



## Ordinary Meeting

**Council Chambers**

**Date: 01/06/2016**

**Time: 9:00am**

## AGENDA

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THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON **WEDNESDAY, 01 JUNE 2016** AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS  
CHIEF EXECUTIVE OFFICER



## ORDER OF BUSINESS

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

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

**MEETING:**                Ordinary

**MEETING DATE:**        1 June 2016

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

**DEPARTMENT:**         Corporate and Community Services

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**APPLICATION DETAILS**

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	S Rizvi & P Freeman	<b>ADDRESS</b>	1063 Koah Road, Koah
<b>DATE REQUEST FOR NDN LODGED</b>	10 May 2016	<b>RPD</b>	Lot 1 on NR7238
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 4 lots and Common Property)		
<b>FILE NO</b>	DA/16/0009	<b>AREA</b>	6.051 hectares
<b>LODGED BY</b>	S Rizvi & P Freeman	<b>OWNER</b>	S Rizvi & P Freeman
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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**ATTACHMENTS:**        1. Decision Notice dated 22 April 2016.  
                                  2. Applicant's written representations dated 10 May 2016.

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## EXECUTIVE SUMMARY

*Council approved a development application described in the above application details at its meeting held on 20 April 2016, subject to conditions.*

*The application was code assessable and was not required to undergo public notification.*

*The applicants have subsequently made written representations about Condition 4.3 (Frontage Works - Koah Road) and Condition 4.6 (Electricity Provision/Supply).*

*Council officers are of the opinion that Condition 4.3 is a reasonable and relevant requirement for rural residential development and should be retained. The amendment of Condition 4.6 to provide for the use of solar electricity supplies is supported.*

*It is recommended that the application be approved in part.*

## OFFICER'S RECOMMENDATION

"It is recommended that:

1. In relation to the written representations made by S Rizvi and P Freeman regarding conditions of the following development approval:

APPLICATION		PREMISES	
<b>APPLICANT</b>	S Rizvi & P Freeman	<b>ADDRESS</b>	1063 Koah Road, Koah
<b>DATE REQUEST FOR NDN LODGED</b>	10 May 2016	<b>RPD</b>	Lot 1 on NR7238
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 4 lots and Common Property)		

and in accordance with the Sustainable Planning Act 2009;

- (A) Condition 4.6 of Council's Decision Notice issued on 22 April 2016 be amended as follows:

### *4.6 Electricity Provision/Supply*

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

*An appropriate level of electricity supply to each allotment may be provided by:*

- (a) *Written advice from an Electricity Service Provider indicating to Council, that an agreement has been made for the provision of power reticulation to the lot, or that power reticulation is already available to the lot; or*

(b) *The applicant providing an off-grid solar energy system servicing the allotment, prior to the occupation of the dwelling house on the allotment, which meets or exceeds the following minimum requirements:*

- (i) *The off-grid solar energy system have a minimum capacity of 5kW, include battery storage and a backup generator; and*
- (ii) *The off-grid solar energy system must be an accredited product through the Solar PV Accreditation scheme (Clean Energy Council) and must be installed by a supplier accredited under this same scheme; or*

(c) *A combination of (a) and (b).*

(B) Advice Clause (e) of Council's Decision Notice issued on 22 April 2016 be amended as follows:

(e) *Notation on Rates Record*

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

- *bushfire management*
- *flood immunity*
- *An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report*
- *an approved source of water supply via bore/watercourse*
- *electricity supply may be via an off-grid solar energy system to be provided by the vendor, prior to the occupation of a dwelling house on the allotment.*

(C) Condition 4.3 must remain as per Council's Decision Notice issued on 22 April 2016.

2. A Negotiated Decision Notice be issued to the applicant advising of Council's decision."

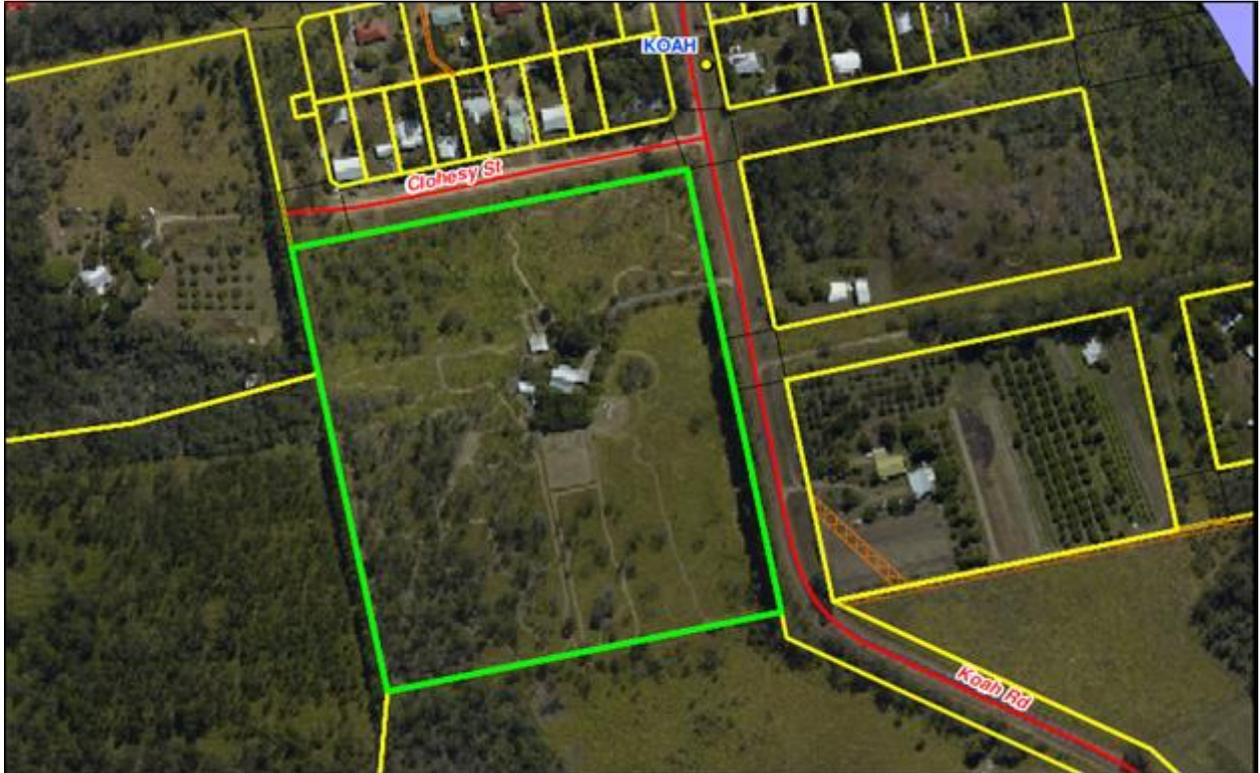
## **THE SITE**

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

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

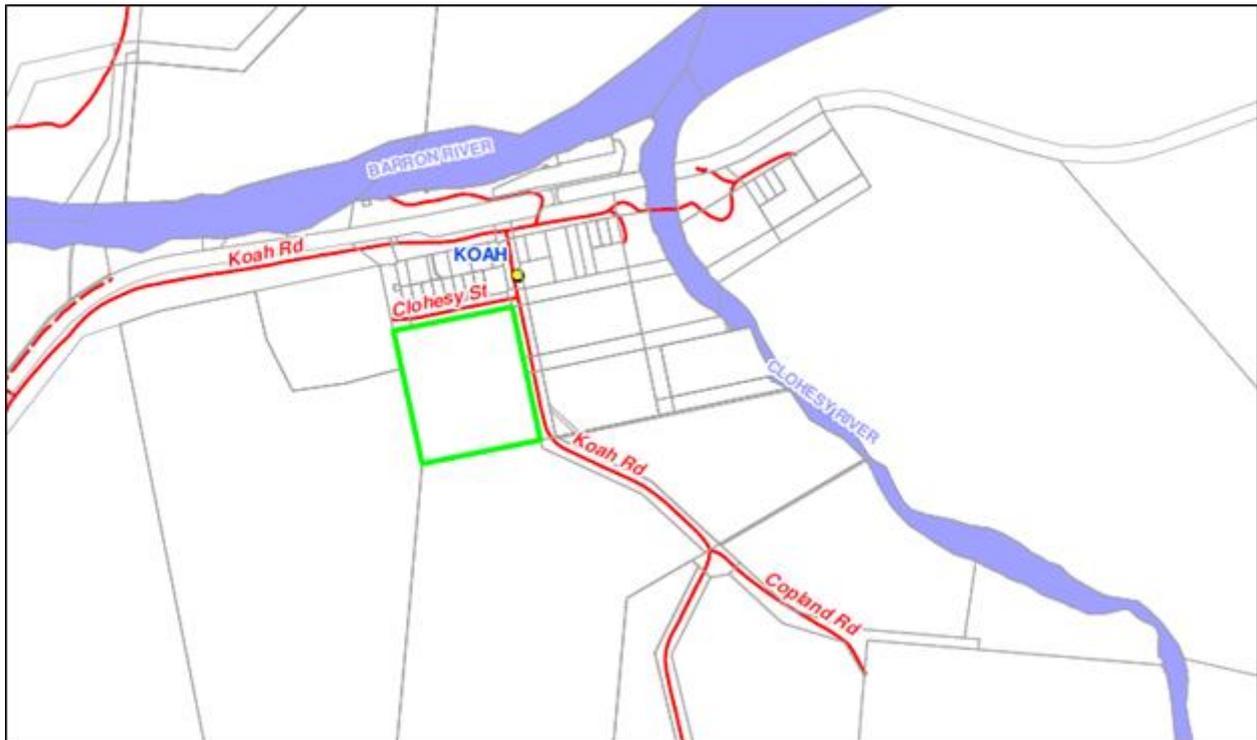
road reserve to the east of the site. The water pump itself is lawfully sited within a leasehold parcel in proximity to the river itself.

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



Map Disclaimer:

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



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## BACKGROUND AND CONTEXT

On 20 April 2016, Council approved an application for reconfiguring a lot - subdivision (1 into 4 lots and common property) over land described as Lot 1 on NR723, Parish of Formartine, situated at 1063 Koah Road, Koah.

The application was approved subject to conditions and the decision notice (**Attachment 1**) was issued on 22 April 2016.

The applicants have subsequently made written representations in relation to Condition 4.3 (Frontage Works - Koah Road) and Condition 4.6 (Electricity Provision/Supply) (**Attachment 2**) and is seeking the issue of a negotiated decision notice.

Condition 4.3 requires the applicant/developer to widen the development side of Koah Road only by a total of two (2) metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) for the full frontage of the subject land. The applicants requests that this condition be removed in order to achieve consistency with development approval DA/16/0005 which was approved by Council at its Ordinary Meeting on 2 March 2016. Development Permit DA/16/0005, authorises the subdivision of nearby Lot 64 on N157400, situated at 38 Copland Road, Koah, into two lots without the requirement for any road widening due to Lot 64's rural zoning.

In addition, the applicants requests that Council amends Condition 4.6 (Electricity Provision/Supply), to allow for the use of stand-alone solar systems on each proposed lot as an alternative to standard grid connections.

## **APPLICANT'S REPRESENTATIONS**

### **Condition 4.3**

#### *4.3 Frontage Works - Koah Road*

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

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

### **Representation by Applicant**

*"A recent development permit was issued by Mareeba Shire Council for a subdivision at their ordinary meeting on the 2 March 2016 on LOT 64 N157400 - 38 COPLAND ROAD, KOAH (DA/16/0005).*

*A condition of approval was:*

#### *4.3 Roadworks- External Construction*

*Prior to the endorsement of the plan of survey, the applicant/ developer is required to construct the following works, designed in accordance with FNQROC Development Manual Standards (as amended) to the satisfaction of Council's delegated officer:*

*4.3.1 The poorly constructed section of road reserve to the north of the subject site (proposed to access Lot 1) is to be upgraded/ constructed to a formed gravel standard (8 metre formation, 5.5 metre pavement width) from its intersection with Copland Rd to a point 20 metres past the access crossover to Lot 1.*

*4.3.2 The intersection between Copland Rd and the new section of road required under 4.3.1 must also be upgraded.*

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

*As an alternative to the external road works described above, the applicant/ developer may provide an access easement through Lot 2 to service Lot 1. The applicant/ developer must provide an all-weather gravel access road for the full-length of the easement. The easement must be included on the plan of survey and a copy of the easement schedule must be provided to Council for review by Council's delegated officer.*

*Given that Lot 1 (the new lot which will occur as a result of the subdivision) has a significant amount of road frontage to Copland Rd, we do not understand why an easement was available as an alternative to upgrading the frontage. As this neighbouring property was not required to upgrade the road frontage (or provided with a much cheaper alternative which*

*will not result in any improvement on the public road frontage of the site), the same principle should be applied to our development proposals. Therefore, we request that this condition of approval be removed for the sake of consistency and fairness between two very similar development proposals on lots within the same locality, issued within the same month."*

### **Response**

Whilst the lot sizes for each application may be similar, the planning intent for each property is considerably different. This is clearly evident by the zoning to be applied to the respective properties under the soon to be adopted Mareeba Shire Council Planning Scheme.

The applicant's property will be included in the Rural Residential zone (2 hectare precinct), whereas Lot 64 on N157400 will be included in the Rural zone. As indicated by its name, the Rural Residential zone (2 hectare precinct) is intended to allow for the further reconfiguration of rural residential zoned land into 2 hectare allotments. In contrast, the rural zoned land will have a 60 hectare allotment size.

There is no potential for Lot 64 on N157400 to be further subdivided under the proposed Mareeba Shire Council Planning Scheme, and given the small number of rural lots accessing via Copland Road, the lesser rural standard of access condition for DA/16/0005 is appropriate.

The reconfiguration proposed by the applicants would create the following allotments.

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

Condition 4.3 requires the applicant to widen Koah Road, on the development side only, by 2 metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) for the frontage of the development.

The road widening conditioned for DA/16/0009 is reasonable and appropriate for a rural residential development.

It is recommended that Condition 4.3 be maintained.

### **Condition 4.6**

#### **4.6 Electricity Provision/Supply**

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

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

## **Representation by Applicant**

*"We the proponent wish to question this condition, as we feel that it should be interpreted to include off grid solar energy systems, which in light of recent technological advances can legitimately be described as "an appropriate level of electricity supply", from accredited retailers who can accurately be described as "an Electricity Service providers" as per the condition. The condition refers to FNQ ROC Development Manual standards which do not explicitly state that reticulated grid fed electricity supply must be provided in this location.*

*Attached are technical specifications from two off grid solar electricity suppliers who are available to provide 6.2 kW stand-alone solar powered energy systems to the new lot subject to this development approval, at a price which is equivalent to Ergon energy's cost estimate of installing a grid connection.*

*These systems would provide the new household with levels of electricity supply above the average Australian household's consumption, which is **5,817 kWh per year (Australian Energy Regulator; 2014)**. The inverters provided with this system are capable of adding a further 2kW of panels and battery storage, should the household wish to upgrade the system. This would potentially result in 8.2kW which is significantly more than the average Australian household would consume. Furthermore, these systems assume a very conservative 4 hours on full sun exposure per day...in a sunny location like Koah, it is likely that there will be more like 7 to 8 hours full sun on an average day, meaning the systems are likely to be more productive than they are calculated to be. Two households on Koah Rd are already receiving power from off grid, stand-alone solar systems...and both have testified to the reliability and cost effectiveness of this approach (pers comm; 2016).*

*These new lots will be marketed as part of a sustainable neighbourhood concept for the Koah Village, in line with the applicants' commitment to balancing property development with environmental stewardship and community values.*

*As part of this concept, both of the original applications requested that they provide off-grid, stand-alone solar powered energy systems as an alternative to conventional grid connections, to service future households. The assessment manager's email response to this request was:*

*With regards to the power supply, grid power is still the most practical outcome in our opinion for prospective purchasers. The draft scheme does allow for stand-alone systems but only where grid power is not available. As such, we have conditioned the requirement for a grid power supply.*

*Whilst grid power supply is still the conventional method of power supply, we would like to challenge the thinking & assumptions behind this statement and the status quo, and ask Council to consider the bigger issue of reducing carbon emissions through supporting cleaner, pollution free solar energy generation, which is now both economically and environmentally attractive. In short, we propose that solar has become not only equal but the superior option in all respects, and is now a viable competitor to grid fed electricity supply on the full spectrum of different lots sizes & locations.*

## **BACKGROUND**

*The evolution of solar technology over the past decade has been nothing short of spectacular, as falling prices and climbing demand drew photovoltaic costs level with, or below, power sources such as coal and even natural gas in some places. The change is so*

major it has upped expectations for the sun’s role in a clean energy future; the IEA recently raised its targets for solar electricity in 2050 by nearly 50 percent. In Australia, more than a million rooftop solar PV systems have been installed, compared to just 8,000 in 2007.

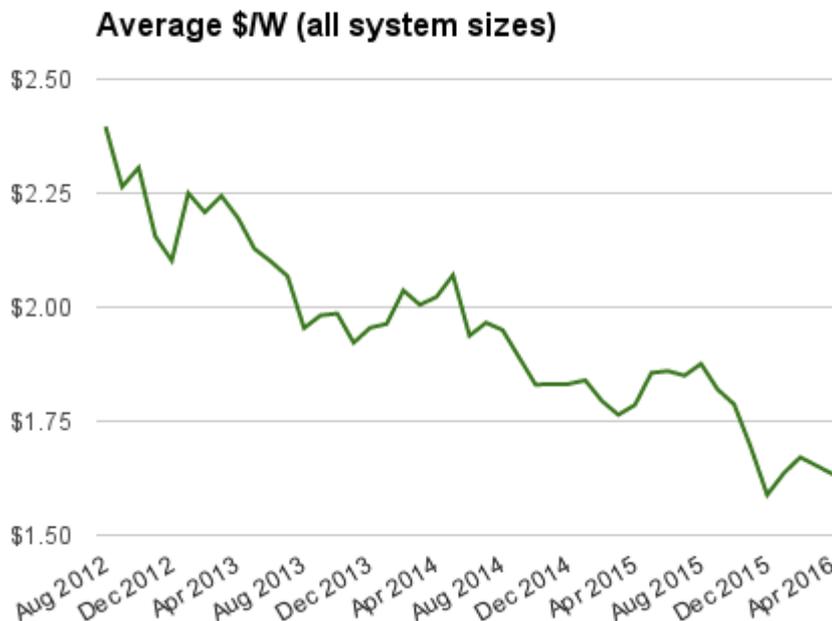
Small-scale solar photovoltaic systems, typically on rooftops, account for the majority of solar installations. These systems are currently undergoing rapid growth in technological advancement and manufacturing capabilities. About 2.6 million people, 11% of our population, generate electricity from the sun. Queensland has the largest number of solar photovoltaic (PV) installations of any state, followed by New South Wales and Victoria (Climate Council 2016).

In short, solar technology is poised to no longer be an “alternative” to current status quo, but a game changer over the coming decades. Policy advisor to the NSW Minister of Environment, Martina Lyons (pers comm: 2016) states:

“Our telecommunication systems underwent a massive transformation in the nineties with the advent of mobile technology.... and with current technological advances and falling prices of off grid solar systems and micro grids, we are now on the cusp of our energy systems going through a similar transformation”.

#### COMPARATIVE COSTS

The chart below demonstrates the marked price decline of rooftop PV systems since August 2012.



Source: Solar Choice (2016). Data points are the average of average \$/W for each system size

In contrast, the cost of grid supplied electricity continues to rise. The average Australian electricity bill in 2014 was **\$1,690, which is in increase from 2011 of 22% (Martin: 2014\* this is an Australian average as price increase vary from state to state), despite an overall decrease of Average household electricity consumption over the same period**

**of 12.5% (Bill republic: 2016).** The Queensland Competition Authority (QCA), the state government body that regulates electricity prices, allowed electricity rates to rise by 21.4% in residential tariffs over the course of the 2013/2014 financial year (Solar Choice: 2016).

These price rises are expected to continue indefinitely. Our quotes from Ergon Energy and off-grid solar retailers confirm that the price of an off-grid, stand-alone solar system with a capacity of 6.2kW, and a conventional grid connection through Ergon Energy are roughly the same. However the solar system will then provide the household with clean, green and free power supply for up to 25 years. If electricity prices were to increase by 10% annually these systems could save the household up to \$160,000 savings (based on the current average electricity bill of \$1690 pa) over the life of the system. Systems will need to be replaced after approximately 25 years, however by this time solar systems have been estimated to comprise of 50% of all power supply (Katz: 2014) and prices of systems will be significantly cheaper:

*“An energy revolution is coming, and it is contained in an appliance about a metre high and a metre wide - the home battery. Analysis by Citibank suggests that within five years the price will have almost halved, to about \$3700. The change will begin to transform the electricity system. After many false starts, Australians will finally have the opportunity to get solar power right”. Blowers (2015) The Age.*

#### CARBON EMISSIONS & CLIMATE CHANGE

*This optimistic outlook for renewable energy is in stark contrast to current predictions on fossil fuel induced, accelerated climate change. The Australian Bureau of Meteorology's and CSIRO's projections confirm the worst: climate change is real; it is dangerous and it is already happening (CSIRO & BoM: 2015).*

*Reticulated power supply in Mareeba Shire depends on coal fired power stations in Central Queensland which pollute the atmosphere with dangerous, global warming emissions. Furthermore, Queensland has the largest electricity distribution network in Australia and as a result incurs significant transmission losses in the distribution of the electricity in regional and remote locations of the state (Allen: 2011). On the other hand, solar power generates electricity with no global warming pollution, no ongoing fuel costs, and no risks of fuel price spikes, and has the potential to help move the country toward cleaner, reliable, and affordable sources of electricity.*

#### LOCAL GOVERNMENT SUPPORT FOR RENEWABLE ENERGY

*Addressing climate change is one of the Australian Local Government Association's top five policy priorities (ALGA: 2016). Across Australia, Councils are demonstrating leadership in addressing climate change by supporting solar, and thus contributing to a clean, sustainable future for this country, as well as their own local communities.*

*Notable local government leaders in this field include NSW's Byron Shire, Bega Valley Shire, City of Wagga Wagga (CAFNEC: 2016; Brown: 2015; City of Wagga Wagga: 2010); Victoria's Moreland, Yarra, Maribyrnong & City of Melbourne, as well as a South Australian consortium of six Councils including Holdfast Bay, Marion, Onkaparinga, Playford, Port Adelaide, Enfield and West Torrens Councils, all contributing to the South Australian government's target of 50% renewable energy generation for the state by 2025 (Parkinson et al: 2014).*

*The small communities of Newstead (Mt Alexander Shire, Vic) Uralla (Uralla Shire, NSW) Tyalgum (Tweed Shire, NSW) are working towards becoming the first in Australia to*

go 100% solar, through their own community owner micro-grids, with the support of the local Councils (Timms: 2014 & Vorrath: 2015).

*Because the cost of stand-alone systems has now fallen to be equivalent to a conventional grid connection, reconfiguration of lots to create new lots is a critical window of opportunity for embracing a transition to cleaner, pollution free forms of renewable energy. However if grid power supply is mandated as a condition of approval, it is unlikely that developers or new households will incur this cost twice, and fit out new dwellings with solar arrays and battery storage....and therefore this critical opportunity to transition to cheaper, reliable and pollution-free power supply will be lost.*

*A common response to this matter is... "There is nothing stopping the household from installing solar if they want to". We would like to point out that the reverse of this statement is also true....if a household provided with an off-grid solar system wants to connect to the grid in the fullness of time, that product & service is still available to them. But the market is showing that demand for solar in Australia is high...we assume that off grid solar will be the more attractive option for buyers and including it in the sale of the land will be highly desirable.*

*Given these significant economic advantages to the future household and technical capabilities of modern solar units, we feel that it is uncompetitive to regulate one form of energy supply from another. Utility companies have enjoyed a market monopoly over domestic electricity supply up until now, but given there is now a viable competitor, mandating the use of one retailer over another would be an unfair advantage within our free market economy.*

*Standards conditions around the provision of off grid solar as an alternative to a grid connection can be found of other local government authorities that have chosen to support this option, and we would expect them to include:*

- *Minimum capacity of the system matching average Australian household domestic consumption (i.e. Minimum 5kW pa capacity);*
- *Technology and installers must be an accredited product & retailer through the Solar PV Accreditation scheme (Clean Energy Council);*
- *Provided in full by the vendor with the issue of a building permit on the land.*



*This decision will test the newly elected Mareeba Shire Council on their position and potentially set a precedent for the future. However given the dynamic and rapid advances of solar technology on one hand, and accelerating climate impacts on the other - we are very confident that it will not be the last time Council will have to consider it.*

*Therefore today is an opportunity to consider MSC's position going into the future, and show leadership and forward thinking on this very important issue."*

### **Response**

The proposed allotments are rural residential, and a standard service requirement for this type of development is a reliable and consistent electricity supply. Conventionally, a connection to grid power supply has been Council's preferred method of achieving this service requirement.

Based on the above information provided by the applicants, it can be demonstrated that an appropriately sized off-grid solar energy system (minimum 5kW) can provide a domestic electricity supply equivalent to that of a standard grid connection. In terms of reliability and consistency, the proposed solar energy systems assume a conservative 4 hours of full sun exposure per day to generate the domestic electricity supply.

Given the climate in the Koah area, the proposed solar energy systems are likely to be exposed to at least 6 - 8 hours of full sunlight on an average day. Each system will include lithium battery storage to meet energy demands outside daylight hours. In the event of prolonged adverse weather, the applicants propose the inclusion of backup generators to each system to meet any shortfall in energy production. The operation of these generators will be governed by normal environmental nuisance regulations, and it will be the obligation of the allotment owners to ensure no noise nuisance occurs.

Based on the additional information provided by the applicants, Council officers are satisfied that both a reliable and consistent electricity supply can be achieved to each lot through the provision of a minimum 5kW off-grid solar energy system with the inclusion of lithium battery storage and a backup generator.

Due to the declining cost and technological advances in solar energy systems, it is likely that Council will receive future development proposals for subdivision which include the provision of electricity supply via this method. However, each proposal will need to be considered on its merits as off-grid solar energy systems may not be appropriate for higher density rural residential or residential subdivisions.

It is recommended that Condition 4.6 be amended as follows:

#### *4.6 Electricity Provision/Supply*

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

*An appropriate level of electricity supply to each allotment may be provided by:*

- (a) *Written advice from an Electricity Service Provider indicating to Council, that an agreement has been made for the provision of power reticulation to the lot, or that power reticulation is already available to the lot; or*
- (b) *The applicant providing an off-grid solar energy system servicing the allotment, prior to the occupation of the dwelling house on the allotment, which meets or exceeds the following minimum requirements:*
- (i) *The off-grid solar energy system have a minimum capacity of 5kW, include battery storage and a backup generator;*
- (ii) *The off-grid solar energy system must be an accredited product through the Solar PV Accreditation scheme (Clean Energy Council) and must be installed by a supplier accredited under this same scheme; or*
- (c) *A combination of (a) and (b).*

It is recommended that Advice Clause (e) be amended as follows:

- (e) *Notation on Rates Record*

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

- *bushfire management*
- *flood immunity*
- *An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report*
- *an approved source of water supply via bore/watercourse*
- ***electricity supply may be via an off-grid solar energy system to be provided by the vendor, prior to the occupation of a dwelling house on the allotment.***

**Date Prepared:** 23 May 2016

**ATTACHMENT 1**

22 April 2016

65 Rankin Street  
PO Box 154 MAREEBA QLD 4880P: 07 4086 4656  
F: 07 4092 3323W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
E: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)Council Ref: DA/16/0009  
Our Ref: BM:CE:njS E Rizvi & P D Freeman  
1063 Koah Road  
KOAHL QLD 4881

## Decision Notice

### Approval

*Sustainable Planning Act 2009 s334 and s335*

Dear Applicant/s

*APPLICATION FOR RECONFIGURING A LOT - SUBDIVISION (1 INTO 4 LOTS)  
LOT 1 ON NR7238  
SITUATED AT 1063 KOAH ROAD, KOAH*

I wish to advise that, at Council's Ordinary Meeting held on *20 April 2016*, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in section 6 of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

#### Approval under Section 331

This application has not been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

#### 1. Details of the approval –

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

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## 2. Other necessary development permits and/or compliance permits–

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out –

- Development Permit for Operational Works

## 3. Other approvals required from Council

- Nil

## 4. Submissions -

Not applicable

## 5. Conflict with a relevant instrument and reasons for the decision despite the conflict -

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

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p><b>Rural Zone Code:</b></p> <p><b>4.80 Reconfiguring a Lot</b></p> <p><b>PS1.1</b> Allotments to have a minimum area of 30 hectares and road frontage of 150 metres if outside the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5.</p>	<p><i>The proposed development is in conflict with the rural subdivision provisions contained within the Planning Scheme as all four (4) proposed lots are significantly smaller than the desired minimum resultant lot size of 30 Ha for land within the Rural zone (where not GQAL).</i></p> <p><i>Despite this conflict, the Coty principle (legal precedent) allows Council to give weight to a future planning scheme and its provisions during the assessment of a development application. The draft Mareeba Shire Council Planning Scheme, which is approaching adoption by Council, places the subject site within the Rural Residential zone (2 Ha Precinct). The proposed development is considered to be generally consistent with the intent of the site's future rural residential zoning.</i></p> <p><i>Should Council refuse this development application against the officer's recommendation, the applicant could simply re-apply once the draft Mareeba Shire Council Planning Scheme is in effect. A fresh application for the same proposal would generally comply with the future planning scheme.</i></p> <p><i>Despite the identified conflict, for reasons discussed above, it is recommended that the application be approved.</i></p>

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**6. Conditions –****(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme**

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the additional payment condition/s within these conditions of approval.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
  - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved otherwise by Council's delegated officer.
  - 3.5 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance of any existing buildings or structures that are in close proximity to any new property boundary must be submitted prior to endorsement of the plan of survey.

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3.6 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

3.7 Flood Immunity

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

3.8 No filling is to occur below the 100 ARI flood level unless approved in further Operational Works applications for works associated with the approved conditions of development.

3.9 Bushfire Management

Any new dwelling erected on the lots shall:

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

3.10 Rural Addressing

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

3.11 Charges

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

4. Infrastructure Services and Standards

4.1 Access

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

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

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

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

#### 4.2 Stormwater Drainage

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

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

#### 4.3 Frontage Works - Koah Road

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

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

#### 4.4 Non-reticulated Water Supply

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

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

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

4.4.4 The applicant/developer must demonstrate that any source of potable water supply can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health

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and Medical Research Council and the National Resource Management Ministerial Council).

- 4.4.5 Rainwater tanks will not be accepted as a means of potable water supply for either allotment.
- 4.4.6 If an existing bore is proposed as a potable water supply for any lot, this bore must comply with 4.4.2 (minimum sustainable yield only), 4.4.3 and 4.4.4 above.

4.5 On-Site Wastewater Management

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

4.6 Electricity Provision/Supply

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

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

4.7 Telecommunications

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

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

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay \$8,630.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk transport network servicing the land (\$4,315.00)
  - The trunk parks and open space network servicing the land (\$4,315.00)

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- 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.

