



## **Ordinary Meeting**

**Council Chambers**

**Date: 20/01/2016**

**Time: 9:00am**

## **MINUTES**

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## **MEMBERS IN ATTENDANCE**

Members Present: Cr T Gilmore (Mayor), Crs A Holmes, M Graham, K Ewin, E Brown, A Pedersen and J Jensen.

## **APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS**

Nil

## **BEREAVEMENTS/CONDOLENCES**

A minute's silence was observed as a mark of respect for those residents who passed away during the previous month.

## **DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/ CONFLICTS OF INTEREST**

There were no Material Personal Interests or Conflicts of Interest declared by any Councillor or Senior Council Officer in relation to the items of business listed on the Agenda.

## **CONFIRMATION OF MINUTES**

Moved by Cr Brown

Seconded by Cr Jensen

"That the Minutes of the Ordinary Council Meeting held on 16 December 2015 be confirmed as true and correct."

**CARRIED**

## **BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS**

Nil

## CORPORATE AND COMMUNITY SERVICES

### REGIONAL LAND USE PLANNING

**ITEM-1 APPLICATION FOR COMMERCIAL OTHER -  
 PRODUCER/WHOLESALE LIQUOR LICENCE -  
 MONSOON DISTILLERY - LOT 2 ON RP711194, PARISH  
 OF SMITHFIELD**

Moved by Cr Jensen

Seconded by Cr Pedersen

"That Council offer no objection to the granting of a Commercial Other - Producer/Wholesaler Licence to Perry Marshall of Monsoon Distillery on land described as Lot 2 on RP711194, Parish of Smithfield, situated at 1015 Kennedy Highway, Kuranda, subject to the standard trading conditions."

**CARRIED**

**ITEM-2 N CARPENTER & L SNART - RECONFIGURING A LOT -  
 SUBDIVISION (1 INTO 3 LOTS) - LOT 1 RP896876 - 31-39  
 BLACK MOUNTAIN ROAD, KURANDA - DA/15/0054**

Moved by Cr Jensen

Seconded by Cr Holmes

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

| APPLICATION                 |   | PREMISES       |                                    |
|-----------------------------|---|----------------|------------------------------------|
| <b>APPLICANT</b>            | N Carpenter & L Snart                             | <b>ADDRESS</b> | 31-39 Black Mountain Road, Kuranda |
| <b>DATE LODGED</b>          | 8 December 2015                                   | <b>RPD</b>     | Lot 1 on RP896876                  |
| <b>TYPE OF APPROVAL</b>     | Development Permit                                |                |                                    |
| <b>PROPOSED DEVELOPMENT</b> | Reconfiguring a Lot - Subdivision (1 into 3 lots) |                |                                    |

and in accordance with the Sustainable Planning Act 2009, the applicant be notified that the application for a development permit for the development specified in (A) is:

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

And

The assessment manager does consider that the assessment manager's decision conflicts with a relevant instrument.

| Details of the conflict with the relevant instrument  | Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict   |
|---|--|
| Rural Zone Code 4.80 Reconfiguring a Lot<br><br><b>PS1.2</b> Allotments to have a minimum area of 30 hectares and road frontage of 150 metres if outside the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5. | <p><i>The subject land and surrounding rural allotments are heavily forested with no agricultural potential.</i></p> <p><i>The proposed development would separate 2 of the site's 5 existing dwelling houses, one of which is already contained in a separately rated leased area, and will not create additional vacant allotments.</i></p> <p><i>As no additional vacant allotments would be created, the development will not result in additional environmental impacts, nor result in an ad-hoc increase in demand on Council's road network infrastructure.</i></p> <p><i>The two proposed smaller lots are not inconsistent with the subject land's proposed rural residential zoning under the draft planning scheme.</i></p> |

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 3 Lots)

(B) APPROVED PLANS:

| Plan/Document Number | Plan/Document Title                            | Prepared by          | Dated    |
|----------------------|--|----------------------|----------|
| 1268-01A             | Proposed Lots 1-3 Cancelling Lot 1 on RP896876 | TerraModus Surveying | 30/11/15 |
| 1268-02A             | Proposed Lots 1-3 Cancelling Lot 1 on RP896876 | TerraModus Surveying | 30/11/15 |

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the additional payment condition/s within these conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved otherwise by Council's delegated officer.
- 3.5 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance of any existing buildings or structures that are in close proximity to any new property boundary must be submitted prior to endorsement of the plan of survey.
- 3.6 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.7 Flood Immunity
- All new buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.
- 3.8 No filling is to occur below the 100 ARI flood level unless approved in further Operational Works applications for works associated with the approved conditions of development.

