	8116333
C1	59	344263	8116331
C1	60	344263	8116330

Part ID	Unique ID	Easting	Northing
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Part ID	Unique ID	Easting	Northing
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C1	177	344271	8116166
C1	178	344272	8116164
C1	179	344273	8116163
C1	180	344274	8116161

Page 1 of 3

**Attachment: 2303-33622 SRA**  
**Derived Reference Points**  
**Datum: GDA2020, Projection: MGA Zone 55**

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**PLANS AND DOCUMENTS**  
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 AGENCY RESPONSE



**SARA ref:** 2303-33622 SRA .....

**Date:** 16 September 2024 .....

Part ID	Unique ID	Easting	Northing
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Page 2 of 3

**Attachment: 2303-33622 SRA**  
**Derived Reference Points**  
**Datum: GDA2020, Projection: MGA Zone 55**

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**PLANS AND DOCUMENTS**  
**referred to in the REFERRAL**  
**AGENCY RESPONSE**



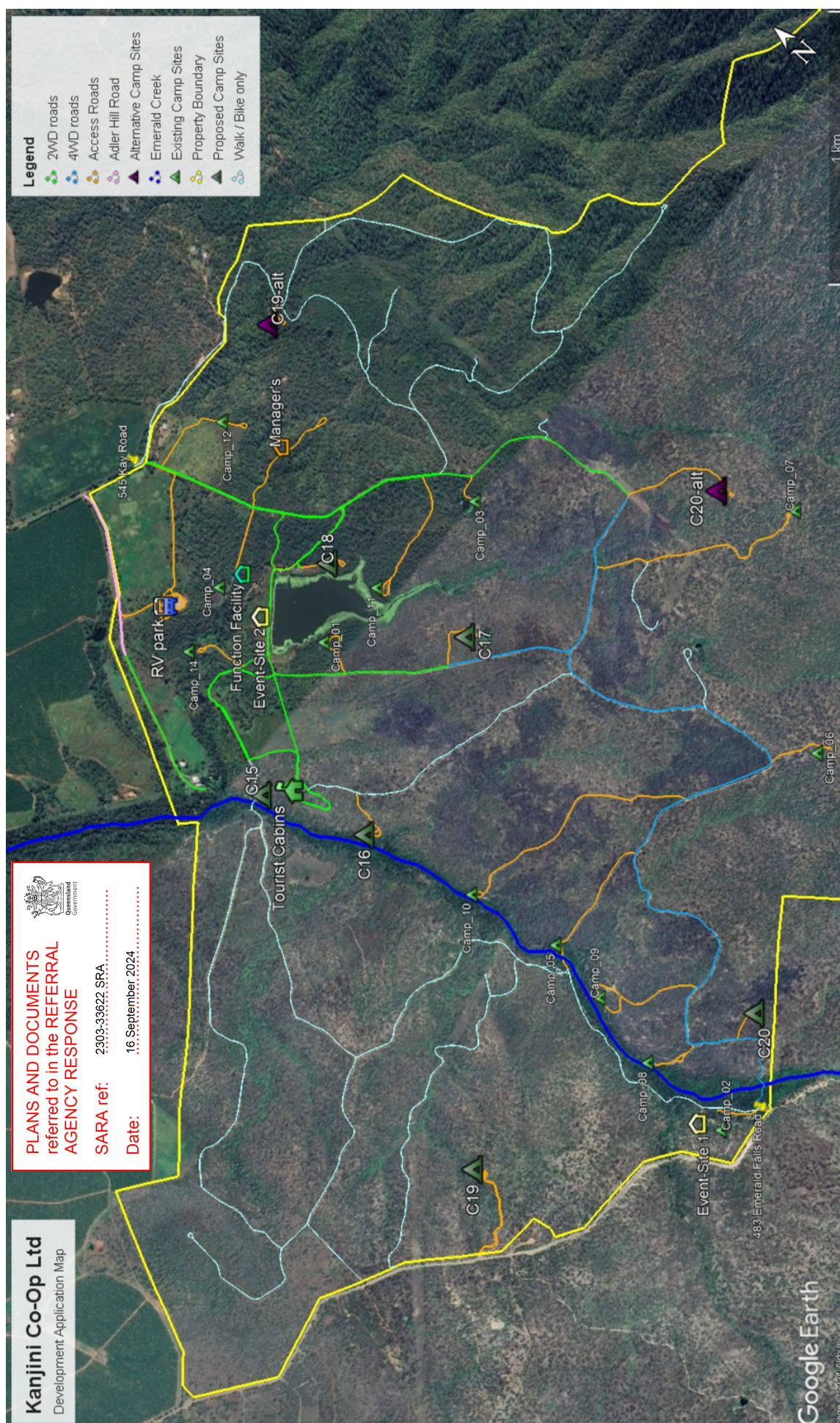
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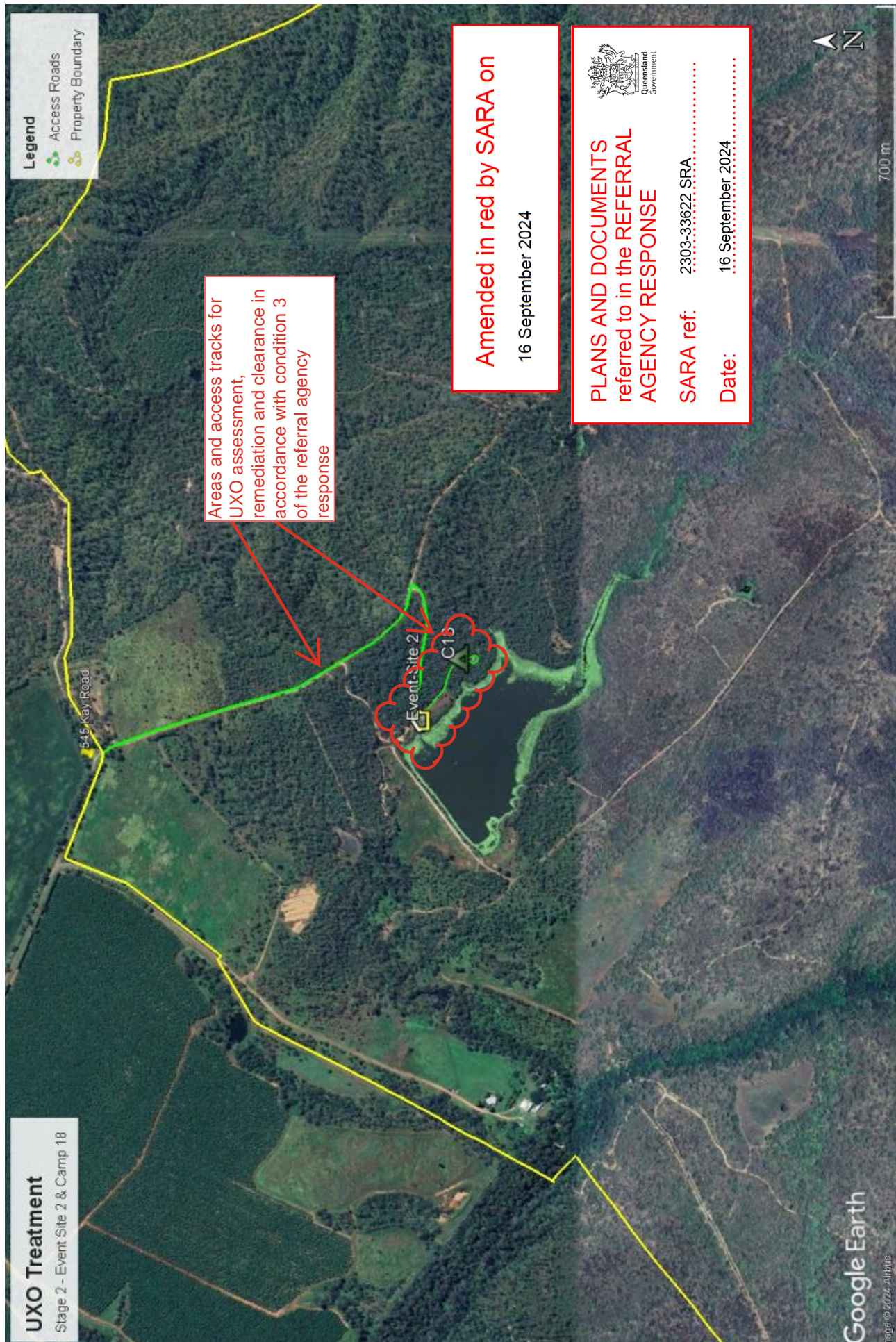
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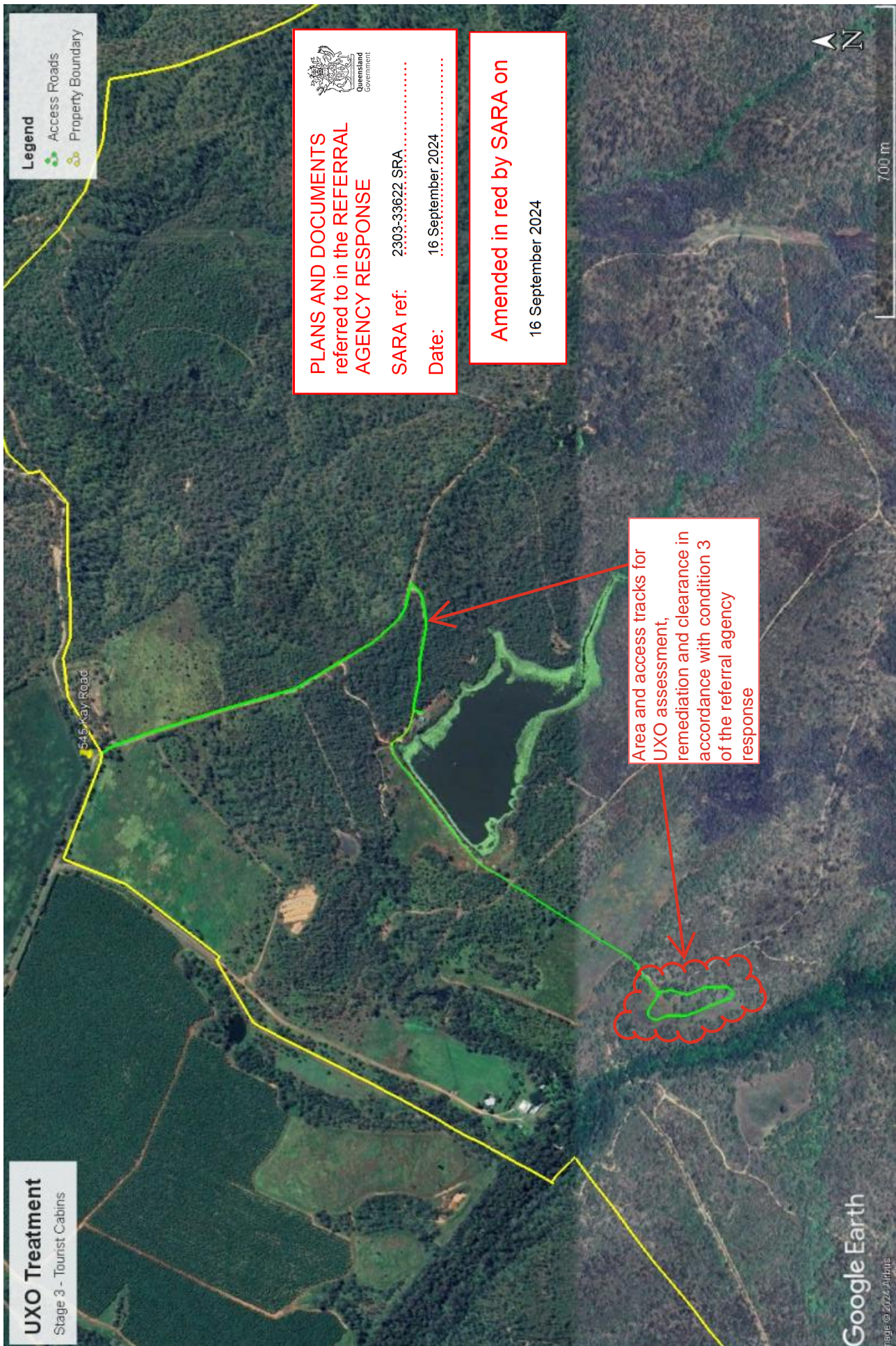
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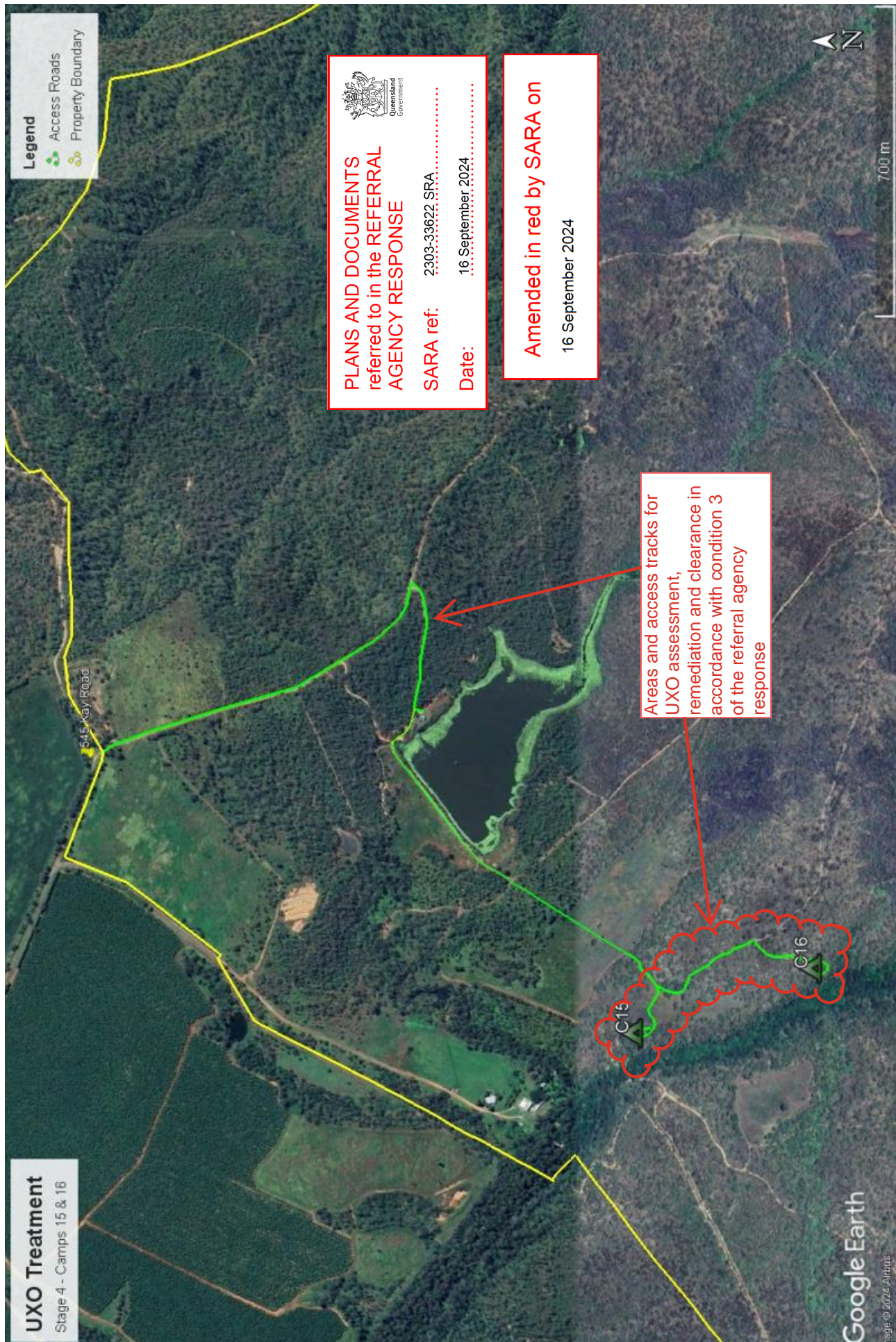
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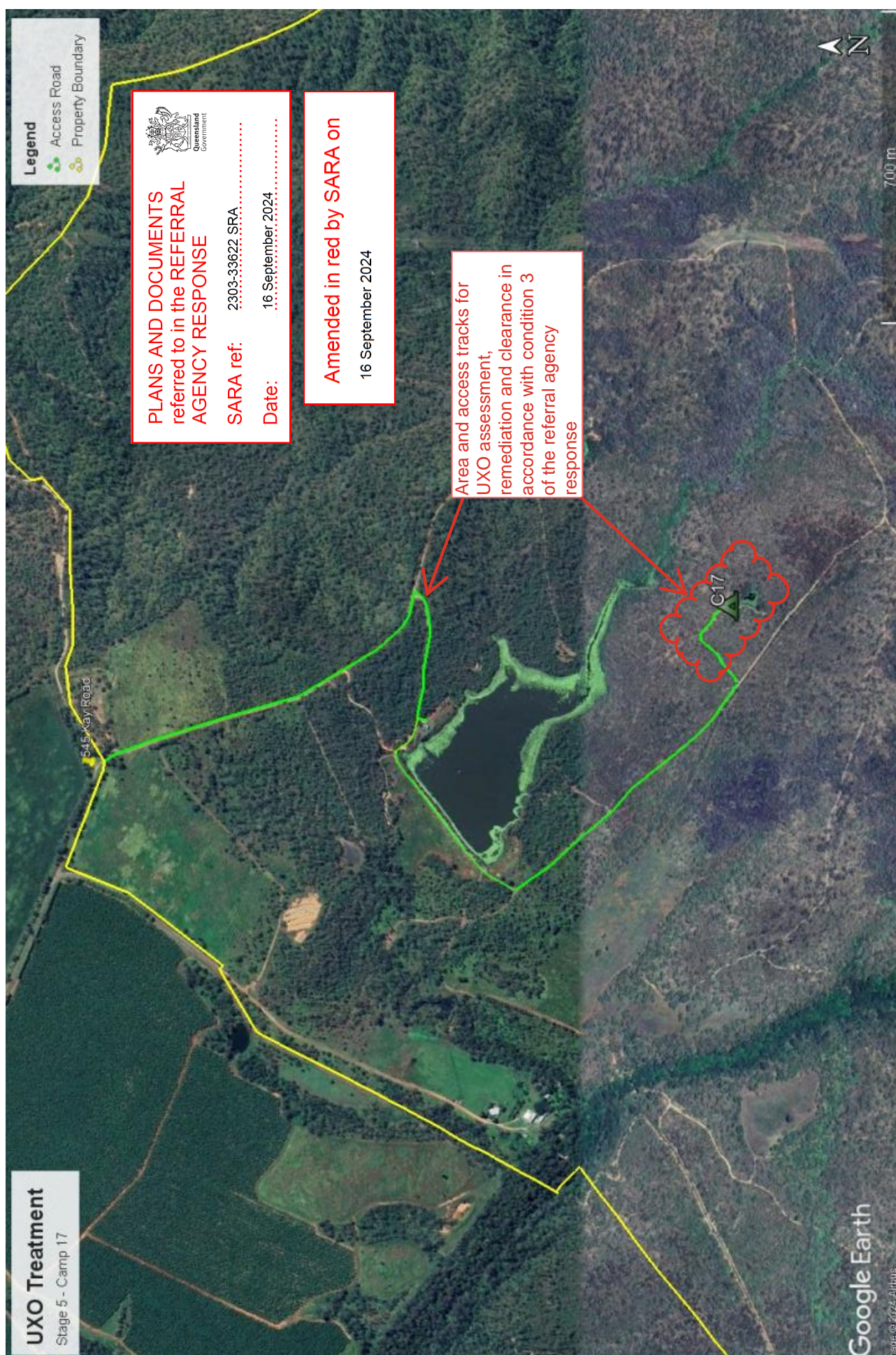
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A4	490	344218	8116307
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A5	492	344200	8116272
A5	493	344214	8116277
A5	494	344219	8116264
A5	495	344205	8116259
A5	496	344200	8116272
A6	497	344219	8116212
A6	498	344214	8116226
A6	499	344228	8116230
A6	500	344232	8116217
A6	501	344219	8116212
A7	502	344233	8116176
A7	503	344228	8116189
A7	504	344241	8116194
A7	505	344247	8116181
A7	506	344233	8116176
A8	507	344250	8116136
A8	508	344240	8116147
A8	509	344252	8116157
A8	510	344261	8116146
A8	511	344250	8116136
C2	512	344817	8117013
C2	513	344817	8117013
C2	514	344806	8117039
C2	515	344816	8117063
C2	516	344835	8117021
C2	517	344837	8117018
C2	518	344837	8117015
C2	519	344837	8117011
C2	520	344837	8117008
C2	521	344817	8117013
A9	522	344817	8117013
A9	523	344802	8117016
A9	524	344797	8117018
A9	525	344805	8117038
A9	526	344806	8117039
A9	527	344817	8117013
A9	528	344817	8117013

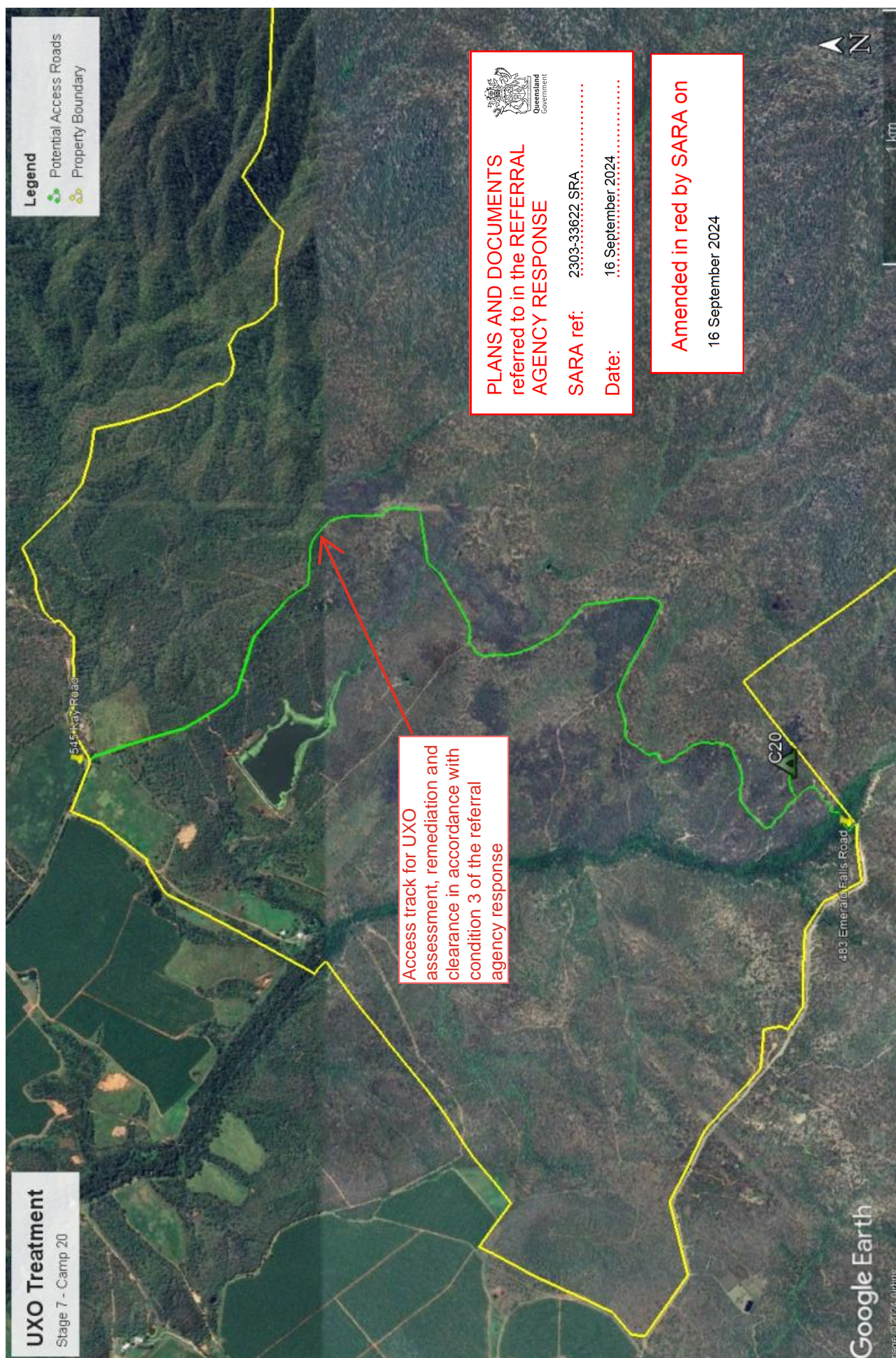


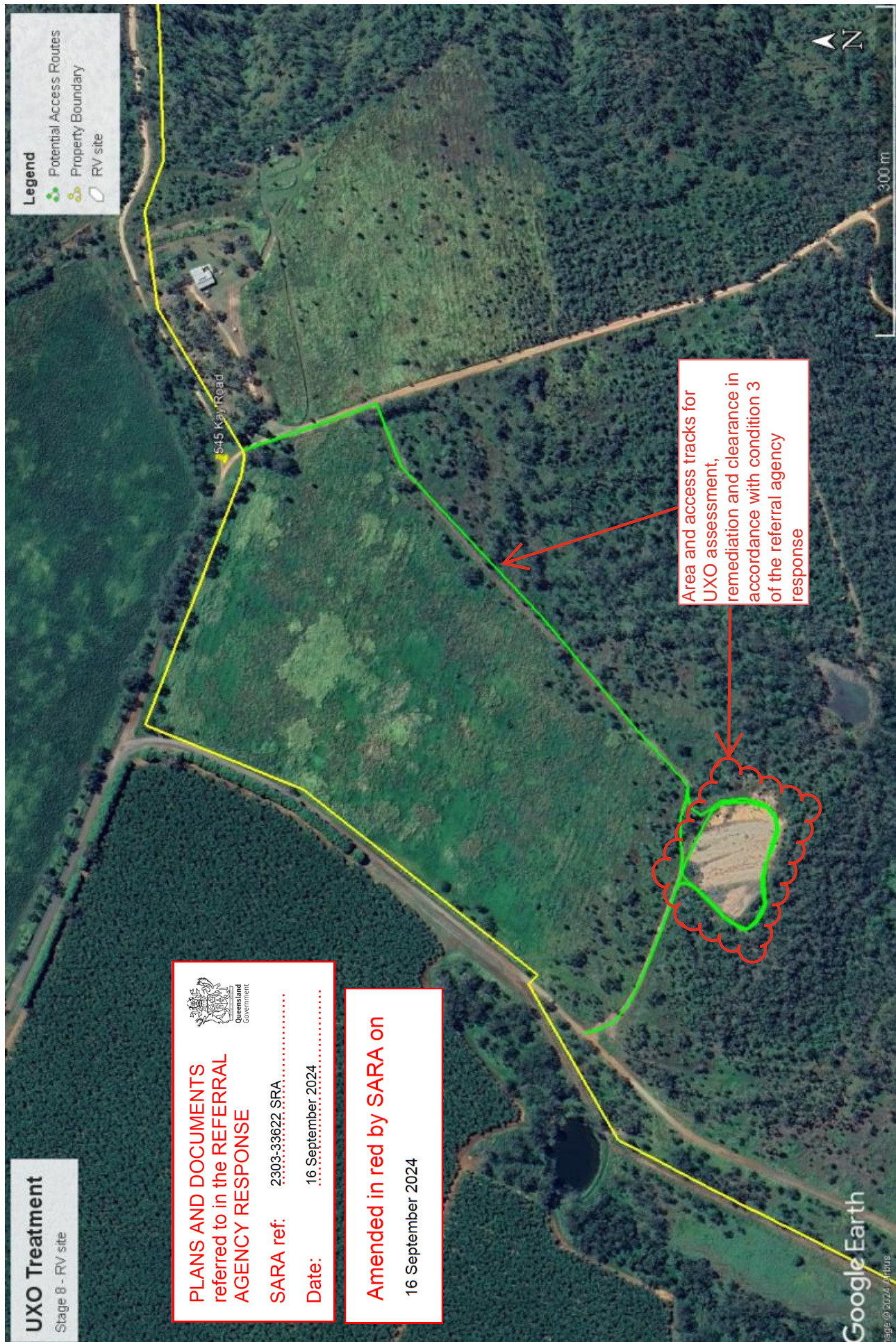


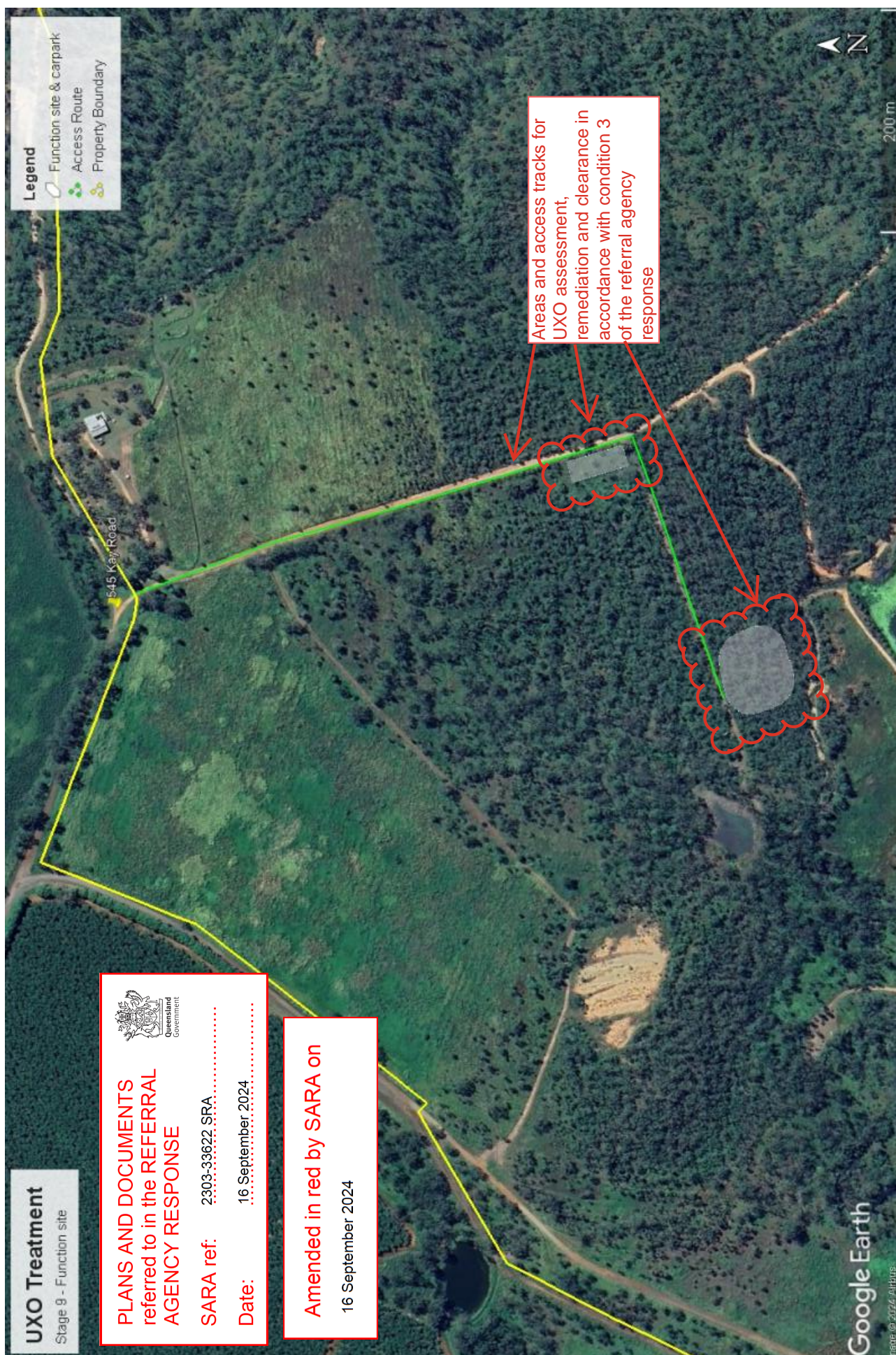


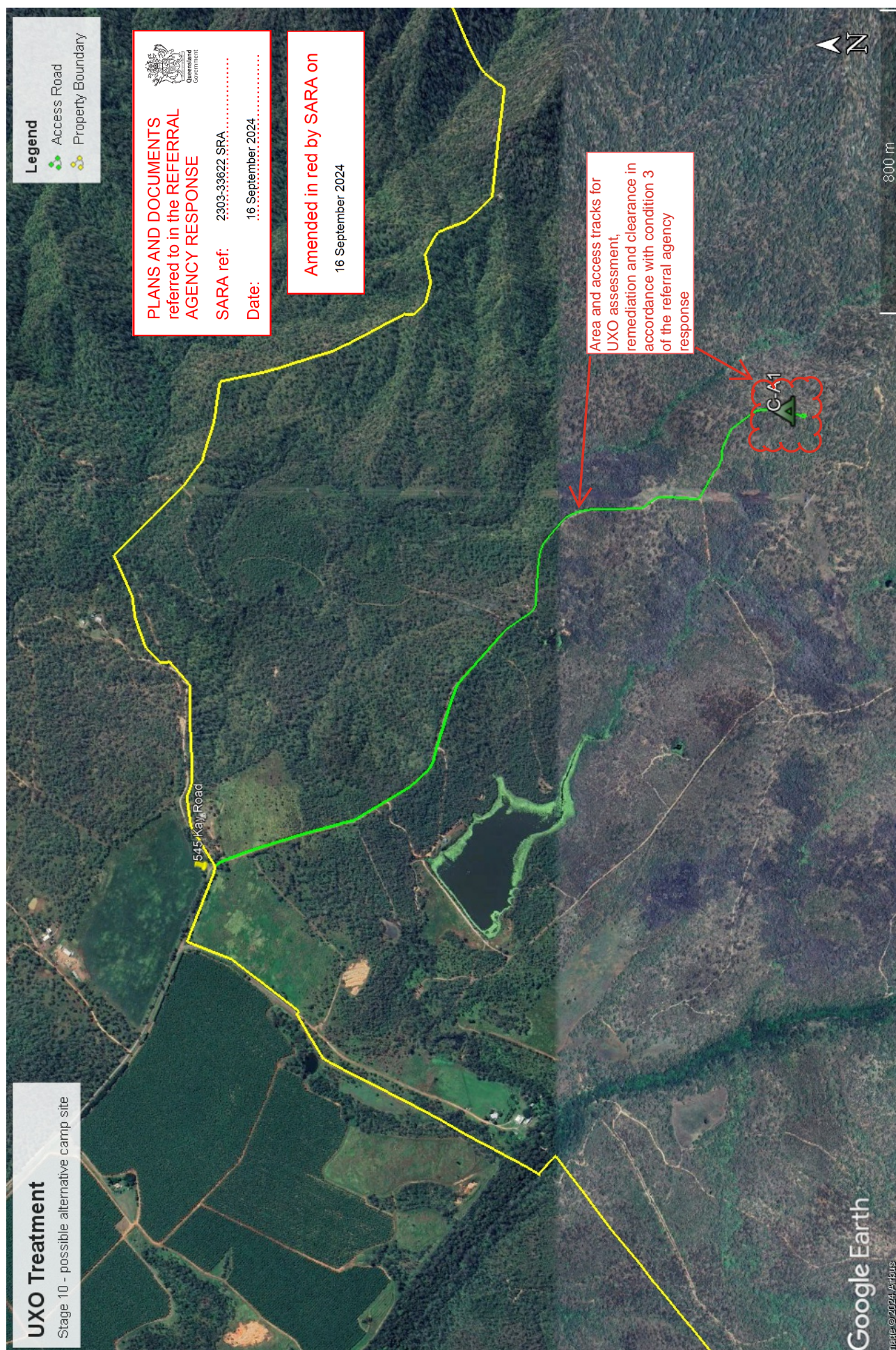


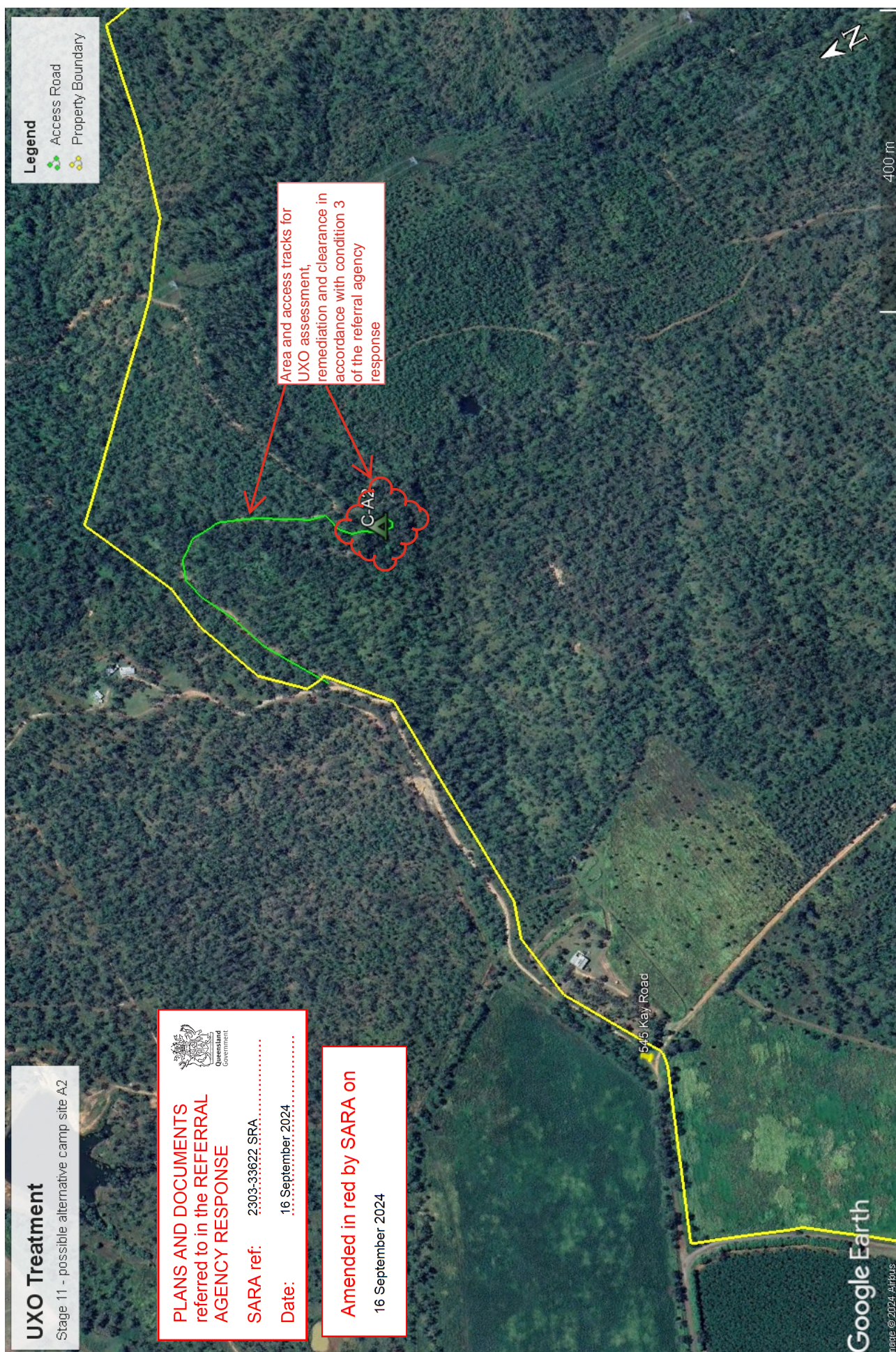












24 November 2023



**Our Ref:** DA5493  
(MSLink105458, 3418653 &  
3751471)

Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4880

Attention: Carl Ewin  
Email: CarlE@msc.qld.gov.au &  
info@msc.qld.gov.au  
Application: MCU/22/0002

Kanjini Co-Op Limited  
C/- Freshwater Planning Pty Ltd  
17 Barronview Drive  
FRESHWATER QLD 4870

Attention: Matthew Andrejic  
Email: FreshwaterPlanning@outlook.com

Dear Sir/Madam,

#### Referral Agency Response (Advice)

(Given under section 9.2 of the Development Assessment Rules)

Transmission Infrastructure Impacted	
<b>Transmission Corridor</b>	Springmount Tee Woree (275kV) Transmission Line Corridor
<b>Easement ID</b>	Easement A on RP906509 (Dealing No. 702021125) Easement B on RP906509 (Dealing No. 702021125) Easement C on RP906509 (Dealing No. 702021125)
Location Details	
<b>Street address</b>	545 Kay Road & 483 Emerald Falls Road Mareeba
<b>Real property description</b>	Lot 66 on RP896904, Lot 67 SP328197 and Lot 68 on SP282408
<b>Local government area</b>	Mareeba Shire Council
Application Details	
<b>Proposed development:</b>	Material Change of use – Outdoor Sport and Recreation, function facility and Tourist Park
<b>Approval sought</b>	Development permit

We refer to the above referenced development application which has been referred to Powerlink Queensland in accordance with Section 54 of the *Planning Act 2016*.

In accordance with its jurisdiction under Schedule 10 Part 9 Division 2 of the *Planning Regulation 2017*, Powerlink Queensland is a Referral Agency (Advice) for the above development application.

Specifically, the application has been triggered for assessment by Powerlink Queensland because:

1. For **material change of use** – all or part of the premises are subject to a transmission entity easement which is part of the transmission supply network (Table 2 1b)

33 Harold Street, Virginia  
PO Box 1193, Virginia, Queensland 4014, Australia  
Telephone: (07) 3860 2111 Facsimile: (07) 3860 2100  
[www.powerlink.com.au](http://www.powerlink.com.au)

Powerlink Queensland is the registered business name of the  
Queensland Electricity Transmission Corporation Limited  
ABN 82 078 849 233

1

**PLANS AND REPORTS ASSESSED**

The following plans and reports have been reviewed by Powerlink Queensland and form the basis of our assessment. Any variation to these plans and reports may require amendment of our advice.

**Table 1: Plans and Reports upon which the assessment is based**

Drawing / Report Title	Prepared by	Dated	Reference No.	Version / Issue
Kanjini Cooperative Development Application Map – as part of the town planning report	Kanjini Cooperative	2/3/2022		

Powerlink Queensland, acting as a Referral Agency (Advice) under the Planning Regulation 2017 provides its response to the application as attached (**Attachment 1**).

Please treat this response as a properly made submission for the purposes of Powerlink being an eligible advice agency in accordance with the *Planning Act 2016*.

For further information please contact our Property Services Team via email [property@powerlink.com.au](mailto:property@powerlink.com.au) who will be pleased to assist.

Yours sincerely



for: Narelle Titman  
**MANAGER PROPERTY**

# ATTACHMENT 1 – REFERRAL AGENCY (ADVICE) RESPONSE

Powerlink Queensland **supports** this application subject to the inclusion of the following conditions in the Assessment Manager's Decision Notice.

No.	Condition	Timing	Reason
1	The development must be carried out generally in accordance with the reviewed plans detailed in Table 1.	At all times.	To ensure that the development is carried out generally in accordance with the plans of development submitted with the application.
2	The statutory clearances set out in the <i>Electrical Safety Regulation 2013</i> must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved and electrical safety requirements are met.
3	Compliance with the terms and conditions of the easement dealing no. shown in the heading of this letter.	At all times.	To ensure that the existing rights contained in the registered easement dealings are maintained.
4	Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure as detailed in the enclosed Annexure "A".	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved and electrical safety requirements are met.  To ensure the integrity of the easement is maintained.

## Advice to Council and the Applicant

- Should any doubt exist in maintaining the prescribed clearance to electrical infrastructure the applicant is obliged under the *Electrical Safety Act 2002* to seek advice from Powerlink.
- This response **does not constitute an approval to commence operational works within the easement**. Prior written approval is required from Powerlink Queensland before any work is undertaken within the easement area. All works on easement (including but not limited to earthworks, drainage and detention basins; road construction; underground and overhead service installation) require detailed submissions, assessments and consent (or otherwise) by Powerlink. Further, Powerlink may require that such drawings be provided in electronic format (3D DXF or equivalent of final design RL's AHD and MGA GDA94 in applicable zone)
- In order for Powerlink to maintain and operate a safe and reliable supply of electricity, we require unrestricted 24-hour access to our corridors and infrastructure.

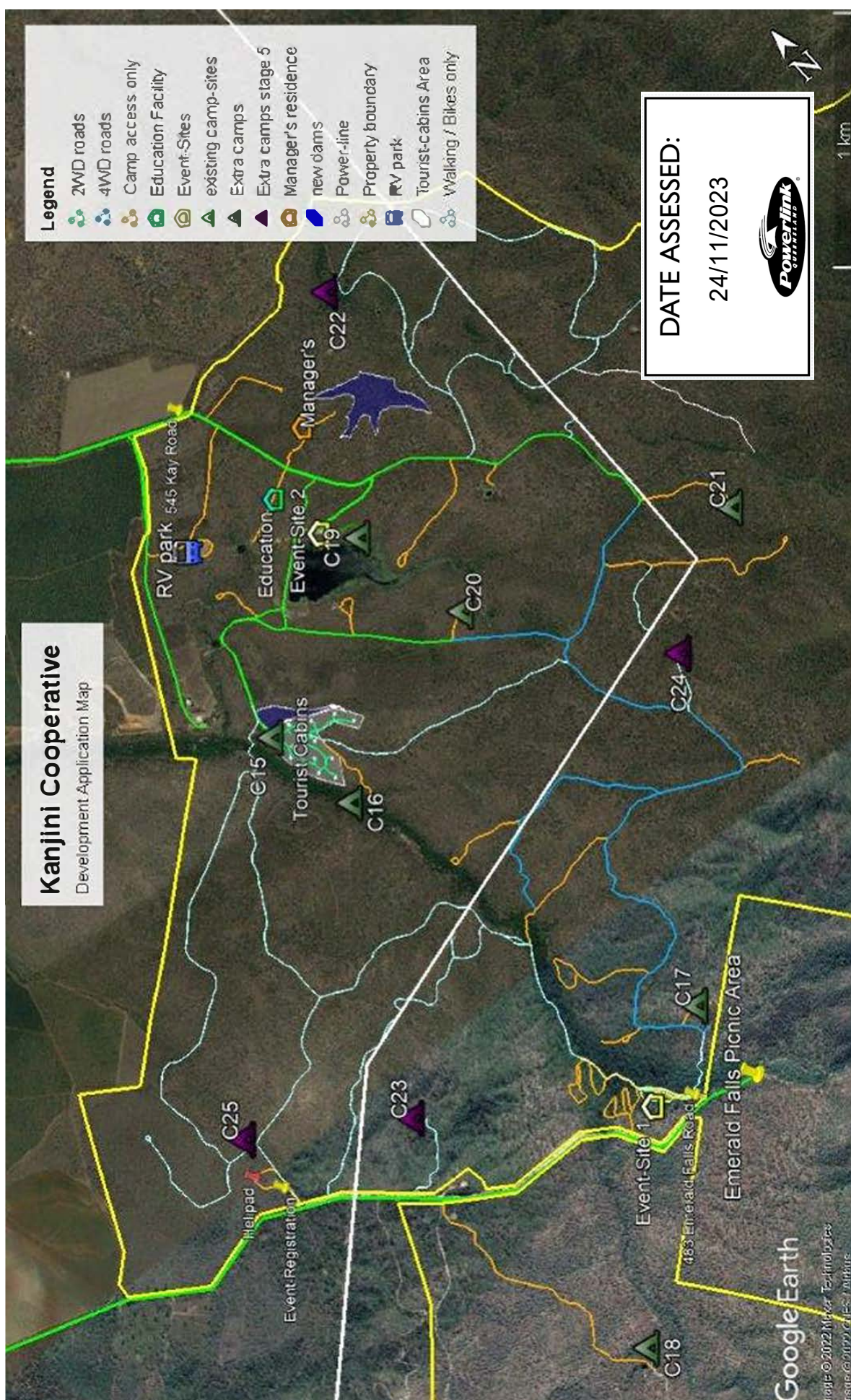
We will require practical access (typically by 4WD vehicle – but to standard no less than existing) to the Powerlink structures.

If it is envisaged that there will be any interference or alteration to our current access arrangements prior, during or after the completion of your works, we require that the applicant contacts our Easement Maintenance Service Provider (Ergon Energy – Peter Gorrie – ph 0417 199 931)

- Compliance with the Electrical Safety Act 2002 including any Code of Practice under the Act and the Electrical Safety Regulation 2013 including any safety exclusion zones defined in the Regulation.

In respect of this application, the exclusion zone for untrained persons and for operating plant operated by untrained persons is six (6) metres from the 275,000-volt wires and exposed electrical parts.

If works have the potential to come within the prescribed clearance to the conductors and electrical infrastructure, then the applicant must seek advice from Powerlink by completing the attached Application for Safety Advice – Form and submitting to [property@powerlink.com.au](mailto:property@powerlink.com.au)



**ANNEXURE A – GENERIC REQUIREMENTS**

The conditions contained in this Annexure have been compiled to assist persons (the applicant) intending to undertake work within the vicinity of high-voltage electrical installations and infrastructure owned or operated by Powerlink. The conditions are supplementary to the provisions of the Electrical Safety Act 2002, Electrical Safety Regulation 2013 and the Terms and Conditions of Registered Easements and other forms of Occupational Agreements hereinafter collectively referred to as the “Easement”. Where any inconsistency exists between this Annexure and the Easement, the Easement shall take precedence.

**1. POWERLINK INFRASTRUCTURE**

You may not do any act or thing which jeopardises the foundations, ground anchorages, supports, towers or poles, including (without limitation) inundate or place, excavate or remove any soil, sand or gravel within a distance of twenty (20) metres surrounding the base of any tower, pole, foundation, ground anchorage or support.

**2. STRUCTURES**

No structures should be placed within twenty (20) metres of any part of a tower or structure foundation or within 5m of the conductor shadow area. Any structures on the easement require prior written consent from Powerlink.

**3. EXCLUSION ZONES**

Exclusion zones for operating plant are defined in Schedule 2 of the Electrical Safety Regulation 2013 for Untrained Persons. All Powerlink infrastructure should be regarded as “electrically live” and therefore potentially dangerous at all times.

In particular your attention is drawn to Schedule 2 of the Electrical Safety Regulation 2013 which defines exclusion zones for untrained persons in charge of operating plant or equipment in the vicinity of electrical facilities. If any doubt exists in meeting the prescribed clearance distances from the conductors, the applicant is obliged under this Act to seek advice from Powerlink.

**4. ACCESS AND EGRESS**

Powerlink shall at all times retain the right to unobstructed access to and egress from its infrastructure. Typically, access shall be by 4WD vehicle.

**5. APPROVALS (ADDITIONAL)**

Powerlink's consent to the proposal does not relieve the applicant from obtaining statutory, landowner or shire/local authority approvals.

**6. MACHINERY**

All mechanical equipment proposed for use within the easement must not infringe the exclusion zones prescribed in Schedule 2 of the Electrical Safety Regulation 2013. All operators of machinery, plant or equipment within the easement must be made aware of the presence of live high-voltage overhead wires. It is recommended that all persons entering the Easement be advised of the presence of the conductors as part of on site workplace safety inductions. The use of warning signs is also recommended.

**ANNEXURE A – GENERIC REQUIREMENTS****7. EASEMENTS**

All terms and conditions of the easement are to be observed. Note that the easement takes precedence over all subsequent registered easement documents. Copies of the easement together with the plan of the Easement can be purchased from the Department of Environment & Resource Management.

**8. EXPENDITURE AND COST RECOVERY**

Should Powerlink incur costs as a result of the applicant's proposal, all costs shall be recovered from the applicant.

Where Powerlink expects such costs to be in excess of \$10 000.00, advanced payments may be requested.

**9. EXPLOSIVES**

Blasting within the vicinity (500 metres) of Powerlink infrastructure must comply with AS 2187. Proposed blasting within 100 metres of Powerlink infrastructure must be referred to Powerlink for a detailed assessment.

**10. BURNING OFF OR THE LIGHTING OF FIRES**

We strongly recommend that fires not be lit or permitted to burn within the transmission line corridor and in the vicinity of any electrical infrastructure placed on the land. Due to safety risks Powerlink's written approval should be sought.

**11. GROUND LEVEL VARIATIONS****Overhead Conductors**

Changes in ground level must not reduce statutory ground to conductor clearance distances as prescribed by the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

**Underground Cables**

Any change to the ground level above installed underground cable is not permitted without express written agreement of Powerlink.

**12. VEGETATION**

Vegetation planted within an easement must not exceed 3.5 metres in height when fully matured. Powerlink reserves the right to remove vegetation to ensure the safe operation of the transmission line and, where necessary, to maintain access to infrastructure.

**13. INDEMNITY**

Any use of the Easement by the applicant in a way which is not permitted under the easement and which is not strictly in accordance with Powerlink's prior written approval is an unauthorised use. Powerlink is not liable for personal injury or death or for property loss or damage resulting from unauthorized use. If other parties make damage claims against Powerlink as a result of unauthorized use then Powerlink reserves the right to recover those damages from the applicant.

**ANNEXURE A – GENERIC REQUIREMENTS****14. INTERFERENCE**

The applicant's attention is drawn to s.230 of the Electricity Act 1994 (the "Act"), which provides that a person must not wilfully, and unlawfully interfere with an electricity entity's works. "Works" are defined in s.12 (1) of the Act. The maximum penalty for breach of s.230 of the Act is a fine equal to 40 penalty units or up to 6 months imprisonment.

**15. REMEDIAL ACTION**

Should remedial action be necessary by Powerlink as a result of the proposal, the applicant will be liable for all costs incurred.

**16. OWNERS USE OF LAND**

The owner may use the easement land for any lawful purpose consistent with the terms of the registered easement; the conditions contained herein, the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

**17. ELECTRIC AND MAGNETIC FIELDS**

Electric and Magnetic Fields (EMF) occur everywhere electricity is used (e.g. in homes and offices) as well as where electricity is transported (electricity networks).

Powerlink recognises that there is community interest about Electric and Magnetic Fields. We rely on expert advice on this matter from recognised health authorities in Australia and around the world. In Australia, the Federal Government agency charged with responsibility for regulation of EMFs is the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA's *Fact Sheet – Magnetic and Electric Fields from Power Lines*, concludes:

*"On balance, the scientific evidence does not indicate that exposure to 50Hz EMF's found around the home, the office or near powerlines is a hazard to human health."*

Whilst there is no scientifically proven causal link between EMF and human health, Powerlink nevertheless follows an approach of "*prudent avoidance*" in the design and siting of new powerlines. This includes seeking to locate new powerline easements away from houses, schools and other buildings, where it is practical to do so and the added cost is modest.

The level of EMF decreases rapidly with distance from the source. EMF readings at the edge of a typical Powerlink easement are generally similar to those encountered by people in their daily activities at home or at work. And in the case of most Powerlink lines, at about 100 metres from the line, the EMF level is so small that it cannot be measured.

Powerlink is a member of the ENA's EMF Committee that monitors and compiles up-to-date information about EMF on behalf of all electricity network businesses in Australia. This includes subscribing to an international monitoring service that keeps the industry informed about any new developments regarding EMF such as new research studies, literature and research reviews, publications, and conferences.

We encourage community members with an interest in EMF to visit ARPANSA's website: [www.arpansa.gov.au](http://www.arpansa.gov.au) Information on EMF is also available on the ENA's website: [www.ena.asn.au](http://www.ena.asn.au)



ASM-FRM-A3074085

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Powerlink – Application for Safety Advice - Form

## Application for Safety Advice – Form

**Important:** The *Electrical Safety Regulation 2013* and Powerlink Queensland's *Electrical Safety Rules* require a person intending to undertake an activity that has the potential to come within the *Untrained Exclusion Zone* for live electrical equipment to consult with and seek electrical safety advice from the *Electricity Entity* for the equipment.

**Important:** This Application for Safety Advice is limited to the **time, scope, equipment, procedure** and **location** advised by the Applicant and will become invalid if there any changes to these details.

**Part A - To be completed by Applicant** (at least **28 days** before commencement of work)

A.1 – Applicant Details	
Name:	
Email Address:	
Contact Number:	
Application Date:	
A.2 – Site Supervisor Details	
Name:	
Email Address:	
Contact Number:	
A.3 – Company Details	
Name:	
Address:	
A.4 – Work Details	
Project Name: (if applicable)	
Project Number: (if applicable)	
Work Location:	
Start Date:	
End Date:	

Current version: 24/01/2023	INTERNAL USE	Page 1 of 7
Next revision due: 24/01/2026	HARDCOPY IS UNCONTROLLED	© Powerlink Queensland



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**Powerlink – Application for Safety Advice - Form**

**Part A - To be completed by Applicant** (continued)

**A.5 – Work Summary** (including activities to be undertaken, type of plant, etc.)

--

**A.6 – Site Drawing Reference**

Drawing No.	Drawing Title / Description

**A.7 – Controls** (nominated by Applicant / Site Supervisor)

Control No.	Details of Controls
1	
2	
3	
4	
5	

Current version: 24/01/2023

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Page 2 of 7

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Powerlink – Application for Safety Advice - Form

**Part A - To be completed by Applicant (continued)****A.8 – Electrical Clearances**

Are works within the 6m of any live electrical parts, equipment or conductors?

☐ Yes☐ No – Proceed to Section A.10**A.9 – Nominated Safety Observers***Note: If answered 'No' in Section A.8, leave this section blank and proceed to Section A.10*

Name	Company	Expiry Date
Evidence of Safety Observer Training Provided:		<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Note: A suitably qualified Safety Observer is required for any work within the untrained exclusion zone. Evidence must be provided to ensure all nominated Safety Observers have completed the minimum training requirements to perform this role.</i>		

**A.10 – Applicant Acknowledgement**By signing this application, the Applicant acknowledges that they will not allow the commencement of work for which safety advice is being sought until the following requirements have been met:

- Safety advice is given by a Powerlink Queensland Regional Contact Representative (RCR)
- Safety advice has been formally accepted by the nominated site supervisor
- A risk assessment has been completed by the Applicant / Site Supervisor to identify likelihood and consequences of breaching the *untrained exclusion zone*
- Adequate controls have been implemented to mitigate the risk of breaching the *untrained exclusion zone* as low as reasonably practicable.

Applicant Signature:		Date:	
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Page 3 of 7

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Powerlink – Application for Safety Advice - Form

**Part B - To be completed by Powerlink Queensland Regional Contact Representative**
**B.1 – Details of Nearest Live Parts**

Substation / Structure / Span:	
Feeder(s):	
Substation Plant:	
Nominal Voltage: (Phase-to-phase)	Select all that apply: <input type="checkbox"/> > 1,000V and ≤ 33 kV <input type="checkbox"/> 132 kV <input type="checkbox"/> 66 kV <input type="checkbox"/> 275 kV <input type="checkbox"/> 110 kV <input type="checkbox"/> 330 kV
Type of Live Part:	Select all that apply: <input type="checkbox"/> Bare Conductor <input type="checkbox"/> Insulated Conductor (i.e. Underground Cable) <input type="checkbox"/> Earth Conductor <input type="checkbox"/> Other (Specify below)
Any other live parts other than Powerlink's?	<input type="checkbox"/> Yes – Inform applicant to seek advice from asset owner <input type="checkbox"/> No
Other Details:	

**B.2 – Applicable Exclusion Zones**

Works are within the <i>untrained exclusion zones</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No – Proceed to Section B.4
---	--

**B.3 – Applicant's Nominated Safety Observers Training Confirmed**

<input type="checkbox"/> Yes – Attach evidence and record in Objective <input type="checkbox"/> No – Request evidence from Applicant
--

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Page 4 of 7

Next revision due: 24/01/2026

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**Powerlink – Application for Safety Advice - Form**

**Part B - To be completed by Powerlink Queensland Regional Contact Representative**

**B.4 – Approach Distances & Exclusion Zones**

Nominal Voltage (Phase-to-phase)	People (mm)	Operating Plant with Safety Observer (mm)	Operating Vehicle with Safety Observer (mm)	Operating Plant without Safety Observer (mm)	Operating Vehicle without Safety Observer (mm)

**B.5 – Safety Advice**

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Page 5 of 7

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Powerlink – Application for Safety Advice - Form

**Part B - To be completed by Powerlink Queensland Regional Contact Representative**
**B.6 – Other Control Measures**

Establishment of permanent disconnection point for duration of works	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Auto-reclose disabled for duration of works (i.e. proximity permit)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Additional Comments:		

**B.7 – Regional Contact Representative**

Name:			
Email Address:			
Contact Number:			
Signature:		Date:	

Current version: 24/01/2023	INTERNAL USE	Page 6 of 7
Next revision due: 24/01/2026	HARDCOPY IS UNCONTROLLED	© Powerlink Queensland



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Powerlink – Application for Safety Advice - Form

### Part C - To be completed by Site Supervisor

#### C.1 – Understanding of Electrical Safety Principles

I have read and understood the:

- **Electrical Safety Code of Practice 2020**
- **Electrical Safety Regulation 2013**

☐ Yes☐ No

**Note:** If answered 'Yes' to Section B.2, the following must be completed. Otherwise, proceed to Section C.2.

I have read and understood:

- **Powerlink Queensland's Electrical Safety Rules**

☐ Yes☐ No

#### C.2 – Receiver of Safety Advice Declaration

To the best of my knowledge, I confirm that all details provided within this document are true and correct.

I understand and agree to comply with the electrical safety advice provided by Powerlink Queensland's Regional Contact Representative(s).

I agree to comply with any additional requirements as outlined in the Electrical Safety Act 2002, Electrical Safety Regulation 2013 and Powerlink Queensland's Electrical Safety Rules.

The aforementioned safety advice and any other electrical safety requirements will be included in a site safety management plan and site induction procedures. These requirements will be clearly communicated to all personnel involved in the work activities outlined in this document.

I understand that work shall cease and this safety advice will become void under the following circumstances:

- Change to the scope, timing, location or equipment used for the work activities
- Failure to implement adequate control measures in accordance with the electrical safety advice
- As directed by a Powerlink Queensland Regional Contact Representative

I understand that the electrical safety advice provided by Powerlink Queensland's Regional Contact Representative related only to electrical safety requirements. I acknowledge that it is my responsibility to identify and manage any other health and safety risks associated with the work activities.

#### C.3 – Site Supervisor

Name:

Signature:

Date:

Current version: 24/01/2023

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Page 7 of 7

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Department of  
**Environment and Science**

Council Ref: MCU/22/0002

16 December 2023

Mr Peter Franks  
Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4870

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

Dear Mr Franks

The Queensland Parks and Wildlife Service & Partnerships (QPWS&P) is writing in response to a letter received on 15 November 2023 from Mr Matt Andrejic from Kanjini Co-op Ltd regarding the application for a Material Change of Use – Outdoor Sport and Recreation, Function Facility and Tourist Park over Lot 66 on RP896904, Lot 67 on SP328197 and Lot 68 on SP282408; as QPWS&P is an adjacent landowner.

The proposed development includes a new Camp Site (No.17) to be located close to the boundary of Dinden West Forest Reserve (Emerald Creek) Lot 1 on AP19244. QPWS&P are the owners of this parcel. The proposed camp site will be on the eastern side of the only firebreak between Emerald Creek and Davies Creek road.

Given the fire history and potential for wildfire in this locale, consideration should be given to fire management of all Kanjini Co-op Ltd assets; whereby Kanjini Co-op Ltd should include QPWS&P (as the adjacent landowner) in those considerations for fire management proposals on their estate.

Thank you for allowing QPWS&P to provide third party advice to the proposed development, as suggested by Dee Petersen (Council Planning Technical Support Officer) on 11 December 2023.

Should you require any further information, you may contact Mr Jack Coppinger, Senior Ranger Estate Management, of the Queensland Parks and Wildlife Service & Partnerships on telephone 0407 577 176 or by email at [jack.coppinger@des.qld.gov.au](mailto:jack.coppinger@des.qld.gov.au).

William McCormack Place II  
5b Sheridan Street, Cairns  
PO Box 2066  
CAIRNS QLD 4870  
**Telephone 07 4222 5310**  
**Website [www.des.qld.gov.au](http://www.des.qld.gov.au)**  
ABN 46 640 294 485

Yours sincerely



Dr Matthew Brien  
**A/Regional Director – Northern  
Queensland Parks and Wildlife Service & Partnerships  
Department of Environment and Science**

Encl: Attachment 1 – Letter to DES (dated 15 Nov 2023)

**From:** "Frank Burton" <frkburton@gmail.com>  
**Sent:** Wed, 22 Nov 2023 16:57:29 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Re: Submission MCU220002  
**Categories:** Added to ECM

Dear Sir,

I wholly support the above submission. Kanjini has always had a policy of sustainability and working with the traditional landowners. This development would be an asset for the Mareeba Shire as a whole, attracting many more visitors to the area.

with kind regards,  
Frank

--  
Frank Burton  
mob: +61 428 224 554 (Australia)  
PO Box 230  
Kuranda 4881

**From:** "Mareeba Mountain Goats" <mareebamountaingoats@gmail.com>  
**Sent:** Sun, 26 Nov 2023 13:53:43 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Cc:** "Mba Mountain Goats" <mareebamountaingoats@gmail.com>; "Kirsty Soda" <steven.soda74@gmail.com>; "Kim Manning" <kimpmanning67@gmail.com>; "info@kanjini.org" <info@kanjini.org>; "Rudi De Faveri" <rudiandmegan@gmail.com>  
**Subject:** Submission Re: MCU/22/0002  
**Categories:** Chantel;Added to ECM

Dear MSC,

Thank you for allowing the opportunity to provide feedback on the above application.

We have been very fortunate over the years to have developed a strong and collaborative relationship with the management team at Kanjini who has continually supported our clubs Mission Statement and Values. Ultimately this relationship has supported access to the excellent resource and habitat and also allowed us to provide unique opportunities for our club and its associated membership base.

Therefore on behalf of the Mareeba Mountain Goats Inc executive team, I fully support this application.

Kind regards, Rudi De Faveri  
Mareeba Mountain Goats Inc  
Treasurer

**From:** "walter bonvecchio" <bonwal2000@yahoo.it>  
**Sent:** Mon, 27 Nov 2023 17:13:53 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Submission Re: MCU/22/0002  
**Categories:** Added to ECM;Chantel

To whom it may concern.

With the present I would like to strongly support this proposed development. I visited the site in several occasions and it would be a wonderful idea to enhance the facilities for visitors. As far as I know it's the only property in Australia where the positive effect of traditional Aboriginal burning can be observed by campers and it would be fantastic, and very important, to keep this tradition at disposition of the public at large. Last but not least the amazing opportunities enjoyed by birdwatchers and nature lovers.

Kind regards.

Walter Bonvecchio  
Via Isarco 16  
38121 Trento  
Italy.

[Sent from Yahoo Mail on Android](#)

**From:** "Dennis Hunter" <culture@djabugay.org.au>  
**Sent:** Tue, 28 Nov 2023 09:34:03 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Submission- Re: MCU/22/0002  
**Attachments:** 20231128085637121.pdf  
**Categories:** Chantel;Added to ECM

-----  
Cultural Development Officer  
Dennis Hunter  
E: [culture@djabugay.org.au](mailto:culture@djabugay.org.au)  
M: 0497224882  
W: 07 40 938116  
A: 1496 Kennedy Hwy, Kuranda  
QLD 4881

Document Set ID: 4296344  
Version: 1, Version Date: 28/11/2023



**Djabugay Tribal Aboriginal Corporation**  
**(ICN 1536) - DTAC**  
1496 Kennedy Highway  
PO Box 495  
Kuranda, 4881, Qld  
(07) 4093-8116  
[Culture@djabugay.org.au](mailto:Culture@djabugay.org.au)  
[djabugay.org.au](http://djabugay.org.au)

28/11/2023.

Submission Re: MCU/22/0002.

To whom it may concern,

On behalf of 'Djabugay Aboriginal Corporation' and the Djabugay Nation speaking people.

I'm in full support to see the redevelopment and the visions of Kanjini putting in new sites and facilities for the expansion of visitors coming to see the beautiful area. Kanjini has always consulted with the TO'S and has a really good relationship with the traditional owners due to all respectful events on shared country with the Bulway and Djabugay peoples. We have supported Kanjini co-op Ltd for a number of years throughout their on ground festivals and would love to see the support of "All" networks coming together to be apart of this journey to make this happen. To have the proposed event function and accomodation facilities on well-managed country will be valuable assets for our shire.

Kind Regards

A handwritten signature in black ink, appearing to read "Dennis D. Hunter".

(Cultural Development Officer)  
Dennis Hunter.  
M: 0497224882  
E: [culture@djabugay.org.au](mailto:culture@djabugay.org.au)

Djumburru Nyiwul

**From:** "Melinda Nature" <tinytropicalhome@gmail.com>  
**Sent:** Wed, 29 Nov 2023 09:13:35 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Cc:** "Melinda Nature" <tinytropicalhome@gmail.com>  
**Subject:** Submission Re: MCU/22/0002  
**Categories:** Chantel;Added to ECM

Hello,

I am writing to make it known that I enthusiastically support the development application:  
MCU/22/0002

I live in the shire (Koah) and have spent over 25 years in event and festival production in Europe, America and Australia. An extensive part of event producing is building spaces for large gatherings of people for extended periods of time. I know what it takes to run a safe functional space for masses of people. And because of this work, I have experience and connections to the building industry as well.

For over 10 years I have observed the Kanjini team create quality connections with council whilst developing sound considered pathways to cultural, economic and tourism development for their co-op but also for the region. From cultural burns featured on ABC TV, national events and festivals, local tour operators support, camping, land management...the list is long and is very noteworthy. They have supported wild life care not for profits, they are very generous to locals offering affordable if not, free hire and use of the land if needed. They offer great incentives for locals to participate and benefit from the property. And from a wild life perspective care take some of the last lands for endangered species of Australia.

Their care and attention to the land is impressive. I have seen quarter acre blocks in the shire that are struggling with upkeep, but these guys have 2.5k acres in a constant state of beauty, safety and functionality.

A development like this in the region will offer:

- work opportunities to many locals
- economic development instant as well as on-going servicing
- unique accommodation options for visitors
- a wow factor not available at this point in time in our region
- Festival and event space that works with the natural environment rather than extracts from it.

This could be Mareeba shires equivalent to "cape trib" or the "wangetti trail". Infact it could and will accomodate those that come to walk the wangetti trail.

I whole heartedly trust that council can see the almost endless potential and benefits that will spring forth by approving this development.

Regards

Melinda Norris  
0400 798 425

Connect with us <https://www.facebook.com/tropicaltiny/>

I pay respect to Elders past, present and emerging, for they hold the memories, traditions and culture of this land.

This e-mail and any attachments to it are confidential and may contain private and legally privileged information. Unless expressly authorised by the sender, you must not use, disseminate, copy or distribute the information in this e-mail. If you are not the intended recipient and/or have received this communication in error, please delete all copies of the e-mail immediately.

**From:** "Create More" <createmorefuntimes@gmail.com>  
**Sent:** Wed, 29 Nov 2023 09:46:29 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Support Letter for Submission: MCU/22/0002  
**Categories:** Chantel;Added to ECM

Hello,

I am writing to make it known that I enthusiastically support the development application:  
MCU/22/0002

I live in the FNQ region from Mission to Millstream with a good stop in Cairns on the way through. I have also spent over 10 years in event and festival production in the region and around Australia and even as far as Mexico. An extensive part of event production is finding and protecting event venues and Mareeba Shire is in need of these facilities - especially in a secluded and private natural environment.

Please approve this development application.

Regards  
Rebecca Scott  
[www.createmore.com.au](http://www.createmore.com.au)

**From:** "michaelalba88@gmail.com" <michaelalba88@gmail.com>  
**Sent:** Wed, 29 Nov 2023 11:53:25 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Submission Re: MCU/22/0002  
**Categories:** Chantel;Added to ECM

Mareeba Shire Council,  
To whom it may concern,  
I am writing to support a Kanjini Development Application.  
I have attended many small festivals and workshops at Kanjini and I really appreciate that Kanjini shares this amazing property for these events. The campsites, festivals and workshops bring tourists and visitors to the shire who would not normally visit the North.  
Community groups are offered reduced prices for events as was the case when our group held a Healing Weekend there recently.  
The yearly burning that is carried out with indigenous organizations is inspiring and is the perfect setting for the fire management workshops that are also held there.  
I consider this property ideal for larger festivals and tourist cabin accomodation because of its natural environment, it's large size and distant proximity to neighbours properties. I ask the Mareeba Shire Council to support this development application by imposing minimal conditions.  
Yours faithfully,

Lynette Alba.  
8 Elsie Close, Mareeba. Ph 0429175328.

Sent from my iPad

**From:** "scotnpat@bigpond.com" <scotnpat@bigpond.com>  
**Sent:** Sat, 2 Dec 2023 12:38:17 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** development application: MCU/22/0002  
**Categories:** Added to ECM

Hi.

We are writing to make it known that we enthusiastically support the development application: MCU/22/0002

We live in the shire ( Mareeba) and have have spent many of those years participating and running events held at Kanjini ( Emerald Creek Escape Camping), Svargo and the team at Kanjini are very passionate about looking after country with cultural burns ( featured on ABC TV) working closely with Captain Cook University documenting endangered species the likes of the RARE Northern Betong and even RARER Northern Masked Owl.

Kanjini also working closely with council to create economic and tourism development for their co-op but also for the region. With camping, cultural events, festivals, continuous land management and wild life preservation (wallaby sanctuary)

Their passion for custodianship of the land is impressive.They strive for constant state of beauty, safety and functionality. Which isn't a easy task for a property of this size, so having a policy of what you bring in, goes out with you as to further keep the property in a constant state of beauty.

A development like this in the region will offer:

- work opportunities to many locals
- economic development
- unique accomodation options for visitors
- Festival and event space that works with the natural environment

This could be Mareeba shires equivalent to Daintree,s Cape Tribulation and the “Wangetti Trail”.

Kanjini has the capacity and already established camping grounds to accomodate those that come to walk the Wangetti Trail.

The potentials of this property are enormous!

We trust that council can see the endless potential and benefits that will spring forth by approving this development.

Regards  
Scott & Patti Hill

Document Set ID: 4298003  
Version: 1, Version Date: 04/12/2023

**From:** "Owen Allen" <owen@phoenixfunctions.com.au>  
**Sent:** Mon, 4 Dec 2023 17:52:46 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Submission Re: MCU/22/0002  
**Categories:** Added to ECM

Dear Mareeba Regional Council,

I am writing in support of the development application: MCU/22/0002 for the property known as 'Kanjini'

I have been a visitor to Kanjini on several occasions over the past 6 years.

I was in attendance at the Indigenous land management and burning field day for the ABC documentary, Big Weather, and saw first hand the commitment and outcome of land management by the owners of Kanjini.

Kanjini is a vast and beautiful tract of land that will benefited in its management by having an income commensurable to that management. I agree with the Kanjini application that a significant festivals and other events, and environment experience tourist accommodation, service will support the environmental vision of Kanjini both through income and the product content of events an accommodation. There are a number of spin-offs that i see likely from the development, most especially that participants to events and tourists availing accommodation, will come away with an improved education about that part of the natural environment of Mareeba region. And, as noted in the application, environmental maintenance work can be woven into events programs e.g. tree planting, so that the events themselves become an environmental and climate change positive.

I look forward to seeing Kanjini develop as an wild environmental parkland which provides access to outdoor and nature-based activities.

with regards

Owen Allen

Director  
Phoenix Functions  
Atherton  
Qld 4883  
Australia  
+61 0423430941  
LinkedIn - <https://www.linkedin.com/in/owen59/>

You ARE the Betterment of the World

**From:** "Vicus" <steffensenvictor@gmail.com>  
**Sent:** Thu, 7 Dec 2023 10:59:18 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Letter of You could maybe share that you and Firesticks have been cooperating with Kanjini Co-Op since about five years to transform this property into a showcase of good fire management, a time-proven practice which helps to minimise weeds, to create ...  
**Attachments:** Kanjini - Letter of support 1223.docx  
**Categories:** Added to ECM

Hi,

Please find a letter of support to assist the submission for Kanjini - Sub No. - MCU/22/0002

Please get in touch if there are any questions or support materials further needed.

Respects,

Victor Steffensen  
Firesticks Alliance Indigenous Corporation  
Director of Mulong  
Ph: 0488 970 003  
[www.firesticks.org.au](http://www.firesticks.org.au)  
[www.mulong.com.au](http://www.mulong.com.au)  
[www.livingknowledgeplace.com.au](http://www.livingknowledgeplace.com.au)

07\12\23

Mareeba Shire Council  
PO box 154, Mareeba QLD 4880

To whom it may concern:

**RE: Support letter for the Kanjini tourism development submission to the Mareeba Shire Council. Case number - MCU/22/0002**

I am writing in support of the Kanjini tourism and community event develop proposal within the Mareeba shire district. I have been cooperating with Kanjini Co-Op for five years to assist transform this property into a showcase of good fire and land management. This has contributed to training workshops for the local region assisting traditional rangers, private landholders, National Parks, and Rural fire Service. Kanjini has proven to be a great value to the region in supporting these activities and continues to play that role with many local educational events.

Some of this work has already been documented by various TV programs, for example Australian Story's [Fighting Fire with Fire](#) (part of which was filmed on Kanjini land).

The location of this particular property within one hour of an international airport combined with its 25 square kilometer size makes it a great choice to have national and international events and functions relating to land and fire management. To be able to have Firesticks Alliance alongside local stakeholders for functions on this country is extremely useful. We endeavour to continue to value Kanjini as a place for local educational events and encourage the Mareeba Shire Council to approve this Development Application.

For a personal reference please do not hesitate to contact me at any time on the details below. I wish Kanjini the best of luck through this process for the benefit of the region.

Your Sincerely,

*V. Steffensen*

Victor Steffensen  
Lead Practitioner  
Firesticks Alliance  
Email - [steffensenvictor@gmail.com](mailto:steffensenvictor@gmail.com)  
PH: 0488 970 003

**From:** "Bruce Zell" <brucezell@gmail.com>  
**Sent:** Thu, 7 Dec 2023 12:18:22 +1000  
**To:** "Info" <info@msc.qld.gov.au>  
**Subject:** Zell - Submission Re: MCU/22/0002  
**Categories:** Added to ECM

To:  
Chief Executive Officer  
Mareeba Shire Council  
[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Submission Re: MCU/22/0002

To Whom it may concern

Along with colleagues I strongly encourage Council to approve this application and its go ahead as soon as possible and with minimal conditions.

I have read the Development Application

I believe this Development Proposal to be of great value to the general public. It is clearly designed not to make a lot of money but to share the benefits of this amazing property with the wider community and to showcase and teach sustainable land management.

This relatively small development on this large and unique property will provide another level of accommodation, space, privacy and choice in support of a wide range of quality functions, meetings, workshops etc. which not only people in the local area can enjoy, but which will attract national and international visitors bringing revenue to the region.

I grew up on a farm in the Central West of NSW born in Gilgandra to a farming family who first settled in the Barossa SA in 1880.

I believed that all fires were bad.

Attending Cultural Burning with Victor Steffenson on Kanjini (Ranger Training in 2019) was a turning point for me in understanding that the right fire regimes are an invaluable land management tool.

Over the years on Kanjini I have observed how cool burns have resulted in the return of Bush Foods, Medicine plants and Natives and a reduction of Invasive Species. And a wildfire this October was hot and damaging until it came to Kanjini land where due to years of cultural burning it lost its intensity and took days to creep about 7km uphill, showing the importance of this type of burning for the wider community. Kanjini is an ideal place to teach these practices to

locals and national visitors.

To this end the event, functions and additional accommodation options will be very useful and help to make Mareeba a focal point of sustainable land management.

It is these types of very unique niche opportunities which the Kanjini Co-op plans to host, that make the difference of exceptional value to the local community and to people who travel from other areas.

I have been a regular visitor to Kanjini and have known Svargo for over 40 years and Kanjini Directors for a long time

He is a very grounded, generous, efficient and committed human being of high integrity.

Yours Sincerely  
Bruce Zell  
ZELL and Associates  
Kamerunga Cairns

**From:** "Rudekat" <rudekatrecords@gmail.com>  
**Sent:** Thu, 7 Dec 2023 20:43:43 +1000  
**To:** "Info" <info@msc.qld.gov.au>; "Svargo Freitag" <info@kanjini.org>; "prahlada prana" <prhlad@gmail.com>  
**Subject:** Submission Re: MCU/22/0002  
**Attachments:** studiofrockled-k-roots22-145.jpg, studiofrockled-k-roots22-48.jpg  
**Categories:** Added to ECM;Chantel

To whom it may concern,

On behalf of the annual Kuranda Roots Festival organising team, I would like to communicate our full support for Kanjini's current Development Application submission to Mareeba Council.

We fully support Kanjini's ongoing vision which encompasses Eco-tourism, Care for Country and Community and grassroots events. Kanjini is a spectacular tract of land with high natural and cultural significance - it is a huge plus for the community to have access to this wonderful land via camping, events and cultural land management practises.

Kuranda Roots has partnered with Kanjini for 3 years to host the annual Kuranda Roots festival, where we attract up to 1200 people to Mareeba Shire as well as showcase over 50 acts from FNQ and abroad. The Kanjini site is absolutely integral to the healthy lifestyle, all ages, music and cultural camp-out experience we are promoting.

We wish to continue creating community events at Kanjini into the future and we hope you will look favourably at their submission,

warm regards

Morgyn Quinn, William Johnston, Prahlada Cave and the Kuranda Roots team.

--



Morgyn Quinn  
Managing Director  
RudeKat Records///Island Vibe Festival///Kuranda Roots///  
(T) +61 (0) 432 986 748

[rudekatrecords@gmail.com](mailto:rudekatrecords@gmail.com)  
[www.islandvibe.com.au](http://www.islandvibe.com.au)  
[www.kurandaroots.com](http://www.kurandaroots.com)  
<http://rudekatrecords.thetshirtmill.com.au>



Document Set ID: 65822-26  
Document 1 of 10: 65822-26-000001



Document No. 01-000000  
Version 1.0 (Initial Draft)

Mareeba Shire Council  
P.O. Box 154,  
Mareeba, 4880



Date

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**

This application states that by stage 4 there will be up to 12,000 persons per annum at events and functions with no single event/function hosting more than 2,000 persons at the function/event facility.

As a ratepayer and resident on Kay Road, I state the following concerns:

- Volume of traffic on Kay Road in short timeframes for example: the start or finish of an event/function.
- The noise of this traffic during the evening and early morning as people leave the event/function, when most residents are sleeping.
- The excessive dust created and hazardous driving as driver visibility is reduced on the gravel road.
- Deterioration of the gravel road and the shoulders of the bitumen from excessive traffic during the wet.
- The road is not wide enough for two cars to pass safely causing hazards.
- Clearing and removal of vegetation which impacts the environment and local wildlife habitat.

As a Material Change of Use, whilst the application projects a strong environmental statement, this is essentially a **commercial application**.

**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	NEY J.E
Address	251 KAY ROAD MAREEBA
Phone No/Email	40933336
Signature	J.E. Neely

**Councillors to call.**

**The Planning Committee will put forward a recommendation and the councillors will vote on the recommendation. We need to lobby the Councillors as well as present documentation to the Planning Department.**

This will be in early 2024.

Councillor Danny Bird	0467 304 744
Councillor Mary Graham	0488 393 351
Councillor Mario Mlikota	0428 402 015
Councillor Lenore Wyatt	0447 757 336
Deputy Mayor Kevin Davies	0400 490 493
Mayor Angela Toppin	4086 4659
Councillor Lachlan Bensted	<b>Will be excluded from voting due to proximity of family property</b>

If I can help in any way:

Hazel Bensted 0457 933037

Freshwater Planning Pty Ltd can clarify that the 'The Proposed Development' section of the Development Application nominates the Events and Functions are based upon a per annum figure and not per individual Event or Function. Further, the proposed size of the Function Facility will not allow for more than 300 guests and the available space at both event sites will not allow for any more than 2,000 guests at any single event. Attached to the Response to Information Request is a Proposed Events and Functions Letter as provided by Kanjini Co-Op Limited reaffirming this. In addition to this, for further clarity, please see below:

Page  
9

Stage 1 – Tourist Park, Events (Outdoor Sport and Recreation)

Camping Areas – four (4) new sites - camps 15-18

RV/Caravan Area – five (5) new RV sites

Events (Outdoor Sport and Recreation) – up to 2,000 persons per annum (existing Lake-side Day Area and Camping Area 2 with no single event hosting more than 1,500 guests)

Manager's Residence

Additional Amenities (Toilets/Showers)

Stage 2 – Tourist Park, Events (Outdoor Sport and Recreation)

Camping Areas – two (2) additional new sites - camps 19-20

RV/Caravan Area – five (5) additional new RV sites

Tourist Cabin Area – three (3) new Cabins

Events (Outdoor Sport and Recreation) – up to 3,500 persons [+1,500] per annum (existing Lakeside Day Area and Camping Area 2 with no single event hosting more than 1,500 guests)

Additional Amenities (Toilets/Showers)

Stage 3 – Tourist Park, Events (Outdoor Sport and Recreation and Function Facility)

Tourist Cabin Area – five (5) additional new Cabins

Events (Outdoor Sport and Recreation) and Functions (Function Facility) – up to 6,000 persons [+2,500] per annum (existing Lakeside Day Area and Camping Area 2 with no single event hosting more than 2,000 guests)

Function Facility – This Building encompasses approximately 300 m<sup>2</sup> and parking.

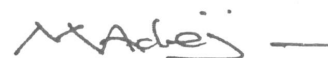
Stage 4 – Events (Outdoor Sport and Recreation and Function Facility)

Events (Outdoor Sport and Recreation) and Functions (Function Facility) – up to 12,000 persons [+6,000] per annum (existing Lakeside Day Area and Camping Area 2 with no single event hosting more than 2,000 guests)

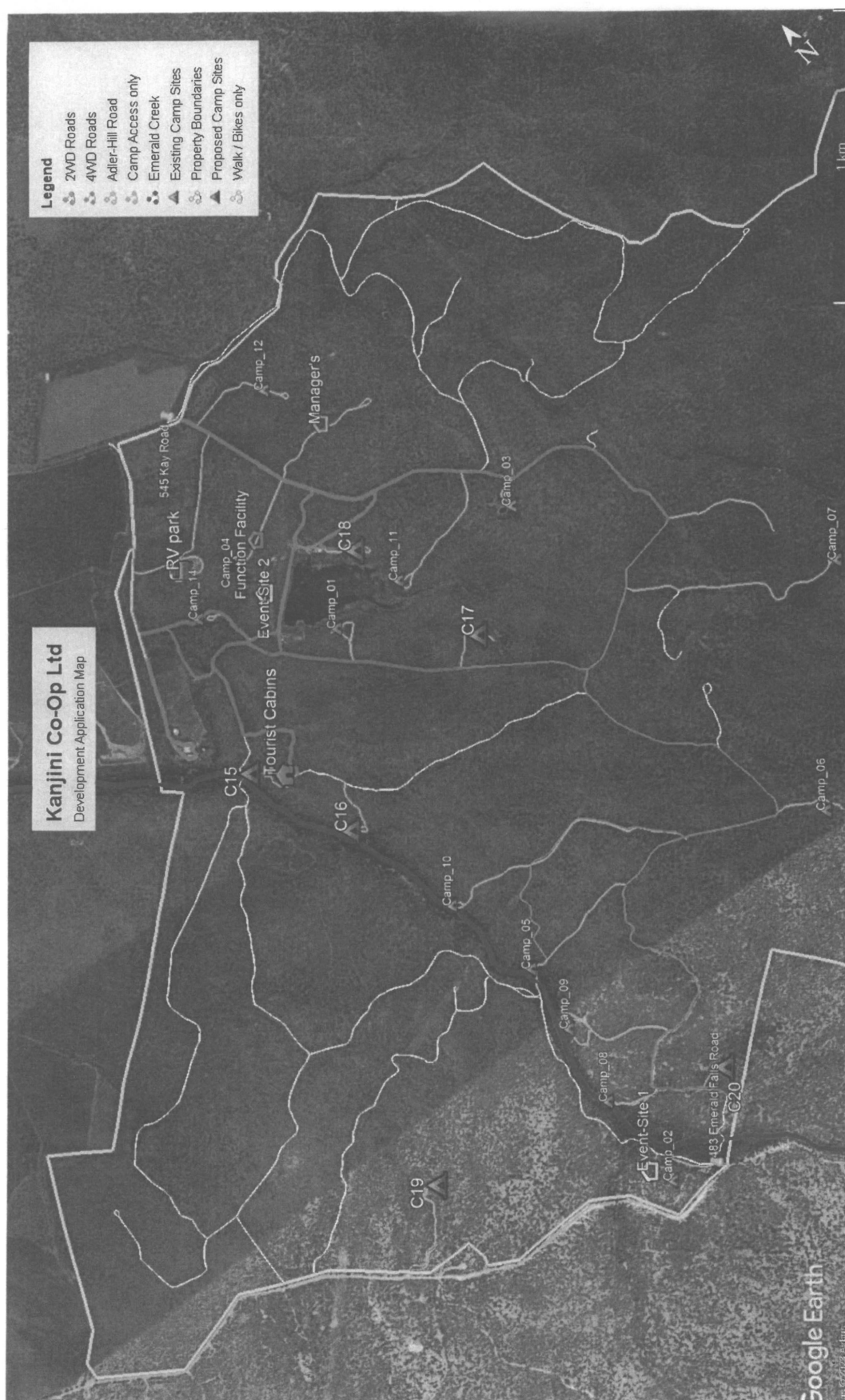
The previous Educational Establishment Facility Building will now only be provided as a Function Facility within Stage 3 and will consist of an approximate building of 300 m<sup>2</sup> and a Parking Area.

This completes this Response to the Information Request. Please do not hesitate to contact me, in the first instance, should you require further information in relation to the matter.

Yours faithfully,



MATTHEW ANDREJIC  
FRESHWATER PLANNING PTY LTD



Document Set ID: 4299769  
Version: 1, Version Date: 08/12/2023

08/12/23

MCU/22/0002

Mareeba Shire Council, Planning Department

Project Manager, Planning Officer Carl Ewin

Coordinator Planning Services Brian Millard



This folder details the response to the MCU/22/0002 application for material change of use from Kanjini Co-op. The first section has been completed by members of my family. The second section has been completed by Kay Road ratepayers, residents and those whose homes are adjacent to Kay Road. All of the above object to the development proposal MCU/22/0002 from the Kanjini Co-op Ltd.

The property, known as Adler Hill prior to the Kanjini purchase, is a historic rural landmark in the Mareeba District. This development proposal will change the amenity of this property significantly.

Kay Road is already at capacity with the Howe Farming banana and avocado workers commute, the transportation of produce from this farm, in addition to the smaller farm businesses also on Kay Road. It is a road which has frequent livestock (cattle and horses) movement by several residents.

It is a school bus route. If a vehicle is at the junction of Kay Road and the Kennedy Highway waiting to turn east or west, the school bus on the morning run, must pull to a halt on the Highway where there is no turn off lane, until the vehicle moves on. There is no room for the bus to negotiate the turn without taking the entire road. The situation is very unsafe in a 100km zone.

This proposal offers no intent to upgrade Kay Road. With a projection of up to 2000 people at any single event, the road will be significantly above capacity. It will increase significantly the danger for the residents, ratepayers and workers to go about their daily business.

This property is owned by a Co-op. No one in the Co-op lives on the property. They aren't interested in becoming part of the fabric of our community. This proposal is a commercial application to make money, masked by an environmental overlay.

I urge you to consider that this historical grazing property will be changed forever. The proposal can be likened to a smaller version of a music event such as 'Savannah in the Round'. Would you enjoy this proposal on the neighbouring property to yours?

Regards

A handwritten signature in dark ink, appearing to read 'Hazel Bensted'.

Hazel Bensted

487 Kay Road

Mareeba

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 08/12/23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**

**Our family will lose the peace and enjoyment of our property which has been owned by the family for 23 years if this application is approved.**

- Large gatherings of people create noise.
- Activities to occupy and entertain people create noise.
- Congregated vehicle numbers create noise with arrival and departure times within a short time frame.

**We object to the proposal with consideration to the following:**

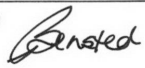
This application states that by stage 4 there will be up to 12,000 persons per annum at events and functions, with no single event/function hosting more than 2,000 persons at the function/event facility. Within the proposal there will also be a RV Tourist Park.

1. **The junction of Kay Road to the Kennedy Highway is inadequate for large numbers of vehicles.** There is no pull-off lane from Cairns. Cars with caravans turning into Kay Road will create a dangerous, hazardous situation for all road users. Currently B Doubles cannot negotiate the first corner on Kay Road without going over the white line. The morning school bus turning left onto Kay Road takes the entire road to get off the highway.
2. **Kay Road is a country road for residents to access their properties.** Road drivers navigate blind crests, tight bends, gravel road, drivers on the wrong side of the road, a tight corner on gravel road where there have been at least two rollovers by residents who know the road and the conditions and many near misses in blind spots. It is not a road which can cater for travel to events where there are up to 2000 people in attendance. There are many sections of the road where it is hazardous for 2 vehicles to pass safely if speed is involved. There will be travel on the road when an event finishes with large volumes of vehicles late into the evening or early morning. Our homes should be the place to enjoy a peaceful sleep environment. A Traffic Event Management Plan will not address this situation.
3. **The proposed development is within a kilometre of our homes.** From the edge of the dam to our boundary fence is 690 metres. The proposed function facility and event site are located within this distance. The proposal is that at any one point of time up to 2000 people will be on site. A property boundary or fence line will not stop the environmental impact on our property. Noise over a prolonged period of time (eg a week long event and well into the night), dust from high density road use, which will also reduce visibility for drivers unfamiliar with the road, drivers who have no experience driving a dirt road, deterioration of the road which is essential to our farming business. People leaving events intoxicated or drug driving will create a major risk for the ratepayers and residents on Kay Road.

4. **Large gatherings require sanitation and waste disposal.** This will impact the underground aquifers. Our property is dependant on our bores to supply all our domestic and stock waters. Underground aquifers are not contained within property boundaries and it is quite likely that leaching particularly during the wet and extreme weather events will occur with wastes from sanitary and waste disposal.
5. **Roots Festival** The development proposal states that they did not receive any complaints about the Roots Festival held on Emerald Falls Road. I estimate the nearest residential neighbour to be two kilometres distant in the Emerald Falls area. Our homes are within a kilometre of this proposal.
6. **Rural Zone Code**-the proposed development does not meet PO6 and PO7 in regard to noise, hours of operation, traffic.

As a Material Change of Use, whilst the application projects a strong environmental statement, this is essentially a commercial application.

**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Hazel Bensted
Address	487 Kay Road Arareeba
Phone No/Email	0457 933 037      hazel .bensted @gmail .com
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 7/12/2023

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**

**Our family will lose the peace and enjoyment of our property which has been owned by the family for 23 years if this application is approved.**

- Large gatherings of people create noise.
- Activities to occupy and entertain people create noise.
- Congregated vehicle numbers create noise with arrival and departure times within a short time frame.

**We object to the proposal with consideration to the following:**


This application states that by stage 4 there will be up to 12,000 persons per annum at events and functions, with no single event/function hosting more than 2,000 persons at the function/event facility. Within the proposal there will also be a RV Tourist Park.

1. **The junction of Kay Road to the Kennedy Highway is inadequate for large numbers of vehicles.** There is no pull-off lane from Cairns. Cars with caravans turning into Kay Road will create a dangerous, hazardous situation for all road users. Currently B Doubles cannot negotiate the first corner on Kay Road without going over the white line. The morning school bus turning left onto Kay Road takes the entire road to get off the highway.
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3. **The proposed development is within a kilometre of our homes.** From the edge of the dam to our boundary fence is 690 metres. The proposed function facility and event site are located within this distance. The proposal is that at any one point of time up to 2000 people will be on site. A property boundary or fence line will not stop the environmental impact on our property. Noise over a prolonged period of time (eg a week long event and well into the night), dust from high density road use, which will also reduce visibility for drivers unfamiliar with the road, drivers who have no experience driving a dirt road, deterioration of the road which is essential to our farming business. People leaving events intoxicated or drug driving will create a major risk for the ratepayers and residents on Kay Road.

4. **Large gatherings require sanitation and waste disposal.** This will impact the underground aquifers. Our property is dependant on our bores to supply all our domestic and stock waters. Underground aquifers are not contained within property boundaries and it is quite likely that leaching particularly during the wet and extreme weather events will occur with wastes from sanitary and waste disposal.
5. **Roots Festival** The development proposal states that they did not receive any complaints about the Roots Festival held on Emerald Falls Road. I estimate the nearest residential neighbour to be two kilometres distant in the Emerald Falls area. Our homes are within a kilometre of this proposal.
6. **Rural Zone Code**-the proposed development does not meet PO6 and PO7 in regard to noise, hours of operation, traffic.

**As a Material Change of Use, whilst the application projects a strong environmental statement, this is essentially a commercial application.**

**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Sarah Bensted
Address	487 Kay Road, Mareeba Qld 4880
Phone No/Email	0429 095 018 / sarah-bensted-95@hotmail.com
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 07/12/23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**

**Our family will lose the peace and enjoyment of our property which has been owned by the family for 23 years if this application is approved.**

- Large gatherings of people create noise.
- Activities to occupy and entertain people create noise.
- Congregated vehicle numbers create noise with arrival and departure times within a short time frame.

**We object to the proposal with consideration to the following:**


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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Jonathon Bensted
Address	487 Kay Road, Mareeba
Phone No/Email	0408308568
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 07/12/23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

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**We object to the proposal with consideration to the following:**

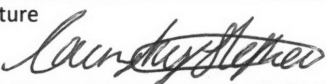
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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Courtney Stephenson
Address	487 Kay Road, Mareeba
Phone No/Email	0417564739
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 6.12.23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

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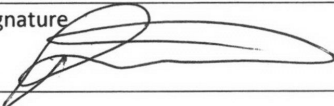
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As a Material Change of Use, whilst the application projects a strong environmental statement, this is essentially a commercial application.

**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Phil & Alana Bensted
Address	Lot 487 Kay Rd
Phone No/Email	0429 097 103 pak.ag.co@outlook.com
Signature	 off Bensted

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880



Date 01.12.23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	NEY J.E
Address	251 KAY ROAD MAREEBA
Phone No/Email	40933336
Signature	Jenny

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 7-12-23.

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**

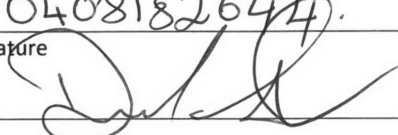
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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Dave Srhoj.
Address	60 Kay road
Phone No/Email	0408182644.
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 7-12-23.

Re MCU/22/0002

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Max Schoz.
Address	60 Kay road.
Phone No/Email	
Signature	M. Schoz.

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 07/12/23

Re MCU/22/0002

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	WAYNE Schoj
Address	100 EAST SABIN RD
Phone No/Email	0408459190 / wschoj@hotmail.com
Signature	Wayne Schoj

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 01/12/23

Re MCU/22/0002

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	DENISE SRHOJ
Address	60 KAY ROAD MAREEBA 4880
Phone No/Email	0418188178 srhojdm@bigpond.com
Signature	Denise Srhoj

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 07/12/23

Re MCU/22/0002

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	MEGAN SRHOS
Address	100 EAST SABIN RD
Phone No/Email	043222 8629   megsie89@hotmail.com
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 01/12/23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

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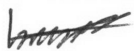
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- Clearing and removal of vegetation which impacts the environment and local wildlife habitat.
- Potential impacts on Emerald Creek water quality.

As a Material Change of Use, whilst the application projects a strong environmental statement, this is essentially a **commercial application**.

**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Beau Sanders
Address	322 Kay Road
Phone No/Email	0468928587
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 07/12/23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Mami Oyama
Address	322 Kay Rd
Phone No/Email	mami008003@gmail.com
Signature	Ra 新美

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 07/12/23

Re MCU/22/0002

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	LUKE ANTEQUERA
Address	224 kg RD EMERALD CK
Phone No/Email	0415258517
Signature	Luke Antequera

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 08/12/23

Re MCU/22/0002

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	NARELLA ANTEQUERA
Address	224 K9 RD EMERALD CK
Phone No/Email	0415258 517
Signature	<i>N Antequera</i>

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 6.12.23

Re MCU/22/0002

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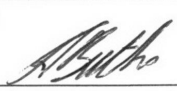
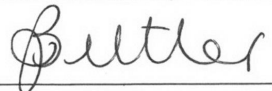
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- The road is not wide enough for two cars to pass safely causing hazards.
- Clearing and removal of vegetation which impacts the environment and local wildlife habitat.

As a Material Change of Use, whilst the application projects a strong environmental statement, this is essentially a **commercial application**.

**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Des & Joanne Butler
Address	208 Kay Road, Mareeba Q 4880
Phone No/Email	des-jo@bigpond-com 0409922615 / 0428451207
Signature	 

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 06/12/23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**

This application states that by stage 4 there will be up to 12,000 persons per annum at events and functions with no single event/function hosting more than 2,000 persons at the function/event facility.

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	JACOB COOPER
Address	322 Kay Rd. Mareeba. 4880
Phone No/Email	0438 629 691 jillingrunt@gmail.com
Signature	J. Cooper

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 04/12/23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**

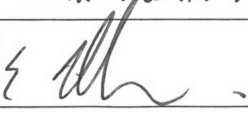
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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Emmett Kerlin.
Address	452 Kay Rd Mareeba 4880
Phone No/Email	emmettkerlin72@gmail.com
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 07/12/23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**

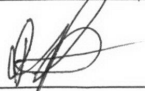
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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	David Fittock
Address	93 Kay Rd. Mareeba
Phone No/Email	0457 933108
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 1/12/23.

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**


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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Kim Burns
Address	219 KAY ROAD.
Phone No/Email	0439 633076
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 4/12/23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**


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As a Material Change of Use, whilst the application projects a strong environmental statement, this is essentially a **commercial application**.

**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	ALLEN CRANSWICK.
Address	143 KAY RD.
Phone No/Email	0427938911 ALLENCRANSWICK@GMAIL.COM
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 06/12/23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**


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As a Material Change of Use, whilst the application projects a strong environmental statement, this is essentially a **commercial application**.

**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name
JOHN MC DOWALL
Address
63 ROLLISON DRIVE. KAY ROAD
Phone No/Email
0447603229 JOHN.MCDOWALL1956@ICLOUD.COM
Signature


Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 05/12/2023

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Tara Redham
Address	59 Kay Road
Phone No/Email	0477176873
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 05/12/2023

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

**Attention Mareeba Shire Council Councillors and the Planning Department**

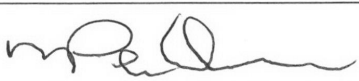
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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	MARNIE PELKHAM
Address	59 KAY RD MAREEBA (Lot 11)
Phone No/Email	0421490342
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 05/12/2023

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	KAREN PECKHAM
Address	Lot 11, or 59 Kay Road
Phone No/Email	
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 5-12-23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	ADAM & DIANA SPIENA
Address	128 KAY ROAD.
Phone No/Email	40 933 237
Signature	

Mareeba Shire Council

P.O. Box 154,

Mareeba, 4880

Date 05/12/23

Re MCU/22/0002

**Application for a Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works**

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**Objection to Material Change of Use-Outdoor Sport and Recreation, Function Facility, Tourist Park and Operational Works as follows:**

Name	Janice & Brian HERBOTH
Address	3823 KENNEDY H'WAY MAREEBA
Phone No/Email	0407601166 Email harbo21@bigpond.com
Signature	J. H. Herboth



# Kanjini Co-Op Ltd

*Living Sustainable Solutions*

ABN: 87442541016

18<sup>th</sup> December 2024

To:  
Whom it may be of interest

**RE:** Our Development Application for change of use

Dear Madam /Sir,

Please allow us to take this opportunity to provide you with some information about us, the various community engagements on our 6600 acre Adler Hill Holding property and why we apply for these proposed uses.

## **About Kanjini Co-Op Ltd**

We are a Cooperative with a vision "to create and implement innovative social, technological, economic and environmental solutions that are important for global and local resilience and sustainability."

With that vision in mind we bought this remarkable property, which offers many opportunities to realise that vision.

Our initial 2014 Development Application was for a very limited number of camp sites which were located far apart and designed for private and isolated nature experiences. Sites were built around trees and in harmony with nature and are serviced with innovative and environmentally friendly wheelie-bin composting toilets, which proved to be even better than anticipated (no smell and no flies). We minimise driving across the creek, do not allow cats, dogs, motor bikes, 4-wheelers or noisy campers. To ensure campers adhere by our rules and leave no rubbish, we require a security bond for each booking.

Our campers very much appreciate our strong caring for country philosophy. Victor Steffenson, Australia's best-known Aboriginal fire practitioner is using our land to showcase his art and we have been practising indigenous inspired fire and land management for over five years now. Several TV programs have documented this work on our property, for example "Fighting Fire with Fire" on Australian Story. We are a member of the northern bettong recovery team as our land is in the heart of the last stronghold of this endangered species.

We understand ourselves as stewards of this country and have a strong interest to ensure any activity on this land is sustainable.

One of our tenants runs a wildlife sanctuary.

Kanjini Co-Op Ltd., P O Box 51, Kuranda QLD 4881

Phone: 07-40937755

Email: [info@kanjini.org](mailto:info@kanjini.org)

URL: [www.kanjini.org](http://www.kanjini.org)

1

### **Community Engagement**

We have made and continue to make our land available (for free to many, some give us a small donation or pay reduced camping fees) to:

- various scientists (research on northern bettongs, cats, indigenous burning, northern masked owls, vegetation surveys and hands-on classes for JCU and School of Field Studies students)
- community groups, including Rogaining, Mareeba Mountain Goats, Cairns to Karumba charity bike rides, CAFNEC charity bike rides, Tableland Walking Club and birding groups
- SES (4WD training) and Parks and Wildlife (upper escarpment burns)
- Firesticks Australia, local indigenous fire practitioner Victor Steffenson, Aboriginal rangers and local traditional owners
- several schools use and very much appreciate our camping facilities and the many different activities they can do on our land

We donate hundreds of dollars each year to various local land-care causes including rural fire brigades

### **The Proposed Uses**

#### ***Sports and Recreation***

The Kuranda Roots festival was held for the last three years with about 900-1,200 people at our proposed Event Site 1 and was a resounding success.

Local Aboriginal elders would like the Kuranda Roots festival to continue happening at our camp 2 (proposed Event Site 1) as it is on country and alcohol and drug free. For us to respect the wishes of the local Traditional Owners, we need to successfully apply for a change of use for "Sports and Recreation".

Freshwater Planning informed us that dance or martial arts workshops also require "Sports and Recreation", even if they are small groups for a few hours, and we have been approached by people who would like to hold such classes in nature.

We have also been approached by Firesticks Alliance Indigenous Corporation as a venue for their events including the National Firesticks Workshop, a one week event with about 500 people camping and participating in various workshops on indigenous knowledge and land management. The last day would be a stage event and open to another 500-1000 people to join and get a taste and enjoy some music. This one-off national event (different locations are used each time) and possibly rare smaller regional events would be held at lake-side (Event Site 2).

We also envision holding a much smaller yearly Eco-inspirations gathering / field-day at lake-side.

To be able to accommodate these and possibly a few more of these type of events in the future, we are asking for more attendees in later stages of our DA.

We can assure you that we have no intentions to have rave parties on our land.

#### ***Tourist Park***

We are already providing a unique camping experience by offering 13 isolated camp sites spread over a couple of thousand acres, ensuring privacy and a true nature experience of silence and solitude in pristine country, rather than cramping dozens of camp sites and hundreds of people next to each other.

We offer camping from as little as \$5.40 up to \$21.10 / person / night, depending

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on location, features and facilities, length of stay, weekend etc). However our existing camp sites do not create enough income to pay for maintenance and the time it takes to run them, hence we like to increase the number of sites by six. This is how many we feel we can add without compromising on privacy, so we need to diversify.

We have already transformed an old quarry (it was apparently used by council to gravel Kay road) with major erosion problems into five terraces, which are designed for RVs and offer spectacular views. We like to start with only a few and slowly increase numbers and might not increase to the maximum of ten which we applied for if we feel that it gets too crowded or affects the land too negatively. We envision to target the grey-nomad market with affordable rates.

For the up to eight tourist cabins we envision to use different construction materials and innovative designs so southern and international visitors can experience what it feels like to live for a few nights in a house built for example from stones or mud or air-crete etc. We envision 1-3 bedroom cabins to be able to cater to different family needs.

### ***Function Facility***

We have been approached for marriages at lake site or camp 2, which is why we wish to apply for the "Functions" use.

Our plan is to build an about 300-400sqm function facility overlooking our 25 acre lake, a stunning backdrop for any function or conference.

The relative small size of this facility will be able to cater only for smaller functions or events.

The total number of people at all events and functions in one year of up to 12,000 in stage four of the development and a maximum of 2,000 people at a single event are the absolute maximum we may never reach or feel comfortable with. But we also do not wish to have to go through this lengthy and expensive process again to have one 2,000 people event or allow a couple of smaller ones. So we have been advised to ask for the absolute max.

We are very confident that this development will significantly benefit the wider community by attracting many new visitors to the Mareeba shire.

Thank you very much for reading this, for your understanding and hopefully for your understanding of and support for such a unique development.

Kind Regards

Svargo K. Freitag  
Managing Director  
Kanjini Co-Op  
Mobile: 0499620260

Kanjini Co-Op Ltd., P O Box 51, Kuranda QLD 4881  
Phone: 07-40937755      Email: [info@kanjini.org](mailto:info@kanjini.org)      URL: [www.kanjini.org](http://www.kanjini.org)  
3



# Kanjini Co-Op Ltd

*Living Sustainable Solutions*

ABN: 87442541016

3<sup>rd</sup> March 2024

Dear Kay Road Neighbours,

After some of our security camera footage was processed recently, we have been made aware that some objectors came onto our property on 14<sup>th</sup> January 2024.

We are very sorry if you were one of those who showed up to find that the meeting did not happen. Had a single objector to our Development Application replied to our invitation for that meeting with the requested RSVP, that meeting would certainly have gone ahead.

All Kay Road and Emerald Falls Road residents were invited to that meeting and some of the latter had kindly offered to come along to share their experiences with the previously held Kuranda Roots festivals (with up to 1,200 people) on that side of our property. They as well as other attendees and presenters would have had to travel a fair way to come along.

When we failed to receive a single RSVP from any of the objectors we had to make a decision on that Sunday morning to cancel the meeting so those other attendees did not come in vain. A history of the Bensteds not coming along to quite a few events we invited them to in the past, nor responding to those invitations, did contribute to that decision.

We note that no-one entering our property on 14<sup>th</sup> January called any of us on that day despite at least some of them having our phone number in their mobile and it being displayed on our gate. We could still have come at least ourselves to meet you. So it was a total surprise to us to find out that some people came.

Moving forward please allow us to use this opportunity to address the concerns raised in the form objections council received from Kay Road residents:

1. *"The noise of this traffic during the evening and early morning as people leave the event/function, when most residents are sleeping."*

The assumption that most event attendees would leave during normal sleeping hours is incorrect, in fact over 95% of event traffic is between 6am and 10pm

Council traffic counts during our previous Emerald Falls Road events with up to 1,200 attendees show that 10pm to 6am traffic during a festival was very small (~15 cars, including non-event traffic); for comparison current normal traffic during those times along Kay Road is about 4 cars. We also like to let you know that our main event site will always be on Emerald Falls Road, so any large event accessed via Kay Road will be very rare (maybe once or twice a year at some stage in the future).

2. *"The excessive dust created and hazardous driving as driver visibility is reduced on the gravel road"*

Kanjini Co-Op Ltd.

Post: P O Box 51, Kuranda QLD 4881 Phone: 07-40937755

Email: [info@kanjini.org](mailto:info@kanjini.org) URL: [www.kanjini.org](http://www.kanjini.org)

Experience during previous held Events on our Emerald Falls event site show that people travelling to and from such an event drive slowly and carefully being new to the area.

We note that only two properties except ours are along the about 2 kilometers of dirt road section of Kay Road, while access to our Emerald Falls Road event site is via about 7 kilometers of dirt road with over a dozen other properties, yet there was no issue at all with dust along that road during previous events with up to 1,200 attendees.

Nor was there any complaints, and the six closest resident whom we asked about their experience during previous festival events had no issues at all.

3. *"Deterioration of the gravel road and the shoulders of the bitumen from excessive traffic during the wet."*

Proposed events are open air events and as such for obvious reasons are not being held during the wet season, so this is not an issue.

4. *"The road is not wide enough for two cars to pass safely causing hazards."*

The independent traffic report has identified one location where this is the case and we have offered to fix this as part of our road contributions as well as providing better road signage.

5. *"Clearing and removal of vegetation which impacts the environment and local wildlife habitat."*

Our property is approximately 2,500 Ha large. Total clearing required for all aspects and stages of this proposed development is less than 2Ha.

Consequently any impact on the environment and local wildlife habitat will be tiny and negligible, especially when considering that we have returned over 40Ha of previously cleared land back to forests.

And we have now practised indigenous inspired fire management since over five years and this has certainly improved the environment and wildlife habitat and reduced weeds. If you are interested in this, please watch "Fighting Fire with Fire" on Australian Story, which was partly shot on our property.

We hope that this helps to reduce or eliminate any fears or concerns about our planned development, which we believe is quite modest for such a large property.

If you still have any concerns or objections to our development application, please do contact us.

Last not least we like to extend an invitation to all Kay Road residents to contact any of us if you would like to just have a talk, arrange a property visit, or if you would like to come along to future indigenous burning events.

Kind Regards

Lehone Dorcey - 0403663763

Monika Darrington - 0426865482

Svargo Freitag - 0499620260

Kanjini Co-Op Ltd.

Post: P O Box 51, Kuranda QLD 4881 Phone: 07-40937755

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## 8.2 DUSTY NUTS PTY LTD - MATERIAL CHANGE OF USE - UNDEFINED USE ('WORKFORCE ACCOMMODATION' AS DEFINED BY THE PLANNING REGULATION 2017) - LOT 1 ON RP741791 - 8 VICARY ROAD, MAREEBA - MCU/24/0013

**Date Prepared:** 29 August 2024

**Author:** Coordinator Planning Services

**Attachments:**

1. Proposal Plans [↓](#)
2. Submission [↓](#)
3. Applicant's response to submission [↓](#)

### APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Dusty Nuts Pty Ltd	ADDRESS	8 Vicary Road, Mareeba
DATE LODGED	17 June 2024	RPD	Lot 1 on RP741791
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Undefined Use ('Workforce Accommodation' as defined by Planning Regulation 2017) - extension to existing workforce accommodation		
FILE NO	MCU/24/0013	AREA	9,999m2
LODGED BY	Freshwater Planning Pty Ltd	OWNER	Dusty Nuts Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	One (1)		

### EXECUTIVE SUMMARY

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

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

The application proposes to expand an established 24 person workforce accommodation facility to accommodate up to 72 workers over two (2) stages (24 workers per stage).

This type of land use was previously defined by the Planning Scheme as 'Non-resident workforce accommodation', however, the *Planning Regulation 2017* has been amended to remove the definition of 'Non-resident workforce accommodation', and to include a new definition of 'Workforce accommodation'. Where an inconsistency exists between a land use definition in the Regulation and the Planning Scheme, the Regulation definition prevails. As the Planning Scheme does not include the Regulation's new Workforce accommodation definition, this application needed to be made for an 'undefined use'.

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

The subject site lies adjacent to an established banana plantation which is subject to regular ground/tractor spraying as well as routine aerial spraying. Although best practice land use planning would encourage an increased setback between accommodation land uses and active farmland, given the nature of the proposed development (short – medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from standard farming practices. Notwithstanding, the same aerial spraying obligations/constraints apply to the neighbouring banana farming whether the subject site is occupied by 72 farm workers or by a single family in the existing dwelling house.

The proposed reuse of the site to provide farm worker accommodation which will directly support the Shires agricultural sector is considered a reasonable and beneficial outcome. Solid screen fencing and landscape buffering has been conditioned to help buffer the development from the banana plantation.

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

### OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Dusty Nuts Pty Ltd	ADDRESS	8 Vicary Road, Mareeba
DATE LODGED	17 June 2024	RPD	Lot 1 on RP741791
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Undefined Use ('Workforce Accommodation' as defined by Planning Regulation 2017) - extension to existing workforce accommodation		

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

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

And

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

- (A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Sheet 02 DUS458 23032401 A	Site Plan	Superior Steel Homes	18/04/23
Sheet 03 DUS458 23032401 A	Floor Plan – Stage 2	Superior Steel Homes	18/04/23
Sheet 04 DUS458 23032401 A	Elevations – Stage 2	Superior Steel Homes	18/04/23
Sheet 05 DUS458 23032401 A	3D Views – Stage 2	Superior Steel Homes	18/04/23
Sheet 03 DUS458 23032401 A	Floor Plan – Stage 3	Superior Steel Homes	18/04/23
Sheet 04 DUS458 23032401 A	Elevations – Stage 3	Superior Steel Homes	18/04/23
Sheet 05 DUS458 23032401 A	3D Views – Stage 3	Superior Steel Homes	18/04/23

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

### 3.4 Noise Nuisance

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

3.4.2 The applicant/developer must ensure the approved accommodation use is operated and managed (including noise generated by guests) to not exceed a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.

No amplified music is permitted on-site at any time.

### 3.5 Waste Management

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

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

3.5.3 All waste storage areas must remain covered and no food scraps disposed of on-site so as to not encourage scavenging from wildlife and birdlife.

### 3.6 Length of Stay

The maximum length of stay for guests must not typically exceed nine (9) consecutive months, unless otherwise approved by Council's delegated officer.

### 3.7 Accommodation Capacity

No more than 72 individual workers (cumulative total of development approvals MCU/23/0002 and MCU/24/0013) shall be accommodated on-site at any given time.

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

### 3.8 Signage

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

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

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

### 3.9 Notification of Potential Rural Zone Impacts

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

*"Guests should take note:*

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

### 3.10 The workforce accommodation must not be used for any other purpose than that included in the Planning Regulation definition for 'Workforce Accommodation'.

Upon request by Council, the applicant/owner/operator shall be responsible for providing records to Council, which demonstrates that the occupants of the workforce accommodation are employed in the locality at a place of employment consistent with the Planning Regulation definition.

### 3.11 A site manager must be present on-site at all times to ensure compliance with these conditions of approval. The managers residence must not be used to accommodate anyone other than the site manager and their immediate family.

The site manager's contact details must be made available to adjoining landowners.

### 3.12 Bushfire Management

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

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

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

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

## 4. Infrastructure Services and Standards

### 4.1 Access

The access driveway/s servicing the development (from the crossover required by condition 4.1.1 of Development Permit MCU/23/0002 and the property boundary including both the northern and southern access points) must be upgraded/constructed to at least a three (3) metre wide x 150mm thick compacted gravel standard, to the satisfaction of Council's delegated officer. The driveway must be appropriately drained and maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

#### 4.2 Stormwater Drainage

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

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

#### 4.3 Footbath (Panama Disease Tropical Race 4)

In order to reduce the risk of contamination of the site with Panama Disease Tropical Race 4, a footpath is to be installed between the car parking area and site entrance for daily use by workers residing on-site. The on-site manager must ensure that all work shoes worn by farm workers during the course of their workdays are processed through the footbath before entering the property. Recreational footwear not worn on farms is not required to be washed.

#### 4.4 Car Parking/Internal Driveways

4.4.1 The applicant/developer must ensure that the development is provided with a total of seven (7) formal vehicle parking spaces and a total of seven (7) bus parking spaces. No parking of vehicles or buses is permitted to occur off-site in any road reserve or within the adjoining rail trail at any time.

4.4.2 All car parking spaces, and trafficable areas must be surface treated with an all-weather compacted gravel seal and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

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

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

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

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

#### 4.5 Landscaping & Fencing

Prior to building works commencing, the applicant/developer must prepare and submit a landscape buffer and fencing plan in accordance with Planning Scheme Policy 6 for consideration and approval by Council's Delegated Officer. The extent of landscaping and fencing included in the plan should be consistent with that included on the submitted Site Plan dated 18/04/23 and include the following at a minimum:

- (i) A minimum two (2) metre wide landscape buffer along the eastern boundary of the site to the extent shown on the submitted Site Plan (the landscape buffer may include existing landscaping);
- (ii) a minimum five (5) metre wide landscape buffer along the western boundary of the site to the extent shown on the submitted Site Plan.
- (iii) a minimum four (4) metre wide landscaping buffer to the south of the development linking the landscape buffers required under (i) and (ii) above, to the extent shown on the submitted Site Plan;
- (iv) a two (2) metre high colorbond fence (of neutral colour) or overlapping timber paling fence (with no gaps) along the western boundary of the site and wrapping around the northern side of the development footprint extending to the eastern boundary of the site, to the extent shown on the submitted Site Plan located on the outside of the vegetation buffering required by (ii) above;
- (v) a 1.8 metre high chain mesh fence along the entire length of the southern boundary and part of the western boundary to a the point where the solid screen fencing required by (iv) begins.
- (vi) any landscaping proposed throughout the facility (not compulsory)

Landscaping associated with points (i) and (iii) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than four (4) metres in height.

Landscaping associated with point (ii) should include ground cover, shrubs and trees that will grow to form an effective buffer of no less than six (6) metres in height.

All landscaping must be undertaken when the building works commence so as to ensure reasonable establishment before the commencement of the use and must be mulched, irrigated and maintained for the life of the development and to the satisfaction of Council's Delegated Officer. The fencing required under (iv) and (v) must be installed prior to the commencement of the use.

#### 4.6 Non-Reticulated Water Supply

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

All non-potable sources of water must be sign posted "non-potable water supply".

#### 4.7 On-Site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

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

#### 4.8 Lighting

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

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

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

- (a) 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) Food Premises (restaurants/bed & breakfasts etc.)

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

- (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) Access Driveway Standard &amp; Maintenance

The compacted gravel access driveway used to access the development from Vicary Road is considered a private driveway only. The maintenance and upkeep of this private driveway is the sole responsibility of the applicant/developer/landowner and should you wish to upgrade this driveway in future to include a bitumen/asphalt or concrete seal, Council is not liable or responsible for contributing in any way to the cost of these works.

## (h) Electric Ants

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

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

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

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](http://ElectricantsinQueensland.com.au) 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

- Development Permit for Building Work

**(G) OTHER APPROVALS REQUIRED FROM COUNCIL**

- Compliance Permit for Plumbing and Drainage Work

**THE SITE**

The subject site is situated at 8 Vicary Road, Mareeba and is described as Lot 1 on RP741791. The site is rectangular in shape with an area of 9,999m<sup>2</sup> and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

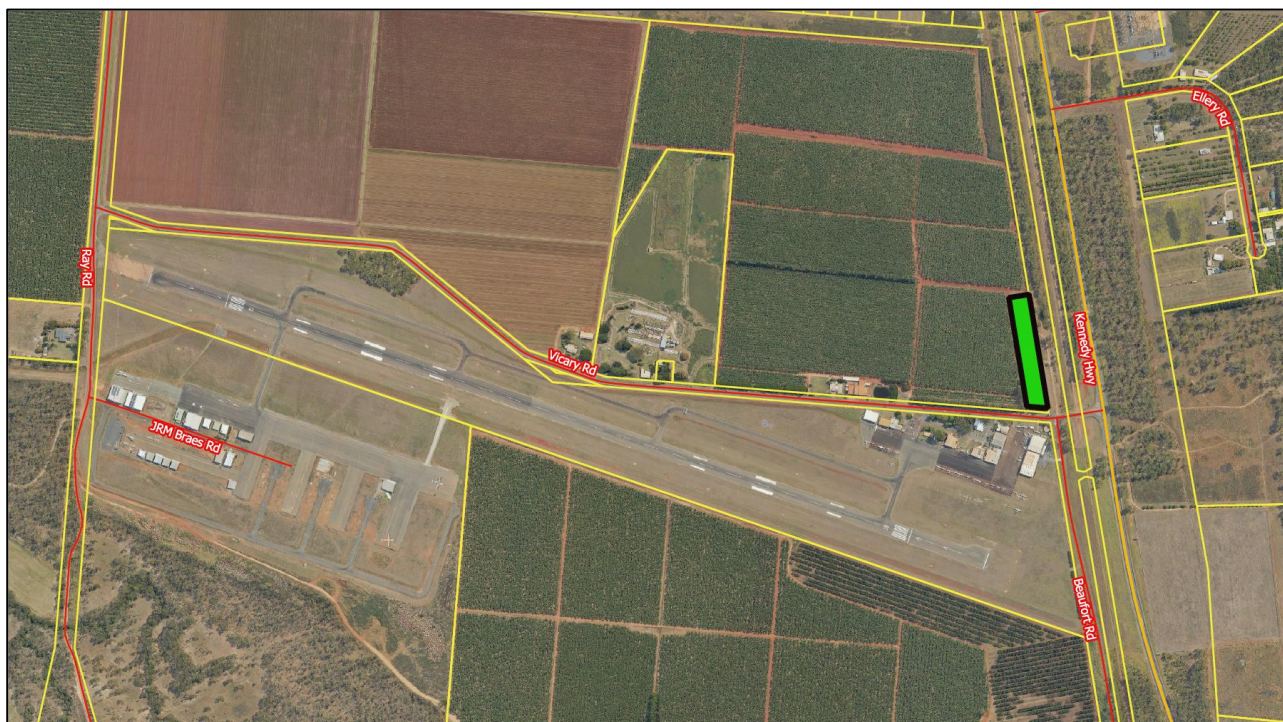
Despite the site's address being 8 Vicary Road, the site contains no actual frontage to Vicary Road. Instead, the lot contains 240 metres of frontage to an undeveloped section of the Mines Road reserve. A private driveway exists within the Mines Road reserve used to access the site from Vicary Road. This driveway is constructed to a gravel standard and branches off in two locations to access the site.

