



## Ordinary Meeting

**Council Chambers**  
**Date: 20 April 2016**  
**Time: 9:00am**

### **AGENDA**

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THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON **WEDNESDAY, 20 APRIL 2016** AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS  
CHIEF EXECUTIVE OFFICER



## ORDER OF BUSINESS

MEMBERS IN ATTENDANCE

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BEREAVEMENTS/CONDOLENCES

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## CORPORATE AND COMMUNITY SERVICES

### REGIONAL LAND USE PLANNING

**ITEM-1**                    **NQ FREIGHT SERVICES PTY LTD - MATERIAL CHANGE OF USE - FREIGHT DEPOT - LOT 1 RP720061 - 173 MARTIN AVENUE, MAREEBA - DA/16/0001**

**MEETING:**                Ordinary

**MEETING DATE:**        20 April 2016

**REPORT OFFICER'S TITLE:**        Senior Planner

**DEPARTMENT:**         Corporate and Community Services

#### APPLICATION DETAILS

APPLICATION		PREMISES	
<b>APPLICANT</b>	NQ Freight Services Pty Ltd	<b>ADDRESS</b>	173 Martin Avenue, Mareeba
<b>DATE LODGED</b>	5 January 2016	<b>RPD</b>	Lot 1 on RP720061
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Freight Depot		

<b>FILE NO</b>	DA/16/0001	<b>AREA</b>	6.369 Ha
<b>LODGED BY</b>	Urban Sync Pty Ltd	<b>OWNER</b>	C & K Ikin
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
<b>ZONE</b>	Rural		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	One (1) submission received		

**ATTACHMENTS:**

1. Proposal Plan/s
2. Department of Infrastructure, Local Government and Planning Referral Agency Response dated 2 February 2016
3. Submitter's letters
4. Applicant's response to submission

## EXECUTIVE SUMMARY

*Council is in receipt of an impact assessable development application described in the above application details. Public notification of the development application attracted two (2) submitters, with one (1) being opposed to the development.*

*The applicants have recently relocated the Fowlers Freight courier business to their Martin Avenue property. Prior to this Fowlers Freight was operated from a residential allotment in McLeod Street, Mareeba.*

*The application and supporting material has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy and the Mareeba Shire Planning Scheme (including codes and policies) and does not conflict with any relevant planning instrument.*

*The key issues with the proposed development are ensuring the scale of the freight depot remains consistent with that described in the development application. Conditions have been drafted to ensure this occurs.*

*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>	NQ Freight Services Pty Ltd	<b>ADDRESS</b>	173 Martin Avenue, Mareeba
<b>DATE LODGED</b>	5 January 2016	<b>RPD</b>	Lot 1 on RP720061
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Freight Depot		

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

And

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

(A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Freight Depot

## (B) APPROVED

PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
n/a	Breakdown of Uses Plan	Urban Sync Pty Ltd	n/a

## (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 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 the 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 1 metre wide landscaped screening buffer, 1.8m high solid fence or building.

### 3.5 Flood Immunity

All buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above 100 ARI year level.

### 3.6 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.

### 3.7 Signage

- (i) No more than one (1) advertising sign for the freight depot is permitted on the subject site.
- (ii) The sign must not exceed 2.4 metres x 1.2 metres or a maximum area of 2.9m<sup>2</sup>.
- (iii) The sign must be kept clean, in good order and safe repair for the life of the approval.
- (iv) The sign must be removed when no longer required.
- (v) The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

### 3.8 Hours of Operation

The operating hours shall be between 6:00am and 6:00pm Monday to Friday and between 8:00am and 10:00am Saturday. No operations are permitted on Sunday or Public Holidays.

### 3.9 Number and Size of Permitted Vehicles

The freight depot use may operate a total of six (6) vehicles with each vehicle having a maximum carrying capacity of two (2) tonnes.

3.10 Access between the freight depot and the Kennedy Highway shall be via the existing Kennedy Highway intersection situated approximately 190 metres north-west of Lot 1 on RP720061 and not via Seary Road/Kenneally Road, except for when deliveries are being made to properties in the Seary Road/Kenneally Road locality.

## 4. Infrastructure Services and Standards

### 4.1 Access

The southern-most access crossover servicing the Freight Depot must be constructed (from the edge of the road pavement to the property boundary of



the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

#### 4.2 Stormwater Drainage/Water Quality

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

#### 4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with a minimum of five (5) on-site car parking spaces which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways must be surfaced to at least gravel standard and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer. Two (2) car parking spaces must be delineated for use by site visitors.

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

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

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

No car parking associated with the freight depot use is permitted within road reserve adjacent to the subject land.

#### 4.4 Landscaping

The landscaping buffer strips along the northern boundary of Lot 1 on RP720061 and the southern border of the 'Freight Depot' Use as shown on the Breakdown of Uses Plan are to be maintained for the life of the Freight Depot Use.

#### 4.5 Water Supply

Any water supplied to the freight depot workers/visitors must be treated so as to be potable (safe for drinking in accordance with National Health Medical Research Guidelines) or if there is not any potable water, it must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

#### 4.6 Lighting

Where outdoor lighting is required the developer shall locate, design and install lighting to operate from dusk to dawn within all areas where the public will be given access, which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.

Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

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

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

- (b) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.

- (c) Compliance with applicable codes/policies

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

- (d) Compliance with Acts and Regulations

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

- (e) Environmental Protection and Biodiversity Conservation Act 1999

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

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 2 February 2016

(F) RELEVANT PERIOD

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

- Material Change of Use – four (4) years (starting the day the approval takes effect);

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

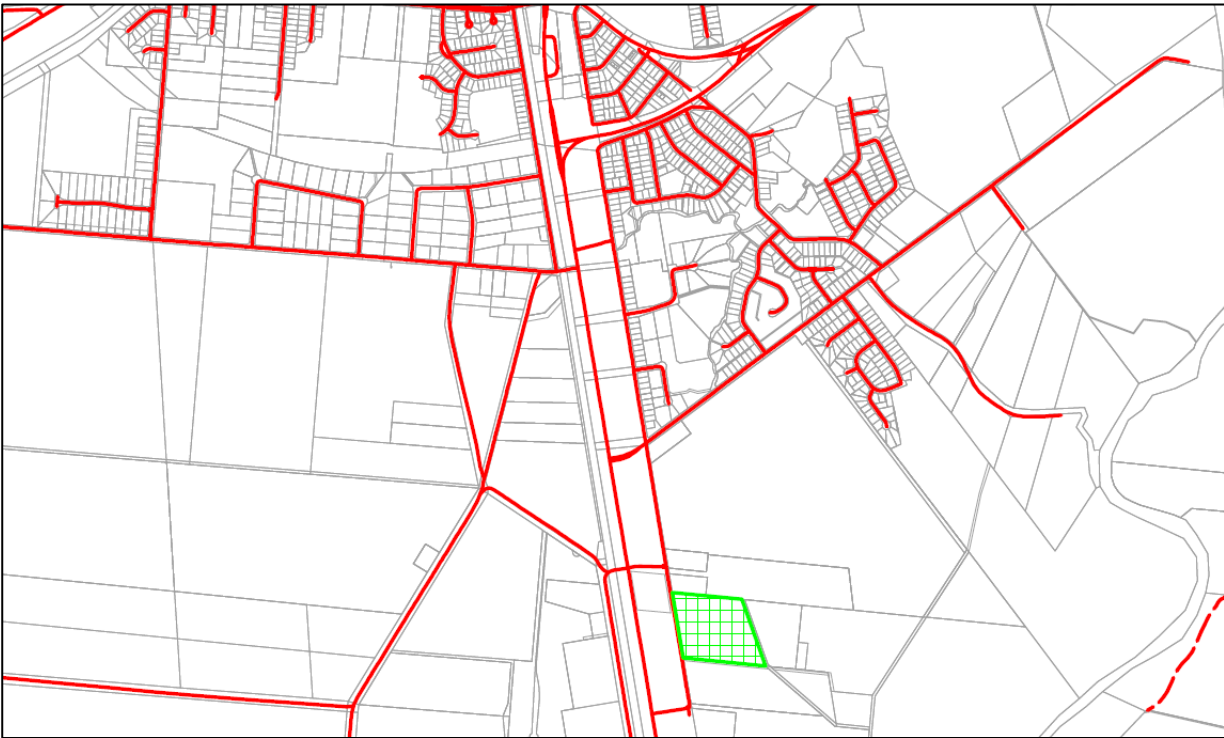
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain an application form and applicable fee)."

## THE SITE

The subject site is situated at 173 Martin Avenue, Mareeba and is described as Lot 1 on RP720061. The site is 6.369 hectares in area, is generally regular in shape and is zoned *Rural* under the Mareeba Shire Planning Scheme.

The site is accessed from Martin Avenue via two separate crossovers and internal driveways, one sealed and one gravelled. Martin Avenue is constructed to an approximate sealed width of five (5) metres for the full frontage of the site (approx. 250 metres). Martin Avenue lies within the State controlled Kennedy Highway road reserve with the Highway situated approximately 140 metres to the west of the site. The allotment is relatively flat and is free from development constraints like easements, remnant vegetation, slope and watercourses. The site is improved by a dwelling and multiple outbuildings clustered in the north-west corner of the site with the remainder of the lot used to graze a small number of livestock.

All surrounding allotments are zoned Rural, with the predominant land use being low density rural residential lifestyle allotments. Two (2) commercial uses, these being the Anza Wholesale Nursery and Mareeba Motor Inn are established on separate lots adjoining the site to the north.



**Map Disclaimer:**

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



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## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Freight Depot in accordance with the plans shown in **Attachment 1**.

The applicants have recently relocated the Fowlers Freight courier business to their Martin Avenue property without first obtaining an effective development permit from Council.

This application seeks to obtain the development permit to provide for the continued operation of the courier business which is defined as a 'freight depot' by the Mareeba Shire Planning Scheme 2004.

The freight depot will operate out of the existing 288m<sup>2</sup> four (4) bay shed located behind the existing low set dwelling. The shed is approximately 30 metres behind the existing residence, and fifteen (15) metres from the northern boundary. A gravelled informal parking and manoeuvring area provides for all on-site parking needs and allows dedicated access from Martin Avenue to the freight depot. The Martin Avenue access is to the south of the existing dwelling house and approximately 90 metres from the northern property boundary.

The applicant advises that the freight depot employs a total of six (6) staff. These include five (5) drivers (one driver dedicated to the Cairns locality) and one (1) receptionist based on-site.

The business currently owns and operates five (5) vehicles four (4) Toyota Hi-ace vans and one (1) two (2) tonne truck, which spend most of the day off site and are used by drivers when not at the business. A sixth vehicle, being a Toyota Hi-ace van or equivalent is being considered. **Note:** The site photographs submitted in support of the application show two (2) two (2) tonne trucks on site. The photograph was taken following the delivery of a new truck and the old truck is being disposed of.

Based on the current operations (5 vehicles), the applicant has estimated the typical maximum number of vehicle trips to and from the site each week to be forty-eight (48) trips. This consists a combined nine (9) trips per weekday for the four (4) Hi-ace vans and one (1) trip per Saturday for one (1) Hi-ace van. The two (2) tonne truck is used for transporting goods between Cairns and Mareeba only typically carries out two (2) trips per week. The possible addition of a sixth vehicle in the future is not expected to increase trips to and from the subject land significantly.

The manoeuvring areas and access are covered with 'crusher dust' and gravel to ensure all weather access. Bore watering provides an opportunity for the gravel to be watered in the morning before the commencement of operations to reduce or limit the potential for any dust to the current residence or the neighbouring properties.

The intended operating hours are as follows:

6:00am to 6:00pm every Monday to Friday; and  
8:00am to 10:00am every Saturday.  
Closed every Sunday and all public holidays.

The existing residential use and small scale animal husbandry (2-5 cattle) will continue over the balance of the subject land.

## REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Regional Activity Centre in the Regional Plan.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Major Urban Growth Node (Mareeba)
Zone:	Rural (GQAL)
Overlays:	Natural Disaster - Bushfire Overlay

## Planning Scheme Definitions

The proposed use is defined as:-

*"**Freight depot** means the use of premises for a purpose in connection with the transportation of goods by air, road or water including the reception, loading, unloading, transfer, distribution and collection of such goods. The term includes a carrier's depot and a delivery depot and where carried out in association with the above it includes the garaging, cleansing and servicing but not repair of road transport vehicles with a capacity of two (2) tonnes or less."*

## RELEVANT PLANNING INSTRUMENTS

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

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

Assessment against the Regional Plan is required because the plan is not reflected in the planning scheme. The application is assessed as being capable of substantially complying with the relevant provisions of the Regional Plan, provided reasonable and relevant conditions are applied.

The following Desired Regional Outcome Land Use Policies are relevant to the assessment of the application:

<b>DRO 1.1 Biodiversity Conservation</b>			
<b>Land Use Policy</b>		<b>Complies</b>	<b>Comments</b>
1.1.1	<i>Urban development within the regional landscape and rural production area is located outside of areas of high ecological significance (see map 3).</i>	✓	The subject land does not contain any areas of high ecological significance.
1.1.4	<i>Urban development in or adjacent to areas of general ecological significance (see map 3) is located, designed and operated to avoid or, where avoidance is not possible, minimise any adverse impacts on ecological values where possible.</i>	✓	Vegetation remaining within the adjacent Kennedy Highway/Martin Avenue road reserve is identified as an area of general ecological significance. The proposed development will have no impact on this vegetation.

<b>DRO 2.4 Primary Production &amp; Fisheries</b>			
<b>Land Use Policy</b>		<b>Complies</b>	<b>Comments</b>
2.4.1	<i>Good quality agricultural land is protected from urban development outside the urban footprint.</i>	✓	<p>The subject land is mapped as GQAL for its entirety. The proposed freight depot will utilise an existing lawfully established shed and the associated gravelled access driveways/manoeuvring areas.</p> <p>The proposed use will not alienate further GQAL through the construction of additional permanent infrastructure.</p> <p>As such, the proposed development will not impact on the future agricultural potential of the site and the use could be discontinued with relative ease should the land ever be required for agriculture.</p>
2.4.2	<i>Appropriate buffer distances between incompatible uses and agricultural operations on good quality agricultural land are provided through sensitive land use planning in accordance with State Planning Policy 1/92.</i>	✓	The neighbouring Anza Wholesale Nursery is an agricultural use. The proposed freight depot is not considered to be incompatible with the wholesale nursery use.

<b>DRO 4.1 Compact Urban Form</b>			
<b>Land Use Policy</b>		<b>Complies</b>	<b>Comments</b>
4.1.1	<i>Urban development is contained within the urban footprint</i>	✓	<p>The proposed freight depot will utilise an existing lawfully established shed and the associated gravelled access driveways/manoeuvring areas.</p> <p>The proposed development would have a minor conflict with this policy. However it will not require the construction of additional permanent infrastructure and the use could be discontinued with relative ease should the land ever be required for agriculture.</p>

**(b) State Planning Policy**

The Department of State Development, Infrastructure and Planning has introduced a single State Planning Policy (SPP) to replace the various SPP's previously in place. As such, this State Planning Policy is not reflected in the Planning Scheme and is, therefore, applicable to the assessment of the application.

An officer assessment of the proposed development against the provisions contained within the SPP has been undertaken and it is not considered to be in conflict with any relevant aspect of the SPP.

<b>Queensland State Planning Policy - July 2014</b>		
<b>State Interest</b>	<b>Complies</b>	<b>Assessment Requirements &amp; Comments</b>
<p><b>Natural hazards</b></p> <p>A development application for a material change of use, reconfiguring a lot or operational works on land within:</p> <ul style="list-style-type: none"> <li>(1) a flood hazard area, or</li> <li>(2) a bushfire hazard area, or</li> <li>(3) a landslide hazard area, or</li> <li>(4) a coastal hazard area.</li> </ul>	<p>✓</p>	<p><b>For all natural hazards:</b></p> <p>Development:</p> <ul style="list-style-type: none"> <li>(1) avoids natural hazard areas or mitigates the risks of the natural hazard, and</li> <li>(2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and</li> <li>(3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and</li> <li>(4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and</li> <li>(5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and</li> </ul> <p><b>Comment</b></p> <p>The subject land is not located within a flood or landslide hazard area.</p> <p>The SPP Bushfire Hazard mapping identifies the State controlled road reserve between the Kennedy Highway and Martin Avenue as an area of Medium Bushfire Hazard. The existing shed (proposed freight depot) is 100 metres from the medium hazard area.</p> <p>The proposed freight depot is considered to be within a low bushfire hazard area.</p>

**(c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)**
**Relevant Desired Environmental Outcomes**



DEO	Complies	Comments
(c) Adverse effects from development on the natural environment are minimised with respect to the loss of natural vegetation, soil degradation, air and water pollution due to erosion, dust and chemical contamination, dispersal of pollutants, effluent disposal and the like.	✓	<p>The proposed development will utilise an established building and infrastructure.</p> <p>There will be no loss of natural vegetation or change to stormwater management practices arising from the proposed development.</p> <p>The low number of vehicle movements to and from the site and the watering of the gravel manoeuvring will limit the potential for dust nuisance.</p>
(d) Good quality agricultural land is conserved and protected from fragmentation and alienation.	✓	<p>The subject land is mapped as GQAL for its entirety. The proposed freight depot will utilise an existing lawfully established shed and the associated gravelled access driveways/manoeuvring areas.</p> <p>The proposed use will not alienate further GQAL through the construction of additional permanent infrastructure.</p> <p>As such, the proposed development will not impact on the future agricultural potential of the site and the use could be discontinued with relative ease should the land ever be required for agriculture.</p>
(g) The standard and location of the built environment, particularly in Mareeba and Kuranda, minimise the use of non-renewable resources, having regard to associated wastewater and effluent disposal infrastructure.	✓	<p>The proposed freight depot will utilise existing on site services. The nature and scale of the courier business mean that most activities (e.g. collection and delivery of goods) will occur off site.</p>
(h) All members of the community have appropriate access to relevant services and facilities that meet their needs and create a sense of community satisfaction.	✓	<p>The proposed development provides a support service for businesses and residents of the Tablelands.</p>
(n) Mareeba's role and identity as the main business, economic centre and regional service centre and gateway to the Cape are consolidated.	✓	<p>The proposed development contributes towards the continued achievement of this DEO.</p>
(t) The protection of existing heavy vehicle routes as shown on Maps R1 and R2 and existing and proposed extraction haulage routes from incompatible land use.	✓	<p>The proposed development is not incompatible with the continued operation of the Kennedy Highway.</p>

### Relevant Development Codes

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

Part 4, Division 14	Rural Zone Code
Part 5, Division 8	Natural Disaster - Bushfire Overlay Code
Part 6, Division 5	Car Parking Code
Part 6, Division 15	Landscaping 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 solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural Zone Code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> <li>▪ 4.78, Specific Outcome S10, PS10</li> </ul> Refer to planning discussion section of this report.
Natural Disaster Bushfire Overlay Code	The application complies with applicable acceptable/probable solutions/performance criteria.
Car Parking Code	The application complies with applicable acceptable/probable solutions/performance criteria.
Landscaping Code	The application complies with applicable acceptable/probable solutions/performance criteria.

### (e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

No. 1 - Water Supply (Outside Reticulated Water Supply Area)

The subject land is serviced by an existing bore water supply.

No. 4 - Development Manual

All development works will be conditioned to be designed and constructed in accordance with the FNQROC Development Manual.

### (f) Additional Trunk Infrastructure Condition (Section 650 of SPA)

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

Section 650 of SPA allows Council to condition additional trunk infrastructure outside the PIA.

The subject site is accessed directly off State controlled road reserve and is 320 metres from the nearest Kennedy Highway intersection.

Considering the minimal length of the road before intersecting with the Kennedy Highway, and the minimal daily vehicle movements, the proposed development is not likely to place any noticeable increase in demand on Council's trunk transport infrastructure (roads).

As such, a contribution towards future upgrades to Council's trunk transport infrastructure is not considered relevant in this instance.

## **REFERRALS**

### **Concurrence**

The application triggered a referral to the Department of Infrastructure, Local Government and Planning as a Concurrence Agency (SARA - DTMR State controlled road).

That Department advised in a letter dated 2 February 2016 that they require the conditions to be attached to any approval (**Attachment 2**).

### **Advice**

The application did not trigger a referral to an Advice Agency.

### **Internal Consultation**

Technical Services

## **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 9 February 2016 to 2 March 2016. The applicant submitted the notice of compliance on 2 March 2016 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Two (2) properly made submissions were received and one (1) of those objected to the proposed development.

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

Grounds for objection /support	Comment
<p>The value of motel will decrease as size of freight depot increases (e.g. very large freight depot involving semi-trailers).</p>	<p>A freight depot is not an inconsistent use in the Rural zone.</p> <p>The scale of the proposed freight depot operation has been clearly outlined in the development application. It may involve up to six (6) vehicles - five (5) Toyota hi-ace vans and one (1) two (2) tonne truck). <u>No semi-trailers are proposed for use in the freight depot operation.</u></p> <p>Any development approval would be conditioned to ensure vehicle type and number does not exceed the above.</p> <p>Any intent to increase the size of the freight depot beyond the above will be subject to a further material change of use development application.</p>
<p>The noise from the existing use of land as a transport depot for heavy earthworks machinery and the proposed freight depot will impact on the motel guests and motel operations.</p>	<p>The alleged use of the subject land as a transport depot (storage of earthworks machinery) is a separate matter which will be discussed with the land owner. The freight depot application does not seek development approval for a transport depot and any approval of the freight depot will not authorise the land to be used as a transport depot.</p> <p>The scale of the proposed freight depot operation has been clearly outlined in the development application. It may involve up to six (6) vehicles - five (5) Toyota hi-ace vans and one (1) two (2) tonne truck). No semi-trailers are proposed for use in the freight depot operation.</p> <p>Any development approval would be conditioned to ensure vehicle type and number does not exceed the above.</p> <p>The anticipated weekly vehicle trips are 51 (102 courier vehicles movements to or from the site per week). The hours of operation are 6:00am to 6:00pm Monday to Friday and 8:00am to 10:00am Saturday.</p> <p>It is considered very unlikely that the outlined hours of operation, together with the type and number of vehicles would adversely impact on the amenity of this locality.</p>
<p>The submitter was required to construct the Kennedy Highway intersection as a condition of their motel development. The intersection is not designed to handle the additional traffic and should be upgraded with lighting. The causeway on the connecting road between the Kennedy Highway and Martin Avenue should be widened.</p>	<p>The development application was referred to the Department of Infrastructure, Local Government and Planning for consideration of the likely impacts on the State controlled road network.</p> <p>The Department has granted conditional approval for the development and has not required the upgrading of the Kennedy Highway intersection.</p> <p>Council officers have inspected the road network (approximately 320 metres) between the Kennedy Highway and the freight depot access and have not recommended the widening of the causeway or any other section of this road.</p>

**Submitters**

<b>Name of principal submitter</b>	<b>Address</b>
1. SunWater Limited (no objection)	PO Box 15536, City East Brisbane QLD 4002
2. Mareeba Motor Inn	PO Box 1808, Mareeba QLD 4880

**PLANNING DISCUSSION**

Noncompliance with the relevant acceptable solutions or probable solutions/performance criteria contained within the Dwelling House code are summarised as follows:

**Rural Zone Code*****Building, Siting, Scale and Amenity***

**S10** *Uses not dependent upon good quality agricultural land are not located on Good Quality Agricultural Land identified on Agricultural Land Quality Maps S2 to S5, unless there is an overriding need and no alternative sites.*

**PS10** *No probable solution prescribed.*

Comment

The subject land is mapped as GQAL for its entirety. The proposed freight depot will utilise an existing lawfully established shed and the associated gravelled access driveways/manoeuvring areas.

The proposed use will not alienate further GQAL through the construction of additional permanent infrastructure.

As such, the proposed development will not impact on the future agricultural potential of the site and the use could be discontinued with relative ease should the land ever be required for agriculture.

The proposed development is considered to comply with S10.

**Date Prepared:** 31 March 2016

**ATTACHMENT 1**

**APPROVED PLANS (ECM VS 3750053)**

**Breakdown of Uses Plan**



**Legend:**

- Residential Use
- 'Freight Depot' Use
- Existing 'Animal Husbandry—General' Use, associated with existing Residential Use.
- Shared access areas



Image 1: Existing four (4) bay shed used to house existing logistics operations.



Image 2: Dedicated storage facilities.





Image 3: Existing access to staff facilities contained within the existing shed.

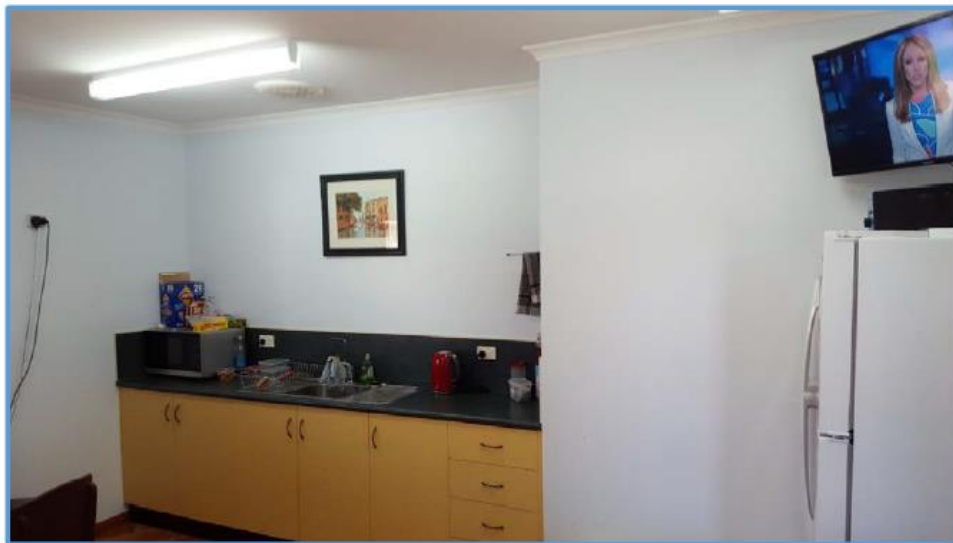


Image 4: Existing kitchenette forming part of existing staff facilities.







Image 5: Vehicles associated with 'Freight Depot'.



Image 6: South-westerly view of existing parking and manoeuvring areas associated with logistics company, showing existing mature vegetation lining the egress only vehicular access area.





Image 7: Westerly view of the existing development taken from the existing parking/manoeuvring area associated with the logistics company, illustrating the level of separation between the shed and the existing company.



**ATTACHMENT 2**Department of Infrastructure,  
Local Government and PlanningOur reference: SDA-0116-027166  
Your reference: DA/16/0001

02 February 2016

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

Dear Sir / Madam

**Concurrence agency response—with conditions**

Development permit for a material change of use on land located at 173 Martin Avenue, Mareeba, QLD 4880, and described as Lot 1 on RP720061

(Given under section 285 of the *Sustainable Planning Act 2009*)The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 13 January 2016.**Applicant details**

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Applicant name:	NQ Freight Services Pty Ltd
Applicant contact details:	C-/Urban Sync Pty Ltd PO Box 2970 Cairns QLD 4870 louise@urbansync.com.au

**Site details**

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Street address:	173 Martin Avenue, Mareeba, QLD 4880
Lot on plan:	Lot 1 on RP720061
Local government area:	Mareeba Shire Council

SDA-0116-027166

**Application details**

Proposed development: Development permit for a material change of use for a freight depot

**Aspects of development and type of approval being sought**

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	'Freight Depot'	Impact Assessment

**Referral triggers**

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 3, Item 1—State-controlled road

**Conditions**

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Further advice**

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

**Approved plans and specifications**

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: material change of use				
Breakdown of Uses Plan	Unknown	Undated	Attachment 2: Plans	-

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

SDA-0116-027166

For further information, please contact Sue Lockwood, Senior Planning Officer, SARA Far North QLD on 4037 3215, or email [sue.lockwood@dilgp.qld.gov.au](mailto:sue.lockwood@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
A/Manager (Planning)

cc: NQ Freight Services Pty Ltd, [louise@urbansync.com.au](mailto:louise@urbansync.com.au)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved Plans and Specifications

SDA-0116-027166

Our reference: SDA-0116-027166  
 Your reference: DA/16/0001

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Material change of use</b>		
Schedule 7, Table 3, Item 1 – State-controlled road—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> <li>• Breakdown of Uses Plan – Attachment 2: Plans</li> </ul>	Prior to the commencement of use and to be maintained at all times
2.	The development must be generally in accordance with the Town Planning Report prepared by Urban Sync dated 5 January 2015, Reference 15-115 and Revision 1, in particular: <ul style="list-style-type: none"> <li>• Section 6 and Section 8.1, confirming that vehicle access to and from the Kennedy Highway will be via Martin Avenue via the Kennedy Highway / Martin Avenue Connection / Seary Road intersection</li> </ul>	Prior to the commencement of use and to be maintained at all times
3.	Direct access is not permitted between the Kennedy Highway and the subject site	At all times

SDA-0116-027166

Our reference: SDA-0116-027166  
Your reference: DA/16/0001

### **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application
- To ensure safe vehicular access to and from the state-controlled road
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road direct access to the state-controlled road is prohibited were not required

SDA-0116-027166

Our reference: SDA-0116-027166  
 Your reference: DA/16/0001

**Attachment 3—Further advice**

General advice	
Ref.	Advertising device
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 111 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2005</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>
Ref.	State Planning Policy
2.	<p>In its role as assessment manager, Mareeba Shire Council must assess the development application against the State Planning Policy July 2014, in particular the interim development assessment provisions such as 'Natural hazards, risk and resilience' and Strategic airports and aviation facilities, to the extent it is relevant to the proposed development.</p>
Ref.	Far North Queensland Regional Plan 2009-2031
3.	<p>In its role as assessment manager, Mareeba Shire Council must assess the development application against the policies of the Far North Queensland Regional Plan 2009-2031 to the extent the regional plan is not appropriately reflected in the planning scheme.</p>



SDA-0116-027166

Our reference: SDA-0116-027166  
Your reference: DA/16/0001

**Attachment 4—Approved plans and specifications**

**Breakdown of Uses Plan**



**Legend:**

-  Residential Use
-  Freight Depot Use
-  Existing 'Animal Husbandry—General' Use, associated with existing Residential Use.
-  Shared access areas

**ATTACHMENT 3**



Your ref: DA/16/0001  
Our ref:  
Contact Name: Robyn Desrettes  
Telephone: 07 3120 0087

**SunWater Limited**  
Level 10, 179 Turbot Street  
PO Box 15536 City East  
Brisbane Queensland 4002  
[www.sunwater.com.au](http://www.sunwater.com.au)  
ACN 131 031 985

2 March 2016

Mareeba Shire Council  
PO Box 154  
**MAREEBA QLD**

Dear Sir

**Proposed Development**  
**Lot 1 RP 720061**  
**173 Martin Avenue, Mareeba**

We refer to the above and Public Notice of Development Application received on the 12 February 2016.

SunWater's Service Manager North Queensland has reviewed information provided and SunWater has no concerns with the Material Change of Use of Lot 1 RP 720061.

Should you have any queries regarding the above, please contact either Senior Property Advisor, Robyn Desrettes 3120 0087.

Yours sincerely

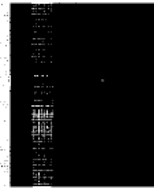


Robyn Desrettes  
Senior Property Advisor

*Mareeba Motor Inn*

163 Martin Avenue  
PO Box 1808  
MAREEBA QLD 4880

Telephone: 07 4092 2451  
Email: mareebamotorinn@bigpond.com



P URP-MCU  
IF URP.

DA/16/0001

18 February 2016

Assessment Manager  
Mareeba Shire Council  
PO Box 154  
MAREEBA QLD 4880



Reference: DA/16/0001

Dear Sir

I wish to object to this application on the following grounds:

1. Land Valuation
  2. Noise and ambience
  3. Traffic
- 
1. People I have spoken to in real estate have advised that it would be expected that the value of this Motel will decrease in line with the size of the Freight Terminal. If this proposal is approved then if not now but in the future a very large freight operation involving very large semi-trailers and assorted equipment would be put on this site.
  2. When approval for this Motel was sought from the Mareeba Shire Council we were given no option but to go here. Market research indicated that guests to Mareeba were very upset by the noise of existing transport operations which take place in Mareeba 24 hours a day. It was considered by the people surveyed a very strong reason not to stay in Mareeba but to stay in Cairns or Atherton. Every person surveyed were very upset by noise levels at both existing Mareeba Motels. Our main marketing point is peace and tranquility, as we are set right back from the highway, traffic noise is minimal. We also went to a great deal of trouble to obtain a

[Redacted signature area]

lease from the Queensland Government on land in the old stock route in the front of our Motel and the property involved in this application at 173 Martin Avenue. We pay rates to Mareeba Shire Council every year on this land. This leased land acts as a barrier to highway noise and allows us to market out Motel based on peace and tranquility.

Currently land at 173 Martin Avenue is being used as freight terminal for Fowlers Transport and as a heavy earthworks company, with large trucks and trailers being used to move heavy earthworks machinery. These trucks are housed and serviced on this property.

This all has a cumulative effect on the noise and tranquility and directly impacts our guests and our financial viability.

3. When we were given Council permission to construct this motel on this site, we were made to construct the intersection with the Kennedy Highway and the interconnecting road between Martin Avenue and the Kennedy Highway. We wanted the intersection placed directly in front of our Motel because we were paying for same. Council made us construct the intersection in its current position as it also gives access to Mines Road and all residents on the western side of the railway line.

The Main Roads Department wanted an intersection constructed similar to the one that Council have recently constructed at Seary Road, to cater for traffic flow entering the Kennedy Highway. The proposed intersection would have cost us approximately \$1,000,000. We in turn appealed to the Main Roads Minister who agreed that we needed to construct the intersection to its current standard. Main Roads were very upset with this as it was their belief that though the intersection met the requirement so the Motel but no room for any future expansion.

Since the construction of this intersection Council has approved a commercial nursery who has a large staff plus large transport requirements. A large earthmoving business at 173 Martin Avenue, the land in question, plus a large freight business.

The current intersection was never designed to handle trucks and the amount of traffic this approval would generate as a "freight depot".

There can be no doubt the current intersection is handling traffic levels far in excess of its design as it allows access to the Kennedy Highway with a 100km speed limit. The slip roads are not designed to handle semi-trailers and the extra traffic.

In recent times there has been two near misses that could have caused serious fatalities.

Any further expansion in this area must encompass the upgrade of the intersection and include lighting. If this not done it will only be matter of time before a fatality occurs. This was the original requirement of the Main Roads Department and in the last 15 years the service road now handles a lot more traffic and the causeway is not wide enough to allow two vehicles to pass safely.

In closing please ask the Council to consider the above.

Yours faithfully



B.J Healy  
Owner

**ATTACHMENT 4**

**From:** Louise Cameron [Louise@urbansync.com.au]  
**Sent:** Monday, 7 March 2016 2:34:47 PM  
**To:** Carl Ewin  
**Subject:** RE: 15115-NQ Freight: Notice of Compliance (your ref: DA/16/0001).

Hi Carl,

In response to our conversation on Friday (4/3/16), I can confirm that the earthworks machinery briefly mentioned in the submission is simply stored over the site and is no way associated with the proposed 'Freight Depot' use. It has been highlighted that this equipment has been stored (not used) over the subject land **since 2002** (approx. 14 years) without complaint. Further, it is been brought to our attention that similar activities (i.e. storage of large machinery) are undertaken over other neighboring properties.

Also, I had a brief discussion with Karen and Clem regarding the proposed development conditions discussed, with the following commentary provided:

<b>Proposed Condition</b>	<b>Comment / Concern</b>	<b>Proposed Solution</b>
1. Parking – all staff parking must be wholly contained within the site, not the adjacent road reserve.	Happy to comply	N/A
2. Limited Access to Martin Ave.	Happy to comply; however, presents a problem with preventing the normal operation of their business with regards to the delivery of goods. Clem has confirmed that they only every have deliveries to the residential properties to the north of Martin Ave. as they deliver much-needed medical goods (medicine, oxygen tanks, etc.) to their elderly clients.	Request for condition to include an exemption which specifies that all vehicle movements north of Seary Road are for the sole purpose of carrying out the normal operations of the business (i.e. delivery of goods).
3. Limit / specify hours of operation.	Happy to comply. However, it has been brought to our attention that there is a minor error in our report; and the operational hours are as follows: Mon-Fir: 6am to 6pm; Sat: 8am to 10am; and Sunday & P/Holiday: closed.	
4. Limit / Specify hours vehicle operations/movements.	Happy to comply; however, depending on the structure of this condition, there is a concern that it may be too restrictive on the minor	It is requested that this condition be flexible enough to allow for the addition of 1 more vehicle (most likely a single Hi-ace van) to assist in the minor future growth of the

expansion of the business.

business (if required). It is offered that the Applicants understand the need for this condition due to the vagueness of the use provided under the scheme. It is suggested that the addition of this vehicle would only increase the estimated maximum tips per week to 51, from the identified 48. This would allow for a comfortable and reasonable/realistic expansion of the use, without the need to undergo a costly approvals process (including another \$5k referral to DTMR).

Please give me a call to discuss the above should you have any queries or if you or Brian require any further information.

Thanks.

Kind Regards,  
**Louise Cameron**  
**Cadet Town Planner**

**P** 07 4051 6946 **M** 0415 167 333  
**E** [louise@urbansync.com.au](mailto:louise@urbansync.com.au) **W** [www.urbansync.com.au](http://www.urbansync.com.au)

4/192 Mulgrave Road CAIRNS QLD 4870  
PO Box 2970 CAIRNS QLD 4870





**ITEM-2                    S RIZVI & P FREEMAN - RECONFIGURING A LOT - SUBDIVISION (1 INTO 4 LOTS AND COMMON PROPERTY) - LOT 1 NR7238 - 1063 KOAH ROAD, KOAH - DA/16/0009**

**MEETING:**                    Ordinary

**MEETING DATE:**            20 April 2016

**REPORT OFFICER'S TITLE:**                    Planning Officer

**DEPARTMENT:**              Corporate and Community Services

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	S Rizvi & P Freeman	<b>ADDRESS</b>	1063 Koah Road, Koah
<b>DATE LODGED</b>	26 February 2016	<b>RPD</b>	Lot 1 on NR7238
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 4 lots and Common Property)		

<b>FILE NO</b>	DA/16/0009	<b>AREA</b>	6.051 Hectares
<b>LODGED BY</b>	S Rizvi & P Freeman	<b>OWNER</b>	S Rizvi & P Freeman
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

**ATTACHMENTS:**            1. Proposal Plan/s

**EXECUTIVE SUMMARY**

*Council is in receipt of a code assessable development application described in the above application details. The application was not subject to public notification.*

*The applicants propose to subdivide the site into four (4) lots and common property. The common property will contain a shared access and some servicing for the proposed lots.*

*The application and supporting material has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy and the Mareeba Shire Planning Scheme (including codes and policies). The proposed development is in conflict with the rural subdivision provisions contained within the Planning Scheme as all*

four (4) lots are significantly smaller than the desired minimum resultant lot size of 30 Ha for land within the Rural zone (where not GQAL).

Despite this conflict, the Coty principle (legal precedent) allows Council to give weight to a future planning scheme and its provisions during the assessment of a development application. The draft Mareeba Shire Council Planning Scheme, which is nearing adoption by Council, places the subject site within the Rural Residential zone (2 Hectare Precinct).

The four (4) proposed lots vary in size from 1.23ha to 1.72ha with an average lot size (inclusive of common property) of 1.51 Ha. Despite falling short of the required 2ha minimum lot size nominated by Probable Solution PS1 of the Rural Residential Zone code, each lot has sufficient area and dimensions to suit their intended use (rural lifestyle) and is therefore considered to comply with higher order Specific Outcome S1.

In consideration of the Coty principle and the site's future rural residential zoning, it is recommended that the application be approved subject to infrastructure servicing conditions consistent with other 2 Ha rural residential development across the shire.

## OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
<b>APPLICANT</b>	S Rizvi & P Freeman	<b>ADDRESS</b>	1063 Koah Road, Koah
<b>DATE LODGED</b>	26 February 2016	<b>RPD</b>	Lot 1 on NR7238
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 4 lots and Common Property)		

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
<p><b>Rural Zone Code:</b></p> <p><b>4.80 Reconfiguring a Lot</b></p> <p><b>PS1.1</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>	<p><i>The proposed development is in conflict with the rural subdivision provisions contained within the Planning Scheme as all four (4) proposed lots are significantly smaller than the desired minimum resultant lot size of 30 Ha for land within the Rural zone (where not GQAL).</i></p> <p><i>Despite this conflict, the Coty principle (legal precedent) allows Council to give weight to a future planning scheme and its provisions during the assessment of a development application. The draft Mareeba Shire Council Planning Scheme, which is approaching adoption by Council, places the subject site within the Rural Residential zone (2 Ha Precinct). The proposed development is considered to be generally consistent with the intent of the site's future rural residential zoning.</i></p> <p><i>Should Council refuse this development application against the officer's recommendation, the applicant could simply re-apply once the draft Mareeba Shire Council Planning Scheme is in effect. A fresh application for the same proposal would generally comply with the future planning scheme.</i></p> <p><i>Despite the identified conflict, for reasons discussed above, it is recommended that the application be approved.</i></p>

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 4 lots and Common Property)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
7443 - LL1	Proposed Reconfiguration of a Lot (1 Lot into 4 Lots and Common Property)	Twine Surveys Pty Ltd	14/01/2016

(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 Bushfire Management

Any new dwelling erected on the lots shall:

- be sited in locations of lowest hazard within the lot;
- achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater;
- be provided with a source of water for fire-fighting purposes of not less than 5,000 litres. This may be satisfied by the provision of an accessible dam, swimming pool or tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within 40 metres from the habitable buildings.

### 3.10 Rural Addressing

The applicant must pay the relevant fee per additional lot for provision of rural addressing at the rate identified in the Fees and Charges Schedule at the time of payment.

### 3.11 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

4.1.1 The shared access driveway within the common property is to be constructed to a two (2) coat bitumen, asphalt or concrete sealed standard for the full length of the common property, to the satisfaction of Council's delegated officer. The driveway will:

- have a minimum sealed width of four (4) metres; and
- be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the common property.

4.1.2 A two (2) coat bitumen, asphalt or concrete sealed access crossover must be constructed from the edge of the shared driveway mentioned in 4.1.1 to the property boundaries of each lot, generally in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

4.1.3 An access crossover must be constructed (from the edge of the Koah Road pavement to the shared driveway mentioned in 4.1.1) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

## 4.2 Stormwater Drainage

4.2.1 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.

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

## 4.3 Frontage Works - Koah Road

Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Koah Road only by a total of two (2) metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) for the full frontage of the site in accordance with Table D1.4 (Road Class 100 - 999) of the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for Operational Works.

## 4.4 Non-reticulated Water Supply

4.4.1 Each Lot must be provided with a potable water supply via bore or by water rights to a perennial stream in accordance with Planning Scheme Policy No. 1 - Water Supply (Outside Reticulated Water Supply Area).

4.4.2 Where a bore is to be used as a source of water, bore installation will be in accordance with the requirements of D6.07 of the FNQROC Development Manual.

4.4.3 Where a bore is to be used as a source of potable water, it will be sited in accordance with the setback distances specified in the Queensland Plumbing and Wastewater Code.

4.4.4 The applicant/developer must demonstrate that any source of potable water supply can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

4.4.5 Rainwater tanks will not be accepted as a means of potable water supply for either allotment.

4.4.6 If an existing bore is proposed as a potable water supply for any lot, this bore must comply with 4.4.2 (minimum sustainable yield only), 4.4.3 and 4.4.4 above.

#### 4.5 On-Site Wastewater Management

At the time of building construction on Lots 2, 3 & 4, any associated on-site wastewater disposal system must generally be constructed in accordance with the report prepared by Earth Test dated May 2015 in compliance on with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of Council's delegated officer.

#### 4.6 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.

#### 4.7 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 \$8,630.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

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

- The trunk transport network servicing the land (\$4,315.00)
- The trunk parks and open space network servicing the land (\$4,315.00)

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

(b) 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.

(c) 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.

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- bushfire management
- flood immunity
- An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report
- an approved source of water supply via bore/watercourse

(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.environment.gov.au](http://www.environment.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.datsip.qld.gov.au](http://www.datsip.qld.gov.au).

(E) RELEVANT PERIOD

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

- Reconfiguring a Lot requiring Operational Works – 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

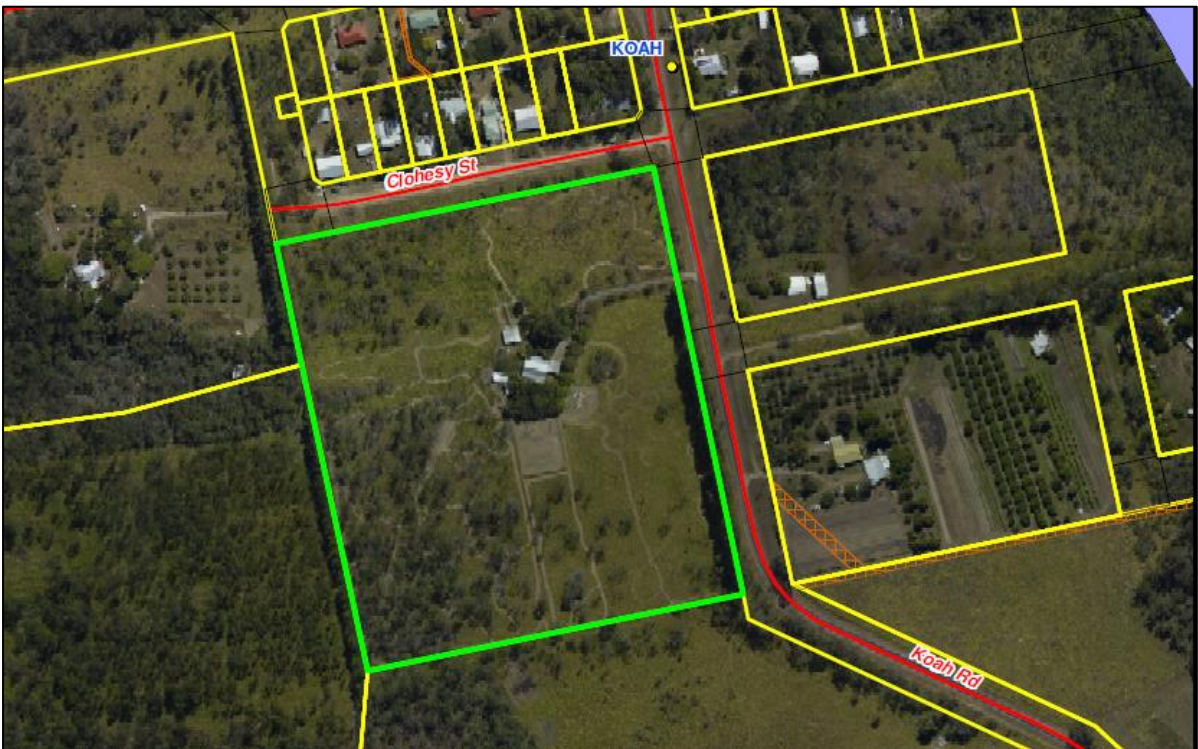
- Nil"

**THE SITE**

The subject site is situated on the outskirts of the Koah Township at 1063 Koah Road, Koah and is described as Lot 1 on NR7238. The site is almost square in shape with a total area of 6.051 hectares and is zoned *Rural* under the Mareeba Shire Planning Scheme. The site contains 261.5 metres of frontage to Koah Road, which is constructed to bitumen sealed standard and 231 metres of frontage to Clohesy Street, which is constructed to a formed gravel standard.

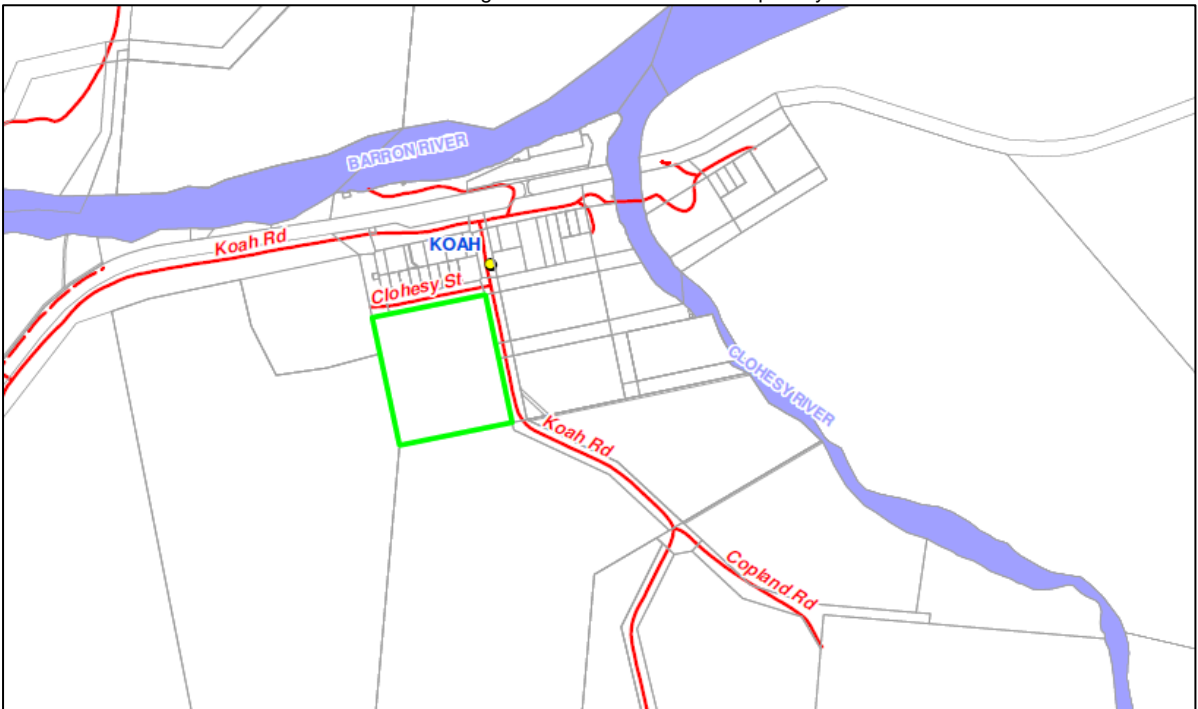
The land itself is relatively flat and contains lightly scattered regrowth vegetation. A single dwelling and multiple outbuildings are clustered towards the centre of the site, and another standalone shed has been constructed in the south-west corner of the site. The dwelling is accessed from a single gravel driveway off Koah Road. A domestic water supply is provided to the site from the Clohesy River via a pipeline which runs within a section of undeveloped road reserve to the east of the site. The water pump itself is lawfully sited within a leasehold parcel in proximity to the river itself.

