



Ordinary Meeting

Council Chambers

Date: 04/05/2016

Time: 9:00am

AGENDA

THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON **WEDNESDAY, 04 MAY 2016** AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS
CHIEF EXECUTIVE OFFICER

ORDER OF BUSINESS

MEMBERS IN ATTENDANCE

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

BEREAVEMENTS/CONDOLENCES

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST

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CORPORATE AND COMMUNITY SERVICES**REGIONAL LAND USE PLANNING**

ITEM-1 **Z GLEN - MATERIAL CHANGE OF USE - TOURIST FACILITY (RETREAT CENTRE) & BED AND BREAKFAST ACCOMMODATION - LOT 5 RP725499 - 13 FAIRYLAND ROAD, KURANDA - DA/16/0004**

MEETING: Ordinary

MEETING DATE: 4 May 2016

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Z Glen	ADDRESS	13 Fairyland Road, Kuranda
DATE LODGED	27 January 2016	RPD	Lot 5 on RP725499
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Tourist Facility (Retreat Centre) & Bed and Breakfast Accommodation		

FILE NO	DA/16/0004	AREA	2.09 Ha
LODGED BY	Z Glen	OWNER	Z Glen
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Myola zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	No submissions received		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. Public notification of the application did not attract any submissions.

The applicant proposes the establishment of a small boutique vegan retreat centre offering raw food preparation classes/workshops and associated yoga classes. Bed and Breakfast

style accommodation will also be provided for both casual guests and retreat/workshop clientele. The retreat centre and associated B & B will be known as "Fairyland House". 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 DEO's, codes and policies) and does not conflict with any relevant planning instrument.

Given the nature and scale of the proposed development, no significant planning issues have been identified. Furthermore, it is considered that any amenity impacts on adjoining properties can be adequately managed through conditions of approval.

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

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	Z Glen	ADDRESS	13 Fairyland Road, Kuranda
DATE LODGED	27 January 2016	RPD	Lot 5 on RP725499
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Tourist Facility (Retreat Centre) & Bed and Breakfast Accommodation		

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Tourist Facility (Retreat Centre) and Bed & Breakfast Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
F-1	Site Plan	-	7/11/2015
F-2	Fairyland House & Garden Studio Facility Layout	-	7/11/2015
F-3	Existing Fairyland House	-	7/11/2015
F-4	Existing Garden Studio Floor Plan	-	7/11/2015

(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

Any on-site refuse storage area/s must 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.

The use of any sound projecting objects such as stereos and megaphones must not be used at a level that is audible at any adjoining residence.

3.7 Bushfire Management

3.7.1 The approved use/s must 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 tank supply, delivery of the water should be provided through a 50mm male Camlock fitting.

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

3.8 Signage

3.8.1 No more than 1 sign, not exceeding 2.4 square metres in sign face area, shall be erected along the frontage of the site (not within road reserve) to advertise the approved use/s.

3.8.2 The sign must be kept clean, in good order and safe repair for the life of the approval.

3.8.3 The sign must be removed when no longer required.

4. Infrastructure Services and Standards

4.1 Access

The access crossover servicing the approved use must be constructed/maintained (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

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

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

4.3 Car Parking/Internal Driveways

4.3.1 The applicant/developer must ensure the development is provided with a minimum of 8 on-site car parking spaces (including 1 disabled parking space) 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 compacted gravel standard, delineated, and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

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

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

The car parking spaces and internal driveways are to be maintained at this standard for the life of the development.

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

4.3.2 Should Council receive any substantiated dust complaints in relation to dust emanating from the use of the gravel driveways and parking areas; the applicant is to concrete, asphalt or bitumen seal all trafficable areas.

At the time of seal, the car parking spaces and internal driveways are to be line marked, appropriately drained, and constructed to the Standards mentioned in Condition 4.3.1.

4.4 Landscaping

Any areas of the site where the approved use (Fairyland House/Garden Studio) is not effectively screened from view from adjoining properties by existing vegetation, the applicant/developer is required to establish a 2-

metre wide landscape buffer in order to achieve this screening. The landscaped buffer may include existing vegetation as well as trees and shrubs that:

- are placed at a maximum spacing of 1 metre; and
- will grow to a height of at least 2 metres; and
- will grow to form an effective visual buffer of no less than 2 metres in height.

All landscaping must be mulched, irrigated and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.5 Water Supply

The approved use/s must be supplied with a source of potable water that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health Medical Research Council and the National Resource Management Ministerial Council). Any sources of non-potable water 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.

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 the council.

5.2 The developer must pay **\$1,553.00** 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

- 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.

As a B and B this property would be subject to the Kuranda Tourism Benefited Levy.

- (b) Food Premises

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

- (c) 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.

- (d) Compliance with applicable codes/policies

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

- (e) Compliance with Acts and Regulations

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

- (f) Environmental Protection and Biodiversity Conservation Act 1999

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

(E) 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);

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

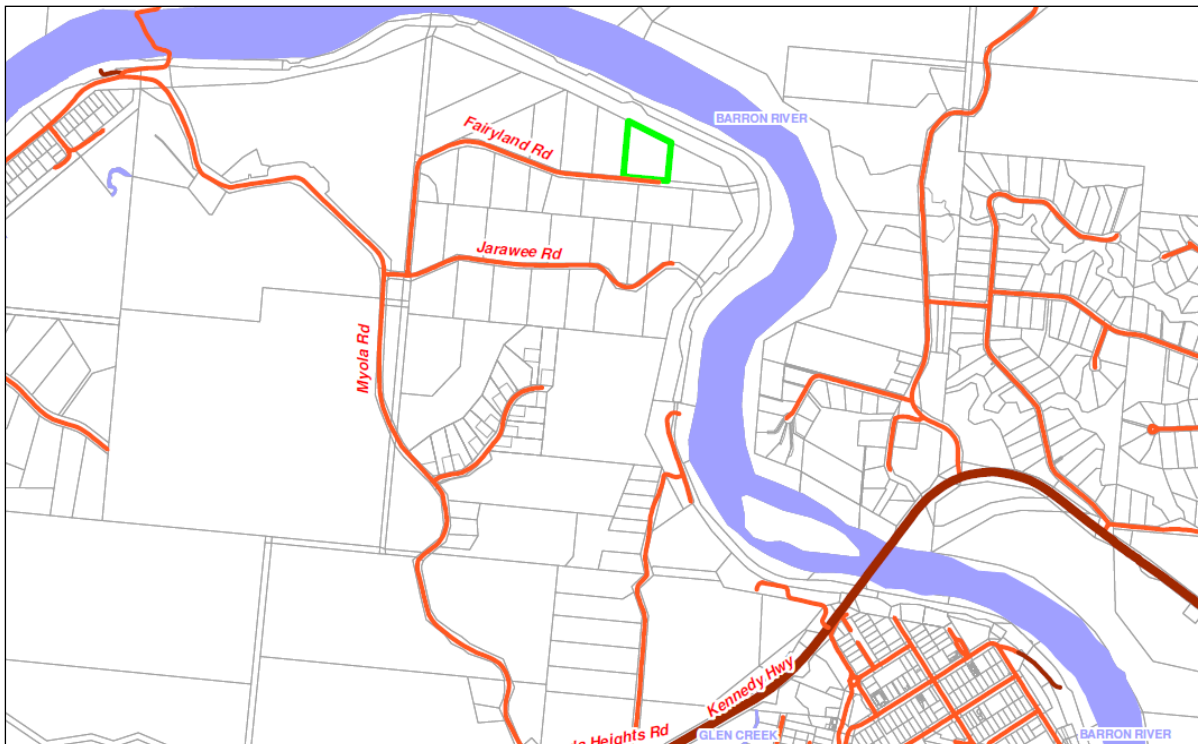
- Compliance Permit for Plumbing and Drainage Work
- Food License"

THE SITE

The subject site is situated at 13 Fairyland Road, Kuranda, and is described as Lot 5 on RP725499. The site contains an area of 2.09 hectares and is zoned *Myola* under the Mareeba Shire Planning Scheme. The site is further mapped as being within Precinct "E" of the *Myola* zone.

The site contains approximately 141 metres of frontage to Fairyland Road, which is constructed to bitumen sealed standard for the majority of this frontage. The site is improved by a larger dwelling towards the rear of the site, a smaller cottage in the south-east corner of the site and associated outbuildings.

The site is relatively flat and has been cleared with a small portion of the rear of the site remaining covered in thick mature rainforest. Fruit trees and other planted species are scattered throughout the remainder of the site. The site is separated from the Barron River to the north by three thin parcels of land, two being road reserve and the other a rail corridor. All other surrounding allotments are zoned *Myola* and accommodate residential land uses.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

On 10 September 2014 Council, under delegated authority, approved an application for reconfiguring a lot - subdivision (1 into 2 lots) on land described as Lot 5 on RP725499, situated at 13 Fairyland Road, Kuranda (DA/14/0013).

Development approval DA/14/0013 allows the subdivision of approximately 5,600m² of land off the eastern side of the site in order to separate the sites two existing dwellings, the larger of which will be used for the proposed retreat centre and bed & breakfast accommodation.

The approved subdivision, if completed, will not impact on the proposed retreat centre and bed & breakfast use which is proposed to be established on the larger balance lot.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Tourist Facility (Retreat Centre) and Bed & Breakfast Accommodation in accordance with the plans shown in **Attachment 1**.

The applicant proposes the establishment of a small boutique retreat centre, offering B & B accommodation, workshops, yoga classes and retreat facilities to be known as "Fairyland House". The proposal will utilise one of the sites existing dwellings, accommodating up to 12 guests and will include a commercial kitchen, family/dining room and bathroom facilities, and a separate garden studio for retreat and workshop activities housing a yoga room, disabled bathroom, bedroom and a common area.

The business will be advertised as a raw food vegan and yoga retreat centre and will be a smoke, alcohol, drug and digital (tech) free destination. Workshops and retreats will have a focus on raw vegan food preparation. An estimation of the planned business potential is included as follows:

Hours of Operation

Advertised reception times are: Mon-Sat: 10am - 7pm, Sun: 10am-5pm; after hours check-in. Retreats of two (2) days commence on Friday late afternoon and extend until Sunday 3pm. Regular workshops commence at 9:30am until 2pm. Occasional workshops from 4pm to 8.30pm. Yoga and meditation classes normally during daylight hours, however if early morning or evening sessions are held, then morning start time of 6.30am, evening finish time 9.00pm.

Casual Stays

Accommodation will be available on a casual basis all year round, but restricted to suit the various advertised classes, programs, retreats or workshop activities. Casual, short-term stays of one (1) or two (2) nights can be expected; with a frequency of two (2) to four (4) guests/week average.

Residential Stays

Opportunities for a residential stay will be advertised, and it is expected that one (1) or two (2) people may be required to stay for an extended period of up to two (2) weeks, perhaps

twice a year. Sometimes a single client may want a longer period of rest and recuperation, in which case the stay would be negotiated to meet their needs.

Retreats

Advertised retreats are usually of one (1) or two (2) days (usually weekends) for six (6) to 12 patrons, and it is anticipated most patrons attending these activities will be housed overnight for the length of the retreat. The frequency of retreats is estimated at one (1) per fortnight during the dryer April - November months.

Workshops

Regular half day and one (1) day workshops could be held up to three (3) times a week, during daylight hours. It is anticipated that these workshops would attract three (3) - five (5) patrons at a time. Accommodation would also be made available to workshop patrons. Occasional special interest workshops for up to 20 patrons could be held a few times per year.

Classes

Yoga classes may be held during school terms up to five (5) times a week. They may feed into workshops above or be held separately on weekdays. The expected number of patrons would be from two (2) to five (5) with a duration of 1.5 hours per class.

Clientele

Retreat advertising will focus on health and wellbeing clientele, with yoga and meditation facilitators, often with their own student or class participants, may be expected to facilitate and run most of the retreats held at the centre; with a mixture of local and tourist patrons.

Staff

On-site management will facilitate the regular raw food yoga workshops and yoga classes. Casual staff will be sourced locally for yoga and workshop teaching back up or assistance. Casual cleaners will be required, and a part-time casual position might be made available for a raw food kitchen hand and dishwasher when retreats and workshops are held.

Parking

Two (2) staff car park bays have been allocated in proximity to the main house. A further five (5) car parks have been allocated on-site in proximity to the site access. Adequate space for informal parking exists on-site in the event that spill over parking is required. A disabled car park has been located in proximity to the garden studio (adjacent Fairyland House) with the garden studio fully equipped to accommodate a disabled person.

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 subject site is in proximity to Kuranda, which is identified as a Village Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Short to Medium Term Growth Area (Myola)
Zone:	Myola
Preferred Area/Precinct:	Precinct "E"
Overlays:	Significant Vegetation Overlay Natural Disaster - Bushfire Overlay

Planning Scheme Definitions

The proposed uses are defined as:-

***"Bed and breakfast accommodation"** means the use of a dwelling house where the permanent residents of the dwelling house or another dwelling house on the same land provide short term accommodation, and breakfast for paying guests."*

And

***"Tourist facility"** means the use of premises for providing accommodation and other services and facilities for visitors, including a caravan park and camping ground and attractions. The term does not include the use of premises for "host farm" or "bed and breakfast" and "residential units".*

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:

DRO 1.1 Biodiversity Conservation			
Land Use Policy		Complies	Comments
1.1.1	Urban development within the regional landscape and rural production area is located outside of areas of high ecological significance (see map 3).	✓	Complies - The proposed retreat centre will be established within existing residence which is sited outside any areas of high ecological significance.
1.1.4	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.	✓	Complies - The proposed retreat centre will utilise an existing dwelling on the subject site and will not involve additional clearing works. The proposed development is not likely to adversely impact the site's ecological values.
1.1.5	Urban development on a lot that is within a strategic rehabilitation area results in improved ecological connectivity or habitat extent within that lot.	✓/x	The proposed development is not likely to detrimentally impact on the site's ecological values and is somewhat reliant on the tranquillity and habitat extent on the allotment. The proposed development is not likely to impact on the level of ecological connectivity already present on the site and rehabilitation is not considered reasonable or necessary in this instance.

DRO 4.1 Compact Urban Form			
Land Use Policy		Complies	Comments
4.1.1	Urban development is contained within the urban footprint	✓/x	<p>Despite being situated outside the urban footprint, the retreat centre and associated B & B is modelled on the site tranquillity, ecological values and separation from urban development.</p> <p>The development represents an appropriate use of the site and is not likely to detrimentally impact on the surrounding rural residential amenity.</p>

DRO 5.5 Tourist Development			
Land Use Policy		Complies	Comments
5.5.1	<i>Tourist development that incorporates a permanent residential component may be undertaken only within the urban footprint.</i>	✓	Complies - The proposed development does not incorporate a permanent residential component, offering B & B style temporary accommodation only.
5.5.2	<i>Tourist development, including development that incorporates short-term accommodation for tourists, may be undertaken within the regional landscape and rural production area where there is an identified need in a subregion and the accommodation:</i> <ul style="list-style-type: none"> (a) <i>is of a nature and scale that is sympathetic to the maintenance of the regional landscape and rural production values</i> (b) <i>minimises the impact on good-quality agricultural land</i> (c) <i>avoids areas of high ecological significance and coastal hill slopes and headlands (see sections 1.1 and 2.3).</i> 	✓	Complies.

(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.

Queensland State Planning Policy - July 2014		
State Interest	Complies	Assessment Requirements & Comments
Biodiversity A development application where the land relates to a matter of state environmental significance, if the application is for: (a) operational work, or (b) a material change of use other than for a dwelling house, or (c) reconfiguring a lot that results in more than six lots or lots less than five hectares.	✓	Development: (1) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and (2) manages the significant adverse environmental impacts on matters of state environment significance by, in order of priority: (a) avoiding significant adverse environmental impacts, and (b) mitigating significant adverse environmental impacts where these cannot be avoided, and (c) where applicable, offsetting any residual adverse impacts. Comment The proposed retreat centre and associated B & B will be established within an existing dwelling and will not involve any additional clearing or earthworks. The proposed development is therefore not likely to impact on the site environmental values.

<p>Natural hazards</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"> (1) a flood hazard area, or (2) a bushfire hazard area, or (3) a landslide hazard area, or (4) a coastal hazard area. 	✓	<p>For all natural hazards:</p> <p>Development:</p> <ul style="list-style-type: none"> (1) avoids natural hazard areas or mitigates the risks of the natural hazard, and (2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and (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 (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 (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>Comment</p> <p>The subject site is not situated within a hazard area for flood, landslide or coastal hazards.</p> <p>Conditions can be attached to any approval to help minimising bushfire hazard risk including conditions requiring the preparation of a bushfire management plan as well as water supply for fire-fighting purposes.</p>
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(c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)

Relevant Desired Environmental Outcomes

DEO	Complies	Comments
(a) Significant natural features such as the dense tropical rainforest adjoining the Wet Tropics area, the savannas, the major river systems, wetlands and wildlife corridors, areas identified in the Areas of Regional significance for the Conservation of Biodiversity under the FNQ Regional Plan are protected	✓	Complies - The proposed development will not compromise the Shires tropical rainforests, major river systems, wildlife corridors and other areas of ecological significance.
(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.	✓	Complies - The proposed development will utilise the sites existing built form and will not involve additional clearing or earthworks.
(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.	✓	Complies.
(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.	✓	Complies - The proposed raw vegan yoga retreat centre and associated B & B accommodation will be available for use by both Shire residents and tourists alike.

(i)	The efficient use, extension and safe operation of infrastructure are maximised, including roads, rail, aerodromes, water and sewerage systems.	✓	Complies - The existing standard of both Myola Road and Fairlyand Road is adequate to cater for the low vehicle movements likely to be generated by the use.
(j)	Threats to public safety and health associated with the natural and built environments, including flooding in the catchments of the Barron River and Mitchell River are minimised.	✓	Complies - The subject site is situated outside the identified Q100 flood hazard area (for the Barron River).
(o)	The Mareeba township and the Myola district, as identified by the Myola Feasibility Study are the primary residential nodes to accommodate future urban growth in accordance with the FNQ Regional Plan.	✓	Complies - The proposed development does not compromise this DEO.
(p)	The Kuranda Village's role and identity not only as an international tourist destination but as a residential centre and a functional service location for the wider district is protected and enhanced whilst ensuring the community's harmony and a sense of place is maximised through ensuring that the mix between tourists and residents meets the needs of both groups.	✓	Complies - The proposed development will not compromise Kuranda's role as a functioning service centre.
(r)	The identification and protection of the amenity of noise sensitive development and liveability of residential areas.	✓	Complies - Given the nature of the proposed use, the development is not likely to impact on the amenity and liveability of the surrounding rural residential area.

Relevant Development Codes

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

Part 4, Division 22	Myola Zone Code
Part 5, Division 6	Significant Vegetation Overlay Code
Part 5, Division 8	Natural Disaster - Bushfire Overlay Code
Part 6, Division 4	Bed and Breakfast Code
Part 6, Division 5	Car Parking Code
Part 6, Division 14	Tourist Facility 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/probable solution and where relevant the specific outcomes of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Myola Zone Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Significant Vegetation Overlay Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Natural Disaster - Bushfire Overlay Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Bed and Breakfast 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"> Acceptable Solution AS1.1 <p>Refer to planning discussion section of the report.</p>
Car Parking 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"> Acceptable Solution AS1.1 <p>Refer to planning discussion section of the report.</p>
Tourist Facility Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Landscaping Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.

(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)

Conditions will be attached to any approval requiring the development be provided with a potable water supply. The site is currently serviced by Bore.

No. 4 - Development Manual

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

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

Based on information provided by the applicant, the proposed retreat centre and associated bed and breakfast accommodation is likely to generate the following estimated vehicle movements:

B & B Casual Stays

Casual short term stays of one (1) - two (2) nights with a predicted average maximum of four (4) guests per week.

This equates to: 8vm per week (in & out) x 52 weeks = 416vm per year

Retreat Activities

One (1) retreat per fortnight between April - November (dryer months) for a maximum of 12 patrons.

This equates to: 8 months x 2 (per month) = 16 retreats x 24vm (in and out) = 384vm per year

Workshops

Three (3) workshops per week for up to five (5) people.

This equates to: 3 x 10vm (in and out) = 30vm per week x 52 weeks = 1,560vm per year

Yoga Classes

Five (5) classes per week, up to five (5) people.

This equates to: 5 x 10vm (in and out) = 50vm per week x 52 = 2,600vm per year

It should be noted that the above calculations are based on the maximum number of people expected to attend/utilise each of the above business components. Furthermore, these calculations do not include other components of the business that may or may not even occur including special interest gatherings for up to 20 persons (may be held a "few" times per year) or longer term B & B stays (1 - 2 special guests may stay twice a year for up to two weeks). These calculations also don't consider carpooling or the fact that a guest/patron could be utilising multiple business components (i.e. staying at the B & B and attending yoga classes).

Based on the above estimates, the proposed development is likely to generate approximately 4,960 vehicle movements per year.

A single lot (i.e. single dwelling) is deemed to generate 10 vehicle movements per day or 3,650 vehicle movements per year which attracts a standard Augmentation of the Road Network Contribution of \$4,315.00 (see 2015/2016 Fees and Charges Schedule).

Considering the proposed development will utilise one of the sites existing dwellings, restricting its use a dwelling house, a credit of 10 vehicle movements per day or 3,650 per year should be applied to the estimated vehicle count.

With the above credit applied, the development is estimated to increase vehicle movements from the site by 1,310 vehicle movements per year which equate to a 35% increase in vehicle movements.

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.

As calculated above, the development is predicted to place additional demand on Council's trunk transport infrastructure (36% increase from existing dwelling use).

The developer must pay \$1,553.00 (36% of \$4,315.00) 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 (\$1,553.00)

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 the commencement of the use.

REFERRALS

Concurrence

This application did not trigger a referral to a Concurrence Agency.

Advice

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

Internal Consultation

Development Engineering

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 7 March 2016 to 24 March 2016. The applicant submitted the notice of compliance on 6 April 2016.

No submissions were received.

Although the applicant's notice of commencement/compliance stated that the notification period commenced on 4 March 2016, this was in fact the day the last action took place (newspaper advertisement) with the 15 business day notification period actually commencing the first business day after the last action (7 March 2016).

As such, the notification period lasted only 14 business days and was therefore non-compliant with section 298 of the Sustainable Planning Act 2009 (SPA).

Despite this non-compliance, section 304 of SPA allows the assessment manager (Council) to assess and decide an application if Council is satisfied any non-compliance has not -

- (a) adversely affected the awareness of the public of the existence and nature of the application; or
- (b) restricted the opportunity of the public to make properly made submissions.

In this case, it is considered the non-compliance has not affected the public's awareness of the proposal or restricted the public's opportunity to lodge a submission. This is further supported by the lack of enquiries to Council officers about the proposed development and the nil submission count.

PLANNING DISCUSSION

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

Bed & Breakfast Code

S1 Scale of Use

The function and total use area allocated and used for the bed and breakfast accommodation must not compromise the primary use of the dwelling house as a private permanent residence.

AS1.1 *The maximum number of bedrooms used to accommodate paying guests of the bed and breakfast accommodation does not exceed three (3) bedrooms; and*

Comment

The proposed development will incorporate bed and breakfast style accommodation within five (5) bedrooms of the existing dwelling and is therefore non-compliant with AS1.1.

The proposed bed and breakfast accommodation will be run in conjunction with the proposed tourist facility (retreat centre). And will accommodate a maximum of 12 guests in accordance with the AS1.3. Although the entire dwelling will be used for the retreat centre and B & B, a second dwelling exists on the subject site to be occupied by the owner/applicant.

The proposed development does not impact on the ability for a permanent resident to reside on the subject site and is therefore considered to comply with S1.

Car Parking Code

Car Parking Numbers

S9 Sufficient car parking spaces are provided to accommodate the demand likely to be generated by the use.

AS9.1 The number of car parking spaces provided for the use is in accordance with the Car Parking Schedule.

Comment

The bed and breakfast code sets out the car parking requirements for bed and breakfast accommodation which is one (1) space per bedroom, or five (5) car parks in this instance. The applicant has stated that B & B style accommodation will be provided on a casual basis where it does not impede on accommodation requirements for scheduled retreats/workshops. Considering that the eighth (8) car parking spaces provided on-site are more than adequate to cater for the casual B & B accommodation component of the development.

With regards to the retreat centre (tourist facility) the Car Parking Schedule sets out a requirement for one (1) space per 25m² of GFA up to 400m² plus 1 space per 15m² above 400m² for tourist facility uses. As it is likely that accommodation will be required for some, if not all retreat clientele, the five (5) bedrooms have been included in the GFA calculation of 290m² which equates to a requirement of 12 parking spaces. The applicant proposes to provide only eight (8) parking spaces on-site. Therefore, the development is non-compliant with AS9.1.

Given the mixed nature of the facility, the eight (8) proposed car parking spaces are likely to satisfy the demand likely to be generated by the use. As previously mentioned, casual B & B stays will only be offered where not interfering with accommodation requirements for the retreats/workshops, of which some clientele may car pool. Furthermore, casual yoga classes will primarily be offered during the week while retreats/workshops will primarily be offered over weekends.

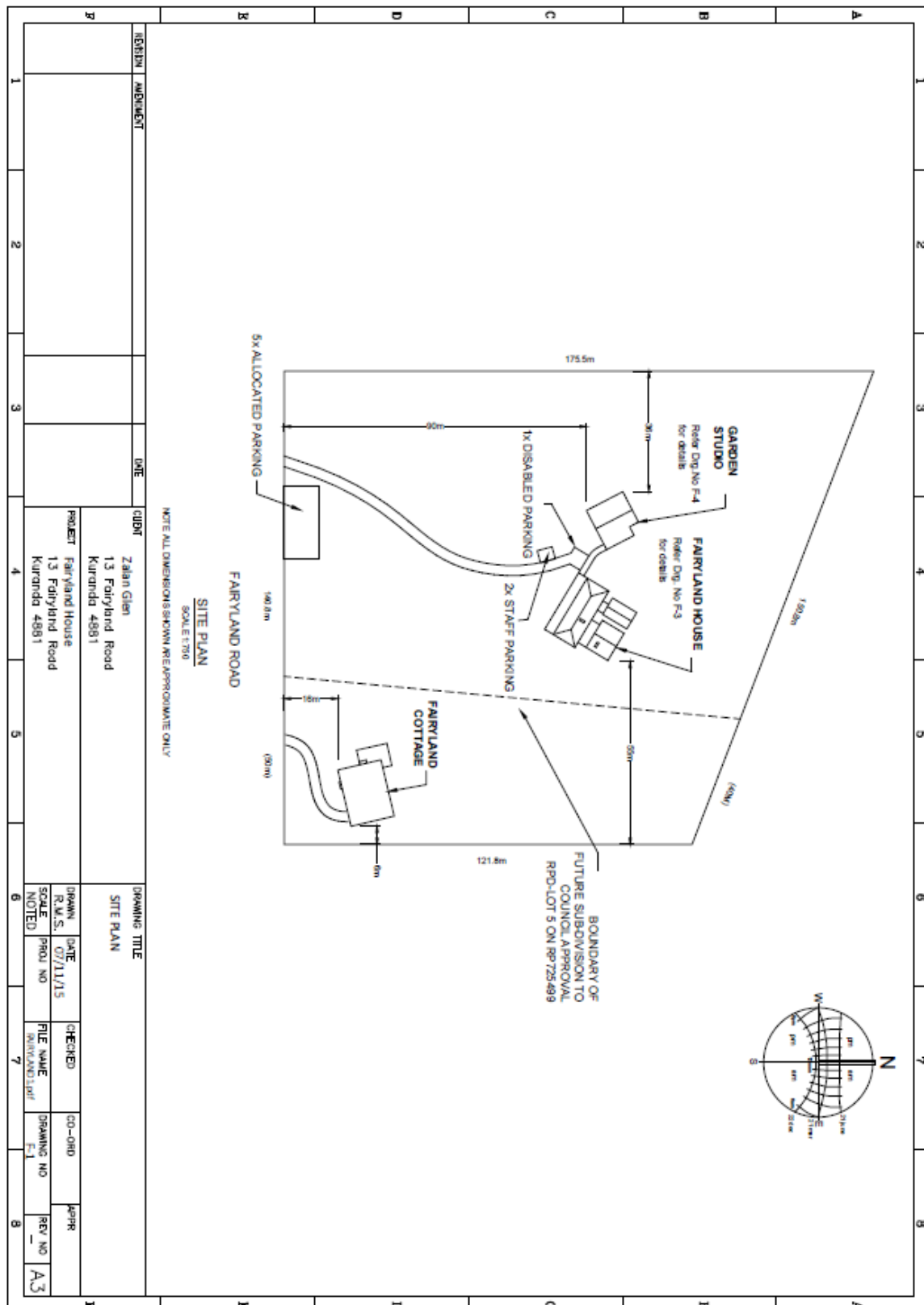
In the odd event that additional car parking is required, the subject site contains ample grassed area for spillover parking.

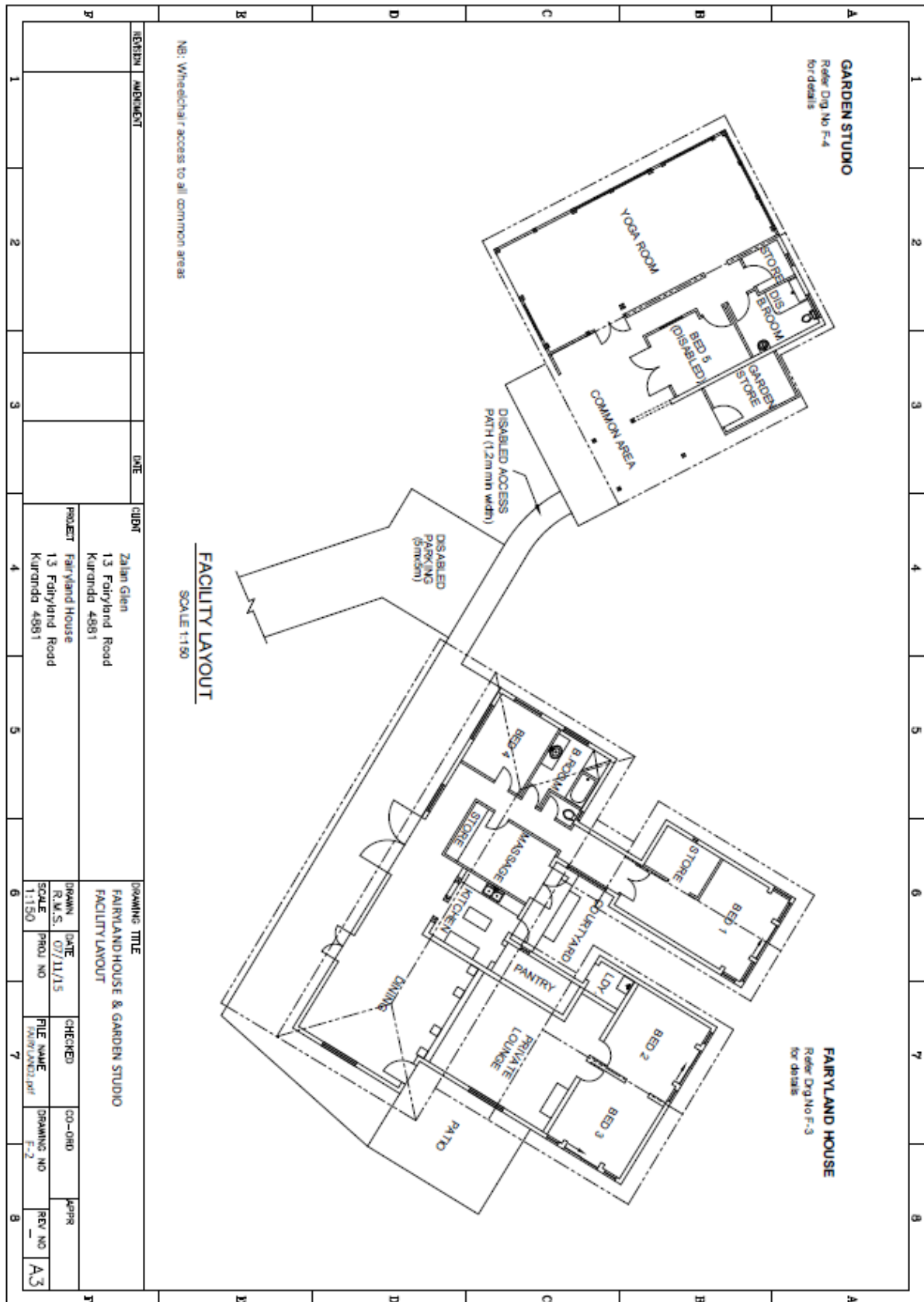
The proposed development is considered to comply with S9.