One dwelling, a number of farm sheds and outbuildings of varying sizes are established on the site. A workers accommodation facility accommodating 24 workers has been recently constructed on the site.

The Mareeba Airport is situated to the south of the site on the opposite side of Vicary Road and a banana plantation exists adjacent the site to the west. The Rail Trail is situated on the opposite side of the Mines Road reserve between the site and the Kennedy Highway.

**Map Disclaimer:**

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



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## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

### MCU/23/0002

Council at its ordinary meeting held on 17 May 2023 issued a development permit for Material Change of Use - Undefined Use ('Workforce Accommodation' as defined by the Planning Regulation 2017 over Lot 1 on RP741791, situated at 8 Vicary Road, Mareeba.

This development has been completed and 24 rural workers are accommodated on site.

## DESCRIPTION OF PROPOSED DEVELOPMENT

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

The application describes the proposal as follows:

*"The proposed development is for a Material Change of Use – Extension to Non-Resident Workforce Accommodation, over two (2) Stages in the Rural Zone of the Mareeba Shire Council's Planning Scheme. The site is located at 8 Vicary Road, Mareeba and is more particularly described as Lot 1 on RP741791. The site is regular in shape, has an area of 9,999 m<sup>2</sup> and contains Dwelling Houses and associated structures and Approved Non Resident Workforce Accommodation, being Stage 1.*

*The Mareeba Shire Council on 17 May, 2023 Approved, subject to Conditions, the Undefined Use (Workforce Accommodation) for Stage 1. This proposed Development Application is for the Extension of the Non-Resident Workforce Accommodation being Stages 2 and 3.*

*A Development Permit for a Material Change of Use is sought to facilitate the construction of forty-eight (48) person Workforce Accommodation over two (2) Stages in addition to the existing 24 Approved over the site. The site is designated within the Rural Zone of the Mareeba Shire Planning Scheme. The proposal is to provide additional necessary Workforce Accommodation supporting the immediate, surrounding, and Rural Areas of Mareeba and the Tablelands Region. This Rural Allotment contains an area of 9,999 m<sup>2</sup> and whilst including Mapped Agricultural Land is constrained by the physical shape, location and existing improvements. The proposal will ensure to take this non-viable Rural Allotment and further convert the site into additional Non-Resident Workforce Accommodation to support the surrounding Activities and Rural Industries within the Tablelands Region.*

*The Proponents have provided Freshwater Planning Pty Ltd with the following Letter:*

*Dusty Nuts Pty Ltd is applying for approval of Stages 2 & 3 of its proposed development at 8 Vicary Rd. Due to numerous requests for worker accommodation.*

*Having completed Stage 1 receiving Certificate of Occupancy 22/02/2024 and the first 24 guests moved in on 09/03/2024. We have had dozens of requests for large numbers (in the hundreds) looking for worker accommodation. Hence, we see the need for this application.*

*In the past 2 months of occupancy, there has been no problems with the guests due to our House Rules and on Site Management. Our daily cleaners are very vigilant reporting any issues to management which is dealt with the same day.*

*Gerldine and Stephen are also on site most days and available 24 hrs should anything arise. We pride ourselves on the appearance and cleanliness of our accommodation, which we think attributes to our success thus far.*

*With the numbers of workers increasing to accommodate the region's agricultural sector, a purpose built facility outside town limits with effective management controls seems a better option than unsupervised overcrowded houses within the CBD of Mareeba.*

*We look forward to working with the Mareeba Shire Council in partly solving the housing crisis within our community.*

The proposed Extension is for Stages 2 and 3 which involves the following:

#### Stage 2

- *Construction of twelve (12) Modular Donga Units*
- *Covered area*
- *Laundries*
- *Kitchens*
- *Amenities (Toilets and Showers)*

*Stage 2 will allow for the accommodation of a further twenty-four (24) persons and include common areas, kitchens, laundries and toilets and showers.*

#### Stage 3

- *Construction of twelve (12) Modular Donga Units*
- *Covered area*
- *Laundries*
- *Kitchens*
- *Amenities (Toilets and Showers)*

*Stage 3 will allow for the accommodation of a further twenty-four (24) persons and include common areas, kitchens, laundries and toilets and showers. This is not expected to be provided in the short-term and will be dependant on occupancy rates and the Agricultural aspects of the Mareeba Shire and surrounding Tablelands Region.*

*The site contains frontage to the Unnamed Road and proposes access from what is considered to be a limited access road. The proposal provides for the provision of the existing car parking spaces in addition to parking fronting the frontage of the site between the proposed buildings and east boundary. This parking area provides for the parking of seven (7) minibus parking which will be utilised by the proposed development. Freshwater Planning Pty Ltd understands that the 12 seater Vans and/or minibuses will be provided to service the Worker's*

*Accommodation with the existing parking onsite for any vehicles outside of the proposed minibuses/Vans. The*

*site, whilst physically constrained, contains ample room for vehicle parking outside of any proposed wastewater storage, if additionally required.*

*The site will be connected to Water Supply from the channel for the non-potable Water Supply and Bore Water and Holding Tanks for potable Water Supply. Landscaping in the form of screening hedges/gardens with the existing Landscaping to be maintained and enhanced and extended with the provision of Stage 2 and Stage 3.*

*Fencing is existing and the proposal provides for additional Landscaping as per annotated on the Proposal Plan.*

*The proponents believe that the existing Fencing, Landscaping and proposed additional Landscaping is acceptable Landscaping for the proposed Use within the existing Rural location. Is it considered that the existing Approved Conditions for Stage 1 sufficiently ameliorates any issues over the property with the proposed Use.*

*Attached to this Submission is a Site and Soil Report from the Dirt Professionals in relation to the Effluent Disposal of the site. Freshwater Planning Pty Ltd understand that the provision of the Dirt Professionals Report demonstrates that the proposal will not require any ERA63. The provided Report ensures that an appropriate level of Effluent Disposal is achievable over the site for the proposed Stages 2 and 3.*

*The proposed Extension to the existing Non-Resident Workforce Accommodation provides support through infrastructure for the accommodation of a Rural Workers associated with the Rural Activities of Mareeba and the Tablelands Region. This support will ensure the ongoing viability of Rural Industries for not only Mareeba but also the Tablelands Region, which has been clearly demonstrated to be needed with the quick occupancy of Approved Stage 1."*

## REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The site contains no areas of ecological significance.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li><i>Rural Agricultural Area</i></li> <li><i>Rural Other</i></li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li><i>Local Collector Road</i></li> <li><i>Railway Network</i></li> <li><i>Principal Cycle Route</i></li> </ul>
Zone:	Rural Zone
Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay

## Planning Regulation 2017 Land Use Definition

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

### ***Workforce accommodation-***

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

## RELEVANT PLANNING INSTRUMENTS

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

### **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.

### **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.

## **Mareeba Shire Council Planning Scheme 2016**

### **Strategic Framework**

#### **3.3 Settlement pattern and built environment**

##### *3.3.11 Element - Rural areas*

##### *3.3.11.1 Specific Outcomes*

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

##### Comment

The site already provided accommodation for 24 farm workers.

The proposed development will provide accommodation for a further 48 farm workers for short-medium term periods (up to 9 months). There is currently an identified shortage of accommodation within our region for farm workers. This development will help meet some of this demand. The proposed development makes efficient use of the site and has been appropriately conditioned to ensure minimal impact on surrounding agricultural land uses.

The site has convenient access to the State controlled road network allowing for efficient transportation to the district farms and to the services offered within Mareeba CBD.

The proposed development is not likely to compromise Specific Outcome 1.

#### **3.7 Economic Development**

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

##### *3.7.2.1 Specific outcomes*

- (1) *Agricultural areas are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.*
- (3) *Urban and rural residential development provides a buffer to adjacent rural areas in accordance with best practice.*

##### Comment

The subject site has an area of just 9,999m<sup>2</sup> so in itself has little agricultural viability.

Although the development will be sited adjacent a banana plantation that involves aerial spraying, given the nature of the proposed development (short – medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict.

Furthermore, it is considered that the adjoining banana plantation is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment that contains a dwelling. The same aerial spraying obligations apply to the neighbouring

banana farming whether it is up to 72 farm workers or a single family occupying the one dwelling house.

The proposed reuse of the site to provide farm worker accommodation which will directly support the Shire's agricultural sector is considered a reasonable and beneficial outcome. Solid screen fencing and landscape buffering has been conditioned to help buffer the development from the banana plantation operations.

The development will be appropriately conditioned to comply with Specific Outcomes (1) and (3).

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

#### Comment

The subject site has an area of just 9,999m<sup>2</sup> so in itself has little agricultural viability.

Although the development will be sited adjacent a banana plantation that involves aerial spraying, given the nature of the proposed development (short – medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict.

Furthermore, it is considered that the adjoining banana plantation is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment that contains a dwelling. The same aerial spraying obligations apply to the neighbouring banana farming whether it is up to 72 farm workers or a single family occupying the one dwelling house.

The proposed reuse of the site to provide farm worker accommodation which will directly support the Shire's agricultural sector is considered a reasonable and beneficial outcome. Solid screen fencing and landscape buffering has been conditioned to help buffer the development from the banana plantation operations.

The development will be appropriately conditioned to comply with Specific Outcomes (1) and (3).

#### **Relevant Developments Codes**

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

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

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome applies) 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	<p>The application complies or can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met) contained within the code.</p> <p>Further discussion is warranted regarding the following performance outcomes:</p> <ul style="list-style-type: none"> <li>• Performance Outcome PO1</li> <li>• Performance Outcome PO2</li> <li>• Performance Outcome PO3</li> </ul> <p>Refer to planning discussion section of report.</p>
Airport environs overlay code	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.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.

### Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

## REFERRAL AGENCY

This application did not trigger referral to any Referral Agency.

## Internal Consultation

Not applicable.

## PUBLIC NOTIFICATION

The development proposal was placed on public notification from 10 July 2024 to 2 August 2024. The applicant submitted the notice of compliance on 5 August 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) properly made submission was received (**Attachment 2**).

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

Grounds for objection /support	Comment
The proposed development will increase the risk of soil contamination to the adjacent banana plantation, in particular the spread of Panama Disease Tropical Race 4. The submitter claims that the workers accommodation facility drains naturally into the adjoining banana plantation and that infected soil particles could be transferred either via overland stormwater flow or wind.	<p>A condition of approval has been include requiring the installation of a footbath to help ensure workers footwear is decontaminated prior to coming on-site. In a lot of cases, vehicles, including farm worker buses are not permitted on farms and are required to park outside the farm boundaries.</p> <p>This condition is an appropriate response for this accommodation use.</p> <p>It is unreasonable to expect further actions by the accommodation provider as all banana farms should have an obligation to reduce the risk of Panama leaving their farms by ensuring workers are appropriately decontaminated prior to leaving the respective farm.</p>
The site is not of a sufficient size to provide adequate recreational activities on-site for farm workers which will in-turn increase the risk of workers venturing off the site into the adjoining banana plantation.	<p>It is considered that the proposed site provides ample open space for outdoor recreational activities such as ball sports and ample undercover common areas for other recreational activities. Furthermore, the site is situated approximately 8 kilometres from the Mareeba Township meaning that community recreational and sporting activities are readily available to workers staying at the facility who will have access to transport in and out of town.</p> <p>Farm workers wandering onto neighbouring properties could be considered trespass and is a matter for the police to manage.</p>
The banana plantation adjoining the development involves regular ground spraying activity and is also routinely aerially sprayed (approx. every fortnight). The submitter believes that there is insufficient buffering between the development and the banana plantation and is concerned for the health and wellbeing of the farm workers staying at the facility.	<p>Given the nature of the proposed development (short – medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict.</p> <p>Furthermore, it is considered that the adjoining banana plantation is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment that contains a dwelling. The same aerial spraying obligations apply</p>

	<p>to the neighbouring banana farming whether it is up to 72 farm workers or a single family occupying the one dwelling house.</p> <p>The proposed reuse of the site to provide farm worker accommodation which will directly support the Shires agricultural sector is considered a reasonable and beneficial outcome. Solid screen fencing and landscape buffering has been conditioned to help buffer the development from the day to day operations of the banana plantation.</p> <p>The following condition has also been included:</p> <p>3.9 Notification of Potential Rural Zone Impacts</p> <p>The applicant is to erect signage in plain sight and in large legible writing at the kitchen/dining area, recreational area, and on each accommodation building advising guests that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is in a rural locality. The signage should generally state the following:</p> <p><i>"Guests should <u>take note</u>:</i></p> <ul style="list-style-type: none"> <li>- <i>The locality may be used for intensive rural uses;</i></li> <li>- <i>Guests may experience off site effects from rural activities, including noise, ground and aerial crop spraying, and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use."</i></li> </ul>
--	---

**Attachment 3** of this report is the applicant's response to the submission. The applicant has also included letters of support from various organisations.

### Submitters

Name of Principal submitter	Address
1. Rock Ridge Farming Pty Ltd	admin@rockridgefarming.com

### PLANNING DISCUSSION

Compliance with Performance Outcomes PO1, PO2 and PO3 of the Agricultural Land Overlay code is discussed below:

#### Agricultural land overlay code

##### PO1

*The fragmentation or loss of productive capacity of land within the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)** is avoided unless:*

- (a) an overriding need exists for the development in terms of public benefit;*
- (b) no suitable alternative site exists; and*
- (c) loss or fragmentation is minimised to the extent possible.*

**AO1**

*Buildings and structures are not located on land within the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)** unless they are associated with:*

- (a) animal husbandry; or*
- (b) animal keeping; or*
- (c) cropping; or*
- (d) dwelling house; or*
- (e) home based business; or*
- (f) intensive animal industry (only where for feedlotting); or*
- (g) intensive horticulture; or*
- (h) landing; or*
- (i) roadside stalls; or*
- (j) winery.*

**Comment**

The proposed development is for workforce accommodation and does not include a reconfiguration component and will therefore not result in the fragmentation of agricultural land. The subject site, with an area of just 9,999m<sup>2</sup> is not considered to be agriculturally viable, as is evidenced by its existing use and built improvements.

The land immediately adjacent the proposed development contains a banana plantation. Although best practice land use planning would encourage an increased setback between sensitive land uses and active farmland, given the nature of the proposed use (short - medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from adjoining farming activities. The proposed development is a necessary and ancillary use for the ongoing development of the rural zone.

Furthermore, conditions will be attached to any approval requiring boundary treatments to minimise the likelihood of land use conflict. The development is not likely to impact on the productive capacity of adjoining agricultural land and is therefore considered to comply with performance outcome PO1.

**PO2**

*Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)** are designed and located to:*

- (a) avoid land use conflict;*
- (b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;*
- (c) avoid reducing primary production potential; and*
- (d) not adversely affect public health, safety and amenity.*

**Comment**

The land immediately adjacent the proposed development contains a banana plantation which involves regular ground spraying as well as routine aerial spraying (approximately every fortnight).

Although best practice land use planning would encourage an increased setback between sensitive land uses and active farmland, given the nature of the proposed use (short - medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from adjoining farming activity.

Furthermore, conditions will be attached to any approval requiring boundary treatments to minimise the likelihood of land use conflict. These conditions will include 2 metre high solid screen fencing, 5m wide landscape buffering as well as signage warning guests of the potential for negative emissions associated with adjoining farming activities (noise, dust, spray drift etc.).

It is considered that the adjoining agricultural land is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment containing a long-established dwelling. The proposed use of the subject site to provide farm worker accommodation which will directly support agricultural activity in the Shire is considered to be a reasonable and beneficial outcome for the subject site and surrounding rural zone.

The proposed development is considered to comply with performance outcome PO2.

### PO3

*Development in the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)**:*

- (a) ensures that agricultural land is not permanently alienated;*
- (b) ensures that agricultural land is preserved for agricultural purposes; and*
- (c) does not constrain the viability or use of agricultural land.*

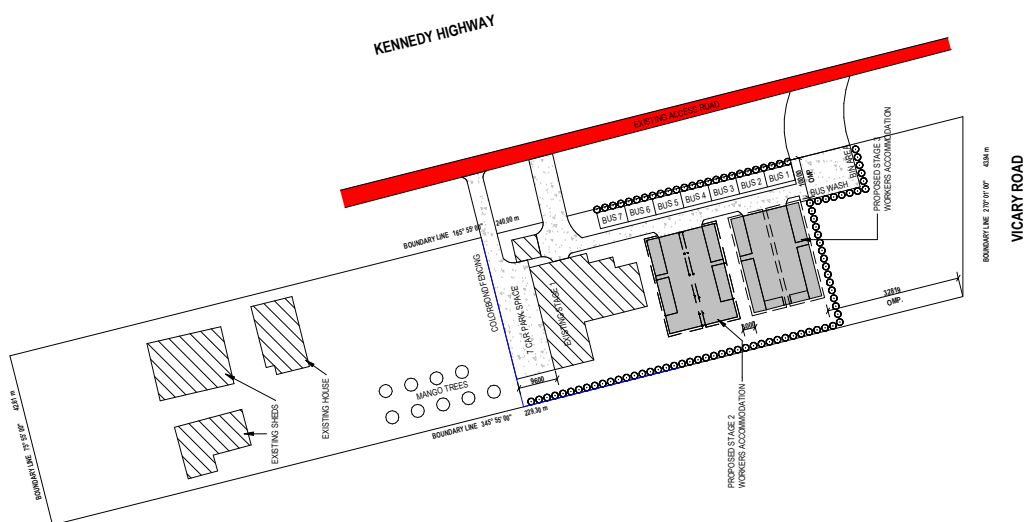
### Comment

The land immediately adjacent the proposed development contains a banana plantation which involves regular ground spraying as well as routine aerial spraying (approximately every fortnight). Although best practice land use planning would encourage an increased setback between sensitive land uses and active farmland, given the nature of the proposed use (short - medium term accommodation for farm workers) the development is likely to be more resilient and subsequently less susceptible to land use conflict arising from adjoining farming activity.

Furthermore, conditions will be attached to any approval requiring boundary treatments to minimise the likelihood of land use conflict. These conditions will include 2 metre high solid screen fencing, 5m wide landscape buffering as well as signage warning guests of the potential for negative emissions associated with adjoining farming activities (noise, dust, spray drift etc.).

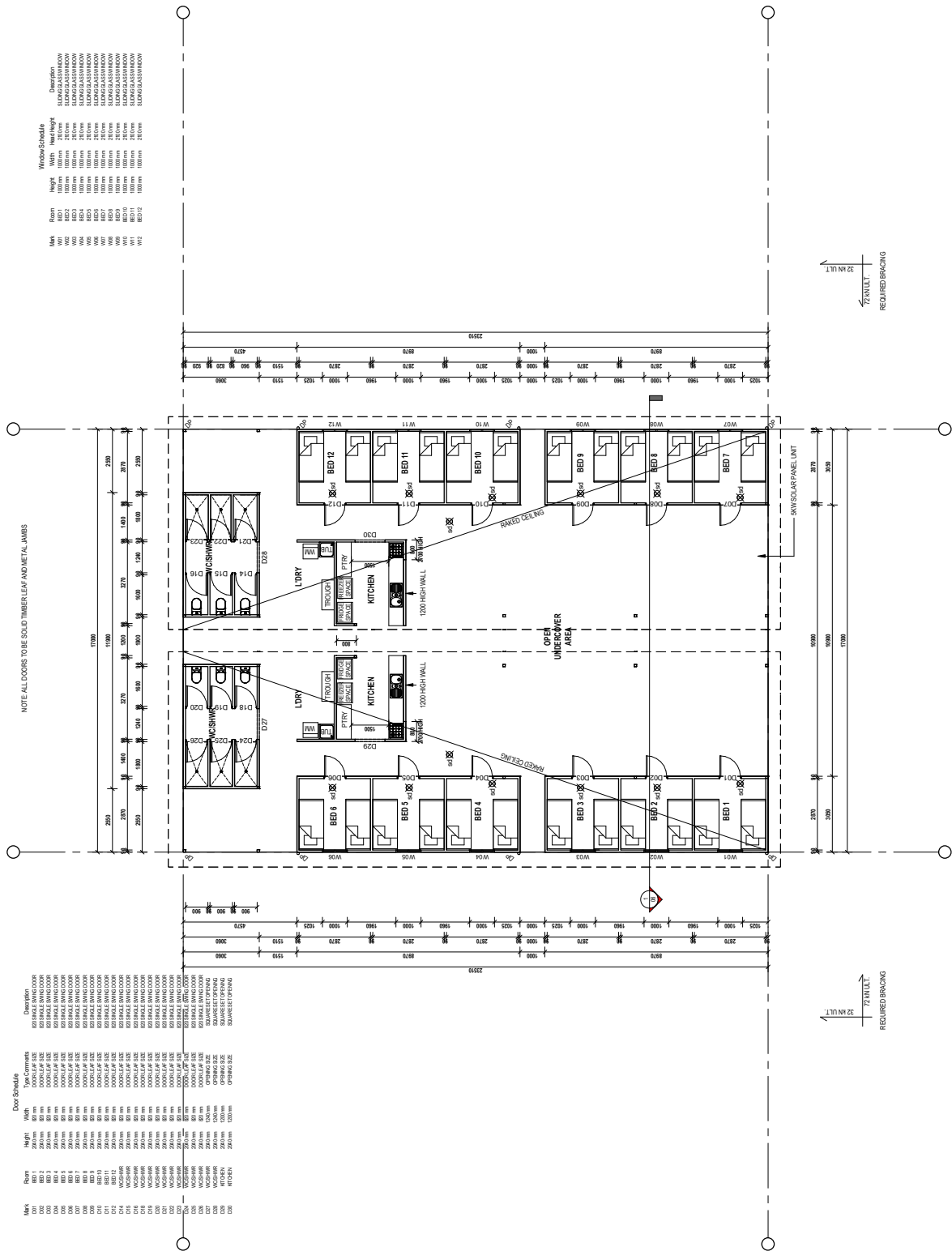
It is considered that the adjoining agricultural land is already somewhat alienated by the presence of the subject site which is a standalone rural lifestyle allotment containing a long-established dwelling. The proposed use of the subject site to provide farm worker accommodation which will directly support agricultural activity in the Shire is considered to be a reasonable and beneficial outcome for the subject site and surrounding rural zone.

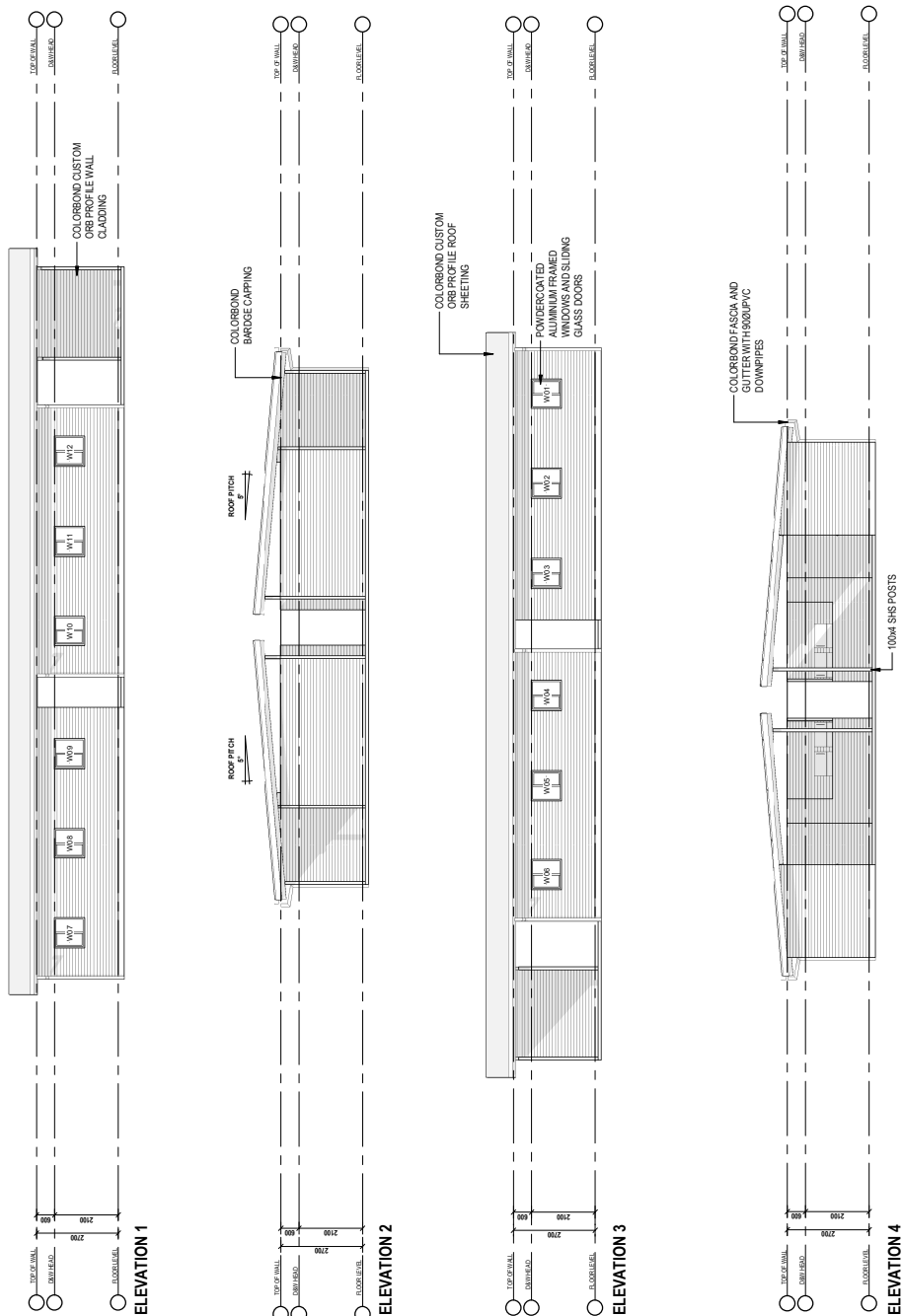
The proposed development is considered to comply with performance outcome PO3.

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**NOTES:** (1) VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK. (2) VERIFY ALL SPOT DIMENSIONS BEFORE COMMENCING ANY WORK. (3) FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER CALLED MEASUREMENTS. (4) ALL WORK TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING BY-LAWS, THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS, (5) SUBSTITUTION OF ANY STRUCTURAL MEMBERS, OR VARIATIONS TO THE STRUCTURAL DESIGN SHALL BE APPROVED BY THE DESIGNER. (6) THE DESIGNER SHALL BE RESPONSIBLE FOR THE BUILDING DESIGNER'S ON SITE VISUAL, INTEGRITY & PERFORMANCE OF THE BUILDING.

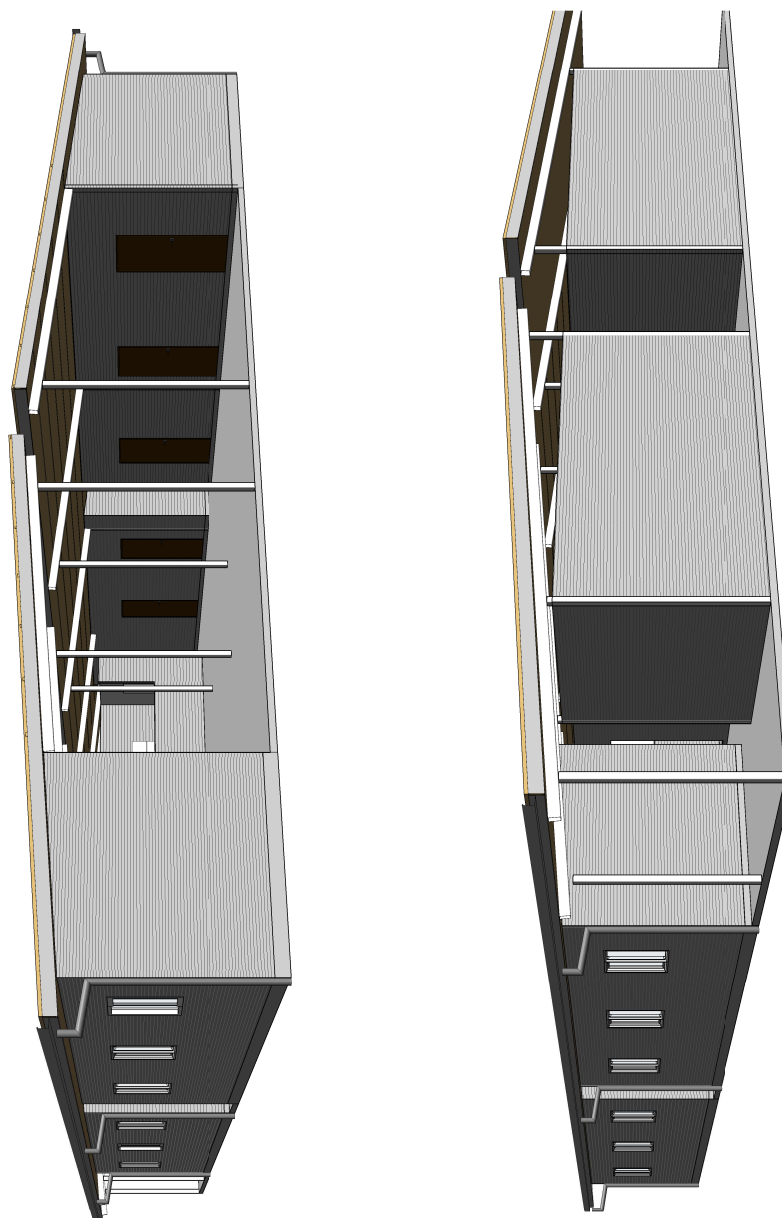
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Revision: 1  
Version Date: 12/06/2024



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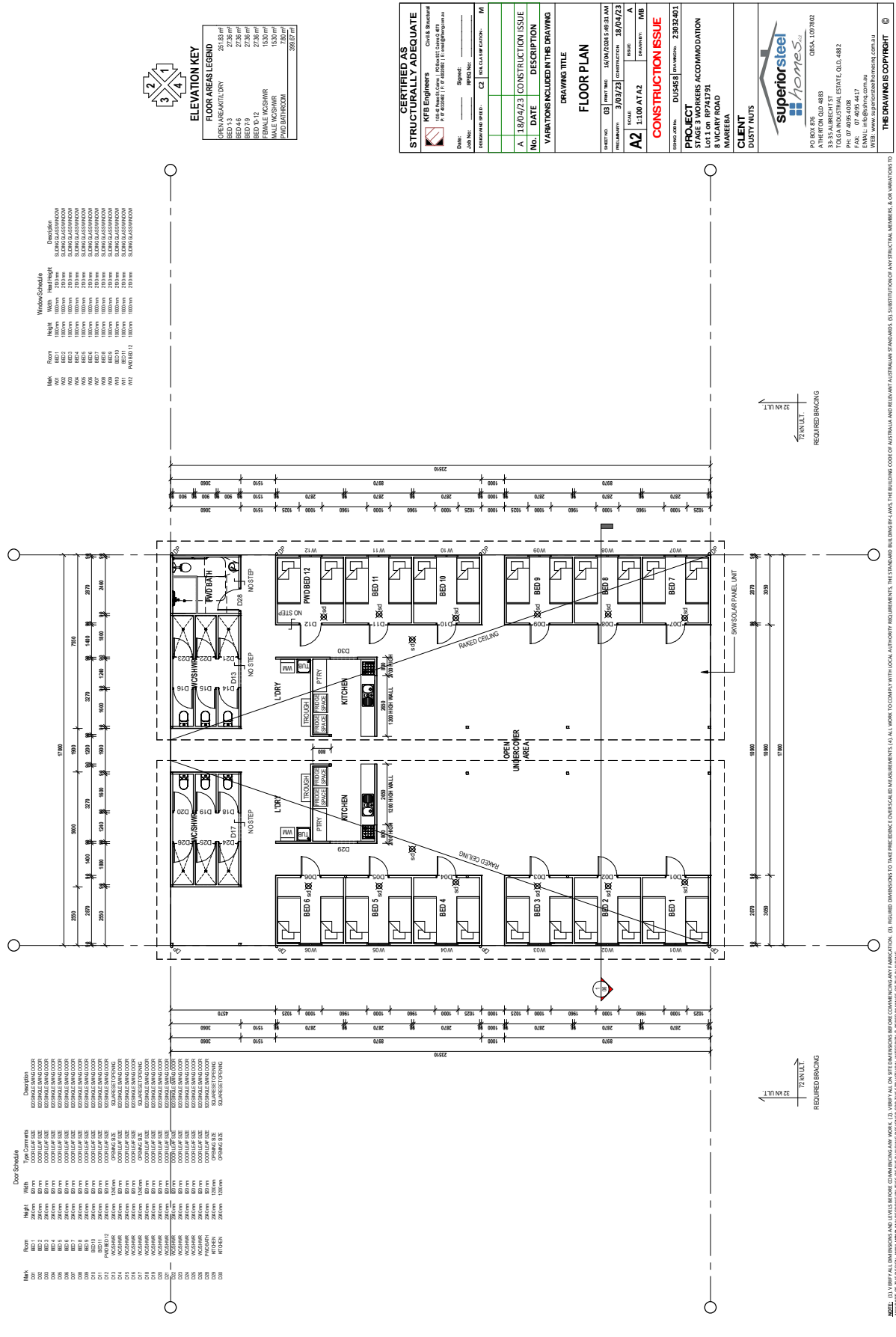
**NOTE:** (1) VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK. (2) VERIFY ALL ON SITE DIMENSIONS BEFORE COMMENCING ANY WORK. (3) FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER CALLED DIMENSIONS. (4) ALL WORK TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING BY-LAWS, THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS. (5) SUBSTITUTION OF ANY STRUCTURAL MEMBERS, OR VARIATIONS TO THE STRUCTURAL DESIGN, SHALL BE APPROVED BY THE ARCHITECT. (6) THE ARCHITECT SHALL BE RESPONSIBLE FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.

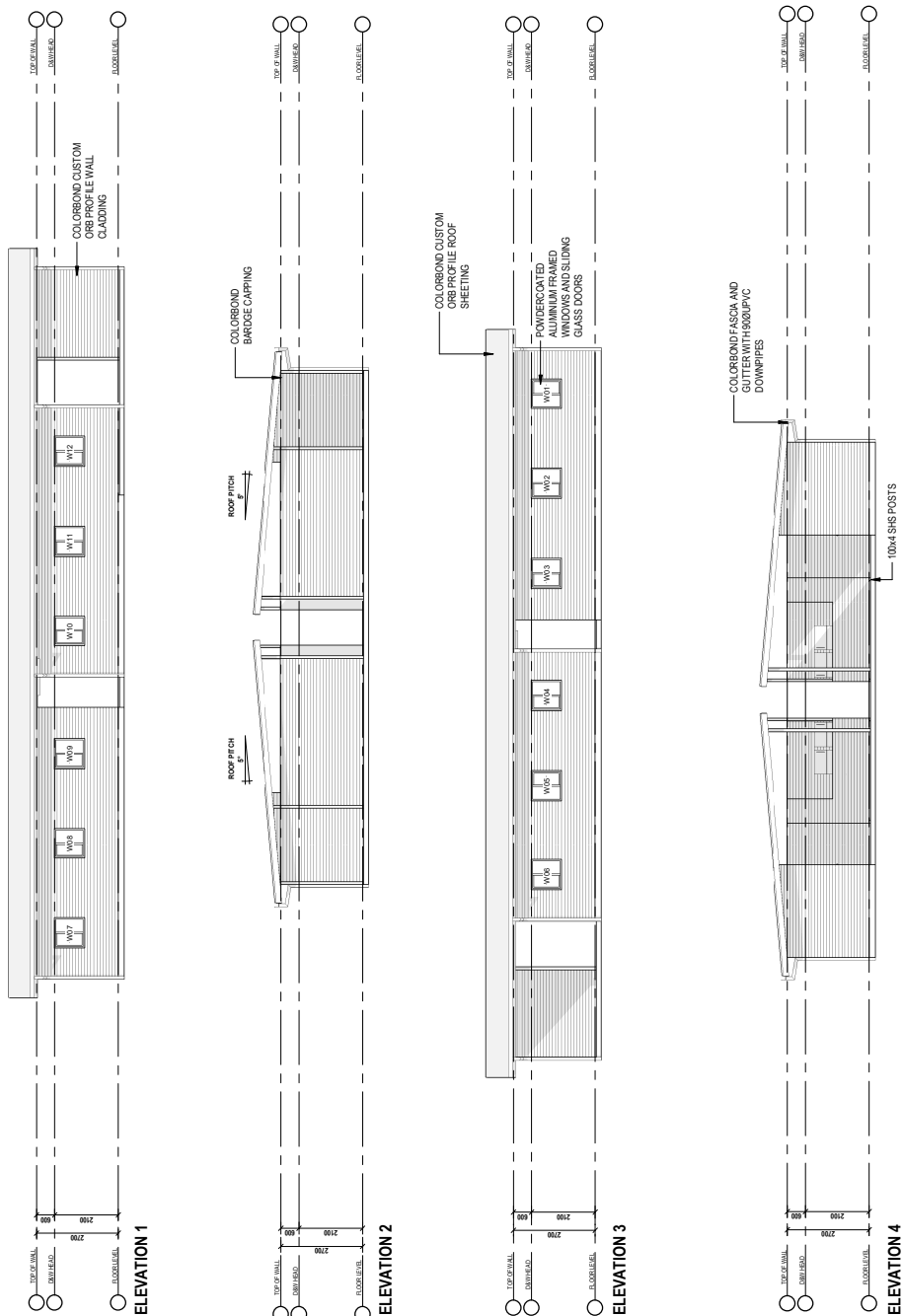
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**NOTE:** (1) VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK. (2) VERIFY ALL ON SITE DIMENSIONS TO TAKE PRECEDENCE OVER CALCULATED DIMENSIONS. (3) FIGURED DIMENSIONS TO COMPLY WITH LOCAL AUTHORITY REQUIREMENTS, THE STANDARD BUILDING BY-LAWS, THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS. (4) SUBSTITUTION OF ANY STRUCTURAL MEMBERS, OR VARIATIONS TO THE STRUCTURAL DESIGN, SHALL BE THE RESPONSIBILITY OF THE BUILDING DESIGNER FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.

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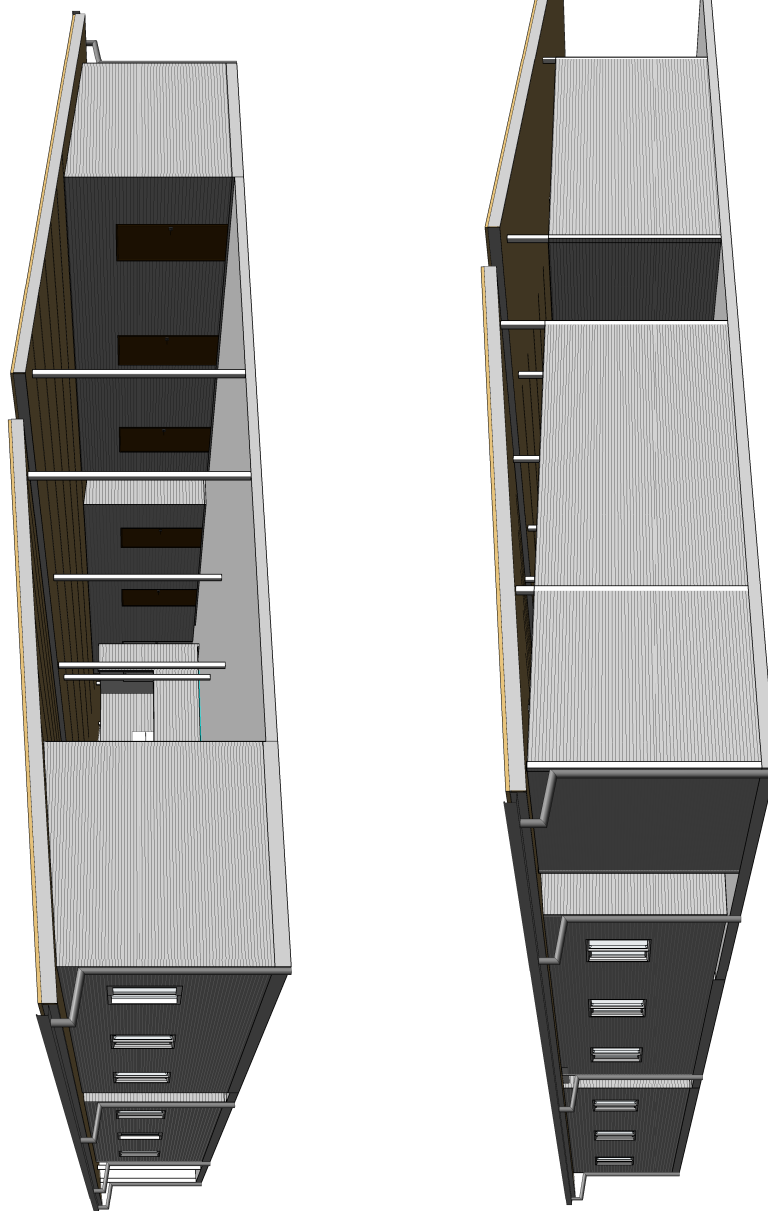





**NOTE:** (1) VERIFY ALL DIMENSIONS BEFORE COMMENCING ANY WORK. (2) VERIFY ALL ON SITE DIMENSIONS TO TAKE PRECEDENCE OVER CALLED MEASUREMENTS. (3) THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS. (4) SUBSTITUTION OF ANY STRUCTURAL MEMBERS, OR VARIATIONS TO THE DESIGN SHALL BE APPROVED BY THE ARCHITECT. (5) THE BUILDING DESIGNER SHALL BE RESPONSIBLE FOR THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.

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Version: **1**, Version Date: **12/06/2024**

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CERTIFIED AS STRUCTURALLY ADEQUATE		CIVIL & STRUCTURAL KTB Engineers P. 4/2008 (T) & 4/2008 (E) and 4/2008 (S) Date: _____ Signed: _____ Job No. _____ Job Name and Street: _____ Client: _____ DUSTY NUIS _____	
	104-210101, 104-210102, 104-210103, 104-210104, 104-210105, 104-210106, 104-210107, 104-210108, 104-210109, 104-210110, 104-210111, 104-210112, 104-210113, 104-210114, 104-210115, 104-210116, 104-210117, 104-210118, 104-210119, 104-210120, 104-210121, 104-210122, 104-210123, 104-210124, 104-210125, 104-210126, 104-210127, 104-210128, 104-210129, 104-210130, 104-210131, 104-210132, 104-210133, 104-210134, 104-210135, 104-210136, 104-210137, 104-210138, 104-210139, 104-210140, 104-210141, 104-210142, 104-210143, 104-210144, 104-210145, 104-210146, 104-210147, 104-210148, 104-210149, 104-210150, 104-210151, 104-210152, 104-210153, 104-210154, 104-210155, 104-210156, 104-210157, 104-210158, 104-210159, 104-210160, 104-210161, 104-210162, 104-210163, 104-210164, 104-210165, 104-210166, 104-210167, 104-210168, 104-210169, 104-210170, 104-210171, 104-210172, 104-210173, 104-210174, 104-210175, 104-210176, 104-210177, 104-210178, 104-210179, 104-210180, 104-210181, 104-210182, 104-210183, 104-210184, 104-210185, 104-210186, 104-210187, 104-210188, 104-210189, 104-210190, 104-210191, 104-210192, 104-210193, 104-210194, 104-210195, 104-210196, 104-210197, 104-210198, 104-210199, 104-210200, 104-210201, 104-210202, 104-210203, 104-210204, 104-210205, 104-210206, 104-210207, 104-210208, 104-210209, 104-210210, 104-210211, 104-210212, 104-210213, 104-210214, 104-210215, 104-210216, 104-210217, 104-210218, 104-210219, 104-210220, 104-210221, 104-210222, 104-210223, 104-210224, 104-210225, 104-210226, 104-210227, 104-210228, 104-210229, 104-210230, 104-210231, 104-210232, 104-210233, 104-210234, 104-210235, 104-210236, 104-210237, 104-210238, 104-210239, 104-210240, 104-210241, 104-210242, 104-210243, 104-210244, 104-210245, 104-210246, 104-210247, 104-210248, 104-210249, 104-210250, 104-210251, 104-210252, 104-210253, 104-210254, 104-210255, 104-210256, 104-210257, 104-210258, 104-210259, 104-210260, 104-210261, 104-210262, 104-210263, 104-210264, 104-210265, 104-210266, 104-210267, 104-210268, 104-210269, 104-210270, 104-210271, 104-210272, 104-210273, 104-210274, 104-210275, 104-210276, 104-210277, 104-210278, 104-210279, 104-210280, 104-210281, 104-210282, 104-210283, 104-210284, 104-210285, 104-210286, 104-210287, 104-210288, 104-210289, 104-210290, 104-210291, 104-210292, 104-210293, 104-210294, 104-210295, 104-210296, 104-210297, 104-210298, 104-210299, 104-210300, 104-210301, 104-210302, 104-210303, 104-210304, 104-210305, 104-210306, 104-210307, 104-210308, 104-210309, 104-210310, 104-210311, 104-210312, 104-210313, 104-210314, 104-210315, 104-210316, 104-210317, 104-210318, 104-210319, 104-210320, 104-210321, 104-210322, 104-210323, 104-210324, 104-210325, 104-210326, 104-210327, 104-210328, 104-210329, 104-210330, 104-210331, 104-210332, 104-210333, 104-210334, 104-210335, 104-210336, 104-210337, 104-210338, 104-210339, 104-210340, 104-210341, 104-210342, 104-210343, 104-210344, 104-210345, 104-210346, 104-210347, 104-210348, 104-210349, 104-210350, 104-210351, 104-210352, 104-210353, 104-210354, 104-210355, 104-210356, 104-210357, 104-210358, 104-210359, 104-210360, 104-210361, 104-210362, 104-210363, 104-210364, 104-210365, 104-210366, 104-210367, 104-210368, 104-210369, 104-210370, 104-210371, 104-210372, 104-210373, 104-210374, 104-210375, 104-210376, 104-210377, 104-210378, 104-210379, 104-210380, 104-210381, 104-210382, 104-210383, 104-210384, 104-210385, 104-210386, 104-210387, 104-210388, 104-210389, 104-210390, 104-210391, 104-210392, 104-210393, 104-210394, 104-210395, 104-210396, 104-210397, 104-210398, 104-210399, 104-210400, 104-210401, 104-210402, 104-210403, 104-210404, 104-210405, 104-210406, 104-210407, 104-210408, 104-210409, 104-210410, 104-210411, 104-210412, 104-210413, 104-210414, 104-210415, 104-210416, 104-210417, 104-21		

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29<sup>th</sup> July 2024

Mareeba Shire Council  
65 Rankin Street  
Mareeba QLD 4880

Dear Mayor Toppin,

**RE: Development Application MCU/24/0013**

As directors of Airport FNQ Pty Ltd, owner of Lot 2 RP741791, we refer to the proposed development at 8 Vicary Road, Mareeba, Lot 1 RP741791, application reference MCU/24/0013. Airport FNQ Pty Ltd is part of the Rock Ridge Farming group. Rock Ridge Farming is one of the largest farming businesses on the Tablelands and one of the largest employers of non-resident workers in the region. We had previously objected to this development (Ref. MCU/23/0002) and since then, nothing has been done to sufficiently address our original concerns and due to this, we must again object to this application. As per our original submission, our grounds for objection are as follows.

As is widely known, Panama disease is one of the biggest threats facing the banana industry in our region. Panama is highly spreadable, and farms have had to enforce strict biosecurity measures to control the spread of the disease. It only takes one speck of infected soil to contaminate an entire farm, devastating the banana plants. Once in the soil, it is non-eradicable and the fungus remains active in the soil for decades, even without banana plants present, making the land unsuitable to produce bananas or most other crops indefinitely. This is due to the Government enforced heavy restrictions and regulations on any produce that is grown on Panama-infected soil, to ensure that the supply of this crop will not spread Panama to other areas. This involves the use of Government inspectors when harvesting and many other stringent requirements. The proposed development's close proximity to our banana plants poses an unreasonable amount of risk that contaminated soil could enter the paddock. A worker arriving from Tully or the Northern Territory (where there are confirmed cases of Panama) could bring in contaminated soil on their shoes or luggage. This soil could easily be spread to our banana paddock (less than 10m away from the proposed accommodation buildings) by wind or rainwater as all the water runoff from Lot 1 RP741791 flows directly into our banana paddock. Whilst the existing fence may stop the physical entry of the workers into the paddock, it does not prevent the spread of the disease.

In addition, whilst we understand from the development application that the block is of a sufficient size to adhere to the planning regulations, it does not provide sufficient recreational area for the workers. Our concern with this, is that it will force workers to move

**Rock Ridge Farming Pty Ltd**

**Directors** Peter & Chelley Howe

**Main Office**  
07 4093 3552  
admin@rockridgefarming.com

**Banana Farm**  
07 4093 3035  
banana\_admin@rockridgefarming.com

**ABN** 18 153 578 735

Document Set ID: 4386150  
Version: 1, Version Date: 29/07/2024



beyond the bounds of the property, towards our banana plantation, again increasing the bio-security risk to our farm.

Finally, as has been done for the past 20 years, our Lady Finger bananas are sprayed by aerial spraying each fortnight with fungicide and insecticide. Whilst our operators take every precaution and adhere to strict rules and regulations, given the close proximity of the proposed development to the banana crop, it would only take a small wind change to cause drift across the property. There have been a few occasions where residents of Wylandra Estate (over 150m to nearest house from rear boundary) have complained about aerial spraying. Additionally, we feel there is an insufficient buffer zone between the proposed accommodation and the existing banana trees. In addition to aerial spraying, regular ground spraying is conducted across the farm. Given most spraying is done out of regular work hours, we feel that this could cause potentially catastrophic consequences and poses an unacceptable risk to the workers' health and wellbeing.

In conclusion, we still feel that the block, due to its size and position, is not suitable for the proposed development. We feel that this development poses unacceptable risks to the industry both through an inability to sufficiently negate bio-security hazards and to its essential workforce's health and wellbeing. We feel that there are far more suitable blocks situated across the Mareeba Shire. We request that the Mareeba Shire Council please consider our objection to the proposed development.

Kind Regards,

Peter & Chelley Howe  
Directors

**Rock Ridge Farming Pty Ltd**

**Directors** Peter & Chelley Howe

**Main Office**

07 4093 3552

admin@rockridgefarming.com

**Banana Farm**

07 4093 3035

banana\_admin@rockridgefarming.com

ABN 18 153 578 735

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Version: 1, Version Date: 29/07/2024

**From:** "Freshwater Planning" <FreshwaterPlanning@outlook.com>  
**Sent:** Thu, 22 Aug 2024 09:27:18 +1000  
**To:** "Carl Ewin" <CarlE@msc.qld.gov.au>; "Brian Millard" <BrianM@msc.qld.gov.au>  
**Cc:** "Dee Petersen" <DeeP@msc.qld.gov.au>; "Dusty Nuts P/L" <dustynutspl@gmail.com>  
**Subject:** FW: Response and Support Letters  
**Attachments:** Response to Submission 12.8.24.docx, Mareeba Laundromat.pdf, J A.pdf, FNQ Growers.pdf, MPO.pdf, Tudini Farming.pdf

Good Morning Carl,

Please see attached a Response to the Submission received during the Public Notification Period for the Development Application MCU/24/0013.

In addition, please see letters of Support from Businesses, Growers and Groups in relation to the proposed development and the proponents.

If required, additional information can be provided in relation to the Panama Disease and the proponents actions in relation to this if required along with the previous Conditioning of the Stage 1 Approval mitigating possible disease infiltration to adjoining properties. It is worth additionally noting that not only is there another large Remote Workers Accommodation within proximity of the site and the adjoining Airport FNQ Pty Ltd property/ies without any Issues (disease or recreational) or adverse impacts on the surrounding Rural Activities, the Airport FNQ Pty Ltd Rural Activities are limited in appropriate security and/or mitigation boundary fencing given the concerns outlined within their Submission.

It is further noted that if any of the Councillors or Officers have further concerns in relation to the Development or the received Submission, then a Site Inspection to view the property and day-to-day running of the existing Stage 1 would be suggested.

If you require anything additional, please do not hesitate to contact me to discuss.

Thanks and Regards,

Matt



Matthew Andrejic  
Director  
Freshwater Planning Pty Ltd

M: 0402 729 004  
E: [freshwaterplanning@outlook.com](mailto:freshwaterplanning@outlook.com)  
A: 17 Barron View Drive, Freshwater, Q4870

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**From:** Dusty Nuts P/L <dustynutspl@gmail.com>  
**Sent:** Monday, August 12, 2024 2:55 PM

**To:** Freshwater Planning <FreshwaterPlanning@outlook.com>  
**Subject:** Response and Support Letters

Hi Matt,

Please find attached a copy of our response to the one submission and our Support Letters.

Kind regards

Stephen and Geraldine  
Dusty Nuts Pty Ltd

Document Set ID: 4405435  
Version: 1, Version Date: 23/08/2024

Dusty Nuts Pty Ltd

Po Box 1820

Mareeba Qld 4880

12/08/2024

To Whom It May Concern

In response to the one submission lodged 29/07/24 regarding development application MCU/24/0013 at 8 Vicary Rd Lot 1 RP741791 we furnish the following.

Stage 1 Certificate of Occupancy was issued 22/02/24 and actively utilized to capacity shortly afterwards, to this date there has been no complaints or interactions from the adjoining banana plantation at Lot 2 RP741791. As part of the development requirements for stage 1 of the facility a 2 meter high color bond and chain mesh fence was installed on the east and south boundaries to eliminate any risks of personnel from entering the adjoining banana plantation. Please note the adjoining banana plantation has no boundary fencing, which includes Vicary Road frontage, to discourage feral animals or humans from entering the banana plantation. Regarding aerial spraying which is used widely throughout the Mareeba area with many farm houses and businesses subject to aerial drift. In our location this includes two houses on adjoining banana plantation and airport staff and maintenance crews working outside doesn't seem to be an issue.

We have received numerous letters of support (attached) and applauded for the facility provided to date. We believe our management structure and daily housekeeping has contributed to the well wishes. We have been over whelmed by the number of organisations seeking accommodation for their workers.

In concluding this response, we acknowledge the rights of farmers and our own rights to develop our land within the local planning authority's guidelines, and we look forward to working with neighbors and council in providing a much needed asset in our community.

Kind regards

Geraldine and Stephen

Dusty Nuts Pty Ltd

Document Set ID: 4405435  
Version: 1, Version Date: 23/08/2024

## Letter of Support

Michael Suzann Horton  
Owner  
Mareeba Laundromat  
52b Byrnes St  
Mareeba QLD 4880  
suzann@cleaningupthetropics.com.au  
0475 152 845

14 June 2024

Mareeba Shire Council  
65 Rankin St  
Mareeba QLD 4880

Dear Mareeba Shire Council,

Re: Letter of Support for Dusty Nuts Pty Ltd

I am writing to express my strong support for Dusty Nuts Pty Ltd stages 2 and 3 worker accommodation. I have personally had the pleasure of working with Stephen and Geraldine for over 3 years now. I am thoroughly familiar with their dedication, passion, and commitment to the local Mareeba Shire community.

### **Background/Context:**

I have enjoyed a working relationship with Stephen and Geraldine for several years, first meeting them through their business Ringtail Towing. As treasurer for the Mareeba Speedway, I have observed firsthand their involvement in community by their valued sponsorship with the Mareeba Speedway. They have generously donated their time and equipment for many years and always had local community support at the forefront of their endeavors, giving back to help the local community however possible.

### **Relevance/Importance:**

Allowing the expansion of their existing worker accommodation will allow more workers to safely come into the local community. The location is a prime spot, near town to allow workers to shop locally in Mareeba for all of their personal needs while being located in an area that is conveniently on the main thoroughfare to local farms. This area is home to several businesses in the Mareeba Airport zone, well removed from residential neighborhoods and will not take away from local residential rentals. There is a demand for such purpose-built facilities to help address the lack of housing for international workers.

**Personal Attributes/Qualities:**

- **Integrity:**

My husband Michael and I have had a chance to view the initial stage during construction of the stage 1 workers accommodation as it was being constructed. They put a great deal of thought and consideration into the facility. It is a great example of why expansion is suitable at this site.

- **Commitment:**

Stephen and Geraldine have spent long hours, weekends and many holidays working on stage 1 to ensure every detail of the worker accommodation was to specifications, as well as creating a comfortable, well-equipped facility for the workers that would be staying at the facility.

- **Innovation:**

No detail was left unaddressed to provide a complete, functional facility built to purpose for housing as well as meeting the workers specific needs.

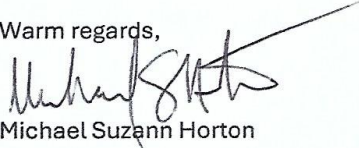
In light of the above, I firmly believe that the worker accommodation is an asset for the local Mareeba Shire community. Their efforts will undeniably lead to income for local businesses, provide staff for local farms and a comfortable, safe sustainable environment that addresses a need in the local community.

I urge you to approve the further development of the worker accommodation expansion put forth by Dusty Nuts Pty Ltd. I am confident that with your support, they can take their existing facility to the next level that will definitely benefit the local communities.

Please feel free to reach out to me if you require any additional information or clarification.

Thank you for your consideration.

Warm regards,



Michael Suzann Horton

Owner

Mareeba Laundromat



4-03-2024

To Whom It May Concern

Jobs Australia Enterprises supplies Seasonal Workers to many businesses through out Australia. As you can appreciate we are continually sourcing appropriate accommodation for our workers. This is becoming a particular problem on the Atherton Tablelands with the avocado industry's increasing demand for labour.

When Stephen and Geraldine contacted us to advise that they are planning to build an accommodation facility it certainly peaked our interest. Now after meeting with Stephen and Geraldine and viewing the first stage of their accommodation and their future plans Jobs Australia is very excited about the possibility of housing our workers in this accommodation.

I'm sure you are aware that our organisation needs approval from the Department of Employment and Work Place Relations for anywhere we house our Seasonal Workers. The accommodation that Stephen and Geraldine is planning more than meets the requirements of this department.

If you have any queries or I can be of assistance in anyway please do not hesitate to contact me on the details below.

Kind Regards

A handwritten signature in cursive script that reads "Debbie Brauer".

Debbie Brauer  
FNQ Operations Manager  
0429 180 370  
Debbie.brauer@speediestaffsolutions.com.au



President: Joe Moro

Secretary: Sherri Soncin

Telephone: (07) 4092 6099

Email: [secretary@fnqgrowers.com.au](mailto:secretary@fnqgrowers.com.au)

Postal: PO Box 989 MAREEBA QLD 4880

29<sup>th</sup> April 2024

### TO WHOM IT MAY CONCERN

### LETTER OF SUPPORT – SEASONAL WORKER ACCOMMODATION

We are writing to provide support for Dusty Nuts Pty Ltd and their application for Stage 2 and 3 of Seasonal Worker Accommodation at 8 Vicary Road, Mareeba.

The agricultural sector in our region plays a vital role in our local economy, providing employment opportunities and contributing to the prosperity of our community. We recognise the critical need for additional accommodation to sustain our industry growth and this proposed accommodation will address the pressing issues of providing much needed housing for seasonal workers in our region.

Please do not hesitate to contact me if you require any further information or assistance.

Regards

*joe mora*

President  
FNQ Growers

[www.fnqgrowers.com.au](http://www.fnqgrowers.com.au)

Document Set ID: 4405435  
Version: 1, Version Date: 23/08/2024



ABN: 36 989 911 069

Phone: (07) 4092 1355

191 Byrnes Street  
PO Box 208  
MAREEBA QLD 4880

Fax: (07) 4092 3314

Email: [office@mpo.net.au](mailto:office@mpo.net.au)  
[www.mpo.net.au](http://www.mpo.net.au)

23 April 2024

Dear Steve and Geraldine

**SUBJECT: Letter of Support – Worker Accommodation Facility at 8 Vicary Road, Mareeba, QLD, 4880**

Thanks for inviting me to inspect the first stage of the project recently. This facility and set up is impressive, and in my opinion is a clean, neat and functional setup, fit for the purpose of worker accommodation.

Further to your request for a letter of support on behalf of Dusty Nuts Pty Ltd and the accommodation project at 8 Vicary Road, Mareeba

The location of the facility, 8 Vicary Road, Mareeba, is conveniently situated to service agricultural operations across Mareeba, the Atherton Tablelands and Dimbulah areas.

I am of the understanding that there is a demand for purpose-built, safe, and private seasonal worker accommodation in our region, in a location that is not in town, but still central to the main farming districts in our region.

As such, I support your proposed project and future stages 2 & 3.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Damon Falvo', with a long, sweeping horizontal line extending to the right.

Damon Falvo  
Sales Representative  
Mareeba Property Office

**Tudini Farming**

478 Chanell Rd

Walkamin Qld 4872

April 5 2024

To Whom It May Concern

It is with great pleasure that I write this letter of support for Geraldine and Stephen's seasonal worker accommodation Stages 2 & 3 at 8 Vicary Rd Mareeba.

Their stage 1 of the facility is awe inspiring and we look forward to seeing stage 2 & 3 of the facility completed.

We constantly battle in filling our worker requirements during mango season. Because of the demographic and shortage of accommodation in the immediate area causing frustration as workers do not turn up together, so to have the availability of this many workers in one area is unique. Having known Geraldine and Stephen for many years, and note their farm was always pristine nothing out of place, I am sure this 72 person accommodation complex will be exactly the same as their farm was.

The position at 8 Vicary Rd is a perfect location, far enough out of town as to not be a nuisance, but central to the entire Tableland farming community. I applaud them for their vision and tenacity to get things done that benefits the entire community.

We wish them well and wholeheartedly support them in this venture.

William Tudini



**8.3 LAND TENURE USER AGREEMENT - LOT 213 CPHG550 - PARK AVENUE DIMBULAH**

**Date Prepared:** 16 September 2024

**Author:** Coordinator Governance & Compliance

**Attachments:** 1. draft UA - Dimbulah Community Centre Inc. [↓](#)  
2. draft UA - TRACQS Pty Ltd [↓](#)

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**EXECUTIVE SUMMARY**

Approval is sought for exercise of statutory exemption provisions and a revised policy position to provide renewed tenure to two community groups as existing tenants of a Council owned facility located in Dimbulah to enable continued delivery of services to the community. The two (2) groups are Dimbulah Community Centre Inc. and TRACQS Pty Ltd and they share use of a shed structure in Dimbulah for which no rent is charged in accordance with the *Community Group Exclusive Use of Council Land and Facilities Policy*.

**RECOMMENDATION**

That Council:

1. Determine that exemption provisions under s 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) apply to the proposed land tenure arrangement outlined in this report; and
2. Consent to the issuing of new User Agreement instruments to the entities TRACQS Pty Ltd and Dimbulah Community Centre Inc. for shared tenure of the shed facility located upon Lot 213 CPHG550, 5 Park Avenue Dimbulah until terminated by either party; and
3. Authorise Council's Chief Executive Officer to finalise and execute the necessary land tenure instruments to give effect the land tenure arrangements at point 2 above in accordance with Council's *Community Group Exclusive Use of Council Land and Facilities Policy* and Council's *Community Tenure Guidelines*.

**BACKGROUND**

Since 2020, Council has held land tenure arrangements in place in the form of User Agreements (UAs) with TRACQS Pty Ltd and Dimbulah Community Centre Inc ("the Groups") for shared use of a shed facility located in the southeastern corner of Lot 213 CPHG550, 5 Park Avenue Dimbulah. The arrangement provides for delivery by the Groups of services to the community. These UAs are due for expiry on date of 31 October 2024 and the Groups have confirmed that they seek renewal of tenure of the facility for continued delivery of services to the community into the future.

**Cyclic tenure renewal – proposal for a new arrangement**

The Groups are assessed as holding the status of Type 3 community groups under Council amended *Community Group Exclusive Use of Council Land and Facilities Policy* and this status provides for exclusive use of a defined area within a multi-purpose facility.

Historically, the UAs under which the Groups operated have held validity of one calendar year with renewals approved administratively. To remove the administrative burden associated with annual renewal of these UAs and to ensure compliance with Council's revised policy position, it is proposed

that renewal UAs commencing 1 November 2024 are drafted for the Groups with no expiry date. Tenure related risk is addressed via revised UA termination clauses exercisable by either party without reason upon the giving of three (3) calendar months' written notice.

Copies of the proposed new UAs for the Groups are herewith attached for reference.

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

Approval for continued shared use of the facility by the Groups as existing tenants is provided via operation of exemption provisions under section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld). This provision provides an exemption from the requirement for Council to offer a tenure interest in land via tender or auction where the interest is for the purpose of renewing tenure for an existing tenant of the land. Renewal UA instruments to be drafted to comply with Council's *Community Group Exclusive Use of Council Land and Facilities Policy* and *Community Tenure Guidelines*.

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

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

Nil

#### **LINK TO CORPORATE PLAN**

**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.

#### **IMPLEMENTATION/COMMUNICATION**

The Groups are to be informed of the Council resolution and provided with draft renewal UA tenure instruments for consideration and execution.



## USER AGREEMENT

FOR THE EXCLUSIVE USE OF A LICENSED AREA IN A SHARED COUNCIL FACILITY

BETWEEN

**MAREEBA SHIRE COUNCIL**

('Council')

AND

**DIMBULAH COMMUNITY CENTRE INC.**

('User Group')

---

*User Agreement between Mareeba Shire Council and Dimbulah Community Centre Inc.*

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## USER AGREEMENT

### PARTIES:

#### **MAREEBA SHIRE COUNCIL**

('Council')

#### **DIMBULAH COMMUNITY CENTRE INC.**

('User Group')

### RECITALS:

- A. Council is Trustee of the Reserve on Lot 213 CPHG550.
- B. The Facility is located at 5 Park Avenue Dimbulah, QLD 4872, known as the Dimbulah Football Grounds Shed and will remain the property of the Council. The Facility is shown in **Schedule One** as being part of Lot 213 CPHG550.
- C. The Facility is constructed on the Land and intended to be used for community purposes.
- D. The User Group is volunteer led and undertakes community activities that do not generate a profit.
- E. Council and the User Group have agreed to enter into this Agreement to allow the User Group exclusive use of the Licensed Area within the Facility, noting that other elements or areas of the Facility are used for other purposes by other groups or are shared with the public.
- F. The permitted use of the Licensed Area is for storage purposes and community-based activities, and no other purpose.
- G. The User Group acknowledges that notwithstanding anything contained in this Agreement, at the commencement of occupation the Licensed Area is in an "as is where is" condition.
- H. The User Group has agreed to use and maintain the Licensed Area in accordance with the terms set out in this Agreement including the respective responsibilities of both parties as set out in *Schedule Two Summary of Responsibilities* in this Agreement and elsewhere in the Agreement.
- I. The User Group is required to pay \$1 rent (plus GST), if demanded, and the User Group will not be charged property rates or levies by Council for the exclusive use of the Licensed Area.
- J. Council will not charge an application fee or annual administration fee for the preparation, execution, and management of this User Agreement as long as the standard documents are used.
- K. The User Group must at its own cost maintain public liability insurance having a minimum limit of twenty million dollars (\$20,000,000) and provide annually to the Council a copy of its current certificate of insurance.
- L. The User Group is responsible for insuring chattels and contents, at its discretion and own expense.

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**THE PARTIES COVENANT AND AGREE:****1. DEFINITIONS**

- 1.1** 'Address for Service' means in relation to each party:  
Council – 65 Rankin Street, MAREEBA QLD 4880;  
User Group – c/- PO Box 101, DIMBULAH QLD 4872.
- 1.2** 'Agreement' means this User Agreement and any other agreement, including schedules expressed to be supplemental to this Agreement and all amendments to those documents.
- 1.3** 'Approvals' means any approval, consent or permission required by law.
- 1.4** 'Chief Executive Officer' means the Chief Executive Officer of the Council.
- 1.5** 'Commencement Date' means the date of execution of this Agreement or such other date as Council and the User Group agree.
- 1.6** 'Common Facilities' means the areas marked "Common Area" on the Facility Plan that will be common/shared by the User Group, Council and/or other community groups.
- 1.7** 'Community Group Exclusive Use of Council Land and Facilities Policy' is the policy adopted by the Council for the Community Group exclusive occupation and use of Council land and facilities including the exclusive use of a Licensed Area in a shared Council Facility by a User Group.
- 1.8** 'Council' means Mareeba Shire Council.
- 1.9** 'Councillor' has the meaning contained in the *Local Government Act 2009* (Qld).
- 1.10** 'Equipment' means:
- (a) Any items of necessary equipment used in relation to the operation of the Facility including but not limited to equipment required for the maintenance of the Facility, which have been paid for and/or acquired by or on behalf of Council as detailed in **Schedule Four**;
  - (b) all such items as identified in sub-clause 1.11(a) that have been paid and/or acquired by the User Group; and
  - (c) substitutions for and/or additions to any of the items referred to in sub-clauses 1.11(a) and (b) above and whether paid for or acquired or supplied by Council or the User Group.
- 1.11** 'Facility' means the building identified in **Schedule One**, being on Lot 213 HG550.
- 1.12** 'Licensed Area' means part of the Facility shown as "DCC Storage Space Licensed Area" on the Facility Plan for which the User Group is approved exclusive use under this Agreement.
- 1.13** 'Maintenance Plan' means the Maintenance Plan outlined in **Schedule Three** detailing the obligations of each party.
- 1.14** 'Operating Expenses' means all costs and expenses of maintaining and conducting the Permitted Use of the Licensed Area incurred by the User Group directly or at its request including but not limited to:

- (a) cost of repairs and maintenance (including emergency repairs);
- (b) cost of all goods and services obtained by the User Group in connection with the operation of the Licensed Area including utilities, any rental of telephone or communications equipment, office supplies and all services performed by third parties;
- (c) license fees and other charges (other than income taxes) payable by or assessed against the User group in respect of the operation within the Licensed Area; and
- (d) any other expenses expressly provided in this Agreement as being an Operating Expense, including all expenses related to the User Group's Summary of Responsibilities outlined in **Schedule Two**.

**1.15** 'Permitted Use' means the use of the Licensed Area by the User Group for limited office and storage purposes, and no other purpose.

**1.16** 'User Group' means the elected representatives (office bearers) of Dimbulah Community Centre Inc as approved by the Council to use the Licensed Area in accordance with this Agreement.

## **2. INTERPRETATION**

**2.1** In this Agreement unless inconsistent with the context or subject matter:

- (a) a reference to a person includes any other legal entity;
- (b) a reference to a legal entity includes a person;
- (c) words importing the singular number include the plural number;
- (d) words importing the plural number include the singular number;
- (e) the masculine gender must be read as also importing the feminine or neuter gender;
- (f) a reference to a party includes, in the case of the Council, its executors, administrators, successors and permitted assigns and substitutes and in the case of the User Group, the elected or appointed representatives (office bearers) of Dimbulah Community Centre Inc. and their successors and permitted assigns;
- (g) clause headings are for reference purposes only and must not be used in interpretation;
- (h) where any word or phrase is given a defined meaning any other part of speech or other grammatical form concerning the word or phrase has a corresponding meaning;
- (i) a reference to a statute includes all regulations and subordinate legislation and amendments;
- (j) references to writing include any mode of representing or reproducing words in tangible and permanently visible form, and includes e-mail and facsimile;
- (k) a reference to a monetary amount is a reference to an Australian currency amount;
- (l) an obligation of two or more parties binds them jointly and each of them severally;

- (m) an obligation incurred in favour of two or more parties is enforceable by them severally;
- (n) references to time are to local time in Queensland;
- (o) where time is to be reckoned from a day or event, the day or the day of the event must be excluded;
- (p) a reference to a business day means any day on which trading banks are open for business in Queensland;
- (q) if any time period specified in this Agreement expires on a day which is not a business day, the period shall expire at the end of the next business day;
- (r) a reference to a month means a calendar month.

### 3. AGREEMENT

- 3.1 This Agreement grants the User Group the right to use the Licensed Area and Common Facilities for the Permitted Use in accordance with this Agreement.
- 3.2 The Permitted Use of the Licensed Area by the User Group is for storage purposes and community-based activities, and no other purpose.
- 3.3 The User Group will manage and coordinate the day-to-day use of the Licensed Area as well as exercise any directions or orders from the Council.
- 3.4 The parties acknowledge that Council retains possession of the Facility and Licensed Area and that this license does not create any interest in the Land.

### 4. TERM OF AGREEMENT

- 4.1 This Agreement commences on 1 November 2024 ("Commencement Date") and shall continue in perpetuity, or until such time as:
  - (a) Either party to this Agreement serves on the other party 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; or
  - (b) The User Group, for whatever reason, ceases to operate.
- 4.2 Council may cancel this Agreement for reason of non-compliance with any of the conditions contained within the Agreement with fourteen (14) days' notice.
- 4.3 Should cancellation be considered necessary, the User Group acknowledges that it will have no claim against Council at law or in equity for loss or inconvenience in consequence thereof.

### 5. COSTS AND CHARGES

#### 5.1 Rent

The fee for use of the Licensed Area is \$1 (plus GST), if demanded, and is payable upon the Commencement Date.

#### 5.2 Administration fees

- (a) No application fee will be charged by Council where standard documents are utilised in accordance with the User Group Exclusive Use of Council Land and Facilities Policy for the preparation and execution of this Agreement.
- (b) Should the User Group decide to not use the standard documents for the User Agreement, any associated legal or other costs will be the responsibility of the User Group.
- (c) No administration fee will be charged by Council for the ongoing management of the Agreement.

### **5.3 Rates and Service Charges**

Council will not charge rates, service charges or levies for the Licensed Area.

### **5.4 Operating Expenses Borne by User Group**

All Operating Expenses that are incurred relevant to those items and responsibilities listed in **Schedule Two** for which the User Group has sole responsibility, shall be borne exclusively by the User Group.

### **5.5 Electricity Consumption Costs**

#### **Shared Electricity Connection**

It is accepted and understood by both the User Group and the Council that electricity provided to the Licensed Area at the Facility is through a shared connection that may be also utilised by other User Groups and/or the Council for the operation of Council-owned infrastructure at the Facility e.g., public amenities.

It is agreed that Council will be responsible for electricity and associated charges raised by the electricity service provider relevant to the nominated electricity meter.

However, Council reserves the right to implement electricity co-contributions at any time throughout the duration of this Agreement. Council will provide the User Group with Notice of any review in accordance with Clause 19. In this instance, Council will pay the electricity and associated charges in full for each billing period as invoiced by the electricity service provider and will then subsequently raise a Tax Invoice to the User group for the period in arrears. Council's standard terms for payment of invoices will apply.

### **5.6 Water Consumption Costs**

#### **Shared Connection**

It is accepted and understood by both the User Group and the Council that water provided to the Licensed Area at the Facility is through a shared connection that may also be utilised by other User Groups and/or the Council for the operation of Council-owned infrastructure at the Facility e.g., public amenities.

It is agreed that Council will be responsible for the costs of all water consumption at the Facility with a shared water meter.

However, Council reserves the right to implement water consumption co-contributions at any time throughout the duration of this Agreement. Council will provide the User Group with Notice of any review in accordance with Clause 22. In this instance, Council will charge the User Group the agreed portion of the total water consumption and associated costs. Council will raise a Tax Invoice to the User group for the period in arrears. Council's standard terms for payment of invoices will apply.

---

**6. STATE OF PREMISES**

- (a) The User Group acknowledges that notwithstanding anything contained in this Agreement, at the commencement of occupation the Licensed Area is in an “as is where is” condition.
- (b) The Council provides no assurances whatsoever that the Licensed Area is fit, suitable or adequate for all or any of the purposes of the User Group.

**7. MAINTENANCE**

- (a) The User Group are responsible for the costs of undertaking and carrying out their respective obligations for the Licensed Area pursuant to the Maintenance Plan detailed in Schedule Three and to the User Group Responsibilities detailed in Schedule Two.
- (b) The User Group shall at its own expense and to the reasonable satisfaction of the Council, keep and maintain the interior of the Licensed Area and the furniture and equipment or any part thereof in good repair and condition.
- (c) Council is responsible for major maintenance including structural renewals of the facility in which the Licensed Area is located.
- (d) However, Council reserves the right to not undertake major or other maintenance on facilities including replacements and structural works in which Licensed Areas are located. Should this occur the User Group will be issued with a Notice to Terminate the User Agreement. Such notice will be in writing and be served not less than three (3) months prior to the intended date of termination.

**8. DAMAGE TO PROPERTY****8.1** Having regard at all times to the maintenance responsibilities of the User Group:

- (a) the User Group shall pay to the Council such costs as are determined by the Council (acting reasonably) to be necessary to effect repairs sustained by or caused to the Licensed Area, which damage, in the opinion of the Council, is as a result of the activities of the User Group;

**8.2** This clause will survive the termination of this Agreement.**9. ALTERATIONS BY USER GROUP**

- 9.1** The User Group shall not make nor cause to be made any alterations, additions or improvements to the Licensed Area without first submitting an application in writing to Council with full detailed drawings and other specifications of the proposed works and particulars of the materials proposed to be used therein and obtaining the Council’s prior consent in writing. Such consent may be granted or refused or granted upon such terms and conditions as the Council may in its absolute discretion think fit provided that such consent shall not be unreasonably refused nor shall arbitrary or unreasonable conditions be imposed if such alterations or additions are required by law by reason of the purposes for which the Facility or Licensed Area is used.
- 9.2** Any alterations, additions or improvements approved by the Council shall be effected by and at the expense of the User Group and the User Group shall indemnify and hold indemnified the Council from and against all injury or damage to the Facility or Licensed Area caused in or about the execution of such works.

### 9.3 Approvals

In conducting any maintenance or alterations to the Facility or Licensed Area in accordance with Clause 9, the User Group must obtain all relevant Approvals and comply with all obligations arising under the relevant law before undertaking any works.

## 10. INSPECTION AND WORKS BY COUNCIL

Council may enter into the Licensed Area at any time, with contractors, workmen and others and with all necessary materials, machinery and appliances, to inspect the Facility and Licensed Area and or undertake works, alterations, remodelling or repairs. Entry, inspection and undertaking of Council's works referred to in this Clause, (except in any emergency as to which Council shall be sole judge when this right of entry may be exercised at any time without notice) shall be carried out in such a manner as to minimise so far as may be practicable any inconvenience or interruption to the use of the Facility by the User Group for the purposes for which the Licensed Area is used.

## 11. CONDITIONS OF USE

### 11.1 No Subletting

The User Group shall not sub-let or permit any other group, person or persons to occupy or use the Licensed Area or any other part of the Facility at any time during the term of this Agreement.

### 11.2 Doors and Windows

The User Group must ensure that the doors and windows through which it is possible to access or leave the Licensed Area are locked securely at all times when the Licensed Area is not in use.

### 11.3 Waste disposal

- (a) The User Group must comply with all directions by Council concerning waste management.
- (b) The User Group is responsible for the removal of all rubbish generated as a consequence of the User Group activities and use of the Licensed Area. The Licensed Area and the Common Facilities must be left in a clean and tidy condition after each use.

### 11.4 Electrical equipment

- (a) The User Group must not install upon the Licensed Area without Council consent, equipment that overloads the electrical infrastructure or components serving the Licensed Area.
- (b) All non-essential services and equipment, including fans, and lights, but not including refrigeration equipment, are to be switched off when not in use.
- (c) All electrical cords, fittings, switches and other electrical equipment used will comply with the appropriate Australian Standards and display a current electrical test tag.

### 11.5 Smoking

Smoking in the Licensed Area and in any other part of the Facility is prohibited by Council.

### 11.6 Key Management

- (a) The User Group shall be supplied with keys to the Licensed Area in order that the User Group may have access thereto.
- (b) The User Group must not permit duplicates of such keys to be made without the prior consent in writing of Council and shall furnish to Council the names and addresses of all members supplied with such keys.
- (c) The User Group shall promptly report the loss of any such keys to Council. Any keys that need to be replaced due to being misplaced or broken due to negligence of the User Group is the responsibility of the User Group.
- (d) The User Group shall at the expiration or sooner determination of the Agreement return all keys to Council.
- (e) Council will repair any damage caused to the keys unless such damage is caused by the negligent or wilful conduct of the User Group, in which case the User Group will effect such repairs.

## 12. INDEMNITY

**12.1** The User Group will indemnify and keep indemnified Council, from and against all claims, demands, actions, suits, costs and expenses in respect of any injury (including death) to any person or any loss or damage to property howsoever sustained arising out of or in any way incidental to:

- (a) Anything done or purporting to be done or omitted to be done under the authority of or in pursuance of the rights granted by this Agreement; or
- (b) Any breach of or default by the User Group of the provisions of this Agreement.

Except to the extent any such claim, demand, action, suit, cost or expense is caused by the act, omission, negligence or default of the Council or the Council's employees, contractors or agents.

## 13. INSURANCE – COUNCIL

### 13.1 Insurance

The Council will not insure the Facility nor the Licensed Area nor any Equipment. The User Group may, at its discretion, undertake to effect such insurance, at its own expense.

## 14. INSURANCE – USER GROUP

### 14.1 Insurance

Having regard to the wording contained in clause 13.1 herein, the User Group shall be responsible for its own equipment located on, at or about the Licensed Area including insurance of the equipment if deemed necessary by the User Group. Council accepts no liability for equipment owned by the User Group.

### 14.2 Public Liability Insurance

The User Group must, at its own cost, also from the date of this Agreement provide and maintain public liability insurance having a minimum limit of twenty million dollars (\$20,000,000) for each and every occurrence against all claims for bodily injury, death or damage to property of third parties which shall include coverage against liability arising

out of the loss or damage which may occur as a consequence of the use of the Licensed Area by the User Group. The User Group must annually provide to the Council a copy of a current public liability insurance certificate.

#### **14.3 Volunteers**

The User Group must, if required, at its own expense take out and maintain a volunteers' insurance policy.

### **15. LICENSES AND PERMITS**

The User Group must at its own expense obtain, maintain, and renew from time to time all licenses, permits and registration required for the carrying on of the operation of the User Group within the Licensed Area.

### **16. AMENDMENTS TO THIS AGREEMENT**

- 16.1** Any amendments to this Agreement must be agreed to in writing and signed by each of the parties to this Agreement.
- 16.2** In the event Council adopts a new Policy or amends an existing Policy that materially changes the obligations of the User group under this Agreement, Council will:
- (a) Provide a written Notice under Clause 22 detailing the material changes to the obligations of the User group; and
  - (b) If requested, a representative of Council will meet with a representative of the User group to discuss and explain the changes in person; and
  - (c) The amendment to this agreement will be signed by each of the parties, in accordance with Clause 16.1.

### **17. NO ASSIGNMENT**

The rights and obligations under this Agreement cannot be assigned.

### **18. DEFAULT AND END OF AGREEMENT**

- 18.1** The definition of Default is where any of the following circumstances apply, namely: failure to pay moneys under this Agreement upon demand; failure to effect repairs required by any notice given pursuant to this Agreement; breach of terms or failure to observe, perform or fulfil any of the other terms, conditions and restrictions of the Agreement; liquidation of company; offence committed: if the User Group is convicted of an offence against any Statute, Regulation, Ordinance or Local Law in the operation of the Licensed Area.
- 18.2** If the User Group shall have made Default the Council may (after first giving prior notice where required by law), give notice in writing to the User Group to determine (assessed to be at an early end) this Agreement and from the date of giving such notice this Agreement shall be absolutely determined to be at an end.
- 18.3** At the expiration or sooner determination of the Term, the User Group must yield up (surrender) the Licensed Area including Council's fixtures and fittings.

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**19. END OF AGREEMENT BY CANCELLATION OR TERMINATION**

This Agreement may be terminated by either party in accordance with clause 4.1 without reason upon the giving of a minimum of three (3) calendar months' written notice or may be cancelled by Council in accordance with Clauses 4.2 and 4.3 with the giving of fourteen (14) days' notice.

**20. DISPUTES**

**20.1** If any dispute, question or difference shall arise between the parties in respect of the meaning, operation or effect of this Agreement or any clause in the Agreement or as to the rights and liabilities of either of the parties to the Agreement which is not resolved within 20 Business Days, such dispute, question or difference shall be referred by either party to an expert practicing professional mediator and if no mediator can be agreed upon by the parties, to the President of the Queensland Law Society Incorporated at that time to appoint an independent mediator whose decision or award shall be conclusive or binding on the parties.

**20.2** Each party may make a submission either orally or in writing within 20 Business Days after the appointment of the mediator.

**20.3** In making a determination the expert must act as an expert and not as an arbitrator; consider any submission made to it by a party and provide the parties with a written statement of reasons for the determination.

**20.4** The costs of the expert will be shared equally between the parties and each party must bear its own costs. Nothing in this clause prevents either party from seeking injunctive or similar relief from a court.

**20.5** Any information or documents disclosed by a party under this clause:

- (a) Must be kept confidential;
- (b) May not be used except to attempt to resolve the dispute.

**21. GOVERNING LAW AND COMPLIANCE**

**21.1** This Agreement is governed by the laws of Queensland and the Commonwealth of Australia.

**21.2** The parties submit to the jurisdiction of the Courts of Queensland, relevant federal Courts and the Courts competent to hear appeals from them.

**21.3** The User Group shall at their own expense observe, perform and fulfil all the requirements of any statutes, regulations, ordinances and local laws whilst conducting their activities at the Licensed Area within the Facility, including but not limited to:

- (a) Mareeba Shire Council Local Laws;
- (b) *Work Health and Safety Act 2011 (Qld)* and *Work Health and Safety Regulation 2011 (Qld)*, and codes of practice;
- (c) *Fire and Emergency Services Act 1990 (Qld)* and *Building Fire Safety Regulation 2008 (Qld)*;
- (d) *Electrical Safety Act 2002 (Qld)* and *Electrical Safety Regulation 2013 (Qld)*;

(e) *Native Title Act 1993* (Cth), *Native Title (Queensland) Act 1993* (Qld), and *Aboriginal Cultural Heritage Act 2003* (Qld);

(f) *Environmental Protection Act 1994* (Qld),

and all such statutes, regulations, ordinances or local laws relating to health, water supply, sewerage and fire and shall not knowingly or wilfully do or permit to be done anything which may conflict with any statute, regulation, ordinance or local law.

## **22. NOTICES**

### **22.1 Procedure**

All notices authorised or required under this Agreement must be in writing and delivered to that party, or to a lawyer who has confirmed they have instructions to receive it on the party's behalf, in one of the following ways:

- (a) personally; or
- (b) by mail, when it will be treated as received on the sixth business day after posting; or
- (c) by email, when it will be treated as received when it enters the recipient's information system.

### **22.2 Address for Service**

The initial addresses of the parties for service shall be as set out in the definition of Address for Service.

## **23. FURTHER ASSURANCES**

**23.1** The parties must execute and deliver all documents and must do all things as necessary for the complete performance of their respective obligations under this Agreement.

## **24. ENTIRE UNDERSTANDING**

**24.1** This Agreement contains the entire understanding and agreement between the parties as to the subject matter of this Agreement.

**24.2** No oral explanation or information provided by a party to another affects the meaning or interpretation of this Agreement or constitutes any collateral agreement, warranty or understanding.

## **25. WAIVER**

**25.1** No waiver of a provision of this Agreement is binding unless made in writing and agreed by both parties.

## **26. SEVERANCE**

**26.1** If a provision of this Agreement is void or unenforceable it must be severed from this Agreement and the provisions that are not void or unenforceable are unaffected by the severance.

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**27. CUMULATIVE RIGHTS**

- 27.1** The rights and remedies of a party to this Agreement are in addition to the rights or remedies conferred on the party at law or in equity.

**28. NATIVE TITLE AND CULTURAL HERITAGE**

- 28.1** The User Group acknowledges they have been made aware of their duty of care and obligations in regard to Native Title and Cultural Heritage and must observe and be aware of any obligations arising under the relevant legislation accordingly.
- 28.2** The User Group acknowledges their duty of care obligations under the *Aboriginal Cultural Heritage Act 2003* (Qld), as amended, which requires anyone who carries out a land-use activity to exercise a duty of care and binds all persons. The User group acknowledges that Aboriginal cultural heritage may exist even where Native Title does not.

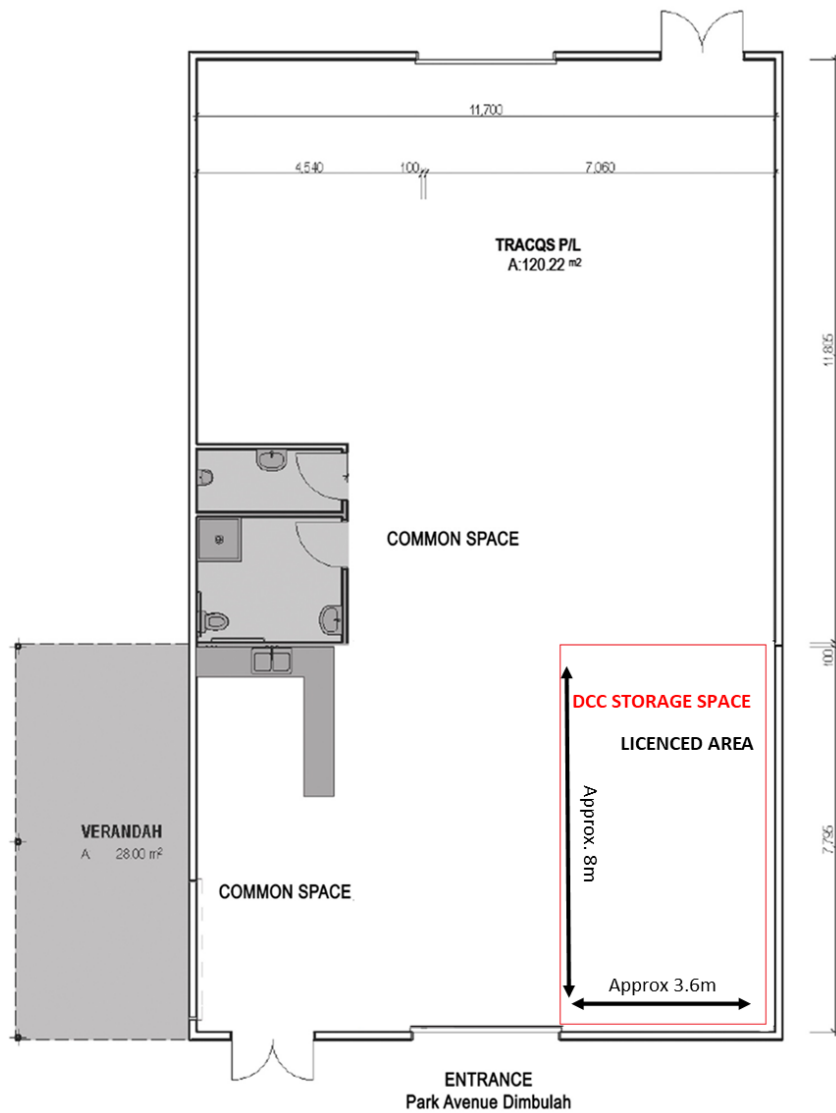
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**SCHEDULE ONE**

**FACILITY PLAN & LICENSED AREA**

Lot 213 HG550 – Dimbulah Football Grounds Shed – 5 Park Avenue Dimbulah

## Shed on Park Avenue Dimbulah



*User Agreement between Mareeba Shire Council and Dimbulah Community Centre Inc.*

## SCHEDULE TWO

### SUMMARY OF RESPONSIBILITIES FOR THE LICENSED AREA

	Item	User Group Responsibility	Council Responsibility
1	Costs for preparation, management and renewal of Agreement	No charge by Council provided the standard documents are used	
2	Rent	\$1 (plus GST), if demanded	
3	General Property Rates, Charges and Levies	Not charged by Council	
4	Insurance - Public Liability	Yes	No
5	Insurance - Contents/Chattels	Yes, at Group's discretion	No
6	Insurance General Building	Yes, at Group's discretion	No
7	Waste Disposal	Yes	No
8	Workplace Health and Safety within the Licensed Area	Yes	No
9	Fire Equipment Maintenance and Compliance within the Licensed Area	Yes	No
10	Furniture and Equipment –Purchase, Repair and Replacement	Yes	No
11	Cost to Repair Facility Damage including Vandalism and Graffiti Removal in the Licensed Area	Yes	No
12	Water and Electricity Consumption Costs (sole or shared connections)	Yes	Yes, see Note 13 and Clause 5.5 and Clause 5.6
13	Septic Tank Maintenance (sole or shared connections)	Yes	No
14	Minor Maintenance and Refurbishments + Grounds Maintenance in the Licensed Area	Yes	No
15	Major Maintenance and Replacements	No	Yes
16	RCD Testing and Tagging	No	Yes
17	Building Fire and Safety Compliance	No	Yes
18	Operating Expenses including Cleaning, Gas, Telephone, Administration	Yes	No

**EXPLANATORY NOTES**

**Item 1** Council does not charge for legal or other costs associated with the preparation, management and renewal of tenure agreements provided the standard documents are utilised.

**Items 2 & 3** Council will not charge the User Group rent, property rates, service charges or levies for the Licensed Area.

- 4** The User Group must at its own cost maintain public liability insurance having a minimum limit of twenty million dollars.
- 5** The User 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 the Licensed Area and accepts no liability for equipment owned by the group.
- 6** The User Group may elect at its discretion and own expense to insure the building.
- 7** Organising and paying for waste disposal for the Licensed Area is the responsibility of the User Group.
- 8** The User Group is responsible for complying with the relevant workplace health and safety requirements.
- 9** The User Group is responsible for fire equipment maintenance and compliance within the Licensed Area.
- 10** The User Group is responsible for the purchase, repair and replacement of their own equipment and furniture.
- 11** The User Group is responsible to repair any asset damage including costs associated with, or arising from, anti-social behaviour for the Licensed Area.
- 12** It is the responsibility of the User Group to pay for its 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 there are separate connections for the Licensed Area.

Where there are **sole connections** for the Licensed Area, the User Group is responsible for paying all water and electricity costs. The User Group may be eligible for a donation towards water consumption costs under Council's Community Partnerships Program.

Where the Facility has more than one Licensed Area resulting in **shared connections for water and/or electricity**, the costs will be shared on a pro-rata basis by the User Groups. If the administration of a pro-rata payment system is not feasible or when public amenities are connected, Council will pay these costs.

- 13** Where there is a shared septic connection, it is the responsibility of each User Group to contribute to the maintenance of the facility's septic system on a pro-rata basis. Where the administration of a pro-rata payment system is not feasible or public amenities are attached, these costs will be met by Council.

**14 & 15 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.

The User Group is responsible for minor maintenance within the Licensed Area and the Maintenance Plan at Schedule Three of this User Agreement

Council is responsible for major maintenance including structural renewals of the facility in which the Licensed Area is located. However, Council reserves the right to not undertake major maintenance on the facility. Should this occur the User Group will be issued with a Notice to Terminate the User Agreement. Such notice will be in writing and be served not less than three (3) months prior to the intended date of termination.

**16 & 17** Council is responsible for Residual Current Device (RCD) testing obligations and building fire and safety compliance for the Facility in which the Licensed Area is located including facility evacuation plans.

**18** All operating expenses associated with the Licensed Area are the responsibility of the User Group, including cleaning, administration, gas, telephone.

**SCHEDULE THREE****MAINTENANCE PLAN****Minor Maintenance - The User Group**

The User Group is responsible for all minor maintenance for the internal of the Licensed Area, which 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 Licensed Area.

Having regard to the above definition, the following are non-exhaustive examples of minor maintenance responsibilities which include, but are not limited to:

- Cleaning, repairing and maintaining windows, doors, furniture and equipment;
- Cleaning, repairing and maintaining plumbing and associated fixtures (taps, washers etc), but excluding public toilets;
- Cleaning, repairing and maintaining floor surfaces, floor coverings and internal paintwork;
- Cleaning and repairing minor acts of vandalism and/or graffiti;
- Repair or replace lighting including tubes, starters etc;
- Control of rodents, insects and pests;
- Planned maintenance, for example, of fire safety equipment within the Licensed Area.
- Note electrical test and tagging of equipment within the Licensed Area is not required if the building has a Residual Current Device (RCD) installed and if this is the case, then Council will maintain the RCD.

**Major Maintenance - The Council**

The Council is responsible for major maintenance of the Facility, which 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.

Having regard to the above definition, the following are non-exhaustive examples of major maintenance responsibilities which include, but are not limited to:

- Painting of entire Facility or a significant part thereof;
- Replacement of entire roof, guttering and downpipes of Facility or a significant part thereof;
- Cleaning, repairing and maintaining of public toilets and provision of consumables such as toilet paper and hand towels;
- Replacement of hot water systems at end of economic life;
- Repair of major acts of vandalism;
- Mowing and maintenance of park area and playground equipment;
- Repair of major plumbing and water supply infrastructure.

**SCHEDULE FOUR**

**EQUIPMENT**

Intentionally deleted

DRAFT ONLY

**EXECUTED AS AN AGREEMENT**

**EXECUTED BY** the Chief Executive Officer of  
**MAREEBA SHIRE COUNCIL**

\_\_\_\_\_  
signature  
Peter Hamilton Franks  
full name  
Chief Executive Officer  
position

In the presence of

**WITNESS**

/ /

**EXECUTION DATE**

\_\_\_\_\_  
signature  
\_\_\_\_\_  
full name

**EXECUTED** for and on behalf of  
**DIMBULAH COMMUNITY CENTRE INC.**

\_\_\_\_\_  
signature  
\_\_\_\_\_  
full name  
President  
position

\_\_\_\_\_  
signature  
\_\_\_\_\_  
full name  
Secretary  
position

In the presence of

**WITNESS**

/ /

**EXECUTION DATE**

\_\_\_\_\_  
signature  
\_\_\_\_\_  
full name



## USER AGREEMENT

FOR THE EXCLUSIVE USE OF A LICENSED AREA IN A SHARED COUNCIL FACILITY

BETWEEN

**MAREEBA SHIRE COUNCIL**

('Council')

AND

**TRACQS PTY LTD.**

('User Group')

---

*User Agreement between Mareeba Shire Council and TRACQS Pty Ltd.*

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## USER AGREEMENT

### PARTIES:

**MAREEBA SHIRE COUNCIL**

('Council')

**TRACQS PTY LTD.**

('User Group')

### RECITALS:

- A. Council is Trustee of the Reserve on Lot 213 CPHG550.
- B. The Facility is located at 5 Park Avenue Dimbulah, QLD 4872. known as the Dimbulah Football Grounds Shed and will remain the property of the Council. The Facility is shown in **Schedule One** as being part of Lot 213 CPHG550.
- C. The Facility is constructed on the Land and intended to be used for community purposes.
- D. The User Group is volunteer led and undertakes community activities that do not generate a profit.
- E. Council and the User Group have agreed to enter into this Agreement to allow the User Group exclusive use of the Licensed Area within the Facility, noting that other elements or areas of the Facility are used for other purposes by other groups or are shared with the public.
- F. The permitted use of the Licensed Area is for normal office and training activities, and no other purpose.
- G. The User Group acknowledges that notwithstanding anything contained in this Agreement, at the commencement of occupation the Licensed Area is in an "as is where is" condition.
- H. The User Group has agreed to use and maintain the Licensed Area in accordance with the terms set out in this Agreement including the respective responsibilities of both parties as set out in *Schedule Two Summary of Responsibilities* in this Agreement and elsewhere in the Agreement.
- I. The User Group is required to pay \$1 (plus GST) rent, if demanded, and the User Group will not be charged property rates or levies by Council for the exclusive use of the Licensed Area.
- J. Council will not charge an application fee or annual administration fee for the preparation, execution, and management of this User Agreement as long as the standard documents are used.
- K. The User Group must at its own cost maintain public liability insurance having a minimum limit of twenty million dollars (\$20,000,000) and provide annually to the Council a copy of its current certificate of insurance.
- L. The User Group is responsible for insuring chattels and contents, at its discretion and own expense.

**THE PARTIES COVENANT AND AGREE:**

**1. DEFINITIONS**

- 1.1** 'Address for Service' means in relation to each party:  
Council – 65 Rankin Street, MAREEBA QLD 4880;  
User Group – c/- PO Box 670, KURANDA QLD 4881.
- 1.2** 'Agreement' means this User Agreement and any other agreement, including schedules expressed to be supplemental to this Agreement and all amendments to those documents.
- 1.3** 'Approvals' means any approval, consent or permission required by law.
- 1.4** 'Facility' means the building identified in **Schedule One**, being on Lot 213 HG550.
- 1.5** 'Chief Executive Officer' means the Chief Executive Officer of the Council.
- 1.6** 'Commencement Date' means the date of execution of this Agreement or such other date as Council and the User Group agree.
- 1.7** 'Common Facilities' means the areas marked "Common Area" on the Facility Plan that will be common/shared by the User Group, Council and/or other community groups.
- 1.8** 'Community Group Exclusive Use of Council Land and Facilities Policy' is the policy adopted by the Council for the Community Group exclusive occupation and use of Council land and facilities including the exclusive use of a Licensed Area in a shared Council Facility by a User Group.
- 1.9** 'Council' means Mareeba Shire Council.
- 1.10** 'Councillor' has the meaning contained in the *Local Government Act 2009* (Qld).
- 1.11** 'Equipment' means:
- (a) Any items of necessary equipment used in relation to the operation of the Facility including but not limited to equipment required for the maintenance of the Facility, which have been paid for and/or acquired by or on behalf of Council as detailed in **Schedule Four**;
  - (b) all such items as identified in sub-clause 1.11(a) that have been paid and/or acquired by the User Group; and
  - (c) substitutions for and/or additions to any of the items referred to in sub-clauses 1.11(a) and (b) above and whether paid for or acquired or supplied by Council or the User Group.
- 1.12** 'Licensed Area' means part of the Facility shown as "TRACQS Pty Ltd Licensed Area" on the Facility Plan for which the User Group is approved exclusive use under this Agreement.
- 1.13** 'Maintenance Plan' means the Maintenance Plan outlined in **Schedule Three** detailing the obligations of each party.
- 1.14** 'Operating Expenses' means all costs and expenses of maintaining and conducting the Permitted Use of the Licensed Area incurred by the User Group directly or at its request including but not limited to:

- (a) cost of repairs and maintenance (including emergency repairs);
- (b) cost of all goods and services obtained by the User Group in connection with the operation of the Licensed Area including utilities, any rental of telephone or communications equipment, office supplies and all services performed by third parties;
- (c) license fees and other charges (other than income taxes) payable by or assessed against the User group in respect of the operation within the Licensed Area; and
- (d) any other expenses expressly provided in this Agreement as being an Operating Expense, including all expenses related to the User Group's Summary of Responsibilities outlined in **Schedule Two**.

**1.15** 'Permitted Use' means the use of the Licensed Area by the User Group for normal office and training activities, and no other purpose.

**1.16** 'User Group' means the elected representatives (office bearers) of TRACQS Pty Ltd as approved by the Council to use the Licensed Area in accordance with this Agreement.

## **2. INTERPRETATION**

**2.1** In this Agreement unless inconsistent with the context or subject matter:

- (a) a reference to a person includes any other legal entity;
- (b) a reference to a legal entity includes a person;
- (c) words importing the singular number include the plural number;
- (d) words importing the plural number include the singular number;
- (e) the masculine gender must be read as also importing the feminine or neuter gender;
- (f) a reference to a party includes, in the case of the Council, its executors, administrators, successors and permitted assigns and substitutes and in the case of the User Group, the elected or appointed representatives (office bearers) of TRACQS Pty Ltd and their successors and permitted assigns;
- (g) clause headings are for reference purposes only and must not be used in interpretation;
- (h) where any word or phrase is given a defined meaning any other part of speech or other grammatical form concerning the word or phrase has a corresponding meaning;
- (i) a reference to a statute includes all regulations and subordinate legislation and amendments;
- (j) references to writing include any mode of representing or reproducing words in tangible and permanently visible form, and includes e-mail and facsimile;
- (k) a reference to a monetary amount is a reference to an Australian currency amount;
- (l) an obligation of two or more parties binds them jointly and each of them severally;
- (m) an obligation incurred in favour of two or more parties is enforceable by them severally;

- (n) references to time are to local time in Queensland;
- (o) where time is to be reckoned from a day or event, the day or the day of the event must be excluded;
- (p) a reference to a business day means any day on which trading banks are open for business in Queensland;
- (q) if any time period specified in this Agreement expires on a day which is not a business day, the period shall expire at the end of the next business day;
- (r) a reference to a month means a calendar month.

### 3. AGREEMENT

- 3.1 This Agreement grants the User Group the right to use the Licensed Area and Common Facilities for the Permitted Use in accordance with this Agreement.
- 3.2 The Permitted Use of the Licensed Area by the User Group is for limited office and storage purposes, and no other purpose.
- 3.3 The User Group will manage and coordinate the day-to-day use of the Licensed Area as well as exercise any directions or orders from the Council.
- 3.4 The parties acknowledge that Council retains possession of the Facility and Licensed Area and that this license does not create any interest in the Land.

### 4. TERM OF AGREEMENT

- 4.1 This Agreement commences on 1 November 2024 ("Commencement Date") and shall continue in perpetuity, or until such time as:
  - (a) Either party to this Agreement serves on the other party 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; or
  - (b) The User Group, for whatever reason, ceases to operate.
- 4.2 Council may cancel this Agreement for reason of non-compliance with any of the conditions contained within the Agreement with fourteen (14) days' notice.
- 4.3 Should cancellation be considered necessary, the User Group acknowledges that it will have no claim against Council at law or in equity for loss or inconvenience in consequence thereof.

### 5. COSTS AND CHARGES

#### 5.1 Rent

The fee for use of the Licensed Area is \$1 (plus GST), if demanded, and is payable upon the Commencement Date.

#### 5.2 Administration fees

- (a) No application fee will be charged by Council where standard documents are utilised in accordance with the User Group Exclusive Use of Council Land and Facilities Policy for the preparation and execution of this Agreement.

- (b) Should the User Group decide to not use the standard documents for the User Agreement, any associated legal or other costs will be the responsibility of the User Group.
- (c) No administration fee will be charged by Council for the ongoing management of the Agreement.

### **5.3 Rates and Service Charges**

Council will not charge rates, service charges or levies for the Licensed Area.

### **5.4 Operating Expenses Borne by User Group**

All Operating Expenses that are incurred relevant to those items and responsibilities listed in **Schedule Two** for which the User Group has sole responsibility, shall be borne exclusively by the User Group.

### **5.5 Electricity Consumption Costs**

#### **Shared Electricity Connection**

It is accepted and understood by both the User Group and the Council that electricity provided to the Licensed Area at the Facility is through a shared connection that may be also utilised by other User Groups and/or the Council for the operation of Council-owned infrastructure at the Facility e.g., public amenities.

It is agreed that Council will be responsible for electricity and associated charges raised by the electricity service provider relevant to the nominated electricity meter.

However, Council reserves the right to implement electricity co-contributions at any time throughout the duration of this Agreement. Council will provide the User Group with Notice of any review in accordance with Clause 19. In this instance, Council will pay the electricity and associated charges in full for each billing period as invoiced by the electricity service provider and will then subsequently raise a Tax Invoice to the User group for the period in arrears. Council's standard terms for payment of invoices will apply.

### **5.6 Water Consumption Costs**

#### **Shared Connection**

It is accepted and understood by both the User Group and the Council that water provided to the Licensed Area at the Facility is through a shared connection that may also be utilised by other User Groups and/or the Council for the operation of Council-owned infrastructure at the Facility e.g., public amenities.

It is agreed that Council will be responsible for the costs of all water consumption at the Facility with a shared water meter.

However, Council reserves the right to implement water consumption co-contributions at any time throughout the duration of this Agreement. Council will provide the User Group with Notice of any review in accordance with Clause 22. In this instance, Council will charge the User Group the agreed portion of the total water consumption and associated costs. Council will raise a Tax Invoice to the User group for the period in arrears. Council's standard terms for payment of invoices will apply.

## **6. STATE OF PREMISES**

- (a) The User Group acknowledges that notwithstanding anything contained in this Agreement, at the commencement of occupation the Licensed Area is in an "as is where is" condition.
- (b) The Council provides no assurances whatsoever that the Licensed Area is fit, suitable or adequate for all or any of the purposes of the User Group.

## 7. MAINTENANCE

- (a) The User Group are responsible for the costs of undertaking and carrying out their respective obligations for the Licensed Area pursuant to the Maintenance Plan detailed in Schedule Three and to the User Group Responsibilities detailed in Schedule Two.
- (b) The User Group shall at its own expense and to the reasonable satisfaction of the Council, keep and maintain the interior of the Licensed Area and the furniture and equipment or any part thereof in good repair and condition.
- (c) Council is responsible for major maintenance including structural renewals of the facility in which the Licensed Area is located.
- (d) However, Council reserves the right to not undertake major or other maintenance on facilities including replacements and structural works in which Licensed Areas are located. Should this occur the User Group will be issued with a Notice to Terminate the User Agreement. Such notice will be in writing and be served not less than three (3) months prior to the intended date of termination.

## 8. DAMAGE TO PROPERTY

### 8.1 Having regard at all times to the maintenance responsibilities of the User Group:

- (a) the User Group shall pay to the Council such costs as are determined by the Council (acting reasonably) to be necessary to effect repairs sustained by or caused to the Licensed Area, which damage, in the opinion of the Council, is as a result of the activities of the User Group;

### 8.2 This clause will survive the termination of this Agreement.

## 9. ALTERATIONS BY USER GROUP

### 9.1 The User Group shall not make nor cause to be made any alterations, additions or improvements to the Licensed Area without first submitting an application in writing to Council with full detailed drawings and other specifications of the proposed works and particulars of the materials proposed to be used therein and obtaining the Council's prior consent in writing. Such consent may be granted or refused or granted upon such terms and conditions as the Council may in its absolute discretion think fit provided that such consent shall not be unreasonably refused nor shall arbitrary or unreasonable conditions be imposed if such alterations or additions are required by law by reason of the purposes for which the Facility or Licensed Area is used.

### 9.2 Any alterations, additions or improvements approved by the Council shall be effected by and at the expense of the User Group and the User Group shall indemnify and hold indemnified the Council from and against all injury or damage to the Facility or Licensed Area caused in or about the execution of such works.

### 9.3 Approvals

In conducting any maintenance or alterations to the Facility or Licensed Area in accordance with Clause 9, the User Group must obtain all relevant Approvals and comply with all obligations arising under the relevant law before undertaking any works.

## **10. INSPECTION AND WORKS BY COUNCIL**

Council may enter into the Licensed Area at any time, with contractors, workmen and others and with all necessary materials, machinery and appliances, to inspect the Facility and Licensed Area and or undertake works, alterations, remodelling or repairs. Entry, inspection and undertaking of Council's works referred to in this Clause, (except in any emergency as to which Council shall be sole judge when this right of entry may be exercised at any time without notice) shall be carried out in such a manner as to minimise so far as may be practicable any inconvenience or interruption to the use of the Facility by the User Group for the purposes for which the Licensed Area is used.

## **11. CONDITIONS OF USE**

### **11.1 No Subletting**

The User Group shall not sub-let or permit any other group, person or persons to occupy or use the Licensed Area or any other part of the Facility at any time during the term of this Agreement.

### **11.2 Doors and Windows**

The User Group must ensure that the doors and windows through which it is possible to access or leave the Licensed Area are locked securely at all times when the Licensed Area is not in use.

### **11.3 Waste disposal**

- (a) The User Group must comply with all directions by Council concerning waste management.
- (b) The User Group is responsible for the removal of all rubbish generated as a consequence of the User Group activities and use of the Licensed Area. The Licensed Area and the Common Facilities must be left in a clean and tidy condition after each use.

### **11.4 Electrical equipment**

- (a) The User Group must not install upon the Licensed Area without Council consent, equipment that overloads the electrical infrastructure or components serving the Licensed Area.
- (b) All non-essential services and equipment, including fans, and lights, but not including refrigeration equipment, are to be switched off when not in use.
- (c) All electrical cords, fittings, switches and other electrical equipment used will comply with the appropriate Australian Standards and display a current electrical test tag.

### **11.5 Smoking**

Smoking in the Licensed Area and in any other part of the Facility is prohibited by Council.

### **11.6 Key Management**

- (a) The User Group shall be supplied with keys to the Licensed Area in order that the User Group may have access thereto.
- (b) The User Group must not permit duplicates of such keys to be made without the prior consent in writing of Council and shall furnish to Council the names and addresses of all members supplied with such keys.
- (c) The User Group shall promptly report the loss of any such keys to Council. Any keys that need to be replaced due to being misplaced or broken due to negligence of the User Group is the responsibility of the User Group.
- (d) The User Group shall at the expiration or sooner determination of the Agreement return all keys to Council.
- (e) Council will repair any damage caused to the keys unless such damage is caused by the negligent or wilful conduct of the User Group, in which case the User Group will effect such repairs.

## **12. INDEMNITY**

**12.1** The User Group will indemnify and keep indemnified Council, from and against all claims, demands, actions, suits, costs and expenses in respect of any injury (including death) to any person or any loss or damage to property howsoever sustained arising out of or in any way incidental to:

- (a) Anything done or purporting to be done or omitted to be done under the authority of or in pursuance of the rights granted by this Agreement; or
- (b) Any breach of or default by the User Group of the provisions of this Agreement.

Except to the extent any such claim, demand, action, suit, cost or expense is caused by the act, omission, negligence or default of the Council or the Council's employees, contractors or agents.

## **13. INSURANCE – COUNCIL**

### **13.1 Insurance**

The Council will not insure the Facility nor the Licensed Area nor any Equipment. The User Group may, at its discretion, undertake to effect such insurance, at its own expense.

## **14. INSURANCE – USER GROUP**

### **14.1 Insurance**

Having regard to the wording contained in clause 13.1 herein, the User Group shall be responsible for its own equipment located on, at or about the Licensed Area including insurance of the equipment if deemed necessary by the User Group. Council accepts no liability for equipment owned by the User Group.

### **14.2 Public Liability Insurance**

The User Group must, at its own cost, also from the date of this Agreement provide and maintain public liability insurance having a minimum limit of twenty million dollars (\$20,000,000) for each and every occurrence against all claims for bodily injury, death or damage to property of third parties which shall include coverage against liability arising out of the loss or damage which may occur as a consequence of the use of the Licensed

Area by the User Group. The User Group must annually provide to the Council a copy of a current public liability insurance certificate.

#### **14.3 Volunteers**

The User Group must, if required, at its own expense take out and maintain a volunteers' insurance policy.

### **15. LICENSES AND PERMITS**

The User Group must at its own expense obtain, maintain, and renew from time to time all licenses, permits and registration required for the carrying on of the operation of the User Group within the Licensed Area.

### **16. AMENDMENTS TO THIS AGREEMENT**

- 16.1** Any amendments to this Agreement must be agreed to in writing and signed by each of the parties to this Agreement.
- 16.2** In the event Council adopts a new Policy or amends an existing Policy that materially changes the obligations of the User group under this Agreement, Council will:
- (a) Provide a written Notice under Clause 22 detailing the material changes to the obligations of the User group; and
  - (b) If requested, a representative of Council will meet with a representative of the User group to discuss and explain the changes in person; and
  - (c) The amendment to this agreement will be signed by each of the parties, in accordance with Clause 16.1.

### **17. NO ASSIGNMENT**

The rights and obligations under this Agreement cannot be assigned.

### **18. DEFAULT AND END OF AGREEMENT**

- 18.1** The definition of Default is where any of the following circumstances apply, namely: failure to pay moneys under this Agreement upon demand; failure to effect repairs required by any notice given pursuant to this Agreement; breach of terms or failure to observe, perform or fulfil any of the other terms, conditions and restrictions of the Agreement; liquidation of company; offence committed: if the User Group is convicted of an offence against any Statute, Regulation, Ordinance or Local Law in the operation of the Licensed Area.
- 18.2** If the User Group shall have made Default the Council may (after first giving prior notice where required by law), give notice in writing to the User Group to determine (assessed to be at an early end) this Agreement and from the date of giving such notice this Agreement shall be absolutely determined to be at an end.
- 18.3** At the expiration or sooner determination of the Term, the User Group must yield up (surrender) the Licensed Area including Council's fixtures and fittings.

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**19. END OF AGREEMENT BY CANCELLATION OR TERMINATION**

This Agreement may be terminated by either party in accordance with clause 4.1 without reason upon the giving of a minimum of three (3) calendar months' written notice or may be cancelled by Council in accordance with Clauses 4.2 and 4.3 with the giving of fourteen (14) days' notice.

**20. DISPUTES**

**20.1** If any dispute, question or difference shall arise between the parties in respect of the meaning, operation or effect of this Agreement or any clause in the Agreement or as to the rights and liabilities of either of the parties to the Agreement which is not resolved within 20 Business Days, such dispute, question or difference shall be referred by either party to an expert practicing professional mediator and if no mediator can be agreed upon by the parties, to the President of the Queensland Law Society Incorporated at that time to appoint an independent mediator whose decision or award shall be conclusive or binding on the parties.

**20.2** Each party may make a submission either orally or in writing within 20 Business Days after the appointment of the mediator.

**20.3** In making a determination the expert must act as an expert and not as an arbitrator; consider any submission made to it by a party and provide the parties with a written statement of reasons for the determination.

**20.4** The costs of the expert will be shared equally between the parties and each party must bear its own costs. Nothing in this clause prevents either party from seeking injunctive or similar relief from a court.

**20.5** Any information or documents disclosed by a party under this clause:

- (a) Must be kept confidential;
- (b) May not be used except to attempt to resolve the dispute.

**21. GOVERNING LAW AND COMPLIANCE**

**21.1** This Agreement is governed by the laws of Queensland and the Commonwealth of Australia.

**21.2** The parties submit to the jurisdiction of the Courts of Queensland, relevant federal Courts and the Courts competent to hear appeals from them.

**21.3** The User Group shall at their own expense observe, perform and fulfil all the requirements of any statutes, regulations, ordinances and local laws whilst conducting their activities at the Licensed Area within the Facility, including but not limited to:

- (a) Mareeba Shire Council Local Laws;
- (b) *Work Health and Safety Act 2011 (Qld)* and *Work Health and Safety Regulation 2011 (Qld)*, and codes of practice;
- (c) *Fire and Emergency Services Act 1990 (Qld)* and *Building Fire Safety Regulation 2008 (Qld)*;
- (d) *Electrical Safety Act 2002 (Qld)* and *Electrical Safety Regulation 2013 (Qld)*;

(e) *Native Title Act 1993* (Cth), *Native Title (Queensland) Act 1993* (Qld), and *Aboriginal Cultural Heritage Act 2003* (Qld);

(f) *Environmental Protection Act 1994* (Qld),

and all such statutes, regulations, ordinances or local laws relating to health, water supply, sewerage and fire and shall not knowingly or wilfully do or permit to be done anything which may conflict with any statute, regulation, ordinance or local law.

## 22. NOTICES

### 22.1 Procedure

All notices authorised or required under this Agreement must be in writing and delivered to that party, or to a lawyer who has confirmed they have instructions to receive it on the party's behalf, in one of the following ways:

- (a) personally; or
- (b) by mail, when it will be treated as received on the sixth business day after posting; or
- (c) by email, when it will be treated as received when it enters the recipient's information system.

### 22.2 Address for Service

The initial addresses of the parties for service shall be as set out in the definition of Address for Service.

## 23. FURTHER ASSURANCES

**23.1** The parties must execute and deliver all documents and must do all things as necessary for the complete performance of their respective obligations under this Agreement.

## 24. ENTIRE UNDERSTANDING

**24.1** This Agreement contains the entire understanding and agreement between the parties as to the subject matter of this Agreement.

**24.2** No oral explanation or information provided by a party to another affects the meaning or interpretation of this Agreement or constitutes any collateral agreement, warranty or understanding.

## 25. WAIVER

**25.1** No waiver of a provision of this Agreement is binding unless made in writing and agreed by both parties.

## 26. SEVERANCE

**26.1** If a provision of this Agreement is void or unenforceable it must be severed from this Agreement and the provisions that are not void or unenforceable are unaffected by the severance.

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**27. CUMULATIVE RIGHTS**

- 27.1** The rights and remedies of a party to this Agreement are in addition to the rights or remedies conferred on the party at law or in equity.

**28. NATIVE TITLE AND CULTURAL HERITAGE**

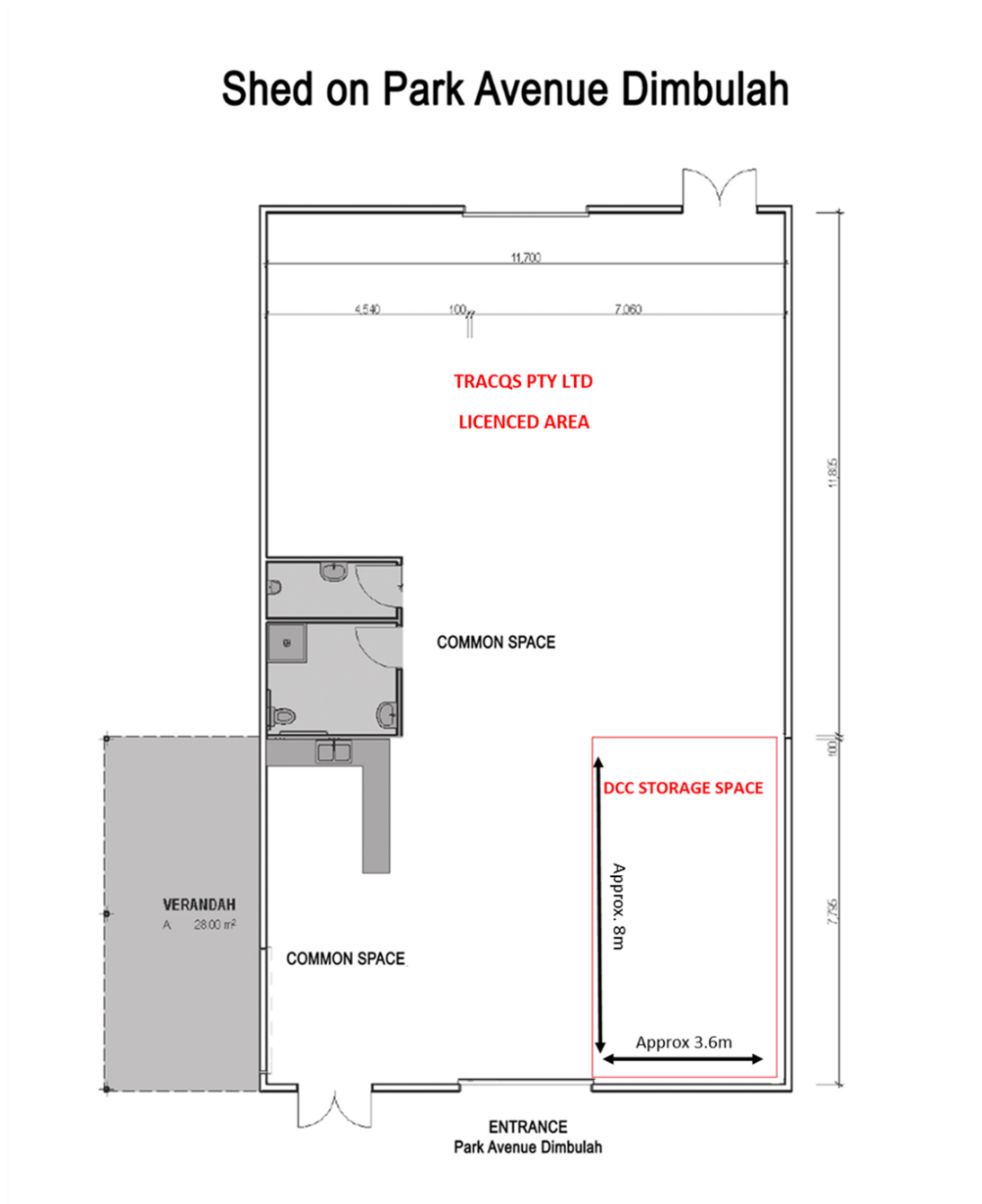
- 28.1** The User Group acknowledges they have been made aware of their duty of care and obligations in regard to Native Title and Cultural Heritage and must observe and be aware of any obligations arising under the relevant legislation accordingly.
- 28.2** The User Group acknowledges their duty of care obligations under the *Aboriginal Cultural Heritage Act 2003* (Qld), as amended, which requires anyone who carries out a land-use activity to exercise a duty of care and binds all persons. The User group acknowledges that Aboriginal cultural heritage may exist even where Native Title does not.