(B) ASSESSMENT MANAGER'S ADVICE

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

(b) Easement Documents

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- bushfire management
- flood immunity

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

## (f) Environmental Protection and Biodiversity Conservation Act 1999

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

## (g) Cultural Heritage

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

## 7. IDAS referral agencies –

The application did not require referral to any Referral Agency.

## 8. Approved Plans

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

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

## 9. When approval lapses if development not started (s341)

This development approval will lapse in accordance with Section 341 of the Sustainable Planning Act 2009 if development does not start within relevant period as stated below:

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

If there is one (1) or more subsequent related approvals 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.

**10. Appeal rights –***Applicant may make representations about decision*

The applicant may make written representations to the assessment manager about: -

- (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
- (b) the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

Attachment 2 is an extract from SPA which contains details regarding making representations about the decision.

*Appeals by applicants*

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

*Appeals by submitters*

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

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Attachment 3 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

**11. When the development approval takes effect –**

This development approval takes effect –

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court

OR

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

Should you require any further information please contact Council's Planning Officer, Carl Ewin on the above telephone number.

Yours faithfully

ANTHONY ARCHIE  
MANAGER DEVELOPMENT & GOVERNANCE

Enclosures: Attachment 1 - Approved Plans of Development  
Attachment 2 - SPA Extract - Making Representations about Decision  
Attachment 3 - SPA Extract on Appeal Rights

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ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT (ECM VS# 3768601)



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**ATTACHMENT 2 - MAKING REPRESENTATIONS ABOUT DECISION****PART 8 - DEALING WITH DECISION NOTICES AND APPROVALS****DIVISION 1 CHANGING DECISION NOTICES AND APPROVALS DURING APPLICANT'S APPEAL PERIOD****360 APPLICATION OF DIV 1**

This division applies only during the applicant's appeal period.

**361 APPLICANT MAY MAKE REPRESENTATIONS ABOUT DECISION**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

**362 ASSESSMENT MANAGER TO CONSIDER REPRESENTATIONS**

The assessment manager must consider any representations made to the assessment manager under section 361.

**363 DECISION ABOUT REPRESENTATIONS**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (*the negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

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- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.
- 364 GIVING NEW INFRASTRUCTURE CHARGES NOTICE OR REGULATED INFRASTRUCTURE CHARGES NOTICE**
- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge or regulated infrastructure charge.
  - (2) The local government may give the applicant a new infrastructure charges notice under section 633 or regulated infrastructure charges notice under section 643 to replace the original notice.
- 365 GIVING NEW REGULATED STATE INFRASTRUCTURE CHARGES NOTICE**
- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a regulated State infrastructure charge.
  - (2) The relevant State infrastructure provider may give the applicant a new regulated State infrastructure charges notice under section 669 to replace the original notice.
- 366 APPLICANT MAY SUSPEND APPLICANT'S APPEAL PERIOD**
- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
  - (2) The applicant may act under subsection (1) only once.
  - (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
  - (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
    - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
    - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
    - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

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**ATTACHMENT 3 - APPEAL RIGHTS****DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS****461 APPEALS BY APPLICANTS**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

**462 APPEALS BY SUBMITTERS—GENERAL**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the *submitter's appeal period*) after the decision notice or negotiated decision notice is given to the submitter.

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**463 ADDITIONAL AND EXTENDED APPEAL RIGHTS FOR SUBMITTERS FOR PARTICULAR DEVELOPMENT APPLICATIONS**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
  - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
  - (b) a referral agency's response mentioned in subsection (2).

**464 APPEALS BY ADVICE AGENCY SUBMITTERS**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

**ATTACHMENT 2**

Sarah RIZVI & Piers FREEMAN  
1063 Koah Rd, KOAH, Qld 4881  
moweefarm@gmail.com

10 May 2016

Mareeba Shire Council  
Planning Department  
65 Rankin St, MAREEBA, Qld 4880

To the Assessment Manager,

**RE: NEGOTIATED DECISION NOTICE for PLANNING APPROVAL DA/16/0009 (S Rizvi & P Freeman)**

We the applicants of the above-mentioned developments request to negotiate the following conditions of approval on the following grounds.

**4.6 Electricity Provision/Supply**

*The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended), to the satisfaction of Council's delegated officer. Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation to each lot.*

**Proponents' Response**

**SUMMARY**

We the proponent wish to question this condition, as we feel that it should be interpreted to include off grid solar energy systems, which in light of recent technological advances can legitimately be described as "an appropriate level of electricity supply", from accredited retailers who can accurately be described as "an Electricity Service provider" as per the condition. The condition refers to FNQ ROC Development Manual standards which do not explicitly state that reticulated grid fed electricity supply must be provided in this location. FNQ ROC staff have confirmed that this is up to the discretion of Council.

Attached are technical specifications from an established, off grid solar electricity supplier who is available to provide 6.2 kW stand-alone solar powered energy systems to the new lot subject to this development approval, at a price which is equivalent to Ergon energy's cost estimate of installing a grid connection.

These systems would provide the new household with levels of electricity supply above the average Australian household's consumption, which is 5,817 kW per year (Australian Energy Regulator; 2014). The inverters provided with this system are capable of adding a further 2kW of panels and battery storage, should the household wish to upgrade the system. This would potentially result in 8.2kW which is significantly more than the average Australian household would consume. Furthermore, these systems assume a very conservative 4 hours on full sun exposure per day...in a sunny location like Koah, it is likely that there will be more like 7 to 8 hours full sun on an average day, meaning the systems are likely to be more productive than they are calculated to be. Two households on Koah Rd

are already receiving power from off grid, stand-alone solar systems...and both have testified to the reliability and cost effectiveness of this approach (pers comm; 2016).

These new lots will be marketed as part of a sustainable neighbourhood concept for the Koah Village, in line with the applicants' commitment to balancing property development with environmental stewardship and community values.

As part of this concept, both of the original applications requested that they provide off-grid, stand-alone solar powered energy systems as an alternative to conventional grid connections, to service future households. The assessment manager's email response to this request was:

*With regards to the power supply, grid power is still the most practical outcome in our opinion for prospective purchasers. The draft scheme does allow for stand-alone systems but only where grid power is not available. As such, we have conditioned the requirement for a grid power supply.*

Whilst grid power supply is still the conventional method of power supply, we would like to challenge the thinking & assumptions behind this statement and the status quo, and ask Council to consider the bigger issue of reducing carbon emissions through supporting cleaner, pollution free solar energy generation, which is now both economically and environmentally attractive. In short, we propose that solar has become not only equal but the superior option in all respects, and is now a viable competitor to grid fed electricity supply on the full spectrum of different lots sizes & locations.

#### BACKGROUND

The evolution of solar technology over the past decade has been nothing short of spectacular, as falling prices and climbing demand has drawn photovoltaic costs level with, or below, power sources such as coal and even natural gas in some places. The change is so major it has upped expectations for the sun's role in a clean energy future; the IEA recently raised its targets for solar electricity in 2050 by nearly 50 percent. In Australia, more than a million rooftop solar PV systems have been installed, compared to just 8,000 in 2007.

Small-scale solar photovoltaic systems, typically on rooftops, account for the majority of solar installations. These systems are currently undergoing rapid growth in technological advancement and manufacturing capabilities. About 2.6 million people, 11% of our population, generate electricity from the sun. Queensland has the largest number of solar photovoltaic (PV) installations of any state, followed by New South Wales and Victoria (Climate Council 2016). With the falling price of battery storage, this figure is poised to increase exponentially in the coming years.

In short, solar technology is poised to no longer be an "alternative" to current status quo, but a game changer over the coming decades. Policy advisor to the NSW Minister of Environment, Martina Lyons (pers comm: 2016) states:

*"Our telecommunication systems underwent a massive transformation in the nineties with the advent of mobile technology... and with current technological advances and falling prices of off grid solar systems and micro grids, we are now on the cusp of our energy systems going through a similar transformation".*

**COMPARATIVE COSTS**

The chart below demonstrates the marked price decline of rooftop PV systems since August 2012.



Source: Solar Choice (2016). Data points are the average of average \$/W for each system size

In contrast, the cost of grid supplied electricity continues to rise. The average Australian electricity bill in 2014 was \$1,690, which is an increase from 2011 of 22% (Martin: 2014\* this is an Australian average as price increase vary from state to state), despite an overall decrease of Average household electricity consumption over the same period of 12.5% (Bill republic: 2016). The Queensland Competition Authority (QCA), the state government body that regulates electricity prices, allowed electricity rates to rise by 21.4% in residential tariffs over the course of the 2013/2014 financial year (Solar Choice: 2016).

These price rises are expected to continue indefinitely. Our quotes from Ergon Energy and off-grid solar retailers confirm that the price of an off-grid, stand-alone solar system with a capacity of 6.2kW, and a conventional grid connection through Ergon Energy are roughly the same. However the solar system will then provide the household with clean, green and free power supply for up to 25 years. If electricity prices were to increase by 10% annually these systems could save the household up to \$160,000 savings (based on the current average electricity bill of \$1690 pa) over the life of the system. Systems will need to be replaced after approximately 25 years, however by this time solar systems have been estimated to comprise of 50% of all power supply (Katz: 2014) and prices of systems will be significantly cheaper:

*"An energy revolution is coming, and it is contained in an appliance about a metre high and a metre wide - the home battery. Analysis by Citibank suggests that within five years the price will have almost halved, to about \$3700. The change will begin to transform the electricity system. After many false starts, Australians will finally have the opportunity to get solar power right". Blowers (2015) The Age.*

#### *CARBON EMISSIONS & CLIMATE CHANGE*

This optimistic outlook for renewable energy is in stark contrast to current predictions on fossil fuel induced, accelerated climate change. The Australian Bureau of Meteorology's and CSIRO's projections confirm the worst: climate change is real; it is dangerous and it is already happening (CSIRO & BoM: 2015).

Reticulated power supply in Mareeba Shire depends on coal fired power stations in Central Queensland which pollute the atmosphere with dangerous, global warming emissions. Furthermore, Queensland has the largest electricity distribution network in Australia and as a result incurs significant transmission losses in the distribution of the electricity in regional and remote locations of the state (Allen: 2011). On the other hand, solar power generates electricity with no global warming pollution, no ongoing fuel costs, and no risks of fuel price spikes, and has the potential to help move the country toward cleaner, reliable, and affordable sources of electricity.

#### *LOCAL GOVERNMENT'S ROLE IN SUPPORTING RENEWABLE ENERGY*

Addressing climate change is one of the Australian Local Government Association's top five policy priorities (ALGA: 2016). Across Australia, Councils are demonstrating leadership in addressing climate change by supporting a transition to solar energy, and thus contributing to a clean, sustainable future for this country, as well as their own local communities.

Notable leaders in this field include NSW's Byron Shire, Bega Valley Shire, City of Wagga Wagga (CAFNEC: 2016; Brown: 2015; City of Wagga Wagga: 2010); Victoria's Moreland, Yarra, Maribyrnong & City of Melbourne, as well as a South Australian consortium of six Councils including Holdfast Bay, Marion, Onkaparinga, Playford, Port Adelaide, Enfield and West Torrens Councils, all contributing to the South Australian government's target of 50% renewable energy generation for the state by 2025 (Parkinson et al: 2014).

The small, rural communities of Newstead (Mt Alexander Shire, Vic) Uralla (Uralla Shire, NSW) and Tyalgum (Tweed Shire, NSW) are working towards becoming the first in Australia to go 100% solar, through their own community owner micro-grids, all with the support of the local Councils (Timms: 2014 & Vorrath: 2015).

Because the cost of stand-alone systems has now fallen to be equivalent to a conventional grid connection, reconfiguration of lots to create new lots is a critical window of opportunity for embracing a transition to cleaner, pollution free forms of renewable energy. However if grid power supply is mandated as a condition of approval, it is unlikely that developers or new households will incur this cost twice, by fitting out new dwellings with solar arrays and battery storage in addition to a costly grid connection....and therefore this critical opportunity to transition to cheaper, reliable and pollution-free power supply will be lost.

A common response to this matter is... "There is nothing stopping the household from installing solar if they want to". We would like to point out that the reverse of this statement is also true....if a household provided with an off-grid solar system wants to connect to the grid in the fullness of time, that product & service is still available to them. But the market is showing that demand for solar in Australia is high...we assume that off grid solar will be the more attractive option for buyers and including it in the sale of the land will be highly desirable.

Given these significant economic advantages to the future household and technical capabilities of modern solar units, we feel that it is uncompetitive to regulate one form of energy supply from another. Utility companies have enjoyed a market monopoly over domestic electricity supply up until now, but given there is now a viable competitor, mandating the use of one retailer & product over another would be an unfair advantage within our free market economy.

Standards conditions around the provision of off grid solar as an alternative to a grid connection can be found of other local government authorities that have chosen to support this option, and we would expect them to include:

- Minimum capacity of the system matching or exceeding average Australian household domestic consumption (i.e. Minimum 5kW pa capacity);
- Technology and installers must be an accredited product & retailer through the Solar PV Accreditation scheme (Clean Energy Council);
- Provided in full by the vendor with the issue of a building permit on the land.



This decision will test the newly elected Mareeba Shire Council on their position and potentially set a precedent for the future. However given the dynamic and rapid advances of solar technology on one hand, and accelerating climate impacts on the other - we are very confident that it will not be the last time Council will have to consider it.

Therefore today is an opportunity to consider MSC's position going into the future, and show leadership and forward thinking on this very important issue.

#### **4.3 Frontage Works - Koah Road**

*Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Koah Road only by a total of 2 metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) for the full frontage of Lot 671 in accordance with Table D1.4 (Road Class 100 - 999) of the FNQROC Development Manual. Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for Operational Works.*

#### **Proponents' Response**

A recent development permit was issued by Mareeba Shire Council for a subdivision at their ordinary meeting on the 2 March 2016 on LOT 64 N157400 - 38 COPLAND ROAD, KOAH (DA/16/0005).

A condition of approval was:

*4.3 Roadworks- External Construction*

*Prior to the endorsement of the plan of survey, the applicant/ developer is required to construct the following works, designed in accordance with FNQROC Development Manual Standards (as amended) to the satisfaction of Council's delegated officer:*

*4.3.1 The poorly constructed section of road reserve to the north of the subject site (proposed to access Lot 1) is to be upgraded/ constructed to a formed gravel standard (8 metre formation, 5.5 metre pavement width) from its intersection with Copland Rd to a point 20 metres past the access crossover to Lot 1.*

*4.3.2 The intersection between Copland Rd and the new section of road required under 4.3.1 must also be upgraded.*

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

*As an alternative to the external road works described above, the applicant/ developer may provide an access easement through Lot 2 to service Lot 1. The applicant/ developer must provide an all-weather gravel access road for the full-length of the easement. The easement must be included on the plan of survey and a copy of the easement schedule must be provided to Council for review by Council's delegated officer.*

Given that Lot 1 (the new lot which will occur as a result of the subdivision) has a significant amount of road frontage to Copland Rd, we do not understand why an easement was available as an alternative to upgrading the frontage. As this neighbouring property was not required to upgrade the road frontage (or provided with a much cheaper alternative which will not result in any improvement on the public road frontage of the site), the same principle should be applied to our development proposals. Therefore we request that this condition of approval be removed for the sake of consistency and fairness between two very similar development proposals on lots within the same locality, issued within the same month.

Kind regards



Sarah Rizvi



Piers Freeman

**Appendices**

1. Product technical specifications from Hush energy and Off-grid solar kits.

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**APPENDIX 1: Product specifications from Hush energy**

Please find attached your quote for a completely off-grid solar and storage system. This is a completely automated system to provide 24hr/day energy requirements for a modern house built with energy savings features, solar hotwater and gas cooking.

We recommend only the highest quality Enphase Energy micro inverter systems as only they can provide the outstanding features shown below and look forward to working with you in the future.

**Why choose Hush Energy?**

We are Regional Queensland's **largest and most experienced installer** of micro systems, with massive buying power keeping our premium systems prices down. Hush Energy is an official Enphase Energy Beta Testing Partner – the only one in Regional Australia! We bring manufacturer knowledge and experience to you.

Our installers are specifically trained in installing our micro systems meaning your installation is completed to the highest standard. Like our products, Hush Energy is highly regarded for our knowledge and quality of workmanship which benefits you, the customer with a quality install.

**What is a micro inverter?**

A micro inverter is simply a miniature inverter designed to be installed under each and every solar panel. This makes every panel and inverter its own solar system and comes with many advantages! It is able to work at its 100% potential, unhindered by any other panels, shading etc. The old method is one inverter trying to control every panel.

**Standard inclusions**
**Enphase AC micro inverter**
**Single DC string inverter**

10 yr warranty standard  
 Safe 240V AC cabling only  
 Panels operate independently  
 Battery/Hybrid ready  
 85 degree heat rating  
 Surge protector fitted  
 Solar and usage monitoring  
 Full internet monitoring free  
 Software upgrades free

**Why does Hush Energy only install AC micro inverter solar systems?**

**Safer:** The solar industry is now focusing on the latest, safest technology which is micro inverters known as AC solar systems. AC solar systems use standard 240V cabling so are completely safe with no high voltages. Old technology single inverter systems have extremely high 500-600 DC voltages which is what is now causing fires due to arcing – **See**

**attached photo.** It's another reason we *only recommend and install* Enphase AC micro inverter systems.

**More electricity:** Our panels operate independently so one panel in shade doesn't drag down the performance of others, resulting in more electricity being produced. **See the attachment.**

**Battery Ready Now:** Our micro inverter systems are battery ready now with full SOLAR and CONSUMPTION monitoring to accurately map your energy patterns. Enphase Energy will release in 2016 their world class, modular, lithium battery storage system. These will integrate with their solar systems with complete online monitoring and power usage management. It is going to be a game changer and Hush Energy has already had a sneak preview! Create, Store and Use your own electricity – that's smart, **see the attachment.**

**Unlimited design:** Their unique modular design is flexible to allow size increases only when you need it. This allows us to be honest with you and only sell you what you need, others sell you a bigger inverter just in case.

**Built for the conditions:** Our micro inverters have a temperature rating of 85 deg, old DC inverters are only 65 deg, **see table below.**




**Hush Energy Pty Ltd**

A.B.N. 68 137 542 995

Solar - Create, Store, Use!

 5/175 - 185 Newell St Bungalow  
 P.O.Box 455 Redlynch Qld 4870

P: 07 40335883

E: admin@hushenergy.net.au

**Quote**


Electrical Contractor License 73357

Steve Grist Koah QLD	Invoice: 00004702 Date: 29/04/2016 Page: Page 1 of 2 Terms: 20% deposit required, full payment within 7 days of installation
-------------------------	---

Details	Total (inc-GST)
Supply 6.2kW Enphase micro inverter system using 20 x 310W panels. Panels operate fully independent of each other and system can be easily expanded to suit owners needs Includes full online solar and building electrical usage monitoring, vital information for off-grid owners to control their usage.	\$12,764.00
Installation and full commissioning of system	\$2,300.00
Install SMA Sunny Island 6kW off-grid inverter with LG 6.4kWh lithium battery storage. This system creates a completely independant off-grid energy network for the average household. (2 x 3.2kWh expansion packs are available at additional \$3900 each)	\$13,200.00
Auto start diesel generator to complete the 24hr automatic, un-interruptable energy network. Supplies building loads and recharges batteries if required during prolonged, adverse weather.	\$4,500.00
128 STCs generated and assigned to Hush Energy as point of sale discount	-\$4,864.00
<p>This package of a 6.2kW solar system will produce a daily average of 25kWh of electricity and store up to 6.4kWh into lithium batteries. This exceeds the average requirements of an off-grid house.</p>	

Direct Deposit to: CBA BSB: 064797 Acc: 10009883 Please use invoice # or name as reference	Total after STC discount: GST (on total inc STC): Paid to Date: Balance Due:
---	---

Quote valid for 28 days, 20% deposit required to proceed.

5 year warranty on installation which is performed by Clean Energy Council accredited installer and electrician.

All installations are compliant with Australian Standards for Wind Actions AS1170.2, Installation of PV arrays AS5033, Grid connection of energy systems AS4777.

Quote requires the owner will assign the STCs generated under the Federal Government Solar Credit scheme to Hush Energy Pty Ltd in return for the upfront discount.

Includes all electrical wiring necessary for connection to the premises' switchboard and assumes no further upgrade of switchboard is required to meet safety requirements.

By accepting quote, the owner is also accepting the roof structure is suitable for the life of the solar system.

This is a payment claim made under the 'Building and Construction Industry payments Act 2004'.

Any payments by credit card will incur a 1.5% surcharge to be added to the invoice amount.



**Hush Energy Pty Ltd**

A.B.N. 68 137 542 995

Solar - Create, Store, Use!

5/175 - 185 Newell St Bungalow  
P.O.Box 455 Redlynch Qld 4870

P: 07 40335883

E: admin@hushenergy.net.au



Electrical Contractor License 73357

**Quote**

<p>Steve Grist Koah QLD</p>	<p>Invoice: 00004702 Date: 29/04/2016 Page: Page 2 of 2 Terms: 20% deposit required, full payment within 7 days of installation</p>
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Details	Total (inc-GST)
<p>This system allows the customer to expand both their solar and storage if they choose to do so.</p>	

<p>Direct Deposit to: CBA BSB: 064797 Acc: 100098883 Please use invoice # or name as reference</p>	<table border="1"> <tr> <td>Total after STC discount:</td> <td style="text-align: right;">\$27,900.00</td> </tr> <tr> <td>GST (on total inc STC):</td> <td style="text-align: right;">\$2,978.55</td> </tr> <tr> <td>Paid to Date:</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td><b>Balance Due:</b></td> <td style="text-align: right;"><b>\$27,900.00</b></td> </tr> </table>	Total after STC discount:	\$27,900.00	GST (on total inc STC):	\$2,978.55	Paid to Date:	\$0.00	<b>Balance Due:</b>	<b>\$27,900.00</b>
Total after STC discount:	\$27,900.00								
GST (on total inc STC):	\$2,978.55								
Paid to Date:	\$0.00								
<b>Balance Due:</b>	<b>\$27,900.00</b>								

Quote valid for 28 days, 20% deposit required to proceed.

5 year warranty on installation which is performed by Clean Energy Council accredited installer and electrician.

All installations are compliant with Australian Standards for Wind Actions AS1170.2, Installation of PV arrays AS5033, Grid connection of energy systems AS4777.

Quote requires the owner will assign the STCs generated under the Federal Government Solar Credit scheme to Hush Energy Pty Ltd in return for the upfront discount.

Includes all electrical wiring necessary for connection to the premises' switchboard and assumes no further upgrade of switchboard is required to meet safety requirements.

By accepting quote, the owner is also accepting the roof structure is suitable for the life of the solar system.

This is a payment claim made under the 'Building and Construction Industry payments Act 2004'.

Any payments by credit card will incur a 1.5% surcharge to be added to the invoice amount.

**ITEM-2**                                    **NEGOTIATED DECISION NOTICE - S & A GRIST - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 267 NR6781 - 1 COPLAND ROAD, KOAH - DA/15/0056**

**MEETING:**                                Ordinary

**MEETING DATE:**                    1 June 2016

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

**DEPARTMENT:**                        Corporate and Community Services

**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	S & A Grist	<b>ADDRESS</b>	1 Copland Road, Koah
<b>DATE REQUEST FOR NDN LODGED</b>	10 May 2016	<b>RPD</b>	Lot 267 on NR6781
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots)		
<b>FILE NO</b>	DA/15/0056	<b>AREA</b>	8.431 hectares
<b>LODGED BY</b>	S & A Grist	<b>OWNER</b>	S & A Grist
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (Amendment no. 01/11)		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

**ATTACHMENTS:**

1. Decision Notice dated 6 April 2016.
2. Applicant's written representations dated 10 May 2016.

**EXECUTIVE SUMMARY**

*Council approved a development application described in the above application details at its meeting held on 6 April 2016, subject to conditions.*

*The application was code assessable and was not required to undergo public notification.*

*The applicant has subsequently made written representations about Condition 4.3 (Frontage Works - Koah Road) and Condition 4.6 (Electricity Provision/Supply).*

*Council officers are of the opinion that Condition 4.3 is a reasonable and relevant requirement for rural residential development and should be retained. The amendment of Condition 4.6 to provide for the use of a solar electricity supply is supported.*

*It is recommended that the application be approved in part.*

## OFFICER'S RECOMMENDATION

"It is recommended that:

1. In relation to the written representations made by S & A Grist regarding conditions of the following development approval:

APPLICATION		PREMISES	
<b>APPLICANT</b>	S & A Grist	<b>ADDRESS</b>	1 Copland Road, Koah
<b>DATE REQUEST FOR NDN LODGED</b>	10 May 2016	<b>RPD</b>	Lot 267 on NR6781
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

and in accordance with the Sustainable Planning Act 2009;

- (A) Condition 4.6 of Council's Decision Notice issued on 6 April 2016 be amended as follows:

### *4.6 Electricity Provision/Supply*

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

*An appropriate level of electricity supply to each allotment may be provided by:*

- (a) *Written advice from an Electricity Service Provider indicating to Council, that an agreement has been made for the provision of power reticulation to the lot, or that power reticulation is already available to the lot; or*
- (b) *The applicant providing an off-grid solar energy system servicing the allotment, prior to the occupation of the dwelling house on the allotment, which meets or exceeds the following minimum requirements:*
  - (i) *The off-grid solar energy system have a minimum capacity of 5kW, include battery storage and a backup generator; and*

- (ii) *The off-grid solar energy system must be an accredited product through the Solar PV Accreditation scheme (Clean Energy Council) and must be installed by a supplier accredited under this same scheme; or*
- (c) *A combination of (a) and (b).*
- (B) Advice Clause (e) of Council's Decision Notice issued on 6 April 2016 be amended as follows:

(e) *Notation on Rates Record*

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

- *conditions regarding bushfire management*
- *an approved bushfire management plan*
- *flood immunity*
- *waterway setback*
- *An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report (Lot 671 only).*
- *an approved source of water supply via a watercourse (Clohesy River)*
- *electricity supply may be via an off-grid solar energy system to be provided by the vendor, prior to the occupation of a dwelling house on the allotment.*

- (C) Condition 4.3 must remain as per Council's Decision Notice issued on 6 April 2016.

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

## **THE SITE**

The subject site is situated on the outskirts of the Koah Township at 1 Copland Road, Koah and is described as Lot 267 on NR6781. The site is irregular in shape with a total area of 8.431 Ha and is zoned Rural under the Mareeba Shire Planning Scheme 2004. The draft Mareeba Shire Council Planning Scheme places the subject site into the Rural Residential Zone (2 Ha Precinct).

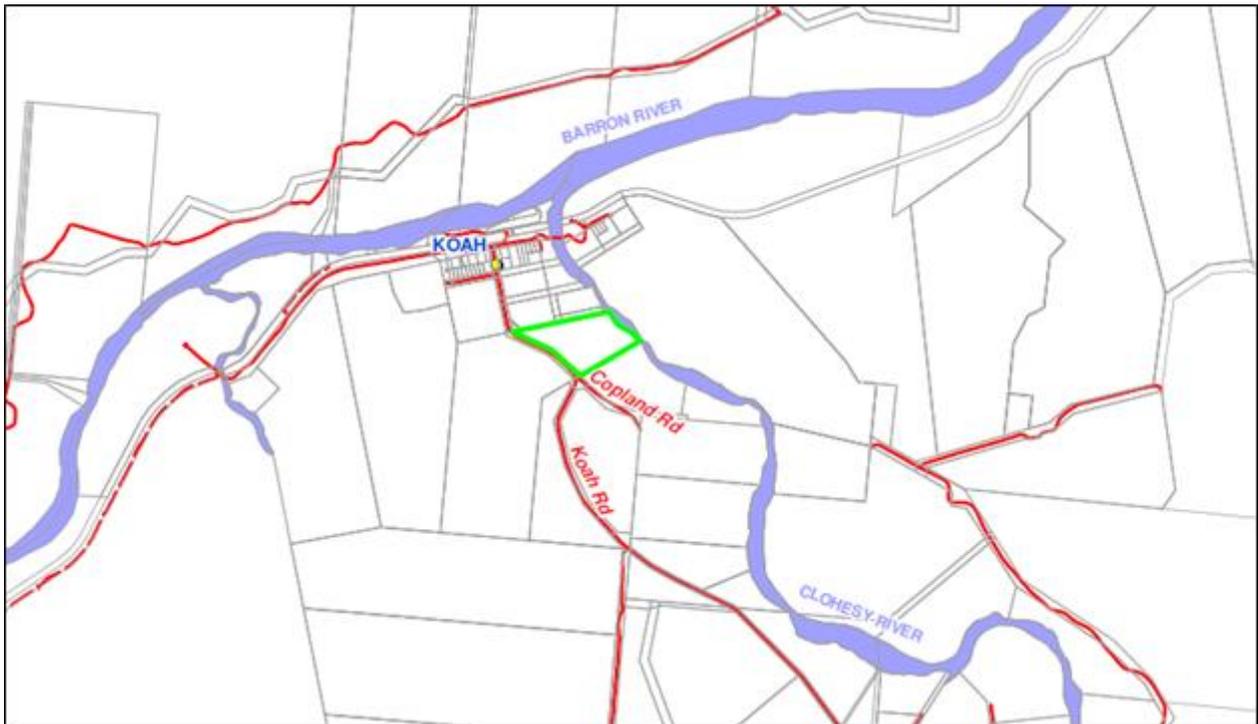
The site is accessed via a single gravel crossover at the intersection of Copland Road and Koah Road and contains approximately 380 metres of frontage to Koah Road which is constructed to four (4) metre wide bitumen sealed standard. The site is improved by a single dwelling and multiple outbuildings clustered towards the south-west corner of the site. Topographically, the site slopes gently down to the rear of the property and into the Clohesy River situated immediately behind the site. Approximately 70% of the site is cleared with the other 30% remaining covered by a mixture of mature *Endangered Regional Ecosystem*, *Of Concern Regional Ecosystem*, and planted non-remnant vegetation. An easement for water supply purposes (Clohesy River) spans the entire northern boundary of the site, benefitting Lot 194 on NR6781, which is located on the western side of Koah Road.

The subject site appears to be used for rural lifestyle purposes only, devoid of any agricultural activity. All surrounding allotments are zoned Rural and contain a mix of rural lifestyle and small scale agricultural uses (hobby farms).



**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**

On 6 April 2016, Council approved an application for reconfiguring a lot - subdivision (1 into 2 lots) over land described as Lot 267 on NR6781, Parish of Formartine, situated on the corner of Koah Road and Copland Road, Koah.

The application was approved subject to conditions and the decision notice (**Attachment 1**) was issued on 6 April 2016.

The applicant has subsequently made written representations in relation to Condition 4.3 (Frontage Works - Koah Road) and Condition 4.6 (Electricity Provision/Supply) (**Attachment 2**) and is seeking the issue of a negotiated decision notice.

Condition 4.3 requires the applicant/developer to widen the development side of Koah Road only by a total of 2 metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) for the full frontage of proposed Lot 671 only. The applicant requests that this condition be removed in order to achieve consistency with development approval DA/16/0005, which was approved by Council at its Ordinary Meeting on 2 March 2016. Development Permit DA/16/0005 authorises the subdivision of nearby Lot 64 on N157400, situated at 38 Copland Road, Koah, into two lots without the requirement for any road widening due to Lot 64's rural zoning.