Date Prepared: 26 May 2016

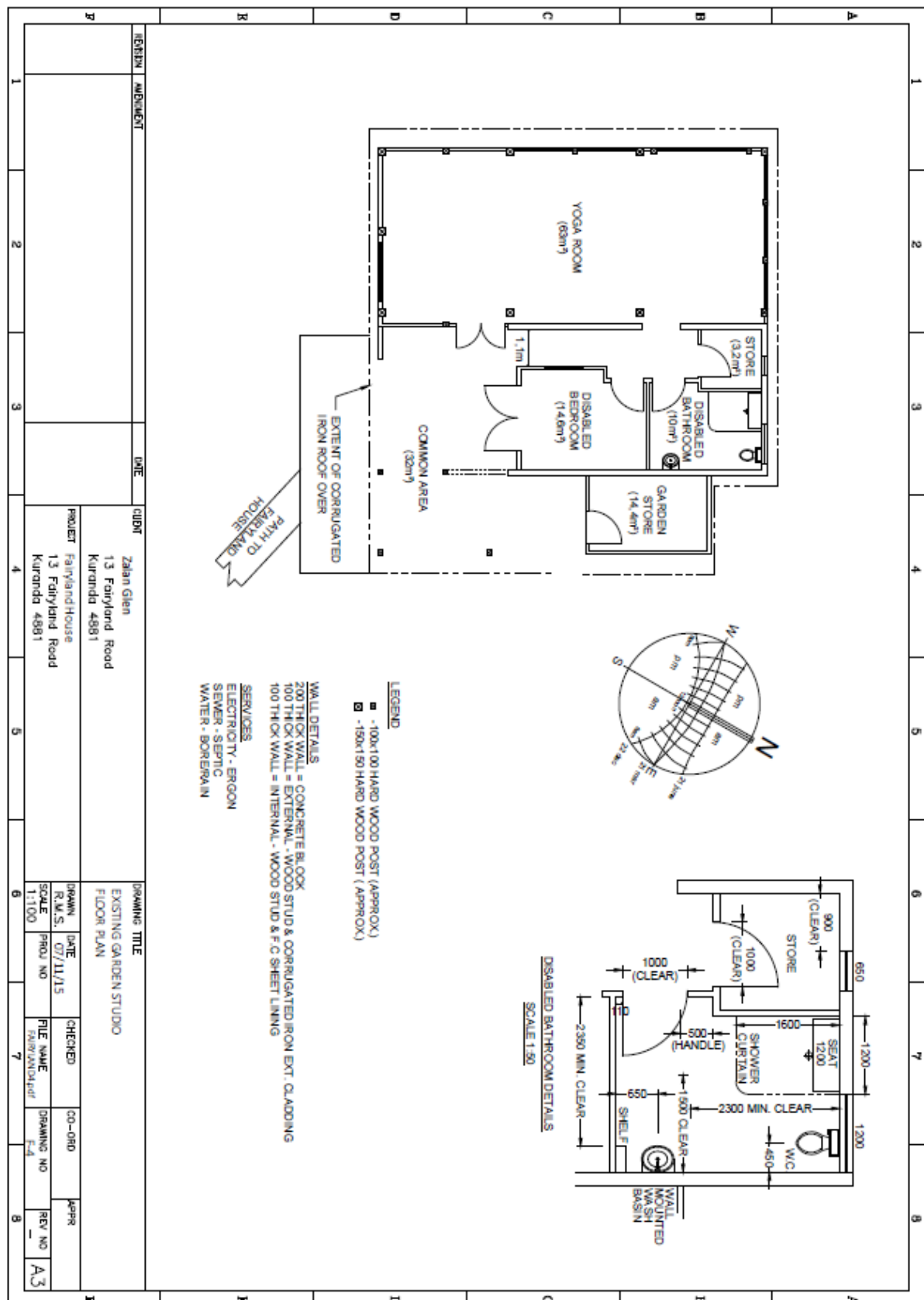
ATTACHMENT 1

APPROVED PLANS (ECM VS# 3758552)









ITEM-2 **EXTENSION TO RELEVANT PERIOD & REQUEST TO CHANGE AN EXISTING APPROVAL - J DERNE & D ROUSILLE - MCU (PRELIMINARY APPROVAL) & ROL (SUBDIVISION 1 INTO 8 LOTS) LOT 22 SP182468 - SPEEWAH RD, SPEEWAH - REC/08/0063**

MEETING: Ordinary

MEETING DATE: 4 May 2016

REPORT
AUTHOR'S TITLE: Senior Planner

DEPARTMENT: Development & Community Services

APPLICATION		PREMISES	
APPLICANT	J Derne & D Rousille	ADDRESS	Speewah Road, Speewah
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD & CHANGE OF DA LODGED	14 March 2016	RPD	Lot 22 on SP182468
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of use (Preliminary Approval Overriding the Planning Scheme) & Reconfiguring a Lot - Subdivision (1 into 8 Lots)		

FILE NO	REC/08/0063	AREA	39.7 Ha
LODGED BY	J Derne	OWNER	J Derne & D Rousille
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (amendment no. 1 of 2007)		
ZONE	Rural (Preliminary Approval - Rural Residential)		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Three (3) properly made submissions were received		

- ATTACHMENTS:**
1. Negotiated Decision Notice dated 13 April 2010
 2. Jim Papas Civil Engineering Designer's request to extend relevant period and change of development approval dated 14 March 2016
 3. Department of Infrastructure, Local Government and Planning response dated 12 April 2016

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its Ordinary Meeting held on 20 January 2010, subject to conditions. The application was impact assessable and three (3) properly made submissions were received in response to public notification of the application.

A request for a Negotiated Decision Notice was approved by Council at its Ordinary Meeting held on 7 April 2010. On 5 March 2014, Council approved a two (2) year extension to the relevant period from 13 April 2014 to 13 April 2016.

On 14 March 2016, Jim Papas Civil Engineering Designer, acting on behalf of the applicant, made application to change the development approval with regard to staging and also to request a further two (2) year extension to the relevant period.

The proposed staging would see the eight (8) lot subdivision carried out over four (4) stages which the applicants believe will improve the financial viability of the development.

Statutory Guideline 06/09 (Substantially different development when changing applications and approvals) provides assistance to the assessment manager in determining if a proposed change constitutes a substantially different development. It is considered that the proposed change/s will not result in a substantially different development and constitute a permissible change under section 367 of SPA.

An informal policy position has been established by Council whereby any request for extensions beyond the initial extension is granted for a maximum of one (1) year. A one (1) year extension would encourage the developer to act on the approval and also allow Council to reconsider the appropriateness of uncommenced development approvals on a more regular basis.

Given that a previous extension has been granted, it is recommended that the relevant period is extended for a period of one (1) year only, from 13 April 2016 to 13 April 2017. It is further recommended that the change to the development approval to include staging be approved.

OFFICER'S RECOMMENDATION

- "1. That in relation to the application to change an existing development approval and to extend the relevant period for the following development approval;*

APPLICATION		PREMISES	
APPLICANT	J Derne & D Rousille	ADDRESS	Speewah Road, Speewah
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD & CHANGE OF DA LODGED	13 February 2014	RPD	Lot 22 on SP182468
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of use (Preliminary Approval Overriding the Planning Scheme) & Reconfiguring a Lot - Subdivision (1 into 8 Lots)		

- (A) The approved plan/s of Council's Negotiated Decision Notice issued on 13 April 2010 be amended as follows:

Plan / Document Number	Plan / Document Name	Date
08/6095 (BF-3)	Proposed Reconfiguration of Lot 22 on SP182468	24/3/2009
1342-SK8 Amdt A	Preliminary Layout General Arrangement and Staging Plan	14.03.16

- (B) Additional condition 1A be included:

1A. Staging of Development

The development is to be undertaken in the following four (4) stages:

Stage 1 - 3 lots

Stage 2 - 1 lot

Stage 3 - 1 lots

Stage 4 - 3 lots

The conditions of development approval REC/08/0063 are to be complied with for each stage, to the extent necessary to service the respective stage, and prior to the endorsement by Council of the plan of survey for the respective stage, to the satisfaction of Council's delegated officer.

- (C) The relevant period be extended for *one (1) year from 13 April 2016 to 13 April 2017.*

2. A Notice of Council's decision be issued to the applicant and the Department of Infrastructure, Local Government and Planning, State Assessment and Referral

Agency (SARA) via email CairnsSARA@dilgp.gov.au (reference: SPD-0316-025951) advising of Council's decision".

THE SITE

The subject land comprises Lot 22 on SP182468, Parish of Cairns, having a total area of approximately 39.7 hectares.

Access to the land is obtained off Speewah Road. The subject land has a frontage of 414 metres onto Speewah Road, which is currently constructed to bitumen sealed standard for the entire frontage. Speewah Road is constructed to a sealed width of 5.5 metres with 1 metre wide gravel shoulders for the full frontage. The subject land also has a frontage of approximately 1650 metres onto unnamed, unconstructed road reserve to the south.

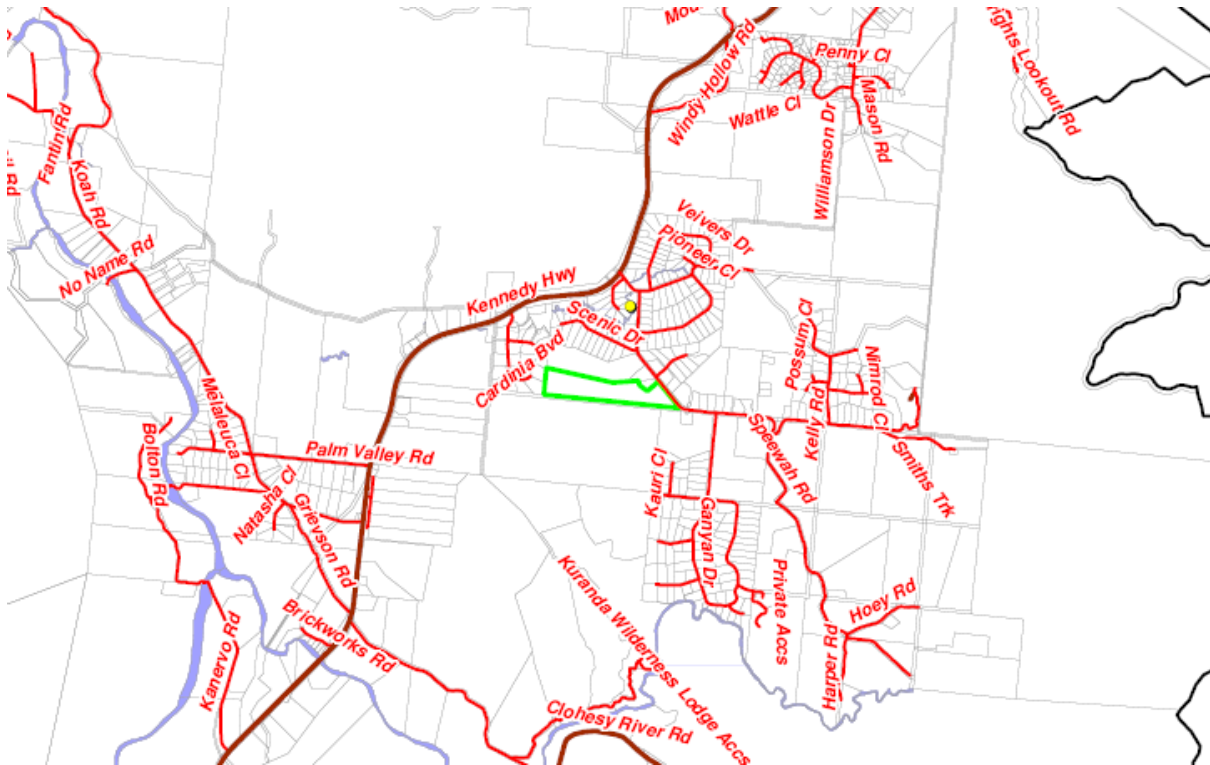
The subject land is located at the foot of two ridges of the Lamb Range that approach the lot from the south. The lot is relatively long and narrow, being 1,670 metres long along the southern boundary (the longest boundary) and 330 metres wide along the western boundary (its widest point), and is predominately characterised by a sandy plain in the central section leading to hills of metamorphic rock at the eastern and western ends. The eastern hill belongs to a ridge that forms part of the Lamb Range and terminates inside the boundary of Lot 22. This ridge also contains the highest point in Lot 22, at 490 metres above sea level. In the western section, a small set of hills rises to 450 metres.

The predominant landform in Lot 22 is the sand plain, which stretches across the lot between the high points and is dissected in the western half of the lot by an unnamed second or third order stream (a tributary of Grove Creek). This plain averages approximately 435 metres above sea level.

Almost the entire allotment is vegetated. Large parts of the block are classified as remnant vegetation. Some of the remnant vegetation is listed as 'of concern'. The allotment is identified as Category B vegetation on the Significant Vegetation Overlay Map V1. The allotment forms part of an important wildlife corridor.

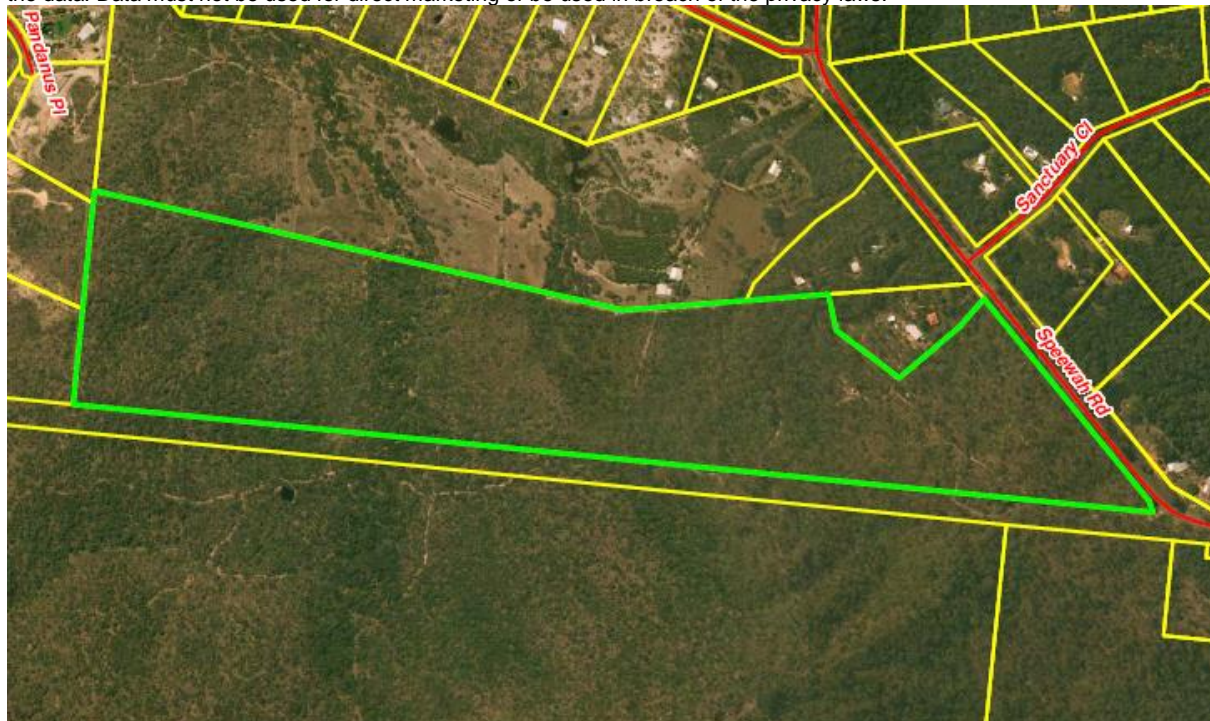
The subject site is currently vacant.

Allotments adjoining the northern and southern boundaries of the subject land are zoned Rural. The large rural property to the north has evidence of small scale agricultural use. The allotments to the south are vacant and vegetated (environmental use). Land to the east and west has been developed for Rural Residential purposes.



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

Council, at its Ordinary meeting held on 20 January 2010, approved a development application made by Victor G Feros Town Planning Consultants on behalf of the applicants for Material Change of Use (Preliminary Approval Overriding the Planning Scheme) and Reconfiguring a Lot - Subdivision (1 into 8 Lots) on land described as Lot 22 on SP182468. Parish of Cairns situated at Speewah Road, Speewah.

The preliminary approval component of the application was sought to override the subject allotments *rural* zone designation to allow for its development in accordance with the Planning Scheme's *rural residential* zone.

A request for a negotiated decision notice was approved by Council at its Ordinary Meeting held on 7 April 2010. The Negotiated Decision Notice was issued on 13 April 2010.

On 5 March 2014, Council approved a two (2) year extension to the relevant period from 13 April 2014 to 13 April 2016.

To date, no on site earthworks have commenced in relation to the approved development.

Jim Papas Civil Engineering Designer, on behalf of the applicant, has lodged an application (**Attachment 2**) to extend the relevant period of the approval for a further two (2) years from 13 April 2016 to 13 April 2018 and also seeking a change to the development approval to allow the subdivision to be undertaken in stages.

The applicant wishes to amend the approval to allow the development to proceed in the following 4 stages:

- Stage 1 - Lots 291, 292 & 293
- Stage 2 - Lot 294
- Stage 3 - Lot 295
- Stage 4 - Lots 296, 297 & 298

The applicant believes that the staging of the development will improve the overall financial viability and is more responsive to a slow development market. A decision to stage developments is typically at the discretion of the developer and Council's role is to ensure the development approval conditions are appropriately drafted to accommodate each stage.

Subject to some minor amendments to the development approval, there is no planning objection to the proposed staging.

An informal policy position has been established by Council whereby any request for extensions beyond an initial extension be granted for a maximum of one (1) year. A one (1)-year extension would encourage the developer to act on the approval and also allow Council to reconsider the appropriateness of uncommenced development approvals on a more regular basis.

Given that a previous extension has been granted, it is recommended that the relevant period be extended for a period of one (1) year only, from 13 April 2016 to 13 April 2017.

ASSESSMENT AND DECISION REQUIREMENTS

Extension to the Relevant Period - Assessment rules

Section 388 of SPA requires that Council must have regard to:

- *the consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or charges payable under chapter 8, part 1.*

Applicable Planning Instruments

If a new application was lodged for this proposal, it would be assessed against essentially the same planning instruments as was the 2008 development application, with the exception of the single State Planning Policy (SPP) which commenced on 2 December 2013.

A new application for this proposal would not be in conflict with the intent of the SPP.

Applicable Infrastructure Charges

Development Approval REC/08/0063 was not subject to fixed headworks/contributions.

Proposed Mareeba Shire Council Planning Scheme

The proposed Mareeba Shire Council Planning Scheme will place the subject land into the Rural zone.

If development approval REC/08/0063 was to lapse and a new application was to be made under the proposed planning scheme, it is probable that Council officers would recommend refusal due to the Rural zoning.

With the imminent introduction of the Mareeba Shire Council Planning Scheme, any extension should be limited to one (1) year. This provides the applicant with the reasonable opportunity to commence the development and also allows Council to reassess the appropriateness of the development approval in the event the development approval is not acted upon within the next year.

- *the community's awareness of the development approval*

The original development application was Impact Assessable and subject to public notification. Three (3) properly made submissions were received in response to public notification of the application as follows:

Two (2) of the three (3) submitters were State Government Departments (former Department of Infrastructure and Planning, and the Environmental Protection Agency) triggered under the SPA Regulations as Advice Agencies. Both Departments advised Council officer's to refuse the application, however, despite this advice; sufficient planning grounds were identified to justify the approval of the application.

The Department of Infrastructure, Local Government and Planning (formerly the Department of Infrastructure and Planning) advised Council in a response dated 12

April 2016 (**Attachment 3**) that they had no objection to the proposed change to the development approval or the further extension of the relevant period.

The third properly made submission, made by the Kuranda Envirocare Group, was considered to be comprehensively addressed during the application stage.

- *whether, if the request were refused –*
 - (i) *further rights to make a submission may be available for a further development application; and*
 - (ii) *the likely extent to which those rights may be exercised;*

A further development application would be Impact Assessable and subject to public notification. It is probable that a further development application would also attract submission/s from local environmental groups.

- *the views of any concurrence agency for the approval given under section 385.*

The original application triggered a referral to the former Department of Environment and Resource Management (now the Department of Natural Resources and Mines) as a Concurrence Agency.

The application also triggered referral to the former Department of Infrastructure and Planning (now the Department of State Development, Infrastructure and Planning), and the Environmental Protection Agency (EPA) as Advice Agencies.

On 1 July 2013, the State Assessment and Referral Agency (SARA) commenced. Under these changes, the Department of Infrastructure, Local Government and Planning is the assessment manager or referral agency for all relevant development applications and has become the single lodgement and assessment point where the State has a jurisdiction under SPA.

The Department of Infrastructure, Local Government and Planning advised in a letter dated 12 April 2016 (**Attachment 3**) that they have no objection to the further extension of the relevant period.

Permissible change for a development approval - Assessment rules

The requested changes to the development approval must constitute a *permissible change* under section 367 of SPA. For deciding whether a change is a permissible change the planning instruments in force at the time of the request apply. A permissible change to the approval would not:-

- *result in a substantially different development*

Statutory Guideline 06/09 (Substantially different development when changing applications and approvals) provides assistance to the assessment manager in determining if a proposed change constitutes a substantially different development.

The following list provided in the Statutory Guideline identifies changes that may result in a substantially different development and would therefore not be a permissible change under SPA. The list is intended as a guide and is not intended to be exhaustive.

Change may result in a *substantially different development* if the proposed change:

- Involves a new use with different or additional impacts
- Results in the application applying to a new parcel of land
- Dramatically changes the built form in terms of scale, bulk and appearance
- Changes the ability of the proposal to operate as intended
- Removes a component that is integral to the operation of the development
- Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site
- Introduces new impacts or increases the severity of known impacts
- Removes an incentive or offset component that would have balanced a negative impact of the development
- Impacts on infrastructure provision, location or demand

It is considered that the proposed change will not result in a substantially different development.

- *require referral to additional concurrence agencies*

The proposed change does not result in a development requiring referral to additional concurrence agencies.

- *for an approval for assessable development that previously did not require impact assessment – require impact assessment*

The proposed change does not result in a change to the level of assessment.

- *for an approval for assessable development that previously required impact assessment – be likely, in the responsible entity's opinion, to cause a person to make a properly made submission objecting to the proposed change if the circumstance allowed*

The original development application was Impact Assessable and subject to public notification.

The proposed change (staging of the development) will alter the timing for the completion of the development, it does not alter the form of the development. It is considered unlikely that any person would object to the proposed staging of the development.

- *cause development to which the approval relates to include any prohibited development.*

The proposed change does not include any prohibited development.

The proposed change to the development approval constitutes a *permissible change* to the approval.

Section 374 of SPA requires that Council must assess the proposed change having regard to:

- *the information the person making the request included with the request*

The details of the request to change the approval were provided by the applicant in a letter to Council dated 14 March 2016 (**Attachment 2**). The proposed changes and response are addressed in the body of this report.

- *the matters the responsible entity would have regard to if the request were a development application*

If a new application was lodged for this proposal, it would be assessed against essentially the same planning instruments as was the 2008 development application, with the exception of the single State Planning Policy (SPP) which commenced on 2 December 2013.

A new application for this proposal would not be in conflict with the intent of the SPP.

- *if submissions were made about the original application – the submissions*

The original development application was Impact Assessable and subject to public notification. Three (3) properly made submissions were received in response to public notification of the application as follows:

Two (2) of the three (3) submitters were State Government Departments (former Department of Infrastructure and Planning, and the Environmental Protection Agency) triggered under the SPA Regulations as Advice Agencies. Both Departments advised Council officer's to refuse the application, however, despite this advice; sufficient planning grounds were identified to justify the approval of the application.

The Department of Infrastructure, Local Government and Planning (formerly the Department of Infrastructure and Planning) advised Council in a response dated 12 April 2016 (**Attachment 3**) that they had no objection to the proposed change to the development approval or the further extension of the relevant period.

The third properly made submission, made by the Kuranda Envirocare Group, was considered to be comprehensively addressed during the application stage.

The proposed change (staging of the development) will alter the timing for the completion of the development; it does not alter the form of the development. It is considered unlikely that any person would object to the proposed staging of the development.

- *any notice about the request given under section 373 (notices from Concurrence Agencies) to the entity*

The original application triggered a referral to the former Department of Environment and Resource Management (now the Department of Natural Resources and Mines) as a Concurrence Agency.

The application also triggered referral to the former Department of Infrastructure and Planning (now the Department of State Development, Infrastructure and Planning), and the Environmental Protection Agency (EPA) as Advice Agencies.

On 1 July 2013, the State Assessment and Referral Agency (SARA) commenced. Under these changes, the Department of Infrastructure, Local Government and Planning is the assessment manager or referral agency for all relevant development

applications and has become the single lodgement and assessment point where the State has a jurisdiction under SPA.

The Department of Infrastructure, Local Government and Planning advised in a letter dated 12 April 2016 (**Attachment 3**) that they have no objection to the proposed change to the development approval.

- *any pre-request response notice about the request*

No pre-request response notices were received.

REQUEST TO CHANGE THE DEVELOPMENT APPROVAL

Approved Plan/s

Plan / Document Number	Plan / Document Name	Date
08/6095 (BF-3)	Proposed Reconfiguration of Lot 22 on SP182468	24/3/2009

Request by Applicant

We request that there be a change to the conditions to permit construction of the project in four (4) stages and we also request an extension to the relevant period of a further two (2) years.

The request for staging is a result of sluggish land sales in the Kuranda region which renders the development of all eight lots in the project uneconomical. Assuming that our request is granted, we expect to lodge an Operational Works Application for the first stage of the project in April 2016.

Drawing 1342SK8 attached shows the proposed staging plan.

Response

No objection is raised to the requested change to allow staging of the development. The list of approved plans should be amended to include the staging plan.

It is recommended the approved plan be amended as follows:

Plan / Document Number	Plan / Document Name	Date
08/6095 (BF-3)	Proposed Reconfiguration of Lot 22 on SP182468	24/3/2009
1342-SK8 Amdt A	Preliminary Layout General Arrangement and Staging Plan	14.03.16

Additional Condition 1A

Response

The following additional Condition 1A is necessary to establish the condition framework for the development staging.

1A. Staging of Development

The development is to be undertaken in the following four (4) stages:

Stage 1 - 3 lots

Stage 2 - 1 lot

Stage 3 - 1 lot

Stage 4 - 3 lots

The conditions of development approval REC/08/0063 are to be complied with for each stage, to the extent necessary to service the respective stage, and prior to the endorsement by Council of the plan of survey for the respective stage, to the satisfaction of Council's delegated officer.

Date Prepared: 14 April 2016

ATTACHMENT 1

Atherton Service Centre
PO Box 573, Atherton QLD 4883
Telephone: 1300 362 242

Urban & Regional Planning Group
Brian Millard, Senior Planner
Telephone: (07) 4043 4830
Facsimile: (07) 4092 3323
Email: info@trc.qld.gov.au

File Ref: REC/08/0063
Our Ref: BN:BM:kc

13 April 2010

J Deme & D Roussille
C/- Victor G Feros Town Planning Consultants
PO Box 1256
CAIRNS QLD 4870

Negotiated Decision Notice Approval

Integrated Planning Act 1997 S 3.5.17

Dear Sir/Madam

**APPLICATION FOR MATERIAL CHANGE OF USE (OVERRIDING THE PLANNING SCHEME) AND
RECONFIGURING A LOT [ONE (1) LOT INTO EIGHT (8) LOTS]
LOT 22 ON SP182468, PARISH OF CAIRNS
SITUATED AT SPEEWAH ROAD, KURANDA**

I wish to advise that at Council's Ordinary Meeting held 7 April 2010, a decision was made to issue a negotiated decision notice. This negotiated decision notice replaces the decision notice previously issued and dated 27 January 2010. The above development application was –

- Approved in full with conditions.

The conditions relevant to this approval are included in section 5 of this notice. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Nature of the changes

The nature of the changes are - *Conditions 3.8, 4.3, and 4.9.*

2. Details of the approval

The application seeks a **Preliminary Approval for Material Change of Use (overriding the Planning Scheme) & Development Permit for Reconfiguring a Lot – 1 Lot into 8 Lots made assessable by the Mareeba Shire Planning Scheme 2004.**

3. The relevant period for the approval -

The relevant periods stated in section 3.5.21 of the *Integrated Planning Act 1997* (IPA) apply to each aspect of development in this approval, as outlined below—

- Material Change of Use – four (4) years;
- Reconfiguring a Lot requiring Operational Works – four (4) years;

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If there is one (1) or more subsequent related approvals¹ for a development approval for a Material Change of Use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

4. The approved plans -

The approved plans and / or documents for this development approval are listed in the following table –

Plan / Document Number	Plan / Document Name	Date
08/6095 (BF-3)	Proposed Reconfiguration of Lot 22 on SP182468	24/3/2009

5. Conditions –**(A) DETAILS OF PREMISES AND APPROVED USE**

LOCATION:	Speewah Road, Kuranda
PROPERTY DESCRIPTION:	Lot 22 on SP182468, Parish of Cairns
AREA OF LAND:	39.7 hectares
MATERIAL CHANGE OF USE:	Preliminary Approval overriding the Planning Scheme to allow development in accordance with the Rural Residential zone
RECONFIGURING A LOT:	1 lot into 8 lots

(B) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**Preliminary Approval overriding the Planning Scheme Conditions**

- All applications for development permits must be substantially in accordance with Drawing No. 08/6095 (BF-3) dated 24 March 2009, subject to any alterations:
 - found necessary by the Chief Executive 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.
- The conditions of this preliminary approval must be complied with prior to the issue of any development permit for operational works, except where specified otherwise in these conditions of approval.
- The levels of assessment and applicable codes for all applications for development permits will be assessed in accordance with the Rural Residential zone of the Mareeba Shire Planning Scheme 2004 and the FNQROC Development Manual will be applicable to all code and self assessable development. In addition, impact assessable development will be assessed against all provisions of the Mareeba Shire Planning Scheme 2004.
- All internal and external works to the development must be designed and constructed in accordance with the FNQROC Development Manual.

¹ For the meaning of 'related approval', refer to section 3.5.21(7) of IPA

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5. A Bushfire Management Plan for the proposed allotments in accordance with the requirements of State Planning Policy 1/03 is to be prepared by a suitably qualified person. The management plan is to demonstrate that all required firebreaks and bushfire mitigation measures are able to be accommodated within the boundaries of each proposed allotment. Any lot/s that cannot accommodate the required firebreaks and bushfire mitigation measures must be amalgamated with an adjoining lot. This management plan is to be submitted to Council for approval prior to the signing and sealing of the new plan of survey.

The approved use will comply with the requirements of the Bushfire Management Plan at all times.

Development Permit - Reconfiguration into 8 Lots Conditions

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

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 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 required to be made to Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
 - 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
 - 3.5 Where approved existing buildings and structures are to be retained, setbacks to property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.

