



# **AGENDA**

**Wednesday, 19 March 2025**

## **Ordinary Council Meeting**

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

**Date: Wednesday, 19 March 2025**

**Time: 9:00am**

**Location: Council Chambers**

**Peter Franks  
Chief Executive Officer**





## Order Of Business

<b>1</b>	<b>Members in Attendance .....</b>	<b>5</b>
<b>2</b>	<b>Apologies/Leave of Absence/Absence on Council Business .....</b>	<b>5</b>
<b>3</b>	<b>Bereavements/Condolences .....</b>	<b>5</b>
<b>4</b>	<b>Declaration of Conflicts of Interest .....</b>	<b>5</b>
<b>5</b>	<b>Confirmation of Minutes .....</b>	<b>5</b>
<b>6</b>	<b>Business Arising out of Minutes of Previous Meeting .....</b>	<b>5</b>
<b>7</b>	<b>Deputations and Delegations.....</b>	<b>5</b>
<b>8</b>	<b>Corporate and Community Services .....</b>	<b>7</b>
8.1	Mareeba Shire Job Training Association Inc - Material Change of Use - Child Care Centre (expansion) - Lot 200 on SP213026 - 41B Anzac Avenue. Mareeba - MCU/25/0001 .....	7
8.2	NQ Farming Pty Ltd TTE - Reconfiguring a Lot - Subdivision (1 lot into 27 lots) in two (2) stages - Lot 453 on SP247821 - 30 Peters Street, Mareeba - RAL/23/0010 .....	35
8.3	Wylandra Properties Pty Ltd - Reconfiguring a Lot - Subdivision (1 into 14 Lots and Balance Area) - Lot 224 on SP276715 - Ray Road, Mareeba - RAL/24/0009 .....	57
8.4	Paradise Outdoor Advertising - Operational Works - Advertising Device (Freestanding Digital/Static Sign) - Lot 6 on RP726416 - 230 Byrnes Street, Mareeba - OPW/24/0006 .....	79
8.5	Community Trustee Lease - Team Mareeba Boxing Inc. - Lease A in Lot 1 CPM356165 .....	151
8.6	Land Tenure User Agreement - Lot 276 DA344 - 33 Main Street Mount Molloy - Julatten and Molloy Association of Ratepayers and Residents Inc. (JAMARR) .....	153
8.7	Award of Tender - T-MSC2025-01 - Land Tenure Instrument for Management of part of Lot 214 SP297028 - Wetherby Road Mount Molloy .....	155
8.8	Award of Tender - T-MSC2024-21 - Commercial Real Estate Services for Marketing and Sale of Land at Mareeba Industrial Park .....	159
8.9	Environmental Health and Local Law Fees and Charges 2025/26 .....	163
8.10	Sale of Land Due to Rates in Arrears .....	171
8.11	Financial Statements Period Ending 28 February 2025 .....	173
8.12	Community Housing Annual Rent Review .....	187
8.13	Community Housing Service Deed .....	189
<b>9</b>	<b>Infrastructure Services.....</b>	<b>231</b>
9.1	Tender Award - T-MSC2025-03 Mareeba CBD Blueprint .....	231
9.2	Infrastructure Services, Capital Works Monthly Report - February 2025.....	235
9.3	Infrastructure Services, Disaster Recovery Operations Report - February 2025 .....	259
9.4	Tender Award - T-MSC2024-33 MSC DRFA - Eastern Roads Package .....	267
9.5	Tender Award - T-MSC2024-36 MSC DRFA - Dimbulah Roads Package .....	271

9.6	Tender Award - T-MSC2024-35 MSC DRFA - Mid-Western Roads Package.....	275
9.7	Tender Award - T-MSC2024-34 MSC DRFA - Western Roads Package .....	279
9.8	Tender Award - T-MSC2025-05 MSC DRFA Program Management 2025-27 .....	283
9.9	Infrastructure Services, Technical Services Operations Report - February 2025.....	287
9.10	Infrastructure Services, Water and Waste Operations Report - February 2025.....	293
9.11	Tender Award T-MSC2025-04 - Supply and Delivery of Type 4.3 Road Base, Burke Developmental Road .....	299
9.12	Infrastructure Services, Works Section Activity Report - February 2025.....	301
<b>10</b>	<b>Office of the CEO .....</b>	<b>305</b>
10.1	Petition Objecting to the Plan of the New Access Road Through Lot 5 of the Edge Estate...	305
<b>11</b>	<b>Confidential Reports.....</b>	<b>313</b>
	Nil	
<b>12</b>	<b>Business without Notice .....</b>	<b>313</b>
<b>13</b>	<b>Next Meeting of Council .....</b>	<b>313</b>
<b>14</b>	<b>For Information .....</b>	<b>315</b>
14.1	Summary of New Planning Applications & Delegated Decisions For The Month of February 2025.....	315

**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 - 19 February 2025

**6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING**

**7 DEPUTATIONS AND DELEGATIONS**

Nil



## 8 CORPORATE AND COMMUNITY SERVICES

**8.1 MAREEBA SHIRE JOB TRAINING ASSOCIATION INC - MATERIAL CHANGE OF USE - CHILD CARE CENTRE (EXPANSION) - LOT 200 ON SP213026 - 41B ANZAC AVENUE. MAREEBA - MCU/25/0001**

**Date Prepared:** 3 March 2025

**Author:** Coordinator Planning Services

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

### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Mareeba Shire Job Training Association Inc	<b>ADDRESS</b>	41B Anzac Avenue, Mareeba
<b>DATE LODGED</b>	16 January 2025	<b>RPD</b>	Lot 200 on SP213026
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Child Care Centre (Expansion)		
<b>FILE NO</b>	MCU/25/0001	<b>AREA</b>	3,626m <sup>2</sup>
<b>LODGED BY</b>	Reel Planning Pty Ltd	<b>OWNER</b>	Mareeba Shire Job Training Association Inc
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Nil		

### EXECUTIVE SUMMARY

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

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

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

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

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Mareeba Shire Job Training Association Inc	<b>ADDRESS</b>	41B Anzac Avenue, Mareeba
<b>DATE LODGED</b>	16 January 2025	<b>RPD</b>	Lot 200 on SP213026
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use – Child Care Centre (Expansion)		

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 – Child Care Centre (Expansion)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
2406QITE A01 3	Title Page	NE Architecture	27-11-24
2406QITE A02 3	Site Plan	NE Architecture	27-11-24
2406QITE A03 3	Floor Plan	NE Architecture	27-11-24
2406QITE A04 3	3D Cutaway	NE Architecture	27-11-24
2406QITE A05 3	3D View	NE Architecture	27-11-24
2406QITE A06 2	Elevations	NE Architecture	27-11-24

(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 applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.4 Waste Management
- On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.
- 3.5 Noise Nuisance
- Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations 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/developer 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 Safety fencing

A child proof fence or physical barrier is provided to prevent unintended access to the following areas, directly from indoor or outdoor areas intended to accommodate children:

- (a) Vehicle manoeuvring and parking areas;
- (b) Refuse storage and servicing areas; and
- (c) Air conditioning, refrigeration plant and mechanical plant.

### 3.8 Hours of Operation

The operating hours shall be between 6.30am and 6pm Monday to Saturday. No operations are permitted on Sunday or Public Holidays.

## 4. Infrastructure Services and Standards

### 4.1 Access Works

In order to help the flow of traffic to and from the shared carpark and reduce queuing on Anzac Avenue, the existing 13-metre-wide two direction carpark access must be upgraded/constructed to include a reinforced concrete “kerb cut-out and ramp” to allow vehicles to enter and exit the carpark more smoothly and efficiently. The access upgrade must be designed and constructed in accordance with FNQROC development manual standards, to the satisfaction of Council’s delegated officer.

### 4.2 Stormwater Drainage/Water Quality

4.2.1 Prior to building works commencing, the applicant/developer must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council’s delegated officer.

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

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

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

### 4.3 Landscaping and Fencing

4.3.1 The development must be landscaped generally in accordance with Plan 2406QITE A03 3 (Floor Plan) dated 27-11-24.



- 4.3.2 Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.
- 4.3.3 The existing boundary solid screen fence must be maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.
- 4.3.4 A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.
- 4.3.5 The landscaping of the site must be carried out in accordance with the landscape plan/s, and prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

#### 4.4 Lighting

Where installed, external lighting must be designed and installed in accordance with *AS4282 – Control of the obtrusive effects of outdoor lighting* so as not to cause nuisance to surrounding residents or obstruct or distract pedestrian or vehicular traffic.

#### 4.5 Water Supply

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

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the applicant/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.

#### 4.6 Sewerage Connection

The applicant/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 applicant/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 will be required prior to the commencement of use.

- (e) Compliance with applicable codes/policies

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

- (f) Compliance with Acts and Regulations

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

- (g) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.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](#) 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
- Development Permit for Operational Works

## (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 Detail	Balance
	per m2 GFA	GFA (m2)			
Child Care Centre	\$108.80	197	\$21,433.60	Nil	\$21,433.60
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$21,433.60</b>

## THE SITE

The site is situated at 41B Anzac Avenue, Mareeba and is more particularly described as Lot 200 on SP213026. The site is irregular in shape with an area of 3,626m<sup>2</sup> and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site is level and currently improved by the QT's Childcare Centre, established in 2009. All urban infrastructure networks service the existing child care centre.

The site has approximately 33 metres of frontage to Anzac Avenue, which includes an on-street carpark shared between the Cedric Davies Community Hub, the Mareeba Bowls Club and the child care centre.

The site and all adjoining allotments are zone Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

A mix of residential and community uses are found in the immediate locality.

An unrelated development approval for an uncommenced child care centre remains in effect over 47 Anzac Avenue.



**Map Disclaimer:**

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



**Map Disclaimer:**

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

## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

On 19 February 2008, Mareeba Shire Council approved a Development Permit (MCU/07/0034) for a Material Change of Use for a Childcare Centre at 41B Anzac Avenue, Mareeba, on land then described as Lot 198 on SP202153.

The original development application sought to establish a Childcare Centre on the subject site, which at the time was an unused bowling green and beach volleyball courts. The development application was for a Material Change of Use for a Childcare Centre for children aged 0 – 5 years with a maximum capacity of seventy (70) children.

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Child Care Centre (Expansion) in accordance with the plans shown in **Attachment 1**.

The application describes the proposed development as follows:

*“The development seeks to extend the existing QT’s Childcare Centre to the southern, vacant extent of the subject site to incorporate a Kindergarten (118m<sup>2</sup>), Junior Kindergarten (78m<sup>2</sup>), associated Landscaped Play Areas and ancillary rooms.*

*The extension will allow for two (2) additional groups of twenty-two (22) children. Upon completion of the works, the Childcare Centre will operate as follows:*

- *Nursery (8 weeks to 12 months) – 8 children and 2 staff.*
- *Toddler 1 (12 months to 18 months) – 8 children and 2 staff.*
- *Toddler 2 (18 months to 24 months) – 8 children and 2 staff.*
- *Toddler 3 (24 months to 30 months) – 15 children and 3 staff.*
- *Toddler 4 (2.5 years to 3 years) – 20 children and 4 staff.*
- *Pre-Kindergarten (3 years to 4 years) – 22 children and 2 staff.*
- *Kindergarten (4 years to 5 years) – 22 children and 2 staff.*

*The extension to the Childcare Centre will be a single storey structure, consistent in design with the existing facility. The extension is to be connected to the exiting building by undercover walkways and will operate as a single centre upon completion of the works.*

*The extension will not impact upon current hours of operation.*

*Access to the site is currently achieved via an existing driveway to the carparking area within the Anzac Avenue road reserve. The subject site is noted to benefit from an easement (Easement D) over the access handle of the adjacent lot, Lot 199 on SP202153. This access is proposed to be maintained as access for construction purposes only, with all staff and client access via the pedestrian entry. The existing arrangement is to remain unchanged, with no additional works to vehicular crossovers, parking spaces or manoeuvring areas proposed as part of this development.*

*Although not physically marked or designated, the car parking area within the Anzac Avenue road reserve includes thirty-five (35) parking spaces for the QT's Childcare Centre, two (2) of which being PWD spaces. The car parking area also incorporates three (3) drop off areas immediately at the frontage of the site. Table 9.4.3.3B of the Parking and Access Code prescribes a parking rate for a Childcare Centre as:*

*A minimum of 3 spaces will be required to be used for setting down and picking up of children, plus one space per 10 children for staff parking.*

*Based on the above rate, the Childcare Centre (including proposed extension) will require 3 set down spaces plus eleven (11) spaces for staff parking. This is easily accommodated within the existing car parking area noting that Childcare Centres typically have traffic peaks in the early morning and late afternoon (when the library is unlikely to be busy). On this basis the development does not seek to establish additional parking spaces. The development continues to provide well in excess of the prescribed parking figures under the Parking and Access Code, sufficiently meeting the demand generated by the land use. This is discussed in detail in assessment against the Parking and Access Code.*

*The Community Activities Code seeks to ensure that Community Activities (activity group inclusive of a Childcare Centre land use) do not detrimentally impact upon local amenity. The development has been designed to specifically mitigate undue impacts to adjoining properties, sensitive receivers and more specifically, the residence on Lot 24 on RP866998. The development has been designed as a low set building commensurate with the low density residential character of the area, with outdoor play areas and noise generating aspects of the development located on the eastern side of the site, while incorporating sufficient landscaping along the western boundary to act as an acoustic and visual buffer.*



*In addition to design aspects mitigating impacts, it is noted that the development is constructed adjacent the access handle of Lot 199 on SP202153 and the dwelling on Lot 24 on RP866998 is shielded by the shed on the same property."*

## REGIONAL PLAN DESIGNATION

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

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li><i>Residential Area</i></li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li><i>Local Collector Road</i></li> <li><i>Principal Cycle Network</i></li> </ul>
Zone:	Low Density Residential zone
Overlays:	Airport environs overlay Hill and slope overlay Residential dwelling house and outbuilding overlay Transport infrastructure overlay

## Planning Scheme Definitions

The proposed use is defined as:

<b>Column 1 Use</b>	<b>Column 2 Definition</b>	<b>Column 3 Examples include</b>	<b>Column 4 Does not include the following examples</b>
<i>Childcare centre</i>	<i>Premises used for minding, education and care, but not residence, of children.</i>	<i>Crèche, early childhood centre, kindergarten, outside hours school care</i>	<i>Educational establishment, home based childcare, family day care</i>

## RELEVANT PLANNING INSTRUMENTS

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

### Far North Queensland Regional Plan 2009-2031

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

## State Planning Policy

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

## **Mareeba Shire Council Planning Scheme 2016**

### **Strategic Framework**

#### **3.3 Settlement pattern and built environment**

##### **3.3.3 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 will comply.

#### **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 seeks to expand an existing use on one lot and will not alter the predominant form of development in residential areas.

#### **3.3.14 Element—Natural hazard mitigation**

##### **3.3.14.1 Specific outcomes**

- (1) The risk of loss of life and property associated with bushfires, cyclones, flooding, landslides and other weather related events are minimised through the appropriate use of land having regard to its level of susceptibility to the hazard or potential hazard.

###### Comment

The site is not identified as being at significant risk from any of the identified hazards.



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

#### **3.4.1 Strategic outcomes**

- (1) Mareeba Shire's outstanding natural environment, ecological processes and biodiversity values, including those within *conservation areas* and *biodiversity areas*, are conserved, enhanced and restored. Minimal loss of native vegetation is achieved in the shire through limited clearing of *biodiversity areas*, strategically located rehabilitation areas and the replanting of native vegetation. The impacts of pests and weeds on the natural environment is minimised and managed.

Comment

The site does not contain or adjoin any such areas.

- (5) The air and acoustic environment of Mareeba Shire is managed to ensure its maintenance or improvement. Development maintains or enhances the health and well-being of the community and the natural environment.

Comment

The proposed development can be reasonably operated to minimise air and acoustic impacts.

- (6) Risks to health and safety caused by contaminated land are managed, including through the remediation of contaminated sites and the careful management of unexploded ordinances.

Comment

The subject site is not a suspected or recorded contaminated site.

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

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

- (3) Plants used for landscaping and street trees are ideally native species, appropriate for the purpose and the local environment, and do not introduce invasive or exotic plants into the shire.

Comment

The development would be conditioned to comply.

#### **3.5.6 Element—Community facilities**

##### **3.5.6.1 Specific outcomes**

- (2) Development complements and sensitively integrates with existing halls, clubs, libraries, art galleries, places of worship, theatres, function rooms, community and cultural centres and other key community infrastructure. Development on sites adjoining community facilities will not obstruct or detract from their use, accessibility and functionality.

Comment

The expansion of the child care centre on the subject land will not compromise the ongoing use of the Cedric Davies Community Hub.

- (3) Community facilities are redeveloped in a way that is functional, safe and sensitive to the community's needs. Development of these sites is cognisant of the existing character and adjoining land uses of the area and addresses the street frontage to create a high level of accessibility and legibility to the community.

Comment

The expanded child care centre can reasonably comply.

### **3.6 Transport and infrastructure**

#### **3.6.1 Strategic outcomes**

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

Comment

Anzac Avenue is a Collector Road and able to accommodate the demands of the expanded child care centre.

- (6) New development is appropriately sequenced and coordinated with existing and future water, wastewater, stormwater and transport infrastructure, to ensure the operations of existing infrastructure are not compromised and community needs continue to be met. New infrastructure is provided to development in accordance with Council's desired standards of service and supports a consolidated urban form to maximise return on investment. The ongoing operation of key infrastructure elements is not prejudiced by inappropriate development.

Comment

The development will comply.

#### **3.6.2 Element—Road network**

##### **3.6.2.1 Specific outcomes**

- (1) The shire's road network is upgraded and extended to provide for the safe, efficient movement of vehicles and to cater for new development.

Comment

Anzac Avenue is a Collector Road and able to accommodate the demands of the expanded child care centre.

- (4) Development provides off-street parking, loading and manoeuvring areas where possible and practicable.

Comment

The development will comply.

**3.6.7 Element—Water supply and wastewater services****3.6.7.1 Specific outcomes**

- (1) Development is provided with adequate water and wastewater infrastructure in accordance with Council's Desired Standards of Service.

Comment

The development will comply.

- (2) Water storage, sewerage disposal and reticulation infrastructure is utilised and extended economically and efficiently to new development.

Comment

The development will comply.

- (6) Upgrades and extensions to water and wastewater infrastructure are designed and constructed in accordance with the FNQROC Regional Development Manual as amended.

Comment

The development will comply.

**3.6.8 Element—Stormwater management****3.6.8.1 Specific outcomes**

- (1) Water Sensitive Urban Design principles and adequate infrastructure are integrated into new development, ensuring:
  - (a) water quality objectives are met;
  - (b) a no worsening effect on surrounding land and the environment is achieved;
  - (c) flooding and ponding of water is avoided

Comment

The development can be conditioned to comply.

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

Comment

The development can be conditioned to comply.

**3.6.9 Element—Waste management****3.6.9.1 Specific outcomes**

- (4) On-site waste disposal and recycling areas are provided by development to meet operational requirements of storage, screening and collection.

Comment

The development will comply.

**3.6.11 Element—Information and communication technology**

**3.6.11.1 Specific outcomes**

- (1) Households, businesses and industry within urban and rural communities are serviced with high-speed fibre-optic, high-speed wireless or satellite broadband internet connections across the shire.

Comment

The development will comply.

**3.7 Economic development****3.7.1 Strategic outcomes**

- (3) Mareeba Shire is increasingly provided with retail and business opportunities and improved government services to enhance self-sufficiency. These opportunities and services are consolidated through the clustering and co-location of commercial uses in *activity centres* and are particularly focussed within Mareeba. Kuranda, as a *village activity centre*, maintains its level of self-reliance through servicing its local catchment with a range of services and employment opportunities.

Comment

The proposed development complies.

**Relevant Developments Codes**

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

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.8 Hill and slope overlay code
- 9.3.3 Community activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Low density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes) contained within the code.  Refer to planning discussion section of report.
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.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Community activities code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes) contained within the code. Refer to planning discussion section of report.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes) contained within the code. Refer to planning discussion section of report.
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

Adopted Infrastructure Charges Resolution (No. 1) of 2024 identifies a charge rate for child care centres of \$108.80 per m<sup>2</sup> of gross floor area (GFA).

The calculated GFA for the proposed development is 197m<sup>2</sup>. This GFA calculation excludes the building amenities, outdoor covered areas, and hallways.

Based on \$108.80 per m<sup>2</sup> and a GFA of 197m<sup>2</sup>, the applicable infrastructure charge is:

- Total Charge = **\$21,433.60**

### REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

**Internal Consultation**

Technical Services.

**PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 30 January 2025 to 20 February 2025. The applicant submitted the notice of compliance on 21 February 2025 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

**PLANNING DISCUSSION**

**Compliance with Performance Outcome PO5, PO8 and PO9 of the Low Density Residential zone code is discussed below:**

**6.2.6 Low Density Residential zone code*****Gross Floor Area******PO5***

*Buildings and structures occupy the site in a manner that:*

- (a) makes efficient use of land;*
- (b) is consistent with the bulk and scale of surrounding buildings; and*
- (c) appropriately balances built and natural features.*

***A05***

*Gross floor area does not exceed 600m<sup>2</sup>.*

**Comment**

The existing centre already exceeds 600m<sup>2</sup>.

The proposed extension will make efficient use of the site, will be consistent with the neighbouring Cedric Davies Community Hub and still allows for generous outdoor playspaces.

The development complies with PO5.

***Non-residential development******PO8***

*Non-residential development is only located in new residential areas and:*

- (a) is consistent with the scale of existing development;*
- (b) does not detract from the amenity of nearby residential uses;*
- (c) directly supports the day to day needs of the immediate residential community; and*
- (d) does not impact on the orderly provision of non-residential development in other locations in the shire.*

***A08***

*No acceptable outcome is provided.*

Comment

Anzac Avenue is a collector road and there are no traffic impediments to the development proceeding.

All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone.

These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for an expanded childcare centre on the subject land. A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.

The proposed development complies with PO8.

**Amenity****PO9**

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

- (a) noise;*
- (b) hours of operation;*
- (c) traffic;*
- (d) advertising devices;*
- (e) visual amenity;*
- (f) privacy;*
- (g) lighting;*
- (h) odour; and*
- (i) emissions.*

**A09**

*No acceptable outcome is provided.*

Comment

Anzac Avenue is a collector road and there are no traffic impediments to the development proceeding.

All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone.

These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for an expanded childcare centre on the subject land. A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.

The proposed development complies with PO9.

**Compliance with Performance Outcome PO4 and PO5 of the Community Activities code is discussed below:**

9.3.3 Community Activities code

**Location****PO4**

*Development is compatible with the amenity of the surrounding area, having regard to:*

- (a) the location and type of vehicular access and parking;*
- (b) hours of operation;*
- (c) waste storage and collection;*
- (d) advertising devices and signage;*
- (e) visual amenity;*
- (f) privacy; and*
- (g) noise, odour and dust emissions.*

**AO4**

*No acceptable outcome is provided.*

**Comment**

Anzac Avenue is a collector road and there are no traffic impediments to the development proceeding.

All of the established childcare centres in Mareeba are located within or adjoining the Low Density Residential zone.

These centres have demonstrated the ability to operate in a manner compatible with the amenity of nearby residential uses. There is a similar expectation for an expanded childcare centre on the subject land. A childcare centre is an essential service for many residents, particularly those on the fast developing eastern side of Mareeba.

The proposed development complies with PO4.

**PO5**

*Community activities are highly accessible to the community they serve and are located to encourage multi-purpose trips.*

**A05.2**

*Development is located:*

- (a) within 800 metres walking distance of the Centre zone; or*
- (b) within 400 metres walking distance of a public transport stop; or*
- (c) provided with a connection to the pedestrian and cycle network.*

**Comment**

The subject site is within reasonable walking distance of the Cedric Davies Community Hub, the Amaroo Medical Centre and the major residential growth area for Mareeba.

A pedestrian pathway already established along Anzac Avenue linking back to Herberton Street.

The site is not in an unreasonable location in terms of providing convenient access to the public.

The development complies with PO5.



**Compliance with Performance Outcome AO1 of the Parking and Access code is discussed below:**

**9.4.3 Parking and Access code**

**Car parking spaces**

***PO1***

*Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:*

- (a) nature of the use;*
- (b) location of the site;*
- (c) proximity of the use to public transport services;*
- (d) availability of active transport infrastructure; and*
- (e) accessibility of the use to all members of the community.*

***AO1***

*The number of car parking spaces provided for the use is in accordance with Table 9.4.3.3B.*

*Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1.*

**Comment**

Table 9.4.3.3B nominates the following parking requirements for child care centre:

*A minimum of 3 spaces will be required to be used for setting down and picking up of children, plus one space per 10 children for staff parking.*

*One SRV space.*

The existing child care centre has an allocation of 38 spaces, including 3 spaces for drop off and pick up.

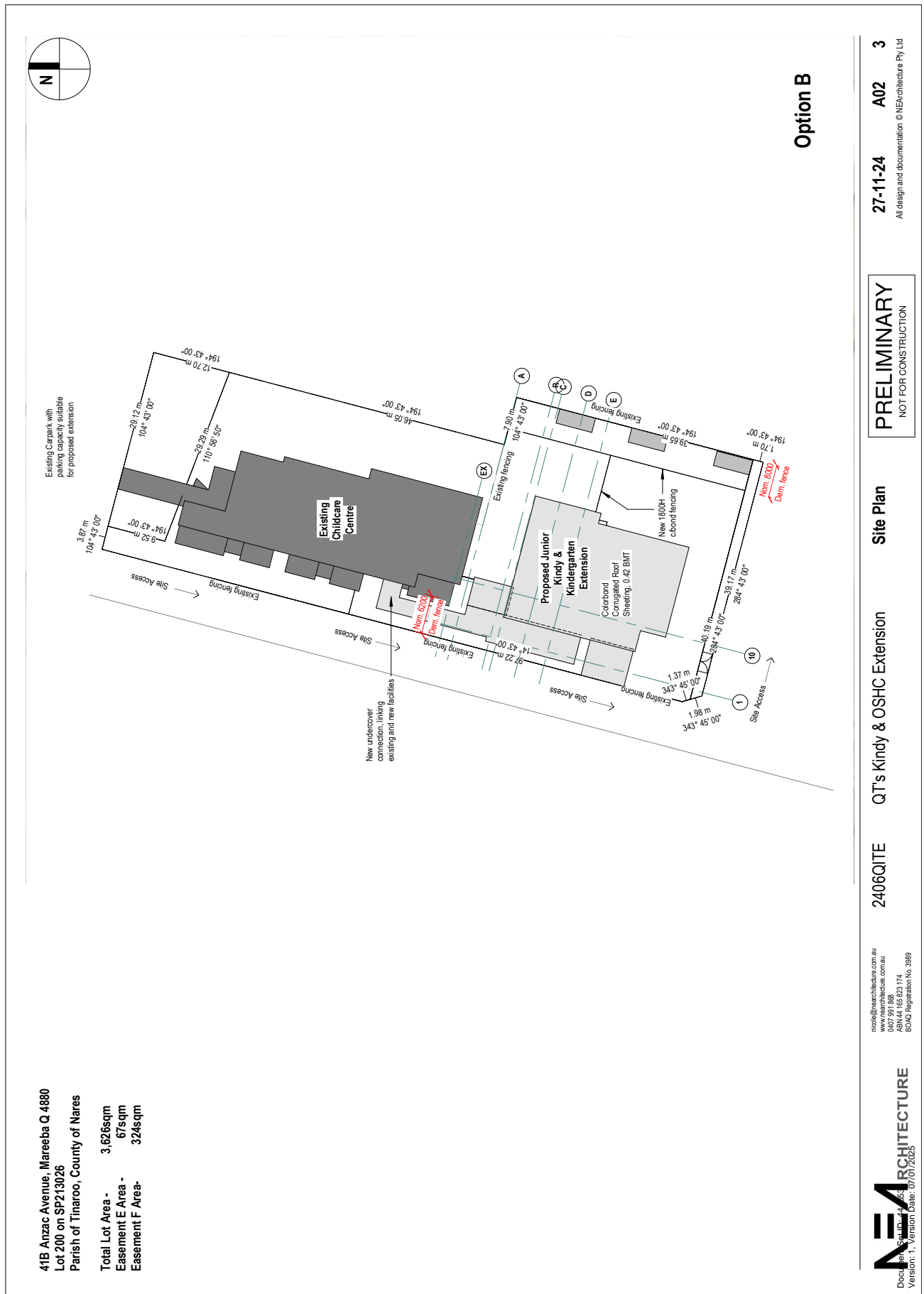
The expanded child care centre will accommodate a maximum 103 children. This number of children calls for 11 staff parks and 3 drop off and pick up spaces.

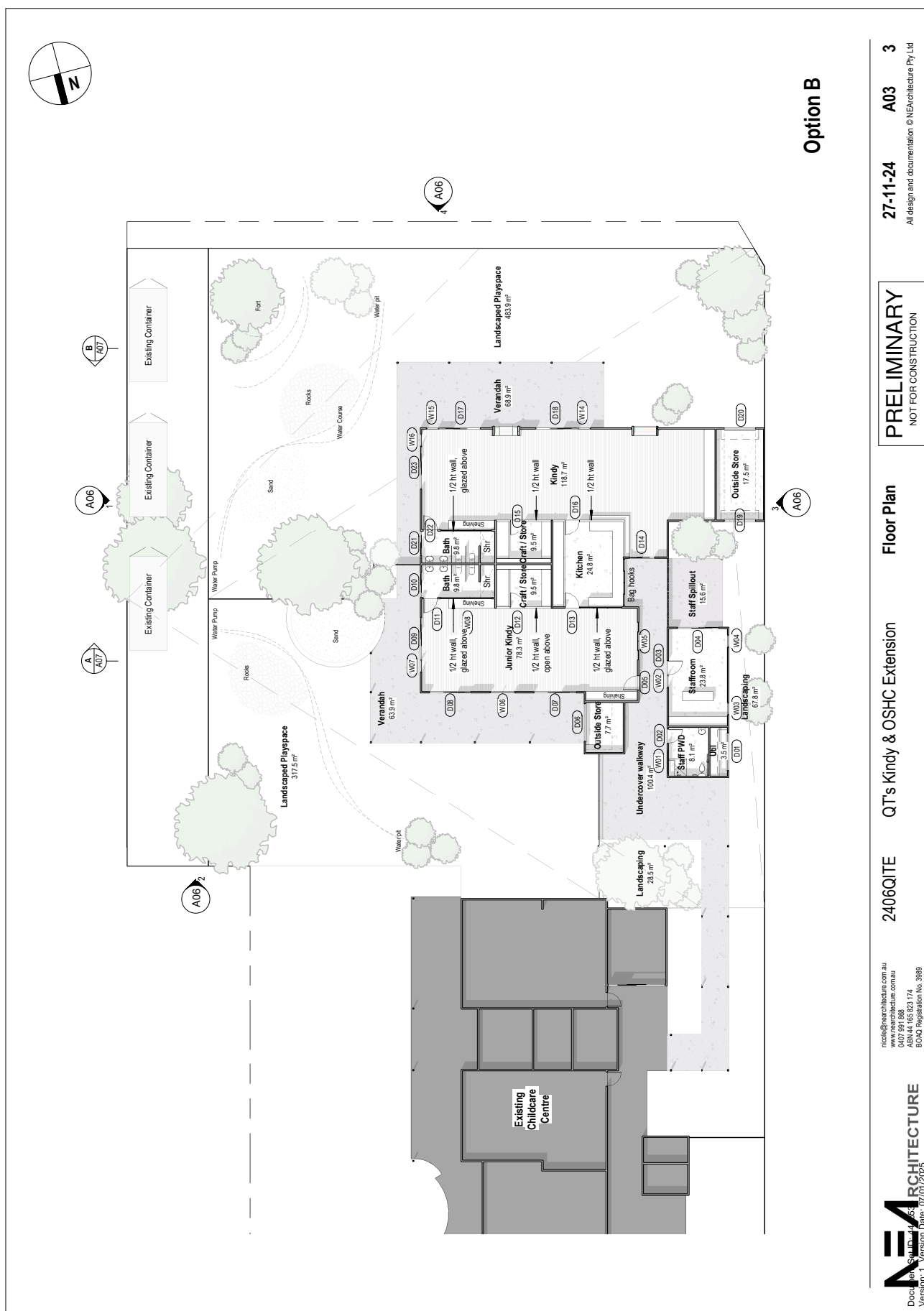
The 38 existing spaces easily meets the requirement of Table 9.4.3.3B.

## QT's Kindergarten & Outside School Hours Care Extension

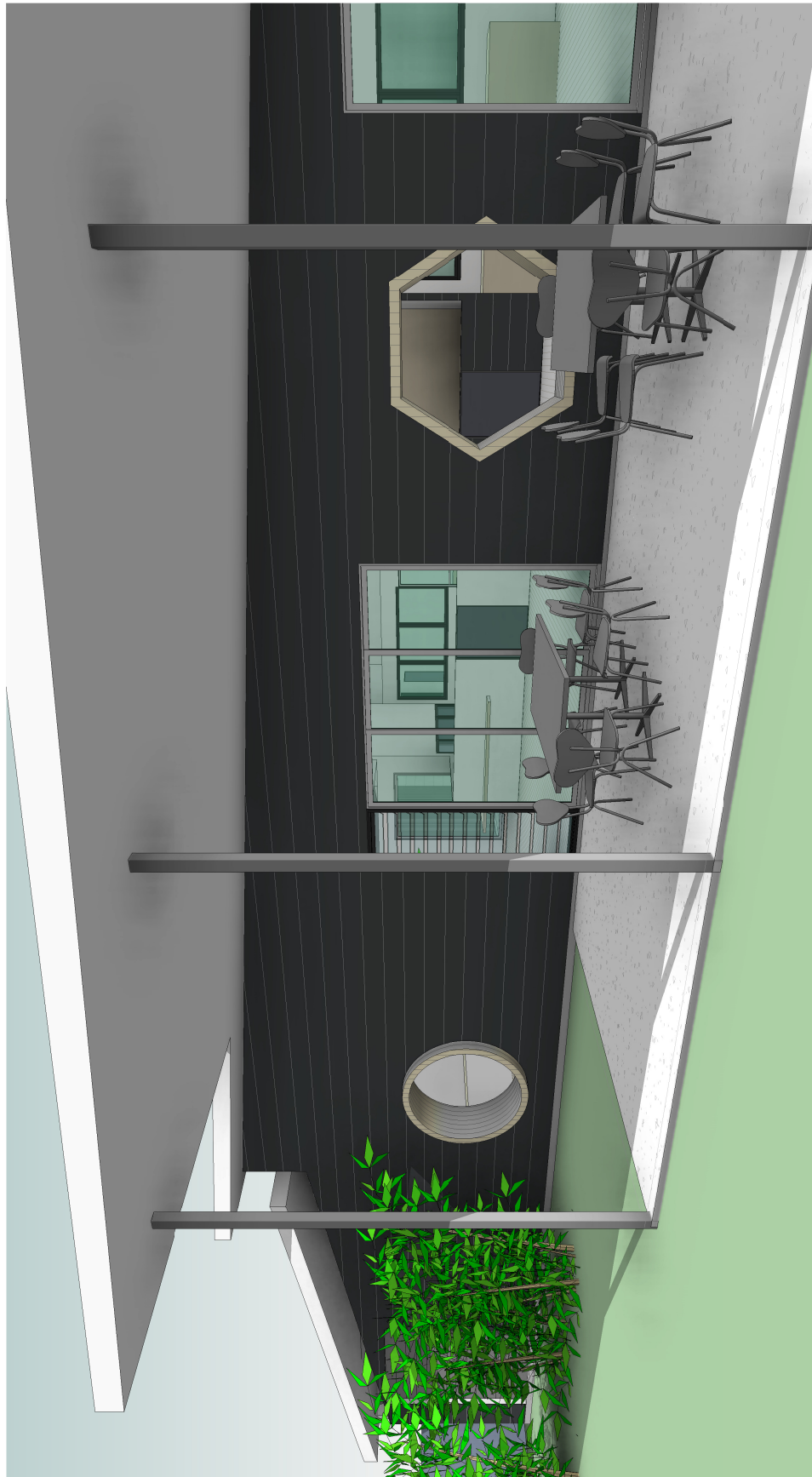


Option B









**Option B**

**ARCHITECTURE**  
 Document Set ID: 44-3534  
 Version: 1, Version Date: 07/01/2025  
 ABN: 44 165 323 174  
 BOQ Registration No. 3989  
 nicole@architecture.com.au  
 www.architecture.com.au  
 (04) 91 991 868

2406QITE

## QT's Kindy & OSHC Extension

### 3D View

**PRELIMINARY**  
NOT FOR CONSTRUCTION

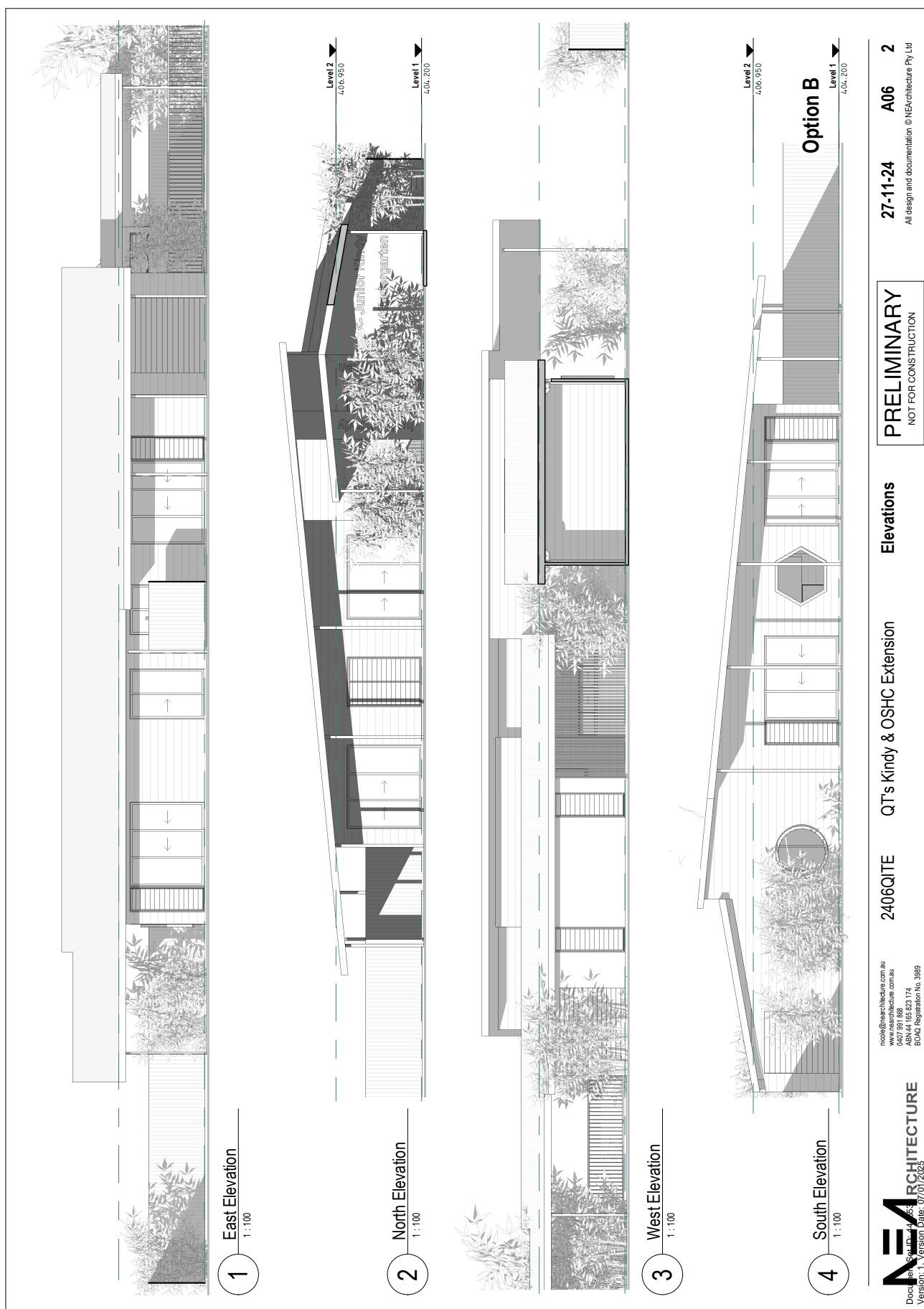
27-11-24

A05

3

All design and documentation © NEArchitecture Pty Ltd









**8.2 NQ FARMING PTY LTD TTE - RECONFIGURING A LOT - SUBDIVISION (1 LOT INTO 27 LOTS) IN TWO (2) STAGES - LOT 453 ON SP247821 - 30 PETERS STREET, MAREEBA - RAL/23/0010**

**Date Prepared:** 3 March 2025

**Author:** Coordinator Planning Services

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

---

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	NQ Farming Pty Ltd TTE	<b>ADDRESS</b>	30 Peters Street, Mareeba
<b>DATE LODGED</b>	4 September 2023	<b>RPD</b>	Lot 453 on SP247821
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Subdivision (1 lot into 27 lots) in two (2) stages		
<b>FILE NO</b>	RAL/23/0010	<b>AREA</b>	4.7729 hectares
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	NQ Farming Pty Ltd TTE
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	One (1)		

---

**EXECUTIVE SUMMARY**

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

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

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

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

**OFFICER'S RECOMMENDATION**

That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	NQ Farming Pty Ltd TTE	<b>ADDRESS</b>	30 Peters Street, Mareeba
<b>DATE LODGED</b>	4 September 2023	<b>RPD</b>	Lot 453 on SP247821
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Subdivision (1 lot into 27 lots) in two (2) stages		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit of Reconfiguring a Lot – Subdivision (1 lot into 27 lots) in two (2) stages

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
9118-LL1 Rev A	Development Plan Proposed Reconfiguration of a Lot (1 Lot into 27 Lots) Staged Development	Twine Surveys Pty Ltd	26.07.2023
-	Link Road location	-	-

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for each stage of the development, or alternative documentation as approved by the Land Title Act, except where specified otherwise in these conditions of approval.

3. General

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

4. Infrastructure Services and Standards

4.1 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

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

#### 4.2 Earthworks

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

#### 4.3 Roadworks/footpaths - Internal

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

The provision of layback/roll-over kerbing along the frontage of each allotment will satisfy this condition for all non-rear (access handle) lots.

(c) For all rear (access handle) lots:

An asphalt sealed, or concrete driveway shall be provided within each access handle of the proposed lots/s to the satisfaction of Council's delegated officer. The driveway will:

- have a minimum formation width of 3 metres
- be constructed for the full length of the access handle
- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle
- service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle.

(d) The diameter of the cul-de-sacs must be suitable for the largest refuse collection vehicle used throughout the shire to be able to turn around in a forward direction. Swept path diagrams must be submitted as part of the development application for Operational Works to demonstrate this requirement.

(e) A temporary asphalt vehicle turnaround at the end of all partially constructed roads must be provided of a sufficient size to turnaround a refuse collection vehicle, either in a continuous forward movement or by a three-point turn.

(f) Two (2) metre wide concrete pedestrian footpaths must be installed along one side of the internal road/s. The horizontal alignment of all footpaths must comply with the FNQROC development Manual (specifically Standard Drawing S1004A).

4.4 Roadworks - External (Peters Street and unnamed road reserve connecting to the new internal road) – **Stage 1**

Peters Street, from the eastern boundary of Lot 12 on M356104 (33 Peters Street), and the unnamed road reserve connecting to the new internal road, must be designed and constructed to Access Street standard in accordance with Council's FNQROC Development Manual, as detailed in Table D.1.1.

4.5 Link road to The Edge Estate – **Stage 2**

(a) A 15.5 metre wide (Access Street) road reserve must be opened between the new internal road and Lot 300 on SP336263 (The Edge Estate). The road reserve must connect to a proposed road reserve to be located generally within the confines of proposed Lot 5 as shown on Drawing 1458 – C01 (marked as Link Road).

- (b) A new road linking the new internal road to Antonio Drive must be designed and constructed to Access Street standard in accordance with Council's FNQROC Development Manual, as detailed in Table D.1.1.

#### 4.6 Water Supply

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

#### 4.7 Sewerage Connection

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

#### 4.8 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

#### 4.9 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

#### 4.10 Lighting

Prior to the issue of a development permit for Operational Works a Rate 2 lighting scheme is to be prepared by an Ergon Energy approved consultant and submitted to Council for approval. The Rate 2 lighting scheme is to be

designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1.

#### 4.11 Street Trees

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

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

**Plans for the development works required under Conditions 4.1 - 4.11 must be submitted to Council for approval as part of a subsequent application for operational works.**

#### (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) Easement Documents

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

- (d) Endorsement Fees

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

- (e) Compliance with applicable codes/policies

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

- (f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely

to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from [www.dcceew.gov.au](http://www.dcceew.gov.au).

(g) Cultural Heritage

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

(h) Electric Ants

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

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

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

For more information please visit the electric ant website at [Electric ants in Queensland | Business Queensland](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)

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

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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil



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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
Residential	\$ per Lot	Lots		Lots	
Stage 1	\$21,808.00	12 Lots	\$261,696.00	1 lot	\$239,888.00
Stage 2	\$21,808.00	15 Lots	\$327,120.00	Nil	\$327,120.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$567,008.00</b>

### THE SITE

The subject site is situated at 30 Peters Street, Mareeba, and is described as Lot 453 on SP247821. The site is irregular in shape, has a total area of 4.7729 hectares and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site has approximately 28 metres of frontage to an unnamed/unformed road reserve off Peters Street. The final 100 metres of Peters Street before the unnamed/unformed road reserve is constructed to a 5 metre wide bitumen sealed standard.

Practical access to the site is currently obtained via a private driveway off the eastern end of Peters Street.

The site is improved with a dwelling house and multiple outbuildings. The site abuts two unnamed waterways, and sparse vegetation remains along both.

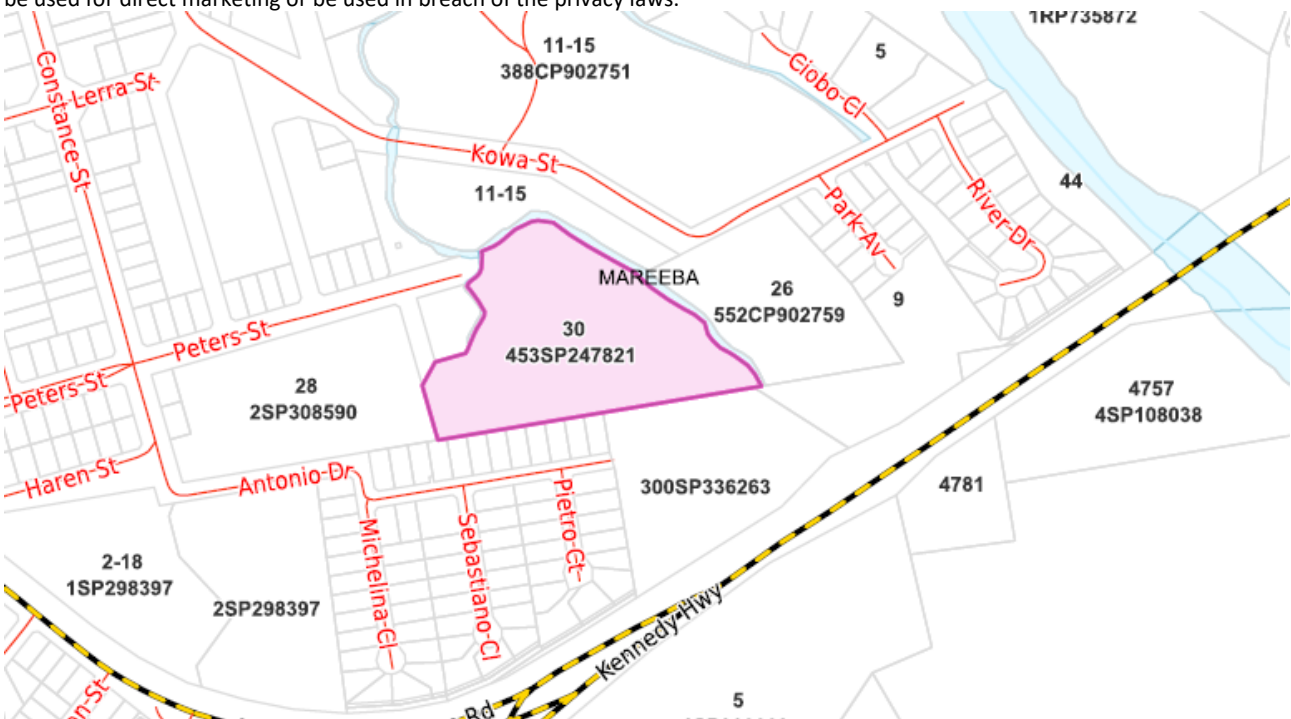
The site is within the benefitted areas for water and sewerage and both services can be made available to the development.

Land adjoining to the south is zoned *Low Density Residential* and is being developed as The Edge residential estate. The Department of Resources (Mareeba Office) is located directly to the west of the subject land and to the north-east is the Council and Main Roads depots.



## Map Disclaimer:

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



## Map Disclaimer:

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

## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

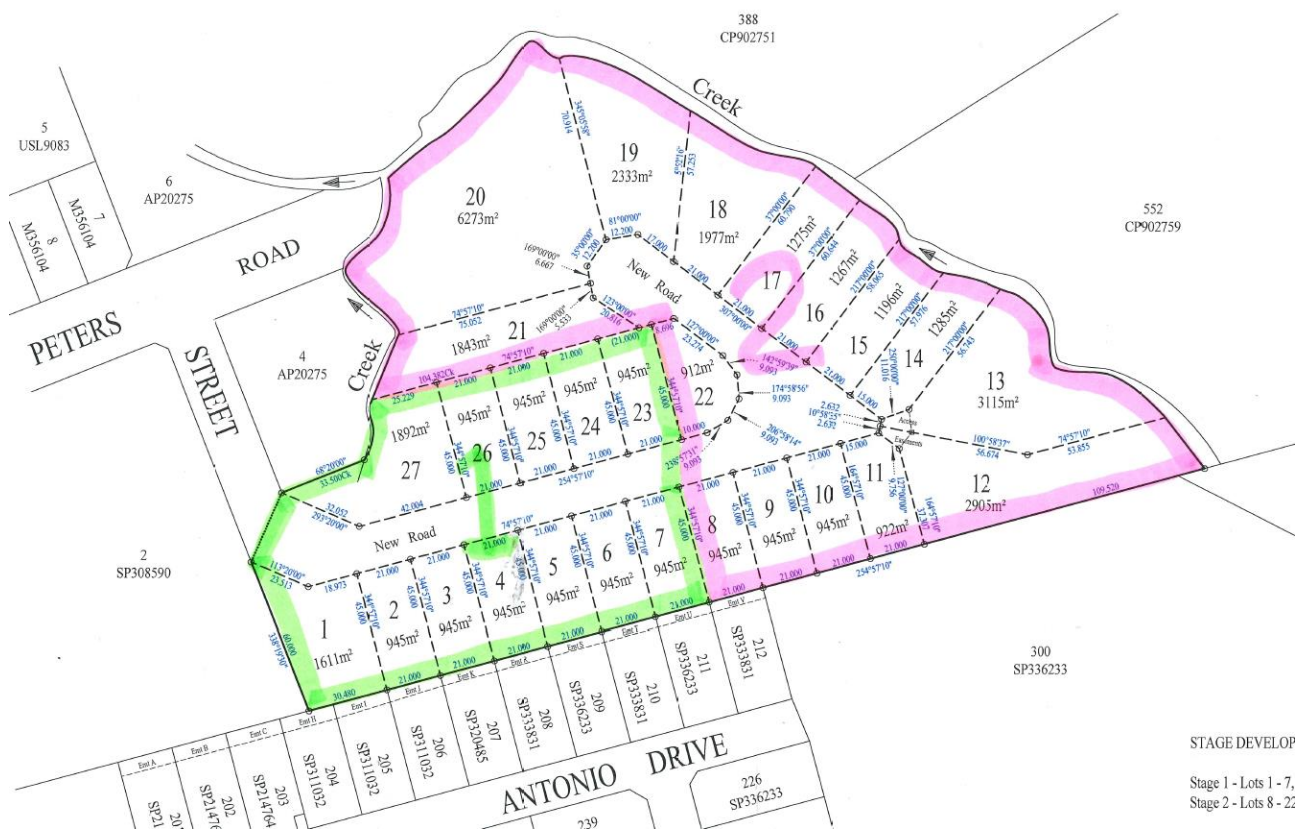
The development application seeks a Development Permit for Reconfiguring a Lot – Subdivision (1 lot into 27 lots) in two (2) stages in accordance with the plans shown in **Attachment 1**.

The proposed stages are as follows:

Stage 1 - 12 lots ranging in size from 945m<sup>2</sup> to 1,892m<sup>2</sup>; and

Stage 2 - 15 lots ranging in size from 912m<sup>2</sup> to 6,273m<sup>2</sup>.

A plan of the two (2) stages is shown below:



The majority of lots will have the required road frontage, with the exceptions being proposed Lots 12 and 13 which are rear access lots. All roads will be bitumen/asphalt sealed with layback/rollover kerbing on each side. Pedestrian footpaths will be provided on at least one side of each new section of road.

The new residential lots will be connected to all urban services.

## 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' also identifies the site is:

- *Terrestrial Area of General Ecological Significance*

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Residential Area</li> </ul> <b>Natural Environment Elements</b> <ul style="list-style-type: none"> <li>• Biodiversity Areas</li> </ul>
Zone:	Low Density Residential zone
Overlays:	Airport environs overlay Bushfire hazard overlay Environmental significance overlay Flood hazard overlay Hill & slope overlay Transport infrastructure overlay

## RELEVANT PLANNING INSTRUMENTS

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

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

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

#### 4 Connectivity

The reconfiguration provides connectivity for pedestrians by-

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

#### Comment

The subject site is located at the end of Peters Street and otherwise constrained by the two unnamed waterways along its eastern and western sides.

In accordance with the Mareeba Local Plan of the Mareeba Shire Council Planning Scheme 2016, a road connection through to The Edge development (Antonio Drive) will be conditioned.

Footpaths will be conditioned along the new internal roads.

**5 Maximum length of particular blocks**

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

Comment

The proposed lot layout reasonably responds to the site constraints and the development will substantially comply.

**6 Street trees**

The reconfiguration provides shade for comfortable walking by -

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

Comment

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

**7 Footpaths**

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

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

Comment

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

The development has been appropriately conditioned to comply.



## 8 Parks and other areas of open space

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

### Comment

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

Infrastructure charges will be payable towards open space infrastructure.

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

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

## (C) State Planning Policy

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

## (D) Mareeba Shire Council Planning Scheme 2016

### Strategic Framework

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

### 3.3 Settlement pattern and built environment

#### 3.3.1 Strategic outcomes

- (3) *Residential areas* and *urban expansion areas* support strategically located and logically sequenced residential development, maximising the efficient utilisation of new and existing infrastructure, particularly active and public transport. Residential development, including infill housing in designated areas, is focussed in Mareeba and the Kuranda district. A diversity of housing choices is developed within proximity to services and *activity centres* while protecting the character of the shire.

Housing for aged persons, both for independent and assisted living, is provided to support the aging population of the shire. Aged care development is provided in suitable locations in the *residential areas* and *urban expansion areas* of the shire.

Comment

The development represents infill development within the Mareeba urban area. All lots will be appropriately serviced by urban infrastructure and future residents will have good access to all community facilities and services.

The development satisfies this outcome.

**3.3.7 Element—Residential areas and development****3.3.7.1 Specific outcomes**

- (1) Residential development, including Multiple dwellings and Dual occupancy, are sensitively integrated into the existing character of residential streets, predominantly in *residential areas* adjoining the *centre areas* of Mareeba and Kuranda. Infill development accounts for 20 percent of new dwellings constructed in Mareeba by 2031.
- (2) Population growth is focused on infill sites within existing residential areas and greenfield developments in residential areas and urban expansion areas to the east and south of Mareeba. An investigation area to the north of Mareeba will be considered for potential urban growth outside the life of the planning scheme.
- (3) Residential expansion occurs in *residential areas* immediately adjacent to established *activity centres* and is logically sequenced to ensure efficient servicing by existing physical infrastructure networks.
- (4) *Residential areas* contain predominantly low density residential development and are characterised by traditional detached housing and Dual occupancy development.
- (5) A range of mixed housing, affordable housing and social housing is provided in response to the diverse and changing demography of Mareeba Shire. This development is located in *residential areas* in a manner consistent with the character and amenity of the shire's *activity centres*.
- (6) Residential subdivision design and greenfield development considers and respects:
  - (a) topography;
  - (b) climate responsive design and solar orientation;
  - (c) efficient traffic flows and connectivity;
  - (d) pedestrian and cycle movement;
  - (e) efficient and sustainable infrastructure provision;
  - (f) environmental values;
  - (g) parkland and open space links;
  - (h) mixed lot sizes and dwelling types;
  - (i) water sensitive urban design;
  - (j) good quality agricultural land;
  - (k) the character and scale of surrounding development.

Comment

The development represents infill development within the Mareeba urban area. All lots will be appropriately serviced by urban infrastructure and future residents will have good access to all community facilities and services.

The development satisfies these outcomes.

### Relevant Developments Codes

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

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

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable 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
Low density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Mareeba local plan code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.



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

### **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**

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2024, a charge of \$21,808.00 will apply to each additional vacant residential allotment created.

The application proposes the creation of twenty-seven (27) residential lots, with twenty-six (26) of the lots being vacant.

\$21,808.00 x 26 (lots) = **\$567,008.00**

### **REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

### **Internal Consultation**

Technical Services.

### **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 5 February 2025 to 28 February 2025. The applicant submitted the notice of compliance on 3 March 2025 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) properly made submission was received objecting to the proposed development.

The grounds for objection are summarised and commented on below:

Grounds for objection /support	Comment
The subject site is habitat for diverse array of native bird species. The development would destroy this habitat and potential threaten the survival of some species.	<p>The Environmental Significance Overlay mapping of the Planning Scheme identifies a small area of regulated vegetation abutting the unnamed waterway, to the north of the existing dwelling house. No clearing of the regulated vegetation is proposed by this application.</p> <p>The vegetation behind the submitters dwelling houses is not mapped as regulated vegetation and may be cleared at any time by the land owner.</p>
The development is directly behind Antonio Drive residents who will suffer from the adverse effect of noise, dust, double storey development as a result of the development.	<p>These impacts are typical of a new subdivision estate during the construction and establishment phase.</p> <p>These same impacts will arise during the continued development of The Edge (Antonio Drive) balance area.</p> <p>These impacts are responsibly expected in developing areas and will stop once the estate is developed.</p>

### Submitters

Name of Principal submitter	Address
1. A & N Singh and B & C Thies	11 Antonio Drive, Mareeba QLD 4880

### PLANNING DISCUSSION

Compliance with Performance Outcome PO8 of the Mareeba Local Plan code is discussed below:

#### **PO8**

*Development integrates the following elements identified on the Mareeba local plan maps:*

- (a) open space elements;*
- (b) indicative collector roads as higher order road linkages;*
- (c) indicative minor roads in a similar design as shown as mapped; and*
- (d) possible connections as important road linkages between developments.*

#### **AO8**

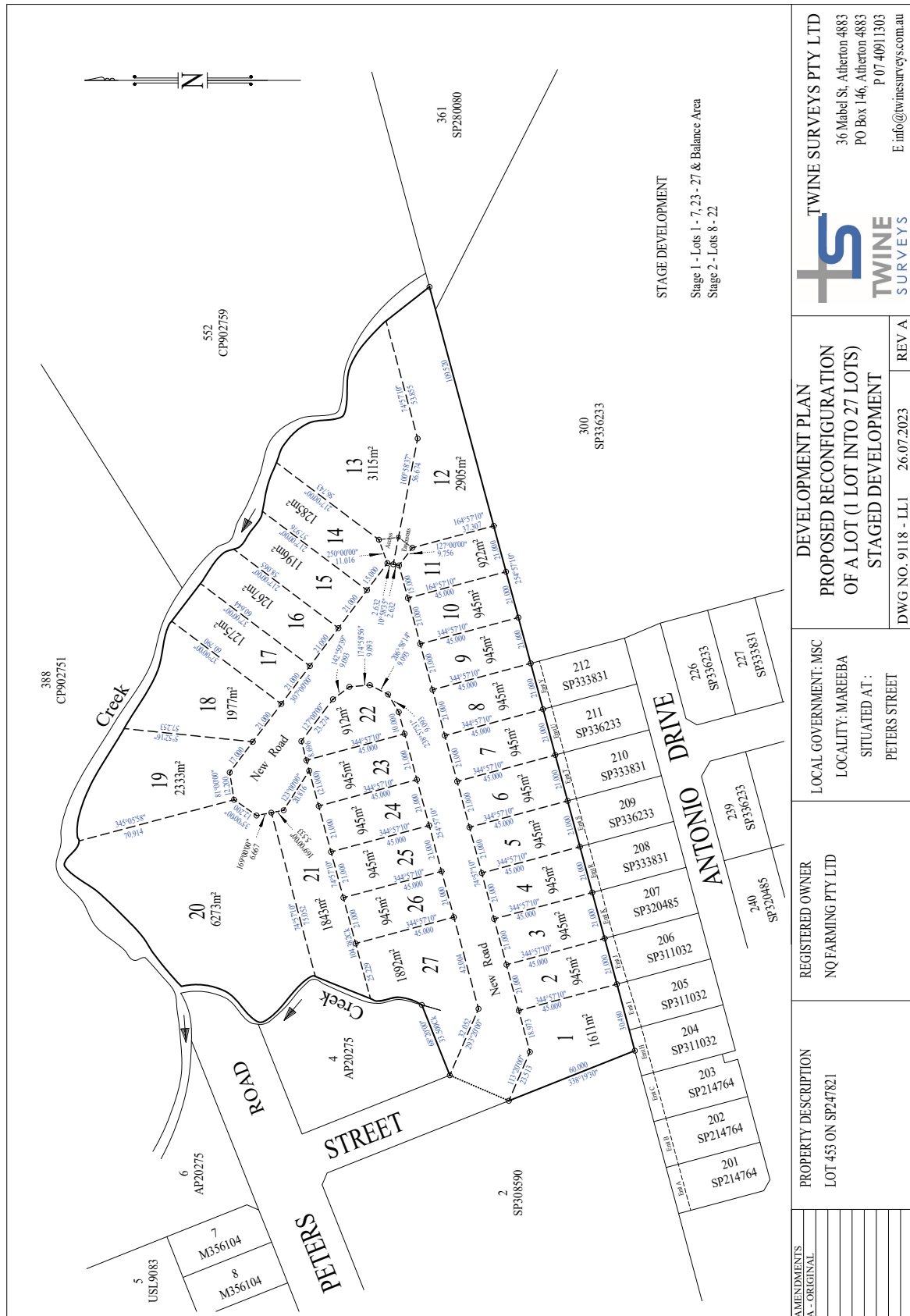
*No acceptable outcome is provided.*

#### Comment

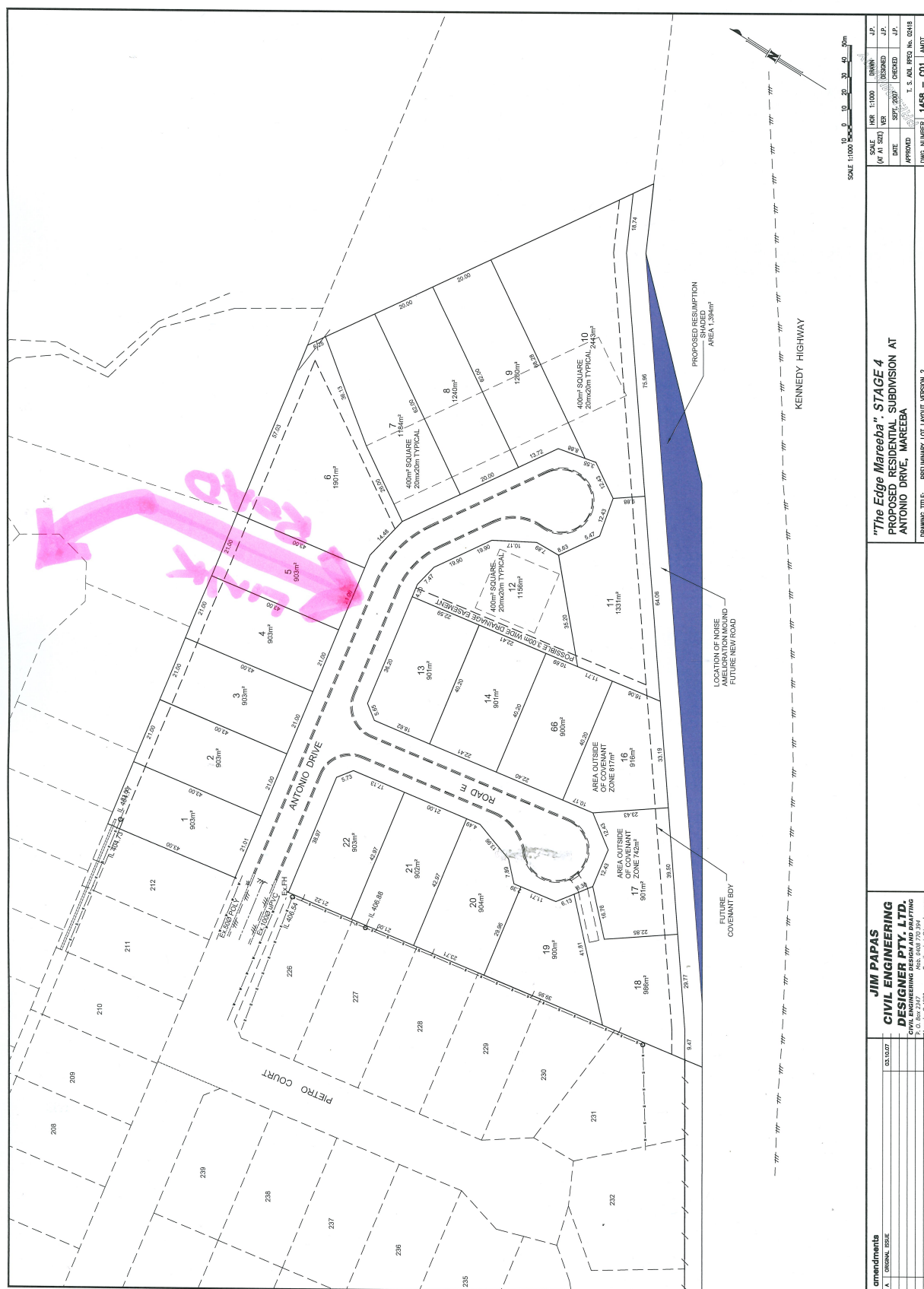
The Mareeba Local Plan component of the Mareeba Shire Council Planning Scheme 2016 proposes a road connection between the subject site and the neighbouring 'The Edge' estate.