In addition, the applicant requests that Council amends Condition 4.6 (Electricity Provision/Supply), to allow for the use of stand-alone solar systems on each proposed lot as an alternative to standard grid connections.

## **APPLICANT'S REPRESENTATIONS**

### **Condition 4.3**

#### *4.3 Frontage Works - Koah Road*

*Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Koah Road only by a total of 2 metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) for the full frontage of Lot 671 in accordance with Table D1.4 (Road Class 100 - 999) of the FNQROC Development Manual.*

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

### **Representation by Applicant**

*"A recent development permit was issued by Mareeba Shire Council for a subdivision at their ordinary meeting on the 2 March 2016 on LOT 64 N157400 - 38 COPLAND ROAD, KOAH (DA/16/0005).*

*A condition of approval was:*

#### *4.3 Roadworks- External Construction*

*Prior to the endorsement of the plan of survey, the applicant/ developer is required to construct the following works, designed in accordance with FNQROC Development Manual Standards (as amended) to the satisfaction of Council's delegated officer:*

*4.3.1 The poorly constructed section of road reserve to the north of the subject site (proposed to access Lot 1) is to be upgraded/ constructed to a formed gravel standard (8 metre formation, 5.5 metre pavement width) from its intersection with Copland Rd to a point 20 metres past the access crossover to Lot 1.*

*4.3.2 The intersection between Copland Rd and the new section of road required under 4.3.1 must also be upgraded.*

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

*As an alternative to the external road works described above, the applicant/ developer may provide an access easement through Lot 2 to service Lot 1. The applicant/ developer must provide an all-weather gravel access road for the full-length of the easement. The easement must be included on the plan of survey and a copy of the easement schedule must be provided to Council for review by Council's delegated officer.*

*Given that Lot 1 (the new lot which will occur as a result of the subdivision) has a significant amount of road frontage to Copland Rd, we do not understand why an easement was available as an alternative to upgrading the frontage. As this neighbouring property was not required to upgrade the road frontage (or provided with a much cheaper alternative which will not result in any improvement on the public road frontage of the site), the same principle*

*should be applied to our development proposals. Therefore, we request that this condition of approval be removed for the sake of consistency and fairness between two very similar development proposals on lots within the same locality, issued within the same month."*

### **Response**

Whilst the lot sizes for each application may be similar, the planning intent for each property is considerably different. This is clearly evident by the zoning to be applied to the respective properties under the soon to be adopted Mareeba Shire Council Planning Scheme.

The applicant's property will be included in the Rural Residential zone (2 hectare precinct), whereas Lot 64 on N157400 will be included in the Rural zone. As indicated by its name, the Rural Residential zone (2 hectare precinct) is intended to allow for the further reconfiguration of rural residential zoned land into 2 hectare allotments. In contrast, the rural zoned land will have a 60 hectare allotment size.

There is no potential for Lot 64 on N157400 to be further subdivided under the proposed Mareeba Shire Council Planning Scheme, and given the small number of rural lots accessing via Copland Road, the lesser rural standard of access condition for DA/16/0005 is appropriate.

The reconfiguration proposed by the applicants would create the following allotments.

- Proposed Lot 671 - total approx. area of 2.771 ha, approx. 200 metres of frontage to Koah Road; and
- Proposed Lot 672 - total approx. area of 5.66 ha, approx. 180 metres of frontage to Koah Road.

Condition 4.3 requires the applicant to widen Koah Road, on the development side only, by 2 metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) for the frontage of proposed Lot 671 only.

The applicant's proposed Lot 672 will have an area of 5.66 hectares and with its proposed Rural Residential (2 hectare precinct) zoning, there is potential for this allotment to be further reconfigured into 2 or 3 allotments. The widening of Koah Road for the frontage of proposed Lot 672 will be conditioned if a further reconfiguration application is approved.

The road widening conditioned for DA/15/0056 is reasonable and appropriate for a rural residential development.

It is recommended that Condition 4.3 be maintained.

### **Condition 4.6**

#### *4.6 Electricity Provision/Supply*

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

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

## **Representation by Applicant**

*"We the proponent wish to question this condition, as we feel that it should be interpreted to include off grid solar energy systems, which in light of recent technological advances can legitimately be described as "an appropriate level of electricity supply", from accredited retailers who can accurately be described as "an Electricity Service providers" as per the condition. The condition refers to FNQ ROC Development Manual standards which do not explicitly state that reticulated grid fed electricity supply must be provided in this location.*

*Attached are technical specifications from two off grid solar electricity suppliers who are available to provide 6.2 kW stand-alone solar powered energy systems to the new lot subject to this development approval, at a price which is equivalent to Ergon energy's cost estimate of installing a grid connection.*

*These systems would provide the new household with levels of electricity supply above the average Australian household's consumption, which is **5,817 kWh per year (Australian Energy Regulator; 2014)**. The inverters provided with this system are capable of adding a further 2kW of panels and battery storage, should the household wish to upgrade the system. This would potentially result in 8.2kW which is significantly more than the average Australian household would consume. Furthermore, these systems assume a very conservative 4 hours on full sun exposure per day...in a sunny location like Koah, it is likely that there will be more like 7 to 8 hours full sun on an average day, meaning the systems are likely to be more productive than they are calculated to be. Two households on Koah Rd are already receiving power from off grid, stand-alone solar systems...and both have testified to the reliability and cost effectiveness of this approach (pers comm; 2016).*

*These new lots will be marketed as part of a sustainable neighbourhood concept for the Koah Village, in line with the applicants' commitment to balancing property development with environmental stewardship and community values.*

*As part of this concept, both of the original applications requested that they provide off-grid, stand-alone solar powered energy systems as an alternative to conventional grid connections, to service future households. The assessment manager's email response to this request was:*

*With regards to the power supply, grid power is still the most practical outcome in our opinion for prospective purchasers. The draft scheme does allow for stand-alone systems but only where grid power is not available. As such, we have conditioned the requirement for a grid power supply.*

*Whilst grid power supply is still the conventional method of power supply, we would like to challenge the thinking & assumptions behind this statement and the status quo, and ask Council to consider the bigger issue of reducing carbon emissions through supporting cleaner, pollution free solar energy generation, which is now both economically and environmentally attractive. In short, we propose that solar has become not only equal but the superior option in all respects, and is now a viable competitor to grid fed electricity supply on the full spectrum of different lots sizes & locations.*

## **BACKGROUND**

*The evolution of solar technology over the past decade has been nothing short of spectacular, as falling prices and climbing demand drew photovoltaic costs level with, or below, power sources such as coal and even natural gas in some places. The change is so*

major it has upped expectations for the sun’s role in a clean energy future; the IEA recently raised its targets for solar electricity in 2050 by nearly 50 percent. In Australia, more than a million rooftop solar PV systems have been installed, compared to just 8,000 in 2007.

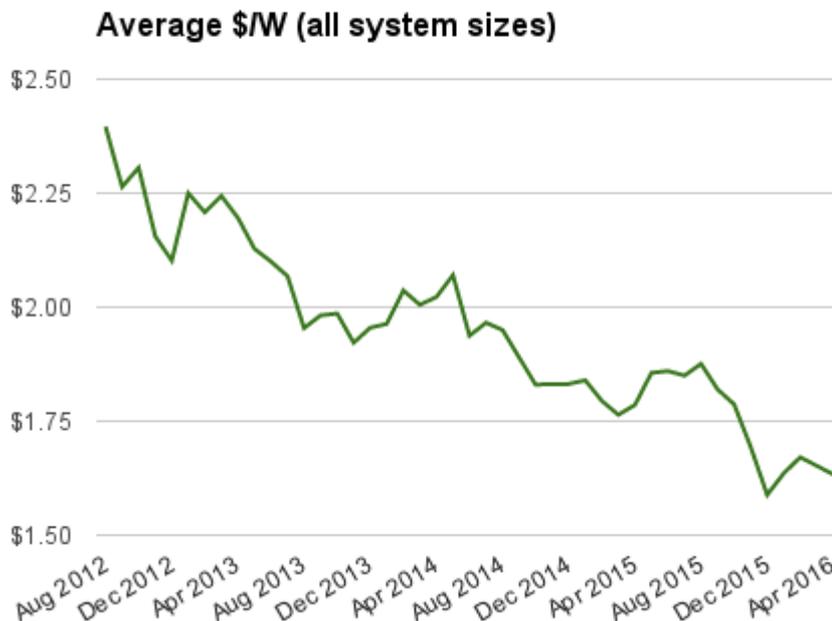
Small-scale solar photovoltaic systems, typically on rooftops, account for the majority of solar installations. These systems are currently undergoing rapid growth in technological advancement and manufacturing capabilities. About 2.6 million people, 11% of our population, generate electricity from the sun. Queensland has the largest number of solar photovoltaic (PV) installations of any state, followed by New South Wales and Victoria (Climate Council 2016).

In short, solar technology is poised to no longer be an “alternative” to current status quo, but a game changer over the coming decades. Policy advisor to the NSW Minister of Environment, Martina Lyons (pers comm: 2016) states:

*“Our telecommunication systems underwent a massive transformation in the nineties with the advent of mobile technology.... and with current technological advances and falling prices of off grid solar systems and micro grids, we are now on the cusp of our energy systems going through a similar transformation”.*

#### COMPARATIVE COSTS

The chart below demonstrates the marked price decline of rooftop PV systems since August 2012.



Source: Solar Choice (2016). Data points are the average of average \$/W for each system size

In contrast, the cost of grid supplied electricity continues to rise. The average Australian electricity bill in 2014 was **\$1,690, which is in increase from 2011 of 22% (Martin: 2014\* this is an Australian average as price increase vary from state to state), despite an overall decrease of Average household electricity consumption over the same period**

**of 12.5% (Bill republic: 2016).** The Queensland Competition Authority (QCA), the state government body that regulates electricity prices, allowed electricity rates to rise by 21.4% in residential tariffs over the course of the 2013/2014 financial year (Solar Choice: 2016).

These price rises are expected to continue indefinitely. Our quotes from Ergon Energy and off-grid solar retailers confirm that the price of an off-grid, stand-alone solar system with a capacity of 6.2kW, and a conventional grid connection through Ergon Energy are roughly the same. However the solar system will then provide the household with clean, green and free power supply for up to 25 years. If electricity prices were to increase by 10% annually these systems could save the household up to \$160,000 savings (based on the current average electricity bill of \$1690 pa) over the life of the system. Systems will need to be replaced after approximately 25 years, however by this time solar systems have been estimated to comprise of 50% of all power supply (Katz: 2014) and prices of systems will be significantly cheaper:

*“An energy revolution is coming, and it is contained in an appliance about a metre high and a metre wide - the home battery. Analysis by Citibank suggests that within five years the price will have almost halved, to about \$3700. The change will begin to transform the electricity system. After many false starts, Australians will finally have the opportunity to get solar power right”. Blowers (2015) The Age.*

#### CARBON EMISSIONS & CLIMATE CHANGE

*This optimistic outlook for renewable energy is in stark contrast to current predictions on fossil fuel induced, accelerated climate change. The Australian Bureau of Meteorology's and CSIRO's projections confirm the worst: climate change is real; it is dangerous and it is already happening (CSIRO & BoM: 2015).*

*Reticulated power supply in Mareeba Shire depends on coal fired power stations in Central Queensland which pollute the atmosphere with dangerous, global warming emissions. Furthermore, Queensland has the largest electricity distribution network in Australia and as a result incurs significant transmission losses in the distribution of the electricity in regional and remote locations of the state (Allen: 2011). On the other hand, solar power generates electricity with no global warming pollution, no ongoing fuel costs, and no risks of fuel price spikes, and has the potential to help move the country toward cleaner, reliable, and affordable sources of electricity.*

#### LOCAL GOVERNMENT SUPPORT FOR RENEWABLE ENERGY

*Addressing climate change is one of the Australian Local Government Association's top five policy priorities (ALGA: 2016). Across Australia, Councils are demonstrating leadership in addressing climate change by supporting solar, and thus contributing to a clean, sustainable future for this country, as well as their own local communities.*

*Notable local government leaders in this field include NSW's Byron Shire, Bega Valley Shire, City of Wagga Wagga (CAFNEC: 2016; Brown: 2015; City of Wagga Wagga: 2010); Victoria's Moreland, Yarra, Maribyrnong & City of Melbourne, as well as a South Australian consortium of six Councils including Holdfast Bay, Marion, Onkaparinga, Playford, Port Adelaide, Enfield and West Torrens Councils, all contributing to the South Australian government's target of 50% renewable energy generation for the state by 2025 (Parkinson et al: 2014).*

*The small communities of Newstead (Mt Alexander Shire, Vic) Uralla (Uralla Shire, NSW) Tyalgum (Tweed Shire, NSW) are working towards becoming the first in Australia to*

go 100% solar, through their own community owner micro-grids, with the support of the local Councils (Timms: 2014 & Vorrath: 2015).

*Because the cost of stand-alone systems has now fallen to be equivalent to a conventional grid connection, reconfiguration of lots to create new lots is a critical window of opportunity for embracing a transition to cleaner, pollution free forms of renewable energy. However if grid power supply is mandated as a condition of approval, it is unlikely that developers or new households will incur this cost twice, and fit out new dwellings with solar arrays and battery storage....and therefore this critical opportunity to transition to cheaper, reliable and pollution-free power supply will be lost.*

*A common response to this matter is... "There is nothing stopping the household from installing solar if they want to". We would like to point out that the reverse of this statement is also true....if a household provided with an off-grid solar system wants to connect to the grid in the fullness of time, that product & service is still available to them. But the market is showing that demand for solar in Australia is high...we assume that off grid solar will be the more attractive option for buyers and including it in the sale of the land will be highly desirable.*

*Given these significant economic advantages to the future household and technical capabilities of modern solar units, we feel that it is uncompetitive to regulate one form of energy supply from another. Utility companies have enjoyed a market monopoly over domestic electricity supply up until now, but given there is now a viable competitor, mandating the use of one retailer over another would be an unfair advantage within our free market economy.*

*Standards conditions around the provision of off grid solar as an alternative to a grid connection can be found of other local government authorities that have chosen to support this option, and we would expect them to include:*

- *Minimum capacity of the system matching average Australian household domestic consumption (i.e. Minimum 5kW pa capacity);*
- *Technology and installers must be an accredited product & retailer through the Solar PV Accreditation scheme (Clean Energy Council);*
- *Provided in full by the vendor with the issue of a building permit on the land.*



*This decision will test the newly elected Mareeba Shire Council on their position and potentially set a precedent for the future. However given the dynamic and rapid advances of solar technology on one hand, and accelerating climate impacts on the other - we are very confident that it will not be the last time Council will have to consider it.*

*Therefore today is an opportunity to consider MSC's position going into the future, and show leadership and forward thinking on this very important issue."*

### **Response**

The proposed allotments are rural residential, and a standard service requirement for this type of development is a reliable and consistent electricity supply. Conventionally, a connection to grid power supply has been Council's preferred method of achieving this service requirement.

Based on the above information provided by the applicants, it can be demonstrated that an appropriately sized off-grid solar energy system (minimum 5kW) can provide a domestic electricity supply equivalent to that of a standard grid connection. In terms of reliability and consistency, the proposed solar energy systems assume a conservative 4 hours of full sun exposure per day to generate the domestic electricity supply.

Given the climate in the Koah area, the proposed solar energy systems are likely to be exposed to at least 6 - 8 hours of full sunlight on an average day. Each system will include lithium battery storage to meet energy demands outside daylight hours. In the event of prolonged adverse weather, the applicants propose the inclusion of backup generators to each system to meet any shortfall in energy production. The operation of these generators will be governed by normal environmental nuisance regulations, and it will be the obligation of the allotment owners to ensure no noise nuisance occurs.

Based on the additional information provided by the applicants, Council officers are satisfied that both a reliable and consistent electricity supply can be achieved to each lot through the provision of a minimum 5kW off-grid solar energy system with the inclusion of lithium battery storage and a backup generator.

Due to the declining cost and technological advances in solar energy systems, it is likely that Council will receive future development proposals for subdivision which include the provision of electricity supply via this method. However, each proposal will need to be considered on its merits as off-grid solar energy systems may not be appropriate for higher density rural residential or residential subdivisions.

It is recommended that Condition 4.6 be amended as follows:

#### *4.6 Electricity Provision/Supply*

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

*An appropriate level of electricity supply to each allotment may be provided by:*

- (a) *Written advice from an Electricity Service Provider indicating to Council, that an agreement has been made for the provision of power reticulation to the lot, or that power reticulation is already available to the lot; or*
- (b) *The applicant providing an off-grid solar energy system servicing the allotment, prior to the occupation of the dwelling house on the allotment, which meets or exceeds the following minimum requirements:*
- (i) *The off-grid solar energy system have a minimum capacity of 5kW, include battery storage and a backup generator; and*
- (ii) *The off-grid solar energy system must be an accredited product through the Solar PV Accreditation scheme (Clean Energy Council) and must be installed by a supplier accredited under this same scheme; or*
- (c) *A combination of (a) and (b).*

It is recommended that Advice Clause (e) be amended as follows:

- (e) *Notation on Rates Record*

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

- *bushfire management*
- *flood immunity*
- *An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report*
- *an approved source of water supply via bore/watercourse*
- ***electricity supply may be via an off-grid solar energy system to be provided by the vendor, prior to the occupation of a dwelling house on the allotment.***

**Date Prepared:** 23 May 2016

**ATTACHMENT 1**

65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

P: 07 4086 4656  
F: 07 4092 3323

W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
E: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Council Ref: DA/15/0056

Our Ref: BM:CE:nj

SARA Ref: SDA-0116-027474

6 April 2016

Steven & Amanda Grist  
1 Copland Road  
KOAHL QLD 4881

## Decision Notice Approval

*Sustainable Planning Act 2009 s334 and s335*

Dear Applicant/s

**APPLICATION FOR RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS)  
LOT 267 ON NR6781  
SITUATED AT 1 COPLAND ROAD KOAHL QLD 4881**

I wish to advise that, at Council's Ordinary Meeting held on 6 April 2016, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in section 6 of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

Approval under Section 331

This application has not been deemed to be approved under Section 331 of the Sustainable Planning Act 2009 (SPA).

1. Details of the approval –

Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 lots)

2. Other necessary development permits and/or compliance permits–

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out –

- Development Permit for Operational Works

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 6 April 2016

**3. Other approvals required from Council**

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

**4. Submissions -**

Not applicable

**5. Conflict with a relevant instrument and reasons for the decision despite the conflict -**

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

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p>Rural Zone Code:</p> <p><b>4.80 Reconfiguring a Lot</b></p> <p><i>PS1.1 Allotments to have a minimum area of 30 hectares and road frontage of 150 metres if outside the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5.</i></p>	<p><i>The proposed development is in conflict with the rural subdivision provisions contained within the Planning Scheme as both proposed lots are significantly smaller than the desired minimum resultant lot size of 30 Ha for land within the Rural zone (where not GQAL).</i></p> <p><i>Despite this conflict, the Coty principle (legal precedent) allows Council to give weight to a future planning scheme and its provisions during the assessment of a development application. The draft Mareeba Shire Council Planning Scheme, which is approaching adoption by Council, places the subject site within the Rural Residential zone (2 Ha Precinct). The proposed development is consistent with the intent of the site's future rural residential zoning and associated 2 Ha minimum lot size.</i></p> <p><i>Should Council refuse this development application against the officer's recommendation, the applicant could simply re-apply once the draft Mareeba Shire Council Planning Scheme is in effect. A fresh application for the same proposal would not conflict with the future planning scheme.</i></p> <p><i>Despite the identified conflict, for reasons discussed above, it is recommended that the application be approved.</i></p>

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## 6. Conditions –

## (A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the additional payment condition/s within these conditions of approval.
  - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
  - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved otherwise by Council's delegated officer.
  - 3.5 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance of any existing buildings or structures that are in close proximity to any new property boundary must be submitted prior to endorsement of the plan of survey.

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3.6 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

3.7 Flood Immunity

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

3.8 No filling is to occur below the 100 ARI flood level unless approved in further Operational Works applications for works associated with the approved conditions of development.

3.9 Bushfire Management

3.9.1 Any new dwelling erected on Lot 671 shall:

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

3.9.2 A Bushfire Management Plan must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.10 Rural Addressing

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

3.11 Charges

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

4. Infrastructure Services and Standards

4.1 Access

The existing access crossover (servicing Lot 672) shall be constructed/upgraded (from the edge of the road pavement to the property boundary) in accordance

with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

An access crossover must be constructed to Lot 671 (from the edge of the road pavement to property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

#### 4.2 Stormwater Drainage

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

#### 4.3 Frontage Works - Koah Road

Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Koah Road only by a total of 2 metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) for the full frontage of Lot 671 in accordance with Table D1.4 (Road Class 100 - 999) of the FNQROC Development Manual.

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

#### 4.4 Non-reticulated Water Supply

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

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

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

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

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

4.4.6 If an existing bore is proposed as a potable water supply for either allotment, this bore must comply with 4.3.2 (minimum sustainable yield only), 4.3.3 and 4.3.4 above.

#### 4.5 On-Site Wastewater Management

At the time of building construction on Lot 671, any associated on-site wastewater disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547), to the satisfaction of Council's delegated officer.

#### 4.6 Electricity Provision/Supply

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

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

#### 4.7 Telecommunications

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

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

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

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

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

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

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

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

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;

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- 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.

**(B) ASSESSMENT MANAGER'S ADVICE**

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

(b) Easement Documents

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- conditions regarding bushfire management
- an approved bushfire management plan
- flood immunity
- waterway setback
- An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report (Lot 671 only).
- an approved source of water supply via a watercourse (Clohesy River)

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## (f) Environmental Protection and Biodiversity Conservation Act 1999

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

## (g) Cultural Heritage

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

## (C) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 16 February 2016.

## 7. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of technical agency	Status	Address
<b>RECONFIGURING A LOT</b>			
<b>Clearing Vegetation</b> Reconfiguring a lot that is 5ha or larger, if— (a) the size of any lot created is 25ha, or smaller; and (b) either— (i) The reconfiguration involves operational work made assessable under schedule 3, part 1, table 4, item 1, other than operational work that is only the clearing of regulated regrowth vegetation;	Sch 7, Table 2, item 4	Department of Natural Resources and Mines	Concurrence State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870 <a href="mailto:CairnsSARA@dilgp.qld.gov.au">CairnsSARA@dilgp.qld.gov.au</a> SARA is supported by MyDAS— a new online system that allows an applicant to prepare and lodge or refer applications to DSDIP, as the single state assessment and referral agency.

## DECISION NOTICE - APPROVAL

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 6 April 2016

For an application involving	Name of technical agency	Status	Address
or (ii) On any lot created, additional exempt operational work, other than operational work that is only the clearing of regulated regrowth vegetation could be carried out			MyDAS can be accessed at <a href="http://www.dilgp.qld.gov.au/planning/development-assessment/state-assessment-and-referral-agency-applications.html">http://www.dilgp.qld.gov.au/planning/development-assessment/state-assessment-and-referral-agency-applications.html</a>

## 8. Approved Plans

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated
7443 - LL2	Proposed Reconfiguration of a Lot (1 Lot into 2 Lots)	Twine Surveys Pty Ltd	9/12/2015

## 9. When approval lapses if development not started (s341)

This development approval will lapse in accordance with Section 341 of the Sustainable Planning Act 2009 if development does not start within relevant period as stated below:

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

If there is one (1) or more subsequent related approvals 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.

## 10. Appeal rights –

*Applicant may make representations about decision*

The applicant may make written representations to the assessment manager about: -

- a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
- the standard conditions applying to a deemed approval.

However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

Attachment 3 is an extract from SPA which contains details regarding making representations about the decision.

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***Appeals by applicants***

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

***Appeals by submitters***

A submitter for a development application may appeal to the Planning and Environment Court against:

- the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment
- the part of the approval relating to the assessment manager's decision under section 327.

Details about submitter appeal rights for the Planning and Environment Court are set out in sections 462, 463 and 464 of SPA.

Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Attachment 4 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

**11. When the development approval takes effect –**

This development approval takes effect –

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court

OR

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

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Should you require any further information please contact Council's Planning Officer, Carl Ewin on the above telephone number.

Yours faithfully

BRIAN MILLARD  
SENIOR PLANNER

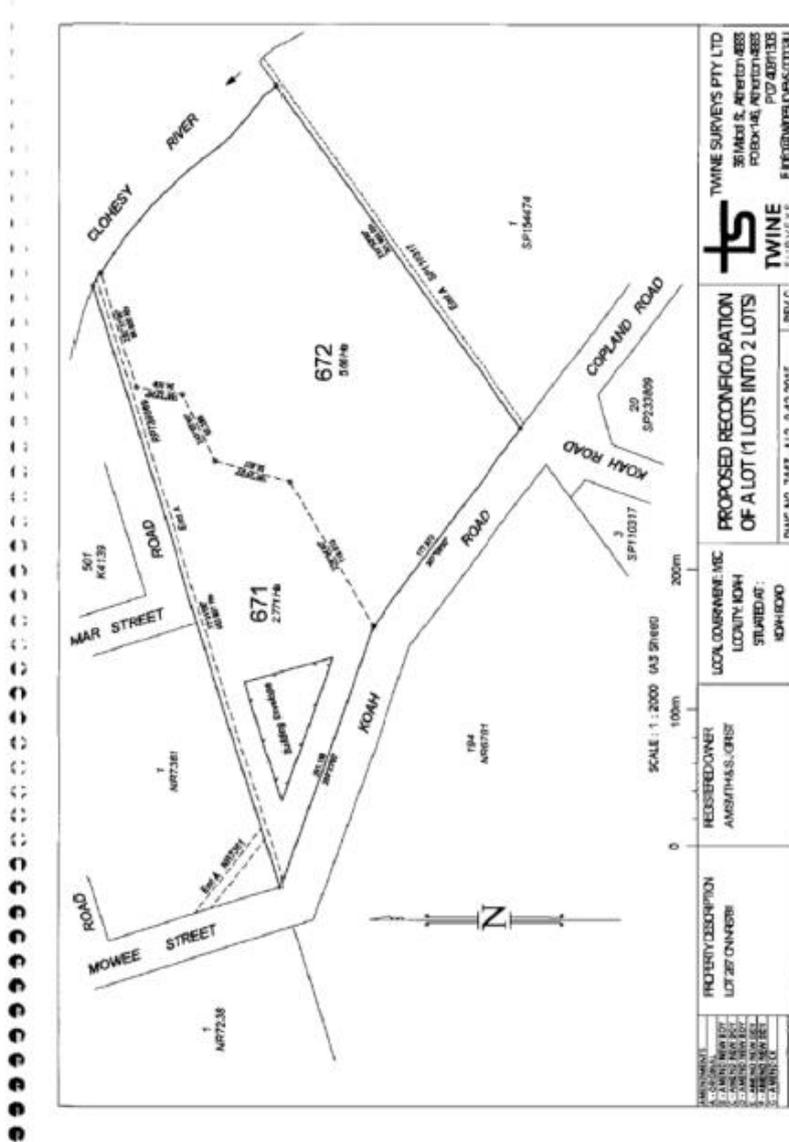
Enclosures: Attachment 1 - Approved Plans of Development  
Attachment 2 - Concurrence Agency Conditions  
Attachment 3 - SPA Extract - Making Representations about Decision  
Attachment 4 - SPA Extract on Appeal Rights

Copy: Department of State Development, Infrastructure and Planning  
[CairnsSARA@dilgp.qld.gov.au](mailto:CairnsSARA@dilgp.qld.gov.au)

DECISION NOTICE - APPROVAL

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6 April 2016

ATTACHMENT 1 - APPROVED PLAN OF DEVELOPMENT (ECM VS# 3748894)



<p><b>TWINE SURVEYS PTY LTD</b> 35 Malak &amp; Altona Roads Parkville, Victoria 3042 Phone: 03 94071333 E: info@twinesurveys.com.au</p>	
<p><b>PROPOSED RECONFIGURATION OF A LOT (1 LOTS INTO 2 LOTS)</b></p>	
<p>DWG NO. 7443 - L12 8-12-2015 REV C</p>	
<p>DESIGNER: ANGUS PHILLIPS, CHRIS</p>	<p>LOCAL GOVERNMENT: LODGEY-KOAH STANDARD: KOM-KOAH</p>
<p>REVISIONS: 1. 12/08/15 2. 12/08/15 3. 12/08/15 4. 12/08/15 5. 12/08/15 6. 12/08/15</p>	<p>PROPERTY DESCRIPTION: LOT 267 C/NERBY</p>

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6 April 2016

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**ATTACHMENT 2 - CONCURRENCE AGENCY CONDITIONS**Department of Infrastructure,  
Local Government and PlanningOur reference: SDA-0116-027474  
Your reference: DIA/15/0056

16 February 2016

Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
Mareeba QLD 4880Email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Dear Sir/Madam

**Concurrence agency response—with conditions**

Development application for a Development Permit – Reconfiguration of a Lot (1 into 2 lot subdivision) on land located at 1 Copland Road, Koah, or otherwise described as Lot 267 on NR6781.

(Given under section 285 of the Sustainable Planning Act 2009)

The referral agency material for the development application described below was received and deemed properly referred by the Department of Infrastructure, Local Government and Planning under section 272 of the Sustainable Planning Act 2009 on 25 January 2016.

**Applicant details**

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Applicant name:	Steven John Grist and Amanda Maree Grist
Applicant contact details:	1 Copland Road Koah QLD 4881
	Email: <a href="mailto:SteveGrist@gmail.com">SteveGrist@gmail.com</a>

**Site details**

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Street address:	1 Copland Road, Koah, QLD, 4881
Lot on plan:	Lot 267 on NR6781
Local government area:	Mareeba Shire Council

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Far North Queensland Regional Office  
Ground Floor, Cairns Port Authority  
PO Box 2358  
Cairns QLD 4870

**DECISION NOTICE - APPROVAL**

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 6 April 2016

SOA-0116-027474

**Application details**

Proposed development: Development Permit for the Reconfiguration of a Lot – 1 into 2 lot subdivision

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

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Reconfiguring a Lot	Development Permit	1 into 2 lot subdivision	Code Assessment

**Referral triggers**

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

Referral trigger: Schedule 7, Table 2, Item 4—Vegetation clearing

**Conditions**

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

**Reasons for decision to impose conditions**

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

**Further advice**

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

**Approved plans and specifications**

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Development Permit for the Reconfiguration of a Lot (1 into 2 lot subdivision)				
Referral Agency Response (Vegetation Plan (RARP))	Queensland Government (SAK – stars 135)	11 February 2016	RARP SDJL-0116-027474 – Sheet 1 of 1	-

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

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DDA-0115-227474

For further information, please contact Chris Adamson, Principal Planning Officer, SARA Far North QLD on 4037 3233, or email [chris.adamson@dlglp.qld.gov.au](mailto:chris.adamson@dlglp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Graeme Kenna  
Manager, Planning

cc: Steven John Grist and Amanda Maree Grist, [SteveGrist@gmail.com](mailto:SteveGrist@gmail.com)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved Plans and Specifications

**DECISION NOTICE - APPROVAL**

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 6 April 2016

SDA-0116-027474

 Our reference: SDA-0116-027474  
 Your reference: DA/15/0056

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
<b>Development Permit for the Reconfiguration of a Lot – 1 into 2 lot subdivision</b>		
Schedule 7, Table 2, Item 4—Vegetation clearing—Pursuant to section 255D of the Sustainable Planning Act 2009, the chief executive administering the Act nominates the Director-General of the Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The permit holder is responsible for ensuring that: (a) a full copy of the permit is held by; and (b) that the extent of clearing authorised by this permit is properly understood by; any person(s) engaged or employed to carry out the clearing of the vegetation under this permit.	At all times
2.	a) No clearing as a result of the reconfiguration is to occur within Area A (Parts A1-A4) as shown on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0116-027474 dated 11 February 2016. b) No infrastructure, including, but not limited to, buildings, fences and roads is to be established or located within Area A (Parts A1-A4) as shown on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0116-027474 dated 11 February 2016. c) No infrastructure except fences, roads and underground services is to be established or located within Area B (Parts B1-B3) as shown on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0116-027474 dated 11 February 2016.	At all times

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SDA-0116-027474

Our reference: SDA-0116-027474  
Your reference: DA/15/0056

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

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The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the development minimises the impacts of vegetation clearing associated with the subdivision.
- To ensure that the clearing works are carried out in the location and to the extent specified in the attached Referral Agency Response Plan (RARP).
- To ensure the person undertaking the clearing works is aware of, and understands, all of the requirements and conditions associated with the carrying out the out the works above.
- To ensure the development achieves the applicable provisions and outcomes in the modules 8 of the State Development Assessment Provisions, version 1.7.