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13 April 2010

- 3.6 The applicant must provide a letter from any Concurrence Agencies confirming that their conditions have been complied with.
- 3.7 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.

3.8 Flood Immunity

The applicant/developer must provide a plan showing the extent of a 100 ARI year flood event, certified by a RPEQ (Registered Practising Engineer of Queensland) in relation to the approved building envelopes. The approved building envelopes (in accordance with Condition 3.9) must be provided at least 300mm above 100 ARI year flood levels.

3.9 Building Envelopes

- (a) The building envelopes for proposed Lots 291, 292, 294, 295, 296, 297 and 298 are to be in accordance with Areas A1 to A7 on Department of Environment and Resource Management Final RARP 2008/003878.
- (b) A plan to scale must be provided which designates a 2000m² (minimum dimensions of 40m x 30m) building envelope within proposed Lot 293.
- (c) All buildings must be located within the approved building envelopes. Prior to endorsement of the survey plan the approved building envelope area must be defined by survey markers, to the satisfaction of Council's delegated officer.

3.10 Conservation Covenant

The applicant/owner must enter into a S97A (3) (a) (i) Land Title Act Conservation Covenant with Council for all parts of the proposed allotments. The covenant shall relate to the use of those allotments and its purpose shall be vegetation and habitat preservation.

The covenant will be of a form that is acceptable to the Registrar of Titles. The covenant location and the covenant document provisions will be to the satisfaction of Council's delegated officer.

The covenant agreement shall be signed by the registered owner prior to signing of the survey plan by Council and the signed covenant shall be jointly lodged for registration with the survey plan, in the Department of Environment and Resource Management.

The covenant shall require the registered owners of the site to obtain approval of Council prior to undertaking any earthworks, clearing of vegetation, fencing or placement of water pumps and pipelines within or across the area of the Covenant. The placement of effluent waste disposal systems, building of structures and cultivation shall be specifically excluded from within the area of the Covenant. The maintenance of the area of the Covenant shall be the responsibility of the owner of the land.

Each Covenant must stipulate:

- (i) That it is for the express purpose of vegetation and habitat preservation, including the preservation of plants and the natural features of the lot;

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13 April 2010

- (ii) No construction or clearing is to take place outside the building envelopes with the exception of a single access driveway to each dwelling, where construction of the driveway within the building envelope is not possible and clearing for fire management lines and fire breaks;
- (iii) No fences are permitted on site, with the exception of a small domestic fence which does not exceed the building envelope;
- (iv) No cats are permitted on the site at any time;
- (v) To prohibit the construction of any dams or other structures or undertaking of any activities which may interrupt the natural hydrology, on any part of the site at any time; and
- (vi) Any maintenance required to be performed in respect of the Covenant Area shall be the responsibility of the lot owner.

The covenant shall be to the satisfaction of Council's delegated officer, and the applicant shall be responsible for the cost of preparation and registration of the Covenant.

3.11 Landslide

The developer must provide a site-specific geo-technical report for any building envelopes with a slope of 15% or greater, prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that demonstrates:

- The long term stability of the development site; and
- The development site will not be adversely affected by landslide activity originating on sloping land above the development site.

3.12 Bushfire Management

3.12.1 Any new dwelling erected on the subject land shall be in accordance with State Planning Policy 1/03, in particular:

- (i) Shall achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
- (ii) The dwelling should be located in the location of lowest hazard within the building envelope.
- (iii) An on-site water storage of not less than 5,000 litres, with a 50mm male camlock fire brigade fitting where necessary, is to be provided at the same time the dwelling is constructed.

3.12.2 A Bushfire Management Plan for the proposed allotments in accordance with the requirements of State Planning Policy 1/03 is to be prepared by a suitably qualified person. The management plan is to demonstrate that all required firebreaks and bushfire mitigation measures are able to be accommodated within the boundaries of each proposed allotment. Any lot/s that cannot accommodate the required firebreaks and bushfire mitigation measures must be amalgamated with an adjoining lot. This management plan is to be submitted to Council for approval prior to the signing and sealing of the new plan of survey.

The approved use will comply with the requirements of the Bushfire Management Plan at all times.

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3.13 Wildlife Spotter

A wildlife spotter is to be engaged by the applicant and is to be present on site to supervise all clearing activities to ensure all wildlife can be moved on without being injured.

3.14 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 An access crossover must be constructed (from the edge of the road pavement to the property boundary of each proposed lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.1.2 A bitumen sealed driveway (Rural Res) shall be provided within the access easement to proposed Lot 298. The driveway will:

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

4.2. Stormwater Drainage

- (i) The design and construction of stormwater drainage for the proposed subdivision is to be in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) 1992 (or as amended) and the FNQROC Development Manual. A Stormwater Management Plan, prepared and certified by a suitably qualified person, including an erosion and sediment control plan satisfying these requirements must be lodged with Council prior to the issue of a development permit for operational works and is to be to the satisfaction of Council's delegated officer.
- (ii) No net increase in stormwater discharge rate will be permitted from the Development. Where appropriate the applicant must use Water Sensitive Urban Design solutions for the management of stormwater within the subject-site.
- (iii) Council will be seeking to ensure that the stormwater drainage is incorporated and designed as a landscape feature within the open space corridors/areas. Any minor stormwater drainage corridors not part of open space areas will be required to be incorporated into the individual allotments and restricted from development by way of easements/statutory covenants.

4.3 Frontage Works - Speewah Road

NEGOTIATED DECISION NOTICE - APPROVAL7
13 April 2010

The Applicant/proponent shall upgrade the intersection of Speewah Road and the internal road for the development in accordance with the requirements of the FNQROC Development Manual and to the satisfaction of Council's delegated officer.

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

4.4 Roadworks – Internal & Unnamed Road Reserve

The internal road and the relevant section of the unnamed road reserve must be constructed to bitumen sealed Rural Road (Class <100vpd) standard in accordance with FNQROC Development Manual standards (as amended) for the applicable planning scheme area to the satisfaction of Council's delegated officer.

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

4.5 Water Supply

The applicant/developer must provide adequate water supply by water bore to each lot in accordance with Mareeba Shire Planning Scheme Policy 1 - Water Supply (Outside Reticulated Water Supply Area) to the satisfaction of Council's delegated officer.

The requirements for each bore are as follows:

- (i) Where a development is approved subject to the provision of domestic water supply from an underground source to service individual lots, water bores shall be installed in accordance with the "Minimum Construction Requirements for Water Bores in Australia" booklet as published by the Agriculture and Resource Management Council of Australia and New Zealand and to the satisfaction of Council.
- (ii) Bores must produce a minimum sustainable yield of one litre per second as determined by a 4 hour pump test in accordance with AS 2368 "Test Pumping of Water Wells" and pump test analysis, including observations of potential interference between bores, by a person qualified in groundwater hydrology.
- (iii) Water samples must be collected from the bores in accordance with AS 2368 and analysed by a N.A.T.A. registered laboratory or other laboratory as approved by Council. Water must be chemically suitable for human consumption in accordance with the "Australian Drinking Water Guidelines" issued by National Health and Medical Research Council.
- (iv) The placement of the bore must be determined by an appropriately qualified person and shall be positioned in conjunction with the placement of any on-site wastewater disposal system to be used on the allotment.
- (v) Boreholes shall be cased and sealed at its surface to prevent the inflow of contaminated surface water.
- (vi) Maximum bores casements size shall be 125mm in diameter.
- (vii) Bores shall be sunk to a minimum depth of 60 metres, or until the bore reaches bedrock.

NEGOTIATED DECISION NOTICE - APPROVAL8
13 April 2010**4.6 On-Site Wastewater Management**

The on-site effluent disposal system must be constructed on each lot generally in accordance with the report prepared by The Dirt Professionals dated 10 March 2009 in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.7 Electricity provision/supply

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

Written advice from an electricity service provider is to be provided to Council indicating that an agreement has been made for the provision of overhead power reticulation.

4.8 Telecommunications

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

4.9 Lighting

Street lighting must be provided to the intersection of Speewah Road and the internal road and at the cul-de-sac head located between proposed Lots 295 and 296 in accordance with AS1158 and FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

5. Contributions/Headworks**5.1 Roadworks Contribution**

The developer must pay a contribution for roadworks to Council in accordance with Mareeba Shire Planning Scheme Policy 6 - Augmentation of the Road Network at the rate applicable at time of payment.

5.2 Open Space/Parks Contribution

The developer must pay a contribution for open space/park to Council in accordance with Mareeba Shire Planning Scheme Policy 5 (Open Space Contributions) at the rate applicable at time of payment.

5.3 Rural Addressing

The applicant must pay a contribution per lot for provision of rural addressing.

5.4 Street Lighting Contribution

A monetary contribution must be made to Council equal to the tariff charge of two (2) years provision of street lighting for each street with the number of lights being as per the recommendation of the electricity service provider.

(C) REFERRAL AGENCY RESPONSE

Department of Environment and Resource Management conditions dated 16 July 2009.

NEGOTIATED DECISION NOTICE - APPROVAL9
13 April 2010**(D) ASSESSMENT MANAGER'S ADVICE****(a) 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.deh.gov.au.

(b) 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.derm.qld.gov.au.

(c) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with 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) Easement Documents

The Tablelands Regional Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. The applicant should contact the Urban & Regional Planning Department for more information regarding the drafting of easement documents for Council easements.

6. Other necessary development permits -

Listed below are other development permits that are necessary to allow the development to be carried out -

- Development Permit for Operational Works

7. Preliminary approval overriding the planning scheme -

A preliminary approval under section 3.1.6 of IPA has been granted and as such any development resulting from this approval will be-

- the following combination -

The following **codes apply to development** on the land resulting from this preliminary approval overriding the planning scheme -

The levels of assessment and applicable codes for all applications for development permits will be assessed in accordance with the Rural Residential zone of the Mareeba Shire Planning Scheme 2004 and the FNQROC Development Manual will be applicable to all code and self assessable development. In addition, impact assessable development will be assessed against all provisions of the Mareeba Shire Planning Scheme 2004.

6. Conflict with laws and policies and reasons for the decision despite the conflict -

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13 April 2010

That Council considers the decision conflicts with the following applicable codes/planning scheme and reasons for the decision despite the conflict:

Conflict with applicable code/planning scheme and any relevant local planning instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
Desired Environmental Outcomes	
DEO (e) <i>Agricultural and forestry resources, mining, extractive activity in the rural sector are encouraged, facilitated and protected.</i>	<p>The development of the subject land for rural residential purposes will not further compromise the achievement of this DEO. The Speewah locality already has limited suitability for agriculture, forestry, mining and new extractive industries due to the constraints imposed by remnant vegetation and extensive established rural residential development.</p> <p>The degree of conflict is insignificant due to the existing constraints.</p>
DEO (l) <i>Residential uses are consolidated in identified urban nodes, including the existing townships and settlements and the rural landscape is protected from encroachment of urban uses</i>	<p>The subject land falls within the Kuranda District Growth Node as identified Mareeba Shire Strategic Framework Map SP2. This Kuranda District Growth Node incorporates the existing rural residential development at Speewah and Mason Road, Kuranda.</p> <p>The Mareeba Shire Strategic Framework Maps SP1 and SP2 represent the broad settlement pattern intended for the Mareeba Shire. The strategic framework provides a guide for related decisions by the Council on the overall effect of Zone Codes, Overlays and Development Codes of the planning scheme on the nature and location of development in the local government area.</p> <p>A minor conflict exists due to the application proposing to develop a rural allotment for rural residential purposes. The degree of conflict is insignificant as the subject land is already surrounded by extensive rural residential development and its development for rural residential would be better described as infill rather than encroachment.</p> <p>Careful consideration has been given to the proposed lot layout to minimise the disturbance of natural values within the regional landscape.</p>
Rural Zone Code	
Overall Outcome (a) <i>that caters for a range of primary industries including forestry and aquaculture to contribute to the economic well being of the Mareeba Shire;</i>	<p>The rural zone in the Speewah locality currently has no potential for the expansion of agriculture and minimal potential for value adding to primary industries. Most of the rural zone in this locality remains covered by protected remnant vegetation which means it could not be cleared for agriculture even if Good Quality Agricultural Land was present.</p> <p>Small scale horticulture is practiced on some allotments, including the allotment immediately to the north of the subject site; however it is not likely to reach a level where conflicts would arise with neighbouring rural residential allotments.</p> <p>The degree of conflict is not significant as the land is already constrained by remnant vegetation and there are no intensive agricultural and horticultural uses occurring within 300 metres</p>

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Conflict with applicable code/planning scheme and any relevant local planning instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
	of the subject land.
Overall Outcome (b) <i>where agricultural production and the raising of animals are protected from incompatible land uses;</i>	<p>The rural zone in the Speewah locality currently has no potential for the expansion of agriculture and minimal potential for value adding to primary industries. Most of the rural zone in this locality remains covered by protected remnant vegetation which means it could not be cleared for agriculture even if Good Quality Agricultural Land was present.</p> <p>Small scale horticulture is practiced on some allotments, including the allotment immediately to the north of the subject site; however it is not likely to reach a level where conflicts would arise with neighbouring rural residential allotments.</p> <p>The degree of conflict is not significant as the land is already constrained by remnant vegetation and there are no intensive agricultural and horticultural uses occurring within 300 metres of the subject land.</p>
Overall Outcome (f) <i>that excludes residential uses unless these uses are primarily ancillary and necessary to agricultural uses;</i>	<p>The development proposes rural residential development in the rural zone. The rural zone in the Speewah locality currently has no potential for the expansion of agriculture and minimal potential for value adding to primary industries. Most of the rural zone in this locality remains covered by protected remnant vegetation which means it could not be cleared for agriculture even if Good Quality Agricultural Land was present.</p> <p>Small scale horticulture is practiced on some allotments, including the allotment immediately to the north of the subject site; however it is not likely to reach a level where conflicts would arise with neighbouring rural residential allotments.</p> <p>The degree of conflict is not significant as the land is already constrained by remnant vegetation and there are no intensive agricultural and horticultural uses occurring within 300 metres of the subject land.</p>
Rural Residential Zone Code	
Overall Outcome (c) <i>where the need to maintain a distinct boundary between the zone and rural areas, and that Rural Residential development does not extend beyond the Rural Residential zone boundaries as identified by the zoning maps;</i>	<p>The subject land falls within the Kuranda District Growth Node as identified Mareeba Shire Strategic Framework Map SP2. This Kuranda District Growth Node incorporates the existing rural residential development at Speewah and Mason Road, Kuranda.</p> <p>The Mareeba Shire Strategic Framework Maps SP1 and SP2 represent the broad settlement pattern intended for the Mareeba Shire. The strategic framework provides a guide for related decisions by the Council on the overall effect of Zone Codes, Overlays and Development Codes of the planning scheme on the nature and location of development in the local government area.</p> <p>A minor conflict exists due to the application proposing to develop a rural allotment for rural residential purposes. The degree of conflict is insignificant as the subject land is already</p>

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 13 April 2010

Conflict with applicable code/planning scheme and any relevant local planning instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
	<p>surrounded by extensive rural residential development and its development for rural residential would be better described as infill rather than encroachment.</p> <p>Careful consideration has been given to the proposed lot layout to minimise the disturbance of natural values within the regional landscape.</p>

8. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are -

For an application involving	Name of referral agency	Status	Address
RECONFIGURING A LOT			
If the reconfiguring involves land with an area of 2 ha or above, 2 or more lots are created and the size of any lot created is 25 ha or smaller, and the land contains– (i) A category 1, 2 or 3 area shown on a property map of assessable vegetation; or (ii) <u>Remnant vegetation</u>	Department of Environment and Resource Management	Concurrence	Development Application Lodgement Department of Environment and Resource Management GPO Box 15155 CITY EAST QLD 4002
If any part of the lot is situated in, or within 100m of, a <u>wetland</u> and (i) the reconfiguration results in more than 10 lots, or (ii) any lot resulting from the reconfiguring is less than 5 ha	Environmental Protection Agency	Advice	Ecoaccess Customer Services Unit Environmental Protection Agency PO Box 15155 CITY EAST QLD 4002
Preliminary Approval			
Development for which preliminary approval is sought under the IPA s3.1.6	Department of Infrastructure & Planning	Advice	Department of Infrastructure and Planning PO Box 5194 CAIRNS QLD 4870

9. Submissions -

There **were three (3)** properly made submissions about the application. In accordance with s 3.5.15(2)(j) of the IPA, the name and address of the principal submitter for each properly made submission are as follows –

Name of principal submitter	Address
1. Kuranda Envirocare	PO Box 494, Kuranda Qld 4881
2. Department of Infrastructure and Planning	PO Box 5194, Cairns Qld 4870
3. Environmental Protection Agency	PO Box 975, Atherton Qld 4883

10. Appeal rights –

In accordance with the *Integrated Planning Act 1997* you may appeal to the Planning and Environment Court. A copy of the **Implementation Note, Note 20 – Appeal and Declaratory Powers under the IPA** and the form 'Notice of Appeal' is enclosed for your information.

NEGOTIATED DECISION NOTICE - APPROVAL13
13 April 2010**11. When the development approval takes effect -**

This development approval takes effect –

- if there is a submitter and the applicant does not appeal the decision, the earlier date of either:
 - when the submitter's appeal period ends; or
 - the day the last submitter gives the Assessment Manager written notice that the submitter will not be appealing the decision.

OR

- subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

This approval will lapse if—

- for a Material Change of Use, the first change of use under the approval does not start within the relevant period stated in section 2 of this decision notice;
- for a reconfiguration, a plan for the reconfiguration is not given to the local government within the relevant period stated in section 2 of this decision notice;
- for a development approval other than a Material Change of Use or reconfiguration, the development does not substantially start within the relevant period stated in section 2 of this decision notice.

Note that in the case of a development approval for a Material Change of Use or for Reconfiguring a Lot, if there is one or more subsequent related approvals the relevant period for the Material Change of Use or reconfiguration will restart from the date of the related approval taking effect. Please refer to section 3.5.21 of IPA for further information.

Should you require any further information please contact Council's **Senior Planner, Brian Millard** on the above telephone number.

Yours faithfully

BRETT NANCARROW
MANAGER URBAN & REGIONAL PLANNING

Enclosures: Approved plan/s of development, Implementation Note, Note 20 – Appeal and Declaratory Powers under the IPA and the form 'Notice of Appeal'

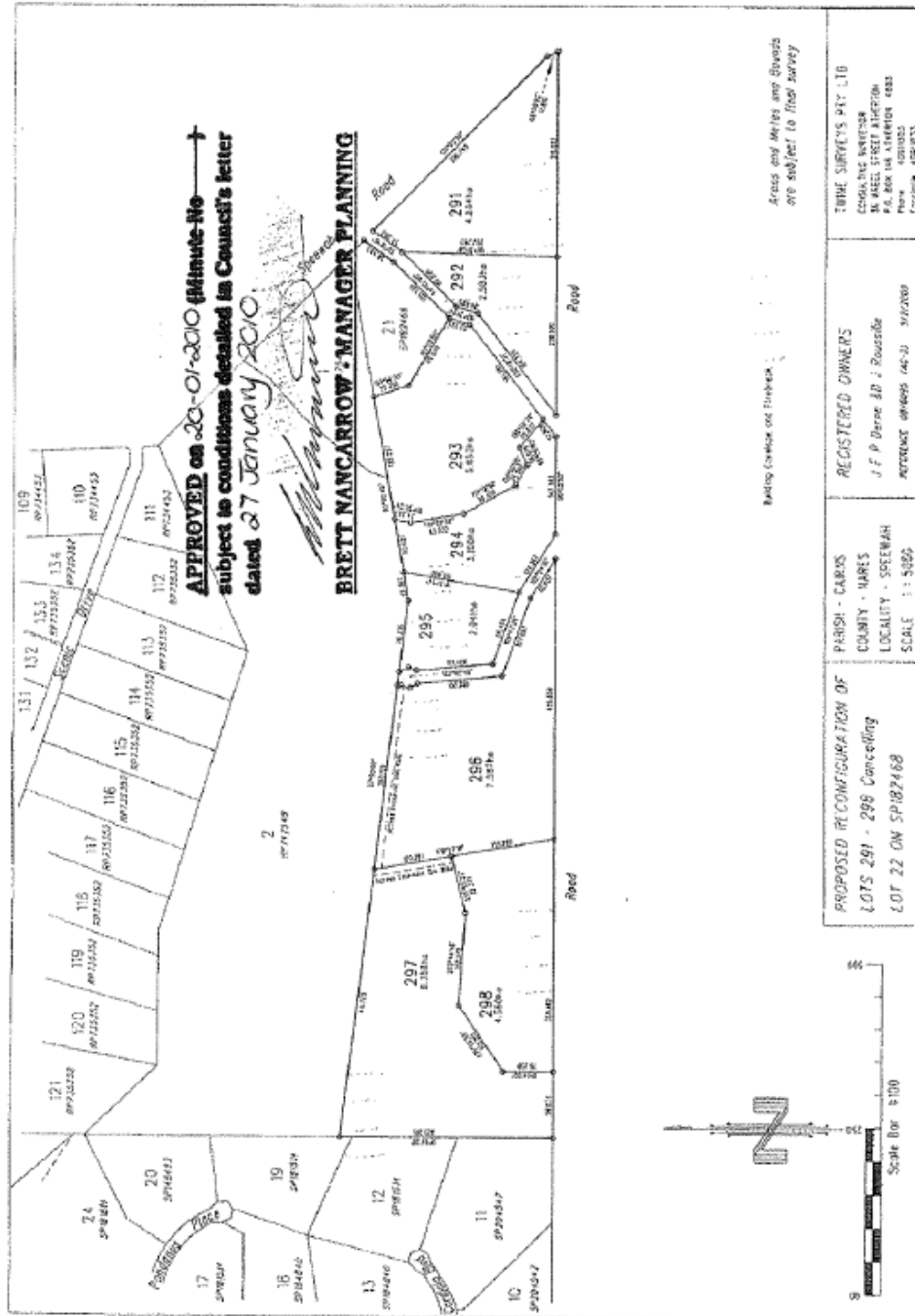
Copy: **Development Application Lodgement**
 Department of Environment and Resource Management
 GPO Box 15155
 CITY EAST QLD 4002

Ecoaccess Customer Services Unit
 Environmental Protection Agency
 PO Box 15155
 CITY EAST QLD 4002

Department of Infrastructure and Planning
 PO Box 5194
 CAIRNS QLD 4870

NEGOTIATED DECISION NOTICE - APPROVAL

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13 April 2010



NEGOTIATED DECISION NOTICE - APPROVAL15
13 April 2010Department of
Environment and Resource
ManagementAuthor : Bree Clouten
File / Ref number : 2008/003878-588693
Recfind No: TNS/026416
Trackjob No: IC0506TSV0025
Unit : Vegetation Management Unit
Phone : (07) 4799 7052

16 July 2009

Chief Executive Officer
Tablelands Regional Council
PO Box 154
Mareeba QLD 4880

Attention: Brian Millard

Dear Sir

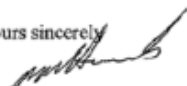
**Application for Material Change of Use and Reconfiguring a Lot on Lot on
plan 22 SP182468 - Tablelands Regional Council – Referral Agency Response**

The Department of Environment and Resource Management (acting as a Concurrence Agency), has completed the assessment of the above application against the purposes of the *Vegetation Management Act 1999* in accordance with the Concurrence Agency Policy for MCU (Concurrence-Single Issue).

The Referral Agency Response, prepared pursuant to section 3.3.16(1) of the *Integrated Planning Act 1997*, is enclosed. I look forward to receiving a copy of the decision notice for the application in due course.

Should you have any questions about the above, please contact Bree Clouten, Vegetation Management Officer, North Region, of the department on telephone number (07) 4799 7052, quoting the above reference number.

Yours sincerely

Paul Horrocks
Manager, Vegetation Management and Use
North Region

Att.

DERM Townsville
3rd Floor, State Govt Building
187-209 Stanley Street
PO Box 5318 Mc
Townsville QLD 4810
Telephone (07) 4799 7126
Facsimile (07) 4760 7436
Website www.derm.qld.gov.au
ABN 83 706 537 886

NEGOTIATED DECISION NOTICE - APPROVAL16
13 April 2010**Referral Agency Response – Material Change of Use
/ Reconfiguring a Lot***s 3.3.16 Integrated Planning Act 1997***1. Application information**

- 1.1. **Applicant's name:** Nick Hardy
- 1.2. **Property description:** 22 SP182468 - Tablelands Regional Council
- 1.3. **Assessment Manager/Reference:** REC/08/0063
- 1.4. **Date application was referred to Department:** 30 April 2008
- 1.5. **Departmental Reference:** eLVAS Case No: 2008/003878, File Ref. No: TNS/026816, Trackjob No: IC0508TSV0025
- 1.6. **Type/s of development sought by the application:**
 - Material Change of Use / Reconfiguration of a Lot

2. Concurrence Agency response:

The Chief Executive of the Department of Natural Resources and Water directs that the following conditions must be imposed on any approval given by the Assessment Manager:

- 2.1 Placement of infrastructure, excluding roads, fences and services, must only occur in Areas A1 – A7 and B1 as shown on the Referral Agency Response (Vegetation) Plan 2008/003878. Additionally, in Area B1 infrastructure must be placed to ensure no additional clearing of *of concern* remnant vegetation occurs for future essential management purposes. Essential management is defined in Schedule 10 of the *Integrated Planning Act 1997* and includes clearing for necessary firebreaks.
- 2.2 Fire break distances must be measured from the built infrastructure and be contained within Lot 22 on plan SP182468.
- 2.3 Clearing of vegetation must be performed in accordance with the Erosion and Sediment Control Strategy prepared in accordance with *Soil erosion and sediment control: engineering guidelines for Queensland construction sites* (IEAUST, 1996) and *Design erosion and sediment control measures* (Catchments and Creeks Ltd, 2002).
- 2.4 In Area C1 of the Referral Agency Response (Vegetation) Plan 2008/003878 the maximum width of clearing of native vegetation to establish a necessary fence, road or vehicular track is 5 metres. This condition does not apply to the access easement as shown on submitted plan Figure 3 Job Number 42 15653 Revision A, 2 February 2009.
- 2.5 All new lot boundaries must be located more than 10 meters from *of concern* regional ecosystems.
- 2.6 Any clearing of remnant vegetation not authorised under this application will require a development application for operational works, unless the clearing is exempt development under Schedule 8 of the *Integrated Planning Act 1997*.

3. Reasons:

IDAS Referral Agency Response

NEGOTIATED DECISION NOTICE - APPROVAL17
13 April 2010


A Statement of Reasons is attached at Schedule 1.

4. Additional comments or information:**Third Party Response – Cultural Heritage**

A search has been performed on the inventory of recorded Aboriginal cultural heritage sites over 22 on SP182468 and no Aboriginal cultural heritage notings were found. However, the Chief Executive of NRW advises all Aboriginal cultural heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorised harm. A person carrying out an activity must take all reasonable and practical measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land.

The gazetted cultural heritage Duty of Care Guidelines sets out how you can comply with the cultural heritage duty of care. An assessment of the proposed activity against the Duty of Care Guidelines will help determine whether, or to what extent, Aboriginal cultural heritage may be harmed. Upon assessment, if you believe cultural heritage may be harmed by the proposed activity, you should contact the Cultural Heritage Coordination Unit for further advice on (07) 3238 3838 or e-mail: cultural.heritage@nrw.qld.gov.au.

Further information on cultural heritage a copy of the Duty of Care Guidelines or cultural heritage search forms visit: http://www.nrw.qld.gov.au/cultural_heritage/index.html.

5. Authorised Officer Signature:
17/7/09

Paul Horrocks
Manager, Vegetation Management and use
North Region

Att. Schedule 1 – Statement of Reasons

NEGOTIATED DECISION NOTICE - APPROVAL

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 13 April 2010

eL.VAS Case No:	2008/003878
File Ref. No:	TNS/026816
Trackjob No:	IC050FTSV0025

Schedule 1

Statement of Reasons
Referral Agency Response
Application for Material Change of Use / Reconfiguring a Lot
 Nick Hardy on behalf of J Derne and D Rousille

The following Statement of Reasons is provided pursuant to s. 3.3.18(8) of the *Integrated Planning Act 1997*

Introduction

1. The Department of Natural Resources and Water (NRW) received an application from Nick Hardy on 30 April 2008.
2. The application is for MCU and RaL (Concurrence-Single/Multi Issue) on Lot 22 SP182468 - Tablelands Regional Council.
3. An Information Request was sent by registered post to the applicant on the 14 May 2008. This request disclosed information regarding performance requirements of the *Concurrence Agency Policy for Material Change of Use (MCU) / Reconfiguring a Lot (RaL) Concurrence Agency Policy 23 August 2007* and Part P of the *Regional Vegetation Management Code for Coastal Bioregions 20 November 2006*.
4. The applicant responded to the Information Request on the 17 April 2009.
5. An Assessment Report was sent to the Delegate of the Chief Executive, Mr Paul Horrocks, Manager, Vegetation Management and Use on 26 June 2009.
6. The Delegate determined the Referral Agency Response on 26 June 2009.

Evidence

1. Application dated 30 April 2008.
 - a) Completed IDAS Form 1 Part "J".
 - b) Property Vegetation Management Plan.
2. *Integrated Planning Act 1997 & Integrated Planning Regulation 1998 (Schedule 2)*
3. *Vegetation Management Act 1999*
4. *Vegetation Management (Regrowth Clearing Moratorium) Act 2009*
5. *Department of Natural Resources and Water Concurrence Agency Policy for Material Change of Use/Reconfiguring a Lot dated 23 August 2007*
6. *State Planning Policy (SPP) 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire, and Landslide.*
7. Natural Resources (IPA) Delegation (No.2) 2008
8. Aerial Photography: Orthophoto 8064-331_2006.ecw
9. eL.VAS documents 1212683, 1212687, 1212692, 1212694
10. Information Request to applicant dated 14 May 2008.
11. Response to Information Request from applicant dated 17 April 2009.
12. Assessment Report dated 12 June 2009.
13. Internal Current Title Search
14. SmartMap Information Services Version 2.3
15. Mareeba Shire Council Planning Scheme

NEGOTIATED DECISION NOTICE - APPROVAL

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13 April 2010

16. *Regional Vegetation Management Code for Coastal Bioregions 20 November 2006* (the code)
17. 1:100 000 Geoscience Australia topographic map
18. Vegetation Information Network data
19. Department of Environment and Resource Management GIS data

Findings of fact

1. The application is for a material change of use and the reconfiguration of the lot.
2. Subject lot is freehold and is zoned rural.
3. The application is assessable under Criteria Table H-2 of the MCU and RaL policy. The Policy:
 - assesses the implications of materially changing the use of and reconfiguring the lot and any future clearing of native vegetation associated with the MCU and RaL;
 - assesses the impact of any clearing that in the absence of an approval is not exempt but which may become exempt as a consequence of the approval, and
 - states that in determining whether an application meets the acceptable solution, or whether another solution provided by the applicant meets a performance requirement, the precautionary principle will be applied
4. There are no alternative sites for the MCU / RaL.
5. The subject lot has a Property Map of Assessable Vegetation
6. The subject lot contains *not of concern* and *of concern* regional ecosystems.
7. There are no wetlands on the subject lot.
8. Clearing in watercourses and within the 25m watercourse buffers is proposed.
9. An Erosion and Sediment Control Strategy prepared in accordance with *Soil erosion and sediment control: engineering guidelines for Queensland construction sites* (IEAUST, 1996) and *Design erosion and sediment control measures* (Catchments and Creeks Ltd, 2002) has been supplied by the applicant.
10. Clearing of vegetation will reduce areas of remnant vegetation to less than 200 metres. A connectivity corridor has been proposed.
11. Clearing as a result of the MCU / RaL will occur on unstable soils on slopes 0 - 25 %.
12. The geology and dominant species of the subject lot does not indicate that the area is a discharge area or contains saline soils.
13. No new clearing of *of concern* regional ecosystems will occur. No clearing of *of concern* regional ecosystems in Table 2 of the code will not occur.
14. There is no essential habitat on the subject lot.
15. The subject lot does not contain REs listed in Table 3 of the code.
16. Clearings as a result of the MCU / RaL will not occur on potential acid Sulfate soils.
20. The application meets performance requirements (PRs) 2 - 10 of Part P of the *Regional Vegetation Management Code for Coastal Bioregions 20 November 2006* with conditions.