DRAFT ONLY

**SCHEDULE ONE**

**FACILITY PLAN & LICENSED AREA**

Lot 213 HG550 – Dimbulah Football Grounds Shed – 5 Park Avenue Dimbulah



*User Agreement between Mareeba Shire Council and TRACQS Pty Ltd.*

**SCHEDULE TWO****SUMMARY OF RESPONSIBILITIES FOR THE LICENSED AREA**

	Item	User Group Responsibility	Council Responsibility
1	Costs for preparation, management and renewal of Agreement	No charge by Council provided the standard documents are used	
2	Rent	\$10 (plus GST), if demanded	
3	General Property Rates, Charges and Levies	Not charged by Council	
4	Insurance - Public Liability	Yes	No
5	Insurance - Contents/Chattels	Yes, at Group's discretion	No
6	Insurance General Building	Yes, at Group's discretion	No
7	Waste Disposal	Yes	No
8	Workplace Health and Safety within the Licensed Area	Yes	No
9	Fire Equipment Maintenance and Compliance within the Licensed Area	Yes	No
10	Furniture and Equipment –Purchase, Repair and Replacement	Yes	No
11	Cost to Repair Facility Damage including Vandalism and Graffiti Removal in the Licensed Area	Yes	No
12	Water and Electricity Consumption Costs (sole or shared connections)	Yes	Yes, see Note 13 and Clause 5.5 and Clause 5.6
13	Septic Tank Maintenance (sole or shared connections)	Yes	No
14	Minor Maintenance and Refurbishments + Grounds Maintenance in the Licensed Area	Yes	No
15	Major Maintenance and Replacements	No	Yes
16	RCD Testing and Tagging	No	Yes
17	Building Fire and Safety Compliance	No	Yes
18	Operating Expenses including Cleaning, Gas, Telephone, Administration	Yes	No

**EXPLANATORY NOTES**

**Item 1** Council does not charge for legal or other costs associated with the preparation, management and renewal of tenure agreements provided the standard documents are utilised.

**Items 2 & 3** Council will not charge the User Group rent, property rates, service charges or levies for the Licensed Area.

- 4** The User Group must at its own cost maintain public liability insurance having a minimum limit of twenty million dollars.
- 5** The User 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 the Licensed Area and accepts no liability for equipment owned by the group.
- 6** The User Group may elect at its discretion and own expense to insure the building.
- 7** Organising and paying for waste disposal for the Licensed Area is the responsibility of the User Group.
- 8** The User Group is responsible for complying with the relevant workplace health and safety requirements.
- 9** The User Group is responsible for fire equipment maintenance and compliance within the Licensed Area.
- 10** The User Group is responsible for the purchase, repair and replacement of their own equipment and furniture.
- 11** The User Group is responsible to repair any asset damage including costs associated with, or arising from, anti-social behaviour for the Licensed Area.
- 12** It is the responsibility of the User Group to pay for its 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 there are separate connections for the Licensed Area.

Where there are **sole connections** for the Licensed Area, the User Group is responsible for paying all water and electricity costs. The User Group may be eligible for a donation towards water consumption costs under Council's Community Partnerships Program.

Where the Facility has more than one Licensed Area resulting in **shared connections for water and/or electricity**, the costs will be shared on a pro-rata basis by the User Groups. If the administration of a pro-rata payment system is not feasible or when public amenities are connected, Council will pay these costs.

- 13** Where there is a shared septic connection, it is the responsibility of each User Group to contribute to the maintenance of the facility's septic system on a pro-rata basis. Where the administration of a pro-rata payment system is not feasible or public amenities are attached, these costs will be met by Council.

**14 & 15 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.

The User Group is responsible for minor maintenance within the Licensed Area and the Maintenance Plan at Schedule Three of this User Agreement

Council is responsible for major maintenance including structural renewals of the facility in which the Licensed Area is located. However, Council reserves the right to not undertake major maintenance on the facility. Should this occur the User Group will be issued with a Notice to Terminate the User Agreement. Such notice will be in writing and be served not less than three (3) months prior to the intended date of termination.

**16 & 17** Council is responsible for Residual Current Device (RCD) testing obligations and building fire and safety compliance for the Facility in which the Licensed Area is located including facility evacuation plans.

**18** All operating expenses associated with the Licensed Area are the responsibility of the User Group, including cleaning, administration, gas, telephone.

**SCHEDULE THREE****MAINTENANCE PLAN****Minor Maintenance - The User Group**

The User Group is responsible for all minor maintenance for the internal of the Licensed Area, which 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 Licensed Area.

Having regard to the above definition, the following are non-exhaustive examples of minor maintenance responsibilities which include, but are not limited to:

- Cleaning, repairing and maintaining windows, doors, furniture and equipment;
- Cleaning, repairing and maintaining plumbing and associated fixtures (taps, washers etc), but excluding public toilets;
- Cleaning, repairing and maintaining floor surfaces, floor coverings and internal paintwork;
- Cleaning and repairing minor acts of vandalism and/or graffiti;
- Repair or replace lighting including tubes, starters etc;
- Control of rodents, insects and pests;
- Planned maintenance, for example, of fire safety equipment within the Licensed Area.
- Note electrical test and tagging of equipment within the Licensed Area is not required if the building has a Residual Current Device (RCD) installed and if this is the case, then Council will maintain the RCD.

**Major Maintenance - The Council**

The Council is responsible for major maintenance of the Facility, which 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.

Having regard to the above definition, the following are non-exhaustive examples of major maintenance responsibilities which include, but are not limited to:

- Painting of entire Facility or a significant part thereof;
- Replacement of entire roof, guttering and downpipes of Facility or a significant part thereof;
- Cleaning, repairing and maintaining of public toilets and provision of consumables such as toilet paper and hand towels;
- Replacement of hot water systems at end of economic life;
- Repair of major acts of vandalism;
- Mowing and maintenance of park area and playground equipment;
- Repair of major plumbing and water supply infrastructure.

**SCHEDULE FOUR**

**EQUIPMENT**

Intentionally deleted

DRAFT ONLY

**EXECUTED AS AN AGREEMENT**

**EXECUTED BY** the Chief Executive Officer of  
**MAREEBA SHIRE COUNCIL**

\_\_\_\_\_  
signature  
Peter Hamilton Franks  
full name  
Chief Executive Officer  
position

In the presence of

**WITNESS**

/ /

**EXECUTION DATE**

\_\_\_\_\_  
signature  
\_\_\_\_\_  
full name

**EXECUTED** for and on behalf of  
**TRACQS PTY LTD**

\_\_\_\_\_  
signature  
\_\_\_\_\_  
full name  
President  
position

\_\_\_\_\_  
signature  
\_\_\_\_\_  
full name  
Secretary  
position

In the presence of

**WITNESS**

/ /

**EXECUTION DATE**

\_\_\_\_\_  
signature  
\_\_\_\_\_  
full name

**8.4 COUNCIL POLICY REVIEW**

**Date Prepared:** 17 September 2024

**Author:** Coordinator Governance & Compliance

**Attachments:**

1. Non-Current Asset Policy [↓](#)
2. Standing Orders (Meeting Procedures) for Council Meetings [↓](#)
3. Community Housing for Seniors Policy [↓](#)
4. The Great Wheelbarrow Race Advisory Committee Charter [↓](#)

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**EXECUTIVE SUMMARY**

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

**RECOMMENDATION**

That Council:

1. Repeals the:
  - (a) Non-Current Asset Policy – adopted 16 September 2016
  - (b) Community Housing for Seniors Policy – adopted 16 September 2020
  - (c) Standing Orders (Meeting Procedures) for Council Meetings – adopted 24 January 2024
  - (d) The Great Wheelbarrow Race Advisory Committee Charter – adopted 14 October 2020
2. Adopts the:
  - (a) Non-Current Asset Policy
  - (b) Community Housing for Seniors Policy
  - (c) Standing Orders (Meeting Procedures) for Council Meetings
  - (d) The Great Wheelbarrow Race Advisory Committee Charter

**BACKGROUND*****Non-Current Asset Policy******Purpose***

To provide a framework to regulate and guide the financial management of non-current assets – recognition, recording, classification, capitalisation, valuation and disposal.

***Summary of amendments***

1. Title and header matrix – omit 2020/21 year range; update Council officer position title and validity dates
2. Section 2.2 – update asset class matrix asterisk explanatory note

3. Section 6 – update related documents and reference instruments
4. Section 7 – update Council officer position title
5. Apply minor grammatical and formatting amendments throughout.

### **Community Housing for Seniors Policy**

#### **Purpose**

To establish a formal process to ensure there is a consistent approach to managing the community housing facilities of the Mareeba Shire Council.

#### **Summary of amendments**

1. Header matrix – update position descriptions
2. Footer – omit human rights statement
3. Section 1 – update wording in para one
4. Section 2 – update wording
5. Section 3 – update and modernise wording throughout all sub-sections; sub-section 3.7 Complaints and appeals insert new para two
6. Section 4 – update wording; insert new closing para for service contracting
7. Section 6 – update related documents and references; insert end note inconsistency disclaimer
8. Apply minor grammatical and formatting amendments throughout

### ***Standing Orders (Meeting Procedures) for Council Meetings***

#### **Purpose**

To provide written rules for the orderly conduct of Council Meetings in accordance with requirements under the *Local Government Act 2009* (Qld).

#### **Summary of amendments**

1. Header matrix – update position descriptions to comply with description protocols
2. Section 1 – insert new Chairperson process related bullet point; update intention wording in final paragraph
3. Section 3.2 – Insert new sub items 6, 7 and 8 for appointment of a chairperson for to a committee and pre-business acknowledgements and greetings
4. Apply minor grammatical amendments throughout.

### ***The Great Wheelbarrow Race Advisory Committee Charter***

#### **Purpose**

To set out the roles and responsibilities of the Committee in the interest of probity, assurance and good governance.

#### **Summary of amendments**

1. Header matrix – update instrument type and position title

### **FINANCIAL AND RESOURCE IMPLICATIONS**

#### ***Capital***

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable Council that applies decision making and good governance to deliver cost-effective services.

**IMPLEMENTATION/COMMUNICATION**

Policy library and website updated to publish.



## Non-Current Asset Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Finance	Date Approved:	16/10/2024
Review Officer:	Director Corporate & Community Services	Review Due:	16/09/2028
Author:	Manager Finance	Commencement:	16/10/2024

### 1. PURPOSE

This policy provides a framework to regulate and guide the financial management of non-current assets.

### 2. POLICY STATEMENT

This document sets out council's policies for the recognition, recording, classification, capitalisation, valuation and disposal of non-current assets.

This policy must be read in conjunction with the *Local Government Act 2009*, the *Local Government Regulation 2012* in particular Chapter 5, Part 10 Asset Accounting and the relevant Australian Accounting Standards.

#### 2.1 ASSET RECOGNITION

For an item to be recognised as a non-current asset in Council's financial asset register it must meet all of the following criteria:

- It is probable that the future economic benefits associated with the item will flow to council;
- The cost of the item can be measured reliably;
- Council has control of the item; and,
- The item is expected to generate benefits for council greater than 12 months;

In addition to the above requirements the following must also be applied:

- The item's cost or value must be greater than the recognition thresholds applicable to that asset class; or,
- If the item does not meet these thresholds, the nature of the expenditure may be assessed to determine whether the item is recognised in the financial asset register to ensure sound asset management processes are maintained.

Non-Current Asset Policy
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**2.2 ASSET CLASSES AND RECOGNITION THRESHOLDS**

Asset Class	Threshold
Land	\$0*
Buildings & Facilities	\$5,000
Plant and Fleet	\$5,000
Transport - Roads, Bridges and Drainage	\$5,000
Water	\$5,000
Wastewater	\$5,000
Other	\$5,000
Intangible assets	\$5,000

\*Minor land parcels with no market value, limited service potential, land that is a reserve or acquired through unpaid rates will be recorded at the unimproved capital value.

**2.3 MEASUREMENT AT RECOGNITION**

An item that qualifies for recognition as an asset shall be measured at its cost at acquisition. Where an asset is acquired at no cost, or for a nominal cost, the cost is its fair value as at the date of acquisition.

**2.4 MEASUREMENT AFTER RECOGNITION**

Subsequent to initial recognition, each class of asset will have a prescribed valuation model used as its basis of measurement, either the 'Cost model' or the 'Revaluation model'.

**Cost Model**

Each asset shall be carried at its cost less any accumulated depreciation and any impairment losses.

**Revaluation Model**

Each asset shall be carried at a revalued amount, being its fair value at the date of the revaluation less any subsequent accumulated depreciation and subsequent accumulated impairment losses.

Revaluations will be made with sufficient regularity to ensure that the carrying amount does not differ materially from the fair value at the end of the financial year. Subsequent to this, the carrying amount of each asset is assessed against the relevant cost indices on an annual basis and any material changes may create a revaluation.

The basis of measurement applicable to each asset class is as follows:

Asset Class	Valuation Model
Land	Revaluation
Buildings & Facilities	Revaluation
Plant and Fleet	Cost
Transport - Roads, Bridges and Drainage	Revaluation
Water	Revaluation

Non-Current Asset Policy
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Wastewater	Revaluation
Other	Cost
Intangible assets	Cost

**2.5 DEPRECIATION**

Council uses the straight-line or amortisation method to depreciate non-current assets over its useful life that is representative of the asset's degradation pattern.

**2.6 IMPAIRMENT**

Each asset class shall be assessed annually for indications of impairment and an impairment entry would be made if the impaired amount was a material amount.

**2.7 DERECOGNITION**

A non-current asset shall be derecognised:

- a) on disposal; or
- b) when no future economic benefits are expected from its use or disposal.

Partial derecognition may occur when:

- a) Major renewal works have been undertaken to a significant component or section of an asset; or
- b) A significant component or section of an asset is destroyed, damaged, abandoned or decommissioned with no future economic benefit expected to be generated from its use

**2.8 WORK IN PROGRESS**

Work in progress completion dates are to be updated, balances reviewed and reconciled on a monthly basis.

**3. SCOPE**

The *Non-Current Asset Policy* applies to all items of property, plant and equipment, intangible assets and assets held for sale as disclosed within Council's financial statements.

This policy will be applicable when performing the following functions:

- Acquiring, constructing or developing a non-current asset;
- Accounting for the costs incurred in maintaining a non-current asset
- Renewing, replacing or upgrading the service potential of a non-current asset
- Revaluing non-current assets
- Disposing of non-current assets
- Accounting for the depreciation or amortisation of non-current assets.
- Estimating useful life and residual values
- Assessing for impairment
- Reporting and disclosure of non-current assets.

Non-Current Asset Policy
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#### 4. DEFINITIONS

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**Acquisition date** - The date on which the acquirer effectively takes control.

**Amortisation** - The systematic allocation of the depreciable amount of an asset over its useful life.

**Asset** - A resource:

- a) controlled by an entity as a result of past events; and
- b) from which future economic benefits are expected to flow to the entity.

Future economic benefits controlled by the entity as a result of past transactions or other past events.

**Material** - if the amount could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements.

#### 5. RESPONSIBILITIES

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This policy is directly applicable to asset custodians and council officers who have asset accounting and asset management responsibilities but generally impacts all council employees.

#### 6. RELATED DOCUMENTS AND REFERENCES

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*Local Government Act 2009 (Qld)*

*Local Government Regulation 2012 (Qld)*

Australian Accounting Standards (Australian Accounting Standards Board)

*Procurement Policy (MSC)*

*Accounting Position Paper – Asset Impairment (MSC)*

#### 7. REVIEW

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It is the responsibility of the Director Corporate & Community Services to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every four (4) years or as required from time to time.



## Standing Orders (Meeting Procedures) for Council Meetings

Policy Type	Governance Policy	Version	9
Responsible Officer	Manager Development & Governance	Date Approved	16/10/2024
Review Officer	Manager Development & Governance	Review Due	16/09/2028
Author	Director Corporate & Community Services	Commencement	16/10/2024

### 1. PURPOSE

The purpose of the Standing Orders (meeting procedures) for Council Meetings (Standing Orders) is to provide written rules for the orderly conduct of Council Meetings in accordance with requirements under the *Local Government Act 2009* (Qld) (LGA).<sup>1</sup> These Standing Orders also set out:

- the process for the Chairperson to lead and manage local government meetings
- the process for how the Chairperson of a local government meeting may deal with unsuitable meeting conduct by a Councillor
- the process for how the Councillors at a local government meeting may deal with the unsuitable meeting conduct by the Chairperson
- the process for how a suspected conduct breach by a Councillor, that is referred to the local government by the Independent Assessor (IA), must be dealt with at a local government meeting
- the processes for dealing with a conflict of interest (COI) arising during a local government meeting and recording the COI in the minutes of the meeting
- the process for dealing with a loss of quorum due to the number of Councillors with a COI
- procedures for closing a local government meeting to the public.

It is intended that these procedures will help strengthen public confidence in local government to chair meetings and deal with the conduct of Councillors, conflict of interest of Councillors, loss of quorum and closed meetings.

### 2. SCOPE

This policy applies to all meetings of the Mareeba Shire Council, other than a statutory meeting and Council's audit committee meetings.

### 3. POLICY STATEMENT

#### 3.1 STANDING ORDERS

1. These Standing Orders apply to all meetings of Council and any standing committees.
2. Any provision of these Standing Orders may be suspended by resolution of any meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.

<sup>1</sup> See s 150F of the *Local Government Act 2009* (Qld).

**Standing Orders (Meeting Procedures) for Council Meetings**

3. Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

### **3.2 PROCEDURES FOR MEETINGS OF COUNCIL – INCLUDING REFERRALS FROM THE INDEPENDENT ASSESSOR**

#### **3.2.1 *Presiding Officer***

1. The Mayor will preside at a meeting of Council.
2. If the Mayor is absent or unavailable to preside, the deputy Mayor will preside.
3. If both the Mayor and the deputy Mayor are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.
4. In specified circumstances the Mayor is delegated to give leave to a Councillor under section 162(1) of the LGA.
5. The Mayor may give approval for attendance via teleconferencing for Councillors in certain circumstances.
6. Council may appoint the Chairperson for a committee. This Chairperson will preside over meetings of the committee. The Mayor is a member of each standing committee but not necessarily a member of every advisory committee. The Mayor is not necessarily the Chairperson of committee meetings.
7. If the Chairperson of a committee is absent or unavailable to chair, another Councillor who is chosen by the Councillors present, will be Chairperson of the committee meeting.
8. Before proceeding with the business of the meeting, the Chairperson at the meeting will undertake the acknowledgement and/or greetings deemed appropriate.

#### **3.2.2 *Order of Business***

1. Before proceeding with the business of the meeting, the person presiding at the meeting shall undertake the acknowledgement and/or greetings deemed appropriate by Council.
2. The order of business shall be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.
3. Unless otherwise altered, the order of business shall be as follows:
  - Attendances
  - Apologies and granting of leaves of absence
  - Confirmation of Minutes
  - Officers Reports
4. The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed shall be taken into consideration, at every ordinary meeting of Council, in order that such minutes may be confirmed, and no discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.

**Standing Orders (Meeting Procedures) for Council Meetings****3.2.3 Agendas**

1. Council reports shall be made available to Councillors, if practical, two (2) days prior to meetings.
2. The agenda may contain:
  - Apologies / leave of absence / absence on Council business
  - Bereavements / condolences
  - Declaration of any material personal interests / conflicts of interest
  - Confirmation of minutes of previous meetings
  - Business arising out of minutes of previous meetings
  - Deputations and delegations
  - Mayoral minutes
  - Notified motions
  - Consideration of officers' reports to Council
  - General business
  - Consideration of closed session matters
  - Notice of next meeting
3. Business not on the agenda or not fairly arising from the agenda shall not be considered at any meeting unless permission for that purpose is given by Council at such meeting.
4. Matters considered under General Business shall only include non-substantive issues i.e., requests for a report to be prepared or leave of absence.
5. In terms of transparency and good governance, the items that Council should be making substantive decisions about should be contained in the public agenda and as such, General Business should not allow for making of decisions on matters of public interest.

**3.2.4 Mayoral Minute**

The Mayor may move that a matter be introduced to the agenda for consideration at a meeting. This motion does not require to be seconded but requires a majority vote.

**3.2.5 Petitions**

1. Any petition presented to a meeting of Council shall:
  - be in legible writing or typewritten and contain a minimum of 10 signatures;
  - include the name and contact details of the principal petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue);
  - include the postcode of all petitioners; and
  - have the details of the specific request/matter appear on each page of the petition.
2. A petition must be forwarded or handed to the CEO, who shall take reasonable steps to check the validity of the petition and include it on the agenda for the next ordinary meeting of Council. Noting that the agenda closes seven (7) days prior to a meeting.
3. A petition may be presented to a meeting of Council by a Councillor who, before presenting the petition, shall, as far as practicable, become acquainted with the subject matter of the petition. A Councillor, on presenting a petition to a meeting, shall:
  - (a) state the nature of the petition; and
  - (b) read the petition.

**Standing Orders (Meeting Procedures) for Council Meetings**

4. Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is that the petition be received; or received and referred to a committee or officer for consideration and a report to Council; or not be received because it is deemed invalid.
5. Council will respond to the principal petitioner in relation to all petitions deemed valid.

**3.2.6 Deputations**

1. A deputation wishing to attend and address a meeting of Council shall apply in writing to the CEO not less than seven (7) clear days before the meeting.
2. The CEO, on receiving an application for a deputation shall notify the Chairperson who shall determine whether the deputation may be heard. The CEO shall inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and an appropriate time period allowed.
3. For deputations comprising three or more persons, only three persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. For each deputation, a nominated spokesperson shall be appointed to address Council. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
4. If a member of the deputation other than the appointed speakers interjects or attempts to address Council, the Chairperson may finalise the deputation.
5. The Chairperson may terminate an address by a person in a deputation at any time where:
  - the Chairperson is satisfied that the purpose of the deputation has been sufficiently explained to the Councillors at the meeting
  - the time period allowed for a deputation has expired, or
  - the person uses insulting or offensive language or is derogatory towards Councillors or staff members.
6. The CEO is responsible for the deputation including that the appointed speaker/s are notified in writing of developments or future actions as appropriate.

**3.3 MOTIONS****3.3.1 Motions**

1. A Councillor is required to 'move' a motion and then another Councillor is required to 'second' the motion.
2. When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.
3. If a motion is not moved and/or seconded it is deemed lost unless a procedural motion is proposed
4. Other Councillors can propose amendments to the original motion after it has been moved and seconded. The original motion must be voted on before voting on the final motion.

**Standing Orders (Meeting Procedures) for Council Meetings**

5. A motion brought before a meeting of Council in accordance with the LGA or these Standing Orders shall be received and put to the meeting by the Chairperson. The Chairperson may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
6. The Chairperson may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chairperson may put the motion to the vote without discussion.
7. Where a Councillor wishes to propose a specific motion, this must be submitted to the CEO for inclusion in the agenda seven (7) days prior to the meeting.

**3.3.2 Absence of Mover of Motion**

1. Where a Councillor who has given notice of a motion is absent from the meeting of Council at which the motion is to be considered, the motion may be:
  - moved by another Councillor at the meeting; or
  - deferred to the next meeting.

**3.3.3 Motion to be seconded**

1. A motion or an amendment to a motion shall not be debated at a meeting of Council unless or until the motion or the amendment is seconded, with the exception of procedural motions.
2. Notwithstanding item 1, where there is no seconder, a Councillor who moves a motion or an amendment to a motion may request permission of the Chairperson to speak in support of that motion or amendment in an attempt to have the motion seconded.

**3.3.4 Amendment of Motion**

1. An amendment to a motion shall be in terms which maintain or further clarify the intent of the original motion and do not contradict the motion.
2. Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
3. Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
4. Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

**3.3.5 Speaking to motions and amendments**

1. The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
2. The Chairperson will manage the debate by allowing the Councillor who proposed the motion the option of speaking first on the motion. The Chairperson will then call on any other Councillor who wishes to speak against the motion and then alternatively for or against the motion as available, until all Councillors who wish to speak have had the opportunity.

**Standing Orders (Meeting Procedures) for Council Meetings**

3. A Councillor may make a request to the Chairperson for further information before or after the motion or amendment is seconded.
4. A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
5. The mover of a motion or amendment shall have the right to reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
6. Each speaker shall be restricted to not more than three (3) minutes unless the Chairperson rules otherwise.
7. Where two or more Councillors indicate they may wish to speak at the same time, the Chairperson shall determine who is entitled to priority.
8. If a decision made at a meeting is inconsistent with a recommendation or advice given to Council by an advisor of the Council, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.

Where a decision is made at a meeting involving either or both of the following:

(a) entering into a contract the total value of which is more than the greater of:

- \$200,000 (ex GST) or;
- 1% of the net rates and utility charges (or such other amounts as may be specified by legislation from time to time); and/or

(b) is inconsistent with the policy or approach:

- ordinarily followed by the local government for that type of decision or;
- previously adopted by the local government and which is still in force

and that decision is also inconsistent with a recommendation or advice given to Council by officers, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice.<sup>2</sup>

### **3.3.6 Method of taking vote**

1. A resolution is determined by a vote on a motion. A resolution is the formal adoption by Council of a position or an action.
2. Before any matter is put to the vote, the Chairperson may direct the motion or amendment to be read again. The Chairperson shall, in taking the vote on a motion or amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
3. Abstaining from voting is a negative vote.
4. The Chairperson has a deliberative vote and can exercise this right as a member of Council. If the votes on a matter are equal, legislation provides for the Chairperson to have a 'casting vote' to break the deadlock and bring resolution on the matter before Council.

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<sup>2</sup> See *Local Government Regulation 2012* (Qld) s 254H.

Standing Orders (Meeting Procedures) for Council Meetings

5. Unless otherwise directed by the Chairperson, voting shall be by a show of hands.
6. Any Councillor may call for a division on a question before the Chairperson calls for a vote. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The vote for a division shall be taken by a show of hands.
7. The Chairperson will call for all Councillors in favour of the motion to indicate their support. The Chairperson will then call for all Councillors against the motion to indicate their objection. A Councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. A call for a division must be made before the Chairperson calls for the vote. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The Chairperson shall declare the result of a vote or a division as soon as it has been determined.
8. Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by division at the time the vote is taken.
9. Except upon a motion to repeal or amend it, the resolution shall not be discussed after the vote has been declared.
10. If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

**3.3.7 Repealing or amending resolutions**

1. A resolution of Council may not be amended or repealed unless notice of motion is given in accordance with the requirements of the LGA or the LGR.
2. Where a motion to rescind or alter a resolution is lost, a motion of the same or like effect shall not be moved until at least three (3) months after the date on which the first mentioned motion to rescind or alter was lost.
3. Councillors present at the meeting at which a motion to repeal or amend a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three months.

**3.3.8 Procedural motions**

1. A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, without the need for a seconder the following motions:
  - that the question/motion be now put
  - that the motion and amendment now before the meeting be adjourned
  - that the meeting proceed to the next item of business
  - that the question lie on the table
  - a point of order
  - a motion of dissent against the Chairperson's decision
  - that this report/document be tabled
  - to suspend the rule required that (insert requirements)
  - that the meeting stand adjourned
2. A procedural motion, that the question be put, may be moved and where such a procedural motion is carried, the Chairperson shall immediately put the question to the motion or

**Standing Orders (Meeting Procedures) for Council Meetings**

amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.

3. The procedural motion, that the motion and amendment now before the meeting be adjourned, may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified,
  - a further motion may be moved to specify such a time or date; or
  - the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
4. Where a procedural motion, that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion shall cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.
5. A procedural motion, that the question lie on the table, shall only be moved where the Chairperson or a Councillor requires additional information on the matter before the meeting (or the result of some other action of Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper. The motion, that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
6. Any Councillor may ask the Chairperson to decide on a 'point of order' where it is believed that another Councillor:
  - has failed to comply with proper procedures,
  - is in contravention of the LGA/LGR, or
  - is beyond the jurisdiction power of Council.

Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'point of order' is moved, consideration of the matter to which the motion was moved shall be suspended subject to Item 2 as outlined above. The Chairperson shall determine whether the point of order is upheld.

Upon the question of order suddenly arising during the process of a debate, a Councillor may raise a point of order, and thereupon the Councillor against whom the point of order is raised, shall immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or order at any time arising shall, until decided, suspend the consideration and decision of every other question.

7. A Councillor may move 'a motion of dissent' in relation to a ruling of the Chairperson on a point of order. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chairperson was made shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.
8. The motion, 'that this report/document be tabled', may be used by a Councillor to introduce a report or other document to the meeting only if the report or other document is not otherwise protected under confidentiality or information privacy laws. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.

**Standing Orders (Meeting Procedures) for Council Meetings**

9. A procedural motion, “to suspend the rule requiring that ....”, may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.
10. A procedural motion, that the meeting stands adjourned, may be moved by a Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor’s time for speaking to the matter, and shall be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment.
11. Any other procedural motion is required to be seconded.

**3.3.9 Conduct during Meetings**

1. Councillors will conduct themselves in accordance with the principles outlined in the LGA and the standards of behaviour set out in the *Code of Conduct for Councillors*. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
2. After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chairperson.
3. Councillors shall speak of each other during the Council meeting by their respective titles, “Mayor” or “Councillor”, and in speaking of or addressing officers shall designate them by their respective official or departmental title and shall confine their remarks to the matter then under consideration.
4. No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chairperson or by a Councillor.
5. When the Chairperson speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chairperson may be heard without interruption.
6. Councillors shall ensure there is no audible noise from mobile devices during a formally constituted meeting except with permission of the Chairperson.
7. Councillors may sit or stand and address the Chairperson while moving any motion or amendment, seconding any motion or amendment, or taking part in any discussion, placing, or replying to any question, or addressing the Council for any other purpose.
8. Councillors shall remain seated and silent while a vote is being taken.
9. No Councillor shall make personal reflections on or impute improper motives to any other Councillor.

**3.4 QUESTIONS**

1. A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation

**Standing Orders (Meeting Procedures) for Council Meetings**

to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next meeting.

2. A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
3. The Chairperson may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chairperson's ruling be disagreed with, and if such motion be carried the Chairperson shall allow such question.

### **3.5 MAINTENANCE OF GOOD ORDER**

#### **3.5.1 *Disorder***

1. The Chairperson may adjourn the meeting of Council, where disorder arises at a meeting other than by a Councillor. On resumption of the meeting, the Chairperson shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed. Where such a motion is lost, the Chairperson shall declare the meeting closed, and any outstanding matters referred to a future meeting.

#### **3.5.2 *Business of Objectionable nature***

1. If, at a meeting of Council, the Chairperson or a Councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of Council, the Chairperson or another Councillor may move a motion to declare a point of order that the matter not be considered further.

### **3.6 ATTENDANCE AND NON-ATTENDANCE**

#### **3.6.1 *Attendance of public and the media at meeting***

1. An area shall be made available at the place where any meeting of Council is to take place for members of the public and representatives of the media to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
2. When the Council is sitting in closed session, the public and representatives of the media shall be excluded.
3. The resolution that Council proceed into closed session must specify the nature of the matters to be considered and these matters must be in accordance with requirements under the LGR.<sup>3</sup> The Chairperson may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in closed session.

#### **3.6.2 *Public Participation at meetings***

1. A member of the public may take part in the proceeding of a meeting only when invited to do so by the Chairperson.

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<sup>3</sup> See *Local Government Regulation 2012* (Qld) s 254J.

**Standing Orders (Meeting Procedures) for Council Meetings**

2. In each meeting, time may be required to permit members of the public to address the Council on matters of public interest related to local government. The time allotted shall not exceed fifteen minutes and no more than three speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the absolute discretion of Council.
3. If any address or comment is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease making the submission or comment.
4. For any matter arising from such an address, Council may take the following actions:
  - refer the matter to a committee
  - deal with the matter immediately
  - place the matter on notice for discussion at a future meeting
  - note the matter and take no further action.
5. During a debate on a motion, the Chairperson may invite submission, comments, or questions from members of the public.
6. Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.
7. Any person who is considered by the Council or the Mayor to be unsuitably dressed may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.
8. Any person who is considered by the Council or the Mayor to be conducting themselves in an unsuitable manner, may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Should any person fail to adhere to this direction, they may be forcibly removed from the premises.
9. Audio and/or video recording of a Council meeting by a member of the public is not permitted unless approved by the Chairperson.

**3.7 PROCESS FOR DEALING WITH UNSUITABLE MEETING CONDUCT BY A COUNCILLOR IN A MEETING**

While Councillors generally will conduct themselves in accordance with the principles of the LGA, the Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct. The conduct of a Councillor is unsuitable meeting conduct if the conduct happens during a Council meeting and contravenes a behavioural standard of the *Code of Conduct for Councillors*. When dealing with an instance of unsuitable meeting conduct by a Councillor, the following procedures must be followed:

1. The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
2. If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson may consider the severity of the conduct and whether the Councillor has had any previous warnings for unsuitable meeting conduct issued. If the Chairperson decides the conduct is of a serious nature or another warning is unwarranted, refer to section 3.7, item 7 for the steps to be taken.

Standing Orders (Meeting Procedures) for Council Meetings

3. If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
  - Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
  - Apologising for their conduct
  - Withdrawing their comments.
4. If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
5. If the Councillor fails to comply with the Chairperson's request for remedial action, the Councillor may warn the Councillor that failing to comply with the request may result in an order being issued.
6. If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
7. If the Councillor continues to fail to comply with the Chairperson's request for remedial action or the Chairperson decided a warning was not appropriate under section 3.7, item 3, the Chairperson may make one or more of the orders below:
  - an order reprimanding the Councillor for the conduct
  - an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
8. If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting.
9. Following the completion of the meeting, the Chairperson must ensure:
  - (a) details of any order issued is recorded in the minutes of the meeting;
  - (b) if it is the third (3rd) or more order made within a 12-month period made against a Councillor or the Councillor has refused to comply with an order issued to leave the meeting, these matters are to be dealt with at the next meeting of the Council as a suspected conduct breach;
  - (c) the Council's Chief Executive Officer is advised to ensure details of any order made is updated in the Council's Councillor Conduct Register.
10. Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 1, 7 and 8 above.

### **3.8 PROCESS FOR DEALING WITH UNSUITABLE MEETING CONDUCT BY A CHAIRPERSON IN A MEETING**

1. If a Councillor at the meeting reasonably believes that the conduct of the Chairperson during the meeting is unsuitable meeting conduct, the Councillor will raise the matter in the meeting by point of order.
2. The Chairperson may correct their unsuitable meeting conduct or if they do not properly correct their behaviour, the Councillor may move a motion that the Councillor has engaged in unsuitable meeting conduct (a seconder for the motion is required). Councillors present, excluding the Chairperson, must decide by resolution if the conduct is unsuitable meeting conduct.

**Standing Orders (Meeting Procedures) for Council Meetings**

3. The Chairperson has a declarable conflict of interest in the matter and must leave the place where the meeting is being held, including any area set aside for the public, during the debate and vote on the matter. If the Chairperson wishes to remain in the meeting, the eligible Councillors must make a decision and follow the procedures set out in 3.11 below.
4. For the debate and vote on the motion, a Councillor other than the Councillor that moved the motion, is to act as the Chairperson.
5. If the original Chairperson remains in the meeting, on the condition that they will not vote on the matter as determined by the eligible Councillors, they can put forward their reasoning about their conduct, and respond to questions through the Chairperson from the eligible Councillors.
6. The acting Chairperson of the meeting will preside over the meeting while the Councillors present at the meeting vote on whether the Chairperson has engaged in unsuitable meeting conduct (the acting Chairperson will have a casting vote on the resolution if required).
7. If it is decided that the Chairperson has engaged in unsuitable meeting conduct the Councillors can make an order reprimanding the Chairperson for the conduct.
8. Once the Councillors make a decision, the Chairperson returns to the meeting (unless they have been permitted to remain in the meeting) and is informed of the decision by the acting Chairperson.
9. The Chairperson then resumes the role of Chairperson, and the meeting continues.
10. Details of any reprimand order is recorded in the minutes of the meeting. Council's CEO will ensure details of any order made is updated in Council's Councillor Conduct Register.

### **3.9 MEETING PROCEDURES FOR DEALING WITH A SUSPECTED CONDUCT BREACH INCLUDING THAT WHICH HAS BEEN REFERRED TO A LOCAL GOVERNMENT BY THE INDEPENDENT ASSESSOR**

Pursuant to requirements under the LGA (Referral of conduct to local government)<sup>4</sup> a referral from the IA of a conduct breach or an instance of suspected conduct breach may arise from circumstances under section 3.7, item 9 of these Standing Orders. In relation to matters referred by the IA to Council, Council may decide not to start or discontinue an investigation if the complainant withdraws the complaint, or consents to the investigation not starting or discontinuing, or the complainant does not provide extra information when requested, or there is insufficient information to investigate the complaint, or the Councillor vacates or has vacated their office as a Councillor.

An investigation into the alleged conduct must be:

- consistent with any recommendations from the IA; and
- consistent with Council's *Investigation Policy*; or
- in another way decided by resolution of Council.

After the completion of the investigation, the Council must decide in a council meeting, whether the Councillor has engaged in a conduct breach, unless it has delegated responsibility for this decision under section 257 of the LGA.

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<sup>4</sup> See *Local Government Act 2009* (Qld) Chapter 5A, Part 3, Division 5.

**Standing Orders (Meeting Procedures) for Council Meetings**

When dealing with an instance of suspected conduct breach which has been referred to Council by the IA:

1. Council must be consistent with the local government principle of transparent and accountable decision making in the public interest by deciding the outcome of an investigation of with a suspected conduct breach in an open meeting of the Council. However, where the matter requires debate, the Council may close all or part of a meeting to the public under section 254J of the LGR if considered necessary, to discuss an investigation report.
2. No resolution for a decision can be made in the closed session. The matter must be decided in an open session of the meeting or at a later meeting.
3. Where Council makes a decision about a conduct breach matter at a Council meeting that is inconsistent with a recommendation made about that matter in an investigation report, a statement of the reasons for the inconsistency must be included in the minutes of the meeting.<sup>5</sup>
4. The subject Councillor has a declarable COI in the matter and is permitted by the Council to remain in the closed meeting (unless Council decides otherwise) during the debate about the investigation report and answer questions put to the subject Councillor through the Chairperson in relation to the evidence or written submission provided by the Councillor to the Council. The permission to remain in the meeting for the debate is on the condition that the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public, during the vote on whether they have engaged in a conduct breach and what, if any, penalty to impose if the Councillor is found to have engaged in a conduct breach.
5. Should the complainant be a Councillor, that Councillor may have a declarable COI in the matter and if so, must follow the declarable COI procedures in Section 3.11. If the complainant Councillor who has a COI, wishes to remain in the meeting during the debate and vote on the matter, the other eligible Councillors (who do not have a COI in the matter) must decide how to deal with the COI under section 3.11. The complainant Councillor can be ordered to leave the meeting place or conditions may be applied to allow that Councillor to participate in either the debate, the vote or the decision on any disciplinary action to be applied.
6. After making a decision under section 150AG of the LGA, the local government must make the full investigation report, publicly available within 10 business days after the decision is made, with redactions of the name of the complainant and any witnesses but including the name of a Councillor or the CEO of the local government if they were complainants, or any Councillor who declared a COI in the matter.
7. If Council has lost quorum due to the number of conflicted Councillors or another reason, the matter must be delegated consistent with section 257 of the LGA or decided by resolution to defer the matter to a later meeting.
8. If a decision is reached that the subject Councillor has engaged in a conduct breach, then the Councillors must decide what penalty or penalties from the orders detailed in 3.9, if any, to impose on the Councillor. In deciding what penalty to impose, Council may consider any previous unsuitable meeting conduct of the Councillor and any allegation made in the investigation that was admitted, or not challenged, and that the Council is reasonably satisfied is true.

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<sup>5</sup> See *Local Government Regulation 2012* (Qld) ss 254H(2)-(3).

**Standing Orders (Meeting Procedures) for Council Meetings**

9. Council may order that no action be taken against the Councillor or make one or more of the following:
- a) an order that the Councillor make a public apology in a way decided by Council
  - b) an order reprimanding the Councillor for the conduct breach
  - c) an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
  - d) an order that the Councillor be excluded from a stated Council meeting
  - e) an order that the Councillor is removed, or must resign, from a position representing the local government, other than the office of Councillor, for example that the Councillor is ordered to resign from an appointment representing the local government on a state board or committee
  - f) an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
  - g) an order that the Councillor reimburse the local government for all or some of the costs arising from the Councillor's conduct breach.
10. A local government may not make an order in relation to a person who has vacated their office as a Councillor.
11. The subject Councillor, and where relevant, the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made, and the Chairperson must advise them of the details of the decision made by the Council and if relevant, any orders made by resolution.
12. The minutes of the meeting must reflect the decision and any orders made. A notice must be given to the IA as soon as practicable about the decision and the reasons for the decision and if an order is made under section 150AH of the LGA, the details of the order.

**3.10 PRESCRIBED CONFLICT OF INTEREST**

Councillors are ultimately responsible for informing of any prescribed COI on matters to be discussed at a council meeting, standing or advisory committee meeting (other than ordinary business matters). When dealing with a prescribed COI, Councillors must abide by the following procedures:

1. A Councillor who has notified the chief executive officer of a prescribed COI in a matter to be discussed in a council meeting must also give notice during the meeting.
2. A Councillor who first becomes aware of a prescribed COI in a matter during a council meeting must immediately inform the meeting of the COI.
3. When notifying the meeting of a prescribed COI, the following details must, at a minimum, be provided:
  - if it arises because of a gift, loan or contract, the value of the gift, loan, or contract
  - if it arises because of an application or submission, the subject of the application or submission
  - the name of any entity, other than the Councillor, that has an interest in the matter
  - the nature of the Councillor's relationship with the entity that has an interest in a matter
  - details of the Councillor's and any other entity's interest in the matter.
4. The Councillor must then leave the place of the meeting, including any area set aside for the public, and stay away while the matter is being discussed and voted on, unless the subject Councillor has written notice from the Minister to participate in the matter.

**Standing Orders (Meeting Procedures) for Council Meetings**

5. Once the Councillor has left the area where the meeting is being conducted, the Council can continue discussing and deciding on the matter at hand.

### **3.11 DECLARABLE CONFLICT OF INTEREST**

Councillors are ultimately responsible for informing of any declarable COI on matters to be discussed at council meetings, standing or advisory committee meetings that might lead to a decision that is contrary to the public interest (other than ordinary business matters).

A Councillor may raise their personal interests in a matter at the meeting to canvas the view of the other Councillors prior to deciding to declare a COI. If the other Councillors suspect the personal interest might be a COI, the Councillor may disclose their suspicion and the processes under section 150EW of the LGA applies.

When dealing with a declarable COI, Councillors must abide by the following procedures:

1. A Councillor who has notified the chief executive officer of a declarable COI in a matter to be discussed at a council meeting must also give notice during the meeting.
2. A Councillor who first becomes aware of a declarable COI in a matter during a council meeting must inform the meeting of the COI.
3. When notifying the meeting of a declarable COI, Councillors should provide sufficient detail to allow the other Councillors to make an informed decision about how best to manage the declarable COI in the public interest. The following minimum details must be provided:
  - the nature of the declarable COI
  - if it arises because of the Councillor's relationship with a related party:
    - the name of the related party to the Councillor
    - the nature of the relationship of the related party to the Councillor
    - the nature of the related party's interest in the matter
  - if it arises because of a gift or loan from another person to the Councillor or a related party:
    - the name of the other person
    - the nature of the relationship of the other person to the Councillor or related party
    - the nature of the other person's interest in the matter
    - the value of the gift or loan and the date the gift or loan was made.
4. After a Councillor has declared a COI, the Councillor should consider leaving the meeting while the matter is discussed unless they have reasons why their participation would improve making the decision in the public interest.
5. If the Councillor chooses not to leave the meeting, the Councillor may advise the other Councillors of their reasons for seeking permission to participate in making the decision.
6. The other eligible Councillors at the meeting must then decide, by resolution, whether the Councillor can participate in the decision making in relation to the matter, including voting on the matter, or whether they should not participate in the decision and leave the place of the meeting while the matter is decided by the non-conflicted Councillors. The non-conflicted Councillors may impose conditions on the Councillor under a decision to either participate or leave the meeting e.g., may stay for the debate but must leave for the vote. The Councillor must comply with any decision or condition imposed by the non-conflicted Councillors unless authorised under an approval by the Minister for local government.

**Standing Orders (Meeting Procedures) for Council Meetings**

The Councillor must not participate in the decision unless authorised in compliance with section 150ES of the LGA or under an approval by the minister for local government under section 150EV of the LGA.

7. In deciding on whether a Councillor may participate in a decision about a matter in which the Councillor has a declarable COI, only Councillors who do not themselves have a prescribed or declarable COI in the matter are eligible to participate in the decision making. The decision may be made even if the number of those Councillors is less than a majority or less than a quorum for the meeting consistent with section 150ET of the LGA.
8. The Councillor who is the subject of the decision may remain in the meeting while the debate is occurring and can participate by answering questions from the Chairperson to assist the other Councillors in making their decision. The subject Councillor must not vote or otherwise participate in making the decision but may remain in the meeting while the vote on the matter takes place and the decision is declared by the Chairperson, on whether the Councillor may remain in the meeting and participate in deciding the matter in which the Councillor has a declarable COI.
9. When deciding whether a Councillor may participate in the decision making on a matter in which they have a declarable COI, the other Councillors should consider the circumstances of the matter including, but not limited to:
  - how does the inclusion of the Councillor in the deliberation affect the public trust
  - how close or remote is the Councillor's relationship to the related party
  - if the declarable COI relates to a gift or other benefit, how long ago was the gift or benefit received
  - will the benefit or detriment the subject Councillor or their related party stands to receive from the decision have major or minor impact on them
  - how does the benefit or detriment the subject Councillor stands to receive compared to others in the community
  - how does this compare with similar matters that Council has decided and have other Councillors with the same or similar interests decided to leave the meeting
  - whether the subject Councillor has unique skills, knowledge or expertise that might help make the best decision in the public interest.
10. If the eligible Councillors cannot decide about the declarable COI of a Councillor, they are taken to have decided that the Councillor must leave and stay away from the meeting while the eligible Councillors discuss and vote on the matter.
11. A decision about a Councillor who has a declarable COI in a matter applies in relation to the Councillor for participating in the decision, and subsequent decisions, about the same matter unless there is a change to the Councillor's personal interests and/or the nature of the matter being discussed. If the eligible Councillors decide that the Councillor can act in the public interest on the matter, then the Councillor may participate in the meeting and be involved in processes occurring outside of a council meeting about the same matter e.g., briefing sessions or workshops.
12. In making the decision about the Councillor's COI in a matter, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue (if known or suspected).
13. A Councillor does not contravene the above procedures if the Councillor participates in a decision under written approval from the Minister.<sup>6</sup>

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<sup>6</sup> See *Local Government Act 2009* (Qld) s 150EV.

**Standing Orders (Meeting Procedures) for Council Meetings****3.12 REPORTING A SUSPECTED CONFLICT OF INTEREST**

1. If a Councillor at a meeting reasonably believes or suspects that another Councillor has a personal interest in a matter that may be a prescribed or declarable COI, and that Councillor is participating in a decision on that matter, the Councillor must immediately inform the Chairperson of the meeting of their belief or suspicion, and the facts and circumstances that led to their belief or suspicion.
2. The Chairperson should ask the relevant Councillor with the suspected personal interest whether they have any prescribed or declarable COI in the matter. If the Councillor agrees they have a COI, the Councillor must follow the relevant procedures above.
3. If the Councillor believes they do not have a COI, they must inform the meeting of that belief and their reasons for that belief.
4. The non-conflicted Councillors must then decide whether the Councillor has a prescribed COI, a declarable COI or that the Councillor does not have a prescribed or declarable COI in the matter. If the meeting decides the Councillor has a COI, the Councillor must follow the relevant procedures above.
5. If the Councillors cannot reach a majority decision, then they are taken to have determined that the Councillor has a declarable COI.
6. If the belief or suspicion of a COI relates to more than one Councillor. The parts 3.11(1) to 3.11(8) of these procedures must be complied with in relation to each Councillor separately.

**3.13 LOSS OF QUORUM**

1. In the event where one or more Councillors leave a meeting due to a prescribed or declarable COI in a matter that results in a loss of a quorum for deciding the matter, the Council must resolve to:
  - delegate the consideration and decision on the matter, pursuant and subject to restrictions under section 257 of the LGA; or
  - defer the matter to a later meeting; or
  - not to decide the matter and take no further action in relation to the matter unless the LGA or another Act provides that the local government must decide the matter.

All Councillors including the conflicted Councillors, may participate in deciding to delegate or defer a matter.

2. Council must not delegate a decision to an entity if the entity, or a majority being at least half of its members, has a prescribed or declarable COI in the matter.
3. If the matter cannot be delegated under an Act, Council should seek ministerial approval for the Councillors to be able to consider and vote on the matter, subject to any conditions the Minister for Local Government may impose.<sup>7</sup>

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<sup>7</sup> See *Local Government Act 2009* (Qld) s 257(3) – restriction on delegation of a power which must be decided by resolution of Council. See also s 257 generally. See also s 150AG – restriction on delegation of power to make a decision on Councillor conduct.

## Standing Orders (Meeting Procedures) for Council Meetings

**3.14 RECORDING PRESCRIBED AND DECLARABLE CONFLICTS OF INTEREST**

When a Councillor informs a meeting that they or another Councillor have a prescribed or declarable COI in a matter, the minutes of the meeting must record all of the relevant details of how the COI was dealt with, being:<sup>8</sup>

- the name of any Councillor and any other Councillor who may have a prescribed or declarable COI
- the particulars of the prescribed or declarable COI provided by the Councillor
- the actions taken by a Councillor after informing the meeting that they have, or they reasonably suspect another Councillor has a prescribed or declarable COI
- any decision then made by the eligible Councillors
- whether the Councillor with a prescribed or declarable COI participated in or was present for the decision under ministerial approval
- the Council's decision on what actions the Councillor with a declarable COI must take and the reasons for the decision
- the name of each Councillor who voted on the matter and how each voted

If the Councillor has a declarable COI the following additional information must be recorded in the minutes of the meeting when the meeting is informed of a Councillor's personal interest by someone other than the Councillor:

- the name of each Councillor who voted in relation to whether the Councillor has a declarable COI, and how each of the Councillors voted

where a decision has been made under section 3.9, Item 9 above – the minutes must include:

- the decision and reasons for the decision, and the name of each eligible Councillor who voted and how each eligible Councillor voted

**3.15 CLOSED MEETINGS**

Council meetings, standing and advisory committee meetings may resolve that a meeting be closed to the public if its Councillors consider it necessary to discuss any of the following matters:<sup>9</sup>

- Appointment, dismissal, or discipline of the CEO
- Industrial matters affecting employees
- The Council's budget
- Rating concessions
- Legal advice obtained by the Council, including legal proceedings that may be taken by or against the Council
- Matters that may directly affect the health and safety of an individual or a group of individuals
- negotiations relating to a commercial matter involving the Council for which a public discussion could prejudice the interests of the Council
- negotiations relating to the taking of land by the Council under the *Acquisition of Land Act 1967* (Qld)

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<sup>8</sup> Ibid s 150FA.

<sup>9</sup> Ibid s 254J(3).

**Standing Orders (Meeting Procedures) for Council Meetings**

- a matter that the Council is required to keep confidential under a law of, or a formal agreement with, the Commonwealth or State.
- A matter relating to the consideration of an investigation report for an investigation of a conduct breach given to the local government under the LGA Chapter 5A, Part 3, Division 5.

A council meeting, standing and advisory committee meeting cannot resolve that a meeting be closed where the meeting is informed of a Councillor's personal interest in the matter by another person and the eligible Councillors at the meeting must decide whether the Councillor has a declarable COI in the matter.

Further, the meeting must not be closed if a quorum is lost due to the number of conflicted Councillors who leave the meeting, and the Council must;

- delegate the matter
- decide by resolution to defer the matter to a later meeting
- decide by resolution to take no further action on the matter.

None of the above will be considered, discussed, voted on or made during a closed session.

If a closed session includes attendance by teleconference, the Councillor/s attending by teleconference must maintain confidentiality by ensuring no other person can hear their conversation while in the closed meeting.<sup>10</sup>

To take a matter into a closed session the Council must abide by the following:

1. Pass a resolution to close the meeting.
2. The resolution must state the matter to be discussed, an overview of what is to be discussed and why the meeting should be closed while the matter is considered.
3. If the matter is known in advance, the agenda should clearly identify that the matter may be considered in closed session, and an explanation of why the Councillors at the meeting may consider it necessary to take the issue into closed session must be stated.
4. Not make a resolution while in a closed meeting (other than a procedural resolution).

**3.16 TELECONFERENCING MEETINGS**

1. If a Councillor wishes to be absent from a council meeting place during a meeting, the Councillor must apply to the Chairperson to participate by teleconference, at least three business days prior to the meeting or as soon as practicable once the Councillor becomes aware of their intended absence. The Chairperson may allow a Councillor to participate in a council meeting, standing or advisory committee meeting by teleconference.
2. A Councillor taking part by teleconference is taken to be present at the meeting if the Councillor was simultaneously in audio contact with each other person at the meeting. The attendance of the Councillor must be recorded in the minutes as present at the meeting.

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<sup>10</sup> Ibid s 171(3) – contravention provision.

**Standing Orders (Meeting Procedures) for Council Meetings**

**Note:** Teleconferencing includes the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in a discussion as it happens.

### **3.17 AMENDMENT OF STANDING ORDERS**

Standing Orders are a Council policy and can be amended by resolution of Council at any time.

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## **4. REPORTING**

No additional reporting is required.

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## **5. DEFINITIONS**

**Advisor** – holds the meaning declared in section 254(H)(4) of the LGR

**Conduct** – holds the meaning declared in section 150C of the LGA

**Conduct breach** – holds the meaning declared in section 150K of the LGA

**Council** – means the Mareeba Shire Council

**IA** – means the Independent Assessor as appointed under section 150CV of the LGA

**LGA** – means the *Local Government Act 2009* (Qld)

**local government** (or **Council** meeting) – holds the meaning declared in Schedule 8 of the LGR

**LGR** – means the *Local Government Regulation 2012* (Qld)

**misconduct** – holds the meaning declared in section 150L of the LGA

**unsuitable meeting conduct** – holds the meaning declared in section 150H of the LGA

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## **6. RELATED DOCUMENTS AND REFERENCES**

*Code of Conduct for Councillors* (MSC)

*Councillor Conduct Register* (MSC)

*Investigation Policy* (MSC)

*Local Government Act 2009* (Qld)

*Local Government Regulation 2012* (Qld)

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## **7. REVIEW**

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



## Community Housing for Seniors Policy

Policy Type	Governance Policy	Version:	4.0
Responsible Officer	Senior Community Services Officer	Date Approved:	16/10/2024
Review Officer:	Manager Customer & Community Services	Review Due:	16/09/2028
Author:	Senior Community Services Officer	Commencement:	16/10/2024

### 1. PURPOSE

Mareeba Shire Council is committed to contributing to an improved quality of life for seniors by ensuring equitable access to affordable accommodation in the Mareeba Shire. Council provides a long term community housing service for seniors in the towns of Mareeba, Mount Molloy, Kuranda and Dimbulah.

As a registered provider of long term community housing under the Queensland State Regulatory System for Community Housing, Council is required to implement community housing policies and procedures. This policy establishes a formal process to ensure there is a consistent approach to managing the community housing facilities of the Mareeba Shire Council.

### 2. SCOPE

This policy applies to the operation of Mareeba Shire Council's long term community housing service, including the management of property assets. The Policy applies to organisations contracted to deliver the community housing service on behalf of Mareeba Shire Council.

Mareeba Shire Council provides a long term community housing service with 108 units across the towns of Mareeba, Mount Molloy, Kuranda and Dimbulah. Council has funding agreements with the Department of Housing and Public Works for 84 of the properties and is obliged to adhere to the relevant Departmental regulation and policies for funded properties. For the properties that do not have a funding agreement, Council aims to apply social housing principles and manages these in a manner consistent with the funded properties.

### 3. POLICY STATEMENT

#### 3.1 ELIGIBILITY

Mareeba Shire Council's community housing service is specifically for seniors, which means that to be eligible to apply for Council housing the applicants must receive the Age Pension or other approved pensions including Department of Veterans' Affairs or be over the age of 55 years and receiving a Disability Support Pension, unless otherwise approved by Council. Discretion may be applied to this eligibility criteria in specific circumstances to maintain high occupancy rates.

Community Housing for Seniors Policy

The Mareeba Shire Council *Community Housing for Seniors Policy* adopts the eligibility process currently used by the Queensland Government which involves a need-based assessment for community housing assistance. Implementation of these criteria is a requirement of the *Housing Regulation 2015* and stipulated in the Queensland Government's *Social Housing Program Specifications*. All applicants for community housing are assessed against the common intake eligibility criteria as identified in the Queensland Government's *Social Housing Eligibility Criteria*.

In addition to the requirements of the Queensland Government's *Social Housing Eligibility Criteria*, preference will be given to applicants who have been resident in the Mareeba Shire Council area for a number of years and / or have relatives who are residents of the Mareeba Shire. It is recognised that social and community connection is an indicator of a sustainable tenancy and consideration is given to tenant connection to community as well as existing or available formal and informal support networks.

### **3.2 ALLOCATION**

Allocation of new tenants to vacant, funded properties adheres to the Queensland Government's *Allocations Policy for Funded Social Housing Providers* and aims to match the needs of the tenants to the most suitable, available property. The same principles apply to allocating new tenants to unfunded properties.

### **3.3 MATCH TO PROPERTY**

Mareeba Shire Council's properties include 104 single bedroom units and 4 two-bedroom units. Allocations and ongoing eligibility are managed to ensure that the properties meet the ongoing and changing needs of the household and to ensure that the community benefit of these properties is maximised.

### **3.4 ONGOING ELIGIBILITY**

The circumstances of all tenants are reviewed on an annual basis, as is required by the Queensland Government's *Social Housing Eligibility Criteria*. Consideration is given to any mitigating factors and discretion is exercised in relation to the ongoing eligibility criteria.

Social housing is available for the duration of need, however, if a tenant is no longer eligible, or social housing is no longer the most appropriate form of housing for a tenant, assistance will be provided to the household to exit to other suitable long-term accommodation.

### **3.5 ASSET MANAGEMENT**

The housing assets are managed in accordance with Council's current asset management principles to ensure the houses are maintained to the appropriate standard, as required by the Queensland Government.

### **3.6 TENANT REQUESTS FOR FIXTURES OR MODIFICATIONS**

All requests for modifications must be approved by Council or an organisation contracted to deliver the community housing service on behalf of Council, prior to a tenant organising the work. Tenants may have to remove fixtures/modifications if they were not approved or are not to Council standard, and the property must be returned to its original condition at the tenant's cost. At the end of the tenancy, the improvements will become the property of Council, unless otherwise specified in the approval.

## Community Housing for Seniors Policy

In addition, there are certain modifications or improvements which must be approved by the Queensland Government.

### 3.7 COMPLAINTS AND APPEALS

If a tenant or applicant is dissatisfied with the service or actions of Council or Council staff, the tenant or applicant can lodge a complaint or an appeal against that decision in accordance with Council's *Administrative Action Complaint Management Policy* and procedures.

If a tenant or applicant is dissatisfied with the service or actions of an organisation contracted to deliver the community housing service on behalf of Council, the tenant or applicant can lodge a complaint or an appeal against that decision in accordance with that organisation's complaints policy.

If the affected person is not satisfied that a complaint has been satisfactorily resolved, he/she will be informed of any further review mechanisms that are available and given the details of any statutory right of review. This may include a review by the Department of Housing and Public Works, Queensland Human Rights Commission or Queensland Ombudsman.

## 4. REPORTING

The following reporting is required by the Queensland Government to monitor the delivery of the Community Housing service:

1. Quarterly Performance Report (funded properties only)  
Responsible: Manager - Customer and Community Services  
Reporting: Performance data regarding tenancy management with a biannual asset management component.
2. Community Housing Annual Financial Return (funded properties only)  
Responsible: Manager - Customer and Community Services and Manager Finance  
Reporting: Annual financial performance.
3. Community Housing Survey (all properties)  
Responsible: Manager - Customer and Community Services  
Reporting: Annual report regarding tenant circumstances for all properties.

Where delivery of the community housing service is contracted out, responsibility for reporting will be defined in the service deed.

## 5. DEFINITIONS

1. **Funded property** – a unit which is subject to a funding agreement with the Queensland Government.
2. **Household** – means everyone listed on the tenancy agreement regardless of age or relationship.
3. **Rent** – rent is paid where a household is covered under the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld).
4. **Social Housing** – public and community housing that is available to provide housing stability to vulnerable people who are not able to access and sustain housing in the private market.

## Community Housing for Seniors Policy

5. **Unfunded property** – a unit which is not subject to a funding agreement with the Queensland Government.

## 6. RELATED DOCUMENTS AND REFERENCES

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*Administrative Action Complaint Management Policy* (MSC)  
*Allocations Policy for Funded Social Housing Providers* (Department of Communities, Housing and Digital Economy)  
*Allowable Expenditure Policy* (Department of Communities, Housing and Digital Economy)  
*Community Housing Rent Policy* (Department of Communities, Housing and Digital Economy)  
*Community Housing Rent Policy Guideline* (Department of Communities, Housing and Digital Economy)  
*Community Housing Rent Procedure* (MSC)  
*Community Housing for Seniors Tenant Information Guide* (MSC and Mareeba Community Housing Company)  
*Community Housing Tenancy Management Policy* (Department of Communities, Housing and Digital Economy)  
*Customer Service Charter* (MSC)  
*Housing Act 2003* (Qld)  
*Housing Regulation 2015* (Qld)  
*Human Rights Act 2019* (Qld)  
*Information Privacy Act 2009* (Qld)  
*Queensland State Regulatory Code* (Department of Communities, Housing and Digital Economy)  
*Residential Tenancies and Rooming Accommodation Act 2008* (Qld)  
*Social Housing Eligibility Criteria* (Department of Communities, Housing and Digital Economy)  
*Social Housing Program Specifications* (Department of Communities, Housing and Digital Economy)

Note: Current legislation, regulations, State government guidelines and procedures will prevail over the Community Housing Rent Procedure to the extent of any inconsistency.

## 7. REVIEW

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It is the responsibility of the Manager Customer & Community Services to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council. Current legislation, regulations, guidelines or procedures will prevail over the Community Housing for Seniors Policy in the event that these are reviewed and updated.



## The Great Wheelbarrow Race Advisory Committee Charter

Policy Type	Governance Charter	Version:	2.0
Responsible Officer:	Chief Executive Officer	Date Approved:	16/10/2024
Review Officer:	Chief Executive Officer	Review Due:	16/09/2028
Author:	Coordinator Governance & Compliance	Commencement:	16/10/2024

### 1. PURPOSE

The Great Wheelbarrow Race Advisory Committee ("**the Committee**") is established as a special committee<sup>1</sup> of the Mareeba Shire Council ("**Council**") and shall exist for the purpose of annually organising The Great Wheelbarrow Race event.

This Charter sets out the roles and responsibilities of the Committee in the interest of probity, assurance and good governance.

### 2. SCOPE

This Charter applies to all members of the Committee and to all the activities of the Committee.

### 3. CHARTER STATEMENT

#### COMPOSITION

The Committee will comprise of at least seven (7) members and a maximum of eleven (11) members of which at least one (1) member shall be a Councillor as appointed by Council. The Chair of the Committee shall be a Councillor or member of the Committee appointed by Council.

Councillors will be appointed to the Committee for the term of the Council unless otherwise removed by a resolution of full Council or acceptance of a resignation. In the event of a Councillor resigning their position on the Committee, the full Council will nominate a Councillor to fill the vacant position.

An external member shall be appointed for a period of four (4) years, with an option to extend for one year. Appointments of external members shall be made by way of a public advertisement; an evaluation of candidates and a recommendation for appointment put to Council. The external member may not be a Council officer, employee or contractor and must have experience and skills in event management and demonstrate community involvement. The evaluation of potential external members will be undertaken by the Mayor or a nominated Councillor; Chief Executive Officer and if appropriate the Chair.

#### THE ROLE OF THE CORPORATE COMMUNICATIONS OFFICER

<sup>1</sup> See *Local Government Regulation 2012* s 264(1)(a).

### Great Wheelbarrow Race Advisory Committee Charter

Council's Corporate Communications Officer is responsible for the overall coordination and running of the event. Working closely with the Chair of the Committee, the Corporate Communication Officer will provide administrative, event, risk management and financial advice and support to the Committee. As the Council Officer charged with organising the event, they will be responsible for taking minutes and keeping records of all activities related to the event. The Corporate Communications Officer reports directly to the Chief Executive Officer.

#### MEETINGS

The Committee meets as often as it determines, but not less than two (2) times per year. Meetings of the Committee are held at the times and places decided by the Committee<sup>2</sup>.

Quorum for the Committee shall be the majority of its members however if the number of members is an even number, one-half of the number is a quorum. The meeting will proceed only if a quorum is present. The Chairperson shall preside or if the Chairperson is absent, the member chosen by the members present as Chairperson for the meeting presides.<sup>3</sup>

The Mayor has a standing invitation to attend the meetings. Non-member Councillors may attend in observer mode but must first request confirmation from the Chair regarding planned attendance, in advance of the meeting.

The Committee Chair may invite any Council officers to attend Committee meetings as and when required to assist the Committee.

The Chairperson of the Committee shall attend a Council meeting on an annual basis to formally report on the progress of the Committee.

Meetings shall be conducted in accordance with the Council's *Handbook for Advisory Committees*.

#### RESPONSIBILITIES

The Committee will liaise closely with Council to carry out its responsibilities. However, the Committee has no expressed or implied executive power or authority.

The roles and responsibilities of individual Committee members are determined by the Chair and Committee members.

The Committee acting for Council as a public entity,<sup>4</sup> will observe, promote, give proper consideration to and make decisions compatibly with the *Human Rights Act 2019* (Qld).

#### 4. REPORTING

The Corporate Communications Officer is responsible for taking minutes and keeping records of all activities related to the event.

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<sup>2</sup> Ibid s 268.

<sup>3</sup> See *Local Government Regulation 2012* (Qld) ss 269(1)-(2). See also *Handbook for advisory Committees* (MSC) s 3.4.3.

<sup>4</sup> See *Human Rights Act 2019* (Qld) s 9(1).

Great Wheelbarrow Race Advisory Committee Charter
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The Corporate Communications Officer will forward a copy of all meeting minutes to Council's Mayor and Chief Executive Officer within 14 days from the date of each meeting.<sup>5</sup>

**5. DEFINITIONS**

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Nil.

**6. RELATED DOCUMENTS AND REFERENCES**

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*Handbook for Advisory Committees* (MSC)

*Human Rights Act 2019* (Qld)

*Local Government Regulation 2012* (Qld)

**7. REVIEW**

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It is the responsibility of the CEO to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every three (4) years or as required by Council.

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<sup>5</sup> See *Handbook for advisory Committees* (MSC) s 3.4.6.



**8.5 EXTENSION OF CONTRACT TERM - COMMERCIAL REAL ESTATE SERVICES FOR SALE OF MAREEBA INDUSTRIAL PARK**

**Date Prepared:** 26 September 2024

**Author:** Coordinator Governance & Compliance

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

Approval is sought for an extension of current contract term for commercial real estate services for sale of Mareeba Industrial Park to facilitate continued sale of the available remaining three (3) developed lots. This will maintain the current level of marketing exposure and allow for the sale of the remaining three (3) developed lots.

**RECOMMENDATION**

That Council approve an extension commencing on 1 November 2024 to the current contract for commercial real estate services for sale of Mareeba Industrial Park held by Mareeba Property Office ABN 36 989 911 069 as appointed property agent, with all other existing contract terms to remain unchanged and in effect, until Council resolves to call a tender for the awarding of real estate services for the marketing and sale of the future developed lots.

**BACKGROUND**

Mareeba Property Office ABN 36 989 911 069 hold a current two-year contract for commercial real estate services for sale of Mareeba Industrial Park as awarded under tender T-MSC2022-07. The contract commenced under Form 6 Appointment of a Property Agent instrument on 1 November 2022 to expire on 31 October 2024. The contract covers real estate services for the remaining developed and surveyed lots at the Mareeba Industrial Park but excludes undeveloped and unsurveyed land earmarked for future development.

Currently, three (3) developed and surveyed lots remain for sale. An extension term is proposed commencing 1 November 2024 to ensure that any lots remaining unsold as at date of expiry of the current contract on 31 October 2024, can continue to be effectively marketed to sale by contract. It is recommended the extension term is until Council resolves to call a tender for the awarding of real estate services for the marketing and sale of the future developed lots and that the advertising approach currently in place is maintained and that any new marketing and promotional activities are aligned to commence with the next stage of development.

The cost estimate for marketing and advertising fees associated with an indicative term of 12 months is assessed to be \$1900 GST inclusive with a pro-rata fee to apply for the actual extension term.

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

Nil.

**LINK TO CORPORATE PLAN**

**Economy and Growth:** Promote and encourage investment in local industry to build a resilient economy.

**IMPLEMENTATION/COMMUNICATION**

Mareeba Property Office to be formally notified of resolution.

**8.6 CASSOWARY ART TRAIL**

**Date Prepared:** 20 September 2024  
**Author:** Director Corporate and Community Services  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

Council has received a request from the Kuranda Conservation Community Nursery Inc. seeking approval for installation of a 'Giant Cassowary Statue (GCS)' within the Kuranda township area, as part of the 'Cassowary Art Trail'.

**RECOMMENDATION**

That Council

1. approve the installation of the four (4) to six (6) metre Giant Cassowary statue in Centenary Park adjacent to Therwine Street in Kuranda, facing along the footpath or in to the Park; and
2. support Kuranda Conservation Community Nursery Inc. in seeking funding to purchase and install the Giant Cassowary statue in Kuranda.

**BACKGROUND**

Council has received a request from the Kuranda Conservation Community Nursery Inc. seeking approval for installation of a 'Giant Cassowary Statue (GCS)' within the Kuranda township area, as part of the 'Cassowary Art Trail'.

The 'Cassowary Art Trail' project is aimed at raising public awareness about the endangered Southern Cassowary and its importance in the indigenous culture and the natural environment. This project trail comes at no cost to Council.

Council Officers have completed a review to determine the most suitable location for the statue, giving careful consideration to pedestrian and driver safety. This review was based on the Transport and Main Roads (TMR) guidelines for 'Roadside Advertising' and a view to managing 'points of conflict' and driver/pedestrian distraction.

This location offers a prime viewing opportunity for around 1,500 vehicles per day in addition to as many as 3,000 pedestrians per day.

The statue is to be supplied and installed by the Kuranda Conservation Community Nursery Inc. and will be secured via a suitably engineered concrete slab and bolting system.

**RISK IMPLICATIONS**

Nil

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### ***Capital***

Nil.

### ***Operating***

Nil.

## **LINK TO CORPORATE PLAN**

**Community and Culture:** An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

**Liveability and Environment:** Improve the liveability of the Shire by enhancing amenity and valuing natural assets.

## **IMPLEMENTATION/COMMUNICATION**

Advise the Kuranda Conservation Community Nursery Inc. of Council's decision.

**8.7 DEVELOPMENT & GOVERNANCE QUARTERLY REPORT - JULY TO SEPTEMBER 2024**

**Date Prepared:** 16 September 2024

**Author:** Manager Development and Governance

**Attachments:** Nil

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**EXECUTIVE SUMMARY**

This report presents the key activities of the Development and Governance Group for the July to September 2024 quarter.

**RECOMMENDATION**

That Council receives the quarterly report of the Development and Governance Group for the July to September 2024 quarter.

**GOVERNANCE, COMPLIANCE AND RECORDS****Land Tenure Instruments**

Council recorded one (1) new Licence Agreement renewal for premises at the Chillagoe Hub, and one (1) new User Agreement with Kuranda Historical Society for the shared use of Kuranda Community Precinct – Block C, Area 1.

**Tom Gilmore Mareeba Aviation Industrial Precinct**

Council recorded one (1) new tenure instrument during the period.

Council consented to one (1) assignment of lease instrument during the period.

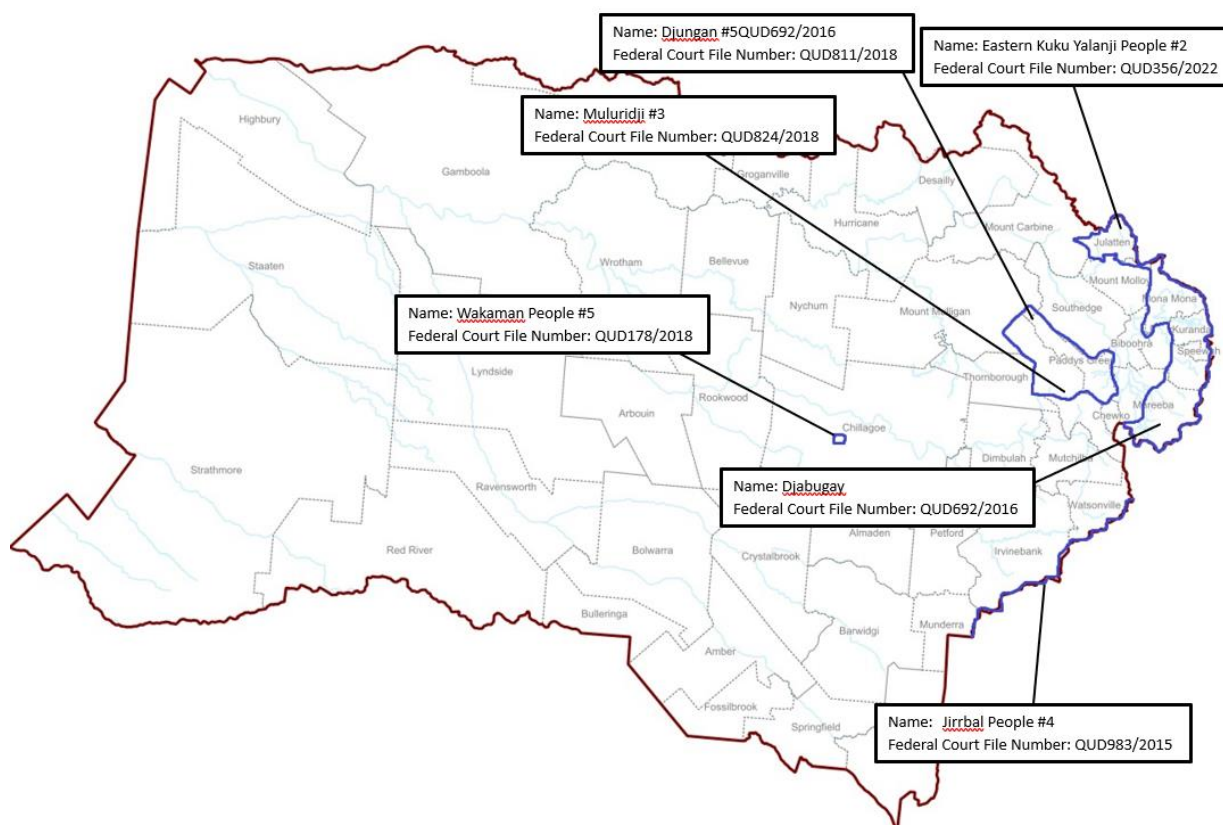
**Mareeba Industrial Park**

Council recorded one (1) new land sale settlement during the period and there are a further three lots under offer awaiting settlement.

Currently there remain three (3) developed lots available for sale.

**Native Title –**

There are currently six (6) Native Title claims within Mareeba Shire:



On 10 September 2024, Justice Collier of the Federal Court handed down a judgement that the Native Title Determination Application QUD224/2021 - Anne-Marie Keating on behalf of Wallara People, Clan of Koko-Muluridji be dismissed.

### Indigenous Land Use Agreements (ILUA)

Council has five (5) Indigenous Land Use Agreements (ILUAs) that establish the context in which Council operates with specific groups on matters of Native Title and Cultural Heritage.

As a condition of the Indigenous Land Use Agreements, Council has held meetings with the Indigenous Registered Native Title Body Corporate (RNTBC) for the above groups to the cyclic annual Consultative Committee and Capital Works Forum to outline the upcoming Financial Year's capital works program, outline any proposed community programs and initiatives and provide an opportunity for Indigenous representatives to raise any concerns or queries about these works programs and any other issues. Five (5) of five (5) ILUA meetings were held during the period with Western Yalanji and Muluridji unrepresented.

On 5 September 2024, Council issued a Cultural Heritage Consultation Notice to the Muluridji People, the Mbabarum People, the Bar-Barrum People under the terms of their relevant ILUA, and the Djabugay Nation Native Title Claim Group (QUD692/2016) under the Cultural Heritage Duty of Care Guidelines, to initiate consultation relevant to a total of 12 proposed sites for an Environmental Cleanup across the Shire in the wake of the Cyclone Jasper weather event.

### Notifiable Breaches – internal

Council recorded nil (0) notifiable breaches during the quarter.

### Right to Information and Information Privacy

Council recorded receipt of one (1) new Right to Information and Information Privacy Access Application.

### Unreasonable Complainant Conduct

Council recorded nil (0) new cautionary notice actions undertaken during the period under Council's *Unreasonable Complainant Conduct Policy*.

### Administrative Action Complaints

Details of complaints received/processed during the period ending 30 September 2024 are displayed in the following table as aligned with the same period in 2023:

	Jul – Sep 2024	Jul – Sep 2023
Complaints carried over from previous period	3	2
Complaints carried over from previous period finalised during this reporting period	3	2
Complaints lodged during reporting period	11	16
Complaints finalised during reporting period	10	11
Complaints still in process (not finalised) during reporting period	1	5

## BUILDING, PLUMBING AND TRADEWASTE

### Building Applications

In 2018, Council resolved to no longer provide building certification in the major population areas of Mareeba Shire. In 2020, Council resolved not to provide building certification across the entire jurisdiction, however Council is still responsible for the applications it had received up until this point. Generally, approved building applications are granted two (2) years to complete the approved building works. Council's Policy is to provide one (1) extension for all applications upon valid request where works have begun. Therefore, some applications may continue for a maximum of two (2) further years.

The below table provides information on issued building approvals that remain the responsibility of the Council:

Current applications as of 1 July 2024	7
Completed	1
Cancelled	0
Current applications as of 30 Sept 2024	6

### Plumbing Applications

The below table provides information on plumbing approvals that are the responsibility of the Council:

Current applications as at 1 July 2024	363
New Applications	45
Completed	34
Cancelled	0
Current applications as of 30 Sept 2024	374

### Trade Waste

The 2024 Trade Waste inspection program for Mareeba was completed late June. Council will be starting Kuranda Trade Waste audit in December.

### Regulatory

Building, Plumbing, and Trade Waste Services received 111 new customer requests this quarter and 117 were resolved. In comparison to the same quarter in 2023, Council received 68 customer requests.

### Compliance

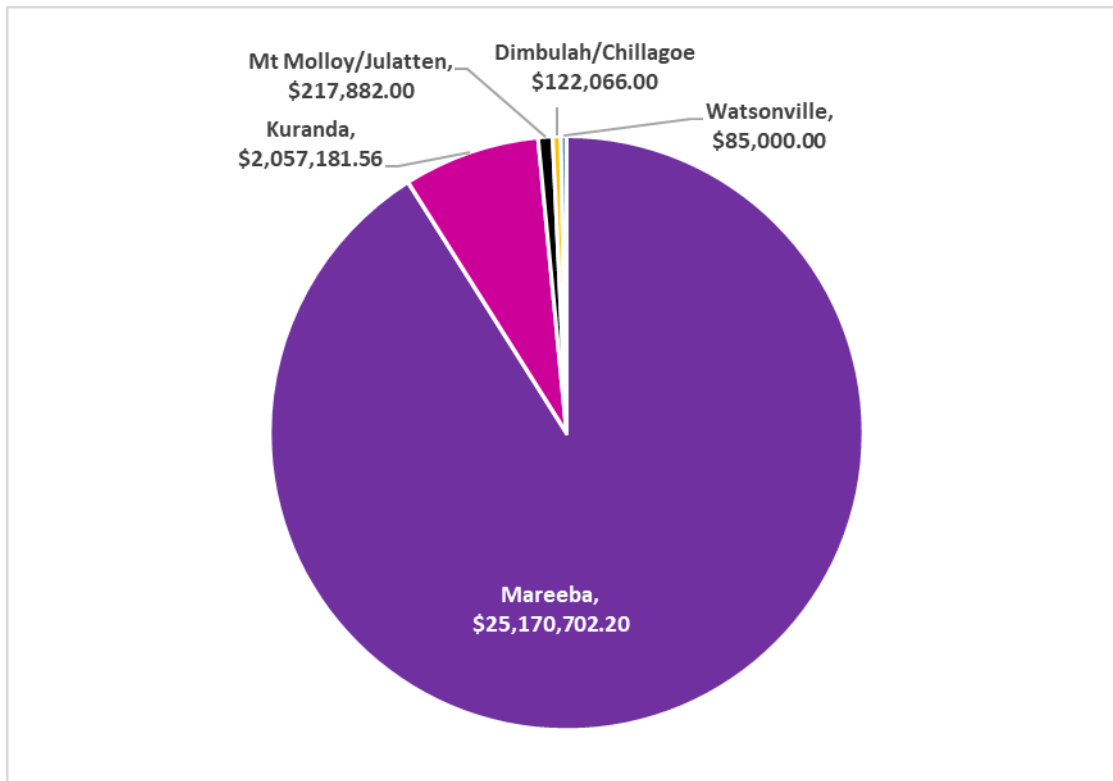
Council continues to progress 41 escalated building and plumbing compliance enforcement actions for unapproved structures relevant to 25 properties across the jurisdiction. A strategic risk management approach to non-compliance complaints has been actively pursued since September 2022 with each complaint managed as a low, medium or high-risk compliance matter.

### Building

The total value of Council's dwelling and commercial approvals has increased this year compared to the same quarter last year. Two significant developments contributed to the increase: an Innovation Centre at St Stephen's Catholic College and a service station at Malone Road, Mareeba.

### Value of Building Applications July – Sept 2024

Quarter	July-Sept 2024		July-Sept 2023	
	\$	A	\$	A
<b>Total</b>	\$27,808,631	91	\$20,108,135	97



## REGIONAL LAND USE PLANNING

### New Development Applications

10 development applications were lodged in the September quarter 2024 compared to 16 lodged in the September quarter 2023. Development applications and other planning matters received/approved during the September quarter 2024 as compared to the September quarter 2023 are listed below.

	Jul – Sept 2024	Jul – Sept 2023
New Development Applications lodged	10	16
Decision Notices issued under delegated authority	8	7
Negotiated Decision Notices issued under delegated authority	0	0
Decision Notices issued (from Council Minutes)	6	7
Negotiated Decision Notices issued (from Council Minutes)	1	1
Extensions to relevant period issued	2	0
Extensions to relevant period issued (from Council Minutes)	0	1
Change to existing Development Approval issued	0	2

Referral Agency Response approvals issued under delegated authority	6	3
Survey Plans endorsed	2	5
Notices issued under Planning Act	0	0
Planning Appeals and other Court proceedings	0	0

## LOCAL LAWS AND ENVIRONMENTAL HEALTH

### Local Laws

	July - Sept 2024	July - Sept 2023	July - Sept 2022
Animal Attacks	29	25	29
Barking Complaints	53	50	92
Council traps	41	40	40
Cruelty	3	1	0
Dangerous Aggressive Dogs	6	4	4
Enquiries, Unregistered, Hygiene, unleashed	275	202	156
Missing/Lost/Found	17	10	7
Restrained for Collection	59	54	34
Straying Animals	93	111	144
Too many animals	16	8	6
Total	<b>589</b>	<b>505</b>	<b>521</b>

In the last quarter, the following impounds were recorded for dogs:

- Animal returned to owner 1st occasion for free (dog was wandering but was registered): Seven (7) dogs.
- Animal caught wandering (not registered or registered and previously returned to owner): 103 dogs were impounded.

Quotes were sourced to cement the pound kennel runs to house dogs impounded by Council at the Mareeba Animal Management Facility leased to and operated by Friends of the Animals Inc. The proposed works will reduce the risk of the spread of Parvovirus.

### Dog Registration

Mareeba Shire has the highest dog registration per capita compared to neighbouring Local Government Areas. As of 30 September 2024, Council has a registered population of 3,860 dogs in

the shire with 239 dog renewals outstanding. The 239 outstanding renewals are the current dog registrations which have not been renewed or owners have not advised of a change in circumstances for the next financial year.

A total of 504 infringements were issued to animal owners on 12 August 2024, for failing to renew their animal registrations or advise of a change in circumstances (dog died or left the area). Over 100 applications to review animal infringements for failing to renew dog registrations or advise of a change in circumstances was received by Council's Health and Local Law Section from 12 August 2024 to 25 September 2024.

Any outstanding infringements are scheduled to be lodged with SPER on 10 October 2024.

	July - Sept 2024	July - Sept 2023	July - Sept 2022
Deceased	137	148	161
Left the area	81	86	116
New registrations	203	190	221

### Other Local Laws Matters

	July - Sept 2024	July - Sept 2023	July - Sept 2022
Abandoned Vehicles	23	25	16
Commercial Use of Roads	16	9	17
Illegal Camping	15	21	12
Illegal Signs	0	4	0
Obstruction of Footpath	0	0	1
Overgrown	18	21	14
Parking, illegal parking	10	23	23
Other	7	7	4
<b>Total</b>	<b>84</b>	<b>110</b>	<b>87</b>

### Local Laws Amendments

Work is continuing on the review of the Local Laws to amend and update as required. This includes amending the Local Law for Temporary Accommodation to enable a friend or relative to reside in a temporary caravan on a dwelling allotment under certain conditions as a short-term option for the housing crisis, for example, until a rental property becomes available, or the purchase of a property settles. Council is progressing this amendment to have it available for public consultation by end of October 2024.

### Environmental Health

The Environmental Health section responded to a total of 121 enquiries, complaints and service requests for the quarter relating to the following matters:

	July - Sept 2024	July - Sept 2023	July - Sept 2022
Flying Foxes	0	0	0
Food Complaints	2	2	2
Food Enquiry	34	20	31
Food General	11	12	10
General Service Enquiry	26	17	32
Health Enquiry	6	6	6
Illegal Dumping	13	21	6
Other	7	7	6
Pollution	19	14	24
Public Health Complaint/enquiry	3	6	6
Total	121	105	129

#### Notices Issued, Inspections Carried Out, Applications Processed

	July - Sept 2024	July - Sept 2023	July - Sept 2022
Animal Management infringements issued	504	232	149
Animals Impounded	110	133	129
Compliance Notices Issued	14	19	23
Food Inspections Undertaken*	51	10	11
Local Laws infringements issued	11	21	25
Regulated Parking infringements issued	10	30	61
Warning letters issued	74	63	103

\* Food inspections are continuing to be undertaken this last quarter, due to Council's contractor continuing the routine inspections throughout the shire.

#### Local Housing Action Plan (LHAP)

Council adopted the *Mareeba Shire Local Housing Action Plan* on 24 January 2024 and implementation of the key actions are underway. These include:

- Partnering with the Mareeba Community Housing Company and the Dept of Housing, Local Government, Planning and Public Works to build new social housing units for seniors in Mareeba with government funding. Construction of a duplex is on target for completion by Feb 2025 and a grant application was lodged for the construction of a triplex.
- Amending the Temporary Accommodation Local Law to allow approval of temporary accommodation in a caravan or RV on a property with an existing dwelling owned by friends or relatives under certain conditions to provide a viable short-term option in the current housing crisis.

- Lodging a submission to the Dept of Housing, Local Government, Planning and Public Works with a proposal to address the shortage of social housing for seniors in the Shire.
- Applying for grant funds to review the Mareeba Shire Council Planning Scheme to identify appropriate scheme amendments to increase the rate, density, and diversity of residential housing to better meet the needs of the changing population and help build more houses faster.



Celebrating a construction milestone for the Mareeba Duplex, 16 August 2024

#### LINK TO CORPORATE PLAN

**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.

#### IMPLEMENTATION/COMMUNICATION

Nil

#### KEY COMMUNICATION MESSAGES – INTERNAL USE ONLY



**8.8 OPERATIONAL PLAN 2024/25 PROGRESS REPORT**

**Date Prepared:** 1 October 2024

**Author:** Manager Development and Governance

**Attachments:** 1. Operational Plan Progress Report July - Sept 2024 [↓](#)

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**EXECUTIVE SUMMARY**

The attached report provides information regarding the progress of the 2024/25 Operational Plan projects.

**RECOMMENDATION**

That Council receives and notes the progress report on the implementation of the 2024/25 Operational Plan for the period July to September 2024.

**BACKGROUND**

The Local Government Regulation 2012 provides that a local government must prepare and adopt an annual operational plan for each year. The Operational Plan is a statement of specific works to be undertaken and services to be provided to progress the goals and objectives set out in a Council's Corporate Plan over a period of one (1) year.

Council adopted the Operational Plan for 2024/25 on 15 May 2024 and the amended plan with updated Corporate Plan references was adopted 21 August 2024.

In accordance with section 174(3) of the Local Government Regulation 2012, the Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than three (3) months.

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

It is a statutory requirement for an assessment of progress in implementing the Operational Plan to be presented to Council at least on a quarterly basis.

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

Nil

***Operating***

Nil

Financial Sustainability and Governance						
“A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.”						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken July to September 2024	Progress: Not commenced In Progress Completed
Long-term Financial Plan	FG 1	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>	<ul style="list-style-type: none"> <li>LTFP adopted with Budget in July.</li> <li>LGIIP scope of works commenced.</li> </ul>	In Progress
Comprehensive Asset Revaluations: <ul style="list-style-type: none"> <li>Roads</li> <li>Drainage</li> </ul>	FG 1 TI 2	Effective and sustainable financial management Sustainable Infrastructure for the future	Finance	<ul style="list-style-type: none"> <li>Comprehensive revaluations</li> </ul>	<ul style="list-style-type: none"> <li>Due to commence November.</li> </ul>	Not commenced
Internal Access to Financial Information	FG 2 FG 3	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>	<ul style="list-style-type: none"> <li>Continued improvement on reporting options and training available as requested.</li> </ul>	In Progress
Information Systems Strategy implementation	FG 2	Effective business management	Information Systems	<ul style="list-style-type: none"> <li>Continue to provide further system enhancements</li> <li>Transition Technology One to CAnywhere</li> </ul>	<ul style="list-style-type: none"> <li>Work commenced on the transition to Employee Self Service (ESS).</li> </ul>	In Progress
Sustainable Workforce	FG 3	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>	<ul style="list-style-type: none"> <li>Further follow up sessions of the leadership program to be scheduled for October and November 2024.</li> <li>Organisation-wide training program continues to meet the</li> </ul>	In progress

Financial Sustainability and Governance						
“A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.”						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken July to September 2024	Progress: Not commenced In Progress Completed
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>	<ul style="list-style-type: none"> <li>Engaging additional recruitment platforms such as LinkedIn</li> </ul>	<ul style="list-style-type: none"> <li>In progress</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>	<ul style="list-style-type: none"> <li>Continued implementation of ACSC Essential 8 mitigation strategies.</li> <li>100% completion of cyber security training achieved</li> </ul>	<ul style="list-style-type: none"> <li>In Progress</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>	<ul style="list-style-type: none"> <li>Full compliance with employment related legislative requirements identified.</li> <li>All requirements of LGW mutual risk met and no outstanding matters.</li> <li>Safety Management System in place</li> </ul>	<ul style="list-style-type: none"> <li>In progress</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> </ul>	<ul style="list-style-type: none"> <li>Quotes for Internal Audit have been sought</li> <li>External Audit completed with unmodified opinion</li> </ul>	<ul style="list-style-type: none"> <li>In progress</li> </ul>

Financial Sustainability and Governance						
“A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.”						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken July to September 2024	Progress: Not commenced In Progress Completed
				<ul style="list-style-type: none"><li>Prepare and present Annual Report in line with statutory and regulatory requirements</li><li>Fulfil Audit Committee objectives</li></ul>	<ul style="list-style-type: none"><li>Annual Report to be presented to Council in quarter 2</li><li>Audit Committee objectives all met</li></ul>	

Community and Culture						
“An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.”						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken July to September 2024	Progress: Not commenced In Progress Completed
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>	<ul style="list-style-type: none"><li>Bi-Lakes Precinct with public art work opened.</li><li>Continued work on Public Art Audit.</li><li>Quotes called for public art works in Kuranda, Julatten and Irvinebank.</li></ul>	<ul style="list-style-type: none"><li>In Progress</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>	<ul style="list-style-type: none"><li>Continuous improvement through Forms Express payment options</li></ul>	<ul style="list-style-type: none"><li>In progress</li></ul>
Community Safety	CC 2 EG 2	A vibrant and healthy community Effective strategic partnerships	Customer & Community Office of the CEO	<ul style="list-style-type: none"><li>Advocate for community safety</li></ul>	<ul style="list-style-type: none"><li>Mayor Toppin, Cr Wyatt and Cr Braes appointed to the Local Government Domestic and Family Violence Prevention Champions Network.</li></ul>	<ul style="list-style-type: none"><li>In Progress</li></ul>

Community and Culture						
“An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.”						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken July to September 2024	Progress: Not commenced In Progress Completed
Disaster Resilience	CC 3	A resilient community	Customer & Community Office of the CEO	<ul style="list-style-type: none"> <li>Promote resilience through Get Ready initiatives</li> </ul>	<ul style="list-style-type: none"> <li>Community safety initiatives continued to be actioned and supported.</li> <li>Advocated to Federal Government re PALM Scheme impacts in Mareeba and Dimbulah.</li> <li>Community education conducted at Under 8's Day at St Thomas's Primary School and Mareeba State Primary School.</li> <li>Planning for 'Get Ready Tablelands Event'.</li> </ul>	<ul style="list-style-type: none"> <li>In Progress</li> </ul>

Transport and Infrastructure						
“The provision of quality infrastructure to service our growing community using sound asset management principles.”						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken July to September 2024	Progress: Not commenced In Progress Completed
Review Asset Management Plans across asset classes	TI 1 TI 2 LE 1 FG 1	Safe, reliable and resilient infrastructure Sustainable Infrastructure for the future Attractive and accessible public	Assets & Projects Technical Services Finance	<ul style="list-style-type: none"> <li>Undertake data verification</li> <li>Undertake condition assessment and defect identification across individual asset classes.</li> </ul>	<ul style="list-style-type: none"> <li>Facility inspections / defect assessments / condition rating ongoing.</li> <li>Stormwater asset data verification ongoing.</li> </ul>	<ul style="list-style-type: none"> <li>In Progress (ongoing)</li> <li>In Progress (ongoing)</li> </ul>

Transport and Infrastructure						
“The provision of quality infrastructure to service our growing community using sound asset management principles.”						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken July to September 2024	Progress: Not commenced In Progress Completed
Restoration of assets	TI 1	Safe, reliable and resilient infrastructure	Technical Services Works	<ul style="list-style-type: none"> <li>Document and review prioritisation maintenance and operational activities</li> <li>Improvement of asset management processes to be reflected in Long Term Asset Management Plan and Long-Term Financial Plan</li> </ul>	<ul style="list-style-type: none"> <li>Long Term Asset Management Plan 2024-25 to 2033-34 Adopted.</li> <li>Parks and Open Spaces Asset Management Sub Plan in development.</li> </ul>	<ul style="list-style-type: none"> <li>Completed</li> <li>In Progress</li> </ul>
				<ul style="list-style-type: none"> <li>Rectify Disaster impacted infrastructure assets in accordance with QRA/DRFA guidelines and approvals</li> </ul>	<ul style="list-style-type: none"> <li>Environmental cleanup progressed.</li> <li>Barron Falls Road, Hilltop Close Landslips practical completion.</li> <li>Bushy Creek Bridge, Jarawee Road sites commenced.</li> <li>Emerald End Road Culvert, Carman Road Culvert restoration awarded and contractor commenced preconstruction activities.</li> <li>Damage Inspections of network completed and Restoration Submissions being prepared.</li> </ul>	<ul style="list-style-type: none"> <li>In Progress</li> </ul>

Transport and Infrastructure						
“The provision of quality infrastructure to service our growing community using sound asset management principles.”						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken July to September 2024	Progress: Not commenced In Progress Completed
Secure Water Supply	T1 1	Safe, reliable and resilient infrastructure	Water & Waste	<ul style="list-style-type: none"> <li>Implement water treatment asset renewal projects</li> </ul>	<ul style="list-style-type: none"> <li>Emergency Response, Counter Disaster activities reported to QRA.</li> <li>Booster Pump station project has reached practical completion and will become operational early October. Raw water Pump station reached practical completion and has been commissioned.</li> <li>Filtration project to be commissioned during October. Tender awarded to upgrade the two clarifiers at the Mareeba Water Plant. Water main renewal program for the 2024-2025 FY to commence 23 September.</li> </ul>	In Progress

Liveability and Environment “Improve the liveability of the Shire by enhancing amenity and valuing natural assets”						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken July to September 2024	Progress: Not commenced In Progress Completed
Waste Management Services Strategy	LE 3	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>	<ul style="list-style-type: none"> <li>The recruitment process for the regional coordinator has been finalised with the successful candidate to commence work 23 September.</li> </ul>	<ul style="list-style-type: none"> <li>In Progress</li> </ul>
Planning Scheme Review	LE 2	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>	<ul style="list-style-type: none"> <li>Grant application submitted for funds to review Planning Scheme to identify amendments to facilitate timely residential housing development.</li> </ul>	<ul style="list-style-type: none"> <li>Commenced</li> </ul>
Reef Guardian Council	LE 2	Sustainable Planning and protection of environmental assets	Technical Services	<ul style="list-style-type: none"> <li>Implement Reef Guardian Action Plan</li> </ul>	<ul style="list-style-type: none"> <li>Reef Guardian Action Plan 2024-2028 Adopted.</li> </ul>	<ul style="list-style-type: none"> <li>Completed</li> </ul>
Parks and Open Spaces Strategy	LE 1	Attractive and accessible public facilities	Assets & Projects	<ul style="list-style-type: none"> <li>Complete planned construction for financial year</li> </ul>	<ul style="list-style-type: none"> <li>Kuranda CBD Streetscape Project Commenced.</li> <li>Bicentennial Lakes Southern Precinct Footbridges under construction.</li> </ul>	<ul style="list-style-type: none"> <li>In Progress</li> </ul>

Economy and Growth						
“Promote and encourage investment in local industry to build a resilient economy.”						
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken July to September 2024	Progress: Not commenced In Progress Completed
Strategic Partnerships	EG 2 CC 2 TI 2 LE 1	Effective strategic partnerships A vibrant and healthy community Sustainable Infrastructure for the future Attractive and accessible public facilities	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>	<ul style="list-style-type: none"><li>Review of Advocacy materials scheduled for 3<sup>rd</sup> quarter of the year.</li></ul>	<ul style="list-style-type: none"><li>In Progress</li></ul>
					<ul style="list-style-type: none"><li>Mayor Toppin led the FNQROC Delegation to State Parliament.</li></ul>	
					<ul style="list-style-type: none"><li>Submission lodged with Dept of Housing, Local Government, Planning and Public Works to address the shortage of social housing for seniors in the Shire.</li></ul>	
Housing Strategy	EG 1	Sustainable economic development and growth	Development & Governance	<ul style="list-style-type: none"><li>Implement Local Housing Action Plan (LHAP)</li></ul>	<ul style="list-style-type: none"><li>Draft Local Laws Amendment for temporary accommodation prepared.</li></ul>	<ul style="list-style-type: none"><li>In Progress</li></ul>
					<ul style="list-style-type: none"><li>Celebration of construction milestone held 16 August 2024 for social housing duplex for seniors in Mareeba.</li></ul>	
					<ul style="list-style-type: none"><li>Awaiting outcome of application for funds for social housing triplex for seniors.</li><li>Application to Queensland Government lodged for grant funds to identify appropriate amendments to the Mareeba Shire Council Planning Scheme to increase the rate, density, and</li></ul>	

<b>Economy and Growth</b> <b>“Promote and encourage investment in local industry to build a resilient economy.”</b>							
Project	Corporate Plan Ref	Corporate Plan Goal	Business Section	Performance Measures	Actions Taken July to September 2024	Progress: Not commenced In Progress Completed	
					diversity of residential housing to better meet the needs of the changing population and help build more houses faster.		
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>	<ul style="list-style-type: none"> <li>• Masterplan finalised</li> <li>• Design of next stage has commenced.</li> </ul>	<ul style="list-style-type: none"> <li>• In Progress</li> </ul>	
Tom Gilmore Mareeba Aviation Industrial Precinct	<b>EG 1</b> <b>EG 2</b>	Sustainable economic development and growth Effective strategic partnerships	Tourism & Economic Development	<ul style="list-style-type: none"> <li>• Produce Promotional Strategy</li> <li>• Promote development</li> </ul>	<ul style="list-style-type: none"> <li>• Development opportunity promoted by Council website, social media and e-newsletter.</li> <li>• Engagement continues with airport users group and FNQ Aviation Museum.</li> </ul>	<ul style="list-style-type: none"> <li>• In Progress</li> </ul>	

**8.9 PROPOSED ADOPTION OF AMENDING LOCAL LAWS**

**Date Prepared:** 8 October 2024

**Author:** Coordinator Health & Local Laws

**Attachments:**

1. Local Law No. 1 (Administration) 2018 [↓](#)
2. Local Law No. 3 (Community and Environmental Management) 2018 [↓](#)
3. Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018 [↓](#)
4. Subordinate Local Law No. 1 (Administration) 2018 [↓](#)
5. Subordinate Local Law No. 2 (Animal Management) 2018 [↓](#)
6. Subordinate Local Law No. 3 (Community and Environmental Management) 2018 [↓](#)
7. Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018 [↓](#)
8. Amending Local Law No. 1 (Miscellaneous Local Law) 2024 [↓](#)
9. Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024 [↓](#)

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**EXECUTIVE SUMMARY**

- In November 2023, Council resolved to commence the process of amending its Local Laws to allow for a new prescribed activity that would allow for the use of temporary accommodation on private property, within specific parameters, to mitigate some of the issues experienced in relation to the current housing crisis.
- As part of this review, Officers have also identified further amendments that were required for clarifying purposes or to respond to other issues that have arisen since Council's current Local Laws were introduced in 2018. The purpose of the proposed amendments, and each of the Local Laws and Subordinate Local Laws that are proposed to be amended, are set out in this report.

**RECOMMENDATION**

That Council:

1. Resolves to propose to adopt the amendments to each of the following local laws and subordinate local laws as shown in **Attachments 1 to 7** to this Report ("**Proposed Local Law Amendments**"):
  - (a) *Local Law No. 1 (Administration) 2018;*
  - (b) *Local Law No. 3 (Community and Environmental Management) 2018;*
  - (c) *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018;*
  - (d) *Subordinate Local Law No. 1 (Administration) 2018;*
  - (e) *Subordinate Local Law No. 2 (Animal Management) 2018;*
  - (f) *Subordinate Local Law No. 3 (Community and Environmental Management) 2018; and*
  - (g) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.*

2. Resolves to propose to adopt the Proposed Local Law Amendments as shown in Attachments 8 and 9 to this Report, being *Amending Local Law No. 1 (Miscellaneous Local Laws) 2024* and *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024* ("**the Proposed Amending Local Laws**"); and
3. Pursuant to section 257 of the *Local Government Act 2009* ("**the Act**"), to delegate to the Chief Executive Officer the power to take the required steps in respect of the amendments recorded in the Proposed Amending Local Laws.

## BACKGROUND

- The purpose of this report is for Council to consider the Proposed Local Law Amendments for adoption. This will enable Council to proceed with the next stage of the Local Law Making Process pursuant to the *Local Government Act 2009* ("**the Act**"), which is for consultation to occur with the community and for the State Interest Check to be undertaken with the relevant State departments in relation to the Proposed Local Law Amendments.

- **Purpose**

The general purpose of the proposed amendments are as follows:

1. To amend *Local Law No. 1 (Administration) 2018* to:
  - (a) provide for directions to be given by an authorised person to a person in a local government controlled area or road that has contravened or is contravening a local law;
  - (b) create new offences for contravening a direction of an authorised person;
  - (c) make changes to the definitions, including definitions for prescribed activities and other clarifying amendments; and
  - (d) provide for a new prescribed activity for the establishment or occupation of temporary accommodation;
2. To amend *Local Law No. 3 (Community and Environmental Management) 2018* to:
  - (a) insert new requirements and offence provisions for the maintenance of premises; and
  - (b) insert a new definition for graffiti;
3. To amend *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018* to:
  - (a) to insert a new offence provision for complying with a verbal direction of an authorised person to cease undertaking a prohibited or restricted activity;
4. To amend *Subordinate Local Law No. 1 (Administration) 2018* to:
  - (a) make changes to the categories of prescribed activities and categories that are non-transferrable;
  - (b) make changes to the definitions, including definitions for prescribed activities;
  - (c) make changes to the activities that are considered public place activities;
  - (d) provide for a new prescribed activity for the establishment or occupation of temporary accommodation; and
  - (e) provide for additional requirements for activities regarding human remains;
5. To amend *Subordinate Local Law No. 2 (Animal Management) 2018* to:

- (a) make changes to the provisions regarding the prohibition on keeping animals;
  - (b) provide for additional requirements regarding keeping and desexing of animals;
  - (c) increase the minimum standards for keeping particular animals;
  - (d) provide for additional requirements regarding the proper enclosures for animals;
  - (e) amending the criteria for declared dangerous animals; and
  - (f) amending the definitions;
6. To amend *Subordinate Local Law No. 3 (Community and Environmental Management) 2018* to:
- (a) make changes to the provisions regarding declared community safety hazards; and
  - (b) provide for additional requirements regarding prohibited fires;
7. To amend *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018* to:
- (a) make changes to the definitions, including definitions for camping and a designated camping area; and
  - (b) amend the activity of camping from a restricted activity to a prohibited activity, and to include requirements for camping in a designated camping area.

- **Summary of the Process**

The Act sets out the process that must be followed when making or amending local laws. Following the resolution of Council proposing to adopt the amendments, Council will be required to carry out the following process in two stages:

**Stage 1:**

- pass a resolution proposing to amend the Local Laws;
- carry out an Anti-Competitive Review of the Proposed Local Law Amendments. The purpose of this review is to formally identify, in accordance with the Act, *Local Government Regulation 2012* (“**the Regulation**”) and the National Competition Policy, any provision of the Proposed Local Law Amendments that may have an effect on competition for business in the local government area;
- consult with the public regarding the Proposed Local Law Amendments for a period of time determined by Council. Generally, a 4 week consultation process is recommended, with advertisements placed at least on Council’s website; and
- carry out the State Interest Check with the relevant State Departments regarding the overall State interest in the Proposed Local Law Amendments, with a response timeframe that is aligned to the public consultation period.

**Stage 2:**

- consider any comments or feedback received during the public consultation and State Interest Check process, including the need for any further changes that may be required to the Proposed Local Law Amendments;

- prepare a consolidated version of the Local Law Amendments;
- pass a further Council resolution to adopt the amendments in final and the consolidated versions, and to note the existence of any anti-competitive provisions (if applicable);
- publish a Gazette Notice in the Queensland Government Gazette letting the public know that the Local Laws have been amended;
- publish a copy of the amended Local Laws on Council's website; and
- provide a copy of the amended Local Laws and Gazette Notice to the Minister.

The amendments are recorded in two instruments:

- *Amending Local Law No. 1 (Miscellaneous Local Laws) 2024*, which shows all amendments to the Local Laws; and
- *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024*, which shows all amendments to the Subordinate Local Laws,

(**"the Proposed Amending Local Laws"**).

For ease of consideration, this report encloses marked up versions of the Local Laws and the Subordinate Local Laws (which will reflect the consolidated versions, once the mark ups are accepted), as well as the Proposed Amending Local Laws.

## **RISK IMPLICATIONS**

### **Financial**

N/A.

### **Environmental**

N/A.

### **Infrastructure and Assets**

N/A.

### **Political and Reputational**

N/A.

### **Legal and Compliance**

- Council Officers do not anticipate any legal risks associated with amending the Local Laws as it is intended that the local law-making process pursuant to the Act will be followed to ensure compliance.
- Council can determine the period for the public consultation and State Interest Check process that it considers reasonable in the circumstances.
- However, after the further Council resolution to adopt the Amended Local Laws, Council will need to ensure it meets the legislative timeframes for making Local Laws under the Act, by:
- publishing the Notice in the Gazette, and on Council's Website, within 1 month after the resolution is made; and

- within 14 days of the Notice being published in the Gazette, provide copies of the Amended Local Laws to the Minister in electronic form.

### Health and Safety

N/A.

### Service Delivery and IT

N/A.

### LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Legislation / Regulation	Section
<i>Local Government Act 2009</i>	Section 29 (Local law making process) Section 29A (State interest check) Section 29B (Publication of local laws) Section 32 (Consolidated versions of local laws) Section 38 (Anti-competitive provisions)
<i>Local Government Regulation 2012</i>	Section 14 (Local law register – Act, s31) Section 15 (Anti-competitive provisions and review procedures)
<i>Legislative Standards Act 1992</i> , including Guidelines issued by the Parliamentary Counsel under that Act	Section 4 (Meaning of fundamental legislative principles) Section 9 (Drafting of exempt instruments)

### FINANCIAL AND RESOURCE IMPLICATIONS

#### **Capital**

N/A.

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

N/A.

***If not you must recommend how the budget can be amended to accommodate the expenditure***

N/A.

#### **Operating**

N/A.

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

N/A.

***If not you must recommend how the budget can be amended to accommodate the expenditure***

N/A.

### LINK TO CORPORATE PLAN

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**IMPLEMENTATION/COMMUNICATION**

- The process for implementation is set out above. Council will be able to advertise the public consultation period on its website and in any other ways it considered suitable. Preston Law will assist in undertaking the State Interest Check on behalf of Council.



# **Mareeba Shire Council**

## **Local Law No. 1 (Administration) 2018**

## Contents

<b>Part 1</b>	<b>Preliminary.....</b>	<b>4</b>
1	Short title .....	4
2	Purposes and how they are to be achieved .....	4
3	Definitions—the dictionary .....	4
4	Relationship with other laws .....	4
<b>Part 2</b>	<b>Approvals for prescribed activities .....</b>	<b>4</b>
5	Meaning of <i>prescribed activity</i> .....	4
6	Offence to undertake local law prescribed activity without approval .....	5
7	Approvals for prescribed activities to be obtained under this part .....	6
8	Form of application .....	6
9	Local government's discretion in granting approvals .....	7
10	Conditions of approval .....	8
11	Compliance with conditions of approval .....	9
12	Third party certification .....	9
13	Term of approval .....	9
14	Renewal of approval .....	10
15	Transfer of approval .....	11
16	Amending conditions at request of approval holder .....	12
17	Grounds for amending, suspending or cancelling approval .....	12
18	Procedure for amending, suspending or cancelling approval .....	13
19	Procedure for immediate suspension of approval .....	13
<b>Part 3</b>	<b>Authorised persons .....</b>	<b>14</b>
20	Appointment .....	14
21	Threatening etc an authorised person .....	14
<b>Part 4</b>	<b>Review of decisions .....</b>	<b>14</b>
22	Application for review .....	14
23	Review decision .....	15
24	Stay of operation of original decision .....	15
<b>Part 5</b>	<b>Enforcement .....</b>	<b>16</b>
25	Production of records .....	16
26	Compliance notice for contravention of local law or approval condition .....	16
27	Compliance notice authorised by local law .....	17
28	Power to remove and cost recovery .....	18
29	Stop orders .....	18

	29A Direction to leave a local government controlled area or road .....	19
	29B Directions generally .....	19
<b>Part 6</b>	<b>Legal proceedings .....</b>	<b>20</b>
	30 Defence of reasonable excuse .....	20
	31 General defence for owners or occupiers of land .....	20
	32 Joint and several liability .....	20
	33 Rewards .....	20
<b>Part 7</b>	<b>Miscellaneous.....</b>	<b>21</b>
	34 Maintenance of good order at meetings .....	21
	35 Fees .....	21
	36 Abandoned goods.....	21
	37 Dealing with seized and impounded items .....	22
	38 Repeal.....	23
<b>Part 8</b>	<b>Subordinate local laws .....</b>	<b>23</b>
	39 Subordinate local laws .....	23
<b>Schedule 1</b>	<b>Dictionary.....</b>	<b>25</b>
<b>Schedule 2</b>	<b>Prescribed activities .....</b>	<b>28</b>

## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 1 (Administration) 2018*.

### 2 Purposes and how they are to be achieved

- (1) The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.
- (2) The purposes are to be achieved by providing for—
  - (a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and
  - (b) authorised persons for enforcing local laws; and
  - (c) review of certain decisions made under local laws; and
  - (d) enforcement of local laws; and
  - (e) matters relating to legal proceedings; and
  - (f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

### 3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

### 4 Relationship with other laws<sup>1</sup>

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

## Part 2 Approvals for prescribed activities

### 5 Meaning of *prescribed activity*

*Prescribed activity* means—

- (a) an activity prescribed in part 1 of schedule 2 and defined in part 2 of schedule 2; or

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<sup>1</sup> This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

- (b) an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

## 6 Offence to undertake local law prescribed activity without approval

- (1) This section applies to a prescribed activity mentioned in section 5(a) or (b).<sup>2</sup>
- (2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

- (a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or
- (b) for a category 1 activity—50 penalty units; or
- (c) for a category 2 activity—200 penalty units; or
- (d) for a category 3 activity—500 penalty units.
- (3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

*Examples—*

- A subordinate local law may declare that subsection (2) does not apply to installation of a specified type of advertising device (for example, a device prescribed as a ‘permitted advertising device’). These permitted advertising devices would not require an approval under this part but other types of advertising devices would continue to require an approval.
- A subordinate local law may declare that subsection (2) does not apply to the operation of a camping ground that meets certain criteria (for example, less than a certain size or in a particular location) or complies with certain conditions. A person operating such a camping ground would therefore not require an approval under this part.
- A subordinate local law may declare that subsection (2) does not apply to the establishment or operation of a temporary home in a particular part of the local government’s area.

- (4) In this section—

***category 1 activity*** means a prescribed activity that is declared as a category 1 activity by a subordinate local law for this definition.

***category 2 activity*** means a prescribed activity that is declared as a category 2 activity by a subordinate local law for this definition.

***category 3 activity*** means a prescribed activity that is declared as a category 3 activity by a subordinate local law for this definition.

***current approval*** means an approval that is in force and has not been suspended at the time the prescribed activity is being undertaken.

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<sup>2</sup> For the offence for undertaking a prescribed activity mentioned in section 5(b) without a current approval, see the relevant Local Government Act that provides for the approval.

## **7 Approvals for prescribed activities to be obtained under this part**

An approval required for a prescribed activity must be obtained under this part.

## **8 Form of application**

- (1) An application for the local government's approval of a prescribed activity must be made in a form approved by the local government.

*Examples of a form approved by the local government—*

A written form or an online application process.

- (2) The application must be accompanied by—
  - (a) documents and materials required under a subordinate local law for this paragraph; and
  - (b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and
  - (c) the prescribed fee.

*Example for paragraph (a)—*

The local government may require an application to include site plans, management plans, relevant consents, evidence of public liability insurance etc.

*Example for paragraph (b)—*

A prescribed activity may require approvals under another Act in relation to development, building, liquor, carriage of goods, business licensing etc.

- (3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (4) The notice under subsection (3) must state—
  - (a) the grounds on which the request is made; and
  - (b) an outline of the facts and circumstances forming the basis for the grounds; and
  - (c) a detailed description of the information requested; and
  - (d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.
- (5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—
  - (a) the application lapses; and
  - (b) the local government must give the applicant written notice stating that—
    - (i) under this section the application lapses; and
    - (ii) the applicant may make a new application.
- (6) However, the local government may extend the period for the applicant to provide the further information.
- (7) A person must not provide information in or in connection with an application that is, to the person's knowledge, false or misleading in a material particular.

Maximum penalty for subsection (7)—20 penalty units.

## **9 Local government's discretion in granting approvals**

- (1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—
  - (a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and
  - (b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
  - (c) the grant of the approval would be consistent with the purpose of any relevant local law; and
  - (d) the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
  - (e) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
  - (f) if the application relates to a prescribed activity mentioned in section 5(a)—the grant of the approval would be consistent with any requirements or criteria specified in the local law in relation to the approval; and
  - (g) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.

*Example for paragraph (a)—*

An application for commercial use of a local government controlled area that is held in trust by the local government under the *Land Act 1994* may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.

- (2) The local government may, by written notice to the applicant—
  - (a) grant the approval unconditionally; or
  - (b) grant the approval subject to conditions determined in accordance with section 10; or
  - (c) refuse to grant the approval.

*Examples for paragraph (b)—*

- If an application for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval, require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.
  - The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.
- (3) However, the local government's powers in deciding the application are subject to the provisions of any relevant local law.

- (4) The local government must give the applicant an information notice if the local government—
  - (a) refuses to grant the approval; or
  - (b) grants the approval subject to a non-standard condition.
- (5) In this section—

***non-standard condition*** means a condition that is not prescribed under section 10(3) as a condition that must be imposed on an approval or that will ordinarily be imposed on an approval.

## 10 Conditions of approval

- (1) An approval may be granted on conditions the local government considers appropriate.
- (2) However, the conditions must—
  - (a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and
  - (b) be consistent with the purpose of any relevant local law; and
  - (c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant local law in relation to the approval; and
  - (d) if the approval is for a prescribed activity mentioned in section 5(c)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval;
  - (e) not conflict with the conditions of any other relevant approval issued under an Act; and
  - (f) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.
- (4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—
  - (a) contravenes a noise standard; or
  - (b) causes an environmental nuisance.<sup>3</sup>

*Example for paragraph (a)—*

A condition of an approval for operation of a temporary entertainment event may authorise the operation of an amplifier device at specified times that would otherwise be a contravention of the noise standard in the *Environmental Protection Act 1994*, section 440Y.

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<sup>3</sup> See *Environmental Protection Act 1994*, schedule 1, section 3(b).

- (5) In this section—

***environmental nuisance*** see *Environmental Protection Act 1994*, section 15.

***noise standard*** see *Environmental Protection Act 1994*, section 440K.

## 11 Compliance with conditions of approval

- (1) A holder of an approval must ensure each condition of the approval is complied with.

Maximum penalty for subsection (1)—50 penalty units.

- (2) For a prescribed activity mentioned in section 5(b), this section does not apply if the Act that provides for the local government to grant an approval stipulates a penalty for contravening a condition of the approval.

## 12 Third party certification

- (1) In deciding an application under this part, the local government may accept the certificate of a third party certifier as evidence about any application requirement that is mentioned in a subordinate local law for this subsection.

*Example—*

A subordinate local law under section 9(1)(d) might specify that a criterion to be met by applicants for approval to operate a public swimming pool is a management plan that complies with the Royal Life Saving Society's *Guidelines for Safe Pool Operation*. A subordinate local law under the current section could state that compliance with this requirement is a matter about which a third party certifier may provide certification. In deciding an application, the local government may then accept a certificate of a third party certifier (approved under a subordinate local law pursuant to subsection (2) – e.g. the Royal Life Saving Society) as evidence that this requirement has been met.

- (2) In this section—

***third party certifier*** means—

- (a) an individual or organisation declared under a subordinate local law for this paragraph as a third party certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a subordinate local law for this paragraph as necessary to provide a certificate about particular application requirements.

***application requirement*** means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval for a prescribed activity.

## 13 Term of approval

Unless sooner cancelled or suspended, an approval remains in force for—

- (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or
- (b) if there is no term provided for under a subordinate local law—one year from the date the approval is granted.

**14 Renewal of approval**

- (1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—
  - (a) a further term provided for the prescribed activity under a subordinate local law for this paragraph; or
  - (b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.

- (2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.

*Example—*

The local government might give notice to the approval holder that, in order to prevent environmental harm to an endangered ecosystem, it does not intend to grant, renew or extend any approvals for the prescribed activity in a specified part of the local government area.

- (3) The application under subsection (1) must be—
  - (a) made in a form approved by the local government; and
  - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may, by written notice to the applicant—
  - (a) grant the application; or
  - (b) grant the application and amend the conditions of the approval; or
  - (c) refuse the application.
- (7) In deciding under subsection (6), the local government may have regard to—
  - (a) the matters mentioned in section 9(1); and
  - (b) whether the conditions of the approval are being complied with by the applicant.
- (8) The local government must give the applicant an information notice if the local government—
  - (a) refuses the application; or
  - (b) grants the application and amends the approval to include non-standard conditions.
- (9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.
- (10) If an approval holder applies to renew or extend the approval, the approval remains in force until—
  - (a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or

- (b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or
- (c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

## 15 Transfer of approval

- (1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the *proposed transferee*).<sup>4</sup>
- (2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.
- (3) The application under subsection (1) must be—
  - (a) made in a form approved by the local government; and
  - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).
- (7) The local government may, by written notice to the approval holder and the proposed transferee—
  - (a) grant the application to transfer the approval; or
  - (b) refuse the application to transfer the approval.
- (8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.
- (9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.
- (10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.
- (11) The local government must give the approval holder and the proposed transferee an information notice if the local government—
  - (a) refuses the application; or
  - (b) grants the application and amends the approval to include non-standard conditions.

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<sup>4</sup> See the Act, section 97, for the power of a local government to fix cost-recovery fees for approvals.

**16 Amending conditions at request of approval holder**

- (1) An approval holder may apply to the local government to amend the conditions of the approval.
- (2) The application must be written and state—
  - (a) the proposed amendment; and
  - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.
- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

**17 Grounds for amending, suspending or cancelling approval**

Each of the following is a ground for amending, suspending or cancelling an approval—

- (a) amendment, suspension or cancellation is necessary—
  - (i) for the protection of public health or safety; or
  - (ii) to prevent environmental harm; or
  - (iii) to prevent property damage or loss of amenity; or
  - (iv) to allow for works on roads or local government controlled areas; or
  - (v) to improve access to a road; or
  - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another approval required for the prescribed activity under an Act has been suspended or cancelled;
- (c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;
- (d) the approval holder has failed to comply with a condition of the approval;
- (e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;
- (f) the approval was granted because of a document or representation that was—
  - (i) false or misleading; or
  - (ii) obtained or made in another improper way.