The connection road was required as a condition of the amended approval for 'The Edge' estate on 19 February 2025.

This development will be conditioned to continue the connecting road to join with the new internal road network.



Document Set ID: 4269129  
 Version: 1, Version Date: 30/08/2023



Mareeba Shire Council

PO BOX 154

Mareeba QLD 4880

18 Feb 2025

Dear Sir



11 Antonio Dr

Mareeba Q 4880

Application reference LOT 453 – Letter of Objection to Development  
Permit on SP247821- 30 Peters St Mareeba 4880

I write on behalf on the residents residing on Antonio Drive, who are very concerned with this proposed subdivision being undertaken which backs onto Antonio Drive

The following objections and matters of concerns are noted as follows:

1 Environmental Impact on Native Bird Habitats

This parcel of land is home to a diverse array of native bird species, many of which are of ecological importance. These birds rely on this habitat for nesting, feeding, and shelter. The proposed subdivision and subsequent development would result in a significant environmental impact on the destruction of their natural habitat, leading to a decline in bird populations and potentially threatening the survival of some species

2 Residential Amenity Impact Factors

The development effect on the Antonio Drive residents immediately behind the subdivision will suffer the adverse effect of noise, dust, double story buildings and other disruptions that are likely to arise directly or indirectly as a result of the development.

The protection of our natural environment is a responsibility we all share. We trust that the Council will not approve the proposed subdivision of the parcel of land at 30 Peters St, Mareeba due to the significant negative impact on native bird habitats, the removal of the tress, the broader environment, and the resident's wellbeing and privacy

In conclusion, we the residents of Antonio Drive, Mareeba, respectfully request that the Council reconsider and decline the proposed development

Thank you for your attention to this critical matter. We look forward to your favourable response in due course.

Yours Faithfully

• Andrew Singh - AS  
• B. NISHA SINGH - BS  
• Brandon Thies - BT  
• Courtney Thies - CT

Document Set ID: 4473279  
Version: 1, Version Date: 26/02/2025



### 8.3 WYLANDRA PROPERTIES PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 14 LOTS AND BALANCE AREA) - LOT 224 ON SP276715 - RAY ROAD, MAREEBA - RAL/24/0009

**Date Prepared:** 4 March 2025

**Author:** Senior Planner

**Attachments:** 1. [Proposal Plan](#) [↓](#)  
2. [Ergon Advice Agency Response dated 17 July 2024](#) [↓](#)

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Wylandra Properties Pty Ltd	<b>ADDRESS</b>	Ray Road, Mareeba
<b>DATE LODGED</b>	28 June 2024	<b>RPD</b>	Lot 224 on SP276715
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Subdivision (1 into 14 Lots and Balance Area)		
<b>FILE NO</b>	RAL/24/0009	<b>AREA</b>	141.5 ha
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	Wylandra Properties Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural residential zone (Precinct A – 4,000m <sup>2</sup> )		
<b>LEVEL OF ASSESSMENT</b>	Code assessment		
<b>SUBMISSIONS</b>	n/a		

#### EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The application proposes the continued staged development of Wylandra Estate, creating a further 14 rural residential lots.

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

Localised flooding was experienced in the Ray Road area during Tropical Cyclone Jasper which impacted a number of properties. Wylandra Estate is a contributing catchment to this Ray Road area. The applicants' engineers have recommended a large detention basin be installed downstream from this stage of the Estate to help minimise downstream impacts. Council officers and Council's third-party consulting engineers are in agreeance with this approach, which has been reflected in the suite of recommended conditions.

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

**OFFICER'S RECOMMENDATION**

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Wylandra Properties Pty Ltd	<b>ADDRESS</b>	Ray Road, Mareeba
<b>DATE LODGED</b>	28 June 2024	<b>RPD</b>	Lot 224 on SP276715
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot – Subdivision (1 into 14 Lots and Balance Area)		

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), referral agency response in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

And

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

- (A) **APPROVED DEVELOPMENT:** Development Permit for Reconfiguring a Lot – Subdivision (1 into 14 Lots and Balance Area)

- (B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
9406-LL1-Rev A	Development Plan	Twine Surveys Pty Ltd	7/06/2024

- (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 development as submitted with the application, and subject to any alterations:
  - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of any



plan of survey, or alternative documentation as approved by the Land Title Act, except where specified otherwise in these conditions of approval.

3. General

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

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.
- 3.7 The north-east corner of Lot 175 must be truncated similar to all other corner allotments included in the development.
- 3.8 An easement in favour of Council is to be established over the detention basin required by Condition 4.2. The easement must specifically protect and preserve the detention basin as a strategic stormwater asset and must be established over any open earth drains, or flow paths constructed between the development and the detention basin as identified on any future operational works plan/s approved by Council "for construction". The easement area must also include practical access from a constructed road. The easement must state that Council is not responsible for the upkeep and maintenance of the detention basin. The extent of the easement must be approved by Council's delegated officer and is to extend 5 metres beyond the toe of any detention basin wall batter.

Council will agree to the extinguishment of the easement as future stages of the estate are developed and the detention basin is deemed to be no longer necessary.

#### 4. Infrastructure Services and Standards

##### 4.1 Stormwater Drainage

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

##### 4.2 Detention Basin

A detention basis, with a design capacity of no less than 3,500m<sup>3</sup>, must be constructed in the balance land generally in accordance with the position

and orientation shown on *Plan 160-010-C126 Rev A Prepared by ERSCON Consulting Engineers, dated 14/02/2025*, submitted as part of Operational Works application OPW/25/0002.

The detention basin outlet/s must discharge to the balance land.

#### 4.3 Earthworks

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

#### 4.4 Roadworks - Internal

(a) The subdivision internal roads must be designed and constructed in accordance with the relevant Road Hierarchy Classification contained in Table D1.1 of the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

(b) Individual property access must be designed in accordance with the requirements of FNQROC Development Manual. Appropriate distances are required from intersections and tangent points in accordance with AS2890.1.

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

(c) Temporary asphalt vehicle turnaround at the end of all partially constructed roads must be provided of a sufficient size to turnaround a refuse collection vehicle, either in a continuous forward movement or by a three-point turn.

#### 4.5 Water Supply

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

(b) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

#### 4.6 Wastewater Disposal

At the time of construction of a new dwelling on each lot, any associated on-site effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

#### 4.7 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC

Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation.

#### 4.8 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

#### 4.9 Lighting

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

**Plans for the development works required under Conditions 4.1 - 4.9 must be submitted to Council for approval as part of a subsequent application for operational works.**

### (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) Easement Documents

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

#### (d) Endorsement Fees

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

#### (e) Compliance with applicable codes/policies

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

(f) Transportation of Soil

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

(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) REFERRAL AGENCY RESPONSE

Ergon Energy Advice Agency response dated 17 July 2024.

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

Development Type	Rate	Measure	Charge	Credit/discount Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Rural Residential (no sewer & roads component – 40% discount)	<b>\$13,084.80</b>	<b>14 Lots</b>	<b>\$183,187.20</b>	Nil	<b>\$183,187.20</b>
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$183,187.20</b>

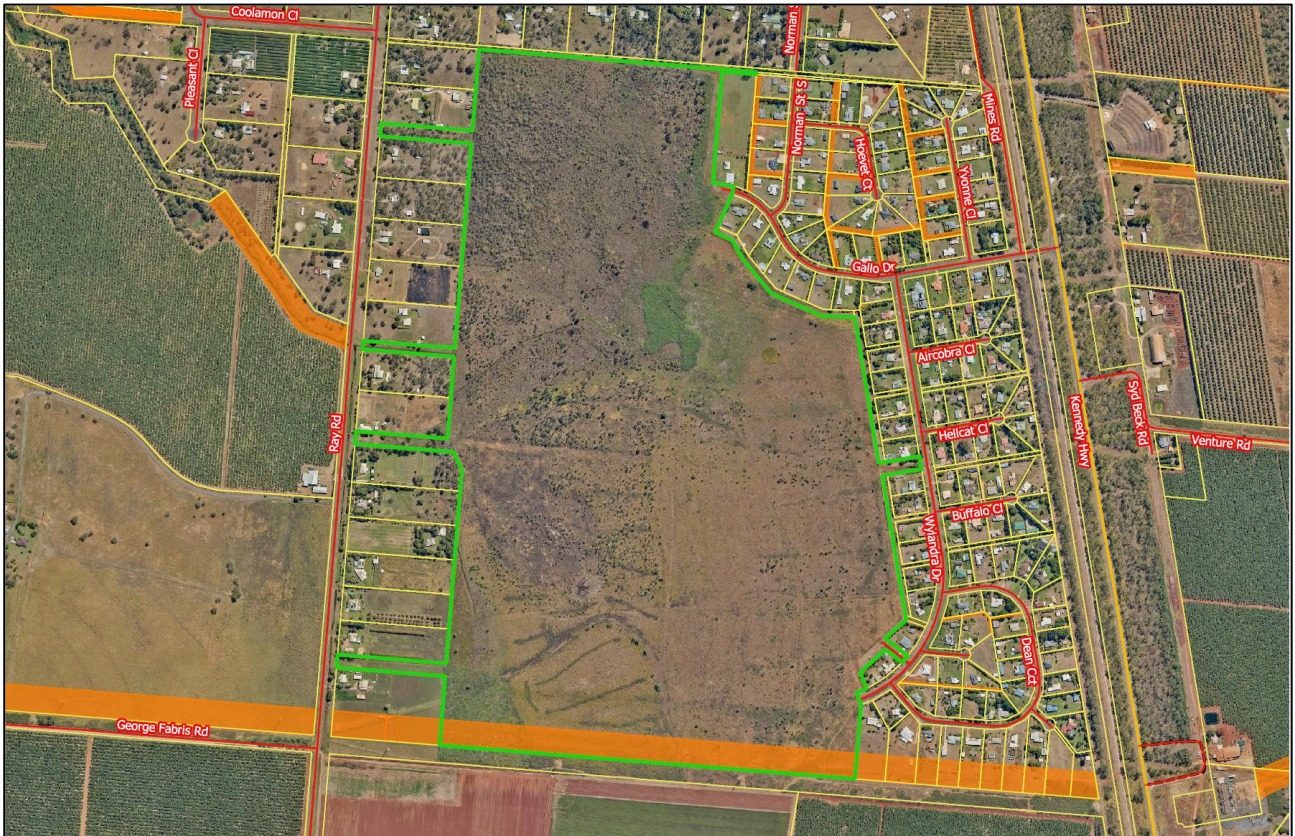
## THE SITE

The subject site is the balance land for Wylandra Estate and is described as Lot 224 on SP276715. The site contains frontages to 4 constructed roads, these being Ray Road, Gallo Drive, Wylandra Drive and Domenic Drive. The site also includes frontage to an unconstructed section of George Fabris Road to the south of the site. The site has an area of 141.5 hectares and is zoned Rural residential (Precinct A – 4,000m<sup>2</sup>).

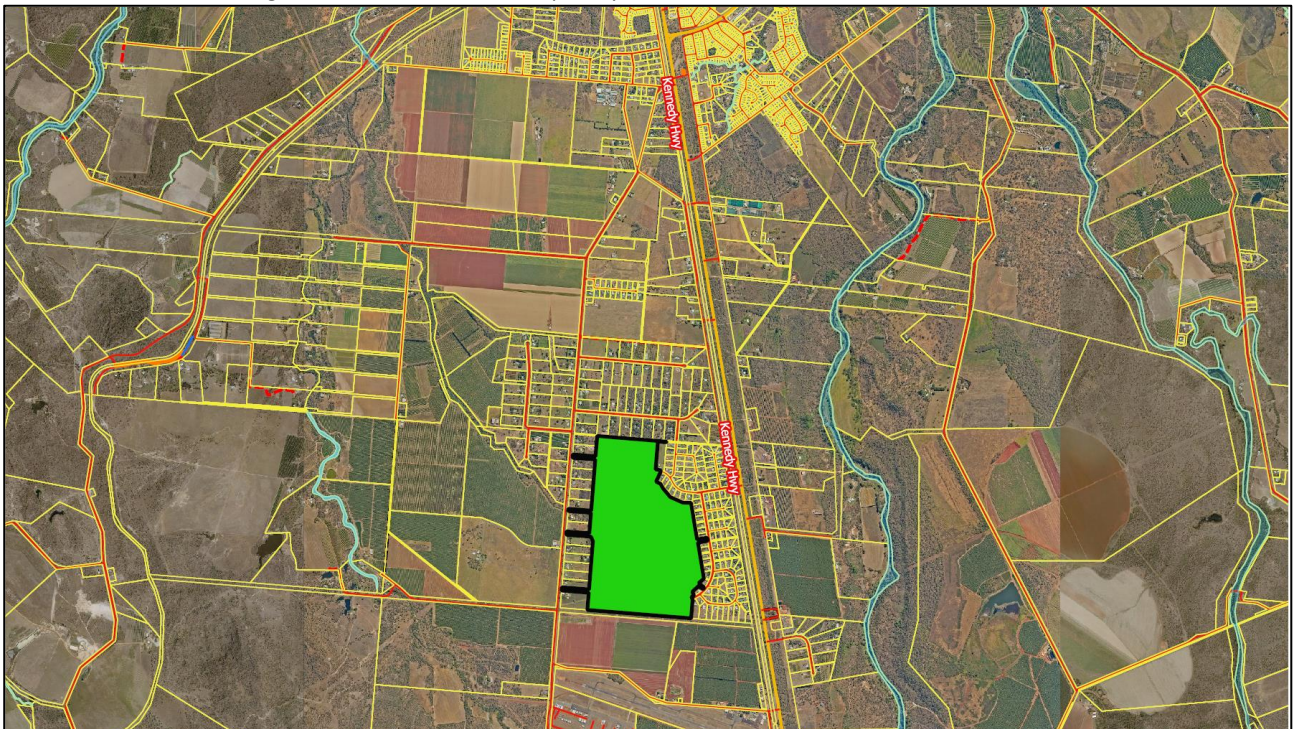
The site is provided with practical access via existing crossovers and the termination of the existing Road Networks within Wylandra Estate. The site contains an existing Easement, being Easement A on RP851482 which covers the high voltage transmission lines that run through the site in an east-west direction parallel to the southern boundary. These transmission lines connect to the Turkinje Substation site situated 300 metres to the south-east of the Estate.

The site remains unimproved and is covered in scattered juvenile regrowth vegetation and grass. Some natural springs and low-lying swampy areas exist across the site.



**Map Disclaimer:**

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

**Map Disclaimer:**

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



## BACKGROUND AND CONTEXT

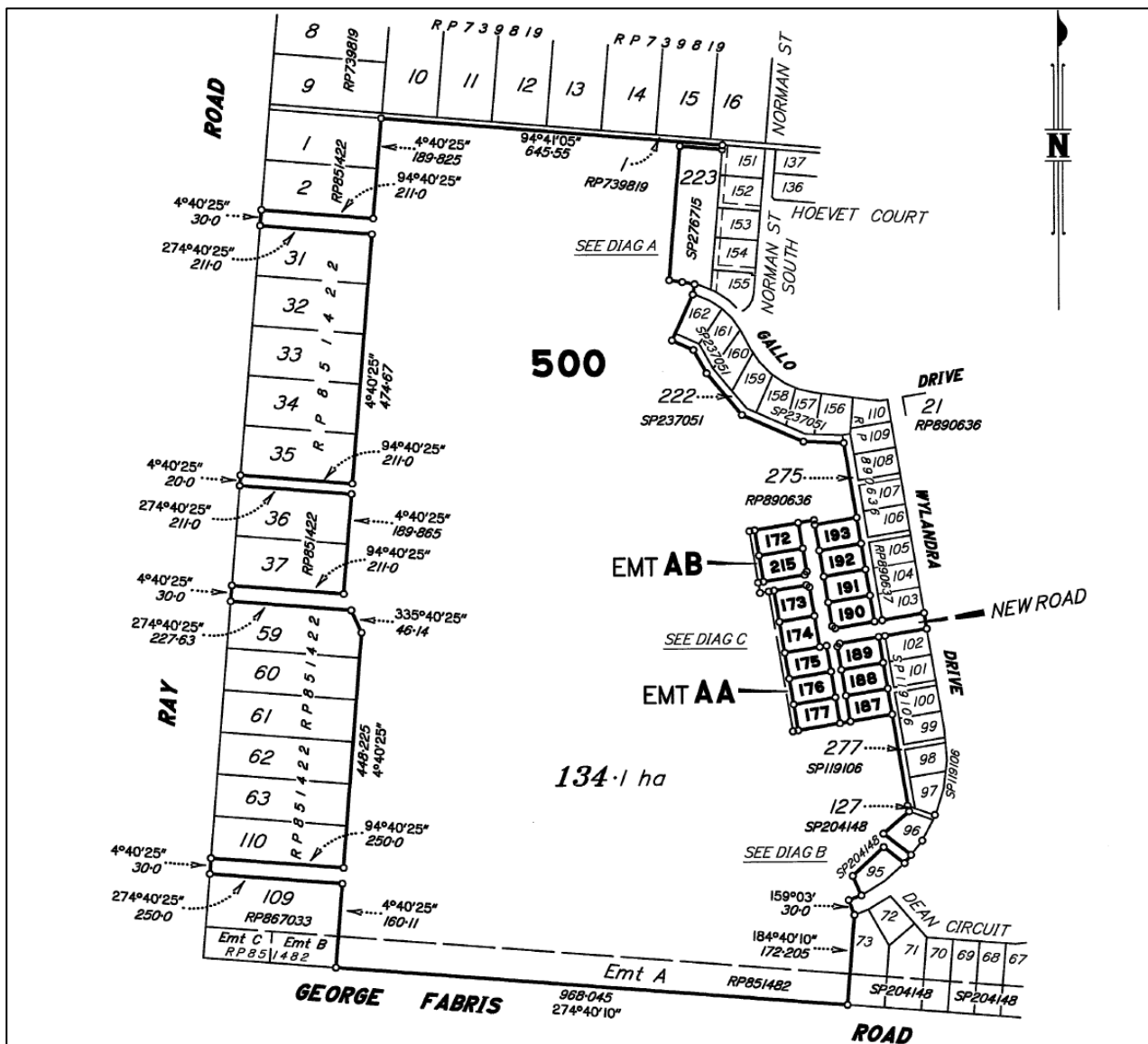
Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot – Subdivision (1 into 14 Lots and Balance Land) in accordance with the plans shown below and included as **Attachment 1**. The application proposes the continued staged development of Wylandra Estate, creating a further 14 rural residential lots.



## REGIONAL PLAN DESIGNATION

The subject site is included within the Rural Living Area 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' also identifies the site as containing:

- *Terrestrial Area of General Ecological Significance*

#### PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>• Rural Residential Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>• Local Collector Road</li> <li>• Principal Cycle Route</li> <li>• Rail Network</li> </ul> <b>Infrastructure Elements</b> <ul style="list-style-type: none"> <li>• Major Electrical Infrastructure</li> </ul>
Zone:	Rural Residential zone
Overlays:	Agricultural land overlay Airport environs overlay Bushfire hazard overlay Hill & slope overlay Transport infrastructure overlay

#### 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

##### Relevant Developments Codes

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

- 6.2.10 Rural residential zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.9 Regional infrastructure corridors and substations overlay code

- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes contained within the codes (or performance outcomes where no acceptable outcome has been provided). Where the proposal does not satisfy an acceptable outcome, it has been demonstrated that compliance can be achieved with the higher order performance outcome/s. It is considered the proposed development can comply with the relevant development codes provided reasonable and relevant conditions are attached to any approval.

Refer to separate code document for full commentary on code compliance.

### **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**

Council's Adopted Infrastructure Charges Resolution (No. 1) 2024 sets out a charge of \$21,808.00 for each additional residential allotment created.

Wylandra Estate is not serviced by Council's reticulated sewer network, so a 20% discount must be applied to the charge.

Previous stages of Wylandra Estate have not attracted a transport infrastructure (roads) charge due to the Estate's direct access out onto the Kennedy Highway. Considering the location of this next stage of the Estate and the fact that no road connections are proposed out onto Ray Road, Council officers consider it reasonable to continue to apply this 20% discount to the charge rate for the roads component.

Accordingly, a 40% discount has been applied to the charge rate which equates to a discounted charge rate of \$13,084.80 per additional allotment. The application proposes the creation of 14 additional lots and one balance lot.

$\$13,084.80 \times 14 \text{ (lots)} = \underline{\underline{\$183,187.20}}$

### **REFERRAL AGENCY**

This application triggered referral to Ergon Energy as a Advice Agency. Ergon provided their advice agency response on 17 July 2024 (**Attachment 2**).

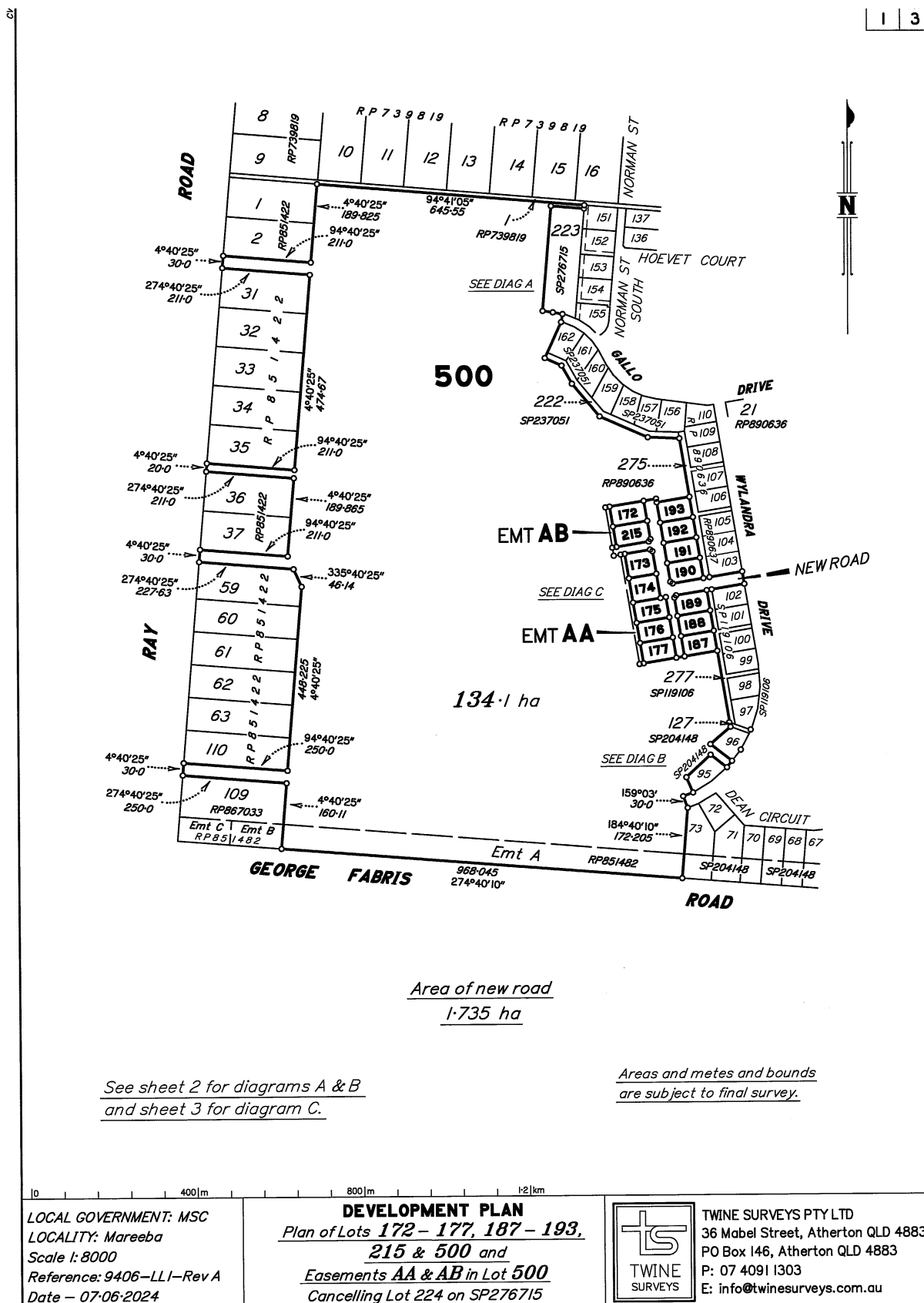
### **Internal/External Consultation**

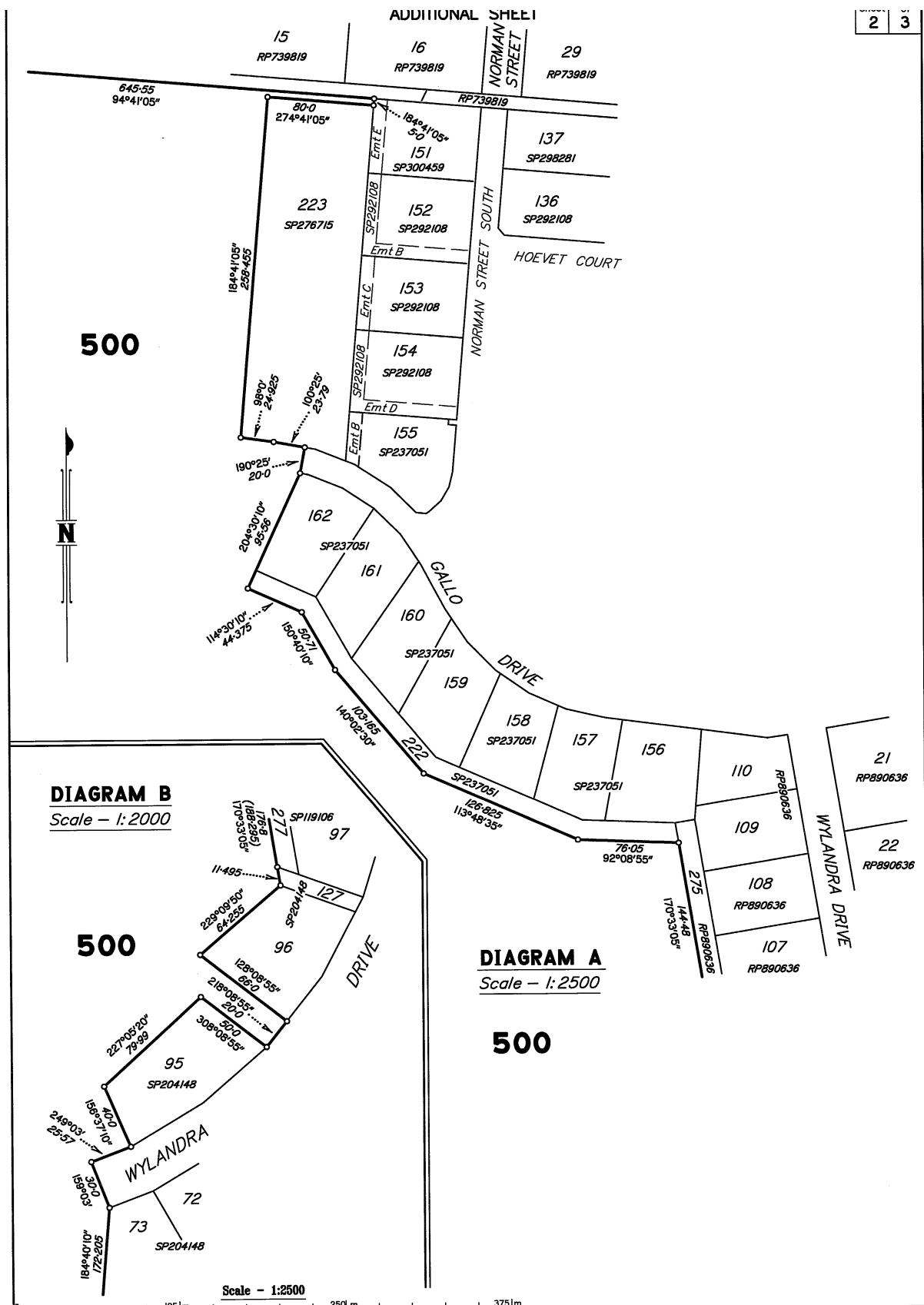
Internal – Technical Services

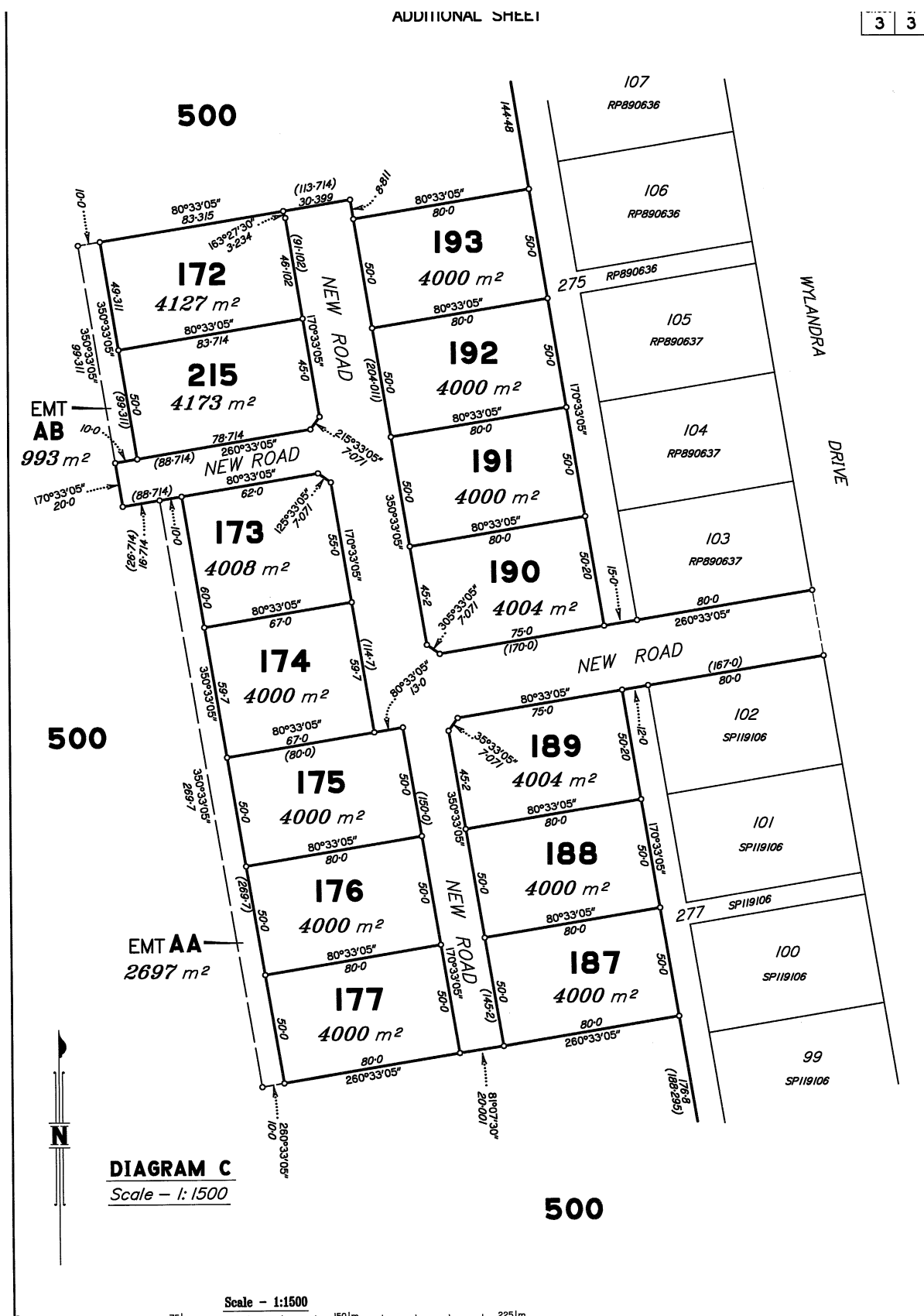
External – Trinity Engineering Consulting (stormwater impacts – Ray Road & downstream)

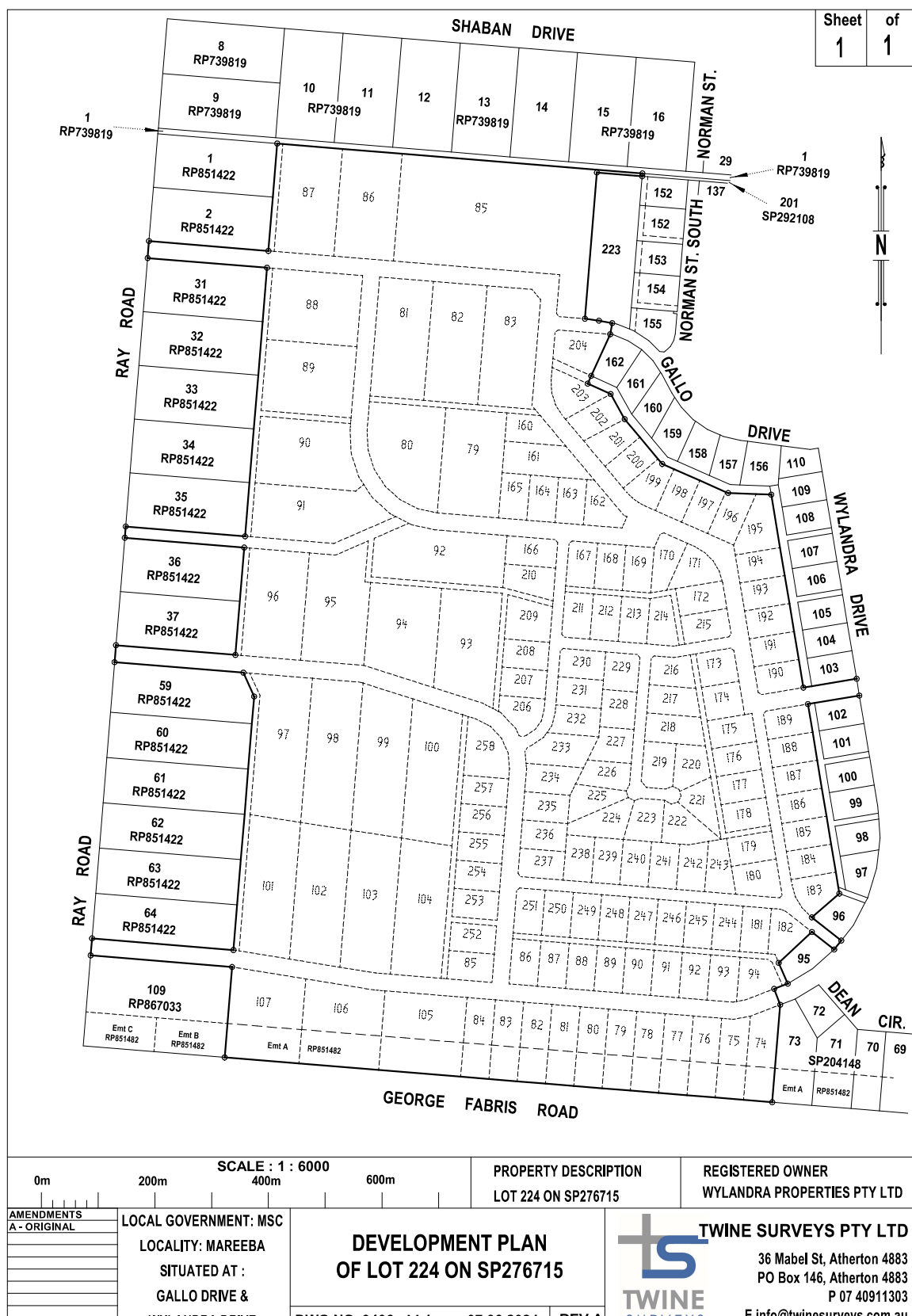
**PLANNING DISCUSSION**

Nil











420 Flinders Street, Townsville QLD 4810  
PO Box 1090, Townsville QLD 4810  
[ergon.com.au](http://ergon.com.au)

17 July 2024

Chief Executive Officer  
Mareeba Shire Council

Attention: Carl Ewin  
Via email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

cc Wylandra Properties Pty Ltd  
c/- Freshwater Planning Pty Ltd  
Attention: Matt Andrejic

Dear Sir/Madam,

**Ergon Advice Agency Response**  
**Our Ref: ECM 20365875 - 20365877**

This Referral Agency response is given under section 56 of the *Planning Act 2016*.

Response	
Outcome	Approved in full - subject to conditions
Date of response	17 July 2024
Referral assessment capacity	Advice
Matters referral assessment made against (S55(2))	The purpose of the <i>Electricity Act 1994</i> and <i>Electricity Safety Act 2002</i>
Reasons for decision (S56(7)(b))	<p>The works do not conflict with:</p> <ul style="list-style-type: none"><li>the objectives set out within Part 2, Section 3 of the <i>Electricity Act 1994</i></li><li>the purpose of the <i>Electricity Safety Act 2002</i> as set out within Part 1 Division 2 Section 4 &amp; 5.</li></ul> <p>The works do not adversely impact on the safe, efficient, and economically viable operation of the supply network.</p>
Development Details	
Applicant	Wylandra Properties Pty Ltd c/- Freshwater Planning Pty Ltd

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website  
[www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)

Ergon Energy Corporation Limited ABN 50 087 646 062



Assessment Manager	Mareeba Shire Council ( <i>Carl Ewin</i> )
Council Application No.	RAL/24/2009
Street Address	Ray Road, Mareeba
Real Property Description	Lot 224 SP276715
Development Type	Reconfiguration of a Lot (Development Permit) – 1 lot into 14 lots.
Referral Trigger	<input checked="" type="checkbox"/> Schedule 10, Part 9, Division 2, Table 1, Item 1 (10.9.2.1.1) – Reconfiguring a lot subject to an easement for the benefit of a distribution entity under the Electricity Act for a supply network
Impacted Electrical Infrastructure	Easement A on RP851482 (O/H 132kV)

Ergon provides the following response to the application in accordance with Section 56(1) of the *Planning Act 2016*:

Component of Development	Advice Agency direction
ROL	<input checked="" type="checkbox"/> S56(1)(b)(i) – approval subject to stated development conditions

In accordance with Section S56(1)(b)(i) should the Assessment Manager decide to approve the proposed Change (other) application, as an Advice Agency, Ergon requires that the assessment manager impose the below conditions. These conditions have been imposed in response to the matters prescribed under Section 55 (2) of the *Planning Act 2016*.

<b>Table 1</b>			
<b>Plans forming part of this Approval</b>			
Title	Reference No.	Revision	Date
Development Plan Plan of Lots 172-177, 187-193, 215 & 500 and Easements AA & AB in Lot 500 Cancelling Lot 224 on SP276715	9406-LL1	A	07/06/2024

<b>Table 2</b>			
Condition	Timing	Purpose/Reason	
1 Carry out the approved development generally in accordance with the	At all times	To ensure the development is carried out generally	

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)

Ergon Energy Corporation Limited ABN 50 087 646 062

	<p>approved plans and documents outlined within table 1 of the approval and the following:</p> <ul style="list-style-type: none"> <li>▪ The specifications, facts and circumstances as set out in the development application submitted to Ergon; and</li> <li>▪ Where a discrepancy or conflict exists between the written conditions of the approval and the approved plans, the requirements of the written conditions prevail</li> </ul>		<p>in accordance with the plans of development submitted within the application</p>
2	<p>Any alterations to the plans and document(s) identified within Table 1 of this response are to be resubmitted to Ergon for comment</p>	<p>At all times</p>	<p>To ensure the development is carried out generally in accordance with the plans of development submitted within the application</p>
4	<p>No work are approved within Easement A on RP851482</p>	<p>At all times</p>	<p>To protect the rights of the easement Grantee and the infrastructure contained within.</p>

**General Advice:**

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

Should any doubt exist in maintaining the prescribed clearance to the overhead conductors and electrical infrastructure then the applicant is obliged under the Act to seek advice from Ergon.

- Any costs incurred by Ergon as a result of the works on the easement are to be met by the property Developer / owner.

**Have you seen our fact sheets?**

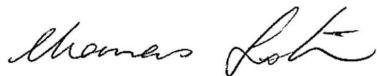
See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)

Ergon Energy Corporation Limited ABN 50 087 646 062

- This response does not constitute an approval to commence any works within the easement. Consent to commence works relevant to the conditions of the easement is required. All works on easement (including but not limited to earthworks, drainage and detention basins, road construction, underground and overhead services installation) require detailed submissions, assessment, and consent (or otherwise) by Ergon.
- All works proposed to be undertaken in close proximity to overhead or underground electrical lines are to be undertaken in accordance with Ergons Works Practice Manual WP1323. This document refers to various standards, guidelines, calculations, legal requirements, technical details, and other information relevant to working near high voltage infrastructure. A copy of WP1323 can be found online via Ergon's document library ([Document library | Ergon](#)).

Should you require any further information on the above matter, please contact Tom Sexton on 0429 443 776 or via email at [townplanning@ergon.com.au](mailto:townplanning@ergon.com.au).

Yours faithfully,



Tom Sexton  
Town Planner

**Have you seen our fact sheets?**

See the 'considerations when developing around electricity infrastructure' section of our website [www.ergon.com.au/referralagency](http://www.ergon.com.au/referralagency)

Ergon Energy Corporation Limited ABN 50 087 646 062



#### 8.4 PARADISE OUTDOOR ADVERTISING - OPERATIONAL WORKS - ADVERTISING DEVICE (FREESTANDING DIGITAL/STATIC SIGN) - LOT 6 ON RP726416 - 230 BYRNES STREET, MAREEBA - OPW/24/0006

**Date Prepared:** 6 March 2025

**Author:** Senior Planner

**Attachments:**

1. Plans & Prospective Views [↓](#)
2. Applicants Response to Information Request & Original Traffic Engineering Assessment [↓](#)
3. Third Party Review of Traffic Engineering Assessment - NJM Engineering Consulting [↓](#)
4. Department of Transport & Mains Roads Advice - Digital Advertising Device Situated Within Restriction Notice Area [↓](#)
5. Pekol Traffic & Transport Response to Third Party Engineering Review [↓](#)

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	Paradise Outdoor Advertising	<b>ADDRESS</b>	230 Byrnes Street, Mareeba
<b>DATE LODGED</b>	24 October 2024	<b>RPD</b>	Lot 6 on RP726416
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Operational Works – Advertising Device (Freestanding Sign)		
<b>FILE NO</b>	OPW/24/0006	<b>AREA</b>	1,104m <sup>2</sup>
<b>LODGED BY</b>	BNC Planning	<b>OWNER</b>	S Fennell
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Centre Zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	N/A – Code assessment only		

#### EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The application proposes the construction of a double-sided freestanding advertising sign with sign face dimensions of 3.4m x 4.8m (16.3m<sup>2</sup>). The south-facing sign face will be digital with changing displays while the north-facing sign face will remain static. The freestanding sign will be mounted on a monopole three (3) metres above ground level, achieving a total height of 8.5 metres.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is in conflict with a number of Overall Outcomes and Performance/Acceptable Outcomes contained within the Centre zone code and Advertising devices code.

The proposed freestanding sign will be inconsistent with the built and natural character of other structures in the immediate vicinity with the sign likely to dominate the streetscape due to its sheer

size, location, separation from other built form and illuminated digital element. Additionally, the sign is likely to increase levels of driver distraction to a degree that would impact on the safety of vehicles and pedestrians using the Byrnes/Rankin Streets signalised intersection.

It is recommended that the application be refused.

## OFFICER'S RECOMMENDATION

That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	Paradise Outdoor Advertising	<b>ADDRESS</b>	230 Byrnes Street, Mareeba
<b>DATE LODGED</b>	24 October 2024	<b>RPD</b>	Lot 6 on RP726416
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Operational Works – Advertising Device (Freestanding Sign)		

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:

Refused by Council for reasons set out in (B).

(A) REFUSED DEVELOPMENT: Development Permit for Operational Works – Advertising Device (Freestanding Sign)

(B) ASSESSMENT MANAGER'S REASONS FOR REFUSAL:

1. The proposed development conflicts with Performance Outcome PO6 of the Centre zone code:

### **PO6**

Development complements and integrates with the established built character of the Centre zone, having regard to:

- (a) roof form and pitch;
- (b) eaves and awnings;
- (c) building materials, colours and textures; and
- (d) window and door size and location.

2. The proposed development conflicts with Performance outcome PO8 (d) and (e) of the Centre zone code:

### **PO8 – Amenity**

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

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

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

3. The proposed development conflicts with 9.4.1.2 Purpose and Overall outcomes (a), (b), (c), (d) and (h) of the Advertising devices code:

#### **9.4.1.2 Purpose**

(1) The purpose of the Advertising devices code is to regulate the location, siting, number, content and design requirements for advertising devices to protect the visual character and amenity of the urban and rural areas of the region, whilst supporting the promotion of business and enterprise.

(2) The purpose of the code will be achieved through the following overall outcomes:

- (a) Advertising devices are designed, sited and integrated so that they do not detract from the existing character and amenity of an area and contribute to a coherent and harmonious streetscape;
- (b) Advertising devices are of a scale, dimension and quality to minimise adverse visual impacts;
- (c) Advertising devices do not result in visual clutter;
- (d) Advertising devices do not impact on pedestrian or road safety and do not obscure the view of any official traffic, safety or information sign;
- (h) Billboards are limited to identified localities.

4. The proposed development conflicts with Acceptable Outcome AO1.1 (g) and Performance Outcome PO1 of the Advertising devices code:

#### **PO1 – Public safety**

Advertising devices are designed, sited and constructed to maintain the efficient function of road infrastructure and not impede safe vehicular and pedestrian movements.

#### **AO1.1**

Advertising devices do not:

- (a) resemble traffic control devices; or
- (b) give instructions to traffic; or
- (c) resemble a hazard or warning light through colour or method of operation, if visible from a road; or
- (d) cause interference with the visibility and effectiveness of hazard or warning lights; or
- (e) encroach onto any part of a road, road reserve, pedestrian or cycle path; or
- (f) incorporate highly reflective materials and finishes; or
- (g) cause significant visual or physical obstruction of, or distraction to, vehicular or pedestrian traffic.

5. The proposed development conflicts with Acceptable Outcome AO2.1, AO2.2 and Performance Outcome PO2 of the Advertising devices code:

#### **PO2 – Character and amenity**

Advertising devices are designed and located to:

- (a) avoid visual clutter;

- (b) avoid overshadowing of adjoining premises or public places;
- (c) prevent loss of daylight or sunlight access for nearby uses;
- (d) be consistent with the built and natural character of the immediate surrounds; and
- (e) allow for the identification of premises, uses and business.

#### **AO2.1**

Advertising devices:

- (a) do not move, revolve, strobe or flash;
- (b) are not painted or erected on a roof (excluding awnings) or structure (such as a silo or tank);
- (c) do not incorporate overt or explicit language or visual content that is likely to be offensive to the general public;
- (d) primarily advertise a business and/or commercial premises rather than products;
- (e) are located on the property to which the advertising relates;
- (f) do not protrude above the roofline or parapet; and are limited to those devices identified in **Table 9.4.1.3B**

#### **AO2.2**

The number, type and design of advertising devices complies with **Table 9.4.1.3D**.

6. The proposed development conflicts with Acceptable Outcome AO4 and Performance Outcome PO4 of the Advertising devices code:

#### **PO4**

Freestanding advertising devices, where located on land fronting a state-controlled road, are appropriately located and designed to:

- (a) not impact on the safety and efficiency of the state controlled road network; and
- (b) preserve rural character and landscape values.

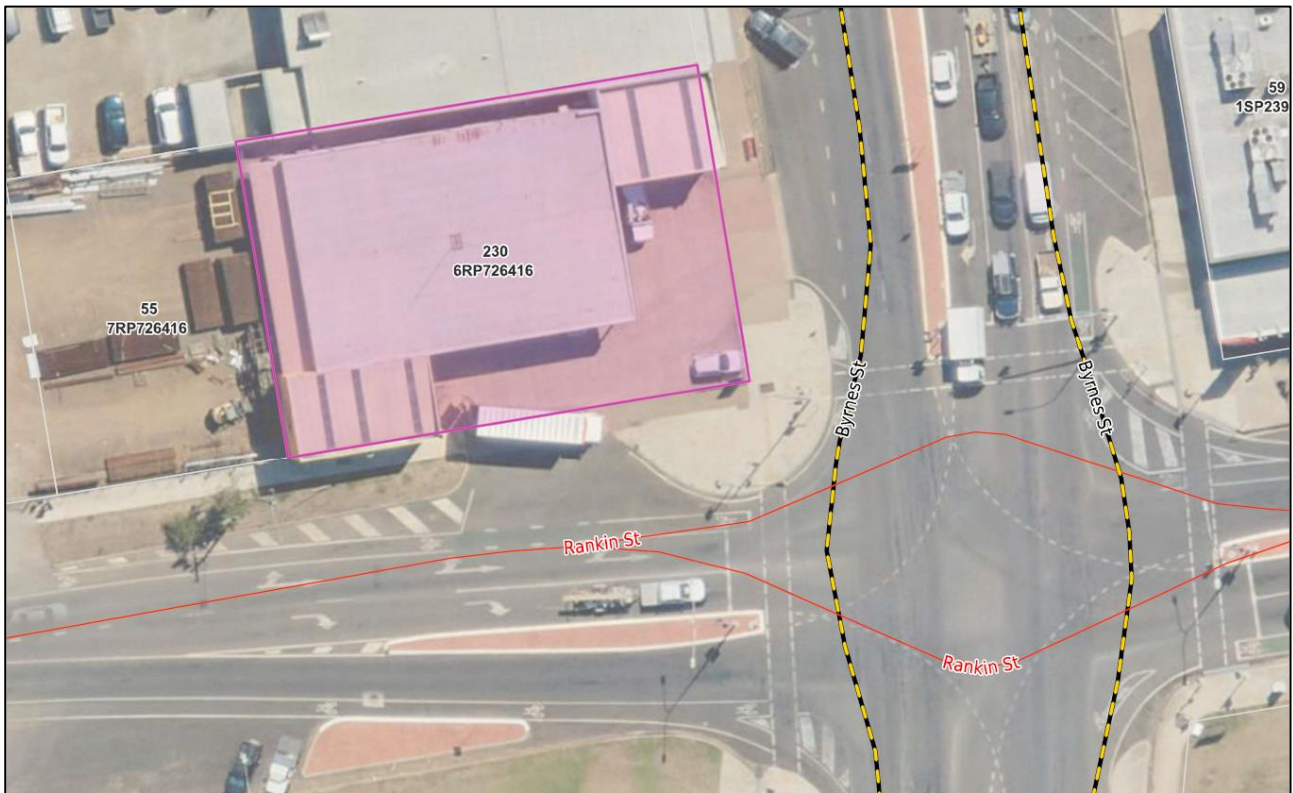
#### **AO4**

Freestanding advertising devices:

- (a) have a maximum sign face area of 18m<sup>2</sup> and a maximum sign face width of 6 metres;
- (b) are sited a minimum of 1 kilometre from all existing freestanding advertising devices whether or not they are on the same side of the road;
- (c) are of a design and colour that is compatible with existing adjacent development; and
- (d) are only located on properties with frontage to either side of the sections of State-controlled road identified in **Table 9.4.1.3C**.

7. There are not sufficient town planning grounds, or an overriding need in terms of benefit to the community to justify approval of the application despite these identified conflicts.





**Map Disclaimer:**

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



**Map Disclaimer:**

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

**THE SITE**

The subject site is situated in the north-west corner of the signalled intersection of Byrnes and Rankin Streets at 230 Byrnes Street, Mareeba and is more particularly described as Lot 6 on RP726416. The site currently accommodates the Dunlop Tyre Centre (formerly Beaurepaires). The site includes an access from Rankin Street on its southern boundary and an exit only onto Byrnes Street on its eastern boundary. The land is situated within the Centre zone under the Mareeba Shire Council Planning Scheme 2016.

The built form associated with the tyre repair business covers approximately 70% of the site built to the north and west boundaries. The remaining 30% of the site is concrete sealed forecourt.

All surrounding land is situated within the Centre zone. Commercial offices exist on the northern adjoining allotment including Centrelink, while land to the west of the site is used as by Home Hardware as an outdoor storage yard for building and construction materials.

**BACKGROUND AND CONTEXT**

Nil

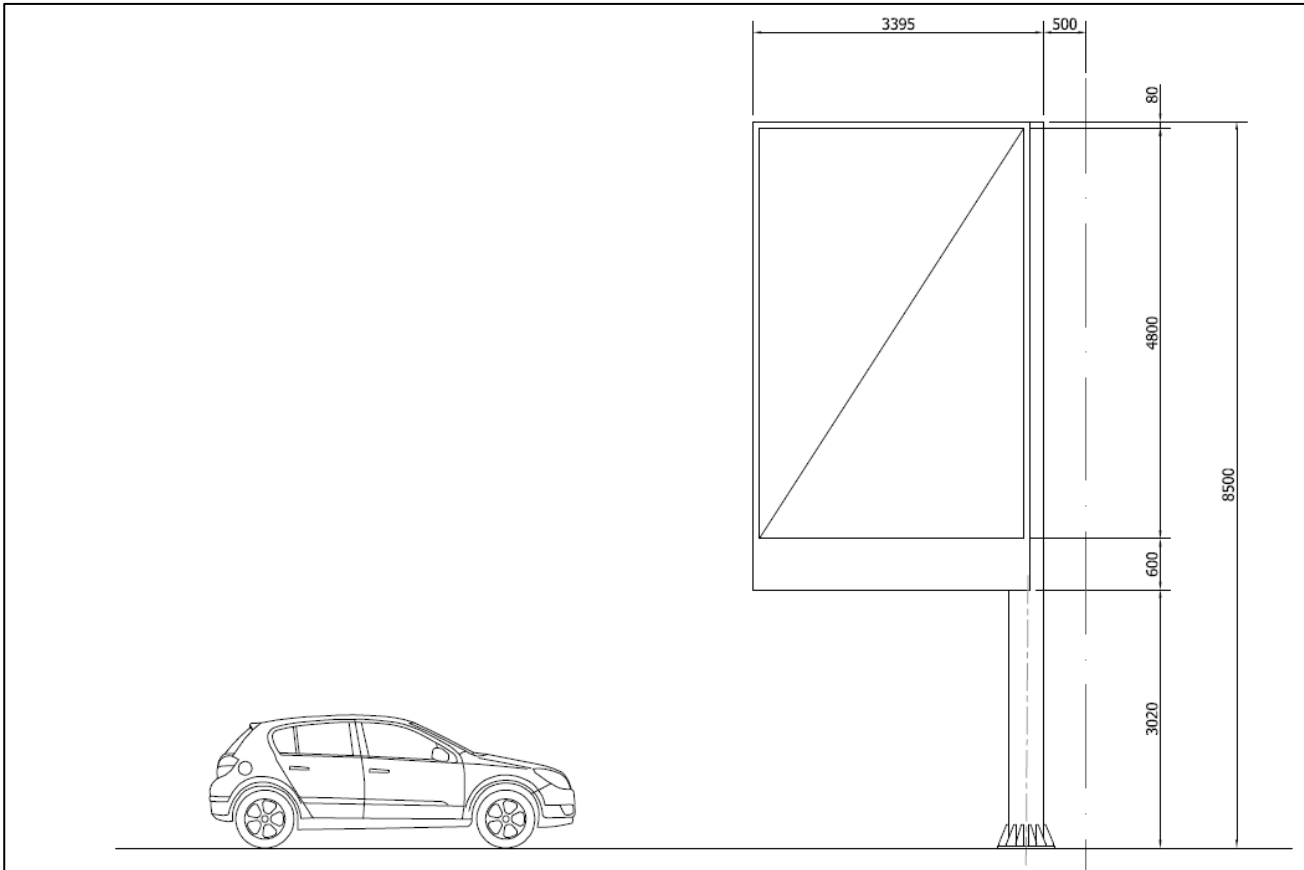
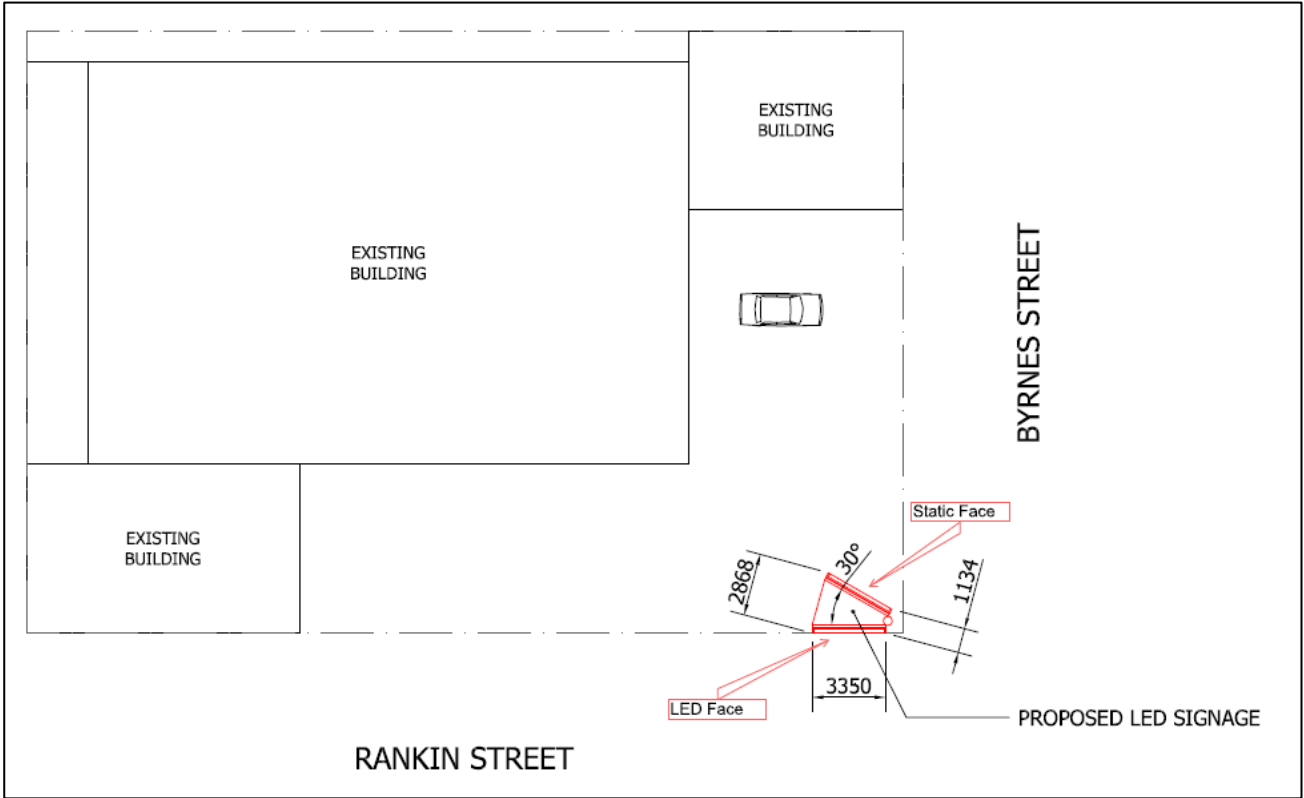
**PREVIOUS APPLICATIONS & APPROVALS**

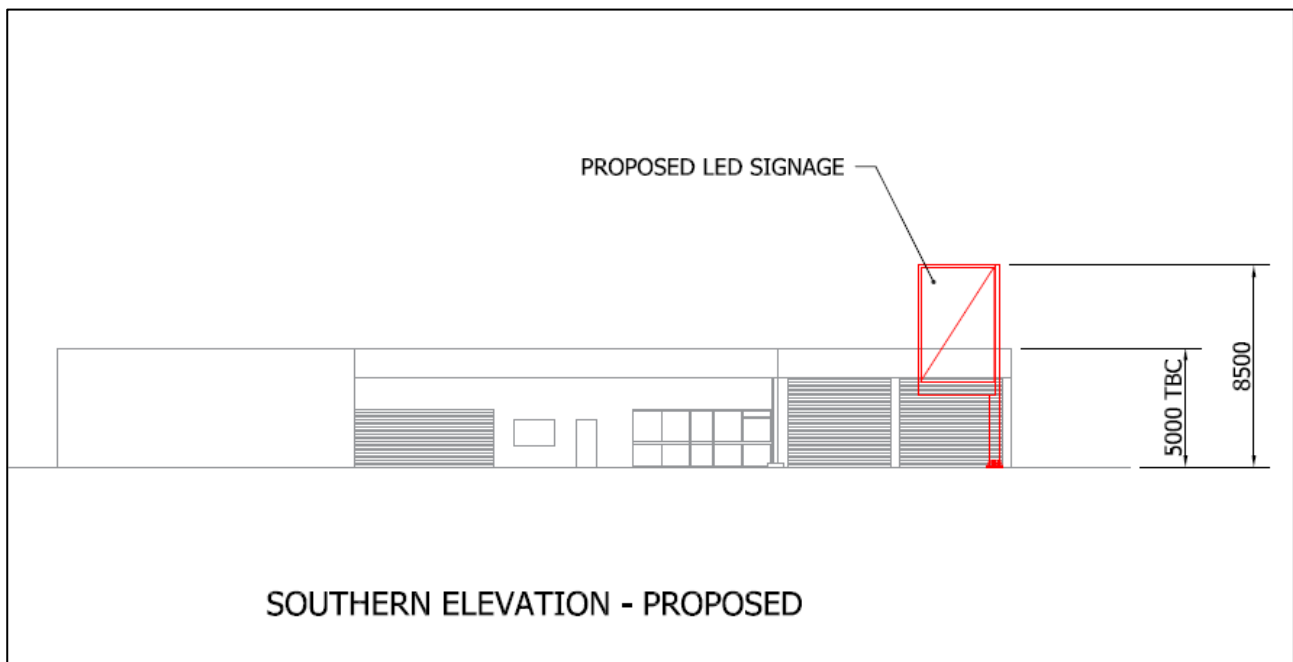
Nil

**DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Operational Works – Advertising Device (Freestanding Sign) in accordance with the plans shown below and included as **Attachment 1**.

The south-facing sign face will be digital (LED) with simultaneous changing advertising material. The north-facing sign face will be static and non-digital (doesn't change). The signage will be mounted on a large monopole and sited in the south-east corner of the site, closest to the Byrnes/Rankin Street signalised intersection (traffic lights).





### 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 site contains no areas of ecological significance.

### PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<b>Land Use Categories</b> <ul style="list-style-type: none"> <li>Centre Area</li> </ul> <b>Transport Elements</b> <ul style="list-style-type: none"> <li>State Controlled Road</li> <li>Local Collector Road</li> <li>B-double Route</li> <li>Principal Cycle Routes</li> </ul>
Zone:	Centre zone
Overlays:	Airport Environs Overlay Transport Infrastructure Overlay

### 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

### Relevant Developments Codes

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

- 6.2.1 Centre zone code
- 8.2.2 Airport environs overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.4.1 Advertising devices code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application does not satisfy some of the relevant acceptable/performance outcomes contained within the relevant development codes as set out in the below table.

Relevant Codes	Comments
Centre zone code	The application conflicts with Performance Outcome PO6 and PO8 of the Centre zone code. All other Acceptable Outcomes/Performance Outcomes can be satisfied.  Refer to planning discussion section of report for further commentary.
Advertising devices code	The application conflicts with Overall outcomes (a), (b), (c), (d) and (h), as well as PO1/AO1, PO2/AO2.1/AO2.2, and PO4/AO4 of the Advertising devices code. All other Acceptable Outcomes/Performance Outcomes can be satisfied.  Refer to planning discussion section of report for further commentary.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided) contained within the code.
Transport Infrastructure 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.

## 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 compliance with Planning Scheme Policy 4.

Planning Scheme Policy 10 – Advertising Devices with an Electronic Display Component:

An officer assessment of the proposed advertising device (electronic component) has found that the proposed freestanding electronic sign either complies or can be conditioned to achieve compliance with Planning Scheme Policy 10.

### **REFERRAL AGENCY**

This application did not trigger referral to a Referral Agency.

### **Third Party Advice**

The application was referred to the Department of Transport and Main Roads for third party advice.

That Departments Third Party Advice is included as **Attachment 4**.

### **Internal/External Consultation**

Internal:

Technical Services Department (Development Engineering/traffic and pedestrian safety)

External:

NJM Engineering Consulting (RPEQ third party review of traffic safety assessment – **Attachment 3**)

### **PLANNING DISCUSSION**

The proposed development's noncompliance with assessment benchmarks contained within the Centre zone code and Advertising devices code are summarised as follows:

#### **Conflicts with the Centre zone code**

- **PO6**  
Development complements and integrates with the established built character of the Centre zone, having regard to:
  - (a) roof form and pitch;
  - (b) eaves and awnings;
  - (c) building materials, colours and textures; and
  - (d) window and door size and location.
- **PO8 – Amenity**  
Development must not detract from the amenity of the local area, having regard to:
  - (a) noise;
  - (b) hours of operation;
  - (c) traffic;
  - (d) advertising devices;**
  - (e) visual amenity;**
  - (f) privacy;
  - (g) lighting;

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

#### Comment

The application proposes the construction of a double-sided freestanding advertising sign with sign face dimensions of 3.4m x 4.8m (16.3m<sup>2</sup>). The south-facing sign face will be digital with changing displays while the north-facing sign face will remain static. The freestanding sign will be mounted on a monopole 3 metres above ground level, achieving a total height of 8.5 metres. The sign will be approximately 3.5 metres higher than the existing built form on the site.