### 3.9 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full.

## 4. Infrastructure Services and Standards

### 4.1 Access

Access to each allotment shall be constructed/upgraded (from the edge of the road pavement to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

### 4.2 Stormwater Drainage

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

### 4.3 Water Supply

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

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

### 4.4 On-Site Wastewater Management

The on-site wastewater disposal system for each lot must be maintained in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547).

### 4.5 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 to each lot.

The applicant must enter into a wayleave agreement with Ergon Energy to facilitate access for maintenance of existing electricity infrastructure.

#### 4.6 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.

#### 5. Additional Payment Condition/s (section 650 of the Sustainable Planning Act 2009)

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

5.2 The developer must pay \$5,340.00 for each additional allotment as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

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

- The trunk water infrastructure servicing the land (\$10,680.00)

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

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

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

#### (D) ASSESSMENT MANAGER'S ADVICE

##### (a) Water Meters/Water Service Connection

Prior to the installation of the water meter by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic

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drawings. The cost of the required water meter will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation, Connection, Disconnection Request. The Water Quotation Request must be lodged and the required water meter fee paid prior to the signing of the survey plan.

(b) 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.

(c) Compliance with applicable codes/policies

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

(d) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- flood immunity

(e) Environmental Protection and Biodiversity Conservation Act 1999

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

(f) Cultural Heritage

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

(F) RELEVANT PERIOD

When approval lapses if development not started (s.341)

- Reconfiguring a Lot not requiring Operational Works – two (2) years (starting the day the approval takes effect);



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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)."

**CARRIED**

**ITEM-3                                    NEGOTIATED DECISION NOTICE - SPRINGMOUNT RACEWAY PTY LTD - MATERIAL CHANGE OF USE - OUTDOOR SPORT & ENTERTAINMENT FACILITY (DRAG STRIP) LOT 113 SP214842 - SPRINGMOUNT ROAD, ARRIGA - DA/15/0028**

Moved by Cr Pedersen

Seconded by Cr Ewin

"1. That in relation to the written representations made by Planning Plus regarding conditions of the following development approval:

| APPLICATION                 |  | PREMISES |                          |
|-----------------------------|--|----------|--------------------------|
| APPLICANT                   | Springmount Raceway Pty Ltd  | ADDRESS  | Springmount Road, Arriga |
| DATE REQUEST FOR NDN LODGED | 21 December 2015   | RPD      | Lot 113 on SP214842      |
| TYPE OF APPROVAL            | Development Permit   |          |                          |
| PROPOSED DEVELOPMENT        | Material Change of Use - Outdoor Sport and Entertainment Facility (Drag Strip) |          |                          |

and in accordance with the Sustainable Planning Act 2009:

(A) Approved plan/s of Council's Decision Notice issued on 18 December 2015 be amended as follows:

| Plan/Document Number       | Plan/Document Title   | Prepared by         | Dated                |
|----------------------------|---|---------------------|----------------------|
| <del>10256-1 Issue G</del> | <del>Proposed Drag Strip Lot 113 on SP214842</del>                                  | RPS                 | <del>19/2/2015</del> |
| 10256-1 Issue G            | <b>Proposed Drag Strip Lot 113 on SP214842 (including designated camping areas)</b> | RPS / Planning Plus | 19/2/2015            |

(B) Condition 3.4.6 of Council's Decision Notice issued on 18 December 2015 be amended as follows:

3.4.6 *On-Site Camping*

*Camping is permitted on-site for event ~~participants~~ **attendees** only and to the extent listed below:*

- (i) Thursday, Friday, ~~and~~ Saturday **and Sunday** night of the full weekend car show; and*
- (ii) Friday and Saturday night of any monthly weekend race meeting or standalone burnout competition.*

*Campers are not permitted to operate any vehicles at the facility (including camp grounds) during the hours of 10:00pm and 7:00am.*

*Campers are not permitted to play amplified music of any kind.*

*The organisers must ensure that any open fires are appropriately managed and contained.*

***Camping is to be limited to the areas of the site generally identified on RPS Drawing No. 10256-1G.***

*During the investigation of any complaint received by Council regarding camping activities on-site, campers must provide evidence of their ~~participation~~ **attendance** ~~in any~~ **at the** scheduled event for that weekend.*

2. A Negotiated Decision Notice be issued to the applicant/ referral agencies and/or submitters advising of Council's decision."