**18 Procedure for amending, suspending or cancelling approval**

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the *proposed action*).
- (2) Before taking the proposed action, the local government must give the approval holder a written notice (the *show cause notice*) stating—
  - (a) the proposed action; and
  - (b) the grounds for the proposed action; and
  - (c) an outline of the facts and circumstances that are the basis of the grounds; and
  - (d) if the proposed action is suspension of the approval, the proposed suspension period; and
  - (e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
  - (a) if the proposed action was to amend the approval—amend the approval; or
  - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
  - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

**19 Procedure for immediate suspension of approval**

- (1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
  - (a) an urgent and serious threat to public health or safety; or
  - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.

- (2) The suspension—
- (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and
  - (b) operates immediately the notices are given to the approval holder; and
  - (c) continues to operate until the earliest of the following happens—
    - (i) the local government cancels the suspension;
    - (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
    - (iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;
    - (iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

## Part 3 Authorised persons

### 20 Appointment

An authorised person's instrument of appointment<sup>5</sup> must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

### 21 Threatening etc an authorised person<sup>6</sup>

A person must not threaten, insult or use abusive language to an authorised person.

Maximum penalty—20 penalty units.

## Part 4 Review of decisions

### 22 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an *original decision*) may apply to the chief executive officer<sup>7</sup> for a review of the decision under this part.<sup>8</sup>

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<sup>5</sup> See the Act, chapter 6, part 6, for the power to appoint authorised persons.

<sup>6</sup> See also the Act, section 149, in relation to obstructing a person enforcing a local government Act and section 150 in relation to impersonating an authorised person.

<sup>7</sup> See definition of *chief executive officer* in the Act, schedule 4.

<sup>8</sup> Persons who are aggrieved by a local government decision for which they do not receive, and are not entitled to receive, an information notice may seek redress under the local government's complaints process, which is required by the Act, section 268.

- (2) The application (a **review application**) must be made within 14 days of—
  - (a) if the person is given an information notice for the decision—the day the person is given the notice; or
  - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.
- (3) However, the local government may, at any time, extend the time for making a review application.
- (4) The review application must be in writing and—
  - (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
  - (b) supported by enough information to enable the local government to decide the application.

## 23 Review decision

- (1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the **review decision**) to—
  - (a) confirm the original decision; or
  - (b) amend the original decision; or
  - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
  - (a) the person who made the original decision; or
  - (b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.
- (3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the **review notice**).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

## 24 Stay of operation of original decision

- (1) A review application does not stay the original decision that is the subject of the application.
- (2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.
- (3) The court may stay the original decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the court considers appropriate.

## Part 5 Enforcement

### 25 Production of records

- (1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.<sup>9</sup>
- (2) The authorised person may require the occupier of the property to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

### 26 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
  - (a) a person—
    - (i) is contravening a local law or a condition of an approval; or
    - (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and
  - (b) a matter relating to the contravention can be remedied; and
  - (c) it is appropriate to give the person an opportunity to remedy the matter.

*Examples for paragraph (b) of matters relating to a contravention that can be remedied—*

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
  - If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
- (2) The authorised person may give<sup>10</sup> a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.<sup>11</sup>
  - (3) The compliance notice must state the following—
    - (a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
    - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
    - (c) the time by which the recipient must remedy the contravention; and
    - (d) that it is an offence to fail to comply with the compliance notice; and
    - (e) the maximum penalty for failing to comply with the compliance notice.

<sup>9</sup> See the Act, section 132.

<sup>10</sup> See the *Acts Interpretation Act 1954*, sections 39 and 39A, regarding the service of documents on a person.

<sup>11</sup> Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a **remedial notice** under the Act, section 138AA(1).

- (4) The time under subsection (3)(c) must be reasonable having regard to—
  - (a) the action required to remedy the contravention; and
  - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
  - (c) how long the recipient has been aware of the contravention.
- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

*Examples of reasonable steps to avoid further contravention—*

- The repetition of a specified action at stated intervals for a certain period.
  - Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.
  - (7) The recipient must comply with the compliance notice.<sup>12</sup>
- Maximum penalty for subsection (7)—50 penalty units.

## 27 Compliance notice authorised by local law

- (1) This section applies if—
  - (a) a local law provides that an authorised person may give a compliance notice to a person;<sup>13</sup> and
  - (b) the authorised person gives<sup>14</sup> a compliance notice to the person (the **recipient**).<sup>15</sup>
- (2) The compliance notice must state the following—
  - (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
  - (b) the specified action that the recipient must take to comply with the notice; and
  - (c) the time by which the recipient must comply with the notice; and
  - (d) that it is an offence to fail to comply with the notice; and
  - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
- (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.

<sup>12</sup> See also sections 17(e) and 18 regarding the local government's power to amend, suspend or cancel an approval where a notice is not complied with, and the Act, section 142, regarding the local government's power to enter property and take action that is required under a remedial notice.

<sup>13</sup> For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities & Roads) 2018*, section 9(1) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2018*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

<sup>14</sup> See also footnote 10.

<sup>15</sup> See also footnote 11.

- (5) The compliance notice must include, or be accompanied by, an information notice.
- (6) The recipient must comply with the compliance notice.<sup>16</sup>  
Maximum penalty for subsection (6)—50 penalty units.

## 28 Power to remove and cost recovery

- (1) This section applies where—
  - (a) a structure or other material thing has been brought onto a local government controlled area or road in contravention of a local law; or
  - (b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.
- (2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary—
  - (a) in the interests of public health or safety; or
  - (b) to prevent environmental harm, property damage or loss of amenity.
- (3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—
  - (a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to remove it; and
  - (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (4) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (5) In this section—  
*thing* does not include an animal.

## 29 Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—
  - (a) an urgent and serious threat to public health or safety; or
  - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) An order under this section—
  - (a) may be given orally or in writing; and
  - (b) operates until the earliest of the following happens—
    - (i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;

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<sup>16</sup> See also footnote 12.

- (ii) the local government immediately suspends the approval for the prescribed activity under section 19.
- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (4) A person who receives an order under this section must comply with the order.  
Maximum penalty for subsection (4)—50 penalty units.
- (5) This section does not affect the local government's powers under another law.
- (6) In this section—  
**relevant person** means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed activity.

### **29A Direction to leave a local government controlled area or road**

- (1) If an authorised person believes on reasonable grounds that a person on a local government controlled area or road is contravening or has just contravened a provision of a local law, the authorised person may direct the person to:
  - (a) leave the local government controlled area or road:
    - (i) within a stated reasonable time; or
    - (ii) immediately if the authorised person believes on reasonable grounds the contravention is serious or is a flagrant disregard for the provision of a local law; and
  - (b) not to re-enter the local government controlled area or road for a stated period of time as determined by the authorised person.
- (2) The person must comply with a direction given to the person under section 29A(1) of this local law, unless the person has a reasonable excuse for not complying with it.  
Maximum penalty—50 penalty units.
- (3) A person given a direction under section 29A(1) of this local law to leave a local government controlled area or road must not re-enter the local government controlled area or road unless the person has a reasonable excuse for the re-entry within the period stated in the direction.  
Maximum penalty—50 penalty units.
- (4) A person who has been given a direction under section 29A(1)(b) of this local law may make a written request for permission from the local government to re-enter the local government controlled area or road.
- (5) If the local government receives a written request under section 29A(4) of this local law, the local government may grant permission where it reasonably believes that the person will not commit a further contravention of a local law.

### **29B Directions generally**

- (1) An authorised person may direct a person committing a breach of a local law to:

- (a) cease any conduct or activity which constitutes a breach of the local law; and
    - (b) take such action determined by an authorised person to ensure that the person does not commit a breach of this local law.
  - (2) A person must comply with a direction of an authorised person made pursuant to this local law.
- Maximum penalty—50 penalty units.

## **Part 6                      Legal proceedings**

### **30    Defence of reasonable excuse**

If a person is charged with an offence involving a contravention of a local law, it is a defence to prove that the person had a reasonable excuse for the contravention.

### **31    General defence for owners or occupiers of land**

In a proceeding under a local law against the owner or occupier of land for an offence relating to an act or omission with respect to the land, it is a defence for the owner or occupier to prove that—

- (a) the act or omission occurred without the owner's or occupier's knowledge or consent; and
- (b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

### **32    Joint and several liability**

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

### **33    Rewards**

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—
  - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
  - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

## Part 7 Miscellaneous

### 34 Maintenance of good order at meetings

- (1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

Maximum penalty for subsection (1)—20 penalty units.

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.  
Maximum penalty for subsection (3)—20 penalty units.
- (4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

### 35 Fees

- (1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

*Example—*

Suppose that a person pays an approval fee appropriate to an approval of 1 year's duration but, because of unforeseen circumstances, surrenders the approval within 3 months after it is granted. A resolution might provide that, in such a case, the former approval holder is to receive a partial reimbursement of the approval fee.

- (3) Unless specific provision to the contrary is made in the local law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

### 36 Abandoned goods

- (1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.
- (2) The authorised person may seize and impound the goods.

### 37 Dealing with seized and impounded items

- (1) This section applies where—
  - (a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an **impounded item**);<sup>17</sup> or
  - (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an **impounded item**) and the local law states that this section is to apply.
- (2) However, this section does not apply to an impounded item that is an animal<sup>18</sup>
- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (6).
- (4) A person may reclaim the impounded item if—
  - (a) written application is made to the chief executive officer; and
  - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
  - (c) the applicant pays the prescribed fee for the impounding of the item.
- (5) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
  - (a) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or
  - (b) by sale through—
    - (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
    - (ii) an agent of the local government; or
    - (iii) an enterprise owned by the local government; or
  - (c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.
- (6) The proceeds of the sale or disposal of the impounded item must be applied—
  - (a) firstly, towards the costs of the sale or disposal; and
  - (b) secondly, towards the prescribed fee for impounding the impounded item; and
  - (c) thirdly, to the former owner of the impounded item.
- (7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

<sup>17</sup> See, for example, section 28 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

<sup>18</sup> See *Local Law No.2 (Animal Management) 2018*, part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

**38 Repeal**

This Local Law repeals—

- (a) *Mareeba Shire Council Local Law No. 1 (Administration) 2011*; and
- (b) *Mareeba Shire Council Local Law No. 2 (Animal Management) 2011*; and
- (c) *Mareeba Shire Council Local Law No. 3 (Community and Environmental Management) 2011*; and
- (d) *Mareeba Shire Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*; and
- (e) *Mareeba Shire Council Local Law No. 5 (Parking) 2011*.

**Part 8 Subordinate local laws****39 Subordinate local laws**

The local government may make subordinate local laws about—

- (a) prescribed activities in respect of which the requirement for an approval does not apply;<sup>19</sup> and
- (b) the categories of prescribed activities for the purposes of maximum penalties;<sup>20</sup> and
- (c) the documents and materials that must accompany an application for an approval;<sup>21</sup> and
- (d) additional criteria for the granting of approvals for prescribed activities;<sup>22</sup> and
- (e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;<sup>23</sup> and
- (f) application requirements for which a third party certifier's certificate may be accepted by the local government;<sup>24</sup> and
- (g) the individuals or organisations that are declared as third party certifiers for particular application requirements;<sup>25</sup> and
- (h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;<sup>26</sup> and
- (i) the term for which an approval for a prescribed activity remains in force;<sup>27</sup> and
- (j) the further term for which an approval for a prescribed activity may be

<sup>19</sup> See section 6(3).

<sup>20</sup> See section 6(4).

<sup>21</sup> See section 8(2)(a).

<sup>22</sup> See section 9(1)(d).

<sup>23</sup> See section 10(3).

<sup>24</sup> See section 12(1).

<sup>25</sup> See section 12(2), definition of *third party certifier*, paragraph(a).

<sup>26</sup> See section 12(2), definition of *third party certifier*, paragraph(b).

<sup>27</sup> See section 13(a).

renewed or extended;<sup>28</sup> and

- (k) categories of approvals that are non-transferable;<sup>29</sup> and
- (l) complementary accommodation prescribed as appropriate for caravan parks;<sup>30</sup> and
- (m) a State-controlled road to which this local law applies;<sup>31</sup> and
- (n) public place activities prescribed as regulated activities on local government controlled areas and roads.<sup>32</sup>

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<sup>28</sup> See section 14(1)(a).

<sup>29</sup> See section 15(2).

<sup>30</sup> See schedule 1, definition of *complementary accommodation*, paragraph (b).

<sup>31</sup> See schedule 1, definition of *road*, subparagraph (b)(i).

<sup>32</sup> See schedule 2, part 2, definition of *regulated activities on local government controlled areas and roads*, paragraph (c).

## Schedule 1 Dictionary

### Section 3

***amend*** for an approval, includes varying a condition, removing a condition or adding a condition.

***approval*** includes a consent, permission, licence, permit or authorisation.

***authorised person*** see the Act, schedule 4<sup>33</sup>.

***caravan*** has the same meaning as in section 7 of the *Residential Tenancies and Rooming Accommodation Act 2008*.

***complementary accommodation*** means—

- (a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or
- (b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

***compliance notice*** means a compliance notice given under—

- (a) section 26; or
- (b) another local law that authorises the giving of a compliance notice.

***disturbance***, of human remains, includes interfering with remains, removal of remains and opening of a site of burial

***DOGIT land*** means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 13, or the *Torres Strait Islander Land Act 1991*, section 12.

***entertainment*** includes recreation and amusement.

***entertainment event*** means an event that is open to the public for entertainment whether or not a charge for admission is made and whether or not the person who controls admission to the place reserves a right to refuse admission.

***environmental harm*** see *Environmental Protection Act 1994*, section 14.

***goods*** does not include animals.

***human remains*** means the body or part of the body of a deceased person.

***information notice***, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

***Local Government Act*** see the Act, schedule 4.

***local government cemetery*** means a cemetery under the control of the local government, including a cemetery located on land owned by the local government or on land for which the local government is the trustee.

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<sup>33</sup> See also section 20.

***local government controlled area—***

- (a) A local government controlled area means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

*Examples of local government controlled areas—*

- parks, reserves and gazetted foreshores
  - camping grounds or caravan parks on land owned or controlled by the local government
  - local government swimming pools
  - cemeteries
  - Council Chambers and local government offices
  - jetties.
- (b) A local government controlled area includes part of a local government controlled area.
- (c) A local government controlled area does not include a residential lot on DOGIT land.
- (d) A local government controlled area *means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.*

***network connection*** see the Act, section 35(2).

***planning scheme*** means the planning scheme for the Mareeba Shire Council local government area.

***prescribed activity*** see section 5.

***prescribed fee*** means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act<sup>34</sup>.

***property*** see *Acts Interpretation Act 1954*, section 36.

***public notice*** means a notice published in a newspaper circulating in the local government's area.

***public place*** see the Act, section 125(5).

***residence*** means human habitation on a short-term or long-term basis.

***review decision*** see section 23(1).

***road*** means—

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road—
- (i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and
  - (ii) in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b).

<sup>34</sup> See the Act, section 97.

***shared facility accommodation*** means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

- (a) dormitories or bedrooms;
- (b) toilets;
- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;
- (e) dining facilities;
- (f) cooking facilities;
- (g) recreation facilities.

***show cause notice*** see section 18(2).

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

***vehicle*** includes any type of transport that moves on wheels, but does not include a train, tram, or ship.

## Schedule 2 Prescribed activities

### Section 5

### Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of camping grounds

operation of cane railways

operation of caravan parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

establishment or occupation of temporary accommodation

### Part 2 Definitions of prescribed activities

*alteration or improvement to local government controlled areas and roads*<sup>35</sup>  
means—

- 1 *Alteration or improvement to local government controlled areas and roads*  
means—
  - (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
  - (b) planting, clearing or damaging of vegetation in a local government

<sup>35</sup> Where a local government controlled area comprises land held on trust by the local government under the *Land Act 1994*, the local government must take account of, and give precedence to, its rights, powers and responsibilities as a trustee under that Act.

controlled area or on a road.

- 2 *Alteration or improvement to local government controlled areas and roads* does not include an alteration or improvement—
- (a) that constitutes development under the Planning Act<sup>36</sup>; or
  - (b) for which a tree clearing permit is required under the *Vegetation Management Act 1999*; or
  - (c) that involves a network connection; or
  - (d) for which written approval of the local government is required under section 75 of the Act.

***Commercial use of local government controlled areas<sup>37</sup> and roads*** means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

- (a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- (b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- (c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;
- (d) using a road for a particular purpose if the use constitutes development under the Planning Act;
- (e) operation of a temporary entertainment event;
- (f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

***establishment or occupation of temporary accommodation*** means the erection, construction, installation, positioning or placement of a caravan temporarily used or intended for temporary use as a place of residence, for no more than six (6) months in a 12 month period, on a property with an existing dwelling house for use by family members or close friends of the property owner who are suffering hardship and unable to find other temporary or permanent accommodation, but does not include—

- (a) where the activity constitutes a material change of use of premises under the Planning Act or the local government's Planning Scheme;
- (b) the establishment or the occupation of a temporary home on or in a camping ground of a caravan park; or
- (c) the establishment or occupation of a temporary home.

***establishment or occupation of a temporary home*** means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence whilst a permanent residence is being constructed on the property, but does not include—

- (a) the erection of a structure for which a development approval is required

<sup>36</sup> See the definition of *Planning Act* in the Act, schedule 4.

<sup>37</sup> See footnote 36.

under the Planning Act or the local government's Planning Scheme; or

- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park; or
- (c) the establishment or the occupation of temporary accommodation.

**installation of advertising devices** means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.<sup>38</sup>

**keeping of animals** means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management) 2018*.

**operation of camping grounds** means to permit access to, or use of, a commercial camping ground but does not include a caravan park.

**operation of cane railways** means the operation of a tramway or railway—

- (a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999*, chapter 2, part 4<sup>39</sup>; and
- (b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and
- (c) that does not transport passengers or other freight for reward.

**operation of caravan parks** means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

**operation of cemeteries** means to operate a place for disposing of human remains by—

- (a) burial; or
- (b) cremation; or
- (c) placement in a columbarium, mausoleum or vault.

**operation of public swimming pools** means the operation of a swimming pool that is made available for use to—

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

**operation of shared facility accommodation** means the provision of shared facility accommodation to holiday makers or travellers, but does not include accommodation in a hotel or motel.

**operation of temporary entertainment events** means the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.

**undertaking regulated activities regarding human remains** means undertaking one of the following activities—

- (a) disturbance of human remains buried outside a cemetery; or

<sup>38</sup> See the Act, section 37(5), regarding the relationship between a local law about advertising devices and the local government's planning scheme.

<sup>39</sup> *Sugar Industry Act 1999*, chapter 2 (Supply contracts and cane access rights), part 4 (Cane access, harvesting and mill supply).

- (b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or
- (c) disturbance of human remains in a local government cemetery.

***undertaking regulated activities on local government controlled areas<sup>40</sup> and roads*** means undertaking one of the following activities on a local government controlled area or road—

- (a) driving or leading of animals to cross a road; or
- (b) depositing of goods or materials; or
- (c) holding of a public place activity prescribed under a subordinate local law for this paragraph, excluding the operation of a temporary entertainment event.

*Example for paragraph (c)*—A subordinate local law may prescribe that a display or information booth in a public park or on a footpath is a regulated activity.

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<sup>40</sup> See footnote 36.



# **Mareeba Shire Council**

## **Local Law No. 3 (Community and Environmental Management) 2018**

# Mareeba Shire Council

## Local Law No. 3 (Community and Environmental Management) 2018

### Contents

<b>Part 1</b>	<b>Preliminary.....</b>	<b>4</b>
1	Short title.....	4
2	Purpose and how it is to be achieved.....	4
3	Definitions—the dictionary.....	4
4	Relationship with other laws.....	4
<b>Part 2</b>	<b>Declared local pests .....</b>	<b>4</b>
<b>Division 1</b>	<b>Application .....</b>	<b>4</b>
5	Application of part.....	4
<b>Division 2</b>	<b>Declaration of local pests .....</b>	<b>5</b>
6	Declaration of local pests.....	5
7	Emergency declarations .....	5
8	Application of declaration.....	5
<b>Division 3</b>	<b>Control of local pests.....</b>	<b>6</b>
9	Power to search for declared local pests.....	6
10	Pest control notices .....	6
<b>Division 4</b>	<b>Prohibition of sale and propagation.....</b>	<b>7</b>
11	Prohibition on sale .....	7
12	Prohibition on introducing, propagating etc a declared local pest.....	7
<b>Part 3</b>	<b>Overgrown and unsightly allotments .....</b>	<b>7</b>
13	Overgrown allotments.....	7
14	Accumulation of objects and materials on allotments .....	8
15A	Maintenance of premises.....	8
<b>Part 4</b>	<b>Fires and fire hazards .....</b>	<b>10</b>
15	Regulation of lighting and maintaining fires in the open.....	10
16	Fire hazards.....	10
<b>Part 5</b>	<b>Community safety hazards.....</b>	<b>11</b>
17	What is a community safety hazard.....	11
18	Power to enter property to inspect for community safety hazards .....	11
19	Removal or reduction of community safety hazards .....	12

	20	Prescribed requirements.....	12
<b>Part 6</b>		<b>Noise standards .....</b>	<b>13</b>
	21	Prescribed noise standards .....	13
<b>Part 7</b>		<b>Miscellaneous.....</b>	<b>13</b>
	22	Subordinate local laws .....	13
<b>Schedule</b>		<b>Dictionary.....</b>	<b>14</b>

## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2018*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
  - (a) inadequate protection against animal and plant pests; and
  - (b) vegetation overgrowth; and
  - (c) visual pollution resulting from accumulation of objects and materials; and
  - (d) fires and fire hazards not regulated by State law; and
  - (e) community safety hazards; and
  - (f) noise that exceeds noise standards.

### 3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

### 4 Relationship with other laws<sup>1</sup>

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2018*.

## Part 2 Declared local pests

### Division 1 Application

#### 5 Application of part

This part does not apply to an animal or plant that is an invasive animal, invasive plant, prohibited matter, or restricted matter under the *Biosecurity Act 2014*.

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<sup>1</sup> This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

## Division 2 Declaration of local pests

### 6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
  - (a) must be published in a newspaper circulating generally in the local government's area; and
  - (b) comes into force on the date of publication.
- (4) In this section—

*chief executive* means the chief executive of the department in which the *Biosecurity Act 2014* is administered.

### 7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
  - (a) must be published in a newspaper circulating generally in the local government's area; and
  - (b) comes into force on the date of publication; and
  - (c) comes to an end three months after the date of publication.
- (4) In this section—

*environmental harm* see *Environmental Protection Act 1994*, section 14.

### 8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

## **Division 3            Control of local pests**

### **9        Power to search for declared local pests**

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
  - (a) enter the property without the permission of the occupier; and
  - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
  - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
    - (i) of the reason for entering the property; and
    - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
  - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

### **10      Pest control notices**

- (1) An authorised person may, by compliance notice<sup>2</sup> given to the owner of land, require the owner<sup>3</sup> to take specified action to control declared local pests.
- (2) The specified action may include action to—
  - (a) destroy declared local pests on the land; or
  - (b) minimise the risk of an outbreak of declared local pests on the land; or
  - (b) prevent or minimise seeding or reproduction by declared local pests; or
  - (c) contain infestation by declared local pests within a localised area; or
  - (d) reduce the density or extent of infestation by declared local pests; or
  - (e) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

<sup>2</sup> See *Local Law No.1 (Administration) 2018*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

<sup>3</sup> See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

## Division 4 Prohibition of sale and propagation

### 11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

### 12 Prohibition on introducing, propagating etc a declared local pest

- (1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

Maximum penalty for subsection (1)—50 penalty units.

- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

*Example of persons that might be exempted from subsection (1) in relation to specified pests—*

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

- (3) In this section—

**introduce** means to introduce, or cause to introduce, into the local government's area.

## Part 3 Overgrown and unsightly allotments

### 13 Overgrown allotments

- (1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—
- (a) has seriously affected the visual amenity of the allotment; or
  - (b) is likely to attract or harbour reptiles or flying foxes.
- (2) The authorised person may, by compliance notice<sup>4</sup> given to the responsible person for the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.

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<sup>4</sup> See footnote 5.

- (3) However, the notice cannot prevent a use of land authorised under the Planning Act<sup>5</sup> or the *Environmental Protection Act 1994*.
- (4) In this section—  
**vegetation** includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law<sup>6</sup> of the State or Commonwealth or under the local government's planning scheme.

#### 14 Accumulation of objects and materials on allotments

- (1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment—
  - (a) have seriously affected the visual amenity of the allotment; or
  - (b) are likely to attract or harbour reptiles.

*Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—*

- Discarded or disused machinery or machinery parts.
- Broken-down or severely rusted vehicles.
- Discarded bottles, containers or packaging.
- Refuse or scrap material.

- (2) The authorised person may, by compliance notice<sup>7</sup> given to the responsible person for the allotment, require the responsible person to—
  - (a) remove objects or materials that are causing the circumstance mentioned in subsection (1)(a) or (b); or
  - (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

*Example of action that might be required under paragraph (b)—*

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

- (3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

#### 15A Maintenance of premises

- (1) A person must not cause or allow an allotment or any structure upon an allotment to fall into a state of disrepair or dilapidation such that it becomes a risk to property or people in the neighbourhood.  
Maximum penalty—50 penalty units.
- (2) A person must not cause or allow an allotment or any structure on an allotment to become a visual blight on the neighbourhood.  
Maximum penalty—50 penalty units.

<sup>5</sup> See definition of *Planning Act* in the Act, schedule 4.

<sup>6</sup> For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

<sup>7</sup> See footnote 5.

- (3) In determining whether there is a visual blight on the neighbourhood, the following factors may be considered by an authorised person:
  - (a) whether the local government has received any complaints;
  - (b) the content of the complaints;
  - (c) the number of the complaints;
  - (d) the visual impact of the structure including:
    - (i) whether the structure is in a dirty condition;
    - (ii) whether the structure is in a state of disrepair or dilapidation; and
    - (iii) whether the structure is in need of repainting;
  - (e) the prominence of the structure for those living in the neighborhood and those passing by the premises; and
  - (f) whether the content of the visual blight is offensive.
- (4) If any building or other structure is marked with graffiti, the owner, occupier or responsible person for the place must remove the graffiti within a reasonable time.
- (5) An authorised person may give a compliance notice<sup>8</sup> to the owner, occupier or responsible person for the allotment, if the authorised person forms the opinion that an allotment or any structure on an allotment has:
  - (a) fallen into a state of disrepair or dilapidation such that it becomes a risk to property or people in the neighbourhood; or
  - (b) become a visual blight on the neighbourhood.
- (6) A compliance notice given by an authorised person under subsection (5) may require the owner or responsible person to:
  - (a) remove the graffiti;
  - (b) repair, clean or paint the building or structure; or
  - (c) take any other specified action to remedy the circumstance mentioned in subsection (5)(a) or (b).

<sup>8</sup> See *Local Law No. 1 (Administration) 2018*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice

## Part 4 Fires and fire hazards

### 15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Emergency Services Act 1990*.<sup>9</sup>
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

*Example—*

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
  - the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
  - the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.

Maximum penalty for subsection (3)—50 penalty units.

- (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

Maximum penalty for subsection (4)—50 penalty units.

- (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

### 16 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice<sup>10</sup> given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.<sup>11</sup>

<sup>9</sup> See the *Fire and Emergency Services Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.

<sup>10</sup> See footnote 5.

<sup>11</sup> See also the *Fire and Emergency Services Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

- (3) In this section—

***fire hazard*** means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

*Examples of fire hazards for paragraph (a)—*

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

## Part 5 Community safety hazards

### 17 What is a community safety hazard

A ***community safety hazard*** is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

*Examples of a fence or structure that may be a community safety hazard for paragraph (a)—*

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

### 18 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
  - (a) enter the property without the permission of the occupier; and
  - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
  - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
    - (i) of the reason for entering the property; and

- (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
  - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

## 19 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice<sup>12</sup> given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
  - (a) remove the hazard; or
  - (b) reduce the level of risk to persons or property.

*Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—*

Securing objects or materials that may become airborne in periods of high wind.

## 20 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

*Example of prescribed requirements—*

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
- A requirement to install and maintain an electric fence in accordance with appropriate standards.

- (2) A responsible person must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

<sup>12</sup> See footnote 5.

## Part 6 Noise standards

### 21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.<sup>13</sup>
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
  - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);<sup>14</sup> and
  - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.<sup>15</sup>

## Part 7 Miscellaneous

### 22 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;<sup>16</sup> or
- (b) lighting and maintaining of fires in the open;<sup>17</sup> or
- (c) fire hazards;<sup>18</sup> or
- (d) community safety hazards;<sup>19</sup> or
- (e) prescribed requirements relating to community safety hazards;<sup>20</sup> or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*.<sup>21</sup>

<sup>13</sup> See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

<sup>14</sup> See, however, *Local Law No.1 (Administration) 2018*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

<sup>15</sup> Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

<sup>16</sup> See section 6(1).

<sup>17</sup> See section 15(2).

<sup>18</sup> See section 16(3)(b).

<sup>19</sup> See section 17(c).

<sup>20</sup> See section 20(1).

<sup>21</sup> See section 21(2).

## Schedule Dictionary

### Section 3

**allotment** means an individual parcel or piece of land.

**animal** means an organism (other than a human being) that is not a plant and includes eggs and semen.

**compliance notice** means a compliance notice mentioned in *Local Law No.1 (Administration) 2018*, section 27.

**declared local pest** means a plant or animal declared to be a pest under section 6 or 7.

**graffiti** means any drawing, painting, writing, symbol or mark applied to or marked on property by spraying, writing, drawing, marking or otherwise applying paint or another marking substance or scratching or etching, but does not include:

- (a) chalk drawings on footpaths;
- (b) public art commissioned on a commercial basis by or with the consent of the owner of the premises;
- (c) public art on a wall or structure in, or visible from, a public place designated for its legal application; or
- (d) such other markings or art as may be approved by the local government.

**plant** means vegetation of any type, including its flowers, roots, seeds and other parts.

**reasonable written notice** means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

**responsible person** means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

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



# **Mareeba Shire Council**

## **Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018**

## **Mareeba Shire Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018**

### **Contents**

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<b>Part 1</b>	<b>Preliminary.....</b>	<b>3</b>
	1 Short title .....	3
	2 Purpose and how it is to be achieved .....	3
	3 Definitions—the dictionary .....	3
	4 Relationship with other laws .....	3
<b>Part 2</b>	<b>Use of local government controlled areas, facilities and roads.....</b>	<b>4</b>
	5 Prohibited and restricted activities .....	4
	6 Motor vehicle access to local government controlled areas .....	5
	7 Opening hours of local government controlled areas .....	6
	8 Power of closure of local government controlled areas .....	6
<b>Part 3</b>	<b>Matters affecting roads.....</b>	<b>7</b>
	9 Power to require owner of land adjoining road to fence land .....	7
	10 Numbering of premises and allotments adjoining a road .....	8
<b>Part 4</b>	<b>Miscellaneous.....</b>	<b>8</b>
	11 Subordinate local laws .....	8
<b>Schedule</b>	<b>Dictionary.....</b>	<b>9</b>

## **Part 1                      Preliminary**

### **1      Short title**

This local law may be cited as *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*.

### **2      Purpose and how it is to be achieved**

- (1) The purpose of this local law is to—
  - (a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and
  - (b) preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of access to local government controlled areas; and
  - (b) the prohibition or restriction of particular activities on local government controlled areas or roads; and
  - (c) miscellaneous matters affecting roads.

### **3      Definitions—the dictionary**

The dictionary in the schedule defines particular words used in this local law.

### **4      Relationship with other laws<sup>1</sup>**

This local law is—

- (a) in addition to and does not derogate from laws<sup>2</sup> regulating the use of trust land and roads; and
- (b) is to be read with *Local Law No. 1 (Administration) 2018*.

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<sup>1</sup> This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

<sup>2</sup> Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 1995* and the *Stock Route Management Act 2002*.

## Part 2                      Use of local government controlled areas, facilities and roads<sup>3</sup>

### 5      Prohibited and restricted activities

- (1)    The local government may, by subordinate local law, declare an activity to be—
- (a)    prohibited in a local government controlled area or road (a ***prohibited activity***); or
  - (b)    restricted in a local government controlled area or road (a ***restricted activity***).

*Example for paragraph (a)—*

The local government may declare that the lighting of fires is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

*Example for paragraph (b)—*

The local government may declare that the playing of sport generally, or the playing of certain sports, is a restricted activity in that it is restricted to particular times of the day, week, month or year in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

- (2)    The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.
- (3)    In this section—
- reasonable steps*** may include the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating—
- (a)    if the declaration relates to the whole area—the restricted activities for the area; and
  - (b)    if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and
  - (c)    in general terms, the provisions of subsection (4).
- (4)    A person must not engage in a prohibited activity or a restricted activity.
- Maximum penalty—20 penalty units.
- (5)    A person must comply with a verbal direction from an authorised person to cease undertaking a prohibited activity or restricted activity.
- Maximum penalty—20 penalty units.
- (6)    A direction given to a person under subsection (5) is in addition to any other action that may be taken by the local government or an authorised person under any local law or another law.

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<sup>3</sup> Local Law No. 1 (Administration) 2018 deals with activities on local government controlled areas and roads that require the local government's approval, such as commercial use of local government controlled areas and roads, alterations or improvements to local government controlled areas, and other miscellaneous regulated activities.

## 6 Motor vehicle access to local government controlled areas

- (1) A **motor vehicle access area** is an area within a local government controlled area that is—
  - (a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or
  - (b) declared under a subordinate local law for this paragraph as a motor vehicle access area.
- (2) For the purposes of *Local Law No.1 (Administration) 2018*, section 5(b), it is a prescribed activity<sup>4</sup> to bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area.
- (3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a **prohibited vehicle**) as prohibited in a specified motor vehicle access area.
- (4) For the purposes of *Local Law No.1 (Administration) 2018*, section 5(b), it is a prescribed activity<sup>5</sup> to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.
- (5) However, subsections (2) and (4) do not apply for an emergency vehicle.
- (6) The local government must take reasonable steps to provide notice to members of the public regarding—
  - (a) declarations of motor vehicle access areas under subsection (1)(b); and
  - (b) declarations of prohibited vehicles under subsection (3).
- (7) In this section—

**emergency vehicle** includes the following—

  - (a) an ambulance;
  - (b) a fire-engine;
  - (c) a police vehicle;
  - (d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.

**reasonable steps** include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area stating—

  - (a) a description of the declared motor vehicle access area; and
  - (b) a description of prohibited vehicles for the area; and
  - (c) in general terms, the provisions of subsections (2) and (4).

<sup>4</sup> *Local Law No.1 (Administration) 2018*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

<sup>5</sup> See footnote 3.

## **7    Opening hours of local government controlled areas**

- (1) The local government may, by subordinate local law, declare the times when a local government controlled area is open to the public (the *opening hours*).
- (2) A person must not enter or remain in a local government controlled area outside the opening hours unless the person is authorised to do so by the chief executive officer.<sup>6</sup>

Maximum penalty for subsection (2)—20 penalty units.

- (3) If the local government declares the opening hours for a local government controlled area under subsection (1), it must place a notice showing the opening hours at each public entrance to the area.

## **8    Power of closure of local government controlled areas**

- (1) The local government may, by resolution, temporarily close a local government controlled area to public access—
  - (a) to carry out construction, maintenance, repair or restoration work; or
  - (b) to protect the health and safety of a person or the security of a person's property; or
  - (c) because of a fire or other natural disaster; or
  - (d) to conserve or protect the cultural or natural resources of the area or native wildlife.
- (2) A resolution under subsection (1)—
  - (a) must state a period, not greater than 6 months, during which the area will be closed; and
  - (b) must be revoked by the local government as soon as practicable after the local government becomes satisfied that the reason for making the resolution no longer exists.
- (3) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—
  - (a) the conservation of the cultural or natural resources of the area, including, for example—
    - (i) to protect significant cultural or natural resources; or
    - (ii) to enable the restoration or rehabilitation of the area; or
    - (iii) to protect a breeding area for native wildlife; or
    - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
    - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;

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<sup>6</sup> See definition of *chief executive officer* in the Act, schedule 4.

- (b) protection of the health and safety of members of the public;
  - (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;
  - (d) protection of the amenity of an area adjacent to the area;
  - (e) the orderly or proper management of the area.
- (4) If the local government closes a local government controlled area under subsections (1) or (3), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

*Example—*

If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.

- (5) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by the chief executive officer.

Maximum penalty for subsection (5)—20 penalty units.

- (6) In this section—

**significant Aboriginal area** see the *Aboriginal Cultural Heritage Act 2003*, section 9.

**significant Torres Strait Islander area** see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

## Part 3                      Matters affecting roads

### 9      Power to require owner of land adjoining road to fence land

- (1) This section applies if, in the local government's opinion, it is necessary for land adjoining a road to be fenced to prevent the risk of—
- (a) animals escaping from the land onto the road; or
  - (b) interference with the safe movement of traffic or the safe use of the road.
- (2) The local government may, by giving a compliance notice<sup>7</sup> to the owner—
- (a) if the land is not currently fenced—require the owner to fence the land; or
  - (b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.
- (3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.

<sup>7</sup> See *Local Law No.1 (Administration) 2018*, section 27, regarding the requirements for compliance notices.

- (4) In this section—

***animal*** does not include a native animal, feral animal or pest animal.

***feral animal*** see *Animal Care and Protection Act 2001*, section 42.

***pest animal*** see *Animal Care and Protection Act 2001*, section 42.

## **10 Numbering of premises and allotments adjoining a road<sup>8</sup>**

- (1) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this section.

Maximum penalty for subsection (1)—10 penalty units.

- (2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2)—10 penalty units.

## **Part 4                      Miscellaneous**

### **11 Subordinate local laws**

The local government may make subordinate local laws about—

- (a) the declaration of prohibited activities or restricted activities;<sup>9</sup> or
- (b) the declaration of motor vehicle access areas;<sup>10</sup> or
- (c) the declaration of prohibited vehicles;<sup>11</sup> or
- (d) the opening hours for a local government controlled area;<sup>12</sup> or
- (e) closing a local government controlled area to public access;<sup>13</sup> or
- (f) minimum standards for fences on land adjoining a road.<sup>14</sup>

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<sup>8</sup> See the Act, section 60, regarding control of roads by a local government.

<sup>9</sup> See section 5(1).

<sup>10</sup> See section 6(1).

<sup>11</sup> See section 6(3).

<sup>12</sup> See section 7(1).

<sup>13</sup> See section 8(3).

<sup>14</sup> See section 9(3).

## Schedule      Dictionary

### Section 3

***local government controlled area*** see *Local Law No.1 (Administration) 2018*, schedule 1.

***road*** see *Local Law No.1 (Administration) 2018*, schedule 1.



# **Mareeba Shire Council**

## **Subordinate Local Law No. 1 (Administration) 2018**

## Mareeba Shire Council Subordinate Local Law No. 1 (Administration) 2018

### Contents

<b>Part 1</b>	<b>Preliminary</b>	<b>5</b>
1	Short title.....	5
2	Purpose and how it is to be achieved.....	5
3	Authorising local law.....	5
4	Definitions .....	5
<b>Part 2</b>	<b>Approvals for prescribed activities</b>	<b>5</b>
5	Prescribed activities that do not require an approval—Authorising local law, s 6(3).....	5
6	Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4).....	6
7	Approvals that are non-transferable—Authorising local law, s 15(2) .....	6
8	Prescribed complementary accommodation—Authorising local law, schedule 16	
9	State-controlled roads to which the local law applies—Authorising local law, schedule 1 .....	6
10	Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2 .....	6
11	Matters regarding prescribed activities—Authorising local law, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a) .....	6
<b>Part 3</b>	<b>Repeal provisions</b>	<b>7</b>
12	Repeal of Subordinate Local Laws.....	7

<b>Schedule 1</b>	<b>Prescribed activities that do not require an approval under the authorising local law</b>	<b>8</b>
<b>Schedule 2</b>	<b>Categories of prescribed activities for the purposes of maximum penalties</b>	<b>9</b>
<b>Schedule 3</b>	<b>Categories of approval that are non-transferable</b>	<b>10</b>
<b>Schedule 4</b>	<b>Prescribed complementary accommodation</b>	<b>11</b>
<b>Schedule 5</b>	<b>State-controlled roads to which the local law applies</b>	<b>12</b>
<b>Schedule 6</b>	<b>Public place activities that are prescribed activities</b>	<b>13</b>
<b>Schedule 7</b>	<b>Alteration or improvement to local government controlled areas and roads</b>	<b>14</b>
<b>Schedule 8</b>	<b>Commercial use of local government controlled areas and roads</b>	<b>17</b>
<b>Schedule 9</b>	<b>Establishment or occupation of a temporary home</b>	<b>22</b>
<b>Schedule 10</b>	<b>Installation of advertising devices</b>	<b>26</b>
<b>Schedule 11</b>	<b>Keeping of animals</b>	<b>38</b>
<b>Schedule 12</b>	<b>Operation of camping grounds</b>	<b>40</b>
<b>Schedule 13</b>	<b>Operation of cane railways</b>	<b>43</b>
<b>Schedule 14</b>	<b>Operation of caravan parks</b>	<b>44</b>
<b>Schedule 15</b>	<b>Operation of cemeteries</b>	<b>47</b>
<b>Schedule 16</b>	<b>Operation of public swimming pools</b>	<b>49</b>
<b>Schedule 17</b>	<b>Operation of shared facility accommodation</b>	<b>51</b>
<b>Schedule 18</b>	<b>Operation of temporary entertainment events</b>	<b>55</b>
<b>Schedule 19</b>	<b>Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery</b>	<b>59</b>
<b>Schedule 20</b>	<b>Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery</b>	<b>61</b>
<b>Schedule 21</b>	<b>Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road</b>	<b>64</b>
<b>Schedule 22</b>	<b>Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials</b>	<b>66</b>
<b>Schedule 23</b>	<b>Undertaking regulated activities on local government controlled</b>	

	<b>areas and roads— (c) undertaking of a public place activity prescribed by subordinate local law</b>	<b>68</b>
<b>Schedule 24</b>	<b>Undertaking regulated activities on local government controlled areas and roads— (c) film and television activities.</b>	<b>70</b>
<b>Schedule 25</b>	<b>Bringing or driving motor vehicles onto a park or reserve</b>	<b>72</b>
<b>Schedule 26</b>	<b>Bringing or driving prohibited vehicles onto motor vehicle access areas</b>	<b>74</b>
<b>Schedule 27</b>	<b>Use of bathing reserves for training, competitions etc</b>	<b>75</b>
<b>Schedule 28</b>	<b>Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee</b>	<b>76</b>
<b>Schedule 29</b>	<b>Parking in a loading zone by displaying a commercial vehicle identification label</b>	<b>78</b>
<b>Schedule 30</b>	<b>Carrying out works on a road or interfering with a road or its operation</b>	<b>80</b>
<b>Endnotes</b>	<b>84</b>	

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2018*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2018*, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2018* (the **authorising local law**).

### 4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

## Part 2 Approvals for prescribed activities

### 5 Prescribed activities that do not require an approval—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the prescribed activities listed in schedule 1.

**6 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4)**

For section 6(4) of the authorising local law, it is declared that—

- (a) the prescribed activities listed in part 1 of schedule 2 are category 1 activities; and
- (b) the prescribed activities listed in part 2 of schedule 2 are category 2 activities; and
- (c) the prescribed activities listed in part 3 of schedule 2 are category 3 activities.

**7 Approvals that are non-transferable—Authorising local law, s 15(2)**

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 3 are non-transferable.

**8 Prescribed complementary accommodation—Authorising local law, schedule 1**

For the purposes of the definition of *complementary accommodation* in schedule 1 of the authorising local law, the accommodation listed in schedule 4 is prescribed as appropriate for caravan parks.

**9 State-controlled roads to which the local law applies—Authorising local law, schedule 1**

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

**10 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2**

For the purposes of paragraph (c) of the definition of *regulated activities on local government controlled areas and roads* in part 2 of schedule 2 of the authorising local law, the undertaking of a public place activity listed in schedule 6 is a prescribed activity.

**11 Matters regarding prescribed activities—Authorising local law, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)**

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of the schedule relating to the prescribed activity.

- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.
- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of the schedule relating to the prescribed activity.
- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.
- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
- (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.
- (8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.
- (9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—
  - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
  - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

## Part 3 Repeal provisions

### 12 Repeal of Subordinate Local Laws

This subordinate local laws repeals—

- (a) *Subordinate Local Law No.1 (Administration) 2011*; and
- (b) *Subordinate Local Law No.2 (Animal Management) 2011*; and
- (c) *Subordinate Local Law No.3 (Community and Environmental Management) 2011*; and
- (d) *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011*; and
- (e) *Subordinate Local Law No.5 (Parking) 2011*.

**Schedule 1      Prescribed activities that do not require an  
approval under the authorising local law**

section 5

operation of cane railways

## **Schedule 2            Categories of prescribed activities for the purposes of maximum penalties**

section 6

### **Part 1                    Category 1 activities<sup>1</sup>**

alteration or improvement to local government controlled areas and roads  
establishment or occupation of a temporary home  
installation of advertising devices  
keeping of animals  
undertaking regulated activities on local government controlled areas and roads  
undertaking regulated activities regarding human remains  
establishment or occupation of temporary accommodation

### **Part 2                    Category 2 activities<sup>2</sup>**

operation of camping grounds  
operation of caravan parks  
operation of temporary entertainment events  
commercial use of local government controlled areas and roads

### **Part 3                    Category 3 activities<sup>3</sup>**

*This part has been intentionally left blank.*

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<sup>1</sup> Prescribed activities for which the penalty for not having an approval will be 50 penalty units under section 6(2)(b) of the authorising local law.

<sup>2</sup> Prescribed activities for which the penalty for not having an approval will be 200 penalty units under section 6(2)(c) of the authorising local law.

<sup>3</sup> Prescribed activities for which the penalty for not having an approval will be 500 penalty units under section 6(2)(d) of the authorising local law.

**Schedule 3            Categories of approval that are non-transferable**

section 7

- 1      establishment or occupation of a temporary home.
- 2      keeping of animals.
- 3      undertaking regulated activities regarding human remains.
- 4      operation of temporary entertainment events.
- 5      commercial use of local government controlled areas and roads.
- 6      parking permits issued under *Local Law No.5 (Parking) 2018*, section 7(1).
- 7      operation of shared facility accommodation.
- 8      establishment or occupation of temporary accommodation.

## **Schedule 4      Prescribed complementary accommodation**

### **Section 8**

- 1      converted railway carriages.
- 2      demountable accommodation units.

**Schedule 5      State-controlled roads to which the local law  
applies**

Section 9

*This schedule has been intentionally left blank.*

**Schedule 6      Public place activities that are prescribed activities**

section 10

The following activities are public place activities that are prescribed activities that require approval—

- (a) any fundraising activity including a street stall, cake stall, sausage sizzle, car wash or similar;
- (b) an invitation-only ceremony, party or celebration;
- (c) a right of occupation and use of a specified part of a park or reserve by a sporting association or recreational group; or
- (d) a display, demonstration or information booth.

## **Schedule 7            Alteration or improvement to local government controlled areas and roads**

section 11

### **1     Prescribed activity**

Alteration or improvement to local government controlled areas and roads.

### **2     Activities that do not require approval under the authorising local law**

An approval under the authorising local law is not required for a person to plant trees on the footpath immediately adjacent to the person's property, provided the person complies with the local government's approved policy for footpath planting.

### **3     Documents and materials that must accompany applications for approval**

- (1) For an approval to construct or improve a memorial in a local government cemetery, the application must—
  - (a) identify the burial site or other place in which the memorial is to be constructed or improved; and
  - (b) state the nature and dimensions of the proposed memorial.
- (2) For any approval to make an alteration or improvement to a local government controlled area or road, the application must include or be accompanied by—
  - (a) the name and address of the applicant and, if the applicant is a body corporate or a partnership, the name and address of an individual who is authorised by the applicant to act on its behalf; and
  - (b) full details of the proposed alteration or improvement; and
  - (c) if the applicant proposes to erect or install a structure on, over or under the road—plans and specifications of the structure; and
  - (d) details of building or other work to be carried out under the approval; and
  - (e) a specified date for completion of the works; and
  - (f) details of the location where the works or activity will be carried out, by way of plan or otherwise, which also shows the location of any warning notices for the safety of road users; and
  - (g) the intended hours and days of operation of the works or activity; and
  - (h) details of procedures which will be used to prevent any risk to the health and safety of employees or agents of the applicant and the general public; and
  - (i) a quality plan; and
  - (j) a safety plan.

**4 Additional criteria for the granting of approval**

- (1) For all approvals, the additional criteria are—
  - (a) the physical suitability of the site for the proposed activity; and
  - (b) the suitability of any proposed structure including satisfactory compliance with relevant standards of the local government; and
  - (c) the likelihood of the activity interfering with public access to public areas and roads.
- (2) For an approval to erect or install a memorial in a local government cemetery, additional criteria are that the proposed memorial—
  - (a) will not encroach upon adjoining burial plots; and
  - (b) will be constructed of suitable weather resistant material.

**5 Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

**6 Conditions that will ordinarily be imposed on approvals**

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—

- (a) will be constructed of suitable weather resistant material.
- (b) at the expiration or earlier cancellation of the approval, remove any structure erected or installed within 14 days or such other period as the local government may agree to in writing;
- (c) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
  - (i) listing the local government as an interested party;
  - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
  - (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website.
- (d) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
- (e) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the prescribed activity;
- (f) ensure that any prescribed activities are undertaken to protect public utility services and before undertaking any ground disturbing works a "Dial 1100 Before You Dig" search must be undertaken;

- (g) prior to commencing any activities which may affect or disrupt public access to the area set out the site in accordance with the requirements of the Manual of Uniform Traffic Control Devices;
- (h) not damage any local government infrastructure in the course of any approved works, except as permitted in the approval; and
- (i) comply with any reasonable direction of an authorised person, local government or emergency services in relation to controlling traffic or ensuring the safety of persons.

## **7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in an approval.

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

## **Schedule 8      Commercial use of local government controlled areas and roads**

section 11

### **1      Prescribed activity**

Commercial use of local government controlled areas and roads.

### **2      Activities that do not require approval under the authorising local law**

*This section has been intentionally left blank.*

### **3      Documents and materials that must accompany applications for approval**

An application for approval must be accompanied by—

- (a) details of the nature, time and place of the proposed activities; and
- (b) a plan showing the relevant part of the local government controlled area or road that is to be used for the prescribed activity; and
- (c) details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage; and
- (d) evidence of any necessary statutory permit, authorisation or approval; and
- (e) details of all insurances relevant to the authority held by the person who will be undertaking the activity.

### **4      Additional criteria for the granting of approval**

For all approvals, the additional criteria are—

- (a) the physical suitability of the area or road for the proposed use;
- (b) the appropriateness, quality and condition of equipment to be used in the activity; and
- (c) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (d) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity; and
- (e) whether the application provides documented evidence that the applicant holds a public liability insurance policy that complies with the local government's published standard requirements for public liability insurance for approval holders.

### **5      Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

## **6 Conditions that will ordinarily be imposed on approvals**

For all approvals, the conditions that will ordinarily be imposed on an approval are below—

- (a) The approval holder must comply with the Guidelines for Commercial Use of Local Government Controlled Areas and Roads.
- (b) For the duration of the term of the approval, maintain in full force and effect a public liability insurance policy—
  - (i) listing the local government as an interested party;
  - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
  - (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;
- (c) Prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the public liability insurance policy.
- (d) Indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity.
- (e) Where the approval involves the installation of a structure on a local government controlled area or road, the approval holder—
  - (i) must ensure that the structure is constructed in accordance with the conditions of a current building permit;
  - (ii) must maintain a 2 metre thoroughfare for pedestrian traffic at all times;
  - (iii) may only undertake installation works outside of ordinary business hours and must provide an alternate route for pedestrians during installation;
  - (iv) must maintain the structure to a standard reasonably satisfactory to the local government;
  - (v) must ensure there is no obstruction to any service access points (water meter, trade waste meter) located in the footpath or at the front of any neighbouring premises;
  - (vi) must ensure that works are undertaken in accordance with an approved safety plan during construction and installation of the structure. All safety signage must also be displayed at all times;
  - (vii) must promptly repair any damage caused to the footpath or to any adjacent premises, to the satisfaction of an authorised person;
  - (viii) must ensure the structure is not able to harbour pests;
  - (ix) must ensure the structure is removable and the approval holder must remove the structure when requested to do so by the local government;

- (x) acknowledges that the installation of the structure does not constitute any interest in or ownership over the footpath;
- (f) Where approval is for busking, the following conditions are applicable—
  - (i) the approval holder must not engage in abusive, profane, offensive or harassing behaviour;
  - (ii) no amplification is permitted;
  - (iii) no flammable liquids or lit torches are to be used;
  - (iv) no knives, whips or sharp objects are to be used;
  - (v) the approval may be limited to specific times depending on the intrusiveness of the performance;
  - (vi) buskers may only perform in the location detailed in the approval. The areas designated for busking shall be determined by the local government;
  - (vii) the applicant must seek approval or consent from any business operators adjacent to the approved site;
- (g) Where approval is for sale of goods on a footpath, the following conditions are applicable—
  - (i) the approval holder must not:
    - (A) in any way obstruct the movement of pedestrians or access from the footpath to kerbside;
    - (B) hang goods from ceilings or awnings;
  - (ii) all bins, racks or other items used for the display of goods shall be free of protrusions, sharp edges or any parts which an authorised person reasonably believes may present a risk of injury;
  - (iii) goods are to be removed from the footpath at the close of business every day;
  - (iv) the approval holder must maintain a 2 metre thoroughfare for pedestrian traffic at all times;
  - (v) the approval holder may not under any circumstances use any area that is outside the area specified in the approval. Any changes to the area to be used must be approved by an authorised person;
  - (vi) where approvals already exist at an adjacent business, the siting of goods must complement the existing approvals (in the reasonable opinion of an authorised person);
  - (vii) generally, goods may only be placed in the following locations—
    - (A) on the kerbside side of the footpath, for approvals granted within the township of Kuranda;
    - (B) against the shop wall, for approvals granted within the township of Mareeba.

- (h) Where approval is for outdoor dining, the following conditions are applicable—
  - (i) the approval holder must maintain a 2 metre thoroughfare for pedestrian traffic at all times;
  - (ii) access from the footpath to kerbside shall not be obstructed;
  - (iii) tables, chairs and their surrounds shall be kept in a clean and tidy condition at all times;
  - (iv) tables and chairs are only to be placed in the area approved under the approval;
  - (v) tables and chairs are to be removed from the footpath at the close of business every day;
  - (vi) the approval holder may not under any circumstances use any area that is outside the area specified in the approval. Any changes to the area to be used must be approved by an authorised person;
  - (vii) where the applicant also has approval to place a temporary advertising device, and or goods for sale on the footpath, all chairs, tables and other furniture associated with outdoor dining must be placed on the same side of the footpath.
- (i) The following additional conditions apply where approval is sought to place furniture on any part of the footpath at Byrnes Street, Mareeba—
  - (i) approved furniture shall be limited to the following:
    - (A) 1 x table (preferably round) which does not exceed 50cm x 50cm in width or length or diameter with only 2 chairs permitted for that table; or
    - (B) 1 x 1.2m bench with a seat width of no greater than 60cm wide.
  - (ii) the approval holder must maintain a 2 metre thoroughfare for pedestrian traffic at all times;
  - (iii) approved furniture and their surrounds shall be kept in a clean and tidy condition at all times;
  - (iv) approved furniture is to be placed in the area approved under the approval;
  - (v) approved furniture is to be placed against the building front only;
  - (vi) no furniture to be placed along the kerbside;
  - (vii) approved furniture is to be removed from the footpath at the close of business every day;
  - (viii) the approval holder may not under any circumstances use any area that is outside the area specified in the approval. Any changes to the area to be used must be approved by an authorised person;
- (j) Where the applicant also has approval to place a temporary advertising device, and/or goods for sale on the footpath and/or outdoor dining, all chairs, tables and other furniture associated with the approvals must be placed on the same side of the footpath.

- (k) Where approval is for the installation of hoarding, scaffolding or gantry, the approval holder must—
  - (i) ensure unobstructed movement of vehicles and pedestrians;
  - (ii) observe standards specified by the local government in the carrying out of the works or activity;
  - (iii) ensure safety of pedestrians and vehicles including but not limited to the safety temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person;
  - (iv) specify a deadline for completion of the works or ceasing of the activity;
  - (v) reinstate the road to the satisfaction of an authorised person following completion of the works or ceasing of the activity.

**7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in an approval.

**8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

**Schedule 9 Establishment or occupation of a temporary home**

section 11

**1 Prescribed activity**

Establishment or occupation of a temporary home.

**2 Activities that do not require approval under the authorising local law**

- (1) An approval under the authorising local law is not required for establishment or occupation of a temporary home—
  - (a) for less than 2 weeks in any 52 week period if the temporary home is established on a vacant allotment and occupied by the owners of the allotment; or
  - (b) for less than 4 weeks in any 52 week period if—
    - (i) the temporary home is sited on an allotment occupied by an existing dwelling house; and
    - (ii) the temporary home is located to the rear of the existing dwelling house.
- (2) However, subsection (1) applies only if no waste materials, including grey water, are deposited on site during occupation, or left on site after departure.

**3 Documents and materials that must accompany applications for approval**

An application for approval must be accompanied by—

- (a) a site plan illustrating—
  - (i) the location of the temporary home; and
  - (ii) the location of the other buildings on the site; and
  - (iii) the location of the proposed permanent residence; and
  - (iv) the location of neighbouring buildings; and
- (b) if the applicant is not the owner—written consent of the owner; and
- (c) details of the type of temporary home proposed; and

*Examples for paragraph (c)—A shed; a caravan with an awning.*
- (d) the proposed floor plan of the temporary home; and
- (e) details of the proposed fit out of the temporary home's kitchen, bathroom, toilet and laundry; and
- (f) intended method of water supply; and
- (g) details of a current building approval for the construction or renovation of a permanent residence and evidence of financial capacity and ability to construct or renovate the permanent residence.

#### **4 Additional criteria for the granting of approval**

For all approvals, the additional criteria are that—

- (a) where necessary, adequate screening of the temporary home is planned to ensure reduced impact on visual amenity; and
- (b) a building permit has been issued for the construction of a permanent residence on the property prior to the issue of the approval; and
- (c) a plumbing compliance permit has been obtained prior to the issue of the approval, to enable the fixtures to be installed and the liquid wastes to be removed; and
- (d) an adequate source of water will be available to the proposed temporary home; and
- (e) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained; and
- (f) the proposed temporary home has, as a minimum, a toilet, shower, laundry tub, kitchen sink and hand basin; and
- (g) the proposed dwelling will be suitable for temporary occupation; and
- (h) separation distances are compliant with the Planning Act; and
- (i) the applicant is able to demonstrate an ability and capacity to construct a permanent dwelling within the term of the approval.

*Example—*

*The applicant has a contract with a registered builder and sufficient funds are available. However this criteria may not be satisfied if a genuine application has not been made for building approval of a permanent residence or there is insufficient time remaining under the building approval to finish the relevant building work.*

#### **5 Conditions that must be imposed on approvals**

For all approvals, a condition that must be imposed on the approval is that, where the temporary home is in an area serviced by the local government's waste contractor, a waste service must be obtained.

#### **6 Conditions that will ordinarily be imposed on approvals**

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

- (a) keep the temporary home in good order and repair;
- (b) ensure that the temporary home is not unsightly or unhygienic;
- (c) ensure the temporary home does not detrimentally affect the amenity of neighbouring properties or cause an odour nuisance;
- (d) ensure that lighting used to illuminate any areas is angled or shaded in such a manner that the light does not cause a nuisance;

- (e) ensure that water intended for use for domestic purposes is from an approved water source;
- (f) maintain an adequate and continuous supply of water to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home;
- (g) maintain all water supply connections in accordance with applicable legislative requirements;
- (h) ensure that the temporary home is only occupied by those persons whose names have been given to the local government in the application for approval;
- (i) ensure that there is an adequate means of waste disposal, including waste water, and sanitation and basic amenities are provided for living such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, waste water disposal, refuse disposal, storage and adequate water supply to ensure reasonable standards of health and hygiene can be maintained;
- (j) ensure waste containers provided at the temporary home are sufficient to accommodate the collection and storage of all waste generated by and in conjunction with the use of the temporary home, and must ensure those waste containers are kept so as not to attract pests;
- (k) not incinerate waste;
- (l) dispose of human wastes from the temporary home at a dedicated sanitary facility, the sewerage system or an approved on-site sewerage facility;
- (m) connect all plumbing or drainage facilities to the temporary home as soon as practicable, but in any case no later than 90 days of the day a person first occupies the temporary home, so as to comply with plumbing and drainage requirements;
- (n) where the temporary home is for the temporary on-site accommodation of an owner-builder or builder—
  - (i) must construct the approved permanent residential dwelling in a timely and efficient manner, and complete the permanent dwelling within the duration of the approval term;
  - (ii) ensure that they do not cease construction of the permanent residence for a period greater than 90 days or such other period as the local government may approve; and
  - (iii) dismantle and remove the temporary home within 30 days of occupation of the permanent residence or the expiry of the term of the approval, whichever first occurs.

## **7 Term of approval**

The term of the approval commences on the date the approval is granted and expires on the earlier of the following events—

- (a) the end of the term specified in the approval, which can be no more than 18 months from the commencement date; or

- (b) on the issue pursuant to the *Building Act 1975* of the Form 21 Final Inspection Certificate for the new permanent residence constructed on the allotment where the temporary home is located.

## **8 Term of renewal of approval**

- (1) The renewal may only be renewed for the term that a permanent residence on the allotment is reasonably likely to become habitable, not exceeding 12 months, that must be stated in the approval.
- (2) The renewal will lapse on the issue pursuant to the *Building Act 1975* of the Form 21 Final Inspection Certificate for the new permanent residence constructed on the allotment where the temporary home is located.

## **Schedule 9A      Establishment or occupation of temporary accommodation**

section 11

### **1      Prescribed activity**

Establishment or occupation of temporary accommodation.

### **2      Activities that do not require approval under the authorising local law**

- (1) An approval under the authorising local law is not required for establishment or occupation of temporary accommodation—
  - (a) for less than 4 weeks in any 52 week period if—
    - (i) the temporary accommodation is located on an allotment that contains an existing dwelling house; and
    - (ii) the temporary home is located to the rear of the existing dwelling house.
- (2) However, subsection (1) applies only if no waste materials, including grey water, are deposited on site during occupation, or left on site after departure.

### **3      Documents and materials that must accompany applications for approval**

- (1) An application for approval must be accompanied by—
  - (a) a site plan illustrating—
    - (i) the location of the temporary accommodation;
    - (ii) the location of the other buildings on the site; and
    - (iii) the location of neighbouring buildings;
  - (b) if the applicant is not the owner—the written consent of the property owner;
  - (c) the details of the relationship between the applicant and property owner;
  - (d) the details of the proposed period of stay;
  - (e) the reason for which the use of the temporary accommodation is required;
  - (f) confirmation that there is no commercial arrangement, or other consideration, that passes between the applicant and the property owner for the applicant to use the temporary accommodation;
  - (g) details of the type of caravan proposed to be used for the temporary accommodation and the condition of the temporary accommodation; and
  - (h) details of the number of persons to be accommodated in the temporary accommodation;
  - (i) the proposed floor plan of the temporary accommodation, including details of the proposed fit out of the kitchen, bathroom, toilet and laundry;
  - (j) intended method of water supply for the temporary accommodation; and

- (k) intended method of disposal of waste material, including blackwater and greywater, from the use of the temporary accommodation.

#### **4 Additional criteria for the granting of approval**

- (1) For all approvals, the additional criteria are that—
  - (a) an existing dwelling house is situated on the property and will remain on the property whilst the use of the temporary accommodation is undertaken;
  - (b) where necessary, adequate screening of the temporary accommodation will be implemented to ensure reduced impact on visual amenity;
  - (c) an adequate source of water will be available to the temporary accommodation;
  - (d) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained;
  - (e) the proposed temporary accommodation has a toilet, shower, laundry tub, kitchen sink and hand basin;
  - (f) the temporary accommodation will be suitable for occupation on a temporary basis;
  - (g) separation and set back distances between the proposed placement of the temporary accommodation and property boundaries will comply with the local government's planning scheme;
  - (h) the applicant is able to demonstrate current hardship that requires the use of the temporary accommodation as a place of residence on private property;

*Example for subparagraph (h)—*

*The applicant does not own a home or hold a lease for a residential premises in which they can reside.*

- (i) the applicant is able to demonstrate that they are either a family member or close friend of the owner of the property on which the temporary accommodation is required; and
- (j) the temporary accommodation will not detrimentally affect the amenity of neighbouring properties or create an unreasonable nuisance in the opinion of an authorised person.

#### **5 Conditions that must be imposed on approvals**

- (1) The conditions that must be imposed on an approval are that the approval holder must—
  - (a) ensure that the existing dwelling house situated on the property will remain on the property during the term of the approval;
  - (b) ensure that the sanitary and laundry facilities are only used in the existing dwelling or in the temporary accommodation;
  - (c) not dispose of, and ensure that no other person disposes of, any blackwater and/or greywater from the use of the temporary accommodation on the

ground or in any other way, other than as lawfully permitted for the disposal of such blackwater or greywater;

- (d) ensure that the temporary accommodation remains moveable at all times and must not be permanently affixed to the ground or other structure;

*Example—*

*The wheels of the caravan must not be removed, so that the caravan can be removed when required.*

- (e) ensure that the condition of the temporary accommodation is appropriately maintained to prevent deterioration and keep it in good order and repair;
- (f) ensure that the temporary home is not, and does not become, unsightly or unhygienic;
- (g) ensure that the separation and set back distances between the approved placement of the temporary accommodation and property boundaries is maintained as specified in the approval;
- (h) ensure that there is no commercial arrangement, or consideration, that passes between the applicant and the property owner for the applicant to use the temporary accommodation;
- (i) provide all evidence reasonably requested by an authorised person to enable the authorised person to be satisfied that there is no commercial arrangement or other consideration that passes between the approval holder and the property owner for the use of the temporary accommodation, when requested throughout the term of the approval;
- (j) ensure that only the person, or persons, including the specified number of people, approved pursuant to the approval stay in the temporary accommodation;
- (k) ensure that only the temporary accommodation approved by the local government and specified in the approval is used on the property;
- (l) ensure that the period approved for the temporary accommodation to be used on the property is only used for that period;
- (m) ensure that on the expiry of the approval, the temporary accommodation is removed from the property on which it was located;
- (n) ensure that any lighting used in or as part of the temporary accommodation is angled or shaded in such a manner so that the light does not cause an unreasonable nuisance in the opinion of an authorised person; and
- (o) ensure that the temporary accommodation does not detrimentally affect the amenity of neighbouring properties or create an unreasonable nuisance, including noise and odour, in the opinion of an authorised person.

## **6 Conditions that will ordinarily be imposed on approvals**

- (1) The conditions that will ordinarily be imposed on approvals are that the approval holder must—
  - (a) ensure that water intended for use for domestic purposes is from an approved water source;

- (b) maintain an adequate and continuous supply of water to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home;
- (c) maintain all water supply connections in accordance with applicable legislative requirements; and
- (d) any other condition the local government considers is reasonably necessary to ensure the protection of public health, safety and/or amenity is maintained by the approval holder in using the temporary accommodation.

## **7 Term of approval**

The term of the approval commences on the date the approval is granted and expires on the date specified in the approval.

## **8 Term of renewal of approval**

An approval may only be extended by the local government, following an application by the approval holder, for the further term stated in the renewal as determined by the local government.

## Schedule 10 Installation of advertising devices

section 11

### 1 Prescribed activity

Installation of advertising devices.

### 2 Activities that do not require approval under the authorising local law

- (1) The installation of an advertising device does not require approval under the authorising local law in the following circumstances—
  - (a) the installation of the advertising device is regulated under the local government's planning scheme; or
  - (b) the installation is of a permitted advertising device listed in subsection (2) that complies with the prescribed requirements for advertising devices in subsection (3).
- (2) In this section, a *permitted advertising device* means any of the following—
  - (a) portable signs that—
    - (i) are not greater than 1m<sup>2</sup> in face area on any face; and
    - (ii) are no wider than 750mm; and
    - (iii) are only placed adjacent to the business being advertised; and
    - (iv) are secured to prevent danger to pedestrians and traffic outside the site in high wind situations; and
    - (v) do not number more than 1 sign per business per road frontage or, in the case of a business in an arcade, 1 sign per business per arcade opening;
  - (b) garage sale signs that—
    - (i) are not one of more than 4 signs advertising the same garage sale; and
    - (ii) are not in place earlier than the day before the commencement of the garage sale and after 24 hours of the conclusion of the sale; and
    - (iii) are not in place for more than 72 hours for any one garage sale; and
    - (iv) are not erected for a sale at premises where a garage sale has been held on 4 occasions already in the previous year;
  - (c) real estate signs that—
    - (i) advertise a property for sale, lease or auction; and
    - (ii) are not greater than 3m<sup>2</sup> in face area; and
    - (iii) are not positioned on a road, footpath or building (other than the building being advertised);
  - (d) event signs that—
    - (i) do not number more than 8 signs advertising the same event; and

- (ii) are not in place earlier than 4 weeks before the commencement of the event and after 48 hours of the conclusion of the event;
- (e) lost pet signs;
- (f) construction site signs that—
  - (i) contain only project details and real estate information; and
  - (ii) are only exhibited during the period of construction; and
  - (iii) are not greater than 2m in height.
  - (iv) are not positioned on a road, footpath or building (other than the building being advertised);
- (g) rural identification signs that—
  - (i) are not greater than 2m<sup>2</sup> in face area; and
  - (ii) do not number more than 1 sign per property;
- (h) fresh produce for sale signs that—
  - (i) are not adjacent to a residential property; and
  - (ii) are no larger than 3m<sup>2</sup> in face area; and
  - (iii) do not number more than 2 signs per seller;
- (i) horizontal banner signs that—
  - (i) do not number more than 1 sign per property; and
  - (ii) do not cover or hide any architectural feature of a building or structure; and
  - (iii) are no larger than 8m<sup>2</sup> in face area;
- (j) vertical banner signs that—
  - (i) do not number more than 1 sign per property; and
  - (ii) do not cover or hide any architectural feature of a building or structure; and
  - (iii) do not project above the roof line of a building to which the vertical banner is attached; and
  - (iv) do not exceed a maximum width of 0.6m;
  - (v) are no larger than 2m<sup>2</sup> in face area.

- (3) The ***prescribed requirements for advertising devices*** are that—
- (a) the advertising device, including any structure associated with the support of the advertising device, must be structurally sound and safe; and
  - (b) the display of the advertising device must not cause obstruction of, or distraction to, pedestrian or vehicular traffic on a road or any road-related area; and
  - (c) an advertising device must not be located so as to form a background to a road or road-related area when viewed from any direction; and
  - (d) an advertising device must not reflect any vehicle headlight glare towards—
    - (i) a road; or
    - (ii) a road-related area; or
    - (iii) a sensitive place; and
  - (e) an advertising device that is illuminated must be shielded to prevent the illumination of any road or road-related area and the illumination of the advertising device must not extend further than 3m from the advertising device; and
  - (f) an advertising device may only be erected on premises with the written consent of the registered owner or trustee of the premises and the advertiser must produce the written consent to the local government on demand; and
  - (g) an advertising device that advertises premises, or an activity conducted on the premises, which is not installed on the premises, must not diminish the visual amenity of the locality on which the advertising device is installed; and
  - (h) only 1 advertising device that is visible from a road may be installed on premises; and
  - (i) an advertiser must not install an advertising device within 200m of an intersection of 2 roads unless the advertising device does not cause obstruction of, or distraction to, pedestrian or vehicular traffic; and
  - (j) the advertiser of an advertising device must maintain the advertising device in good order and repair; and
  - (k) the advertising device must not be installed on or be viewed from a State-controlled road; and
  - (l) an advertising device installed on a local government controlled area or road must not be attached to, or supported by, a tree, shrub or similar vegetation that is in its natural state (whether dead or alive); and
  - (m) an advertising device must not be attached to local government or main roads infrastructure or signs; and
  - (n) an advertising device must not be situated on the paved area of the road or on traffic islands; and
  - (o) the advertiser of an advertising device must maintain a public liability insurance policy that complies with the local government's published standards for public liability insurance for advertising devices, unless the advertising device is a garage sale sign, lost pet sign, election sign, fresh

produce signs (not associated with a roadside stall) or a rural identification sign; and

- (p) the advertiser of an advertising device must produce documented evidence of public liability insurance mentioned in paragraph (o) to an authorised person upon request;
- (q) all temporarily constructed supports (for example, stakes driven into the ground) must be constructed from timber; and
- (r) all advertising devices must be located at least—
  - (i) 3.5 meters from the edge of the nearest traffic lane on roads with a speed limit of 80kph or less; or
  - (ii) 6 meters from the edge of the nearest traffic lane on roads with a speed limit greater than 80kph.

(4) In this section—

**event sign** means an advertising device that advertises a local event of a cultural, educational, recreational, religious, social or similar nature.

**face area**, of an advertising device—

- (a) means—
  - (i) generally—the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case and calculated by multiplying the sign face area height and width parameters; and
  - (ii) in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face—the area calculated by drawing a rectangle around the advertising device lettering; and
  - (iii) in the case of irregular shaped advertising devices, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes—the face area calculated by not more than 2 abutting and non-overlapping rectangles added together.
- (b) includes any decorative lines, stripes or an architectural trim forming part of an advertising device, whether illuminated or not.

**horizontal banner sign** means a temporary advertising device suspended from a structure or pole with or without supporting framework displaying an advertising device applied or painted to fabric or similar material of any kind.

**portable sign** means a temporary portable self-supporting sign which is freestanding and may be mounted on wheels to facilitate movement and includes an A frame sign and a sandwich board.

**rural identification sign** means a freestanding sign which is intended to display the name or nature of an agribusiness or occupant undertaking an agricultural practice on the property that the sign is advertising.

**vertical banner sign** means an advertising device of non-rigid material normally supported at 2 or more locations from brackets from either a pole or a building.

### **3 Documents and materials that must accompany applications for approval**

The application for approval must be accompanied by—

- (a) details of the advertising device including the dimensions, colour, content, materials and construction; and
- (b) details of where the device is to be located and how it is to be affixed; and
- (c) where necessary, an engineer's certificate for the structural adequacy of the device with reference to wind velocity loadings.

### **4 Additional criteria for the granting of approval**

For any approval for installation of an advertising device, the additional criteria are that—

- (a) the proposed installation of the advertising device is consistent with the prescribed requirements for advertising devices in section 2(3) of this schedule
- (b) the dimensions of the advertisement bear a reasonable relationship to the dimensions of surrounding buildings and allotments so that—
  - (i) its presence is not unduly dominating or oppressive; and
  - (ii) it does not unreasonably obstruct existing views;
- (c) the advertisement is consistent, in colour and appearance, with buildings and natural features of the environment in which it is to be situated;
- (d) the advertisement is in other respects consistent with the character and values of the environment in which it is to be situated.

### **5 Conditions that must be imposed on approvals**

The conditions that must be imposed on an approval are as follows—

- (a) The dimensions of the sign shall not exceed the following—
  - (i) under awning sign which is securely fixed under a permanent awning—  
– length 2.4 metres; width 200 mm; and
  - (ii) fascia sign which is painted to the fascia of the permanent awning—the face of the fascia; and
  - (iii) above awning sign which is securely fixed above a permanent awning—  
– length 3 metres; width 200 mm; depth 1.5 metres; and
  - (iv) wall mounted sign which is securely fixed to a wall of a building and does not protrude more than 1.2 metres from the wall length 1.2 metres depth 600 mm; and
  - (v) roof sign which is securely fixed to either the roof or parapet wall at the front of a building - length 3 metres; depth 1.5 metres; and
  - (vi) sandwich board/A Frame sign placed on a footpath or public area must not be more than 900mm x 600mm or 0.54m<sup>2</sup> on each side of the sign; and

- (b) All signs that protrude over a footpath by more than 50 mm shall be a minimum of 2.4 metres above the footpath measured from the underside of the sign; and
- (c) Sandwich board/A frame—a portable sign used to advertise a business or goods and services available at the business must meet the following criteria—
  - (i) the sign may only be used when the business is open; and
  - (ii) a maximum of (1) one sign per tenancy is permitted; and
  - (iii) the sign must be placed on the property to which it refers, or where this is not practically possible immediately adjacent to the property; and
- (d) the advertisement content shall not be offensive.

## **6 Conditions that will ordinarily be imposed on approvals**

- (1) The conditions that will ordinarily be imposed on all approvals are as follows—
  - (a) the approval holder must comply with the local government's adopted Guidelines for the Management of Temporary Public and Community Events Banners and Signs;
  - (b) the approval holder must comply with the local government's adopted *Guidelines for Portable Sign Permit*;
  - (c) the device does not interfere with any underground utilities;
  - (d) the device does not interfere with the road or its operation;
  - (e) no portion of the sign can project over the carriageway or any surface used by motor vehicles;
  - (f) the device is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety;
  - (g) the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists);
  - (h) the device does not flash, revolve or involve the production of sound or smell;
  - (i) the device is not fastened to trees or road infrastructure (for example, signs or guardrails);
  - (j) the device is not left in place in the event of extreme weather;
  - (k) the device must be maintained in good condition at all times;
  - (l) the device does not contain explicit, inappropriate or offensive content;
  - (m) for the duration of the term of the approval, maintain in full force and effect a public liability insurance policy—
    - (i) listing the local government as an interested party;
    - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and

- (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;
- (n) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
- (o) the local government must be indemnified against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity;
- (p) for an approval for installing a portable 'A' frame or inverted 'T' frame board sign—
  - (i) the size of the device must not exceed 600 millimetres (width) x 1200 millimetres (height);
  - (ii) the device must be fitted with a strut or other approved mechanism to ensure the sign can not close accidentally;
  - (iii) the device must be fixed or weighted so as to ensure stability;
  - (iv) all corners of the device must be chamfered;
  - (v) the maximum number of devices that may be installed for a business is—
    - A. for corner businesses—1 device on each street frontage; or
    - B. in any other circumstances—1 device;
- (q) the device must be placed at the roadside edge of the footpath and set back 0.3 metres from the kerb;
- (r) the device must be removed from the footpath during the hours when the business is closed;
- (s) the device must not be located within any landscaped area or garden bed.
- (2) The conditions that will ordinarily be imposed on election signs are that the device must—
  - (a) not be erected until an election has been called and the writ has been issued (in the case of State of Commonwealth elections), or a notice of election has been published (in the case of local government elections);
  - (b) in the case of a referendum or poll, not be erected before the writ for the referendum is issued or; in the case of a poll, before a date determined by the local government;
  - (c) be removed within 14 days after the day of the election.

## **7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in an approval.

**8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

**Schedule 11      Keeping of animals**

section 11

**1      Prescribed activity**

Keeping of animals.

**2      Activities that do not require approval under the authorising local law**

*This section has been intentionally left blank.*

**3      Documents and materials that must accompany applications for approval**

An application must be accompanied by the following information—

- (a) the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- (b) the number of animals to be kept; and
- (c) the area, or part of the area, in which the animal or animals are to be kept; and
- (d) the nature of the premises in which the animal or animals are to be kept; and
- (e) details of the proposed keeper's experience and qualifications to conduct the activity.

**4      Additional criteria for the granting of approval**

- (1) For all approvals, the additional criteria are that—
  - (a) the land is physically suitable for the keeping of the animal; and
  - (b) the enclosure in which the animal is to be kept is structurally suitable; and
  - (c) the animal is not likely to cause undue nuisance, inconvenience or annoyance to the occupiers of adjoining land.
- (2) For an approval to keep a rooster in an urban area, the additional criterion is that the keeper of the rooster is a member of a poultry club in the local government area that is formally affiliated with a national or state association for poultry keeping.
- (3) For an approval to keep more than 2 dogs or cats in an urban area greater than 450m<sup>2</sup>, the additional criteria are that—
  - (a) the animals are kept as part of the activity of showing or breeding dogs or cats and the keeper of the animals is a member of a recognised breeders' association; or
  - (b) exceptional circumstances exist to justify the keeping of the additional animal or animals.

*Example for paragraph (b) of 'exceptional circumstances'—* A family member has passed away and left the pet in the keeper's care.

- (4) For an approval to keep more than 2 head of stock on a property in an urban area greater than 10,000m<sup>2</sup> or a pig on a property in an urban area greater than 20,000 m<sup>2</sup> the additional criteria are—
  - (a) the animal will only be kept on the property temporarily; and
  - (b) exceptional circumstances exist to justify the approval.
- (5) For an approval to keep a horse on a property in an urban area greater than 450m<sup>2</sup> but less than 10,000m<sup>2</sup>, the additional criteria are—
  - (a) the animal will only be kept on the property temporarily; and
  - (b) exceptional circumstances exist to justify the approval.

*Example for paragraph (b)*—The animal is undergoing veterinary treatment that requires it to be kept on a property in an urban area.

## **5 Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

## **6 Conditions that will ordinarily be imposed on approvals**

The conditions that will ordinarily be imposed on an approval are that the approval holder—

- (a) may not use this approval to breed or conduct any commercial activity involving the animals on the property;
- (b) must ensure compliance with any of the requirements for keeping an animal under State legislation and *Local Law No. 2 (Animal Management) 2018*;
- (c) must ensure the animals do not cause a nuisance, inconvenience or annoyance to others.

## **7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in an approval.

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

**Schedule 12      Operation of camping grounds**

section 11

**1      Prescribed activity**

Operation of camping grounds.

**2      Activities that do not require approval under the authorising local law**

*This section has been intentionally left blank.*

**3      Documents and materials that must accompany applications for approval**

An application for approval must include or be accompanied by—

- (a) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and
- (b) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner regarding the application; and
- (c) details of the facilities for sanitation, washing and laundry to be provided for campers; and
- (d) details of water quality, reticulation and drainage.

**4      Additional criteria for the granting of approval**

Applications must meet the following additional criteria—

- (a) the applicant is a suitable person to operate a camping ground.

**5      Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

**6      Conditions that will ordinarily be imposed on approvals**

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

- (a) maintain all facilities in the camping ground to a high quality standard of hygiene and safety;
- (b) supply potable water for drinking, cooking and personal hygiene;
- (c) cause every outlet within the camping ground receiving non-potable water to prominently display a permanent sign stating 'Unsuitable for Drinking';
- (d) unless an accommodation is fitted with ablutionary facilities, provide and maintain adequate toilets and bathing or showering facilities for persons of both sexes (including disabled persons);

- (e) cause hot and cold water to be reticulated to every shower, bath and hand basin;
- (f) cause all sanitary conveniences to be constructed so as to ensure privacy;
- (g) cause such shower or bath to be installed with separate drainage points for the discharge of water;
- (h) if bed linen is provided - to keep it in a clean and sanitary condition and replace it with clean bed linen whenever there is a change of occupation of the relevant accommodation or site;
- (i) provide adequate laundry facilities for the exclusive use of the occupants in the ratio of 1 set of twin wash tubs and 1 clothes washing machine and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part thereof;
- (j) not permit an accommodation to be erected or located, closer than 3 metres to any other accommodation and not closer than 6 metres to any ablution facility;
- (k) not permit an accommodation to be located at any place within the camping ground other than on a site approved by the local government;
- (l) provide adequate lighting for the safe movements of persons within the camping ground;
- (m) provide waste water disposal points which are connected to a sewerage or approved drainage system;
- (n) if a swimming pool is located at the camping ground - ensure that the swimming pool complies with—
  - (i) all requirements of any applicable State legislation; and
  - (ii) the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines;
- (o) ensure that an up-to-date register is kept and made available at the request of an authorised person, containing—
  - (i) the name and address of each person who hires accommodation or a site on the camping ground
  - (ii) an identifying number for the accommodation or site; and
  - (iii) the registered number of a caravan and the vehicle towing it; and
  - (iv) the dates when the hiring of the accommodation or site begins and ends;
- (p) unless the local government agrees in writing, not change the sites by—
  - (i) adding to the existing sites, structures, facilities or accommodations;
  - (ii) changing the position or boundaries of sites, structures or facilities; or
  - (iii) removing existing structures or facilities however, this does not apply if the proposed change constitutes development under the Planning Act;
- (q) not permit a fire in the open unless the fire is in a fireplace approved by the local government;

- (r) ensure all sites are clearly numbered.

**7 Term of approval**

The term of the approval commences on the date the approval and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.

**8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in an approval.

## **Schedule 13      Operation of cane railways**

### **Section 11**

*This schedule has been intentionally left blank.*

**Schedule 14      Operation of caravan parks**

section 11

**1      Prescribed activity**

Operation of caravan parks.

**2      Activities that do not require approval under the authorising local law**

*This section has been intentionally left blank.*

**3      Documents and materials that must accompany applications for approval**

An application for approval must include or be accompanied by—

- (a) if the applicant is not the owner of the land on which the caravan park is situated—the written consent of the owner to the application; and
- (b) the name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park; and
- (c) the plan of the proposed caravan park drawn to scale showing the following additional particulars—
  - (i) the location and real property description of such land; and
  - (ii) the location, number, designation and type of sanitary conveniences to be provided; and
  - (iii) the location, number, and designation of ablutionary facilities to be provided; and
  - (iv) details of each site clearly defined and bearing a distinguishing mark or number.

**4      Additional criteria for the granting of approval**

The additional criteria for granting an approval are that—

- (a) the proposed resident manager is a suitable person to be manager of a caravan park; and
- (b) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard for use by residents.

**5      Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

## 6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

- (a) maintain all facilities in the camping ground to an acceptable standard of hygiene and safety;
- (b) supply potable water for drinking, cooking and personal hygiene;
- (c) cause every outlet within the caravan park receiving non-potable water to prominently display a permanent sign stating '**Unsuitable for Drinking**';
- (d) unless accommodation is fitted with ablutionary facilities, provide and maintain adequate toilets and bathing or showering facilities for persons of both sexes (including disabled persons);
- (e) cause hot and cold water to be reticulated to every shower, bath and hand basin;
- (f) cause all sanitary conveniences to be constructed so as to ensure privacy;
- (g) cause such shower or bath to be installed with separate drainage points for the discharge of water;
- (h) if bed linen is provided — to keep it in a clean and sanitary condition and replace it with clean bed linen whenever there is a change of occupation of the relevant accommodation or site;
- (i) provide adequate laundry facilities for the exclusive use of the occupants in the ratio of 1 set of twin wash tubs and 1 clothes washing machine and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part thereof;
- (j) not permit an accommodation to be erected or located, closer than 3 meters to any other accommodation and not closer than 6 meters to any ablution facility;
- (k) not permit an accommodation to be located at any place within the caravan park other than on a site approved by the local government under this local law;
- (l) provide adequate lighting for the safe movements of persons within the caravan park;
- (m) provide waste water disposal points which are connected to a sewerage or approved drainage system;
- (n) ensure that if a swimming pool is located within the caravan park that the swimming pool complies with—
  - (i) all requirements of any applicable State legislation; and
  - (ii) the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines;
- (o) ensure that an up-to-date register is kept and made available at the request of an authorised person, containing—
  - (i) the name and address of each person who hires accommodation or a site at the caravan park; and

- (ii) an identifying number for the accommodation or site; and
  - (iii) the registered number of a caravan and the vehicle towing it; and
  - (iv) the dates when the hiring of the accommodation or site begins and ends;
- (p) unless the local government agrees in writing, not change the sites by—
  - (i) adding to the existing sites, structures, facilities or accommodations; or
  - (ii) changing the position or boundaries of sites, structures or facilities; or
  - (iii) removing existing structures or facilities however, this does not apply if the proposed change constitutes development under the Planning Act;
- (q) not permit a fire in the open unless the fire is in a fireplace approved by the local government;
- (r) ensure all sites are clearly numbered;
- (s) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation.

## **7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in an approval.

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

**Schedule 15      Operation of cemeteries**

## Section 11

**1      Prescribed activity**

Operation of cemeteries.

**2      Activities that do not require approval under the authorising local law**

*This section has been intentionally left blank.*

**3      Documents and materials that must accompany applications for approval**

An application for approval must be accompanied by—

- (a) a drawing showing the design and dimensions of the proposed cemetery;
- (b) details of the materials out of which the cemetery is (or is to be) constructed and other structural details of the cemetery;
- (c) details of the location of the cemetery;
- (d) if the applicant is not the owner of the land on which the cemetery / crematorium is located—the written consent of the owner;
- (e) a site plan drawn at an appropriate scale and showing the immediate area of the proposed cemetery and proposed burial plots, columbarium niches, walls or any associated structures, plots and layout; and
- (f) details of the proposed administration and management of the cemetery.

**4      Additional criteria for the granting of approval**

*This section has been intentionally left blank.*

**5      Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

**6      Conditions that will ordinarily be imposed on approvals**

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

- (a) comply with specified hours when the cemetery may be open to the public (where not previously regulated by a development approval);
- (b) comply with specified hours when a burial, cremation or disposal may take place in the cemetery (where not previously regulated by development approval);
- (c) give notice to the local government prior to a burial, cremation or disposal;
- (d) permit an authorised person to inspect a burial site at any time either before or after a burial;

- (e) comply with requirements in the approval regarding the position of grave sites;
- (f) comply with specified standards for required minimum depth, size and other dimensions of graves and grave sites;
- (g) comply with any relevant standard applicable to coffins (for example, an Australian Standard);
- (h) not exceed the specified maximum number of bodies which may be buried in a single grave;
- (i) comply with prescribed minimum periods of leases of grave sites;
- (j) comply with specified standards applicable to the keeping of records of burials and graves;
- (k) ensure that records of burials and graves are not destroyed or otherwise disposed of without the written approval of the local government;
- (l) keep records of burials and graves open to inspection at all times when the person responsible for the making and retaining thereof is ordinarily in attendance at the place where the records are kept;
- (m) keep a register of all reserved sites or niches within the cemetery;
- (n) properly maintain memorials and other buildings and structures in the cemetery;
- (o) keep the cemetery in a clean and tidy state.

## **7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in an approval.

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

**Schedule 16      Operation of public swimming pools**

## Section 11

**1      Prescribed activity**

Operation of public swimming pools.

**2      Activities that do not require approval under the authorising local law**

*This section has been intentionally left blank.*

**3      Documents and materials that must accompany applications for approval**

Additional documents and materials that must accompany an application for an approval are—

- (a) the address of the swimming pool, including real property description;
- (b) the dimensions and capacity of the pool;
- (c) pool filtration unit details;
- (d) pool pump details;
- (e) pool chlorination equipment details;
- (f) resuscitation notice details;
- (g) fencing and access to the swimming pool;
- (h) hours of operation;
- (i) details of backwash water discharge;
- (j) plans of the site showing the immediately adjoining properties, and the position, width and name of the street or road from which the property has access and upon which it abuts; and
- (k) details of how the swimming pool will be adequately supervised when open to the public including the names and a copy of a lifesaving qualification and blue card for each proposed supervisor.

**4      Additional criteria for the granting of approval**

*This section has been intentionally left blank.*

**5      Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

**6      Conditions that will ordinarily be imposed on approvals**

The conditions that will ordinarily be imposed on an approval are that the approval holder must—

- (a) provide separate dressing rooms for male and female users of the pool that are—
  - (i) of a size sufficient to accommodate the likely maximum number of users (at any one time) of the pool; and

- (ii) situated and constructed so that they totally conceal persons within the dressing rooms from persons who may be outside the dressing rooms;
- (b) provide for proper and sufficient male and female sanitary conveniences at the pool;
- (c) not allow persons suffering, or appearing to suffer from an infectious, contagious or offensive disease or skin complaint to be at, or use, the public pool;
- (d) maintain water quality in the manner recommended by the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines (October 2004);
- (e) keep the pool at all times free from extraneous matter;
- (f) display a notice explaining mouth to mouth resuscitation in a position that is visible from within any point of the swimming pool or spa;
- (g) prominently display a sign at any spa pool containing the following warning: “IMMERSION FOR PERIODS LONGER THAN 20 MINUTES IN WATER HEATED UP TO 35°C IS CONSIDERED DANGEROUS”;
- (h) ensure that the swimming pool is adequately supervised at all times that it is open to the public;
- (i) ensure that any persons engaged to supervise the use of the pool—
  - (i) hold and maintain, throughout the term of the approval, lifesaving qualifications from a body recognised by the local government,
  - (ii) hold a blue card; and
  - (iii) are otherwise suitable and of sufficiently good character in the reasonable opinion of the local government.

## **7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in an approval.

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

**Schedule 17      Operation of shared facility accommodation**

## Section 11

**1      Prescribed activity**

Operation of shared facility accommodation.

**2      Activities that do not require approval under the authorising local law**

Approval is not required—

- (a) for the operation of shared facility accommodation in a private home in which accommodation is provided for not more than 3 holiday makers or travellers; or
- (b) if an approval is obtained for the prescribed activity under a Planning Act

**3      Documents and materials that must accompany applications for approval**

An application must be accompanied by—

- (a) the name, location and real property description of the premises; and
- (b) a plan of the premises drawn to scale and showing—
  - (i) the location of the building on the site including location of vehicle accesses and parking, areas for clothes drying and open recreation areas; and
  - (ii) the internal layout of the building showing the proposed function of each room and in the case of bedrooms and dormitories—the maximum number of beds proposed; and
- (c) details of shared facilities including—
  - (i) number of toilets; and
  - (ii) number of bathrooms and showers; and
  - (iii) laundry facilities; and
  - (iv) dining facilities; and
  - (v) cooking facilities; and
  - (vi) vehicle parking; and
- (d) a report from an appropriately qualified professional that the fire safety provisions of the *Building Act 1975* have been complied with; and
- (e) if the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application.

**4      Additional criteria for the granting of approval**

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

- (a) the need for a reasonable degree of uniformity between local government areas; and

- (b) the need to encourage prospective operators to enter the market for accommodation to which this local law applies as a way of promoting tourism.

## **5 Conditions that must be imposed on approvals**

*This section has been intentionally left blank*

## **6 Conditions that will ordinarily be imposed on approvals**

The conditions that will ordinarily be imposed in an approval are as follows—

### **(a) Bedrooms and Dormitories**

- (i) sleeping accommodation and beds are not provided in any room or space except those rooms designated on the plan accompanying the application as bedrooms or dormitories;
- (ii) every person accommodated on the premises to be provided with a clean and comfortable bed which shall be designated by a room and bed number;
- (iii) each bedroom or dormitory shall have—
  - (A) cupboard space provided at a rate of 0.03 square metres per person; and
  - (B) 1 towel rail per person.
- (iv) the maximum number of people to be accommodated in any bedroom or dormitory shall be 8;
- (v) no beds to be more than two tiers in height and the clearance between the upper and lower beds to be at least 870mm with a clearance of 1 metre between the upper bed and the ceiling, light fittings or any other projection from the ceiling.

### **(b) Kitchen Facilities**

- (i) a kitchen separate from all other rooms shall be provided;
- (ii) kitchens shall be kept in a clean and hygienic manner at all times;
- (iii) all kitchen walls and ceilings shall be smooth and free of ledges, protrusions, cracks and crevices and treated with washable gloss paint or other washable surface;
- (iv) all kitchen floors to shall be covered with a smooth impervious floor covering;
- (v) all kitchen benches, tables and shelving shall be covered in smooth impervious material;
- (vi) cooking appliances shall be provided at a rate of at least 4 burners or hotplates and 1 oven for each 15 people;
- (vii) refrigeration space to be provided at a rate of 15 litres per person;
- (viii) dishwashing facilities shall be provided at a rate of one stainless steel sink per 15 people;

- (ix) adequate crockery, cutlery and cooking utensils shall be provided and maintained in a sound and clean condition;
  - (x) kitchen cupboard space shall be provided at a rate of 0.015 square metres per person.
- (c) **Dining Room**
  - (i) a dining room under the same roof as the kitchen shall be provided;
  - (ii) dining room seating shall be available at the rate of 50 percent of the maximum occupancy authorised under the approval.
- (d) **Common Living Rooms**
  - (i) one or more common living rooms shall be required;
  - (ii) floor area of common living rooms shall be at least two square metres per person, which may include the area of the dining room but which shall not include a—
    - (A) passage way; or
    - (B) fire access way; or
    - (C) non-habitable room.
- (e) **Toilets and Ablution Facilities**

The provision of toilet and ablution facilities shall be in accordance with the Building Code.
- (f) **Laundry Facilities**

Laundry facilities to be provided at a rate of 1 wash tub and 1 washing machine per 15 people.
- (g) **Office**
  - (i) every premises shall have a clearly designated office;
  - (ii) an emergency telephone service shall be available when the office is closed.
- (h) **Refuse Disposal**
  - (i) refuse shall be disposed of at least once in every week in an approved manner;
  - (ii) refuse storage to be provided at the rate of 1 240 litre bin per 6 people.
- (i) **Maintenance**
  - (i) the premises to be treated for the control of vermin at least twice per year;
  - (ii) the premises, including the grounds around any building, to be maintained in a state of good repair and in a clean and sanitary condition free from accumulated refuse and waste materials at all times.
- (j) **Storage**
  - (i) a secure, fire proof safe shall be provided for the keeping of the occupants valuables and papers;

- (ii) a security lock up for bulky packs and luggage shall be provided which is not accessible other than by permission of the operator.

**(k) Fire Safety**

Fire prevention, fire detection and fire suppression and control devices to be installed to ensure compliance with the *Building Act 1975*.

**(l) Accommodation Register**

- (i) a register to be kept which details—
  - (A) the full name of the occupant; and
  - (B) permanent residential address of the occupant; and
  - (C) the occupant's signature; and
  - (D) dates the occupant checked in and out; and
  - (E) room and bed number allocated to the occupant.
- (ii) the operator may not allow a bed to be occupied by any person who has failed to register his/her name and address in the accommodation register.

**(m) Duties of the Operator**

The operator or a representative of the operator shall reside on the premises and be available for emergency contact at night.

**7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.

**8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

**Schedule 18      Operation of temporary entertainment events**

section 11

**1      Prescribed activity**

Operation of temporary entertainment events.

**2      Activities that do not require approval under the authorising local law**

Events that are attended by less than 100 people.

**3      Documents and materials that must accompany applications for approval**

(1) The additional documents and materials that must accompany an application for an approval are—

- (a) the details of the proposed event including the type and location of the event;
- (b) the number of persons invited to or likely to attend the event;
- (c) details of the temporary entertainment event venue;
- (d) details about how the applicant proposes to manage the event, which must include (where relevant):
  - (i) community consultation plan;
  - (ii) an event operational plan;
  - (iii) a catering plan;
  - (iv) a security service plan;
  - (v) an emergency management plan;
  - (vi) an alcohol management plan;
  - (vii) a noise management plan;
  - (viii) a traffic management plan;
  - (ix) a waste management plan;
  - (x) a risk management strategy;
  - (xi) a public safety plan;
- (e) details of the quality and condition of equipment to be used in the activity;
- (f) if the business or activity is to operate from a vehicle—a full description of that vehicle and its registration number;
- (g) details of compliance with the requirements of the State and Commonwealth legislation and government agencies.

(2) The application for an approval must be made at least 10 business days prior to the event.

**4      Additional criteria for the granting of approval**

(1) For all approvals, the additional criteria are—

- (a) the physical suitability of the area or road for the proposed event, including access roads servicing the event; and
  - (b) the appropriateness, quality and condition of equipment to be used in the activity; and
  - (c) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
  - (d) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.
- (2) For an approval relating to the operation of a circus, an additional criterion is that the applicant demonstrates compliance with the National Consultative Committee for Animal Welfare (NCCAW) *Position Statement Number 26, Recommended National Circus Standards*.

## 5 Conditions that must be imposed on approvals

*This section has been intentionally left blank.*

## 6 Conditions that will ordinarily be imposed on approvals

For all approvals, the conditions that will ordinarily be imposed on an approval are as follows—

- (a) the permissible noise level measured at the nearest occupied building must not exceed the following limits—
  - (i) before 7am, if the use causes audible noise; or
  - (ii) from 7am to 10pm, if the use causes noise of more than 70dB(A); or
  - (iii) from 10pm to midnight, if the use causes noise of more than the lesser of the following
    - (A) 50dB(A);
    - (B) 10dB(A) above the background level;
- (b) if the sound level at the event exceeds the levels outlined above, or, if in the opinion of an authorised person the noise emitted is unreasonable, the approval holder must direct the persons controlling the volume of the sound to reduce the volume so as not to exceed these levels. The approval holder is responsible for ensuring that the person in control of sound production complies with directions on noise reduction;
- (c) amplification equipment used for the prescribed activity shall be set up so as to minimise the noise impact on residential premises;
- (d) a letter drop must be conducted to residents within 200 metres of the boundaries of the site where the prescribed activity is being held. The letter must detail the dates and operating times of the prescribed activity;
- (e) during the event, an authorised person must be able to contact the approval holder or a person acting on behalf of the approval holder by mobile phone. The approval holder, or any person acting on behalf of the approval holder,

must be able to exercise control over the volume of the sound at the mixing console;

- (f) the approval holder must maintain a defined access point for emergency vehicles at all times;
- (g) the approval holder must provide a first aid station and qualified first aid officer/s;
- (h) food shall be sold only from the temporary food stalls or mobile food vans approved by the local government. All food must be processed, prepared and packed in accordance with the provisions of the *Food Act 2006*;
- (i) an adequate number of toilets are to be provided to meet the needs of all attendants. All toilets are to be kept in a sanitary state at all times during the prescribed activity;
- (j) if camp fires are permitted during the prescribed activity, they must be in a designated area and all precautions must be in place to ensure the safety of patrons and festival staff. The fires must be monitored at all times and extinguished when not supervised;
- (k) for the duration of the term of the approval, the approval holder must maintain in full force and effect a public liability insurance policy—
  - (i) listing the local government as an interested party;
  - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
  - (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;
- (l) prior to the commencement of the prescribed activity, the approval holder must provide the local government with a certificate of currency for the standard public liability insurance policy;
- (m) the approval holder must indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the prescribed activity;
- (n) if the activity involves playing live or taped performances—the approval holder must obtain a casual licence from the Australasian Performing Rights Association;
- (o) if the activity involves use of a footpath— the approval holder must maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, the distance greater than 2 metres stipulated in the approval;
- (p) the approval holder must comply with relevant workplace health and safety requirements.

**7 Term of approval**

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

**8 Term of renewal of approval**

- (1) The term for which an approval is renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants a renewal or extension, the local government must specify by written notice, the term of the renewal or extension.

## **Schedule 19      Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery**

section 11

### **1      Prescribed activity**

Undertaking regulated activities regarding human remains—(a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery.

### **2      Activities that do not require approval under the authorising local law**

An approval under the authorising local law is not required for the exhumation or other disturbance or interference with human remains if undertaken pursuant to an order of a coroner or other lawful authority.

### **3      Documents and materials that must accompany applications for approval**

An application for approval must be accompanied by—

- (a) details of the proposed disturbance of human remains; and
- (b) a certified copy of the death certificate or medical certificate of cause of death for the deceased; and
- (c) written consent from the nearest living relative; and
- (d) written confirmation from a recognised undertaker that he or she is prepared to carry out the exhumation; and
- (e) if the remains are on land that is outside a local government cemetery—the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are located; and
- (f) details of the previous burial of the human remains; and
- (g) written details of the reasons for the proposed disturbance of human remains.

### **4      Additional criteria for the granting of approval**

For all approvals, the additional criteria are —

- (a) that the applicant:
  - (i) has the consent of the nearest living relative for the disturbance of the human remains; or
  - (ii) is the executor of a deceased estate and is acting on instructions contained in the last will and testament of the deceased;
- (b) the length of time since the human remains were buried, ensuring that the human remains have been buried for three (3) days or less, or at least twelve (12) months after the original burial; and
- (c) the expressed wishes of the deceased and the deceased's family.

**5 Conditions that must be imposed on approvals**

*This section has been left intentionally blank.*

**6 Conditions that will ordinarily be imposed on approvals**

The conditions that will ordinarily be imposed on an approval is that—

- (a) the disturbance of human remains must only be carried out by a funeral director;
- (b) the disturbance of human remains must only be carried out on the day and within the hours specified on the approval;
- (c) for disturbance of human remains outside a local government cemetery, allow an authorised person to enter the land and inspect the grave at any time either before or after the disturbance;
- (d) remove all markers and means of identification on or around the grave from where the human remains are removed;
- (e) clean up any spillage of waste, contaminate or other material immediately without hosing, sweeping or otherwise releasing the waste, contaminant or material into any stormwater system or other body of water;
- (f) any re-interment must be carried out in accordance with an approval granted for the following prescribed activities—
  - (i) the operation of cemeteries; or
  - (ii) undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery.
- (g) if required, the applicant must notify the Registrar of Births, Deaths and Marriages in accordance with the *Births, Deaths and Marriages Act 2023*.

**7 Term of approval**

The term of approval commences on the date the approval is granted and is valid for 6 months, unless otherwise specified in the approval.

**8 Term of renewal of approval**

The term of the renewal must be determined by the local government having regard to the information submitted by the applicant.

## **Schedule 20      Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery**

section 11

### **1      Prescribed activity**

Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery.

### **2      Activities that do not require approval under the authorising local law**

*This section has been intentionally left blank.*

### **3      Documents and materials that must accompany applications for approval**

An application for approval must be accompanied by—

- (a) details of the person being buried or disposed of and the burial site or other place in which the remains are to be buried or placed; and
- (b) details of when and how the remains are to be disposed of; and
- (c) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed; and
- (d) Global Positioning System (GPS) reference points to identify the proposed burial location; and
- (e) information that demonstrates a particular significant association between the deceased person and the place at which the remains are to be buried or placed, including that the deceased person—
  - (i) had a direct and continuous association to the land for at least three generations; or
  - (ii) resided on the land for at least 30 years as the owner, occupier or as a lessee, licensee or employee; or
  - (iii) had a particularly significant traditional or cultural association to the land and the land is a demonstrated traditional burial place; and
- (f) if relying on subsection (e)(iii) to demonstrate a particular significant association, the applicant must provide evidence that one of the parties specified below (as the case may be) supports the burial or disposal of human remains on the land:
  - (i) where the land is subject to a native title determination, the registered native title holder for the land; or
  - (ii) where the land is subject to a current native title claim, the applicant in the native title claim; or
  - (iii) if subsections (i) and (ii) are not applicable, the recognised traditional owner of the land, or a statement detailing all attempts made to locate the traditional owner of the land; and

- (g) details of the relevant qualifications of the funeral director organising the burial.

#### **4 Additional criteria for the granting of approval**

The additional criteria for approvals for burial or disposal of human remains outside a cemetery are that—

- (a) The applicant has sufficiently demonstrated a particular significant association to the land that shows the deceased person—
  - (i) had a direct and continuous association to the land for at least three generations; or
  - (ii) resided on the land for at least 30 years as the owner, occupier or as a lessee, licensee or employee; or
  - (iii) had a particularly significant traditional or cultural association to the land and the land is a demonstrated traditional burial place that is support by either of the following parties (as the case may be)—
    - (A) where the land is subject to a native title determination, the registered native title holder for the land; or
    - (B) where the land is subject to a current native title claim, the applicant in the native title claim.
- (b) the burial or disposal of human remains at the place will not cause reasonable offence to others;
- (c) the land on which the burial or disposal of humans remains is proposed is:
  - (i) a minimum of 50 hectares and is located within the rural zone under the local government's planning scheme; and
  - (ii) is considered appropriate, in the opinion of the local government, having regard to the tenure of the land and the current and possible future uses of the land; and
- (d) the burial location is at least 25 metres away from all buildings on the land, water courses and adjoining properties;
- (e) the area around the burial location will be suitably fenced to delineate the boundaries of the burial location;
- (f) the burial place will be permanently marked and show the details of the deceased person as required by the local government; and
- (g) the proposed burial or disposal of human remains will not, in the opinion of the local government:
  - (i) cause or create any adverse environmental impacts to the land or surrounding areas; or
  - (ii) interfere with the amenity, use and enjoyment of the land.

*for example—*

*an area that is a waterway or water storage dam that may be impacted, either immediately or over time, by the burial or disposal of human remains.*

**5 Conditions that must be imposed on approvals**

Conditions that must be imposed are that—

- (a) the burial or disposal of the human remains must take place at a time, or within a period, specified in the approval;
- (b) a memorial or marker showing the details of the deceased person must be erected to identify the site in which the human remains have been buried;
- (c) the burial or disposal of the human remains must be undertaken by a recognised funeral director;
- (d) the burial or disposal of the human remains must be located in the burial location and in the way specified in the approval;
- (e) an authorised person is permitted to enter the land at a reasonable time without the permission of the owner or occupier, to inspect the burial location at any time either before or after the burial or disposal of human remains occurs;
- (f) the area surrounding the burial location must be suitably fenced to delineate the boundaries of the burial location;
- (g) the burial or disposal of the human remains must be undertaken in such a way that prevents any adverse environmental impacts to the land or surrounding areas;
- (h) the burial or disposal of the human remains must not interfere with the amenity, use or enjoyment of the land;
- (i) the approval holder must ensure that reasonable measures are implemented to prevent harm to the health or safety of persons who are involved in, or present for the burial or disposal of the human remains; and
- (j) the approval holder is responsible at all times to ensure the burial location is maintained in a safe manner and to protect the amenity of the land and surrounding areas.

**6 Conditions that will ordinarily be imposed on approvals**

*This section has been intentionally left blank.*

**7 Term of approval**

The term of the approval must be specified in the approval and must not be more than 3 months.

**8 Term of renewal of approval**

The term of the renewal must be determined by the local government having regard to the information submitted by the applicant.

## **Schedule 21      Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road**

Section 11

### **1      Prescribed activity**

Undertaking regulated activities on local government controlled areas and roads—  
(a) driving or leading of animals to cross a road.

### **2      Activities that do not require approval under the authorising local law**

An approval under the authorising local law is not required for—

- (a) a person who has been granted approval for installation of a gate or grid on a road adjacent to the person's land; or
- (b) leading animals; or
- (c) driving animals that are not stock.<sup>4</sup>

### **3      Documents and materials that must accompany applications for approval**

The additional documents and materials that must accompany an application for an approval are—

- (a) details of how the applicant plans to carry out the activity and the regularity and duration of the activity;
- (b) details of the location where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users; and
- (c) details of the type and number or approximate number of animals that will be involved.

### **4      Additional criteria for the granting of approval**

The additional criteria for granting of the approval are—

- (a) the physical suitability of the road or footway for the proposed use;
- (b) the likelihood of the use causing undue nuisance, risk, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians;
- (c) the likely effect on the amenity of the surrounding area;
- (d) the likely effect on the local environment and any possible pollution or other environmental damage.

### **5      Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

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<sup>4</sup> Stock has the meaning given in the *Stock Route Management Act 2002*, Schedule 3.

**6 Conditions that will ordinarily be imposed on approvals**

The conditions ordinarily imposed on an approval are that the approval holder must—

- (a) conduct the activity on the days and times specified in the approval;
- (b) limit the number of stock participating in the activity to the number specified in the approval;
- (c) comply with specified safety requirements;
- (d) exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area;
- (e) provide an indemnity to the State and the local government;
- (f) maintain public liability insurance for an amount of no less than the amount listed in the local government's Requirements for Public Liability Insurance for Approval Holders published on the local government's website which indemnifies the local government in respect to any liability arising from the activity.

**7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in an approval.

**8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

## **Schedule 22      Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials**

Section 11

### **1      Prescribed activity**

Undertaking regulated activities on local government controlled areas and roads—  
(b) depositing of goods or materials.

### **2      Activities that do not require approval under the authorising local law**

*This section has been intentionally left blank.*

### **3      Documents and materials that must accompany applications for approval**

The additional documents and materials that must accompany an application for an approval are—

- (a) details of the location of where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users;
- (b) details of the quantity or volume and type of goods or materials that will be deposited; and
- (c) details of the duration of the depositing of the goods or materials.

### **4      Additional criteria for the granting of approval**

The additional criteria for granting of the approval are—

- (a) the physical suitability of the road or footway for the proposed use;
- (b) whether the activity will have an adverse effect on an existing service in, on or over a road.

### **5      Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

### **6      Conditions that will ordinarily be imposed on approvals**

The conditions ordinarily imposed on an approval are that the approval holder must—

- (a) ensure unobstructed movement of vehicles and pedestrians;
- (b) maintain public liability insurance for an amount of no less than the amount listed in the local government's Requirements for Public Liability Insurance for Approval Holders published on the local government's website which indemnifies the local government in respect to any liability arising from the activity;
- (c) observe standards specified by the local government in the carrying out of the works or activity;

- (d) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
- (e) lodge a security deposit with the local government in the amount specified in the approval;
- (f) reinstate the road following completion of the works or ceasing of the activity.

**7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in an approval.

**8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June unless otherwise specified in a renewal.

**Schedule 23      Undertaking regulated activities on local government controlled areas and roads— (c) undertaking of a public place activity prescribed by subordinate local law**

section 11

**1      Prescribed activity**

Undertaking regulated activities on local government controlled areas and roads—  
(c) undertaking of a public place activity prescribed by subordinate local law.<sup>5</sup>

**2      Activities that do not require approval under the authorising local law**

A cake stall, sausage sizzle, car wash or similar fundraising activity held on no more than 1 day.

**3      Documents and materials that must accompany applications for approval**

An application for an approval must be accompanied by—

- (a) a plan of the venue; and
- (b) a detailed statement of the nature of the activity; and
- (c) the dates and times the activity will be undertaken; and
- (d) if the applicant is not the owner of the land—the written consent of the owner; and
- (e) if approval of anything to be done under the approval is required under another law—a certified copy or other appropriate evidence of the approval.

**4      Additional criteria for the granting of approval**

For all approvals, the additional criteria are that—

- (a) the venue is safe and appropriate for the nature of the activity and for the number of people expected to attend; and
- (b) the activity will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the activity; and
- (d) adequate provision will exist for the disposal of refuse generated by the activity; and
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the venue.

**5      Conditions that must be imposed on approvals**

*This section has been intentionally left blank.*

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<sup>5</sup> See schedule 4 of this subordinate local law for the list of activities prescribed as public place activities that require approval.

**6 Conditions that will ordinarily be imposed on approvals**

The conditions ordinarily imposed on an approval are that the approval holder must—

- (a) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
- (b) maintain public liability insurance for an amount of no less than the amount listed in the local government's Requirements for Public Liability Insurance for Approval Holders published on the local government's website which indemnifies the local government in respect to any liability arising from the activity;
- (c) lodge security bond with council in the amount specified in the approval;
- (d) reinstate the area following the ceasing of the activity.

**7 Term of approval**

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

**8 Term of renewal of approval**

- (1) The term for which a renewal must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants a renewal the local government must specify by written notice, the term of the renewal or extension.

## **Schedule 24      Undertaking regulated activities on local government controlled areas and roads— (c) film and television activities.**

### Section 11

#### **1      Prescribed activity**

Undertaking regulated activities on local government controlled areas and roads—  
(c) film and television production activities for which a development application  
is not required under the local government's planning scheme

*Example—*

*commercial filming/photography*

#### **2      Activities that do not require approval under the authorising local law**

Filming or photography undertaken only for personal use.

#### **3      Documents and materials that must accompany applications for approval**

The following documents and materials must accompany applications for  
approval—

- (a) details of the location where the activity will be carried out, by way of plans  
or otherwise; and
- (b) if an applicant for an approval is not the owner of the premises on which the  
activity is to be operated, the application must be accompanied by the  
written consent of the owner; and
- (c) details of contact person; and
- (d) details of times; and
- (e) a certificate of currency of the applicant's public liability insurance for the  
activity.

#### **4      Documents and materials that must accompany applications for approval**

The additional criteria are as follows—

- (a) Whether the premises or location is suitable taking into account the—
  - (i) type of activity proposed; and
  - (ii) number of people involved in the activity; and
  - (iii) means of entry and exit for attendees and or vehicles if applicable.

#### **5      Conditions that must be imposed on approvals**

*This section has been intentionally left blank*

**6 Conditions that will ordinarily be imposed on approvals**

The conditions ordinarily imposed on an approval are that the approval holder must—

- (a) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
- (b) maintain public liability insurance for an amount of no less than the amount listed in the local government's Requirements for Public Liability Insurance for Approval Holders published on the local government's website which indemnifies the local government in respect to any liability arising from the activity;
- (c) lodge security bond with council in the amount specified in the approval;
- (d) reinstate the area following the ceasing of the activity;
- (e) advise residents living adjacent to the location of the time, nature and scale of the activity at least 7 days before the activity commences;
- (f) obtain additional approval under the local laws to use vehicles, aircraft, vessels and non-filming equipment on local government areas;
- (g) vegetation must not be disturbed or damaged;
- (h) inform the local government of any alterations to the activity schedule;
- (i) ensure a sufficient number of sanitary conveniences are available during the activity;
- (j) fees are to be paid in accordance with the local government's current fees and charges schedule.

**9 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in an approval.

**10 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

## **Schedule 25      Bringing or driving motor vehicles onto a park or reserve**

### **Section 11**

#### **1      Prescribed activity**

Bringing a motor vehicle onto or driving a motor vehicle on a place that is—

- (a) within a local government controlled area; and
- (b) not within a motor vehicle access area.

*Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2018*, section 6(2).

#### **2      Activities that do not require approval under the authorising local law**

- (a) access to a local government controlled area by an authorised contractor for the purposes of repairing or maintaining a local government facility; or
- (b) persons holding an approval under another local law permitting the bringing or driving of motor vehicles onto local government controlled areas.

#### **3      Documents and materials that must accompany applications for approval**

An application must be accompanied by—

- (a) full details of the need and reasons for bringing the motor vehicle onto the local government controlled area; and
- (b) the date and time and duration of bringing the motor vehicle onto the area; and
- (c) the parts of the area where the motor vehicle will be driven; and
- (d) the type of motor vehicle to be driven; and
- (e) any other documentation and materials requested on the approved application form.

#### **4      Additional criteria for the granting of approval**

The additional criteria are that—

- (a) the vehicle access is required for—
  - (i) construction, repair and maintenance work within the local government controlled area; or

- (ii) access to a temporary entertainment venue for which the applicant has received approval under another local law; or
- (iii) holding a celebration, ceremony or competition for which the applicant has received approval under another local law.
- (b) access by the vehicle will not—
  - (i) unduly interfere with the usual use and enjoyment of the area;
  - (ii) impact on the natural resources and native wildlife of the area;
  - (iii) cause damage to the area;
  - (iv) generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood or other users of the area.

## **5 Conditions that must be imposed on approvals**

The conditions that must be imposed on an approval are that the approval—

- (a) will be valid only for the specific vehicle or type of vehicle specified in the approval; and
- (b) is not transferable; and
- (c) is displayed on the dashboard of the vehicle while it is within the local government controlled area; and
- (d) holder must ensure the safety of other users of the area arising from the carrying out of the activity; and
- (e) holder must pay to the local government the cost of rectifying any damage caused by using the vehicle in the area.

## **6 Conditions that will ordinarily be imposed on approvals**

The following condition will ordinarily be imposed on approvals—

- (a) The approval holder must give at least 24 hours notice to neighbouring land holders that the area will be accessed under the approval.

## **7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

**Schedule 26      Bringing or driving prohibited vehicles onto motor  
vehicle access areas**

Section 11

*This schedule has been intentionally left blank*

**Schedule 27      Use of bathing reserves for training, competitions  
etc**

Section 11

*This schedule has been intentionally left blank*

## **Schedule 28      Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee**

section 11

### **1      Prescribed activity**

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee (*Local Law No.5 (Parking) 2018*, section 7(1)).

### **2      Activities that do not require approval under the authorising local law**

*This section has been intentionally left blank*

### **3      Documents and materials that must accompany applications for approval**

An application for a parking permit must be accompanied by the following information—

- (a) for a works zone permit—
  - (i) the name, address, telephone number and e-mail address of the applicant; and
  - (ii) the trading name, address, telephone number and email address of the business under which the permit will be issued; and
  - (iii) the registration number, make, model and colour of any vehicle nominated in the application; and
  - (iv) the address at which the vehicle/s will be parked; and
  - (v) details of the works being carried out on the premises including—
    - (A) copy of the development application and/or building works approval; and
    - (B) in the case of continuing traffic, the nature and type of the traffic and the general class of vehicle likely to be parked in the works zone; and
    - (C) the hours of operation; and
- (b) for a business parking permit—
  - (i) the name, address, telephone number and e-mail address of the applicant; and
  - (ii) the trading name, address, telephone number and e-mail address of the business under which the permit will be issued; and

- (iii) the registration number, make, model and colour of the vehicle nominated in the application; and
- (iv) the location for and type of permit required.

#### **4 Additional criteria for the granting of approval**

*This section has been intentionally left blank.*

#### **5 Conditions that must be imposed on approvals**

The conditions that must be imposed on an approval, which will be granted in the form of a permit, are that—

- (a) the approval holder must affix the permit to the vehicle identified in the permit facing outwards and as near as practicable to the registration label for the vehicle; and
- (b) a replacement permit will only be issued after completion by the approval holder of a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original permit.

#### **6 Conditions that will ordinarily be imposed on approvals**

*This section has been intentionally left blank.*

#### **7 Term of approval**

An approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in an approval.

#### **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

## **Schedule 29      Parking in a loading zone by displaying a commercial vehicle identification label**

### **Section 11**

#### **1      Prescribed activity**

Parking in a loading zone by displaying a commercial vehicle identification label  
*Local Law No.5 (Parking) 2018, section 8(1).*

#### **2      Activities that do not require approval under the authorising local law**

*This section is not applicable for this prescribed activity.*

#### **3      Documents and materials that must accompany applications for approval**

An application for a parking permit must be accompanied by the following documents—

- (a) the name, home address, telephone number and e-mail address of the applicant; and
- (b) the business name, address, telephone number and e-mail address of the applicant's business; and
- (c) the registration number, make, model and colour of the vehicle nominated in the application; and
- (d) a copy of the current registration notice for the vehicle; and
- (e) the number of persons the vehicle is built to carry; and
- (f) details of the usage of the vehicle, including the—
  - (i) nature of goods carried in the vehicle; and
  - (ii) quantity of goods carried; and
  - (iii) hours that goods are carried; and
  - (iv) frequency with which goods will be loaded/unloaded.

#### **4      Additional criteria for the granting of approval**

*This section has been intentionally left blank*

#### **5      Conditions that must be imposed on approvals**

*This section has been intentionally left blank*

#### **6      Conditions that will ordinarily be imposed on approvals**

The conditions that will ordinarily be imposed on an approval for a commercial vehicle identification label are that—

- (a) the approval applies to the vehicle registration and applicant nominated on the application form;
- (b) the label must be affixed to the lower left-hand corner of the windscreen or other highly visible location on the left-hand side of the vehicle;

- (c) the label is not transferable to the new owner of the vehicle if the vehicle is sold;
- (d) in the event of a change of vehicle the approval holder is required to destroy the label;
- (e) in the event of a change of vehicle the approval holder is to complete a new application form with new vehicle details;
- (f) damaged or defaced labels must be returned to the local government;
- (g) a label must not be wilfully misused.

## **7 Term of approval**

The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.

## **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

## **Schedule 30      Carrying out works on a road or interfering with a road or its operation**

### **Section 11**

#### **1      Prescribed activity**

Carrying out works on a road or interfering with a road or its operation

*Local Government Act 2009, section 75(2)*

#### **2      Activities that do not require approval under the authorising local law**

*This section has been intentionally left blank*

#### **3      Documents and materials that must accompany applications for approval**

- (1) The application must be accompanied by—
  - (a) full details of the proposed works on the road or interference with its operation; and
  - (b) if the applicant proposes to erect or install a structure on, over or under the road – plans and specifications of the structure; and
  - (c) details of building or other work to be carried out under the approval.
- (2) For approvals for installation of a gate or grid, an application must also be accompanied by—
  - (a) the name, address and telephone number of the person who will be installing the gate or grid; and
  - (b) details of the gate or grid to be installed including—
    - (i) its design, dimensions and construction, including details of the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment; and
    - (ii) when, where and how the gate or grid is to be installed; and
    - (iii) a site plan to scale and specifications of the gate or grid to be installed; and
  - (c) details of all insurances held by the person who will be installing the gate or grid.

