



# **AGENDA**

**Wednesday, 18 December 2024**

## **Ordinary Council Meeting**

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

**Date: Wednesday, 18 December 2024**

**Time: 9:00am**

**Location: Council Chambers**

**Peter Franks  
Chief Executive Officer**





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- 1 MEMBERS IN ATTENDANCE**
- 2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**
- 3 BEREAVEMENTS/CONDOLENCES**
- 4 DECLARATION OF CONFLICTS OF INTEREST**
- 5 CONFIRMATION OF MINUTES**  
  
Ordinary Council Meeting - 20 November 2024
- 6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**
- 7 DEPUTATIONS AND DELEGATIONS**



## 8 CORPORATE AND COMMUNITY SERVICES

### 8.1 ADOPTION OF AMENDING LOCAL LAWS

**Date Prepared:** 5 December 2024

**Author:** Coordinator Health & Local Laws

**Attachments:**

1. Local Law No. 1 (Administration) 2018 [CONSOLIDATED] [↓](#)
2. Local Law No. 3 (Community and Environmental Management) 2018 [CONSOLIDATED] [↓](#)
3. Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018 [CONSOLIDATED] [↓](#)
4. Subordinate Local Law No. 1 (Administration) 2018 [CONSOLIDATED] [↓](#)
5. Subordinate Local Law No. 2 (Animal Management) 2018 [CONSOLIDATED] [↓](#)
6. Subordinate Local Law No. 3 (Community and Environmental Management) 2018 [CONSOLIDATED] [↓](#)
7. Subordinate Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2018 [CONSOLIDATED] [↓](#)
8. Amending Local Law No. 1 (Miscellaneous Local Laws) 2024 [↓](#)
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10. Review of Anti-Competitive Provisions - Local Law Amendments [↓](#)
11. Elizabeth Horsburgh submits signed petition of 500 signatures objecting to proposed changes to Local [↓](#)
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13. Elizabeth Horsburgh submits petition of 59 signatures opposing to the proposed changes to Local Laws [↓](#)
14. Mareeba Shire Council receives Petition from Speewah - objection to proposed local law amendments [↓](#)

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#### EXECUTIVE SUMMARY

- On 16 October 2024, Council resolved to propose to adopt amendments to its existing Local Laws and Subordinate Local Laws and to carry out public consultation and consult with the relevant State Departments in relation to the proposed amendments.
- Council received a number of submissions through the consultation process, and these have each been considered in the context of the proposed amendments.
- For Council to proceed with amending its Local Laws, and as part of completing the local law-making process pursuant to the *Local Government Act 2009*, Council is required to pass a further resolution that adopts the amendments to its Local Laws.

**RECOMMENDATION**

That Council:

1. Pursuant to section 29(2) of the *Local Government Act 2009* (“**the Act**”), resolves to make *Amending Local Law No. 1 (Miscellaneous Local Laws) 2024* and *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024* (“**the Amending Local Laws**”); and
2. Notes that the Amending Local Laws contain an anti-competitive provision; and
3. Pursuant to section 32 of the Act, resolves to adopt a consolidated version of each of the following Local Laws and Subordinate Local Laws that incorporate the amendments contained in the Amending Local Laws:
  - (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*, and
4. Pursuant to section 257(1)(b) of the Act, resolves to delegate to the Chief Executive Officer the power to take all steps necessary to publish the Amending Local Laws, and consolidated versions of the Local Laws and Subordinate Local Law that incorporate the amendments contained in the Amending Local Laws, in accordance with sections 29B and 32 of the Act; and
5. Receive the four (4) petitions but take no further action in regard to them.

**BACKGROUND**

- The purpose of this report is for Council to adopt the Amending Local Laws and to finalise the local law amendment process pursuant to the Act.
- On 16 October 2024, Council proposed to adopt amendments to the following Local Laws:
  - (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*.

- (“**Proposed Amended Local Laws**”).

Council sought public comments on the Proposed Amended Local Laws.

Following that process, the Proposed Amended Local Laws were finalised with some amendments. The Proposed Amended Local Laws as amended are annexed to this Report as **Attachments 1 to 7** (in consolidated format).

To adhere to legislative drafting principles, the amendments need to be recorded in a separate instrument called an Amending Local Law and Amending Subordinate Local Law. The Amending Local Laws are annexed to this Report as **Attachments 8 and 9**, and reflect the changes marked up in the documents forming part of Attachments 1 to 7.

To finalise the adoption process, Council is required to adopt the Amending Local Laws. Additionally, under section 32 of the Act, Council may then prepare and adopt a consolidated version of the local laws that accurately combines the amendments identified in the Proposed Amending Local Laws.

- Public Consultation

- Council invited public consultation on the Proposed Amended Local Laws, between Friday, 18<sup>th</sup> October 2024 and Friday, 15<sup>th</sup> November 2024. Following feedback received during this period, Council decided to further extend the public consultation period to end on Wednesday, 4<sup>th</sup> December 2024.

- There were 105 formal responses and four (4) petitions received during the public consultation period (three (3) petitions are noted to be organised by the same person) and many more informal responses received through social media, which can be summarised as:

- lack of public consultation timeframe to consider the proposed amendments (Council initial public consultation period was 4 weeks, and due to community feedback, a further 2 weeks was provided); and
- The restriction of caravans on properties is not supported in a housing crisis era (the local law amendments were amended to support caravans on properties for family and friends in a housing shortage crisis); and
- Generic submissions received in relation to Council’s validity of enforcing local laws, and general negativity on Council governance as a whole; and
- The petitions were noted by Council but not formally dealt with, hence the recommendation above to receive and take no further action with regard to them in this report. The petitions claim a lack of transparency and lack of public consultation timeframes for the proposed local laws amendments.

- The majority of comments received during public consultation were in relation to matters that have been regulated under Council’s Local Laws since at least 2018, if not earlier. All of the feedback received was considered, however the majority of feedback did not relate to the current proposed amendments and is therefore not applicable. The feedback that was applicable has resulted in the following officer’s recommending the following two (2) changes to the proposed amendments:

- Keeping public place activities as originally drafted under subsection (b), in Schedule 6 of *Subordinate Local Law No. 1 (Administration) 2018*; this means that events in public places with less than fifty people do not require a permit and

- Keeping the requirement to desex an animal as originally drafted in Schedule 3 of Subordinate *Local Law No. 2 (Animal Management) 2019* which will not require animals to be desexed.
- Council Officers are not recommending any further changes.
- State Interest Check
- A State Interest Check was also undertaken during the initial public consultation period to obtain the views of the relevant State Departments in relation to Council's proposed amendments to its Local Laws, as required by section 29A of the Act.
- In response to the State Interest Check in which 15 State Departments were each contacted by Council's solicitors, Council received feedback from the following State Departments:
  1. Department of Transport and Main Roads;
  2. Queensland Fire Department;
  3. Queensland Police Service;
  4. Department of the Environment, Tourism, Science and Innovation;
  5. Department of Justice;
  6. Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development;
  7. Department of Primary Industries; and
  8. Department of Local Government, Water and Volunteers.
- The feedback received from the above Departments can be summarised as follows:
  - A number of comments related to Council's existing Local Laws that were not part of the current amendments, such as outdated legislative references, definitions, and other matters relating to prescribed activities and prohibited activities;
  - Amendments to fire hazards to include the accumulation of tyres as an example (again, not part of the current proposed amendments);
  - Training and safeguards should be considered by Council in enforcing the new offence provision for 'direction to leave a local government controlled area or road' under *Local Law No. 1 (Administration) 2018 ("LL1")* to ensure no inconsistent application with State legislation (such as the *Police Powers and Responsibilities Act 2000* and the *Human Rights Act 2019*) and consider whether this creates a general offence provision that is not consistent with the State's Guidelines for Drafting Local Laws pursuant to the *Legislative Standards Act 1992*;
  - Penalties for non-compliance with a verbal direction in relation to a prohibited or restricted activity under *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018* should be considered in conjunction with the new offence provisions under section 29B in LL1 to avoid a person being exposed to a double penalty;
  - Some comments in relation to the structure of the Local Laws, which are noted to have been based on the Model Local Law structure provided by the State for all local governments in Queensland. For example, the 'definitions' in LL1 to be provided in the last Schedule;



- Dealing with graffiti under the proposed new section 14A and ensuring responsibility is appropriately assigned to either the owner, occupier, or responsible person; and
- Applications for stay of original decisions on internal reviews under section 24 of LL1 (received as part of an Ombudsman's review during the state interest check period).
- Council Officers have considered the feedback and legal advice provided in relation to each of the comments raised during the State Interest Check and determined that some changes should be made to the original proposed amendments, which includes:
  - updating any outdated legislative references that were notified, including changes to 'emergency vehicle' in LL4 to reflect the new *Fire Services Act 1990*;
  - make any clarifying amendments to proposed amended provisions as a result of the feedback, but not substantially alter the proposed amendments;
  - amend section 24 of LL1 to remove the requirement for a person to apply to the Magistrates Court to stay an original decision in relation to an internal review, and instead operate as an automatic stay of the decision until such time as the review has been decided (which reflects the current practice); and
  - any feedback received to substantively amend provisions that were not part of the proposed amendments will be noted for future reviews but will not form part of any further amendments to the Amending Local Laws.

#### Anti-competitive Provisions Review

As part of the amendment process, Council is required to undertake a review of any possible Anti-Competitive Provisions (ACP) in accordance with section 38 of the Act and section 15 of the *Local Government Regulation 2012* ("**the Regulation**"), including the 'National Competition Policy – Guidelines for Conducting Reviews on Anti-competitive Provisions in Local Laws (Version 1)'.

This review was undertaken and is contained in **Attachment 10** to this Report ("**the ACP Review**").

The ACP Review determined that one amendment to the Proposed Amended Local Laws was considered anti-competitive, which is the new section 14A of *Local Law No. 3 (Community and Environmental Management) 2018* in relation to maintenance of premises. However, as no significant impacts were identified as being created by the anti-competitive provision, Council is not required to undertake any further review, but is required to notify the community that the Amending Local Laws contain an anti-competitive provision.

#### Adoption of Amending Local Laws

To make these amendments, Council must:

- adopt the Amending Local Laws, contained in Attachments 8 and 9, that amend the existing Local Laws and Subordinate Local Laws in the terms shown by the tracked Proposed Amended Local Laws, contained in Attachments 1 to 7; and
- adopt consolidated versions of each of the Amended Local Laws and Subordinate Local Laws.

Council is also required to note the existence of the anti-competitive provision identified as part of the ACP Review.

In view of the above, Council can adopt the Amending Local Laws by adopting the recommended resolution.

Once the resolution adopting the Amending Local Laws has been made, Council must publish notices in the Queensland Government Gazette and on its website in accordance with section 29B of the Act, within one (1) month after the day of the resolution.

## RISK IMPLICATIONS

### Legal and Compliance

- The process for amending local laws pursuant to the Act will continue to be followed to finalise the local law-making process under the Act.

The amendments provide for Council to provide good governance to the community.

## LEGAL/COMPLIANCE/POLICY IMPLICATIONS

| Legislation / Regulation  | Section  |
|---|--|
| <i>Local Government Act 2009</i>  | Section 29 (Local law making process)<br>Section 29A (State interest check)<br>Section 29B (Publication of local laws)<br>Section 32 (Consolidated versions of local laws)<br>Section 38 (Anti-competitive provisions) |
| <i>Local Government Regulation 2012</i>   | Section 14 (Local law register – Act, s31)<br>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)<br>Section 9 (Drafting of exempt instruments)  |

## FINANCIAL AND RESOURCE IMPLICATIONS

### Capital

Nil

***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

- Preston Law have been assisting Council Officers in preparing the amendments to the Local Laws.

***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.

## **IMPLEMENTATION/COMMUNICATION**

- The process for implementation is set out above. Council is required to notify the public that the amendments have been made by publishing a notice in the Gazette and on Council's website.



# **Mareeba Shire Council**

## **Local Law No. 1 (Administration) 2018**

**CONSOLIDATED VERSION NO. 1**  
**Current as at 20 December 2024**

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## 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.

<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>

<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 made under section 22 stays the operation of the original decision until the local government has made the review decision under section 23.
- (2) A stay of the operation of the original decision continues until either—
  - (a) if the review decision is to confirm the original decision—until the date specified by the local government in the review notice that confirms the date the stay of the operation of the original decision will end; or
  - (b) otherwise—when the applicant is given the review notice by the local government under section 23.

## 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.
  - (4) The time under subsection (3)(c) must be reasonable having regard to—

<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).

- (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.
- (5) The compliance notice must include, or be accompanied by, an information notice.

<sup>12</sup> See also sections 17(c) 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.

- (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;
    - (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

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<sup>16</sup> See also footnote 12.

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 under subsection (1).

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

<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.



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.

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<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 11, or the *Torres Strait Islander Land Act 1991*, section 10.

***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.

***local government controlled area***—

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<sup>33</sup> See also section 20.

- (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.

**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

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<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.

## 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 Local Law No. 1 (Miscellaneous Local Laws) 2024</i> | 20 December 2024 |       |

### 3 List of amending local laws

*Amending Local Law No. 1 (Miscellaneous Local Laws) 2024*  
Commenced on 20 December 2024

### 4 List of annotations

#### Part 2 Approvals for prescribed activities

s 6(1) om, ins 2024 No. 1 s 6(1)

s 9(1)(f) om, ins 2024 No. 1 s 7(1)

s 9(1)(g) om, ins 2024 No. 1 s 7(2)

**Part 4 Review of decisions**

s 24 om, ins 2024 No. 1 s 8(1)

**Part 5 Enforcement**

s 29A ins 2024 No. 1 s 9(1)

s 29B ins 2024 No. 1 s 10(1)

**Schedule 1 Dictionary**

sch 1 om 2024 No. 1 s 11(1)

sch 1 om, ins 2024 No. 1 s 11(2)

sch 1 om, ins 2024 No. 1 s 11(3)

sch 1 om 2024 No. 1 s 11(4)

sch 1 ins 2024 No. 1 s 11(5)

**Schedule 2 Prescribed Activities**

pt 1 ins 2024 No. 1 s 12(1)

pt 2 ins 2024 No. 1 s 12(2)

pt 2 om, ins 2024 No. 1 s 12(3)



# **Mareeba Shire Council**

## **Local Law No. 3 (Community and Environmental Management) 2018**

**CONSOLIDATED VERSION NO. 1**  
**Current as at 20 December 2024**

## Mareeba Shire Council Local Law No. 3 (Community and Environmental Management) 2018

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## 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*.

#### 14A 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 1992*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994*, the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) and the *Wet Tropics World Heritage Protection and Management Act 1993*.

<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:
  - (a) has fallen into a state of disrepair or dilapidation such that it becomes a risk to property or people in the neighbourhood;
  - (b) has become a visual blight on the neighbourhood; or
  - (c) is marked with graffiti.
- (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).

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<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 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 Services Act 1990*, section 145A regarding fires authorised by notification, section 145C regarding fires authorised by permit and section 145G regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 145A, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 30 July 2010 and the Notification for Burning of Sugar Cane published in the gazette on 31 May 2019.

<sup>10</sup> See footnote 5.

<sup>11</sup> See also the *Fire Services Act 1990*, section 145G, under which the Commissioner may by notification published in the gazette require occupiers of land to take measures to reduce the risk of fire occurring or reducing potential danger to persons, property or the 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.

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<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 2019*, section 131, 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*.

## 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 Local Law No. 1 (Miscellaneous Local Laws) 2024</i> | 20 December 2024 |       |

### 3 List of amending local laws

*Amending Local Law No. 1 (Miscellaneous Local Laws) 2024*  
Commenced on 20 December 2024

### 4 List of annotations

#### Part 3 Overgrown and unsightly allotments

|         |         |                    |
|---------|---------|--------------------|
| s 13(4) | om, ins | 2024 No. 1 s 14(1) |
| s 14A   | ins     | 2024 No. 1 s 15(1) |

s 14A(5)                      ins                      2024 No. 1 s 15(2)

**Part 4                      Fire and Fire Hazards**

s 15(1)                      om, ins                      2024 No. 1 s 16(1)

s 15(1)                      om, ins                      2024 No. 1 s 16(2)

s 16(2)                      om, ins                      2024 No. 1 s 16(3)

**Part 6                      Noise Standards**

s 21                      om, ins                      2024 No. 1 s 17(1)

**Schedule                      Dictionary**

sch                      ins                      2024 No. 1 s 18(1)



# **Mareeba Shire Council**

## **Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018**

**CONSOLIDATED VERSION NO. 1  
Current as at 20 December 2024**

## **Mareeba Shire Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018**

### **Contents**

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## **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 2020* 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 or other vehicle or aircraft, including any fire appliance, used for the purpose of fire fighting, fire prevention and/or the use of fire for land management;
  - (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>

<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).

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*Mareeba Shire Council      Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018    9*

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## **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.

## 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 Local Law No. 1 (Miscellaneous Local Laws) 2024</i> | 20 December 2024 |       |

### 3 List of amending local laws

*Amending Local Law No. 1 (Miscellaneous Local Laws) 2024*  
Commenced on 20 December 2024

### 4 List of annotations

#### Part 1 Preliminary

s 4(a) om, ins 2024 No. 1 s 20(1)

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*Mareeba Shire Council      Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018 11*

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**Part 2            Use of local government controlled areas, facilities and roads**

s 5                      om, ins                      2024 No. 1 s 21(1)

s 6(7)(b)              om, ins                      2024 No. 1 s 22(1)



# **Mareeba Shire Council**

## **Subordinate Local Law No. 1 (Administration) 2018**

**CONSOLIDATED VERSION NO. 1**

**Current as at 20 December 2024**



## Mareeba Shire Council Subordinate Local Law No. 1 (Administration) 2018

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## 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 attended by more than 50 people;
- (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;
  - (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; and
- (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   |
| dict | = | dictionary  | 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   | tbl   | = | table       |

### 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> | 1 November 2019  |       |
| 2                        | <i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024</i> | 20 December 2024 |       |

### 3 List of amending local laws

*Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019*  
Commenced on 1 November 2019

*Amending Local Law No. 1 (Miscellaneous Local Laws) 2024*  
Commenced on 20 December 2024

#### **4 List of annotations**

##### **Schedule 2 Categories of prescribed activities for the purposes of maximum penalties**

sch, pt 1 ins 2024 No. 1 s 6(1)

##### **Schedule 3 Categories of approval that are non-transferable**

sch ins 2024 No. 1 s 7(1)

##### **Schedule 6 Public place activities that are prescribed activities**

sch om, ins 2024 No. 1 s 8(1)

##### **Schedule 9A Establishment or occupation of temporary accommodation**

sch ins 2024 No. 1 s 9(1)

##### **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 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**

s 3 om, ins 2024 No. 1 s 10(1)

s 4 om, ins 2024 No. 1 s 10(2)

s 5 om, ins 2024 No. 1 s 10(3)

s 6 om, ins 2024 No. 1 s 10(4)

##### **Schedule 20 Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery**

s 3 om, ins 2024 No. 1 s 11(1)

s 4                      om, ins                      2024 No. 1 s 11(2)

s 5                      om, ins                      2024 No. 1 s 11(3)

**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**

**CONSOLIDATED VERSION NO. 3**  
**Current as at 20 December 2024**

## Mareeba Shire Council Subordinate Local Law No. 2 (Animal Management) 2018

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## 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<br/>Animal</b> | <b>Column 2<br/>Circumstances in which keeping of animal or animals<br/>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.<br>(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.<br>(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.<br>(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.<br>(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.<br>(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<br/>Animal</b> | <b>Column 2<br/>Circumstances in which keeping of animal or animals<br/>requires approval<sup>1</sup></b>   |
|---|----------------------------|---|
| 1 | Dog                        | (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.<br>(b) An approval is required to keep a dog at an approved camping ground or caravan park.                                     |
| 2 | Cat                        | (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 | Stock                      | (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 | Pigs                       | (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 | Horses                     | (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.<br>(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. |

<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<br/>Species or<br/>breed of<br/>animal</b>           | <b>Column 2<br/>Age at which<br/>animal must be<br/>desexed</b> | <b>Column 3<br/>Exemptions to the requirement for<br/>desexing</b> |
|---|--|---|--|
| 1 | <i>This table has<br/>been<br/>intentionally<br/>left blank.</i> |   |  |

## **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<br>Species or breed of animal                                 | Column 2<br>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</p>   |

|  |  |  |
|--|--|--|
|  |  | <p>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> |
|--|--|--|

**Schedule 6      Prohibition of animals in public places**

section 9

|   | <b>Column 1<br/>Public place</b> | <b>Column 2<br/>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<br>Species or breed of animal | Column 2<br>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 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</b><br><b>Species or breed of animal</b> | <b>Column 2</b><br><b>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   |
| dict | = | dictionary  | 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   | tbl   | = | table       |

### 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> | 1 November 2019  |       |
| 3                        | <i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024</i> | 20 December 2024 |       |

### 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 1 November 2019

*Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024*

Commenced on 20 December 2024

#### **4 List of Annotations**

##### **Part 1 Preliminary**

s4 amd 2019 No. 2 s 11

##### **Schedule 1 Prohibition on keeping animals**

s 1(a) amd 2019 No. 1 s 5

s 1(a) om, ins 2024 No. 1 s 13(1)

s 2(a) amd 2019 No. 1 s 5

s 2(a) om, ins 2024 No. 1 s 13(2)

s 3(a) amd 2019 No. 1 s 5

s 3 om, ins 2024 No. 1 s 13(3)

s 4 om, ins 2024 No. 1 s 13(4)

s 5 om, ins 2024 No. 1 s 13(5)

s 6 om, ins 2024 No. 1 s 13(6)

s 7, 8, 9 renum 2019 No. 2 s 12

s 7(a) om, ins 2024 No. 1 s 13(7)

s 8(a) om, ins 2024 No. 1 s 13(8)

s 9(a) om, ins 2024 No. 1 s 13(9)

##### **Schedule 2 Requirement for approval to keep animals**

s 1 om, ins 2024 No. 1 s 14(1)

s 2 om, ins 2024 No. 1 s 14(2)

s 3 om, ins 2024 No. 1 s 14(3)

s 4 om, ins 2024 No. 1 s 14(4)

s 5 om, ins 2024 No. 1 s 14(5)

**Schedule 5 Minimum standards for keeping particular animals**

tbl om, ins 2024 No. 1 s 15(1)

**Schedule 8 Requirement for proper enclosures for animals**

tbl om, ins 2024 No. 1 s 16(1)

**Schedule 9 Criteria for declared dangerous animals**

s 1(b) ins 2024 No. 1 s 17(1)

**Schedule 11 Dictionary**

dict ins 2024 No. 1 s 18(1)

dict om, ins 2024 No. 1 s 18(2)



# **Mareeba Shire Council**

## **Subordinate Local Law No. 3 (Community and Environmental Management) 2018**

**CONSOLIDATED VERSION NO. 3  
Current as at 20 December 2024**

## Mareeba Shire Council Subordinate Local Law No. 3 (Community and Environmental Management) 2018

### Contents

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## 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 Queensland Fire and Rescue Commissioner published in the gazette on 30 July 2010 under former 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;
- (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><br><b>Applicable part of local<br/>government's area</b> | <b>Column 2</b><br><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<br/>Exempt person</b>                       | <b>Column 2<br/>Declared local pest</b> |
|---|---|---|
| 1 | <i>This table has been intentionally left<br/>blank</i> |   |

### Schedule 3 Prohibited Fires

section 6(2)

|   | Column 1<br>Applicable part of local<br>government's area | Column 2 Prohibited<br>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><b><i>reasonable and practical measures</i></b> 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><b><i>suitable fuel</i></b> 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<br/>Community safety hazard</b> | <b>Column 2<br/>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<br>Section of the<br><i>Environmental<br/>Protection Act<br/>1994, Chapter 8,<br/>Part 3B, division 3</i> | Column 2<br>Prescribed noise standard  | Column 3<br>Applicable<br>part of the<br>local<br>government<br>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—<br/>pump—               <ol style="list-style-type: none"> <li>a) means an electrical, mechanical or pneumatic pump; and</li> </ol> <p><i>Examples—<br/>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>   | 1 November 2019  |       |
| 2                        | <i>Amending Subordinate Local Law No. 3 (Community and Environmental Management) 2021</i> | 7 May 2021       |       |
| 3                        | <i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024</i>   | 20 December 2024 |       |

### 3 List of amending local laws

*Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019*  
Commenced on 1 November 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

*Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024*  
Commenced on 20 December 2024

#### **4 List of annotations Definitions**

##### **Part 1 Preliminary**

s 4 amd 2019 No. 2 s 14

##### **Part 4 Fire and fire hazards**

s 7(1) om, ins 2024 No. 1 s 20(1)

##### **Part 5 Community safety hazards**

s 9 om, ins 2024 No. 1 s 21(1)

s 9A ins 2019 No. 2 s 15

##### **Schedule 3 Prohibited Fires**

s 1 amd 2019 No. 2 s 16

s 1 om, ins 2024 No. 1 s 22(1)

s 2 ins 2024 No. 1 s 22(2)

##### **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**

**CONSOLIDATED VERSION NO. 2  
Current as at 20 December 2024**

## Mareeba Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

### Contents

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## 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.

**Emergency vehicle** means a vehicle used or driven by an emergency worker in the course of carrying out their duties and includes:

- (a) a service officer of the Queensland Ambulance Service under the *Ambulance Service Act 1991* or an ambulance service of another State; or
- (b) a fire officer, fire service officer and rural fire brigade member as those terms are defined under the *Fire Services Act 1990* or a fire and rescue service officer of another State; or
- (c) a member of the Queensland Police Service or member of the police service of the Commonwealth or another State; or
- (d) a member of the State Emergency Service under the *State Emergency Service Act 2024* or a State emergency service of another State.

## **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<br>Local government controlled area or road                             | Column 2<br>Prohibited activity  |
|---|--|--|
| 1 | All local government controlled areas and roads within the local government area | <p>(a) Contravene a sign prohibiting an activity.<br/><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, except where such removal is authorised under the <i>Forestry Act 1959</i>.</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, excluding an emergency 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> |



|   |   |   |
|---|---|---|
|   |   | (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.  |
| 2 | Parks and Reserves within the local government area       | <p>(a) Play golf or practice golf.</p> <p>(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.</p>  |
| 3 | All bridges and culverts within the local government area | <p>(a) Loiter.</p> <p>(b) Dive or jump from a bridge.</p> <p>(c) Throw or drop an object from a bridge.</p> <p>(d) Obstruct or interfere with the bridge or culvert.</p>  |
| 4 | Cemeteries  | <p>(a) Depasture any animal.</p> <p>(b) Take part in any meeting other than of a religious or commemorative nature.</p> <p>(c) Disturb or interfere with a funeral service.</p> <p>(d) Discharge a firearm except at a military funeral or other recognised type of funeral service ordinarily involving such discharge.</p> <p>(e) Damage or interfere with any grave, vault or memorial with any flowers or tokens placed thereon.</p> <p>(f) Drive any vehicle otherwise than upon a designated roadway.</p> |

**Schedule 2      Restricted activities for local government controlled areas or roads**

section 5(2)

|   | <b>Column 1<br/>Local<br/>government<br/>controlled area<br/>or road</b> | <b>Column 2<br/>Restricted<br/>activity</b>     | <b>Column 3<br/>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—<br>(a) authorised by an authorised person; or<br>(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><br><b>Motor vehicle access areas</b>    | <b>Column 2</b><br><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><br><b>Local government controlled area</b> | <b>Column 2</b><br><b>Opening hours</b> |
|--|---|
| <i>This schedule has been intentionally left blank.</i>    |   |

*Mareeba Shire Council*

*Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities  
and Roads) 2018*

*12*

## **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  | tbl   | = table       |

### 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> | 1 November 2019  |       |
| 2                        | <i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024</i> | 20 December 2024 |       |

### 3 List of amending local laws

*Amending Subordinate Local Law No. 2 (Miscellaneous Subordinate Local Laws) 2019*

Commenced on 1 November 2019

*Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024*

Commenced on 20 December 2024

#### 4 List of annotations

##### Part 1 Preliminary

s 4(2) om 2024 No. 1 s 24(1)

s 4(2) om, ins 2024 No. 1 s 24(2)

##### Schedule 1 Prohibited activities on local government controlled areas or roads

s 1(b) om, ins 2024 No. 1 s 25(1)

s 1(d) om 2019 No. 1 s 19(1)

s 1 renum 2019 No. 1 s 19(2)

s 1(i) om, ins 2024 No. 1 s 25(2)

s 1(m), (n) ins 2024 No. 1 s 25(3)

##### Schedule 2 Restricted activities for local government controlled areas or roads

tbl om, ins 2024 No. 1 s 26(1)

## Mareeba Shire Council Amending Local Law No. 1 (Miscellaneous Local Laws) 2024

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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; and
- (b) to amend *Local Law No. 3 (Community and Environmental Management) 2018* to:
  - (i) make amendments to outdated legislative and other references, and other clarifying amendments;
  - (ii) insert new requirements and offence provisions for the maintenance of premises; and
  - (iii) insert a new definition for graffiti; and
- (c) to amend *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018* to:
  - (i) make amendments to outdated legislative references;
  - (ii) insert a new offence provision for complying with a verbal direction of an authorised person to cease undertaking a prohibited activity or restricted activity; and
  - (iii) to expand the definition of emergency vehicle.

**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
- (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 of 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 of section 9 (Local government's discretion in granting approvals)**

- (1) Section 9(1)(f), ‘section 5(b)’—

*omit, insert—*

section 5(a)

- (2) Section 9(1)(g), ‘section 5(c)’—

*omit, insert—*

section 5(b)

**8 Amendment of section 24 (Stay of operation of original decision)**

(1) Section 24—

*omit, insert—*

- (1) A review application made under section 22 stays the operation of the original decision until the local government has made the review decision under section 23.
- (2) A stay of the operation of the original decision continues until either—
  - (a) if the review decision is to confirm the original decision— until the date specified by the local government in the review notice that confirms the date the stay of the operation of the original decision will end; or
  - (b) otherwise— when the applicant is given the review notice by the local government under section 23.

**9 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.

## 10 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 under subsection (1).

Maximum penalty—50 penalty units.

## 11 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, DOGIT land, ‘section 13’—

*omit, insert—*

section 11

- (3) Schedule 1, definitions, DOGIT land, ‘section 12’—

*omit, insert—*

section 10

- (4) Schedule 1, definitions, local government controlled area, subsection (d)—

*omit.*

- (5) 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.

## 12 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 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 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**

#### **13    Local law amended**

This part amends *Local Law No. 3 (Community and Environmental Management) 2018*.

#### **14    Amendment of section 13(4) (Overgrown and unsightly allotments)**

- (1) Section 13(4) footnote 6, after ‘*Fisheries Act 1994*’—  
*omit, insert—*

, the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) and the *Wet Tropics World Heritage Protection and Management Act 1993*.

#### **15    Insertion of new section 14A (Maintenance of premises)**

- (1) Section 14A—  
*insert—*

##### **14A 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;
    - (b) become a visual blight on the neighbourhood; or
    - (c) is marked with graffiti.
  - (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).

- (2) Section 14A(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.

## **16 Amendment of section 15 (Regulation of lighting and maintaining fires in the open)**

- (1) Section 15(1), ‘*Fire and Emergency Services Act 1990*’ —

*omit, insert—*

*Fire Services Act 1990*

- (2) Section 15(1) footnote 9 —

*omit, insert—*

See the *Fire Services Act 1990*, section 145A, regarding fires authorised by notification, section 145C regarding fires authorised by permit and section 145G, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 145A, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 30 July 2010 and the Notification for Burning of Sugar Cane published in the gazette on 31 May 2019.

- (3) Section 16(2) footnote 10, ‘and Emergency’ —

*omit, insert—*

See also the *Fire Services Act 1990*, section 145G, under which the Commissioner may by notification published in the gazette require occupiers of land to take measures to reduce the risk of fire occurring or reducing potential danger to persons, property or the environment in the event of fire occurring.

## **17 Amendment of section 21 (Prescribed noise standards)**

- (1) Section 21(1), footnote 13, ‘*Environmental Protection Regulation 2008*, section 99,’ —



*omit, insert—*

*Environmental Protection Regulation 2019*, section 131,

## **18 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**

### **19 Local law amended**

This part amends *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*.

### **20 Amendment of section 4 (Relationship with other laws)**

- (1) Section 4(a) footnote 2, ‘*Land Regulation 1995*’—

*omit, insert—*

*Land Regulation 2020*

### **21 Amendment of section 5 (Prohibited and restricted activities)**

- (1) Section 5, after subsection (4)—

*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.

- (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.

**22 Amendment of section 6 (Motor vehicle access to local government controlled areas)**

- (1) Section 6(7)(b), after ‘fire engine’—

*insert—*

or other vehicle or aircraft, including any fire appliance used for the purpose of fire fighting, fire prevention and/or the use of fire for land management;

## **Mareeba Shire Council Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2024**

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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; and
  - (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 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; and
  - (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; and
  - (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 5, *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, after ‘undertaking regulated activities regarding human remains’—

*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—*

8 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 attended by more than 50 people;
- (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—

*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;
  - (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’—

*omit, 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, from ‘It is a condition’ to ‘must be advised’—

*omit, insert—*

*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; and
- (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—*

#### **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.*

- (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, section 1, 'Dog', 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, section 2, 'Cat', 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, section 3, 'Poultry', 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 20,000m<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) Schedule 1, Table, section 4, 'Rooster', 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, section 5, 'Noisy bird', 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, section 6, 'Caged bird', 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, section 7, 'stock (excluding horses)', 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, section 8, 'Pigs', 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, section 9, 'Horses', 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, section 1, 'Dog', 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, section 2, 'Cat', 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, section 3, 'Stock', 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, section 4, 'Pigs', 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, section 5, 'Horses', 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 5 (Minimum standards for keeping particular animals)**

- (1) Schedule 5, Table—

*omit, insert—*

|    | <b>Column 1<br/>Species or breed<br/>of animal</b>                                    | <b>Column 2<br/>Minimum standards for keeping animals</b>  |
|----|---|--|
| 1. | Horse,<br>Cattle,<br>Donkey, Sheep,<br>Goat and other<br>animals of a<br>similar size | <p>(a) If a stable is constructed—</p> <p>(i) a covered receptacle for manure or other offensive matter must be kept in the stable; and</p> <p>(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</p> <p>(iii) the interior of a stable must be sprayed at least once in every 3 months with a germicidal spray; and</p> <p>(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</p> <p>(v) the stable must be constructed in accordance with provisions of the</p> |

|    |         |   |
|----|---------|---|
|    |         | <p><i>Building Act 1975</i> and any applicable codes as defined by that Act; and</p> <p>(vi) any part of a stable must not be situated—</p> <p>(A) 10m from an adjoining boundary of an allotment that is 2,000m<sup>2</sup> or more; and</p> <p>(B) 1m from any dwelling; and</p> <p>(C) 15m from any structure in which food for human consumption is processed or stored; and</p> <p>(D) 6m from a roadway; and</p> <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> <p>(i) within 10m of a dwelling or place where food is kept, processed or stored; and</p> <p>(ii) within 2m of any property boundary or a road; and</p> <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> <p>(i) 10m from an adjoining boundary; and</p> <p>(ii) 15m from any dwelling; and</p> <p>(iii) 15m from any structure in which food for human consumption is processed or stored; and</p> <p>(iv) 6m from a roadway; and</p> <p>(v) 20m from any watercourse, well or bore.</p>   |

**16 Amendment of schedule 8 (Requirement for proper enclosures for animals)**

(1) Schedule 8, Table—

*omit, insert—*

|    | <b>Column 1<br/>Species or breed<br/>of animal</b> | <b>Column 2<br/>Requirements for proper enclosures</b>  |
|----|--|---|
| 1. | All Animals  | <p>(a) To the reasonable satisfaction of an authorised person the enclosure—</p> <p>(i) must be suitably fenced to contain the animal;</p> <p>(ii) must be of a size appropriate to the species and breed of the animal to be enclosed;</p> <p>(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</p> <p>(iv) must contain adequate shelter for all animals kept in the enclosure; and</p> <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> <p>(i) escaping over, under, through or around the fence;</p> <p>(ii) protruding over, under, through or around the fence; and</p> <p>(iii) attacking a person or animal over, under, through or around the fence.</p> <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</p>   |

|    |                              |   |
|----|------------------------------|---|
|    |                              | <p>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 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—<br/><i>"Beware – Guard dog (or dogs) on premises"</i></li> </ul> <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> </ul>   |

|    |         |   |
|----|---------|---|
|    |         | <ul style="list-style-type: none"> <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 the manufacture, preparation or storage of food for human consumption.</li> </ul> |

#### 17 Amendment of schedule 9 (Criteria for declared dangerous animals)

- (1) Section 1(b), after ‘another person’ —

*insert—*

or animal

#### 18 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**

### **19   Subordinate local law amended**

This part amends *Subordinate Local Law No. 3 (Community and Environmental Management) 2018*.

### **20   Amendment of section 7 (Prohibition on lighting or maintaining fires—Authorising local law, s 15(2))**

- (1) Section 7(1), footnote 1, from ‘Pursuant to a notification’ to ‘section 63’—

*omit, insert—*

by the Queensland Fire and Rescue Commissioner published in the gazette on 30 July 2010 under former

### **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, section 1, ‘Entire local government area’, 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 ‘section 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), definitions, ‘camp’—

*omit.*

- (2) Section 4(2), definitions, in alphabetical order—

*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.

***Emergency vehicle*** means a vehicle used or driven by an emergency

worker in the course of carrying out their duties and includes:

- (a) a service officer of the Queensland Ambulance Service under the *Ambulance Service Act 1991* or an ambulance service of another State; or
- (b) a fire officer, fire service officer and rural fire brigade member as those terms are defined under the *Fire Services Act 1990* or a fire and rescue service officer of another State; or
- (c) a member of the Queensland Police Service or member of the police service of the Commonwealth or another State; or
- (d) a member of the State Emergency Service under the *State Emergency Service Act 2024* or a State emergency service of another State.

**25 Amendment of schedule 1 (Prohibited activities for local government controlled areas or roads)**

- (1) Schedule 1, section 1(b), ‘All local government controlled areas and roads within the local government area’—

*omit, insert—*

- (a) Remove any turf, sand, clay, soil or other material, except where such removal is authorised under the *Forestry Act 1959*.

- (2) Schedule 1, section 1(i), ‘All local government controlled areas and roads within the local government area’—

*omit, insert—*

- (i) Park, stand or leave an unregistered vehicle, excluding an emergency vehicle, on a local government controlled area.

- (3) Schedule 1, section 1, ‘All local government controlled areas and roads within the local government area’, 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—*

|   | <b>Column 1<br/>Local<br/>government<br/>controlled<br/>area or road</b> | <b>Column 2<br/>Restricted<br/>activity</b>     | <b>Column 3<br/>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—<br>(a) authorised by an authorised person; or<br>(b) the vehicle is parked in an area designated by the local government for the purpose. |



**Mareeba Shire Council  
Review of Possible Anti-Competitive Provisions**

**Local Law Amendments 2024**

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## Introduction

Section 38 of the *Local Government Act 2009* (“the Act”) provides:

### 38 Anti-competitive provisions

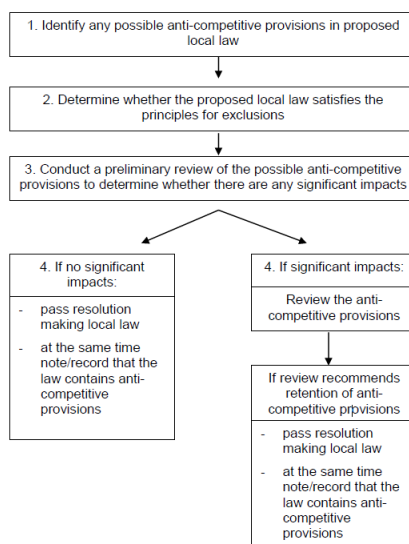
- (1) *A local government must not make a local law that contains an anti-competitive provision unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions.*
- (2) *A local law, to the extent that it is contrary to this section, has no effect.*
- (3) *This section does not apply to an interim local law.*

The procedures prescribed under a regulation are set out in section 15 of the *Local Government Regulation 2012* (“the Regulation”). Section 15 of the Regulation requires Council to undertake a review of new Local Laws for anti-competitive provisions in accordance with the ‘National Competition Policy Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws – Version 1’ (“the Guidelines”).

An anti-competitive provision in Local Laws (“**anti-competitive provision**”) means a provision that a regulation identifies as creating barriers to—

- (a) entry to a market; or
- (b) competition within a market.<sup>1</sup>

The process for undertaking a review of anti-competitive provisions in a local law is set out in the Guidelines and is summarised by the below table.



<sup>1</sup> *Local Government Act 2009* (Qld), Schedule 4 - Dictionary



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#### **Proposed Amendments to Local Laws**

Council is proposing to adopt amendments to a number of its Local Laws and Subordinate Local Laws to which section 38 of the Act and section 15 of the Regulation applies.

The Local Laws and Subordinate Local Laws being amended are:

- *Local Law No. 1 (Administration) 2018;*
- *Local Law No. 3 (Community and Environmental Management) 2018;*
- *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018;*
- *Subordinate Local Law No. 1 (Administration) 2018;*
- *Subordinate Local Law No. 2 (Animal Management) 2018;*
- *Subordinate Local Law No. 3 (Community and Environmental Management) 2018; and*
- *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018.*

**("the Local Law Amendments")**



---

## **Step 1 – Identification of Anti-Competitive Provisions**

### **Barriers to Entering the Market**

This type of anti-competitive provision in a Local Law involves either prohibiting particular business activities or placing obligations on the operators of business activities.

### **Restricting Competition in the Market**

This type of anti-competitive provision in a Local Law involves giving some benefit or imposing some hindrance on particular business operators.

## **Step 2 – Determination of Exclusions**

In some cases, Local Laws which, on their face, contain anti-competitive provisions are expressly excluded from a requirement to review them.

The particular types of local laws excluded from the review of anti-competitive provisions are:

1. Local Laws that regulate the behaviour of individuals;
2. Local Laws that deal solely with internal administrative procedures of a local government;
3. Local Laws that are intended as a legitimate measure to combat the spread of pest and disease;
4. Local Laws that ensure accepted public health and safety standards are met; and
5. Repealing Local Laws,

("Relevant Exclusion").

### **Application of Steps 1 and 2**

This part of the Review will seek to identify anti-competitive provisions in the Local Law Amendments and determine whether any Relevant Exclusion applies.

If an anti-competitive provision is identified but a Relevant Exclusion does not apply, this Review will go on to apply the subsequent steps for reviewing anti-competitive provisions as set out in the Guideline.

### ***Local Law No. 1 (Administration) 2018 ("LL1")***

#### **Purpose of amendments**

The purpose of the proposed amendments to LL1 is 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.

Possible anti-competitive provisions and application of Relevant Exclusions

| Possible Anti-Competitive Provision  | Explanatory Comments   | Application of a Relevant Exclusion   |
|--|--|---|
| Section 29A – Direction to leave a local government controlled area or road  | <p>This amendment introduces a new offence provision for a person on a local government controlled area or road that is contravening or has just contravened a provision of the local law and has not complied with a direction given by an authorised person to leave the area and not re-enter within a stated period of time.</p> <p>As there are some business operators that hold Council approvals to conduct activities on Council land, this provision could arguably be considered a restriction of competition in the market by imposing some hindrance on an operator if believed to be in contravention of the local law and therefore be considered anti-competitive.</p> | The proposed amendments are introduced to regulate the behaviour of individuals on local government controlled areas and roads, and to ensure public health and safety standards are met. Therefore, this proposed amendment is not considered to be anti-competitive as relevant exclusions apply. |
| Section 29B – Directions generally   | <p>This amendment introduces a new offence provision for a person committing a breach of a local law to cease the conduct or activity and take such action as required by an authorised person.</p> <p>As there are some business operators that hold Council approvals to undertaken activities on Council land, this provision could arguably be considered a restriction of competition in the market by imposing some hindrance on an operator if believed to be committing a breach of a local law and therefore be considered anti-competitive.</p>  | The proposed amendments are introduced to regulate the behaviour of individuals and therefore is not considered to be anti-competitive as a relevant exclusion applies.   |
| Schedule 2, Part 2, Definition of prescribed activities – ‘Establishment or occupation of temporary accommodation’ | This is a new prescribed activity for which approval is required from the local government for the use of temporary accommodation, i.e. a caravan, on a property with an existing dwelling for use by family members or friends of the property owner who are suffering  | This provision would be excluded from the review of anti-competitive provisions because it is in the interests of regulating the behaviour of individuals for public safety purposes, and further or alternatively, intended to ensure accepted public health and                                   |



|  |   |  |
|--|---|--|
|  | <p>hardship and unable to find other temporary or permanent accommodation.</p> <p>The proposed amendments could arguably affect businesses that offer temporary accommodation, thereby creating a restriction to competition within the market, and therefore may be considered anti-competitive.</p> | <p>safety standards are met. Therefore, relevant exclusions apply.</p> |
|--|---|--|

***Local Law No. 3 (Community and Environmental Management) 2018 ("LL3")***

Purpose of amendments

The purpose of the proposed amendments to LL3 is to:

- (a) insert new requirements and offence provisions for the maintenance of premises; and
- (b) insert a new definition for graffiti.

Possible anti-competitive provisions and application of Relevant Exclusions

| Possible Anti-Competitive Provision   | Explanatory Comments  | Application of a Relevant Exclusion  |
|---------------------------------------|---|--|
| Section 14A – Maintenance of Premises | <p>This new provision places requirements on an owner, occupier or responsible person for an allotment or structure:</p> <ul style="list-style-type: none"> <li>(a) not to allow it to fall into a state of disrepair or dilapidation such that it becomes a risk to property or people in the neighbourhood;</li> <li>(b) to ensure the allotment or structure does not become a visual blight; and</li> <li>(c) to remove graffiti from a building that has been marked with graffiti.</li> </ul> <p>The provision applies to all properties, including commercial properties. The proposed amendment, if applied to a commercial premises, could arguably be considered a barrier to entering the market by placing obligations on the operators of business activities (if they're responsible for the allotment or structure). Therefore, it could be considered anti-competitive.</p> | <p>No relevant exclusion applies. Possible anti-competitive provision.</p> |



**Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018 ("LL4")**

Purpose of amendments

The purpose of the proposed amendments to this LL4 is to:

- (a) insert a new offence provision for complying with a verbal direction of an authorised person to cease undertaking a prohibited or restricted activity.

Council considers that the proposed amendments do not create a barrier to entering the market, nor restrict competition within a market. As such, the proposed amendments to LL4 do not contain any anti-competitive provisions and so no further analysis is required.

**Subordinate Local Law No. 1 (Administration) 2018 ("SLL1")**

Purpose of amendments

The purpose of the proposed amendments to this SLL1 is to:

- (a) make changes to the categories of prescribed activities and categories that are non-transferrable;
- (b) make changes to the activities that are considered public place activities;
- (c) provide for a new prescribed activity for the establishment or occupation of temporary accommodation; and
- (d) provide for additional requirements for activities regarding human remains.

Possible anti-competitive provisions and application of Relevant Exclusions

| Possible Anti-Competitive Provision                                  | Explanatory Comments   | Application of a Relevant Exclusion   |
|--|--|---|
| Schedule 6 – Public place activities                                 | <p>The purpose of the amendments to Schedule 6 are to amend the types of activities that are considered public place activities that require an approval.</p> <p>The activities listed may be considered anti-competitive to the extent they place obligations on businesses to obtain a permit.</p>                             | The proposed amendments are introduced to regulate the behaviour of individuals and to ensure that public health and safety standards are met. Therefore, these amendments are not considered to be anti-competitive as relevant exclusions apply.  |
| Schedule 9A – Establishment or occupation of temporary accommodation | This is a new prescribed activity for which approval is required from the local government for the use of temporary accommodation, i.e. a caravan, on a property with an existing dwelling for use by family members or friends of the property owner who are suffering hardship and unable to find other temporary or permanent | This provision would be excluded from the review of anti-competitive provisions because it is in the interests of regulating the behaviour of individuals for public safety purposes, and further or alternatively, intended to ensure accepted public health and safety standards are met. Therefore, relevant exclusions apply. |



|  |  |  |
|--|--|--|
|  | <p>accommodation.</p> <p>The proposed amendments could arguably affect businesses that offer temporary accommodation, thereby creating a restriction to competition within the market, and therefore may be considered anti-competitive.</p> |  |
|--|--|--|

### ***Subordinate Local Law No. 2 (Animal Management) 2018 ("SLL2")***

#### Purpose of amendments

The purpose of the proposed amendments to SLL2 is 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) amend the definitions.

#### Possible anti-competitive provisions and application of Relevant Exclusions

| Possible Anti-Competitive Provision                           | Explanatory Comments   | Application of a Relevant Exclusion  |
|---|--|--|
| Schedule 5 – Minimum standards for keeping particular animals | <p>The purpose of the amendments in Schedule 5 is to provide for the minimum standards if keeping particular animals.</p> <p>To the extent the keeping of animals is associated with particular business activities, they may be considered anti-competitive as they place obligations on business operators that are keeping the animals to comply with the requirements.</p> | The proposed amendments are introduced to combat the spread of pest and disease, and to ensure that accepted public health and safety standards are met. Therefore, these amendments are not considered to be anti-competitive as relevant exclusions apply. |
| Schedule 6 – Requirements for proper enclosure of animals     | <p>The purpose of the amendments in Schedule 6 is to specify the requirements for property enclosures for keeping particular animals.</p> <p>To the extent the animals to be kept in enclosures are associated with particular</p>   | The proposed amendments are introduced to combat the spread of pest and disease, and to ensure that accepted public health and safety standards are met. Therefore, these amendments are not considered to be anti-competitive as relevant exclusions apply. |



|  |  |  |
|--|--|--|
|  | business activities, they may be considered anti-competitive as they place obligations on business operators that are keeping the animals to comply with the requirements. |  |
|--|--|--|

***Subordinate Local Law No. 3 (Community and Environmental Management) 2018 ("SLL3")***

Purpose of amendments

The purpose of the proposed amendments to SLL3 is to:

- (a) make changes to the provisions regarding declared community safety hazards; and
- (b) provide for additional requirements regarding prohibited fires.

Council considers that the proposed amendments do not create a barrier to entering the market, nor restrict competition within a market. As such, the proposed amendments to SLL3 do not contain any anti-competitive provisions and so no further analysis is required.

***Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018 ("SLL4")***

Purpose of amendments

The purpose of the proposed amendments to SLL4 is 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.

Council considers that the proposed amendments do not create a barrier to entering the market, nor restrict competition within a market. As such, the proposed amendments to SLL4 do not contain any anti-competitive provisions and so no further analysis is required.

**Step 3 – Preliminary Review of Anti-Competitive Provisions for Local Laws**

Under the Guidelines, if a Relevant Exclusion is not applied to an anti-competitive provision under Steps 1 and 2, Council must undertake an assessment of the anti-competitive provisions to determine whether significant impacts will exist if the provisions are adopted.

In determining whether significant impacts exist, Council must consider the following factors:

- 1. the probability of impacts occurring;
- 2. the size and characteristics of the affected businesses;
- 3. the intensity of the potential impact on affected business;
- 4. whether particular businesses will incur a disproportionate impact;
- 5. the duration of the impact (for example ongoing or "one off").



Examples of potentially significantly impacts include:

- where a Local Law will impact on a relatively significant number of businesses;
- where a Local Law will impose significant restrictions on business operating in the local government area;
- where businesses will be required to pay a substantial yearly licencing fee to operate;
- where one type of business will be regulated to a lesser degree than other businesses providing the same or similar products.

Where no significant impacts are identified from the anti-competitive provisions, Council is not required to undertake any further review, but must notify the community of the existence of the anti-competitive provisions when making the Local Law.

If significant impacts are identified the local government is required to review the anti-competitive provisions in line with the guidelines developed by the Department of State Development, Infrastructure, Local Government and Planning for conducting public benefit tests for legislation.

#### **Section 14A of LL3 – Maintenance of Premises**

##### Context

This new provision places requirements on an owner, occupier or responsible person for an allotment or structure:

- not to allow it to fall into a state of disrepair or dilapidation such that it becomes a risk to property or people in the neighbourhood;
- to ensure the allotment or structure does not become a visual blight; and
- to remove graffiti from a building that has been marked with graffiti.

The provision applies to all properties, including commercial properties. The proposed amendment, if applied to a commercial premises, could arguably be considered a barrier to entering the market by placing obligations on the operators of business activities (if they are responsible for the allotment or structure). Therefore, it could be considered anti-competitive.

##### The factors that must considered

| Consideration  | Impact, rating and rationale  |
|--|---|
| <b>Probability of impacts occurring</b>                        | It is anticipated that the probably of impacts occurring to businesses will be relatively low as the provision will apply to all properties in the local government area and is not specifically targeted at businesses.  |
| <b>The size and characteristics of the affected businesses</b> | This requirement imposed in LL3 applies to all properties within the local government area and not just commercial business properties, so the requirements will apply equally to all businesses that have allotments or structures that do not meet the requirements of section 15A. |
| <b>The intensity of the potential</b>                          | The intensity of potential impact on affected businesses is likely to be  |



|   |  |
|---|--|
| <b>impact on affected businesses</b>                                  | low.   |
| <b>Where particular businesses will incur disproportionate impact</b> | The local law is applied to all businesses and no disproportionate impacts were identified.  |
| <b>Duration of the impact</b>   | Section 14A will be an ongoing requirement, however, the duration of impact on a business will be limited to obtaining compliance with the requirements. |

#### Conclusion

In assessing the anti-competitive provision, it is determined that no significant impacts will exist if the provisions are adopted.

Council did not identify any businesses that may be particularly affected and no significant impacts on current or potential businesses were identified. Additionally, there was no disparity between types of businesses identified.

As Council has determined that there are no significant impacts from the anti-competitive provision, Council is not required to undertake any further review, but will be required to notify the community of the existence of the anti-competitive provision when making the Local Law Amendments.

#### Summary of Review

Council has concluded that the proposed amendments to LL1, LL4, SLL1, SLL2, SLL3 and SLL4 do not contain any anti-competitive provisions and can be excluded from the need to further review them because the proposed amendments are:

- in the interests of regulating the behaviour of individuals;
- intended as a legitimate measure to combat the spread of pest and disease; and/or
- designed to ensure accepted public health and safety standards are met,

and, accordingly, no further review is required.

In respect of the anti-competitive provision identified in section 14A of LL3, Council has determined that there are no significant impacts created by the anti-competitive provision, and as such, when passing the resolution to make the Local Law Amendments, Council will be required to notify the community of the existence of the anti-competitive provision.

[kurandanils@kurandanc.org.au](mailto:kurandanils@kurandanc.org.au)

**From:** Elizabeth Horsburgh <ehorsburgh300@gmail.com>  
**Sent:** Friday, 15 November 2024 10:25 AM  
**To:** kurandanils@kurandanc.org.au  
**Subject:** Fwd: for printing



Elizabeth Horsburgh, 3 Saddle Mountain Road, Kuranda  
 4881 email: [ehorsburgh300@gmail.com](mailto:ehorsburgh300@gmail.com)

15 November 2024

Mayor Toppin

Mareeba Shire Council, email: [mayor@msc.qld.gov.au](mailto:mayor@msc.qld.gov.au)

Dear Mayor Toppin,

**RE: MAREEBA SHIRE COUNCIL'S INVITATION  
 TO STAKEHOLDERS OF MAREEBA SHIRE  
 TO SUBMIT WRITTEN SUPPORT OR OBJECTIONS  
 TO THE PROPOSED AMENDMENTS TO LOCAL LAWS**

As a result of a meeting held with a group of Kuranda residents, ratepayers and stakeholders on 7 November 2024, a petition was generated to request a delay in the cut-off period i.e. 15 November 2024, to 15 January 2025, prior to MSC proceeding with the PROPOSED AMENDMENTS TO LOCAL LAWS.

Herewith are signatures to the petition generated on 7 November 2024 and noted in the top right hand corner as "071124". This document was emailed to the Minister for Local Govt Qld, Ann Leahy on 10 November 2024 and cc'd to Mareeba Shire Mayor, Councillors and CEO. We, the community, require and request an extension to the cutoff date 15 November 2024 to become 15 January 2025.

**Signatories to this petition (shown to Kuranda community members between 10 and 15 November 2024) knew nothing of the PROPOSED AMENDMENTS.**

The community is interested and willing to submit written support or objections, as invited by Mareeba Shire Council. But we are unable to interact properly with MSC on this issue until 15 January 2025 as the overall scope of the AMENDMENTS TO LOCAL LAWS as



displayed on the MSC website is many pages, and requires thought and consideration beyond the few days in which this matter has come to our attention.

We look forward to the Mareeba Shire Council's timely reply to our request.

Sincerely,

Elizabeth Horsburgh



on behalf of Kuranda Ratepayers, Residents, and stakeholders

Cc:

Peter Franks, CEO MSC

Mayor Angela Toppin

Deputy Mayor Lenore Wyatt

Councillor Amy Braes

Councillor Nipper Brown

Councillor Ross Cardillo

Councillor Kevin Davies

Councillor Mary Graham



Mareeba Shire residents and ratepayers request MSC extend the current deadline for submissions currently being 15<sup>th</sup> of November 2024, to allow all stakeholders additional time to peruse the documents and put forward their submissions, supporting or objecting to the proposed amendments.




We strongly encourage MSC to adopt Best Practice Community Consultation and extend the deadline.

We, the undersigned below, hereby request and require an extension of time to Friday 17th January 2025 to enable stakeholders to properly consider and respond to the proposed Amended Local Laws.






| Name           | Address                                    | Signature     |
|----------------|--|---------------|
| Clare Hensley  | 146 Austin Rd, Oak Forest                  | Clare Hensley |
| Kevin Hensley  | 146 Austin Rd Oak Forest                   | Kevin Hensley |
| JAMES LAKE     | 352 JEFFREY RD, KURANDA, 4881              | James Lake    |
| LIZ CHAPPEL    | 352 JEFFREY RD, KURANDA, 4881              | Liz Chappel   |
| BERNARD DREW   | 2109 KENNEDY HWY SPEEWAY 4881              | Bernard Drew  |
| Ann Benwell    | 2109 Kennedy Hwy Speewah 4881              | Ann Benwell   |
| Brad Hudson    | Shane Ct Kuranda                           | Brad Hudson   |
| Hamish Gibson  | B Fairy Land Rd Kuranda                    | Hamish Gibson |
| SUE McLEAN     | ATTORSTON / MAREEBA                        | Sue McLean    |
| Roderick Newby | Kuranda                                    | R. Newby      |
| C. J. Mott     | MBA  | C. J. Mott    |
| Veeda Latnove  | Fairland Rd Kuranda                        | Veeda Latnove |
| J. Finnie      | PLATYPUS close Kuranda                     | J. Finnie     |
| NK BUNCH       | 1 DUNSTON ST MAREEBA                       | NK BUNCH      |
| Peter Dufford  | 250 Cedar Park Rd, Kook                    | Peter Dufford |
| Sue Robinson   | 22 Railway St Kuranda<br>sueobie@yahoo.com | Sue Robinson  |

ASK MAREEBA SHIRE COUNCIL FOR EXTENSION OF TIME  
TO RESPOND TO THEIR PROPOSAL TO AMEND LOCAL LAWS;

M




















| NAME            | SIGNATURE   | EMAIL                    | ADDRESS              |
|-----------------|---|--------------------------|----------------------|
| Jacqueline Sich |  | jacquieslasher@gmail.com | 14 Warvil dr Kuranda |
| Donna Simon     |  | sannydimony@yahoo.com.au | Kuranda              |
| Zapp Maxfield   |  | maxfields@bigpond.com    | 497 Koah Rd, Koah    |

ASK MAREEBA SHIRE COUNCIL FOR EXTENSION OF TIME  
TO RESPOND TO THEIR PROPOSAL TO AMEND LOCAL LAWS: IN
















| NAME            | SIGNATURE   | EMAIL                      | ADDRESS                   |
|-----------------|---|----------------------------|---------------------------|
| Suzanne JACOBS. |  | SZUSZIB118@gmail.com       | 9 FAIRYLAND ROAD, KURANDA |
| CARLY JACOBS    |  | Cjacobs3105@gmail.com      | 9 FAIRYLAND ROAD, KURANDA |
| K Hainaut       |  | 23 Cadogan Dr.             | KURANDA                   |
| Joe Kenny       |  | joe.kenny@gmail.com        | 3 POSSUMCREEK SPEARHEAD   |
| ANDY MATTHEWS   |  | ANDYMATTHEWS2017@GMAIL.COM | 497 KOAH RD KOAH          |

ASK MAREEBA SHIRE COUNCIL FOR EXTENSION OF TIME  
TO RESPOND TO THEIR PROPOSAL TO AMEND LOCAL LAWS.