**CARRIED**

**ITEM-4                      APPLICATION FOR CONVERSION OF TERM LEASE TO FREEHOLD - LOT 49 ON HG71, PARISH OF MASTERTON**

Moved by Cr Ewin

Seconded by Cr Holmes

"That Council offer no objection to the conversion to freehold of the term lease over land described as Lot 49 on HG71, Parish of Masterton and advise the Department of Natural Resources and Mines that Council has no knowledge of any local non-indigenous cultural heritage values associated with the land."

**CARRIED**

**ITEM-5    APPLICATION TO LEASE PART OF UNALLOCATED STATE LAND - LOT 35 ON PLAN AP19662, PARISH OF IRVINEBANK**

Moved by Cr Holmes

Seconded by Cr Graham

"That Council offer no objection to the issue of a lease over unallocated state land shown as Lot 1 on Drawing CNS15/065 described as part of Lot 35 on Plan AP19662, Parish of Irvinebank for the purpose of a radio communication tower and advise the Department of Natural Resources and Mines that Council has no knowledge of any local non-indigenous cultural heritage values associated with the land."

**CARRIED**

**ITEM-6    APPLICATION FOR CONVERSION OF PASTORAL HOLDING TO FREEHOLD - LOT 170 ON CP887723, PARISHES OF THORNBOROUGH & DYNES**

Moved by Cr Ewin

Seconded by Cr Graham

"That Council offer no objection to the conversion to freehold of pastoral holding PH0/201754 over land described as Lot 170 on CP887723, Parishes of Thornborough and Dynes and advise the Department of Natural Resources and Mines that Council has no knowledge of any local non-indigenous cultural heritage values associated with the land."

**CARRIED**

**GOVERNANCE AND COMPLIANCE**

**ITEM-7    DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT 31 DECEMBER 2015**

Moved by Cr Ewin

Seconded by Cr Brown

"That Council receive and note the quarterly report of the Development and Governance Group for October to December 2015."

**CARRIED**

**FINANCE****ITEM-8 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 DECEMBER 2015**

Moved by Cr Pedersen

Seconded by Cr Ewin

"That Council note the financial report for the period ending 31 December 2015 and endorse the emergency order."

**CARRIED****COMMUNITY WELLBEING****ITEM-9 COMMUNITY PARTNERSHIPS PROGRAM REQUESTS FOR ASSISTANCE**

Moved by Cr Brown

Seconded by Cr Ewin

"That Council approve the following contributions to community partnerships in 2015/16 under the Community Partnerships Program:

- \$250 cash donation to support the Mareeba District Garden Awards Competition to sponsor the 'Most Sustainable Garden Award' category;
- \$350 cash donation to the Mareeba Multicultural Festival Committee to support the installation of a shade sail installation in Arnold Park on the proviso the structure goes ahead;
- \$540 cash donation to support the relocation of a donated neighbouring shed to increase the existing Men's Shed facilities;
- Provide a \$10,000 community loan to the Mareeba and Memorial Bowls Club on the proviso the Club are successful recipients of a 'Get Playing Plus' grant. The loan will be made available from 1 July 2016, to be repaid over a 5 year term, interest free."

**CARRIED****ITEM-10 COMMUNITY HOUSING FOR SENIORS POLICY**

Moved by Cr Jensen

Seconded by Cr Graham

"That Council adopt the updated Community Housing for Seniors Policy, attached to these Minutes as Appendix 1."

**CARRIED**

## **INFRASTRUCTURE SERVICES**

### **TECHNICAL SERVICES**

**ITEM-11 TENDER EVALUATION TMSC2015-28 NDRRA 2014  
KURANDA GRAVEL ROADS**

Moved by Cr Pedersen

Seconded by Cr Graham

"That Council award Tender TMSC2015-28 NDRRA 2014 Kuranda Gravel Roads to Gregg Construction Pty Ltd for an amount of \$1,015,358.02 (exclusive of GST)."

**CARRIED**

**ITEM-12 TENDER EVALUATION TMSC2015-29 NDRRA 2014  
WESTERN GRAVEL ROADS**

Moved by Cr Holmes

Seconded by Cr Ewin

"That Council award Tender TMSC2015-29 NDRRA 2014 Western Gravel Roads to Erroll Fitzgerald for an amount of \$945,298.81 (exclusive of GST)."