#### **4      Additional criteria for the granting of approval**

- (1) The additional criteria for approvals for the installation of a vehicular access to premises are the following—
  - (a) the owner of the premises accepts the responsibility for the cost of installing and maintaining the vehicular access; and
  - (b) unless special reasons exist, there is only one vehicular access per allotment or one every 20 metres of road frontage.
- (2) The additional criteria for approvals for the installation of a gate or grid on a road are the following—

- (a) the gate or grid will not unduly obstruct pedestrian or vehicular traffic; and
- (b) the gate or grid will not prejudice the safety of pedestrian or vehicular traffic; and
- (c) the gate or grid will not prejudice the proper maintenance of the road; and
- (d) the matters which are the subject of the conditions specified in section 6(2) of this schedule which are relevant to the installation of the gate or grid can be adequately addressed by the imposition of those conditions.

## 5 Conditions that must be imposed on approvals

*This section has been intentionally left blank*

## 6 Conditions that will ordinarily be imposed on approvals

- (1) For approvals for installing a vehicular access to premises, the conditions that will ordinarily be imposed on an approval are that the approval holder must ensure that—
  - (a) if an allotment is located on a corner—the vehicular access to the premises is not constructed along the arc of the kerb return into the side street; and
 

*Example for paragraph (a) —*  
A vehicular access to the premises cannot lie between the tangent points of the turnout arc.
  - (b) the vehicular access to the premises is—
    - (i) 600 millimetres clear of stormwater drainage and catchpits; and
    - (ii) 800 millimetres clear of power poles or light poles;
  - (c) the vehicular access is not built over hydrants or other services;
  - (d) where a vehicular access is built over a service cover, the cover is altered and reconstructed to the level of the new driveway;
  - (e) the vehicular access is constructed in accordance with the engineering guidelines adopted by the local government.
- (2) For approvals for installing or operating gates or grids on a road, the conditions that will ordinarily be imposed are that the approval holder must ensure that—
  - (a) the gate or grid, the approaches to the gate or grid and the warning signs are erected and installed in accordance with the following requirements—
    - (i) a grid or gate must be erected—
      - (A) at locations approved by the local government; and
      - (B) as directed by the local government;
    - (ii) a grid is constructed at a skew of 5% to the centreline of the road;
    - (iii) the centre of the grid or gate coincides with the centreline of the road;
    - (iv) a gate is constructed at right angles to the road centreline;

- (v) the grade of the motor grid conforms to the grade of the road unless otherwise ordered by the local government;
- (vi) the levels of the grid surface (including crossfalls) are in accordance with the directions of the local government;
- (vii) when the grid is on a curve, the crossfall conforms to the cant of the curve;
- (viii) the surface of the grid is 0.5 metres (with a tolerance of 0.1 metre) above the natural surface of the surrounding country;
- (ix) approach ramps are constructed for the full width of the running surface of the grid;
- (x) the longitudinal grade of the approach ramps are such that the surface levels of the ramps deviate from the existing average grade of the road by not more than 1%;
- (xi) the fill used in the approach ramps is thoroughly compacted and finished to the satisfaction of the local government;
- (xii) a grid is constructed of steel or concrete and is—
  - (A) of dimensions not less than 4 metres by 2.4 metres; or
  - (B) of such greater dimensions as may be required by the local government; and
- (xiii) the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment—
  - (A) are sufficient to guarantee the safe transit of vehicles;
  - (B) will not interfere with the natural drainage of the area; and
- (xiv) the construction of the grid will allow for the movement of stock by a suitable gate erected—
  - (A) beside the grid; and
  - (B) within the road reserve;
- (xv) sufficient guide posts and rails are provided, as shown on the drawings, to satisfy road traffic safety requirements at the specific location;
- (xvi) reflectorised grid warning signs which satisfy the requirements of the Manual of Uniform Traffic Control Devices (Queensland) are provided at the approaches to the grid in accordance with best traffic safety practice;
- (b) the gate or grid, the approaches thereto and the warning signs are maintained to the standard specified in the local government's standard specification;
- (c) maintain public liability insurance for an amount of no less than the amount listed in the local government's Requirements for Public Liability Insurance for Approval Holders published on the local government's website which

indemnifies the local government in respect to any liability arising from the activity;

- (d) a management program is maintained, which details how and when the gate or grid will be monitored and maintained.

#### **7 Term of approval**

The term of an approval commences on the date the approval is granted and expires on the next 30<sup>th</sup> day of June, unless otherwise specified in the approval.

#### **8 Term of renewal of approval**

An approval that is renewed expires on the next 30<sup>th</sup> day of June, unless otherwise specified in a renewal.

## Endnotes

### 1 Key

Key to abbreviations in list of amending local laws and annotations

Key	Explanation	Key	Explanation
amd	= amended	prec	= preceding
amdt	= amendment	prev	= previous
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	rep	= repealed
ins	= inserted	s	= section
num	= numbered	sch	= schedule
om	= omitted	sdiv	= subdivision
p	= page	sub	= substituted
para	= paragraph	unnum	= Unnumbered

### 2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019</i>	23 October 2019	

### 3 List of amending local laws

*Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019*

Commenced on 23 October 2019

### 4 List of annotations

**Schedule 10— Installation of advertising devices**

s 2(3)(k)                      amd    2019 No. 2 s 6

s 2(3)(p)                      amd    2019 No. 2 s 6

**Schedule 11 – Keeping of animals**

s 4(4)                          amd    2019 No. 2 s 7

s 6(a)                          amd    2019 No. 2 s 7

**Schedule 24— Undertaking regulated activities on local government controlled areas and roads — (c) film and television activities**

s 6(g)                          amd    2019 No. 2 s 8

**Schedule 30— Carrying out works on a road or interfering with a road or its operation**

s 6(2)(a)(ii)                  amd    2019 No. 2 s 9

s 6(2)(a)(xii)(A)            amd    2019 No. 2 s 9

s 6(c)                          om     2019 No. 2 s 9

s 6(d) and (e)                renum 2019 No. 2 s 9



# **Mareeba Shire Council**

## **Subordinate Local Law No. 2 (Animal Management) 2018**

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## Mareeba Shire Council Subordinate Local Law No. 2 (Animal Management) 2018

### Contents

<b>Part 1</b>	<b>Preliminary</b>	<b>4</b>
1	Short title	4
2	Purpose and how it is to be achieved	4
3	Authorising local law	4
4	Definitions	4
<b>Part 2</b>	<b>Keeping of animals</b>	<b>4</b>
5	Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)	4
6	Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)	5
7	Animals that must be desexed—Authorising local law, s 7	5
8	Minimum standards for keeping animals—Authorising local law, s 8(1)	5
9	Identification for cats and dogs in certain circumstances—Authorising local law, s 9	5
<b>Part 3</b>	<b>Control of animals</b>	<b>5</b>
10	Public places where animals are prohibited—Authorising local law, s 10(1)	5
11	Dog off-leash areas—Authorising local law, s 11(1)	5
12	Animal faeces in public places—Authorising local law, s13	5
13	Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)	6
14	Criteria for declared dangerous animals—Authorising local law, s 19(1)	6
<b>Part 4</b>	<b>Seizure, impounding or destruction of animals</b>	<b>6</b>
15	Place of care for impounded animals—Authorising local law, s 24	6
16	Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b)	6
17	Register of impounded animals—Authorising local law, s 33(3)	6
<b>Part 5</b>	<b>Miscellaneous</b>	<b>7</b>
18	Conditions regarding sale of animals—Authorising local law, s 42(1)	7
19	Animals excluded from application of the local law—Authorising local law, schedule	7
20	Species that are declared dangerous animals—Authorising local law, schedule	7

21 Prescribed period for reclaiming animals—Authorising local law, schedule 7

<b>Schedule 1 Prohibition on keeping animals .....</b>	<b>8</b>
<b>Schedule 2 Requirement for approval to keep animals.....</b>	<b>10</b>
<b>Schedule 3 Requirement to desex animal .....</b>	<b>11</b>
<b>Schedule 4 Minimum standards for keeping animals generally .....</b>	<b>13</b>
<b>Schedule 5 Minimum standards for keeping particular animals .....</b>	<b>14</b>
<b>Schedule 6 Prohibition of animals in public places.....</b>	<b>16</b>
<b>Schedule 7 Dog off-leash areas.....</b>	<b>17</b>
<b>Schedule 8 Requirements for proper enclosures for animals .....</b>	<b>18</b>
<b>Schedule 9 Criteria for declared dangerous animals.....</b>	<b>21</b>
<b>Schedule 11 Dictionary.....</b>	<b>23</b>
<b>Endnotes</b>	<b>24</b>

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2018*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2018*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
  - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
  - (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and
  - (c) the control of animals in public places; and
  - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
  - (e) the conditions to be complied with by persons who offer animals, or a particular species of animals, for sale; and
  - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2018* (the **authorising local law**).

### 4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law, unless otherwise defined in the dictionary in Schedule 11 of this subordinate local law.

## Part 2 Keeping of animals

### 5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

**6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)**

For section 6(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

**7 Animals that must be desexed—Authorising local law, s 7**

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

**8 Minimum standards for keeping animals—Authorising local law, s 8(1)**

- (1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

**9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9**

For section 9 of the authorising local law, the identification required for a dog that is at a place other than the address stated in the registration notice for the dog is a tag attached to a collar of a dog.

**Part 3 Control of animals****10 Public places where animals are prohibited—Authorising local law, s 10(1)**

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

**11 Dog off-leash areas—Authorising local law, s 11(1)**

For section 11(1) of the authorising local law, the areas described in schedule 7 are designated as dog off-leash areas.

**12 Animal faeces in public places—Authorising local law, s13**

For section 13 of the authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way—

*Intentionally left blank.*

**13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)**

For section 14(2) of the authorising local law, column 2 of schedule 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

**14 Criteria for declared dangerous animals—Authorising local law, s 19(1)**

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 9.

**Part 4                      Seizure, impounding or destruction of animals****15 Place of care for impounded animals—Authorising local law, s 24**

For section 24 of the authorising local law, the place of care for animals impounded by the local government will be operated by the local government or be a contractor of the local government, or be nominated by a resolution of the local government.

**16 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b)**

For section 32(1)(b) of the authorising local law, the following animals may be sold by private agreement, destroyed or disposed of in some other way without being destroyed—

- (a) dogs;
- (b) cats;
- (c) birds and noisy birds;
- (d) pigs, sheep, goats and other small animals.

**17 Register of impounded animals—Authorising local law, s 33(3)**

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the local government's public office.

## Part 5 Miscellaneous

### 18 Conditions regarding sale of animals—Authorising local law, s 42(1)

For the purposes of section 42(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 10 must comply with the conditions set out in column 2 of schedule 10.

### 19 Animals excluded from application of the local law—Authorising local law, schedule

For the purposes of the definition of *animal* in the schedule to the authorising local law, the following species of animal are excluded from the application of the local law—

- (a) fish;
- (b) insects; and
- (c) amphibians.

### 20 Species that are declared dangerous animals—Authorising local law, schedule

For the purposes of the definition of *declared dangerous animal* in the schedule to the authorising local law, no species of animal is a declared dangerous animal.

### 21 Prescribed period for reclaiming animals—Authorising local law, schedule

For the purposes of the definition of *prescribed period* in the schedule to the authorising local law, the prescribed period is—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days.

## Schedule 1 Prohibition on keeping animals

section 5

	<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals is prohibited</b>
1	Dog	(a) Keeping more than 2 dogs is prohibited on a property that is 450m <sup>2</sup> or less, or within a residential unit in an urban area.
2	Cat	(a) Keeping more than 2 cats is prohibited on a property that is 450m <sup>2</sup> or less, or within a residential unit in an urban area.
3	Poultry	(a) Keeping poultry is prohibited on a property that is 450m <sup>2</sup> or less, or within a residential unit in an urban area. (b) Keeping more than 10 poultry is prohibited on a property that is greater than 450m <sup>2</sup> but less than 20,000m <sup>2</sup> in an urban area. (c) Keeping more than 50 poultry is prohibited on a property that is 20,000m <sup>2</sup> or more in an urban area.
4	Rooster	(a) Keeping a rooster is prohibited on a property that is 20,000m <sup>2</sup> or less, or within a residential unit in an urban area. (b) Keeping more than 1 rooster is prohibited on a property that is 20,000m <sup>2</sup> or more in an urban area.
5	Noisy bird	(a) Keeping a noisy bird is prohibited on a property that is 450m <sup>2</sup> or less, or within a residential unit in an urban area. (b) Keeping more than 2 noisy birds is prohibited on a property in an urban area.
6	Caged bird	(a) Keeping more than 10 caged birds is prohibited on a property that is 450m <sup>2</sup> or less, or within a residential unit in an urban area. (b) Keeping more than 60 caged birds is prohibited on a property in an urban area.
7	Stock (excluding horses)	(a) Keeping stock (excluding horses) is prohibited on a property that is 10,000m <sup>2</sup> or less, or within a residential unit in an urban area.
8	Pigs	(a) Keeping a pig is prohibited on a property that is

		20,000m <sup>2</sup> or less in an urban area.
9	Horses	(a) Keeping a horse is prohibited on a property that is 450m <sup>2</sup> or less or within a residential unit in an urban area.

## Schedule 2 Requirement for approval to keep animals

section 6

	<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals requires approval<sup>1</sup></b>
1	Dog	<p>(a) An approval is required to keep more than 2 dogs over the age of 12 weeks on a property that is 451m<sup>2</sup> or more in an urban area.</p> <p>(b) An approval is required to keep a dog at an approved camping ground or caravan park.</p>
2	Cat	<p>(a) An approval is required to keep more than 2 cats over the age of 12 weeks on a property that is 451m<sup>2</sup> or more in an urban area.</p>
3	Stock	<p>(a) An approval is required to keep more than 2 head of stock on a property that is 10,000m<sup>2</sup> or more in an urban area.</p>
4	Pigs	<p>(a) An approval is required to keep a pig on a property that is 20,000m<sup>2</sup> or more in an urban area.</p>
5	Horses	<p>(a) An approval is required to keep a horse on a property that is 451m<sup>2</sup> or more but less than 10,000m<sup>2</sup> in an urban area.</p> <p>(b) An approval is required to keep more than 2 horses on a property that is 10,000m<sup>2</sup> or more in an urban area.</p>

<sup>1</sup> See *Local Law No.1 (Administration) 2018* and *Subordinate Local Law No.1 (Administration) 2018* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

## Schedule 3 Requirement to desex animal

### Section 7

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Age at which animal must be desexed</b>	<b>Column 3 Exemptions to the requirement for desexing</b>
1.	Cats	16 weeks	<p>(a) There is a signed veterinary surgeon certificate for the cat stating that desexing is likely to be a serious risk to the health of the cat; or</p> <p>(b) The owner or responsible person for the cat—</p> <ul style="list-style-type: none"> <li>(i) is the owner or operator of a pound or shelter;</li> <li>(ii) is a member of a recognised breeders association and the person intends to breed from the cat;</li> <li>(iii) is a member of a registered show association and the person intends to show or exhibit the cat; or</li> <li>(iv) holds an animal breeder approval with respect to the cat.</li> </ul>
2.	Dogs	26 weeks	<p>(a) There is a signed veterinary surgeon certificate for the dog stating that desexing is likely to be a serious risk to the health of the dog; or</p> <p>(b) The owner or responsible person for the dog—</p> <ul style="list-style-type: none"> <li>(i) is a member of a recognised breeder association and the person intends to breed from the dog;</li> <li>(ii) is a member of a registered show association and the person intends to show or exhibit the dog;</li> <li>(iii) holds an animal breeder approval with respect to the dog; or</li> <li>(iv) is the owner or operator of a pound or shelter; or</li> <li>(v) is a foster carer for the dog appointed by a pound or shelter on a</li> </ul>

			<p>temporary basis.</p> <p>(c) The dog was registered with the local government prior to the commencement of this local law and ownership of the dog has not changed.</p> <p>(d) The dog is over the age of 8 years of age.</p>
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## Schedule 4 Minimum standards for keeping animals generally

section 7(1)

1. The person keeping the animal must ensure that—
  - (a) the animal does not—
    - (i) cause a nuisance; or
    - (ii) expose the health and safety of other persons and animals to significant risk; or
    - (iii) create a reasonable apprehension in the minds of other persons of a significant risk to health and safety of persons, other animals or that animal; and
  - (b) waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining land; and
  - (c) excreta, food scraps, and other material that is, or is likely to become, offensive is collected at least once in each day and, if not immediately disposed of, is kept in a fly proof container; and
  - (d) any enclosure in which an animal is kept is kept in a clean and sanitary condition, free from dust and odour and properly maintained in an aesthetically acceptable condition; and
  - (e) the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept; and
  - (f) any animal food is stored in an impervious fly proof and vermin proof receptacle or in an impervious fly proof and vermin proof storeroom facility; and
  - (g) all animals kept on the premises are provided with and have access to adequate shelter, drinking water and appropriate food; and
  - (h) any enclosure used for the purpose of keeping an animal is thoroughly cleaned each week and effectively treated with an insecticide at least twice a year; and
  - (i) upon discovering the existence of a dead animal, immediately dispose of the remains of the dead animal so as not to cause a nuisance. The remains must not be disposed of on or in a public place.
2. For subsection 1(a)(i), a nuisance occurs if an authorised officer considers there is sufficient evidence that people in nearby properties are being affected by the activity of the offending animal.

*Examples—*

*Animal noise is a nuisance if it disrupts a person—*

- (a) *holding a conversation; or*
- (b) *watching television; or*
- (c) *listening to a radio or recorded material; or*
- (d) *sleeping.*

*An odour is a nuisance if caused by—*

- (a) *an animal enclosure not being cleaned regularly; or*
- (b) *the waste from an animal enclosure not being disposed in an acceptable manner.*

## Schedule 5 Minimum standards for keeping particular animals

section 7(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1.	Horse, Cattle, Donkey, Sheep, Goat and other animals of a similar size	<p>(a) If a stable is constructed—</p> <ul style="list-style-type: none"> <li>(i) a covered receptacle for manure or other offensive matter must be kept in the stable; and</li> <li>(ii) the inside face of all external walls and all faces of interior walls of a stable must be lime washed or painted at least once in every year; and</li> <li>(iii) the interior of a stable must be sprayed at least once in every 3 months with a germicidal spray; and</li> <li>(iv) any part of a stable (except a stable used exclusively for milk cows) must not be within a distance of 130 metres of a dairy produce premises or milking shed; and</li> <li>(v) the stable must be constructed in accordance with provisions of the <i>Building Act 1975</i> and any applicable codes as defined by that Act; and</li> <li>(vi) any part of a stable must not be situated— <ul style="list-style-type: none"> <li>(A) 10m from an adjoining boundary of an allotment that is 2,000m<sup>2</sup> or more; and</li> <li>(B) 1m from any dwelling; and</li> <li>(C) 15m from any structure in which food for human consumption is processed or stored; and</li> <li>(D) 6m from a roadway; and</li> </ul> </li> </ul> <p>(b) The keeper must not deposit manure in any way that may pollute or be likely to pollute water which is used or is likely to be used for human consumption or for dairy purposes.</p>
2.	Poultry	<p>(a) Fowl houses, fowl pens and runs are not to be situated—</p> <ul style="list-style-type: none"> <li>(i) within 10m of a dwelling or place where food is kept, processed or stored; and</li> <li>(ii) within 2m of any property boundary or a road; and</li> </ul> <p>(b) Poultry food must be stored in a vermin proof receptacle.</p>
3.	Pig	<p>(a) The interior of the enclosure where pigs are kept must be sprayed at least once every 3 months with a germicidal spray.</p>

		<p>(b) Any part of a sty or other enclosure in which a pig is kept must not be situated—</p> <ul style="list-style-type: none"><li>(i) 10m from an adjoining boundary; and</li><li>(ii) 15m from any dwelling; and</li><li>(iii) 15m from any structure in which food for human consumption is processed or stored; and</li><li>(iv) 6m from a roadway; and</li><li>(v) 20m from any watercourse, well or bore.</li></ul>
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**Schedule 6      Prohibition of animals in public places**

section 9

	<b>Column 1 Public place</b>	<b>Column 2 Species or breed of animals prohibited</b>
1		<i>This table has been intentionally left blank.</i>

## **Schedule 7      Dog off-leash areas**

section 10

*This schedule has been intentionally left blank.*

## Schedule 8 Requirements for proper enclosures for animals

section 12

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1.	All Animals	<p>(a) To the reasonable satisfaction of an authorised person the enclosure—</p> <ul style="list-style-type: none"> <li>(i) must be suitably fenced to contain the animal;</li> <li>(ii) must be of a size appropriate to the species and breed of the animal to be enclosed;</li> <li>(iii) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and</li> <li>(iv) must contain adequate shelter for all animals kept in the enclosure; and</li> </ul> <p>(b) The enclosure's gates must be closed and latched except when in actual immediate use.</p> <p>(c) For the purpose of sub-paragraph (a), "suitably fenced" means a fence constructed of strong materials and designed in such a way to the prevent the animal from—</p> <ul style="list-style-type: none"> <li>(i) escaping over, under, through or around the fence;</li> <li>(ii) protruding over, under, through or around the fence; and</li> <li>(iii) attacking a person or animal over, under, through or around the fence.</li> </ul> <p>(d) Keeping an animal on a leash or tether does not constitute a proper enclosure.</p>
2.	Dogs	<p>(a) If the dog is able to jump or climb the fence, the fence or enclosure must be constructed in such a way as to prevent the dog from jumping or climbing over the fence.</p> <p>(b) If the dog is a digger, a barrier must be installed directly below the fence or enclosure which is adequate to prevent the dog from digging and escaping under the fence.</p>
3.	Guard dogs	<p>(a) The enclosure must—</p> <ul style="list-style-type: none"> <li>(i) be constructed to a standard approved by an authorised person; and</li> <li>(ii) clearly display a warning sign, approved by an authorised</li> </ul>

		<p>person to the entrance to the property where the guard dog is being kept. The sign must prominently and permanently display in lettering not less than 50mm in height on a background of a type and colour to ensure that the lettering is readily legible, the following—</p> <p><i>"Beware – Guard dog (or dogs) on premises"</i></p> <p>(b) The guard dog must be confined in a secure enclosure at all times when the public has access to the property where the dog is being kept.</p>
4.	Noisy birds	<p>(a) The cages/enclosures must—</p> <ul style="list-style-type: none"> <li>(i) not be sited within 25 metres of any residence on adjoining premises;</li> <li>(ii) be sited at least 2 metres from the boundary of any adjoining premises;</li> <li>(iii) not, in combination with all buildings on the allotment, exceed 50% of the area of the allotment; and</li> <li>(iv) be located at the rear of the premises behind the residence (if any) situated on the premises.</li> </ul>
5.	Poultry (other than rooster)	<p>(a) The enclosure must—</p> <ul style="list-style-type: none"> <li>(i) be sited no closer than 2 metres from the property boundary;</li> <li>(ii) be located at the rear of the premises behind the residence (if any) situated on the premises;</li> <li>(iii) be constructed to prevent any such bird from being within 10 metres of any dwelling (except any dwelling on the premises); and</li> <li>(iv) be constructed to prevent any such bird from being within 10 metres of any premises used for the manufacture, preparation or storage of food for human consumption (other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the birds).</li> </ul>
6.	Rooster	<p>(a) The enclosure must not be sited closer than 25 metres from the property boundaries.</p> <p>(b) The enclosure must be constructed to prevent any such bird from going within 25 metres of any dwelling (except any dwelling on the premises).</p> <p>(c) The enclosure must also be constructed to prevent any such bird from going within 25 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the owner of the birds) used for the manufacture, preparation or storage of food for human consumption.</p>



**Schedule 9      Criteria for declared dangerous animals**

section 13

1. A dangerous animal declaration may be made for an animal only if the animal—
  - (a) has attacked, or acted in a way that caused fear to, a person or another animal; or
  - (b) may, in the opinion of an authorised person, having regard to the way the animal behaved towards a person or another animal, attack, or act in a way that causes fear to another person or animal.
2. To avoid any doubt, an animal may be declared a dangerous animal if the animal attacked and caused no bodily harm to the person or animal attacked.

**Schedule 10 Conditions for sale of animals**

section 17

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Conditions that must be complied with when offering animal for sale</b>
1	All animals	<p>(a) The animal must be in good health and free from disease; and</p> <p>(b) The animal must have been vaccinated and have received worm treatment; and</p> <p>(c) The area where the animal is held for sale must be clean and sanitary and free of vermin harbourage.</p>

## Schedule 11 Dictionary

**birds** means all birds other than noisy birds, poultry and roosters.

**lot** has the meaning given in the *Planning Act 2016*, schedule 2.

**noisy birds** means a cacophonous bird of the galah, cockatoo, magpie, peacock or currawong variety but does not include a rooster.

**planning scheme** means the planning scheme of the local government.

**poultry** includes any species of chickens (including bantam chickens), geese, ducks, guinea fowls, turkeys, pheasants or quails (excluding roosters).

**property** means—

- (a) a lot; or
- (b) if a person owns and occupies 2 or more adjoining lots – the parcel of land comprising all of the lots owned by the person.

**residential unit** means a residence in a residential development and includes a unit, flat, apartment, duplex, townhouse or similar residence.

*Example—*

- a residential unit within a retirement village.

**stock** means an animal that is a member of any of the following groups of animals—

- (a) buffalo;
- (b) cattle;
- (c) deer;
- (d) goats;
- (e) sheep;
- (f) the family Camillidae;

*Examples of members of the Camillidae family – alpacas, Arabian camels, llamas*

- (g) the family Equidae.

*Examples of members of the family Equidae – horses, ponies, donkeys, mules, zebras.*

**urban area** means—

- (a) an area identified as an area intended for an urban purpose, or for an urban purpose in the future, on a map in a planning scheme that—
  - (i) identifies the area using cadastral boundaries; and
  - (ii) is used exclusively or mainly to assess development applications;

*Example of a map for paragraph (a)— a zoning map*

- (b) any area within the local government area which is designated as one of the following zones in the planning scheme—
  - (i) Low Density Residential Zone;
  - (ii) Medium Density Residential Zone;
  - (iii) Rural Residential Zone;
  - (iv) Emerging Community Zone.

## Endnotes

### 1. Key

Key to abbreviations in list of amending local laws and annotations

Key	Explanation	Key	Explanation
amd	= amended	prec	= preceding
amdt	= amendment	prev	= previous
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	rep	= repealed
ins	= inserted	s	= section
num	= numbered	sch	= schedule
om	= omitted	sdiv	= subdivision
p	= page	sub	= substituted
para	= paragraph	unnum	= Unnumbered

### 2. Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>Amending Subordinate Local Law No. 1 (Animal Management) 2019</i>	1 February 2019	
2	<i>Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019</i>	23 October 2019	

### 3. List of amending local laws

*Amending Subordinate Local Law No. 1 (Animal Management) 2019*

Commenced on 1 February 2019

*Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws)  
2019*

Commenced on 23 October 2019

**4. List of Annotations**

**Definitions**

s4            amd 2019 No. 2 s 11

**Schedule 1 — Prohibition on keeping animals**

s1(a)        amd 2019 No. 1 s 5

s2(a)        amd 2019 No. 1 s 5

s3(a)        amd 2019 No. 1 s 5  
              renum 2019 No. 2 s 12



# **Mareeba Shire Council**

## **Subordinate Local Law No. 3 (Community and Environmental Management) 2018**

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## Mareeba Shire Council Subordinate Local Law No. 3 (Community and Environmental Management) 2018

### Contents

<b>Part 1</b>	<b>Preliminary .....</b>	<b>3</b>
1	Short title .....	3
2	Purpose and how it is to be achieved .....	3
3	Authorising local law .....	3
4	Definitions .....	3
<b>Part 2</b>	<b>Declared local pests .....</b>	<b>3</b>
5	Declaration of local pests—Authorising local law, s 6(1) .....	3
6	Persons exempted from introducing etc a declared local pest— Authorising local law, s 12(2) .....	4
<b>Part 3</b>	<b>Overgrown and unsightly allotments .....</b>	<b>4</b>
<b>Part 4</b>	<b>Fires and fire hazards .....</b>	<b>4</b>
7	Prohibition on lighting or maintaining fires—Authorising local law, s 15(2) .....	4
8	Fire hazards—Authorising local law, s 16(3)(b) .....	4
<b>Part 5</b>	<b>Community safety hazards .....</b>	<b>5</b>
9	Community safety hazards—Authorising local law, s 17(c) .....	5
9A	Prescribed requirements for community safety hazards—authorising local law, s 20(1) .....	5
<b>Part 6</b>	<b>Noise standards .....</b>	<b>5</b>
10	Prescribed noise standards—Authorising local law, s 21(2) .....	5
<b>Part 7</b>	<b>Miscellaneous .....</b>	<b>6</b>
<b>Schedule 1</b>	<b>Declared local pests .....</b>	<b>7</b>
<b>Schedule 3</b>	<b>Prohibited Fires .....</b>	<b>9</b>
<b>Schedule 4</b>	<b>Prescribed requirements for community safety hazards .....</b>	<b>10</b>
<b>Schedule 5</b>	<b>Prescribed noise standards .....</b>	<b>11</b>
<b>Endnotes .....</b>		<b>12</b>

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No.3 (Community and Environmental Management) 2018*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.3 (Community and Environmental Management) 2018*, which provides for protecting the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for—
  - (a) declaration of local pests; and
  - (b) prohibition of lighting or maintaining certain fires; and
  - (c) declaration of fire hazards; and
  - (d) declaration of community safety hazards; and
  - (e) prescribed requirements for responsible persons for land containing community safety hazards; and
  - (f) declaration of noise standards.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.3 (Community and Environmental Management) 2018* (the **authorising local law**).

### 4 Definitions

Unless otherwise specified in this local law, particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

## Part 2 Declared local pests

### 5 Declaration of local pests—Authorising local law, s 6(1)

- (1) For section 6(1) of the authorising local law, the animal or plant prescribed in column 2 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 1 of schedule 1.

## **6 Persons exempted from introducing etc a declared local pest— Authorising local law, s 12(2)**

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 12(1) of the authorising local law in relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 2.

## **Part 3 Overgrown and unsightly allotments**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## **Part 4 Fires and fire hazards**

### **7 Prohibition on lighting or maintaining fires—Authorising local law, s 15(2)**

- (1) This section applies to the following fires<sup>1</sup>—
  - (a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres;
  - (b) a fire lit for the purpose of burning the carcass of a beast;
  - (c) a fire lit at a sawmill for the purpose of burning sawdust or other residue resulting from the operation of a sawmill;
  - (d) a fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.
- (2) For section 15(2) of the authorising local law, lighting or maintaining a fire described in column 2 of Schedule 3 is declared to be prohibited in the corresponding part of the local government's area mentioned in column 1 of Schedule 3.

### **8 Fire hazards—Authorising local law, s 16(3)(b)**

For section 16(3)(b) of the authorising local law, the following are declared to be fire hazards—

- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash;
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion;
- (c) dry vegetation that could be easily ignited or other flammable materials.

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<sup>1</sup> Pursuant to a notification by the Fire and Rescue Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Emergency Services Act 1990*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire conforms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

## Part 5 Community safety hazards

### 9 Community safety hazards—Authorising local law, s 17(c)

For section 17(c) of the authorising local law, the following are declared to be community safety hazards—

- (a) barbed wire fencing adjoining a public park or reserve or located in an urban area; and
- (b) electric fencing adjoining public land;
- (c) wells (including disused wells);
- (d) an unfenced dam adjacent to a public park or reserve;
- (e) disused machinery or machinery parts;
- (f) broken down or severely rusted vehicles, or vehicle parts;
- (g) accumulation of bottles, containers or packaging;
- (h) refuse or scrap metal;
- (i) fish frames, scraping, carcasses and/or guts;
- (j) vegetation on premises which:
  - (i) is located on land adjoining a local government controlled area or road; and
  - (ii) is dangerous or attracts vermin; or
  - (iii) has caused, or is, in the opinion of an authorised person, likely to cause:
    - (A) personal injury to a person using the area or road; or
    - (B) damage to property located on the area or road.

### 9A Prescribed requirements for community safety hazards—authorising local law, s 20(1)

For section 20(1) of the authorising local law, a responsible person for a community safety hazard listed in column 1 of schedule 4 must meet the requirements prescribed in the corresponding part of column 2 of schedule 4.

## Part 6 Noise standards

### 10 Prescribed noise standards—Authorising local law, s 21(2)

- (1) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 5.
- (2) For section 21(2) of the authorising local law, the noise standard in column 2 of

schedule 5 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 5.

## **Part 7                      Miscellaneous**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

**Schedule 1      Declared local pests**

section 5

	<b>Column 1</b> <b>Applicable part of local</b> <b>government's area</b>	<b>Column 2</b> <b>Declared local pest</b>
1	Entire local government area	Amazon Frogbit ( <i>Limnobium Laevigatum</i> )

**Schedule 2      Persons exempted from offence of  
introducing etc declared local pest**

section 6(2)

	<b>Column 1</b> <b>Exempt person</b>	<b>Column 2</b> <b>Declared local pest</b>
1	<i>This table has been intentionally left blank</i>	

## Schedule 3 Prohibited Fires

section 6(2)

	Column 1 Applicable part of local government's area	Column 2 Prohibited Fires
1	Entire local government area	<p>A person must not light or maintain a fire in the open air (including the use of an incinerator) within 100 metres of a residence unless:</p> <ul style="list-style-type: none"> <li>(a) the fire is directly associated with the bona fide use of any appliance or equipment for cooking purposes; or</li> <li>(b) the fire is for a Traditional Smoking Ceremony; and</li> <li>(c) all reasonable and practical measures have been taken by the person in control of the fire to minimise smoke created by the fire.</li> </ul> <p>In this section:</p> <p><i>reasonable and practical measures</i> includes the selection of a suitable fuel for the burning activity and the maintenance of conditions which promotes efficient combustion of that fuel.</p> <p><i>suitable fuel</i> does not include grass cuttings, leaves, or any other household waste.</p>
2	Entire local government area	<p>A person must not light or maintain a fire that causes smoke or other products of combustion and is likely in the opinion of an authorised person to cause irritation, annoyance or distress to others.</p>

## Schedule 4 Prescribed requirements for community safety hazards

section 6(2)

	<b>Column 1 Community safety hazard</b>	<b>Column 2 Prescribed requirements to be met by owner of land</b>
1	Barbed wire fencing	<ul style="list-style-type: none"> <li>(a) Barbed wire fencing is not to be installed along a boundary adjoining a public park;</li> <li>(b) Barbed wire may only be used in urban areas— <ul style="list-style-type: none"> <li>(i) in a security fence with the barbed wire to be more than 1800mm off the ground; or</li> <li>(ii) on boundary fences on allotments over 40,000m<sup>2</sup> that do not adjoin a public park; or</li> <li>(iii) on fences that do not form part of an allotments boundary fence.</li> </ul> </li> </ul>
2	Electric fencing	<ul style="list-style-type: none"> <li>(a) Electric fencing that adjoins any road or public land must have warning signs of a size that can be read from a distance of 5 metres and fixed at 5 metre intervals along the fence;</li> <li>(b) Electric fencing must be at least 1500mm from a fence located on or within the boundary of the premises OR if the fencing is installed on the boundary of the premises the lowest point of the fencing capable of imparting an electric shock when touched must be least 2000mm off the ground;</li> <li>(c) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003;</li> <li>(d) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.</li> </ul>

## Schedule 5 Prescribed noise standards

section 11

Column 1	Column 2	Column 3
Section of the <i>Environmental Protection Act 1994</i> , Chapter 8, Part 3B, division 3	Prescribed noise standard	Applicable part of the local government area
440T Pumps	<ol style="list-style-type: none"> <li>1) This section applies to premises at or for which there is a pump.</li> <li>2) Subject to subsection (3) and (4), an occupier of the premises must not use, or permit the use of, the pump on any day— <ol style="list-style-type: none"> <li>a) from 7pm to 7am the following day, if it makes a noise of more than 3dB(A) above the background level; or</li> <li>b) from 7am to 7pm if it makes a noise of more than 5dB(A) above the background level.</li> </ol> </li> <li>3) Subsection (2)(a), does not apply to a noise made at an educational institution, that is not more than 5dB(A) above the background level.</li> <li>4) An occupier of the premises in a rural zone must not use, or permit the use of, the pump on any day— <ol style="list-style-type: none"> <li>a) from 7pm to 7am the following day, if it makes a noise of more than 5dB(A) above the background level; or</li> <li>b) from 7am to 7pm if it makes a noise of more than 15dB(A) above the background level.</li> </ol> </li> <li>5) In this section— <ol style="list-style-type: none"> <li>a) means an electrical, mechanical or pneumatic pump; and</li> </ol> <p><i>Examples—</i> <i>liquid pump, air pump, heat pump</i></p> <ol style="list-style-type: none"> <li>b) includes a swimming pool pump and a spa blower.</li> </ol> </li> </ol>	<p>Entire local government area</p> <p>Rural zone<sup>2</sup></p>

<sup>2</sup> **Rural zone** has the same meaning given to that term in the planning scheme.

## Endnotes

### 1. Key

Key to abbreviations in list of amending local laws and annotations

Key	Explanation	Key	Explanation
amd	= amended	prec	= preceding
amdt	= amendment	prev	= previous
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	rep	= repealed
ins	= inserted	s	= section
num	= numbered	sch	= schedule
om	= omitted	sdiv	= subdivision
p	= page	sub	= substituted
para	= paragraph	unnum	= Unnumbered

### 2. Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019</i>	23 October 2019	
2	<i>Amending Subordinate Local Law No. 3 (Community and Environmental Management) 2021</i>	7 May 2021	

### 3. List of amending local laws

*Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019*

Commenced on 23 October 2019

*Mareeba Shire Council Subordinate Local Law No. 3 (Community and Environmental Management) 2018 13*

*Amending Subordinate Local Law No. 3 (Community and Environmental Management) 2021*

Commenced on 7 May 2021

## **1 List of annotations**

### **Definitions**

s 4 amd 2019 No. 2 s 14

### **Prescribed requirements for community safety hazards**

s 9A ins 2019 No. 2 s 15

### **Schedule 3— Prohibited Fires**

s 1 amd 2019 No. 2 s 16

### **Schedule 5— Prescribed noise standards**

s 440T ins 2019 No. 2 s 17

### **Schedule 1 - Declared local pests**

s 1 ins 2021 No. 3 s 6



# **Mareeba Shire Council**

## **Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018**

## Mareeba Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

### Contents

<b>Part 1</b>	<b>Preliminary.....</b>	<b>3</b>
1	Short title.....	3
2	Purpose and how it is to be achieved.....	3
3	Authorising local law.....	3
4	Definitions.....	3
<b>Part 2</b>	<b>Use of local government controlled areas, facilities and roads.....</b>	<b>5</b>
5	Prohibited and restricted activities—Authorising local law, s 5(1).....	5
6	Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b).....	5
7	Prohibited vehicles—Authorising local law, s 6(3).....	5
8	Opening hours for local government controlled areas—Authorising local law, s 7(1).....	5
9	Permanent closure of local government controlled area—Authorising local law, s 8(3).....	5
<b>Part 3</b>	<b>Matters affecting roads.....</b>	<b>6</b>
10	Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3).....	6
<b>Schedule 1</b>	<b>Prohibited activities for local government controlled areas or roads.....</b>	<b>7</b>
<b>Schedule 2</b>	<b>Restricted activities for local government controlled areas or roads.....</b>	<b>9</b>
<b>Schedule 3</b>	<b>Motor vehicle access areas in local government controlled areas.....</b>	<b>10</b>
<b>Schedule 4</b>	<b>Opening hours for local government controlled areas.....</b>	<b>11</b>
<b>Schedule 5</b>	<b>Permanent closure of local government controlled areas.....</b>	<b>12</b>
<b>Endnotes.....</b>		<b>13</b>

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of access to local government controlled areas; and
  - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018* (the ***authorising local law***).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) In this local law—

***authorised by an authorised person***—

  - (a) means that the action is authorised by a written authorisation signed by an authorised person; and
  - (b) does not mean an approval mentioned in section 5(b) of *Local Law No.1 (Administration) 2018*.

***camping*** means—

- (a) to pitch, place or erect a tent, caravan or structure that may be used for camping for the purpose of staying overnight or temporarily by using the tent, caravan or structure;
- (b) to park or place a vehicle or other equipment that may be used for camping, for the purpose of staying overnight or temporarily by using the vehicle or equipment;

- (c) to keep a tent, caravan, vehicle or other equipment that may be used for camping in position overnight or temporarily, whether or not the tent, caravan, structure or equipment is unattended; or
- (d) to stay overnight or temporarily.

***designated camping area*** means any area that is approved by the local government for camping and includes any conditions imposed by the local government for the area that are displayed on a notice in, at or near the area.

## **Part 2 Use of local government controlled areas, facilities and roads**

### **5 Prohibited and restricted activities—Authorising local law, s 5(1)**

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

### **6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)**

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

### **7 Prohibited vehicles—Authorising local law, s 6(3)**

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

### **8 Opening hours for local government controlled areas—Authorising local law, s 7(1)**

For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.

### **9 Permanent closure of local government controlled area—Authorising local law, s 8(3)**

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

## **Part 3                      Matters affecting roads**

### **10    Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)**

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be constructed of materials which are of sufficient strength to prevent the animal(s) from escaping over, under or through the fence; and
- (b) where the animal(s) have the ability to dig, the fence must include a barrier installed directly below the fence to prevent the animal(s) digging its way out; and
- (c) where the animal(s) have the ability to climb or jump, the fence must be designed and constructed to a height which is sufficient to prevent the animal(s) climbing or jumping over the fence; and
- (d) where the fence includes gates or panels which can be readily opened, those gates or panels must be kept closed and latched except when in immediate use by a person entering or leaving the Premises on which the animal is kept.

## Schedule 1 Prohibited activities for local government controlled areas or roads

section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas and roads within the local government area	<p>(a) Contravene a sign prohibiting an activity.</p> <p><i>For example –</i></p> <ul style="list-style-type: none"> <li>• Diving or swimming;</li> <li>• Riding a bicycle, wheeled recreational device or wheeled toy.</li> </ul> <p>(b) Remove any turf, sand, clay, soil or other material.</p> <p>(c) Damage, interfere with, or wilfully misuse any animal, vegetation, facilities, notices, official signs, equipment or property owned by local government.</p> <p>(d) Fish, dive or jump from, or on, a bridge, structure or building.</p> <p>(e) Advertise a vehicle including a trailer, caravan, boat, motorbike for sale or hire.</p> <p>(f) Engage in conduct that in an authorised person's opinion is dangerous or creates a risk to the safety of members of the public.</p> <p>(g) Repair a vehicle/vessel except in an emergency.</p> <p>(h) Play golf or practice.</p> <p>(i) Park, stand or leave an unregistered vehicle on a local government controlled area.</p> <p>(j) Store a vessel on a local government area.</p> <p>(k) Exercise rights of occupation or use over any local government controlled area or road.</p> <p>(l) Carry out domestic tasks, including ablutions, cooking and washing unless on infrastructure provided by the local government for that purpose.</p> <p>(m) Camping in any area outside of a designated camping area.</p> <p>(n) Camping in any designated camping area if a person is camping contrary to a notice displayed by the local government, in the opinion of an</p>

		authorised person, including contrary to any conditions placed on a notice displayed by the local government.
2	Parks and Reserves within the local government area	<ul style="list-style-type: none"> <li>(a) Play golf or practice golf.</li> <li>(b) Play music or musical instruments at such a volume or in such a manner, in the opinion of an authorised person, as to interfere with any other persons enjoyment of the park, reserve or drainage channel.</li> </ul>
3	All bridges and culverts within the local government area	<ul style="list-style-type: none"> <li>(a) Loiter.</li> <li>(b) Dive or jump from a bridge.</li> <li>(c) Throw or drop an object from a bridge.</li> <li>(d) Obstruct or interfere with the bridge or culvert.</li> </ul>
4	Cemeteries	<ul style="list-style-type: none"> <li>(a) Depasture any animal.</li> <li>(b) Take part in any meeting other than of a religious or commemorative nature.</li> <li>(c) Disturb or interfere with a funeral service.</li> <li>(d) Discharge a firearm except at a military funeral or other recognised type of funeral service ordinarily involving such discharge.</li> <li>(e) Damage or interfere with any grave, vault or memorial with any flowers or tokens placed thereon.</li> <li>(f) Drive any vehicle otherwise than upon a designated roadway.</li> </ul>

**Schedule 2      Restricted activities for local government controlled areas or roads**

section 5(2)

	<b>Column 1</b> <b>Local government controlled area or road</b>	<b>Column 2</b> <b>Restricted activity</b>	<b>Column 3</b> <b>Extent of restriction</b>
1	All local government controlled areas and roads		
		Parking or standing a vehicle for sale or rent.	The activity is permitted if— (a) authorised by an authorised person; or (b) the vehicle is parked in an area designated by the local government for the purpose.

**Schedule 3      Motor vehicle access areas in local  
government controlled areas**

sections 6 and 7

<b>Column 1</b> <b>Motor vehicle access areas</b>	<b>Column 2</b> <b>Prohibited vehicles</b>
<i>This schedule has been intentionally left blank.</i>	

**Schedule 4      Opening hours for local government  
controlled areas**

section 8

<b>Column 1</b> <b>Local government controlled area</b>	<b>Column 2</b> <b>Opening hours</b>
<i>This schedule has been intentionally left blank.</i>	

## **Schedule 5      Permanent closure of local government controlled areas**

section 9

*This schedule has been intentionally left blank.*

## Endnotes

### 1. Key

Key to abbreviations in list of amending local laws and annotations

Key	Explanation	Key	Explanation
amd	= amended	prec	= preceding
amdt	= amendment	prev	= previous
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	renum	= renumbered
hdg	= heading	rep	= repealed
ins	= inserted	s	= section
num	= numbered	sch	= schedule
om	= omitted	sdiv	= subdivision
p	= page	sub	= substituted
para	= paragraph	unnum	= Unnumbered

### 2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	<i>num</i>	2 November 2019	

### 3 List of amending local laws

*Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019*

Commenced on 20 November 2019

### 4 List of annotations

### Schedule 1 – Prohibited activities on local government controlled areas or roads

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*Mareeba Shire Council      Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018* *14*

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s1(d)                      omit 2019 No. 1 s 19(1)  
s1                            renum 2019 No. 1 s 19(2)

## Mareeba Shire Council Amending Local Law No. 1 (Miscellaneous Local Laws) 2024

### Contents

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<b>Part 1 Preliminary .....</b>	<b>2</b>
1 Short Title .....	2
2 Object .....	2
3 Local Laws amended.....	2
4 Commencement .....	3
<b>Part 2 Amendment of Local Law No. 1 (Administration) 2018 .....</b>	<b>3</b>
5 Local law amended .....	3
6 Amendment to section 6 (Offence to undertake local law prescribed activity without approval) ..	3
7 Amendment to section 9 (Local government's discretion in granting approvals) .....	3
8 Insertion of new section 29A (Direction to leave a local government controlled area or road) .....	3
9 Insertion of new section 29B (Directions generally) .....	4
10 Amendment of schedule 1 (Dictionary) .....	5
11 Amendment of schedule 2 (Prescribed activities).....	5
<b>Part 3 Amendment of Local Law No. 3 (Community and Environmental Management) 2018 .....</b>	<b>6</b>
12 Local law amended .....	6
13 Insertion of new section 15A (Maintenance of premises) .....	6
14 Amendment of Schedule (Dictionary) .....	8
<b>Part 4 Amendment of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018 .....</b>	<b>8</b>
15 Local law amended .....	8
16 Amendment of section 5 (Prohibited and restricted activities) .....	8

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## Part 1 Preliminary

### 1 Short Title

This local law may be cited as *Amending Local Law No. 1 (Miscellaneous Local Laws) 2024*.

### 2 Object

(1) The object of this local law is—

- (a) to amend *Local Law No. 1 (Administration) 2018* to:
  - (i) provide for directions to be given by an authorised person to a person in a local government controlled area or road that has contravened or is contravening a local law;
  - (ii) create new offences for contravening a direction of an authorised person;
  - (iii) make changes to the definitions, including definitions for prescribed activities and other clarifying amendments; and
  - (iv) provide for a new prescribed activity for the establishment or occupation of temporary accommodation;
- (b) to amend *Local Law No. 3 (Community and Environmental Management) 2018* to:
  - (i) insert new requirements and offence provisions for the maintenance of premises; and
  - (ii) insert a new definition for graffiti; and
- (c) to amend *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018* to:
  - (i) to insert a new offence provision for complying with a verbal direction of an authorised person to cease undertaking a prohibited activity or restricted activity.

### 3 Local Laws amended

This local law is made pursuant to—

- (a) for part 2, *Local Law No. 1 (Administration) 2018*;
- (b) for part 3, *Local Law No. 3 (Community and Environmental Management) 2018*;  
and

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- (c) for part 4, *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*.

#### **4 Commencement**

This local law commences upon publication of the notice of *Amending Local Law No. 1 (Miscellaneous Local Laws) 2024* in the Gazette.

## **Part 2 Amendment of Local Law No. 1 (Administration) 2018**

#### **5 Local law amended**

This part amends *Local Law No. 1 (Administration) 2018*.

#### **6 Amendment to section 6 (Offence to undertake local law prescribed activity without approval)**

- (1) Section 6(1), footnote 2, ‘section 5(c)’—

*omit, insert—*

section 5(b)

#### **7 Amendment to section 9 (Local government’s discretion in granting approvals)**

- (2) Section 9(1)(f), ‘section 5(b)’—

*omit, insert—*

section 5(a)

- (3) Section 9(1)(g), ‘section 5(c)’—

*omit, insert—*

section 5(b)

#### **8 Insertion of new section 29A (Direction to leave a local government controlled area or road)**

- (1) Section 29A—

*insert—*

##### **29A Direction to leave a local government controlled area or road**

- (1) If an authorised person believes on reasonable grounds that a person on a local government controlled area or road is

contravening or has just contravened a provision of a local law, the authorised person may direct the person to:

- (a) leave the local government controlled area or road:
    - (i) within a stated reasonable time; or
    - (ii) immediately if the authorised person believes on reasonable grounds the contravention is serious or is a flagrant disregard for the provision of a local law; and
  - (b) not to re-enter the local government controlled area or road for a stated period of time as determined by the authorised person.
- (2) The person must comply with a direction given to the person under section 29A(1) of this local law, unless the person has a reasonable excuse for not complying with it.
- Maximum penalty—50 penalty units.
- (3) A person given a direction under section 29A(1) of this local law to leave a local government controlled area or road must not re-enter the local government controlled area or road unless the person has a reasonable excuse for the re-entry within the period stated in the direction.
- Maximum penalty—50 penalty units.
- (4) A person who has been given a direction under section 29A(1)(b) of this local law may make a written request for permission from the local government to re-enter the local government controlled area or road.
- (5) If the local government receives a written request under section 29A(4) of this local law, the local government may grant permission where it reasonably believes that the person will not commit a further contravention of a local law.

## 9 Insertion of new section 29B (Directions generally)

- (1) Section 29B—

*insert—*

### 29B Directions generally

- (1) An authorised person may direct a person committing a breach of a local law to:
  - (a) cease any conduct or activity which constitutes a breach of the local law; and

- (b) take such action determined by an authorised person to ensure that the person does not commit a breach of this local law.
  - (2) A person must comply with a direction of an authorised person made pursuant to this local law.
- Maximum penalty—50 penalty units.

## 10 Amendment of schedule 1 (Dictionary)

- (1) Schedule 1, definitions, caravan—

*omit, insert—*

***caravan*** has the same meaning as in section 7 of the *Residential Tenancies and Rooming Accommodation Act 2008*.

- (2) Schedule 1, definitions, in alphabetical order—

*insert—*

***planning scheme*** means the planning scheme for the Mareeba Shire Council local government area.

***vehicle*** includes any type of transport that moves on wheels, but does not include a train, tram, or ship.

## 11 Amendment of schedule 2 (Prescribed activities)

- (1) Schedule 2, Part 1, prescribed activities, after ‘undertaking regulated activities on local government controlled areas and roads—

*insert—*

establishment or occupation of temporary accommodation

- (2) Schedule 2, Part 2, definitions of prescribed activities, in alphabetical order—

*insert—*

***establishment or occupation of temporary accommodation*** means the erection, construction, installation, positioning or placement of a caravan used or intended for temporary use as a place of residence, for no more than six (6) months in a 12 month period, on a property with an existing dwelling house for use by family members or close friends of the property owner who are suffering hardship and unable to find other temporary or permanent accommodation, but does not include—

- (a) where the activity constitutes a material change of use of premises under the Planning Act or the local government's Planning Scheme;
  - (b) the establishment or the occupation of a temporary home on or in a camping ground of caravan park; or
  - (c) the establishment or occupation of a temporary home.
- (3) Schedule 2, Part 2, definition of 'establishment or occupation of a temporary home'—  
*omit, insert—*

***establishment or occupation of a temporary home*** means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence whilst a permanent residence is being constructed on the property, but does not include—

- (a) the erection of a structure for which a development approval is required under the Planning Act or the local government's Planning Scheme; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park; or
- (c) the establishment or the occupation of temporary accommodation.

## **Part 3 Amendment of Local Law No. 3 (Community and Environmental Management) 2018**

### **12 Local law amended**

This part amends *Local Law No. 3 (Community and Environmental Management) 2018*.

### **13 Insertion of new section 15A (Maintenance of premises)**

- (1) Section 15A—  
*insert—*

#### **15A Maintenance of premises**

- (1) A person must not cause or allow an allotment or any structure upon an allotment to fall into a state of disrepair or dilapidation such that it becomes a risk to property or people in the neighbourhood.

Maximum penalty—50 penalty units.

- (2) A person must not cause or allow an allotment or any structure on an allotment to become a visual blight on the neighbourhood.

Maximum penalty—50 penalty units.

- (3) In determining whether there is a visual blight on the neighbourhood, the following factors may be considered by an authorised person:
- (a) whether the local government has received any complaints;
  - (b) the content of the complaints;
  - (c) the number of the complaints;
  - (d) the visual impact of the structure including:
    - (i) whether the structure is in a dirty condition;
    - (ii) whether the structure is in a state of disrepair or dilapidation; and
    - (iii) whether the structure is in need of repainting;
  - (e) the prominence of the structure for those living in the neighborhood and those passing by the premises; and
  - (f) whether the content of the visual blight is offensive.
- (4) If any building or other structure is marked with graffiti, the owner, occupier or responsible person for the place must remove the graffiti within a reasonable time.
- (5) An authorised person may give a compliance notice to the owner, occupier or responsible person for the allotment, if the authorised person forms the opinion that an allotment or any structure on an allotment has:
- (a) fallen into a state of disrepair or dilapidation such that it becomes a risk to property or people in the neighbourhood; or
  - (b) become a visual blight on the neighbourhood.
- (6) A compliance notice given by an authorised person under subsection (5) may require the owner or responsible person to:
- (a) remove the graffiti;
  - (b) repair, clean or paint the building or structure; or
  - (c) take any other specified action to remedy the circumstance mentioned in subsection (5)(a) or (b).

- (2) Section 15A(5), after ‘give a compliance notice’—

*insert new footnote—*

See *Local Law No. 1 (Administration) 2018*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

#### **14 Amendment of Schedule (Dictionary)**

- (1) Schedule, definitions, in alphabetical order—

*insert—*

**graffiti** means any drawing, painting, writing, symbol or mark applied to or marked on property by spraying, writing, drawing, marking or otherwise applying paint or another marking substance or scratching or etching, but does not include:

- (a) chalk drawings on footpaths;
- (b) public art commissioned on a commercial basis by or with the consent of the owner of the premises;
- (c) public art on a wall or structure in, or visible from, a public place designated for its legal application; or
- (d) such other markings or art as may be approved by the local government.

### **Part 4 Amendment of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018**

#### **15 Local law amended**

This part amends *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*.

#### **16 Amendment of section 5 (Prohibited and restricted activities)**

- (1) Section 5, insertion of new subsections, after ‘maximum penalty—20 penalty units’—

*insert—*

- (5) A person must comply with a verbal direction from an authorised person to cease undertaking a prohibited activity or restricted activity.

Maximum penalty—20 penalty units.

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*Amending Local Law No. 1 (Miscellaneous Local Laws) 2024*

9

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- (6) A direction given to a person under subsection (5) is in addition to any other action that may be taken by the local government or an authorised person under any local law or another law.

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## **Mareeba Shire Council Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024**

### **Contents**

<b>Part 1</b>	<b>Preliminary.....</b>	<b>3</b>
1	Short Title .....	3
2	Object.....	3
3	Subordinate Local Laws amended .....	4
4	Commencement .....	4
<b>Part 2</b>	<b>Amendment of Subordinate Local Law No. 1 (Administration) 2018.....</b>	<b>4</b>
5	Subordinate local law amended .....	4
6	Amendment of Schedule 2 (Categories of prescribed activities for the purposes of maximum penalties) .....	4
7	Amendment of Schedule 3 (Categories of approval that are non-transferable) .....	5
8	Amendment of Schedule 6 (Public place activities that are prescribed activities) .....	5
9	Insertion of new Schedule 9A (Establishment or occupation of temporary accommodation).....	5
10	Amendment of schedule 19 (Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery) .....	10
11	Amendment of Schedule 20 (Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery) .....	11
<b>Part 3</b>	<b>Amendment of Subordinate Local Law No. 2 (Animal Management) 2018.....</b>	<b>14</b>
12	Subordinate local law amended .....	14
13	Amendment of Schedule 1 (Prohibition on keeping animals) .....	14
14	Amendment of Schedule 2 (Requirement for approval to keep animals) .....	16
15	Amendment of schedule 3 (Requirement to desex animal) .....	17
16	Amendment of schedule 5 (Minimum standards for keeping particular animals) .....	18
17	Amendment of Schedule 8 (Requirement for proper enclosures for animals).....	20
18	Amendment of Schedule 9 (Criteria for declared dangerous animals) .....	23
19	Amendment of Schedule 11 (Dictionary) .....	23
<b>Part 4</b>	<b>Amendment of Subordinate Local Law No. 3 (Community and Environmental Management) 2018.....</b>	<b>23</b>

mare0004\_233372\_018.docx

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*Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024*

2

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20	Subordinate local law amended .....	23
21	Amendment of Section 9 (Community safety hazards) .....	23
22	Amendment of schedule 3 (Prohibited fires) .....	24
<b>Part 5 Amendment of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.....</b>		<b>25</b>
23	Subordinate local law amended .....	25
24	Amendment of Section 4 (Definitions).....	25
25	Amendment of Schedule 1 (Prohibited activities for local government controlled areas or roads) .....	26
26	Amendment of Schedule 2 (Restricted activities for local government controlled areas or roads) .....	26

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## Part 1 Preliminary

### 1 Short Title

This local law may be cited as *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024*.

### 2 Object

- (1) The object of this subordinate local law is—
- (a) to amend *Subordinate Local Law No. 1 (Administration) 2018* to:
    - (i) make changes to the categories of prescribed activities and categories that are non-transferrable;
    - (ii) make changes to the activities that are considered public place activities;
    - (iii) provide for a new prescribed activity for the establishment or occupation of temporary accommodation; and
    - (iv) provide for additional requirements for activities regarding human remains;
  - (b) to amend *Subordinate Local Law No. 2 (Animal Management) 2018* to:
    - (i) make changes to the provisions regarding the prohibition on keeping animals;
    - (ii) provide for additional requirements regarding keeping and desexing of animals;
    - (iii) increase the minimum standards for keeping particular animals;
    - (iv) provide for additional requirements regarding the proper enclosures for animals;
    - (v) amending the criteria for declared dangerous animals; and
    - (vi) amending the definitions;
  - (c) to amend *Subordinate Local Law No. 3 (Community and Environmental Management) 2018* to:
    - (i) make changes to the provisions regarding declared community safety hazards; and
    - (ii) provide for additional requirements regarding prohibited fires;
  - (d) to amend *Subordinate Local Law No. 4 (Local Government Controlled Areas,*

*Facilities and Roads) 2018 to:*

- (i) make changes to the definitions, including definitions for camping and a designated camping area; and
- (ii) amend the activity of camping from a restricted activity to a prohibited activity, and to include requirements for camping in a designated camping area.

### **3 Subordinate Local Laws amended**

This subordinate local law is made pursuant to—

- (a) for part 2, *Subordinate Local Law No. 1 (Administration) 2018*;
- (b) for part 3, *Subordinate Local Law No. 2 (Animal Management) 2018*;
- (c) for part 4, *Subordinate Local Law No. 3 (Community and Environmental Management) 2018*; and
- (d) for part 4, *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*.

### **4 Commencement**

This subordinate local law commences upon publication of the notice of *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024* in the Gazette.

## **Part 2 Amendment of Subordinate Local Law No. 1 (Administration) 2018**

### **5 Subordinate local law amended**

This part amends *Subordinate Local Law No. 1 (Administration) 2018*.

### **6 Amendment of Schedule 2 (Categories of prescribed activities for the purposes of maximum penalties)**

- (1) Schedule 2, Part 1, Category 1 activities—

*insert—*

establishment or occupation of temporary accommodation

## **7 Amendment of Schedule 3 (Categories of approval that are non-transferable)**

- (1) Schedule 3, after ‘operation of shared facility accommodation’—

*insert—*

establishment or occupation of temporary accommodation.

## **8 Amendment of Schedule 6 (Public place activities that are prescribed activities)**

- (1) Schedule 6—

*omit, insert—*

The following activities are public place activities that are prescribed activities that require approval—

- (a) any fundraising activity including a street stall, cake stall, sausage sizzle, car wash or similar;
- (b) an invitation-only ceremony, party or celebration;
- (c) a right of occupation and use of a specified part of a park or reserve by a sporting association or recreational group; or
- (d) a display, demonstration or information booth.

## **9 Insertion of new Schedule 9A (Establishment or occupation of temporary accommodation)**

- (1) Schedule 9A, Establishment or occupation of temporary accommodation, with reference to section 11—

*insert—*

### **Schedule 9A Establishment or occupation of temporary accommodation**

section 11

#### **1 Prescribed activity**

Establishment or occupation of temporary accommodation.

#### **2 Activities that do not require approval under the authorising local law**

- (1) An approval under the authorising local law is not required for establishment or occupation of temporary accommodation—
  - (a) for less than 4 weeks in any 52 week period if—

- (i) the temporary accommodation is located on an allotment that contains an existing dwelling house; and
  - (ii) the temporary home is located to the rear of the existing dwelling house.
- (2) However, subsection (1) applies only if no waste materials, including grey water, are deposited on site during occupation, or left on site after departure.

### **3 Documents and materials that must accompany applications for approval**

- (1) An application for approval must be accompanied by—
  - (a) a site plan illustrating—
    - (i) the location of the temporary accommodation;
    - (ii) the location of the other buildings on the site; and
    - (iii) the location of neighbouring buildings;
  - (b) if the applicant is not the owner—the written consent of the property owner; and
  - (c) the details of the relationship between the applicant and property owner;
  - (d) the details of the proposed period of stay;
  - (e) the reason for which the use of the temporary accommodation is required;
  - (f) confirmation that there is no commercial arrangement, or other consideration, that passes between the applicant and the property owner for the applicant to use the temporary accommodation;
  - (g) details of the type of caravan proposed to be used for the temporary accommodation and the condition of the temporary accommodation; and
  - (h) details of the number of persons to be accommodated in the temporary accommodation;
  - (i) the proposed floor plan of the temporary accommodation, including details of the proposed fit out of the kitchen, bathroom, toilet and laundry;
  - (j) intended method of water supply for the temporary accommodation; and

- (k) intended method of disposal of waste material, including blackwater and greywater, from the use of the temporary accommodation.

#### **4 Additional criteria for the granting of approval**

- (1) For all approvals, the additional criteria are that—
  - (a) an existing dwelling house is situated on the property and will remain on the property whilst the use of the temporary accommodation is undertaken;
  - (b) where necessary, adequate screening of the temporary accommodation will be implemented to ensure reduced impact on visual amenity;
  - (c) an adequate source of water will be available to the temporary accommodation;
  - (d) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained;
  - (e) the proposed temporary accommodation has a toilet, shower, laundry tub, kitchen sink and hand basin;
  - (f) the temporary accommodation will be suitable for occupation on a temporary basis;
  - (g) separation and set back distances between the proposed placement of the temporary accommodation and property boundaries will comply with the local government's planning scheme;
  - (h) the applicant is able to demonstrate current hardship that requires the use of the temporary accommodation as a place of residence on private property;

*Example for subparagraph (i)—*

*The applicant does not own a home or hold a lease for a residential premises in which they can reside.*

- (i) the applicant is able to demonstrate that they are either a family member or close friend of the owner of the property on which the temporary accommodation is required; and
- (j) the temporary accommodation will not detrimentally affect the amenity of neighbouring properties or create an unreasonable nuisance in the opinion of an authorised person.

#### **5 Conditions that must be imposed on approvals**

- 
- (1) The conditions that must be imposed on an approval are that the approval holder must—
- (a) ensure that the existing dwelling house situated on the property will remain on the property during the term of the approval;
  - (b) ensure that the sanitary and laundry facilities are only used in the existing dwelling or in the temporary accommodation;
  - (c) not dispose of, and ensure that no other person disposes of, any blackwater and/or greywater from the use of the temporary accommodation on the ground or in any other way, other than as lawfully permitted for the disposal of such blackwater or greywater;
  - (d) ensure that the temporary accommodation remains moveable at all times and must not be permanently affixed to the ground or other structure;
- Example—*
- The wheels of the caravan must not be removed, so that the caravan can be removed when required.*
- (e) ensure that the condition of the temporary accommodation is appropriately maintained to prevent deterioration and keep it in good order and repair;
  - (f) ensure that the temporary home is not, and does not become, unsightly or unhygienic;
  - (g) ensure that the separation and set back distances between the approved placement of the temporary accommodation and property boundaries is maintained as specified in the approval;
  - (h) ensure that there is no commercial arrangement, or consideration, that passes between the applicant and the property owner for the applicant to use the temporary accommodation;
  - (i) provide all evidence reasonably requested by an authorised person to enable the authorised person to be satisfied that there is no commercial arrangement or other consideration that passes between the approval holder and the property owner for the use of the temporary accommodation, when requested throughout the term of the approval;
  - (j) ensure that only the person, or persons, including the specified number of people, approved pursuant to the approval stay in the temporary accommodation;

- (k) ensure that only the temporary accommodation approved by the local government and specified in the approval is used on the property;
- (l) ensure that the period approved for the temporary accommodation to be used on the property is only used for that period;
- (m) ensure that on the expiry of the approval, the temporary accommodation is removed from the property on which it was located;
- (n) ensure that any lighting used in or as part of the temporary accommodation is angled or shaded in such a manner so that the light does not cause an unreasonable nuisance in the opinion of an authorised person; and
- (o) ensure that the temporary accommodation does not detrimentally affect the amenity of neighbouring properties or create an unreasonable nuisance, including noise and odour, in the opinion of an authorised person.

#### **6 Conditions that will ordinarily be imposed on approvals**

- (1) The conditions that will ordinarily be imposed on approvals are that the approval holder must—
  - (a) ensure that water intended for use for domestic purposes is from an approved water source;
  - (b) maintain an adequate and continuous supply of water to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home;
  - (c) maintain all water supply connections in accordance with applicable legislative requirements; and
  - (d) any other condition the local government considers is reasonably necessary to ensure the protection of public health, safety and/or amenity is maintained by the approval holder in using the temporary accommodation.

#### **7 Term of approval**

The term of the approval commences on the date the approval is granted and expires on the date specified in the approval.

#### **8 Term of renewal of approval**

An approval may only be extended by the local government, following an application by the approval holder, for the further term stated in the renewal as determined by the local government.

**10 Amendment of schedule 19 (Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery)**

- (1) Section 3(e), after ‘located;’—

*insert—*

; and

- (f) details of the previous burial of the human remains; and
- (g) written details of the reasons for the proposed disturbance of human remains.

- (2) Section 4—

*omit, insert—*

**4 Additional criteria for the granting of approval**

For all approvals, the additional criteria are—

- (a) the applicant:
  - (i) has the consent of the nearest living relative for the disturbance of the human remains; or
  - (ii) is the executor of a deceased estate and is acting on instructions contained in the last will and testament of the deceased;
- (b) the length of time since the human remains were buried, ensuring that the human remains have been buried for three (3) days or less, or at least twelve (12) months after the original burial; and
- (c) the expressed wishes of the deceased and the deceased’s family.

- (3) Section 5—

*omit, insert—*

**5 Conditions that must be imposed on approvals**

*This section has been left intentionally blank.*

- (4) Section 6—

*omit, insert—*

**6 Conditions that will ordinarily be imposed on approvals**

The conditions that will ordinarily be imposed on an approval is that—

- (a) the disturbance of human remains must only be carried out by a funeral director;
- (b) the disturbance of human remains must only be carried out on the day and within the hours specified on the approval;
- (c) for disturbance of human remains outside a local government cemetery, allow an authorised person to enter the land and inspect the grave at any time either before or after the disturbance;
- (d) remove all markers and means of identification on or around the grave from where the human remains are removed;
- (e) clean up any spillage of waste, contaminate or other material immediately without hosing, sweeping or otherwise releasing the waste, contaminant or material into any stormwater system or other body of water;
- (f) any re-interment must be carried out in accordance with an approval granted for the following prescribed activities—
  - (i) the operation of cemeteries; or
  - (ii) undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery.
- (g) if required, the applicant must notify the Registrar of Births, Deaths and Marriages in accordance with the *Births, Deaths and Marriages Act 2023*.

**11 Amendment of Schedule 20 (Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery)**

- (1) Section 3, after subsection (d)—

*omit, insert—*

- (e) information that demonstrates a particular significant association between the deceased person and the place at which the remains are to be buried or placed, including that the deceased person—
  - (i) had a direct and continuous association to the land for at least three generations; or
  - (ii) resided on the land for at least 30 years as the owner, occupier or as a lessee, licensee or employee; or

- (iii) had a particularly significant traditional or cultural association to the land and the land is a demonstrated traditional burial place; and
- (f) if relying on subsection (e)(iii) to demonstrate a particular significant association, the applicant must provide evidence that one of the parties specified below (as the case may be) supports the burial or disposal of human remains on the land:
  - (i) where the land is subject to a native title determination, the registered native title holder for the land; or
  - (ii) where the land is subject to a current native title claim, the applicant in the native title claim; or
  - (iii) if subsections (i) and (ii) are not applicable, the recognised traditional owner of the land, or a statement detailing all attempts made to locate the traditional owner of the land; and
- (g) details of the relevant qualifications of the funeral director organising the burial.

(2) Section 4—

*omit, insert—*

## **5 Conditions that must be imposed on approvals**

The additional criteria for approvals for burial or disposal of human remains outside a cemetery are that—

- (a) The applicant has sufficiently demonstrated a particular significant association to the land that shows the deceased person—
  - (i) had a direct and continuous association to the land for at least three generations; or
  - (ii) resided on the land for at least 30 years as the owner, occupier or as a lessee, licensee or employee; or
  - (iii) had a particularly significant traditional or cultural association to the land and the land is a demonstrated traditional burial place that is support by either of the following parties (as the case may be)—
    - (A) where the land is subject to a native title determination, the registered native title holder for the land; or

- (B) where the land is subject to a current native title claim, the applicant in the native title claim.
- (b) the burial or disposal of human remains at the place will not cause reasonable offence to others;
- (c) the land on which the burial or disposal of humans remains is proposed is:
  - (i) a minimum of 50 hectares and is located within the rural zone under the local government's planning scheme; and
  - (ii) is considered appropriate, in the opinion of the local government, having regard to the tenure of the land and the current and possible future uses of the land; and
- (d) the burial location is at least 25 metres away from all buildings on the land, water courses and adjoining properties;
- (e) the area around the burial location will be suitably fenced to delineate the boundaries of the burial location;
- (f) the burial place will be permanently marked and show the details of the deceased person as required by the local government; and
- (g) the proposed burial or disposal of human remains will not, in the opinion of the local government:
  - (i) cause or create any adverse environmental impacts to the land or surrounding areas; or
  - (ii) interfere with the amenity, use and enjoyment of the land.

*for example—*

*an area that is a waterway or water storage dam that may be impacted, either immediately or over time, by the burial or disposal of human remains.*

(3) Section 5, after subsection (a)—

*omit, insert—*

- (b) a memorial or marker showing the details of the deceased person must be erected to identify the site in which the human remains have been buried;
- (c) the burial or disposal of the human remains must be undertaken by a recognised funeral director;

- (d) the burial or disposal of the human remains must be located in the burial location and in the way specified in the approval;
- (e) an authorised person is permitted to enter the land at a reasonable time without the permission of the owner or occupier, to inspect the burial location at any time either before or after the burial or disposal of human remains occurs;
- (f) the area surrounding the burial location must be suitably fenced to delineate the boundaries of the burial location;
- (g) the burial or disposal of the human remains must be undertaken in such a way that prevents any adverse environmental impacts to the land or surrounding areas;
- (h) the burial or disposal of the human remains must not interfere with the amenity, use or enjoyment of the land;
- (i) the approval holder must ensure that reasonable measures are implemented to prevent harm to the health or safety of persons who are involved in, or present for the burial or disposal of the human remains; and
- (j) the approval holder is responsible at all times to ensure the burial location is maintained in a safe manner and to protect the amenity of the land and surrounding areas.

## **Part 3      Amendment of Subordinate Local Law No. 2 (Animal Management) 2018**

### **12    Subordinate local law amended**

This part amends *Subordinate Local Law No. 2 (Animal Management) 2018*.

### **13    Amendment of Schedule 1 (Prohibition on keeping animals)**

- (1) Schedule 1, table, item 1, Dog entry in column 1, column 2—

*omit, insert—*

- (a) Keeping more than 2 dogs is prohibited on a property that is 450m<sup>2</sup> or less, or within a residential unit in an urban area.

- (2) Schedule 1, table, item 2, Cat entry in column 1, column 2—

*omit, insert—*

- (a) Keeping more than 2 cats is prohibited on a property that is 450m<sup>2</sup> or less, or within a residential unit in an urban area.

- (3) Schedule 1, table, item 3, Poultry entry in column 1, column 2—

*omit, insert—*

- (a) Keeping poultry is prohibited on a property that is 450m<sup>2</sup> or less, or within a residential unit in an urban area.
- (b) Keeping more than 10 poultry is prohibited on a property that is greater than 450m<sup>2</sup> but less than 20,000<sup>2</sup> in an urban area.
- (c) Keeping more than 50 poultry is prohibited on a property that is 20,000m<sup>2</sup> or more in an urban area.

- (4) Schedule 1, table, item 4, Rooster entry in column 1, column 2—

*omit, insert—*

- (a) Keeping a rooster is prohibited on a property that is 20,000m<sup>2</sup> or less, or within a residential unit in an urban area.
- (b) Keeping more than 1 rooster is prohibited on a property that is 20,000m<sup>2</sup> or more in an urban area.

- (5) Schedule 1, table, item 5, Noisy bird entry in column 1, column 2—

*omit, insert—*

- (a) Keeping a noisy bird is prohibited on a property that is 450m<sup>2</sup> or less, or within a residential unit in an urban area.
- (b) Keeping more than 2 noisy birds is prohibited on a property in an urban area.

- (6) Schedule 1, table, item 6, Caged bird entry in column 1, column 2—

*omit, insert—*

- (a) Keeping more than 10 caged birds is prohibited on a property that is 450m<sup>2</sup> or less, or within a residential unit in an urban area.
- (b) Keeping more than 60 caged birds is prohibited on a property in an urban area.

- (7) Schedule 1, table, item 7, stock (excluding horses) entry in column 1, column 2—

*omit, insert—*

- (a) Keeping stock (excluding horses) is prohibited on a property that is 10,000m<sup>2</sup> or less, or within a residential unit in an urban area.

- (8) Schedule 1, table, item 8, Pigs entry in column 1, column 2—

*omit, insert—*

- (a) Keeping a pig is prohibited on a property that is 20,000m<sup>2</sup> or less in an urban area.

- (9) Schedule 1, table, item 9, Horses entry in column 1, column 2—

*omit, insert—*

- (a) Keeping a horse is prohibited on a property that is 450m<sup>2</sup> or less, or within a residential unit in an urban area.

#### **14 Amendment of Schedule 2 (Requirement for approval to keep animals)**

- (1) Schedule 2, table, item 1, Dog entry in column 1, column 2—

*omit, insert—*

- (a) An approval is required to keep more than 2 dogs over the age of 12 weeks on a property that is 451m<sup>2</sup> or more in an urban area.
- (b) An approval is required to keep a dog at an approved camping ground or caravan park.

- (2) Schedule 2, table, item 2, Cat entry in column 1, column 2—

*omit, insert—*

- (a) An approval is required to keep more than 2 cats over the age of 12 weeks on a property that is 451m<sup>2</sup> or more in an urban area.

- (3) Schedule 2, table, item 3, Stock entry in column 1, column 2—

*omit, insert—*

- (a) An approval is required to keep more than 2 head of stock on a property that is 10,000m<sup>2</sup> or more in an urban area.

- (4) Schedule 2, table, item 4, Pigs entry in column 1, column 2—

*omit, insert—*

- (a) An approval is required to keep a pig on a property that is 20,000m<sup>2</sup> or more in an urban area.

- (5) Schedule 2, table, item 5, Horses entry in column 1, column 2—

*omit, insert—*

- (a) An approval is required to keep a horse on a property that is 451m<sup>2</sup> or more but less than 10,000m<sup>2</sup> in an urban area.
- (b) An approval is required to keep more than 2 horses on a property that is 10,000m<sup>2</sup> or more in an urban area.

## 15 Amendment of schedule 3 (Requirement to desex animal)

- (1) Schedule 3, table—

*omit, insert—*

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
1.	Cats	16 Weeks	<ul style="list-style-type: none"> <li>(a) There is a signed veterinary surgeon certificate for the cat stating that desexing is likely to be a serious risk to the health of the cat; or</li> <li>(b) The owner or responsible person for the cat— <ul style="list-style-type: none"> <li>(i) is the owner or operator of a pound or shelter;</li> <li>(ii) is a member of a recognised breeders association and the person intends to breed from the cat;</li> <li>(iii) is a member of a registered show association and the person intends to show or exhibit the cat; or</li> <li>(iv) holds an animal breeder approval with respect to the cat.</li> </ul> </li> </ul>
2.	Dogs	26 Weeks	<ul style="list-style-type: none"> <li>(a) There is a signed veterinary surgeon certificate for the dog stating that desexing is likely to be a serious risk to the health of the dog; or</li> <li>(b) The owner or responsible person for the dog—</li> </ul>

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			<ul style="list-style-type: none"> <li>(i) is a member of a recognised breeder association and the person intends to breed from the dog;</li> <li>(ii) is a member of a registered show association and the person intends to show or exhibit the dog;</li> <li>(iii) holds an animal breeder approval with respect to the dog; or</li> <li>(iv) is the owner or operator of a pound or shelter; or</li> <li>(v) is a foster carer for the dog appointed by a pound or shelter on a temporary basis.</li> </ul> <p>(c) The dog was registered with the local government prior to the commencement of this local law and ownership of the dog has not changed.</p> <p>(d) The dog is over the age of 8 years of age.</p>
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## 16 Amendment of schedule 5 (Minimum standards for keeping particular animals)

(1) Schedule 5, table—

*omit, insert—*

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1.	Horse, Cattle, Donkey, Sheep, Goat and other animals of a similar size	<p>(a) If a stable is constructed—</p> <ul style="list-style-type: none"> <li>(i) a covered receptacle for manure or other offensive matter must be kept in the stable; and</li> <li>(ii) the inside face of all external walls and all faces of interior walls of a stable must be lime washed or painted at least once in every year; and</li> </ul>

		<ul style="list-style-type: none"> <li>(iii) the interior of a stable must be sprayed at least once in every 3 months with a germicidal spray; and</li> <li>(iv) any part of a stable (except a stable used exclusively for milk cows) must not be within a distance of 130 metres of a dairy produce premises or milking shed; and</li> <li>(v) the stable must be constructed in accordance with provisions of the <i>Building Act 1975</i> and any applicable codes as defined by that Act; and</li> <li>(vi) any part of a stable must not be situated— <ul style="list-style-type: none"> <li>(A) 10m from an adjoining boundary of an allotment that is 2,000m<sup>2</sup> or more; and</li> <li>(B) 1m from any dwelling; and</li> <li>(C) 15m from any structure in which food for human consumption is processed or stored; and</li> <li>(D) 6m from a roadway; and</li> </ul> </li> <li>(b) The keeper must not deposit manure in any way that may pollute or be likely to pollute water which is used or is likely to be used for human consumption or for dairy purposes.</li> </ul>
2.	Poultry	<ul style="list-style-type: none"> <li>(a) Fowl houses, fowl pens and runs are not to be situated— <ul style="list-style-type: none"> <li>(i) within 10m of a dwelling or place where food is kept, processed or stored; and</li> <li>(ii) within 2m of any property boundary or a road; and</li> </ul> </li> <li>(b) Poultry food must be stored in a vermin proof receptacle.</li> </ul>
3.	Pig	<ul style="list-style-type: none"> <li>(a) The interior of the enclosure where pigs are kept must be sprayed at least once every 3 months with a germicidal spray.</li> </ul>

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		<p>(b) Any part of a sty or other enclosure in which a pig is kept must not be situated—</p> <ul style="list-style-type: none"> <li>(i) 10m from an adjoining boundary; and</li> <li>(ii) 15m from any dwelling; and</li> <li>(iii) 15m from any structure in which food for human consumption is processed or stored; and</li> <li>(iv) 6m from a roadway; and</li> <li>(v) 20m from any watercourse, well or bore.</li> </ul>
--	--	---

### 17 Amendment of Schedule 8 (Requirement for proper enclosures for animals)

(1) Schedule 8, table, new rows—

*omit, insert—*

	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Requirements for proper enclosures</b>
1.	All Animals	<p>(a) To the reasonable satisfaction of an authorised person the enclosure—</p> <ul style="list-style-type: none"> <li>(i) must be suitably fenced to contain the animal;</li> <li>(ii) must be of a size appropriate to the species and breed of the animal to be enclosed;</li> <li>(iii) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and</li> <li>(iv) must contain adequate shelter for all animals kept in the enclosure; and</li> </ul> <p>(b) The enclosure's gates must be closed and latched except when in actual immediate use.</p> <p>(c) For the purpose of sub-paragraph (a), "suitably fenced" means a fence constructed</p>

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		<p>of strong materials and designed in such a way to the prevent the animal from—</p> <ul style="list-style-type: none"> <li>(i) escaping over, under, through or around the fence;</li> <li>(ii) protruding over, under, through or around the fence; and</li> <li>(iii) attacking a person or animal over, under, through or around the fence.</li> </ul> <p>(d) Keeping an animal on a leash or tether does not constitute a proper enclosure.</p>
2.	Dogs	<ul style="list-style-type: none"> <li>(a) If the dog is able to jump or climb the fence, the fence or enclosure must be constructed in such a way as to prevent the dog from jumping or climbing over the fence.</li> <li>(b) If the dog is a digger, a barrier must be installed directly below the fence or enclosure which is adequate to prevent the dog from digging and escaping under the fence.</li> </ul>
3.	Guard dogs	<ul style="list-style-type: none"> <li>(a) The enclosure must— <ul style="list-style-type: none"> <li>(i) be constructed to a standard approved by an authorised person; and</li> <li>(ii) clearly display a warning sign, approved by an authorised person to the entrance to the property where the guard dog is being kept. The sign must prominently and permanently display in lettering not less than 50mm in height on a background of a type and colour to ensure that the lettering is readily legible, the following— <p><i>"Beware – Guard dog (or dogs) on premises"</i></p> </li> </ul> </li> <li>(b) The guard dog must be confined in a secure enclosure at all times when the public has access to the property where the dog is being kept.</li> </ul>

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4.	Noisy birds	<p>(a) The cages/enclosures must—</p> <ul style="list-style-type: none"> <li>(i) not be sited within 25 metres of any residence on adjoining premises;</li> <li>(ii) be sited at least 2 metres from the boundary of any adjoining premises;</li> <li>(iii) not, in combination with all buildings on the allotment, exceed 50% of the area of the allotment; and</li> <li>(iv) be located at the rear of the premises behind the residence (if any) situated on the premises.</li> </ul>
5.	Poultry (other than rooster)	<p>(a) The enclosure must—</p> <ul style="list-style-type: none"> <li>(i) be sited no closer than 2 metres from the property boundary;</li> <li>(ii) be located at the rear of the premises behind the residence (if any) situated on the premises;</li> <li>(iii) be constructed to prevent any such bird from being within 10 metres of any dwelling (except any dwelling on the premises); and</li> <li>(iv) be constructed to prevent any such bird from being within 10 metres of any premises used for the manufacture, preparation or storage of food for human consumption (other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the birds).</li> </ul>
6.	Rooster	<ul style="list-style-type: none"> <li>(a) The enclosure must not be sited closer than 25 metres from the property boundaries.</li> <li>(b) The enclosure must be constructed to prevent any such bird from going within 25 metres of any dwelling (except any dwelling on the premises).</li> <li>(c) The enclosure must also be constructed to prevent any such bird from going within 25 metres of any premises (other than a domestic kitchen used solely for domestic purposes by the owner of the birds) used for</li> </ul>

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		the manufacture, preparation or storage of food for human consumption.
--	--	--

# **18 Amendment of Schedule 9 (Criteria for declared dangerous animals)**

- (1) Item 1(b), after “another person” —

*insert—*

or animal

# **19 Amendment of Schedule 11 (Dictionary)**

- (1) Schedule 11, definitions, in alphabetical order—

*insert—*

**poultry** includes any species of chickens (including bantam chickens), geese, ducks, guinea fowls, turkeys, pheasants or quails (excluding roosters).

- (2) Schedule 11, definitions, ‘residential complex’—

*omit, insert—*

**residential unit** means a residence in a residential development and includes a unit, flat, apartment, duplex, townhouse or similar residence.

*Example—*

- a residential unit within a retirement village.

## **Part 4 Amendment of Subordinate Local Law No. 3 (Community and Environmental Management) 2018**

### **20 Subordinate local law amended**

This part amends *Subordinate Local Law No. 3 (Community and Environmental Management) 2018*.

### **21 Amendment of Section 9 (Community safety hazards)**

- (1) Section 9, after ‘safety hazards’—

*omit, insert—*

- (a) barbed wire fencing adjoining a public park or reserve or located in an urban area; and

- (b) electric fencing adjoining public land;
- (c) wells (including disused wells);
- (d) an unfenced dam adjacent to a public park or reserve;
- (e) disused machinery or machinery parts;
- (f) broken down or severely rusted vehicles, or vehicle parts;
- (g) accumulation of bottles, containers or packaging;
- (h) refuse or scrap metal;
- (i) fish frames, scraping, carcasses and/or guts;
- (j) vegetation on premises which:
  - (i) is located on land adjoining a local government controlled area or road; and
  - (ii) is dangerous or attracts vermin; or
  - (iii) has caused, or is, in the opinion of an authorised person, likely to cause:
    - (A) personal injury to a person using the area or road; or
    - (B) damage to property located on the area or road.

## 22 Amendment of schedule 3 (Prohibited fires)

- (1) Schedule 3, Table, item 1, Entire local government area, entry in column 2,

*omit, insert—*

A person must not light or maintain a fire in the open air (including the use of an incinerator) within 100 metres of a residence unless:

- (a) the fire is directly associated with the bona fide use of any appliance or equipment for cooking purposes; or
- (b) the fire is for a Traditional Smoking Ceremony; and
- (c) all reasonable and practical measures have been taken by the person in control of the fire to minimise smoke created by the fire.

In this section:

***reasonable and practical measures*** includes the selection of a suitable fuel for the burning activity and the maintenance of conditions which promotes efficient combustion of that fuel.

*suitable fuel* does not include grass cuttings, leaves, or any other household waste.

- (2) Schedule 3, Table, after ‘item 1’—

*insert—*

2.	Entire local government area	A person must not light or maintain a fire that causes smoke or other products of combustion and is likely in the opinion of an authorised person to cause irritation, annoyance or distress to others.
----	------------------------------	---

## Part 5      Amendment of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

### 23    Subordinate local law amended

This part amends *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*.

### 24    Amendment of Section 4 (Definitions)

- (1) Section 4(2), ‘camp’—

*omit, insert—*

*camping* means—

- (a) to pitch, place or erect a tent, caravan or structure that may be used for camping for the purpose of staying overnight or temporarily by using the tent, caravan or structure;
- (b) to park or place a vehicle or other equipment that may be used for camping, for the purpose of staying overnight or temporarily by using the vehicle or equipment;
- (c) to keep a tent, caravan, vehicle or other equipment that may be used for camping in position overnight or temporarily, whether or not the tent, caravan, structure or equipment is unattended; or
- (d) to stay overnight or temporarily.

*designated camping area* means any area that is approved by the local government for camping and includes any conditions imposed by the local

government for the area that are displayed on a notice in, at or near the area.

25 Amendment of Schedule 1 (Prohibited activities for local government controlled areas or roads)

(1) Schedule 1, item 1, column 2, after (l)—

insert—

- (m) Camping in any area outside of a designated camping area.
- (n) Camping in any designated camping area if a person is camping contrary to a notice displayed by the local government, in the opinion of an authorised person, including contrary to any conditions placed on a notice displayed by the local government.

26 Amendment of Schedule 2 (Restricted activities for local government controlled areas or roads)

(1) Schedule 2, Table—

omit, insert—

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
1	All local government controlled areas and roads	Parking or standing a vehicle for sale or rent.	The activity is permitted if— (a) authorised by an authorised person; or (b) the vehicle is parked in an area designated by the local government for the purpose.

**8.10 IRVINEBANK SCHOOL OF ARTS & PROGRESS ASSOCIATION - COMMUNITY LOAN APPLICATION**

**Date Prepared:** 9 October 2024

**Author:** Director Corporate and Community Services

**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

This report details a request for support from Irvinebank School of the Arts & Progress Association through the Community Partnerships Program by way of an interest-free loan of \$10,000.

**RECOMMENDATION**

That Council approves the request from Irvinebank School of the Arts & Progress Association for an interest-free loan.

**BACKGROUND****Irvinebank School of the Arts & Progress Association**

Council received a request from the Irvinebank School of the Arts and Progress Association for an interest-free loan of \$10,000 to be used to complete renovations on the Fig Tree Cottage located in Irvinebank. The Association will contribute a minimum of \$1,290 towards the renovations and provide in-kind assistance for other minor additions.

**Project Benefits**

The Association aims to increase housing stocks in Irvinebank and encourage a new family to live in town. The loan will be used to undertake electrical rewiring and bathroom and plumbing upgrades necessary to complete renovations on the cottage.

**Capacity to repay the Loan**

There are no concerns about the sustainability of the Association. The principal activities of the Association include management of heritage buildings in Irvinebank (School of Arts Hall, Museum, Post Office, Police station, State School etc). Repayments will be made through existing fundraising activities which include weekly social events, community dinners twice per month and the annual Irvinebank Festival.

**Community Partnerships Program 2024/25**

The application to Council is for an interest-free loan and if approved would be subject to the conditions detailed below:

Loan Purpose:	Renovations to Fig Tree Cottage
Loan Amount:	\$10,000
Loan Term:	4 Years

Repayment Frequency:	Monthly
Interest Rate:	4.137%
Foregone Interest:	\$867.40 for the loan term (approximately \$216.85 per annum)

**Conditions:**

- Loan funds must be used for the agreed purpose.
- Irvinebank School of Arts and Progress Association must contact Council's Financial Accountant within three months of approval (approval date 16 October 2024) to accept the offer of loan finance and to progress the loan documentation and funding arrangements.
- Where the loan funds are not fully expended, any remaining loan funds are to be returned to Council.

**RISK IMPLICATIONS****Financial**

Financial risk to Council is reduced by Council's completion of due diligence checks and review of the Associations recent audited financial records.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Operating***

Foregone interest will be recorded as an in-kind contribution in the Community Partnerships Program budget.

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

Yes. The foregone interest value will be covered by funds allocated to new in-kind requests under the CPP budget for 2024/25.

**LINK TO CORPORATE PLAN**

**Community and Culture:** An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

**IMPLEMENTATION/COMMUNICATION**

Irvinebank School of the Arts & Progress Association will be advised by the Customer and Community Services Department, the outcome of the request and the Finance Department will formalise the offer documentation with Irvinebank School of the Arts & Progress Association, noting the conditions outlined in this report.

**8.11 MAREEBA ROTARY CLUB CAROLS BY CANDLELIGHT**

**Date Prepared:** 9 October 2024

**Author:** Director Corporate and Community Services

**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

This report details a request from Mareeba Rotary Club through the Community Partnerships Program for in-kind assistance estimated at \$10,200 to support the 2024 Carols by Candlelight event.

**RECOMMENDATION**

That Council provides in-kind assistance estimated at \$10,200 towards Mareeba Rotary Club's 2024 Carols by Candlelight event.

**BACKGROUND**

Due to the success of the 2023 Merry Mareeba Carols by Candlelight event, Council received a request from the Mareeba Rotary Club for in-kind support for the 2024 Carols by Candlelight event which includes implementation of a full road closure of Byrnes Street Mareeba, waste management, staff resources and loan of equipment.

**Community Partnerships Program 2024/25**

The application to Council is for in-kind assistance estimated at \$10,200.

**RISK IMPLICATIONS****Political and Reputational**

The community may have an expectation for an annual Christmas Carols event, providing the assistance will mean it remains a community-led event.

**FINANCIAL AND RESOURCE IMPLICATIONS*****Operating***

In-kind expenses will be allocated to the 2024/25 Community Partnerships Program budget.

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

Yes. In-kind expenses will be allocated to new in-kind requests under the Community Partnerships Program budget for 2024/25.

**LINK TO CORPORATE PLAN**

**Community and Culture:** An informed, engaged, and resilient community which supports and encourages effective partnerships to deliver better outcomes.

**IMPLEMENTATION/COMMUNICATION**

Mareeba Rotary Club will be advised of the outcome of the request.



**8.12 KURANDA FUND ONE-OFF PAYMENT**

**Date Prepared:** 23 September 2024  
**Author:** Director Corporate and Community Services  
**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

The Kuranda Infrastructure Agreement (KIA) was established in the mid-1990s as a partnership between the Council and the State, with funding sourced from levies imposed on the Kuranda Scenic Railway and the Skyrail Rainforest Cableway. Since 2021, under a new agreement, funding is provided to Council solely from Kuranda Scenic Rail.

All funds provided to Council under these arrangements have been instrumental in supporting the provision and maintenance of tourism-related infrastructure in Kuranda.

The Queensland Government has now offered Council a one-off payment to be used and reported on as it would have been had it been delivered under the 2021 KIA.

**RECOMMENDATION**

That Council accepts the one-off payment as a contribution to the Kuranda Fund to be used, managed and reported upon as per the requirements of the current KIA.

**BACKGROUND**

The Kuranda Infrastructure Agreement (KIA), established in the mid-1990s, has played a crucial role in supporting tourism and enabling the Council to invest in public infrastructure within Kuranda, ensuring that the township's facilities and services meet the needs of visitors.

Originally, the KIA was a partnership between the Council and the State, with funding sourced from levies imposed on the Kuranda Scenic Railway and the Skyrail Rainforest Cableway. These funds, provided to the Council, were instrumental in supporting the provision and maintenance of tourism-related infrastructure in Kuranda.

However, since 2021, under the new agreement, funding is provided solely from the Scenic Rail. This reduction in revenue has necessitated a scaling back of the scope and breadth of projects in Kuranda. The reduced capital funding, coupled with significant cost escalations in infrastructure projects and shortages in both labour and materials, has further constrained the Council's ability to deliver projects as initially intended.

It is proposed that Council accepts the one-off payment as a contribution to the Kuranda Fund to be used, managed and reported upon as per the requirements of the current KIA.

**RISK IMPLICATIONS****Financial**

Funds received by Council under the Kuranda Infrastructure Agreement are necessary to maintain the infrastructure and amenity of the Kuranda township for the benefit of tourists.

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

Nil.

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

No.

***If not you must recommend how the budget can be amended to accommodate the expenditure***

The budget does not provide for projects of this nature to proceed without funds being provided under the Kuranda Infrastructure Agreement.

***Operating***

Nil.

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**Transport and Infrastructure:** The provision of quality infrastructure to service our growing community using sound asset management principles.

**Economy and Growth:** Promote and encourage investment in local industry to build a resilient economy.

**IMPLEMENTATION/COMMUNICATION**

Respond to the Queensland Government accepting the one-off payment.

**8.13 ANNUAL REPORT 2023/24**

**Date Prepared:** 8 October 2024

**Author:** Director Corporate and Community Services

**Attachments:** 1. Mareeba Shire Council Annual Report 2023-2024 [↓](#)

---

**EXECUTIVE SUMMARY**

The *Local Government Regulation 2012* requires that each local government prepare an annual report for each financial year and adopt the annual report within one (1) month after the day the Auditor-General gives the Auditor-General's audit report about the local government's financial statements for the financial year to the local government.

**RECOMMENDATION**

That Council adopts the Annual Report for the 2023/24 Financial Year.

**BACKGROUND**

Council is required by section 182 of the *Local Government Regulation 2012* to prepare and adopt an annual report. Adoption of the annual report is required within one (1) month after the day the auditor-general gives the auditor-general's audit report about the local government's financial statements for the financial year to the local government. This year, the audit report was received by the Auditor-General on 3 October 2024.

The 2023/24 Annual Report (inclusive of the Financial Statements) is provided for Council's consideration and adoption.

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

Preparation of an annual report is a requirement of the *Local Government Act 2009* and the *Local Government Regulation 2012*.

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

Nil.

***Operating***

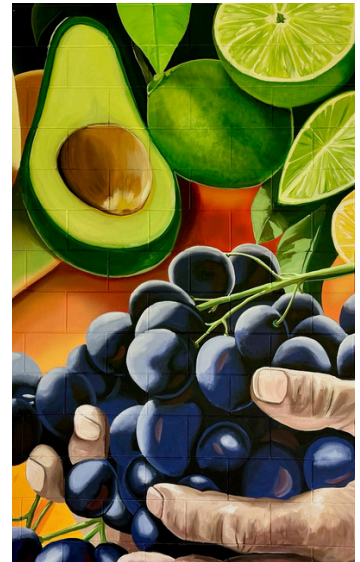
Nil.

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**IMPLEMENTATION/COMMUNICATION**

In accordance with section 182 of the *Local Government Regulation*, the local government must publish its annual report on its website within two (2) weeks of adopting the annual report. The annual report will be made available to the community through the website.



# 2023-2024

## ANNUAL REPORT





#### **Chillagoe Town Mural by artist Lavinia Letheby**

The mural draws inspiration from Chillagoe's rich cultural heritage and its unique environment, featuring the limestone karst and caves.

Traditional owners requested the inclusion of Balancing Rock and the sea eagle, both of which hold cultural significance for the Wakaman People.

Additionally, the mural references the region's tin mining heritage and highlights the ongoing importance of the cattle industry, particularly the vital role played by First Nations stockmen.

Located behind the war memorial, the mural also pays tribute to the military service of Chillagoe residents.

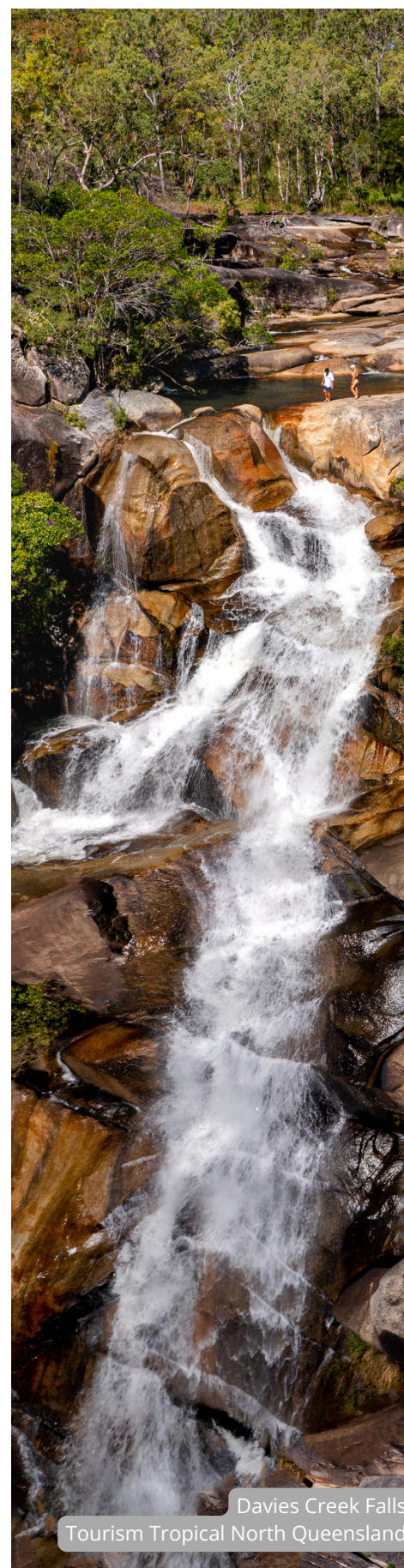
Funded by the Council's Regional Arts Development Fund (RADF) Program, this was the sixth mural created under the Public Mural Action Plan.

RADF is a partnership between the Queensland Government and Mareeba Shire Council, aimed at supporting local arts and culture in regional Queensland.



# Contents

<b>Introduction .....</b>	<b>1</b>
<b>Our Shire .....</b>	<b>2</b>
Mareeba Shire at a Glance .....	3
Council Service Key Statistics 2023/24 .....	4
<b>Mayor and CEO Update .....</b>	<b>6</b>
<b>Our Councillors .....</b>	<b>7</b>
<b>Corporate Structure .....</b>	<b>9</b>
<b>Vision, Mission, Values &amp; Strategic Priorities .....</b>	<b>10</b>
<b>Corporate Plan Progress .....</b>	<b>11</b>
Financial Sustainability .....	11
Community .....	13
Transport and Council Infrastructure .....	16
Economy and Environment .....	19
Governance .....	21
<b>Operational Plan Progress .....</b>	<b>23</b>
<b>Community Engagement .....</b>	<b>27</b>
<b>Community Events .....</b>	<b>28</b>
<b>Legislative Disclosures .....</b>	<b>30</b>
Risk Management .....	30
Role of Council Members .....	30
Council Meeting Attendance .....	31
Councillor Remuneration .....	31
Councillor Conduct Matters .....	33
Administrative Action Complaints .....	35
Audit .....	36
Compliance Activities .....	37
<b>Community Financial Report .....</b>	<b>42</b>
Financial Summary .....	42
About the Financial Report .....	42
Statement of Comprehensive Income .....	43
Statement of Financial Position .....	46
Statement of Changes in Equity .....	48
Statement of Cashflow .....	48
Financial Sustainability Ratios .....	49
<b>Financial Statements .....</b>	<b>51</b>



Davies Creek Falls  
Tourism Tropical North Queensland

## Introduction

The 2023/24 Annual Report serves as a key communication tool, demonstrating how the council is fulfilling its commitment to the community by progressing the strategic priorities in our Corporate Plan 2021 – 2025 as well as achieving our Operational Plan objectives for 2023/24.

This report reflects upon Council's efforts in governance and service delivery, helping ensure ongoing community trust and support by providing mandatory statutory and annual financial reporting requirements.



### Contact Details

Phone: 1300 308 461

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

Website: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)

65 Rankin Street, Mareeba Qld 4880

*Disclaimer: Information contained in this document is based on available information at the time of writing. All figures and diagrams are indicative only and should be referred to as such. While Mareeba Shire Council has exercised reasonable care in preparing this document it does not warrant or represent that it is accurate or complete. Council or its officers accept no responsibility for any loss occasioned to any person acting or refraining from acting in reliance upon any material contained in this document.*

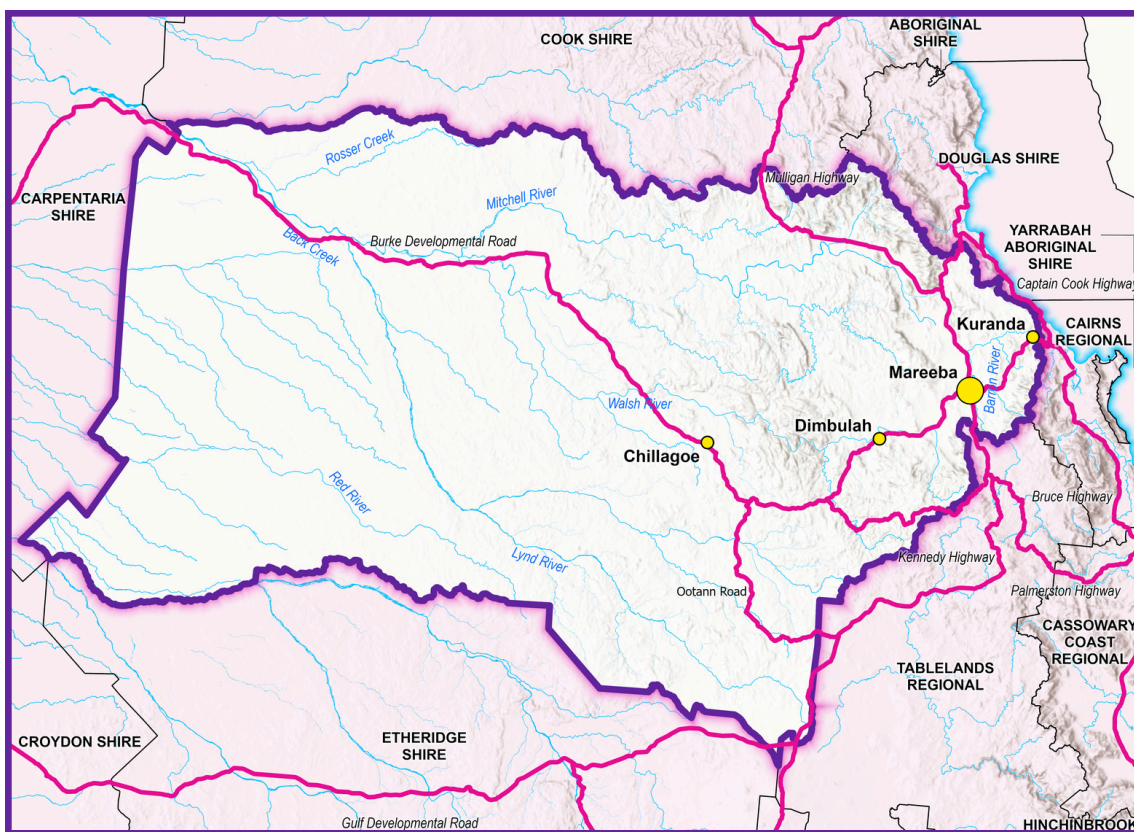
## Our Shire

Mareeba Shire is an economically and socially diverse region with a population of 23,702. The primary regional centre is Mareeba, followed by Kuranda, with smaller communities at Chillagoe, Dimbulah, Bibohra, Koah, Speewah, Mutchilba, Irvinebank, Julatten and Mount Molloy. Mareeba is now 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.

Mareeba Shire is in proximity to two World Heritage Areas, the Great Barrier Reef and Wet Tropics, and is less than an hour's drive to Cairns International Airport. It stretches across the base of Cape York Peninsula, and comprises rural and remote agricultural communities, Indigenous communities, and tourism destinations.

Mareeba Shire has a total land area of 53,547 km<sup>2</sup> and boasts up to 300 sunny days a year and access to reliable water (Tinaroo Dam) enabling a wide range of high quality produce to be grown year round.

Mareeba Shire Council's vision is to deliver a "growing, confident, and sustainable Shire." Council is committed to building the local economy, attracting visitors to the Mareeba area, enhancing the profile and liveability of the Mareeba region, and fostering pride in our community for all residents. Local government investment in industrial land and commercial aviation park, further supports future growth for the Mareeba Shire and its broader region.

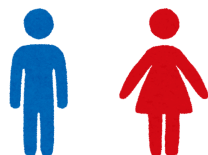


Mareeba Shire Council Local Government Area

## Mareeba Shire at a Glance



**23,702**  
Residents



**52.9%** Male  
**47.1%** Female



**14.3%**  
Aboriginal & Torres Strait  
Islander Population



**75**  
Cultural  
Associations and  
Ethnic Backgrounds

**43**

Median Age



**10%**  
use a language  
other than  
English at home



**\$1,201**  
Median Weekly  
Household  
Income



**\$440** **\$320**  
House Unit  
Median Weekly Rent



**\$1.47 Billion**  
Gross Regional  
Product year ending  
30 June 2023



**2,209**  
Local Businesses



**Agriculture,  
Forestry and  
Fishing**  
Largest Industry



## Council Service Key Statistics



### WATER

Water mains maintained  
**233km**

Water connections  
**5,678**



### WASTE

Waste disposed at Mareeba landfill  
**4,358t**

Recyclable materials collected  
**3,104t**



### WASTE-WATER

Sewer mains maintained  
**142km**

Household connections  
**3,875**



### ROADS

Total Shire Roads  
**2,302km**

Unsealed Roads  
**1,639km**



### DEVELOPMENT APPROVALS

Dwellings approved  
**127**

Planning Development Applications  
**54**



### REGULATORY SERVICES

Dogs registered  
**4,092**

Environmental Health Officer Inspections  
**189**



### BUILDING

Value of residential approvals  
**\$44,574,476**

Value of non-residential approvals  
**\$11,924,851**

Total number of building approvals  
**329**



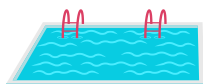
### LAND PROTECTION

Roadside treatment  
**5,800km**

Weed treatment area  
**3,900ha**

Properties treated for vertebrate pests  
**80**

## Council Service Key Statistics



### FACILITIES

Swimming pool admissions  
**49,372**

Public halls usage  
**1,886**

Caravan Park site rentals  
**27,360**



### LIBRARIES

Membership  
**8,324**

Visitors  
In Person **59,973**  
Online **24,714**

Items borrowed  
**91,790**



### CUSTOMER SERVICE

Council website visits  
(sessions)  
**140,113**

Call centre calls received  
**17,934**

Customer requests created  
**11,428**



### VISITOR INFORMATION CENTRES

Visitors  
**164,308**

Volunteer hours  
**16,947**



### ECONOMY

Land Sales at Mareeba  
Industrial Park  
**\$1,029,210**



### OPEN SPACES

Parks, gardens and open  
spaces maintained  
**252ha**



### COMMUNITY

Community Groups &  
Organisations Supported  
**100**

Regional Arts Development Fund  
Contribution  
**\$50,990**

Community Partnerships Program  
**\$428,149**

Subsidised Land and Facilities for  
Community Groups  
**51**



Kuranda Visitor Information Centre

## Mayor and CEO Update

As we reflect on the past year, we are proud to present the Mareeba Shire Council's Annual Report for 2023/24.

Our \$34.5 million capital works program was a cornerstone of our efforts this year. The Australian and Queensland governments provided \$22.8 million, a crucial investment for the renewal of existing assets, including \$7.67 million allocated to transport infrastructure, \$5.69 million for wastewater infrastructure, and \$2.63 million for water infrastructure.



Additionally, we dedicated \$4.5 million to enhance community facilities and active recreation assets. One of Council's major projects was the Southern Bicentennial Lakes Precinct, which introduced new amenities including a toilet block, playground, and pump track in Mason Street, Mareeba.

This reporting period has been a significant time for our community. The impact of Tropical Cyclone Jasper and the devastating flood event in December 2023 presented significant challenges for our Shire. With over 900 calls and 185 requests for assistance during the event, we faced unprecedented requests for support. More than half of our Shire's road network was affected, as well as critical infrastructure, underscoring the severity of this weather event.

In addition, the Australian economy faced substantial inflationary pressures, peaking at 7.8%. This economic climate affected our Council in several ways, including increased costs for materials and services from contractors and suppliers. Despite these challenges, our focus remained on delivering essential services that impact everyday life for our residents.

The Queensland Audit Office (QAO) identify only 29 local governments in Queensland (out of 77) as at 30 June 2023, that are not at risk of being financially unsustainable. It is pleasing to report that Mareeba Shire Council is among the 29 local governments. This achievement has been the focus of Council since January 2014.

In March 2024, we welcomed a new Council, with Cr Amy Braes, Cr Nipper Brown, and Cr Ross Cardillo joining Cr Kevin Davies, Cr Mary Graham, and Deputy Mayor Cr Lenore Wyatt, under the continued leadership of Mayor Angela Toppin AM. Our new Council remain dedicated to our vision of being "a growing, confident and sustainable Shire," and this is reflected in the dedication of both our Councillors and Staff.

I would like to extend our heartfelt thanks to the outgoing Councillors—Lachlan Bensted, Danny Bird, and Mario Mlikota—for their dedicated service during the 2020-2024 term.

## Our Councillors

Mareeba Shire Council consists of the Mayor and six Councillors who are elected by the community every four years to represent the views of residents within the shire.

Each of the Councillors participate in community committee groups allowing them to stay connected with various community sectors, ensuring that the council remains responsive to local needs and concerns.

### Cr Angela Toppin AM, Mayor

- Far North Queensland Regional Organisation of Councils FNQROC (Acting Chair)
- FNQROC Regional Strategic Waste and Materials Recovery Framework Advisory Group (Chair)
- Local Government Association of Queensland, Policy Executive for District 10
- Local Disaster Management Group (Chair)
- Mareeba District Disaster Management Group
- Regional Arts Development Fund (Chair)
- Tinaroo Water Committee
- North Queensland Council of Mayors



### Cr Lenore Wyatt, Deputy Mayor

- Irvinebank Progress Association
- Local Authority Waste Management Advisory Committee (LAWMAC)
- Local Disaster Management Group (Deputy Chair)
- Mareeba Heritage Centre Management Committee
- Regional Arts Development Fund
- Great Wheelbarrow Race Organising Committee (Proxy)
- Far North Queensland Regional Organisation of Councils FNQROC (Proxy)
- Mareeba Area Fire Management Committee (Proxy)
- North Queensland Council of Mayors (Proxy)
- Traffic Advisory Committee (Proxy)
- Local Tourism Organisation (Chair)



### Cr Amy Braes

- Local Disaster Management Group Environment/Infrastructure
- Small Business Friendly Council
- Speewah Residents Group (SRG)
- FNQ Regional Roads Group (Proxy)
- Kuranda Interagency Networks (Proxy)
- Local Authority Waste Management Advisory Committee (LAWMAC) (Proxy)
- Reef Guardian (Proxy)



### Cr Nipper Brown

- Chillagoe Alliance
- Julatten and Molloy Association of Ratepayers and Residents (JAMARR)
- Kuranda Interagency Networks
- Local Disaster Management Group Community Support
- Mareeba Area Fire Management Committee
- NQ Sports Foundation
- Pest Advisory Committee
- FNQROC Natural Asset Management Advisory Committee (Proxy)
- Northern Gulf Resource Management Group (Proxy)
- Speewah District Residents Association (SDRA) (Proxy)



### Cr Ross Cardillo

- Barron Catchment Care
- FNQROC Natural Asset Management Advisory Committee
- LDMG Health and Environment
- Northern Gulf Resource Management Group
- Reef Guardian
- Collaborating for Inclusive outcomes in Mareeba (Proxy)
- Mareeba Chamber Commerce Sub Committees (Proxy)
- Mareeba Multicultural Festival Committee (Proxy)
- NQ Sports Foundation (Proxy)
- Pest Advisory Committee (Proxy)
- Tinaroo Water Committee (Proxy)



### Cr Kevin Davies

- Audit Committee
- Crime Stoppers
- Davies Park Sporting Precinct Committee
- Great Wheelbarrow Race Organising Committee
- FNQ Regional Roads Group
- Local Disaster Management Group (Deputy Chair)
- Mareeba Chamber Commerce Sub Committees
- Traffic Advisory Committee
- Chillagoe Alliance (Proxy)
- Irvinebank Progress Association (Proxy)
- Mareeba District Disaster Management Group (Proxy)
- Mareeba Liquor Industry Action Group (Proxy)

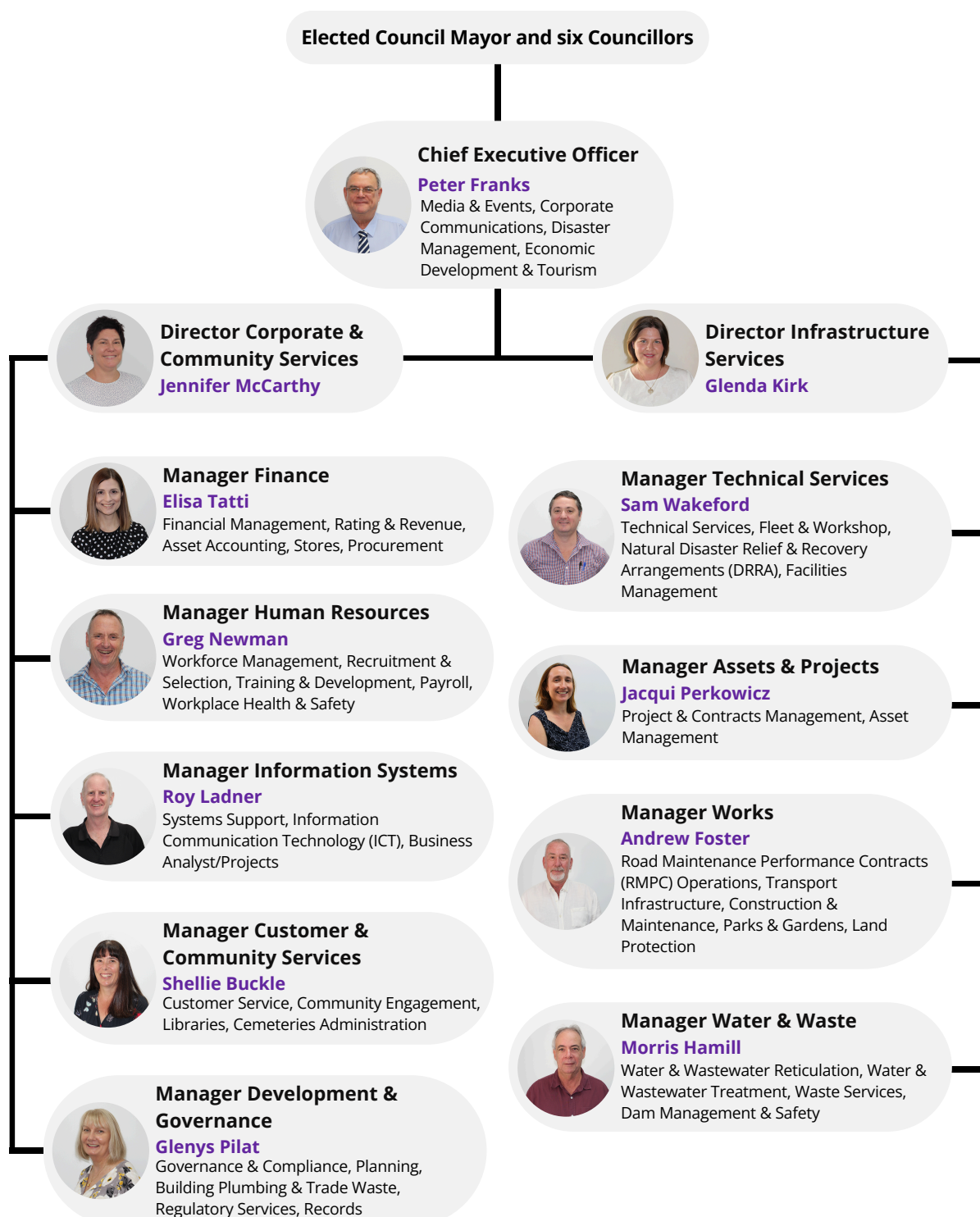


### Cr Mary Graham

- Audit Committee
- Collaborating for Inclusive outcomes in Mareeba
- Flexichoice
- Local Disaster Management Group Economic Development
- Mareeba Liquor Industry Action Group
- Mareeba Multicultural Festival Committee



# Corporate Structure



# Vision, Mission, Values and Strategic Priorities (Corporate Plan 2021-2025)

## Our Vision

A growing, confident and sustainable Shire.

## Our Mission

Provide cost-effective services, foster collaborative partnerships and maintain accountable governance to promote the prosperity and liveability of the Shire.

## Our Values

Sustainable  
United Team  
Customer Focused  
Community Partnerships  
Ethical Conduct  
Striving to be better  
Skilled Workforce

## Our Strategic Priorities

### Financial Sustainability

A Council that continuously operates in a cost effective manner while managing council's assets and reserves to ensure a sustainable future.

### Community

An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

### Transport and Council Infrastructure

The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

### Economy and Environment

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

### Governance

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

## Corporate Plan Progress

It is a mandatory requirement under 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 years and will remain in force for the specified period of the plan or until the earlier adoption of a new plan.

The Corporate Plan 2021 – 2025 was adopted on 16 December 2020 to provide the strategic direction for Mareeba Shire Council to achieve its vision for the future of the local government area.

The five Strategic Priorities identified in the Corporate Plan 2021 – 2025 are – Financial Sustainability; Community; Transport and Council Infrastructure; Economy and Environment; and Governance.

An Annual Operational Plan is prepared and adopted detailing the activities and projects planned to achieve Council's goals. The Annual Budget provides the funding and resources to meet the objectives of the Operational Plan.

An assessment of the Council's performance in implementing its Operational Plan is reported quarterly and in Council's Annual Report.

### Financial Sustainability

Mareeba Shire Council is committed to operating in a cost-effective manner while managing its assets and reserves to ensure a sustainable future for the community.

An organisation-wide project initiated in March 2022 aimed to identify key opportunities, efficiencies, and cost savings, thereby minimising potential financial burdens on residents. This project was successfully completed in January 2024, addressing 436 suggestions. The Council expresses gratitude for the dedication and support of staff in identifying and implementing these improvements.

The Council remains focused on financial sustainability to manage anticipated developments and mitigate potential financial shocks. The importance of Asset Management Plans and the Long-Term Financial Forecast enables the Council to meet both current and future commitments. A report from the Queensland Audit Office, tabled on 29 January 2024, indicated that 48 out of 77 councils are at risk of financial unsustainability; however, Mareeba Shire is not among those at risk.

During the year, the Council faced significant cost increases stemming from the global economic crisis. Despite this challenge, the Council maintained its commitment to the Long-Term Financial Plan, focusing on core business operations and effective asset management. The rise in costs prompting an update to the Long-Term Financial Plan to reflect these adjustments.

The Council has consistently received unqualified audit opinions from external auditors, demonstrating prudent financial management. Budgeting and rate increases are prepared conservatively, and regular monthly reporting ensures the Council remains focused on making informed and sustainable financial decisions.

<b>Financial Sustainability</b> A Council that continuously operates in a cost effective manner while managing council's assets and reserves to ensure a sustainable future.		
<b>Category</b>	<b>Strategic Priorities</b>	<b>Major Achievements</b>
FIN1	Long-Term Financial Plan that supports effective and sustainable financial management <ul style="list-style-type: none"> <li>• Maintain and enhance long-term financial plan</li> <li>• All decisions should support Council's strategic direction of financial sustainability</li> </ul>	<ul style="list-style-type: none"> <li>• QAO Audit outcomes indicate positive sustainability results</li> <li>• 10-year Long Term Financial Plan in line with Long Term Asset Management Plan</li> <li>• Ratio benchmark targets all achieved</li> </ul>
FIN2	Effective and sustainable financial management <ul style="list-style-type: none"> <li>• Optimise Council's revenue, based on realistic and equitable policies and practices, and consider opportunities for non-rate revenue sources</li> <li>• Commitment to continuous improvement in all operations to ensure financial sustainability</li> </ul>	<ul style="list-style-type: none"> <li>• Workforce Efficiencies and Cost Savings completed</li> <li>• Review of Procurement Policy and continuous monitoring and use of electronic tendering (Vendor Panel)</li> </ul>
FIN3	Effective business management <ul style="list-style-type: none"> <li>• Further develop and implement business practices including information and technology solutions, that meet corporate and customer needs</li> </ul>	<ul style="list-style-type: none"> <li>• Enhancements and technology updates implemented across Technology One suite</li> <li>• Implemented new payment platform for animal registrations and rates payments</li> </ul>
FIN4	A skilled and sustainable workforce <ul style="list-style-type: none"> <li>• Continue to promote a 'safety first' environment</li> <li>• Enhance an organisational culture which reflects shared vision and values</li> <li>• Continue to provide appropriate development opportunities and ensure transmission of corporate knowledge between staff</li> <li>• Continue to build effective leadership and management capability</li> </ul>	<ul style="list-style-type: none"> <li>• Workforce Training delivered</li> <li>• Leadership Training program provided to all supervisors and coordinators across Council</li> <li>• Completed final recommended actions from 2022/23 Safety System external audit</li> <li>• Council has an established and mature safety management system covering seven elements including policy, system planning, risk management and control, monitoring and review</li> </ul>

## Community

In 2023/24, Mareeba Shire undertook significant initiatives aimed at informing and engaging with the community, supporting and encouraging effective partnerships and enhancing community resilience.