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SDA-0116-027474

Our reference: SDA-0116-027474  
Your reference: DA/15/0056**Attachment 3—Further advice**

General advice	
Ref.	State Planning Policy
1	Mareeba Shire Council, in its role as assessment manager, must assess the part of the application against the State Planning Policy July 2014, in particular the interim development assessment provisions (such as natural hazards, risk and resilience), to the extent it is relevant to the development and where not appropriately reflected in council's planning scheme.



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SDA-0116-02747

Page 1 of 1

**Attachment to Plan: SDA-0116-02747**  
**Derived Reference Points for GPS**  
Horizontal Datum: GDA94 Projection: Transverse Mercator MGA 04 Zone 55

**Note:** Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s). This attachment must be read in conjunction with the accompanying plan and the Referral Agency Response (SDA-0116-02747). Derived Reference Points are indicated on the accompanying plan and proceed sequentially if labels are missing.

Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing
A1	1	347807	3138950	B2	82	347858	3138979	B3	121	347871	3138958
A1	2	347810	3138953	B2	83	347861	3138982	B3	122	347884	3138958
A1	3	347811	3138954	B2	84	347862	3138983	B3	123	347885	3138958
A1	4	347817	3138957	B2	85	347868	3138986	B3	124	347891	3138958
A1	5	347820	3138960	B2	86	347871	3138989	B3	125	347894	3138958
A2	8	347858	3138997	B2	87	347909	3139026	B3	126	347932	3139005
A2	9	347859	3138998	B2	88	347910	3139027	B3	127	347933	3139005
A2	10	347860	3138999	B2	89	347911	3139028	B3	128	347934	3139005
A2	11	347861	3139000	B2	90	347912	3139029	B3	129	347935	3139005
A2	12	347862	3139001	B2	91	347913	3139030	B3	130	347936	3139005
A2	13	347863	3139002	B2	92	347914	3139031	B3	131	347937	3139005
A2	14	347864	3139003	B2	93	347915	3139032	B3	132	347938	3139005
A2	15	347865	3139004	B2	94	347916	3139033	B3	133	347939	3139005
A2	16	347866	3139005	B2	95	347917	3139034	B3	134	347940	3139005
A2	17	347867	3139006	B2	96	347918	3139035	B3	135	347941	3139005
A2	18	347868	3139007	B2	97	347919	3139036	B3	136	347942	3139005
A2	19	347869	3139008	B2	98	347920	3139037	B3	137	347943	3139005
A2	20	347870	3139009	B2	99	347921	3139038	B3	138	347944	3139005
A2	21	347871	3139010	B2	100	347922	3139039	B3	139	347945	3139005
A2	22	347872	3139011	B2	101	347923	3139040	B3	140	347946	3139005
A2	23	347873	3139012	B2	102	347924	3139041	B3	141	347947	3139005
A2	24	347874	3139013	B2	103	347925	3139042	B3	142	347948	3139005
A2	25	347875	3139014	B2	104	347926	3139043	B3	143	347949	3139005
A2	26	347876	3139015	B2	105	347927	3139044	B3	144	347950	3139005
A2	27	347877	3139016	B2	106	347928	3139045	B3	145	347951	3139005
A2	28	347878	3139017	B2	107	347929	3139046	B3	146	347952	3139005
A2	29	347879	3139018	B2	108	347930	3139047	B3	147	347953	3139005
A2	30	347880	3139019	B2	109	347931	3139048	B3	148	347954	3139005
A2	31	347881	3139020	B2	110	347932	3139049	B3	149	347955	3139005
A2	32	347882	3139021	B2	111	347933	3139050	B3	150	347956	3139005
A2	33	347883	3139022	B2	112	347934	3139051	B3	151	347957	3139005
A2	34	347884	3139023	B2	113	347935	3139052	B3	152	347958	3139005
A2	35	347885	3139024	B2	114	347936	3139053	B3	153	347959	3139005
A2	36	347886	3139025	B2	115	347937	3139054	B3	154	347960	3139005
A2	37	347887	3139026	B2	116	347938	3139055	B3	155	347961	3139005
A2	38	347888	3139027	B2	117	347939	3139056	B3	156	347962	3139005
A2	39	347889	3139028	B2	118	347940	3139057	B3	157	347963	3139005
A2	40	347890	3139029	B2	119	347941	3139058	B3	158	347964	3139005
A2	41	347891	3139030	B2	120	347942	3139059	B3	159	347965	3139005
A2	42	347892	3139031	B2	121	347943	3139060	B3	160	347966	3139005
A2	43	347893	3139032	B2	122	347944	3139061	B3	161	347967	3139005
A2	44	347894	3139033	B2	123	347945	3139062	B3	162	347968	3139005
A2	45	347895	3139034	B2	124	347946	3139063	B3	163	347969	3139005
A2	46	347896	3139035	B2	125	347947	3139064	B3	164	347970	3139005
A2	47	347897	3139036	B2	126	347948	3139065	B3	165	347971	3139005
A2	48	347898	3139037	B2	127	347949	3139066	B3	166	347972	3139005
A2	49	347899	3139038	B2	128	347950	3139067	B3	167	347973	3139005
A2	50	347900	3139039	B2	129	347951	3139068	B3	168	347974	3139005
A2	51	347901	3139040	B2	130	347952	3139069	B3	169	347975	3139005
A2	52	347902	3139041	B2	131	347953	3139070	B3	170	347976	3139005
A2	53	347903	3139042	B2	132	347954	3139071	B3	171	347977	3139005
A2	54	347904	3139043	B2	133	347955	3139072	B3	172	347978	3139005
A2	55	347905	3139044	B2	134	347956	3139073	B3	173	347979	3139005
A2	56	347906	3139045	B2	135	347957	3139074	B3	174	347980	3139005
A2	57	347907	3139046	B2	136	347958	3139075	B3	175	347981	3139005
A2	58	347908	3139047	B2	137	347959	3139076	B3	176	347982	3139005
A2	59	347909	3139048	B2	138	347960	3139077	B3	177	347983	3139005
A2	60	347910	3139049	B2	139	347961	3139078	B3	178	347984	3139005
A2	61	347911	3139050	B2	140	347962	3139079	B3	179	347985	3139005
A2	62	347912	3139051	B2	141	347963	3139080	B3	180	347986	3139005
A2	63	347913	3139052	B2	142	347964	3139081	B3	181	347987	3139005
A2	64	347914	3139053	B2	143	347965	3139082	B3	182	347988	3139005
A2	65	347915	3139054	B2	144	347966	3139083	B3	183	347989	3139005
A2	66	347916	3139055	B2	145	347967	3139084	B3	184	347990	3139005
A2	67	347917	3139056	B2	146	347968	3139085	B3	185	347991	3139005
A2	68	347918	3139057	B2	147	347969	3139086	B3	186	347992	3139005
A2	69	347919	3139058	B2	148	347970	3139087	B3	187	347993	3139005
A2	70	347920	3139059	B2	149	347971	3139088	B3	188	347994	3139005
A2	71	347921	3139060	B2	150	347972	3139089	B3	189	347995	3139005
A2	72	347922	3139061	B2	151	347973	3139090	B3	190	347996	3139005
A2	73	347923	3139062	B2	152	347974	3139091	B3	191	347997	3139005
A2	74	347924	3139063	B2	153	347975	3139092	B3	192	347998	3139005
A2	75	347925	3139064	B2	154	347976	3139093	B3	193	347999	3139005
A2	76	347926	3139065	B2	155	347977	3139094	B3	194	348000	3139005
A2	77	347927	3139066	B2	156	347978	3139095	B3	195	348001	3139005
A2	78	347928	3139067	B2	157	347979	3139096	B3	196	348002	3139005
A2	79	347929	3139068	B2	158	347980	3139097	B3	197	348003	3139005
A2	80	347930	3139069	B2	159	347981	3139098	B3	198	348004	3139005
A2	81	347931	3139070	B2	160	347982	3139099	B3	199	348005	3139005
A2	82	347932	3139071	B2	161	347983	3139100	B3	200	348006	3139005
A2	83	347933	3139072	B2	162	347984	3139101	B3	201	348007	3139005
A2	84	347934	3139073	B2	163	347985	3139102	B3	202	348008	3139005
A2	85	347935	3139074	B2	164	347986	3139103	B3	203	348009	3139005
A2	86	347936	3139075	B2	165	347987	3139104	B3	204	348010	3139005
A2	87	347937	3139076	B2	166	347988	3139105	B3	205	348011	3139005
A2	88	347938	3139077	B2	167	347989	3139106	B3	206	348012	3139005
A2	89	347939	3139078	B2	168	347990	3139107	B3	207	348013	3139005
A2	90	347940	3139079	B2	169	347991	3139108	B3	208	348014	3139005
A2	91	347941	3139080	B2	170	347992	3139109	B3	209	348015	3139005
A2	92	347942	3139081	B2	171	347993	3139110	B3	210	348016	3139005
A2	93	347943	3139082	B2	172	347994	3139111	B3	211	348017	3139005
A2	94	347944	3139083	B2	173	347995	3139112	B3	212	348018	3139005
A2	95	347945	3139084	B2	174	347996	3139113	B3	213	348019	3139005
A2	96	347946	3139085	B2	175	347997	3139114	B3	214	348020	3139005
A2	97	347947	3139086	B2	176	347998	3139115	B3	215	348021	3139005
A2	98	347948	3139087	B2	177	347999	3139116	B3	216	348022	3139005
A2	99	347949	3139088	B2	178	348000	3139117	B3	217	348023	3139005
A2	100	347950	3139089	B2	179	348001	3139118	B3	218	348024	3139005
A2	101	347951	3139090	B2	180	348002	3139119	B3	219	348025	3139005
A2	102	347952	3139091	B2	181	348003	3139120	B3	220	348026	3139005
A2	103	347953	3139092	B2	182	348004	3139121	B3	221	348027	3139005
A2	104	347954	3139093	B2	183	348005	3139122	B3	222	348028	3139005
A2											

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**ATTACHMENT 3 - MAKING REPRESENTATIONS ABOUT DECISION****PART 8 - DEALING WITH DECISION NOTICES AND APPROVALS****DIVISION 1 CHANGING DECISION NOTICES AND APPROVALS DURING APPLICANT'S APPEAL PERIOD****360 APPLICATION OF DIV 1**

This division applies only during the applicant's appeal period.

**361 APPLICANT MAY MAKE REPRESENTATIONS ABOUT DECISION**

- (1) The applicant may make written representations to the assessment manager about—
  - (a) a matter stated in the decision notice, other than a refusal or a matter about which a concurrence agency told the assessment manager under section 287(1) or (5); or
  - (b) the standard conditions applying to a deemed approval.
- (2) However, the applicant can not make representations under subsection (1)(a) about a condition attached to an approval under the direction of the Minister.

**362 ASSESSMENT MANAGER TO CONSIDER REPRESENTATIONS**

The assessment manager must consider any representations made to the assessment manager under section 361.

**363 DECISION ABOUT REPRESENTATIONS**

- (1) If the assessment manager agrees with any of the representations about a decision notice or a deemed approval, the assessment manager must give a new decision notice (*the negotiated decision notice*) to—
  - (a) the applicant; and
  - (b) each principal submitter; and
  - (c) each referral agency; and
  - (d) if the assessment manager is not the local government and the development is in a local government area—the local government.
- (2) Before the assessment manager agrees to a change under this section, the assessment manager must consider the matters the assessment manager was required to consider in assessing the application, to the extent the matters are relevant.
- (3) Only 1 negotiated decision notice may be given.
- (4) The negotiated decision notice—
  - (a) must be given within 5 business days after the day the assessment manager agrees with the representations; and
  - (b) must comply with section 335; and
  - (c) must state the nature of the changes; and
  - (d) replaces—
    - (i) the decision notice previously given; or

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- (ii) if a decision notice was not previously given and the negotiated decision notice relates to a deemed approval—the standard conditions applying to the deemed approval.
- (5) If the assessment manager does not agree with any of the representations, the assessment manager must, within 5 business days after the day the assessment manager decides not to agree with any of the representations, give written notice to the applicant stating the decision about the representations.
- 364 GIVING NEW INFRASTRUCTURE CHARGES NOTICE OR REGULATED INFRASTRUCTURE CHARGES NOTICE**
- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of an infrastructure charge or regulated infrastructure charge.
  - (2) The local government may give the applicant a new infrastructure charges notice under section 633 or regulated infrastructure charges notice under section 643 to replace the original notice.
- 365 GIVING NEW REGULATED STATE INFRASTRUCTURE CHARGES NOTICE**
- (1) This section applies if the development approved by the negotiated decision notice is different from the development approved in the decision notice or deemed approval in a way that affects the amount of a regulated State infrastructure charge.
  - (2) The relevant State infrastructure provider may give the applicant a new regulated State infrastructure charges notice under section 669 to replace the original notice.
- 366 APPLICANT MAY SUSPEND APPLICANT'S APPEAL PERIOD**
- (1) If the applicant needs more time to make the representations, the applicant may, by written notice given to the assessment manager, suspend the applicant's appeal period.
  - (2) The applicant may act under subsection (1) only once.
  - (3) If the representations are not made within 20 business days after the day written notice was given to the assessment manager, the balance of the applicant's appeal period restarts.
  - (4) If the representations are made within 20 business days after the day written notice was given to the assessment manager—
    - (a) if the applicant gives the assessment manager a notice withdrawing the notice under subsection (1)—the balance of the applicant's appeal period restarts the day after the assessment manager receives the notice of withdrawal; or
    - (b) if the assessment manager gives the applicant a notice under section 363(5)—the balance of the applicant's appeal period restarts the day after the applicant receives the notice; or
    - (c) if the assessment manager gives the applicant a negotiated decision notice—the applicant's appeal period starts again the day after the applicant receives the negotiated decision notice.

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**ATTACHMENT 4 - APPEAL RIGHTS****DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS****461 APPEALS BY APPLICANTS**

- (1) An applicant for a development application may appeal to the court against any of the following—
  - (a) the refusal, or the refusal in part, of the development application;
  - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
  - (c) the decision to give a preliminary approval when a development permit was applied for;
  - (d) the length of a period mentioned in section 341;
  - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—
  - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
  - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

**462 APPEALS BY SUBMITTERS—GENERAL**

- (1) A submitter for a development application may appeal to the court only against—
  - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
  - (a) the giving of a development approval;
  - (b) any provision of the approval including—
    - (i) a condition of, or lack of condition for, the approval; or
    - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
  - (a) withdraws the submission before the application is decided; or
  - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the *submitter's appeal period*) after the decision notice or negotiated decision notice is given to the submitter.

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**463 ADDITIONAL AND EXTENDED APPEAL RIGHTS FOR SUBMITTERS FOR PARTICULAR DEVELOPMENT APPLICATIONS**

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
  - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
  - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
    - (i) a material change of use of premises for aquaculture; or
    - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
  - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
  - (b) a referral agency's response mentioned in subsection (2).

**464 APPEALS BY ADVICE AGENCY SUBMITTERS**

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
  - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
  - (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

**ATTACHMENT 2**

Steve Grist and Amanda Grist  
1 Copland Rd, KOAH, Qld 4881  
stevegrist@hotmail.com

9 May 2016

Mareeba Shire Council  
Planning Department  
65 Rankin St, MAREEBA, Qld 4880

To the Assessment Manager,

RE: NEGOTIATED DECISION NOTICE for PLANNING APPROVAL DA/15/0056 (S & A Grist)

We the applicants of the above-mentioned developments request to negotiate the following conditions of approval on the following grounds.

#### 4.6 Electricity Provision/Supply

*The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended), to the satisfaction of Council's delegated officer. Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of power reticulation to each lot.*

#### Proponents' Response

##### SUMMARY

We the proponent wish to question this condition, as we feel that it should be interpreted to include off grid solar energy systems, which in light of recent technological advances can legitimately be described as "an appropriate level of electricity supply", from accredited retailers who can accurately be described as "an Electricity Service providers" as per the condition. The condition refers to FNQ ROC Development Manual standards which do not explicitly state that reticulated grid fed electricity supply must be provided in this location.

Attached are technical specifications from two off grid solar electricity suppliers who are available to provide 6.2 kW stand-alone solar powered energy systems to the new lot subject to this development approval, at a price which is equivalent to Ergon energy's cost estimate of installing a grid connection.

These systems would provide the new household with levels of electricity supply above the average Australian household's consumption, which is 5,817 kWh per year (Australian Energy Regulator; 2014). The inverters provided with this system are capable of adding a further 2kW of panels and battery storage, should the household wish to upgrade the system. This would potentially result in 8.2kW which is significantly more than the average Australian household would consume. Furthermore, these systems assume a very conservative 4 hours on full sun exposure per day...in a sunny location like Koah, it is likely that there will be more like 7 to 8 hours full sun on an average day, meaning the systems are likely to be more productive then they are calculated to be. Two households on Koah Rd

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are already receiving power from off grid, stand-alone solar systems...and both have testified to the reliability and cost effectiveness of this approach (pers comm; 2016).

These new lots will be marketed as part of a sustainable neighbourhood concept for the Koah Village, in line with the applicants' commitment to balancing property development with environmental stewardship and community values.

As part of this concept, both of the original applications requested that they provide off-grid, stand-alone solar powered energy systems as an alternative to conventional grid connections, to service future households. The assessment manager's email response to this request was:

*With regards to the power supply, grid power is still the most practical outcome in our opinion for prospective purchasers. The draft scheme does allow for stand-alone systems but only where grid power is not available. As such, we have conditioned the requirement for a grid power supply.*

Whilst grid power supply is still the conventional method of power supply, we would like to challenge the thinking & assumptions behind this statement and the status quo, and ask Council to consider the bigger issue of reducing carbon emissions through supporting cleaner, pollution free solar energy generation, which is now both economically and environmentally attractive. In short, we propose that solar has become not only equal but the superior option in all respects, and is now a viable competitor to grid fed electricity supply on the full spectrum of different lots sizes & locations.

#### **BACKGROUND**

The evolution of solar technology over the past decade has been nothing short of spectacular, as falling prices and climbing demand drew photovoltaic costs level with, or below, power sources such as coal and even natural gas in some places. The change is so major it has upped expectations for the sun's role in a clean energy future; the IEA recently raised its targets for solar electricity in 2050 by nearly 50 percent. In Australia, more than a million rooftop solar PV systems have been installed, compared to just 8,000 in 2007.

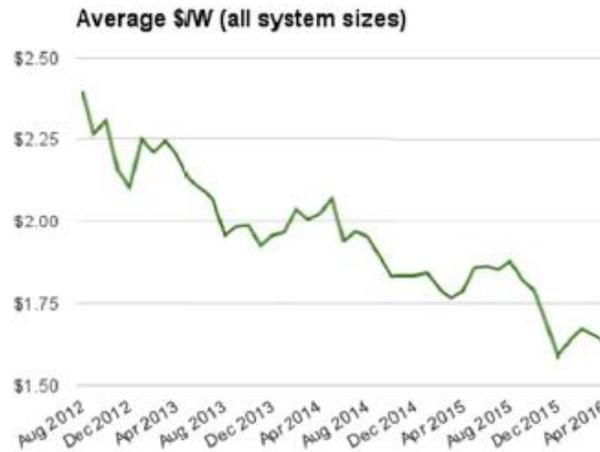
Small-scale solar photovoltaic systems, typically on rooftops, account for the majority of solar installations. These systems are currently undergoing rapid growth in technological advancement and manufacturing capabilities. About 2.6 million people, 11% of our population, generate electricity from the sun. Queensland has the largest number of solar photovoltaic (PV) installations of any state, followed by New South Wales and Victoria (Climate Council 2016).

In short, solar technology is poised to no longer be an "alternative" to current status quo, but a game changer over the coming decades. Policy advisor to the NSW Minister of Environment, Martina Lyons (pers comm: 2016) states:

*"Our telecommunication systems underwent a massive transformation in the nineties with the advent of mobile technology.... and with current technological advances and falling prices of off grid solar systems and micro grids, we are now on the cusp of our energy systems going through a similar transformation".*

**COMPARATIVE COSTS**

The chart below demonstrates the marked price decline of rooftop PV systems since August 2012.



*Source: Solar Choice (2016). Data points are the average of average \$/W for each system size*

In contrast, the cost of grid supplied electricity continues to rise. The average Australian electricity bill in 2014 was \$1,690, which is an increase from 2011 of 22% (Martin: 2014\* *this is an Australian average as price increase vary from state to state*), despite an overall decrease of Average household electricity consumption over the same period of 12.5% (Bill republic: 2016). The Queensland Competition Authority (QCA), the state government body that regulates electricity prices, allowed electricity rates to rise by 21.4% in residential tariffs over the course of the 2013/2014 financial year (Solar Choice: 2016).

These price rises are expected to continue indefinitely. Our quotes from Ergon Energy and off-grid solar retailers confirm that the price of an off-grid, stand-alone solar system with a capacity of 6.2kW, and a conventional grid connection through Ergon Energy are roughly the same. However the solar system will then provide the household with clean, green and free power supply for up to 25 years. If electricity prices were to increase by 10% annually these systems could save the household up to \$160,000 savings (based on the current average electricity bill of \$1690 pa) over the life of the system. Systems will need to be replaced after approximately 25 years, however by this time solar systems have been estimated to comprise of 50% of all power supply (Katz: 2014) and prices of systems will be significantly cheaper:

*"An energy revolution is coming, and it is contained in an appliance about a metre high and a metre wide - the home battery. Analysis by Citibank suggests that within five years the price will have almost halved, to about \$3700. The change will begin to transform the electricity system. After many false starts, Australians will finally have the opportunity to get solar power right". Blowers (2015) The Age.*

*CARBON EMISSIONS & CLIMATE CHANGE*

This optimistic outlook for renewable energy is in stark contrast to current predictions on fossil fuel induced, accelerated climate change. The Australian Bureau of Meteorology's and CSIRO's projections confirm the worst: climate change is real; it is dangerous and it is already happening (CSIRO & BoM: 2015).

Reticulated power supply in Mareeba Shire depends on coal fired power stations in Central Queensland which pollute the atmosphere with dangerous, global warming emissions. Furthermore, Queensland has the largest electricity distribution network in Australia and as a result incurs significant transmission losses in the distribution of the electricity in regional and remote locations of the state (Allen: 2011). On the other hand, solar power generates electricity with no global warming pollution, no ongoing fuel costs, and no risks of fuel price spikes, and has the potential to help move the country toward cleaner, reliable, and affordable sources of electricity.

*LOCAL GOVERNMENT SUPPORT FOR RENEWABLE ENERGY*

Addressing climate change is one of the Australian Local Government Association's top five policy priorities (ALGA: 2016). Across Australia, Councils are demonstrating leadership in addressing climate change by supporting solar, and thus contributing to a clean, sustainable future for this country, as well as their own local communities.

Notable local government leaders in this field include NSW's Byron Shire, Bega Valley Shire, City of Wagga Wagga (CAFNEC: 2016; Brown: 2015; City of Wagga Wagga: 2010); Victoria's Moreland, Yarra, Maribyrnong & City of Melbourne, as well as a South Australian consortium of six Councils including Holdfast Bay, Marion, Onkaparinga, Playford, Port Adelaide, Enfield and West Torrens Councils, all contributing to the South Australian government's target of 50% renewable energy generation for the state by 2025 (Parkinson et al: 2014).

The small communities of Newstead (Mt Alexander Shire, Vic) Uralla (Uralla Shire, NSW) Tyalgum (Tweed Shire, NSW) are working towards becoming the first in Australia to go 100% solar, through their own community owned micro-grids, with the support of the local Councils (Timms: 2014 & Vorrath: 2015).

Because the cost of stand-alone systems has now fallen to be equivalent to a conventional grid connection, reconfiguration of lots to create new lots is a critical window of opportunity for embracing a transition to cleaner, pollution free forms of renewable energy. However if grid power supply is mandated as a condition of approval, it is unlikely that developers or new households will incur this cost twice, and fit out new dwellings with solar arrays and battery storage....and therefore this critical opportunity to transition to cheaper, reliable and pollution-free power supply will be lost.

A common response to this matter is... "There is nothing stopping the household from installing solar if they want to". We would like to point out that the reverse of this statement is also true....if a household provided with an off-grid solar system wants to connect to the grid in the fullness of time, that product & service is still available to them. But the market is showing that demand for solar in Australia is high...we assume that off grid solar will be the more attractive option for buyers and including it in the sale of the land will be highly desirable.

Given these significant economic advantages to the future household and technical capabilities of modern solar units, we feel that it is uncompetitive to regulate one form of energy supply from

another. Utility companies have enjoyed a market monopoly over domestic electricity supply up until now, but given there is now a viable competitor, mandating the use of one retailer over another would be an unfair advantage within our free market economy.

Standards conditions around the provision of off grid solar as an alternative to a grid connection can be found of other local government authorities that have chosen to support this option, and we would expect them to include:

- Minimum capacity of the system matching average Australian household domestic consumption (i.e. Minimum 5kW pa capacity);
- Technology and installers must be an accredited product & retailer through the Solar PV Accreditation scheme (Clean Energy Council);
- Provided in full by the vendor with the issue of a building permit on the land.



This decision will test the newly elected Mareeba Shire Council on their position and potentially set a precedent for the future. However given the dynamic and rapid advances of solar technology on one hand, and accelerating climate impacts on the other - we are very confident that it will not be the last time Council will have to consider it.

Therefore today is an opportunity to consider MSC's position going into the future, and show leadership and forward thinking on this very important issue.

#### 4.3 Frontage Works - Koah Road

*Prior to the endorsement of a plan of survey, the applicant/developer must widen the development side of Koah Road only by a total of 2 metres (1.25 metre bitumen seal, 0.75 metre gravel shoulder) for the full frontage of Lot 671 in accordance with Table D1.4 (Road Class 100 - 999) of the FNQROC Development Manual. Prior to works commencing, plans for the works described above must be approved as part of a subsequent application for Operational Works.*

**Proponents' Response**

A recent development permit was issued by Mareeba Shire Council for a subdivision at their ordinary meeting on the 2 March 2016 on LOT 64 N157400 - 38 COPLAND ROAD, KOAH (DA/16/0005).

A condition of approval was:

*4.3 Roadworks- External Construction*

*Prior to the endorsement of the plan of survey, the applicant/ developer is required to construct the following works, designed in accordance with FNQROC Development Manual Standards (as amended) to the satisfaction of Council's delegated officer:*

*4.3.1 The poorly constructed section of road reserve to the north of the subject site (proposed to access Lot 1) is to be upgraded/ constructed to a formed gravel standard (8 metre formation, 5.5 metre pavement width) from its intersection with Copland Rd to a point 20 metres past the access crossover to Lot 1.*

*4.3.2 The intersection between Copland Rd and the new section of road required under 4.3.1 must also be upgraded.*

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

*As an alternative to the external road works described above, the applicant/ developer may provide an access easement through Lot 2 to service Lot 1. The applicant/ developer must provide an all-weather gravel access road for the full-length of the easement. The easement must be included on the plan of survey and a copy of the easement schedule must be provided to Council for review by Council's delegated officer.*

Given that Lot 1 (the new lot which will occur as a result of the subdivision) has a significant amount of road frontage to Copland Rd, we do not understand why an easement was available as an alternative to upgrading the frontage. As this neighbouring property was not required to upgrade the road frontage (or provided with a much cheaper alternative which will not result in any improvement on the public road frontage of the site), the same principle should be applied to our development proposals. Therefore we request that this condition of approval be removed for the sake of consistency and fairness between two very similar development proposals on lots within the same locality, issued within the same month.

Kind regards

Steve Grist

Amanda Grist

#### Appendices

1. Product technical specifications from Hush energy and Off-grid solar kits.

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**APPENDIX 1: Product specifications from Hush energy**

Please find attached your quote for a completely off-grid solar and storage system. This is a completely automated system to provide 24hr/day energy requirements for a modern house built with energy savings features, solar hotwater and gas cooking.

We recommend only the highest quality Enphase Energy micro inverter systems as only they can provide the outstanding features shown below and look forward to working with you in the future.

**Why choose Hush Energy?**

We are Regional Queensland's largest and most experienced installer of micro systems, with massive buying power keeping our premium systems prices down. Hush Energy is an official Enphase Energy Beta Testing Partner – the only one in Regional Australia! We bring manufacturer knowledge and experience to you.

Our installers are specifically trained in installing our micro systems meaning your installation is completed to the highest standard. Like our products, Hush Energy is highly regarded for our knowledge and quality of workmanship which benefits you, the customer with a quality install.

**What is a micro inverter?**

A micro inverter is simply a miniature inverter designed to be installed under each and every solar panel. This makes every panel and inverter its own solar system and comes with many advantages! It is able to work at its 100% potential, unhindered by any other panels, shading etc. The old method is one inverter trying to control every panel.

**Standard inclusions      Enphase AC micro inverter      Single DC string inverter**

10 yr warranty standard  
Safe 240V AC cabling only  
Panels operate independently  
Battery/Hybrid ready  
85 degree heat rating  
Surge protector fitted  
Solar and usage monitoring  
Full internet monitoring free  
Software upgrades free

**Why does Hush Energy only install AC micro inverter solar systems?**

**Safer:** The solar industry is now focusing on the latest, safest technology which is micro inverters known as AC solar systems. AC solar systems use standard 240V cabling so are completely safe with no high voltages. Old technology single inverter systems have extremely high 500-600 DC voltages which is what is now causing fires due to arcing – See

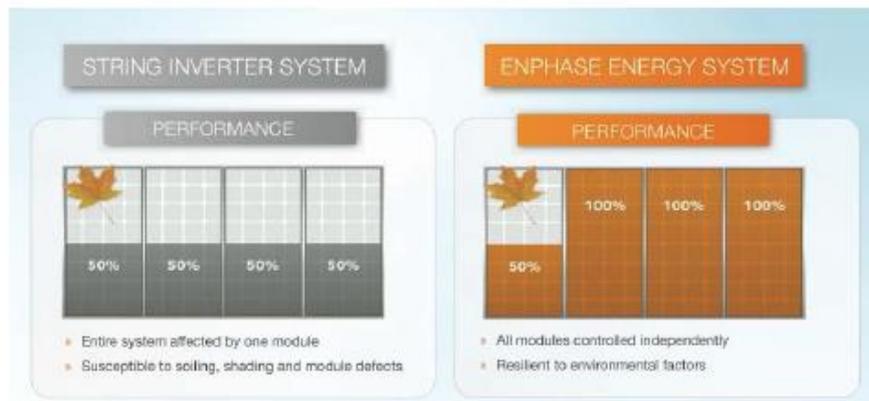
**attached photo.** It's another reason we *only recommend and install* Enphase AC micro inverter systems.