Lots to the east, south and west of the site are zoned Rural and are used for rural lifestyle purposes while lots to the north of the site are zoned *Village* and contain residential uses. The land is not predicted to be impacted in a Q100 flood event.



Map Disclaimer:

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



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## BACKGROUND AND CONTEXT

The draft Mareeba Shire Council Planning Scheme places the subject site within the Rural Residential zone (2 Ha Precinct). This zone allows for the creation of lots with a minimum lot size of 2 Ha and services including on-site water supply (bore/perennial stream), on-site wastewater disposal, electricity, telecommunications and access from a bitumen sealed road.

The proposed development is consistent with the intent of the site's future rural residential zoning.

Despite the proposal's non-compliance with the current Mareeba Shire Planning Scheme 2004, which places the subject site within the Rural Zone, the Coty Principle allows Council's to give weight to a future planning scheme when assessing development applications.

Council, at its Ordinary Meeting on 6 April 2016 approved an application for reconfiguring a lot - subdivision (1 into 2 Lots) on land described as Lot 267 on NR6781, situated at 1 Copland Road, Koah (DA/15/0056). Lot 267 is situated 35 metres to the south-east of the subject site on the opposite side of Koah Road and is also included within the Rural Residential zone (2 Ha Precinct) of the draft planning scheme. The Coty principle was also applied to the assessment of development approval DA/15/0056.

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 4 lots and common property) in accordance with the plans shown in **Attachment 1**.

The applicants propose the creation of four (4) rural residential lifestyle allotments in a community title arrangement with approximately 5,700m<sup>2</sup> of common property used to access and service all four lots. The proposed lots are as follows:

- Proposed Lot 1 - area of 1.719ha, frontage of 100m to Koah Road, 135m to Clohesy Street and 154m to the common property;
- Proposed Lot 2 - area of 1.26ha, frontage of 96.3m to Clohesy Street and approx. 10m to the common property;
- Proposed Lot 3 - area of 1.26ha, frontage of 40 metres to the common property; and
- Proposed Lot 4 - area of 1.236, frontage of 91.5m to Koah Road and 135m to the common property.

Proposed Lot 1 will contain the sites existing dwelling and shed.

Access to each lot will be provided from Koah Road via a shared driveway within the common property as will telecommunications and water supply. The applicants propose to divide the site's existing 12ML Clohesy River water allocation amongst the four lots with shared water supply infrastructure sited within the common property. To satisfy electricity provision requirements, the applicants propose to provide stand-alone solar energy systems to each lot.

A body corporate arrangement is proposed to manage the shared infrastructure within the common property.

A site and soil evaluation has been provided demonstrating that each proposed lot can accommodate an on-site effluent disposal system.

## **REGIONAL PLAN DESIGNATION**

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' does not identify the site as containing any areas of ecological significance.

## **PLANNING SCHEME DESIGNATIONS**

Strategic Framework:	Potential Long Term Growth Area (Clohesy)
Zone:	Rural zone
Preferred Area:	Preferred Area No 3. Clohesy River Area
Overlays:	Natural & Cultural Heritage Features Overlay Natural Disaster Bushfire Overlay

## **RELEVANT PLANNING INSTRUMENTS**

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

### **(a) Far North Queensland Regional Plan 2009-2031**

Assessment against the Regional Plan is required because the plan is not reflected in the planning scheme. The application is assessed as being capable of substantially complying with the relevant provisions of the Regional Plan, provided reasonable and relevant conditions are applied.

The following Desired Regional Outcome Land Use Policies are relevant to the assessment of the application:

<b>DRO 2.4 Primary Production &amp; Fisheries</b>		
<b>Land Use Policy</b>	<b>Complies</b>	<b>Comments</b>
2.4.1 <i>Good quality agricultural land is protected from urban development outside the urban footprint.</i>	✓	<p>The subject land is not mapped as Good Quality Agricultural Land under the Mareeba Shire Planning Scheme 2004.</p> <p>The subject land is not identified as Class A or B agricultural land under the proposed Mareeba Shire Council Planning Scheme.</p>
2.4.2 <i>Appropriate buffer distances between incompatible uses and agricultural operations on good quality agricultural land are provided through sensitive land use planning in accordance with State Planning Policy 1/92.</i>	n/a	<p>The subject land is not mapped as Good Quality Agricultural Land under the Mareeba Shire Planning Scheme 2004.</p> <p>The subject land is not identified as Class A or B agricultural land under the proposed Mareeba Shire Council Planning Scheme.</p>

<b>DRO 2.6 Rural Subdivision</b>		
<b>Land Use Policy</b>	<b>Complies</b>	<b>Comments</b>
2.6.1 <i>Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.</i>	✓	<p>The subject land is not mapped as Good Quality Agricultural Land under the Mareeba Shire Planning Scheme 2004.</p> <p>The subject land is not identified as Class A or B agricultural land under the proposed Mareeba Shire Council Planning Scheme.</p> <p>The proposed Mareeba Shire Council Planning Scheme includes the subject land within the Rural Residential (2 hectare precinct).</p>

<b>DRO 4.6 Rural Residential Development</b>			
<b>Land Use Policy</b>		<b>Complies</b>	<b>Comments</b>
4.6.1	<i>New rural residential development is located in rural living areas.</i>	✓	<p>The subject land is not located within the Rural Living Area as originally designated by the FNQ Regional Plan State Regulatory Provisions (FNQRP SPRP).</p> <p>The FNQRP SPRP were repealed in 2012 and are of no effect.</p> <p>Council has included the subject land within the Rural Residential zone of the proposed Mareeba Shire Council Planning Scheme.</p> <p>The development of the land for rural residential purposes is consistent with the proposed Mareeba Shire Council Planning Scheme.</p>
4.6.2	<i>Future demand for rural residential housing is provided from within the existing stock of land zoned for this purpose.</i>	✓	<p>Council has included the subject land within the Rural Residential zone of the proposed Mareeba Shire Council Planning Scheme.</p> <p>The development of the land for rural residential purposes is consistent with the proposed Mareeba Shire Council Planning Scheme.</p>
4.6.3	<i>Construction of residential dwellings and ancillary structures within rural residential zoned land is confined to a building footprint which reduces the exposure to natural hazards and avoids and minimises the loss of native vegetation through locating structures in existing cleared areas and co-locating service corridors.</i>	n/a	<p>The subject site is devoid of any remnant or significant vegetation, is situated within a low bushfire hazard area, and is situated outside the identified Q100 flood hazard area. As such, building envelopes are not considered necessary.</p>
4.6.4	<i>Rural residential subdivision along watercourses should be designed to minimise the impact of rural residential water use on current and future water resources.</i>	✓	<p>The proposed development will utilise the sites existing 12ML water allocation and will not place any additional demand on the watercourse.</p>

<b>DRO 7.1 Protection of Waterways, Wetlands and Water Quality</b>			
<b>Land Use Policy</b>		<b>Complies</b>	<b>Comments</b>
7.1.1	Development is planned, designed, constructed and managed in accordance with best practice environmental management to protect environmental values and meet water quality objectives of the Environmental Protection Policy (Water) 1997 (EPP Water) for regional surface water, groundwater and wetlands.	✓	<p>The development will not involve significant operational works or result in significant land clearing.</p> <p>The development's likely impact on water quality is expected to be minimal.</p>

## (b) State Planning Policy

The Department of State Development, Infrastructure and Planning has introduced a single State Planning Policy (SPP) to replace the various SPP's previously in place. As such, this State Planning Policy is not reflected in the Planning Scheme and is therefore applicable to the assessment of the application.

An officer assessment of the proposed development against the provisions contained within the SPP has been undertaken and it is not considered to be in conflict with any relevant aspect of the SPP.

<b>Queensland State Planning Policy - July 2014</b>		
<b>State Interest</b>	<b>Complies</b>	<b>Assessment Requirements &amp; Comments</b>
<p><b>Biodiversity</b></p> <p>A development application where the land relates to a matter of state environmental significance, if the application is for:</p> <p>(a) operational work, or</p> <p>(b) a material change of use other than for a dwelling house, or</p> <p>(c) reconfiguring a lot that results in more than six lots or lots less than five hectares.</p>	N/A	<p>Development:</p> <p>(1) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and</p> <p>(2) manages the significant adverse environmental impacts on matters of state environment significance by, in order of priority:</p> <p>(a) avoiding significant adverse environmental impacts, and</p> <p>(b) mitigating significant adverse environmental impacts where these cannot be avoided, and</p> <p>(c) where applicable, offsetting any residual adverse impacts.</p> <p><b>Comment</b></p> <p>Not applicable. There are no MSES areas identified on the subject land.</p>
<p><b>Natural hazards</b></p> <p>A development application for a material change of use, reconfiguring a lot or operational works on land within:</p> <p>(1) a flood hazard area, or</p> <p>(2) a bushfire hazard area, or</p> <p>(3) a landslide hazard area, or</p> <p>(4) a coastal hazard area.</p>	✓	<p><b>For all natural hazards:</b></p> <p>Development:</p> <p>(1) avoids natural hazard areas or mitigates the risks of the natural hazard, and</p> <p>(2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and</p> <p>(3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and</p> <p>(4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and</p> <p>(5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and</p> <p><b>Comment</b></p> <p>The subject site is not situated within a natural hazard area for flood, landslide or coastal hazards.</p> <p>The site is partially contained within a bushfire hazard area on the SPP Mapping. The bushfire hazard risk can be appropriately management through conditions of approval.</p>

### (c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)

#### Relevant Development Codes

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

Part 4, Division 8	Rural Residential Zone Code
Part 4, Division 14	Rural Zone Code
Part 5, Division 8	Natural Disaster - Bushfire Overlay Code
Part 6, Division 12	Reconfiguring a Lot Code

The application included a planning report and assessment against the planning scheme. An officer assessment of the application against the relevant acceptable/probable solutions contained within the relevant development codes is summarised below.

Relevant Codes	Comments
Rural Residential Zone Code	<p>The application proposes rural residential reconfiguration. Therefore, assessment against the rural residential zone code is considered necessary.</p> <p>The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.</p>
Rural Zone Code	<p>The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code apart from the following:</p> <ul style="list-style-type: none"> <li>▪ 4.80 Reconfiguring a Lot - Probable Solution PS1.2</li> </ul> <p>Refer to planning discussion section of this report.</p>
Natural Disaster Bushfire Overlay Code	<p>The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.</p>
Reconfiguring a Lot Code	<p>The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.</p>

### (e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

#### No. 1 - Water Supply (Outside Reticulated Water Supply Area)

In accordance with Planning Scheme Policy No.1 - Water Supply (Outside Reticulated Water Supply Area) all four (4) lots will be provided with a potable water supply from the Clohesy River via an existing 12ML water allocation to be divided to each lot. Water supply infrastructure will be situated within the common property and will be managed under a body corporate arrangement.

#### No. 4 - Development Manual

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



A condition will be attached to any approval requiring the upgrade of the development side of Koah Road only to FNQROC Development Manual standards (100 - 999 VMPD - 6.5m seal, 8m formation). The section of Koah Road fronting the land has an existing sealed width of approximately four (4) metres. The developer will be required to widen Koah Road by a total of two (2) metres (1.25m bitumen seal, 0.75m gravel shoulder) for the full frontage of the site (approx. 260m).

A condition will also be attached to any approval requiring the construction of concrete, bitumen or asphalt sealed 4m wide (minimum) common access driveway and associated crossovers within the common property.

Works mentioned above will require a development permit for operational works.

**(f) Additional Trunk Infrastructure Condition - (Section 650 of SPA)**

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

Section 650 of SPA allows Council to condition additional trunk infrastructure outside the PIA if development is deemed to create additional demand on trunk infrastructure which therefore results in additional trunk infrastructure costs for Council.

The development, creating three (3) additional allotments, is predicted to place additional demand on Council's trunk transport infrastructure (roads) and Council's trunk open space infrastructure (parks).

The developer must pay \$8,630.00 per 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.

The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land (\$4,315.00)
- The trunk open space infrastructure servicing the land (\$4,315.00)

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

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

## REFERRALS

### Concurrence

This application did not trigger referral to a Concurrence Agency.

### Advice

This application did not trigger referral to an Advice Agency.

### Internal Consultation

Development Engineering - Access/road construction standards

## PLANNING DISCUSSION

Non-compliance with the acceptable/probable solutions contained within the relevant development codes are discussed below:

### Rural Zone Code

#### **4.80 Reconfiguring a Lot**

**S1** *The viability of the farming industry throughout the shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised.*

**PS1.1** ...

**PS1.2** *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.*

#### Comment

All four (4) proposed allotments with areas ranging from 1.236ha - 1.719ha are significantly smaller than the desired minimum resultant lot size of 30 Ha for land within the Rural zone (where not GQAL).

Despite this conflict, the Coty principle allows Council to give weight to a future planning scheme and its provisions when assessing a development application. The draft Mareeba Shire Council Planning Scheme, which is approaching adoption by Council, places the subject site within the Rural Residential zone (2 Hectare Precinct). The proposed development is consistent with the intent of the future rural residential zone.

In consideration of the Coty principle and the site's future zoning, it is recommended that the application be approved, despite the identified conflict with PS1.2.

In keeping with the rural residential nature of the proposed subdivision and the future zoning of the site, the applicants have proposed to service the lots to the same standard as other 2 Ha rural residential development, including access, on-site wastewater disposal, on-site water supply (Clohesy River), electricity and telecommunications.

The proposed development is rural residential in nature and the application was assessed for compliance in accordance with the Rural Residential zone code.

## **Rural Residential Zone**

### **4.46 Reconfiguring a Lot**

**S1** *To allow for allotments of sufficient area and dimensions to suit their intended use.*

**PS1.1** *Lots to have a minimum area of two (2) hectares and a minimum frontage of 80 metres; or*

#### Comment

Proposed Lots 1 - 4 range in size from 1.236ha - 1.719ha with an average lot size (inclusive of common property) of 1.51ha, and therefore the development does not comply with PS1. Furthermore, proposed Lot 3 does not include any road frontage.

Specific Outcome S1 requires each lot to have sufficient area and dimensions to suit the intended use, which is to accommodate a single dwelling. Proposed Lot 1 already contains an established dwelling.

Proposed Lot 2 - 4 are considered to be of sufficient size to accommodate future dwellings, ancillary outbuildings, and on-site wastewater disposal. Furthermore, all four lots, including Lot 3 (which contains no road frontage) will gain practical access via a sealed common access driveway within the proposed common property.

The proposed development is considered to comply with Specific Outcome S1.

#### Electricity Supply

The applicants intend to satisfy the code requirement for electricity supply by providing each lot with a free standing 5kW solar system.

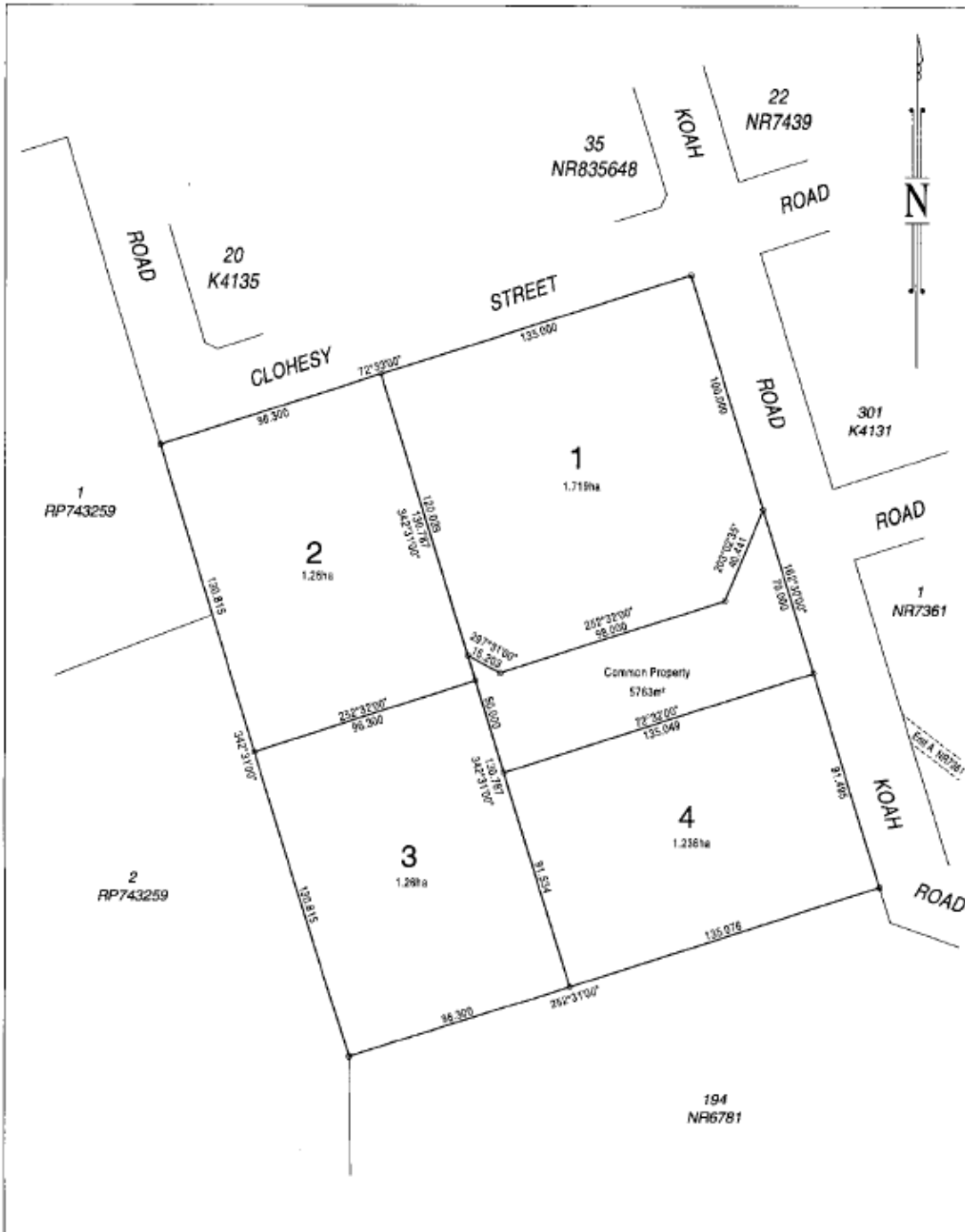
Council has in the past approved the creation of rural lifestyle allotments with the requirement to provide standalone power supply; however, in these cases the connection to the electricity network was unfeasible. Furthermore, the draft MSC planning scheme does provide for the option of an independent energy system only where a connection to the electricity network is unavailable.

In this case, a connection to the electricity network is achievable and is still the preferred means of servicing new allotments (in terms of practicality for prospective purchasers), and it is therefore recommended that Council's standard requirement for reticulated electricity supply be conditioned.

**Date Prepared:** 7 April 2016

**ATTACHMENT 1**

**APPROVED PLANS (ECM VS# 3768601)**



0		SCALE : 1 : 1500 (A3 Sheet)		PROPERTY DESCRIPTION		REGISTERED OWNER	
		100m		LOT 1 ON NR7238		S E RIZVI & P D FREEMAN	
AMENDMENTS		LOCAL GOVERNMENT: MSC		<p><b>PROPOSED RECONFIGURATION OF A LOT (1 LOT INTO 4 LOTS AND COMMON PROPERTY)</b></p>		<p><b>TWINE SURVEYS PTY LTD</b> 36 Mabel St, Atherton 4883 PO Box 146, Atherton 4883 P 07 40911303 E info@twinesurveys.com.au</p>	
A - ORIGINAL		LOCALITY: KOAH					
B - CP		SITUATED AT:		DWG NO. 7443 - LL1 14.1.2016		REV B	
		CLOHESY STREET &					
		MOWEE STREET					

## GOVERNANCE AND COMPLIANCE

### **ITEM-3                                    OPERATIONAL PLAN 2015-16 - QUARTERLY REPORT MARCH 2016**

**MEETING:**                            Ordinary

**MEETING DATE:**                20 April 2016

**REPORT OFFICER'S  
TITLE:**                                Manager Development & Governance

**DEPARTMENT:**                  Corporate & Community Services

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#### **EXECUTIVE SUMMARY**

*In accordance with section 174(3) of the Local Government Regulation 2012, the Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.*

*The attached report provides advice on progress in implementing the 2015/16 Operational Plan for the January to March 2016 quarter.*

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

"That Council receive and note the progress report on implementation of the 2015/16 Operational Plan for the January to March 2016 quarter."

#### **BACKGROUND**

The *Local Government Regulation 2012* provides that a local government must prepare and adopt an annual operational plan for each year. The Operational Plan is a statement of specific works to be undertaken and services to be provided in order to progress the goals and objectives set out in a Council's Corporate Plan over a period of one year.

The Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.

The 2015/16 Operational Plan was adopted by Council at its meeting held on 3 June 2015.

The attached document provides a progress report on what action has been taken up to and including the January to March 2016 quarter with respect to the items and projects listed in the Operational Plan.

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**LINK TO CORPORATE PLAN**

The Operational Plan details those items or projects that can be carried out within a 12 month budget period to progress the goals and objectives set out in the Council's Corporate Plan and is therefore relevant to all strategies contained within the Corporate Plan.

**CONSULTATION***Internal*

Director Corporate &amp; Community Services

Director Infrastructure Services

All Managers

*External*

Nil

**LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

It is a statutory requirement for an assessment of progress in implementing the Operational Plan to be presented to Council at least on a quarterly basis.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Nil

*Is the expenditure noted above included in the 2015/2016 budget?*

N/A

*If not you must recommend how the budget can be amended to accommodate the expenditure*

N/A

**IMPLEMENTATION/COMMUNICATION**

N/A

**ATTACHMENTS**

1. Operational Plan 2015/16 - Quarterly Assessment - 31 March 2016.

**Date Prepared:** 11 April 2016

 **Mareeba**  
SHIRE COUNCIL

# Operational Plan 2015-2016



**ASSESSMENT OF PERFORMANCE IN IMPLEMENTING  
OPERATIONAL PLAN**

**JANUARY - MARCH QUARTER 2016**

1



No	Task/Activity	Corp Plan Ref	Outcome	Responsibility	Assessment of performance in implementing Operational Plan
<b>FINANCE</b>					
1	Enhance access to financial information.	GOV 5	More informed reporting and financial decision making.	Manager Finance	Work has continued on improving the Tech One suite, particularly in the Works and Assets, OneWater and P&R water module (Taggle) area to enable more informed reporting and financial decision making. This will be an ongoing process.
2	Timely preparation of Financial Statements and resolution of recommendations.	GOV 1	Financial Statements are prepared in accordance with legislation.	Manager Finance	2014/15 Financial Statements were prepared and audited within the legislative timeframe. Council achieved an unqualified audit.
3	Review full cost pricing models to ensure equitable allocation of costs across departments.	GOV 3	To better reflect actual business unit costs and incorporate into fees and charges.	Manager Finance	The Corporate Overhead model was completed with the results reflected in the Cost Recovery Fees and Budgets for 2015/16. This ensures a more accurate account of costs across Council is known and reported on.
4	Continue to review and document internal processes to establish an improved level of control and transparency.	GOV 5	Improve processes to achieve more efficient operations and enhance internal controls.	Manager Finance	With the assistance of Internal Audit, two projects have already been completed. The two projects were Procurement Compliance Review and Corporate Card Expenditure Review. Recommendations from these projects will be implemented by 30 June 2016. A third project, Customer Request Management, has reached the stage where a draft report has been submitted and is now awaiting feedback from relevant sections within Council so that the report can be finalized.
5	Ensure long-term asset management planning and financial planning is updated to support financial sustainability.	GOV 1	Long term financial strategies in place for the ongoing financial management of Mareeba Shire.	Manager Finance	The Long Term Financial Forecast was part of the 2015/16 budget and adopted on 3 June 2015.
<b>DEVELOPMENT &amp; GOVERNANCE</b>					
6	Continued development of the new Mareeba Shire Planning Scheme.	ENV 1	Proposed planning scheme finalised and adopted by Council.	Senior Planner	The Cairns office of the Department of Infrastructure, Local Government and Planning has completed its review of the proposed Mareeba Shire Council Planning Scheme and the scheme has been forwarded to the Minister's office with a recommendation of approval for Council to adopt the scheme.
7	Progress the sale of all land within the Chillagoe Industrial Estate.	ECON 2	Leased land within the Estate is sold to current lessees or other interested parties on a staged basis.	Manager Dev & Governance	The survey plan of the lots in the Chillagoe Industrial Estate has now been registered and titles issued for the individual lots. During the next quarter, the first phase of offering the lots for sale will commence with the advertising for public tender of the 11 vacant lots in the Estate.
<b>INFORMATION SYSTEMS</b>					
8	Upgrade Corporate records Management System (Technology One ECM).	GOV 5	Upgrade existing ECM version 3.08 to 4.03.	Manager Systems and Customer Service	ECM 4.03 has been deployed to a testing environment to allow for further User Acceptance Testing. Technology One has provided initial System Administration and Key User training. GO-Live is currently scheduled for the weekend of 18/19 June.
9	Develop 3-5 year ICT Strategy.	GOV 3 GOV 5	Deliver long term ICT Strategy encompassing Infrastructure and Information Systems with a focus on Cloud or Hosted	Manager Systems and Customer Service	EOL submissions have been received and are undergoing review.

10	Develop and Implement Data Protection Strategy.	GOV 5	solutions. Secure short and long term retention of Council data with minimal RTO.	Coordinator ICT	Council's future data protection strategy forms a key component of the EOI referred to in point 9. For the foreseeable future, the existing off site data replication process will be maintained.
11	Investigate the mobile delivery of corporate information systems.	GOV 5	Implementation of Technology One or other suitable technologies to support mobility.	Manager Systems and Customer Service	The delivery of the necessary internal infrastructure to support Technology One's CAnywhere technology will form part of the broader ECM upgrade project planned for the first half of 2016.
12	Investigate enhancements to Enterprise Asset Management (EAM) systems.	GOV 2	Implement the required software modules necessary to support Technology One Enterprise Asset Management.	Manager Systems and Customer Service	Council has purchased and configured the Embedded Mapping and GIS Synchronisation components of the Technology One - Enterprise Asset Management product. Further work is required to map the existing GIS layers and Asset data sets.
13	Build mausoleum wall and lawn beam at Mareeba New cemetery.	GOV 5	Continued availability of the necessary facilities to support interments.	Coordinator Customer Service	The mausoleum wall is undergoing construction with a current completion date of July 2016. The construction of the lawn beam is likely to be postponed until FY17.
<b>COMMUNITY WELLBEING</b>					
14	Assist with Service Level Review.	GOV 3	An organisation wide service level review is undertaken.	Manager Community Wellbeing	All service areas of the Community Wellbeing Group were comprehensively reviewed and the Mareeba Heritage Museum and Visitor Information Centre review is continuing.
15	Update the long term community plan.	GOV 1 GOV 4	Updated community priorities are reflected in a revised community plan which is aligned with the MSC Corporate Plan.	Manager Community Wellbeing	Due to the local government elections, updating the long term community plan will be held over to 2016/17.
16	Develop a Community Wellbeing Strategy.	COM 1 COM 2 COM 3 COM 4	Community is more aware of Council services and facilities, community service levels are affordable, sustainable and responsive to community priorities, and Council/community partnerships are strengthened.	Manager Community Wellbeing	This strategy will be completed once the community plan is updated as the community's priorities will inform the development of this strategy. Therefore, this Strategy will be developed in 2016/17 after the community plan has been updated with community input.
17	Develop an external community engagement policy and strategy.	COM 1 GOV 4	Council has a coherent policy and strategy that outlines how and for which purposes it will engage with external stakeholders.	Manager Community Wellbeing	A draft policy and strategy will be prepared for consideration by Councillors in May/June 2016.
18	Review the Community and Recreation Leasing Policy and develop a Community Facilities Register for the updated policy.		<ul style="list-style-type: none"> <li>The policy is updated to reflect the unique characteristics of community facilities in the shire.</li> <li>Information regarding all of Council's community</li> </ul>	Manager Community Wellbeing; Manager Technical Services	This policy will be reviewed at a Councillor Workshop on 21 April 2016.

		<p>facilities can be readily accessed in one register. Council is able to make informed and equitable decisions regarding community management of facilities such as leasing and requests for assistance by community groups and sporting clubs.</p> <ul style="list-style-type: none"> <li>The community has increased ability to drive community initiatives with less reliance on Council resources.</li> </ul>			<p>The Partners in Recovery program is being transitioned to community management from 1 July 2016 as Council's contract with the funding body ceases 30 June 2016. The funding body will identify a suitable new community service organization to host the program. Tablelands Counselling and Support Service and the Youth Connections Program have been successfully transitioned to community management with subcontracting arrangements in place for each service until the funding agreements between Council and the State Government cease 30 June 2017.</p> <p>The funding agreements between Council and Department of Housing and Public Works ceased on 30 December 2015 for Homestay and Street to Home programs and the Department has entered into an agreement with Mareeba Community Housing Company to deliver these services from 1/1/16, resulting in no disruption to service delivery or impact on clients.</p> <p>The smooth relocation of the Kuranda Library to the Kuranda Community Precinct was celebrated on Saturday 21 November 2015 amidst much excitement and great anticipation. Community and library user feedback remains overwhelmingly positive regarding the new library facility.</p> <p>The Kuranda Community Precinct was refurbished with the car park upgrade completed and the building refurbished to relocate the Kuranda Library and Customer Service Centre. The Advisory Committee is prioritizing issues and suggestions for the future development of the precinct and is encouraging community input. The term of appointment of the current Advisory Committee is due and will be finalized in May after a public nomination process has been conducted. Some existing members have indicated they will not be re-nominating. The Advisory Committee is overseeing new historical and precinct signage and a Volunteers Induction Kit for community volunteers to get involved in arts, landscaping and other projects at the Precinct is being developed by Council Officers in consultation with the Committee. Council submitted the completed application within the set timeframe, but has since been advised that the assessment period has been extended for 2 years.</p> <p>This project has not commenced as it requires information that will be available after the long term asset management plan has been finalized and information that can only be provided by</p>
19	Transfer externally funded community support services to suitable not for profit community organisations.	COM 3 GOV 3	Manager Community Wellbeing		
20	Relocate Kuranda Library and Customer Service Centre to become anchor tenant in Kuranda Community Precinct.	COM 2 GOV 5	Manager Community Wellbeing; Manager Technical Services		
21	Develop Kuranda Community Precinct.	COM 2 COM 3	Manager Community Wellbeing		
22	National Registration System Accreditation for aged housing.	COM 2	Community Development & Engagement Officer		
23	Conduct an assessment to determine the future management.	COM 2 COM 3	Community Development &		

	of the housing stock.			and meets local needs.	Engagement Officer	the Department of Housing and Public Works, which has advised that it may be another year or two before they are able to provide it. A comprehensive rent review was completed resulting in a staged approach to increasing rents for community housing for seniors.
24	Conduct a housing rent review.	COM 2		Council reviews the rent annually in accordance with the Community Housing Rent Policy to ensure fair and affordable market rent is charged that covers operational costs.	Community Development & Engagement Officer	
25	Develop an Economic Growth Strategy including investment attraction that capitalises on the shire's opportunities for economic growth and leverages off partnerships.	ECON 1		Council has a clear understanding of the economic growth potential of the shire and appropriate ways to promote economic growth.	Senior Engagement Officer	This project will commence in May/June but is likely to not be completed until later in the year due to previous staff vacancies. Workshops will be held with Councillors to consider options and strategies in August 2016.
26	Mareeba Industrial Park Marketing Strategy.	ECON 1 ECON 2		The Park expands and grows and provides the opportunity for new and diversified business and industry development.	Senior Engagement Officer	A six month marketing strategy has been developed with implementation commencing in January 2016. Key elements of the strategy are: <ul style="list-style-type: none"> <li>Hiring a commercial agent to promote the Park and sell blocks of land;</li> <li>In-house development of marketing material including a brochure and dedicated webpage on Council's website.</li> </ul> Expressions of interest called in December/January did not lead to the appointment of a commercial agent and the EOI has been re-called. The marketing strategy is included in the 2015/16 budget. A draft strategy is being prepared for Council's consideration in June 2016.
27	Library Strategy.	COM 1 COM 3 ECON 1		Strategy is developed to ensure Library service adapts to respond to changing customer demands and helps Council to connect with residents and ratepayers.	Coordinator Libraries	
28	Compile a Community Directory.	COM 3		Directory lists sporting clubs, arts and cultural groups, service clubs, community services, volunteer groups across the shire.	Manager Community Wellbeing	The development of a community data base commenced in December. A partnership with the Sport and Recreation Service has allowed the sharing of contact data for sport and recreation clubs in the shire. Partnerships with the Partners in Recovery program, Mareeba Information and Support Centre and the Dr Edward Koch Foundation are likely to lead to Council gaining access to community support service listings. Further work is required to gather arts and cultural and business listings and to convert the data base into a Community Directory that can be publicly accessed on Council's website.
29	Distribute an e-Community newsletter quarterly.	COM 1 COM 3		e-Community newsletter enables Council to communicate and connect with wide range of community stakeholders, residents and ratepayers in a cost effective medium.	Manager Community Wellbeing	Once the community data base is developed, the e-community newsletter can commence in liaison with the Media and Events Officer.
30	Daves Park/Firth Park/Eases Park Community Management Model.	COM 1 COM 2 COM 3		A community management model for the management and operation of Daves Park and	Community Engagement and Development	User groups associated with the new sports facilities being constructed at Daves and Firth Parks with grant funds have developed an MOU for this project which will form the basis of a future community management model for the operation of these parks.

			adjacent Parks is developed and implemented involving all user groups and Council.	Officer	
<b>ORGANISATIONAL DEVELOPMENT</b>					
31	Comprehensive review of position levels to ensure organisational consistency in line with the QLG1 Award 2014 and the new MSC Certified Agreement. Review and develop HR policies and practices to ensure the needs of the Council workforce are met.	GOV 5	Organisational consistency in the levelling of positions to ensure equity for all employees based on the expertise, judgement and accountability of the position aligned to the new QLG1A.	Manager Org Development	The initial review of position levels and HR policies and practices has been completed, however, work in this area is ongoing to ensure best practices are put in place and the evolving needs of the Council workforce are met.
32	Provide high level advice and support to the Executive Management Team in the implementation of the new Certified Agreement for Council employees, including information and training sessions for employees.	GOV 6	Implementation of the new MSC CA with employees aware of any changes affecting their employment conditions and Council's policies and procedures.	Manager Org Development	High level advice to management and the Council workforce regarding the application of the MSC Certified Agreement 2014-2017 is ongoing. The decision by the QIRC to uphold the appeal by the Minister regarding the QLG1 Award 2015 means that further changes in the industrial relations arena, as it relates to Council employees, can be expected. When the review of the Award is completed, Council will be required to negotiate a new Certified Agreement with its employees. Until that time the current agreement will apply.
33	Identify training and skills needs for Council's workforce including development and delivery of the Ganger Development Program and Leadership/Management training program. Ensure all training is delivered within budget allocations.	GOV 5	Skilled and competent workforce to meet current and future needs.	Manager Org Development	Training and skills needs continue to be reviewed with training sessions delivered to employees by both internal and external providers, as required. The Ganger Development Program (GDP) has focused on electronic communications skills with a number of follow-up sessions held to reinforce the training. This was identified as a high priority area going forward. Initial proposals for targeted leadership training for managers were reviewed with the decision made to source alternate proposals. Work on the new Performance Appraisal System (PAS) is continuing. Approximately 98% of employees had completed the Employee Conduct Refresher training by the end of the quarter. Training was delivered within budget allocations.
34	Ongoing monitoring and review of WHS policies, procedures and systems to protect the health and safety of Council's employees.	GOV 5	Reduction in incidents, accidents and work related injuries.	Manager Org Development	Monitoring and review of WHS policies, procedures and systems is ongoing. Managers are continuing to be involved in ensuring improvement at an operational level. The number of incidents was slightly higher when compared to the December 2015 quarter, however, they were less when compared to the same period last year (ie March 2015 quarter).
35	Implement the Drug and Alcohol Policy with comprehensive awareness training for all employees and the commencement of testing.	GOV 5	Heightened awareness of employees to the effect of drugs and alcohol in the workplace and how to deal with potential cases. Reduction in related incidents, accidents and work related injuries.	Manager Org Development	The HR Take 5 on the Drug and Alcohol Policy and the Drug and Alcohol Testing Procedure has been completed by the majority of workers and Council contractors. Initial random testing is ready to be conducted in April 2016.

<b>OPERATIONAL PLAN 2015/16 - INFRASTRUCTURE SERVICES DEPARTMENT</b>				
No	Task/Activity	Corp Plan Ref	Outcome	Responsibility
<b>WORKS</b>				
36	Undertake capital roadworks and drainage projects (excluding Reseals) in accordance with approved capital works schedule.	ECON 3	Council's road and drainage networks are progressively upgraded.	Manager Works
37	Undertake bitumen roads reseal and asphalt overlay program in accordance with budget allocation.	ECON 3	Bitumen roads are maintained to a high standard and reseals are carried out within the maximum period as determined by the asset system for all roads to be resealed.	Manager Works
38	Undertake Parks & Gardens capital works projects in accordance with approved capital works schedule.	ECON 3	Council's parks, gardens and reserves are progressively upgraded.	Manager Works
<b>TECHNICAL SERVICES</b>				
39	Continue the development of asset management plans for all infrastructure asset classes.	GOV 2	Management of the Shire's major infrastructure assets is enhanced through the determination of accurate renewal, upgrade and maintenance costs that inform the long term financial planning process.	Strategic Project Officer
40	Purchase and implement a Vehicle Management System.	GOV 5	Implementation of a Vehicle Management System will improve knowledge of fleet operations and obtain accurate data concerning usage and bookings and unnecessary overtime.	Coordinator Fleet & Workshop
<b>WATER &amp; WASTE</b>				
41	Mareeba Wastewater Treatment Plant - explore alternative design options to provide an acceptable solution at less cost and continue to pursue the possibility of obtaining State Government funding for the new plant and investigate other	ECON 3	DEHP approval is obtained for an acceptable low cost design option and substantial government or other funding is secured to offset the cost of constructing the new Wastewater Treatment Plant.	Manager Water & Waste
				<p><b>Assessment of performance in implementing Operational Plan</b></p> <p>Council's Transport Infrastructure Capital Works program is on schedule for completion by end of June 2016. Major projects completed during the third quarter of the financial year include the underground powering of Therwine Street, Kuranda, intersection upgrades at Monaro Close and High Chapparral Road, a replacement bus shelter in Kowrowa and the upgrading and sealing of Stanton Road.</p> <p>The 2016 Reseal program was completed in late October and the line marking of the reseals was completed in January 2016.</p> <p>Council's Parks &amp; Gardens Capital Works program is on schedule for completion by end of June 2016. Major projects completed during the third quarter of the financial year include the Dog Off Leash Park in Mareeba and the replacement of softfall at various parks across the shire.</p> <p>1. Network level Risk Assessments are complete for Bridges, Water, Wastewater and Facilities asset classes.  2. Water and Wastewater asset classes have been prioritised over a 10 year period and the associated risks with delayed projects are being analysed.  3. Bridge renewal requirements are currently being prioritised and load limits are currently being assessed.  4. An initial 10 year works program has been developed for all asset classes using current information and will be reviewed to incorporate risk and renewal priorities.  The sixty-four units that were allocated have now had the Fleet Monitoring System installed.  Twenty-three (23) of the sixty-four (64) units also had an additional Sat Com unit fitted to enhance coverage whilst out of mobile phone coverage. The original Sat Com units were all faulty from the manufacturer. A complete new set of Sat Com units has been supplied and five (5) of the new units have been installed.</p> <p>Tender awarded to Downer Utilities with construction expected to begin April/May 2016. Design of new Plant well underway with 30% design stage now complete.</p>

	funding avenues that may be available.					
42	Mareeba Wastewater Treatment Plant Inlet Works Upgrade. (Funding has been secured for this project through the State government's Royalties for Regions program)	ECON 3	Upgrading the Inlet Works at the Mareeba Wastewater Treatment Plant as part of the overall upgrading of the treatment plant.	Manager Water & Waste	Tenders called for a new packaged Inlet Works and assessment completed and presented to Council for approval. Tender awarded to Blifinger Water Technologies Pty Ltd with construction expected to begin April/May 2016.	
43	Water meter replacement program and completion of Automated Meter Reading Equipment.	ECON 3 GOV 3	Complete the water meter replacement program for the remaining shire area providing a reliable revenue scheme for Council whilst upgrading and maintaining Council assets.	Manager Water & Waste	All townships now completed with the exception of 126 difficult installations that are in the process of being completed.	
44	Mareeba Wastewater Reticulation Network Infrastructure Upgrade	ECON 3	Upgrading of approximately 1.1 kilometres of the sewerage reticulation network to the Mareeba Wastewater Treatment Plant along the Mulligan Highway to the treatment plant.	Manager Water & Waste	This work has now reached the practical completion stage. Project has come in ahead of schedule.	
45	Construction of a new water reservoir at Kuranda (Myoia Road).	ECON 3	Provide a sustainable water supply to the Kuranda area and meet Council's legislative obligations under the Water Act.	Manager Water & Waste	Completed	
46	Construction of two new water reservoirs at Kuranda - Mason's Road and Warril Drive	ECON 3	Provide a sustainable water supply to the Kuranda area and meet Council's legislative obligations under the Water Act.	Manager Water & Waste	Design of the new water reservoirs commenced February 2016 with tenders for the construction of the new reservoirs being called April 2016.	
47	Mareeba Landfill - construct a new Leachate Pond.	ECON 3	Meet DEHP license requirements and water quality discharge limits at the wastewater treatment facility.	Manager Water & Waste	To be constructed in conjunction with the new Mareeba Wastewater Treatment Plant.	
48	Waste Transfer Stations and Landfill site development and post closure plans	ECON 3	Meet DEHP licence and legislative requirements	Manager Water & Waste	This project is required to meet DEHP licence conditions and legislative requirements. Work has been awarded to Aurecon with an expected completion date of May 2016.	
49	Wastewater reticulation pumps upgrade schedule.	ECON 3	Maintain Council assets and progressively upgrade and renew same so they are compliant with DEHP regulations.	Manager Water & Waste	This project now completed with the exception of the replacement of one large pump at the Granite Creek sewerage pump station. This work was expected to be undertaken and completed in January but will now be completed in April 2016.	
50	Water, Wastewater and Waste - undertake capital works projects in accordance with approved capital works schedule.	ECON 3 ENV 5	Council's Water and Wastewater systems and waste disposal facilities are progressively upgraded and renewed.	Manager Water & Waste	See comments on individual projects in this section.	
51	Kuranda Sludge Management Project	ECON 3 ENV 5	Supply, installation and commissioning of appropriate	Manager Water & Waste	Tenders were called for the design and construction of the Kuranda Sludge Management project. Tenders were assessed and presented to Council for approval	

52	Capping Old Mareeba Landfill	ECON 3	sewerage sludge treatment works to remove nutrients unnecessarily overloading the treatment process. Meet DEHP licence and legislative requirements.	Manager Water & Waste	with Abergeldie Constructions being awarded the project. The project is expected to be completed by September 2016.	Tenders have been called for the capping and associated works at the old Mareeba Landfill. These works are required as a site licence condition. Once tenders are assessed, it is expected works will be undertaken in the 2016/17 financial year.
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**ITEM-4 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT**

<b>MEETING:</b>	Ordinary
<b>MEETING DATE:</b>	20 April 2016
<b>REPORT OFFICER'S TITLE:</b>	Manager Development and Governance
<b>DEPARTMENT:</b>	Corporate and Community Services

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**EXECUTIVE SUMMARY**

*This report presents the key activities and achievements of the Development and Governance Group for the January - March 2016 quarter.*

**OFFICER'S RECOMMENDATION**

"That Council receive and note the quarterly report of the Development and Governance Group for January to March 2016."

**BACKGROUND**

The Development and Governance Group is comprised of the following Council service areas:

- Governance and Compliance
- Building and Plumbing
- Regional Land Use Planning
- Local Laws and Environmental Health

**Highlights and Significant Issues**

Nil

**GOVERNANCE AND COMPLIANCE**

Some of the main issues dealt with by the Governance and Compliance section during the quarter were as follows:

**Building Certification:**

As noted in previous quarterly reports, a formal complaint was lodged by a Private Certifier in relation to Council's conduct of its Building Certification Business Activity and the complaint was referred to the Queensland Competition Authority. The Competition Authority commenced a formal investigation of the complaint and Council made an initial submission to the QCA on 9 December 2015.

During December 2015, the Queensland Productivity Commission took over the handling of competitive neutrality complaints and a request was received from that body on 17 February 2016 for Council to provide additional information to allow them to proceed with their investigation. As a result of this request, a detailed 18 page submission plus attachments

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was submitted to the Productivity Commission on 14 March 2016. At this stage, no further advice has been received from QPC as to the status of the investigation.

### **Leases**

- Continued to progress Trustee Leases/other leases for the following Clubs and organisations:
  - Mareeba United Football Club - a draft lease has been forwarded to the Club for consideration but no response received as at 31 March 2016.
  - Dimbulah Horse & Pony Club - a draft lease has been submitted to the Pony Club. The lease covers the whole of Reserve for Recreation R173 plus part of the adjoining Reserve R171 which contains the Dimbulah Swimming Pool and Caravan Park. The survey plan for the portion of R171 in question has been finalised and on receipt of advice from the Club that the draft lease is acceptable, the matter will be further progressed.
  - Dimbulah Soccer Club - the preparation of the survey plan of the lease area has been completed and a draft lease was forwarded to the Club for their consideration. Verbal advice was recently received that the draft lease is acceptable and formal documents will now be prepared for signature.
  - Dimbulah Men's Shed - draft lease was sent to them quite some time ago but still no response received from the organisation.
  - Mareeba Swimming Club - signed lease documents were returned by the Club and the lease has now been submitted to DNRM Titles Office for registration.
  - Discussions have been held with the Dimbulah Swimming Club in relation to preparation of a Trustee Lease over the area occupied by their Clubhouse and a draft lease document has been provided to the Club for their perusal and feedback.
  - Agreement has been reached with the Mareeba & District Cricket Club on their draft lease and the Management Agreement for the Borzi Park oval and the relevant documents have been forwarded to the Club for execution. On return of the signed lease documents, the lease will be registered with DNRM Titles office.
  - Finalisation of outstanding matters, including payments due, relevant to the licence agreement between Council and the operators of the Post Office located at the Chillagoe Hub facility.
  - Discussions have been held with SunWater relevant to reserve land (for which Council is trustee) off Adil Road and also adjoining Council's Industrial Park. These discussions involve Council's ability to utilise this land while not exposing SunWater infrastructure to risk of damage.

### **Land Management Plans**

- The revised draft Land Management Plan for Hunter Park at Kuranda has been submitted to DNRM for review but no response received as yet from DNRM.
- The Land Management Plan for the Mareeba Men's Shed, Lloyd Street, Mareeba is still awaiting approval from DNRM before being publicly advertised.
- A basic Land Management Plan was prepared for the Booroo Street Recreation Reserve in Kuranda and submitted to DNRM for approval. As a result of concerns raised by DNRM in relation to the proposed lease of the Reserve and the issue of exclusivity, a number of discussions have been held, including an on-site discussion at which the Member for Barron River was present, and amendments have been made to the draft LMP. On finalisation of the draft LMP and sign off by DNRM on the Plan, it will be publicly advertised.

- A draft Land Management Plan has been prepared for the Reserve on which the Dimbulah Community Centre and Kindergarten is located but has not as yet been submitted to DNRM.

### Industrial Estates

- Chillagoe Industrial Estate:
  - The survey plan of the Estate has now been registered and titles issued for all of the individual lots within the Estate. The calling of tenders for the current 11 vacant lots in the Estate will be undertaken in the very near future.
- Mareeba Industrial Park:
  - Both Contracts of Sale for the two large lots fronting Effley Street have been finalised and work has been progressing on the excavation of the open stormwater drain and the filling and levelling of the lots by the developers. The survey plan of the large lots in Effley Street has been submitted to DNRM for registration and this should be finalised by the required date of 30 April as specified in the Contracts of Sale.

As per the reports submitted to the Council meeting of 6 April 2016, there have been discussions held with potential purchasers of land in the MIP in relation to the purchase of the land on terms, and the construction of the link between Martin Tenni Drive and Gowan Street has also been progressed with this project having the potential to create further saleable lots.

### Mareeba Aerodrome

- The overall layout plan for the western end is reaching finalisation. Enquiries are still coming in regarding the availability of lots. A total of 28 enquiries have been received to date. A separate report has been submitted to Council in relation to the utilisation of Section 236 of the *Local Government Regulation 2012* to lease the new lots to be developed in lieu of going through the tender or auction process.
- Action has been continuing with matters relating to leases at the Mareeba Aerodrome. Valuations have been undertaken on two (2) leases which were due for a review (to market value) of their respective lease payments. Other lease related matters at the Mareeba Aerodrome have involved compliance issues and actions are still underway to have some determination made relevant to these matters.

### Complaints Management

The first quarter of the year saw the finalisation of all complaints but one (1) that Council has received over a period of time. A review process was undertaken of those complaints that were carried over from previous reporting periods and entailed an investigation into the nature of the complaint, the status of any actions undertaken and whether there had been any resolution or determination of these outstanding complaints. The only remaining complaint that is still not finalised is one for which Council is awaiting a review and determination from an external agency before a decision can be made relevant to what action Council must take. This is the complaint made to the Queensland Productivity Commission in relation to Council's Building Certification business activity.

Below are figures for Complaints handling for the Quarter ending 31 March 2016.