Reasons

Performance requirements (PR) 2, 6, 7, 8, 9, 10 of the code are met with no conditions.

Performance requirements (PR) 3, 4, 5 of the code are met with conditions:

- Conditions 2.1 and 2.2 are applied to ensure clearing as a result of the MCU/RaL complies with Table H-2, no clearing of *of concern* and PR H1, no alternative site. The conditions ensure that no *of concern* regional ecosystems are cleared that cannot already be cleared under an exemption under Schedule 8 of the *Integrated*

NEGOTIATED DECISION NOTICE - APPROVAL20
13 April 2010

Planning Act 1997 or Schedule 1 of the Vegetation Management (Regrowth Clearing Moratorium) Act 2009. Condition 2.2 also limits the placement of infrastructure and associated fire break to lot 22 on plan SP182468.

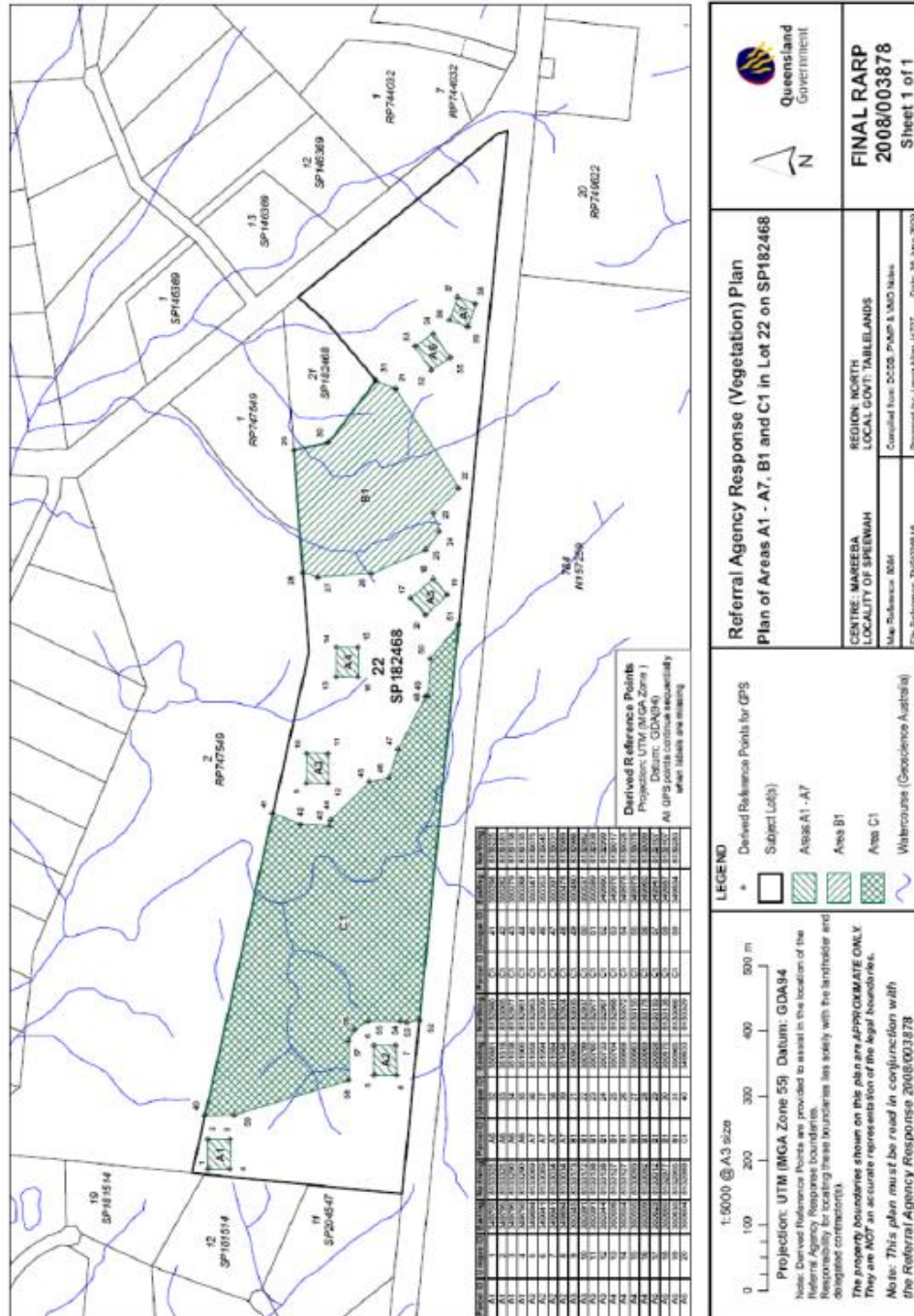
- Condition 2.3 is to ensure clearing of vegetation is undertaken in a way that maintains bank stability, water quality, aquatic habitat and terrestrial habitat, and does not result in mass movement, erosion, scalding or any associated loss of fertility or capacity, within and/or outside the lot(s) that are the subject of the application. This is to ensure the watercourses and soil erosion performance requirements are met.
- Condition 2.4 is applied to minimise the clearing of remnant vegetation to ensure the connectivity performance requirement is met.
- Condition 2.5 prevents *of concern* regional ecosystems from being cleared as a result of the placement of new lot boundaries.
- Condition 2.6 ensures no further clearing than is proposed occurs unless a development approval is sought or the clearing is exempt under the *Integrated Planning Act 1997*.

mett 17/7/09

Paul Horrocks
Manager, Vegetation Management and Use
North Region

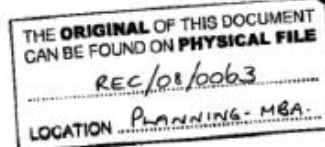
NEGOTIATED DECISION NOTICE - APPROVAL

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13 April 2010



NEGOTIATED DECISION NOTICE - APPROVAL22
13 April 2010Our Reference: RAA286
Your Reference: REC/08/0063Department of
Infrastructure and Planning

10 June 2009

The Assessment Manager
Tablelands Regional Council
Mareeba Office
PO Box 154
Mareeba Qld 4880

Attention: Brian Millard

Dear Mr Millard

**RE: Advice Agency Response**

I refer to the referral, received 29 April 2008 from Victor G Feros Town Planning Consultants regarding a development application for the following proposal:

Applicant:	J Derne and D Rousille c/- Victor G Feros Town Planning Consultants
Proposed Development:	Development application for: <ul style="list-style-type: none">▪ Preliminary approval overriding the planning scheme for a Material Change of Use for consistent use rights of the Rural Residential Zone. Development Permit for: <ul style="list-style-type: none">• Reconfiguring a Lot (1 lot into 8 Lots)
Referral Trigger:	<i>Integrated Planning Act 1997</i> Section 3.1.6 - preliminary approval overriding the planning scheme
Location:	Speewah Road, Speewah Lot 22 on SP182468
Assessment Manager:	Tablelands Regional Council
Council Reference No:	REC/08/0063

Department of Infrastructure and
Planning
P O Box 5194, Cairns Qld 4870
tel + 61 7 4039 8859
fax +61 7 4039 8866
FNQRegionPlan@dip.qld.gov.au
www.dip.qld.gov.au

NEGOTIATED DECISION NOTICE - APPROVAL23
13 April 2010

Advice to Assessment Manager

The application is proposing development that is inconsistent with the underlying land use designation identified in the former Mareeba Shire Council's *Integrated Planning Act 1997* (IPA) Planning Scheme. As a result, Council, acting assessment manager, must be satisfied that it is appropriate to depart from its policy if the policy is approved. Unless sufficient planning grounds can be demonstrated to justify an approval, the application should be refused.

In accordance with Section 3.5.6 of IPA the assessment manager may give weight to later codes, planning instruments, law and policies with regards to the assessment of applications for a Section 3.1.6 preliminary approval to override the planning scheme.

The site is within the Regional Landscape and Rural Production Area (RLRPA) under the *Far North Queensland Regional Plan 2009-2031* (Regional Plan) which came into effect from 13 February 2009. The proposal identifies uses that are generally inconsistent with the intent of the RLRPA land use category.

The *Far North Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions* (SPRP) restricts further fragmentation of land holdings in the RLRPA by setting a uniform minimum lot size of 60 hectares for rural zoned land.

The subject site also contains areas of high ecological significance. Section 1.1 of the Regional Plan outlines the objectives and land use policies for biodiversity conservation.

In accordance with Section 3.5.5A of IPA the assessment manager must assess the part of the application having regard to the region's regional plan and State planning regulatory provision.

Particular attention needs to be given to the Desired Environmental Outcomes (DEO's) of the planning scheme to ensure the proposed development does not compromise their achievement. The IPA requires that an assessment manager refuse a development application that is inconsistent with the DEO's for a planning scheme.

As an advice agency, this Department requests the assessment manager treat this response as a properly made submission in accordance with Sections 3.3.19(3)(b) and 4.1.29(1) of the IPA.

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13 April 2010

If you require any further information, please contact Ms Joanne Manson, Planner,
Northern Region Division on 4039 8859 who will be pleased to assist.

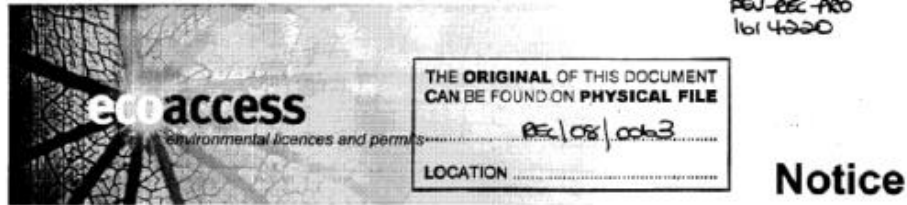
Yours sincerely



Tony Crdke
A/Manager
Northern Region Division

cc Mr Nick Hardy
Associate and Cairns Office Manager
Victor G Feros Town Planning Consultants
PO Box 1256
Cairns Qld 4870

NEGOTIATED DECISION NOTICE - APPROVAL

 25
 13 April 2010

Advice Agency Response –Wetland

This notice is issued by the Environmental Protection Agency pursuant to sections 3.3,16 and 3.3.19 of the *Integrated Planning Act 1997*.

Tablelands Shire Council
 PO Box 573
 ATHERTON QLD 4883

cc: J Derne & D Roussille
 C/- Victor Feros Town Planning Consultants
 PO Box 1256
 CAIRNS QLD 4870

Your reference : Tablelands Regional Council REC/08/0063

Our reference : TSV7787

Attention: Mr Ian Church

Dear Mr Church

Re: Advice concerning application for Preliminary approval overriding the planning scheme and Reconfiguration of Lot 22 on SP182468 into 9 Rural residential Lots. Please treat this response as a properly made submission

EPA referral number: IPAR01023208

Response type: Advice Agency Response

Date application received by EPA: 1 May 2008

ADVICE AGENCY JURISDICTION:	Item 20 of Table 3 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i> .
ASSESSMENT MANAGER REFERENCE NUMBER:	Tablelands Regional Council REC/08/0063
APPLICANT:	J Derne & D Roussille
ACTIVITY DESCRIPTION:	Application for Preliminary approval overriding the planning scheme and Reconfiguration of Lot 22 on SP182468 into 9 Rural residential lots.
DESCRIPTION OF SUBJECT LAND:	Speewah Road Kuranda.
	Lot 22 on SP182468



Page 1 of 4

NEGOTIATED DECISION NOTICE - APPROVAL26
13 April 2010**Advice Agency Response****Response to Development Application**

The EPA, acting as an advice agency under the *Integrated Planning Act 1997*, provides the following advice to the application as detailed above.

The lot includes an area of mapped wetland and five waterways.

The lot includes threatened regional ecosystems.

The application does not contain all of the information that would be required to assess this application.

A draft PMAV has been prepared which does not accurately reflect the vegetation of the lot.

Site assessment has suggested that there is no support for the areas of non-remnant that have been mapped in the PMAV. Except for small areas of disturbance at the eastern end the entire lot contains remnant vegetation. Additionally, there are changes in land zone that have not been identified, namely the extension of alluvial areas along the western tributary of Groves Creek which would result in the vegetation being a likely match for endangered Regional Ecosystem 7.3.43.

EPA advice

In its current form this application should be refused as it is an inappropriate attempt to increase settlement density in a rural land use area.

This application should also be refused as it provides no information on:

- proposed sewage disposal
- stormwater management
- setback from wetlands and waterways
- measures to protect remnant regional ecosystems.

The remnant vegetation and wetland values of the block will be compromised. Additionally, the values of off-site downstream wetland areas will also be compromised by the proposed development.

Should Council decide to approve any aspect of this development or the proposal be amended, the EPA strongly recommend the following (minimum) conditions be imposed to avoid unacceptable impacts on the on-site and downstream biodiversity values:

- An assessment be undertaken of the vegetation of the lot in conjunction with the Environmental Protection Agency to ensure accurate identification of regional ecosystems.
- A conservation covenant over all remnant vegetation be lodged prior to registering of the Plan of Survey.
- Fencing be constructed (and maintained by the individual owners), between the proposed lots and adjacent covenant area.
- No development within 50m of wetlands or waterways.
- A sediment and erosion control plan, and a stormwater management plan be developed and approved prior to operational works to protect the on-site and downstream waterways and wetlands.
- Preparation of a sewage and waste water plan which ensures that there is no release of waste water or sewage to surface or ground water of the nearby creeks.
- Specification of housing envelopes outside of remnant vegetation.

Suggested (minimum) conditions for a covenant

Page 2 of 4

NEGOTIATED DECISION NOTICE - APPROVAL27
13 April 2010**Advice Agency Response**

The applicant must provide a Statutory Covenant for Environmental Purposes (generally detailing all native vegetation is to be retained with the exception of overgrown grass and dangerous, diseased, dying or dead plants or branches), to be registered on title over those parts of the proposed lots that are not part of the building envelope required by other Conditions.

The Covenant is to be registered at the same time as the registering of the Plan of Survey with the Department of Natural Resources and Water. The covenant is required to include the following clauses:

- The covenantor must not use the land or undertake operational works or building works in a way that interferes with or destroys any endemic vegetation, including undergrowth and regrowth, in the covenant area.
- The covenantor must not use the covenant area for construction of improvements or the erection of buildings or for storage of materials or for further reconfiguration.
- The covenantor must not alter the (post Operational Works) drainage patterns of stormwater across the land or impede natural flows.
- The covenantor must not carry out any landscaping within the covenant area or allow the introduction of non-endemic plant species into the area.
- The covenantor must allow free movement of all natural wildlife in the covenant area and not allow household pets to enter the area. Vehicles must not enter into the covenant area.
- The covenantor may apply to the Council for a permit to remove vegetation that poses an immediate and severe hazard to the dwelling or the occupants of the lot.
- The covenant area must be maintained in its natural state. Garden waste and any other waste must not be disposed of or stored within this area. Overgrown grass may be removed to minimise the fire risk. Other plant material, dead or alive must not be removed as this performs a habitat function in the ecosystem.
- Existing native and mature vegetation shall only be removed with the prior written consent of the Chief Executive Officer. All vegetation proposed for removal shall be marked by the applicant /owner and approved by Council Officers prior to being removed. Council is to be notified of the proposed date of commencement of any approved vegetation clearing.

Page 3 of 4

NEGOTIATED DECISION NOTICE - APPROVAL28
13 April 2010**Advice Agency Response****Additional information for applicants**

It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware that a Notifiable Activity (as defined under Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within thirty (30) days after becoming aware the activity is being carried out, give notice to the Environmental Protection Agency. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

Yours sincerely



Signature



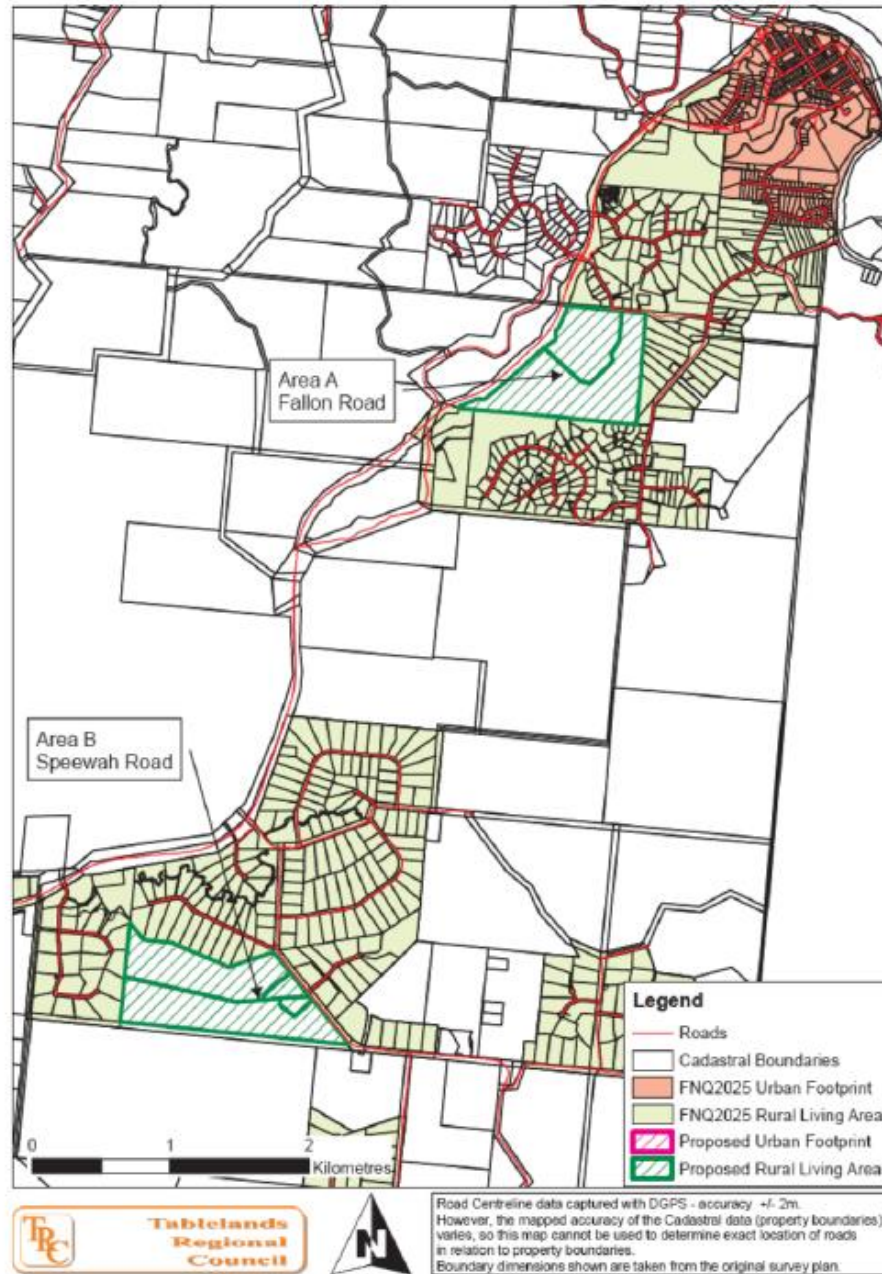
Date

Murray Whitehead
Regional Manager
Northern Region Planning
Environmental Protection Agency

Enquiries:
Bruce Wannan
Environmental Protection Agency
PO Box 975
ATHERTON QLD 4883
Telephone: 4091 8180
Facsimile: 4091 3281

Page 4 of 4

FNQ2025 Submission Map 3 - Kuranda/Speedwah



ATTACHMENT 2**Jim Papas Civil Engineering Designer**

PTY LTD. ABN 56 010 943 905. ACN 010 943 905

*Design Excellence, Exceptional Service*P URP - ROL
11 URP.

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

Attn: Mr Brian Millard

Dear Sir,



March 14, 2016
1342 L01

**RE: EXTENSION OF RELEVANT PERIOD UNDER SECTION 389 OF SPA FOR MATERIAL
CHANGE OF USE (PRELIMINARY APPROVAL OVERRIDING THE PLANNING SCHEME) &
RECONFIGURING A LOT [ONE (1) LOT INTO EIGHT (8) LOTS]
LOT 22 ON SP 182468, PARISH OF CAIRNS
SITUATED AT SPEEWAH ROAD, KURANDA.
(Your Ref. REC/08/0063 BM:kt)**

We refer your letter dated March 12, 2014, which provided an extension of the relevant period to April 13, 2016.

We request that there be a change to the conditions to permit construction of the project in four (4) stages and we also request an extension to the relevant period of a further two years.

The request for staging is a result of sluggish land sales in the Kuranda region which renders the development of all eight lots in the project uneconomical. Assuming that our request is granted, we expect to lodge an Operational Works Application for the first stage of the project in April 2016. Drawing 1342SK8 attached shows the proposed staging plan.

Since the relevant period will expire on April 13, 2016 our requested extension is to cover the construction period for Stage 1.

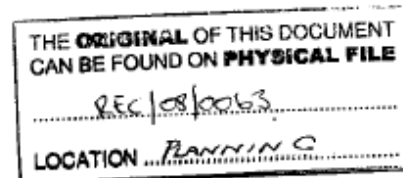
Our cheque in the sum of \$535.00 is attached being the relevant fee for this application.

We have written to the SRAA seeking approval for these requests.

We await your reply.

Yours faithfully,

JIM PAPAS
CIVIL ENGINEERING
DESIGNER PTY. LTD.


JIM PAPAS

Attachment: Dwg 1342SK8
IDAS Template for change of condition.

Please address all
correspondence to:
P.O. Box 2347,
Mareeba, Qld 4880



Email: admin@jpced.com.au
Mobile: 0408 770 394

Department of Infrastructure, Local Government and Planning

Request to change an existing approval template

(Sustainable Planning Act 2009 version 1.1 effective March 2010)

This template may be used for giving a written notice asking the responsible entity to make a permissible change to a development approval under section 369 of the *Sustainable Planning Act 2009* (SPA). It should be noted that if the responsible entity for the request has a form for the request, the request must be made using that form.

This template must be lodged with the following entity (the responsible entity) as applicable:

- if the change is to a condition imposed by a Minister under chapter 6, part 11, division 1 of SPA the template must be lodged with the Minister that imposed the condition
- if the approval was given by a Minister under chapter 6, part 11, division 2 of SPA the template must be lodged with the Minister that gave the approval
- if the change is to a condition of the approval imposed by a concurrence agency the template must be lodged with the concurrence agency
- if the approval was given by the Planning and Environment Court the template must be lodged with the Planning and Environment Court
- in all other cases the template must be lodged with the assessment manager for the original development application.

Attach extra pages if there is insufficient space on this template. Terms used in this template having the meaning given in the *Sustainable Planning Act 2009*.

1. Who is making the request?

Name/s (individual or company name in full)

Jim Papas Civil Engineering Designer Pty. Ltd.

For companies, contact name

Jim Papas

Postal address

P.O. Box 2347

Mareeba Qld 4880

Contact phone number

0408770394

Mobile number (non-mandatory)

0408770394

Fax number (non-mandatory)

None

e-mail address (non-mandatory)

admin

@ jpced.com.au

Department of Infrastructure, Local Government and Planning

2. What are the details of the existing approval sought to be changed?

Type of approval	Identification number	Date decision notice or negotiated decision notice issued	Name of entity that issued the approval or imposed the condition sought to be changed
<input checked="" type="checkbox"/> Development permit	REC/08/0063	13/04/2010	Mareeba Shire Council
<input type="checkbox"/> Preliminary approval			

3. Is the approval for a mobile and temporary environmentally relevant activity (ERA)?

- ☒ No
☐ Yes—complete table A and then go to question 5

Table A—name of each local government area in which the mobile and temporary ERA is proposed to operate/ is operating

--

4. Location of the premises (complete table B and/or table C as applicable. Identify each lot in a separate row)

Table B—street address/lot for the premises or street address/lot on plan for the land adjoining or adjacent to the premises

- ☒ street address/lot on the plan
☐ street address/lot on plan for the land adjoining or adjacent to the premises (appropriate for development in water e.g. jetty, pontoon)

Street address				Lot on plan description		Local government area (e.g. Logan, Cairns)
Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
		Speewah Road, Kuranda	4881	22	SP 18246R	Mareeba Shire Council

Department of Infrastructure, Local Government and Planning

Table C—premises coordinates (appropriate for development in remote areas, over part of a lot or in water e.g. channel dredging in Moreton Bay)						
Coordinates (note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> Other	

5. Details of the proposed change
Extension of relevant period and staging.

6. Is owner's consent required for this request? (refer to notes at the end of this form for more information)
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes—complete either table D or table E as applicable

Table D	
Name of owner of the land	
I, the above-mentioned owner of the land, consent to the making of this request.	
Signature of owner of the land	
Date	

Table E	
Name of owner of the land	
<input type="checkbox"/> The owner's written consent is attached	

Department of Infrastructure, Local Government and Planning

7. Does the request involve a state resource prescribed under the *Sustainable Planning Regulation 2009*, schedule 14? (e.g. the application involves state land, or taking quarry materials. Refer to the notes at the end of this form for more information)

- ☒ No
 ☐ Yes—the written agreement of the chief executive from whom evidence would need to be obtained under the *Sustainable Planning Act 2009*, section 254(1) must be attached.

8. Has a pre-request response notice been given for this request?

- ☒ No
☐ Yes—a copy of the pre-request response notice must be attached to this request

9. Is a copy of this request required to be given to another entity under section 372 of the *Sustainable Planning Act 2009*? (refer to notes at the end of this form for more information)

- ☒ No
☐ Yes—complete Table F

Table F	
A copy of this request has been provided to the entities identified below (provide details for each entity given a copy of the request and the date the copy was given)	
<input checked="" type="checkbox"/> Assessment manager for the original application	
<input checked="" type="checkbox"/> Concurrence agencies for the original application	
<input type="checkbox"/> Any other entity prescribed by a regulation	

10. Provide details of any other supporting information attached to this request

Plan No 1342 - Preliminary Lot Layout, General Arrangement and Staging Plan,
 Covering letter 1342 LG2

Notes for completing this template

- This template is not an approved form under the *Sustainable Planning Act 2009*. The entity responsible for deciding the request may have their own form for the purpose of making a written request to change an existing development approval. A change to an existing development approval may involve:
 - a change to an approval given by the assessment manager
 - a change to a condition imposed by a concurrence agency
 - a change to an approval given by the Minister under a Ministerial call in
 - a change to a condition imposed by the Minister under a Ministerial direction
 - a change to an approval given by the Planning and Environment Court

Department of Infrastructure, Local Government and Planning

Question 6:

- Under section 371 of the Sustainable Planning Act 2009, if the person making the request is not the owner of the land to which the approval relates, the request must be accompanied by the owner's consent.
- However, owner's consent is not required if the approval:
 - relates to land that was acquisition land to which section 263(2)(d) of the Sustainable Planning Act 2009 applied when the application for the approval was made
 - is for building work or operational work for the supply of community infrastructure on land designated for the community infrastructure, or
 - the consent of the owner would not be required under section 263(1) of the Sustainable Planning Act 2009 if a development application were made for the requested change
- Also, owners' consent is not required if the responsible entity is satisfied that:
 - the number of owners of the land make it impracticable to obtain owners' consent, and the requested change does not materially affect the owners' land, or
 - having regard to the nature of the proposed change, the owner has unreasonably withheld consent and the requested change does not materially affect the owner's land.

Question 7:

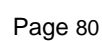
- Section 370(3) and (4) of the Sustainable Planning Act 2009 requires that if an application for the development approval were made at the time of making this request and evidence under section 264(1) of the Sustainable Planning Act 2009 would be required to support the application, this request must be accompanied by the written agreement of the chief executive from whom evidence would be required under section 264(1). (Section 264 of the Sustainable Planning Act 2009 provides that if a development involves a State resource, a regulation may require the application to be supported by certain evidence prescribed under the regulation. Schedule 14 of the Sustainable Planning Regulation 2009 prescribes the State resources for which evidence is required to be given, and the evidence required, to support the application.)

Question 9:

- Section 372 of the Sustainable Planning Act 2009 requires that a copy of the request be given to:
 - the assessment manager for the original application, if the request is made to a concurrence agency, the Minister, or the court
 - any concurrence agencies for the original application, if the request is made to the assessment manager for the original application, the Minister or the court
 - any other entity prescribed by a regulation.
- However, a copy of the request is not required to be given to an entity that has given a pre-request response notice for the request.

OFFICE USE ONLY

Date received		Reference numbers	
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ATTACHMENT 3

Department of Infrastructure,
Local Government and Planning

Our reference: SPD-0316-025951
Your reference: REC/08/0063

12 April 2016

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

Dear Sir / Madam

Notice about request for permissible change—relevant entity AND extend relevant period

Development permit for a material change of use and reconfiguring a lot on land situated at Speewah Road, Kuranda and more particularly described as Lot 22 on SP182468
(Given under section 373(1) of the *Sustainable Planning Act 2009*)

On 16 March 2016, the Department of Infrastructure, Local Government and Planning (the department) received:

- a copy of the request for a permissible change under section 372(1) of the *Sustainable Planning Act 2009* advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the *Sustainable Planning Act 2009*; and
- written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* advising the department, as a concurrence agency, of the request to extend the relevant period for a further two (2) years.

The department understands that the proposed changes are in relation to the staging of the approved development.

The department has considered the proposed changes to the development approval and advises that it has no objection to the change being made.

The department has considered the request to extend the relevant period and advises that it has no objection to the extension being approved.

SPD-0316-025951

If you require any further information, please contact Bec Turner, A/ Planning Officer, SARA Far North QLD on 4037 3208, or via email CairnsSARA@dlgp.qld.gov.au who will be able to assist.

Yours sincerely



Brett Nancarrow
A/ Manager (Planning)

**ITEM-3 APPLICATION FOR AN EXTENSION OF THE
TIMEFRAME TO PREPARE A LOCAL GOVERNMENT
INFRASTRUCTURE PLAN****MEETING:** Ordinary**MEETING DATE:** 4 May 2016**REPORT OFFICER'S
TITLE:** Senior Planner**DEPARTMENT:** Corporate and Community Services

EXECUTIVE SUMMARY

The Sustainable Planning Act 2009 (SPA) requires Mareeba Shire Council (MSC) to have adopted a Local Government Infrastructure Plan (LGIP) by 1 July 2016 unless an extension of time for the preparation of the LGIP has been granted by the Minister.

The process to prepare a LGIP is set out in the Statutory Guideline 04/14 – making and amending local planning instruments. Under this guideline, Council must resolve to make an LGIP. This step is included within this report and forms part of the resolution.

Unless a LGIP is adopted or an extension granted pursuant to S997 of SPA, the ability to impose infrastructure charges and/or trunk infrastructure conditions ceases on 1 July 2016.

MSC has prepared a proposed planning scheme for the Mareeba Shire Council local government area that is currently with the Minister awaiting approval for MSC to adopt the scheme. It is expected that the proposed planning scheme will be adopted by MSC prior to 1 July 2016.

The proposed planning scheme includes a Priority Infrastructure Plan (PIP) which at the time of its initial preparation was intended to allow for the future levying of infrastructure charges and the imposition of conditions about trunk infrastructure.

Due to the historic delays in the preparation of the proposed planning scheme and separate changes to the SPA, a PIP is no longer adequate and MSC must transition the PIP to an LGIP.

MSC is not in a position to adopt an LGIP before 1 July 2016 and is therefore required to make application to the Minister for an extension of time for the preparation of the LGIP.