**More electricity:** Our panels operate independently so one panel in shade doesn't drag down the performance of others, resulting in more electricity being produced. See the attachment.

**Battery Ready Now:** Our micro inverter systems are battery ready now with full SOLAR and CONSUMPTION monitoring to accurately map your energy patterns. Enphase Energy will release in 2016 their world class, modular, lithium battery storage system. These will integrate with their solar systems with complete online monitoring and power usage management. It is going to be a game changer and Hush Energy has already had a sneak preview! Create, Store and Use your own electricity – that's smart, see the attachment.

**Unlimited design:** Their unique modular design is flexible to allow size increases only when you need it. This allows us to be honest with you and only sell you what you need, others sell you a bigger inverter just in case.

**Built for the conditions:** Our micro inverters have a temperature rating of 85 deg, old DC inverters are only 65 deg, see table below.




**Hush Energy Pty Ltd**

A.B.N. 68 137 542 995

Solar - Create, Store, Use!

 5/175 - 185 Newell St Bungalow  
 P.O.Box 455 Redlynch Qld 4870

P: 07 40335883

E: admin@hushenergy.net.au

**Quote**


Electrical Contractor License 73357

Steve Grist Koah QLD	Invoice: 00004702 Date: 29/04/2016 Page: Page 1 of 2 Terms: 20% deposit required, full payment within 7 days of installation
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Details	Total (inc-GST)
Supply 6.2kW Enphase micro inverter system using 20 x 310W panels. Panels operate fully independent of each other and system can be easily expanded to suit owners needs Includes full online solar and building electrical usage monitoring, vital information for off-grid owners to control their usage. Installation and full commissioning of system	\$12,764.00 \$2,300.00
Install SMA Sunny Island 6kW off-grid inverter with LG 6.4kWh lithium battery storage. This system creates a completely independant off-grid energy network for the average household. (2 x 3.2kWh expansion packs are available at additional \$3900 each)	\$13,200.00
Auto start diesel generator to complete the 24hr automatic, un-interruptable energy network. Supplies building loads and recharges batteries if required during prolonged, adverse weather. 128 STCs generated and assigned to Hush Energy as point of sale discount	\$4,500.00 -\$4,864.00
This package of a 6.2kW solar system will produce a daily average of 25kWh of electricity and store up to 6.4kWh into lithium batteries. This exceeds the average requirements of an off-grid house.	

Direct Deposit to: CBA BSB: 064797 Acc: 10009883 Please use invoice # or name as reference	Total after STC discount: GST (on total inc STC): Paid to Date: Balance Due:
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Quote valid for 28 days, 20% deposit required to proceed.

5 year warranty on installation which is performed by Clean Energy Council accredited installer and electrician.

All installations are compliant with Australian Standards for Wind Actions AS1170.2, Installation of PV arrays AS5033, Grid connection of energy systems AS4777.

Quote requires the owner will assign the STCs generated under the Federal Government Solar Credit scheme to Hush Energy Pty Ltd in return for the upfront discount.

Includes all electrical wiring necessary for connection to the premises' switchboard and assumes no further upgrade of switchboard is required to meet safety requirements.

By accepting quote, the owner is also accepting the roof structure is suitable for the life of the solar system.

This is a payment claim made under the 'Building and Construction Industry payments Act 2004'.

Any payments by credit card will incur a 1.5% surcharge to be added to the invoice amount.


**Hush Energy Pty Ltd**

A.B.N. 68 137 542 995

Solar - Create, Store, Use!

 5/175 - 185 Newell St Bungalow  
 P.O.Box 455 Redlynch Qld 4870

P: 07 40335883

E: admin@hushenergy.net.au



Electrical Contractor License 73357

**Quote**

Steve Grist Koah QLD	Invoice: 00004702 Date: 29/04/2016 Page: Page 2 of 2 Terms: 20% deposit required, full payment within 7 days of installation
-------------------------	---

Details	Total (inc-GST)
This system allows the customer to expand both their solar and storage if they choose to do so.	

Direct Deposit to: CBA BSB: 064797 Acc: 10009883 Please use invoice # or name as reference	<table border="1" style="width: 100%;"> <tr> <td>Total after STC discount:</td> <td style="text-align: right;">\$27,900.00</td> </tr> <tr> <td>GST (on total inc STC):</td> <td style="text-align: right;">\$2,978.55</td> </tr> <tr> <td>Paid to Date:</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td><b>Balance Due:</b></td> <td style="text-align: right;"><b>\$27,900.00</b></td> </tr> </table>	Total after STC discount:	\$27,900.00	GST (on total inc STC):	\$2,978.55	Paid to Date:	\$0.00	<b>Balance Due:</b>	<b>\$27,900.00</b>
Total after STC discount:	\$27,900.00								
GST (on total inc STC):	\$2,978.55								
Paid to Date:	\$0.00								
<b>Balance Due:</b>	<b>\$27,900.00</b>								

Quote valid for 28 days, 20% deposit required to proceed.

5 year warranty on installation which is performed by Clean Energy Council accredited installer and electrician.

All installations are compliant with Australian Standards for Wind Actions AS1170.2, Installation of PV arrays AS5033, Grid connection of energy systems AS4777.

Quote requires the owner will assign the STCs generated under the Federal Government Solar Credit scheme to Hush Energy Pty Ltd in return for the upfront discount.

Includes all electrical wiring necessary for connection to the premises' switchboard and assumes no further upgrade of switchboard is required to meet safety requirements.

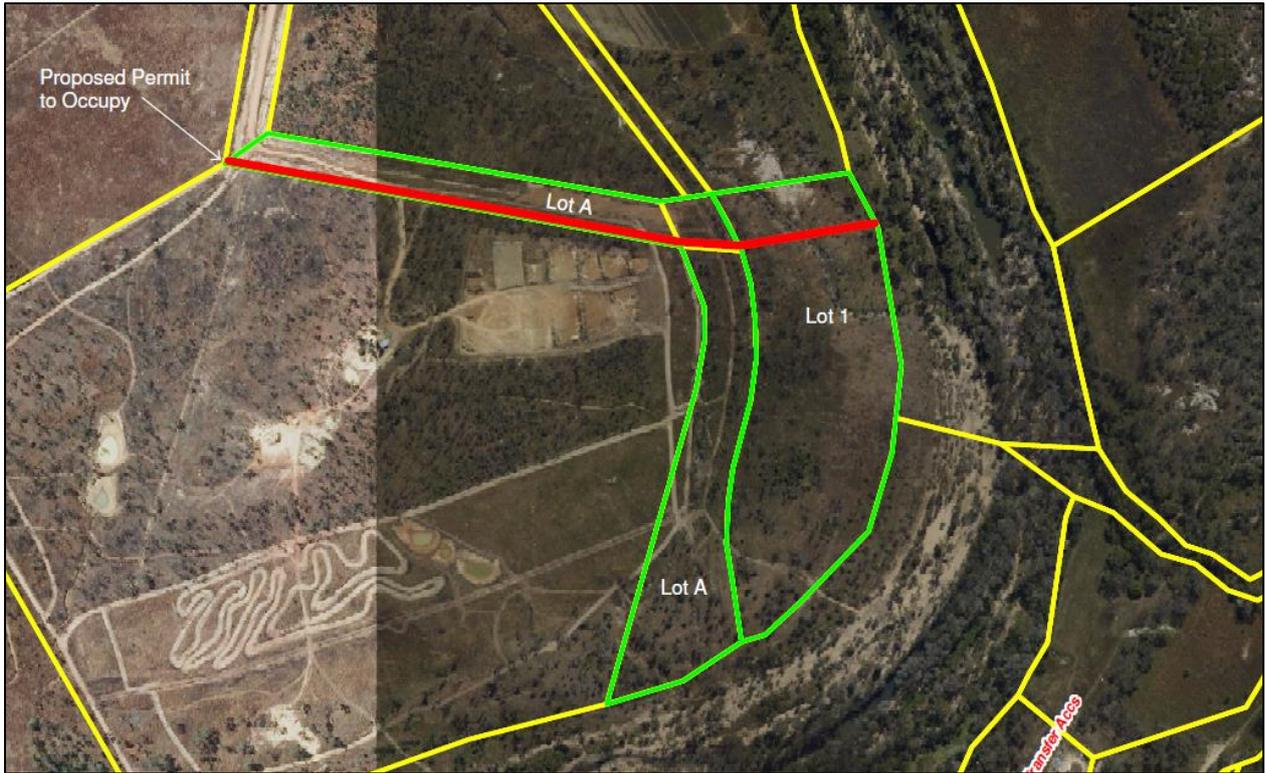
By accepting quote, the owner is also accepting the roof structure is suitable for the life of the solar system.

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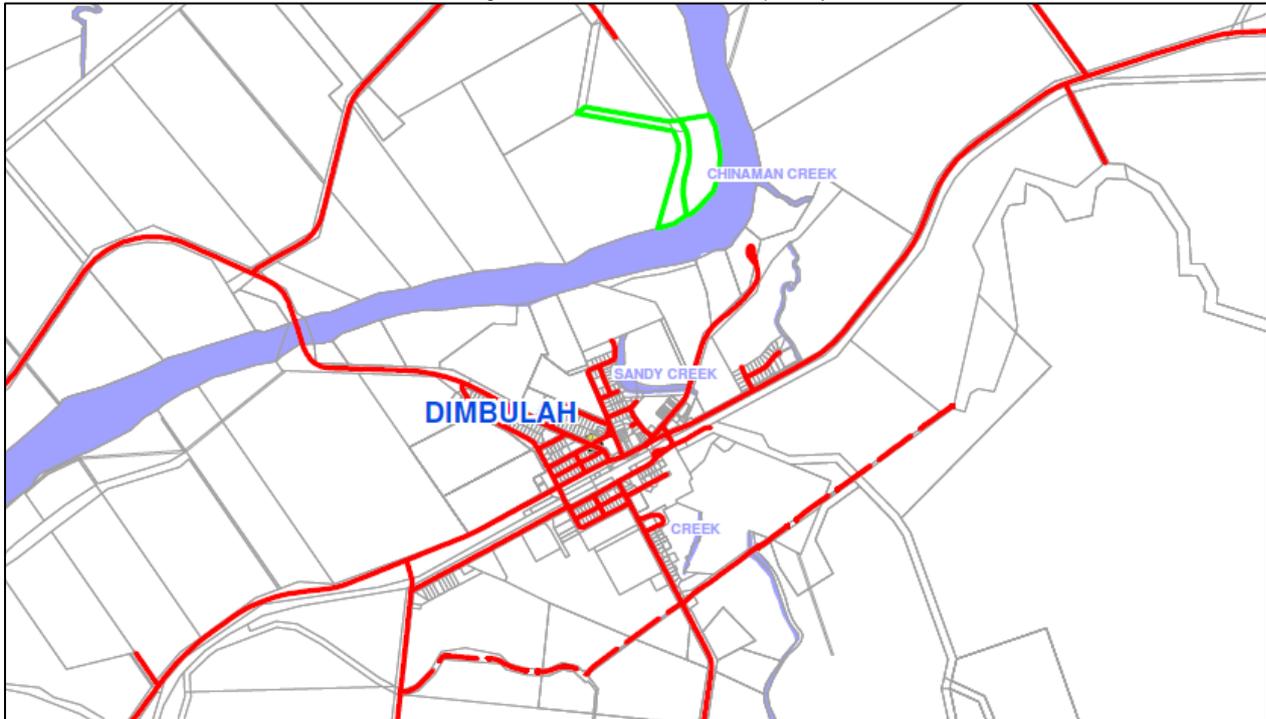






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**LINK TO CORPORATE PLAN**

Nil

**CONSULTATION**

*Internal*

Nil

*External*

Nil

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

Nil

**POLICY IMPLICATIONS**

The subject land is zoned Rural under the Mareeba Shire Planning Scheme 2004 and the proposed use is self-assessable development.

No policy implications have been identified.

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

1. Department of Natural Resources and Mines letter dated 23 May 2016

**Date Prepared:** 23 May 2016

**ATTACHMENT 1**Department of  
**Natural Resources and Mines**

Author Kellie Swaffer  
File / Ref number 2016/001785 & 2016/001919  
Directorate / Unit State Land Asset Management  
Phone (07) 4222 5427

23 May 2016

The Chief Executive Officer  
Mareeba Shire Council  
[info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Dear Sir/Madam,

**Application for 2 permits to occupy over;**

- **Part of unallocated State land described as Lot 1 on Crown Plan AP19863, the proposed area described as Lot B on Drawing TSV16063.**
- **Part of temporarily closed road described as Lot A on AP21186, the proposed area described as Lot A on Drawing TSV16063.**

The department has received the above application. The proposed use is for pumpsite and pipeline to obtain water access from the Walsh River. The enclosed Smart map shows the subject land and the surrounding locality, and Drawing TSV16063 is attached for your information.

The area of road described as Lot A on AP21186 has a current Road Licence 235169, for grazing purposes (although aerial imagery suggests it is not being used, and the applicants have also advised in their application that the area is not being used), the proposed permit to occupy would cover a significantly smaller area than the road licence.

Please advise the department of any views or requirements that the department should consider when assessing this proposal. Objections to the proposal, and any views or requirements that may affect the future use of the land must be received by close of business on **23 June 2016**. If Council offers an objection to the proposal, a full explanation stating the reason for the objection should be forwarded to this Office.

If Council wishes to provide a response but is unable to do so before the due date, please contact the department before the due date to arrange a more suitable timeframe. If a response is not received by the due date and no alternative arrangements have been made, it will be considered Council has no objections or requirements in relation to this matter.

This information has been provided in confidence for the purpose of seeking Council's views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department unless required.

If you wish to discuss this matter please contact the department on (07) 4222 5427.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to [Townsville.SLAMS@dnrm.qld.gov.au](mailto:Townsville.SLAMS@dnrm.qld.gov.au). Any hard copy

Postal :  
DNRM Cairns  
PO Box 5318  
Townsville QLD 4810

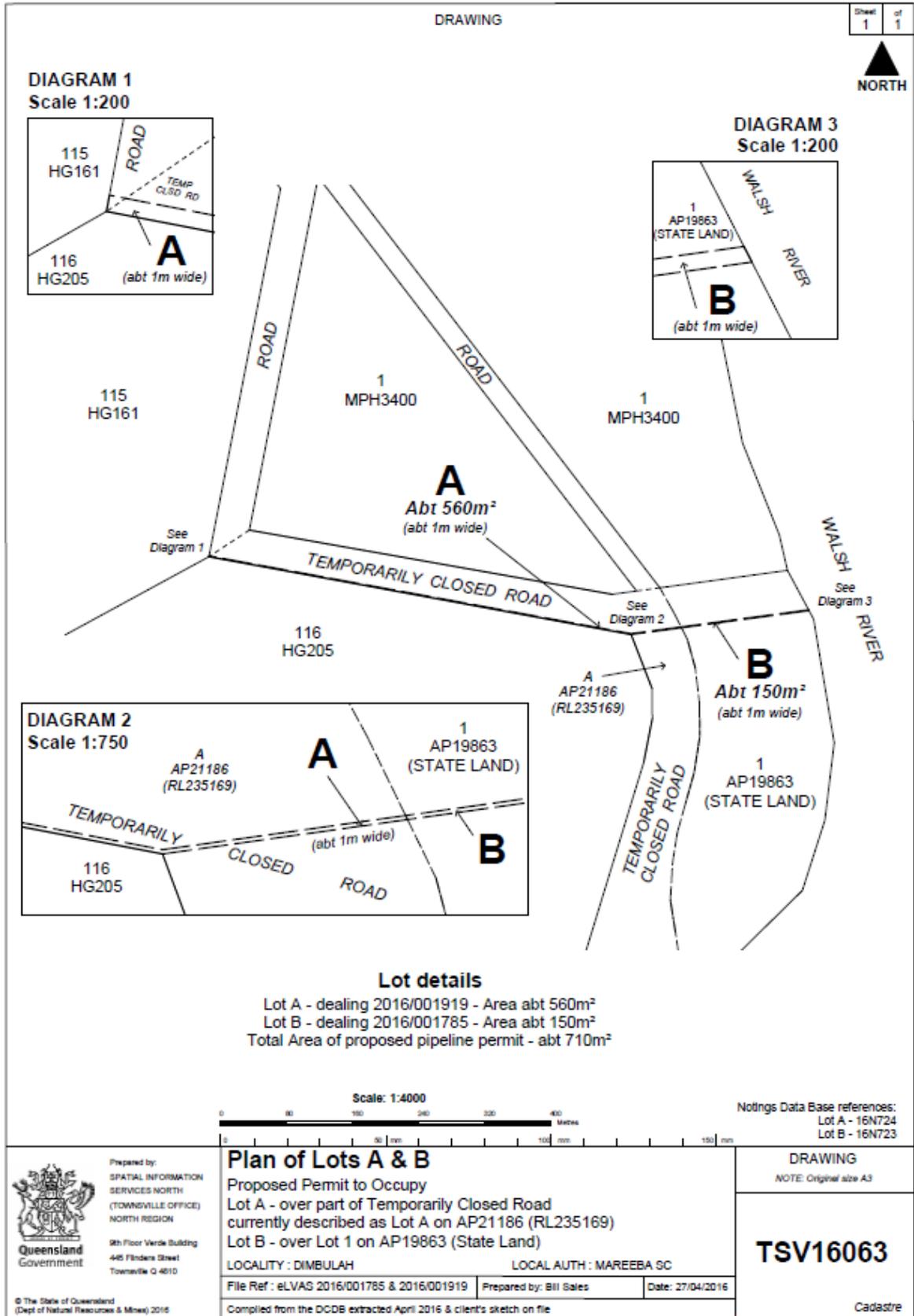
Telephone : (07) 4222 5427  
Fax : (07) 4447 9199

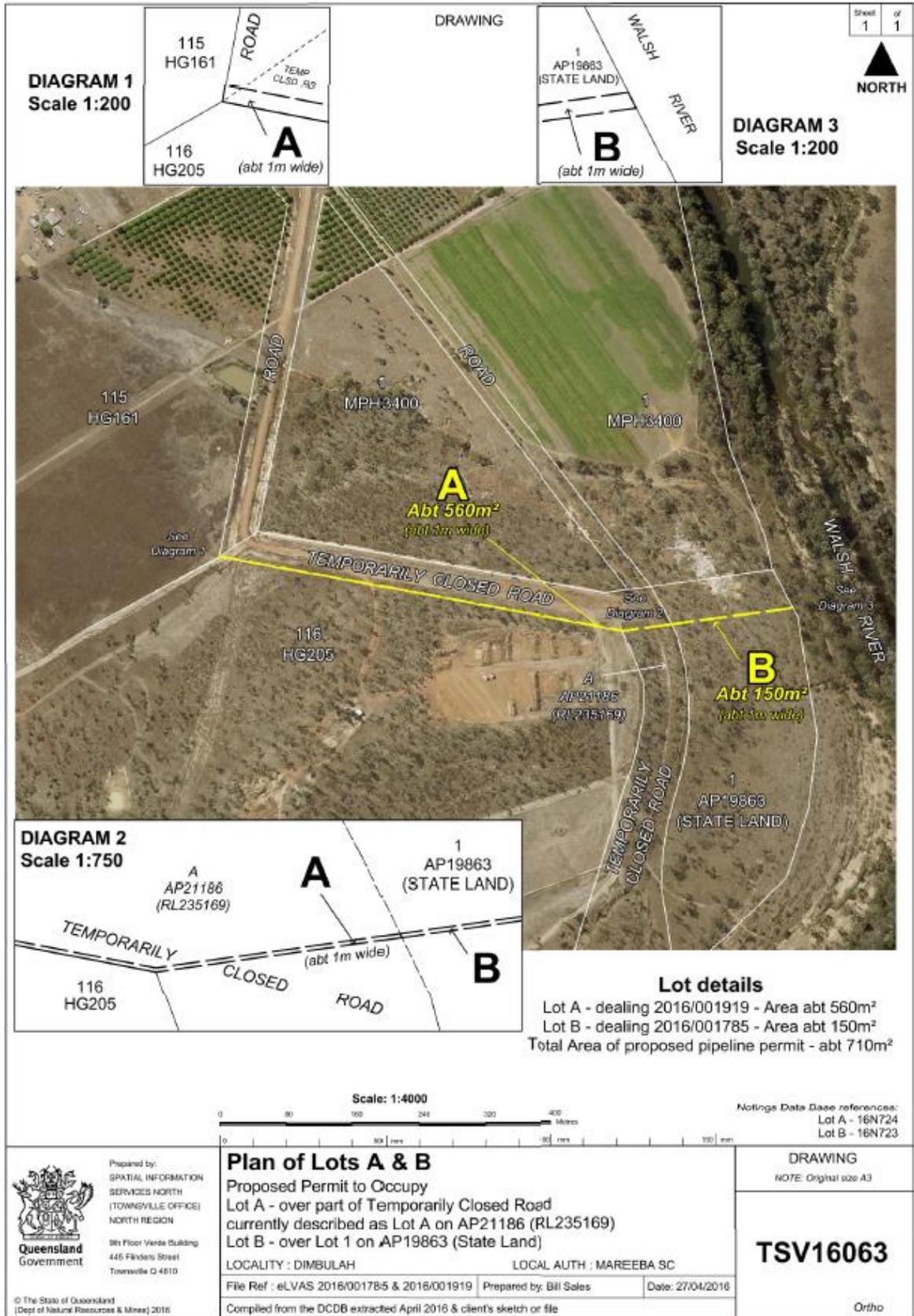
correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2016/001785 and 2016/001919 in any future correspondence.

Yours sincerely

Kellie Swaffer  
Land Administration Officer





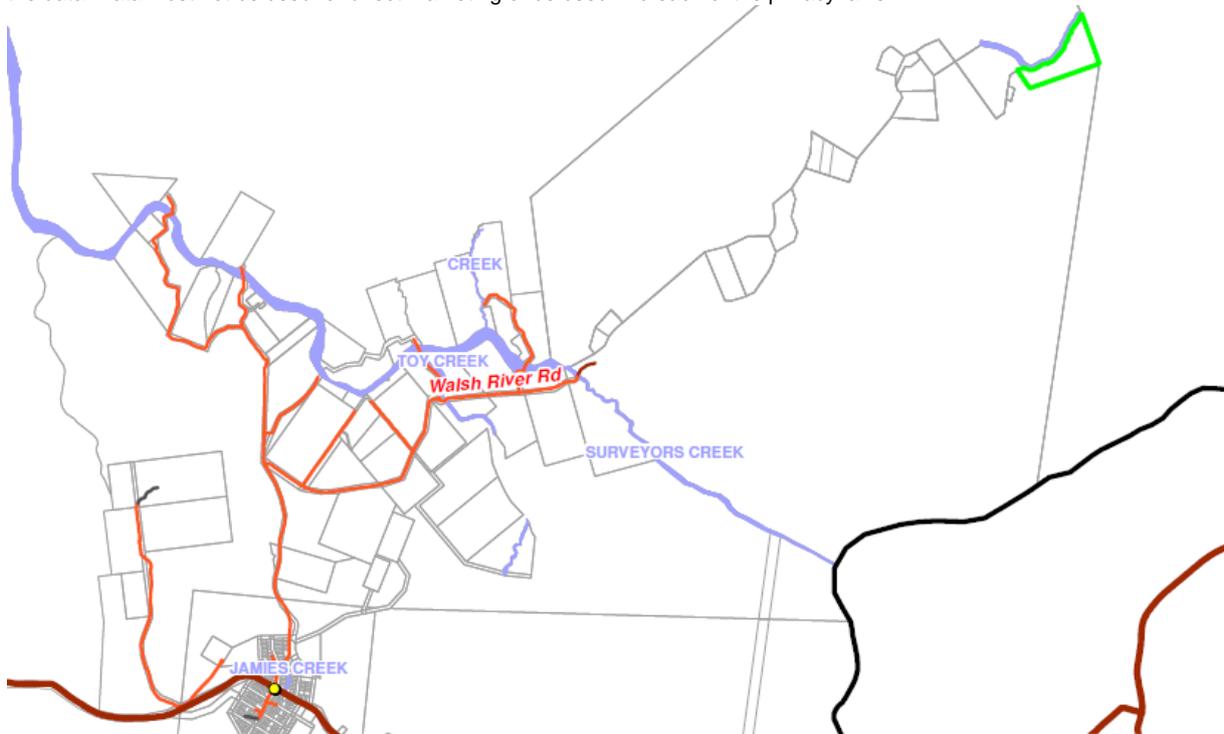






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The land does not have frontage to a gazetted road reserve. Instead, it is accessed via a gravel track which traverses unallocated State land (Lot 567 on OL57) before connecting to Walsh River Road. The absence of frontage to a gazetted road is common to all 12 leased allotments in the immediate vicinity.

Following Council's ordinary meeting of 2 July 2014, a letter was sent to the Minister for Natural Resources and Mines requesting that urgent action be taken to resolve the long-standing problem whereby leasehold allotments described as Lot 10 on HG651, Lot 2 on CP891168, Lot 8 on HG836166, Lot 9 on HG690, Lot 10 on CP889851, Lot 1 on PER4790, Lot 1 on PER4789, Lot 8 on HG686, Lot 4 on HG644, Lot 7 on HG647, Lot 1 on PER5540 and Lot 11 on CP860907, Parish of Western, Locality of Watsonville were created by previous State Governments without legal access via frontage to a gazetted road reserve. The provision of access to these allotments remains unresolved.

DNRM has requested Council's views on the proposed conversion.

### **LINK TO CORPORATE PLAN**

Nil

### **CONSULTATION**

*Internal*

Nil

*External*

Nil

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

Nil

### **POLICY IMPLICATIONS**

The subject land is zoned Rural under the Mareeba Shire Planning Scheme. There is no objection to the continued use of the land for rural residential purposes.

Whilst there is no objection to the conversion of the special lease, Council should again request that the State take action to resolve the provision of legal access in this locality.

### **FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

The Department of Natural Resources and Mines will be informed of Council's decision by letter.

**ATTACHMENTS**

1. Department of Natural Resources and Mines email dated 13 May 2016

***Date Prepared:*** 16 May 2016

**ATTACHMENT 1****Brian Millard**

---

**From:** SHORE Janelle <Janelle.Shore@dnrm.qld.gov.au>  
**Sent:** Friday, 13 May 2016 4:33 PM  
**To:** Brian Millard  
**Cc:** Info (Shared)  
**Subject:** Application for Change of Conditions of Lease of Special Lease 53111, described as Lot 11 on CP860907, Locality of Watsonville  
**Attachments:** Views Request - Council.pdf; Views Response - Mareeba Shire Council.pdf

Good Afternoon Brian

Reference is made to this department's letter dated 29 May 2014 regarding the abovementioned application, and Mareeba Shire Council's subsequent response dated 19 June 2014 (copies attached). It should be noted that an application for the conversion of the lease to freehold has been received.

Please advise if Council has any further views or requirements that the department should consider when assessing the application for conversion of the lease to freehold.

Council's written response should be received **by close of business 10 June 2016**.

If you wish to discuss this matter please contact Janelle Shore on (07)40957024.

All future correspondence relative to this matter is to be referred to the Department at the address below or by email to [Townsville.SLAMS@dnrm.qld.gov.au](mailto:Townsville.SLAMS@dnrm.qld.gov.au) (please no larger than 4MB). Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

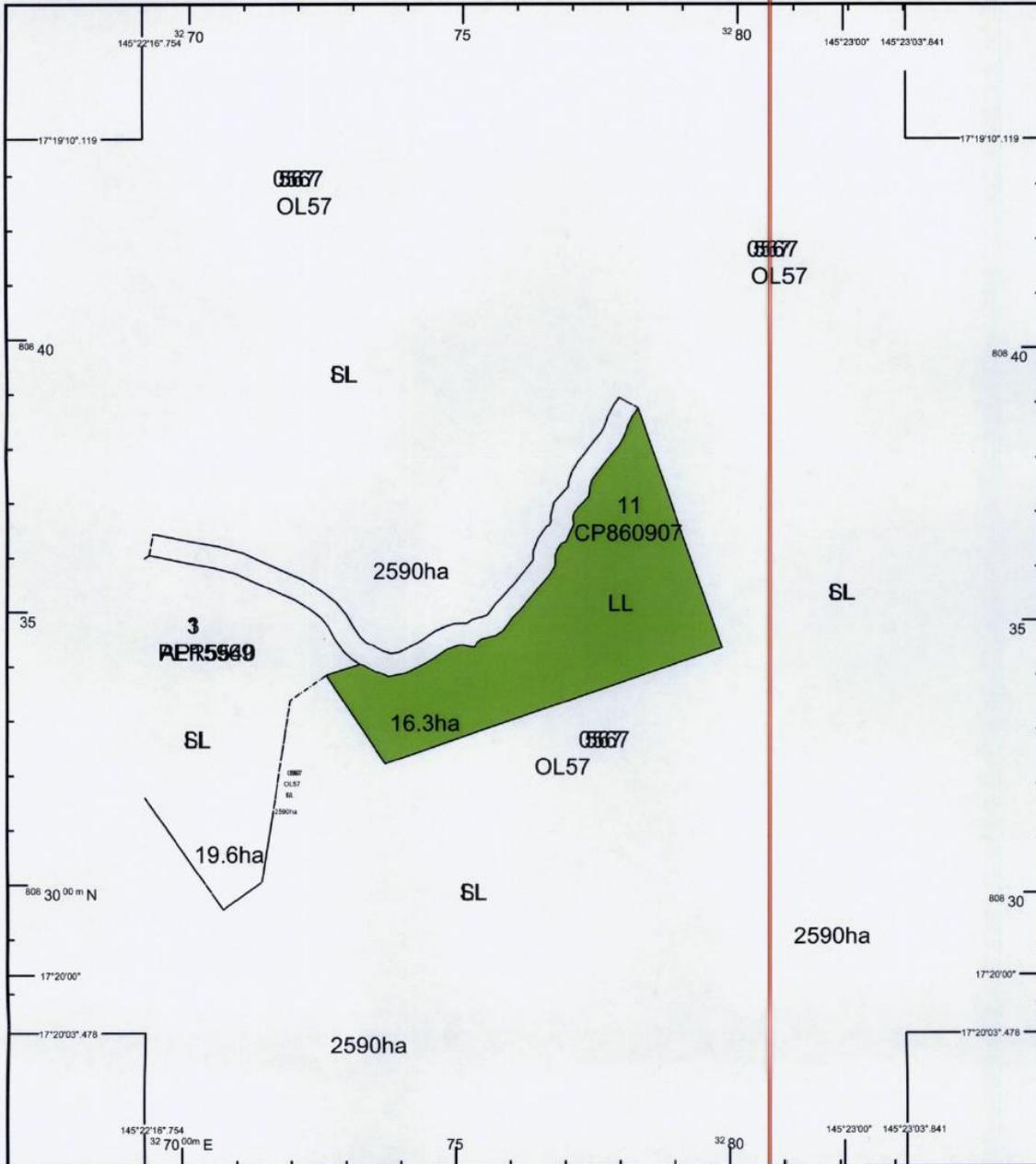
Please quote reference number 2015/002138 in any future correspondence.