Complaints carried over from previous period (October to December 2015)	11
Complaints lodged during reporting period (January to March 2016)	5
Complaints finalised during reporting period (January to March 2016)	15
Complaints still in process (not finalised) during reporting period (January to March 2016)	1

**BUILDING AND PLUMBING**  
**Building Approvals**

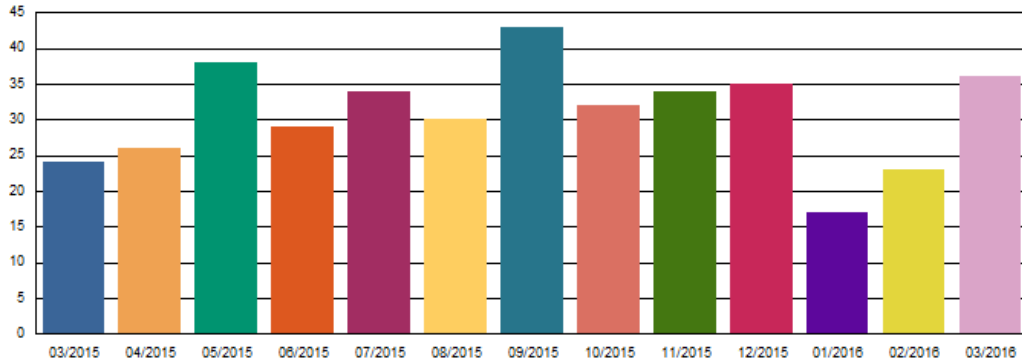


PO Box 154  
Mareeba QLD 4880

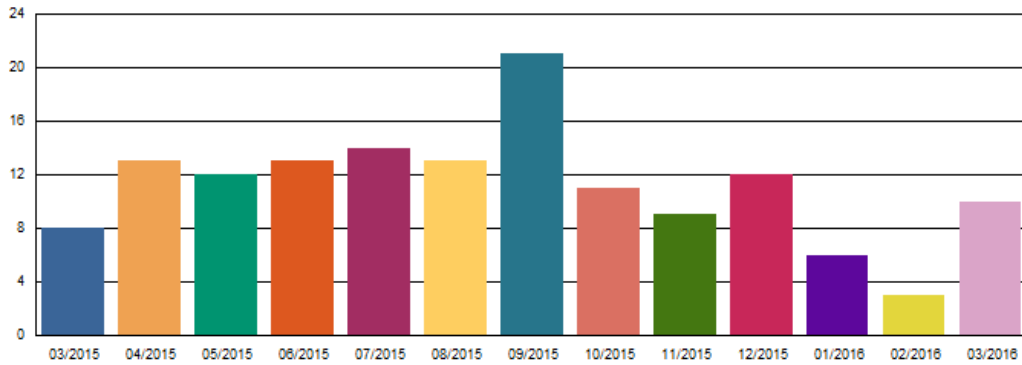
65 Rankin Street  
Mareeba QLD 4880

**Building Services Statistics**  
(1/01/2016 to 31/03/2016)

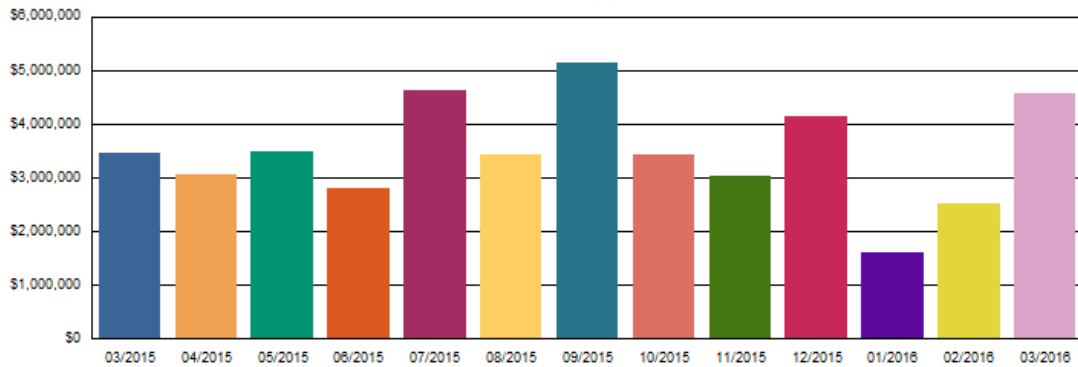
**Total Approvals Issued**



**Number of Dwellings Approved**



**Total Value of Approvals**



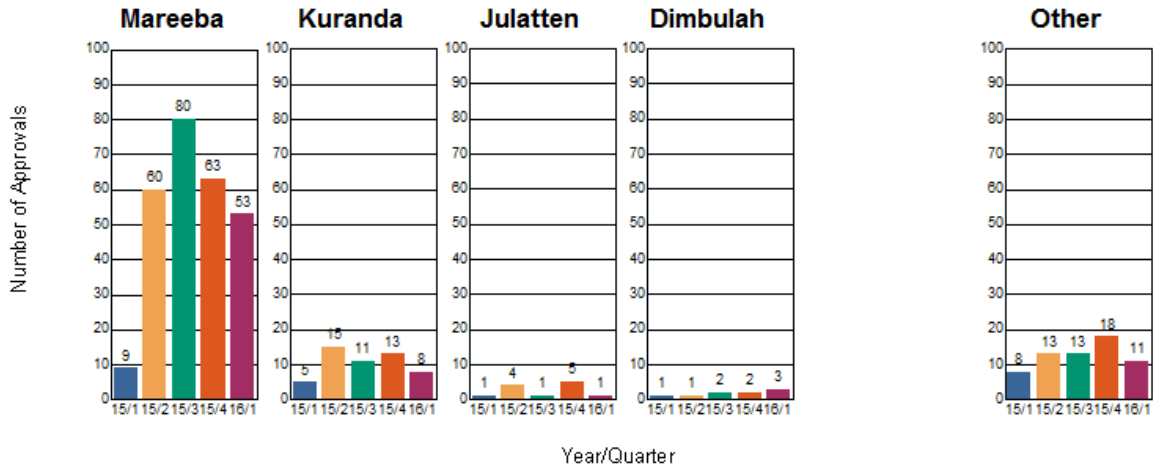


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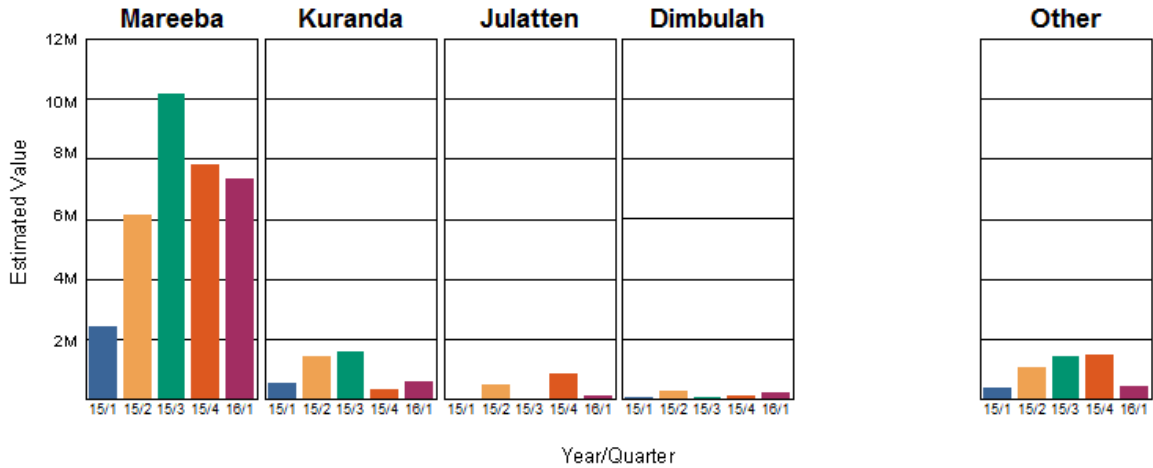
65 Rankin Street  
Mareeba QLD 4880

**Building Services Statistics**  
(1/01/2016 to 31/03/2016)

**Total Approvals by Locality**



**Total Value of Approvals by Locality**



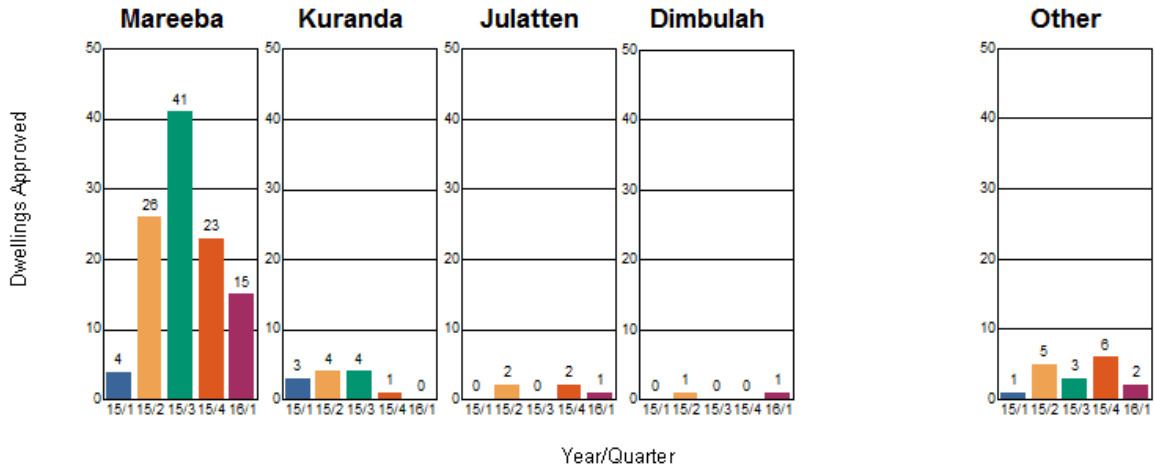


PO Box 154  
Mareeba QLD 4880

65 Rankin Street  
Mareeba QLD 4880

**Building Services Statistics**  
(1/01/2016 to 31/03/2016)

**Number of Dwellings Approved by Locality**



## REGIONAL LAND USE PLANNING

### New Development Applications

Seventeen (17) development applications were lodged in the March quarter 2016 compared to twenty (20) lodged in the March quarter 2015.

#### Development Applications received/approved during quarter:

New Development Applications lodged	17
Decision Notices issued under delegated authority	10
Negotiated Decision Notices issued under delegated authority	Nil
Decision Notices issued (from Council Minutes)	3
Negotiated Decision Notices issued (from Council Minutes)	1
Extensions to relevant period issued	5
Change to existing Development Approval issued	1
Building Work approvals issued under delegated authority	4
Survey Plans endorsed	7
Notices issued under SPA	Nil
Planning Appeals and other Court proceedings	Nil

## LOCAL LAWS AND ENVIRONMENTAL HEALTH

### Environmental Health

The Environmental Health section responded to a total of 82 enquiries, complaints and service requests for the quarter relating to the following matters:

<b>Complaints and Enquiries relating to Environmental Health</b>	
Nuisances (air, noise, water)	11
Bats or Flying Foxes	5
Food Business Complaint	1
Food Business Enquiry	26
General Service Requests	8
Health Enquiry	6
Illegal Dumping of Waste	10
Public Health Complaints	13
Public Health Enquiry	2
Untidy Property & Accumulation of Items	0

<b>Notices Issued, Inspections Carried Out, Applications Processed</b>	
Licensed premises inspected	73
New Food applications	9
Compliance Notice	0

## Local Laws

Local Laws Officers dealt with a total of 393 complaints and enquiries during the quarter relating to the following matters

<b>Complaints and Enquiries relating to Animals</b>	
Enquiries, Cruelty, Noise, Restrained for Collection (not Council Trap)	123
Dangerous Aggressive Dogs	56
Missing/Lost/Found Animals	22
Property - Hygiene (animal related)	1
Request for Council Animal Trap	37
Straying Animal	100
Too many Animals	8
Unleashed, Not Restrained Dog & Unregistered Animal	5
<b>Complaints and Enquiries relating to all other areas</b>	
Abandoned vehicles	1
Air & Noise Nuisance - Backyard Burning & Music/Busking	7
Commercial Use of roads & parks enquiries	2
General Service Request	10
Illegal Camping, Parking & Signage	11
Overgrown & Untidy Property	2
Parking	8

<b>Notices Issued, Inspections Carried Out, Applications Processed</b>	
Penalty Infringement Notices Issued	206
Warning Letters issued	62
Compliance Notices issued	65

## Impoundments

A total of 185 animals were impounded:

Cats	51
Dogs	129
Other	5

35.29% of impounded **cats** were handed over to FOTA

0% of impounded cats were claimed by their owners

64.71% of impounded cats were euthanized

20.16% of impounded **dogs** were handed over to FOTA

36.43% of impounded dogs were claimed by their owners

41.86% of impounded dogs were euthanized

1.55% of impounded dogs in process

## LINK TO CORPORATE PLAN

**GOV 5** - Conduct a work management systems and procedures review to develop an efficient organisation supported by cost effective work practices and systems

**ENV 2** - Maintain a proactive response to public health and safety matters including incorporating CPTED principles in town centres and commercial developments



**ENV 3** - Appropriate consideration is given to planning and development controls, design guidelines, traditional ownership and sustainable development principles when making planning decisions

### **CONSULTATION**

Senior Planner  
Building & Plumbing Officer  
Coordinator Environmental Health & Local Laws  
Governance & Compliance Adviser

### **LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL & RESOURCE IMPLICATIONS**

Nil

### **IMPLEMENTATION/COMMUNICATION**

Relevant information to be publicised in media.

### **ATTACHMENTS**

Nil

**Date Prepared:** 8 April 2016

**ITEM-5 GRAVEL RESERVE - CHISARI ROAD MUTCHILBA**

**MEETING:** Ordinary

**MEETING DATE:** 20 April 2016

**REPORT OFFICER'S TITLE:** Manager Development & Governance

**DEPARTMENT:** Corporate and Community Services

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**EXECUTIVE SUMMARY**

*This report seeks formal confirmation by Council of action taken by the former Mareeba Shire back in 2003 relating to the freeholding of a leased Gravel Reserve located on Chisari Road, Mutchilba.*

*The leaseholder has recently contacted Council in relation to progression of this matter.*

**OFFICER'S RECOMMENDATION**

"That Council formally advise the Department of Natural Resources and Mines that due to gravel deposits on Reserve for Gravel Purposes Lot 469 on HG509 being exhausted, the land is no longer required for its service delivery function and is therefore surplus to Council's requirements and Council has no objection to the land being disposed of by the Department, either in priority to the existing lessee or on the open market."

**BACKGROUND**

The author of this report was recently contacted by Mr Brian Westwood who is the lessee of Reserve for Gravel Purposes Lot 469 on HG509 located at Chisari Road, Mutchilba. Mr Westwood made an application back in 2003 to freehold the Reserve and at that time wrote to the former Mareeba Shire requesting that the Council provide a letter to the Department of Natural Resources and Mines in Cairns stating that the Reserve was no longer required for its gazetted purpose and that Council would have no objection to the conversion of the Reserve to freehold (refer letter dated 20.08.03 from BL & IM Westwood attached).

A letter dated 23 September 2003 was then sent by the Council to DNRM Cairns advising that Council had no objection to the conversion of the Westwood's lease of the reserve to freehold tenure and also noting that the gravel pit located on the land had been exhausted of suitable material and was no longer used by the Council. A copy of this letter was also forwarded to Mr and Mrs Westwood.

It appears that no further action was taken by the Department in relation to the above matter and the recent contact by Mr Westwood followed on from similar contact with DNRM to progress the matter.

In accordance with the Department's Revenue Share Policy for Local Government Operational Trust Land PUX/901/211 (copy attached), any decision by a local government to

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declare operational trust land to be no longer required for its service delivery function must be supported by a resolution of the local government.

On searching back through Council meeting minutes for August, September and October 2003, a Council resolution relating to this matter was unable to be located. Given that the attached letter from Mr & Mrs Westwood is dated 20 August 2003 and the letters sent by the Council to DNRM and the Westwood's are dated 23 September 2003, it would be expected that if the matter was formally considered by Council at the time, there would have been a resolution in the September 2003 minutes, however, there is nothing in the minutes of 19 August 2003, 16 September 2003 or 7 October 2003.

It appears therefore that the decision to advise DNRM that the Reserve was no longer required by Council was made by the CEO and/or the Manager Civil Works without reference to Council.

To comply with DNRM requirements, it is recommended that Council formally resolve to advise the Department that the Reserve is now surplus to Council's requirements and Council has no objection to the Department disposing of the land, either in priority to the Westwood's or on the open market. Recent advice from the Department is that there is no guarantee the Department will sell the land in priority to Mr and Mrs Westwood and it may be the case that they end up having to surrender their lease for disposal on the open market.

This matter has also been discussed with Council's Manager Technical Services and Manager Works and they have both confirmed that the Reserve is of no further use to Council.

## **LINK TO CORPORATE PLAN**

**ECON 3:** Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

## **CONSULTATION**

### *Internal*

Manager Technical Services  
Manager Works

### *External*

Mr Brian Westwood  
DNRM

## **LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

## **POLICY IMPLICATIONS**

Nil

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**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Depending on whether DNRM applies the Revenue Share Policy for Local Government Operational Trust Land, Council may receive some funds from the eventual sale of the land.

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

Council's resolution concerning this matter will be formally communicated to DNRM and Mr Westwood.

**ATTACHMENTS**

1. Letter dated 20 August 2003 from BL & IM Westwood.
2. Letter from Mareeba Shire Council to DNRM dated 23 September 2003.
3. Letter from Mareeba Shire Council to BL & IM Westwood dated 23 September 2003.
4. Copy of DNRM Revenue Share Policy for Local Government Operational Trust Land.

**Date Prepared:** 5 April 2016

**ATTACHMENT 1**

Doc No		Subject Folder		Input	
IR No		L5/2			
A Action Required	CEO	Enviro Health	Roads		
	Mgr Corp Serv	Animal Control	Design		
I Info Only	Finance	Building	Parks & Garden		
	Rates	Research & Dev			
C Copied	Human Res	Mgr Civil Works			
	Planning	Water & Sewer			

P.O. Box 27,  
1033 Springmount Road  
Mutchilba. 4872  
*20.08.03*

Mareeba Shire Council,  
Mareeba,

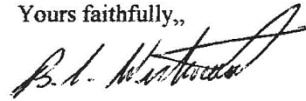
Dear Council,

My wife and I purchased a property on 232 Chisari Road, Mutchilba, which included special lease Lot 469 Plan HG509 Parish Masterton. We would like to freehold this lease and add it to the 100acres that we own, which runs directly onto the main farm, as the 50acres on special lease would make this a reasonably viable farm size for agriculture.

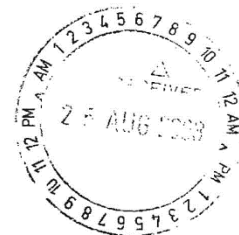
To help with the freeholding of this lease, we would require the Mareeba Shire Council to relinquish the gravel pit which is on this site, and which has been mined out. I would be happy to meet with any councilors on site to discuss this matter. I am also happy to work with council if they need to use this area for mixing of grave, bitumen etc.

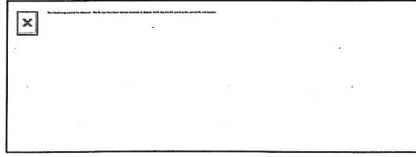
If the council agrees to our request, we would appreciate a letter to the DNR, Cairns, expressing that you have no further use for the gravel pit on the lease, so enabling our request for freeholding to go ahead. Thank you,

Yours faithfully,,



B.L.&I.M. Westwood



**ATTACHMENT 2**

**Mareeba Shire Council**  
**P.O. Box 154**  
**65 Rankin Street**  
**Mareeba Qld 4880**

Telephone (07) 4030 3900  
Facsimile (07) 4092 3323  
Email [ceo@msc.qld.gov.au](mailto:ceo@msc.qld.gov.au)  
Web [www.msc.qld.gov.au](http://www.msc.qld.gov.au)

Department of Natural Resources & Mines  
PO Box 937  
CAIRNS QLD 4870

Our Ref: I5/2 GR:ENH  
Your Ref:

23 September 2003

Dear Sir/Madam

**APPLICATION TO FREEHOLD**  
**LOT 469 PLAN HG509 PARISH OF MASTERTON**  
**BL & IM WESTWOOD**

I refer to the attached letter received by Council from Brian and Irene Westwood.

Council has no objection to the conversion to freehold tenure of this parcel of land which is currently leased by the applicants. The gravel pit located on this land has been exhausted of suitable material, and is no longer used by Council.

Should you have any queries with regard to the matters raised, please direct them to Council's Manager (Civil Works), Gerard Read on (07) 4030 3970.

Yours faithfully

**for NP Briggs**  
**CHIEF EXECUTIVE OFFICER**

***Attachment: Letter from BL & IM Westwood***

*Mareeba – a great place to live.*  
*Mareeba - biggest town on the Tablelands of the Cairns Hinterland.*

**ATTACHMENT 3**

**Mareeba Shire Council**  
**P.O. Box 154**  
**65 Rankin Street**  
**Mareeba Qld 4880**

Telephone (07) 4030 3900  
Facsimile (07) 4092 3323  
Email ceo@msc.qld.gov.au  
Web www.msc.qld.gov.au

Your Ref:

23 September 2003

Mr & Mrs BL & IM Westwood  
PO Box 27  
MUTCHILBA QLD 4872

Dear Sir/Madam

**APPLICATION TO FREEHOLD**  
**LOT 469 PLAN HG509 PARISH OF MASTERTON**  
**BL & IM WESTWOOD**

Please find attached, for your information, Council's letter to Department of Natural Resources and Mines regarding your application to freehold.

Should you have any queries with regard to the matters raised, please direct them to Council's Manager (Civil Works), Gerard Read on (07) 4030 3970.

Yours faithfully

**for NP Briggs**  
**CHIEF EXECUTIVE OFFICER**

***Attachment: Letter to Dept of Natural Resources & Mines***

*Mareeba – great place to live. Biggest town on the Tableland.*

**ATTACHMENT 4**

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Department of Natural Resources and Mines

**Revenue Share Policy for Local  
Government Operational Trust Land  
PUX/901/211**

SLM/2013/579

Version 2.07

Great state. Great opportunity.







This publication has been compiled by State Land Administration, SLAM, Operations Support of Department of Natural Resources and Mines.

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## Version History

Date	Version	Author	Description/Comments
05/07/2007	1	State Land Administration, SLAM	Replaces Government Land Disposal Policy 9 - Revenue Share Policy for Surplus Local Government Operational Reserve Land (GLP/2004/1418 Version 1)
12/07/2007	1.1		Minor Amendment to correct typing errors
24/12/2007	2		Updated to reflect Land Act amendments, Endorsed by Scott Spencer, Director-General, Department of Natural Resources and Water
10/03/2008	2.1		Minor amendment to correct GST in Attachment B
15/10/2008	2.2		Minor amendments to correct GST in Policy
27/08/2009	2.3		Minor change to wording due to amendments in the Acquisition of Land Act 1967
31/01/2011	2.4		Minor updates to reflect departmental name change to DERM
03/10/2012	2.5		Minor updates to reflect departmental name change to DNRM
13/03/2013	2.6		Updated to change government logo
19/03/2014	2.07		Updated to new DNRM template

## Approval

Director General, Office of the Director General	13/12/2007
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## Purpose

To provide improved opportunities for the rationalisation of under-performing and surplus existing operational reserve and deed of grant in trust land assets controlled by local governments, as trustee; and assist local governments with the transition to a more appropriate tenure to manage essential operational reserve and deed of grant in trust land assets.

## Rationale

In 1991, the Queensland Government introduced a series of policies to encourage State government departments to actively pursue a measured asset rationalisation program. This program has and continues to be successful in the identification of real property assets that are no longer required by State government departments for the delivery of its core services.

This contemporary asset management practice has scope for wider application to other State owned property controlled by local governments.

Local governments control, as trustee, State land that has been set apart under the *Land Act 1962* and precedent Acts for the service delivery functions and purposes of local governments. These properties, generally referred to as operational trust land, consist of reserves or a deeds of grant in trust for purposes such as local government, depots, workshops and car parks, etcetera and a list of these operational purposes is as per Attachment A.

The quality of the State's reserve land portfolio should, in general, reflect areas of State land that are of State and local significance. As such, the portfolio would be enhanced as an outcome of an assessment to determine more appropriate uses and tenure for local government operational trust land.

### Surplus operational trust land

From a property asset review process and as a consequence of a most appropriate use assessment it could be expected that operational trust land surplus to the service delivery requirements of a local government may be reallocated to a community purpose. In other instances where the nature of the property, surrounding tenure environment and/or strategic public requirements indicates that the land should not be allocated for sale or use for community purposes, then offering the land for lease under the *Land Act 1994* will most likely provide the most appropriate land management outcome. In addition to the aforementioned opportunities, there will be the economic incentive from a property asset review process to generate revenue to the State and the local government from the sale of surplus operational trust land.

### Essential operational trust land

From time to time a local government's use of operational trust land for its gazetted purpose may diminish and the local government may determine that the land is required for another essential public purpose (e.g. building/administration centre) that will facilitate the local government's service delivery functions. The *Land Act 1994* generally does not support the use of operational trust land for a purpose that is inconsistent with the gazetted purpose; or dedication of land as a reserve for a public purpose. However, in these instances there is provision under the *Land Act 1994* for the land to be sold as freehold, without competition, to the local government.

Operational trust land is also used for purposes which under contemporary tenure principles freehold tenure is preferred for better management of the land. In recognition of this government policy and the *Land Act 1994* provides for the sale of the land to the local government in instances where freehold tenure would be more appropriate for the purpose for which the land is used.

### Outcomes

Outcomes of a program to allocate local government operational trust land to more appropriate uses and tenure include:

- a more efficient reserve portfolio;
- a more appropriate tenure for the future management of the land;
- surplus land allocated to more appropriate uses; and
- a financial return on the State's equity in operational trust land.

### Policy

Local governments, as trustee of trust land\* dedicated for the purposes and service delivery functions of local governments (referred to under this policy as operational trust land), are eligible to receive 50% of the revenue (after costs) from the sale of all local government operational trust land.

\*Trust land is defined in the *Land Act 1994* as being land that comprises a reserve or a deed of grant in trust. A reference to operational trust land in this Policy is taken to be a reference to part or the whole of the land.

Note: This Policy does not apply to trust land dedicated for a community purpose as defined in Schedule 1 of the *Land Act 1994*; for example, gardens, park, public hall, recreation, sport, etcetera.

The sale of all local government operational trust land must be undertaken and managed by the Department of Natural Resources and Mines (DNRM).

The policy may be applied to the following dealings: -

- a. sale of surplus operational trust land to the public or private sector; or
- b. sale of essential operational trust land to the current local government trustee for a public purpose for which land may be lawfully taken by the local government, under the *Acquisition of Land Act 1967*.

Where a local government no longer has a requirement for operational trust land and a decision is made that the land is needed in the public interest for a different use (in terms of s.33 of the *Land Act 1994*) for example, the land is to be offered for lease or set apart for a community purpose under the *Land Act 1994*, this policy will not apply and the local government will not be entitled to any revenue.

### GUIDING PRINCIPLES FOR APPLICATION OF THE POLICY

1. Local governments, as trustee of operational trust land, are not authorised to sell the land (s.54 of the *Land Act 1994*).
2. The provisions of the *Land Act 1994* and the State government's land disposal policies are the guiding principles for managing and administering government owned property assets. The principles pertaining to the allocation of property assets require that properties must be assessed and evaluated to determine their most appropriate tenure and use before an allocation decision is made.
3. To the extent practicable, the most appropriate tenure and use and subsequent allocation should achieve ecological sustainability by balancing and integrating the following elements:
  - the protection of ecological processes and natural systems;
  - optimum financial return to and economic development of the State; and
  - the enhancement of the cultural, economic, physical and social wellbeing of people and communities.

**Surplus operational trust land**

1. When a local government declares operational trust land as being surplus to its service delivery requirements, the Department of Natural Resources and Mines (DNRM) will manage a program of assessment, allocation and disposal of the surplus property in accordance with the *Land Act 1994* and the State government's land disposal policies.
2. The assessment of surplus operational trust land to determine its most appropriate use will have regard to native title rights and interests, if any. No decision will be taken to reallocate land to an alternative use where such use would adversely impact on native title rights and interests that may exist over the land.
3. DNRM will, when it is considered appropriate, seek required amendments to the planning scheme to reflect the assessed most appropriate use; or will condition the sale of the land to ensure that the purchaser obtains local government planning approval to achieve the property's most appropriate use.
4. Local governments electing to avail themselves of the State's revenue share policy will be required to agree that in the event the assessment of surplus operational trust land finds that the most appropriate use is for a community purpose, as defined under Schedule 1 of the *Land Act 1994*, the local government will unconditionally accept trusteeship of the property or provide the State with an acceptable name of an appropriate incorporated body or persons to effectively manage the reserve in accordance with the *Land Act 1994*.
5. In the event of a sale of surplus operational trust land (with or without competition; or to a public sector agency) and after settlement, 50% of the purchase price (excluding GST), less DNRM's fee and any other costs (as per Attachment B) will be remitted to the respective local government.
6. The responsibilities of local governments and DNRM in dealing with surplus operational trust land are set out on Attachment C, together with identified outcomes from dealing with surplus operational trust land.

**Essential operational trust land**

Although a local government as trustee may apply for a deed of grant over an operational reserve under section 341 of the Land Act, and essential operational trust land may be used for an inconsistent action, subject to the provisions of section 52(3), local government must purchase the trust land in accordance with government policy as provided for hereunder:

1. A local government trustee may apply to DNRM to have essential operational trust land reallocated to the local government as a deed of grant (freehold).
2. The local government will be required to provide DNRM with a Statutory Declaration certifying the current and proposed use of the land; and include a statement declaring the local government has no plans to sell the property.
3. DNRM will consider the relevant provisions of the *Land Act 1994* (sections 16, 28, 341 for the whole of a reserve, 33 and 122) and determine if it is appropriate to make an offer to the local government to have the land reallocated as a deed of grant.
4. Note: In the event that DNRM determines that native title rights and interests may continue to exist over the essential operational trust land, the local government will be required to take appropriate action to secure the surrender or compulsory acquisition of these rights and interests to facilitate the issue of a deed of grant.
5. An offer to reallocate the operational trust land as a deed of grant will require the local government to pay a purchase price for the land, equivalent to the full current market value for the land. Payment of GST, Stamp Duty and other statutory costs may also be a requirement of the offer. The local government will also be required to provide DNRM with a plan of survey of the subject area, if needed for the issue of a deed of grant.
6. Following issue of the deed of grant, 50% of the purchase price (excluding GST), less DNRM's fee (as per Attachment B) will be remitted to the respective local government.
7. However, if the local government can provide written evidence that the operational trust land was purchased in the past by the local government and the previous

prevailing government policies did not allow for freehold title to be held by the local government, then in these situations, the operational trust land can be made available to the local government for payment of the service provision fee of \$1,200 plus GST only.

## Responsibilities

All officers with appropriate delegations under the *Land Act 1994*, in particular State Land Asset Management officers within regions.

## Definitions

**Trust land** is defined in the *Land Act 1994* as being land that comprises a reserve or a deed of grant in trust.

**Operational Trust Land** - is trust land which was set aside under the *Land Act 1962*, unless its purpose is a community purpose as defined in Schedule 1 of the *Land Act 1994*. It is then "community purpose trust land". Examples of operational trust land are reserves for local government purposes and library purposes.

**Community Purpose** - is the primary purpose for which a reserve or a deed of grant in trust may be used in accordance with the *Land Act 1994*.

## Legislation

The *Land Act 1994*



## ATTACHMENT A

<b>Purposes of operation trust land controlled by local governments</b>	
Abattoir	Museum
Aerodrome	Pipe Line
Aged Peoples Home	Port and Harbour
Ballast	Pound
Building	Pumping Station
Departmental and Official	Quarry
Education	Rubbish/Refuse Disposal
Electrical Works	Reservoir
Fire Brigade	Sand
Gravel/Road Metal	Sanitary
Health	Sewerage
Hospital	Shire Hall
Kindergarten	Stock Control
Landing Ground/Place for Aircraft (not boats)	Stock Dip
Library	Stock Trucking
Local Government	Storage of Water
Magazine	Water Supply/Waterworks
Municipal	Wharf

**ATTACHMENT B**

**Surplus operational trust land** - In accordance with the following fee structure approved by Queensland Treasury, DNRM will retain from any sale proceeds (purchase price) a fee to cover costs incurred by DNRM in managing the disposal of surplus *operational trust land*.

Purchase/Sale Price	Fees for Disposal via the Land Act and or Open Market	Fees for Inter-Agency** Transfer/Sale
Up to \$4,000	Fee equivalent to the sale price	Fee equivalent to the sale price but no more than \$1,200
\$4,000 to \$50,000	\$4,000 flat fee.	\$1,200 flat fee.
\$50,000 to \$1M	8% of Purchase Price.	4% of Purchase Price.
\$1M to \$3M	8% of first \$1M plus 7% of Purchase Price in excess of \$1M, to a maximum fee of \$210,000.	\$40,000 plus 4% of Purchase Price in excess of \$1M, to a maximum fee of \$80,000.
\$3M to \$5M	7% of first \$3M plus 6% of Purchase Price in excess of \$3M to a maximum fee of \$300,000.	Maximum fee of \$80,000.
\$5M to \$10M	6% of first \$5M plus 5% of Purchase Price in excess of \$5M, to a maximum fee of \$550,000.	Maximum fee of \$80,000.
Above \$10M	By negotiation.	By negotiation.

\*\*For the purpose of calculating the appropriate fee, Inter-Agency Transfer/Sale is defined as a transfer of land to a State government department, Government Owned Corporation, Commonwealth department, local government and statutory authority.

DNRMs fee will cover costs incurred, including:

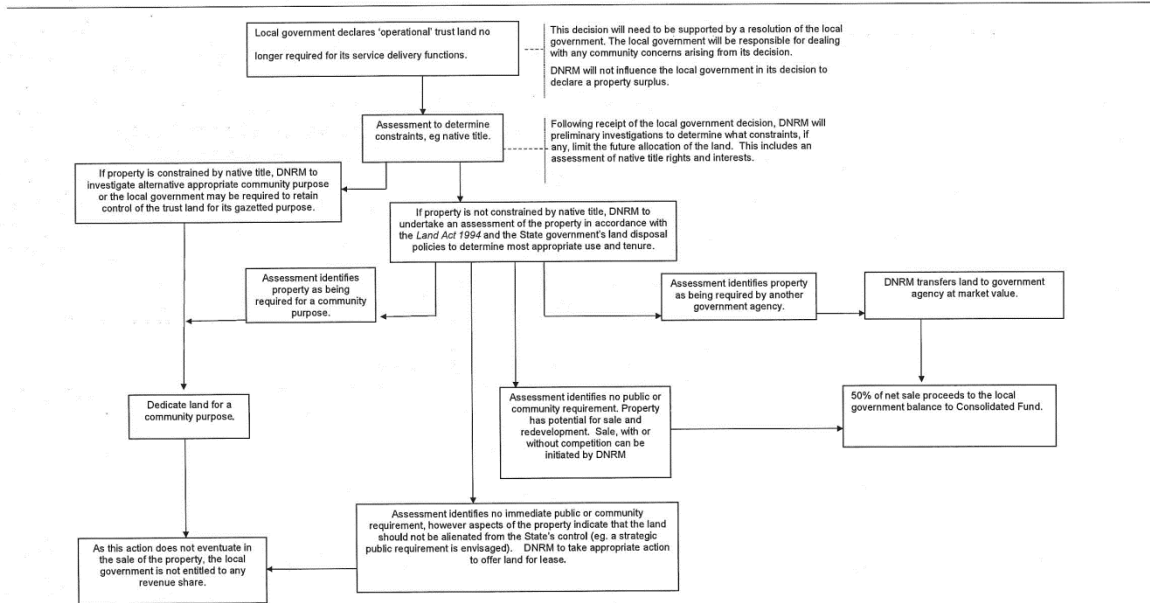
- Real Estate Agents Commission
- Cadastral surveys
- Valuation advice
- Market research
- Advertising
- Legal advice
- Property maintenance, clearing/slashing
- Material change of use costs

All other costs incurred in preparing and presenting the property for sale will also be deducted from the gross sale proceeds and 50% of the net sale proceeds will be remitted to the respective local government.

**Essential operational trust land** – For the reallocation of essential operational trust land to a local government as a deed of grant (freehold), DNRM only will retain from the sale proceeds (purchase price) the minimum fee of \$1,200 to cover costs incurred by DNRM in managing the action.

ATTACHMENT C

PROCESS FOR DEALING WITH SURPLUS LOCAL GOVERNMENT OPERATIONAL TRUST LAND





**ITEM-6 LEASING OF MAREEBA AERODROME SITES - SECTION 236 OF LGR EXEMPTION**

**MEETING:** Ordinary

**MEETING DATE:** 20 April 2016

**REPORT OFFICER'S TITLE:** Manager Development & Governance

**DEPARTMENT:** Corporate and Community Services

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**EXECUTIVE SUMMARY**

*This report recommends that Council utilise the provisions of section 236 of the Local Government Regulation 2012 when dealing with future applications to lease land at the Mareeba Airport. Previously, lease sites have been put out to public tender; however, section 236 of the Regulation provides an exemption from the tender process for disposal of an interest in land that is used as an airport.*

**OFFICER'S RECOMMENDATION**

"That Council undertake the future leasing of land at the Mareeba Airport in accordance with the exemption from the public tender or auction process provided by section 236(1)(c)(vii) of the *Local Government Regulation 2012*, this particular section of the Regulation being applicable to the disposal of an interest in land that is used as an airport."

**BACKGROUND**

The development of the western end of the Mareeba Airport as an aviation industrial park is due to commence in the near future utilising funding provided by the State and Federal Governments. The layout plan for the western end is almost finalised and, once adopted, Council will then be in a position to consider the many enquiries that have been received in relation to the leasing of sites within the new development.

In the past, disposal (leasing) of land at the Airport has been by way of the public tender process, however, this is sometimes not an efficient way of dealing with applications for sites and usually involves pre-determined lease areas that may not be suitable for particular development proposals.

The *Local Government Regulation 2012* provides, in section 236, that subject to subsections (2) to (4) of section 236, a local government may, under section 236(1)(c)(vii), dispose of an interest in land that is used as an airport, without going through the public tender or auction process, if:

- (A) it is in the public interest to dispose of the interest in the land without a tender auction; and
  - (B) the disposal is otherwise in accordance with sound contracting principles.
-

The above matters are addressed in detail hereunder.

### **(A) Public Interest**

It is considered that the leasing of land at the Mareeba Airport without going through the tender or auction process is in the public interest because:

- Disposal is for lease purposes only for the specific purpose of aviation related activities. It is therefore unlikely to be of interest to a wide section of the community.
- Council has a pre-determined lease fee for the lease of the subject land and the objective is not therefore to "sell to the highest bidder".
- Council's objective is to encourage aviation related service industries to establish at the airport and the requirement to go through a public tender or auction process is an impediment to that process.
- The public interest is better served by Council being able to negotiate with individual applicants on the basis of what economic and employment benefits the proposal will bring to the Mareeba Shire, rather than just simply allocate land based on a tender process.
- There is an adequate supply of land and developed lots available to cater for current expressions of interest and it is not the case that there is limited availability of land that prospective applicants have to compete for.
- The ability to negotiate proposals with individual applicants also means that lease boundaries do not have to be pre-defined i.e. Council can negotiate the size of the land required for a particular development and not be constrained by pre-determined lot sizes.

### **(B) Sound Contracting Principles**

#### **1. Value for money**

The land will be leased at current market value as determined by a professional valuation. The economic benefits and employment opportunities associated with a particular development proposal can also be taken into consideration in determining lease fees and Council may offer reduced lease fees as an incentive to attract a business or industry that provides significant benefits to the local community.

#### **2. Open and effective competition**

The aviation industry is a specialised area and interest in leasing land at the airport is therefore limited to specific individuals/businesses. By having a pre-determined lease fee and the ready availability of land and developed lots to cater for existing expressions of interest and potential future developments means that any number of aviation related businesses (including businesses offering the same services) can establish at the airport, thus promoting open and effective competition.

### **3. Development of competitive local business and industry**

Council's objective with the Mareeba Airport is to encourage a wide range of aviation related businesses to establish there, which in turn will provide significant economic and employment benefits for the Mareeba Shire.

As already noted in 2 above, the availability of sufficient land and developed lots to cater for all types of potential businesses means that any aviation related business can establish at the airport. It is not a situation where there are only a limited number of lots available which go to the highest bidder, thereby effectively excluding competition because there is not the availability of further land to allow competitors to establish.

The only restriction on competition will come from the industry itself i.e. how many passenger services can the region sustain; how many maintenance facilities are economically viable at an airport like Mareeba; how many flight training facilities are required in this region etc.

### **4. Environmental protection**

Mareeba Airport is a long established regional aviation facility extending back as far as the Second World War when it was used by the allied defence forces.

Any environmental issues associated with its further development are dealt with as part of the planning and design process, during which the effect of the potential businesses and industries that might establish there are taken into consideration and layout and design developed accordingly.

The issue then of whether the developed lots are leased via a tender/auction process or are exempt from that process is not a relevant consideration.

### **5. Ethical behaviour and fair dealing**

It is proposed that disposal of the developed sites at the airport will be by an Expression of Interest process whereby Council publicly advertises the availability of the sites and then considers any applications received.

As Council's objective is to develop the airport as an aviation industrial park, a higher priority would be given to those proposals that will provide direct economic benefits and employment opportunities for the local community, however, it is also intended that other applications be given due consideration e.g. hangar sites for storage of private aircraft.

All processes associated with the leasing of land at the airport will be open and transparent.

#### **Section 236(2) of Regulation**

Council must decide, by resolution, that section 236(1) (c) (vii) applies to the disposal of the land and this is the recommendation of this report.

#### **Section 236(3) of Regulation**

Council can only dispose of the land if the consideration is equal to, or more than, market value.

This can be achieved by setting lease fees in accordance with a valuation provided by a professional valuer (see section 236(5) which relates to this matter).

### **Section 236(4) of Regulation**

Not applicable. This only relates to land disposed of to a government agency or community organisation; a person whose restored enjoyment of the land is consistent with Aboriginal or Island custom, or; if there is a Ministerial exemption.

The above response to the provisions of the Regulation was provided to Preston Law for their review to ensure that Council is properly applying section 236(1) (c) (vii) of the Regulation and the Sound Contracting Principles under section 104 of the *Local Government Act 2009* and they have advised that the provisions of the Act and Regulation have been satisfactorily addressed (refer email dated 31 March 2016 attached).

In relation to the disposal of the land at equal to or more than market value, two leases at the Airport have recently been valued by Northern Property Valuers as part of the rental review process and current market rental is in the region of \$5.50 - \$6.00/m<sup>2</sup> (incl GST). However, this matter can be further considered by Council and a firm determination made prior to calling for expressions of interest.

### **LINK TO CORPORATE PLAN**

**ECON 2:** In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries.

### **CONSULTATION**

*Internal*

Mayor

Chief Executive Officer

*External*

Preston Law

### **LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

This report has satisfactorily addressed the relevant legislative provisions to allow Council to dispose of land at the Mareeba Airport under the exemption provided by section 236 of the *Local Government Regulation 2012*.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil



*Operating*

Minor. It is proposed that expressions of interest would be invited by public advertisement and there would be the cost of the advertisement in local newspapers.

*Is the expenditure noted above included in the 2015/2016 budget?*

Yes

**IMPLEMENTATION/COMMUNICATION**

Subject to adoption of the recommendation of this report and the setting of a per square metre lease rental, expressions of interest would be invited for the lease of land at the Airport once construction was in progress.

**ATTACHMENTS**

1. Copy of the relevant sections of the Local Government Act and Regulation (section 104 of the *Local Government Act 2009* and section 236 of the *Local Government Regulation 2012*).
2. Email dated 31 March 2016 from Preston Law.

**Date Prepared:** 5 April 2016

**ATTACHMENT 1**

Local Government Act 2009  
Chapter 4 Finances and accountability  
Part 3 Financial planning and accountability

[s 104]

- (2) Part 2B of that Act sets out the way in which that Act affects a local government's powers.

**104 Financial management systems**

- (1) To ensure it is financially sustainable, a local government must establish a system of financial management that—
- (a) ensures regard is had to the sound contracting principles when entering into a contract for—
    - (i) the supply of goods or services; or
    - (ii) the disposal of assets; and
  - (b) complies with subsections (5) to (7).
- (2) A local government is *financially sustainable* if the local government is able to maintain its financial capital and infrastructure capital over the long term.
- (3) The *sound contracting principles* are—
- (a) value for money; and
  - (b) open and effective competition; and
  - (c) the development of competitive local business and industry; and
  - (d) environmental protection; and
  - (e) ethical behaviour and fair dealing.
- (4) A *contract for the supply of goods or services* includes a contract about carrying out work.
- (5) The system of financial management established by a local government must include—
- (a) the following financial planning documents prepared for the local government—
    - (i) a 5-year corporate plan that incorporates community engagement;
    - (ii) a long-term asset management plan;

Local Government Regulation 2012  
Chapter 6 Contracting  
Part 3 Default contracting procedures

[s 236]

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- (e) the contract is for the purchase of second-hand goods; or
- (f) the contract is made with, or under an arrangement with, a government agency.

#### **Division 4                    Exceptions for valuable non-current asset contracts**

##### **236    Exceptions for valuable non-current asset contracts**

- (1) Subject to subsections (2) to (4), a local government may dispose of a valuable non-current asset other than by tender or auction if—
  - (a) the valuable non-current asset—
    - (i) was previously offered for sale by tender or auction but was not sold; and
    - (ii) is sold for more than the highest tender or auction bid that was received; or
  - (b) the valuable non-current asset is disposed of to—
    - (i) a government agency; or
    - (ii) a community organisation; or
  - (c) for the disposal of land or an interest in land—
    - (i) the land will not be rateable land after the disposal; or
    - (ii) the land is disposed of to a person whose restored enjoyment of the land is consistent with Aboriginal tradition or Island custom; or
    - (iii) the disposal is for the purpose of renewing the lease of land to the existing tenant of the land; or
    - (iv) the land is disposed of to a person who owns adjoining land if—

Local Government Regulation 2012  
Chapter 6 Contracting  
Part 3 Default contracting procedures

[s 236]

- 
- (A) the land is not suitable to be offered for disposal by tender or auction for a particular reason, including, for example, the size of the land or the existence of particular infrastructure on the land; and
  - (B) there is not another person who owns other adjoining land who wishes to acquire the land; and
  - (C) it is in the public interest to dispose of the land without a tender or auction; and
  - (D) the disposal is otherwise in accordance with sound contracting principles; or
  - (v) all or some of the consideration for the disposal is consideration other than money, for example, other land given in exchange for the disposal, if—
    - (A) it is in the public interest to dispose of the land without a tender or auction; and
    - (B) the disposal is otherwise in accordance with sound contracting principles; or
  - (vi) the disposal is for the purpose of a lease for a telecommunication tower; or
  - (vii) the disposal is of an interest in land that is used as an airport or for related purposes if—
    - (A) it is in the public interest to dispose of the interest in land without a tender or auction; and
    - (B) the disposal is otherwise in accordance with sound contracting principles; or
  - (d) for the disposal of a valuable non-current asset, other than land, by way of a trade-in for the supply of goods or services to the local government—
    - (i) the supply is, or is to be, made under this part; and

Local Government Regulation 2012  
Chapter 6 Contracting  
Part 3 Default contracting procedures

[s 236]

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- (ii) the disposal is, or is to be, part of the contract for the supply; or
  - (e) for the disposal of a valuable non-current asset by the grant of a lease—the grant of the lease has been previously offered by tender or auction, but a lease has not been entered into; or
  - (f) the Minister exempts the local government from complying with section 227.
- (2) An exception mentioned in subsection (1)(a) to (e) applies to a local government disposing of a valuable non-current asset only if, before the disposal, the local government has decided, by resolution, that the exception may apply to the local government on the disposal of a valuable non-current asset other than by tender or auction.
- (3) A local government may only dispose of land or an interest in land under this section if the consideration for the disposal would be equal to, or more than, the market value of the land or the interest in land, including the market value of any improvements on the land.
- (4) However, subsection (3) does not apply if the land or interest in land is disposed of under subsection (1)(b), (1)(c)(ii) or (1)(f).
- (5) For subsection (3), a written report about the market value of land or an interest in land from a valuer registered under the *Valuers Registration Act 1992* who is not an employee of the local government is evidence of the market value of the land or the interest in land.
- (6) An exemption under subsection (1)(f) may be given subject to conditions.

**ATTACHMENT 2****Alan Lambert**

**From:** Martine Care <MCare@prestonlaw.com.au>  
**Sent:** Thursday, 31 March 2016 4:54 PM  
**To:** Alan Lambert  
**Subject:** Leasing of Land at Mareeba Airport

Good afternoon Alan,

I am an Associate at Preston Law and I work closely with Mal Skipworth. Following his visit to Mareeba today, Mal has asked that I review the report that you have prepared regarding the Leasing of Land at Mareeba Airport.

Your report is detailed and properly applies Section 236(1)(c)(vii) of the *Local Government Regulation 2012* and the Sound Contracting Principles contained in Section 104 of the *Local Government Act 2009*.

In our view, the calling of EOI's and having a valuation completed prior to entering into any leases is appropriate and will allow suitably qualified persons to lease land at a market rent which will be comparable across all leases.

We do not recommend any amendments to the current report.

Please let us know should you require anything further at this time.

Kind regards,

**Martine Care | Associate | Preston Law**  
[mcare@prestonlaw.com.au](mailto:mcare@prestonlaw.com.au) | T +61 7 4052 0730 | F +61 7 4052 0777  
Level 1, 15 Spence Street, Cairns, QLD, Australia 4870  
[www.prestonlaw.com.au](http://www.prestonlaw.com.au)

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**WE HAVE MOVED!**

The Partners and staff of Preston Law wish to advise that we have moved to our new premises at Level 1, 15 Spence Street, Cairns.

**ITEM-7 SUBLEASE OF LEASE AREA BB - MAREEBA AERODROME**

**MEETING:** Ordinary

**MEETING DATE:** 20 April 2016

**REPORT OFFICER'S TITLE:** Manager Development & Governance

**DEPARTMENT:** Corporate and Community Services

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**EXECUTIVE SUMMARY**

*This report considers a request for Council's consent to the sublease of lease area BB at the Mareeba Airport and recommends that the sublease be approved.*

**OFFICER'S RECOMMENDATION**

"That Council consent to the request by W & B McGilvray to sublease lease area BB at the Mareeba Airport to Tower Resources Pty Ltd, subject to all costs associated with the sublease being met by Mr and Mrs McGilvray."

**BACKGROUND**

Mr and Mrs W & B McGilvray are the lessees of lease areas AA and BB at the Mareeba Airport. The attached letter received from Lilley, Grose & Long Solicitors, acting on behalf of Mr and Mrs McGilvray, seeks Council's consent to the sublease of lease area BB to Tower Resources Pty Ltd which is the operating Company of Tableland Aircraft Maintenance, Mr and Mrs McGilvray's aviation repair, refurbishment and restoration business which has been operating from the Mareeba Airport for some decades.

Under the terms of the Head Lease, the lease cannot be transferred or assigned without Council's approval. The proposed sublease is essentially a modified version of the existing lease to Mr & Mrs McGilvray and meets Council's requirements and it is therefore recommended that Council grant its consent to the sublease.

**LINK TO CORPORATE PLAN**

**ECON 2:** In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries.

**CONSULTATION**

*Internal*  
Nil

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*External*  
Nil

**LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
Nil

**IMPLEMENTATION/COMMUNICATION**

Lilley, Grose and Long will be formally advised of Council's decision.

**ATTACHMENTS**

1. Letter dated 22 March 2016 from Lilley, Grose & Long with attached sublease.

***Date Prepared:*** 5 April 2016



**ATTACHMENT 1**

**LILLEY, GROSE & LONG**

*Solicitors*

FREDERICK JAMES LISTON - Consultant  
MALCOLM JAMES LISTON LLB.