The proposed freestanding sign will be situated in the south-east corner of the site closest to the existing traffic lights, clearly and deliberately separated from the existing built form on-site. It could only be assumed that this particular location was chosen to increase the visibility of the sign by placing it as close to traffic as possible. Advertising signs are inherently designed to attract attention, particularly digital signs. The sign will dominate the immediate locality, particularly considering its sign face area and height, and the forever changing digital LED lit sign face will continue to draw the attention of anyone in the immediate vicinity with new advertising media (as is its intention).

The proposed advertising device will not compliment or integrate with the established built form or character in the immediate vicinity and is therefore in conflict with PO6 and PO8.

#### **Conflicts with the Advertising devices code**

##### **9.4.1.2 Purpose**

- (1) The purpose of the Advertising devices code is to regulate the location, siting, number, content and design requirements for advertising devices to protect the visual character and amenity of the urban and rural areas of the region, whilst supporting the promotion of business and enterprise.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Advertising devices are designed, sited and integrated so that they do not detract from the existing character and amenity of an area and contribute to a coherent and harmonious streetscape;**
  - (b) Advertising devices are of a scale, dimension and quality to minimise adverse visual impacts;**
  - (c) Advertising devices do not result in visual clutter;**
  - (d) Advertising devices do not impact on pedestrian or road safety and do not obscure the view of any official traffic, safety or information sign;**
  - (e) Advertising devices are constructed and maintained to ensure a high standard of public safety through structural integrity, design and construction;
  - (f) Advertising devices primarily provide, clear and effective identification of business and commercial premises, community uses and events with limited product advertising;
  - (g) In the Rural zone advertising devices are limited to maintain the landscape character of the area; and
  - (h) Billboards are limited to identified localities.**

### Comment

Advertising signs are inherently designed to attract attention, particularly digital signs. The sign will dominate the immediate locality, particularly considering its sign face area and height, and the forever changing digital sign face will continue to draw the attention of anyone in the immediate vicinity with new advertising media (as is its intention). The proposed freestanding sign, particularly the digital sign face will not be consistent with the built and natural character of the immediate surrounds. The Byrnes/Rankin Street intersection is perhaps the most significant intersection in the Mareeba Township, with approximately 15 traffic light/pedestrian signals on individual poles. The proposed freestanding sign will only add to visual clutter at this location, particularly of an evening/nighttime when the traffic signals and sign faces will appear brighter.

As discussed in further detail below (PO1 – Public safety), the sign is likely to increase levels of driver distraction to a degree that would impact on the safety of vehicles and pedestrians using the Byrnes/Rankin Streets signalised intersection. The proposed signage, with a sign face area of over 16m<sup>2</sup> is essentially a billboard and is situated outside the mapped localities considered suitable for billboard signage.

The proposed development conflicts with Overall Outcomes (a), (b), (c), (d) and (h).

#### **PO1 – Public safety**

Advertising devices are designed, sited and constructed to maintain the efficient function of road infrastructure and not impede safe vehicular and pedestrian movements.

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

Advertising devices do not:

- (a) resemble traffic control devices; or
- (b) give instructions to traffic; or
- (c) resemble a hazard or warning light through colour or method of operation, if visible from a road; or
- (d) cause interference with the visibility and effectiveness of hazard or warning lights; or
- (e) encroach onto any part of a road, road reserve, pedestrian or cycle path; or
- (f) incorporate highly reflective materials and finishes; or
- (g) cause significant visual or physical obstruction of, or distraction to, vehicular or pedestrian traffic.

### Comment

The application material (response to Council's Information Request) included a Traffic Engineering Assessment prepared by Pekol Traffic and Transport (**Attachment 2**). The Traffic Engineering Assessment concluded the following:

*"The proposed device is located wholly within the bounds of the property, and therefore would not obstruct passage to pedestrians, cyclist and motorists. The proposed device is located within a restriction notice area as defined by TMR's RAM. However, the proposed device complies with all other location criteria included in the RAM. Given that the proposed device does not appear behind any primary traffic signals at the ASD on approach to the intersection, it is our view that the proposed device will not pose as a significant distraction or unacceptable risk to traffic safety and operations."*



The subject site fronts the State controlled Byrnes Street. Although no formal referral to the State Assessment Referral Agency exists for advertising devices, Council officers sought advice from the Department of Transport and Main Roads (DTMR) outside the standard referral process. DTMR's advice is included as **Attachment 4** and includes the following:

*"The department has assessed the proposed development and offers the following advice against the current TMR Roadside Advertising Manual (RAM) Edition 4 dated December 2022 with respect to the application:*

- a) The size of the proposed digital advertising device has been shown on the submitted drawings as 8.50m x 3.4m, approximately 18.63m<sup>2</sup>. Sign face is 3.4m x 5.08m. This assessment has therefore been undertaken as billboard >4m<sup>2</sup> (Typically Portrait size).*
- b) In this instance the location of the proposed device falls within a Restriction Notice Area (within 45m of the signalised intersection).*

*Only advertising devices that do not move/rotate/change the image/message being displayed, and do not flash (but may be illuminated) are permitted within the Restriction Notice Area.*

- c) The proposed location of the device is visible from a traffic situation where additional driver attention and decision making is required and TMR would not support a device showing advertising that moves/flashes/rotates/changes the image/message being displayed within the Restriction Notice Area.*

In consideration of the above advice received from DTMR and in the interest of public safety, Council officers sought advice from a third-party consulting engineer (RPEQ) with a background in traffic engineering (**Attachment 3**). The third-party consulting engineer's advice included the following information and conclusion:

*"Advertising signs are inherently designed to attract attention, increasing the likelihood of a driver being distracted. Signalised intersections in particular are high-risk areas where driver attention is critical. Placing a digital billboard near such locations could compromise driver awareness and concentration, potentially delaying reactions and increasing crash risks.*

*Research consistently shows that digital billboards are more distracting than traditional static signs. Their larger size and dynamic displays significantly prolong driver attention, creating more opportunities for distraction. This is a critical concern, as driver distraction is widely recognized as a major road safety issue.*

*At intersections, distractions that reduce driver focus can impair the ability to respond promptly to changing conditions, such as traffic light changes, pedestrian crossings, or the actions of other road users. For example, a distracted driver might fail to notice a vehicle slowing to turn or give-way to pedestrians, increasing the likelihood of conflict."*

**"Conclusion**

*Given the factors outlined above, the installation of a digital advertising sign at this location has the potential to negatively impact road safety. Therefore, in the interest of public safety, it is important that the guidelines of the Roadside Advertising Manual be upheld and that the electronic billboard not be located within the Restriction Notice Area defined in the manual."*

In response to Council's third-party consulting engineer's advice, the applicants traffic engineers (Pekol Traffic & Transport Engineering) provided a rebuttal to this advice which is included as **Attachment 5**. This advice concluded the following:

**"Conclusions**

*We have reviewed the NJM Engineering Consulting assessment of our report (dated 30 August 2024) in relation to a proposed digital advertising device located at 230 Byrnes Street, Mareeba. We maintain that the proposed advertising device will not pose an unacceptable safety risk because:*

- (a) the proposed device would be located in a low speed (40km/h) environment;*
- (b) the adjacent Byrnes Street / Rankin Street intersection is not a complex intersection, as all turns are fully controlled (ie no filtered left or right turn movements);*
- (c) the subject device would be in the background to the primary signal lanterns at the nearby Byrnes Street / Rankin Street intersection;*
- (d) all of the signal lanterns at the Byrnes Street / Rankin Street intersection are fitted with target boards;*
- (e) the location of the proposed device complies with all the locational criteria detailed in DTMR's RAM, apart from being within a RNA;*
- (f) the adjacent Byrnes Street / Rankin Street intersection has a low crash rate;*
- (g) drivers will have already transitioned to the lower 40km/h speed limit on Byrnes Street well before viewing the device and before reaching the Byrnes Street / Rankin Street intersection;*
- (h) drivers travelling north on Byrnes Street would have ample time to observe and react to a car manoeuvring to/from the closest on-street parking space after losing sight of the proposed device;*
- (i) the proposed device is located outside of the section of Byrnes Street with on-street parking that exhibits a high historic crash rate;*
- (j) there is no requirement for cyclists to merge into the northbound traffic lane on Byrnes Street; and*
- (k) the device provides adequate advance visibility for vehicles approaching from the northbound and southbound directions on Byrnes Street."*

In considering of the advice sought from, TMR, Council's consulting third-party engineer as well as Pekol Traffic & Transport Engineering's rebuttal arguments and conclusions, Councils Planning and Technical Services officers still consider that the development will conflict with AO1.1 (g) and PO1.

It is also considered that there are other more suitable locations along the State controlled roads leading in and out of Mareeba that could accommodate a large digital advertising device, and which would have similar levels of exposure without the vehicle and pedestrian safety risk introduced at this particular location.

#### **PO2 – Character and amenity**

Advertising devices are designed and located to:

- (a) avoid visual clutter;
- (b) avoid overshadowing of adjoining premises or public places;
- (c) prevent loss of daylight or sunlight access for nearby uses;
- (d) be consistent with the built and natural character of the immediate surrounds;  
and
- (e) allow for the identification of premises, uses and business.

#### **AO2.1**

## Advertising devices:

- (a) do not move, revolve, strobe or flash;
- (b) are not painted or erected on a roof (excluding awnings) or structure (such as a silo or tank);
- (c) do not incorporate overt or explicit language or visual content that is likely to be offensive to the general public;
- (d) primarily advertise a business and/or commercial premises rather than products;
- (e) are located on the property to which the advertising relates;
- (f) do not protrude above the roofline or parapet; and are limited to those devices identified in **Table 9.4.1.3B**

**AO2.2**

The number, type and design of advertising devices complies with **Table 9.4.1.3D**.

Comment

The proposed freestanding sign does not comply with Acceptable Outcomes AO2.1 (e) and (f) as neither the digital (LED) sign face or the static sign face will not advertise the Dunlop tyre shop situated on the subject site. Additionally, the development does not comply with AO2.2 because the freestanding sign will protrude above the roofline/parapet by approximately 3.5 metres and will exceed the 6m<sup>2</sup> sign face area limit set by Table 9.4.1.3D. Assessment is therefore required against Performance Outcome PO2.

(a) avoids visual clutter – The proposed freestanding sign will be situated in the south-east corner of the site closest to the existing traffic lights, clearly and deliberately separated from the existing built form on-site. It could only be assumed that this particular location was chosen to increase the visibility of the sign by placing it as close to traffic as possible. Advertising signs are inherently designed to attract attention, particularly digital signs. The Byrnes/Rankin Street intersection is perhaps the most significant intersection in the Mareeba Township, with approximately 15 traffic light/pedestrian signals on individual poles. The proposed freestanding sign will only add to visual clutter at this location. The development conflicts with criteria (a).

(b) overshadowing of adjoining premises or public places – The proposed freestanding sign is of a significant scale however will not impact on adjoining premises or public places as a result of overshadow. The development complies with criteria (b).

(c) prevent loss of daylight or sunlight access for nearby uses - The proposed freestanding sign is of a significant scale however will not prevent a loss of daylight or sunlight to any nearby use. The development complies with criteria (c).

(d) be consistent with the built and natural character of the immediate surrounds - The proposed freestanding sign will be situated in the south-east corner of the site closest to the existing traffic lights, clearly and deliberately separated from the existing built form on-site. It could only be assumed that this particular location was chosen to increase the visibility of the sign by placing it as close to traffic as possible. Advertising signs are inherently designed to attract attention, particularly digital signs. The sign will dominate the immediate locality, particularly considering its sign face area and height, and the forever changing digital LED lit sign face will continue to draw the attention of anyone in the immediate vicinity with new advertising media (as is its intention). The proposed freestanding sign, particularly the digital sign face will not be consistent with the built and natural character of the immediate surrounds and therefore fails to comply with criteria (d).

(e) allow for the identification of premises, uses and business – The proposed advertising device will help provide exposure for premises, uses and business in the locality, particularly those located away from the CBD that may lack exposure. The development complies with criteria (e).

The proposed advertising device conflicts with PO2 (a) and (d).

#### **PO4**

Freestanding advertising devices, where located on land fronting a state-controlled road, are appropriately located and designed to:

- (a) not impact on the safety and efficiency of the state-controlled road network; and
- (b) preserve rural character and landscape values.

#### **AO4**

Freestanding advertising devices:

- (a) have a maximum sign face area of 18m<sup>2</sup> and a maximum sign face width of 6 metres;
- (b) are sited a minimum of 1 kilometre from all existing freestanding advertising devices whether or not they are on the same side of the road;
- (c) are of a design and colour that is compatible with existing adjacent development; and
- (d) are only located on properties with frontage to either side of the sections of State-controlled road identified in **Table 9.4.1.3C**.

#### Comment

The proposed freestanding sign conflicts with Acceptable Outcomes AO4 (b) and (d) as the sign is situated within one (1) kilometre of existing freestanding signage (Mobil service station and Mareeba Square pylon signage) and is situated well outside those areas identified in Table 9.4.1.3C. Assessment is therefore required against higher order Performance Outcome PO4.

The application material (response to Council's Information Request) included a Traffic Engineering Assessment prepared by Pekol Traffic and Transport (**Attachment 2**). The Traffic Engineering Assessment concluded the following:

*"The proposed device is located wholly within the bounds of the property, and therefore would not obstruct passage to pedestrians, cyclist and motorists. The proposed device is located within a restriction notice area as defined by TMR's RAM. However, the proposed device complies with all other location criteria included in the RAM. Given that the proposed device does not appear behind any primary traffic signals at the ASD on approach to the intersection, it is our view that the proposed device will not pose as a significant distraction or unacceptable risk to traffic safety and operations."*

The subject site fronts the State controlled Byrnes Street. Although no formal referral to the State Assessment Referral Agency exists for advertising devices, Council officers sought advice from the Department of Transport and Main Roads (DTMR) outside the standard referral process. DTMR third party advice is included as **Attachment 4** and includes the following advice:

*"The department has assessed the proposed development and offers the following advice against the current TMR Roadside Advertising Manual (RAM) Edition 4 dated December 2022 with respect to the application:*

- a) The size of the proposed digital advertising device has been shown on the submitted drawings as 8.50m x 3.4m, approximately 18.63m<sup>2</sup>. Sign face is 3.4m x 5.08m. This assessment has therefore been undertaken as billboard >4m<sup>2</sup> (Typically Portrait size).*

- b) *In this instance the location of the proposed device falls within a Restriction Notice Area (within 45m of the signalised intersection).*

*Only advertising devices that do not move/rotate/change the image/message being displayed, and do not flash (but may be illuminated) are permitted within the Restriction Notice Area.*

- c) *The proposed location of the device is visible from a traffic situation where additional driver attention and decision making is required and TMR would not support a device showing advertising that moves/flashes/rotates/changes the image/message being displayed within the Restriction Notice Area."*

In consideration of the above advice received from DTMR and in the interest of public safety, Council officers sought advice from a third-party consulting engineer (RPEQ) with a background in traffic engineering (**Attachment 3**). The third-party consulting engineer's advice included the following information and conclusions:

*"Advertising signs are inherently designed to attract attention, increasing the likelihood of a driver being distracted. Signalised intersections in particular are high-risk areas where driver attention is critical. Placing a digital billboard near such locations could compromise driver awareness and concentration, potentially delaying reactions and increasing crash risks.*

*Research consistently shows that digital billboards are more distracting than traditional static signs. Their larger size and dynamic displays significantly prolong driver attention, creating more opportunities for distraction. This is a critical concern, as driver distraction is widely recognized as a major road safety issue.*

*At intersections, distractions that reduce driver focus can impair the ability to respond promptly to changing conditions, such as traffic light changes, pedestrian crossings, or the actions of other road users. For example, a distracted driver might fail to notice a vehicle slowing to turn or give-way to pedestrians, increasing the likelihood of conflict."*

**"Conclusion**

*Given the factors outlined above, the installation of a digital advertising sign at this location has the potential to negatively impact road safety. Therefore, in the interest of public safety, it is important that the guidelines of the Roadside Advertising Manual be upheld and that the electronic billboard not be located within the Restriction Notice Area defined in the manual."*

In response to Council's third-party consulting engineer's advice, the applicants traffic engineers (Pekol Traffic & Transport Engineering) provided a rebuttal to this advice which is included as **Attachment 5**. This advice concluded the following:

**"Conclusions**

*We have reviewed the NJM Engineering Consulting assessment of our report (dated 30 August 2024) in relation to a proposed digital advertising device located at 230 Byrnes Street, Mareeba. We maintain that the proposed advertising device will not pose an unacceptable safety risk because:*

- (a) *the proposed device would be located in a low speed (40km/h) environment;*
- (b) *the adjacent Byrnes Street / Rankin Street intersection is not a complex intersection, as all turns are fully controlled (ie no filtered left or right turn movements);*
- (c) *the subject device would be in the background to the primary signal lanterns at the nearby Byrnes Street / Rankin Street intersection;*

- (d) *all of the signal lanterns at the Byrnes Street / Rankin Street intersection are fitted with target boards;*
- (e) *the location of the proposed device complies with all the locational criteria detailed in DTMR's RAM, apart from being within a RNA;*
- (f) *the adjacent Byrnes Street / Rankin Street intersection has a low crash rate;*
- (g) *drivers will have already transitioned to the lower 40km/h speed limit on Byrnes Street well before viewing the device and before reaching the Byrnes Street / Rankin Street intersection;*
- (h) *drivers travelling north on Byrnes Street would have ample time to observe and react to a car manoeuvring to/from the closest on-street parking space after losing sight of the proposed device;*
- (i) *the proposed device is located outside of the section of Byrnes Street with on-street parking that exhibits a high historic crash rate;*
- (j) *there is no requirement for cyclists to merge into the northbound traffic lane on Byrnes Street; and*
- (k) *the device provides adequate advance visibility for vehicles approaching from the northbound and southbound directions on Byrnes Street."*

In considering of the advice sought from, TMR, Council's consulting third-party engineer as well as Pekol Traffic & Transport Engineering's rebuttal arguments and conclusions, Councils Planning and Technical Services Officers still consider that the development conflicts with PO4 (a).

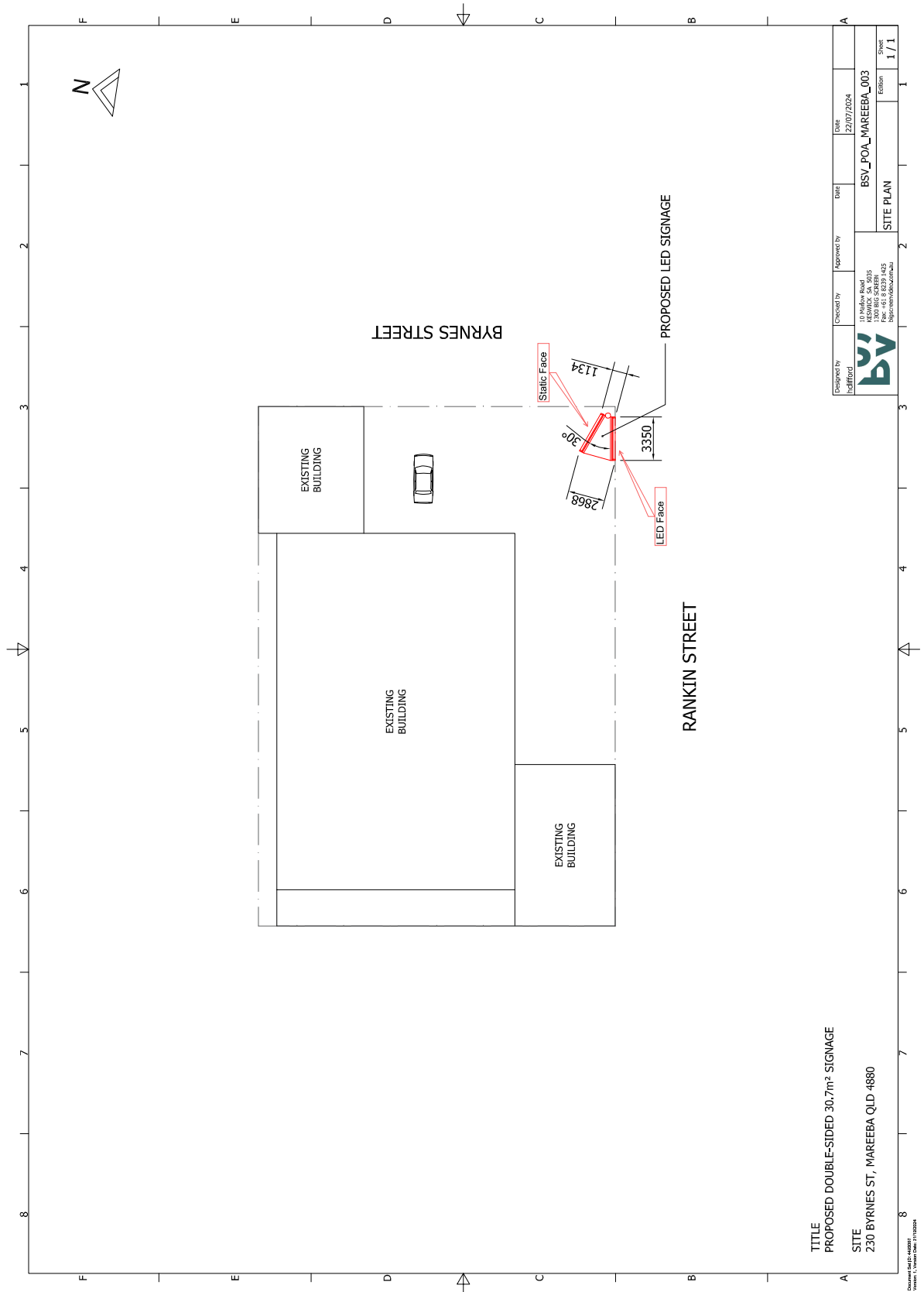
It is also considered that there are other more suitable locations along the State controlled roads leading in and out of Mareeba that could accommodate a large digital advertising device, and which would have similar levels of exposure without the vehicle and pedestrian safety risk introduced at this particular location.

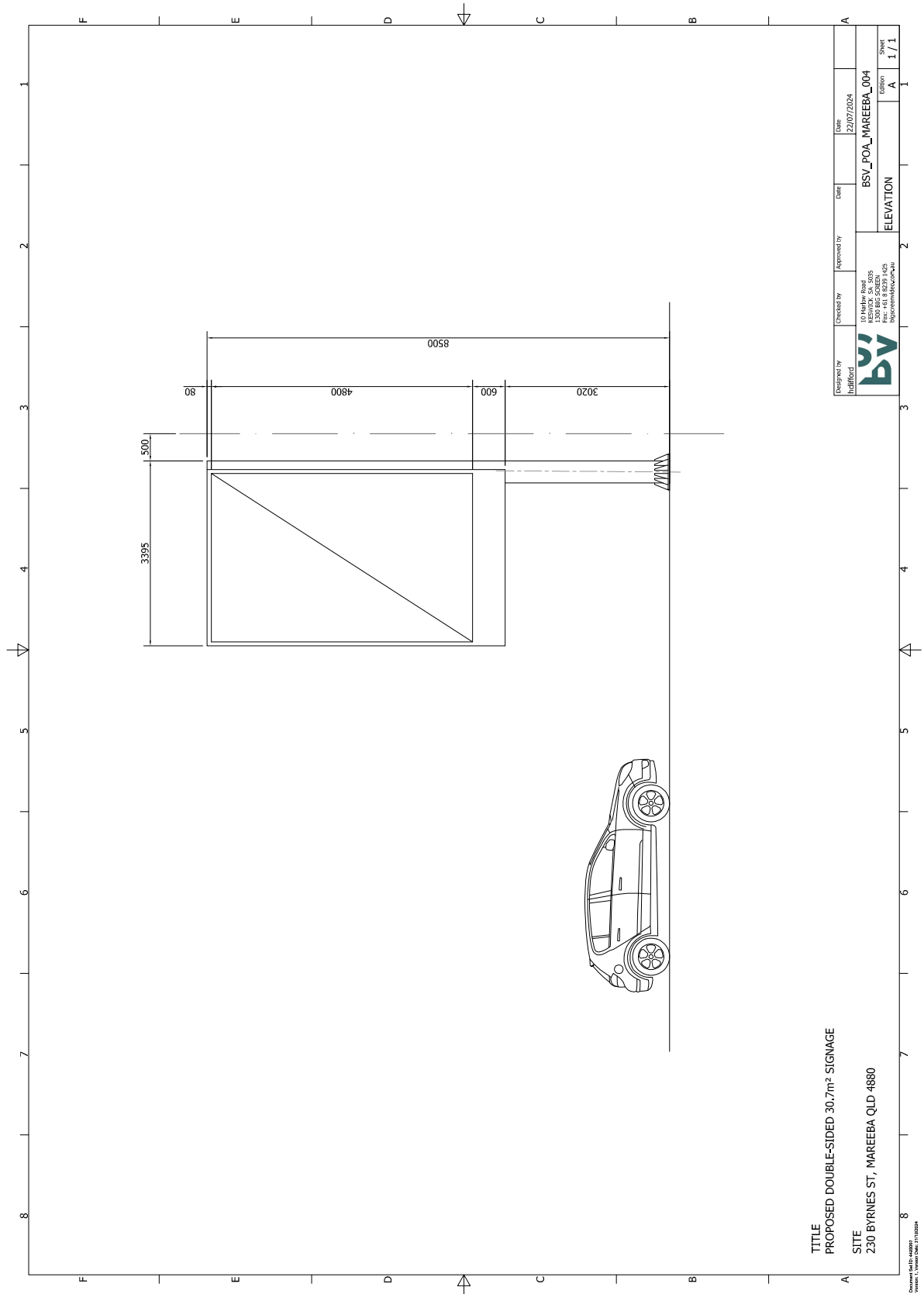
#### **Council Officer Conclusion**

The proposed freestanding sign will be inconsistent with the built and natural character of other structures in the immediate vicinity with the sign likely to dominate the streetscape due to its sheer size, location, separation from other built form and illuminated digital element. Additionally, the sign is likely to increase levels of driver distraction to a degree that would impact on the safety of vehicles and pedestrians using the Byrnes/Rankin Streets signalised intersection.

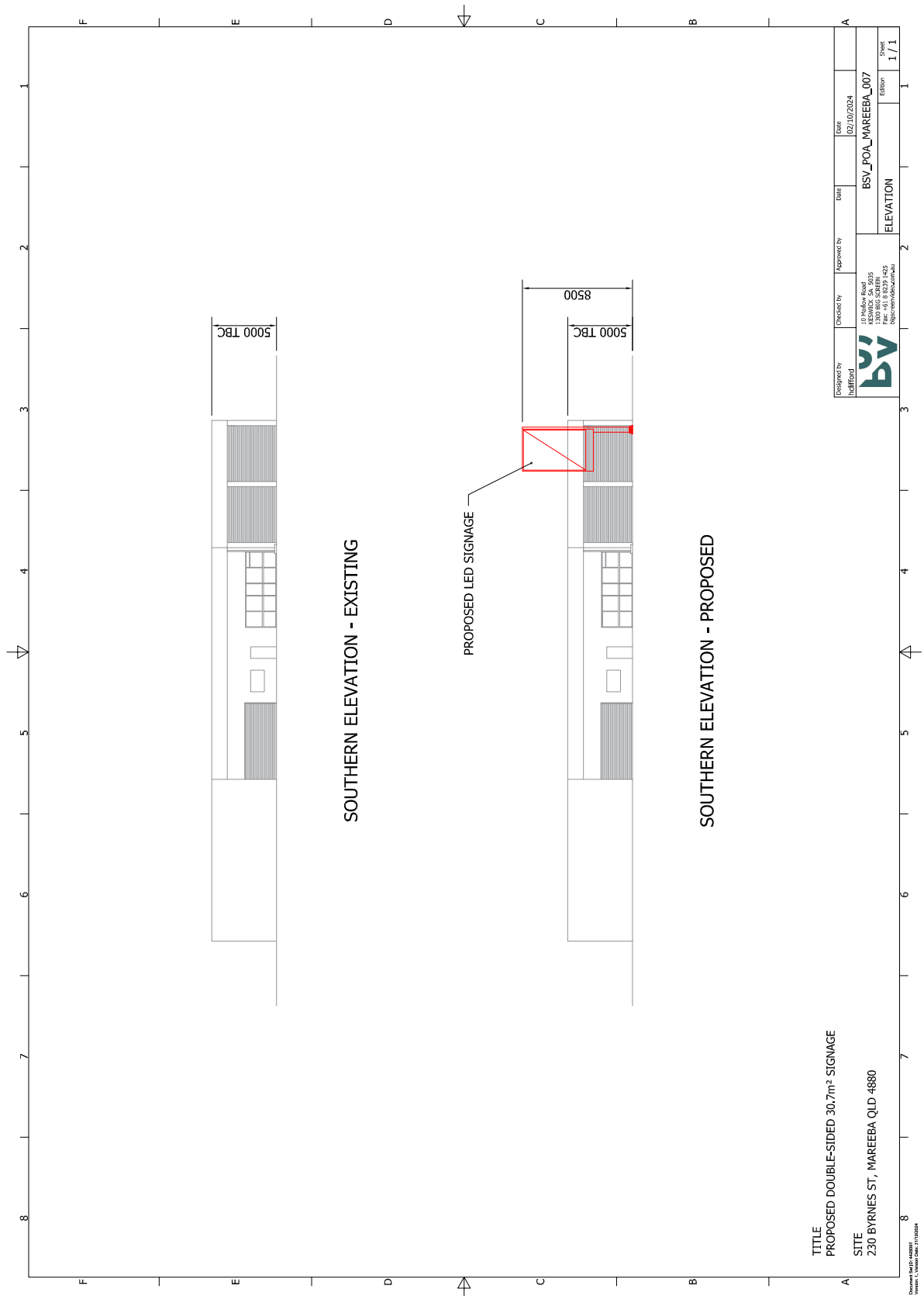
Although it is acknowledged that the proposed advertising signage may provide a benefit to businesses within the region as an additional source of advertising exposure, there is not considered to be an overriding need in terms of benefit to the broader community, particularly considering the high volumes of both vehicular and pedestrian traffic (ranging from school children to the elderly) that use the Byrnes/Rankin Street intersection daily who may be affected by additional driver distraction.

It is also considered that there are other more suitable locations along the State controlled roads leading in and out of Mareeba that could accommodate a large digital advertising device, and which would have similar levels of exposure without the vehicle and pedestrian safety risk introduced at this particular location. It is therefore recommended that the application be refused.

















BNC Ref. MSC-DA001-24  
MSC Ref. OPW/24/0006

>> 27 November 2024

ASSESSMENT MANAGER  
MAREEBA SHIRE COUNCIL  
PO BOX 154  
MAREEBA QLD 4880  
*Attention: Carl Ewin, Development Assessment*

Dear Carl,

**RE: APPLICANT RESPONSE TO ASSESSMENT MANAGER INFORMATION REQUEST  
OPERATIONAL WORKS DEVELOPMENT APPLICATION OPW/24/0006 (MSC REF.)  
230 BYRNES STREET, MAREEBA QLD 4880 – RPD: LOT 6 ON RP726416**

BNC Planning acting on behalf of the applicant submit this response to the *information request* issued by the Mareeba Shire Council as assessment manager, in accordance with section 13 of the Development Assessment Rules. The information request is dated 7 November 2024 and is associated with an operational works development application for an advertising device over the above referenced addressed.

The applicant has responded by providing all of the information requested or has provided a suitable alternative outcome. A detailed response to each item from the notice is provided below.

**Request Item 1: Compliance with the Roadside Advertising Manual (RAM) Edition 4**

1. It is understood that your consulting traffic engineers are addressing the Departments concerns with respect to compliance with the RAM. Please provide evidence from the Department that the proposed advertising device has been amended/redesigned in such a way as to comply with the requirements of the RAM. The advertising device may need to be redesigned to include 2 static sign faces (digital aspect removed) in order to comply with the RAM, or an alternate location be proposed outside the "Restriction Notice Area".

**Request Item 2: P01/A01.1 - Advertising Devices Code**

2. In light of the Departments advice. Council officer have concerns that the proposed development will not comply with A01.1 and P01 of the Advertising devices code in that the proposed advertising device will likely pose a safety risk to both vehicles and pedestrians using the signalised intersection adjacent the site. Please address these concerns with respect to compliance with the RAM.

*The advertising device may need to be redesigned to include 2 static sign faces (digital aspect removed) in order to comply with the RAM, or an alternate location be proposed outside the "Restriction Notice Area".*

**Request Item 3: P04 - Advertising Devices Code**

3. In light of the Departments advice. Council officer have concerns that the proposed development will not comply with P04 (does not comply with A04(d)) of the Advertising devices code in that the proposed advertising device will likely pose a safety risk to both vehicles and pedestrians using the signafised intersection adjacent the site. Please address these concerns with respect to compliance with the RAM.

*The advertising device may need to be redesigned to include 2 static sign faces (digital aspect removed) in order to comply with the RAM/ or an alternate location be proposed outside the "Restriction Notice Area".*

**Applicant's response**

In response to the three matters raised, and the DTMR 3<sup>rd</sup> party advice, the applicant provides the **attached** Traffic Engineering Assessment and Traffic IR Response prepared by Pekol Traffic and Transport (PTT). In this documentation, the traffic and transport engineers provide a detailed response to each matter raised by the information request. The applicant relies on this expert opinion to guide the assessment of the advertising device and response to the council information request and DTMR 3<sup>rd</sup> party advice. The report concludes that it is their view that the proposed device will not pose a significant distraction or unacceptable risk to traffic safety and operations. In doing so, the device is consistent with the higher-level intent and outcomes of the TMR RAM and Advertising Devices Code.

Additionally, while the proposed device is located within a restriction notice area as defined by TMR's RAM, the proposed device complies with all other location criteria included in the RAM. Despite not meeting all of the requirements for an electronic billboard to be installed at this site under the RAM, the development still demonstrates that a high standard for safety is achieved. Furthermore, it is not uncommon for electronic billboards to be positioned within restriction notice areas and to be approved despite this. As precedence, the applicant has processed digital devices through to approval in Townsville, Central Highlands and Mount Isa which were also located in a restriction notice area and which received similar initial 3<sup>rd</sup> party advice feedback from DTMR. The decision notice and approved plans of these billboards are **attached**. This demonstrates that digital billboards can achieve and maintain the safety of all road users despite being within a restricted notice area under the RAM.

In this way, the design of the advertising device addresses the concerns raised in the information request. Please see the attached report prepared by PTT for further details.

**Summary**

For clarity, this correspondence constitutes the applicant response to the information request issued by the assessment manager under section 13 of the *Development Assessment Rules*.

I trust the additional common material included in this response provides sufficient information to allow the assessment of the development application to proceed. Should there be any issues, or should additional information be required, please contact me.

Kind regard,

**Benjamin Collings, Director**  
BNC Planning Pty Ltd

Att.

**BNC Planning Pty Ltd**  
Office 7 / Ground Floor / 41 Denham Street TOWNSVILLE CITY QLD 4810 (PO Box 5493 TOWNSVILLE QLD 4810)  
T: +61 (07) 4724 1763 E: [enquire@bncplanning.com.au](mailto:enquire@bncplanning.com.au) [www.bncplanning.com.au](http://www.bncplanning.com.au) ABN 80 147 498 397



Level 2 | 62 Astor Terrace | Spring Hill QLD 4000  
PO Box 272 | Spring Hill QLD 4004  
ABN 96 067 593 962  
P 07 3839 6771  
E mail@ptt.com.au  
WWW.PTT.COM.AU

21 November 2024

Paradise Outdoor Advertising  
PO Box 7546  
Garbutt QLD 4818

Attention: Andrew Lees

Dear Andrew,

**RE: ELECTRONIC ADVERTISING DEVICE  
230 BYRNES STREET, MAREEBA  
RESPONSE TO INFORMATION REQUEST**

**INTRODUCTION**

This report has been prepared by Pekol Traffic and Transport (PTT), in response to an Information Request from Mareeba Shire Council (Council), dated 7 November 2024. The Information Request relates to a proposed double-sided advertising device (digital facing northbound traffic and static facing southbound traffic) located at 230 Byrnes Street, Mareeba (Application Reference: OPW/24/0006). A response has been provided for Items 1, 2 and 3, which relate to the proposed devices locality with respect to TMR's RAM as well as pedestrian, cyclist and motorist safety. A traffic engineering report was submitted as part of the application, dated 30 August 2024.

**ITEM 1: TMR COMPLIANCE**

Item 1 of Council's Information Request States:

*"It is understood that your consulting traffic engineers are addressing the Departments concerns with respect to compliance with the RAM. Please provide evidence from the Department that the proposed advertising device has been amended/redesigned in such a way as to comply with the requirements of the RAM. The advertising device may need to be redesigned to include 2 static sign faces (digital aspect removed) in order to comply with the RAM, or an alternate location be proposed outside the "Restriction Notice Area".*

**OVERVIEW**

TMR have provided advice indicating that they are not supportive of the proposed device, due to its location in proximity to the Byrnes Street / Rankin Street signalised intersection. Section 3.6.2 and Appendix C of the RAM outlines specific locational criteria that should be achieved to safely locate roadside advertising devices on the TMR network. We have completed an assessment against Section 3.6.2 and Appendix C of TMR's RAM, as summarised in Table 1.



INCORPORATING  
**CTEE**  
CENTRE FOR TRANSPORT  
ENGINEERING & ENVIRONMENT  
WWW.CTEE.COM.AU

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\TRAFFIC LETTER\25-073 TRAFFIC RESPONSE.DOCX  
PREPARED BY: CJ



Table 1: TMR's RAM RECOMMENDED PLACEMENT CRITERIA

RAM CRITERIA	COMMENT	COMPLIES
The device must be located clear of a Device Restriction Area (DRA).	The proposed device is wholly contained within the bounds of the subject site and therefore is clear of the TMR road reserve and DRA.	Yes
It is preferred that the device be located clear of a Restriction Notice Area (RNA).	The device is located within the RNA associated with the Byrnes Street / Rankin Street intersection.	No
There is sufficient advance visibility to view and read the device.	In excess of 80m advance visibility is achieved on approach to the device, which is considered adequate according to the RAM.	Yes
The device is not background to traffic signals, as required in Section 3.6.2.5 of the RAM.	The device would not be background to primary traffic signals at the intersection at the Approach Sight Distance on approach to the intersection, as shown in the attached line of sight drawings.	Yes
The device does not obstruct a driver's line of sight to official traffic signs, exit ramps, on-ramps etc.	The device does not obstruct a driver's line of sight to any official traffic signs.	Yes
The device must be located clear of intersections with a high risk rating, noting that TMR's risk model ranks intersections in bands of low, medium and high.	The Byrnes Street / Rankin Street intersection has a QRAM risk rating of Medium and therefore does not have a high risk rating.	Yes
The device must be located clear of intersections with three or more Fatal or Seriously Injured crashes reported within the past five years.	Crash data sourced from TMR indicates that two crashes, both being hospitalisations and zero fatalities, were reported at the intersection between November 2018 and November 2023.	Yes

Table 1 demonstrates that the proposed device complies with all but one of the key location criteria outlined in the RAM.

#### RESTRICTION NOTICE AREA

The proposed device is located within the RNA associated with the Byrnes Street / Rankin Street signalised intersection. The extent of the RNA, as defined in Figure C8(b) of Appendix C in TMR's RAM, is shown in Figure 1. The entirety of the Byrnes Street and the majority of the Rankin Street site frontages are within the RNA.





Figure 1: RESTRICTION NOTICE AREA

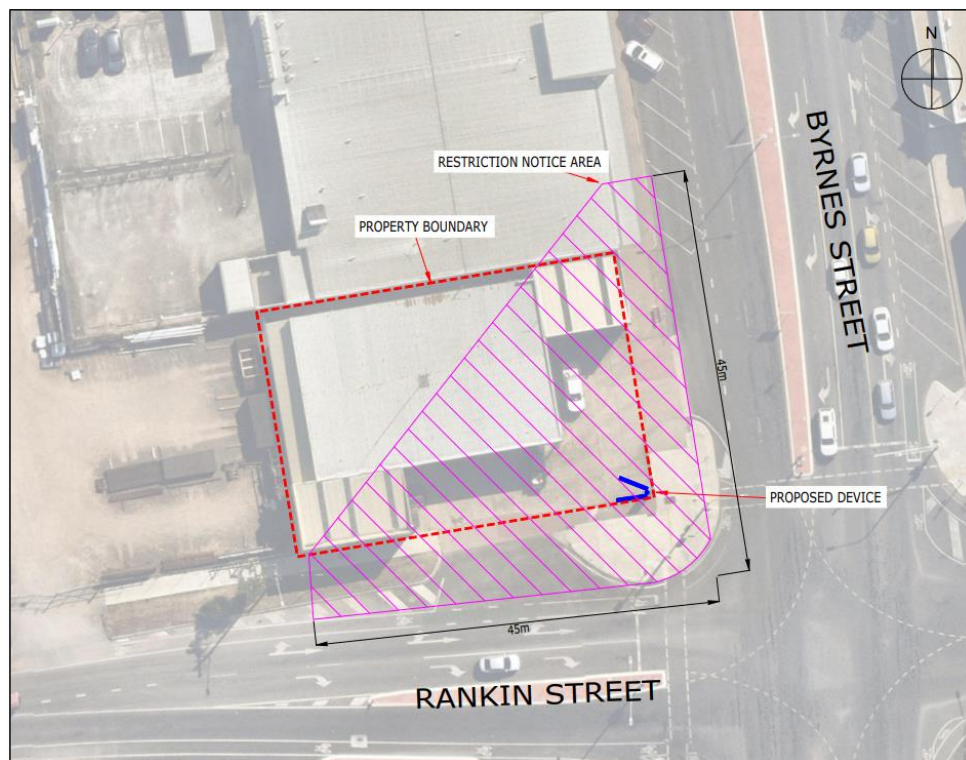


Figure 1 demonstrates that the device could not be feasibly located within the bounds of the site along the site frontage, outside of the RNA, while being visible to motorists on either frontage road (ie Byrnes Street and Rankin Street). The only portion of the site outside of RNA is located on the roof and thus it would be unreasonable to locate the device at this location.

## ITEM 2: PO1 / AO1.1 – COUNCILS ADVERTISING DEVICE CODE

Item 2 of Council's Information Request States:

*"In light of the Departments advice. Council officer have concerns that the proposed development will not comply with A01.1 and P01 of the Advertising devices code in that the proposed advertising device will likely pose a safety risk to both vehicles and pedestrians using the signalised intersection adjacent the site. Please address these concerns with respect to compliance with the RAM.*

*The advertising device may need to be redesigned to include 2 static sign faces (digital aspect removed) in order to comply with the RAM, or an alternate location be proposed outside the "Restriction Notice Area".*





## DRIVERS LINE OF SIGHT

To determine whether the device would likely pose as a significant distraction to drivers on approach to the signalised intersection, an assessment of driver's line of sight has been undertaken, based on the Approach Sight Distance (ASD) set out in Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersection (AGRD).

According to Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, the ASD for a major road (ie Byrnes Street) with a posted speed of 40km/h (ie design speed 50km/h) is 55m.

As demonstrated in the PTT submitted traffic report, dated 30 August 2024, and shown in the attached drawings, the proposed device would not appear behind either primary signal on both the northbound and southbound approaches on Byrnes Street, approximately from the ASD.

Accordingly, the proposed device would not appear behind primary and secondary signals at the ASD on both Byrnes Street approaches. The device is therefore not expected to significantly distract driver's on approach to the signalised intersection, despite being located within a restriction notice area.

## PEDESTRIAN SAFETY

As shown in Figure 1, the proposed device would be wholly contained within the bounds of the site and thus would not obstruct passage of pedestrians, cyclist and motorists. Further, there is a large pedestrian refuge on the adjacent corner of the signalised intersection, providing ample thoroughfare for pedestrians and cyclist traversing past the subject site.

Therefore, the proposed advertising device is considered to be in accordance with PO1 of Council's Advertising Devices Code.

## ITEM 3: PO4 – COUNCIL ADVERTISING DEVICE CODE

Item 3 of Council's Information Request States:

*"In light of the Departments advice. Council officer have concerns that the proposed development will not comply with PO4 (does not comply with A04(d)) of the Advertising devices code in that the proposed advertising device will likely pose a safety risk to both vehicles and pedestrians using the signalised intersection adjacent the site. Please address these concerns with respect to compliance with the RAM.*

*The advertising device may need to be redesigned to include 2 static sign faces (digital aspect removed) in order to comply with the RAM/ or an alternate location be proposed outside the "Restriction Notice Area".*

As previously discussed, we are of the view that the proposed device will not pose as a significant adverse safety risk to both vehicles and pedestrians utilising the signalised intersection, due to the following:

- the device is located wholly within the bounds of the property, and as such would not obstruct passage to pedestrians, cyclist and motorists
- the device would not appear behind primary and secondary signals at the ASD on both approaches to the signalised intersection
- the intersection has no existing safety issues



## CONCLUSIONS

This report has addressed Items 1, 2 and 3 of Council's Information Request, in relation to a proposed digital advertising device located at 230 Byrnes Street, Mareeba. The main points to note are:

- the device is located wholly within the bounds of the subject site
- the device would not impede on pedestrians, cyclists and motorists
- the device is considered to be in accordance with PO1 of Councils Advertising Device Code
- the device would not appear behind primary and secondary signals at the intersection at the ASD on the northbound and southbound approach
- the adjacent intersection as a low FSI rate of two, and thus no further restrictions are required in accordance with TMR's RAM

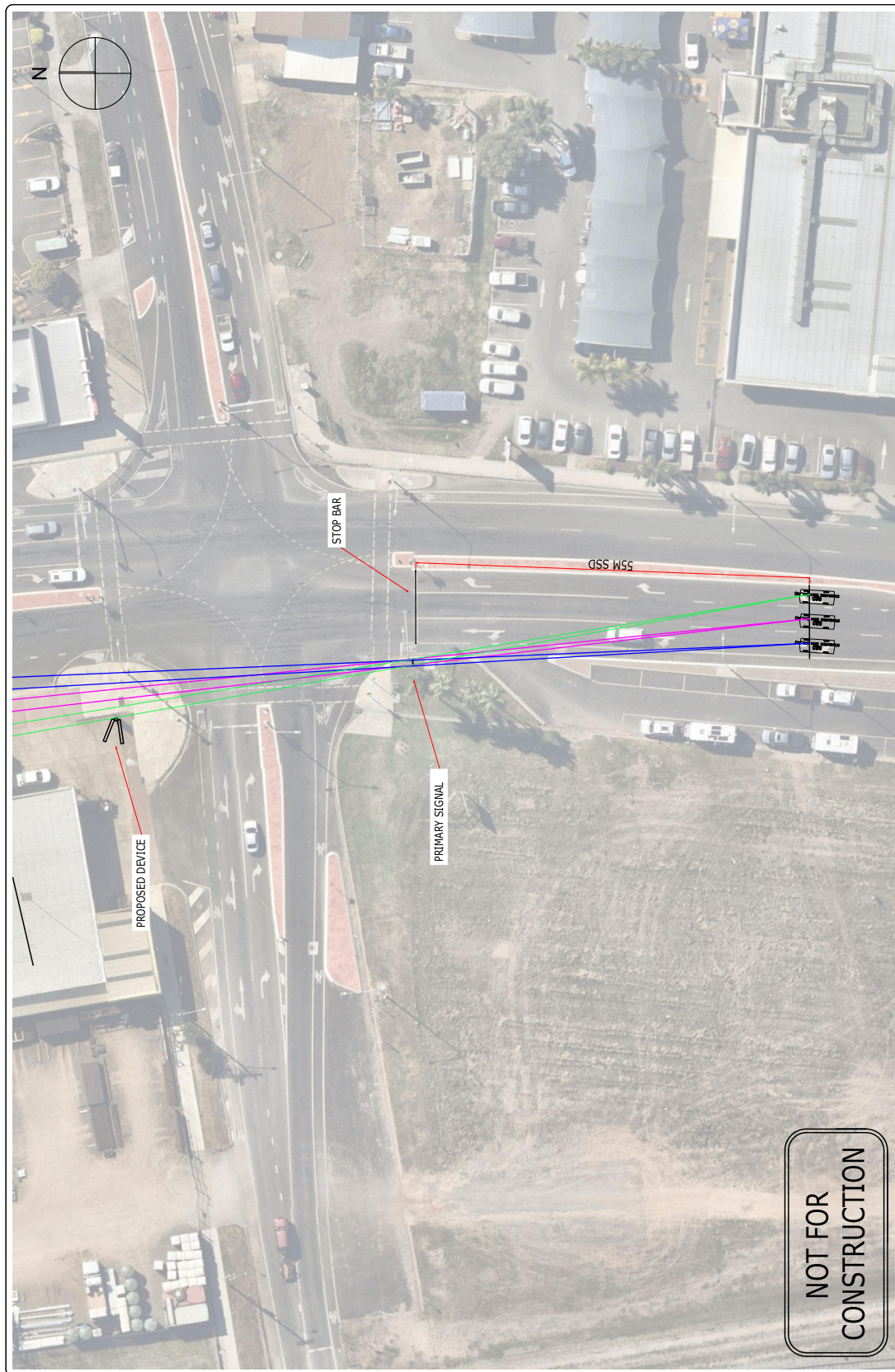
The proposed device is located wholly within the bounds of the property, and therefore would not obstruct passage to pedestrians, cyclist and motorists. The proposed device is located within a restriction notice area as defined by TMR's RAM. However, the proposed device complies with all other location criteria included in the RAM. Given that the proposed device does not appear behind any primary traffic signals at the ASD on approach to the intersection, it is our view that the proposed device will not pose as a significant distraction or unacceptable risk to traffic safety and operations.

If you have any questions regarding the issues discussed above, please do not hesitate to contact us.

Yours sincerely,

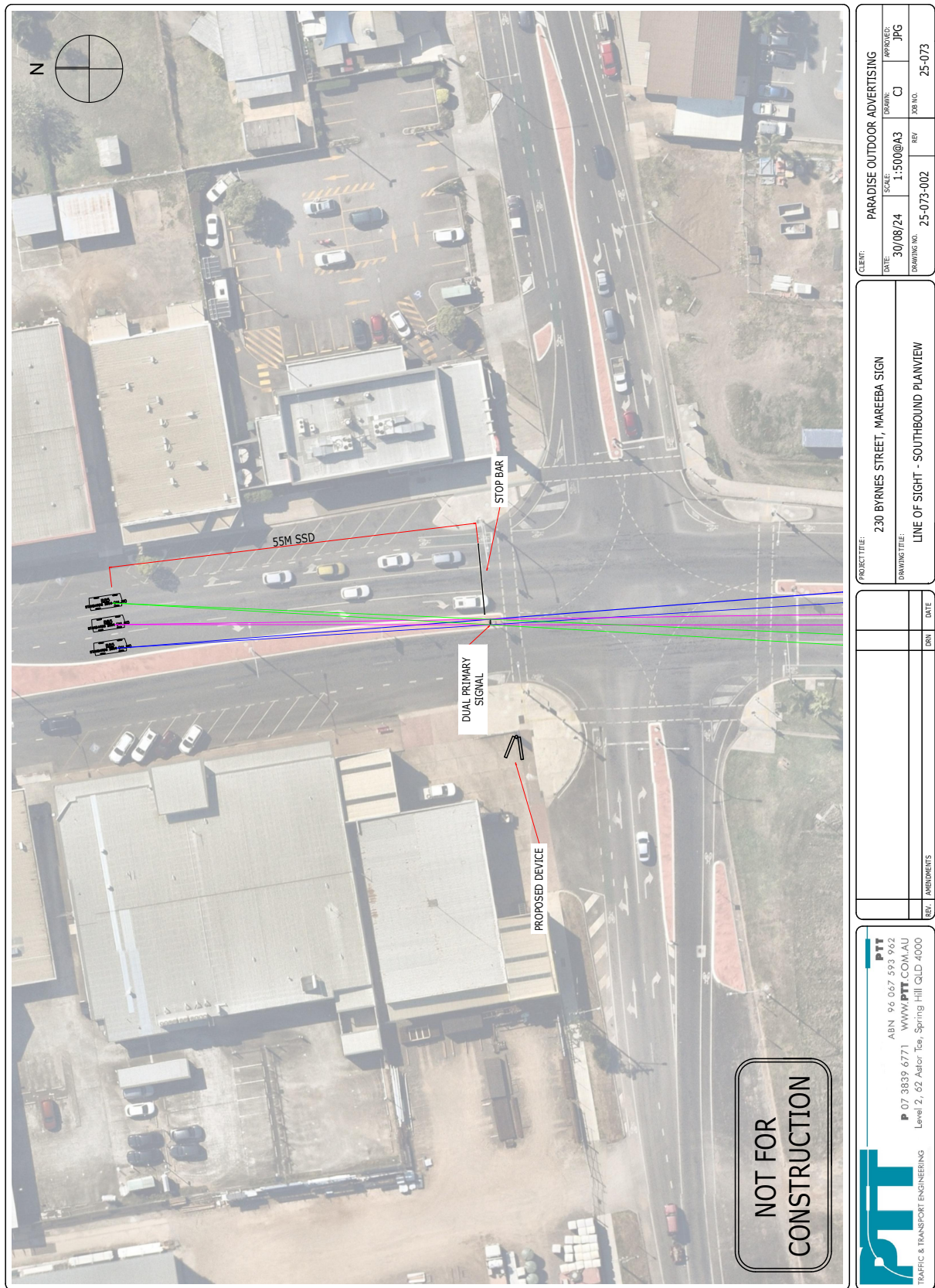
A handwritten signature in black ink, appearing to read 'James Gannon', written over a light blue rectangular background.

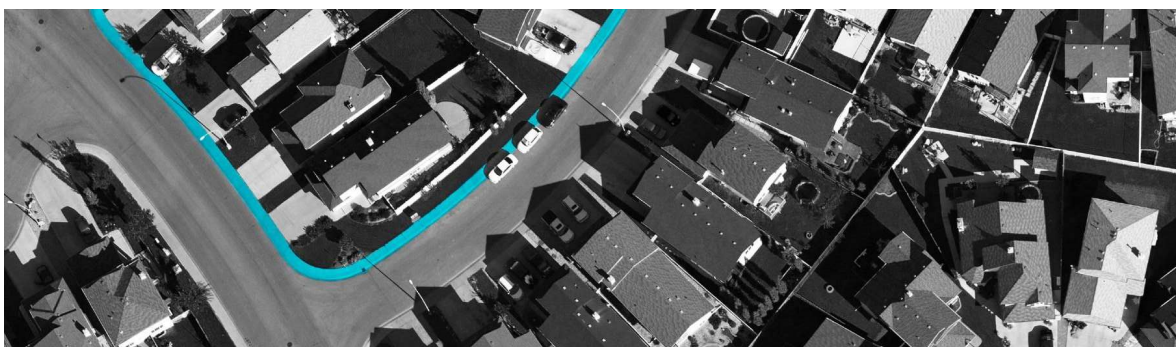
James Gannon  
Director (RPEQ 22233)



<b>PTT</b> TRAFFIC & TRANSPORT ENGINEERING P 07 3839 6771 WWW.PTT.COM.AU Level 2, 62 Astor Tce, Spring Hill QLD 4000 ABN 96 067 593 962		<b>PTT</b> TRAFFIC & TRANSPORT ENGINEERING P 07 3839 6771 WWW.PTT.COM.AU Level 2, 62 Astor Tce, Spring Hill QLD 4000 ABN 96 067 593 962	
REV	AMENDMENTS	DN	DATE
PROJECT TITLE: 230 BYRNES STREET, MAREEBA SIGN		DRAWING TITLE: LINE OF SIGHT - NORTHBOUND PLANVIEW	
CLIENT: PARADISE OUTDOOR ADVERTISING		DATE: 30/08/24	SCALE: 1:500@A3
DRAWING NO. 25-073-001		REV 25-073-001	XREF NO. 25-073







# **ELECTRONIC ADVERTISING DEVICE**

## **230 BYRNES STREET, MAREEBA TRAFFIC ENGINEERING ASSESSMENT**

**30 AUGUST 2024**


PREPARED FOR



Document Set ID: 4422087  
Version: 1, Version Date: 21/10/2024



**DOCUMENT CONTROL RECORD**

DOCUMENT						
Report Title:		Electronic Advertising Device – 230 Byrnes Street, Mareeba				
Client:		Paradise Outdoor Advertising				
Project Number:		25-073				
REV	PURPOSE	DATE	AUTHOR	REVIEWER	APPROVED	SIGNED
1	FINAL	AUG-24	CJ	CG	JPG (RPEQ 22233)	

**COPYRIGHT**

This work is copyright. Apart from any use permitted under the Copyright Act 1968, no part may be produced without prior permission. Requests and inquiries concerning reproduction and rights should be directed to:

The Director

Pekol Traffic and Transport

Level 2, 62 Astor Terrace

Spring Hill QLD 4000

**DISCLAIMER**

This document is produced solely for the benefit of and use by our client in accordance with the terms and conditions of our appointment. PTT does not accept liability to third parties arising from their use of or reliance upon the contents of this report.

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024



## **TABLE OF CONTENTS**

<b>1.0 INTRODUCTION</b>	<b>4</b>
1.1 Background	4
1.2 Aim	4
1.3 Scope of Report	4
1.4 Documents	5
1.5 Methodology	5
<b>2.0 EXISTING CONDITIONS</b>	<b>6</b>
2.1 Site Location	6
2.2 Road Network	7
<b>3.0 PROPOSED ELECTRONIC ADVERTISING DEVICE</b>	<b>8</b>
3.1 Proposed Device	8
3.2 Restriction Notice Areas	8
3.3 Advanced Visibility	11
3.4 Council Requirements	11
3.5 Operations	13
3.6 Design	14
<b>4.0 ROAD SAFETY ASSESSMENT</b>	<b>15</b>
4.1 Approach	15
4.2 Crash History	15
4.3 Average Crash Rate	16
<b>5.0 CONCLUSIONS AND RECOMMENDATIONS</b>	<b>17</b>
5.1 Conclusions	17
5.2 Recommendations	17

## **APPENDIX A: DEVICE PLANS**

## **APPENDIX B: LINE OF SIGHT DRAWINGS**

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024

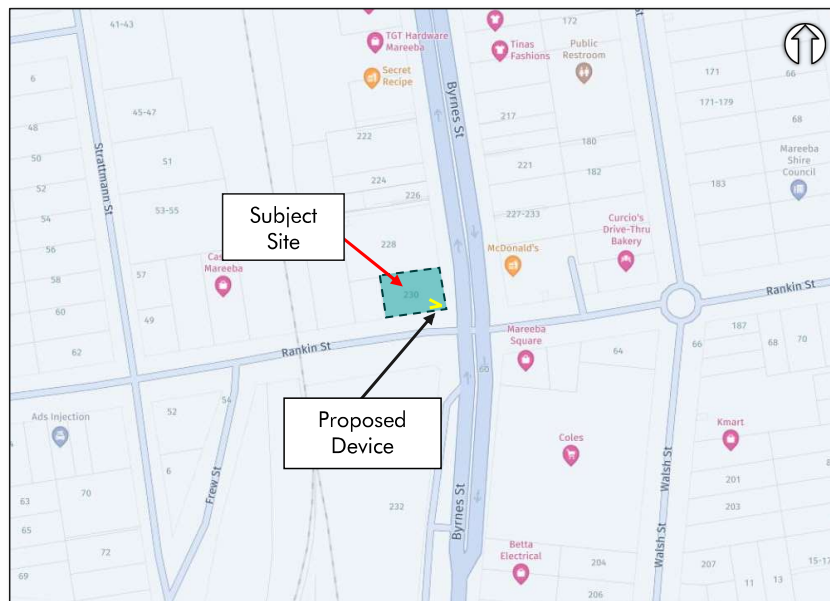


## 1.0 INTRODUCTION

### 1.1 BACKGROUND

In August 2024, PTT was commissioned by Paradise Outdoor Advertising to undertake a traffic engineering assessment for a proposed electronic advertising device located at 230 Byrnes Street, Mareeba. The subject site is located adjacent to the Byrnes Street / Rankin Street signalised intersection, as shown in Figure 1.1.

Figure 1.1: SITE LOCATION



### 1.2 AIM

The aim of this assessment is to evaluate the impact of the proposed electronic advertising device in terms of safety and driver distraction with respect to its location, design and operation.

### 1.3 SCOPE OF REPORT

This report begins by summarising the characteristics of the subject site (Chapter 2), followed by an assessment of the proposed electronic advertising device, with respect to the relevant State and Council Policies / Guidelines (Chapter 3). The crash history for the site is discussed (Chapter 4). The report concludes with a summary of key findings and recommendations (Chapter 5).

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024





#### 1.4 DOCUMENTS

The following documents were reviewed to produce this report:

- Mareeba Shire Council's (Council) Planning Scheme Policy 10 – Advertising Devices with an Electronic Display Component
- Department of Transport and Main Roads (TMR) Roadside Advertising Manual (2019) (RAM)
- Centre for Accident Research and Road Safety – Queensland (CARRS-Q) 'The Impact of Road Advertising Signs on Driver Behaviour and Implications for Road Safety: A Critical Systematic Review', Transportation Research Part A: Policy and Practice (2019)
- Jurewicz, C and Bennett, P, 'Casualty Crash Rates for Australian Jurisdictions', Australasian Road Safety Research, Policing and Education Conference, Adelaide, South Australia (2008)

#### 1.5 METHODOLOGY

In preparing of this report, a desktop review was conducted to determine the existing signage and traffic operations in the area as they apply to TMR's RAM and Council's Advertising Devices Code.

Consistent with TMR's RAM, this traffic impact assessment has considered the following criteria when assessing the proposed device:

- location of the device relative to restriction notice areas
- location of the device relative to official traffic signs
- location of the device relative to advance visibility requirements
- average crash rate for the adjacent road network
- Fatality or seriously injured (FSI) rate for the adjacent road network
- other critical safety issues

In addition to TMR's criteria, this assessment also considers the following factors, as they apply to road safety:

- surrounding land uses and road environment
- surrounding speed environment
- potential driver distraction

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024



## 2.0 EXISTING CONDITIONS

### 2.1 SITE LOCATION

The subject site is located at 230 Byrnes Street, Mareeba and is formally described as Lot 6 on RP726416. According to Council's Planning Scheme, the site is located within a centre zone. As shown in Figure 2.1, the site comprises commercial uses and is bounded by community uses to the north, Byrnes Street to the east, Rankin Street to the south and commercial / industrial uses to the west. The subject site is in a low-speed urban road environment, as shown in Figure 2.2.

Figure 2.1: SUBJECT SITE

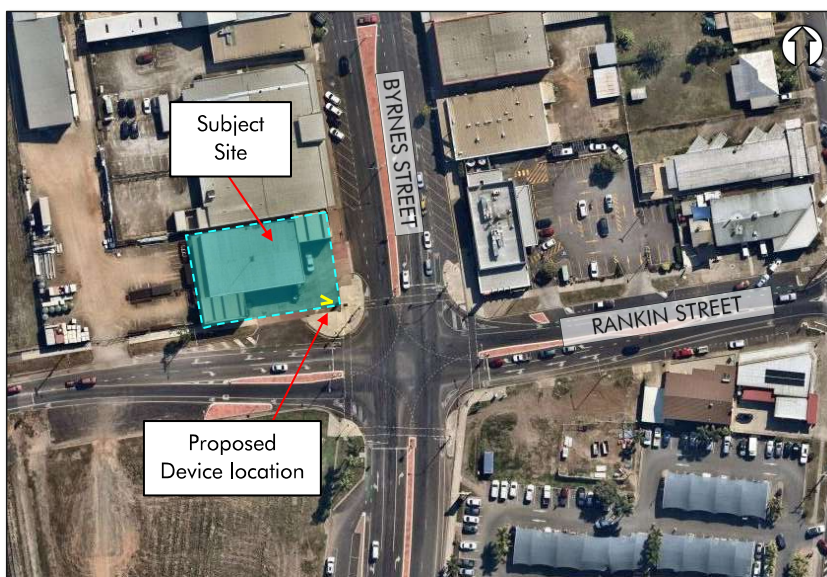


Figure 2.2: ROAD ENVIRONMENT



P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024



## 2.2 ROAD NETWORK

The proposed device would be located adjacent to the Byrnes Street / Rankin Street signalised intersection and would face both northbound and southbound traffic on Byrnes Street. Annual Average Daily Traffic (AADT) volume data was obtained from TMR for a nearby counter site on Byrnes Street (counter reference: 111620). On average 11,930 vehicles travel along Byrnes Street, proximate to the site each day.

Key attributes of the surrounding road network in the vicinity of the site are summarised in Table 2.1.

**Table 2.1: ROAD ATTRIBUTES**

ATTRIBUTE	BYRNES STREET	RANKIN STREET
Road Hierarchy	State-controlled Road	Local Street
Directionality	Two-way	Two-way
Number of Lanes	2-4	2
Speed Limit (Km/h)	40	40
Jurisdiction	TMR	Council

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024



### 3.0 PROPOSED ELECTRONIC ADVERTISING DEVICE

#### 3.1 PROPOSED DEVICE

The proposed device is described as a double-sided freestanding billboard with 4.8m high by 3.2m wide (15.35m<sup>2</sup>) of electronic display facing northbound traffic and a static display (ie no electronic component) facing southbound traffic. The device would not be orientated to face eastbound and westbound on Rankin Street. The device has an approximate total height of 8.5m. As per section 10 of TMR's RAM, the device is described as a 'Large Format Device'. Dimensioned plans of the proposed device are included in Appendix A.