19/

| NAME                 | SIGNATURE   | EMAIL                         | ADDRESS                         |
|----------------------|---|-------------------------------|---------------------------------|
| Shannon Duffin       |    | sduffin82@outlook.com         | 88 Kuranda Heights Rd, Kuranda. |
| GENELE WILLIAMS      |    | GeneleWilliams30@gmail.com    | Kuranda                         |
| Gaby Schieter        |    | gaschi21@hotmail.com          | Kuranda                         |
| REX RILEY            |    | latialevers@gmail.com         | Kuranda.                        |
| Latia Levers         |    | Shanie.wason2@gmail.com       | Kuranda.                        |
| SHANIE WASON         |    | HUMER LAURENCE 07@gmail.com   | KURANDA                         |
| LAURENCE HUMER       |    | dallasw2013@gmail.com         | KURANDA                         |
| Dallas Dixon         |    | maddie-cox1@hotmail.com       | Kuranda                         |
| Maddie Cox           |    | cherietremain@gmail.com       | Kuranda                         |
| CHERIE TREMAIN       |    | sdicarton@yahoo.com           | Kuranda                         |
| SHARIE CARTON        |    | lucyavira88@gmail.com         | Kuranda                         |
| Lucy Coldsman        |    | jordan.28@bigpond.com         | Kuranda                         |
| Mark Schotte         |    | mandyandjohn@outlook.com      | Kuranda                         |
| Mandy Daubyshire     |   | john.volf@optusnet.com.au     | Kuranda                         |
| John Volf            |  | Sunnysidekids@optusnet.com.au | Kuranda                         |
| Zora Volf            |  | williamandkennie@gmail.com    | Kuranda - 5/24 Breen St         |
| William Davies-Riley |  | Jela Hadden                   | KURANDA                         |
| TARA HADDEN          |  | rbradshaw73@hotmail.com       | KURANDA                         |
| RICHARD BRADSHAW     |  |                               |                                 |

ASK MAREEBA SHIRE COUNCIL FOR EXTENSION OF TIME  
TO RESPOND TO THEIR PROPOSAL TO AMEND LOCAL LAWS. 5

| NAME                  | SIGNATURE   | EMAIL                                      | ADDRESS   |
|-----------------------|---|--|---|
| JOAN CRADLEY          |    | micknpela.jacobson@gmail.com               | 1-3 - Coondoo<br>KURANDA                              |
| JAMIAN KINGSTON       |    | Noela Pederson<br>56 Myola Road<br>KURANDA | 107A KENNEDY HWY KURANDA<br>1302 Kennedy Hwy Kuranda. |
| Scott Stewart         |    | mannyross1963@gmail.com                    | 200 Bayles Road Kuranda                               |
| MANNY ROSS            |    | little.ann580@gmail.com                    | 9 Buchan St Kuranda Kowrowa                           |
| ANN LITTLE            |    | budgeo@gmail.com                           | 3-3 SARDONFALLS RD<br>483                             |
| Robert GIMMAN New     |    | dpkhouse@hotmail.com                       | UNIT 1 30-34 COONDOS ST KURANDA.                      |
| JEFF CALANDER         |    | dpkhouse@hotmail.com                       | 240 Jeffrey Rd Kuranda                                |
| Premala Sangaranarula |   | dpkhouse@hotmail.com                       | 437 Koah Rd Koah                                      |
| David Evans           |  | Rangkusani@gmail.com                       | 37 Chewko Rd HBA                                      |
| Uschi Tang            |  | CHENWU RJ MAREEBA                          |   |
| A. VILWEST            |  | peder@hotmail.com                          | 68 Kanervo Rd Koah                                    |
| Ulla Melchiorson      |  | knoldogtot2003@yahoo.com                   | 71-<br>11- myola road,<br>KURANDA                     |
| Peder R. Rasmussen    |  | micknpela.jacobson@gmail.com               | 56 myola road,<br>KURANDA                             |
| MICHAEL JACOBSON      |  | d.banson@yahoo.com.au                      | 55 Masons Road Kuranda.                               |
| DANIEL BARSON         |  | bianca.haakman@gmail.com                   | 23/25 blackmt Rd Kuranda                              |
| BIANCA HAACKMAN       |  | lygo.mark@gmail.com                        | 61 MASON'S RD KURANDA.                                |
| MICK FINE             |  | annabed.muis@gmail.com                     | 61 Mason Rd. Kuranda                                  |
| Annabel Muis          |  | cocokuranda@gmail.com                      | 22 Railway Street - KURANDA                           |
| CORINNE PERRET        |  |  |   |

ASK MAREEBA SHIRE COUNCIL FOR EXTENSION OF TIME  
TO RESPOND TO THEIR PROPOSAL TO AMEND LOCAL LAWS: -










| NAME          | SIGNATURE   | EMAIL                  | ADDRESS                 |
|---------------|---|------------------------|-------------------------|
| Carline Erwin |  | erwinlurline@gmail.com | 23 Gregory Tce Kuranda. |

















ASK MAREEBA SHIRE COUNCIL FOR EXTENSION OF TIME  
TO RESPOND TO THEIR PROPOSAL TO AMEND LOCAL LAWS: 7

| NAME        | SIGNATURE   | EMAIL | ADDRESS   |
|-------------|---|-------|---|
| Debi Crow.  |  | n/a.  | 54 Rosegood Rd. Russell Ark.<br>Kuranda.          |
| LYNE GRIGOR |  | N/A.  | 54 Rosewood Rd.<br>RUSSELL PARK.<br>KURANDA 4883. |

ASK MAREEBA SHIRE COUNCIL FOR EXTENSION OF TIME  
TO RESPOND TO THEIR PROPOSAL TO AMEND LOCAL LAWS. 6
















| NAME             | SIGNATURE   | EMAIL                     | ADDRESS                        |
|------------------|---|---------------------------|--------------------------------|
| Robert McQuill   |    | fraseragle21@yahoo.com    | 23/25 Blackmountain Rd         |
| Carl W. Neal.    |    | Cealnearb@icloud.com      | Kuranda.                       |
| Rowanle Romadieu |    | Intauk@icloud.com         | 15 Kuwolda Cres.               |
| Lynn Moseley     |    | TRAFLICATULSE@GMAIL       | 22 Railway St Kuranda          |
| Jehan Hainewitt  |    | jeahanhainewitt@gmail.com | 12 BARRON FALLS<br>Kadagzi Dr. |
| Mark Scholte     |    | intmark@icloud.com        | 11 1/2 Kennedy Hwy<br>Kuranda  |
| Mark Riley       |   | mumumark@hotmail.com      | 10 Coondoo St Kuranda.         |
| Brianwen Harris  |   | Donniecat_56@outlook.com  | 18 Dominikovic Close           |
| Michele Thiel    |  | michthiel@hotmail.com     | 55 Masons Road.                |

ASK MAREEBA SHIRE COUNCIL FOR EXTENSION OF TIME TO RESPOND TO THEIR PROPOSAL TO AMEND LOCAL LAWS.

| NAME               | SIGNATURE   | EMAIL                      | ADDRESS                                  |
|--------------------|---|----------------------------|--|
| Phaedra Craig      |    | youag@gmail.com            | 6 MONTY ST                               |
| Dave Paterson      |    | dave_66@live.com.au        | B7 Boyles Rd                             |
| A Ginning          |    | aginning@gmail.com         | 16 Butler drive,                         |
| Imareira           |    | julesbraich73@gmail        | 14 fairyland Rd                          |
| Ebony Hynes        |    | ebonyhynes2@gmail.com      | 286 Austin Rd                            |
| Anthony Gleeson    |    | BRETTBID2@gmail.com        | 443 Oak Forest PLACE<br>5 FAN PALM PLACE |
| BRETT YOUNG        |    | bbg bangquets @live.com.au | 238 SEFFERTY RD<br>KULONDA A             |
| Phil Daniels       |   | oloeschirmeister@gmail.com | WOAH RD<br>WOAH 4881                     |
| JAN OLSCHIRMELSTER |  | jrijapeschel@yahoo.com.au  | -11-                                     |
| JANJA PESCHEL      |  | jcbirch1@gmail             | 401 KOAH ROAD<br>KOAH 4881               |
| Jonathan Birch     |  | dfadad18@gmail.com         | 55 Masars Rd                             |
| Dan Nichols        |  | brenda.robinson@live.com   | 13 Jarawee Rd                            |
| Brenda Roberson    |  | CATHYPITCHER@gmail         | KORANOA                                  |
| Cathy Pitcher      |  |                            |  |

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ASK MAREEBA SHIRE COUNCIL FOR EXTENSION OF TIME TO RESPOND TO THEIR PROPOSAL TO AMEND LOCAL LAWS.

| NAME             | SIGNATURE   | EMAIL                        | ADDRESS |
|------------------|---|------------------------------|---------|
| Marcus           |    | Kuky673@gmail.com            |         |
| Hassan Ahmed     |    | hassan_ahmed73@gmail.com     |         |
| Jason O'Brien    |    | jasonobrien154@gmail.com     |         |
| Terje ABQ        |    |                              |         |
| Natasha Richards |    | pugsrichards82@hotmail.com   |         |
| Ali Hensley      |    | ali_hensley@hotmail.com      |         |
| Alec Shilling    |    | afshilling@gmail.com         |         |
| L. Meadean       |    | chelle-liz@hotmail.com       |         |
| Y. Fischer       |    | yettefischer1971@hotmail.com |         |
| Alec McArthur    |   | 45 BARANG ST KUEWA 4881      |         |
| Bend Dickson     |  | 47 Scenic Drive Saverukh.    |         |
| Andrew Robb      |  | 34 GANNAN DR SPEERWAR 4881   |         |
| STEPHEN COWLBECH |  |                              |         |
| Geor Cimmera     |  | 12 Railway St Kuwanda        |         |
| Law Cimmera      |   | SPSEER.WRIGHT29.GMAIL.COM    |         |
| JASPER WRIGHT    |  |                              |         |





**Re: Insufficient Public Consultation time relating to Mareeba Shire Councils Proposed Amendments to Local and Subordinate Laws.**

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

[illegible]

# Mareeba Shire Community Petition

## Re: Insufficient Public Consultation time relating to Mareeba Shire Councils Proposed Amendments to Local and Subordinate Laws.

On 16 October 2024, Mareeba Shire Council (MSC) proposed a resolution to make a number of amendments to 3 Local Laws and 4 Subordinate Local Laws and has requested the community to provide submissions relation to these changes to be submitted to Mareeba Shire Council by close of business 15 November 2024: Laws proposed to be amended include:

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

Taking into consideration the extent of changes proposed to these Local and Subordinate Local Laws, and the affect these amendments will have on the ratepayers and residents within the Mareeba Shire, we the undersigned request and require an extension of time to ensure that, residents within the shire are aware of the proposed amendments, and sufficient time is provided for them to digest and consider the proposed amendments. In view of the above, we would like Mareeba Shire Council to extend the closing date for submissions associated with these proposed amendments to be extended to the 15 February 2025, so to enable ratepayers and residents the time required to send submissions outlining their support/ concerns relating to the proposed Amendments to Local Laws

| Name (required)   | Address (Required)                 | Signature (required) | Phone/ Email |
|-------------------|------------------------------------|----------------------|--------------|
| Joanne Bikaunieks | 39 Frankston St<br>Kewarra Beach Q | <i>Bikaunieks</i>    | 0405 936 938 |
| Shevee Bennett    | 6 Carolyn Ct Yorkys                | <i>Bennett</i>       | 0405 459 018 |
| TONI TRAYHORN     | 42 JAMESON ST. TP.                 | <i>Trayhorn</i>      | 0422 016 702 |
| Julie Cairnes     | 3/5 Thorne St Kuranda              | <i>Cairnes</i>       | 0435 006 435 |
| Tina Thackeray    | Kuranda                            | <i>T. Thackeray</i>  | 0488 136 533 |
| GARRY SARKS       | KURANDA                            | <i>Sarks</i>         | 0448 722 700 |
| DAW COPPIN        | KURANDA                            | <i>Coppin</i>        | 0478 034 305 |
| Bel O Mori        | Russell Park                       | <i>O Mori</i>        | 0414 790 034 |
| LANCE STARR       | 13 JARRAWEE RD                     | <i>Starr</i>         | 0427 930 432 |
| TAMIKA HIGBURN    | MONA MONA/KURANDA                  | <i>Higburn</i>       | 0438 350 814 |
| Amanda Smith      | River View, MBA                    | <i>Smith</i>         | 0423 795 808 |
| KAREN BEERWINKES  | DIMBLVAH                           | <i>Beerwinkes</i>    | 0437 416 569 |
| ROSALIE RUSCH     | KURANDA                            | <i>Rusch</i>         | 0438 097 059 |
| Diane Long        | Kuranda                            | <i>Long</i>          | 0455 977 616 |
| Jeff Annings      | Kuranda                            | <i>Annings</i>       | 0400 327 178 |
| Delvene Richards  | Kuranda                            | <i>Richards</i>      | 0467 074 951 |
| Grace Au          | Kuranda                            | <i>Au</i>            | 0480 610 074 |
| Bianca Hobbler    | Kuranda                            | <i>Hobbler</i>       | 0497 025 394 |
| Narrissa Hobbler  | Kuranda                            | <i>Hobbler</i>       | 0452 308 269 |

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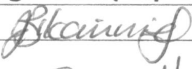


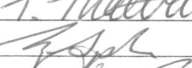

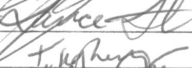
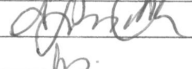
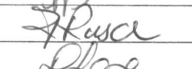
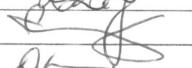
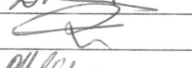








### Mareeba Shire Community Petition

#### Re: Insufficient Public Consultation time relating to Mareeba Shire Councils Proposed Amendments to Local and Subordinate Laws.

On 16 October 2024, Mareeba Shire Council (MSC) proposed a resolution to make a number of amendments to 3 Local Laws and 4 Subordinate Local Laws and has requested the community to provide submissions relation to these changes to be submitted to Mareeba Shire Council by close of business 15 November 2024: Laws proposed to be amended include:

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

Taking into consideration the extent of changes proposed to these Local and Subordinate Local Laws, and the affect these amendments will have on the ratepayers and residents within the Mareeba Shire, we the undersigned request and require an extension of time to ensure that, residents within the shire are aware of the proposed amendments, and sufficient time is provided for them to digest and consider the proposed amendments. In view of the above, we would like Mareeba Shire Council to extend the closing date for submissions associated with these proposed amendments to be extended to the 15 February 2025, so to enable ratepayers and residents the time required to send submissions outlining their support/ concerns relating to the proposed Amendments to Local Laws

| Name (required)   | Address (Required)               | Signature (required)   | Phone/ Email |
|-------------------|----------------------------------|--|--------------|
| Joanne Bikaunieks | 39 Frankston St<br>Kewarra Beach |  | 0405 936 938 |
| Sheree Bennett    | 6 Carolyn Ct Yorkys              |  | 0405 459 018 |
| TONI TRAYHORN     | 42 JAMESON ST. TB.               |  | 0422 016702  |
| Juliet Cairnes    | 3/5 Thorwie St Kuranda           |  | 0435 006 435 |
| Tina Thackeray    | Kuranda                          |  | 0488136533   |
| GARRY SPARKS      | KURANDA                          |  | 0448 727 700 |
| DAN COPPIN        | KURANDA                          |  | 0478 034 305 |
| Bel O Mori        | Russell Park                     |  | 0414 790 034 |
| LANCE STARR       | 13 JARRAWEE RD                   |  | 0427 930 432 |
| TAMIKA HIGBURN    | MONA MONA/KURANDA                |  | 0438 350 814 |
| Amanda Smith      | RIVERVIEW, MBA                   |  | 0423 795 808 |
| KAREN BEERMINGES  | DIMBWAH                          |  | 0137416569   |
| ROSALIE RUSCH     | KURANDA                          |  | 0438 097 059 |
| Planne Lare       | Kuranda                          |  | 0455 979 616 |
| Jet Annig         | Kuranda                          |  | 0400 327 178 |
| Delvene Richards  | Kuranda                          |  | 0467 074 951 |
| Grace Qui         | Kuranda                          |  | 0480 610 074 |
| Bonnie Hobbler    | Kuranda                          |  | 0497 035 394 |
| Narrissa Hobbler  | Kuranda                          |  | 0452 308 269 |

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|              |                |                          |   |
|--------------|----------------|--------------------------|---|
| Nov 12, 2024 | Deb Barber     | debarber4788@gmail.com   | I think you are trying to make your job easier when it comes to following up on complaints but I also think that this grab for power over people is infringing on human rights. Like need your permission to have visitors for a week or month or 6 months... really not your place ! |
| Nov 12, 2024 | Kiera Talbot   | kiervtalbot@yahoo.com    |   |
|              |                |                          | Council are supposed to be there for the people I cannot see anything in those new laws that are for the people and to come on somebody's property ANYTIME in capital letters Is that supposed to be a scare tactic oh my god what frauds   |
| Nov 12, 2024 | Bonnie Harris  | bonniecat_56@outlook.com |   |
| Nov 12, 2024 | Mark. Rivers   | mgriv64@gmail.com        |   |
| Nov 12, 2024 | Tania Borodina | taka70@mail.ru           |   |
| Nov 12, 2024 | Marc Gibson    | shodoline@gmail.com      |   |



|              |                  |                          |  |
|--------------|------------------|--------------------------|--|
| Nov 12, 2024 | Anne Midgley     | annem05@me.com           | I think it's outrageous given the homeless situation that people cannot have a caravan etc on their own land.  |
| Nov 12, 2024 | Sharlene Kemp    | etteleahpark@bigpond.com | example Holloways and Machans beach and lots of others have no choice but to accept that option from friends and family, What are we becoming? a nanny state ? If people are just getting by as best they can, how is that doing any harm! |
| Nov 12, 2024 | David Plas-Smith | dplasmith@aapt.net.au    | All council members are elected by the people and should be answerable to the people. Council think they have the right to do anything they want without comeback.   |
| Nov 12, 2024 | Trevor Milevskiy | tmilevskiy@mac.com       | Members of the council are members of the public and can be removed by the public at the next election. Don't ever think you are above the people you claim to serve.  |
| Nov 12, 2024 | Zac Supple       | zacsupple@hotmail.com    |  |
| Nov 12, 2024 | Jodi Simpson     | simpsonjodi4@gmail.com   | Stop this shit!!!  |

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|              |                  |                          |  |
|--------------|------------------|--------------------------|--|
| Nov 12, 2024 | Julie Edwards    | julieedwards7@me.com     |  |
| Nov 12, 2024 | Nicole Whybrow   | 17selecta@gmail.com      |  |
| Nov 12, 2024 | Janine Bourke    | janinebourke@hotmail.com | Disagree with caravan and tents not permitted on private property also Private gathering meeting Housing crisis. I have 3 homeless people staying on my property. Your proposals will significantly make this issue worse.                 |
| Nov 12, 2024 | Patrick Carberry | patcarberry90@gmail.com  | Money making venture for council. My land, my business. Council should have sent detailed information about these proposed amendments to ratepayers and allowed more time for people to respond. Please extend the deadline for responses. |
| Nov 12, 2024 | Amanda Torrisi   | pcarberry90@gmail.com    |  |
| Nov 12, 2024 | Robin Callander  | bopinrobin@yahoo.com.au  |  |
| Nov 12, 2024 | Kerry Geck       | gecko@antmail.com.au     |  |

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|              |                   |                               |  |
|--------------|-------------------|-------------------------------|--|
| Nov 12, 2024 | Linda Smart       | lindajne39@gmail.com          | An explanation and reasons that have led to the proposed laws needs to be provided to the community for consultation.  |
|              |                   |                               | Rates are already very high for comparative little service-always explained as a lack of staff and resources. Please explain how Council will fund the required additional front line authorised persons without increasing rates. |
|              |                   |                               | I do t approve of these ridiculous laws governing what we can and can't do on our own private property, which we paid a lot of money for, and which we pay high rates.   |
|              |                   |                               | We need more time to make a submission   |
| Nov 12, 2024 | Alexandra Crapper | epiguesthouse@gmail.com       |  |
| Nov 12, 2024 | Miriam Spurge     | miriamspurge@gmail.com        |  |
| Nov 12, 2024 | Beverley Eastmond | office@advance-accounting.com |  |

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|              |                  |                          |  |
|--------------|------------------|--------------------------|--|
| Nov 12, 2024 | Julie Ryle       | julie.ryle.132@gmail.com | I feel that the new bylaws are too restrictive and need to be modified to enable people to have a more harmonious lifestyle to live by. As we do not live in a large city environment, we should be able to have family and friends visiting and staying on our properties whether it is in a caravan or tent. |
| Nov 12, 2024 | Aleese Morrissey | a_morrissey@aol.com.au   |  |
| Nov 12, 2024 | Jeanette Hollo   | jasnetpattris@gmail.com  | Again thousand of dollars being spent, what about the homeless, getting more homes built so we do not have people sleeping and bathing in our locals parks   |
| Nov 12, 2024 | Peta O'Neill     | petaoneill@bigpond.com   | These types of amendments should go for public consultation and consideration.   |
| Nov 12, 2024 | Galina Bodlovich | gbodlovich@gmail.com     |  |
| Nov 12, 2024 | Kyoko Smith      | spunky_kyoko@hotmail.com |  |

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|              |                  |                              |   |
|--------------|------------------|------------------------------|---|
| Nov 12, 2024 | Carole Maxfield  | maxfields@bigpond.com        | Draconian, undemocratic, forceful, coercive control, changing the demographics, hardship creator in sad economic times for those struggling, rural area but this is leading to a totalitarian approach. Further time is required by ratepayers to put forward a submission of rebuttal to Council as these amendments have not been sent to ratepayers forthwith and knowledge of these has been filtered through within the community. |
| Nov 12, 2024 | Paul Maxwell     | maxtechlogic@gmail.com       | Stop trying to control us at every stage. We live in a beautiful area. Leave us alone   |
| Nov 12, 2024 | Adrienne Deb     | adriennedeb@hotmail.com      | You are overreaching, who do you think you are. Best rethink your laws before you go to far.  |
| Nov 12, 2024 | cameron Beard    | info@tnis.info               |   |
| Nov 12, 2024 | Melissa Pancirov | melissaleepancirov@gmail.com | I am strongly against the above amendments  |
| Nov 12, 2024 | Kate Gwozdz      | 46tinka46@gmail.com          |   |
| Nov 12, 2024 | Jennifer Fengler | jenfengler@hotmail.com       |   |



|              |                  |                              |  |
|--------------|------------------|------------------------------|--|
| Nov 12, 2024 | Megan Miller     | dmproduce@antmail.com.au     |  |
| Nov 12, 2024 | Renee Smith      | Reneesmith87@hotmail.com     |  |
| Nov 12, 2024 | Michelle Maclean | 9 pioneer close speewah 4881 |  |
| Nov 12, 2024 | Jonathan Birch   | jcbirch1@gmail.com           |  |
| Nov 12, 2024 | Sharyn Petersen  | admin@mareebasands.com.au    |  |
| Nov 12, 2024 | Samantha Jurgens | greenlight08@hotmail.com     |  |
| Nov 12, 2024 | John Volf        | johnvolf@optusnet.com.au     | I feel the proposed laws are entirely inappropriate. They are seemingly in direct conflict with existing law relating to privacy, trade practices, and access to private property. In addition, many of the proposed changes are morally reprehensible, and serve to create deep division and possibly conflict between the citizenry and those whom the citizenry have elected to represent our interests. These changes are seemingly being imposed by stealth, with little public consultation, and fail to serve the needs of the community. |

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|              |                |  |                              |   |
|--------------|----------------|--|------------------------------|---|
| Nov 12, 2024 |                |  |                              | Public consultation is a very important part of democracy, at a local government level. There is no harm in allowing a longer time period for that process to occur. When we work with the public and multiple perspectives we can get better outcomes.   |
| Nov 12, 2024 | Sophie McGrath |  | dreamstatecircus@yahoo.co.uk |   |
| Nov 12, 2024 | Jennifer Rae   |  | jennyr@live.com.au           |   |
| Nov 12, 2024 | Nikky Viven    |  | nikkyviven@hotmail.com       |   |
| Nov 12, 2024 | Glenn Shopland |  | glenn.shopland@gmail.com     |   |
| Nov 12, 2024 | Jeanie Ford    |  | kirsten.jean@hotmail.com     |   |
|              |                |  |                              | While the intent behind these laws is to improve the amenity of the shire, it is clearly an overreach on people's liberty on their own land and an unnecessary restriction on the use of public land.<br>There are few enough public spaces we can use for legitimate recreational activities as it is, we don't need more restrictions.<br>There must be better ways if we need a "clean up" ! |
| Nov 12, 2024 | Ian Maclean    |  | ian@nightkysecrets.com.au    |   |
| Nov 12, 2024 | angela coulson |  | angiecoulson62@gmail.com     |   |
| Nov 12, 2024 | Bradley Hudson |  | littletom06@gmail.com        |   |

AD

|              |                 |                           |   |
|--------------|-----------------|---------------------------|---|
| Nov 12, 2024 | Shelley Bowen   | littlelom06@gmail.com     | These amendments to the local laws in Mareeba shire are not ok with the local community. They need to be scrapped. Us people of the local shire should be able to do and have what we want on OUR land.                 |
| Nov 12, 2024 | Emily Welch     | emily_welch28@hotmail.com |   |
| Nov 12, 2024 | Louise Marsh    | louisemmarsh80@gmail.com  |   |
| Nov 12, 2024 | Stephen Edwards | steve@sejumi.com.au       |   |
|              |                 |                           | These proposed law changes are way over the top. They should not be passed.   |
| Nov 12, 2024 | Trevor Hastie   | t.hastie@icloud.com       |   |
| Nov 12, 2024 | Jeffrey Kuikman | mailjeffrey@zoho.com      | I oppose strongly to council overreach laws.<br>Do you not realise there is a housing crisis?<br>You should be supporting the community and finding solutions not creating more laws that just place more restrictions. |
| Nov 12, 2024 | Jeffrey Kuikman | mailjeffrey@zoho.com      |   |

|              |                   |                                     |   |
|--------------|-------------------|-------------------------------------|---|
| Nov 12, 2024 | John Robinson     | jrobinson@robinsonwalden.com.au     | Council needs to worry about it's own land - and its lack of maintenance of that land, before it seeks to get all "gung-ho" about the property of others. The hypocrisy is amazing!   |
| Nov 12, 2024 | Sheree Tichborne  | shereeatichborne@hotmail.com        |   |
| Nov 12, 2024 | Nicholas Cuzzubbo | nicholasanddanielcuzzubbo@gmail.com |   |
| Nov 11, 2024 | Satya Smith       | satya@bodywhiz.com.au               | It takes considerable time to read, consider and present. I have only learned of these proposed changes this week. This is insufficient time to realistically respond. Therefore I request to an extension in January 17th. |
| Nov 11, 2024 | Elizabeth Jinks   | elizabethajinks@bigpond.com.au      |   |

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|--------------|-----------------|---------------------------|--|
| Nov 11, 2024 | Kirsten Koliijn | kirstenkoliijn@gmail.com  | These new amendments surely can't be a one size fits all.<br>I do not want strangers walking onto my property without my knowledge.<br>There has to be some kind of discussion about this surely!<br>Please give us more time for consideration and constructive discussion. |
| Nov 11, 2024 | Brenda Madrid   | brenda_madrid@hotmail.com | The document is way too long to allow a thorough read. Impossible to make an accurate submission in such a small time frame.   |
| Nov 11, 2024 | Michelle Lewis  | davini@aapt.net.au        |  |
| Nov 11, 2024 | Cornelius Brits | cjbrits@hotmail.co.uk     |  |
| Nov 11, 2024 | Lauren Hober    | laurenhober@live.com.au   |  |

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|--------------|------------------------|-------------------------------|--|
| Nov 11, 2024 | Clare-Marie Woodington | petition@woodington.com       | <p>I am horrified by the extent and scope of the amendments proposed and feel that this is a violation of my basic rights. My family should be permitted to stay on my land in any form that they wish, provided it is safe for human habitation. We have a right to gather and I feel the council is proposing to erode many of the rights and privileges we enjoy in Australia - And do so quietly without public discussion. A very poor show.</p> <p>Not enough time has been given to read through these proposed laws. We are working class people and reading through lengthy proposed laws is time consuming, time which we don't have because we are working, paying taxes and looking after our families. More time is needed to thoroughly go through the laws and provide feedback</p> |
| Nov 11, 2024 | Alik Strydom-Hensen    | dr.av.strydomhensen@gmail.com |  |

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|--------------|-----------------|----------------------------|--|
| Nov 11, 2024 | Liz Tonkin      | tonkettitrading@icloud.com | This guy a reminiscent of the Covid debacle . Proper community consultation is needed.   |
|              |                 |                            | freedom of democracy , what did the diggers , anzacs and galipolli fought and sacrificed for ....un australian , people pay their way , what they spend their money on is their constitutional right ? |
| Nov 11, 2024 | tom sielaff     | sielaffthomas70@gmail.com  |  |
| Nov 11, 2024 | Wilson Zeske    | zeskewilson@gmail.com      |  |
| Nov 11, 2024 | Wilson Mark     | chilliwilson@yahoo.com     |  |
| Nov 11, 2024 | Wilson Anuschke | mazeske@yahoo.com          |  |
| Nov 11, 2024 | Stu Mitchell    | blindmunkee@gmail.com      |  |
| Nov 11, 2024 | Andy Macmillan  | akpr@bigpond.com           |  |
| Nov 11, 2024 | Matt Tavan      | matthieu.tavan@gmail.com   |  |
| Nov 11, 2024 | Tracey Chilcott | 0421646033                 |  |



|  |  |                      |              |
|--|--|----------------------|--------------|
| <p>I am writing to formally object to the proposed amendments to local laws recently released by the Mareeba Shire Council. As a resident, rate payer and active member of this community, I am deeply concerned about the implications of these changes, which I believe may negatively impact the quality of life, economic viability, and community values we hold dear.</p> <p>After reviewing the proposed changes, I find several aspects particularly concerning. The restrictions on land use, increased fees, limitations on community events, etc. These modifications, in my view, lack adequate justification, pose undue burdens on</p> |  | Symone Van Der Zwaag | Nov 11, 2024 |
|  |  | symtarcay@gmail.com  |              |



|              |                 |                         |   |
|--------------|-----------------|-------------------------|---|
| Nov 11, 2024 | Michelle Martin | mambelles@yahoo.com     | I do not agree to many of these proposed changes. I own two properties in the Mareeba Shire and along with the significant higher rates that we all pay compared to many other shires around QLD, these proposed changes will require more funding in order to process and enforce the changes. They are simply unjust and unnecessary. |
| Nov 11, 2024 | Luke Marron     | marron236@outlook.com   | Overreacting and infringing on private property   |
| Nov 11, 2024 | Brandon Berry   | b.v.berry95@hotmail.com | These proposed laws are absolutely ridiculous.  |
| Nov 11, 2024 | Susan Breeze    | susanbreezeze@gmail.com | I understand there are a lot of Community minded people on council. Please listen to the community and have consultation when changing things. This beautiful shire we live in is for everyone to enjoy. Given the housing crisis we have to find solutions. So many people living in tents   |

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|--------------|------------------|------------------------------|---|
| Nov 11, 2024 | Yakov Morris     | yakovmorris@hotmail.com      | MSC mind your own business.....   |
| Nov 11, 2024 | Damian Banson    | d.banson@yahoo.com.au        |   |
| Nov 11, 2024 | Emma Phipps      | pixiehipps@gmail.com         |   |
| Nov 11, 2024 | Ellen Ritchie    | ellen.ritchie@hotmail.com    |   |
| Nov 11, 2024 | Kristina James   | kristina.james@hotmail.com   |   |
| Nov 11, 2024 | George Napier    | allclasscleaning@outlook.com |   |
| Nov 11, 2024 | Leah Joubert     | leah.joubert@yahoo.com       |   |
| Nov 11, 2024 | Nico Wouterse    | nicowouterse@hotmail.com     |   |
| Nov 11, 2024 | Jillian Williams | jillwill@gmail.com           |   |
|              |                  |                              | With the current rental crisis the council should be doing all they can to help to solve these problem by making it easier to have caravan's/tiny homes on your property not harder!! |
| Nov 11, 2024 | Cassie Prentice  | cassie.prentice@hotmail.com  |   |
| Nov 11, 2024 | Kelly van Dongen | kvandongen@msn.com           |   |
| Nov 11, 2024 | Rinaldo Lookene  | rinaldo_lookene@hotmail.com  |   |
| Nov 11, 2024 | Oswaldo Scapin   | ossiescapin777@gmail.com     | This is a total joke. Disgraceful   |
| Nov 11, 2024 | Nathan De Lai    | nathamar2824@outlook.com     |   |
| Nov 11, 2024 | Leslie Anderson  | limajalpha@gmail.com         |   |
| Nov 11, 2024 | Lou Mauro        | luiginomauro@gmail.com       |   |
| Nov 11, 2024 | Diane Harrison   | dlavington@hotmail.com       | Horrendous overreach by council. We do not comply   |
| Nov 11, 2024 | Joshua Moore     | josh@treeavm.com.au          |   |
| Nov 11, 2024 | Rozana Wright    | spicez.australia@gmail.com   |   |

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|--------------|------------------|---------------------|---|
| Nov 12, 2024 | Alex Maher       | nookbear2@gmail.com | basically you are saying that if your kids want to have a camp out in the garden you need council permission.   |
| Nov 12, 2024 | Prudence Chellis | balti4@icloud.com   | If you want to have a garden wedding. Or a celebration. Or a dinner with friends around a barbie you need permission.<br><br>We are not living in a city. We live here to enjoy our environment and share our space with each other. If you go ahead with this you will be voted out at the next election. This is 100% unacceptable. |

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|--------------|----------------|------------------------|--|
|              |                |                        | <p>Outrageous theft of our liberties. No understanding from MSC of our rural way of life.</p> <p>No compassion from MSC for our homeless and home seeking members of the community .</p> <p>Revenue raising.</p> <p>More dictatorship over our homes and lifestyle</p> <p>Shame MSC!!!</p> <p>Who gave you these rights MSC?</p> <p>We do not approve nor agree with these by laws</p> |
| Nov 12, 2024 | Patricia Green | pattigreen67@gmail.com |  |
| Nov 12, 2024 | Pascal Mole    | Pascalmole@gmail.com   |  |
| Nov 12, 2024 | Jeff Watson    | oldskinbag@hotmail.com |  |
| Nov 12, 2024 | Michael Speers | michael18110@gmail.com |  |

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|--------------|-----------------|-----------------------------|---|
| Nov 12, 2024 | Frances Hebenko | frances.hebenko@hotmail.com | <p>The community and residents of this community have a right to be informed in decisions that affect each and everyone of us in this Shire. It is noticeable that our councilors and Mayor have no interest in involving the person's who voted them into these seats in our community the respect we all deserve when making these decisions. This does not bode well for them in future elections.</p> |
| Nov 12, 2024 | Yvonna Druppers | forestfon@gmail.com         |   |
| Nov 12, 2024 | Magnolia Brooks | maguchan@fastmail.fm        |   |
| Nov 12, 2024 | Darran Fry      | darran46@gmail.com          |   |
|              |                 |                             |   |

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|--------------|---------------------|---|-------------------------------|
| Nov 12, 2024 | Teresa Van de Velde | No one in this shire would in their right mind agree to any of these amendments. With little to no public consultation. I do not agree with these amendments.                                       | tjebruth@bigpond.com          |
| Nov 12, 2024 | Ryan Spear          | I believe by bringing in the new laws it will affect the residents as well as the animals, not only will it take our freedom away it could also upset people therefore doing more damage then good. | ryanbspear@hotmail.com        |
| Nov 12, 2024 | Azea Dempsey        |   | skyeasd005@gmail.com          |
| Nov 12, 2024 | Baghita Dungey      |   | baghitadungey@gmail.com       |
| Nov 12, 2024 | Glenn Broom         |   | broomy03@hotmail.com          |
| Nov 12, 2024 | Melissa Clinton     |   | melissaclinton61@gmail.com    |
| Nov 12, 2024 | Heather Miller      |   | heathermaher2000@yahoo.com.au |
| Nov 12, 2024 | Deborah Graham      | These changes need to be further explored by the community. The timeframe considered is too short. Transparency in decision making is important.  | dismalck@gmail.com            |

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|--------------|------------|------------------------|---|
| Nov 12, 2024 | Leah Kelly | leah.t.kelly@gmail.com | <p>Rates have increased, roads are still unattended to, lighting still hasn't happened. Etc.etc. etc.</p> <p>There absolutely NO need to add any of these laws.</p> <p>Why, and so close to Christmas holidays.</p> <p>MSC needs to tread lightly on their decisions and laws.</p> <p>These laws are seriously unAustralian</p> <p>Leah Kelly</p> |
| Nov 12, 2024 | Leah Kelly | leah.t.kelly@gmail.com | <p>Rates have increased, roads are still unattended to, lighting still hasn't happened. Etc.etc. etc.</p> <p>There absolutely NO need to add any of these laws.</p> <p>Why, and so close to Christmas holidays.</p> <p>MSC needs to tread lightly on their decisions and laws.</p> <p>These laws are seriously unAustralian</p> <p>Leah Kelly</p> |

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|--------------|---------------------|----------------------------|---|
| Nov 12, 2024 | Coby Raybould       | cairnslawnranger@gmail.com |   |
| Nov 12, 2024 | George Salvador     | georgesalvador61@gmail.com | I disagree to the changes   |
| Nov 12, 2024 | Michael Falvo       | mfalvo1@bigpond.com        | I disagree to the charges   |
| Nov 12, 2024 | Tyson Nucifora      | tyson.nucifora@hotmail.com | Slimy buggers!  |
| Nov 12, 2024 | Darryl Harris       | prorodeophoto@hotmail.com  |   |
| Nov 12, 2024 | Joeline Burnett     | joelineburnett@gmail.com   |   |
| Nov 12, 2024 | Candida La Frentz   | candidamallie@outlook.com  |   |
|              |                     |                            | This is a gross overreach of power over the people of the Mareeba District by it's council, and you should be ashamed   |
| Nov 12, 2024 | Dominic Gorell      | dominicgorell@gmail.com    |   |
| Nov 12, 2024 | Dan Snowdon         | snowymaynee@hotmail.com    |   |
| Nov 12, 2024 | :warren.: Mulla     | warmul69@gmail.com         |   |
| Nov 12, 2024 | Vicky Jespersen     | vickyjespersen@gmail.com   |   |
|              |                     |                            | Parks should be free for everyone to have a small gathering.  |
| Nov 12, 2024 | Christine McDonald  | chris@nthgwsol.com.au      | No one in this shire would in their right mind agree to any of these amendments. With little to no public consultation. I do not agree with these amendments. |
| Nov 12, 2024 | Teresa Van de Velde | tjebruth@bigpond.com       |   |

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|--------------|---------------------|-----------------------------|--|
| Nov 12, 2024 | Jaunita May         | jaunita.may@gmail.com       | There is a housing shortage you need to help the homeless if you can't let your citizens help their friends and family if they can't find a home. Ridiculous.                            |
| Nov 12, 2024 | Dylan brunjes       | dylan.brunjes@yahoo.com.au  |  |
| Nov 12, 2024 | Jack Brown          | jahrbrown@gmail.com         |  |
| Nov 12, 2024 | Helen Brown         | helenbrown220@hotmail.com   |  |
| Nov 12, 2024 | Angela Pyatt        | angela_pyatt@hotmail.com    |  |
|              |                     |                             | This activity needs to cease immediately. The council is taking away people's choice of freedom, rights, etics and harmony and the right to make decisions over their land and property. |
| Nov 12, 2024 | Rikki Brown         | rikkiileebrown@gmail.com    |  |
| Nov 12, 2024 | Jodie Tarr          | jodieannetarr1967@gmail.com |  |
|              |                     |                             | Mr Franks,<br>Kindly give us the time to properly consider the proposed changes the Council wishes to make.  |
| Nov 12, 2024 | Elizabeth Horsburgh | ehorsburgh300@gmail.com     |  |
| Nov 12, 2024 | Lloyd Piper         | lloyd_piper@hotmail.com     |  |
| Nov 12, 2024 | Gary Harrison       | Gary.harrison85@hotmail.com |  |
| Nov 12, 2024 | Manon Arnett        | manondlre@gmail.com         |  |

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|--------------|-----------------|----------------------------|--|
| Nov 12, 2024 | Neil Tonkin     | tonkin.neil@gmail.com      | I do not approve nor will i abide by any of the new proposed local laws that aline with the UN agenda 2030 (lema project). The new laws show local council to be conspring with a foreign corporation which is classed as treason under federal law and the Australian constitution.<br><br>This is absolutely ludicrous, we are in a housing crisis, not to mention cost of living is through the roof I'm sure msc can put their energy elsewhere, msc are no way permitted on our property without reasonable grounds. All of the above is totally unreasonable!! |
| Nov 12, 2024 | Julie Battersby | julie.bat20@hotmail.com    |  |
| Nov 12, 2024 | Dana Tonkin     | dana.tonkin@gmail.com      |  |
| Nov 12, 2024 | David Ainge     | davidjainge@gmail.com      |  |
| Nov 12, 2024 | Natasha Sigmund | Natashasigmund@hotmail.com |  |

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|--------------|---------------|-------------------------|--|
| Nov 12, 2024 | David Horton  | david.avserve@gmail.com | Roads, rubbish, water.<br>Anything else the council can<br>butt out of our business  |
| Nov 12, 2024 | Kath Horton   | kath.dave@yahoo.com.au  |  |
| Nov 12, 2024 | Narelle Ross  | rellyross@hotmail.com   |  |
| Nov 12, 2024 | Amanda Holmes | amanda.273@bigpond.com  | I do NOT agree with ANY of<br>these proposed Council Laws  |
|              |               |                         | It's hard to believe that the<br>council are even considering<br>these amendments.<br>Restrictions on people<br>coming to visit is<br>unbelievable and an invasion<br>of people's rights to visit<br>family and friends. Mareeba<br>Shire will no longer be a place<br>that people will want to live<br>or visit. Community groups<br>will suffer as a result of the<br>fund-raising legislation. No<br>one will want to use public<br>gardens/parks for parties etc.<br>This will be a major<br>unnecessary loss for the<br>Mareeba Shire |
| Nov 12, 2024 | Julie Johnson | julieg71@yahoo.com.au   |  |

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|--------------|-------------------|-----------------------------|--|
| Nov 12, 2024 | Dana Berzinski    | danaberzinski2167@gmail.com | I am AGAINST these proposed New Laws, as Mareeba Citizens not Aware<br>This is bullshit , need to concentrate on rates roads rubbish cos they are failing at these.<br>This is the stupidest thing iv seen |
| Nov 12, 2024 | Craig Thomas      | boofhedd@hotmail.com        |  |
| Nov 12, 2024 | Ryan Cummings     | ryan.cummings94@hotmail.com |  |
| Nov 12, 2024 | Liane Barrett     |                             | Why don't you guy fix the issue on crime in this town rather they trying to stop people doing things that aren't affecting anyone else as this will have repercussions to our shire for future generations |
| Nov 12, 2024 | Joe Bacchion      | joes@myself.com             | There's a Housing crisis wtf government!! Your local council.. help people!  |
| Nov 12, 2024 | Beth Sydee        | beth.sydee79@gmail.com      |  |
| Nov 12, 2024 | Chantelle Wignall | chantelle.wignall@gmail.com | This is ridiculous, we live in a rural area and we should be allowed to do what we want , on our own land, within reason.<br>Shame on you  |
| Nov 12, 2024 | Tyson Hovel       | tyson.hovel@gmail.com       |  |
| Nov 12, 2024 | Terry Entriken    | terryentricken1@gmail.com   |  |
| Nov 12, 2024 | James Dickinson   | jamesw.dicko@gmail.com      |  |

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|--------------|--------------------|----------------------------------|--|
| Nov 12, 2024 | Corin Teague       |                                  | I would rather see restrictions on business, and leave people to live their lives.   |
| Nov 12, 2024 | Carolyn Jensen     | corinteague@hotmail.com          |  |
| Nov 12, 2024 | zachary BARCLAY    | ccjensen1963@hotmail.com         |  |
| Nov 12, 2024 | Catherine Robinson | zeroemissionsdesign@gmail.com    |  |
| Nov 12, 2024 | Gail Thiele        | c-r-1977@hotmail.com             |  |
| Nov 12, 2024 | Anna Tempamy       | gailthiele9@gmail.com            |  |
|              |                    | ajt91.travel@gmail.com           |  |
|              |                    |                                  | Council putting more pressure on the lower income earners. I agree that dog numbers and laws need to be changed so owners are more responsible for there pets and more respectful of neighbours. |
| Nov 12, 2024 | Andrew Collins     | andrewjcollins69@gmail.com       |  |
| Nov 12, 2024 | Lara Baker         | lara@mindfultherapycairns.com.au |  |
| Nov 12, 2024 | Sarah Isherwood    | s.ishy95@gmail.com               |  |
| Nov 12, 2024 | Amie Bonda         | abond356@gmail.com               |  |
| Nov 12, 2024 | Curtis Tollens     | curtistollens1997@gmail.com      |  |
| Nov 12, 2024 | Kylie Pedley       | special-pebblez@hotmail.com      | This is an absolute joke.  |
| Nov 12, 2024 | Jamie Rogers       | born2fish90@gmail.com            |  |
| Nov 12, 2024 | Doug Strutton      | Sapphoret.t@hotmail.com          |  |
| Nov 12, 2024 | Brooke Strutton    | mummyrogers3@gmail.com           |  |

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|--------------|-------------------|-----------------------------------|--|
| Nov 12, 2024 | Veronica Bacchion | veronica_joebacchion@yahoo.com.au | When did or should a council invade people's privacy entering property without permission, I do not agree<br><br>Also having to get permits or permission for gathering what a joke, I do not agree.<br><br>Council need remember that they are to act in the interest of their constituents and not to dictate mandate or otherwise enforce their own views into Law. |
| Nov 12, 2024 | Doug Stephens     | doug@airbridge.net.au             |  |
| Nov 12, 2024 | Peter Haylock     | peter_ti@hotmail.com              |  |
| Nov 12, 2024 | Lenore Rains      | bryanandlenore@gmail.com          |  |
| Nov 12, 2024 | Yvette Hancock    | yvettehancock01@gmail.com         |  |
| Nov 12, 2024 | Narelle Laz       | narellez@gmail.com                |  |
| Nov 12, 2024 | Liza Jones        | lizajones05@hotmail.com           |  |
| Nov 12, 2024 | Jodi Anning       | janning50@gmail.com               |  |
| Nov 12, 2024 | Tanya Daniels     | tadaniels73@gmail.com             |  |
| Nov 12, 2024 | Teagan Blankers   | besque@live.com.au                |  |
| Nov 12, 2024 | Lucy Thorpe       | lucythorpe18@hotmail.com          |  |
| Nov 12, 2024 | Jo Thistle        | newearthhealing@hotmail.com       |  |
| Nov 12, 2024 | Nyline Tatti      | nytatti13@gmail.com               |  |
| Nov 12, 2024 | Diane Seng        | dianeseng@rocketmail.com          | I strongly disagree with the proposed changes.   |
| Nov 12, 2024 | Sarah Wintle      | sarah.wintle@hotmail.com          |  |

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|--------------|-----------------|-----------------------------|--|
| Nov 13, 2024 | Deb Frankham    | debfrank123@gmail.com       | This needs much more discussion. I walk around my property naked and I am concerned about my privacy on my own land , especially if someone can come onto my property at any time.   |
| Nov 13, 2024 | Roslyn Melhuish | roslynmelhuish@gmail.com    | This is not right  |
| Nov 13, 2024 | Tom Hallam      | thomas@xena.com.au          |  |
| Nov 13, 2024 | Salena Barry    | salena.princess@hotmail.com |  |
| Nov 12, 2024 | Ryan Cowan      | rynolc@gmail.com            | Typical mareeba shire trying to revenue raise back on the pointless bullshit they are building around our shire.utilise the money to where it should count for the needs of the community.usual shit they hear on a daily basis but never forward to achieve |
| Nov 12, 2024 | Eugenie Wilson  | eugeniewilson02@gmail.com   |  |

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|--------------|---------------|---------------------------|--|
| Nov 13, 2024 | Victor Maruca | victor.maruca@hotmail.com | I pay my rates every year. I personally think it's my land and I can do as I please. What happened to our rights. What is this world coming too if we need a piece of paper to allow us to do what we need too to keep our properties clean.   |
| Nov 13, 2024 | Jake Wright   | jakebwright0195@gmail.com |  |
| Nov 13, 2024 | Kath Horton   | kath.dave@yahoo.com.au    |  |
| Nov 13, 2024 | Stuart Biggs  | Hide My Email             | <p>MSC's proposed amendments to local laws are considered an unacceptable overreach by the overwhelming majority of shire residents with whom I have discussed them.</p> <p>The council has an obligation to ensure stakeholders have enough time to respond to the proposals and to that end, a time extension is necessary.</p> <p>I trust that a body of elected officials will recognise the importance of following the voting community's wishes in this regard.</p> |



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|--------------|------------------|-----------------------------|--|
| Nov 13, 2024 | Greg Cummings    | sdh1@outlook.com.au         | I have not see this until today , we have not be informed earlier, why?, council are public servants, you work for us the people, or have you forgotten. |
| Nov 13, 2024 | Deb Frankham     | debfrank123@gmail.com       |  |
| Nov 13, 2024 | Sandra Scott     | sandyscott.qld@gmail.com    |  |
| Nov 13, 2024 | Toni Christopher | toniattthebeach@icloud.com  | I strongly disagree with this new Councils decisions on all of the above new laws  |
| Nov 13, 2024 | Angela MacGregor | angelamacgregor79@gmail.com | I find it to be depriving of our liberties   |
| Nov 13, 2024 | Susan Brine      | suebrine54@gmail.com        |  |
| Nov 13, 2024 | Susan Holcombe   | capeoasis@skymesh.com.au    | We need better service from our council, not creating a job to 'police' these draconian amendments.... & using rate payers money to pay for it.          |
| Nov 13, 2024 | Cailin Probert   | cailinsprobert@gmail.com    |  |
| Nov 13, 2024 | Meg Svendsen     | megsvendsen@outlook.com     |  |
| Nov 13, 2024 | Fiona Coleman    | 0414739089                  |  |

|              |                |   |
|--------------|----------------|---|
| Nov 13, 2024 | Stacey Farrell | <p>Raising Awareness About the Housing Crisis</p> <p>I'm writing this in hopes of shedding light on the housing crisis, an issue I believe has not received the attention it urgently deserves. The limited services offered to those in need often fail to meet the real, pressing demands of the community, and it seems that the system is failing many of us.</p> <p>My family and I are just beginning to experience firsthand what it truly means to be homeless. We've been shocked at how little support is available, especially for those who are on the brink of losing their homes or already facing homelessness.</p> <p>Right now, my 2-year-old son,</p> |
| Nov 13, 2024 | Kira Taylor    | kirataylor93@yahoo.com  |
| Nov 13, 2024 | Emma Caldwell  | gec_here@hotmail.com  |
| Nov 13, 2024 | Sara Blattner  | sarashairstudio@hotmail.com   |

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|--------------|---------------------|----------------------------|--|
| Nov 13, 2024 | Jacqueline Milhench | jackym@tpg.com.au          | The proposed amendments must be re-written in precise language as suggested above, leaving no room for ambiguous interpretation by anyone. Currently, they are unclear at best and leave potentially too much power to interpretation by MSC Council to the identification of "Authorised Person".   |
| Nov 13, 2024 | Lee Neilson         | lee_nielson_48@hotmail.com | This is a outrageous over reach of the power we have given them  |
| Nov 13, 2024 | Melinda Norris      | melofthesea@yahoo.com      | We need proper community consultation and collaboration, not just putting changes on your website. Many people do not have internet access or use technology. Get authentic with your community involvement. Accountability and transparency are the new normal - get real about life. Yours, your constitutes, your children, your children's children. |
| Nov 13, 2024 | Dylan Smith         | the_dilbs@live.com         |  |

8

|              |                  |                             |  |
|--------------|------------------|-----------------------------|--|
| Nov 13, 2024 | Liz Lavender     | lizlavender@yahoo.com.au    | These new by laws is not entirely in the best interests for this shire. You have gone way over the top where it involves homeowners, can't have caravans nor tents for families who are homeless. This is ice cold & heartless. A homeowners property is their business & not yours. For someone to inspect properties that doesn't belong to you, when we all pay high rates. What about the cost of living? Oh that's right, that doesn't matter to you! What's worse, it's like people having to ask permission to have a small party at a park, especially close by to a river, children being supervised. You support this, you will most certainly lose the next election, guaranteed. There's a lot more but can't be |
| Nov 13, 2024 | Jonathon Bensted | jonathonbensted@hotmail.com |  |

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|              |                |                             |   |
|--------------|----------------|-----------------------------|---|
| Nov 13, 2024 | Laura Anderson | belleannlaura@hotmail.com   | What Rubbish!<br>Stop ● this Immediately!<br>You are and will be held<br>Accountable!<br>Reminder, you are Public<br>Servants & work for the<br>Public! |
| Nov 13, 2024 | Clint Jonsson  | clintjonsson@outlook.com.au |   |
| Nov 13, 2024 | Clint Jonsson  | clintjonsson@outlook.com.au | What Rubbish!   |
| Nov 13, 2024 | Richard King   | richardking@live.com.au     |   |
| Nov 13, 2024 | Colleen Tucker | cktucker57@gmail.com        |   |

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|              |                  |                           |  |
|--------------|------------------|---------------------------|--|
| Nov 13, 2024 | Shaun Lando      | sislando.sl@gmail.com     | <p>This is over reach and completely ridiculous. We wont stand for governments sticking there noses in our bussiness anymore. If this is passed resistance will follow.</p> <p>These ideas of yours are so radical compared to what has been before, how can you expect the community not to object loudly &amp; strongly ?</p> <p>When we read the proposed new rules, we can only see clearly a seriously wrong type of organisation ahead - I can only warn you of big trouble for you if you go ahead with this unforgivable proposal.</p> <p>Who ever do you think we are, we rate payers ? Look out next election if you dare !</p> <p>Yeah does not fix Youth, crime the Council needs to step up and do their job and keep easements clear flood ways clear ect instead of stupid laws</p> |
| Nov 13, 2024 | Ibina Cundell    | ibinamabina@gmail.com     |  |
| Nov 13, 2024 | Lennard Sturgess | lennard_1982@yahoo.com    |  |
| Nov 13, 2024 | Elle Brown       | hollywinta17@icloud.com   |  |
| Nov 13, 2024 | Tristan Picton   | tristanpicton@outlook.com |  |

8

|              |                  |                                     |   |
|--------------|------------------|-------------------------------------|---|
| Nov 13, 2024 | David Walling    | tightwad59@yahoo.com                | This is a complete disgrace and over reach but persons that have been elected by the people and therefore are the servants to the people. Whether this is local or any government body, get out of our lives and get back to do what you are elected to do. Rubbish, Roads, Rates and Water |
| Nov 13, 2024 | Femke Lemberg    | femke@protonmail.com                |   |
| Nov 13, 2024 | Dale Lumma       | dalilama603@gmail.com               |   |
| Nov 13, 2024 | Scott Farrell    | scottfarrell88@gmail.com            | Private property!   |
| Nov 13, 2024 | Alex Arena       | alex@casalis.com.au                 | Keep out!   |
| Nov 13, 2024 | Juliette Cairnes | jbutterfly.jmc@gmail.com            |   |
| Nov 13, 2024 | Fiona Last       | thelastfiona@gmail.com              |   |
| Nov 13, 2024 | Robyn Rose       | perfectpressure_message@hotmail.com | If you councillors keep listening to these overreaching bureaucrats your time on council will be short. We the people have had enough of being squeezed and threatened by more and more rules and regulations.  |

Q1

|              |                  |                             |   |
|--------------|------------------|-----------------------------|---|
| Nov 13, 2024 | Jeanette Cairns  | jnetlamb@hotmail.com        |   |
| Nov 13, 2024 | Alima Papa       | alimalpapa@gmail.com        |   |
| Nov 13, 2024 | Montana Trout    | montanatrout201@gmail.com   |   |
|              |                  |                             | Would hate for this to come into place as it would affect so many people an they way our small community works best together  |
| Nov 13, 2024 | Rachel Morrissey | rachelandjoey98@gmail.com   | This is a terrible over reach of a council that has just been elected to represent  |
| Nov 13, 2024 | Jillian Trout    | jtrout@qite.com             |   |
| Nov 13, 2024 | Alexander Larsen | Alexandermtlarsen@gmail.com |   |
| Nov 13, 2024 | Kirsten Bowring  | kirstenbowring@gmail.com    |   |
|              |                  |                             | I do agree that the time should be extended, there is a great many rate payers who are not aware of this proposal by MSC. All rate payers should have been notified and given a better chance to consider it. |
| Nov 13, 2024 | Dianne Holme     | wyndin@live.com.au          |   |
| Nov 13, 2024 | Karri-ann Holmes | kazza6474@gmail.com         |   |
| Nov 13, 2024 | Janja Peschel    | janjapeschel@yahoo.com.au   |   |



b

|              |                  |                             |   |
|--------------|------------------|-----------------------------|---|
| Nov 13, 2024 | Adrienne Smillir | liveeasy@protonmail.com     | These proposals are an over reach in the extreme and have little to no consideration for the health & happiness of the community. Example : is to have to consult with the council in order to meet a few friends at a park for a chat. What about the youth crime that is out of control?? |
| Nov 13, 2024 | Helen Smith      | hecequine@yahoo.com         |   |
| Nov 13, 2024 | Jennifer Lane    | jennylanevdb@gmail.com      | I do not accept these changes. Particularly local law no 3 and 4 and Subordinate law no 2, 5 and 7  |
| Nov 13, 2024 | Scott Town       | s.town1105.40@gmail.com     | Big brother trying again to control what we are doing if you bring a law in you should be taking a law away not just adding more and more laws ridiculous   |
| Nov 13, 2024 | stephen pauli    | stephenpauli@y7mail.com     |   |
| Nov 13, 2024 | Maree Pauli      | mareepauli@gmail.com        |   |
| Nov 13, 2024 | Karen Bryant     | kaza_bay@hotmail.com        | Stop trying to control everything   |
| Nov 13, 2024 | Stephen Cowlbeck | Stephencowlbeck17@gmail.com |   |
| Nov 13, 2024 | Deb Townsley     | debbietownsley64@gmail.com  | WHAT a joke   |

|              |              |                     |  |
|--------------|--------------|---------------------|--|
| Nov 13, 2024 | David Pollak | davidpollak@mac.com | <p>I think an extension would be fair. As a recent ratepayer I have received no notice of these changes via mail or email, it was quite by accident that I became aware.</p> <p>I also believe that in light of today's announcements from the Federal Govt that any laws concerning temporary homes and temporary accommodation, are reconsidered, and re-written to be part of the solution to housing crisis in our region. I would like to see more community consultation and information as to how these new laws support the MSC Housing Action plan.</p> |
|--------------|--------------|---------------------|--|