The requirements for making an application for an extension to the LGIP timeframe are set out in Section 997 of SPA. The application must include:

- 1. Evidence of the Council resolution to make the application (this report); and*
- 2. A project plan that demonstrates how the Local Government will finalise the LGIP within the extension including a summary of the resources and timeframe (Attachment 1 of this report).*

Funds to develop an LGIP have been included in the proposed 2016/2017 financial year budget and the LGIP project plan provides for the completion of the LGIP prior to the extended deadline of 1 July 2018.

OFFICER'S RECOMMENDATION

"That Council:

1. Prepare a Local Government Infrastructure Plan in accordance with the requirements of the Sustainable Planning Act 2009; and
2. In accordance with section 997 of the Sustainable Planning Act 2009, apply to the Minister for Infrastructure, Local Government and Planning for an extension of time for sections 979, 982, 983 and 996 of the Sustainable Planning Act 2009 up to and including 30 June 2018."

BACKGROUND

The infrastructure planning and charging framework in Queensland has been undergoing ongoing reform since the Integrated Planning Act 1997 (IPA) introduced priority Infrastructure plans in 1998. The SPA, which replaced IPA in 2009, continued to build on the infrastructure planning and charging framework.

In 2014, various amendments were made to SPA including the requirement for Local Governments to prepare and adopt a:

1. New Adopted Infrastructure Charges Resolution (AICR) by 1 July 2015; and
2. Local Government Infrastructure Plan (LGIP), prior to 1 July 2016.

The new AICR was adopted by Council on 17 June 2015 and came into effect on 1 July 2015. It is also proposed to amend and adopt a AICR at this meeting. The AICR is an 'interim' measure until Council adopts a LGIP.

The LGIP will be Council's primary trunk infrastructure planning document, incorporating Council's planning for Water Supply, Wastewater, Transport, Stormwater and Parks trunk infrastructure networks, based on contemporary population and demand modelling.

LINK TO CORPORATE PLAN

GOV 1 - Develop an achievable long-term financial plan that underpins Council's long-term financial sustainability.

CONSULTATION

Internal

Manager Development & Governance

Manager Finance

External

Council is required to undertake public consultation on the draft LGIP in accordance with the Statutory Guideline.

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

MSC needs to apply for an extension to prepare a LGIP or accept that it will be unable to levy infrastructure charges or impose infrastructure conditions from 1 July 2016.

The LGIP project plan anticipates completion of the LGIP project in October 2017 and it is MSC's intention to aim for this completion date. Notwithstanding, it is recommended that MSC seeks an extension to 1 July 2018 to allow for any unforeseen delays.

POLICY IMPLICATIONS

The extension is required to assist Council in achieving relevant Planning Scheme policies and its corporate policy of financial sustainability.

Until a LGIP is endorsed by Council, Council's Adopted Charges Resolution establishes the infrastructure charging framework and contains the following:

- the infrastructure charge rates to be levied upon development;
- the Desired Standards of Service (DSS) for trunk infrastructure networks;
- the Infrastructure Works Schedules (SoW), including the establishment cost of trunk infrastructure items; and
- the existing and future Plans for Trunk Infrastructure (PFTI).

The AICR will remain the document upon which charges are levied, however following the adoption of the LGIP, the DSS, PFTI and SoW will then be contained within the LGIP.

The process for preparing a LGIP is set out in the *Statutory Guideline 04/14 – making and amending local planning instruments*. The *Statutory Guideline 03/14 – local government infrastructure plans* sets out what must be included in an LGIP and provides guidance on how to prepare an LGIP.

The requirements for making an application for an extension to the LGIP timeframe are set out in Section 997 of SPA.

The requirements for making an application for an extension to the LGIP timeframe are set out in Section 997 of SPA. The application must include:

1. Evidence of the Council resolution to make the application (this report); and
2. A project plan that demonstrates how the local government will finalise the LGIP within the extension including a summary of the resources and timeframe.

A copy of the project plan is included in **Attachment 1**.

After receiving the extension application the Minister will decide within twenty (20) business days whether to approve or refuse the application.

In mid May 2016, MSC will be calling for expressions of interest from suitably experienced external consultants to undertake the preparation of the LGIP. It is anticipated that an external consultant will be appointed in June 2016 and will commence work on the LGIP on 1 July 2016.

The LGIP will need to be completed before the expiry of the extended deadline.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

MSC has been aware of the need to develop an LGIP for some time and will include sufficient funds in the 2016/2017 financial year budget to finalise and adopt the LGIP into the planning scheme.

The 2016/2017 financial year budget will allow for the engagement of an external consultant, and to progress the LGIP through to completion.

Operating

NIL

Is the expenditure noted above included in the 2016/2017 budget?

Yes

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

NIL

IMPLEMENTATION/COMMUNICATION

Following adoption of the officer's recommendation, the Senior Planner will make application to the Minister for Infrastructure, Local Government and Planning for an extension of time for sections 979, 982, 983 and 996 of the Sustainable Planning Act 2009 up to and including 30 June 2018.

ATTACHMENTS

1. Project Plan for Local Government Infrastructure Plan

Date Prepared: 20 April 2016

ATTACHMENT 1

Local Government Infrastructure Plan
Project Plan

April 2016



PROJECT PLAN**LOCAL GOVERNMENT INFRASTRUCTURE PLAN****Contents**

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PROJECT PLAN**LOCAL GOVERNMENT INFRASTRUCTURE PLAN****Part 1 Project Plan Summary**

The Sustainable Planning Act 2009 (SPA) requires Mareeba Shire Council (MSC) to have adopted a Local Government Infrastructure Plan (LGIP) by 1 July 2016 unless an extension of time for the preparation of the LGIP has been granted by the Minister.

Unless a LGIP is adopted or an extension granted pursuant to S997 of SPA, the ability to impose infrastructure charges and/or trunk infrastructure conditions ceases on 1 July 2016.

MSC has prepared a proposed planning scheme for the Mareeba Shire Council local government area that is currently with the Minister awaiting approval for MSC to adopt the scheme. It is expected that the proposed planning scheme will be adopted by MSC prior to 1 July 2016.

The proposed planning scheme includes a Priority Infrastructure Plan (PIP) which at the time of its initial preparation was intended to allow for the future levying of infrastructure charges and the imposition of conditions about trunk infrastructure.

Due to the historic delays in the preparation of the proposed planning scheme and separate changes to the SPA, a PIP is no longer adequate, and MSC must transition the PIP to an LGIP.

MSC is not in a position to adopt an LGIP before 1 July 2016 and is therefore required to make application to the Minister for an extension of time for the preparation of the LGIP.

MSC has been aware of the need to develop an LGIP for some time and will include sufficient funds in the 2016/2017 financial year budget to finalise and adopt the LGIP into the planning scheme.

In mid-May 2016, MSC intends calling for expressions of interest from suitably experienced external consultants to undertake the preparation of the LGIP on behalf of MSC. The appointed external consultant will work together with MSC's planning, finance, and engineering officers to ensure effective and efficient delivery of the LGIP.

This project plan forms part of MSC's application for an extension of the LGIP preparation timeframe, outlining the remaining project tasks and expected timeline for delivery through to the LGIPs adoption. The plan also identifies the necessary management, resourcing and budgeting provisions which have been implemented in order to ensure the LGIP is finalised and adopted within the proposed timeframe.

Part 2 Project Status

The proposed Mareeba Shire Council Planning Scheme is currently with the Deputy Premier and Minister for Infrastructure, Local Government and Planning and Minister for Trade and Investment awaiting approval for MSC to adopt the scheme.

MSC expects that approval to adopt the proposed planning scheme is forthcoming and that the proposed planning scheme will be adopted by MSC prior to 1 July 2016.

The proposed planning scheme includes a PIP which has been developed over the past five years with significant input from Council officers and external consultants.

The PIP establishes the planning assumptions, priority infrastructure area, desired standards of service and plans for trunk infrastructure. A schedule of works is also included.

PROJECT PLAN**LOCAL GOVERNMENT INFRASTRUCTURE PLAN**

MSC is committed to amending the proposed Mareeba Shire Council Planning Scheme by transitioning from a PIP to an LGIP and will include sufficient funds for this purpose in the 2016/2017 financial year budget.

In mid-May 2016, MSC will be calling for expressions of interest from suitably experienced external consultants to undertake the preparation of the LGIP. It is anticipated that an external consultant will be appointed in June 2016 and will commence work on the LGIP on 1 July 2016.

Part 3 Project Structure

The LGIP project will be coordinated by MSC's Senior Planner with the assistance of the external consultant.

MSC has an established efficient and effective internal structure that provides open access between the key LGIP stakeholders, being the planning, engineering and finance departments.

This structure provides clarity of the individual responsibilities and ensures that issues related to the LGIP are given priority.

Project reporting will be managed through regular contact between all parties to confirm the project proceeds on schedule, to identify any outstanding requirements and to raise any potential issues. Regular briefings will be made to the Executive Management Team and Council.

3.1 Resources and Accountabilities

MSC's Senior Planner will coordinate the LGIP project and is the primary point of contact for the external consultant and all key stakeholders in the project.

The LGIP project is included as a task in MSC's Operational Plan 2016/17 and its delivery is the joint responsibility of the Senior Planner, Manager Finance, and Director Infrastructure Services.

The Senior Planner and an external consultant will have access to senior staff from within each infrastructure network. Commitments have been made by the Senior Planner, Manager Finance and Director Infrastructure Services that officers will be made available as required for the LGIP project as a matter of priority.

3.2 Project Reporting

The Senior Planner and the external consultant will hold weekly meetings to discuss the project status, any arising issues, and matters requiring attention by Council officers.

Regular fortnightly meetings will be held between the Senior Planner, Manager Finance, Director Infrastructure Services and where necessary, the external consultant, to ensure the LGIP project remains on schedule and any matters needing attention are promptly addressed.

The Senior Planner will provide a monthly briefing to the executive management team (EMT) outlining the LGIP project status and will seek advice from the EMT on an as needed basis.

As the LGIP project forms part of the MSC Operational Plan 2016/17, quarterly reports will be provided to Council outlining the progress made towards completion of the task.

PROJECT PLAN**LOCAL GOVERNMENT INFRASTRUCTURE PLAN****3.3 Project Budget**

MSC has been aware of the need to develop an LGIP for some time and will include sufficient funds (\$100,000.00) in the 2016/2017 financial year budget to finalise and adopt the LGIP into the planning scheme.

The 2016/2017 financial year budget will allow for the engagement of an external consultant and to progress the LGIP through to completion.

In the event that information gaps are discovered or unforeseen delays arise, further funds to complete the LGIP project will be allocated in either the 2016/2017 and/or 2017/2018 financial year budget

Part 4 Project Timeline

The project schedule included as Attachment 1 has been prepared based on expected timeframes and the Statutory Guideline 04/14 (MALPI).

The project schedule anticipates completion of the LGIP project in October 2017 and it is MSC's intention to aim for this completion date. Notwithstanding, MSC will be seeking an extension of the LGIP deadline to 1 July 2018 to allow for any unforeseen delays.

PROJECT PLAN

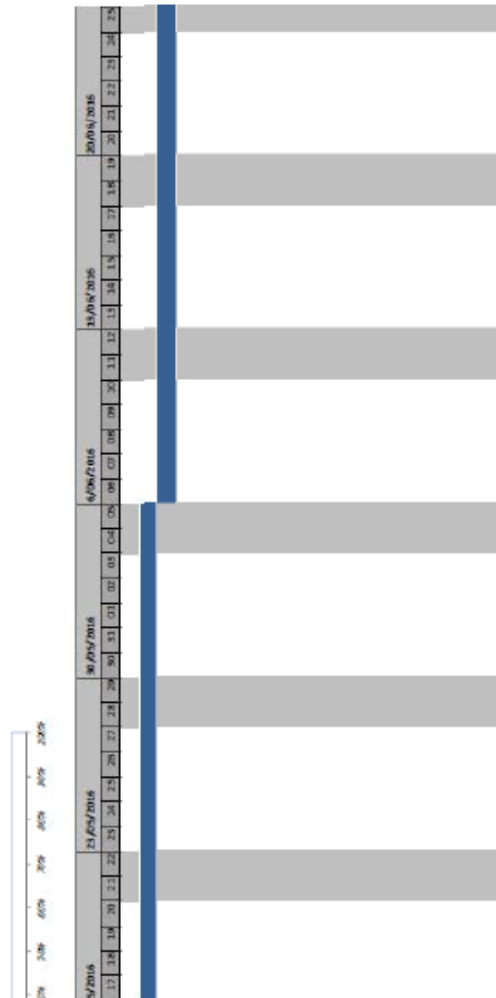
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Attachment 1

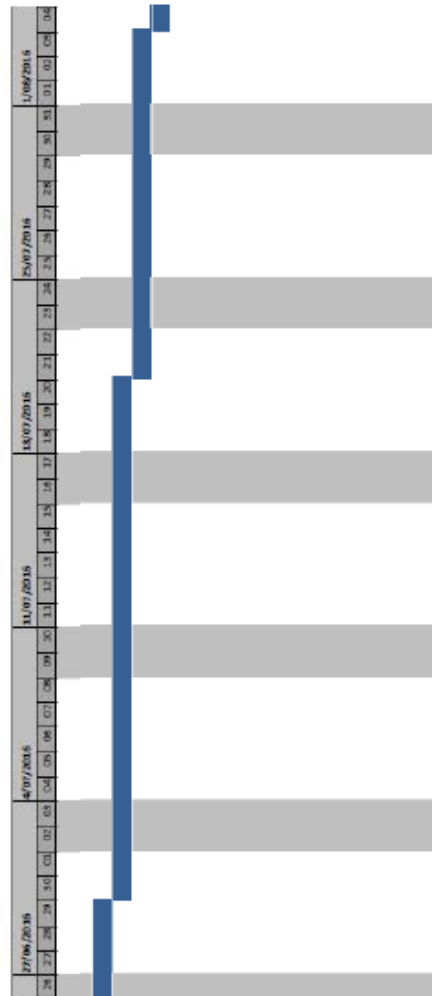


PROJECT PLAN

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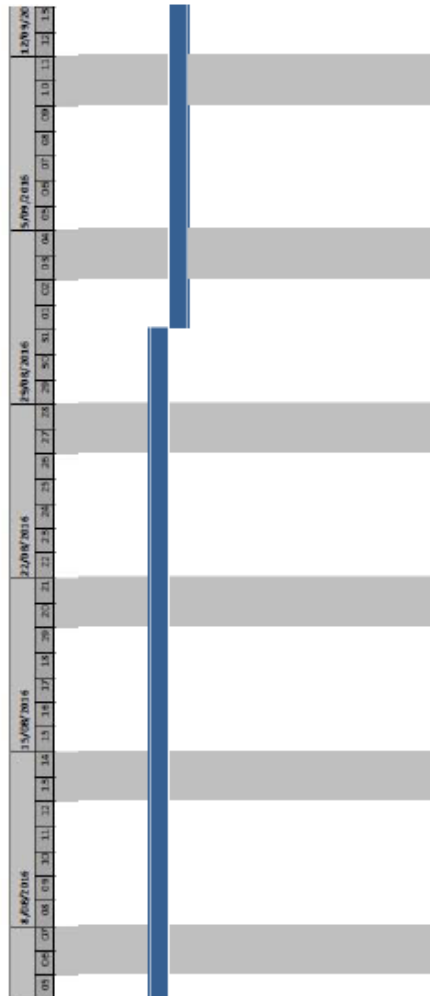


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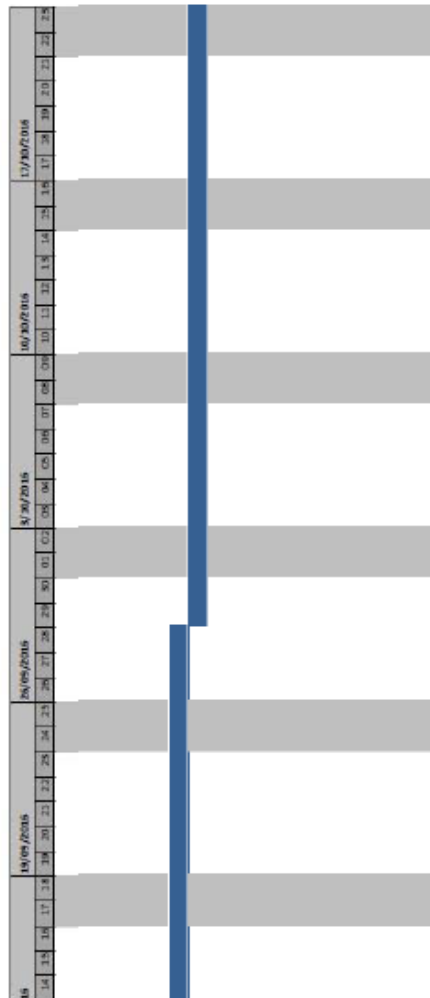
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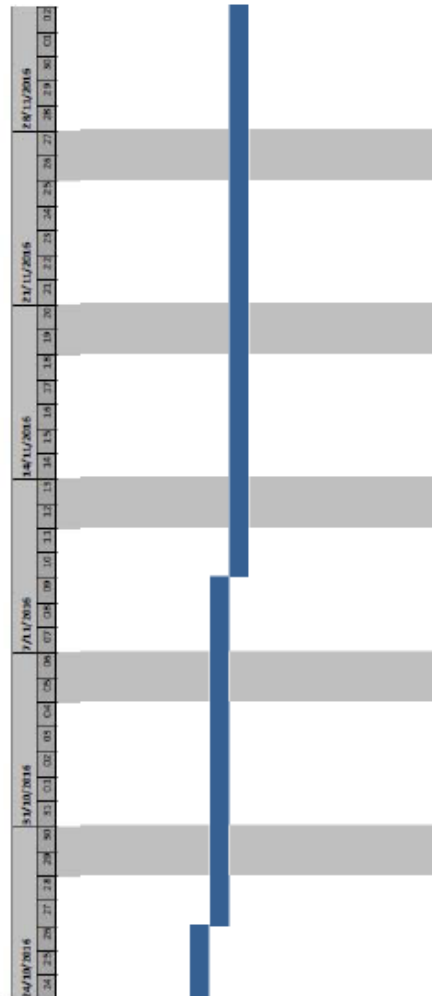
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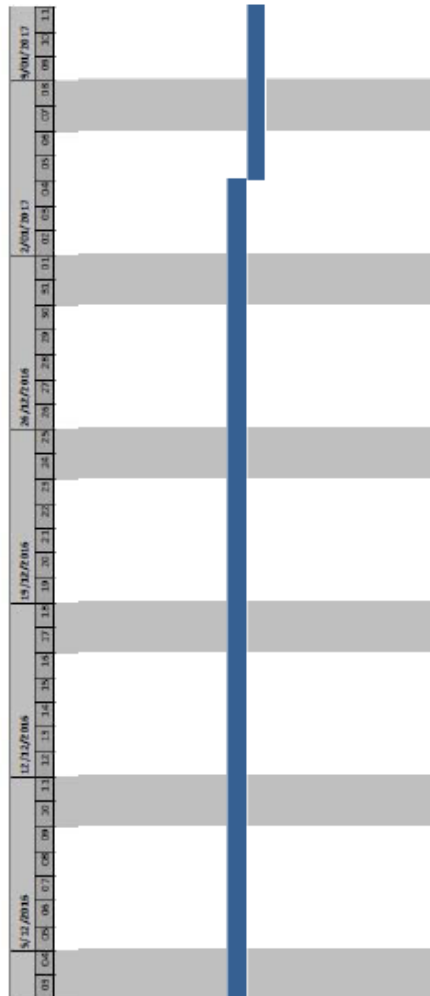


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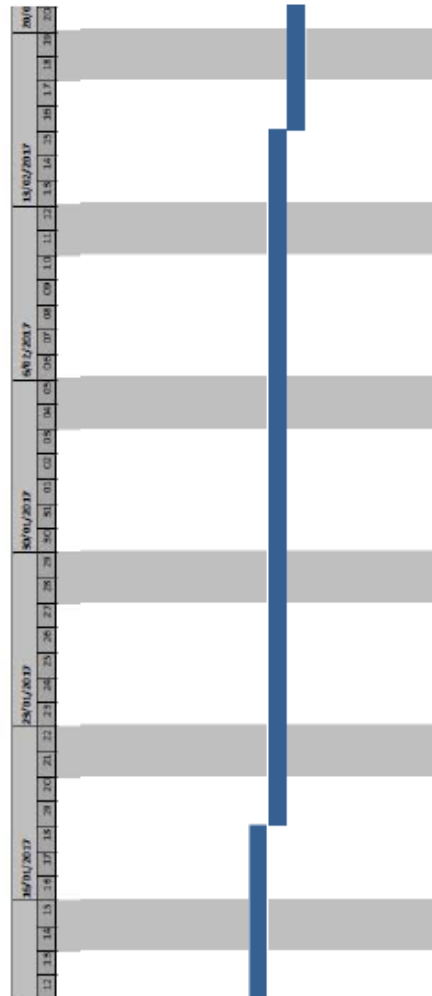
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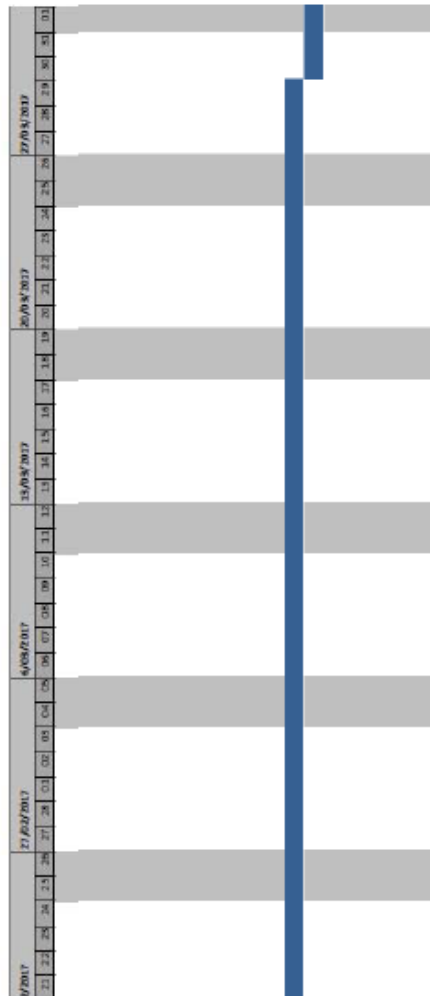


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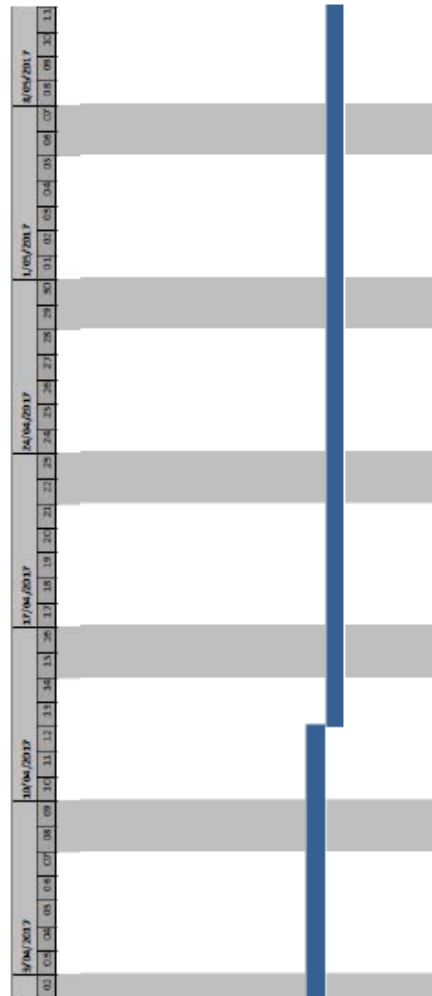


PROJECT PLAN

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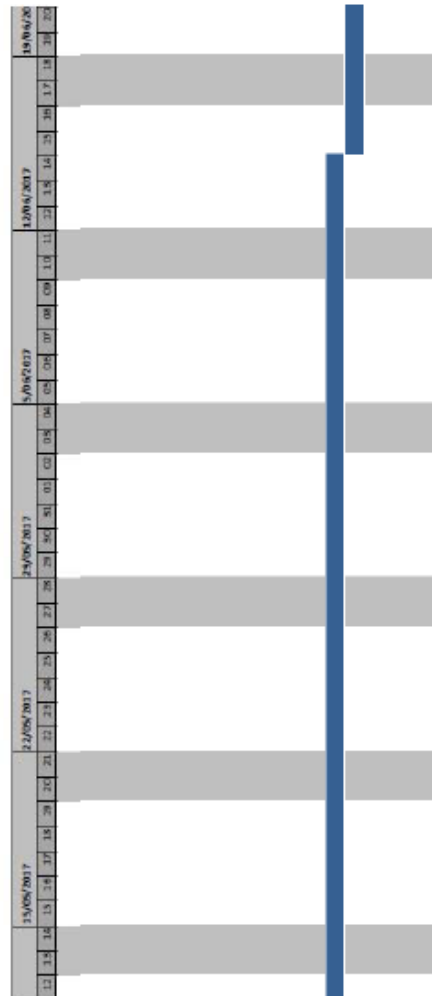


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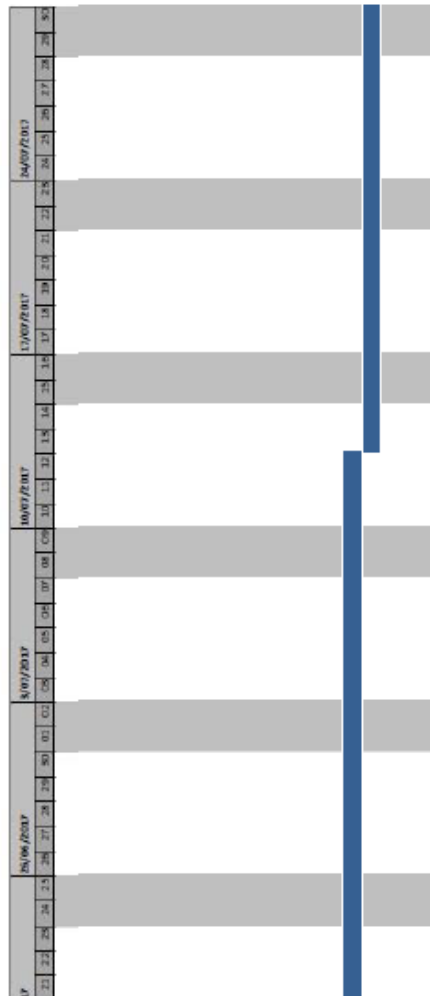
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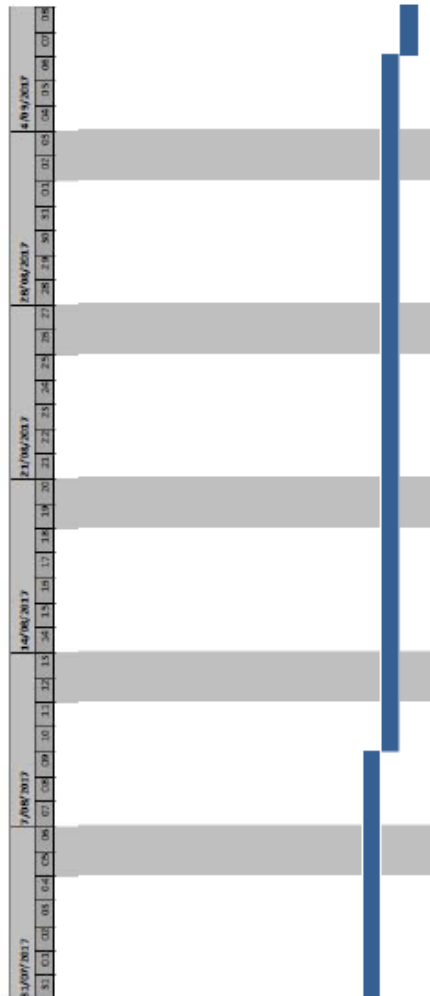
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PROJECT PLAN

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LOCAL GOVERNMENT INFRASTRUCTURE PLAN

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**ITEM-4 ADOPTED INFRASTRUCTURE CHARGES RESOLUTION
(NO.1) 2016**

MEETING: Ordinary

MEETING DATE: 4 May 2016

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

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report presents Adopted Infrastructure Charges Resolution (No.1) 2016 for Council's consideration and endorsement.

Adopted Infrastructure Charges Resolution (No.1) 2016 forms Attachment 1 of this report.

OFFICER'S RECOMMENDATION

"That Council adopt, under section 630 of the Sustainable Planning Act 2009, the Adopted Infrastructure Charges Resolution (No.1) 2016 to have effect on and from 1 July 2016."

BACKGROUND

Local governments may, by resolution, adopt charges for providing trunk infrastructure for development. They can also levy different infrastructure charge amounts for local government areas and provide for the indexation of a levied charge. In order to do this, a local government needs to pass an adopted infrastructure charges resolution (AICR) as set out in Section 631 of the Sustainable Planning Act 2009 (SPA).

Mareeba Shire Council passed *Adopted Infrastructure Charges Resolution (No.1) 2015* on 17 June 2015, and this resolution remains in effect.

As part of the preparation of the budget for the 2016/2017 financial year, Council has adopted minor increases (CPI 2.5%) to the base infrastructure charge rates.

Adopted Infrastructure Charges Resolution (No.1) 2015 is established using the base infrastructure charge rates from the 2015/2016 schedule of fees and charges. To levy the increased base infrastructure charge rates from the 2016/2017 schedule of fees and charges, Council must adopt a new AICR to have effect from 1 July 2016.

Adopted Infrastructure Charges Resolution (No.1) 2016 has been prepared for this purpose.

LINK TO CORPORATE PLAN

GOV 1 - Develop an achievable long term financial plan that underpins Council's long-term financial sustainability.

CONSULTATION

Internal
Nil

External
Nil

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

Council will not be able to levy the increased infrastructure charges if the new AICR is not adopted.

POLICY IMPLICATIONS

Adoption of the Adopted Infrastructure Charges Resolution (No.1) 2016 will allow Mareeba Shire Council to levy the increased infrastructure charges for assessable development within the priority infrastructure areas from 1 July 2016.

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

Adopted Infrastructure Charges Resolution (No.1) 2016 will be uploaded to Council's website prior to the 1 July 2016 and will have effect on and from the 1 July 2016.

ATTACHMENTS

1. Adopted Infrastructure Charges Resolution (No.1) 2016

Date Prepared: 21 April 2016

ATTACHMENT 1**Adopted Infrastructure Charges Resolution (No. 1) 2016****Mareeba Shire Council****Dated 4 May 2016****Acknowledgements**

Council wishes to thank all contributors and stakeholders involved in the development of this document.

Disclaimer

Information contained in this document is based on available information at the time of writing. All figures and diagrams are indicative only and should be referred to as such. While the Mareeba Shire Council has exercised reasonable care in preparing this document it does not warrant or represent that it is accurate or complete. Council or its officers accept no responsibility for any loss occasioned to any person acting or refraining from acting in reliance upon any material contained in this document

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Part 1 Preliminary

1.1 Short title

The adopted infrastructure charges resolution may be cited as the:
Mareeba Council Adopted Infrastructure Charges Resolution (No. 1) 2016.

1.2 Commencement

The Resolution has effect on and from 1 July 2016.

1.3 Purpose of the resolution

The purpose of the resolution is to:

- (a) adopt an infrastructure charge for funding part of the establishment cost of the following trunk infrastructure networks:
 - (i) transport network;
 - (ii) public parks and land for community facilities network;
 - (iii) stormwater network;
 - (iv) water supply network; and
 - (v) sewerage network;
- (b) stating other matters relevant to the adopted infrastructure charge;
- (c) identifying unit rates for the calculation of offsets, refunds and conversions; and
- (d) identifying trunk infrastructure.