Yours sincerely

**Janelle Shore**  
Land Administration Officer,  
State Land Asset Management, Land Services  
Service Delivery – North Region  
Department of Natural Resources and Mines  
**Telephone:** 07 4095 7024 **Fax:** 07 4447 9200  
25 Mabel Street, Atherton Qld 4883  
[www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)

**All mail / email to:**  
PO Box 5318, Townsville Qld 4810  
**Facsimile:** 07 4447 9200 **Email:** [Townsville.SLAMS@dnrm.qld.gov.au](mailto:Townsville.SLAMS@dnrm.qld.gov.au)

All applications to change tenure or for use of State land administered under the Land Act are to be forwarded to the central point of lodgement. The central point of lodgement email address is [SLAMLodgement@dnrm.qld.gov.au](mailto:SLAMLodgement@dnrm.qld.gov.au). For more information, please refer to Application form on the department's webpage.



STANDARD MAP NUMBER  
7963-21344



**SUBJECT PARCEL DESCRIPTION**

DCDB	11/CP860907
Lot/Plan	16.3ha
Area/Volume	LANDS LEASE
Tenure	MAREEBA SHIRE
Local Government	WATSONVILLE
Locality	WESTERN
Parish	HODGKINSON
County	21437/123
Segment/Parcel	

**CLIENT SERVICE STANDARDS**

PRINTED (dd/mm/yyyy) 29/05/2014  
For additional information regarding this SmartMap see page 2.  
Shading Rules have been applied.  
DCDB 26/05/2014

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**SmartMap**

An External Product of  
SmartMap Information Services  
Based upon an extraction from the  
Digital Cadastral Data Base



(c) The State of Queensland,  
(Department of Natural  
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## GOVERNANCE AND COMPLIANCE

### **ITEM-5                      DELEGATION TO ATTEND MEETING VIA TELECONFERENCE**

**MEETING:** Ordinary

**MEETING DATE:** 1 June 2016

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

**DEPARTMENT:** Corporate and Community Services

---

#### **EXECUTIVE SUMMARY**

*This report proposes delegated authority for approving Councillors meeting attendance via teleconference.*

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

"That:

1. Council delegates the exercise of the powers contained in the attached Instrument of Delegation to the Mayor and Chief Executive Officer, with such powers to be exercised subject to any limitations contained in Schedule 1 of the Instrument of Delegation.
2. Any prior delegations of power relating to the same matters contained in the attached Instrument of Delegation are revoked. "

#### **BACKGROUND**

To enable Councillors to attend meetings when unforeseen circumstances prevent them from attending in person, advice has been sought to implement this provision of the Local Government Regulation.

For example, in a situation where insufficient numbers of Councillors can physically attend a meeting given a cyclone event, this delegation will allow a formal meeting to proceed by a quorum being formed by Councillors attending the meeting via teleconference.

Legal advice recommends delegation be given to the Mayor and Chief Executive Officer to grant Councillors the opportunity to appear at council meetings via teleconference when they are prevented from attending in person.

#### **Limitations to the Exercise of Power**

All delegations are made subject to the following limitations:

---

1. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to affect adversely, Council's relations with the public at large.
2. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
3. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.

## **LINK TO CORPORATE PLAN**

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

## **CONSULTATION**

### *Internal*

Director Corporate and Community Services

### *External*

MacDonnells Law

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

There are legal implications for local government if management is not aware of the delegated powers and powers of authorised persons that are required for their sections to operate efficiently.

The statutory powers of employees, whether delegated to their position by the Chief Executive Officer or obtained as a result of an appointment as an authorised person under particular statutes, will be invalid if they cannot be supported by an instrument documenting the particulars.

In the case where Council is challenged on an action taken or a decision made by its employees, there needs to be proof that the employee held the powers required to do so. Such documentation is known as the instrument and is required for delegations, sub-delegations and appointments. Section 260 requires the CEO to establish and maintain a register of delegations and make it available to the public.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL & RESOURCE IMPLICATIONS**

### *Capital*

Nil

### *Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

1. Instrument of Delegation

***Date Prepared:***            *24 May 2016*

## INSTRUMENT OF DELEGATION

### **Mareeba Shire Council** ***Local Government Regulation 2012***

Under section 276 of the *Local Government Regulation 2012*, **Mareeba Shire Council** resolves to delegate to the Chief Executive Officer and the Mayor, the power to:

- (a) allow a person to take part in a meeting by teleconferencing, pursuant to section 276(2) of the *Local Government Regulation 2012*; and
- (b) approve a teleconferencing arrangement for a councillor, pursuant to section 276(3)(b) of the *Local Government Regulation 2012*.

These powers must be exercised subject to the limitations contained in Schedule 1.

All prior resolutions delegating the same powers to the Chief Executive Officer and the Mayor are repealed.

## Schedule 1

**Limitations to the Exercise of Power**

1. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
2. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
3. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.





**LINK TO CORPORATE PLAN**

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

**CONSULTATION**

*Internal*  
Nil

*External*  
Nil

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
Nil

**IMPLEMENTATION/COMMUNICATION**

Council's decision in relation to this matter will be formally communicated to Lilley, Grose & Long.

**ATTACHMENTS**

1. Letter from Lilley, Grose & Long Solicitors dated 5 May 2016 with attached Form 18 General Consent for execution. ECM Document No: 3161302 refers.

**Date Prepared:** 19 May 2016

**ATTACHMENT 1**

**LILLEY, GROSE & LONG**

*Solicitors*

FREDERICK JAMES LISTON - Consultant  
MALCOLM JAMES LISTON LLB.

Our Ref: MJL LSH 53941

Your Ref: 5 May 2016

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

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

Telephone: (07) 4091 2655

Facsimile: (07) 4091 2325

E-Mail: mail@lgl.com.au

A.B.N. 51 817 571 060

7 FAC - AER - AGK  
IF CB.



Dear Sir

**Re: Wayne McGilvray and Beth McGilvray as trustees for Sandcastle Superannuation Fund Purchase from Wayne McGilvray and Beth McGilvray Registered Lease 715033521**  
**Re: Request for Consent – Transfer of Registered Lease 715033521 – Mareeba Aerodrome**

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

Pursuant to the terms of the Lease our clients seek the formal consent of Council (as Lessor) to the transfer of Registered Lease 715033521 to themselves as Trustees of their self-managed superannuation fund (Sandcastle Superannuation Fund).

We would submit to Council that Mr. & Mrs. McGilvray, in their capacity as Trustees of their self-managed superannuation fund are a respectable, and financially viable entity. It is also to be noted that they hold in this capacity another Lease at the airport (Registered Lease 715033520).

We enclose herewith:-

1. Form 18 General Consent – for execution by Council in the event Council is prepared to grant its consent in respect of the Transfer.

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

Yours faithfully  
LILLEY GROSE & LONG  
Per:   
Enc./

31687

Liability limited by a scheme approved under  
Professional Standards Legislation.

QUEENSLAND TITLES REGISTRY  
Land Title Act 1994, Land Act 1994 and Water Act 2000**GENERAL CONSENT****FORM 18** Version 5  
Page 1 of 1**1. Lot on Plan Description**

LOT 1 ON RP 714240

**Title Reference**

21331174

**2. Instrument/document being consented to**

Instrument/document type Transfer

Dated

Names of parties Wayne McGilvray &amp; Beth McGilvray AND Wayne McGilvray &amp; Beth McGilvray as Trustees of the Sandcastle Superannuation Fund

**3. Instrument/document under which consent required**

Instrument/document type Lease

Dealing No. 715033521

Name of consenting party Mareeba Shire Council

**4. Execution by consenting party**

The party identified in item 3 consents to the registration of the instrument/document identified in item 2.

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

..... signature

..... full name

..... qualification

/ /  
**Execution Date**.....  
**Consenting Party's Signature****Witnessing Officer**

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

Mortgagee's Australian Credit Licence (if any)

**Privacy Statement**

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information, see the Department's website.



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

Preparation of an annual Operational Plan is a requirement of the *Local Government Regulation 2012*. The plan includes a section showing how identified operational risks will be managed during the period of the operational plan.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

The Operational Plan is to be consistent with the Council's budget and refers to capital projects that will be carried out during the 2016/17 financial year.

*Operating*

A number of the projects/activities listed in the Operational Plan will be undertaken via the Council's operational budget.

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

Yes

**IMPLEMENTATION/COMMUNICATION**

Once adopted, the projects/activities listed in the operational plan will be progressed during the 2016/17 financial year and reports on progress submitted to Council on a quarterly basis.

**ATTACHMENTS**

1. Operational Plan for the 2016/17 financial year.

**Date Prepared:** 24 May 2016



# Operational Plan 2016-2017



*Operational Plan 2016-2017***Introduction**

The Council's Operational Plan is a statement of specific works to be undertaken and services to be provided in order to progress the goals and objectives set out in the Corporate Plan over a period of one financial year.

In accordance with the provisions of Section 175(1) of the *Local Government Regulation 2012*, an Operational Plan must:

- (a) be consistent with the annual budget; and
- (b) state how the local government will –
  - (i) progress the implementation of the 5-year corporate plan during the period of the annual operational plan; and
  - (ii) manage operational risks; and
  - (c) include an annual performance plan for each commercial business unit of the local government

Day to day core business activities are not listed in the Operational Plan; instead the Plan focuses on specific projects and initiatives that will be undertaken during the financial year to achieve the long term corporate objectives set out in the Corporate Plan. The Mareeba Shire Council does not conduct any commercialised business activities.

The Operational Plan follows the Council's departmental structure and each Operational Plan task/activity is referenced to the appropriate Corporate Plan strategy.

In accordance with section 174(3) of the *Local Government Regulation 2012*, Council will assess its progress towards implementing its Operational Plan on a quarterly basis.


*Operational Plan 2016-2017*

OPERATIONAL PLAN 2016/17 - CORPORATE & COMMUNITY SERVICES DEPARTMENT						
No	Task/Activity	Corp Plan Ref	Outcome	Responsibility	Timeframe	Performance Measures/Officer Comment
<b>FINANCE</b>						
1	Enhance access to financial information.	GOV 5	More informed reporting and financial decision making.	Manager Finance	30 June 2017	<ul style="list-style-type: none"> <li>More users able to operate financial systems and locate relevant documentation</li> </ul>
2	Timely preparation of Financial Statements and resolution of recommendations.	GOV 1	Financial Statements are prepared in accordance with legislation.	Manager Finance	30 September 2016	<ul style="list-style-type: none"> <li>Finalise Financial Statements within legislative timeframes and achieve unqualified audit</li> </ul>
3	Review full cost pricing models to ensure equitable allocation of costs across departments.	GOV 3	To better reflect actual business unit costs and incorporate into fees and charges.	Manager Finance	Ongoing	<ul style="list-style-type: none"> <li>Review completed model and aim for more accurate cost allocation</li> </ul>
4	Continue to review and document internal processes to establish an improved level of control and transparency.	GOV 5	Improve processes to achieve more efficient operations and enhance internal controls.	Manager Finance	Ongoing	<ul style="list-style-type: none"> <li>More transparent procedures and more efficient processes</li> </ul>
5	Ensure long-term asset management planning and financial planning is updated to support financial sustainability.	GOV 1	Long term financial strategies in place for the ongoing financial management of Mareeba Shire.	Manager Finance	30 June 2017	<ul style="list-style-type: none"> <li>Compliance with LGA 2009 and provision of models to inform decisions regarding project priorities</li> </ul>
<b>DEVELOPMENT &amp; GOVERNANCE</b>						
6	Local Government Infrastructure Plan.	ENV 1	Progress the development of the Mareeba Shire Local Government Infrastructure Plan to allow the LGP to be adopted by Council before 1 July 2018.	Senior Planner; Manager Finance; Director Infrastructure Services	June 2017	<ul style="list-style-type: none"> <li>LGP preparation is progressing in accordance with approved LGP Project Plan</li> </ul>
7	Planning Scheme Review - Environmental Significance Overlay.	ENV 1	Review the Mareeba Shire Council Planning Scheme Environmental Significance Overlay to include matters of local environmental significance.	Senior Planner	June 2017	<ul style="list-style-type: none"> <li>Planning Scheme amendment process completed by 1 July 2017</li> </ul>


*Operational Plan 2016-2017*

8	Progress phases 2 and 3 of the sale of land within the Chillagoe Industrial Estate.	ECON 2	Leased land within the Estate is sold to current lessees or other interested parties: Phase 2 - sale of leased but undeveloped lots (no improvements erected); Phase 3 - sale of leased lots that have substantial improvements erected on them.	Manager Dev & Governance	June 2017	<ul style="list-style-type: none"> <li>Undeveloped lots put up for public tender and approximately 50% sold</li> <li>Ministerial approval obtained for sale of developed lots direct to current lessees with sale of at least 10 lots</li> </ul>	
9	Make new Local Laws and Subordinate Local Laws to replace the current suite of local laws carried over from Tablelands Regional Council.	ENV 2	New set of five (5) MSC Local Laws and Subordinate Local Laws adopted by Council.  (Administration; Animal Management; Community & Environmental Management; Local Govt Controlled Areas; Facilities and Roads; Parking)	Coordinator Environmental Health & Local Laws	June 2017	<ul style="list-style-type: none"> <li>New set of MSC Local Laws and Subordinate Local Laws adopted by Council</li> </ul>	
<b>INFORMATION SYSTEMS &amp; CUSTOMER SERVICE</b>							
10	Build lawn beam at Mareeba New Cemetery.	GOV 5	Continued availability of the necessary facilities to support interments.	Coordinator Customer Service	January 2017	<ul style="list-style-type: none"> <li>New facilities are constructed and functional</li> </ul>	
11	Develop 3 - 5 year ICT Strategy.	GOV 3 GOV 5	Deliver long term ICT Strategy encompassing infrastructure and Information Systems with a focus on Cloud or Hosted solutions.	Manager Systems and Customer Service	June 2017	<ul style="list-style-type: none"> <li>Strategy delivered that provides clear direction as to the long term delivery of ICT services within Council</li> </ul>	
<b>COMMUNITY WELLBEING</b>							
12	Update long term community plan.	GOV 1 GOV 4	Updated community priorities are reflected in a revised community plan which is aligned with the MSC Corporate Plan.	Manager Community Wellbeing	June 2017	<ul style="list-style-type: none"> <li>Draft community plan is completed and adopted by Council</li> <li>Community priorities inform budgeting and Council decision making</li> </ul>	
13	Investigate options for new Mareeba Library premises.	COM 2 COM 3 COM 4 ECON 3	Options for leasing and purpose of building are costed and analysed to explore affordable strategies to create larger and more appropriate space for the	Library Coordinator	Dec 2016	<ul style="list-style-type: none"> <li>Affordable options and models for new expanded Mareeba Library space are considered including multipurpose facilities and grant funding eg. combined Mareeba youth precinct/library</li> </ul>	


*Operational Plan 2016-2017*

			delivery of Mareeba library services. Co-location models are considered and complementary functions and community partners identified.			
14	Coordinate the development of policies for the community management of Council's community facilities, especially facilities with multiple user groups and community halls.	COM 1 COM 2 COM 3	Council's community facilities are better utilized and well managed by community groups. Council is able to focus on asset management role.	Manager Community Wellbeing; Manager Development & Governance	June 2017	<ul style="list-style-type: none"> <li>Council policies are in place to guide fair and consistent decisions regarding the community management of Council's community facilities</li> <li>Management Agreements are in place that clarify the roles and responsibilities of Council and user groups</li> <li>Community feedback indicates satisfaction with the community partnerships approach to the management of Council's community facilities</li> <li>Council has increased capacity to focus on asset management</li> </ul>
<b>ORGANISATIONAL DEVELOPMENT</b>						
15	Provide high level advice and support to the Senior Management Team in relation to evolving industrial relations legislation, including the negotiation of a new Certified Agreement and implementation of the new Local Government Industry Award when finalised by the QIRC.	GOV 5	Managers and supervisors kept up to date with industrial relations requirements. Framework for negotiation of a new Certified Agreement complies with legislative requirements and the new Local Government Industry Award.	Manager Organisational Development	On going	<ul style="list-style-type: none"> <li>Management action taken complies with new legislative and Award requirements</li> <li>Proposals for new Certified Agreement established and ready for negotiation</li> </ul>
16	Development and delivery of the 2016/17 training program.	GOV 5	Skilled and competent employees within the workforce to meet current and future needs.	Manager Organisational Development	On going	<ul style="list-style-type: none"> <li>Improved levels of competence in work related skills across the organisation</li> <li>Training delivered within budget allocation</li> </ul>
17	Monitor, review and improve WHS policies, procedures and systems to protect the health and safety of Council's employees.	GOV 5	Reduction in incidents, accidents and work related injuries. Improved audit rating with LGW.	Manager Organisational Development	On going	<ul style="list-style-type: none"> <li>Reduced rate of work related injuries</li> <li>Low rate of LG Workcare contributions maintained or reduced</li> </ul>



Operational Plan 2016-2017

**OPERATIONAL PLAN 2016/17 - INFRASTRUCTURE SERVICES DEPARTMENT**

No	Task/Activity	Corp Plan Ref	Outcome	Responsibility	Timeframe	Performance Measures/Officer Comment
<b>WORKS</b>						
18	Undertake capital roadworks and drainage projects (excluding reseals) in accordance with approved capital works schedule.	ECON 3	Council's road and drainage networks are progressively upgraded.	Manager Works	Individual projects scheduled throughout year	<ul style="list-style-type: none"> <li>Individual projects completed as per budget</li> </ul>
19	Undertake bitumen roads reseal and asphalt overlay program in accordance with budget allocation.	ECON 3	Bitumen roads are maintained to a high standard and reseals are carried out within the maximum period as determined by the asset system for all roads to be resealed.	Manager Works	June 2017	<ul style="list-style-type: none"> <li>Program completed as per budget</li> </ul>
20	Undertake Parks & Gardens capital works projects in accordance with approved capital works schedule.	ECON 3	Council's parks, gardens and reserves are progressively upgraded.	Manager Works	Individual projects scheduled throughout year	<ul style="list-style-type: none"> <li>Individual projects completed as per budget</li> </ul>
<b>TECHNICAL SERVICES</b>						
21	Therwine Street Redevelopment, Kuranda.	ECON 3	Refurbishment of upper and lower Therwine Street including streetworks, landscaping, underground power, lighting and street art.	Manager Technical Services	Complete Dec 2016	<ul style="list-style-type: none"> <li>Project completed within budget</li> </ul>
22	Mareeba Airport Development.	ECON 2	Overall upgrade of Mareeba Airport including lengthening and strengthening of runway, development of new lease area, new water supply and upgrade of adjacent road network.	Manager Technical Services	Complete Sept 2017	<ul style="list-style-type: none"> <li>Project completed within budget</li> <li>Number of new leases issued at Airport</li> </ul>



## Operational Plan 2016-2017

23	Koah Hall Improvements.	COM 2	Undertake structural improvements to Koah Hall in line with engineering recommendation for use as a place of refuge during extreme weather events.	Manager Technical Services	Complete Nov 2016	<ul style="list-style-type: none"> <li>Project completed within budget</li> </ul>
<b>WATER &amp; WASTE</b>						
24	Capping old Mareeba Landfill.	ECON 3	Meet DEHP licence requirements.	Manager Water & Waste	2 years	<ul style="list-style-type: none"> <li>Successful completion of project to DEHP's requirements</li> </ul>
25	Develop Priority Infrastructure Plan (PIP) for Water and Wastewater.	ECON 3	The purpose of the PIP is to integrate and coordinate land use planning and infrastructure planning and ensure that trunk infrastructure is planned and provided in an efficient and orderly manner.	Manager Water & Waste	May 2018	<ul style="list-style-type: none"> <li>By project completion date, strategic asset management plans are in place for the future planning and provision of water and wastewater infrastructure</li> </ul>
26	Mareeba Wastewater Treatment Plant refurbishment	ECON 3	The Mareeba sewerage treatment plant, which is more than 40 years old, is too small to cope with the size of the existing community, let alone allow for future growth. In addition it has not met its environmental licence requirements for more than 20 years, leaving the community liable for significant penalties for environmental damage. Council has moved away from the construction of a completely new wastewater treatment plant to the alternative of a fully refurbished and modern treatment plant capable of easily achieving environmental licence requirements for many years to come.	Manager Water & Waste	June 2017	<ul style="list-style-type: none"> <li>Refurbishment of the existing treatment plant completed on time and within budget</li> </ul>



*Operational Plan 2016-2017*

**MANAGEMENT OF OPERATIONAL RISKS**

Identified operational risks will be managed in accordance with the Council's adopted Risk Management Policy and Strategic Risk Management Framework, having regard to the nature of the risks and the likelihood and consequence ratings applied to them as determined by the risk analysis process.

RISK MANAGEMENT POLICY OBJECTIVES	RISK MANAGEMENT PRINCIPLES	DESIRED RISK MANAGEMENT OUTCOMES
<p>The Council's policy objectives are as follows:</p> <ul style="list-style-type: none"> <li>Align Council activities to and support business objectives identified in Council's corporate and operational plans;</li> <li>Maintain and improve the safety, reliability and quality of service provided by Mareeba Shire Council, within Council's controls and capabilities;</li> <li>Demonstrate transparent and responsible risk management processes which align with accepted best practice through the implementation of a comprehensive risk management framework;</li> <li>Minimise or eliminate adverse impacts from Council's services or infrastructure on the community, visitors and the environment;</li> <li>Capitalise on opportunities identified for Mareeba Shire Council;</li> <li>Safeguard Council's employees, contractors, committees, volunteers, assets, financial sustainability, property, reputation and information;</li> <li>Promote risk management principles as a strategic tool to ensure better informed decision making throughout Council; and</li> <li>Embed a culture of risk management across the Council.</li> </ul>	<p>The following principles have been adopted to ensure that the policy objectives are achieved:</p> <ul style="list-style-type: none"> <li>Implementation of a risk management framework which is consistent with the Australian/New Zealand Risk Management Standard AS/NZS ISO 31000:2009 for making decisions on how best to identify, assess and manage risk throughout all areas of Council;</li> <li>Prioritise identified risks and implement treatments progressively based on the level of risk assessed and the effectiveness of the current treatments;</li> <li>Integrate risk management with existing planning and operational processes, including the Corporate Plan. By integrating the various risk control measures into strategic planning ensures that Council's exposure to risk is minimised;</li> <li>Take into account relevant legislative requirements and political, social and economic environments in managing risk;</li> <li>Create a culture of risk awareness throughout the organisation through training, induction, promotion and risk review and reporting mechanisms; and</li> <li>Ensure resources and operational capabilities are identified and responsibility for managing risk is allocated.</li> </ul>	<p>The following are the desired risk management outcomes:</p> <ul style="list-style-type: none"> <li>Well-defined risk management strategic framework and process with key accountabilities for achieving the identification, assessment and control of risk in all areas of Mareeba Shire Council;</li> <li>Risk management planning is integrated with corporate and operational planning;</li> <li>Staff are highly trained and motivated to achieve risk management objectives;</li> <li>All risk registers, procedures and key accountabilities are documented, reported and agreed to; and</li> <li>Systematic monitoring, review and reporting on the risk management process with corrective action where required.</li> </ul>



## FINANCE

### **ITEM-8 WATER AND WASTEWATER GROUP FEES & CHARGES 2016/2017**

**MEETING:** Ordinary Meeting

**MEETING DATE:** 1 June 2016

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

**DEPARTMENT:** Infrastructure Services, Water and Waste Group

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#### **EXECUTIVE SUMMARY**

*The setting of the fees and charges for the 2016/2017 financial year has been the responsibility of each relevant department and has been set either based on a set percentage increase or based on cost recovery of actual activity costing and is presented for Council's consideration and endorsement.*

*The process costs for 2016/2017 outlining current fees, calculated and process costs and the proposed fees were considered with the underlying basis for the proposed fees and charges to support cost recovery within the services provided by the Water and Waste Group.*

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

"That Council adopt the Water and Wastewater Fees & Charges for the 2016/2017 financial year, as per schedule attached to this report."

#### **BACKGROUND**

Council as part of its budgetary process and under the legislation of the Local Government Act are required to adopt a Schedule of Fees & Charges. For the purpose of legislation these fees and charges need to be identified as either regulatory or non-regulatory.

Each relevant department has been responsible for the setting of the Fees & charges for the 2016/2017 financial year. Costs for services are reviewed annually. The fees and charges have been set on either full cost recovery, discounted community service obligation by direction of Council or based on a set percentage increase.

#### **LINK TO CORPORATE PLAN**

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

**CONSULTATION***Internal*

Director Infrastructure Services  
Supervisor Water Reticulation  
Supervisor Waste Services  
Engineer Water and Waste  
Environmental Compliance Officer

*External*

Nil

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

Local Government Act 2009

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

*On adoption of the 2016/2017 fees and charges advise Customer Service Officers of the changes and alter associated documents, advise Water and Waste Group staff and external clients.*

**Date Prepared:** 19 May 2016

**ATTACHMENT 1**

	Fee	Per	GST STATUS	2016/17 Fees
<b>Waste Fees</b>				
<b>Domestic Waste</b>				
F0080	Up to 1m3 (trailer or utility load)* With Exception Mareeba 2m3.	trailer or utility load		No Charge
	* excludes regulated waste (eg tyres, asbestos). Greater than 1m3 load will be charged at commercial rates and may be directed to Mareeba WTS at the Operator's discretion. A fee will be charged for unsorted waste.			
F0566	Matresses	each		No Charge
	* Non-shire residents to be charged at commercial rates.	each	GST	\$ 75.00
F0001	Sorting fee - Required if mixed load requires sorting by Council staff. PER M3	cubic metre	GST	\$ 115.00
F0081	Green waste			No Charge
<b>Mulch Purchase</b>				
F0082	Box trailer or utility load - self load	trailer or utility load	GST	\$ 12.00
F0083	Box trailer or utility load - machine to load	trailer or utility load	GST	\$ 16.00
F0084	Purchases greater than 1000m3 (in one instance)	>1000m3	GST	\$10.00 per m3
F0567	Minimum fee commercial waste - weigh bridge charge	each	GST	\$ 10.00
<b>Recyclables (Commercial)</b>				
F0085	Includes HDPE, PET, Aluminium and steel cans, glass, other packaging items labelled as recyclable.	tonne	GST	\$ 10.00
<b>Scrap Metal - Commercial and Domestic</b>				
F0086	Car bodies - must have fluids and tyres removed - EACH	each		No Charge
F0087	Car Bodies with fluids and or tyres	each	GST	\$ 50.00
F0088	Motor bikes - must have fluids and tyres removed - EACH	each		No Charge
F0564	Motor bikes - with fluids and or tyres	each	GST	\$ 15.00
F0089	White goods - fridges/freezers must be degassed (sorting fee will apply if goods are in fridges or freezers \$115.00)	each	GST	\$ 115.00
F0574	White goods, air conditioners not de-gassed \$25.00	each	GST	\$ 25.00
F0090	Air conditioners and fridges - must be degassed	each		No Charge
F0091	Gas bottles - must be degassed	each	GST	\$ 5.00
<b>Commercial Waste Mareeba Waste Management Facility</b>				
F0092	MSW - Municipal Solid Waste	tonne	GST	\$ 90.00
F0093	C&I - Commercial and Industrial	tonne	GST	\$ 75.00
F0094	C&D - Construction and Demolition	tonne	GST	\$ 75.00
F0095	Concrete	tonne	GST	\$ 20.00
F0096	Green waste	tonne		No Charge
<b>Dead Animals</b>				
F0565	Small animal - each - (cat, small dog, possum - disposed as wet waste)	each	GST	\$ 5.00
F0565	Medium animal -each -(wallaby, large dog, calf, goat, pig - disposed as wet waste)	each	GST	\$ 20.00
<b>Regulated Waste</b>				
F0097	Batteries	each		No Charge
F0098	Oil under 600 litres	Litre		No Charge
F0098	Oil 601-1000 litres	Litre		No Charge
F0098	Oil over 1001 litres	Litre		No Charge
<b>Asbestos NOT accepted at any MSC Landfill or Waste Transfer Site</b>				
<b>Paint (wet) will not be accepted</b>				
<b>Regulated Waste</b>				
<b>EACH - Tyre</b>				
F0100	Passenger	each	GST	\$ 8.00
F0101	Light truck	each	GST	\$ 11.00
F0102	truck	each	GST	\$ 25.00
F0103	Super Single	each	GST	\$ 50.00
F0104	Solid Small - Up to 0.3m high	each	GST	\$ 18.00
F0105	Solid Medium - 0.3m - 0.45m	each	GST	\$ 28.00
F0106	Solid Large - 0.45 - 0.6m	each	GST	\$ 35.00

F0107	Solid XL - Greater than 0.6m	each	GST	\$	50.00
F0108	Tractor Small - Up to 1m high	each	GST	\$	77.00
F0109	tractor large - 1m - 2m	each	GST	\$	130.00
F0110	Fork Lift small - Up to 0.3m high	each	GST	\$	10.00
F0111	Fork Lift Medium - .3m - 0.45m	each	GST	\$	19.00
F0112	Fork Lift Large - 0.45m - 0.6m	each	GST	\$	28.00
F0113	Grader	each	GST	\$	100.00
F0114	Motor Cycle	each	GST	\$	6.00
F0115	Earth Mover Small - Up to 1m high	each	GST	\$	103.00
F0116	Earth Mover Medium - 1m - 1.5m	each	GST	\$	227.00
F0117	Earth mover large - 1.5m - 2m	each	GST	\$	450.00
F0118	Passenger with rim	each	GST	\$	10.00
F0119	Light Truck with rim	each	GST	\$	16.00
F0120	Truck with rim	each	GST	\$	32.00
F0121	Bobcat	each	GST	\$	12.00

**Wheellie Bin Purchase**

F0122	120 litre	each	GST	\$	68.00
F0123	140 litre	each	GST	\$	68.00
F0124	240 litre	each	GST	\$	89.00
F0125	wheels - each	each	GST	\$	27.00
F0126	Axel	each	GST	\$	27.00
F0127	Pins	each	GST	\$	8.00
F0128	Lids	each	GST	\$	33.00