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|              |                |                                |  |
|--------------|----------------|--------------------------------|--|
| Nov 14, 2024 | Lindsay Fisher | lindsayjq@gmail.com            | I am concerned that I didn't hear about this until November 13th through our local Julatten Facebook Group. An extension would give residents time to respond to this. |
| Nov 14, 2024 | Mick Wardlaw   | mick.wardlaw@hotmail.com       | Our land, our right. You'll be making trouble  |
| Nov 14, 2024 | Jessie Cairnes | jessiereynacairnes@hotmail.com |  |
| Nov 14, 2024 | Trent Blue     | 19trentblue89@gmail.com        | Don't tell us what we can have, or do on our own land, that we paid for.   |

|   |  |                       |                     |
|---|--|-----------------------|---------------------|
| <p>I believe many of these new counsel laws are a major over step and breach of their authority as well as a major breach of the landowners freedom, all of these things should of been brought forward and shared with the community members as some of these are major changes that will in some cases massively effect certain people with in our community.</p> <p>In a time when our local community has so many other major issues at hand that require immediate attention, I did it some what concerning that they have once again decided to make these changes behind our back yet refuse to take action on the issues the community it's self has been seeking</p> | <p>lincoln.joss.haines@hotmail.com</p> | <p>Lincoln Haines</p> | <p>Nov 14, 2024</p> |
|---|--|-----------------------|---------------------|

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|              |                |                        |  |
|--------------|----------------|------------------------|--|
| Nov 14, 2024 | Levi McCreddie | levimcreddie@live.com  | This over reach of power and goes against Australia Common and constitution law of f Australian people. How dare Queensland government disgrace our WW2 vets that died so we would not have government standing on our freedoms like Germany was doing in 1948 |
| Nov 14, 2024 | Mark Bimrose   | m0rk_lives@hotmail.com |  |
| Nov 14, 2024 | Miry Cobham    | mirycob@gmail.com      |  |

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|              |                          |                           |   |
|--------------|--------------------------|---------------------------|---|
| Nov 14, 2024 | Daniel Hiner             | dannyhiner@hotmail.com    | In the midst of a housing and rental crisis, these amendments aren't here to help anyone. Its diabolical behaviour.   |
| Nov 14, 2024 | Iliada Chronopoulos      | iliadachrono@gmail.com    | I very much need to have the proper time to consider these. At the moment I don't, and neither do most people. Please can you extend until well after Christmas, when everything slows down and people have more free time?<br>Thanks |
| Nov 14, 2024 | Juliet Corley            | saladfalling@gmail.com    |   |
| Nov 14, 2024 | Rhondra Young            | rhondrakuranda@gmail.com  |   |
| Nov 14, 2024 | Hunnie Kean              | hunniekean@gmail.com      |   |
| Nov 14, 2024 | Meleuka Morton-Masterman | meleuka@gmail.com         |   |
| Nov 14, 2024 | George Bimrose           | gbim59@gmail.com          |   |
| Nov 14, 2024 | Judi-ann M Selke         | judi.cummings@hotmail.com |   |
| Nov 14, 2024 | Chris Evans              | sinbadchris@hotmail.com   | We aren't communists are we sounds like it  |
| Nov 14, 2024 | Kylie Arantz             | k_arantz@yahoo.com.au     |   |

01

|              |                  |                            |  |
|--------------|------------------|----------------------------|--|
| Nov 14, 2024 | Amanda Coutts    | akcoutts88@gmail.com       | Councils should be supporting residents through the cost-of-living crisis, not making things even harder. Why on earth should it not be legal to have friend visit and camp on your own property? Madness! |
| Nov 14, 2024 | Lesley Kemp      | lesleykemp.9@outlook.com   |  |
| Nov 14, 2024 | Jeni Kingsford   | jenny_simms@hotmail.com    |  |
| Nov 14, 2024 | Pat Coughlin     | pcoughlin83@gmail.com      |  |
| Nov 14, 2024 | Jessica Sangster | jessicaasangster@gmail.com |  |
| Nov 14, 2024 | Jane Whytlaw     | jane.whytlaw@gmail.com     |  |
| Nov 14, 2024 | Kym Dungey       | kym.dungey@gmail.com       |  |
| Nov 14, 2024 | Emma Bradley     | embrad2707@gmail.com       | I am objecting to their proposals  |
| Nov 14, 2024 | Rebecca Hardwick | spottyboos@hotmail.com     | We do not consent to these amendments  |
| Nov 14, 2024 | Gail McCowan     | gail.mccowan333@gmail.com  | We own our properties and we can do whatever we like. What are "they" rushing to pass...ask the people what they want....<br>THE POWER OF THE PEOPLE IS GREATER THAN THE PEOPLE IN POWER                   |

t

|              |                      |  |   |
|--------------|----------------------|--|---|
| Nov 15, 2024 | Tessa Golding-Clarke | conversations@thegoodkarm<br>aproject.com.au | MSC needs to urgently address the housing crisis in a realistic way by allowing people to live in alternative dwellings permanently. This crisis will escalate and Council will have no strategy in place. Council should not have the authority to enter properties without permission. MSC is too regulated, except when it comes to youth crime and strategies to protect the community. They are way behind the forward thinking LGAs |
| Nov 15, 2024 | Tracey slack         | tess.slack@yahoo.co.uk                       |   |
| Nov 14, 2024 | Madeline MacLeish    | madeline.macleish@outlook.com                |   |
| Nov 14, 2024 | Michael Duffy        | huntermgathera@outlook.com                   |   |
| Nov 14, 2024 | Miriam Cuzzubbo      | mcuzzubbo@gmail.com                          |   |
| Nov 14, 2024 | Glen Kermode         | grckermode@dodo.com.au                       |   |
| Nov 14, 2024 | Lauretta Johnston    | lj2@tpg.com.au                               | Please reconsider the amendment regarding caravans and consider the implications for families or friends visiting for a weekend. In my opinion The amendment is too restrictive.  |



|              |                      |  |  |
|--------------|----------------------|--|--|
| Nov 15, 2024 | Tessa Golding-Clarke | conversations@thegoodkarm<br>aproject.com.au | <p>MSC needs to urgently address the housing crisis in a realistic way by allowing people to live in alternative dwellings permanently. This crisis will escalate and Council will have no strategy in place. Council should not have the authority to enter properties without permission. MSC is too regulated, except when it comes to youth crime and strategies to protect the community. They are way behind the forward thinking LGAs</p> |
|--------------|----------------------|--|--|

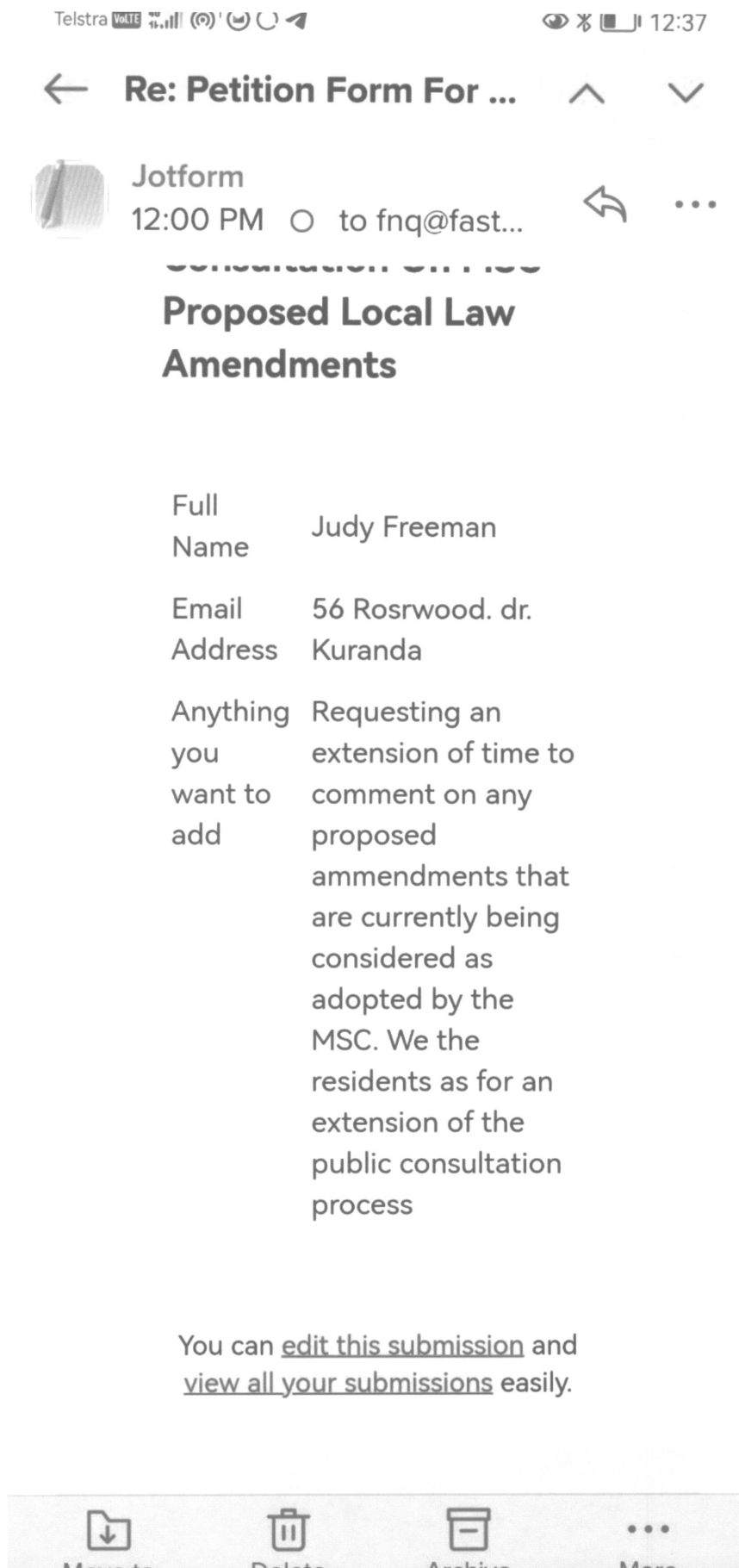
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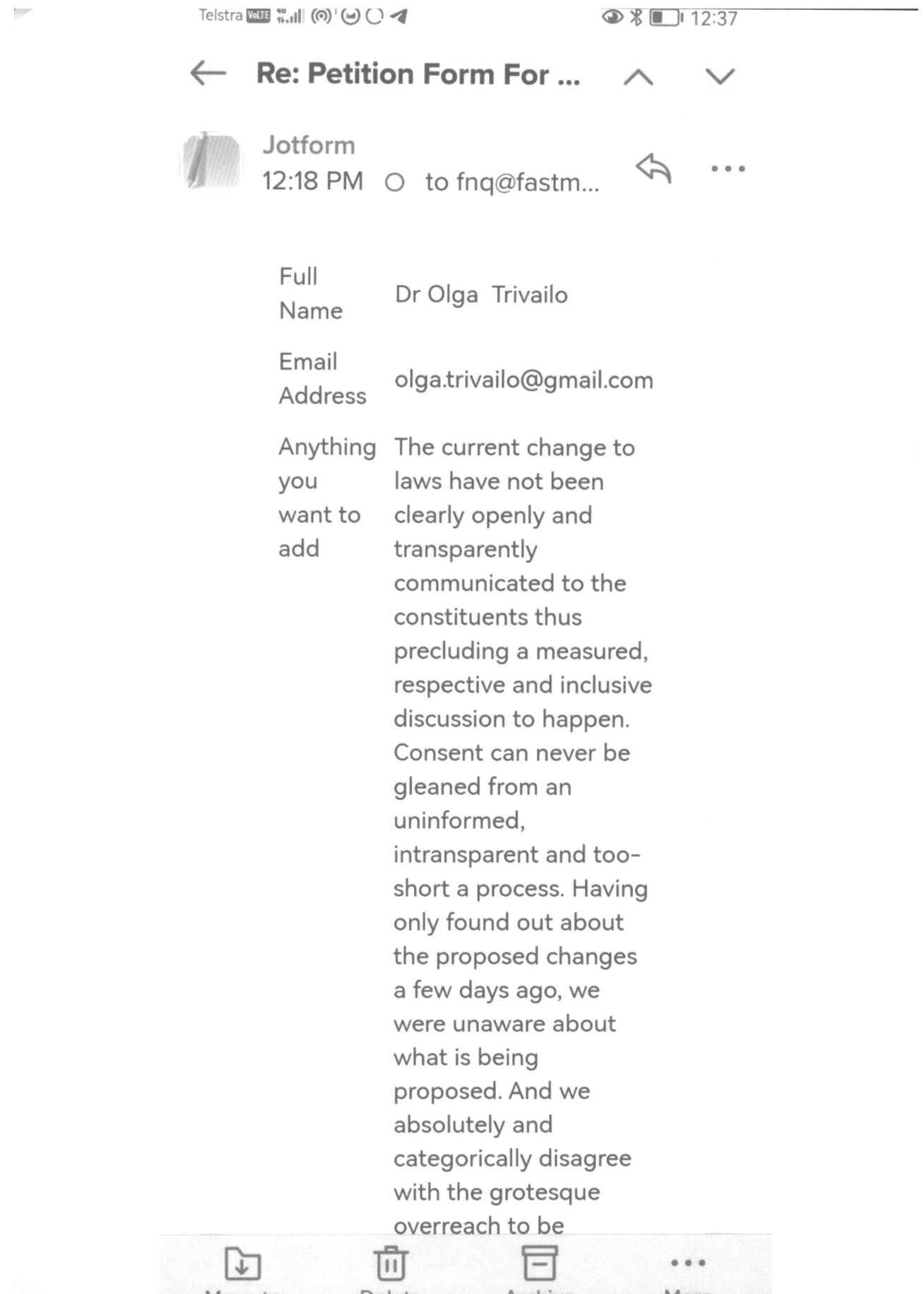
|              |                   |                             |  |
|--------------|-------------------|-----------------------------|--|
| Nov 15, 2024 | Jude Jackson      | 05bestemail@gmail.com       | I strongly object to the proposed 3 local laws and 4 subordinate local law amendments<br><br>The extension of time is very much needed to respond to many matters to be addressed as proposed above, by MSC with respect and an active commitment to the betterment of living harmoniously in our community, and not fettered to such restrictive changes. |
| Nov 15, 2024 | Kitty Clignett    | kittyclignett@gmail.com     | Public not properly notified   |
| Nov 15, 2024 | Solar Moon        | twinmoons@hotmail.com       |  |
| Nov 15, 2024 | Thomas Jerome     | tijerome@bigpond.com        |  |
| Nov 15, 2024 | Susan Serleto     | susanserleto@gmail.com      | Ratepayer if many years.<br>Don't hassle you and don't want to be hassled by (especially) by laws re: fires in my garden.  |
| Nov 15, 2024 | Dianne Klomp      | klompd82011@yahoo.com       |  |
| Nov 15, 2024 | Samara Schionning | samara.schionning@gmail.com |  |
| Nov 15, 2024 | Eliza Ralston     | eralston90@gmail.com        |  |
| Nov 15, 2024 | Nicole Karan      | nicole.k80@hotmail.com      |  |
| Nov 15, 2024 | Annette Dalgety   | amckeegan58@gmail.com       |  |

|              |               |                        |  |
|--------------|---------------|------------------------|--|
| Nov 15, 2024 | jehan hainaut | jehanhainaut@gmail.com | <p>I find it VERY DISTURBING &amp; ALARMING that you Dare to Allow so VERY LITTLE TIME to Comment on amendment proposals on topics that YOU Consider BENIGN ... yet CONCERN Deeply ALL THE COMMUNITY ...</p> <p>REMEMBER that you are ELECTED TO SERVE THE COMMUNITY ... NOT TO DICTATE WHAT WE CAN OR CAN NOT DO ...</p> <p>PS : IN CASE YOU DO NOT KNOW ... YOU ARE AN UNLAWFUL ORGANISATION OPERATING UNDER COVER OF A CORPORATION ... WHICH IS ... UNCONSTITUTIONAL ...</p> <p>ALSO ... in 1922 , the Queensland labor party , having ABOLISHED the SENATE , AGAINST 60 % of Querndlanders saying NO at a Referendum ... has therefore</p> <p>I strongly object to the proposed amendments for 3 local laws and 4 subordinate local laws</p> |
| Nov 15, 2024 | Rob Jackson   | 01bestemail@gmail.com  |  |

3

| Submission Date | Full Name           | Email Address                 | Anything you want to add |
|-----------------|---------------------|-------------------------------|--------------------------|
| Nov 15, 2024    | Claudia De gioannis | kklaudyia@hotmail.com         |                          |
| Nov 15, 2024    | Hannah Wattel       | coconutmamma2018@gmail.com    |                          |
| Nov 15, 2024    | Rochelle McCracken  | rochellemccracken@outlook.com |                          |





Telstra VoLTE 4G+ (9) 12:37

12:37



Inbox • 5 of 2449



## Local Law Amendments - Gary New



Jotform

12:09 PM to fnq@fast...



### Petition Form For Public Consultation On MSC Proposed Local Law Amendments

Full Name Gary New

Email Address zaccav54@gmail.com

You can [edit this submission](#) and [view all your submissions](#) easily.



Move to

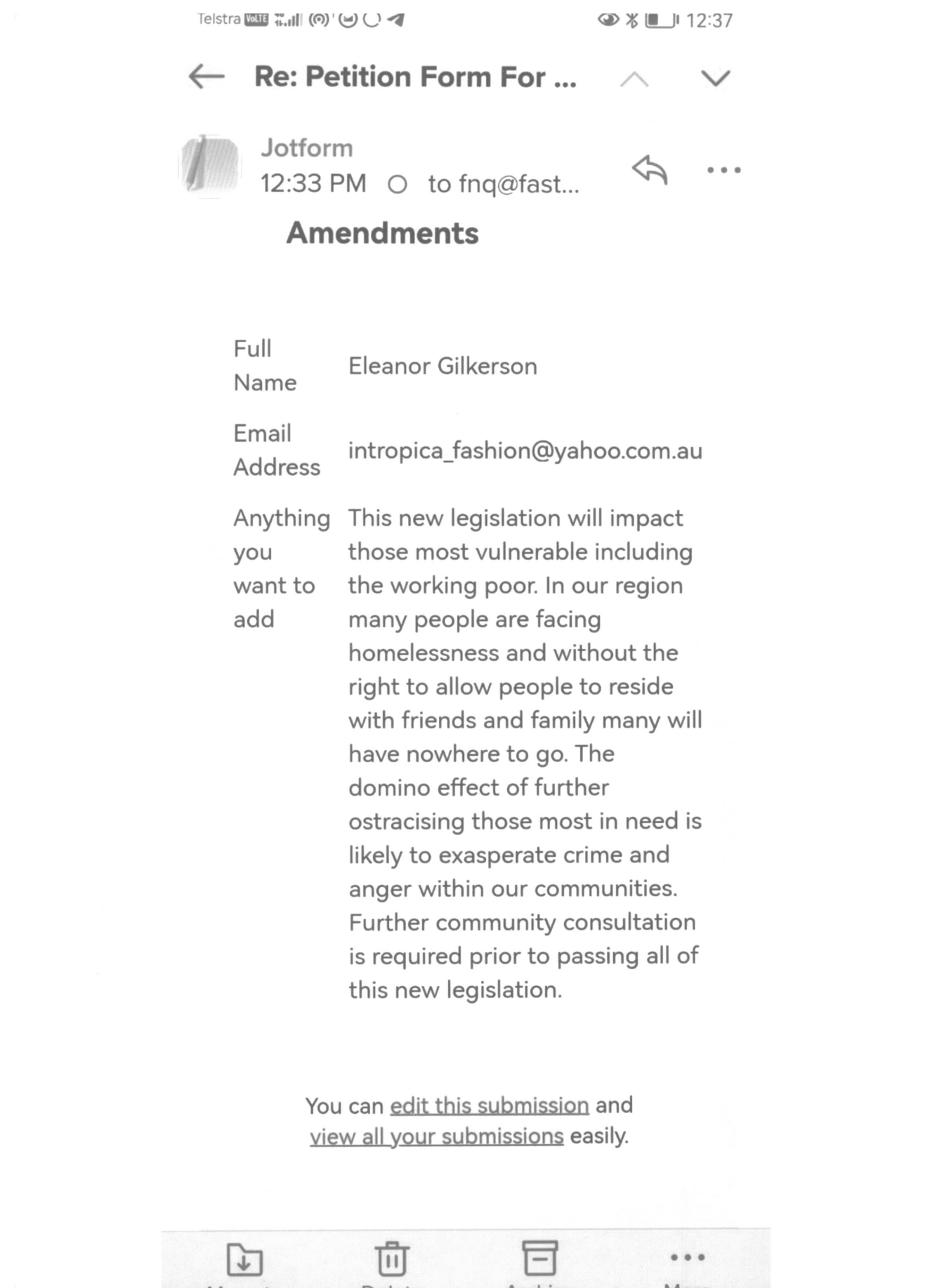
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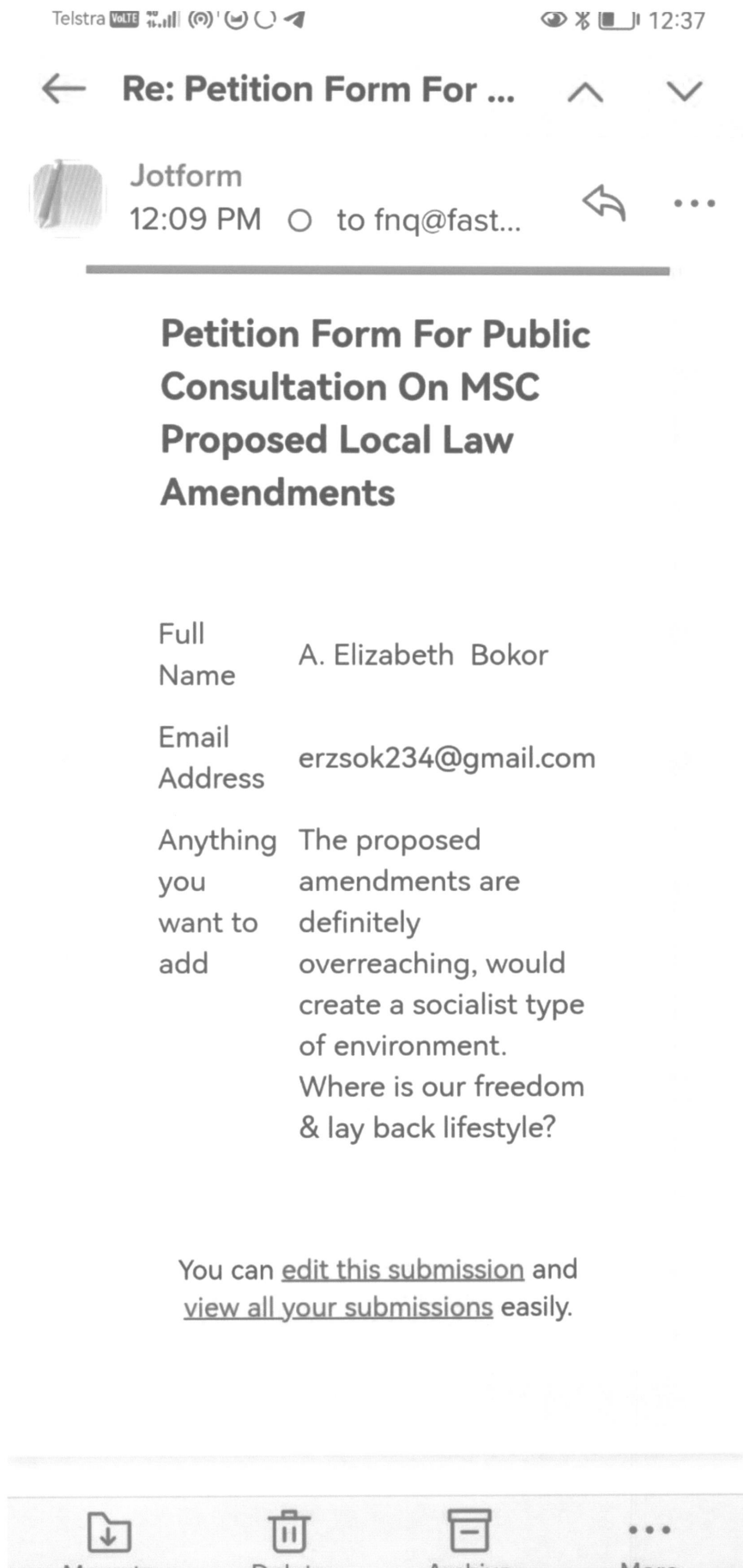
Archive

More











Elizabeth Horsburgh  
3 Saddle Mountain Road, Kuranda, Qld, 4881  
email: [ehorsburgh300@gmail.com](mailto:ehorsburgh300@gmail.com)

Monday 18 November 2024

Mayor Angela Toppin  
Mareeba Shire Council  
Email: [mayer@msc.qld.gov.au](mailto:mayer@msc.qld.gov.au)

*108 signatures*

Dear Mayor Toppin,

### PROPOSED AMENDMENTS TO LOCAL LAWS

As Mareeba Shire Council was informed in the covering letter of 15 November 2024, nobody in Kuranda, as of 7 November 2024, knew anything about the PROPOSED AMENDMENTS TO LOCAL LAWS. With a week to respond, we decided to petition MSC for an extension of time to respond, until 15 January 2025. The petition with 500 signatures collected over 4 days, was delivered to MSC office by 5pm on 15 January 2025.

However, as you can see by the attached notice, there is a date "18 November 2024". In all hope and faith, we decided to continue collecting signatures.

Please accept this amendment to our original 500 signature petition.


We look forward to hearing from Mareeba Shire Council that our request for an extension of time to respond, until 15 January 2025 is acknowledged and granted.

With honest sincerity

Elizabeth Horsburgh

Cc

Peter Franks, CEO aMSC  
Mayor Angela Toppin  
Deputy Mayor Lenore Wyatt  
Councillor Amy Braes  
Councillor Nipper Brown  
Councillor Ross Cardillo  
Councillor Kevin Davies  
Councillor Mary Graham  
Ann Leahy, Minister for Local Government Qld



**Mareeba**  
SHIRE COUNCIL


Select Language ▼

Council ▼ Region ▼ Community ▼ Emergency Dashboard Contact Us

## Thank you for visiting the current community consultation page.

This is where you will find information on the latest community consultation sessions and surveys.


Council welcomes feedback from the community, please visit Contact Us for details.



**Mareeba**  
SHIRE COUNCIL

# Have your say

## on proposed amendments to local laws.



**Have your say on the Local Laws that govern a wide range of activities, from holding events to temporary accommodation.**

Council has proposed amendments to 3 Local Laws and 4 Subordinate Local Laws.

You can view the proposed changes by clicking the button below or in person at the Rankin Customer Service Centre or the Mareeba and Kuranda Library branches.

Submissions close at 5pm Friday, 18 November 2024 and can be made by

- email to [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)
- post to PO Box 154, Mareeba Qld 4880
- hand-delivery to Council Chambers located at 65 Rankin Street, Mareeba

[Read More About Proposed Amended Local Laws](#)

Monday 18-Nov-24

7.  
2✓  
18✓  
2✓  
4✓  
1✓  
1✓  
1✓  
5✓  
14✓  
5✓  
5✓  
6✓  
4✓  
74✓ JOTFORM  
13 PAPER  
87  
21 PAPER  
108

Mayor Loppin  
Please be aware that the  
earlier "jotprint" printout  
on 15-November was  
complete up to the  
moment of printing.  
you will notice that  
this printout has  
entries dated 15. November.

I can summarise that  
these arrived into the  
master file after the  
print on 15. Nov.

I can certainly say  
that there are more  
signatures for 18th,  
and they've not  
arrived at the JOTPRINT  
master yet.

JUST TO EXPLAIN - NOT TO LABOUR THE POINT....





**Re: Insufficient Public Consultation time relating to Mareeba Shire Councils Proposed Amendments to Local and Subordinate Laws.**

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

[illegible]





| Submission Date | Full Name          | Email Address                     |
|-----------------|--------------------|-----------------------------------|
| Nov 18, 2024    | Christopher Lennon | acupuncture.christopher@gmail.com |
| Nov 18, 2024    | Shaun Daniels      | blinkyb1119791@gmail.com          |
| Nov 18, 2024    | Sally Husek        | sallyhusek1@gmail.com             |
| Nov 17, 2024    | Axel Buthmann      | stulosa@gmx.com                   |
| Nov 17, 2024    | Emma Roy           | vijayandemma@gmail.com            |
| Nov 17, 2024    | Margie Struber     | margiestruber1@gmail.com          |
| Nov 17, 2024    | Sean Dent          | sean.dent@gmail.com               |

7 ✓

|              |                      |                                |
|--------------|----------------------|--------------------------------|
| Nov 17, 2024 | Marie-Jose Bianchi   | bianchimariejose@gmail.com     |
| Nov 17, 2024 |                      |                                |
| Nov 17, 2024 | Simon Houghton       | houghton.simon@gmail.com       |
| Nov 17, 2024 | Roger Richards       | caseysteiner_8@hotmail.com     |
| Nov 17, 2024 | tabitha Knox-Carlson | tab.kc@bigpond.com             |
| Nov 17, 2024 | Amber Elliott        | amber@crothead.com             |
| Nov 17, 2024 | Christina M Buckley  | chrissydahl@hotmail.com        |
| Nov 16, 2024 | Wanita McKeegan      | wmckeegan@gmail.com            |
| Nov 16, 2024 | karina barnes        | karinabarnes@live.com.au       |
| Nov 16, 2024 | Kevin Conopia        | kk_cnpl@live.com.au            |
| Nov 16, 2024 | Justin Hoskins       | widget70@yahoo.com.au          |
| Nov 16, 2024 | Carly Dancer         | burnbrightdance@protonmail.com |
| Nov 16, 2024 | Gail Etts            | gailjbetts@hotmail.com         |
| Nov 16, 2024 | Theresa Coogan       | tootscoogan@gmail.com          |
| Nov 16, 2024 | Danny Simony         | sannydimony@yahoo.com.au       |
| Nov 16, 2024 | Leah Robinson        | leahprojects@gmail.com         |
| Nov 16, 2024 | Natalie Waller       | nwall525@gmail.com             |
| Nov 16, 2024 | Kerry-anne Myles     | kerry-anne.myles@outlook.com   |

18 ✓

ecofrankie1@bigpond.com  
 shivany@shivany.com  
 mayaudmonique@hotmail.fr  
 jansevanrensburgf@gmail.com

Frankie Hogan  
 Shivany Gonell  
 Monique Mayaud  
 Jaco van Renburg

Nov 15, 2024  
 Nov 15, 2024  
 Nov 15, 2024  
 Nov 15, 2024



crowley.build@gmail.com

Michael Crowley

Nov 15, 2024

✓

|              |                 |                                   |
|--------------|-----------------|-----------------------------------|
| Nov 15, 2024 | Zara Carruthers | zaraleecarruthers@hotmail.com     |
| Nov 15, 2024 | Paul Innes      | director@independenceworld.com.au |
| Nov 15, 2024 | Fiona Barclay   | fbarclay2004@yahoo.com.au         |
| Nov 15, 2024 | Marie Saigo     | Saigo.marie@gmail.com             |
| Nov 15, 2024 | Vaughan Edwards | vaughane959@gmail.com             |

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onnie13@gmail.com  
 aquadavina@hotmail.com  
 bethgascoyne66@gmail.com  
 markgreisbach@yahoo.com.au  
 hippocketpoetry@gmail.com

Nicole Morgan  
 Carmel phillips  
 Elizabeth Gascoyne  
 Mark Greisbach  
 David Jones

Nov 15, 2024  
 Nov 15, 2024  
 Nov 15, 2024  
 Nov 15, 2024  
 Nov 15, 2024

51

|              |                        |                                |
|--------------|------------------------|--------------------------------|
| Nov 15, 2024 | Venessa Fitzgerald     | venessabutterfly@hotmail.com   |
| Nov 15, 2024 | Michelle Postlethwaite | chandon001@hotmail.com         |
| Nov 15, 2024 | Candida Raymond        | candyrainbow138@gmail.com      |
| Nov 15, 2024 | Conrad Vohland         | conradvohland@gmail.com        |
| Nov 15, 2024 | Eleanor Gilkerson      | intropica_fashion@yahoo.com.au |
| Nov 15, 2024 | zha purcell            | zhaa.purcell@gmail.com         |

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Anything you want to add

Please

I support this petition.  
Caravan on my property should be my business

thank you

no

Not happy with this law unto yourselves, would like some say with how much we pay for rates, I do t see how you have the right to dictate how

This is over reach 100%!

Not transparent

Not democratic at all

Not fair

Dear Mayor, Councillors, CEO, and bureaucrats,  
As Mareeba Shire Council is a Corporation, you have no right to use stand-over tactics that intend to trample on the rights of hard working folk. You have lost the good will and trust from these ratepayers by wanting to enforce draconian laws just for financial gain. Enough is enough! Stand down! this doesn't serve the community.

I am writing to support the petition requesting an extension of the public consultation period for the proposed Local Law amendments, currently closing on November 15, 2024. Given the scope and potential impact of these changes, an extended deadline to January 17, 2025, would allow residents and stakeholders sufficient time to fully review and consider their responses.

Such an extension would ensure that community feedback is thoughtful, informed, and inclusive, fostering a transparent and cooperative decision-making process.

Thank you for your attention to this matter.

Dear Mareeba Shire Council,

Thank you for initiating community consultation on the proposed amendments to several Local and Subordinate Local Laws. I support the petition for extending the submission deadline from November 15, 2024, to January 17, 2025, to allow stakeholders more time to understand and respond to these significant changes. This extension would promote thorough and meaningful community input, aligning with best practices in public engagement.

Thank you for considering this request.

Sincerely  
Zara

Prohibition can stimulate resistance for many reasons.

The MSC have NOT met Best Practice Community Consultation which should be the minimum effort exhibited by the MSC.

The MSC MUST extend the deadline as asked by a portion of the community, or this shows a self-serving organisational behaviour, not that of a community-minded governing body.

We have only just heard about this and need time to prepare an objection

A bit rude, need to consult the locals and not make unilateral decisions that only benefit a select few.  
This new legislation will impact those most vulnerable including the working poor. In our region many people are facing homelessness and wit

W we live unless it affect the health of the community !!



provide a synopsis of the actual details that was easy to understand. I don't have a computer, so it's very difficult to read on a small a device. It also  
r privacy on privately own property . International laws should be also noted under economic rights . Let's moved forward in uplifting ways rather th

aspective and inclusive discussion to happen. Consent can never be gleaned from an uninformed, intransparent and too-short a process. Having only

hout the right to allow people to reside with friends and family many will have nowhere to go. The domino effect of further ostracising those most i

require quite a bit of work and understanding to get the main details. These matters should be plain and set out for all people to read easily.  
ian oppressive .

y found out about the proposed changes a few days ago, we were unaware about what is being proposed. And we absolutely and categorically disag

n need is likely to exasperate crime and anger within our communities. Further community consultation is required prior to passing all of this new le

free with the grotesque overreach to be granted to council that is absurdly and inappropriately unjustified - bordering on illegal. Most neighbours I'

agislation.

ve spoken to since finding out about the proposed changes have no idea about this process at all. At the very least an extension must be made for p

Elizabeth Horsburgh  
3 Saddle Mountain Road, Kuranda, 4881  
email: ehorsburgh300@gmail.com

Wednesday 4 December 2024

Mayor Angela Toppin  
Mareeba Shire Council



*59 signatures*

Dear Mayor Toppin,

Today, 4<sup>th</sup> December 2024, is the cutoff day Council has given Kuranda (and Shire) Residents, Ratepayers and Stakeholders to send in submissions concerning the AMENDING OF LOCAL LAWS about which Council has notified us. We hope you have received some. The organisers of this petition have tried to impress upon as many people as possible the importance of submissions.

As you can see, this new petition is asking Council to grant us our original request for time until 15 January 2025, enabling the community to prepare the best commentary and submissions for Council's consideration in their management of Kuranda on our behalf. We have faith you will agree that things work best when we work together.

We acknowledge MSC's Community Engagement Policy, 3.1 COMMUNITY ENGAGEMENT, Point 4, "improved decision-making with solutions and outcomes broadly supported by and reflecting the best interests of the community". We look forward to Council welcoming our greater involvement in the LAWS (rules) you are about to amend.

People of Mareeba Shire

Elizabeth Horsburgh, who delivered this petition.

Cc:

Peter Franks, CEO  
Deputy Mayor Lenore Wyatt  
Councillor Amy Braes  
Councillor Nipper Brown  
Councillor Ross Cardillo  
Councillor Kevin Davies  
Councillor Mary Graham

*Elizabeth*

*Apologies for no copy of the actual petition. More than one printer has been involved in this presentation. I will email a copy of the petition through this evening. Thanks. Elizabeth*



18  
10669 + 6  
39

18

| Submission Date | Full Name        | Email Address               | Anything you want to add   |
|-----------------|------------------|-----------------------------|--|
| Dec 4, 2024     | Sungee Heijneman | nospam@geewhiz.me           |  |
| Dec 4, 2024     | Sharlene Kemp    | etteleahpark@bigpond.com    | To the Mareeba cancel in regards to the proposed additional laws .<br>I would like to have additional time indigest and understand the proposal.<br>Kind regards<br>Piero Meraviglia |
| Dec 4, 2024     | Piero Meraviglia | meravipiero@gmail.com       |  |
| Dec 4, 2024     | Michael Bosch    | boschfamily6@bigpond.com    |  |
| Dec 4, 2024     | Jennifer Bosch   | boschfamily6@bigpond.com    |  |
| Dec 4, 2024     | Helen Anderssen  | helenspeewah@gmail.com      |  |
| Dec 4, 2024     | Kenneth Wilson   | chilliwilson@yahoo.com      | I support this petition. We need   |
| Dec 4, 2024     | Zeske Wilson     | zeskewilson@gmail.com       | I support this petition.   |
| Dec 4, 2024     | Mark Wilson      | markskybury@gmail.com       | We, as a community need mori   |
| Dec 4, 2024     | Anuschke Wilson  | mazeske@yahoo.com           | We need more time to be able   |
| Dec 4, 2024     | Dana Berzinski   | danaberzinski2167@gmail.com |  |
| Dec 4, 2024     | Damian Banson    | d.banson@yahoo.com.au       |  |
| Dec 4, 2024     | Allen Vaega      | allen.vaega1@gmail.com      |  |
| Dec 4, 2024     | Emma Grace       | fnq@fastmail.com            |  |
| Dec 4, 2024     | Michael Speers   | michael18110@gmail.com      |  |
| Dec 4, 2024     | Kitty Clignett   | kittyclignett@gmail.com     | Please give us, the community  |
| Dec 4, 2024     | Roslyn Melhuish  | roslynmelhuish@gmail.com    | Extension required to stop thes  |
| Dec 4, 2024     | Cheryl Arthy     | jimandcheryl@ymail.com      |  |

Mareeba Shire Council, in particular Angela Topping need to listen to what the people want. We are the rate payers paying your salary. Will never vote for Angela, she couldn't care less about people.

marnigroom@hotmail.com  
grandma.gibb02@gmail..  
darran46@gmail.com  
davowelch69@gmail.com  
davowelch69@gmail.com  
jansevanrensburgjf@gmail.com

Marni Groom  
Lurline Gibb  
Darran Fry  
David Welch  
David Welch  
Jaco vab Rensburg

Dec 4, 2024  
Dec 4, 2024  
Dec 4, 2024  
Dec 3, 2024  
Dec 3, 2024  
Dec 3, 2024

I was one of those to request an extension from 15 Nov 2024 due to insufficient time allowed to give due consideration and comment on the proposed far-reaching changes in Mareeba Shire. For precisely the same reason I request further extension to our requested extension date of 15th January 2025. Please respect privacy and free Agree to insufficient Public Con Is this targeting close city neighbours. I dosen't think it applies to acreages, 5 acres plus.??

satya@bodywhiz.com.au  
michthiel@hotmail.com  
boltontrina0@gmail.com  
  
  
  
  
  
gbim59@gmail.com

Satya Smith  
Michele Thiel  
Trina Bolton  
  
  
George Bimrose

Dec 3, 2024  
Dec 3, 2024  
Dec 3, 2024  
  
  
Dec 3, 2024

10

|   |  |  |  |
|---|--|--|--|
| Dec 3, 2024<br>Dec 3, 2024                | Solar Moon<br>Ines Pecotich                            | twinmoons@hotmail.com<br>inespecotich@hotmail.com                            | <p>With school holidays on our doorstep these new laws are absurd! Let alone any time! People need to be accountable for their pets. For sure. Educate don't condone. Forever families have gathered camping in backyards for holidays, it's safer, cheaper, and a closer family connection!</p> <p>Many here are gardeners, using pot ash for our fruit and vegetablesto grow!!</p> <p>I understand fire restrictions dure dry seasons, again, educate!</p> |
| Dec 3, 2024<br>Dec 3, 2024<br>Dec 3, 2024 | Leah Kelly<br>Robert John Richardson<br>Michael Sexton | leah.t.kelly@gmail.com<br>rob.richardson4@bigpond.com<br>secosmail@gmail.com | <p>What is MSC trying to turn our Shire into?</p> <p>These laws are absurd!</p> <p>Please add an extension time s</p> <p>You work for the constituents a</p>   |

3

I sincerely request that MSC grant our request for an extension of time till January 15 to consider and make submissions in regard to the Amendments proposed as stated above.

I personally, and many local residents I have spoken with, have felt frustrated at the confusion created by trying to understand the legalese language used in the initial Proposed Amendments document I saw.

The more recent summary provided by MSC is much clearer however I am seriously so busy right now that I cannot even give it the attention it requires. Right before Xmas and at the beginning of the wet/storm season means people are extremely preoccupied.

You work for us, the people. Dc

I Highly Object these changes/ε

Totally agree. Not enough time

Dec 3, 2024  
Dec 3, 2024  
Dec 3, 2024  
Dec 3, 2024  
Dec 3, 2024  
Dec 3, 2024

Sharee Carton  
Michelle Postlethwaite  
David Pickering  
Clint Jonsson  
Nico Wouterse  
Melinda Norris

sd.carton@yahoo.com  
chandon001@hotmail.com  
dpick7@icloud.com  
clintjonsson@outlook.com.au  
nicowouterse@hotmail.com  
ohmybudha73@gmail.com

6

|             |                      |                             |  |
|-------------|----------------------|-----------------------------|--|
| Dec 3, 2024 | Don Freeman          | don@freemanproductions.com  | We should be loosening require   |
|             |                      |                             | The commonwealth seal was removed 1973. Please attached PFIZER DOCUMENTS for your perusal. You are most welcome.   |
|             |                      |                             | Have a nice day!<br><a href="https://phmpt.org/wp-content/uploads/2022/04/reissue_5.3.6-postmarketing-experience.pdf">https://phmpt.org/wp-content/uploads/2022/04/reissue_5.3.6-postmarketing-experience.pdf</a>                            |
| Dec 3, 2024 | Tina Thackeray       | tinalouise_t@hotmail.com    | More time is needed for the people of Mareeba to go through all the changes that council is proposing/recommending. The people need to decide what is good and safe and effective for themselves with guidance not by force.<br>Kind regards |
| Dec 3, 2024 | Aliki Strydom-Hensen | ibh.mareeba@gmail.com       | Aliki  |
| Dec 3, 2024 | Tegan Crawford       | Teganmay.crawford@gmail.com | Council needs to consult citizen   |
| Dec 3, 2024 | Rikki Brown          | rikkileebrown@gmail.com     |  |
| Dec 3, 2024 | Amber Elliott        | amber@crothead.com          |  |
| Dec 3, 2024 | William van Druten   | bill_vandruuten@hotmail.com |  |
| Dec 3, 2024 | Grace Dumar          | gracedumar788@gmail.com     |  |
| Dec 3, 2024 | Tracey Anderlini     | tjanderlini@gmail.com       |  |

9

Open Consultancy ,  
Transparency , Courtesy and  
Freedom of Speech are Best  
Policies for a True Democracy

...

By the way "Australia" ,  
the States & Local  
Governments were Changed  
into CORPORATIONS without  
Consultation and WITHOUT A  
REFERENDUM ...

Therefore the Changes are  
UNCONSTITUTIONAL ... hence  
UNLAWFUL ...

Also ... the Queensland  
Labor Party ABOLISHED the  
SENATE in 1922 AGAINST the  
REFERENDUM RESULTS  
SAYING NO(60%) ....

This is UNCONSTITUTIONAL

...

Therefore ALL LAWS  
PASSED in QUEENSLAND Since  
1922 Are UNLAWFUL ...

An extension until the 15th of J

None so far

Shared for more signatures

Dec 3, 2024  
Dec 3, 2024  
Dec 3, 2024  
Dec 3, 2024

Jillian Trout  
Kristell Vergabera  
Ryan Cowan

jtrout@qite.com  
kristell.jane@yahoo.com  
rynolc@gmail.com

4

The initial two-week extension was a small but positive step in the right direction (namely, the council representing the best interests of the community it's been elected to serve). However the two week timeframe granted is, to be honest, entirely inappropriate being insufficient - if council really would like to glean the opinion and obtain representative input from its constituents. Furthermore, comments from the Mayor, Ms Toppin, referring to those genuinely and rightly objecting to proposed changes as being "keyboard warriors", are highly insulting and inappropriate but do offer a glimpse into the sentiments and discussions which seem to be happening behind closed council doors with

|             |                  |                         |
|-------------|------------------|-------------------------|
| Dec 3, 2024 | Dr Olga Trivailo | olga.trivailo@gmail.com |
| Dec 3, 2024 | Sven Baerwalde   | sven.baerwalde@web.de   |
| Dec 3, 2024 | Arnoud Vanwest   | arnouschi@gmail.com     |
| Dec 3, 2024 | Ursula Lang      | langkuschi@gmail.com    |
| Dec 3, 2024 | Debi Crow        | mabutucrow@gmail.com    |
| Dec 3, 2024 | Yakov Morris     | yakovmorris@hotmail.com |

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and more time to be able to oppose these proposed new laws, that is not in the best interest of the Mareeba community.

and time to oppose these proposed laws.  
to submit a proper letter to the Council. The laws that you want to pass is not in the best interest of the community. We have

the extra time needed for us to bring forth our objections to the proposed restrictions by Mareeba Shire Council. Two weeks is  
the amendments.



dom of speech, it's everyone's right of being.  
isultation time relating to Mareeba Shire Councils Proposed Amendments to Local and Subordinate Laws.

o that you can receive further submissions against your proposed changes.  
and we pay your wages, have you forgotten this fact.

› not lose sight of that. Your constituents have long memories.  
 imendments.  
 › to consider the full scope of proposed changes.

ements, especially for people who have large properties who are willing to invest in an additional low cost house to provide h

is first.

anuary for such changes is not a lot to ask, rate payers have a right to have a say in what impacts our community. Too much r

: a right to oppose these proposed changes.




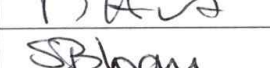
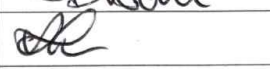
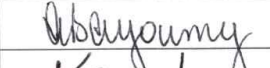

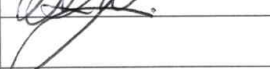

s not enough for us to action our replies, nor to raise the awareness to the greater community.

PETITION

071124

**MAREEBA SHIRE COUNCIL****PUBLIC CONSULTATION ON PROPOSED AMENDMENTS TO LOCAL LAWS**

We, the undersigned below, hereby request and require an extension of time to Friday 17th January 2025 to enable stakeholders to properly consider and respond to the proposed Amended Local Laws.


| Signature   | Suburb  | Phone or Email |
|---|---------|----------------|
|    | Kuranda | 0455174633     |
|    | Speewah | 0484072375     |
|    | Speewah | 0408435160     |
|    | SPEEWAH | 0406368481     |
|    | SPEEWAH | 0437010338     |
|   | Koah    | 0488378073     |
|  | SPEEWAH | 0467497889     |
|  | Speewah | 0481212283     |
|  | SPEEWAH | 0477009166     |
|   |         |                |

PETITION

071124

**MAREEBA SHIRE COUNCIL****PUBLIC CONSULTATION ON PROPOSED AMENDMENTS TO LOCAL LAWS**

We, the undersigned below, hereby request and require an extension of time to Friday 17th January 2025 to enable stakeholders to properly consider and respond to the proposed Amended Local Laws.

|   |                       |            |
|---|-----------------------|------------|
|  | 29 SCENIC DRV SPEEWAH | 0458210775 |
|   |                       |            |
|   |                       |            |
|   |                       |            |
|   |                       |            |

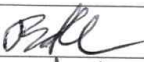
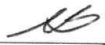

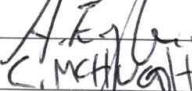

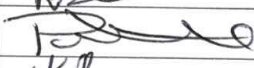


PETITION

071124

## MAREEBA SHIRE COUNCIL

## PUBLIC CONSULTATION ON PROPOSED AMENDMENTS TO LOCAL LAWS

We, the undersigned below, hereby request and require an extension of time to Friday 17th January 2025 to enable stakeholders to properly consider and respond to the proposed Amended Local Laws.

| Signature   | Suburb  | Phone or Email            |
|---|---------|---------------------------|
|    | Speewah | 0459309467                |
| S. Still  | Speewah | 0419 222 443              |
| J. Garbellini   | Speewah | 0423 314 361              |
| T. Ralph  | Speewah | 0437737562                |
| Col. Ralph  | Speewah | 0432802362                |
| K. Ball   | Speewah | 0439364520                |
| John  | Koah    | 0448353067                |
| Ben   | KOAH    | 0458975765                |
| Corey Verburgh  | Speewah | 0444 521 018              |
| Scott Woodhead  | Speewah | 0332 719 709              |
|  | Speewah | 0417755125                |
|  | KOAH    | 0473 445 678              |
|  | Speewah | 0487198392                |
| A. K. [unclear]   | Speewah | 0458 369 666              |
| C. McHugh   | Speewah | 0456526311                |
|  | SPEEWAH | 0488194290                |
|  | SPEEWAH | 0421 643 337              |
|  | SPEEWAH | 0498743489                |
|  | SPEEWAH | 0409 255427               |
| S. Prada  | SPEEWAH | 0416248685                |
| M. [unclear]  | Koah    | 0418144487                |
| S. Parata   | Speewah | 0428364632                |
| C. Elphick  | Speewah | craig.elphick@live.com.au |
| T. Stone  | SPEEWAH | 0421752369                |



PETITION

071124

**MAREEBA SHIRE COUNCIL****PUBLIC CONSULTATION ON PROPOSED AMENDMENTS TO LOCAL LAWS**

We, the undersigned below, hereby request and require an extension of time to Friday 17th January 2025 to enable stakeholders to properly consider and respond to the proposed Amended Local Laws.

| Signature | Suburb   | Phone or Email |
|-----------|----------|----------------|
|           | Speedwah | 0488030244     |
|           | Speedwah | 0448 358 613   |
|           | Speedwah | 0427 654 787   |
|           | SPEEDWAH | 0487 856 996   |
|           | SPEEDWAH | 0407 930571    |
|           | SPEEDWAH | 0423600644     |
|           | Speedwah | 0493 493 799   |
|           | "        | 0457669457     |
|           | "        | "              |
|           | Speedwah | 0413150940 -   |
|           | SPEEDWAH | 0417101381     |
|           | Koah     | 0491835393     |
|           | Speedwah | 0422230781     |
|           | Speedwah | 0412341500     |
|           | Speedwah | 40930667       |
|           | SPEEDWAH | 0409 230271    |
|           | KOAH     | 04 937065      |
|           | SPEEDWAH | 0402352137     |
|           | Speedwah | 0438150991     |
|           | SPEEDWAH | 041 449 1500   |
|           | SPEEDWAH | 0435824361     |
|           | Speedwah | 4093 0131      |
|           | Speedwah | 6449853310     |
|           | Speedwah | 0457763044     |

PETITION

071124

**MAREEBA SHIRE COUNCIL****PUBLIC CONSULTATION ON PROPOSED AMENDMENTS TO LOCAL LAWS**

On 16 October 2024, Mareeba Shire Council (MSC) resolved to propose to make many amendments within 3 Local Laws and 4 Subordinate Local Laws:

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

MSC has provided a two page document that outlines the proposed amendments with minimal detail and doesn't capture the significance and full extent of the changes proposed.

These amendments appear to be an overreach and carry the potential to negatively impact stakeholders, residents and ratepayers, in the Mareeba Shire.

MSC has invited the public to provide written submissions on the proposed Amended Local Laws for the period commencing Friday 18<sup>th</sup> October 2024 and ending on Friday 15<sup>th</sup> November 2024 (\*Consultation Period).

Written submissions made by any person either supporting or objecting to the proposed Amended Local Laws, must state:

1. The Grounds of the submission, and
2. The facts and circumstances relied on in support of the grounds

Mareeba Shire residents and ratepayers request MSC extend the current deadline for submissions currently being 15<sup>th</sup> of November 2024, to allow all stakeholders additional time to peruse the documents and put forward their submissions, supporting or objecting to the proposed amendments.

We strongly encourage MSC to adopt Best Practice Community Consultation and extend the deadline.

**8.2 BTM & S HOLDINGS PTY LTD - MATERIAL CHANGE OF USE - BUSINESS (HEALTH CARE SERVICES) & INDOOR RECREATION FACILITY (INDOOR SPORT AND RECREATION) - LOT 2 ON SP298298 - 2-8 KAROBEAN DRIVE, MAREEBA - MCU/24/0019**

**Date Prepared:** 29 November 2024

**Author:** Coordinator Planning Services

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

#### APPLICATION DETAILS

| APPLICATION                 |   | PREMISES       |                             |
|-----------------------------|---|----------------|-----------------------------|
| <b>APPLICANT</b>            | BTM & S Holdings Pty Ltd  | <b>ADDRESS</b> | 2-8 Karobean Drive, Mareeba |
| <b>DATE LODGED</b>          | 22 October 2024   | <b>RPD</b>     | Lot 2 on SP298298           |
| <b>TYPE OF APPROVAL</b>     | Development Permit  |                |                             |
| <b>PROPOSED DEVELOPMENT</b> | Material Change of Use – Business (Health Care Services) & Indoor Recreation Facility (Indoor Sport and Recreation) |                |                             |
| <b>FILE NO</b>              | MCU/24/0019   | <b>AREA</b>    | 8,299m2                     |
| <b>LODGED BY</b>            | Freshwater Planning Pty Ltd   | <b>OWNER</b>   | BTM & S Holdings Pty Ltd    |
| <b>PLANNING SCHEME</b>      | Mareeba Shire Council Planning Scheme 2016 & Preliminary Approval REC/08/0012                                       |                |                             |
| <b>ZONE</b>                 | Low Density Residential zone<br>Hastie Road Business zone   |                |                             |
| <b>LEVEL OF ASSESSMENT</b>  | Impact Assessment   |                |                             |
| <b>SUBMISSIONS</b>          | Two (2)   |                |                             |

#### EXECUTIVE SUMMARY

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

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

The application and supporting material has been assessed against the relevant statutory planning instruments, including Preliminary Approval REC/08/0012 and does not conflict with any relevant planning instrument

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

#### OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

| APPLICATION                 |   | PREMISES       |                             |
|-----------------------------|---|----------------|-----------------------------|
| <b>APPLICANT</b>            | BTM & S Holdings Pty Ltd  | <b>ADDRESS</b> | 2-8 Karobean Drive, Mareeba |
| <b>DATE LODGED</b>          | 22 October 2024   | <b>RPD</b>     | Lot 2 on SP298298           |
| <b>TYPE OF APPROVAL</b>     | Development Permit  |                |                             |
| <b>PROPOSED DEVELOPMENT</b> | Material Change of Use – Business (Health Care Services) & Indoor Recreation Facility (Indoor Sport and Recreation) |                |                             |

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 – Business (Health Care Services) & Indoor Recreation Facility (Indoor Sport and Recreation)

(B) **APPROVED PLANS:**

| Plan/Document Number | Plan/Document Title | Prepared by                  | Dated    |
|----------------------|---------------------|------------------------------|----------|
| 1659-PD-A00 B        | Cover Sheet         | Clarke and Prince Architects | 03/12/24 |
| 1659-PD-A01 B        | Site Plan           | Clarke and Prince Architects | 03/12/24 |
| 1659-PD-A02 B        | Floor Plan          | Clarke and Prince Architects | 03/12/24 |
| 1659-PD-A03 A        | Elevations          | Clarke and Prince Architects | 03/12/24 |

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

(a) Development assessable against the Planning Scheme

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

## 2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit, have been complied with, except where specified otherwise in these conditions of approval.

## 3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval or the Adopted Infrastructure Charges Notice.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.5 Emissions
  - 3.5.1 Emissions associated with the development must not cause an 'environmental nuisance' within the meaning of the *Environmental Protection Act (1994)* to any sensitive receptor.
  - 3.5.2 Where operations occur prior to 7:00am or after 6:00pm, no doors or windows are to be open and noise generation meets the noise limitations of the *Environmental Protection Policy (Noise)*.
  - 3.5.3 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.
- 3.6 Air Conditioner & Building Plant Screening

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

### 3.7 Waste Management

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

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

### 3.8 Signage

Signage is to be generally in accordance with:

- (1) The approved plans.
- (2) The signage must be kept clean, in good order and safe repair for the life of the approval.
- (3) The signage must be removed when no longer required.
- (4) The erection and use of the signage must comply with the Building Act and all other relevant Acts and Regulations, and these approval conditions.
- (5) The lighting in all illuminated signage must be turned off each evening within 30 minutes of the last business closing.

### 3.9 Rubbish Bins

Waste bins must be provided at each pedestrian entrance to the proposed development.