Figure 3.1: PROPOSED ELECTRONIC ADVERTISING DEVICE



#### 3.2 RESTRICTION NOTICE AREAS

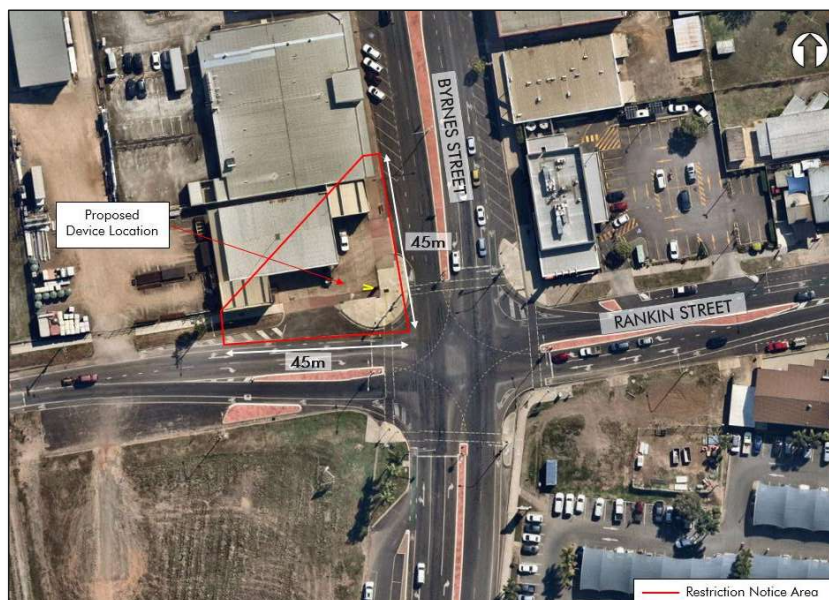
TMR's RAM designates a 'Restriction Notice Area' as a defined area outside the road reserve on a State-controlled road where the Department has determined that the installation of an advertising device is not preferred. In the restriction notice area, TMR may only provide comment regarding the proposed device location with the relevant local government being the controlling authority (ie Mareeba Shire Council). The proposed device is located within one restriction notice area as shown in Figure 3.2 (ie the Byrnes Street / Rankin Street signalised intersection).

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024

**Figure 3.2: RESTRICTION NOTICE AREA**



As the device is located within a restriction notice area, further analysis was carried out to determine if the proposed advertising device would likely pose as a significant distraction to driver's on approach to the signalised intersection. Accordingly, the relevant traffic signal lanterns are the primary signal on the Byrnes Street northbound approach and the dual primary signal on the Byrnes Street southbound approach, as indicated in Figure 3.1. We have assessed a driver's line of sight on approach to these signals.

According to Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, the ASD for a major road (ie Byrnes Street) with a posted speed of 40km/h (ie design speed 50km/h) is 55m.

Figures 3.3 and 3.4 and the attached drawings 25-073-001 and 25-073-002, included in Appendix B, demonstrates that, in plan view, the proposed device would not appear behind either primary signal at the ASD on both approaches.

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007  
Version: 1, Version Date: 21/10/2024





Figure 3.3: SOUTHBOUND BYRNES STREET LINE OF SIGHT

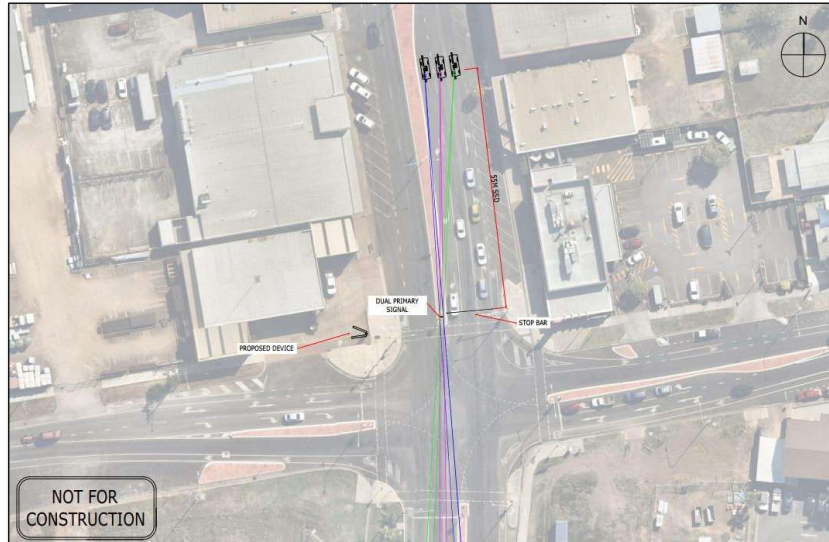
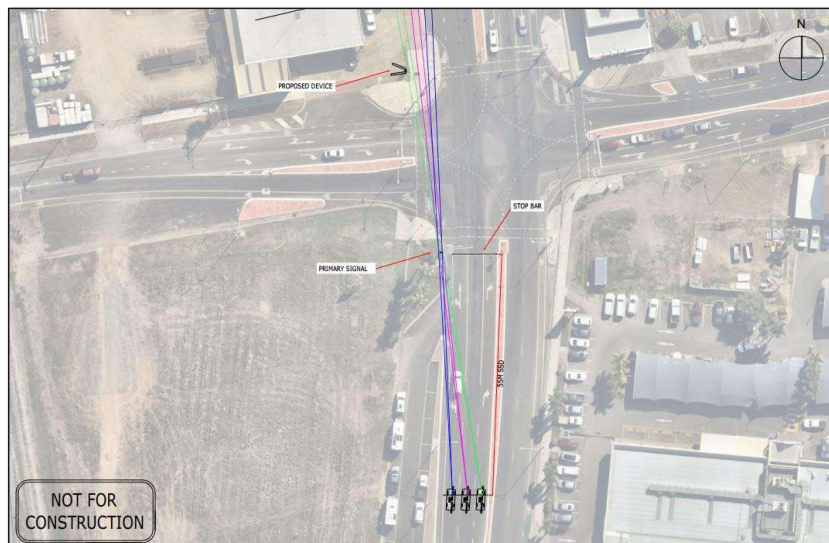


Figure 3.4: NORTHBOUND BYRNES STREET LINE OF SIGHT



P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024

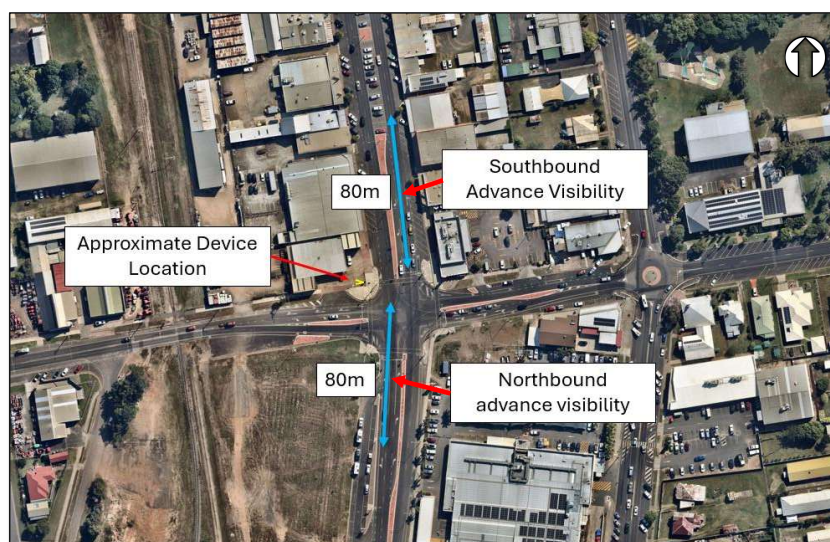


Accordingly, the proposed device would not appear behind primary signals on the relevant approaches at the ASD on both Byrnes Street approaches. The device is therefore not expected to significantly distract driver's on approach to the signalised intersection, despite being located within a restriction notice area.

### 3.3 ADVANCE VISIBILITY

TMR's RAM requires three seconds (ie approximately 35m at 40km/h) of advanced visibility to view and read the proposed advertising device. Figure 3.5 demonstrates that there is in excess of 80m of available advance visibility to the proposed device from both the northbound and southbound approaches, which accords with TMR's RAM. Thus, there is adequate advanced visibility to view and read the advertising device on both Byrnes Street approaches.

**Figure 3.5: ADVANCE VISIBILITY TO PROPOSED DEVICE**



### 3.4 COUNCIL REQUIREMENTS

Council's Planning Scheme Policy 10 – Advertising Devices with an Electronic Display Component outlines the following with respect to traffic safety:

- display content does not cause a visual or cognitive distraction to drivers or road users
- the siting and design of advertising devices does not pose a hazard or nuisance for pedestrians, cyclists and motorists
- illumination does not create a hazard or nuisance for motorists and surrounding areas
- the device does not include elements that move, flash, revolve or contain mechanisms that give the impression of movement

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024



Figures 3.3, 3.4, 3.6 and 3.7 demonstrate that the proposed advertising device will not obstruct sightlines to any official traffic signs or primary traffic signals on the relevant northbound and southbound approaches on Byrnes Street. The device would be wholly contained within the bounds of the property and therefore would not obstruct the passage of pedestrians, cyclists, and motorists. It is recommended that the minimum dwell time between still images, outlined in Section 3.5.3 of this report and the maximum illuminance, outlined in Section 3.5.2, be adopted. On this basis, the proposed device is not expected to significantly distract traffic to the point where it causes an adverse impact on road safety. Therefore, the proposed device is considered consistent with Council's requirements.

**Figure 3.6: ADVANCE VISIBILITY ON BRISBANE ROAD – NORTHBOUND**



**Figure 3.7: ADVANCE VISIBILITY ON BRISBANE ROAD – SOUTHBOUND**



P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024





### 3.5 OPERATIONS

#### 3.5.1 Lighting Zone

We have been advised that the proposed device will be a 'Large Format', non-rotating advertising device with an electronic display showing static imagery. It will be located in a mixed-use area with medium-high-ambient lighting. Therefore, the proposed device location has been classified as a Lighting Environment Zone 2 as per TMR's RAM.

#### 3.5.2 Brightness

It is recommended that the maximum luminance levels specified in TMR's RAM be adopted. Maximum luminance levels are specified for a range of ambient light levels, as summarised in Table 3.1.

**Table 3.1: MAXIMUM LUMINANCE LEVELS**

AMBIENT LIGHT LEVEL (LUX)	APPROXIMATE EQUIVALENT SCENARIO	LUMINANCE LEVEL (CD/M2)
0 – 10	Night	150
101 – 400	Dusk / Dawn	400
1,001 – 4,000	Overcast	1,500
40,001 – 100,000	Direct Sunlight	6,000

The proposed advertising device will meet the following requirements, in line with TMR's RAM:

- will be located at an angle such that luminance levels are as uniform as possible for the viewer
- any retro-reflective material will be rotated approximately five degrees away from normal line of vehicle headlight beams in order to minimise specular reflection
- will not contain flashing point sources
- all lighting associated with the advertising device will be directed solely on the advertising device and its immediate surroundings
- illumination does not include any reflective letters or strips

#### 3.5.3 Reflectance

The device should be oriented at least five degrees from right angles with the driver's line of sight to prevent glare from low sunlight reflections.

#### 3.5.4 Timing

The proposed device should display one static advertisement at a time (ie no split screens) to reduce driver comprehension time and should be displayed for a minimum amount of time (dwell time). Consistent with section 3.6.1.4 of TMR's RAM, the minimum dwell time for a device visible from a state-controlled road with a speed limit less than 80km/h (ie Byrnes Street) is 10 seconds.

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007  
Version: 1, Version Date: 21/10/2024



TMR's RAM further requires changes in electronic advertising display to occur instantaneously in less than 0.5 seconds to limit driver distraction. However, recent research undertaken by CARRS-Q (2019)<sup>1</sup> found that 'drivers are neurophysiologically predisposed to orient to motion and sudden change in the periphery.' This suggests that quick changes in electronic advertising display may intensify driver distraction. CARRS-Q recommends increasing transition times between advertisements to avoid sudden changes or motion.

### 3.5.5 Display Content

Consistent with Council's Planning Scheme Policy 10 and good roadside advertising practice, it is recommended that the displayed images:

- are directly and easily interpreted as to convey the required advertising message quickly
- do not give instructions to 'stop' or similar
- do not imitate traffic control devices
- will not go blank between advertisements
- minimise emotional content that may affect emotional biases

## 3.6 DESIGN

The electronic component of the proposal is classified as a large format advertising device with proposed dimensions of 4.8m x 3.2m of electronic display (on one side). The device will have a maximum height of 8.5m, which complies with Council's requirements and section 3.1 of TMR's RAM.

As per TMR's RAM, there will be no impact or obstruction to other businesses, residents or the visual amenity of the surrounding area from the device. The device is proposed to have no movement or rotation.

---

<sup>1</sup> Centre for Accident Research and Road Safety – Queensland (CARRS-Q) (2019), "The impact of road advertising signs on driver behaviour and implications for road safety: A critical systematic review", Queensland University of Technology (QUT), Brisbane, Queensland

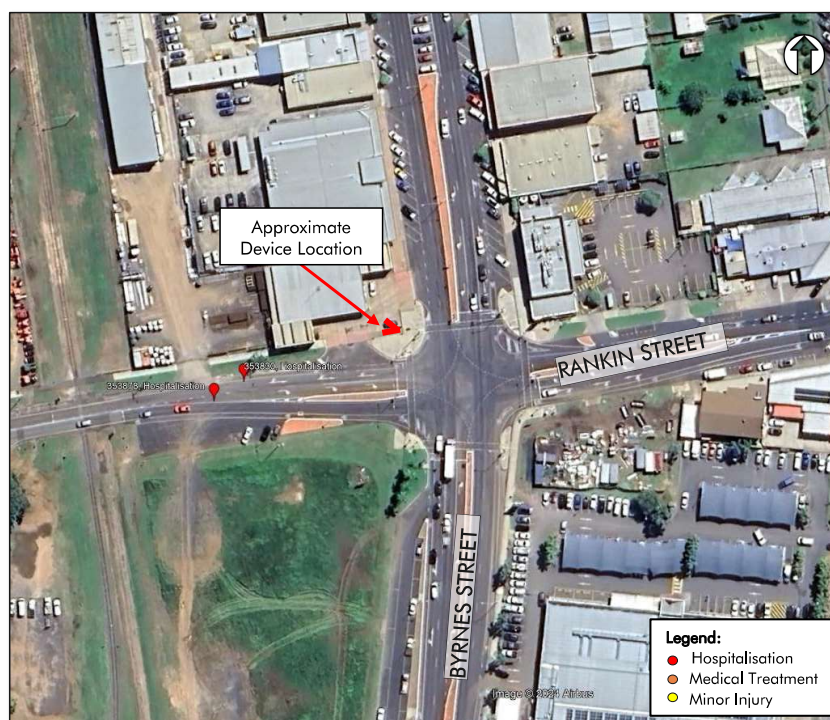


## 4.0 ROAD SAFETY ASSESSMENT

### 4.1 APPROACH

TMR's RAM states that further restrictions will apply to sections of roads and intersections with a high Fatal or Seriously Injured (FSI) rate in the last five years. Crash data from the most recent five-year period (2018-2023) was sourced from TMR for the Byrnes Street / Rankin Street signalised intersection.

Figure 4.1: CRASH LOCATIONS AND SEVERITY (NOVEMBER 2018-NOVEMBER 2023)



### 4.2 CRASH HISTORY

The most recent available crash data was analysed to determine the impact of the proposed advertising device on road safety. Figure 4.1 indicates that two crashes were reported. two hospitalisations were recorded at the Byrnes Street / Rankin Street intersection during the most recent five-year period. Therefore, the intersection has a low FSI rate of two, and no further restrictions apply in accordance with TMR's RAM.

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024



#### 4.3 AVERAGE CRASH RATE

The Byrnes Street / Rankin Street signalised intersection was analysed using the approach detailed by Jurewicz and Bennett (2008) to calculate the crash rate, as shown in Table 4.1. Two crashes occurred at this intersection over the five-year period. Traffic Volumes were obtained from TMR as outlined in Section 2.2. The results of this analysis show the crash rate of the proposed site to be below the Queensland average.

**Table 4.1: CRASH RATE (2018 – 2023)**

SITE	NUMBER OF CRASHES	AADT	CRASH RATE (CRASHES / 10M VTE)
Byrnes Street / Rankin Street	2	11,930	0.92
Queensland Average (Urban Signalised)			1.89

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024



## 5.0 CONCLUSIONS AND RECOMMENDATIONS

### 5.1 CONCLUSIONS

We have undertaken a review of the proposed electronic advertising device located at 230 Byrnes Street, Mareeba. The impact of the proposed device has been assessed in terms of traffic safety and driver distraction. The main points to note are:

- the proposed device would be located adjacent to the Byrnes Street / Rankin Street signalised intersection
- the devices digital panel would be orientated to face northbound traffic
- the devices static panel would be oriented to face southbound traffic
- the device is located in a low-speed urban environment
- the device is located in one restriction notice area
- the device would not appear behind any primary signals at the intersection at the ASD on the northbound and southbound approaches
- the device provides adequate advance visibility for vehicles approaching from the northbound and southbound directions on Byrnes Street
- the adjacent intersection has a low FSI rate of two
- the adjacent intersection has a below average crash rate

The device has adequate advance visibility, does not impede vision to any official traffic signs or traffic signals and the adjacent intersection has a low FSI rate of two. The location of the proposed device is not fully compliant with the requirements set in TMR's RAM, as it is located in one restriction notice area. However, we are of the view that the proposed electronic advertising device will not pose a significant distraction and unacceptable risk to traffic safety and operations, provided the below recommendations are taken into account.

### 5.2 RECOMMENDATIONS

It is recommended that:

- the device has a minimum dwell time of 10 seconds
- a maximum luminance level of 6,000cd/m<sup>2</sup> be displayed and a feedback loop be incorporated to automatically adjust the luminance levels depending on the ambient light level
- the device is oriented at least five degrees from right angles with the driver's line of sight
- one static image be displayed at a time and that the images:
  - are directly and easily interpreted
  - do not give instructions to 'stop' or similar
  - do not imitate traffic control devices
  - do not go blank between advertisements
  - minimise emotional content that may affect emotional biases

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024

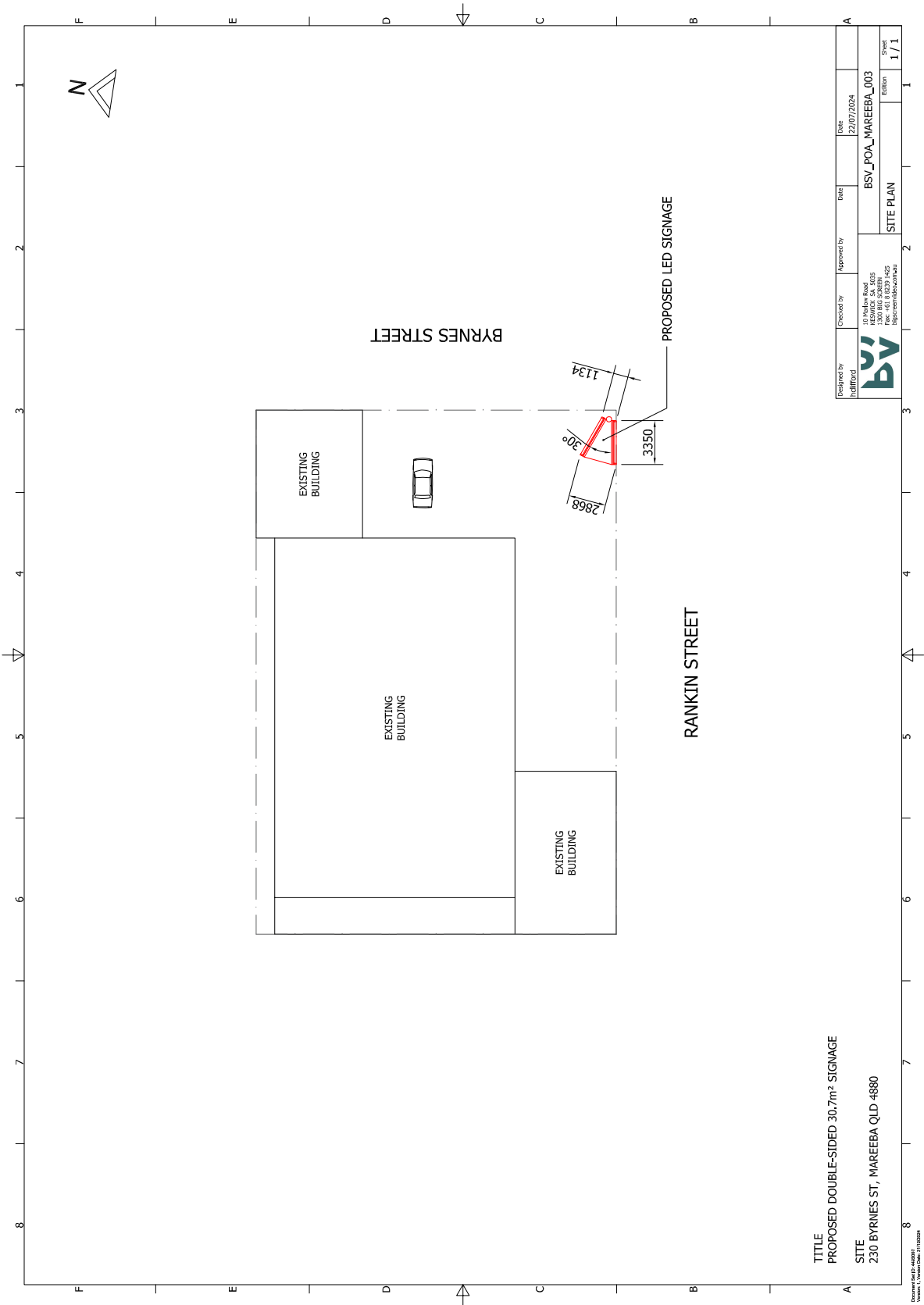


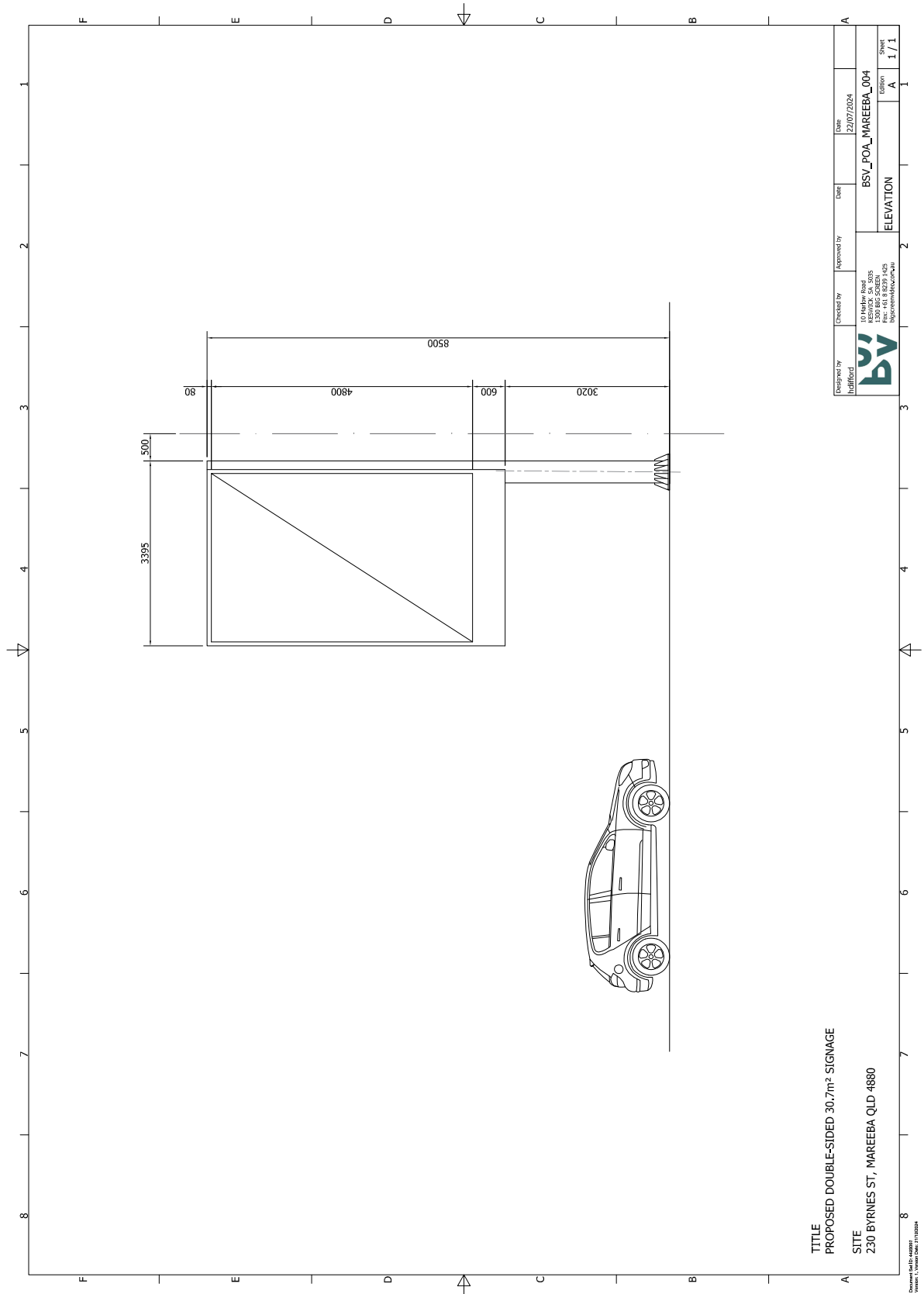
## **APPENDIX A: DEVICE PLANS**

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024







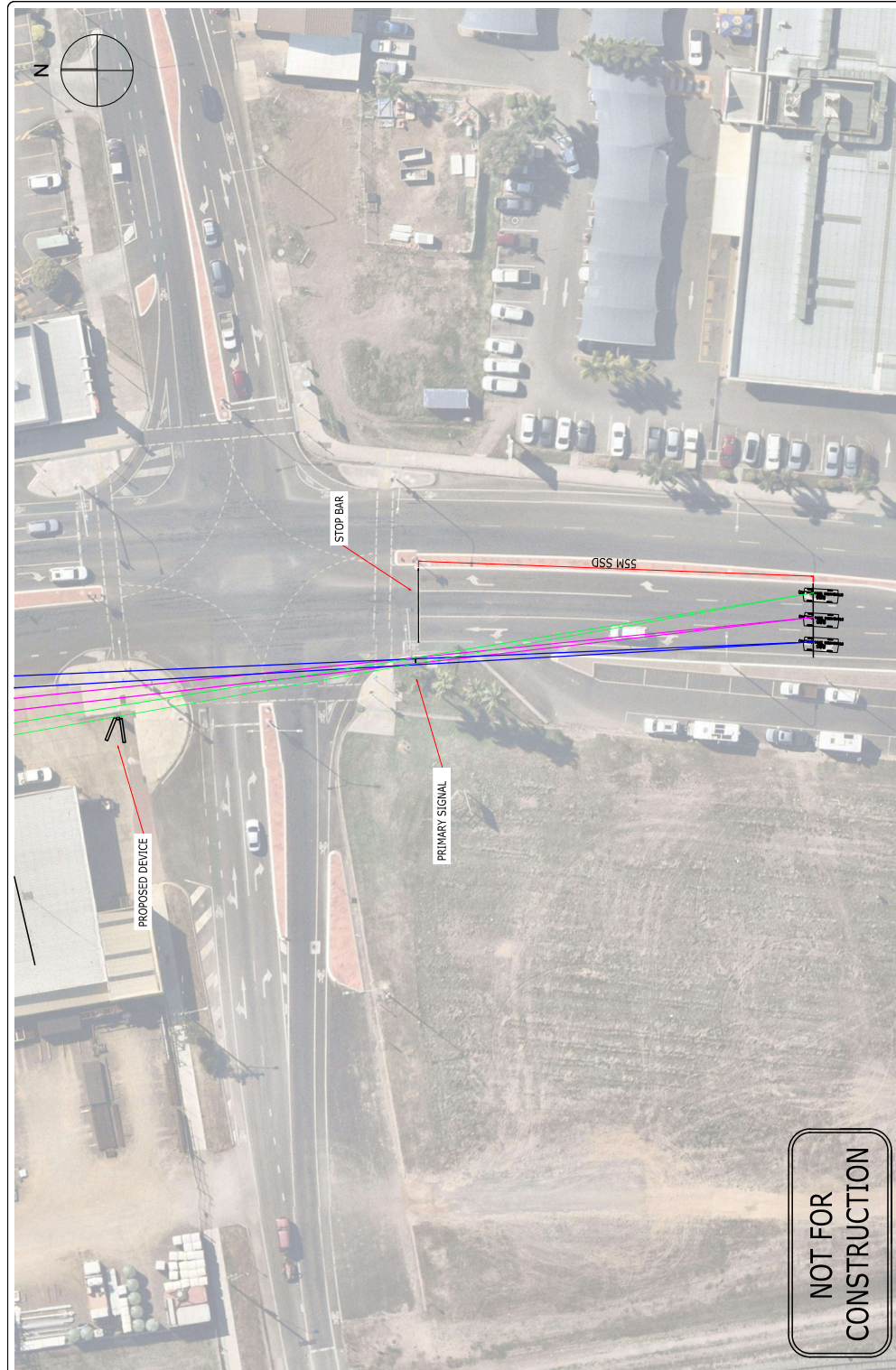


## **APPENDIX B: LINE OF SIGHT DRAWINGS**

P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\25-073 TRAFFIC REPORT FINAL.DOCX

Document Set ID: 4422007

Version: 1, Version Date: 21/10/2024



CLIENT: PARADISE OUTDOOR ADVERTISING			
DATE: 30/08/24	SCALE: 1:500@A3	DRAWN: CJ	APPROVED: JRG
DRAWING NO.: 25-073-001	REV:	DWG NO.: 25-073	

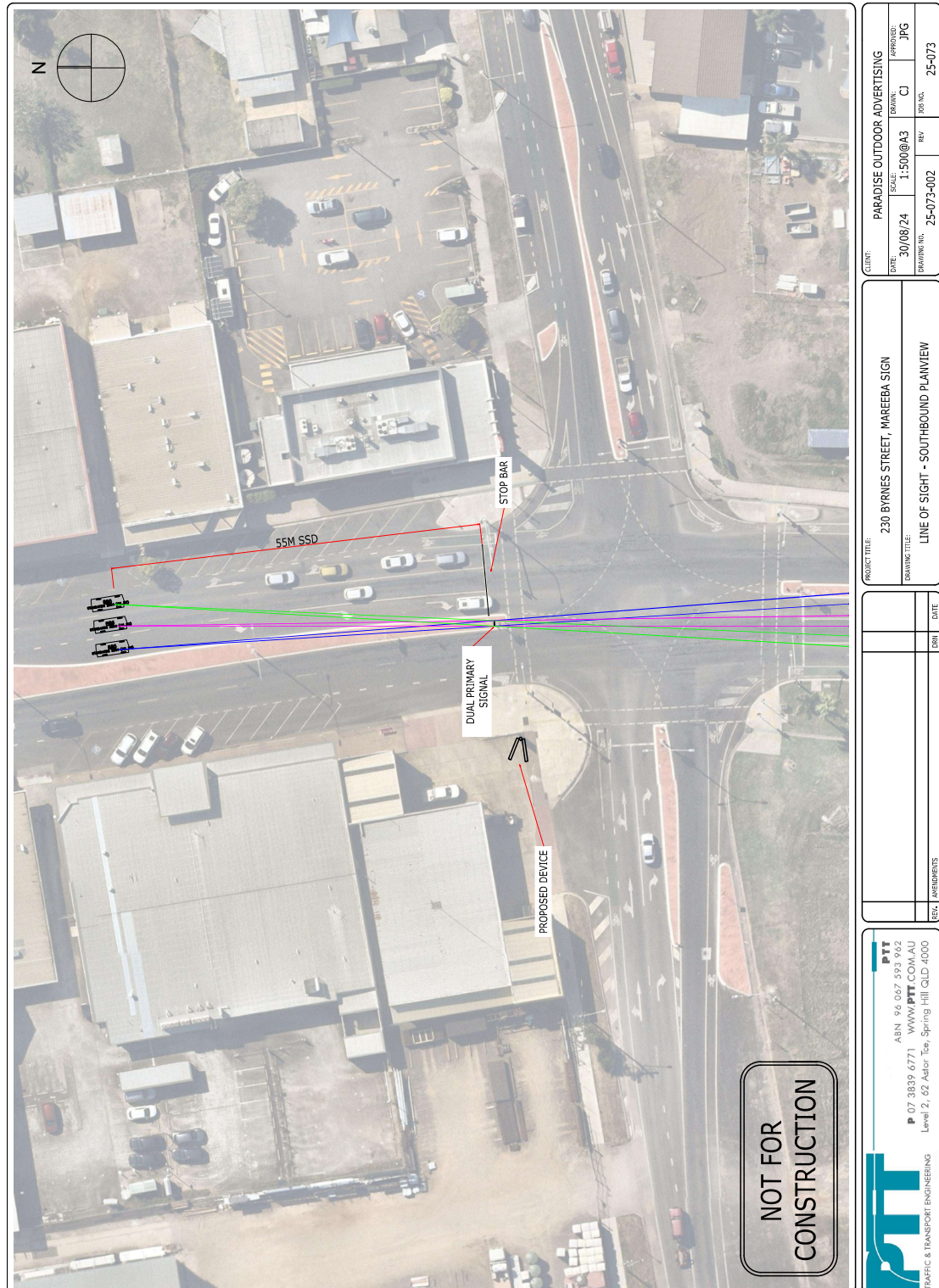
PROJECT TITLE: 230 BYRNES STREET, MAREEBA SIGN	
DRAWING TITLE: LINE OF SIGHT - NORTHBOUND PLANVIEW	

REV.	REVISIONS	DATE


**PTT**  
 ABN 96 067 993 992  
 P 07 3839 6771 WWW.PTT.COM.AU  
 Level 2, 62 Astor Tce, Spring Hill QLD 4000  
 TRAFFIC & TRANSPORT ENGINEERING

Document Set ID: 4486087  
 Version: 1, Version Date: 21/10/2024





8 January 2025  
Council Ref: OPW/24/0006



## **230 Byrnes Street, Mareeba - Operational Works (Digital Billboard)**

### **ROAD SAFETY IMPACT ASSESSMENT REVIEW**

#### **Introduction**

---

A review of the submitted Operational Works Application for a Digital Advertising Device at 230 Byrnes Street (corner of Rankin Street), Mareeba, has been conducted with a focus on road safety.

The assessment was conducted by evaluating the site's features and the proposal against established best-practice traffic engineering principles and road safety guidelines.

#### **Recommendation**

---

The proposed installation of a digital billboard at this location presents an unnecessary safety risk to road users at the intersection. This is due to its potential to distract motorists in an area that requires high levels of concentration.

As an alternative, installing a static sign that complies with the requirements of the TMR Roadside Advertising Manual would provide a less distracting solution. This option poses a lower risk, better aligns with road safety priorities, and adheres to established traffic engineering best practices.

#### **Comments**

---

Advertising signs are inherently designed to attract attention, increasing the likelihood of a driver being distracted. Signalised intersections in particular are high-risk areas where driver attention is critical. Placing a digital billboard near such locations could compromise driver awareness and concentration, potentially delaying reactions and increasing crash risks.

Research consistently shows that digital billboards are more distracting than traditional static signs. Their larger size and dynamic displays significantly prolong driver attention, creating more opportunities for distraction. This is a critical concern, as driver distraction is widely recognized as a major road safety issue.

At intersections, distractions that reduce driver focus can impair the ability to respond promptly to changing conditions, such as traffic light changes, pedestrian crossings, or the actions of other road

8 January 2025  
Council Ref: OPW/24/0006



users. For example, a distracted driver might fail to notice a vehicle slowing to turn or give-way to pedestrians, increasing the likelihood of conflict.

Best-practice principles and guidelines emphasise the importance of minimizing roadside advertising's impact on road safety. The Austroads' research report, *'Impact of Roadside Advertising on Road Safety'*, provides a comprehensive review of the distraction risks associated with roadside advertising. It also offers guidance to help road authorities and safety practitioners assess the potential impact of proposed advertising signs on road safety. The study outlines considerations for the placement of advertising signs and highlights areas to avoid, including:

- Locations where signs could reduce the effectiveness of traffic control devices or serve as a distracting background to signals.
- Areas where signs are visible at the approach to, or from intersections that demand significant driver attention.
- Road environments that are already cluttered with visual elements.

The TMR Roadside Advertising Manual (RAM) aligns with the principles outlined above. Its primary aim is to ensure that roadside advertising does not adversely impact road safety and traffic efficiency, as required under the Transport Operations (Road Use Management) Act. The manual was developed by TMR to also provide guidance to local governments in assessing the suitability of applications for signs located outside the state road corridor but visible from it.

The Roadside Advertising Manual and its associated guidelines discourage placing advertising devices in "restriction areas," which include zones near intersections where driver attention is crucial. These guidelines define locations where a sign could pose a risk to public safety by distracting drivers or interfering with the effectiveness of traffic control devices. These restrictions are based on sound traffic engineering principles and align with best practices in road safety.

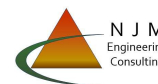
### **Site Characteristics**

---

The specific characteristics of the intersection at Byrnes Street and Rankin Street are outlined below, highlighting why the installation of an additional distraction, such as the proposed electronic billboard, is undesirable due to its potential negative impact on safety.

- **Proximity to a Signalised Intersection:** The sign is proposed at the corner of a busy, signalised intersection, designated as a 'Restriction Notice Area' in the TMR Roadside

8 January 2025  
Council Ref: OPW/24/0006



Advertising Manual. Advertising in this restricted area is likely to adversely affect road safety due to the high potential for driver distraction.

- **Proximity to signal lanterns:** The proposed sign is positioned behind the pedestrian lantern and aligned with the traffic signal lantern to the side. This placement could divert attention from the signal lantern and pedestrian indicators, compromising their visibility and effectiveness.
- **Digital Format:** The digital nature of the sign, with changes in advertising content, increases the likelihood of drivers becoming distracted, as they may be drawn to anticipate or re-watch the changing messages.
- **Large Size of the Sign:** The size of the proposed sign is 15.35m<sup>2</sup> (4.8m high x 3.2m wide). Its large size exacerbates concerns about driver distraction at the intersection.
- **Speed Limit Transition:** Northbound drivers approaching the intersection are required to adjust to a 40 km/h speed zone. This transition, combined with the high activity in the area, necessitates careful attention from motorists. Distractions, such as the proposed digital billboard, may cause drivers to overlook the speed limit change, increasing the potential for safety risks
- **On-Street Parking Activity:** On-street angle parking on the departure side of the intersection is another factor that necessitates minimising external distractions. Through traffic must remain alert to vehicles slowing to turn into parking spots or exiting from them.
- **Shared Northbound Through/Left-Turn Lane:** In the shared through/left-turn lanes vehicles would need to slow down to make the turn or stop to give way to pedestrians crossing at the intersection. Distracted drivers may fail to notice these actions, increasing the risk of rear-end collisions.
- **Presence of Unfamiliar Drivers:** A significant proportion of tourists and out-of-town drivers use this road. This unfamiliarity makes the driving task more demanding, and any additional sources of distraction should be avoided.

8 January 2025  
Council Ref: OPW/24/0006



- **Cycle Lane Transition and Cyclist Awareness:** The northbound cycle lane ends at the intersection, requiring cyclists to merge into the traffic lane. Motorists need to be aware of cyclists joining the lane and adjacent cyclists moving alongside them. Given this, it is crucial that drivers stay focused and avoid distractions to ensure they are aware of cyclists movements and can react safely.

The Traffic Safety Assessment conducted by PTT Traffic and Transport Engineering was based on a desktop analysis of sightlines using aerial imagery, street view data, and historical crash records. The assessment concluded that since the sign does not directly obstruct the visibility of the traffic signals on approach, driver distraction would not be an issue. However, the critical factors outlined above were not taken into account in the assessment.

### **Conclusion**

---

Given the factors outlined above, the installation of a digital advertising sign at this location has the potential to negatively impact road safety. Therefore, in the interest of public safety, it is important that the guidelines of the Roadside Advertising Manual be upheld and that the electronic billboard not be located within the Restriction Notice Area defined in the manual.

Document Set ID: 4429651  
Version: 1, Version Date: 04/11/2024

Program Delivery and Operations  
Far North Region  
Cairns Corporate Tower, 15 Lake Street Cairns QLD 4870  
PO Box 6185 Cairns QLD 4870

Telephone +61 7  
Website www.fnr.qld.gov.au  
Email Far.North.Queensland.IDAS@fnr.qld.gov.au  
ABN: 39 407 690 291

I refer to your request for advice from the Department of Transport and Main Roads (the department) in relation to the abovementioned development application.

The department understands the proposal seeks to install a double-sided freestanding device consisting of one side as a digital face and the second face as static. The electronic face would have changing images. This device would be situated wholly in private land, visible from the State-controlled Road, Mareeba-Dimbulah Road (Byrnes Street) near the corner of Rankin Street in an 40km/hr speed zone.

The department has assessed the proposed development and offers the following advice against the current TMR Roadside Advertising Manual (RAM) Edition 4 dated December 2022 with respect to the application:

a) The size of the proposed digital advertising device has been shown on the submitted drawings as 8.50m x 3.4m, approximately 18.63m<sup>2</sup>. Sign face is 3.4m x 5.08m. This assessment has therefore been undertaken as billboard >4m<sup>2</sup> (Typically Portrait size).

b) In this instance the location of the proposed device falls within a Restriction Notice Area (within 45m of the signalised intersection).

**Advice about an Advertising Device Application**

**Proposed Development:** Development Permit for Operational Works  
Electronic billboard

**Real Property Description:** Lot 6RP726416  
230 Byrnes Street, Mareeba QLD 4880

**Street Address:** MSC-DA001-24  
Mareeba Shire Council

**Assessment Manager ref.:** MSC-DA001-24  
Mareeba Shire Council

4 November 2024

Mareeba Shire Council  
PO Box 154  
Mareeba QLD 4880


Attention: Carl Ewin

Dear Sir/Madam

Our ref TMR24-044103  
Your ref MSC-DA001-24  
Enquiries Alexandra MacGregor





Yours sincerely  
  
Liliya Yates  
A/Principal Engineer (Civil)

Should you have any queries regarding the above, please do not hesitate to contact Alexandra MacGregor, Project Support Officer on 4045 7008.

Please note that TMR is not the approval authority for advertising within Lot 6RP726416 (the subject land), however in accordance with section 139 of the *Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015, Part 7* Miscellaneous, TMR can require a light or sign to be removed or modified if it is considered it may create a danger to traffic.

c) The proposed location of the device is visible from a traffic situation where additional driver attention and decision making is required and TMR would not support a device showing advertising that moves/flashes/rotates/changes the image/message being displayed, and do not flash (but may be illuminated) are permitted within the Restriction Notice Area.

Only advertising devices that do not move/rotate/change the image/message being displayed, and do not flash (but may be illuminated) are permitted within the Restriction Notice Area.



Level 2 | 62 Astor Terrace | Spring Hill QLD 4000  
PO Box 272 | Spring Hill QLD 4004  
ABN 96 067 593 962  
P 07 3839 6771  
E mail@ptt.com.au  
WWW.PTT.COM.AU

11 February 2025

Paradise Outdoor Advertising  
PO Box 7546  
Garbutt QLD 4818

Attention: Andrew Lees

Dear Andrew,

**RE: ELECTRONIC ADVERTISING DEVICE  
230 BYRNES STREET, MAREEBA  
RESPONSE TO THIRD PARTY ADVICE**

**INTRODUCTION**

This report has been prepared by Pekol Traffic and Transport (PTT), in response to a third-party assessment of a proposed double-sided advertising device at 230 Byrnes Street, Mareeba, undertaken by NJM Engineering Consulting, dated 8 January 2025,.

**AUSTROADS APPROACH TO ROAD SAFETY**

The NJM Consulting assessment recommends installing a static sign at the subject site in lieu of the proposed digital device, on the basis that a static sign poses a lower risk and better aligns with road safety priorities. By extension of this logic, it would be preferable to ban all roadside advertising, further reducing driver distraction and the associated road safety risk. Taken to the extreme, this line of reasoning could be used to justify the banning all motor vehicles in order to achieve a zero road safety risk.

Rather than deal in absolutes, experienced road safety practitioners aim to balance road safety outcomes with the wider roles the road network. This more nuanced approach to road safety is echoed in Austroads Guide to Road Safety (2013) which states:

*"A lot is expected of the road transport system and competing demands must be acknowledged when considering road safety goals. In addition to its primary functions of providing for the movement of people and goods to support economic and social activities, the road transport system is expected to provide for all members of the community as road users in an equitable manner."*



P:\2024-25\25-073 230 BYRNES STREET, MAREEBA SIGN\OUTPUTS\THIRD PARTY RESPONSE LETTER\25-073 TRAFFIC RESPONSE.DOCX  
PREPARED BY: CJ



### DTMR APPROACH TO ROAD SAFETY

The Department of Transport and Main Roads (DTMR) Guide to Traffic Impact Assessment (2018) states that:

*“Development should ensure that a road’s safety is not significantly worsened as a result of the development and that any pre-existing or development-introduced unacceptable safety risk is addressed.” (emphasis added)*

It is not simply enough to say that “safety would be better if the proposed device were not present”, which appears to be the approach adopted by the NJM Engineering Consulting assessment. Rather, the key question is “can an acceptable level of safety be maintained with the proposed device in place”?

### PTT RESPONSE

In addition to the above criticism of the NJM Engineering Consulting assessment, the latter contains several errors of fact and unsubstantiated claims. These are addressed in the following responses to the points raised.

#### POINT 1: PROXIMITY TO SIGNALSIED INTERSECTION

Item 1 of the NJM Engineering Consulting assessment states:

*“The sign is proposed at the corner of a busy, signalised intersection, designated as a ‘Restriction Notice Area’ in the TMR Roadside Advertising Manual. Advertising in this restricted area is likely to adversely affect road safety due to the high potential for driver distraction ”.*

The NJM Engineering Consulting assessment fails to acknowledge that the Byrnes Street / Rankin Street intersection is located within a 40km/h speed zone, which would be classified as a “low speed” environment. In such an environment the consequence (or severity) of a crash would be lower than in a higher speed (eg 60km/h or 80km/h) speed environment and this factor alone contributes to the lower safety risk associated with the proposed device.

The NJM Engineering Consulting assessment fails to acknowledge that all turns at the Byrnes Street / Rankin Street intersection are fully controlled, which means that the only decisions drivers are required to make is to stop or go in response to the signal state. These are straight forward habitual reactions that require very little driver attention. Drivers are not required to estimate gaps in traffic, the approach speed of other vehicles or the presence of vehicles on the intersecting road, all of which would add complexity to the driving task if they were present at this location. Accordingly, the Byrnes Street / Rankin Street intersection could not be classified as complex intersection.

The proposed device’s location within a Restriction Notice Area (RNA) does not automatically mean that it fails on road safety grounds. Rather, the sign’s presence in an RNA merely requires a broader assessment of other factors, as was undertaken in our original report. Apart from being located within an RNA, the proposed device complies with all of the other locational criteria detailed in DTMR’s Roadside Advertising Manual (RAM), as indicated in Table 1.



Table 1: DTMR's LOCATIONAL CRITERIA

RAM CRITERIA	COMMENT	COMPLIES
The device must be located clear of a Device Restriction Area (DRA).	The proposed device is wholly contained within the bounds of the subject site and therefore is clear of the DTMR road reserve and DRA.	Yes
It is preferred that the device be located clear of a Restriction Notice Area (RNA).	The device is located within the RNA associated with the Byrnes Street / Rankin Street intersection.	No
There is sufficient advance visibility to view and read the device.	In excess of 80m advance visibility is achieved on approach to the device, which is considered adequate according to the RAM.	Yes
The device is not background to traffic signals, as required in Section 3.6.2.5 of the RAM.	The device would not be background to primary traffic signals at the intersection at the Approach Sight Distance on approach to the intersection, as shown in the attached line of sight drawings.	Yes
The device does not obstruct a driver's line of sight to official traffic signs, exit ramps, on-ramps etc.	The device does not obstruct a driver's line of sight to any official traffic signs.	Yes
The device must be located clear of intersections with a high risk rating, noting that DTMR's risk model ranks intersections in bands of low, medium and high.	The Byrnes Street / Rankin Street intersection has a QRAM risk rating of Medium and therefore does not have a high risk rating.	Yes
The device must be located clear of intersections with three or more Fatal or Seriously Injured crashes reported within the past five years.	Crash data sourced from DTMR indicates that two crashes, both being hospitalisations and zero fatalities, were reported at the intersection between November 2018 and November 2023.	Yes

## POINT 2: PROXIMITY TO SIGNAL LANTERNS

Item 2 of the NJM Engineering Consulting assessment states:

*"The proposed sign is positioned behind the pedestrian lantern and aligned with the traffic signal lantern to the side. This placement could divert attention from the signal lantern and pedestrian indicators, compromising their visibility and effectiveness".*

Pedestrian signals are designed to inform drivers, as such, the device being located behind a pedestrian signal has no impact on drivers approaching the signalised intersection. Further, DTMR's RAM does not specifically require digital devices to be located clear of pedestrian signals.

Given that the proposed device is located proximate to signal lanterns for vehicular traffic, further analysis was undertaken. To determine whether the device would likely pose as a significant distraction to drivers on approach to the signalised intersection, an assessment of driver's line of sight has been undertaken, based on the Approach Sight Distance (ASD) set out in Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersection (AGRD).



According to this guide, the ASD for a major road (ie Byrnes Street) with a posted speed of 40km/h (ie design speed 50km/h) is 55m. As demonstrated in Figures 1 and 2, the proposed device would not appear behind either primary signal on both the northbound and southbound approaches on Byrnes Street, approximately from the ASD.

Accordingly, the proposed device would not appear behind primary and secondary signals at the ASD on both Byrnes Street approaches. This is consistent with requirements set out in DTMR's RAM and alligns with a recent judgement of the Queensland Planning and Environmental Court (Appeal No 2378 of 2022). The device is therefore not expected to significantly distract drivers approaching the Byrnes Street / Rankin Street intersection, despite being located within a RNA.

Figure 1: SOUTHBOUND BYRNES STREET LINE OF SIGHT

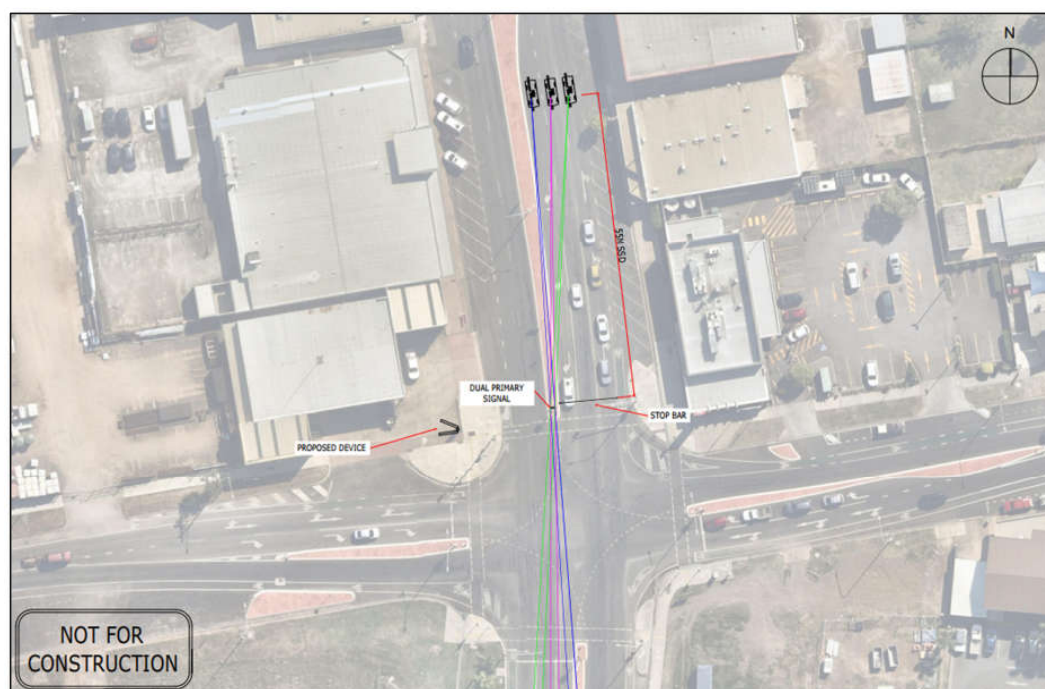
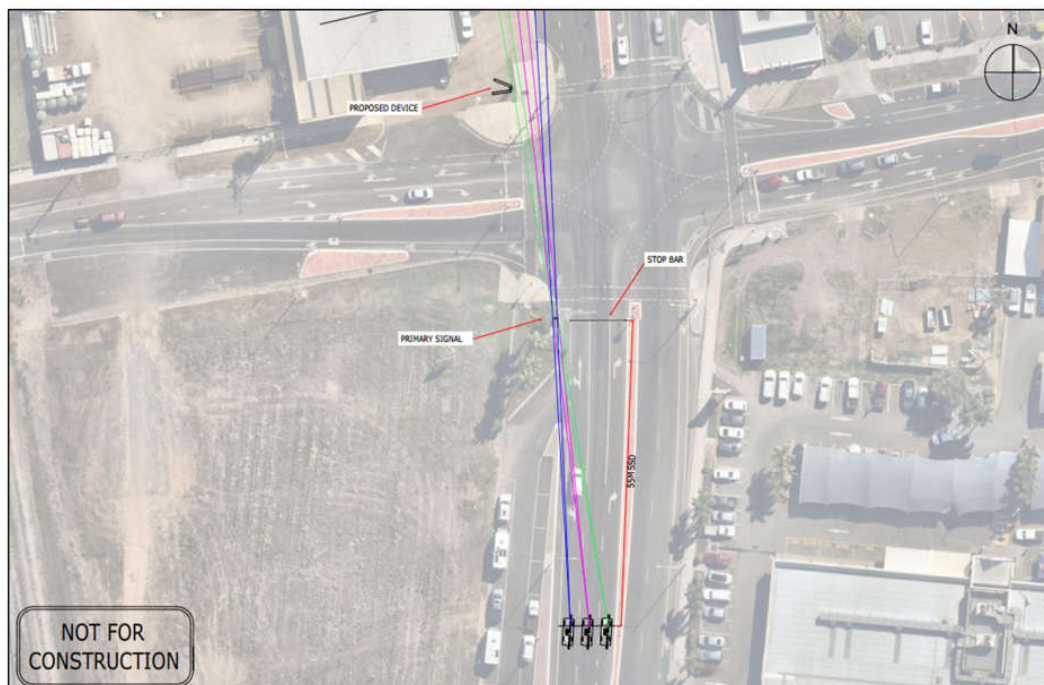


Figure 2: NORTHBOUND BYRNES STREET LINE OF SIGHT



### POINT 3: DIGITAL FORMAT

Item 3 of the NJM Engineering Consulting assessment states:

*“The digital nature of the sign, with changes in advertising content, increases the likelihood of drivers becoming distracted, as they may be drawn to anticipate or rewatch the changing messages”.*

DTMR’s RAM nominates a minimum dwell time of 10 seconds for digital advertising devices on a road with a posted speed limit less than 80km/h (ie Byrnes Street). As Byrnes Street has a posted speed limit of 40km/h, the proposed application could be considered conservative. Drivers in low-speed road environments have more time to process road conditions and traffic signals. Therefore, the digital nature of the proposed advertising device, assuming the dwell time is maintained with the requirements set out in DTMR’s RAM, is not expected to significantly distract drivers.



#### POINT 4: SIZE OF SIGN

Item 4 of the NJM Engineering Consulting assessment states:

*"The size of the proposed sign is 15.35m<sup>2</sup> (4.8m high x 3.2m wide). Its large size exacerbates concerns about driver distraction at the intersection".*

DTMR's RAM provides a table nominating typical advertising device dimensions, reproduced below in Figure 3. The proposed device (15.35m<sup>2</sup>) would align with either a Small Portrait or a Poster. This indicates that the proposed device is relatively small compared to the range of standard advertising devices described in DTMR's RAM. It would therefore be more reasonable to conclude that the small size of the proposed device would pose a lower than average safety risk, compared to larger devices commonly found on the road network.

Figure 3: TYPICAL ADVERTISING DEVICE DIMENSIONS

Advertising Device – Typical Dimensions			
Description	Dimensions	Area	Maximum Height
Small Portraits	3 m x 4.5 m	13.5 m <sup>2</sup>	7.5 m
Posters	6 m x 3 m	18 m <sup>2</sup>	10 m
Super 8's	8.22 m x 2.26 m	18.6 m <sup>2</sup>	10 m
Portraits	4 m x 6 m	24 m <sup>2</sup>	10 m
Supersites	12.66 m x 3.35 m	42.4 m <sup>2</sup>	12.5 m
Spectaculars	18.99 m x 4.45 m	84.5 m <sup>2</sup>	12.5 m

#### POINT 5: SPEED TRANSITION

Item 5 of the NJM Engineering Consulting assessment states:

*"Northbound drivers approaching the intersection are required to adjust to a 40 km/h speed zone. This transition, combined with the high activity in the area, necessitates careful attention from motorists. Distractions, such as the proposed digital billboard, may cause drivers to overlook the speed limit change, increasing the potential for safety risks".*

The 40km/h zone speed signage is located approximately 150m upstream from the proposed device. Section 3.1.4 of DTMR's Manual of uniform Traffic Control Devices (MUTCD) Part 4: Speed Controls, indicates that speed limit signs are installed at locations where they are no obstructions by other signage, roadside furniture or vegetation visible to drivers. Alongside this, it is identified that speed limit signs are located 80-100m from intersections.

Further, DTMR's RAM designates a restriction notice area for "important" signs. However, this zone would only extend 36m along Byrnes Street towards the proposed device. Accordingly, as the proposed device is located approximately 150m from the speed zone signage, it is expected that the proposed device would not detract a driver's attention from the speed zone signage.





In addition, the Queensland Traffic Act (1994) requires drivers to be at the posted speed displayed on a speed limit sign before passing it. Thus, drivers will have already transitioned to the lower 40km/h speed limit on Brynes Street well before viewing the device or reaching the Brynes Street / Rankin Street intersection.

#### POINT 6: ON-STREET PARKING

Item 6 of the NJM Engineering Consulting assessment states:

*“On-street angle parking on the departure side of the intersection is another factor that necessitates minimising external distractions. Through traffic must remain alert to vehicles slowing to turn into parking spots or exiting from them”.*

The on-street parking along Brynes Street begins approximately 26m north of the proposed device location. Austroads Guide to Road Design Part 6B: Roadside environment, nominates a driver's cone of vision to be approximately 37°. Based on this, a driver would be approximately 55m from the first on-street parking space when the proposed advertising device would be outside their cone of vision. This equates to approximately 5 seconds of travel at 40km/h time before a driver would reach the first parking space, which is considered ample time for the driver to observe and react to a car manoeuvring to/from the closes on-street parking space.

An analysis of crash data for the most recent five years of available crash data (ie 2018-2023) indicates that there were no mid-block crashes reported on the section of Brynes Street south of Rankin Street. By comparison, nine mid-block crashes were reported on the section of Brynes Street between Rankin Street and Lloyd Street. This equates to about 8.6 crashes per km over the relevant five-year period.

This suggests that local road safety would be better improved by measures targeted at reducing the high crash rate observed on the section of Brynes Street with on-street parking, rather than banning an isolated advertising device outside of this high crash zone.

#### POINT 7: SHARED THROUGH / LEFT-TURN LANE

Item 7 of the NJM Engineering Consulting assessment states:

*“In the shared through/left-turn lanes vehicles would need to slow down to make the turn or stop to give way to pedestrians crossing at the intersection. Distracted drivers may fail to notice these actions, increasing the risk of rear-end collisions.”*

A study titled “Investigating the impact of static roadside advertising on drivers’ situation awareness”, concluded that although drivers may focus of billboards when stationary, when increased driver demand was required, drivers directed less attention towards billboards and focused more on their immediate driving tasks. This result indicates that drivers can self-regulate their attention to advertising devices when they are required to focus on the immediate traffic or driving situation. This indicates that drivers on approach to the intersection are expected to divert their attention to the movements of the intersection and divert their attention away from advertising device.

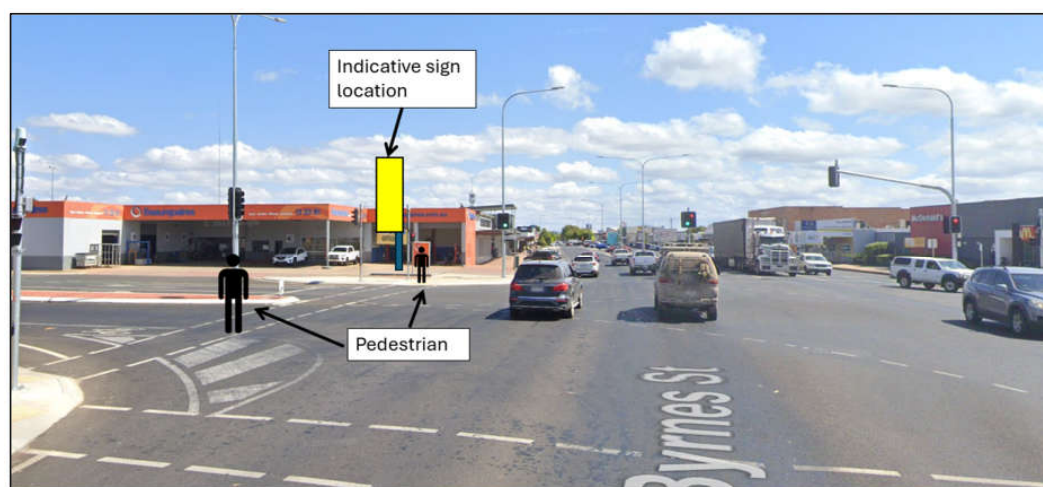
Further, an assessment of recent crash data, undertaken in PTT's previous reporting, indicates no existing safety issues are present at the intersection inclusive of rear-end crashes.





As shown in Figure 4, a pedestrian crossing the road would be in the direct field of view as the proposed device for drivers turning left into Rankin Street and will be visible for some time before entering the crossing (eg while walking towards the crossing or while standing at the crossing waiting to cross). In addition, the base of the advertising component is approximately 3m above ground level, indicating that pedestrians would be clear of the advertising component from the point of view of a driver approaching the intersection.

Figure 4: PEDESTRIANS AND SIGNALS



#### POINT 8: PRESENCE OF UNFAMILIAR DRIVERS

Item 8 of the NJM Engineering Consulting assessment states:

*"A significant proportion of tourists and out-of-town drivers use this road. This unfamiliarity makes the driving task more demanding, and any additional sources of distraction should be avoided."*

No data has been provided to support the claim that a significant proportion of the traffic travelling through this intersection are tourist and / or out-of-town drivers. Further, DTMR's RAM makes no mention of the proportion of familiar / unfamiliar drivers as a factor when considered the safety impacts of digital advertising devices.

#### POINT 9: CYCLE LANE TRANSITION AND CYCLIST AWARENESS

Item 9 of the NJM Engineering Consulting assessment states:

*"The northbound cycle lane ends at the intersection, requiring cyclists to merge into the traffic lane. Motorists need to be aware of cyclists joining the lane and adjacent cyclists moving alongside them. Given this, it is crucial that drivers stay focused and avoid distractions to ensure they are aware of cyclists movements and can react safely"*

The northbound bicycle lane terminates immediately north of Rankin Street, at which point cyclists are directed to transition from the bicycle lane onto the adjacent footpath. This transition point and associated signage are shown in Figure 5. Accordingly, there is no requirement for cyclists to merge into the northbound traffic lane on Brynes Street.

Figure 5: CYCLIST INFRESTRUCTURE



## CONCLUSIONS

We have reviewed the NJM Engineering Consulting assessment of our report (dated 30 August 2024) in relation to a proposed digital advertising device located at 230 Byrnes Street, Mareeba. We maintain that the proposed advertising device will not pose an unacceptable safety risk because:

- (a) the proposed device would be located in a low speed (40km/h) environment;
- (b) the adjacent Byrnes Street / Rankin Street intersection is not a complex intersection, as all turns are fully controlled (ie no filtered left or right turn movements);
- (c) the subject device would be in the background to the primary signal lanterns at the nearby Byrnes Street / Rankin Street intersection;
- (d) all of the signal lanterns at the Byrnes Street / Rankin Street intersection are fitted with target boards;
- (e) the location of the proposed device complies with all the locational criteria detailed in DTMR's RAM, apart from being within a RNA;
- (f) the adjacent Byrnes Street / Rankin Street intersection has a low crash rate;
- (g) drivers will have already transitioned to the lower 40km/h speed limit on Brynes Street well before viewing the device and before reaching the Byrnes Street / Rankin Street intersection;



- (h) drivers travelling north on Brynes Street would have ample time to observe and react to a car manoeuvring to/from the closest on-street parking space after losing sight of the proposed device;
- (i) the proposed device is located outside of the section of Brynes Street with on-street parking that exhibits a high historic crash rate;
- (j) there is no requirement for cyclists to merge into the northbound traffic lane on Brynes Street; and
- (k) the device provides adequate advance visibility for vehicles approaching from the northbound and southbound directions on Brynes Street.

If you have any questions regarding the issues discussed above, please do not hesitate to contact us.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Pekol', enclosed within an oval shape.

Adam Pekol  
Director (RPEQ 5286)



**8.5 COMMUNITY TRUSTEE LEASE - TEAM MAREEBA BOXING INC. - LEASE A IN LOT 1 CPM356165**

**Date Prepared:** 14 January 2025  
**Author:** Manager Information Systems  
**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

Council approval is sought for a proposed new community lease for exclusive use of the premises located upon a portion of reserve land described as Lot 1 on M356165, located at Abbott Street, Mareeba, as issued to Team Mareeba Boxing Inc.

**RECOMMENDATION**

That Council:

1. Decide that exemption provisions under section 236(1)(b)(ii) of the *Local Government Regulation 2012* (Qld) apply to the proposed community lease arrangement outlined in this report; and
2. Approve the issuing of a new community lease tenure instrument to Team Mareeba Boxing Inc. over Lease A in Lot 1 on M356165, Abbott Street Mareeba, for a term of ten (10) years.

**BACKGROUND**

On 17 September 2024, Team Mareeba Boxing Inc. approached Council seeking use of a Council controlled building (the premises), located upon Lot 1 on M356165, Abbott Street, Mareeba (the subject reserve).