The impact of Tropical Cyclone Jasper was profound, prompting the launch of the video series titled **'Stories of Jasper.'** This series showcases the experiences of residents and highlights the support provided by organisations and volunteers during the recovery process. The initiative aims to foster preparedness among residents and to restore hope in the face of adversity.

The Council's ongoing implementation of the Parks and Open Spaces Three-Year Action Plan resulted in notable improvements for the community. A key highlight was the **Bicentennial Lakes Revitalisation Project**, which introduced a new active recreational space featuring a pump track, picnic shelters, and play structures. These facilities quickly became a popular destination for families. Additional enhancements included the construction of a half basketball court in Chillagoe, a new pump track in Dimbulah, and upgrades to park facilities at Bill Newburn Park and Roscommon Park.

In January, the Council adopted the **Local Housing Action Plan (LHAP)**, addressing the local housing crisis through a comprehensive community approach. This plan focuses on critical issues such as supply, diversity, access, and affordability, with particular emphasis on social housing and support for the aging population.

The Council also continued to support the arts, culture, and recreation sectors through the **Community Partnerships Program (CPP)** and the **Regional Arts Development Fund (RADF)**. Financial support for local sporting, recreational, and cultural initiatives was maintained, and the adoption of the **RADF 2024-2028 Program** aims to further enhance local arts and culture while stimulating economic development.

Furthermore, the Council placed significant emphasis on improving relationships within the **Pacific Australia Labour Mobility Scheme**, advocating for better collaboration among Pacific workers, approved employers, and local communities to address social and behavioural impacts.

Mareeba Shire's involvement in the 2024 **North Queensland Games** showcased the participation of local athletes from across the region in a competition hosted by the Mareeba Gymnastic Club.

Council continued to make use of social media platforms to inform residents about Council initiatives, projects and events throughout the year, reinforcing community connection and engagement.



Chillagoe basketball court



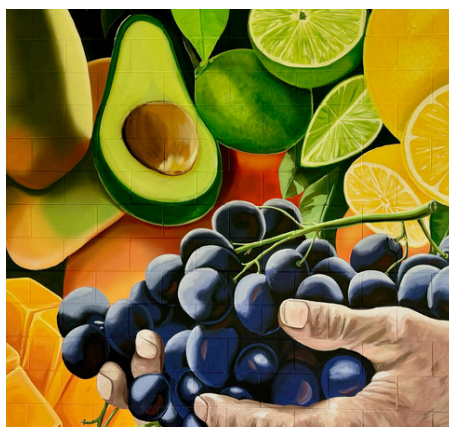
Bicentennial Lakes gully shaping



Irvinebank picnic shelter

<b>Community</b> An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the shire.		
Category	Strategic Priorities	Major Achievements
COM1	An engaged community <ul style="list-style-type: none"> <li>Continue to assist the community to build its capacity to develop the area of arts, culture and heritage to enrich lifestyles and encourage economic development</li> <li>Encourage and support community organisations to enhance their sustainability</li> <li>Support key community events</li> <li>Inform and engage with the community regarding Council's operations</li> </ul>	<ul style="list-style-type: none"> <li>Murals completed in Mareeba, Chillagoe and Mutchilba under the Public Mural Action Plan RADF funded program</li> <li>Five community Regional Arts Development Fund applications awarded (\$12,630)</li> <li>Fifty nine letters of grant support provided to not-for-profit organisations</li> <li>Financial support of more than \$44,000 for successful major events such as Savannah in the Round, Mareeba Rodeo, Far North Nomads Christmas in July, Mareeba Field Days and other smaller festivals in Chillagoe, Dimbulah and Irvinebank</li> <li>73 distinct community engagement activities</li> <li>Social media growth was seen in the interaction with content and link clicks, for example, content interaction on Facebook increased by 110% and link clicks by 75%</li> </ul>
COM2	An active, safe and healthy community <ul style="list-style-type: none"> <li>Ongoing strategic planning for recreation opportunities in consultation with key stakeholders</li> <li>Advocate and promote community initiatives that support an active and healthy lifestyle</li> <li>Advocate and promote community safety and other community services</li> </ul>	<ul style="list-style-type: none"> <li>Dimbulah pump track opened</li> <li>Mason Street Mareeba playground and pump track opened</li> <li>Half-basketball court opened at Chillagoe</li> <li>Collaborating for Community Safety meetings held</li> <li>Local sporting club participation in 2024 North Queensland Games supported</li> <li>Free aqua aerobic classes held for seniors in conjunction with North Queensland Sports Foundation</li> <li>Community safety advocacy undertaken to highlight issues with services to support family and domestic violence, the Pacific Australia Labour Mobility (PALM), youth crime and under-resourced local police stations</li> <li>A masterplan for Amaroo Park developed in collaboration with the community</li> </ul>

Category	Strategic Priorities	Major Achievements
COM3	<p>A community being prepared and resilient to emergencies and disasters</p> <ul style="list-style-type: none"> <li>Ensure the LDMG enables Council and the community to be prepared for, mitigate, respond to, and recover from disasters</li> <li>Support the Local Disaster Management Group to ensure effective decision-making during disaster events</li> <li>Partner with community stakeholders to build community resilience for emergencies and disasters</li> </ul>	<ul style="list-style-type: none"> <li>Council received over 900 calls, with 185 requests for emergency assistance, during the aftermath of Tropical Cyclone Jasper and associated rainfall and flooding</li> <li>Local and District Disaster Management Groups and subgroups met</li> <li>Get Ready Queensland activities held in Mareeba, Dimbulah, and Kuranda</li> <li>LDMG and Community Support Subgroup stood up to respond to Tropical Cyclone Jasper</li> <li>Disaster recovery hubs held in Bibbohra, Koah, Kuranda, Mt Molloy and Mareeba</li> <li>Community Recovery Connect officer meetings with Mareeba Community Centre and Kuranda Neighbourhood Centre</li> <li>Draft Jasper specific recovery plan prepared</li> <li>Fire mitigation strategy implemented</li> </ul>



Mutchilba Community Hall Mural by Lavinia Letheby (RADF)

## Transport and Council Infrastructure

Mareeba Shire Council is dedicated to providing quality services and infrastructure for its growing community, guided by sound asset management principles.

The current and future needs of the community drive the Council's priorities and strategic direction. The Council expresses deep gratitude to both the State and Federal Governments for their grant funding, which has been instrumental in enabling the delivery of essential infrastructure and services. These partnerships underscore the collective impact of collaborative efforts in supporting community liveability and growth.

This spirit of collaboration has resulted in infrastructure improvements that resonate with the needs and aspirations of residents and visitors alike. The Council is committed not only to enhancing physical assets but also to improving the overall livelihood of the community and attracting visitors. The Council's unwavering belief in responsible asset management has prioritised the renewal and upgrade of existing infrastructure. This focus ensures that the community benefits from functional, reliable, and efficient services.

Despite the challenges posed by Tropical Cyclone Jasper and subsequent weather events, the 2023/24 period has seen continued enhancements to the community through effective infrastructure management and development. With a renewed emphasis on resilience and betterment, the Council conducted inspections and emergency works across 212 shire roads, which constitutes over half of the road network. Additionally, ongoing management of water and wastewater impacts is being addressed in various locations.

Looking ahead, the Council remains committed to enhancing community liveability by implementing the Parks and Open Spaces Strategy. The **Bicentennial Lakes Revitalisation Project** serves as a prime example of how community engagement and thoughtful planning can create popular gathering spaces for families, further reflecting the Council's dedication to fostering a vibrant community.



<b>Transport and Council Infrastructure</b> The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.		
<b>Category</b>	<b>Strategic Priorities</b>	<b>Major Achievements</b>
TCI1	Sustainable Infrastructure for the future <ul style="list-style-type: none"> <li>• Implement, maintain and enhance Asset Management Plans</li> <li>• Operate, maintain, upgrade, renew and review existing Council infrastructure in accordance with Long Term Asset Management Plan</li> <li>• Maintain Council infrastructure that not only sustains industry and development, but also supports future growth of the region</li> <li>• Where possible develop infrastructure to mitigate against future severe weather events</li> <li>• Support and improve Council's business performance using appropriate information and communication technologies</li> </ul>	<ul style="list-style-type: none"> <li>• Review of Long Term Asset Management Plan</li> <li>• Continued implementation of Asset Management Sub Plans</li> <li>• Successful grant applications to renew and upgrade assets</li> <li>• Completed Bicentennial Lakes Gravity Sewer Main project to provide future capacity for wastewater</li> <li>• Finalised new project management system to streamline prioritisation and delivery of capital works projects</li> </ul>
TCI2	Deliver safe and effective transport networks <ul style="list-style-type: none"> <li>• Maintain and develop close and productive working relationships with relevant stakeholders</li> <li>• Advocate for improved and enhanced connectivity through the State and Federal governments</li> </ul>	<ul style="list-style-type: none"> <li>• Road widening project at Springmount Road to improve heavy vehicle safety</li> <li>• Gully Betterment pilot program approved by Queensland Reconstruction Authority to rebuild more resilient public assets</li> <li>• Continued implementation of Walking Network Plans for Mareeba and Kuranda, following community engagement to develop Priority Works Programs</li> <li>• Advocacy continues for Mareeba Heavy Vehicle Bypass by Queensland Government</li> </ul>

Category	Strategic Priorities	Major Achievements
TCI3	<p>Securing and managing water resources</p> <ul style="list-style-type: none"> <li>Promote and advocate for a secure water supply to meet future needs</li> <li>Maintain safe and reliable drinking water supply</li> </ul>	<ul style="list-style-type: none"> <li>Participation in the development of the Tablelands Regional Water Strategy led by Queensland Government to identify future bulk water supply options in the region</li> <li>Continue to implement the 10-year Shire-wide water main replacement program which commenced in 2019</li> <li>Works continuing for critical upgrades of the Mareeba Water Treatment Plant</li> </ul>
TCI4	<p>Public spaces and facilities</p> <ul style="list-style-type: none"> <li>Encourage partnerships with community, private sector and government to better utilise Council facilities and spaces</li> <li>Provide strategically located open spaces, parks and other facilities, to encourage active communities and support quality of life</li> <li>Support sporting organisations in providing opportunities for physical activity</li> <li>Continue to enhance the visual appeal to improve liveability and amenity of the Shire</li> </ul>	<ul style="list-style-type: none"> <li>Continued implementation of the Parks and Open Spaces Three-year action plan</li> <li>Undertook community engagement for the revitalisation of Kuranda's Anzac Park and to inform the community on works planned for Coondoo Street footpaths, lighting and plantings</li> <li>Bicentennial Lakes Revitalisation Project and approved construction of the southern active recreation space was completed in June 2024 including pump track, picnic shelters, flying fox, swings and slides</li> <li>A resident working group played a pivotal role in shaping an aspirational masterplan for Amaroo Park</li> <li>100 community groups and organisations have been supported through the Community Partnership Program in 2023/24</li> <li>Installation of new Street Sign artwork in Kuranda to improve way finding</li> </ul>

## Economy and Environment

Mareeba Shire is committed to fostering a resilient economy that leverages the region's natural assets, supports local industries, and encourages investment while preserving resources for future generations.

The Shire has experienced stable economic growth, with the Gross Regional Product reaching \$1.47 billion in the year ending June 2023, marking a growth of 0.5% from the previous year.

The Council remains dedicated to being a Small Business Friendly Council, recognising that small businesses play a crucial role in creating local jobs and providing essential goods and services to both the community and larger organisations. These businesses are vital to regional economic development and constitute the backbone of the supply chains for major projects.

As of 2023, Mareeba Shire is home to 2,209 businesses, reflecting an increase of 37 new businesses since 2022. The Agriculture, Forestry, and Fishing industry holds the largest share, accounting for 28.9% of all registered businesses in the Shire, significantly higher than the 8.4% seen across Queensland.

Tourism continues to emerge as a key industry, with total tourism sales in Mareeba Shire reaching a record high of \$166.2 million for the 2023 financial year. Visitor numbers have also shown positive growth, increasing to 164,308 in the year ending 30 June 2024, up from 162,480 the previous year.

Ongoing upgrades to large-scale infrastructure, including water reticulation and treatment, and road transport routes, are establishing a solid foundation for future growth in the Shire. Efforts to promote investment opportunities in the Shire's industrial land and commercial aviation park continue to be a priority, reinforcing Mareeba Shire's position as a viable and attractive location for economic development.

<b>Economy and Environment</b> A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.		
<b>Category</b>	<b>Strategic Priorities</b>	<b>Major Achievements</b>
EAE1	Environmentally responsible and efficient waste and wastewater management <ul style="list-style-type: none"> <li>Provide cost-effective waste services to the community through appropriate infrastructure, promoting waste minimisation, collaborative partnerships and advocating for circular economy opportunities</li> <li>Maintain, in a sustainable manner, Council's wastewater infrastructure to minimise environmental impact</li> </ul>	<ul style="list-style-type: none"> <li>Online/social media promotion and awareness of recycling and sustainability</li> <li>Ongoing program of relining of wastewater reticulation network and manhole replacements undertaken in Mareeba</li> <li>Expanded recycling solutions by installing Kuranda Containers for Change station</li> </ul>

Category	Strategic Priorities	Major Achievements
EAE2	<p>A Sustainable Planning Scheme</p> <ul style="list-style-type: none"> <li>• Maintain a scheme that sustains good agricultural land as well as encouraging industry and population growth while protecting the natural environment and liveability of the region</li> </ul>	<ul style="list-style-type: none"> <li>• Council has adhered to its Planning Scheme provisions and is commencing a review of the existing scheme</li> <li>• Developed a Local Housing Action Plan to help tackle the housing crisis</li> </ul>
EAE3	<p>Support and encourage sustainable industrial and commercial growth and development</p> <ul style="list-style-type: none"> <li>• Promote and expand opportunities for businesses to grow and/or establish themselves within the Shire</li> <li>• Partner with stakeholders to encourage and support a strong and sustainable regional economy</li> <li>• Highlight the positive attributes and benefits of Mareeba Shire to attract and retain Families</li> </ul>	<ul style="list-style-type: none"> <li>• Marketing outsourced for Mareeba Industrial Park (MIP) lots Sales of \$1,029,210</li> <li>• MIP Masterplan review and update undertaken in preparation of the next stage of development for the MIP</li> <li>• Ongoing private investment invited within the Tom Gilmore Mareeba Aviation Industrial Precinct</li> <li>• Investment and continued support of the Mareeba Shire Tourism organisation to promote the attractions and experiences available in the Mareeba Shire</li> <li>• Move to Mareeba publication developed to highlight the liveability of the Mareeba Shire</li> </ul>
EAE4	<p>The region's environmental assets are best managed while promoting economic wellbeing</p> <ul style="list-style-type: none"> <li>• Consider the natural environment in Council decision making</li> <li>• Promote water quality of our region's waterways limiting impact on the Great Barrier Reef and Gulf of Carpentaria</li> <li>• A coordinated approach to fire management and the management and control of pests, weeds and feral animals and other biosecurity threats</li> </ul>	<ul style="list-style-type: none"> <li>• Retain Reef Guardian member council status through ongoing participation</li> <li>• Fire mitigation strategy implementation</li> <li>• Bicentennial Lakes Southern Waterway Reconfiguration and Water Quality Improvement Project completed</li> </ul>

## Governance

Mareeba Shire Council is committed to sound decision-making based on effective frameworks and clear strategic direction, ensuring regulatory compliance while delivering affordable services to the community.

The Council takes pride in its strong governance framework, which is anchored by the **2021–2025 Corporate Plan**. This plan outlines the Council's strategic direction and is complemented by the **Enterprise Risk Management Framework**, encompassing a range of reporting mechanisms, policy reviews, Audit Committee meetings, and both internal and external audit programs.

In its ongoing efforts to address priority community concerns, the Council has continued to support the Mareeba Community Taskforce. Notably, the development of a **Local Housing Action Plan** was coordinated to tackle the pressing housing crisis. Additionally, the Council facilitated two **Collaborating for Community Safety** meetings to enhance community engagement and safety initiatives.

To support Council's advocacy efforts, a variety of advocacy documents are available for Councillors to utilise when addressing important issues with other levels of government. These documents focus on critical areas such as regional connectivity, community safety, communication, grant funding, and water security.






Throughout the financial year, the Council has actively participated in a range of delegations, local taskforce meetings, regional forums, and civic receptions. This includes hosting ministerial visits, attending teleconferences, submitting state-wide motions, and participating in conferences. These activities are aimed at raising awareness and addressing key matters of importance to the communities within the Shire.








<b>Governance</b> 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.		
<b>Category</b>	<b>Strategic Priorities</b>	<b>Major Achievements</b>
GOV1	Ethical, accountable, transparent and affordable decision making <ul style="list-style-type: none"> <li>• A governance framework that delivers sound organisational management</li> <li>• Complete adherence to the Local Government principles, Act and Regulations</li> <li>• Ensure all services are affordable to the community</li> </ul>	<ul style="list-style-type: none"> <li>• Three Audit Committee meetings held</li> <li>• One Probity Audit undertaken</li> <li>• Maintained rate rises below Consumer Price Index (CPI)</li> <li>• Local Laws Review commenced</li> </ul>









Category	Strategic Priorities	Major Achievements
GOV2	<p>Strong focus on compliance and enterprise risk</p> <ul style="list-style-type: none"> <li>Promote compliance within Council and the community</li> <li>Enterprise risk management process is commonly understood across the organisation to manage risk identification</li> <li>Cost effectively control identified risks</li> <li>Ensure systems and practices cover the full range of Council's activities and are compliant with statutory requirements</li> </ul>	<ul style="list-style-type: none"> <li>Organisation wide review and update of Enterprise Risk Register</li> <li>Achieved 100% compliance with the Queensland Audit Office, <i>Local Government Act 2009</i> (QLD) and Regulation checklist</li> <li>Independent audit of Council's fraud control risk management policy and plan conducted</li> <li>Strategic risk management framework developed for building and plumbing compliance</li> </ul>
GOV3	<p>Effective advocacy and strategic partnerships</p> <ul style="list-style-type: none"> <li>Maintain and develop our close and productive working relationships with relevant stakeholders, including the State and Federal governments</li> <li>Advocate Council's strategic and operational position on key issues effecting the community to other government sectors</li> </ul>	<ul style="list-style-type: none"> <li>Coordination of inaugural Mareeba Community Taskforce meeting and Action Plan</li> <li>Updated suite of advocacy documents for priority Council matters</li> <li>Strong participation in FNQROC</li> <li>LGAQ motions submitted regarding councillors funding, community and safety</li> <li>Partnered with Queensland Government and community housing organisation to build new social housing duplex for seniors</li> <li>Advocated for representation of Shire issues in the development of the FNQ Regional Plan and FNQ Infrastructure Plan</li> <li>Reviewed community leasing framework to provide highly subsidised land and facilities for not-for-profit clubs and groups in the Shire for environmental, cultural, arts and sporting activities</li> <li>Advocated for community safety by facilitating the Collaboration for Community Safety initiative</li> </ul>

## Operational Plan Progress

Council develops key performance measures as part of the annual Operational Plan. The table below outlines the Operational Plan objectives for the 2023/24 financial year and provides a measure of achievement, or outcome, for each. These objectives are actionable targets that move us closer to our vision 'A growing, confident and sustainable Shire'.

Project	Outcome	Progress
Long-term Financial Plan	<ul style="list-style-type: none"> <li>Long Term Financial Plan adopted 19 July 2023</li> <li>Long Term Asset Management Plan and Financial Plan aligned with revised Sub-Asset Management Plans and Local Government Infrastructure Plan</li> </ul>	 Completed
Comprehensive Asset Revaluations: <ul style="list-style-type: none"> <li>Land</li> <li>Buildings</li> <li>Drainage</li> </ul>	<ul style="list-style-type: none"> <li>Comprehensive revaluations undertaken and applied to Financial Statement for Land and Buildings. Drainage revaluations deferred to be included with Roads revaluations in 2024/25</li> </ul>	 Completed
Internal Access to Financial Information	<ul style="list-style-type: none"> <li>More users able to operate financial systems and locate relevant documentation</li> <li>Provided additional in-house training and support</li> <li>Improved reporting options and training available by request</li> </ul>	 Completed
Technology One enhancements	<ul style="list-style-type: none"> <li>Transitioned to CiAnywhere including Human Resources and Payroll modules</li> <li>Implemented Project Lifecycle Management (PLM)</li> <li>Continue to apply enhancement as available</li> </ul>	 Completed
Mareeba Industrial Estate	<ul style="list-style-type: none"> <li>Adoption of Masterplan, development of Eastern and Western precincts nearing completion</li> <li>Digital marketing continuing with monthly social media and google advertising by Mareeba Property Office</li> </ul>	 In Progress

Project	Outcome	Progress
Tom Gilmore Mareeba Aviation Industrial Precinct	<ul style="list-style-type: none"> <li>Discussions commenced with Trade &amp; Investment QLD regarding opportunities available at Mareeba Airport</li> <li>Working with consultants to design promotional engagement strategy workshop</li> <li>Digital marketing commenced with Aviation Trader Publication and promotions via Council's social media</li> </ul>	 In Progress
Customer Service Standards and Process	<ul style="list-style-type: none"> <li>Customer request systems and processes reviewed to determine appropriate responses including resolution timeframes</li> <li>Implemented animal e-notice registrations</li> <li>Enhanced Hall Hire application process</li> </ul>	 Completed
ICT Strategy implementation	<ul style="list-style-type: none"> <li>Transitioned to Teams Calling</li> <li>Decommissioned on-premise PABX</li> </ul>	 Completed
Sustainable Workforce	<ul style="list-style-type: none"> <li>Training and development of workforce where required to improve efficiencies and ensure workplace safety</li> <li>Leadership Training Program provided across organisation</li> <li>Organisational wide training program continues to meet compliance and operational requirements</li> </ul>	 Completed
Workforce Management	<ul style="list-style-type: none"> <li>Completed implementation of efficiencies and cost saving measures identified in 2022 review</li> <li>Recruitment and Selection Policy and Procedure review was undertaken</li> </ul>	 Completed
Arts Connection to Tourism	<ul style="list-style-type: none"> <li>Continued implementation of public mural action plan</li> </ul>	 Completed
Enhanced Online Presence	<ul style="list-style-type: none"> <li>Improved capacity and information sharing</li> <li>Increased web-based forms provided</li> <li>Review of web site content and on-line interaction undertaken</li> </ul>	 Completed

Project	Outcome	Progress
Review Asset Management Plans across asset classes	<ul style="list-style-type: none"> <li>Continue data verification and condition assessment and defect identification across individual asset classes</li> <li>Capital projects submitted for Council funding aligned with the Long Term Financial Plan</li> </ul>	 Completed
Local Government Infrastructure Plans Review (LGIP)	<ul style="list-style-type: none"> <li>Project lists based on asset management plans</li> </ul>	 In Progress
Parks and Open Spaces Strategy	<ul style="list-style-type: none"> <li>Completed planned construction for financial year</li> </ul>	 Completed
Kuranda Heights Cemetery	<ul style="list-style-type: none"> <li>Works completed</li> </ul>	 Completed
Waste Management Services Strategy	<ul style="list-style-type: none"> <li>Commenced review and update of Waste Strategy to align with Regional Waste Plan and Council's future waste management needs</li> </ul>	 Completed
Planning Scheme Review	<ul style="list-style-type: none"> <li>Prepared scope of works and community profile for 10 year review</li> </ul>	 Completed
Temporary Local Planning Instrument (TLPI)	<ul style="list-style-type: none"> <li>Amended the Planning Scheme to address the TLPI in accordance with Queensland Government advice</li> </ul>	 Completed
Cybersecurity Enhancements	<ul style="list-style-type: none"> <li>Continued implementation and monitoring security measures as defined by the ACSC Essential 8</li> <li>Established cyber incident response partnership</li> </ul>	 Completed

Project	Outcome	Progress
Housing Strategy	<ul style="list-style-type: none"> <li>Adopted Local Housing Action Plan (LHAP) to address the housing crisis</li> <li>Investigate options for sustainable social housing for seniors</li> <li>Tender awarded for new duplex for seniors by Mareeba Community Housing Company (MCHC)</li> <li>Awaiting outcome of MCHC application for state funds for new triplex for seniors</li> <li>Amendment of Local Law for Temporary Accommodation commenced</li> </ul>	<p>✓</p> <p>Completed</p>
Compliance Review	<ul style="list-style-type: none"> <li>Compliant with relevant legislative requirements</li> <li>Compliant with employment related legislative requirements identified</li> <li>All requirements of LGW Mutual Risk obligations have been met</li> </ul>	<p>✓</p> <p>Completed</p>



## Community Engagement

In the year 2023/24 significant community engagement activity focused on disaster recovery.

Bushfires in October, November and December and then flooding resulting from Ex-Tropical Cyclone Jasper in December saw the Communities team reaching out to residents across the whole shire. Impacted communities included Irvinebank, Watsonville, Mutchilba, Arriga, Julatten, Mt Carbine, Mt Molloy, Bibbohra, Mareeba, Speewah, Koah and Kuranda.

Engagement activities centred around disaster recovery hubs, phone calls and emails to provide support and information to those impacted.

Robust community engagement was carried out in Kuranda to focus the revitalisation of Anzac Park and to inform the community on works planned for Coondoo Street footpaths, lighting and plantings.

In Mareeba a resident working group played a pivotal role in shaping an aspirational masterplan for Amaroo Park. Feedback gathered by survey and working with a landscape architect and Council officers the working group championed the needs of their neighbourhood.

Specific engagement activities were also carried out for the Local Housing Action Plan and Mareeba CBD CCTV. Communities officers also participated in Mareeba Connecting Youth with Culture Steering Committee meetings and worked with Djabugay Nation Native Title Claim group to successfully implement Kuranda Heights Cemetery cultural heritage monitoring.

To end the financial year an engagement plan was launched for a project that will improve the walkability of Mareeba. The Lighter Infrastructure, Affordable Improvements, Effective Solutions (LAE) project will see safety and accessibility improvements to the walking and cycling network at sites across Mareeba. The initial engagement included correspondence, letter drops and meetings with affected residents and stakeholders.

Grants to Community Organisations	Amount
Cash	\$36,957
Rate Rebates and Charge Remissions	\$155,648
In-Kind Assistance	\$37,544
Community Loan	\$39,290
Regional Arts Development Fund (RADF)	\$12,630
<b>Total</b>	<b>\$282,069</b>

## Community Events

Community events in the Mareeba Shire serve as the heartbeat of our community. These gatherings bring people together, fostering a deep sense of belonging and shared purpose. Events celebrate our rich cultural diversity, showcase our local talents, and strengthen the bond between our residents. In a shire like Mareeba, where community spirit runs deep, these events not only provide entertainment but also promote resilience, unity, and collective pride in our region.

### Australia Day Awards and Great Australian Bites

Residents and visitors gathered at our annual Australia Day Awards Ceremony at the Mareeba International Club. The ceremony was combined with a Great Australian Bites event that saw live performances, face painting, food stalls, and fresh produce from the region.

Council would like to recognise the 44 community members, organisations and community events that were nominated for an Australia Day Award this year. Congratulations to our Citizen of the Year, Natasha Srhoj, and the Young Citizen of the Year, Nicholas Brammer.



### Australian Citizenship Ceremonies

Becoming an Australian citizen is a significant milestone that represents more than just a legal status, it is a profound commitment to shared values, rights, and responsibilities. Mareeba Shire is home to people from some 75 different nationalities and cultural backgrounds. In 2023/2024, we welcomed 57 citizens to the shire, more than double the amount in comparison to the previous financial year. The citizens came from 22 countries, with New Zealand, South Africa and Britain bringing the most residents.



### Bendigo Bank Great Wheelbarrow Race

In May of each year, one of the region's most iconic events, the Great Wheelbarrow Race, takes place. This year, Council saw the return of familiar faces, first-time runners, and two esteemed media companies, one being the iconic ABC Back Roads and the other Channel 7's breakfast show, Sunrise. ABC Back Roads filmed for seven days in the shire, focusing on three teams participating in the race and the episode is planned to be broadcast in early 2025.

Teams, solo, duos and other categories took part in the 140km three-day, fun-filled endurance event leaving Mareeba on the Friday morning and arriving in Chillagoe on the Sunday afternoon, all to raise valuable funds for a wide variety of charities within the region. For further information, visit: [www.greatwheelbarrowrace.com.au](http://www.greatwheelbarrowrace.com.au).



Great Wheelbarrow Race on Sunrise

### Mareeba Multicultural Festival

The Mareeba Multicultural Festival is a significant event held in August each year and highlights the diversity of our Shire. The event attracts both visitors and locals providing rich opportunities for social interaction during the day of entertainment. The relaxed and welcoming atmosphere means that people of diverse cultural backgrounds feel comfortable to attend and participate.

This year we saw performances from more than 20 cultures with delicious food sold from over 30 cultures. It rained for the first time in twenty-five years, since the event started in 1999. Fortunately, the weather improved during the morning and a wonderful day was had by all.



Pasifika Pride

## Legislative Disclosures

Mareeba Shire Council continues to be a responsible local government, operating in accordance with legislation and focusing on the ethical business activities and relationships between Councillors, senior management, employees, the community, government departments, business clients and other key stakeholders.

Council has a governance framework outlined below, that enhances organisational performance, whilst monitoring and maintaining compliance with legislative and other controls.

- Building awareness of organisational responsibilities and accountabilities;
- Strong financial stewardship and fiscal responsibility;
- Monitoring and maintaining compliance with legislation, policy, standards and controls;
- Integral practices, procedures and ethical decision-making with continuous improvement activities and transparent reporting; and
- Involving the community as a key stakeholder in decision-making and consultation opportunities.

## Risk Management

Risk management is the identification, assessment and prioritisation of risks. It also includes the steps taken to minimise such risks. Council has an Enterprise Risk Management Policy, Framework, and Process, which guides Council to identifying risks in all aspects of Council operations. Council risk management is integrated into other governance instruments of Council to ensure identification, mitigation and monitoring. All identified risks are annually reviewed, monitored and reported to the Audit Committee and Council.

Council will continue its commitment to ongoing work towards integrating risk management activities into all organisational areas to ensure compliance with ISO 31000:2018 Risk Management – Guideline. Additionally, Council continues to support a commitment to best practice via representative attendance at regional and inter-state risk focus events.

## Role of Council Members

Councillors continue to fulfil their roles and responsibilities in accordance with legislative requirements. Council is committed to effective, transparent, and accountable governance.

Section 12 of the *Local Government Act 2009* (QLD) states that the role of Councillors is to:

- represent the current and future interests of residents in the local government area;
- ensure that the Council acts responsibly, achieves the goals set out in the Corporate Plan, and complies with all laws that apply to local governments;
- provide high-quality leadership to the region and Council;
- participate in Council meetings, policy development, and decisions making, for the benefit of the local government area;
- be accountable to the community for the local government's performance.

The Mayor and Councillors perform their roles by attending and participating in Council meetings, engaging with residents within the Council area and participating in policy development and decision-making processes. The Mayor has additional responsibilities to those listed above, which include chairing Council meetings, being a member of each standing committee of the local government, leading and advising Council's Chief Executive Officer, and representing Council at ceremonial or civic functions.

The Mayor and Councillors are elected democratically by the community to represent the current and future interests of the residents within the entire local government area. One of the Councillors is elected as Deputy Mayor by their fellow Councillors.

The Mayor and Councillors hold monthly Ordinary Meetings to consider and decide on strategic matters of interest to the residents of Council's local government area and Council's operation. In addition to Ordinary Meetings, Special Meetings are held when required to discuss and decide upon urgent strategic matters.

## Councillor Meeting Attendance

The below list outlines Councillor attendance at Council meetings held between 1 July 2023 and 30 June 2024. Leave was granted for all unattended meetings by Councillors.

Councillor	#	Councillor	#	Meetings Held	#
Cr Angela Toppin AM	14	Cr Nipper Brown	4	Ordinary Meetings	12
Cr Lenore Wyatt	13	Cr Ross Cardillo	4	Special Meetings	2
Cr Lachlan Bensted	10	Cr Kevin Davies	14		
Cr Danny Bird	9	Cr Mary Graham	14		
Cr Amy Braes	4	Cr Mario Mlikota	10		

Councillors Amy Braes, Nipper Brown and Ross Cardillo were elected for a four-year term commencing in March 2024.

Councillors Lachlan Bensted, Daniel Bird and Mario Mlikota were in term from March 2020 to March 2024.

## Councillor Remuneration

The amount of remuneration paid to Local Government Councillors for the time and effort spent on Council business is determined by the Local Government Remuneration and Discipline Tribunal (The Tribunal).

The Tribunal has determined Mareeba Shire Council to be a 'category two' Council and the following annual remuneration amounts applied to 'category two' Councils during the period 1 July 2023 to 30 June 2024.

Mayor	Deputy Mayor	Councillors
\$132,461	\$79,478	\$66,231

The total remuneration paid to each Councillor and the total superannuation contribution paid on behalf of each Councillor during the pay periods falling between 1 July 2023 to 30 June 2024 is listed in the table below.

In addition to remuneration for time spent on Council business, Local Government Councillors are also entitled to receive reimbursement of all approved expenses incurred in undertaking their role as a Councillor. Council has adopted the Councillor Remuneration, Expenses Reimbursement and Resources policy as required by section 250 of the Local Government Regulation 2012 on 16 April 2024.

In accordance with the policy, Councillors are provided with reimbursements of expenditure for their vehicles, as well as incidental costs such as mobile phone costs and other costs related to Council business.

The total amount of expenses reimbursed to each Councillor during the period 1 July 2023 to 30 June 2024 is as follows:

<b>Councillor</b>	<b>Remuneration Paid</b>	<b>Superannuation Paid</b>	<b>Reimbursement Paid</b>
Cr Angela Toppin AM (Mayor)	132,460.90	15,895.24	9,440.54
Cr Kevin Davies (Deputy Mayor)	76,421.10	9,170.60	3,362.84
Cr Lachlan Bensted	50,947.00	6,113.69	2,538.40
Cr Danny Bird	50,947.00	5,604.20	2,538.40
Cr Mary Graham	66,231.10	7,947.80	3,362.84
Cr Mario Mlikota	50,947.00	6,113.69	2,538.40
Cr Lenore Wyatt	69,288.10	8,314.64	3,362.84
Cr Amy Braes	15,284.10	1,808.63	824.44
Cr Nipper Brown	15,284.10	1,808.63	824.44
Cr Ross Cardillo	15,284.10	1,808.63	824.44

In accordance with policy provisions, Councillors were also provided with the facilities and resources necessary to effectively undertake the requirements of their position.

These facilities and resources include:

- Council meeting rooms
- Access to computers and on-line meeting software (such as Microsoft Teams)
- Use of telephone and internet access
- Access to photocopier, scanner, printer and stationery
- Administrative and secretarial support
- Council owned vehicles available for business use by all Councillors
- Insurance cover under relevant Council policies (Public Liability, Councillors' Liability, Personal Accident, Workers Compensation)
- Provision of meals (lunches/morning teas) when attending Council meetings and workshops
- Attendance at approved work-related conferences and workshops
- Travel and accommodation to attend Council related business

### Councillor Conduct Matters

The table below reflects complaints dealt with during the financial year in accordance with the Councillor conduct framework provided for under Chapter 5A of the *Local Government Act 2009* (Qld).

Description	#
Orders made under section 150I(2) of the Act	Nil
Referral Notices given to the Local Government under section 150AC(1) of the Act	Nil
Total number of suspected conduct breaches under section 186(1)(g) of the Act	Nil
Total number of suspected conduct breaches under section 186(1)(g) of the Act, for which an investigation was not started or discontinued under section 150AEA of the Act	Nil
Orders made under section 150IA(2)(b) of the Act	Nil
Orders made under section 150AH(1) of the Act	Nil
Decisions, orders and recommendations made under section 150AR(1) of the Act	Nil
Complaints referred to the Independent Assessor under section 150P(2)(a) of the Act	Nil
Notifications made to the Crime and Corruption Commission under section 150P(3) of the Act	Nil

### Councillor Conduct Matters Continued

Description	#
Notifications made to the Independent Assessor under section 150R(2) of the Act	Nil
Notifications made to the Independent Assessor under section 150S(2)(a) of the Act	Nil
Information provided to the Independent Assessor under section 150AF(3)(a) of the Act	Nil
Decisions made under section 150AG(1) of the Act	Nil
Number of matters not decided by the end of the financial year under section 150AG(a) of the Act	Nil
Average time taken to make a decision under section 150AG(1) of the Act	N/a
Number of occasions Council requested another entity to investigate Councillor conduct under Chapter 5A, Part 3, Division 5 of the Act	Nil
Complaints referred to the Independent Assessor for which no further action was taken under section 150Y of the Act	Nil
Complaints referred back to Council by the Independent Assessor under section 150W(b) for investigation under section 150AF of the Act	Nil
Applications heard by the Councillor Conduct Tribunal	Nil

## Administrative Action Complaints

Council is committed to dealing fairly with administration action complaints. All complaints are processed in accordance with the provisions of the Council's adopted Administrative Action Complaints Management Policy. The objectives of the policy are to ensure that the Council has an organised process for responding to, recording, reporting and using complaints to improve service to the community.

Description	Number
Administrative action complaints carried over from the previous financial year	2
Administrative action complaints lodged during 2023/24	58
Administrative action complaints resolved during 2023/24	57
Administrative action complaints not resolved at close of the financial year	3
Administrative action complaints not resolved at close of the financial year 2023/24 which were lodged during the previous financial year 2022/23	0



## Audit

### Audit Committee

Council's Audit Committee comprises three (3) members, an independent member as chairperson (John Andrejic) and two Councillors (Cr Davies and Cr Graham). The independent chairperson is also responsible for probity audits.

Three meetings of the Audit Committee were held during the financial year - 10 August 2023, 3 October 2023, and 7 March 2024.

Items considered by Audit Committee throughout the 2023/24 year included:

- Financial statements for the year ended 30 June 2023
- Audit strategy for the 2023/24 financial year
- Internal audit plan adoption and project status
- Enterprise Risk Management including Business Continuity Plans, Compliance Checklist and Policy renewals
- External audit results and recommendations
- Probity audit review outcomes
- Audit Committee Self-Assessment

### Internal Audit

The function of internal audit is to provide stakeholders with a level of assurance that business processes are operating appropriately and effectively in accordance with organisational and legislative requirements. Pacifica Chartered Accountants provide internal audit services for Mareeba Shire Council.

Pacifica Chartered Accountants have served as the Council's Internal Auditors since 23 April 2015. In March 2021, their agreement was renewed for the period 1 July 2021 to 30 June 2024.

Internal Audit activities undertaken during 2023/24 include:

#### 2023/24 Annual Internal Audit Plan

Number	Project	Department
1	Fraud & Ethical Conduct (follow up)	Organisation-wide
2	Cash Handling Practices	Corporate and Community Services

## Compliance Activities

### Compliance with section 23 *Public Sector Ethics Act 1994* (Qld)

Council's commitment to Queensland's public sector ethical principles and the local government principles is reflected in our policies and procedures. Our administrative procedures and management practices also have due regard to the ethical principles, local government principles, and Council's Code of Conduct.

The *Public-Sector Ethics Act 1994* (Qld) requires that the Annual Report of each public-sector entity (which includes a Local Government) must include an implementation statement giving details of the action taken during the reporting period to comply with those sections of the Act relating to the preparation of codes of conduct and access to, and education and training in, the ethics principles and public-sector ethics.

The four (4) ethics principles are:

- Integrity and impartiality;
- Promoting the public good;
- Commitment to the system of government; and
- Accountability and transparency.

Council's Employee Code of Conduct is compliant with current legislation, in particular, the ethics principles outlined above. Education and training in relation to the ethics principles and the Employee Code of Conduct are included as part of the induction process for all new employees and refresher training is provided to all employees.

Topics covered by this training include:

- The operation of the *Public-Sector Ethics Act 1994* (Qld)
- The application of ethics principles and obligations
- The contents of the Employee Code of Conduct to include alignment with the Council's corporate values and principles and strategic priorities
- The rights and obligations of employees in relation to a contravention of the Employee Code of Conduct

Education and training have been provided to new employees, contractors, volunteers and students on work experience.

Copies of the ethics principles and Employee Code of Conduct are provided at each workplace for access by Council staff. Any person, other than Council staff, can obtain access to, or purchase a copy of, the Code of Conduct at any of the Council's administration offices.

The administrative procedures and management practices of the Council have regard to the ethics obligations of public officials and the Council's Code of Conduct and all employees are required to act in ways which give a commitment to a high standard of ethics and which ensure the highest standards of public administration.

### Registers Kept by Council

Council's registers provide a source of truth for various subject matters and help ensure efficient, effective, and transparent governance processes. Council kept the following registers during the 2023/24 year:

- Register of Members Interests
- Register of Councillor Conduct
- Register of Delegations by Council
- Register of Delegations by the Chief Executive Officer
- Register of Roads
- Register of Assets
- Register of Cost Recovery Fees
- Register of Local Laws and Subordinate Local Laws
- Register of Lands
- Register of Policies
- Cemetery Register
- Impounding Register
- Gifts and Benefits Register
- Register of On-site Sewerage Facilities
- Beneficial Enterprises
- General Complaints Database
- Large Contracts Register
- Preferred Suppliers
- Pre-qualified Suppliers
- Register of Councillors
- Register of Electoral Gifts
- Right to Information Database
- Sole Supplier Register

### Overseas Travel

No overseas travel was undertaken during the 2023/24 financial year.

### Senior Management Remuneration

The below table shows the range of remuneration (excluding superannuation) for the 12 month period from 1 July 2023 to 30 June 2024 provided to Council's senior management staff.

The total remuneration payable (excluding superannuation) in 2023/24 to senior management was \$922,859.69.

Package Range	#
\$400,000 - \$499,000	1
\$300,000 - \$399,000	0
\$200,000 - \$299,000	2

### Councillor Advisors

Council has not resolved to allow a Councillor to appoint Councillor Advisors.

### Special Rates and Charges

Council did not, during the year, take any action in relation to, or expend funds on, a service, facility or activity, under section 190(d) of the *Local Government Regulation 2012*:

- supplied by another local government under an agreement for conducting a joint government activity; and
- for which the local government levied special rates or charges for the financial year.

### **Concessions for Rates and Charges**

The Rate Rebate and Remission Policy sets out Council policy, as per annual budget resolution, in relation to the granting of rebates and remissions on rates and charges.

The *Local Government Regulation 2012* - Chapter 4, Part 10 Concessions, gives local governments the power to grant concessions for rates and charges.

A concession may only be of the following types:

- (a) a rebate of all or part of the rates or charges
- (b) an agreement to defer payment of the rates or charges
- (c) an agreement to accept a transfer of unencumbered land in full or part payment of the rates or charges

A concession may only be granted by resolution of the Council and for the Mareeba Shire Council; this is done as part of the annual budget adoption process and also noted in the adopted Revenue Statement.

### **Conduct of Business Activities**

The following business activities were conducted by Council during the 2023/24 financial year:

- Water Supply
- Sewerage
- Waste Management
- Soil Laboratory
- Building Certification

The *Local Government Act 2009* (Qld) (s 45 (b)) requires that a Council's Annual Report must identify the business activities that are a significant business activity. Significant business activity does not include a roads activity, or an activity related to the provision of library services. All significant business activities have had the Competitive Neutrality Principles applied. The *Local Government Regulation 2012* (s19) identifies the following expenditure thresholds for significant business activities:

- 10,000 or more premises being connected to water service for the provision of combined water and sewerage services
- \$9.7 million for another business activity

The Regulation also provides that a Local Government must use the financial information for the previous financial year that was presented to the Local Government's budget meeting to identify each new significant business activity for the financial year. None of the Council's business activities exceeded the threshold for a significant business activity for the 2023/24 financial year. The business activities listed above were also conducted by Council in the previous financial year (2022/23), and there were no new business activities commenced in 2023/24.

### **Changes to Tender**

There were zero occasions during the year where persons who submitted a tender were invited to change their tender to take account of a change in the tender specification prior to Council making a decision under section 228(7) of the *Local Government Regulation 2012*.

### **Competitive Neutrality Complaints**

During the 2023/24 financial year Council was not in receipt of any competitive neutrality complaints. During the same period, Council was not in receipt of any Queensland Productivity Commission notices of investigations, nor any Queensland Productivity Commission recommendations on any competitive neutrality complaints.

### **Summary of Investigation Notices**

During the 2023/24 year, Council did not receive any notices of investigation by the Queensland Competition Authority, under section 49 of the *Local Government Regulation 2012*.

During the same period, Council did not receive Queensland Competition Authority recommendations on any competitive neutrality complaints under section 52(3) of the *Local Government Regulation 2012*.

### **Particular Resolutions**

#### **Non-Current Assets as an Expense**

There were no resolutions made during the year under section 206(2) of the *Local Government Regulation 2012* (setting an amount for each different type of non-current physical asset below which the value of an asset of the same type must be treated as an expense). It has previously been determined that the threshold for capitalisation of asset classes other than land is \$5,000. These details form part of Note 13 to the Financial Statements.

#### **Debt Policy**

The Debt Policy details the principles upon which Council bases its decisions when considering the type of expenditure to be funded by borrowings for the financial years 2023/24 to 2032/33, the total current and projected borrowings and the ranges of periods over which they will be repaid.

#### **Revenue Policy**

The Revenue Policy (adopted annually at the budget meeting) governs the principles used by Council for making and levying rates and utility charges, exercising powers to grant rebates and concessions, for recovering unpaid amounts of rates and charges and the setting of miscellaneous fees and charges.

## Procurement

Council procurement is governed by the *Local Government Act 2009* (Qld), the *Local Government Regulation 2012* (Qld), and Council's own Procurement Policy and associated procedures.

As set out in section 104(3) of the *Local Government Act 2009* (Qld), Council employees must have regard for the sound contracting principles, when conducting procurement activities. These principles are:

1. Value for money;
2. Open and effective competition;
3. The development of competitive local business and industry;
4. Environmental protection;
5. Ethical behaviour and fair dealing.

Council is required to publicly tender work that has an expected value of more than \$200,000 (exclusive of GST). Council is not required to publicly tender work of more than \$200,000 where there is an exemption. Exemptions include the use of Localbuy, Council's registers of pre-qualified suppliers, and sole suppliers. To be considered a sole supplier, Council must be satisfied that the supplier is the only supplier who is reasonably available to Council. Council uses VendorPanel, an online portal to manage public tenders and some of its quotation processes.

## Major Construction Contracts Awarded

Council values economic development in our region and aims to support local businesses whenever possible. The table below shows the total number of major construction contracts awarded and provides a breakdown of those contracts by the geographical location of the supplier.

Supplier Location	Number
Contracts awarded to suppliers within Council's local government area	7
Contracts awarded to suppliers within Far North Queensland	15
Contracts awarded to suppliers outside of Far North Queensland	9
Contracts awarded to interstate suppliers	2

# Community Financial Report

## Financial Summary

Council successfully completed its Financial Statements within the statutory deadlines set by the *Local Government Act 2009* (Qld) and the *Local Government Regulation 2012* (Qld). The audit report was unqualified, reflecting the accuracy and integrity of our financial records.

To foster transparency and understanding within the community, we have produced the Community Financial Report. This report is designed to provide a clear and accessible overview of our financial performance and position over the past financial year. To improve stakeholders comprehension of the key elements of our financial statements, the Community Financial Report utilises straightforward language and visual aids such as graphs and tables to present the 2023/24 results.

During the 2023/24 financial year, Council has:

- Continued to refine and implement our Asset Management Plan, supporting informed and strategic asset management decisions.
- Maintained a robust financial position, resulting in an operating surplus of \$3.6 million, which continues to strengthen Council's long-term financial sustainability. This operating surplus is committed to fund asset renewals and upgrades in accordance with long term asset management plans.
- Kept debt levels relatively low, with an end-of-year loan balance of \$6.5 million.

## About the Financial Report

The Community Financial Report is prepared in accordance with Section 179 of the *Local Government Regulation 2012* and the Financial Review below focuses on the following elements:

- Statement of Comprehensive Income
- Statement of Financial Position
- Statement of Changes in Equity
- Statement of Cash Flows
- Measures of Financial Sustainability Performance



Barron Falls, Kuranda

## Statement of Comprehensive Income

The Statement of Comprehensive Income (often referred to as the Profit and Loss Statement) shows the details of Council's operating and capital income and expenses for a specified reporting period. Income minus expenses result in either a profit or loss amount known as the net result.

A Summarised Statement of Comprehensive Income for the year ended 30 June 2024 is shown in the table below.

Summary of Statement of Comprehensive Income	2023-24 Amount \$(000)	2022-23 Amount \$(000)
Operating Revenue	\$72,896	\$68,631
Less: Operating Expenses	(\$69,278)	(\$56,143)
<b>Operating Result</b>	<b>\$3,618</b>	<b>\$12,488</b>
Plus: Capital Income	\$10,207	\$10,451
Less: Capital Expenses	(\$2,999)	(\$1,192)
<b>Net Result*</b>	<b>\$10,826</b>	<b>\$21,747</b>

\*The Net Result does not represent surplus cash funds available.

A significant portion of Council's income is restricted to specific purposes and cannot be used for general operations. For instance, Benefited Area income and funds governed by legislative provisions are earmarked for designated uses. Additionally, capital grants are allocated specifically to maintain or expand Council's infrastructure and are not available for operational expenditure.

### Operating Results

Council's operating position reflects the ability to meet running costs using operating revenue. This includes Council's ability to fund future acquisition and replacement of assets.

Operating position is calculated by subtracting operating expense from operating revenue. This calculation does not include revenue or expenses for capital projects (assets).

See the 'Statement of Comprehensive Income' (operating) extract on the next page.

Statement of Comprehensive Income (Operating)	2023-24 Amount \$(000)	2022-23 Amount \$(000)
<b>OPERATING REVENUE</b>		
Rates & Utility Charges (Net of discount and remissions)	38,963	37,278
Fees & Charges	1,500	1,558
Operating Grants, Subsidies & Contributions	20,444	20,475
Sales & Services Revenue	6,205	5,149
Interest – Investment & Rates	4,432	2,813
Other Revenue	564	610
Lease and Rental Income	788	748
<b>TOTAL OPERATING REVENUE</b>	<b>72,896</b>	<b>68,631</b>
<b>OPERATING EXPENDITURE</b>		
Employee Benefits	19,006	18,242
Materials & Services	37,312	25,578
Finance Costs	328	327
Depreciation & Amortisation	12,632	11,996
<b>TOTAL OPERATING EXPENDITURE</b>	<b>69,278</b>	<b>56,143</b>
<b>OPERATING RESULT</b>	<b>3,618</b>	<b>12,488</b>

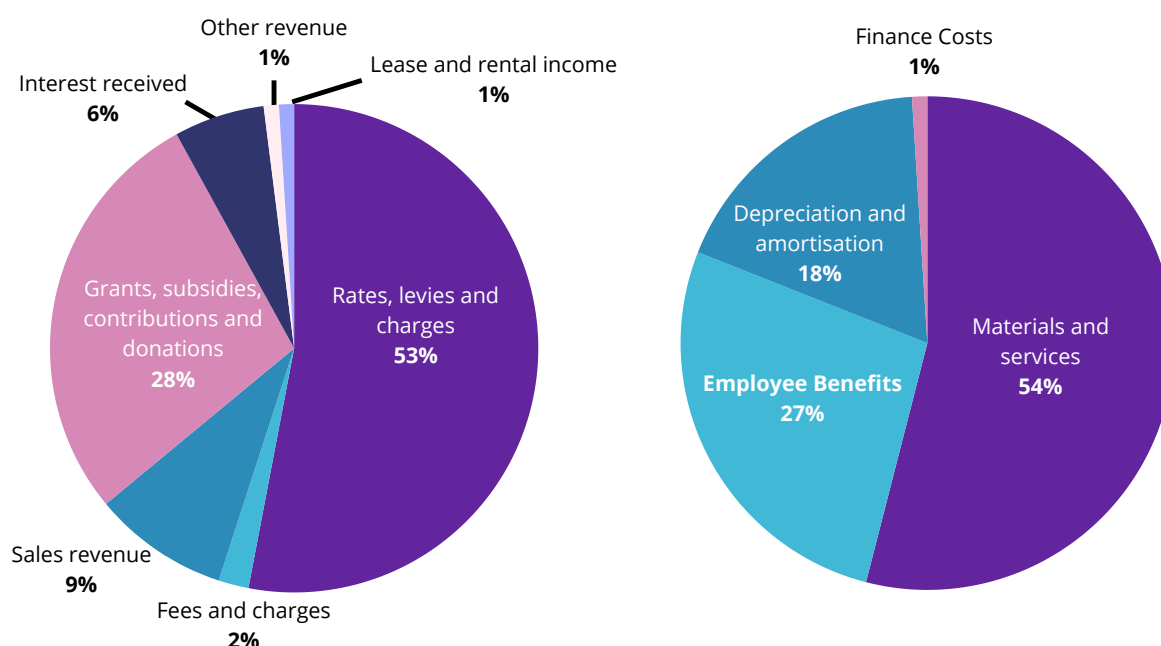
### Operating Revenue and Expenditure

Council's operating position for the year ended 30 June 2024 reflects a surplus of \$3.6 million. The notable decrease in surplus from 2022/23 to 2023/24 is primarily attributed to the early receipt of \$9.2 million for the Financial Assistance Grant in June 2023, which is an allocation towards the 2023/24 financial year. Unlike previous years, no early payment was received for the 2024/25 financial year.

Additionally, the recent rise in interest rates has led to a significant increase in interest revenue compared to prior years. However, accounting depreciation continues to have a substantial impact on Council's operating results. Depreciation and amortisation expenses totalling \$12.6 million have been recorded to reflect the usage and deterioration of community assets over their expected lifespans.

Council received \$72 million in operating revenue during the 2023/24 financial year. The primary source of this revenue was Rates and Charges, which contributed \$39 million (53%). The second largest revenue source came from grants, subsidies, contributions, and donations, which provided \$20 million (28%). The remaining operating revenue was generated from fees and charges, rental income, interest revenue, and other income sources.

Council's operating expenses for the 2023/24 financial year totalled \$69 million. The major expenses were materials and services, which accounted for \$37 million (53%), employee benefits totalling \$19 million (27%), and depreciation and amortisation amounting to \$12.6 million (18%).



## Net Result

Council's net result is determined by subtracting total expenses (operating and capital) from total revenue (operating and capital), excluding any adjustments for asset revaluations. For the 2023/24 financial year, the net result includes the following key items:

- \$9.8 million in capital grants, subsidies, contributions, and donations received from various government agencies to support the provision of capital infrastructure. Of this amount, \$1 million was recorded as contributed assets, representing non-cash revenue.
- \$2.9 million in capital expenses, primarily reflecting the value of assets that were replaced or disposed of during the year.

## Other Comprehensive Income

Council conducted a comprehensive valuation of Land and Buildings, along with a desktop revaluation of all other asset classes (excluding Plant and Fleet) to report fair values as at 30 June 2024. This process resulted in an increase in Council's total asset values by \$29.5 million.

## Capital Expenditure

Key capital works completed during the year include:

- \$2.3M in re-sheet, reseal and asphalt program
- \$2.1M towards the Parks and Open Spaces strategy
- \$10.3M for upgrades towards Mareeba Water Treatment Plant
- \$3.6M for Mareeba bi-lakes sewer main capacity
- \$861K towards the new Kuranda Heights Cemetery

## Statement of Financial Position

The Statement of Financial Position, commonly known as the Balance Sheet, provides a snapshot of Council's assets and liabilities at a point in time. This statement measures what Council owns (assets) and what it owes (liabilities). The difference between these two elements represents the net wealth (equity) of Council and the community, known as Community Equity.

Each section of the Statement of Financial Position is broken down into detailed subheadings, with cross-references to Notes in the Financial Statements for further clarification.

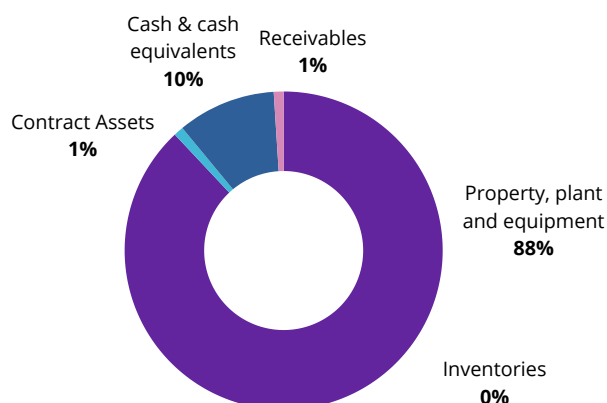
## Assets

Assets represent a resource owned by Council which provides economic value. There are two asset categories, current and non-current.

- **Current assets** include cash and cash equivalents, trade and other receivables, lease receivables, inventories, and other financial assets that can be converted into cash within one year.
- **Non-current assets** consist of property, plant and equipment, intangibles, and other financial assets.

As of 30 June 2024, Council's total assets amounted to \$853 million. This includes \$102 million in current assets (liquid assets or amounts receivable within twelve months) and \$751 million in non-current assets.

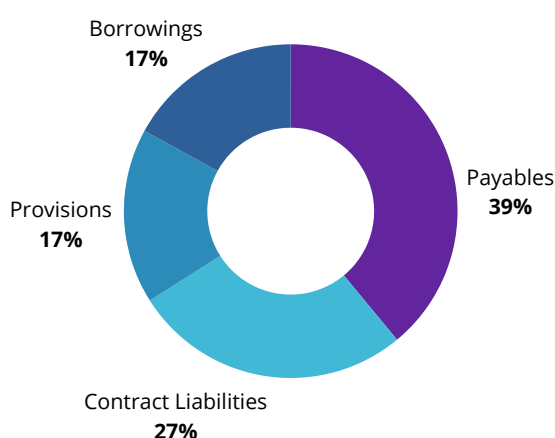
The most significant portion of Council's assets is in property, plant, and equipment, valued at \$750,461,930, which accounts for 88% of the total assets.



## Liabilities

Liabilities represent what Council owes. There are two liability categories, current and non-current.

- Current liabilities are short term financial obligations that are due within one year. For example amounts payable to suppliers.
- Non-current liabilities are financial obligations that are not due for more than a year. This includes loans, employee leave entitlements, and provisions for future expenditures, such as landfill restoration costs.



As of 30 June 2024, Council's total liabilities stood at \$38.1 million, comprising \$28.4 million in current liabilities and \$9.6 million in non-current liabilities. Current liabilities are obligations that are due to be settled within twelve months.

Council's borrowings consist of a loan from the Queensland Treasury Corporation (QTC).

## Queensland Treasury Debt

The Queensland Treasury Corporation (QTC) is the State Government's lending agency, providing financing to local governments and state agencies within Queensland for infrastructure projects.

Council did not undertake any new borrowings during the 2023/24 financial year. As of 30 June 2024, the loan balance was \$6.4 million. Repayments of this debt are made quarterly, covering both principal and interest, in accordance with the terms and conditions set by the Queensland Treasury Corporation.

## Statement of Changes in Equity

The difference between assets and liabilities represents the total community equity or net wealth of the Council. The Statement of Changes in Equity illustrates the overall change in Council's "net wealth" over the year. As of 30 June 2024, Council's net wealth was \$815.6 million.

This community equity comprises an asset revaluation reserve and retained surpluses, which increased by \$29.5 million and \$10.8 million, respectively, during the year. The asset revaluation surplus reflects the changes in the value of Council's assets over time.

Council's retained surplus represents funds available to be reinvested into assets, either now or in the future, to support community services. These surpluses also serve as a buffer against unforeseen financial challenges or adverse changes to the business environment.

## Statement of Cashflow

The Statement of Cashflow measures the inflow and outflow of cash during the reporting period, categorised into three main activities:

- Operating activities: These are the routine, day-to-day functions of Council, including receipts from rates, fees and charges, interest earned on investments, and payments for employee wages, materials, and services.
- Investing activities: This category includes capital grants for the purchase and construction of property, plant, and equipment, as well as proceeds from the sale of assets, including term deposits.
- Financing activities: These involve the repayment of loans and any inflows from new loans drawn down during the year (if applicable).

Statement of Cashflow	2023-24 Amount \$(000)	2022-23 Amount \$(000)
Opening Balance	70,992	71,613
Cash inflow (outflow) from operating activities	17,854	25,145
Cash inflow (outflow) from investing activities	(20,051)	(25,355)
Cash inflow (outflow) from financing activities	(423)	(411)
<b>CASH AVAILABLE END OF YEAR</b>	<b>68,372</b>	<b>70,992</b>

At the end of the year, Council held \$83.3 million in cash, as reflected in the Statement of Financial Position under cash and cash equivalents and short-term investments. This cash represents Council's future commitments for various obligations, including:

- Provisions for staff leave entitlements
- Asset replacements/renewals
- Grant-related expenditure
- Future commitments/projects

## Financial Sustainability Ratios

This year, the Department of Housing, Local Government, Planning and Public Works introduced a requirement for councils to calculate and publish new financial sustainability ratios as part of the new Sustainability Framework.

Financial sustainability measures indicate whether Council is operating in a financially sustainable manner. There are eight (8) ratios Councils are required to report on.

Measure	Target	Actual Current Year	5 Year Average	Narrative
Unrestricted Cash Expense Cover Ratio	Greater than 4 months	17.46	N/A	Council has sufficient unrestricted cash to cover a portion of its future planned expenses, such as infrastructure investments, and if necessary, address unplanned expenses or disaster recovery efforts.
Operating Surplus Ratio	Greater than 0%	4.96%	12.63%	Council closed the financial year with an reasonable operating result without the reliance of the early payment of the Financial Assistance Grant.
Operating Cash Ratio	Greater than 0%	22.52%	31.30%	Council budgets a surplus each year to ensure it generates surplus cash from its core operations, enabling it to primarily self-fund capital expenditures in line with Asset Management Plan and the Long-Term Financial Forecast.
Asset Sustainability Ratio	Greater than 80%	89.02%	133.83%	Over the long term, Council is adequately renewing its assets as they reach the end of their useful lives.
Asset Consumption Ratio	Greater than 60%	71.14%	78.43%	Council's assets are being consumed in line with their estimated useful lives.
Leverage Ratio	0 – 3 times	0.4	0.4	Council has the ability to repay its existing debt and maintains a relatively low level of debt.

Measure	Target	Actual Current Year	5 Year Average	Narrative
Council Controlled Revenue Ratio	N/A	55.51%	58.29%	This outcome is influenced by a moderate proportion of rates revenue, which accounts for 53% of total revenue, and fees and charges contributing just 2%. As a result, the council has limited flexibility to increase revenue and is somewhat dependent on grants and contracts.
Population Growth Ratio	N/A	0.85%	1.01%	Inputs for this ratio are provided by the State. The population growth is in line with Council's estimate.



# Mareeba Shire Council

## GENERAL PURPOSE FINANCIAL STATEMENTS

for the year ended 30 June 2024

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Mareeba Shire Council

Financial Statements 2024

## General Purpose Financial Statements

for the year ended 30 June 2024

Contents	Page
<b>Primary Financial Statements</b>	
Statement of Comprehensive Income	3
Statement of Financial Position	4
Statement of Changes in Equity	5
Statement of Cash Flows	6
<b>Notes to the Financial Statements</b>	
1 Information about these financial statements	7
2 Analysis of results by function	8
3 Revenue	10
4 Interest and other income	13
5 Capital income	14
6 Employee benefits	15
7 Materials and services	16
8 Finance costs	16
9 Capital expenses	17
10 Cash and cash equivalents	17
11 Receivables	19
12 Inventories	20
13 Property, plant and equipment	21
14 Intangible assets	26
15 Contract balances	27
16 Leases	28
17 Payables	29
18 Borrowings	30
19 Provisions	31
20 Other liabilities	32
21 Asset revaluation surplus	32
22 Commitments for expenditure	33
23 Contingent liabilities	33
24 Superannuation – regional defined benefit fund	34
25 Reconciliation of net result for the year to net cash inflow/(outflow) from operating activities	35
26 Reconciliation of liabilities arising from finance activities	36
27 Events after the reporting period	36
28 Financial instruments and financial risk management	36
29 National competition policy	39
30 Transactions with related parties	40
<b>Management Certificate</b>	<b>42</b>
<b>Independent Auditor's Report</b>	<b>43</b>
<b>Current Year Financial Sustainability Statement for the year ended 30 June 2024</b>	<b>44</b>
Certificate of Accuracy (audited ratios)	46

Page 1

Mareeba Shire Council

Financial Statements 2024

**General Purpose Financial Statements**

for the year ended 30 June 2024

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<b>Contents</b>	<b>Page</b>
Independent Auditor's Report - Current Year Financial Sustainability Statement	47
Certificate of Accuracy (contextual ratios - unaudited)	49
<b>Unaudited Long Term Financial Sustainability Statement prepared as at 30 June 2024</b>	<b>50</b>
Certificate of Accuracy - Long Term Financial Sustainability Statement	53

## Mareeba Shire Council

Financial Statements 2024

**Statement of Comprehensive Income**

for the year ended 30 June 2024

	Notes	2024 \$	2023 \$
<b>Income</b>			
<b>Revenue</b>			
<b>Recurrent revenue</b>			
Rates, levies and charges	3a	38,962,825	37,278,244
Fees and charges	3b	1,500,344	1,558,317
Sales revenue	3c	6,205,543	5,148,755
Grants, subsidies and contributions	3d(i)	20,443,703	20,475,710
<b>Total recurrent revenue</b>		<b>67,112,415</b>	<b>64,461,026</b>
<b>Capital revenue</b>			
Grants, subsidies and contributions	3d	9,847,769	10,087,599
<b>Total capital revenue</b>		<b>9,847,769</b>	<b>10,087,599</b>
<b>Other income</b>			
Rental income	16	788,221	747,874
Interest income	4a	4,432,028	2,812,727
Other income	4b	563,791	609,610
Capital income	5	359,645	363,395
<b>Total other income</b>		<b>6,143,685</b>	<b>4,533,606</b>
<b>Total income</b>		<b>83,103,869</b>	<b>79,082,231</b>
<b>Expenses</b>			
<b>Recurrent expenses</b>			
Employee benefits	6	19,005,599	18,242,041
Materials and services	7	37,312,495	25,577,618
Finance costs	8	328,238	327,039
Depreciation and amortisation:			
- Depreciation of property, plant and equipment	13	12,510,943	11,862,195
- Intangible assets	14	120,945	133,829
<b>Total recurrent expenses</b>		<b>69,278,220</b>	<b>56,142,722</b>
<b>Other expenses</b>			
Capital expenses	9	2,999,552	1,192,080
<b>Total other expenses</b>		<b>2,999,552</b>	<b>1,192,080</b>
<b>Total expenses</b>		<b>72,277,772</b>	<b>57,334,802</b>
<b>Net result</b>		<b>10,826,097</b>	<b>21,747,429</b>
<b>Other comprehensive income</b>			
<b>Amounts which will not be reclassified subsequently to the Net result</b>			
Increase in asset revaluation surplus	13	29,598,852	50,144,139
<b>Total other comprehensive income for the year</b>		<b>29,598,852</b>	<b>50,144,139</b>
<b>Total comprehensive income for the year</b>		<b>40,424,949</b>	<b>71,891,568</b>

The above statement should be read in conjunction with the accompanying notes and material accounting policies.

Mareeba Shire Council

Financial Statements 2024

**Statement of Financial Position**

as at 30 June 2024

	Notes	2024 \$	2023 \$
<b>Assets</b>			
<b>Current assets</b>			
Cash and cash equivalents	10	68,371,896	70,992,204
Short term investments	10	15,000,000	21,000,000
Receivables	11	4,912,754	5,255,443
Inventories	12	1,687,371	1,943,821
Contract assets	15	12,833,882	4,778,018
		<u>102,805,903</u>	<u>103,969,486</u>
<b>Total current assets</b>		<b>102,805,903</b>	<b>103,969,486</b>
<b>Non-current assets</b>			
Receivables	11	46,600	13,719
Property, plant and equipment	13	750,461,930	700,970,839
Intangible assets	14	437,448	478,667
<b>Total non-current assets</b>		<b>750,945,978</b>	<b>701,463,225</b>
<b>Total assets</b>		<b>853,751,881</b>	<b>805,432,711</b>
<b>Liabilities</b>			
<b>Current liabilities</b>			
Payables	17	13,167,740	7,812,802
Contract liabilities	15	10,212,090	5,699,850
Borrowings	18	430,834	429,718
Provisions	19	4,475,075	4,339,900
Other liabilities	20	178,451	172,756
		<u>28,464,190</u>	<u>18,455,026</u>
<b>Total current liabilities</b>		<b>28,464,190</b>	<b>18,455,026</b>
<b>Non-current liabilities</b>			
Payables	17	1,183,412	2,629,291
Borrowings	18	6,059,363	6,483,634
Provisions	19	2,038,886	2,105,233
Other liabilities	20	384,430	562,881
<b>Total non-current liabilities</b>		<b>9,666,091</b>	<b>11,781,039</b>
<b>Total liabilities</b>		<b>38,130,281</b>	<b>30,236,065</b>
<b>Net community assets</b>		<b>815,621,600</b>	<b>775,196,646</b>
<b>Community equity</b>			
Asset revaluation surplus		279,432,860	249,834,003
Retained surplus		536,188,740	525,362,643
<b>Total community equity</b>		<b>815,621,600</b>	<b>775,196,646</b>

The above statement should be read in conjunction with the accompanying notes and material accounting policies.

Mareeba Shire Council

Financial Statements 2024

**Statement of Changes in Equity**  
for the year ended 30 June 2024

	Notes	Asset revaluation surplus \$	Retained surplus \$	Total equity \$
Balance as at 1 July 2023		249,834,003	525,362,643	775,196,646
<b>Net result</b>		—	10,826,097	10,826,097
<b>Other comprehensive income for the year</b>				
- Increase in asset revaluation surplus	13	29,598,857	—	29,598,857
<b>Other comprehensive income</b>		29,598,857	—	29,598,857
<b>Total comprehensive income for the year</b>		29,598,857	10,826,097	40,424,954
<b>Balance as at 30 June 2024</b>		279,432,860	536,188,740	815,621,600
Balance as at 1 July 2022		199,689,864	503,615,214	703,305,078
<b>Net result</b>		—	21,747,429	21,747,429
<b>Other comprehensive income for the year</b>				
- Increase in asset revaluation surplus	13	50,144,139	—	50,144,139
<b>Other comprehensive income</b>		50,144,139	—	50,144,139
<b>Total comprehensive income for the year</b>		50,144,139	21,747,429	71,891,568
<b>Balance as at 30 June 2023</b>		249,834,003	525,362,643	775,196,646

The above statement should be read in conjunction with the accompanying notes and material accounting policies.

Mareeba Shire Council

Financial Statements 2024

**Statement of Cash Flows**

for the year ended 30 June 2024

	Notes	2024 \$	2023 \$
<b>Cash flows from operating activities</b>			
Receipts from customers		49,335,426	44,281,496
Payments to suppliers and employees		(52,543,712)	(42,927,085)
		<u>(3,208,286)</u>	<u>1,354,411</u>
<b>Receipts</b>			
Interest received		4,565,061	2,228,200
Non capital grants and contributions		16,742,414	21,819,128
<b>Payments</b>			
Borrowing costs		(245,417)	(256,785)
<b>Net cash inflow (outflow) from operating activities</b>	25	<u>17,853,772</u>	<u>25,144,954</u>
<b>Cash flows from investing activities</b>			
<b>Receipts</b>			
Proceeds from sale of property, plant and equipment		361,856	549,988
Grants, subsidies, contributions and donations		8,057,156	8,133,329
<b>Payments</b>			
Payments for short term investments		6,000,000	(11,000,000)
Payments for property, plant and equipment		(34,469,937)	(23,037,892)
<b>Net cash inflow (outflow) from investing activities</b>		<u>(20,050,925)</u>	<u>(25,354,575)</u>
<b>Cash flows from financing activities</b>			
<b>Payments</b>			
Repayment of borrowings		(393,438)	(383,522)
Other financing activity payments		(29,717)	(27,600)
<b>Net cash flow inflow (outflow) from financing activities</b>		<u>(423,155)</u>	<u>(411,122)</u>
<b>Net increase (decrease) in cash and cash equivalents held</b>		<u>(2,620,308)</u>	<u>(620,743)</u>
plus: cash and cash equivalents - beginning		70,992,204	71,612,947
<b>Cash and cash equivalents at the end of the financial year</b>	10	<u>68,371,896</u>	<u>70,992,204</u>
Additional information:			
plus: Investments on hand – end of year	10	15,000,000	21,000,000
<b>Total cash, cash equivalents and financial assets</b>		<u>83,371,896</u>	<u>91,992,204</u>

The above statement should be read in conjunction with the accompanying notes and material accounting policies.

## Mareeba Shire Council

Financial Statements 2024

### Notes to the Financial Statements

for the year ended 30 June 2024

#### Note 1. Information about these financial statements

##### (a) Basis of preparation

Mareeba Shire Council ("Council") is constituted under the *Queensland Local Government Act 2009* and is domiciled in Australia.

These general purpose financial statements are for the period 1 July 2023 to 30 June 2024. They are prepared in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

Council is a not-for-profit entity for financial reporting purposes and these financial statements comply with Australian Accounting Standards and Interpretations as applicable to not-for-profit entities.

These financial statements have been prepared under the historical cost convention except for the revaluation of certain classes of property, plant and equipment which are measured at fair value.

##### (b) Recurrent/capital classification

Revenue and expenditure are presented as "recurrent" or "capital" in the Statement of Comprehensive Income on the following basis: Capital revenue includes grants and subsidies received which are tied to specific projects for the replacement or upgrade of existing non-current assets and/or investment in new assets. It also includes non-cash contributions which are usually infrastructure assets received from developers.

The following transactions are classified as either "capital income" or "capital expenses" depending on whether they result in accounting gains or losses:

- disposal of non-current assets
- discount rate adjustments to restoration provisions
- revaluations of property, plant and equipment (Note 13)

##### (c) New and revised Accounting Standards adopted during the year

Council has adopted all standards which became mandatorily effective for annual reporting periods beginning on 1 July 2023, none of the standards had a material impact on reported position, performance and cash flows.

##### (d) Standards issued by the AASB not yet effective

The AASB has issued Australian Accounting Standards and Interpretations which are not yet effective at 30 June 2024, these standards have not been adopted by Council and will be included in the financial statements on their effective date. The standards are not expected to have a material impact for Council.

##### (e) Estimates and judgements

Council makes a number of judgements, estimates and assumptions in preparing these financial statements. These are based on the best information available to Council at the time, however due to the passage of time, these assumptions may change and therefore the recorded balances may not reflect the final outcomes. The significant judgements, estimates and assumptions relate to the following items and specific information is provided in the relevant note:

- Revenue - Note 3
- Valuation, impairment and depreciation of property, plant and equipment - Note 13
- Provisions - Note 19
- Contingent liabilities - Note 23
- Financial instruments and financial risk management - Note 28

##### (f) Rounding and comparatives

The financial statements are in Australian dollars that have been rounded to the nearest \$1, unless otherwise stated. Council uses the Australian dollar as its functional currency and its presentation currency. Comparative information is generally restated for reclassifications, errors and changes in accounting policies unless permitted otherwise by transition rules in a new Accounting Standard.

##### (g) Volunteer services

Council utilises volunteers in the following services:

- Kuranda Visitor Information Centre
- Mareeba Library Service
- Advisory Committees to Council:
  - Regional Arts Development Fund
  - Multicultural Festival
  - Great Wheelbarrow Race

Council's volunteers perform a range of unpaid activities. Their contributions to Council would not have been purchased if they had not been donated, hence their contributions cannot be readily identifiable and measured at fair value as they cannot be reliably measured.

##### (h) Taxation

Council is exempt from income tax, however Council is subject to Fringe Benefits Tax and Goods and Services Tax ('GST') and payroll tax on certain activities. The net amount of GST recoverable from the ATO or payable to the ATO is shown as an asset or liability respectively.

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 2. Analysis of results by function****(a) Components of Council functions**

The activities relating to the Council's components reported on in Note 2(b) are as follows:

**Governance and corporate services**

The objective of governance and corporate services is for Council to be open, accountable, transparent, and to deliver value for money on community outcomes, provide accurate, timely and appropriate information to support sound decision making and meet statutory requirements.

The Mayor, Councillors and Chief Executive Officer are included in governance.

The corporate services function includes: finance, information services, record management and human resources. Roles within this function include budget support, financial accounting, customer service and information technology services.

**Community services**

The goal of community services is to ensure Council is a healthy, vibrant, contemporary and connected community. Community services provide well managed and maintained community facilities, and ensure the effective delivery of cultural, health, welfare, environmental, recreational services and the promotion of tourism.

This function includes:

- Libraries
- Environmental licences and approvals

**Planning and development**

This function facilitates the Shire's growth and prosperity through well planned and quality development. The objective of planning and development is to ensure the Mareeba Shire Council is well designed, efficient and facilitates growth yet also preserves the character and natural environment of the Shire. This function includes activities and services related to neighbourhood and regional planning, and management of development approval processes.

**Works infrastructure**

The objective of the works infrastructure program is to ensure the community is serviced by a quality and effective road network. This function provides and maintains transport infrastructure, including the maintenance and provision of the drainage network and provides maintenance for all parks and gardens.

**Waste management**

The goal of this function is to protect and support our community and natural environment by sustainably managing refuse. This function provides refuse collection and disposal services.

**Water infrastructure**

The goal of this program is to support a healthy, safe community through sustainable water services. This function includes all activities relating to water.

**Sewerage infrastructure**

This function protects and supports the health of our community by sustainably managing sewerage infrastructure.

Financial Statements 2024

## Mareeba Shire Council

## Notes to the Financial Statements

for the year ended 30 June 2024

## Note 2. Analysis of results by function (continued)

## (b) Income, expenses and assets attributed to Council functions

Functions	Recurring grants	Gross program income		Capital other	Total income	Gross program expenses		Total expenses	Net result from recurring operations		Net result	Total assets
		\$	\$			\$	\$		\$	\$		
<b>2024</b>												
Governance and corporate services	543,338	22,038,940	—	7,102	22,589,380	(7,100,219)	(1,819,960)	(8,920,178)	15,489,060	13,669,202	278,229,252	
Community services	515,084	1,452,477	—	—	1,967,561	(7,742,716)	(315,336)	(8,058,052)	(5,775,155)	(6,090,491)	—	
Planning and development	—	1,368,572	—	—	1,368,572	(1,105,089)	—	(1,105,089)	263,483	263,483	—	
Works infrastructure	19,314,927	5,293,338	3,889,190	1,368,278	29,865,733	(38,166,668)	—	(38,166,668)	(13,558,403)	(8,300,935)	406,723,822	
Waste management	53,604	5,911,490	—	—	5,965,094	(5,218,762)	—	(5,218,762)	746,332	746,332	6,581,655	
Water infrastructure	16,750	9,361,757	2,406,497	385,708	12,150,712	(5,596,615)	(720,742)	(6,317,357)	3,781,892	5,833,355	73,686,373	
Sewerage infrastructure	—	7,025,178	1,700,000	470,639	9,196,817	(4,348,152)	(143,514)	(4,491,666)	2,678,026	4,705,151	88,530,779	
<b>Total</b>	<b>20,443,703</b>	<b>52,452,752</b>	<b>7,995,687</b>	<b>2,211,727</b>	<b>83,103,869</b>	<b>(69,278,220)</b>	<b>(2,599,552)</b>	<b>(72,277,772)</b>	<b>3,618,235</b>	<b>10,826,097</b>	<b>853,751,881</b>	
<b>2023</b>												
Governance and corporate services	11,025,613	20,352,148	—	3,713	31,381,474	(5,212,779)	—	(5,212,779)	26,168,695	26,168,695	242,782,223	
Community services	624,328	1,621,754	—	—	2,246,082	(8,704,471)	(110,432)	(8,814,903)	(6,458,389)	(6,568,821)	—	
Planning and development	—	1,362,928	—	374,122	1,737,050	(1,372,565)	—	(1,372,565)	(9,637)	364,465	—	
Works infrastructure	8,686,641	3,975,995	6,850,988	2,131,068	21,645,692	(26,085,591)	(253,477)	(26,339,068)	(13,421,955)	(4,693,376)	410,197,403	
Waste management	51,051	5,579,845	67,135	—	5,698,031	(5,387,099)	(28,131)	(5,415,230)	243,797	282,801	5,255,048	
Water infrastructure	88,077	8,610,635	552,156	22,137	9,273,005	(5,572,012)	(800,040)	(6,372,052)	3,126,700	2,900,953	66,329,863	
Sewerage infrastructure	—	6,651,222	430,285	19,390	7,100,897	(3,808,205)	—	(3,808,205)	2,843,017	3,292,692	80,888,174	
<b>Total</b>	<b>20,475,710</b>	<b>48,155,527</b>	<b>7,900,564</b>	<b>2,550,430</b>	<b>79,082,231</b>	<b>(56,142,722)</b>	<b>(1,192,080)</b>	<b>(57,334,802)</b>	<b>12,488,515</b>	<b>21,747,429</b>	<b>805,432,711</b>	

Page 9

Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 3. Revenue**

	2024	2023
	\$	\$

**(a) Rates, levies and charges**

Rates, levies and annual charges are recognised as revenue at the beginning of the rating period to which they relate. Prepaid rates are recognised as a financial liability until the beginning of the rating period.

General rates	21,707,582	20,804,003
Separate rates	330,165	346,820
Water	5,810,384	5,535,568
Water consumption, rental and sundries	2,612,041	2,472,672
Sewerage	6,126,709	5,911,217
Waste management	4,607,453	4,373,426
<b>Total rates and utility charge revenue</b>	<b>41,194,334</b>	<b>39,443,706</b>
Less: discounts	(1,835,851)	(1,776,322)
Less: pensioner remissions	(395,658)	(389,140)
<b>Total rates, levies and charges</b>	<b>38,962,825</b>	<b>37,278,244</b>

**(b) Fees and charges**

Revenue arising from fees and charges are recognised at the point in time when the performance obligation is completed and the customer receives the benefit of the services being provided.

The performance obligation relates to the specific services which are provided to the customers and generally the payment terms are within 30 days of the provision of service or in some cases, the customers required to pay on arrival. There is no material obligation for Council in relation to refunds or returns.

Licences granted by Council are all either short-term or low value and all revenue from licences are recognised at the time the licence is granted rather than over the term of the licence.

Revenue from infringements is recognised on issue of infringement notice after applying the expected credit loss model relating to impairment of receivables for initial recognition of statutory receivables.

	2024	2023
	\$	\$
Fines, penalties and infringements	109,953	86,384
Permits, licences and registrations	290,294	305,881
Applications	190,818	174,129
Cemetery services	325,845	373,920
Building/plumbing domestic applications	167,385	208,814
Building/plumbing commercial applications	26,265	27,916
Other fees and charges	389,784	381,273
<b>Total fees and charges</b>	<b>1,500,344</b>	<b>1,558,317</b>

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 3. Revenue (continued)****(c) Sales revenue**

Revenue from the sale of goods and materials is recognised at the point in time that the customer obtains control of the goods, generally at delivery. Revenue from services is recognised when the service is rendered.

Proceeds from the sale of land held for development, less the cost of the land sold are recognised in revenue on the signing of a valid unconditional contract of sale (note 12).

Council generates revenues from contract and recoverable works, which generally comprises a recoupment of material costs together with an hourly charge for use of equipment and employees. Contract revenue and associated costs are recognised by reference to the stage of completion of the contract activity based on costs incurred at the reporting date. Revenue is measured at the fair value of contract received or receivable in relation to that activity. Where consideration is received for the service in advance it is included in other liabilities and is recognised as revenue in the period when the service is performed. Waste management revenue is recognised based on the services provided at the reporting date pursuant to the relevant agreement. In the 2023/2024 financial year, \$4,098,333 of Contract and recoverable works was recognised over time, with \$310,182 recognised at a point in time. In the 2022/2023 financial year, \$2,962,019 of Contract and recoverable works was recognised over time, with \$316,872 recognised at a point in time.

	2024 \$	2023 \$
<b>Rendering of services</b>		
Contract and recoverable works	4,408,515	3,278,891
Waste management	752,630	878,544
<b>Total sale of services</b>	<b>5,161,145</b>	<b>4,157,435</b>
<b>Sale of goods</b>		
Sale of scrap / surplus plant	161,820	140,188
Sale of goods / materials	42,459	30,839
Net revenue from sales of land held for development	840,119	820,293
<b>Total sale of goods</b>	<b>1,044,398</b>	<b>991,320</b>
<b>Total sales revenue</b>	<b>6,205,543</b>	<b>5,148,755</b>

**(d) Grants, subsidies, contributions and donations****Grant income under AASB 15**

Where grant income arises from an agreement which is enforceable and contains sufficiently specific performance obligations then the revenue is recognised when control of each performance obligation is satisfied.

The performance obligations vary in each agreement. Payment terms vary depending on the terms of the grant, cash is received upfront for some grants and on the achievement of certain payment milestones for others. Each performance obligation is considered to ensure that the revenue recognition reflects the transfer of control and within grant agreements there may be some performance obligations where control transfers at a point in time and others which have continuous transfer of control over the life of the contract. Where control is transferred over time, revenue is recognised using either costs or time incurred.

**Grant income under AASB 1058**

Where Council receives an asset for significantly below fair value, the asset is recognised at fair value, related liability (or equity items) are recorded and income is then recognised for any remaining asset value at the time that the asset is received. Assets arising from grants in the scope of AASB 1058 are recognised at the asset's fair value when the asset is received. Council considers whether there are any related liability or equity items associated with the asset which are recognised in accordance with the relevant accounting standard. Once the assets and liabilities have been recognised then income is recognised for any remaining asset value at the time that the asset is received.

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 3. Revenue (continued)****Capital grants**

Where Council receives funding under an enforceable contract to acquire or construct a specified item of property, plant and equipment which will be under Council's control on completion, revenue is recognised as and when the obligation to construct or purchase is completed. For construction projects, this is generally as the construction progresses in accordance with costs incurred.

**Donations and contributions**

Where assets are donated or purchased for significantly below fair value, the revenue is recognised when the asset is acquired and controlled by the council. Donations and contributions are generally recognised on receipt of the asset since there are no enforceable performance obligations.

**Cash contributions**

Developers also pay infrastructure charges for trunk infrastructure to construct assets such as roads and footpaths and to connect new property developments to water and sewerage networks in the local government area. These infrastructure charges are generally within the scope of AASB 1058 since there is no enforceable performance obligation associated with them and therefore the infrastructure charges are recognised as revenue when received.

Developers may also make cash contributions towards the cost of constructing existing and proposed water supply and sewerage headworks in accordance with Council's planning scheme policies, (headworks include pumping stations, treatment works, mains and sewers). These cash contributions are recognised as income when received.

**Non-cash contributions**

Non-cash contributions with a value in excess of the recognition thresholds, are recognised as revenue under AASB 1058 and an addition to non-current assets. Those below the thresholds are recorded as expenses.

Physical assets contributed to Council by developers in the form of road works, stormwater, water and wastewater infrastructure and park equipment are recognised as revenue when the development becomes "on maintenance" (i.e. Council obtains control of the assets and becomes liable for any ongoing maintenance) and there is sufficient data in the form of drawings and plans to determine the approximate specifications and values of such assets. All non-cash contributions are recognised at the fair value of the contribution received on the date of acquisition.

	2024	2023
	\$	\$
<b>(i) Operating</b>		
State government subsidies and grants	20,032,056	9,437,657
Commonwealth government subsidies and grants	411,647	11,038,053
<b>Total recurrent grants, subsidies, contributions and donations</b>	<b>20,443,703</b>	<b>20,475,710</b>

**(ii) Capital**

Capital revenue includes grants and subsidies received which are tied to specific projects for the replacement or upgrade of existing non-current assets and/or investment of new assets. It also included non-cash contributions which are usually infrastructure assets received from developers.

State government subsidies and grants	4,917,837	2,966,464
Commonwealth government subsidies and grants	3,077,850	4,934,100
Donated assets	1,014,731	1,954,270
Contributions	837,351	232,765
<b>Total capital grants, subsidies, contributions and donations</b>	<b>9,847,769</b>	<b>10,087,599</b>

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 3. Revenue (continued)****(iii) Timing of revenue recognition for grants, subsidies, contributions and donations**

	2024		2023	
	Revenue recognised at a point in time	Revenue recognised over time	Revenue recognised at a point in time	Revenue recognised over time
	\$	\$	\$	\$
Grants and subsidies	2,197,288	25,962,186	12,519,610	15,474,665
Donated assets	1,014,731	—	1,954,270	—
Contributions	1,117,267	—	614,764	—
	<b>4,329,286</b>	<b>25,962,186</b>	<b>15,088,644</b>	<b>15,474,665</b>

**Note 4. Interest and other income**

	2024	2023
	\$	\$

**(a) Interest income**

Interest received from term deposits	1,117,841	725,095
Interest from overdue rates and utility charges	177,065	134,293
Interest received from Queensland Treasury Corporation	3,137,122	1,953,339
<b>Total interest income</b>	<b>4,432,028</b>	<b>2,812,727</b>

**(b) Other income**

Council's main source of 'other income' is animal impounding, legal recoveries, fuel rebates and various other income sources.

Animal impounding	12,225	12,697
Legal recoveries	186,332	136,625
Fuel rebates	83,976	78,604
Other income	281,258	381,684
<b>Total other income</b>	<b>563,791</b>	<b>609,610</b>

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 5. Capital income**

	Notes	2024 \$	2023 \$
<b>Gain / loss on disposal of non-current assets</b>			
Proceeds from the disposal of property, plant and equipment		361,856	151,788
Less: carrying value of disposed property, plant and equipment	13	(2,211)	(162,514)
		<u>359,645</u>	<u>(10,726)</u>
Proceeds from disposal of land and improvements		—	372,742
Less: carrying value of disposed land	13	—	(24,079)
		<u>—</u>	<u>348,663</u>
Proceeds from other assets - Buildings		—	25,458
Less: carrying value of disposed asset - Buildings		—	—
		<u>—</u>	<u>25,458</u>
<b>Total capital income</b>		<u><b>359,645</b></u>	<u><b>363,395</b></u>

Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 6. Employee benefits**

	Notes	2024 \$	2023 \$
Staff wages and salaries		14,275,184	13,480,799
Councillors' remuneration		543,095	524,979
Annual, sick and long service leave entitlements		2,964,007	2,835,540
Termination benefits		208,258	474,412
Superannuation	24	1,999,116	1,832,531
		<u>19,989,660</u>	<u>19,148,261</u>
Other employee related expenses		231,332	284,471
		<u>20,220,992</u>	<u>19,432,732</u>
Less: capitalised employee expenses		(1,215,393)	(1,190,691)
<b>Total Employee benefits</b>		<u>19,005,599</u>	<u>18,242,041</u>

Councillor remuneration represents salaries paid in respect of carrying out their duties.

	2024 Number	2023 Number
<b>Additional information:</b>		
Total Council employees at the reporting date:		
Elected members	7	7
Administration staff	97	93
Depot and outdoors staff	97	98
<b>Total full time equivalent employees</b>	<u>201</u>	<u>198</u>

Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 7. Materials and services**

	2024	2023
	\$	\$
Audit of annual financial statements by the Auditor-General of Queensland*	131,000	126,174
All contractors excluding hire of plant	28,394,809	16,933,631
Electricity	1,046,402	1,025,407
Rent, rates and leasing expenses	317,644	352,992
Road materials used for maintenance	507,581	592,338
Insurance	397,090	375,836
Bulk water purchase	551,080	828,971
Fuels and oils	663,873	746,538
Goods, materials and services	2,164,488	1,051,352
Hire of plant	189,466	302,746
Legal	274,054	227,526
Licences, fees, subscriptions and memberships	533,860	465,675
Professional/consultancy services	311,425	392,707
Waste levy payment	186,256	174,459
Waste levy refund	(186,256)	(174,459)
Write off of bad debts	370,379	545,626
Other materials and services	1,459,344	1,610,099
<b>Total materials and services</b>	<b>37,312,495</b>	<b>25,577,618</b>

\*Total audit fees quoted by the Queensland Audit Office relating to the 2023-24 financial statements are \$131,100 (2023: \$125,000).

**Note 8. Finance costs**

	2024	2023
	\$	\$
Finance costs charged by the Queensland Treasury Corporation	169,722	181,753
Unwinding of discount on provision for restoration	82,821	70,254
Bank charges	75,695	75,032
<b>Total finance costs</b>	<b>328,238</b>	<b>327,039</b>

Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 9. Capital expenses**

	2024	2023
Notes	\$	\$
Write-off of buildings	1,041,904	110,432
Write-off of roads and bridges	599,315	245,299
Write-off of sewerage	234,094	—
Write-off of water	724,166	800,040
Write-off of other infrastructure	296	28,131
Write-off drainage	67,200	8,178
Write off Land and Improvements	332,577	—
<b>Total capital expenses</b>	<b>2,999,552</b>	<b>1,192,080</b>

**Note 10. Cash and cash equivalents**

	2024	2023
	\$	\$
<b>Cash and cash equivalents</b>		
Cash float	2,200	2,200
Petty cash	900	900
Cash at bank	2,425,678	2,077,198
Deposits at call	65,943,118	68,911,906
<b>Balance per Statement of Financial Position</b>	<b>68,371,896</b>	<b>70,992,204</b>
<b>Balance per Statement of Cashflows</b>	<b>68,371,896</b>	<b>70,992,204</b>
<b>Short term investments - current</b>		
Term deposits	15,000,000	21,000,000
<b>Total short term investments</b>	<b>15,000,000</b>	<b>21,000,000</b>

Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 10. Cash and cash equivalents (continued)**

	2024	2023
	\$	\$

**Restricted and internally allocated cash and cash equivalents**

Council is exposed to credit risk through its investments in the QTC Cash Fund. The QTC Cash Fund is an asset management portfolio investing in a wide range of high credit rated counterparties. Deposits with the QTC Cash Fund are capital guaranteed.

Cash and cash equivalents	68,371,896	70,992,204
Less: externally imposed restrictions on cash	(1,189,320)	(4,803,480)
<b>Unrestricted cash</b>	<b>67,182,576</b>	<b>66,188,724</b>

Council's cash and cash equivalents and short-term investments are subject to a number of internal and external restrictions that limit amounts available for discretionary or future use. These include:

**(i) Externally imposed expenditure restrictions at the reporting date relate to the following cash assets:**

Unspent government grants and subsidies	1,189,320	4,803,480
<b>Total externally imposed restrictions on cash assets</b>	<b>1,189,320</b>	<b>4,803,480</b>

**(ii) Internal allocations of cash at the reporting date:**

Internal allocations of cash may be lifted by a Council with a resolution.

Waste levy refund received in advance	562,881	735,637
Constrained works	7,818,720	10,317,790
Future capital works	30,513,320	26,707,064
Future non-capital works	2,345,372	4,152,686
<b>Total internally allocated cash</b>	<b>41,240,293</b>	<b>41,913,177</b>
<b>Total unspent restricted cash</b>	<b>42,429,613</b>	<b>46,716,657</b>

Cash at bank and cash on hand at 30 June 2024 includes \$562,881 received in advance from the State Government for the State Waste Levy for the years 2023/24 though to 2026/27. This money has been set aside to help fund the Council's future waste levy expenses though to 2026/27.

Cash and deposits at call are held in various financial institutions in normal term deposits and business cheque accounts. These financial institutions have a short term credit rating of between A1+ to A3.

**Trust Funds**

In accordance with the *Local Government Act 2009* and *Local Government Regulation 2012*, a separate trust bank account and separate accounting records are maintained for funds held on behalf of outside parties. Funds held in the trust account include those funds from the sale of land for arrears in rates, deposits for the contracted sale of land, security deposits lodged to guarantee performance and unclaimed monies (e.g. wages). The Council performs only a custodian role in respect of these monies and because the monies cannot be used for Council purposes, they are not considered revenue nor brought to account in the financial statements since Council has no control over the assets.

**Trust funds held for outside parties**

Monies collected or held on behalf of other entities yet to be paid out to or on behalf of those entities	1,197,930	946,535
	<b>1,197,930</b>	<b>946,535</b>

**Funds held in trust by outside parties**

Some funds belonging to Council are held in the trust funds of third parties. These include grants for water and sewerage infrastructure.

Mareeba Shire Council

Financial Statements 2024

## Notes to the Financial Statements

for the year ended 30 June 2024

### Note 11. Receivables

Settlement of receivables is required within 30 days from invoice date.

Receivables are measured at amortised cost which approximates fair value at reporting date.

Rates and Charges: Council is empowered under the provisions of the Local Government Act 2009 to sell an owner's property to recover outstanding rate debts and therefore the expected credit loss is immaterial. Impairment of rates and charges will occur only if arrears are deemed to be greater than the proceeds Council would receive from the sale of the respective property.

Other Debtors: Council identifies other debtors as receivables that are not rates and charges or government receivable for community organisation loans.

Government Receivables: Federal and State government organisations that are a statutory receivable to Council; these monies are guaranteed and payments are made to Council in the required timeframes. Historical data has shown no history of defaults by government agencies and therefore no material risk in default.

Loans to community organisations are recognised at their face value. Terms are for a maximum of 10 years with no interest charged. Security is not normally obtained.

	2024	2023
	\$	\$
<b>Current</b>		
Rateable revenue and utility charges	1,969,981	2,383,865
GST recoverable	886,497	694,715
Prepayments	1,066,665	915,936
Other debtors	1,543,589	1,597,693
Loans and advances to community organisations	4,950	10,125
<b>Total</b>	<b>5,471,682</b>	<b>5,602,334</b>
<b>less: Provision for impairment</b>		
Provision for doubtful debts	(558,928)	(346,891)
<b>Total provision for impairment - receivables</b>	<b>(558,928)</b>	<b>(346,891)</b>
<b>Total current receivables</b>	<b>4,912,754</b>	<b>5,255,443</b>
<b>Non-current</b>		
Loans and advances to community organisations	46,600	13,719
<b>Total</b>	<b>46,600</b>	<b>13,719</b>

The impairment of receivables reflects the unpaid rates for mining leases. Council acts in accordance with its Debt Recovery Policy and current internal processes that are in place to retrieve the outstanding debts.

Interest is charged on outstanding rates (8.03% per annum from 1 July 2021, 8.17% from 1 July 2022, 11.64% from 1 July 2023). No interest is charged on other debtors. Council applies normal business credit protection procedures prior to providing goods or services to minimise credit risk. There is no concentration of credit risk for rates and utility charges, fees and other debtors receivable.

The council does not require collateral in respect of trade and other receivables.

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 12. Inventories**Stores and raw materials

Costs are assigned on the basis of weighted average cost except for land where the cost is allocated to the relevant parcel.

Land held for resale

Land acquired by Council with the intention of reselling it (with or without further development) is classified as inventory.

	2024	2023
	\$	\$
<b>(a) Inventories held for sale</b>		
Miscellaneous saleable items	4,392	3,033
	<u>4,392</u>	<u>3,033</u>
<b>(b) Inventories held for distribution</b>		
Plant and equipment stores	878,473	964,235
	<u>878,473</u>	<u>964,235</u>
<b>(c) Land purchased for development and sale</b>		
Land	804,506	976,553
<b>Total inventories</b>	<u>1,687,371</u>	<u>1,943,821</u>

Financial Statements 2024

## Mareeba Shire Council

## Notes to the Financial Statements

for the year ended 30 June 2024

### Note 13. Property, plant and equipment

	Land	Buildings	Plant and fleet	Road, drainage and bridge network	Water	Sewerage	Other infrastructure assets	Work in progress	Total
	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>2024</b>									
Fair value category	Level 2 & 3	Level 3		Level 3	Level 3	Level 3	Level 3	Level 3	
Measurement basis	Fair Value	Fair Value	Cost	Fair Value	Fair Value	Fair Value	Fair Value	Cost	
<b>Opening gross balance at 1 July</b>	15,819,422	86,899,464	6,865,909	531,654,939	115,523,032	113,209,480	43,945,140	33,921,361	947,838,747
Additions	—	—	—	472,333	160,753	381,646	—	34,539,939	35,554,671
Disposals	(402,577)	(1,508,123)	(168,990)	(901,953)	(1,942,007)	(476,180)	(36,966)	—	(5,436,796)
Revaluation increments to equity (ARS)	3,399,485	19,015,618	—	—	11,522,151	11,573,938	3,105,942	—	48,617,134
Work in progress transfers	—	926,895	561,161	3,073,826	2,916,017	1,110,919	1,105,610	(9,774,154)	(79,726)
<b>Total gross value of property, plant and equipment at 30 June</b>	18,816,330	105,333,854	7,258,080	534,299,145	128,179,946	125,799,803	48,119,726	58,687,146	1,026,494,030
<b>Opening accumulated depreciation and impairment at 1 July</b>	—	24,572,071	4,005,267	121,457,515	49,193,168	32,341,306	15,298,581	—	246,867,908
Depreciation expense	—	1,535,459	371,161	6,309,246	1,488,154	1,726,799	1,080,124	—	12,510,943
Depreciation on disposals	—	(466,217)	(166,783)	(235,437)	(1,217,840)	(242,086)	(36,669)	—	(2,365,032)
Revaluation increments to equity (ARS)	—	9,378,335	—	—	5,031,091	3,443,007	1,165,849	—	19,018,282
<b>Total accumulated depreciation and impairment property, plant and equipment at 30 June</b>	—	35,019,647	4,209,645	127,531,324	54,494,573	37,269,026	17,507,885	—	276,032,100
<b>Total net book value of property, plant and equipment</b>	18,816,330	70,314,207	3,048,435	406,767,821	73,685,373	88,530,777	30,611,841	58,687,146	750,461,930
<b>Other information</b>									
Range of estimated useful life (years)	Not depreciated	11-185	1-16	10-130	5-150	7-200	5-120	Not depreciated	
<b>*Asset additions comprise</b>									
Asset renewals	—	—	—	—	—	—	—	10,806,274	10,806,274
Other additions	—	—	—	472,333	160,753	381,646	—	23,733,665	24,748,397
<b>Total asset additions</b>	—	—	—	472,333	160,753	381,646	—	34,539,939	35,554,671

Page 21

Financial Statements 2024

## Mareeba Shire Council

## Notes to the Financial Statements

for the year ended 30 June 2024

## Note 13. Property, plant and equipment (continued)

	Land	Buildings	Plant and fleet	Road, drainage and bridge network	Water	Sewerage	Infrastructure assets	Work in progress	Total
	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>2023</b>									
Fair value category	Level 2 & 3	Level 3	Cost	Level 3	Level 3	Level 3	Level 3	Cost	
Measurement basis	Fair Value	Fair Value		Fair Value	Fair Value	Fair Value	Fair Value		
<b>Opening gross balance at 1 July</b>	14,505,976	77,636,522	7,048,449	477,224,194	79,744,184	83,612,677	39,017,354	24,043,079	802,832,435
Additions	—	—	—	712,745	275,586	965,947	—	22,996,823	24,951,101
Disposals	—	(163,932)	(722,108)	(479,671)	(1,958,917)	—	(40,920)	—	(3,365,548)
Revaluation increments to equity (ARS)	507,709	8,884,814	—	49,141,527	35,304,946	24,874,671	4,690,884	—	123,404,551
Work in progress transfers	805,736	542,059	539,567	5,039,930	2,157,236	3,756,188	277,823	(13,118,539)	—
Adjustments and other transfers	—	—	—	16,214	—	—	—	—	16,214
<b>Total gross value of property, plant and equipment at 30 June</b>	15,819,422	86,899,464	6,865,909	531,654,939	115,523,032	113,209,480	43,945,140	33,921,361	947,838,747
<b>Opening accumulated depreciation and impairment at 1 July</b>	—	20,727,280	4,190,794	99,749,055	13,874,342	12,488,486	12,727,084	—	163,757,041
Depreciation expense	—	1,399,319	374,067	6,012,072	1,440,006	1,685,478	951,253	—	11,862,195
Depreciation on disposals	—	(53,500)	(559,594)	(226,882)	(1,158,877)	—	(12,789)	—	(2,011,642)
Revaluation increments to equity (ARS)	—	2,498,972	—	15,923,369	35,037,697	18,167,341	1,633,033	—	73,260,412
<b>Total accumulated depreciation and impairment property, plant and equipment at 30 June</b>	—	24,572,071	4,005,267	121,457,515	49,193,168	32,341,306	15,298,581	—	246,867,908
<b>Total net book value of property, plant and equipment</b>	15,819,422	62,327,393	2,860,642	410,197,424	66,329,864	80,868,174	28,646,559	33,921,361	700,970,839
<b>Other information</b>									
Range of estimated useful life (years)	Not depreciated	11-185	1-16	10-130	5-150	7-200	5-120	Not depreciated	
<b>*Asset additions comprise</b>									
Asset renewals	—	—	—	—	—	—	—	13,118,539	13,118,539
Other additions	—	—	—	712,745	275,586	965,947	—	9,878,284	11,832,562
<b>Total asset additions</b>	—	—	—	712,745	275,586	965,947	—	22,996,823	24,951,101

Page 22

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 13. Property, plant and equipment (continued)****(a) Recognition**

Each class of property, plant and equipment is stated at amortised cost or fair value. Items of plant and equipment with a total value of less than \$5,000, and infrastructure assets and buildings with a total value of less than \$5,000 are treated as an expense in the year of acquisition. All other items of property, plant and equipment are capitalised.

Land under roads and reserve land under the Land Act 1994 or the Land Title Act 1994 is controlled by Queensland State Government and not recognised in Council's financial statements.

**(b) Measurement**

Property plant and equipment assets are initially recorded at cost. Subsequently, each class of property, plant and equipment is stated at cost or fair value (as shown in the table above) less, where applicable, any accumulated depreciation and accumulated impairment loss.

**(c) Depreciation**

Land is not depreciated as it has an unlimited useful life. Depreciation on other property, plant and equipment assets is calculated on a straight-line basis so as to write-off the net cost or revalued amount of each depreciable asset, less its estimated residual value, progressively over its estimated useful life to Council. Management believe that the straight-line basis appropriately reflects the pattern of consumption of all Council assets.

**Depreciation methods, estimated useful lives and residual values of property, plant and equipment assets are reviewed at the end of each reporting period and adjusted where necessary to reflect any changes in the pattern of consumption, physical wear and tear, technical or commercial obsolescence, or management intentions.** The condition assessments performed as part of the annual valuation process for assets measured at depreciated current replacement cost are used to estimate the useful lives of these infrastructure assets at each reporting date. Details of the range of estimated useful lives for each class of asset are shown in Note 13.

**(d) Impairment**

Property, plant and equipment held at cost is assessed for indicators of impairment annually. If an indicator of possible impairment exists, Council determines the asset's recoverable amount. Any amount by which the assets carrying amount exceeds the recoverable amount is recorded as an impairment loss.

**(e) Valuation**

**Land, buildings, road, drainage, bridge, water, sewerage and other infrastructure assets are measured on the revaluation basis, at fair value, in accordance with AASB 116 Property, Plant and Equipment. Plant and fleet, and work in progress are measured at cost.**

Non-current physical assets measured at fair value are revalued, where required, so that the carrying amount of each class of asset does not materially differ from its fair value at the reporting date. This is achieved by engaging independent, professionally qualified valuers to determine the fair value for each class of property, plant and equipment assets at least once every 5 years. This process involves the valuer physically sighting a representative sample of Council assets across all asset classes and making their own assessments of the condition of the assets at the date of inspection.

In the intervening years, Council uses internal engineers and asset managers to assess the condition and cost assumptions associated with all infrastructure assets, the results of which are considered in combination with an appropriate cost index for the region. Together these are used to form the basis of a management valuation for infrastructure asset classes in each of the intervening years. With respect to the valuation of the land and improvements, buildings and major plant asset classes in the intervening years, management engage independent, professionally qualified valuers to perform a "desktop" valuation. A desktop valuation involves management providing updated information to the valuer regarding additions, deletions and changes in assumptions such as useful life, residual value and condition rating. The valuer then determines suitable indices which are applied to each of these asset classes.

On revaluation, accumulated depreciation is restate proportionately with the change in the carrying amount of the asset and any change in the estimate of remaining useful life.

Page 23

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 13. Property, plant and equipment (continued)**

Fair values are classified into three levels as follows:

Level 1 - fair value based on quoted prices (unadjusted) in active markets for identical assets or liabilities

Level 2 - fair value based on inputs that are directly or indirectly observable, such as prices for similar assets for the asset or liability

Level 3 - fair value based from data unobservable in the market

There were no transfers between levels during the year.

**Valuation techniques used to derive level 2 and level 3 fair values**

Asset class and fair value hierarchy	Valuation approach	Last comprehensive valuation date	Valuer engaged	Index applied (change in index recognised this year)	Other interim revaluation adjustment
Land and improvements (level 2 and level 3)	Market approach by direct comparison	30/06/24	APV Valuers & Asset Management	N/A	Nil

**Key assumptions and estimates (related data sources)**

- Current Zoning
- Sales transactions of other properties (price per square metre of land area) within the region adjusted for differences between key attributes of the properties.

Buildings (level 3)	Current replacement cost	30/06/24	APV Valuers & Asset Management	Asset Revaluation Index: Non-Residential Construction, Queensland	Nil
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**Key assumptions and estimates (related data sources)**

- Actual construction or purchase prices for recent projects paid by Council
- Appropriate APV database record details of actual cost from recent projects that are sourced directly from clients Rawlinson's Construction Guide or similar (such as Cordells)
- Benchmarking against other valuations
- The buildings asset class was completely revalued by APV. However, assets categorised by APV as Other Structures were excluded as they did not meet the criteria for Building valuation. Instead, these assets were indexed by 6.56% and will be revalued at a future date yet to be determined.

Roads (level 3)	Current replacement cost	30/06/20	Australis Advisory Group, APV Valuers & Asset Management	Producer Price Index (PPI): Road & Bridge Construction, Queensland, index applied 4%	Nil
Drainage (level 3)	Current replacement cost	30/06/21	Australis Advisory Group, APV Valuers & Asset Management	Producer Price Index (PPI): Road & Bridge Construction, Queensland, index applied 4.5%	Nil
Bridges (level 3)	Current replacement cost	30/06/22	Australis Advisory Group, APV Valuers & Asset Management	Producer Price Index (PPI): Road & Bridge Construction, Queensland, index applied 4%	Nil

Page 24

Mareeba Shire Council

Financial Statements 2024

## Notes to the Financial Statements

for the year ended 30 June 2024

### Note 13. Property, plant and equipment (continued)

Asset class and fair value hierarchy	Valuation approach	Last comprehensive valuation date	Valuer engaged	Index applied (change in index recognised this year)	Other interim revaluation adjustment
Kerb and Channel (level 3)	Current replacement cost	30/06/23	Australis Advisory Group, APV Valuers & Asset Management	Producer Price Index (PPI): Road & Bridge Construction, Queensland, index applied 4%	Nil

#### Key assumptions and estimates (related data sources)

- Characterisation of assets
- Unit rates were established from listed data sources and verified and recent projects where possible
- Cost guide unit rates were based on the Brisbane Metro area and factors applied to adjust for regional location where primary local project data was not available.

Water and sewerage assets (level 3)	Current replacement cost	31/12/22	Australis Advisory Group	Asset Revaluation Index: Engineering Construction, Queensland, index applied 10.18%	Nil
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#### Key assumptions and estimates (related data sources)

- Rates assume an incremental Greenfields approach and exclude Brownfield cost components
- Council engineering team involved when developing replacement costs and relied on combination of sources, cost guides, historical costs, contractor rates, future works and regional information
- Location factor applied to unit rates

Other infrastructure assets (level 3)	Current replacement cost	30/06/19	APV Valuers & Asset Management	Asset Revaluation Index: Non-Residential Construction, Queensland, index applied 6.56%	Nil
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#### Key assumptions and estimates (related data sources)

- Actual construction or purchase prices for recent projects paid by Council
- Appropriate APV database where we record details of actual cost from recent projects that are sourced directly from clients
- Rawlinson's Construction Guide or similar (such as Cordells)
- Benchmarking against other valuations
- Buildings asset class was comprehensively revalued by APV with the exclusion of those deemed as 'Other Structures.

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 14. Intangible assets**

	2024 \$	2023 \$
<b>Intangible assets are as follows:</b>		
<b>Software</b>		
<b>Opening gross carrying value</b>	2,746,235	2,746,235
Additions	79,726	—
<b>Closing gross carrying value</b>	<u>2,825,961</u>	<u>2,746,235</u>
<b>Opening accumulated amortisation and impairment</b>	(2,267,568)	(2,133,739)
Amortisation charges	(120,945)	(133,829)
<b>Closing accumulated amortisation and impairment</b>	<u>(2,388,513)</u>	<u>(2,267,568)</u>
<b>Net carrying value at end of financial year</b>	<u>437,448</u>	<u>478,667</u>
<b>Total intangible assets - net book value <sup>1</sup></b>	<u>437,448</u>	<u>478,667</u>

<sup>(1)</sup> The software has a finite life estimated at 10 years. Straight line amortisation has been used with no residual value.

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 15. Contract balances**

	2024	2023
	\$	\$

**(a) Contract assets****Current**

Contract assets	12,833,882	4,778,018
<b>Total current contract assets</b>	<b>12,833,882</b>	<b>4,778,018</b>

**(b) Contract liabilities**

Where Council has invoiced the customer or the grantor amounts in excess of what it has incurred in relation to a contract or in constructing an asset, this gives rise to a contract liability.

**Current**

Grants received upfront to construct Council controlled assets	9,930,358	5,484,613
Non-capital performance obligations not yet satisfied	281,732	215,237
<b>Total current contract liabilities</b>	<b>10,212,090</b>	<b>5,699,850</b>

**Revenue recognised that was included in the contract liability balance at the beginning of the year**

Funds to construct Council controlled assets	5,484,613	2,394,549
Non-capital performance obligations	215,237	203,710
<b>Total revenue included in the contract liability</b>	<b>5,699,850</b>	<b>2,598,259</b>

**Satisfaction of contract liabilities**

The contract liabilities in relation to capital grants relate to funding received prior to the work being performed since revenue is recognised as Council constructs the assets. Council expects to recognise the contract liability as income in the next year.

**(c) Significant changes in contract balances**

The movements in contract assets is largely due to the timing of when the works are completed to when the monies are received and also this movement is reflective of the DRFA works undertaken due to the impact of Tropical Cyclone Jasper. The movement in contract liabilities also represents advance payments in DRFA reconstruction works.

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 16. Leases****Council as a lessee**

Council does not separate lease and non-lease components for any class of assets and has accounted for lease payments as a single component.

The right of use asset is recognised is measured using the cost model. The right of use asset is depreciated over the lease term on a straight-line basis and assessed for impairment in accordance with the impairment of asset accounting policy.

Council has made an assessment that no right of use assets and associated lease liabilities have been identified in the leases where Council is a lessee.

**Exceptions to lease accounting**

Council has applied the exceptions to lease accounting for both short term leases (i.e. leases with a term of less than or equal to 12 months) and leases of low-value assets. Council recognises the payments associated with these leases as an expense on a straight-line basis over the lease term.

Council has reviewed commitments for expenditure as previously reported and has not identified any commitments required to be recognised under AASB 16 Leases. Refer to Note 22 for commitments for expenditure.

**Leases at significantly below market value / concessionary leases**

Council has a number of leases at significantly below market value for land and buildings which are used for:

- Visitor Centre
- Community halls

The leases can range between 10 to 30 year terms and require payments of \$1 per annum if demanded. The use of right of use assets is restricted by the lessors to specified community services which Council must provide, these services are detailed in the leases.

Council has elected to measure the right of use asset arising from concessionary leases at cost which is based on the associated liability at initial recognition. Council does not believe that these leases are individually material.

**Council as a lessor**

When Council is a lessor, the lease is classified as either operating or finance lease at inception date, based on whether substantially all the risks and rewards incidental to ownership of the asset have been transferred to the lessee. If the risks and rewards have been transferred then the lease is classified as a finance lease, otherwise it is an operating lease.

If the lease contains lease and non-lease components, then the non-lease components are accounted for in accordance with AASB 15 Revenue from Contracts with Customers.

The lease income is recognised on a straight-line basis over the lease term.

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 16. Leases (continued)**

	2024	2023
	\$	\$

**Operating leases**

Where Council retains the risk and rewards relating to a lease, the lease is classified as an operating lease.

**The minimum lease receipts are as follows:**

Not later than one year	411,974	481,608
Between one and five years	1,909,037	1,862,927
Later than five years	3,784,690	4,053,781
<b>Total lease receipts</b>	<b>6,105,701</b>	<b>6,398,316</b>

The relevant assets are included in Property, Plant and Equipment (Note 13) as the rental is incidental or the asset is held to meet Council service delivery.

Lease and rental income	788,221	747,874
<b>Total operating lease income (rental income)</b>	<b>788,221</b>	<b>747,874</b>

**Note 17. Payables**

	2024	2023
	\$	\$

Creditors are recognised when goods or services are received, at the amount owed. Amounts owing are unsecured and are generally settled on 30 day terms.

**Current**

Creditors	4,594,780	3,235,593
Accrued expenses	6,992,968	3,812,363
Accrued wages and salaries	—	644,592
Other entitlements	134,113	120,254
Security deposit (capping of landfill) - SUEZ	1,445,879	—
<b>Total current payables</b>	<b>13,167,740</b>	<b>7,812,802</b>

**Non-current**

Security deposit (capping of landfill) - SUEZ	1,183,412	2,629,291
<b>Total non-current payables</b>	<b>1,183,412</b>	<b>2,629,291</b>

Accrued salaries and wages

A liability for salaries and wages is recognised and measured as the amount unpaid at the reporting date at current pay rates in respect of employees' services up to that date. This liability represents an accrued expense.

Security deposit (capping of landfill)

The Second Waste Disposal Agreement with SUEZ, dated 19 June 2017 provides for Council to charge a security deposit per tonnage. Under that contract, the security deposit is accessible by Council in the event that SUEZ fails to fulfil their landfill capping obligations. An apportionment of the security deposit is to be refunded in 2024/25 as the capping of the landfill will commence.

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 18. Borrowings**

Interest is expensed as accrued, no interest has been capitalised during the current or comparative reporting period. Expected final repayment dates vary from 16 March 2036 to 15 June 2040.

Council adopts an annual debt policy that sets out Council's planned borrowings for the next ten years. Council's current policy is to only borrow for capital projects and for a term no longer than the expected life of the asset. Council also aims to comply with the Queensland Treasury Corporation's (QTC) borrowing guidelines and ensure that sustainability indicators remain within acceptable levels at all times.

	2024 \$	2023 \$
<b>Current</b>		
Loans - QTC	409,761	400,001
Loans - Other	21,073	29,717
<b>Total current borrowings</b>	<b>430,834</b>	<b>429,718</b>
<b>Non-current</b>		
Loans - QTC	6,059,363	6,462,561
Loans - Other	—	21,073
<b>Total non-current borrowings</b>	<b>6,059,363</b>	<b>6,483,634</b>

The QTC loan market value at the reporting date was \$5,428,902. This represents the value of the debt if Council repaid it at that date. As it is the intention of Council to hold the debt for its term, no adjustment is required to be made in these accounts.

No assets have been pledged as security by Council for any liabilities, however all loans are guaranteed by the Queensland Government. There have been no defaults or breaches of the loan agreement during the 2023/24 financial years.

All borrowings are in \$A denominated amounts and carried at amortised cost.

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 19. Provisions****Annual Leave**

A liability for annual leave is recognised. Amounts expected to be settled within 12 months are calculated on current wage and salary levels and include related employee on-costs. Amounts not expected to be settled within 12 months are calculated on projected future wage and salary levels and related employee on-costs, and are discounted to present values. This liability represents an accrued expense.

As Council does not have an unconditional right to defer settlement of the annual leave beyond 12 months after the reporting date, annual leave is classified as a current liability.

**Refuse Restoration**

A provision is made for the cost of restoring refuse dumps where it is probable Council will have an obligation to rehabilitate the site when the use of the facilities is complete.

The calculation of the provisions use assumptions including application of environmental legislation, site closure dates, available technologies and engineering cost estimates. These uncertainties may result in future actual expenditure differing from amounts currently provided. The provisions are reviewed at least annually and updated based on the facts and circumstances available at the time.

Refuse restoration provision represents the present value of anticipated future costs associated with the closure of the dump sites, decontamination and monitoring of historical residues and leaching on these sites.

As refuse dumps are on state reserves which the Council does not control, the provision for restoration is treated as an expense in the year the provision is first recognised. Changes in the provision are treated as an expense or income.

The provision recognised for refuse sites is reviewed at least annually and updated based on the facts and circumstances available at the time. The provision for 2023/24 is now only for two sites in Mareeba. One Mareeba site was closed in the 2017/18 financial year. The second site in Mareeba closed in the 2021/22 financial year, however Council is not financially responsible for the capping costs of this site, only the ongoing monitoring and maintenance costs. The Department Environment Science and Innovation closed out the Almaden and Chillagoe sites therefore no future rehabilitation is required.

**Long Service Leave**

A liability for long service leave is measured as the present value of the estimated future cash outflows to be made in respect of services provided by employees up to the reporting date. The value of the liability is calculated using current pay rates and projected future increases in those rates and includes related employee on-costs. The estimates are adjusted for the probability of the employee remaining in Council's employment or other associated employment which would result in Council being required to meet the liability. Adjustments are then made to allow for the proportion of the benefit earned to date, and the result is discounted to present value. The interest rates attaching to Commonwealth Government guaranteed securities at the reporting date are used to discount the estimated future cash outflows to their present value. The provision is discounted using the Commonwealth Bond yield rates published on the Department of State Development, Infrastructure, Local Government and Planning website.

Where employees have met the prerequisite length of service and Council does not have an unconditional right to defer this liability beyond 12 months, long service leave is classified as a current liability. Otherwise it is classified as a non-current liability.

	2024 \$	2023 \$
<b>Current</b>		
Annual leave	2,409,132	2,226,233
Long service leave	1,956,838	2,004,037
Refuse restoration	109,105	109,630
<b>Total current provisions</b>	<b>4,475,075</b>	<b>4,339,900</b>

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 19. Provisions (continued)**

	2024 \$	2023 \$
<b>Non-current</b>		
Long service leave	258,434	151,916
Refuse restoration	1,780,452	1,953,317
<b>Total non-current provisions</b>	<b>2,038,886</b>	<b>2,105,233</b>

**Details of movements in provisions****Refuse restoration**

Balance at beginning of financial year	2,062,947	1,952,198
Increase due to unwinding of discount	82,822	70,254
Amounts used	(150,140)	(124,097)
Increase/(decrease) in provision due to change in rates	(106,072)	164,592
<b>Balance at end of financial year</b>	<b>1,889,557</b>	<b>2,062,947</b>

**Note 20. Other liabilities**

	2024 \$	2023 \$
<b>Current</b>		
Waste levy refund received in advance	178,451	172,756
<b>Total current other liabilities</b>	<b>178,451</b>	<b>172,756</b>
<b>Non-current</b>		
Waste levy refund received in advance	384,430	562,881
<b>Total non-current other liabilities</b>	<b>384,430</b>	<b>562,881</b>

Waste levy received in advance

The State Government had made an advance payment to Council in June 2022, to mitigate the impact on households which took effect from 1 July 2022. In June 2023, another advance payment was made to pay four years' of worth of advance waste levy payments to councils for the years 2022/23 through to 2026/27. The apportioned amounts have been recognised as a current liability and non current liability respectively as at 30 June 2024.