**CARRIED**

**ITEM-13 TENDER EVALUATION TMSC2015-30 NDRRA 2014  
HERBERTON / CHILLAGOE GRAVEL ROADS**

Moved by Cr Jensen

Seconded by Cr Ewin

"That Council award Tender TMSC2015-30 NDRRA 2014 Herberton Chillagoe Gravel Roads to Watto's Earthmoving and Machinery Hire Pty Ltd for an amount of \$1,062,655.04 (exclusive of GST)."

**CARRIED**

**ITEM-14 SPRINGMOUNT ROAD - HEAVY VEHICLE SAFETY &  
PRODUCTIVITY PROGRAMME**

Moved by Cr Brown

Seconded by Cr Ewin

"That Council endorse an application for Heavy Vehicle Safety and Productivity Programme funding for Springmount Road for 50% (\$265,000), with the remaining 50% to be covered by TIDS and underwritten by Council should the TIDS funding be withdrawn".

**CARRIED**

**ITEM-15    PROPOSED MAREEBA NORTHERN BY-PASS**

Moved by Cr Graham

Seconded by Cr Jensen

"That Council advise the Department of Transport and Main Roads that the resumption of an eighty metre (80m) wide road corridor over Council reserves described as Lot 561 on NR810260, Lot 888 on NR7943 and Lot 539 on SP146295 and part of the MIP on Lot 879 SP198060 for the purpose of the construction of the northern by-pass road, would not be objected to by Council."

**CARRIED****ITEM-16    CHILLAGOE AIRPORT - REMOTE AIRSTRIP UPGRADE**

Moved by Cr Pedersen

Seconded by Cr Holmes

"That Council allocate \$160,000 from Depreciation towards the Chillagoe Airport as part of the works associated with the Remote Airstrip Upgrade."

**CARRIED****ITEM-17    INFRASTRUCTURE SERVICES - TECHNICAL SERVICES  
- MONTHLY ACTIVITIES - REPORT - DECEMBER 2015**

Moved by Cr Graham

Seconded by Cr Ewin

"That Council receive and note the Infrastructure Services Technical Services Monthly Report for the month of December 2015."

**CARRIED****WORKS****ITEM-18    INFRASTRUCTURE SERVICES - WORKS SECTION  
PROGRESS REPORT - DECEMBER 2015**

Moved by Cr Brown

Seconded by Cr Jensen

"That Council receive and note the Infrastructure Services Transport Infrastructure, Parks and Gardens and Bridge Sections - Progress Report for the month of December 2015."

**CARRIED**

## WATER & WASTE

**ITEM-19 MAREEBA WASTEWATER RETICULATION AND KURANDA SUBURBAN WATER SECURITY - NATIONAL STRONGER REGIONS FUND**

Moved by Cr Jensen

Seconded by Cr Holmes

"That Council:

1. endorse the funding proposal to the National Stronger Regions Fund Round 2 for the Mareeba Wastewater Reticulation Network Upgrade and the Kuranda Suburban Water Security Project; and
2. commit to funding its co-contribution of \$1.006 million for the Mareeba Wastewater Reticulation Network Upgrade".

**CARRIED**

**ITEM-20 INFRASTRUCTURE SERVICES - WASTE OPERATIONS REPORT - DECEMBER 2015**

Moved by Cr Holmes

Seconded by Cr Brown

"That Council receive and note the Infrastructure Services, Waste Operations Progress Report, December 2015."

**CARRIED**

**ITEM-21 INFRASTRUCTURE SERVICES - WATER AND WASTEWATER GROUP - MONTHLY OPERATIONS REPORT - DECEMBER 2015**

Moved by Cr Jensen

Seconded by Cr Ewin

"That Council receive and note the December 2015 Monthly Water and Wastewater Report."

**CARRIED**

## BUSINESS WITHOUT NOTICE

**ADHOC-1 REGIONAL RACING DAY**

Moved by Cr Brown

Seconded by Cr Pedersen

"That Council write to the Minister for Racing, with regard to the possibility of losing days from regional racing and in particular the Mareeba Turf Club."

**CARRIED**

**ADHOC-2****PRIORITY INFRASTRUCTURE PLAN**

Moved by Cr Gilmore

Seconded by Cr Pedersen

"That a full review of the existing Priority Infrastructure Plan be undertaken and a report be tabled midyear 2016 or earlier if possible, presenting a long term Water Supply Strategy for the Mareeba water supply system."

