



Ordinary Meeting

Council Chambers

Date: 20 July 2016

Time: 9:00am

AGENDA

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

PETER FRANKS
CHIEF EXECUTIVE OFFICER

ORDER OF BUSINESS

MEMBERS IN ATTENDANCE

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

BEREAVEMENTS/CONDOLENCES

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST

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

ITEM-1 **G SEARLE - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 22 ON SP227510 - 37 COBRA ROAD, MAREEBA - DA/16/0035**

MEETING: Ordinary

MEETING DATE: 20 July 2016

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

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	G Searle, on behalf of WR & R Blundell	ADDRESS	37 Cobra Road, Mareeba
DATE LODGED	27 June 2016	RPD	Lot 22 on SP227510
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

FILE NO	DA/16/0035	AREA	81.2940 hectares
LODGED BY	G Searle	OWNER	WR & R Blundell
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

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

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

The application and supporting material has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy, and the Mareeba Shire Planning Scheme (including codes and policies) and is in conflict with provisions contained within the Mareeba Shire Planning Scheme Part 4 Division 14 - Rural Zone Code.

Proposed Lot 1, at 13.6 hectares in area, is significantly smaller than the desired minimum reconfigured lot size of 60 hectares for land within the Rural zone (where containing GQAL).

The application will result in the fragmentation of good quality agricultural land.

It is recommended that the application be refused.

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	G Searle, on behalf of WR & R Blundell	ADDRESS	37 Cobra Road, Mareeba
DATE LODGED	27 June 2016	RPD	Lot 22 on SP227510
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

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

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

(A) **REFUSED DEVELOPMENT:** Development Permit for Reconfiguring a Lot - Subdivision (1 lot into 2 lots)

(B) **ASSESSMENT MANAGER'S REASONS FOR REFUSAL:**

1. The proposed development is in conflict with Part 4, Division 14, 4.77 Overall Outcomes for Rural Zone Code:
 - (c) where good quality agricultural land is protected from fragmentation and alienation, not developed for purposes other than agricultural and support uses, and is protected from incompatible land uses in accordance with SPP1/92;
2. The proposed development is in conflict with Part 4, Division 14, Rural Zone Code:
 - 4.80 Reconfiguring a Lot
 - S1 The viability of the farming industry throughout the Shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised.

PS1.1 Allotments to have a minimum area of 60 hectares and road frontage of 300 metres within the area identified on Agricultural Land Quality Maps S2, S3, S4, S5; or

3. The proposed development is in conflict with land use policy 2.6.1 of the Far North Queensland Regional Plan 2009-2031.
4. That there are not sufficient grounds to justify approval, despite the identified conflicts."

THE SITE

The subject land is described as Lot 22 on SP227510, Parish of Tinaroo, County of Nares, situated at 37 Cobra Road, Mareeba.

The land has an area of 81.294 hectares with frontages of approximately 285 metres to Tinaroo Creek Road and 710 metres to Cobra Road. Both roads are bitumen sealed for their entire frontage with the subject land.

Extensive agriculture and horticulture activities are carried out over the majority of the subject land's 81.2 hectares. These include sugarcane cropping and several fruit tree orchards.

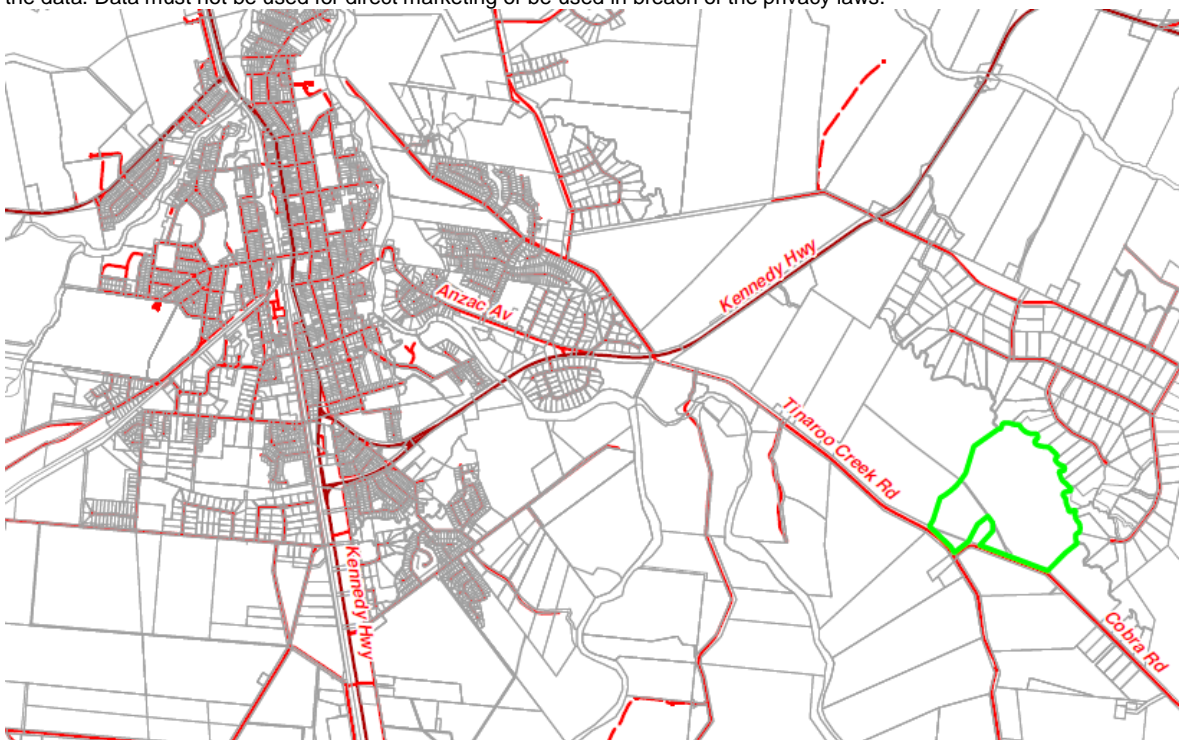
A farm residence, manager's residence and multiple farm sheds are established on the land. The majority of the subject land has been cleared for farming purposes, with a narrow belt of remnant vegetation remaining along Cobra Creek. Cobra Creek forms the north-eastern boundary of the subject land.

Adjoining properties are used for various rural purposes including agriculture, grazing and rural living. The Emerald Heights rural residential estate is located immediately to the east on the opposite side of Cobra Creek.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

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

The details of the proposed allotments are as follows:

- Lot 1 - 13.64 hectares, 285 metres frontage to Tinaroo Creek Road and 144 metres to Cobra Road;
- Lot 22 - 67.74 hectares, 566 metres frontage to Cobra Road.

Access to proposed Lot 22 will continue via the existing property accesses off Cobra Road. Access to the manager's residence within proposed Lot 1 is currently shared with the Endeavour Foundation's Lot 437 on SP227510. This shared access arrangement would continue for proposed Lot 1.

The reconfiguration will separate proposed Lot 1, containing a 2200 lime tree orchard, along the internal boundary formed by an existing easement. The lime tree orchard has been established since 2011 and is not shown on Council aerial imagery.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

Both of these areas are established along the banks of Cobra Creek and would be unaffected by the proposed development.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Mareeba Dimbulah Irrigation Area
Zone:	Rural zone
	Natural & Cultural Heritage Features Overlay
Overlays:	Airport & Aviation Facilities Overlay
	Natural Disaster Bushfire Overlay

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

Assessment against the Regional Plan is required because the plan is not reflected in the planning scheme.

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

DRO 2.6 Rural Subdivision			
Land Use Policy		Complies	Comments
2.6.1	<i>Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.</i>	×	<p>The subject land is identified as GQAL under the Mareeba Shire Planning Scheme 2004 and Class A agricultural land under the Mareeba Shire Council Planning Scheme 2016.</p> <p>The proposed reconfiguration would result in Lot 1 having an area of 13.6422 hectares and Lot 22 having an area of 67.7478 hectares. Proposed Lot 1 at 13.6 hectares falls well below the 60-hectares measure of viability.</p> <p>The applicant advises as follows:</p> <p><i>"Proposed Lot 1 contains 2,200 lime trees coming into full production, which is at least 4 times the size of the average lime farm in the district. It has 80megs of water, a dam, pumps and injector for irrigation and a new manager's residence. It is very much a viable rural property and has been valued at \$800,000-\$900,000 accordingly."</i></p> <p><i>The proposed development complies for the following reasons:</i></p> <ol style="list-style-type: none"> <i>1. Existing operations. The fact that the current farming activities on the proposed new lots are currently running separately shows that there is a capacity for both rural businesses to run profitably. I would like to note that on proposed Lot 1 there is currently no packing shed, but this can be resolved with minimal fuss/disruption .The packing shed on proposed Lot 22 is currently used for all packing activities.</i> <i>2. Farm viability. Both lots resulting from this subdivision will have sufficient size, water allocation, infrastructure and soil quality to be a viable farming unit in its own right.</i> <i>3. Future Opportunities. Because of the size of proposed lot 1, its future potential would not include some crops where more land would be required for viability; however, given its size, water allocation, infrastructure and soil there would still be quite a large variety of crops that would be suitable and viable. It is therefore argued that neither of the proposed blocks be considered constrained in terms of their future farming potential.</i>

DRO 2.6 Rural Subdivision		
Land Use Policy	Complies	Comments
2.6.1 Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.	×	<p>The three points above show that the proposed development results in viable rural allotments that will not significantly constrain future farming opportunities and therefore comply with this performance outcome."</p> <p>The Queensland Department of Agriculture and Fisheries (DAF) provides the following information on their website:</p> <p>https://www.daf.qld.gov.au/plants/fruit-and-vegetables/fruit-and-nuts/citrus/faqs-about-citrus/faqs-about-planting-citrus</p> <p>"What is an economical area of citrus to grow?"</p> <p><i>If growing citrus is to be your sole source of income, then you need a minimum of 18 to 20 hectare of trees. Space for roads, houses, sheds and fences is extra. A farm size of about 50 hectares is recommended to allow the planting of replacement blocks every ten years or so and the introduction of new varieties. If you intend to become an individual exporter, then a minimum of 50 hectares is generally required."</i></p> <p>The total area of proposed Lot 1 is 13.6-hectares. This area is 75% of the minimum economical area of citrus trees suggested by DAF. The 13.6 hectare area does not allow for the planting of replacement blocks of citrus trees as further suggested by DAF.</p> <p>Whilst the established lime tree orchard may be viable at present, these trees are likely to require replacement at some point in the future and when this occurs, the viability of the 13.6-hectare orchard is questionable.</p> <p>The proposed reconfiguration is in conflict with 2.6.1.</p>

(b) State Planning Policy

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

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

Queensland State Planning Policy - July 2014		
State Interest	Complies	Assessment Requirements & Comments
Natural hazards A development application for a material change of use, reconfiguring a lot or operational works on land within: (1) a flood hazard area, or (2) a bushfire hazard area, or (3) a landslide hazard area, or (4) a coastal hazard area.	N/A/✓/x	For all natural hazards: Development: (1) avoids natural hazard areas or mitigates the risks of the natural hazard, and (2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and (3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and (4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and (5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and Comment The subject site is not situated within a natural hazard area for flood or landslide. The subject site is mapped as being within a medium bushfire hazard area. The development can be reasonably conditioned to minimise the risk from bushfire.

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

Relevant Development Codes

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

- | | |
|---------------------|--------------------------|
| Part 4, Division 14 | Rural Zone Code |
| Part 6, Division 12 | Reconfiguring a Lot Code |

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application would conflict with the identified sections of the Rural Zone Code.

Relevant Codes	Comments
Rural zone code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none">▪ 4.80 Reconfiguring a Lot - Probable Solution PS1.1 Refer to planning discussion section of the report.
Reconfiguring a lot code	The application complies with applicable acceptable/probable solutions/performance criteria.

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

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

The applicant advises that both allotments would have a water allocation.

No. 4 - Development Manual

Any development works would be conditioned to comply with the FNQROC Development Manual.

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

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

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

Both proposed allotments would contain an established residence. Therefore, no additional infrastructure contribution would be applicable.

REFERRALS**Concurrence**

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

Advice

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

Internal Consultation

Technical services

PLANNING DISCUSSION

Noncompliance with the overall outcomes and relevant acceptable solutions or probable solutions/performance criteria of the following Codes are summarised as follows:

Overall Outcomes for Rural Zone code:

- (c) *where good quality agricultural land is protected from fragmentation and alienation, not developed for purposes other than agricultural and support uses, and is protected from incompatible land uses in accordance with SPP1/92;*

Specific outcomes and probable solutions for the Rural Zone:**4.80 Reconfiguring a Lot**

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

PS1.1 *Allotments to have a minimum area of 60 hectares and road frontage of 300 metres within the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5.*

Comment

The subject land is identified as GQAL under the Mareeba Shire Planning Scheme 2004 and Class A agricultural land under the Mareeba Shire Council Planning Scheme 2016.

The proposed reconfiguration would result in Lot 1 having an area of 13.6422 hectares and Lot 22 having an area of 67.7478 hectares. Proposed Lot 22 complies with PS1.1.

Proposed Lot 1 at 13.6-hectares falls well below PS1.1's 60-hectares measure of viability.

The applicant advises as follows:

"Proposed Lot 1 contains 2,200 lime trees coming into full production, which is at least 4 times the size of the average lime farm in the district. It has 80megs of water, a dam, pumps and injector for irrigation and a new manager's residence. It is very much a viable rural property and has been valued at \$800,000-\$900,000 accordingly."

The proposed development does not comply with the acceptable solution for lot size; however, it does comply with the performance criteria for the following reasons:

- 1. Existing operations. The fact that the current farming activities on the proposed new lots are currently running separately shows that there is a capacity for both rural businesses to run profitably. I would like to note that on proposed Lot 1 there is currently no packing shed, but this can be resolved with minimal fuss/disruption. The packing shed on proposed Lot 22 is currently used for all packing activities.*
- 2. Farm viability. Both lots resulting from this subdivision will have sufficient size, water allocation, infrastructure and soil quality to be a viable farming unit in its own right.*

3. *Future Opportunities. Because of the size of proposed lot 1, its future potential would not include some crops where more land would be required for viability; however, given its size, water allocation, infrastructure and soil there would still be quite a large variety of crops that would be suitable and viable. It is therefore argued that neither of the proposed blocks be considered constrained in terms of their future farming potential.*

The three points above show that the proposed development results in viable rural allotments that will not significantly constrain future farming opportunities and therefore comply with this performance outcome."

The Queensland Department of Agriculture and Fisheries (DAF) provides the following information on their website:

<https://www.daf.qld.gov.au/plants/fruit-and-vegetables/fruit-and-nuts/citrus/faqs-about-citrus/faqs-about-planting-citrus>

"What is an economical area of citrus to grow?"

If growing citrus is to be your sole source of income, then you need a minimum of 18 to 20 hectare of trees. Space for roads, houses, sheds and fences is extra. A farm size of about 50 hectares is recommended to allow the planting of replacement blocks every ten years or so and the introduction of new varieties. If you intend to become an individual exporter, then a minimum of 50 hectares is generally required."

The total area of proposed Lot 1 is 13.6-hectares. This area is 75% of the minimum economical area of citrus trees suggested by DAF. The 13.6 hectare area does not allow for the planting of replacement blocks of citrus trees as further suggested by DAF.

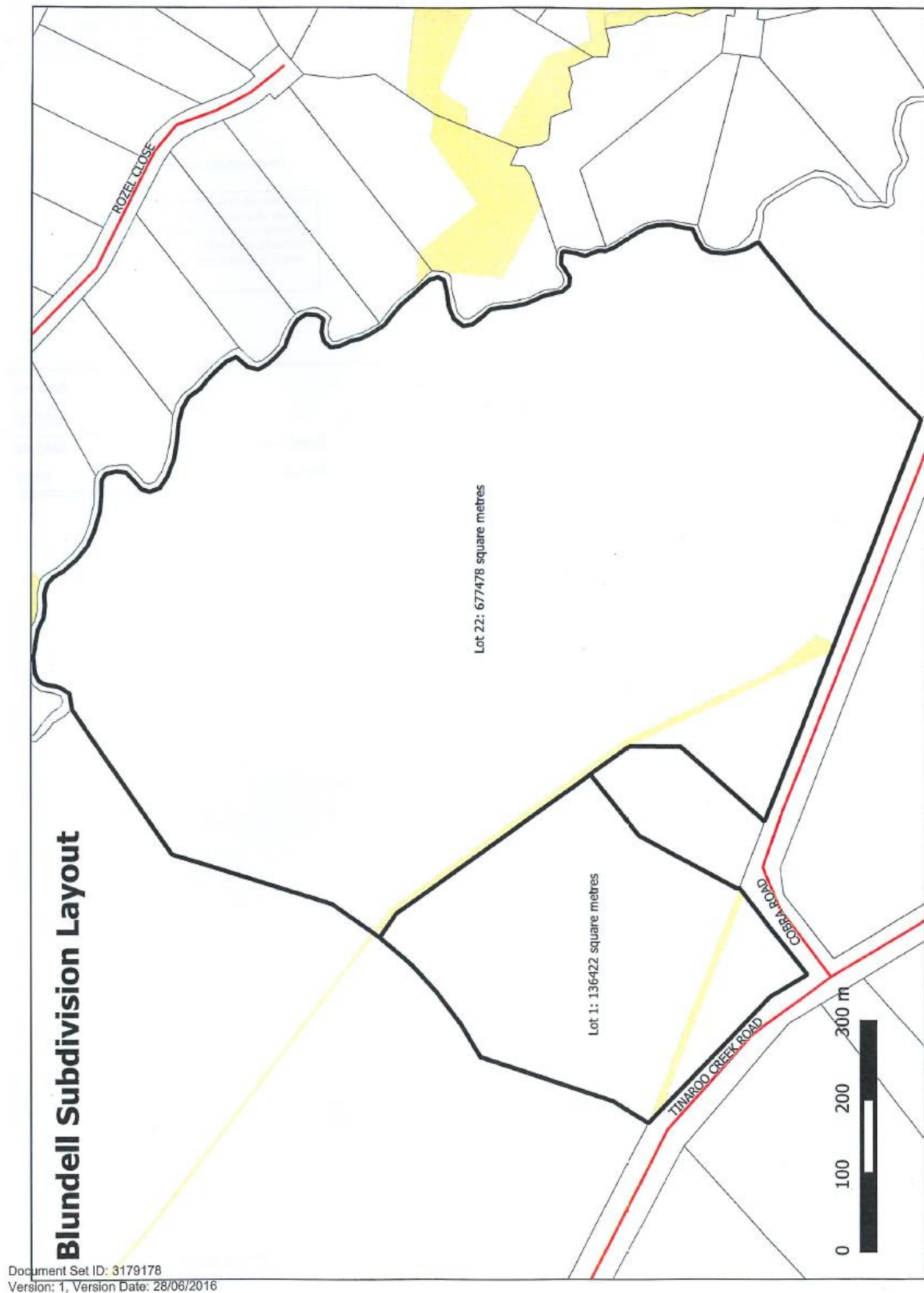
Whilst the established lime tree orchard may be viable at present, these trees are likely to require replacement at some point in the future, and when this occurs, the viability of the 13.6-hectare orchard is questionable.

The proposed development conflicts with Overall Outcome (c) and Specific Outcome S1, and it is therefore recommended the application be refused.

Date Prepared: 7 July 2016

ATTACHMENT 1

APPROVED PLANS (ECM VS 3816522)



ITEM-2 **C & A MURIE - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 4 ON RP726331 AND EASEMENTS A & B ON SP226638 - 7A & 7B BLACK MOUNTAIN ROAD & SHIVA CLOSE, KURANDA-DA/16/0032**

MEETING: Ordinary

MEETING DATE: 20 July 2016

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	C & A Murie	ADDRESS	7A & 7B Black Mountain Road and Shiva Close, Kuranda
DATE LODGED	17 June 2016	RPD	Lot 4 on RP726331 and Easements A & B on SP226638
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

FILE NO	DA/16/0032	AREA	4.609 Ha
LODGED BY	Planz Town Planning	OWNER	C & A Murie
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

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

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

The applicants propose the subdivision of the site into two (2) allotments, creating a 9,650m² allotment and 3.095-hectare allotment. The subdivision will separate the site's two (2) existing dwellings. Both lots and their respective dwellings will continue to be accessed via the site's existing access arrangements from Shiva Close through Easements A & B on SP226638.

The application and supporting material has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy and the Mareeba Shire Planning Scheme 2004 (including codes and policies), and is in conflict with the Rural Zone codes minimum resultant lot size of 30 hectares (where not GQAL).

Despite this conflict, there are considered to be sufficient planning grounds to approve the development as follows:

- The subject land and surrounding allotments are heavily forested with no agricultural potential;*
- The proposed reconfiguration would separate the sites two (2) existing dwellings and would not create any additional vacant allotments;*
- As no additional vacant allotments would be created, the development will not result in additional environmental impacts, nor result in an ad-hoc increase in demand on Council's road network; and*
- A rural residential use of both proposed lots would be consistent with the subject land's rural residential zoning under the new Mareeba Shire Council Planning Scheme.*

The key issue with the proposed development is ensuring each proposed allotment is individually serviced with regards to town water, access, electricity, and telecommunications. It is considered this issue can be adequately addressed through conditions of approval.

Draft conditions were provided to the applicant care of their consultant and have been accepted.

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

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	C & A Murie	ADDRESS	7A & 7B Black Mountain Road and Shiva Close, Kuranda
DATE LODGED	17 June 2016	RPD	Lot 4 on RP726331
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

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

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

And

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

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p>Rural Zone Code 4.80 Reconfiguring a Lot</p> <p>PS1.2 - Allotments to have a minimum area of <u>30 hectares</u> 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 subject land and surrounding allotments are heavily forested with no agricultural potential;</i></p> <p><i>The proposed reconfiguration would separate the sites two (2) existing dwellings and would not create any additional vacant allotments;</i></p> <p><i>As no additional vacant allotments would be created, the development will not result in additional environmental impacts, nor result in an ad-hoc increase in demand on Council's road network and water supply infrastructure; and</i></p> <p><i>A rural residential use of both proposed lots would be consistent with the subject land's rural residential zoning under the new Mareeba Shire Council Planning Scheme.</i></p>

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 Lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Proposed Lots 1 and 2 Cancelling Lot 4 on RP726331	Planz Town Planning	15 June 2016

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

- to ensure compliance with the following conditions of approval.

2. Timing of Effect

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

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the additional payment condition/s within these conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved otherwise by Council's delegated officer.
- 3.5 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance of any existing buildings or structures that are in close proximity to any new property boundary must be submitted prior to endorsement of the plan of survey.
- 3.6 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.7 Flood Immunity

All new buildings must be located such that the freeboard of the floor levels of all habitable rooms are a minimum of 300mm above the 100 ARI year level.
- 3.8 No filling is to occur below the 100 ARI flood level unless approved in further Operational Works applications for works associated with the approved conditions of development.

3.9 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

Any future access to Lot 2 directly off Black Mountain Road must be constructed (from the edge of the road pavement to the property boundary) in accordance with FNQROC Development Manual standards, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage

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

4.3 Water Supply

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

4.4 On-Site Wastewater Management

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

4.5 Electricity Provision/Supply

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

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

4.6 Telecommunications

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

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

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

5.2 The developer must pay \$5,475.00 for each additional allotment as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

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

- The trunk water infrastructure servicing the land (\$5,475.00)

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

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

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

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Water Meters/Water Service Connection

Prior to the water service connection works commencing, a Water Quotation, Connection, Disconnection Request must be lodged with Council. The cost of the required water connection will be determined based upon the assessment of the Water Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

(c) Easement Documents

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

(d) Endorsement Fees

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

(e) Compliance with applicable codes/policies

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

(f) Notation on Rates Record

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

- flood immunity

(g) Environmental Protection and Biodiversity Conservation Act 1999

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

(h) Cultural Heritage

In carrying out the activity, the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural

heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au

(E) RELEVANT PERIOD

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

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

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

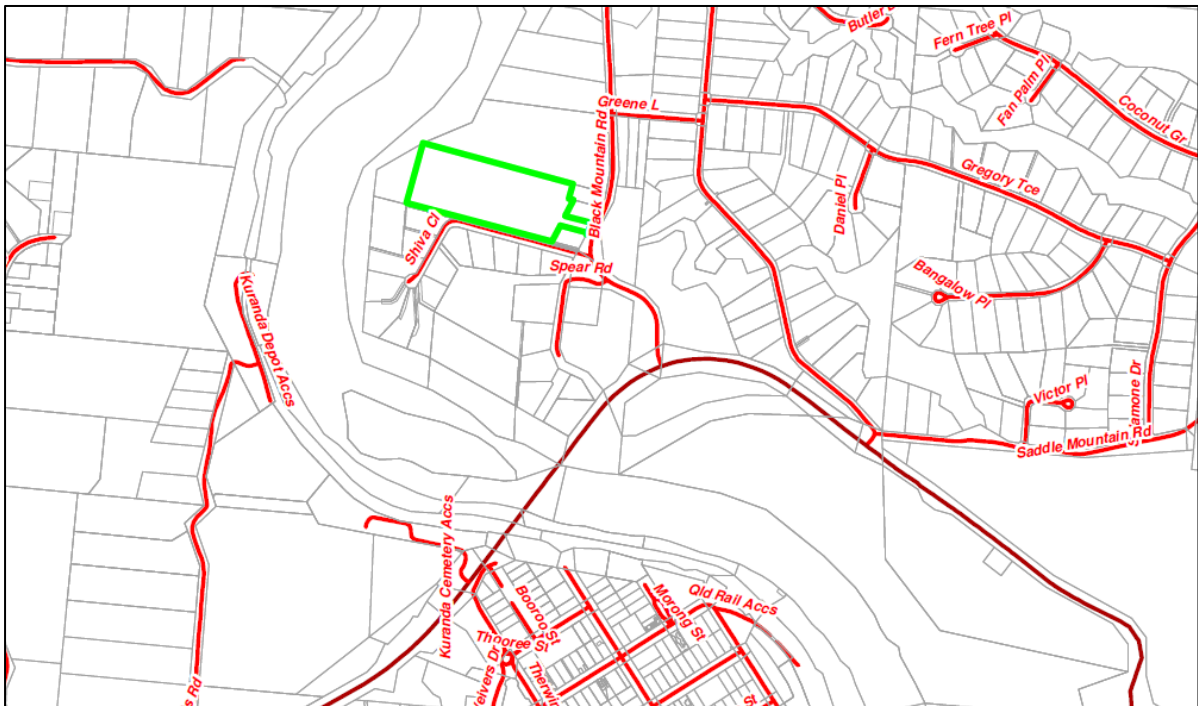
THE SITE

The subject site is situated along Black Mountain Road Kuranda and is described as Lot 4 on RP726331. The site is generally regular in shape with a total area of 4.609 hectares and is zoned Rural under the Mareeba Shire Planning Scheme 2004.