Our Ref: MJL:MSH:53907

Your Ref:

P.O. Box 156  
34 Main Street  
ATHERTON  
North Queensland, 4883

3179876

7 FAC-PAR-AGP  
Kil -  
Telephone: (07) 4091 2655  
Facsimile: (07) 4091 2325  
E-Mail: mail@lgl.com.au  
A.B.N. 51 817 571 060

22 March 2016

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



Dear Sir

**Re: Request for Consent – Sublease – Registered Lease 715033521 – Mareeba Aerodrome**

We advise we act on behalf of the Lessee under Registered Lease 715033521, Mr. and Mrs. W & B McGilvray.

Pursuant to Clause 2.08.1 of that Lease, our client seeks consent of the Council (as Head Lessor) to the sublease of Area BB to Tower Resources Pty Ltd.

Tower Resources Pty Ltd is the operating Company of Tableland Aircraft Maintenance, our clients' aviation repair, refurbishment and restoration business which has been operating from the Mareeba Aerodrome for some decades. The business operated by Tower Resources Pty Ltd has been in continuous operation since 1988. We submit that it is a respectable, and financially viable entity, given its long history in the Mareeba area.

We enclose herewith for your consideration the following documents for Council's further attention:-

1. Executed copy of the Sublease document;
2. Form 18 General Consent – for execution by Council in the event Council is prepared to grant its consent in respect of the Sublease.

We also draw your attention to the following:-

- (a) Sublease is essentially a modified version of the Head Lease, incorporating all of the principal provisions thereof. The only major amendments have been:-

30190

- 2 -

Chief Executive Officer  
Mareeba Shire Council

22 March 2016

- (i) Deletion of the provisions regarding construction of the building;
  - (ii) Alteration in relation to the lease term – You will note that there are no options contained in the Sublease.
- (b) We also draw your attention to the provisions of Clause 4.15 on the last page of the Sublease, which enshrines priority of the provisions of the Head Lease over any conflicting provision in respect of the Sublease (though we do not believe that given they are based on the same document there would be any conflicting provisions contained within the Sublease itself);
- (c) Clause 2.08.1 has been amended, so as to ensure that the Sub-Lessee cannot assign or part with possession of the premises without consent of both the Sub-Lessor and the Head Lessor (the Council).

In light of the above, we would request formal approval from the Council to the subleasing of Lease Area BB from the current Lessee to their operating Company Tower Resources Pty Ltd.

If Council is prepared to grant this consent, we would request that you execute the Form 18 General Consent and return same to this office for our further attention. We await receipt of your further advices.

Yours faithfully  
LILLEY GROSE & LONG

Per: 


Encl.

QUEENSLAND LAND REGISTRY  
 Land Title Act 1994, Land Act 1994 and Water Act 2000

**LEASE/SUB LEASE**

Duty Imprint

**FORM 7** Version 6  
 Page 1 of 12

	Dealing Number	OFFICE USE ONLY
<b>Privacy Statement</b> Collection of this information is authorised by the <u>Land Title Act 1994</u> the <u>Land Act 1994</u> and the <u>Water Act 2000</u> and is used to maintain the publicly searchable registers in the land registry and the water register. For more information about privacy in DERM see the department's website.		

<b>1. Lessor</b>	<b>Lodger</b> (Name, address E-mail & phone number)	<b>Lodger Code</b>
WAYNE MCGILVRAY AND BETH MCGILVRAY		

<b>2. Lot on Plan Description</b>	<b>County</b>	<b>Parish</b>	<b>Title Reference</b>
LOT 1 ON RP714240			21331174

<b>3. Lessee</b> Given names	Surname/Company name and number	(include tenancy if more than one)
	TOWER RESOURCES PTY LTD (ACN 053 195 994)	

<b>4. Interest being leased</b>
FEE SIMPLE

<b>5. Description of premises being leased</b>
LOT BB ON SP251440



<b>6. Term of lease</b>	<b>7. Rental/Consideration</b>
Commencement date/event: 01/03/2016	SEE ENLARGED PANEL
Expiry date: 29/06/2033	
#Options: Nil	
#Insert nil if no option or insert option period (eg 3 years or 2 x 3 years)	

**8. Grant/Execution**


The Lessor leases the premises described in item 5 to the Lessee for the term stated in item 6 subject to the covenants and conditions contained in: - \*the attached schedule; \*the attached schedule and document no. \_\_\_\_\_; \*document no. \_\_\_\_\_; \*Option in registered Lease no. \_\_\_\_\_ has not been exercised.

\* delete if not applicable

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

 ..... signature MALCOLM JAMES LISTON full name Solicitor qualification	 See Enlarged Panel Lessor's Signature
---	---

**Witnessing Officer**  
 (Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

<b>9. Acceptance</b> The Lessee accepts the lease and acknowledges the amount payable or other considerations for the lease. ..... signature ..... full name ..... qualification	Tower Resources Pty Ltd ACN 053 195 994  Director Lessee's Signature
--	---

<b>Witnessing Officer</b> (Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)	21/03/2016 Execution Date Director
---	--

QUEENSLAND LAND REGISTRY  
Land Title Act 1994, Land Act 1994 and Water Act 2000


**ENLARGED PANEL**

Form 20 Version 2  
Page 2 of 12

Title Reference 21331174

**9. Acceptance**

The Lessee accepts the lease and acknowledges the amount payable or other considerations for the lease.

  
..... signature  
**MALCOLM JAMES LISTON**  
..... full name  
**Solicitor**  
..... qualification

**Witnessing Officer**

(Witnessing officer must be in accordance with Schedule 1  
of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

*21 103/2016*  
**Execution Date**

  
**Lessor's Signature**

QUEENSLAND LAND REGISTRY  
Land Title Act 1994, Land Act 1994 and Water Act 2000**ENLARGED PANEL****Form 20** Version 2  
Page 3 of 12

Title Reference 21331174

**7. Rental/Consideration**

- (a) Rent Period: The term hereof shall be divided into rental years, the first rental year commencing on the date of commencement and the second and subsequent rental years on the yearly anniversary of the date of commencement.
- (b) Rental: The initial yearly rental shall be FORTY EIGHT THOUSAND DOLLARS (\$48,000.00) per annum payable monthly in advance by equal monthly instalments of FOUR THOUSAND DOLLARS (\$4,000.00) on the first day of each and every month.
- (c) To pay rent: The Lessee shall pay the rent reserved to the Lessor at Mareeba or to such person or persons, firm, bank or institution as the Lessor may from time to time direct on the days and in the manner herein provided without any reduction or abatement whatsoever.
- (d) Annual Reappraisal of Rent: The annual rent payable by the Lessee to the Lessor for the second and each subsequent year of the said term (hereinafter in the clause referred to as "the year in question") shall be as agreed between the parties and failing agreement calculated by applying the following formulae at the beginning of the year in question:

$$R = \frac{A \times C}{B}$$

Where:

- R = the annual rent in dollars for the year in question;
- A = the last Brisbane All Groups Consumer Price Index published for the March quarter ending immediately prior to the commencement date of the year in question;
- B = the last Brisbane All Groups Consumer Price Index published for the March quarter ending immediately prior to the commencement date of the said term;
- C = the annual rent in dollars applicable for the first year of the said term; and

PROVIDED THAT should the Australian Bureau of Statistics cease using the above index and commence using in lieu thereof some other index or formula, the rent shall be adjusted on each anniversary of the commencement of the term of the lease for the following year by the percentage by which such substituted index or formula applicable or published immediately prior to such anniversary date shall increase from that applicable or published immediately prior to the commencement of the term of the lease PROVIDED FURTHER that should there be no substituted index or formula, the question or rent to be determined on such anniversary date shall be referred to a valuer to be appointed by agreement between the Lessor and the Lessee or in default of agreement to be appointed by the President of the Australian Institute of Valuers (Queensland Division) and the person so appointed shall act as an expert and not as an arbitrator. Such valuer shall determine a fair market rent to be paid for the demised premises for the year in question based upon the current market rent for the demised premises at the commencement date of each year for the optimum use of the premises at that time. Until the annual rent for the year in question shall have been determined by the Lessor and notified to the Lessee, the Lessee shall continue to pay the rent applicable to the year immediately preceding the year in question and within twenty-one (21) days of notification as aforesaid the Lessee shall pay to the Lessor any arrears of rent for the period prior to determination of the rent for the year in question PROVIDED THAT the annual rent for the year in question shall notwithstanding anything hereinbefore in this clause contained be not less than the annual rent for the immediately preceding year of the said term.

**Title Reference [ 21331174 ]**

- 1.00 Demised Premises. The premises as referred to in item (5) hereof shall hereinafter be referred to as "the demised premises" and such demised premises shall be leased by the Lessee as Lessee at a rental payable annually in advance to the Lessor of amounts as determined in item (7) hereof the first of which is to commence on the date of commencement of the Lease as referred to in item (6) hereof and subsequent payments to be made at intervals of one calendar year thereafter subject, in addition to the covenants powers and conditions implied herein by the Property Law Act 1974-1975 or such modifications or alterations of the same as hereinafter appear, to the following covenants and restrictions:
- 2.00 Lessee's Covenants. **THE LESSEE COVENANTS WITH THE LESSOR AS FOLLOWS:**
- 2.01 To pay Rent. To pay the rent hereby reserved annually in advance to the Lessor or such other person bank or financial institution as the Lessor shall from time to time in writing direct without any deduction on the days aforesaid.
- 2.02 Use of Premises. To use the demised premises for the purpose of an aviation industry building (including hanger and Aviation repair, restoration and refurbishment facility), storage of components and stock and aviation related purposes and not to use the demised premises for any other purposes without the consent in writing of the Lessor first had and obtained and not to carry on or permit to be carried on upon the demised premises or any part thereof any dangerous or offensive trade business or process nor any trade business or process which may require the consent of the Local Authority without such consent first had and obtained by the Lessee nor permit nor suffer to be done anything in or about the demised premises which may cause annoyance nuisance or inconvenience to occupiers of adjacent premises or to persons in the neighbourhood of the demised premises or be in any way disadvantageous to the interests of the Lessor.
- 2.03 To Repair. To keep in repair and maintain the demised premises demised premises and any appurtenances thereto upon or belonging to the same in good and tenantable repair and condition having regard to the condition of the demised premises at the commencement of this Lease fair wear and tear and damage by accidental fire storm flood or tempest or other inevitable casualty and without any neglect or default on the part of the Lessee only excepted and at the termination or other sooner determination of the term hereby granted to yield up the same to the Lessor in such repair and condition
- 2.04 To Permit Entry and to Execute Repairs. To permit the Lessor or the agent or agents of the Lessor with or without workmen and others at all reasonable times upon reasonable Notice to enter upon and view the condition of the demised premises and forthwith, upon notice in writing being given to the Lessee by the Lessor, to execute all repairs and work required to be done fair wear and tear excepted by the Lessee hereunder; AND also to permit the Lessor or the agent or agents of the Lessor with or without workmen and others at all reasonable times to enter upon the demised premises for the purposes of effecting any alterations remodelling or repairs (if any) which may be incumbent upon the Lessor pursuant to law or which the Lessor may wish to carry out for ensuring the safety and preservation of the demised premises or which the Lessor may be required to carry out, such repairs being carried out with as little interference to the Lessee as possible.
- 2.05 To pay Costs. To pay upon demand to the extent permissible by law the Lessor's legal costs (on a Solicitor and own client basis on the Queensland Supreme Court Fee Scale) for and incidental to the preparation execution of this Lease, obtainment of Lessor's Mortgagee's consent (if applicable), stamping and registration of this Lease and relevant outlays, AND of the Lessor's Solicitor attending to any requirements of the Commissioner of State Revenue relating to chapter 4 or any other section of the *Duties Act* of the State of Queensland and any further duty and fees payable under the said Act, AND in connection with any application for consent under clause 2.08 hereof, AND all costs and expenses (including legal costs on the same basis and Scale as previously stated in this Clause) which the Lessor may incur in consequence of any default by the Lessee in the performance or observance of any covenant condition or agreement herein contained or implied or which shall have been authorised entered into or made by the Lessee. Furthermore, should the Lessee require this Lease to be registered in the Land Titles Office, the Lessee hereby undertakes to make the necessary arrangements for provision of a sketch plan for insertion in the Lease, capable of registration in the said Land Titles Office, at the cost and expense of the Lessee.
- 2.06 To comply with statutes. Duly and punctually to comply with and observe all statutes now or hereafter in force and all ordinances regulations and by-laws thereunder and orders and regulations of all other relevant authorities relating to the demised premises and/or to the business of the Lessee carried on therein and all requirements and orders lawfully given or made by any public body or authority relating to the demised premises

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within the time required by the notice or order PROVIDED THAT the Lessee shall not be liable for any structural repairs alterations or additions to the demised premises other than those required by reason of the use to which the Lessee or the Lessee's servants or invitees from time to time may put the demised premises or any part thereof or the appurtenances thereto.

2.07 To Indemnify Lessor. To indemnify the Lessor and the Head Lessor (Mareeba Shire Council) and to hold the Lessor and the Head Lessor (Mareeba Shire Council) always indemnified against all damages losses costs and expenses (including legal costs on a Solicitor and own client basis) which the Lessor and the Head Lessor (Mareeba Shire Council) may sustain or be put to by reason or on account of any neglect or default on the part of the Lessee in respect of:

- (a) the breach or non-observance of any agreement or stipulation on the part of the Lessee herein contained;
- (b) the negligent use waste or overflowing of water by the Lessee and of the Lessee's negligently allowing the escape or leakage of gas or electricity;
- (c) the Lessee making or attempting to make any alteration to the demised premises;
- (d) the installation or introduction of any plant furniture or material by the Lessee whether such introduction shall have been consented to by the Lessor or not whether caused with or without negligence of any person;
- (e) loss, damage or injury from any cause whatsoever to property or person within or without the demised premises occasioned or contributed to by any act omission neglect breach or default of the Lessee or any servant agent contractor sub-contractor sub-tenant licensee invitee or other person claiming through or under the Lessee and whether or not the existence of risks of such loss, damage or injury was or should have been known to the Lessor.

2.08.1 Not to Assign. Not to assign transfer demise set over or part with possession of or otherwise by any act or deed procure the demised premises or any part or portion or portions thereof to be assigned transferred demise set over or part with the possession of the same or any part or parts thereof otherwise parted with unto any person or persons body corporate or incorporate whomsoever or whatsoever without the consent in writing of the Lessor and the Head Lessor first had and obtained and further will not without such consent as aforesaid execute any transfer assignment or sub-lease of or any contract or agreement for the sale transfer assignment or sub-lease of this Lease or any part of the term hereof but such consent to a proposed assignment or sub-letting shall not be unreasonably arbitrarily or capriciously withheld in favour of a respectable responsible and financial person or persons body corporate or incorporate the burden of proof of such respectability responsibility and financial status lying upon the Lessee. The Lessor and Head Lessor shall be entitled to require at the cost of the Lessee as a condition of the Lessor's consent to any assignment hereof:-

- (a) a Deed containing a covenant by the proposed assignee to observe all and every the covenants conditions and stipulations herein contained and on the part of the Lessee to be observed performed and fulfilled and a Power of Attorney clause similar to that contained in Clause 4.08 hereof; and
- (b) (where the intended assignee is a Body Corporate) a written personal guarantee provided by each of the directors of the intended assignee or such other persons as the Lessor may reasonably require; each personally guaranteeing the assignees performance of all obligations contained in or incidental thereto this lease and any renewal thereof.

The Lessee is responsible for payment of all professional costs, duties, and outgoings associated with the Assignment and covenant in relation thereto as reasonably required by the Lessor to give effect to this clause.

2.09 Erection of signs.

- (i) Not to erect set up or display any structure or sign (including neon sign) on any part of the demised premises without first having provided details to the Lessor and obtaining approval from the Lessor in writing and/or which may or may be likely to damage or weaken the structure of the building forming part of the demised premises or any part thereof and at the expiration or sooner determination of the tenancy to remove or clean off all structures signs sign-writing lettering advertisements or hoardings painted placed or erected on the demised premises and to repair and make good to the satisfaction of the Lessor

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any damage done in or about such removal or cleaning up and in particular to repaint the whole area from which any signs sign-writing lettering advertisements and hoardings shall be removed or cleaned off so that the whole of such area shall match and blend in with the surrounding paint work.

- 2.10.1 To pay charges. To pay and discharge punctually all Local Authority rates and charges (including water consumption charges) attributable to the demised premises. The Lessee shall pay all charges in respect of gas, electric current and telephones used on the demised premises during the said term or any extension or renewal thereof as shown by the separate meters and/or as otherwise chargeable therefor including cost of any meter installation all excess water charges by meter and/or otherwise assessed and/or imposed on the owner or occupier in respect of water consumed or used upon the demised premises and all cleaning services to the demised premises in excess of one service per week and if the Lessor shall pay the same the Lessee will refund the amount thereof to the Lessor immediately upon demand. The Lessee shall not make or suffer any default whereby the supply of gas, electricity or water to the demised premises might be cut off or discontinued PROVIDED HOWEVER that if the Lessee shall make default in payment of the said charges on the day on which the same shall be or become payable the Lessor may pay the same and recover the amount so paid from the Lessee by action in a Court of competent jurisdiction without prejudice to any other rights given to the Lessor by virtue of this Lease. The Lessee shall also pay all insurance costs, premiums and excesses payable in respect of the insurance payable by the Lessor and/or Lessee in respect of the demised premises.

- 2.10.2 Taxes & Future Taxes. The Lessee shall unless otherwise expressly provided in this Lease pay and discharge without exception all taxes (excepting Land Tax) charges assessments outgoings and impositions whatsoever (whether parliamentary local authority or otherwise and whether assessed charged or imposed by or under Federal or State Law or by Federal State or Local Authorities and whether on a capital or revenue value or other basis and even though of a novel character) including those of a kind which are not payable at the date of commencement but which may at any time during the term of this Lease be assessed, charged or imposed upon or in respect of the premises or the use and occupation of the premises and whether assessed against the Lessee or directly against the Lessee will be paid to the relevant assessing Authority not later than the due date for the payment and if assessed against the lessor will be paid by the Lessee to the lessor upon demand.

- 2.10.3 GST. The Lessee will pay to the Lessor an amount equal to the goods and services tax or other consumption tax payable by the Lessor for all taxable supplies supplied by the Lessor to the Lessee in connection with this Lease. The lessee will pay the tax when the Lessor provides an invoice for the payment.

The Lessor may include in the amount of the Outgoings to which the Lessee contributes, all goods and services tax or other consumption tax payable by the Lessor in respect of the Outgoings except for any part of the tax that the Lessor may claim as an input tax credit.

- 2.11 To keep clean. To keep the demised premises clean and of good appearance at all times.
- 2.12 To notify defects. To notify the Lessor promptly of any accident to or defects of or leakage in the water pipes or sewerage system and of any other reparations which may be required.
- 2.13 Restrictions. TO NOT:
- (a) permit the demised premises or any part thereof to be used occupied or frequented for any unlawful unseemly or noisy purpose;
  - (b) do or cause to be done anything which might bring the demised premises into disrepute or whereby the standard thereof as existing at present may be lowered or otherwise prejudicially affected;
  - (c) use or allow to be used any of the water closets drains lavatories or other water apparatus for any purpose other than those for which the same are intended AND to not throw or place nor permit to be thrown or placed in any closets or other water apparatus or drain any tea-leaves sweepings rubbish rags ashes or other unsuitable substances;
  - (d) To maintain all areas adjacent to any building in neat and tidy condition including (but not limited to):-
    - Keep all gardens and landscaped areas free of weeds;
    - Mowing all lawns regularly to keep ground areas in a neat condition; and



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- Generally keep the gardens maintained and free of rubbish.
- 2.14 Limit on dangerous substances. Not to use nor permit to be used chemical burning fluids oil acetylene or alcohol in lighting the premises or for any business or other purpose except as reasonably required for the purpose of carrying on the Lessee's said business nor to do nor permit anything to be done in the demised premises nor to bring nor keep anything therein that may in any way make void or voidable or lead to an increased rate of premium being payable in respect of any policy or policies of insurance of the demises premises.
- 2.15 "To Let" Notice. That the Lessee will during the THREE CALENDAR MONTHS immediately preceding the termination of the term hereof if the Lessee has not availed himself of any agreement with the Lessor for any further term permit the Lessor or the agent or agents of the Lessor or prospective tenants or purchasers and others with the written authority from the Lessor or the age of the Lessor at all reasonable times of the day without causing any undue disturbance to the Lessee to view the premises and will permit the Lessor to exhibit a "To Let" sign outside the premises.
- 2.16 Fixtures and Fittings. Not to pull down or remove or permit or agree to any other person pulling down or removing the fixtures or fittings now upon the demised premises nor shall the Lessee nor any other person or persons erect or re-erect or substitute any other fixtures plant or fittings now upon the said demised premises without first notifying the Lessor and obtaining the consent of the Lessor thereto **AND IT IS HEREBY AGREED AND DECLARED** that the consent of the Lessor shall not for this purpose be unreasonably arbitrarily or capriciously withheld **PROVIDED FURTHER** and notwithstanding anything to the contrary hereinbefore contained the Lessee shall have the right without notifying the Lessor and obtaining the Lessor's consent as aforesaid to erect in or upon the demised premises such fixtures and fittings as may be required for the purpose of the Lessee's business : **AND** at the expiration of the term hereof, **PROVIDED THAT** the Lessee shall have not made default under this Lease, the Lessee shall have the right to remove such fixtures and fittings **PROVIDED THAT** in so doing as little damage as possible shall be done to the demised premises **AND** any such damage shall be repaired by the Lessee at the Lessee's cost.
- 2.17 Insurance.
- 2.17.1 Plate Glass. To insure and keep insured to the full replacement value thereof all plate glass in and about the demised premises together with any sign-writing thereon (if applicable) with a reputable Insurance Company and in the event of damage or destruction to the whole or any part or parts of the said plate and/or other glass (by any means) to have the damaged or destroyed glass replaced expeditiously.
- 2.17.2 Public Liability. To insure and keep insured against public risk relating to the demised premises for an amount of not less than Ten Million Dollars (\$10,000,000.00) or such other minimum amount as the Lessor may from time to time reasonably nominate for any one event and including indemnity in respect of all claims demands and actions in respect of injury loss or damage to any person or property howsoever sustained arising out of the use or occupation of the demised premises at any time during the term and in respect of all risks of an insurable nature in respect of which the Lessee is obliged to indemnify the Lessor under this Lease. The Lessee will on demand provide evidence of currency of public liability insurance to the Lessor.
- 2.17.3 The Lessee shall not do or omit to do anything upon the demised premises or elsewhere upon the land or bring or keep anything therein whereby any insurance relating to the land whether effected by the Lessee or Lessor may be rendered void or voidable and whereby the rate of premium on that insurance may be liable to be increased. If the Lessor approves a proposal of the Lessee to increase an insured risk, the Lessee shall pay all additional premiums of insurance (if any) required on account of the additional risk.
- 2.18 Town Planning Consents:  
If the use intended to be made by the Lessee of the Demised Premises requires the consent of the relevant local authority under the Town Planning Scheme for that local authority the Lessee shall at his own cost and expense apply for such consent and the Lessor shall as the registered Head Lessee of the land consent to any such application. The failure of the Lessee to obtain such consent shall not in any way affect the obligations of the Lessee under this Lease **PROVIDED HOWEVER** that upon such failure and whilst it persists the Lessor may determine this Lease by notice in writing to the Lessee.
- 2.19 Environmental Protection Act Provisions

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- (a) The Lessor does not warrant that the Land is not contaminated land within the meaning of the 'Environmental Protection Act 1994' (the "Act").
- (b) The Lessee acknowledges and agrees that it has made such inspections and enquiries as it has desired to make to satisfy itself whether or not the Land is contaminated land within the meaning of the Act.
- (c) The Lessee shall not cause, and shall not permit its employees, agents, contractors, customers, invitees, clients or others (with or without invitation) who may at any time be in or upon the Demised Premises to cause the Land to become contaminated land within the meaning of the Act.
- (d) The Lessee shall indemnify and keep indemnified the Lessor in respect of any claim, remedy, damage, loss, liability, cost, charge, expense, payment or other expenditure for which the Lessor shall or may be or become liable, whether during the Term, in respect of or arising from the Lessee causing, or permitting its employees, agents, contractors, customers, invitees, clients or others (with or without invitation) who may at any time be in or upon the Demised Premises to cause the Land or any land or place to become contaminated land within the meaning of the Act.

**2.20 Construction of Building – intentionally deleted****3.00 Lessor's Covenants. THE LESSOR HEREBY COVENANTS WITH THE LESSEE AS FOLLOWS:**

- 3.01 Quiet enjoyment. That if the Lessee shall promptly pay the rent hereby reserved and observe and perform the Lessee's agreements herein throughout the said term the Lessee shall peaceably hold and enjoy the said premises during the term as aforesaid without any interruption by the Lessor or any person lawfully claiming under or in trust for the Lessor.
- 3.02 Works by Lessor. That the Lessor will at all times during the said term execute any works which by any local or other Government Authority or instrumentality shall be required to put the demised premises in good and sanitary order" and condition (other than such works as the Lessee is obliged to execute in accordance with the provisions hereof).
- 3.03 Sale of Property. The Lessor shall not during the continuance of this Lease or any extension or renewal thereof sell assign or otherwise dispose of its interest in the demised premises or any part thereof or the said land of which the demised premises forms part without first obtaining from the person in whose favour it is intended to make such sale assignment or disposition the execution of a covenant whereunder such person covenants with the Lessee that he will be bound by the covenants on the part of the Lessor herein contained or implied including the options for renewal as though he were the Lessor named herein instead of the said Lessor first hereinbefore mentioned to the intent that the covenants upon the part of the Lessor herein contained or implied shall be binding upon him and enure for the benefit not only of the Lessee but also his successors in title, such covenant shall be prepared by the Lessor's Solicitors, and the Lessee shall pay all the Lessor's reasonable professional costs and outlays in connection with the preparation execution and stamping thereof.

**4.00 IT IS HEREBY AGREED AND DECLARED BY AND BETWEEN THE LESSOR AND THE LESSEE AS FOLLOWS:**

- 4.01 Powers on Default. That if the rent hereby reserved or any part thereof shall be in arrears for the space of fourteen (14) days after the same shall become payable although no legal or formal demand shall have been made therefore it being hereby agreed that no such demand shall be necessary or if the lessee shall make a breach of any covenant obligation condition or agreement (express or implied) in this Lease or if the Lessee shall being a Company go into liquidation either voluntary or compulsory (except for the purpose of reconstruction) or if a winding up petition be presented against it or if a Receiver or Official Manager of its property be appointed or if any Writ of Execution be levied on the real or personal property of the Lessee and such breach shall not be remedied after a period of fourteen (14) days from the date the Lessor shall have served on the Lessee a Notice pursuant to Section 124 (1) of the Property Law Act 1974 - 1985 (it being specifically agreed by and between the Lessor and the Lessee that the said period of fourteen (14) days is a reasonable time under the said Section 124 (1) to remedy any such breach) THEN and in any of the said cases it shall be lawful for the Lessor immediately thereupon or at any time thereafter and notwithstanding that the Lessor may have waived or failed to take advantage of any prior breach of a like nature to determine this Lease (without the demand for the payment of rent and with or without any re-entry on the demised premises) by Notice in writing and thereupon the term hereby granted and then current shall cease and absolutely determine without prejudice however to any right of

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action or remedy of the Lessor in respect of any antecedent breach of any of the covenants or agreements on the part of the Lessee herein contained or implied. It is hereby expressly declared that this clause shall be in substitution of Section 107(d) of the Property Law Act 1974 - 1985.

- 4.02 Water damage. The Lessor shall not be liable to the Lessee or any person claiming under or through the Lessee for any loss or damage whatsoever directly or indirectly caused by or arising from rain or other water or fluid flowing or leaking into or being in the demised premises or any part thereof or issuing from any pipes attached to or connected with the same or otherwise in or upon the land on part of which the demised premises, provided that such loss or damage is not caused by any act or neglect or default on the part of the Lessor.
- 4.03 No waiver. That no waiver by the Lessor of any breach or non-observance by the Lessee of any of the covenants conditions or agreements herein contained on the part of the Lessee to be observed or performed shall be construed to be a general or continuing waiver.
- 4.04 Notices. Unless otherwise herein provided any Notice given by the Lessor shall be deemed to be duly served on the Lessee if delivered to the Lessee personally or any one of the Lessees in the case of two or more or if the Lessee is a Company or Corporation then to any person at its registered office appearing to be a servant thereof or if left at the demised premises or sent to the Lessee by certified mail in an envelope addressed to the Lessee at PO Box 2315, Mareeba 4880 and in the latter case service shall be deemed to have been effected on the day following the posting thereof.
- 4.05 Mediation/Arbitration. Any dispute or difference whatsoever arising out of or in connection with this Lease ("dispute") shall be resolved as follows:-

Reference to alternate dispute resolution

The parties shall first refer the Dispute to mediation ("the ADR reference") by a Law Society Approved Mediator agreed by the parties and failing agreement appointed by the President of the Society on the terms of the Standard Mediation Agreement approved by the Queensland Law Society.

The ADR reference shall commence when any party gives written notice to the other(s) specifying the Dispute and requiring its resolution under this clause.

Any information or documents obtained through or as part of the reference under this sub-clause shall not be used for any purpose other than the settlement of the Dispute under this sub-clause.

Final Resolution

If the Dispute is not resolved within twenty-one (21) days of the commencement of the ADR reference either party may then, but not earlier, commence proceedings in any court of competent jurisdiction.

Venue

Any mediation under this clause shall be held at Cairns at a venue as agreed between the parties, failing agreement then as appointed by the President for the time being of the Queensland Law Society Incorporated.

Contract Performance

Each party shall continue to perform this Lease notwithstanding the existence of a Dispute or any proceedings under this clause.

- 4.06 Power of Attorney. That in consideration of the Lease hereby granted the Lessee hereby irrevocably makes nominates constitutes and appoints and in the place and stead of the Lessee puts and deposes the Lessor and the attorney or attorneys substitute or substitutes of the Lessor jointly and severally to be the true and lawful attorney or attorneys of the Lessee and as the act and deed of the Lessee to make sign seal and execute and deliver all and every such instrument or instruments deed or deeds or other documents as the Lessor or the said attorney or attorneys substitute or substitutes may in his her or their absolute discretion see fit for further assuring to the Lessor the powers rights and privileges hereinbefore conferred or expressed or intended so to be AND ALSO in the name and on behalf of the Lessee to execute and procure the registration of a surrender of this Lease or any assignment thereof without any payment or compensation whatsoever to the Lessee and from time to time appoint a substitute or substitutes and such appointment at pleasure to revoke and another or others to appoint AND generally to do execute and perform all acts matters and things whatsoever relating to the premises as fully and effectually to all intents and purposes as the Lessee could do the Lessee hereby ratifying and

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confirming and covenanting to ratify and confirm all and whatsoever the Lessor or the substitute or substitutes attorney or attorneys of the Lessor shall lawfully do or cause to be done in and about the premises and also agreeing not to revoke the powers hereby conferred or any of them at any time during the continuance of this Lease PROVIDED ALWAYS and it is hereby agreed and declared that the powers conferred by this clause shall not be exercised by the Lessor unless default shall have been made by the Lessee in the observance performance or fulfilment of some one or more of the covenants provisions conditions and agreements herein contained or implied or unless this Lease shall be determinable or determined under the provisions hereof and sufficient proof of such default or determination shall for all purposes be a statutory declaration by any authorised person acting on behalf of the Lessor.

- 4.07 Holding Over. If after the expiration of the said term the Lessee shall with the consent of the Lessor remain in possession of the demised premises without any express arrangements being made for a further term the Lessee shall hold the demised premises from the Lessor as a tenant from month to month at a monthly rental equal to the monthly instalment of rent which was payable by the Lessee to the Lessor for the month immediately prior to the Lessee becoming such tenant from month to month payable monthly in advance and otherwise upon the same terms and conditions as are herein contained as far as the same applicable to a monthly tenancy and such tenancy may be determined at any time upon one calendar month's notice being given in writing by either party to the other.
- 4.08 Damages.
- (a) If any of the lessee's conduct amounts to:-
- (i) a repudiation of the lease (or any of the lessee's obligations in the lease), or a breach of any covenant in the lease,
- the lessee must compensate the lessor for any loss or damage suffered because of the repudiation or breach.
- (b) The lessor may recover damages from the lessee for the repudiation or breach in (a) for damages suffered during the whole term of the lease.
- (c) The lessor may recover damages even though:-
- (i) the lessee has abandoned the premises,
- (ii) the lessor has re-entered or terminated the lease,
- (iii) the lessor has accepted the lessee's repudiation, or
- (iv) there has been a surrender of the lease by operation of law.
- (d) The lessor's acceptance of rent or any other money under the lease (whether before or after termination) is not a waiver of any breach or an acceptance of the lessee's repudiation of the lease.
- (e) (i) If the lessor terminates the lease, the lessor must take reasonable steps to mitigate his damages by accepting to lease the premises on reasonable terms and at a reasonable rent,
- (ii) The lessor shall not be required to take any further steps to mitigate his damages,
- (iii) The lessor's right to damages shall be assessed on the basis the lessor has observed the obligation to mitigate his damages.
- 4.09 Interpretation. Unless such interpretation shall be excluded by or be repugnant to the context:
- (a) Whenever more than one Lessor or Lessee is a party hereto the words "Lessor" and "Lessee" whenever applicable shall be read as "Lessors" and "Lessees" respectively and shall be deemed to be followed where necessary or applicable by words relating to the plural number instead of the singular and the covenants herein contained or implied on the part of the Lessee shall be deemed to be entered into by the Lessees jointly and severally.
- (b) When the Lessor or the Lessee is a woman the words "him" and "his" when they relate to =:the Lessor or the Lessee respectively shall be read as "her". Words importing the masculine gender shall where applicable import the feminine and neuter gender.

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- (c) Whenever a Company or Corporation shall be a party hereto either as Lessor or as Lessee the words "Lessor" and "Lessee" or "person" whenever used herein shall where applicable be deemed to mean and include such Company or Corporation and its successors and assigns and the words "him" or "his" when referring to such Company or Corporation shall read as "it and "its" respectively.
- 4.10 Any inconsistency. If any inconsistency exists between the provisions of this Lease and those implied by the said *Property Law Act 1974 - 1985*, the said provisions of this Lease shall prevail over those implied by the said Act.
- 4.11 Clause headings: The clause headings to this Lease shall not be considered as part of the Lease and shall not affect the construction or meaning thereof.
- 4.12 Registration. If the Lessee shall so require, this Lease shall be registered in the Titles Office at any time at the cost of the Lessee
- 4.13 Removal of Improvements
- 4.13.1 Subject to the next succeeding clause hereof the Lessee may, within thirty (30) days after the expiration or sooner determination of this Lease, take down, remove or carry away all buildings, fixtures and improvements the Lessee has with the approval of the Lessor and during the continuance of this Lease erected or constructed upon the Demised Premises provided that in effecting such removal the Lessee shall do as little damage as possible and shall restore to the satisfaction of the Lessor the Demised Premises to the same or substantially the same condition as they were in immediately prior to the erection or construction of these buildings, fixtures and improvements.
- 4.13.2 The Lessor may within, thirty (30) days after the expiration or sooner determination of this Lease, by notice in writing to the Lessee require the Lessee within a reasonable period after the giving of notice to take down, remove and carry away all or any buildings, fixtures and improvements which the Lessee has during the continuance of this Lease erected or constructed upon the Demised Premises, and the Lessee covenants to take down, remove and carry away the buildings, fixtures and improvements, specified in notice and to restore the Demised Premises to the same and substantially the same condition as they were in prior to the erection or construction of those buildings, fixtures and improvements.
- 4.13.3 Abandoned Fittings Belong To Lessor:  
Any improvements, fittings or fixtures not removed by the Lessee either as of right or by requirement of the Lessor as aforesaid shall be deemed abandoned by the Lessee and shall be and become the property of the Lessor. If any improvements, fittings or fixtures so abandoned require, in the reasonable opinion of the Lessor, demolition or works to make them safe, the Lessor may undertake those works, the costs of that labour or those works being recoverable from the Lessee by the Lessor.
- 4.14 Renewal Option. Intentionally Deleted
- 4.15 Head Lease Priority – It is agreed between the parties that where any of the provision of this sub-lease conflict with the provisions of the Head Lease (Lease 715033521) then the provisions of the Head Lease will prevail and that the provisions of this lease shall be read and construed to comply with the provisions of the Head Lease.
- 4.16 GST – Goods and Services Tax.  
4.16.1 DEFINITIONS  
'GST' means GST within the meaning of the GST Act.  
'GST Act' means A New Tax System (Goods and Services Tax) Act 1999 (as amended).  
Expressions used in this clause 2A have the meanings given to them in the GST Act.
- 4.16.2 LESSEE TO REIMBURSE LESSOR FOR GST  
The Lessee will pay to the Lessor the GST payable by the Lessor for all taxable supplies supplied by the Lessor to the Lessee in connection with this Lease.
- 4.16.3 TAX INVOICE  
The Lessee shall not be obliged under this clause to pay the GST on a taxable supply made to it under this Lease by the Lessor, until the Lessor has provided the Lessee with a valid tax invoice in respect of that supply.

QUEENSLAND TITLES REGISTRY  
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**SCHEDULE**

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**4.16.4 AMOUNTS PAYABLE GENERALLY NOT GST INCLUSIVE**

An amount payable by a party under this Lease in respect of a taxable supply by the other party, unless expressed to represent the price of supply, represents the value of the supply and the recipient of the supply must, in addition to that amount and at the same time, pay to the supplier the GST payable in respect of the supply.

**ITEM-8 EXCHANGE OF LAND - KINGSBOROUGH**

**MEETING:** Ordinary

**MEETING DATE:** 20 April 2016

**REPORT OFFICER'S TITLE:** Manager Development & Governance

**DEPARTMENT:** Corporate and Community Services

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**EXECUTIVE SUMMARY**

*A Council resolution passed on 15 October 2014 regarding the exchange of Lots 403 and 405 in the old mining town of Kingsborough was subject to the Minister for Local Government granting approval to the transfer of the said lots.*

*On progressing this matter further, it has been ascertained that an existing exemption provision in the Local Government Regulation 2012 is applicable to this particular transaction and it is not therefore necessary to apply to the Minister for approval to transfer the land.*

*This report sets out further detail in relation to the relevant provisions of the Regulation and recommends that Council now proceed in accordance with the existing exemption provision.*

**OFFICER'S RECOMMENDATION**

"That in relation to the resolution passed by Council at its meeting held on 15 October 2014 regarding the exchange of Lot 403 on K2351, Kingsborough for Lot 405 on K2351, Kingsborough:

1. Council proceed with the exchange of the land in accordance with the exemption provided under section 236(1)(c)(v) of the *Local Government Regulation 2012*, it having been determined by Council that this section of the Regulation is applicable in this instance to the disposal of a valuable non-current asset (Lot 403 on K2351).
2. In accordance with the advice received from the Department of Local Government, Council not proceed with an application to the Minister for approval under section 236(1) (f) of the Regulation to dispose of the land."

**BACKGROUND**

At the Council meeting held on 15 October 2014, the Chief Executive Officer submitted a report (attached) in relation to the exchange of Lot 403 on K2351 Kingsborough for Lot 405 on K2351, Kingsborough.

At the time the attached report was submitted, Council was in the process of acquiring Lot 403 under the valueless land provisions of the *Local Government Regulation 2012* and had been approached by the owners of Lot 405 who had mistakenly purchased building improvements on what they thought was Lot 405 but was in fact Lot 403. The owners of Lot 405 had requested that when Lot 403 was transferred into Council's ownership, Council

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agree to a land swap with them, effectively transferring Lot 403 into their name and Lot 405 into Council's name.

Council agreed to the above proposal subject to the Minister for Local Government granting approval for the exchange of the lots. Under the provisions of the *Local Government Regulation 2012*, a local government can generally only dispose of a valuable non-current asset (land) via the public tender or auction process unless it obtains an exemption from the Minister under section 236(1)(f) of the Regulation. Council's approval was also subject to the current owners of Lot 405 paying all costs associated with the transfer of the lots.

Council has now finalised the acquisition of Lot 403 under the valueless land provisions of the Regulation and has obtained freehold title to the land.

In progressing the matter further, advice was sought from the Department of Local Government in Cairns regarding the applicability of section 236(1)(c)(v) of the Regulation to the proposed transaction and whether it was in fact necessary to obtain the Minister's approval for the transfer. The advice from the Department was that, subject to Council being able to demonstrate compliance with some of the other provisions contained within section 236 of the Regulation, it would not be necessary to make the application to the Minister.

Section 236(1) (c) (v) of the Regulation provides that a local government may dispose of a valuable non-current asset other than by tender or auction if:

- (v) all or some of the consideration for the disposal is consideration other than money, for example, other land given in exchange for the disposal, if—
  - (A) it is in the public interest to dispose of the land without a tender or auction;
- and
- (B) the disposal is otherwise in accordance with sound contracting principles.

In this particular case, the consideration is that one parcel of land is being exchanged for another with no monetary exchange other than the reimbursement by the current owners of Lot 405 of Council's costs incurred in connection with the transfer of the land.

In terms of (v)(A) above, the public interest is served by not publicly advertising the sale of the land by tender or auction and giving the impression that cheap land is available for purchase within the old mining communities that are scattered throughout the Shire. Council does not want to encourage people to take up land and live in those old mining communities because of the lack of facilities and services in those areas and the very likely possibility that once a small number of people establish within a particular community, there will be pressure on Council to then upgrade road access and provide basic facilities such as water and refuse disposal, a cost which Council cannot afford.

The only reason that Council has agreed to the exchange of land in this particular instance is to correct an unfortunate situation where someone has mistakenly erected substantial building improvements on the wrong parcel of land. Apart from this one instance, there is no intention to publicly dispose of other land that Council has acquired through the valueless land process in Kingsborough or any of the other old mining communities.

In relation to (v) (B), the sound contracting principles are:

1. Value for money; and
2. Open and effective competition; and



3. The development of competitive local business and industry; and
4. Environmental protection; and
5. Ethical behaviour and fair dealing.

1. In terms of land area, the parcel (lot 405) that Council will acquire is slightly larger (809m<sup>2</sup>) than the Council's existing parcel (lot 403) at 784m<sup>2</sup>. In this sense, Council is obtaining value for money because it will end up with a larger lot, however, as all costs involved in the transaction are to be met by the current owners of Lot 405, Council is also not going to be out of pocket financially.

2. As already noted, this particular transaction is about rectifying a mistake that has been made in building on the wrong parcel of land and is not about offering land for sale on the open market. The current owners of Lot 405 are the only persons who could legitimately claim to have some sort of priority in relation to the acquisition of the Council owned parcel of land as it is their improvements that are erected thereon.

3. This transaction is not about developing competitive local business and industry as it is solely for the purpose of rectifying a mistake that has occurred. In any case, Council does not wish to encourage business and industry to set up within the old Kingsborough township.

4. There will be no environmental impacts associated with the land transaction; everything will remain as is with the only changes being in the ownership of the land.

5. This matter is being dealt with openly and in accordance with advice received from the Department of Local Government and legal advice from King & Co, the Solicitors to the Local Government Association of Queensland. It is also a condition of Council's agreement to the land exchange that the current owners of Lot 405 are to meet all costs involved so that there is no cost to the general ratepayer.

The exemption provided under section 236(1) (c) (v) of the Regulation is also subject to the provisions of sub-sections 236(2) to (4) of the Regulation.

Sub-section 236(2) requires that the Council must, before the disposal of the land, decide by resolution that the exemption under section 236(1) (c) (v) applies, and this is the main reason for this report and recommendation.

Sub-section 236(3) states that the local government may only dispose of the land or an interest in the land if the consideration for the disposal would be equal to, or more than, the market value of the land or the interest in the land, including the market value of any improvements on the land.

In relation to market value, Northern Property Valuers were requested to provide a separate valuation of the land and improvements erected on Lot 403. As can be seen from the attached valuation reports, the land values for both lots are the same at \$5,000 and the value of the improvements on Lot 403 is \$10,000.

In relation to the improvements, it is not considered that they should be taken into account in this particular instance because they have not been constructed by the Council and realistically, Council has no interest in them. Council was not aware when it acquired the land under the valueless land provisions of the Regulation that the improvements had been mistakenly constructed on the wrong parcel of land and therefore had no expectations of ownership. It is also the case that the improvements could, if circumstances required, be

removed from the land although this would obviously incur significant cost for the owner of the improvements.

Sub-section 236(4) is not applicable to this particular transaction.

In summary, it is considered that the information provided above, supported by the legal advice from King & Co, is sufficient to demonstrate that section 236(1) (c) (v) of the Local Government Regulation is applicable to the circumstances of this particular case and that there is no need therefore to seek the approval of the Minister to the disposal of Lot 403.

## **LINK TO CORPORATE PLAN**

**GOV:** Sound decision-making based on the understanding and confidence of the community, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

## **CONSULTATION**

### *Internal*

Chief Executive Officer

### *External*

Department of Local Government, Cairns

King & Co, Solicitors

Northern Property Valuers

## **LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Council must comply with the provisions of the *Local Government Regulation 2012* in relation to the disposal of land. In this particular case, Council has had to demonstrate that in applying the exemption under section 236(1) (c) (v) of the Regulation, it has satisfied the public interest test and the disposal is in accordance with the sound contracting principles. It has also had to satisfy section 236(3) of the regulation in relation to exchanging its parcel of land for a consideration that is equal to, or more than, the market value of the land.

Failure to comply with the provisions of the Regulation can leave Council open to legal challenge.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL & RESOURCE IMPLICATIONS**

### *Capital*

Nil - Council is receiving, in exchange, a parcel of land of equivalent value to that which is being transferred.

### *Operating*

Nil - the current owners of Lot 405 are responsible for meeting all costs involved in the transaction.

**IMPLEMENTATION/COMMUNICATION**

Subject to Council adopting the report recommendation, officers will then proceed with preparation of the necessary documentation to allow transfer of ownership between the two parties.

**ATTACHMENTS**

1. Report prepared by the CEO and submitted to the Council meeting on 15 October 2014.
2. Legal advice from King & Co dated 15 March 2016.
3. Valuation reports prepared by Northern Property Valuers.

**Date Prepared:** 11 April 2016

**ATTACHMENT 1****Mareeba Shire Council****OFFICER'S REPORT**

**SUBJECT:** LOTS 403 AND 405 KINGSBOROUGH

**MEETING:** Ordinary

**MEETING DATE:** 15 October 2014

**REPORT OFFICER'S TITLE:** CEO

**DEPARTMENT:** CEO's Office

**EXECUTIVE SUMMARY**

*The property owners of Lot 405 Kingsborough purchased the lot and have subsequently been making improvements on what they thought was their land in preparation for making it their permanent home. They have recently established, however, that the lot they believed they had purchased and have been working on is in fact not Lot 405 but in actual fact Lot 403. Kingsborough is a historic mining town and at present only has one permanent resident and two other lots which are being utilised on a semi regular basis by the owners. Given that there are no real formalised roads or township, it is understandable how this occurred.*

*Lot 403 is currently in private ownership, however, the current registered owner purchased the lot in 1881 and since that date there has been no transfer of ownership. The said lot is included in the numerous lots that Council is considering acquiring through the valueless land process, which will see the lots eventually being transferred into Council ownership.*

*The current owners have requested that when Lot 403 is transferred into Council's ownership, Council agrees to a land swap with them, effectively transferring Lot 403 into their name and Lot 405 into Council's name, with them covering the costs of the transfers of ownership. The Lots are of a similar size, with Lot 405 being slightly larger than Lot 403, and because the lots essentially have no real commercial value to Council, it is recommended that, subject to Council acquiring Lot 403 through the valueless land process and subject to the Minister approving the land swap, Council agree to transfer ownership of Lot 403 in exchange for Lot 405.*

**OFFICER'S RECOMMENDATION**

"That Council agree to exchange Lot 403K2351, Kingsborough, in the Parish of Thornborough for Lot 405K2351, Kingsborough, in the Parish of Thornborough, subject to the following conditions:

1. Council acquiring Lot 403K2351, Kingsborough, in the Parish of Thornborough through the valueless land process;
2. The Minister for Local Government, Community Recovery and Resilience granting approval for the transfer of the said lots; and
3. The current owners of Lot 405K2351, Kingsborough, in the Parish of Thornborough paying all costs associated with the transfer of the lots."

**BACKGROUND**

The property owners of Lot 405 Kingsborough purchased the lot and have subsequently been making improvements on what they thought was their land in preparation for making it their permanent home. Following the purchase of Lot 404 by an acquaintance of theirs, debate arose regarding property boundaries and, given the historical nature of the township and the lack of survey markers and the fact that the available property data overlaying satellite imagery for the township is in the region of 200 metres misaligned, they engaged a Surveyor to survey their lot. This formal survey has established that the lot they believed they had purchased and have been working on is in fact not Lot 405 but in actual fact Lot 403.

The owners acknowledge that it was their responsibility to ensure the lot they were purchasing was actually the one they thought it was. However, as Kingsborough is a historic mining town and at present only has one permanent resident and two other lots which are being utilised on a semi regular basis by the owners and there are no real formalised roads or township, it is understandable how this occurred.

Lot 403 is currently in private ownership, however, the current owner purchased the lot in 1881 and since that date there has been no transfer of ownership. The said lot is included in the numerous lots that Council is considering acquiring through the valueless land process as rates exceed the value of the land. The current site value of the said lot is \$1,800. This process will see the lots eventually being transferred into Council ownership unless, following a detailed process, the owners or legal successors come forward and settle all outstanding rates and charges owing.

The current owners of Lot 405 have written in, a copy of the letter is attached, requesting that when Lot 403 is transferred into Council's ownership, that Council agrees to a land swap, effectively transferring Lot 403 to them and Lot 405 to Council. They have stated that they will cover the costs of the transfers of ownership.

The Lots are of a similar size, with Lot 405 (809m<sup>2</sup>) being slightly larger than Lot 403 (784m<sup>2</sup>), and have almost identical topography etc. The lots have no real commercial value to Council as it is unlikely that Council will be disposing of them as residential properties.

**LINK TO CORPORATE PLAN**

**Governance:** Goal - Sound decision-making based on the understanding and confidence of the community, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service.

**CONSULTATION**

*Internal*  
Finance Department

*External*  
Mr & Mrs Smart

**LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil, subject to the correct application of the legislation with regards to the acquisition and subsequent disposal of the said lot.

3

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*  
nil*Operating*  
Nil*Is the expenditure noted above included in the 2014/2015 budget?*  
N/A*If not you must recommend how the budget can be amended to accommodate the expenditure*  
N/A**IMPLEMENTATION/COMMUNICATION**

Should Council adopt the recommendation, the owners of Lot 405 will be informed that, subject to the conditions as outlined in the recommendation, Council will agree to the transfer of the Lots.