**Water & Wastewater Fees & Charges**
**Water**

F0130	Water Service Connection Including Meter - 20mm ø per m	Meter	NO GST	\$	1,110.00
F0131	Meter Size - 25mm	Meter	NO GST	\$	1,488.00
F0132	Meter Size - 32mm - Short Meter	Meter	NO GST	\$	1,850.00
F0133	Meter Size - 40mm - Short Meter	Meter	NO GST	\$	2,250.00
F0134	Meter Size - 50mm - Short Meter	Meter	NO GST	\$	2,610.00
F0135	Oversize Connection - Quotation Fee	quote	NO GST	\$	615.00
F0136	New Meter Installation Only - 20mm ø per m	Meter	NO GST	\$	535.00
F0137	New Meter Installation Only - 25mm ø per m	Meter	NO GST	\$	550.00
F0138	New Meter Installation Only - 32mm ø per m	Meter	NO GST	\$	815.00
F0139	New Meter Installation Only - 40mm ø per m	Meter	NO GST	\$	935.00
F0140	New Meter Installation Only - 50mm ø per m	Meter	NO GST	\$	1,015.00
F0141	Fit Approved Lock and Supply Key	lock	NO GST	\$	200.00

F0142	Renewal of Water Service 20mm	application	NO GST	\$	1,092.00
F5079	Renewal of Water Service 25mm	application	NO GST	\$	1,498.00
F5080	Renewal of Water Service 32mm	application	NO GST	\$	1,850.00
F5081	Renewal of Water Service 40mm	application	NO GST	\$	2,250.00
F5082	Renewal of Water Service 50mm	application	NO GST	\$	2,610.00
F0143	Replacement Meter 20mm	meter	NO GST	\$	535.00
F0584	Replacement Meter 25mm	meter	NO GST	\$	550.00
F0585	Replacement Meter 32mm	meter	NO GST	\$	815.00
F0586	Replacement Meter 40mm	meter	NO GST	\$	935.00
F0587	Replacement Meter 50mm	meter	NO GST	\$	1,015.00
F0144	Disconnection of Water Service at Owners Request	application	NO GST	\$	175.00
F0145	Reconnection after Requested Disconnection 20mm	application	NO GST	\$	535.00
F0588	Reconnection after Requested Disconnection 25mm	application	NO GST	\$	550.00
F0589	Reconnection after Requested Disconnection 32mm	application	NO GST	\$	815.00
F0590	Reconnection after Requested Disconnection 40mm	application	NO GST	\$	935.00
F0591	Reconnection after Requested Disconnection 50mm	application	NO GST	\$	1,015.00
F0146	Reconnection (after breach of water regulations or non payment) - 20mm	application	NO GST	\$	535.00
F0592	Reconnection (after breach of water regulations or non payment) - 25mm	application	NO GST	\$	550.00
F0593	Reconnection (after breach of water regulations or non payment) - 30mm	application	NO GST	\$	815.00
F0594	Reconnection (after breach of water regulations or non payment) - 40mm	application	NO GST	\$	935.00
F0595	Reconnection (after breach of water regulations or non payment) - 50mm	application	NO GST	\$	1,015.00
F0148	Water Testing	not available			Not Available
F0149	Meter/Service Testing (to be refunded if meter/service found to be faulty)	test	NO GST	\$	320.00
F0150	Final Water Meter Reading request	reading	NO GST	\$	85.00
F0151	Hydrant flow & pressure test	test	NO GST	\$	240.00
F0575	Install Lockable Stop Valve	each	NO GST	\$	200.00
F0570	Locations - Mareeba	location	GST	\$	176.00
F0571	Locations - Dimbulah/Kuranda	location	GST	\$	506.00

F0572	Locations - Mount Molloy	location	GST	\$	506.00
F0573	Locations- Chillagoe	location	GST	\$	825.00
F0596	Automatic Meter Reading Device - MRC	Device	NO GST	\$	340.00
F0597	Automatic Meter Reading Device - ADC with flying lead	Device	NO GST	\$	340.00
<b>Wastewater</b>					
F0152	Connection to Councils Sewerage System Based on 1.5m tapping and standard 1.5m from property boundary and 150mm join	connection	NO GST	\$	1,827.00
F0153	Build over Council sewerage System	application	NO GST	\$	305.00
F0578	Hire of Fogging Crew (day hire)	Labour per hour + materials	GST	\$	1,045.00
F0577	Hire of Sewer Trailer	Maximum 4 hours	GST	\$	500.00
<b>Trade waste Permit</b>					
F0154	Category One Utility Charge (Low Volume; Low Strength) <500 KL waste per year (per year)	year	NO GST	\$	140.00
F0155	Category Two Utility Charge (High Volume : Low Strength) >500KL waste per year (per KL)	year	NO GST	\$	140.00
F0156	Category Three Utility Charge (High Volume ; High Strength) - Refer Strength of waste as tested (per year)	year	NO GST	\$	140.00
F0157	Sampling of Grease Arrestor (per test)	test	NO GST	\$	325.00
F0158	Sample - Tested strength of BOD5 by weight	test	NO GST	\$	315.00
F0159	Sample - Tested strength of Suspended Solids by weight	test	NO GST	\$	308.00
<b>Permit for Food Waste Disposal Units :</b>					
<b>MSC Sewerage Area</b>					
F0160	Category A - < 400 Watt rating (per year)	year	NO GST	\$	1,205.00
F0161	Category B - 401 to 700 Watt rating (per year)	year	NO GST	\$	3,611.00
F0162	Category C - 701 to 1000 Watt rating (per year)	year	NO GST	\$	4,820.00
F0163	Category D - 1001 to 1500 Watt rating (per year)	year	NO GST	\$	7,235.00
F0164	Category E - 1501 to 2000 Watt rating (per year)	year	NO GST	\$	8,435.00
F0165	Category F - > 2000 Watt rating (per year)	year	NO GST	\$	9,740.00
F0166	Search Fee - Query what Trade waste Service is on the property	search	NO GST	\$	208.00
<b>Waste Discharge</b>					
F0167	Grease trap waste Mareeba - Transpacific Service Agreement	litre	NO GST	\$	0.10
F0168	Septic effluent waste Mareeba	KL	NO GST	\$	50.00
F0170	Liquid Waste - Anything other than grease trap or septic - Mareeba	KL	NO GST	\$	50.00
<b>Standpipes</b>					
F0171	Hire of Standpipe - Short Term (less than two (2) weeks)\$250 Deposit. Maximum 7 day hire period (minimum charge of \$50.00)	per hire	NO GST		\$10.00 per day
F0172	Hire of Standpipe - Long Term (greater than two (2) weeks up to six (6) months) \$750 Deposit	per hire	NO GST		\$5.00 per day
F0620	Standpipe Management System - Electronic Key	per hire	NO GST	\$	50.00
F0147	Water Supply from Fire Hydrants (other than for fire-fighting purposes) KL	KL	NO GST	\$	1.45



**ITEM-9 RURAL ADDRESSING FEES & CHARGES 2016/2017****MEETING:** Ordinary**MEETING DATE:** 1 June 2016**REPORT OFFICER'S  
TITLE:** Manager Technical Services**DEPARTMENT:** Infrastructure Services, Technical Services Group

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**EXECUTIVE SUMMARY**

*The setting of the fees and charges for the 2016/2017 financial year has been the responsibility of each relevant department and has been set either based on a set percentage increase or based on cost recovery of actual activity costing and is presented for Council's consideration and endorsement.*

*Current charges for the installation of a Rural Address were reviewed by Council Officers according to actual costs of installation, materials and map updating.*

**OFFICER'S RECOMMENDATION**

"That Council adopt the Rural Addressing Fees & Charges for the 2016/2017 financial year."

**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 & Charges. For the purpose of legislation these fees and charges need to be identified as either regulatory or non-regulatory.

Each relevant department has been responsible for recommending the fees & charges for the 2016/2017 financial year. The fees and charges have been recommended on either full cost recovery, discounted community service obligation by direction of Council or based on a set percentage increase.

Fees relating to Rural Addressing were investigated by council officers to determine whether current charges reflect the actual cost of installation, materials and map updating. The process of installation of a new rural address involves responding to a customer request, travel and installation of post with sleeve and number, recording chainage, obtaining GPS coordinates/photos, adding the coordinates to update the GIS mapping system and emailing the details of the new rural address to the relevant stakeholders including emergency services, the electoral office, Australia Post and Telstra.

It should also be noted that the Replacement Number Sleeve fees for 2,4 and 6 digit has been simplified to one charge only, regardless of the number of digits.

**LINK TO CORPORATE PLAN**

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

**CONSULTATION***Internal*

Senior GIS Officer  
Budget Officer

*External*

Nil

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

Local Government Act 2009

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Nil

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

Nil

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

Nil

**IMPLEMENTATION/COMMUNICATION**

On adoption of the 2016/2017 Fees and Charges, advise Customer Service and update Council's website.

**ATTACHMENTS**

1. Proposed Rural Addressing Fees & Charges for 2016/2017.

**Date Prepared:** 19 May 2016

**ATTACHMENT 1**

Code	Fee	Per	Proposed Fees 2016/2017	
<b>Rural Addressing</b>				
F0621	New Rural Address	application	\$	267.00
F0622	Replacement Rural Address	application	\$	232.00
F0623	Replacement Number	each	\$	3.00
F0625	Replacement Number Sleeve	each	\$	25.00
F0627	Replacement Post	each	\$	12.00



**ITEM-10 LIBRARY SERVICES FEES AND CHARGES 2016/2017**

**MEETING:** Ordinary

**MEETING DATE:** 1 June 2016

**REPORT AUTHOR/  
OFFICER'S TITLE:** Coordinator Libraries

**DEPARTMENT:** Corporate and Community Services

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**EXECUTIVE SUMMARY**

*This report presents the recommended 2016/2017 fees for Library Services for Council's consideration and endorsement.*

**OFFICER'S RECOMMENDATION**

"That Council adopt the attached schedule of 2016/17 fees and charges for the Mareeba Shire Library Service."

**BACKGROUND****Methodology**

Current Library fees and charges were reviewed and benchmarked against libraries which are of a similar size and geographically close to Mareeba. All fees and charges were based on a review of the actual cost to Council of delivering the service for 2016/2017. Some library fees were increased to reflect increased actual costs for 2016/2017. The underlying basis for the proposed fees and charges is to support cost recovery within the stipulations of the Service Level Agreement for Public Library Services to maintain Council's eligibility for the annual Public Library Grant which covers the purchase of books, DVDs and other library resources.

Other options will be investigated for offering a Visitor Membership Fee that enables visitors to have affordable borrowing privileges in a way that encourages the return of the borrowed library resources.

**LINK TO CORPORATE PLAN**

**COM 3:** Building partnerships to build community capacity and support leadership and self-responsibility

**GOV 1:** To develop a long term financial plan that is sustainable.

**CONSULTATION**

*Internal*  
Director of Corporate & Community Services

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Manager Community Wellbeing  
Manager Finance

*External*

State Library of Queensland, Director Regional Access and Public Libraries.

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

Adopting the inter-library loan fee of \$2.50 will maintain Council's eligibility for the Public Library Grant administered by the State Library of Queensland.

**IMPLEMENTATION/COMMUNICATION**

On adoption of the 2016/2017 fees Library Management Systems, Council's website and Library Guides will be updated.

**ATTACHMENTS**

1. 2016/2017 Library Services Fees and Charges Schedule

**Date Prepared:** 6 May 2016

**ATTACHMENT 1**

Library Fees & Charges 2016/2017		Per	Fees 2016/17
<u>Lost charge-</u>	Cost value of item plus notice charge & administration fee	ITEM	Cost plus \$30.00
<u>Damaged item charges-</u>	items deemed unusable	ITEM	Cost plus \$15.00
<u>Visitor membership fee</u>		UNLIMITED	\$45.00
<u>Replacement CD/DVD cover/cases</u>		ITEM	\$5.00
<u>Replacement membership card</u>		CARD	\$6.00
<u>Library Bags</u>		BAG	\$5.00
<u>Book Sale Non-fiction / Jigsaws / DVD &amp; CD</u>		ITEM	\$3.00
<u>Fiction</u>		ITEM	\$2.00
<u>Junior books</u>		ITEM	\$1.00
<u>Magazines</u>		ITEM	\$0.50
<u>Photocopying</u>	Black & White, A4 per side	A4 PAGE	\$0.30
	Black & White, A3 per side	A3 PAGE	\$0.60
<u>Printing</u>	Black & White, per A4 page	A4 PAGE	\$0.30
	Colour, per A4 page	A4 PAGE	\$3.00
<u>Internet Research</u>	National & State Library online Databases	FREE	FREE
<u>USB Stick</u>		ITEM	\$12.00
<u>WIFI</u>		FREE	FREE
<u>Full PC Use:</u> Full PC use is offered at no cost for the first hour with fees to apply thereafter depending on availability.			
	Library Member	30 MIN	\$2.00
	Library Member + Concession Card <i>Seniors, Veterans, Health Care</i>	30 MIN	\$1.00
	Non-Library members, per 1/2 hr or part thereof	30 MIN	\$3.00
	Non-Library members, per hour or part thereof	60 MIN	\$6.00
<u>Inter Library Loan ILL</u>	University Loan charge	UNIVERSITY LIBRARY	\$16.50
	Processing Charge for uncollected items	UNCOLLECTED ITEM	\$15.00
	Freight	FREIGHT PER ITEM	\$2.50





**LINK TO CORPORATE PLAN**

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

**CONSULTATION**

*Internal*

Director Infrastructure Services

*External*

Nil

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

Local Government Act 2009

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

On adoption of the 2016/2017 Fees and Charges, advise Customer Service Officers and update Council's website to reflect the changes and alter associated documents.

**ATTACHMENTS**

1. Proposed Mareeba Shire Council Aerodrome Fees & Charges for 2016/2017.

**Date Prepared:** 19 May 2016

**ATTACHMENT 1**
**2016/2017 Aerodrome Fees & Charges**

<b>Landing Fees (Mareeba and Chillagoe)</b>	<b>Per</b>	<b>GST applies</b>	<b>Approved Fees 2016/2017</b>
Fixed Wing Aircraft and Helicopters (empty weight) less than 2000kg	Tonne	Yes	\$ 4.00
Fixed Wing Aircraft (empty weight) greater than 2000kg and less than 5700kg	Tonne	Yes	\$ 8.00
Helicopters (empty weight) greater than 2000kg and less than 5700kg	Tonne	Yes	\$ 6.00
Fixed Wing Aircraft and Helicopters (empty weight) greater than 5700kg	Tonne	Yes	\$ 14.00
Note:			
*Repetitive operations charged at one landing per hour (where an aircraft makes more than one landing per hour)			
Annualised landing fees at Mareeba Airport for aircraft utilised in flight training under 2,000kg	Annum	Yes	\$ 1,600.00
Annualised landing fees at Mareeba Airport for aircraft utilised in flight training between 2,000kg and 5,700kg	Annum	Yes	\$ 3,200.00
<b>Parking &amp; Tie-downs (Mareeba Only)</b>			
Mareeba Parking - per year less than 5700kg. On application to be paid in advance for 12 month period direct to MSC	Year	Yes	\$ 400.00
Mareeba Parking less than 5700kg.	Day	Yes	\$ 2.00
Mareeba Parking of aircraft above 5700kg	Day or part thereof	Yes	\$ 25.00



**ITEM-12 HALL HIRE FEES & CHARGES 2016/2017****MEETING:** Ordinary**MEETING DATE:** 1 June 2016**REPORT OFFICER'S  
TITLE:** Manager Technical Services**DEPARTMENT:** Infrastructure Services, Technical Services

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**EXECUTIVE SUMMARY**

*The setting of the fees and charges for the 2016/2017 financial year has been the responsibility of each relevant department and has been set either based on a set percentage increase or based on cost recovery of actual activity costing and is presented for Council's consideration and endorsement.*

*It is proposed that there be no increase in the charges for the hire of Council's Halls for the 2016/2017 financial year.*

**OFFICER'S RECOMMENDATION**

"That Council adopt the Council Hall Hire Fees & Charges for the 2016/2017 financial year."

**BACKGROUND**

Council as part of its budgetary process and under the legislation of the Local Government Act it is required to adopt a Schedule of Fees & Charges. For the purpose of legislation these fees and charges need to be identified as either regulatory or non-regulatory.

Each relevant department has been responsible for the recommending of the fees and charges for the 2016/2017 financial year. The fees and charges have been recommended on either full cost recovery, discounted community service obligation by direction of Council or based on a set percentage increase.

It is proposed that there be no increase in the charges for the hire of Council's Halls for the 2016/2017 financial year.

**LINK TO CORPORATE PLAN**

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

**CONSULTATION**

*Internal*  
Director Infrastructure Services

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*External*  
Nil

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

Local Government Act 2009

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
Nil

### **IMPLEMENTATION/COMMUNICATION**

On adoption of the 2016/2017 Fees and Charges, advise Customer Service and Facilities Officers that fees are to remain unchanged.

### **ATTACHMENTS**

1. Hall Hire Fees & Charges for 2016/2017

***Date Prepared:*** 19 May 2016

**ATTACHMENT 1**
**Mareeba Shire Council Hall Hire Fees and Charges 2016-2017**

<b>Commercial (a) / private 100 people and over</b>	
Bond refundable (refer to Conditions of Hire )	\$200
Day (flat rate)	\$100
1/2 day (flat rate)	\$50
Night (flat rate)	\$120
Day + Night (flat rate)	\$140
Plus Bar/Kitchen Day (flat rate)	\$120
Plus Bar/Kitchen Night (flat rate)	\$135
Plus Bar/Kitchen Day+Night (flat rate)	\$160
<b>Commercial (a) / private under 100</b>	
Day (flat rate)	\$70
1/2 day (flat rate)	\$35
Night (flat rate)	\$85
Day + Night (flat rate)	\$95
Plus Bar/Kitchen Day (flat rate)	\$85
Plus Bar/Kitchen Night (flat rate)	\$95
Plus Bar/Kitchen Day+Night (flat rate)	\$110
<b>Community Group non-profit (b) over 100 people - (cover charge (c) for event, sale of food, drinks and goods) 30% discount</b>	
Day (flat rate)	\$70
1/2 day (flat rate)	\$35
Night (flat rate)	\$85
Day + Night (flat rate)	\$95
Day Plus Bar/Kitchen (flat rate)	\$85
Night Plus Bar/Kitchen (flat rate)	\$95
Day + Night Plus Bar/Kitchen(flat rate)	\$110
<b>Community Group non-profit (b) under 100 people (cover charge (c) for event, sale of food, drinks and goods) - 60% discount</b>	
Day (flat rate)	\$40
1/2 day (flat rate)	\$20
Night (flat rate)	\$50
Day + Night (flat rate)	\$55
Day Plus Bar/Kitchen (flat rate)	\$50
Night Plus Bar/Kitchen (flat rate)	\$55
Day + Night Plus Bar/Kitchen(flat rate)	\$65
<b>Community group non-profit (b) meeting/sports/social under 40 people (no cover charge (c) for event and no sale of food, drinks or goods) - 80% discount</b>	
Day (flat rate) - 8.30am - 5.00pm	\$20
1/2 day (flat rate) - 8.30am - 12.30pm	\$10
Night (flat rate) - 5.00pm onwards	\$25
Day + Night (flat rate) - 8.30am onwards	\$30
<b>Circus</b>	
Hire occurrence	\$255
Security Bond occurrence - Deposit or part thereof may be refunded depending upon condition in which grounds are left	\$655
<b>Additional Penalties</b>	
Key Return Policy- lost/not returned - broken locks etc	Council may retain such amount of bond which will cover any costs incurred for replacement items include keys, locks etc



**ITEM-13 BUILDING AND PLUMBING FEES AND CHARGES 2016/2017**

**MEETING:** Ordinary

**MEETING DATE:** 1 June 2016

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

**DEPARTMENT:** Corporate and Community Services

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**EXECUTIVE SUMMARY**

*This report presents the recommended 2016/2017 Fees and Charges for Buildings & Plumbing Services activities for Council's consideration and endorsement.*

**OFFICER'S RECOMMENDATION**

"That Council adopt the 2016/17 Fees and Charges for Building & Plumbing Services."

**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 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.

**LINK TO CORPORATE PLAN**

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

**CONSULTATION**

*Internal*  
Manager Finance

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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 Building & Plumbing Services

**Date Prepared:** 24 May 2016

**ATTACHMENT 1**

Fee	Per	GST STATUS	Fees 2016/2017
<b>Building &amp; Plumbing</b>			
<b>Inspection Fees</b>			
<b>Inspection Costs (Class 1 and 10 Buildings)</b>			
One Inspection cost for all locations	Inspection	GST	\$200.00
<b>Inspection Costs (Class 2 - 9 Buildings)</b>			
One Inspection cost of all locations	Inspection	GST	\$225.00
<b>Class 1a - New Dwelling</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$425.00
Inspections x 4 minimum	Inspection	GST	\$800.00
<b>Class 1a - Additions/Alterations - Extension to Dwellings etc.</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$305.00
Inspections x 4 minimum	Inspection	GST	\$900.00
<b>Class 10a - Patios and Roofed Decks</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$205.00
Inspections x 1 minimum	Inspection	GST	\$200.00
<b>Class 10 - Garage, Carport, Shed or the like - Greater than 18m2</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$205.00
Inspections x 1 minimum	Inspection	GST	\$200.00
<b>Class 10 - Garage, Shed or the Like Under 18m2, Open Carports max. area 36sqm</b>			
Application	application	NO GST	\$10.00
Inspections x 1 minimum	Inspection	GST	\$200.00
<b>Temporary Structure</b>			
Application	application	NO GST	\$90.00
Assessment	assessment	GST	\$255.00
Inspections x 1 minimum	Inspection	GST	\$200.00
<b>Temporary Accommodation Permit</b>			
Assessment	assessment	NO GST	\$90.00
Inspections x 1 minimum (if necessary)	Inspection	GST	\$200.00
<b>Temporary Accommodation Renewal</b>			
Assessment	assessment	NO GST	\$75.00
<b>Class 1a - Minor Alterations e.g. Building Repairs</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$85.00
Inspections x 1 minimum	Inspection	GST	\$200.00
<b>Amendment to Application Class 1 &amp; 10 (Inspections Not Included)</b>			
Application	application	NO GST	\$75.00
Assessment	assessment	GST	\$190.00
Inspections (if required)	Inspection	GST	\$200.00
<b>Extension of Time or Renewal of Building Approval - Domestic &amp; Commercial</b>			
Administration	application	GST	\$75.00
<b>Extension of Time or Renewal of Building Approval - Submitted by a Private Certifier</b>			
Administration	application	GST	\$75.00
<b>Amendment to Application Class 2 to 9 (Inspections Not Included)</b>			
Application	application	NO GST	\$100.00
Assessment	assessment	GST	\$300.00
Inspections (depending on location) if required	Inspection	GST	\$225.00
<b>Class 10a - Mausoleum</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$210.00
Inspections x 4 minimum	Inspection	GST	\$800.00
<b>Class 2 to 9 - Up to but not including 500m2</b>			
Application	application	NO GST	\$340.00
Assessment	assessment	GST	\$500.00

Fee	Per	GST STATUS	Fees 2016/2017
<b>Building &amp; Plumbing</b>			
Inspections x 4	inspection	GST	\$900.00
<b>Class 2 to 9 - 500m2 and Greater</b>			
Application	application	NO GST	\$340.00
Assessment/POA	assessment	GST	POA
Inspections	inspection	GST	\$225.00
<b>Class 2 to 9 - Additions/Alterations to Commercial Buildings</b>			
Application	application	NO GST	\$340.00
Assessment	assessment	GST	\$170.00
Inspections x 1 minimum	inspection	GST	\$225.00
<b>Class 5, 6, 7, 8, 9 - Fit Outs - Non Structural Building Work</b>			
Application	application	NO GST	\$160.00
Assessment	assessment	GST	\$190.00
Inspections (depending on location) x 1 minimum	inspection	GST	\$225.00
<b>Class 10b - Retaining Walls</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$150.00
Inspections x 1 minimum	inspection	GST	\$200.00
<b>Class 10b - Swimming Pools, Spas, Above Ground Swimming Pools</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$90.00
Inspections x 1 minimum	inspection	GST	\$200.00
Temporary Fence Inspections x 1 minimum	inspection	GST	\$200.00
<b>Swimming Pool Compliance Inspection</b>			
Assessment	assessment	GST	\$145.00
Inspections x 1 minimum	inspection	GST	\$200.00
<b>Swimming Pool Compliance Certificate Renewal</b>			
Assessment	assessment	GST	\$80.00
Inspection x 1	inspection	GST	\$200.00
<i>Re-inspection Fee will be charged if necessary</i>			
<b>Class 1a - Additions/Alterations - Re-roof or Re-stump</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$85.00
Inspections x 1	inspection	GST	\$200.00
<b>Change of Builder Notification</b>			
Notification	application	NO GST	\$65.00
<b>Class 10b - Fences, Rainwater Tank, Pervious Shade Sall or the like</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$90.00
Inspections x 1 minimum	inspection	GST	\$200.00
<b>Special structures - (hoardings and gantries, towers, cranes etc.)</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$225.00
Inspections x 1 minimum	inspection	GST	\$200.00
<b>BOND APPLICABLE to structure over Council footpaths - (refundable) \$1,000</b>	application	NO GST	\$1,000.00
<b>Advertising Signs</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$190.00
Inspections x 1 minimum	inspection	GST	\$200.00
<b>Bushfire Assessment</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$130.00
Inspections x 1 minimum	inspection	GST	\$200.00
<b>Siting Dispensation - includes report</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	NO GST	\$90.00
Inspections x 1 minimum	inspection	GST	\$200.00
<b>Private Certifier Lodgement Class 1 and 10 - Non Commercial</b>			
Application	application	NO GST	\$160.00

Fee	Per	GST STATUS	Fees 2016/2017
<b>Building &amp; Plumbing</b>			
<b>Private Certifier Lodgement - Class 2 to 9 - Commercial Developments</b>			
Application	application	NO GST	\$340.00
<b>Demolition All Classes (Excluding Plumbing)</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$145.00
Inspections x 1 minimum	inspection	GST	\$200.00
<b>Pre-inspection for Relocation of structure - preliminary approval</b>			
Application	application	NO GST	\$145.00
Assessment	assessment	GST	\$155.00
Inspections x 1 minimum	inspection	GST	\$200.00
<i>Please note additional charge for out of Shire inspections</i>			
<b>Road Transport Bond</b>			
BOND APPLICATION (refundable) \$5,000	application	NO GST	\$5,000.00
<b>Re-Establishment Bond</b>			
BOND APPLICABLE (refundable) \$10,000 - \$25,000	application	NO GST	\$10,000 - \$25,000
<b>Preliminary approval Class 1 to 10</b>			
Application	application	NO GST	\$145.00
Assessment (charge 30% of fee as per normal schedule)	assessment	GST	Assessment Charge is 30% of fee as per schedule fee for new building
Inspections x 1 minimum If required	inspection		\$200.00
<b>Preliminary approval (commercial)</b>			
Application	application	NO GST	\$340.00
Assessment (charge 30% of fee as per normal schedule)	assessment	GST	Assessment Charge is 30% of fee as per schedule fee for new building
Inspections x 1 minimum If required	inspection		\$220.00
<b>Inspection For Fire Safety Compliance</b>			
Assessment including report depending on complexity POA	assessment	GST	POA
Inspections x 1 minimum	inspection	GST	\$200.00
<b>Assessment of Alternate Solution</b>			
Assessment	assessment	GST	POA
<b>Certificate of Classification (if not previously issued)</b>			
Application	application	NO GST	POA
Inspections (depending on location) x 1 minimum	inspection	NO GST	POA
<b>Copy of Certificate of Classification or Final Inspection Certificate</b>			
Administration	application	GST	\$45.00
<b>Building Record Search - (Domestic and Commercial)</b>			
Administration	application	NO GST	\$130.00
<b>View building/plumbing file at counter</b>			
Administration	application	NO GST	\$30.00
<b>Building Record Search - including site inspection - (Domestic and Commercial)</b>			
Administration	application	NO GST	\$130.00
Inspections x 1 minimum	inspection	GST	\$200.00
<b>Photocopying Charge</b>			
Administration	application	GST	As Per Printing Charges
<b>Plumbing Application Fee</b>			
<b>Inspection Costs</b>			
One inspection cost for all locations	application	NO GST	\$190.00
<b>Miscellaneous Inspection (e.g. Non-Approved Work/Re-inspection or Additional Inspection)</b>			
Inspection x 1 minimum	inspection	GST	\$190.00
<b>Minor Plumbing works, modifications to Existing Plumbing and Drainage</b>			
Application	application	NO GST	\$85.00
Assessment	assessment	NO GST	\$70.00
Inspection x 1 minimum	inspection	NO GST	\$190.00
<b>Town Sewer Connection (Domestic and Commercial)</b>			
Application	application	NO GST	\$85.00
\$18.00 per fixture (minimum \$90)	assessment	NO GST	\$18.00 per fixture - minimum charge \$90

Fee	Per	GST STATUS	Fees 2016/2017
<b>Building &amp; Plumbing</b>			
Inspections x 4 minimum	inspection	NO GST	\$760.00
<b>Installation of on site disposal system (in connection with building permit)</b>			
Application	application	NO GST	\$85.00
Assessment Site & Soil Report	assessment	NO GST	\$90.00
Assessment per fixture \$18.00 per fixture (minimum \$90)	assessment	NO GST	\$18.00 per fixture - minimum charge \$90
Inspections x 4 minimum	inspection	NO GST	\$760.00
<b>Installation of on site disposal system when stand alone application</b>			
Application	application	NO GST	\$85.00
Assessment Site & Soil Report	assessment	NO GST	\$90.00
Inspections x 2 minimum	inspection	NO GST	\$380.00
<b>Commercial shop fit out</b>			
Application	application	NO GST	\$85.00
Assessment per fixture \$18.00 per fixture (minimum \$90)	assessment	NO GST	\$90.00
Inspections x 3 minimum	inspection	NO GST	\$570.00
<b>Additional/Alterations to plumbing fixtures - existing drainage connection</b>			
Application	application	NO GST	\$85.00
Assessment per fixture \$18.00 per fixture (minimum \$90)	assessment	NO GST	\$18.00 per fixture - minimum charge \$90
Inspections x 2 minimum	inspection	NO GST	\$380.00
<b>Replacement of land application area</b>			
Application	application	NO GST	\$85.00
Assessment Site & Soil Report	assessment	NO GST	\$90.00
Inspections x 1 minimum	inspection	NO GST	\$190.00
<b>Disconnection from Council Sewer System</b>			
Application	application	NO GST	\$85.00
Assessment	assessment	NO GST	\$90.00
Inspections x 1 minimum	inspection	NO GST	\$190.00
<b>Connection to Council sewerage system</b>			
Application	application	NO GST	\$85.00
Assessment per fixture \$18.00 per fixture (minimum \$90)	assessment	NO GST	\$18.00 per fixture - minimum charge \$90
Inspections x 2 minimum	inspection	NO GST	\$380.00
<b>Provide copy of "as constructed" file</b>			
Administration	application	NO GST	\$20.00
<b>Amendment to Drainage Plan</b>			
Application	application	NO GST	\$50.00
Assessment per fixture \$18.00 per fixture (minimum \$90)	application	NO GST	\$18.00 per fixture - minimum charge \$90
<b>Change of Plumber</b>			
Notification	application	NO GST	\$60.00
<b>On Site Sewerage Facility - Domestic</b>			
Annual Administration Fee	year	NO GST	\$0.00
Non compliance Fee	occurrence	NO GST	\$100.00
Non compliance Fee for water quality test failure and sample analysis fee cost + 0.5 admin	occurrence	NO GST	Cost + \$25
Inspections x 2 minimum	inspection	NO GST	\$380.00
<b>On Site Concurrence Agency</b>			
Assessment	assessment	NO GST	\$90.00
<b>Installation of Solar Hot Water Systems under State Govt rebate scheme or Fee set by State Govt</b>			
Application	application	NO GST	\$30.00
<b>Back flow prevention device</b>			
Annual Administration Fee	application	NO GST	\$50.00
Non compliance Fee	occurrence	NO GST	\$100.00
Non compliance Fee for water quality test failure and sample analysis fee cost + 0.5 admin	occurrence	NO GST	Cost + \$25
Inspections 2 minimum	inspection	NO GST	\$380.00

## COMMUNITY WELLBEING

### ITEM-14                      **KURANDA    COMMUNITY    PRECINCT    ADVISORY** **COMMITTEE**

**MEETING:**                      Ordinary

**MEETING DATE:**              1 June 2016

**REPORT OFFICER'S**  
**TITLE:**                              Manager Community Wellbeing

**DEPARTMENT:**                Corporate and Community Services

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#### **EXECUTIVE SUMMARY**

*Council recently called expressions of interest for membership of the Kuranda Community Precinct Advisory Committee. This report recommends the appointment of the Committee members and recommends amendments to the Terms of Reference for the Kuranda Community Precinct Advisory Committee.*

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

"That Council:

1. Appoint the following representatives to the Kuranda Community Precinct Advisory Committee:
  - John Baskerville
  - Mandy Dewey
  - John Robinson
  - Arch McArthur
  - Jack Brown
  - Maggie Herbohn
2. Appoint John Baskerville as the Independent Chairperson for the Kuranda Community Precinct Advisory Committee.
3. Adopt the amended Terms of Reference for the Kuranda Community Precinct Advisory Committee."