The site contains approximately 31 metres of frontage to Black Mountain Road which is constructed to bitumen sealed standard for the full length of this frontage. Access to the site is not gained from Black Mountain Road. Instead, the site is accessed from Shiva Close via reciprocal access easements A and B on SP226638, which are established over the access handles of Lots 1 on RP724696 and Lot 1 on RP725539, situated adjacent the subject site. These two (2) easements form part of the application for access purposes only. A shared bitumen/asphalt sealed access road of approximate width of three (3) metres has been established over the two (2) easements. Shiva Close is constructed to bitumen sealed standard from kerb to kerb.

The site is predominantly covered in thick mature rainforest vegetation with the exception of a small portion of land in the south-west corner of the site. This cleared area contains the sites improvements which include two dwellings, one being a smaller cottage.

The site is connected to Council's reticulated water supply as well as electricity and telecommunications infrastructure. Allotments surrounding the site are zoned a mixture of Rural and Rural Residential and are used for rural lifestyle purposes with no agricultural uses known to be established in the immediate locality.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Council, at its Ordinary Meeting on 21 January 2015, approved an application made by Planz Town Planning on behalf of C & A Murie which sought a Development Permit for Material Change of Use - Host Farm (3 Cabins) on land described as Lot 4 on RP726331 and Easements A & B on SP226638 (the subject land), situated at Black Mountain Road and Shiva Close, Kuranda (DA/14/0058).

The development included the conversion of the smaller cottage into one (1) of the three (3) approved host farm cabins. The approval has been acted upon in part with the cottage currently being used as an upmarket tourist venture known as "Snuggles B & B".

It is understood the applicants/landowners wish to discontinue the bed and breakfast use and subdivide the site in two (2), separating the smaller cottage and larger dwelling.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 Lots) in accordance with the plans shown in **Attachment 1**.

The applicants propose the subdivision of the site into two allotments as follows:

- Proposed Lot 1 - total area of 9,650m², no frontage to any road; and
- Proposed Lot 2 - total area of 3.095 hectares, 31.4 metres of frontage to Black Mountain Road.

The proposed subdivision will separate the sites two existing dwellings.

Access to both proposed lots and their respective dwellings will continue via the site's existing access arrangements. Easements A & B on SP226638 contain a 3m wide bitumen and asphalt sealed driveway which runs parallel to Shiva Close.

It is understood other required services such as electricity, telecommunications and town water will also be situated within the shared easements.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing the following:

- *State & Regional Conservation Corridors*
- *Terrestrial Area of High Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Major Urban Growth Node (Kuranda)
Zone:	Rural
Overlays:	Significant Vegetation Overlay Code Natural Disaster - Bushfire Overlay

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

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

DRO 1.1 Biodiversity Conservation			
Land Use Policy		Complies	Comments
1.1.3	<i>Urban development adjacent to areas of high ecological significance (see map 3) is located, designed, operated and setback to avoid adverse impacts on the area's ecological values.</i>	✓	Both proposed lots will contain an existing dwelling. Clearing has occurred in the vicinity of both dwellings. No further vegetation clearing is proposed or required to facilitate the reconfiguration.

DRO 2.6 Rural Subdivision			
Land Use Policy		Complies	Comments
2.6.1	<i>Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.</i>	✓	The subject land is not identified as Good Quality Agricultural Land. The subject land and surrounding rural allotments are heavily forested with no agricultural potential.

(b) State Planning Policy

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

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

Queensland State Planning Policy - July 2014		
State Interest	Complies	Assessment Requirements & Comments
Biodiversity A development application where the land relates to a matter of state environmental significance, if the application is for: (a) operational work, or (b) a material change of use other than for a dwelling house, or (c) reconfiguring a lot that results in more than six lots or lots less than five hectares.	✓	Development: (1) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and (2) manages the significant adverse environmental impacts on matters of state environment significance by, in order of priority: (a) avoiding significant adverse environmental impacts, and (b) mitigating significant adverse environmental impacts where these cannot be avoided, and (c) where applicable, offsetting any residual adverse impacts. Comment Both proposed allotments will contain an established dwelling house and on-site effluent disposal system. No further vegetation clearing is proposed or required to facilitate the reconfiguration.
Natural hazards A development application for a material change of use, reconfiguring a lot or operational works on land within: (1) a flood hazard area, or (2) a bushfire hazard area, or (3) a landslide hazard area, or (4) a coastal hazard area.	✓	For all natural hazards: Development: (1) avoids natural hazard areas or mitigates the risks of the natural hazard, and (2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and (3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and (4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and (5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and Comment Both proposed allotments will contain an established dwelling house. The proposed development does not alter the number of people living or working in a natural hazard area.

(c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)**Relevant Development Codes**

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

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

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

Relevant Codes	Comments
Rural Zone Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code apart from the following: <ul style="list-style-type: none">4.80 Reconfiguring a Lot - Probable Solution PS1.1 Refer to planning discussion section of the report.
Significant Vegetation Overlay Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Natural Disaster - Bushfire Overlay Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Reconfiguring a Lot Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

No. 4 - Development Manual

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

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

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

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

The development is predicted to place additional demand on Council's trunk water infrastructure through the connection of an additional allotment.

The developer must pay \$5,475.00 (Kuranda Low Level Zone) for the one (1) additional allotment as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

The trunk infrastructure for which the payment is required is:

- The trunk water infrastructure servicing the land (\$5,475.00)

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

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

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

REFERRALS

Concurrence

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

Advice

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

PLANNING DISCUSSION

Noncompliance with the relevant acceptable/probable solutions of the following Codes are summarised as follows:

Rural Zone

Reconfiguring a Lot

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

PS1.2 *Allotments to have a minimum area of 30 hectares and road frontage of 150 metres if outside the area identified on Agricultural Land Quality Maps S2, S3, S4, and S5.*

Comment

The existing allotment has an area of 4.609 hectares, and it is therefore not possible for the proposed reconfiguration to satisfy the probable solution of 30 hectares per lot.

Specific Outcome S1 requires that any reconfiguration not compromise the viability of the farming industry, nor reduce future farming opportunities.

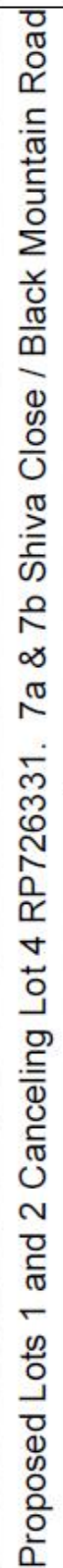
The proposed reconfiguration would satisfy Specific Outcome S1 and the following planning grounds support approval of the development:

- *The subject land and surrounding allotments are heavily forested with no agricultural potential;*
- *The proposed reconfiguration would separate the sites two existing dwellings and would not create any additional vacant allotments;*
- *As no additional vacant allotments would be created, the development will not result in additional environmental impacts, nor result in an ad-hoc increase in demand on Council's road network; and*
- *A rural residential use of both proposed lots would be consistent with the subject land's rural residential zoning under the new Mareeba Shire Council Planning Scheme.*

The development satisfies Specific Outcome S1.

Date Prepared: 5 July 2016

APPROVED PLANS (ECM Doc Set ID 3178627)



**ITEM-3 RODEO ACRES PTY LTD - RECONFIGURING A LOT -
 SUBDIVISION (1 INTO 8 LOTS) - LOT 12 ON SP146292 -
 MAREEBA-DIMBULAH ROAD, MAREEBA- DA/16/0019**

MEETING: Ordinary

MEETING DATE: 20 July 2016

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

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Rodeo Acres Pty Ltd	ADDRESS	Mareeba - Dimbulah Road, Mareeba
DATE LODGED	13 April 2016	RPD	Lot 12 on SP146292
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 8 Lots)		

FILE NO	DA/16/0019	AREA	17.83 hectares
LODGED BY	Planz Town Planning Pty Ltd	OWNER	Rodeo Acres Pty Ltd
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s
 2. Department of Infrastructure, Local Government and Planning Referral Agency Response dated 27 May 2016

EXECUTIVE SUMMARY

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

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

The application proposes the subdivision of the 17.83 hectare site into 8 x 2 hectare rural-lifestyle allotments. With the current shortfall in horse agistment facilities within the Shire and the site's immediate proximity to the Mareeba Rodeo grounds, the applicants propose to market the lots primarily to horse enthusiasts seeking rural lifestyle amenity with the added

ability to keep their own horses. The applicants have also identified the lots as being suitable for small scale agricultural uses or hobby farms.

The application and supporting material has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy, and the Mareeba Shire Planning Scheme (including codes and policies) and is in conflict with provisions contained within the Mareeba Shire Planning Scheme Part 4 Division 14 - Rural Zone Code.

A report tabled at Council's Ordinary Meeting on 15 June 2016 recommended that the application be refused.

At this meeting, Council resolved that it intended to approve this development application and instructed officers to prepare suitable conditions for approval and provide a report to the 20 July 2016 meeting.

The proposed conditions are presented below.

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	Rodeo Acres Pty Ltd	ADDRESS	Mareeba - Dimbulah Road, Mareeba
DATE LODGED	13 April 2016	RPD	Lot 12 on SP146292
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 8 Lots)		

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

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

And

The assessment manager does 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>1. The proposed development is in conflict with Part 4, Division 14, 4.77 Overall Outcomes for Rural Zone Code:</p> <p>(b) where agricultural production and the raising of animals are protected from incompatible land uses;</p> <p>(c) where good quality agricultural land is protected from fragmentation and alienation, not developed for purposes other than agricultural and support uses, and is protected from incompatible land uses in accordance with SPP1/92;</p> <p>2. The proposed development is in conflict with Part 4, Division 14, Rural Zone Code:</p> <p>4.78 Building Siting, Scale and Amenity</p> <p>S2 Agricultural activities are protected from incompatible land uses.</p> <p>PS2.2 Non-agriculture or agriculture - intensive uses which adjoin any agriculture or agriculture - intensive uses are protected from spray drifts by the maintenance of a separation distance of 300 metres between the agriculture or agriculture - intensive uses and the non-agriculture or agriculture - intensive uses.</p> <p>4.80 Reconfiguring a Lot</p> <p>S1 The viability of the farming industry throughout the Shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised.</p> <p>PS1.1 Allotments to have a minimum area of 60 hectares and road frontage of 300 metres within the area identified on Agricultural Land Quality Maps S2, S3, S4, S5; or</p> <p>3. The proposed development is in conflict with land use policies 2.4.1, 2.4.2, 2.6.1, 5.4.2 and 5.4.3 of the Far North Queensland Regional Plan 2009-2031.</p>	<p>Despite the GQAL mapping, the subject land contains predominantly Murphy (Mp) soil type which is suitable for a limited range of agricultural land uses. The Murphy soil type typically features moderate permeability and poor drainage. These areas may be subject to prolonged seasonal waterlogging limiting land uses and machinery access. Subsoils are highly erodible if exposed.</p> <p>The immediately adjoining areas of Lot 2 on RP741790, Lot 11 on SP103862 and Lot 10 on SP146292 feature either Murphy or Masterton (Mt) soil types. The Masterton soil type is suitable for a very limited range of uses (grazing or tea tree). Due to the soil types of the subject land and the immediately adjoining allotments, Council considers that the subject land is not suitable for sustainable agricultural production and further, it is improbable that adjoining allotments will be developed for significant agriculture purposes in the future.</p> <p>In assessing the potential for intensive animal husbandry, Council has applied the S-Factor methodology developed for the assessment of meat poultry farms. The typical meat poultry farm established within the Mareeba Shire accommodates up to 200,000 birds. A buffer distance of 845m is calculated for this farm size. Apply this buffer to the established dwelling houses in the locality demonstrates that it is not possible to achieve this separation distance. Separation distances for the establishment of a piggery or feedlot are expected to be no less than that required for a meat poultry farm.</p> <p>The proposed development is considered to represent the highest and best use of the subject land.</p> <p>Based on the above, Council considers that the subject land is not suitable for agricultural production, is not good quality agricultural land, and there are no incompatible land uses.</p>

- (A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 8 lots)

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Sketch 1013-2 E	Lot Layout - Option 2	Trinity Engineering and Consulting	5 July 2016

- (C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

- (a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval or the Adopted Infrastructure Charges Notice.
 - 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 or the Adopted Infrastructure Charges Notice 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 by Council's delegated officer.

- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.
- 3.7 Prior to the endorsement of the plan of survey the applicant must provide a letter from any Concurrence Agencies confirming that their conditions have been complied with and/or that they have no objection to Council's endorsement of the plan of survey.
- 3.8 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.
- 3.9 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.

- 3.10 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.
- 3.11 Bushfire Management

3.11.1 Any new dwelling erected on each lot shall:

- (a) be sited in locations of lowest hazard within the lot;
- (b) achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater;
- (c) be sited 10 metres from any retained vegetation strips or small areas of vegetation;
- (d) be sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard; and
- (e) be provided with a source of water for firefighting 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.

3.12 Charges

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

3.13 Rural Addressing

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

3.14 Lot Layout and Building Envelopes

Lot layout and building envelopes shall be generally in accordance with the approved plan, in particular:

- (a) A plan to scale must be provided which designates a building envelope (minimum dimensions of 30m x 40m) on each lot. Prior to endorsement of the survey plan, the approved building envelope area must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.
- (b) The closest point of each building envelope must be setback a minimum of 90 metres from the Mareeba-Dimbulah Road frontage.
- (c) The closest point of each building envelope must be setback a minimum of:
 - i. 20m for proposed Lot 8 and 30m for proposed Lots 5 & 6 from the common boundary with Lot 2 on RP741790 to the west; and
 - ii. 30m for proposed Lots 4 & 5 from the common boundary with Lot 11 on SP103862 to the south; and
 - iii. 20m for proposed Lot 3 and 30m for proposed Lot 4 from the common boundary with Lot 10 on SP146292 to the east.
- (d) All habitable buildings must be located within the approved building envelope area.

4. Infrastructure Services and Standards

4.1 Access

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

A bitumen sealed driveway shall be provided within any battle-axe lot access handle. The driveway will:

- have a minimum formation width of three (3) metres

- be constructed for the full length of the access handle
- be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the access strip
- service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle of the battle axe allotment(s).

4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage must be discharged at a lawful point of discharge.

4.3 Roadworks – Internal

Internal roads must be constructed to Rural Road standard, with 4.5 metre seal width, in accordance with FNQROC Development Manual standards to the satisfaction of Council's delegated officer.

4.4 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 Supply from a watercourse will be acceptable, provided the following can be demonstrated to the satisfaction of Council's delegated officer:

- the watercourse has sufficient flow and is perennial in all but the driest years; and
- the applicant can demonstrate that the Department of Natural Resources and Mines is prepared to grant a water licence for the proposed lot.

4.4.3 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.

4.4.4 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.

4.4.5 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).

4.4.6 If an existing bore is proposed as a potable water supply for any lot, this bore must comply with 4.4.3 (minimum sustainable yield only), 4.4.4 and 4.4.5 above.

4.5 On-Site Wastewater Management

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

4.6 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.

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.

4.8 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

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 \$4,425.00 (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 parks and open space network servicing the land (\$4,425.00)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
 - Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;

- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

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

- (b) Easement Documents

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

- (c) Endorsement Fees

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

- (d) Compliance with applicable codes/policies

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

- (e) Notation on Rates Record

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

- an approved building envelope plan
- An on-site effluent disposal system must be constructed in accordance with an approved site and soil evaluation report
- an approved source of water supply via bore
- Department of Main Road concurrence agency conditions and advice

- (f) Environmental Protection and Biodiversity Conservation Act 1999

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

(g) Cultural Heritage

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

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 27 May 2016

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

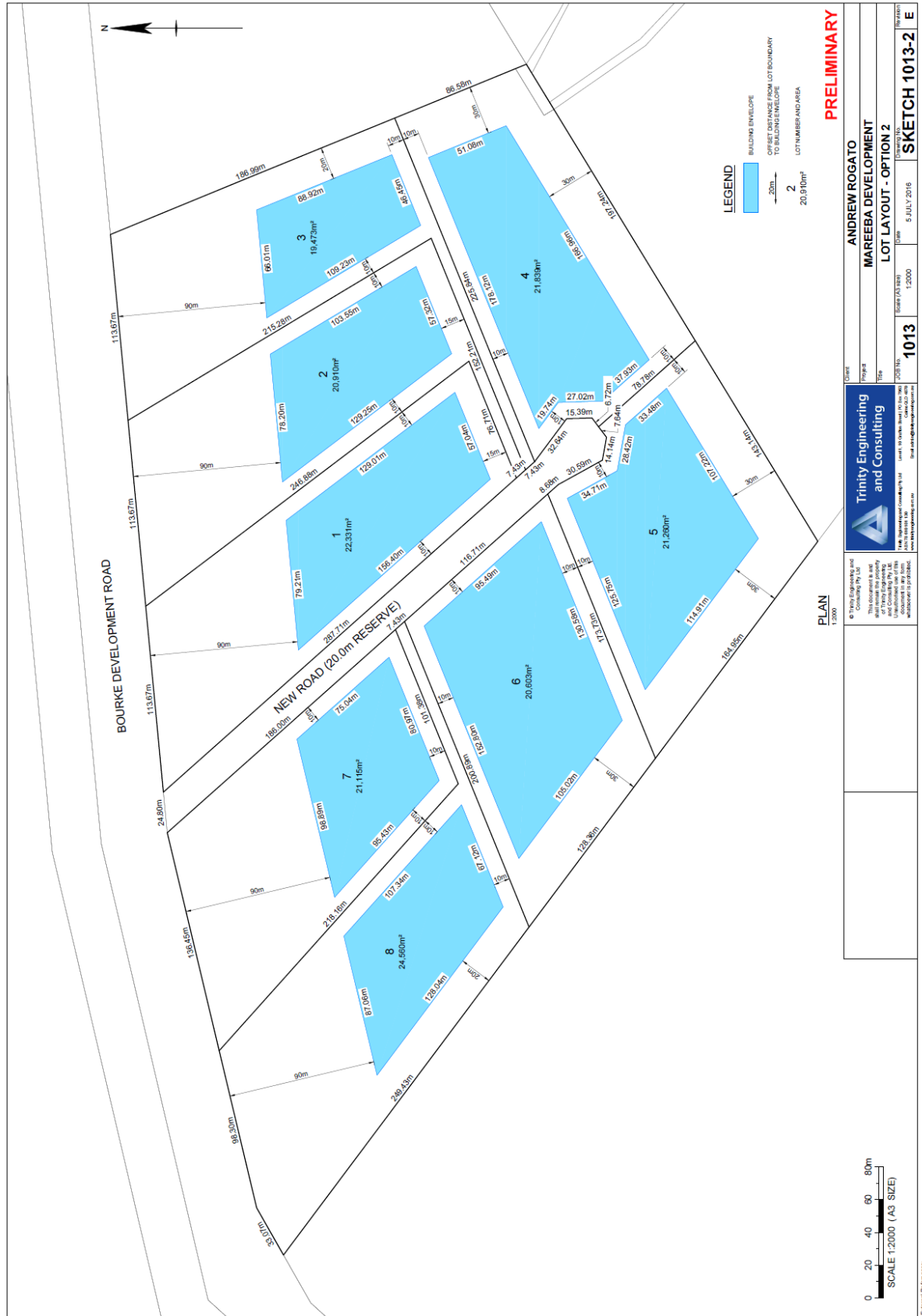
(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

Date Prepared: 29 June 2016

ATTACHMENT 1

PROPOSAL PLAN (ECM VS# 3787079)



ATTACHMENT 2

Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0416-029717
Your reference: DA/16/0019

27 May 2016

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

Attn: Carl Ewin

Dear Sir

Concurrence agency response—with conditions

Development permit for reconfiguring a lot (1 into 8 lots) at Mareeba-Dimbulah Road Mareeba,
more particularly known as Lot 12 on SP146292
(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the
Department of Infrastructure, Local Government and Planning under section 272 of the
Sustainable Planning Act 2009 on 19 April 2016.

Applicant details

Applicant name:	Rodeo Acres Pty Ltd
Applicant contact details:	C/- Planz Town Planning PO Box 181 Edge Hill QLD 4870 info@planztp.com

Site details

Street address:	Mareeba-Dimbulah Road Mareeba
Lot on plan:	Lot 12 on SP146292
Local government area:	Mareeba Shire Council

Application details

Proposed development:	Development permit for reconfiguring a lot (1 into 8 lots)
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SDA-0416-029717

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	Reconfiguration of a lot – 1 into 8	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 2—state-controlled roads

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: reconfiguring a lot				
Lot Layout – Option 2	Trinity Engineering and Consulting	29 February 2016	1013-2	D
Road Layout and Typical Cross Section	Trinity Engineering and Consulting	8 March 2016	1013-4	A
TMR Layout Plan (664 – 6.55km)	Queensland Transport and Main Roads	19 May 2016	275/664(500-993)	A
Basic right (BAR) turn treatment on a two-lane rural road	Austroads Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections	2010	Figure 7.5	-
Rural basic left-turn treatment (BAL)	Austroads Guide to Road Design, Part 4A: Unsignalised and Signalised	2010	Figure 8.2	-

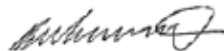
SDA-0416-029717

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

For further information, please contact Michele Creecy, Senior Planning Officer, SARA Far North QLD on 4037 3206, or email michele.creecy@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc: Rodeo Acres Pty Ltd, info@planztp.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

SDA-0416-029717

Our reference: SDA-0416-029717

Your reference: DA/16/009

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Aspect of development – reconfiguring a lot		
Schedule 7, Table 2, Item 2—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> Lot Layout – Option 2 prepared by Trinity Engineering and Consulting, dated 29 February 2016, Reference Sketch 1013-2 and Revision D. Road Layout and Typical Cross Section prepared by Trinity Engineering and Consulting, dated 8 March 2016, Reference Sketch 1013-4 and Revision A. TMR Layout Plan (664 – 6.55km) prepared by Queensland Transport and Main Roads, dated 19 May 2016, File Reference: 275/664 (500-993), Issue A. 	Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times.
2.	<p>The development must be generally in accordance with the Development Application Engineering Report prepared by Trinity Engineering and Consulting, dated 7/03/2016, Reference 16001 and Revision No 1; in particular:</p> <ul style="list-style-type: none"> the access is to be relocated 350m from the eastern boundary; the new access is to be designed as a BAL / BAR access; a flag-light is to be constructed at the new BAL / BAR access; and the proposed development must maintain existing stormwater flow patterns towards the south-east, away from the Mareeba-Dimbulah Road. 	Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times.
3.	<p>(a) The road access location is to be located at TMR road chainage 6.55km generally in accordance with TMR Layout Plan (664 – 6.55km) prepared by Queensland Transport and Main Roads, dated 19 May 2016, File Reference: 275/664(500-993), Issue A.</p> <p>(b) Road access works comprising of a sealed Basic right turn (BAR) and a Rural basic left turn (BAL) treatment must be provided at the road access location.</p> <p>(c) The road works must be designed and constructed generally in accordance with:</p> <ul style="list-style-type: none"> Austroads Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections, Figure 7.5 (Basic right (BAR) turn treatment on a two-lane rural road) and Figure 8.2 (Rural basic left-turn treatment (BAL)); and The Department of Main Roads Road Planning and Design Manual (2nd edition), Volume 6: Lighting – Figure 7.1.4a (flag lighting at isolated intersections). 	<p>(a) At all times.</p> <p>(b) and (c): Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times.</p>

SDA-0416-029717

No.	Conditions	Condition timing
4.	The existing vehicular property accesses located between Lot 12 on SP146292 and Mareeba-Dimbulah Road must be permanently closed and removed.	Prior to submitting the Plan of Survey to the local government for approval.

SDA-0416-029717

Our reference: SDA-0416-029717
Your reference: DA/16/0019

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- **Condition 1** – to ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- **Condition 2** – to ensure the development complies with the proposed location of the entry to the subject site and is designed to comply with the Austroads Guide to Road Design.
- **Condition 3** – to ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road and to ensure the design of any road access maintains the safety and efficiency of the state-controlled road.
- **Condition 4** – to maintain the safety and efficiency of the state-controlled road by reducing the number of road access.