**ATTACHMENTS**

1. Letter from Mr William Smart

*Date Prepared:* 3 October 2014

**Attachment 1**

1/10/2014

William smart  
16 Rosa Cl  
Edmonton  
QLD 4869

Dear Sir,

I am writing to you to try to explain my unfortunate situation in the hope that there may be some glimmer of hope that the Mareeba Shire Council may be able to help me.

In June of this year I William Smart purchased a small block of land, namely lot 405 Main Street Kingsborough. I was lead to believe that this block was located at a certain position by the previous owner, Mr David Leszczewicz, who had been lead to believe the same from the original owner a Mr Keith Butler.

Our records and Keith's explanation to us state that He purchased the block direct from the council in 2003. He was, and still is of the belief that he was directed to the location by the mines dept. and established a residence there.

All rates have been paid on the lot by all owners and are current as of now.

From my wife Jen's research we have unfortunately found out that Keith has positioned in the wrong location, namely on the wrong side of lot 404, lot 403. We have just paid a Cadastral surveyor, Mr Robin Trotter from Mareeba to attend the site and confirm official lot 405 positions.

Lot 403 has had improvements made on it by ourselves and was intentioned to be our dream block. We have undergone a title search on Lot 403 and found that this Lot is under Freehold Title, but has not been occupied since 03/02/1881. The last known owner was a Mr Peter Colais.

We believe Council is going through a process of acquiring Lot 403 due to unpaid rates. What we request is that once council resumes the Lot that we be permitted to do a land swap exchanging our ownership of lot 405 to lot 403 and transferring 405 into council ownership. We would cover the costs of the registration transfer etc.

Please understand that we now realise that we should have had the block surveyed before purchase and that ultimately this is our responsibility but we need to stress to you that this is our life savings and all we have, we have put onto this land.

The township of Kingsborough only has one other permanent resident and is basically abandoned since the time of the gold rush. Purchase of lot 403 from Council would not harm or adversely impact on any other shire resident or affect anyone in any way. Please also remember that Lot 403 has been occupied with no complaint for the past eleven years from any concerned resident.

The exchange of lot 403 to us from lot 405 would save us financial heartache and ruin and not hurt or affect anyone else in anyway.

We humbly beg you to please help us and consider our case in this circumstance.

Thank you for your time in this matter,

Yours sincerely

William and Jen Smart.

**ATTACHMENT 2****KING &  
COMPANY**  
— SOLICITORS —

**Our Ref:** TFC:alg:AA20320

**Your Ref:** Peter Franks

**Date:** 15 March 2016

Level 7, Quay Central,  
95 North Quay, Brisbane, Qld, 4000

GPO Box 758,  
Brisbane, Qld, 4001

Phone: (07) 3243 0000  
Fax: (07) 3236 1885

Chief Executive Officer  
Mareeba Shire Council  
Attention: Peter Franks  
E-mail: [peter@mareeba.qld.gov.au](mailto:peter@mareeba.qld.gov.au)  
[2 page/s]

**PROPOSED LAND SWAP****Background**

1. Ratepayer A owns Block A, which is located in one of Council's numerous historical townships. Next to Block A is Block B. Next to Block B is Council owned Block C.
2. Blocks A and B are vacant land. Ratepayer A has erroneously constructed a building on Council owned Block C.
3. To remedy this error, Council proposes to do a land swap with Ratepayer A, so that Council becomes the owner of Block A and Ratepayer A becomes the owner of Block C.
4. Against this background, you seek our advice as to whether this land swap can be achieved without having to first put the proposed sale of Block C through a tender or auction process.

**Advice**

5. Section 224(7) of the *Local Government Regulation 2012* defines a "valuable non-current asset" as including Council land. Subsection (5) of that same section defines "valuable non-current asset contract" as, relevantly, a contract for the disposal of Council land. Section 227 of the Regulation states that Council cannot enter into a valuable non-current asset contract unless it first invites written tenders or offers the asset for sale by auction. The prescription of section 227 will not apply if one of the exceptions in section 236 is applicable.
6. Relevantly, for the purposes of this advice, section 236(1)(c)(v) states that Council may dispose of land other than by tender or auction if: -
  - (a) all or some of the consideration for the disposal is consideration other than money, for example, other land given in exchange for the disposal; and
  - (b) it is in the public interest to dispose of the land without a tender or auction; and
  - (c) the disposal is otherwise in accordance with the sound contracting principles.
7. In our view, section 236(1)(c)(v) is applicable to the circumstances of this particular matter. Relevantly, given the unique circumstances of the matter and the fact that Council would unlikely be interested in selling Block C to any other party, our view is that it is in the public interest to dispose of the land without going to tender or auction. This is because it is not in the public interest to call for tenders or go to auction, and potentially put numerous other buyers to the trouble of attending an auction or responding to a tender, in circumstances where Council is, due to the error we have described, a reluctant seller and only



KING &amp; COMPANY

Chief Executive Officer  
Mareeba Shire Council15 March 2016  
Page 2

willing to sell to Ratepayer A. So far as the sound contracting principles are concerned, we refer you to, generally, section 104(1) and (3) of the *Local Government Act 2009*.

8. Finally, we also draw your attention to certain procedural requirements that must be complied with for the exception prescribed by section 236(1)(c)(v) of the Regulation to apply. These requirements are found in subsections (2) to (4) of section 236.

We trust that the foregoing is sufficient for your present purposes. If further assistance is required, please contact the writer.

Yours faithfully,  
**KING & COMPANY**

Contact & Partner responsible: Tim Fynes-Clinton  
Writer's email: [tim.fynes-clinton@kingandcompany.com.au](mailto:tim.fynes-clinton@kingandcompany.com.au)

**ATTACHMENT 3**



PO BOX 1589  
MAREEBA Q 4880  
PH: 4092 7522

**VALUATION OF  
LOT 403 MAIN STREET  
KINGSBOROUGH  
FAR NORTH QUEENSLAND**





## EXECUTIVE SUMMARY

This executive summary must be read in context of and in conjunction with the full valuation report. All comments, terms and conditions contained in the full valuation report relate directly to this Executive Summary.


- Property Address:** Lot 403 Main Street, Kingsborough, Qld, 4872
- Instructions:** This valuation has been prepared in response to an instruction dated 18<sup>th</sup> March, 2016 from Mr Alan Lambert of Mareeba Shire Council.
- Registered Owner/s:** Mareeba Shire Council
- Date of Inspection:** 1<sup>st</sup> April, 2016
- Date of Valuation:** 1<sup>st</sup> April, 2016
- Property Type:** Residential Land
- Our Reference:** 14689
- Site Area:** 784m<sup>2</sup>
- Planning:** Rural – Mareeba Shire Plan
- Property Synopsis:** This is a rectangular shaped residential allotment situated in the old mining township of Kingsborough. Improved with a metal deck clad shed which appears to be used for weekend or temporary camping. A smaller storage shed is at the rear.
- Critical Assumptions:** This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied on after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.
- This valuation is for the use only of the party to whom it is addressed and of no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this valuation.



**Valuation Approach:** Direct Comparison and Summation Approach

**Market Valuation:** as at 1<sup>st</sup> April, 2016  
**\$15,000**  
(Fifteen Thousand Dollars)

**Signature of Valuer:**



**Valuer:** BRUCE COATES AAPI  
Certified Practising Valuer  
Registered Valuer No. 3436  
DIRECTOR  
NORTHERN PROPERTY VALUERS - MAREEBA



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## 1.0 INSTRUCTIONS

The instructions to Northern Property Valuers are summarised below:

### 1.1 *Property Address:*

We have been instructed to value the property located at Lot 403 Main Street, Kingsborough, Qld, 4872.

### 1.2 *Instructing Party:*

We have been instructed by Mr Alan Lambert from Mareeba Shire Council to assess the Market Value of the above property for **Transfer** purposes and this valuation is addressed to and can be relied upon by Mareeba Shire Council.

### 1.3 *Market Definition:*

The *Australian Property Institute (API)* has adopted the international definition of *Market Value*, namely: *"The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion."* We have adopted the definition above for the purpose of the present valuation.



## 2.0 TITLE DETAILS

### 2.1 *Real Property Description:*

Lot 403 on Crown Plan K2351, County of Hodgkinson, Parish of Thornborough

### 2.2 *Land Area:*

784m<sup>2</sup>

### 2.3 *Tenure:*

Freehold

### 2.4 *Registered Owner/s:*

*Mareeba Shire Council* as per RP Data Searches of Department of Natural Resources and Mines.

### 2.5 *Easements and Encumbrances:*

No Title Search of the property has been undertaken or sighted. Reliance should not be placed upon the valuation report unless or until a Title Search is undertaken, and in the event that the Title Search reveals any information or discrepancy which may affect the value of the property, the valuer's opinion should be obtained before reliance is placed on the valuation.



### 3.0 LOCAL AUTHORITY DATA

#### 3.1 Local Government Area:

Mareeba Shire Council

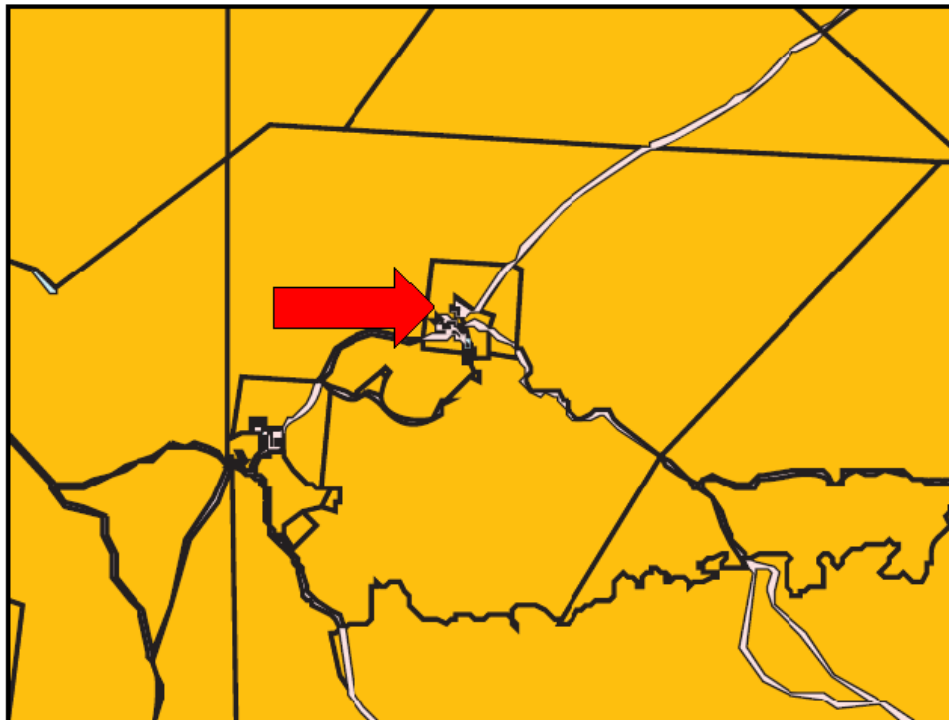
#### 3.2 Department of Natural Resources and Mines Site Value:

\$1,800 effective 30<sup>th</sup> June, 2014 for Local Authority Rating, Rental and Taxing purposes under the *Land Valuation Act 2010*.

#### 3.3 Planning:

Town planning details are summarised as follows:

- Area Zoning: "Rural Planning Area" confirmed by on line reference to the local planning scheme.
- Planning Scheme: Mareeba Shire which took effect on 10<sup>th</sup> January, 2005.
- Planning Areas Map:



- Land Use Conformity: Conforms with zoning

Lot 403 Main Street, Kingsborough.  
File Reference: 14689

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## 4.0 LOCATION / SERVICES

### 4.1 *Situation and Identification:*

The subject property is situated to the northern side of Main Street which is a gravel roadway. The subject is the first improved property from the eastern end of the street at Kingsborough, Far North Queensland.

**The general locality and property being valued is highlighted below:**



Source: RP Data

### 4.2 *Locality and Surrounding Development:*

Kingsborough is an old deserted mining town which has little structures left. A large home site is situated to the east on the weir. The area is semi-isolated and located to the north of Dimbulah via the Mount Mulligan Road.

### 4.3 *Services:*

There do not appear to be any services connected to the subject property.



## 5.0 LAND REPORT

### 5.1 *Shape and Dimensions:*

This is a rectangular shaped parcel of land with frontage to the unformed Main Street of approximately 20 metres and depth of approximately 40 metres. Total land area of 784m<sup>2</sup>.

### 5.2 *Topography:*

The site has a gently sloping topography. It provides an adequate building contour with no apparent adverse features.

### 5.3 *Environmental Factors:*

None apparent.

### 5.4 *Heritage Implications:*

None known



## 6.0 IMPROVEMENTS

### 6.1 *General Description:*

Improved with a metal deck and CGI clad camp style shed which appears to be in fair condition. A shipping container is comprises part of the structure. Total area is 91m<sup>2</sup>.



Rear

### 6.5 *Site Improvements:*

Other improvements forming part of the property are as follows:

- Fencing in poor condition;
- Small 16m<sup>2</sup> storage shed.

### 6.6 *Condition and Appearance:*

The subject property encompasses a camp or partly liveable style shed providing a poor standard of accommodation. At the time of inspection we did not note any obvious outstanding repairs and maintenance or capital expenditure requirements.

**We advise that we have not completed a detailed structural survey, tested any of the services, or inspected unexposed or inaccessible portions of the building and are therefore unable to state categorically that these are free of defect, rot or infestation. We have viewed the general state of repair of the building and unless otherwise stated, the valuation is subject to the improvements being in a reasonable, structurally sound condition. No compliance certificate has been obtained and the valuation is subject to the buildings complying in all material respects with any restrictive covenants affecting the site and have been built and occupied and being operated, in all material respects, in full compliance with all requirements of law, including all zoning, land use classification, building, planning, fire and health by-laws, rules, regulations, orders and codes of all authorities, and that there are no outstanding requisitions.**



## 7.0 VALUATION CONSIDERATIONS

### 7.1 *Market Overview:*

A real estate market for this area is non-existent, however it does appear that Lot 405 Main Street has sold a few times over the years.

The Dimbulah property market to the south has been trending sideways for the last few years as it appears that values are levelling after the drop between 2008 and 2012. Properties for sale are still in large supply. The market continues to struggle with low volume and may be some time before a new trend is noticeable.

### 7.2 *Highest and Best Use:*

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

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

Within the Town Planning Scheme the property is designated as "Rural".

The **Current Use** of the property as a Rural Lifestyle is considered to be the highest and best use.

### 7.3 *Valuation Approach:*

The appropriate method of valuation is the Comparable Sales Approach supported by the Summation Method.

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

The **Summation Method** is a valuation method that provides an indication of the value of an entire asset by the addition of the separate values of its components.



## 8.0 SALES EVIDENCE

### 8.1 *Direct Comparison Approach:*

A brief summary is shown below as they are the most comparable to the subject property.

#### Sale No.1

**Address:** 52 Stephens Street, Dimbulah      **Sale Date:** 30/12/2014  
**Price:** \$30,000      **Site Area:** 794m<sup>2</sup>  
**Comments:** A level 794m<sup>2</sup> corner allotment which has a rectangular shape. Improved with an old low set dwelling which appears to be in very poor condition. The structure has added little to no value.  
**Comparison:** Superior location, slightly inferior improvements. Overall superior to the subject.

#### Sale No.2

**Address:** L410 James Street, Watsonville      **Sale Date:** 10/10/2014  
**Price:** \$15,000      **Site Area:** 1,012m<sup>2</sup>  
**Comments:** A vacant, rectangular shaped allotment which is 1,012m<sup>2</sup> in size. Access is considered moderate via an earth roadway.  
**Comparison:** Superior location, inferior improvements. Overall similar to the subject.

#### Sale No.3

**Address:** 101 Clara Street, Watsonville      **Sale Date:** 23/05/2014  
**Price:** \$30,000      **Site Area:** 3,036m<sup>2</sup>  
**Comments:** A vacant 3,036m<sup>2</sup> block of land comprising of 3 titles. The property access is considered moderate via earth car tracks.  
**Comparison:** Superior location, larger land area, inferior improvements. Overall superior to the subject.

#### Sale No.4

**Address:** 8 Argyle Street, Dimbulah      **Sale Date:** 6/03/2014  
**Price:** \$30,700      **Site Area:** 4,039m<sup>2</sup>  
**Comments:** 4,039m<sup>2</sup> rough lot improved with a CGI clad structure and boundary fencing. General zoning of Heavy Industry/Other. Located on the south western outskirts of the town.  
**Comparison:** Superior location, similar improvements, larger land area. Overall superior to the subject.



### 8.2 *The Summation Method:*

Is a valuation method that provides an indication of the value of an entire asset by the addition of the separate values of its component parts.

Taking into consideration the Department of Natural Resources and Mines Site Value we have adopted a value of \$5,000.

The subject property comprises a level allotment, improved with a shed made of metal deck tin and CGI.

Our calculations for the Summation Method are set out below:

	m <sup>2</sup>		\$/m <sup>2</sup>	\$ Value	\$ Value
Land:					5,000
Dwelling Improvements:					
Liveable Shed	91	@	100	9,100	
Storage Shed	16	@	100	<u>1,600</u>	
Improvements Total:					<u>10,700</u>
<b>Total</b>					<b>15,700</b>



## 9.0 VALUATION

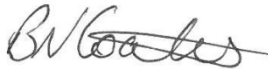
Our sales research has been unable to identify confirmed recent market evidence that complies with the normal requirements. We advise that the sales quoted in this report are the most recent sales available at the time of production of this report and in our analysis we have made adjustments for differences in sale dates as well as differences in land and building areas, age, condition/presentation and features offered, as well as location variables.

Having regard to the sales evidence and the summation calculations, we consider that the subject property lies in the range of \$10,000 to \$20,000. We have therefore adopted a **Market Value of \$15,000**, a notional apportionment of which follows.

### 9.1 Valuation Apportionment:

Land	\$ 5,000
Structural Improvements	<u>\$10,000</u>
<b>Total Valuation</b>	<b>\$15,000</b>
<b>(Fifteen Thousand Dollars)</b>	

### Signed:



BRUCE COATES AAPI  
Certified Practising Valuer  
Registered Valuer No. 3436  
DIRECTOR  
NORTHERN PROPERTY VALUERS - MAREEBA

### ANNEXURES

1. Definitions Limitations & Warranties
2. General Locality Map
3. Survey Plan



## DEFINITION OF MARKET VALUE

### MARKET VALUE IS DEFINED AS:

*"THE ESTIMATED AMOUNT FOR WHICH AN ASSET OR LIABILITY SHOULD EXCHANGE ON THE VALUATION DATE BETWEEN A WILLING BUYER AND A WILLING SELLER IN AN ARM'S LENGTH TRANSACTION AFTER PROPER MARKETING WHEREIN THE PARTIES HAD EACH ACTED KNOWLEDGEABLY, PRUDENTLY AND WITHOUT COMPULSION".*

## LIMITATIONS & WARRANTIES

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

This Valuation is given subject to the following Prudent Lending Clause, unless; the person or entity making such loan is an authorised deposit taking institution within the meaning of the Banking Act 1959 (including but not limited to any bank, building society or credit union).

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

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

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

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

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

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







PO BOX 1589  
MAREEBA Q 4880  
PH: 4082 7522

**VALUATION OF**  
**LOT 405 MAIN STREET**  
**KINGSBOROUGH**  
**FAR NORTH QUEENSLAND**





## EXECUTIVE SUMMARY

This executive summary must be read in context of and in conjunction with the full valuation report. All comments, terms and conditions contained in the full valuation report relate directly to this Executive Summary.

- Property Address:** Lot 405 Main Street, Kingsborough, Qld, 4872
- Instructions:** This valuation has been prepared in response to an instruction dated 18<sup>th</sup> March, 2016 from Mr Alan Lambert of Mareeba Shire Council.
- Registered Owner:** William James SMART
- Date of Inspection:** 1<sup>st</sup> April, 2016
- Date of Valuation:** 1<sup>st</sup> April, 2016
- Property Type:** Residential Land
- Our Reference:** 14690
- Site Area:** 809m<sup>2</sup>
- Planning:** Rural – Mareeba Shire Plan
- Property Synopsis:** This is a rectangular shaped residential allotment situated in the old mining township of Kingsborough. The land is vacant of any structural improvements.
- Critical Assumptions:** This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied on after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.
- This valuation is for the use only of the party to whom it is addressed and of no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this valuation.



*Valuation Approach:* Direct Comparison Approach

*Market Valuation:* as at 1<sup>st</sup> April, 2016  
**\$5,000**  
(Five Thousand Dollars)

*Signature of Valuer:*



*Valuer:* BRUCE COATES AAPI  
Certified Practising Valuer  
Registered Valuer No. 3436  
DIRECTOR  
NORTHERN PROPERTY VALUERS - MAREEBA



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## 1.0 INSTRUCTIONS

The instructions to Northern Property Valuers are summarised below:

### 1.1 *Property Address:*

We have been instructed to value the property located at Lot 405 Main Street, Kingsborough, Qld, 4872.

### 1.2 *Instructing Party:*

We have been instructed by Mr Alan Lambert from Mareeba Shire Council to assess the Market Value of the above property for **Transfer** purposes and this valuation is addressed to and can be relied upon by Mareeba Shire Council.

### 1.3 *Market Definition:*

The *Australian Property Institute (API)* has adopted the international definition of *Market Value*, namely: *"The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion."* We have adopted the definition above for the purpose of the present valuation.



## 2.0 TITLE DETAILS

### 2.1 *Real Property Description:*

Lot 405 on Crown Plan K2351, County of Hodgkinson, Parish of Thornborough

### 2.2 *Land Area:*

809m<sup>2</sup>

### 2.3 *Tenure:*

Freehold

### 2.4 *Registered Owner/s:*

*William James SMART* as per RP Data Searches of Department of Natural Resources and Mines.

### 2.5 *Easements and Encumbrances:*

No Title Search of the property has been undertaken or sighted. Reliance should not be placed upon the valuation report unless or until a Title Search is undertaken, and in the event that the Title Search reveals any information or discrepancy which may affect the value of the property, the valuer's opinion should be obtained before reliance is placed on the valuation.



### 3.0 LOCAL AUTHORITY DATA

#### 3.1 Local Government Area:

Mareeba Shire Council

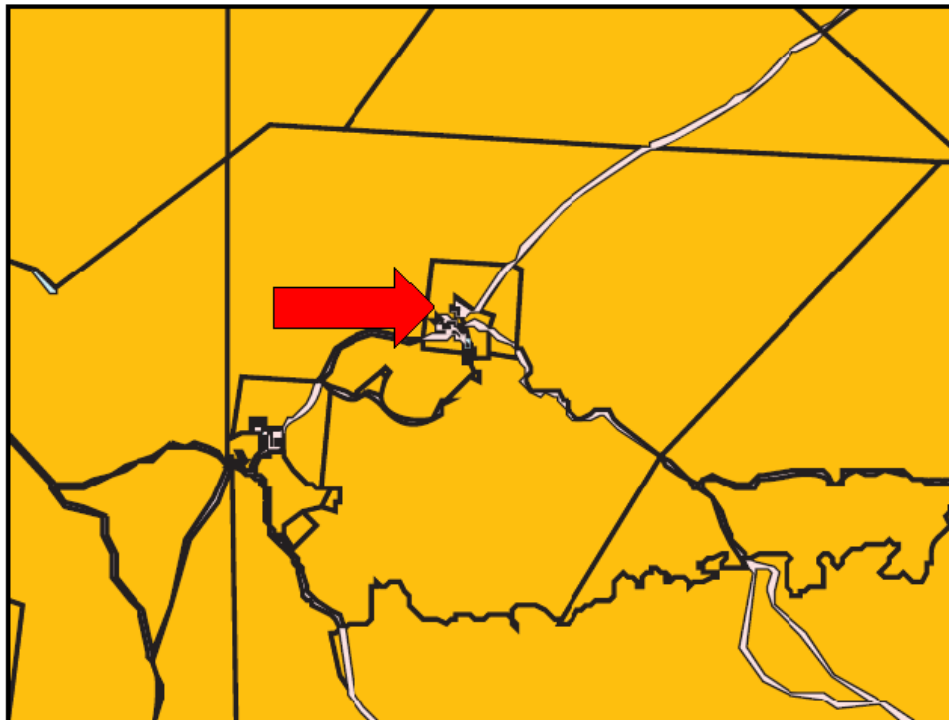
#### 3.2 Department of Natural Resources and Mines Site Value:

\$1,800 effective 30<sup>th</sup> June, 2014 for Local Authority Rating, Rental and Taxing purposes under the *Land Valuation Act 2010*.

#### 3.3 Planning:

Town planning details are summarised as follows:

- Area Zoning: "Rural Planning Area" confirmed by on line reference to the local planning scheme.
- Planning Scheme: Mareeba Shire which took effect on 10<sup>th</sup> January, 2005.
- Planning Areas Map:



- Land Use Conformity: Conforms with zoning



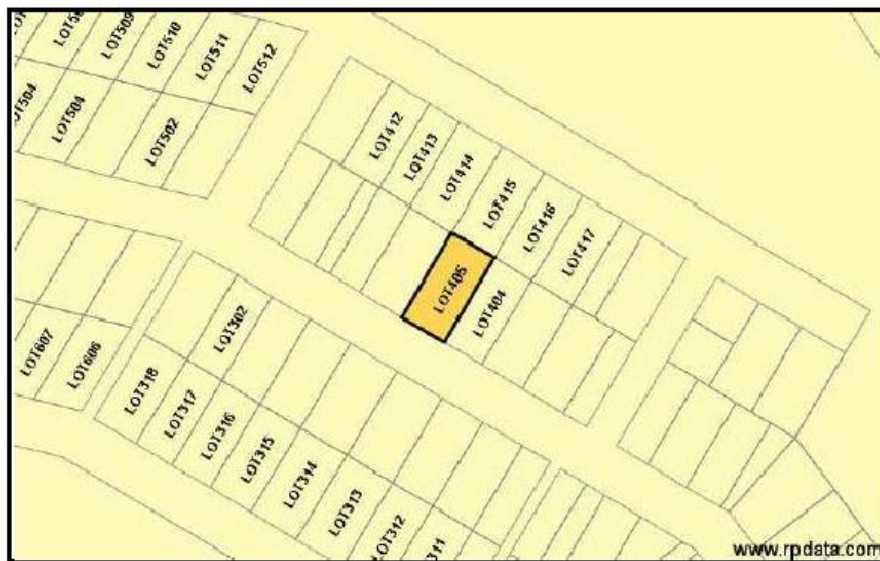


## 4.0 LOCATION / SERVICES

### 4.1 *Situation and Identification:*

The subject property is situated to the northern side of Main Street which is a gravel roadway at Kingsborough, Far North Queensland.

**The general locality and property being valued is highlighted below:**



Source: RP Data

### 4.2 *Locality and Surrounding Development:*

Kingsborough is an old deserted mining town which has little structures left. A large home site is situated to the east on the weir. The area is semi-isolated and located to the north of Dimbulah via the Mount Mulligan Road.

### 4.3 *Services:*

There do not appear to be any services connected to the subject property.



## 5.0 LAND REPORT

### 5.1 *Shape and Dimensions:*

This is a rectangular shaped parcel of land with frontage to the unformed Main Street of approximately 20 metres and depth of approximately 40 metres. Total land area of 809m<sup>2</sup>.

### 5.2 *Topography:*

The site has a gently sloping topography. It provides an adequate building contour with no apparent adverse features.

### 5.3 *Environmental Factors:*

None apparent.

### 5.4 *Heritage Implications:*

None known

## 6.0 IMPROVEMENTS

There are no improvements on the property



## 7.0 VALUATION CONSIDERATIONS

### 7.1 *Market Overview:*

A real estate market for this area is non-existent; however it does appear that the subject property has sold a few times over the years. The property has been traded at irregular prices.

The Dimbulah property market to the south has been trending sideways for the last few years as it appears that values are levelling after the drop between 2008 and 2012. Properties for sale are still in large supply. The market continues to struggle with low volume and may be some time before a new trend is noticeable.

### 7.2 *Highest and Best Use:*

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

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

Within the Town Planning Scheme the property is designated as "Rural".

The **Current Use** of the property as a Vacant Rural Lifestyle Property is considered to be the highest and best use.

### 7.3 *Valuation Approach:*

The appropriate method of valuation is the Comparable Sales Approach.

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



## 8.0 SALES EVIDENCE

### 8.1 *Direct Comparison Approach:*

A brief summary is shown below as they are the most comparable to the subject property.

#### Sale No.1

**Address:** 52 Stephens Street, Dimbulah      **Sale Date:** 30/12/2014  
**Price:** \$30,000      **Site Area:** 794m<sup>2</sup>  
**Comments:** A level 794m<sup>2</sup> corner allotment which has a rectangular shape. Improved with an old low set dwelling which appears to be in very poor condition. The structure has added little to no value..  
**Comparison:** Superior location. Overall superior to the subject.

#### Sale No.2

**Address:** L410 James Street, Watsonville      **Sale Date:** 10/10/2014  
**Price:** \$15,000      **Site Area:** 1,012m<sup>2</sup>  
**Comments:** A vacant, rectangular shaped allotment which is 1,012m<sup>2</sup> in size. Access is considered moderate via an earth roadway.  
**Comparison:** Superior location. Overall superior to the subject.

#### Sale No.3

**Address:** 101 Clara Street, Watsonville      **Sale Date:** 23/05/2014  
**Price:** \$30,000      **Site Area:** 3,036m<sup>2</sup>  
**Comments:** A vacant 3,036m<sup>2</sup> block of land comprising of 3 titles. The property access is considered moderate via earth car tracks.  
**Comparison:** Superior location, larger land area. Overall superior to the subject.

#### Sale No.4

**Address:** 8 Argyle Street, Dimbulah      **Sale Date:** 6/03/2014  
**Price:** \$30,700      **Site Area:** 4,039m<sup>2</sup>  
**Comments:** 4,039m<sup>2</sup> rough lot improved with a CGI clad structure and boundary fencing. General zoning of Heavy Industry/Other. Located on the south western outskirts of the town.  
**Comparison:** Superior location, superior improvements, larger land area. Overall superior to the subject.



## 9.0 VALUATION

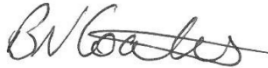
Our sales research has been unable to identify confirmed recent market evidence that complies with the normal requirements. We advise that the sales quoted in this report are the most recent sales available at the time of production of this report and in our analysis we have made adjustments for differences in sale dates as well as differences in land and building areas, age, condition/presentation and features offered, as well as location variables.

Having regard to the sales evidence, we adopted a **Market Value of \$5,000**.

### 9.1 Valuation Apportionment:

<b>Total Valuation</b>	<b>\$5,000</b>
<b>(Five Thousand Dollars)</b>	

*Signed:*



BRUCE COATES AAPI  
Certified Practising Valuer  
Registered Valuer No. 3436  
DIRECTOR  
NORTHERN PROPERTY VALUERS - MAREEBA

### ANNEXURES

1. Definitions Limitations & Warranties
2. General Locality Map



## DEFINITION OF MARKET VALUE

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



Lot 405 Main Street, Kingsborough.  
File Reference: 14690

Page 14 of 14





## FINANCE

### **ITEM-9                      FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MARCH 2016**

**MEETING:**                      Ordinary

**MEETING DATE:**              20 April 2016

**REPORT OFFICER'S TITLE:**                      Manager Finance

**DEPARTMENT:**                Corporate and Community Services

---

#### **EXECUTIVE SUMMARY**

*The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2015 to 31 March 2016.*

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

"That Council note the financial report for the period ending 31 March 2016."

#### **BACKGROUND**

##### **Financial Summary**

Each month, year to date financial statements are prepared in order to monitor actual performance against budgets.

For the period ending 31 March 2016, Council shows an operational surplus of \$8,249,665 compared to a budgeted surplus of \$7,559,075. There are no major issues to discuss or areas of concern at this stage so only variances over/under 10% variances will be discussed below.

It should be noted that Council's cash position, after the repayment of the de-amalgamation loan, is currently \$29,880,344 and this represents an initial transfer of \$17,000,000 from TRC. The Deputy Premier (Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) made a decision on 8 April regarding the cash split. MSC is to receive a sum total of \$26,053,002 of the total cash of \$52,077,050 which results in MSC receiving a further \$9,053,002 plus interest from TRC. On 22 May 2015, TRC made a part payment of \$1,719,752. Tablelands Regional Council commenced legal action with the trial taking place on 14 & 15 December 2015. The court's decision is pending.

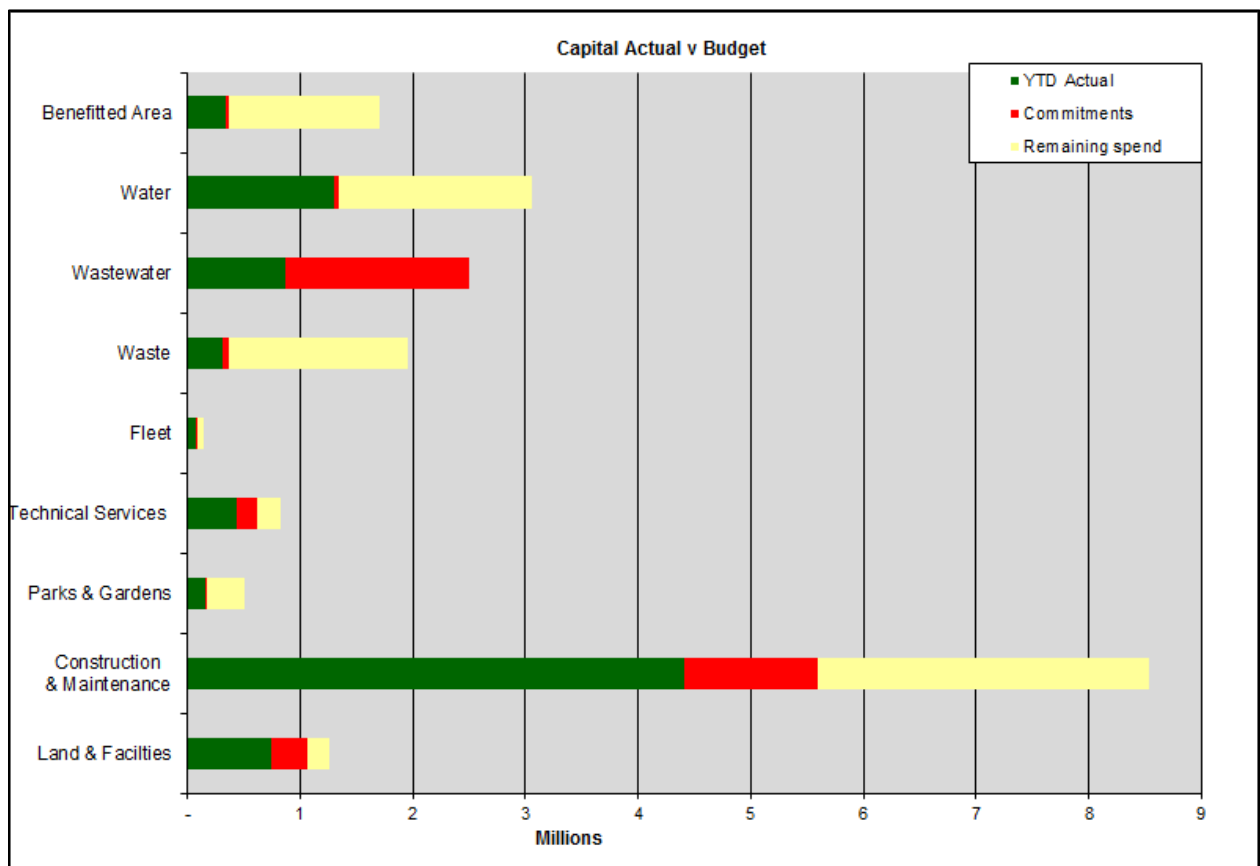
**March 2016 - Snapshot**

Total Operating Income	\$	41,144,577
Total Operating Expenditure	\$	32,894,912
Operating Surplus	\$	8,249,665
Total Capital Income (grants, developer contributions)	\$	3,378,352
<b>Net Result - Surplus</b>	\$	<b>11,628,017</b>

Capital Expenditure

Total capital expenditure of \$12,096,903 (including commitments) has been spent for the period ending 31 March 2016 of the annual capital budget of \$20,484,153. Excluded in the figures below are two (2) projects which will span over two (2) financial years; the Mareeba Sewerage Treatment Plant upgrade (\$12.8M) and the Mareeba Airport upgrade (\$13M).

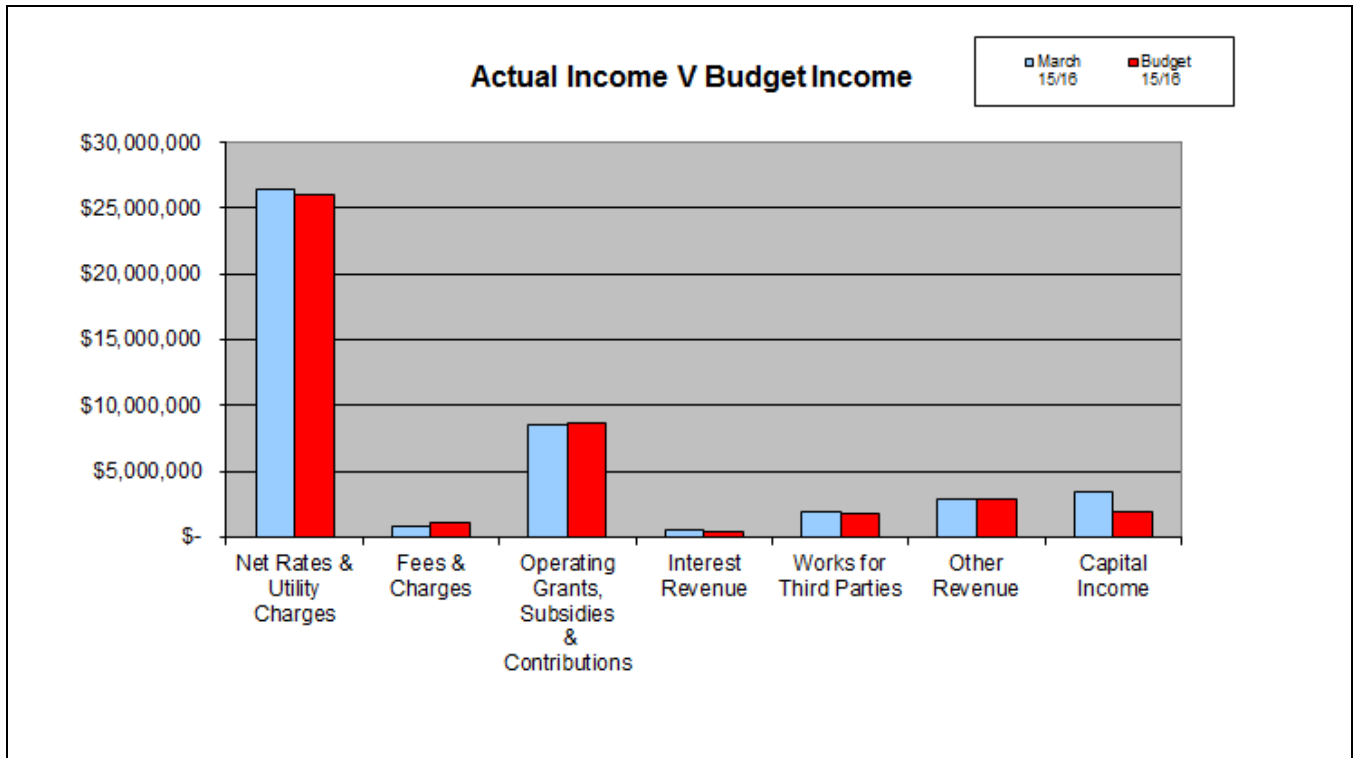
The graph below illustrates actual YTD expenditure and committed costs against the annual budget. It must be noted that the Benefitted Area (Therwine Street) has been delayed due to lack of tenders. This will be reprogrammed. Secondly, in the waste area tenders have been called for the capping.



### Income Analysis

Total income (including capital income of \$3,378,352) for the period ending 31 March 2016 is \$44,522,929 compared to the YTD budget of \$42,713,901.

The graph below shows actual income against budget for the period ending 31 March 2016.



Description	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	26,365,244	26,026,600	
Fees & Charges	868,358	1,023,542	<b>1</b>
Operating Grants, Subsidies & Contributions	8,558,411	8,711,971	
Interest Received	570,114	405,831	<b>2</b>
Works for Third Parties	1,887,271	1,786,532	
Other Revenue	2,895,179	2,875,411	
Capital Income	3,378,352	1,884,014	<b>3</b>

Variances to note are:

1. Mareeba cemetery grave and mausoleum (\$62k), building services domestic applications (\$71k) and planning (MCU) applications (\$25k) revenue are all lower than anticipated YTD.
2. Favourable variance as interest revenue has been more than first anticipated, even though commercial interest rates have remained very low. Council invested \$17M in

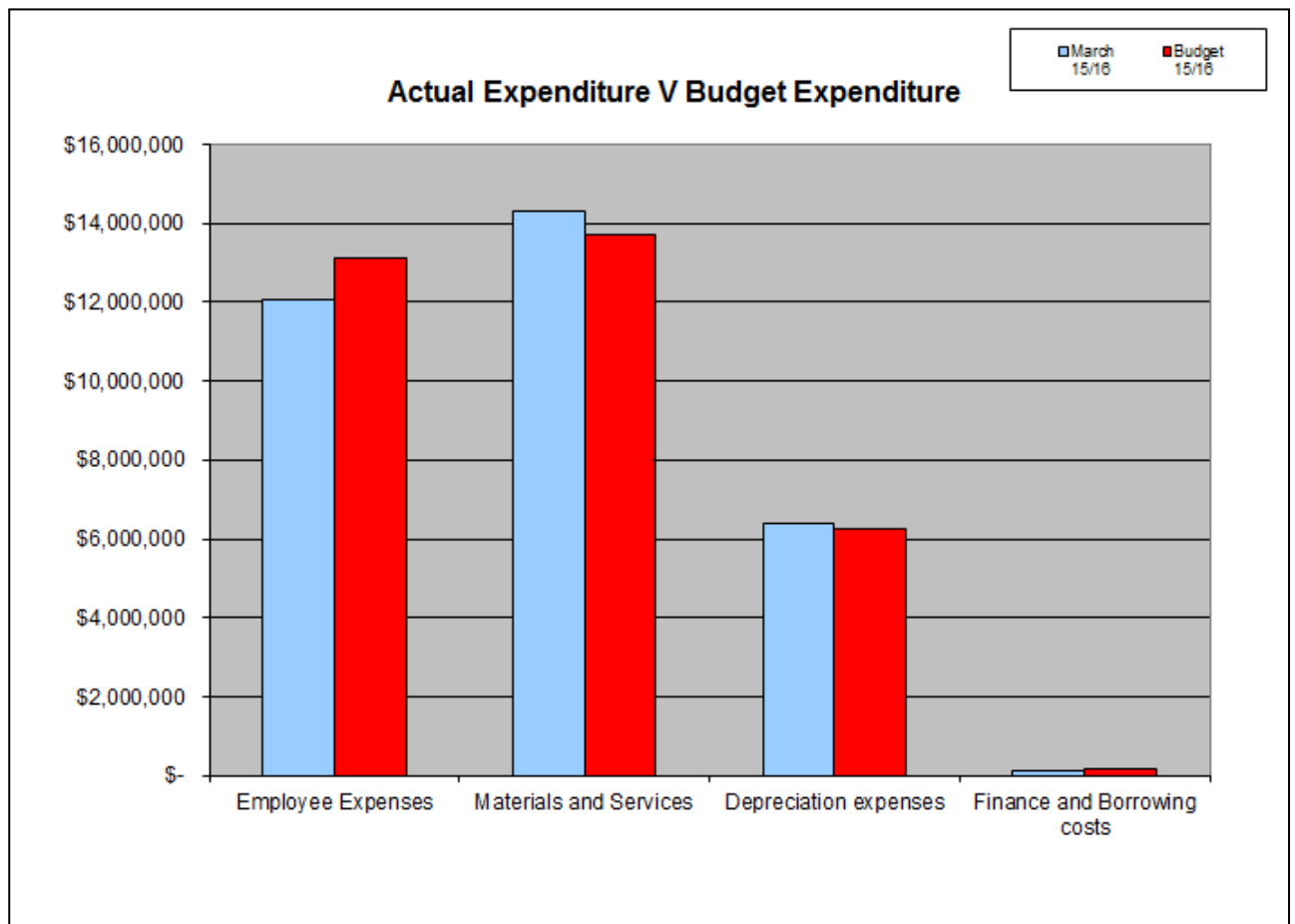
two short term deposits in October. One matured in February (\$89k) and the second deposit will mature in April (\$131k).

- \$530k relates to developer contributions. Capital grants received totals \$2.8M mainly relating to Kuranda Water, Mareeba Wastewater, R2R and TIDS.

### Expenditure Analysis

Total expenses for the period ending 31 March 2016 is \$32,894,912 compared to the YTD budget of \$33,270,812.

The graph below shows actual expenditure against budget for the period ending 31 March 2016.



Description	Actual YTD	Budget YTD	Note
Employee expenses	12,075,622	13,124,874	1
Materials & Services	14,293,982	13,724,957	
Depreciation expenses	6,378,352	6,264,959	
Finance & Borrowing costs	146,956	156,022	

1. The majority of the reported variance in employee expenses relate to staff costs being debited to construction/capital projects. This situation will be normalised as in the latter half of this financial year staff will be concentrating on maintenance activities.

### Loan Borrowings

Council's loan balance as at 31 March 2016 is as follows:

QTC Loans	\$1,896,369
-----------	-------------

## **Rates and Sundry Debtors Analysis**

### Rates and Charges

The total rates and charges payable as at 31 March 2016 is \$2,824,934. There are currently 177 properties with arrangements to pay, which totals \$253k.

Rates were issued on 17 February 2016 for the six (6) months January to June 2016, with the discount period closing on 24 March 2016. Total Gross Rates & Charges levied for this six (6) month period was \$15,012,523.

On 31 March 2016, 1266 first reminder notices were issued for a total value of \$2,524,535.

Collection House collected \$37,925 for the month of March. The outstanding amount for properties currently with debt collection is \$232,677.

### Sundry Debtors

The total outstanding for Sundry Debtors as at 31 March 2016 is \$632,187 which is made up of the following:

<b>Current</b>	<b>30 days</b>	<b>60 days</b>	<b>90 + days</b>
\$558,120	\$62,370	\$5,337	\$6,360
88%	10%	1%	1%

### **LINK TO CORPORATE PLAN**

Nil

### **CONSULTATION**

#### *Internal*

Director Corporate & Community Services  
 Financial Accountant

#### *External*

Nil

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

*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.*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

1. Financial Statements - March 2016
2. Balance Sheet

**Date Prepared:** 6 April 2016

**ATTACHMENT 1**

MAREEBA SHIRE COUNCIL

Budgeted Income Statement by Fund  
For the period ended 31 March 2016

	Consolidated		General Fund		Waste Services	
	Actual YTD	Budget YTD	Actual YTD	Budget YTD	Actual YTD	Budget YTD
<b>Revenue</b>						
Rates and Utility charges	28,071,987	27,731,074	15,551,156	15,402,373	3,271,853	3,234,864
Less Discounts and Pensioner Remissions	(1,706,743)	(1,704,474)	(1,706,743)	(1,704,474)	-	-
Net Rates and Utility Charges	26,365,244	26,026,600	13,844,413	13,697,899	3,271,853	3,234,864
Fees and Charges	868,358	1,023,542	845,281	1,001,042	-	-
Operating Grants and Subsidies	8,029,951	7,988,920	8,029,451	7,986,920	-	-
Operating Contributions	528,480	725,051	-	-	-	-
Interest Revenue	570,114	405,831	243,509	253,387	158,216	59,356
Works for Third Parties	1,887,271	1,786,532	1,827,760	1,714,832	-	-
Other Revenue	2,895,179	2,875,411	1,236,372	1,160,849	1,601,306	1,650,883
<b>Total Operating Revenue</b>	<b>41,144,577</b>	<b>40,829,887</b>	<b>26,026,786</b>	<b>25,814,929</b>	<b>5,031,375</b>	<b>4,946,103</b>
<b>Expenditure</b>						
Employee Expenses	12,075,622	13,124,874	10,754,681	11,575,358	408,008	467,043
Materials and Services	14,283,982	13,724,957	8,564,571	7,817,615	2,832,568	2,794,076
Depreciation expense	6,378,352	6,264,959	4,639,907	4,640,625	56,305	54,447
Finance and Borrowing costs	146,956	156,022	146,956	156,022	-	-
<b>Total Operating Expenses</b>	<b>32,884,912</b>	<b>33,270,812</b>	<b>24,106,115</b>	<b>24,189,620</b>	<b>3,298,879</b>	<b>3,315,566</b>
<b>Operating Surplus/(Deficit)</b>	<b>8,249,665</b>	<b>7,559,075</b>	<b>1,920,671</b>	<b>1,625,309</b>	<b>1,732,496</b>	<b>1,629,537</b>
<b>Capital Income</b>						
Capital Contributions	530,378	4,000	418,065	4,000	-	-
Capital Grants and Subsidies	2,847,974	1,880,014	1,850,183	1,480,014	-	-
Profit/(Loss) on Sale of Asset	-	-	-	-	-	-
<b>Net Result</b>	<b>11,628,017</b>	<b>9,443,089</b>	<b>4,188,919</b>	<b>3,109,323</b>	<b>1,732,496</b>	<b>1,629,537</b>

**MAREEBA SHIRE COUNCIL**
**Budgeted Income Statement by Fund  
 For the period ended 31 March 2016**

	Sewerage Services		Water Services		Benefited Areas	
	Actual YTD	Budget YTD	4 month review 2015/16	Actual YTD	Budget YTD	4 month review 2015/16
<b>Revenue</b>						
Rates and utility charges	4,162,438	4,121,755	4,121,755	4,761,500	4,647,149	4,647,149
Less Discounts and Pensioner Remissions	-	-	-	-	-	-
Net Rates and Utility Charges	4,162,438	4,121,755	4,121,755	4,761,500	4,647,149	4,647,149
Fees and Charges	23,077	22,500	30,000	-	-	0
Operating Grants and Subsidies	-	-	-	500	-	0
Operating Contributions	-	-	-	-	-	0
Interest Revenue	94,543	40,261	53,681	44,773	25,993	34,658
Works for Third Parties	7,115	7,500	10,000	52,396	64,200	85,600
Other Revenue	-	-	-	23,629	20,250	27,000
<b>Total Operating Revenue</b>	4,287,173	4,192,016	4,215,436	4,882,798	4,757,592	4,794,407
<b>Expenditure</b>						
Employee Expenses	315,844	414,638	551,594	540,446	604,543	804,187
Materials and Services	943,841	1,076,070	1,400,265	1,823,017	1,778,246	2,487,543
Depreciation expense	672,083	659,642	879,522	933,900	805,829	1,074,438
Finance and Borrowing costs	-	-	-	-	-	0
<b>Total Operating Expenses</b>	1,931,768	2,150,350	2,831,381	3,297,363	3,188,618	4,366,168
<b>Operating Surplus/(Deficit)</b>	2,355,405	2,041,666	1,384,055	1,585,435	1,568,974	428,239
<b>Capital Income</b>						
Capital Contributions	55,663	-	-	56,650	-	0
Capital Grants and Subsidies	225,291	-	7,095,000	772,500	400,000	400,000
Profit/(Loss) on Sale of Asset	-	-	-	-	-	-
	280,954	-	7,095,000	829,150	400,000	400,000
<b>Net Result</b>	2,636,359	2,041,666	8,479,055	2,414,585	1,968,974	828,239
				655,658	693,589	629,732
				655,658	693,589	629,732



**ATTACHMENT 2**
**Mareeba Shire Council**  
**Balance Sheet**  
 As at 31 March 2016

**Current Assets**

Cash and cash equivalents	29,880,344
Trade and other receivables	11,343,312
Inventories	5,488,032
<b>Total Current Assets</b>	<b>46,711,688</b>

**Non-Current Assets**

Receivables	7,625
Property, plant and equipment	331,209,935
Capital works in progress	10,795,677
Intangible assets	1,334,046
<b>Total Non-Current Assets</b>	<b>343,347,283</b>
<b>Total Assets</b>	<b>390,058,971</b>

**Current Liabilities**

Trade and other payables	2,938,380
Borrowings	817,081
Provisions	367,586
<b>Total Current Liabilities</b>	<b>4,123,047</b>

**Non-Current Liabilities**

Trade and other payables	1,027,157
Borrowings	2,268,201
Provisions	7,907,778
<b>Total Non-Current Liabilities</b>	<b>11,203,136</b>
<b>Total Liabilities</b>	<b>15,326,183</b>

**NET COMMUNITY ASSETS**
**374,732,788**
**Community Equity**

Shire Capital	328,982,016
Retained surplus/(deficiency)	20,029,796
Other reserves	25,720,976
<b>TOTAL COMMUNITY EQUITY</b>	<b>374,732,788</b>



## COMMUNITY WELLBEING

### ITEM-10                      **COMMUNITY PARTNERSHIPS PROGRAM REQUESTS**

**MEETING:**                      Ordinary

**MEETING DATE:**              20 April 2016

**REPORT OFFICER'S  
TITLE:**                          Community Engagement & Development Officer

**DEPARTMENT:**                Corporate and Community Services

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#### **EXECUTIVE SUMMARY**

*Council has received one new request for assistance under the Community Partnerships Program for 2015/16. A contribution to the cost of a new mower for the Julatten Men's Shed is presented for Council's consideration.*

*The community partnerships approach promotes collaboration and contributions by multiple partners to community programs, thereby resulting in achievements that might not have been possible alone.*

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

"That Council purchase a new lawn mower, which is to be donated to the Julatten Men's Shed, to a maximum of \$18,000 on the basis that the Julatten Men's Shed provide a cash contribution of 50% pf the total purchase price."