**Assessment of Group**

Team Mareeba Boxing Inc. meet the definition of a Community Group and are assessed to be eligible for Type two (2) subsidised community tenure under Council's *Community Group Exclusive Use of Council Land and Facilities Policy* and *Community Tenure Guidelines*. The committee of Team Mareeba Boxing Inc. have been informed of, and have indicated acceptance of, Council's revised policy position on community leasing and the resulting responsibilities for community groups, in particular as applies to maintenance of the premises.

**Reserve Land**

The gazetted purpose of the subject reserve is 'Park and Recreation' and there are no existing tenure instruments in place over the subject reserve. Team Mareeba Boxing Inc. have indicated that they intend to use the premises to provide low-cost sports and recreation training opportunities for youth and high-risk youth within Mareeba and surrounding areas. The intended use of the premises by the community group is assessed to be consistent with the gazetted reserve purpose. A community lease over the premises will provide the group with the secure form of tenure necessary to apply for grant funding to continue to provide sporting and recreational services to the local community.

The subject reserve has been formally surveyed to excise a suitable lease area of 580m<sup>2</sup> from the subject reserve containing the premises to create new Survey Plan 346013, forming Plan of Lease A in Lot 1 on M356165.

## **RISK IMPLICATIONS**

*Community Group Exclusive Use of Council Land and Facilities Policy.*

Council should note that the financial information provided by Team Mareeba Boxing Inc. to inform Council's assessment of eligibility was deemed insufficient to determine the community group's financial viability to service the obligations under a 10-year community Lease, in particular as applies to maintenance of the premises. However, it is understood that the community group will apply for grant funding to assist in the maintenance requirements of the premises. LegAl/Compliance/Policy Implications

Section 236(1)(b)(ii) of the *Local Government Regulation 2012* (Qld) (LGR) provides that a local government may grant an interest in land (including all or part of an interest in land such as by lease) other than by tender auction if the interest in land is granted to a community organisation as defined in Schedule 8 of the LGR which provides:

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 Team Mareeba Boxing Inc. conforms with this definition.

## **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.

**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**

The Community Group to be informed of Council resolution and provided with a draft lease prepared in accordance with Council's *Community Group Exclusive Use of Council Land and Facilities Policy* for consideration and progression.

**8.6 LAND TENURE USER AGREEMENT - LOT 276 DA344 - 33 MAIN STREET MOUNT MOLLOY - JULATTEN AND MOLLOY ASSOCIATION OF RATEPAYERS AND RESIDENTS INC. (JAMARR)**

**Date Prepared:** 23 January 2025  
**Author:** Manager Information Systems  
**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

Council approval is sought for renewal of term of tenure for shared use of the premises located upon reserve land described as Lot 276 DA344, 33 Main Street Mount Molloy as issued to the Julatten and Molloy Association of Ratepayers and Residents Inc.

**RECOMMENDATION**

That Council:

1. Decide that exemption provisions under section 236(1)(b)(ii) of the *Local Government Regulation 2012* (Qld) apply to the proposed land tenure arrangement outlined in this report; and
2. Approve the issuing of a new User Agreement tenure instrument to the Julatten and Molloy Association of Ratepayers and Residents Inc. for shared use of the premises located upon Lot 276 DA344, 33 Main Street Mount Molloy until terminated by either party.

**BACKGROUND**

In 2021, Council entered into a land tenure arrangement in the form of a User Agreement (UA) with Julatten and Molloy Association of Ratepayers and Residents Inc. (JAMARR) for shared use of a building (the premises) located upon Lot 276 DA344, 33 Main Street Mount Molloy (the subject reserve). The arrangement provided for use of a portion of the premises for the holding of community meetings and for storage purposes. The UA has now expired and JAMARR have confirmed that they seek to enter into a renewed tenure arrangement for continued use of the premises for continued delivery of services to the community into the future.

**Community group background**

JAMARR formed in 1996 and is made up of local residents and rate payers with the primary purpose of steering community projects and raising awareness on general matters affecting the local community. JAMARR remain active in driving land management initiatives which provide for recreational and birdwatching experiences to tourists and the local community. The group currently hold Management Agreement tenure instruments with Council for the ongoing management of the recreational parkland reserve known as Babbler Hill and Tall Gums immediately to the south-east of Mount Molloy, along with Council owned freehold land known locally as Abattoir Swamp to the north of Mount Molloy.

**Tenure Renewal – proposal for a new arrangement**

JAMARR continue to meet the definition of a Community Group and are assessed as eligible for Type 3 community tenure under Council's *Community Group Exclusive Use of Council Land and Facilities*

*Policy and Community Tenure Guidelines* and this status provides for exclusive use of a defined area within a multi-purpose facility.

The subject reserve is gazetted for 'Park and Recreation' purposes and the proposed use is deemed consistent with the reserve purpose.

Historically, the UA under which the group have operated held validity of one calendar year. To remove the administrative burden associated with annual renewal of the UA and to ensure compliance with Council's revised community group tenure policy position, it is proposed that the new UA is drafted for the group with no expiry date.

## **RISK IMPLICATIONS**

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

Section 236(1)(b)(ii) of the *Local Government Regulation 2012* (Qld) (LGR) provides that a local government may grant an interest in land (including all or part of an interest in land such as by lease) other than by tender auction if the interest in land is granted to a community organisation as defined in Schedule 8 of the LGR which provides:

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, JAMARR conforms with this definition.

### **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.

**Community and Culture:** An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

### **IMPLEMENTATION/COMMUNICATION**



**8.7 AWARD OF TENDER - T-MSC2025-01 - LAND TENURE INSTRUMENT FOR MANAGEMENT OF PART OF LOT 214 SP297028 - WETHERBY ROAD MOUNT MOLLOY**

**Date Prepared:** 3 March 2025

**Author:** Supervisor Governance & Compliance

**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

This report provides Council with an assessment of the tenders received for T-MSC2025-01 - Use and management of part of Lot 214 SP297028 Wetherby Road, Mount Molloy and provides recommendation on award of the tender.

**RECOMMENDATION**

That Council awards contract for Tender T-MSC2025-01 – Management of part of Lot 214 SP297028 Wetherby Road Mount Molloy, to Hatfield Contracting for use of the portion of the land east of Wetherby Road for agistment purposes only, at the tendered annual land rental fee value payable to Council of not less than \$4,000.00 per annum (excl GST) increased annually in accordance with published quarter CPI rates for a term of ten (10) years.

**BACKGROUND**

Council invited tenders from suitably qualified parties for the use and management of the land described as part of Lot 214 SP297028, located at Wetherby Road Mount Molloy. Council provided two (2) options for tender submissions as follows:

1. **Option 1** – where the tenderer **is not** a community organisation as defined under Schedule 8 of the *Local Government Regulation 2012* (Qld), payment of an annual rental consideration for occupation and use of the Land east of Wetherby Road for cattle agistment purposes for a proposed specified term; or
2. **Option 2** – where the tenderer **is** a community organisation as defined under Schedule 8 of the *Local Government Regulation 2012* (Qld), a detailed proposal for management of the Land for and on behalf of the community for a proposed specified term. Evidence of registered status as a community organisation must be provided.

The above approach allowed for all types of submissions – community and commercial.

The tendered scope of works includes:

1. Effective management of the Land to include nuisance dust suppression, rubbish dumping prevention, pest management, and fire mitigation and fencing (if applicable) of the Land.
2. Response to either of Option 1 or Option 2 as outlined above.
3. Holding of appropriate public liability insurance in accordance with clause 10 of the Draft Licence Agreement provided with this Request for Tender and Council's Standard Requirements for Public Liability for Approval Holders policy and guidelines as published on Council's website.

## Tender Evaluation

### Tenders Received

Two (2) submissions were received, one for each option provided under the tender. A summary of the tender prices at opening is provided below;

<b>Tenderer</b>	<b>Option</b>	<b>Tendered Price (excluding GST)</b>
Hatfield Contracting	Option 1 - Commercial	\$4,000.00 per annum
Mitchell River Watershed Management Group Inc.	Option 2 – Community	\$ Nil.

### Tender Assessment

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below;

<b>Criteria</b>	<b>Weighting</b>
Land management plan and previous experience	40%
Option 1 (for non-community organisations) – rationale for annual rental consideration	40%
<u>OR</u>	
Option 2 (for community organisations) – depth and detail of proposal for management of the Land on behalf of the community	40%
Holding of appropriate public liability insurance	20%
<b>Total</b>	<b>100%</b>

Each tender was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each tender has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

### Hatfield Contracting

The submission received from Hatfield Contracting is summarised as follows:

1. Commercial agistment of the land east of Wetherby Road (excluding the public swimming hole on the west side of Wetherby Road);

2. Annual rental consideration of \$4,000 + GST for occupation of the land for horse/cattle agistment;
3. Public Liability Insurance of \$10 million;
4. A detailed Land Management Plan was submitted.

#### Mitchell River Watershed Management Group Inc

The submission received from Mitchell River Watershed Management Group Inc. is summarised as follows:

1. Community Group management of the land for environmental and public-good purposes;
2. No annual rental consideration proposed (which is consistent with Option 2);
3. No public liability insurance provided;
4. Land Management:
  - a. The tenderer does not propose to assume sole responsibility for any enforcement directions associated with the General Biosecurity Obligation.
  - b. The tenderer does not propose to undertake hazard reduction burns except as guided and led by either Council or the Rural Fire Brigade.
  - c. The tenderer does not propose to assume responsibility for any additional fencing or public safety measures.
5. Additional notes provided indicate the group intends to transform the lot into a “valuable and attractive nature reserve that goes some way to replacing the lost birdwatching country at Quaid’s Dam and Mt Lewis”. However, Council should note that no Response Schedules outlining the effective management of the land were submitted by the group.

The tender received from Mitchell River Watershed Management Group Inc. is assessed as non-conforming due to the non-existence of a response schedule detailing the management of the land, or evidence of a community organisation, or evidence of the holding of Public Liability Insurance.

#### **Recommendation**

It is proposed that Council accept the tender lodged by Hatfield Contracting with the following specified terms on note:

1. A Licence Agreement is issued for use of that portion of Lot 214 to the east of Wetherby Road for agistment purposes only and no other purpose whatsoever for a term of ten (10) years;
2. Licence rental fee of \$4,000 (ex GST) per annum will apply and is increased by published CPI in accordance with clause 4.1(a) of the draft Licence Agreement attached to the call for tender;
3. Licence rental fee for the first year is payable to Council as Licensor upon receipt of Tax Invoice issued by Council to the Licensee;
4. Invoiced costs specifically relevant only to repairs to or replacement of fencing to appropriate four-strand standard may be offset against the Licence rental fee in the given current year to a maximum of \$4,000 (excl GST) upon Council receipt of a Tax Invoice issued by the Licensee containing detailed breakdown of assessment and costings for fencing materials and labour to the satisfaction of Council.

5. All other costs incurred by the Licensee during the term of the Licence remains the sole responsibility of the Licensee.
6. All remaining obligations under the Licence Agreement remain substantially in accordance with the provisions contained in the draft Licence Agreement attached to the call to market for Tender T-MSC2025-01.

**RISK IMPLICATIONS****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.

**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.

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

**IMPLEMENTATION/COMMUNICATION**

Communication of Council Resolution to the successful tenderer.

## 8.8 AWARD OF TENDER - T-MSC2024-21 - COMMERCIAL REAL ESTATE SERVICES FOR MARKETING AND SALE OF LAND AT MAREEBA INDUSTRIAL PARK

**Date Prepared:** 6 March 2025

**Author:** Supervisor Governance & Compliance

**Attachments:** Nil

### EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of the tenders received for T-MSC2024-21 – Commercial Real Estate Services for Marketing and Sale of Land at Mareeba Industrial Park for two (2) years with a two (2) year option and seek approval for the awarding of the tender.

### RECOMMENDATION

That Council awards Tender MSC2024-21 – Commercial Real Estate Services For Marketing and Sale of Land at Mareeba Industrial Park to Mareeba Property Office for the amount of:

1. \$18,785.00 (excl GST) for the first term (2 years);
2. \$15,942.00 (excl GST) for the option period (2 years);
3. 2.5% (excl GST) commission for each parcel of land sold.

### BACKGROUND

The Request for Tender called for suitably qualified Real Estate Agents for a sole agency engagement for the marketing and sale of serviced industrial sites in the Mareeba Industrial Park for a period of two (2) years, with a further two-year option based on performance.

The tender was an open tender advertised through Council's tender call and response platform VendorPanel on 12 December 2024 and closed at 11:00am on Friday 17 January 2025.

### Tender Evaluation

#### Tenders Received

Three (3) submissions were received. A summary of the tender prices at opening is provided below.

To assess comparable costs across all submitters, the sales commission nominated by each submitter was applied to an arbitrary sale price of \$100,000 to give a dollar value. This was then added to the submitter's fee for the marketing plan for both the first term and further option of two years (a total of four years) to provide a total dollar cost for Tendered Price.

#### *Tendered Price – Marketing fees and Commission*

Tenderer	Tendered Price (Including GST)
Remax Impact	\$133,938.09
National Pacific Valuers and Property Consultants	\$60,842.10
Mareeba Property Office	\$40,949.70

## Tender Assessment

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below:

	Criteria	Weighting
1	Key Personnel, Relevant Skills and Demonstrated Experience	20%
2	Proposed Marketing Strategy	20%
3	Guaranteed Service Level	20%
4	Local Content	20%
5	Value for Money	20%
	<b>Total</b>	<b>100%</b>

A summary of the Tender assessment, incorporating the evaluation against conformance, price and non-priced base criteria, resulted in the ranking of submissions displayed below.

These were ranked on a 1-3 highest to lowest scale basis, as displayed in *Table 2* below.

### *Tender Evaluation Summary*

Tenderer	Rank
Mareeba Property Office	1
Remax Impact	2
National Pacific Valuers and Property Consultants	3

Additionally, each tender has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

All tenders were conforming, with all tenderers assessed as capable of completing the works.

## RISK IMPLICATIONS

### FINANCIAL AND RESOURCE IMPLICATIONS

#### *Operating*

Marketing fees and commission payable for each parcel will be allocated from the sale proceeds of each parcel of land.

#### ***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.

**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**

Tenderers will be advised of Council's decision and contract documentation will be prepared for the successful tenderer.





**8.9 ENVIRONMENTAL HEALTH AND LOCAL LAW FEES AND CHARGES 2025/26**

**Date Prepared:** 19 February 2025

**Author:** Manager Customer and Community Services

**Attachments:** 1. Council Fees & Charges - Animals Local Laws & Environmental Health 2025-26 [↓](#)

---

**EXECUTIVE SUMMARY**

This report presents the proposed fees and charges for the following service areas for consideration and adoption - Animal, Environmental Health and Local Laws. The proposed 2025/26 fees and charges for each service area are attached.

**RECOMMENDATION**

That Council adopt the 2025/26 fees and charges in the schedule attached to this report for Animal Management, Local Laws, and Environmental Health.

**BACKGROUND**

The proposed increase in fees for the 2025/26 financial year reflect the general increase in CPI over the last 12 months and takes into account the time and materials used to deliver services.

To remain in line with the Council's long term financial goal, a general increase of 3% has been applied to all fees and charges in the Animal Management, Environmental Health and Local Laws area. Council understands the cost-of-living pressures that the public is facing, and the increase was kept as low as possible.

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

Nil

***Operating***

Revenue from fees and charges assist with funding the cost of delivering environmental health, local law and animal management services, but do not cover the full cost of these services.

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

The adopted fees and charges will be included in the 2025/26 budget.

**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 adopted fees and charges for 2025/26 will be available on the Council website and included in media communications.

Name	Cost Recovery	Unit	Year 25/26 Fee (incl. GST if applic.)	Legislation
------	---------------	------	--	-------------

## Mareeba Shire Council

Council as part of its budgetary process and under the legislation of the Local Government Act is required to adopt a Schedule of Fees and Charges each year.

Section 97 of Local Government Act 2009 prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost-recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged. Costs for services are reviewed annually, with the full cost recovery model applied wherever possible. The cost recovery fees represent the cost recovery fees set by Council at the date of the budget resolution. Council may alter any of the cost recovery fees in this booklet by resolution at any time prior to the next budget resolution. The cost recovery fees in this resolution have been set by reference to specified exemptions from GST determined by the Federal Government under Division 81 of the GST legislation. Council reserves the right to alter the GST status of any cost recovery fee in accordance with any changes made to the Division 81 list. All cost-recovery fees detailed are fixed in accordance with relevant State Government legislation, Council's Local Laws and Council policies.

## Animal Management

Where an application fee is paid for an annual approval or annual licence on or after 1 April the fees set for the following financial year are to be used and an extended expiry is to be applied to the particular approval.

### Registration

Pro rata calculations to apply to initial dog registration fees (first time registering the dog in the Shire)

- 1st Quarter: 1 April to 30 June - Pay full fee but maintain the 15 month registration.
- 2nd Quarter: 1 July to 30 September - No fee reduction
- 3rd Quarter: 1 October to 31 December - 25% fee reduction
- 4th Quarter: 1 January to 31 March - 50% fee reduction

Pups under 6 months	N/A	animal	No charge	
Desexed male/female	(a)	animal/ annum	\$31.00	AM(CD)A 2008   s44 AM(CD)A 2008   s46
Entire male/female	(a)	animal/ annum	\$134.00	AM(CD)A 2008   s44 AM(CD)A 2008   s46
Entire Dog (owned member of a recognised kennel club)	(a)	animal/ annum	\$59.00	AM(CD)A 2008   s44 AM(CD)A 2008   s46
Assistance Dog	N/A	animal/ annum	No charge	
Working Dogs	N/A	animal/ annum	No charge	
Replacement Tag	(d)	tag	\$8.00	AM(CD)A 2008   s44 AM(CD)A 2008   s46

### Registration for Regulated Dogs

Applies to dogs classified as Dangerous or Menacing.

Initial Fee	(a)	animal	\$504.00	AM(CD)A 2008   s44 AM(CD)A 2008   s46
Renewal fee	(a)	animal	\$243.00	AM(CD)A 2008   s44 AM(CD)A 2008   s46
Additional regulated sign (1 required at each entry point)	(a)	sign	\$50.00	AM(CD)A 2008   s44 AM(CD)A 2008   s46
Replacement Regulated Dog Tag	(d)	tag	\$27.00	AM(CD)A 2008   s44 AM(CD)A 2008   s46
Replacement cost – Small Regulated Dog Collar	(d)	collar	\$39.00	AM(CD)A 2008   s44 AM(CD)A 2008   s46
Replacement cost – Medium Regulated Dog Collar	(d)	collar	\$43.00	AM(CD)A 2008   s44 AM(CD)A 2008   s46

Name	Cost Recovery	Unit	Year 25/26 Fee (incl. GST if applic.)	Legislation
------	---------------	------	--	-------------

## Registration for Regulated Dogs [continued]

Replacement cost – Large Regulated Dog Collar	(d)	collar	\$47.00	AM(CD)A 2008   s44 AM(CD)A 2008   s46
Replacement cost – Extra-large Regulated Dog Collar	(d)	collar	\$52.00	AM(CD)A 2008   s44 AM(CD)A 2008   s46

## Desexed Animal Refund

Entire Dog desexed during the year.

1st Period: 1 April to 30 September	N/A	animal	\$101.00	
2nd Period: 1 October to 31 December	N/A	animal	\$67.00	
3rd period: 1 January to 31 March	N/A	animal	\$34.00	

## Impounding of Animals

### Cat & Dog Impounding

Cats & Dogs – Sustenance fee for care of animal (after 24 hours)	(d)	animal	\$25.00	LGA2009   s262(3)(c)
Cats & Dogs – Sustenance fee for seized dogs per day	(d)	animal	\$25.00	LGA2009   s262(3)(c)
Dogs (Unregistered upon impounding)	(d)	animal	\$110.00	LL2   s29 LGA2009   s97(2)(d)
Must be registered prior to release				
Dogs (Registered upon impounding)	(d)	animal	\$110.00	LL2   s29 LGA2009   s97(2)(d)
Registered dogs will be returned for free the first time they are picked up by Council				
Cats – Cat or kitten	(d)	animal	\$110.00	LL2   s29 LGA2009   s97(2)(d)

### Livestock Impounding

Stock – One animal	(d)	animal	\$437.00	LL2   s29 LGA2009   s97(2)(d)
Stock – Second and subsequent animals	(d)	animal	\$210.00	LL2   s29 LGA2009   s97(2)(d)
Stock – Sustenance fee for care of animal (after 24 hours)	(d)	animal	Cost	LGA2009   s262(3)(c)
Stock – Contractors, Driving and Transport (per movement)	(d)	impoundment	Cost	LGA2009   s262(3)(c)
Stock – Advertising	(d)	impoundment	Cost	LGA2009   s262(3)(c)
Poultry and Small Stock – One bird	(d)	bird	\$85.00	LL2   s29 LGA2009   s97(2)(d)
Poultry and Small Stock – Second and subsequent bird	(d)	bird	\$16.00	LL2   s29 LGA2009   s97(2)(d)
Poultry and Small Stock – One small stock	(d)	animal	\$85.00	LL2   s29 LGA2009   s97(2)(d)
Poultry and Small Stock – Sustenance fee for care of animal	(d)	animal	Cost	LGA2009   s262(3)(c)

### Other

Hire of stock yards – Up to 7 head	(d)	day	\$113.00	LGA2009   s262(3)(c)
------------------------------------	-----	-----	----------	----------------------

Name	Cost Recovery	Unit	Year 25/26 Fee (incl. GST if applic.)	Legislation
------	---------------	------	--	-------------

**Other** [continued]

Hire of stock yards – More than 7 head	(d)	animal / day	\$18.00	LGA2009   s262(3)(c)
Hire of stock yards – Sustenance	(d)	animal / day	Cost	LGA2009   s262(3)(c)
Hire of stock yards – Labour hire	(d)	hour / person	\$80.00	LGA2009   s262(3)(c)
Loan of Dog/Cat Traps	N/A		No charge	

**Animal Keeping**

Approval to Keep Excess Dogs – Initial Application	(a)	application	\$110.00	LL1   s8 LGA2009   s97(2)(a)
Approval to Keep Excess Dogs – Renewal Application	(a)	application	\$29.00	LL1   s14 LGA2009   s97(2)(a)
Approval to Keep Excess Stock – Initial Application	(d)	application	\$110.00	LL1   s8 LGA2009   s97(2)(a)
Approval to Keep Excess Stock – Renewal Application	(a)	application	\$29.00	LL1   s14 LGA2009   s97(2)(a)
Amendment of Approval	(a)	application	\$29.00	LL1   s8 LGA2009   s97(2)(a)
Regulated Dog Permit (Restricted Breed) Initial Fee	(a)	application	\$504.00	LGA2009   s97(2)(a) AM(CD)A 2008   s44
Regulated Dog Permit (Restricted Breed) Renewal Fee	(a)	application	\$250.00	LGA2009   s97(2)(a) AM(CD)A 2008   s44

**Environmental Health**

Where an application fee is paid for an annual approval or annual licence on or after 1 April the fees set for the following financial year are to be used and an extended expiry is to be applied to the particular approval.

**Searches**

Record Search	(a)	search	\$91.00	LGA2009   s262(3)(c)
Physical Inspection (Sale Search)	(a)	inspection	\$367.00	LGA2009   s262(3)(c)

**Food Act**

Based on the Priority Classification System for Food Business.

Design & Fit out (without plan assessment)	(a)	application	\$362.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s58
Design & Fit out (with plan assessment)	(a)	application	\$500.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s58
Temporary Food Business (1 event)	(a)	application	\$157.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s52
Application High Risk Food Business	(a)	application	\$885.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s52
Application Medium Risk Food Business	(a)	application	\$711.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s52
Application Low Risk Food Business	(a)	application	\$343.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s52

Name	Cost Recovery	Unit	Year 25/26 Fee (incl. GST if applic.)	Legislation
------	---------------	------	---	-------------

## Food Act [continued]

Application Renewal High Risk Food Business	(a)	application	\$728.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s72
Application Renewal Medium Risk Food Business	(a)	application	\$388.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s72
Application Renewal Low Risk Food Business	(a)	application	\$268.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s72
Application for Restoration of Food Licence	(a)	application	\$117.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s73

Fee will be added to renewal notice for the next financial year if not received by the due date.

Application for Amendment of Food Licence	(a)	application	\$130.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s74
Application for Replacement of Food Licence	(a)	application	\$87.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s154
Inspections – for non-compliance, improvement	(a)	inspection	\$367.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s167
Inspections – by request	(a)	inspection	\$344.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s167
Food Safety Program Accreditation of Program by a Council Food Safety Auditor	(a)	premise	\$857.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s102
Non-Conformance Audit of a Food Safety Program by a Council Food Safety Auditor	(a)	premise	\$462.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s160
Amendment of Accredited Food Safety Program	(a)	premise	\$391.00	LGA2009   s97(2)(a) FA2006   s31 FA2006   s112

## Personal Appearance Services

Design & Fit out (with plan assessment)	(a)	application	\$525.00	LGA2009   s97(2)(a) PH(ICPAS)A 2003   s9 PH(ICPAS)A 2003   s36
Application for Licence	(a)	application	\$517.00	LGA2009   s97(2)(a) PH(ICPAS)A 2003   s9 PH(ICPAS)A 2003   s58
Application for Renewal of Licence	(a)	licence	\$310.00	LGA2009   s97(2)(a) PH(ICPAS)A 2003   s9 PH(ICPAS)A 2003   s58
Application for Restoration of Licence	(a)	licence	\$117.00	LGA2009   s97(2)(a) PH(ICPAS)A 2003   s9

Fee will be added to renewal notice for next financial year if not received by due date

Re-inspection non higher risk	(a)	licence	\$260.00	LGA2009   s97(2)(a) PH(ICPAS)A 2003   s9
Application to Transfer Licence	(a)	licence	\$177.00	LGA2009   s97(2)(a) PH(ICPAS)A 2003   s9 PH(ICPAS)A 2003   s58

Name	Cost Recovery	Unit	Year 25/26 Fee (incl. GST if applic.)	Legislation
------	---------------	------	--	-------------

## Personal Appearance Services [continued]

Inspection non higher risk	(a)	licence	\$260.00	LGA2009   s97(2)(a) PH(ICPAS)A 2003   s9
Replacement Licence	(a)	licence	\$87.00	LGA2009   s97(2)(a) PH(ICPAS)A 2003   s9 PH(ICPAS)A 2003   s58
Application for Amendment of Licence	(a)	licence	\$280.00	LGA2009   s97(2)(a) PH(ICPAS)A 2003   s9 PH(ICPAS)A 2003   s58

## Local Laws

### Accommodation Facilities

Caravan parks – initial	(a)	application	\$504.00	LL1   s8 LGA2009   s97(2)(a)
Caravan parks – renewal	(a)	application	\$362.00	LL1   s14 LGA2009   s97(2)(a)
Camping Grounds – initial	(a)	application	\$504.00	LL1   s8 LGA2009   s97(2)(a)
Camping Grounds – renewal	(a)	application	\$362.00	LL1   s14 LGA2009   s97(2)(a)
Transfer of ownership	(a)	application	\$344.00	LL1   s15 LGA2009   s97(2)(a)

### Busking

Application (annual)	(a)	application	\$144.00	LL1   s8 LGA2009   s97(2)(a)
Application to renew	(a)	year	\$110.00	LL1   s14 LGA2009   s97(2)(a)
Application (3 monthly)	(a)	3 monthly	\$40.00	LL1   s8 LGA2009   s97(2)(a)

## Commercial Use of Local Government Controlled Areas and Roads (LGCARs) schedule 6

Outdoor dining application	(a)	application	\$333.00	LL1   s8 LGA2009   s97(2)(a)
Outdoor dining renewal	(a)	year	\$199.00	LL1   s14 LGA2009   s97(2)(a)
Goods on footpath application	(a)	application	\$333.00	LL1   s8 LGA2009   s97(2)(a)
Goods on footpath renewal	(a)	year	\$199.00	LL1   s14 LGA2009   s97(2)(a)
Approved Furniture application	(a)	application	No charge	LL1   s8 LGA2009   s97(2)(a)
Approved Furniture renewal	(a)	year	No charge	LL1   s14 LGA2009   s97(2)(a)
Application for Approval – Commercial use LGCARs	(a)	application	\$333.00	LL1   s8 LGA2009   s97(2)(a)
Application for Renewal of Approval – Commercial use LGCARs	(a)	year	\$199.00	LL1   s14 LGA2009   s97(2)(a)

Name	Cost Recovery	Unit	Year 25/26 Fee (incl. GST if applic.)	Legislation
------	---------------	------	--	-------------

## Commercial Use of Local Government Controlled Areas and Roads (LGCARs) schedule 6 [continued]

Parks, roads & reserves application	(a)	application	POA	LL1   s8 LGA2009   s97(2)(a)
Parks, roads & reserves renewal	(a)	year	POA	LL1   s14 LGA2009   s97(2)(a)
Amendment of Commercial Use of Roads Approval	(a)	application	\$128.00	LL1   s8 LGA2009   s97(2)(a)

## Installation of advertising device – Schedule 8

Advertising Device Application	(a)	application	\$333.00	LL1   s8 LGA2009   s97(2)(a)
Advertising Device Renewal Application	(a)	year	\$199.00	LL1   s14 LGA2009   s97(2)(a)

## Recovery of Abandoned Vehicles

Recovery of abandoned vehicles fee	(d)	vehicle	Cost + \$185.00	LL1   s37 LGA2009   s97(2)(d)
------------------------------------	-----	---------	--------------------	----------------------------------

## Release of Impounded Items

Release of impounded sign	(d)	sign	\$80.00	LL1   s37 LGA2009   s97(2)(d)
Release of second and subsequent impounded signs	(d)	sign	\$34.00	LL1   s37 LGA2009   s97(2)(d)
Release of miscellaneous impounded items	(d)	item	Cost + \$81.00	LL1   s37 LGA2009   s97(2)(d)

## Remedial Notices

Overgrown Properties	(a)	notice	Cost + \$216.00	LL1   s27 LGA2009   s262(3)(c)
----------------------	-----	--------	--------------------	-----------------------------------

## Operation of temporary entertainment events

Temporary Entertainment Application fee (expected attendees less than 500 people)	(a)	application	\$333.00	LL1   s8 LGA2009   s97(2)(a)
Temporary Entertainment Application fee (expected attendees more than 500 people)	(a)	application	\$333.00	LL1   s8 LGA2009   s97(2)(a)
Temporary Entertainment Assessment fee (expected attendees less than 500 people)	(a)	assessment POA	Cost (POA) + \$338.00 minimum	LL1   s8 LGA2009   s97(2)(a)
(POA) would be based on direct time spent on the assessment of the application by Council and in addition to application fee				
Temporary Entertainment Assessment fee (expected attendees more than 500 people)	(a)	assessment POA	Cost (POA) + \$966.00 minimum	LL1   s8 LGA2009   s97(2)(a)
(POA) would be based on direct time spent on the assessment of the application by Council and in addition to application fee				
Temporary Entertainment Assessment fee (expected attendees more than 500 people) [with live music]	(a)	assessment	POA	LL1   s8 LGA2009   s97(2)(a)
(POA) would be based on direct time spent on the assessment of the application by Council and in addition to application fee				

Name	Cost Recovery	Unit	Year 25/26 Fee (incl. GST if applic.)	Legislation
------	---------------	------	--	-------------

### Temporary Parking Permit

Temporary Parking Permit fee	(a)	application	\$218.00	LL1   s8 LGA2009   s97(2)(a)
------------------------------	-----	-------------	----------	---------------------------------



**8.10 SALE OF LAND DUE TO RATES IN ARREARS****Date Prepared: 26 February 2025****Author: Manager Finance****Attachments: 1. Schedule of Properties - Confidential****EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the properties which are available to sell under the *Local Government Regulation 2012*, Chapter 4 Part 12 Division 3 (Selling or acquiring land for overdue rates or charges) and request a resolution to be able to sell these properties under Section 140.

**RECOMMENDATION**

That Council:

- 1 Sell the land listed below due to the rates and charges which have accrued on the rateable lands remaining unpaid for three (3) years or longer, in accordance with section 140 of the *Local Government Regulation 2012*; and

Property No	Property Description
10287	Lot 15 LD 29, Lot 2 RP 703296
10291	Lot 163 C 5041
10304	Lot 80 C 5041, Lot 81 C 5041, Lot 82 C 5041
10502	Lot 1 MPH 31324
10772	Lot 2 RP 715132
12278	Lot 2 RP 713438
14046	Lot 1 MPH 25181
16059	Lot 302 M 4872
17171	Lot 9 RP 725850
17296	Lot 1 RP 861070
17297	Lot 2 RP 861070
19917	Lot 1 RP 895742
20612	Lot 9 RP 909807
60393	Lot 59 SP 143218

- 2 Delegate to the Chief Executive Officer its power to take all further steps under Chapter 4, Part 12 Division 3 of the *Local Government Regulation 2012* to effect sale of land (including, for avoidance of doubt, the power to end sale procedures including the authority to remove a property where circumstances arise whereby the continuation of this action is considered unwarranted or inappropriate).

**BACKGROUND**

The properties listed on the above Schedule have rates and charges unpaid for three (3) years or more and in accordance with Section 140 of the *Local Government Regulation 2012*, selling land for overdue rates or charges applies. Council has made every attempt to recover the unpaid rates on each property with no success to date.

If a local government sells or acquires land for overdue rates or charges, the local government cannot start or continue any court proceedings to recover the overdue rates or charges (Section 135 of the *Local Government Regulation 2012*).

The proposed timeline is as follows:

Date	Milestone
25/03/2025	Issue Notice of Intention to all interested parties (3 months given for payment)
25/06/2025	Due date for payment
02/07/2025	Auction Notices issued
29/07/2025	Auction Date

**RISK IMPLICATIONS**

Nil

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Mareeba Shire Council Debt Recovery Policy

The sale of land process must be carried out giving consideration to the *Local Government Act 2009*, in particular Chapter 4, Part 12, Division 3 of the *Local Government Regulation 2012*.

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

Nil

***Operating***

Nil

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**IMPLEMENTATION/COMMUNICATION**

Nil

**8.11 FINANCIAL STATEMENTS PERIOD ENDING 28 FEBRUARY 2025****Date Prepared:** 3 March 2025**Author:** Manager Finance**Attachments:** 1. **Budgeted Income Statement as at 28 February 2025** [↓](#)**EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2024 to 28 February 2025.

**RECOMMENDATION**

That Council receives the Financial Report for the period ending 28 February 2025.

**BACKGROUND**

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

For the period ending 28 February 2025, 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>February 2025 – Snapshot</i>	<b>Actuals YTD</b>	<b>Budget YTD</b>
Council Operating Income	\$ 60,629,418	54,053,777
Council Operating Expenditure	\$ 34,345,625	34,651,560
<b>Council Operating Surplus/(Deficit)</b>	<b>\$ 26,283,793</b>	<b>19,402,217</b>
Disaster Recovery Funding Arrangement - deficit	\$ (5,506,856)	-
<b>Total Operating Surplus/(Deficit)</b>	<b>\$ 20,776,937</b>	<b>19,402,217</b>
Total Capital Income	\$ 13,151,140	4,831,335
<b>Net Result - Surplus/(Deficit)</b>	<b>\$ 33,928,077</b>	<b>24,233,552</b>

Council's significant operating surplus is a result of rate notices being issued for the period January to June 2025, reflecting the full annual income from rates up to 30 June.

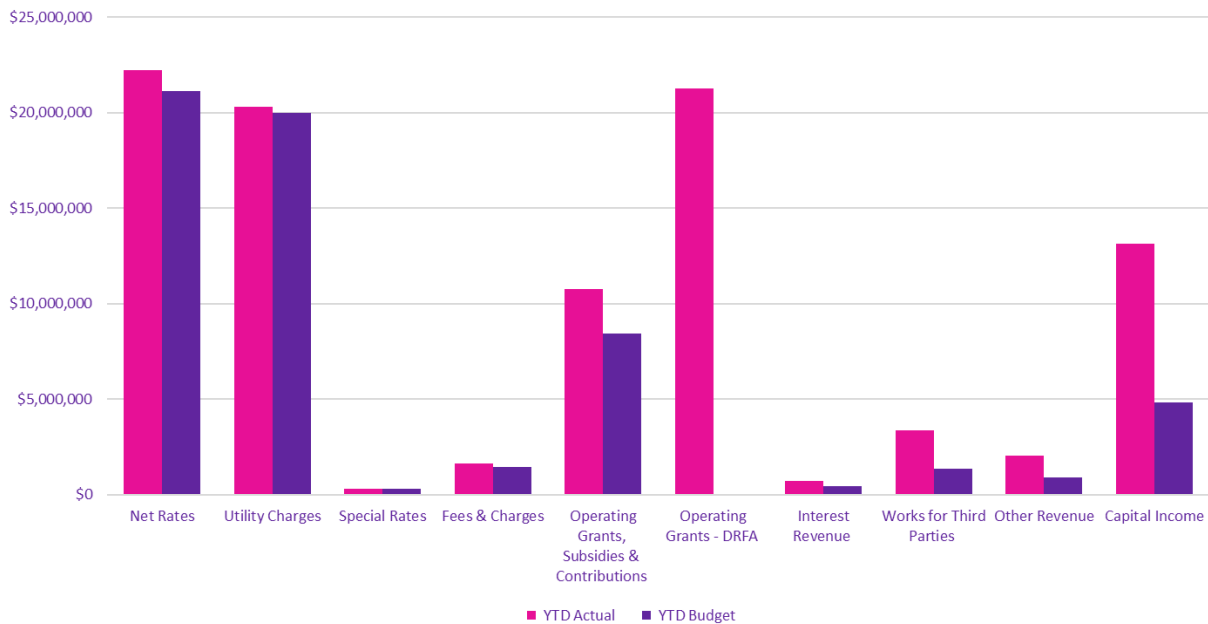
While Disaster Recovery Funding Arrangements (DRFA) generally has a net-zero impact on Council's finances, there are timing differences when the expenditure is incurred and income received, even between years. The budget also does not include any provision for DRFA.

**Income Analysis**

Total income (inclusive of capital income of \$13,151,140) for the period ending 28 February 2025 is \$95,848,655 compared to the YTD budget of \$58,885,111.

The graph below shows actual income against budget for the period ending 28 February 2025.

**Actual Income V Budget Income**



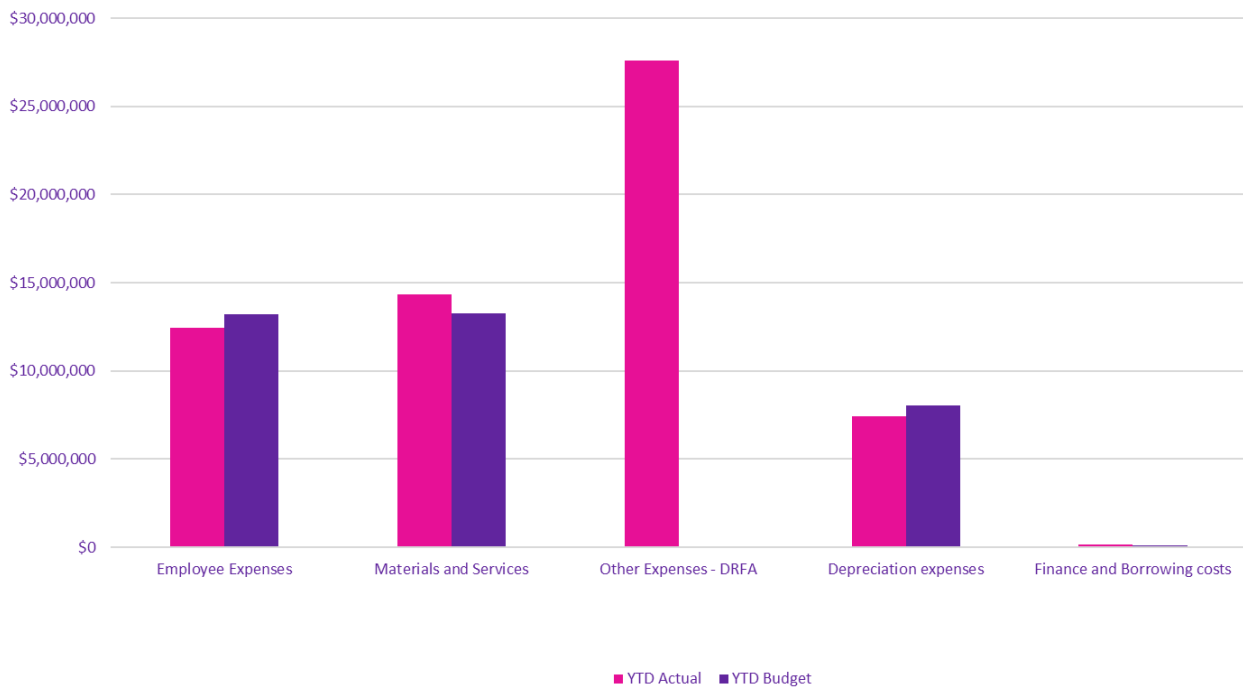
	Actual YTD	Budget YTD	Note
Net Rates	22,208,673	21,116,999	1
Utility Charges	20,317,456	20,009,581	1
Special Rates and Charges	303,863	321,477	1
Fees and Charges	1,661,241	1,434,492	2
Operating Grants, Subsidies and Contributions	10,752,437	8,427,583	
Operating Grants, Subsidies - DRFA	21,285,353	-	3
Interest Received	736,828	452,000	
Works for Third Parties	3,396,525	1,380,000	4
Other Revenue	2,035,138	911,643	5
Capital Income	13,151,140	4,831,334	6

Notes:

1. Rates for the period ending 30 June 2025 were issued 24 February 2025 with the discount date being 28 March 2025. The favourable variance relates to the rates discount, which is only recorded when rate payments are made. As more rate payments are received before discount dates, this variance will reduce.
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, seven (7) lots have been sold at the Mareeba Industrial Park, generating a gross value of \$890k.
6. Capital income represents interest on constrained works, capital grants, fleet capital insurance recoveries and developer contributions received.

Expenditure Analysis

Total expenses for the period ending 28 February 2025 is \$61,920,578 compared to the YTD budget of \$34,651,560. The graph below shows actual expenditure against budget for the period ending 28 February 2025.

**Actual Expenditure V Budget Expenditure**

	Actual YTD	Budget YTD	Note
Employee Expenses	12,440,192	13,232,218	<b>1</b>
Materials and Services	14,325,016	13,264,244	<b>2</b>
Other Expenses - DRFA	27,574,953	-	<b>3</b>
Depreciation Expenses	7,438,306	8,022,076	
Finance and Borrowing Costs	142,111	133,022	

**Notes:**

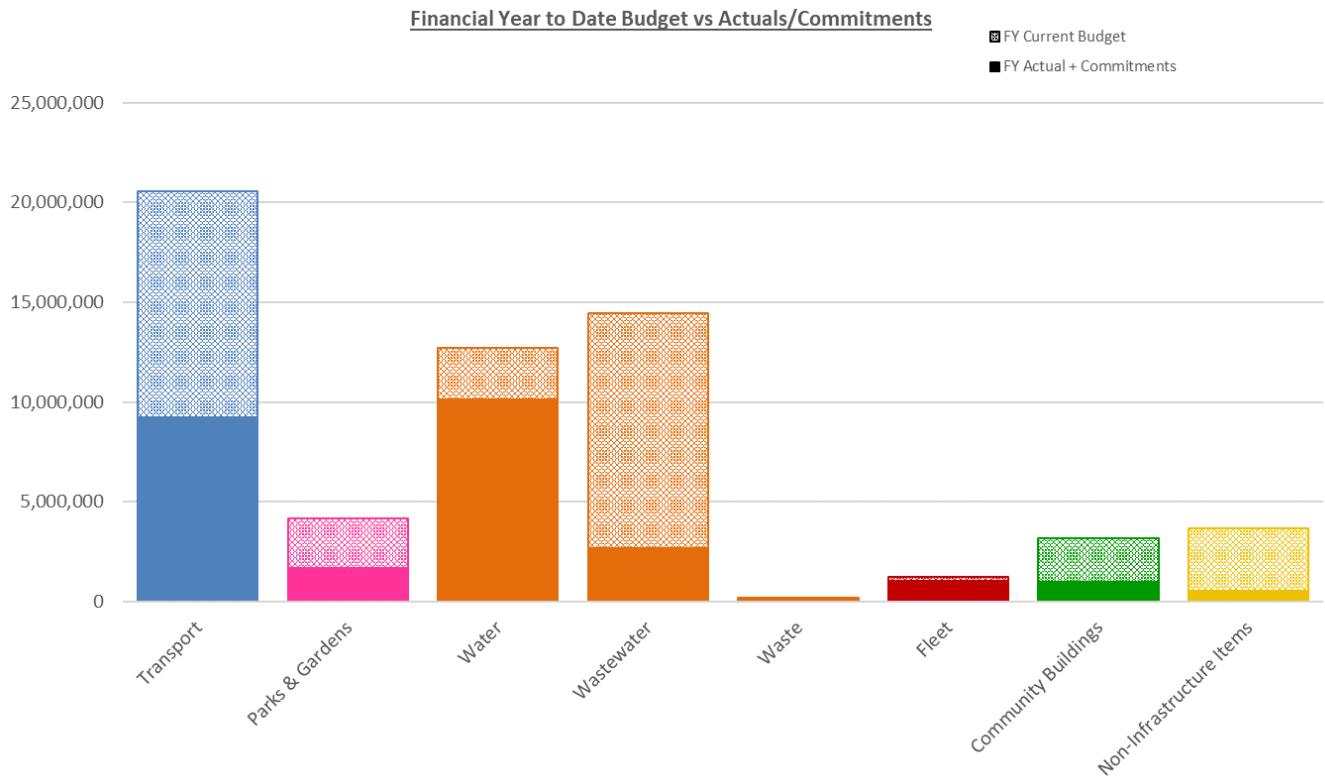
1. No significant issues are identified. The variance in employee expenses is due to a timing issue between the fortnightly pay processing and the report preparation, actual-planned staff absences, vacancies, and staff working on capital projects.
2. The majority of the variance is due to expenditure 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 financial year, a total of \$46,298 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 \$26,448,371 (including commitments) has been spent for the period ending 28 February 2025 against the 2024/25 annual capital budget of \$54,142,906.



### Loan Borrowings

Council's loan balance is \$6,296,028 as at 28 February 2025.

### Rates and Charges

The total rates and charges payable as at 28 February 2025 are \$20,570,215 which is broken down as follows:

Status	28 February 2025		28 February 2024	
	No. of properties	Amount	No. of properties	Amount
Valueless Land	3	19,444	3	95,666
Payment Arrangement	55	99,343	8	20,505
Collection House	247	1,465,546	253	1,581,806
Exhausted – awaiting sale of land	18*	954,317	5	45,901
Sale of Land	14	202,261	8	82,639
Other (includes current rates notices)	8436	17,829,304	10,009	19,718,938
<b>TOTAL</b>	<b>8773</b>	<b>20,570,215</b>	<b>10,286</b>	<b>21,545,455</b>

\*10 Mining Lease properties with a total outstanding rates balance of \$890,064 are in Bankruptcy

The Rate Notices for the period ending 30 June 2025 were issued on 24 February 2025 with the discount (due) date being 28 March 2025.

Collection House collected \$48,839 for the month of February 2025.

#### Sundry Debtors

The total outstanding for Sundry Debtors as at 28 February 2025 is \$307,432 which is made up of the following:

Current	30 days	60 days	90 + days
\$297,452	\$7,306	\$1,888	\$786
97%	2%	0.5%	0.5%

#### Procurement

There were no emergency purchase orders for the month of February 2025.

#### **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



**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	44,424,046	43,846,904	43,846,904
Less Discounts and Pensioner Remissions	(1,594,054)	(2,398,846)	(2,398,846)
<b>Net Rates and Utility Charges</b>	<b>42,829,992</b>	<b>41,448,058</b>	<b>41,448,058</b>
Fees and Charges	1,661,241	1,434,492	2,075,409
Operating Grants and Subsidies	30,269,400	8,391,583	9,272,056
Operating Contributions	1,768,390	36,000	54,000
Interest Revenue	736,828	452,000	678,000
Works for Third Parties	3,396,525	1,380,000	2,070,000
Other Revenue	2,035,138	911,644	1,267,130
<b>Total Operating Revenue</b>	<b>82,697,515</b>	<b>54,053,777</b>	<b>56,864,653</b>
<b>Expenditure</b>			
Employee Expenses	12,440,192	13,232,218	19,959,729
Materials and Services	41,899,969	13,264,244	18,908,537
Depreciation expense	7,438,306	8,022,076	12,033,115
Finance and Borrowing costs	142,111	133,022	338,828
<b>Total Operating Expenses</b>	<b>61,920,578</b>	<b>34,651,560</b>	<b>51,240,209</b>
<b>Operating Surplus/(Deficit)</b>	<b>20,776,937</b>	<b>19,402,217</b>	<b>5,624,444</b>
<b>Capital Income</b>			
Capital Contributions	111,694	-	-
Capital Grants and Subsidies	11,250,984	4,711,335	9,422,669
Capital Income Other	168,090	-	-
Interest on Contributions/Reserves	1,620,372	-	-
Donated Assets	-	120,000	-
Profit/(Loss) on Sale of Asset	-	-	180,000
<b>Total Capital Income</b>	<b>13,151,140</b>	<b>4,831,335</b>	<b>9,602,669</b>
<b>Net Result</b>	<b>33,928,077</b>	<b>24,233,552</b>	<b>15,227,113</b>

**Budgeted Income Statement by Fund 2024/25 Budget**

<b>General</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2024/25 Budget</b>
<b>Revenue</b>			
Rates and utility charges	23,973,074	23,705,538	23,705,538
Less Discounts and Pensioner Remissions	(1,594,054)	(2,398,846)	(2,398,846)
<b>Net Rates and Utility Charges</b>	<b>22,379,020</b>	<b>21,306,692.00</b>	<b>21,306,692</b>
Fees and Charges	1,090,092	953,625	1,246,360
Operating Grants and Subsidies	8,644,580	8,333,583	9,185,056
Operating Contributions	-	-	-
Interest Revenue	258,325	312,000	468,000
Works for Third Parties	2,587,919	1,380,000	2,070,000
Other Revenue	1,923,580	760,310	1,040,130
<b>Total Operating Revenue</b>	<b>36,883,516</b>	<b>33,046,211</b>	<b>35,316,238</b>
<b>Expenditure</b>			
Employee Expenses	10,964,397	11,712,700	17,795,080
Materials and Services	7,073,071	6,201,457	8,336,168
Depreciation expense	5,143,007	5,678,304	8,517,457
Finance and Borrowing costs	91,435	83,454	139,691
<b>Total Operating Expenses</b>	<b>23,271,909</b>	<b>23,675,915</b>	<b>34,788,396</b>
<b>Operating Surplus/(Deficit)</b>	<b>13,611,607</b>	<b>9,370,296</b>	<b>527,842</b>
<b>Capital Income</b>			
Capital Contributions	111,330	-	-
Capital Grants and Subsidies	5,683,836	2,238,752	4,477,504
Capital Income Other	168,090	-	-
Interest on Contributions/Reserves	1,289,193	-	-
Donated Assets	-	120,000	-
Profit/(Loss) on Sale of Asset	-	-	180,000
<b>Total Capital Income</b>	<b>7,252,449</b>	<b>2,358,752</b>	<b>4,657,504</b>
<b>Net Result</b>	<b>20,864,056</b>	<b>11,729,048</b>	<b>5,185,346</b>

### Budgeted Income Statement by Fund 2024/25 Budget

Disaster Recovery Funding			
	Actual YTD	Budget YTD	2024/25 Budget
<b>Revenue</b>			
Rates and utility charges	-	-	-
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	-	-	-
Fees and Charges	-	-	-
Operating Grants and Subsidies	21,285,354	-	-
Operating Contributions	-	-	-
Interest Revenue	-	-	-
Works for Third Parties	782,743	-	-
Other Revenue	-	-	-
<b>Total Operating Revenue</b>	<b>22,068,097</b>	-	-
<b>Expenditure</b>			
Employee Expenses	58,742	-	-
Materials and Services	27,516,210	-	-
Depreciation expense	-	-	-
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>27,574,953</b>	-	-
<b>Operating Surplus/(Deficit)</b>	<b>(5,506,856)</b>	-	-
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Capital Income Other	-	-	-
Interest on Contributions/Reserves	-	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	-	-	-
<b>Net Result</b>	<b>(5,506,856)</b>	-	-

**Budgeted Income Statement by Fund 2024/25 Budget**

<b>Waste</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2024/25 Budget</b>
<b>Revenue</b>			
Rates and utility charges	4,908,759	4,797,668	4,797,668
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>4,908,759</b>	<b>4,797,668</b>	<b>4,797,668</b>
Fees and Charges	412,842	383,867	683,549
Operating Grants and Subsidies	324,890	-	-
Operating Contributions	56,284	36,000	54,000
Interest Revenue	79,579	40,000	60,000
Works for Third Parties	17,182	-	-
Other Revenue	73,523	131,333	197,000
<b>Total Operating Revenue</b>	<b>5,873,060</b>	<b>5,388,868</b>	<b>5,792,217</b>
<b>Expenditure</b>			
Employee Expenses	120,887	122,051	183,095
Materials and Services	3,172,852	3,389,045	5,065,787
Depreciation expense	145,709	153,637	230,456
Finance and Borrowing costs	-	-	100,000
<b>Total Operating Expenses</b>	<b>3,439,449</b>	<b>3,664,733</b>	<b>5,579,338</b>
<b>Operating Surplus/(Deficit)</b>	<b>2,433,611</b>	<b>1,724,135</b>	<b>212,879</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Capital Income Other	-	-	-
Interest on Contributions/Reserves	99,525	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>99,525</b>	<b>-</b>	<b>-</b>
<b>Net Result</b>	<b>2,533,136</b>	<b>1,724,135</b>	<b>212,879</b>

### Budgeted Income Statement by Fund 2024/25 Budget

Wastewater			
	Actual YTD	Budget YTD	2024/25 Budget
<b>Revenue</b>			
Rates and utility charges	6,511,139	6,452,227	6,452,227
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>6,511,139</b>	<b>6,452,227</b>	<b>6,452,227</b>
Fees and Charges	63,407	47,333	71,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	202,234	66,667	100,000
Works for Third Parties	2,567	-	-
Other Revenue	-	-	-
<b>Total Operating Revenue</b>	<b>6,779,347</b>	<b>6,566,227</b>	<b>6,623,227</b>
<b>Expenditure</b>			
Employee Expenses	502,336	464,129	697,878
Materials and Services	1,471,822	1,369,489	2,011,082
Depreciation expense	1,140,529	1,155,934	1,733,901
Finance and Borrowing costs	50,676	49,569	99,137
<b>Total Operating Expenses</b>	<b>3,165,363</b>	<b>3,039,119</b>	<b>4,541,998</b>
<b>Operating Surplus/(Deficit)</b>	<b>3,613,984</b>	<b>3,527,107</b>	<b>2,081,229</b>
<b>Capital Income</b>			
Capital Contributions	364	-	-
Capital Grants and Subsidies	2,208,915	1,350,250	2,700,500
Capital Income Other	-	-	-
Interest on Contributions/Reserves	134,663	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>2,343,943</b>	<b>1,350,250</b>	<b>2,700,500</b>
<b>Net Result</b>	<b>5,957,927</b>	<b>4,877,357</b>	<b>4,781,729</b>

**Budgeted Income Statement by Fund 2024/25 Budget**

<b>Water</b>			
	<b>Actual YTD</b>	<b>Budget YTD</b>	<b>2024/25 Budget</b>
<b>Revenue</b>			
Rates and utility charges	8,899,083	8,759,687	8,759,687
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>8,899,083</b>	<b>8,759,687</b>	<b>8,759,687</b>
Fees and Charges	94,900	49,667	74,500
Operating Grants and Subsidies	14,577	58,000	87,000
Operating Contributions	-	-	-
Interest Revenue	195,101	33,333	50,000
Works for Third Parties	6,115	-	-
Other Revenue	38,035	20,000	30,000
<b>Total Operating Revenue</b>	<b>9,247,810</b>	<b>8,920,687</b>	<b>9,001,187</b>
<b>Expenditure</b>			
Employee Expenses	793,587	933,338	1,283,676
Materials and Services	2,597,180	2,259,519	3,448,400
Depreciation expense	970,080	991,862	1,487,794
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>4,360,847</b>	<b>4,184,720</b>	<b>6,219,870</b>
<b>Operating Surplus/(Deficit)</b>	<b>4,886,964</b>	<b>4,735,967</b>	<b>2,781,317</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	3,358,232	1,122,333	2,244,665
Capital Income Other	-	-	-
Interest on Contributions/Reserves	61,528	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>3,419,760</b>	<b>1,122,333</b>	<b>2,244,665</b>
<b>Net Result</b>	<b>8,306,723</b>	<b>5,858,299</b>	<b>5,025,982</b>

### Budgeted Income Statement by Fund 2024/25 Budget

Benefited Area			
	Actual YTD	Budget YTD	2024/25 Budget
<b>Revenue</b>			
Rates and utility charges	131,990	131,784	131,784
Less Discounts and Pensioner Remissions	-	-	-
<b>Net Rates and Utility Charges</b>	<b>131,990</b>	<b>131,784</b>	<b>131,784</b>
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	1,712,106	-	-
Interest Revenue	1,589	-	-
Works for Third Parties	-	-	-
Other Revenue	-	-	-
<b>Total Operating Revenue</b>	<b>1,845,685</b>	<b>131,784</b>	<b>131,784</b>
<b>Expenditure</b>			
Employee Expenses	243	-	-
Materials and Services	68,834	44,733	47,100
Depreciation expense	38,981	42,338	63,507
Finance and Borrowing costs	-	-	-
<b>Total Operating Expenses</b>	<b>108,058</b>	<b>87,072</b>	<b>110,607</b>
<b>Operating Surplus/(Deficit)</b>	<b>1,737,627</b>	<b>44,712</b>	<b>21,177</b>
<b>Capital Income</b>			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Capital Income Other	-	-	-
Interest on Contributions/Reserves	35,463	-	-
Donated Assets	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
<b>Total Capital Income</b>	<b>35,463</b>	<b>-</b>	<b>-</b>
<b>Net Result</b>	<b>1,773,090</b>	<b>44,712</b>	<b>21,177</b>





**8.12 COMMUNITY HOUSING ANNUAL RENT REVIEW**

**Date Prepared:** 6 March 2025

**Author:** Manager Customer and Community Services

**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

As a funded provider of Long-Term Community Housing, Mareeba Shire Council is required to conduct an annual community housing rent review. The findings of the review are presented for consideration.

**RECOMMENDATION**

That Council adopts the annual community housing rent review.

**BACKGROUND****1. Community Housing Rent Policy**

As a funded Long-Term Community Housing (LTCH) provider, Council must adhere to relevant government legislation and policies for setting rents, including the State Government's *Community Housing Rent Policy*.

The key points are:

- Community Housing providers must review market rents at least annually.
- The State Government sets the maximum affordable rent for community housing tenants at 25% of assessable income plus Commonwealth Rent Assistance (CRA).
- Council's responsibility is to establish the market rent which is used to determine whether a tenant pays 25% of their income plus CRA or market rent, whichever is the lesser. This means that the income generated by the service is capped.

As part of the subcontracting arrangement with the Mareeba Community Housing Company (MCHC), this rent review is conducted by MCHC in partnership with Council.

**2. Setting Market Rent**

MCHC has reviewed market rents by considering:

- (a) CPI increase data from the Australian Bureau of Statistics (ABS);
- (b) private market rent for similar properties of the same standard in the area; and
- (c) relevant median rent data published by Residential Tenancies Authority (RTA).

The proposed percentage market rent increase for 2025 is 5.3% across all community housing properties.

This is the average between the CPI increase for the year ending December 2024 (2.4%) and average growth in median rents across all dwelling types in Mareeba Shire for the year ending December 2024 (8.3%).

The percentage is also on trend with the increases adopted by Council last year.

Community housing tenants will never pay more than 25% of their assessable income plus CRA, regardless of how high the market rent increases.

#### **RISK IMPLICATIONS**

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

Council must adhere to relevant government legislation and policies for setting rents, including the State Government's *Community Housing Rent Policy*.

#### **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.

**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**

Tenants will be informed by Mareeba Community Housing Company.

**8.13 COMMUNITY HOUSING SERVICE DEED**

**Date Prepared:** 6 March 2025

**Author:** Manager Customer and Community Services

**Attachments:** 1. Deed of Variation to Community Housing Service Deed (1 July 2025 - 30 June 2028) [↓](#)

---

**EXECUTIVE SUMMARY**

Council's Service Deed with Mareeba Community Housing Company (MCHC) for the tenancy and asset management of Council's Long Term Community Housing for Seniors Service is due to expire on the 30 June 2025.

This report presents, for consideration, a draft Deed of Variation to extend the agreement with MCHC for a further three-year period.

**RECOMMENDATION**

That Council executes a Deed of Variation to extend the Long-Term Community Housing Service for Seniors Service Deed with MCHC for a three year-period 1 July 2025 – 30 June 2028.

**BACKGROUND**

Council's Service Deed with Mareeba Community Housing Company (MCHC) for the tenancy and asset management of Council's Long Term Community Housing for Seniors Service is due to expire on the 30 June 2025.

The current service deed allows for the parties to negotiate an extension to the Deed term. MCHC have met all obligations in accordance with the current Service Deed. A three-year extension has been negotiated with MCHC.

Preston Law has prepared a draft Deed of Variation to extend the agreement from 1 July 2025 – 30 June 2028. MCHC has been consulted during this process.

The Variation provided an opportunity to make some minor updates and corrections which do not constitute substantive changes to the agreement:

- Minor correction and updates to community housing property Lot / Plan Number.
- Updates to Annual Scheduled Maintenance Plan.
- Further clarification and consistent use of the term "Notifiable Incidents."
- Update Council contact details.

The Department of Housing has been notified of Council's intention to extend the agreement. The Department has indicated that because the amendments are of an administrative nature, the Deed of Variation does not need to be formally reviewed by the Department's Legal Services. A copy of the fully executed agreement must be submitted to the Department of Housing for their records.

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

Council must adhere to relevant government legislation and policies relating to Community Housing and to Queensland Government Capital Funding Agreement Standard Terms V2 (Sept 2009) and Service Agreement – Standard Terms V1.1 (February 2015).

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

Nil

***Operating***

Legal preparation of Deed of Variation.

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

Nil.

***If not you must recommend how the budget can be amended to accommodate the expenditure***

The Community Housing Reserve has sufficient funds to cover the expenses associated with development of Deed of Variation.

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**Community and Culture:** An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

**IMPLEMENTATION/COMMUNICATION**

A copy of the fully executed agreement will be sent to Department of Housing.



## **Deed of Variation of Service Deed**

**Mareeba Shire Council**

**(“Council”)**

**Mareeba Community Housing Company Ltd  
ACN 166 451 118**

**(“MCHC”)**

## INDEX

1. DEFINITIONS .....	3
2. AGREED VARIATION .....	4
3. AFFIRMATION OF SERVICE DEED.....	7
4. GENERAL PROVISIONS.....	7

## PARTIES

---

**Mareeba Shire Council ABN 39 114 383 874**

(**"Council"**)

**Mareeba Community Housing Company Ltd ACN 166 451 118**

(**"MCHC"**)

## RECITALS

---

- A. Council and MCHC are parties to the Service Deed for the delivery of the Long-Term Community Housing Service for Seniors.
- B. Council and MCHC have agreed, pursuant to clause 4(c) of the Service Deed, to extend the Deed term for a period of three (3) years.
- C. The purpose of this Deed is to facilitate the extension of the Term, and further variations to the terms of the Service Deed.

## OPERATIVE PROVISIONS

---

### 1. DEFINITIONS

- 1.1. In this Deed unless inconsistent with the context or subject matter:
  - (a) **Agreed Variation** means the variation to the terms of the Service Deed, set out in Clause 2 of this Deed.
  - (b) **Council** means Mareeba Shire Council, a party to this Deed and the Service Deed.
  - (c) **Deed** means this Deed of Variation of Service Deed.
  - (d) **MCHC** means Mareeba Community Housing Company Ltd A.C.N. 166 451 118, a party to this Deed and the Service Deed.
  - (e) **Service Deed** means the Service Deed between Council and MCHC, which was signed by Council on 29 June 2022 and signed by MCHC on 29 June 2022, which is annexed to this Deed as Annexure 1.
- 1.2. In this Deed unless the context otherwise requires:
  - (a) a capitalised term in this Deed that is not defined in Clause 1.1 has the same definition as the Service Deed;
  - (b) clause and subclause headings are for reference purposes only;
  - (c) the singular includes the plural and vice versa;

- (d) words denoting any gender include all genders;
- (e) reference to a person includes any other entity recognised by law and vice versa;
- (f) where a word or phrase is defined its other grammatical forms have a corresponding meaning;
- (g) any reference to a party to this document includes its successors and permitted assigns;
- (h) if a party consists of more than one person, this document binds them jointly and each of them severally;
- (i) any reference to any agreement or document includes that agreement or document as amended at any time;
- (j) the use of the word includes or including is not to be taken as limiting the meaning of the words preceding it;
- (k) the expression at any time includes reference to past, present and future time and the performance of any action from time to time;
- (l) an agreement, representation or warranty on the part of two or more persons binds them jointly and severally;
- (m) an agreement, representation or warranty on the part of two or more persons is for the benefit of them jointly and severally;
- (n) reference to an exhibit, annexure, attachment or schedule is a reference to the corresponding exhibit, annexure, attachment or schedule in this document;
- (o) reference to a provision described, prefaced or qualified by the name, heading or caption of a clause, subclause, paragraph, schedule, item, annexure, exhibit or attachment in this document means a cross reference to that clause, subclause, paragraph, schedule, item, annexure, exhibit or attachment;
- (p) reference to a statute includes all regulations and amendments to that statute and any statute passed in substitution for that statute or incorporating any of its provisions to the extent that they are incorporated;
- (q) when a thing is required to be done or money required to be paid under this document on a day which is not a Business Day, the thing must be done and the money paid on the immediately succeeding Business Day; and
- (r) this Deed may not be construed adversely to a party only because that party was responsible for preparing it.