SDA-0416-029717

Our reference: SDA-0416-029717

Your reference: DA/16/0019

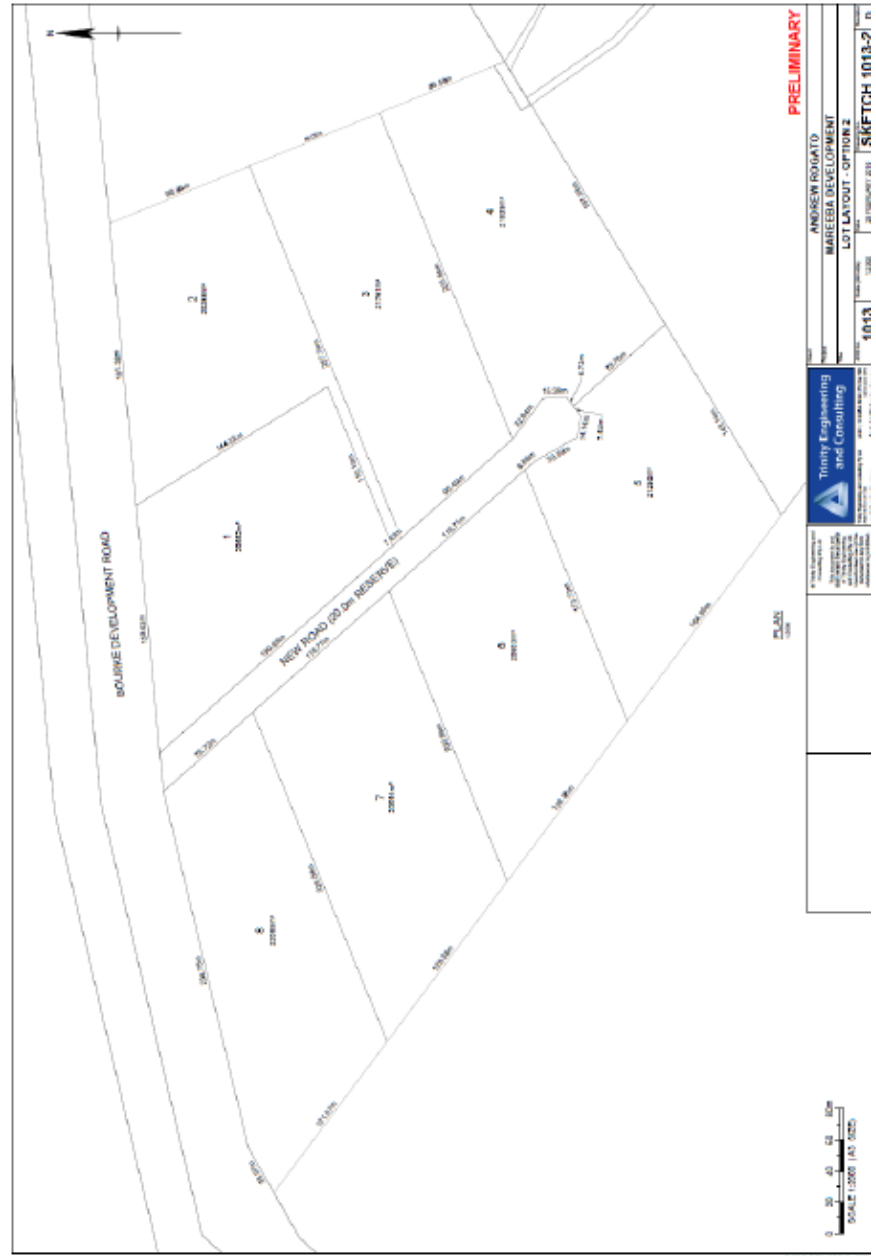
Attachment 3—Further advice

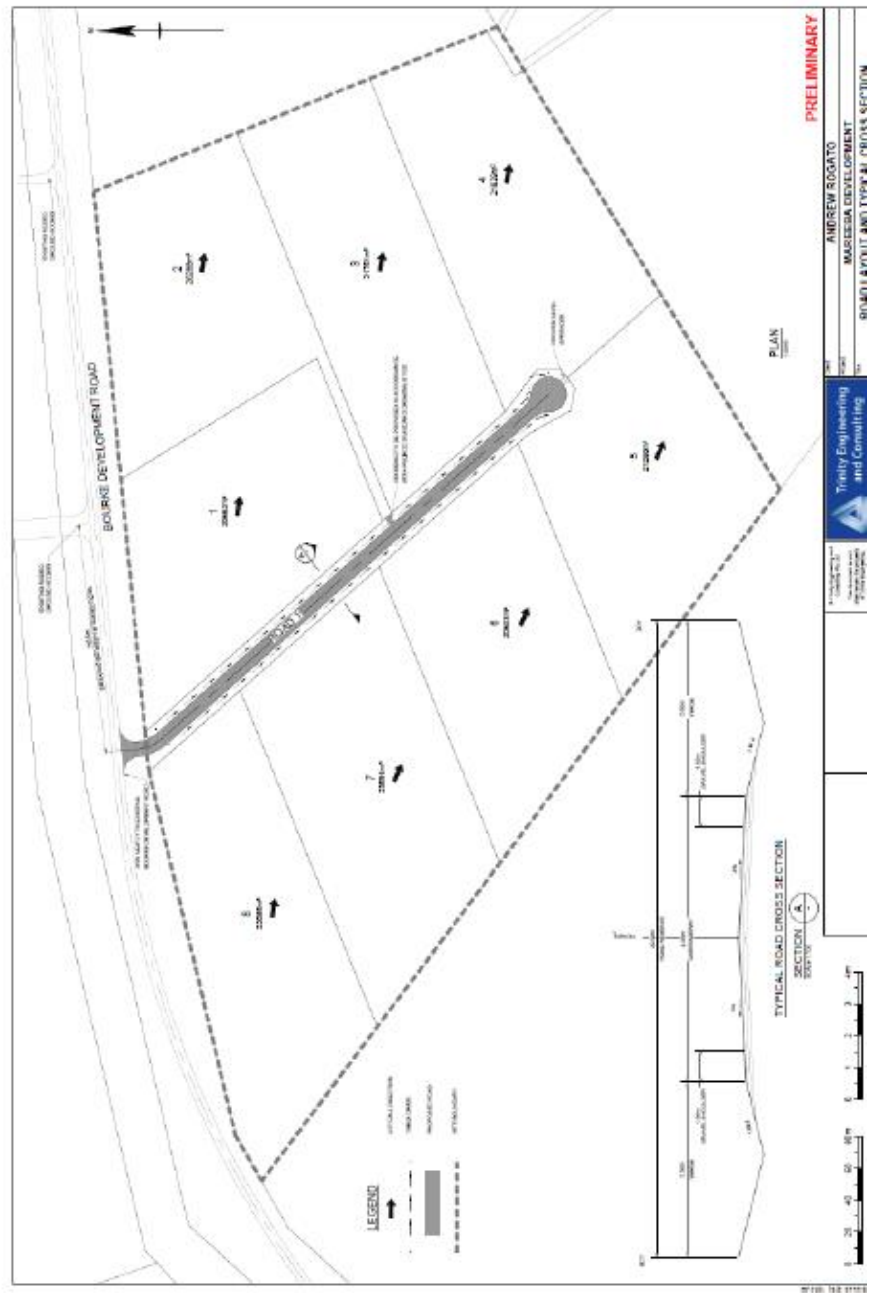
General advice	
Ref.	Advertising device
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 111 of the <i>Transport Operations (Roads Use Management – Accreditation and Other Provisions) Regulations 2005</i> to require removal or modification of an advertising sign and / or a device which is deemed that it creates a danger to traffic.</p>
Ref.	Transport noise corridor
2.	<p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1975 as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. This tool is available at the Department of Local Government and Planning website: http://www.dilqp.qld.gov.au/planning/state-planning-instruments/spp-interactive-mapping-system.html and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors (NAPMAP) are located under Administrative Layers.</p>
Ref.	Far North Queensland Regional Plan 2009-2031
3.	<p>Mareeba Shire Council, in its role as assessment manager, must assess the development application against the Far North Queensland Regional Plan 2009-2031, such as the rural subdivision and rural residential development policies, and to the extent it is not identified in its planning scheme as being appropriately reflected.</p> <p>It is noted Mareeba Shire Council has requested third party advice from the department in relation to the Far North Queensland Regional Plan 2009-2031 and that this will be provided in separate correspondence from the department.</p>
Further development permits, compliance permits or compliance certificates	
Ref.	Road access works approval
4.	<p>Under sections 62 and 33 of the Transport Infrastructure Act 1994, written approval is required from the Department of Transport and Main Roads to carry out road works that are road access works (including driveways) on a state-controlled road. Please contact the Department of Transport and Main Roads on 4045 7144 at the Cairns district office to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The road access works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

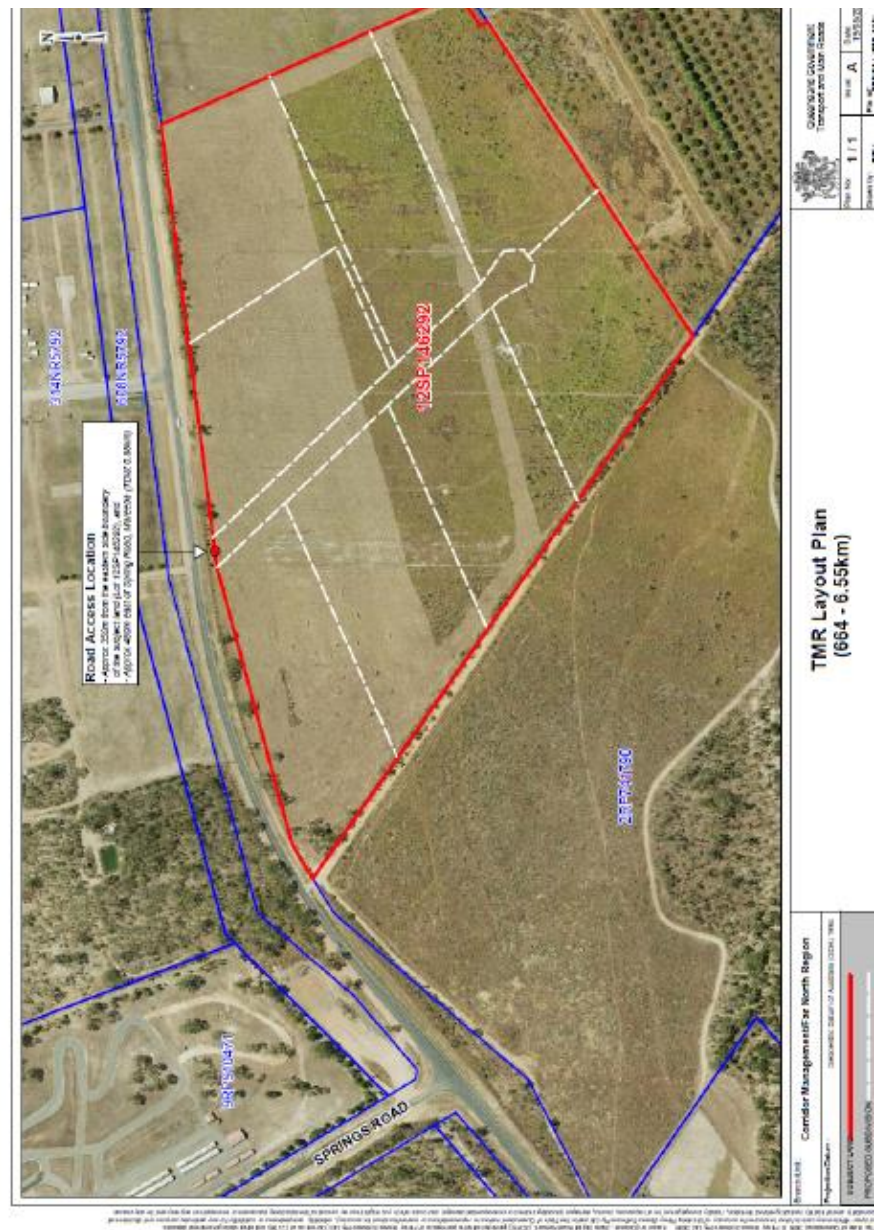
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Our reference: SD/
Your reference: Da/

Attachment 4—A

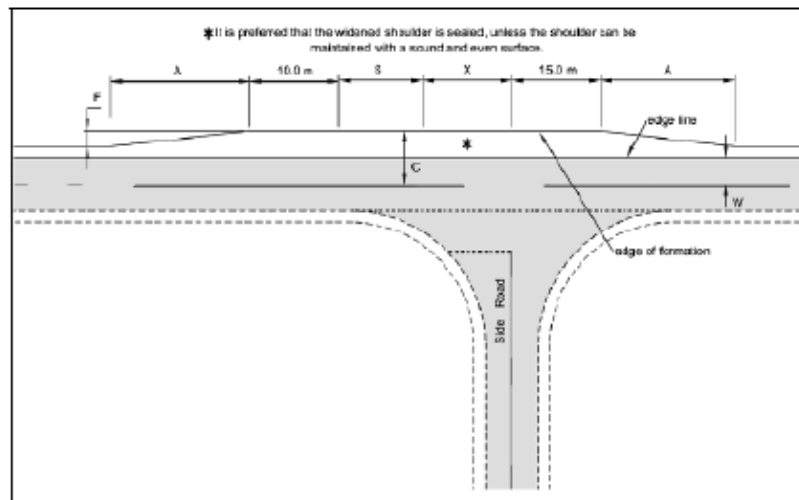






SDA-0416-029717

Guide to Road Design - Part 4A: Unsignalised and Signalised Intersections



Notes:

1. This treatment applies to the right turn from a major road to a minor road.
 2. The dimensions of the treatment are defined thus:
 - W = Nominal through lane width (m) (including widening for curves). Width to be continuous through the intersection.
 - C = On straight – 6.5 m minimum
7.0 m minimum for Type 1 & Type 2 road trains
 - On curves – width as above + curve widening (based on widening for the design turning vehicle plus widening for the design through vehicle).
 - A = $\frac{0.5VF}{3.6}$
Increase length A on tighter curves (i.e. those with a side friction demand greater than the maximum desirable). Where the design through vehicle is larger than or equal to a 19 m semi-trailer the minimum speed used to calculate A is 80 km/h.
 - V = Design speed of major road approach (km/h).
 - F = Formation/shoulder widening (m).
 - S = Storage length to cater for one design turning vehicle (m) (minimum length 12.5 m).
 - X = Distance based on design vehicle turning path, typically 10-11 m.
- Source: OOMR (2008).

Figure 7.5: Basic right (BAR) turn treatment on a two-lane rural road

7.5.2 Rural Channelised T-junction – Short Lane Type CHR(S)

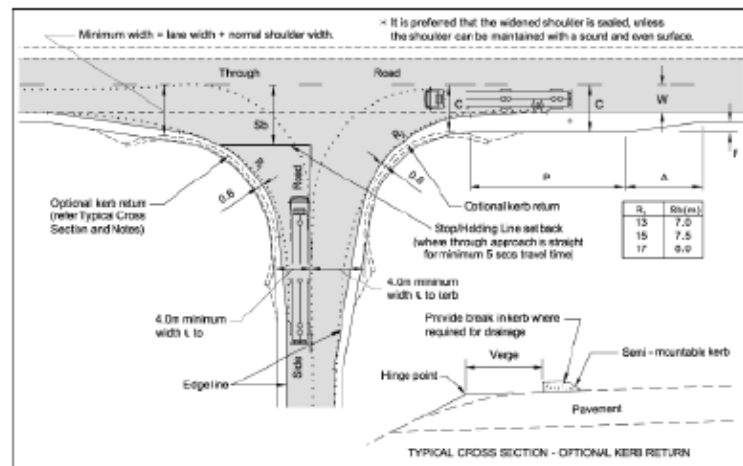
The CHR(S) turn treatment shown in Figure 7.6 is a more desirable treatment than the BAR treatment because it provides greater protection for vehicles waiting to turn right from the centre of the road. This treatment is suitable where there are low to moderate through and turning volumes. For higher volume sites, a full-length CHR turn treatment (Figure 7.7) is preferred.

Austrroads 2009
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Department of Transport and Main Roads note:
Site specific requirements may not reflect this example in its entirety. Detailed drawings will be issued upon application for a Road Corridor Permit.

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Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



Notes:

1. R₁ and R₂ are determined by the swept path of the design vehicle.

2. The dimensions of the treatment are defined thus:

W = Nominal through lane width (m) (including widening for curves).

C = On straights – 6.0 m minimum.

On curves – 6.0 m plus curve widening (based on widening for the design turning vehicle plus widening for the design through vehicle).

$A = \frac{0.5VF^2}{3.6}$

V = Design speed of major road approach (km/h).

F = Formation/camagway widening (m).

P = Minimum length of parallel widened shoulder (Table 8.1).

Source: QDMR (2006).

Department of Transport and Main Roads note:

Site specific requirements may not reflect this example in its entirety. Detailed drawings will be issued upon application.

Figure 8.2: Rural basic left-turn treatment (BAL)

Table 8.1: Minimum length of widened parallel shoulder

Design speed of major road approach (km/h)	Minimum length of parallel widened shoulder P (m)
50	0
60	5
70	10
80	15
90	20
100	25
110	30
120	40

Note: Adjust the length for grade using the 'correction to grade' factor in Table 6.3

Source: QDMR (2006).

Austrroads 2009

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**ITEM-4 REEVER AND OCEAN PTY LTD - OPERATIONAL
WORKS - EARTHWORKS (WATER STORAGE DAM) -
LOT 22 N157227 - BARNWELL ROAD, KURANDA -
OW/16/0001****MEETING:** Ordinary**MEETING DATE:** 20 July 2016**REPORT OFFICER'S
TITLE:** Planning Officer**DEPARTMENT:** Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Reever & Ocean Pty Ltd	ADDRESS	Barnwell Road, Kuranda
DATE LODGED	22 February 2016	RPD	Lot 22 on N157227
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Operational Works - Earthworks (Water Storage Dam)		
FILE NO	OW/16/0001	AREA	37.259 hectares
LODGED BY	Civil Walker	OWNER	Reever and Ocean Pty Ltd
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Myola		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Six (6)		

ATTACHMENTS: 1. Proposal Plan/s
 2. Submitter letters

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During the mandatory public notification period, six (6) submissions were received objecting to the proposed development.

The applicant proposes the construction of a water storage dam over an existing seasonal gully with an approximate surface area of 1.3 hectares and a finished dam wall height of approximately eight (8) metres. The dam construction was nearing completion in mid-

December 2015 when Council was first made aware of the works, which were subsequently stopped at the request of Council officers. In recognition of the environmental values found throughout the Myola zone, when drafting the Mareeba Shire Planning Scheme 2004, it was decided to make operational works involving the excavation or filling of more than 50 cubic metres of material, impact assessable development.

The application and supporting documentation has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy and the Mareeba Shire Planning Scheme 2004 and does not conflict with any relevant planning instrument.

The key issues with the proposed development are ensuring the dam wall is constructed to the appropriate standards and erosion and sediment control is appropriately managed. The dam is intended to support lawfully established grazing operations and as such, no consideration has been given to any potential future use as part of the potential KUR-world concept.

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

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	Reever & Ocean Pty Ltd	ADDRESS	Barnwell Road, Kuranda
DATE LODGED	22 February 2016	RPD	Lot 22 on N157227
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Operational Works - Earthworks (Water Storage Dam)		

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

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

And

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

(A) **APPROVED DEVELOPMENT:** Development Permit for Operational Works - Earthworks (Water Storage Dam)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
122-002-C01	Proposed Dam at Myola - Locality Plan and Drawing Index	Civil Walker	22/01/16
122-002-C02	Proposed Dam at Myola - Site Plan	Civil Walker	22/01/16
122-002-C03	Proposed Dam at Myola - Layout Plan and Dam Typical Section	Civil Walker	22/01/16

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

 (a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:

- found necessary by the Council's Delegated Officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements;
- to ensure the works comply in all respects with good engineering practice; and
- to ensure compliance with the following conditions of approval.

Council's examination of the documents should not be taken to mean that the documents have been checked in detail and Council takes no responsibility for their accuracy. If during construction, inadequacies of the design are discovered, it is the responsibility of the Principal Consulting Engineer to resubmit amended plans to Council for approval and rectify works accordingly.

2. Timing of Effect

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

- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

- 3.2 Hours of Work

- (i) Work involving the operation of construction plant and equipment of any description, shall only be carried out on site during the following times:

- 7.00am to 6.00pm, Monday to Friday;
- 7.00am to 1.00pm Saturdays;
- No work is permitted on Sundays or Public Holidays.

- (ii) No variation to the above working hours is allowed unless otherwise agreed in writing by Council.

4. Infrastructure Services and Standards

4.1 Erosion and Sediment Control Plan

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works re-commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (c) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (d) The applicant/developer must construct and implement all Soil Erosion and Sedimentation Control measures in accordance with the approved Stormwater Quality Management Plan and Report.

4.2 Dam construction

- (a) All dam construction must be undertaken in accordance with design plans prepared by a Registered Professional Engineer (RPEQ) who has certified that the design is in accordance with sound engineering practices; and incorporates satisfactory measures to avoid dam failure, ground soakage and overtopping.
- (b) The construction of dam works is completed within three (3) months of this approval taking effect.
- (c) Within three (3) months following the completion of construction of dam works, any disturbed areas are grassed to provide a coverage of at least 8m² in every 10m² to minimise the potential for erosion or dust.
- (d) At the completion of construction, and within six (6) months of this approval taking effect, the applicant is to provide Council with certification from a RPEQ engineer confirming that the dam has been constructed in accordance with the certified design plans.

(D) ASSESSMENT MANAGER'S ADVICE**(a) 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.

(b) 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

(c) 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

(d) Transportation of Soil

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

(E) RELEVANT PERIOD

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

- Any other development – two (2) years (starting the day the approval takes effect).

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

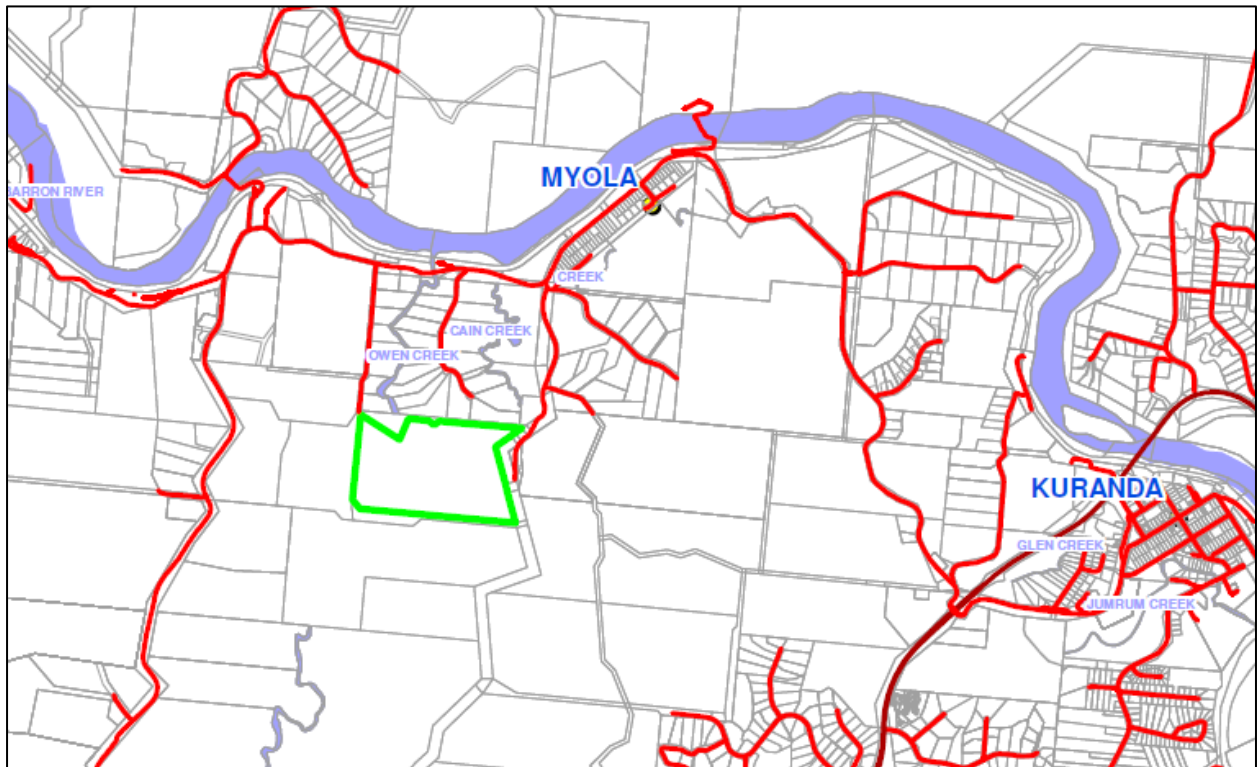
- Nil"

THE SITE

The subject site is situated at the end of the constructed section of Barnwell Road, Kuranda and is described as Lot 22 on N157227. The site which is currently used for livestock grazing is generally regular in shape with a total area of 37.259 hectares and is zoned Myola under the Mareeba Shire Planning Scheme 2004. The site is accessed from Barnwell Road, which starts as bitumen sealed road from its intersection with Myola Road but tapers down to formed gravel and then a formed road only leading up to the property access. The site also contains in excess of two (2) kilometres of frontage to multiple other unconstructed sections of road reserve.

The site is improved by a single two (2) storey dwelling and ancillary structures situated on the crest of a small hill in the south-east corner of the lot. Owen Creek meanders through the western half of the site, as well as a small seasonal watercourse just to the east of Owen Creek. The dam is proposed over the headwaters of this seasonal watercourse, capturing overland flow off the majority of the easternmost third of the site. The remaining two-thirds of the allotment is covered in both mature and juvenile regrowth vegetation (not mapped as remnant) with the riparian sections of Owen Creek mapped as reef-regrowth vegetation.

All surrounding lots are zoned Myola and are used primarily for rural lifestyle purposes with some small scale livestock grazing. The Kuranda Pet Resort is situated approximately 450 metres to the south-west of the site.



Map Disclaimer:

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

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BACKGROUND AND CONTEXT

It is understood that construction of the proposed dam began in December 2015 without an effective development permit for operational works.

A complaint was received by Council in mid-December 2015 and Council officers contacted the landowner instructing them to stop construction and not recommence construction until an effective development permit was in place.

In response, this application was prepared and submitted to Council on 22 February 2016.

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Operational Works - Earthworks (Water Storage Dam) in accordance with the plans shown in **Attachment 1**.

The applicant proposes the construction of a water storage dam over an existing seasonal gully with approximate surface area of 1.3 hectares and a finished dam wall height of approximately eight (8) metres.

REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Short to Medium Term Growth Area (Myola)
Zone:	Myola
Overlays:	Significant Vegetation Overlay Natural Disaster Bushfire Overlay

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

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

DRO 7.1 Protection of Waterways, Wetlands and Water Quality			
Land Use Policy		Complies	Comments
7.1.1	Development is planned, designed, constructed and managed in accordance with best practice environmental management to protect environmental values and meet water quality objectives of the Environmental Protection Policy (Water) 1997 (EPP Water) for regional surface water, groundwater and wetlands.	✓	A condition will be attached to any approval requiring the preparation and implementation of an Erosion and Sediment Control plan to manage runoff during and after the construction of the dam.

(b) State Planning Policy

The Department of State Development, Infrastructure and Planning has introduced a single State Planning Policy (SPP) to replace the various SPP's previously in place. As such, this

State Planning Policy is not reflected in the Planning Scheme and is, therefore, applicable to the assessment of the application.

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

Queensland State Planning Policy - July 2014		
State Interest	Complies	Assessment Requirements & Comments
Biodiversity A development application where the land relates to a matter of state environmental significance, if the application is for: <ul style="list-style-type: none"> (a) operational work, or (b) a material change of use other than for a dwelling house, or (c) reconfiguring a lot that results in more than six lots or lots less than five hectares. 	✓	Development: <ul style="list-style-type: none"> (1) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and (2) manages the significant adverse environmental impacts on matters of state environment significance by, in order of priority: <ul style="list-style-type: none"> (a) avoiding significant adverse environmental impacts, and (b) mitigating significant adverse environmental impacts where these cannot be avoided, and (c) where applicable, offsetting any residual adverse impacts. Comment The proposed dam will not impact on any mapped MSES (regulated vegetation). Conditions will be attached to any approval requiring the preparation of an Erosion and Sediment Control Plan to manage runoff during and after the construction of the dam.

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

Relevant Desired Environmental Outcomes

DEO	Complies	Comments
(a) Significant natural features such as the dense tropical rainforest adjoining the Wet Tropics area, the savannas, the major river systems, wetlands and wildlife corridors, areas identified in the Areas of Regional significance for the Conservation of Biodiversity under the FNQ Regional Plan are protected	✓	<p>Clearing of regrowth vegetation has already been undertaken on the subject land to facilitate the grazing use. No further vegetation clearing will occur in the construction of the proposed dam.</p> <p>Conditions will be attached to any approval requiring the preparation of an Erosion and Sediment Control Plan to minimise sedimentation of downstream Owen Creek during and after construction.</p>
(c) Adverse effects from development on the natural environment are minimised with respect to the loss of natural vegetation, soil degradation, air and water pollution due to erosion, dust and chemical contamination, dispersal of pollutants, effluent disposal and the like.	✓	<p>Clearing of regrowth vegetation has already been undertaken on the subject land to facilitate the grazing use. No further vegetation clearing will occur in the construction of the proposed dam.</p> <p>Conditions will be attached to any approval requiring the preparation of an Erosion and Sediment Control Plan to minimise sedimentation of downstream Owen Creek during and after construction.</p>

Relevant Development Codes

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

Part 4, Division 22	Myola Zone Code
Part 5, Division 6	Significant Vegetation Overlay Code
Part 6, Division 17	Filling and Excavation Code

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

Relevant Codes	Comments
Myola Zone Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Significant Vegetation Overlay Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Filling and Excavation Code	<p>The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code apart from the following:</p> <ul style="list-style-type: none"> Acceptable Solution AS1 <p>Refer to planning discussion section of the report.</p>

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

No. 4 - Development Manual

A condition will be attached to any approval requiring all relevant development works be designed and constructed in accordance with sound engineering practices.

REFERRALS

Concurrence

This application did not trigger referral to a Concurrence Agency.

Advice

This application did not trigger referral to an Advice Agency.

Internal Consultation

Development Engineering & Environmental Health

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 6 June 2016 to 27 June 2016. The applicant submitted the notice of compliance on 28 June 2016 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Six (6) properly made submissions were received during the notification period objecting to the proposed development.

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

Grounds for objection /support	Comment
The dam will form part of the larger KUR-World eco-resort development.	The dam is intended to support the lawfully established grazing operations on the property and as such, no consideration has been given to any potential future use as part of the potential KUR-world concept.
Operational works associated with the dam construction was undertaken prior to obtaining any approval/s from Council.	<p>It is acknowledged that operation works (earthworks) carried out on the proposed dam to date were done without the required operational works permit from Council.</p> <p>In cases where development works have been carried out without the required approvals, it is standard practice for Council to require a development application be lodged seeking retrospective approval.</p> <p>The development application process, albeit retrospective, allows Council to apply a set of enforceable performance based conditions to ensure the development proceeds with minimal impact to the environment and locality.</p>
Submitters are concerned about the construction standard of those sections of the dam wall already built.	<p>A condition will be attached to any approval requiring the dam wall structure to be certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>The applicant/developer has acknowledged that parts of the dam wall may need to be reconstructed to achieve sound engineering standards.</p>
Submitters have observed excessive silt in Owen Creek and subsequently in their water supply infrastructure (pumps, pipes, water tanks) which pump from Owen Creek.	<p>It is acknowledged that some sedimentation did occur downstream of the dam as a result of a lack of erosion and sediment control measures put in place during previous earthworks associated with the dam.</p> <p>Council officers have since investigated this matter and are satisfied that necessary interim measures have been put in place to prevent further sedimentation between now and recommencement of earthworks.</p> <p>A condition will be attached to any approval requiring the preparation of an Erosion and Sediment Control Plan to minimise future sedimentation of downstream waterways during and after construction.</p>

Submitters are concerned about the repercussions on downstream properties should the dam wall fail.	As mentioned above, the dam wall will be required to be certified as structurally sound by an RPEQ. The dam wall design will include a full supply level and spillway to discharge excess water.
No erosion and sediment control plan was put in place during construction of the dam wall which has resulted in a sediment build up and discharge downstream of the dam.	<p>It is acknowledged that some sedimentation did occur downstream of the dam as a result of a lack of erosion and sediment control measures being put in place during dam construction.</p> <p>Council officers have since investigated this matter and are satisfied that necessary interim measures have been put in place to prevent further sedimentation between now and recommencement of earthworks.</p> <p>A condition will be attached to any approval requiring the preparation of an Erosion and Sediment Control Plan to minimise future sedimentation of downstream waterways during and after construction.</p>

Heavy machinery has continued to operate on the property after Council directed the developer to stop work.	<p>Council officers are satisfied that earthworks associated with the dam construction were ceased when directed to by Council officers.</p> <p>Other heavy machinery has been observed operating on the subject property and adjacent land (old Barnwell farm) conducting beautification works and other exempt operational works.</p>
The natural water flow of Owen Creek will be affected by the dam.	<p>The proposed dam will capture water run-off from approximately 1/3 of the subject site (eastern side).</p> <p>Owen Creek begins a significant distance upstream of the site and was flowing through and past the site during an inspection of the property on 7 July 2016. At this time, the seasonal gully proposed to be dammed was dry.</p> <p>The proposed dam is not likely to have a significant impact on the natural water flow of Owen Creek.</p>
Submitters are concerned about the size of the dam, and further, that the already constructed dam wall is higher than the proposed eight (8) metres.	<p>The application was assessed based on the facts and circumstances as submitted with the application.</p> <p>The proposed dam will be conditioned to be constructed in accordance with the approved plans which nominate a dam wall height of eight (8) metres. This will be monitored by Council during the remainder of the dam's construction.</p>
Should the dam water be used to sustain a future golf course and other development infrastructure, stormwater and effluent runoff may impact Owen Creek.	<p>The dam is intended to support the lawfully established grazing operations on the property and as such, no consideration has been given to any potential future land uses on the subject property.</p>
Who will decide when/if dam water is to be released into the creek? Will any consultation occur with those possibly drastically affected?	<p>The proposed dam will not have a significant impact on Owen Creek as it will only dam a minor tributary to the creek. Once the dam reaches full supply level, water will be discharged into the seasonal gully/watercourse via the dam spillway.</p> <p>During an inspection of the property on 7 July 2016, the gully/watercourse proposed to be dammed was dry, and is so for the majority of the year.</p>
Who will pay for damages to infrastructure if the dam breaks or if excessive silt travels downstream (i.e. silt in water tanks, pumps, pipes, fencing repair)	<p>A condition will be attached to any approval requiring the dam wall to be certified by an RPEQ. With appropriate engineering and a designated full supply level and associated spillway, the likelihood of dam wall failure is minimal.</p> <p>A condition will also be attached to any approval requiring the preparation of an Erosion and Sediment Control Plan to minimise future sedimentation of downstream waterways during and after construction.</p>
<p>Submitters raised a number of non-town planning related matters relating to -</p> <ul style="list-style-type: none"> • The private sale of the subject land and other lots purchased by the applicant/developer (the old Barnwell property). • A current road closure application for road reserve situated between the land purchased by the applicant/developer. • The KUR-World eco-resort development concept. 	<p>These points of objection are not relevant to the assessment of this development application for operational works - earthworks (water storage dam) and have therefore not been considered.</p>

Submitters

Name of principal submitter	Address
1. J & K Edwards	28 Monaro Close, Kuranda QLD 4881
2. J & A Hornett	Lot 11, 58 Monaro Close, Kuranda QLD 4881
3. J Martin	451 Oak Forest Road, Kuranda QLD 4881
4. C, R & D Pearce	7 High Chapparal Road, Kuranda QLD 4881
5. Kuranda EnviroCare Inc.	PO Box 494, Kuranda QLD 4881
6. C Lamont	52 Monaro Close, Kuranda QLD 4881

PLANNING DISCUSSION

Noncompliance with the relevant acceptable/probable solutions of the following Codes are summarised as follows:

Filling and Excavation Code

S1 Visual Amenity

Filling and excavation are undertaken to ensure that the visual amenity of the adjoining lots and the area is not compromised.

AS1 *Filling and excavation is no greater than two (2) metres in height or depth.*

Comment

The dam wall which is partially constructed will have a finished height (dam crest) of approximately 8 metres from the existing finished ground level (bottom of the gully).

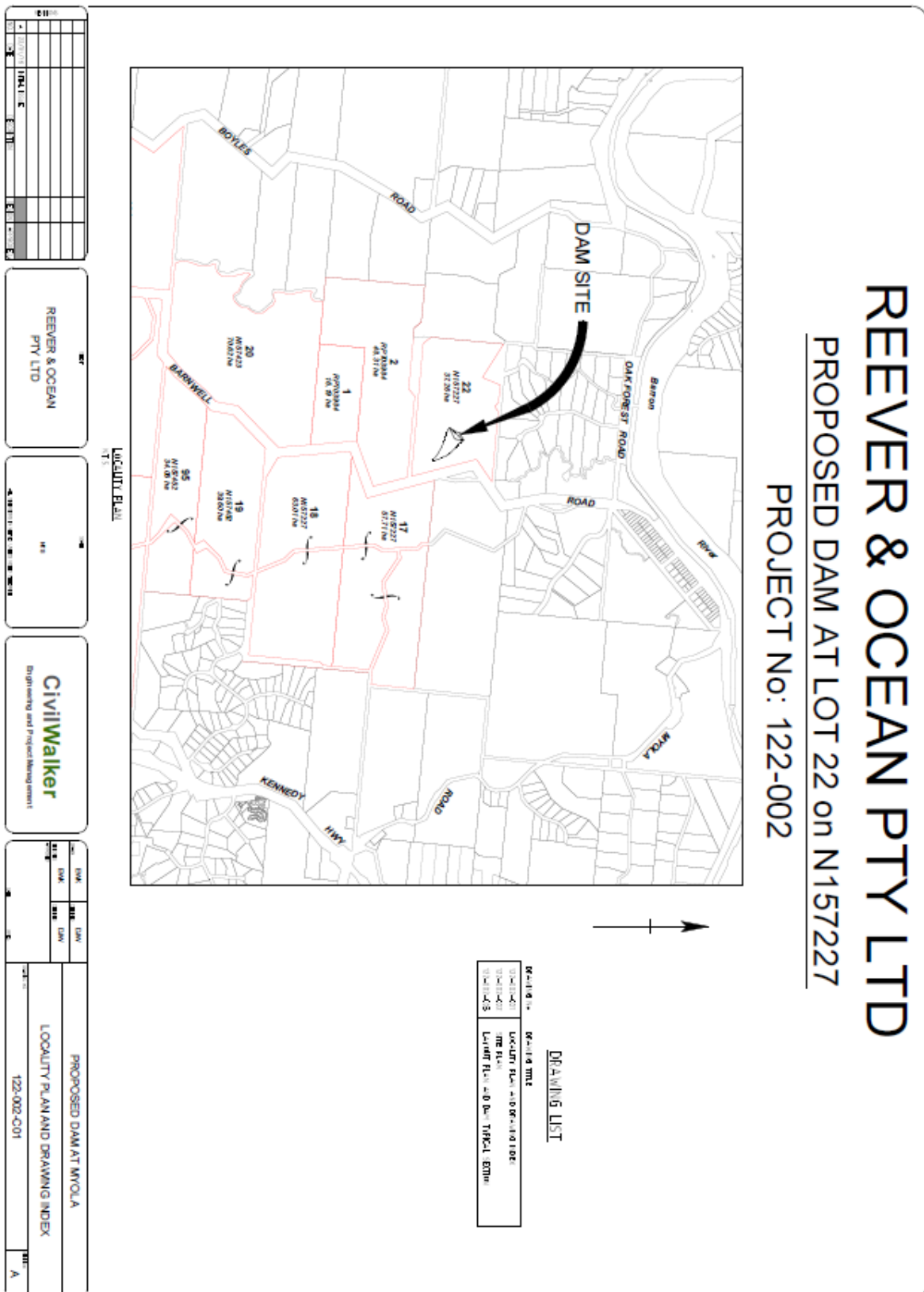
The proposed dam is for rural water supply purposes and given the site's topography, will be screened from view from adjoining properties.

The proposed dam will not impact on the visual amenity of adjoining properties and is therefore considered to comply with S1.

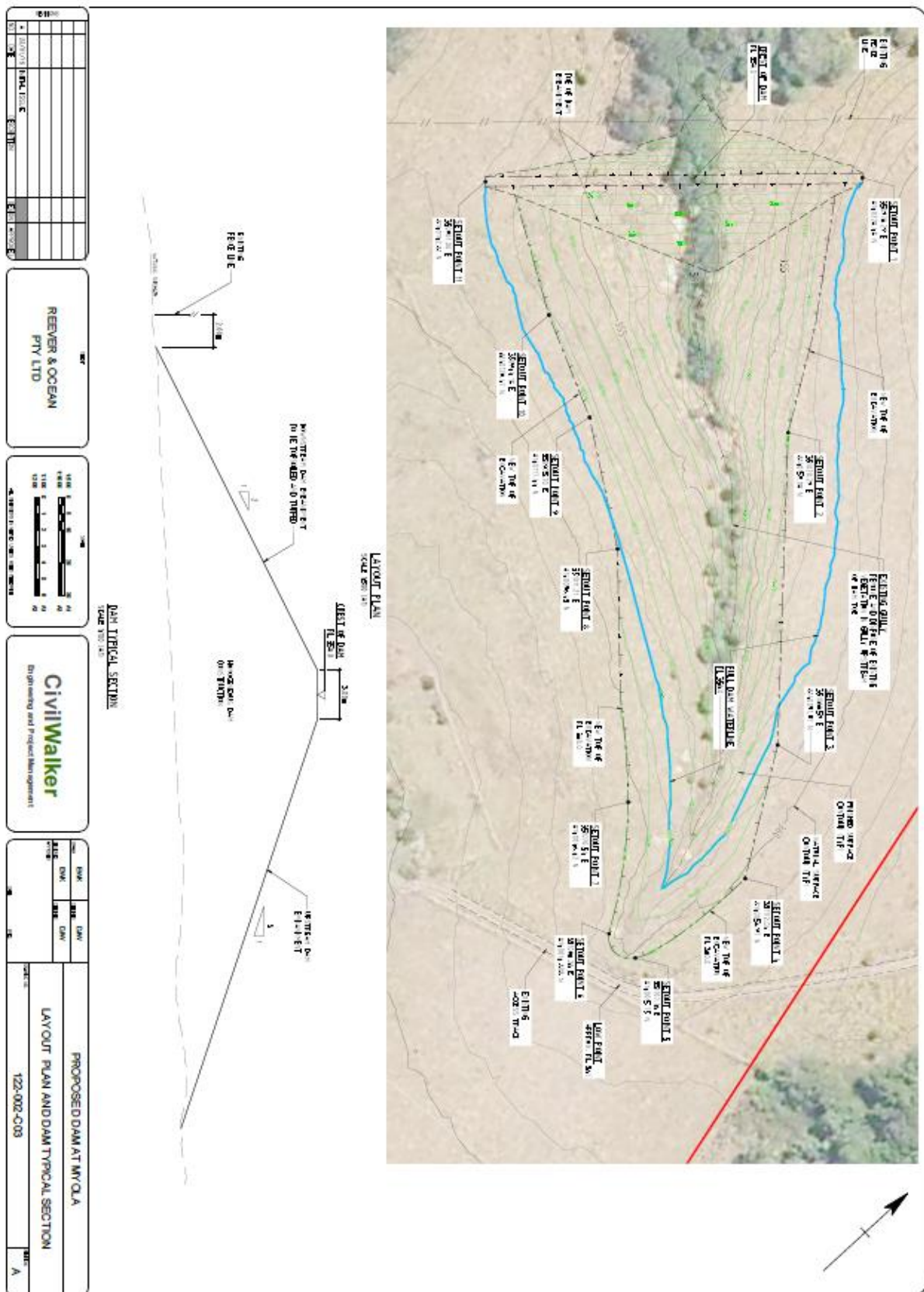
Date Prepared: 12 July 2016

ATTACHMENT 1

APPROVED PLANS (ECM DOC SET ID 3138145)







ATTACHMENT 2

**John & Kathryn Edwards,
28 Monaro Close,
KURANDA. QLD. 4881.**

22 June, 2016.

**Attention: Carl Ewin, Planning Officer,
Mareeba Shire Council,
P.O. Box 154,
MAREEBA. QLD. 4880.**

**SUBMISSION RE OPERATIONAL WORKS APPLICATION FOR A DEVELOPMENT PERMIT TO ALLOW FOR THE
CONSTRUCTION OF A DAM OVER LAND LOCATED AT 112 BARNWELL ROAD, KURANDA (RP LOT 22
N15727).**

We are the owners and permanent residents at 28 Monaro Close, Kuranda (3/RP728461) having lived here since August 1978, a period of 38 years. Our home is situated on 13,350m² with one boundary to Owen Creek.

We purchased this land shortly after the initial subdivision from rural land and Mareeba Shire Council (MSC) approved our only water supply for drinking as the water from Owen Creek. No bore or town water was included in the subdivision approval. Town water is still not supplied by Council in 2016.

To protect our water quality into the future we planted 1993-1996 we planted 1600 rainforest trees along Owen Creek, on our boundary and on our neighbours adjoining boundaries. This action was taken on advice from Landcare, that the water should be shaded and the creek banks protected from erosion. These trees are now reaching 20+ years old. Our property is also registered with "Land for Wildlife" to protect habitat and nature corridors.

We object to the construction of a rural dam by Reeve and Ocean Pty. Ltd. This is based on our concerns regarding the future of our water supply and the impacts created by this dam construction. We outline our concerns in the following points:

1. That earthworks and clearing would appear to have been undertaken on this land prior to the Operational Works Application notice. We noticed that works began in 2015 and we understand that this was reported to MSC civil construction.
2. These earthworks appear to have continued since the Operational Works Application notice was advertised publicly as we have been able to hear heavy machinery operating on this land.
3. We question whether engineering inspections or land clearing/water runoff inspections have been done by MSC during this period of construction prior to this OW application.
 - a. The OW plans indicate a large dam, yet describe a small rural dam. The drawings indicate that the dam wall is 8m high, 3m wide and approx. 100m long with an area of 12,810m² (over 3 acres in size). This is not small.
 - i. The drawings state the dam height at 8m above finished ground level. For the purposes of Mareeba Shire Council assessment, we question how a finished ground level (as the starting level for construction) could be established on an already constructed dam.
 - ii. We have concerns that this dam is higher than 8m from the original or finished ground level. If the dam wall is higher than 8m, the possible impacts downstream increase.
 - b. We are concerned that any breach of this dam during a wet season rain event would do extensive damage to Owen Creek and the existing infrastructure along the creek, particularly for water supply purposes to existing properties.
 - c. Other infrastructure, such as fencing, vegetation and sheds could also be affected by any breach of the dam.
4. We have noted that the water quality in Owen Creek has greatly deteriorated in recent times. In particular,
 - a. During December 2015, 340mm of rain occurred and we noticed an unusually excessive silt in our water tanks, pipes and hoses. On checking Owen Creek, we noted very heavy cloudiness of the water, the worst we have ever seen in 38 years, outside of major flood events. This rain event would be regarded as 'normal' for this region.

- i. As an example: when a 50mm birdbath was filled with water at this time, the water was so cloudy that the bottom of the birdbath could not be seen.
 - b. During the minor rain events during June 2016, we have again noted unusual cloudiness of the water.
5. That the natural water flow in Owen Creek will be affected by this dam. The dam is sited on one of the main catchments of Owen Creek and has the potential to prevent water flow into the creek and into the groundwater aquifers. Much of the water supply downstream in Owen Creek comes from many springs along the creek which feed into the natural flow. Interference with the flow into ground water may restrict water flow into these springs.
6. It should be noted that Owen Creek has previously recorded extensive flooding (up to 15m above normal water level) during the wet season. (Photos available). Owen Creek also backs up into all gullies and overflows onto property. This backup can last 10 days, with vegetation coverage and mortality.
7. Any changes to water quality and quantity will affect approximately 20 long established rural home sites with boundaries to Owen Creek.
8. The Operational Works application describes the use of the dam for rural purposes. The application states that there is no intention to build infrastructure (buildings, roads, golf course, amphitheatre, tourist infrastructure).
However, one day after the publication of the OW application for public comment, Reeve and Ocean Pty. Ltd. produced a media release under the name of Kur-World, describing extensive development of the same land.
 - a. This additional development is of concern for the following reasons:
 - i. Reduced water flow and quality to Owen Creek
 - ii. Stormwater and effluent runoff
 - iii. Restriction of rainwater flows into Owen Creek particularly for the irrigation of a golf course from the rural dam

Our recommendations

Whilst we acknowledge that we have benefitted from a rural subdivision for our current home site in Monaro Close we request the following:

1. That Council consider the maintenance of the existing water flow and water quality in Owen Creek that formed part of the approved water supply in this subdivision on which we have lived for 38 years.
2. That Council consider the likely engineering problems associated with the construction of a dam with an application for post construction approval.
3. We require the proponent to supply a report from an accredited water engineer stating the likely impacts to Owen Creek properties of a flood event in Owen Creek should the dam breach. This report should include impacts on infrastructure, water quality, water flow, siltation etc.
4. That Council consider the further implications on water quality and water flow in view of the advertised proposal for extensive development on the same land as per media release from Kur-World, 4 June 2016.
5. In the event of water flow and water quality issues on residents downstream, we ask that constraints be placed on the applicant to restore/repair all damage to resident's water storage tanks, pumps, pipes, fencing etc and repair any damage to established riparian vegetation.

Signed:



J.H. Edwards
22 June 2016



K.N. Edwards
22 June, 2016

ow/16/0009

URP-OPW. P
I-T-UPP

6/26/2016

James C and Ann E. Hornett
Mareeba Lot 11, 58 Monaro Close, Kuranda Q 4881
Kuranda Q 4881
Ph. 40937513

Shire Council
PO Box 154, Mareeba, 4883
Planning@msc.qld.gov.au

Dear Sir/Madam,

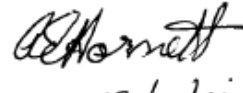
Our family moved to Myola used as a secondary source of water alongside our water tank since we moved here. Initially it was necessary to pump weekly and although we now have several rainwater storage tanks, during the dry season it is still necessary to pump water from Owen Creek to maintain water for our animals and in 1990 to reside at Lot 11/58 Monaro Close. One of our boundary lines is Owen Creek which we have

Our objection to the construction of the dam is that as there is gardens, no mains water to our property it is essential that the water quality be maintained for not only our use but also for the native wildlife that live in this ecosystem. It is our understanding that the dam structure may not meet council specifications and if there is a failure of the dam in some way, who would be responsible for any damages to the infrastructure or property downstream and that previous information regarding the construction of the dam is not consistent with press release information.

With deepest concern,

James E Hornett

Ann E Hornett



James C and Ann E. Hornett
Lot 11, 58 Monaro Close, Kuranda Q 4881

27/6/16

27/6/16

Lot 11, 58 Monaro Close, Kuranda Q 4881

Brian Millard

From: ojo online <ojo@ojoonline.com>
Sent: Sunday, 26 June 2016 1:08 PM
To: Info (Shared)
Cc: cathy.retter.kuranda@gmail.com; Sarah Isaacs
Subject: Jo Martin submits objection to development application - Lot 22 N157227 - 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd - Urban Sync - OW Earthworks dam construction - OW/16/0001
Attachments: Objection to dam - Barnwell rural dam - Community.pdf
Categories: Added to ECM

Hi MSC,

I hope you had a lovely weekend!

We got some welcome rain today, Sunday, a relief after another NON- Wet Season for our region this year!

I often wonder if our rain cycles – or lack thereof – have anything to do with the MONUMENTAL amount of NATIVE FOREST CLEARING we're doing IN THE RECHARGE ZONE in the name of progress?

Land clearing in Queensland triples after policy ping pong

In 2013, a group of 26 senior scientists in Queensland (including ourselves) [expressed serious concern](#) that proposed changes to vegetation protection laws would mean a return to large-scale land clearing. The loss of these protections followed a [Ministerial announcement](#) in early 2012 that investigations into and prosecutions of illegal clearing would be halted.