### 3.10 Specific Building Design Requirements

All southern wall windows less than 2 metre above finished ground are to use frosted glass or other opaque material to prevent overlooking of the neighbouring playground.

## 4. Infrastructure Services and Standards

### 4.1 Access

All vehicle access shall be via the existing Amaroo Village access crossover onto Karobean Drive.

### 4.2 Stormwater Drainage/Water Quality

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

### 4.3 Car Parking/Internal Driveways

The developer must ensure that the development is provided with 39 additional on-site car parking spaces.

All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Compliance with Australian Standard AS2890:1 Off-Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities;
- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility.

#### 4.4 Landscaping

Prior to the commencement of the use of the site, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval.

The landscape plan must generally include the gardens/turf areas shown on the approved Masterplan and use plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

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

#### 4.5 Lighting

The developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access (between dusk to dawn), 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 eight (8) lux when measured at any point 1.5 metre 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.

All lighting except for security lighting, internal lighting and street lighting must be turned off no later than an hour after the close of trading.

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

#### 4.6 Water Supply

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade



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

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

#### 4.7 Sewerage Connection

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

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

#### (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) A Trade Waste Permit may be required prior to the commencement of use.
- (e) Compliance with applicable codes/policies  
The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.
- (f) Compliance with Acts and Regulations  
The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.
- (g) Environmental Protection and Biodiversity Conservation Act 1999  
The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.dcceew.gov.au](http://www.dcceew.gov.au).



(h) Cultural Heritage

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

(i) Electric Ants

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

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

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

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

(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

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

| Development Type            | Rate                 | Measure       | Charge      | Credit | Credit Detail | Balance            |
|-----------------------------|----------------------|---------------|-------------|--------|---------------|--------------------|
|                             | <i>\$ per EDC/m2</i> | <i>EDC/m2</i> |             |        |               |                    |
| <b>Stage MCU/24/0019</b>    |                      |               |             |        |               |                    |
| Water                       | \$5,452.00           | 2.4 EDC       | \$13,084.80 | Nil    | N/A           | \$13,084.80        |
| Sewerage                    | \$5,452.00           | 2.4 EDC       | \$13,084.80 | Nil    | N/A           | \$13,084.80        |
| Roads                       | \$34.193             | 661m2         | \$22,601.50 | Nil    | N/A           | \$22,601.50        |
| Total for Stage MCU/24/0019 |                      |               |             |        |               | <b>\$48,771.10</b> |

### THE SITE

The subject site is described as Lot 2 on SP298298, having an area of 8,299m2 and frontages of approximately 75 metres to Karobean Drive and 90 metres to Hastie Road.

The section of Karobean Drive fronting the subject land is two (2) lane median divided, asphalt sealed with layback kerbing. Hastie Road fronting the subject land is bitumen sealed with kerbing.

A concrete footpath is constructed along the entire Karobean Drive frontage.

Access to the land is obtained from Karobean Drive via two (2) concrete commercial crossovers.

No access is obtained from Hastie Road.

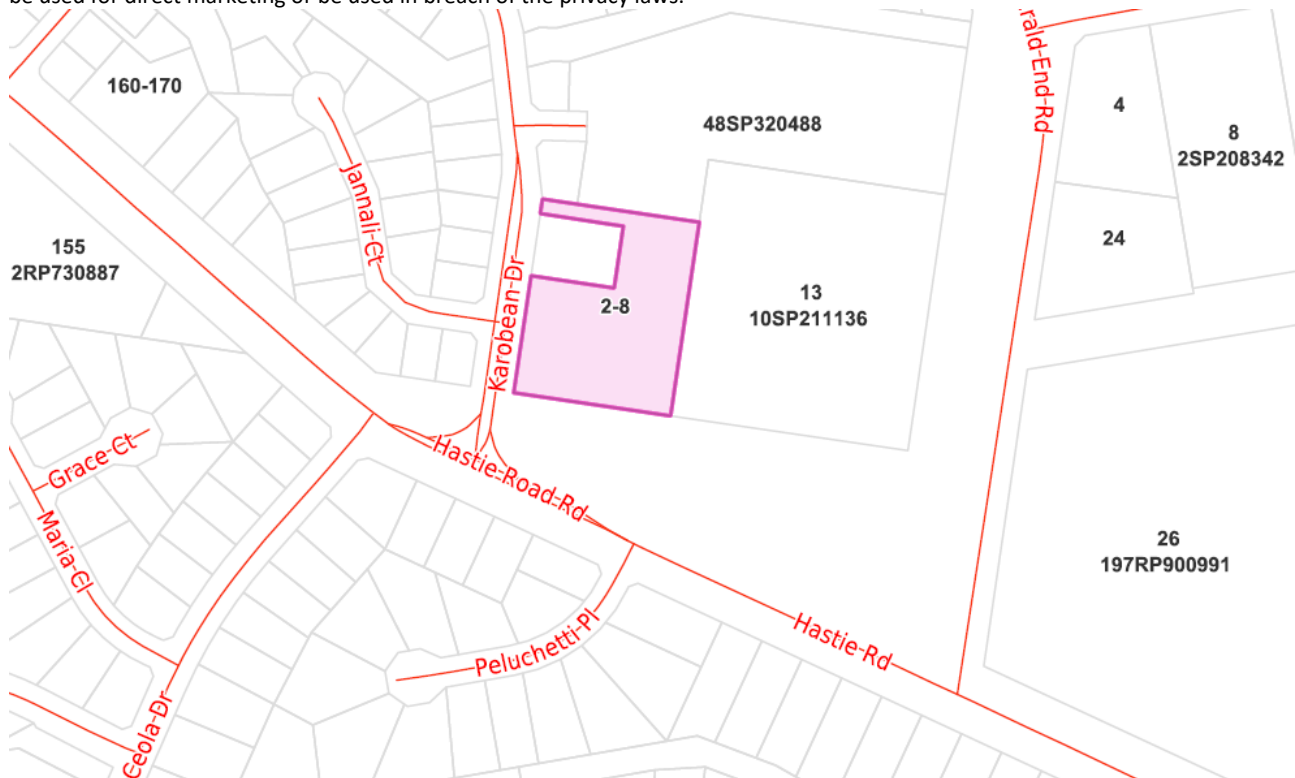
The subject land is flat and has been cleared of any notable vegetation. A medical centre, shops and associated car parking infrastructure are established over Lot 1 on SP298298 and part of Lot 2. All urban services are provided to each allotment.

Surrounding land is zoned Low Density Residential and being developed as a continuation of Amaroo Park Estate. The Mareeba Eastern Catchment Park is located immediately to the south of the subject land.



## Map Disclaimer:

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



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## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

On 11 February 2009, Council approved application REC/08/0012 made by Tableland Earthmoving and Raw Materials Pty Ltd (TERM) for preliminary approval for material change of use to vary the effect of the planning scheme and development permit for reconfiguring a lot – one (1) lot into one (1) business lot and 135 residential lots of land described as Lot 11 on SP211136, situated on Hastie Road and Emerald End Road, Mareeba, subject to conditions.

The preliminary approval component of REC/08/0012 establishes the Hastie Road Business Zone Code which guides the future development of Lot 1 & 2 on SP298298, including the assessment of this current application.

On 19 February 2014, Council approved the application (DA/13/0164) made by Twine Surveys Pty Ltd on behalf of BTM & S Stankovich Pty Ltd for a development permit for Material Change of Use - Business (medical centre), shops (two (2) specialty shops and one (1) supermarket) and restaurant (café/restaurant) over land described as Lot 1 and 2 on SP298298.

Stage one (1), comprising the medical centre and associated car parking infrastructure has been completed and is known as the Amaroo Village Shopping Centre. Part of Stage two (2) comprising the pharmacy, sales office and a beauty salon has also been completed.

Development approval MCU/24/0015 was issued on 29 August 2024 for approximately 450m<sup>2</sup> of additional business and shops fronting Karobean Drive.

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Business (Health Care Services) & Indoor Recreation Facility (Indoor Sport and Recreation) in accordance with the plans shown in **Attachment 1**.

The application describes the proposed development as follows:

*“A Development Permit for a Material Change of Use is sought to facilitate the construction of a 690 m<sup>2</sup> Commercial Building in addition to the existing Amaroo Village Business Precinct. The site contains the existing and Approved Commercial Uses and Vacant Land. The proposal is to add an additional Commercial Building to house Business (Health Care Services) and Indoor Recreation Facility (Indoor Sport and Recreation) within the proposed Commercial Building and is considered to complement the existing Commercial Buildings and Uses.*

*The proposal provides for a Commercial Building to encompass a Gym and Functional Activity Room (Indoor Recreation Facility Uses) and Health Care Services (Business) within the Amaroo Village Business Precinct. The Indoor Recreation Facility Use of the Gym proposes an eventual operating of 24 hrs however, this is not envisaged within the short-term as a sufficient and stable customer base will be firstly required. The proposed Commercial Building is located greater than 50 metres to any residence within the Amaroo Residential Estate and is buffered by the existing and Approved Commercial Buildings within the Amaroo Village Business Precinct. As per demonstrated on the Proposal Plans, the proposal has been meticulously designed to ensure the most appropriate siting and location of the proposed Commercial Building to the surrounding Residential Areas of the Amaroo Residential Estate. The proposed Commercial Building has been positioned to be buffered by the recently Approved Commercial*

*Building and the Café/Restaurant (that is currently in the process of obtain the appropriate Building Approvals) in addition to the existing landscaping onsite, and the Road Network (Karobean Drive). The Building has been intentionally designed to be orientated towards the centre of the Business Precinct and is fully enclosed with the two (2) proposed entry points internally facing to ensure that no adverse effects to the surrounding Amaroo Residential Estate. The proposed Uses are considered to complement the existing Amaroo Village Business Precinct creating additional health and recreation activities. These proposed Uses are located setback significantly from any Residential Uses within the Amaroo Residential Estate and directly adjoining the newly constructed Hastie Road Park. The proposal offers important services to support the ever growing population of the Amaroo Residential Estate, adjoining Residential Area and the Township of Mareeba.*

*The proposal provides for 39 parking spaces inclusive of Disabled parking spaces, already Approved with the existing Commercial Development Approval over the site (Stage 2 and Stage 3). These parking spaces, in addition to the immediately adjoining 59 parking spaces provided within the Amaroo Village Business Precinct ensures that an acceptable level of parking is provided onsite. It is considered that the site contains an existing, proposed and approved oversupply of vehicle parking spaces and encompasses ample manoeuvring areas and the provision of an SRV parking space, if required. In addition to this, the proposal provides for a Use, being the Indoor Recreation Facility, that generally utilises the majority of the Uses required parking spaces outside of general business hours, ensuring that an appropriate amount of parking spaces is available with the proposed development. The existing and approved sealed driveway also provides for vehicle manoeuvring areas for delivery vehicles. The site is accessed from the existing crossovers to the existing Road Network, being Karobean Drive and utilises the existing access driveway. It is considered that the site is provided with safe appropriate access to the proposed Uses.*

*The proposal will retain, maintain and enhance the existing landscaping provided along the frontage of the site to match in with the Amaroo Village Business Precinct.*

*The site is located in the Low Density Residential Zone of the Mareeba Shire Council's Planning Scheme. A Material Change of Use for the proposed Business and Indoor Recreation Facility or subsequent Uses of Health Care Services and Indoor Sport and Recreation, are Impact Assessable Uses within this Zone. As aforementioned, the site contains a Site Specific Code being the Hastie Road Business Zone Code (REC/08/0012). Business and Indoor Recreation Facility are Impact Assessable within the Hastie Road Business Zone. The application is Impact Assessable.*

*This Submission provides a comprehensive assessment of the relevant planning instruments and site context for the proposed Uses. This is supported by the attached Proposal Plans and the assessment against the relevant aspects of the Mareeba Shire Council's Planning Scheme and the Hastie Road Business Zone Code. It is considered that the proposed development is an appropriate and conforms to the existing Amaroo Village Business Precinct of the site, immediate vicinity and surrounding environs providing supporting Services/Uses to the surrounding local residents of Mareeba and the Tablelands."*

## **REGIONAL PLAN DESIGNATION**

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' does not identify the site as being of any significance.

**PLANNING SCHEME DESIGNATIONS**

|                      |  |
|----------------------|--|
| Strategic Framework: | <b>Land Use Categories</b><br>• Residential Area             |
| Zone:                | Low Density Residential zone<br>Hastie Road Business zone    |
| Mareeba Local Plan:  | Retail   |
| Overlays:            | Airport Environs Overlay<br>Transport Infrastructure Overlay |

**Planning Scheme Definitions**

The proposed use is defined as:

**Business** means the use of premises for commercial purposes, including the following types:

- (a) medical or dental practice;
- (b) office;
- (c) service industries (such as printing workshops or saddle making);
- (d) bakeries.

**Indoor recreation facility** means any premises used or intended for use for:

- (a) a purpose listed in Table 1;
- (b) viewing or partaking in a sport or game where the use is conducted primarily indoors;
- (c) a meeting place or club for a group or association engaged in social, sporting, athletic, literary, political or like purposes; or
- (d) a licensed club.

The term includes an ancillary TAB agency.

**TABLE 1**

Amusement halls and parlours  
 Art galleries  
 Billiards saloons  
 Bowling centre  
 Cinemas  
 Circuses (indoors)  
 Concert halls  
 Indoor swimming pools (public)  
 Dance halls  
 Exhibitions (indoor)  
 Gymnasiums  
 Meeting halls other than places of public worship  
 Museum  
 Music halls  
 Schools of art  
 Side shows (indoor)  
 Skating rinks (indoor)  
 Squash courts (indoor)

*Stadiums (indoor)*  
*Tennis Courts (covered)*  
*Theatres (indoor)*  
*Youth centres*

## 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

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs in the planning scheme area for the life of the planning scheme.

The following is an assessment of the application against the relevant sections of the strategic framework:

#### 3.3.2 Element—Activity centres network

##### 3.3.2.1 Specific outcomes

- (1) The scale of development in *activity centres* is consistent with their role and function within the defined hierarchy of *activity centres*, which consists of a *major regional activity centre*, a *village activity centre*, *rural activity centres* and *rural villages*.

##### Comment

The scale of the development proposed by this application is consistent with Mareeba's role as a major regional activity centre.

- (2) Centre activities are focussed in *major regional activity centres*, particularly development which draws on a wide catchment. Other *activity centres* promote local self-containment by facilitating a diverse range of services in support of local catchments and communities.

##### Comment

The development complies.

- (3) Other than small scale *industry areas*, commercial activities will not occur outside *centre areas* unless there is an overriding need in the public interest, there are no alternative sites in *centre areas*, there is no adverse impact on *centre areas* or the area surrounding the development and the site is readily accessible by a range of transport modes.

Comment

The scale of the development proposed by this application is modest and remains consistent with Preliminary Approval REC/08/0012. It represents a sensible and compatible extension to the existing Amaroo commercial node.

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

#### **3.3.3.1 Specific outcomes**

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

Comment

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

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

Comment

The proposed development complies and will increase access to services on the eastern side of Mareeba.

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

#### **3.3.7.1 Specific outcomes**

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

Comment

The proposed development will not alter the predominant form of development within Amaroo Estate.

### **3.4.8 Element—Air and noise quality**

#### **3.4.8.1 Specific outcomes**

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



Comment

The development can be reasonably conditioned to prevent potential noise impacts. A condition will be applied requiring all doors and windows to be kept closed for before 7.00am and after 6.00pm.

**3.7.6 Element—Retail and commercial development****3.7.6.1 Specific outcomes**

- (1) Commercial development will be facilitated by:
- (a) consolidation and co-location of centre activities in existing *centre areas*;
  - (b) identification of space adjacent to *centre areas* to cater for the expansion of commercial activities;
  - (c) infrastructure provision in areas identified as able to cater for new commercial development;
  - (d) maintenance of a high standard of infrastructure, services and amenity in existing commercial areas to support further business investment and expansion.

Comment

The site is part of, and will complement, an established commercial centre area.

**Relevant Developments Codes**

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

Hastie Road Business Zone Code  
 Part 6 Division 5 - Carparking code  
 Part 6 Division 15 - Landscaping code  
 6.2.6 Low density residential zone code  
 7.2.2 Mareeba local plan code  
 8.2.2 Airport environs overlay code  
 9.3.2 Commercial activities code  
 9.3.7 Sport and recreation activities 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 outcomes 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  |
|-------------------------------------|---|
| Hastie Road Business 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. |
| Part 6 Division 5 - Carparking 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. |

|   |   |
|---|---|
| Part 6 Division 15 - 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. |
| Low density residential zone code       | The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. |
| Mareeba local plan code                 | The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. |
| Airport environs overlay code           | The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. |
| Commercial activities code              | The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code. |
| 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. |
| 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 development works be designed and constructed in accordance with FNQROC Development Manual standards.

### **Adopted Infrastructure Charges Notice**

An infrastructure agreement is in place for the existing stages of Amaroo Village. An Adopted Infrastructure Charges Notice has also been issued for existing Stages 1 to 3.

The proposed development is a continuation of Amaroo Village and the methodology contained in the infrastructure agreement/AICN has been carried forward for this addition.

The calculated infrastructure charges for this addition are as follow:

| Development Type            | Rate                 | Measure       | Charge      | Credit | Credit Detail | Balance            |
|-----------------------------|----------------------|---------------|-------------|--------|---------------|--------------------|
|                             | <i>\$ per EDC/m2</i> | <i>EDC/m2</i> |             |        |               |                    |
| <b>Stage MCU/24/0019</b>    |                      |               |             |        |               |                    |
| Water                       | \$5,452.00           | 2.4 EDC       | \$13,084.80 | Nil    | N/A           | \$13,084.80        |
| Sewerage                    | \$5,452.00           | 2.4 EDC       | \$13,084.80 | Nil    | N/A           | \$13,084.80        |
| Roads                       | \$34.193             | 661m2         | \$22,601.50 | Nil    | N/A           | \$22,601.50        |
| Total for Stage MCU/24/0019 |                      |               |             |        |               | <b>\$48,771.10</b> |

## REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

## Internal Consultation

Technical Services have reviewed the proposed development and require a proposed two (2) metre wide awning along the park facing wall to be deleted. This will avoid the potential for conflict between the proposed development and future park development.

The applicant has provided amended plans with the two (2) metre wide awning removed.

## PUBLIC NOTIFICATION

The development proposal was placed on public notification from 30 October 2024 to 22 November 2024. The applicant submitted the notice of compliance on 25 November 2024 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Two (2) properly made submissions were received and both are in support of the proposed development.

The grounds for support are summarised and commented on below:

| Grounds for support  | Comment |
|--|---------|
| The development will enhance local health care and recreation services encouraging healthier lifestyles. | Noted.  |
| The development supports economic growth contributing to the local economy.                              |         |
| The development improves community wellbeing.  |         |

**Submitters**

| <b>Name of Principal submitter</b> | <b>Address</b>   |
|------------------------------------|--|
| 1. Antonio Bruno Di Maggio         | <a href="mailto:abdimaggio@gmail.com">abdimaggio@gmail.com</a> |
| 2. Victor Madrid                   | <a href="mailto:vam.17@hotmail.com">vam.17@hotmail.com</a>     |

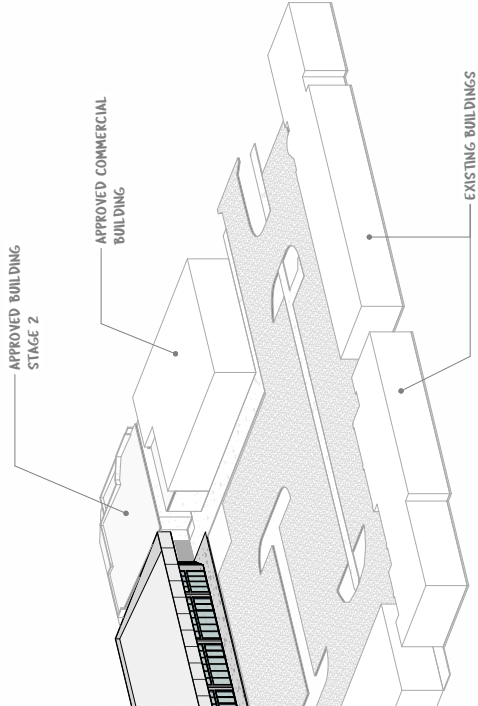
**PLANNING DISCUSSION**

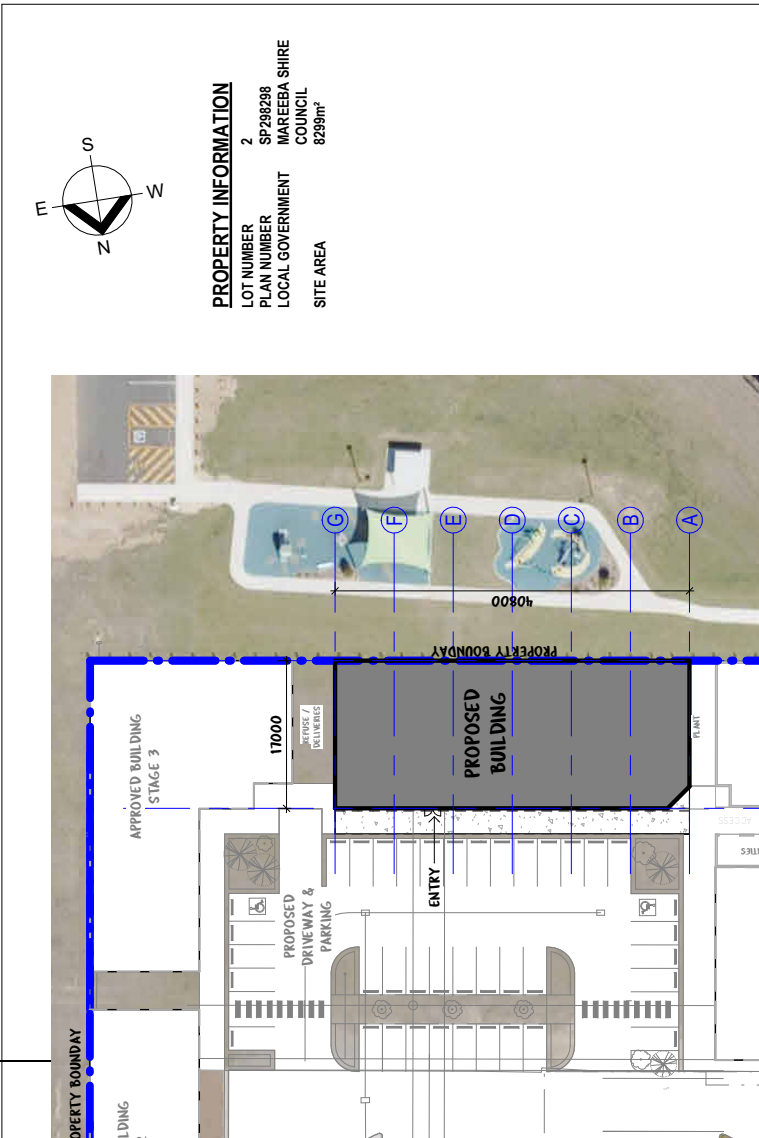
Nil

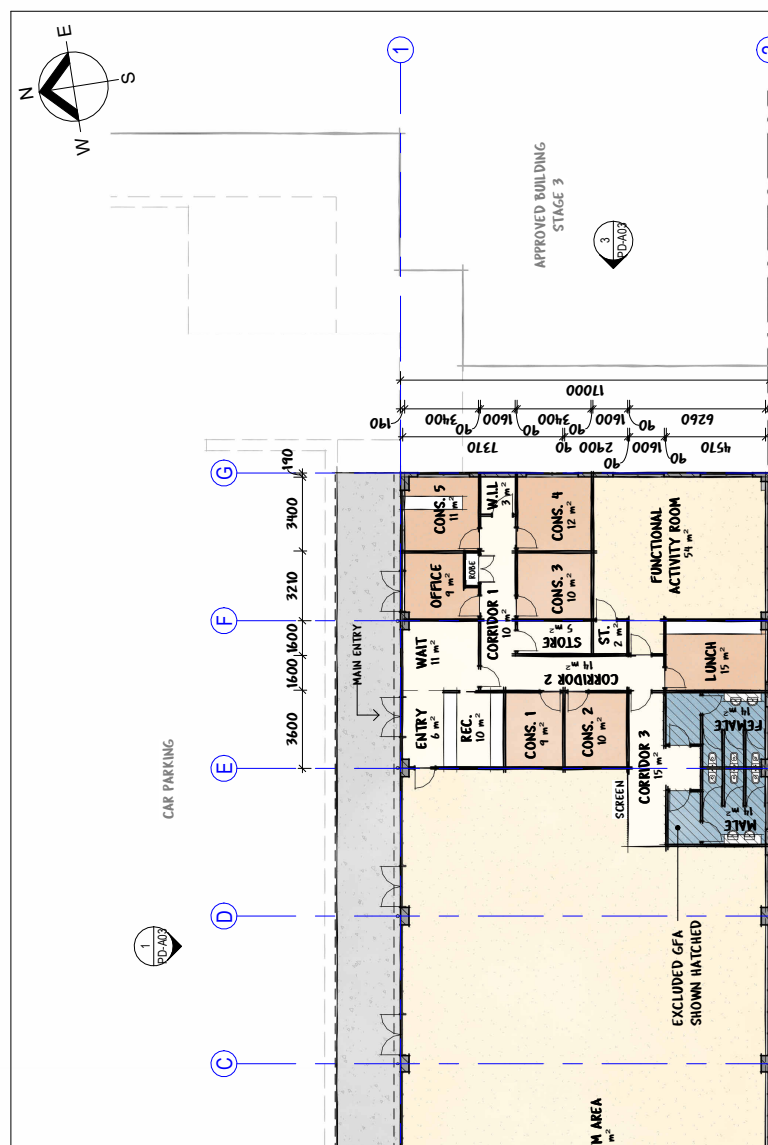
**COMMERCIAL BUILDING**

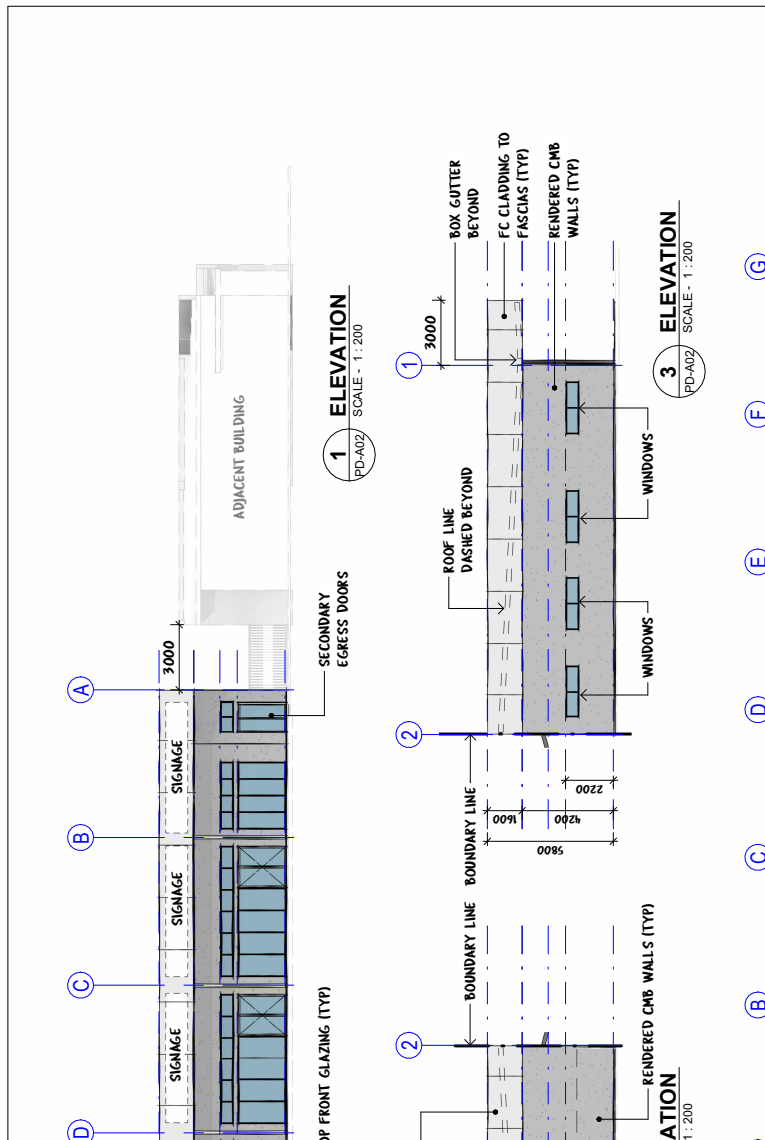
MAROO PARK, MAREEBA

- SHEET LIST**
- 1- ARCHITECTURAL
  - 1659-PD-A00 COVER SHEET
  - 1659-PD-A01 SITE PLAN
  - 1659-PD-A02 FLOOR PLAN
  - 1659-PD-A03 ELEVATIONS











**From:** [Antonio Dimaggio](#)  
**To:** [Info](#)  
**Subject:** MCU/24/0019 MCU – Business (Health Care Services) & Indoor Recreation Facility (Indoor Sport and Recreation)  
**Date:** Monday, 18 November 2024 10:12:41 AM

---

Dear Mareeba Shire Council,

I am writing to express my support for Development Application MCU/24/0019, proposing a Development Permit for a Material Change of Use for Business (Health Care Services) and Indoor Recreation Facility (Indoor Sport and Recreation) at 2-8 Karobean Drive, Mareeba (Lot 2 on SP298298), under the Mareeba Shire Council Planning Scheme 2016.

This development promises significant benefits to the Mareeba community by:

1. **Enhancing Local Services:** Providing essential health care services and a dedicated indoor recreation space will address growing community needs and encourage healthier lifestyles.
2. **Supporting Economic Growth:** The establishment of these facilities is likely to create jobs during both construction and operational phases, contributing to the local economy.
3. **Improving Community Well-being:** With the addition of accessible recreational opportunities, residents of Mareeba will benefit from improved social and physical well-being.

Given the strategic location and alignment with community goals, I strongly believe this proposal will positively impact our region. I encourage the Council to approve this application to foster growth and provide essential services to Mareeba.

Thank you for considering my input. Should you require further information or clarification, please do not hesitate to contact me.

Kind Regards,  
Antonio Bruno Di Maggio  
Bruno's Taxi Service Mareeba  
Ph: 0405 660 221

**From:** [Victor Madrid](#)  
**To:** [Info](#)  
**Subject:** Material Change of Use - Business (Health Care Services) and Indoor Sport and Recreation Facility (Indoor Sport and Recreation)  
**Date:** Friday, 1 November 2024 12:32:18 PM

---

To Whom This May Concern,

I am writing to express my support for the proposed Business (Health Care Services) and Indoor Sport and Recreation Facility (Indoor Sport and Recreation) within the Amaroo Village Buisness Precinct at 2-8 Karobean Drive in Mareeba. I am a reside within this area and believe that both services are vital in improving the well-being, health, and overall quality of life for surrounding residents.

**Business Health Care Services**

Access to quality health care is a fundamental need and something that the Amaroo Village Business Precinct already provides through Amaroo Medical. I'm assuming this proposed development will be building off this service and providing other specialised services that can make a significant difference in the lives of many community members. A facility of this type would be invaluable for addressing both preventive and ongoing care needs, enabling people to maintain or improve their health locally.

**Indoor Recreation Facility (Indoor Sport and Recreation)**

An indoor sport and recreation facility would offer a year-round space for physical activity, which is especially important in maintaining an active lifestyle. Not only would this provide an accessible venue for fitness programs, and community events, but it would also create a safe and engaging environment for all ages, from children and families to seniors.

This facility would also offer economic and social benefits, including job opportunities, enhanced property values, and an overall sense of community. I am confident that the addition of these services will positively impact our local community for years to come.

Thank you for considering the support for these essential services. I look forward to seeing these initiatives come to fruition and am happy to discuss ways we can further advocate for their success.

Regards,

Victor Madrid

**8.3 COUNCIL POLICY REVIEW**

**Date Prepared:** 6 November 2024

**Author:** Coordinator Governance & Compliance

**Attachments:** 1. Community Engagement Policy [↓](#)

---

**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: Community Engagement Policy – adopted 16 December 2020
2. Adopts the: Community Engagement Policy

**BACKGROUND****1. Community Engagement Policy**

**2.**

**3. Purpose**

4. To outline Council's intentions to appropriately involve the community in decision-making across a range of Council functions including policy development, planning, program and service delivery and to declare an expectation for community members about the level of public involvement in problem solving and decision-making.

**5.**

**6. Summary of amendments**

1. Section 1 – para 1, modernise wording; omit para three declaring local government principles;
  2. Section 2 – para 1, modernise wording declaring policy position where legislation does not prescribe community consultation approach;
  3. Section 3.1 – omit final sentence reference to Local Government Association of Queensland;
  4. Section 3.2 – insert new first sentence community engagement declaration; paras 3-5 modernise wording;
  5. Section 3.3.1 – insert new bullet point series declaring engagement priority;
  6. Section 3.3.2 – insert new bullet point 2 declaring non engagement priority;
  7. Section 3.3.3 – insert new bullet point series declaring measurement objectives;
  8. Section 6 – update related documents and reference instruments;
  9. Section 7 – update reporting line position description;
  10. Apply minor grammatical and formatting and naming convention amendments throughout.
- 7.

## **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**

Policy library and website updated to publish.



## Community Engagement Policy

|                     |   |                |            |
|---------------------|---|----------------|------------|
| Policy Type         | Governance Policy                       | Version:       | 2.0        |
| Responsible Officer | Manager Customer & Community Services   | Date Approved: | 18/12/2024 |
| Review Officer:     | Director Corporate & Community Services | Review Due:    | 18/11/2028 |
| Author:             | Manager Customer & Community Services   | Commencement:  | 18/12/2024 |

### 1. PURPOSE

Mareeba Shire Council is committed to genuine, inclusive, fit for purpose and transparent community engagement activities to assist in the delivery of high quality local government. The Community Engagement Policy outlines Council's intentions to appropriately involve the community in decision-making across a range of Council functions including policy development, planning, program and service delivery.

The Policy will set an expectation to community members about the level of public involvement in problem solving and decision-making.

### 2. SCOPE

This Policy applies to Council and consultants engaged by Council.

Community consultation that is prescribed under legislation is outside of the scope of this Policy. However, all aspects of Council operations where legislation does not specify the method of community consultation fall within the scope of this Policy.

### 3. POLICY STATEMENT

#### 3.1 COMMUNITY ENGAGEMENT

Mareeba Shire Council recognises that residents and other stakeholders have diverse opinions, innovative ideas and a wealth of life experience and this information allows Council to better understand issues and provide services that are tailored to community needs. Council aims to inform the public about decisions and to provide appropriate mechanisms for public input and participation in Council decision-making to ensure that community needs and values are recognised in service planning and delivery.

Community engagement is not about replacing the decision-making functions of democratically elected Councillors, rather it is about enhancing and informing this decision-making and providing new opportunities for partnering between Council and others to address issues and problems. Responsibility for the final decision rests with Council.

Effective community engagement contributes to the following outcomes:

- Increased community awareness about Council policy development, planning, program and service delivery;
- Increased community satisfaction with Council and strengthening of trust between Council and community;
- Increased awareness of community views and needs for consideration in decision-making processes;

Page 1 of 3

## Community Engagement Policy

- Improved decision-making with solutions and outcomes broadly supported by and reflecting the best interests of the community.

The International Association for Public Participation (IAP2) framework guide the community engagement conducted by Council.

### 3.2 PRINCIPLES

Council recognises that better decision and more sustainable outcomes may be achieved through community engagement.

The following principles provide a framework for how Council engages with the community and should be evident in all engagement activities and processes:

Integrity - Council acts ethically using engagement processes that are open, honest and accountable; accurately defining the scope and purpose of engagement and clearly articulating the community's level of influence in a decision or activity and how the final decision will be made. Council will use language that is clear and relevant.

Inclusion - Council ensures stakeholders have fair and equitable access to Councillors to influence decision making; using a variety of engagement techniques that meet the diverse needs of the community and connect with those who are hardest to reach. Barriers to participation will be identified and removed or mitigated.

Deliberation - Council provides timely, sufficient and relevant information whenever possible and feasible, to allow the community to understand, discuss and evaluate problems, alternatives and solutions. Meaningful community engagement is facilitated through the provision of appropriate information.

Influence - Council recognises and values the opinions, ideas, experiences, needs and aspirations of the community; community influence in the decision-making is acknowledged, apparent and reflected in Policy, plans, programs and services. The final decision rests with Council. Stakeholders and the community will be informed of the outcome of the community engagement to 'close the engagement loop'.

### 3.3 ENGAGEMENT STRATEGIES

#### 3.3.1 When will Council engage with the community?

Priority will be given to engaging with the community when:

- It is a requirement under legislation or under a funding agreement;
- When Council resolves to recommend the need for community engagement;
- When the decision is likely to impact on people and the places they live and work; or
- When a Council operated event, program, service, facility, community focussed Policy or plan is to be introduced, changed or discontinued, which may impact on the community.
- When resolving community concerns e.g., managing community safety impacts
- When encouraging behaviour change e.g., waste management behaviours

## Community Engagement Policy

**3.3.2 When will Council not engage with the community?**

There are certain situations that are not suited to community engagement, and these include:

- When decisions must be made immediately;
- When decisions related to a risk to public health and safety or emergency response;
- When decisions relate to everyday council business operations or legislative matters and there is no scope for community views to be considered; or
- When legal or commercial and other confidentiality restrictions prevent.

**3.3.3 Measure of success**

This policy will be measured on the following basis:

- A coordinated schedule of community engagement activities is planned and delivered
- A wide variety of community engagement methodologies are applied
- The proportion of the community who believe they can have a say on community issues
- The level of community satisfaction with their participation in council engagement activities
- Information on how community input has influenced decisions or outcomes is communicated

**4. REPORTING**

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No additional reporting is required.

**5. DEFINITIONS**

---

**Community** – means a group of people united by at least one common characteristic such as geography, shared interest, experience, values, or attitudes.

**Community Engagement** – means a planned process of connecting, communicating and working with the community to ensure that they are well informed and provided with opportunities to be part of the problem-solving and decision-making processes on matters that affect their lives and the community generally.

**Stakeholder** – means any individual, group, or entity with an interest in the subject matter or may be affected by the outcome of a decision.

**6. RELATED DOCUMENTS AND REFERENCES**

---

- *Community Engagement Toolkit for Planning 2017* (Department of State Development, Infrastructure, Local Government and Planning)
- *Land Act 1994* (Qld)
- *Local Government Act 2009* (Qld)
- *Local Government Regulation 2012* (Qld)
- *Planning Act 2016* (Qld)
- *Quality Assurance Standard for Community Engagement and Stakeholder Engagement 2023* (International Association for Public Participation)

**7. REVIEW**

---

It is the responsibility of the Director Corporate & 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.





**8.4 LEASE RENEWAL - MT CARBINE RODEO ASSOCIATION INC. - LOTS 1-3 SP106047**

**Date Prepared:** 18 November 2024

**Author:** Coordinator Governance & Compliance

**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

This report seeks consent for renewal of the community lease held by the Mt Carbine Rodeo Association Inc. over trust land located on Pump Road, Mount Carbine.

**RECOMMENDATION**

That Council:

1. Approve the issuing of a new lease over the whole of Lots 1-3 SP106047 to the Mt Carbine Rodeo Association Inc. for a term of ten (10) years, commencing 11 January 2025; and
2. Decide that section 236(1)(b)(ii) of the *Local Government Regulation 2012* (Qld) applies to point one (1) above; and
3. Delegate authority to the Chief Executive Officer to negotiate, finalise and execute the necessary lease tenure instruments in accordance with requirements in Council's *Community Group Exclusive Use of Council Land and Facilities Policy* and *Community Tenure Guidelines*.

**BACKGROUND**Current tenure

The Mt Carbine Rodeo Association Inc. (MCRA) currently hold a lease over the whole of Lots 1-3 on SP106047, Pump Road Mount Carbine. The lease holds a term of 20 years and is due to expire on 10 January 2025. Lots 1-3 SP106047 is reserve land for recreation purposes and Council is assigned as trustee of the reserve.

Under the terms of the lease, the MCRA is responsible for all maintenance of the premises with any proposals for additional infrastructure requiring prior Council consent. MCRA have effectively managed the land since 2005 in accordance with the terms of their current lease.

Proposed new tenure

On 13 November 2024, Council received correspondence from the MCRA seeking to renew their lease agreement, on the same terms as the former agreement, for a renewed period of ten years.

Assessment of MCRA community group status

The MCRA meet the definition of a Community Group and are assessed as a Type two (2) Community Group under Council's *Community Group Exclusive Use of Council Land and Facilities Policy* and *Community Tenure Guidelines*. The MCRA Committee have been informed and have indicated acceptance of Council's revised policy position on community leasing and resulting responsibilities for community groups, as applies to maintenance of the premises.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Section 236(1)(b) of the *Local Government Regulation 2012* (Qld) (LGR) provides that a Local Government may dispose of an interest in land (including all or part of an interest in land such as by lease) other than by tender auction if interest in land is disposed of to a Community Organisation as defined in Schedule 8 of the LGR:

community organisation means—

(a) an entity that carries on activities for a public purpose; or

(b) another entity whose primary object is not directed at making a profit.

The entity MCRA conforms with this definition.

**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**

**8.5 MAREEBA AIRPORT AVIATION INDUSTRIAL PARK - MARKET REVIEW OF LAND RENTAL RATES FOR VACANT LEASE SITES**

**Date Prepared:** 9 December 2024

**Author:** Coordinator Governance & Compliance

**Attachments:** 1. Rental Assessment - Land Rental [↓](#)

---

**EXECUTIVE SUMMARY**

This report seeks Council approval for revised per square metre land rental rates relevant to vacant lease sites at the Mareeba Airport Aviation Industrial Park.

**RECOMMENDATION**

That Council:

1. Approve the per square metre land rental rates for Council held vacant lease sites at the Mareeba Airport Aviation Industrial Park as set out in this report; and
2. Approve subsequent annual increases to the per square metre land rental rates for Council held vacant lease sites equivalent to June quarter CPI commencing in the year 2025.

**BACKGROUND****Past lease rental rates**

Lease rental rates for new leases at Mareeba Airport were initially set in 2016 and updated in 2018, based on financial modelling which accounted for the \$23 million upgrade works proposed for the Airport at that time and the increased operational costs resulting from those works. The lease rates adopted in 2016 based upon the modelling were:

Leases sites 500m<sup>2</sup> and above in area – \$6.00 (excl GST) per square metre  
Lease sites less than 500m<sup>2</sup> in area – \$9.00 (excl GST) per square metre.

The modelling also utilised an estimated annual CPI increase applied to the above lease rates. Lease rates were not increased in the 2017/18 financial year. Council adopted new lease rates on 15 August 2018 which applied the annual CPI for June 2018 to lease rental rates for leases entered into in the 2018/19 financial year as follows:

Lease sites 500m<sup>2</sup> and above in area – \$6.10 (excl GST) per square metre;  
Lease sites less than 500m<sup>2</sup> in area – \$9.15 (excl GST) per square metre.

**Current lease rental rates**

Current published lease rental rates are as follows:

Commercial lease sites 630m<sup>2</sup> to 4,410m<sup>2</sup> – annual rent currently charged at \$6.40 (excl GST) per square metre;  
Recreational lease sites 270m<sup>2</sup> – annual rent currently charged at \$9.60 (excl GST) per square metre.

**A refreshed market position**

All current leases at the Mareeba Airport Aviation Industrial Park are subject to a market review every five (5) years to ensure that fluctuations in annual CPI are accounted for and land rental rates are reflective of fair market value. Annual increases to lease rental amounts for sites which hold an active lease are therefore applied cyclically under the terms of the lease.

However, for vacant lease sites which are still in Council's possession ie are not leased to another party, Council must ensure that the process of market review assessment is also applied to refresh land rental rates and that annual CPI is applied to the refreshed rates annually thereafter. Accordingly, a rental assessment market valuation report compiled by a registered valuer is herewith attached detailing refreshed land rental values as of 25 November 2024 as follows:

Commercial lease sites 630m<sup>2</sup> to 4,410m<sup>2</sup> – annual rent **\$6.86 (excl GST) per square metre**;  
Recreational lease sites 270m<sup>2</sup> – annual rent **\$11.32 (excl GST) per square metre**.

Adoption of the above refreshed land rental rates is recommended to align with fair market land rental value for vacant sites which do not hold a current lease interest.

**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.

**Transport and Infrastructure:** The provision of quality infrastructure to service our growing community using sound asset management principles.

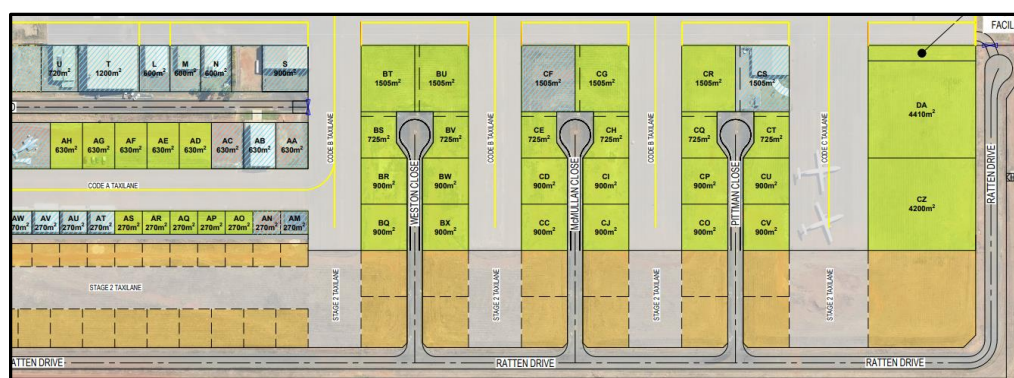
**Economy and Growth:** Promote and encourage investment in local industry to build a resilient economy.

**IMPLEMENTATION/COMMUNICATION**

Subject to approval of Council, land rental rates will be updated as published on Council's website.



# RENTAL ASSESSMENT OF VARIOUS LOTS MAREEBA AERODROME JRM BRAES ROAD MAREEBA FAR NORTH QUEENSLAND



ATHERTON TABLELANDS  
PAPUA NEW GUINEA

CAIRNS  
TOWNSVILLE

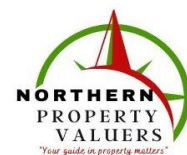
SUNSHINE COAST  
GOLD COAST

BRISBANE  
MELBOURNE

07 4092 7522

[admin@npvaluers.com.au](mailto:admin@npvaluers.com.au)

Liability limited by a scheme approved under Professional Standards Legislation



## EXECUTIVE SUMMARY

This assessment is based on certain conditions and contains a number of qualifications. This executive summary must be read in context of and in conjunction with the full rental assessment report. All comments, terms and conditions contained in the full rental assessment relate directly to this Executive Summary. Reliance should only be placed on this report upon sighting a signed original document.

|                               |  |
|-------------------------------|--|
| <b>Property Address:</b>      | Vacant Lease Sites, Mareeba Aerodrome, JRM Braes Road, Mareeba.  |
| <b>Instructing Party:</b>     | This assessment has been prepared in response to an instruction received 7 <sup>th</sup> November 2024 from Mr Mike Schuck, Coordinator Governance and Compliance, Mareeba Shire Council.  |
| <b>Purpose of Assessment:</b> | Rental Value of the Land   |
| <b>Registered Owner:</b>      | Mareeba Shire Council  |
| <b>Date of Inspection:</b>    | 25 <sup>th</sup> November 2024   |
| <b>Date of Assessment:</b>    | 25 <sup>th</sup> November 2024   |
| <b>Date of Issue:</b>         | 2 <sup>nd</sup> December 2024  |
| <b>Property Type:</b>         | Lease site at the Mareeba Aerodrome  |
| <b>Our Reference:</b>         | 17953  |
| <b>Your Reference:</b>        | PAD23911   |
| <b>Planning:</b>              | Industry, Heavy Industry Precinct – Mareeba Shire Plan   |
| <b>Property Synopsis:</b>     | <p>These subject parcels are vacant, commercial sites ranging from 630m<sup>2</sup> to 4,410m<sup>2</sup>, and 270m<sup>2</sup> recreational sites, located within the western precinct of Mareeba Aerodrome, approximately 6 kilometres south of the Mareeba township.</p> <p>The lease areas are vacant of any improvements. We have been instructed to assess the Fair Market Rent for the land only.</p>   |
| <b>Critical Assumptions:</b>  | <p>This assessment is current at the date of assessment only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this assessment is relied on after the expiration of 3 months from the date of the assessment, or such earlier date if you become aware of any factors that have any effect on the assessment.</p> |



This assessment is for the use only of the party to whom it is addressed and of no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this assessment.

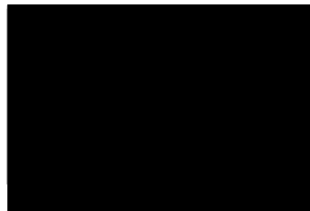
**Assessed Interest:** Land Rental Value

**Assessment Approach:** Direct Comparison

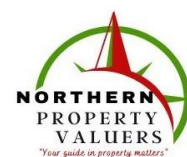
**Rental Value of Land:** **Commercial lease areas (630m<sup>2</sup> to 4,410m<sup>2</sup>)**  
\$4,321.80 to \$30,252.60 p.a.  
(Four Thousand, Three Hundred and Twenty One Dollars and Eighty Cents  
to  
Thirty Thousand, Two Hundred and Fifty Two Dollars and Sixty Cents)  
As at 25<sup>th</sup> November 2023  
(Exclusive of GST)

**Recreational lease areas (270m<sup>2</sup>)**  
\$3,056.40 p.a.  
(Three Thousand and Fifty Six Dollars and Forty Cents)  
As at 25<sup>th</sup> November 2023  
(Exclusive of GST)

**Signature of Valuer:**



AAPV - Certified Practicing Valuer  
QLD Registered Valuer Number. 5179  
**NORTHERN PROPERTY VALUERS**



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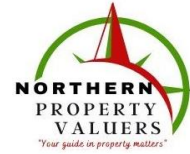
## 1.0 INSTRUCTIONS

The instructions to Northern Property Valuers are summarised below:

Various Lots, JRM Braes Road, Mareeba  
File Reference: 17953

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**1.1 Property Address:**

We have been instructed to inspect various vacant lease sites located at the Western Precinct of the Mareeba Aerodrome, JRM Braes Road, Mareeba, Qld 4880.

**1.2 Instructing Party:**

We have been instructed by Mr Mike Schuck, Coordinator Governance and Compliance, Mareeba Shire Council, to assess the Fair Rental Value of the land only at the above property.

**1.3 Interest to be Valued:**

Lease of the Land

**1.4 Purpose of this Assessment:**

Fair Market of the Land Rental

**1.5 Rental Value Definition:**

In accordance with the International Valuation Standards Council (IVSC) 2020 and as adopted by the Australian Property Institute, 'Market Value' is defined as follows:

*"The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion".*

We have adopted the definition above for the purpose of the present valuation.



## 2.0 TITLE DETAILS

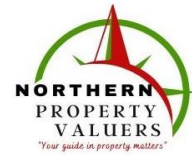
### 2.1 Real Property Description and Lease Area:

Registered Lease Sites within Lot 20 Registered Plan 748320. Tenure is Leasehold.

| Lease Site                   | Lease Area (m <sup>2</sup> ) |
|------------------------------|------------------------------|
| AH                           | 630                          |
| AG                           | 630                          |
| AF                           | 630                          |
| AE                           | 630                          |
| AD                           | 630                          |
|                              |                              |
| AS                           | 270                          |
| AR                           | 270                          |
| AQ                           | 270                          |
| AP                           | 270                          |
| AO                           | 270                          |
|                              |                              |
| BQ                           | 900                          |
| BR                           | 900                          |
| BS                           | 725                          |
| BT                           | 1,505                        |
| BU                           | 1,505                        |
| BV                           | 725                          |
| BW                           | 900                          |
| BX                           | 900                          |
|                              |                              |
| CC                           | 900                          |
| CD                           | 900                          |
| CE                           | 725                          |
| CG                           | 1,505                        |
| CH                           | 725                          |
| CI                           | 900                          |
| CJ                           | 900                          |
|                              |                              |
| CO                           | 900                          |
| CP                           | 900                          |
| CQ                           | 725                          |
| CR                           | 1,505                        |
| CT                           | 725                          |
| CU                           | 900                          |
| CV                           | 900                          |
|                              |                              |
| Proposed Refuelling Facility |                              |
| DA                           | 4,410                        |
| CZ                           | 4,200                        |

Various Lots, JRM Braes Road, Mareeba  
File Reference: 17953

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**2.2 Registered Owner:**

*MAREEBA SHIRE COUNCIL* as per Current Title Searches of Queensland Department of Resources records.

Various Lots, JRM Braes Road, Mareeba  
File Reference: 17953

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### 3.0 LOCAL AUTHORITY DATA

#### 3.1 Local Government Area:

Mareeba Shire Council

#### 3.2 Department of Resources Site Value:

Assessed with other tenancies at the same address.

#### 3.3 Planning:

Town planning details are summarised as follows:

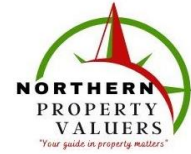
- Area Zoning: "Industrial Planning Area" confirmed by online reference to the local planning scheme
- Planning Scheme: Mareeba Shire Planning Scheme 2016 – Major Amendment No 1 of 2020 – Nullinga Dam Development Area which took effect on 26<sup>th</sup> February 2021.
- Planning Areas Map:



- Land Use Conformity: Conforms with zoning

Various Lots, JRM Braes Road, Mareeba  
File Reference: 17953

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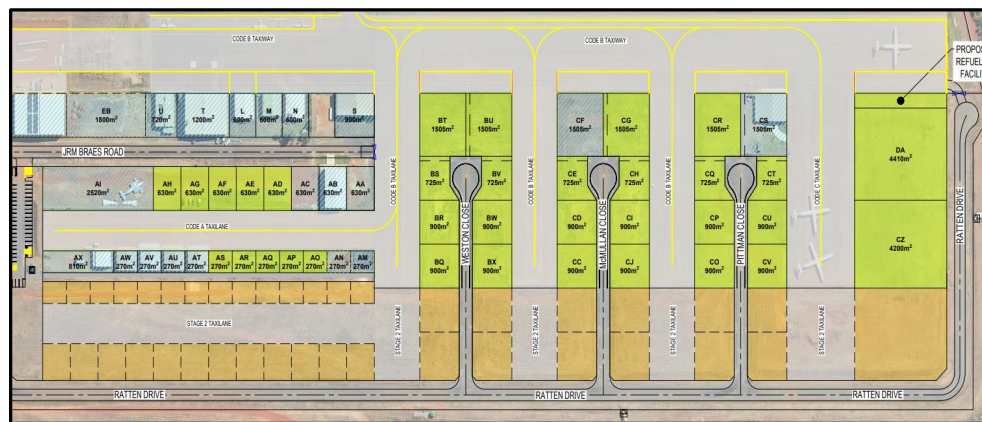


## 4.0 LOCATION / SERVICES

### 4.1 Situation and Identification:

The subject lease area is situated at the Western Precinct of Mareeba Aerodrome. Lots AH, AG, AF, AE and AD are located on the southern side of JRM Braes Road. Lots AS, AR, AQ, AP and AO are located on the southern side of the Code A Taxilane. Lots BQ, BR, BS, BT, BU, BV, BW and BX are located on Weston Close. Lots CC, CD, CE, CG, CH, CI, CJ are located on McMullan Close. Lots CO, CP, CQ, CR, CT, CU and CV are located on Pittman Close. The proposed refuelling facility and Lots DA and CZ are located on Ratten Drive, Mareeba, Far North Queensland.

The general locality and property being valued is highlighted below:



### 4.2 Road System/Access:



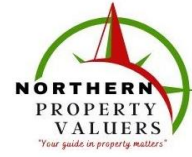
JRM Braes Road



JRM Braes Road

Various Lots, JRM Braes Road, Mareeba  
File Reference: 17953

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**Ratten Drive**



**Ratten Drive**

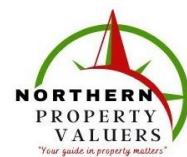
All roads are bitumen sealed roadways with earth verges to the subject property frontage. Access is regarded as good.

**4.3 Locality and Surrounding Development:**

There is an established rural precinct characterised by rural properties. Properties directly to the north of the airport are utilized for growing sugar cane, sorghum, bananas and mangoes.

**4.4 Services:**

The following major services are connected: electricity, telephone, reticulated town water and septic.



## 5.0 LAND REPORT

### 5.1 *Shape and Dimensions:*

The subject lots are rectangular shaped parcels ranging from 630m<sup>2</sup> to 4,410m<sup>2</sup> and 270m<sup>2</sup>.

### 5.2 *Topography:*

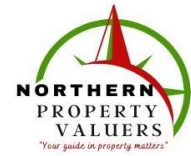


The lease areas are near level and provide an adequate building contour with no apparent adverse features.

### 5.3 *Environmental Factors:*

Far North Queensland is in an area susceptible to cyclone activity hence the property may be exposed to strong wind and rain during cyclonic events. As all properties within the locality are similarly affected, this is considered to be a general risk only. We confirm that this has been considered within the assessment.





## 6.0 IMPROVEMENTS

### 6.1 *General Description:*

The lease areas are vacant of any improvements.

## 7.0 MARKET OVERVIEW

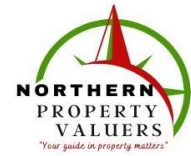
### 7.1 *Mareeba Profile:*

In line with the general property market in Far North Queensland, the Mareeba commercial property market has been stable over the last three years. The commercial and industrial segments of the market have not increased like the residential market. We note that interest rates have been raised on a number of occasions this year and further increases are forecast. This may slow activity further. The economy of Mareeba follows the general direction of the Cairns' economy; however, the township is heavily reliant on the condition of the various rural markets in the region including cattle, crop and fruit industries.

The retail/commercial rental market indicates a broad inconsistent range. As a result of the potential vacancies factor, most investors are willing to adjust rentals to retain existing tenants and relatively low rates of return appear to be acceptable.

Mareeba is an expanding rural commercial/industrial supply centre to the northern Tablelands and lower Cape regions.





## 8.0 MARKET RENTAL CONSIDERATIONS

### 8.1 *Occupancy Details:*

The subject properties are currently vacant.

### 8.2 *Highest and Best Use:*

Highest and best use is defined by the Australian Property Institute as:

*"The use of an asset that maximises its potential and that is physically possible, legally permissible and financially feasible".*

Within the Town Planning Scheme, the property is designated as "Industry, Heavy Industry Precinct".

**The Use of the property as recreational sites are considered to be the highest and best use.**

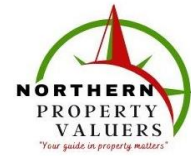
### 8.3 *Market Rental Approach:*

To consider our assessment of the land, we have adopted the Direct Comparison Approach.

**The Direct Comparison Approach** compares the property directly with recent sales of similar properties within the surrounding locality, having regard to the identified sales evidence and the various attributes and qualities of the property.

When assessing a Market Value for the property we also take into consideration:

- The location of the subject property.
- The quality of the improvements.
- The nature of the surrounding development.
- The design of the building.