**CARRIED****ADHOC-3****TRAFFIC MANAGEMENT STUDY MAREEBA CBD**

Moved by Cr Gilmore

Seconded by Cr Ewin

"That the motion moved by Councillor Ewin at the Council meeting of the 2 December 2015 to have a report tabled regarding the traffic movements in Walsh St between Rankin St and Herberton St, be expanded to a full Traffic Management Study for the Mareeba CBD area, including vehicle and pedestrian movements, disability access and parking, with a report bringing terms of reference and budget considerations to be tabled before the 2016/17 Budget in this regard. This report is to be developed in conjunction with the Department of Main Roads."

**CARRIED**

Cr Graham advised that an Ice Forum will be held in Mareeba 10 February 2016 at PCYC. Councillors and members of the public are welcome to attend.

**NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00 am on Wednesday 3 February 2016

There being no further business, the meeting closed at 10:06 am.

.....  
Cr Tom Gilmore  
Mayor



**APPENDIX 1 ITEM-10 COMMUNITY HOUSING FOR SENIORS POLICY****Community Housing  
for Seniors Policy**

|  |   |  |
|--|---|--|
| Council Policy <input checked="" type="checkbox"/> | Internal Policy <input type="checkbox"/>    | Guideline/Procedure <input type="checkbox"/> |
| Draft <input checked="" type="checkbox"/>          | Final <input type="checkbox"/>              | Version: 2.0                                 |
| File ref: POL-ADM-COM                              | Policy Section: Community Wellbeing         |  |
| Date Adopted:                                      | Review Date: October 2016                   |  |
| Author: Deborah Gillespie, Cristina Aloia          | Review Officer: Manager Community Wellbeing |  |

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## **1. POLICY INTENT**

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Mareeba Shire Council is committed to providing housing for Seniors in the towns of Mareeba, Mount Molloy, Kuranda and Dimbulah.

This policy establishes a formal process to ensure there is a consistent approach to managing the community housing facilities of the Mareeba Shire Council.

## **2. SCOPE**

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This policy shall apply when considering all requests relating to the community housing facilities of the Mareeba Shire Council.

Mareeba Shire Council delivers a Long Term Community Housing Program and has funding agreements with the Department of Housing and Public Works. As a result, Council is obliged to adhere to the relevant Departmental regulation and policy for funded properties. For the properties that do not have a funding agreement, the policy and criteria remains consistent.

As a community housing provider, Mareeba Shire Council is required to abide by the *Residential Tenancies and Rooming Accommodation Act 2008*, administered by the Residential Tenancies Authority (RTA) for all tenancy related matters such as bond, lease agreements and rent.

## **3. BACKGROUND**

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### **3.1 ELIGIBILITY**

The Mareeba Shire Council *Community Housing for Seniors Policy* adopts the eligibility process currently used by the Department of Housing and Public Works which involves a need-based assessment for community housing assistance. Implementation of these criteria is a requirement of the *Housing Regulation 2015*, and stipulated in the *Social Housing Eligibility Criteria*.

All applicants for community housing are assessed against the common intake eligibility criteria as identified in the *Social Housing Eligibility Criteria*:

- Australian citizenship or residency;
- Queensland Residency - In addition to the requirements of the *Social Housing Eligibility Criteria*, preference will be given to applicants who have been resident in the Mareeba Shire Council area for five (5) years and over or have relatives living in the Mareeba Shire Council for ten (10) years and over;
- Property Ownership;
- Liquid assets;
- Independent income;
- Household income;
- Appropriateness of current housing;
- Reviewing intake eligibility.

Applicants must meet all of the common intake eligibility criteria to apply for housing assistance through the Department's Housing Services offices.

In addition, as the Mareeba Shire Council is a service specifically for Seniors, to be eligible to apply for Council housing the applicants must receive the Age Pension or other approved Pensions ie. DVA, unless otherwise approved by Council.

If an applicant referred to Mareeba Shire Council for housing assistance does not meet all eligibility criteria, the Department of Housing and Public Works, Housing Service Office will be contacted immediately.

### **3.2 ALLOCATION**

Mareeba Shire Council is required to adhere to the *Allocations Policy for Funded Social Housing Providers* when allocating new tenants to vacant properties. Implementation of this policy is a requirement for providers funded under the *Housing Act 2003* to deliver community housing services. Mareeba Shire Council aims to match the needs of the tenants to the most suitable available property.