<http://theconversation.com/land-clearing-in-queensland-triples-after-policy-ping-pong-38279>

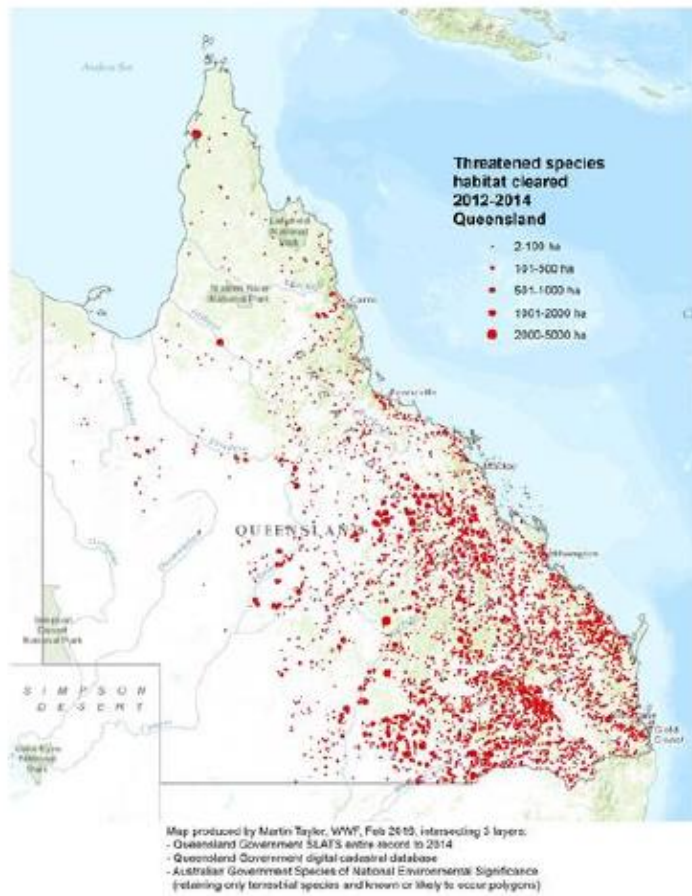
Queensland land clearing is undermining Australia's environmental progress

Land clearing has returned to Queensland in a big way. After we expressed concern that policy changes since 2012 would lead to a resurgence in clearing of native vegetation, this outcome was confirmed by government figures released late last year.

It is now clear that land clearing is accelerating in Queensland. The new data confirm that 296,000 hectares of bushland was cleared in 2013-14 – three times as much as in 2008-09 – mainly for conversion to pastures. These losses do not include the well-publicised clearing permitted by the government of nearly 900 square kilometres at two properties, Olive Vale and Strathmore, which commenced in 2015.

Map showing the amount of habitat for threatened species cleared between 2012 and 2014. WWF Alarming, the data show that clearing in catchments that drain onto the Great Barrier Reef increased dramatically, and constituted 35% of total clearing across Queensland in 2013-14. The loss of native vegetation cover in such regions is one of the major drivers of the deteriorating water quality in the reef's lagoon, which threatens seagrass, coral reefs, and other marine ecosystems.

<http://theconversation.com/queensland-land-clearing-is-undermining-australias-environmental-progress-54882>



Please find attached an OBJECTION for the Rural Dam on the historically zoned 12 RURAL TITLES Barnwell Road / KUR-World project area.

Kind regards,

jo

OBJECTION TO OPERATIONAL WORKS APPLICATION FOR A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF A DAM OVER LAND LOCATED AT 112 BARNWELL ROAD, KURANDA (RP LOT 22 N15727).

Jo Martin
451 Oak Forest Road.
Kuranda QLD 4881

26 June 2016

Mareeba Shire Council
Via email info@msc.qld.gov.au

These photos below were taken on the 8th of June – from the gazetted road at the top of the historically zoned Barnwell Rd RURAL 12 TITLES / KUR-World proposed project area.

Proposed Development	
Have your say	
From: RURAL LAND	
To: RURAL DAM	
At: 112 BARNWELL ROAD, KURANDA QLD 4881	
On: LOT 22 ON N15727	
By: REENER + OCEAN FM LTD	
☎ 1300 308 461	web: WWW.MSC.QLD.GOV.AU
Approval sought: DEVELOPMENT PERMIT FOR OPERATIONAL WORKS (RURAL DAM)	Comment period:
Application No.: ON/16/0001	28/06/16 to 27/06/16
Written comments to: Mareeba Shire Council	
☎ 1300 308 461	email: info@msc.qld.gov.au
	web: WWW.MSC.QLD.GOV.AU
Public notification requirement per Queensland Government - Sustainable Planning Act 2009 Form 4 version 2.0	



As you can see, to our dismay, the earthworks for the dam had already been COMPLETED before the HAVE YOUR SAY period had even BEGUN.

Standing there, with Willie Brim – Bulwai Cultural Custodian - it made us feel like those with money can do whatever they want, without following the appropriate protocols, in secret, while residents on adjoining properties and others in our environmental groups were reporting helicopters and machine noise to the Mareeba Shire Council and other government agencies... and then the ENDANGERED frog creeks run dirty downstream of the dam on the Owen Creek catchment... into the Barron River... and down to the Great Barrier Reef... our World Heritage Treasure.

Hmmm... please explain what chance our fancy legislation has against PROGRESS?

How is it that a historically zoned land parcel of 12 RURAL TITLES, with the EPBC species report on the project area listing 2 CRITICALLY ENDANGERED, 20 ENDANGERED and 13 THREATENED species can be PRIVATELY PURCHASED for a paltry \$2 million, and then IMAGINED into mass profit for people who don't even live in our Kuranda Region?

This simply does not make sense! There are plenty of other projects that are more worthwhile for investment than simply pushing our native forests down.



I would like to bring attention also, to the APPLICATION FOR ROAD CLOSURE SIGN that was also posted on the property. I explained to Wille Brim what the application form and map meant on this historically zoned 626ha land parcel.

Our community groups have filed the appropriate OBJECTIONS of this application prior to 24 March 2016, on Kuranda Region resident's behalf – our OBJECTION to the 'gifting' of approximately 50 acres of CROWN LAND to Ken Lee in this road closure application above.

Our community environmental groups would prefer this land corridor is left intact and gifted, as a forest reserve, for future generations of this land.

WR, CE & DK Pearce
7 High Chapparral Road
KURANDA QLD 4881

26 June 2016

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4883

Email: planning@msc.qld.gov.au and msc.qld.gov.au

Dear Sir/Madam

OBJECTION TO PROPOSED CONSTRUCTION TO DAM OWEN CREEK

We have been provided with information regarding the damming of Owen Creek. Assuming it is correct (no mention of it was found in the "Proposed action - Project title: KUR-World Integrated Eco-resort" to Department of Environment] we submit the following.

We have lived at our present address since 2001.

Many properties from Kuranda District State College onwards are not supplied with water by Mareeba Shire Council and rely on clean natural water sources, for both quantity and quality.

Our objections to the proposed dam are as follows:

- there is a need to protect the water quality and/or infrastructure near the creek which may be affected by water siltation or excessive or reduced water flow.

- . what is going to happen to our eco system/ endangered/ threatened species when the water quantity and quality which sustains plant/wildlife on and around the creek is reduced, altered?
- . according to a survey by Kur-World 3.3b of their proposed action states "Both Owen and Haren Creeks were observed to flow all year in 2015, although flow in both was reduced to a near trickle in the mid-dry season."
- . threatened species – according to the above survey 3.1 (d) states "Listed threatened species and ecological communities Description A Protected Matters Search Tool database search (Attachment D) was conducted with a five kilometre radius, which nominated 1 listed threatened ecological community, 37 threatened species and 17 migratory species that may potentially be present on or near the project area. Of these, one species is confirmed present, two are considered 'assumed/likely to be present', and three are considered 'may occur'. The remainder are very unlikely to be present except as overfly or very occasional/rare visitors. Confirmed present *Litoria myola* (Kuranda treefrog) – endangered, confirmed present by Dr Conrad Hoskin in a survey commissioned for this project (Attachment E). *Litoria myola* was confirmed present in Owen Creek, Haren Creek (a tributary of Owen Ck) and an unnamed creek, all in the north western quarter of the project area (see map Attachment F). In all cases, it is found in the lower catchment of the creek systems it inhabits, close to the Barron River (Hoskin, 2016). Actual and predicted locations for this species are mapped in Attachment F. Likely to occur *Litoria dayi* (Australian lacelid) – endangered, known to occur in the Kuranda area but not located despite targeted surveys in the 2016 wet season by Dr Hoskin (Hoskin, 2016). However, this wet season was not ideal, suitable habitat is present and the species has been recorded within a kilometre of the project area. Therefore, this species is assumed to be present, albeit probably at very low population densities."
- . concerns if the dam is not constructed to Council's approval and specifications.

. should the dam water be used to sustain the golf course and other development infrastructure, we are concerned about the stormwater and effluent run off into Owen Creek.

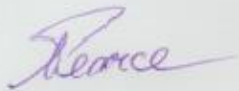
. who will decide when/if dam water is to be released into the creek?
Will any consultation occur with those possibly drastically affected?

. Who will pay for damages to infrastructure if the dam breaks or if excessive silt carries downstream, ie silt in water tanks, pumps, pipes, fencing repair.

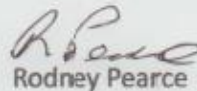
. Worst scenario – no water!!!

Please carefully consider all our concerns.

Yours sincerely



Christine Pearce



Rodney Pearce



Debra Pearce



To the Assessment Manager,
Mareeba Shire Council
Mareeba

27 June 2016

Dear Assessment Manager,

**Re OPERATIONAL WORKS APPLICATION FOR A DEVELOPMENT PERMIT TO ALLOW FOR
THE CONSTRUCTION OF A DAM OVER LAND LOCATED AT 112 BARNWELL ROAD, KURANDA
(RP LOT 22 N15727) - OW-16-0001, due 27 June 2016.**

Our Contact details:

Cathy Retter (President),
Kuranda EnviroCare Inc.,
PO Box 494 , Kuranda, Qld, 4881
Email: info@envirocare.org.au
Ph: 0419 624 940

About Kuranda EnviroCare Inc

Kuranda EnviroCare Inc. is the largest environmental group in Mareeba Shire, and has been working for more than 17 years on lobbying for wildlife corridors to connect the sections of the Wet Tropics World Heritage Area north and south of Kuranda. This has been recognized in the former Mareeba Shire Planning Scheme, where map V1, Significant Vegetation Overlay, identifies Wildlife corridors (as Category B). Our organization has also worked consistently over the past years, on growing local native rainforest trees and using them to revegetate degraded areas of the corridor. To date we have spent in excess of \$300,000 re-vegetating rainforest on the south bank of the Barron River and within the EnviroLink corridor. We also supply trees to, and worked with, the Green Corridor Project of BRICMA, a catchment group working to revegetate the entire length of the Barron River, improving water quality as it flows to the Great Barrier Reef. All these corridors provide vital restoration and connectivity of habitat with transit rainforest cover and food supply for the southern cassowary and other wildlife.

As well as revegetation activities, Envirocare has received Federal government grants (Caring for our Country and Biodiversity Fund grants) and private grants through Landcare Australia and Mobile Muster for the enhancement of the habitat for our endemic and critically endangered *Litoria myola* and other endangered frogs present in the area. Since 2012 we have been monitoring patterns of recovery of rainforest birds along the previously degraded and now revegetated riparian corridor along the edge of the Barron River from the Fairyland corridor to the Enviroink corridor. This bird work has been supported by a grant from BirdLife Australia.

In addition we have received an International grant from the Mohammed bin Zayed Foundation to monitor *Litoria myola* frogs at a number of creek breeding sites within the frog's range, including Warril and Owens creeks, within the Myola drainage basin. Our frog monitoring has been in progress for 3 years now and we have undertaken baseline water quality monitoring in these creeks also. This proposed development impacts some 25% of the entire habitat and population of the frog species, *Litoria myola*.

Summary

Our objection to the construction of a rural dam by Reeve and Ocean is based on our concerns regarding the future of some residents' water supply, the immediate impacts created by this dam construction and the future risk of dam failure and downstream consequences relating to a dam already constructed without permit.

Our concerns are:

1 Purpose of the dam

That the dam's stated purpose is for rural purposes, but almost the same day we were advised of the dam application, a Cairns Post article indicated that the purpose of the land was not rural but instead it was to develop an eco-resort.

2 Timing of construction

That earthworks for clearing and dam construction would appear to have been undertaken on this land prior to the Operational Works Application notice. In fact the dam has already been illegally constructed between Sept 2015 and Dec 2015 and so this application is retrospective.

3 Dam engineering

We understand that there have not been any engineering inspections or land clearing/water runoff inspections done by Council relating to the period of dam construction prior to this OW application. It also appears that no appropriate engineering, relating to compaction, took place during construction. We understand that outdated dam construction techniques were used which would now be considered unacceptable.

We have included a statement from Agriculture Victoria relating to common causes of dam failure as we believe this to be pertinent to this case. Usually, the causes of the failure can be easily found. The owner may have been over-confident in undertaking planning, and in doing so, failed to include soil testing in the investigatory program. The other common cause of failure is in the use of inexperienced contractors. Nothing can take the place of a reliable and reputable contractor, and by using experienced machine operators you can reduce the risks of failure dramatically. Their previous jobs can be checked and a good outcome is considered the best recommendation.

We believe both causes apply in this case and strongly recommend that council check the construction engineer and operators licensing and previous dam construction experience.

Nor do we believe that any activities consistent with a Sediment or Soil Erosion plan being in place were in evidence before or during the period of construction until the dam face failure caused some attempts at mitigation (see FNQROC CPI.05 points 5, 10 and 11 which outline the contents and control of such a plan)

- a. The OW plans indicate a large dam, yet describes it as a small rural dam. The drawings in the plans indicate that the dam wall is 8 m high, 3 m wide and approx. 100 m long with an area of 12,810 m² (over 3 acres in size). This is not small.
 - i. The drawings state the dam height is at 8 m above finished ground level. Given the dam is already in existence, we question how a finished ground level (as the starting level for construction) could be established on an already constructed dam.
 - ii. We have concerns that this dam is actually higher than 8 m above the original or finished ground level.
- b. The OW plans do not contain any engineering plans nor compaction results (given the dam has already been constructed)
 - i. We do not believe the dam has been constructed to an appropriate standard, given the human habitation and the sensitivity of the downstream ecosystems
 - ii. This has already been amply demonstrated with the dam face failure in December 2015, causing the complete filling in with silt for the entire length of the ephemeral tributary of Owens Creek on which the dam has been built
 - iii. We cannot see how this incorrect compaction can be rectified now that the dam has been constructed, given that compaction should be performed and test results furnished for various points during the construction
- c. We are concerned about the impacts of any breach of this dam during a wet season rain event and particularly after a wet season rain event which could cause further weakening of the dam face and subsequent failure as it dries out.
 - i. A failure of the dam wall would do extensive damage to Owens Creek catchment below the dam and the existing infrastructure along the creek, including the safe water supply to existing properties
 - ii. Other infrastructure, such as housing, fencing, vegetation and sheds could also be affected by any breach of the dam.
There are more than 2 persons downstream of this dam and properties and houses which would likely be inundated, based on potential water volume in the dam and as proven by Barron river and Owens creek flood waters in 1979 (photos available) so the dam presents as a fail category 1
 - iii. The dam failure would cause a major siltation event in Owen Creek and likely cause sediment to fill in the breeding sites of the *Litoria myola* for the entire stretch of Owens Creek below the dam

4 Water quality in the creeks and to the Great Barrier Reef

We are told and have also observed that the water quality in Warril and Owens Creeks has greatly deteriorated in recent times. In particular,

- d. In a rain event (c.300 mm) around Xmas 2015, there was excessive silt in water tanks, pipes and hoses reported by residents in Monaro Close which are downstream of this dam??
- e. An eye witness reported a heavy plume of siltation joining the Barron River, coming from Warril Creek, during the same rain event before Xmas 2015
- f. During a minor rain event (70 mm) during June 2016, heavy siltation of the creek water was noted in both Owens and in Warril Creeks (photos available)
- g. Siltation of the lower reaches of these streams will occur as they reach the Barron River and the sediment carried by each stream's momentum slows and drops its sediment load. These lower reaches contain major frog breeding sites which will be

clogged with siltation, reducing or eliminating breeding season success. This poses a serious direct effect (impaired tadpole breathing) and indirect effect (loss of invertebrate food supply) of frogs in and adjacent to these creeks (reference Tadpoles and Frogs of Australia by Marion Anstis, 2013)

5 Natural water flows

We believe that the natural water flow in Owens Creek will be affected by this dam. Clearly the dam has the potential to prevent water flow into the creek and into the groundwater aquifers. Much of the water supply downstream in Owens Creek comes from many springs along the creek which feed into the natural flow. Interference with the flow into ground water may restrict water flow into these springs. Any changes to water quality and quantity will affect approximately 20 long established rural home sites with boundaries to Owens Creek.

6 Statements within the application

Attachment 4 – Planning Scheme Code Assessment

This attachment refers to the Mareeba Shire Planning scheme 2007. We have been reliably informed by both the Mayor and the MSC planner that this Planning Scheme 2007, while passed by the then Council, was never ratified by the State Government and therefore assessments should be made under the 2004 scheme

Cultural Heritage Places, Section S1. Item c)

The comment is clearly at odds since no Indigenous Cultural heritage survey has been undertaken, as per the EPBC referral 2016/7710.

Areas under the Nature Conservation Act 1992 , section S2. Development within 100 m of an identified area under the With item b – changes to the natural drainage.

This has been marked as N/A and commented as the site not being within 100m of any area identified. Clearly this specific outcome is inadequate as impacts of water which drains without restriction, without sediment and erosion control , are felt at a greater distance than 100 m. This has in fact been the case with the gully being filled in with silt for 100s of metres downstream on the gully line.

Wetland and Waterways, section S3, item a) – No significant adverse effects on identified wetlands and .. waterways in terms of habitat , water quality.

This has been marked as complies and the comment ...ensure that this proposal will not place an adverse impact on the natural drainage, Owens Creek

This comment is at odds with the damage which has already occurred in the gully line and the siltation further down in Owens Creek.

Built Form Section S3 – Filling and excavation ... does not impact adversely on the stability of the land. Acceptable Measures AS3.1 – Material is compacted in layers not exceeding 200 m requirements of AS1289.

The Complies status of "Able to comply" and Comment "Council can condition compliance with the performance criteria" is again clearly at odds with the failure of the dam face in Dec 2015. If any performance test was to be made by Council , this one could not have been more relevant. The rain over the period 20 to 30 Dec 2015, amounting to only 300mm, would normally occur a few times per wet season. This is quite apart from any cyclonic rain event, during which the rain may be up to 3 times as much. We must be thankful that this wet season has unusually low rainfall and no weather "bombs". However this means that the dam site was not tested by even average wet season rainfall.

Environment S5 – Filling and excavation does not result in a reduction of the water quality of receiving waters

The Complies Status is clearly at odds with what has happened with the downstream sedimentation from the dam face erosion.

Our recommendation

- 1 There are inconsistent stated uses of the land, with an eco-resort being the most recent intended purpose (media release -Kur-World, 4 June 2016), thus the need for a rural dam is superseded and therefore should not be permitted.
- 2 That the dam not be permitted and so a requirement to remove this dam be ordered. If the purpose is subsequently clarified and can be demonstrated to be environmentally acceptable then the dam to be permitted as a rebuild to correct standards using best practice technique dam construction and following controlling guidelines as per FNQROC CP1.05
- 3 Regardless of the stated dam wall height of no more than 8 m, and because there are more than 2 people downstream of this dam, that the dam permit assessment includes a Dam Failure Assessment report, failure category 1, to be paid by the owner.
- 4 That Council consider the maintenance of the existing water flow and water quality in Owens Creek that formed part of the original approved subdivision more than 38 years ago.
- 5 That constraints be placed on the applicant in the form of a bond, by Council, to monitor, restore/repair damage to resident's water storage tanks, pumps, pipes, fencing etc and on established riparian vegetation and essential habitat for endangered species such the dam fail either partially or completely causing damage. Monitoring needs to be instituted by the owner with a series of maintenance inspection with Council (or expert representative) after each wet season and at relevant points during the dry season to ensure any possibilities of failure is detected and rectified before failure occurs.

Council should give consideration
to the Precautionary Principle.
25/6/16

CATHERINE LAMONT
52 MONARO CLOSE

KURANDA

OW/16/0001

URP-OPW
T.T-URP



OWENS CREEK BORDERS MY PROPERTY. I HAVE A
SUBMERSIBLE PUMP ON THE BED OF THE CREEK WHICH
SUPPLIES MY WATER TANKS. WE HAVE NO TOWN WATER.

Cate Lamont

P.S. THE INFORMATION WAS DELIVERED BY HAND 20/6/16
TO MY MAIL BOX. THE SUPPOSED LAST DATE FOR
OBJECTION IS TO-DAY, WE HAVE HAD NO
OFFICIAL NOTIFICATION FROM COUNCIL.

C. Lamont

GOVERNANCE AND COMPLIANCE

ITEM-5 TELECOMMUNICATIONS TOWER - WATSONVILLE

MEETING: Ordinary

MEETING DATE: 20 July 2016

REPORT OFFICER'S TITLE: Governance and Compliance Advisor

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

Visionstream acting on behalf of Telstra seeks to secure tenure in the form of a lease over Council-owned freehold land in the Watsonville community for the construction of a communication facility as part of the Federal Blackspot Programme to improve mobile phone and wireless broadband services in that area.

OFFICER'S RECOMMENDATION

"That Council delegate authority for the Chief Executive Officer to finalise arrangements for the securing of a suitable site for the construction of a communication facility on Council-owned land in Watsonville subject to the applicant satisfying all other conditions and requirements that may be necessary for such a facility and further, for the Chief Executive Officer to negotiate an appropriate lease for the area on which the facility is to be located."

BACKGROUND

Council has previously given consideration to a request by Visionstream Australia Pty Ltd (Visionstream) on behalf of Telstra Corporation (Telstra) to identify freehold land owned by Council in the Watsonville community to lease for the purpose of construction of a communication facility as part of the Federal Blackspot Programme to address deficiencies in mobile and wireless broadband services in that area.

Visionstream's proposal is for a lease area of approximately 180m² whereupon a 40-60m high communications tower and associated infrastructure will be constructed. Council wrote to Visionstream on 16 June 2016 (see attached letter) and advised details of the land parcels that were available for consideration for a potential lease site and further advised the conditions under which Council would consider a proposal for construction of such a facility. Of the six (6) parcels originally identified by Council, Visionstream came back with advice that three (3) parcels were of particular interest, namely: Lot 402 W2631, Lot 218 W2631 and Lot 216 W2631 (see attached plan for locations).

Visionstream provided email advice to Council on 11 July 2016 relevant to the progress of their dealings in this matter which stated that they had been in touch with the property valuers, to provide a rental valuation (as required by Council) and that they were preparing a report for Telstra for a decision to be made as to which land parcel they will choose. After

that, they will engage the property valuers to provide a report to assist Council in its deliberations as to an appropriate amount of annual rental for the lease site.

It is suggested that Council delegate authority to the Chief Executive Officer to undertake negotiations with Visionstream and Telstra to secure a suitable site and also, provided that all planning and other requirements are satisfied, determine a suitable lease document between Council and Telstra.

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
Planning Section

External
Visionstream Australia Pty Ltd

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
The amount of annual rent to be paid to Council has still to be determined and will need to be negotiated subject to a rental valuation being received from a licenced valuer.

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

Applicant will need to submit a suitable Material Change of Use Development Application and if approved by Council enter into a lease arrangement over the land subject to development.

ATTACHMENTS

1. Letter from Visionstream Australia Pty Ltd dated 21 May 2016 requesting potential lease sites in Watsonville area. ECM DSID: 3166458;
2. Council letter to Visionstream Australia Pty Ltd dated 16 June 2016 advising potential sites for consideration. ECM DSID: 3172228;
3. Map identifying potential sites of interest for location of communications facility. ECM DSID: 3182554.

Date Prepared: 11 July 2016

ATTACHMENT 1

Site Reference: 4013661.01 Watsonville

21st May 2016MAREEBA SHIRE COUNCIL
JAMES STREET
MAREEBA QLD 4887**Proposed Lease to Telstra Corporation Limited – Proposed Mobile Phone Base Station on
either L212 SP221453 & L213,216-218 W2631:PAR WESTERN- JAMES STREET WATSONVILLE
QLD**

We confirm that Visionstream Pty Ltd represents Telstra Corporation Limited (Telstra) with respect to the deployment of its mobile phone network infrastructure.

Telstra is currently searching for a location in and around **Watsonville** in which to establish a telecommunications installation to provide improved mobile and wireless broadband services into the area under the Federal Blackspot Programme and we have identified Council property as having the qualities our client is looking for to establish its facility.

The proposed facility will entail the construction of a communications tower of approximately 40-60m in height along with an associated equipment shelter at ground level within a fenced compound of 12 x 15 metres. Power would be bought to the installation site that would be separately metered.

The exact location of the facility is flexible but we understand Council owns some freehold land in town as described above.

Telstra would look at entering into a twenty year lease (2x10 years) over a portion of your land accommodating the facility. The rental being offered is \$1,000.00 per annum, increasing by 2% per annum.

At this stage we are seeking confirmation from landowners that they are willing to consider a leasing proposal and would be interested in a site visit with our team.

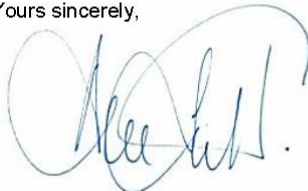
More information about the project can be found below:
<https://www.communications.gov.au/what-we-do/phone/mobile-services-and-coverage/mobile-black-spot-programme>

Below is a simple image of a potential site in mind. The red line would be the power and access;



If this is of interest please contact me on 0419 821 652 at your earliest opportunity to discuss the proposal further or respond to this letter via email alex.smith@visionstream.com.au

Yours sincerely,



Alex Smith - Property Officer,

ATTACHMENT 2

16 June 2016

Mr Alex Smith
Property Officer
Visionstream Australia Pty Ltd
PO Box 5452
WEST END QLD 4101

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
F: 07 4092 3323

W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

Council Ref: URP-TEN AA:CB

Your Ref: 4013661.01 Watsonville

Dear Mr Smith

PROPOSAL FOR LOCATION OF TELSTRA COMMUNICATION FACILITY IN WATSONVILLE

I refer to your letter dated 21 May 2016 with regard to your representation on behalf of Telstra Corporation Ltd (Telstra) seeking potential sites for the construction of a proposed mobile phone base station in the community of Watsonville.