## 9.0 RENTAL EVIDENCE

The following leases, considered to be the most relevant, have been analysed in undertaking our assessment.

### Commercial lease areas (630m<sup>2</sup> to 4,410m<sup>2</sup>)

#### Lease 1:

**Address:** Lease N Lot 20 on SP171528, Mareeba

**Tenancy Area:** 600m<sup>2</sup>

**Gross Rental:** \$3,900.00 pa

**GST Status:** Excluding

**Rental Analysis:** \$6.50 per m<sup>2</sup> p.a. Excl. GST

#### Lease 2:

**Address:** Lease AC Lot 20 on RP748320 on SP325404, Mareeba

**Tenancy Area:** 630m<sup>2</sup>

**Gross Rental:** \$4,326.28 pa

**GST Status:** Excluding

**Rental Analysis:** \$6.86 per m<sup>2</sup> p.a. Excl. GST

#### Lease 3:

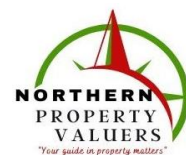
**Address:** Lease AB Lot 20 RP748320 on SP320525, Mareeba

**Tenancy Area:** 630m<sup>2</sup>

**Gross Rental:** \$4,326.28 pa

**GST Status:** Excluding

**Rental Analysis:** \$6.86 per m<sup>2</sup> p.a. Excl. GST

**Recreational lease areas (270m<sup>2</sup>)****Lease 1:****Address:** Lease AM Lot 20 on RP748320 on SP312803, Mareeba**Tenancy Area:** 270m<sup>2</sup>**Gross Rental:** \$3,057.67 pa**GST Status:** Excluding**Rental Analysis:** \$11.32 per m<sup>2</sup> p.a. Excl. GST**Lease 2:****Address:** Lease AU Lot 20 on RP748320 on SP325362, Mareeba**Tenancy Area:** 270m<sup>2</sup>**Gross Rental:** \$3,057.68 pa**GST Status:** Excluding**Rental Analysis:** \$11.32 per m<sup>2</sup> p.a. Excl. GST**Lease 3:****Address:** Lease AT Lot 20 on RP748320 on SP325361, Mareeba**Tenancy Area:** 270m<sup>2</sup>**Gross Rental:** \$3,057.67 pa**GST Status:** Excluding**Rental Analysis:** \$11.32 per m<sup>2</sup> p.a. Excl. GST



## 10.0 VALUATION WORKINGS

### 10.1 Comparable Rentals Approach

The rental used for comparison purposes are listed in more detail under the "Rental Evidence" heading earlier in the report. A brief summary is shown below as they are the most comparable to the subject property.

#### Commercial lease areas (630m<sup>2</sup> to 4,410m<sup>2</sup>)

| Lease | Address                       | Rental          | Analysis              | Comparison per m <sup>2</sup> |
|-------|-------------------------------|-----------------|-----------------------|-------------------------------|
| 1     | Lease N<br>Mareeba Aerodrome  | \$3,900.00 p.a. | \$6.50/m <sup>2</sup> | Inferior                      |
| 2     | Lease AC<br>Mareeba Aerodrome | \$4,326.28 p.a. | \$6.86/m <sup>2</sup> | Similar                       |
| 3     | Lease AB<br>Mareeba Aerodrome | \$4,326.28 p.a. | \$6.86/m <sup>2</sup> | Similar                       |

#### Recreational lease areas (270m<sup>2</sup>)

| Lease | Address                       | Rental          | Analysis               | Comparison per m <sup>2</sup> |
|-------|-------------------------------|-----------------|------------------------|-------------------------------|
| 1     | Lease AM<br>Mareeba Aerodrome | \$3,057.67 p.a. | \$11.32/m <sup>2</sup> | Similar                       |
| 2     | Lease AU<br>Mareeba Aerodrome | \$3,057.68 p.a. | \$11.32/m <sup>2</sup> | Similar                       |
| 3     | Lease AT<br>Mareeba Aerodrome | \$3,057.68 p.a. | \$11.32/m <sup>2</sup> | Similar                       |

This method is used to directly compare the rental evidence on a land area basis. The above rentals range from \$6.50/m<sup>2</sup> to \$6.85/m<sup>2</sup> for the Commercial lease areas and an average of \$11.32/m<sup>2</sup> for the Recreational lease areas.

In comparison to the above leases, and taking into consideration the size, location, condition and other relevant factors, we believe a market lease rate for the subject property, on a per square metre basis of land area, falls within a range between \$6.50/m<sup>2</sup> and \$7.10/m<sup>2</sup> (excluding GST) for the Commercial lease areas (630m<sup>2</sup> to 4,410m<sup>2</sup>) and \$11.00/m<sup>2</sup> and \$11.60/m<sup>2</sup> for the Recreational lease areas (270m<sup>2</sup>).



### 10.2 Rental Assessment:

We have adopted an approximate range of \$6.86/m<sup>2</sup> excluding GST for the Commercial lease areas (630m<sup>2</sup> to 4,410m<sup>2</sup>) and \$11.32/m<sup>2</sup> for the Recreational lease areas (270m<sup>2</sup>).

| Lease Site | Lease Area (m <sup>2</sup> ) | \$/m <sup>2</sup> | \$ Total  |
|------------|------------------------------|-------------------|-----------|
| AH         | 630                          | 6.86              | 4,321.80  |
| AG         | 630                          | 6.86              | 4,321.80  |
| AF         | 630                          | 6.86              | 4,321.80  |
| AE         | 630                          | 6.86              | 4,321.80  |
| AD         | 630                          | 6.86              | 4,321.80  |
|            |                              |                   |           |
| AS         | 270                          | 11.32             | 3,056.40  |
| AR         | 270                          | 11.32             | 3,056.40  |
| AQ         | 270                          | 11.32             | 3,056.40  |
| AP         | 270                          | 11.32             | 3,056.40  |
| AO         | 270                          | 11.32             | 3,056.40  |
|            |                              |                   |           |
| BQ         | 900                          | 6.86              | 6,174.00  |
| BR         | 900                          | 6.86              | 6,174.00  |
| BS         | 725                          | 6.86              | 4,973.50  |
| BT         | 1,505                        | 6.86              | 10,324.30 |
| BU         | 1,505                        | 6.86              | 10,324.30 |
| BV         | 725                          | 6.86              | 4,973.50  |
| BW         | 900                          | 6.86              | 6,174.00  |
| BX         | 900                          | 6.86              | 6,174.00  |
|            |                              |                   |           |
| CC         | 900                          | 6.86              | 6,174.00  |
| CD         | 900                          | 6.86              | 6,174.00  |
| CE         | 725                          | 6.86              | 4,973.50  |
| CG         | 1,505                        | 6.86              | 10,324.30 |
| CH         | 725                          | 6.86              | 4,973.50  |
| CI         | 900                          | 6.86              | 6,174.00  |
| CJ         | 900                          | 6.86              | 6,174.00  |
|            |                              |                   |           |
| CO         | 900                          | 6.86              | 6,174.00  |
| CP         | 900                          | 6.86              | 6,174.00  |
| CQ         | 725                          | 6.86              | 4,973.50  |
| CR         | 1,505                        | 6.86              | 10,324.30 |
| CT         | 725                          | 6.86              | 4,973.50  |
| CU         | 900                          | 6.86              | 6,174.00  |
| CV         | 900                          | 6.86              | 6,174.00  |
|            |                              |                   |           |
| DA         | 4,410                        | 6.86              | 30,252.60 |
| CZ         | 4,200                        | 6.86              | 28,812.00 |



## 11.0 VALUATION

It is our opinion that the **Rental Value** of the subject property, exclusive of GST, is:-

**Commercial lease areas (630m<sup>2</sup> to 4,410m<sup>2</sup>)**

**@ \$6.86 per square metre**

**\$4,321.80 to \$30,252.60 p.a.**

**(Four Thousand, Three Hundred and Twenty One Dollars and Eighty Cents to**

**Thirty Thousand, Two Hundred and Fifty Two Dollars and Sixty Cents)**

**As at 25<sup>th</sup> November 2023**

**(Exclusive of GST)**

**Recreational lease areas (270m<sup>2</sup>)**

**@ \$11.32 per square metre**

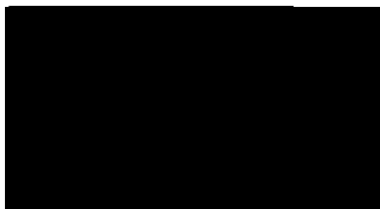
**\$3,056.40 p.a.**

**(Three Thousand and Fifty Six Dollars and Forty Cents)**

**As at 25<sup>th</sup> November 2023**

**(Exclusive of GST)**

*Signed:*



AAPI - Certified Practicing Valuer  
QLD Registered Valuer Number. 5179  
**NORTHERN PROPERTY VALUERS**

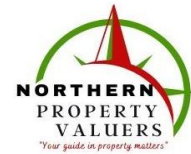
The Valuer has no pecuniary interest in the said property, past, present or prospective, and the opinion is free of any bias in this regard. This valuation has been made in conformity with the Code of Professional Ethics and Conduct laid down by the Australian Property Institute.

## 12.0 ANNEXURES:

1. Definition of Market Rental
2. Limitations and Warranties
3. Lease Staging and Layout Plan
4. General Locality Map

Various Lots, JRM Braes Road, Mareeba  
File Reference: 17953

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### 12.1 Definition of Market Rental:

**Market Rental is defined as:**

**The estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.**

### 12.2 Limitations and Warranties:

This valuation is for the use only of the party to whom it is addressed and for no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this valuation.

This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied on after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

This report has been prepared for the private and confidential use of our client. It should not be reproduced in whole or any part without the express written authority of Northern Property Valuers or relied upon by any other party for any other purpose. Reliance on this report should only be taken upon sighting a signed original document.

The comparative sales evidence used in this report are considered to be the most relevant sales based on our research. In many cases, we have relied upon sales evidence from online property databases such as RP Data and information provided by Estate Agents. As we have not physically inspected the interior of the sales evidence quoted we cannot guarantee the accuracy of the information provided.

This valuation assumes that all improvements have been constructed in accordance with the appropriate planning and building regulations in force at the time of construction, and that all appropriate approvals have been obtained from the relevant authorities. The valuation is made on the basis that there are no encroachments by or upon the property. If the instructing party has any concerns regarding encroachments, they should be referred to a Registered Surveyor for advice or current survey report.

This Valuation inspection and Report does not constitute a structural survey and is not intended as such. We have carried out an inspection only of the exposed and readily accessible areas of the improvements. Note, the Valuer is not a building construction or structural expert and is therefore unable to certify the structural soundness of the improvements. Readers of this report should make their own enquiries. This Valuation has been based on the condition of the structural improvements and the property in general as at the inspection date, and if the property has to be sold in circumstances where its condition has deteriorated and/or essential fixtures/fittings removed there is likely to be a significant write down in the asset value when compared to the current assessment. Under these circumstances the Valuer will not be responsible for any reduction in value.

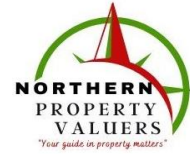
Unless stated as otherwise in this report we advise that we have not searched or been provided with a copy of the current Title or Registered Plans and that any dimensions or land areas quoted in this report have been obtained from third party information sources and whilst every endeavour has been made to verify such information we accept no responsibility for inaccuracy of any information provided and relied upon.

A Certificate of Title search has not been undertaken and this valuation is made on the assumption that the property is free of any easements or encumbrances that would detrimentally affect the fair market value of the subject property. If any encumbrances or onerous restrictions apply, the valuer reserves the right to amend the valuation accordingly.

The client acknowledges and recognizes that the Valuer is not expert in identifying environmental hazards and compliance requirements affecting properties. The Valuer has endeavoured to identify all matters of environmental concern and the effect they might have on the value of the property. However, the Valuer will not be held liable nor responsible for his/her failure to identify all such matters of environmental concern and the impact which any environmental related issue has on the property and its value including loss arising from site contamination; or the non-compliance with environmental laws; or costs associated with the clean up of the property to which an environmental hazard has been recognized, including action by the Environmental Protection Agency to recover clean up costs pursuant to the relevant Environmental Protection Act.

Various Lots, JRM Braes Road, Mareeba  
File Reference: 17953

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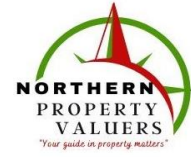
We advise that we have not undertaken any search to confirm whether or not the property is subject to flooding or other impediments caused by excess water saturation. Should any flooding or other impediments caused by excess water saturation concerns become apparent, the valuer should be consulted and reserves the right to reassess any effect on the value stated in this report.

Unless stated as otherwise in this report we advise that at the time of inspection, the subject property did not reveal any obvious signs of pest or termite infestation. The valuer is not a pest inspector/expert and the absence of pests/termites can only be confirmed by a suitable qualified expert with the use of specialist equipment. Should any pest or termite infestation concerns be detected, the valuer reserves the right to reassess any effect on the value stated in this report.

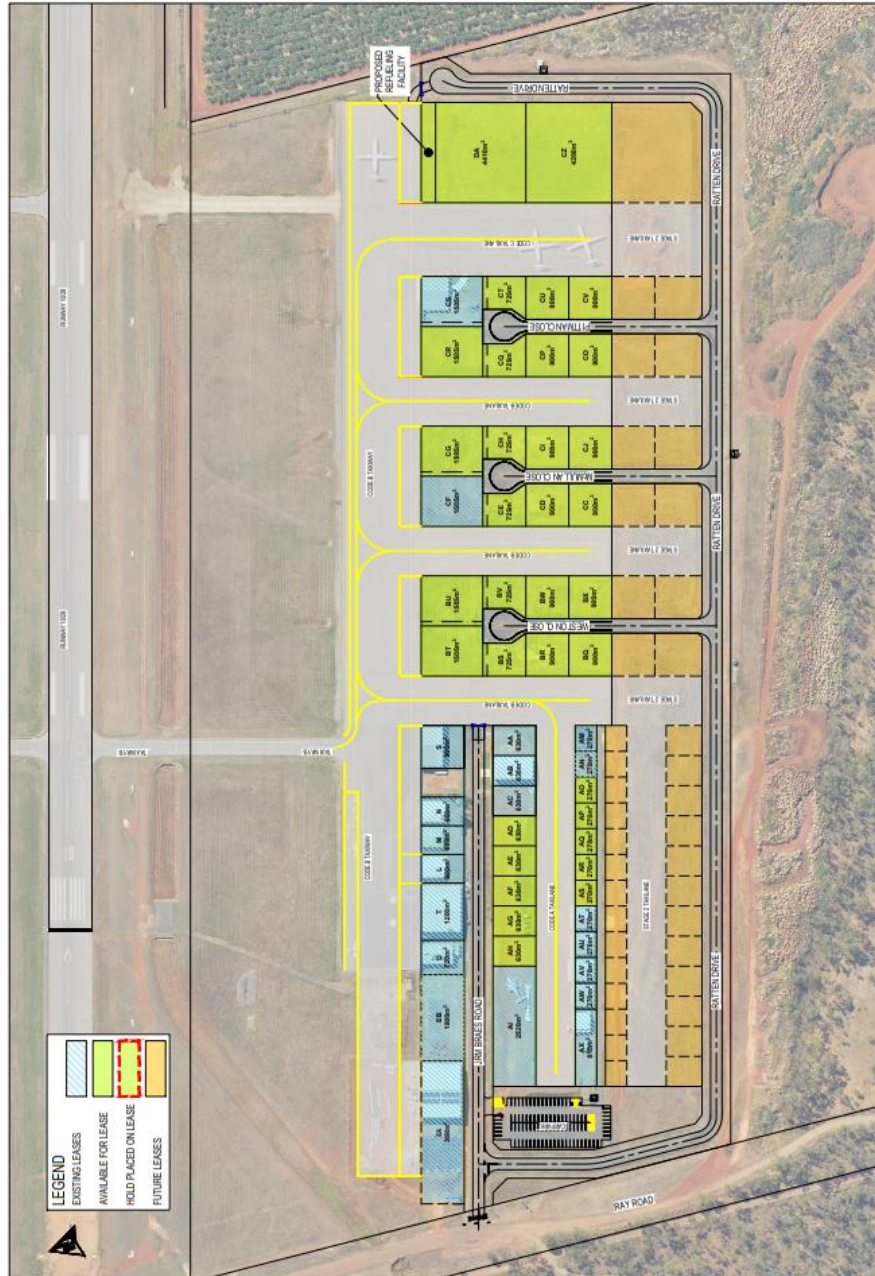
The Valuer has no pecuniary interest in the said property, past, present or prospective, and the opinion is free of any bias in this regard. This valuation has been made in conformity with the Code of Professional Ethics and Conduct laid down by the Australian Property Institute.

**LIABILITY LIMITED BY A SCHEME APPROVED UNDER PROFESSIONAL STANDARDS LEGISLATION.**

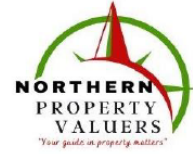




### 12.3 Lease Staging and Layout Plan:



Various Lots, JRM Braes Road, Mareeba  
File Reference: 17953



12.4 General Locality Map:



Various Lots, JRM Braes Road, Mareeba  
File Reference: 17953

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**8.6 RENEWAL OF TENURE INSTRUMENTS - QUEENSLAND FIRE DEPARTMENT (QFD) - RURAL FIRE BRIGADE - SPEEWAH, JULATTEN AND KOAH**

**Date Prepared:** 13 November 2024

**Author:** Coordinator Governance & Compliance

**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

This report seeks consent for the approval of three (3) Rural Fire Brigade lease renewals to facilitate continued provision of emergency fire services to the communities of Speewah, Julatten and Koah.

**RECOMMENDATION**

That Council:

1. Approve issuing of a three (3) new lease instruments each for a term of 10 years as follows:
  - (a) the Speewah Rural Fire Brigade (represented by the Queensland Fire Department) over part of Lot 106 RP734453 - Roscommon Park, Speewah
  - (b) the Julatten Rural Fire Brigade (represented by the Queensland Fire Department) over Lot 53 SP105907 – Geraghty Park, Julatten
  - (c) the Koah Rural Fire Brigade (represented by the Queensland Fire Department) over Lot 292 NR7592 - Musumeci Park, Koah.
2. Determine that exemption provisions under s 236(1)(b)(i) of the *Local Government Regulation 2012* (Qld) applies to point one (1) above.

**BACKGROUND**Current tenure

The current lease agreements for each Rural Fire Brigade (RFB) represented by the Queensland Fire Department have been in existence since 2015 and are relevant to the following entities and locations:

- Speewah Rural Brigade, Lot 106 RP734453 - Roscommon Park - 8 William Smith Drive Speewah. Held for a ten (10) year term, expiring 28 February 2025. Lot 106 is freehold land owned by Council.
- Julatten Rural Fire Brigade, Lot 53 SP105907 – Geraghty Park – 34 Geraghty Park Road, Julatten. Held for 10 year term, expiring 30 June 2025. Lot 53 is reserve land for environmental purpose, recreation and sport and Council is assigned as trustee of the reserve.
- Koah Rural Fire Brigade, Lot 292 NR7592 - Musumeci Park – 322 Koah Road, Koah. Held for 10 year term, expiring 30 June 2025. Lot 292 is reserve land for recreation purposes and Council is assigned as trustee of the reserve.

Each RFB is responsible for all maintenance of the premises with any proposals for additional infrastructure requiring prior Council consent. Each RFB has maintained their respective premises for the term of the existing leases in accordance with the provisions of each lease.

#### Proposed new tenure

On 12 September 2024, Council received correspondence from the Queensland Fire Department, on behalf of each the Speewah, Julatten and Koah RFBs, seeking tenure for a further term of 10 years, with all other provisions remaining consistent with the existing leases. Renewal of these lease tenures will enable the continued provision of emergency fire services to the community within the three (3) locations. Drafting of renewal lease instruments will be handled by the Queensland Fire Department.

#### **RISK IMPLICATIONS**

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

Lawful continued tenure the RFBs as existing tenants is provided via operation of exemption provisions under section 236(1)(b)(i) 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 given to a government agency. The RFBs conform with the definition of a government agency.

#### **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**

Each RFB to be informed of Council Resolution.

**8.7 FINANCIAL STATEMENTS PERIOD ENDING 30 NOVEMBER 2024****Date Prepared:** 3 December 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 November 2024.

**RECOMMENDATION**

That Council;

1. Receives the Financial Report for the period ending 30 November 2024; and
2. Empanels three (3) suppliers 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 November 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.

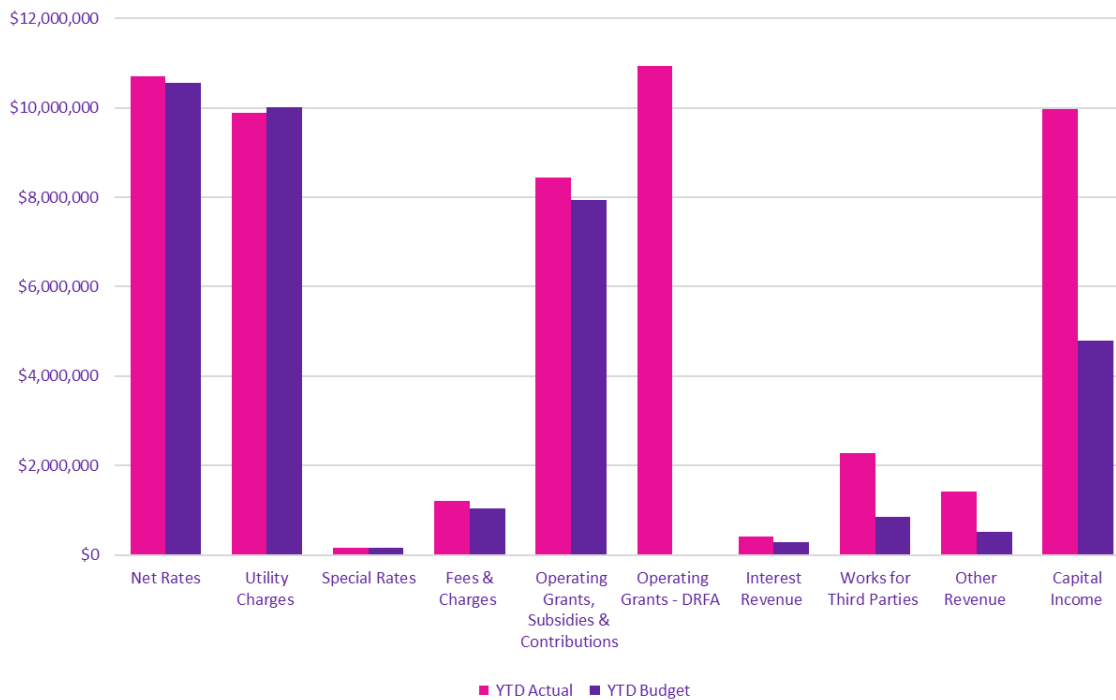
| <i>November 2024 – Snapshot</i>                 | <b>Actuals YTD</b>   | <b>Budget YTD</b> |
|---|----------------------|-------------------|
| Council Operating Income                        | \$ 34,514,708        | 31,376,993        |
| Council Operating Expenditure                   | \$ 22,658,361        | 21,800,580        |
| <b>Council Operating Surplus/(Deficit)</b>      | <b>\$ 11,856,347</b> | <b>9,576,413</b>  |
| Disaster Recovery Funding Arrangement - deficit | \$ (9,882,661)       | -                 |
| <b>Total Operating Surplus/(Deficit)</b>        | <b>\$ 1,973,686</b>  | <b>9,576,413</b>  |
| Total Capital Income                            | \$ 9,980,184         | 4,786,335         |
| <b>Net Result - Surplus/(Deficit)</b>           | <b>\$ 11,953,870</b> | <b>14,362,748</b> |

While Disaster Recovery Funding Arrangements (DRFA) generally has a net-zero impact on Council's finances, there are timing differences when the expenditure is incurred and income received, even between years. The budget also does not include any provision for DRFA.

Income Analysis

Total income (inclusive of capital income of \$9,980,184) for the period ending 30 November 2024 is \$55,433,092 compared to the YTD budget of \$36,163,328.

The graph below shows actual income against budget for the period ending 30 November 2024.

Actual Income V Budget Income

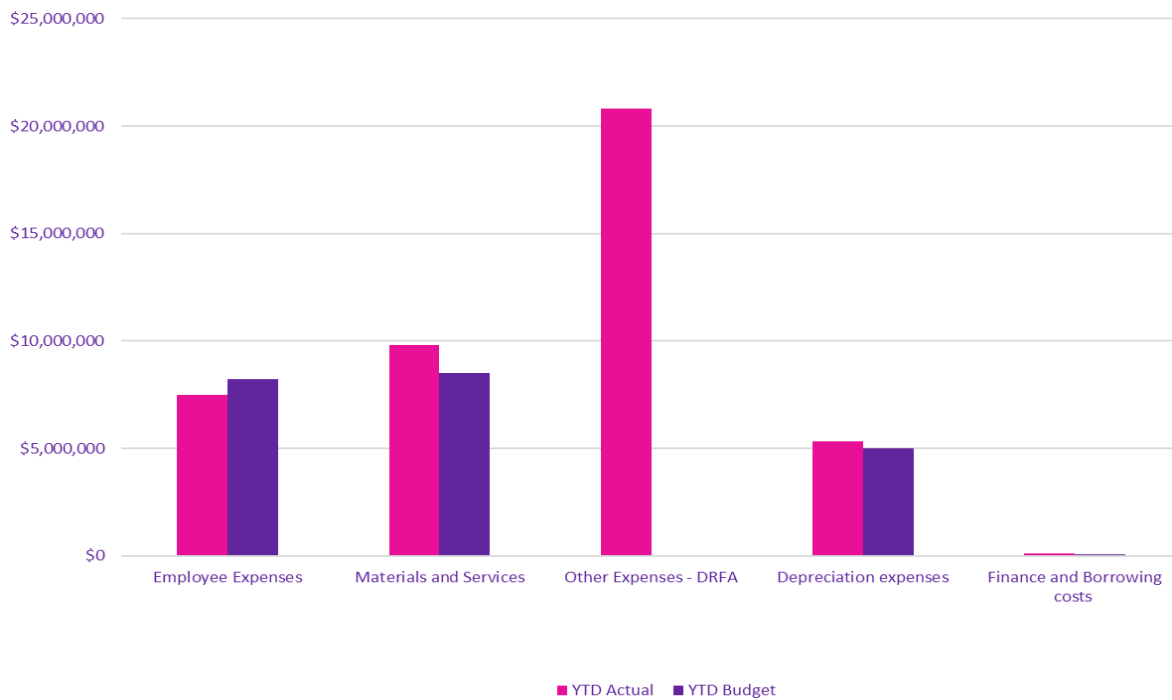
|   | Actual YTD | Budget YTD | Note |
|---|------------|------------|------|
| Net Rates                                     | 10,703,300 | 10,558,500 | 1    |
| Utility Charges                               | 9,897,333  | 10,004,791 | 1    |
| Special Rates and Charges                     | 156,185    | 160,738    | 1    |
| Fees and Charges                              | 1,204,959  | 1,034,612  | 2    |
| Operating Grants, Subsidies and Contributions | 8,437,545  | 7,946,324  |      |
| Operating Grants, Subsidies - DRFA            | 10,938,200 | -          | 3    |
| Interest Received                             | 413,352    | 282,500    |      |
| Works for Third Parties                       | 2,278,197  | 862,500    | 4    |
| Other Revenue                                 | 1,423,837  | 527,028    | 5    |
| Capital Income                                | 9,980,184  | 4,786,335  | 6    |

Notes:

1. Rates for the half year ending 31 December 2024 were levied in August. Actual general rates are slightly higher than originally budgeted, while utility charges are slightly lower due to water consumption variances. The budget assumes equal biannual allocation, however actual water consumption varies with the dry and wet season. This variance is expected to balance out during the next rates cycle.
2. Revenue from Local Laws and building and plumbing applications are trending higher than budget. Income from cemeteries is tracking just below budget.
3. The favourable variance for DRFA restoration works arises as this revenue is not budgeted for. An expenditure offset will occur against this revenue.
4. Favourable result due to third party works not budgeted for as well as Road Maintenance Performance Contract (RMPC) income received. RMPC income budget is allocated equally over 12-month period, however actual income (reported) is not following the same trend. This will be the same for expenditure. These results will equalise with the budget by 30 June.
5. 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. To date, three (3) lots have been sold at the Mareeba Industrial Park, generating a gross value of \$590k.
6. 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
  - The Department of State Development, Infrastructure, Local Government and Planning for the Bicentennial Lakes.

Expenditure Analysis

Total expenses for the period ending 30 November 2024 is \$43,479,222 compared to the YTD budget of \$21,800,580. The graph below shows actual expenditure against budget for the period ending 30 November 2024.

**Actual Expenditure V Budget Expenditure**

|                             | Actual YTD | Budget YTD | Note     |
|-----------------------------|------------|------------|----------|
| Employee Expenses           | 7,466,030  | 8,204,280  | <b>1</b> |
| Materials and Services      | 9,792,165  | 8,509,187  | <b>2</b> |
| Other Expenses - DRFA       | 20,820,861 | -          | <b>3</b> |
| Depreciation Expenses       | 5,309,329  | 5,013,797  |          |
| Finance and Borrowing Costs | 90,837     | 73,316     |          |

**Notes:**

1. No significant issues are identified. The variance in employee expenses is due to a timing issue between the fortnightly pay processing and the report preparation, actual-planned staff absences, vacancies, and staff working on capital projects.
2. The majority of the variance is due to expenditure on unbudgeted third party works and the RMPC expenditure trend.
3. The variance relates to the expenditure incurred for the DRFA restoration works which is not budgeted for. This expenditure will be offset against income.

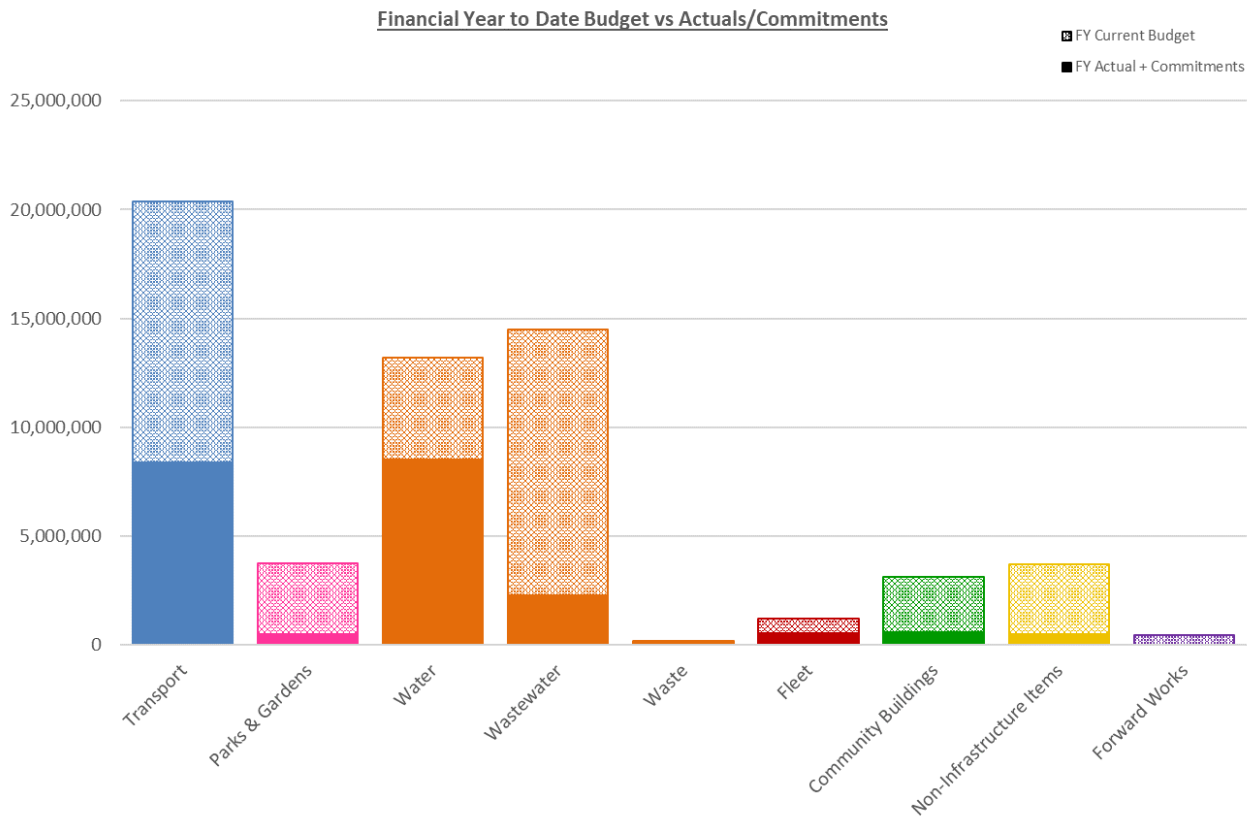
**Vandalism Expenses**

So far this year, a total of \$30,357 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 \$21,541,113 (including commitments) has been spent for the period ending 30 November 2024 against the 2024/25 annual capital budget of \$54,142,906.



### Loan Borrowings

Council's loan balance is \$6,395,814 as at 30 November 2024.

### Rates and Charges

The total rates and charges payable as at 30 November 2024 are \$2,514,438 which is broken down as follows:

| Status   | 30 November 2024  |                  | 30 November 2023  |                  |
|--|-------------------|------------------|-------------------|------------------|
|  | No. of properties | Amount           | No. of properties | Amount           |
| Valueless Land   | 3                 | 9,663            | 3                 | 84,524           |
| Payment Arrangement                                      | 222               | 124,669          | 198               | 149,921          |
| Collection House   | 418               | 1,436,329        | 353               | 1,228,261        |
| Exhausted – awaiting sale of land                        | 11                | 96,628           | 9                 | 75,051           |
| Sale of Land   | -                 | -                | 1                 | 13,084           |
| Other (includes current and supplementary rates notices) | 361               | 847,149          | 298               | 438,818          |
| <b>TOTAL</b>   | <b>1,015</b>      | <b>2,514,438</b> | <b>862</b>        | <b>1,989,659</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 \$248,384 for the month of November 2024. In November, a total of 328 new files were sent to Collection House with a total value of \$470,258.

115 Supplementary notices were issued with a total value of \$34,492.

#### Sundry Debtors

The total outstanding for Sundry Debtors as at 30 November 2024 is \$2,119,778 which is made up of the following:

| Current     | 30 days  | 60 days | 90 + days |
|-------------|----------|---------|-----------|
| \$2,062,275 | \$51,498 | \$2,030 | \$3,975   |
| 97.29%      | 2.43%    | 0.10%   | 0.18%     |

#### Procurement

There were no emergency purchase orders for the month of November 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   |
|---------------------------------------|---|
| Channel UC Pty Ltd                    | Channel UC are the Australian distributor for the CC4Teams contact centre software utilised by Customer Service.  |
| Civica Pty Ltd                        | Civica provide the following software via the 'Software as a Service' (SaaS) model: <ul style="list-style-type: none"> <li>- Spydus - Library Management System (LMS)</li> <li>- Reflect - Road Maintenance Performance Contract (RMPC) management</li> </ul> |
| Power & Data Support Services Pty Ltd | PDSS installed the PowerShield UPS at Rankin Street in 2023. As the local service agent they continue to provide ongoing scheduled and reactive maintenance.  |

**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

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**Budgeted Income Statement by Fund 2024/25 Budget**

| <b>Consolidated</b>                     |                   |                   |                       |
|---|-------------------|-------------------|-----------------------|
|   | <b>Actual YTD</b> | <b>Budget YTD</b> | <b>2024/25 Budget</b> |
| <b>Revenue</b>                          |                   |                   |                       |
| Rates and utility charges               | 21,949,061        | 21,923,452        | 43,846,904            |
| Less Discounts and Pensioner Remissions | (1,192,243)       | (1,199,423)       | (2,398,846)           |
| <b>Net Rates and Utility Charges</b>    | <b>20,756,818</b> | <b>20,724,029</b> | <b>41,448,058</b>     |
| Fees and Charges                        | 1,204,959         | 1,034,612         | 2,075,409             |
| Operating Grants and Subsidies          | 8,437,545         | 7,923,824         | 9,272,056             |
| Operating Grants and Subsidies - DRFA   | 10,938,200        | -                 | -                     |
| Operating Contributions                 | -                 | 22,500            | 54,000                |
| Interest Revenue                        | 413,352           | 282,500           | 678,000               |
| Works for Third Parties                 | 2,278,197         | 862,500           | 2,070,000             |
| Other Revenue                           | 1,423,837         | 527,028           | 1,267,130             |
| <b>Total Operating Revenue</b>          | <b>45,452,908</b> | <b>31,376,993</b> | <b>56,864,653</b>     |
| <b>Expenditure</b>                      |                   |                   |                       |
| Employee Expenses                       | 7,466,030         | 8,204,280         | 19,959,729            |
| Materials and Services                  | 9,792,165         | 8,509,187         | 18,908,537            |
| Other Expenses - DRFA                   | 20,820,861        | -                 | -                     |
| Depreciation expense                    | 5,309,329         | 5,013,797         | 12,033,115            |
| Finance and Borrowing costs             | 90,837            | 73,316            | 338,828               |
| <b>Total Operating Expenses</b>         | <b>43,479,222</b> | <b>21,800,580</b> | <b>51,240,209</b>     |
| <b>Operating Surplus/(Deficit)</b>      | <b>1,973,686</b>  | <b>9,576,413</b>  | <b>5,624,444</b>      |
| <b>Capital Income</b>                   |                   |                   |                       |
| Capital Contributions                   | 144,844           | -                 | -                     |
| Capital Grants and Subsidies            | 8,853,691         | 4,711,335         | 9,422,669             |
| Interest on Contributions/Reserves      | 885,300           | -                 | -                     |
| Donated Assets                          | -                 | -                 | -                     |
| Profit/(Loss) on Sale of Asset          | 96,349            | 75,000            | 180,000               |
| <b>Total Capital Income</b>             | <b>9,980,184</b>  | <b>4,786,335</b>  | <b>9,602,669</b>      |
| <b>Net Result</b>                       | <b>11,953,870</b> | <b>14,362,748</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               | 11,985,735         | 11,852,769        | 23,705,538            |
| Less Discounts and Pensioner Remissions | (1,192,243)        | (1,199,423)       | (2,398,846)           |
| <b>Net Rates and Utility Charges</b>    | <b>10,793,492</b>  | <b>10,653,346</b> | <b>21,306,692</b>     |
| Fees and Charges                        | 858,869            | 734,070           | 1,246,360             |
| Operating Grants and Subsidies          | 8,237,545          | 7,887,574         | 9,185,056             |
| Operating Grants and Subsidies - DRFA   | 10,938,200         | -                 | -                     |
| Operating Contributions                 | -                  | -                 | -                     |
| Interest Revenue                        | 130,404            | 195,000           | 468,000               |
| Works for Third Parties                 | 2,264,524          | 862,500           | 2,070,000             |
| Other Revenue                           | 1,332,724          | 432,445           | 1,040,130             |
| <b>Total Operating Revenue</b>          | <b>34,555,758</b>  | <b>20,764,935</b> | <b>35,316,238</b>     |
| <b>Expenditure</b>                      |                    |                   |                       |
| Employee Expenses                       | 6,558,846          | 7,311,124         | 17,795,080            |
| Materials and Services                  | 5,178,354          | 3,909,823         | 8,336,168             |
| Other Expenses - DRFA                   | 20,820,861         | -                 | -                     |
| Depreciation expense                    | 3,676,841          | 3,548,940         | 8,517,457             |
| Finance and Borrowing costs             | 65,414             | 48,532            | 139,691               |
| <b>Total Operating Expenses</b>         | <b>36,300,316</b>  | <b>14,818,419</b> | <b>34,788,396</b>     |
| <b>Operating Surplus/(Deficit)</b>      | <b>(1,744,558)</b> | <b>5,946,516</b>  | <b>527,842</b>        |
| <b>Capital Income</b>                   |                    |                   |                       |
| Capital Contributions                   | 88,560             | -                 | -                     |
| Capital Grants and Subsidies            | 3,549,254          | 2,238,752         | 4,477,504             |
| Interest on Contributions/Reserves      | 704,357            | -                 | -                     |
| Donated Assets                          | -                  | -                 | -                     |
| Profit/(Loss) on Sale of Asset          | 96,349             | 75,000            | 180,000               |
| <b>Total Capital Income</b>             | <b>4,438,521</b>   | <b>2,313,752</b>  | <b>4,657,504</b>      |
| <b>Net Result</b>                       | <b>2,693,963</b>   | <b>8,260,268</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               | 2,450,640         | 2,398,834         | 4,797,668             |
| Less Discounts and Pensioner Remissions | -                 | -                 | -                     |
| <b>Net Rates and Utility Charges</b>    | <b>2,450,640</b>  | <b>2,398,834</b>  | <b>4,797,668</b>      |
| Fees and Charges                        | 261,701           | 239,917           | 683,549               |
| Operating Grants and Subsidies          | 200,000           | -                 | -                     |
| Operating Contributions                 | -                 | 22,500            | 54,000                |
| Interest Revenue                        | 40,634            | 25,000            | 60,000                |
| Works for Third Parties                 | 9,818             | -                 | -                     |
| Other Revenue                           | 54,828            | 82,083            | 197,000               |
| <b>Total Operating Revenue</b>          | <b>3,017,621</b>  | <b>2,768,334</b>  | <b>5,792,217</b>      |
| <b>Expenditure</b>                      |                   |                   |                       |
| Employee Expenses                       | 75,760            | 76,268            | 183,095               |
| Materials and Services                  | 1,987,280         | 2,122,354         | 5,065,787             |
| Depreciation expense                    | 104,684           | 96,023            | 230,456               |
| Finance and Borrowing costs             | -                 | -                 | 100,000               |
| <b>Total Operating Expenses</b>         | <b>2,167,725</b>  | <b>2,294,646</b>  | <b>5,579,338</b>      |
| <b>Operating Surplus/(Deficit)</b>      | <b>849,896</b>    | <b>473,689</b>    | <b>212,879</b>        |
| <b>Capital Income</b>                   |                   |                   |                       |
| Capital Contributions                   | 56,284            | -                 | -                     |
| Capital Grants and Subsidies            | -                 | -                 | -                     |
| Interest on Contributions/Reserves      | 54,376            | -                 | -                     |
| Donated Assets                          | -                 | -                 | -                     |
| Profit/(Loss) on Sale of Asset          | -                 | -                 | -                     |
| <b>Total Capital Income</b>             | <b>110,660</b>    | <b>-</b>          | <b>-</b>              |
| <b>Net Result</b>                       | <b>960,556</b>    | <b>473,689</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               | 3,247,956         | 3,226,114         | 6,452,227             |
| Less Discounts and Pensioner Remissions | -                 | -                 | -                     |
| <b>Net Rates and Utility Charges</b>    | <b>3,247,956</b>  | <b>3,226,114</b>  | <b>6,452,227</b>      |
| Fees and Charges                        | 38,302            | 29,583            | 71,000                |
| Operating Grants and Subsidies          | -                 | -                 | -                     |
| Operating Contributions                 | -                 | -                 | -                     |
| Interest Revenue                        | 119,460           | 41,667            | 100,000               |
| Works for Third Parties                 | -                 | -                 | -                     |
| Other Revenue                           | -                 | -                 | -                     |
| <b>Total Operating Revenue</b>          | <b>3,405,718</b>  | <b>3,297,363</b>  | <b>6,623,227</b>      |
| <b>Expenditure</b>                      |                   |                   |                       |
| Employee Expenses                       | 305,331           | 288,817           | 697,878               |
| Materials and Services                  | 878,979           | 885,444           | 2,011,082             |
| Depreciation expense                    | 809,065           | 722,459           | 1,733,901             |
| Finance and Borrowing costs             | 25,423            | 24,784            | 99,137                |
| <b>Total Operating Expenses</b>         | <b>2,018,798</b>  | <b>1,921,504</b>  | <b>4,541,998</b>      |
| <b>Operating Surplus/(Deficit)</b>      | <b>1,386,920</b>  | <b>1,375,860</b>  | <b>2,081,229</b>      |
| <b>Capital Income</b>                   |                   |                   |                       |
| Capital Contributions                   | -                 | -                 | -                     |
| Capital Grants and Subsidies            | 2,208,915         | 1,350,250         | 2,700,500             |
| Interest on Contributions/Reserves      | 73,574            | -                 | -                     |
| Donated Assets                          | -                 | -                 | -                     |
| Profit/(Loss) on Sale of Asset          | -                 | -                 | -                     |
| <b>Total Capital Income</b>             | <b>2,282,489</b>  | <b>1,350,250</b>  | <b>2,700,500</b>      |
| <b>Net Result</b>                       | <b>3,669,409</b>  | <b>2,726,110</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               | 4,198,737         | 4,379,843         | 8,759,687             |
| Less Discounts and Pensioner Remissions | -                 | -                 | -                     |
| <b>Net Rates and Utility Charges</b>    | <b>4,198,737</b>  | <b>4,379,843</b>  | <b>8,759,687</b>      |
| Fees and Charges                        | 46,087            | 31,042            | 74,500                |
| Operating Grants and Subsidies          | -                 | 36,250            | 87,000                |
| Operating Contributions                 | -                 | -                 | -                     |
| Interest Revenue                        | 120,758           | 20,833            | 50,000                |
| Works for Third Parties                 | 3,856             | -                 | -                     |
| Other Revenue                           | 36,285            | 12,500            | 30,000                |
| <b>Total Operating Revenue</b>          | <b>4,405,722</b>  | <b>4,480,468</b>  | <b>9,001,187</b>      |
| <b>Expenditure</b>                      |                   |                   |                       |
| Employee Expenses                       | 526,092           | 528,071           | 1,283,676             |
| Materials and Services                  | 1,686,783         | 1,548,607         | 3,448,400             |
| Depreciation expense                    | 690,998           | 619,914           | 1,487,794             |
| Finance and Borrowing costs             | -                 | -                 | -                     |
| <b>Total Operating Expenses</b>         | <b>2,903,873</b>  | <b>2,696,592</b>  | <b>6,219,870</b>      |
| <b>Operating Surplus/(Deficit)</b>      | <b>1,501,849</b>  | <b>1,783,876</b>  | <b>2,781,317</b>      |
| <b>Capital Income</b>                   |                   |                   |                       |
| Capital Contributions                   | -                 | -                 | -                     |
| Capital Grants and Subsidies            | 3,095,521         | 1,122,333         | 2,244,665             |
| Interest on Contributions/Reserves      | 33,616            | -                 | -                     |
| Donated Assets                          | -                 | -                 | -                     |
| Profit/(Loss) on Sale of Asset          | -                 | -                 | -                     |
| <b>Total Capital Income</b>             | <b>3,129,137</b>  | <b>1,122,333</b>  | <b>2,244,665</b>      |
| <b>Net Result</b>                       | <b>4,630,986</b>  | <b>2,906,209</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               | 65,993            | 65,892            | 131,784               |
| Less Discounts and Pensioner Remissions | -                 | -                 | -                     |
| <b>Net Rates and Utility Charges</b>    | <b>65,993</b>     | <b>65,892</b>     | <b>131,784</b>        |
| Fees and Charges                        | -                 | -                 | -                     |
| Operating Grants and Subsidies          | -                 | -                 | -                     |
| Operating Contributions                 | -                 | -                 | -                     |
| Interest Revenue                        | 2,097             | -                 | -                     |
| Works for Third Parties                 | -                 | -                 | -                     |
| Other Revenue                           | -                 | -                 | -                     |
| <b>Total Operating Revenue</b>          | <b>68,090</b>     | <b>65,892</b>     | <b>131,784</b>        |
| <b>Expenditure</b>                      |                   |                   |                       |
| Employee Expenses                       | -                 | -                 | -                     |
| Materials and Services                  | 60,769            | 42,958            | 47,100                |
| Depreciation expense                    | 27,740            | 26,461            | 63,507                |
| Finance and Borrowing costs             | -                 | -                 | -                     |
| <b>Total Operating Expenses</b>         | <b>88,509</b>     | <b>69,420</b>     | <b>110,607</b>        |
| <b>Operating Surplus/(Deficit)</b>      | <b>(20,419)</b>   | <b>-3,528</b>     | <b>21,177</b>         |
| <b>Capital Income</b>                   |                   |                   |                       |
| Capital Contributions                   | -                 | -                 | -                     |
| Capital Grants and Subsidies            | -                 | -                 | -                     |
| Interest on Contributions/Reserves      | 19,376            | -                 | -                     |
| Donated Assets                          | -                 | -                 | -                     |
| Profit/(Loss) on Sale of Asset          | -                 | -                 | -                     |
| <b>Total Capital Income</b>             | <b>19,376</b>     | <b>-</b>          | <b>-</b>              |
| <b>Net Result</b>                       | <b>(1,043)</b>    | <b>(3,528)</b>    | <b>21,177</b>         |



## 9 INFRASTRUCTURE SERVICES

### 9.1 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - NOVEMBER 2024

**Date Prepared:** 18 November 2024

**Author:** Manager Assets and Projects

**Attachments:**

1. Capital Works Highlights - November 2024 [↓](#)
2. Capital Works Summary - November 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 November 2024.

#### RECOMMENDATION

That Council receives the Infrastructure Services Capital Works Monthly Report for the month of November 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 – November 2024



**Project Name:** Kuranda Heights Cemetery (Retaining Wall)

**Program:** Cemeteries

**Background:**

The new Kuranda Heights Cemetery was developed to provide a suitable burial facility for the community.

The first stage of the development has been available for reservations and internments from August 2024. Stage 1 has an estimated capacity of 10 years and will provide room for 127 lawn-level (beam) memorials and 120 monumental memorials.

**Scope of Work**

The new cemetery includes landscaped grounds, an accessible toilet, and sealed road access and car parking. This work was completed in the first half of 2024.

A retaining wall has been constructed to protect an exposed rock face on the site during wet weather events.

**Progress Update**

The contractor has mobilised, completed set out and excavation of the foundation for the gabion wall and has completed the first layer of the gabion wall. Construction of the next layer has commenced.



*Gabion wall construction continuing*

## Infrastructure Services Capital Works Report

### Project Highlights – November 2024



**Project Name:** Byrnes Street Median Upgrades

**Program:** Roads

**Background:**

Council has been progressively upgrading Byrnes Street, and this project will complete the last garden beds and will enhance visibility 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. Significant shade trees will remain, and additional trees will be planted. The plant palette includes native and flowering plants to add colour. The number of parking spaces will remain unchanged.

**Scope of Work**

- Supply and install maintenance walkways and maintenance strip kerbs as per schedule and design drawings.
- Treat existing kerbs and repaint including new maintenance strip kerbs as per schedule and design drawing.
- Supply and install 12mm Netta Drip irrigation in a spider web pattern with 300mm spacings.
- Supply and top up medians with Sandy loam topsoil as per schedule
- Remove trees marked for clearing and dispose of vegetation waste
- Plant out Council supplied plants as per Council
- Supply and install woodchip mulch as per schedule

**Table 1 – Project Locations:**

|             |   |
|-------------|---|
| Location 1: | Cairns Connection Road  |
| Location 2: | BP Median Island  |
| Location 3  | Byrnes Street Median Island at Jacobson Street  |
| Location 4  | Byrnes Street/Lloyd Street Roundabout   |
| Location 5  | Byrnes Street Median Island in centre of road between Lloyd Street and Railway Avenue (northern end)                |
| Location 6  | Corner of Byrnes Street and Railway Avenue Garden (northern end)  |
| Location 7  | Byrnes Street Median Island in centre of road between Railway Avenue (northern end) and Granite Creek               |
| Location 8  | Byrnes Street Median Island on the eastern side of the road between Railway Avenue (northern end) and Granite Creek |

**Progress Update**

Gregg Construction Pty Ltd commenced work at three locations: Location 2 (BP Median Island) and two of the northern sites on Byrnes St – Locations 6 and 8.

Concrete maintenance kerbs have been installed, new trees and shrubs have been planted with irrigation and mulching required to complete the garden bed upgrade at these three sites. Photos below.



## Infrastructure Services Capital Works Report Project Highlights – November 2024



*Location 8: Concrete kerbs installed and planting underway on Byrnes Street Median Island on the eastern side of the road between Railway Avenue (northern end) and Granite Creek*



*Location 6 (Northern Byrnes St Corner of Railway Avenue and Rotary Par) and Location 2 - BP Median Island: Concrete kerbs installed and planting underway.*

## Infrastructure Services Capital Works Report Project Highlights – November 2024



**Project Name:** AC Pipe Renewal Water Main Upgrade Program – Eccles Street, Keeble Street and Adams Street

**Program:** Water

### Background

An allocation has been provided in the 2024/25 Capital Works Program to replace failing and ageing water mains throughout the Shire as part of Council's strategy to address critical water issues across the Shire over the next 10 years.

These sections of water main were identified for replacement following the numerous main breaks occurring in the past few years and in conjunction with Council's water strategy.

### Scope of Works

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

### Progress Update

Works are complete with water mains in Keeble Street and Adams Street replaced in November 2024 with new 150mm PVC Supermain and Ductile Iron (DICI).



*Keeble Street and Adams Street installation of the new 150mm diameter PVC Super-main water main completed*



## Infrastructure Services Capital Works Report Project Highlights – November 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

In November, all earthworks to subgrade level, drainage structures and drains, rock protection and check dams were completed. The crew has disestablished and will return to site after the 2024-25 wet season.



*Ootann Road - before*



*Ootann Road – after (subgrade level)*



*Ootann Road - before*



*Ootann Road – after (subgrade level)*



## Infrastructure Services Capital Works Report Project Highlights – November 2024



**Project Name: James Street Mareeba – Pavement Rehabilitation**

**Program: Urban Streets**

### Background

A 190m section of James Street, between Costin Street and McIver Road has been deteriorating over the last few years due to moisture ingress. Funds were made available from Roads and Bridges depreciation in the 2024/25 Capital Works Program to rehabilitate this section.

### Scope of Works

The scope of works includes the removal of the failed base pavement layer and replacing it with cement modified road base, full width bitumen sealing and drainage improvements at Salihe Avenue intersection.

### Progress Update

Works commenced on site 19 November and were ready to be bitumen sealed 29 November. Weather conditions turned favourable late on 5 December and the section was bitumen sealed 6 December. Works are now complete.