1.3. Headings are for ease of reference only and do not affect interpretation.

## **2. AGREED VARIATION**

2.1. The parties agree that the Service Deed will be varied in accordance with the following subclauses.

### **2.2. Variation of Service Deed**



2.2.1. To formalise those matters acknowledged and agreed in the preceding subclause, the parties agree to vary the Service Deed as follows:

(a) Clause 3, Definitions:

(i) After the definition of “DCHDE” and before the definition of “Funded Assets”, insert the words:

***Expiry Date means 30 June 2028;***

(ii) In the definition of “Housing Land”:

(A) the words “Lot 2 MPH 331968” are deleted and replaced with “Lot 515 SP 276113 (excluding lease areas A and B)”;

(B) the words “Lot 35 RP 703622” are deleted and replaced with “Lot 35 SP 248396”;

(iii) Delete the definition of “Notifiable Incident” and replace it with the following definition:

***Notifiable Incident means:***

- i. any incident that, in the reasonable opinion of MCHC, has resulted or could have resulted in the injury or death of a person (including but not limited to a Tenant), or the need to perform capital works to any Asset;*
- ii. any conduct that is or may be “alleged misconduct”, as defined in Clause 4.5(c) of the Service Agreement Standard Terms;*
- iii. any conduct that is or may be a “major incident”, as that term is defined in Clause 4.5(d) of the Service Agreement Standard Terms;*
- iv. any incident that is or may be a “major incident”, as that term is defined in the Capital Funding Agreement Standard Terms;*
- v. any incident that is a “notifiable event” under MSC’s Community Housing Notifications to Queensland Government Regulatory Services Operation Policy (Version 3.0), a copy of which MCHC acknowledges it has received, read and understood;*

- vi. *any other incident that requires notification to be given to DCHDE under the DCHDE legislation, policies and procedures;*
  - (iv) “Service Agreement Standard Terms”, the words “*Clauses 12, 17.2 and 22*” are deleted;
  - (v) “Term”, the words “*30 June 2025*” are deleted and replaced with the words, “*30 June 2028*”;
- (b) Clause 4(a), the words “*30 June 2025*” are deleted and replaced with the words “*30 June 2028*”;
- (c) Clause 7.1.4:
  - (i) In Clause 7.1.4(a), (b) and (c), all instances of the words “*Critical Incident*” and “*Critical Incidents*” are deleted and replaced with the words “*Notifiable Incident*” and “*Notifiable Incidents*” (as the context requires);
  - (ii) In Clause 7.1.4(b), the words “*Clause 22*” are deleted and replaced with the words “*Clause 4.5 (and in accordance with MCHC’s obligation as a subcontractor under Clause 22)*”;
  - (iii) Clause 7.1.4(d) is deleted;
- (d) Clause 18, delete all words after the heading and insert the following words:
 

*“Shellie Buckle, Manager Customer and Community Services will be the Council contact person for all matters relating to the delivery of the Housing Service:*

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

*Ph: (07) 4086 4673”*
- (e) Schedule A – Title Details:
  - (i) 1/12 Harriman Street Kuranda, the words “*Lot 35 RP 703622*” are deleted and replaced with “*Lot 35 SP 248396*”;
  - (ii) 2/12 Harriman Street Kuranda, the words “*Lot 35 RP 703622*” are deleted and replaced with “*Lot 35 SP 248396*”;
  - (iii) the words “*54 Doyle Street Mareeba*” where they appear immediately preceding “*64 Doyle Street Mareeba*” are deleted and replaced with the words “*58 Doyle Street Mareeba*”;
- (f) Schedule B – Annual Scheduled Maintenance Plan:

(i) Mowing Communal Areas, the words “*Vacant Lots 60 and 66 Doyle St*” are deleted and replaced with the words “*Vacant Lot 66 Doyle St*”;

(ii) Solar Panel Cleaning - the word “*Annual*” is deleted and replaced with:

*“Kuranda – Annual*

*Mareeba and Mt Molloy – Biennial”*.

2.2.2. The parties acknowledge and agree that to the extent any further variations may be necessary to imply in the Service Deed to give full effect to the variations identified in Clause 2.2.1, the parties agree to interpret the Service Deed consistently with that

### 3. AFFIRMATION OF SERVICE DEED

3.1. Other than to the extent agreed in this Deed, in particular, the Agreed Variation, the parties affirm the terms of the Service Deed and confirm all terms and conditions of the Service Deed remain unchanged and continue to have full force and effect.

3.2. Nothing contained in this Deed operates as a waiver by the Council of any past breach of any covenant or provision of the Service Deed to be complied with by MCHC.

### 4. GENERAL PROVISIONS

#### 4.1. Costs

Each party must pay its own costs in relation to the negotiation, finalisation and execution of this Deed, or any agreement or document executed or effected under this Deed, unless this Deed provides otherwise.

#### 4.2. Governing Law and Jurisdiction

4.2.1. This Deed is governed by and construed under the law in Queensland, and any legal action in relation to this Deed against any party or its property may be brought in any court of competent jurisdiction in Queensland.

4.2.2. Each party by execution of this Deed irrevocably, generally and unconditionally submits to the non-exclusive jurisdiction of any court specified in this provision in relation to both itself and its property.

#### 4.3. Amendments

Any amendment to this Deed has no force or effect, unless effected by a document executed by the parties.

#### 4.4. Third parties

This Deed confers rights only upon a person expressed to be a party, and not upon any other person.

#### 4.5. Further assurance

Each party must execute any document and perform any action necessary to give full effect to this Deed, whether before or after performance of this Deed.

**4.6. Continuing performance**

4.6.1. The provisions of this Deed do not merge with any action performed or document executed by any party for the purposes of performance of this Deed.

4.6.2. Any representation in this Deed survives the execution of any document for the purposes of, and continues after, performance of this Deed.

4.6.3. Any indemnity agreed by *any* party under this Deed:

(a) constitutes a liability of that party separate and independent from any other liability of that party under this Deed or any other agreement; and

(b) survives and continues after performance of this Deed.

**4.7. Waivers**

Any failure by any party to exercise any right under this Deed does not operate as a waiver and the single or partial exercise of any right by that party does not preclude any other or further exercise of that or any other right by that party.

**4.8. Remedies**

The rights of a party under this Deed are cumulative and not exclusive of any rights provided by law.

**4.9. Severability**

Any provision of this Deed which is invalid in any jurisdiction is invalid in that jurisdiction to that extent, without invalidating or affecting the remaining provisions of this Deed or the validity of that provision in any other jurisdiction.

**4.10. Whole Agreement**

This Deed constitutes the whole of the agreement between the parties relating to the subject matter hereof.

**4.11. Further instruments**

The parties shall execute and deliver all such further agreements and other instruments, do all things and take any other action necessary to make this Deed fully effective, binding and enforceable as between them and as against third parties.

**4.12. Counterparts**

This Deed may be executed in any number of counterparts, all of which taken together are deemed to constitute one and the same document.

## EXECUTED AS A DEED

---

**EXECUTED** for **MAREEBA SHIRE COUNCIL** by )  
 the **CHIEF EXECUTIVE OFFICER** for and on )  
 behalf of the Council in the presence of: )

\_\_\_\_\_) )  
 Signature of Witness )

\_\_\_\_\_) )  
 Print Name )

\_\_\_\_\_) )  
 Date )

\_\_\_\_\_  
 Chief Executive Officer

**EXECUTED** by **MAREEBA COMMUNITY** )  
**HOUSING COMPANY LTD ACN 166 451 118** )  
 pursuant to the *Corporations Act 2001*: )

\_\_\_\_\_) )  
 Date )

\_\_\_\_\_  
 Director

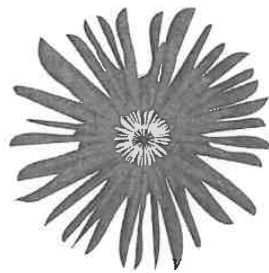
\_\_\_\_\_  
 Director/Secretary

**ANNEXURE 1**  
**SERVICE DEED**

---

4110690

LG 3958



**Mareeba**  
SHIRE COUNCIL

## **SERVICE DEED**

**Long-Term Community Housing Service for  
Seniors**

**MAREEBA SHIRE COUNCIL**

**AND**

**MAREEBA COMMUNITY HOUSING COMPANY LTD  
ACN 166 451 118**

*Posted hard copy  
to MCHC  
Wednesday  
29 July 2022*

mare0004\_20202269\_034.doc

Document Set ID: 4110690  
Version: 2, Version Date: 19/01/2023

---

**1. PARTIES TO THE DEED**

---

- a) Mareeba Shire Council ABN 39 114 383 874 (Council)
- b) Mareeba Community Housing Company Ltd ACN 166 451 118 (MCHC)

---

**2. RECITALS**

---

- a) Council is the freehold owner or trustee of the Housing Land.
- b) Council owns the Housing Assets located on the Housing Land and manages those assets for the Housing Purpose.
- c) Council is a registered long-term community housing provider under the Queensland State Regulatory System for Community Housing (QSR SCH) and agrees to maintain this registration throughout the term of the Deed.
- d) MCHC is a registered provider of community housing under the National Regulatory System for Community Housing (NRSCH) operating in the Mareeba local government area and agrees to maintain registration throughout the term of the Deed.
- e) By entering into this Deed, MCHC agrees to deliver the long-term community housing service for seniors at a level of no less than the current service provided by Council.
- f) MCHC agrees to request referrals for all housing placements from Department of Communities, Housing and Digital Economy (DCHDE) from the seniors' target group.
- g) MCHC agrees to maintain the service as a Housing Service for seniors throughout the term of the outsourcing arrangement and into the future, unless there is a demonstrated significant change in community need which must be formally evidenced to Council.
- h) MCHC agrees to deliver the Service on behalf of Council in accordance with the *Housing Act 2003* (Qld), *Housing Regulation 2015* (Qld), *Residential Tenancies and Rooming Accommodation Act 2008* (Qld), *Social Housing Program Specifications* and other related policies and procedures as required by DCHDE.
- i) MCHC agrees to manage program receipts and any surpluses in accordance with the relevant State government's policies and procedures and in consideration of the principles established in Council's *Procurement Policy*.
- j) Council agrees to retain the ultimate responsibility for the compliant delivery of the Housing Service.
- k) Council and MCHC shall abide by any State legislation, Capital Funding Agreement Standard Terms, Service Agreement Standard Terms, or such other



policies or procedures, to the extent they are applicable to the performance of Services under this Deed.

### 3. DEFINITIONS

---

The following definitions apply:

**Capital Funding Agreement Standard Terms** means the Queensland Government Capital Funding Agreement Standard Terms Version 2 Approved Sept 2009, Updated February 2016.

**Capital Renewals and Maintenance Schedule** means a projection of maintenance and capital works identified from the three yearly condition assessments in accordance with the Community Housing Asset Management Plan.

**Capital Works Program** means an agreed program of planned maintenance works with either an individual value of more than \$5,000 per project or a group of similar works with a combined value of more than \$10,000. The capital works program is primarily informed by condition data gathered in the three-yearly condition assessments and the Community Housing Asset Management Plan. The Capital Works Program must include, as items of maintenance to be carried out by MCHC, those items set out in the Annual Scheduled Maintenance Plan in Schedule B that constitute capital works.

**Community Housing Asset Management Plan** means Council's approved asset management plan for the class of community housing, comprising of 108 housing assets.

**Condition Assessment** means a technical inspection by a competent assessor to evaluate the physical state of building elements and services and to assess the maintenance needs of the facility.

**Commencement Date** means 1 July 2022.

**Community Housing Reserve** means a separate fund to retain any depreciation amounts or operational surplus at the end of the year, and to fund any operational shortfall, in accordance with relevant DCHDE policies.

**Council** means Mareeba Shire Council, a party to this Deed.

**Deed** means this Service Deed for the delivery of the Long-Term Community Housing Service for Seniors.

**Depreciation** means a financial allocation reserved by MCHC to provision for future maintenance liabilities. Council will advise MCHC of the amount to be reserved per property on an annual basis, in accordance with Council's valuations.

**Depreciation Schedule** means the document adopted by Council to record the loss in value of an asset over the period that it is used in accordance with an accounting method preferred by Council.

**DCHDE** means the Department of Communities, Housing and Digital Economy, or such other Queensland State Government department that is responsible for administering the Housing Act.

**Funded Assets** means 84 housing assets for which State government funding has been received and are subject to a Funding Deed with DCHDE. All performance monitoring to DCHDE will be for the 84 funded assets. The Funded Assets are particularised in Table 1 of Schedule A.

**Funding Deed** means the Deed in place between Council and DCHDE that is applicable to a Funded Asset, and which relates to Council receiving State Government funding for the construction, renewal or upgrade of that asset. The Funding Deed will remain in place between Council and DCHDE, but Council will satisfy any conditions of the Funding Deed in relation to the management of the asset to which the Funding Deed applies, to enable Council to enter into this Deed with MCHC, in respect of the Funded Asset.

**Growth Plan** means strategies by MCHC identifying opportunities for growing the housing stock and undertaking service improvements to provide increased access to social housing in the Shire for seniors, subject to Council and DCHDE approval.

**Housing Assets** means all buildings and fixtures located on the Housing Land, which comprise residential premises used for the Housing Purpose, a description of which is listed in Schedule 1. The Assets comprise 108 dwellings used for Housing Purposes and associated fixtures, fittings and appurtenances. The Housing Assets are, and at all times throughout the Term shall remain, the property of Council. The Housing Assets comprise both Funded Assets and Unfunded Assets. The 108 housing assets comprise of 104 one-bedroom dwellings and 4 two-bedroom units.

**Housing Land** means:

- i. Lot 741 on NR 5961;
- ii. Lot 2 on NR 7302;
- iii. Lot 213 on DA 198;
- iv. Lot 20 on NR 7137;
- v. Lot 2 on MPH 331968;
- vi. Lot 35 on RP 703622;
- vii. Lot 8 on D81513;
- viii. Lot 9 on D 81513;
- ix. Lot 1 on MPH 25197;
- x. Lot 1 on D 81514;

- xi. Lot 417 on NR 7409.

**Housing Purpose** means the use of the Housing Assets on the Housing Land for community housing, and specifically for residents who are eligible tenants.

**Housing Service** means the activities and operations associated with delivering a long-term community housing service for seniors which is compliant with DCHDE requirements.

**MCHC** means Mareeba Community Housing Company Ltd ACN 166 451 118, a party to this Deed.

**Monthly Operational Report** means the document to be prepared in accordance with Clause 7.1.1.

**Notifiable Incident** means any incident that:

- i. in the reasonable opinion of MCHC, has resulted or could have resulted in the injury or death of a person (including but not limited to a Tenant), or the need to perform capital works to any Asset; or
- ii. any other incident that is a notifiable event under the DCHDE legislation, policies and procedures. .

**Reactive Maintenance** means any repairs or maintenance to be performed at or to the housing assets which is not specified in a scheduled maintenance program. Any reactive maintenance works completed at a cost of > \$5,000 incl. GST must be reported to Council in the Monthly Operational Report for capitalisation.

**Residential Tenancy Agreement** has the meaning given to that term in the *Residential Tenancies and Rooming Accommodation Act 2008*.

**Scheduled Maintenance** means the repairs and maintenance which are scheduled by MCHC in a Scheduled Maintenance Program. Scheduled Maintenance is any repair or maintenance work that costs less than \$5,000 inclusive of GST. If repair or maintenance work costs more than \$5,000 inclusive of GST, the work shall be capital work and will be planned in a capital works program.

**Service Agreement Standard Terms** means the Queensland Government Service Agreement – Standard Terms Version 1.1 – dated 17 February 2015 Clauses 12, 17.2 and 22.

**Services** means the services delivered by MCHC pursuant to Clause 5 of this Agreement.

**Specified Loss** includes any of the following, whether direct, indirect, special or consequential:

- i. loss of use, production, profit, income, revenue, business, Deed, opportunity or anticipated saving;
- ii. liability for loss or damage suffered by third parties;

- iii. any financing costs, increase in operating costs or legal costs (on a solicitor and client basis);
- iv. any fines levied;
- v. loss of reputation or embarrassment;
- vi. any other financial or economic loss not expressly referred to in the preceding paragraphs;
- vii. any indirect, special or consequential loss, damage, cost, expense or penalty not expressly referred to in the preceding paragraphs, howsoever arising.

**Statutory Requirement** includes:

- i. any Acts, ordinances, regulations, by-laws, local laws, orders, awards and proclamations of Council, Queensland or the Commonwealth;
- ii. certificates, licences, consents, permits, approvals and requirements of any entities having jurisdiction in connection of the performance of obligations under this Deed;
- iii. fees and charges payable in connection with the foregoing.

**Tenants** means those persons who are tenants in a Housing Asset for Housing Purposes.

**Term** means the term of this Deed, which commences on the Commencement Date and ends on 30 June 2025, unless extended pursuant to Clause 4.

**Unfunded Assets** means 24 assets which are wholly owned by Council, and not subject to any Funding Deed with DCHDE. These properties are not subject to DCHDE monitoring and compliance, however, Council requires MCHC to manage the unfunded assets in the same manner as all Funded Assets. The Unfunded Assets are particularised in Table 2 of Schedule A.

#### 4. TERM

- a) This Deed commences on the Commencement Date and ends on 30 June 2025.
- b) The Deed will be reviewed on an annual basis, or at any time requested by either party, commencing in July 2023. Any recommendations for amendments to the Deed will require DCHDE approval.
- c) The parties may negotiate an extension to the Deed term, to commence no later than six (6) months prior to the expiration of this Deed.

## 5. MCHC RESPONSIBILITIES

### 5.1 SERVICE DELIVERY

#### 5.1.1 Particular compliance obligations

- a) It is intended that Council and MCHC will work collaboratively to achieve positive outcomes for those in housing need.
- b) MCHC agrees to perform the services under this Deed on behalf of Council in accordance with:
  - i. the *Housing Act 2003 (Qld)*, *Housing Regulations 2015 (Qld)*, *Residential Tenancies and Rooming Accommodation Act 2008 (Qld)*;
  - ii. the Capital Funding Agreement Standard Terms;
  - iii. Clauses 12, 17.2 and 22 of the Service Agreement Standard Terms;
  - iv. the Social Housing Program Specifications and other related policies and procedures as required by DCHDE;
  - v. the Community Housing Asset Management Plan;
  - vi. the Community Housing for Seniors Tenant Information Guide;

(“the Applicable Instruments”)
- c) MCHC agrees to provide a copy of the Community Housing for Seniors Tenant Information Guide to tenants which provides relevant information to tenants and explains the subcontracting arrangements between Council and MCHC.
- d) The parties warrant, in respect of the Applicable Instruments, that it understands them and agrees that MCHC will perform the services required under this Deed consistently with the Applicable Instruments.
- e) In the event of any inconsistency between a term of this Deed and a term of an Applicable Instrument, this Deed shall prevail.
- f) The parties may, by written notice to the other, nominate another policy, procedure and plan to form part of this Deed as though it were an Applicable Instrument named in subclause (b) of this clause. That further policy, procedure and plan will be an Applicable Instrument on and from the date that is twenty-one (21) days from the receipt of that notice unless the other party, within fourteen (14) days of receipt of such notice, objects to the inclusion of the policy, procedure and plan as an Applicable Instrument. A party may only object to the inclusion of a policy, procedure and plan as an Applicable Instrument if the inclusion of it materially changes the way in which a party is required to perform an obligation under this Deed.
- g) The parties acknowledge and agree that if an Applicable Instrument is amended during the term of this Deed, then the following subclauses apply:

- i. If the party amending the Applicable Instrument intends for the Applicable Instrument as amended to apply to this Deed, then the party amending the Applicable Instrument must give no less than fourteen (14) days' notice of the amendment to the other party of the amendment to the Applicable Instrument.
- ii. If the parties agree acting reasonably that the amendment to the Applicable Instrument is not substantive, then the Applicable Instrument as amended will apply to this Deed upon the expiry of the notice period. An amendment is not substantive if it does not materially change the way in which MCHC is required to discharge its obligations under this Deed;
- iii. if subclause (ii) does not apply, then the parties shall negotiate in good faith a variation to this Deed to accommodate the Applicable Instrument as amended. While the parties are negotiating pursuant to this subclause, the Applicable Instrument in its unamended condition will apply.

#### **5.1.2 Registration as a housing provider**

By entering this Deed, MCHC agrees to maintain registration with the National Regulatory System for Community Housing and deliver the community housing service for seniors in accordance with the National Regulatory System for Community Housing.

#### **5.1.3 Complaints**

- a) Without limiting the generality of Clause 5.1, complaints and disputes relevant to delivery of the service must be handled in accordance with the Mareeba Community Housing Company Ltd Tenant and Housing Services, Policy number 1012 *Complaints, Feedback and Appeals*, and subject also to subclause (b) of this clause.
- b) MCHC must, as soon as practicable after the end of each quarter (being 1 January, 1 April, 1 July and 1 October each year), provide statistics to Council about the number and type of complaints received, as well as any particulars about complaints and their handling as reasonably required by Council.

#### **5.1.4 Application of Service Agreement Standard Terms**

MCHC agrees to comply with the following clauses of the Service Agreement Standard Terms in performing its obligations under this Deed as though MCHC were bound to perform in accordance with those clauses as a party bound to the obligations under those clauses:

- a) Clause 12;
- b) Clause 17.2; and
- c) Clause 22.

To the extent there is any inconsistency between the requirements of this clause and another provision of this Deed, this clause will prevail.

## **5.2 TENANCY MANAGEMENT**

MCHC will manage the tenancies in accordance with the relevant legislation, policies and procedures as required by DCHDE

### **5.2.1 Eligible Tenants**

MCHC will ensure to be eligible for housing in a Housing Asset, the applicant must have a current application with DCHDE for social housing, and be one of the following:

- a) Recipients of the Age Pension or other approved pensions from the Australian Government including the Department of Veterans' Affairs; or
- b) Aged 55 years or older and are receiving a Disability Support Pension from the Australian Government.

### **5.2.2 Discretion to house Tenants**

For the purpose of this Deed, MCHC may apply discretion to the eligibility criteria specified in Clause 5.2.1 only if:

- a) The person has a current application for social housing with DCHDE; and
- b) The person is seeking to occupy a Housing Asset that is in Dimbulah or Mt Molloy; and
- c) That Housing Asset is vacant, and, in the reasonable opinion of MCHC, the Housing Asset is unlikely to be occupied by a person who is an eligible Tenant pursuant to Clause 5.2.1; then

the person need not be aged 55 years or older, provided MCHC assesses that the property, the neighbourhood and location are suitable as a long-term housing option for the applicant.

## **5.3 ASSET MANAGEMENT**

MCHC will implement the Mareeba Shire Council Community Housing Asset Management Plan, including:

- a) Arranging Condition Assessments on all properties on a three-yearly rolling schedule and updating the Capital Renewals and Maintenance Schedule accordingly.
- b) Responding to all requests for maintenance in accordance with DCHDE timeframes and Council's decision-making framework as detailed in the Community Housing Asset Management Plan;

- c) Proposing and delivering a Capital Works Program as agreed between the parties.

#### **5.4 FINANCIAL MANAGEMENT**

##### **5.4.1 Budget**

MCHC will develop a yearly budget that shows:

- a) expected rent revenue from occupants of Housing Assets;
- b) costs associated with preparing and delivering the Scheduled Maintenance including those relevant items listed at Schedule B - Annual Scheduled Maintenance Plan;
- c) costs associated with preparing and delivering the Capital Works Program including those relevant items listed at Schedule B - Annual Scheduled Maintenance Plan;
- d) expected costs associated with carrying out Reactive Maintenance, based on reasonable projections about what Reactive Maintenance might be required to the Housing Assets and Housing Land;
- e) staff wages and other staffing costs;
- f) costs associated with maintaining any necessary accreditations and training staff;
- g) any other costs that MCHC reasonably anticipates will be incurred in delivering the Housing Service, including but not limited to operating expenses and overheads;
- h) allocation for Depreciation, in accordance with the amount stipulated by Council; and
- i) the expected surplus funds to be generated from MCHC's delivery of the service.

##### **5.4.2 Program Receipts**

MCHC will collect all rents from all Tenants from the Commencement Date.

##### **5.4.3 Rent Review**

MCHC will conduct the annual market rent review in accordance with the relevant government legislation, policies and procedures that apply to market review of rents for tenancies of assets such as Housing Assets, and present those proposed Market Rents for Council approval.

##### **5.4.4 Operating expenses**

MCHC will:



- a) Separately record all financial transactions relating to the delivery of the Housing Service;
- b) Pay for operating expenses required for the delivery of the Housing Service and operation of the Housing Assets. This will include all expenses associated with tenancy and asset management, and:
  - i. The electricity charges for one shared connection at the 16 units in Mareeba, being 10 Lyons Street Mareeba and 23 – 27 Lawson Street Mareeba;
  - ii. Council rates and charges including but not limited to the water consumption of Tenants;
  - iii. Statutory and planned maintenance - including annual pest control, pressure cleaning of identified units, gutter cleaning, mowing communal areas, servicing hot water system TMVs, safety switch testing, smoke alarm testing and smoke alarm battery replacements as required.

#### 5.4.5 Property Insurance

MCHC will:

- a) Reimburse Council the cost of the annual property insurance premiums on a six-monthly basis, in arrears, to be paid by 31 December and 30 June each year;
- b) Fund any excess relating to claims made during the Deed from program receipts collected by MCHC.

#### 5.4.6 Community Housing Reserves

MCHC will:

- a) Apply the same policies and procedures to the management of Funded Assets and Unfunded Assets;
- b) Account for and report on the financial management of the Unfunded Assets and Funded Assets separately;
- c) Establish two separate Community Housing Reserves, one for the purposes of managing the 24 Unfunded Assets and another for the purposes of managing the 84 Funded Assets. These Community Housing Reserves will be:
  - i. Managed and reported separately to Council and MCHC will only report to DCHDE on the Funded Assets.
  - ii. Accrue provisions for future maintenance liabilities in accordance with formal valuations conducted every 4 years by a valuer

engaged by Council, funded by Council through the existing Community Housing Reserve.

- iii. Retain any operational surplus funds or fund any operational shortfall at the end of each financial year.
- d) The parties acknowledge and agree that any surplus funds contained within the Community Housing Reserves at the end of the Term must be returned to Council on demand within a reasonable time of the date that MCHC completes its audit for the immediately preceding financial year.

#### **5.4.7 Assumption of liabilities under Residential Tenancy Agreement**

- a) On and from the Commencement Date, MCHC assumes all liabilities under any existing Residential Tenancy Agreements and Residential Tenancy Agreements entered into during the Term.
- b) Without limiting the generality of the above subclause, MCHC assumes liabilities for:
  - i. arrears of rent under the Residential Tenancy Agreement;
  - ii. any loss or damage caused by Tenants and which may not be recoverable in reliance upon any indemnities under the Residential Tenancy Agreement.

### **6. COUNCIL RESPONSIBILITIES**

---

#### **6.1 SERVICE DELIVERY**

##### **6.1.1 Registration as a Housing Provider**

Council will:

- a) Retain the ultimate responsibility for the compliant delivery of the Housing Service;
- b) Maintain registration with the Queensland State Regulatory System for Community Housing;
- c) Maintain compliance with the terms of all existing Funding Deeds between Council and the state government;
- d) Monitor the performance of MCHC including tenancy and asset management, financial performance and compliance.

#### **6.2 TENANCY MANAGEMENT**

By signing this Deed, Council engages MCHC to manage the tenancies in accordance with the National Regulatory System for Community Housing.

**6.3 ASSET MANAGEMENT**

Council will:

- a) Provide a Depreciation Schedule detailing the required amounts for MCHC to provision for future maintenance liabilities during Council's annual budget planning cycle in March / April;
- b) Fund four-yearly valuations of all properties to inform depreciation amounts.

**6.4 FINANCIAL MANAGEMENT****6.4.1 Budget and Planning**

Council will:

- a) Provide a depreciation schedule detailing the required amounts for MCHC to provide for future maintenance liabilities during Council's annual budget planning cycle in March / April;
- b) Maintain the existing Community Housing Reserve to fund capital works for the term of the Service Deed, and other activities in accordance with the relevant DCHDE policies;
- c) Consider and approve an annual operational budget, as presented by MCHC during Council's annual budget planning cycle in March / April;
- d) Approve an annual Capital Works Program funded by the community housing reserves, to be delivered by MCHC.

**6.4.2 Rent Review**

Council will consider and approve the annual market rent review presented by MCHC pursuant to Clause 5.4.3.

**6.5 PROPERTY INSURANCE**

Council will continue to insure the Housing Assets, with the cost to be remitted by MCHC pursuant to Clause 5.4.5.

**6.6 PERFORMANCE MONITORING**

Council will monitor the performance of MCHC in accordance with the National Regulatory System for Community Housing.

**6.7 STATUS OF HOUSING LAND**

Nothing in this Deed conveys any form of leasehold tenure over the Housing Land to MCHC, or any other form of exclusive possession right in respect of the Housing Land, and MCHC shall not be entitled to sell, dispose of, rent or otherwise deal with the Housing Land, other than as expressly contemplated by this Deed.

**7. PERFORMANCE MONITORING**

---

## 7.1 REPORTING TO COUNCIL

### 7.1.1 Monthly Operational Report to Council

MCHC will provide a Monthly Operational Report by the 15<sup>th</sup> day of the following month, in a format agreed between Council and MCHC, to include:

- a) Tenancy management - including number of new tenancies, exits, inspections completed, rent arrears, Notifiable Incidents, complaints received, tenants receiving support under MCHC programs and breaches of General Tenancy Deeds;
- b) Asset management - including inspections or Condition Assessments completed, scheduled maintenance completed, maintenance costing > \$5,000 and progress towards completing capital works projects. Reactive and planned maintenance works which cost < \$5,000 will be reported in the profit & loss statement as a total of all works completed.
- c) Financial management - a profit & loss statement showing the month and YTD performance of the service including income, planned and reactive maintenance and all associated costs of delivering the service.
- d) Community engagement - planned and completed community engagement activities.

### 7.1.2 Annual Presentation

MCHC will make an annual presentation to Councillors during Council's budget planning cycle in March / April. This presentation will include:

- a) Annual Performance Report - a report demonstrating MCHC's performance for the current financial year, including:
  - i. Performance against the National Regulatory System for Community Housing;
  - ii. Year-to-date financial performance with a profit and loss statement comparing budget with actual results; and
  - iii. Progress towards the delivery of the annual Service Delivery Plan for that year.
- b) Annual Service Delivery Plan - to include plans for the service delivery for the upcoming financial year;
- c) Budget - for the upcoming Financial Year including all operational expenses;
- d) Annual Capital Works Program - MCHC will present a plan of proposed capital works to be funded from the community housing reserves.

### 7.1.3 Financial Reporting

MCHC must provide a certified copy of the following documents, within fourteen (14) days of the date the document has been finalised:

- a) MCHC's specific purpose annual audited financial statements in the format required by DCHDE from time to time;
- b) the Minutes of its Annual General Meeting;
- c) a copy of its financial statements as adopted at its Annual General Meeting.

### 7.1.4 Critical Incidents

- a) MCHC must notify Council of any Critical Incidents immediately following the Critical Incident occurring.
- b) MCHC must notify DCHDE of any critical incidents regarding the funded properties immediately following the Critical Incident occurring in accordance with the Service Agreement Standard Terms Clause 22.
- c) MCHC must particularise the nature of the Critical Incident, the Tenant or Housing Asset to which the Critical Incident relates, any ongoing risk arising as a result of the Critical Incident, and any measures taken or intended to be taken to avoid the risk of the Critical Incident occurring again.
- d) In this clause, "**Critical Incident**" means any incident that, in the reasonable opinion of MCHC, has resulted or could have resulted in the injury or death of a person (including but not limited to a Tenant), or the need to perform capital works to any Housing Asset.

## 7.2 REPORTING TO DCHDE

- a) MCHC will author and submit all reporting to DCHDE, upon approval by Council, with the exception of the Community Housing Annual Financial Return (CHAFR). This includes:
  - i. Quarterly and Six-Monthly Performance Reports - funded properties only; and
  - ii. National Community Housing Survey - funded and unfunded properties.
- b) Council will complete and submit the CHAFR utilising information provided by MCHC and Council's financial performance.

## 8. PARTNERING FOR GROWTH

---

In recognition of the Queensland Government's *Partnering for Growth* framework, the provider may seek approval to utilise an agreed amount of rent receipts towards the delivery of a Growth Plan.

This may be for the purpose of increasing housing stock or undertaking service improvement strategies subject to Council and DCHDE approval.

#### **9. CONFIDENTIALITY**

---

- a) MCHC will:
- i. Keep confidential all business-related information received from Council during this Deed;
  - ii. Not disclose same without Council's prior written consent;
  - iii. Use any confidential information obtained only for the purpose of delivering the Housing Service for Council;
  - iv. Notify Council immediately if it knows or reasonably suspects that confidential information has been disclosed or released without Council's prior written consent.
- b) MCHC hereby warrants and undertakes that it will provide a written undertaking to DCHDE in the form required by DCHDE regarding non-disclosure and confidentiality of confidential information associated with any part of the Services in accordance with the Service Agreement Standard Terms Clause 17.2.

#### **10. INSURANCE**

---

MCHC will:

- a) Provide and maintain the following insurance cover for the term of this Deed:
- i. Personal work cover insurance to cover paid and volunteer employees, eligible persons, self-employed contractors, directors, trustees and partners.
  - ii. Public liability insurance in an amount not less than \$20,000,000 in respect of any one occurrence and for an unlimited number of claims; and
  - iii. Product liability insurance in an amount not less than \$5,000,000 in respect of any one occurrence and for an unlimited number of claims; and
  - iv. Professional indemnity insurance in an amount not less than \$10,000,000 in respect of any one occurrence and for an unlimited number of claims; and
- b) Upon receipt of a written request at any time from Council, produce evidence that the insurances required have been effected and maintained.

- c) Hold comprehensive motor vehicle insurance in respect to all motor vehicles used by MCHC in connection with the performance of this project.

#### 11. INDEMNITY

---

Council (including its employees, representatives, contractors or any associated entity who performs services on behalf of Council hereunder) is not liable to MCHC in contract, tort or otherwise whatsoever for any loss or damage (including consequential loss) to any person or property arising from performance of rights or obligations under this Deed by MCHC or others, save to the extent the loss or damage is a consequence of the negligent acts or omissions of Council (or Council's employees, representatives, contractors or associated entities).

MCHC:

- a) carries out its obligations under this Deed at its own risk;
- b) shall be liable for claims by Council and third parties for personal injury and property damage not covered by the insurance required which result from the negligence of MCHC having due regard to the standards set out in this Deed provided that MCHC shall not assert any claims against Council and Council shall not be liable to MCHC for any losses, damages, liabilities or expenses (including legal costs) incurred or sustained by MCHC;
- c) indemnifies Council from and against any claim, damage, loss or expense suffered by Council or others as a result of the performance of its rights and obligations under this Deed by MCHC or MCHC's employees and agents or as a result of or arising out of the grant of, or the exercise of, this Deed, save to the extent the loss or damage is a consequence of the negligent acts or omissions of Council.
- d) MCHC shall indemnify Council against any claim which may be brought against Council and for any loss (including Specified Loss) which may be suffered or incurred by Council relating to or arising out of or in connection with:
- e) MCHC's failure to comply with a Statutory Requirement; and/or
- f) any enforcement of obligations imposed on MCHC under a Statutory Requirement, but the indemnity will be reduced to the extent that a negligent act or omission of Council caused or contributed to the claim or loss.

#### 12. WARRANTIES

---

- a) MCHC warrants that as at the date of this Deed, MCHC and/or its personnel (as the case may be) hold all necessary competencies, accreditations, qualifications, permits, clearances or other authorisations which are required for MCHC to comply with its obligations under this Deed, and will maintain such competencies, accreditation, qualifications, permits, clearances or other authorisations at all times during the term.
- b) MCHC must, and must ensure that its personnel and authorised subcontractors ("Subcontractors"), in performing work associated with the Housing Service,

comply with:

- i. this Deed;
- ii. all Statutory Requirements;
- iii. all relevant industry standards, codes and guidelines;
- iv. any policies, requirements and procedures of Council or DCHDE which are applicable to the Housing Service and which are publicly available or otherwise made known to MCHC, including but not limited to Council's work health and safety policies and procedures. MCHC warrants that it has reviewed copies of Council's policies and procedures, understands them and agrees to comply with them;

as though the Subcontractor were MCHC.

- c) MCHC agrees to ensure that any Subcontractors enter into a deed in a form reasonably required by DCHDE to reflect the Subcontractors' obligations under the preceding subclause, where requested by the State.
- d) MCHC must supply all personnel and equipment necessary for the proper supply or performance of the Housing Service.
- e) MCHC warrants that it has the necessary skills and expertise to be able to competently supply the Housing Service, in accordance with this Deed, the Service Agreement Standard Terms (to the extent applicable) and any applicable industry standard.
- f) MCHC warrants that it will not release information it knows or reasonably ought to know is information that is confidential to either Council or DCHDE.
- g) Without limiting the generality of the preceding subclauses, MCHC warrants to Council that:
  - i. MCHC at all times shall be suitably qualified and experienced, and shall exercise due skill, care and diligence in delivery of the Housing Service and otherwise discharging its obligations under this Deed;
  - ii. MCHC shall deliver the Housing Service and otherwise discharge its obligations under this Deed so that the Housing Service, when delivered, is compliant with all the requirements of the Deed; and
  - iii. any personnel or authorised subcontractors engaged by MCHC to deliver or assist in the delivery of the Housing Service hold all competencies, licenses, accreditations and qualifications which are required;
  - iv. MCHC has undertaken all necessary enquiries and investigations to satisfy itself as to:
    - I. the nature and extent of its obligations under the Deed;



II. the completeness and accuracy of the Deed;

h) **Warranties Unaffected by Variation**

The warranties remain unaffected notwithstanding any variation.

**13. NON-PERFORMANCE AND SUSPENSION**

**13.1.1 Right of Entry**

Subject to adhering to any requirements under the *Residential Tenancies and Rooming Accommodation Act 2008*, Council reserves the right to:

- i. at all reasonable times enter and view the Housing Land or the Housing Assets. If Council considers it necessary following an inspection, Council give MCHC notice requiring MCHC, within a stated period, to carry out a repair or take the required action for MCHC to comply with the terms of this Deed;
- ii. at all times effect any works to the Housing Land or the Housing Assets considered necessary by Council for the safety or preservation of the Housing Land or the Housing Assets or to comply with any laws. Council will (except in an emergency, the existence of which shall be determined by Council acting reasonably) carry out the works in a manner which minimises, so far as practicable, interruption to MCHC's business; and
- iii. at all reasonable times of the day enter the Housing Land with prospective lessees or licensees of the Housing Land, including prospective Tenants, during the period of three calendar months immediately preceding the Expiry Date.

**13.1.2 Non-Performance**

Without limiting any other obligation of MCHC or right of Council under this Deed or at law where Council, acting reasonably, considers that any of the Housing Service are not in accordance with this Deed or MCHC fails to comply with any other obligation of MCHC:

- i. Council may direct MCHC to re-perform the part of the Housing Service which was not performed in accordance with this Deed, or to otherwise comply with the obligation, at MCHC's expense and within the timeframes required by Council; and
- ii. if MCHC fails to comply with such a direction then Council may, after giving reasonable notice to MCHC:
- iii. re-perform the whole or part of the Housing Service which was not performed in accordance with this Deed or have it performed by others; or
- iv. carry out that other obligation itself or have it carried out by others;

and the cost incurred by Council in doing so shall be a debt due and owing by MCHC to Council.

#### **13.1.3 Suspension**

- i. Council may, acting reasonably, direct MCHC to suspend delivery of the Housing Service or suspend any other obligation under this Deed by giving written notice to MCHC.
- ii. MCHC must comply with all reasonable directions of Council in relation to a suspension, including any directions in relation to recommencement.
- iii. If Council suspends this Deed for a period exceeding one (1) month, then either party may terminate this Deed upon giving no less than one (1) week's written notice to the other. If Council recommences the Deed during the period of notice specified in the termination notice, then the termination notice shall have no effect.

#### **14. MEDIA**

---

Any publicity or media relating to the management of the community housing service or tenancies, or any aspect of this Deed generally, must be approved in advance by the Chief Executive Officer of Mareeba Shire Council. This includes requests from media for comment on any aspect of the management of the community housing service, the tenancies and the assets.

#### **15. GOVERNING LAW**

---

This Deed shall be construed in accordance with and be governed by the laws of the State of Queensland and the parties herby submit to the non-exclusive jurisdiction of the Courts of Queensland.

#### **16. GRIEVANCE**

---

In the event of a dispute or grievance arising between MCHC and Council that cannot be resolved, the following procedure would be applied:

- a) Informal discussion between parties
- b) Formal discussion between parties
- c) Formal discussion involving DCHDE, Council's CEO and MCHC's CEO

#### **17. TERMINATION**

---

- a) Council or MCHC may terminate this Deed at any time with three months' notice to be given by either party or as agreed to by both parties.
- b) Council may terminate this Deed effective immediately if Council considers, in its absolute discretion, that MCHC:

- i. Is not a fit and proper entity to deliver the long-term community housing service;
  - ii. Has breached this Deed; or
  - iii. Cannot perform its obligations in accordance with the Deed.
- c) If this Deed is not terminated pursuant to subclause (a) or (b) of this clause, then this Deed shall come to an end on the Expiry Date, unless otherwise agreed by Council and MCHC.

#### **18. CONTACT PERSON**


---

Glenys Pilat, Manager Development & Governance will be the Council contact person for all matters relating to the delivery of the Housing Service:


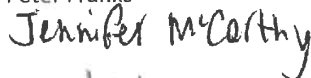
Email: [glenysp@msc.qld.gov.au](mailto:glenysp@msc.qld.gov.au)  
Ph: (07) 4086 4605  
Mob: 0437 734 080

**EXECUTED BY THE PARTIES AS A DEED**

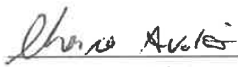
Peter Franks, Chief Executive Officer, Mareeba Shire Council  
in the presence of:

  
\_\_\_\_\_  
Witness

ELAINE BROWN  
\_\_\_\_\_  
Name (please print)

  
\_\_\_\_\_  
Peter Franks  
  
29/06/2022  
\_\_\_\_\_  
Date

Patricia Goldfinch, General Manager, being a duly authorised delegate of Mareeba  
Community Housing Company Ltd ACN 166 451 118  
in the presence of:

  
\_\_\_\_\_  
Witness

CHERIE AVOLIO  
\_\_\_\_\_  
Name (please print)

  
\_\_\_\_\_  
Patricia Goldfinch

29/6/2022  
\_\_\_\_\_  
Date

**SCHEDULE A - TITLE DETAILS**

The Housing Assets comprise 108 dwellings used for Housing Purposes and associated fixtures, fittings and appurtenances. The Housing Assets are, and at all times throughout the Term shall remain, the property of Council. The Housing Assets comprise both Funded Assets and Unfunded Assets.

<b>TABLE 1: FUNDED ASSETS</b>		
<b>Address of Asset</b>	<b>Lot on Plan Description</b>	<b>Description of Asset</b>
<b>DIMBULAH</b>		
1/40-44 Stephens Street Dimbulah	Lot 1 D81514	1-bedroom unit, no fencing (duplex)
2/40-44 Stephens Street Dimbulah	Lot 1 D81514	1-bedroom unit, no fencing (duplex)
1/4 Hay Street Dimbulah	Lot 8 D81513	1-bedroom unit, partially fenced (duplex)
2/4 Hay Street Dimbulah	Lot 8 D81513	1-bedroom unit, partially fenced (duplex)
1/6 Hay Street Dimbulah	Lot 9 D81513	1-bedroom cottage, partially fenced
2/6 Hay Street Dimbulah	Lot 9 D81513	1-bedroom cottage, partially fenced
<b>KURANDA</b>		
6A Barang Street Kuranda	Lot 2 NR7302	1-bedroom unit, no fencing (duplex)
6B Barang Street Kuranda	Lot 2 NR7302	1-bedroom unit, no fencing (duplex)
1/1 Wirramo Street Kuranda	Lot 2 NR7302	1-bedroom unit, no fencing (duplex)
2/1 Wirramo Street Kuranda	Lot 2 NR7302	1-bedroom unit, no fencing (duplex)
1/12 Harriman Street Kuranda	Lot 35 RP703622	1-bedroom unit, partially fenced (duplex)
2/12 Harriman Street Kuranda	Lot 35 RP703622	1-bedroom unit, partially fenced (duplex)
1/14 Thooree Street Kuranda	Lot 417 NR7409	1-bedroom unit, fully fenced (duplex)
2/14 Thooree Street Kuranda	Lot 417 NR7409	1-bedroom unit, fully fenced (duplex)
1/741 Barang Street Kuranda	Lot 741 NR5961	1-bedroom unit, no fencing (duplex)
2/741 Barang Street Kuranda	Lot 741 NR5961	1-bedroom unit, no fencing (duplex)
3/741 Barang Street Kuranda	Lot 741 NR5961	1-bedroom unit, no fencing (duplex)
4/741 Barang Street Kuranda	Lot 741 NR5961	1-bedroom unit, no fencing (duplex)
5/741 Barang Street Kuranda	Lot 741 NR5961	1-bedroom unit, no fencing (duplex)

6/741 Barang Street Kuranda	Lot 741 NR5961	1-bedroom unit, no fencing (duplex)
<b>MAREEBA</b>		
4A James Street Mareeba	Lot 1 MPH25197	2-bedroom cottage, garage, partially fenced
4B James Street Mareeba	Lot 1 MPH25197	2-bedroom cottage, garage, partially fenced
1 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom unit, shed/garage, no fencing (duplex)
2 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom unit, no fencing (duplex)
3 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom cottage, shed/garage, no fencing
4 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom cottage, carport, no fencing
5 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom unit, no fencing (duplex)
6 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom unit, no fencing (duplex)
8 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom cottage, carport, no fencing
9 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom unit, no fencing (duplex)
11 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom cottage, carport, no fencing
13 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom unit, no fencing (duplex)
14 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom cottage, carport, no fencing
17 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom unit, no fencing (duplex)
3 Colquhoun Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced (duplex)
5 Colquhoun Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced (duplex)
8 Colquhoun Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
10 Colquhoun Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
12 Colquhoun Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
14 Colquhoun Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
16 Colquhoun Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
18 Colquhoun Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
20 Colquhoun Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
2 Dempster Street Mareeba	Lot 20 NR7137	1-bedroom cottage, no fencing

3 Dempster Street Mareeba	Lot 20 NR7137	1-bedroom unit, no fencing (duplex)
4 Dempster Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, no fencing (duplex)
5 Dempster Street Mareeba	Lot 20 NR7137	1-bedroom cottage, no fencing
6 Dempster Street Mareeba	Lot 20 NR7137	1-bedroom cottage, no fencing
7 Dempster Street Mareeba	Lot 20 NR7137	1-bedroom cottage, carport, no fencing
1 Dickenson Street Mareeba	Lot 515 SP276113	1-bedroom cottage, partially fenced
4 Dickenson Street Mareeba	Lot 515 SP276113	1-bedroom cottage, partially fenced
2C James Street Mareeba	Lot 20 NR7137	2-bedroom cottage, garage, partially fenced
2D James Street Mareeba	Lot 20 NR7137	2-bedroom cottage, garage, partially fenced
3/23 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced
4/23 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced (duplex)
5/23 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced
6/23 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced
7/23 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced (duplex)
8/25 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced (duplex)
9/25 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
10/25 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
11/25 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
12/27 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
13/27 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced (duplex)
14/27 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
15/27 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
16/27 Lawson Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
3A Lyons Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced (duplex)
3B Lyons Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced (duplex)
5A Lyons Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced (duplex)

5B Lyons Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced (duplex)
7 Lyons Street Mareeba	Lot 20 NR7137	1-bedroom cottage, no fencing
9 Lyons Street Mareeba	Lot 20 NR7137	1-bedroom cottage, carport, no fencing
1/10 Lyons Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
2/10 Lyons Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
1/18 Lyons Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced (duplex)
2/18 Lyons Street Mareeba	Lot 20 NR7137	1-bedroom unit, garage, partially fenced (duplex)
1 Wilkes Street Mareeba	Lot 20 NR7137	1-bedroom cottage, carport, partially fenced
2 Wilkes Street Mareeba	Lot 20 NR7137	1-bedroom cottage, carport, partially fenced
3 Wilkes Street Mareeba	Lot 20 NR7137	1-bedroom cottage, carport, partially fenced
<b>MOUNT MOLLOY</b>		
3 Buck Street Mount Molloy	Lot 213 DA198	1-bedroom cottage, garage, partially fenced
4 Buck Street Mount Molloy	Lot 213 DA198	1-bedroom unit, carport, no fencing (duplex)
5 Buck Street Mount Molloy	Lot 213 DA198	1-bedroom unit, carport, no fencing (duplex)
2/2 Main Street Mount Molloy	Lot 213 DA198	1-bedroom cottage, garage, partially fenced

TABLE 2: UNFUNDED ASSETS		
Address of Asset	Lot on Plan Description	Description of Asset
<b>MAREEBA</b>		
7 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom cottage, carport, no fencing
10 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom unit, carport, no fencing (duplex)
12 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom unit, carport, no fencing (duplex)
15 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom cottage, no fencing
16 Close Avenue Mareeba	Lot 20 NR7137	1-bedroom unit, carport, no fencing (duplex)
6 Colquhoun Street Mareeba	Lot 20 NR7137	1-bedroom unit, partially fenced (duplex)
1 Dempster Street Mareeba	Lot 20 NR7137	1-bedroom cottage, carport, no fencing
2 Dickenson Close Mareeba	Lot 515 SP276113	1-bedroom cottage, carport, partially fenced
3 Dickenson Close Mareeba	Lot 515 SP276113	1-bedroom cottage, carport, partially fenced

mare0004\_20202269\_034.doc



5 Dickenson Close Mareeba	Lot 515 SP276113	1-bedroom cottage, partially fenced
54 Doyle Street Mareeba	Lot 515 SP276113	1-bedroom unit, carport, partially fenced (duplex)
56 Doyle Street Mareeba	Lot 515 SP276113	1-bedroom unit, carport, partially fenced (duplex)
54 Doyle Street Mareeba	Lot 515 SP276113	1-bedroom cottage, carport, partially fenced
64 Doyle Street Mareeba	Lot 515 SP276113	1-bedroom cottage, garage, partially fenced
1 Fuelling Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, no fencing (duplex)
2 Fuelling Street Mareeba	Lot 20 NR7137	1-bedroom unit, small carport, no fencing (duplex)
3 Fuelling Street Mareeba	Lot 20 NR7137	1-bedroom cottage, carport, no fencing
4 Fuelling Street Mareeba	Lot 20 NR7137	1-bedroom cottage, small carport, partially fenced
5 Fuelling Street Mareeba	Lot 20 NR7137	1-bedroom cottage, partially fenced
2E James Street Mareeba	Lot 20 NR7137	1-bedroom cottage, small carport, partially fenced
2F James Street Mareeba	Lot 20 NR7137	1-bedroom cottage, partially fenced
14 Lyons Street Mareeba	Lot 20 NR7137	1-bedroom unit, carport, partially fenced (duplex)
16 Lyons Street Mareeba	Lot 20 NR7137	1-bedroom unit, partially fenced (duplex)
<b>MOUNT MOLLOY</b>		
1/2 Main Street Mount Molloy	Lot 213 DA198	1-bedroom cottage, partially fenced

**SCHEDULE B - ANNUAL SCHEDULED MAINTENANCE PLAN**

Without limiting the generality of MCHC's obligations in this Deed, MCHC must include the following maintenance works in the annual operational budget or Capital Works Program, whichever is applicable, to be provided to Council for approval.

Description	Location	Scheduling
Timber pest inspections and pest control	All units	Annual
Mowing communal areas	<p>Mareeba:</p> <ul style="list-style-type: none"> <li>Footpaths units 3-16 Lawson St (14 units)</li> <li>Footpaths cnr Lawson &amp; Lyons - in front of duplex 1/10 and 2/10 Lyons St</li> <li>Footpaths along Lawson St behind Dempster St</li> <li>Vacant Lots 60 and 66 Doyle St</li> <li>Vacant area behind Close Ave and Fuelling St</li> <li>Vacant area behind Close Ave off James St</li> <li>Road verge on Dempster St beside 5B Lyons St</li> <li>Road verge in front of 7-9 Lyons St</li> </ul> <p>Kuranda:</p> <ul style="list-style-type: none"> <li>14 Thooree St lower bank facing the carpark, and garden bed alongside driveway</li> <li>2 Barang St communal area around driveway and visitor parking spaces</li> <li>12 Harriman St - lower bank alongside road, and bank on the left side in front of the fence of unit 1</li> </ul> <p>Dimbulah:</p> <ul style="list-style-type: none"> <li>4 Hay St - area around carport at rear</li> </ul>	As required
Hot water system servicing	All units with thermostatic mixing valves All units with tempering valves	Annual As required
Safety switch testing	All units	Annual
Smoke alarm testing	All units	Annual
Smoke alarms and battery replacements	All units Replace battery for working alarms Faulty smoke alarms - replace with new alarm with a 10 year battery.	As required

mare0004\_20202269\_034.doc

28

Roof Gutter Cleaning	All units	As required
Roof cleaning	All units	As required
Solar Panel Cleaning	All units with solar panels	Annual

MCHC must utilise condition data from the Community Housing Asset Management Plan to identify other scheduled maintenance required on an annual basis.



## 9 INFRASTRUCTURE SERVICES

### 9.1 TENDER AWARD - T-MSC2025-03 MAREEBA CBD BLUEPRINT

**Date Prepared:** 6 March 2025

**Author:** Manager Assets and Projects

**Attachments:** Nil

---

#### EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an assessment of tenders received for T-MSC2025-03 – Mareeba CBD Blueprint and seek approval for the awarding of the tender subject to finalisation of contract negotiations.

#### RECOMMENDATION

That Council awards tender MSC2025-03 Mareeba CBD Blueprint to GHD for the amount of \$1,222,000 (excl. GST), subject to finalisation of contract negotiations.

#### BACKGROUND

The purpose of the Mareeba CBD Blueprint project is to undertake planning, engagement and design and development of construction ready plans to revitalise the whole of the Mareeba CBD between Herberton St and Lloyd St and between Constance St and Railway Avenue. The final deliverable is a comprehensive Precinct Plan that will provide Council with construction-ready work packages, suitable for future grant funding.

This project is funded by the Australian Government Regional Precincts and Partnerships Program (RPPP). The RPPP is an initiative by the Australian Government aimed at supporting transformative investment in regional, rural, and remote Australia. The program focuses on unifying regional places, fostering economic growth, and serving communities.

#### SCOPE OF WORK

The scope of the project includes planning and design for:

- Stormwater drainage, including reconfiguring high kerbs to ensure pedestrian accessibility meets the requirements of the Disability Discrimination Act (DDA) – *stormwater catchment assessment and preliminary design has been commenced prior to this tender and will be progressed as part of this project.*
- Undergrounding of overhead powerlines (*subject to Ergon engagement*)
- Lighting (both for security and amenity/night-time activation)
- Walking and cycling facilities, including on-road and off-road facilities, paths, crossings and bicycle parking. This will include a review of the Mareeba Walking Network Plan and Priority Works Program (2022).

- Overall accessibility (universal design), including accessibility for people with vision impairment (ramps to shops protruding into footpath)
- Car parking, including safety associated with disability parking bays
- Public toilet facilities
- Street trees and landscaping, including review of the Mareeba Shire Street Tree Masterplan 2017
- General amenity (such as seating, public art and water bubblers) and activation of the Mareeba CBD.
- Other initiatives as identified through the community engagement process for the precinct plan.

•

The final deliverable is a comprehensive Precinct Plan that will provide Council with construction-ready work packages, suitable for future grant funding.

### TENDER PROCESS

The Council invited tenders through LocalBuy arrangement LB312 for Engineering and Environmental Consultancy Services, from suitably qualified consultants with local (Cairns) offices. Tenders were invited from:

- Ose Group Pty Ltd;
- ERSCON Consulting Engineers;
- Black & More;
- Trinity Engineering And Consulting Pty Ltd;
- GHD;
- Aecom Australia Pty Ltd;
- Jacobs Group (Australia) Pty Ltd;
- Aurecon Australasia Pty Ltd; and
- Arup Australia Pty Ltd.

This method ensured that the selected tenderer would be able to provide a project manager based in Mareeba for at least two (2) days per week throughout the project. Initially, the closing date was set for 25 February 2025 but was extended to 4 March 2025 on request of a tenderer due to the project's size and complexity. Tenders closed 11:00am, on Tuesday 4 March 2025, with two (2) submissions received.

A summary of the tender prices at opening is provided below;

Tenderer	Price (excl. GST)
GHD	\$ 900,000.00
Trinity Engineering and Consulting	\$1,671,025.00

GHD's submission provided a qualified provisional fee for Phase 4, Detailed Design and Cost Estimate, which Council officers considered to be insufficient to complete the works required, and therefore requested post tender clarification for further detailed pricing on Phase 4 from GHD and a reduction in stakeholder engagement costs were also requested.

Minor clarifications were also sought from Trinity Engineering, but these did not impact on the tendered price. Trinity Engineering's price did not include a specialist stakeholder engagement consultant fee, which would be in addition to the tendered amount.

The prices provided following tender clarifications is provided below:

<b>Tenderer</b>	<b>Price (excl. GST)</b>
GHD	\$ 1,222,000.00
Trinity Engineering and Consulting	\$1,671,025.00

## **TENDER ASSESSMENT**

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below;

<b>Evaluation Criteria</b>	<b>Weighting (%)</b>
Key Personnel / Experience & Technical Capacity	20%
Demonstrated Understanding	15%
Methodology	15%
Tenderer's Resources	10%
Value for Money	40%

## **SUMMARY**

A summary of the Tender assessment and evaluation against conformance, price and non-price criteria, resulted in the ranking of submissions displayed below.

<b>Tenderer</b>	<b>Score (%)</b>	<b>Ranking</b>
GHD	90.50	1
Trinity Engineering and Consulting	74.25	2

## **RISK IMPLICATIONS**

### **Financial**

Both fee proposals are within the budget amount allocated. Council officers will ensure that the overall project costs do not exceed the budgeted amount.

### **Infrastructure and Assets**

This project is for design only and Council will be the final decision maker on all deliverables through the project process at set hold points.

### **Legal and Compliance**

Tenders 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.

This project is funded by the Australian Government Regional Precincts and Partnerships Program (RPPP). The RPPP is an initiative by the Australian Government aimed at supporting transformative investment in regional, rural, and remote Australia. The program focuses on unifying regional places, fostering economic growth, and serving communities.

**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**

A Stakeholder Engagement Plan will be prepared in Phase A of the Mareeba CBD Blueprint project.



**9.2 INFRASTRUCTURE SERVICES, CAPITAL WORKS MONTHLY REPORT - FEBRUARY 2025**

**Date Prepared:** 18 February 2025

**Author:** Manager Assets and Projects

**Attachments:** 1. Capital Works Summary - February 2025 [↓](#)  
2. Capital Works Highlights - February 2025 [↓](#)

---

**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 February 2025.

**RECOMMENDATION**

It is recommended that Council:

1. receives the Infrastructure Services Capital Works Monthly Report for the month of February January 2025,
2. allocates an additional \$80,000 from the Aerodromes depreciation reserve for a new project - Mareeba Airport Floodgate and Drainage Improvements, and
3. notes that a new project will be created for the Arara Street Kuranda Footpath Connection, to be funded from existing funds in Council's Footpath Upgrade Program and the Australian Government Active Transport Program.

**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.

In addition to the monthly report attached, Council is requested to consider allocating a further \$80,000 from the Aerodromes depreciation reserve for the Mareeba Airport Floodgate and Drainage Improvements Project, to remove and replace spill gates to aluminium and redirect the water flow towards Atherton Creek instead of the spillway on Ray Road.

Council is requested to note that the Footpath Upgrade Program will fund Council's co-contribution towards the Arara Street Kuranda Footpath Connection, which has received an offer of funding from the Australian Government Active Transport Program. A new project will be created for the Arara Street Kuranda Footpath Connect, and there is no financial impact on the 2024-25 Capital Works Program, as funds were allocated by Council for the purpose of seeking grant funding opportunities.

**RISK IMPLICATIONS****Financial**

The capital works program is tracking within budget. If Council does not wish to allocate further funding for the Mareeba Airport Floodgate and Drainage Improvements Project, then it is proposed that this project be deferred and considered for funding in the 2025-2026 capital works program.