The *Allocations Policy for Funded Social Housing Providers* details the requirements for community housing providers assisting clients into and through the housing system, as appropriate to their needs. The Policy, and related procedures, establish processes for referrals, matching to a vacancy and offers of accommodation.

The movement of a tenant or household from one community housing property to another is managed as per the *Allocations Policy for Funded Social Housing Providers*. The household's needs will be assessed and matched to the property. The intake eligibility criteria will be reviewed to confirm continued suitability to the Long Term Community Housing Program.

### **3.3 COMMUNITY HOUSING RENT POLICY**

Mareeba Shire Council, being a recognised Community Housing Provider, adheres to the principles as outlined in the *Community Housing Rent Policy 2013*, Department of Housing and Public Works Housing Services. The *Community Housing Rent Policy 2013* assists in providing tenants with low to moderate incomes with affordable housing.

All enquiries related to rent, or changes to tenants circumstances, should be addressed to the Community Wellbeing Officer at the Mareeba Shire Council. The Officer is able to provide a copy of a current rent ledger, listing all payments to-date.

#### **3.3.1 Rent Calculation**

The rent assessment principles used by the Mareeba Shire Council ensures equity and affordability for tenants in long term community housing. The payment is based on a comparison of:

- 25% of the household's assessable income plus Commonwealth Rent Assistance; OR
- The market rent for the property.

Council uses the Department's Electronic Rent Calculator Tool (ERCT) to determine if the rent for each property is set at the market rent or is no more than 25% of the tenant's assessable income plus rent assistance, with the tenant to pay whichever is the lower amount.

*a) Determining 25% of assessable income plus rent assistance*

This calculation is determined by the tenant's financial situation.

*b) Determining market rent*

No more than once every 12 months, an independent property valuer or real estate agent is appointed by Council to conduct a rent appraisal of each property, based on the following criteria:

- Local market rent conditions;
- Individual property characteristics including location, size and age of the property;
- The financial contributions made by tenants to properties;
- The low risk of property damage;
- The long term tenancy of most properties;

This approach ensures that rent is no more than 25% of the tenant's assessable income plus rent assistance.

Subsequent rent increases will be by normal annual increment based on Council Cost Index (approximately 2.6%) to take place annually in April, coinciding with annual Commonwealth pension and income support payment increases.

### **3.3.2 Rent Reviews**

The new Mareeba Shire Council undertook a comprehensive rent review in 2014/15. Independent property services provided a rent appraisal of each property in accordance with 3.3.1 (b).

The independent rent appraisals were all considerably higher than current rents at that time and to minimise the negative impact on tenants, a phased approach to implementing these appraised rent increases by 31 October 2016 has been adopted.

Subsequent rent increases after 31 October 2016 will be by normal annual increment based on Council Cost Index (approximately 2.6%) to take place annually in April, coinciding with annual pension increases.

Further market rent appraisals will be conducted as required to align Council rents with the housing rental market.

As outlined at Section 3.6, it is the responsibility of the tenant to seek approval from Council of any significant improvements added during their tenancy to update Council records. The improvements will be excluded from consideration during rent appraisals for the length of the tenancy. When the tenant responsible for the improvement vacates the property, the rent will be reviewed for prospective tenants, taking into account any property improvements.

Two months' notice will be given prior to any increase in rent.

### 3.3.3 Rent Payment Methods

There are different methods for payment of rent to suit the tenant's requirements.

- Cash, cheque, debit or credit card at a Mareeba Shire Council Service Centre;
- A bill paying service - Centrepay is a free direct bill paying service for tenants receiving Centrelink payments such as the age pension. Rent can be deducted directly from Centrelink payments and paid directly to the Mareeba Shire Council each fortnight;
- Direct Debit - rental payments are debited from the tenant's bank account and deposited to Mareeba Shire Council's account;
- Electronic Direct Deposit - the tenant can electronically deposit rental payments to Mareeba Shire Council's account.

### 3.3.4 Rent Arrears

If the tenant is not able to pay their rent, they are required to contact the Mareeba Shire Council's Community Wellbeing Officer immediately to discuss supportive option ie. a rent payment plan.