This matter was recently considered by Council and the following information is provided relevant to your proposal and I refer you to the attached map of the Watsonville community.

The land which Council is prepared to offer for potential lease is any one (1) of the parcels detailed as 1-6 (inclusive) on the attached map and described as: Lot 83 on W2632 and Lots 216, 218, 402, 503 and 504 on W2631.

A suitable Material Change of Use Development Application will need to be submitted to Council for consideration relevant to any parcel that you may choose to utilise for the proposed development.

A rental assessment (valuation) will need to be carried out by an independent licenced valuer, as nominated by Council, to provide an indication of the market value for rental of the site chosen for the proposed development. This valuation is to be undertaken at no cost to Council with the completed valuation report to be provided to Council for its consideration.

Provided that the aforementioned matters are successfully completed, Council will enter into negotiations with Telstra (or its nominated representative) for the preparation of suitable lease documentation.



Visionstream Australia Pty Ltd
PROPOSAL FOR LOCATION OF TELSTRA COMMUNICATION FACILITY IN WATSONVILLE

Page 2
16 June 2016

Should you wish to discuss any aspect of this matter further, please direct your enquiry to Council's Governance and Compliance Advisor, Craig Batchelor on 4086 4602.

Yours faithfully

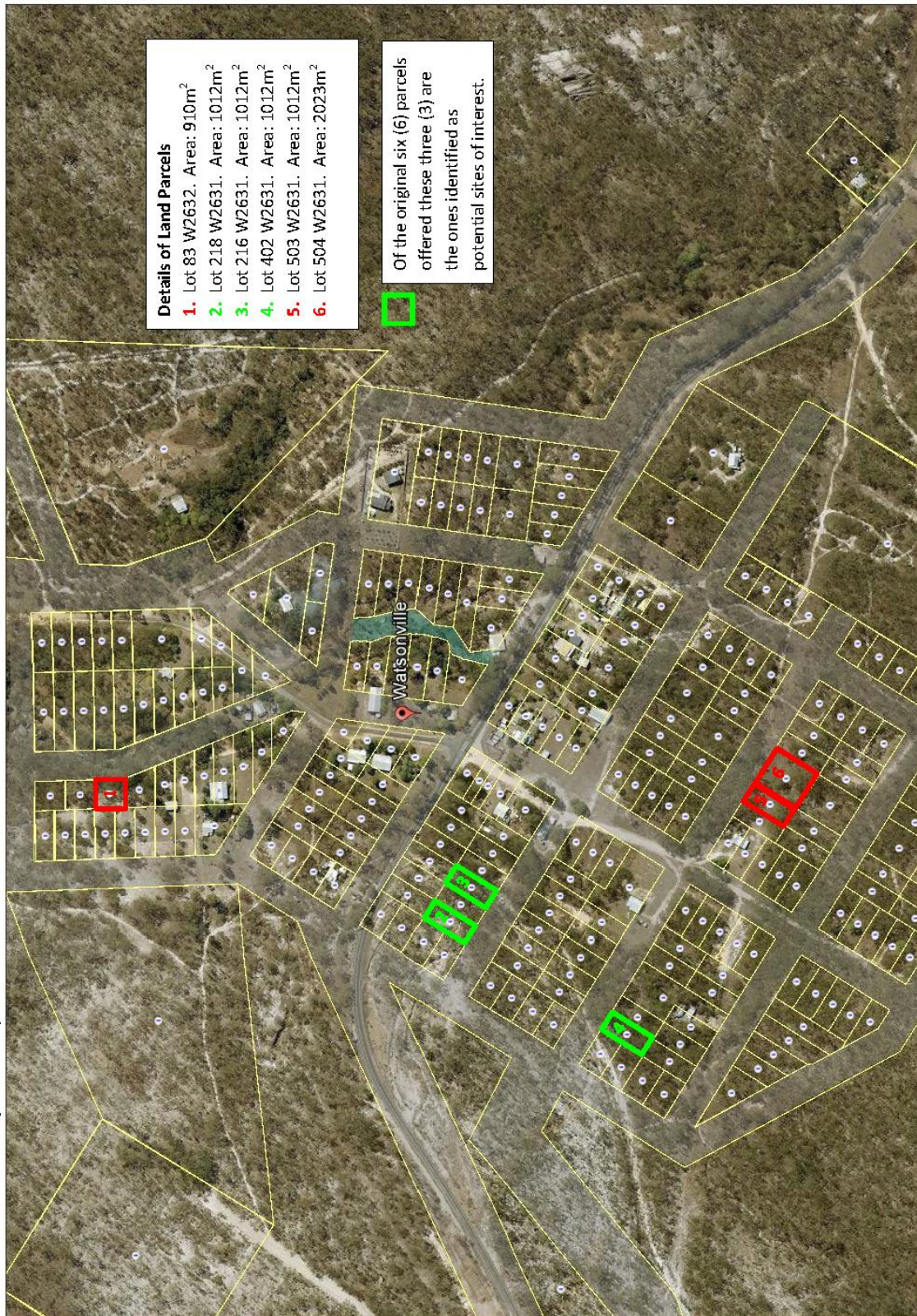


ANTHONY ARCHIE
MANAGER DEVELOPMENT AND GOVERNANCE

Attachment: Map of Watsonville showing Council-owned land available for potential lease sites

ATTACHMENT 3

COUNCIL-OWNED (FREEHOLD) LAND IN WATSONVILLE IDENTIFIED AS AVAILABLE FOR POTENTIAL LEASE FOR TELSTRA COMMUNICATION FACILITY



ITEM-6 CHILLAGOE INDUSTRIAL ESTATE TENDERS

MEETING: Ordinary

MEETING DATE: 20 July 2016

REPORT OFFICER'S TITLE: Manager Development & Governance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

Eleven lots in the Chillagoe Industrial Estate were recently advertised for public tender with tenders closing on 17 May 2016.

This report provides advice on the tenders received and information on the assessment and acceptance of the tenders.

OFFICER'S RECOMMENDATION

"That in relation to tenders received in response to the advertised sale of eleven lots in the Chillagoe Industrial Estate, Council accept the tender submitted by Mr David Hill for purchase of Lot 43 and the tender submitted by Mrs Karyl Struber for purchase of Lots 44 to 48.

FURTHER that in relation to future dealings with the unsold lots, the reserve price for these lots be set at \$5,000 (incl GST)."

BACKGROUND

Eleven vacant, unleased lots in the Chillagoe Industrial Estate were recently offered for sale by public tender. Advertising of the tender was via the Tablelands Advertiser and Cairns Post on 22/23 April 2016 with the closing date for tenders being 17 May 2016.

There were six (6) tenders received with tender prices ranging from \$500 per lot to \$10,050 per lot (incl GST) for seven (7) of the lots, and no tenders at all for four (4) of the lots. A summary of the tenders received is shown on the attachment hereto. The tender submitted by MGA Investments Pty Ltd was submitted electronically and, in accordance with Council's conditions of tender and legal advice received, the tender cannot be accepted.

Section 228 of the *Local Government Regulation 2012* provides that a local government may decide not to accept any tenders it receives, however, if the local government does decide to accept a tender, it must accept the tender most advantageous to it, having regard to the sound contracting principles.

The sound contracting principles are:

- a) value for money; and
- b) open and effective competition; and
- c) the development of competitive local business and industry; and
- d) environmental protection; and
- e) ethical behaviour and fair dealing.

In terms of value for money, Council would normally accept the highest tender where disposal of land is concerned, and in the Chillagoe situation where there are a number of similar sized lots available, all with similar physical attributes and mostly side by side, the highest tender price/s submitted would be expected to give a reasonable guide to the current market value of the lots.

As can be seen from the attached tender summary, two (2) of the tenderers have offered prices of \$10,000 per lot (incl GST). A valuation of the land carried out by Northern Property Valuers in April 2010 gave an indicative value at that time of between \$15,000 and \$20,000 for the lots in their "as is, partly developed condition". Northern Property Valuers were requested to review their 2010 valuation report based on current land sales and the offers submitted in this tender process and their revised valuation is \$4,000 per lot excluding GST. Recent valuations provided by DNRM for rating purposes indicate a value of around \$15,000 - \$18,000 for an individual lot.

A further issue to consider is that the Council incurred a cost of \$225,000 (excl GST) to purchase the land from the State Government in 2012. In addition, approximately \$30,000 has been expended in the last two (2) years getting the lots to the stage where they could be put up for public tender. This includes legal fees, survey costs and title registration fees, planning fees and concurrence agency fees, tender advertisements and purchase of corflute signs. The above costs alone equate to \$5,204 per lot for the 49 lots in the estate. If the initial costs of construction of the estate i.e. roadworks and preparation of the lots for lease were also taken into account, there would probably be at least a further \$250,000 involved. A price of \$10,000 per lot would therefore realistically only be covering the costs that have been incurred to date.

Legal advice obtained on the benchmark price for the lots is, however, that there is nothing in the Local Government regulation that requires Council to apply a benchmark price, even though the lots may be very similar. The reality is that this is a tender process and there is no legal restriction on Council's ability to sell similar lots at widely differing tender prices. This is essentially a commercial decision for Council.

Related to the benchmark price issue is the fact that where tenders have been called and lots are unsold, Council then has the right to negotiate sales of the unsold lots direct with interested parties without having to go through the tender/auction process again. However, this exception under section 236(1)(a) of the Local Government Regulation is subject to a number of conditions.

Section 236(1)(a)(ii) states that the land has to be sold for more than the highest tender or auction bid that was received and section 236(3) provides that a local government can only dispose of land under section 236 if the consideration for the disposal is equal to, or more than, the market value of the land. Section 236(5) then goes on to clarify that a written report about the market value from a valuer registered under the *Valuers Registration Act 1992* is evidence of the market value.

Legal advice is that where there is a difference between the highest tender or auction bid received and the market value as determined by a registered valuer, the higher of the two figures will prevail. In terms of what is the highest tender or auction bid received for the unsold lots, and given that no tenders were received for lots 6, 17, 18, 19 and only \$500 for lot 38, legal advice is that the valuation figure of \$4,000 excl GST would apply.

The tenderers for lots 43 to 48 have confirmed that they wish to proceed with the purchase of the lots.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Mayor and CEO

External
Preston Law

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

Council is bound by the provisions of the *Local Government Regulation 2012* in so far as disposal of a valuable non-current asset such as land is concerned. Council must therefore ensure that its consideration and acceptance of any tenders received is in accordance with the Regulation. To ensure compliance with the Regulation and mitigate against any risks involved, legal advice was obtained from Preston Law on the following matters:

1. Validity of a tender submitted electronically;
2. Determination of the benchmark price and acceptance of tenders based on the tender prices received;
3. Future dealing with the unsold lots and the price that should apply to these lots.

POLICY IMPLICATIONS

Nil; however, the decisions made by Council in relation to the tenders received will set a precedent for future land disposals within the Estate.

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Council will receive revenue of \$35,050 (incl GST) from acceptance of the recommended tenders and sale of lots 43 to 48 in the Estate.

Operating
There will be legal fees of approximately \$1,500 involved in the transfer of each lot.

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

Yes

IMPLEMENTATION/COMMUNICATION

Tenderers will be formally advised of Council's decision in relation to the tenders received.

ATTACHMENTS

1. Summary of tenders received.
2. Plan of the Chillagoe Industrial Estate showing the lots tendered shaded yellow.
3. Copies of the relevant sections of the *Local Government Regulation 2012*.

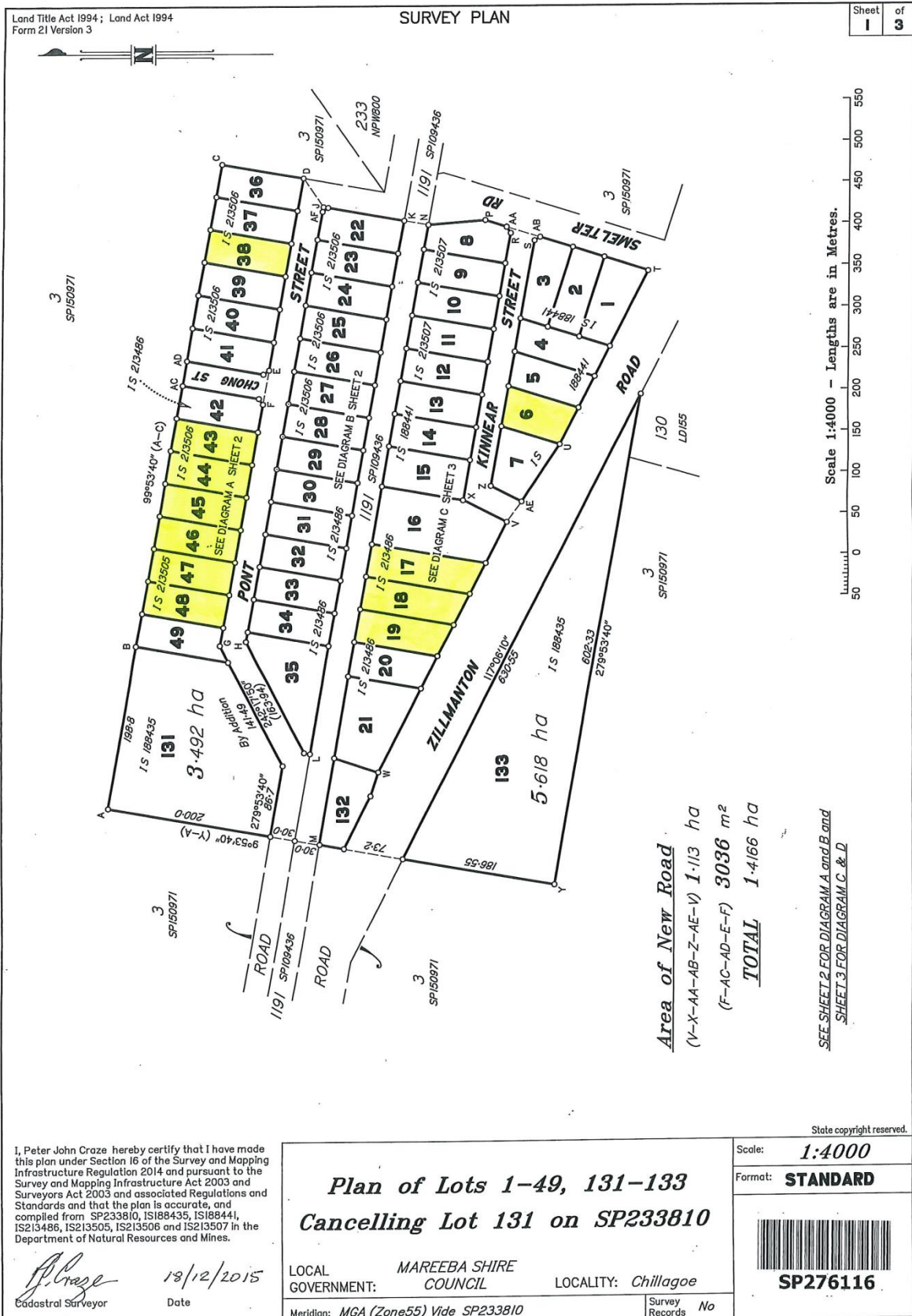
Date Prepared: 24 June 2016

TENDERS RECEIVED - CHILLAGOE INDUSTRIAL ESTATE

Tenderer	Lot 6	Lot 17	Lot 18	Lot 19	Lot 38	Lot 43	Lot 44	Lot 45	Lot 46	Lot 47	Lot 48
Karyl Struber						\$5,000 incl GST	\$5,000 incl GST	\$5,000 incl GST	\$5,000 incl GST	\$5,000 inc GST	\$5,000 incl GST
Nell Prior-Grogan						\$3,500 excl GST	\$3,500 excl GST	\$3,500 excl GST			
Duncan Mills					\$500 incl GST						
David Hill						\$10,050 incl GST					
Jay Short & Lisa Hall										\$2,500 incl GST	\$3,000 incl GST
MGA Investments Pty Ltd						\$10,000 incl GST	\$10,000 incl GST	\$10,000 incl GST			

Note: MGA Investments tender was submitted electronically and as such is not acceptable

ATTACHMENT 2



ATTACHMENT 3

Local Government Regulation 2012
Chapter 6 Contracting

[s 229]

- (a) an invitation to tender under subsection (4) or (6)(b) states that the local government might later invite all tenderers to change their tenders to take account of a change in the tender specifications; and
- (b) the local government does change the tender specifications;

the local government may invite all the persons who submitted a tender to change their tender to take account of the change, before making a decision on the tenders.

- Spec 228*
- (8) A local government may decide not to accept any tenders it receives.

- (9) However, if the local government does decide to accept a tender, the local government must accept the tender most advantageous to it, having regard to the sound contracting principles.

Division 3 Exceptions for medium-sized and large-sized contractual arrangements

229 What div 3 is about

This division explains when a local government may enter into—

- (a) a medium-sized contractual arrangement without first inviting written quotes; or
- (b) a large-sized contractual arrangement without first inviting written tenders.

230 Exception if quote or tender consideration plan prepared

- (1) A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if the local government—

Current as at 19 March 2016

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Authorised by the Parliamentary Counsel

Local Government Regulation 2012
Chapter 6 Contracting

[s 236]

- (a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or
- (b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders; or
- (c) a genuine emergency exists; or
- (d) the contract is for the purchase of goods and is made by auction; or
- (e) the contract is for the purchase of second-hand goods; or
- (f) the contract is made with, or under an arrangement with, a government agency.

Division 4 Exceptions for valuable non-current asset contracts

236 Exceptions for valuable non-current asset contracts

- (1) Subject to subsections (2) to (4), a local government may dispose of a valuable non-current asset other than by tender or auction if—
 - (a) the valuable non-current asset—
 - (i) was previously offered for sale by tender or auction but was not sold; and
 - (ii) is sold for more than the highest tender or auction bid that was received; or
 - (b) the valuable non-current asset is disposed of to—
 - (i) a government agency; or
 - (ii) a community organisation; or
 - (c) for the disposal of land or an interest in land—
 - (i) the land will not be rateable land after the disposal; or

Current as at 19 March 2016

Page 163

Authorised by the Parliamentary Counsel

Local Government Regulation 2012
Chapter 6 Contracting

[s 236]

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

ITEM-7 CHILLAGOE INDUSTRIAL ESTATE LAND SALES

MEETING: Ordinary

MEETING DATE: 20 July 2016

REPORT OFFICER'S TITLE: Governance and Compliance Advisor

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

Of the eleven lots originally offered for tender in the Chillagoe Industrial Estate, five either received no offer or the offer was not deemed appropriate. Subsequent to the determination of the tender process Council has, however, received unsolicited offers from interested parties for all of these remaining five lots. This report provides advice on the offers received and information for consideration by Council for potential sale of these remaining lots.

This report is prepared on the premise that Council accepts the advice detailed in a previous report on the tender process for disposal of Chillagoe Industrial Estate lots and the reserve price of \$5,000 (inc GST).

OFFICER'S RECOMMENDATION

"That Council accept the offers to purchase the remaining five (5) lots within the Chillagoe Industrial Estate described as:

1. Lot 6 - offer of \$6,200 (inc GST) from Wayne and Tanya Whiting;
2. Lots 17, 18 and 19 - offer of \$6,200 (inc GST) per lot for a total of \$18,600 (inc GST) for all three lots;
3. Lot 38 - offer of \$5,000 (inc GST) from William Pratt."

BACKGROUND

Subsequent to the closing of tenders for the disposal of eleven unleased lots in the Chillagoe Industrial Estate, Council has received quite a number of enquiries with regard to the five lots which were not successfully disposed of via tender.

Written offers have been received for all five lots, and these are detailed in the table following:

Offer received from:	Lot 6	Lot 17	Lot 18	Lot 19	Lot 38
William Pratt	-	-	-	-	\$5,000 in GST
John Wallace (Tinher Pty Ltd)	-	\$6,200 per lot inc GST contingent on all three lots being sold together			-
Wayne and Tanya Whiting	\$6,200 Inc GST	-	-	-	-
MGA Investments Pty Ltd	-	\$6,100 per lot inc GST contingent on all three lots being sold together			-

It should be noted that all offers that were received by Council to purchase the remaining lots were unsolicited, that is, Council did not openly promote or advertise that these lots were for sale. Advice was provided to all enquirers that should they wish to submit an offer to Council that such offers would be only be accepted in writing, and all enquirers were also told of Council's minimum (reserve) price of \$5,000 (inc GST) per lot.

Given that all offers do satisfy the required minimum (reserve) price as previously determined by Council, it is recommended that Council considers disposal of the lots as per the recommendation contained herein.

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

Chief Executive Officer
Director Corporate and Community Services
Manager Development and Governance.

External

Nil

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

Council is bound by the provisions of the *Local Government Regulation 2012* insofar as disposal of a valuable non-current asset such as land is concerned. Council must, therefore, ensure that its consideration and acceptance of any offers received is in accordance with the Regulation. Given the process undertaken in seeking legal advice for the disposal of other land parcels in the Chillagoe Industrial Estate, the advice received and, the processes undertaken as a consequence thereof will have a similar bearing on disposal of these remaining land parcels.

POLICY IMPLICATIONS

Nil. However, the decisions made by Council in relation to the offers received will set a precedent for future land disposals within the Chillagoe Industrial Estate.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Council will receive revenue of \$29,800 (inc GST) from acceptance of the recommended offers for the sale of lots 6, 17, 18, 19 and 38 in the Chillagoe Industrial Estate.

Operating

There will be legal fees of approximately \$1,500 involved in the transfer of each lot.

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

Yes.

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

N/A.

IMPLEMENTATION/COMMUNICATION

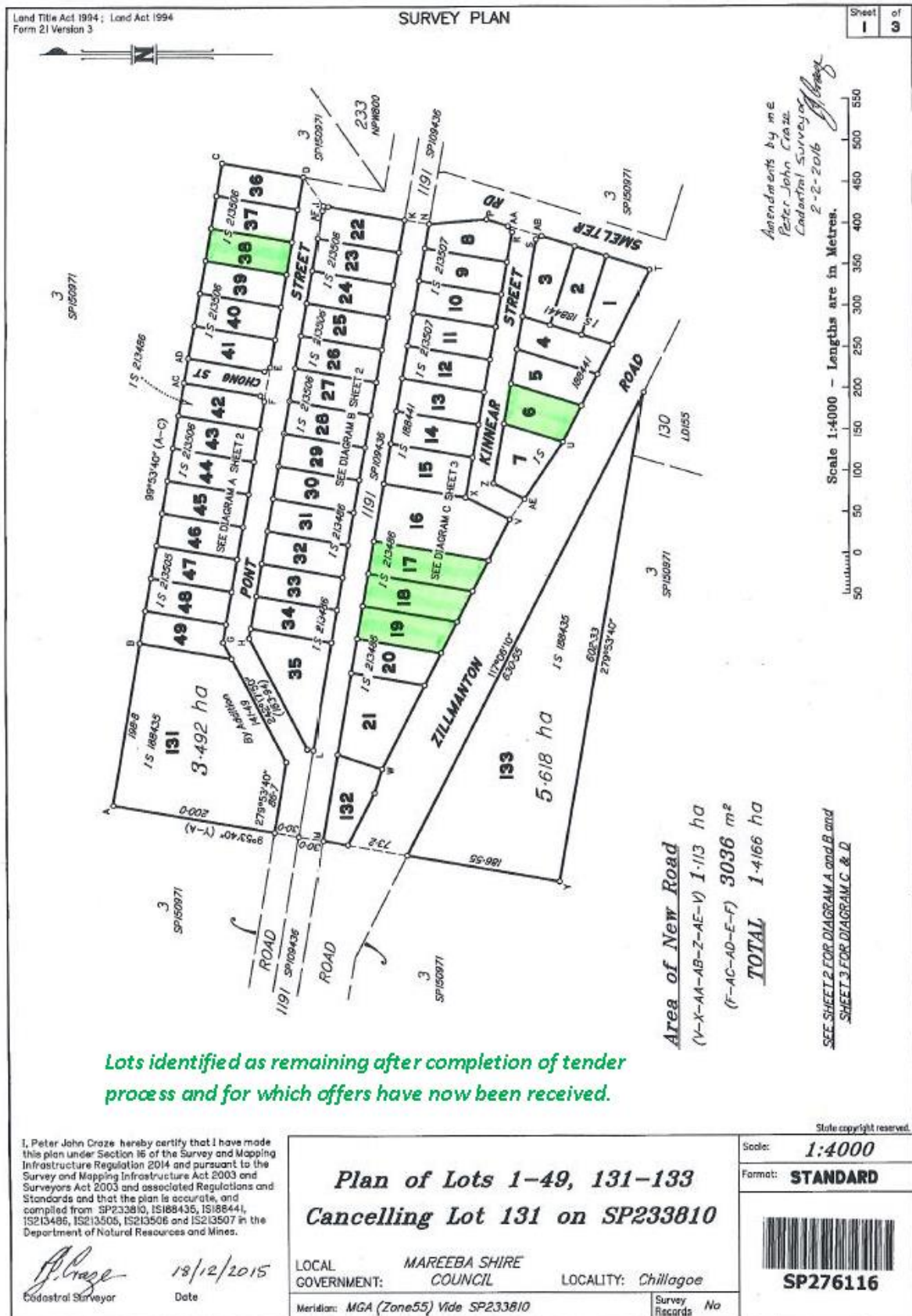
Submitters of offers will be formally advised of Council's decision in relation to the offers received.