**Note 21. Asset revaluation surplus**

The asset revaluation surplus comprises revaluation movements on property, plant and equipment.

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 22. Commitments for expenditure**

	2024	2023
	\$	\$

**(a) Contractual commitments**

**Contractual commitments at end of financial year but not recognised in the financial statements are as follows:**

Waste contracts	10,778,851	13,874,467
Cleaning contractors	343,350	455,233
	<u>11,122,201</u>	<u>14,329,700</u>

**(b) Capital commitments (exclusive of GST)**

**Commitment for the construction of the following assets contracted for at the reporting date but not recognised as liabilities:**

**Property, plant and equipment**

Transport	13,799,006	2,668,284
Water	7,114,549	11,410,241
Wastewater	4,369,655	7,837,864
Buildings	1,304,503	1,704,842
Plant and fleet	20,617	98,874
Water and other infrastructure	3,026,971	2,893,565

<b>Total commitments</b>	<u>29,635,301</u>	<u>26,613,670</u>
--------------------------	-------------------	-------------------

**These expenditures are payable as follows:**

Within the next year	4,720,138	5,293,452
Later than one year and not later than 5 years	24,915,163	21,320,218
<b>Total payable</b>	<u>29,635,301</u>	<u>26,613,670</u>

**Note 23. Contingent liabilities**

Details and estimates of maximum amounts of contingent liabilities are as follows:

**Local Government Mutual**

The Council is a member of the local government mutual liability self-insurance pool, LGM Queensland. In the event of the pool being wound up or it is unable to meet its debts as they fall due, the trust deed and rules provide that any accumulated deficit will be met by the individual pool members in the same proportion as their contribution is to the total pool contributions in respect to any year that a deficit arises.

As at 30 June 2023 the financial statements reported an accumulated surplus and it is not anticipated any liability will arise.

**Local Government Workcare**

Council is a member of the Queensland local government worker's compensation self-insurance scheme, Local Government Workcare. Under this scheme Council has provided an indemnity towards a bank guarantee to cover bad debts which may remain should the self insurance licence be cancelled and there was insufficient funds available to cover outstanding liabilities. Only the Queensland Government's worker's compensation authority may call on any part of the guarantee should the above circumstances arise. The indemnity amount provided by Council as at 30 June 2024 in relation to the Local Government Workcare Bank Guarantee is \$484,129.

Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 24. Superannuation - regional defined benefit fund**

Council contributes to the LGIASuper Regional Defined Benefits Fund (the scheme) at the rate of 12% for each permanent employee who is a defined benefit member. The rate is set in accordance with the LGIASuper trust deed and may be varied on the advice of an actuary. The Regional Defined Benefits Fund is a complying superannuation scheme for the purpose of the Commonwealth Superannuation Industry (Supervision) legislation and is also governed by the *Local Government Act 2009*.

The scheme is managed by LGIASuper trustee as trustee for the LGIASuper trading as Brighter Super. The scheme is a pooled defined benefit plan and it is not in accordance with the deed to allocate obligations, plan assets and costs at council level.

Any amount by which the scheme is over or under funded may affect future benefits and result in a change to the contribution rate obligations, but has not been recognised as an asset or liability of Council.

Council may be liable to the scheme for a portion of another local governments' obligations should that local government be unable to meet them. However the risk of this occurring is extremely low and in accordance with the LGIASuper trust deed changes to the Council's obligations will only be made on the advice of an actuary.

The last completed actuarial assessment of the scheme as required under Superannual Prudential Standard 160 was undertaken as at 1 July 2021. The actuary indicated that 'At the valuation date of 1 July 2021, the net assets of the scheme exceeded the vested benefits and the scheme was in a satisfactory financial position as at the valuation date'. The measure of vested benefits represents the value of benefit entitlements should all participating employers voluntarily exit the scheme. Council is not aware of anything that has happened since that time that indicates the assets of the scheme are not sufficient to meet the vested benefits, as at reporting date.

No changes have been made to prescribed employer contributions which remain at 12% of employee salary or wages assets and there are no known requirements to change the rate of contributions.

The next triennial actuarial review date is not due until 1 July 2024.

The most significant risks that may result in the LGIASuper increasing the contribution rate, on the advice of the actuary are:

Investment risk - The risk that the schemes investment returns will be lower than assumed and additional contributions are needed to fund shortfall.

Salary growth risk - The risk that wages or salaries will rise more rapidly than assumed, increasing vested benefits to be funded.

	Notes	2024 \$	2023 \$
Superannuation contributions made to the Regional Defined Benefits Fund		106,255	104,500
Other superannuation contributions for employees		1,892,861	1,728,031
<b>Total superannuation contributions paid by Council for employees</b>	6	<b>1,999,116</b>	<b>1,832,531</b>

Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 25. Reconciliation of net result for the year to net cash inflow/(outflow) from operating activities**

	2024 \$	2023 \$
<b>Net operating result from income statement</b>	<b>10,826,097</b>	<b>21,747,429</b>
<b>Non-cash items</b>		
Depreciation and amortisation	12,631,888	11,996,024
Bad debts written off	370,379	545,626
	<b>13,002,267</b>	<b>12,541,650</b>
<b>Investing and development activities</b>		
Net (profit)/loss on disposal of assets	2,639,907	828,685
Capital grants and contributions	(8,833,038)	(8,133,329)
Donated assets	(1,014,731)	(1,954,270)
Finance costs	82,821	70,254
Finance income	(451,495)	(584,527)
	<b>(7,576,536)</b>	<b>(9,773,187)</b>
<b>Changes in operating assets and liabilities:</b>		
(Increase)/decrease in receivables	390,926	(1,061,303)
(Increase)/decrease in inventories	256,450	305,264
(Increase)/decrease in contract assets	(7,134,502)	(1,758,174)
Increase/(decrease) in payables	3,736,304	(26,701)
Increase/(decrease) in contract liabilities	4,366,760	3,101,591
Increase/(decrease) in provisions	(13,994)	68,385
	<b>1,601,944</b>	<b>629,062</b>
<b>Net cash inflow/outflow from operating activities</b>	<b>17,853,772</b>	<b>25,144,954</b>

Mareeba Shire Council

Financial Statements 2024

## Notes to the Financial Statements

for the year ended 30 June 2024

### Note 26. Reconciliation of liabilities arising from finance activities

	As at 30/06/23		As at 30/06/24
	Opening Balance	Cashflows	Closing balance
	\$	\$	\$
Loans	6,862,562	(393,438)	6,469,124
Loans - Other	50,790	(29,717)	21,073
	<u>6,913,352</u>	<u>(423,155)</u>	<u>6,490,197</u>

	As at 30/06/22		As at 30/06/23
	Opening Balance	Cashflows	Closing balance
	\$	\$	\$
Loans	7,246,084	(383,522)	6,862,562
Loans - Other	78,390	(27,600)	50,790
	<u>7,324,474</u>	<u>(411,122)</u>	<u>6,913,352</u>

### Note 27. Events after the reporting period

There has not been any event that occurred after the end of the reporting period that has significantly affected, or may significantly affect, the current or future financial results of the Council.

### Note 28. Financial instruments and financial risk management

#### (a) Financial assets and financial liabilities

Council has exposure to the following risks arising from financial instruments; (i) market risk, (ii) credit risk, and (iii) liquidity risk.

This note provides information (both qualitative and quantitative) to assist statement users evaluate the significance of financial instruments on the Council's financial position and financial performance, including the nature and extent of risks and how the Council manages these exposures.

#### Risk management framework

Council is responsible for the establishment and oversight of the risk management framework, together with developing and monitoring risk management policies.

Council approves policies for overall risk management, as well as specifically for managing credit, liquidity and market risk.

Council's risk management policies are established to identify and analyse the risks faced, to set appropriate limits and controls and to monitor these risks and adherence against limits. Council aims to manage volatility to minimise potential adverse effects on the financial performance of Council.

Council's audit committee oversees how management monitors compliance with Council's risk management policies and procedures, and reviews the adequacy of the risk managements framework in relation to the risks faced by Council. Council's audit committee is assisted in its oversight role by internal audit. Internal audit undertakes both regular and ad hoc reviews of risk management controls and procedures, the results of which are reported to the audit committee.

Council does not enter into derivatives.

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 28. Financial instruments and financial risk management (continued)****Credit risk**

Credit risk is the risk of financial loss if a counterparty to a financial instrument fails to meet its contractual obligations. These obligations arise principally from Council's investments and receivables from customers.

Exposure to credit risk is managed through regular analysis of credit counterparty ability to meet payment obligations. Investments in financial instruments are required to be made with Queensland Treasury Corporation (QTC) or similar state/commonwealth bodies or financial institutions in Australia, in line with the requirements of the Statutory Bodies Financial Arrangements Act 1982.

The carrying amounts of financial assets at the end of the reporting period represent the maximum exposure to credit risk for the Council, refer to Notes 10 and 11.

Council does not require collateral in respect of trade and other receivables. Council does not have trade receivables for which no loss allowance is recognised because of collateral.

At reporting date, the exposure to credit risk for trade receivables by type of counterparty was as follows:

	2024	2023
	\$	\$
Property charges	1,969,981	2,383,865
GST recoverable	886,497	694,715
Community organisations	51,550	23,844
Other	13,818,543	6,028,819
<b>Total</b>	<b>16,726,571</b>	<b>9,131,243</b>

**Liquidity risk**

Liquidity risk is the risk that Council will encounter difficulty in meeting the obligations associated with its financial liabilities that are settled by delivering cash or another financial asset.

Council's approach to managing liquidity is to ensure, as far as possible, that it will have sufficient liquidity to meet its liabilities when they are due, under both normal and stress conditions, without incurring unacceptable losses or risking damage to the Council's reputation.

**Exposure to liquidity risk**

Council is exposed to liquidity risk through its normal course of business and through its borrowings with the Queensland Treasury Corporation.

Council manages its exposure to liquidity risk by maintaining sufficient cash deposit to cater for unexpected volatility in cash flows.

Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 28. Financial instruments and financial risk management (continued)**

	0 to 1 year \$	1 to 5 years \$	Over 5 years \$	Total contractual cash flows \$	Carrying amount \$
<b>2024</b>					
Payables	13,346,191	1,567,842	—	14,914,033	14,914,033
Loans - QTC	560,375	2,241,502	4,826,318	7,628,195	6,469,124
Loans - other	21,073	—	—	21,073	21,073
	<u>13,927,639</u>	<u>3,809,344</u>	<u>4,826,318</u>	<u>22,563,301</u>	<u>21,404,230</u>
<b>2023</b>					
Payables	7,985,558	562,881	—	8,548,439	8,548,339
Loans - QTC	560,375	2,241,502	5,386,694	8,188,571	6,862,562
Loans - other	29,717	21,073	—	50,790	50,790
	<u>8,575,650</u>	<u>2,825,456</u>	<u>5,386,694</u>	<u>16,787,800</u>	<u>15,461,691</u>

The outflows in the above table are not expected to occur significantly earlier and are not expected to be for significantly different amounts than indicated in the table.

**Market risk**

Market risk is the risk that changes in market indices, such as interest rates, will affect the Council's income or the value of its holdings of financial instruments.

*Interest rate risk*

Council is exposed to interest rate risk through investments and borrowings with QTC and other financial institutions.

Council has access to a mix of variable and fixed rate funding options through QTC so that interest rate risk exposure can be minimised.

The impact of a reasonably priced change in interest rates (assumed to be 1%) would not be expected to have a material impact on Council's future profits or equity.

Council does not account for any fixed-rate financial assets or financial liabilities at fair value through profit or loss, therefore a change in interest rates at the reporting date would not affect profit or loss.

**(b) Fair value**

The fair value of trade and other receivables and payables is assumed to approximate the value of the original transaction, less any allowance for impairment.

The fair value of borrowings with QTC is based on the market value of debt outstanding. The market value of a debt obligation is the discounted value of future cash flows based on prevailing market rates and represents the amount required to be repaid if this was to occur at balance date. The market value of debt is provided by QTC and is disclosed in Note 18.

QTC applies a book rate approach in the management of debt and interest rate risk, to limit the impact of market value movements to clients' cost of funding. The book value represents the carrying value based on amortised cost using the effective interest method.

Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 29. National competition policy**

Council applies the competitive code of conduct to the following activities:

- Water services
- Sewerage services
- Waste management
- Laboratory services
- Building services

This requires the application of full cost pricing, identifying the cost of community service obligations (CSO) and eliminating the advantages and disadvantages of public ownership within that activity.

The CSO value is determined by Council, and represents an activities cost(s) which would not be incurred if the primary objective of the activities was to make a profit. The Council provides funding from general revenue to the business activity to cover the cost of providing non-commercial community services or costs deemed to be CSO's by the Council.

**The following activity statements are for activities subject to the competitive code of conduct:**

	<b>Water services</b>	<b>Sewerage services</b>	<b>Waste management</b>	<b>Laboratory services</b>	<b>Building services</b>
	2024	2024	2024	2024	2024
	\$'000	\$'000	\$'000	\$'000	\$'000
Revenue for services provided to the Council	300	53	153	-	-
Revenue for services provided to external clients	9,378	7,026	5,779	115	-
Community service obligations	-	-	-	-	-
	9,678	7,079	5,932	115	-
Less: expenditure	5,897	4,389	5,185	215	5
<b>Surplus</b>	3,781	2,690	747	(100)	(5)

## Mareeba Shire Council

Financial Statements 2024

**Notes to the Financial Statements**

for the year ended 30 June 2024

**Note 30. Transactions with related parties****(a) Key management personnel****Transactions with key management personnel**

KMP are those persons having authority and responsibility for planning, directing and controlling the activities or indirectly, including any director (whether executive or otherwise) at Council. KMP include the Mayor, Councillors, Council's Chief Executive Officer and some executive management.

	2024	2023
	\$	\$
<b>The compensation paid to key management personnel comprises:</b>		
Short-term employee benefits	1,499,018	1,465,653
Post-employment benefits	146,460	148,391
Long-term benefits	—	42,195
Termination benefits	—	4,249
<b>Total</b>	<b>1,645,478</b>	<b>1,660,488</b>

**(b) Other Related Parties****Transactions with other related parties**

Other related parties include the close family members of KMP and any entities controlled or jointly controlled by KMP or their close family members. Close family members include a spouse, child and dependent of a KMP or their spouse.

Details of transactions between Council and other related parties include:

Transaction type	Additional information	2024	2023
		\$	\$
Purchase of materials and services from entities controlled by KMP	30(b)(i)	402,390	13,911
Employee expenses for close family members	30(b)(ii)	81,604	117,411
		<b>483,994</b>	<b>131,322</b>

(i) Council purchased the following material and services from entities that are controlled by members of KMP. All materials and services purchased from entities controlled by KMP were at arm's length and were in the normal course of Council's operations.

	2024	2023
	\$	\$
Transport Services	1,991	1,056
Slashing Services	—	7,680
Minor Purchases (magazines and newspapers)	5,255	5,175
Waste Contract Services	395,144	—
	<b>402,390</b>	<b>13,911</b>

(ii) Council employs 201 full time equivalent employees of which 1 is a close family member of KMP (2022/23:4 family members). All close family members of KMP were employed through an arm's length process. They are paid in accordance with the Award for the job they perform.

Mareeba Shire Council

Financial Statements 2024

## Notes to the Financial Statements

for the year ended 30 June 2024

### Note 30. Transactions with related parties (continued)

#### (c) Outstanding balances

There were no balances outstanding at the end of the reporting period in relation to transactions with related parties (2022/23 nil balance).

#### (d) Loans and guarantees to/from related parties

Council does not make loans to or receive loans from related parties. No guarantees have been provided.

#### (e) Commitments to/from other related parties

There were no commitments in the 2023-2024 financial year.

#### (f) Transactions with related parties that have not been disclosed

Most of the entities and people that are related parties of Council live and operate within the Mareeba Shire Council. Therefore on a regular basis, ordinary citizen transactions occur between Council and its related parties. Some examples include:

- Payment of rates
- Dog registration
- Use of public pool
- Borrowing books from a Council library

Council has not included these types of transactions in its disclosure, where they are made on the same terms and conditions available to the general public.

Mareeba Shire Council

Financial Statements 2024

## General Purpose Financial Statements

for the year ended 30 June 2024

### Management Certificate

for the year ended 30 June 2024

These General Purpose Financial Statements have been prepared pursuant to sections 176 and 177 of the *Local Government Regulation 2012* (the Regulations) and other prescribed requirements.

In accordance with Section 212(5) of the Regulation, we certify that:

- i. the prescribed requirements of the *Local Government Act 2009* and *Local Government Regulations 2012* for the establishment and keeping of accounts have been complied with in all material respects; and
- ii. the general purpose financial statements, as set out on pages 1 to 41, present a true and fair view, in accordance with Australian Accounting Standards, of the Council's transactions for the financial year and financial position at the end of the year.



Angela Toppin

Mayor

01/10/2024



Peter Franks

Chief Executive Officer

01/10/2024



## INDEPENDENT AUDITOR'S REPORT

To the councillors of Mareeba Shire Council

### Report on the audit of the financial report

#### Opinion

I have audited the financial report of Mareeba Shire Council.

The financial report comprises the statement of financial position as at 30 June 2024, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes to the financial statements including material accounting policy information and the certificate given by the Mayor and Chief Executive Officer.

In my opinion, the financial report:

- a) gives a true and fair view of the council's financial position as at 30 June 2024, and of its financial performance for the year then ended; and
- b) complies with the *Local Government Act 2009*, the Local Government Regulation 2012 and Australian Accounting Standards.

#### Basis for opinion

I conducted my audit in accordance with the *Auditor-General Auditing Standards*, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial report section of my report.

I am independent of the council in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code and the *Auditor-General Auditing Standards*.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### Other information

The councillors are responsible for the other information.

The other information comprises the information included in the entity's annual report for the year ended 30 June 2024, but does not include the financial report and our auditor's report thereon.

At the date of this auditor's report, the available other information in Mareeba Shire Council's annual report for the year ended 30 June 2024 was the current year financial sustainability statement (audited ratios), current year financial sustainability statement - contextual ratios (unaudited), unaudited long-term financial sustainability statement and the annual report.



My opinion on the financial report does not cover the other information and accordingly I do not express any form of assurance conclusion thereon. However, as required by the Local Government Regulation 2012, I have formed a separate opinion on the current year financial sustainability statement (audited ratios).

In connection with my audit of the financial report, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report and my knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this information, I am required to report that fact. I have nothing to report in this regard.

#### **Responsibilities of the councillors for the financial report**

The councillors are responsible for the preparation of the financial report that gives a true and fair view in accordance with the *Local Government Act 2009*, the Local Government Regulation 2012 and Australian Accounting Standards, and for such internal control as the councillors determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

The councillors are also responsible for assessing the council's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless it is intended to abolish the council or to otherwise cease operations of the council.

#### **Auditor's responsibilities for the audit of the financial report**

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of my responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at:

[https://www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf)

This description forms part of my auditor's report.

#### **Report on other legal and regulatory requirements**

In accordance with s. 40 of the *Auditor-General Act 2009*, for the year ended 30 June 2024: received all the information and explanations I required

- a) I consider that, the prescribed requirements in relation to the establishment and keeping of accounts were complied with in all material respects.

**Prescribed requirements scope**

The prescribed requirements for the establishment and keeping of accounts are contained in the *Local Government Act 2009*, and the Local Government Regulation 2012. The applicable requirements include those for keeping financial records that correctly record and explain the council's transactions and account balances to enable the preparation of a true and fair financial report.

A handwritten signature in blue ink, appearing to read "Sri Narasimhan", with a long horizontal stroke extending to the right.

Sri Narasimhan  
as delegate of the Auditor-General

3 October 2024

Queensland Audit Office  
Brisbane

Mareeba Shire Council

Financial Statements 2024

Current Year Financial Sustainability Statement for the year ended 30 June 2024

	Target Tier x	Actual 2024	5 Yr Av. 2020-24
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**Audited ratios**

Council's performance at 30 June 2024 against key financial ratios and targets.

**Liquidity**

**1. Unrestricted cash expense coverage ratio**

Total cash and equivalents add current investments add available ongoing QTC working capital limit less externally restricted cash	x 12	Greater than 4 months	17.5 months	N/A
Total operating expenditure less depreciation and amortisation less finance costs				

The unrestricted cash expense cover ratio is an indicator of the unconstrained liquidity available to a council to meet ongoing and emergent financial demands, which is a key component to solvency. It represents the number of months a council can continue operating based on current monthly expenses. In 2023/24, Council has sufficient unrestricted cash to cover a portion of its future planned expenses, such as infrastructure investments, and if necessary, address unplanned expenses or disaster recovery effects.

**Operating Performance**

**2. Operating surplus ratio**

Operating result	Greater than 0%	4.96%	12.63%
Total operating revenue			

The operating surplus ratio is an indicator of the extent to which operating revenues generated cover operational expenses. Any operating surplus would be available for capital funding or other purposes. In 2023/24 Council closed the financial year with a reasonable operating result without reliance of the early payment of the Financial Assistance Grant.

**3. Operating cash ratio**

Operating result add depreciation and amortisation add finance costs	Greater than 0%	22.52%	31.30%
Total operating revenue			

The operating cash ratio is a measure of council's ability to cover its core operational expenses and generate a cash surplus excluding depreciation, amortisation, and finance costs. Council budgets a surplus each year to ensure it generates a surplus from its core operations, enabling it to primarily self fund capital expenditure in line with Asset Management Plan and the Long Term Financial Forecast.

**Asset management**

**4. Asset sustainability ratio**

Capital expenditure on replacement of infrastructure assets (renewals)	Greater than 80%	89.02%	133.83%
Depreciation expenditure on infrastructure assets			

The asset sustainability ratio approximates the extent to which the infrastructure assets managed by a council are being replaced as they reach the end of their useful lives. Over the long term, Council is adequately renewing its assets as they reach the end of their useful lives.

**5. Asset consumption ratio**

Written down replacement cost of depreciable infrastructure assets	Greater than 60%	71.14%	78.43%
Current replacement cost of depreciable infrastructure assets			

The asset consumption ratio approximates the extent to which council's infrastructure assets have been consumed compared to what it would cost to build a new asset with the same benefit to the community. Councils assets are being consumed in line with their estimated useful lives.

Page 44

## Mareeba Shire Council

Financial Statements 2024

**Current Year Financial Sustainability Statement for the year ended 30 June 2024**  
(continued)

	Target Tier x	Actual 2024	5 Yr Av. 2020-24
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**Debt servicing capacity****6. Leverage ratio**

Book value of debt

Total operating revenue less total operating expenditure add depreciation and amortisation	0 - 3 times	<b>0.4 times</b>	<b>0.4 times</b>
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The leverage ratio is an indicator of a council's ability to repay its existing debt. It measures the relative size of the council's debt to its operating performance. In 2023/24 Council has the ability to repay its existing debt and maintain a relatively low level of debt.

**Note 1 - basis of preparation**

The current year financial sustainability statement is prepared in accordance with the requirements of the Local Government Regulation 2012 and the Financial Management (Sustainability) Guideline 2024. The amounts used to calculate the 6 reported measures are prepared on an accrual basis and are drawn from the council's audited general purpose financial statements for the year ended 30 June 2024.

## Mareeba Shire Council

Financial Statements 2024

**Certificate of Accuracy (audited ratios)**

This current-year financial sustainability statement has been prepared pursuant to Section 178 of the *Local Government Regulation 2012* (the Regulation).

In accordance with Section 212(5) of the Regulation we certify that this current year financial sustainability statement has been accurately calculated.



Angela Toppin  
Mayor  
01/10/2024



Peter Franks  
Chief Executive Officer  
01/10/2024



## INDEPENDENT AUDITOR'S REPORT

To the Councillors of Mareeba Shire Council

### Report on the Current-Year Financial Sustainability Statement

#### Opinion

I have audited the accompanying current year financial sustainability statement (audited ratios) of Mareeba Shire Council for the year ended 30 June 2024, comprising the statement, explanatory notes, and the certificate of accuracy given by the Mayor and the Chief Executive Officer.

In accordance with s.212 of the Local Government Regulation 2012, in my opinion, in all material respects, the current year financial sustainability statement of Mareeba Shire Council for the year ended 30 June 2024 has been accurately calculated.

#### Basis of opinion

I conducted my audit in accordance with the *Auditor-General Auditing Standards*, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the current year financial sustainability statement* section of my report.

I am independent of the council in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to my audit of the statement in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code and the *Auditor-General Auditing Standards*.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### Emphasis of matter – basis of accounting

I draw attention to Note 1 which describes the basis of accounting. The current year financial sustainability statement has been prepared in accordance with the Financial Management (Sustainability) Guideline 2024 for the purpose of fulfilling the council's reporting responsibilities under the Local Government Regulation 2012. As a result, the statement may not be suitable for another purpose. My opinion is not modified in respect of this matter.

#### Other Information

The councillors are responsible for the other information.

The other information comprises the information included in the entity's annual report for the year ended 30 June 2024, but does not include the financial sustainability statement and our auditor's report thereon.

At the date of this auditor's report, the available other information in Mareeba Shire Council's annual report for the year ended 30 June 2024 was the general-purpose financial statements, current-year financial sustainability statement - contextual ratios (unaudited), and the long-term financial sustainability statement, and the annual report.



My opinion on the current year financial sustainability statement does not cover the other information and accordingly I do not express any form of assurance conclusion thereon. However, as required by the Local Government Regulation 2012, I have formed a separate opinion on the general-purpose financial report.

In connection with my audit of the financial sustainability statement, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial sustainability statement and my knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this information, I am required to report that fact. I have nothing to report in this regard.

**Responsibilities of the councillors for the current year financial sustainability statement**

The councillors are responsible for the preparation and fair presentation of the current year financial sustainability statement in accordance with the Local Government Regulation 2012. The councillors responsibility also includes such internal control as the councillors determine is necessary to enable the preparation and fair presentation of the statement that is accurately calculated and is free from material misstatement, whether due to fraud or error.

**Auditor's responsibilities for the audit of the current year financial sustainability statement**

My objectives are to obtain reasonable assurance about whether the current year financial sustainability statement as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this statement.

My responsibility does not extend to forming an opinion on the appropriateness or relevance of the reported ratios, nor on the council's future sustainability.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the statement, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the council's internal control.
- Evaluate the appropriateness of material accounting policy information used and the reasonableness of accounting estimates and related disclosures made by the council.



I communicate with the council regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

A handwritten signature in blue ink, appearing to read "Sri Narasimhan".

Sri Narasimhan  
as delegate of the Auditor-General

3 October 2024

Queensland Audit Office  
Brisbane

Mareeba Shire Council

Financial Statements 2024

Current Year Financial Sustainability Statement for the year ended 30 June 2024

	Target Tier x	Actual 2024	5 Yr Av. 2020-24
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Contextual ratios (unaudited)

Financial Capacity

1. Council controlled revenue

Net rates, levies and charges add fees and charges			
Total operating revenue	N/A	55.51%	58.29%

Council controlled revenue is an indicator of a council's financial flexibility, ability to influence its operating income, and capacity to respond to unexpected financial shocks. The outcome is influenced by a moderate proportion of rates revenue, which accounts for 53% of total revenue and fees and charges contributing just 2%. As a result, the council has limited flexibility to increase revenue and is somewhat dependent on grants and contracts.

2. Population growth

Prior year estimated population	-1	N/A	0.85%	1.01%
Previous year estimated population				

Population growth is a key driver of a council's operating income, service needs, and infrastructure requirements into the future. Inputs for this ratio are provided by the State. The population growth is in line with Council estimate.

Note 1 - basis of preparation

The current year financial sustainability statement - Contextual Ratios is prepared in accordance with the requirements of the Local Government Regulation 2012 and the Financial Management (Sustainability) Guideline 2024. The amounts used to calculate the 2 reported measures are prepared on an accrual basis and are drawn from the council's audited general purpose financial statements for the year ended 30 June 2024.

## Mareeba Shire Council

Financial Statements 2024

**Certificate of Accuracy (contextual ratios - unaudited)**

This current-year financial sustainability statement has been prepared pursuant to Section 178 of the *Local Government Regulation 2012* (the Regulation).

In accordance with Section 212(5) of the Regulation we certify that this current year financial sustainability statement has been accurately calculated.



Angel Toppin  
Mayor  
01/10/2024



Peter Franks  
Chief Executive Officer  
01/10/2024

Financial Statements 2024

## Mareeba Shire Council

### Unaudited Long Term Financial Sustainability Statement prepared as at 30 June 2024

	Target 2024	Actual 2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
								Forecast				

### Measures of financial sustainability

#### Liquidity

##### 1. Unrestricted cash expense coverage ratio

Total cash and equivalents add current investments  
add available ongoing QTC working capital limit less  
externally restricted cash  
Total operating expenditure less depreciation and  
amortisation less finance costs

Greater  
than 4  
months  
x 12  
17.5  
months  
0.0  
months  
0.0  
months  
0.0  
months  
0.0  
months  
0.0  
months  
0.0  
months

The unrestricted cash expense cover ratio is an indicator of the unconstrained liquidity available to a council to meet ongoing and emergent financial demands, which is a key component to solvency. It represents the number of months a council can continue operating based on current monthly expenses.

#### Operating Performance

##### 2. Operating surplus ratio

Operating result  
Total operating revenue

Greater  
than 0%  
4.96%  
9.99%  
9.83%  
9.80%  
9.80%  
9.80%  
9.80%  
9.80%  
9.80%  
9.80%  
9.80%  
9.80%

The operating surplus ratio is an indicator of the extent to which operating revenues generated cover operational expenses. Any operating surplus would be available for capital funding or other purposes.

##### 3. Operating cash ratio

Operating result add depreciation and amortisation add finance  
costs  
Total operating revenue

Greater  
than 0%  
22.52%  
31.32%  
31.18%  
31.14%  
31.12%  
31.10%  
31.08%  
31.06%  
31.05%  
31.03%  
31.02%

The operating cash ratio is a measure of council's ability to cover its core operational expenses and generate a cash surplus excluding depreciation, amortisation, and finance costs.

Financial Statements 2024

## Mareeba Shire Council

## Unaudited Long Term Financial Sustainability Statement prepared as at 30 June 2024 (continued)

	Target 2024	Actual 2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
<b>Asset Management</b>												
<b>4. Asset sustainability ratio</b>												
Capital expenditure on replacement of infrastructure assets (renewals)			89.23%	348.73%	108.56%	102.41%	101.53%	104.71%	106.18%	134.22%	106.65%	107.71%
Depreciation expenditure on infrastructure assets	Greater than 80%	<b>89.02%</b>										
The asset sustainability ratio approximates the extent to which the infrastructure assets managed by a council are being replaced as they reach the end of their useful lives.												
<b>5. Asset consumption ratio</b>												
Written down replacement cost of depreciable infrastructure assets	Greater than 60%	<b>71.14%</b>	66.31%	68.12%	68.33%	67.16%	65.82%	64.66%	63.58%	64.47%	63.42%	62.43%
Current replacement cost of depreciable infrastructure assets												
The asset consumption ratio approximates the extent to which council's infrastructure assets have been consumed compared to what it would cost to build a new asset with the same benefit to the community.												
<b>Debt servicing capacity</b>												
<b>7. Leverage ratio</b>												
Book value of debt			0.3 times	0.3 times	0.3 times	0.3 times	0.2 times	0.2 times	0.2 times	0.1 times	0.1 times	0.1 times
Total operating revenue less total operating expenditure add depreciation and amortisation	0 - 3 times	<b>0.4 times</b>										
The leverage ratio is an indicator of a council's ability to repay its existing debt. It measures the relative size of the council's debt to its operating performance.												
<b>Financial Capacity</b>												
<b>8. Council controlled revenue</b>												
Net rates, levies and charges add fees and charges	N/A	<b>55.51%</b>	76.54%	76.69%	76.74%	76.76%	76.78%	76.80%	76.82%	76.84%	76.85%	76.87%
Total operating revenue												
Council controlled revenue is an indicator of a council's financial flexibility, ability to influence its operating income, and capacity to respond to unexpected financial shocks.												

Page 51

Mareeba Shire Council

Financial Statements 2024

9. Population growth

Prior year estimated population

Previous year estimated population

-1

N/A

0.85%

0.88%

0.88%

0.88%

0.88%

0.88%

0.88%

0.88%

Population growth is a key driver of a council's operating income, service needs, and infrastructure requirements into the future.

Mareeba Shire Council Financial Management Strategy

Council measures revenue and expenditure trends over time as a guide to future requirements and to make decisions about the efficient allocation of resources to ensure the most effective provision of services. Council ensures that its financial management strategy is prudent and that its long-term financial forecast shows a sound financial position whilst also being able to meet the community's current and future needs.

## Mareeba Shire Council

Financial Statements 2024


**Certificate of Accuracy - Long Term Financial Sustainability Statement**

This long-term financial sustainability statement has been prepared pursuant to Section 178 of the *Local Government Regulation 2012* (the Regulation).

In accordance with Section 212(5) of the Regulation we certify that this long-term financial sustainability statement has been accurately calculated.



Angela Toppin  
**Mayor**  
01/10/2024



Peter Franks  
**Chief Executive Officer**  
01/10/2024



8.14 FINANCIAL STATEMENTS PERIOD ENDING 30 SEPTEMBER 2024

**Date Prepared:** 1 October 2024  
**Author:** Manager Finance  
**Attachments:** 1. Budgeted Income Statement by Fund 2024/25 Budget [↗](#)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2024 to 30 September 2024.

RECOMMENDATION

- That Council;
1. receives the Financial Report for the period ending 30 September 2024; and
  2. empanels one (1) supplier to be added to the Sole Supplier Register

BACKGROUND

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

For the period ending 30 September 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, any variances at this stage are due to budget allocation timing issues.

The budgeted figures reflect the 2024/25 Budget as adopted by Council at the 17 July 2024 meeting.

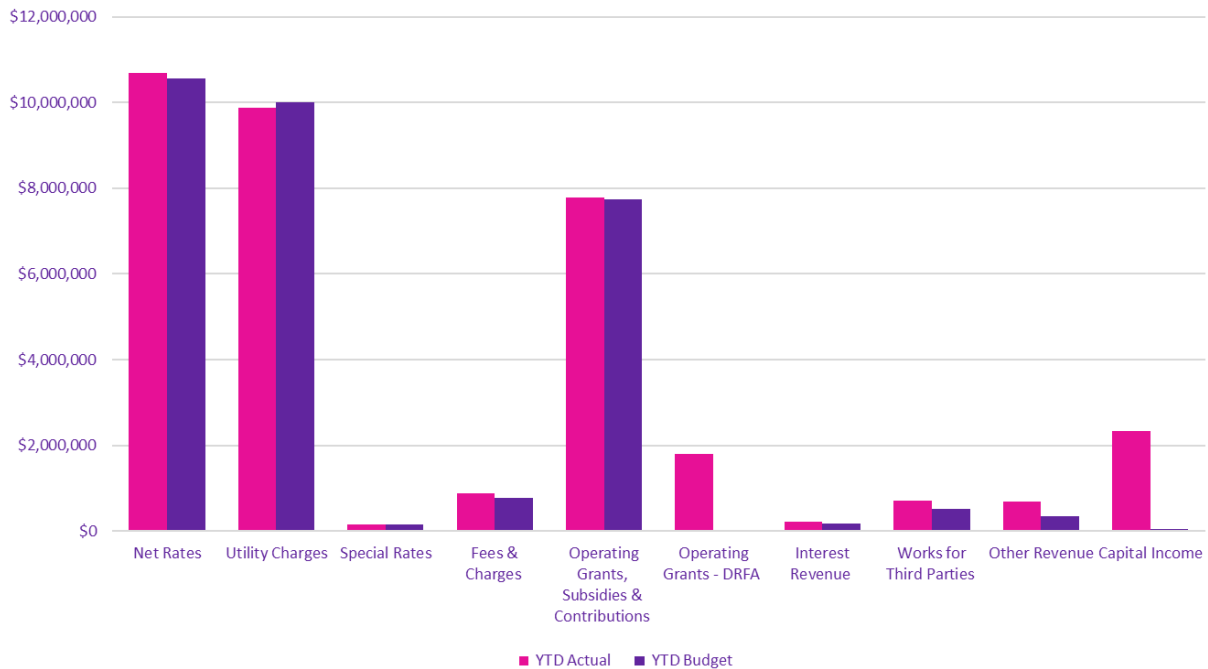
September 2024 – Snapshot	Actuals YTD	Budget YTD
Total Operating Income	\$ 32,814,218	30,276,589
Total Operating Expenditure	\$ 24,164,504	14,531,066
Operating Surplus/(Deficit)	\$ 8,649,714	15,745,523
Total Capital Income	\$ 2,327,676	45,000
Net Result - Surplus/(Deficit)	\$ 10,977,390	15,790,523

Income Analysis

Total income (inclusive of capital income of \$2,327,676) for the period ending 30 September 2024 is \$35,141,894 compared to the YTD budget of \$30,321,589.

The graph below shows actual income against budget for the period ending 30 September 2024.

**Actual Income V Budget Income**



	Actual YTD	Budget YTD	Note
Net Rates	10,693,770	10,558,500	<b>1</b>
Utility Charges	9,881,437	10,004,791	<b>1</b>
Special Rates and Charges	157,755	160,738	<b>1</b>
Fees & Charges	885,079	768,025	
Operating Grants, Subsidies & Contributions	7,790,636	7,748,250	
Operating Grants, Subsidies - DRFA	1,801,978	-	<b>2</b>
Interest Received	213,108	169,500	
Works for Third Parties	703,127	517,500	
Other Revenue	687,327	349,285	<b>3</b>
Capital Income	2,327,676	45,000	<b>4</b>

**Notes:**

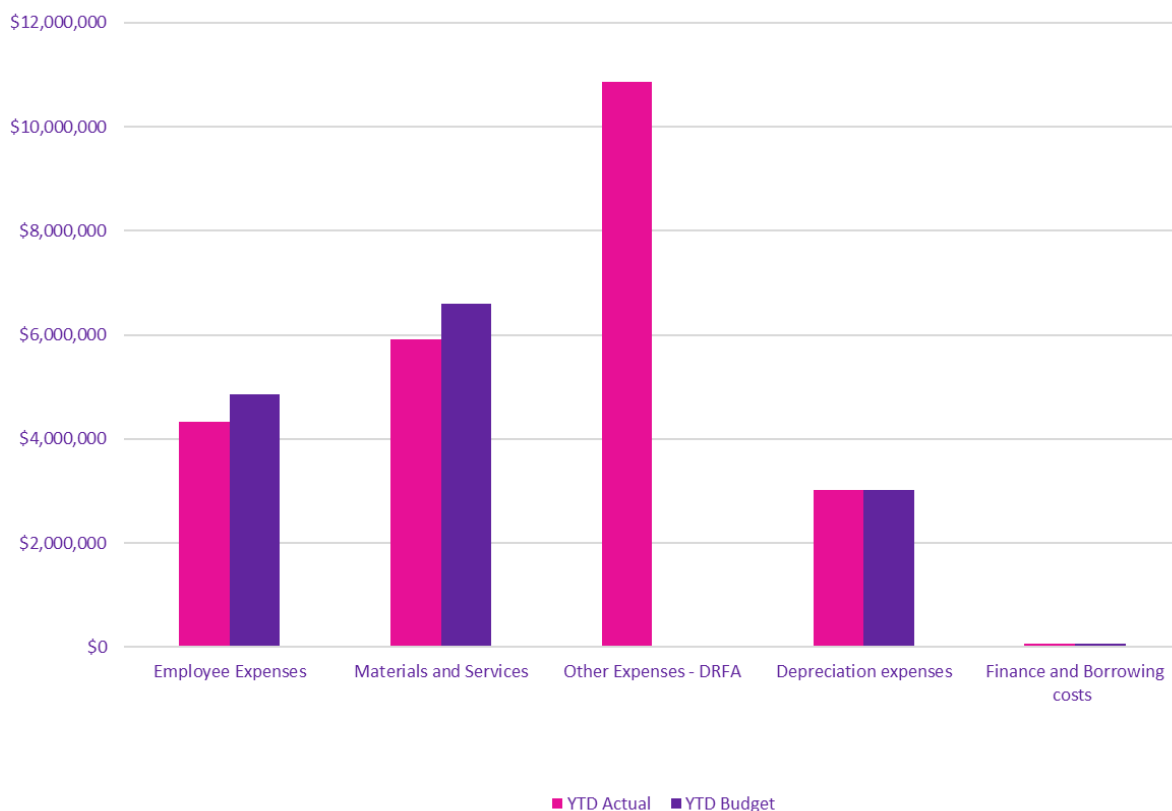
1. Rates for the half year ending 31 December 2024 were levied in August.

2. The favourable variance for Disaster Recovery Funding Arrangements (DRFA) restoration works which is not budgeted for. An expenditure offset will occur against this revenue.
3. Annual invoices have been raised for some rent and leases. Whilst the variation is currently favourable, the annual rental is not anticipated to exceed the annual budget. There was also a sale of one lot at Mareeba Industrial Park in the month of September (\$160k).
4. Capital income represents interest on constrained works, capital grants and developer contributions received. The majority of capital grants have been received from the Department of Regional Development, Manufacturing and Water for the Mareeba WTP Upgrades alongside with the Department of State Development, Infrastructure, Local Government and Planning for the Bicentennial Lakes LGGSP 22-24.

### Expenditure Analysis

Total expenses for the period ending 30 September 2024 is \$24,164,504 compared to the YTD budget of \$14,531,066. The graph below shows actual expenditure against budget for the period ending 30 September 2024.

#### Actual Expenditure V Budget Expenditure



	Actual YTD	Budget YTD	Note
--	------------	------------	------

Employee expenses	4,321,514	4,863,418	<b>1</b>
Materials & Services	5,906,565	6,599,663	<b>2</b>
Other Expenses - DRFA	10,856,016	-	<b>3</b>
Depreciation expenses	3,008,278	3,008,278	
Finance & Borrowing costs	72,131	59,707	

**Notes:**

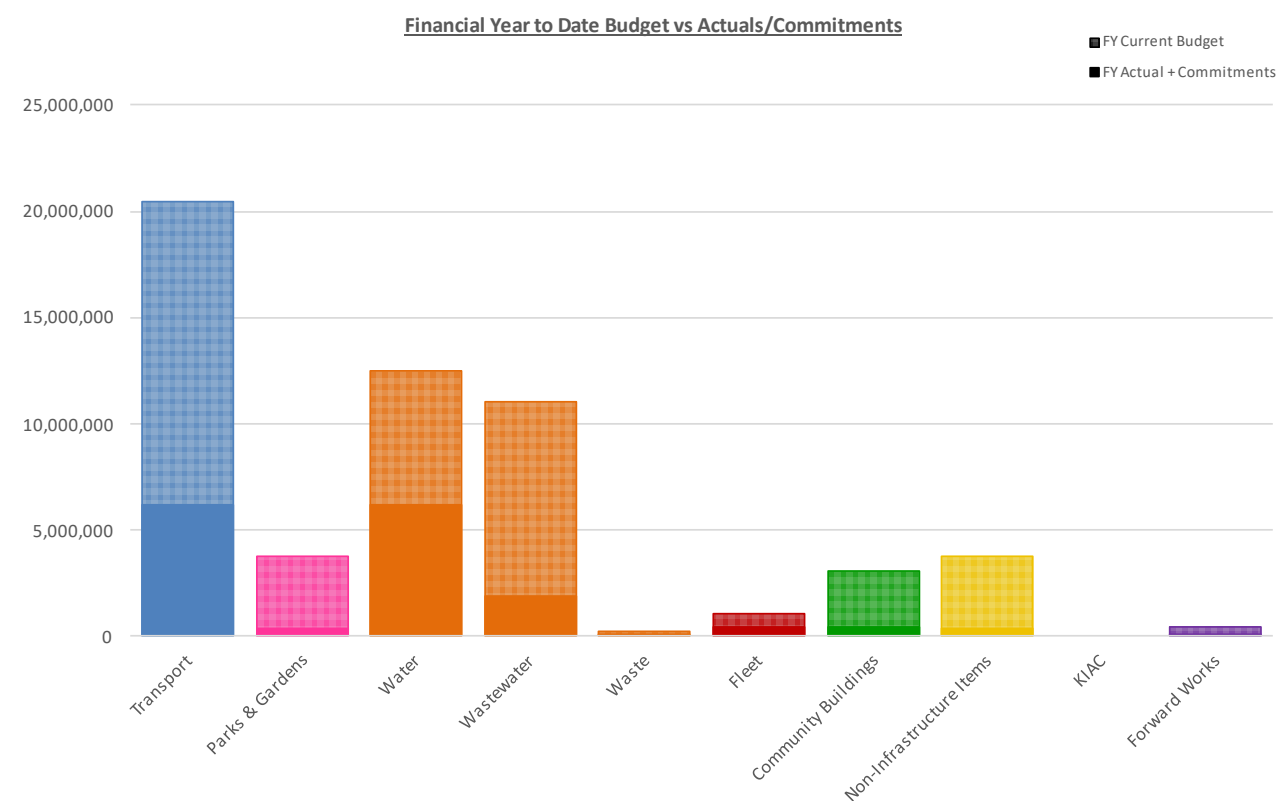
1. There are no significant issues to report. The reason for the variance in employee expenses is a timing issue between the fortnightly pay processing and the report preparation date in terms of actual-planned staff absences, vacancies, and staff working on capital projects.
2. Variances are the result of minor timing discrepancies between budget and actual spend.
3. The variance relates to the expenditure incurred for the Disaster Recovery Funding Arrangements (DRFA) restoration works which is not budgeted for. This expenditure will be offset against income.

**Vandalism Expenses**

So far this year, a total of \$13,886 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 \$15,847,502 (including commitments) has been spent for the period ending 30 September 2024 against the 2024/25 annual capital budget of \$56,184,051.



Loan Borrowings

Council's loan balance is \$6,369,256 as at 30 September 2024.

Rates and Charges

The total rates and charges payable as at 30 September 2024 are \$3,832,505 which is broken down as follows:

	30 September 2024		30 September 2023	
Status	No. of properties	Amount	No. of properties	Amount
Valueless land	-	-	3	82,490
Payment Arrangement	207	273,145	155	227,586
Collection House	204	1,274,812	158	1,080,612
Exhausted – awaiting sale of land	10	96,056	7	58,876
Sale of Land	-	-	-	-
Other ( <i>includes current rates notices</i> )	1,031	2,188,492	1,073	1,909,043
<b>TOTAL</b>	<b>1,452</b>	<b>3,832,505</b>	<b>1,396</b>	<b>3,358,607</b>

The Rate Notices for the period ending 31 December 2024 were issued on 12 August 2024 with a discount due date of 13 September 2024. The total gross rates and charges levied for the six (6) month period amounted to \$22,260,973.

Collection House collected \$38,862 for the month of September 2024.

During the month of September, 1,119 first reminder notices were issued with a total value of \$2,484,554. This did not include those properties that are already with debt recovery.

Sundry Debtors

The total outstanding for Sundry Debtors as at 30 September 2024 is \$821,696 which is made up of the following:

Current	30 days	60 days	90 + days
\$797,374	\$15,149	\$4,105	\$5,068
97.04%	1.84%	0.50%	0.62%

Procurement

There were no emergency purchase orders for the month of September 2024.

Council's Procurement Policy prescribes the methods for purchasing goods and services. In accordance with Section 235 of the *Local Government Regulation 2021* titled "Other exceptions", Council is able to empanel the contractors that Council deems to be a Sole Supplier if:

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

SUPPLIER NAME	SERVICES RENDERED
Chubb Security t/a Chubb Fire & Security Pty Ltd	Chubb have supplied and installed security systems at Council's Rankin Street, and more recently, Kowa Street offices. For some time, Council has maintained a pro-active maintenance schedule as part of a rolling contract. Additionally, the duress and intrusion alarms related to these systems are monitored by Chubb Monitoring Centre (CMC).

**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**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**IMPLEMENTATION/COMMUNICATION**

Nil

I

**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	21,921,153	21,923,452	43,846,904
Less Discounts and Pensioner Remissions	(1,188,191)	(1,199,423)	(2,398,846)
<b>Net Rates and Utility Charges</b>	<b>20,732,962</b>	<b>20,724,029</b>	<b>41,448,058</b>
Fees and Charges	885,079	768,025	2,075,409
Operating Grants and Subsidies	7,790,636	7,734,750	9,272,056
Operating Grants and Subsidies - DRFA	1,801,978	-	-
Operating Contributions	-	13,500	54,000
Interest Revenue	213,109	169,500	678,000
Works for Third Parties	703,127	517,500	2,070,000
Other Revenue	687,327	349,285	1,267,130
<b>Total Operating Revenue</b>	<b>32,814,218</b>	<b>30,276,589</b>	<b>56,864,653</b>
<b>Expenditure</b>			
Employee Expenses	4,321,514	4,863,418	19,959,729
Materials and Services	5,906,565	6,599,663	18,908,537
Other Expenses - DRFA	10,856,016	-	-
Depreciation expense	3,008,278	3,008,278	12,033,115
Finance and Borrowing costs	72,131	59,707	338,828
<b>Total Operating Expenses</b>	<b>24,164,504</b>	<b>14,531,066</b>	<b>51,240,209</b>
<b>Operating Surplus/(Deficit)</b>	<b>8,649,714</b>	<b>15,745,523</b>	<b>5,624,444</b>
<b>Capital Income</b>			
Capital Contributions	130,857	-	-
Capital Grants and Subsidies	1,779,941	-	9,422,669
Interest on Contributions/Reserves	416,878	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	45,000	180,000
<b>Total Capital Income</b>	<b>2,327,676</b>	<b>45,000</b>	<b>9,602,669</b>
<b>Net Result</b>	<b>10,977,390</b>	<b>15,790,523</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	11,972,184	11,852,769	23,705,538
Less Discounts and Pensioner Remissions	(1,188,191)	(1,199,423)	(2,398,846)
<b>Net Rates and Utility Charges</b>	<b>10,783,993</b>	<b>10,653,346.00</b>	<b>21,306,692</b>
Fees and Charges	687,419	587,700	1,246,360
Operating Grants and Subsidies	7,790,636	7,713,000	9,185,056
Operating Grants and Subsidies - DRFA	1,801,978	-	-
Operating Contributions	-	-	-
Interest Revenue	110,734	117,000	468,000
Works for Third Parties	693,055	517,500	2,070,000
Other Revenue	631,349	292,535	1,040,130
<b>Total Operating Revenue</b>	<b>22,499,164</b>	<b>19,881,081</b>	<b>35,316,238</b>
<b>Expenditure</b>			
Employee Expenses	3,785,740	4,331,890	17,795,080
Materials and Services	3,440,856	3,771,905	8,336,168
Other Expenses - DRFA	10,856,016	-	-
Depreciation expense	2,129,364	2,129,364	8,517,457
Finance and Borrowing costs	46,708	34,923	139,691
<b>Total Operating Expenses</b>	<b>20,258,685</b>	<b>10,268,082</b>	<b>34,788,396</b>
<b>Operating Surplus/(Deficit)</b>	<b>2,240,479</b>	<b>9,612,999</b>	<b>527,842</b>
<b>Capital Income</b>			
Capital Contributions	74,573	-	-
Capital Grants and Subsidies	1,654,973	-	4,477,504
Interest on Contributions/Reserves	338,965	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	45,000	180,000
<b>Total Capital Income</b>	<b>2,068,511</b>	<b>45,000</b>	<b>4,657,504</b>
<b>Net Result</b>	<b>4,308,990</b>	<b>9,657,999</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	2,447,625	2,398,834	4,797,668
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>2,447,625</b>	<b>2,398,834</b>	<b>4,797,668</b>
Fees and Charges	156,828	143,950	683,549
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	13,500	54,000
Interest Revenue	2,032	15,000	60,000
Works for Third Parties	9,509	-	-
Other Revenue	36,406	49,250	197,000
<b>Total Operating Revenue</b>	<b>2,652,400</b>	<b>2,620,534</b>	<b>5,792,217</b>
<b>Expenditure</b>			
Employee Expenses	45,639	45,746	183,095
Materials and Services	919,435	1,283,983	5,065,787
Depreciation expense	57,614	57,614	230,456
Finance and Borrowing costs	-	-	100,000
<b>Total Operating Expenses</b>	<b>1,022,688</b>	<b>1,387,343</b>	<b>5,579,338</b>
<b>Operating Surplus/(Deficit)</b>	<b>1,629,712</b>	<b>1,233,191</b>	<b>212,879</b>
<b>Capital Income</b>			
Capital Contributions	56,284	-	-
Capital Grants and Subsidies	-	-	-
Interest on Contributions/Reserves	26,222	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>82,506</b>	<b>-</b>	<b>-</b>
<b>Net Result</b>	<b>1,712,218</b>	<b>1,233,191</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	3,239,849	3,226,114	6,452,227
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>3,239,849</b>	<b>3,226,114</b>	<b>6,452,227</b>
Fees and Charges	19,192	17,750	71,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	43,352	25,000	100,000
Works for Third Parties	-	-	-
Other Revenue	-	-	-
<b>Total Operating Revenue</b>	<b>3,302,394</b>	<b>3,268,863</b>	<b>6,623,227</b>
<b>Expenditure</b>			
Employee Expenses	179,619	171,943	697,878
Materials and Services	626,387	564,647	2,011,082
Depreciation expense	433,475	433,475	1,733,901
Finance and Borrowing costs	25,423	24,784	99,137
<b>Total Operating Expenses</b>	<b>1,264,903</b>	<b>1,194,849</b>	<b>4,541,998</b>
<b>Operating Surplus/(Deficit)</b>	<b>2,037,490</b>	<b>2,074,014</b>	<b>2,081,229</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	77,415	-	2,700,500
Interest on Contributions/Reserves	35,480	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>112,895</b>	<b>-</b>	<b>2,700,500</b>
<b>Net Result</b>	<b>2,150,386</b>	<b>2,074,014</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	4,195,488	4,379,843	8,759,687
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>4,195,488</b>	<b>4,379,843</b>	<b>8,759,687</b>
Fees and Charges	21,640	18,625	74,500
Operating Grants and Subsidies	-	21,750	87,000
Operating Contributions	-	-	-
Interest Revenue	56,991	12,500	50,000
Works for Third Parties	563	-	-
Other Revenue	19,571	7,500	30,000
<b>Total Operating Revenue</b>	<b>4,294,254</b>	<b>4,440,218</b>	<b>9,001,187</b>
<b>Expenditure</b>			
Employee Expenses	310,516	313,838	1,283,676
Materials and Services	868,661	937,353	3,448,400
Depreciation expense	371,948	371,948	1,487,794
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>1,551,125</b>	<b>1,623,139</b>	<b>6,219,870</b>
<b>Operating Surplus/(Deficit)</b>	<b>2,743,128</b>	<b>2,817,079</b>	<b>2,781,317</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	47,552	-	2,244,665
Interest on Contributions/Reserves	16,211	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>63,763</b>	<b>-</b>	<b>2,244,665</b>
<b>Net Result</b>	<b>2,806,892</b>	<b>2,817,079</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	66,007	65,892	131,784
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>66,007</b>	<b>65,892</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>66,006.62</b>	<b>65,892</b>	<b>131,784</b>
<b>Expenditure</b>			
Employee Expenses	-	-	-
Materials and Services	51,227	41,775	47,100
Depreciation expense	15,877	15,877	63,507
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>67,104</b>	<b>57,652</b>	<b>110,607</b>
<b>Operating Surplus/(Deficit)</b>	<b>(1,097)</b>	<b>8,240</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>(1,097)</b>	<b>8,240</b>	<b>21,177</b>

## 9 INFRASTRUCTURE SERVICES

### 9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - SEPTEMBER 2024

**Date Prepared:** 16 September 2024

**Author:** Manager Assets and Projects

**Attachments:**

1. Capital Works Highlights - September 2024 [↓](#)
2. Capital Works Summary - September 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 September 2024.

#### RECOMMENDATION

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of September 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 Infrastructure:** The provision of quality infrastructure to service our growing community using sound asset management principles.

#### IMPLEMENTATION/COMMUNICATION

## Infrastructure Services Capital Works Report Project Highlights – September 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) km section of Myola Road to extend the pavement's functional life.

### Progress Update

The mill/fill process recommenced in early August at the southern end of Myola Road. This portion of the works was completed mid-August. The 14mm bitumen reseal was completed late September and the line marking will be installed during October 2024.



*Completed Reseal*

## Infrastructure Services Capital Works Report Project Highlights – September 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

During September, culvert installation was completed, and cut to fill operations to subgrade level continued. Rock breaking equipment has been working in both Sections 1 and 2 bringing table drains, culvert inverts and road subgrade down to design height. Given good weather and water supply, it is estimated that the programmed work for the 2024 calendar year at the Ootann Road project will be completed by the end of October. The crew will then return after the wet season in 2025 to complete pavement and sealing works.



*Exposed rock in table drains*



*Rock breaker bringing road down to subgrade level*



*Embankment filling operation*



*Section 1 formation*

## Infrastructure Services Capital Works Report Project Highlights – September 2024



**Project Name: Gully Betterment**

**Program: DRFA**

### Background

Queensland Reconstruction Authority (QRA) declared the 'Far North Queensland Low Pressure Trough, 1 – 7 February 2022' a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provide local governments with assistance to reinstate essential infrastructure. Over and above the restoration work, QRA has selected Council to undertake a Betterment pilot program, where creek and gully crossings on specific roads will receive upgrades. These upgrades aim to improve the resilience of the Shire's road network, as gully crossings are often one of the greatest impediments to traffic flow when damaged, especially during the wet season.

By strengthening these crossings, the intent of the program is to help the community recover more quickly from future disaster events. The project aims to present long-term savings at all levels of government, particularly following natural disasters.

The project is jointly funded (50:50) by the Australian and Queensland Governments and Mareeba Shire Council.

### Scope of Works

The scope of this project is to undertake upgrade of 78 identified gully crossings on 29 unsealed roads throughout Mareeba Shire based on three (3) approved standard treatment types:

- Concrete toe walls (upstream and/or downstream)
- Stabilised pavement bed-level causeways
- Concrete bed level causeways

### Progress Update

Construction commenced in April 2024, with the program nearing completion.

During September, the contractor completed works at four (4) sites, being: McBean Road, Bakers Road, Bellevue Road and Mount Misery Road.

Works are anticipated to be completed on the remaining locations prior to end of calendar year.

## Infrastructure Services Capital Works Report Project Highlights – September 2024



*McBean Road, Mareeba (before and after)*



*Bakers Road, Mt Molloy (before and after)*

## Infrastructure Services Capital Works Report Project Highlights – September 2024



**Project Name: Bicentennial Lakes Southern Section – Footbridge Replacement**

**Program: Parks and Open Spaces**

### Background

The Bicentennial Lakes Stage 1 project was identified as the key priority project in the Parks and Open Spaces Strategy, which was adopted by Council in February 2022.

### Scope of Work

The remaining scope of works is to upgrade all the footbridges in the Bicentennial Lakes Southern Precinct to safe, accessible current standards. One redundant footbridge was also flagged for removal.

### Progress Update

The northern footbridge nearest to Keeble Street has now been replaced with a flat, safe and accessible footbridge and construction is underway to replace the footbridge adjacent to the Mason Street playground, connecting with the back of the Mareeba State High School.



*Construction of the new accessible footbridge*



*Completed footbridge*

## Infrastructure Services Capital Works Summary Report - September 2024



Project Code	Project Description	Project Comment	Project Stage
<b>Program: 01 - Rural and Urban Roads Reseal Program (Renewal)</b>			
CP0003731	24/25 Bitumen & Asphalt Reseal Program	MSC reseals currently programmed for early December with line marking in January 2025.	Not Commenced
CP0003732	24/25 Gravel Resheet Program	Wolfram Road, Braund Road and Metzger resheet projects are all underway.	Construction
CP00835	DRFA Gully Betterment	Works continue on the Gully Betterment Program, on track for completion prior to end of year.	Construction
<b>Program: 02 - Gravel Resheet</b>			
CP0001022	23/24 Gravel Resheet Program	Project completed August 2024. Waiting on invoices for external plant hire to close project out.	Completed
<b>Program: 03 - Urban Streets</b>			
CP0001023	Recovery Way (WTS) Rehab Ch 0.176-0.272	Procurement will commence October 2024.	Procurement
CP0001024	Myola Rd Ch 0.2-3.06	Reseal completed 25/09/2024. Line marking programmed for mid-October.	Construction
CP00795	TIDS 23-27 Herberton/Constance Inter	Construction to commence October 2024.	Construction
CP00797	TIDS 22/23 24/25 Rankin/Walsh St R'bout	Detailed design in progress, additional liaising required with Telecommunications Providers.	Design
<b>Program: 04 - Rural Roads</b>			
CP0000949	TIDS 23-25 Springmount Rd Ch 6.7-7.55	Practical completion of project achieved August 2024. Drain and inlet/outlet clearing and dig outs at MSF Mill underway during September/October.	Construction
CP0002040	KDA Barron Falls/Masons Rd/Falls Lookout	Survey and soil investigations scheduled for October.	Planning
CP0002041	KDA KIA09 Barron Falls Rd Thongon-Mason	Survey and soil investigations scheduled for October.	Planning
CP0002042	MBA James St Mill & Fill	Scope defined and survey and lab investigations underway. Design detailing to be provided asap.	Design
CP0002048	KDA Kuranda Heights Rd Intersection	Survey and soil investigations scheduled for October.	Planning
CP0002050	MBA McIver Rd Rehab & Widen	Survey and soil investigations scheduled for November.	Planning
CP0002060	KDA Oak Forest Rd Rehab & Widen	Survey and soil investigations scheduled for October.	Planning
CP0002066	DIM Leafgold Weir Rd Widen Curves	Soil investigation and survey work advanced. Design work to be completed November.	Design
CP0002069	MBA Chewko Rd Rehab/Widen & Seal	Design complete, finalising documentation for handover to construction.	Design
CP0003753	MBA Byrnes St Safety Upgrades	Works out to Tender closing 4 October 2024.	Design
CP00801	TIDS Ootann Rd Section 1&2 Widen & Seal	All RCP's installed. Last major fill section was completed 26/09/2024. Crew is currently working on the last major cut in Stage 2. Road will be completed to subgrade height before disestablishment for 2024. This is estimated to be late October 2024.	Construction
<b>Program: 05 - Bridges</b>			
CP0001558	MBA Tinaroo Creek Rd Ada Creek Causeway	Design to be done inhouse and scheduled for delivery by 30 June 2025.	Planning

**Infrastructure Services Capital Works Summary Report - September 2024**



CP0001564	KDA Oak Forest Rd, Barron River Bridge	GHD design and specification documentation completed. Currently out to Tender closing 17 October 2024.	Procurement
CP00839	Bullaburrah Ck Rd C'way Relieving Slab	Not commenced.	Not Commenced
CP00841	Bolton Rd Inspect/Design/Repl Girders	Draft Report received, review underway.	Construction
CP00843	Barron River Cwy Henry H Dr Repl Slabs	Not commenced.	Not Commenced
<b>Program: 06 - Drainage</b>			
CP0001598	24/25 Renew Minor Culverts & Drainage	Culvert replacements are planned for Armstrong Road and Borzi Road. No program dates set as yet.	Planning
CP0003689	MBA CBD Drainage Upgrade Stage 1	Waiting for deed of agreement from Australian Government before project can commence.	On Hold
CP0003690	MBA Ray Rd Culvert Upgrade	On-going investigation. Project linked to Ray Road drainage study.	Planning
CP0003695	Irvinebank Jessie St/Rubina Tce Upgrade	Investigations to commence late 2024.	Not Commenced
CP00844	MBA Amaroo Drainage Upgrades	Design handover documentation to be finalised and provided to Construction.	Design
CP00938	Tilse Street Upgrade Drainage	Practical Completion reached. QA documentation and Financial Close out underway.	Completed
<b>Program: 07 - Traffic Facilities</b>			
CP0000947	Mareeba Aerodrome Safety & Repairs	Awaiting fire-fighting system upgrade quotation from Contractors. Line marking and Lighting amendments awarded, works programmed for October 2024.	Procurement
CP0000951	Anzac Ave LATM Upgrades	Speed activated signage and line marking works to be completed. Design of Anzac Avenue to be commenced August with target draft review date December 2024.	Construction
<b>Program: 08 - Parking</b>			
CP00846	MBA Heritage Centre Carpark Extension	Car park connecting footpath through Centenary Park in design review.	Design
<b>Program: 09 - Footpaths</b>			
CP0001026	23/24 Footpath Renewal Program	Atherton Street and Lloyd Street footpath sections completed during the September school holidays.	Construction
CP0001027	23/24 Footpath Upgrade Program	Applied for grant funding to build new footpath connection between Hastie Street and Atherton Street.	Planning
CP0001665	Mt Molloy Footpath & Furniture Refurb	Designs to be pushed out and rescheduled for October.	Planning
CP0001666	KDA Barron Falls Rd Replace Footpath	Site visit to inspect damage and advance the briefing process has been rescheduled for late October.	Design
CP0001742	MBA WNP Constance-Lloyd St Footpath	TMR School Transport Infrastructure Project grant successful. Deed of Agreement to be finalised.	Design
<b>Program: 10 - Parks and Gardens</b>			
CP0001029	Kda Com Precinct Parks Upgrade	Planning to progress in 2024.	Planning
CP0001803	Julatten Geraghty Pk Refurb Playground	Planning in progress, works to be undertaken 2025.	Planning
CP0001805	MBA Bicentennial Lakes Northern	Funding approval pending sign-off of the Deed of Agreement.	Not Commenced

## Infrastructure Services Capital Works Summary Report - September 2024



CP0001871	MBA Centenary Park Upgrade Fencing	One Submission received. Budget shortfall. Awaiting direction.	Procurement
CP0003670	MBA Amaroo Park Shade	Planning.	Planning
CP00807	KDA Centenary Park Playground Upgrade	Footpath improvements to be programmed as part of Coondoo Street Upgrade Project.	Construction
CP00809	MBA Bicentennial Lakes (Southern) D&C	Assessing scope and cost to install a fence to stop children running up the slide embankment. Arched footbridges replacement with accessible footbridges construction commenced.	Construction
CP00860	KDA Anzac Park Landscaping	Project complete, awaiting financial completion.	Completed
CP00861	KDA Coondoo Street Refurb	Coondoo Street Footpaths Pavement Upgrades tender and Upper Coondoo Street lighting tender closed. Submissions being assessed.	Procurement
CP00862	KDA CBD Planter Boxes & Gardens	Deed of Agreement with Queensland Government being developed. Works to commence once agreement is signed.	Planning
<b>Program: 11 - Water</b>			
CP0001036	23/24 AC Water Main Replace Program	Some works are yet to be done and will be completed as soon as possible.	Construction
CP0001037	23/24 Water Telemetry/SCADA Upgrades	Completed August 2024.	Completed
CP0001038	23/24 Retic Valve/Hyd Replace Program	New valves to be installed Lerra and Byrnes Streets.	Construction
CP0002670	FY24/25 - WTP Minor Infrastructure	RFQ's issued for various works which will be ongoing throughout 2024-2025. Some works have commenced with some works being staggered out over the course of the financial year due to waiting on materials and equipment	Construction
CP0002671	FY24/25 - Water Main Replacement	Prestart meeting held 5 September. Service location works commenced.	Construction
CP0002672	FY24/25 - KDA WTP Turbidity Meters	Some equipment has arrived and been installed and works should be completed by calendar year end.	Construction
CP0002674	FY24/25 - DIM WTP Turbidity Meters	Equipment has been ordered with long delivery lead timeframe.	Procurement
CP0002675	FY24/25 - Replace Chlorine Analysers	Analysers ordered, some have arrived and been installed.	Construction
CP0002677	FY24/25 - Telemetry/SCADA Upgrades	RFQ's for some of the works required, initial onsite works to commence early October.	Construction
CP0002680	FY24/25 - Hydrants & Valve Renewal	A program of works has been developed and will be undertaken throughout the 2024-25 FY.	Procurement
CP0002682	FY24/25 - Irvinebank Ibis Dam PS	Existing pump has had another inspection and before replacing we will fit a strainer on the suction side of the pump to see if it can be operated efficiently enough.	Construction
CP0002683	FY24/25 - DIM WTP Pump Replacement	As assessment will be made during the November servicing and maintenance schedule whether the pump will be replaced.	Planning
CP0002684	FY24/25 - Smart Meters Replacement	This project is ongoing throughout 24-25	Construction
CP0002762	FY24/25 - MBA WTP Refurbish Clarifiers	Project tender has been formally awarded, contract to be signed late September / early October with actual construction works scheduled for completion November 2025.	Construction
CP0002764	MtM Replace Hunter Ck Weir	We had a dam specialist from GHD take an initial inspection which we now need to progress to formal assessment and reporting on the weir.	Not Commenced
CP0002921	MBA Booster Pump Station Relocation	An RFQ has been issued for the relocation of both Granite Creek and Centenary Park pump sets and setting up the Granite Creek Pump Set at Centenary Park.	Procurement

## Infrastructure Services Capital Works Summary Report - September 2024



CP0003667	FY24/25 Irvinebank Ibis Dam Valves	We met with GHD Consulting on site who will now make recommendations on vales required prior to procuring.	Planning
CP0003668	CHI Renew Water Line	This project will only be done in 2024-2025 if there are residual funds left over from replacing water mains in Mareeba and Mt Molloy in 2024-2025.	On Hold
CP0003734	MBA WTP Fuel Pod For Generator	Fleet coordinator to acquire the new fuel pod for installation late November, December 2024	Procurement
CP00730	Mba WTP Study for Upgrade of WW System	Final report due after 25th October once filtration project reaches practical completion.	Construction
CP00733	BOR6 MWTP Filtration Upgrade	Project at commissioning stage and this is expected to be completed 25th October then the project will have reached practical completion.	Construction
CP00876	BOR6 22/23 Water Forward Design Program	Qld State Govt agreed to use funds for the design of a 10ML water reservoir, design completed June 2024.	Completed
CP00878	MBA Decommission Basalt St Elevated Tank	This work will be done in conjunction with the final commissioning of the booster pump station.	Planning
CP00879	MBA Decommission Granite Ck Pump Station	Project cannot commence until the new water booster station project has had its final commissioning in September.	Planning
<b>Program: 12 - Wastewater</b>			
CP0001040	Mba WWTP Purchase Forklift	Forklift delivered in September.	Completed
CP0001041	Mba WWTP Inlet Works Replacements	Waiting on LM Engineering to complete their works.	Construction
CP0001043	Atherton St Pump Station Refurb	Project subject to grant funding.	On Hold
CP0001046	23/24 WW Telemetry/SCADA Upgrades	Project now completed and can be closed out once final invoices have been received.	Completed
CP0001047	23/24 WW CCTV & Relining Program	Project completed with reduced scope in June 2024.	Completed
CP0001050	Kennedy Hwy PS Control Board Upgrade	New switchboard being installed during the period of 30 September to Friday 18 October.	Construction
CP0001053	23/24 WWPS Refurbishment Program	Final works scheduled for September and October.	Construction
CP0002474	FY24/25 - MBA Sewer CCTV & Reline Prog	Planning.	Planning
CP0002475	FY24/25 - WW Pump Station Ancillary	RFQ under development for pump station ancillary works, with a separate RFQ being developed for significant repairs at Gully Pump Station, concrete driveway has been undermined by heavy rainfall and areas around the pump station requiring construction of a concrete stabilisation bank	Not Commenced
CP0002476	FY24/25 - WW Reticulation Pumps Renewal	Pumps will be assessed during the November maintenance servicing program which will inform which pumps are to be replaced.	Not Commenced
CP0002477	FY24/25 - Telemetry/SCADA Upgrades	Initial works will commence late September to early October.	Not Commenced
CP0002479	FY24/25 - Pump Station Generators x 2	Contract has now been awarded and the new generators being procured and once they arrive they will be installed.	Procurement
CP0002480	FY24/25 - Manhole Rehab & Replace	Submissions received. Evaluation and recommendations complete and report to be tabled with Council.	Procurement
CP0002481	FY24/25 - MBA Constance St Rising Main	Project is currently at design completion stage with a short section of the new sewer main installed at the intersection of Constance Street / Herberton Street. The as constructed drawings form this short section of works will now be used to inform and update the final design of the project	Design
CP0002482	FY24/25 - KDA WWTP Renew Control Panels	Majority of the works have now been completed.	Procurement

## Infrastructure Services Capital Works Summary Report - September 2024



CP0003715	KDA WWTP Renew 6x4m Shed	Quotes were sourced from suitably qualified suppliers, purchase order has been issued and works will commence once materials arrive.	Procurement
CP0003722	KDA WWTP Renew 6x6m Shed	Quotes were sourced from suitably qualified suppliers, purchase order has been issued and works will commence once materials arrive.	Procurement
CP00889	22/23 MBA Sewer CCTV & Relining	Sewer reticulation smoke detection and CCTV imaging works currently underway with an expected completion timeframe of end of September to late October.	Construction
<b>Program: 13 - Waste</b>			
CP0002216	KDA WTS New Ablution Block	One submission for RFQ. Budget shortfall. Awaiting other invited responses to RFQ.	Procurement
CP0002220	MBA TS Leachate Pump Annual Program	There has been some safety issues highlighted with accessing the pumps, this is now under review and a methodology will be developed to mitigate any risks. Pumps will then also be assessed for replacement during the November servicing.	Not Commenced
CP0002221	MBA TS Leachate PS Pump	There has been some safety issues highlighted with accessing the pumps, this is now under review and a methodology will be developed to mitigate any risks. Pumps will be assessed for replacement during servicing scheduled for November.	Not Commenced
<b>Program: 15 - Fleet</b>			
CP0001071	Fleet Replace #1231 Toyota WW	Procurement in progress.	Procurement
CP0003738	Replace Asset 741 Street Sweeper	Procurement Stage, RFQ posted 23/09/2024, expect 6-8 months delivery from time of approval.	Procurement
CP0003739	Replace Asset 620 Job Truck	Procurement Stage, Tender evaluated waiting approval.	Procurement
CP0003740	Replace Asset 1255 Toyota Hilux	Currently in planning phase.	Planning
CP0003741	Replace Asset 1274 Toyota Hilux	Procurement Phase.	Procurement
CP0003742	Replace Asset 4052 Kubota Mower	Procurement phase, evaluation complete, awaiting approval to purchase.	Procurement
CP0003743	Replace Asset 5005 MF Tractor/Loader	Procurement phase, evaluation complete, awaiting approval to purchase.	Procurement
CP0003752	Replace Asset 3010 Toyota Landcruiser	Procurement phase, evaluation complete, awaiting approval to purchase.	Procurement
CP0003773	Replace Asset 1307 Mitsubishi Pajero	Project Completed, Vehicle in service.	Completed
<b>Program: 16 - Depots and Council Offices</b>			
CP0001064	Mba Depot Admin Building Refurb	Refurb works completed.	Construction
CP0001597	CHI Depot Office Renewal	Scoping complete. Out for procurement.	Procurement
CP0003737	MBA Kowa St External Staff Training Room	RFQ prepared for market invite.	Procurement
CP0003765	MBA Kowa St Depot Fuel Bowser	Change request for further budget requirement submitted.	Procurement
CP00759	Kowa St MSC Depot Emergency Generator	Investigations recommenced, delivery targeted prior to end of 2024.	Planning
<b>Program: 17 - Community Buildings</b>			

## Infrastructure Services Capital Works Summary Report - September 2024



CP0001059	Mba/Dim Aquatic Condition Assessment	RFQ development has begun, intent to release to market prior to end of 2024.	Planning
CP0001632	Annual Toilet Refurbishment Program	Scoping commenced.	Planning
CP0001637	KDA Library Paint & Roof Improvements	No submissions received for painting. Submissions for awning structure received and to be awarded.	Procurement
CP0001639	Annual Minor Building Refurbishment	Scoping commenced.	Planning
CP0001646	KDA Recreation Centre Improvements	Not commenced.	Not Commenced
CP0001664	Annual Facilities LED Lighting	Not commenced	Not Commenced
CP0002909	DIM Memorial Hall Park Lighting Upgrade	Design received. Works to be awarded to current Memorial Hall Electrical contractor.	Procurement
CP0003718	MBA Davies Park Field 2 Lighting Upgrade	Design complete. Project delivery subject to suitable grant funding.	Design
CP0003729	MBA Aquatic Centre Pool Expansion Joints	Preliminary investigations commenced September 2024.	Planning
CP0003756	MBA Davies Park Field 1 Lighting Upgrade	Design received. Out for procurement.	Procurement
CP0003774	MBA Animal Mgmt Solar Panels - ON HOLD	On hold.	Not Commenced
CP00749	Aquatic Facility Upgrades & Splash Park	Works complete.	Completed
CP00793	MBA Women's Restroom Refurb	Investigations for options to commence prior to end of 2024.	Planning
CP00819	22/23 Shire Toilet Facility Repl Program	Arnold Park Toilet Repairs/Refurbishment complete.	Completed
CP00909	KDA Aquatic Cnt 25m Pool Aquaris Upgrade	Delays due to contractor availability, works remain required.	Procurement
CP00941	23/24 Park/Sporting LED Lights Arnold Pk	Reviewing Electrical Engineering Report before going out to Quote.	Design
CP00942	22/23 DIM Town Hall A/C/Solar/Lighting	Main switch board, air conditioning and solar installed.	Completed
<b>Program: 18 - Non-Infrastructure Items</b>			
CP0001085	Mba Cemetery Expansion Planning	Investigations into concept options identified, to commence concept designs October 2024.	Planning
CP0003684	MBA New Cemetery Lawn Plaque on Beam	Concrete beam installation programmed for late October 2024.	Not Commenced
CP0003716	MBA Smartnet GPS Base Replacement	RFQ has been uploaded to Vendor Panel. Closes 3rd October 2024.	Planning
CP0003717	KDA Heights Cemetery Lawn Plaque on Beam	Will be constructed after 2024/25 wet season.	Not Commenced
CP00446	Kuranda New Cemetery	Contract awarded for Gabion Walls, construction commenced.	Construction
CP00932	MBA MIP Expansion	Quotations received for Detailed Design.	Design

**9.2 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 17 SEPTEMBER 2024**

**Date Prepared:** 18 September 2024

**Author:** Director Infrastructure Services

**Attachments:** 1. Traffic Advisory Committee - Minutes of Meeting held 17 September 2024 [↓](#)

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**EXECUTIVE SUMMARY**

The purpose of this report is to present the Minutes of the Mareeba Shire Council Traffic Advisory Committee Meeting held on Tuesday 17 September 2024.

**RECOMMENDATION**

That Council receives the minutes of the Traffic Advisory Committee Meeting held Tuesday, 17 September 2024.

**BACKGROUND**

The Traffic Advisory Committee (TAC) is an advisory committee to Council under Section 265 of the *Local Government Regulation 2012*. The TAC provides information and advice to Council regarding traffic, road and transport matters.

**RISK IMPLICATIONS****Financial**

There are ongoing costs associated with investigation of traffic matters to ensure a safe road environment for our community. In most cases, any safety improvements on Council roads determined from these investigations will be funded from operational budgets or referred for consideration in future capital budget deliberations.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

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

Nil

***Operating***

Internal resources for investigation and follow up actions.

**LINK TO CORPORATE PLAN**

**Community and Culture:** An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

**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**

Nil



65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461  
F: 07 4092 3323

W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
E: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

## MINUTES

### TRAFFIC ADVISORY COMMITTEE

Tuesday 17 September 2024  
Commenced at 9:34am

#### Members Present:

John Ridgway	Queensland Police Service (QPS) – Sergeant
Kim Yap	Department of Transport and Main Roads (TMR) – Principal Engineer
Kevin Davies (Chair)	Mareeba Shire Council (MSC) – Councillor
Lenore Wyatt	Mareeba Shire Council (MSC) – Councillor
Sam Wakeford	Mareeba Shire Council (MSC) – Manager Technical Services
Marjorie Anthony	Mareeba Shire Council (MSC) – Secretariat

#### Non-Members Present:

Kim Kadel	Department of Transport and Main Roads (TMR) – Advisor (Road Safety)
John Gillespie	Department of Transport and Main Roads (TMR) – Manager (Indigenous & LG Relations)
Josh Musumeci	Mareeba District Chamber of Commerce

### 1. WELCOME

The Chair opened the meeting at 9:34am welcoming all and thanking everyone for their participation.  
Apologies were noted as follows:

#### Apologies

Glenda Kirk	Mareeba Shire Council (MSC) – Director Infrastructure Services
Michael Ringer	Department of Transport & Main Roads (TMR) – Principal Engineer
David Hamilton	Department of Transport & Main Roads (TMR) – Traffic & Road Safety
Derek Garner	Queensland Police Service (QPS) – Senior Sergeant
Angela Toppin	Mareeba Shire Council (MSC) – Mayor
Nipper Brown	Mareeba Shire Council (MSC) – Councillor
Ross Cardillo	Mareeba Shire Council (MSC) – Councillor
Amy Braes	Mareeba Shire Council (MSC) – Councillor
Mary Graham	Mareeba Shire Council (MSC) – Councillor

### 2. MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held 18 June 2024 were noted as being true and correct.

Moved by Sgt John Ridgway

Seconded by Cr Lenore Wyatt

### 3. BUSINESS ARISING FROM PREVIOUS MINUTES

#### 3.1 Walsh Street Temporary Traffic Measures

- Temporary works are in place and continue to be monitored.
- QPS advises non-compliance by motorists is occurring in this area which they are acting upon.
- MSC has engaged a consultant (Bitzios) to undertake a traffic study (completed) and prepare concept and detailed designs for upgrade of this section of road on 2023/24.

- 
- MSC advise based on preliminary feedback from consultant, there will be a significant change to the parking arrangements and confirms that information from QPS is considered in traffic study.
  - Phase 2 of the design process underway; consultants on track with completion of the preliminary design anticipated mid 2023; detailed design to follow; water main replacement to be undertaken as part of the project before any traffic works, construction proposed post wet season 2024. MSC to ensure emergency services notified of works when construction is undertaken.
  - Walsh Street water main replacement to commence in July 2023.
  - Walsh Street AC water main replacement works complete; detailed design to commence prior to end of 2023.
  - MSC to provide an update to Mareeba Chamber, as initiator of the request.
  - Consultation completed with adjacent businesses. Detailed Design underway; draft Concept Plans tabled for the information of members only.
  - MSC advised angle parking on Walsh Street to be retained south of Coles loading dock, with minor loss of car parks. Pedestrian crossing is staggered improving pedestrian safety. Procurement of drainage pipes underway to address stormwater drainage issues.
  - This project is programmed to be delivered following the Herberton / Constance Street Upgrade.
  - MSC advised that detailed designs were significantly progressed, public consultation was planned before end of year, with potential for construction tenders to be invited early 2025.

### **3.2 Herberton / Constance Street Pedestrian Crossing (MSC)**

- From a safety perspective council raised concerns regarding the current location of the pedestrian crossing on Herberton Street recommending its removal and suggesting a pedestrian refuge island along with traffic islands & medians be implemented. MSC seeking input / advice from QPS.
- MSC advised water and sewer works currently underway with civil works to follow. QPS endorsed the removal of the pedestrian crossing in favour of establishing a pedestrian refuge island. QPS will issue a formal letter expressing its support.

### **3.3 Byrnes / Rankin Streets Drainage (MSC)**

- MSC raised with TMR the issue of stormwater drainage at the corner of Byrnes / Rankin Street intersection which has resulted in inundation of footpaths, particularly on the western side of Byrnes Street north of the intersection and east of the intersection (near McDonald's and in the Coles car park)
  - MSC advised there has been notable change since the traffic lights were installed in 2019/20 seeking a joint approach between TMR and Council to determine what can be done to alleviate some of the issues in the short term and requesting some priority be given around this issue.
  - MSC information and sketches were provided to TMR on 14 February 2023
  - TMR to inspect the area with MSC officers following this meeting of 21 March 2023
  - MSC is proposing to undertake a design project to address long-standing issues with stormwater drainage and pedestrian access in the CBD in the 2023/24 capital works program to gain a clear understanding of the funding required for the improvements.
  - MSC advised it seeks rectification of the drainage issue created since the installation of the traffic lights prior to the coming wet season. TMR advised detailed analysis to be undertaken with MSC providing data and assistance; TMR to liaise with MSC.
  - Discussions have commenced with TMR regarding review of Byrnes/Rankin drainage rectification. Investigation is currently being carried out by TMR. TMR has engaged consultant and report is being prepared.
  - Council has undertaken condition assessment of most stormwater assets in CBD and identified extents for CBD drainage assessment ready for engagement of consultant.
-

- TMR estimate overall rectification works at \$1.5M which is currently unfunded. Interim measures are proposed by TMR to help alleviate some of the issues. Advice on timeframe of interim measures unable to be provided by TMR.
- TMR advised the grated inlet pit has been upgraded with elevated grate to reduce blockage and increase capacity. This change to the pit inlet is considered a position improvement from stormwater capacity perspective as it will maximise the capacity of the crossroad box culvert. Additional works will be required in future to further improve drainage issues on Byrnes Street.
- Further upgrades to be reviewed as part of Council's CBD blueprint project. MSC advised further modelling of the intersection stormwater needs to be carried out to identify the extent of remediation works needed.

### **3.4 32B Kennedy Highway (Mareeba-Atherton) – Pedestrian facilities near Mclver Road / Martin Avenue / Connection Road**

- TMR to undertake detailed analysis for the provision of pedestrian facilities on Kennedy Highway near Mclver Road / Martin Avenue / Mareeba Connection Road. MSC developed with TMR their Walking Network Plans adopting the Priority Works Program in March 2023. MSC / TMR to work together to plan for pedestrian connectivity in this location.
- TMR advises pedestrian count undertaken and utilization was low.
- MSC provided proposal details to TMR (Darryl Jones) on 7 December 2023; MSC advised officers meeting with TMR to discuss project planning.
- No further updates available from TMR at this meeting.

### **32B Kennedy Highway (Mareeba-Atherton) – Mclver Road Intersection Upgrade**

- MSC advise of future rehabilitation and widening project of Mclver Road from Kennedy Highway to western end of Owens Street
- MSC seeking TMR's interest in working with council to upgrade the Kennedy Highway intersection.
- Council will forward details of proposal to TMR. Potential opportunity to revisit pedestrian connectivity in relation to Item 3.14 above.
- Council rehabilitation and widening project proceeding from Ray Road intersection towards the west. MSC will contact TMR again regarding the potential upgrading of the intersection.
- Traffic data sent to TMR by MSC 27 August 2024. MSC advise of congestion at the intersection during peak periods resulting in re-routing of traffic onto local roads specifically via James Street and to a lesser extent Tilse Street.
- TMR to confirm pedestrian signal controls will be included at the crossing.

### **3.5 32B Kennedy Highway (Mareeba-Atherton) – Dust issue generated by HVs parking / pulling over between Martin Avenue and highway**

- Again, residents are complaining to council about the dust being generated by HVs using the area as a depot and motorists pulling over off the bitumen when heading south. The dust blows across the highway to James Street on the western side of the highway.
- MSC advise contractors are utilizing the area for private use not for MSC Projects.
- TMR advise permit which expires on 30 May 2024 issued to Ergon allowing use of the area as a temporary laydown area whilst undertaking upgrade works in the region. Ergon have been requested by TMR to exit the laydown area via Martin Avenue to help alleviate the dust issue.
- MSC advised dust is generated by general traffic and HV's coming from Cairns and the north pulling over off the Highway.
- MSC to investigate options such as signage and installation of bollards and extending the pullover of parking area near Seary Road under RMPC.
- TMR inspected the site on 28 May 2024; MSC waiting advice from TMR on proposal.
- TMR advised contractor has been asked to enter / exit the laydown area using the Martin Avenue side road rather than entering / exiting directly onto the highway.
- TMR advise contractor no longer utilizing this location as a temporary laydown area.

- MSC reported heavy vehicles / vehicles en route to Atherton are pulling over on the left-hand side creating a dust problem for residents along James Street.
- This matter placed on hold pending a review of the situation after the installation of the traffic lights.

### 3.6 32B Kennedy Highway (Mareeba-Atherton) – Request for overtaking lanes

- QPS enquired why there are no south bound overtaking lanes between Mareeba and Atherton advising the line marking completed under the recent upgrade works limited overtaking opportunities for motorists.
- TMR followed up after the meeting and advised Kennedy Highway (Mareeba–Ravenshoe) / Mareeba Shire – An overtaking lane project is funded in QTRIP \$3M starting in 2024/25. Location has not been finalised yet.
- Item to remain on Agenda pending TMR Planning team providing MSC with an update on future plans for overtaking lanes following the meeting.
- TMR's OTL Prioritisation Planning Study identified the need for a number of new OTL's on the Kennedy Highway between Mareeba and Atherton. One new overtaking lane has been identified in the short term, and two more in the longer term. The design of a new northbound overtaking lane, south of Vicary Road, is currently being finalised. TMR is planning to commence construction in 2024.
- TMR advise construction of a northbound overtaking lane on the Kennedy Highway, south of Vicary Road, Mareeba will commence Monday 8 July 2024, weather and construction conditions permitting. Project is expected to be completed early 2025.
- TMR advise works on the construction of a northbound overtaking lane south of the Mareeba Aerodrome were well progressed. Works scheduled to be completed by end of 2024, weather permitting.
- There being no further action required by this Committee, it is recommended this item be removed from the Agenda.

### 3.7 TMR Mareeba Southern Approach

- In December 2022, the following Agenda items were combined and re-titled 'TMR Mareeba Southern approach':
  - 32A/32B Kennedy Highway / Byrnes Street T-Intersection
  - Mareeba Connection Road / Byrnes Street merge lane signage
  - Mareeba Heritage Centre - Requests for Improvements - entry / exit to VIC carpark
  - Mareeba Bypass
  - B-Double Route – access to Reynolds Street Industrial Area / Kennedy Hwy via Costin Street
  - HV parking between Martin Avenue and Kennedy Highway
- TMR followed up after the meeting and advised:
  - **Mareeba Bypass** – TMR is progressing with the Preliminary Evaluation (Options development) phase. MSC will continue to be involved in planning discussions. More information can be found at [Mareeba - Dimbulah Road, Mareeba Bypass | Department of Transport and Main Roads \(tmr.qld.gov.au\)](https://www.tmr.qld.gov.au/mareeba-dimbulah-road-mareeba-bypass)
- TMR advised 32A/32B intersection is being designed for signalised Intersection; delivery will be carried out when funding is available.
- TMR considering B-Double route as part of the Mareeba Bypass Planning; TMR propose to have draft updates from Planning Team on progress.
- TMR confirmed a Mareeba Bypass Planning project is underway. The current planning project will look at the full bypass, it will progress planning for the southern section and review and confirm the alignment of the northern section.
- \$2.2M has been allocated to the Planning Project by Qld Government under the Transport System Planning Program and it is anticipated the business case for the alignment will be completed late 2024.
- Construction of the Mareeba Bypass currently remains unfunded.

- MSC seeks from TMR updated COMMs on the installation of the proposed traffic lights at the intersection of the Kennedy Highway and Byrnes Street which were programmed to commence late May 2024.
- TMR advise there is no change.

**3.8 32A/32B Kennedy Highway / Mareeba – Proposed traffic lights (locally known as Byrnes Street)**

- MSC seeks from TMR updated COMMs on the installation of the proposed traffic lights at the intersection of the Kennedy Highway and Byrnes Street which were programmed to commence late May 2024.
- Construction works continue with night works carried out between 2 to 7 September to allow for asphalt resurfacing; further night works may be required as the project progresses.
- Works are progressing well and are scheduled to be completed by end of 2024.

**3.9 32A Kennedy Highway (Cairns-Mareeba) – Edmund Kennedy Bridge Rest Area**

- Numerous comments posted on social media regarding the current poor state of this toilet facility on the outskirts of Mareeba. This facility is heavily utilised by motorists.
- MSC advised toilet facility is maintained by council under RMPC but the issue is with the dilapidated state of the building which is TMR responsibility.
- TMR advise a paint refresh of the facility will be carried out under RMPC. MSC currently preparing costs of the works. The Chair requested before and after photos be provided.
- Painting of toilets complete; before and after photos distributed to the TAC Committee.
- The Chair advised of discussions held with TMR (Darryl Jones) regarding a proposal for a mural and the extension of the existing roof line to encompass a portion of the exterior. Additionally, the Chair informed TMR that a community group expressed interest in offering support for this initiative. TMR noted comments suggesting additional funding will be required.
- There being no further action required by this Committee, it is recommended this item be removed from the Agenda.

**3.10 32 Kennedy Highway / Gilmore Road Intersection - Lighting**

- The Mareeba Chamber sought an update from TMR as to the progress of installing lighting at the intersection of Kennedy Highway and Gilmore Road like other intersections along the Kennedy Highway.
- TMR followed up after the meeting advising works are progressing and the streetlights are expected to be installed by the end of June 2024, weather and construction conditions permitting.
- Solar intersection lights installed at this location.
- There being no further action required by this Committee, it is recommended this item be removed from the Agenda.

**3.11 32A Kennedy Highway / Kay Road Intersection - Improvements for Heavy Vehicles**

- Further works programmed by TMR as part of High Risk Roads Targeted Road Safety Program; upgrade works to be carried out at priority intersections including Kay Road.
- TMR advised works will be considered in Tranche 3 of the High Risk Roads Upgrade Programme.
- TMR followed up after the meeting and advised the current intersection geometry includes a widened sealed pavement for the left turn and a right turn lane of sufficient length and width for the right turn into Kay Road. The intersection is lit. Any upgrade to this intersection is unfunded and is a lower priority against other state priorities.
- Item to remain on Agenda pending TMR Planning team providing MSC with an update following the meeting.
- Further correspondence received from school bus driver raising concerns of no turning lane, stating there are more heavy vehicles utilizing Kay Road than light vehicles. Council to provide traffic count data for Kay Road to TMR.

- 
- TMR confirmed traffic data received and passed onto their planning team.
  - TMR advise this has been sent to their Planning unit for evaluation within the safety program.

### **3.12 Kuranda Range Road**

- TMR advised March/April 2024 emergency works carried out to prevent further damage to the road. Ongoing undermining of the road was occurring due to the ongoing wet season impacts at several locations. Works took longer than anticipated due to wet weather, available material supplies and challenging site conditions.
- TMR is designing long-term solutions for repair and recovery works to the damaged road network. These are complex sites which require detailed investigation and design based on the forward material availability and construction methodologies. Once the design and program of works is finalised, TMR will advise stakeholders of the expected construction timeframes and traffic arrangements for the works. The long-term works are expected to start later this year.
- TMR advised night works complete. Long-term reconstruction works are set to begin from late 2024 to mid-2026, with construction tenders currently under review & expected to be awarded in September 2024. The Australian and Qld Governments have committed \$262.5M to improve safety & resilience on Kuranda Range Rd. TMR is looking at various treatments at strategic locations, incl additional guardrails, shoulder widening, centre line treatments, vegetation management & slope stability treatments. Additional Intelligent Transport Systems technology stations will be installed to enhance real-time monitoring of road conditions & traffic behaviour. These works will commence after completion of the recovery works to mitigate further disruptions to road users.

### **3.13 32A Kennedy Highway (Cairns - Mareeba) - Barron River Bridge, Kuranda - Weight Restrictions**

- Testing and maintenance works by TMR continue; Contract to investigate long-term solutions for the bridge awarded to Arup.
- Ongoing testing and monitoring program continues to ensure the bridge remains safe; TMR progressing a planning study to investigate long-term solutions. Inspections will be carried out every 3 months with rehabilitation works being carried out where necessary.
- Testing and maintenance works on the bridge continue. Planning study to investigate long-term solutions is progressing with the planning project confirming the preferred alignment and scope of a replacement bridge over the Barron River, including a viable delivery strategy that also considers the ongoing management and rehabilitation of the existing bridge
- Planning, including Business Case, has commenced with geotechnical investigations in progress.
- Stakeholder Survey results not known at time of TAC meeting. MSC / TMR meeting scheduled for 25 January 2024. MSC raised concerns regarding the further reduced load limit of the bridge to 42.5t.
- TMR advise recent inspections identified an issue with some Macalloy bars. The Macalloy post-tensioning bars were retrofitted to provide additional strength after the bridge opened to traffic in 1963. Crews will recommence inspections and carry out works to protect the macalloy bars with works expected to be complete by late June 2024. Any changes to the current traffic conditions on the bridge (single lane operation and 42.5t load limit) will be advised. The planning study for a long-term solution for the bridge is progressing as quickly as possible and expected to be completed in late 2024. Detailed design and construction of a long-term solution are currently unfunded.

### **3.14 BDR – Request for flood camera at Trimble's Crossing**

- Due to the remoteness of Trimble's Crossing on the Burke Developmental Road, it would be an advantage for TMR to deploy flood monitoring camera at this location. Cameras would provide an opportunity for TMR / MSC to monitor flood levels and the condition of the crossing surface once flood waters subsided with up-to-date travel information passed onto the public.
-

- TMR advised as funding becomes available cameras will be rolled out at other locations; TMR have completed and prioritized a list of locations for future camera locations.
- TMR followed up after the meeting and advised they plan to install a camera at Trimble's Crossing later in 2023, before the next wet season.
- TMR confirmed flood cameras will be installed at Trimble's Crossing by end of November 2023 prior to the coming wet season.
- TMR advised this is currently in procurement; it is planned to deliver the camera by December 2023, prior to the next wet season.
- Procurement underway by TMR, it is anticipated camera will be installed early April 2024.
- TMR advise the BDR Trimble's Crossing solar-powered satellite flood monitoring camera will be publicly available. Normally for satellite flood cameras, an image is uploaded to QLD Traffic once per day, when available. TMR advise cameras are expected to be installed mid-July 2024.
- Flood monitoring camera installed at Trimble's Crossing. MSC requests public access like Bushy Creek. Through its Disaster Management Personnel, MSC requested that the existing access agreement be amended to include access to the flood cameras at both Trimble's Crossing and Mitchell Flats.

**3.15 34A Mulligan Highway - Bilwon Road Intersection, Bibbohra – Slip land and reduction of speed limit**

- TMR advised the upgrade works on the Mulligan Highway / Bilwon Road intersection at Bibbohra will not progressing as initially planned as additional funding is required to carry out the project. TMR applying for further funding and advised the outcome of this application may take some time. MSC expressed disappointment advising MSC has been advocating for this upgrade since December 2018 and requested a speed limit review in the interim. QPS supportive of the request.
- The Chair advised the temporary reduced speed limit is working well advising feedback from residents has been positive. QPS confirmed reports of good level of compliance regarding speed. TMR advised construction of this intersection is programmed for late August 2024 with an anticipated completion date of early 2025. Following completion of construction works MSC will propose to have the temporary reduced speed limit made permanent.
- TMR advise safety upgrade works commenced on 16 September 2024; works involve installing turning lanes on the highway into Bilwon Road. Works are programmed to be completed by 30 March 2025, weather permitting.
- There being no further action required by this Committee, it is recommended this item be removed from the Agenda.

**3.16 664 Mareeba-Dimbulah Road – Request for turning lane into Mareeba Rodeo Grounds**

- MSC advised with the increased usage of Kerribee Park concerns were raised regarding traffic turning right from the Mareeba-Dimbulah Road into the grounds.
- To facilitate safe vehicle turning into the park, it was suggested TMR investigate the construction of a passing / turning lane at the entrance and look at road shoulder wear in this location.
- TMR requested their Planning Unit undertake a review into the potential need for a turning lane from Mareeba-Dimbulah Road into the main entrance of Kerribee Park Rodeo Ground being gate 2. MSC noted that significant annual events at the venue include Rotary Field Days; Savannah in the Round; Mareeba Rodeo; camping facilities available during tourist season. It was suggested by MSC, TMR undertake a safety assessment. MSC to review records to provide any supporting information to assist in potential traffic count data for events.

**3.17 2024/25 Flashing School Zone Signage**

- TMR (Road Safety) seek from MSC site recommendations for flashing school zone signage suggesting several locations.
  - Julatten State School – Euluma Creek Road

- Bibbohra State School – Glendon Street
- Mount Molloy State School – Fraser Road
- Cairns Hinterland Steiner School – Boyles Road
- St Stephen's Catholic College – Cater Road
- MSC supports the proposed recommended locations as identified by the Department.
- TMR confirmed no official advice received to date, MSC will be advised once this information has been received.
- Permit Questionnaire completed and returned to consultants by MSC on 08 August 2024. MSC seek advice from TMR on the delivery timeframe.

### **3.18 Walking Network Improvements - Ceola Drive / Anzac Avenue**

- Advice on resident feedback was sought by QPS on the new barrier edging installed along Ceola Drive and Anzac Avenue.
- MSC implemented a pilot project installing low-cost improvements to the walking/cycling network to increase walkability in Mareeba. Project is funded by the Qld Government's Cycle Network Local Government Grants Program.
- Concerns were raised with council regarding loss of access to unapproved/informal secondary driveways to properties and the lack of space for school buses to pull over. Council advises this route is not an approved school bus route.
- A notable reduction in speed has unofficially been reported on Ceola Drive; in the future, traffic counters will be deployed, and statistics from earlier periods will be compared.
- MSC advised this is a pilot project where council will monitor the effectiveness and make necessary adjustments where required. A review of the trial will be completed by end of 2024 to determine the effectiveness of the treatments.
- MSC deployed traffic counters on Ceola Drive and Anzac Avenue from 6-13 September; data currently being assessed to compare stats from earlier periods.

## **4. NEW REQUESTS / CORRESPONDENCE**

### **4.1. 664 Mareeba-Dimbulah Road – Request for a flood sensor monitoring system be installed on Granite Creek Bridge**

- Letter of 29 May 2024 sent to TMR by FNQ Growers requesting consideration be given to installing sensors capable of monitoring water levels in real-time.
- TMR has forwarded this request to their Statewide Network Operations Branch for evaluation and advice to FNQ Growers.

### **4.2. Tourist Signs on State Controlled Roads - Concerns regarding dilapidated tourist signs on State-controlled roads throughout the Shire**

- TMR advise an internal review of signs will be undertaken including assessing of signs still required and compliance with current TMR policies. TMR will contact relevant operators to arrange replacement signs if required, noting the cost of replacing rests with the applicant / operator.
- TMR advise signage is managed by their Road Corridor Management Unit; following the meeting TMR to supply MSC with the email address for submitting photos and details regarding signage that is no longer necessary. MSC suggested that the Mareeba Chamber also contribute information to TMR whenever possible. MSC requested advice back to the TAC on when TMR may be undertaking their next signage audit.
- Email address for Road Corridor Management Unit: [CAID\\_CM@tmr.qld.gov.au](mailto:CAID_CM@tmr.qld.gov.au)

### **4.3. Abandoned Vehicles in Mareeba Shire – Procedure for notifying MSC**

- QPS / MSC established a procedure in which QPS would notify MSC when 'Police Aware' stickers were affixed to abandoned / broken down / vehicles involved in an accident to enable council to investigate the abandoned vehicle process. MSC believes that this process has not been occurring.

- MSC seeks clarification from QPS regarding their procedure for notifying MSC about abandoned vehicles. QPS indicated that once a police sticker placed on vehicle, the Shift Supervisor will notify the owner to ascertain if vehicle has been reported stolen. It was noted that owners may occasionally take longer to respond. Cairns COMMS to notify MSC, process to be updated.

**4.4. 34B Mulligan Highway - Lack of toilet amenities between Mt Molloy and Lakeland**

- The Mt Carbine Hotel Lessee submitted a request for assistance in addressing an ongoing problem related to the use of their facilities by the travelling public heading north to Cooktown / Cape, and south to Mareeba / Cairns.
- MSC inquired about the possibility of TMR establishing a Memorandum of Understanding with the publican or the potential for developing rest stop facilities as part of the Heavy Vehicle Program. TMR to explore options and provide feedback.

**5. ROAD, TRAFFIC & TRANSPORT MATTERS BY AGENCY**

- QPS Update - Nil
- TMR Update - Nil
- Traffic Changes - Nil
- Minor temporary traffic changes – Nil

**6. STANDING ORDER ITEMS**

**6.1. 6632 Herberton-Petford Road, Irvinebank - Request to upgrade to a single coat seal**

- Complaints received from residents regarding the condition of the Herberton - Irvinebank Road with MSC asking if it was possible for TMR to provide an upgrade to a single coat dust seal. TMR advised MSC to list as a defect through RMPC. MSC and TMR to develop a programme including crossings for minor staged improvements.
- Due to numerous engineering constraints TMR does not support dust sealing of gravel resheeted roads, general issues involve non-compliant material specifications, geometric design constraints etc.
- Residents have expressed with MSC their frustrations regarding works and the limited funding for this road network.
- Item to remain on Agenda pending TMR Planning team providing MSC with an update following the meeting.
- TMR raised with their Planning team for future inclusion.
- TMR advised no change.

**6.2. Tablelands Heavy Vehicle Management Strategy**

- TMR advised plans are with strategic planners for these works, TMR will follow up regarding website approval and will send link if approved for updates available.
- TMR links to FND projects with webpages provided to members with June 2022 Minutes.
- Heavy vehicle stopping facility constructed at the top of the Rex Range near Nile Mile Road (Mossman-Mt Molloy Road). MSC seeking an update on other locations on the northern and southern approaches to Mareeba and Springs Road.
- TMR followed up after the meeting and advised Tablelands Heavy Vehicle Management Strategy is current and it is being updated at this stage. The implementation (construction) of changes / additional HV rest areas is currently unfunded.
- Item to remain on Agenda pending TMR Planning team providing MSC with an update following the meeting.

- The Tablelands Heavy Vehicle Management Strategy is complete and is being used to inform heavy vehicle improvements on the Tablelands. TMR is continuing to apply for funding to progress the outcomes of the strategy.
- Item to be moved to end of Agenda as note for future funding opportunities.
- TMR advise these projects remain unfunded, TMR continuing to make application for funding.
- TMR advise project remains unfunded.

## 7. GENERAL BUSINESS

### 7.1. 664 Mareeba-Dimbulah Road – Request for review of speed limit through Dimbulah

- TMR advise this is low volume traffic.
- MSC expressed concerns regarding pedestrian safety at the crossing, indicating that drivers may not be sufficiently aware of its presence and recommending the installation of larger signage. MSC further requests TMR undertake a speed review with consideration to recent traffic data.
- TMR to investigate and advise.

### 7.2. Borzi Road Culvert – Request for update on failing culvert just off the bend

- MSC to inspect and provide update to Mareeba Chamber.

### 7.3. Mareeba Traffic Data – Ceola Drive, Anzac Avenue and Chewko Road

- QPS recognizes MSC's notification regarding inadequate compliance along Chewko Road and has indicated that the area will be subject to monitoring. QPS advised of poor compliance along James Street and Martin Avenue where motorists are avoiding the current road works on the Kennedy Highway, these areas will continue to be monitored by QPS.

### 7.4. 89B Burke Developmental Road – Deteriorating condition resulting from carting of gravel

- Letter received from station owners expressing concerns about the deteriorating condition resulting from the carting of gravel from Nolan's quarry to Bolwarra Road
- TMR inquired whether the transportation of gravel was associated with MSC's flood damage repair efforts. MSC indicated that this issue has persisted for numerous years, with council seeking supplementary maintenance funds from TMR under RMPC to uphold the condition of the road. For many years gravel has been carted from Nolan's Quarry to northern councils for various projects.
- MSC suggesting that the difficulty of some remote quarries in managing ILUA agreements may be exasperating the issue. TMR requested MSC include provisions in future DRFA contracts that require contractors/quarries to maintain the TMR network. MSC advised DRFA did not provide for 'remediation of consequential damage' and that MSC could not afford to fund that element in future projects, especially as the Trucks were 'as of right' users of the network. MSC suggested TMR lobby QRA around conditions.

### 7.5. 34A Mulligan Highway – Pavement rehabilitation works at Bushy Creek

- MSC recognize the current pavement rehabilitation works being undertaken by TMR recommending the adopting of a more disaster resilient strategy, proposing that Bushy Creek be included in the QRA Betterment Program.

### 7.6. 32B Kennedy Highway (Mareeba-Atherton) – Rail Trail Upgrade works

- MSC expressed its gratitude to TMR for the successful completion of the upgrade works. Time was exceptional and the RoadTek team commended for their outstanding efforts; MSC asks its gratitude to be passed onto the RoadTek team.

### 7.7. 34A Mulligan Highway – Truck stop on the northern entry to Mareeba

- MSC reported that heavy vehicles are now toppling bollards to create parking space for their trucks.

---

**7.8. McGrath Road – Not an approved route for use of road trains / B-doubles**

- MSC currently examining reports regarding the operation of B-double / road trains on McGrath Road, which is not designated as an approved route for such vehicles. MSC is considering the installation of appropriate signage.

**8. NEXT MEETING**

9:30am Tuesday 17 December 2024

**9. CLOSURE**

There being no further business to discuss, the chair thanked everyone for their attendance and contribution and closed the meeting at 10:32am.

**9.3 APPLICATION TO PURCHASE A PORTION OF RESERVE LAND - BEING LOT 3 ON SP331730 - ABUTTING LOT 41 ON NR7561 - 1 ABBOTT STREET MAREEBA**

**Date Prepared:** 19 September 2024

**Author:** Technical Officer (Investigations)

**Attachments:**

1. Ident Survey - IS322650 [↓](#)
2. Proposed Acquisition Area [↓](#)
3. Lot 3 - Proposed Acquisition Area [↓](#)
4. Part A - Form LA00 [↓](#)
5. Part B - Form LA10 [↓](#)

---

**EXECUTIVE SUMMARY**

Council is in receipt of an application to purchase a portion of Reserve Land known as Lot 3 on SP331730 abutting Lot 41 on NR7561; 1 Abbott Street Mareeba.

**RECOMMENDATION**

That Council as the Trustee, advise the applicant and the Department of Resources that:

1. Council offers no objection to the acquisition of the portion of Reserve Land, subject to the following conditions:
  - a. Matters relevant to Native Title and Third-party Utility Providers must be suitably addressed prior to finalisation.
  - b. The subject parcel must be amalgamated into freehold Lot 41 and new boundaries are to be generally aligned with drawing: 'Proposed Acquisition Area'.
  - c. The proposed new northern boundary of the subject parcel must not extend more than two (2) metres beyond the existing buildings envelope.
  - d. The existing fence and gardens bed/s encroachments can remain: however, Council reserves the right to request removal by the landowner at their cost at any time in the future.
  - e. The proponent is wholly responsible for all costs associated with finalising the process.

**BACKGROUND**

As part of the Department of Resources (DoR) purchasing state land process, DoR requires a submission from the Trustee (Council) prior to any decision being finalised.

Council received the application after an Identification Survey: IS322650 (Attachment 1) confirmed building and fence encroachments from Lot 41 into Lot 3. Approximate extent of the building encroachment is 3.35 metres at its widest and 17.83 metres in length.

The landowner (applicant) advises that the proposed acquisition area (Attachments 2 & 3) is sought to cover the extent of the building encroachment along with a suitable area to allow ongoing maintenance.

The applicant has attended pre-lodgement meetings with the DoR and Council Officers, supplying completed DoR forms; Part A - LA00 and Part B - LA10 (Attachments 4 & 5).

During the DoR process, the applicant will be required to address any matters relevant to Native Title and Third-party Utility Providers (Electrical/Telecommunication etc).

### **ASSESSMENT**

There is no Council infrastructure contained within the subject parcel and a future 'Public Need' for the area of encroachment has not been identified.

Encroachments into Lot 3 on SP331730 include, building, fencing and garden bed.

The fencing and garden bed encroachments are not deemed permanent structures and Council officers hold no objection with them remaining as currently built. The encroachments do not present an immediate impediment to the continued function of Council controlled land, however, details of the encroachments may be recorded against the property file for future reference and it should be conditioned that Council reserves the right, at any time in the future to request removal, at the cost of the landowner.

Lot 3 on SP331730 was formally known as Lot 569 on M3568 and this is shown in the supplied drawing: 'Proposed Acquisition Area' (Refer attachment 1). This drawing is an edited screen shot of the original Identification Survey: IS322650.

Lot 3 on SP331730 has the underlying tenure of: Reserve for 'Strategic Land Management' and forms a part of the Bicentennial Lakes precinct, as well as abutting Granite Creek. Lot 3 abuts the northern boundary of Lot 41 and purchase of the subject land would have little to no impact on neighbouring properties, access to Granite Creek or the northern section of the Bicentennial Lakes.

### **RISK IMPLICATIONS**

#### **Infrastructure and Assets**

Future 'Public Need' for the area of encroachment has not been identified, however, a suitable portion of Reserved Parcel is required to ensure ongoing access to Granite Creek and the Bicentennial Lakes is sustained.

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

Council is delegated with authority as Trustee and is therefore required to consider the needs of the community and future need of Reserve Parcels prior to DoR providing a final position on acquisition.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

#### ***Capital***

Nil.

#### ***Operating***

Nil.

### **LINK TO CORPORATE PLAN**

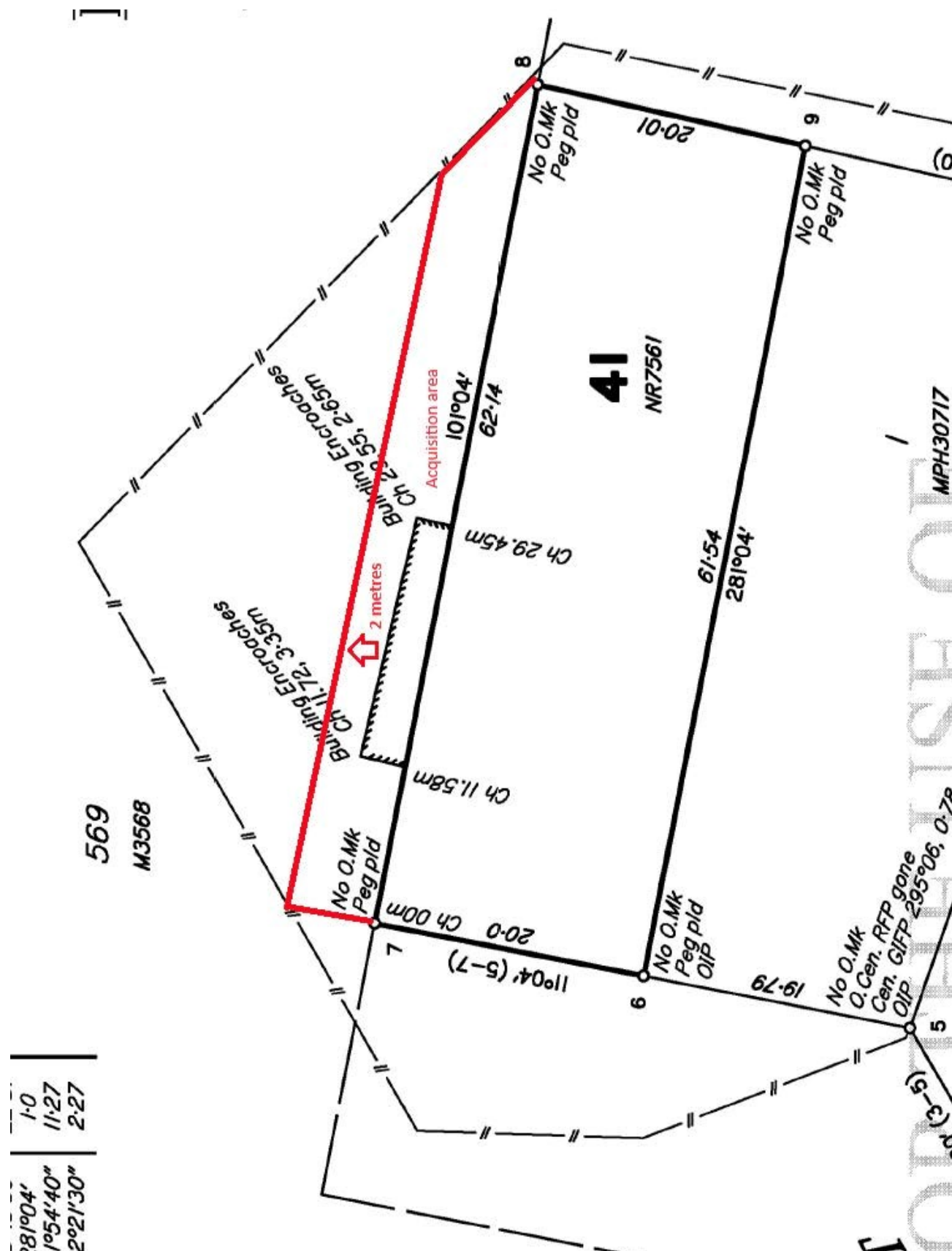
**Transport and Infrastructure:** The provision of quality infrastructure to service our growing community using sound asset management principles.

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

**IMPLEMENTATION/COMMUNICATION**

Following resolution, Council officers will notify the applicant and the Department of Resources of the outcome.

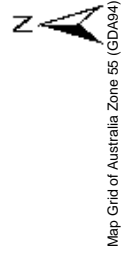
[illegible]





### Lot 3 - Proposed Acquisition Area

© Mareeba Shire Council (MSC). Based on or contains data provided by MSC and The State of Queensland (Department of Resources). In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.





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## Department of Resources

You can now lodge your application online via Part A Contact and Land Details.  
By July 2023 you will be able to apply for all *Land Act 1994* applications online.

# Part A – Form LA00

## Contact and Land Details

### *Land Act 1994*

#### Requirements

1. **Part A:** Contact and land details is required when the applicant is wanting to submit a PDF Part B form (application specific form). You can apply online or via Part A – Contact and land details (PDF) and the relevant Part B form (PDF).
2. Payment of the prescribed Application fee for relevant Part B forms is per title reference. A refund of application fees will not be given. Details of fees are available on the Department of Resources website at <https://www.resources.qld.gov.au> or by contacting your nearest business centre or call 13 QGOV 13 74 68.
3. The appropriate application form Part B must be signed by the applicant or a legal practitioner on behalf of the applicant.
4. For your application to be processed, all parts of this application form must be completed and accurately, otherwise your application may be returned to you to complete or refused.

#### Important information

5. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
6. All applications will be processed having regard to the requirements of the Land Act 1994 <https://www.legislation.qld.gov.au/> and related legislation, approved policies and procedures and the requirements of all other agencies with an interest in the land.
7. You can lodge your state land application online by completing the Part A online guide, or through the Part A – Contact and land details PDF and relevant Part B application form PDF. If you complete the PDF forms, you can submit the application via:
8. **Email:** [SLAMlodgement@resources.qld.gov.au](mailto:SLAMlodgement@resources.qld.gov.au)
9. **Post:**  
Department of Resources  
PO Box 5318  
Townsville QLD 4810
10. In terms of the Right to Information Act 2009 interested parties may seek access to the department's records and view relevant documents.
11. Information on this form, and any attachments, is being collected to process and assess your application under the Land Act 1994. If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
12. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email [stateland@resources.qld.gov.au](mailto:stateland@resources.qld.gov.au) if you do not wish for the department to contact you.
13. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
14. For further privacy information click Privacy or go to [www.resources.qld.gov.au/home/legal/privacy](https://www.resources.qld.gov.au/home/legal/privacy).

## Details

### Lodger Details and Mailing Address

A lodger is only required when a legal practitioner, or consultant lodges the application on behalf of the applicant.

#### Full Names

Title	First Name	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

#### Company Name(s)

If a corporation then record:-

☐

ACN

☐

ARBN

☐

ABN

#### Contact Details

##### Postal Address:

##### Phone Number:

##### Mobile Number:

##### Email:

## Applicant(s) Details and Mailing Address

If the Applicant is a Corporation, either the Australian Company number, Australian Registered Body number or the Australian Business number must be shown.

## Full Names

Title	First Name	Surname
MR.	WILLIAM	GIBBS
MRS.	PATRICIA	GIBBS
MR	ROBERT	GIBBS

## Company Name(s)

--

If a corporation then record:-

☐

ACN

☐

ARBN

☐

ABN

--

**Note:** if the applicant is a Corporation, a requirement of the application is providing evidence (as at the date of application), that the Corporation is registered with the Australian Securities and Investments Commission (ASIC) at <https://asic.gov.au/online-services/search-asic-s-registers/> (company summary printout) and if applicable, also registered with the Australian Business Register (ABR) at <https://www.abr.business.gov.au> (ABN lookup record extract).

## Contact Details

## Postal Address:

1 ABBOTT ST. MAREEBA 4880
---------------------------

## Phone Number:

40 922 875
------------

## Mobile Number:

--

## Email:

--

Future correspondence should be sent to:

☐

Lodger

☒

Applicant

**1. Are the applicants a foreign acquirer as defined by the Additional Foreign Acquirer Duty (AFAD)?**☐ Yes

go to 2

☒ No

go to 4

**Note:** For further information refer to the Queensland Government website to determine if the applicant/s are a foreign person (acquirer) for AFAD.

Government website to Types of foreign persons for additional foreign acquirer duty:-

<<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>>.

**2. Is the application related to the purchase of land, for example a permanent road closure, or conversion of a lease where the land is or will be used solely or primarily for residential purposes as defined for the Additional Foreign Acquirer Duty (AFAD) under the Duties Act 2001?**☐ Yes

go to 3

☐ No

go to 4

**Note:** Under the Duties Act 2001 an additional amount of duty applies where the land is residential land and the applicant is a foreign person (acquirer) for AFAD.

Government website for Additional Foreign Acquirer Duty:-

<<https://www.business.qld.gov.au/industries/service-industries-professionals/professional-financial-services/transfer-duty/investors/afad/foreign-persons>>.

**3. Enter full name/s of the foreign acquirer/s  
(If there is insufficient space, please lodge as an attachment)**

**Full Names**  
(If a Company, also provide a contact name)

**Share Held**



go to 4

**4. Are the Applicant/s registered for GST and acquiring the land for a creditable purpose?**☐ Yes☒ No

go to 5

**Note:** Under the Tax Administrator Act (Cth) 1953 certain purchasers of new residential premises or potential residential land are required to withhold the Goods and Services Tax (GST) amount from the price of the supply (purchase price) for payment directly to the Australian Taxation Office (ATO) as outlined on the ATO's website. The department is unable to provide further advice on the ATO's requirements. For further information contact the ATO on 13 28 65 or visit the ATO website <<https://www.ato.gov.au/business/gst/in-detail/your-industry/property/gst-property-settlement-online-forms-and-instructions/>> or seek advice from a financial or legal expert.

### Details of land for which the application is being lodged

#### 5. Select the type of land for which the application is being lodged:

- ☐ Permit  
☐ Licence  
☐ Lease  
☐ Unallocated State Land (USL)  
☐ Road  
☒ Trust Land Reserve/ Deed of Grant in Trust (DOGIT)  
☐ Dealing Number (refer to Item 6)  
☐ Other

go to 6

#### 6. Enter the description of the land for which the application is being lodged. If this application concerns a road, enter the description of the land adjoining the road.

##### Schedule 1

You must enter either the Lot on Plan or Title Reference of the land for which the application is being lodged

Lot	Plan	Title Reference
569	173568	
3	SP 331730	

go to 7

The details of the land can be found on a current title. To check this you can purchase a title search by calling (07) 3497 3479, visiting the Titles Queensland website <https://www.titlesqld.com.au/> (and select 'Searches') Lot on Plan details are located on your rates notice or downloading the Queensland Globe <https://www.business.qld.gov.au/business/support-tools-grants/services/mapping-data-imagery/> to help access current Lot on Plan details. If insufficient space, please add additional description as an attachment.

#### 7. Enter additional details of the land

Dealing number:

Tenure Type:  Tenure Number:

Local Government:

Other details of land location (optional)

go to 8

**8. Have you participated in a pre-lodgement meeting with the department (strongly encouraged)?**

☒ Yes go to 9

☐ No

Please provide name of officer you spoke with and this department's associated reference.