*Removing existing failed pavement layer*



*Tipping imported road base on bitum covered subgrade*



*Blending bagged cement into base layer*



*Completed base pavement layer*

## Infrastructure Services Capital Works Summary Report - November 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   | All MSC resealing sites have been marked for the contractor to undertake the seal design process. Resealing currently programmed for March/April 2025 weather permitting.  | Procurement   |
| CP00835   | DRFA Gully Betterment                    | Practical Completion reached.  | Completion    |
| <b>Program: 02 - Gravel Resheet</b>                                 |  |  |               |
| CP0001022   | 23/24 Gravel Resheet Program             | Conmat currently manufacturing a course rock material to be used by HQ Plantations on Black Mountain Road & LA Road. Delivery will commence the second week of November. This will clear the final commitment & the project will be closed with the remaining budget rolled over to the 24/25 Resheet Program. | Construction  |
| CP0003732   | 24/25 Gravel Resheet Program             | Springfield Road re-sheeting has commenced & will be completed mid-December.   | Construction  |
| <b>Program: 03 - Urban Streets</b>                                  |  |  |               |
| CP0001023   | Recovery Way (WTS) Rehab Ch 0.176-0.272  | Asphalt & road base procurement completed. Works will be undertaken in Jan/Feb 2025 weather pending.   | Procurement   |
| CP0002042   | MBA James St Mill & Fill                 | Works commenced on the pavement replacement on a section of James Street 19 November. Project progressing well & will be bitumen sealed 03/12/2024 weather pending.  | Construction  |
| CP00795   | TIDS 23-27 Herberton/Constance Inter     | Ergon prestart meeting scheduled for 29 November. The construction crew will re-establish on site 6 January to recommence construction, weather permitting.  | Construction  |
| CP00797   | TIDS 22/23 24/25 Rankin/Walsh St R'bout  | Draft Engagement Plans received for comment, anticipate Construction drawings by end of year 2024.   | Design        |
| <b>Program: 04 - Rural Roads</b>                                    |  |  |               |
| CP0002040   | KDA Barron Falls/Masons Rd/Falls Lookout | Preliminary Survey completed, design to be scheduled new year.   | Planning      |
| CP0002041   | KDA KIA09 Barron Falls Rd Thongon-Mason  | Preliminary Survey completed, design to be scheduled new year.   | Planning      |
| CP0002048   | KDA Kuranda Heights Rd Intersection      | Survey undertaken, design to be scheduled in new year.   | Planning      |
| CP0002050   | MBA McIver Rd Rehab & Widen              | Designs to be scheduled in new year.   | Planning      |
| CP0002060   | KDA Oak Forest Rd Rehab & Widen          | Design to be scheduled in new year.  | Planning      |
| CP0002066   | DIM Leafgold Weir Rd Widen Curves        | Design nearly complete, aim to complete before end of 2024.  | Design        |
| CP0002069   | MBA Chewko Rd Rehab/Widen & Seal         | W&W are arranging for the relocation of a section of water main within the footprint of the project. Construction work will commence early February 2025 weather permitting.   | Construction  |
| CP0003753   | MBA Byrnes St Safety Upgrades            | Tender awarded Gregg Constructions. Works commenced in November 2024.  | Design        |

## Infrastructure Services Capital Works Summary Report - November 2024



|   |  |  |               |
|---|--|--|---------------|
| CP00801                                 | TIDS Ootann Rd Section 1&2<br>Widen & Seal | The crew de-mobilised early November & will return after the 24/25 wet season. Tentatively programmed for April. All drainage, earthworks, rock protection & check dams installation has been completed. A recent storm showed that the drainage is functioning well with only some minor topping of a few check dams. | Construction  |
| <b>Program: 05 - Bridges</b>            |  |  |               |
| CP0001558                               | MBA Tinaroo Creek Rd Ada Creek Causeway    | Drone survey completed, design to be programmed to commence in the new year. Design to be completed June 2025.   | Planning      |
| CP0001564                               | KDA Oak Forest Rd, Barron River Bridge     | Contract awarded to Neater Constructions. Construction to commence in 2025 post wet season.  | Procurement   |
| CP00839                                 | Bullaburrah Ck Rd C'way Relieving Slab     | Not commenced.   | Not Commenced |
| CP00841                                 | Bolton Rd Inspect/Design/Repl Girders      | RoadTek will be undertaking these works on behalf of council. Estimated to start late March early April 2025 weather permitting.   | Procurement   |
| 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      | A new concrete causeway was constructed on Hodzic Rd in November & more temporary repairs will be undertaken at a failing causeway on Borzi Road in late November.   | Construction  |
| 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                 | Ray Road Drainage Study to inform project.   | Planning      |
| CP0003695                               | Irvinebank Jessie St/Rubina Tce Upgrade    | Investigations will be scheduled in 2025.  | Not Commenced |
| CP0003830                               | Hastie Road - Stormwater                   | Drain installation complete. Driveway concreting works will commence week of 9 December weather permitting.  | Construction  |
| CP00844                                 | MBA Amaroo Drainage Upgrades               | Design handover documentation to be finalised and provided to Construction.  | Construction  |
| CP00938                                 | Tilse Street Upgrade Drainage              | Culverts accepted On-Maintenance as part of development.   | Completed     |
| <b>Program: 07 - Traffic Facilities</b> |  |  |               |
| CP0000947                               | Mareeba Aerodrome Safety & Repairs         | Fire Fighting System last item on project to complete. Delay on Variable Speed Drives, with supplier to source.  | Procurement   |
| CP0000951                               | Anzac Ave LATM Upgrades                    | Speed Awareness signs installed Anzac Ave and are being commissioned.  | Construction  |
| <b>Program: 08 - Parking</b>            |  |  |               |
| CP00846                                 | MBA Heritage Centre Carpark Connection     | Footpath layout concepts and project intent reported to Council. Stakeholder engagement to commence.   | 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  |

## Infrastructure Services Capital Works Summary Report - November 2024



|           |                                       |   |             |
|-----------|---------------------------------------|---|-------------|
| 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 programmed in new year.   | Planning    |
| CP0001666 | KDA Barron Falls Rd Replace Footpath  | Preliminary survey works have been undertaken, design to be scheduled in new year.                    | Design      |
| CP0001742 | MBA WNP Constance-Lloyd St Footpath   | In procurement.   | Procurement |

**Program: 10 - Parks and Gardens**

|           |  |   |               |
|-----------|--|---|---------------|
| CP0001029 | Kda Com Precinct Parks Upgrade         | Planning & Development ongoing 2025.  | Planning      |
| CP0001803 | Julatten Geraghty Pk Refurb Playground | Upgrade proposal reported to Council. Community engagement to commence early 2025.  | Planning      |
| CP0001805 | MBA Bicentennial Lakes Northern        | Federal Government funding deed of agreement pending.   | Not Commenced |
| CP0001843 | KDA Hunter Park Fallon Rd Bollards     | Project complete August 2024.   | Close Out     |
| CP0001871 | MBA Centenary Park Upgrade Fencing     | Works to run congruent with Centenary Park footpaths early 2025.  | Construction  |
| CP0003670 | MBA Amaroo Park Shade                  | Works scheduled for 2025.   | Planning      |
| CP00809   | MBA Bicentennial Lakes (Southern) D&C  | Slides embankment barrier fence installation awarded. Works expected to commence 2025. Hort Street footbridge open. Warren Street footbridge construction to commence next.   | Construction  |
| CP00860   | KDA Anzac Park Landscaping             | Park upgrade complete. Planning for the installation of tree naming plaques being undertaken.   | Completed     |
| CP00861   | KDA Coondoo Street Refurb              | CBD garden beds refresh soft landscaping works to be completed by Perosa Landscaping as a variation to the footpath pavement upgrade project.<br><br>i-LEC Solutions awarded the Upper Coondoo LED Streetlighting upgrade project. Works to commence 2025.<br><br>Lower Coondoo LED Streetlighting upgrade application made to Ergon. Awaiting offer. | Procurement   |

**Program: 11 - Water**

|           |                                       |  |              |
|-----------|---------------------------------------|--|--------------|
| CP0001038 | 23/24 Retic Valve/Hyd Replace Program | New valves to be installed Lera and Byrnes St.   | Construction |
| CP0002670 | FY24/25 - WTP Minor Infrastructure    | Works are underway and will be completed by mid to late April.   | Construction |
| CP0002671 | FY24/25 - Water Main Replacement      | Stage 2 in procurement.  | Construction |
| CP0002672 | FY24/25 - KDA WTP Turbidity Meters    | New equipment electrical and Scada connections put in place, just waiting on contractor to complete the physical installation works. | Construction |
| CP0002674 | FY24/25 - DIM WTP Turbidity Meters    | No longer required.  | Close Out    |
| CP0002675 | FY24/25 - Replace Chlorine Analysers  | Equipment has arrived with some fittings being manufactured to allow for installation.   | Construction |

## Infrastructure Services Capital Works Summary Report - November 2024



|                                 |  |   |              |
|---------------------------------|--|---|--------------|
| CP0002677                       | FY24/25 - Telemetry/SCADA Upgrades       | RFQ was issued and received and order issued and works will commence in the new year.   | Construction |
| CP0002680                       | FY24/25 - Hydrants & Valve Renewal       | A program of works has been developed and will be undertaken throughout the 2024-25 FY.   | Construction |
| 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       | Assessment will be made mid December during the routine servicing & 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 works has been awarded and the contractor has advised they are in procurement phase with actual works to commence in the second quarter of 2025.                      | Construction |
| CP0002764                       | MtM Replace Hunter Ck Weir               | Survey is required as part of the engineering assessment and this will be done as soon as the councils survey team have available time.                                       | Construction |
| CP0002921                       | MBA Booster Pump Station Relocation      | Works to relocate booster pump to be conducted early to mid 2025.   | Construction |
| CP0003667                       | FY24/25 Irvinebank Ibis Dam Valves       | Waiting on pricing from suppliers in the new vales required.  | Procurement  |
| 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 September or December.  | Procurement  |
| CP00733                         | BOR6 MWTP Filtration Upgrade             | Filtration project has now been successfully commissioned and contractor finishing a few minor tasks and once they've completed the tasks the project can then be closed out. | Construction |
| CP00878                         | MBA Decommission Basalt St Elevated Tank | The water tower has been isolated and the reservoir section of the water tower needs to be cleaned out then a permanent closure / lockout of the feed line will be done.      | Construction |
| CP00879                         | MBA Decommission Granite Ck Pump Station | The works are being done in conjunction with the relocation of the pump set and will be completed in the first half of 2025.  | Construction |
| <b>Program: 12 - Wastewater</b> |  |   |              |
| CP0001041                       | Mba WWTP Inlet Works Replacements        | Works now completed and we are waiting on contractor to provide invoicing for payment then the project can be closed out.   | Completed    |
| CP0001043                       | Atherton St Pump Station Refurb          | Project subject to grant funding.   | On Hold      |
| CP0001047                       | 23/24 WW CCTV & Relining Program         | Inspections complete. Awaiting contractor reports.  | Construction |
| CP0001050                       | Kennedy Hwy PS Control Board Upgrade     | New electrical switchboard installed and commissioned and once commitments are cleared the project can be closed out.   | Completed    |
| CP0001053                       | 23/24 WWPS Refurbishment Program         | Works substantially completed in October.   | Construction |
| CP0002474                       | FY24/25 - MBA Sewer CCTV & Reline Prog   | Awaiting Asset inspection reports.  | Construction |

## Infrastructure Services Capital Works Summary Report - November 2024



|                            |   |  |              |
|----------------------------|---|--|--------------|
| CP0002475                  | FY24/25 - WW Pump Station Ancillary     | Landslip remediation works completed at Gully Sewer Pump station, RFQ has closed for works at other pump stations and will be assessed in the coming weeks. The scope of works will have to be reduced due to the urgency of the works that were done at Gully Pump Station. | Construction |
| CP0002476                  | FY24/25 - WW Reticulation Pumps Renewal | Waiting on pricing for a replacement pump, once quote received an order will be placed.  | Procurement  |
| CP0002477                  | FY24/25 - Telemetry/SCADA Upgrades      | A RFQ was issued for upgrade works which has been actioned on and work will commence in the new year.  | Construction |
| CP0002479                  | FY24/25 - Pump Station Generators x 2   | Generators installed and electrically and telemetry connections completed. Once Councils fabricator is back at work the enclosures will be fabricated and installed.   | Construction |
| CP0002480                  | FY24/25 - Manhole Rehab & Replace       | Works to commence early December 2024.   | Construction |
| CP0002481                  | FY24/25 - MBA Constance St Rising Main  | Project out to tender, once tender is received council officers can finalise grant funding application.  | Design       |
| CP0002482                  | FY24/25 - KDA WWTP Renew Control Panels | Electrical works are now completed.  | Close Out    |
| 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.   | Construction |
| 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.   | Construction |
| 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 first week in December.   | Construction |
| <b>Program: 13 - Waste</b> |   |  |              |
| CP0002216                  | KDA WTS New Ablution Block              | Contractor awaiting certified design. Construction to commence early 2025.   | Construction |
| CP0002220                  | MBA TS Leachate Pump Annual Program     | Pumps deemed okay at this stage and won't be replaced, another assessment will be done in May 2025.  | Planning     |
| CP0002221                  | MBA TS Leachate PS Pump                 | A RFQ has been issued for a new pump.  | Procurement  |
| <b>Program: 15 - Fleet</b> |   |  |              |
| CP0001071                  | Fleet Replace #1231 Toyota WW           | Procurement in progress.   | Procurement  |
| CP0003738                  | Replace Asset 741 Street Sweeper        | Evaluation complete, waiting approval.   | Procurement  |
| CP0003739                  | Replace Asset 620 Job Truck             | Truck on order, no delivery date as yet.   | Procurement  |
| CP0003740                  | Replace Asset 1255 Toyota Hilux         | Truck on order, no delivery date as yet.   | Procurement  |
| CP0003741                  | Replace Asset 1274 Toyota Hilux         | Truck on order, no delivery date as yet.   | Procurement  |
| CP0003742                  | Replace Asset 4052 Kubota Mower         | Project Complete. Mower in service.  | Close Out    |
| CP0003743                  | Replace Asset 5005 MF Tractor/Loader    | Tractor to be delivered 28/11/2024.  | Procurement  |



**Infrastructure Services Capital Works Summary Report - November 2024**



|           |  |  |               |
|-----------|--|--|---------------|
| CP0003752 | Replace Asset 3010 Toyota Landcruiser    | Project Completed. New vehicle is service. | Close Out     |
| CP0003773 | Replace Asset 1307 Mit. Pajero INSURANCE | Project Completed. New vehicle is service. | Close Out     |
| CP0003776 | Replace Unit 5422 Tool Trailer INSURANCE | Pending insurance.                         | Not Commenced |
| CP0003777 | Replace Asset 1412 Mazda BT50 INSURANCE  | Project Completed. New vehicle is service. | Close Out     |

**Program: 16 - Depots and Council Offices**

|           |  |  |              |
|-----------|--|--|--------------|
| CP0001064 | Mba Depot Admin Building Refurb          | Minor works to provide compliant footpath to front of building programmed. | Construction |
| CP0001597 | CHI Depot Office Renewal                 | Works completed.   | Completed    |
| CP0003737 | MBA Kowa St External Staff Training Room | In procurement.  | Procurement  |
| CP0003765 | MBA Kowa St Depot Fuel Bowser            | Works to commence February / March 2025.                                   | Construction |
| CP00759   | Kowa St MSC Depot Emergency Generator    | Sequal consultant prepared preliminary electrical layout. Awaiting report. | Design       |

**Program: 17 - Community Buildings**

|           |  |   |               |
|-----------|--|---|---------------|
| CP0001059 | Mba/Dim Aquatic Condition Assessment     | RFQ development has begun, intent to release to market end of January 2025.   | Planning      |
| CP0001632 | 24/25 Amenities Refurbishment Program    | Works postponed until early 2025.   | Planning      |
| CP0001637 | KDA Library Paint & Roof Improvements    | Awning contract awarded.  | Construction  |
| CP0001639 | Annual Minor Building Refurbishment      | Projects proposed: Pioneer Cemetery Rotunda and Mba Sports Hall Access Ramp.  | Planning      |
| CP0001646 | KDA Recreation Centre Improvements       | Works to commence January 2025.   | Construction  |
| CP0001664 | Annual Facilities LED Lighting           | Recommendations -<br>1. Kuranda Recreation Centre Tennis Courts<br>2. Mantaka Tennis Courts<br>3. Bartley Park<br>4. Mt Molloy Vains Park Tennis Courts | Not Commenced |
| CP0002909 | DIM Memorial Hall Park Lighting Upgrade  | Works to commence early January due to lead times on lights.  | Construction  |
| CP0003718 | MBA Davies Park Field 2 Lighting Upgrade | Works on hold. Awaiting suitable funding.   | Design        |
| CP0003729 | MBA Aquatic Centre Pool Expansion Joints | MCSF - sourcing contractor to repair.   | Planning      |
| CP0003756 | MBA Davies Park Field 1 Lighting Upgrade | Contract awarded to I-Lec Solutions.  | Procurement   |
| CP0003792 | MBA Animal Management Facility Flooring  | Contract awarded. Works to commence early December.   | Construction  |
| CP00749   | Aquatic Facility Upgrades & Splash Park  | Works complete.   | Completed     |

## Infrastructure Services Capital Works Summary Report - November 2024



|   |  |  |              |
|---|--|--|--------------|
| CP00793                                       | MBA Women's Restroom Refurb              | To be completed in conjunction with the Mareeba CBD Blueprint Project  | Planning     |
| CP00819                                       | 22/23 Shire Toilet Facility Repl Program | Arnold Park Toilet Repairs/Refurbishment complete.   | Completed    |
| CP00909                                       | KDA Aquatic Cnt 25m Pool Aquaris Upgrade | Works to be undertaken last quarter 2024/2025 fin year.  | Procurement  |
| CP00941                                       | 23/24 Park/Sporting LED Lights Arnold Pk | Programmed for 2025.   | Design       |
| CP00942                                       | 22/23 DIM Town Hall A/C/Solar/Lighting   | Works completed.   | Completed    |
| <b>Program: 18 - Non-Infrastructure Items</b> |  |  |              |
| CP0001085                                     | Mba Cemetery Expansion Planning          | To be Scheduled in new year.   | Planning     |
| CP0003684                                     | MBA New Cemetery Lawn Plaque on Beam     | Concrete beam installation completed 04/11/2025. Irrigation extensions will be completed later this month.                 | Construction |
| CP0003716                                     | MBA Smartnet GPS Base Replacement        | Works complete.  | Procurement  |
| CP0003717                                     | KDA Heights Cemetery Lawn Plaque on Beam | Project completed November 2024.   | Construction |
| CP00446                                       | Kuranda New Cemetery                     | Gabion wall construction near completion. Delays due to wet weather and rock supply. Completion date set for mid December. | Construction |
| CP00932                                       | MBA MIP Expansion                        | Design, Survey and Soil Testing of alignments have begun. MIP Detailed Design to be completed May 2025, ready for Tender.  | Design       |



**9.2 T-MSC2024-28 2024/25 WATER MAIN REPLACEMENT PROJECT - STAGE 2****Date Prepared:** 3 December 2024**Author:** Project Manager**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2024-28 2024-/25 Water Main Replacement Project – Stage 2.

**RECOMMENDATION**

That the Council awards Tender T-MSC2024-28 Water Main Replacement Project – Stage 2 to A & B Civil Pty Ltd for the amount of \$1,386,174 excluding GST.

**BACKGROUND**

Tenders for T-MSC2024-28 2024/2025 Water Main Replacement-Stage 2 closed at 11:00am, Tuesday, 12 November 2024. The scope of the works includes supply and installation of a new water main on sections of Byrnes Street, Lloyd Street, Walsh Street, Middlemiss Street and Hort Street. Works for the new watermain installation will generally be limited to the road reserve however, a good proportion of the works will be crossing major sections of Byrnes Street.

The existing water main is typically asbestos cement (AC) and will be decommissioned by grouting in situ. One section located under the Byrnes Lloyd Street roundabout requires full removal as per TMR specification. Council has advised tenderers that the works are required to be practically complete by 30 June 2025.

**Tender Evaluation**

Five (5) submissions were received. A summary of the tender prices at opening is provided below;

*Tendered Price at opening*

| <b>Tenderer</b>   | <b>Tendered Price<br/>(GST excl)</b> |
|---|--------------------------------------|
| A & B Civil Pty Ltd                                     | \$1,317,703                          |
| JR Pipelines Pty Ltd                                    | \$1,497,721                          |
| HEH Civil   | \$3,582,406                          |
| Trazlbat Pty Ltd  | \$1,124,950                          |
| Terra Novus Civil T/A Northern Civil Earthworks Pty Ltd | \$1,361,780                          |

During the Tender Assessment process, Council officers sought clarification from some of the tenderers regarding the priced and non-priced criteria of the submissions.

*Adjusted Tendered price after assessment*

| <b>Tenderer</b>   | <b>Tendered Price<br/>(GST excl)</b> |
|---|--------------------------------------|
| A & B Civil Pty Ltd                                     | \$1,386,174                          |
| JR Pipelines Pty Ltd                                    | \$1,498,421                          |
| HEH Civil   | \$3,582,406                          |
| Trazilbat Pty Ltd                                       | \$1,565,363                          |
| Terra Novus Civil T/A Northern Civil Earthworks Pty Ltd | \$1,361,780                          |

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and are outlined 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. Each tender has been assessed for conformance, compliance, and discrepancies, against the requested response schedules.

The assessment of each tender is summarised below, including tendered price adjustments following several clarifications tenderers were requested.

*Tender Evaluation Summary*

| <b>Tenderer</b>   | <b>Score (100%)</b> | <b>Rank</b>    |
|---|---------------------|----------------|
| A & B Civil Pty Ltd                                     | 81 %                | 1              |
| Terra Novus Civil T/A Northern Civil Earthworks Pty Ltd | 84 %                | Non-conforming |
| JR Pipelines Pty Ltd                                    | 81%                 | Non-conforming |
| Trazilbat   | 71 %                | Non-conforming |
| HEH Civil   | 61%                 | 2              |

JR Pipelines Pty Ltd, Terra Novus Civil and Trazilbat had departures, omissions and discrepancies meaning their tenders were assessed as non-conforming.

The tender from A & B Civil Pty Ltd, demonstrated they had the necessary key personnel and project specific experience to complete the works.

**RISK IMPLICATIONS****Infrastructure and Assets**

The water infrastructure requires upgrading to ensure continuity of supply to customers.

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

Yes.

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

Yes. Council has allocated funding under the 2024/25 capital budget.

Council has received approval of funding towards the 2024-25 Water Main Replacement Program through the Australian Government's Water Infrastructure for Sustainable and Efficient Regions (WISER) program. Projects receiving funding under this grant program must be completed by 30 June 2025.

**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 and affordable levels of service delivered to the community.

**IMPLEMENTATION/COMMUNICATION**

Advise successful tenderer of Council decision and draft contract for signature. Advise all unsuccessful tenderers of Council decision and offer feedback.

Council's Corporate Communications team will be engaged prior to works commencing to develop a media campaign to inform the public on the project with key points being addressed, such as the project itself, potential road lane closures and traffic disruptions along with the benefits of the project.

The works are generally concentrated in the road pavement along Byrnes Street, Lloyd Street, Walsh Street, Middlemiss Street and Hort Street, as such there will be some localised disruption to traffic for the duration of the project and this will be well communicated to residents and pedestrian traffic will be accounted for where required.



**9.3 T-MSC2024-29 CONSTANCE STREET CARPARK & FOOTPATH CONSTRUCTION**

**Date Prepared:** 4 December 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-MSC2024-29 Constance Street Carpark and Footpath Construction.

**RECOMMENDATION**

That the Council awards Tender T-MSC2024-29 to Ikin Civil for the amount of \$246,876.71 (excl. GST).

**BACKGROUND**

Council has received funding through the Queensland Government's School Transport Infrastructure Program (STIP) towards the Constance Street Carpark extension and Footpath Construction project.

The missing pedestrian link at the Lloyd Street end of Constance Street was identified as a priority under the Mareeba Walking Network Plan. It connects to recent the recently completed, TMR-funded Lighter Affordable Effective kerb extensions and crossing improvement works carried out at the Constance and Lloyd Streets intersection.

The tendered scope of works includes construction of additional on-street carparking on Constance Street adjacent the Mareeba State Primary School and a concrete shared pedestrian/cycle pathway linking the school to Lloyd Street.

**Tender Invitation**

Tender T-MSC2024-29 was advertised through 'Vendor Panel' on Tuesday 29 October 2024 and closed at 11.00 am, Wednesday 20 November 2024.

T-MSC2024-29 six (6) submissions were received.

A summary of the tender prices at opening is provided below;

*Tendered Price at opening*

| <b>Tenderer</b>                        | <b>Tendered Price excl. GST</b> |
|--|---------------------------------|
| 3D Civil Pty Ltd                       | \$236,259.18                    |
| FGF Developments Pty Ltd               | \$299,504.51                    |
| Gregg Construction Pty Ltd             | \$279,092.44                    |
| Ikin Civil                             | \$203,476.34                    |
| Tablelands Civil Constructions Pty Ltd | \$176,685.40                    |
| Terranovus Civil                       | \$249,939.36                    |

**Tender Assessment**

Tenders were assessed for conformance, compliance, and discrepancies, against the requested response schedules and tender documentation provided. Tenderers Bill of Quantities pricing was reviewed for possible anomalies that may have required conformation post-tender. The process included identification of any specified exclusions with the potential to impact the Contract price. All tenders were conforming, with all tenderers assessed as capable of completing the works.

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 (Tendered Price) | 40%              |
| Relevant Skills and Experience   | 25%              |
| Demonstrated Understanding       | 20%              |
| Methodology                      | 15%              |
| <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. During the Tender Assessment process, Council officers sought clarification regarding pricing structure to confirm Tenderers understanding of the scope of works.

A summary of the Tender assessment, incorporating the evaluation against conformance, price and non-priced base criteria, resulted in the ranking of submissions displayed in *Table 3* below.

*Table 3: Tender Evaluation Summary*

| <b>Tenderer</b>                        | <b>Score (100%)</b> | <b>Rank</b> |
|--|---------------------|-------------|
| 3D Civil Pty Ltd                       | 81                  | 3           |
| FGF Developments Pty Ltd               | 68                  | 6           |
| Gregg Construction Pty Ltd             | 72                  | 5           |
| Ikin Civil                             | 89                  | 1           |
| Tablelands Civil Constructions Pty Ltd | 89                  | 1           |
| Terranovus Civil                       | 74                  | 4           |

The STIP funding agreement specified tight delivery timeframes which prompted the development of a preliminary design for tendering purposes, proposed to expedite the procurement process.

During the tender period, further investigation was carried out to finalise the design to minimise the impact of the fill on adjacent trees, while optimising the design outcome from a safety perspective.

The amended design included a reconfiguration of the scope with the addition of a retaining nib wall and cycle safety fence at the back of the constructed footpath across the top of the slope.

### **Revised Pricing Post-Tender**

As a result of the design change and with consideration to the constraints of the fixed budget allocation Council requested the two (2), equally highest ranked tenderers, Tablelands Civil Constructions and Ikin Civil to provide revised pricing. A revised Bill of Quantities was provided to reflect the design changes.

#### *Amended Pricing Submitted by Preferred Tenderers*

| <b>Tenderer</b>                        | <b>Tendered Price<br/>excl. GST</b> | <b>Rank</b> |
|--|-------------------------------------|-------------|
| Ikin Civil                             | \$246,876.71                        | 1           |
| Tablelands Civil Constructions Pty Ltd | \$269,249.83                        | 2           |

## **RISK IMPLICATIONS**

### **Health and Safety**

The project's proximity to the Mareeba State Primary School will require consideration is given to school traffic and bus operations as well as for the potential that children to be present in the vicinity of construction works proposed.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### **Capital**

Council has allocated funding under the 2024/25 capital budget with additional STIP grant funding received through the State Government program.

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

Yes

***Operating***

NA.

**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.

**IMPLEMENTATION/COMMUNICATION**

Council will inform the Mareeba State Primary School of the project schedule.



**9.4 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - NOVEMBER 2024**

**Date Prepared:** 18 November 2024  
**Author:** Water & Waste Technical Officer  
**Attachments:** Nil

**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Water and Waste activities undertaken by the Infrastructure Services Department during the month of November 2024.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Water and Waste Operations Report for November 2024.

**BACKGROUND****Water and Wastewater Treatment:**

All treatment plants are generally performing satisfactorily. Interim measures are in place to address damage to Kuranda Water Treatment Plant intake infrastructure which resulted from Cyclone Jasper and ongoing rain.

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)          | 10632   | 1156    | 297       | 622      | 240        |
| Number of Connections                              | 4141    | 1053    | 127       | 246      | 111        |
| Average daily water consumption per connection (L) | 2568    | 1098    | 2339      | 2528     | 2161       |

*\* Mt Molloy is an untreated, non-potable water supply*

| Wastewater Treatment                          | Mareeba | Kuranda |
|---|---------|---------|
| Wastewater Plant average daily treatment (kL) | 2205    | 164     |
| Number of Connections                         | 3519    | 356     |
| Average daily inflow per connection (L)       | 627     | 461     |

**Mareeba Water Treatment Plant Upgrades:**

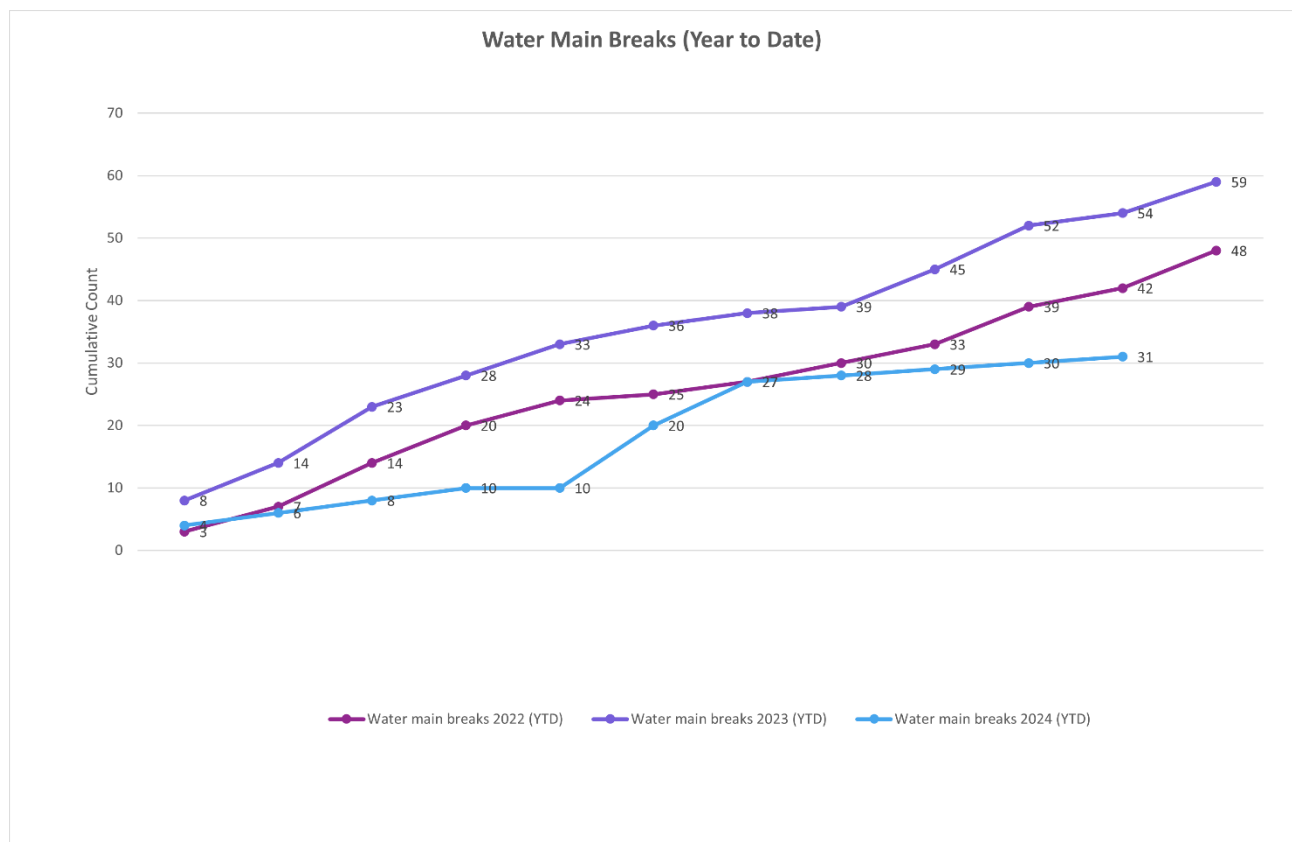
Three (3) critical infrastructure projects at the Mareeba Water Treatment Plant (MWTP) have now been completed as part of Council's 10 year Water Strategy.

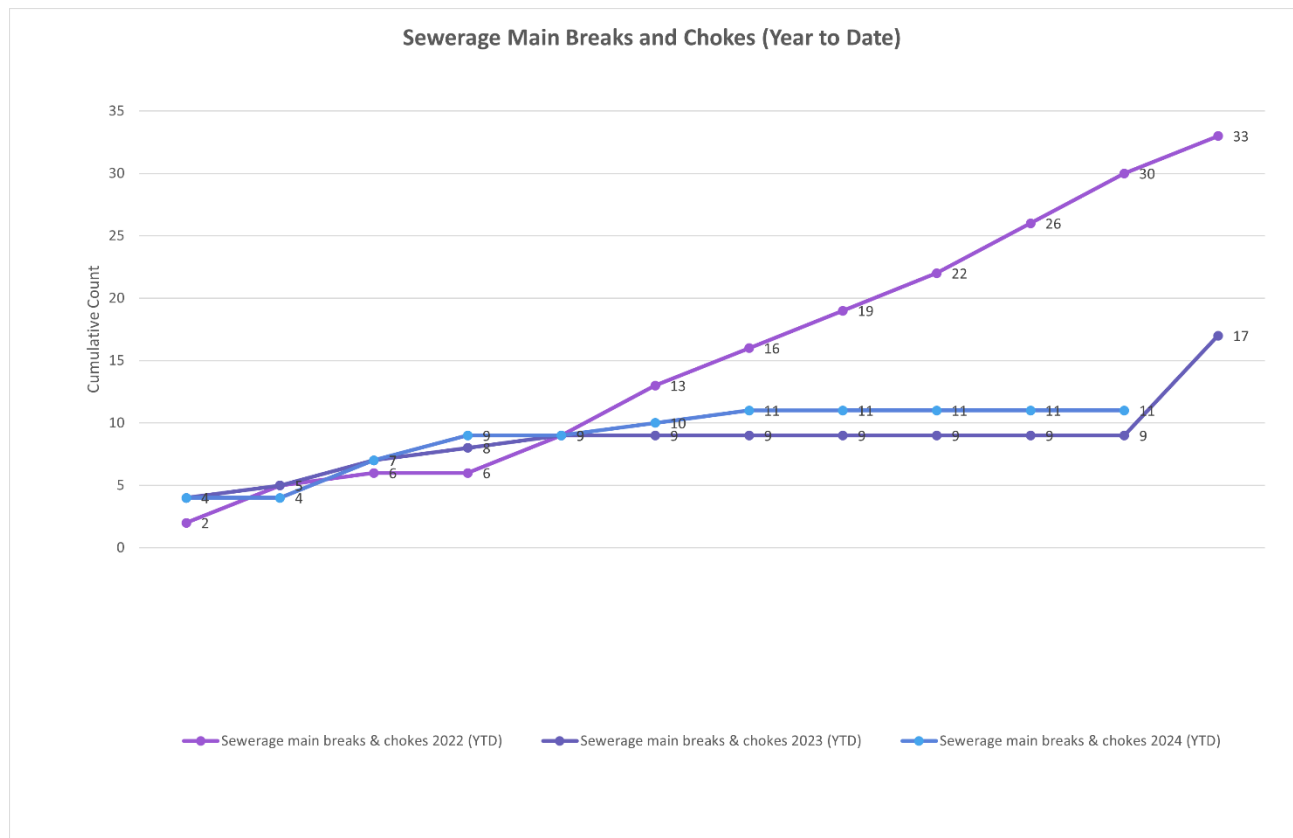
### Water and Wastewater Reticulation:

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:

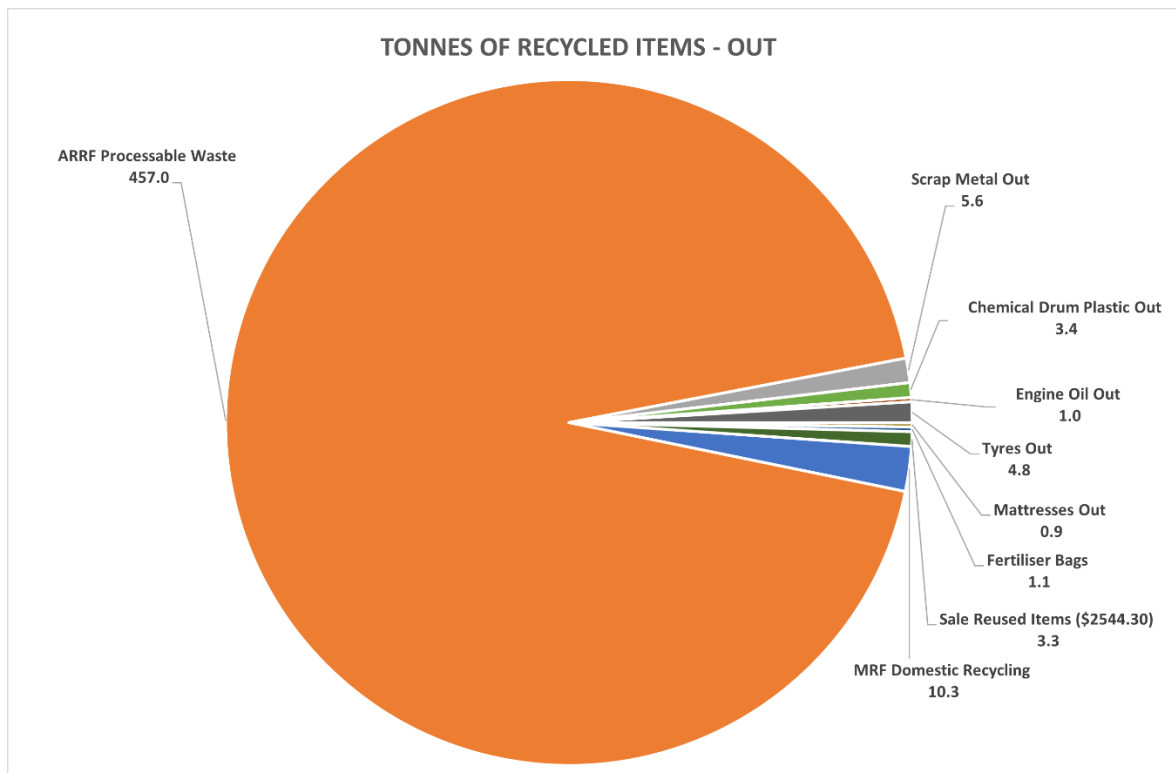




### Waste Operations:

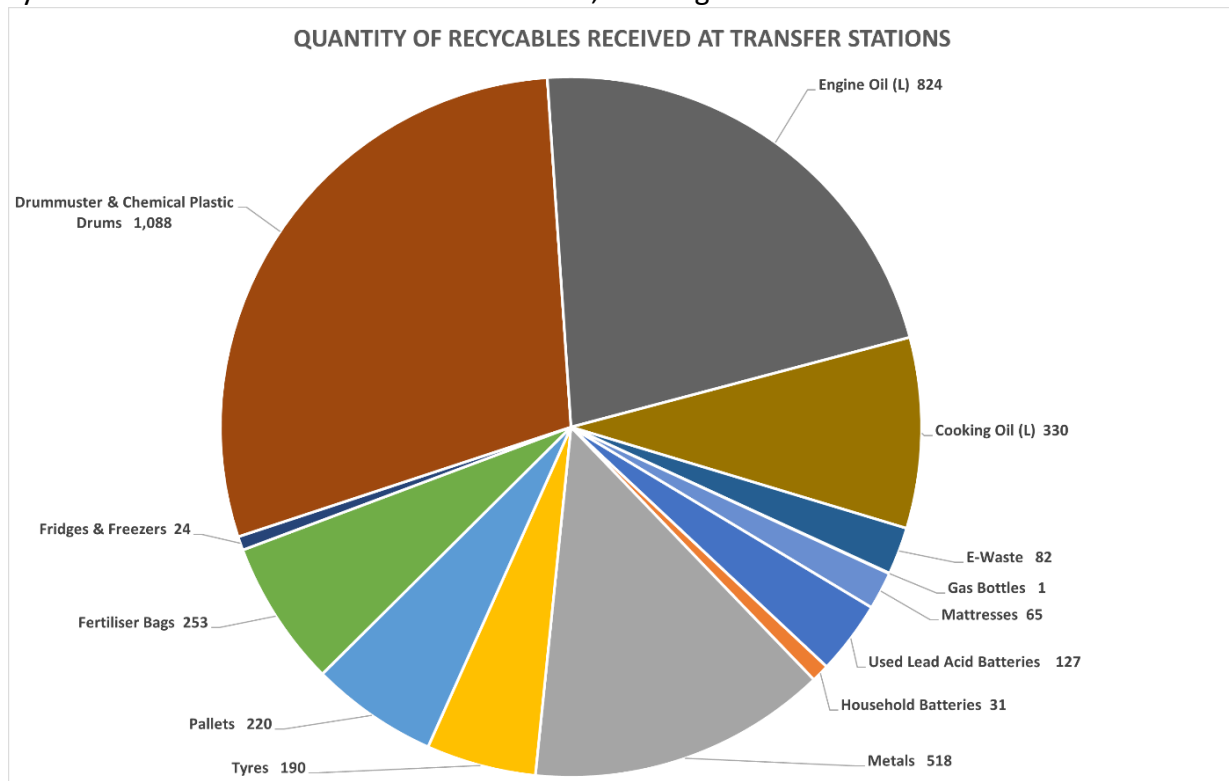
Waste material collected in Kerbside trucks is transported to the Advanced Resource Recovery Facility (ARRF) in Cairns for processing. Residual waste and waste collected at Transfer Stations is transported to Springmount Waste Facility, and recyclable material is transported to the Material Recovery Facility (MRF) in Cairns for processing.

During November, 457 tonnes of waste was processed through the ARRF, 167 tonnes of waste was sent to Springmount Waste Facility and 10.3 tonnes of domestic items were recycled at the MRF.



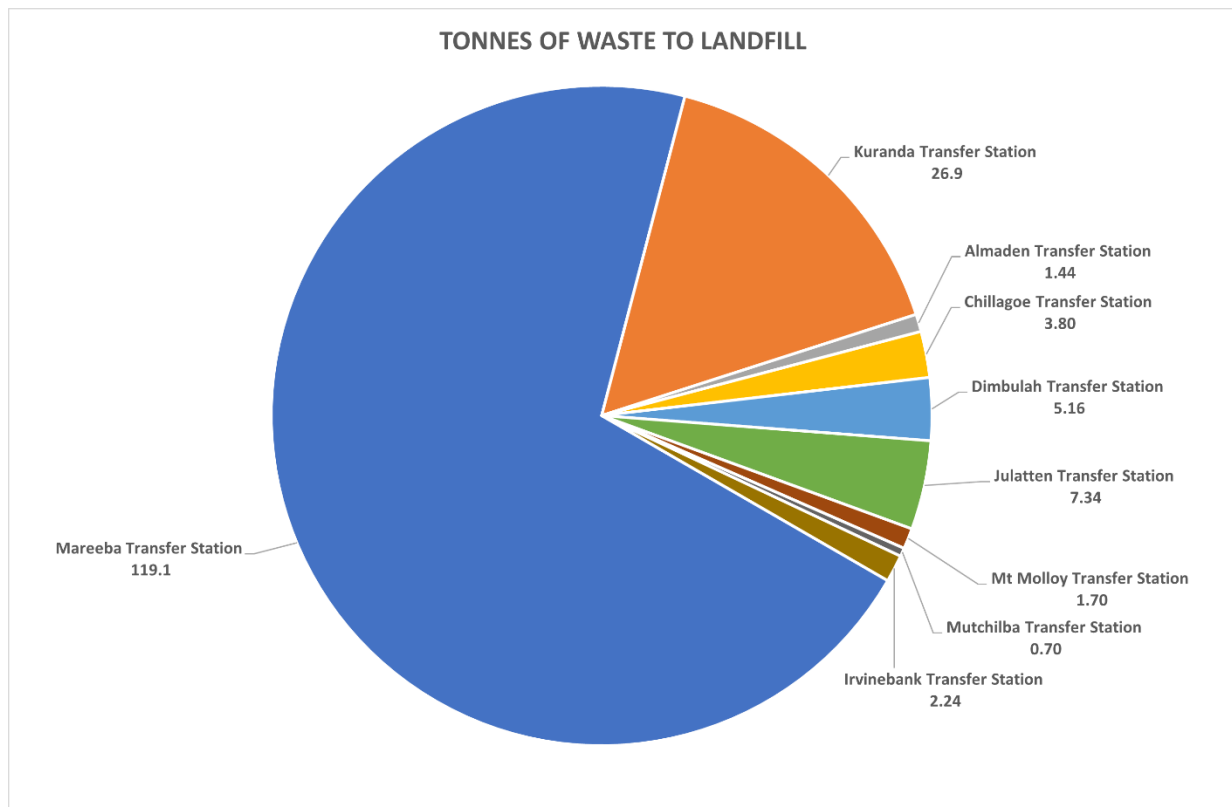
### Recycling

Residents continue to recycle at the Transfer Stations. During November the highest count of recyclable received were 1088 Chemical drums, 824 Engine oil and 518 Metal items.



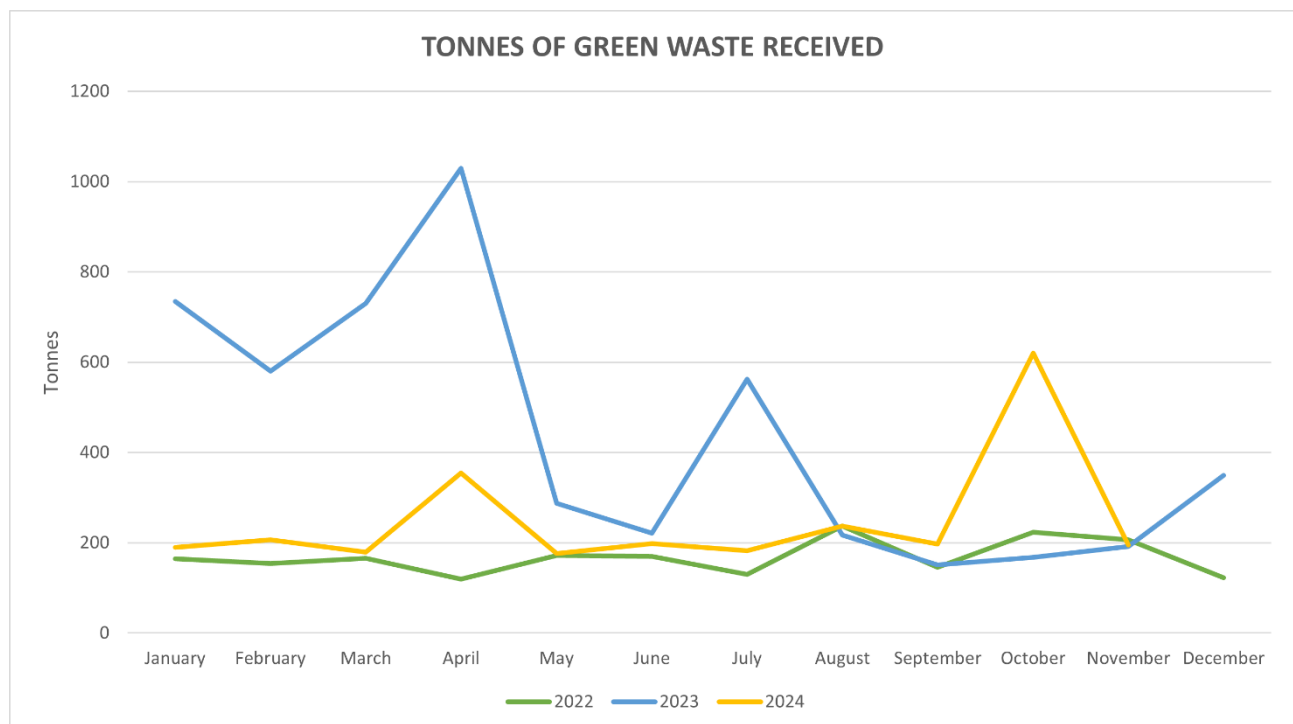
### Transfer Station Waste

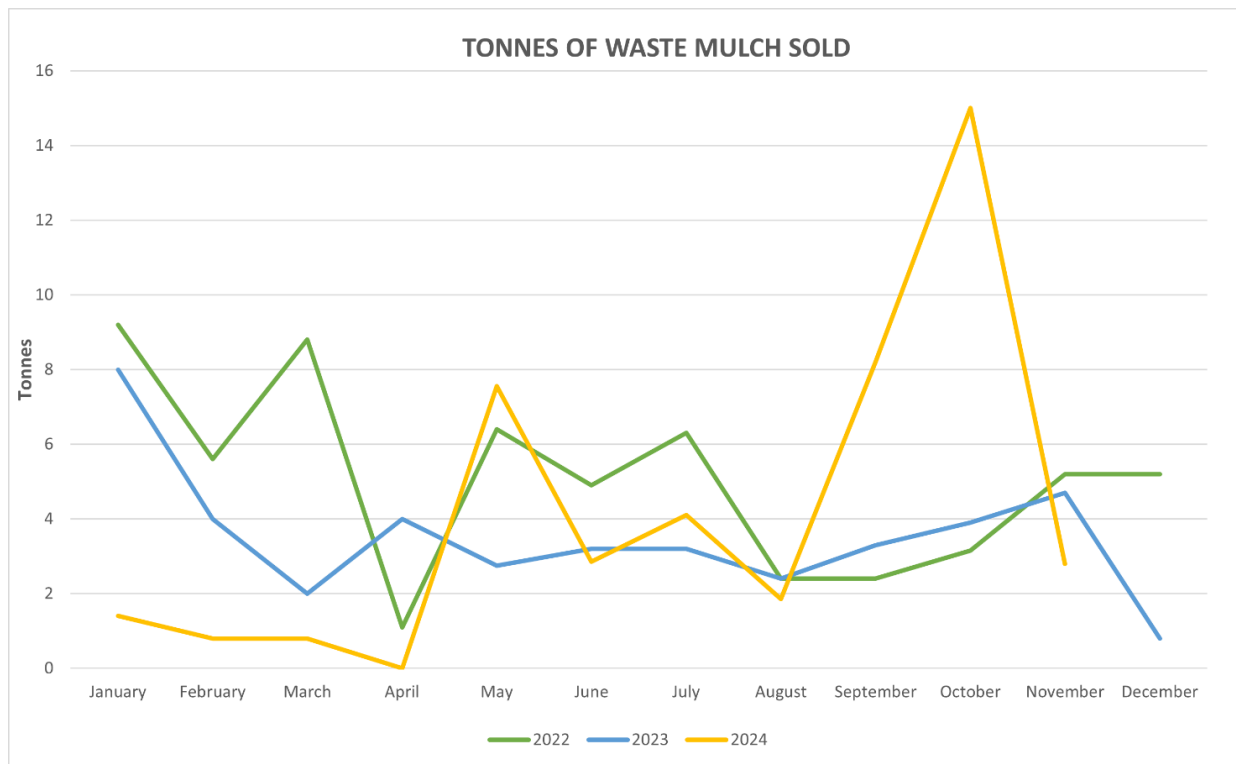
Transfer Station dry waste is transported off site to the Springmount Waste Facility. During November a total of 167 tonnes of waste was sent to landfill. Mareeba Transfer Station contributed to 119.1 tonnes to landfill, and Kuranda 26.9 tonnes.



### Green Waste:

During November, Council received a total of 195.12 tonnes of green waste. Kuranda recorded 3.6 tonnes of green waste from locations registered as being potentially contaminated with Electric Ants. 2 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

**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

Nil

**9.5 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - NOVEMBER 2024**

**Date Prepared:** 4 December 2024

**Author:** Manager Works

**Attachments:** Nil

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**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 November 2024.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Works Progress Report for the month of November 2024.

**BACKGROUND**

A summary of works completed in November 2024 is provided below.

**Transport Infrastructure**General Maintenance

The major maintenance activities carried out in November are listed below;

| Activity                                  | Location   |
|---|--|
| Unsealed Road Grading                     | Henry Hannam Drive, Lockwood Road, Emerald Falls Road, Tinaroo Creek Road, Cobra Road  |
| Bitumen Patching (Area)                   | Julatten, Koah, Kuranda, Speewah, Bilwon   |
| Unsealed Road Maintenance                 | Henry Hannam Drive, Boyles Road  |
| Drainage Maintenance                      | Ray Road, Wolfram Road, Leadingham Creek Road, Gilmore Road, Bilwon Road, Argyle Street, Euluma Creek Road, Black Mountain Road, Orchid Close, Metzger Road, Scenic Drive, Glynn Street, Two Chain Road, Veness Road |
| Tree Clearing (Area)                      | Kuranda, Julatten, Koah  |
| Unsealed Shoulder Maintenance             | Cobra Road, Malone Road, Narcotic Creek Road   |
| Slashing (Area)                           | Koah, Speewah, Julatten, Mareeba   |
| Road Furniture Installation/Repair (Area) | Biboohra, Julatten, Chewko, Mutchilba, Dimbulah, Kuranda, Bilwon, Mareeba  |

Customer Requests

During November, the Works Group received 90 Customer Requests (CRs) with 123 resolved (resolved requests include those received prior to November 2024). The table below shows the number of requests lodged per Works Section for the month.

| Month    | Roads | Parks and Gardens | Pest Management |
|----------|-------|-------------------|-----------------|
| November | 63    | 21                | 6               |

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

**34A - Mulligan Highway (Mareeba - Mt Molloy)**

- Provide traffic control and signage for bush fires.
- Abandoned vehicle removal.

**34B - Mulligan Highway (Mt Molloy - Lakeland)**

- Signage installation
- Roadside litter collection - Riffle Creek and Mt Carbine Truck Stop
- Roadside litter collection - full length of road
- Rest Area Servicing at Riffle Creek
- Supply and install width markers at Riffle Ck Bridge
- Provide traffic control and signage for bush fires.
- Illegal dumping clean-up
- Traffic control and site clean-up at fatal traffic accident

**653 - Mossman-Mt Molloy Road**

- Callout to remove fallen tree over road.
- Re-shape and level out drain backing onto Button Close and Euluma Creek Road intersection.
- Rest Area Servicing at Hunter Creek.
- Roadside litter collection - Hunter Creek, Environ Park and Lyons Park.
- Pothole patching.
- Repair/replace REGPs full length of road.

**664 - Mareeba-Dimbulah Road**

- Supply and install flood marker plate for Granite Creek Bridge.
- Crack sealing near Lemonside Road.

**6632 – Herberton-Petford Road**

- Cut and poison suckers/regrowth.
- Yearly pipe inspections and record co-ordinates and lengths.
- Medium formation grading Watsonville to Irvinebank.

**89B - Burke Developmental Road (BDR)**

- Eureka Creek Rest Area servicing and ground maintenance.



**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   | Herbicide treatment of Field one (1) and two (2) at Davies Park  |
| Playgrounds           | Repair stepping bridge at Amaroo Playground  |
| Slashing              | Shaban Park, Ray Road, Barron Esplanade  |
| Burials               | Mareeba <ul style="list-style-type: none"> <li>• Three (3) in-ground interments</li> <li>• Three (3) Mausoleum Wall interments</li> <li>• Two (2) Ashes in grave interments Pioneer Cemetery</li> </ul> Dimbulah <ul style="list-style-type: none"> <li>• Two (2) Columbarium Wall interments</li> </ul> |
| LOA                   | LOA prisoners at the Mareeba Cemetery.   |
| Tree maintenance      | Tree removals in Mareeba.  |
| Fire management       | Bushfire response to Pioneer Cemetery/TMR Bypass land and Springmount Road.  |
| Events                | Remembrance Day  |

**Land Protection**

**Parthenium Weed:** Inspections carried out on 13 sites. All landholders are complying with their biosecurity obligation.

**Amazon Frogbit:** Work along Chinaman Creek and Atherton Creek on the Barron River Catchment, hand removal and herbicide treatment of Frogbit.

**External Funded DTMR pest weed work:** Basal Bark treatment using diesel and access of Rubber vine, Calatropé and Chinese Apple on the Burke Developmental Road from Chillagoe to Ferguson's Crossing.

**Bellyache Bush Leaf Miner:** MSC assisted QLD DAF in the release of a Leaf Miner moth that is hoped to assist in the management of Bellyache Bush, MSC staff identified a suitable release site on the Walsh River at Rookwood Station and also assisted DAF and Cook Shire in the release on the Palmer River Crossing at Strathleven and King Junction Stations.

**Wild dogs:** 1080 baiting has been carried out on 10 Cattle grazing properties totalling 1,456,000Ha of land.

**Wild Pigs:** Pig traps on loan to landholders in Paddy's Green, Chewko, Mutchilba and Julatten.



*Bellyache Bush Leaf Miner*

## FINANCIAL AND RESOURCE IMPLICATIONS

### ***Operating***

All operational works are funded by the section specific 2024/25 maintenance budgets.

## 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

**9.6 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - NOVEMBER 2024**

**Date Prepared:** 18 November 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 November 2024.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Technical Services Operations Report for November 2024.

**BACKGROUND****Technical Services**Design, quality, and investigations:

Investigation activities undertaken in November included:

| Activity                                | Current Requests | Closed Requests |
|---|------------------|-----------------|
| Road Infrastructure Review              | 88               | 15              |
| Drainage Investigations                 | 33               | 3               |
| NHVR Permit Applications                | 0                | 9               |
| Traffic Count Surveys                   | 0                | 13              |
| Parks Investigations                    | 6                | 2               |
| Aerodromes                              | 1                | 0               |
| Miscellaneous e.g. Planning; Local Laws | 29               | 33              |
| Before You Dig Requests                 | 0                | 86              |

Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services. The laboratory delivered 168 tests in November, 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 13b   | Under construction          |
| Mareeba  | Amaroo Stage 12 – Drainage Infrastructure                | On-maintenance              |
| Mareeba  | Prestige Gardens Stage 5-6                               | On-Maintenance              |
| 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  | 2-6 Black Mountain 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. Although the Gamboola Crossing Bridge remains the only current project, the structure has reached practical completion.  |
| 2022 Betterment     | The Gully Betterment contract has reached practical completion. A report will be prepared for QRA/Council detailing the works completed.  |
| 2023 DRFA           | Northern and Central Queensland Monsoon and Flooding Event, 20 December 2022 – 30 April 2023.<br>Western Roads Contract is ongoing, with works to be completed in the new year. Minor works in the Mt Mulligan, Hurricane Road area to be complete in the new year.             |
| 2023 Cyclone Jasper | Declared event December 2023 - 'Tropical Cyclone Jasper', associated rainfall and flooding, 13 – 28 December 2023' with damage assessments continuing. Works to replace Bushy Creek Bridge, Mt Lewis Road, Julatten continue. Completion prior to end of 2024 remains on track. |



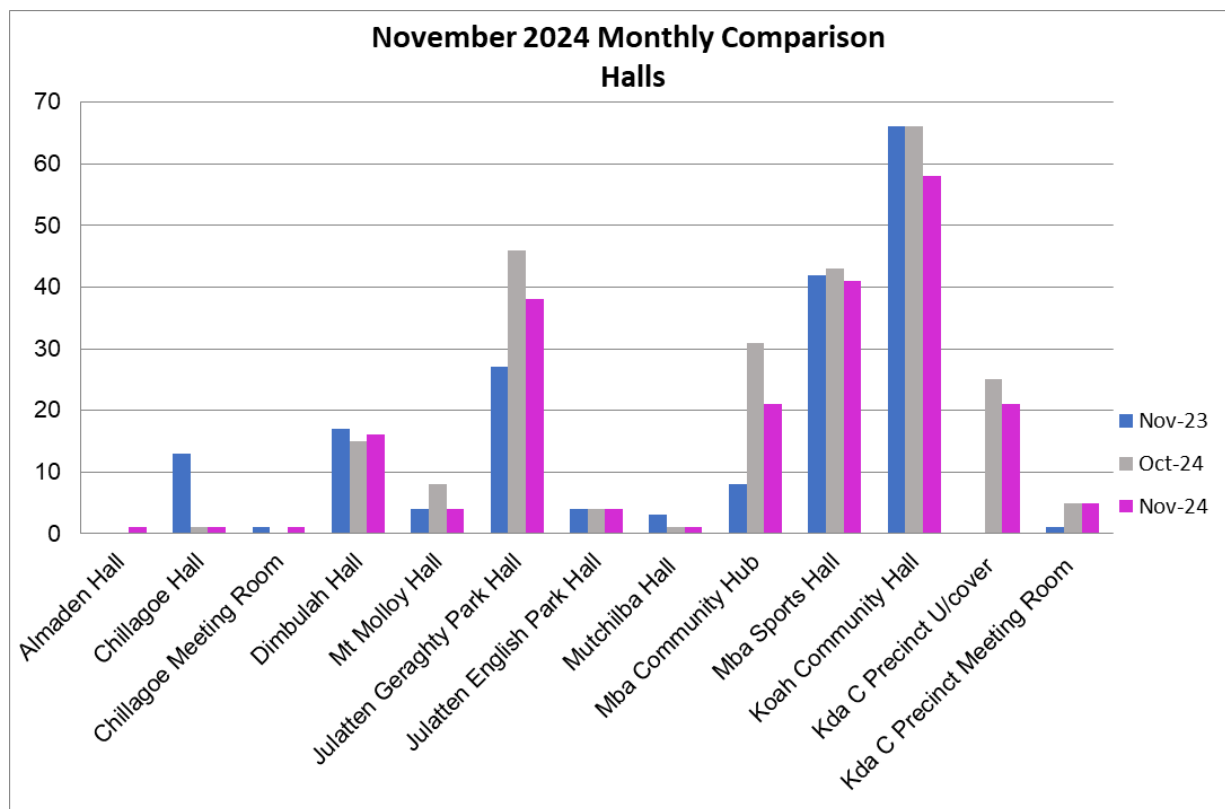
| Program | Status   |
|---------|--|
|         | <p>Jarawee Road, Kuranda, Landslip: works are progressing with piling and pile caps expected to be completed prior to end of year. Construction will continue into 2025 (weather dependant).</p> <p>Emerald End Road: Culverts are being installed, and construction will continue into 2025 (weather dependant).</p> <p>Works to clear flood debris from the waterways has reached practical completion, reporting through QRA continues.</p> |

## Facilities

| Facilities   | Activity   |
|--|--|
| Davies Park – Netball Toilets  | Replace the damaged windows and installed crimesafe security screen over the newly fitted windows. |
| Geraghty Park Roof   | The laserlite sheets have been removed/replaced, and the roof has been gurneyed.                   |
| Mareeba Heritage Centre<br>Outhouse toilets, Cemetery<br>and Davies Park toilets | The gutters have been thoroughly cleaned.  |
| Chillagoe Aerodrome toilets  | Replace broken doors   |

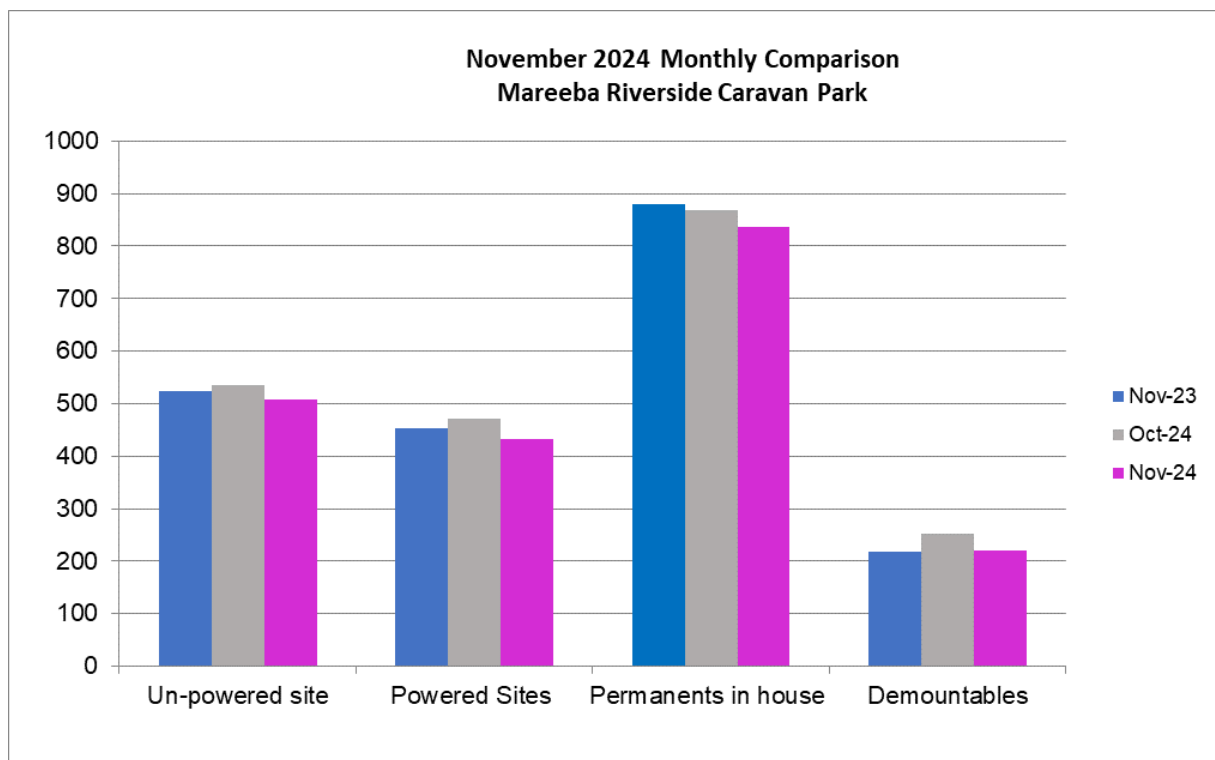
*Davies Park – Netball Toilets*Community Halls:

Maintaining safe and efficient access to Council's Community Halls is recognised as an important aspect for the community's ongoing wellbeing.