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 2024/25 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 Summary Report - February 2025



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	Complete (Final report to be provided).	Completed
<b>Program: 02 - Gravel Resheet</b>			
CP0001022	23/24 Gravel Resheet Program	Project completed December 2024. When commitments are cleared balance of budget to be rolled over to 24/25 Gravel Resheet Program	Close Out
CP0003732	24/25 Gravel Resheet Program	No resheeting programmed until after 2025 wet season	Construction
<b>Program: 03 - Urban Streets</b>			
CP0001023	Recovery Way (WTS) Rehab Ch 0.176-0.272	Works will be undertaken after wet season & Herb/Constance intersection project	Construction
CP0002042	MBA James St Mill & Fill	Works were completed December 2024	Close Out
CP0002069	MBA Chewko Rd Rehab/Widen & Seal	Driveway accesses complete. Drains on Borzi Park side to depth. Shoulder reinstatement approx 80% complete. Project on track for completion mid April 2025	Construction
CP00795	TIDS 23-27 Herberton/Constance Inter	Conduit installation completed 03/03/24. Boxing out existing pavement on the southern side of Herberton Street & roundabout installation currently underway. This will be followed by pavement works on the north western section of the intersection. The final pavement works on the north eastern side are programmed for the Easter school holidays as the south bound lane of Constance Street will be closed to all traffic. Practical completion of the works are expected to be mid-May.	Construction
CP00797	TIDS 22/23 24/25 Rankin/Walsh St R'bout	Design nearing completion, anticipate Tender Ready documentation to be available by end of March 2025.	Design
<b>Program: 04 - Rural Roads</b>			
CP0002040	KDA KIA08 Barron Falls/Masons Rd/L-out	Preliminary survey works have been undertaken, design to be scheduled.	Planning
CP0002041	KDA KIA09 Barron Falls Rd Thongon-Mason	Preliminary survey works have been undertaken, design to be scheduled.	Planning
CP0002048	KDA Kuranda Heights Rd Intersection	Survey undertaken, design to be scheduled.	Planning
CP0002050	MBA McIver Rd Rehab & Widen	Designs to be scheduled	Planning
CP0002060	KDA Oak Forest Rd Rehab & Widen	Survey undertaken, design to be scheduled.	Planning
CP0002066	DIM Leafgold Weir Rd Widen Curves	Design to be finalised March 2025	Design
CP0003753	MBA Byrnes St Safety Upgrades	Works complete various locations; project being closed out.	Construction
CP00801	TIDS Ootann Rd Section 1&2 Widen & Seal	Gravel Supply & Deliver & Bitumen Seal tenders awarded. Works to recommence in April weather permitting. Letter to federal government sent requesting additional funding to gravel & seal section 2	Construction
<b>Program: 05 - Bridges</b>			

7/03/2025

1 of 7

## Infrastructure Services Capital Works Summary Report - February 2025



Project Code	Project Description	Project Comment	Project Stage
CP0001558	MBA Tinaroo Creek Rd Ada Creek Causeway	Drone survey completed, External design to be completed June 2025.	Planning
CP0001564	KDA Oak Forest Rd, Barron River Bridge	Contract awarded to Neater Constructions. Construction expected to commence after the wet season 2025.	Construction
CP00839	Bullaburrah Ck Rd C'way Relieving Slab	These works will be done by MSC staff after the wet season. A side track will need to be installed across Bullaburra Ck so flows will need to be minimal.	Not Commenced
CP00841	Bolton Rd Inspect/Design/Repl Girders	Joint inspection of the site by RoadTek & MSC to be undertaken when RoadTek has time in their current bridge repair program & emergent works. Likely April 2025	Procurement
CP00843	Barron River Cwy Henry H Dr Repl Slabs	Scope of works will need to be assessed to ensure compliance with DAF regulations. Possible 3rd party works.	Not Commenced
<b>Program: 06 - Drainage</b>			
CP0001598	24/25 Renew Minor Culverts & Drainage	Temporary RCP repair works completed at Park Avenue. Full repairs will be undertaken after 2025 wet season.	Construction
CP0003689	MBA CBD Drainage Upgrade Stage 1	Project planning will be undertaken in conjunction with the Mareeba CBD Blueprint Project	On Hold
CP0003690	MBA Ray Rd Culvert Upgrade	Ray Road Drainage Study to inform project design/outcome. Draft Drainage study to be delivered March 2025	Planning
CP0003695	Irvinebank Jessie St/Rubina Tce Upgrade	Investigations will be scheduled in 2025	Not Commenced
CP0003830	Hastie Road - Stormwater	Project completed December 2024	Close Out
CP00844	MBA Amaroo Drainage Upgrades	Quotes will be called to undertake this work post wet season.	Construction
CP00938	Tilse Street Upgrade Drainage	Built infrastructure on-maintenance, financial completion to be completed April 2025.	Completed
<b>Program: 07 - Traffic Facilities</b>			
CP0000951	Anzac Ave LATM Upgrades	Defects notice issued. Rectification work to be commenced early March 2025.	Completed
<b>Program: 08 - Parking</b>			
CP00846	MBA Heritage Centre Carpark Connection	Design being adjusted following stakeholder feedback. Construction to commence late April 2025	Design
<b>Program: 09 - Footpaths</b>			
CP0001026	23/24 Footpath Renewal Program	Atherton Street and Lloyd Street footpath sections complete. Further sites for renewal are currently under assessment.	Construction
CP0001027	23/24 Footpath Upgrade Program	Funds apportioned to support a grant application for Kuranda Arara Street Footpath connection to the Library and community precinct	Planning
CP0001665	Mt Molloy Footpath & Furniture Refurb	Design to be scheduled	Planning
CP0001666	KDA Barron Falls Rd Replace Footpath	Preliminary survey works have been undertaken, design to be scheduled.	Design

7/03/2025

2 of 7

Infrastructure Services Capital Works Summary Report - February 2025



Project Code	Project Description	Project Comment	Project Stage
CP0001742	MBA WNP Constance-Lloyd St Footpath	Works have commenced. Subgrade & road base establishment have been completed with the retaining wall and lay back kerb installed. Works proposed to be completed mid-March.	Construction
<b>Program: 10 - Parks and Gardens</b>			
CP0001029	Kda Com Precinct Parks Upgrade	Planning & Development ongoing 2025	Planning
CP0001803	Julatten Geraghty Pk Refurb Playground	Community engagement planning underway	Planning
CP0001805	MBA Bicentennial Lakes Northern	Tender documents being finalised in preparation for procurement in March.	Design
CP0001843	KDA Hunter Park Fallon Rd Bollards	Project complete August 2024	Close Out
CP0001871	MBA Centenary Park Upgrade Fencing	Construction to commence late April.	Construction
CP0003670	MBA Amaroo Park Shade	Tender documents being prepared in preparation for procurement.	Planning
CP00809	MBA Bicentennial Lakes (Southern) D&C	All footbridges completed. Playground embankment rails programmed for installation late March 2025.	Construction
CP00860	KDA Anzac Park Landscaping	Scope of works, plaque format and tree names being confirmed prior to tree naming plaques being fabricated and installed.	Completed
CP00861	KDA Coondoo Street Refurb	Construction has commenced.  Preliminary works have commenced Upper Coondoo St LED streetlighting upgrade.  Coondoo St footpath pavement works have commenced around Centenary Park and being undertaken concurrent with Coondoo St garden beds soft landscaping upgrades and remedial fig tree maintenance.  The Ergon offer for the Lower Coondoo St LED streetlighting upgrade has been accepted with Ergon advising that the works	Construction
<b>Program: 11 - Water</b>			
CP0001038	23/24 Retic Valve/Hyd Replace Program	New vales have been sourced and will be installed at Lerra and Byrnes Streets intersection as soon as time permits and we have available contractors to assist.	Construction
CP0002670	FY24/25 - WTP Minor Infrastructure	Electrical Switchboard is due to be installed by the end of the financial year.	Construction
CP0002671	FY24/25 - Water Main Replacement	Works to commence 17 March 2025.	Construction
CP0002672	FY24/25 - KDA WTP Turbidity Meters	Installation works underway with contractor on site week of 24 February.	Construction
CP0002674	FY24/25 - DIM WTP Turbidity Meters	Close project Out Equipment Does Not Need Replacing	Close Out
CP0002675	FY24/25 - Replace Chlorine Analysers	Installation work underway with contractor on site week of 24 February.	Construction
CP0002677	FY24/25 - Telemetry/SCADA Upgrades	Following on from project scoping late 2024 works are set commence March 2025.	Construction
CP0002680	FY24/25 - Hydrants & Valve Renewal	Waiting on parts for Constance/Basalt	Construction

7/03/2025

3 of 7

## Infrastructure Services Capital Works Summary Report - February 2025



Project Code	Project Description	Project Comment	Project Stage
CP0002682	FY24/25 - Irvinebank Ibis Dam PS	Waiting on pricing from suppliers on new equipment.	Construction
CP0002683	FY24/25 - DIM WTP Pump Replacement	Pump will be assessed during routine servicing in May though it is unlikely the pump needs to be replaced.	Planning
CP0002684	FY24/25 - Smart Meters Replacement	Quotes received for new Taggle Transmitters to improve communications and allow for improved data capture and the purchase orders have now been issued to Taggle and we are waiting on installation.	Construction
CP0002762	FY24/25 - MBA WTP Refurbish Clarifiers	Project works have commenced with the stripping out of Clarifier 1 well underway. Critical equipment has been manufactured and being transported to site.	Construction
CP0002764	MOL Replace Hunter Ck Weir	Inspection will be programmed when weather permits.	Construction
CP0002921	MBA Booster Pump Station Relocation	Commencement of works have been delayed due to wet weather and its hoped as soon as there appears to be some reasonable weather works will be scheduled.	Construction
CP0003667	FY24/25 Irvinebank Ibis Dam Valves	Valves selected, electrical schematics being produced.	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	Project in procurement stage	Procurement
CP000733	BOR6 MWTP Filtration Upgrade	Filtration project can be closed out once final commitment has been cleared the project can then be closed out.	Completed
CP000878	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 which is expected to take place early to mid April.	Construction
CP000879	MBA Decommission Granite Ck Pump Station	Commencement of works have been delayed due to inclement weather and availability of contractors and will commence as soon as possible and be completed by 30 June.	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	CCTV works completed February.	Construction
CP0001050	Kennedy Hwy PS Control Board Upgrade	Switchboard installed and commissioned.	Completed
CP0001053	23/24 WWPS Refurbishment Program	Works substantially completed in October.	Construction
CP0002474	FY24/25 - MBA Sewer CCTV & Reline Prog	CCTV works awarded to FlowPro. Works ongoing.	Construction
CP0002475	FY24/25 - WW Pump Station Ancillary	Parts have been ordered and awaiting delivery.	Construction
CP0002476	FY24/25 - WW Reticulation Pumps Renewal	Testing has been completed on pumps and the contractor has been requested to resolve the issues identified.	Procurement
CP0002477	FY24/25 - Telemetry/SCADA Upgrades	Contractor progressing with investigating processes and systems relevant to alarming and code deployment.	Construction
CP0002479	FY24/25 - Pump Station Generators x 2	Enclosure to be constructed and installed	Construction

7/03/2025

4 of 7

## Infrastructure Services Capital Works Summary Report - February 2025



Project Code	Project Description	Project Comment	Project Stage
CP0002480	FY24/25 - Manhole Rehab & Replace	Contractor advises ground water is still ingressing into the manholes. Works to commence once ground water subsides.	Construction
CP0002481	FY24/25 - MBA Constance St Rising Main	Project has been approved by Council and tenderer provided with preferred tenderer status and once the Grant funding deed is with Council and finalised contract documents will be issued to the successful tenderer.	Design
CP0002482	FY24/25 - KDA WWTP Renew Control Panels	Electrical works are now completed.	Close Out
CP0003715	KDA WWTP Renew 6x4m Shed	Contractor has commenced works despite ongoing inclement weather in Kuranda. Actual project works will be completed by 30 June.	Construction
CP0003722	KDA WWTP Renew 6x6m Shed	Contractor has commenced works despite ongoing inclement weather in Kuranda. Actual project works will be completed by 30 June.	Construction
CP00889	22/23 MBA Sewer CCTV & Relining	Works complete.	Construction
<b>Program: 13 - Waste</b>			
CP0002216	KDA WTS New Ablution Block	Septic tank and trench complete. Slab and walls complete. Construction continuing.	Construction
CP0002220	MBA TS Leachate Pump Annual Program	There has been some safety issues highlighted with accessing the pumps, this is now under review and a methodology will be developed to mitigate any risks. Pumps will then also be reassessed for replacement during the scheduled May servicing.	Planning
CP0002221	MBA TS Leachate PS Pump	New pump on order with a reasonably long lead time on delivery.	Procurement
<b>Program: 15 - Fleet</b>			
CP0001071	Fleet Replace #1231 Toyota WW	Nov - Procurement in progress	Procurement
CP0003738	Replace Asset 741 Street Sweeper	Purchase order raised December 2024, Delivery expected June 2025	Procurement
CP0003739	Replace Asset 620 Job Truck	Truck has been delivered to body builder to have tipper body fabricated	Procurement
CP0003740	Replace Asset 1255 Toyota Hilux	Vehicle on order, no delivery date as yet	Procurement
CP0003741	Replace Asset 1274 Toyota Hilux	Vehicle 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	Project Complete	Close Out
CP0003752	Replace Asset 3010 Toyota Landcruiser	Project Complete	Close Out
CP0003773	Replace Asset 1307 Mit. Pajero	Project Complete	Close Out
CP0003776	Replace Unit 5422 Tool Trailer	Planning Stage	Planning
CP0003777	Replace Asset 1412 Mazda BT50	Project Complete, Vehicle in service	Close Out
CP0003826	Replace Asset 1244/6263 L'cruiser	Vehicle on order;;Spray unit delivery April 2025	Procurement
<b>Program: 16 - Depots and Council Offices</b>			

7/03/2025

5 of 7

## Infrastructure Services Capital Works Summary Report - February 2025



Project Code	Project Description	Project Comment	Project Stage
CP0001064	Mba Depot Admin Building Refurb	Works completed early February.	Completed
CP0001597	CHI Depot Office Renewal	Works completed.	Close Out
CP0003737	MBA Kowa St External Staff Training Room	Planning underway	Planning
CP0003765	MBA Kowa St Depot Fuel Bowser	Safety signs to be installed mid March - no smoking, turn off engine.	Construction
CP00759	Kowa St MSC Depot Emergency Generator	Design and recommendations received.	Completed
<b>Program: 17 - Community Buildings</b>			
CP0000947	Mareeba Aerodrome Safety & Repairs	Fire Pumps being installed onsite 05/03/2025.	Construction
CP0001059	Mba/Dim Aquatic Condition Assessment	RFQ to be released to market March 2025.	Planning
CP0001632	24/25 Amenities Refurbishment Program	Planning commenced.	Planning
CP0001637	KDA Library Paint & Roof Improvements	Awning structure completed. Planning for plumbing works commenced.	Construction
CP0001639	Annual Minor Building Refurbishment	Planning commenced.	Planning
CP0001646	KDA Recreation Centre Improvements	Works to be completed early March 2025.	Construction
CP0001664	Annual Facilities LED Lighting	Planning commenced.	Planning
CP0002909	DIM Memorial Hall Park Lighting Upgrade	Awaiting Ergon works to demolish second point of supply. Contractor advises late March. All power and lighting now operational.	Construction
CP0003718	MBA Davies Park Field 2 Lighting Upgrade	Works on hold. Awaiting suitable funding.	On Hold
CP0003729	MBA Aquatic Centre Pool Expansion Joints	Pool Lessee advised expansion joints planned for reseal by End of May 2025.	Planning
CP0003756	MBA Davies Park Field 1 Lighting Upgrade	Works to commence early March.	Construction
CP0003792	MBA Animal Management Facility Flooring	Works completed	Completed
CP00749	Aquatic Facility Upgrades & Splash Park	Works complete.	Completed
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	Project Complete.	Completed
CP00909	KDA Aquatic Cnt 25m Pool Aquaris Upgrade	Pool Lessee is confirming replacement timeline with Contractor. Works to be completed prior end of financial year.	Procurement
CP00941	23/24 Park/Sporting LED Lights Arnold Pk	Planning commenced.	Design
<b>Program: 18 - Non-Infrastructure Items</b>			
CP0001085	Mba Cemetery Expansion Planning	Inception meeting held with Community Dep and Technical Services Team to commence layout development, Targeted for June 2025.	Planning
CP0003684	MBA New Cemetery Lawn Plaque on Beam	Additional irrigation works to be undertaken	Construction

7/03/2025

6 of 7



## Infrastructure Services Capital Works Summary Report - February 2025



Project Code	Project Description	Project Comment	Project Stage
CP0003716	MBA Smartnet GPS Base Replacement	Works Complete, capitalisation of project required.	Completed
CP0003717	KDA Heights Cemetery Lawn Plaque on Beam	Additional irrigation works to be undertaken	Construction
CP0003754	Mareeba CBD Blueprint	In procurement	Planning
CP00446	Kuranda New Cemetery	Turf to be installed early March.	Construction
CP00932	MBA MIP Expansion	Masterplan at 95% design stage.	Design

## Infrastructure Services Capital Works Report Project Highlights – February 2025



**Project Name:** Herberton/Constance Streets Intersection Upgrade

**Program:** Urban Streets

### Background

The FNQRRRTG Works Program for the 2024-2025 financial year contained a non LRRS (Local Roads of Regional Significance) project for Mareeba Shire Council to 50% fund the upgrade of the Herberton Street/ Constance Street intersection. The funding is provided by the Queensland State Government through the Transport Infrastructure Development Scheme. (TIDS).

### Scope of Works

The scope of works includes the installation of a roundabout, a number of traffic islands, kerbing, footpath extensions and light pole relocations.

### Progress Update

During February all Ergon conduit installations were completed. Rag bolt systems were installed in five (5) light pole relocation positions with a further two (2) yet to be done. Footpath works have commenced at the north western section of the intersection as has the pavement and roundabout excavation at the south western portion of the intersection. Works are progressing well and practical completion is estimated to be mid-May 2025, weather permitting.



*Conduit installation*



*Completed conduit installation*



*Completed rag bolt installation*



*Footpath works*

## Infrastructure Services Capital Works Report Project Highlights – February 2025



**Project Name:** Chewko Road Rehabilitation, Widen and Seal

**Program:** Urban Streets

### Background

The FNQRRTG Works Program for the 2024-2025 financial year contained a LRRS (Local Roads of Regional Significance) project for Mareeba Shire Council to 50% fund the rehabilitation and widening of a section of Chewko Road, Mareeba. The funding is provided by the Queensland State Government through the Transport Infrastructure Development Scheme. (TIDS).

### Scope of Works

The scope of works includes the relocation of a water main, upgrade accesses, widen and seal the existing pavement and drainage improvements.

### Progress Update

Works commenced in February and to date the driveway accesses (including RCPs) have been completed, culvert extensions have been completed, the drainage on the Borzi Park side has been excavated to depth with excess material still being removed, the drainage from Reynolds Street and Hales Street (south side) has been completed and the shoulder rebuild is 90% complete. Works are progressing well and practical completion is estimated to be mid-April 2025, weather permitting.



*Pony Club access and RCPs*



*Culvert extension*



*Drainage excavation – Reynolds Steet side*



*Shoulder reinstatement*



## Infrastructure Services Capital Works Report Project Highlights – February 2025



**Project Name: Mareeba Water Plant Clarifier Upgrade Project**

**Program: Water**

### Background

Mareeba Shire Council (MSC) operates a drinking water treatment plant (WTP) at Mareeba. The Mareeba WTP is a conventional treatment plant which utilises coagulation/flocculation, sedimentation, and media filtration. On average, the Mareeba WTP produces 4-6 ML/d of drinking water in the wet season and 6-12 ML/d in the dry season. The Mareeba WTP has a maximum capacity of 20 ML/d.

A blend of approx. 40% Aluminium Chlorohydrate (ACH) and 26% polyelectrolyte (polyDADMAC), which is a cationic polymer, is currently used for coagulant dosing. The coagulant is dosed to assist in coagulation of the raw water and to improve the performance of the clarifiers.

Raw water is dosed with Potassium Permanganate (KMnO<sub>4</sub>), if required. The potassium permanganate is dosed to oxidise any soluble manganese and iron in the raw water and to help to break down organics, which assists in coagulation. Although it is infrequently used, powdered activated carbon (PAC) can be dosed to the raw water to reduce the level of organics, pesticides, taste and odour.

The chemically dosed raw water flows through the static mixer to the clarifier splitter tower and then into the 2 No. up-flow clarifiers, which allow for the coagulated particles to settle out. Polymer can be dosed when needed at the clarifier splitter tower to assist in coagulation. Each clarifier is a circular concrete tank with a sludge scraper. Clarifier 1 includes 4 No. flocculators/mixers to aid in coagulation and flocculation. Clarifier 2 only has a flocculation central zone without mixers.

Raw water enters each clarifier through the central flocculation zone and then travels down and under the central ring and into the clarification zone. In Clarifier 1, the clarified water flows through a circumferential weir consisting of slotted holes approx. 300mm spacing, located approx. 300mm below the top of the wall. Clarified water flows through the slotted holes into the peripheral launder and into the filter splitter chamber. In Clarifier 2, clarified water flows over multiple radial weirs and onto the filter splitter chamber. In each case, the accumulated sludge is discharged when the pneumatically operated sludge blowdown valves are opened and sent to the settling pond. From the settling pond, the sludge is sent to one of three drying beds.

Once the water has been clarified, it flows to a filter distribution header where it is divided into a six-cell set of media filters. MSC recently upgraded the Raw Water Pump Station at the Mareeba WTP. With the addition of variable frequency drives (VFDs), this allows for greater flow control into the WTP than at it previously had. The improved flow control allows for better optimisation of the plant by allowing it to operate more continuously, which will result in better performance of the Clarifiers.

## Infrastructure Services Capital Works Report Project Highlights – February 2025



### Scope of Works

The project comprises

- Replacement of Clarifier 1 sludge rake and centre drive, including new power and control cabling;
- Replacement of all 4 X flocculator mixers with new mixers and VFDs, including new power and control cabling;
- Replacement of concrete panel platform with new steel structure;
- Replacement of handrails with marine grade aluminium or 316 stainless-steel and standard kick-plates;
- Replacement of covered area on Clarifier 1 with a new roof; and
- Supply and install new automated polymer make-up and dosing system, including new dosing pumps and dosing lines from the proposed new location in the Main Control Building.

### Progress Update

The project is now underway with the commencement of stripping out Clarifier 1 and manufacturing and supply of critical equipment for the upgrade works.



*Stripping out Clarifier 1 and new equipment being manufactured.*

## Infrastructure Services Capital Works Report Project Highlights – February 2025



### **Project Name: 2024-2025 Sewer CCTV Investigations**

#### **Program: Wastewater**

#### **Background:**

Mareeba's major urban centre is serviced by a reticulated sewerage network that was constructed in the late 1960s, early 1970s and 1980s. As the Shire is growing and the network infrastructure is ageing, asset rehabilitation of wastewater infrastructure is a priority. This project is to conduct CCTV inspections across the sewerage network to identify problematic sewerage lines and manholes that will require remediation to improve future resilience for the Mareeba Shire. The current CCTV and Sewer relining program is fully funded by the Queensland Governments '2024-27 Works for Queensland' program.

#### **Scope of Work**

- Mobilisation to the various sites across Mareeba's urban area.
- Pre-cleaning of sewer lines.
- Camera inspection and testing of the sewer lines
- Condition assessment reports

#### **Progress Update**

CCTV works are currently progressing across the western side of Mareeba township. Council have received condition assessment reports for Byrnes St Mareeba West, Lloyd St Mareeba North, Mareeba CBD, Keneally Rd Sewer network and Lloyd St to Wilson St sewer network. The outcomes of the CCTV Investigations will inform 2025-2026 sewerage capital works projects.

## Infrastructure Services Capital Works Report Project Highlights – February 2025



*Captured image of identified defective sewer junction*



*Image of high-tech imaging software*

## Infrastructure Services Capital Works Report Project Highlights – February 2025



### **Project Name: MBA Animal Management Facility Concrete Apron**

#### **Program: Facilities**

#### **Background:**

Mareeba's Animal Management Facility was built in 2020 in partnership with the Queensland Government and has been operational since August 2021. Mareeba Shire Council has leased the facility to Friends of the Animals (FOTA) who utilise the Animal Facility for boarding animals and rehoming services for unwanted pets. The lease agreement between FOTA and Mareeba Shire Council also requires any impounded animals that Council collects, are to be impounded in a dedicated area at the facility and cared for by FOTA. The impounded animals are fed and watered whilst they are in the impounded facility area.

Due to the high volume of impounded, boarded and rehomed dogs all being in the same facility, Council have become aware of parvovirus outbreaks within the facility. Parvovirus is highly contagious and can survive for long periods in the environment and soil. The virus can withstand routine cleaning and weather changes, which means the spread of the virus is hard to control.

Mareeba Shire Council identified the possibility of the virus living within the soil of the impounded dog runs due to high turnover of unvaccinated animals. Council sought to mitigate this risk by including concrete aprons within the impounded dog runs for ease of cleaning and controlling any introduced outbreaks of the virus.

Council also identified the need to provide shading options to the dog runs due to extreme hot weather events.

#### **Scope of Work**

- Clearing and grubbing of the impounded dog run areas.
- Supply and installation of 100mm concrete aprons including drainage.
- Supply and installation of shade sails over the dog run areas.

#### **Progress Update**

Molloy Constructions were awarded the works to supply and install the concrete aprons and shade sails. Works have been satisfactorily completed.



**Infrastructure Services Capital Works Report  
Project Highlights – February 2025**



*New concrete aprons and shade for impounded dog runs.*

## Infrastructure Services Capital Works Report Project Highlights – February 2025



**Project Name:** Byrnes Street Median Safety

**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.

The \$663,152 project is fully funded by the Australian Government's Local Roads and Community Infrastructure Program. This is part of the broader \$1,812,817 in LRCI Phase 4 funding from the Australian Government to deliver a suite of projects in the Shire.

### 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
- 

**Progress Update:** Project is complete. See photos below and on next page.



*Location 1: Mareeba - Cairns Connection Road.*



*Location 2: BP Median Island.*



## Infrastructure Services Capital Works Report Project Highlights – February 2025



*Location 3: Jacobson Street Median Island*



*Location 4: Lloyd Street Roundabout*



*Location 5: Between Lloyd St and Railway Ave*



*Location 6: Lloyd St/Railway Avenue/Granite Creek*



*Location 7: Centre Island – Railway Ave – Granite Ck*



*Location 8: Eastern Railway Ave – Granite Ck*

## Infrastructure Services Capital Works Report Project Highlights – February 2025



**Project Name: Constance Street – Lloyd Street New Footpath Connection**

**Program: Footpaths**

### Background

This project aims to enhance pedestrian safety by introducing a designated footpath that separates pedestrians from vehicle traffic, significantly reducing the risk of casualty crashes. The new footpath will minimise risks for vulnerable pedestrians and will improve overall safety for both school-aged children and their younger siblings. Additionally, new carparks will be added to ensure smoother traffic flow during school drop-off and pick-up times, creating a safer and more efficient environment for the entire community. This project is a key initiative in the Mareeba Walking Network Plan and is funded by the Queensland Government's School Transport Infrastructure Program and the Mareeba Shire Council.

### Scope of Work

This project will construct a new footpath connection on Constance Street where there is currently a missing link. This initiative connects to the Constance Street and Lloyd Street intersection pedestrian kerb build-out safety improvement which was recently completed in partnership with the Department of Transport and Main Roads Lighter Affordable Effective Pilot Program. The project deliverables are:

- Extend the footpath on Constance Street to connect to Lloyd Street.
- Widen Constance Street to the north of the existing school carpark on its eastern side.
- Install kerb and channel systems.
- Construct additional formal carparking bays.

### Progress Update

Ikin Civil has been awarded the contract to complete the works, and construction has commenced. Photos on following page.





## Infrastructure Services Capital Works Report Project Highlights – February 2025



*Constance Street to Llyod Street New Footpath Connection Construction Commenced*

## Infrastructure Services Capital Works Report Project Highlights – February 2025



**Project Name:** Coondoo Street and Centenary Park Kuranda Streetscape

**Program:** Footpaths and Parks and Open Spaces

**Background:**

This project brings together several projects from the Kuranda Township Infrastructure Masterplan 2021- 2031 to deliver infrastructure and improvements that enhance the 'Village in the Rainforest' as a unique, authentic experience for residents and tourists alike, by improving safety, accessibility, connection with the environment and integration between the activities of residents and tourists.

The included projects are:

- Centenary Park Upgrade (Pathways Component Only)
- Upgrade of planter boxes and garden bed planting through the CBD areas (Coondoo Street)
- Coondoo Street Upper Refurbishment (footpaths, lighting, tree bud lighting)
- Coondoo Street Lower Lighting Upgrade

**Scope of Work:**

*Safety improvements to footpaths*

Work will include renewed sections of footpath and relaying of pavers to repair cracks and uneven surfaces. The work will match the look and feel of the current footpaths. Footpaths are not being fully replaced. Some minor footpath repairs will also be undertaken in Centenary Park.

*Planter Box Maintenance & Installation of Fairy Lights to Fig Trees*

The existing plantings in the Coondoo Street planter boxes will be revamped, in some instances competing plants will be removed to protect the fig trees. Stone masonry work will be undertaken if required and irrigation installed.

*Installation of fairy lights to fig trees will provide ambient lighting in upper Coondoo Street.*

The existing lighting at the base of the fig trees will be replaced with lighting pillars to service the fairy lights and provide 240 v power outlet options for potential street events.

Heritage exemption has been received from the Department of Environment and Science (DES) to undertake works around the heritage-listed fig trees, including the fairy light installation. An arborist has been engaged to provide advice on how to undertake works to reduce any potential impacts on the fig trees.

*Upgrades to street lighting*

Works will see existing streetlights along upper Coondoo Street being upgraded with new poles and LED fixtures. The design of the upgraded fixtures will maintain the current heritage look. Lighting upgrades will provide an opportunity for businesses in Kuranda to extend trading into the evening and night. The street lighting along lower Coondoo Street will also be upgraded as part of this project, however, works will commence at a later date.



## Infrastructure Services Capital Works Report Project Highlights – February 2025



*Footpath replacement – Centenary Park Kuranda.*



*Fig Trees – Removal of Competing Plants*



*Fig Tree Planter Box Refresh*



*Fig Trees – Preparing for Electrical Pillars*

## Infrastructure Services Capital Works Report Project Highlights – February 2025



### Project Name: Dimbulah Memorial Park Lighting

#### Upgrade Program: Community Facilities

##### Background:

Dimbulah Memorial Park has traditionally served as a venue for community events, often organized by groups such as the Lyons Club and the Dimbulah Community Centre. These events, held both during the day and at night, require adequate lighting and electrical services. Over the years, these services have been incrementally added to the park as needed.

Through consultation with the park's various user groups, Council identified the need to upgrade the outdated and end-of-life lighting and electrical systems. The upgrade will provide modern lighting and electrical distribution boards throughout the park, ensuring user groups can safely conduct their community events. This project complements recently completed upgrades to the Dimbulah Memorial Park Hall, which delivered a new roof, air conditioning and solar panels to the facility.

##### Scope of Work

- Upgrade the park's main electrical distribution board.
- Install new main electrical service from the Town Halls point of supply.
- Supply and install three new electrical distribution boards along Brickley Street.
- Upgrade existing electrical distribution boards throughout the park.
- Supply and install two 8 metre lighting poles along Brickley Street (as per lighting design)
- Supply new LED system lighting to light poles and the Memorial Hall (as per Lighting design)

##### Progress Update

Project is complete.



*Dimbulah Memorial Hall Park Lighting Upgrade Complete*



### 9.3 INFRASTRUCTURE SERVICES, DISASTER RECOVERY OPERATIONS REPORT - FEBRUARY 2025

**Date Prepared:** 6 March 2025

**Author:** Manager Disaster Recovery

**Attachments:** 1. February major Projects Summary [↓](#)

#### EXECUTIVE SUMMARY

The purpose of this report is to outline to progress of Council's activities funded under the Disaster Recovery Funding Arrangements (DRFA) during the month of February 2025.

#### RECOMMENDATION

That Council receives the Infrastructure Services, Disaster Recovery Operations Report for February 2025.

#### BACKGROUND

The Disaster Recovery Funding Arrangements (DRFA) is a jointly funded program between the Australian Government and State Government, providing financial assistance to help communities recover from eligible disasters. Current projects and their respective weather events are provided herein.

#### 2022 DRFA – Far North Queensland Low Pressure Trough, 1 – 7 February 2022

Project Name	Update
T-MSC2023-16 Gamboola Crossing	Dempsey Crane and Construction (DCC) was engaged to deliver the works. Construction commenced September 2023 and Practical Completion was reached November 2024. Variations finalised. Final consultant invoice to be processed prior to close out of the project.
T-MSC2023-12 Gully Betterment Program	S&K Civil Pty Ltd (S&K) was engaged to deliver the works. Construction commenced June 2023 and Practical Completion was reached December 2024. Project Management costs to be finalised prior to close out of the project.

#### 2023 DRFA – Northern and Central Queensland Monsoon and Flooding, 20 December 2022 – 30 April 2023

Project Name	Update
Mount Mulligan Road Rain Gauge reinstatement	Quotation received from Qtec Pty Ltd (Qtec) exceeded original funding amount. Funding guidelines state that works will be reimbursed based on the actual cost. Works completed as of 4 March 2025. Costs to be reconciled and project closed out.

Project Name	Update
T-MSC2024-06 – MSC DRFA 2023 Eastern Roads Package	Ikin Civil Pty Ltd engaged to deliver contract. Minor seal works to be completed subject to weather.
T-MSC2024-07 – MSC DRFA 2023 Dimbulah Roads Package	Keltone Construction Pty Ltd engaged to deliver contract. Keltone has remobilised but works not commenced due to saturation of site. Consideration being given to potential damage to road network from construction machinery.
T-MSC2024-08 – MSC DRFA 2023 Mid-Western Roads Package	Gregg Construction Pty td engaged to deliver contract. Works complete.
T-MSC2024-09 – MSC DRFA 2023 Western Roads Package	MC Group Pty Ltd engaged to deliver contract. Works outstanding on Bulimba and Blackdown Road. Work set out commencing. 5T load limit in place on BDR preventing machinery from mobilising.

### **2024 DRFA – Tropical cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023**

Project Name	Update
T-MSC2023-04 Kuranda Landslip Remediation	Australian ground engineering Pty Ltd engaged to deliver contract.  Hilltop reservoir: Complete.  Barron Falls Road: Guardrail installed, roadworks complete and extension to scope complete. Finalisation of Contractor and Consultant costs to be undertaken prior to closeout.
T-MSC2024-10 Jarawee Road Stabilisation	Civform Pty Ltd engaged to deliver contract.  Works underway on site. <del>Both abutments poured.</del> Pouring of abutments ongoing (multiple lifts required). Works scheduled to be completed late March 2025 (subject to weather).
T-MSC2024-13 Bushy Creek Bridge	Davbridge Pty Ltd engaged to deliver contract.  Bridge works complete. Sealing works completed. Line marking not yet complete. Minor works to be completed during defects liability period (painting of pile casings).
T-MSC2024-15 Emerald End Culvert Construction	Terra Novus is engaged to deliver contract.  Downstream wingwalls complete. Subgrade proof roll passed. Downstream batter protection and pavement works ongoing. Scheduled for completion <del>March</del> late April 2025.
T-MSC2024-16 Carman Road Culvert Construction	Terra Novus Pty Ltd is engaged to deliver contract.  Construction is scheduled to commence following the completion of the cobra creek culvert on Emerald End Road ( <del>March</del> May 2025).

MSC DRFA 2024 Roads Program

Tenders have been assessed and recommendations provided to Council for award of the below road packages at the Council meeting of 19 March 2025:

- 1) T-MSC2024-06 – MSC DRFA 2023 Eastern Roads Package
- 2) T-MSC2024-07 – MSC DRFA 2023 Dimbulah Roads Package
- 3) T-MSC2024-08 – MSC DRFA 2023 Mid-Western Roads Package
- 4) T-MSC2024-09 – MSC DRFA 2023 Western Roads Package

Clean-up Program (exceptional circumstances package)

Funding is available to eligible local governments and state agencies that require extraordinary assistance to undertake assessments and conduct extraordinary clean-up activities of rivers, waterways, beaches, community and recreational assets and National Parks and to support removal and disposal of disaster related debris.

All approved works under this program were completed in late 2024. Reconciliation of costs for reimbursement are underway.

Water & Sewer Program (exceptional circumstances package)

In December 2024, a Water and Sewerage Infrastructure Package was announced, and is available to Mareeba Shire Council, Cook Shire Council and Douglas Shire Council.

The objectives of the Water and Sewerage Infrastructure Package is to restore essential water and sewerage infrastructure that was damaged by the event and ensure essential services are delivered to the community, accelerating recovery and relieving distress.

In addition to request for reimbursement of immediate and emergency costs, the following submissions have been lodged to QRA:

- 1) Lloyd Street Sewer Main Works
- 2) Kuranda Water Treatment Plant Works

Tender documentation for Lloyd Street Sewer Main Works has been drafted and are due for release upon receipt of project drawings. This is estimated to be released by mid-March 2025.

Tender documentation has been drafted for the project management of the Water & Sewer Program. This is estimated to be released by mid-March 2025.

QRA are working with the National Emergency Management Agency (NEMA) to develop program guidelines for the program.

Betterment Fund (exceptional circumstances package)

The Betterment Fund is available to eligible local government areas in Queensland impacted by the Tropical Cyclone Jasper, associated rainfall and flooding, 13 - 28 December 2023. It is jointly funded by the Australian and Queensland Governments. The objectives of the Betterment Fund are to restore essential public assets damaged in TC Jasper to a more resilient standard.

Submissions are to be lodged prior to 31 March 2025. Submissions are currently being drafted for the following projects:

- 1) Gully Betterment Program
- 2) Wolfram Road Culvert Upgrade
- 3) Lockwood Road Sealing Works

**Future Disaster Events****Project Management Services**

Tender T-MSC2025-05 – MSC DRFA Program Management 2025-27 tendered 31 January 2025 and closed 25 February 2025.

Engagement is for the design and delivery of DRFA eligible events occurring from 1 January 2025 to 30 June 2027, which would enable Council to be prepared for future disaster events. Tenders have been assessed and recommendations provided to Council.

**Event Activation**

An activation request has been made for event: North and Far North Tropical Low, commencing 29 January 2025.

**RISK IMPLICATIONS****Financial**

Funding arrangements state that eligible expenditure is reimbursed.

Expenditure is considered eligible when:

- 1) Extraordinary costs are incurred that could normally not be absorbed by, or reasonably managed within, the local government or state agency's financial, human and other resource capacity, and
- 2) Costs are directly associated with the delivery of eligible works on eligible essential public assets that have been damaged by an activated eligible disaster.

No ineligible cost reported for active projects. Risk of ineligible expenditure is mitigated through engagement of suitably qualified consultants.

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**Community and Culture:** An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

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

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

**Infrastructure Services Disaster Recovery Operations  
Major Projects Summary – February 2025**



**2024 DRFA – Tropical cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023**

**T-MSC2024-04 Kuranda Landslip Remediation**



Barron Falls Road – 27 Feb 2025



Hilltop Close Reservoir

**Project Manager/Designer:**

ARO Industries Pty Ltd

**Contractor:**

Australia Ground Engineering Pty Ltd

**Status:**

**Hilltop Reservoir Complete, Barron Falls Road Complete**

**Infrastructure Services Disaster Recovery Operations  
Major Projects Summary – February 2025**

Mareeba Shire Council (MSC) engaged ARO Industries Pty Ltd (ARO) for the provision of engineering design and project management services for the geotechnical failures at:

- 1) Hilltop Close Reservoir; and
- 2) Barron Falls Road.

The sites were damaged as a result of the Tropical cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023 weather event.

MSC was granted funding through the Queensland Reconstruction Authority (QRA) to undertake work at Barron Falls Road. Reimbursement for works at Hilltop Reservoir are currently being sought through the QRA water and sewer infrastructure package.

Australian Ground Engineering (AGE) was engaged to deliver the works. Construction commenced at Hilltop Close in April 2024 and Practical Completion was reached July 2024. Construction commenced at Barron Falls Road in May 2024 and works were completed late February 2025.



**Infrastructure Services Disaster Recovery Operations  
Major Projects Summary – February 2025**



**T-MS2024-10 Jarawee Road Stabilisation**



**Project Manager:**

ARO Industries Pty Ltd

**Contractor:**

Civform Pty Ltd (design & construct)

**Status:**

**Works ongoing**

Mareeba Shire Council (MSC) engaged ARO Industries Pty Ltd (ARO) for the provision of engineering design and project management services for remediation works at the culvert failure on Jarawee Road, Kuranda. The culvert was damaged as a result of the Tropical cyclone Jasper, associated rainfall and flooding, 13 – 28 December 2023 weather event.

As a result of an alternative tender, Civform was engaged for the design and construction of a reinforced concrete bridge with pedestrian lane in lieu of a culvert structure. Construction commenced September 2024 and is ongoing.

MSC was granted funding through the Queensland Reconstruction Authority (QRA) to undertake construction of the bridge.

Major updates for the month include:

- 1) Pouring of abutments commenced and ongoing.

**Infrastructure Services Disaster Recovery Operations  
Major Projects Summary – February 2025**



***T-MS2023-15 Emerald End Culvert Construction***



**Project Manager/Designer:** ARO Industries Pty Ltd/Trinity Engineering and Consulting Pty Ltd

**Contractor:** Terra Novus Pty Ltd

**Status:** **Works ongoing**

Mareeba Shire Council (MSC) engaged Trinity Engineering and Consulting Pty Ltd (TEC) for engineering design and ARO Industries Pty Ltd (ARO) for project management services for the construction of a RCBC structure across Cobra Creek on Emerald End Road, Mareeba. The existing crossing was damaged as a result of the Tropical Cyclone Jasper, associated rainfall and flooding, 12 – 28 December 2025 weather event.

MSC was granted funding through the Queensland Reconstruction Authority (QRA) to undertake construction of the causeway.

Terra Novus Pty Ltd is engaged to deliver the works. Construction is currently for completion April 2025.

Major updates for the month include:

- 2) Downstream batter protection commenced and ongoing.
- 3) Pavement works commenced and ongoing.



**9.4 TENDER AWARD - T-MSC2024-33 MSC DRFA - EASTERN ROADS PACKAGE**

**Date Prepared:** 4 March 2025  
**Author:** Manager Disaster Recovery  
**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the assessment of tender submissions for T-MSC2024-33 MSC DRFA 2024 – Eastern Roads Package and provide recommendation on award of the tender.

**RECOMMENDATION**

That Council awards the contract for T-MSC2024-33 MSC DRFA 2024 – Eastern Roads Package to IKCO Pty Ltd T/A Ikin Civil for a value of up to \$5,303,585.07 (excl. GST) subject to receipt of funding approvals from the Queensland Reconstruction Authority (QRA).

**BACKGROUND**

Queensland Reconstruction Authority (QRA) declared the '*Tropical Cyclone Jasper, associated rainfall and flooding 13 – 28 December 2023*' (the Event) a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provides local governments with assistance to reinstate essential infrastructure.

Council engaged ARO Industries to undertake site investigations necessary for the development of a detailed reinstatement methodology, which was subsequently submitted to the QRA for assessment against 'compliance' and 'value for money' criteria.

QRA is currently assessing the scope associated with this Contract. With completion of the tender process, Council officers intend to seek confirmation of the scope and value of works from QRA to ensure compliance with funding requirements, namely, the 31 March 2025 deadline for tendered pricing to be provided. It is proposed to engage the Contractor upon receipt of all funding outcomes associated with the Contract.

The tendered scope of DRFA works includes reinstatement of carriageway, shoulders and associated stormwater infrastructure on various roads, to pre-existing condition and to a standard which complies with current engineering and environmental standards.

**TENDERS RECEIVED**

Council invited tenders from suitably qualified contractors for the reinstatement and repair of civil infrastructure ("Eastern Roads") damaged as a consequence of the Event through 'VendorPanel' on 13 January 2024. Tenders closed 11:00am, on Tuesday, 18 February 2025, with eleven (11) submissions received. Tenders were originally scheduled to close 6 February 2025 but an extension to the tender period was required due to an internal issue with 'VendorPanel'.

A summary of the tender prices at opening is provided below;

<b>Tenderer</b>	<b>Price (excl. GST)</b>
Cheshire Contractors Pty Ltd	\$5,917,374.41
Durack Civil Pty Ltd	\$7,801,900.30
Gregg Construction Pty Ltd	\$5,602,165.42
IKCO Pty Ltd T/A Ikin Civil	\$5,303,585.07
Keltone Constructions Pty Ltd	\$5,208,836.67
Newlands Civil Construction Pty Ltd	\$5,169,777.37
Palmgrove Holdings Pty Ltd T/A Carruthers Contracting	\$11,586,282.67
Rigour Excavation Pty Ltd	\$5,235,623.91
The Trustee for The DC Bonadio Family Trust	\$5,940,459.01
The Trustee for Yesberg Earthmoving Unit Trust	\$6,541,223.62
War (Nq) Pty Ltd	\$6,180,086.67

Following review of the submissions and with consideration to the values received, eight (8) submissions were shortlisted for further evaluation, as detailed below.

<b>Tenderer</b>	<b>Price (excl. GST)</b>
Cheshire Contractors Pty Ltd	\$5,917,597.33*
Durack Civil Pty Ltd	\$7,801,900.30
Gregg Construction Pty Ltd	\$5,602,165.42
IKCO Pty Ltd T/A Ikin Civil	\$5,303,585.07
Keltone Constructions Pty Ltd	\$5,208,899.03*
The Trustee for The DC Bonadio Family Trust	\$5,940,459.01
The Trustee for Yesberg Earthmoving Unit Trust	\$6,541,223.62
War (Nq) Pty Ltd	\$6,180,548.51*

*\*Varies from submitted amount due to rounding errors/rates provided to multiple decimal places*

The following respondents were not shortlisted for assessment:

- Palmgrove Holdings Pty Ltd T/A Carruthers Contracting was not shortlisted as their Tender pricing was well in excess of other tenders submitted for the same works.
- Newlands Civil Construction Pty Ltd was not shortlisted as their submitted Statement of Departures does not comply with the requirements of the Contract.
- Rigour Excavation Pty Ltd was not shortlisted as their proposed construction timeframe of 55 week which does not comply with the requirements of the Contract.

#### **TENDER ASSESSMENT**

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below;

Criteria	Criteria Weighting (%)
Relevant skills and experience	15%
Demonstrated Understanding	25%
Key Personnel	10%
Local Content	10%
Value for Money	40%

Each submission assessed, was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

### SUMMARY

A summary of the Tender assessment and evaluation against conformance, price and non-price criteria, resulted in the ranking of submissions displayed below.

Tenderer	Score (%)	Ranking
Cheshire Contractors Pty Ltd	84.45	3
Durack Civil Pty Ltd	71.70	4
Gregg Construction Pty Ltd	87.20	2
IKCO Pty Ltd T/A Ikin Civil	88.05	1
Keltone Constructions Pty Ltd	70.00	5
The Trustee for The DC Bonadio Family Trust	67.10	7
The Trustee for Yesberg Earthmoving Unit Trust	69.40	6
War (Nq) Pty Ltd	57.20	8

### RISK IMPLICATIONS

#### Financial

Funding arrangements state that eligible expenditure is reimbursed.

Expenditure is considered eligible when:

- 1) Extraordinary costs are incurred that could normally not be absorbed by, or reasonably managed within, the local government or state agency's financial, human and other resource capacity, and
- 2) Costs are directly associated with the delivery of eligible works on eligible essential public assets that have been damaged by an activated eligible disaster.

Risk of ineligible expenditure is mitigated through engagement of suitably qualified consultants and award of Contract once approvals have been received by QRA.

**Infrastructure and Assets**

The reinstated civil infrastructure will meet pre-existing condition and current engineering standards and therefore should not impact the long-term cost to Council.

**Legal and Compliance**

Tenders were sought in line with Council's Procurement Policy.

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

Nil. All eligible costs are able to be sought for reimbursement through DRFA.

***Operating***

Nil. The replacement civil infrastructure will meet pre-existing condition and current engineering standards, and therefore should not increase the operational costs associated with maintaining the network.

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**Community and Culture:** An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

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

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

**IMPLEMENTATION/COMMUNICATION**

Application has been made to the QRA for project funding and tenderers kept informed of the approval status as required.

**9.5 TENDER AWARD - T-MSC2024-36 MSC DRFA - DIMBULAH ROADS PACKAGE**

**Date Prepared:** 6 March 2025  
**Author:** Manager Disaster Recovery  
**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the assessment of tender submissions for T-MSC2024-36 MSC DRFA 2024 – Dimbulah Roads Package and provide recommendation on award of the tender.

**RECOMMENDATION**

That Council awards the contract for T-MSC2024-36 MSC DRFA 2024 – Dimbulah Roads Package to Cheshire Contractors Pty Ltd for a value of up to \$3,927,544.14 (excl. GST) subject to receipt of funding approvals from the Queensland Reconstruction Authority (QRA).

**BACKGROUND**

Queensland Reconstruction Authority (QRA) declared the '*Tropical Cyclone Jasper, associated rainfall and flooding 13 – 28 December 2023*' (the Event) a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provides local governments with assistance to reinstate essential infrastructure.

Council engaged ARO Industries to undertake site investigations necessary for the development of a detailed reinstatement methodology, which was subsequently submitted to the QRA for assessment against 'compliance' and 'value for money' criteria.

QRA is currently assessing the scope associated with this Contract. With completion of the tender process, Council officers intend to seek confirmation of the scope and value of works from QRA to ensure compliance with funding requirements, namely, the 31 March 2025 deadline for tendered pricing to be provided. It is proposed to engage the Contractor upon receipt of all funding outcomes associated with the Contract.

The tendered scope of DRFA works includes reinstatement of carriageway, shoulders and associated stormwater infrastructure on various roads, to pre-existing condition and to a standard which complies with current engineering and environmental standards.

**TENDERS RECEIVED**

Council invited tenders from suitably qualified contractors for the reinstatement and repair of civil infrastructure ("Dimbulah Roads") damaged as a consequence of the Event through 'VendorPanel' on 13 January 2024. Tenders closed 11:00am, on Tuesday, 18 February 2025, with fourteen (14) submissions received. Tenders were originally scheduled to close 6 February 2025 but an extension to the tender period was required due to an internal issue with 'VendorPanel'.

One (1) of the submissions was received late (11:29am, 18 February 2025), being Newlands Civil Construction Pty Ltd.

A summary of the tender prices (submission scope) at opening is provided below;

<b>Tenderer</b>	<b>Price (excl. GST)</b>
Palmgrove Holdings Pty Ltd T/A Carruthers Contracting	\$5,959,971.65
CGW Australia Pty Ltd	\$4,851,419.06
Cheshire Contractors Pty Ltd	\$3,926,901.76
Dantam & Sons Pty Ltd	-
Durack Civil Pty Ltd	\$3,955,712.76
Gregg Construction Pty Ltd	\$4,048,792.73
Gulf Civil Pty Ltd	\$5,352,396.57
Keltone Constructions Pty Ltd	\$3,344,376.72
Newlands Civil Construction Pty Ltd	\$2,817,012.20
Rigour Excavation Pty Ltd	\$2,804,351.61
SAW Civil Profiling Pty Ltd	\$4,330,011.72
The Trustee for The DC Bonadio Family Trust	\$4,319,428.33
Ve Group Au Pty Ltd	\$5,131,274.35
War (Nq) Pty Ltd	\$4,498,784.04

Following review of the submissions and with consideration to the values received, nine (9) submissions were shortlisted for further evaluation, as detailed below.

<b>Tenderer</b>	<b>Price (excl. GST)</b>
CGW Australia Pty Ltd	\$4,851,452.29*
Cheshire Contractors Pty Ltd	\$3,927,544.14*
Durack Civil Pty Ltd	\$3,955,712.76
Gregg Construction Pty Ltd	\$4,048,792.73
Gulf Civil Pty Ltd	\$5,352,396.57
Keltone Constructions Pty Ltd	\$3,344,364.42*
SAW Civil Profiling Pty Ltd	\$4,330,011.72
The Trustee for The DC Bonadio Family Trust	\$4,319,428.33
War (Nq) Pty Ltd	\$4,498,784.04

*\*Varies from submitted amount due to rounding errors/rates provided to multiple decimal places*

The following respondents were not shortlisted for assessment:

- Palmgrove Holdings Pty Ltd T/A Carruthers Contracting was not shortlisted as their Tender pricing was well in excess of other tenders submitted for the same works.
- Dantam & Sons Pty Ltd was not shortlisted as no pricing was submitted. Pricing was requested post-tender and not provided.

- Newlands Civil Construction Pty Ltd was not shortlisted as their submitted Statement of Departures does not comply with the requirements of the Contract.
- Rigour Excavation Pty Ltd was not shortlisted as their Tender pricing was significantly less than other tenders submitted for the same works.
- VE Group Aus Pty Ltd was not shortlisted as their submitted Statement of Departures does not comply with the requirements of the Contract.

### TENDER ASSESSMENT

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below;

Criteria	Criteria Weighting (%)
Relevant skills and experience	15%
Demonstrated Understanding	25%
Key Personnel	10%
Local Content	10%
Value for Money	40%

Each submission assessed, was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

### SUMMARY

A summary of the Tender assessment and evaluation against conformance, price and non-price criteria, resulted in the ranking of submissions displayed below.

Tenderer	Score (%)	Ranking
CGW Australia Pty Ltd	73.00	4
Cheshire Contractors Pty Ltd	83.25	1
Durack Civil Pty Ltd	79.00	3
Gregg Construction Pty Ltd	83.00	2
Gulf Civil Pty Ltd	70.00	5
Keltone Constructions Pty Ltd	70.00	5
SAW Civil Profiling Pty Ltd	66.00	6
The Trustee for The DC Bonadio Family Trust	63.00	7
War (Nq) Pty Ltd	53.50	8

**RISK IMPLICATIONS****Financial**

Funding arrangements state that eligible expenditure is reimbursed.

Expenditure is considered eligible when:

- 1) Extraordinary costs are incurred that could normally not be absorbed by, or reasonably managed within, the local government or state agency's financial, human and other resource capacity, and
- 2) Costs are directly associated with the delivery of eligible works on eligible essential public assets that have been damaged by an activated eligible disaster.

Risk of ineligible expenditure is mitigated through engagement of suitably qualified consultants and award of Contract once approvals have been received by QRA.

**Infrastructure and Assets**

The reinstated civil infrastructure will meet pre-existing condition and current engineering standards and therefore should not impact the long-term cost to Council.

**Legal and Compliance**

Tenders were sought in-line with Council's Procurement Policy.

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

Nil. All eligible costs are able to be sought for reimbursement through DRFA.

***Operating***

Nil. The replacement civil infrastructure will meet pre-existing condition and current engineering standards, and therefore should not increase the operational costs associated with maintaining the network.

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**Community and Culture:** An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

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

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

**IMPLEMENTATION/COMMUNICATION**

Application has been made to the QRA for project funding and tenderers kept informed of the approval status as required.



**9.6 TENDER AWARD - T-MSC2024-35 MSC DRFA - MID-WESTERN ROADS PACKAGE**

**Date Prepared:** 6 March 2025  
**Author:** Manager Disaster Recovery  
**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the assessment of tender submissions for T-MSC2024-35 MSC DRFA 2024 – Mid-Western Roads Package and provide recommendation on award of the tender.

**RECOMMENDATION**

That Council awards the contract for T-MSC2024-35 MSC DRFA 2024 – Mid-Western Roads Package to Gregg Construction Pty Ltd for a value of up to \$5,434,783.75 (excl. GST) subject to receipt of funding approvals from the Queensland Reconstruction Authority (QRA).

**BACKGROUND**

Queensland Reconstruction Authority (QRA) declared the '*Tropical Cyclone Jasper, associated rainfall and flooding 13 – 28 December 2023*' (the Event) a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provides local governments with assistance to reinstate essential infrastructure.

Council engaged ARO Industries to undertake site investigations necessary for the development of a detailed reinstatement methodology, which was subsequently submitted to the QRA for assessment against 'compliance' and 'value for money' criteria.

QRA is currently assessing the scope associated with this Contract. With completion of the tender process, Council officers intend to seek confirmation of the scope and value of works from QRA to ensure compliance with funding requirements, namely, the 31 March 2025 deadline for tendered pricing to be provided. It is proposed to engage the Contractor upon receipt of all funding outcomes associated with the Contract.

The tendered scope of DRFA works includes reinstatement of carriageway, shoulders and associated stormwater infrastructure on various roads, to pre-existing condition and to a standard which complies with current engineering and environmental standards.

**TENDERS RECEIVED**

Council invited tenders from suitably qualified contractors for the reinstatement and repair of civil infrastructure ("Mid-Western Roads") damaged as a consequence of the Event through 'VendorPanel' on 13 January 2024. Tenders closed 11:00am, on Tuesday, 18 February 2025, with eleven (11) submissions received. Tenders were originally scheduled to close 6 February 2025 but an extension to the tender period was required due to an internal issue with 'VendorPanel'.

A summary of the tender prices at opening is provided below;

<b>Tenderer</b>	<b>Price (excl. GST)</b>
Palmgrove Holdings Pty Ltd T/A Carruthers Contracting	\$7,747,199.63
CGW Australia Pty Ltd	\$6,062,555.20
Cheshire Contractors Pty Ltd	\$5,327,311.64
Durack Civil Pty Ltd	\$4,738,670.75
Gregg Construction Pty Ltd	\$5,434,734.67
MC Group Qld Pty Ltd	\$4,018,792.23
Newlands Civil Construction Pty Ltd	\$3,868,107.82
Rigour Excavation Pty Ltd	\$2,892,450.34
The Trustee for The DC Bonadio Family Trust	\$4,959,856.04
Ve Group Au Pty Ltd	\$7,368,152.79
War (Nq) Pty Ltd	\$4,513,335.72

Following review of the submissions and with consideration to the values received, seven (7) submissions were shortlisted for further evaluation, as detailed below.

<b>Tenderer</b>	<b>Price (excl. GST)</b>
CGW Australia Pty Ltd	\$6,062,643.57*
Cheshire Contractors Pty Ltd	\$5,327,319.90*
Durack Civil Pty Ltd	\$4,738,670.75
Gregg Construction Pty Ltd	\$5,434,783.75*
MC Group Qld Pty Ltd	\$4,018,792.23*
The Trustee for The DC Bonadio Family Trust	\$4,959,856.04
War (Nq) Pty Ltd	\$4,513,335.72

*\*Varies from submitted amount due to rounding errors/rates provided to multiple decimal places*

The following respondents were not shortlisted for assessment:

- Palmgrove Holdings Pty Ltd T/A Carruthers Contracting was not shortlisted as their Tender pricing was well in excess of other tenders submitted for the same works.
- Newlands Civil Construction Pty Ltd was not shortlisted as their submitted Statement of Departures does not comply with the requirements of the Contract.
- Rigour Excavation Pty Ltd was not shortlisted as their Tender pricing was significantly less than other tenders submitted for the same works
- VE Group Au Pty Ltd was not shortlisted as their submitted Statement of Departures does not comply with the requirements of the Contract.

## **TENDER ASSESSMENT**

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below;

Criteria	Criteria Weighting (%)
Relevant skills and experience	15%
Demonstrated Understanding	25%
Key Personnel	10%
Local Content	10%
Value for Money	40%

Each submission assessed, was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

### SUMMARY

A summary of the Tender assessment and evaluation against conformance, price and non-price criteria, resulted in the ranking of submissions displayed below.

Tenderer	Score (%)	Ranking
CGW Australia Pty Ltd	72.00	5
Cheshire Contractors Pty Ltd	79.25	2
Durack Civil Pty Ltd	79.00	3
Gregg Construction Pty Ltd	80.00	1
MC Group Qld Pty Ltd	76.50	4
The Trustee for The DC Bonadio Family Trust	64.00	6
War (Nq) Pty Ltd	59.50	7

### RISK IMPLICATIONS

#### Financial

Funding arrangements state that eligible expenditure is reimbursed.

Expenditure is considered eligible when:

- 1) Extraordinary costs are incurred that could normally not be absorbed by, or reasonably managed within, the local government or state agency's financial, human and other resource capacity, and
- 2) Costs are directly associated with the delivery of eligible works on eligible essential public assets that have been damaged by an activated eligible disaster.

Risk of ineligible expenditure is mitigated through engagement of suitably qualified consultants and award of Contract once approvals have been received by QRA.

**Infrastructure and Assets**

The reinstated civil infrastructure will meet pre-existing condition and current engineering standards and therefore should not impact the long-term cost to Council.

**Legal and Compliance**

Tenders were sought in-line with Council's Procurement Policy.

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

Nil. All eligible costs are able to be sought for reimbursement through DRFA.

***Operating***

Nil. The replacement civil infrastructure will meet pre-existing condition and current engineering standards, and therefore should not increase the operational costs associated with maintaining the network.

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**Community and Culture:** An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

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

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

**IMPLEMENTATION/COMMUNICATION**

Application has been made to the QRA for project funding and tenderers kept informed of the approval status as required.

**9.7 TENDER AWARD - T-MSC2024-34 MSC DRFA - WESTERN ROADS PACKAGE**

**Date Prepared:** 6 March 2025  
**Author:** Manager Disaster Recovery  
**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the assessment of tender submissions for T-MSC2024-34 MSC DRFA 2024 – Western Roads Package and provide recommendation on award of the tender.

**RECOMMENDATION**

That Council awards the contract for T-MSC2024-34 MSC DRFA 2024 – Western Roads Package to Gregg Construction Pty Ltd for a value of up to \$6,513,209.96 (excl. GST) subject to receipt of funding approvals from the Queensland Reconstruction Authority (QRA).

**BACKGROUND**

Queensland Reconstruction Authority (QRA) declared the '*Tropical Cyclone Jasper, associated rainfall and flooding 13 – 28 December 2023*' (the Event) a natural disaster event, triggering Disaster Recovery Funding Arrangements (DRFA) which provides local governments with assistance to reinstate essential infrastructure.

Council engaged ARO Industries to undertake site investigations necessary for the development of a detailed reinstatement methodology, which was subsequently submitted to the QRA for assessment against 'compliance' and 'value for money' criteria.

QRA is currently assessing the scope associated with this Contract. With completion of the tender process, Council officers intend to seek confirmation of the scope and value of works from QRA to ensure compliance with funding requirements, namely, the 31 March 2025 deadline for tendered pricing to be provided. It is proposed to engage the Contractor upon receipt of all funding outcomes associated with the Contract.

The tendered scope of DRFA works includes reinstatement of carriageway, shoulders and associated stormwater infrastructure on various roads, to pre-existing condition and to a standard which complies with current engineering and environmental standards.

**TENDERS RECEIVED**

Council invited tenders from suitably qualified contractors for the reinstatement and repair of civil infrastructure ("Western Roads") damaged as a consequence of the Event through 'VendorPanel' on 13 January 2024. Tenders closed 11:00am, on Tuesday, 18 February 2025, with seven (7) submissions received. Tenders were originally scheduled to close 6 February 2025 but an extension to the tender period was required due to an internal issue with 'VendorPanel'.

A summary of the tender prices at opening is provided below;

<b>Tenderer</b>	<b>Price (excl GST)</b>
Palmgrove Holdings Pty Ltd T/A Carruthers Contracting	\$9,124,220.12
Gregg Construction Pty Ltd	\$6,513,210.02
Gregg Construction Pty Ltd Alternative Offer	\$4,999,825.41
MC Group Qld Pty Ltd	\$6,781,592.39
Newlands Civil Construction Pty Ltd	\$6,795,580.07
Rigour Excavation Pty Ltd	\$4,065,437.79
The Trustee for The DC Bonadio Family Trust	\$7,002,507.01
War (Nq) Pty Ltd	\$7,530,103.03

Following review of the submissions and with consideration to the values received, four (4) submissions were shortlisted for further evaluation, as detailed below.

<b>Tenderer</b>	<b>Price (excl GST)</b>
Gregg Construction Pty Ltd	\$6,513,209.96*
MC Group Qld Pty Ltd	\$6,781,592.39
The Trustee for The DC Bonadio Family Trust	\$7,002,511.93*
War (Nq) Pty Ltd	\$7,529,933.91*

*\*Varies from submitted amount due to rounding errors/rates provided to multiple decimal places*

The following respondents were not shortlisted for assessment:

- Palmgrove Holdings Pty Ltd T/A Carruthers Contracting was not shortlisted as their Tender pricing was well in excess of other tenders submitted for the same works.
- Newlands Civil Construction Pty Ltd was not shortlisted as their submitted Statement of Departures does not comply with the requirements of the Contract.
- Rigour Excavation Pty Ltd was not shortlisted as their proposed construction timeframe of 44 week which does not comply with the requirements of the Contract.
- Gregg Construction Pty Ltd alternative offer was not shortlisted as it proposed to utilise council managed borrow pits.

#### **TENDER ASSESSMENT**

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below;

Criteria	Criteria Weighting (%)
Relevant skills and experience	15%
Demonstrated Understanding	25%
Key Personnel	10%
Local Content	10%
Value for Money	40%

Each submission assessed, was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

### SUMMARY

A summary of the Tender assessment and evaluation against conformance, price and non-price criteria, resulted in the ranking of submissions displayed below.

Tenderer	Score (%)	Ranking
Gregg Construction Pty Ltd	90.00	1
MC Group Qld Pty Ltd	74.90	2
The Trustee for The DC Bonadio Family Trust	69.20	3
War (Nq) Pty Ltd	58.10	4

### RISK IMPLICATIONS

#### Financial

Funding arrangements state that eligible expenditure is reimbursed.

Expenditure is considered eligible when:

- 1) Extraordinary costs are incurred that could normally not be absorbed by, or reasonably managed within, the local government or state agency's financial, human and other resource capacity, and
- 2) Costs are directly associated with the delivery of eligible works on eligible essential public assets that have been damaged by an activated eligible disaster.

Risk of ineligible expenditure is mitigated through engagement of suitably qualified consultants and award of Contract once approvals have been received by QRA.

#### Infrastructure and Assets

The reinstated civil infrastructure will meet pre-existing condition and current engineering standards and therefore should not impact the long-term cost to Council.

#### Legal and Compliance

Tenders were sought in-line with Council's Procurement Policy.

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

Nil. All eligible costs are able to be sought for reimbursement through DRFA.

***Operating***

Nil. The replacement civil infrastructure will meet pre-existing condition and current engineering standards, and therefore should not increase the operational costs associated with maintaining the network.

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**Community and Culture:** An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

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

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

**IMPLEMENTATION/COMMUNICATION**

Application has been made to the QRA for project funding and tenderers kept informed of the approval status as required.



**9.8 TENDER AWARD - T-MSC2025-05 MSC DRFA PROGRAM MANAGEMENT 2025-27**

**Date Prepared:** 6 March 2025

**Author:** Manager Disaster Recovery

**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the assessment of tender submissions for T-MSC2025-05 MSC DRFA Program Management 2025-27 and provide recommendation on award of the tender.

**RECOMMENDATION**

That Council awards the contract for T-MSC2025-05 MSC DRFA Program Management 2025-27 to ARO Industries Pty Ltd for the value of \$502,125.00 (excl. GST).

**BACKGROUND**

Queensland Reconstruction Authority (QRA) declared natural disaster events trigger Disaster Recovery Funding Arrangements (DRFA) which provides local governments with assistance to reinstate essential infrastructure.

Council has undertaken a competitive tender process to source a suitably qualified program manager for the delivery of DRFA funded projects for events between January 2025 and 30 June 2027. The engagement is to provide Council with the following services:

1. Review and provide any services required in relation to the Emergency works phase.
2. Manage the Reconstruction of Essential Public Assets (REPA) Phase and specialised funding including:
  - a. Damage inspection
  - b. Submission building
  - c. Engineering design phase
  - d. Procurement phase
  - e. Construction Management phase
  - f. Acquittal

The engagement is to be completed on a time and expense basis (hourly rates). These are monitored throughout the delivery to ensure they align to QRA budgets. The costs provided by respondents are based on an estimate of hours required to deliver a typical DRFA program of one event.

The following consultants were invited to submit a tender for the works:

1. ARO Industries Pty Ltd
2. Black & More
3. ERSCON Consulting Engineers

4. Lonergan Project Services Pty Ltd
5. Northlane Consulting Engineers
6. Project Delivery Managers Pty Ltd
7. Shepherd Services Pty Ltd
8. Trinity Engineering And Consulting Pty Ltd

Council has requested activation for assistance through QRA for the “North and Far North Tropical Low, commencing 29 January 2025” Event and therefore, the engagement of a DRFA program Manager will be required to effectively seek reimbursement for damage sustained to Council assets.

#### **TENDERS RECEIVED**

Council invited tenders from the beforementioned consultants through 'VendorPanel' on 31 January 2025. Tenders closed 11:00am, on Tuesday, 25 February 2025, with three (3) submissions received.

A summary of the tender prices at opening is provided below;

<b>Tenderer</b>	<b>Price (excl GST)</b>
ARO Industries Pty Ltd	\$502,125.00
Project Delivery Managers Pty Ltd	\$546,750.00 <sup>#*</sup>
Shepherd Services Pty Ltd (Conforming)	\$648,200.00
Shepherd Services Pty Ltd (Non-Conforming)	\$423,275.00*

*\*Various exclusions noted that will attribute to a higher program cost*

*#Total summed by Council officers as total was not included in tender schedule*

Consideration to the inclusions/exclusions and departures provided by respondents was taking into consideration during the assessment of tenders.

#### **TENDER ASSESSMENT**

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation and as provided below;

<b>Criteria</b>	<b>Criteria Weighting (%)</b>
Relevant skills and experience	15%
Demonstrated Understanding	25%
Key Personnel	10%
Local Content	10%
Value for Money	40%

Each submission assessed, was evaluated and scored against the criteria, with the criteria scores then weighted to provide a total weighted score for each submission. Additionally, each has been assessed for conformance, compliance and discrepancies, against the requested response schedules.

#### **SUMMARY**

A summary of the Tender assessment and evaluation against conformance, price and non-price criteria, resulted in the ranking of submissions displayed below.

<b>Tenderer</b>	<b>Score (%)</b>	<b>Ranking</b>
ARO Industries Pty Ltd	100	1
Project Delivery Managers Pty Ltd	82.8	4
Shepherd Services Pty Ltd (Conforming)	84.8	3
Shepherd Services Pty Ltd (Non-Conforming)	91.2	2

## **RISK IMPLICATIONS**

### **Financial**

Funding arrangements state that eligible expenditure is reimbursed.

Expenditure is considered eligible when:

- 1) Extraordinary costs are incurred that could normally not be absorbed by, or reasonably managed within, the local government or state agency's financial, human and other resource capacity, and
- 2) Costs are directly associated with the delivery of eligible works on eligible essential public assets that have been damaged by an activated eligible disaster.

Funding received by QRA has an allowance for Project Management/design. Costs associated with project management and design are eligible costs for reimbursement.

Tender documentation stated that the consultant is to not accrue any costs in relation to the engagement until Council has activated for an eligible weather event and notified the consultant. This will ensure that no costs are accrued until Council is eligible for reimbursement.

### **Infrastructure and Assets**

The engagement will be predominantly in relation to the reinstated of civil infrastructure to pre-existing condition and current engineering standards.

Where capital projects are undertaken as part of the engagement, Council is to be informed to identify any long-term cost to Council.

### **Legal and Compliance**

Tenders were sought in-line with Council's Procurement Policy.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### **Capital**

Nil. All eligible costs are able to be sought for reimbursement through DRFA.

### **Operating**

The engagement will be predominantly in relation to the reinstated of civil infrastructure to pre-existing condition and current engineering standards.

Where capital projects are undertaken as part of the engagement, Council is to be informed to identify any long-term cost to Council.