Part 2 Relationship with State Planning Regulation

2.1 Relationship to the maximum adopted charge

- (1) This resolution adopts a charge for particular development that is equal to or less than the maximum adopted charge and adopts different charges for particular development in different parts of the local government area.
- (2) To enable the adopted infrastructure charges schedule identified in the State planning regulatory provision (adopted charges) to be applied to existing development use types, Table 2.2 below identifies the relationship between existing applicable local planning instruments use types and the classes of development to which the adopted infrastructure schedule apply.

2.2 Table – Comparison of Planning Scheme use Categories and SPRP Development Categories

Current planning scheme use categories <i>[This column is included as guidance for the non-SPA Planning Scheme].</i>	SPRP development categories	
	Adopted infrastructure charge category	Queensland Planning Provision use
Caretaker's residence, Dwelling House, Residential Units (including duplex), Worker's Cottage.	Residential	Caretaker's accommodation, Dual occupancy, Dwelling house, Dwelling unit, Multiple dwelling.
Accommodation Units, Caravan Park, Host Farm, Hotel (residential component), Motel, Motor Home Park.	Accommodation (short term)	Home based business, Nature based tourism, Non-residential workforce accommodation, Short term accommodation, Tourist park.
Retirement Village.	Accommodation (long term)	Community residence, Outstation, Relocatable home park, Residential care facility, Retirement facility, Rooming Accommodation, Rural workers' accommodation.
Community Facility, Place of Worship.	Places of assembly	Community use, Community care centre, Function facility, Funeral parlour, Place of worship.
Bulk Store, Motor Showroom - Light, Motor Showroom - Heavy.	Commercial (bulk goods)	Agricultural supplies store, Bulk landscape supplies, Garden centre, Hardware and trade supplies, Outdoor sales, Showroom.
Adult Product Shop, Business (service industries, bakeries), Drive Through Fast Food Outlet, Plant Nursery (retail), Restaurant, Shop, Service Station.	Commercial (retail)	Adult store, Bar, Food and drink outlet, Market, Resort Complex, Service industry, Service station, Shop, Shopping centre.
Business (office).	Commercial (office)	Office, Sales office.

Current planning scheme use categories <i>[This column is included as guidance for the non-SPA Planning Scheme].</i>	SPRP development categories	
	Adopted infrastructure charge category	Queensland Planning Provision use
Child Care Centre, Educational Establishment.	Education facility	Child care centre, Community care centre, Educational establishment, Environmental Facility.
Hotel (non-residential component).	Entertainment	Club, Hotel (non-residential component), Nightclub, Entertainment facility, Theatre.
Indoor Recreation Facility.	Indoor sport and recreational facility	Indoor sport and recreation.
Agribusiness, Freight Depot, Industry, Light Industry, Material Recycling Facility, Plant Hire Facility, Road Transport Terminal, Rural Industry, Transport Depot, Vehicle Repair Station, Warehouse.	Industry	Car Wash, Low impact industry, Medium impact industry, Marine industry, Research and technology industry, Warehouse, Transport depot.
Abattoir, Liquid Fuel Depot, Noxious, Offensive or Hazardous Industry, Sawmill.	High impact industry	High impact industry, Special industry.
Agriculture, Agriculture - Intensive, Animal Husbandry - General, Forestry, Wind Farm.	Low impact rural	Animal husbandry, Cropping (permanent plantations), Rural industry.
Animal Husbandry - Intensive, Aquaculture (Minor Impact), Aquaculture (Significant Impact), Plant Nursery (wholesale), Stock Selling Centre.	High impact rural	Aquaculture, Intensive animal industries, Intensive horticulture, Wholesale nursery, Winery.
Business (medical or dental practice), Hospital, Institution, Veterinary Clinic.	Essential services	Detention facility, Emergency services, Health care services, Hospital, Veterinary services.

Current planning scheme use categories <i>[This column is included as guidance for the non-SPA Planning Scheme].</i>	SPRP development categories	
	Adopted infrastructure charge category	Queensland Planning Provision use
Aircraft Facility, Car Park, Extractive Industry, Heliport, Outdoor Sport and Entertainment Facility, Passenger Transport Facility, Tourist Facility, Utility Installation, Waste Management Facility.	Specialised uses	Air services, Animal keeping, Cemetery, Crematorium, Extractive industry, Major electricity infrastructure, Major sport recreation and entertainment facility, Motor sport facility, Outdoor sport and recreation, Parking Station, Port services, Roadside stalls, Substation, Tourist attraction, Utility installation, Renewable energy facility.
Bed and Breakfast Accommodation, Communication Facility, Home Business, Home Occupation, Roadside Stall.	Minor uses	Advertising device, Landing, Telecommunication facility

Part 3 Adopted infrastructure charge

3.1 Power

This Resolution is made under Section 630 of the SPA.

3.2 Adoption

It is resolved to adopt the charges mentioned in Table 3.3, Columns 2 and 3 for development for a use mentioned in Column 1 for the part of the local government area identified in Column 4.

3.3 Table - Adopted Infrastructure Charges Schedule

Column 1	Column 2	Column 3	Column 4
Development for which an adopted infrastructure charge may apply	Adopted infrastructure charges		Part of Local Government Area (LGA) applicable within a Priority Infrastructure Area (PIA)
	Adopted infrastructure charge	Adopted infrastructure charges for stormwater network	
Residential	\$11,771 per 1 or 2 bedroom dwelling, or \$17,700 per 3 or more bedroom dwelling	N/A (Non-worsening)	All LGA within a PIA
Accommodation (short term)	For a tent or caravan in a tourist park: <ul style="list-style-type: none"> • \$6,000 per 1 or 2 tent/caravan sites, or • \$8,400 per 3 tent/caravan sites For a cabin in a tourist park: <ul style="list-style-type: none"> • \$6,000 per 1 or 2 bedroom cabin, or • \$8,400 per 3 or more bedroom cabin For a hotel or short-term accommodation: <ul style="list-style-type: none"> • \$6,000 per suite (with 1 or 2 bedrooms), or • \$8,400 per suite (with 3 or more bedrooms), or • \$6,000 per bedroom (for a bedroom that is not within a suite) 	N/A (Non-worsening)	All LGA within a PIA

Column 1	Column 2	Column 3	Column 4
Development for which an adopted infrastructure charge may apply	Adopted infrastructure charges		Part of Local Government Area (LGA) applicable within a Priority Infrastructure Area (PIA)
	Adopted infrastructure charge	Adopted infrastructure charges for stormwater network	
Accommodation (long term)	<p>For a relocatable home park:</p> <ul style="list-style-type: none"> \$11,771 per 1 or 2 bedroom relocatable dwelling site, or \$17,700 per 3 or more bedroom relocatable dwelling site <p>For a community residence, retirement facility or hostel:</p> <ul style="list-style-type: none"> \$11,771 per suite (with 1 or 2 bedrooms), or \$17,700 per suite (with 3 or more bedrooms), or \$11,771 per bedroom (for a bedroom that is not within a suite) 	N/A (Non-worsening)	All LGA within a PIA
Places of assembly	\$42 per m ² of GFA	N/A (Non-worsening)	All LGA within a PIA
Commercial (bulk goods)	\$84 per m ² of GFA	N/A (Non-worsening)	All LGA within a PIA
Commercial (retail)	\$108 per m ² of GFA	N/A (Non-worsening)	All LGA within a PIA
Commercial (office)	\$84 per m ² of GFA	N/A	All LGA within a PIA

Column 1	Column 2	Column 3	Column 4
Development for which an adopted infrastructure charge may apply	Adopted infrastructure charges		Part of Local Government Area (LGA) applicable within a Priority Infrastructure Area (PIA)
	Adopted infrastructure charge	Adopted infrastructure charges for stormwater network	
		(Non-worsening)	
Educational Facility (excluding Flying Start for QLD Children program)	\$84 per m ² of GFA	N/A (Non-worsening)	All LGA within a PIA
Entertainment	\$120 per m ² of GFA	N/A (Non-worsening)	All LGA within a PIA
Indoor sports and recreational facility	\$120 per m ² of GFA non-court areas and \$12 per m ² court area.	N/A (Non-worsening)	All LGA within a PIA
Industry (other than High impact industry)	\$30 per m ² of GFA	N/A (Non-worsening)	All LGA within a PIA
High impact industry	\$42 per m ² of GFA	N/A (Non-worsening)	All LGA within a PIA
Low impact rural	Nil charge		
High impact rural	\$12 per m ² of GFA for the high impact rural facility (e.g. washing, packaging, processing, refrigeration)	N/A (Non-worsening)	All LGA within a PIA
Essential services	\$84 per m ² of GFA	N/A (Non-worsening)	All LGA within a PIA
Specialised uses	<p>The charge will be calculated by reference to the demand of a 3 bedroom dwelling as follows:</p> <p>The Charge = Highest number of equivalent dwelling houses x adopted charge for a 3 or more bedroom dwelling house.</p> <p>Highest number of equivalent dwelling houses is calculated as follows:</p> <ul style="list-style-type: none"> Applicants must provide estimates of likely demand on each of the 		

Column 1	Column 2	Column 3	Column 4
Development for which an adopted infrastructure charge may apply	Adopted infrastructure charges		Part of Local Government Area (LGA) applicable within a Priority Infrastructure Area (PIA)
	Adopted infrastructure charge	Adopted infrastructure charges for stormwater network	
	trunk infrastructure networks. <ul style="list-style-type: none"> Council will review the Applicant's estimates of demand and based on that review either adjust or maintain them. Council will divide the demand it estimates for each network by the demand Council allows for a 3 bedroom dwelling on the respective network to determine the demand in number of equivalent dwelling houses for each network. Council will select the highest number of equivalent dwelling houses from the previous calculation. 		
Minor uses	Nil Charge		
Other uses	The maximum adopted charge is the charge (in column 2 and 3) for the charge category (in column 1) that the Council decides should apply for the use at the time of assessment.		

Note:

- (1) For short-term accommodation the total charge shall not exceed the maximum calculated in accordance with Column 3, in Schedule 1 – Adopted infrastructure charges schedule of the State planning regulatory provision (adopted charges)
- (2) Refer to Sections 8.1 and 8.2 of this resolution for definitions.
- (3) If any of the above are calculated above the State Governments Maximum charge, then the maximum charge applies.

3.4 Priority infrastructure maps

The area in which the adopted infrastructure charges apply is identified as the priority infrastructure area on the priority infrastructure maps attached to this resolution.

3.5 Partial funding of trunk infrastructure networks

The adopted infrastructure charge partly funds the establishment cost of the identified trunk infrastructure networks.

3.6 Other legislative exclusions

The adopted infrastructure charge applies to the local government area other than for the following:

- (a) work or use of land authorised under the *Mineral Resources Act 1989*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004* or the *Greenhouse Gas Storage Act 2009*; or
- (b) development in a priority development area under the *Economic Development Act 2012*.

Part 4 trunk infrastructure

4.1 Trunk Infrastructure

- (1) Infrastructure identified in the maps or text of the plans for trunk infrastructure is trunk infrastructure, or
- (2) Infrastructure described in Table 4.2

4.2 Table - Definition of Trunk Infrastructure

Infrastructure network	Trunk infrastructure	Non-trunk infrastructure
Water Supply	Land or works for: <ul style="list-style-type: none"> • Water treatment facilities • Water storage facilities (e.g. Reservoirs) • Water mains • Pumping Stations located on water mains • Pumping stations located on water mains • Chlorination equipment located on water mains • Meters, valves, control and monitoring systems located on water mains • Fire fighting devices located on water mains 	Development infrastructure internal to a development or to connect a development to external infrastructure network
Sewerage	Land or work for: <ul style="list-style-type: none"> • Sewage treatment plant systems • Gravity sewers • Rising mains • Pumping stations • Emergency storage 	Development infrastructure internal to a development or to connect a development to the external infrastructure network
Stormwater	Land or works for: <ul style="list-style-type: none"> • the following stormwater infrastructure <ul style="list-style-type: none"> — Bio-retention swale — Channel — Culvert — Pipe — Revegetation — Stormwater quality devices — Retention basin/wetland 	Development infrastructure internal to a development or to connect a development to the external infrastructure network

	— Detention basin	
Transport	<p>Land or works for:</p> <ul style="list-style-type: none"> Collector and higher order roads including associated intersections, traffic lights, roundabouts, bridges and culverts Standard items associated with the road profile of a local government road, including kerb and channeling, lighting, signage, foot and cycle paths and basic verge plantings Pedestrian and cycle paths with perform a city wide or district function Bus stops constructed as part of a local government road specified above. 	Development infrastructure internal to a development or to connect a development to the external infrastructure network
Public parks and land for community facilities	<p>Land or works that ensure the land is suitable for public parks for:</p> <ul style="list-style-type: none"> — local recreation park — district recreation park — Metropolitan recreation park — district sporting park — metropolitan sporting park <p>Land, and works that ensure the land is suitable for development, for local community facilities such as community halls, public recreation centres and public libraries</p> <p>Embellishments, including footpath and cycle paths, necessary to make and the land useable and safe for the intended purpose.</p>	Development infrastructure internal to a development or to connect a development to the external infrastructure network

4.3 Standard of Service

The standard of service for each network or network mentioned above is stated to be the standard set out in attachment 4.3.

4.4 Establishment cost

The establishment cost of future trunk infrastructure items is the cost shown in attachment 4.4.

Part 5 Calculation of Adopted Infrastructure Charge

5.1 Calculation

An infrastructure charge that is levied by Council is calculated as follows:

$$TC = [AC - C] \times I$$

Where:

TC - is the total infrastructure charge that may be levied by Council.

AC - is the adopted charge as identified in 3.3 Table Adopted Charges.

C - is the credit calculated in accordance with section 5.2.

I - is the indexation rate calculated in accordance with section 5.3.

5.2 Additional Demand

- (1) A credit is the amount to be applied for the purposes of calculating an infrastructure charge which takes into account the existing use of premises the subject of a development approval.
- (2) The maximum value of a credit for a premises will not exceed the levied infrastructure charge for the approved development, so that for any development, if a credit is higher than the levied infrastructure charge, a refund will not occur.
- (3) In accordance with s. 636 of the Sustainable Planning Act 2009, a credit will be applied for the following:
 - (a) an existing use on the premises if the use is lawful and already taking place on the premises;
 - (b) a previous use that is no longer taking place on the premises if the use was lawful at the time it was carried out; or
 - (c) other development on the premises if the development may be lawfully carried out without the need for a further development permit.

5.3 Indexing adopted charges

It is resolved to index the adopted charges by the Producer Price Index annually on 1 July. Indexation of adopted charges, between the levying and payment of the charge, cannot result in a charge which is greater than the maximum adopted charge in the SPRP (adopted charges); or result in a charge that is greater than the increase for the PPI index for the period starting on the day the charge was levied and ending on the day it is paid, adjusted by reference to the 3-yearly PPI index average.

Part 6 Establishment Cost

6.1 Method for recalculating the establishment cost

The process used to recalculate establishment cost when an application is made under section 657 of the SPA is:

- (1) Where a notice is given by an applicant under s. 657 of the Sustainable Planning Act 2009 for the recalculation of the establishment cost for trunk infrastructure, the applicant must, at their own cost, provide Council with the following:
 - (a) for trunk infrastructure that is works:
 - (i) a bill of quantities for the design, construction and commissioning of the trunk infrastructure in accordance with a scope of works that is provided by Council; and
 - (ii) a first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities.
 - (b) for trunk infrastructure that is land, a valuation of the specified land undertaken by a certified practicing valuer.
- (2) Council must give a notice to the applicant which states whether the bill of quantities and the cost estimate or the valuation are accepted.
- (3) If Council accepts the bill of quantities and the cost estimate or the valuation, the cost estimate or valuation is the establishment cost of the infrastructure.
- (4) If Council does not accept the bill of quantities and the cost estimate or the valuation, Council must, at its own cost:
 - (a) for the bill of quantities and the cost estimate, have an assessment undertaken by an appropriately qualified person to:
 - (i) determine whether the bill of quantities is in accordance with the scope of works provided by Council;
 - (ii) determine whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
 - (iii) provide a new cost estimate using a first principles approach.
 - (b) for the valuation, have a valuation undertaken by a certified practicing valuer.
- (5) If Council rejected the bill of quantities and the cost estimate or the valuation in accordance with section 6.1(4), it must provide the applicant with the following in writing:
 - (a) reasons why it rejected the bill of quantities and the cost estimate or the valuation; and
 - (b) the proposed new bill of quantities and cost estimate or the valuation as determined in accordance with section 6.1(4).
- (6) Where written notice has been given by Council in accordance with section 6.1(5):
 - (a) the applicant may negotiate and agree with Council regarding the cost estimate or valuation; and
 - (b) the cost estimate or valuation agreed in accordance with section 6.1(6)(a) is the establishment cost of the infrastructure.
- (7) If agreement in accordance with section 6.1(6)(a) cannot be reached, Council must:
 - (a) for the bill of quantities and the cost estimate, refer the bill of quantities and the cost estimate to a suitably qualified expert agreed to by both the applicant and Council to:

- (i) assess whether the bill of quantities is in accordance with the scope of works;
 - (ii) assess whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
 - (iii) provide an amended cost estimate using a first principles estimating approach.
- (b) for the valuation, have a valuation undertaken by a certified practicing valuer agreed to by both the applicant and Council to assess the market value.
- (8) The cost of the independent assessment carried out in accordance with section 6.1(7) must be shared equally between the applicant and Council.
- (9) The amended cost estimate or valuation determined in accordance with 6.1(7) is the establishment cost of the infrastructure.
- (10) If the applicant and Council cannot agree on the appointment of a suitably qualified expert or certified practicing valuer for the purposes of section 6.1(7), the establishment cost of the infrastructure is determined by calculating the average of the cost estimates or valuations prepared in accordance with sections 6.1(1) and 6.1(4).

Part 7 Conversion Criteria

7.1 Conversion criteria

- (1) Each of the following criteria must be met for non-trunk infrastructure to be converted to trunk infrastructure:
 - (a) the infrastructure services development that is consistent with the assumptions about the type, scale, location or timing of future development stated in the PIP;
 - (b) the infrastructure is inconsistent with the requirements for non-trunk infrastructure stated in s. 665 of the *Sustainable Planning Act 2009*;
 - (c) the infrastructure is owned or will be owned by Council;
 - (d) the infrastructure is not temporary infrastructure;
 - (e) the infrastructure will be used by other development;
 - (f) the infrastructure has capacity significantly in excess of what is required to specifically service the approved development in order to service other development in the area;
 - (g) the type, capacity and function of the infrastructure is consistent with the trunk infrastructure identified in the PIP;
 - (h) the type, size and location of the infrastructure is the most cost effective option for servicing multiple developments in the area; and
 - (i) the infrastructure could have been planned by Council:
 - (i) without knowing the detailed layout of lot reconfigurations or the design details for material change of use applications in the area; and
 - (ii) during preparation of the PIP, using only the planned density assumptions stated in the PIP.

- (2) For the purposes of section 7.1(1)(h), the most cost effective option for trunk infrastructure provision means the least cost option based on the life cycle cost of the infrastructure required to service future urban development in the area at the desired standard of service.

Part 8 Interpretation

8.1 interpretation

Words and terms used in this resolution have the meaning given in SPA or the Queensland Planning Provisions version 2.0.

If a word or term used in this resolution is not defined in SPA or the Queensland Planning Provision version 2.0, it has the meaning given in this section.

8.2 Dictionary

Applicable local planning instrument means the Mareeba Shire Council Planning Scheme:

Local government area means the local government area for the Mareeba Shire Council.

QPP means the Standard planning scheme provisions.

Resolution means the *Mareeba Shire Council Adopted Infrastructure Charges Resolution (No.1) 2016*, made under s 630 of the SPA.

SPA means the *Sustainable Planning Act 2009*.

PIP means the current draft or final Priority Infrastructure Plan prepared by the Mareeba Shire Council.

Part 9 Resolution attachments

Attachment 4.3 Desired Standards of Service (DSS)

- (1) The desired standard of service details the standards that comprise an infrastructure network most suitable for the local context.
- (2) The desired standard of service is supported by the more detailed network design standards included in planning scheme policies, legislation, statutory guidelines and other relevant controlled documents about design standards identified below.

4.3.1 Table Water supply network desired standards of service

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Reliability / Continuity of Supply	All development receive a reliable supply of potable water, with minimal interruptions to their service.	<ul style="list-style-type: none"> All sections of the reticulation network shall receive a residual pressure of at least 22m during the 'maximum hour' demand, and the system should be capable of supplying water for six (6) consecutive 'maximum hours'. The system should have sufficient capacity to refill all reservoirs from empty to full within 5 days of continuous operation during 'average day' demand conditions. Each reservoir in the system should have a net positive inflow, and should be capable of continuous operation during 'mean day maximum month' demand conditions. FNQROC Development Manual, as amended. Wet Tropics Management Plan 1998.

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Adequacy of Supply	<p>All development is provided with a water supply which is adequate for the intended use.</p> <p>Minimum static pressure (meters head) and/or flow (liters/second) at connection.</p>	<ul style="list-style-type: none"> The reticulation system should be capable of providing simultaneously a fire fighting flow of 30L/S for 4 hours in commercial areas and 15L/S for 2 hours in residential areas. During fire fighting demands the residual pressure at any point in the reticulation network should not drop below 12m. The Average Daily consumption and peaking factors for the design of Water Supply Schemes shall be as follows: <ul style="list-style-type: none"> Average Daily Consumption (AD) 500 litre/person/day Mean Day max Month (MDMM) 1.50 x AD Peak Day (PD) 2.25 x AD Peak Hour (PH) 1/12 x PD The Maximum head in the reticulation system should be limited to below 60 metres.
Quality of Supply	<p>Provide a uniform water quality in accordance with recognised standards which safeguards community health and is free from objectionable taste and odour.</p>	<ul style="list-style-type: none"> National Health and Medical Research Local Government Australian Drinking Water Guidelines Drinking water should be clear, colourless, adequately aerated and have no discernible taste or odour. It should be free from suspended matter or turbidity, pathogenic organisms and harmful chemical substances.
Environmental Impacts	<p>The environmental impacts of the water supply network are minimised in accordance with community expectations.</p>	<ul style="list-style-type: none"> Compliance with all environmental licenses and environmental management plans under the <i>Water Act 2000</i> and the <i>Environmental Protection Act 1994</i>. Wet Tropics Management Plan 1998.

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Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Pressure and Leakage Management	The water supply network is monitored and managed to maintain the reliability and adequacy of supply and to minimise environmental impacts.	<ul style="list-style-type: none"> System Leakage Management Plan (<i>Chapter 3, Part 3, Division 1A Water Act 2000</i>) A.S.C. System Loss Management Plan
Infrastructure Design / Planning Standards	Design of the water supply network will comply with established codes and standards	<ul style="list-style-type: none"> Water Services Association of Australia – WSA 03 – 2002 – Water Supply Code of Australia Australian Drinking Water Guidelines – National Health and Medical Research Council Planning Guidelines for Water Supply and Sewerage – Department of Natural Resources and Water FNQROC Development Manual, as amended.

4.3.2 Table Sewerage network desired standards of service

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Reliability	All lots have access to a reliable sewerage collection, conveyance, treatment and disposal system.	<ul style="list-style-type: none"> The “average dry weather flow” (ADWF) shall be limited to 275 L / EP / day. The design flow adopted shall be limited to (4xADWF). The sewer capacity at design flow should not exceed 0.75 x diameter of sewer. FNQROC Development Manual, as amended.
Quality of Treatment	Ensures the health of the community and the safe and appropriate level of treatment and disposal of treated effluent.	<ul style="list-style-type: none"> Compliance with all environmental licenses and environmental management plans under the <i>Water Act 2000</i> and the <i>Environmental Protection (Water) Policy 1997</i> Queensland Water Quality Guidelines 2006 – Environmental Protection Agency National Water Quality Guidelines – National Water Quality Management Strategy.

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Environmental Impacts	The environmental impacts of the sewerage network are minimised in accordance with community expectations.	<ul style="list-style-type: none"> Compliance with all environmental licenses and environmental management plans under the <i>Water Act 2000</i> and the <i>Environmental Protection (Water) Policy 1997</i>
Inflow / Infiltration	Ensure infiltration and inflow in the sewerage collection and transportation system remains within industry acceptable limits	<ul style="list-style-type: none"> Compliance with all environmental licenses and environmental management plans under the <i>Water Act 2000</i> and the <i>Environmental Protection (Water) Policy 1997</i>
Effluent Re-use	Reuse effluent wherever possible.	<ul style="list-style-type: none"> Compliance with all environmental licenses and environmental management plans under the <i>Water Act 2000</i> and the <i>Environmental Protection (Water) Policy 1997</i> <i>Guidelines for Sewerage Systems – Reclaimed Water – February 2000</i> <i>Queensland Water Recycling Guidelines – December 2005</i>
Infrastructure Design / Planning Standards	Design of the sewerage network will comply with established codes and standards	<ul style="list-style-type: none"> Section D7 Sewerage System Design Guidelines of the Development Manual Planning Scheme Policy. Department of Natural Resources Planning Guidelines for Water Supply and Sewerage Water Services Association of Australia – WSA 02 – 2002 – Sewerage Code of Australia Water Services Association of Australia – WSA 04 – 2005 – Sewerage Pumping Station Code of Australia FNQROC Development Manual, as amended.

4.3.3 Table Stormwater network desired standards of service

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Quantity	Collect and convey the design storm event in natural and engineered channels, a piped drainage network and system of overland flow paths to a lawful point of discharge in a safe manner that minimises the inundation of habitable rooms and protects life.	<ul style="list-style-type: none"> • Department of Natural Resources and Water – <i>Queensland Urban Drainage Manual</i> • FNQROC Development Manual, • Australian Rainfall and Runoff, • Natural Channel Design Guidelines.
Quality	The water quality of urban catchments and waterways are managed to protect and enhance environmental values and pose no health risk to the community, and water quality of urban catchments and waterways consider provision of sufficient space in waterway corridors to accommodate wetlands and stormwater quality improvement devices.	<ul style="list-style-type: none"> • Provide sufficient space in waterway corridors to accommodate wetlands and stormwater quality improvement devices. • Design cross road structures to provide the appropriate level of flood immunity. • <i>Queensland Water Quality Guidelines 2006</i> – Environmental Protection Agency • Queensland Waterway Guideline • National Water Quality Guidelines – National Water Quality Management Strategy • <i>Fisheries Act 1994 and Fisheries Regulation 2008.</i> • <i>Fish Habitat Guideline FHG 003</i> – Fisheries Guidelines for Fish Habitat Buffer Zones

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Environmental Impacts	Adopt water sensitive urban design practices and on site water quality management to achieve EPA water quality objectives	<ul style="list-style-type: none"> Environmental Protection Agency requirements (section 42 Environmental Protection (Water) Policy 1997) Fisheries Act 1994. Queensland Waterway Guideline Employ water sensitive urban design criteria to maximise on site quantity and quality treatment and limit discharges off site. Employ (NO net-worsening) criteria on all new development or redevelopment site.
Infrastructure Design / Planning Standards	Design of the stormwater network will comply with established codes and standards	<ul style="list-style-type: none"> FNQROC Development Design Standards Design Guidelines set out in Sections D4 and D5 of the Development Manual Planning
		<ul style="list-style-type: none"> Scheme Policy. Queensland Urban Drainage Manual - Department of Natural Resources and Water FNQROC Development Manual, Australian Rainfall and Runoff, and Natural Channel Design Guidelines requirements.

4.3.4 Table Transport network desired standards of service

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Road Network Design / Planning Standards	<p>The road network provides a functional urban and rural hierarchy and freight routes which support settlement patterns and commercial and economic activities.</p> <p>Design of the road system will comply with established codes and standards</p>	<ul style="list-style-type: none"> FNQROC Development Manual Road Planning and Design Manual - Department of Transport and Main Roads Australian Standards AUSTROADS guidelines

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Public Transport Design / Planning Standards	New urban development is designed to achieve safe walking distance to existing or potential bus stops or existing or proposed demand-responsive public transport routes.	<ul style="list-style-type: none"> Design accords with the Performance Criteria set by Department of Transport and Main Roads AUSTROADS guides for road-based public transport and high occupancy vehicles
Cycleways and Pathways Design / Planning Standards	<p>Cycleways and pathways provide a safe and convenient network which encourages walking and cycling as acceptable alternatives.</p> <p>Design of the network will comply with established codes and standards.</p>	<ul style="list-style-type: none"> Australian Standards 'AUSTROADS Guide to Road Design – Part 6A: Pedestrian and Cycle Paths' Queensland Cycle Strategy 2011-2021 'Complete Streets'

4.3.5 Table Public parks and land for community facilities network desired standards of service

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Functional Network	A network of parks and community land is established to provide for the full range of recreational and sporting activities and pursuits.	<ul style="list-style-type: none"> Parks and Community Land is provided at a Local, District and LGA Wide Level Parks and community land addresses the needs of both recreation and sport. Nature conservation is also provided for but not part of the charging regime.
Accessibility	Public parks will be located to ensure adequate pedestrian, cycle and vehicle access.	<ul style="list-style-type: none"> Accessibility criteria are identified in Table 0.18.

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Land Quality / Suitability <ul style="list-style-type: none"> • Area / 1000 persons • Minimum size • Maximum grade • Flood immunity 	Public parks will be provided to a standard which supports a diverse range of recreational, sporting and health promoting activities to meet community expectations. This includes ensuring land is of an appropriate size, configuration and slope and has an acceptable level of flood immunity.	<ul style="list-style-type: none"> • The rate of public park provision is identified in Table 0.19. • The size for public parks is identified in Table 0.20 • The maximum gradient for public parks is identified in Table 0.21. • The minimum flood immunity for public parks is identified in Table 0.22.
Embellishments	Public parks contain a range of embellishments to complement the type and use of the park.	<ul style="list-style-type: none"> • Standard embellishments for each type of park are identified in Table 0.23.
Infrastructure Design / Performance Standards	Maximise opportunities to co-locate recreational parks in proximity to other community infrastructure, transport hubs and valued environmental and cultural assets.	<ul style="list-style-type: none"> • Australian Standards; • FNQROC Development Manual

Table 0.18: Accessibility standard

Infrastructure Type	Accessibility Standard		
	Local	District	Area of Planning Scheme
Recreation park	Park or node ¹ within 500 m safe walking distance.	Park or node within 2-5 km.	Park/precinct based on specific feature or location – serves whole of planning scheme area.
Sport park	No formal provision	Sporting Park within 5-10 km of residential and village areas.	1-3 Parks serves whole of area for regional competition or is base for competition within area.

Table 0.19: Rate of land provision

Infrastructure Type	Rate of provision (Ha/1000 people)		
	Local	District	Area of Planning Scheme
Recreation park	1.5 Ha	1.0 Ha	0.5 Ha
Sport park	N/A	1.0 Ha	0.4 Ha

Table 0.20: Size of parks and community land

Infrastructure Type	Size (Ha)		
	Local	District	Area of Planning Scheme
Recreation park	1.5 Ha (2.0 Ha if a node)	2 Ha usable area	More than 5 Ha
Sport park	No formal provision	5 Ha minimum	5-10 Ha

Table 0.21: Maximum desired grade

Infrastructure Type	Maximum Gradient		
	Local	District	Area of Planning Scheme
Recreation park	1:20 for main use area 1:6 for remainder	1:20 for main use area, variable for remainder	1:20 for use areas variable for remainder
Sport park	N/A	1:50 for field and court areas 1:10 for remainder	1:50 for all playing surfaces

Table 0.22: Minimum desired flood immunity for parks

Infrastructure Type	Minimum flood immunity (%)								
	Local			District			Area of Planning Scheme		
Flood Immunity	>20% AEP	>2% AEP	>1% AEP	>20% AEP	>2% AEP	>1% AEP	>20% AEP	>2% AEP	>1% AEP
Recreation park	25%	75%	0%	0%	90%	10%	50%	40%	10%
Sport park	N/A	N/A	N/A	0%	90%	10%	50%	40%	10%

² Node is an area within a higher level park or within other open space (e.g. a waterway corridor) that is developed for play and picnic use.