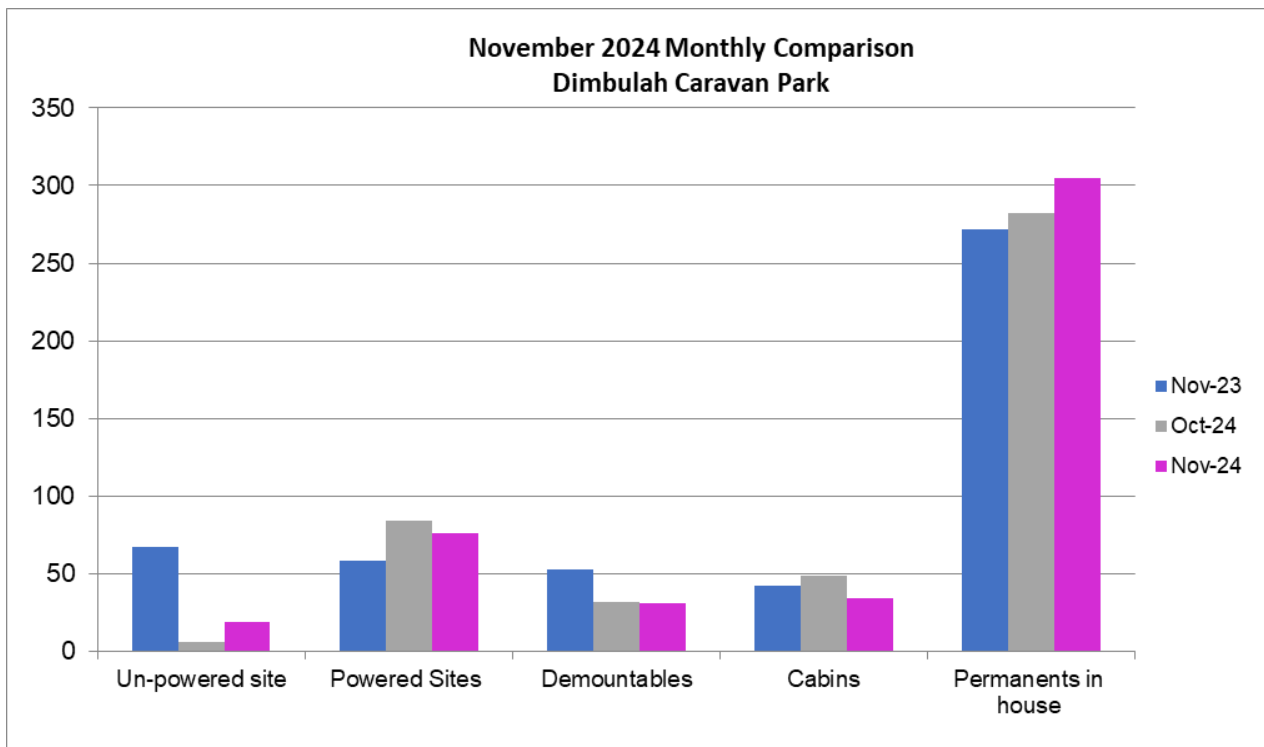


#### Caravan Parks:

Mareeba Riverside Caravan Park, utilisation remains strong with park close to capacity.

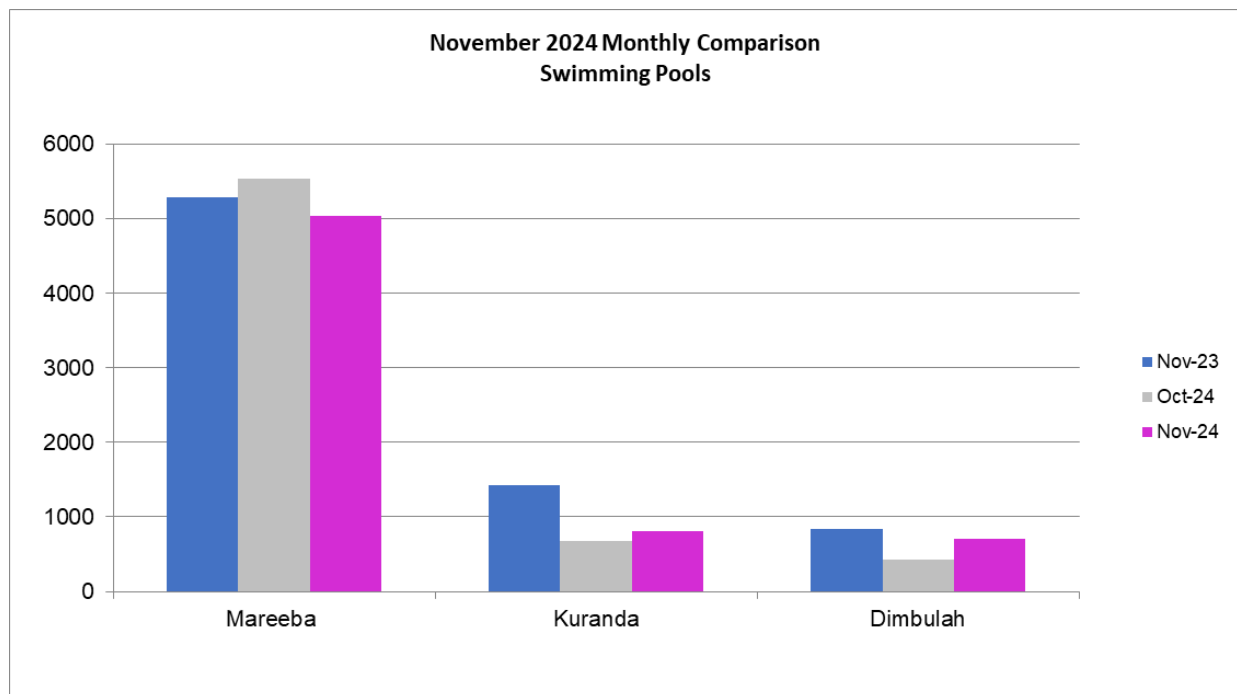


Dimbulah Caravan Park user numbers (total) have generally remained stable against previous months/year's numbers.



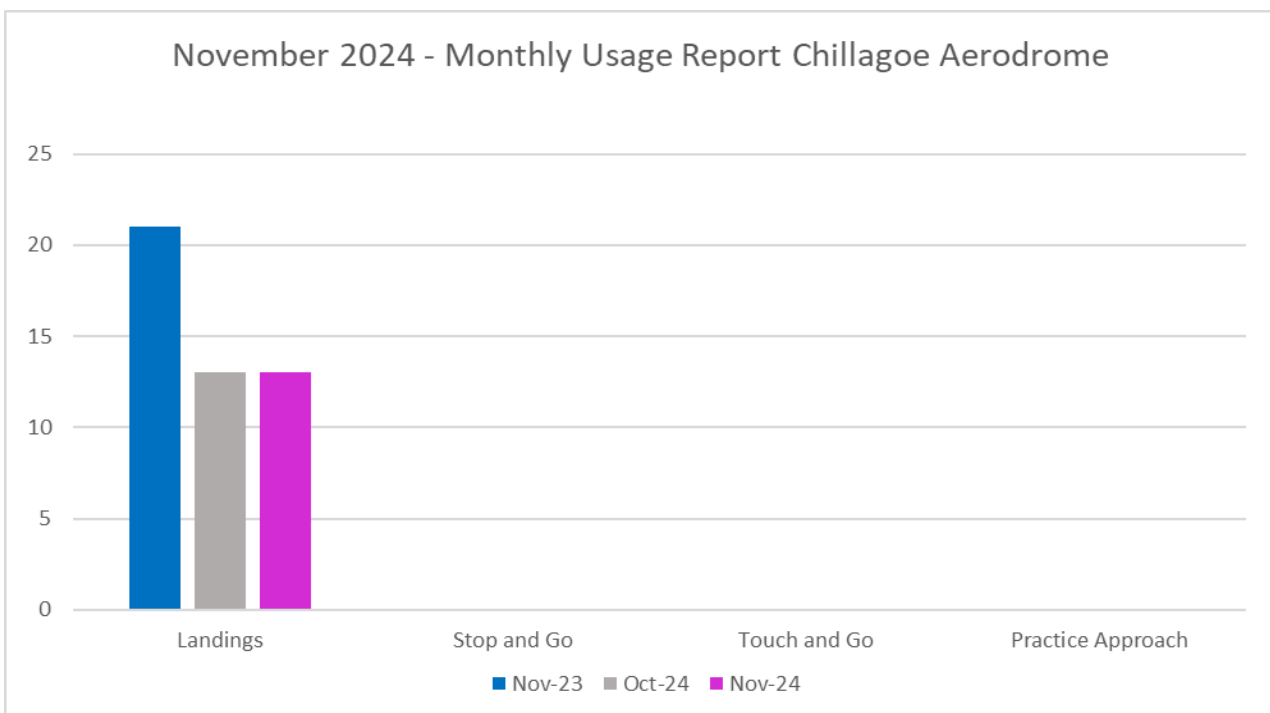
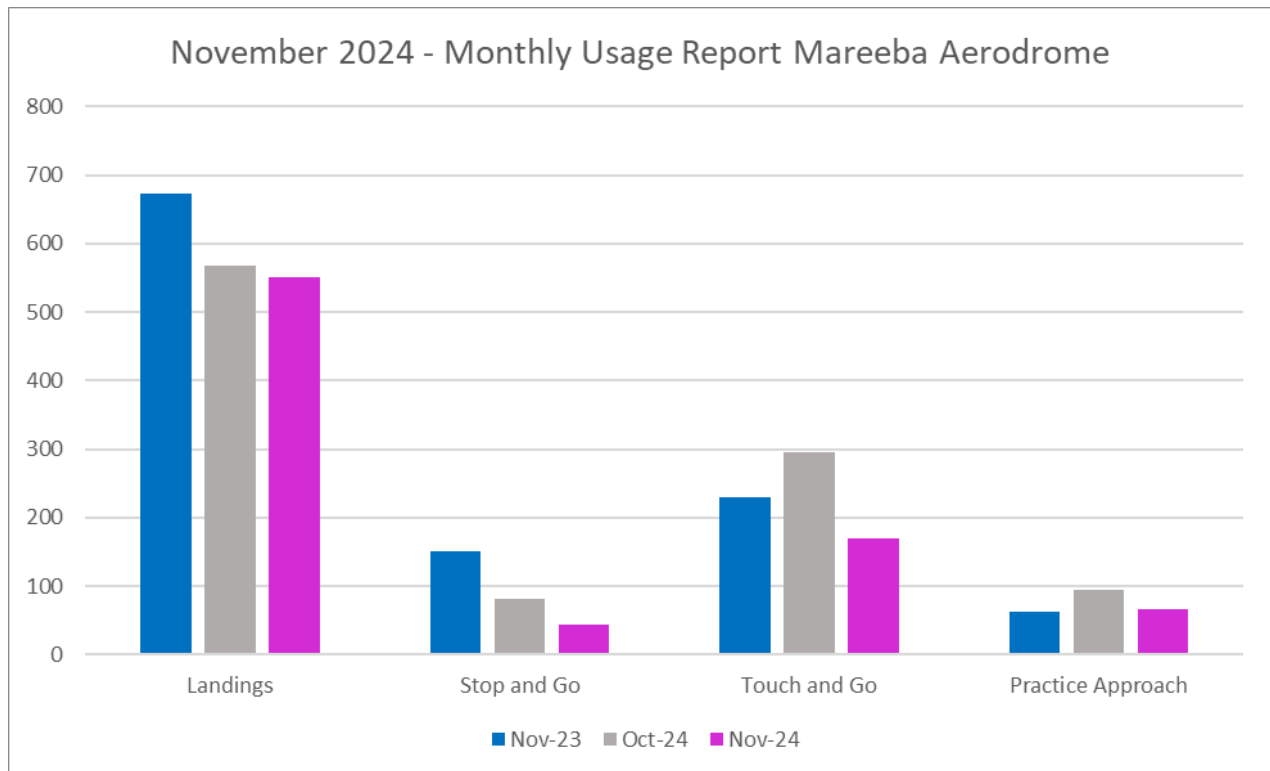
### Aquatic Centres

Attendance at the Facilities has remained generally stable, with increases over the near term expected to align with increased temperatures and school leave periods.



### Aerodromes:

The data recorded below is current for the month of November, however there is usually a lag of some data for each current month from the service provider, which continues to be updated into the next month.



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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.

**Economy and Growth:** Promote and encourage investment in local industry to build a resilient economy.

**IMPLEMENTATION/COMMUNICATION**

Nil



**9.7 FLEET REPLACEMENT - STREETSWEEPER**

**Date Prepared:** 10 December 2024  
**Author:** Manager Technical Services  
**Attachments:** Nil

**EXECUTIVE SUMMARY**

The purpose of this brief is to inform Council of the assessment of quotations received for the supply and delivery of one (1) Dual Control, Dual Engine Road Sweeper, as part of the plant replacement program included in the 2024/25 Capital Works budget.

**RECOMMENDATION**

That Council;

1. Accepts the tender from Bucher Municipal for supply and delivery of one (1) Bucher Municipal V65T Road Sweeper, at a value of \$452,219.69 (excl. GST); and
2. Disposes of Asset 741, Bucher Municipal VT651 Road Sweeper via auction.

**BACKGROUND**

Purchased in 2016, Asset No 741, being a Bucher Municipal Dual Control - Dual Engine Street sweeper is utilised within the Works Section for the purposes of cleaning streets, roadways and other areas within the Mareeba Shire.

Quotations were invited from Vendor Panel, under Request for Quotation VP 430 541 through Local Buy Contract NPN 1.23 on 23 September 2024, and closed 14 October 2024.

Three (3) vendors were invited to quote. Six (6) quotations were received from the three (3) vendors, as provided by Vendor Panel (VP 430541), with Fleet and Maintenance staff working together with operational staff to evaluate submissions.

The supplier's responses were assessed against relevant weighted criteria as follows:

- 40% - Price/Value for Money
- 20% - Operational Suitability/Relevant Experience/Environmental Standards
- 15% - Specifications and resale value
- 10% - Customer Feedback
- 10% - Internal Feedback from work group and workshop staff
- 5% - Tender response

Each quotation was evaluated and scored against the criteria, with the criteria scores were then weighted to provide a total weighted score for the submissions. Additionally, each quotation was assessed for conformance, compliance, and discrepancies, against the requested response schedules.

A summary of the quoted prices, as provided at submission, is shown below:

| Supplier               | Vehicle                         | Price Excl GST | Rank |
|------------------------|---------------------------------|----------------|------|
| Bucher Municipal       | Bucher Municipal V65T           | \$452,219.69   | 1    |
| Rosmech                | Scarab Mistral                  | \$450,507.00   | 2    |
| Mike Trace Engineering | Hino FG1628 Mounted City Ray 6  | \$425,996.26   | 3    |
| Mike Trace Engineering | Hino FG1628 Mounted City Ray 5  | \$423,160.35   | N/A  |
| Mike Trace Engineering | Isuzu FVD165 Mounted City Ray 6 | \$425,556.26   | N/A  |
| Mike Trace Engineering | Isuzu FVD165 Mounted City Ray 5 | \$422,731.01   | N/A  |

The Bucher Municipal V65T was selected as the recommended option based on the evaluation criteria.

Registration and CTP insurance are excluded from the quoted price, as this is calculated at delivery to Council's common registration renewal date in March each year and is common for all quotes.

After-market equipment including reverse smart automatic emergency braking device, two-way radios and other associated electronic equipment required, will be installed by Council's workshop staff or nominated contractor/s at the time of vehicle change over and prior to delivery to the end user of the vehicle. The estimated cost of this equipment is \$6,000 and is generally common for all quotes.

## RISK IMPLICATIONS

### Financial

The replacement project has been included within the 2024-25 Capital Works program. Ongoing operational costs are expected to remain stable across the forward operational budget.

## LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Quotations were sought in accordance with Council's Procurement Policy.

## FINANCIAL AND RESOURCE IMPLICATIONS

### Capital

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

Yes, Council has approved the project within the 2024-25 capital works program, although the project exceeds the original budgeted amount.

#### ***If not you must recommend how the budget can be amended to accommodate the expenditure***

Savings from within the Fleet Replacement program will be used to fund the additional costs.

## LINK TO CORPORATE PLAN

**Financial Sustainability:** A council that continuously operates in a cost-effective manner while managing council's assets and reserves to ensure a sustainable future.

**Transport and Council Infrastructure:** The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

**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**

Tenderers will be notified of the outcome of this report in writing.



**9.8 RAY ROAD DRAINAGE STUDY**

**Date Prepared:** 6 December 2024

**Author:** Manager Technical Services

**Attachments:**

1. Ray Road Drainage Study 2024 [↓](#)
2. Attachment 1: 2004 Catchment Plans [↓](#)
3. Attachment 2: 2024 Catchment Plans [↓](#)
4. Attachment 3: 2024 Capacity & Peak Flows [↓](#)
5. Attachment 4: Q100 HEC-RAS Model [↓](#)
6. Attachment 5: Property Ground Surface Assessment [↓](#)

---

**EXECUTIVE SUMMARY**

The purpose of this report is to present the Ray Road Drainage Study prepared to respond to concerns raised by residents regarding the declared Natural Disaster Event ‘Tropical Cyclone Jasper 13 – 28 December 2023’, associated rainfall and flooding around Ray Road.

Historically, drainage has presented challenges in the area, and Council has consistently worked on upgrades to Ray Road drainage over the past two (2) decades. It is important to note that there have been no recent modifications to the drainage network in the affected location.

**RECOMMENDATION**

That Council:

1. Receives and notes the attached report and publishes it on Council’s website; and
2. Prepare a Ray Road Drainage Management Plan to investigate, assess and cost potential drainage infrastructure upgrade options which may reduce the impacts of drainage and flooding issues for consideration in future budgets; and
3. Consider the report as part of future updates to Council’s Planning Scheme to assist with setting controls for new development applications in the Ray Road Management Plan area; and
4. Until such time as a flood overlay is prepared and included in the Planning Scheme, a notation be included in Council’s Property and Rating system on properties that are affected by the study.

**BACKGROUND**

The impacts of the declared Natural Disaster Event ‘Tropical Cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023’, were significant. Within the Ray Road drainage area, a number of dwellings were inundated, and areas of farming land impacted.

In response to the impacts identified, Council engaged the services of Trinity Engineering Consultants (TEC) to identify the extents of the contributing stormwater catchments, assess the capacity of existing drainage infrastructure, compare findings with the 2004 study, and identify if there are any opportunities to minimise the impacts of existing drainage and flooding issues in the Ray Road drainage area.

Key findings of the 2024 drainage study include:

- a) The topography of Ray Road is generally very flat with large upslope stormwater catchments;
- b) Many existing houses on Ray Road, located between George Fabris Road and Chinaman Creek are located within the broad flood plain corridor;
- c) Some property flooding is likely to occur before runoff arrives at Ray Road;
- d) Ray Road crossroad drainage capacity is insufficient for larger rainfall events;
- e) There is no formal drainage reserve or secure tenure over the large floodplain area in the southern section of Ray Road;
- f) Of the six (6) existing drainage corridors, two (2) of these drainage corridors receive flows from approximately half the study area (Chinaman Creek and Coolamon Close).

The updated drainage study identified that while there are a number of potential options, even if all of these were affordable and able to be implemented, they would not necessarily prevent flooding in its entirety.

Significant constraints to resolving flooding issues are imposed by the size of the stormwater catchment, the nature of the arriving overland flows to Ray Road, and the costs associated with the multiple solutions required. However, there a number of potential options, which if affordable, may help mitigate the extent of the flooding.

The Study recommends that Council formalise a Ray Road Drainage Management Plan to investigate, assess and cost drainage infrastructure upgrade options which may reduce the impacts of drainage and flooding issues.

This Plan would inform Council's future Capital Works program considerations that prioritises projects that have the most benefit to the Shire and that can be completed within available budgets.

## **RISK IMPLICATIONS**

### **Financial**

Presently no funding is allocated for future construction works associated which would need to be costed.

### **Infrastructure and Assets**

The 2004 Drainage Study provided a good level of information on existing drainage infrastructure and associated drainage issues within the Ray Road catchments. All of the impacted dwellings and buildings in the drainage area were constructed before 2004, with the exception of the banana farm packing shed at 438 Ray Road. The existing drainage infrastructure was designed and implemented to meet the required service standards at the time of development.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### ***Capital***

There is no allocation in the current budget for the implementation of any of the potential options.



***Operating***

There is no allocation in the current budget.

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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.

**IMPLEMENTATION/COMMUNICATION**

Council prepare a media release and provide a link to the study to the affected property owners in the Ray Road drainage area.



# RAY ROAD DRAINAGE STUDY 2024

PREPARED FOR  
MAREEBA SHIRE COUNCIL



**Trinity Engineering  
and Consulting**  
design | consult | manage

DECEMBER 2024



## DOCUMENT CONTROL SHEET

|  |   |
|--|---|
| <b>Trinity Engineering and Consulting</b><br>Cairns Office:<br>21-23 Sheridan Street<br>Cairns QLD 4870<br><br>PO Box 7963<br>Cairns QLD 4870<br><br>Telephone (07) 4040 7111<br>www.trinityengineering.com.au | <b>Document:</b> Ray Road Drainage Study – Community Report   |
|  | <b>Title:</b> Ray Road Drainage Study 2024<br><b>Project Manager:</b> D. Cappella<br><b>Author:</b> D. Cappella   |
|  | <b>Client:</b> Mareeba Shire Council<br><b>Client Contact:</b> S. Wakeford  |
|  | <b>Synopsis:</b> The 2024 Ray Road Drainage Study was undertaken to investigate the existing drainage and flooding issues within the Ray Road catchment area. |



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| REVISION/CHECKING HISTORY |             |           |                    |           |                  |
|---------------------------|-------------|-----------|--------------------|-----------|------------------|
| Rev No.                   | Author      | Reviewer  | Approved for Issue |           |                  |
|                           |             |           | Name               | Signature | Date             |
| 2                         | D. Cappella | P. Steele | P. Steele          |           | 10 December 2024 |

| DISTRIBUTION          | REVISION |   |   |   |   |   |   |   |   |   |    |
|-----------------------|----------|---|---|---|---|---|---|---|---|---|----|
|                       | Draft    | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| Mareeba Shire Council | 1        | 1 | 1 |   |   |   |   |   |   |   |    |



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## **1. EXECUTIVE SUMMARY**

The 2024 Ray Road Drainage Study was undertaken by Trinity Engineering and Consulting to investigate the Ray Road stormwater catchment area generally extending from McIver Road to the Mareeba Airport. This was in response to flooding and drainage issues arising in early 2024.

The intent of the 2024 study was to identify the extents of the contributing stormwater catchments, assess the capacity of existing drainage infrastructure, compare findings with the 2004 study, and identify opportunities to minimise the impacts of existing drainage and flooding issues.

### **1.1 KEY FINDINGS**

The total Ray Road study area encompasses a footprint of approximately 820 hectares and generates flows in the order of 173m<sup>3</sup>/s during the 1% Annual Exceedance Probability. That is, rainfall events that have a probability of being exceeded, on average, once every 100 years or a 1% probability of being exceeded in any given year.

The existing drainage infrastructure within the study area has a total capacity to convey flows up to approximately the 2-year ARI (Q2) rainfall event. That is, rainfall events that have a probability of being exceeded, on average, once every 2 years.

There are limited available road and drainage corridor options within the study area to convey the runoff through the catchment area to receiving creek systems. Of the seven (7) existing corridors with land tenure arrangements, almost 80% of the total catchment area is conveyed to the Chinaman Creek and Coolamon Close corridors.

The topography of the catchment area between George Fabris Road and Chinaman Creek identified a broad basin/flood plain with several existing Ray Road acreage lots located at the base of this basin. Preliminary 1-dimensional flood plain modelling provided a general indication of the flood plain and the potential risk of flooding to the acreage lots between George Fabris Road and Chinaman Creek.

*Note: the preliminary 1D flood plain modelling software (HEC-RAS) was undertaken to inform Council and the community of the general flood extent and potential flooding risks to properties adjacent Ray Road. This model must not be relied upon to inform flood immunity, flood depths or peak flood extents.*

### **1.2 POSSIBLE OPTIONS AND ACTIONS**

It was identified that there is no single solution to resolve all the drainage issues and multiple solutions will be required to progressively improve the current drainage challenges within the Ray Road study area.

However, due to the existing catchment constraints, all these solutions, if affordable, would not necessarily prevent flooding, but, would limit the frequency that the existing flooding and drainage issues occur.

Potential drainage infrastructure upgrades have been presented for consideration, subject to the availability of sufficient resources. Improving the capacity of existing crossroad culverts and open drains, and detention of flows from new developments proposed within the study area are among the key options considered.

These upgrades seek to increase the level of service achieved by existing drainage infrastructure from at or below the 2-year ARI (Q2) rainfall event up to the 10-year ARI (Q10) rainfall event. While this would not prevent flooding issues from occurring, it would minimise the frequency that flooding issues would occur (from, on average, once every two years to once every 10 years).

The recommended actions from this drainage study are for Council to formalise the Ray Road Drainage Management Plan (DMP) with consideration for the findings and drainage options presented in this report.

The intent of the Ray Road DMP is to inform property owners located in the flood plain investigation area between George Fabris Road and Chinaman Creek, set development controls and requirements to assist with Council assessment of proposed expansion in the area, and guide Council's capital works commitments for drainage infrastructure resources.



## 2. INTRODUCTION

Trinity Engineering and Consulting (TEC) were engaged by Mareeba Shire Council (Council) to undertake a drainage investigation of the Ray Road catchment area in response to recent flooding (early 2024).

An earlier 2004 study by Maunsell Australia had identified existing drainage and flooding issues and drainage capacity limitations in the local area.

The significant rainfall received during Cyclone Jasper in December 2023 and heavy seasonal rain in 2024, into the already saturated catchment, resulted in overtopping of the road and flooding of homes.

This report has been prepared by TEC to present the findings of the investigation into the drainage and flooding issues in the study area.

### 2.1 Purpose

The purpose of the 2024 Ray Road Drainage Study was:

- To identify the extents of stormwater catchments contributing to the existing drainage and flooding issues within the study area;
- To assess the existing drainage infrastructure and overland flow paths within the study area;
- Compare the findings with the 2004 drainage study; and
- To identify opportunities to minimise existing drainage issues and improve accessibility / reduce the frequency of localised flooding.

### 2.2 Project Location

Ray Road is located approximately 2.5km south of the Mareeba CBD and extends almost 6.0km from McIver Road in the north, to the Mareeba Airport and Aviation Industrial Precinct, in the south. This route provides a crucial connection between the town centre and the airport, facilitating access to both commercial and industrial areas.



Figure 1: Ray Road, Mareeba

### 2.3 Project Drivers – Recent Events

The scope of the 2024 Ray Road Drainage Study was influenced by recent events and planned developments in the catchment area, including:

- December 2023 (Ex-Cyclone Jasper) rain depression;
- Very saturated catchment conditions;
- Subsequent property flooding in 2024 rain events;
- Stormwater flows impacting Ray Road;
- Agricultural properties impacted;
- 20 years since the 2004 drainage study;
- Increased enquiries from residents and land developments within the study area;
- Council's aim to have an updated drainage report to:
  - Consider opportunities for future works;
  - Inform Council's assessment of development applications; and
  - Inform the community.



## 2.4 Stormwater Terminology

This report refers to terminology used to describe rainfall events in accordance with the terminology adopted by the Queensland Urban Drainage Manual (QUDM).

This is based on the probability that intensity and duration of a particular rainfall event will be exceeded in any given year.

For example:

- A 5-year Average Recurrence Interval (ARI) rainfall event is the event that occurs on average once every 5 years and is assessed as having an 18% Annual Exceedance Probability (AEP) or 18% probability of being exceeded in any given year;
- A 10-year ARI rainfall event has a 10% AEP or 10% probability of being exceeded in any given year; and
- A 100-year ARI rainfall event has a 1% probability of being exceeded in any given year.

A common industry reference used by engineers and stormwater designers is to refer to the peak runoff from these events as being Q5, Q10, or Q100 where "Q" refers to flow in hydrology and hydraulic calculations.

Refer *Figure 2* below.

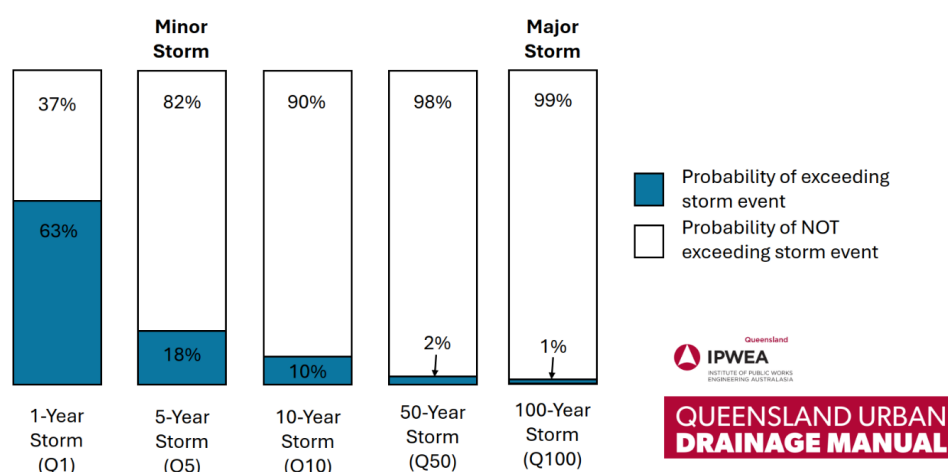


Figure 2: QUDM Storm Event Terminology

The FNQROC Development Manual refers to QUDM and the desired infrastructure level of service outcomes for the major and minor storm events. This establishes the level of service that the design of drainage infrastructure seeks to achieve.

For Mareeba Shire, the minor storm event generally corresponds to the 5-year rainfall event (Q5) and this is the event where pipes and drains are generally able to contain runoff within minimal nuisance to the community.

The major storm event refers to the 100-year rainfall event (Q100 event) where the aim is for flows (in urban areas) to be contained to major flow paths in road reserves or drainage easements.





### **3. BACKGROUND**

#### **3.1 Previous Drainage Study (Maunsell 2004)**

Mareeba Shire Council commissioned Maunsell Australia (now AECOM) in 2004 to investigate drainage issues in the Ray Road stormwater catchment.

The 2004 drainage study was conducted in two phases:

- Phase 1: Investigation of the existing drainage infrastructure along Ray Road and the associated contributing stormwater catchments; and
- Phase 2: Investigation of the potential upgrades to drainage infrastructure along Ray Road to improve the level of service and mitigate adverse impacts on properties and roads due to flooding.

A summary of each phase of the 2004 Drainage Study is provided below.

The 2004 stormwater catchment plans are provided in *Attachment 1*.

##### **3.1.1 Phase 1 of 2004 Report**

Phase 1 of the 2004 Ray Road Drainage Study investigated the existing drainage infrastructure along Ray Road and the associated contributing catchments for the 2-year and 10-year storm events.

##### **3.1.2 Phase 2 of 2004 Report**

Phase 2 of the 2004 Ray Road Drainage Study investigated the potential upgrades on drainage infrastructure along Ray Road to achieve the desired level of services and mitigate adverse impacts on properties and roads due to flooding.

The Jennings Road crossroad culvert upgrades and airport open drain upgrades were two recommendations from this study that have been undertaken since 2004.

##### **3.1.3 Conclusion**

The 2004 Drainage Study provided a good level of information on existing drainage infrastructure and associated drainage issues within the Ray Road catchments but provided limited advice on drainage corridors conveying flows away from Ray Road.

The report also provided design options to improve the drainage performance of within the Ray Road catchments and mitigate impacts on flooding on roads.

The 2004 report did not provide assess property flooding or provide advice on upgrades directly related to properties.

The 2024 Drainage Study seeks to reassess the existing drainage infrastructure based on the latest data and provide drainage infrastructure upgrade options for Council's consideration to address drainage and flooding issues within the Ray Road catchment area.

#### **3.2 Updated Drainage Study (TEC 2024)**

In response to the project drivers mentioned above, Council requested that the 2004 drainage study be updated to confirm what changes have occurred within the catchment over the last 20 years, and investigate what options are available to improve the drainage outcomes over the next 20-year design horizon.

The 2024 drainage study adopted the 2004 study area generally bound by McIver Road to the north, JRM Braes Road to the south (near the Mareeba Airport), Ray Road to the west, and the Kennedy Highway to the east.

This study considered the findings and recommendations from the 2004 drainage study by Maunsell, however, also focused on the capacity provided by the existing drainage infrastructure (open drain, crossroad culvert, driveway crossing etc) within the Ray Road corridor, including various intersections.

A site investigation was undertaken by TEC team members with Council Officers on 16 April 2024 and included areas west from Ray Road to gain a more thorough understanding of the stormwater catchment.



The site investigation provided a greater understanding of the characteristics, configuration, constraints and limitations of the existing drainage infrastructure within the Ray Road catchment.

It is understood that during peak rainfall events, the Ray Road study area is subject to drainage issues including but not limited to the following:

Stormwater runoff overtops the airport open drain (south from the runway) and is conveyed north along Ray Road;

Stormwater runoff overtops the George Fabris Road/Ray Road formation near the intersection carrying agricultural debris and silt from the upstream property;

Stormwater exceeds the capacity of the Ray Road open drains resulting in flooding of road and properties, located immediately north of George Fabris Road;

Stormwater runoff overtops the Cater Road/Ray Road intersection, resulting in flooding of road and properties;

Stormwater runoff ponds in the Ray Road open drains at various locations, cutting off access to properties; and

The limited capacity of existing crossroad culverts results in stormwater runoff overtopping intersections causing scouring damage to the roads and impacting trafficability; and

Driveway accesses restrict runoff conveyance through roadside open drains.



## 4. 2024 Study – Stormwater Catchments

### 4.1 Stormwater Catchments

An assessment of the Ray Road catchments was undertaken based on site investigations, the latest (2018) LiDAR elevation data, survey, photographs and video footage provided by Council, and future development layouts. The total catchment area contributing to drainage and flooding issues along Ray Road is approximately 820 hectares of agricultural, residential, and commercial land, excluding Catchment G which generally drains towards the Kennedy Highway.

For comparison, the Basalt Creek flood study by WMS in 2023 as part of the Bicentennial Lakes project identified a similar catchment area.

Generally, the identified stormwater catchments reflected those identified in the 2004 Drainage Study.

An exception is Catchment B3 on the western side of Ray Road that was not identified in the 2004 study, which was attributed to LiDAR elevation data not being available at the time the report was developed.

An extract of the stormwater catchments are shown in *Figure 3*, and can be found in *Attachment 2*.

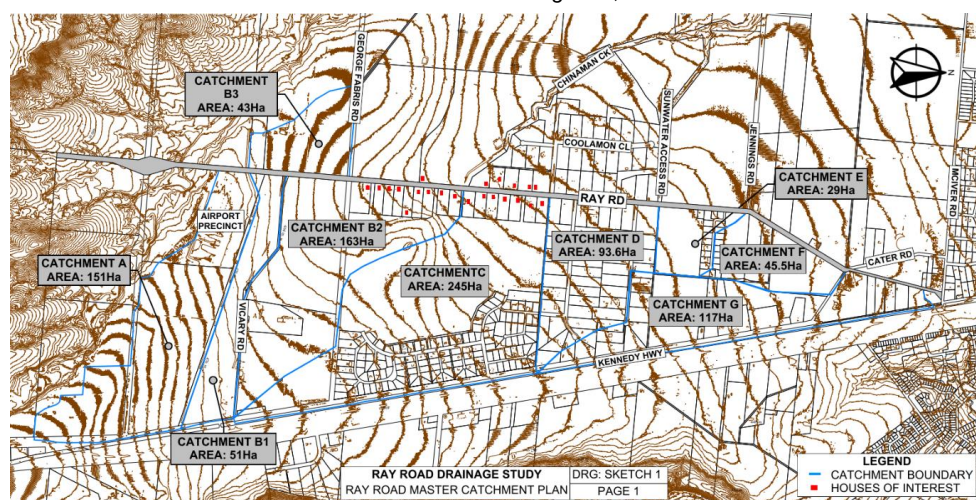


Figure 3: 2024 Ray Road Stormwater Catchments

### 4.2 Hydrology and Hydraulic Analysis

The Rational Method (specified by QUDM) was adopted to undertake hydrology analysis of the Ray Road drainage catchment to:

- Calculate the peak design discharge (peak flow for a particular design rainfall intensity); and
- Compare the calculated peak flows with the capacity of existing drainage infrastructure within the catchment.

The peak flows calculated were for the Q1, Q2, Q5, Q10, and Q100 design rainfall events and adopted a time of concentration of 60 minutes for each sub-catchment (A, B1, B2, B3, C, etc) to align with the expected flow velocities in the ultimate development scenario.

The ultimate development scenario is the most critical to the design of future drainage upgrades. It assumes all planned development proposed within the study area (at the time that this report is published) is approved.

The 60-minute time of concentration was considered appropriate for the calculation of peak runoff flowrates to assess the implications for Ray Road infrastructure.



*Table 1* summarises the calculated peak flows for each design rainfall event in the ultimate development scenario.

**Table 1: Ray Road Calculated Peak Flows (Ultimate Development Scenario)**

| Catchment | Peak Flow (m <sup>3</sup> /s) |      |      |      |      |
|-----------|-------------------------------|------|------|------|------|
|           | Q1                            | Q2   | Q5   | Q10  | Q100 |
| A         | 8.4                           | 10.1 | 15.0 | 18.2 | 30.7 |
| B1        | 2.9                           | 3.5  | 5.2  | 6.4  | 10.8 |
| B2        | 9.4                           | 11.3 | 16.7 | 20.4 | 34.4 |
| B3        | 2.4                           | 2.8  | 4.2  | 5.1  | 8.6  |
| C         | 14.1                          | 16.9 | 25.2 | 30.7 | 51.7 |
| D         | 5.4                           | 6.5  | 9.6  | 11.7 | 19.7 |
| E         | 1.7                           | 2.0  | 3.0  | 3.6  | 6.1  |
| F         | 3.1                           | 3.7  | 5.4  | 6.6  | 11.2 |
| G         | 2.0                           | 2.7  | 3.8  | 4.4  | 7.7  |

Based on the peak flows shown in *Table 1* above, the total Q100 peak flow conveyed to and along Ray Road is in the order of 173m<sup>3</sup>/s spread across Catchment A-F, or an average of 0.21m<sup>3</sup>/s per hectare of catchment area.



## 5. Existing Infrastructure Capacity

The existing drainage infrastructure servicing the Ray Road stormwater catchments was investigated to confirm capacity limitations thereby assessing the level of service achieved at various points of interest.

Within the study area, there are limited existing road and drainage corridor options to convey runoff without establishing new land tenure arrangements (e.g. easements). Refer *Figure 4* below.

These include:

- **Ray Road North:**
  - Kennedy Highway Crossing (north-east)
  - Cater Road / McIver Road
- **Ray Road Central:**
  - Jennings Road
  - Sun Water Access Road
  - Coolamon Close
  - Chinaman Creek
- **Ray Road South:**
  - Drainage Outlet (opposite Airport precinct)



Figure 4: Key Ray Road Stormwater Corridors



The total capacity provided by these existing drainage corridors was assessed as approximately  $90\text{m}^3/\text{s}$  which indicated that the existing Ray Road drainage outlets are significantly under capacity when compared to the volume of runoff from the catchment arriving during a Q100 rainfall event (refer  $173\text{m}^3/\text{s}$  on *Page 11* above).

The assessed capacity of existing culvert and open drains within the study area, and peak catchment flows are provided in *Attachment 3*.

Reviewing other points of interest was also integral to understanding the peak flows arriving at the Ray Road crossroad culverts mentioned above. Open drains were the other key form of drainage infrastructure within the study area, and in most cases, restricted the runoff arriving to the larger capacity culverts crossing Ray Road. The size (depth and width) of many of these open drains are constrained by being in the road reserve and sharing this corridor with the roadway. The resulting capacity was generally limited to approximately  $4\text{m}^3/\text{s}$  to  $5\text{m}^3/\text{s}$ .

The constraints imposed on stormwater flow path such as the lower capacity open drains restricts the total runoff able to be controlled and conveyed through the catchment to one of the outlets identified above. Preliminary calculations indicate these restrictions may limit the drainage capacity able to be contained in the current drainage infrastructure at the catchment outlets to approximately  $40\text{m}^3/\text{s}$ .

For reference, the total 2-year ARI (Q2) peak flow conveyed to Ray Road is in the order of  $57\text{m}^3/\text{s}$ . This indicates the existing drainage infrastructure (culverts and open drains) within the study area may only currently provide an average level of service of slightly below the 2-year ARI (Q2) rainfall event.

Further review of the available drainage corridors identified that the catchment area contributing to discharge to Chinaman Creek and Coolamon Close represent almost 80% of the total study area.

Therefore, investigation of the Chinaman Creek and Coolamon Close outlets was a focus of the Updated Ray Road Drainage Study. By addressing drainage issues at these two points of interest, it was anticipated that a majority of drainage issues north from Coolamon Close would be improved due to better control of bypass flows.





### 5.1 Ray Road Topography – Southern Catchment

Assessments of the topography of Ray Road and adjacent stormwater catchments were undertaken using the LiDAR elevation data. The assessments identified that the stormwater catchments within the study area generally fall from the south-west towards the north-east.

It was also identified that the footprint of the study area between George Fabris Road and Chinaman Creek is located within a broad basin or “flood plain”. This causes stormwater to channel/drain towards Ray Road between a ridge on George Fabris Road and a ridge located behind the properties on the eastern side of Ray Road.

This broad basin/flood plain intersects with Ray Road between George Fabris Road and Chinaman Creek.

A cross section (looking north) along the blue line in *Figure 5* is shown in *Figure 6* to show the broad basin and the approximate spread of the 1%AEP, (100-year ARI or Q100) rainfall event relative to Ray Road and the existing acreage lots on the east side of Ray Road.

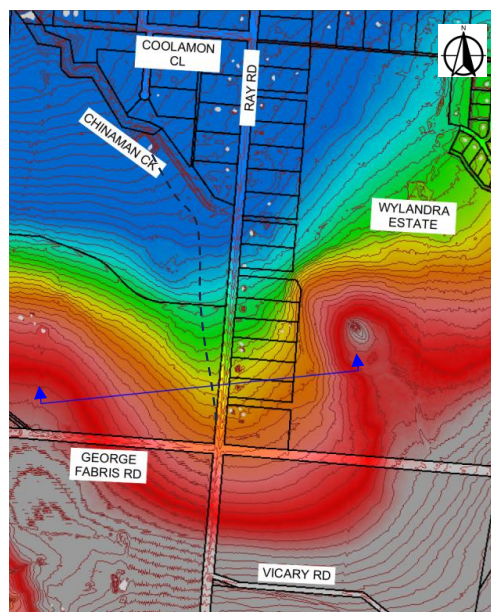


Figure 5: Ray Road Topography

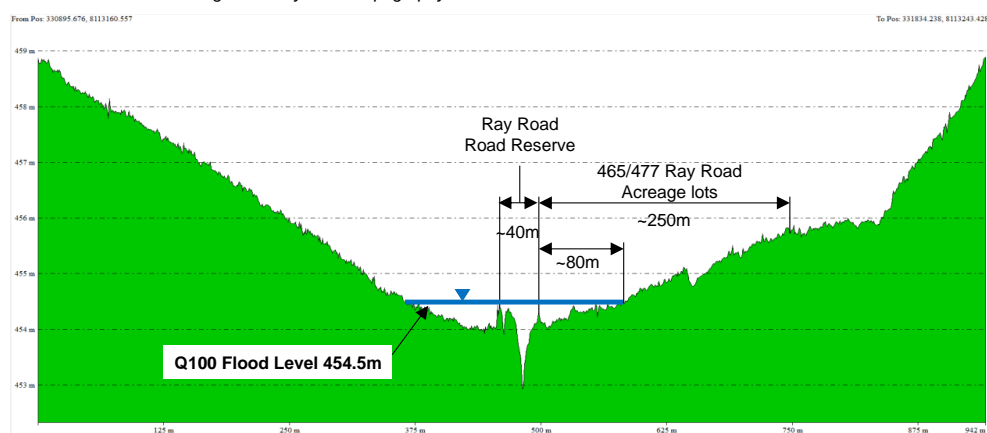


Figure 6: Cross Section of Ray Road Basin Looking North



As evidenced from the information presented in *Figure 5* and *Figure 6* above, Ray Road and the adjacent acreage lots are located across the base of the basin/flood plain. Preliminary analysis of the 1% annual exceedance probability (Q100) flood levels appears to indicate the road and adjacent lots are vulnerable to flooding impacts.

This vulnerability to flooding is discussed further below.

## 5.2 LiDAR Levels and Aerial Imagery

A review of the southern stormwater catchment was undertaken to confirm if the alignment of the basin identified in *Section 5.1* is consistent with the onsite operation and flood plain features.

In the 2009 aerial imagery, the apparent basin/flood plain is evident by the comparably greener and darker landscape between Ray Road and the existing dam leading to Chinaman Creek. This is the predicted low point of the flood plain and overland flow path. The features appear to confirm different vegetation and drainage patterns and characteristics that are indicators of low lying, flatter land consistent with the low point in a natural flood plain.

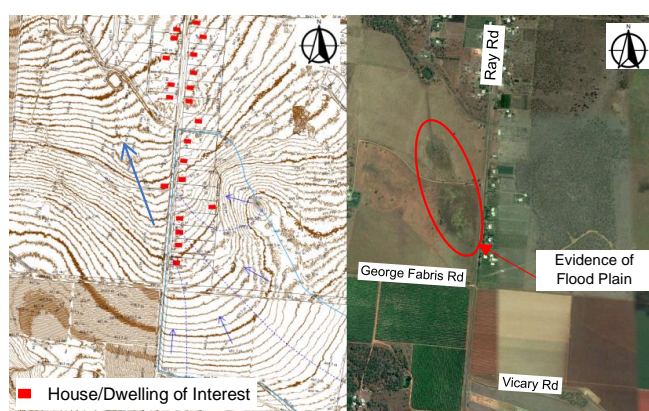


Figure 7: 2018 LiDAR Elevation Data & 2009 Aerial Imagery

The implications for drainage paths through this flood plain remain relevant to the current review as:

- a) The majority of this basin area currently exists as agricultural land similar to in 2009; and
- b) The 2018 LiDAR identified the basin like-characteristics of a flood plain.

Shown in *Figure 7* above, there are several houses/dwellings of interest generally located in the basin area between George Fabris Road and Chinaman Creek. Investigation of the surface level data and topography in this area identified four (4) stormwater sub-catchment portions north of Vicary Road that are funnelled into the basin, through several properties before intersecting with Ray Road.

*Section 5.3* considers the extent of the natural flood plain during Q100 peak rainfall events relative to the flood risk for identified houses/dwellings of interest.





### 5.3 Southern Flow Path – Flood Plain Modelling

Preliminary modelling of the study area between George Fabris Road and Chinaman Creek was undertaken with a simplified, one-dimensional analysis using the HEC-RAS software program.

The purpose of this preliminary modelling was to understand the potential extent of flooding relative to Ray Road and to identify how the flow paths during peak flow events align with the available drainage corridors. The modelling also enabled a better appreciation of the potential flow extent and houses/dwellings of interest located within and adjacent the natural flood plain.

The output plots from the HEC-RAS model of the preliminary Q100 flood model is provided in *Attachment 4\**.

**\*Important Note on modelling limitations:**

1D modelling using HEC-RAS software provides a relatively quick, simplified model using available input data to generate a predicted water spread extent. The current model adopts assumptions and catchment permeability, runoff rates and response times that have not been independently verified. The current outputs should not be considered a comprehensive model of the flood plain.

The model was undertaken to inform the community of the general flood extent and potential flooding risks to properties adjacent Ray Road.

The resolution of the model is not sufficient to confirm the flood implications for a particular house/dwelling and does not delineate flow depth across the flood extents.

This model must not be relied upon to inform flood immunity, flood depths or peak flood extents.

**Mareeba Shire Council and Trinity Engineering and Consulting take no responsibility for decisions made by individual landowners based on this preliminary Q100 flood model.**

The preliminary model indicated that there is a potential for several acreage lots between Chinaman Creek and George Fabris Road to be impacted by flooding, particularly those properties with the house/dwelling located towards the front third of the property.

Property flooding near the George Fabris Road / Ray Road intersection is supported by photographs and video footage documented by Council and the community in previous rain events. *Figure 8* shows an example of water overtopping Ray Road near this intersection in March 2024.



Figure 8: George Fabris Road / Ray Road Intersection (Source: M. Campman)



The alignment of Ray Road generally through the centre of the basin was also considered. It was identified that the formation of the road typically restricts runoff being conveyed from the east side of Ray Road to the west until it reaches the cross-road culverts at Chinaman Creek or overtops the road as shown in *Figure 8*.

Investigation of the surface levels adjacent existing dwellings fronting Ray Road between George Fabris Road and Chinaman Creek identified that the level of the Ray Road crown is typically at or above the current ground surface levels adjacent these dwellings.

The following drainage capacity limitations in the southern section of the catchment are noted:

- a) The capacity of the open drains adjacent Ray Road are generally restricted to between  $4\text{m}^3/\text{s}$  and  $16\text{m}^3/\text{s}$ ;
- b) The Chinaman Creek crossroad culvert capacity is  $8.1\text{m}^3/\text{s}$ ; and
- c) The runoff arriving to Chinaman Creek is in the order of  $70\text{m}^3/\text{s}$  during Q100 rainfall events.

The capacity limitations confirm a reasonable probability that runoff arriving upstream of Ray Road (commencing from approximately (George Fabris Road) is not able to be conveyed within the drainage system and begins to “back up” creating localised ponding.

During rainfall events exceeding the available capacity of existing drainage infrastructure, this localised ponding is predicted to increase until the runoff can outlet either via the eastern roadside drain north to Chinaman Creek culverts, or to back up into adjacent properties before overtopping Ray Road.

These rainfall events may be as frequent as a 2-year average recurrence interval (Q2) rainfall event.

*Figure 9* below shows examples of the existing ground surface levels (adjacent the building) relative to the level of Ray Road.

The review of ground surface levels for each property along the eastern side of Ray Road between George Fabris Road and Chinaman Creek is also provided in *Attachment 5*.

The validity of the preliminary flood model is considered reasonable for the purpose of identifying the general flood extent because it aligns with the topography and hydrology of the southern stormwater catchments. In particular, the runoff arriving to the flood plain is a combination of the following:

- a) Almost half the study area (400 Ha) discharges to Chinaman Creek (Catchment B1, B2, B3, and most of Catchment A);
- b) The topography of the study area upstream of George Fabris Road directs the runoff into a natural basin between George Fabris Road and Chinaman Creek; and
- c) The capacity of existing drainage infrastructure, such as the Ray Road table drains, are undersized to contain the flows arriving during events generally exceeding a the 2-year ARI (Q2) rainfall event.

As already stated, the preliminary modelling undertaken within the study area provides a general indication of the flood plain and potential risk of flooding into the property adjacent several houses/dwellings located between George Fabris Road and Chinaman Creek. It is not to be relied upon to inform flood immunity, flood depths or peak flood extents.

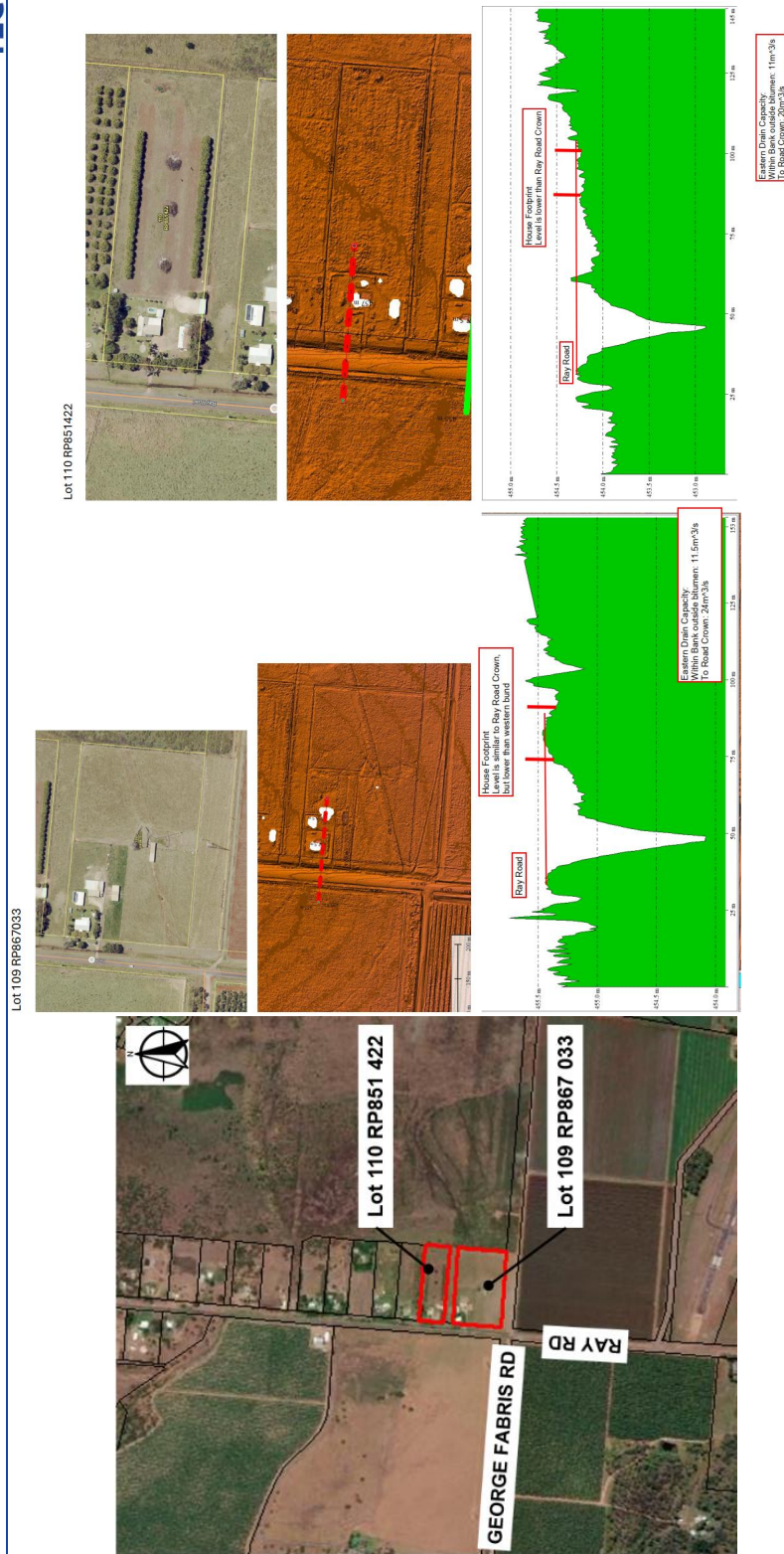


Figure 9: Ground Surface Levels - Southern Lots



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#### **5.4 Catchment Constraints**

The Ray Road drainage investigation identified multiple catchments within the study area that represent a challenge for drainage infrastructure upgrades within the constraints of Council's limited resources.

The main catchments constraints were:

- a) Total catchment area is approximately 820 ha;
- b) Peak flow during the 100-year (Q100) rainfall event approaching 173m<sup>3</sup>/s;
- c) Existing crossroad culvert capacities along Ray Road generally provide a level of service for the 1 to 2-year (Q1 to Q2) rainfall event (excluding Jennings Road and the Kennedy Highway culverts);
- d) The flood plain corridor between George Fabris Road and Chinaman Creek does not have security of tenure west of Ray Road, so drainage capacity upgrades to infrastructure are currently restricted to the physical dimensions of the road reserve;
- e) There are a limited number of available drainage corridors (with security of tenure). Those being Atherton Creek, Chinaman Creek, Coolamon Close, Sun Water Access Road, Jennings Road, and the Kennedy Highway;
- f) The floor levels of houses located within and adjacent the flood plain corridor are fixed and appear to be generally built at or below the crown level of Ray Road; and
- g) Driveway accesses to most properties along Ray Road are via a causeway or culvert crossover. The latter typically worsens drainage issues by restricting the flow of runoff in the upstream open drain during major storm events.



## **6. Initial Findings**

Key findings of the updated drainage study include:

- a) The topography of Ray Road is generally flat with large upslope stormwater catchments;
- b) Many existing houses located between George Fabris Road and Chinaman Creek are located within the broad flood plain corridor;
- c) Some property flooding is likely to occur before runoff arrives at Ray Road;
- d) Ray Road crossroad capacity is lower than current design levels of service;
- e) There is no formal drainage reserve or secure tenure over the floodplain area identified from the modelling in the southern section of Ray Road;
- f) Of the six (6) existing drainage corridors, two (2) of these drainage corridors receive flows from approximately half the study area (Chinaman Creek and Coolamon Close).