If the rent is 7 days overdue, the Community Wellbeing Officer may issue a *Notice to Remedy Breach* (RTA Form 11). The tenant will have seven (7) days to pay the outstanding rent. If payment is not received, a Notice to Leave (RTA Form 12) can be sent. This will give a further fourteen (14) days for the tenant to pay their rent. The tenancy may be ended if the tenant has not paid the outstanding rent in accordance with the *Notice to Remedy Breach*.

## 3.4 CAPITAL WORKS

The purpose of Capital Works is to ensure the assets of the Mareeba Shire Council are maintained in good and working condition and in doing so improves the living conditions of the tenants.

Major capital works is carried out on existing units to improve and maintain the assets where required on an annual basis in accordance with Council's budget review. Examples of capital works include:

- external painting;
- internal painting;
- installation of security screens;
- installation of roofing insulation;
- replace roof guttering and install gutter guard;
- replacement of fencing;
- installation of driveways and path ways;
- general regular upgrades of all units.

## 3.5 MAINTENANCE

A reliable maintenance service is provided to all Mareeba Shire Council. All maintenance issues or enquiries must be reported to one of Council's Service Centres or directly to the Community Wellbeing Officer (in person or by telephone) before any maintenance or repairs are commenced.

As the lessor, Mareeba Shire Council will make arrangements for any necessary repairs that may be required within Mareeba Shire Council maintenance policies. This maintenance service operates during office hours, and an emergency after hours service is also available.

It is the responsibility of tenants to keep their homes clean and in good condition.

Council will endeavour to respond to urgent enquiries such as flooding within 2 hours of notification. Non-urgent requests for minor repairs, such as leaking taps, Council will contact the tenant within 2 working days to agree on an action.

### **3.5.1 Garden Maintenance**

Tenants are responsible for maintaining their lawns and gardens to satisfactory standard. If large trees or shrubs require pruning, the tenant is required to notify the Community Wellbeing Officer and Council will organise for these works to be completed at Council's cost.

Tenants must avoid planting trees near sewerage and drainage pipes or within three meters of the house as this may cause structural problems to foundations, roof and guttering. Tenants are required to not plant trees and shrubs that exceed 2 to 3 metres in height due to the difficulties of maintenance in the longer term. Vines that cling to property should be avoided.

### **3.5.2 End of tenancy**

When a tenant leaves, the tenant is expected to have maintained his or her home in the same condition as on commencement of the tenancy. Should the community housing property require cleaning to remove mould, repair damage, modifications not approved by Council etc these costs will be charged to the tenant and Mareeba Shire Council will take action to recover costs.

## **3.6 TENANT REQUESTS FOR FIXTURES OR MODIFICATIONS**

All requests for modifications to a community housing property require a formal request by the tenant through the completion of the Mareeba Shire Council *Property Modification Request Form*.

Tenants must obtain written approval before any modification is made to the property. Tenants may have to remove non-approved fixtures/modifications if they are not to Council standard. The property must be returned to its original condition at the tenants cost.

The following are examples for approval by Mareeba Shire Council:

- Modifications and fixtures such as garden sheds, inbuilt cupboards, carports, air-conditioning etc may be added by the tenant subject to approval of Council, permits, plans and regulations (where they apply).
- On approval of a Mareeba Shire Council *Property Modification Request Form* the tenant may proceed with the alteration or fixture to be installed. All costs, with the exception of the building application, will be paid by the tenant. The Mareeba Shire Council will cover the costs related to the building application if required;
- All approved modifications added and paid for by the tenant will remain the tenants responsibility for maintenance and upkeep for the term of the tenancy. At the end of the tenancy, the improvements will become the property of Mareeba Shire Council;

- All improvements added by the tenant at their cost will be excluded from consideration during rent appraisals for the length of the tenancy;
- Mareeba Shire Council will not reimburse tenants for costs expended on improvements and alterations to their units when they vacate units;

### 3.7 KEYS

Tenants are provided with two (2) keys when they rent a unit. Any extra keys required for family members or friends are to be paid for by the tenant. Additional keys must be organised through Council as the key system in place is registered with a local locksmith.

When tenants have locked themselves out of their unit, it is the tenants responsibility to organise access and all costs will be covered by the tenant. The options include:

- During Office Hours - tenants can go to Rankin Street Office to collect a key. The spare key is signed out to the tenant and returned by the tenant at their earliest convenience. The other option is to call a Locksmith and the tenant will be required to pay for this service.
- After Hours - Council does not guarantee an after hours service for lock outs. The After Hours Call Centre may be able to put the tenant in touch with a local locksmith but this is not guaranteed.
- Tenants are encouraged to make suitable private arrangements if they are concerned that they may lock themselves out and another option for consideration is a key safe fixed to the property.