#### **BACKGROUND**

##### **1.1    The Kuranda Community Precinct**

The Kuranda Community Precinct (the Precinct) refers to the area and facilities contained within the former Kuranda Primary School grounds which were acquired by the former Mareeba Shire Council to be developed for community use. Derelict buildings have been demolished at the site and two (2) parcels of land were sold with the proceeds set aside for the future development of the Precinct, which has included the refurbishment of a building

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for the relocation of the Kuranda Library and Customer Service Centre in November 2015. There was significant community support for the relocation of the council facility as it would act as an “anchor” tenant to bring increased community participation at the Precinct while providing an improved library facility.

The Kuranda Community Precinct Advisory Committee (KCPAC) is a voluntary, representative based committee with Councillor representation and assistance provided by Council Officers. The current Advisory Committee was appointed three (3) years ago to provide guidance and advice on the development of the Kuranda Community Precinct (the Precinct) and to provide a means of two way communication between Council and the Kuranda community regarding the development of the Precinct.

### **1.2 Appointment of Members of the Advisory Committee**

Community nominations for the Advisory Committee were called in April 2016 as the Committee’s term had expired and there was a vacant position. An advertisement and media release was placed in the Kuranda Paper. Eight (8) nominations were received and the following six (6) nominations are recommended for appointment to the Advisory Committee:

- John Baskerville
- Mandy Dewey
- John Robinson
- Arch McArthur
- Jack Brown
- Maggie Herbohn

Four (4) members of the Committee have re-nominated and it is recommended that they be re-appointed to the Committee to provide continuity. Two (2) new members are recommended for appointment due to their widespread community networks and contacts.

John Baskerville is the current Independent Chairperson and it is recommended that he be re-appointed to this position.

Training for the new committee has been organised commencing May 24<sup>th</sup> 2016 and will cover:

- Mareeba Shire Council Code of Conduct (as it applies to Advisory Committee members);
- Mareeba Shire Council Advisory Committee Handbook; and
- Workplace Health and Safety training as some Committee members are keen to take on projects such as minor landscaping at the site.

### **1.3 Amendments to the Terms of Reference**

The current Terms of Reference for the Kuranda Community Precinct Advisory Committee have been in place for three years and require minor amendments to better reflect current operational practices. A copy of the Terms of Reference with recommended amendments are attached.

## **LINK TO CORPORATE PLAN**

**COM 3:** Building partnerships to build community capacity and support leadership and self-responsibility

**CONSULTATION***Internal*

Chief Executive Officer  
Mayor

*External*

Nil

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

Community members nominated to the Advisory Committee will be advised in writing and provided with a copy of the Advisory Committee Handbook. Two (2) training sessions for the new Committee will be held. The unsuccessful nominees will be contacted by phone and in writing to advise the outcome.

**ATTACHMENTS**

1. Terms of Reference Kuranda Community Precinct Advisory Committee

**Date Prepared:** 9 May 2016

**ATTACHMENT 1**

Mareeba Shire Council

**Kuranda Community Precinct  
Terms of Reference for Committee**

The Terms of reference for the Committee comprise the following elements:

1. **Purpose**
2. **Composition**
3. **Terms of Appointment**
4. **Functions**
5. **Required considerations**
6. **Administrative support**

1. **Purpose**

- 1.1 The Committee is appointed to advise Council on the future development of the Precinct with the view to increasing community participation and involvement in the Precinct.
- 1.2 The Committee will provide a means of two way communication between Council and the Kuranda community regarding the future development of the Precinct.

2. **Composition**

- 2.1 The Committee is an expert advisory committee appointed by Mareeba Shire Council pursuant to Section 61 of the *Local Government (Operations) Regulation 2010*. The Committee consists of one Councillor appointed by Mareeba Shire Council and six persons representing, or having extensive knowledge and experience in, one or more of the following:
  - 1) Planning and strategic development;
  - 2) Project Management;
  - 3) Community Representation;
  - 4) Finance and Accounting;
  - 5) Community Development and Youth Engagement;
  - 6) Arts and Cultural;
  - 7) Environment and Land Management; and
  - 8) Sport and Recreation
- 2.2 Council will call for expressions of interest from suitably qualified and experienced members of the public in the above-mentioned categories who are interested in being members of the Committee. Council will select Committee members from those expressions of interest.
- 2.3 Council staff will provide information, secretarial and other assistance as required.
- 2.4 The Committee will rely on the expertise of members rather than contracting consultants to work towards developing the Kuranda Community Precinct.

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**Kuranda Community Precinct  
Terms of Reference for Committee**

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**3. Terms of appointment**

- 3.1 As an advisory committee, the Committee has no decision making powers and will make recommendations only for consideration by Mareeba Shire Council.
- 3.2 Members are appointed for a period of 36 months.
- 3.3 Members are appointed on a voluntary basis and meeting fees and other expenses such as travel expenses are not available.
- 3.4 The chairperson of the Committee will be appointed by Mareeba Shire Council by invitation in accordance with the Handbook for Advisory Committees and is recommended to be an independent community member. Meetings of the Committee are to be held at the times and places it decides and minutes of each meeting are to be recorded and submitted to Mareeba Shire Council.
- 3.5 Reports are to be submitted to Mareeba Shire Council setting out the Committee's advice and recommendations in respect of the matter under consideration.
- 3.6 The Kuranda Community Precinct Committee will operate in accordance with the Mareeba Shire Council Handbook for Advisory Committees.

**4. Functions**

The Committee will make recommendations to Council on the following matters:

- 4.1 Consider the various needs that a multi-purpose precinct will be required to cater for and determine the functions and scope of the Precinct.
- 4.2 Look at the types of community precincts that have been developed in other locations with a view to determining the requirements for the Precinct that would be suitable for Kuranda.
- 4.3 Consider the most appropriate model for ongoing management and operation of the precinct.
- 4.4 Consider ways to encourage increased community participation and involvement at the Precinct.

**5. Required considerations**

In considering the desirability or needs for the Kuranda Community Precinct, the Committee will continue to use the values developed by the former Committee:

*To pursue the four pillars of sustainability – social, economic, environmental and cultural – and the co-dependencies and inter-relationships between these as foundational guiding principles, (i.e. quadruple bottom line).*

*To comply with all universal equity and access principles for use of the facility.*

*To foster community building, community development and social cohesion*

**Kuranda Community Precinct  
Terms of Reference for Committee**

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*(including networks, sharing of resources, etc).*

*To maintain a Community Commons as an agreed physical space and shared place for civic and community activity to take place.*

*To encourage partnerships with external agencies that value add to the facility's effectiveness and place in the work, especially regional, state and federal agencies.*

*To honour the past use of the facility in its new future role to develop Kuranda and district as a "learning community" with a growing commitment to lifelong learning.*

*To honour the "non-commercial" aspirations expressed by the community; to look for partnerships and future directions with simpatico community values.*

*To set criteria and measure success.*

*To ensure a strategic approach to future planning is adopted, however not negating the need to develop strategies for more immediate short term use of the facility will occur.*

*To ensure that the current context, usage patterns and location of community facilities will be considered and other facilities currently available in the local area are not disadvantaged.*

**6. Administrative support**

Staff from the Community Wellbeing Group of Mareeba Shire Council will provide administration and secretarial support to the Committee.

## INFRASTRUCTURE SERVICES

### TECHNICAL SERVICES

**ITEM-15**                      **APPLICATION TO PERMANENTLY CLOSE AN AREA OF ROAD SEPARATING LOT 1 ON MPH33390 AND LOT 21 ON AP21242 - CHILLAGOE**

**MEETING:**                      Ordinary

**MEETING DATE:**              1 June 2016

**REPORT OFFICER'S TITLE:**                      Technical Officer - Investigations

**DEPARTMENT:**                Infrastructure Services, Technical Services Group

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#### EXECUTIVE SUMMARY

*Correspondence has been received from David G. Hannay Solicitor acting on behalf of Marmalo Pty Ltd seeking Council's position on an application to permanently close an area of road separating Lot 1 on MPH33390 and Lot 21 on AP21242, Chillagoe. It is understood the request for closure is to return the road to contiguous land with the applicant's freehold land (Lot 1 on MPH33390) thus satisfying a Department of Natural Resources and Mines (DNRM) stipulation that the applicant be a contiguous land holder, to be considered in a current application for the purchase of Lot 21 on AP21242.*

#### OFFICER'S RECOMMENDATION

"That Council advise David G. Hannay Solicitor acting on behalf of Marmalo Pty Ltd that it has no objection to the permanent road closure as detailed in their letter dated 12 April 2016".

#### BACKGROUND

The applicant seeks Council's position regarding the application for the closure of a section of road reserve in Chillagoe, previously Lot 19 on USL21077 (See Attachment 1), which was converted from unallocated state land to road reserve by DNRM (See Attachment 2).

Closure of the road will essentially reverse the current configuration to the previous, enabling the applicant to comply with the requirement of DNRM. This requirement is that the applicant who wishes to purchase Lot 21 on AP21242, be a contiguous land holder.

The applicant wishes to apply to DNRM to close the reserve and incorporate into the adjoining freehold allotment being Lot 1 on MPH33390 thus providing the link to Lot 21.

Private access tracks exist through the area however these are not maintained by Council and there are no current plans to use this section of road reserve.

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**LINK TO CORPORATE PLAN**

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

**CONSULTATION***Internal*

Manager Technical Services  
Subdivisions / Assets Officer Infrastructure Services

*External*

Nil

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Nil

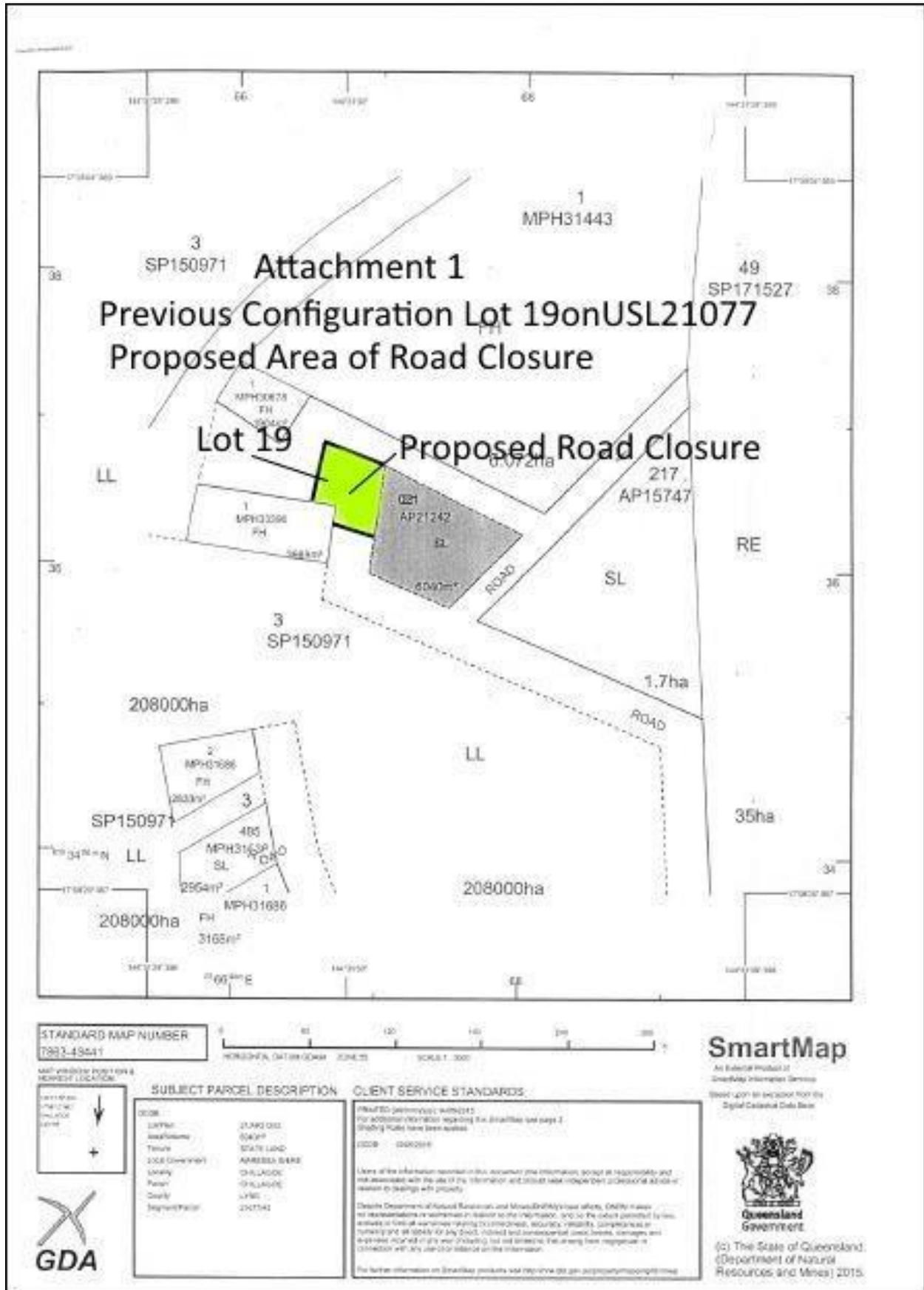
**IMPLEMENTATION/COMMUNICATION**

Following publication of Council minutes prepare and send communication to David G. Hannay Solicitor acting on behalf of Marmalo Pty Ltd advising of Council's decision.

**ATTACHMENTS**

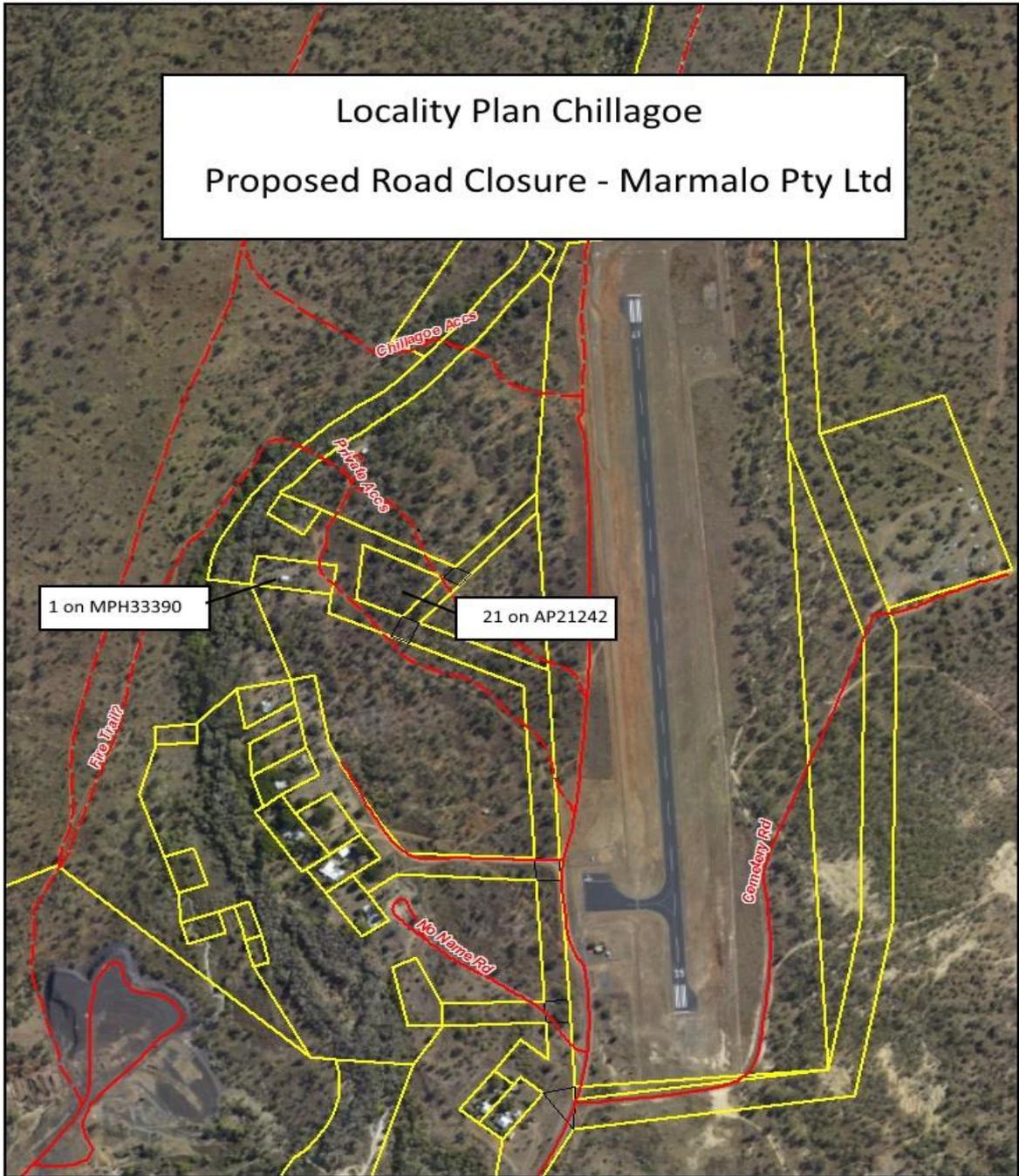
1. Previous Configuration Lot 19 on USL212077 and Proposed Road Closure Area;
2. Current Configuration Previous Lot 19 on USL212077 now Road Reserve;
3. Locality Plan Chillagoe;
4. David G. Hannay cover letter to Council dated 12 April 2016;
5. DNRM email to David G. Hannay advising of Lot 19 on USL212077 now Road Reserve;
6. DNRM letter to David G. Hannay inviting consideration to apply for road closure.

**Date Prepared:** 20/05/2016





**Locality Plan Chillagoe- Proposed Road Closure- Marmalo Pty Ltd**



David G. Hannay Pty Ltd  
ACN 126 896 240 t/a

**DAVID G. HANNAY**  
Solicitor & Notary Public

Our Ref: 130174  
Your Ref: Mr Val Shannon



*P ROA-CLO-AIR*  
*B-S-*  
SUITES 25 & 26  
THE CONSERVATORY  
12 - 14 LAKE ST  
CAIRNS QLD 4870

PO BOX 6106  
CAIRNS QLD 4870

**TELEPHONE:** (07) 4052 0600  
**FACSIMILE:** (07) 4041 0833  
**EMAIL:** dhannay@hanlaw.com.au

12<sup>th</sup> April 2016

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

Dear Sir,

**RE DNRM APPLICATION FOR PURCHASE OF LOT 21 ON AP21242- Marmalo Pty Ltd**

We act for Marmalo Pty Ltd. Our client applied to purchase the freehold of Lot 21 on AP 21242 on 1<sup>st</sup> April 2014. By letter dated 16<sup>th</sup> September 2015, DNRM advised *"that it could not support a favourable determination on your client's application on the following grounds,"* and those grounds were:-

1. Our client was not a contiguous land holder.
2. Other people would be interested in the property.
3. Our client did not hold a significant interest in the land before it became unallocated state land.
4. Our client did not meet the final criteria that *"there is no dedicated access and the only practical access is through the applicant's land."*

Our client responded to the DNRM letter of 16<sup>th</sup> September 2015 on 19<sup>th</sup> October 2015. The letter of 16<sup>th</sup> September 2015 is complex, but the main objection of DNRM *"appears"* to be that the land our client applied to purchase is not contiguous with our client's freehold block [ Lot 1 on Crown Plan MPH 33390]. All DNRM issues were dealt with in our letter of 19<sup>th</sup> October 2015 but, in summary, the main issue was the *"contiguous land"* issue and our client's response to that was:-

1. When our client purchased the freehold to Lot 1 on Crown Plan MPH 33390, it took over the pending application for a Permit to Occupy of the contiguous land (Lots 19 & 21 on USL 21077). The Permit to Occupy was granted on 14<sup>th</sup> September 2012.
2. The Permit to Occupy was granted in respect to Lot 21 on AP 21242, which was no longer contiguous with our client's freehold.
3. Lot 21 on AP 21242 ceased to be contiguous with our client's freehold as a result of DNRM's actions confirmed in an email to us of 19<sup>th</sup> July 2012, whereby DNRM had unilaterally changed the status of the land the subject of our client's Permit to Occupy Application from Lots 19 & 21 on USL 21077 to Lot 21 on AP 21242. DNRM then claimed the previous Lot 19 on USL 21077 became a dedicated road.
4. The change in status above was not referred to our client for input. The unilateral change to our client's Permit to Occupy Application changed our client's application in respect to the contiguous land to land which was not contiguous, without our client's consent.

12<sup>th</sup> April 2016  
Mareeba Shire Council

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DNRM now claim that because the land our client subsequently applied to freehold is not contiguous, then DNRM would not support our client's application.

DNRM responded to our letter of 19<sup>th</sup> October 2015 on 4<sup>th</sup> March 2016, inviting our client to submit an application for permanent road closure over the area of road separating Lot 1 on MPH 33390 (our client's freehold) and Lot 21 on AP 21242 (our client's Permit to Occupy). This area road is in fact the old Lot 19 on USL 20177, which was part of the original Permit to Occupy application which DNRM unilaterally changed without our client's consent.

As pointed out in the DNRM letter to us of 4<sup>th</sup> March 2016, an application for permanent road closure requires "evidence the road manager (Mareeba Shire Council) supports the application." The purpose of this letter is to seek such evidence of support.

We apologise for the convoluted approach of this letter, but the matter began in April 2011 and has been made more complex by actions taken without our client's input or understanding. The **enclosed** correspondence referred to above should be read in the context of the following history (where we provide the enclosures to the letters and the actual letters).

History:-

1. Our client embarked on a proposal to purchase Lot 1 on MPH 33390 in April 2011. On 13<sup>th</sup> April 2011, we received an email from DNRM (copy **enclosed**) advising "that once the transfer has been registered for the adjoining property (Lot 1 on MPH33390) that the application to lease (Permit to Occupy) over Lots 19 & 21 on USL 21077 is able to continue in the purchasers names." Please note the words used "...THE ADJOINING PROPERTY..." Copy of Smart Map showing our client's freehold (Lot 1 on MPH 33390) and the land subject to the Permit to Occupy Application (Lots 19 & 21 on USL 21077) is **enclosed**. Copy further plan showing township of Chillagoe and the subject land next to Chillagoe Airport is also **enclosed**.
2. On 4<sup>th</sup> May 2011, the transfer to our client of the freehold to Lot 1 on Crown Plan MPH 33390 was registered at DNRM (copy Registration Confirmation Statement **enclosed**).
3. We followed up DNRM email of 13<sup>th</sup> April 2011 with subsequent email exchange of 28<sup>th</sup> April 2011 - 20<sup>th</sup> May 2011 (copy **enclosed**).
4. On 19<sup>th</sup> July 2012, we received an email from DNRM (copy **enclosed**), the full significance of this email not being understood (see paragraph 2(c) of our letter to DNRM of 19<sup>th</sup> October 2015, referred to earlier and **enclosed** later herein) until DNRM letter of 16<sup>th</sup> September 2015 advising of DNRM's failure to support our client's application to purchase Lot 21 on AP 21242. The DNRM email of 19<sup>th</sup> July 2012 advises that Lots 19 & 21 on USL 21077 had "changed" status to Lot 21 on AP 21242 and a dedicated road. Copy Plan 21242 is **enclosed**, showing change of status to land the subject of the Permit to Occupy Application and effectively changing the Permit to Occupy land from contiguous land to non-contiguous land in respect to our client's freehold.
5. We replied to DNRM email of 19<sup>th</sup> July 2012 on 24<sup>th</sup> July 2012 (copy **enclosed**).
6. Permit to Occupy was granted to our client by DNRM letter (and enclosure) of 14<sup>th</sup> November 2012 (copy **enclosed**).
7. On 1<sup>st</sup> April 2014, our client applied to purchase Lot 21 on AP 21242.
8. On 16<sup>th</sup> September 2015, DNRM advised "that it could not support a favourable determination on your client's application on the following grounds: ..." A copy of this letter is **enclosed**.
9. On 19<sup>th</sup> October 2015, we responded to DNRM letter of 16<sup>th</sup> September 2015. A copy of our letter of 19<sup>th</sup> October 2015 [outlining responses to all DNRM concerns] is **enclosed**.

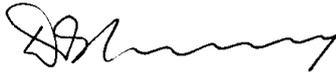
12<sup>th</sup> April 2016  
Mareeba Shire Council

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10. DNRM responded to our letter of 19<sup>th</sup> October 2015 on 4<sup>th</sup> March 2016. Copy letter of DNRM of 4<sup>th</sup> March 2016 is **enclosed**. This letter of 4<sup>th</sup> March, 2016 invites our Client to submit an Application for Permanent Road Closure [ with the necessary consent of Mareeba Shire Council ], the effect of which Application, if granted, will return the dedicated road to contiguous land with our Client's freehold. This then satisfies a condition to allow our Client to purchase Lot 21 on AP 21242. This would return the road land to the status quo as it existed before DNRM changed the status of the land previously described as Lot 19 on USL 21077 to dedicated road without our Client's knowledge , consent or understanding. If the road is closed, it will also require our Client to amend its Application to Purchase Lot 21 on AP by including the contiguous road land.

Would you please consider the above material and advise Council's position in regard to the required letter of support for our client's proposed Application for Permanent Road Closure (in respect to what was the old Lot 19 on USL 21077). Our client would appreciate the opportunity to discuss this matter with you. We await your advices.

Yours faithfully  
**David G Hannay**



Encls.

Individual liability limited by a scheme approved under professional standards legislation.

**David Hannay**

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**From:** Jones, Sharelle [Sharelle.Jones@dnrm.qld.gov.au]  
**Sent:** Thursday, 19 July 2012 12:50 PM  
**To:** David Hannay  
**Subject:** FW: 2009/004190- Marmalo P/L  
**Attachments:** 2009 004190 AP21242.gif

**Importance:** High

Good afternoon David,

Further to the email advice below and during compilation of the submission, advice has been received from the Department's Cartography Unit that the Mapping Data (DCDB) for Lots 19 and 21 on USL21077 had not been updated. The data has now been updated and reflected on the attached plan AP21242.

The area of unallocated State land available for your client's Permit to Occupy application is shown as Lot 21 on AP21242. The remaining area previously shown as Lot 19 on USL21077 is in fact dedicated road.

Should your client wish to create a fire break on the road area severing Lot 21 on AP21242 and freehold Lot 1 on MPH33390, you will be required to refer this matter directly to the Tablelands Regional Council as managers of the road (under the *Local Government Act 2009*) for its decision and response in that regard. Please note that Tenure under the *Land Act 1994* is not required for creation of a fire break on dedicated road.

The Department would like to apologise for any further delays in a decision being made on your clients application, due to the mapping data change.

Due to this change, your client's advice is requested please, on whether the application for permit to occupy is still required over the new area described as Lot 21 on AP21242.

If you have any questions, please let me know.

Kind regards,

**Sharelle Jones**

Land Administration Officer

State Land Asset Management

5 Mabel Street, Atherton QLD 4883

**Telephone:** 07 4095 7025 **Facsimile:** 07 4799 7533

**QNET:** 17025

**Mailing and Email Addresses:**

State Land Asset Management

PO Box 5318

TOWNSVILLE QLD 4810

**Email:** [Townsville.SLAMS@dnrm.qld.gov.au](mailto:Townsville.SLAMS@dnrm.qld.gov.au)

**From:** Jones Sharelle  
**Sent:** Wednesday, 11 July 2012 9:40 AM  
**To:** 'David Hannay'  
**Subject:** RE: 2009/004190- Marmalo P/L



Author: Sharelle Jones  
File/Ref number: 2014/0001989  
Directorate/Unit: State Land Asset Management  
Telephone: 07 4095 7025



Queensland  
Government

Department of  
**Natural Resources and Mines**

04 March 2016

Marmalo Pty Ltd as Trustee for the MG Family Trust  
C/- David G Hannay Pty Ltd  
Email to: dhannay@hanlaw.com.au

Dear Mr Hannay

**APPLICATION FOR PURCHASE OF LOT 21 ON AP21242, PARISH OF CHILLAGOE  
APPLICANT: MARMALO PTY LTD AS TRUSTEE FOR THE MG FAMILY TRUST**

Reference is made to previous correspondence (including Natural Justice provisions) regarding the above matter, and your clients application received on 03 April 2014.

The Department would like to extend the opportunity for a period of two (2) months from the date of this letter, to your client to consider making an application for permanent road closure over the area of road separating Lot 1 on MPH33390 and Lot 21 on AP21242. Should an application for road closure be made within this period, the current application to purchase Lot 21 on AP21242 will remain on pending (on hold) until such time as a decision is ready to be made on both cases simultaneously.

If a road closure application is not received within 2 months from the date of this letter, the department will finalise your client's application to purchase Lot 21 on AP21242.

If you wish to discuss this matter please contact Sharelle Jones, Land Administration Officer on PH: (07) 4095 7025.

An application for permanent road closure must include evidence the road manager (Mareeba Shire Council) supports the closure.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to [Townsville.SLAMS@dnrm.qld.gov.au](mailto:Townsville.SLAMS@dnrm.qld.gov.au). Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2014/001989 in any future correspondence.

Yours sincerely



Sharelle Jones  
**Land Administration Officer**  
**State Land Asset Management**  
**Service Delivery - North Region**

Postal:  
Natural Resources and Mines  
PO Box 5318  
TOWNSVILLE Qld 4810

Telephone : (07) 4095 7025  
Fax: (07) 4447 9199

## **BUSINESS WITHOUT NOTICE**

## **NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00 am on Wednesday 1 June 2016