### **6.1 Drainage Infrastructure Upgrade Options**

The updated drainage study identified that there is no single solution to resolve the drainage issues and multiple solutions would be required to progressively improve the current drainage challenges within the Ray Road catchment. However, all of these solutions, if affordable and able to be implemented, would not necessarily prevent flooding in its entirety.

Significant constraints to resolving flooding issues are imposed by the size of the stormwater catchment, the nature of the arriving overland flows to Ray Road, and the costly nature of the multiple solutions required.

The size and volume of runoff conveyed by the study area, in addition to the limited number of outlets with tenure security, create a challenge for mitigating all drainage and flooding issues up to and including the 1%AEP (100-year ARI or Q100) rainfall event.

Potential drainage infrastructure upgrades that may be considered by Council, if affordable, included the following options:

- a) Increasing crossroad capacity commencing from the southern end of Ray Road to limit bypass flows north along Ray Road and cumulative flows arriving at the subsequent culvert crossings;
- b) Increase the capacity of existing crossroad culverts coupled with associated capacity upgrades to the open drains downstream from the culverts;
- c) Increase the capacity of the existing culvert crossing on the western side of Ray Road at the George Fabris Road intersection to enable runoff to be contained on the western side of Ray Road;
- d) Construction of detention basins for new developments proposed within the study area.

Note: Further investigations and concept development is required to gain greater certainty on some of the corridors.

The above options for drainage infrastructure upgrades seek to increase the level of service from at or below the 2-year ARI (Q2) rainfall event up to a level of service generally able to convey the 10-year ARI rainfall event. This would minimise the frequency that flooding would impact on the road and adjacent properties, (but not prevent it). More simply, rainfall events contributing to flooding issues would have a probability of being exceeded, on average, once every 10 years instead of once every two years.

Some drainage issues exist on private land outside Council's road reserve. These property drainage issues upstream from the properties are not within Council's control and may need further investigation separate to road infrastructure considerations.



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**6.2 Formalise the Drainage Management Plan**

In addition to the drainage infrastructure upgrade solutions outlined in *Section 6.1*, development of this drainage study is intended to assist Council with formalising the drainage management plan (DMP).

The intent of the DMP is to:

- a) Inform property owners located in the flood plain investigation area between George Fabris Road and Chinaman Creek;
- b) Set development controls and development requirements that Council can reference when assessing new development applications as growth in the area expands; and
- c) Guide Council's capital works priorities to ensure drainage infrastructure upgrades are identified and scheduled with available resources and budgets.



## **7. SUMMARY AND CONCLUSIONS**

Drainage and flooding issues were identified within the Ray Road study area in 2004 following the initial drainage study undertaken by Maunsell (now AECOM). The outcomes of the 2004 study recommended several infrastructure upgrades to improve the level of service to manage the identified drainage and flooding issues.

Since the 2004 report, a new drain on the southern side of the airport runway with a new culvert outlet to Atherton Creek, and upgrades to crossroad culverts at Jennings Road have been completed. This has improved the crossroad culvert capacity along Ray Road by 65m<sup>3</sup>/s but requires upstream and downstream drainage improvements to optimise the utility of this substantial capacity increase.

Council requested this current update to the Ray Road drainage study in response to the heavy rainfall and saturated catchment conditions that followed ex-Tropical Cyclone Jasper in December 2023.

The 2024 investigation work using updated surface level data has enabled an independent review of the outcomes of the previous study.

The 2024 review has identified the current stormwater catchment boundaries and hydrology, calculated the capacity of existing drainage infrastructure, and potential options that Council could consider which may reduce the impacts of drainage and flooding issues noting that these may be cost prohibitive.

Ray Road study area encompasses a footprint of approximately 820 hectares and generates runoff approaching 173m<sup>3</sup>/s during the 1%AEP (Q100) rainfall event.

Total infrastructure capacity within the study area (accounting for existing upstream restrictions) is in the order of 40m<sup>3</sup>/s. Based on the numbers generated by hydrology calculations, this approximates the current capacity within the study area to be at or below the 2-year ARI (Q2) rainfall event.

Land tenure reviews within the study area identified there are only six available formalised drainage corridors to drain the catchment. Two of these outlets (Chinaman Creek and Coolamon Close) are the only corridors in the southern portion of the Ray Road corridor with security of tenure.

Modelling identified that peak flows arriving at Ray Road tip across the road formation through an identified flood plain corridor that does not align with current drainage corridors.

It was also identified that the flood plain located between George Fabris Road and Chinaman Creek has no crossroad drainage infrastructure aligned with the major flow path due to the absence of a formal corridor and secure land tenure.

The overland flows approaching through private land from south of Chinaman Creek and east from Ray Road are a significant contributor to drainage and flooding issues on the residential lots on the eastern side of Ray Road, rather than the road itself.





## **8. OPTIONS**

The following options are provided for Council's consideration to address the drainage and flooding issues within the Ray Road stormwater catchment area.

As and when resources are available, the following potential locations for drainage infrastructure upgrades would address one or more of the upgrade options identified in *Section 6.1* above:

- a) Progress with survey and detailed design of an upgraded culvert to increase the capacity of the Chinaman Creek crossroad culverts and downstream drainage channel (with contributions from the upstream developer who propose to increase flows to Chinaman Creek post development);
- b) Progress with survey and detailed design of the George Fabris (west) crossroad drainage to increase the capacity and maximise the flow retained on the western side of Ray Road;
- c) Undertake further investigations to formalise drainage and increase capacity of the northern drainage channel(s) at Cater/Ray/Zenel Road to seek to eliminate the need for a detention basin;
- d) Undertake further investigations on the practicality of increasing the capacity of the crossroad culverts and downstream drains at Coolamon Close and Pleasant Close;
- e) Undertake further investigations and develop concepts and costings for upgrades to increase the capacity of the crossroad culvert and downstream drain at the Sun Water Access Road; and
- f) Work with the property owner south-east of the airport (banana farm) to divert runoff from the south-eastern most section of the catchment into Atherton Creek.

In addition, it is recommended that further investigation and modelling of the flood plain located between George Fabris Road and Chinaman Creek be undertaken to obtain a higher level of confidence of the flooding risk to houses located in this area.

## **9. RECOMMENDATIONS**

It is recommended that Council formalise the Ray Road Drainage Management Plan (DMP).

The intent of the Ray Road DMP is to:

- a) Inform property owners located in the flood plain investigation area between George Fabris Road and Chinaman Creek;
- b) Set development controls and development requirements that Council can reference when assessing new development applications as growth in the area expands; and
- c) Guide Council's capital works priorities to ensure drainage infrastructure upgrades are identified and scheduled with available resources and budgets.





**ATTACHMENT 1  
2004 CATCHMENT PLANS**



**ATTACHMENT 2  
2024 CATCHMENT PLANS**



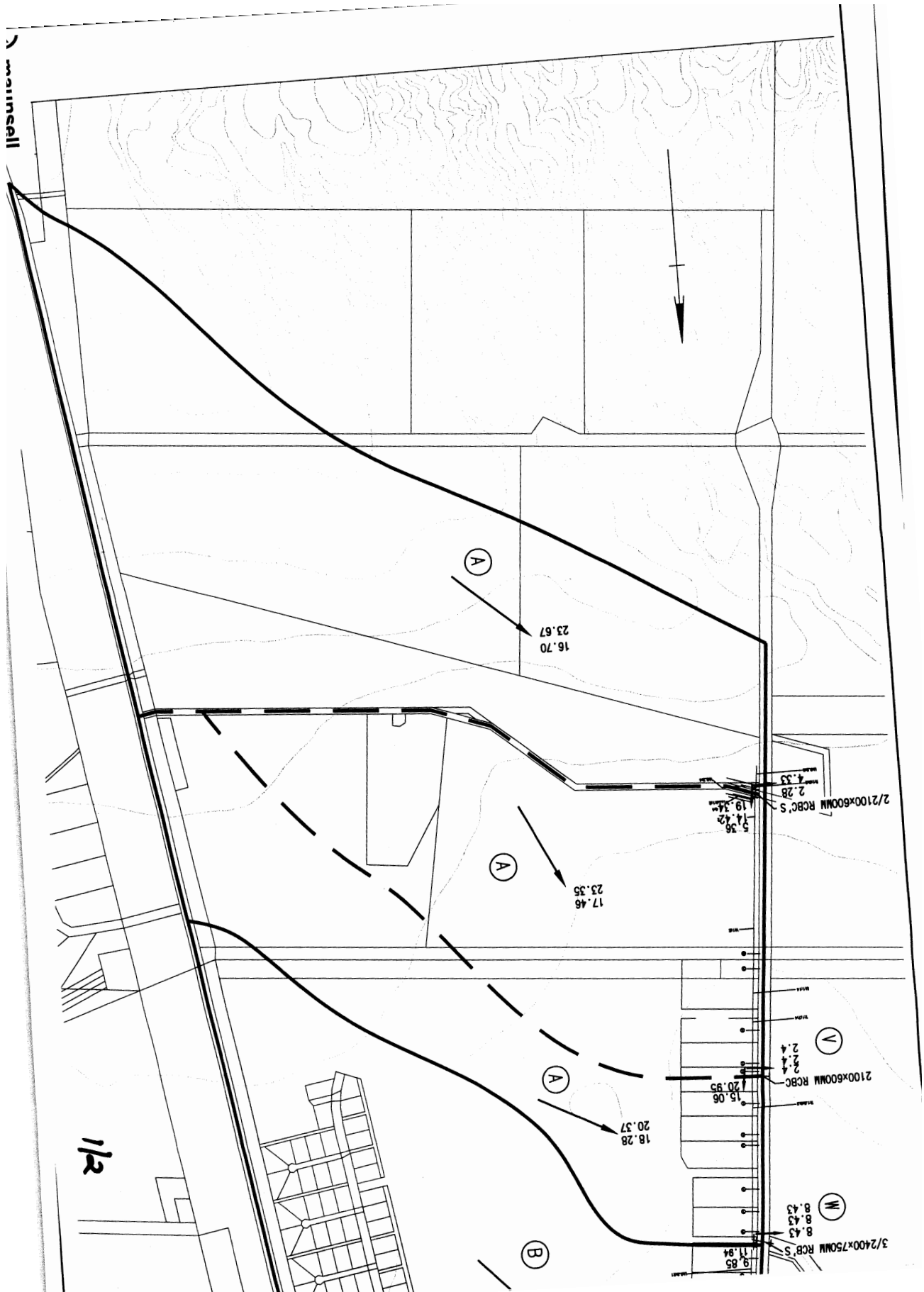
**ATTACHMENT 3  
CAPACITY AND PEAK FLOW PLAN**

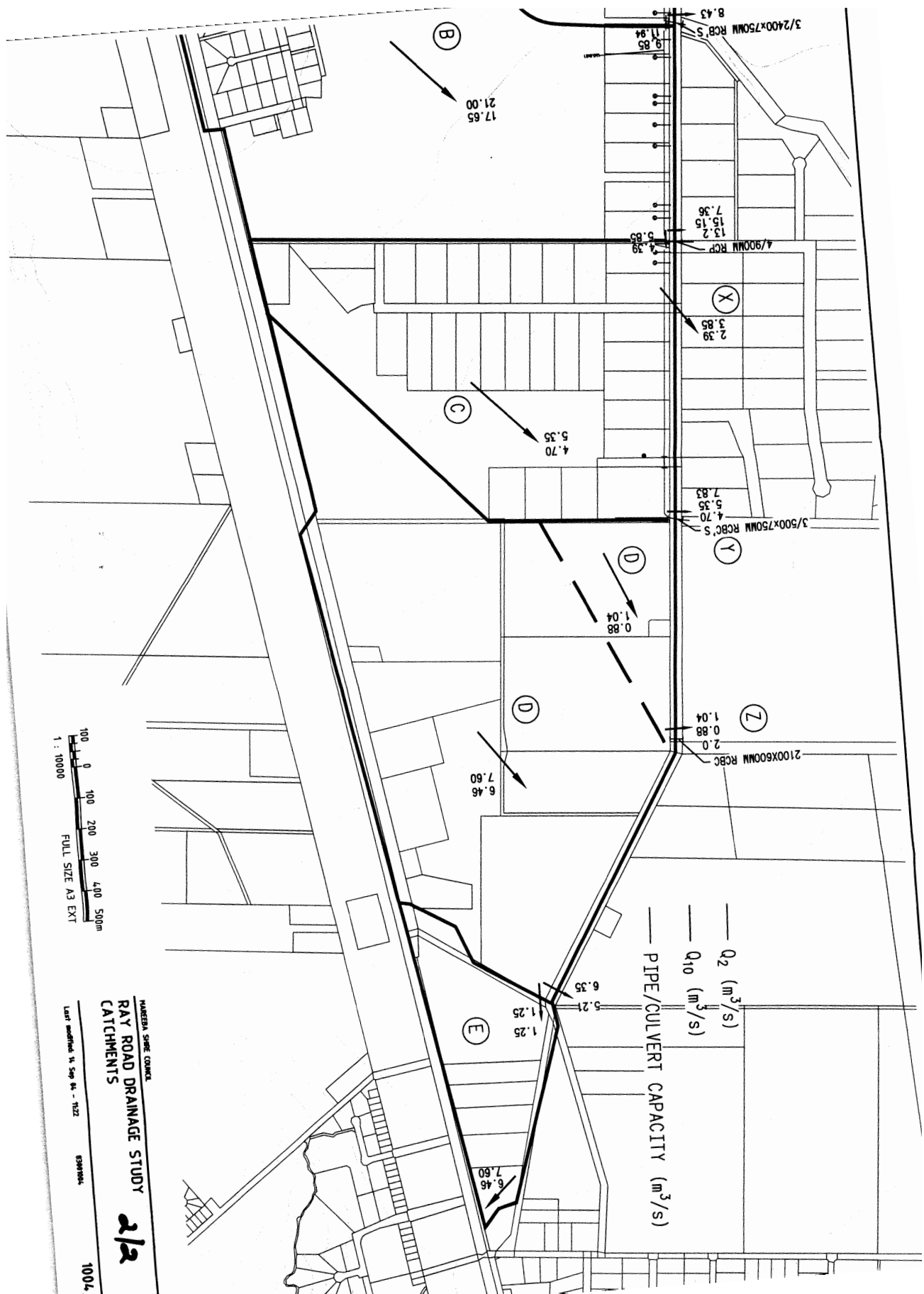


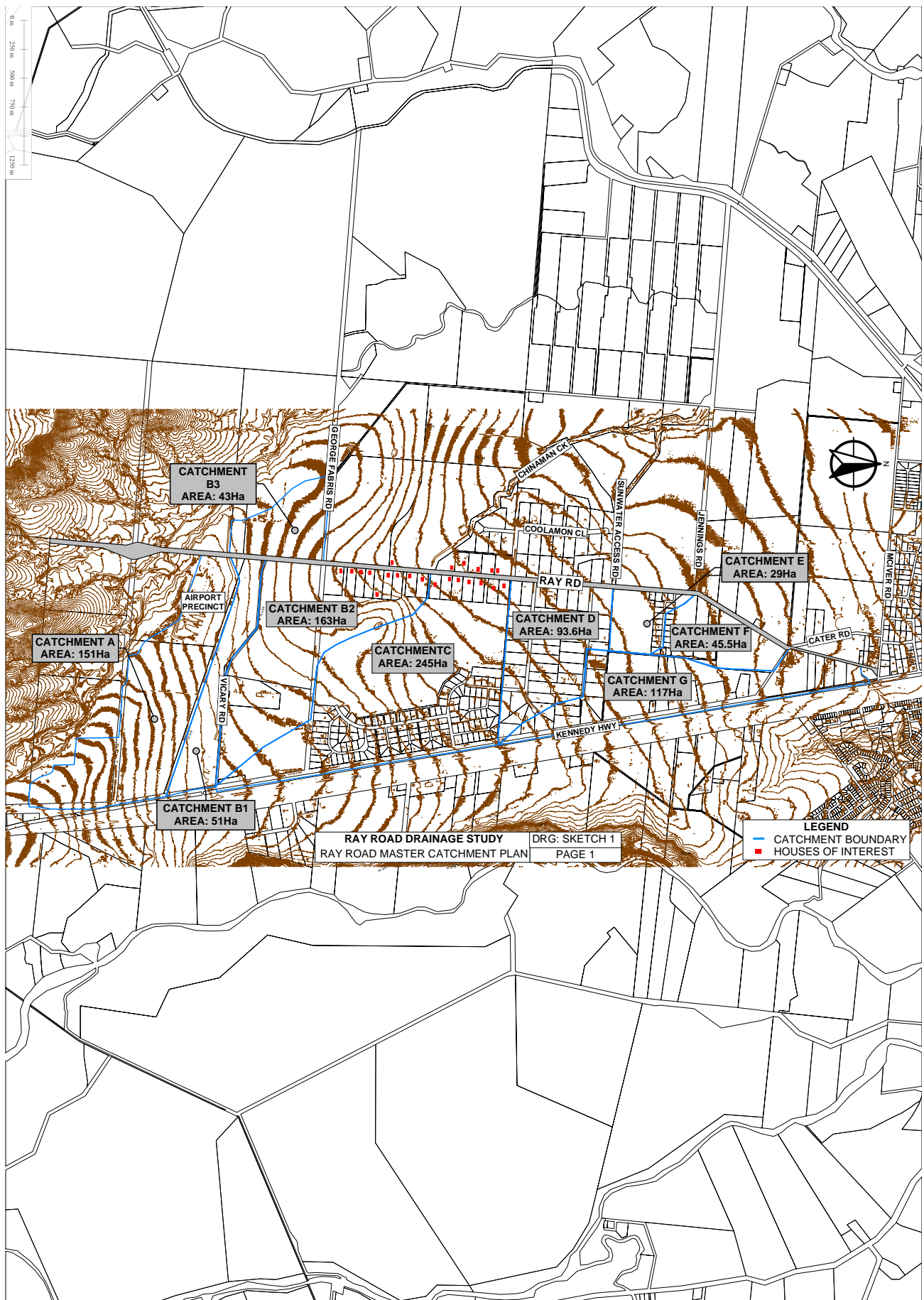
**ATTACHMENT 4  
PRELIMINARY Q100 HEC-RAS MODEL**



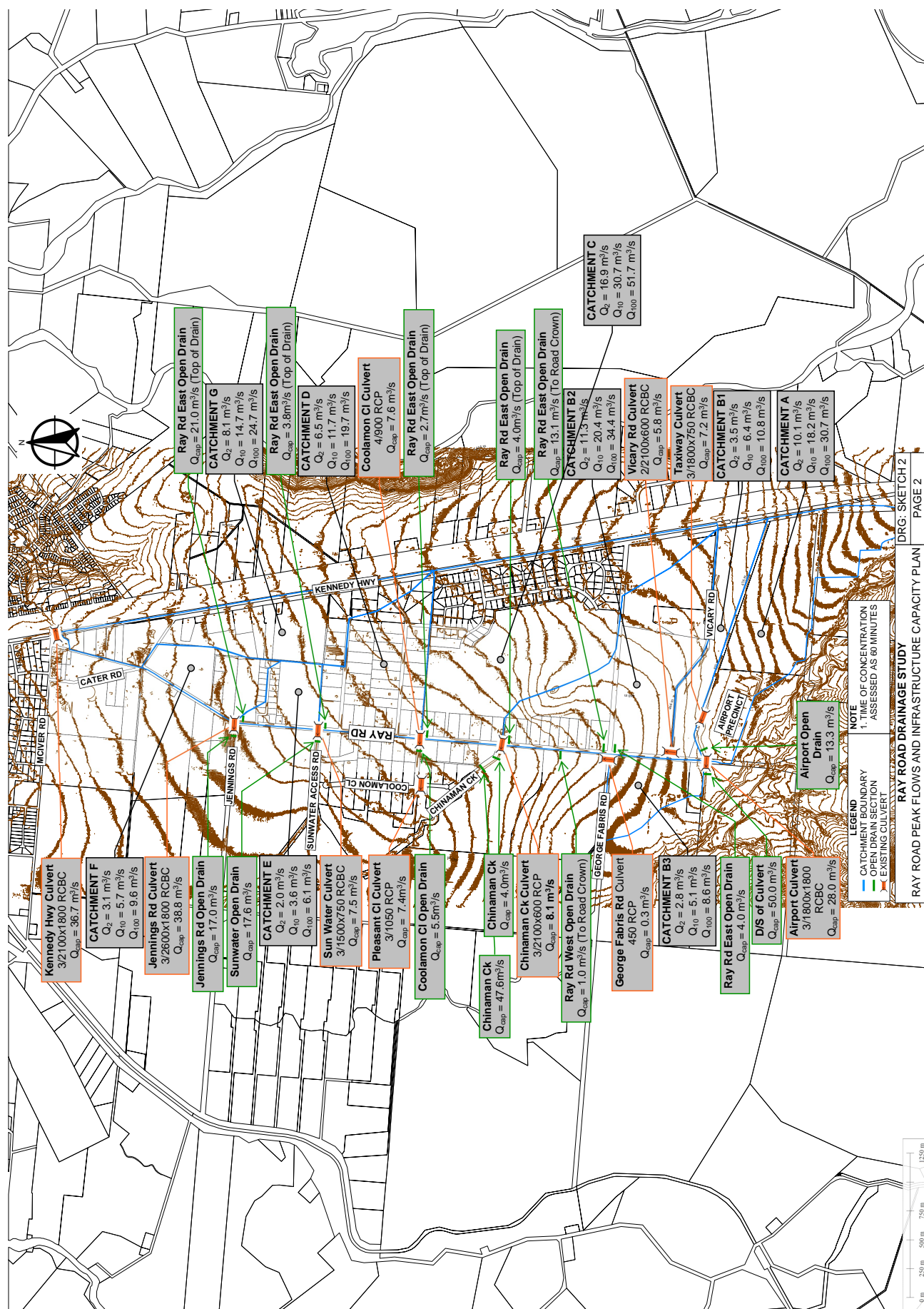
**ATTACHMENT 5**  
**SOUTHERN PROPERTY GROUND SURFACE ASSESSMENTS**

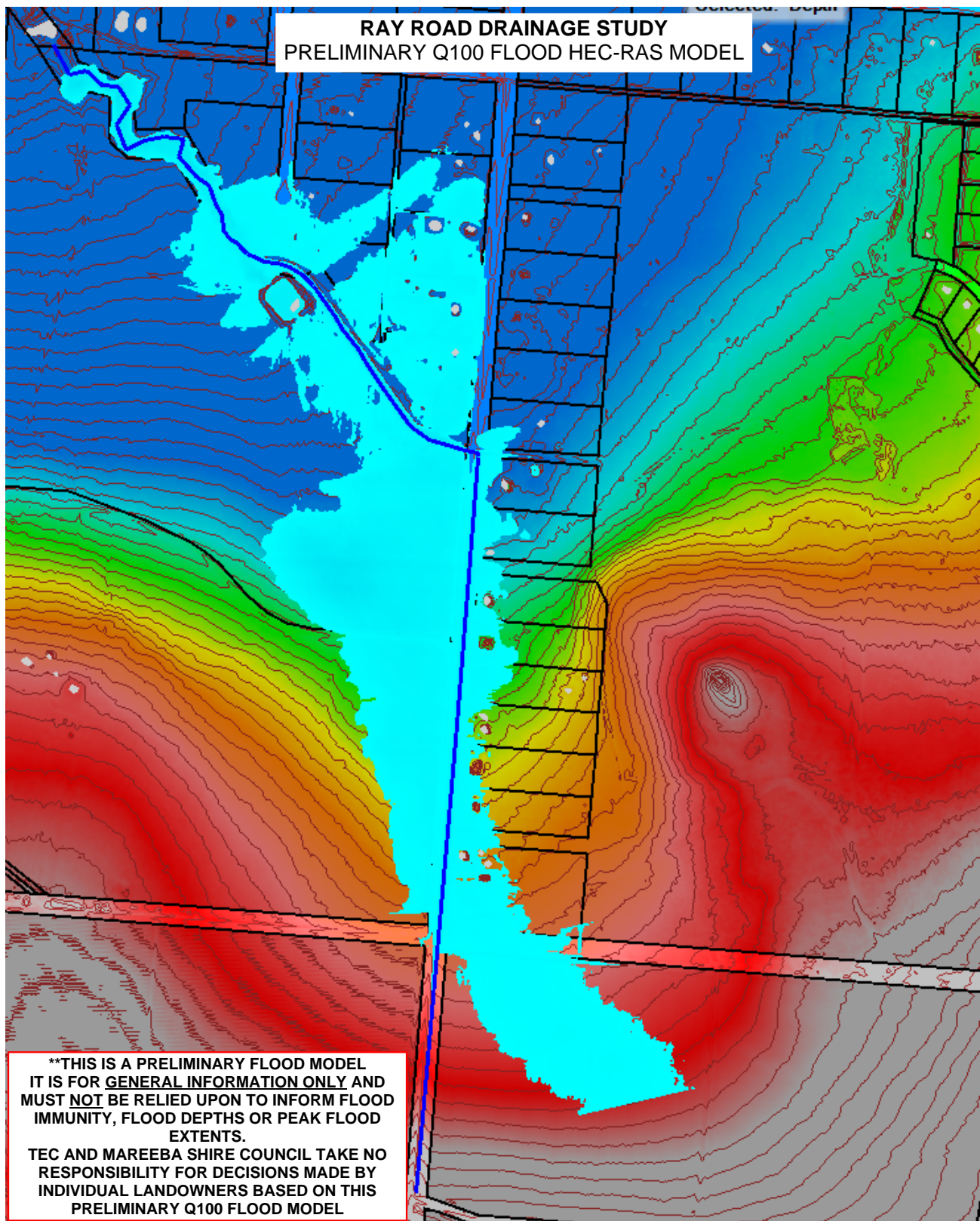






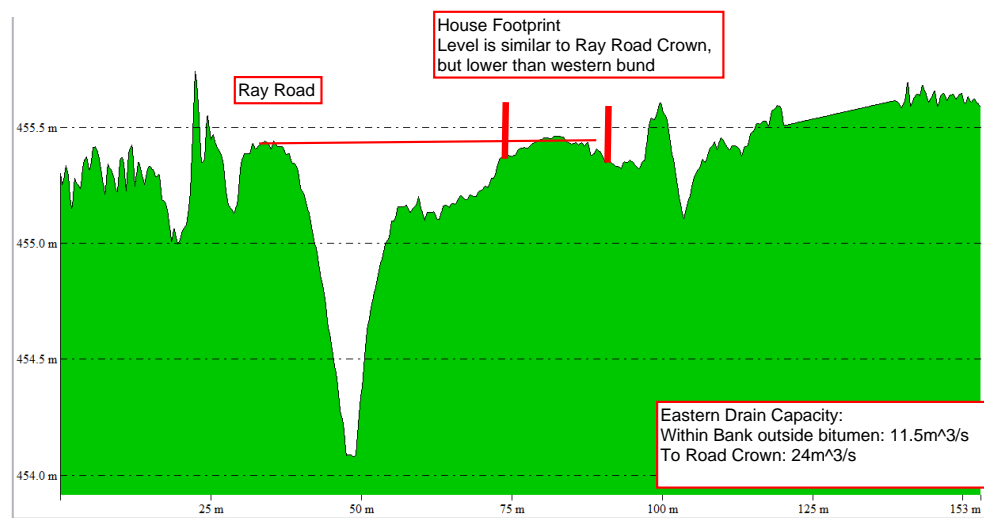






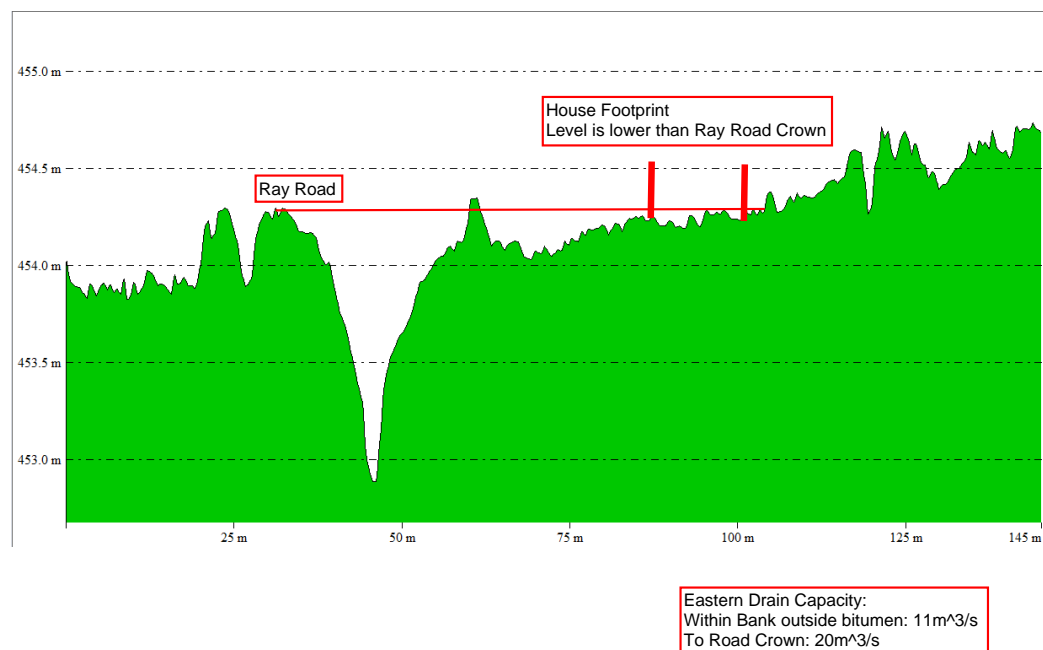
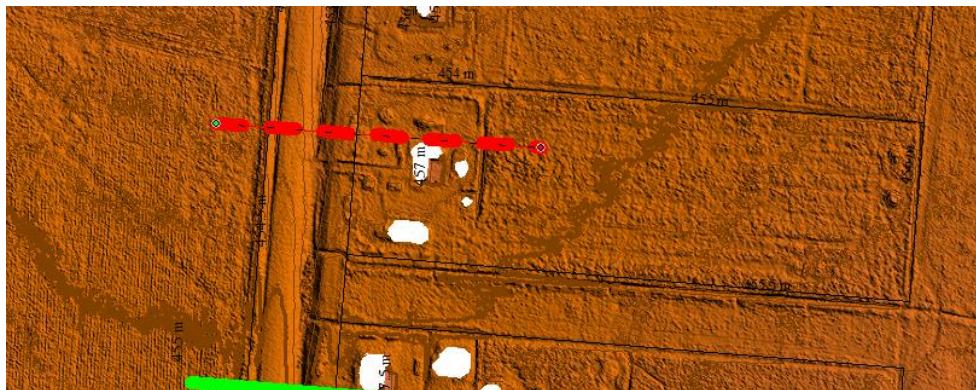
1756 Cross Sections Through Lots between George Fabris and Chinaman Creek

Lot 109 RP867033

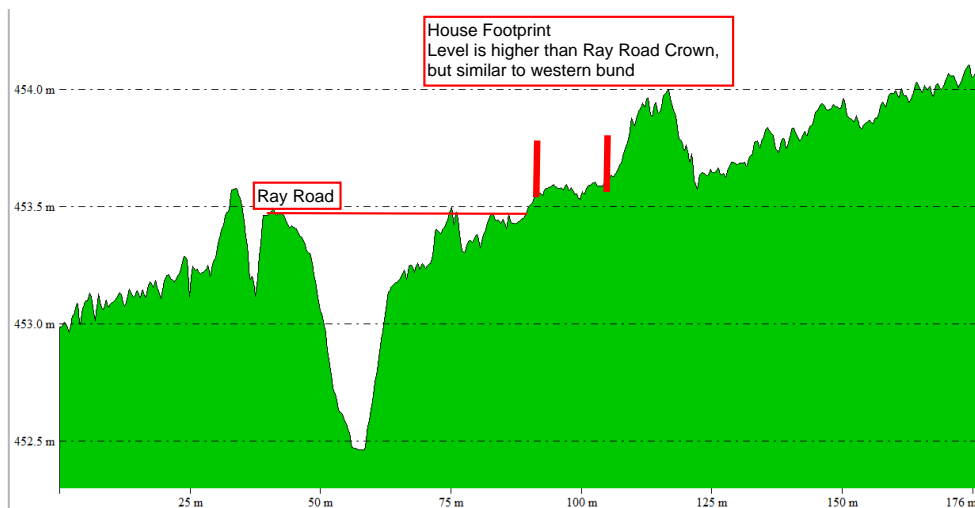
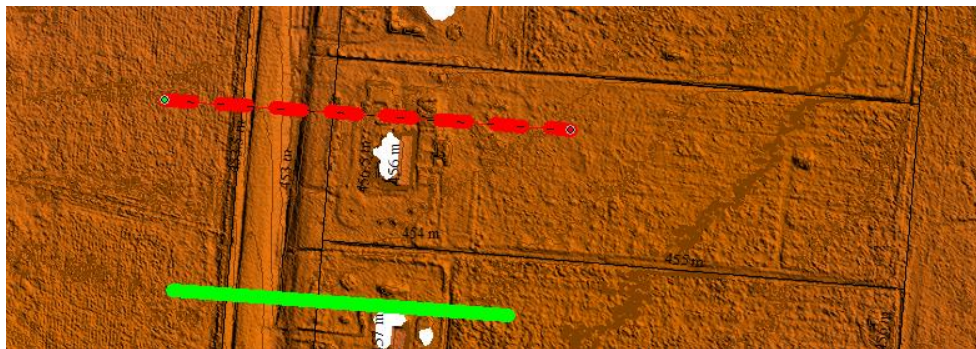




Lot 110 RP851422



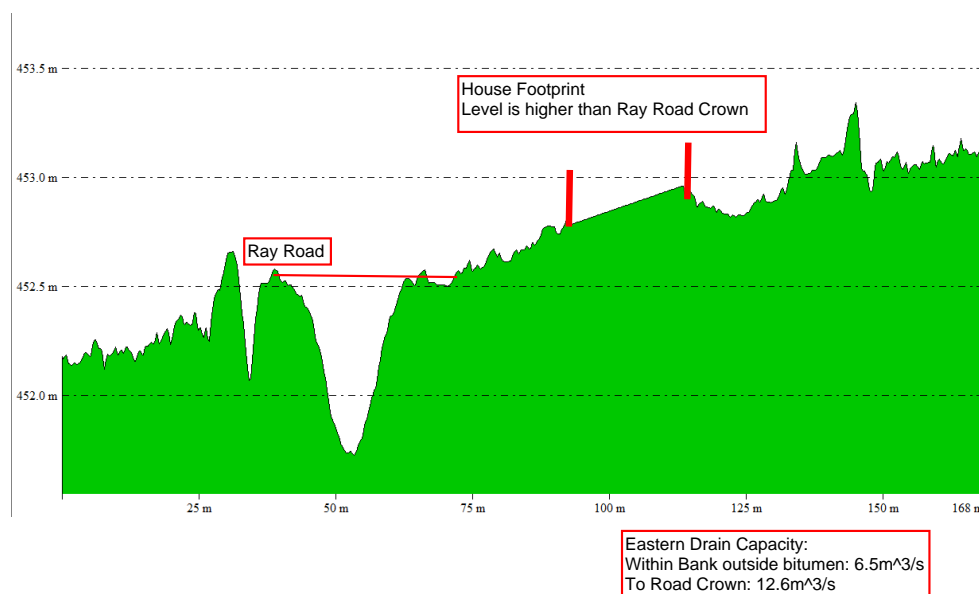
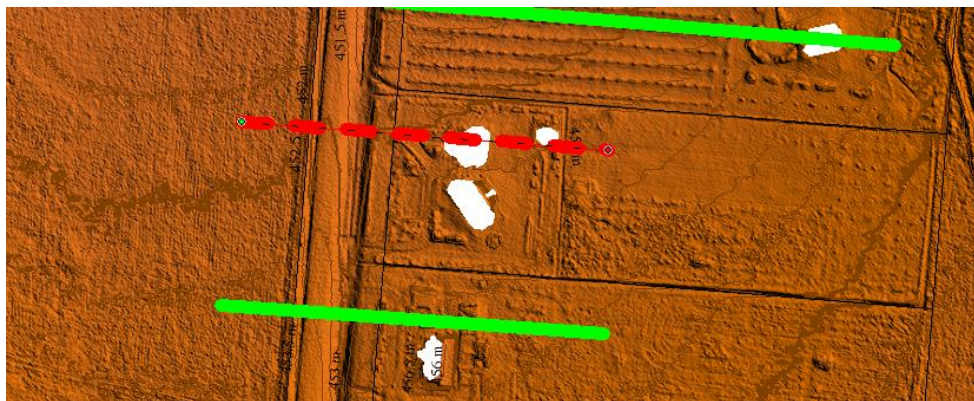
Lot 63 RP851422



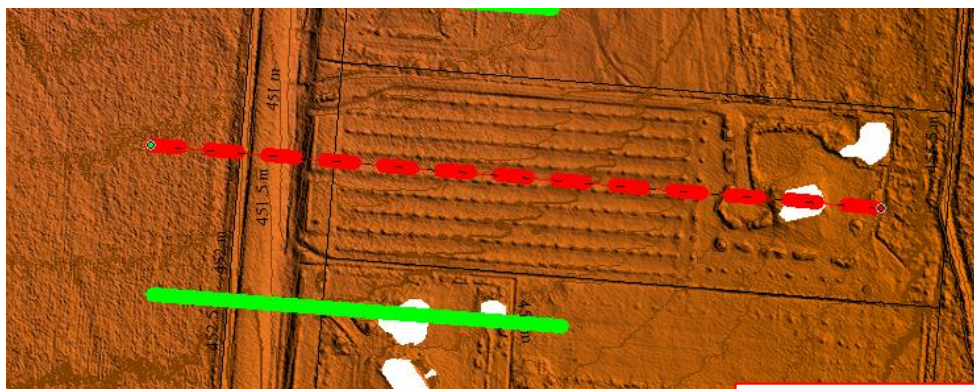
Eastern Drain Capacity:  
Within Bank outside bitumen:  $7.5\text{m}^3/\text{s}$   
To Road Crown:  $15\text{m}^3/\text{s}$



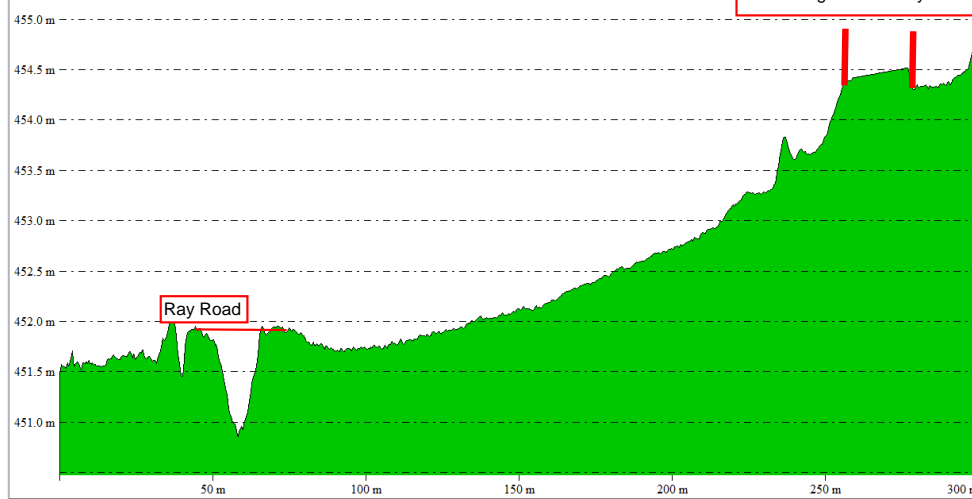
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Lot 61 RP851422



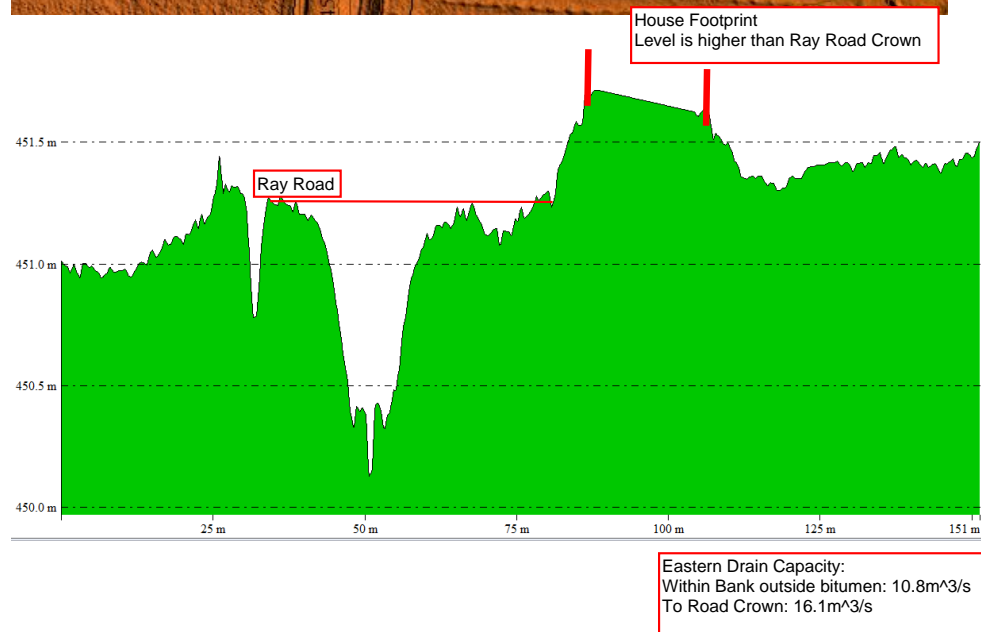
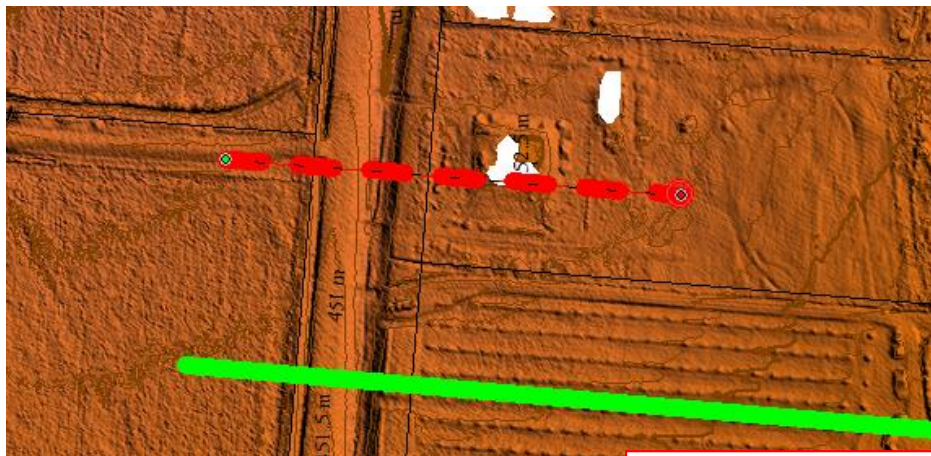
House Footprint  
Level is higher than Ray Road Crown



Eastern Drain Capacity:  
Within Bank outside bitumen:  $9.3\text{m}^3/\text{s}$   
To Road Crown:  $19.4\text{m}^3/\text{s}$

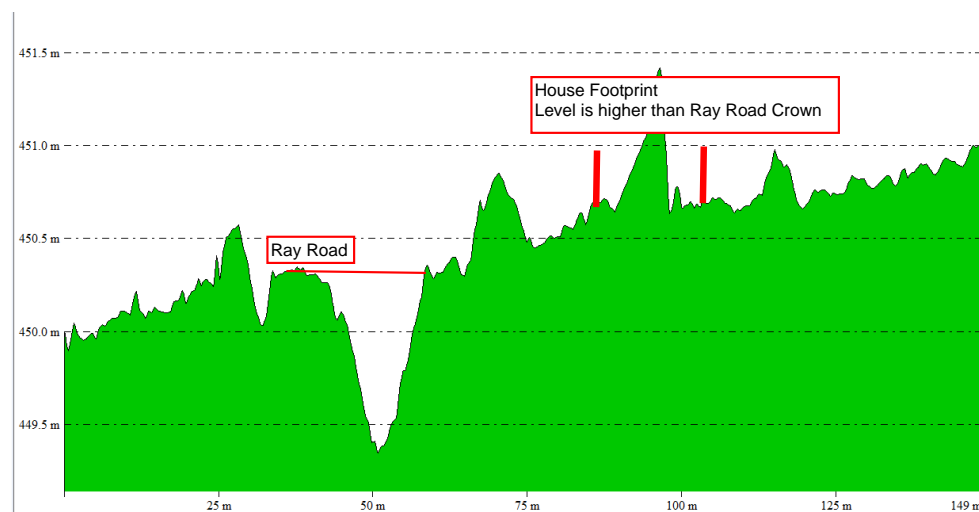
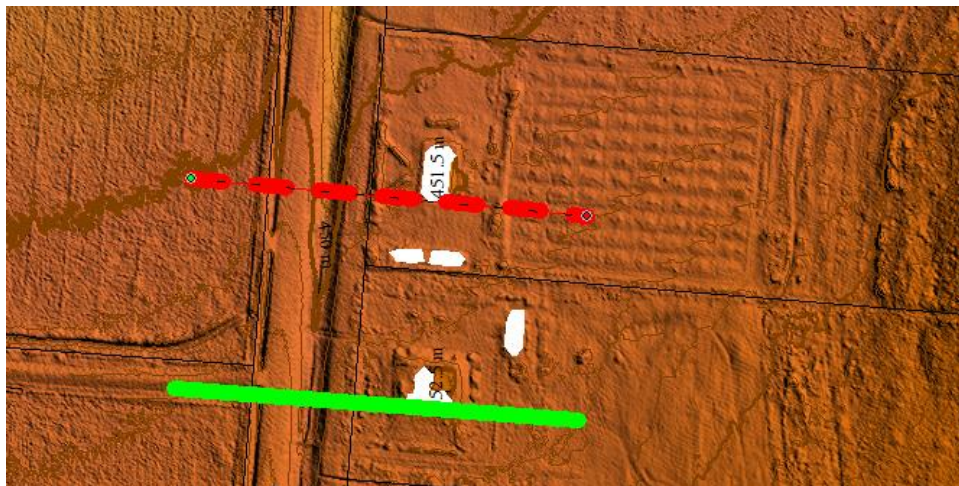


Lot 60 RP851422



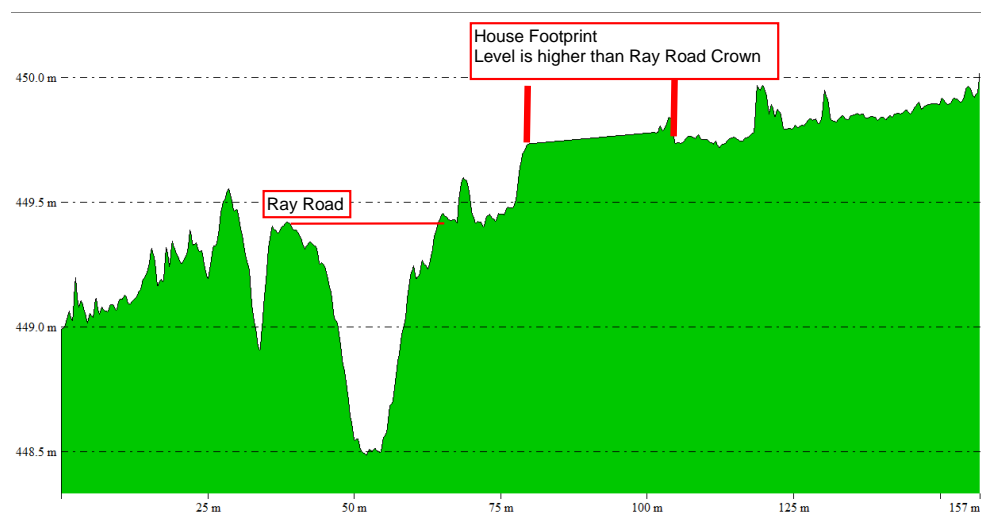
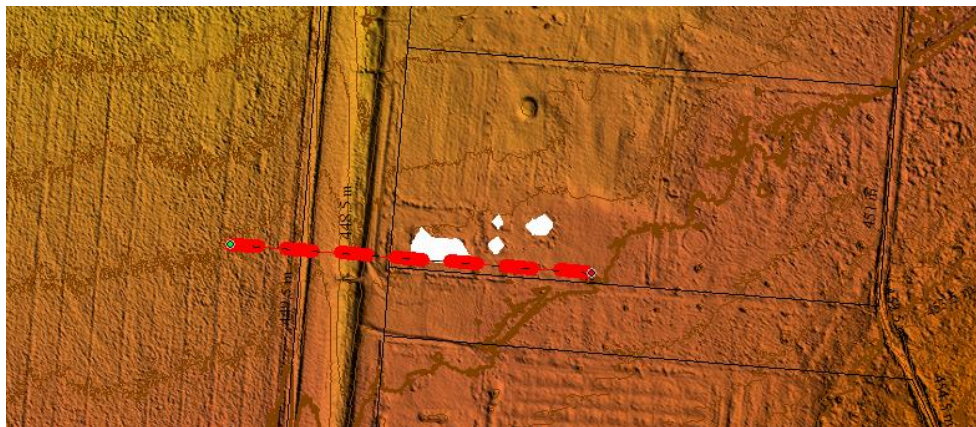


Lot 59 RP851422



Eastern Drain Capacity:  
Within Bank outside bitumen: 10.9m<sup>3</sup>/s  
To Road Crown: 13.3m<sup>3</sup>/s

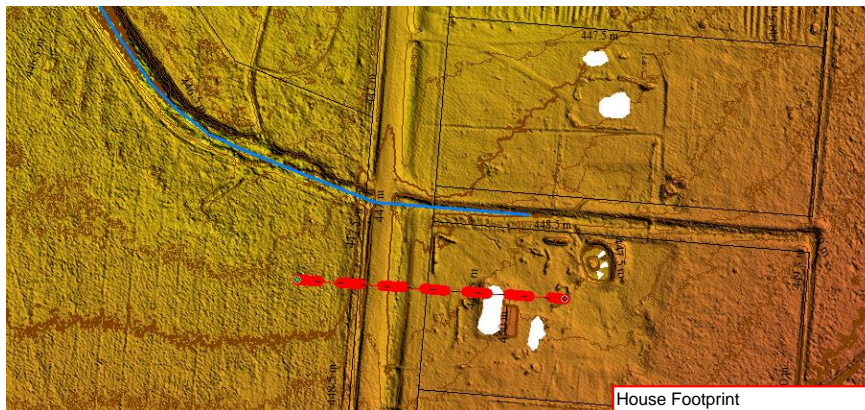
Lot 37 RP851422



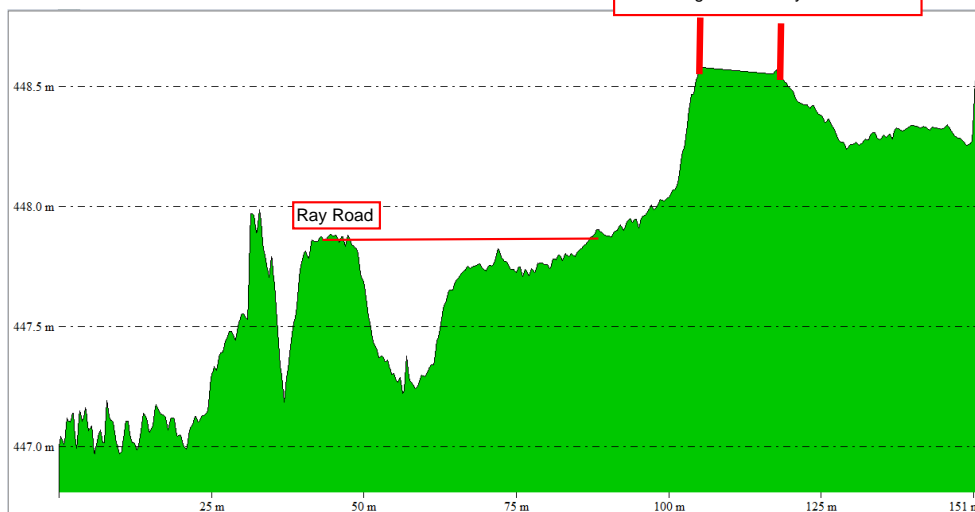
Eastern Drain Capacity:  
Within Bank outside bitumen: 10.8m<sup>3</sup>/s  
To Road Crown: 16.2m<sup>3</sup>/s



Lot 36 RP851422



House Footprint  
Level is higher than Ray Road Crown



Eastern Drain Capacity:  
Within Bank outside bitumen:  $6.9\text{m}^3/\text{s}$   
To Road Crown:  $10.5\text{m}^3/\text{s}$



**10      CONFIDENTIAL REPORTS**

Nil

**11      BUSINESS WITHOUT NOTICE**

**12      NEXT MEETING OF COUNCIL**



## **13 FOR INFORMATION**

|   |
|---|
| <b>13.1 SUMMARY OF NEW PLANNING APPLICATIONS &amp; DELEGATED DECISIONS FOR THE MONTH OF NOVEMBER 2024</b> |
|---|

**Date Prepared:** 3 December 2024

**Author:** Development & Governance Administration Officer

**Attachments:** Nil

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Please see below information.

### Summary of new Planning Development Applications and Delegated Decisions for November 2024

| New Development Applications |                |  |  |  |                     |
|------------------------------|----------------|--|--|--|---------------------|
| Application #                | Lodgement Date | Applicant/Address  | Property Description                     | Application Type   | Status              |
| MCU/24/0021                  | 5/11/2024      | Aldo Pezzelato<br>C/- Scope Town Planning<br>3711 Kennedy Highway Mareeba            | Lot 4 on RP725861                        | MCU - Tourist Park (3 x tourist Cabins & Ancillary Guest Facilities)   | Confirmation Stage  |
| MCU/24/0022                  | 12/11/2024     | Taylor Skinner<br>C/- Neil Beck Town Planner<br>17 Effley Street Mareeba             | Lot 224 on SP297023                      | MCU - Animal keeping (Dog Training & Boarding Facility & Ancillary Uses)   | Public Notification |
| RAL/24/0017                  | 21/11/2024     | C and Y Hackett<br>C/- MD Land Surveys<br>77 Leilas Way and 77 Bamwell Road, Kuranda | Lot 16 on SP304952 and Lot 321 on 201301 | ROL - Boundary Realignment   | Decision Stage      |
| RAL/24/0018                  | 25/11/2024     | John Archer<br>C/- Scope Town Planning<br>195 and 219 Clacherty Road Julatten        | Lot 1 and Lot 2 on RP744805              | ROL – Boundary Realignment   | Decision Stage      |
| RAL/24/0019                  | 25/11/2024     | Ileheld Pty Ltd<br>C/- Freshwater Planning<br>5351 Kennedy Highway Mareeba           | Lot 20 on SP2394245                      | ROL – (1 Lot into 2 Lots)  | Confirmation Stage  |
| OPW/24/0007                  | 21/11/2024     | Brian Prove<br>C/- Progression Design<br>Popovic Road Koah                           | Lot 198 on NR1994                        | Operational Works - Related to RAL/17/0011   | Application Stage   |
| OPW/24/0008                  | 27/11/2024     | TW Hedley<br>C/- Neon Consulting<br>189 Ray Road and Rayfield Avenue Mareeba         | Lot 46 on SP210288                       | Operational Works - (Roadworks, Earthworks, Stormwater and Water Reticulation for Stage 2 (23 Lots) of Development Permit REC/07/0083 Rayfield Estate) | Confirmation Stage  |

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| Decision Notices issued under Delegated Authority |                         |   |   |                                  |  |
|---|-------------------------|---|---|----------------------------------|--|
| Application #                                     | Date of Decision Notice | Applicant                                   | Address                                 | Property Description             | Application Type   |
| MCU/24/0018                                       | 27/11/2024              | Catalyst One Pty Ltd<br>C/- E Nelson        | 8 Costin Street,<br>Mareeba             | Lot 3 on<br>SP135027             | Development Permit for Material Change of Use - Telecommunications Facility and Reconfiguring a Lot - Division of a Lot into 2 parts by way of lease for a term exceeding 10 years |
| MCU/24/0020                                       | 22/11/2024              | Marcotta Tiles Pty Ltd<br>C/- Planning Plus | 16-20 Gowan Street,<br>Mareeba          | Lot 68, 69 and 70 on<br>SP198060 | Development Permit for Material Change of Use – Warehouse (Outdoor Timber Storage Yard)  |
| RAL/24/0018                                       | 27/11/2024              | John Archer<br>C/- Scope Town Planning      | 195 and 219 Clacherty Road,<br>Julatten | Lot 1 and 2 on<br>RP744805       | Development Permit for Reconfiguration of a Lot Boundary Realignment   |

| Negotiated Decision Notices issued under Delegated Authority |                         |           |         |                      |                  |
|--|-------------------------|-----------|---------|----------------------|------------------|
| Application #  | Date of Decision Notice | Applicant | Address | Property Description | Application Type |
| Nil  |                         |           |         |                      |                  |

| Change to Existing Development Approval issued |                  |           |         |                      |                  |
|--|------------------|-----------|---------|----------------------|------------------|
| Application #                                  | Date of Decision | Applicant | Address | Property Description | Application Type |
| Nil  |                  |           |         |                      |                  |

| Referral Agency Response Decision Notices issued under Delegated Authority |                  |   |                              |                        |  |
|--|------------------|---|------------------------------|------------------------|--|
| Application #  | Date of Decision | Applicant   | Address                      | Property Description   | Application Type   |
| CAR/24/0019  | 27/11/2024       | R Smith and P Crothers<br>C/- Northern Building Approvals | 6 Bundanoon Court<br>Mareeba | Lot 110 on<br>SP247844 | Referral agency response for building work assessable against the Mareeba Shire Council Planning Scheme 2016 (Class 10a Shed GFA Dispensation) |

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| 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 |
| RAL/19/0016                | 27/11/2024 | C Retter<br>Brazier Motti<br>C/- Michael Tessaro | 19 Kullaroo<br>Close Kuranda     | Plan of Lots 1 & 200<br>and EMT A in lot 200<br>on SP350750<br>(Cancelling Lot 2 on<br>RP734383)        | 2          |
| RAL/24/0007                | 22/11/2024 | Dylan Wearmouth<br>C/- Marino Lawyers            | 22 Devil Devil<br>Close Julatten | Plan of Lots 1 & 2 &<br>EMT A in Lot 2 on<br>SP349399 (Cancelling<br>Lot 38 on RP747819)                | 2          |
| RC2005/35<br>(REC/09/0041) | 7/11/2024  | Peter O'Neil<br>C/- Millyards Lawyers            | Clohesy River<br>Road Koah       | Plan of Lots 500, 511 &<br>512 & EMT A In Lot<br>511 on SP349401<br>(Cancelling<br>Lot 500 on SP320969) | 3          |

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