Table 0.23: Standard facilities/embellishments for parks

Embellishment type	Recreation parks			Sport parks	
	Local	District	Area of Planning Scheme	District	Area of Planning Scheme
Internal Roads	N/A	N/A	If needed	N/A	Network as required
Parking	On street	Off street unless sufficient on-street available	Off street or dedicated on street parking, possibly in several locations	Off street parking provided as central hubs to facilities	Off street parking provided as central hubs to facilities
Fencing/Bollards	Bollards to prevent car access	Bollards to prevent car access	Range of fencing, boundary definition styles as appropriate to location	Bollards to prevent car access	Fencing and bollards to control access to site as well as limiting internal traffic access to fields and facilities.
Lighting	Safety lighting provided by street lights	For car park, toilets, youth space and picnic area	For car park, toilets, picnic areas and active recreation facilities	For car park, toilets, security lighting for buildings. Field lighting responsibility.	For car park, toilets, security lighting for buildings. Field lighting responsibility.
Toilet	Generally not provided	Usually provided	Provided	Provided if not being provided as part of club facilities	Provided by clubs as part of club facilities

Mareeba Shire Council

Adopted Infrastructure Charges Resolution (No. 1) 2016

Embellishment type	Recreation parks			Sport parks	
Paths (pedestrian/cycle)	On footpath and providing access to boundary	Paths and links to park and within park	Internal links to facilities	Bikeway links to park. Internal links to facilities	Internal links to facilities
Shade structures	Shade from trees or structures provided for play areas and picnic node	Built shade for play and picnic facilities if insufficient natural shade	Shade for picnic facilities and all use nodes. Combination of natural and built.	Perimeter shade from appropriate tree species.	Perimeter shade from appropriate tree species.
Seating, tables and BBQ	1-2 tables 2+ seats BBQ's normally not provided	2+ sheltered tables 4+ seats BBQ's usually provided	Multiple picnic nodes, BBQ's and shelters provided	Not provided except as recreation nodes. 2-4 perimeter seats	Not provided except as recreation nodes. 2 perimeter seats per field
Taps/irrigation	1-2 drinking taps/fountains	2+ drinking fountains for picnic areas. Taps near active recreation areas.	In ground irrigation for landscaped areas. Drinking fountains and taps provided at picnic and active nodes.	Taps located on built facilities and near fields.	In ground irrigation for fields. Taps located on built facilities and 1 per field
Bins	Provided	Provided	Provided	Provided	Provided
Landscaping (including earthworks, irrigation, and revegetation)	Ornamental plantings. Shade species. Buffer plantings with other nodes.	Enhancement plantings and shade plantings along with screening and buffers.	Significant works including plantings, features and public art.	Planted buffer areas adjacent to residential areas. Screening/buffer plantings for recreation nodes.	Planted buffer areas adjacent to residential areas. Screening/buffer plantings for recreation nodes.
Playgrounds	1 play event provided	Larger playground multiple play events provided.	Large playgrounds and possibly multiple locations.	Not provided except as part of recreation node.	Not provided except as part of recreation node.
Youth active and informal facilities		Youth active facilities provided - court, bike tracks, youth space etc.	Youth active facilities provided - court, bike tracks, youth space etc.	Not provided except as public access to sporting fields	Not provided except as public access to sporting fields or as dedicated facility (e.g. skate park)

Attachment 4.4 Establishment cost of future trunk infrastructure

This applies to all works

Design and Documentation	10% of project cost
Council/Consultant Project Management Approvals Tendering Process including assessment Contract Documentation Inspections at various hold points Contract administration	1% of project cost
Contractor Project Management/Preliminaries Management Plans QA Site Establishment Survey/As-constructed Drawings Site Maintenance Supervision Testing	2.5% of project cost
Contingencies	5% of project cost
TOTALS	18.5%

IDENTIFICATION OF WORKS	UNIT	QTY	RATE
Gravity Main			
Enter Pipe Diameter	150 mm		
Enter per meter supply and install rate	140 \$/m		
Enter No of HCB per 100m	5		546 \$/HCB
Restoration	30 \$/m		
HCB as a percentage	20%		
Restoration as a percentage	21%		
Per Meter Rate	\$197.05 \$/m		

Mareeba Shire Council

Adopted Infrastructure Charges Resolution (No. 1) 2016

Enter Pipe Diameter	225 mm		
Enter per meter supply and install rate	177 \$/m		
Enter No of HCB per 100m	5		546 \$/HCB
Restoration	30 \$/m		
HCB as a percentage	15%		
Restoration as a percentage	17%		
Per Meter Rate	\$234.08 \$/m		
Enter Pipe Diameter	250 mm		
Enter per meter supply	177 \$/m		
Restoration	30 \$/m		
Restoration as a percentage	17%		
Per Meter Rate	\$206.77		
Enter Pipe Diameter	300 mm		
Enter per meter supply and install rate	225 \$/m		
Restoration	30 \$/m		
Restoration as a percentage	13%		
Per Meter Rate	\$254.55 \$/m		

Mareeba Shire Council

Adopted Infrastructure Charges Resolution (No. 1) 2016

Enter Pipe Diameter	375 mm		
Enter per meter supply and install rate	276 \$/m		
Restoration	30 \$/m		
Restoration as a percentage	11%		
Per Meter Rate	\$306.23 \$/m		
Enter Pipe Diameter	100 mm		
Enter per meter supply and install rate	53 \$/m		
Enter No. of valves per 500m	2		3606 \$/valve
Valves as a percentage	27%		
Per Meter Rate	\$67.89 \$/m		
Enter Pipe Diameter	150 mm		
Enter per meter supply and install rate	71 \$/m		
Enter No. of valves per 500m	2		3606 \$/valve
Valves as a percentage	20%		
Per Meter Rate	\$85.71 \$/m		

Mareeba Shire Council

Adopted Infrastructure Charges Resolution (No. 1) 2016

Enter Pipe Diameter	200 mm		
Enter per meter supply and install rate	91 \$/m		
Enter No. of valves per 500m	2		3606 \$/valve
Valves as a percentage	16%		
Per Meter Rate	\$105.91 \$/m		
Enter Pipe Diameter	225 mm		
Enter per meter supply and install rate	115 \$/m		
Enter No. of valves per 500 m	2		3606 \$/valve
Valves as a percentage	13%		
Per Meter Rate	\$129.47 \$/m		
Water Main			
Enter Pipe Diameter	100 mm		
Enter per meter supply and install rate	79.7 \$/m		
Enter No. of valves per 500mm	2		999 \$/valve
Enter No. of Hydrants per 500m	5		115 \$/hydrant
Enter No. of bends/thrustblocks per 500m	5		422 \$/bend and thrust block
Valves and fittings as percentage	24%		
Per Meter Rate	\$99.08 \$/m		

Mareeba Shire Council

Adopted Infrastructure Charges Resolution (No. 1) 2016

Enter Pipe Diameter	150mm		
Enter per meter supply and install rate	95.0 \$/m		
Enter No. of valves per 500mm	2		1352 \$/valve
Enter No. of Hydrants per 500m	5		1212 \$/hydrant
Enter No. of bends/thrustblocks per 500m	5		470 \$/bend and thrust block
Valves and fittings as percentage	23%		
Per Meter Rate	117.27 \$/m		
Enter Pipe Diameter	200mm		
Enter per meter supply and install rate	146.5 \$/m		
Enter No. of valves per 500mm	2		2547 \$/valve
Enter No. of Hydrants per 500m	5		1842 \$/hydrant
Enter No. of bends/thrustblocks per 500m	5		808 \$/bend and thrust block
Valves and fittings as percentage	25%		
Per Meter Rate	183.16 \$/m		
Enter Pipe Diameter	225 mm		
Enter per meter supply and install rate	141.3 \$/m		
Enter No. of valves per 500mm	2		2476 \$/valve
Enter No. of Hydrants per 500m	5		1103 \$/bend and thrust block
Enter No. of bends/thrustblocks per 500m			
Valves and fittings as percentage	15%		
Per Meter Rate	\$162.20		

Mareeba Shire Council

Adopted Infrastructure Charges Resolution (No. 1) 2016

Enter Pipe Diameter	300 mm		
Enter per meter supply and install rate	288.1 \$/m		
Enter No. of valves per 500mm	2		3500 \$/valve
Enter No. of Hydrants per 500m	5		1500 \$/bend and thrust block
Enter No. of bends/thrustblocks per 500m			
Valves and fittings as percentage	10%		
Per Meter Rate	317.11 \$/m		
SITE ESTABLISHMENT	ALLOWANCE		
Bulk Earthworks:			
Cut to Fill	m3		\$12.00
Cut to Spoil	m3		\$9.00
Imported Fill	m3		\$36.00
Drainage – Gabions			
6.0m x 2.0m x 300mm thick mattress basket	m		
Drainage – Pre Cast Box Culvert			
900x300mm	m2		\$760.00
Drainage – Stormwater Pipelines			
150mm dia PVC	m		\$99.00
225mm dia PVC	m		\$240.00
300mm dia PVC	m		\$112.00
450mm dia Black Max	m		\$74.00
600mm dia Black Max	m		\$120.00
450mm dia RC	m		\$200.00
600mm dia RC	m		\$273.00
Drainage – Pre cast Field Inlet Pit			
Type A	ea		\$2,258.00
Type B	ea		\$2,835.00

Mareeba Shire Council

Adopted Infrastructure Charges Resolution (No. 1) 2016

Drainage – Pre Cast Kerb Inlet Pit			
On Grade 2.4m lintel	ea		\$3,675.00
Sag inlet 2.4m lintel	ea		\$3,675.00
Drainage – Cast Insitu Manholes			
Standard Manhole	ea		\$2,415.00
Drainage – Rock Protection			
Rock Rip Rap	m2		\$72.00
Drainage – Shoring			
Sides of trench excavation to 3m deep in light soils	m2		\$20.00
Footpaths – 2000mm wide			
100mm thick N25 with SL62 mesh Standard FNQROC	m2		\$90.00
100mm thick N25 Fibrecrete	m2		\$125.00
Roadworks			
Subgrade –Proof Roll	m2		\$2.00
Base Course			
Type 2.1	m3		\$136.00
Type 2.2	m3		\$135.00
Roadworks – Reseal – Asphalt			
DB10 30mm thick	m2		\$20.00
Roadworks – Reseal – Bitumen			
10mm precoat aggregate	m2		\$8.00
14mm precoat aggregate	m2		\$8.00
Roadworks - Linemarking	1m		\$7.00
Bridges – Timber			
Single Lane 9m span	m2		\$6,500.00
Bridges – Concrete			
Single Lane 9m Span	m2		\$6,500.00
Bridges - Guardrail			
	1m		\$270.00

Mareeba Shire Council**Adopted Infrastructure Charges Resolution (No. 1) 2016**

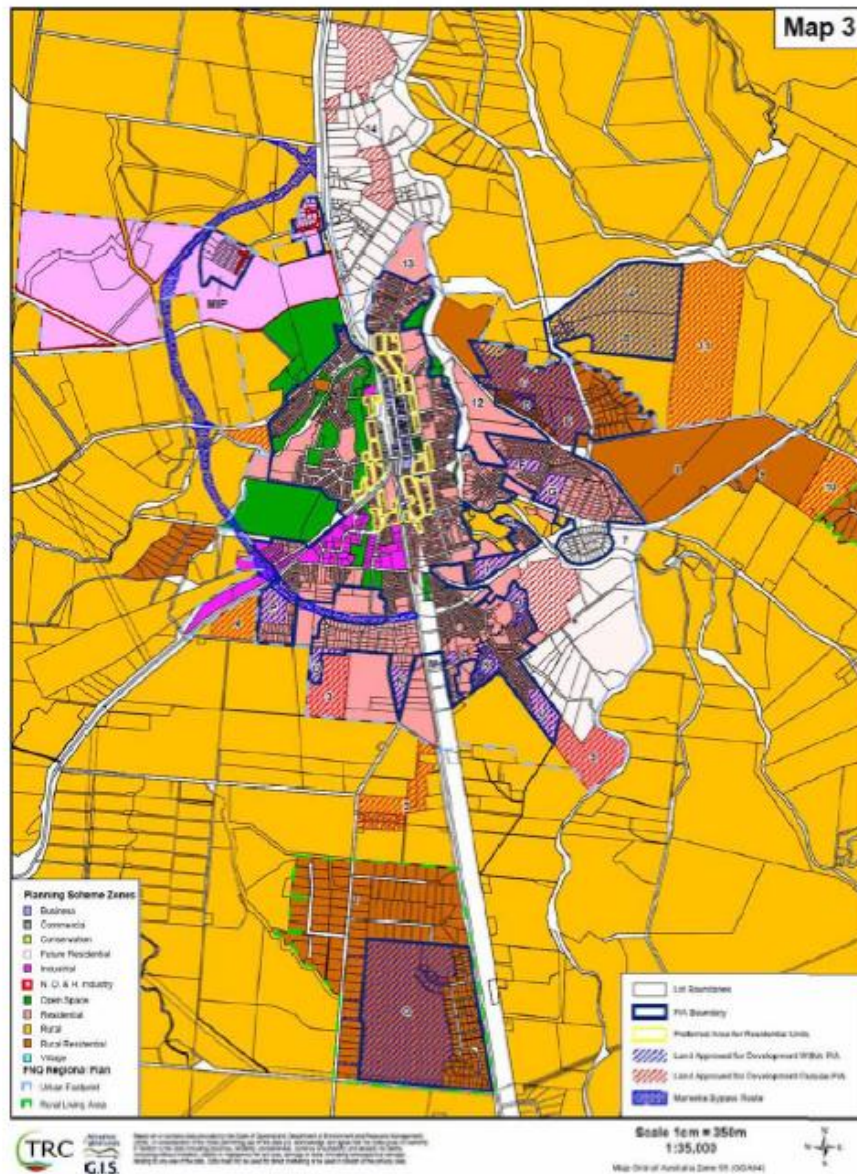
Bridges – Sidetrack	m2		\$120.00
Signage	Allowance		
Site Disestablishment	Allowance		

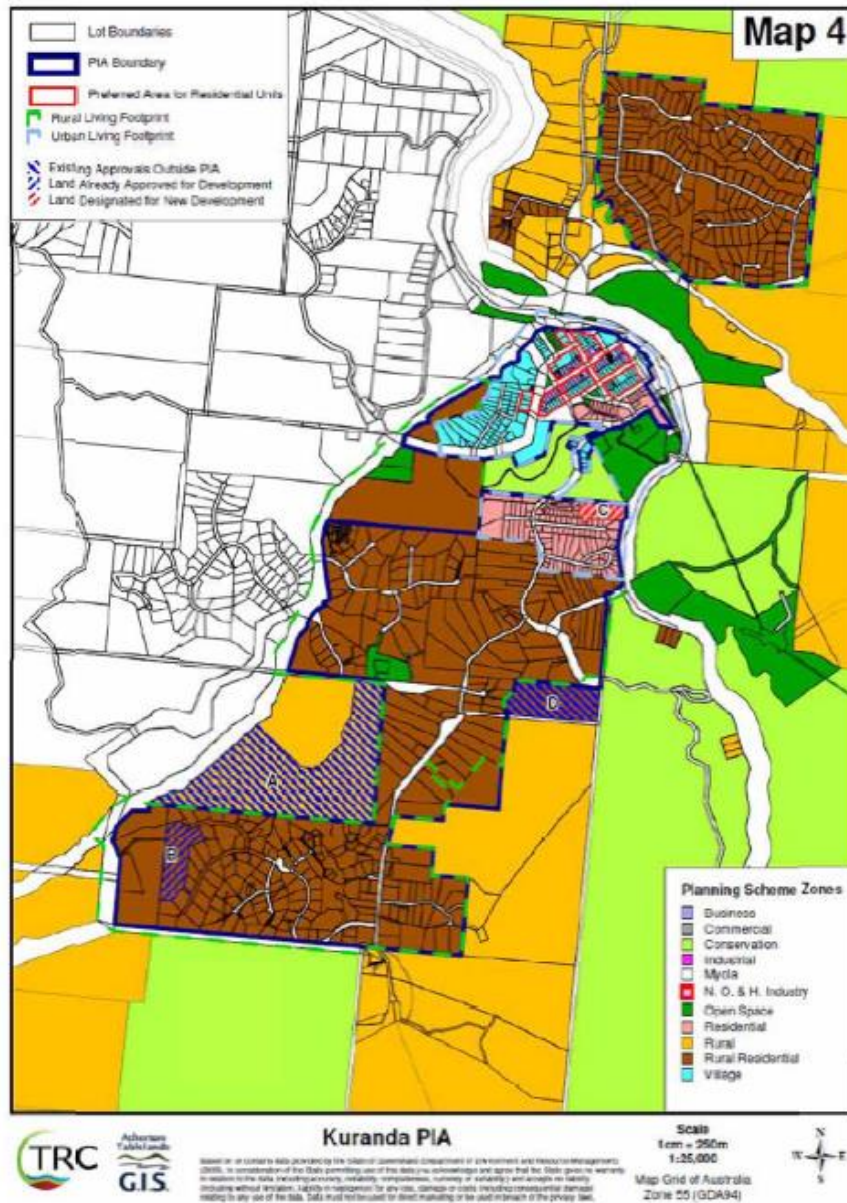
Mareeba Shire Council

Adopted Infrastructure Charges Resolution (No. 1) 2016

BASE BUILDING COST			
Traffic Control	Allowance		
Erosion & Sediment Control	Allowance		
Geotechnical Investigations	Allowance		
Materials Testing	Allowance		
Survey & Setout	Allowance		
Service Location	Allowance		
Revegetation	Allowance		
Sub Total – Construction Cost			
Staging Costs			
Design Contingency	10.00%		
Construction Contingency	30.00%		
Locality Allowance			
Variations – Approved			
Variation - Pending			
TOTAL BUILDING COST (TBC)			
Quality Assurance	Allowance		
WH&S / PLSL	0.53%		
Traffic Management Plan	Allowance		
Safety Management Plan	Allowance		
Environmental Management Plan	Allowance		
Internal Client Costs (Project Management)			
Other Costs & Charges			
TOTAL CONSTRUCTION COST (TCC)			
Professional Fees – Design	Allowance		
Professional Fees – Contract Administration	Allowance		
Professional Fees – Abortive work	Allowance		
TOTAL PROJECT COST (TPC)			
Cost Escalation			
To Tender			
To Completion			
TOTAL END COST (TEC)			
CAPITAL BUDGET			
SURPLUS/DEFICIT (PROJECT)			

Attachment Maps of Priority Infrastructure Areas









GOVERNANCE AND COMPLIANCE

ITEM-5 KEEBLE STREET MAREEBA ROAD CLOSURE

MEETING: Ordinary

MEETING DATE: 4 May 2016

REPORT OFFICER'S TITLE: Manager Development & Governance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

Council has been dealing with an application for closure of the road reserve off Keeble Street adjacent to Lot 56 on RP749632 since 2014. As the road closure will leave Town Reserve Lot 569 on M3568 without legal access, DNRM has made the proposed road closure conditional on alternate legal access being provided to the Town Reserve.

A proposal to dedicate part of Council's freehold Lot 57 on RP749632 as Town Reserve to provide continuity of the Town Reserve down to Keeble Street was originally agreed to by DNRM and Council's surveyors have been working on the survey plan to implement this proposal. However, advice was received from DNRM on 22 April 2016 that they are now unable to add the additional land to the existing Town Reserve and have requested that Council now proceed with the alternate proposal of opening a 10 metre wide road reserve along the eastern edge of the Bicentennial Lakes to connect the Town Reserve to Keeble Street.

OFFICER'S RECOMMENDATION

"That in relation to the resolution passed by Council at its meeting held on 3 February 2016 to dedicate as Town Reserve, part of freehold Lot 57 on RP749632 to provide continuity of the existing Town Reserve (Lot 569 on M3568) down to Keeble Street, in light of the recent advice received from the Department of Natural Resources and Mines that they are unable to process an amendment to the Town Reserve, Council now proceed with its alternative proposal of dedicating as road, a 10 metre wide strip through Lot 57 on RP749632 along the edge of the Bicentennial Lakes to provide legal access to Town Reserve Lot 569 on M3568."

BACKGROUND

An application for the closure of the road reserve off Keeble Street that separates land owned by Mareeba Hire and a Railway Lease held by Foodpac Pty Ltd has been under consideration by Council since 2014. While the matter has been complicated by the existence of a shed encroachment (owned by Foodpac) on the road reserve and the existence of a Council drainage channel on the land owned by Mareeba Hire, one of the other issues that has had to be dealt with is that the existing road reserve provides legal access to Town Reserve Lot 569 on M3568 which sits in behind the land owned by Mareeba Hire and the lease held by Foodpac Pty Ltd.

During a Workshop held with Councillors on 20 January 2016, two proposals to provide alternate legal access to Lot 569 on M3568 were considered. These were:

- Open a 10 metre wide road reserve through Council's freehold Lot 57 on RP749632 along the eastern edge of the Bicentennial Lakes from Keeble Street to Lot 569 on M3568 (refer plan attached - Option 2).
- Dedicate as Town Reserve, that section of Council's freehold Lot 57 on RP749632 containing the proposed 10 metre wide strip as per dot point one above, plus the irregular shaped piece of Lot 57 that juts out into the Bicentennial Lakes (refer plan attached - Option 1).

During the Workshop, it was indicated that Council was happy with either of the above alternatives, however, as DNRM had given an indication that dedication of the Council land as Town Reserve would satisfy their requirements, it was decided to go with that option and Council's surveyors have been working on preparation of a survey plan to formalise that proposal.

On 22 April 2016, the author of this report received a phone call from the Senior Land Officer, DNRM, Cairns advising that the Department has investigated the proposal further and is now unable to make the necessary adjustments to the Town Reserve. The Department is now requesting that Council proceed with the alternate proposal of dedicating the 10 metre wide strip along the edge of the Bicentennial Lakes as road.

Dedication of this strip as road does not necessarily mean that it will then automatically be open for use by vehicular traffic as Council has the power under the *Local Government Act 2009* to close a road to traffic of a particular class. This strip of land is, however, the logical place for development of a future walking/cycling path along the edge of the Lakes and such path would then be on dedicated public use land (road reserve) instead of on Council's freehold parcel.

It should be noted that the costs involved in dedicating the land as road are being met by the owners of Lot 56 on RP749632 (Mareeba Hire).

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Previously workshopped with Council

External

Senior Land Officer, DNRM

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

The matter of legal access to Town Reserve Lot 569 on M3568 will be achieved by dedicating a section of Council owned land along the edge of the Bicentennial Lakes as road reserve.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

All costs associated with the dedication of the land as road reserve will be met by the owners of Lot 56 on RP749632.

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

Council's surveyors will be instructed to amend the survey plan as per the proposed resolution.

ATTACHMENTS

1. Plan showing proposal to dedicate part of Lot 57 on RP749632 as Town Reserve (Option 1).
2. Plan showing proposal to dedicate part of Lot 57 on RP749632 as Road Reserve (Option 2).

Date Prepared: 26 April 2016

Proposal for extension of Township Reserve (Lot 569 on M3568) to Keeble Street - Area edged green to be surveyed and dedicated as Town Reserve

Option 1



Keeble Street - Alternative proposal for road opening to provide access to Town Reserve Lot 569 on M3568

Option 2



FINANCE

ITEM-6 CEMETERIES FEES AND CHARGES 2016-2017

MEETING: Ordinary

MEETING DATE: 4 May 2016

**REPORT OFFICER'S
TITLE:** Coordinator Customer Service

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report details the proposed 2016/17 Fees and Charges for Cemeteries.

OFFICER'S RECOMMENDATION

"That Council adopt the 2016/17 Fees and Charges for Cemeteries."

BACKGROUND

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

Each relevant department has been responsible for the setting of the Fees and Charges.

Costs for services are reviewed annually, with a cost recovery model applied wherever possible. In certain circumstances significant discounts have been applied, for example, in the area of children's funerals.

LINK TO CORPORATE PLAN

N/A

CONSULTATION

Internal
Councillors
Manager Systems and Customer Service
Manager Works

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Update schedule of fees and charges displayed on Council's website and advise relevant funeral directors.

ATTACHMENTS

1. Proposed Cemeteries Fees and Charges 2016/17

Date Prepared: 22 April 2016

ATTACHMENT 1

Proposed Cemeteries Fees and Charges 2016/17

Fee Name	Per	Approved Fees 2015/16	Proposed Fees 2016/17
Reservation			
Reservation - Grave, Above Ground Vault	Plot	\$510.00	\$548.00
Reservation Child ¹ - Grave, Above Ground Vault	Plot	\$255.00	\$274.00
Reservation - Mausoleum Wall	Plot	\$8,100.00	\$8,100.00
Reservation - Mausoleum Free Standing	Plot	\$3,415.00	\$3,867.00
Reservation - Niche (Single)	Niche	\$307.00	\$353.00
Reservation - Niche (Double)	Niche	\$362.00	\$415.00
Interment (In addition to reservation fee ²)			
Interment - Grave	Plot	\$1,432.00	\$1,625.00
Interment Child ¹ - Grave	Plot	\$716.00	\$813.00
Interment - Above Ground Vault, Mausoleum Wall, Mausoleum Free Standing	Plot	\$452.00	\$524.00
Interment - Ashes (Niche; includes installation of plaque)	Niche	\$253.00	\$292.00
Interment - Ashes (In ground)	Plot	\$296.00	\$344.00
Interment Surcharge			
Interment Surcharge (Weekends and public holidays)	Interment	\$1,046.00	\$1,231.00
Plaque			
Cost of plaque including freight	Plaque	POA	POA
Plaque installation - Lawn Cemetery	Plaque	\$148.00	\$171.00
Plaque installation - Niche (if not installed at interment)	Plaque	\$148.00	\$171.00
Shelter Hire			
Hire of shelter - Weekdays excluding public holidays	Shelter	\$109.00	\$117.00
Hire of second shelter - Weekdays excluding public holidays	Shelter	\$79.00	\$79.00
Hire of shelter - Weekends and public holidays	Shelter	\$193.00	\$204.00
Hire of second shelter - Weekends and public holidays	Shelter	\$139.00	\$139.00
Chair Hire			
Hire of chairs - Weekdays excluding public holidays (per 10)	Per 10	\$65.00	\$89.00
Hire of chairs - Weekends and public holidays (per 10)	Per 10	\$93.00	\$115.00
Miscellaneous			
Construction of a memorial	Plot	\$253.00	\$292.00
Exhumation	Plot	At cost	At cost
Removal of slab or headstone	Plot	At cost	At cost
Concrete Pillars	Pillar	\$223.00	\$259.00

¹ Child - Less than 9 years old.

² Second and subsequent interments do not incur a reservation fee.

ITEM-7 URBAN AND REGIONAL PLANNING FEES AND CHARGES 2016-2017

MEETING: Ordinary

MEETING DATE: 4 May 2016

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report presents the recommended 2016/2017 Fees and Charges for Urban and Regional Planning activities for Council's consideration and endorsement.

OFFICER'S RECOMMENDATION

"That Council adopt the 2016/17 Fees and Charges for Urban and Regional Planning."

BACKGROUND

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

Each relevant department has been responsible for the setting of the Fees and Charges.

Section 97 of Local Government Act 2009 prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost- recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged.

Costs for services are reviewed annually, with the full cost recovery model applied wherever possible. The proposed fees for 2016/17 were workshopped with Council on 20 April 2016.

The underlying principle used in establishing the 2016/2017 fees has been to take the 2015/2016 fees and apply a CPI increase of 2.5%. As such, the methodology and process costs used in the determination of the 2015/2016 fees have been carried forward.

The imminent introduction of the new Mareeba Shire Council Planning Scheme (MSCPS) has required some changes to the structuring of the fees and also the inclusion of several additional fee categories.

The following specific changes/inclusions have been made:

- CPI (2.5%) increase applied to all fees.

- Material Change of Use fees have been restructured to list all land use definitions from the new MSCPS and a fee has been applied to each use. Previously land uses were separated into Small, Medium, Large and Major fee categories and not individually listed. The fee applied to the MSCPS land uses is the best fit from the Small, Medium, Large and Major fee categories.
- Several Material Change of Use land uses have been made POA (price on application). These land uses may range from very minor to extremely complex and it is not feasible to set a single fee for all instances. The POA approach will allow a development application to be assessed at the lodgment stage and an appropriate application fee set.
- A fee of \$430.00 is proposed for Overlay Assessments (heritage, slope, flood hazard) under the new MSCPS. This fee is equivalent to the fee charged for Building Works assessable against a Planning Scheme (eg boundary setback dispensation, over height sheds).
- New Operational Works fees for vegetation clearing and advertising signs. Vegetation clearing applications will be charged the same fee as Overlay Assessments. The fee for advertising signs is the same as the fee presently charged for advertising sign applications made under the Local Law.

LINK TO CORPORATE PLAN

GOV 1 - Develop an achievable long term financial plan that underpins Council's long-term financial sustainability.

CONSULTATION

Internal

Management Accountant

Manager Finance

Manager Development and Governance

External

Nil

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

Council must be able to demonstrate that the cost recovery fees are no more than the cost of providing the service. Council is able to set a fee that is lower than the calculated cost where it is deemed appropriate.

POLICY IMPLICATIONS

NIL

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

On adoption of the 2016/2017 fees, the schedule of fees and charges will be updated. The charge controls in the Council's corporate system (Property & Rating) will need to be updated prior to the commencement of the 2016/2017 financial year. The website will also need to be updated to reflect the new fees.