#### **BACKGROUND**

The Julatten Men's Shed provides a range of community services and support including contributing to the enhancement and maintenance of Geraghty Park, Julatten. Council contributes \$5,000 per annum to a community partnership with the Julatten Men's Shed in recognition of the good work they do in the community.

Currently the group use a ride-on lawn mower that was given to them by Council. This mower had come to the end of its useful life and was about to be disposed of by Council. It has had numerous breakdowns since they were given it and is not worth expending any further funds on given its age and condition.

The intention is that they will return this old machine to Council for disposal and that a new machine be purchased by Council to replace it. The Men's Shed has agreed to fund half the cost of the new machine. Their preferred replacement mower is a petrol zero turn mower with canopy, model ZG227-54B 27HP. Council will obtain quotes and purchase a suitable machine, either this model or something similar, in consultation with the Men's Shed which will be handed over to them.

## History of Contributions

Under the Community Partnerships Program, Council contributes \$5,000 annually to a community partnership with the Julatten Men's Shed for the good work they undertake in the community.

## LINK TO CORPORATE PLAN

**COM 3** Encourage the building of strong partnerships with community, private sector and government so as to build community capacity and develop strategies to encourage and support leadership and self-responsibility in the community.

## CONSULTATION

### *Internal*

Mayor

Councillors

Chief Executive Officer

### *External*

Julatten Men's Shed

## LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

## POLICY IMPLICATIONS

Community Partnerships Policy

## FINANCIAL & RESOURCE IMPLICATIONS

### *Capital*

Nil

### *Operating*

Nil

*Is the expenditure noted above included in the 2015/2016 budget?*

Recommendations are within the CPP 2015/16 budget.

## IMPLEMENTATION/COMMUNICATION

Letter of approval outlining payment arrangements and conditions will be provided to the applicant.

## ATTACHMENTS

Nil

**Date Prepared:**

7 April 2016

**ITEM-11 REGIONAL ARTS DEVELOPMENT FUND - COMMUNITY GRANT APPROVALS**

**MEETING:** Ordinary

**MEETING DATE:** 20 April 2016

**REPORT OFFICER'S TITLE:** Community Development Officer

**DEPARTMENT:** Corporate and Community Services

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**EXECUTIVE SUMMARY**

*The Mareeba Shire Council Regional Arts Development Fund (RADF) Committee met on the 17 March 2016 to assess seven (7) funding applications received for the RADF 2015/16 Annual Community Grant Round. The RADF Committee assessed all applications according to the Selection Criteria (outlined in the Community Grant Guidelines) which included how well applications aligned with the objectives of RADF and addressed the locally identified RADF priorities. The RADF Committee recommends that a total of \$12,245 is provided to six (6) projects, for which the RADF 2015/16 has sufficient funds. The Committee also received four (4) Outcome Reports for RADF 2014/15 Community Grants and one (1) Outcome Report for a RADF 2015/16 Strategic Initiative Grant and these are also presented to Council for approval.*

**OFFICER'S RECOMMENDATION**

"That Council approves the recommendations made by the RADF Committee."

**BACKGROUND****RADF Program**

The Regional Arts Development Fund (RADF) is delivered as a partnership between the Queensland Government through Arts Queensland and eligible local councils across the state. RADF promotes the role and value of arts, culture and heritage as key drivers of diverse and inclusive communities and strong regions. RADF invests in local arts and cultural priorities, as determined by local communities. RADF is a flexible fund enabling local councils to tailor RADF programs to suit the needs of their communities.

Queensland Government's and local councils' investment in each RADF partnership varies in ratio depending on the scale of the contribution made by each council. For example a Council investment of \$12,857 could attract a maximum Arts Queensland investment of up to \$30,000 (a co-investment ratio of 30:70). In previous years council contribution was limited to population based funding limits.

Mareeba Shire Council allocated \$12,857 to the RADF 2015/16 Strategy and received co-contribution of \$21,000 from Arts Queensland, to provide a total RADF budget of \$33,857. The MSC RADF 2015/16 Strategy consisted of:

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- Major strategic initiatives (Kuranda Youth Arts Engagement Project and Arts Skills Workshops in Mareeba, Dimbulah, Julatten and Mt Molloy);
- Annual community grant round;
- Community capacity building initiatives.

Council administers a RADF Committee composed of eight local arts workers to advise on the development of annual RADF strategies, assess community grant round applications and outcome reports, and promote the arts within the shire.

### **Community Grant Round**

The Community Grant Round, the final component of the RADF 2015/16 Strategy, was conducted in February 2016 and advertised extensively across the Shire. The total amount of funding to be allocated was \$12,245. Council received seven (7) applications requesting a total of \$24,619 and these were assessed against the following criteria:

- Alignment with objectives of RADF and locally identified community priorities for RADF
- Ability of the applicant to deliver the project, activity or event
- Adequate planning (including timeline, budget, risk assessment, licensing, evaluation)
- Demonstrated need for the project, community support and benefits to the wider community.

The seven (7) applications received were all of a high standard and requested funding across a range of project types: place-making, workshops, cultural tourism, creative development of new work and career development. The Committee requested a small amount of additional information to proceed with one application, which was subsequently provided and approved by the Committee. Two (2) applications were recommended for funding at a reduced amount (than requested) and these applicants have provided verbal and/or written amended project plans. One (1) application was not recommended for funding. The main reasons for reduced or not approving applications for funding was extent of community benefit, project type, repeat applicants and limited total funding available. A summary of applications is provided below.

## **RECOMMENDATION**

### **A. Community Grant Applications**

The 2015/16 RADF Strategy has sufficient funds to provide funding for the Community Grant Applications as recommended by the RADF Committee. It is therefore recommended that Council endorses the decision made by the Mareeba Shire Council RADF Committee to provide a total of \$12,245 to the six (6) projects listed below.

#### **1. Kuranda Envirocare Inc - Kuranda Rainforest Experience: A Self-Guided Walk \$2,100**

This project will see the production of self-guided walk brochures and the installation of informative plaques along established Kuranda walking tracks (Jumrum Creek Walk and Kuranda Village Circuit Walk). Existing signage is very poor and this project responds to a priority identified by the Kuranda Community Precinct Advisory Committee.

#### **2. Kuranda Creative Arthouse - Art in the Park (CAFÉ Kuranda) \$2,931**

This project follows on from similar previous projects by this applicant, one of which was funded previously by RADF. The original application requested \$10,000 for a school holiday

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arts program for Kuranda youth. The applicant has agreed to a revised budget of \$2,931 and submitted an amended project plan which will see young people engaged in painting the bus shelter on Myola Rd. Even though this project has been previously funded by RADF the Committee strongly supported this application as it targets disadvantaged young people in Kuranda and the previous project delivered very positive outcomes.

### **3. Chillagoe Alliance Inc - Railway Precinct: Remembrance Cove \$1,124**

The Chillagoe Alliance has commenced activity to revitalise the disused Chillagoe Railway Station Precinct. This grant will provide funds for the creation of a replica stained glass window to commemorate the town's war history and will be a central feature of the Precinct. The project has potential cultural tourism outcomes.

### **4. Koah Sports and Social Club Inc - Koah Enquiry by Design \$3,200**

A creative design process, underpinned by community engagement, will see the development of a masterplan for a mixed-use community precinct at the Koah Hall site. The grant will cover the consultant landscaper and building designer fees. The masterplan will assist the capacity of the club to apply for funding to implement changes and subsequently increase use of the hall.

### **5. Monika Church - A Stop Motion Animation Portfolio \$2,000**

This young artist aims to create a stop motion animation portfolio consisting of experimental clips and short films. The project will allow the artist to explore and demonstrate her skills in animation, puppet making, script writing and film making. The portfolio will be used to apply for access to attend university and the clips will be shared at local events. The Committee recommend approving a reduced budget of \$2,000 (request \$2,529).

### **6. Lions Club of Mareeba - Graffiti Master Class - Metrogaine 2016 \$890**

The Lions Club is committed to enhance community engagement in its annual Metrogaine event which is a fundraiser for childhood cancer research. A local professional aerosol artist will run a four (4) hour workshop as part of the event to encourage wider community participation in the event.

## **B. Outcome Reports**

The Committee also received four (4) Outcome Reports for RADF 2014/15 Community Grants and one Outcome Report for a RADF 2015/16 Strategic Initiative Grant and these are also presented to Council for approval. The Outcome Reports are listed below and a summary of these Outcome Reports is attached.

#### **1. Flexichoice Mareeba - Recycled Plastic Lids Turn Arty \$750**

#### **2. The Kurandacoots - "The Second Scream" Theatre Production \$4,500**

#### **3. Kuranda Creative Artists - CAFÉ Kuranda \$3,000**

#### **4. Youth Arts Kuranda - YAK YAK YAK \$6,050**

#### **5. Walkamin Country Music Club - Supporting the Sustainability of the FNQ Country Music Festival \$1,000**

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**LINK TO CORPORATE PLAN**

**COM 4** Encourage vibrant and active community participation in festivals and events, arts, culture and natural heritage activities that celebrate the community and its cultural diversity and enrich lifestyle and encourage tourism.

**CONSULTATION**

*Internal*

Mareeba Shire Council RADF Committee

*External*

Arts Queensland

**LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

Nil

*Is the expenditure noted above included in the 2015/2016 budget?*

Yes

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

RADF Outcome Reports Summary

***Date Prepared:*** 12 April 2016



**ATTACHMENT 1**

**RADF 2014/15 Outcome Reports**

**"Recycled Plastic Lids Turn Arty" - Flexichoice Mareeba (\$750)**

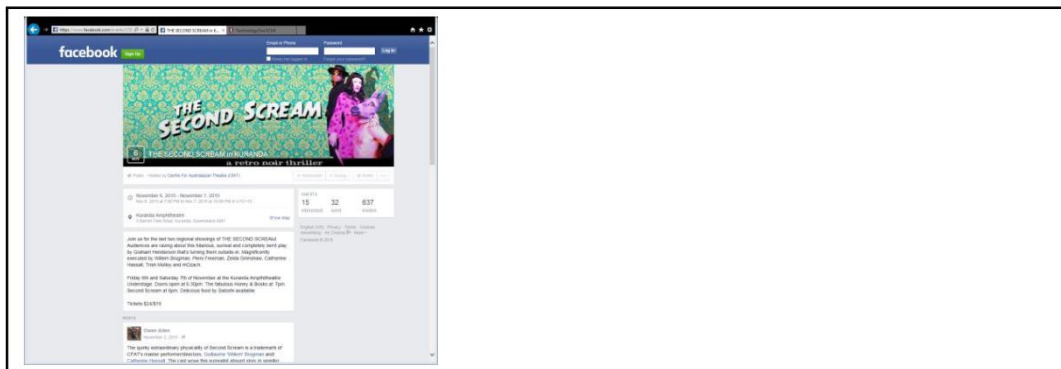
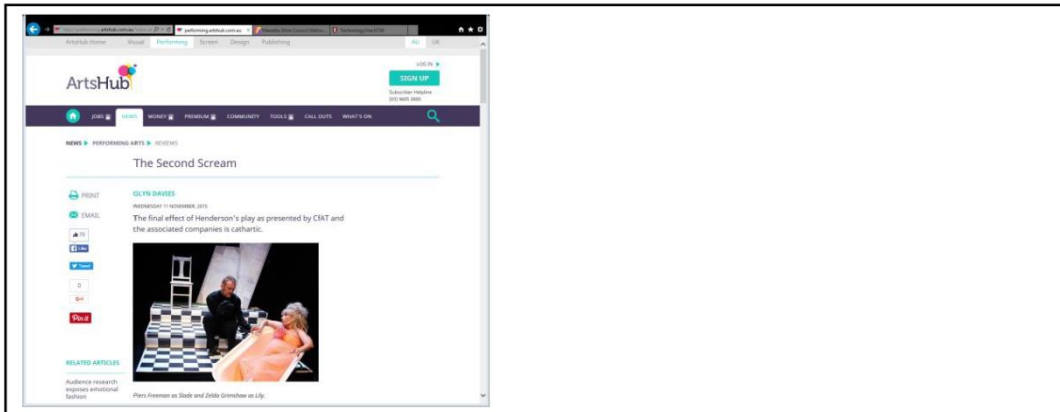
Flexichoice service users created an eye-catching, street art mosaic under the guidance of support workers. The project was designed as an enrichment program for people with a disability; giving participants a sense of purpose, the feeling of being part of a team, and a sense of pride in their achievements. As well as promoting the activities and achievements of service users, it also created awareness about recycling. A RADF grant allowed Flexichoice Mareeba to purchase materials to create the mural. Thousands of plastic lids were donated by the wider community and many businesses donated materials and expertise. The five metre art work is displayed on the Flexichoice fence in Mason St, Mareeba and was unveiled by the Mayor at the Disability Action Week community celebration on 19<sup>th</sup> September 2015.



### "The Second Scream - Theatre Production" - The Kurandacoots (\$4,500)

This RADF grant helped to support the creative development, independent production and performance of a play "The Second Scream" by Kuranda circus/theatre company The Kurandacoots. The Kurandacoots collaborated with members of the Centre for Australasian Theatre and the Absurdist Association of Australia to create the intriguing and engaging murder mystery. The collaboration brought together individuals with varied and unique styles and skills, resulting in an innovative performance incorporating various performance elements and a valuable professional development opportunity for the artists involved. Audiences totalling 450 people were entertained at eight performances at the Wallaby Creek Festival (26-27<sup>th</sup> September 2015), the Centre of Contemporary Arts (CoCA) Cairns (28-31 October 2015) and at the Kuranda Ampitheatre (6-7 November 2015). Financial support for the performances was also received from Arts Queensland (Projects and Programs Fund), Wallaby Creek Festival and CoCA. The group were very well received by audiences, major partners, peers and critics and interest was expressed by CoCA and a Brisbane venue for possible future collaboration.

- Review published on national online theatre review site ArtsHub:  
<http://performing.artshub.com.au/news-article/reviews/performing-arts/glyn-davies/the-second-scream-249845>
- Trailer: <https://vimeo.com/143694926>
- Show reels: <https://vimeo.com/144569551> and: <https://vimeo.com/144569550>
- Photos and event pages: <https://www.facebook.com/Centre-For-Australasian-Theatre-CfAT-481314488554451/> and: <https://www.facebook.com/events/1718453581721279/>



**"CAFÉ Kuranda" - Kuranda Creative Artists (Gail Betts) (\$3,000)**

Creative Arts for Everyone (CAFÉ) workshops were held over three days in Kuranda during the September 2015 school holidays. The workshops were designed to promote youth skills development and engagement in positive community activities. Twenty-five young people (with a number of visitors to the area joining in) were supported by four local artists to create a series of colourful banners and flags that can be displayed at community events, such as Kuranda Day. The banners depict tropical flora and fauna found in the region. Positive feedback about the workshops and banners were received.

**CAFÉ Kuranda Project: September**



The Café Kuranda project sponsored by Regional Arts & Development Funding, a partnership between the Mareeba Shire Council and Queensland Government, held three highly successful Creative Arts Workshops at Centenary Park in Kuranda during the September school break and local and visiting youth from all over Australia have helped to create some fantastic banners and flags to be displayed in the park on **Kuranda Day 18 October**. The project includes local artists Anne Fitzpatrick, Sheila Brim, and Gail & Anika Betts who mentored and worked with youth to help create the colourful display.



**"Yak Yak Yak" - Youth Arts Kuranda (\$6,050)**

This RADF grant helped to support a series of professionally facilitated theatre and prop construction workshops culminating in performances at key cultural events throughout the Mareeba shire and other surrounding shires. Mentored by established local artists, emerging young artists aged 11-14 years engaged in six stilt making workshops where they designed, constructed and performed in the Festival Cairns, Grand Parade and the Tolga Scarescrow Festival. The young artists also participated in 16 theatre workshops where they contributed to the creation of a theatre show by and about young people "Interrupting the Internet". This show was performed to crowds of 2,500 at the Wallaby Creek Festival, at the 1 Act Play Festival, CoCA Cairns (150 audience members), and the Kuranda Festival (120 audience members). The RADF Grant also supported YAK artists to attend the Jute Theatre Makers Conference and Dead Puppets Society Workshop. The project resulted in significant professional development, future partnerships and opportunities for the group including being given the opportunity to perform to a state-wide audience at the Backbone Youth Arts 2High Festival in Brisbane (January 2016).

**Festival lovers to roll up for circus theme**

**FESTIVAL** *By Louise Hume*

ALL those party and weekenders will roll into Kuranda village on Friday for a family and circus-themed day of fun and entertainment for the whole family.

Hundreds of people are expected to attend the annual Kuranda Festival this weekend, to mark the 125th anniversary of the village of Kuranda.

For those workshops, stage shows, a circus parade, a parade, a fair and more will run in the nearby Park throughout the day.

There will be a parade in the village Kuranda Village on Friday in the village of Kuranda, between the 100 and 125.

The day will kick off at 10am with a Kuranda Arts Workshop at Thea Gardens in the Heritage Market.

**WHAT'S ON**

The day will feature a variety of events, including a circus parade, a stage show, a fair and more entertainment. There will be a parade in the village of Kuranda, between the 100 and 125.

**Kuranda Festival is a great community event celebrating the colourful lifestyle we enjoy sharing with visitors to our village.**

*By Louise Hume*

...of being part of the festival" she said.

"The Youth Makers was a great experience for the group."

Kuranda Youth Arts group YAK YAK YAK will perform an original play at the CWA Hall from 6pm to 8pm.

The show will focus on young people's relationship with their devices and the internet, and how they interact.

See young people and their ideas on a local YAK YAK YAK will perform at the festival for the first time.

"The show was filmed last year and the idea of creating stories of young people in Kuranda was a goal."

"We're really excited to be performing on a stage at the festival," group director Julie McLeod said.

"We've been working for 18 months and have only now performed at other festivals."

The group will perform at the Youth Arts Festival in Brisbane in January 2016.

Tougan Kuranda was a local artist and the

Minkie Sheriff Callum Mather Luka Freeman Wil van Gemert Zoe Adams Thiango Brugman  
writer / director Kellie McDride dramaturg / director Justina Schlicht



## *Interrupting the Internet*

*A new theatre work for young people and their families*

Featuring guest appearances by young Kuranda artists- Helder, Ruby, I yaden, Seraphina and Sophie.

**KURANDA**

**CWA HALL**

**SUN OCT 18,**

**12noon**

Free event, all ages

Alcohol & drug free

What would happen if you met your online persone? Is it time to reconsider the terms of your relationship with your device? How is it at your place during a cyclone? Ever had a broken arm? How long does your mum spend on Facebook?

**INTERRUPTING THE INTERNET** asks these questions & more through story, song, poetry, physical theatre, stunts, puppetry & comedy in this brand new show for young people. See why **YAK YAK YAK** has been described as "witty", "sophisticated" & "moving"

Appearing @ Festival Kuranda 2015

 **Mareeba**  
SHIRE COUNCIL



Tourism Kuranda

*The Regional Arts Development Fund (RADF) is a partnership between Mareeba Shire Council and Qld Government*

**RADF 2015/16 Outcome Reports**

**"Supporting the Sustainability of the FNQ Country Music Festival" - Walkamin Country Music Club (\$1,000)**

The FNQ Country Music Festival is the largest country music festival and talent quest held in far north Queensland. The event generates significant revenue for the Mareeba community, provides opportunities for young, emerging musicians and entertainment for locals and visitors alike. In recent years, the Walkamin Country Music Club has been struggling to find financial support for the event. There has been a trend for similar regional events to be cancelled due to lack of funding.

Funded as a RADF 2015/16 capacity building, strategic initiative, this grant allowed the Club to promote the 2015 Festival as well as collect information about the audience demographic and feedback. 120 Festival attendees were surveyed and asked about how people found out about the Festival, where people came from, key event "draw cards", and feedback on timing of the Festival. This information will facilitate the formulation of a development and marketing plan and increase the Club's capacity to fund the event into the future. The project has also resulted in the implementation of ongoing methods of engagement with the community, including online survey forms, online Newsletter, feedback page on Festival Website and Face book Page.



## INFRASTRUCTURE SERVICES

### TECHNICAL SERVICES

#### ITEM-12                      ROAD RAIL OPEN LEVEL CROSSING INTERFACE AGREEMENT - QUEENSLAND RAIL

**MEETING:**                      Ordinary

**MEETING DATE:**              20 April 2016

**REPORT OFFICER'S  
TITLE:**                          Project Manager

**DEPARTMENT:**                Infrastructure Services, Technical Services

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#### EXECUTIVE SUMMARY

*In conjunction with the enactment of the Transport (Rail Safety) Act 2010 the Local Government Association of Queensland entered into a Memorandum of Understanding with Queensland Rail and proceeded to negotiate on behalf of Councils the development of a Rail Interface Agreement pertaining to responsibility for the management and treatment of Open Level Crossings on Council controlled roads across Queensland.*

*The Interface Agreement is a legislative requirement of Transport (Rail Safety) Act 2010.*

*With several deadlines for Council sign-off of the interface agreement passed the Executive Director (Rail Regulation) Department of Transport and Main Roads met with Council in February 2015 to discuss matters of concern, subsequently directing Queensland Rail and Council to resolve issues within reasonable timeframes.*

#### OFFICER'S RECOMMENDATION

"That Council delegate authority to the CEO to execute the Interface Agreement with Queensland Rail in accordance with *the legislative provisions of the Transport (Rail Safety) Act 2010* and the recommendations of the *Local Government Association of Queensland*."

#### BACKGROUND

Council officers have been meeting with Queensland Rail representatives in order to clarify a number of issues of concern in relation to responsibility for maintenance and auditing under the terms of the Interface Agreement.

The Interface Agreement formalises road and rail manager responsibility for the management of level crossing infrastructure. The Interface Agreement will replace an interim Memorandum of Understanding (MOU) approved and signed off by the Local Government Association of Queensland (LGAQ) on behalf of Queensland Councils.

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The Interface Agreement defines infrastructure maintenance responsibilities and consequently responsibility for the associated maintenance costs. The Agreement details the requirement to manage risk and recommends that regular auditing is undertaken and procedures put in place to ensure level crossing infrastructure and visibility corridors are maintained to a suitable standard.

The Interface Agreement does not represent a major change to the scope of Council's responsibility for infrastructure maintenance and replacement. As it stands Council are responsible for all pavement marking and associated level crossing signage for a distance of 0.6 metre either side of the outside rail.

Manual of Uniform Traffic Control Devices (MUTCD) Part 7, Railway Crossings outlines compliance standards for signage implementation and layout.

Recent Queensland Rail auditing using its ALCAMS risk management assessment tool identified outstanding defects at a number of level crossings. The defects primarily related to Council signage implementation and pavement marking deterioration.

### **LINK TO CORPORATE PLAN**

**ECON 3** - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

### **CONSULTATION**

#### *Internal*

Chief Executive Officer  
Infrastructure Services Staff

#### *External*

Queensland Rail - Lance Smith

### **LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

The requirement to enter into an "Interface Agreement" is legislated under the Transport Rail Safety Act 2010 and as such abstaining local authorities will be compelled to conform in due course.

In the event of an incident occurring at the road-rail interface Council compliance with the provisions of MUTCD Part 7 Railway Crossings and the Interface Agreement would be examined accordingly.

### **POLICY IMPLICATIONS**

Nil



**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
Nil

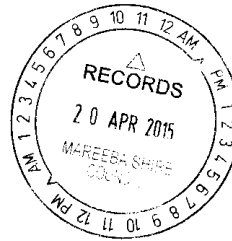
**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

Nil

***Date Prepared:*** 8 April 2016

**ATTACHMENT 1***T&T - ROA-OLC**IT BS*Department of  
**Transport and Main Roads**Our ref E17726-RSS 490/00298  
Your ref  
Enquiries Renee Schroter

15 April 2015

Mr Peter Franks  
Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
Mareeba Qld 4880Dear <sup>*Mr*</sup> ~~Mr~~ Franks

Thank you for meeting with Renee Schroter and myself in February 2015, to discuss road rail interface agreements.

I have now met with all local and regional councils to gain an understanding of the concerns around road rail interface agreements.

On 2 April 2015, I met with Queensland Rail to provide a summary of the concerns raised by all local and regional councils. The concerns are consistent across councils and relate to:

- the method in which risk assessments have been conducted,
- the inclusion of a works program, and
- the cost to implement the work programs.

I have asked Queensland Rail to review these concerns and recommence negotiations. I expect an update from Queensland Rail on the progress of discussions with councils at the end of April 2015. I encourage you to continue with negotiations with Queensland Rail in an effort to resolve the interface agreements.

If I am not satisfied that Queensland Rail and/or Mareeba Shire Council are making reasonable efforts to negotiate or enter into an interface agreement, I will issue both parties with an interim direction under section 77(2)(a) of the *Transport (Rail Safety) Act 2010*.

The interim direction will allow three months for Queensland Rail and Mareeba Shire Council to resolve the issues or report on outstanding matters.

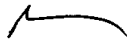
After that period, under Section 78(2) of the Act I may decide the arrangements of the interface agreement and will direct both parties to implement the arrangements.

Land Transport Safety  
Customer Services, Safety and Regulation  
Floor 3 Transport House  
230 Brunswick Street Fortitude Valley Queensland 4006  
PO Box 673 Fortitude Valley Queensland 4006Telephone +61 7 3066 2919  
Facsimile +61 7 3066 2917  
Website [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)  
Email [renee.j.schroter@tmr.qld.gov.au](mailto:renee.j.schroter@tmr.qld.gov.au)  
ABN 39 407 690 291

I look forward to Councils and Queensland Rail finalising road rail interface agreements as soon as is practicable.

Should you require any further information, please contact Mrs Renee Schroter, Senior Advisor (Rail Regulation) on 3066 2919.

Yours sincerely



Peter Cumming  
Executive Director (Rail Regulation)



**ITEM-13**    **NATIONAL STRONGER REGIONS FUND ROUND 3  
PROJECT PROPOSAL - MAREEBA SEWER CAPACITY  
UPGRADE**

**MEETING:**    Ordinary

**MEETING DATE:**    20 April 2016

**REPORT OFFICER'S  
TITLE:**    Strategic Project Officer

**DEPARTMENT:**    Infrastructure Services

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**EXECUTIVE SUMMARY**

*The National Stronger Regions Fund (NSRF) is an Australian Government program to promote economic development in Australia's regions. Mareeba Shire Council has previously been successful in attracting funding for the Mareeba Wastewater Treatment Plant Upgrade and the Mareeba Airport Upgrade under this program.*

*Mareeba Shire Council has submitted an application to the National Stronger Regions Fund Round Three for the Mareeba Sewer Capacity Upgrade project. As all Queensland Councils were in caretaker mode on the date of application, the newly elected Council is now required to confirm whether the indicative funding contributions as per the submitted application are accepted.*

**OFFICER'S RECOMMENDATION**

"That Council confirm the National Stronger Regions Round Three funding proposal for the Mareeba Sewer Capacity Upgrade and re-commit to funding Council's co-contribution of \$1.319 million for the Mareeba Wastewater Reticulation Network Upgrade for a total project cost of \$2.319 million".

**BACKGROUND**

The National Stronger Regions Fund (NSRF) is an Australian Government program to promote economic development in Australia's regions. The Australian Government is providing \$1 billion over five (5) years, which commenced in 2015/16, to fund priority infrastructure in local communities. Mareeba Shire Council has previously been successful in attracting funding for the Mareeba Wastewater Treatment Plant Upgrade and the Mareeba Airport Upgrade under this program.

Mareeba Shire Council recently applied to the Australian Government for \$1 million to help fund a critical upgrade to the Mareeba Sewer network on Kenneally Road and Hastie Road. The upgrade of the Mareeba sewer network capacity at Hastie Road and Kenneally Road is a critical infrastructure project that will provide pre-requisite wastewater services to enable new residential subdivisions and expansion of a retail and medical precinct and support future regional expansion. The wastewater network at Kenneally Road has exceeded its capacity and capacity limits are starting to be exceeded in the Ceola Drive catchment which

---

now includes Hastie Road. A new sewer main and pump station is required to service the Hastie Road catchment and the Kenneally Road catchment requires larger capacity pipes to prevent sewage overflows and environmental licence breaches.

Specifically the project deliverables are:

1. Supply, install and commission a new 225mm rising main on Kenneally Road from the existing pump station near the intersection of Kenneally Road and Andres Street along Kenneally Road to the existing manhole at the end of Kenneally Road, Mareeba to service new properties and planned new subdivision works;

and

2. Supply, install and commission a new pump station and new 300mm rising main from Yarrabee Close, along Hastie Road, underneath the Barron River connecting to the existing Lloyd Street manhole to service new properties and planned new subdivision.

There is an immediate environmental and technical requirement for this project to occur to avoid almost certain increases in sewer main breaks and overflows contaminating the waterways and groundwater table, creating environmental, health and odour problems for the community.

From an economic perspective, this sewer capacity upgrade is crucial as it will drive expansion and permanent employment in the retail and medical precinct. Economic modelling by Cummings Economics calculates that upgrading the sewer capacity to allow further sustainable residential and commercial development has a benefit cost ratio of 5.9. The upgrade will support Gross Regional Product (the addition of value added by all the economic entities operating in Mareeba) in the order of \$44 million in 2015/16 prices including jobs growth of up to 50 FTE over time. Should the project proceed, construction expenditure and activity generated in the relevant areas would be likely to total over \$100 million over time in dwellings with a Net Present Value of \$60 million.

Due to its limited financial capacity to fund the upgrade works, Mareeba Shire is seeking assistance to upgrade the network. This will facilitate much needed private investment in the region so that Mareeba can realise its potential as a supply and service hub for the Atherton Tablelands, Gulf and Peninsula and as the major service centre for Cairns.

The Department of Infrastructure and Regional Development (the Department) currently considers any Queensland Local Council contributions (both cash and in-kind) as indicative pending subsequent confirmation from the incoming Council. All Queensland Local Councils are now required to confirm that the indicative funding contributions as per the submitted applications have been accepted by the newly elected Council.

Where confirmation of indicative funding is not received by 5pm EST on Monday, 16 May 2016, applications will be deemed ineligible. The Department will not accept any changes to applications (including changes to the funding commitment).

Subject to Council approval, further applications can be submitted to the Queensland State Government for additional (up to 50%) funding assistance for this project under the Building our Regions Program and other relevant grant programs to ease the burden on ratepayers for this project. A separate report has been prepared on this program. Council would need to commit to each funding program separately and in its own right.

**LINK TO CORPORATE PLAN**

Should grant applications be successful, the additional funding source will assist Council in upgrading its assets and meeting the following corporate goal:

**ECOM 2** In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries.

**CONSULTATION***Internal*

Director Infrastructure Services  
Manager Water and Waste  
Manager Finance  
Senior Planner

*External***LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Should Council be successful in attracting grant funding, Council will be required to provide matching funding of \$1.319 million. The successful project would be included in the Capital Works Program for 2016/17 and 2017/18 as non-discretionary projects.

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

The Department of Infrastructure and Regional Development (the Department) will be informed of Council's re-commitment to fund its co-contribution by email should Council endorse the recommendation of this report. If Council does not endorse the recommendation of this report, then the Department will be advised that the application is being withdrawn.

**ATTACHMENTS**

Nil

**Date Prepared:** 1 April 2016





**ITEM-14 BUILDING OUR REGIONS PROGRAM (ROUND 2) - PROJECT PROPOSALS**

**MEETING:** Ordinary

**MEETING DATE:** 20 April 2016

**REPORT OFFICER'S TITLE:** Strategic Project Officer

**DEPARTMENT:** Infrastructure Services

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**EXECUTIVE SUMMARY**

*The Building our Regions Program is a Queensland Government initiative to provide funding for critical infrastructure in regional Queensland that endeavours to meet the specific needs of regional communities and supports economic development, including job creation.*

*Mareeba Shire Council has previously been successful in attracting funding for the Mareeba Wastewater Treatment Plant Upgrade and the construction of two (2) new reservoirs at Masons Road and Hilltop Close under this program. Round 2 of the Building our Regions Program is now open and this report seeks Council approval and commitment for its financial contribution to apply for funding for three (3) projects: the Hastie Road New Sewer Main and Pump Station, the Kenneally Road Sewer Capacity Upgrade and the Tate River Crossing Safety and Accessibility Upgrade project proposals.*

**OFFICER'S RECOMMENDATION**

"That Council endorse the following project proposals for the Queensland State Government Building our Regions Program and commit to funding the management and costs associated with the on-going operation and maintenance of the asset and also commit to funding its capital co-contribution as follows:

1. Hastie Road New Sewer Main and Pump Station. Total Project Cost \$1.529 million. Council maximum financial contribution commitment: \$764,500 (50%).
2. Kenneally Road Sewer Capacity Upgrade. Total Project Cost \$790,000. Council maximum financial contribution commitment: \$395,000 (50%).
3. Tate River Crossing Safety and Accessibility Upgrade. Total Project Cost \$960,000. Council maximum financial contribution commitment: \$240,000 (25%). Current funding approved under the Community Resilience Program: \$384,000."

**BACKGROUND**

The Queensland Government is providing funding for critical infrastructure in regional Queensland that endeavours to meet the specific needs of regional communities and support economic development, including job creation. Mareeba Shire Council has previously been successful in attracting funding for two water reservoirs at Kuranda under this program.

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Building our Regions funding is awarded through a competitive two-stage application assessment process—an expressions of interest (EOI) stage and a detailed application stage for shortlisted projects.

The EOI stage will consider the eligibility and the strategic merit of proposed projects. The detailed application stage will assess the project in more detail, including confirmation of strategic merit and consideration of local government capacity to deliver the project, project risk identification and mitigation, and financial soundness.

In Round Two, it is proposed that Council submits three (3) project proposals; the Hastie Road New Sewer Main and Pump Station Project, the Kenneally Road Sewer Capacity Upgrade Project and the Tate River Crossing Safety and Accessibility Upgrade Project.

#### Project Proposals One and Two Hastie Road and Kenneally Road Sewer Upgrades

Mareeba Shire Council recently applied to the Australian Government for \$1 million to help fund a critical upgrade to the Mareeba Sewer network on Kenneally Road and Hastie Road. The upgrade of the Mareeba sewer network capacity at Hastie Road and Kenneally Road are critical infrastructure projects that will provide pre-requisite wastewater services to enable new residential subdivisions and expansion of a retail and medical precinct and support future regional expansion. The wastewater network in these areas is reaching capacity and larger pipes and pump stations are essential to prevent sewage overflows and environmental licence breaches.

Council officers have prioritised these projects as equally ranked as the highest priority projects for Mareeba Shire's capital works program (apart from the upgrading of the Wastewater Treatment Plant) for wastewater using criteria that assess risk, criticality and capacity of the existing infrastructure to service the need.

Specifically the project deliverables are:

##### *Project Proposal 1 Kenneally Road Sewer Capacity Upgrade*

Supply, install and commission a new 225mm pressure main on Kenneally Road from the existing pump station near the intersection of Kenneally Road and Andres Street, along Kenneally Road to the existing manhole at the end of Kenneally Road, Mareeba to service new properties and planned new subdivision works.

##### *Project Proposal 2 Hastie Road New Sewer Main and Pump Station*

Supply, install and commission a new pump station and new 300mm pressure main from Yarrabee Close, along Hastie Road, underneath the Barron River connecting to the existing Lloyd Street manhole to service new properties and a planned new subdivision.

These sewer capacity upgrades are crucial as they will provide the critical infrastructure to service much needed land for dwellings so that Mareeba can grow. Economic modelling by Cummings Economics calculates that upgrading the sewer capacity to allow further sustainable residential and commercial development has a benefit cost ratio of 5.9. The upgrades will support Gross Regional Product (the addition of value added by all the economic entities operating in Mareeba) in the order of \$44 million in 2015/16 prices including jobs growth of up to 50 FTE over time. Should the project proceed, construction expenditure and activity generated in the relevant areas would be likely to total over \$100 million over time in dwellings with a Net Present Value of \$60 million.

On-going operations and maintenance costs of the new infrastructure are yet to be fully calculated. However, the majority of the capital costs are for the construction of passive underground sewer main assets, which have a useful life of 80 years and are not expected to impact on the operational or maintenance budgets in the medium term with the exception of an increase to the depreciation expense for wastewater. There will be one additional pump station constructed which would require regular maintenance and would be incorporated into the existing maintenance program. Economies of scale mean that the maintenance of this additional pump station will not significantly impact the operational budget and any increases would be met by additional wastewater revenue from the new parcels of land that will be serviced by the increased sewer capacity.

#### Project Proposal 3 Tate River Crossing Safety and Accessibility Upgrade

Mareeba Shire Council was successful in attracting a 40% grant from the Queensland Government Community Resilience Program for \$384,000, with a total project cost of \$960,000.

The deed of agreement for the Tate River Crossing Upgrade with the Queensland Government has yet to be signed. However, should Council decide to continue with this project, there is an opportunity to seek a further contribution from the Building our Regions program with a potential total Queensland Government contribution including both the Community Resilience Funding and Building our Regions Funding totalling a maximum of 75% of the total project cost. If Council is not successful in obtaining Building our Regions funding, the deed of agreement would mean that Council is still obligated to deliver the project with the 40% contribution from the Community Resilience Program.

Specifically the project deliverables are:

Construction of a new causeway approximately 1.6 above the existing concrete base slab and widen to 4.5m width for the 252m length of the causeway on the Tate River Crossing, Bolwarra Road (chainage 49.90 to 50.2) including base head walls, piers, deck, delineation and signage.

The upgraded river crossing will improve employment and economic sustainability for beef cattle agribusiness activities by providing access to beef cattle stations carrying some 26,000 head of cattle for up to an extra three (3) months of the year. The current Bolwarra Road Tate River crossing is too low and is cut off for extended periods of time after rain. The crossing is so narrow that a car can only just fit, and at 252 metres in length, visibility is poor and it is too dangerous to reverse if there is an oncoming vehicle. When road trains cross the causeway the crossing is so narrow that the outside wheels are suspended in the air over the edges of the crossing. There is a high risk of a major accident on the crossing should a road train full of cattle fall into the river. The crossing is nearing the end of its useful life and a condition assessment is currently being prepared.

A new, higher and wider crossing will build resilience connecting the vulnerable cattle stations to the Northern Beef Roads of Ootann Road, the Hann Highway and the Gulf Development Road so they can access sale yards and towns all year round. The new causeway will facilitate cattle to be sold when grass is plentiful and the cattle are in their best condition rather than in the dry period when cattle are poor, weigh less and attract a lower price per kilogram. It is estimated that if the transport to sale yards of 6000 of these cattle are delayed past the wet season and are transported in the dry season that it could represent over six (6) million dollars in forgone income for the affected beef cattle properties. The project will also improve flood resilience for the families and employees that work on the affected stations by improving their connectivity with the towns of Chillagoe, Mt Garnett,

Ravenshoe, Atherton and Mareeba so that they can access services and supplies all year round. The wider causeway is also necessary to improve safety of road train drivers and reduce the risk of a road train hauling cattle falling into the Tate River.

This project will almost certainly reduce the operational budget over the medium term as the current crossing is likely to require significant maintenance works if it is not replaced under the Community Resilience program. Likely maintenance costs of the current crossing will be clearer after the condition assessment by GHD is complete.

### **LINK TO CORPORATE PLAN**

Should grant applications be successful, the additional funding source will assist Council in upgrading its assets and meeting the following corporate goal:

**ECOM 2** In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries.

### **CONSULTATION**

#### *Internal*

Director Infrastructure Services  
Manager Water and Waste  
Manager Finance  
Senior Planner

#### *External*

### **LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL & RESOURCE IMPLICATIONS**

#### *Capital*

Should Council be successful in attracting grant funding for each of the proposed projects, Council will be required to provide matching funding of \$1.1595 million for the Kenneally Road and Hastie Road sewer upgrade project proposals and a further \$240,000 for the Bolwarra Road Tate River Crossing Upgrade. The successful project would be included in the Capital Works Program for 2017/18 as a non-discretionary item.

#### *Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

Applications for funding will be made for the endorsed projects to Round 2 of the Building our Regions Program.

**ATTACHMENTS**

Nil

***Date Prepared:***            *12 April 2016*



**ITEM-15 APPLICATION TO OPEN AND CLOSE PART OF THE ROAD RESERVE ON THE BUMP TRACK, JULATTEN****MEETING:** Ordinary**MEETING DATE:** 20 April 2016**REPORT OFFICER'S TITLE:** Manager Technical Services**DEPARTMENT:** Infrastructure Services, Technical Services

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**EXECUTIVE SUMMARY**

*Council has received a request to support an application to the Department of Natural Resources and Mines (DNRM) to open and close part of the road reserve on the Bump Track.*

*The actual road formation in this location is partially on road reserve and partially on freehold property. The applicant wishes to formalise the current arrangement by requesting partial closure of the existing road reserve and opening of new road reserve on his property to include the existing road alignment.*

*This request by the applicant to surrender part of his land to road reserve and in return add part of the existing road reserve to his property will then place the Bump Track wholly within road reserve.*

**OFFICER'S RECOMMENDATION**

"That Council advise the applicant that it has no objection in-principle to the opening and closure of sections of the Bump Track road reserve adjacent to his property, providing there is no impact on the existing road formation and subject to final survey."

**BACKGROUND**

The Bump Track at Julatten is a low volume gravel road which is not located on road reserve in some sections. The property owner adjacent to one of these sections would like to formalise the current arrangement by donating part of his property to road reserve and acquiring part of the road reserve in return.

The Bump Track abuts the applicants property at a point approximately 600m from the Wetherby Road intersection and for the next 1.5km is located on road reserve which has an overall width of 200m. The applicant is requesting partial closure of this section to reduce the overall road reserve width from the existing 200m to a new width of 120m to 160m. The existing road formation will not be impacted by this closure.

The next 1.0km section of the Bump Track is located on the applicant's property and is off alignment by 20m to 120m. The applicant is prepared to surrender this section to road reserve so that the existing road formation will then be on road reserve and not on his property.

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The applicant is applying to the Department of Natural Resources and Mines (DNRM) to open and close these two (2) sections of road reserve abutting his property. As part of this application, DNRM require approval from the road manager, which in this case is Mareeba Shire Council, prior to considering this application.

As there this application formalises the current alignment of the Bump Track, the applicants request is considered reasonable, therefore Council's approval in principle subject to final survey is recommended.

### **LINK TO CORPORATE PLAN**

**ECON 3** - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

### **CONSULTATION**

*Internal*  
Technical Officer Subdivisions

*External*  
The applicant

### **LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
Nil

### **IMPLEMENTATION/COMMUNICATION**

Should Council approve the road closures and opening then the applicant will be advised

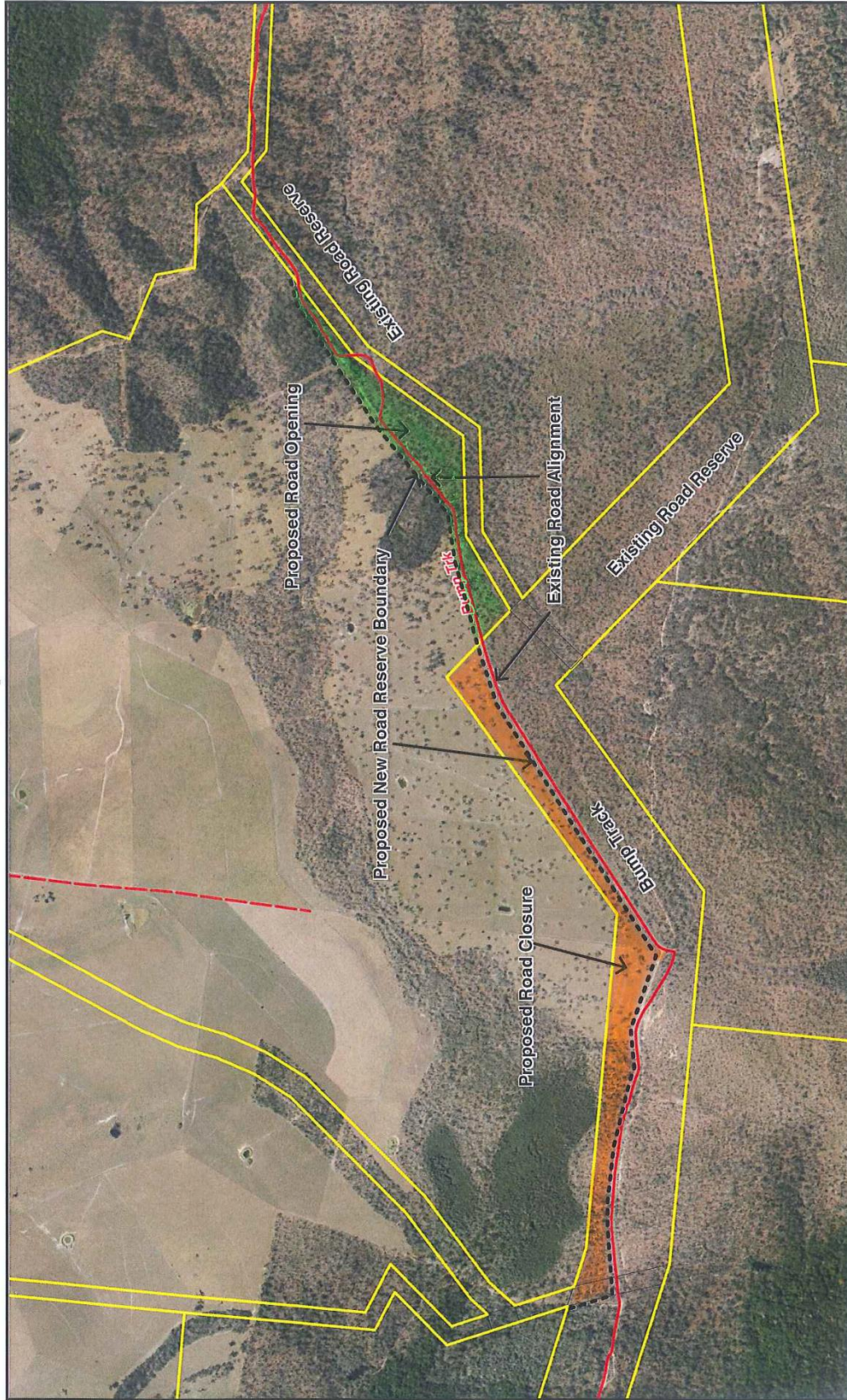
### **ATTACHMENTS**

1. Locality Plan.

**Date Prepared:** 11 April 2016



**Bump Track**



Scale 1 : 12000 at A4

Map Grid of Australia Zone 55 (GDA94)

**PROPOSED ROAD CLOSURE**



©2016 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and the State of Queensland Department of Natural Resources & Mines (DNRM) (2016). In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, currency, currency, or liability) and accept no liability (including without limitation, liability in negligence) for any damages, losses, or other consequences arising from any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

**PROPOSED ROAD OPENING.**





**ITEM-16**                      **APPLICATION FOR PERMANENT ROAD CLOSURES  
OFF BARNWELL ROAD, MYOLA**

**MEETING:**                    Ordinary

**MEETING DATE:**         20 April 2016

**REPORT OFFICER'S  
TITLE:**                      Manager Technical Services

**DEPARTMENT:**         Infrastructure Services, Technical Services

**EXECUTIVE SUMMARY**

*Correspondence has been received from the Department of Natural Resources and Mines (DNRM) seeking Council's position on an application to close a number of road reserves off Barnwell Road, Myola.*

*It is understood that the request for closure is to allow the existing road reserves to be incorporated into the adjoining freehold lots to enable future development of the property.*

**OFFICER'S RECOMMENDATION**

"That Council advise the Department of Natural Resources and Mines that it has no objection to the proposed road closures as detailed in their letter dated 12 February 2016."

**BACKGROUND**

The old Barnwell property located off Barnwell Road Myola is made up of a number of freehold lots separated by unformed road reserves.

As there is no road infrastructure located within these reserves the current owner has made application to DNRM to close these reserves and incorporate them into the adjacent freehold lots.

While these unused road reserves ultimately could form a link from Barnwell Road to the Kennedy Highway via the Warril Drive estate, this link is not considered to be appropriate now or in the future.