ATTACHMENTS

1. Plan showing remaining lots at Chillagoe Industrial Estate for which offers have now been received.

Date Prepared: 12 July 2016

ATTACHMENT 1



**ITEM-8 CATHOLIC CHURCH - CREATION OF RESERVE -
THORNBOROUGH TOWN RESERVE.DOCX**

MEETING: Ordinary

MEETING DATE: 20 July 2016

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

DEPARTMENT: Corporate and Community Services

Council previously resolved at its meeting held on 19 February 2014 that it had no objection to the granting of a term lease to the Roman Catholic Church over an area of about 8,600m² being part of the Thornborough Town Reserve (R86 - Lot 8 on T2132).

The Department of Natural Resources and Mines has now advised that consideration is being given to the possible creation of a Reserve for Historical Purposes over the area of land in question with the Roman Catholic Church being appointed as Trustee. The Department has requested Council's views on the matter.

OFFICER'S RECOMMENDATION

"That the Department of Natural Resources and Mines be advised that, with reference to their letter dated 8 June 2016:

1. Council has no objection to the creation of a separate Reserve for Historical purposes over that part of the Thornborough Town Reserve shown as Lot A on the Department's Drawing TSV2013-10, with the Roman Catholic Church being appointed as Trustee of the Reserve, subject to any development on the proposed Reserve complying with the provisions of the Mareeba Shire Planning Scheme.
2. Council has no knowledge of any local non-indigenous cultural heritage values associated with the land."

BACKGROUND

At its meeting held on 19 February 2014, Council considered correspondence from the Department of Natural Resources and Mines regarding an application by the Roman Catholic Church for a lease over part of the Thornborough Township Reserve R86, Lot 8 on T2132.

Council resolved at that meeting that it had no objection to the granting of a term lease to the Catholic Church over the area described as Lot A on drawing TSV2013-10 and that any re-establishment of a church on the subject land would require the lessee to make an impact assessable material change of use application under the Mareeba Shire Planning Scheme.

DNRM have now written to Council requesting its views on the creation of a separate Reserve for Historical purposes over the area of land in question with the Roman Catholic Church being appointed the Trustee of the Reserve.

It is not considered the proposed change in tenure materially affects Council's previous position on the matter and Council should therefore offer no objection to the proposal subject to any development on the parcel of land meeting the requirements of the Council's Planning Scheme.

LINK TO CORPORATE PLAN

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

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

DNRM will be formally advised of Council's decision.

ATTACHMENTS

1. Letter from the Department of Natural Resources and Mines dated 8 June 2016.

Date Prepared: 20 June 2016

ATTACHMENT 1Department of
Natural Resources and Mines

Author: Sharelle Jones
File / Ref number: 2013/000537
Directorate / Unit: State Land Asset Management
Phone: (07) 4095 7025

8 June 2016

The Chief Executive Officer
Mareeba Shire Council
Email to: info@msc.qld.gov.au

Dear Sir/Madam

**APPLICATION FOR CREATION OF A RESERVE OVER PART OF THORNBOROUGH TOWN
RESERVE, SHOWN AS LOT A ON DRAWING TSV2013-10**

Further to Council's letter dated 03 March 2014 (copy attached) providing its views on the Roman Catholic Church's application for tenure over the area shown as Lot A on drawing TSV2013-10.

Consideration is being given to the possible creation of a Reserve for Historical purposes with the Roman Catholic Church as Trustee.

Please advise the department of your views or requirements including any local non-indigenous cultural heritage values that the department should consider when assessing this application.

Objections to the application, and any views or requirements that may affect the future use of the land should be received by close of business on **08 August 2016**. If you offer an objection to the application, a full explanation stating the reason for the objection should be forwarded to this Office.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe. An extension to this due date will only be granted in exceptional circumstances.

If a response is not received by the due date and no alternative arrangements have been made, it will be assumed you have no objections or requirements in relation to this matter.

Postal :
DNRM Atherton
PO Box 5318
Townsville
4810 QLD

Telephone : (07) 4095 7025
Fax: (07) 4447 9199

This information has been provided to you in confidence for the purpose of seeking your 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 Sharelle Jones, A/Land Officer on PH: (07) 4095 7025.

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. 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 2013/000537 in any future correspondence.

Yours sincerely



Sharelle Jones
A/Land Officer
State Land Asset Management
Service Delivery - North Region

Mareeba Shire Council

PO Box 154
Mareeba QLD 4880

65 Rankin Street
Mareeba QLD 4880

3 March 2014

Mr John Thurlow
Senior Land & Facilities Officer

Telephone: (07) 4086 4723
Facsimile: (07) 4092 3427
Email: john.t@msc.qld.gov.au

File Ref: Your Ref:2013/000537

DNRM Townsville
State Land Asset management
P O Box 5318
Townsville QLD 4810

Attn: Ms Angela Bastin

Dear Angela,

**APPLICATION FOR A NEW LEASE OVER PART OF THE THORNBOROUGH TOWNSHIP
RESERVE (R86) BEING LOT 8 ON T2132**

I refer to previous correspondence in relation to this matter and advise that Council at its ordinary meeting on the 19 February 2014 resolved as follows:

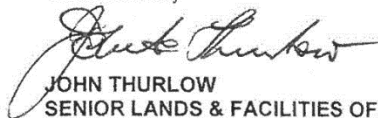
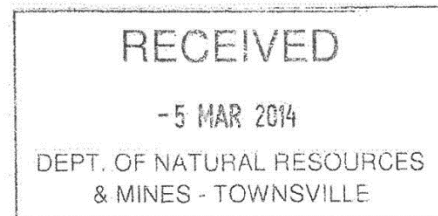
"That Council:

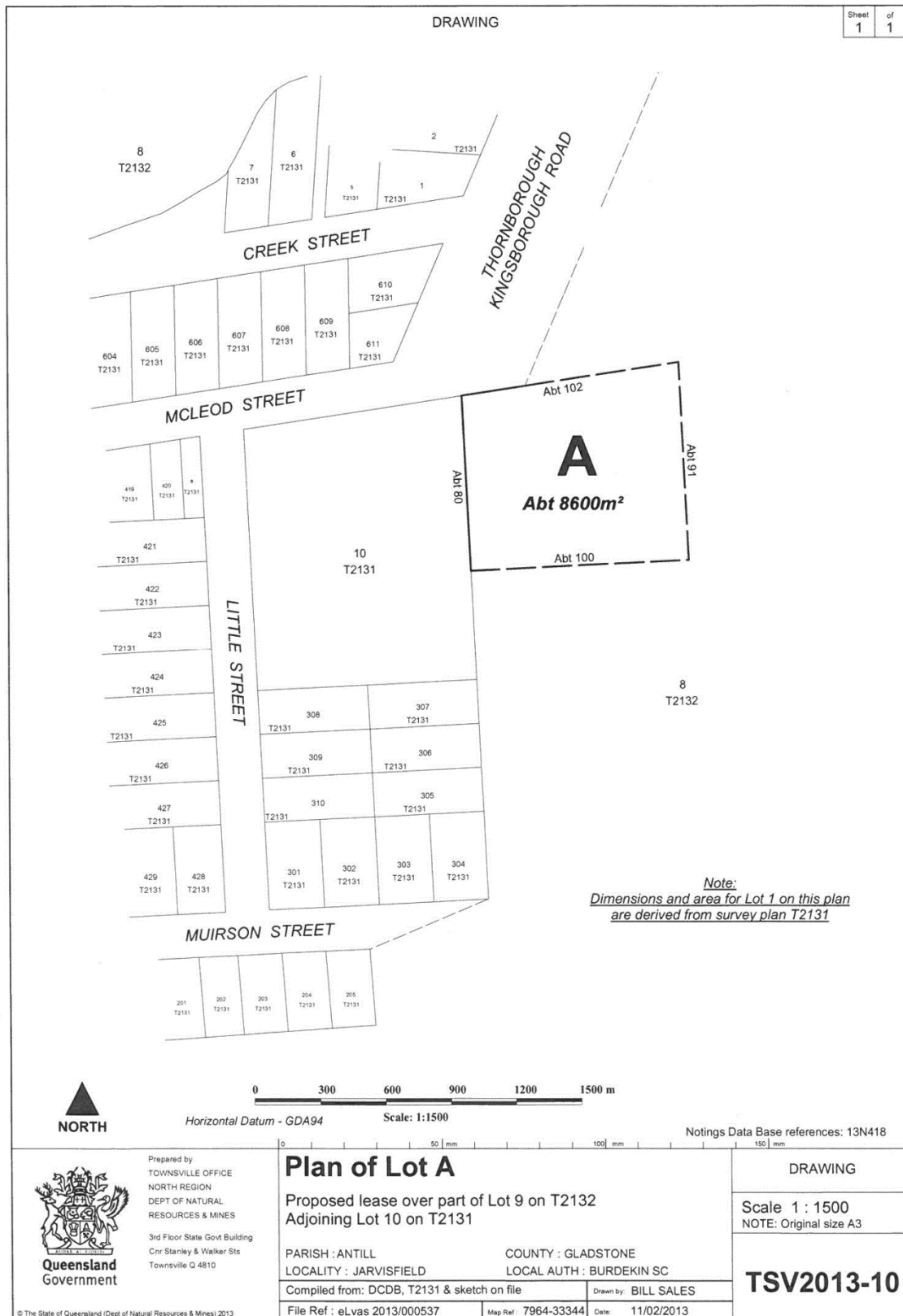
Has no objections to the granting of a term lease over the area as designated as Lot A on drawing TSV2013-10 to the Roman Catholic Church providing that any re-establishment of a church on the subject land will require the lessee to make an impact assessable material change of use application under the Mareeba Shire Planning Scheme 2004."and

Does not accept the Trusteeship over the Thornborough Township Reserve at this stage"

If you have any further enquiries in this regard, please contact the undersigned direct on 40864723.

Yours faithfully


JOHN THURLOW
SENIOR LANDS & FACILITIES OFFICER



**ITEM-9 MAREEBA INDUSTRIAL ESTATE - CHANGE TO LOT 61
AND INCLUSION OF XTRACO IN THE LEASE
PURCHASE ARRANGEMENT**

MEETING: Ordinary

MEETING DATE: 20 July 2016

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

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report relates to an approval given by Council at its meeting held on 6 April 2016 for the lease/purchase of Lot 46 in the Mareeba Industrial Park by North Queensland Haulage Pty Ltd.

There has been a change in the proposed lease/purchase arrangements and Council's confirmation is required of the actions taken in relation to this matter.

OFFICER'S RECOMMENDATION

"That in relation to the approval granted by Council at its meeting held on 6 April 2016 for the lease/purchase of Lot 46 in the Mareeba Industrial Park by North Queensland Haulage Pty Ltd trading as Mareeba Concrete Company, Council agree to a change in the lot being leased/purchased to Lot 61 on the corner of Martin Tenni Drive and Keegan Streets and a change in the partnership arrangement for the lease/purchase to include both North Queensland Haulage and Xtraco, with the lease/purchase conditions to remain the same as previously offered to North Queensland Haulage."

BACKGROUND

A its meeting held on 6 April 2016, Council agreed to a proposal to offer extended payment terms or leasing arrangements to allow potential businesses the opportunity to become established and generate a cash flow before having to pay the upfront purchase price of the land in the Mareeba Industrial Park.

In conjunction with the above, Council also agreed to a lease/purchase arrangement with North Queensland Haulage Pty Ltd with respect to the establishment of a concrete batching business on Lot 46 in Effley Street.

North Queensland Haulage have now advised that they would like to change the location of their proposed business from Lot 46 to Lot 61 on the corner of Martin Tenni Drive and Keegan Street. They are also intending to enter into a partnership arrangement with Mr Chris Greenwood of Xtraco with respect to the setting up and operation of the business.

Council's approval is sought to the above changes to the lease/purchase arrangement. It is proposed the arrangement will be on the same terms as previously offered to North Queensland Haulage except that the annual lease fee to be paid may be increased to \$10,000 per year instead of the previous \$6,000 per year which was based on 5% of the purchase price.

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

Chief Executive Officer

Preliminary advice on the changed arrangements was sought from Councillors by email on 17 June 2016

External

North Queensland Haulage Pty Ltd
Chris Greenwood - Xtraco

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

Lease agreement to be entered into with North Queensland Haulage Pty Ltd/Xtraco will be prepared by Council's Solicitors and will contain appropriate conditions to mitigate risk to Council.

POLICY IMPLICATIONS

Proposal is in line with the Strategic Marketing Action Plan for the Industrial Park previously endorsed by Council.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

The sale price of Lot 61, based on \$55.00/m² excl GST will be \$116,435.

Operating

There will be some legal fees involved in preparation of lease/contract documents, estimated to be no more than \$2,000.

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

Yes

IMPLEMENTATION/COMMUNICATION

Applicant will be advised of the terms and conditions approved by the Council.

ATTACHMENTS

Nil

Date Prepared: *24 June 2016*

FINANCE

ITEM-10 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 JUNE 2016

MEETING: Ordinary

MEETING DATE: 20 July 2016

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

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2015 to 30 June 2016.

OFFICER'S RECOMMENDATION

"That Council note the financial report for the year ending 30 June 2016."

BACKGROUND

Financial Summary

The Budgeted Income Statement for the year ending 30 June 2016, will be presented to Council at its next meeting on 17 August 2016, due to financial year end and the number of processes that need to occur to finalise these figures.

Work has commenced on preparing the financial statements and it is anticipated that the draft accounts will be completed by 10 August and presented to Audit Committee before external auditors commence their final audit onsite from 15 August.

It should be noted that Council's cash position, after the repayment of the de-amalgamation loan, is currently \$36,848,559 and this represents an initial transfer of \$17,000,000 from Tablelands Regional Council (TRC). The Deputy Premier (Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) made a decision on 8 April regarding the cash split. MSC is to receive a sum total of \$26,053,002 of the total cash of \$52,077,050 which results in MSC receiving a further \$9,053,002 plus interest from TRC. On 22 May 2015, TRC made a part payment of \$1,719,752. TRC commenced legal action with the trial taking place on 14 & 15 December 2015.

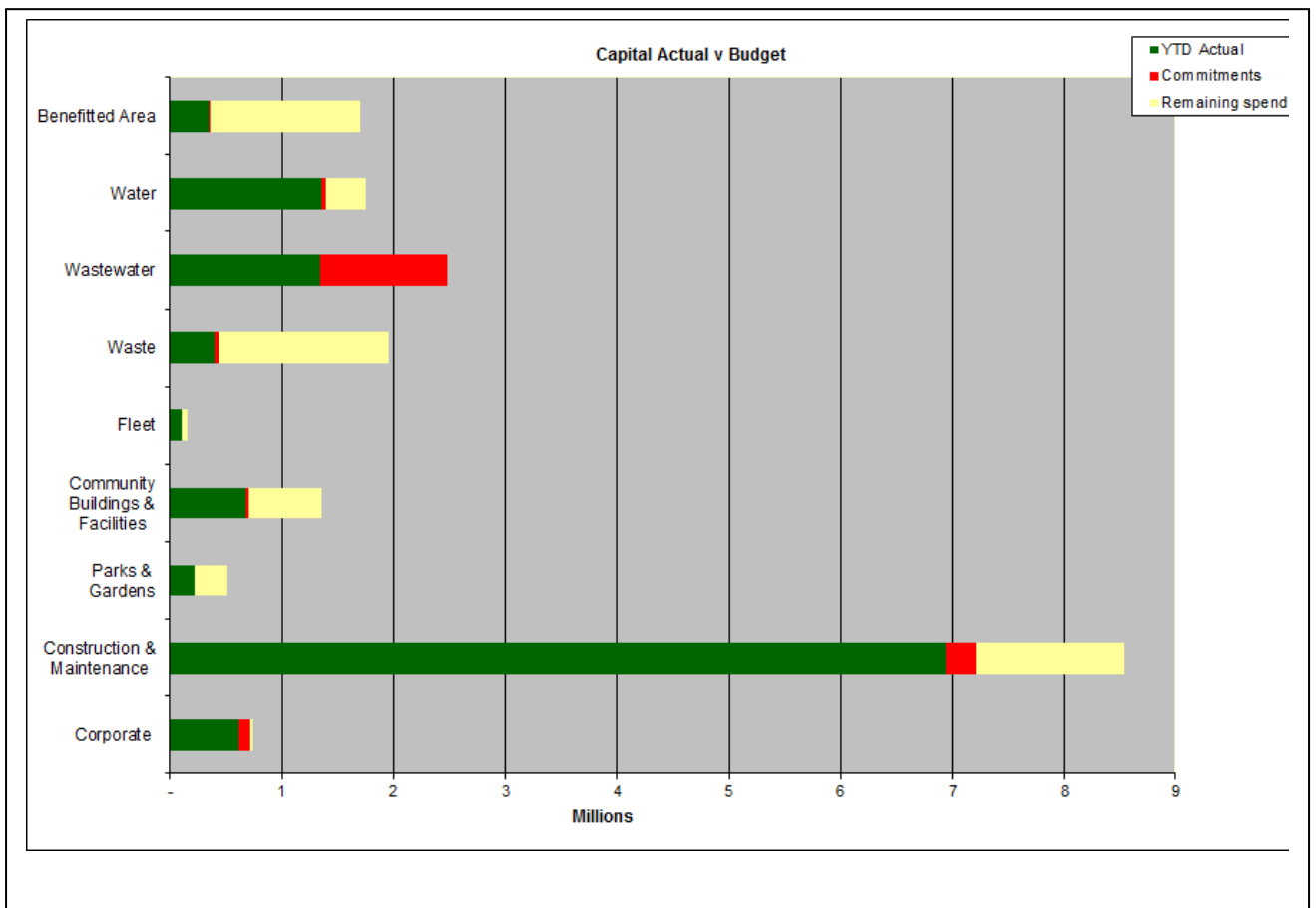
The Judge's decision from the trial was handed down on the 22 April 2016, with the Judge dismissing TRC's application. This decision should now see the TRC paying MSC the remaining outstanding cash.

Capital Expenditure

Total capital expenditure of \$13,641,029 (including commitments) has been spent for the year ending 30 June 2016 of the annual capital budget of \$20,484,153. This figure may change once June invoices are finalised. Excluded in the figures below are two (2) projects which will span over two (2) financial years; the Mareeba Sewerage Treatment Plant upgrade (\$12.8M) and the Mareeba Airport upgrade (\$13M).

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

Projects that had not commenced or were not completed by 30 June will be rolled over into 2016/17. A list of these capital projects will be given to Council once 30 June figures are finalised.



Loan Borrowings

Council's loan balance as at 30 June 2016 is as follows:

QTC Loans	\$6,867,172.49
-----------	----------------

On 30 June 2016, Council drew down the \$5 million loan required for the construction of the sewerage treatment plant.

The loan balance above will be reduced by approximately \$600,000 with final settlement of the land sales at the Mareeba Industrial Park.

Rates and Sundry Debtors Analysis

Rates and Charges

The total rates and charges payable as at 30 June 2016 is \$1,607,123. There are currently 144 properties with arrangements to pay, which totals \$75k.

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

Any properties that had an outstanding balance of \$50 or higher have been transferred to Collection House where they have issued first demand letters.

Collection House collected \$119,857 for the month of June. The outstanding amount for properties currently with debt collection is \$451,450.

Sundry Debtors

The total outstanding for Sundry Debtors as at 30 June is \$3,948,552 which is made up of the following:

Current	30 days	60 days	90 + days
\$3,912,702	\$18,332	\$8,902	\$8,615
99.09%	0.46%	0.23%	0.22%

LINK TO CORPORATE PLAN

Nil

CONSULTATION

Internal

Director Corporate & Community Services
Financial Accountant

External

Nil

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

Section 204 of the Local Government Regulation 2012 requires the financial report to be presented to local government if the local government holds its ordinary meetings more frequently (than once per month) - to a meeting in each month.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 11 July 2016

COMMUNITY WELLBEING

ITEM-11 COMMUNITY PARTNERSHIPS PROGRAM REQUEST FOR ASSISTANCE

MEETING: Ordinary

MEETING DATE: 20 July 2016

REPORT OFFICER'S TITLE: Community Engagement & Development Officer

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

Mareeba United Football Club (MUFC) requests assistance from Council for an interest free community loan under the Community Partnerships Program for 2016/17. The Club requires the funds to proceed with the installation of lights and the purchase of a new mower.

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

OFFICER'S RECOMMENDATION

"That Council approve an interest free community loan for the Mareeba United Football Club, repaid over a five (5) year term, totalling \$35,750. The total amount includes \$8,750 as the existing balance on the Club's current loan and an additional \$27,000 for new projects."

BACKGROUND

Mareeba United Football Club

MUFC has been successful in obtaining a \$35,000 grant to contribute to the cost of the installation of field lights. The Club is required to contribute \$10,000 to meet the full cost of the project (\$45,000).

The Club is also purchasing a new John Deere lawn mower at a cost of \$22,000 as the current mower is over 15 years old.

In 2012, Council provided a \$15,000 community interest free loan to MUFC for the installation of a pop-up irrigation system. This loan has a current outstanding balance of \$8,750.

MUFC is requesting a loan for additional funds to enable the field light installation to commence immediately and to purchase the new mower. The Club propose Council provides a community interest free loan for \$35,750 for a 5 year term. The total incorporates the current outstanding loan balance of \$8,750 plus an additional \$27,000 for the new projects.

A \$35,750 loan will require monthly repayments of \$595.83. MUFC has committed to Council that they will pay down the loan earlier should funds permit. Total cost to Council for interest foregone over a 5 year term will be approximately \$2,792.

MUFC has sole occupancy of the Football Club facilities and fully maintains the grounds and buildings.

History of Contributions

Under the Community Partnerships Program, Council contributes \$2,000 annually as a rebate for water consumption charges. The current community loan equates to approximately \$308 of interest foregone per annum to Council.

Recommendation

It is recommended that Council provide a \$37,750 interest free community loan, repaid over a 5 year term.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Chief Executive Officer

Mayor

Community Wellbeing Officer

External

Mareeba United Football Club

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

Nil

POLICY IMPLICATIONS

Community Partnerships Policy

Community Loans Policy

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

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

Yes

IMPLEMENTATION/COMMUNICATION

Follow-up communication to arrange loan repayments

ATTACHMENTS

Nil

Date Prepared: 6 July 2016

INFRASTRUCTURE SERVICES

INFRASTRUCTURE

ITEM-12 TENDER EVALUATION TMSC2016-01 CAPPING OLD MAREEBA LANDFILL

MEETING: Ordinary Meeting

MEETING DATE: 20 July 2016

**REPORT OFFICER'S
TITLE:** Contracts and Project Management Officer

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

To comply with environmental permit conditions for operating the Mareeba Landfill, Council is required to undertake post-closure care works on the Old Mareeba Landfill area which is no longer in use.

Tenders have been sought for the capping of the Old Mareeba Landfill to meet these requirements.

This report provides information of the tenders received and makes a recommendation on a contractor to undertake the work.

OFFICER'S RECOMMENDATION

"That Council award Contract TMSC2016-01 Capping Old Mareeba Landfill, to Celtic Construction & Utility Services for the amount of \$4,213,560.71 (Exclusive of GST)."

BACKGROUND

Council operates the Mareeba Landfill off Vaughan Street, Mareeba under the conditions of an environmental licence from the Department of Environment and Heritage Protection (EHP). As part of the licence conditions, Council is required to prepare a rehabilitation and after-care plan which includes installation of a final capping system when the deposition of waste to a landfill unit ceases. The purpose of the capping system is to minimise infiltration of water into the landfill unit, prevent erosion and manage the release of landfill gas.

The Old Mareeba Landfill is located directly west of the operational landfill facility on Vaughan Street, Mareeba. The Old Mareeba Landfill is an unlined, legacy waste disposal site that accepted waste until 2006, when new lined cells were constructed to accommodate regional waste. The environmental licence for the Old Mareeba allowed for between 10,000 and 20,000 tonnes of general waste disposal per year and past studies indicate that approximately 300,000 tonnes of waste and earth fill is deposited in the old landfill, which covers an area of approximately six (6) hectares.

The final capping of the Old Mareeba Landfill includes final shaping of the landfill mound, clay subgrade, linear low density polyethylene (LLDPE geomembrane), gas and leachate collection systems, grass cover and associated road and drainage works.

Open tenders have now closed for the contract works. When tenders closed conforming offers were received from:

Mendi Constructions	\$4,168,398.00
Celtic Construction & Utility Services	\$4,213,560.71
Pensar Construction Group	\$4,739,233.00
Shamrock Civil	\$4,994,168.00
FGF Developments	\$4,994,485.71
LDI Constructions (QLD) Pty Ltd	\$5,593,665.00
Heavy Equipment Hire Pty Ltd	\$5,923,287.51
Robinson Civil Group	\$6,505,926.07

All prices are GST exclusive.

Additionally, non-conforming offers were received from:

Celtic Construction & Utility Services	\$3,862,689.21
Mendi	\$4,074,918.00
Shamrock Civil	\$4,684,595.00
HEH	\$5,400,337.51

These alternative offers are based on grass cover being provided by hydro mulch or grass-seeding in lieu of full turfing as specified. Turf was selected by Council as the specified method of providing grass coverage as it will establish quickly, provide immediate erosion protection and suppress weeds better than hydro mulch. The alternative offers have been reviewed. It is concluded that they did not provide any advantage to Council and are therefore not included in any further assessment.

The tender documents advised tenderers that all tenders would be assessed on the following criteria and weightings:

Tender Price	40%
Work Methodology and Approach	15%
Relevant Experience	15%
Local Content	10%
Key Personnel Skills, Experience and Resources	20%

Price is a calculated formula dependent on the actual tender received against the median of all prices received. Scores for the other criteria are subject to knowledge of the tenderers performance on previous projects. Scores for each criterion are out of 5.

Scoring of the tenderers for this contract resulted in the following (scores out of 5):

Celtic Construction & Utility Services	3.52
Mendi Constructions	3.47
FGF Developments	3.40
Shamrock Civil	3.33
Heavy Equipment Hire Pty Ltd	3.25
Pensar Construction Group	3.00

LDI Constructions (QLD) Pty Ltd	2.60
Robinson Civil Group	2.55

The highest scoring tenderer, Celtic Construction & Utility Services, is a Tully based civil contractor that has undertaken similar work for Cassowary Coast Regional Council lining new landfill cells at Tully and Innisfail. Celtic Construction & Utility Services recently completed the Pressure Main to the Wastewater Treatment Plant for Mareeba Shire Council to Council's satisfaction.