**LINK TO CORPORATE PLAN**

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**Community and Culture:** An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

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

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

**IMPLEMENTATION/COMMUNICATION**

Application has been made to the QRA for project funding and tenderers kept informed of the approval status as required.

**9.9 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES OPERATIONS REPORT - FEBRUARY 2025**

**Date Prepared:** 18 February 2025  
**Author:** Manager Technical Services  
**Attachments:** Nil

---

**EXECUTIVE SUMMARY**

The purpose of this report is to outline Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Facilities and Investigation Services activities undertaken by Infrastructure Services during the month of February 2025.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Technical Services Operations Report for February 2025.

**BACKGROUND****Technical Services**Design, quality, and investigations:

Investigation activities undertaken in February included:

Activity	Current Requests	Closed Requests
Road Infrastructure Review	98	14
Drainage Investigations	52	9
NHVR Permit Applications	0	28
Traffic Count Surveys	0	3
Parks Investigations	7	1
Aerodromes	1	0
Miscellaneous e.g. Planning; Local Laws	35	13
Before You Dig Requests	0	62

Soil Laboratory:

Council's Soil Laboratory provides NATA-accredited soil and material testing for internal and external services. The laboratory delivered 198 tests in December, 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.

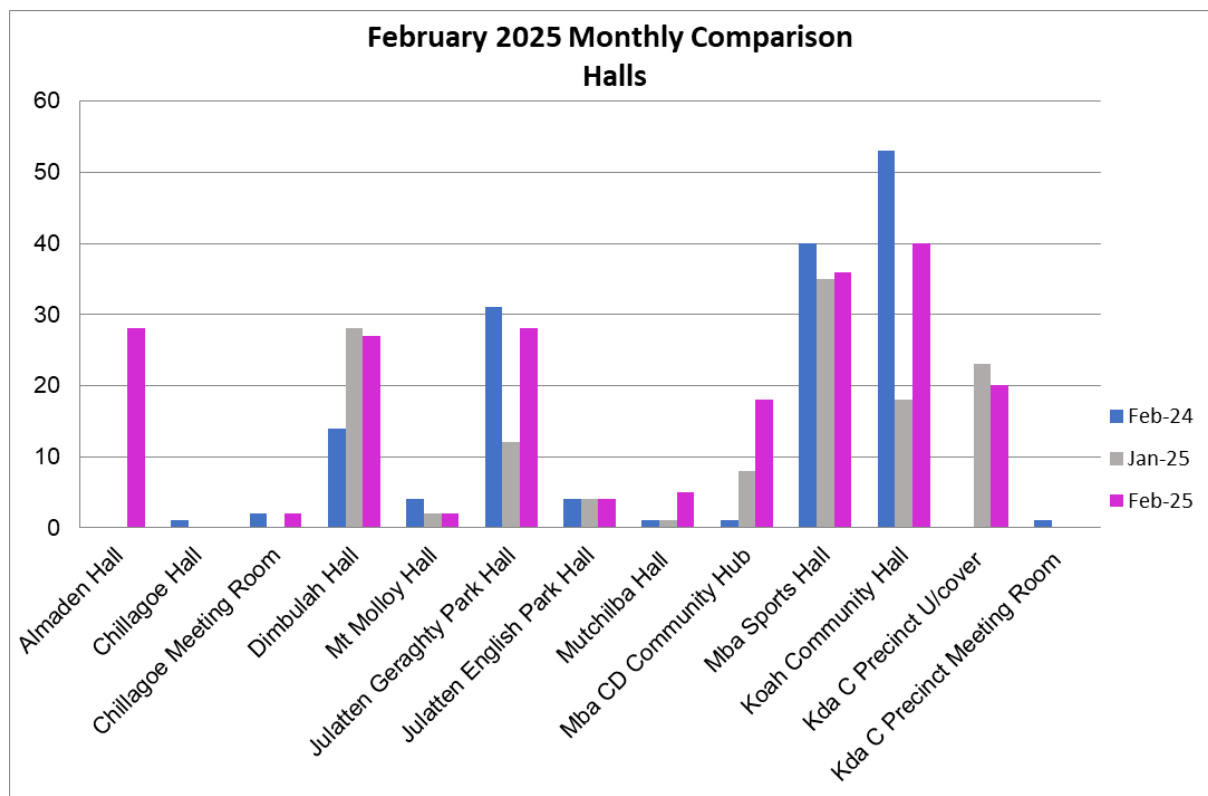
Operational Works and Subdivisions:

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
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	Prestige Gardens Stage 5-6	On-Maintenance
Mareeba	Mareeba Roadhouse and Accommodation Park, Williams Close	On-Maintenance - Monitoring
Mareeba	7 Kenneally Road	On-Maintenance
Mareeba	9 Kenneally Road	Under construction
Mareeba	Mclver Road, St Stephens College	Under Construction
Kuranda	2-6 Black Mountain Road	Under Construction
Kuranda	Jum Rum Rainforest Estate Stage 2, Fallon Road	Under construction
Kuranda	Myola Heights – Christensen Road	On-Maintenance

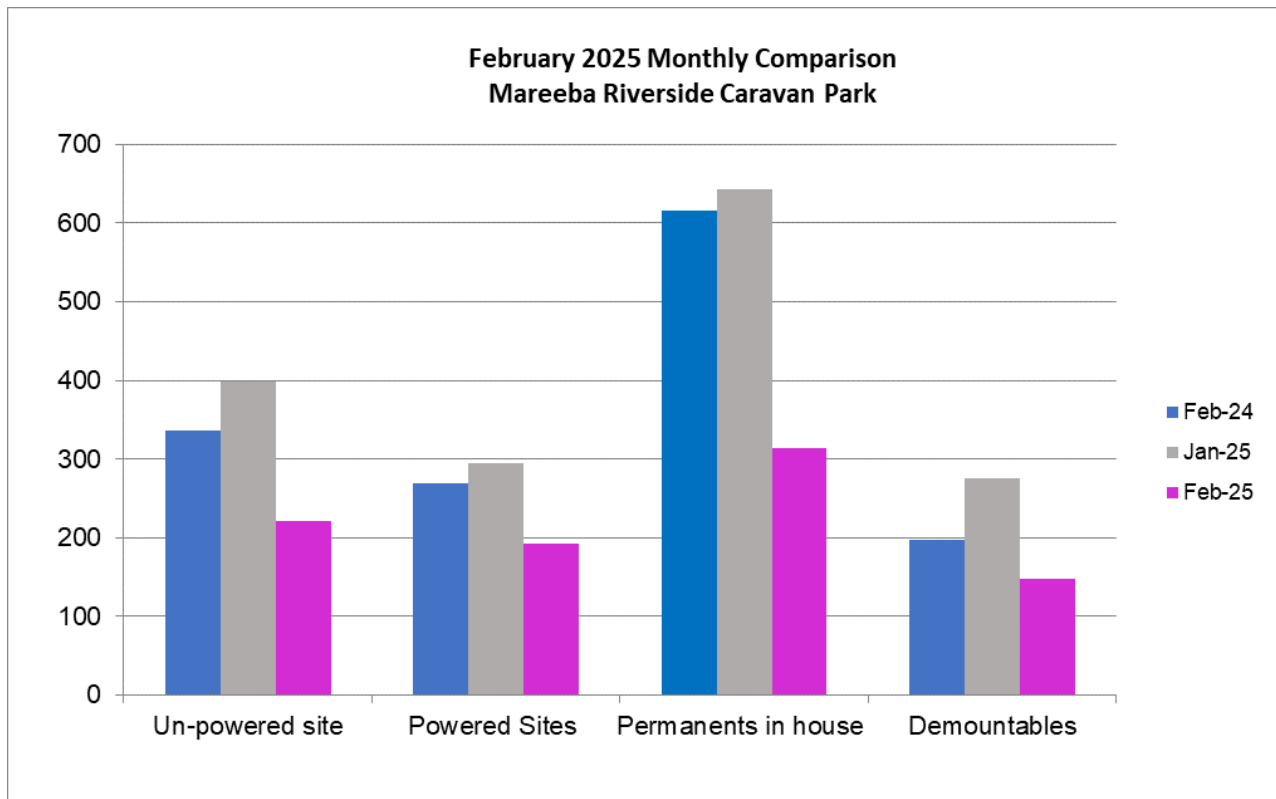
Community Halls:

Maintaining safe and efficient access to Council's Community Halls is recognised as an important aspect for the community's ongoing wellbeing. Bookings for February were generally strong across the region.

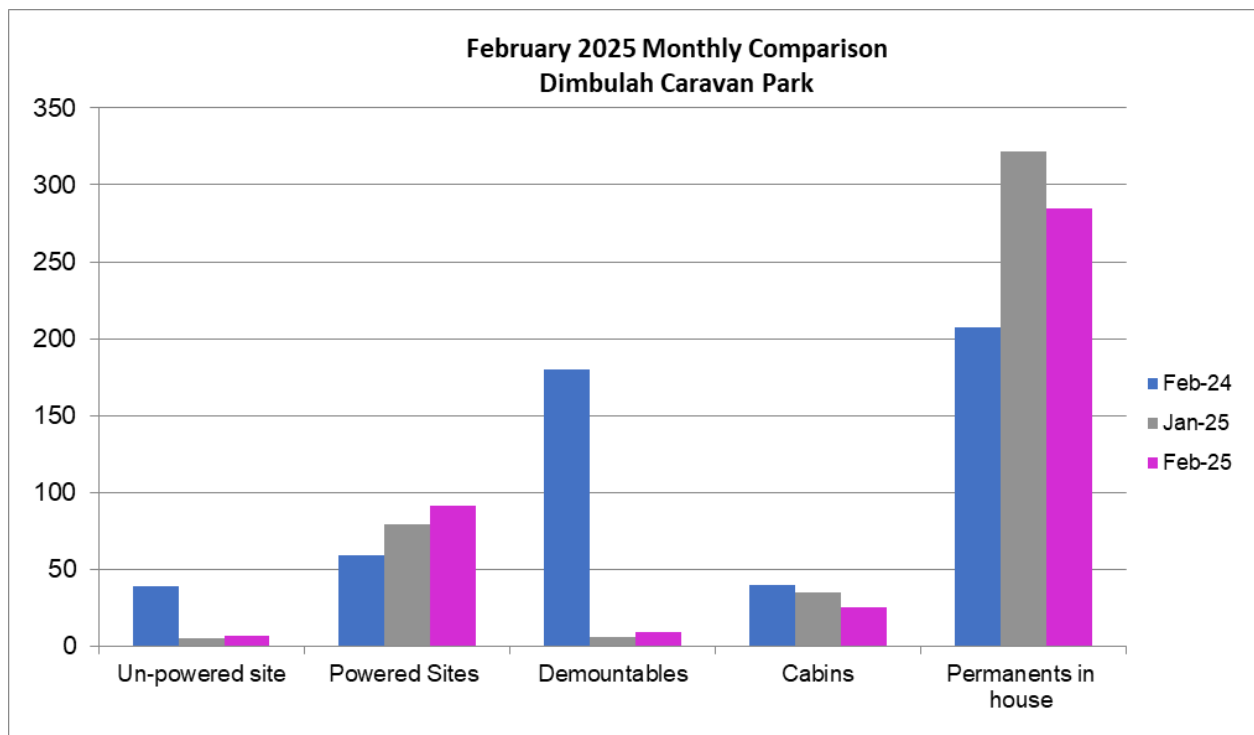


Caravan Parks:

Mareeba Riverside Caravan Park, utilisation for February 2025 was unusually low based on historical trends for this time of year. Operator advice has been sought to clarify any constraints within the market.

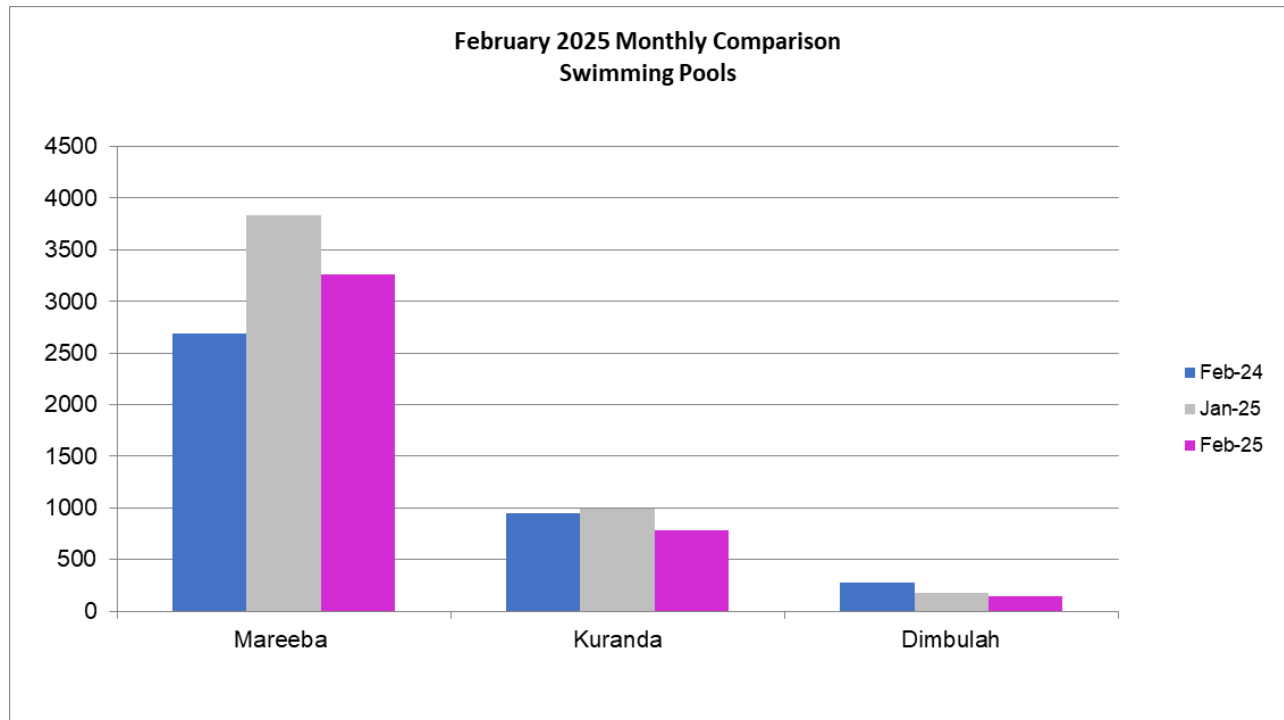


Dimbulah Caravan Park user numbers (total) have generally remained stable against previous year's numbers.



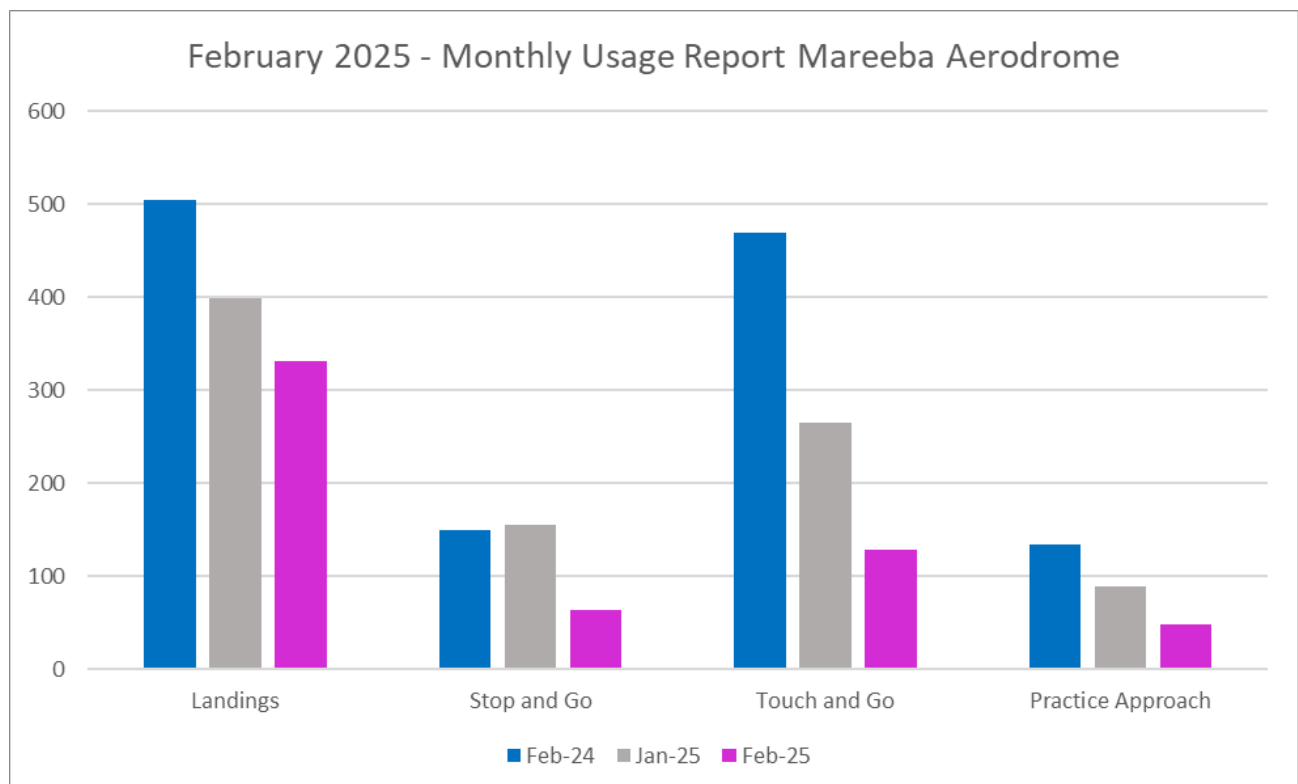
### Aquatic Centres

Attendance at the Facilities has remained generally stable.

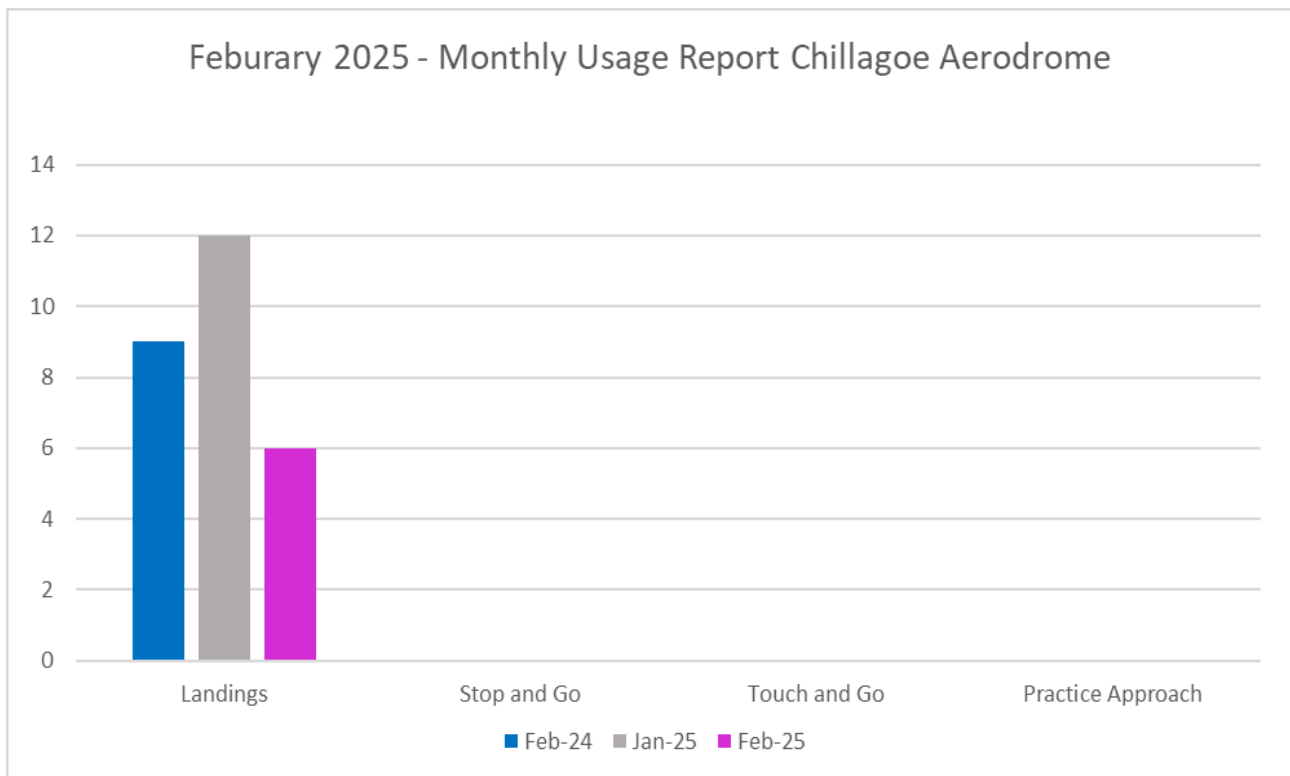


### Aerodromes:

The data recorded below is current for the month of February, however there is usually a lag of some data for each current month from the service provider, which continues to be updated into the next month.







#### LINK TO CORPORATE PLAN

**Financial Sustainability and Governance:** A financially sustainable council that applies strategic decision making and good governance to deliver cost-effective services.

**Community and Culture:** An informed, engaged and resilient community which supports and encourages effective partnerships to deliver better outcomes.

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

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

#### IMPLEMENTATION/COMMUNICATION

Nil



**9.10 INFRASTRUCTURE SERVICES, WATER AND WASTE OPERATIONS REPORT - FEBRUARY 2025****Date Prepared:** 18 February 2025**Author:** Manager Water and Waste**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Water and Waste activities undertaken by the Infrastructure Services Department during the month of February 2025.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Water and Waste Operations Report for February 2025.

**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.

<b>Water Treatment</b>	<b>Mareeba</b>	<b>Kuranda</b>	<b>Chillagoe</b>	<b>Dimbulah</b>	<b>Mt Molloy*</b>
Water Plant average daily production (kL)	5307	918	146	270	MD
Number of Connections	4141	1053	127	246	111
Average daily water consumption per connection (L)	1282	872	1151	1096	MD

\* Mt Molloy is an untreated, non-potable water supply

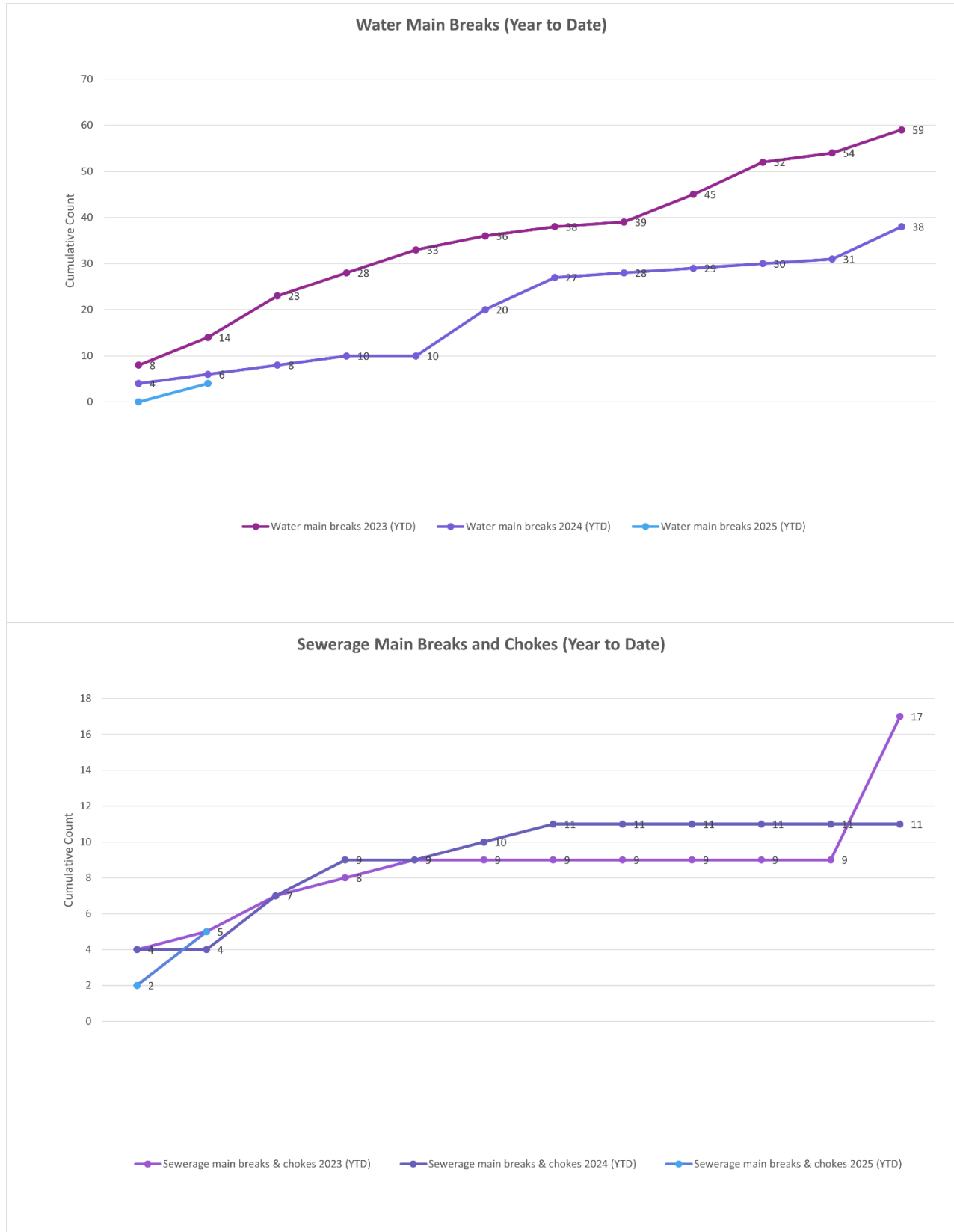
<b>Wastewater Treatment</b>	<b>Mareeba</b>	<b>Kuranda</b>
Wastewater Plant average daily treatment (kL)	7858	259
Number of Connections	3519	356
Average daily inflow per connection (L)	2233	726

**Water and Wastewater Reticulation:**

Council's water reticulation crew attended four (4) water main breaks and three (3) 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. 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:



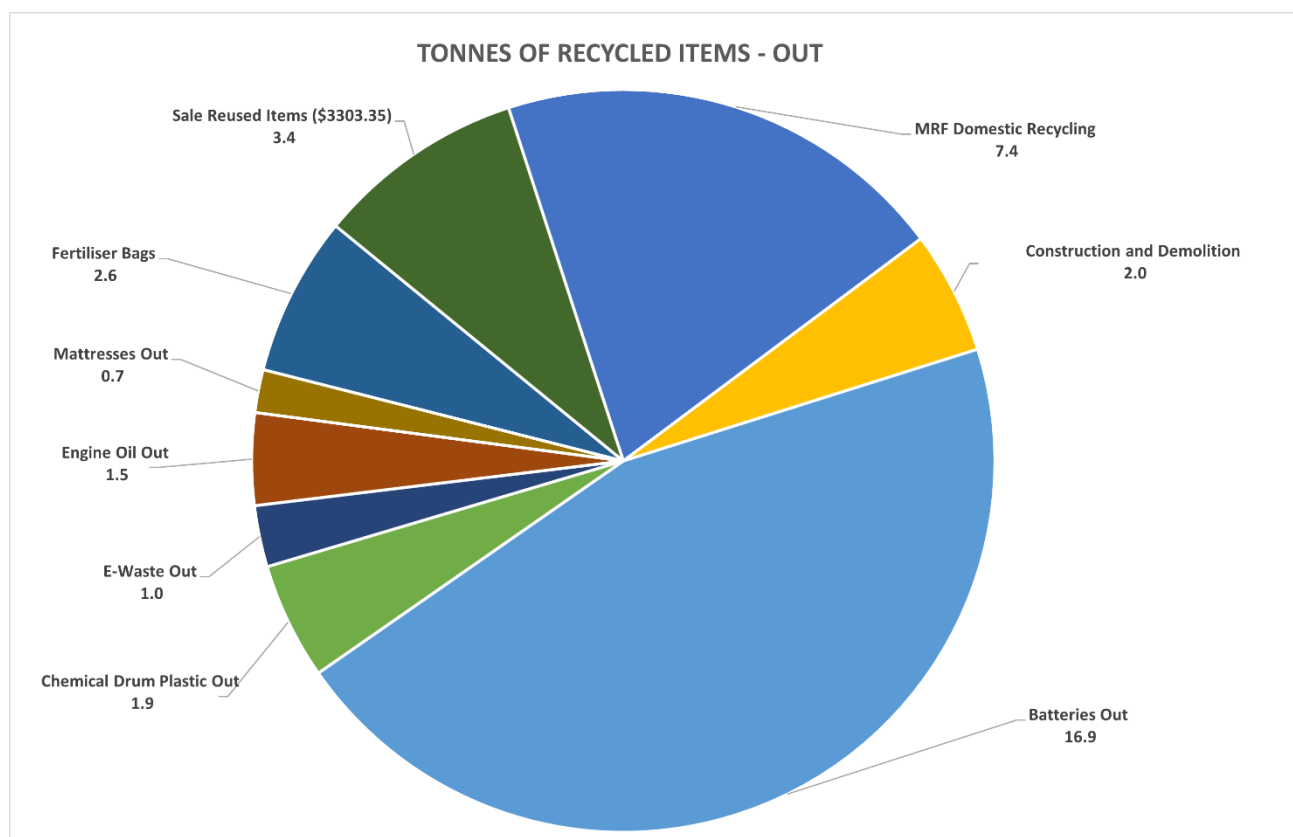
### Waste Operations:

Under normal conditions, 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.

On 23 January 2025 a fire started on the tipping floor of the ARRF in Cairns, resulting in Veolia being unable to process waste material in accordance with contract 1396.

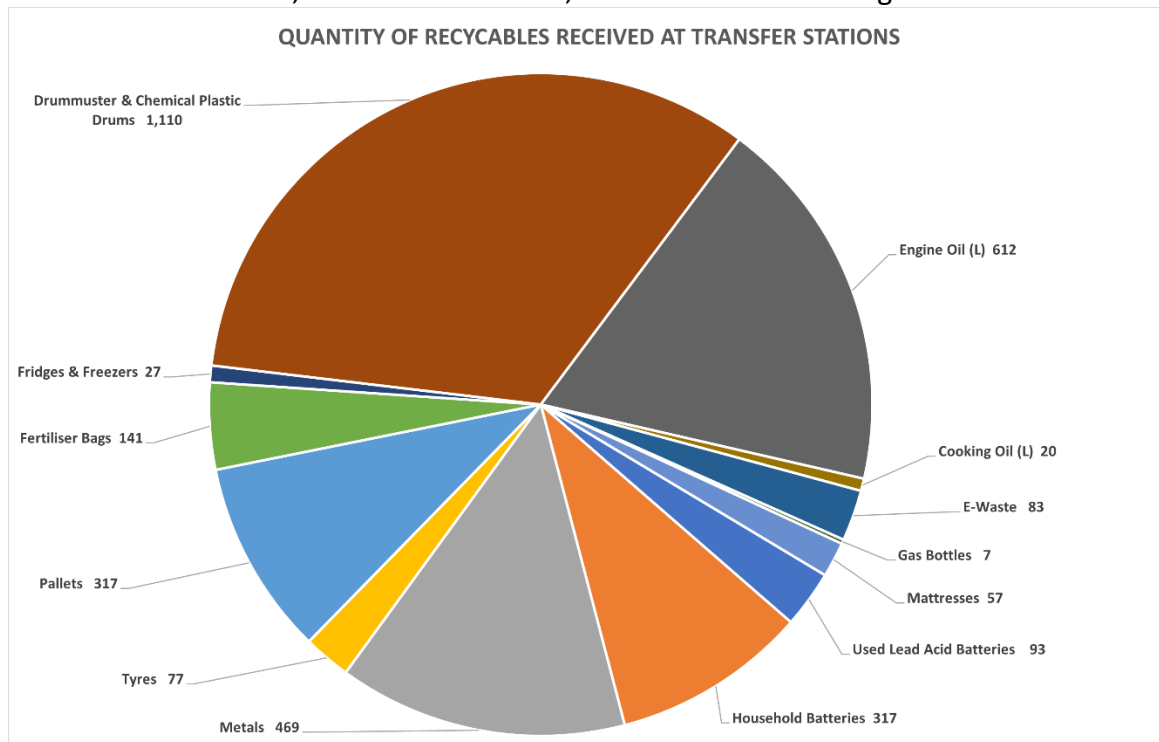
During February all waste collected in kerbside trucks has been transported directly to Springmount Waste Facility rather than being sent down to Cairns for processing. A long term arrangement is currently being negotiated.

During February, no waste was processed through the ARRF, 275 tonnes of waste was sent to Springmount Waste Facility and 7.4 tonnes of domestic items were recycled at the MRF.



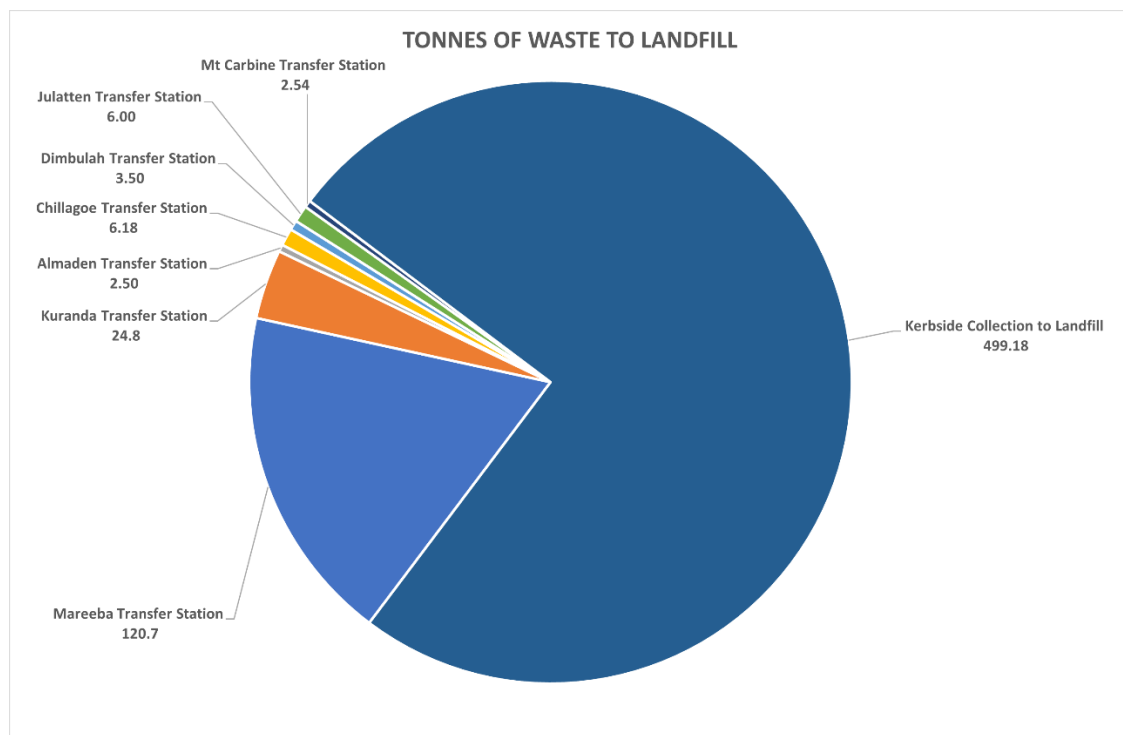
### Recycling

Residents continue to recycle at the Transfer Stations. During February the highest count of recyclable received were 1,110 Chemical drums, 469 Metals and 612 Engine oil.



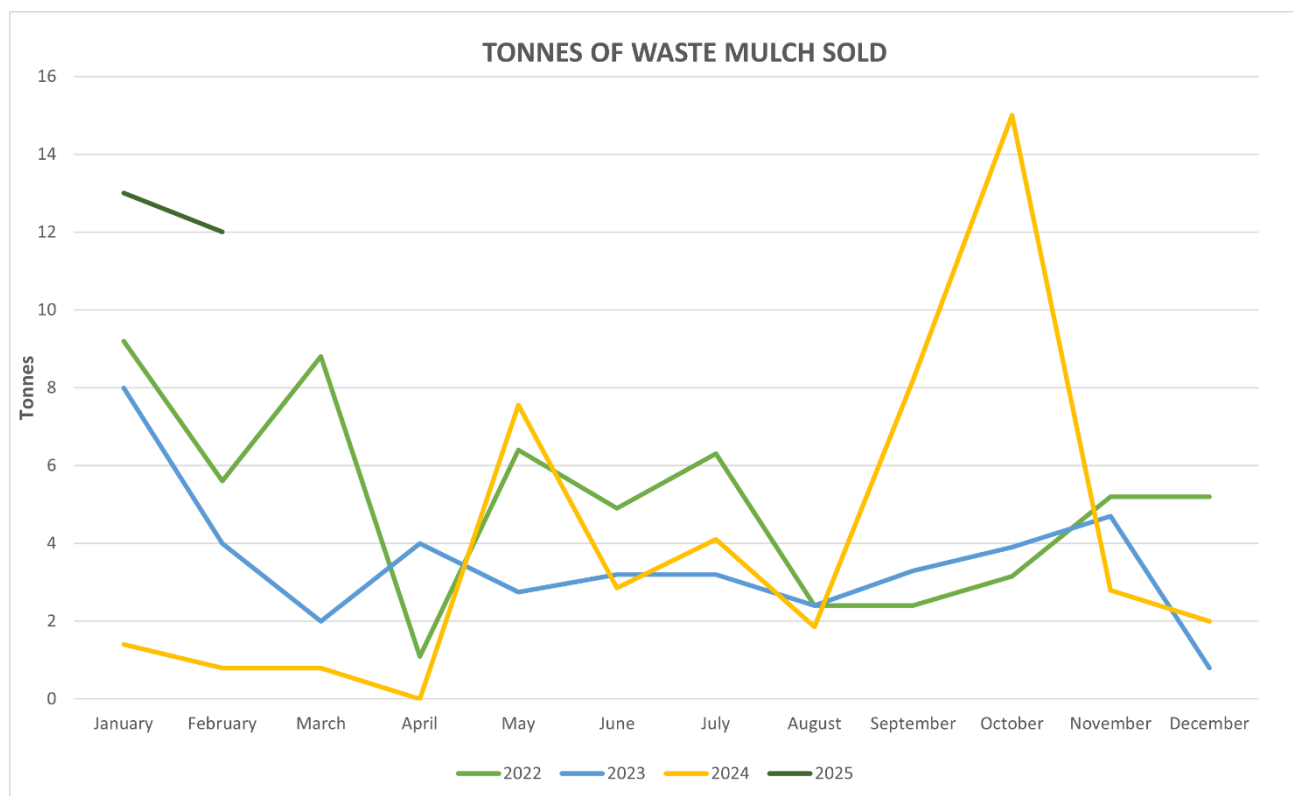
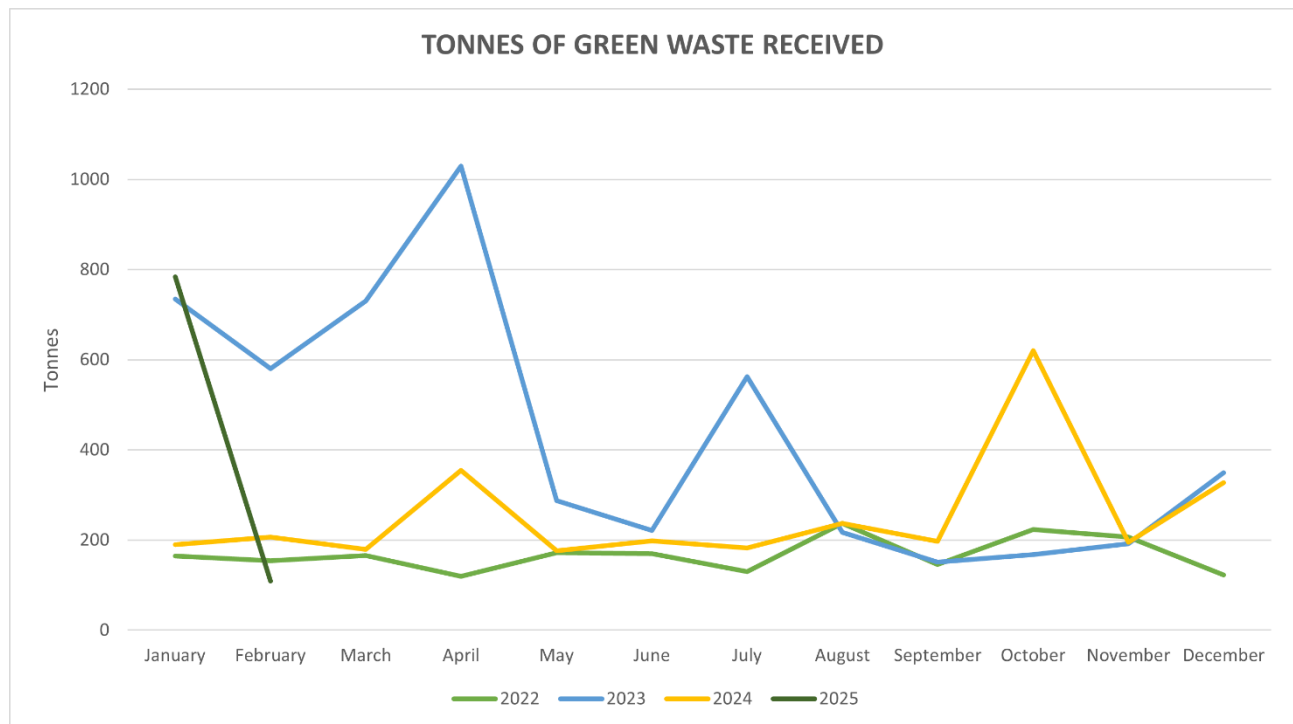
### Kerbside Collection Waste and Transfer Station Waste

Kerbside collection waste and Transfer Station dry waste is transported off site to the Springmount Waste Facility. During February a total of 665.4 tonnes of waste was sent to landfill from transfer station dry waste and kerbside collection waste. Kerbside collection contributed 499.18 tonnes to landfill, Mareeba Transfer Station contributed 120.7 tonnes, and Kuranda 24.8 tonnes.



### Green Waste:

During February, Council received a total of 109.54 tonnes of green waste. 12 tonnes of mulch was sold. Kuranda recorded 9 tonnes of green waste from locations registered as being potentially contaminated with Electric Ants.



**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



**9.11 TENDER AWARD T-MSC2025-04 - SUPPLY AND DELIVERY OF TYPE 4.3 ROAD BASE, BURKE DEVELOPMENTAL ROAD****Date Prepared:** 5 March 2025**Author:** Manager Works**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the assessment of tender submissions for T-MSC2025-04 Supply & Delivery of Type 4.3 Road Base, Burke Developmental Road and provide recommendation on award of the tender.

Council had not yet received acceptance of its tender by TMR at the time of preparing this report and therefore, acceptance of the tender contained in this report is conditional on receiving approval from TMR. Quantities may need to be amended if Council's scope of works is amended by TMR.

**RECOMMENDATION**

That Council awards Tender T-MSC2025-04 Supply & Delivery of Type 4.3 Road Base – Burke Developmental Road to MC Group Pty Ltd for \$462,000 (excl. GST), subject to Council's tender being accepted by the Department of Transport and Main Roads (TMR).

**BACKGROUND**

The Department of Transport and Main Roads (TMR) has invited Council to tender on to be used for the construction of approximately 3 kilometres of gravel resheet between Mungana and Rookwood on the Burke Developmental Road. The funding will cover 100% of the gravel re-sheet up to \$1,000,000.

To enable Council to finalise its tender for TMR, Council invited tenders in January 2025 for the supply and delivery of 11,000 tonne of 4.3 Road Base to marked sites between Chainages 539.77 and 543.27 on the Burke Developmental Road.

**TENDERS RECEIVED**

Three (3) Tender responses were received by the tender closing date.

TENDERER	RATE/TONNE (excl. GST)	TOTAL AMOUNT (excl. GST)
Bolwarra Enterprises Pty Ltd	\$49.00	\$539,000
MC Group Pty Ltd	\$42.00	\$462,000
Sole Resources (Ootann) Pty Ltd	\$45.00	\$495,000

MC Group's tender is based on supplying Type 4.3 Road Base from their Nolans Creek Quarry that is located at Ch508.33 on the Burke Developmental Road, carting approximately 35km from the project site. This is the closest quarry to the project site.

**RISK**

As with all supply and delivery tenders there is always a risk that supply will not match the tendered intent. In this case MSC has requested a supply rate of 700 tonnes per day. Past experience has shown that slower delivery rates than requested in the original tender can increase the time on-site due to inactivity, waiting for material to lay, compact and trim. This, in turn, affects labour, plant and accommodation costs.

Council will allow as much lead time as possible for the tenderer to import material prior to pavement works commencing with a minimum number of staff on-site to undertake tipping distances, traffic control and temporary signage work.

**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**

Council had not yet received acceptance of its tender by TMR at the time of preparing this report and therefore, acceptance of the tender contained in this report is conditional on receiving approval from TMR. Quantities may need to be amended if Council's scope of works is amended by TMR.

Tenderers will be notified of the outcome of the tender assessment in writing once confirmation is received from TMR.

**9.12 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - FEBRUARY 2025****Date Prepared:** 5 March 2025**Author:** Manager Works**Attachments:** Nil**EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Open Spaces, TMR Routine Maintenance Performance Contract (RMPC) and Land Protection operational activities undertaken by Infrastructure Services during the month of February 2025.

**RECOMMENDATION**

That Council receives the Infrastructure Services, Works Progress Report for the month of February 2025.

**BACKGROUND**

A summary of works completed in February 2025 is provided below.

**Transport Infrastructure**General Maintenance

The major maintenance activities carried out in February are listed below;

Activity	Location
Unsealed Road Grading	Black Mountain Road
Bitumen Patching (Area)	Kuranda, Mareeba, Bilwon, Mutchilba, Myola, Top of the Range, Paddy's Green, Chewko, Arriga, Julatten, Koah, Oak Forest, Speewah, Dimbulah
Drainage Maintenance	Andre Street, Barron Falls Road, Beh Road, Butler Drive, Chewko Road, Coconut Grove, Eccles Street, Harriman Street, Hay Street, Ivcevic Road, Orchid Close, Ray Road, Salamone Drive, Shane Court, Springs Road, Stoney Creek Road, Warril Drive, Wolfram Road
Tree Clearing (Area)	Dimbulah, Mareeba, Kuranda, Bilwon, Julatten, Chillagoe, Speewah, Mona Mona, Myola, Oak Forest, Mt Molloy
Herbicide Spraying (Area)	Kuranda, Mutchilba, Bilwon, Mt Molloy, Chillagoe, Dimbulah, Arriga, Mareeba,
Slashing (Area)	Mareeba, Kuranda, Bilwon, Dimbulah, Arriga, Paddy's Green, Julatten, Koah, Lappa, Oak Forest, Chewko,
Road Signage (Area)	Almaden, Arriga, Biboohra, Chewko, Chillagoe, Dimbulah, Forty Mile, Glen Russel, Julatten, Koah, Kuranda, Mareeba, Mt Molloy, Mutchilba, Paddy's Green, Springfield, Watsonville

Customer Requests

During February, the Works Group received 225 Customer Requests (CRs) with 311 resolved (resolved requests include those received prior to February 2025). The table below shows the number of requests lodged per Works Section for the month.

Month	Roads	Parks and Gardens	Pest Management
February	178	41	6

At the time of reporting, the Works Group had 91 open requests.

**TMR Routine Maintenance Performance Contract (RMPC)****32A - Kennedy Highway (Cairns - Mareeba)**

- Rest Area Servicing at Edmund Kennedy Bridge
- Herbicide Spraying

**34A - Mulligan Highway (Mareeba – Mt Molloy)**

- Pothole patching
- Herbicide spraying
- Rural slashing two (2) cut width - Hodzic Road to Mt Molloy

**34B - Mulligan Highway (Mt Molloy – Lakeland)**

- Rest Area Servicing at Rifle Creek
- Roadside litter collection at Rifle Creek and Mt Carbine Truck Stop
- Remove dumped litter from truck stop
- Edge repair/widening from Desailly's Creek to Mt Molloy
- Rural slashing Spear Creek to Rifle Creek - Full cut both sides where possible
- Rural slashing Mt Molloy to bottom of Desailly's Range
- Clearing Landslip at Reedy St George Bridge
- Repair/Replace Guide Markers

**653 - Mossman-Mt Molloy Road**

- Rest Area Servicing at Hunter Creek
- Roadside litter collection at Hunter Creek, Environ Park and Lyons Park
- Edge repairs required near Pipe 70 on Rex Range, Nine Mile Store and Highland Drive turnoff
- Herbicide Spraying including Rex Range
- Rural slashing Mt Molloy to Mossman - Full cut both sides where possible
- Pothole patching
- Remove fallen trees on Rex Range
- Re-instate CAM sign
- Repair/Replace Guide Markers

**664 - Mareeba-Dimbulah Road**

- Herbicide Spraying
- Edge repair/widening
- Erect water over road signs at various locations along road between Maisel's Farm and Borzi Road Arriga
- Pothole patching

**6632 - Herberton-Petford Road**

- Clearing silt from causeways and minor road repairs along gravel section from Watsonville to Irvinebank

**89B - Burke Developmental Road (BDR)**

- Eureka Creek Rest Area Servicing and ground maintenance
- Erect warning signage for scours from King Vol-Louisa Creek
- Medium Formation Grade Almaden-Chillagoe
- Clearing silt off Little Pump Creek Almaden
- Erect road closed signage at Eureka Creek causeway

**Parks and Open Spaces**

Description	Comment
Mowing	Mareeba, Dimbulah, Kuranda, Mt Molloy/Julatten, and Chillagoe mowing is on schedule, mowing every 10 – 12 days as planned
Playing fields mowing	Davies Park now 2x week at 50mm, Borzi Park now 2x week at 25mm, Firth Park weekly at 32mm
General maintenance	Herbicide centre medians and areas inaccessible to street sweeper
Playgrounds	Toddler swing seat replaced Centenary Park, Kuranda. Seat replaced on exercise equipment at Mary Andrews Park
Slashing	Town entrances complete. Slashing Barron Esplanade at time of reporting
Burials	<p>Mareeba Cemetery</p> <ul style="list-style-type: none"> <li>• Three (3) in-ground interments</li> <li>• One (1) Free Standing Mausoleum interment</li> <li>• Two (2) Mausoleum Wall interments</li> </ul> <p>Chillagoe Cemetery</p> <ul style="list-style-type: none"> <li>• One (1) ashes in grave interment</li> </ul> <p>Dimbulah</p> <ul style="list-style-type: none"> <li>• One (1) in-ground interment</li> </ul>
LOA	LOA prisoners at the Mareeba Cemetery, Pioneer Cemetery and Amaroo
Fire Management	Fuel load assessments in Chillagoe, Dimbulah and Mutchilba

**Land Protection**

**Parthenium Weed:** Inspections carried out on all sites. All landholders are complying with their biosecurity obligation. Over the current wet season, all sites will be monitored with active sites visited monthly. Other sites, where Parthenium was previously detected but is no longer present, will be monitored quarterly, and then yearly.

**Navua Sedge:** Roadside herbicide treatment using selective herbicide Sempra on State (TMR) and local roadsides in the Julatten area.

**Giant Rats Tail Grass:** Roadside spraying of giant rats tail grass on council and TMR roadsides using a selective herbicide Tussock to target GRT working from Mt Molloy to Mareeba.

**Electric ants:** sentinel site survey for electric ants at Council transfer stations, samples collected and supplied to Bio security QLD, no suspicious samples were collected.

**Feral Pigs:** 3 Pig traps on loan to landholders in Speewah, Koah and Mt Molloy. Seven (7) pigs trapped in Koah.

**Wild dogs:** 1080 baiting carried out on one (1) cattle grazing property on the upper Mitchell River catchment totalling 16,242 Ha.

**Feral/Stray cats:** Customer requests have been received regarding the increase in feral/stray cats in the Byrnes Street business area. Feral cats in town areas are difficult to deal with due to the requirement to trap set in public areas increases the likelihood of traps being damaged or stolen. Several businesses have been approached to allow traps to be set on their property to try and manage the cat population. Any cats trapped are handed over to Local Laws.

## 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

## 10 OFFICE OF THE CEO

<b>10.1 PETITION OBJECTING TO THE PLAN OF THE NEW ACCESS ROAD THROUGH LOT 5 OF THE EDGE ESTATE</b>
--

**Date Prepared:** 6 March 2025

**Author:** Chief Executive Officer

**Attachments:** 1. Petition [↓](#)

---

### EXECUTIVE SUMMARY

This report introduces a petition from a resident on Antonio Drive which was received by Council on 5 March 2025, which objects to the plan of the new access road through lot 5 of the Edge Estate to the new subdivision on Lot 453 that is to be located east of the DPI off Peters Street.

### RECOMMENDATION

That Council receives the petition and a report be tabled at a future Council meeting.

### BACKGROUND

In terms of Council's Standing Orders, Council has three (3) options with regard to petitions that are tabled and these are:

1. The petition be received; or
2. The petition be received and referred to a committee or officer for consideration and a report to Council; or
3. The petition not be received because it is deemed invalid.

The petition generally meets the requirements as per the Standing orders as the Petition has over 10 signatures. This petition has 34 signatures.

The petition reads as follows:

*"The names of the persons listed below currently reside in the Edge Estate and objects to the plan of the new access road through lot 5 of the Edge Estate to the new subdivision on Lot 453 that is to be located east of the DPI off Peters Street as referenced in:*

**8.5 CHANGE OF DEVELOPMENT APPROVAL- SIBI GIRGENTI HOLDINGS PTY LTD- RECONFIGURING A LOT- SUBDIVISION (1 INTO 80 LOTS) -LOT 300 ON SP336263 (FORMALLY LOT 1 RP730895) – ANTONIO DRIVE, MAREEBA – REC/07/0043 (THE EDGE ESTATE)**

*This change application also provides opportunity for Council to require a connection road through proposed Lot 5, linking the Edge Estate and Lot 453 on SP247821, the undeveloped Low Density Residential zoned property to the north. A development application is underway for the subdivision of Lot 453 into 27 lots."*

The covering letter from the head petitioner further states

*‘The planned access road from the new subdivision to Antonio Drive through Lot 5 will have implications to The Edge Estate residents that include but are not limited to.*

- i. An increase in traffic such as construction and tradies vehicles that will have to passthrough the Edge Estate to access the new subdivision.*
- ii. An increase in the risk of accidents due to the higher traffic volumes especially through the intersection of Antonio Drive and Michelina Close where trucks have to negotiate two tight corners and, the road is not wide enough for two trucks to pass, there is no road verge and there is insufficient road markings such as road centre line and who has to give way.*
- iii. An increased security risk to theft and burglary due to the proposed double access which allows through traffic.*
- iv. Loss of amenity to The Edge Estate.*

*All residents of the Edge Estate purchased their properties on the premise that The Edge Estate would have only one access road and, we would like it kept so.”*

## **RISK IMPLICATIONS**

### **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.

## **IMPLEMENTATION/COMMUNICATION**

The Head Petitioner will be notified of Council's decision.





Mareeba Shire Council  
65 Rankin Street  
Mareeba  
QLD 4880

4<sup>th</sup> March 2025

To the Mayor/ Chief Executive Officer

Please find attached petition containing four (4) pages with forty-seven (47) signatories from The Edge Estate residents **objecting** to the planned connection road through proposed Lot 5 on Lot 300 SP336263 linking The Edge Estate and Lot 453 on SP247821.

The planned access road from the new subdivision to Antonio Drive through Lot 5 will have implications to The Edge Estate residents that include but are not limited to.

- i. An increase in traffic such as construction and tradies vehicles that will have to pass through The Edge Estate to access the new subdivision.
- ii. An increased risk of accidents due to the higher traffic volume especially through the intersection of Antonio Drive and Michelina Close where trucks have to negotiate two tight corners and, the road is not wide enough for two truck to pass, there is no road verge and there are insufficient road markings such as road centre line and who has to Give Way.
- iii. An increased security risk to theft and burglary due to the proposed double access which allows through traffic.
- iv. Loss of amenity to The Edge Estate.

All residents of The Edge Estate purchased their properties on the premise that The Edge Estate would have only one access road and, we would like to keep it so.

Signed on behalf of The Edge Estate residents by Mr Paul Somerville (The Principle Petitioner)

Principle Petitioner Details  
Mr Paul Somerville  
9 Antonio Drive  
Mareeba  
QLD 4880


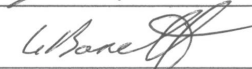






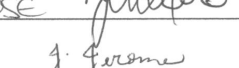
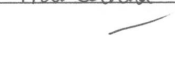
Mobile number 0499 993 454  
Email: ps.somerville@bigpond.com

## Petition – New Road Plan for The Edge

The names of the persons listed below currently reside in The Edge Estate and **object** to the plan of the new access road through Lot 5 of The Edge Estate to the proposed new subdivision on Lot 453 that is to be located east of the DPI off Peters Street as referenced in:

**8.5 CHANGE OF DEVELOPMENT APPROVAL - SIBI GIRGENTI HOLDINGS PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 80 LOTS) - LOT 300 ON SP336263 (FORMERLY LOT 1 ON RP730895) - ANTONIO DRIVE, MAREEBA - REC/07/0043 (THE EDGE ESTATE)**

This change application also provides opportunity for Council to require a connection road through proposed Lot 5, linking The Edge Estate and Lot 453 on SP247821, the undeveloped Low Density Residential zoned property to the north. A development application is currently underway for the subdivision of Lot 453 into 27 lots.

Date	Name	Address	Signature
03-03-25	PAUL SOMERUILLIE	9 ANTONIO DRIVE	
03-03-25	SHARON SOMERUILLIE	9 ANTONIO DRIVE	
03-03-25	Gayle Mitchell	3 Antonio DR.	
03-03-25	GRAHAM MITCHELL	3 ANTONIO DRIVE	
3-03-25	GARDNER BARNETT	1 ANTONIO DRIVE	
3/3/25	Piper Barnett	1 Antonio Drive	
3/3/25	ANDRZEJ KRASKOWSKI	2 Antonio dr	
3/3/25	Ona KRASKOWSKI	2 Antonio dr.	
3/3/25	Georgina Schincariol	5 Michelina close	
3/3/25	DANIEL SCHINCARIOL	5 MICHELINA CLOSE	
3/3/25	Zoe Morris	8 michelinaci	
3/3/25	TAIT BRAGDON	1 Sebastiano CI	
3/3/25	Carol Chang	1 Sebastiano CI	
4-3-25	ROBERT WATT	7 MICHELINA CLOSE	
'	JOANNE JEROME	11 MICHELINA CLOSE	
4/3/25	GNZO Nobel.	15 Michelina close	
4/3/25	Nandita Palthania	17 Michelina close	

## Petition – New Road Plan for The Edge

The names of the persons listed below currently reside in The Edge Estate and **object** to the plan of the new access road through Lot 5 of The Edge Estate to the proposed new subdivision on Lot 453 that is to be located east of the DPI off Peters Street as referenced in:

VSP

**8.5 CHANGE OF DEVELOPMENT APPROVAL - SIBI GIRGENTI HOLDINGS PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 80 LOTS) - LOT 300 ON SP336263 (FORMERLY LOT 1 ON RP730895) - ANTONIO DRIVE, MAREEBA - REC/07/0043 (THE EDGE ESTATE)**

This change application also provides opportunity for Council to require a connection road through proposed Lot 5, linking The Edge Estate and Lot 453 on SP247821, the undeveloped Low Density Residential zoned property to the north. A development application is currently underway for the subdivision of Lot 453 into 27 lots.

Date	Name	Address	Signature
03/03/25	Lincoln Haines	7 Antonio Drive	Lincoln Haines
3/03/25	Emily Haines	7 Antonio Drive	Emily Haines
3/13/25	Courtney Hines	13 Antonio Dr	Courtney Hines
	Ossama Mahdi	21 Antonio Dr	Ossama Mahdi
3/13/25	AMANPREET SINGH	7 PIETRO Court	Amansingh
	SARABJIT KAUR	7 PIETRO Court	Sarabjit Kaur
3/13/25	ASHISH BHANDERI	8 PIETRO Court	Ashish Bhandari
	KRUSHI SANGHANI	8 PIETRO Court	Krushisanghani
3/3/25	B. Nisha SINGH	11 ANTONIO DR.	B. Nisha Singh
3/3/25	Andrew Singh	11 Antonio Dr	Andrew Singh
4/3/25	Shagille Chong	2 Pietro Court	Shagille Chong
4/3/25	Zarna Patel	3 Sebastian Road	Zarna Patel

## Petition – New Road Plan for The Edge

The names of the persons listed below currently reside in The Edge Estate and **object** to the plan of the new access road through Lot 5 of The Edge Estate to the proposed new subdivision on Lot 453 that is to be located east of the DPI off Peters Street as referenced in:

**8.5 CHANGE OF DEVELOPMENT APPROVAL - SIBI GIRGENTI HOLDINGS PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 80 LOTS) - LOT 300 ON SP336263 (FORMERLY LOT 1 ON RP730895) - ANTONIO DRIVE, MAREEBA - REC/07/0043 (THE EDGE ESTATE)**

This change application also provides opportunity for Council to require a connection road through proposed Lot 5, linking The Edge Estate and Lot 453 on SP247821, the undeveloped Low Density Residential zoned property to the north. A development application is currently underway for the subdivision of Lot 453 into 27 lots.

Date	Name	Address	Signature
4-3-2025	RICHARD JOHNSTON	5 ANTONIO DRV	R. Johnston
4-3-2025	SALLY HÖLLWARTH	5 ANTONIO DRIVE	S. Höllwarth
4.3.2025	Lekla Tamang	6 Sebastiano	[Signature]
4-3-2025	[Signature]	10 SEBASTIANO CLOSE	[Signature]
"	Tahnee Rapson	12 Sebastiano	[Signature]
4/3/25	Fernando Vitale	14 SEBASTIANO	[Signature]
4/3/25	Aaron Christensen	14 Sebastiano Cts.	[Signature]
4/3/25	DANIEL CAMP	18 SEBASTIANO CC	[Signature]
4/3/25	SERINA CAMP	18 SEBASTIANO CC	[Signature]
4/3/25	JACOB NEWTH	13 SEBASTIANO CL	[Signature]
4-3-25	Benjamin Duffy	11 Sebastiano CI	[Signature]
4/3/25	Kirsty Gibson	11 Sebastiano CI	[Signature]
4.3.25	Perin [Signature]	9 Sebastiano	[Signature]
4.3.25	Sayden Sheppard	5 Sebastiano	[Signature]

The names of the persons listed below currently reside in The Edge Estate and object to the plan of the new access road through Lot 5 of The Edge Estate to the proposed new subdivision on Lot 453 that is to be located east of the DPI off Peters Street as referenced in:

*This change application also provides opportunity for Council to require a connection road through proposed Lot 5, linking The Edge Estate and Lot 453 on SP247821, the undeveloped Low Density Residential zoned property to the north. A development application is currently underway for the subdivision of Lot 453 into 27 lots.*

[illegible]



**11      CONFIDENTIAL REPORTS**

Nil

**12      BUSINESS WITHOUT NOTICE**

**13      NEXT MEETING OF COUNCIL**





## **14 FOR INFORMATION**

<b>14.1 SUMMARY OF NEW PLANNING APPLICATIONS &amp; DELEGATED DECISIONS FOR THE MONTH OF FEBRUARY 2025</b>
---

**Date Prepared:** 4 March 2025

**Author:** Planning Technical Support Officer

**Attachments:** Nil

---

### Summary of new Planning Development Applications and Delegated Decisions for February 2025

New Development Applications					
Application #	Lodgement Date	Applicant/Address	Property Description	Application Type	Status
MCU/25/0004	18/02/2025	E and J Swemmer C/- Freshwater Planning 59 Marsterson Road, Mutchilba	Lot 3 & 4 on M9162	MCU – Health Care Services	Stop to Current Period
MCU/25/0005	27/02/2025	Cindy Ding 80 Pty Ltd TTE C/- Freshwater Planning 117 Cedar Park Road, Koah	Lot 4 on SP289732	MCU – Nature Based Tourism	Application Stage
RAL/25/0002	27/02/2025	L Posma C/- Twine Surveys 49 & 165 Slape Road, Mareeba	Lot 23 on SP193149 & Lot 1 on RP749138	ROL – Boundary Realignment	Application Stage
OPW/25/0001	28/02/2025	Ergon Energy Kennedy Highway, Mareeba	Lot 84 on SP332272	OPW – Substation Expansion with associated Earthworks, Access and Stormwater Management	Application Stage

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
MCU/24/0025	11/02/2025	Jan-Yves Eldred & Claire E Eldred C/- Scope Town Planning	397 Speewah Road, Speewah	Lot 20 on SP342262	MCU – Caretakers Accommodation
MCU/25/0002	12/02/2025	Schilling Group Pty Ltd C/- Baker Building Certification	2 Kylie Close, Mareeba	Lot 20 on RP749168	MCU – Dual Occupancy
RAL/25/0001	11/02/2025	Caroline A McConaghy	22 Meadow Road, Julatten	Lot 3 on SP190078	ROL – (1 Lot into 2 Lots)

Negotiated Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

February 2025 (Regional Land Use Planning)

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
Nil					
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/19/0011	24/02/2025	Tim Anderson C/- Devenish Law	437 Koah Road, Koah	Plan of Lots 722 – 724 on SP349380 (Cancelling Lot 720 on SP323222)	3
RAL/24/0010	10/02/2025	Craig Morris and Cassandra Hallam	29 Carr Road, Julatten	Plan of Lots 1 & 2 on SP351945 (Cancelling Lot 1 on RP731148 & Lot 1 on RP735687)	2
RAL/24/0015	27/02/2025	R Hurley & B Barton C/- Brazier Motti Pty Ltd	5 & 7 Kuranda Crescent, Kuranda	Plan of Lots 6 & 7 on SP352396 (Cancelling Lots 6 & 7 on RP726343)	2