Warril Drive has been designed as a low volume rural residential access road and all lots fronting it are fully developed which does not allow much opportunity for any upgrade works to handle the greatly increased traffic flows likely to be generated by this link.

Therefore as the formed section of Barnwell Road currently stops at the property and no future linkages are considered appropriate, it is recommended that Council approve the application for the road closures.

**LINK TO CORPORATE PLAN**

**ECOM 3** - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

**CONSULTATION***Internal*

Director Infrastructure Services  
Senior Town Planner

*External*

Nil

**LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

DNRM to be advised of Council's decision prior to 29 April 2016.

**ATTACHMENTS**

1. DNRM correspondence dated 12 February 2016 (ECM # 3131383)
2. Locality Plan.

**Date Prepared:** 6 April 2016

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IT 65

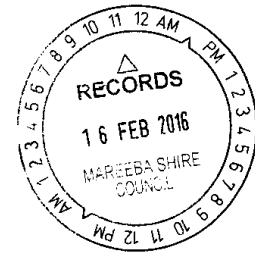


Department of  
**Natural Resources and Mines**

Author: Shaun Smith  
File / Ref number: 2015/007092, 2015/007095, 2015/007096, 2015/007097,  
2015/007099, 2015/007100 & 2015/007101  
Directorate / Unit: State Land Asset Management  
Phone: (07) 4222 5427

12 February 2016

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



Dear Sir / Madam

**Application to permanently close about 21.94ha of road being part of unnamed roads abutting/intersecting Lot 22/N157227, Lot 17/N157227, Lot 18/N157227, Lot 2/RP703984, Lot 1/RP703984, Lot 20/N157423 & Lot 19/N157452 and shown as shaded in blue colour on drawing PR121778-10 B.**

***Please note that this is an update of an advice previously sent due to an increase in size of the Proposed Dealing Area from the previous advice sent regarding this application. Please disregard previous correspondence sent regarding this application.***

The department has received the above application. The application is to:

- Permanently close the unnamed road abutting the southern boundary of Lot 22 on N157227.
- Permanently close the unnamed road abutting the eastern boundary of Lot 22 on N157227, Lots 1 & 2 of RP703984 and Lot 20 on N157423.
- Permanently close the unnamed road abutting the northern boundary of Lot 19 on N157452.
- Permanently close the unnamed road intersecting Lots 17 & 18 on N157227 and Lot 19 on N157452.

Please find enclosed a copy of the Notice published in the Government Gazette of 12 February 2016 relative to the above application.

You are requested to display the notice of Application for Closure of Road at your office for the purpose of being viewed by the public in terms of Section 100 of the *Land Act 1994*.

The applicant advises that the proposed use of the subject area, if the road closure is approved would be to incorporate it into the adjoining freehold lots.

Postal :  
DNRM  
PO Box 5318  
Townsville QLD 4810

Telephone : (07) 4222 5427  
Fax: (07) 4799 7533

The department requests your views regarding this proposed dealing, specifically in relation to sections 99(7)(a – c) of the *Land Act 1994*, which states:

Section 99 (7) – *The Minister may refuse a road closure application if the Minister is satisfied-*

- 99 (7) (a) – *the road is the only dedicated access to a person's land; or*
- 99 (7) (b) – *the road is, or may be, used regularly by the public as a road or stock route; or*
- 99 (7) (c) – *the road provides continuity to a road network*

To enable full consideration to be given to this matter please submit your views and/or requirements, in writing, to the Townsville DNRM by **24 March 2016**. If no reply is received by that date it will be considered that you have no objection to the application.

Any objections received may be viewed by other parties interested in the proposed road closure in accordance with the provisions of the *Right to Information Act 2009*.

If you wish to discuss this matter please contact Shaun Smith on (07) 4222 5427.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to [Townsville.SLAMS@dnrm.qld.gov.au](mailto:Townsville.SLAMS@dnrm.qld.gov.au). Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2015/007092, 2015/007095, 2015/007096, 2015/007097, 2015/007099, 2014/007100 or 2015/007101 in any future correspondence.

Yours sincerely



Shaun Smith  
Land Administration Officer  
State Land Asset Management  
Service Delivery-North Region

Enc Government Gazette dated 12 February 2016  
Drawing PR121778-10 B  
Notice of Application for Closure of Road

**Land Act 1994****OBJECTIONS TO PROPOSED ROAD CLOSURE  
NOTICE (No 05) 2016****Short title**

1. This notice may be cited as the *Objections to Proposed Road Closure Notice (No 05) 2016*.

**Application for road closure [s.100 of the Act]**

2. Applications have been made for the permanent closure of the roads mentioned in the Schedule.

**Objections**

3.(1) An objection (in writing) to the proposed road closures mentioned in the Schedule may be lodged with the Executive Director, Department of Natural Resources and Mines, at the regional office for the region in which the road is situated.

(2) Latest day for lodgement of objections is **24 March 2016**.

(3) Any objections received may be viewed by other parties interested in the proposed road closure under the provisions of the *Right to Information Act 2009*. If you lodge an objection, please include in your objection letter whether you would like to be consulted if this issue becomes the subject of an access request under the *Right to Information Act 2009*.

**Plans**

4. Inspection of the plans of the proposed road closures may be made at-

- (a) the Department of Natural Resources and Mines Offices at Rockhampton, Cairns, Townsville and Gympie; and
- (b) the Local Government Offices of Rockhampton Regional, Mareeba Shire, Tablelands Regional, Charters Towers Regional, Townsville City and Gympie Regional;

for a particular plan in that district or that local government area.

**SCHEDULE****PERMANENT CLOSURE****Central Region, Rockhampton Office**

1 An area of about 19.3 ha being the unnamed road intersecting Lot 18 on RN63 (parish of Gelobera, locality of Nine Mile Creek) and shown as plan of proposed road to be permanently closed on Drawing 16/645/CEN. (2015/006792)

**North Region, Cairns Office**

2 Areas totalling 21.194 ha being the unnamed road abutting the southern boundary of Lot 22 on N157227, the unnamed road abutting the eastern boundary of Lot 22 on N157227, Lots 1 and 2 on RP703984 and Lot 20 on N157423, the unnamed road abutting the northern boundary of Lot 19 on N157452 and the unnamed road intersecting Lots 17 and 18 on N157227 and Lot 19 on N157452 (parish of Formartine, locality of Kuranda) and shown as proposed road closure on Drawing PR121778-10B. (2015/007092, 2015/007095, 2015/007096, 2015/007097, 2015/007099, 2015/007100 and 2015/007101)

3 An area of about 560 m2 being part of Davies Road adjacent to Lot 28 on RP740551 and Lot 30 on RP740549 (parish of Malanda, locality of Malanda) and shown as plan of Lot 1, proposed permanent road closure on Drawing TSV16006. (2015/006805)

**North Region, Townsville Office**

4 An area of about 3200 m2 being part of the unnamed road abutting Lot 80 on SP207137 (parish of Charters Towers,

locality of Queenton) and shown as plan of Lot 2, proposed road closure on Drawing TSV15183. (2015/006936)

5 An area of about 7.04 ha being Priarollo Road abutting Lot 1 on RP713823 (parish of Hinchinbrook, locality of Mutamee) and shown as plan of Lot 1, proposed permanent road closure on Drawing CNS15/055. (2015/005059)

**South Region, Gympie Office**

6 An area of about 2160 m2 being the area of road abutting the eastern boundary of Lot 1 on G7396 (parish of Goomeribong, locality of Goomeri) and shown as road proposed to be permanently closed on Drawing 16/005. (2015/007232)

**ENDNOTES**

1. Published in the Gazette on 12 February 2016.

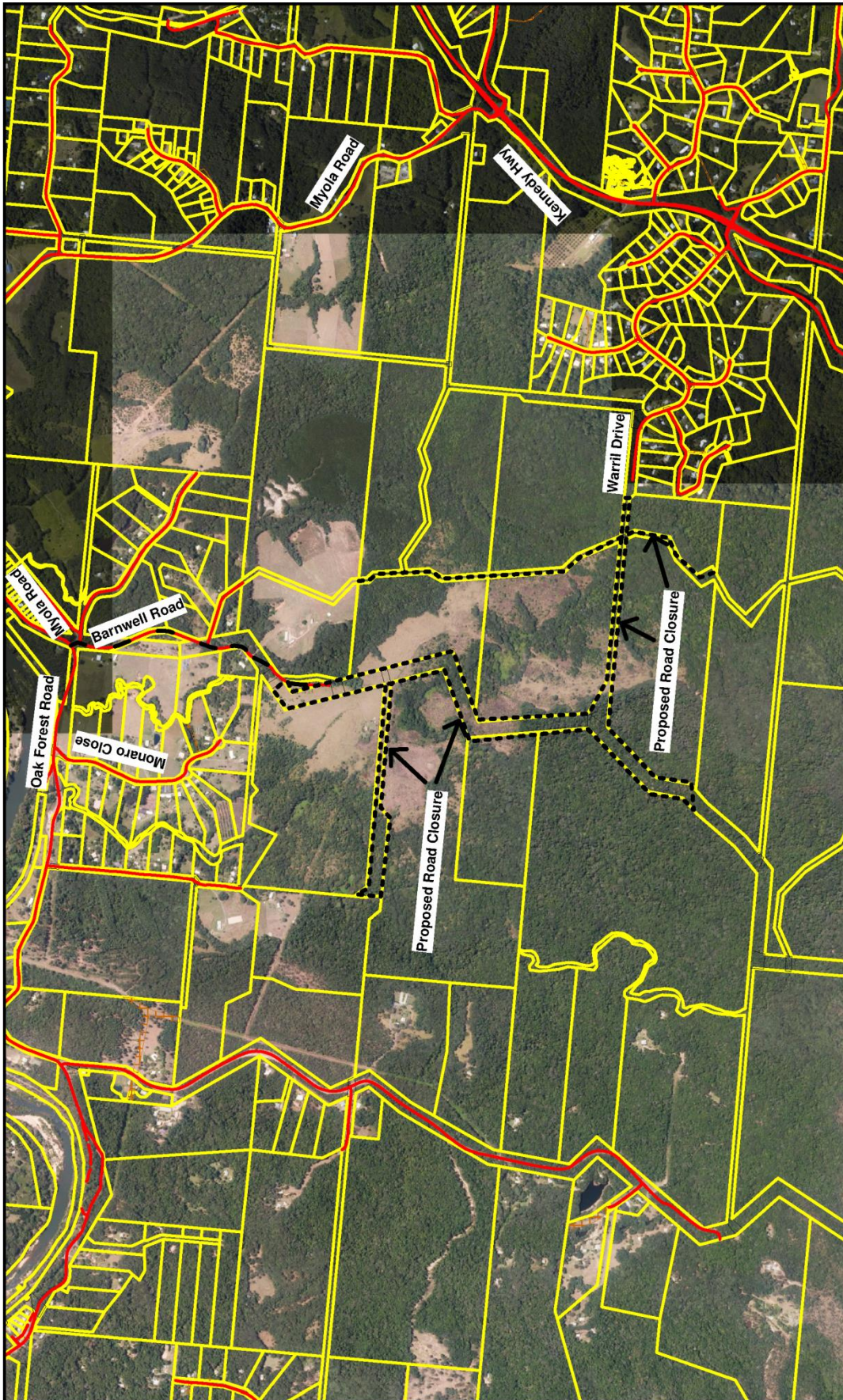
2. Not required to be laid before the Legislative Assembly.

3. The administering agency is the Department of Natural Resources and Mines.

Gov. Gaz., 12 February 2016, No. 23 page 177  
Brisbane

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**Barnwell Road**



**Scale 1 : 20,000 at A4**  
Map Grid of Australia Zone 55 (GDA94)

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**ITEM-17 KURANDA CRITICAL WATER INFRASTRUCTURE - BUILDING OUR REGIONS PROGRAM**

**MEETING:** Ordinary Meeting

**MEETING DATE:** 20 April 2016

**REPORT OFFICER'S TITLE:** Director Infrastructure Services

**DEPARTMENT:** Infrastructure Services

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**EXECUTIVE SUMMARY**

*Council has applied for and received a grant from the State Government under the Building Our Regions Program Round 1 towards the Kuranda Suburban Water Security Project. The works proposed under the grant are to construct a 150kL reservoir at Hilltop Close to supplement the existing 350 kL reservoir and also construct a 500 kL reservoir at Masons Road.*

*Since the application has been approved, council officers have again reviewed the proposal for the Hilltop Close site and now propose an alternative option to that approved under the Program.*

**OFFICER'S RECOMMENDATION**

"That Council:

1. Confirm to the State government that it proposes to proceed with the construction of a single 500 kL reservoir at Hilltop Close Kuranda in lieu of the approved 150 kL reservoir and also advise the State Government that any additional expenditure will be met from Council resources; and
2. That the additional funds required for the increase in storage at Hilltop Close be provided from the Water Supply Developers Contributions Fund."

**BACKGROUND**

Council has applied for and received a grant from the State Government under the Building Our Regions Program Round 1 towards the Kuranda Suburban Water Security Project. The works proposed under the grant are to construct a 150kL reservoir at Hilltop Close to supplement the existing 350 kL reservoir and also construct a 500 kL reservoir at Masons Road.

The project has an approved value of \$1.3M with the contribution from Council being \$650,000.

Since the grant was approved officers have revisited the proposed situation at Hilltop Close. The existing reservoir is a masonry block structure with a synthetic liner. The existing reservoir was provided by the developer when the land was developed some 30 years ago.

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It is in poor condition and the liner requires to be replaced. While it has not quite reached its usable life, the maintenance costs for the existing structure will increase in forthcoming years.

The background to the proposal to provide a 150kL reservoir at the Hilltop Close site is based on a required storage of 500kL at the site to cater for existing connected population and to also service those lots yet to be developed that are serviced from this reservoir site.

In preparing to implement the works, a critical assessment of the existing reservoir at Hilltop Close has been undertaken. Given its current condition, the need to fully replace the liner as soon as possible and the anticipated increase in maintenance costs going forward leads officers to place before Council the possibility of:

- removal of the existing 350 kL reservoir
- installation of a temporary constant pressure system to ensure supply and pressure is maintained
- construction of a single 500 kL reservoir

This option would provide Council with a simple one (1) reservoir solution, would reduce initial future maintenance and depreciation costs and provide officers with only a single monitoring point.

To follow this path would cost a further \$260,000 (subject to final tender pricing) which would be the responsibility of Council. Such funds are available for the Water Supply Contributions fund.

This option has been discussed with officers from the Department of State Development who advise that the proposal would be acceptable provided that the same outcomes as proposed in the original funding application were achieved. The Department officers also sought confirmation from Council that should the 500 kL reservoir proposal for Hilltop Close proceed that the Council would meet all the additional costs.

## **LINK TO CORPORATE PLAN**

**ECOM 3** - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

## **CONSULTATION**

### *Internal*

Infrastructure Services staff

### *External*

Department of State Development

## **LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL & RESOURCE IMPLICATIONS**

### *Capital*

Building Our Regions funding as well as Water Supply Developers Contributions Fund.

### *Operating*

Nil

## **IMPLEMENTATION/COMMUNICATION**

Advice will be provided to the connected residents prior to the works proceeding.

## **ATTACHMENTS**



Existing 350 kL reservoir Hilltop Close

**Date Prepared:** 11 April 2016



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**ITEM-18                      INFRASTRUCTURE SERVICES - TECHNICAL SERVICES  
 MONTHLY ACTIVITIES REPORT - MARCH 2016**
**MEETING:**                      Ordinary

**MEETING DATE:**              20 April 2016

**REPORT OFFICER'S  
 TITLE:**                      Manager Technical Services

**DEPARTMENT:**                Infrastructure Services, Technical Services Group

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**EXECUTIVE SUMMARY**

*This report summaries Council's Technical Services activities undertaken by Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management and Investigation Sections of Infrastructure Services during the month of March 2016.*

**OFFICER'S RECOMMENDATION**

"That Council receive and note the Infrastructure Services Technical Services Monthly Report for the month of March 2016."

**BACKGROUND**
**Design**

- 2015/16 Capital Works
  - Anzac Avenue and Ceola Drive, Mareeba - Design prepared and reviewed by management. Plans being finalised after review
  - Cater Road, Mareeba - Bus Parking Improvements - Design completed
  - McIver Road, Mareeba - Design completed
  - Vicary Road, Mareeba - Formation Widening and Seal - Preliminary design plans and further investigations being undertaken
  - Sunbird Parade, Mareeba - New Footpath - Design completed
  - Mareeba Swimming Pool Car Park Upgrade - Consultation recommendations received, now in design phase
  - Coronet Drive, Mareeba - Culvert Construction - Design completed
  - High Chapparral Road, Kuranda - Intersection Upgrade - On-site design assistance during construction.
  - Monaro Close, Kuranda - Intersection Upgrade - On-site design assistance during construction

**Soils Lab**

- MSC
  - Grove Creek Bridge, Speewah - Bridge approaches road compaction control on embankment, subgrade and base layers
  - Post closure of landfills at Mt Molloy, Mt Carbine, Irvinebank and Mareeba Sanitary Reserve - Field logs, gradings, atterbergs on cap material over old trenches

- Vicary Road, Mareeba - Subgrade and gravel investigations that included existing gravel depths and CBR field limits
- External Contractors
  - EarthTech NQ - Various aggregate tests and concrete tests
  - Mt Carbine and Mossman Quarries - Various quality control tests carried out on aggregates, cover aggregates and road base
  - The Dirt Professionals - Various aggregate tests and quality tests that they cannot undertake within their NATA registration
  - Kinder Concrete - Quality testing of concrete
  - Kidner Contracting - Testing of quarry products
  - TRC Kenny Road - Compaction control of pavement layers
  - MCQ NDRRA Quality tests including CBR's, gradings and atterbergs
  - Cook Shire. Redevelopment of Webber Esplanade - CBR's on subgrade and pavement material. Compaction tests on subgrade and pavement layers
  - ECS Consulting Engineers - Cowrie Range Project. Testing CBR for causeway approaches
  - DCS NDRRA Audit Tests on resheet material tests including CBR's, gradings and atterbergs

### **Survey**

- 2015/16 Capital Works
  - Monaro Close, Kuranda - Construction set out
  - High Chaparral Road, Kuranda - Construction set out
  - Keegan Street, Mareeba - Construction set out
  - Cater Road, Mareeba - Construction set out

### **Technical Investigations**

- QR Rail Crossing Audits - Inspected Crossings with QR Staff
- 2016 / 2017 Line Marking Bitumen Reseal - Inspected sites for line marking requirements
- Subdivision Site Inspections
  - Wylandra Estate - Site Inspection Current Works/ Record Keeping
  - Mareeba Industrial Park - Effley Street - Site Inspection Current Works/ Record Keeping
- Subdivision Off Maintenance Site Inspections.
  - Kuranda Springs 3B - Site Inspections of Completed Works
  - Landgold - Gateway Development - Site inspections of completed works
  - Anzac Avenue - Site inspections of completed works

## **PROJECT MANAGEMENT**

### **Building**

- Assisting Facilities with 2015/2016 Capital Works delivery

- **Civil**

- 2015/2016 Asphalt Reseal Programme
- 2015/2016 Bitumen Reseal Programme
- 2016/2017 Reseal Bitumen and Asphalt Programmes

**AERODROMES**

- Chillagoe Aerodrome
  - Quotes called for Illuminated Wind Direction Indicator (IWDI) closing 12 April 2016
  - Quotes called for Reseal closing 5 April 2016

**SUBDIVISIONS AND INVESTIGATIONS****Subdivisions**

- Current - Under construction
  - Christensen Road Stage 2, Kuranda - Currently on hold by developer due to unstable weather
  - Wylandra Stage 6B and 6C (40% completed)
  - Mareeba Industrial Park - Effley Street - Mareeba Investments No. 10 Pty Ltd (80% completed)
- On Maintenance - Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset.
  - Howe Farming - Kay Road - Drainage
  - Amaroo Stage 7
  - Bellevue Estate
  - Rhane (Keegan Road)
  - Gateway Development (Landgold)
  - Jill Fisher (Henry Hannam Drive)
  - Amaroo Stage 6
  - Sunwater (Costin Street)
  - Bright Acquisitions (Tinaroo Creek Road)
  - Blacks Road
  - Metzger Road (Mutchilba)
  - Kuranda Springs, Stage 3B
- Off Maintenance - Council Asset
  - Kimalo Feedlot - 05 April 2016
  - O'Brien (Anzac Avenue) - 29 March 2016

**FLEET AND WORKSHOP SECTION****Mareeba Workshop**

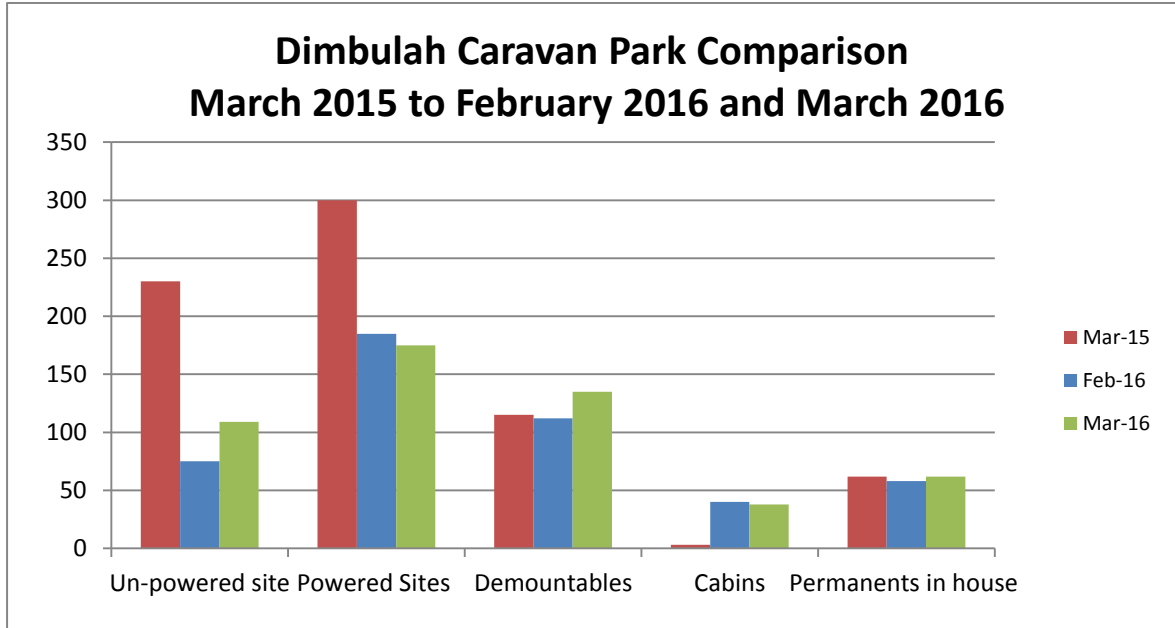
- |                                   |    |
|-----------------------------------|----|
| • Routine Vehicle/Plant Services  | 26 |
| • Planned maintenance and repairs | 90 |
| • Breakdowns < 8 hrs Downtime     | 13 |
| • Breakdowns > 8 Hrs Downtime     | 2  |

**FACILITIES SECTION**

**Caravan Parks**

**Dimbulah Caravan Park**

In March 2016, 519 total bookings were recorded for Dimbulah Caravan Park, showing a slight increase of 49 compared to last month. The total figures this year compared to March 2015 were down by 191. The park has experienced fewer caravan visitations this year.

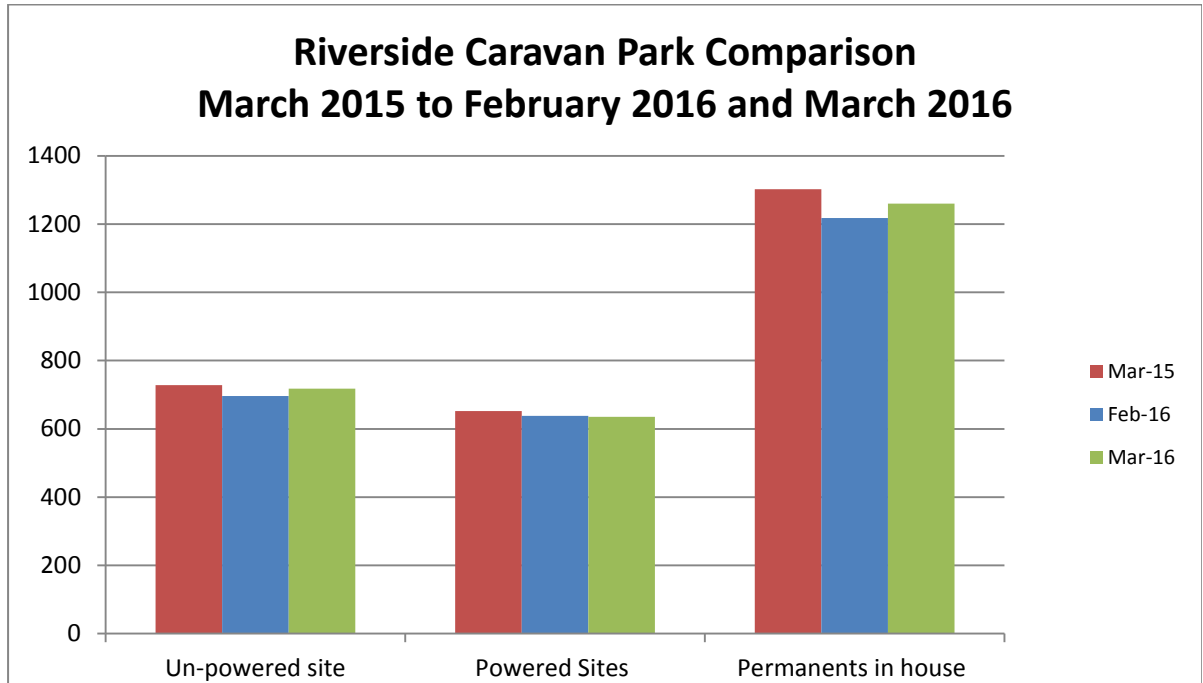


**Figure 1. Monthly comparison Dimbulah Caravan Park**



**Mareeba Riverside Caravan Park**

In March 2016, 2,613 total bookings were recorded for Riverside Caravan Park, showing a slight increase of 61 compared to last month. The total figures this year compared to March 2015 were down by 69.



**Figure 2. Monthly comparison Mareeba Riverside Caravan Park**

**Public Halls**

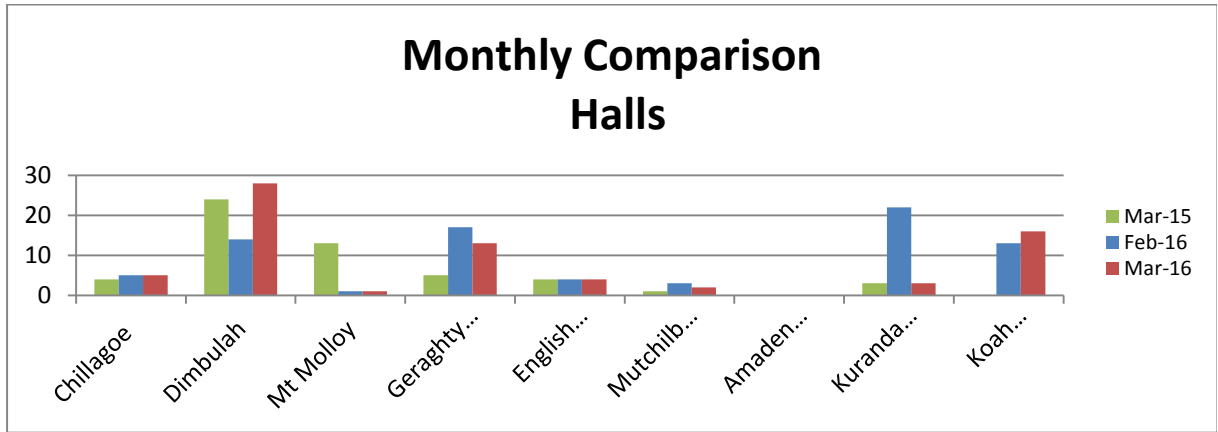
The total number of hall bookings in March 2016 has slightly decreased to 72 days from 79 last month. The hall hire in comparison to February 2015 has increased by 18 days.

Koah Hall hire increased this month to 16 which included 8 Pilate's classes, 2 driver training, 2 Yoga classes, 2 Community events, and 2 private functions.

Chillagoe hosted consistent bookings from the playgroup and Church Market Day.

Dimbulah Hall hosted the regular bookings of Zumba, Jazz dance classes and Rhee Tae Kwon Do. Rhee Tae Kwon Do has also increased their hire to 2 classes per week.

Julatten Church Group were the regular users for the English Park Hall whilst Geraghty Park was hired by Karate and Yoga. Mutchilba Hall hosted a private party and a Community dinner. Almaden was again not used this month.

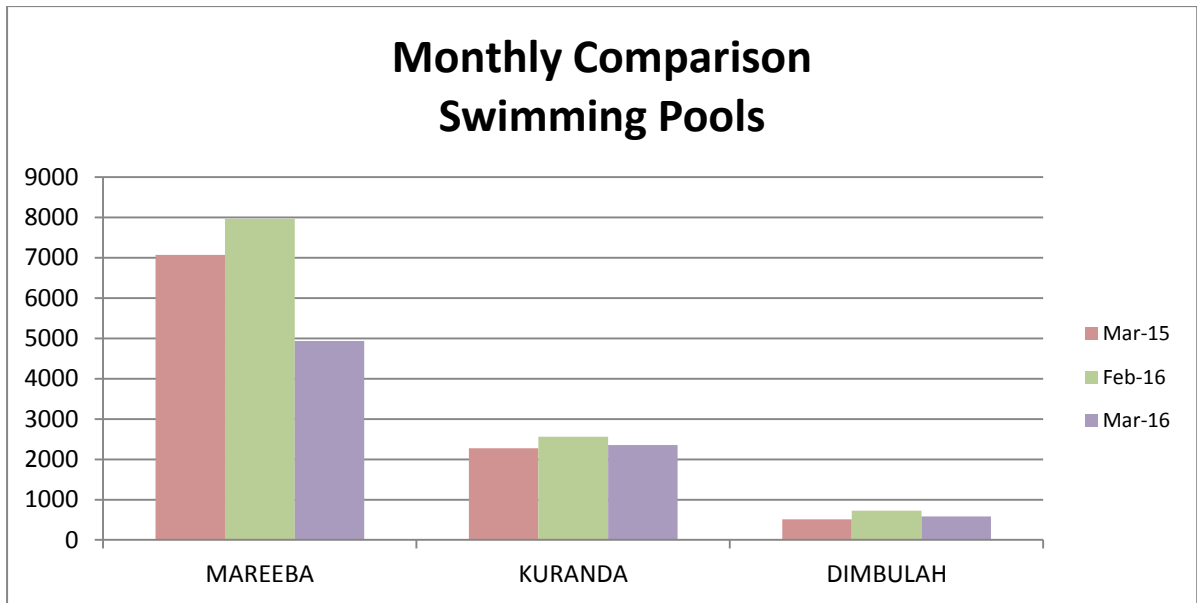


**Figure 3. Monthly comparison halls**

**Swimming Pools**

For March 2016, the total number of patrons that used all three pools was 7,865. This is a decrease by 3,387 from February 2016. March 2015 recorded a total of 9,852 patrons.

The decrease in patrons is due to the Easter Break with all three pools being closed or operating on limited hours. Mareeba Pool's huge decrease was due to schools swimming lessons coming to an end for the school term. Dimbulah and Kuranda's decrease was an overall result in all areas, which includes, children, schools and clubs showing the higher decrease.



**Figure 4. Monthly comparison swimming pools**

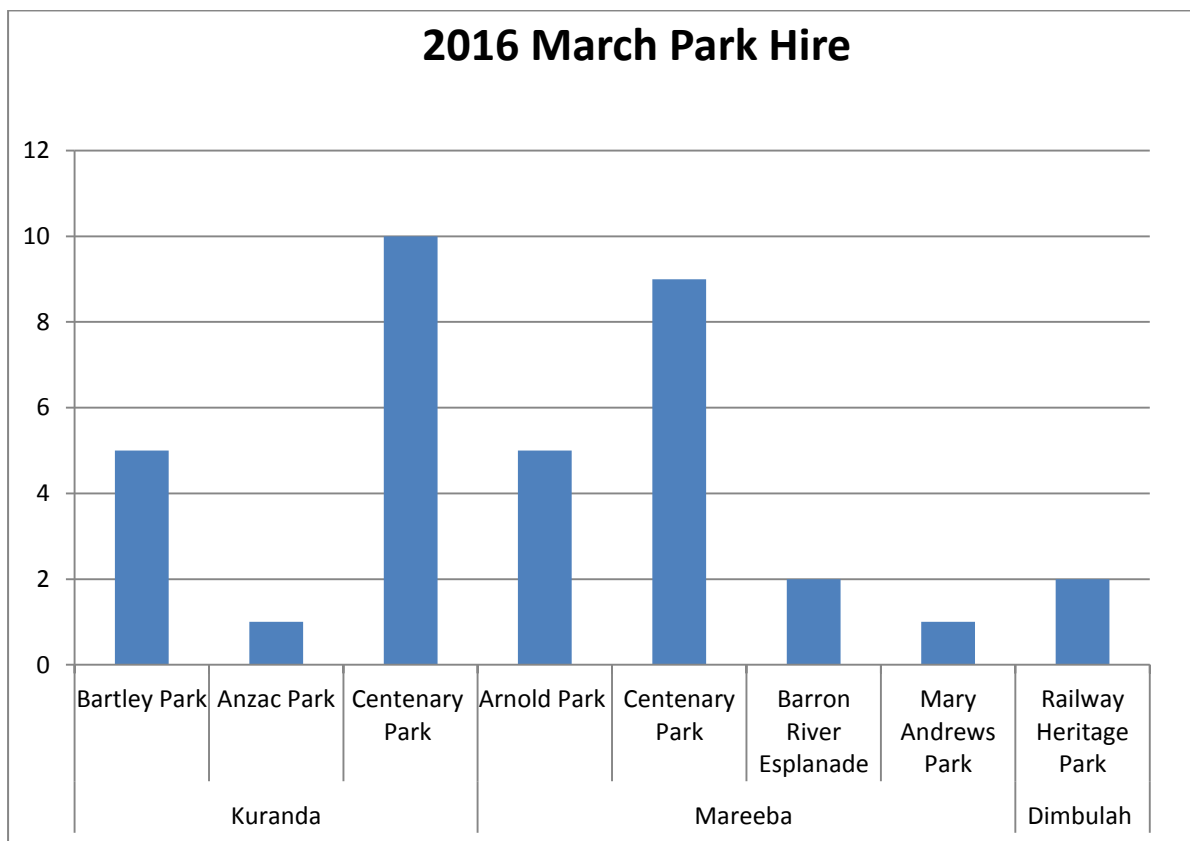
**Park Hire**

Council parks bookings have increased this month with 35 bookings recorded for this month.

Kuranda's Bartley Park is used every Wednesday evening to hold sports for the youth by Ngoonbi Community Services. CP International Pty Ltd hired Centenary Park, Kuranda to film the local area and to film throughout Kuranda Village.

Mareeba's Arnold and Centenary Parks were both hired for exercises in the Park for a gold coin donation fundraising for Domestic Violence, while the Barron River Esplanade and surrounding streets were used by St Thomas' School for their annual Cross Country race. Mary Andrews Park was hired by Mulungu Primary Health to hold a holiday program event.

Dimbulah Railway Heritage Park is hired for a market day once a month.



**Figure 5. Monthly comparison Park Hire**

#### Vandalism and Graffiti

During March 2016, Facilities received 4 reports of vandalism and graffiti occurring at Mareeba Centenary Park, Mareeba Library, Mareeba PCYC Hall, and the Kuranda Community Precinct.

- **Mareeba Centenary Park**  
 QLD Police reported that red paint had been splashed around in the female toilets. The paint has since been removed.
- **Mareeba PCYC Hall (Shire hall)**  
 PCYC staff reported that a tap that had been fitted with a vandal proof head had been damaged and ripped out of the wall within the week that it was installed. This has been replaced.

- **Kuranda Community Precinct**

The Precinct caretaker reported that the external LED light spotlight bulb had been unscrewed and the wiring was cut. The whole light needs to be replaced. Work is currently scheduled.

- **Mareeba Library**

QLD Police reported that there was a graffiti incident on the side of the Mareeba Library. A police report has been entered and Police are still investigating. The graffiti has since been cleaned off the wall. (Refer to photo below.)



## LINK TO CORPORATE PLAN

**ECON 3** - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

## CONSULTATION

*Internal*  
Nil

*External*  
Nil

## LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)

Nil

## POLICY IMPLICATIONS

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

Nil

***Date Prepared:***            *7 April 2016*



## WORKS

### **ITEM-19                      INFRASTRUCTURE SERVICES - WORKS SECTION PROGRESS REPORT - MARCH 2016**

**MEETING:**                      Ordinary Meeting

**MEETING DATE:**              20 April 2016

**REPORT OFFICER'S  
TITLE:**                          Manager Works

**DEPARTMENT:**                Infrastructure Services, Works Group

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#### **EXECUTIVE SUMMARY**

This report sets out works undertaken by the Transport Infrastructure, Parks and Gardens and Bridge Sections of Infrastructure Services during the month of March 2016.

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

*"That Council receive and note the Infrastructure Services Transport Infrastructure, Parks and Gardens and Bridge Sections - Progress Report for the month of March 2016."*

#### **BACKGROUND**

##### **Works Group**

##### **Maintenance Activities**

Maintenance activities accruing more than \$1,000 in expenditure were carried out in March at the following locations:

Location	Activity
Bower Road, Arriga	Slashing
Chettle Road, Arriga	Bitumen patching, road furniture, slashing
Kimalo Road, Arriga	Slashing
Mcbean Road, Arriga	Slashing
Tyrconnell Road, Arriga	Slashing
Bilwon Road, Bibohra	Bitumen patching, road furniture, slashing
Pickford Road, Bibohra	Road furniture, slashing
Narcotic Creek Road, Chewko	Road inspections, slashing
Bolwarra Road, Crystalbrook	Grading unsealed roads
Boonmoo Road, Dimbulah	Slashing
Leadingham Creek Road, Dimbulah	Slashing
Leafgold Weir Road, Dimbulah	Slashing
Raleigh Street, Dimbulah	Mowing, slashing
Wolfram Road, Dimbulah	Bitumen patching, grading unsealed roads
Euluma Creek Road, Julatten	Clean inlet / outlets culverts, road furniture, slashing
Mcleans Bridge Road, Julatten	Road furniture, slashing
Morrish Road, Julatten	Clean inlet / outlets culverts, road furniture, road inspections, slashing
Mount Perseverance Road, Julatten	Road inspections, grading unsealed roads, slashing



Location	Activity
Pinnacle Road, Julatten	Grading unsealed roads, road furniture, slashing
Black Mountain Road, Julatten	Slashing
Ardmore Park, Kuranda	Line marking for reseals
Barron Falls Road, Kuranda	Slashing
Black Mountain Road, Kuranda	Clean inlet / outlets culverts, slashing, road furniture, road inspections
Boyles Road, Kuranda	Clean inlet / outlets culverts, road inspections, slashing
Hope Close, Kuranda	Grading unsealed roads
Jeffrey Road, Kuranda	Road inspections, slashing, grading unsealed roads
Mccorrey Road, Kuranda	Grading unsealed roads, road furniture, slashing
Monaro Close, Kuranda	Clean inlet / outlets culverts, prep work for reseals
Myola Road, Kuranda	Bitumen patching, Clean inlet / outlets culverts, grading unsealed roads, road furniture, road inspections, slashing
Oak Forest Road, Kuranda	Bitumen patching, Clean inlet / outlets culverts, culvert repairs, slashing, grading unsealed roads, road furniture, road inspections
Saddle Mountain Road, Kuranda	Clean inlet / outlets culverts, road furniture
Williamson Drive, Kuranda	Bitumen patching, road furniture, slashing
Windy Hollow Road, Kuranda	Road inspections, slashing
Byrnes Street (North), Mareeba	Line marking for reseals
Byrnes Street (South), Mareeba	Line marking for reseals
Chewko Road, Mareeba	Bitumen patching, culvert repairs, road furniture, slashing
Costin Street, Mareeba	Clean inlet / outlets culverts, general repairs and maintenance
Gilmore Road, Mareeba	Slashing
James Street, Mareeba	Clean inlet / outlets culverts
Kay Road, Mareeba	Culvert repairs, road furniture, slashing
Malone Road, Mareeba	Culvert repairs, slashing
Mason Street, Mareeba	Clean inlet / outlets culverts
Mcgrath Road, Mareeba	Bitumen patching, clean inlet / outlets culverts, slashing
Ray Road, Mareeba	Bitumen patching, culvert repairs, slashing
Shanty Creek Road, Mareeba	Road inspections, road furniture, slashing
Vaughan Street, Mareeba	Slashing
Wright Road, Mareeba	Culvert repairs, bitumen patching, road inspections, slashing
Thora Cleland Drive, Mareeba	Culvert repairs
Fraser Road, Mt Molloy	Line marking, Slashing
Main Street, Mt Molloy	Slashing
Armstrong Road, Mona Mona	Grading unsealed roads, road inspections
L A Road, Mona Mona	Grading unsealed roads
Mona Mona Road, Mona Mona	Grading unsealed roads
Springmount Road, Mutchilba	Bitumen patching, road furniture, slashing
Oaky Valley Avenue, Mutchilba	Slashing
Carman Road, Paddy's Green	Slashing
Fassio Road, Paddy's Green	Road inspections, slashing
Randazzo Road, Paddy's Green	Slashing
Lappa-Mount Garnet Road, Petford	Road inspections
Speewah Road, Speewah	Line marking for reseals, road furniture, slashing
Mt Mulligan Road, Thornsborough	Grading unsealed roads

The table below shows the current budget position of road maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,216,730	\$2,411,495	\$1,836,671

## Capital Work

### **Monaro Close, Kuranda - Intersection Upgrade**

Works commenced on the upgrading of the existing intersection of Monaro Close and Oak Forest Road in early February. The project scope includes the widening of the existing pavement, extending the existing box culverts and the provision an asphalt seal.

Construction was completed at the end of February and line marking was installed in mid-March.



### **High Chapparral Road, Kuranda - Intersection Upgrade**

Works commenced on the upgrading of the existing intersection of High Chapparral Road and Oak Forest Road in early February. The project scope includes the widening of the existing pavement, extending the existing RCP, installing barrier kerb and channel, installing guardrail and the provision an asphalt seal.

Construction was completed at the end of February and line marking was installed in mid-March.



### **Cater Road Bus Parking Improvements**

Works commenced in late March on the upgrading of the existing intersection of Cater Road and McIver Road to allow bus turning movements. The project scope includes widening Cater Road, providing a bus parking area, installing a 600Ø RCP, asphalt and bitumen surfacing, kerb and channel and concrete footpath works.

Construction is estimated to be completed by mid-May.



### **Grove Creek Bridge Approaches**

Work commenced on 29/02/2016 on Stage 1 of the bridge approaches at Grove Creek Bridge, Speewah. The project scope includes the widening of Speewah Road to two lanes, asphalt sealing, guard rail installation and line marking.

It is estimated that the asphalt sealing works for Stage 1 will be completed in early April and Stage 2 of the bridge approaches will commence in June.



### **Bicentennial Lakes Footpath Replacement**

The replacement of various sections of paved footpath with concrete footpath started in mid-March in and around the Bicentennial Lakes precinct. The sections were identified by assessing trip hazards, general overall condition, received Customer Requests and where new replacement sections could be joined.

Bicentennial Lakes Footpath Renewal				
Number	Length	Width	Area	Comments
1	123	2	246	From below Rotary Park towards lake.
2	32	2	64	From lake bridge towards Rotary Park
3	62	2	124	Under Railway Bridge. From near main road to join to new concrete and side path.
4	35	2	70	Below 1 Abbott Street
5	6	2	12	From lake bridge near 1 Abbott Street heading east
6	15	2	30	Up from Railway Bridge heading towards lake.
7	19	2	38	Below 3 Abbott Street
8	8	2	16	At intersection with main path
9	37	2	74	Joining new path near Keeble St
10	7	2	14	Repair new concrete Keeble St
11	19	2	38	Joining 2 new sections below gym hall.
12	11	2	22	Side path from near pool heading to arched bridge
13	26	2	52	From corner of pool to rest area. Towards school
14	44	2	88	Corner of school heading west
15	1.5	1.2	1.8	Rankin Street up from Abbott St
16	2.1	1.2	2.52	Rankin Street up from Abbott St
17	8	2	16	Behind school
18	5.9	1.2	7.08	Rankin Street from Abbott Street heading east
19	6	1.2	7.2	Rankin Street from Abbott Street heading east
<b>Total</b>	<b>467.5</b>		<b>922.6</b>	

It is estimated that 720m<sup>2</sup> will be renewed in this financial year. The highlighted rows indicate sections that have been complete.





### TMR Routine Maintenance Performance Contract (RMPC)

Routine maintenance activities were undertaken during March for the State Government at the following locations;

Primary Location	Activity Name
Kennedy Highway / Cairns / Mareeba	Rest area servicing
Mulligan Highway / Mareeba / Mt Molloy	Tractor slashing, rural (includes 2x traffic control)
Mulligan Highway / Mareeba / Mt Molloy	Tractor slashing, urban
Mulligan Highway / Mareeba / Mt Molloy	Other roadside work
Mulligan Highway / Mt Molloy / Lakeland	Clean earth and concrete surface drains (includes traffic control)
Mulligan Highway / Mt Molloy / Lakeland	Other roadside work
Mulligan Highway / Mt Molloy / Lakeland	Other sign work
Mulligan Highway / Mt Molloy / Lakeland	Other vegetation control works
Mulligan Highway / Mt Molloy / Lakeland	Repair signs (excluding guide signs)
Mulligan Highway / Mt Molloy / Lakeland	Rest area servicing
Mulligan Highway / Mt Molloy / Lakeland	Roadside litter collection - rural
Mulligan Highway / Mt Molloy / Lakeland	Tractor slashing, rural (includes 2x traffic control)
Mossman / Mt Molloy Road	Other bituminous surface work
Mossman / Mt Molloy Road	Other roadside work
Mossman / Mt Molloy Road	Roadside litter collection - rural
Mareeba Connection Road	Other furniture repairs
Herberton / Petford Road	Other formation work
Herberton / Petford Road	Other roadside work
Burke Developmental Road	Other roadside work

The total claim to DTMR for the works listed above for the month of March was \$191,145.60

## **Parks and Gardens Section**

### **Maintenance Activities**

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in March at the following locations:

<b>Location</b>
Parks and Gardens, Chillagoe
Basalt Gully and Bi-Centennial Lakes, Mareeba
Mary Andrews Gardens, Mareeba
Arnold Park, Mareeba
Centenary Park, Mareeba
Barron Esplanade, Mareeba
Byrnes Street Medians, Mareeba
Council Office and Library
Jensen Park, Mareeba
Lions Park, Mareeba
Molloy Road Approaches, Mareeba
Kuranda Parks, Library, CBD and Streets
Main Street Park, Mt Molloy
Town Hall Park, Dimbulah
Borzi Park, Mareeba
Davies Park, Mareeba
Geraghty Park, Julatten
Chillagoe Recreational Reserves including Tennis Court
Mowing, Mareeba Streets
Nursery, Mareeba
Town Entry North
Sunset /Sunbird Park, Mareeba
Irvinebank Mowing and Maintenance
Mowing, Biboohra Streets

The table below shows the current budget position of Parks and Gardens maintenance for Mareeba Shire Council.

<b>Annual Budget</b>	<b>Year to Date Budget</b>	<b>Year to Date Actual</b>
\$1,605,751	\$1,219,274	\$1,070,801

## **Bridge Section**

### **Maintenance Activities**

Bridge maintenance activities accruing more than \$1,000 in expenditure were carried out in March at the following locations:

<b>Location</b>
Hoey Road Bullock Creek Bridge
Inspections and General Expenses

The table below shows the current budget position of Bridge maintenance for Mareeba Shire Council.

<b>Annual Budget</b>	<b>Year to Date Budget</b>	<b>Year to Date Actual</b>
\$535,950	\$401,610	\$314,782

### **LINK TO CORPORATE PLAN**

**ECON 3** - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

### **CONSULTATION**

Internal  
Infrastructure Services staff

External  
Nil

### **LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL & RESOURCE IMPLICATIONS**

Capital  
Included in 2015/2016 budget

Operating  
Included in 2015/2016 budget

Is the expenditure noted above included in the 2015/2016 budget?  
Yes

If not you must recommend how the budget can be amended to accommodate the expenditure  
Nil

### **IMPLEMENTATION/COMMUNICATION**

Advice is provided to residents and businesses affected by any activities.



**ATTACHMENTS**

Nil

**Date Prepared:** *07 April 2016*



## WATER & WASTE

### **ITEM-20                      INFRASTRUCTURE SERVICES - WATER AND WASTEWATER GROUP - MONTHLY OPERATIONS REPORT - MARCH 2016**

**MEETING:**                      Ordinary

**MEETING DATE:**            20 April 2016

**REPORT OFFICER'S  
TITLE:**                          Manager Water and Waste

**DEPARTMENT:**              Infrastructure Services, Water and Waste Group

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#### **EXECUTIVE SUMMARY**

*The purpose of this report is to summarise Council's Water and Wastewater activities undertaken by the Infrastructure Services Department during the month of March 2016.*

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

"That Council receive and note the March 2016 Monthly Water and Wastewater Report."

#### **LINK TO CORPORATE PLAN**

**GOV 3** Undertake a whole of Council service level review to establish sustainable operational costs across core local government business and consult with communities.