Department Contact Officer JANELLE SHORE Pre-lodgement ID (eLVAS CI Ref)

**9. Provide details of pre-lodgement meeting.**  
(If there is insufficient space, please lodge as an attachment)

05-10-2023 AND 29-1-2024

**Note:** Departmental Officers contact details and any reference number should be included if known.

**10. Provide details of any timeframes the department should be aware of when assessing your application (for example, a settlement date)**  
(If there is insufficient space, please lodge as an attachment)

<p><b>11. If this application relates to a project, provide an overview and how your application relates to this project.</b>  <b>(If there is insufficient space, please lodge as an attachment)</b></p>

**THIS FORM MUST BE ACCOMPANIED BY THE RELEVANT PART B APPLICATION FORM**

**CLEAR FORM**



**Queensland  
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## Department of Resources

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### Part B – Form LA10

## Purchase or Lease State Land Application

### *Land Act 1994*

#### Requirements

1. Use this application to apply to purchase or lease State land.
2. Payment of the prescribed Application fee (per title reference) is required for an application to purchase state land.
3. Payment of the prescribed Application fee is required for an application to lease state land.
4. A refund of application fees will not be given. (Details of fees are available on the [Department of Resources website](#) or contact your nearest [business centre](#) or call 13 QGOV 13 74 68).
5. Part A online form: [Contact and land details](#) or Part A – [Contact and land details \(PDF\)](#) must be completed and submitted with your application.
6. Any additional information to support the application.
7. For your application to be processed, all parts of this application form must be accurately completed, otherwise your application may be returned to you to complete or refused.

#### Important information

8. You are **strongly encouraged** to arrange a pre-lodgement meeting with us before you apply to ensure you have the information you need to apply correctly. You can do this by contacting your nearest business centre.
9. Please read the respective [Purchasing state land](#) or [Leasing state land](#) guides, which includes application restrictions.
10. Your application will be assessed against requirements under the [Land Act 1994](#) <<https://www.legislation.qld.gov.au/>> to determine the most appropriate tenure and whether the land may be offered to you directly.
11. Your application cannot be considered if the area is already held by another person.
12. If your application to purchase or lease State land is successful you may be required to provide a plan of survey at your expense, and if -
  - the most appropriate tenure is freehold, you will be required to pay a purchase price (market value) plus GST if applicable.
  - the most appropriate tenure is a lease, you will be required to pay an annual rental, including GST where applicable.

#### Applications to lease

13. Before applying for a lease over a reserve an applicant should first apply to the reserve trustee for a trustee lease or trustee permit. A trustee lease or trustee permit is the preferred tenure for secondary uses on reserves. Contact the trustee of the reserve to discuss these options prior to submitting an application to lease a reserve. An application to lease a reserve is not required if the reserve trustee authorises the use of the reserve by a trustee lease or trustee permit.



14. For a lease over a National Park or a State Forest you must apply to [Parks and Forests](#) within the Department of Environment, Science and Innovation for consent under section 38 of the *Nature Conservation Act 1992*. A copy of the consent must be provided with this application.

**Applications to purchase**

15. Refer to Guideline – SLM/2018/4386 - [Land allocation and specific requirements](#) available on the [Department of Resources website](#) at <<https://www.resources.qld.gov.au/home/about-us/policies>>.
16. **If your lease is over a reserve, National Park or State Forest you will not be able to apply for conversion or purchase.**
17. If you wish to purchase your existing Land Act lease you will need to apply using:  
**Part B – Form LA01: [Conversion of a Lease Application form](#).**

**Information and Data collection**

18. Information on this form, and any attachments, is being collected to process and assess your application under section 120A of the *Land Act 1994*. If required, we may need to consult with third parties such as relevant local or state agencies and adjoining property owners. Details provided to third parties will generally be limited to type of application, area applied for and intended use. Your personal information will not otherwise be disclosed unless authorised or required by law.
19. Please note that we may wish to contact you to seek your views on our service, to advise you of any legislative changes that might affect you or to seek your participation in surveys or programs relevant to your application type. Any participation will be voluntary and you may email [stateland@resources.qld.gov.au](mailto:stateland@resources.qld.gov.au) if you do not wish for the department to contact you.
20. The department may also compile or analyse statistics and conduct research. Any publication of findings will not involve the publication of identifying personal information.
21. For further privacy information click [Privacy](#) or go to <[www.resources.qld.gov.au/home/legal/privacy](http://www.resources.qld.gov.au/home/legal/privacy)>.

Office Use Only	Purchasing state land	 9 311662 204950
	Leasing state land	 9 311662 185259

**1. The application is to:**

- |  |                |
|--|----------------|
| <input type="checkbox"/> Purchase unallocated State land   | <b>go to 5</b> |
| <input type="checkbox"/> Lease unallocated State land (including land below high water mark)   | <b>go to 2</b> |
| <input type="checkbox"/> Lease Reserve land  | <b>go to 3</b> |
| <input checked="" type="checkbox"/> Purchase Reserve land  | <b>go to 3</b> |
| <input type="checkbox"/> Lease an area of State Forest (If land has been surrendered by the applicant and has been reserved as State Forest)   | <b>go to 4</b> |
| <input type="checkbox"/> Lease an area of National Park (If land has been surrendered by the applicant and has been reserved as National Park) | <b>go to 4</b> |

A State Forest as defined under the [Forestry Act 1959](https://www.legislation.qld.gov.au/) <<https://www.legislation.qld.gov.au/>> and National Park as defined under the [Nature Conservation Act 1992](#).

**2. Is all or part of the area below high water mark?**

- |                              |                |
|------------------------------|----------------|
| <input type="checkbox"/> Yes | <b>go to 5</b> |
| <input type="checkbox"/> No  | <b>go to 5</b> |

**3. Do you have the agreement of the trustee of the reserve to lease or purchase the land?**

- |   |                |
|---|----------------|
| <input checked="" type="checkbox"/> Yes | <b>go to 5</b> |
| <input type="checkbox"/> No             | <b>go to 5</b> |

If Yes:

- A trustee lease or trustee permit is the preferred tenure for secondary uses on reserves instead of a lease over a reserve. If your application is for a lease over a reserve or to purchase a reserve (or part), a signed [Part C Form LA30 – Statement in relation to an application under the Land Act 1994](#) over State land from the trustee of the reserve will need to accompany this application.

If No, you should first apply to the trustee of the reserve for a trustee lease/trustee permit or its views to your proposal to purchase or lease the reserve land.

**4. For a lease over an area of State forest or National Park the consent of the chief executive administering the Nature Conservation Act 1992 is required. Do you have this consent?**

- |                              |   |
|------------------------------|---|
| <input type="checkbox"/> Yes | <b>go to 5</b>                          |
| <input type="checkbox"/> No  | <b>Application cannot be considered</b> |

**5. Have you made a previous application for purchase or lease of this land?**

- |                              |                |
|------------------------------|----------------|
| <input type="checkbox"/> Yes | <b>go to 6</b> |
| <input type="checkbox"/> No  | <b>go to 9</b> |

<b>6. Was this application refused?</b>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Yes             </div> <div style="text-align: right;">go to 7</div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> No             </div> <div style="text-align: right;">go to 7</div> </div>
<b>7. Have there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration?</b>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Yes             </div> <div style="text-align: right;">go to 8</div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> No             </div> <div style="text-align: right;">go to 9</div> </div>
<b>Note:</b> Your application may be refused if circumstances have not changed.
<b>8. Give details of the change in circumstances from the previous application. (If there is insufficient space, please lodge an attachment)</b>
<b>9. If the land currently being used, provide details of the current use of land e.g. grazing. (If there is insufficient space, please lodge as an attachment)</b>
<b>10. Do you hold land adjoining the area applied for?</b>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input checked="" type="checkbox"/> Yes             </div> <div style="text-align: right;">go to 11</div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> No             </div> <div style="text-align: right;">go to 12</div> </div>

## 11. Enter details of your adjoining land

Schedule 2 Schedule of adjoining land	
Lot/Plan	Title Reference
LOT 41 ON MR 7561	

go to 12

The details of the land can be found on a current copy of the Title or on your rates notice. To check this you can purchase a title search by visiting the [Titles Queensland website](https://search.titlesqld.com.au/product-search) < <https://search.titlesqld.com.au/product-search> > ).

If insufficient space, please add additional descriptions as an attachment.

## 12. List below ALL existing improvements on the current leased land e.g. fencing, dams, buildings etc.

go to 13

(If there is insufficient space, please lodge as an attachment)

FENCING PART OF HOUSE GARDEN BED

A property sketch and/or aerial photo overlay of the improvements should also be attached to the application.

## 13. Which of the following do you believe supports your application:

- ☐ The applicant is the State of Queensland or MEDQ go to 14
- ☐ You are the adjoining registered owner or lessee, and you would consider it unfair or inequitable to sell or lease the land to anyone else. go to 14
- ☐ You held a significant interest in the land before it became unallocated State land. go to 14
- ☐ There is no dedicated access and the only practical access is through your adjoining land. go to 14
- ☐ Land is required for public infrastructure/public purpose. go to 14
- ☐ It is not appropriate for the land to be offered for purchase or lease on the open market. go to 14
- ☐ None of the above go to 14

## 14. Provide details of the proposed use including (if applicable) details of the public purpose and/or public infrastructure to be constructed on the land.

go to 15

(If there is insufficient space, please lodge as an attachment)

FOR USE WITH ADJOINING RESIDENTIAL LAND

**15. Provide details to support your application including (if applicable) details of the reason you believe it's not appropriate for the land to be offered on the open market). go to 16**  
(If there is insufficient space, please lodge as an attachment)

BEING USED IN CONJUNCTION WITH ADJOINING
LAND HOUSE IS JUST BUILT OVER BOUNDARY

**16. Provide details of any additional information to support the application. (optional) go to 17**  
(If there is insufficient space, please lodge as an attachment)


### Attachments

The following will need to be lodged with your application for it to be processed. If all this information is not submitted, your application will be returned or refused.

**17. Tick the box to confirm the attachments for part of the application:**

<input checked="" type="checkbox"/>	Application Fee
<input checked="" type="checkbox"/>	Part A online form – Contact and Land details or Part A – Contact and land details PDF
<input checked="" type="checkbox"/>	Part C – Form LA30 – Statement in relation to an application under the <i>Land Act 1994</i> , required if application is for a lease over a reserve or purchase of a reserve (or part)
<input checked="" type="checkbox"/>	Property sketch and/or aerial photo overlay, if applicable
<input checked="" type="checkbox"/>	Evidence of pre-lodgement discussions with the department, if applicable.
<input checked="" type="checkbox"/>	Provide details of the reason you believe it's not appropriate for the land to be offered on the open market or details of the public infrastructure to be constructed on the land, if applicable.
<input type="checkbox"/>	Consent from the chief executive administering the <i>Nature Conservation Act 1992</i> if the lease is over an area of State Forest or National Park, if applicable.

It is recommended that any attached plans, sketches or maps be of A4 or A3-size. Your application will not be considered as having been properly made, unless all parts of this application form are completed accurately. In this instance your application may be returned to you for completion.

### Declaration

I certify that I have read the information, which forms part of this application and the information I have provided is true and accurate.

Signature of applicant or signature and full name of legal practitioner

<i>W. Gibbs</i>	<i>Patricia Gibbs</i>	<i>R. Gibbs</i>
WILLIAM GIBBS	PATRICIA GIBBS	ROBERT GIBBS

Date:     /     /

An applicant must be eligible under section 142 of the [Land Act 1994](#) which states a person is eligible to apply for, buy or hold land under the [Land Act 1994](#) if the person is an adult, that is, 18 years of age or over. If the practitioner of the applicant is signing as the applicant then the legal practitioner's full name must be printed immediately below the signature.

CLEAR FORM





**9.4 TENDER AWARD T-MSC2024-18 SEWER MANHOLE REFURBISHMENT**

**Date Prepared:** 26 September 2024

**Author:** Project Manager

**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-MSC2024-18 Sewer Manhole Refurbishment Project.

**RECOMMENDATION**

That the Council awards Tender T-MSC2024-18 Sewer Manhole Refurbishment Project to NQ Wastetrans Pty Ltd for the amount of \$591,576 (excl GST).

**BACKGROUND**

Council is seeking to remediate sewer manholes within the Mareeba Sewerage Reticulation network to reduce inflow and infiltration across three (3) separate locations within Mareeba, specifically along Keneally Road and Lloyd Street to Wilson Street.

Investigations on manholes within this catchment found that Council has 292 sewer manholes located within private and public property which require remediation works. The work to be performed under this contract comprises the provision of all materials, plant and labour and the performance of all operations necessary for the complete and proper rehabilitation of the 292 sewer manholes within the catchment.

The project is part of Council's 3-year Barron River Catchment Sewer Infrastructure Upgrade project, which is partially funded through the Reef Guardian Council's Program. The project aims to increase capacity and strengthen the sewer network in Mareeba and Kuranda by remediating sewer manholes in the Barron River catchment. The proposed upgrade of essential water treatment infrastructure will significantly mitigate the risk of sewage overflows within the Barron River catchment, and ultimately the Great Barrier Reef. Land-based run-off is identified in the Outlook Report 2019 as one of the top four threats to the Great Barrier Reef. The Australian and Queensland governments' Reef 2050 Long-Term Sustainability Plan (the Reef 2050 Plan) states that sewage treatment plants can be intensive point sources of water pollution. By reducing nutrient runoff, Mareeba Shire Council's project aligns with the Reef 2050 Plan's goal to improve urban water management.

The tendered scope of works includes:

Complete remediation of 292 sewer manholes as per the manhole inspection reports.

**Tenders Process**

Tenders were invited from suitably qualified and experienced contractors and closed on Thursday, 5 September 2024.

**Tenders Received**

Two (2) submissions were received. A summary of the tender prices at opening is provided below;

*Tendered Price at opening*

<b>Tenderer</b>	<b>Tendered Price (excluding GST)</b>
NQ Wastetrans	\$591,576
FloPro	\$630,590

### **Tender Assessment**

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below;

#### *Evaluation Criteria*

<b>Criteria</b>	<b>Weighting</b>
Tendered Price	40%
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Tenderer's Resources	10%
Demonstrated Understanding	20%
<b>Total</b>	<b>100%</b>

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each tender has been assessed for conformance, compliance, and discrepancies, against the requested response schedules.

Two (2) tenders were conforming, with both tenders supplying all necessary information within the tender response schedules. NQ Wastetrans weighted high due to submission price and preference due to local content.

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;

#### *Tender Evaluation Summary*

<b>Tenderer</b>	<b>Score (100%)</b>	<b>Rank</b>
NQ Wastetrans	100%	1
FloPro	97%	2

Based on the tender assessment, NQ Wastetrans Pty Ltd was identified as the most advantageous for Council and the contractor was assessed as capable of completing the works within the specification and conditions as detailed in the invitation to tender.

### **RISK IMPLICATIONS**

#### **Financial**

Council has allocated funding under the 2024/25 capital budget.

**Infrastructure and Assets**

The wastewater reticulation infrastructure requires renewal to reduce inflow and infiltration into the sewer network.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Meet Council's regulation obligations under its Environmental Authority.

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

Yes.

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

Yes.

**LINK TO CORPORATE PLAN**

**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.

**IMPLEMENTATION/COMMUNICATION**

Advise successful tenderer of Council decision and draft contract for signature. Advise all unsuccessful tenderers of Council decision and offer feedback.



**9.5 TENDER AWARD T-MSC2024-23 KURANDA COONDOO STREET FOOTPATHS PAVEMENT UPGRADES****Date Prepared:** 3 October 2024**Author:** Project Manager Civil**Attachments:** 1. T-MSC2024-23 Coondoo St. Pavement Upgrades Tender Evaluation Scorecard [↓](#)

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2024-23 Kuranda Coondoo Street Footpaths Pavement Upgrades.

**RECOMMENDATION**

That the Council awards Tender T-MSC2024-23 to Perosa Landscaping Pty Ltd for the amount of \$510,915.11 (excl GST).

**BACKGROUND**

The Coondoo Street footpath pavement upgrade project is being funded through the Kuranda Infrastructure Agreement (KIA) tourism fund.

Coondoo Street Kuranda was upgraded in the mid-1990's with a combination of pavement types, exposed aggregate, paver, porphyry stone and cobble stone, in the intervening period sections of the pavement have moved or been affected by fig tree root growth.

The differential movement and vertical displacement has generally occurred at the transition between the various pavement treatments.

The tendered scope of works required a suitably qualified contractor to undertake rectification works that includes demolition and replacement of several exposed aggregate slabs, repair of pavers and cobble stone that has been dislodged as well as the replacement of missing sections of porphyry stone facing on various garden beds and retaining walls.

**Tender Evaluation**

When assessing the submissions consideration was given to the tenderers relevant experience and in delivering the specific components of the scope of works. The evaluation also considered any detailed methodology for undertaking works while minimising disruption to business operations and maintaining pedestrian and shop access.

**Tenders Received**

The tender was an open tender advertised through 'Vendor Panel' and closed 11am, Thursday 18 September 2024.

The Two submissions were received. A summary of the tender prices provided below;

*Tendered Price at opening*

<b>Tenderer</b>	<b>Tendered Price excl.GST</b>
Perosa Landscaping Pty Ltd	\$510,915.11

Terranovus Civil	\$466,964.13
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During the Tender Assessment process, Council officers sought post-tender clarification of tenderers resources and their demonstrated understanding of the project specific work requirements to gain assurance of their ability to deliver the project to Council expectations.

### **Tender Assessment**

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below;

#### *Evaluation Criteria*

<b>Criteria</b>	<b>Weighting</b>
Value For Money	40%
Relevant Experience	20%
Capability	15%
Demonstrated Understanding	25%
<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;

#### *Tender Evaluation Summary*

<b>Tenderer</b>	<b>Weighted Score (%)</b>	<b>Rank</b>
Perosa Landscaping Pty Ltd	88%	1
Terranovus Civil	74.79%	2

### **RISK IMPLICATIONS**

#### **Environmental**

It is required that works do not adversely affect the heritage listed fig trees.

#### **Political and Reputational**

Works need to be carried sequentially and in a manner that minimises disruption to business operations.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

#### **Capital**

Works have been funded through the Kuranda Infrastructure Agreement (KIA) tourism fund.

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

Yes.

***Operating***

NA.

#### **LINK TO CORPORATE PLAN**

**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.

#### **IMPLEMENTATION/COMMUNICATION**

Prior to the project commencing community and stakeholder engagement will be undertaken and during construction businesses will be informed of work schedules and informed in advance of any works that may impact their business.

## T-MSC2024-23 Coondoo Street Footpath Pavement Rectification

## Tender Evaluation Score

Non-Price Score			Tenderers Names			
Criterion	Maximum Score	Weighting	Perosa		Terranovus	
			Score	Weighted Score	Score	Weighted Score
Relevant Experience	10	0.2	8	1.60	5	1.00
Capability	10	0.15	8	1.20	5	0.75
Demonstrated Understanding	10	0.25	8	2.00	7	1.75
Total Non-Price Weighting		0.6				
Weighted Total Non-Price Score				4.80		3.50
Normalised Total Non-Price Score				0.60		0.44
Price Score						
Tendered Amount incl.GST				\$ 562,007		\$ 513,661
Tendered Amount excl.GST			Y/N	\$ 510,915	Y/N	\$ 466,964
10% Preference - Local Content			N	\$ -	N	\$ -
Adjustments for qualifications, risk and corrections				\$ -	Y	\$ 46,696
Assessed amount (allow for Local Content, Qualifications/ Risk/ Corrections)				\$ 510,915		\$ 513,661
Median of amounts for tender evaluation		\$ 512,288				
Price score				100.27		99.73
Normalised price score				100.00		99.47
Price weighting		0.4				
Weighted price score				0.40		0.40
Non-Price + Price Score						
Normalised Total Non-Price Score and Weighted Price Score TOTAL				40.60		40.22
Comments						
<p><b>Perosa Landscaping</b> - Requested a site inspection with the project manager during the tender period. Demonstrated a good understanding of the scope of works and the requirements to reinstate the various pavement types during the walk-through. When conducting post-tender clarification they advised they had attended site a 2nd time prior to submitting their Tender. Perosa have an experienced stone mason on their payroll. Perosa submission indicated they would be sub-contracting Concrete Impressions for the exposed aggregate works. When questioned Perosa indicated they had considered methodologies for limiting disruption to business. Perosa submission listed where they would source the porphyry stone and cobble stone. The scope of works appears to be best suited to the Perosa skill set.</p>						
<p><b>Terranovas Civil</b> - Advised their engineer had visited site during the tender period and had trouble quantifying the works because of its scattered, fragmented nature. The Terranovas submission highlighted their experience in undertaking large road and civil drainage type projects but did not demonstrate relative experience in relation to this projects scope of works and did not list sub-contractors it proposed to use for this project. When undertaking post-tender clarification officers enquired about there ability to deliver the specialised works such as stone masonry. Terranovas advised they had access to a concreter that would do stone work if required and advised they could pull together the right people if they won the contract. Because of the unknowns in relation to the Terranovas resource allocation for the specialised work components a 'risk factor' was applied to the overall score.</p>						

**9.6 TENDER AWARD T-MSC2024-22 KURANDA UPPER COONDOO STREET LIGHTING**

**Date Prepared:** 4 October 2024  
**Author:** Project Manager Civil  
**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-MSC2024-22 Kuranda Upper Coondoo Street Lighting and Fig Tree Bud Lighting.

**RECOMMENDATION**

That the Council awards Tender T-MSC2024-22 Kuranda Upper Coondoo Street Lighting to i-LEC Solutions Pty Ltd for the amount of \$368,980.68 (excl GST).

**BACKGROUND**

The Coondoo Street streetlighting upgrade and fig tree bud lighting project is being funded through the Kuranda Infrastructure Agreement (KIA) tourism fund.

Additional funding was recently secured from the Queensland Government Building Bush Tourism Program

The tendered scope of works includes:

1. The replacement of the seventeen (17) aging Council owned and maintained metered Rate 3 sodium vapour Challenger streetlights with new poles and LED fixtures.
2. Replacement and upgrade of cabling and the existing switchboard located on the Anglican Church frontage, that has reached end of life. The new switchboard will be reconfigured to 3-phase power and will service the upper Coondoo streetlighting and fig tree bud lighting.
3. Installation of 24-volt bud lighting wraps to the 14 fig trees in Upper Coondoo Street.
4. Replace the existing para-flood lights and cages at the base of the fig trees with lockable stainless-steel pillars with 24-volt outlets to service the bud lighting and 240-volt plugs that will provide a power supply option to vendors in the event of any festivals or events being held on Coondoo Street.

**Tender Evaluation**

The i-LEC submission was comprehensive and provided a detailed work procedure and officers also contacted i-LEC post-tender to confirm details of their response.

i-LEC have recently undertaken similar works for Cairns Regional Council. Council officers are satisfied that i-LEC has the capability to deliver the works in accordance with the tender specification and have demonstrated a very good understanding of the project scope.

**Tenders Received**

The tender was an open tender advertised through 'Vendor Panel' and closed 11am Thursday 18 September 2024.

Council only received the one (1) submission. The tender price is provided below;

*Tendered Price at opening*

<b>Tenderer</b>	<b>Tendered Price excl. GST</b>
i-LEC Solutions Pty Ltd	\$368,980.68

**Tender Assessment**

The Tender was assessed for conformance, compliance and discrepancies, against the requested response schedules and tender documentation provided.

Officers assessed value for money utilising preliminary quotes provided for the purposes of the grant application. The comparison indicated that the i-LEC price was consistent with expectations of the proposed street lighting works market value.

**RISK IMPLICATIONS****Environmental**

i-LEC have provided methodology for works around the Heritage listed fig trees however Council also propose to engage an arborist to provide a condition report and review work procedures.

**Political and Reputational**

Works required to be carried out in a manner that minimises disruption to business and pedestrian operations.

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

The project is being funded through the Kuranda Infrastructure Agreement (KIA) tourism fund with additional funding of \$200,000 (excl. GST) recently approved by the Queensland Government through the Department of Tourism & Sport under the Building Bush Tourism grant program.

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

Yes.

**LINK TO CORPORATE PLAN**

**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.

**IMPLEMENTATION/COMMUNICATION**

Community engagement will be undertaken to inform the community of the proposed works and of the intended delivery timeframes.

**9.7 T-MSC2024-26 MAREEBA BYRNES STREET SAFETY UPGRADES****Date Prepared:** 4 October 2024**Author:** Manager Assets and Projects**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2024-26 MBA Byrnes St Safety Upgrades.

**RECOMMENDATION**

That Council delegate authority to the Chief Executive Officer to award T-MSC2024-26 Mareeba Byrnes Street Safety Upgrades once the post tender clarifications are received, in consultation with the Councillors.

**BACKGROUND**

The project will revamp median islands and garden beds along Byrnes Street. New, compact, hardy plants will replace the existing gardens and hedges at the southern end of Byrnes Street, near the BP Service Station and the Mareeba Connection Road, as well as at the northern end between the Granite Bridge and Jacobson Street.

These improvements will enhance visibility and safety for road users and create safer working conditions for Council's Parks and Gardens team members.

The project will modernise the garden beds, ensuring a cohesive look and feel from one end of Byrnes Street to the other.

The project is funded by the Australian Government Local Roads and Community Infrastructure Program.

**Tender Evaluation**

When assessing the submissions consideration was given to the tenderers relevant experience and in delivering the specific components of the scope of works.

**Tenders Received**

The tender was an open tender advertised through 'Vendor Panel' and closed 11am, Thursday 3 October 2024.

Two (2) conforming tenders and one non-conforming tender were received. A summary is provided below:

*Tendered Price at opening*

<b>Tenderer</b>	<b>Tendered Price excl GST</b>
Gregg Construction Pty Ltd	\$562,822
3D Civil Pty Ltd	\$545,464
Avante Linemarking Mackay Pty Ltd (non-conforming)	\$136,687.50

**Tender Assessment**

During tender assessment, it was identified that the topsoil quality was not specified in the tender documentation, and the two tenderers have provided differing topsoil specifications with accordingly different pricing.

It is therefore necessary to conduct post-tender clarifications with the two conforming tenderers before the tender can be awarded.

Given the timeframes required for delivery with the Australian Government Local Roads and Community Infrastructure Program, it is recommended that once the clarification is complete, that the Chief Executive Officer is delegated authority to award the tender to allow works to commence in November 2024, which is achievable by both contractors.

**RISK IMPLICATIONS****Health and Safety**

Traffic Management Plans and Safe Work Method Statements will be required for this project.

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

Funded by the Australian Government Local Roads and Community Infrastructure Program.

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

Yes.

**LINK TO CORPORATE PLAN**

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**Economy and Growth:** Promote and encourage investment in local industry to build a resilient economy.

**IMPLEMENTATION/COMMUNICATION**

**9.8 PARKS AND OPEN SPACES QUARTERLY REPORT JULY 2024 - SEPTEMBER 2024**

**Date Prepared:** 4 October 2024

**Author:** Manager Assets and Projects

**Attachments:** 1. Parks and Open Spaces Quarterly Report July 2024 - September 2024 [↓](#)

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**EXECUTIVE SUMMARY**

The purpose of this report is to provide an update on projects being delivered under the Parks and Open Spaces Three-Year Action Plan during the months of April 2024 – June 2024.

**RECOMMENDATION**

That Council receives the Parks and Open Spaces Action Plan Progress Report for the months of April 2024 – June 2024.

**BACKGROUND**

Council adopted its Parks and Open Spaces Strategy and Three-Year Action Plan in February 2022.

The Parks and Open Spaces Strategy 2022-2031 has been developed to achieve Council's vision to enhance the Shire's liveability and visual appeal, and to encourage active communities and economic development. The Strategy was developed using a structured community engagement and internal consultation process.

Alongside the Strategy, a Three-Year Action Plan was developed for implementation of initial priority projects, with monthly updates provided to Council on the progress of the action plan, with each project presented to Council in detail prior to construction.

The format of the information on project status has been updated and information is provided in the legend within the attached progress report.

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

The Three-Year Action Plan is fully funded at no additional cost to ratepayers.

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

Yes

***Operating***

The Three-Year Action Plan has been developed with an objective of no increase to the operational budget.

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

Yes

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

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#### **IMPLEMENTATION/COMMUNICATION**

**Parks and Open Spaces 3 Year Action Plan - Project Update: July 2024 – September 2024**

**Legend**

	Project scheduled
	Project in planning stage
	Project started
	Project complete
	Project Updated in this Report
	Project Not Updated in this Report

Project	2022	2023	2024	Monthly Update to Council
<b>RAIL TRAIL</b>				
Mareeba Rail Trail Stage 1 (Mareeba to Airport)				Works Complete
<b>BETTER PLAYGROUNDS</b>				
Geraghty Park (Julatten)				Planning to commence in December 2024 January 2025
Chillagoe Playground Improvement				Project Complete
Dimbulah Parks Revitalisation				Project Complete
Kuranda Community Precinct				Not commenced. Design to commence in mid-2023/24. Potential grant application to leverage Council's funds.
General Playground and Fitness Equipment Renewals - Various Locations				Roscommon Park Speewah. Fitness equipment, artificial turf and shade sail installed. Project Complete
<b>IMPROVE BICENTENNIAL LAKES</b>				
Bicentennial Lakes (Southern) Upgrade				Waterway stream has been re-established following ex-Jasper flooding. Toilet, pump track, playground internal pathways, playground, picnic shelter, picnic setting and seating complete. Footpath renewal Connecting Mason St to Flat Footbridge Footpath Renewal is complete. Footbridge upgrades underway and one footbridge is complete
Bicentennial Lakes (Northern) Upgrade				Community engagement complete for Bicentennial Lakes Northern precinct. Growing Regions Grant Funding Secured. <a href="https://msc.qld.gov.au/current-community-consultation/">https://msc.qld.gov.au/current-community-consultation/</a>
<b>IMPROVE PARKS AND OPEN SPACES</b>				
Amaroo Park				Playground and carpark construction complete Masterplan Complete.
Mareeba Town Walking Trails Upgrades				The Walking Network Plan has been adopted by Council and a Priority Works Program has been developed. Works have are complete for the following priority projects: <ol style="list-style-type: none"> <li>Constance and Atherton Street Intersection</li> <li>Lloyd and Constance Street intersection</li> <li>Lloyd and Walsh Street intersection</li> <li>Ceola Drive – a walking/cycling lane along the western side of Ceola Drive.</li> </ol>

**Parks and Open Spaces 3 Year Action Plan - Project Update: July 2024 – September 2024**

				<p>5. <a href="#">Anzac Avenue – a walking lane and marked parking bays at the missing connection near Durston Street</a></p> <p><a href="#">This project was funded by the Department of Transport and Main Roads.</a></p>
<b>Gregory Terrace (Kuranda) Park Upgrade</b>				Not commenced. Design to commence in 2024.
<b>Kuranda Town Walking Trails Upgrades</b>				Council was granted funding under the Walking Local Government Grants program and a Walking Network Plan and a Priority Works Program have been adopted by Council.
<b>Kuranda Tourism Parks and Open Space Upgrades*</b>				<p>Centenary Park Kuranda – Playground construction is complete.</p> <p><a href="#">Anzac Park Kuranda Upgrade is complete.</a></p> <p><a href="#">Kuranda Village Streetscape works to commence shortly. Procurement is currently underway with contracts to be awarded in October 2024. This project has received an additional \$200,000 in funding from the Queensland Government.</a></p>
<b>Bill Newburn Park (Irvinebank) Upgrade</b>				Picnic shelter has been installed & the hexagonal seat relocated. Swing set installed. Project complete.
<b>Anzac Park (Mareeba) Revitalisation</b>				Project complete.
<b>Toilet Facilities Improvements - Various Locations</b>				Centenary Park Mareeba, Mareeba Cemetery and Mt Molloy Vains Parks toilet refurbishment has been completed. 2024-25 projects will be considered by the new Council.
<b>Footpaths Improvements - Various Locations</b>				<p>Footpaths renewed along Rankin St and Basalt Gully (Stewart St), Mareeba. Pedestrian bridge improvements for Basalt Gully (Stewart St) and Granite Creek (Eales Park to Ward St) under design. Walking Network Priority Works Programs have been developed and adopted for Kuranda and Mareeba.</p> <p>Footpaths are planned to be renewed for Bicentennial Lakes Southern Section.</p> <p><a href="#">Kuranda Village Streetscape including footpaths refurbishment works on Coondoo Street and around Centenary Park Kuranda are in procurement with contracts to be awarded in October 2024.</a></p> <p><a href="#">Lloyd Street and Atherton Street footpaths renewals are complete.</a></p>
<b>Park Entrance Signage Improvements - Various Locations</b>				Ten park entrance signs have been replaced in February 2022. Funding for this project has been fully expended.
<b>WATER PARK</b>				
<b>New Mareeba Water Splash Park</b>				Splash Park officially opened 24 June 2023. The project was funded by the Department of State Development, Infrastructure, Local Government and Planning to provide the Splash Park and upgrades to existing infrastructure at the Mareeba Aquatic Centre to the value of \$1.5M. The remaining construction funding was contributed by Council, who will also be responsible for the ongoing maintenance and operating costs.

\*Tourism projects in Kuranda to be funded by the Kuranda Infrastructure Levy

**9.9 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - SEPTEMBER 2024****Date Prepared:** 4 October 2024**Author:** Manager Technical Services**Attachments:** Nil

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**EXECUTIVE SUMMARY**

The purpose of this report is to outline Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Facilities and Investigation Services activities undertaken by Infrastructure Services during the month of September 2024.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Technical Services Operations Report for September 2024.

**BACKGROUND****Technical Services**Design, quality, and investigations:

Investigation activities undertaken in September included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	80	14
Drainage Investigations	34	4
NHVR Permit Applications	0	13
Traffic Count Surveys	0	15
Parks Investigations	6	0
Miscellaneous e.g. Planning; Local Laws	27	24
Before You Dig Requests	0	72

Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services. The laboratory delivered 186 tests in September, 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	Kenneally Estate Stage 4	On-maintenance
Mareeba	Mareeba Roadhouse and Accommodation Park, Williams Close	On-maintenance - Monitoring
Mareeba	7 Kenneally Road	Under construction
Mareeba	9 Kenneally Road	Under construction
Kuranda	Jum Rum Rainforest Estate Stage 2, Fallon Road	Under construction

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 95% of the structure now completed. Work remains on track for completion prior to end of October 2024.
2022 Betterment	The Gully Betterment contract is nearing completion, with completion of works targeted for October 2024.
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' with damage assessments continuing. Barron Falls Road landslip is nearing completion.

Program	Status
	<p>Works to replace Bushy Creek Bridge, Mt Lewis Road, Julatten have commenced with works to construct the piles underway. Completion prior to end of year remains on track. Now the side track has been constructed, inspections and preliminary works to clear Mt Lewis Road beyond Bushy Creek can commence, however due to extent of damage works have halted until initial assessments have been completed.</p> <p>Jarawee Road, Kuranda, Landslip: Onsite works have commenced.</p> <p>Emerald End Road and Carman Road crossings: preconstruction works well progressed (procurement of culverts etc), with works onsite expected in October.</p>
Environmental Cleanup	Works to clear flood debris from the waterways has commenced and are progressing quickly.

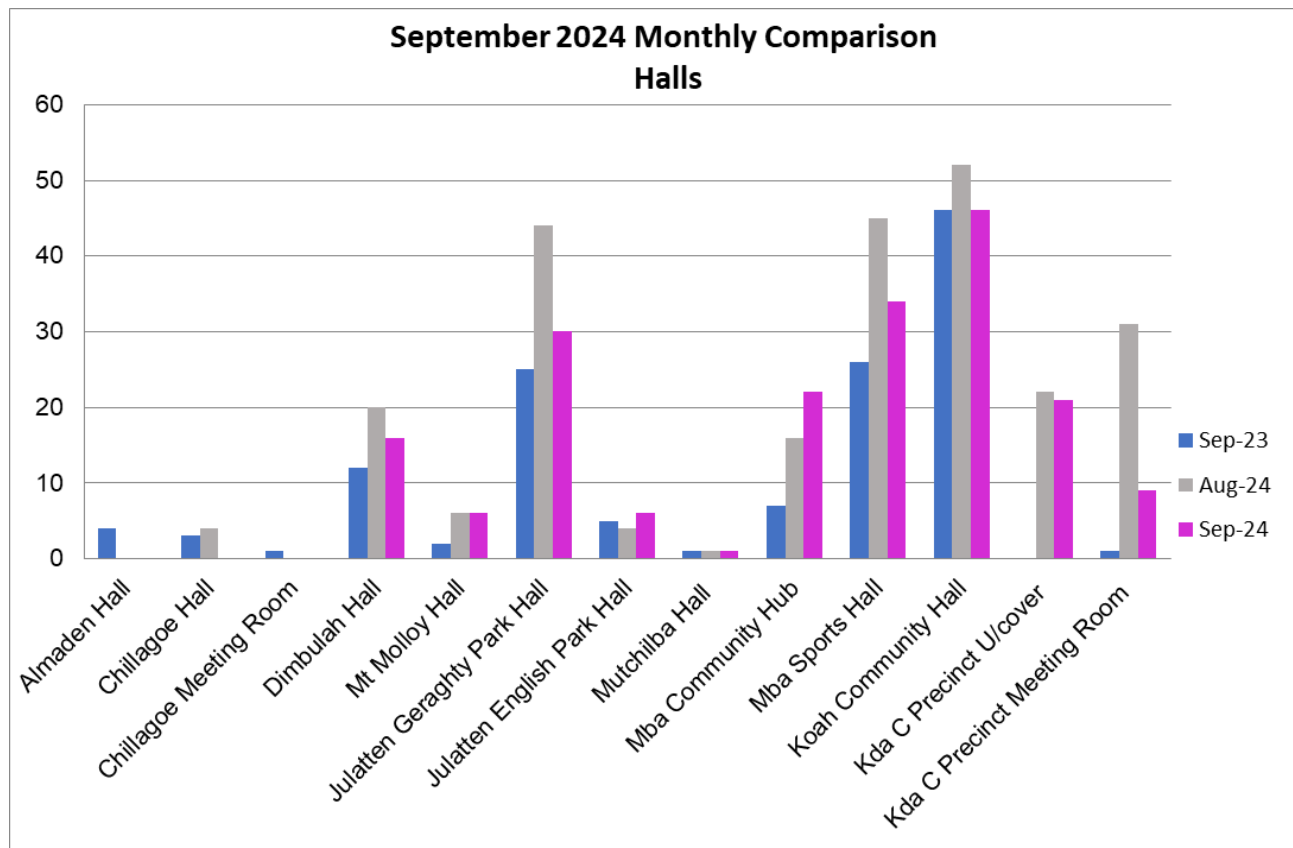
## Facilities

### Facilities:

Facilities	Activity
Kuranda Community Precinct - Walkway	Repairs to the walkway are still under way due to finding rust and other problems. Roofing will be completed by the first week of October. Contractor to install gutters and downpipes. Project will be completed by the end of the month.
Solar Systems	11 existing solar systems received upgrades to their mobile network, from 3G to 5G, and all sites were migrated to a similar monitoring platform.
Council buildings	<p>Airconditioning: Maintenance and cleaning of air conditioning units in Council Buildings have been completed.</p> <p>Septic Tanks: all Council septic tanks around the Shire have been inspected with reports anticipated on condition/maintenance requirements.</p>

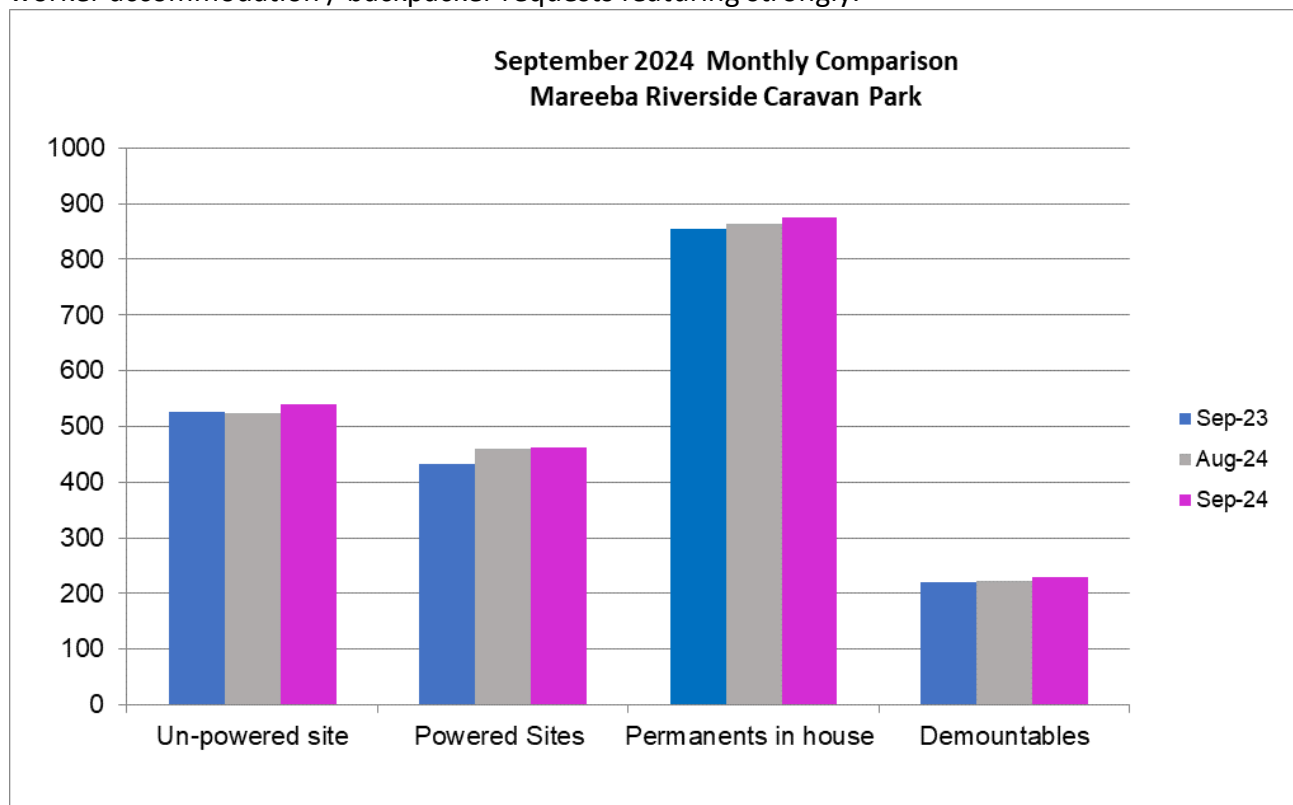
### Community Halls:

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.

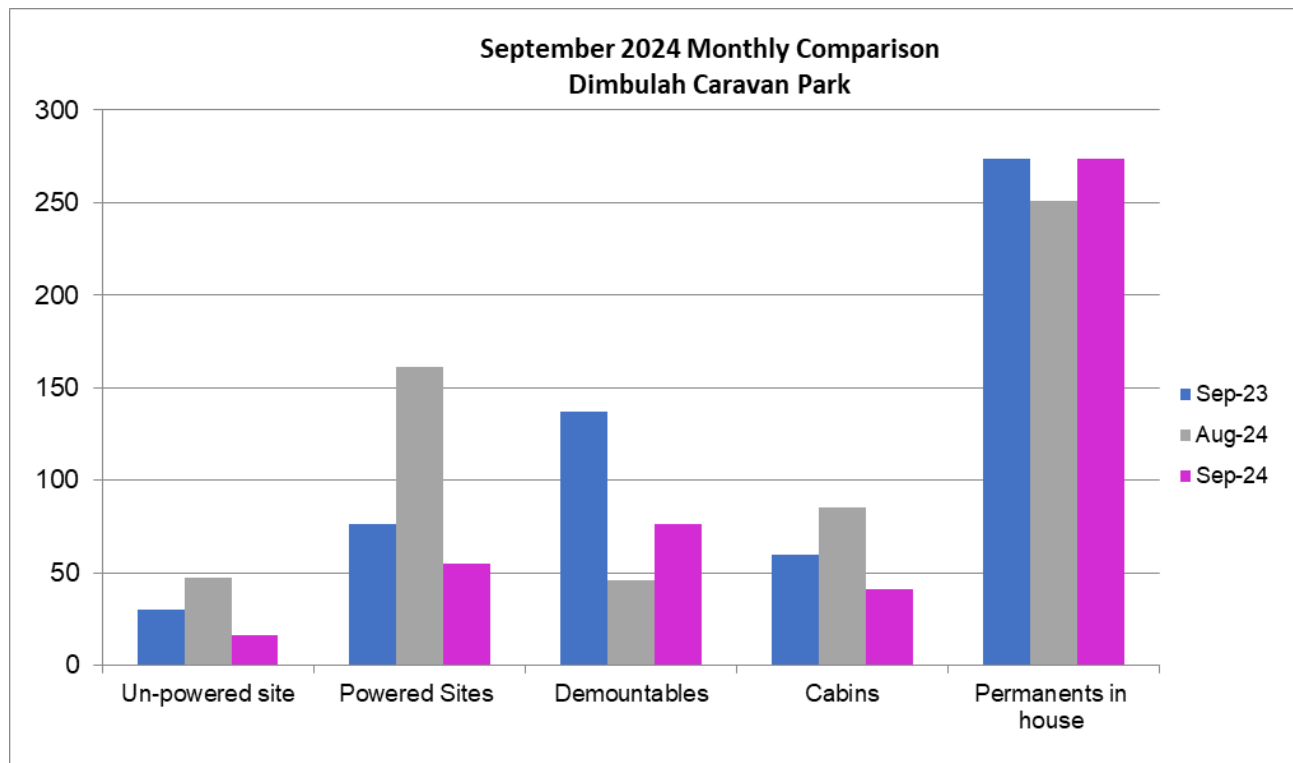


**Caravan Parks:**

Mareeba Riverside Caravan Park - Harvest appears to have commenced earlier this year, with worker accommodation / backpacker requests featuring strongly.

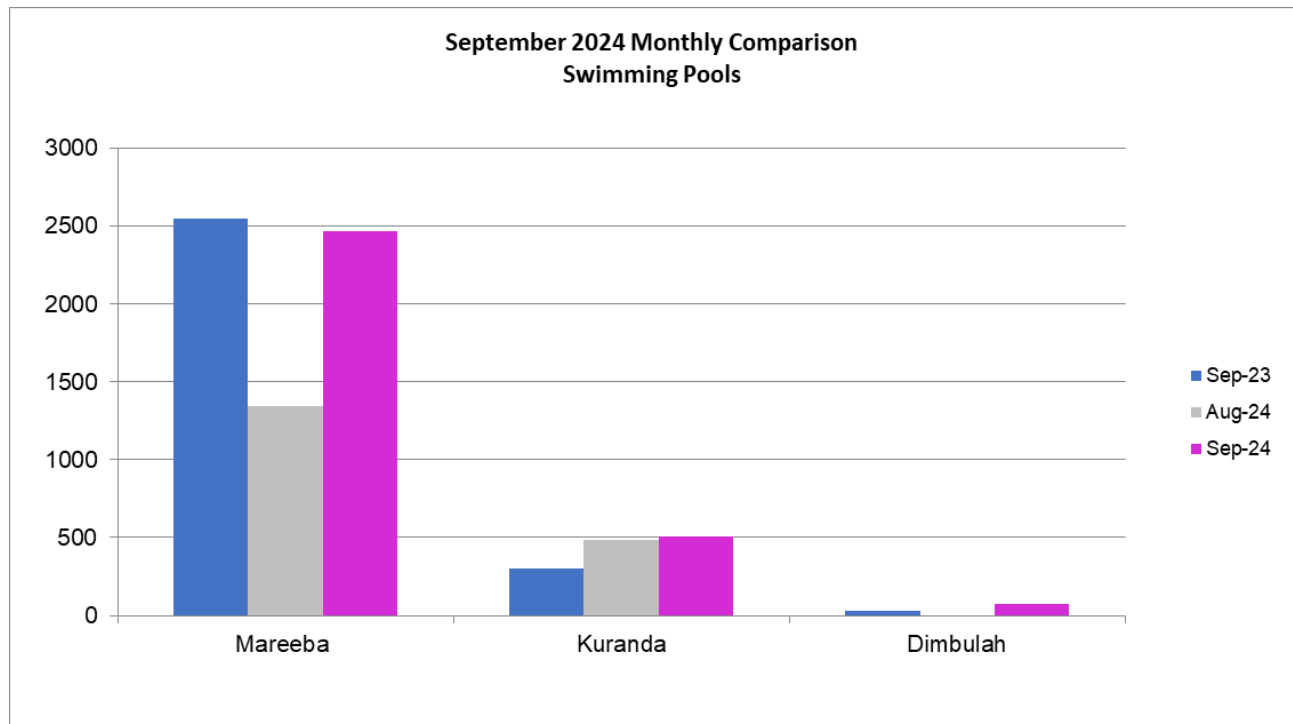


Dimbulah Caravan Park user numbers (total) have generally remained stable against previous months numbers.



### Aquatic Centres

Attendance at Mareeba Facility has strongly improved against previous month and year figures. Kuranda and Dimbulah remain stable.

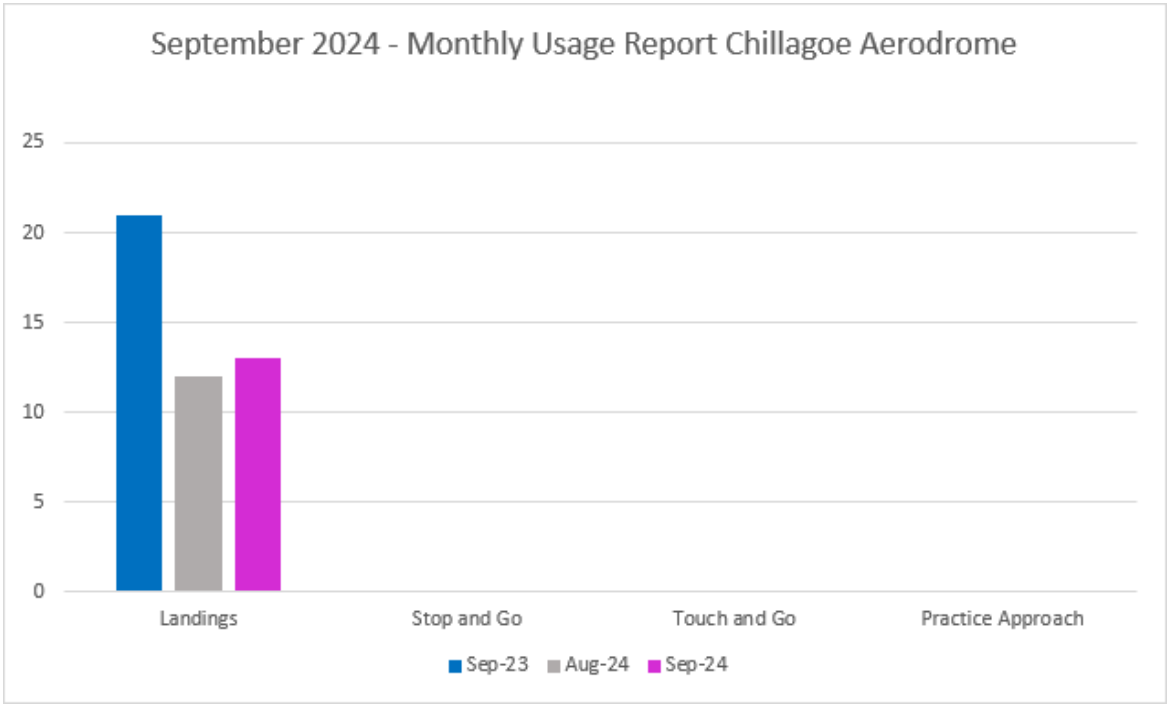
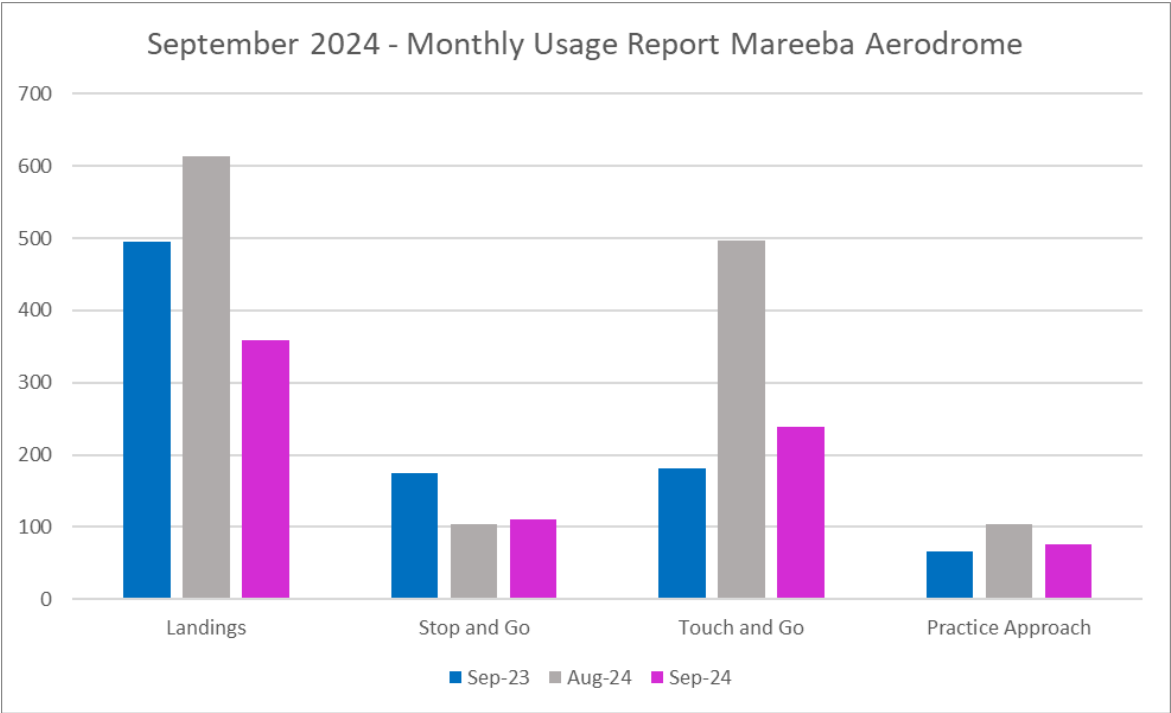


Aerodromes:

During the month of September, various activities were conducted at the aerodromes.

Location	Activity
Mareeba Aerodrome	Updating the Airside Access application process continues. Preparation for re-line marking the Runway and Taxiways has commenced with work planned for October.

The data recorded below is current for the month of August, 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.



**LINK TO CORPORATE PLAN**

**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.

**Economy and Growth:** Promote and encourage investment in local industry to build a resilient economy.

**IMPLEMENTATION/COMMUNICATION**

Nil



## 9.10 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - SEPTEMBER 2024

**Date Prepared:** 16 September 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 September 2024.

### RECOMMENDATION

That Council receives the Infrastructure Services, Water and Waste Operations Report for September 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)	9026	877	267	533	138
Number of Connections	4141	1053	127	246	111
Average daily water consumption per connection (L)	2180	833	2103	2168	1241

\* Mt Molloy is an untreated, non-potable water supply

Wastewater Treatment	Mareeba	Kuranda
Wastewater Plant average daily treatment (kL)	2179	171
Number of Connections	3519	356
Average daily inflow per connection (L)	619	456

#### 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.

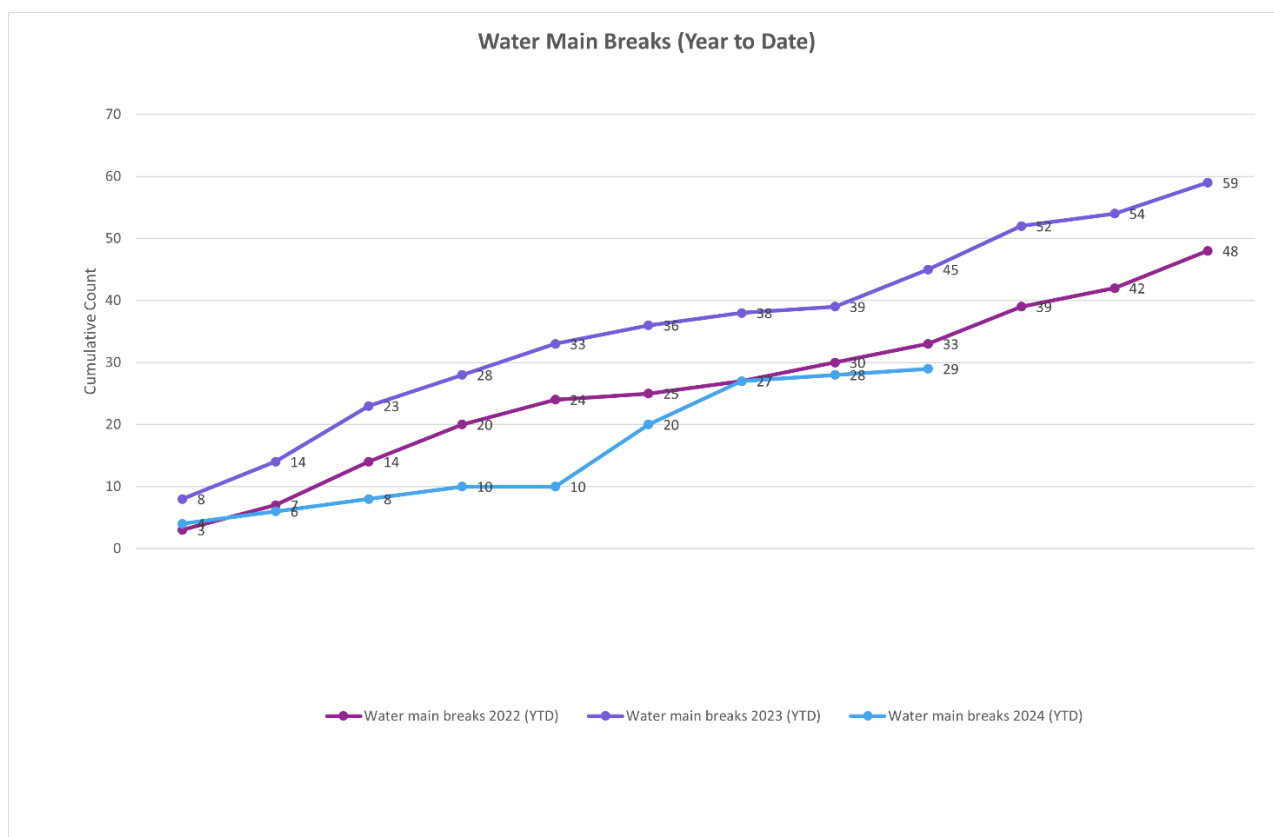
While these works occur at the Mareeba Water Treatment Plant there may be disruptions from time-to-time. As a result, the community has been asked to conserve water and reduce consumption during the upgrades. It may be necessary to introduce water restrictions to enable certainty of water supply to residents.

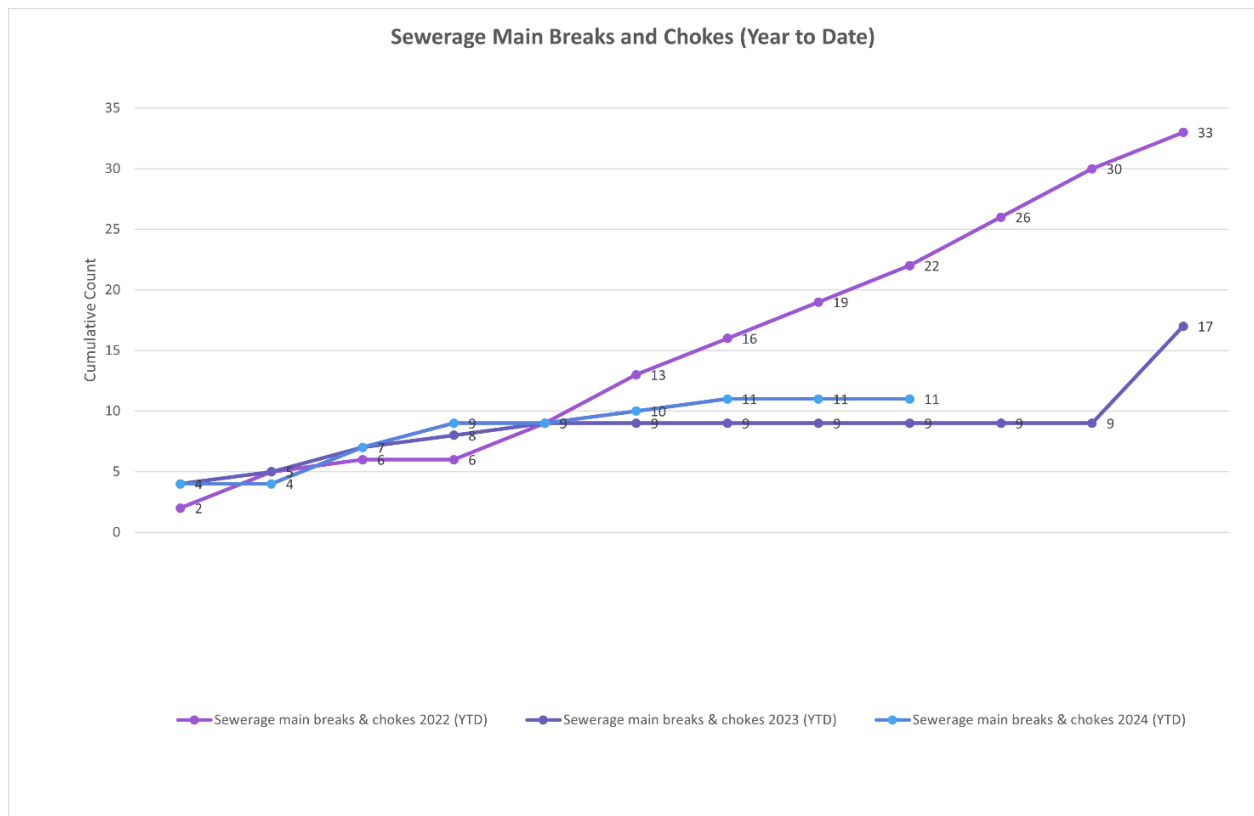
### **Water and Wastewater Reticulation:**

Council's water reticulation crew attended to one (1) water main breaks, and zero (0) sewer main breaks/chokes this month, and average response times were within targets set out in Council's customer service standard for water services.

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:

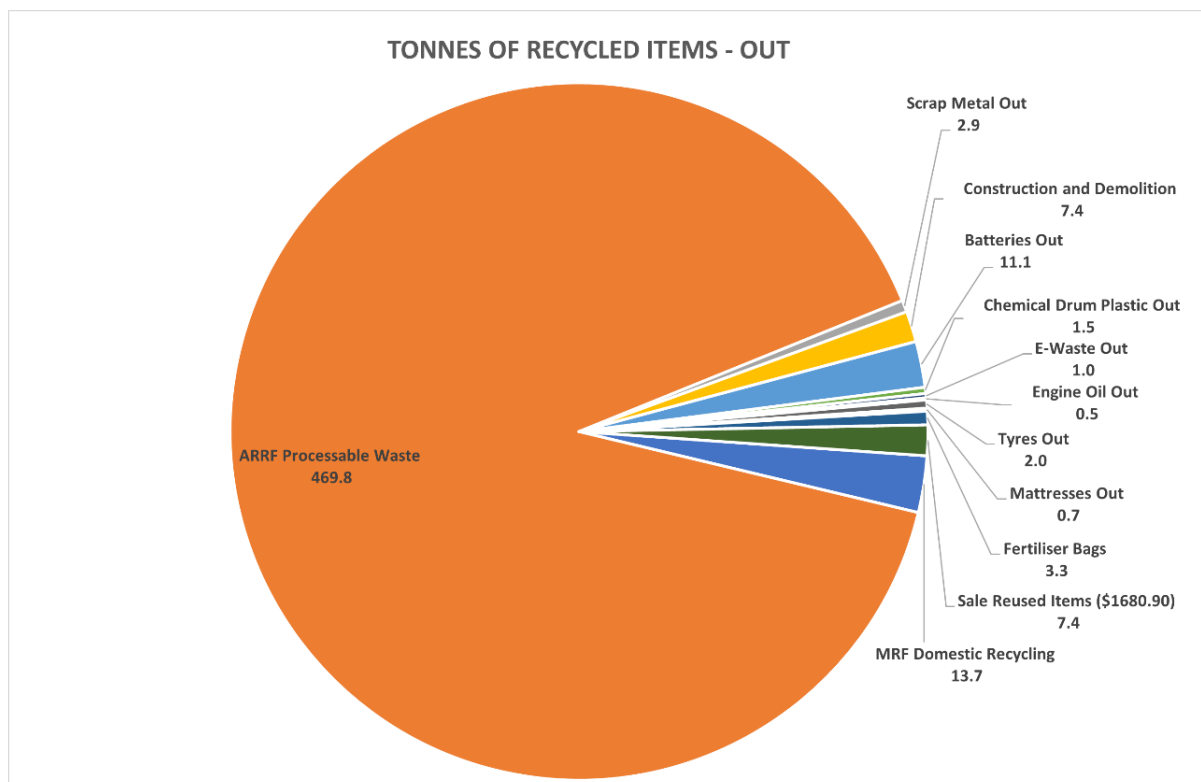




### Waste Operations:

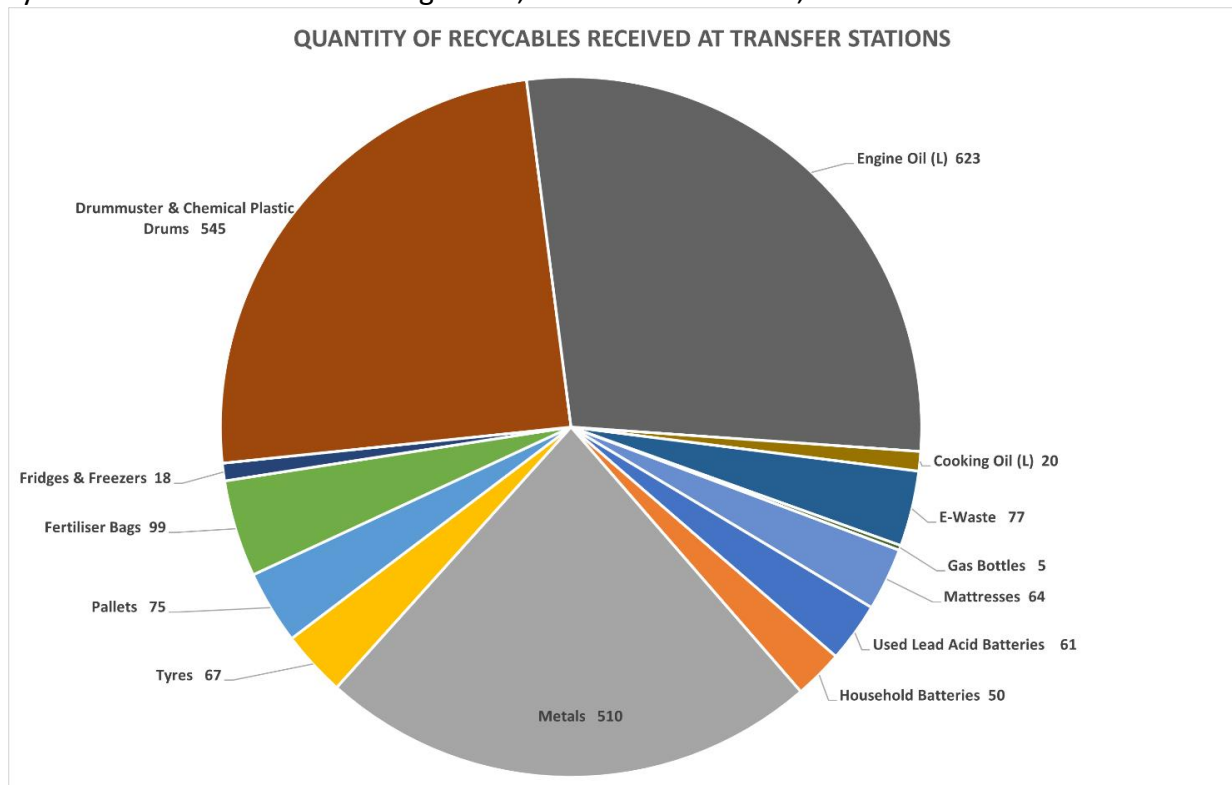
Waste material collected in Kerbside trucks is transported to the Advanced Resource Recovery Facility (ARRF) in Cairns for processing. Residual waste and waste collected at Transfer Stations is transported to Springmount Waste Facility, and recyclable material is transported to the Material Recovery Facility (MRF) in Cairns for processing.

During September, 470 tonnes of waste was processed through the ARRF, 143 tonnes of waste was sent to Springmount Waste Facility and 13.7 tonnes of domestic items were recycled at the MRF.



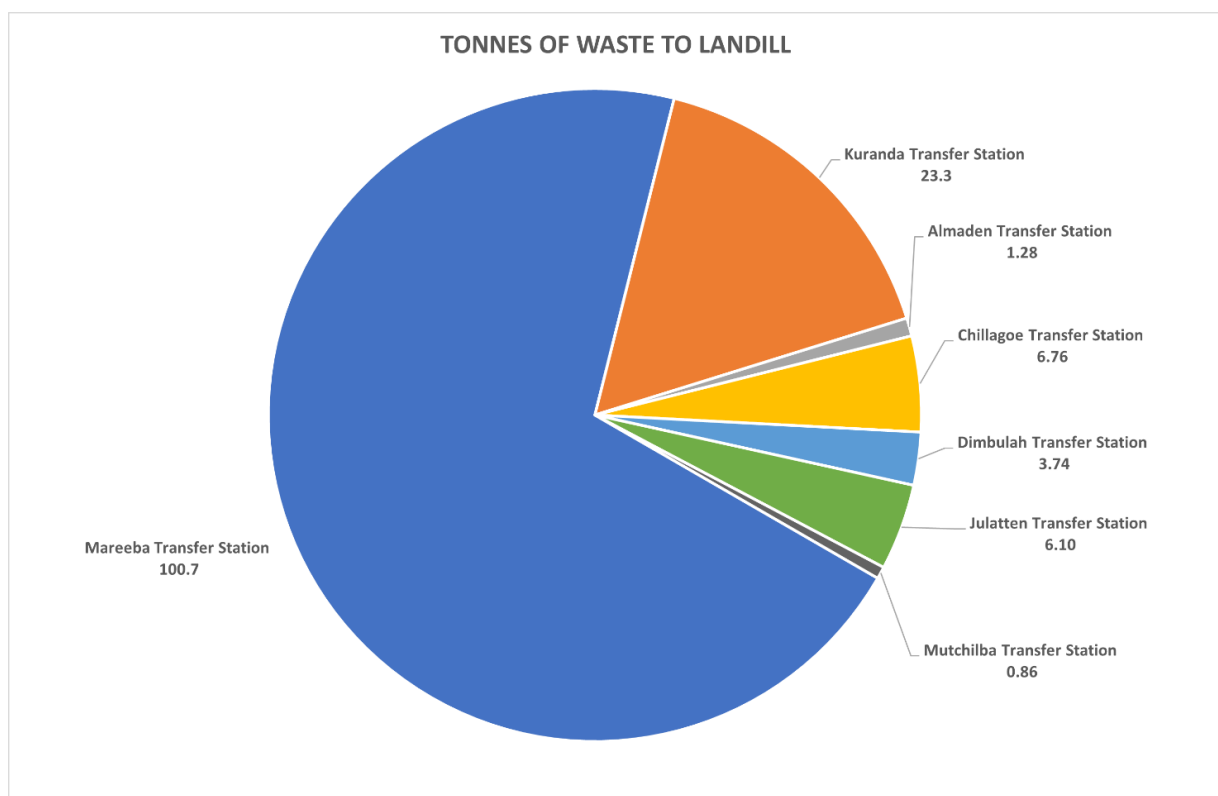
## Recycling

Residents continue to recycle at the Transfer Stations. During September the highest count of recyclable received were 623 L Engine Oil, 545 Chemical drums, and 510 Metal items.



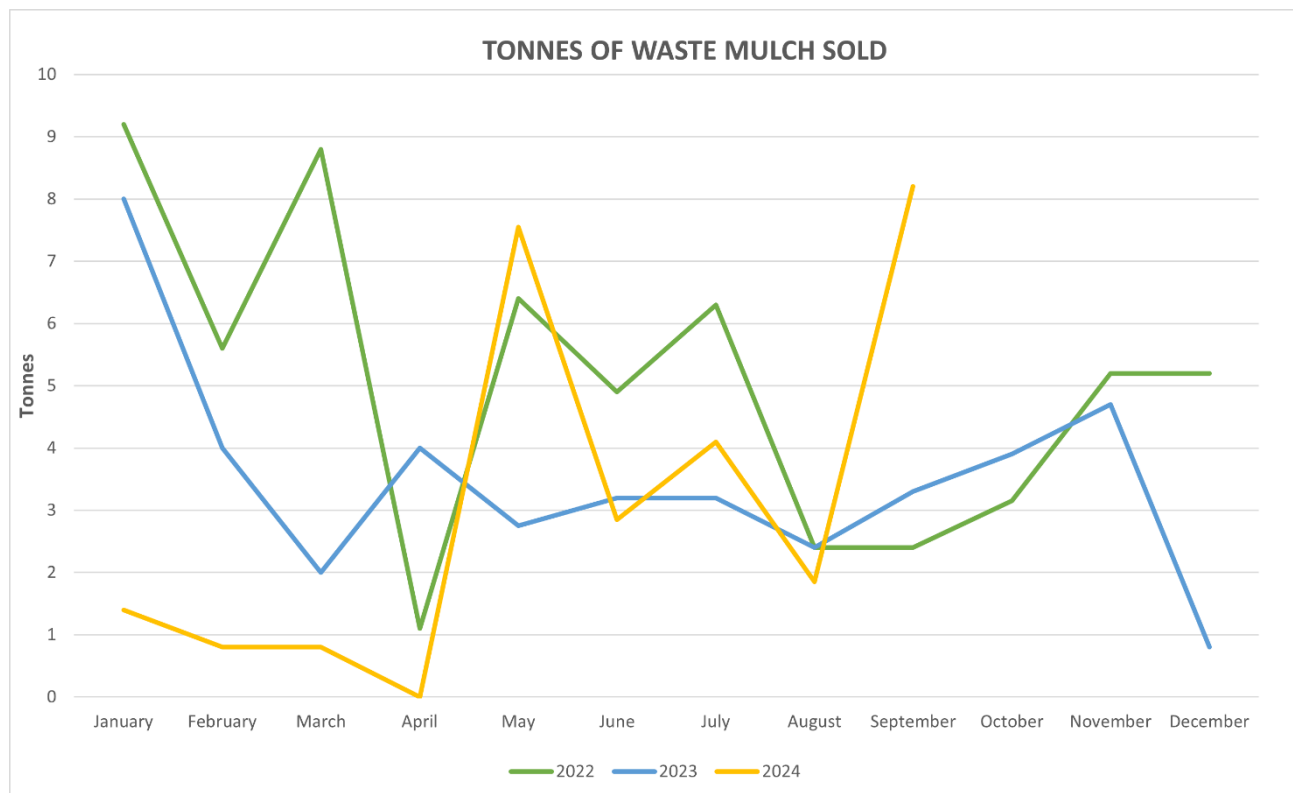
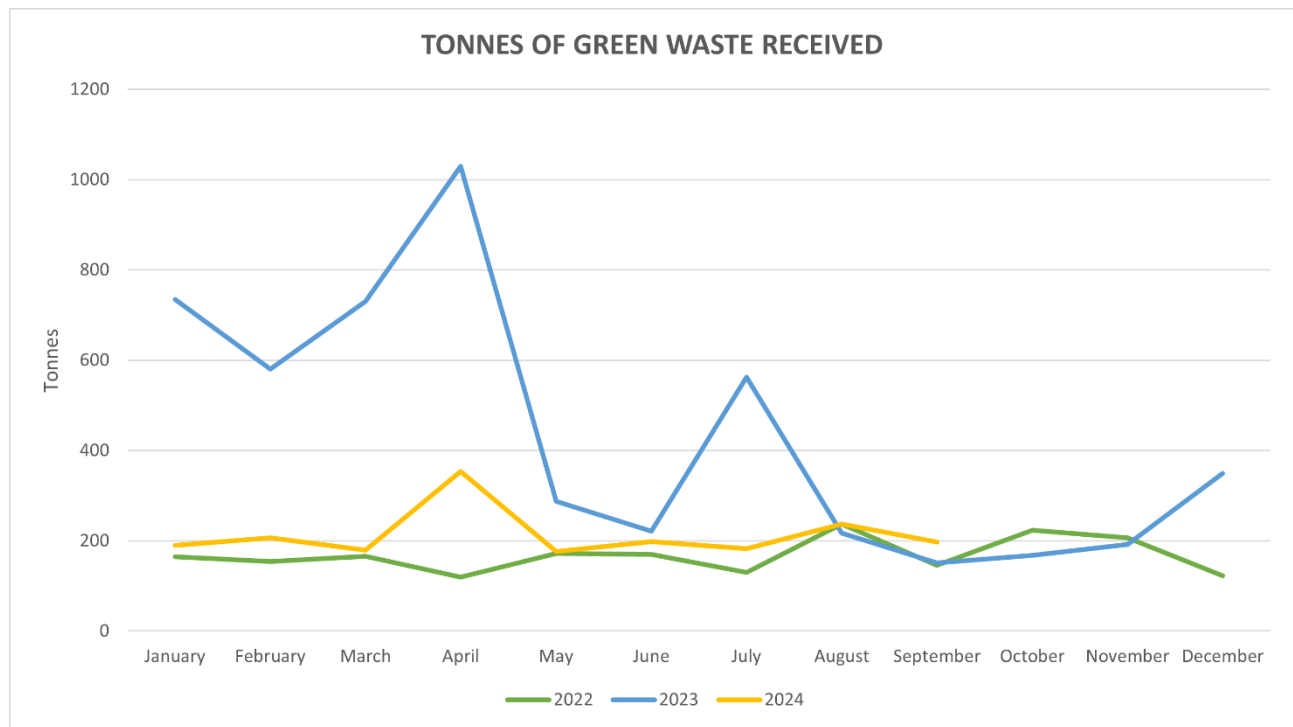
## Transfer Station Waste

Transfer Station dry waste is transported off site to the Springmount Waste Facility. During September a total of 142.72 tonnes of waste was sent to landfill. Mareeba Transfer Station contributed to 100.7 tonnes to landfill, and Kuranda 23.3 tonnes.



## Green Waste

During September, Council received a total of 197.31 tonnes of green waste. Kuranda recorded 1.60 tonnes of green waste from locations registered as being potentially contaminated with Electric Ants. 8.20 tonnes of mulch was sold.



**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**

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**Transport and Infrastructure:** The provision of quality infrastructure to service our growing community using sound asset management principles.

**Economy and Growth:** Promote and encourage investment in local industry to build a resilient economy.

**IMPLEMENTATION/COMMUNICATION**

Nil

**9.11 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - SEPTEMBER 2024****Date Prepared:** 8 October 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 September 2024.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Works Progress Report for the month of September 2024.

**BACKGROUND**

A summary of works completed in September 2024 is provided below.

**Transport Infrastructure**General Maintenance

The major maintenance activities carried out in September are listed below;

Activity	Location
Unsealed Road Grading	McBean Road, Fassio Road, Tyrconnell Road, Ivcevic Road, Gamboola Road, Cetinich Road, Boonmoo Road
Tree Trimming/Vegetation Management	Euluma Creek Road, Wrights Lookout Road, Warril Drive, Pinnacle Road, Barnwell Road, Brown Road, Highland Drive, Kuranda Heights Road, Euluma Creek Road, Clacherty Road, Queen Street, Hilltop Close
Bitumen Patching	Kuranda, Koah, Mareeba, Speewah, Glen Russell, Julatten, Bibbohra
Drainage Maintenance	Weir Road, Fichera Road, Chewko Road, Morrish Road, Masons Road, Kimalo Road, Oak Forest Road, Tinaroo Creek Road, Austin Road, George Fabris Road, Mt Haren Road, Bullaburrah Creek Road
Unsealed Road Maintenance	Tyrconnell Road, Fassio Road, McBean Road, Little Road, Brown Road, Andy Sheppard Drive, Ivcevic Road, Rains Road, Pinnacle Road, Bolwarra Road, Centis Road, Kerlin Road
Slashing	Julatten, Kuranda

Customer Requests

During September, the Works Group received 117 Customer Requests (CRs) with 155 resolved (resolved requests include those received prior to September 2024). The table below shows the number of requests lodged per Works Section for the month.

Month	Roads	Parks and Gardens	Pest Management
September	79	33	5

At the time of reporting, the Works Group had 44 open requests.

TMR Routine Maintenance Performance Contract (RMPC)**32A - Kennedy Highway (Cairns - Mareeba)**

- Rest Area Servicing - Edmund Kennedy Bridge

**34A - Mulligan Highway (Mareeba - Mt Molloy)**

- Supply and Install Flexi Guideposts as required along Mitchell Flats

**34B - Mulligan Highway (Mt Molloy - Lakeland)**

- Cut and poison suckers/regrowth in cuttings on both sides of road to shire boundary
- Roadside Litter Collection - Rifle Creek and Mt Carbine Truck Stop
- Rest Area Servicing at Rifle Creek
- Tree trimming
- Erect Smoke Hazard signage either side of the Mt Carbine Hotel
- Pothole patching
- Yearly pipe inspections and record co-ordinates

**653 - Mossman-Mt Molloy Road**

- Repair two damaged CAM signs
- Yearly pipe inspections and record co-ordinates
- Roadside litter collection - Hunter Creek, Environ Park and Lyons Park
- Rest Area Servicing at Hunter Creek
- Callout to remove fallen tree

**664 - Mareeba-Dimbulah Road**

- Pothole patching
- Yearly pipe inspections and record co-ordinates

**89B - Burke Developmental Road (BDR)**

- Rural slashing Almaden to Chillagoe
- Eureka Creek Rest Area servicing and ground maintenance
- Erect dust hole signage
- Construct detour around damaged Longreach Grid
- Medium Formation Grade - Lynd River to Boundary
- Medium Formation Grade - Trimble's Crossing to the Lynd Causeway
- Yearly pipe inspections Dimbulah to Boundary and record co-ordinates

**Parks and Open Spaces**

Description	Comment
Mowing	Fortnightly mowing of irrigated areas. General mowing has slowed down considerably and is done on an as needs basis.
Playing fields mowing	Davies, Borzi and Firth Parks are now on a weekly program.
General maintenance	Tree trimming for mower/tractor clearance and street sweeper.
Playgrounds	No issues with playgrounds during September.
Burials	Mareeba – one (1) ashes in columbarium wall, one (1) free standing mausoleum.
LOA	LOA prisoners at the Mareeba Cemetery and Mareeba Pioneer Cemetery.
Tree maintenance	Tree removal in Mareeba, Chillagoe, Dimbulah and Kuranda
Fire management	Mareeba – three (3) days of hazard reduction burning on the rail corridor between Mareeba township and Mareeba Airport

**Land Protection**

**Parthenium Weed:** Inspections carried out on 13 sites. All landholders are complying with their biosecurity obligation.

**Emu Creek and Petford - Bellyache Bush, Siam Weed and Rubbervine:** Work has continued on multi weed cleanup on Emu Creek, survey hand removal and cut stump of various weeds along the river system.

**Amazon Frogbit:** Work has continued Chinaman Creek Mareeba treating Amazon frogbit, foliar spraying of the creek banks to allow access for hand removal of any frogbit detected. Herbicide treatment using Clipper in Mareeba's Northern Lake along Basalt gully with time laps cameras installed in preparation for Mareeba Shire Frogbit field day, funding for enhancing Local Government Biosecurity capabilities was used for the field day on 3 October 2024.

**Feral Pigs:** Three (3) pigs trapped and destroyed at Springs Road Mareeba, 1080 baiting carried out for pigs/wild dogs on one (1) grazing property on the Mitchell River totalling 302,000Ha.

**Wild Dogs:** 1080 baiting carried out on one (1) grazing property in the Mutchilba area totalling 1869Ha.

**Enhancing Local Government Biosecurity Capabilities Meeting:** The third of five (5) proposed meetings was held by Kowanyama Shire Council which was attended by Ranger Groups and Land Protection Officers from Mareeba, Cook, Kowanyama, Pormpuraaw and Carpentaria Shires. Funding has been made available from the Queensland Government to help enhance Local Government Biosecurity capabilities. Knowledge sharing and stronger relationships between shires will help with future work in the region.

**Thunbergia:** Survey and treatment (foliar spray and cut stump) of Thunbergia in the Julatten area to contain and help reduce the threat of spread into Bushy Creek.



*Thunbergia*

## 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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**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.

## IMPLEMENTATION/COMMUNICATION

Nil

10 OFFICE OF THE CEO

10.1 TOURISM & ECONOMIC DEVELOPMENT QUARTERLY REPORT

Date Prepared: 26 August 2024  
Author: Tourism & Economic Development Officer  
Attachments: 1. Small Business Friendly Council Annual Report 23-24 [↓](#)

EXECUTIVE SUMMARY

This report provides information relating to Council tourism and economic development activity for the Mareeba Shire region during the first quarter of the financial year, July 2024 – September 2024.

RECOMMENDATION

That Council receives the Tourism and Economic Development report for the July to September 2024 quarter.

TOURISM & ECONOMIC DEVELOPMENT

1. State of the Region Economic Update

Key Statistics



Council collaborated with Regional Development Australia Tropical North to bring a ‘State of the Region Roadshow’ to Mareeba in July. Katrina Paterson from .id (Informed Decisions) gave an update to Councillors and another for the community on the latest economic and employment data for the Mareeba Shire, discussing the effects for the local region and businesses, and how to leverage the previous year's economic story for future opportunities.

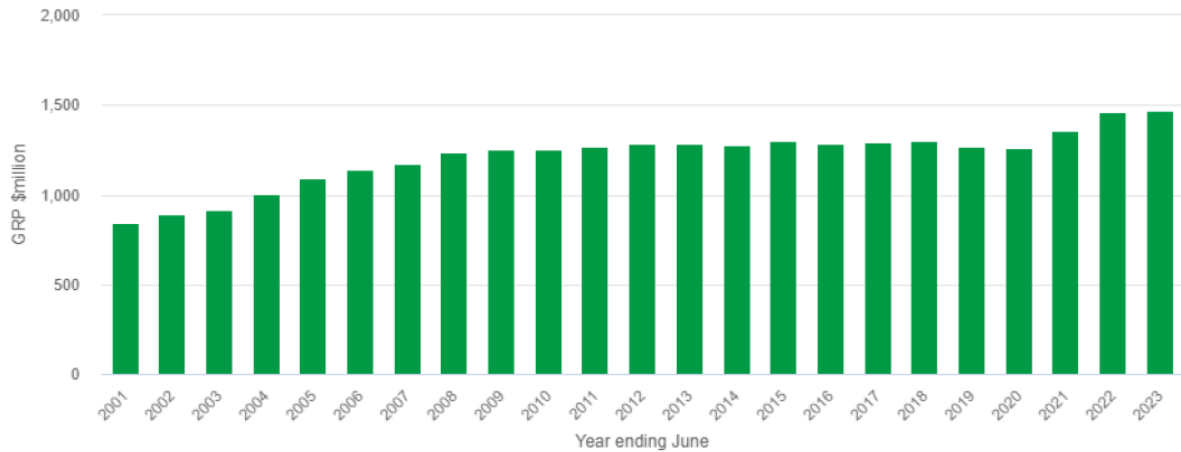
This event also brought together a group of representatives from AusIndustry, Northern Australia Facility, Office of Northern Australia, FNQ Regional Organisation of Council's, Department of Regional Development, Manufacturing and Water and Department of Home affairs - Business, Industry and Regional Outreach to connect with directly, for insights and Q&A's on how they can help the Mareeba Shire.

Mareeba Shire’s Gross Regional Product growth has slowed to \$1.47 billion in the year ending June 2023, a small increase of 0.5% (7 million) since the previous year.

## Mareeba economy 2023

### Gross Regional Product

Mareeba Shire

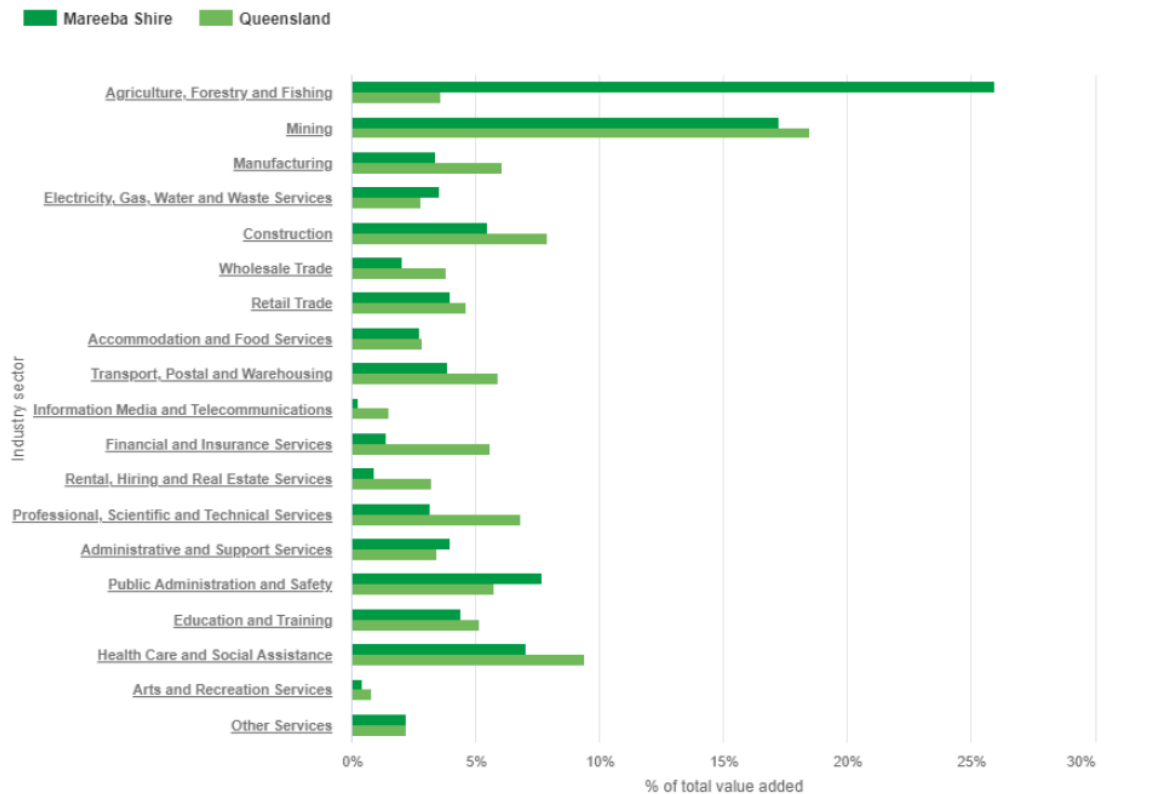


Source: National Institute of Economic and Industry Research (NIEIR) ©2024. ©2023. Compiled and presented in economy.id by .id (informed decisions).

Agriculture, mining, public administration and safety, and health care and social assistance were the highest value add industry sectors the Mareeba Shire economy in 2022/23. These industries also provide the highest number of jobs in the region.

## Mareeba industry value add

### Value added by industry sector 2022/23

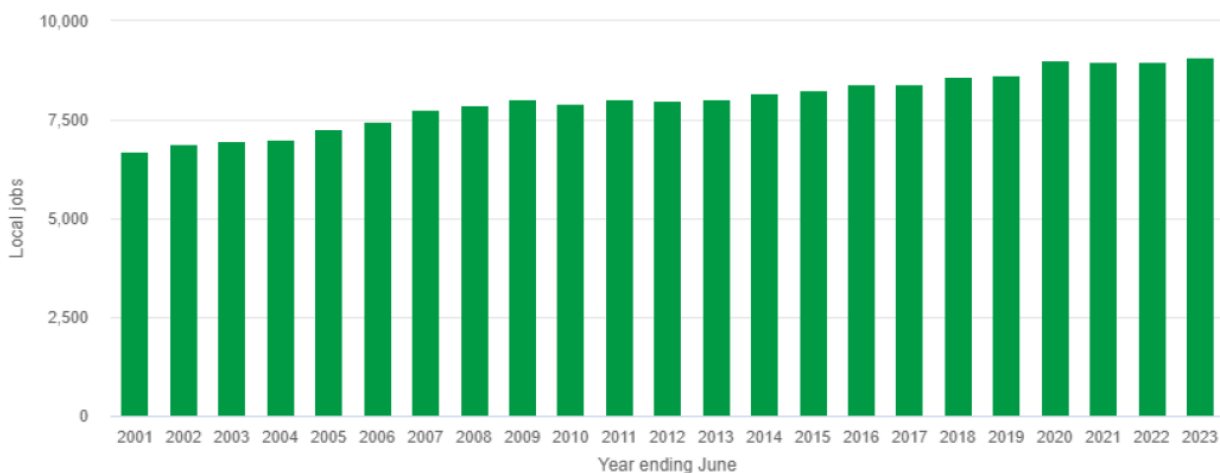


Source: National Institute of Economic and Industry Research (NIEIR) ©2023 Compiled and presented in economy.id by .id (informed decisions).

The Estimated Resident Population (ERP) for the Mareeba Shire has grown by 335 residents from the previous year to a total population of 23, 702. There has been steady job growth in the Mareeba Shire with almost 100 new jobs since 2020, with unemployment levels decreasing by almost 0.9%.

### Local jobs

Mareeba Shire



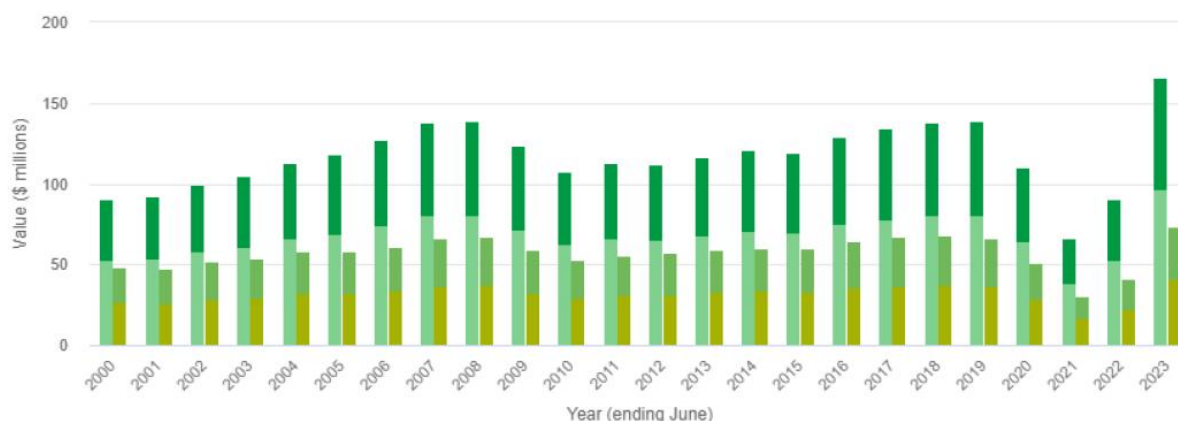
Source: National Institute of Economic and Industry Research (NIEIR) ©2024. Compiled and presented in economy.id by .id (informed decisions)

In 2022/23, the total tourism sales in the Mareeba Shire was \$166.2m, the total value added was \$73.8 million. The value of Tourism in the Mareeba Shire has now exceeded pre-Covid levels indicating a strong growth in the industry.

### Value of tourism

Mareeba Shire

Output/Sales - Direct   Value added - Direct   Output/Sales - Indirect   Value added - Indirect



Source: National Institute of Economic and Industry Research (NIEIR) ©2024. ©2021. Compiled and presented in economy.id by .id (informed decisions).

## 2. Small Business Friendly Council

There are 2,209 businesses in the Mareeba Shire, which is an increase of 37 new businesses between 2022 and 2023. The Agriculture, Forestry and Fishing industry had the largest number of total registered businesses in Mareeba Shire, comprising 28.9% of all total registered businesses, compared to 8.4% in Queensland.

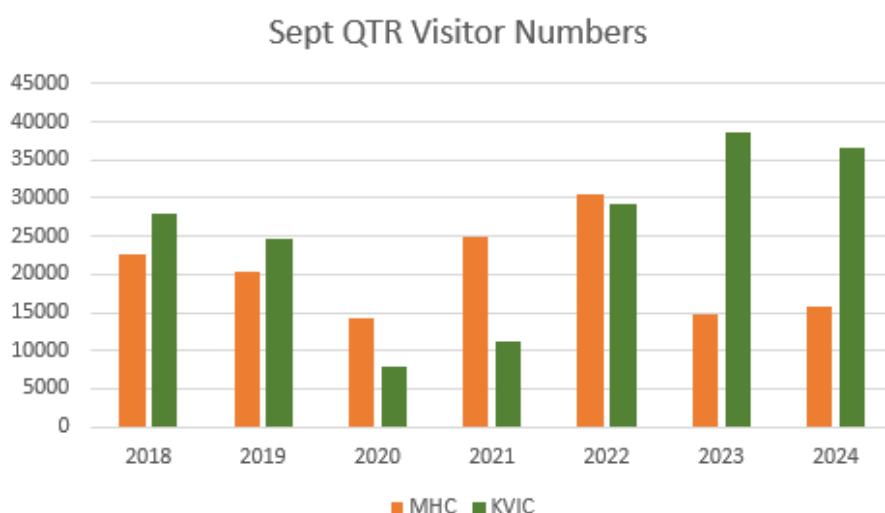
Mareeba Shire Council continues to be committed to being a Small Business Friendly Council. Small businesses create local jobs and provide essential goods and services, both to the community and to larger organisations. They drive regional economic development and make up the backbone of the supply chains of major projects.

A copy of the Small Business Friendly Council annual report, submitted to the Office of the Queensland Small Business Commissioner (QSBC), for 2024 is attached. This report details Council's commitment to the goals of the Small Business Friendly Charter which are to:

- Actively communicate and engage with small businesses.
- Raise the profile and capability of small businesses.
- Promote and showcase small businesses.
- Develop and promote place-based programs for small businesses.
- Simplify administration and regulation for small business (red tape reduction).
- Ensure fair procurement and prompt payment terms for small businesses.
- Support small business resilience and recovery.
- Measure and report on our performance.

### 3. 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 are starting to slow as cost of living pressures start to impact holiday spend, Australian's are now heading back overseas and our international visitors have not yet returned to pre-Covid levels.



There were some great reviews received during the quarter for both visitor centres.



**Barbara Miller**  
7 contributions



**Informative and entertaining.**

Aug 2024 • Couples

The historical museum is amazing, and the \$5 entry fee is a bargain. There was plenty to entertain and inform us, and 2 hours went quickly, so if you're staying in the area it would be well worth a second visit. The volunteers were friendly, the cafe was good, and we were pleased to find this museum. Congratulations to the volunteers and the council for providing such a fantastic facility.

Written 6 September 2024



**Shauna Wilson**  
Local Guide • 79 reviews • 59 photos

★★★★★ 3 weeks ago **NEW**

One word..... Amazing. ... [More](#)



**Paul Prentice**  
Local Guide • 99 reviews • 40 photos

★★★★★ a month ago

Manned by volunteers who are up for a chat and full of advice about what to get up to on the tablelands. This group of fine people do a cracking job at promoting our region. Museum is worth a visit on your travels 😊 ... [More](#)



**Loraine Jenner**  
Local Guide • 26 reviews

★★★★★ a month ago

Enjoyed the displays & the lay out. Also coffee shop on site. ... [More](#)



**Phyllis Pianta**  
Local Guide • 146 reviews • 8 photos

★★★★★ a month ago

Excellent team of volunteers and now has a cafe. This heritage museum is a Must Visit on your list if visiting or for locals to know their local heritage - you learn something new every visit. ... [More](#)



**Sylvia Lin**  
Local Guide • 572 reviews • 36064 photos



★★★★★ 4 weeks ago **NEW**

The center has a small nature education corner with snake skins, dry seeds, and others fun facts about the rainforest. They also sell some souvenirs.

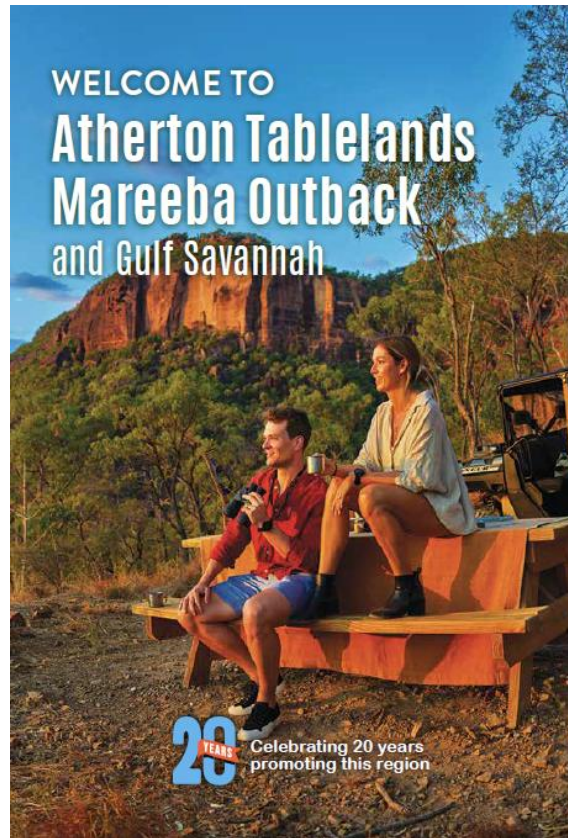


More volunteers for both Visitor Information Centres are needed. Volunteers contribute enormously to the success of the visitor centres and without their time, dedication and passion, the centres could not function.

#### 4. Shire Destination Marketing – Print

Print promotional material was produced for the following publications:

- Front page cover of the 2024 edition of the Welcome to Atherton Tablelands Mareeba Outback and Gulf Savannah magazine.



## 5. Mareeba Shire Tourism LTO Update

Mareeba Shire Tourism hosted an industry networking event at the Mareeba Drive In in August. 35 people attended the event which was focused on marketing with special guest speaker, Chelsea Cavanah - Global Brand and Campaigns Manager for Tourism Tropical North Queensland. To end the evening there was an exclusive screening on the drive-in big screen, of the content captured for the recent Mareeba Shire ['hidden gems'](#) tourism campaign with [Overland Travellers via YouTube](#).



Recruitment for two new LTO Board Members was finalised in July with the full board announced at the August networking event.

***Mareeba Shire Tourism Board Members are:***

Chair: Cr Lenore Wyatt – Mareeba Shire Council Deputy Mayor

Secretary: Jessica Fealy – MSC Tourism and Economic Development Officer

Treasurer: Joe Moro – Chair Mareeba Chamber of Commerce

Board Member: Cr Nipper Brown – Chair of Mareeba Heritage Museum and Information Centre

Board Member: Maria Nastasi – Chair Mareeba Chamber Tourism Taskforce, Golden Drop Winery agritourism operation

Board Member: Maree Treadwell – Kuranda resident, social media consulting for Freeman group of Kuranda Tourist Attractions, Vice-Chair Wildlife Tourism Australia, Volunteer at KVIC

Board Member: Jacklyn Kiernan – Julatten resident, owner of Cape Tribulation Campground

Recruitment is now underway to finalise the operational positions for the organisation with the LTO looking to engage contractors for the following roles: [Bookkeeper, Website and Social Media Manager and Executive Officer](#).

Mareeba Shire Tourism has now taken over the management of the [kuranda.org](http://kuranda.org) website and [social media](#), as well as established a landing page for [Visit Mareeba Shire](#).

**LINK TO CORPORATE PLAN**

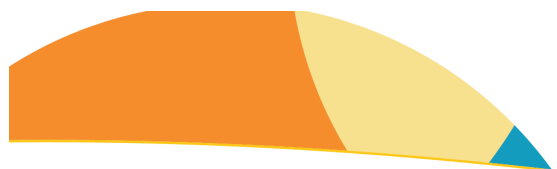
**Community:** An informed and engaged community which supports and encourages effective partnerships to enhance the liveability of the Shire.

**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



# Mareeba Shire Council

## Annual Report 2023-24

### Member information

Details	
Organisation name:	Mareeba Shire Council
Main address:	65 Rankin Street, Mareeba QLD 4880
Main email:	<a href="mailto:info@msc.qld.gov.au">info@msc.qld.gov.au</a>
Main phone:	1300 308 461
Main website URL:	<a href="http://www.msc.qld.gov.au">www.msc.qld.gov.au</a>
ABN:	39 114 383 874
Charter signing date:	04/11/2021

### Authorised representatives

The nominated staff members will take on the responsibility for Small Business Friendly (SBF) activities, which includes participation in SBF meetings. They will be the primary contact for receiving program details, updates, and inquiries.

Authorised SBF representative details	
Full name:	Jessica Fealy
Position:	Tourism & Economic Development Officer
Email:	<a href="mailto:jessicaf@msc.qld.gov.au">jessicaf@msc.qld.gov.au</a>
Phone:	07 4086 4762

SBF Proxy details	
Full name:	
Position:	
Email:	
Phone:	



## Report information

Details	
Report date:	23/09/2024
Prepared by:	Jessica Fealy, Tourism & Economic Development Officer
Stakeholders consulted:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Report published:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Report URL (if online):	

## Charter performance

### Actively communicate and engage with small businesses

Commitments		Performance self-assessment			
		Not yet	In progress	Achieved	Very well achieved
a)	Actively engage and be mindful of small businesses, their issues and priorities when making decisions. (e.g., create a business advisory group).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Communicate clearly in a timely manner both formally and informally. (e.g., working at all levels to exceed your customers' expectations).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Engage with statewide partners where appropriate on matters affecting small businesses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Publish clear service standards stating what small businesses can expect from us. (e.g., in service charter, economic strategy, annual plan, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### Summary of key activities and achievements in relation to this element:

- Council always attends Mareeba Chamber of Commerce luncheons so Councillors and Council officers can engage with the Mareeba Shire business community.
- A Small Business update was presented by Council Tourism & Economic Development Officer at the August 2023 Mareeba Chamber of Commerce Luncheon, along with a Mareeba Shire Council update from the Mayor and a Mareeba Shire Tourism update from Cr Lenore Wyatt – local tourism organisation chair.



**MAREEBA CHAMBER OF COMMERCE**

# BUSINESS LUNCHEON

*What's new...*

**"Get the latest NEWS about whats happening in Mareeba"**  
*With guest speakers*

• DARREN MCCORMACK – Manufacturing Hub	• ROSS CANTARINO – NBN
• MAYOR ANGELA TOPPIN – Mareeba Shire	• JAMES HUGHES – AirBridge
• CR LENORE WYATT – Mareeba Shire	• MARIBEL PECKHAM – FlexiChoice
• JESS FEALY – Small Business update	• JOE MORO – Agriculture Update
	• BENDIGO BANK – Finance Update

**TUESDAY 22<sup>ND</sup> AUGUST**  
**Mareeba Leagues Club • 12noon-2pm**

**BOOK ONLINE BY THURSDAY 17 AUGUST**  
[www.events.mareebachamber.com.au](http://www.events.mareebachamber.com.au)



- Small Business resources including grant funding opportunities, training and development resources and other useful information are shared via Council's monthly e-newsletter and social media platforms.
- Council Tourism & Economic Development officer attends Mareeba Chamber of Commerce general meetings on a quarterly basis to listen to an update from the Chamber and share relevant small business information as well as identify collaboration opportunities between Council and the Chamber
- Mareeba Shire Council collaboration with Mareeba Shire Tourism to deliver quarterly tourism industry networking events.





## Raise the profile and capability of small business

Commitments	Performance self-assessment			
	● Not yet	● In progress	● Achieved	● Very well achieved
a) Publicly recognise and value the importance of small businesses to our community and local economy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Encourage campaigns to promote small business and local spending (e.g., buy local).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Help small businesses develop networks, access education, and increase their capabilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Assist small businesses to access government, business and industry programs and resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Summary of key activities and achievements in relation to this element:

- Queensland Small Business Month (QSBM) is held during May each year to celebrate our Mareeba Shire 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**

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

**LEARN MORE**  
[business.qld.gov.au/qsbm](https://business.qld.gov.au/qsbm)

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. A range of small business support services were also in attendance to share their information and offerings with small business owners.
- Support of Mareeba Chamber of Commerce Buy Local Gift Card.

**SUPPORT LOCAL SHOP MAREEBA**  
*The perfect gift for every occasion*

EVERY purchase MAKES A BIG difference  
MAREEBA GIFT CARD

**Mareeba BUY LOCAL GIFT CARD**  
Revitalize & Grow Mareeba

Find out where to shop & redeem your Mareeba Gift Card @ [WWW.MAREEBACHAMBER.COM.AU](https://www.mareebachamber.com.au)

Stay LOCAL Shop LOCAL Support LOCAL

#LOVEMAREEBASHIRE

<https://youtu.be/PjrUP00pnJw>



## Promote and showcase small businesses.

Commitments		Performance self-assessment			
		● Not yet	● In progress	● Achieved	● Very well achieved
a)	Encourage and promote small business engagement via marketing and communication channels (e.g., engaging with local small businesses, collaborating with local chambers of commerce, industry groups etc.).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Create awareness by promoting the Small Business Friendly Councils (SBFC) program (e.g., using the SBFC identifier online, in marketing collateral and in communication materials).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Sharing successes, ideas and learnings with other Small Business Friendly Councils and other stakeholders.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Allow the Queensland Small Business Commissioner to promote our Small Business Friendly Council activities and achievements.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Summary of key activities and achievements in relation to this element:

- The SBFC banner is on display at all Small Business events in the Mareeba Shire
- Mareeba Shire Council established a stall at the SBFC Conference in Cairns to share resources, successes and learnings with our Small Business Friendly Councils and stakeholders.



- The Small Business Commissioner was the guest speaker at the 'Business After Dark' business networking event held during Small Business Month in Mareeba. This was a great opportunity for the Commissioner to promote our Small Business Friendly council activities and achievements.
- Support of the Bi-Annual Mareeba Chamber of Commerce Business Excellence Awards which showcase and celebrate businesses in the community.



## Develop and promote place-based programs for small business

Commitments	Performance self-assessment			
	● Not yet	● In progress	● Achieved	● Very well achieved
a) Identify, develop, promote and deliver at least two existing or new place-based programs to support businesses to start, grow and become more resilient.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Summary of key activities and achievements in relation to this element:

- In August 2023, Council undertook a survey of property owners and business operators regarding their views on the installation of a centralised CCTV system in the Mareeba central business district. The results of the survey of property owners / business operators clearly indicates insufficient support for the increase in an additional rate level to fund the installation of a CCTV surveillance system in Mareeba central business district.

Consequently Council will continue to provide assistance through its Community Safety Enhancement Program which eligible business operators or building owners can apply for assistance to purchase and install a new or extend an existing security system or lighting that enhances surveillance in public spaces.

Council will also continue to advocate for the State Government to provide funding to the Queensland Police Service to enable them to install, maintain and operate CCTV systems in communities.

- During November 2023 two Small Business Support Pop-Up Hubs were held in the Mareeba Shire, one in Kuranda and one in Mareeba. These hubs were held in partnership with the Department of Youth Justice, Employment, Small Business and Training. This was an opportunity for local business to connect and learn about government assistance such as grants, programs, and incentives. Two industry workforce advisors were in attendance to offer advice and assistance to employers to develop workforce plans and access government programs and funding initiatives that support workforce attraction and retention.



An opportunity to meet the Employment, Small Business and Training team and connect with Industry Workforce Advisor's (IWA) Eleanor Crosby (Business and Information and Technology IWA) or Darryl Ladbrook (Electrotechnology and Utilities IWA).

Register for a 20 minute one-on-one appointment

- Find out more about the types of support DYJESBT provides:
  - Apprenticeships and Traineeships
  - funding for Vocational Training
  - funding for Community Based Organisations and Social Enterprises
  - grants and support programs for small business, including up to \$20k in employment incentives

Industry Workforce Advisor services:

- Advice and assistance to employers to develop workforce plans, and access government programs and funding initiatives that support workforce attraction and retention.

**DATE:** 14 November 2023  
**TIME:** 9am-11am  
**LOCATION:** Riley's Cafe & Bar 2/15 Coondoo St, Kuranda

**DATE:** 14 November 2023  
**TIME:** 1pm-3pm  
**LOCATION:** Mareeba Library 43 Anzac Ave, Mareeba

RSVP via the QR Code

This is an opportunity for business to connect and learn about government assistance such as grants, programs and incentives.



Mareeba  
SHIRE COUNCIL



## Simplify administration and regulation for small business (red tape reduction)

Commitments	Performance self-assessment			
	● Not yet	● In progress	● Achieved	● Very well achieved
a) Limit unnecessary administration and take steps to ensure continuous business improvement.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Make it easier for small businesses to comply with administrative and/or regulatory requirements.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Administer requirements in a consistent manner in collaboration with key stakeholders.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Regularly review and streamline administrative and/or regulatory arrangements to reduce red tape. (e.g., digitisation projects, process improvement).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Maintain a simple, timely and cost-effective internal review and complaints management system. (e.g., actioning feedback, reviewing practices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Summary of key activities and achievements in relation to this element:

- Council website has easy access to an online form to allow the community to have a say on services, facilities and other Council related matters. It can also be used to lodge a maintenance or service request.



- Council continues to develop more on-line forms for web-based customer service interactions as well as the introduction of additional payment options such as expanding BPAY as well as payment instalment options for rates and charges.
- Council undertook an internal workforce efficiency review process which identified 419 efficiency and 151 cost savings ideas put forward by staff. At the end of the January 2024, more than 95% of the suggestions made by staff have been resolved, with the remaining items currently being investigated. Many of these ideas were around simplifying and reducing customer obstacles.

## Ensure fair procurement and prompt payment terms for small businesses

Commitments		Performance self-assessment			
		● Not yet	● In progress	● Achieved	● Very well achieved
a)	Implement a procurement policy that gives small businesses a 'fair go' to supply goods and services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Help small businesses find local procurement opportunities and make tendering quick and easy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Pay all valid invoices from small business suppliers within a stated reasonable period (e.g., 20 calendar days from receipt of invoice).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Summary of key activities and achievements in relation to this element:

- [Council procurement policy](#) aims to support local businesses and industries where practicable to support the viability of local businesses in all townships within the Mareeba Shire Council area.
- Council wishes to pursue the principle and objectives of enhancing the capabilities of local business and industry as part of the process of making its purchasing decisions. For this purpose, local suppliers shall be allowed certain concessions in respect to contracted arrangements:
  - (i) **Price**  
Prices offered by local suppliers shall be considered to be comparable with non-local suppliers where the local supplier's offered price is no more than 10% higher (up to the tolerance of \$5,000) than the lowest priced offered. (E.g., the local supplier can be evaluated as price comparable when the local supplier price is less than or equal to the non-local supplier price, excluding GST + 10%, where the 10% margin is less than \$5,000).
  - (ii) **Local Business Development**  
In the evaluation of tenders or offers, Council may attribute a portion of the selection criteria to local business preference. The score weighting applied to the local business preference criteria shall be no more than a 10% weighting within the overall criteria (100%).
- Business owners are encouraged to register on VendorPanel, the online platform used to advertise Council Request for Quotations, Request for Tenders and Expressions of Interest. The VendorPanel system also provides Council with improved purchasing



governance and transparency as well as making it easy for suppliers to download Council requests and upload responses.

- Mareeba Shire Council's payment terms are the period ending twenty-five (25) business days after receipt of the invoice, unless specified differently in a Contract Document.

## Support small business resilience and recovery

Commitments	Performance self-assessment			
	● Not yet	● In progress	● Achieved	● Very well achieved
a) With support from statewide partners, deliver short, medium, and long-term activities to support small business recovery and resilience following significant business disruption and disasters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Implement policies and practices for managing business disruption (e.g., supporting and working with small businesses to minimise disruption during capital works projects, transformational change etc).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Summary of key activities and achievements in relation to this element:

- Collaboration with DEYSBT to deliver several recovery hubs in Kuranda and Mareeba to assist small businesses with recovery and resilience building post TC Jasper and the related flooding event.

Department of Employment, Small Business and Training  
business.qld.gov.au

**Small Business Disaster Recovery Pop-Up**  
If your business has been affected by ex-tropical Cyclone Jasper, we have information and support services to help you get your business back on track.

**Mareeba Shire**  
Come and meet with FNQ Department of Employment, Small Business, and Training representatives to find out what assistance, grants and loans are available to businesses who have been impacted by Tropical Cyclone Jasper.

Meet with representatives from:  
RFSNQ Small Business Wellness Coach: Gain insight into mental health and well-being support and access free financial counselling services.  
Indigenous Business Australia (IBA): Learn about assistance for current IBA business finance and home loan customers.

Learn more about the support provided by:  
• Office of the Queensland Small Business Commissioner  
• Queensland Rural Industry and Development Authority  
• RFSNQ Small Business Financial Counselling  
• RFSNQ Small Business Wellness Coaching  
• DEYSBT Mentoring 4 Growth

Use the QR codes to register

**Kuranda Disaster Recovery Pop Up**  
Monday 5 Feb 2024  
9am - 12pm  
Kuranda Community Precinct  
18-22 Arara Street  
Kuranda

**Mareeba Disaster Recovery Pop Up**  
Tuesday 6 Feb 2024  
9am - 12pm  
Mareeba Shire Council Library  
43 Anzac Avenue  
Mareeba

**Mount Molloy Disaster Recovery Pop Up**  
Monday 5 Feb 2024  
2pm - 4pm  
National Hotel  
17 - 19 Main Street  
Mount Molloy

in proud partnership with  
Mareeba Shire Council, Tourism Tropical North Queensland, IBA, Queensland Government, Business Queensland

- Community engagement plans are a requirement of any Council capital works projects to ensure the community is informed and Council is able to work with impacted businesses to minimise disruption.



## Measure and report on our performance

Commitments	Performance self-assessment			
	Not yet	In progress	Achieved	Very well achieved
a) Seek regular feedback from small businesses to help drive continuous business improvement (e.g., surveys, engagements, councillor walks etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Monitor our performance against this charter and ensure we are meeting our commitments.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Publish a report about our performance in relation to this charter once every financial year.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Complete the SBF Accelerator Pack within 6 months of signing the charter. (for new members after 28 April 2023).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Summary of key activities and achievements in relation to this element:

- SBFC Annual Report published in September Tourism & Economic Development Quarterly Report each year
- Regular review by Tourism & Economic Development Officer of Small Business Friendly Council Charter and Commitments.

## Member requirements

Requirements	Performance self-assessment			
1. Authorised representative and proxy nominated and current.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		
2. For new members - Submitted Accelerator Action Plan to the QSBC within 6 months of joining the program.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	
3. Actively participated in at least four Roundtable meetings in the previous F.Y	0 <input type="checkbox"/>	1-2 <input type="checkbox"/>	3-4 <input checked="" type="checkbox"/>	>4 <input type="checkbox"/>
4. Provided at least one Showcase submission to the QSBC in the previous FY.	0 <input checked="" type="checkbox"/>	1-2 <input type="checkbox"/>	3-4 <input type="checkbox"/>	>4 <input type="checkbox"/>
5. Attended the Annual Conference in the previous FY.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		
6. Attended the Community of Practice workshops in the previous FY.	0 <input type="checkbox"/>	1-2 <input type="checkbox"/>	3-4 <input checked="" type="checkbox"/>	
7. Submitted Annual Report to the QSBC by 30 September for the previous FY.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		

## Additional information

- Mareeba Shire Council has received a recent announcement of rPPP grant funding of \$2,143,249 from the Australian Government to develop construction ready plans to revitalise the whole of the Mareeba CBD. The precinct plan will enable Council to have construction-ready projects to improve pedestrian accessibility, stormwater drainage and general amenity in Mareeba CBD which will help create a more inclusive, attractive



town centre for the benefit of businesses, residents, and visitors to the region. As part of the grant, it is a requirement that Council partner with another organisation. Mareeba Chamber of Commerce (MCOC) was selected as an appropriate non-financial partner for the project. Their role will be to assist Council to engage with business, community and stakeholder groups to develop the generational Mareeba CBD precinct plan by creating a line of communication for business owners to connect with and have their say, to ensure the local business environment is improved and strengthened through advocacy and networking.

*The Regional Precincts and Partnerships Program (rPPP) is an initiative by the Australian Government aimed at supporting transformative investment in regional, rural, and remote Australia. The program focuses on unifying regional places, fostering economic growth, and serving communities.*



**10.2 THE 2024 NATIONAL LOCAL ROADS, TRANSPORT AND INFRASTRUCTURE CONGRESS**

**Date Prepared:** 8 October 2024  
**Author:** Chief Executive Officer  
**Attachments:** Nil

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**EXECUTIVE SUMMARY**

The purpose of this report is to obtain Council approval for Councillor Davies to attend the National Local Roads, Transport and Infrastructure Congress scheduled to be held in Margaret River 3-4 December 2024.

**RECOMMENDATION**

That Council approves the attendance of Cr Davies at the 2024 National Local Roads, Transport and Infrastructure Congress to be held in Margaret River 3-4 December 2024.

**BACKGROUND**

The National Local Roads, Transport and Infrastructure Congress, hosted by the Australian Local Government Association, provides the opportunity to interact with federal government agencies and Local Government representatives from across the country and learn about the latest trends and developments in road safety, circular economy, decarbonising infrastructure builds, telecommunications, and technology.

**RISK IMPLICATIONS**

Nil

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

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

Nil

***Operating***

Yes

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

Yes

**LINK TO CORPORATE PLAN**

**Economy and Growth:** Promote and encourage investment in local industry to build a resilient

**IMPLEMENTATION/COMMUNICATION**

N/A



**11 CONFIDENTIAL REPORTS**

Nil

**12 BUSINESS WITHOUT NOTICE**

**13 NEXT MEETING OF COUNCIL**



## **14 FOR INFORMATION**

<b>14.1 SUMMARY OF NEW PLANNING APPLICATIONS &amp; DELEGATED DECISIONS FOR THE MONTH OF SEPTEMBER 2024</b>
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**Date Prepared:** 2 October 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 September 2024**

<b>New Development Applications</b>					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/24/0017	26/09/2024	Mareeba Mower and Camping – C & N Tilse Discretionary Trust C/- Scope Town Planning 94 Constance Street Mareeba	Lot 2 on RP715873	MCU – Warehouse and Caretakers Accommodation	Application Stage
RAL/24/0012	18/09/2024	L and E Farmer C/- N Farmer 23 Edmonds Road Julatten	Lot 80 on DA306 Lot 81 on DA174 Lots 1 & 3 on RP706426	ROL – Boundary Realignment	Stop to Current Period
RAL/24/0013	18/09/2024	K and K Prentice C/- Freshwater Planning 101 Palm Valley Road Koah	Lot 16 on RP737784	ROL – (1 into 2 Lots)	Assessment Stage
RAL/24/0014	25/09/2024	T O'Neill C/- Town Planner Neil Beck Speewah Road and 84 Cardinia Boulevard Speewah	Lot 784 on N157259 and Lot 9 on SP181514	ROL – Boundary Realignment	Assessment Stage

<b>Decision Notices issued under Delegated Authority</b>					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
RAL/24/0010	4/09/2024	C Morris and C Hallam	29 Carr Road, Julatten	Lot 1 on RP731148 and Lot 1 on RP735687	ROL – Boundary Realignment

<b>Negotiated Decision Notices issued under Delegated Authority</b>					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

<b>Change to Existing Development Approval issued</b>					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

September 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/24/0014	9/09/2024	Ngoonbi Community Services Indigenous Corporation C/- All Construction Approvals	36 Coondoo Street, Kuranda	Lot 714 on NR7409	Referral agency response for building work assessable against the Mareeba Shire Council Planning Scheme 2016 (Heritage Overlay Code)
CAR/24/0015	16/09/2024	R Petralia C/- Emergent Building Approvals	5 Debel Close, Mareeba	Lot 2 on RP901433	Referral agency response for building work assessable against a planning scheme - Flood Hazard Overlay Code
CAR/24/0016	24/09/2024	B Musmarra and L Borgert	10 Kutterbull Court, Mareeba	Lot 311 on SP342226	Referral agency response for building work assessable against the Mareeba Shire Council Planning Scheme 2016 (Class 10a Shed GFA Dispensation)

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Survey Plans Endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
Nil					

September 2024 (Regional Land Use Planning)