### 3.8 CRITERIA FOR PETS

Mareeba Shire Council recognises that pets can provide companionship, security, and contribute to the health and well-being of our tenants. Tenants will be allowed to keep one (1) dog or (1) one cat where the pet and property complies with Mareeba Shire Council Pet Criteria, Local Laws, *Animal Management Act 2008* and Commonwealth and State Statutes.

#### 3.8.1 Principles

- Pets can provide companionship, security, and contribute to the health and well being of people;
- Pets will be assessed on pet type and will not be limited to dogs and cats;
- Pets will only be approved if the pet/property complies with existing laws;
- Not all pets will be approved by Council;
- The pet is right for the lifestyle and environment of both the pet and applicant;
- Tenants in the community have the right to live without interference from other tenant's pets.

#### 3.8.2 Animals Permitted

- All animals require approval from Council;
- One (1) dog or one (1) cat per unit unless otherwise agreed by Council;
- Dogs and cats are to be de-sexed, micro chipped and a Veterinarian Certificate attached to the Application;
- Dogs must be registered as required by *Animal Management (Cats and Dogs) Act 2008*;



- Dogs are not to weigh more than 8 (eight) kilograms;
- Registered service dogs (including all assistance e.g. Guide dog, hearing dog and assistance dog) greater than 8 (eight) kilograms will be permitted. Copy of certification as per Council's Local Law requirements of a guide dog or hearing dog or assistance dog to be supplied with application;
- Appropriate fence/enclosure to be erected with Council approval. The tenant is responsible for the cost associated with the installation and maintenance of the yard and fencing to safely enclose the animal;
- Removal of all unwanted rubbish and pet faeces regularly;
- Inspections outside of annual and safety inspections will be carried out as required;
- Tenants will be required to apply a flea treatment at the end of the tenancy, if relevant.

### 3.8.3 Nuisances and Complaints

If an approved pet causes a nuisance and if complaints are received that your pet is interfering with the reasonable peace, comfort and privacy of neighbours, Council will investigate. If you are in breach of your Rental Tenancy Agreement or of Local Government laws, Council will withdraw approval to keep a pet; the owner will be required to remove the pet permanently from the unit within a timeframe designated by Council.

## 3.9 COMPLAINTS AND APPEALS

Mareeba Shire Council is committed to improving its services to clients by resolving complaints and appeals quickly and effectively. If a tenant or applicant is dissatisfied with the service or actions of the Council or Council staff, the tenant or applicant can lodge a complaint or an appeal against that decision.

### 3.9.1 Neighbourhood Disputes

Complaints about tenants will be accepted by Mareeba Shire Council however, it is not usually Mareeba Shire Council's policy to actively intervene in disputes between neighbours. However, the Mareeba Shire Council will intervene and provide solutions where it is required to do so under the *Residential Tenancies and Rooming Accommodation Act 2008*.

### 3.9.2 Dispute Resolution Centre

The Dispute Resolution Centre provides mediation services and can help by settling a dispute without legal action. The Dispute Resolution Centre is run by the Department of Justice and Attorney-General and involves guiding discussions between the two parties involved to work out an agreement that suits them both. Mediators will not take sides and will not make judgements. The service maintains the tenant's privacy, is usually free, helps a tenant make their own decisions about the dispute and most importantly, will help to have the problem resolved.

### 3.9.3 Criminal Offences

Council does not have authority to investigate criminal offences. For example if a neighbour is being either physically or verbally harassed by another neighbour, or illegal substances are being used on Mareeba Shire Council housing property, please contact the police.

All complaints and appeals will be handled in accordance with the confidentiality and privacy policy of the Mareeba Shire Council.

All complaints will be investigated in light of current legislation, by-laws and policies of the Mareeba Shire Council, which are relevant to the type of complaint or appeal.

Management will monitor complaints or appeals and ensure that practices causing concern are addressed in line with resolution of the Complaints and Appeals Principles.

Complaints or appeals will be dealt with as quickly as possible within the due process outlined and the complainant shall be kept informed of the relevant process and timeframes.

#### **4. REVIEW**

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It is the responsibility of the Manager Community Wellbeing to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed by 31 October 2016.

**This policy is to remain in force until otherwise determined by Council.**