#### **1. Capital and Maintenance Works Projects**

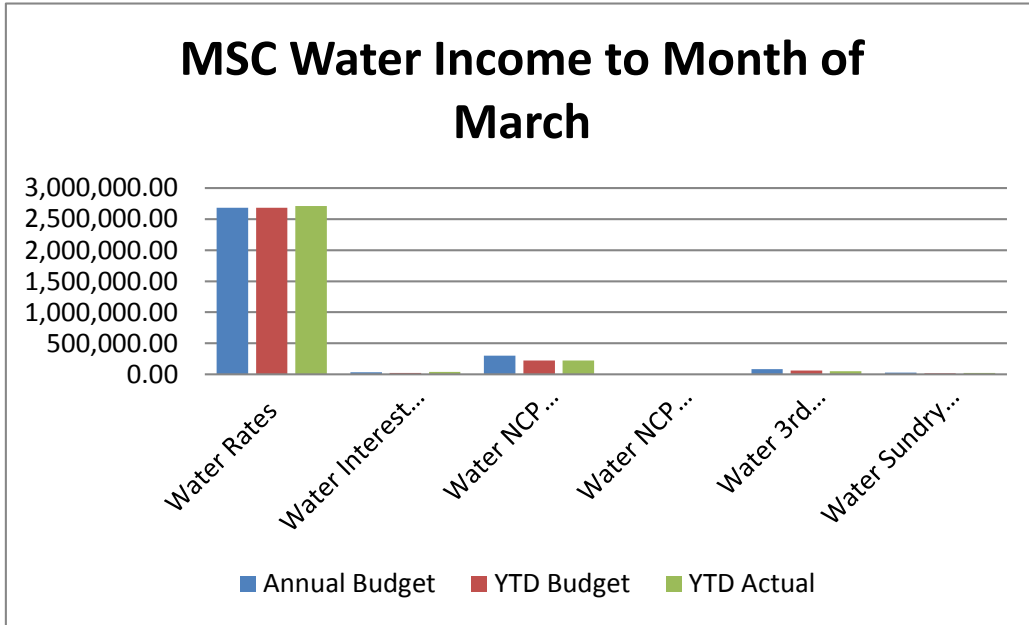
- Mareeba STP Refurbishment Design and Construct Tender awarded to Downer Utilities with project design meetings progressing well between MSC and Downer and Bilfinger the Inlet Works supplier/contractor.
- Mareeba STP Critical Infrastructure Upgrade - Rising Main works completed at the end of March.
- Kuranda Sludge Management Project tender awarded to Abergeldie Constructions with initial site works meeting on Friday, 4 March 2016 with design and procurement of equipment underway.
- Taggle device installations and water meter replacement program complete except for a small number of difficult installations and these outstanding require new meter pits and raising of meters.

#### **2. Environmental Monitoring - Treatment**

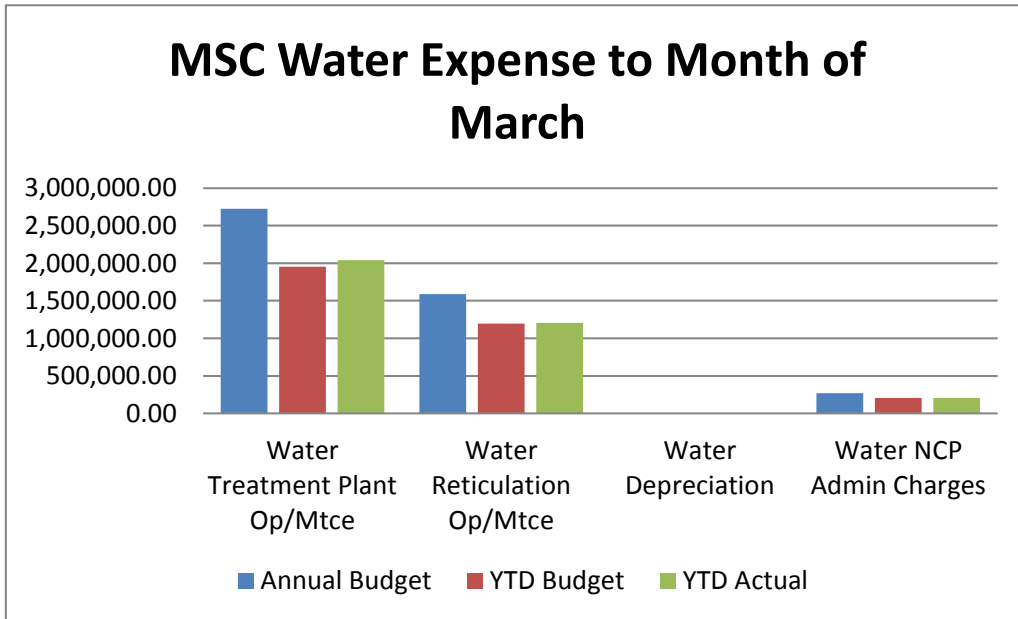
- Mareeba STP non-compliant, exceedance on Ammonia.
  - Kuranda STP remains compliant with licence conditions.
-

**3. Budget - Water**

**Graphical - Revenue**



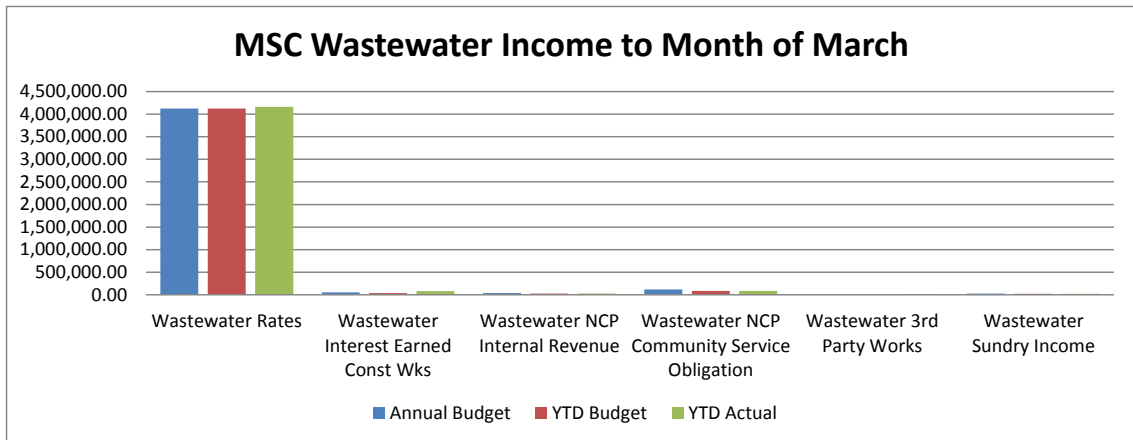
**Graphical – Expense**



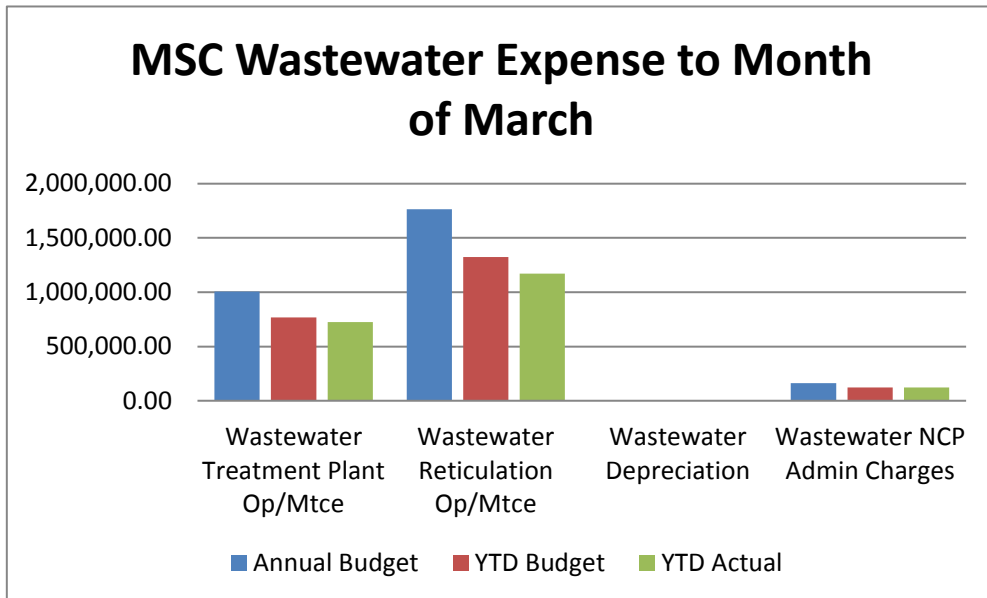
\* Depreciation costs are now part of the operational expense

#### 4. Budget - Wastewater

##### Graphical - Revenue



##### Graphical – Expense

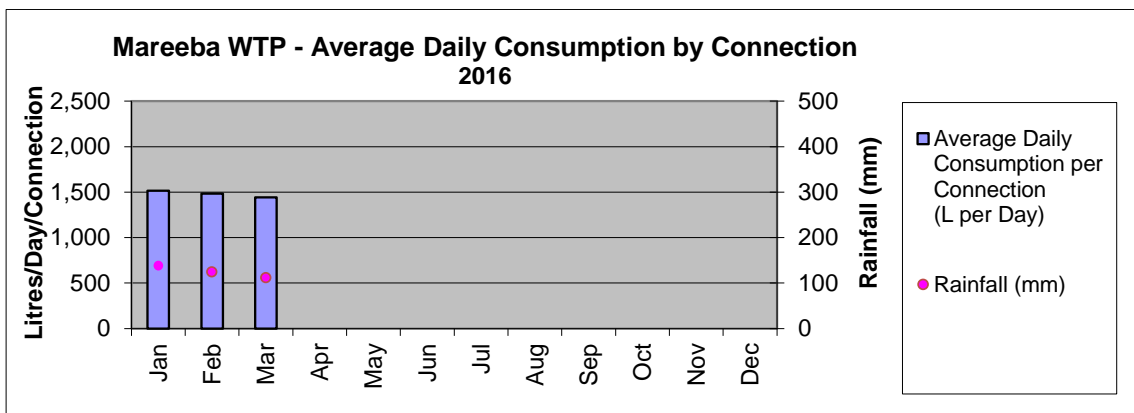
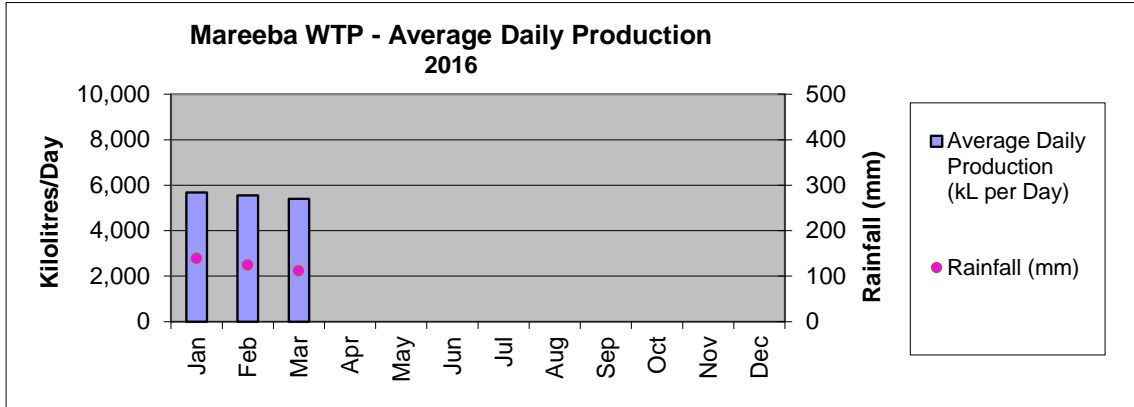


\* Depreciation costs are now part of the operational expense

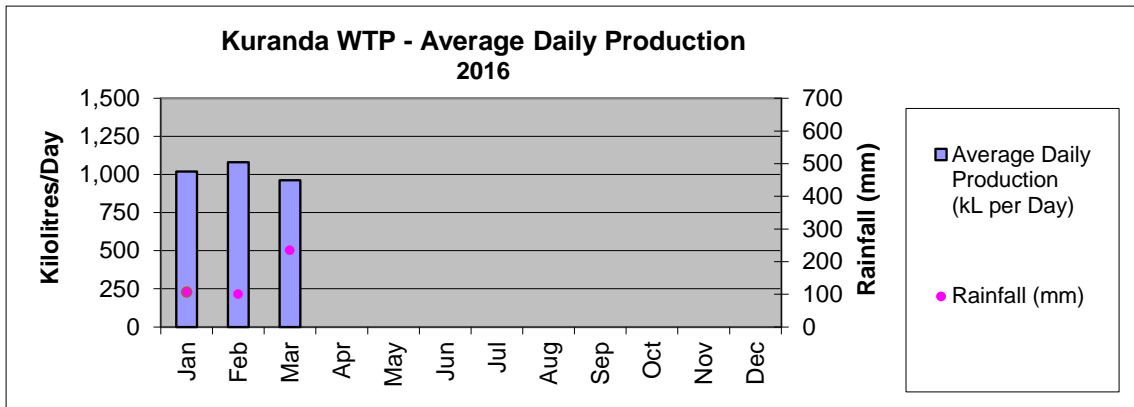
#### 5. Chlorine Residual Readings

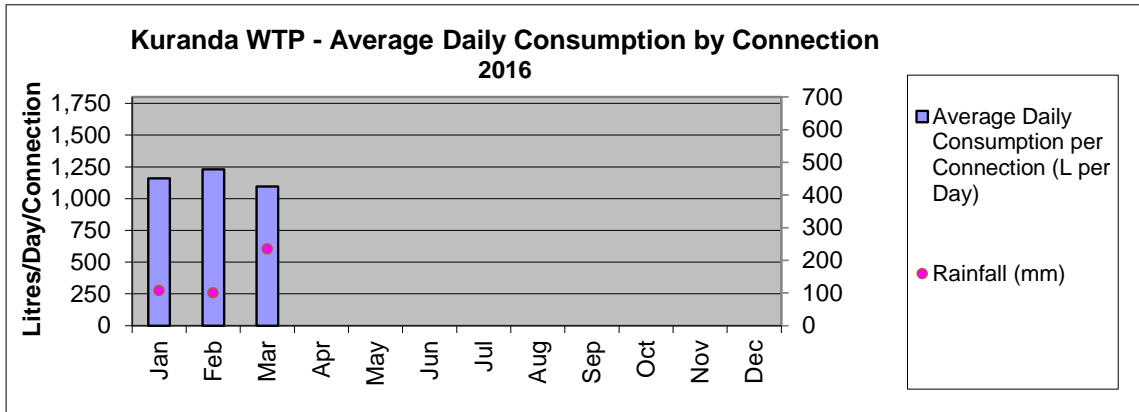
March 2016	Chlorine Residual Readings 2015 Australian Drinking Water Guidelines Maximum 5mg/L												
	Wed 2nd	Fri 4th	Mon 7th	Wed 9th	Fri 11th	Mon 14th	Wed 16th	Fri 18th	Mon 21st	Wed 23rd	Fri 25th	Mon 28th	Wed 30th
	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)
Mareeba Rankine St	0.82	1.27	1.13	0.95	1.05	0.90	0.76	0.90	0.89	1.11	1.19	1.24	1.20
Wylandra Drive Mareeba	0.49	0.58	0.26	0.33	0.32	0.47	0.34	0.23	0.22	0.65	0.60	0.65	0.77
Gregory Terrace Kuranda	1.10	0.77	0.87	1.02	1.01	0.96	0.63	0.60	0.82	0.68	0.85	0.62	0.73
Mason Rd PS Kuranda	1.22	1.19	1.18	1.21	1.20	1.17	0.73	1.00	1.00	0.95	1.12	0.71	0.91
Chillagoe	0.82	0.72	0.71	0.94	0.89	0.68	0.75	0.66	0.63	0.76	0.69	0.70	0.72
Dimbulah	1.20	1.14	1.35	1.03	1.06	1.04	1.21	1.25	0.84	1.14	1.14	1.23	1.26

**6. Mareeba Water Supply Scheme – Operations Data**

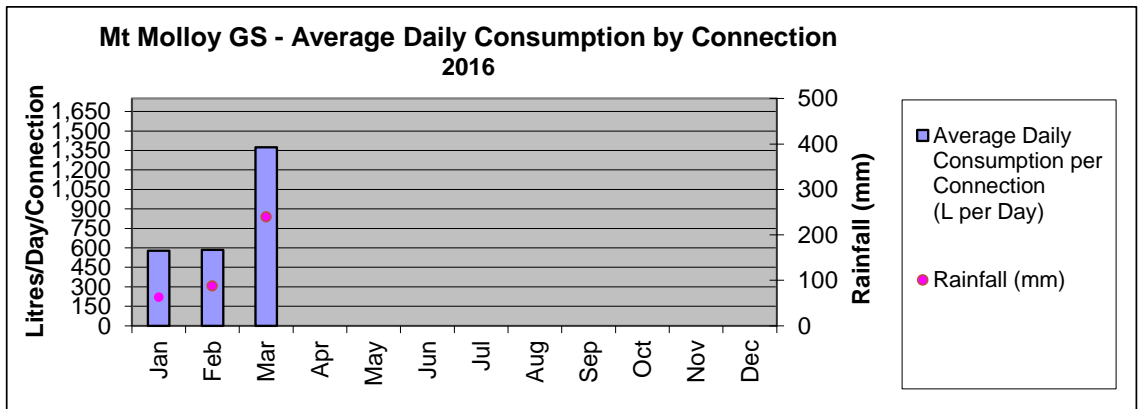
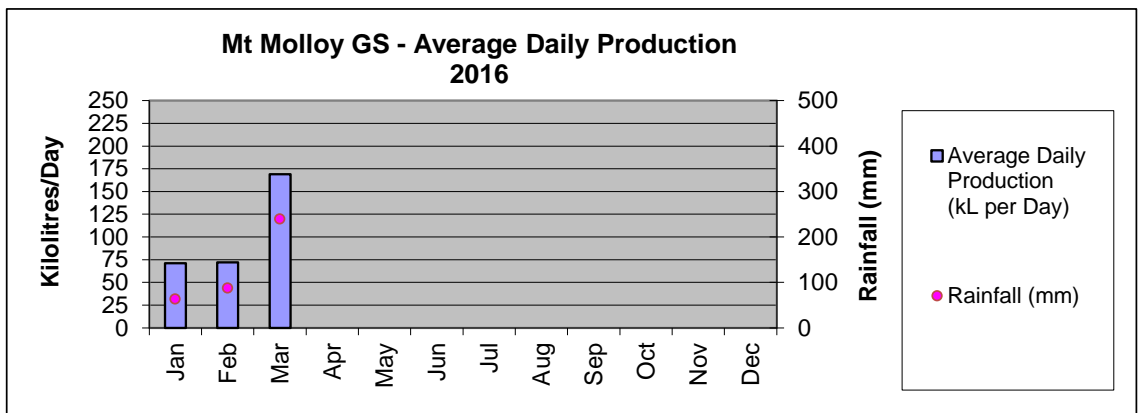


**7. Kuranda Water Supply Scheme - Operations Data**



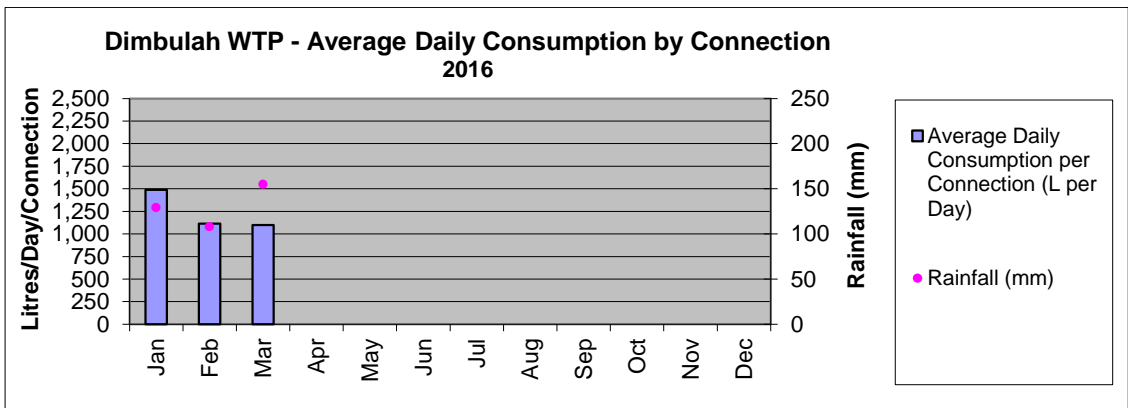
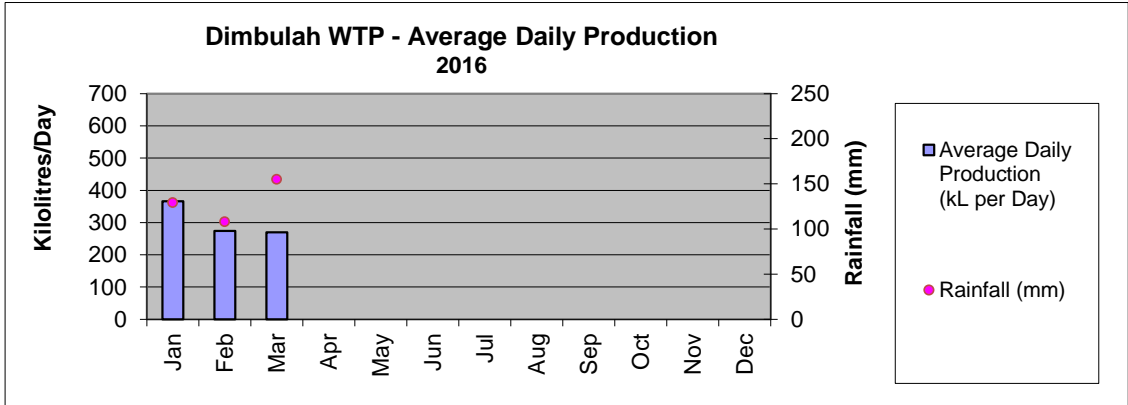


**8. Mount Molloy Water Supply Scheme - Operations Data**

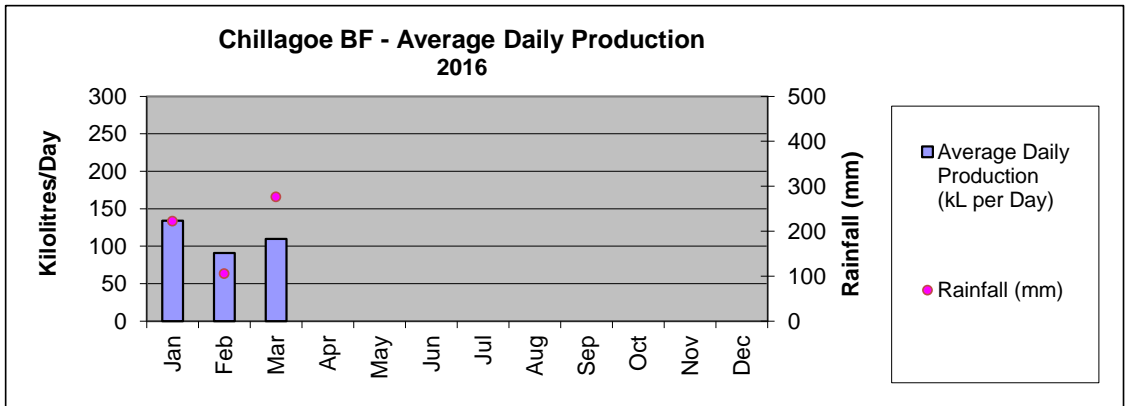


**Please note:** The average daily consumption for January and February was below the previous five monthly average daily consumption of 1,585k/l day

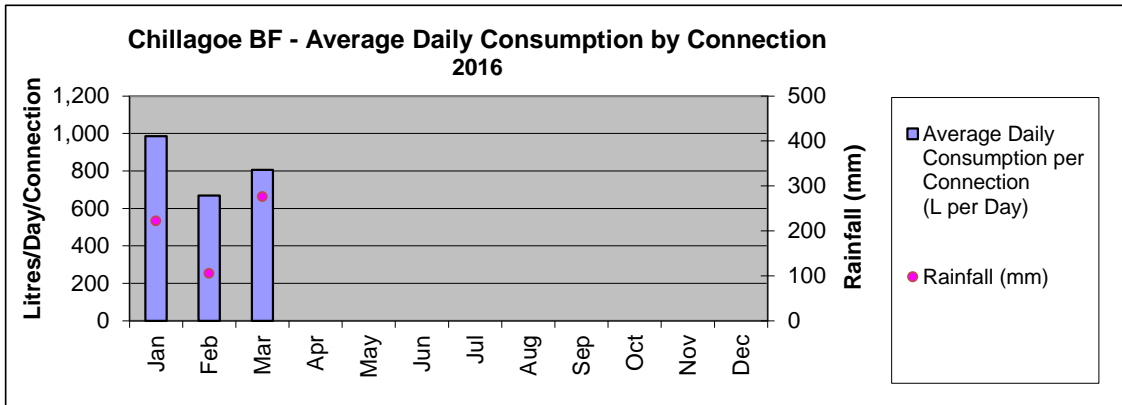
**9. Dimbulah Water Supply Scheme - Operations Data**



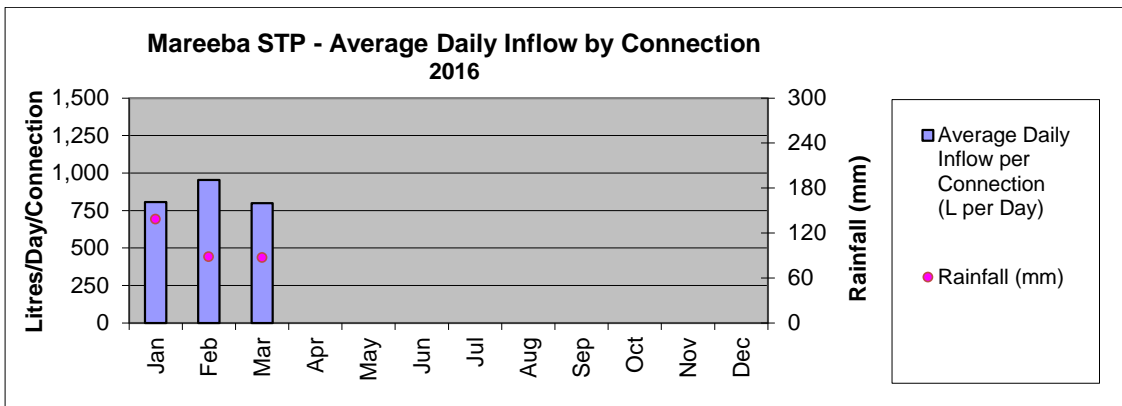
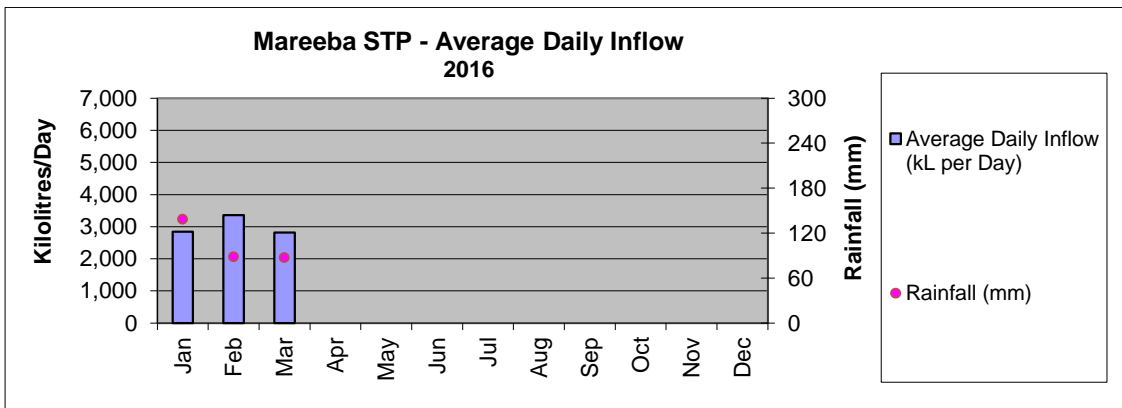
**10. Chillagoe Water Supply Scheme - Operations Data**



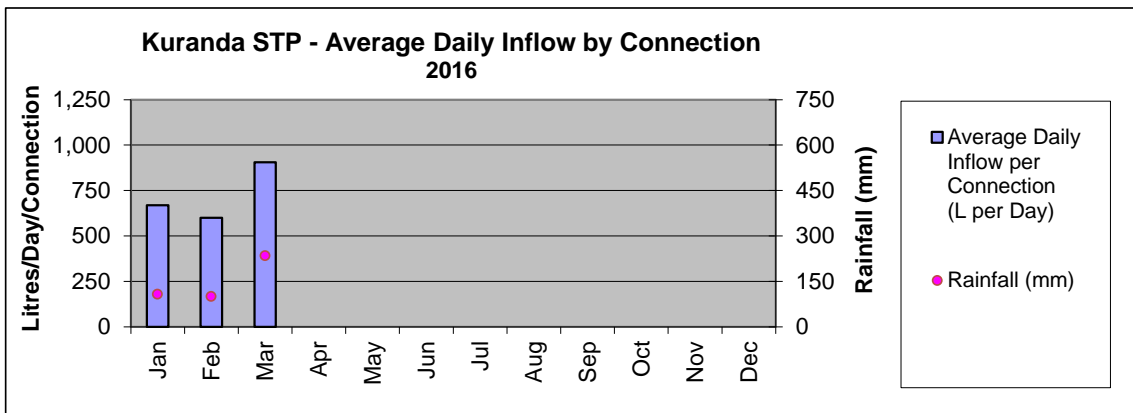
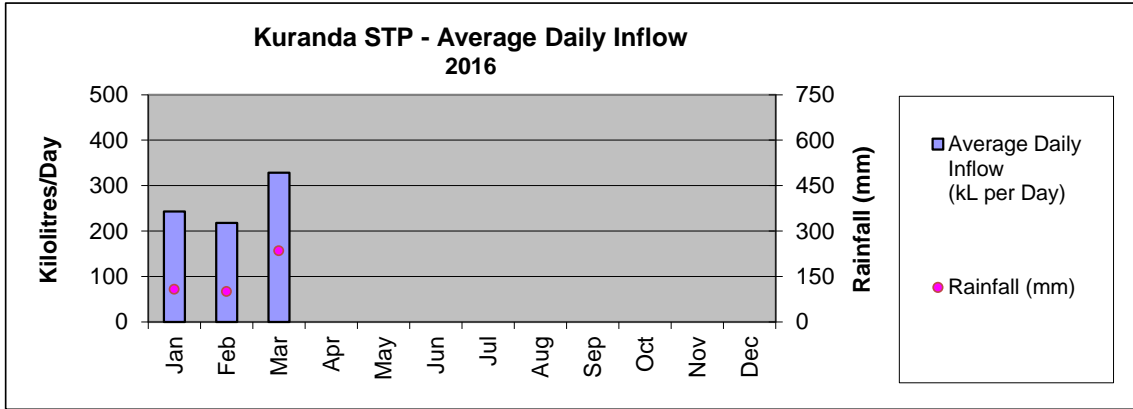




**11. Mareeba Wastewater Treatment Plant - Operations Data**



**12. Kuranda Wastewater Treatment Plant - Operations Data**



**Date Prepared:** 5 April 2016

**ITEM-21**                                      **INFRASTRUCTURE SERVICES - WASTE OPERATIONS REPORT - MARCH 2016**

**MEETING:**                                      Ordinary

**MEETING DATE:**                            20 April 2016

**REPORT OFFICER'S TITLE:**                                      Manager Water and Waste

**DEPARTMENT:**                                Infrastructure Services, Water and Waste Group

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**EXECUTIVE SUMMARY**

*This report summarises Council's Waste activities undertaken by the Infrastructure Services Department during the month of March 2016.*

**OFFICER'S RECOMMENDATION**

"That Council receive and note the Infrastructure Services, Waste Operations Progress Report, March 2016."

**BACKGROUND**

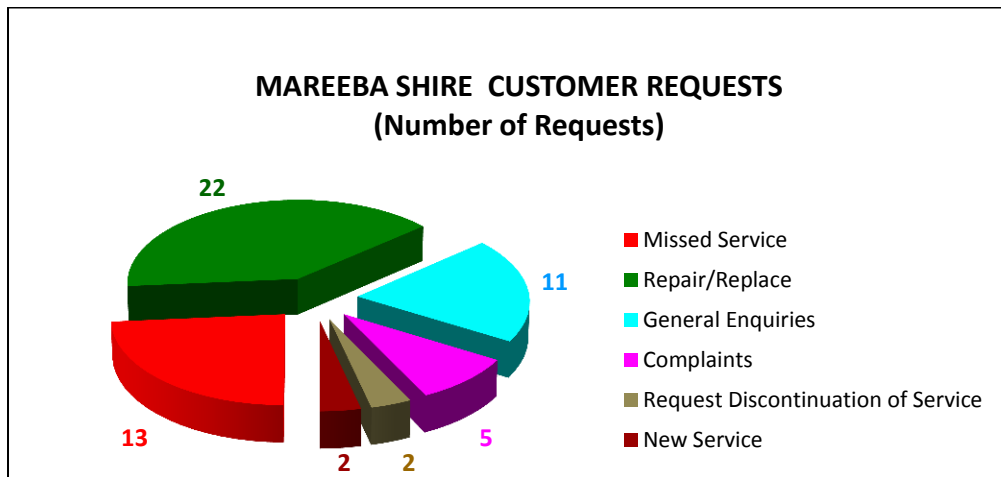
The following is a summary of the waste activities undertaken during the month of March 2016.

**1. Waste Operations**

- 4,058 vehicles entered Mareeba Waste Facility (to drop off or pick waste).
- 515 vehicles deposited waste to Mareeba Landfill (total).
- 291 Suez vehicles deposited waste to Mareeba Landfill.
- 44 Suez vehicles removed waste from Mareeba WTS to recycling facility in Cairns.
- 995 m<sup>3</sup> of mulch sold (964 in bulk sales and 31 in small lots less than 3 m<sup>3</sup>)
- 4 tonnes of recyclable material transported to Cairns MRF.
- All transfer stations and Mareeba landfill are currently operational.

**2. Customer Service Waste Statistics**

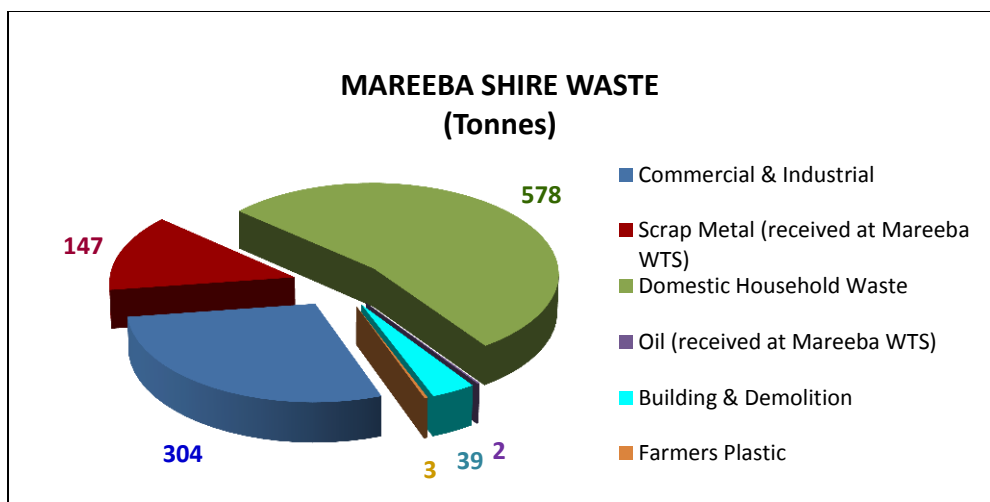
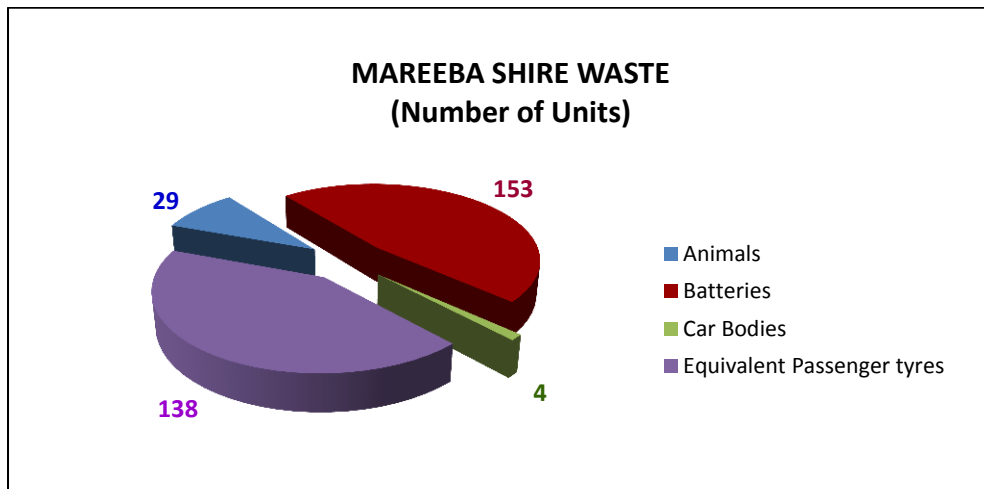
The following graph displays customer requests logged in the Customer Request Management (CRM) system during the month of March 2016.



**3. Waste Collected at Each of the Transfer Stations**

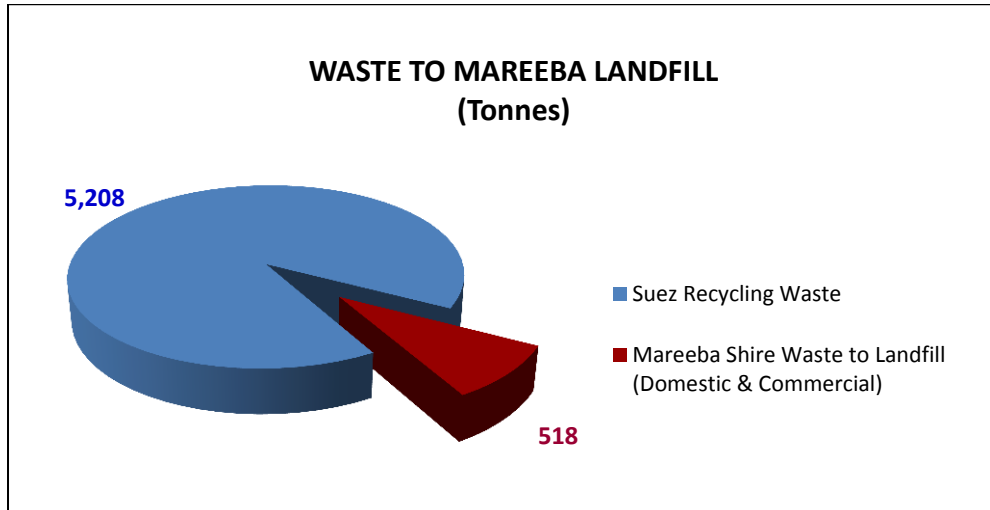
Waste material collected at each of the waste transfer stations is either deposited directly to the Mareeba landfill, recycled or transported to the Suez facility in Cairns for processing.

The following pie charts are separated into waste received as whole units and waste received as accrued tonnage.



**4. Waste to Mareeba Landfill**

The Mareeba Shire waste shown in the pie chart below is the waste collected at each of the waste transfer stations (Mareeba included), and deposited directly to the Mareeba landfill. The commercial waste shown below is derived from the Suez recycling plant in Cairns and deposited into the Mareeba landfill.



**5. Revenue**

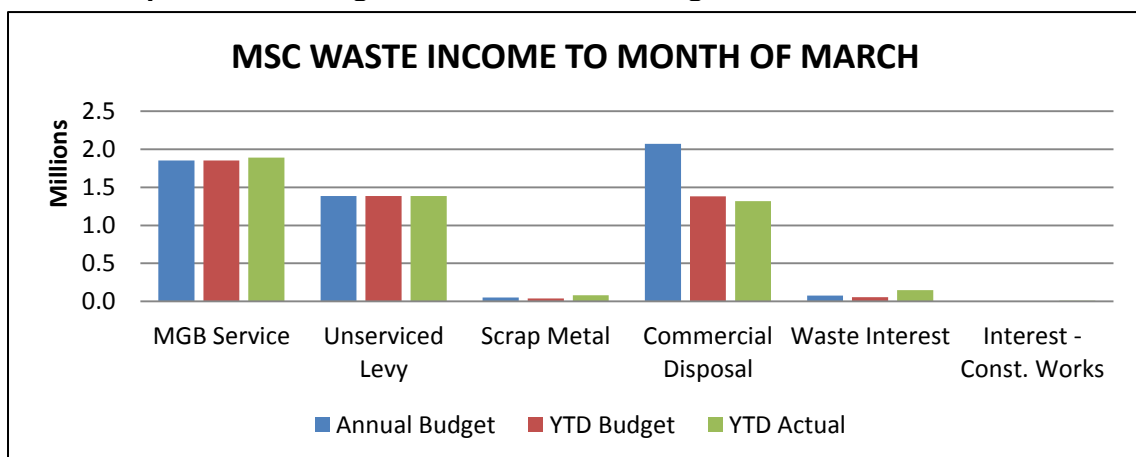
The income is derived from:

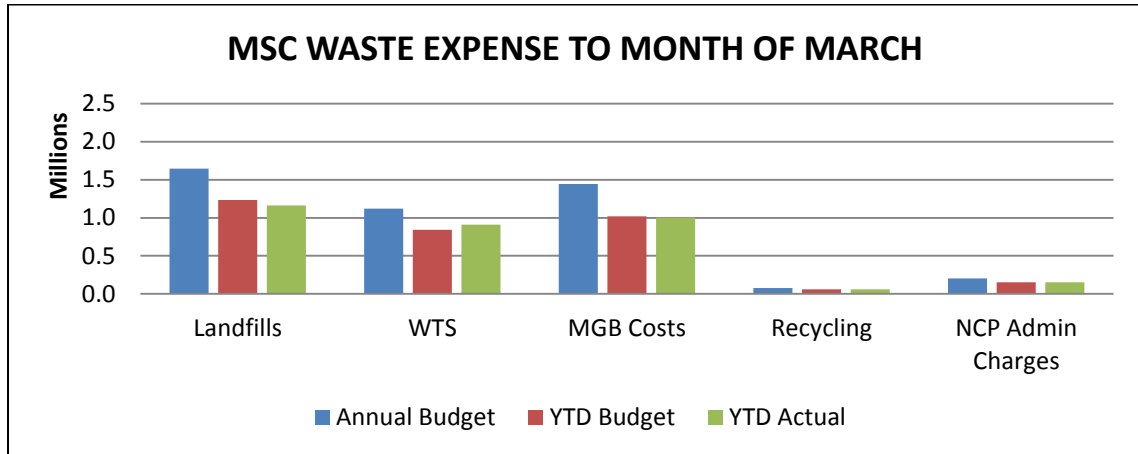
- Commercial disposal (predominantly Suez)
- Interest earned
- Interest on Constrained Works
- Recycling (steel, batteries)
- Rates

The expenditure is derived from:

- Waste administration
- Landfill management
- Transfer station management

**6. Financial Operational Budget Information Per Budget Section Overall**





**LINK TO CORPORATE PLAN**

**ECON 3** Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

**GOV 3** Undertake a whole of council service level review to establish sustainable operational costs across core local government business and consult with communities.

**CONSULTATION**

*Internal*

Director Infrastructure Services  
Waste Staff

*External*

Nil

**LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

Nil

*Is the expenditure noted above included in the 2015/2016 budget?*

Yes

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

Nil

***Date Prepared:***            *5 April 2016*





## CHIEF EXECUTIVE OFFICER

### ITEM-22                      EXTERNAL COUNCILLOR REPRESENTATION

**MEETING:**                      Ordinary

**MEETING DATE:**              20 April 2016

**REPORT OFFICER'S  
TITLE:**                              CEO

**DEPARTMENT:**                Office of the Chief Executive Officer

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#### EXECUTIVE SUMMARY

*Councillors represent Council on a number of Boards, Associations, Committees and Community Organisations across the Shire. Councillors have recently reviewed the current distribution and have made a number of changes (as outlined in attachment 1).*

*It is recommended that Council adopt the changes.*

#### OFFICER'S RECOMMENDATION

"That the appointments be made to various Boards, Associations, Committees and Community Organisations as outline in Attachment 1 to this Report."

#### BACKGROUND

Councillors represent Council on a number of Boards, Associations, Committees and Community Organisations across the Shire. Following the election the Councillors have reviewed this list and have suggested the following distribution.

These appointments may change from time to time as a result of circumstances. When this occurs the respective organisations will be informed.

#### LINK TO CORPORATE PLAN

**COM 1** - Develop a community engagement strategy to encourage inclusiveness and partnerships within communities and a sense of common identity.

#### CONSULTATION

*Internal*  
Councillors

*External*  
Nil

**LEGAL AND RISK IMPLICATIONS (STATUTORY BASIS, LEGAL AND RISKS)**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

All Boards, Associations, Committees and Community Organisations will be formally contacted and advised of the Councillor representation relevant to them.

**ATTACHMENTS**

1. Appointments to Committees, Organisations and Community Groups

**Date Prepared:** 11 April 2016

**ATTACHMENT 1**

Appointed Representative	Name of Committee/Organisation
<b>Cr Gilmore</b>	Kuranda Infrastructure Advisory Committee
	Tourism Kuranda
	Cairns District Disaster Management Group
	Local Disaster Management Group
	FNQ Regional Organisation of Councils
	Kuranda Community Precinct Advisory Committee
	Mona Mona Community Board
	Western Progress Association Watsonville
	JAMARR - Julatten & Mt Molloy Association of Residents and Ratepayers
	Mareeba PCYC Management Committee
<b>Cr Brown</b>	Mareeba Sporting Precinct C'tee
	Kuranda Community Precinct Advisory C'tee (Proxy)
	NQ Sports Foundation
	Barron Catchment Care
	Great Wheelbarrow Race Organising C'tee
	JAMARR (Proxy)
	LAWMAC
	Mareeba Liquor Industry Action Group
	Tablelands Outdoor Recreation Association
	Tropical Tablelands Tourism
<b>Cr Davies</b>	Great Wheelbarrow Race Organising C'tee (Proxy)
	Mareeba Heritage Centre Management C'tee (Proxy)
	Audit Committee
	Irvinebank Progress Association
	Chillagoe Alliance
	Speewah Residents Group (SRG) (Proxy)
	FNQ Regional Roads Group (Proxy)
	Local Traffic Advisory Committee (Proxy)
<b>Cr Graham</b>	Kuranda Infrastructure Advisory Committee
	Tablelands Futures Corporation
	Audit Committee
	Building Safer Communities Regional C'tee
	Mareeba Heritage Centre Management C'tee
	Mareeba Multicultural Festival Committee
	Mareeba Heritage Centre Management C'tee
	Relay For Life C'tee
Homelessness Community Advisory Group	
<b>Cr Pedersen</b>	Northern Region Pest Advisory Committee
	Local Disaster Management Group
	FNQ Regional Roads Group
	Northern Gulf Resource Management Group
	Local Traffic Advisory Committee
	FNQ Pest Advisory Forum
<b>Cr Toppin</b>	Kuranda Infrastructure Advisory Committee
	Kuranda Community Precinct Advisory C'tee (Proxy)
	JAMARR (Proxy)
	Regional Arts Development Fund (RADF)
	Mareeba Heritage Centre Management C'tee (Proxy)
	Mareeba PCYC Management Committee
	Speewah Residents Group (SRG) (Proxy)
	Kuranda Interagency Networks (KIN)
	Reef Guardians
Wet Tropics Water Resource Plan	
<b>Cr Wyatt</b>	Local District Disaster Management Group
	Barron Catchment Care (Proxy)
	Terrain (FNQNRM)
	Mareeba Multicultural Festival Committee (Proxy)
	Speewah Residents Group (SRG)
	Northern Region Pest Advisory Committee (Proxy)
	BRICMA Lower Zone
	BRICMA Central Zone Forum
Tourism Kuranda	

## APPENDIX - SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF MARCH 2016

### Summary of new Planning Development Applications and Delegated Decisions for March 2016

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
DA/16/0011	1/3/2016	L & M McGarrie 6 Jarawee Road, Kuranda	Lot 11 on RP726572	Reconfiguring a Lot - Subdivision (1 into 2 lots)	In decision making stage.
DA/16/0012	1/3/2016	Lindsay Australia Ltd 4-6 Effley Street, Mareeba	Lots 49 & 50 on SP198053 & Lot 879 on SP198060	Material Change of Use - Freight Depot	Approved on 31 March 2016.
DA/16/0013	1/3/2016	Max Slade Designs Pty Ltd 5790 Kennedy Highway, Mareeba	Lot 801 on SP162496	Material Change of Use - Dwelling House (Family Accommodation)	Approved on 4 March 2016.
DA/16/0014	1/3/2016	J & R Stevens 10-12 Bundanoon Court, Mareeba	Lots 107 & 108 on SP247844	Reconfiguring a Lot - Boundary Realignment	Approved on 3 March 2016.
DA/16/0015	8/3/2016	J & G Tynan 9 Ward Street, Mareeba	Lots 25 & 875 on NR4425	Reconfiguring a Lot - Boundary Realignment	Approved on 16 March 2016.
DA/16/0016	17/3/2016	RD Peebles 5-7 Kowa Street, Mareeba	Lot 6 on RP712399 & Lot 8 on RP748331	Reconfiguring a Lot - Boundary Realignment	Approved on 23 March 2016.

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
DA/16/0014	4/3/2016	J & R Stevens	10-12 Bundanoon Court, Mareeba	Lots 107 & 108 on SP247844	Reconfiguring a Lot - Boundary Realignment
DA/16/0013	4/3/2016	Max Slade Designs Pty Ltd	5790 Kennedy Highway, Mareeba	Lot 801 on SP162496	Material Change of Use - Dwelling House (Family Accommodation)

March 2016 (Regional Land Use Planning)

DA/16/0015	17/3/2016	J & G Tynan	9 Ward Street, Mareeba	Lots 25 & 875 on NR4425	Reconfiguring a Lot - Boundary Realignment
DA/16/0016	23/3/2016	RD Peebles	5-7 Kowa Street, Mareeba	Lot 6 on RP712399 & Lot 8 on RP748331	Reconfiguring a Lot - Boundary Realignment
DA/16/0012	1/4/2016	Lindsay Australia Ltd	4-6 Effley Street, Mareeba	Lots 49 & 50 on SP198053 & Lot 879 on SP198060	Material Change of Use - Freight Depot

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
RC2005/35	29/03/2016	PR O'Neil	159 Clohesy River Road, Koah	Lot 500 on SP171158	Reconfiguring a Lot - Subdivision (1 into 7 lots) Extension to 17 June 2017.

Building Work assessable against the Planning Scheme Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
BAP/16/0002	8/03/2016	R Mete	86 Rozel Close, Mareeba	Lot 71 on SP189423	Request for height dispensation to allow construction of a 6.58 metres high shed.
BAP/16/0003	23/3/2016	E & R Carlsen	10 Hellcat Close, Mareeba	Lot 37 on RP890637	Request for height dispensation to allow construction of a 4.5 metres high shed.
BAP/16/0004	29/3/2016	C Hills	12 Palm Close, Mareeba	Lot 16 on RP749307	Request for height dispensation to allow construction of a 4.7 metres high shed.

March 2016 (Regional Land Use Planning)

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
DA/14/0050	8/3/2016	S Morrow	764 Hodzic Road, Biboohra	Lot 150 on SP219763	2 lots
Hyde Place Community Titles Scheme	22/3/2016	W & R Blundell & N & N Morris	2-4 Strattmann Street, Mareeba	Lots 49 & 50 on M35630	8 lots and common property

March 2016 (Regional Land Use Planning)

# APPENDIX - CONFIDENTIAL ITEMS