ATTACHMENTS

1. 2016/17 Fees and Charges for Urban and Regional Planning

Date Prepared: 21 April 2016

ATTACHMENT 1

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
	Urban & Regional Planning				
	General				
F0173		Town Planning Sign for public notification	sign	GST	\$55.00
	Planning Certificates				
F0174		Limited Planning & Development Certificate	certificate	NO GST	\$145.00
F0175		Standard Planning & Development Certificate	certificate	NO GST	\$490.00
F0176		Full Planning & Development Certificate - Vacant Site	certificate	NO GST	\$1,450.00
F0177		Full Planning & Development Certificate - Developed Site	certificate	NO GST	\$2,005.00
	Planning Schemes				
		Hard copy of Planning Scheme			
F0178		Mareeba Shire Planning Scheme 2004	copy	NO GST	\$130.00
		Mareeba Shire Council Planning Scheme 2016	copy	NO GST	POA
		CD copy of Planning Scheme			
F0179		Mareeba - \$25.00	copy	NO GST	\$25.00
	Application - General				
F0180		Pre-lodgement meeting and written pre-lodgement advice (Note: if a development application is submitted within 12 months of the pre-lodgement enquiry, the pre-lodgement enquiry fee will be discounted from the application fee, subject to the development application being substantially consistent with the pre-lodgement enquiry.)	application	NO GST	\$525.00
	Application Fees				
	<i>Note: If the development application is submitted within 12 months of a pre-lodgement enquiry, the pre-lodgement enquiry fee will be discounted from the development application fee, subject to the development application being substantially consistent with the pre-lodgement enquiry.</i>				

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
	Compliance Assessment				
F0181	Application for Compliance Permit under Schedule 18 of SPA regulations		application	NO GST	\$880.00
F0182	Application for Compliance Certificate		application	NO GST	\$355.00
F0183	Application for Building Work assessable against the Planning Scheme-	Boundary Dispensation Overlay Assessment Concurrence Agency Assessment Oversize Sheds	application	NO GST	\$430.00
F0184	Application under Local Law - Advertising Sign Application Fee		application	NO GST	\$990.00
	Material Change of Use				
		Adult Store - Code	application	NO GST	\$1,475.00
		Adult Store - Impact	application	NO GST	\$2,525.00
		Agricultural supplies store - Code	application	NO GST	\$1,475.00
		Agricultural supplies store - Impact	application	NO GST	\$2,525.00
		Air services - Code	application	NO GST	\$6,080.00
		Air services - Impact	application	NO GST	\$7,720.00
		Animal husbandry - Code	application	NO GST	\$1,475.00
		Animal husbandry - Impact	application	NO GST	\$2,525.00
		Animal keeping - Code	application	NO GST	\$1,475.00
		All except kennel			\$3,940.00
		Kennel	application	NO GST	\$2,525.00
		Animal keeping - Impact			\$5,925.00
		All except kennel			
		Kennel			
		Aquaculture - Code	application	NO GST	\$1,475.00
		Less than 5 hectares			\$3,940.00
		5 hectares or greater	application	NO GST	\$2,525.00
		Aquaculture - Impact			\$5,925.00
		Less than 5 hectares			
		5 hectares or greater			
		Bar - Code	application	NO GST	\$1,475.00
		Bar - Impact	application	NO GST	\$2,525.00

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
		Brothel - Code	application	NO GST	\$1,475.00
		Brothel - Impact	application	NO GST	\$2,525.00
		Bulk landscape supplies - Code	application	NO GST	\$1,475.00
		Bulk landscape supplies - Impact	application	NO GST	\$2,525.00
		Caretaker's accommodation - Code	application	NO GST	\$1,020.00
		Caretaker's accommodation - Impact	application	NO GST	\$1,645.00
		Car wash - Code	application	NO GST	
		Up to 250 sq.m GFA			\$1,475.00
		251 sq.m or greater			\$3,940.00
		Car wash - Impact	application	NO GST	
		Up to 250 sq.m GFA			\$2,525.00
		251 sq.m or greater			\$5,925.00
		Cemetery - Code	application	NO GST	\$1,475.00
		Cemetery - Impact	application	NO GST	\$2,525.00
		Child care centre - Code	application	NO GST	\$1,475.00
		Child care centre - Impact	application	NO GST	\$2,525.00
		Club - Code	application	NO GST	\$1,475.00
		Club - Impact	application	NO GST	\$2,525.00
		Community care centre - Code	application	NO GST	\$1,475.00
		Community care centre - Impact	application	NO GST	\$2,525.00
		Community residence - Code	application	NO GST	\$1,020.00
		Community residence - Impact	application	NO GST	\$1,645.00
		Community use - Code	application	NO GST	\$1,475.00
		Community use - Impact	application	NO GST	\$2,525.00
		Crematorium - Code	application	NO GST	\$1,475.00
		Crematorium - Impact	application	NO GST	\$2,525.00
		Cropping - Code	application	NO GST	\$1,475.00
		Cropping - Impact	application	NO GST	\$2,525.00
		Detention facility - Code	application	NO GST	\$3,940.00
		Detention facility - Impact	application	NO GST	\$5,925.00

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
		Dual occupancy - Code	application	NO GST	\$1,020.00
		Dual occupancy - Impact	application	NO GST	\$1,645.00
		Dwelling house - Code	application	NO GST	\$1,020.00
		Dwelling house - Impact	application	NO GST	\$1,645.00
		Dwelling unit - Code	application	NO GST	\$1,020.00
		Dwelling unit - Impact	application	NO GST	\$1,645.00
		Educational establishment - Code	application	NO GST	\$3,940.00
		Educational establishment - Impact	application	NO GST	\$5,925.00
		Emergency services - Code	application	NO GST	\$1,475.00
		Emergency services - Impact	application	NO GST	\$2,525.00
		Environmental facility - Code	application	NO GST	\$1,020.00
		Environmental facility - Impact	application	NO GST	\$1,645.00
		Extractive industry - Code	application	NO GST	\$3,940.00
		Extractive industry - Impact	application	NO GST	\$5,925.00
		Food and drink outlet - Code	application	NO GST	\$1,475.00
		Food and drink outlet - Impact	application	NO GST	\$2,525.00
		Function facility - Code	application	NO GST	\$1,475.00
		Function facility - Impact	application	NO GST	\$2,525.00
		Funeral parlour - Code	application	NO GST	\$1,475.00
		Funeral parlour - Impact	application	NO GST	\$2,525.00
		Garden centre - Code	application	NO GST	\$1,475.00
		Garden centre - Impact	application	NO GST	\$2,525.00
		Hardware and trade supplies - Code	application	NO GST	
		Up to 1,000 sq.m GFA			\$1,475.00
		1,001 sq.m to 2,500 sq.m GFA			\$3,940.00
		greater than 2,500 sq.m GFA			\$6,080.00
		Hardware and trade supplies - Impact	application	NO GST	
		Up to 1,000 sq.m GFA			\$2,525.00
		1,001 sq.m to 2,500 sq.m GFA			\$5,925.00
		greater than 2,500 sq.m GFA			\$7,720.00
		Health care services - Code	application	NO GST	

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item	Fee	Per	GST STATUS	Proposed Fees 2016/17
	<i>Up to 250 sq.m GFA</i>			\$1,475.00
	<i>251 sq.m or greater</i>			\$3,940.00
	Health care services - Impact	application	NO GST	
	<i>Up to 250 sq.m GFA</i>			\$2,525.00
	<i>251 sq.m or greater</i>			\$5,925.00
	High impact industry - Code	application	NO GST	
	<i>Up to 500 sq.m GFA</i>			\$1,475.00
	<i>501 sq.m to 5,000 sq.m GFA</i>			\$3,940.00
	<i>greater than 5,000 sq.m GFA</i>			\$6,080.00
	High impact industry - Impact	application	NO GST	
	<i>Up to 500 sq.m GFA</i>			\$2,525.00
	<i>501 sq.m to 5,000 sq.m GFA</i>			\$5,925.00
	<i>greater than 5,000 sq.m GFA</i>			\$7,720.00
	Home based business - Code	application	NO GST	\$1,020.00
	Home based business - Impact	application	NO GST	\$1,645.00
	Hospital - Code	application	NO GST	\$6,080.00
	Hospital - Impact	application	NO GST	\$7,720.00
	Hotel - Code	application	NO GST	\$3,940.00
	Hotel - Impact	application	NO GST	\$5,925.00
	Indoor sport and recreation - Code	application	NO GST	\$1,475.00
	Indoor sport and recreation - Impact	application	NO GST	\$2,525.00
	Intensive animal industry - Code	application	NO GST	\$3,940.00
	Intensive animal industry - Impact	application	NO GST	\$5,925.00
	Intensive horticulture - Code	application	NO GST	\$1,475.00
	Intensive horticulture - Impact	application	NO GST	\$2,525.00
	Landing - Code	application	NO GST	\$1,475.00
	Landing - Impact	application	NO GST	\$2,525.00
	Low impact industry - Code	application	NO GST	
	<i>Up to 500 sq.m GFA</i>			\$1,475.00
	<i>501 sq.m to 5,000 sq.m GFA</i>			\$3,940.00
	<i>greater than 5,000 sq.m GFA</i>			\$6,080.00
	Low impact industry - Impact	application	NO GST	
	<i>Up to 500 sq.m GFA</i>			\$2,525.00
	<i>501 sq.m to 5,000 sq.m GFA</i>			\$5,925.00

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
		<i>greater than 5,000 sq.m GFA</i>			\$7,720.00
		Major electricity infrastructure - Code	application	NO GST	\$1,475.00
		Major electricity infrastructure - Impact	application	NO GST	\$2,525.00
		Major sport, recreation and entertainment facility - Code	application	NO GST	POA
		Major sport, recreation and entertainment facility - Impact	application	NO GST	POA
		Marine industry - Code	application	NO GST	\$1,475.00
		Marine industry - Impact	application	NO GST	\$2,525.00
		Market - Code	application	NO GST	\$1,020.00
		Market - Impact	application	NO GST	\$1,645.00
		Medium impact industry - Code	application	NO GST	
		<i>Up to 500 sq.m GFA</i>			\$1,475.00
		<i>501 sq.m to 5,000 sq.m GFA</i>			\$3,940.00
		<i>greater than 5,000 sq.m GFA</i>			\$6,080.00
		Medium impact industry - Impact	application	NO GST	
		<i>Up to 500 sq.m GFA</i>			\$2,525.00
		<i>501 sq.m to 5,000 sq.m GFA</i>			\$5,925.00
		<i>greater than 5,000 sq.m GFA</i>			\$7,720.00
		Motor sport facility - Code	application	NO GST	POA
		Motor sport facility - Impact	application	NO GST	POA
		Multiple dwelling - Code	application	NO GST	
		<i>3 to 10 units</i>			\$1,475.00
		<i>11 to 25 units</i>			\$3,940.00
		<i>More than 25 units</i>			\$6,080.00
		Multiple dwelling - Impact	application	NO GST	
		<i>3 to 10 units</i>			\$2,525.00
		<i>11 to 25 units</i>			\$5,925.00
		<i>More than 25 units</i>			\$7,720.00
		Nature-based tourism - Code	application	NO GST	POA
		Nature-based tourism - Impact	application	NO GST	POA

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
		Nightclub entertainment facility - Code	application	NO GST	\$1,475.00
		Nightclub entertainment facility - Impact	application	NO GST	\$2,525.00
		Non-resident workforce accommodation - Code	application	NO GST	\$1,475.00
		Non-resident workforce accommodation - Impact	application	NO GST	\$2,525.00
		Office - Code	application	NO GST	
		Up to 250 sq.m GFA			\$1,475.00
		251 sq.m or greater			\$3,940.00
		Office - Impact	application	NO GST	
		Up to 250 sq.m GFA			\$2,525.00
		251 sq.m or greater			\$5,925.00
		Outdoor sales - Code	application	NO GST	\$1,475.00
		Outdoor sales - Impact	application	NO GST	\$2,525.00
		Outdoor sport and recreation - Code	application	NO GST	\$1,475.00
		Outdoor sport and recreation - Impact	application	NO GST	\$2,525.00
		Outstation - Code	application	NO GST	\$1,020.00
		Outstation - Impact	application	NO GST	\$1,645.00
		Park - Code	application	NO GST	\$1,020.00
		Park - Impact	application	NO GST	\$1,645.00
		Parking station - Code	application	NO GST	\$1,020.00
		Parking station - Impact	application	NO GST	\$1,645.00
		Permanent plantation - Code	application	NO GST	\$1,475.00
		Permanent plantation - Impact	application	NO GST	\$2,525.00
		Place of worship - Code	application	NO GST	\$1,475.00
		Place of worship - Impact	application	NO GST	\$2,525.00
		Port services - Code	application	NO GST	\$1,475.00
		Port services - Impact	application	NO GST	\$2,525.00
		Relocatable home park - Code	application	NO GST	
		Up to 10 dwellings			\$1,475.00
		11 to 25 dwellings			\$3,940.00
		More than 25 dwellings			\$6,080.00
		Relocatable home park - Impact	application	NO GST	

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
		<i>Up to 10 dwellings</i>			\$2,525.00
		<i>11 to 25 dwellings</i>			\$5,925.00
		<i>More than 25 dwellings</i>			\$7,720.00
		Renewable energy facility - Code	application	NO GST	\$6,080.00
		Renewable energy facility - Impact	application	NO GST	\$7,720.00
		Research and technology industry - Code	application	NO GST	\$1,475.00
		Research and technology industry - Impact	application	NO GST	\$2,525.00
		Residential care facility - Code	application	NO GST	
		<i>Up to 20 rooms/beds</i>			\$1,475.00
		<i>21 to 100 rooms/beds</i>			\$3,940.00
		<i>greater than 100 rooms/beds</i>			\$6,080.00
		Residential care facility - Impact	application	NO GST	
		<i>Up to 20 rooms/beds</i>			\$2,525.00
		<i>21 to 100 rooms/beds</i>			\$5,925.00
		<i>greater than 100 rooms/beds</i>			\$7,720.00
		Resort complex - Code	application	NO GST	POA
		Resort complex - Impact	application	NO GST	POA
		Retirement facility - Code	application	NO GST	\$6,080.00
		Retirement facility - Impact	application	NO GST	\$7,720.00
		Roadside stall - Code	application	NO GST	\$1,020.00
		Roadside stall - Impact	application	NO GST	\$1,645.00
		Rooming accommodation - Code	application	NO GST	
		<i>Up to 20 rooms/beds</i>			\$1,475.00
		<i>21 to 100 rooms/beds</i>			\$3,940.00
		<i>greater than 100 rooms/beds</i>			\$6,080.00
		Rooming accommodation - Impact	application	NO GST	
		<i>Up to 20 rooms/beds</i>			\$2,525.00
		<i>21 to 100 rooms/beds</i>			\$5,925.00
		<i>greater than 100 rooms/beds</i>			\$7,720.00
		Rural industry - Code	application	NO GST	\$1,475.00
		Rural industry - Impact	application	NO GST	\$2,525.00

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
		Rural workers' accommodation - Code	application	NO GST	\$1,475.00
		Rural workers' accommodation - Impact	application	NO GST	\$2,525.00
		Sales office - Code	application	NO GST	\$1,020.00
		Sales office - Impact	application	NO GST	\$1,645.00
		Service industry - Code	application	NO GST	
		Up to 250 sq.m GFA			\$1,475.00
		251 sq.m or greater			\$3,940.00
		Service industry - Impact	application	NO GST	
		Up to 250 sq.m GFA			\$2,525.00
		251 sq.m or greater			\$5,925.00
		Service station - Code	application	NO GST	\$3,940.00
		Service station - Impact	application	NO GST	\$5,925.00
		Shop - Code	application	NO GST	
		Up to 1,000 sq.m GFA			\$1,475.00
		1,001 sq.m to 2,500 sq.m GFA			\$3,940.00
		greater than 2,500 sq.m GFA			\$6,080.00
		Shop - Impact	application	NO GST	
		Up to 1,000 sq.m GFA			\$2,525.00
		1,001 sq.m to 2,500 sq.m GFA			\$5,925.00
		greater than 2,500 sq.m GFA			\$7,720.00
		Shopping centre - Code	application	NO GST	
		Up to 1,000 sq.m GFA			\$1,475.00
		1,001 sq.m to 2,500 sq.m GFA			\$3,940.00
		greater than 2,500 sq.m GFA			\$6,080.00
		Shopping centre - Impact	application	NO GST	
		Up to 1,000 sq.m GFA			\$2,525.00
		1,001 sq.m to 2,500 sq.m GFA			\$5,925.00
		greater than 2,500 sq.m GFA			\$7,720.00
		Short-term accommodation - Code	application	NO GST	
		Up to 20 rooms/beds			\$1,475.00

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
		21 to 100 rooms/beds			\$3,940.00
		greater than 100 rooms/beds			\$6,080.00
		Short-term accommodation - Impact	application	NO GST	
		Up to 20 rooms/beds			\$2,525.00
		21 to 100 rooms/beds			\$5,925.00
		greater than 100 rooms/beds			\$7,720.00
		Showroom - Code	application	NO GST	\$1,475.00
		Showroom - Impact	application	NO GST	\$2,525.00
		Special industry - Code	application	NO GST	POA
		Special industry - Impact	application	NO GST	POA
		Substation - Code	application	NO GST	\$1,475.00
		Substation - Impact	application	NO GST	\$2,525.00
		Telecommunications facility - Code	application	NO GST	\$1,475.00
		Telecommunications facility - Impact	application	NO GST	\$2,525.00
		Theatre - Code	application	NO GST	\$1,475.00
		Theatre - Impact	application	NO GST	\$2,525.00
		Tourist attraction - Code	application	NO GST	POA
		Tourist attraction - Impact	application	NO GST	POA
		Tourist park - Code	application	NO GST	\$1,475.00
		Tourist park - Impact	application	NO GST	\$2,525.00
		Transport depot - Code	application	NO GST	\$1,475.00
		Transport depot - Impact	application	NO GST	\$2,525.00
		Utility installation - Code	application	NO GST	\$1,475.00
		Utility installation - Impact	application	NO GST	\$2,525.00
		Veterinary services - Code	application	NO GST	\$1,475.00
		Veterinary services - Impact	application	NO GST	\$2,525.00
		Warehouse - Code	application	NO GST	\$1,475.00
		Warehouse - Impact	application	NO GST	\$2,525.00

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
		Wholesale nursery - Code	application	NO GST	\$1,475.00
		Wholesale nursery - Impact	application	NO GST	\$2,525.00
		Winery - Code	application	NO GST	\$1,475.00
		Winery - Impact	application	NO GST	\$2,525.00
	Undefined Use				Fee as determine by the Manager Development & Governance or Senior Planner
	Inconsistent Use				Normal Fee plus 50%
	Reconfiguration				
F0193		Reconfiguration up to 2 Lots, all boundary realignments and access easement	application	NO GST	\$980.00
F0194		Reconfiguration up to 3 - 10 Lots	application	NO GST	\$1,670.00
F0195		Reconfiguration up to 11 - 25 Lots	application	NO GST	\$5,040.00
F0196		Reconfiguration up to 26 - 50 Lots	application	NO GST	\$7,270.00
F0197		Reconfiguration up to >50 Lots	application	NO GST	\$11,630.00
	Preliminary Approval				
31		Applications involving a s242 Preliminary Approval			Normal fee plus \$7,720.00
	Combined Applications				
32		The fee shall be the combined total of all applicable fees unless otherwise determined by the Manager Development & Governance or Senior Planner			POA

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item	Fee	Per	GST STATUS	Proposed Fees 2016/17
Application Requiring Fee Determination				
33	Any development application which is deemed to be complex, unusual or of significant scale and likely to require significant additional assessment inputs (including the use of external consultants) will have an application fee determined based on expected costs to Council. Expected costs will include both internal and external assessment costs. Applicants should confirm during pre-lodgement discussions whether the application requires a fee determination.			POA
Consultant Fees				
	The cost of external consultant's fees for any further assessment or advice required by Council in consideration of any application or submission and/or technical report may be charged to the Applicant. The Applicant will be notified of Council's intent to refer the Application to a consultant following receipt of a response to Information Request (or earlier). If Council elects to recover the cost of the consultant the consultant's costs must be paid prior to the final determination of the Application.			POA
Survey Plans				
F0198	Application for Compliance Assessment for Endorsement of Survey Plan (Base Fee)	application	NO GST	\$555.00
F0199	Endorsement of Survey Plan per lot fee (in addition to base fee) - based on DNRM valuation roll maintenance fee	lot	NO GST	\$35.00
F0200	Re-endorsement of a survey plan	application	NO GST	\$240.00
F0201	Endorsement of CMS/Easement/Covenant	document	NO GST	\$320.00
Superseded Applications				
F0202	Application under a Superseded Planning Scheme for exempt or self assessable development	application	NO GST	\$575.00
	<i>the application fee for a Superseded Application is an additional cost is to be added to application fee for the MCU/RoI/OW</i>			
F0203	Application under a Superseded Planning Scheme for Code or Impact	application	NO GST	\$885.00
Extension of Relevant Period				
F0206	Extension of Relevant Period	application	NO GST	Charge is 35% of current prescribed fee. Minimum fee \$500.00

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
	Application to Change Development Approval				
F0208		Application to change Development Approval after appeal period ends	application	NO GST	Charge is 50% of current prescribed fee. Minimum fee \$500.00
F0212		Application to change Development Approval after appeal period ends - Court Order	application	NO GST	\$2,940.00 plus all legal costs including GST
	Application to Change a Compliance Certificate / Permit				
F0213		Application to change a Compliance Certificate	application	NO GST	\$280.00
F0214		Application to change a Compliance Permit	application	NO GST	\$725.00
	Application to Change Development Application				
47		Additional fee to be paid based on % of current application fee:			
F0206		- if prior to issue of Information Request - 25%	application	NO GST	25%
F0217		- if prior to the Decision Making period - 50%	application	NO GST	50%
F0217		- in Decision Making stage, but prior to report being completed - 75%	application	NO GST	75%
F0218		- after report is completed - 100%	application	NO GST	100%
	Refund of Development Application - withdrawn application				
48		Refund based on % of application fee paid:			
F0219		- if prior to issue of Information Request - 75%	application	NO GST	75%
F0220		- if prior to the Decision Making period - 50%	application	NO GST	50%
F0221		Refund of Development Application - lapsed application Application lapsed as not properly made application (s266 of SPA) - refund 80% of application fee paid		NO GST	80% of application fee paid
	Application to Cancel Development Approval				

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
F0222		Application to cancel Development Approval	application	NO GST	\$95.00
	Lapsed Application				
F0223		Lapsed application or approval - no refund applies in any other circumstance			Nil
	Operational Works				
	Operational Works Application				
F0224		Application for works on Council road reserve involving an access (where associated with a MCU or RoL approval)	application	NO GST	\$250.00
		Application for Advertising Sign	application	NO GST	\$990.00
		Application for Clearing of Vegetation	application	NO GST	\$430.00
		Operational Works Application (Op Works associated with RoL for more than 5 lots)			
F0225		Base Fee	application	NO GST	\$1,415.00
F0226		Plus amount per lot	lot	NO GST	\$125.00
F0227		Other Operational Works Application (including associated with RoL up to 5 lots)	application	NO GST	1.5% of cost (min \$223 max \$10,000)
		Reassessment of Engineering Plans			
		As a result of substantially amended plans			
F0228		Base Fee	application	NO GST	\$775.00
F0229		plus amount per Lot	lot	NO GST	\$70.00
		Checking of Landscape Plans (associated with Op Works)			

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
		(i) Landscape plans submitted by Landscape Architect or Landscape Designer and who will:			
		(a) submit a conforming statement of compliance; and			
		(b) undertake a final inspection; and			
F0230		(c) submit as constructed landscaping plans (where required)	application	NO GST	\$495.00
F0231		(ii) Landscape plans submitted and not in accordance with (i) above	application	NO GST	\$1,670.00
		Checking of Street Lighting Plans (associated with Op			
F0232		Base Fee	application	NO GST	\$345.00
F0233		Plus amount per Lot	lot	NO GST	\$15.00
		Construction Monitoring (Op Works associated with RoL for			
F0234		Base Fee	application	NO GST	\$1,415.00
F0235		Plus amount per Lot	lot	NO GST	\$255.00
F0236		Construction Monitoring of other Operational Works (including associated with RoL	application	NO GST	1.5% of cost (min \$223 max \$10,000)
F0237		Re-Inspection of Outstanding works and/or Early Plan Sealing Inspection	application	NO GST	\$640.00
F0238		Bonds for Construction Security and Defects Liability	application	NO GST	5% of value of works (minimum \$1,000)
F0239		Bonds for Outstanding Works and Early Plan Sealing	application	NO GST	150% of Value of Works Being Bonded
		Developers Contributions			
		Parking			
		Vehicle space provided by Council off street			
86		Kuranda town - Business and Village zone	space	NO GST	\$9,350.00
		Kuranda town - other areas	space	NO GST	\$2,335.00
87		Mareeba town - Commercial, Business and Industry zone	space	NO GST	\$5,925.00
		Mareeba town - other areas	space	NO GST	\$2,335.00
88		Other Towns	space	NO GST	POA
89		Parks Contribution	charge	NO GST	\$4,425.00
90		Drainage	charge	NO GST	\$4,425.00
91		Roads	charge	NO GST	\$4,425.00

Fees and Charges Schedule 2016-17 (2.5% CPI)

Item		Fee	Per	GST STATUS	Proposed Fees 2016/17
		Water/Sewerage Contribution			
		Mareeba			
92		Water contribution	charge	NO GST	\$4,425.00
93		Sewerage contribution	charge	NO GST	\$4,425.00
		Kuranda (Refer to Maps)			
94		Water for District/Area	charge	NO GST	
		(Note: EDC = Equivalent Domestic Connection)			
95		Water for Kuranda LLZ	charge	NO GST	\$5,475.00
96		Water for Warril HLZ	charge	NO GST	\$8,820.00
97		Water for Mason HLZ	charge	NO GST	\$7,515.00
98		Sewerage for Area 1	charge	NO GST	\$4,425.00
99		Sewerage for Area 2	charge	NO GST	\$4,425.00
100		Sewerage for Area 3	charge	NO GST	\$7,405.00
101		Sewerage for Area 4	charge	NO GST	\$6,825.00
		Chillagoe			
102		Water contribution	charge	NO GST	\$4,425.00
		Dimbulah			
103		Water contribution	charge	NO GST	\$4,425.00
		Mt Molloy			
104		Water contribution	charge	NO GST	\$4,425.00

INFRASTRUCTURE SERVICES

WATER & WASTE

ITEM-8 RECYCLE DESIGN AND TECHNOLOGY - PROPOSAL TO REMOVE AND RECYCLE PLASTIC WASTE

MEETING: Ordinary

MEETING DATE: 4 May 2016

**REPORT OFFICER'S
TITLE:** Manager Water and Waste

DEPARTMENT: Infrastructure Services, Water & Waste Group

EXECUTIVE SUMMARY

Council has received a proposal from Recycle Design & Technologies (RDT) for the collection and removal of plastic waste from the Mareeba Transfer Station. This proposal is at no cost (\$0) to Council and represents an excellent opportunity to reduce waste to landfill and reduce costs to the community.

OFFICER'S RECOMMENDATION

"That Council approve and accept the proposal from Recycle Design & Technologies for the bailing, collection and removal of plastic waste from the Mareeba Transfer Station."

BACKGROUND

Council officers were asked to investigate the potential to reduce the volume of plastic waste going to landfill and explore options for recycling and reuse of commercial and agricultural plastics.

After extensive research and subsequent initial discussions with representatives from RDT, a meeting was arranged with Council's Mayor and Senior Water and Waste staff. This led to a formal offer being provided to Council from RDT for the collection, bailing and removal of plastic waste (copy attached) for recycling.

The offer from RDT included the collection, bailing for recycling of the following plastic waste products:

- Plastic Fluming
 - Crop Cover (plastic netting)
 - Plastic Containers
 - Plastic Film (pallet wrap, Cotton bale Wrap and/or similar but not plastic mulch film)
 - Plastic bumper bars from cars
-

The list above is not exhaustive. RDT are open to discussing other agricultural plastic wastes, as well as any other recyclable materials.

RDT will not (at this stage) process or collect the plastic mulch cover (either the Black or the White product). This is due to the excessively high organic contamination (>20%) contained within the mulch. Due to customer demand, RDT is currently exploring options to process plastic mulch and are undertaking trials. On completion of these trials RDT will be in a position to determine costs associated with providing this service for the recovery of the plastic mulch.

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
Council staff

External
Industry Providers
Cairns Regional Council
Mackay Regional Council
Townsville Regional Council

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 2016/2017 budget?
Yes

IMPLEMENTATION/COMMUNICATION

Advice will be provided to commercial, agricultural and domestic users.

ATTACHMENTS

1. Formal offer from RDT

Date Prepared: 19 April 2016

**Recycling Design & Technologies (Aust) Pty Ltd**

T/A RDT Engineering

ABN. 61 108 273 981

Ph. (07) 3245 4522

Fax. (07) 3245 4622

Email. engineering@rdtaust.com.au**Date**

***** Regional/ Shire Council

PO Box 123

Qld 4000

Attention: **Name****Waste/Environmental and Health Project Manager/Officer****Re: Letter of Commitment to ***** Regional Council**

This is a Letter of Commitment from Recycling Design and Technologies P/L (RDT) to process (bale) and remove recyclable agricultural plastic waste that has been collected and stored at the Regional/Shire Council (BSC) Transfer Station located at:

*Name of Transfer Station/Landfill**Street address of Transfer Station/Landfill***Background**

RDT was involved in the clean-up effort following the 2011 Brisbane floods, where many agricultural plastics were washed into the outskirts of the Brisbane / Ipswich River system. The scale of the clean-up required RDT to find the most efficient manner to appropriately manage the plastics, which resulted in RDT investing in a mobile baling system.

Since 2012 RDT has recycled over 5,000 tonnes of agricultural plastic, providing mobile baling services from Mareeba to Gatton. The mobile baling service involves transport (via 68 foot flatbed trailer) of a 16 tonne closed-door baler, with a generator and telehandler. The approach enables RDT to provide an efficient service, baling around 25 tonnes per day.

The mobile baling service avoids valuable resources being disposed to landfill, and also provides a viable alternative to environmentally hazardous and potentially illegal disposal methods, such as burning or on-site disposal.

Service Provided

In order to provide a cost effective service, we generally require a '**Minimum Volume**' of **25 tonnes** of recyclable agricultural plastic to make it viable to attend a site.

The minimum quantity can be made up of one or all of the below '**Agricultural Plastic Waste**':

- Trickle Tape (all brands)
- Plastic Fluming
- Crop Cover (plastic netting)
- Plastic Containers

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- Plastic Film (pallet wrap, Cotton bale Wrap and/or similar but not plastic mulch film)
- Plastic bumper bars from cars

Please note that these products will be baled and processed separately. As such, they will be required to be stored separately.

The list above is not exhaustive. We are open to discussing other agricultural plastic wastes, as well as any other recyclable materials.

RDT will **NOT** (at this stage) process or collect the plastic mulch cover (either the Black or the White product). This is due to the excessively high organic contamination (>20%) contained within the mulch. Due to customer demand, RDT is currently exploring options to process plastic mulch and are undertaking trials. On completion of these trials RDT will be in a position to determine costs associated with providing this service for the recovery of the plastic mulch.

Contamination of Agricultural Plastic Waste

Contamination (such as organic soils, remaining plant stems and roots) may be present within the waste stream. However, in order to meet industry standards and ensure markets for the recovered materials, this contamination cannot exceed **20%** (by weight).

In RDT's experience it has been found that at times a combination of Trickle Tape and Plastic Mulch have been harvested and collected within the one pile. As these are distinctly different types of plastic, RDT would request that at no stage should these items be stockpiled or collected together. Once these items are entangled within the one stockpile, this agricultural waste is now deemed unrecyclable and should be regarded as landfill waste.

RDT will use its best endeavors to recycle the T Tape, however if there is excessive waste or cross contamination then the product will be deemed unrecyclable. Any unrecyclable product will not be recovered by RDT.

Price

For Agricultural Plastic Waste that exceeds the Minimum Volume and complies with the Contamination requirements, RDT will charge Council **\$0/t** for the service of baling, collecting and arranging for transport to recyclers.

Service Term

Due to the nature of the mobile baling services, RDT continually travels around Queensland's relevant growing regions.

RDT will provide Council with a **minimum of 30 days' notice** prior to any potential collection visit to your site, at which time Council must provide RDT with an estimate of the total tonnage available for processing. If the stockpile is not at the minimum of 25 tonnes, Council or RDT can reserve the right to decline the visit.

The Service Term will be 5 years, commencing from the date of this agreement.

**Recycling Design & Technologies (Aust) Pty Ltd**

T/A RDT Engineering

ABN. 61 108 273 981

Ph. (07) 3245 4522

Fax. (07) 3245 4622

Email. engineering@rdtaust.com.au**Communication**

In order to support RDT's delivery of an efficient regional service and avoid unnecessary build-up of major product stockpiles, during the Service Term, Council will use reasonable endeavors to keep RDT informed about the size and condition of stockpiles at its site/s, this will include either phone calls, email messages or other, as required. Where practicable, photos of material should be provided in order for RDT to visually assess material type, storage conditions, and potential contamination concerns.

Termination of the Service

Either party is able to terminate this Agreement by providing 6 months' notice in writing.

Exclusivity

Council will use its best endeavors to collect and appropriately store Agricultural Plastic Waste, and will not provide this material to any other party during the Term of this Agreement.

Limitation of Liability

Neither party shall be liable for any indirect, special or consequential loss or damage whatsoever (including but not limited to lost profits or interruption of business) arising out of or in connection with this Agreement.

We look forward to providing these services for Council, in order to ensure a good social and environmental outcome from the recovery of recyclable materials that would otherwise be disposed.

Signed by Your Authorised Person

Name: _____

Position: _____

Signature: _____

Date: _____

Signed by Our Authorised Person

Name: _____

Position: _____

Signature: _____

Date: _____