The second highest scoring tenderer, Mendi Constructions, is a Townsville based civil contractor that has recently completed the Jensen Landfill Capping for Townsville City Council.

Although Mendi's tendered price is the lowest price, Celtic Construction & Utility Services received marginally higher scores than Mendi in some of the qualitative criteria and has therefore scored highest overall. Celtic Construction & Utility Services is based in Tully, and scored higher under the local content criterion than Townsville-based Mendi. The scoring reflects the opinion that Construction & Utility Services offers Council the best value for money, background, experience, skill and methodology to satisfactorily meet the requirements for capping of the Old Mareeba Landfill. Reference checks were undertaken on Celtic Construction & Utility Services for similar projects and positive feedback was received on their work.

Council has allocated funding of \$6,000,000 in the 2016/2017 capital works program for the capping of the Old Mareeba Landfill. The works will be completed in the 2016/2017 financial year.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Director Infrastructure Services

External

Nil

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

The proposed works form part of Council's compliance with the approved Rehabilitation and After Care Plan for the Old Mareeba Landfill.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Funding of \$6,000,000 from Council reserves

Operating

Nil

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

Yes

IMPLEMENTATION/COMMUNICATION

Necessary notifications on traffic adjustments will be made during construction.

ATTACHMENTS

Nil

Date Prepared: *24 June 2016*

**ITEM-13 TENDER EVALUATION TMSC2016-04 MAREEBA
AIRPORT REDEVELOPMENT - CONSTRUCTION OF
VICARY ROAD LEASED AREA PAVEMENTS**

MEETING: Ordinary Meeting

MEETING DATE: 20 July 2016

**REPORT AUTHOR/
OFFICER'S TITLE:** Contracts and Project Management Officer

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Mareeba Shire Council is proceeding with a redevelopment of the Mareeba Airport.

Part of this redevelopment project is the upgrade of the existing internal pavements adjacent the eastern leased area off Vicary Road.

Tenders for the Vicary Road Leased Area Pavements closed at 11:00am Tuesday, 12 July 2016 and nine (9) responses were received.

This report provides a comparison of tenders received and makes a recommendation on the preferred tenderer.

OFFICER'S RECOMMENDATION

"That Council award Tender TMSC2016-04 Mareeba Airport Redevelopment - Construction of Vicary Road Leased Area Pavements to Northern Civil Earthworks for a total value of \$176,622.05 (inclusive of GST)."

BACKGROUND

The main access for Mareeba Airport is located off Vicary Road which forms the northern boundary of the airport site. An internal sealed road (not gazetted) is provided to facilities in the eastern leased area with off road parking adjacent to the individually tenanted buildings. In addition to the individual tenanted buildings, there is a small common user terminal/amenities building and sealed car parking area.

While no significant changes are proposed to the eastern leased area as part of the airport redevelopment, the existing internal sealed road is narrow and the parking arrangements adjacent the tenanted buildings consist of vehicles parking on whatever grassed areas are available.

This project involves widening and resurfacing the existing internal road for two-way traffic, installation of road drainage and construction of asphalt-surfaced building accesses and additional car parking areas.

TENDERS

The list of tenders received and the tendered amount excluding GST, is provided in the table below.

Northern Civil Earthworks	\$160,565.50
TMC Transport & Machinery Contractors	\$168,324.60
HEH Pty Ltd	\$184,974.00
LDI Constructions (QLD) Pty Ltd	\$186,479.00
Dun-Movin' Earthworks	\$186,900.50
Civil Teknix Pty Ltd	\$201,094.00
Gunther Civil Pty Ltd	\$208,052.81
Gregg Construction Pty Ltd	\$216,058.00
Robinson Civil Group	\$237,117.69

The tender documents advised tenderers that all tenders would be assessed on the following criteria and weightings:

Tender Price	40%
Work Methodology and Approach	15%
Relevant Experience	15%
Local Content	10%
Key Personnel Skills, Experience and Resources	20%

Price is a calculated formula dependent on the actual tender received against the median of all prices received. Scores for the other criteria are subject to knowledge of the tenderers performance on previous projects. Scores for each criterion are out of 5.

Scoring of the tenderers for this contract resulted in the following (scores out of 5):

Northern Civil Earthworks	3.17
Gregg Construction Pty Ltd	3.15
HEH Pty Ltd	3.14
LDI Constructions (QLD) Pty Ltd	3.12
Robinson Civil Group	3.11
Civil Teknix Pty Ltd	3.01
TMC Transport & Machinery Contractors	2.98
Dun-Movin' Earthworks	2.86
Gunther Civil Pty Ltd	2.75

The highest scoring tenderer, Northern Civil Earthworks, is a Cairns based civil contractor that has extensive local experience in similar road and carpark construction projects. Northern Civil Earthworks tendered a construction program showing the work being completed within six (6) weeks of contract award.

The scoring reflects the opinion that Northern Civil Earthworks offers Council the best value for money, background, experience, skill and methodology to satisfactorily meet the requirements for construction of Vicary Road leased area pavements at Mareeba Airport. The tendered price is within the available funding for the upgrade of Vicary Road which forms part of the allocation for Mareeba Airport Redevelopment.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Director Infrastructure Services

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Included in 2016/17 budget for the Mareeba Airport Redevelopment (Vicary Road Upgrade).

Operating

Nil

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

Yes

IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

ATTACHMENTS

Nil

Date Prepared: 13 July 2016

**ITEM-14 TENDER EVALUATION TMSC2016-05 MAREEBA
AIRPORT REDEVELOPMENT - CONSTRUCTION OF
VICARY ROAD AND RAY ROAD****MEETING:** Ordinary Meeting**MEETING DATE:** 20 July 2016**REPORT AUTHOR/
OFFICER'S TITLE:** Contracts and Project Management Officer**DEPARTMENT:** Infrastructure Services

EXECUTIVE SUMMARY

Mareeba Shire Council is proceeding with a redevelopment of the Mareeba Airport.

Part of this redevelopment project includes the widening and resurfacing of Vicary Road and part of Ray Road.

Tenders for the upgrade of Vicary Road and Ray Road closed at 11:00am Tuesday, 12 July 2016 and nine (9) responses were received.

This report provides a comparison of tenders received and makes a recommendation on the preferred tenderer.

OFFICER'S RECOMMENDATION

"That Council award Tender TMSC2016-05 Mareeba Airport Redevelopment - Construction of Vicary Road and Ray Road to LDI Constructions (QLD) Pty Ltd for a total value of \$986,727.50 (inclusive of GST)."

BACKGROUND

The main access for Mareeba Airport is located off Vicary Road which forms the northern boundary of the airport site. Vicary Road provides access to Ray Road along the western airport boundary and JRM Braes Road servicing the western building area.

Vicary Road and the section of Ray Road are in fair to poor condition and range in width from 3.5 metres to 5.5 metres. In order to cater for existing traffic and proposed development at the upgraded airport, it is necessary to upgrade these roads to a sealed formation with of 8.4 metres.

This project involves widening and resurfacing Vicary Road and the section of Ray Road between Vicary Road and JRM Braes Road including associated drainage works. It is to be noted that JRM Braes Road is not yet a gazetted road.

TENDERS

The list of tenders received and the tendered amount excluding GST, is provided in the table below.

LDI Constructions (QLD) Pty Ltd	\$ 897,025.00
Civil Teknix Pty Ltd	\$ 916,122.22
Robinson Civil Group	\$1,042,098.22
FGF Developments Pty Ltd	\$1,054,105.70
HEH Pty Ltd	\$1,120,963.07
Northern Civil Earthworks	\$1,170,235.66
Gunther Civil Pty Ltd	\$1,178,778.28
Gregg Construction Pty Ltd	\$1,311,052.00
Dun-Movin' Earthworks	\$1,478,360.48

The tender documents advised tenderers that all tenders would be assessed on the following criteria and weightings:

Tender Price	40%
Work Methodology and Approach	15%
Relevant Experience	15%
Local Content	10%
Key Personnel Skills, Experience and Resources	20%

Price is a calculated formula dependent on the actual tender received against the median of all prices received. Scores for the other criteria are subject to knowledge of the tenderers performance on previous projects. Scores for each criterion are out of 5.

Scoring of the tenderers for this contract resulted in the following (scores out of 5):

LDI Constructions (QLD) Pty Ltd	3.32
Civil Teknix Pty Ltd	3.27
Robinson Civil Group	3.24
FGF Developments Pty Ltd	3.22
HEH Pty Ltd	3.21
Northern Civil Earthworks	3.11
Gunther Civil Pty Ltd	3.07
Gregg Construction Pty Ltd	3.03
Dun-Movin' Earthworks	2.89

The highest scoring tenderer, LDI Constructions (QLD) Pty Ltd, is a Cairns based civil contractor that has local experience in similar road and civil construction projects. LDI Constructions (QLD) Pty Ltd tendered a construction program showing the work being completed within 12 weeks of contract award and supplied a logical, comprehensive works methodology statement detailing how the work will be undertaken.

The scoring reflects the opinion that LDI Constructions (QLD) Pty Ltd offers Council the best value for money, background, experience, skill and methodology to satisfactorily meet the requirements for construction of Vicary Road and Ray Road upgrades. The tendered price is within the available funding for the upgrade of Ray Road and Vicary Road which forms part of the allocation for Mareeba Airport Redevelopment.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Director Infrastructure Services

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Included in 2016/17 budget for the Mareeba Airport Redevelopment (Vicary Road and Ray Road Upgrades).

Operating

Nil

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

Yes

IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

ATTACHMENTS

Nil

Date Prepared: 13 July 2016

**ITEM-15 TENDER EVALUATION TMSC2016-07 MAREEBA
AIRPORT REDEVELOPMENT - AIRPORT WATER
SUPPLY UPGRADE****MEETING:** Ordinary Meeting**MEETING DATE:** 20 July 2016**REPORT AUTHOR/
OFFICER'S TITLE:** Contracts and Project Management Officer**DEPARTMENT:** Infrastructure Services

EXECUTIVE SUMMARY

Mareeba Shire Council is proceeding with a redevelopment of the Mareeba Airport.

Part of this redevelopment project is the upgrade of the existing water supply service to provide separate potable and firefighting water reticulation networks.

Tenders for the Airport Water Supply Upgrade closed at 11:00am Tuesday, 12 July 2016 and eight (8) responses were received.

This report provides a comparison of tenders received and makes a recommendation on the preferred tenderer.

OFFICER'S RECOMMENDATION

"That Council award Tender TMSC2016-07 Mareeba Airport Redevelopment - Airport Water Supply Upgrade to FGF Developments Pty Ltd for a total value of \$746,251.88 (inclusive of GST)."

BACKGROUND

The current Mareeba Airport water reticulation network is independent of the Mareeba township water supply. The Airport sources water from the SunWater Mareeba-Dimbulah Irrigation Scheme, which is gravity-fed to a 300kL ground level tank on the north eastern boundary of the airport site. Downstream from this, a constant pressure pump system and pipeline services the airport for service water and fire-fighting water.

The water from the irrigation scheme is untreated and considered non-potable. An investigation undertaken in February 2016 confirms that the existing Airport water service will not meet Queensland Fire and Rescue Service (QFRS) requirements as a fire fighting network to service the upgraded Airport and new lease areas.

In order to meet QFRS firefighting requirements for existing and proposed development at the upgraded airport, it is necessary to construct a new dedicated firefighting water reticulation network. The existing storage tank on the north eastern boundary will be re-used, the existing fire booster pumps will be upgraded and the new firefighting water reticulation

network will extend around the northern, eastern and southern boundaries of the airport, with a total length of approximately 2.25 kilometres.

To supply potable water to throughout the airport, a new potable water booster pump station will be installed and the existing airport water supply pipelines will become the new potable water network. The new potable water pipeline will be fed from the existing Wylandra reservoir to a new booster pump station on the north eastern boundary of the airport site adjacent the fire water storage tank and booster pumps.

Tenders

The list of tenders received, estimated time to complete the work and the tendered amount excluding GST, is provided in the table below.

FGF Developments Pty Ltd	\$ 678,410.80
LDI Constructions (QLD) Pty Ltd	\$ 763,962.00
Northern Civil Earthworks	\$ 811,623.50
Celtic Construction & Utility Services	\$ 934,853.39
H.E.H. Pty Ltd	\$1,078,261.06
JPMI	\$1,144,282.00
Tunnesvitsch & Wadley Consulting	\$1,219,084.50
Civil Teknix Pty Ltd	\$1,245,663.00

Tenders were assessed on the following criteria and weightings:

Tender Price	40%
Work Methodology and Approach	15%
Relevant Experience	15%
Local Content	10%
Key Personnel Skills, Experience and Resources	20%

Price is a calculated formula dependent on the actual tender received against the median of all prices received. Scores for the other criteria are subject to knowledge of the tenderers performance on previous projects. Scores for each criterion are out of 5.

Scoring of the tenderers for this contract resulted in the following (scores out of 5):

FGF Developments Pty Ltd	3.46
LDI Constructions (QLD) Pty Ltd	3.32
Northern Civil Earthworks	3.30
Celtic Construction & Utility Services	3.25
JPMI	3.16
H.E.H. Pty Ltd	2.94
Civil Teknix Pty Ltd	2.87
Tunnesvitsch & Wadley Consulting	2.28

The highest scoring tenderer, FGF Developments Pty Ltd, is a Cairns based civil contractor with a depot in Mareeba that has local experience in similar civil construction and water reticulation projects. FGF Developments Pty Ltd tendered a construction program showing the work being completed within 13 weeks of contract award and supplied a logical, comprehensive works methodology statement detailing how the work will be undertaken.

The scoring reflects the opinion that FGF Developments Pty Ltd offers Council the best value for money, background, experience, skill and methodology to satisfactorily meet the requirements for construction of the Airport Water Supply Upgrade.

The tendered price from FGF Developments Pty Ltd is greater than the initial estimate for the upgrading of the Airport water system. The original estimate for the water main was based on only extending the main from the Wylandra reservoir and was prepared in November 2015. As part of the airport water main design, an investigation undertaken in February 2016 found that the existing Airport water reticulation network also requires upgrading to meet firefighting requirements. Sufficient funds are however available within the overall budget, principally from the Vicary Road and Ray Road upgrading, to allow the proposed water reticulation work to proceed.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Director Infrastructure Services

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

NIL

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Included in 2016/17 budget for the Mareeba Airport Redevelopment

Operating

Nil

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

Yes

IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

ATTACHMENTS

Nil

Date Prepared: 13 July 2016

ITEM-16 **CONTRACT TMSC2015-13 MAREEBA WASTEWATER
TREATMENT PLANT - DESIGN & CONSTRUCTION -
JUNE 2016 PROGRESS REPORT**

MEETING: Ordinary

MEETING DATE: 20 July 2016

**REPORT OFFICER'S
TITLE:** Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Council has accepted an offer from Downer Utilities Australia Pty Ltd for the design and construction of the Mareeba Wastewater Treatment Plant.

Design work has continued on the plant with the contractor having established to site. This report sets out progress to date.

OFFICER'S RECOMMENDATION

"That Council note the June 2016 progress report on the Mareeba Wastewater Treatment Plant."

BACKGROUND

Council has awarded Contract TMSC2015-13 Mareeba Wastewater Treatment Plant - Design and Construction to Downer Utilities Australia Pty Ltd.

A formal letter of acceptance and purchase order have been issued to the contractor.

The contractor has provided an updated program which indicates mobilisation to site in late May 2016 with pre-commissioning checks to commence in December 2016.

During June 2016, Downer consolidated its establishment on site, completed site clearing and commenced excavation. Council officers have continued being involved with documentation review.

Milestone reporting was provided to the Commonwealth and State Governments as required under the funding agreements. The Commonwealth Government has forwarded \$600,000 to Council as the initial milestone payment. The 100% design submission from the contractor is due on 15 July 2016.

Primary activities scheduled for July is the completion of the bulk earthworks for the bioreactor.

Expenditure

Expenditure to date is \$15,948,175.

This amount includes expenditure from 2013 / 2014, 2014 / 2015 and current. It includes current committals of \$13,568,966 which is primarily made up of the purchase order raised on Downer Utilities Australia (balance committal is \$12,763,408) for Contract TMS2015-13 Mareeba Wastewater Treatment Plant – Design and Construction and a purchase order on Bilfinger for the Inlet Works for \$735,920. Other minor committals are also included in the total expenditure to date.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Hunter H2O

External
Contractors

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

Council has an agreed TEP with the Department of Environment and Heritage Protection which sets out various milestones for the plant development.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

The project is to be funded over the 2016/2017 and 2017/2018 financial years. Funding has been made available from the Commonwealth and State Governments for the project.

Operating

To be included in future budgets.

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

Yes

IMPLEMENTATION/COMMUNICATION

All communications are required to follow set out protocols within the funding agreements between the Commonwealth and State Governments.

ATTACHMENTS

Nil

Date Prepared: *7 July 2016*

**ITEM-17 MAREEBA AIRPORT UPGRADING - JUNE 2016
PROGRESS REPORT**

MEETING: Ordinary

MEETING DATE: 20 July 2016

**REPORT OFFICER'S
TITLE:** Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Council has received grant funding from the State and Commonwealth Governments towards the upgrading of the Mareeba airport.

Design work has commenced on the airport upgrading and this report sets out progress to date.

OFFICER'S RECOMMENDATION

"That Council note the June 2016 progress report on the Mareeba Airport Upgrading."

BACKGROUND

Council has been advised of two (2) grants - \$13M from the Queensland State Government and \$5M from the Commonwealth Government – towards the upgrading of the Mareeba airport. Both these grants are for specific aspects of the proposed upgrading project.

Funding

The final agreement with the Commonwealth Government has been reviewed, signed and executed by the Commonwealth Government. The final funding agreement with the State Government has also been signed and executed by the State.

Master Concept Layout

The final draft concept layout for the airport upgrading as presented to Council at its meeting in March has not altered significantly. Consideration is currently being given to the separation of vehicular traffic away from the air-side component of the western lease area. This is being considered for security reasons as well as providing service corridors to service each hangar site. Once this option is firmed up and cost implications assessed it will be reported to Council.

The full extent of the delivery of the master plan will be dependent on the final detailed design and estimates.

Programme

A programme of works has been prepared which reflects the works and wording of the funding agreements.

As indicated in the programme, the upgrade water supply services, widening works to Vicary and Ray Roads and the roadways around the existing Vicary Road lease areas were tendered on 18 June 2016. These tenders closed on 12 July 2016 and at this stage tender reports for each contract will be reported to Council at this meeting.

By the end of November 2016 the balance of the works will be designed and documented.

Construction of the balance of the upgrading works will occur post wet season 2017.

Western Lease Area

Jacobs has been commissioned to undertake the detailed design and documentation for the western lease area. This incorporates the design of pavements, car parking, services and lighting.

Runway

Discussions are being held with Jacobs on the criteria for design and documentation of the runway and taxiways to meet the requirements of the funding agreements.

Expenditure

Expenditure until the end of June 2016 was \$495,427.

This expenditure comprises survey, design, ground clearing, soil testing, assistance with concept master planning and various committals for specialist services. Commitments included in the expenditure to date total \$165,864.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Nil

External

Commonwealth and State Governments

Jacobs

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

When the funding agreements are signed with the State and Commonwealth Governments, Council will be required to meet various milestone and reporting targets.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

The project is to be funded over the 2016 / 2017 and 2017 / 2018 financial years. Funding has been made available from the Commonwealth and State Governments for the project.

Operating

To be included in future budgets.

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

Yes

IMPLEMENTATION/COMMUNICATION

All communications are required to follow set out protocols within the funding agreements between the Commonwealth and State Governments.

ATTACHMENTS

Nil

Date Prepared: 7 July 2016

ITEM-18**MAREEBA SHIRE COUNCIL NDRRA 2016**

MEETING: Ordinary

MEETING DATE: 20 July 2016

**REPORT OFFICER'S
TITLE:** Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

A natural disaster event was declared in December 2015 / January 2016.

An assessment of asset damage has been undertaken, discussions held with the Queensland Reconstruction Authority on eligibility along with a review of sustained damage when compared to the 2014 event sites on the same affected assets.

A submission for disaster restoration has subsequently been prepared and has recently been forwarded to the Authority for consideration.

OFFICER'S RECOMMENDATION

"That Council note this report on the 2016 NDRRA event submission."

BACKGROUND

A Natural Disaster Event was declared in January 2016 following rains from a trough during late December 2015 and early January 2016.

Council assets affected by the rains were primarily west of Chillagoe.

Emergent works were undertaken on a couple of gravel roads and an emergent claim for \$114,153.70 will be lodged with the Queensland Reconstruction Authority.

Additionally an assessment of damage that may be included in a restoration claim has been undertaken and a submission has been lodged with the Queensland Reconstruction Authority for \$4,690,729.00. This claim is made up as follows:

Bellevue Road	\$ 839,536.00
Blackdown Road	\$ 915,663.00
Bolwarra Road	\$ 185,717.00
Bulimba Road	\$ 841,915.00
Mount Mulgrave Road	\$1,507,157.00
Strathleven Road	\$ 320,160.00
Torwood Road	\$ 80,160.00

Some of the above roads had been included in the 2014 approved NDRRA event works and when the 2016 damage was ascertained to be on these same roads and at the same locations, the 2014 NDRRA contract was suspended and final claims paid. When any approval for the 2016 event is available, officers will re-negotiate with the 2014 event contractor to undertake any approved 2016 event works. Prior to any negotiations occurring, an assessment of any approvals received will be undertaken to determine the real need to carry out the works without doing any further damage to the assets. Most of the 2016 event claimed works are for gravel resheeting.

It will be necessary that Council fund the initial \$77,408 of any approved works (emergent and restoration) as this amount is the trigger point for Mareeba Shire Council for the financial year 2015 / 2016.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Nil

External
Queensland Reconstruction Authority

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Trigger point to be met by Council

Operating
Nil

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

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: *5 July 2016*

TECHNICAL SERVICES

ITEM-19 HOOLAHAN DRIVE DRAINAGE

MEETING: Ordinary

MEETING DATE: 20 July 2016

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

DEPARTMENT: Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

Correspondence has been received from the owners of two (2) adjoining properties at 68 and 76 Hoolahan Drive, Mareeba drawing Council's attention to an erosion issue with a drain located within an easement on number 68. The open drain continues to erode land from their properties and to date no effective solution to the problem has been found.

The property owners have proposed a solution to convert the open drain to underground stormwater. They ask if Council were to supply the appropriate pipes they would be prepared to carry out the installation to Council specifications.

Responsibility for undertaking works, according to the easement agreement, rests with Council and any repair costs are at Council's expense. As such the proposal put forward by the property owners is a viable cost effective solution to an ongoing problem requiring regular maintenance by Council.

This report recommends that Council accept the property owners' proposal provided all works are carried out to FNQROC specifications and that a Standard Works Agreement be reached between Council and the property owners for the proposed works.

OFFICER'S RECOMMENDATION

"That Council supply and deliver stormwater pipes, at Council's expense, to 68 Hoolahan Drive, Mareeba, subject to:

1. The property owners of 68 and 76 Hoolahan Drive being fully responsible for all costs associated with the installation and backfilling of the pipes;
 2. Installation and earthworks are carried out in accordance with FNQROC specifications with supervision by a Council delegated officer during construction;
 3. Works to be maintained by the property owners for a period of twelve (12) months after practical completion, prior to final acceptance by Council."
-

BACKGROUND

The easement located on 68 Hoolahan Drive is an open drain stormwater easement, typical of the type constructed for rural residential subdivisions within Mareeba Shire (refer Attachment 1). The drain is 146 metres long from the existing precast headwall outlet and 5 metres wide throughout its length.

In its current state (refer Attachment 2) the drain is difficult to maintain and will continue to erode into the adjacent properties of 68 and 76 Hoolahan Drive. Remedial works have been carried out by the adjoining property owners (stone pitching, concreting) over time to reduce erosion to their properties but this work has proven to be ineffective.

The property owners are seeking Council's response to their proposal, of Council supplying the required stormwater pipes (*Black Max 450 Diameter Stormwater*), while they undertake the installation of the pipes and perform all earthworks required to convert the open design to an underground stormwater drain at their expense.

All works proposed, are to be performed in accordance with FNQROC specifications and to Council's Standard Works Agreement.

The Agreement to encompass:

- A prestart meeting with a Council delegated officer prior to construction;
- Supervisory visits by a Council delegated officer during construction;
- A maintenance period of twelve (12) months at the practical completion of works with the property owners being responsible for any remedial works during this period.

Costing Comparison: Council Supply Only to Council Carry Out Works Completely

Estimated Cost - Supply and delivery of pipes only	\$21,000
Estimated Cost - Council to carry out works completely	\$45,000

Under the easement agreement (refer Attachment 3) it is Council's responsibility to undertake works within the easement and at Council's expense, therefore the proposal is a viable cost effective solution to address the ongoing erosion caused by the open nature of the drain.

LINK TO CORPORATE PLAN

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

CONSULTATION*Internal*

Subdivisions/Asset Officer

Coordinator Transport Infrastructure

External

Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Yes

Operating

No

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

No

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

Source the funding via the MSC Developer Contribution Fund - Mareeba East Roads.

IMPLEMENTATION/COMMUNICATION

Following Council's adoption of the report recommendation, a letter will be forwarded to the owners advising of the action proposed to be taken by Council.

ATTACHMENTS

1. Locality Plan;
2. Photos of Easement "D";
3. Easement Agreement;
4. Correspondence received from the Property Owners dated 8 April 2016.

Date Prepared: 17 June 2016

Easement D in SP208342





711145382 V1 REGISTERED Recorded Date 02/11/2007 11:18 Page 1 of 4

 QUEENSLAND LAND REGISTRY
 Land Title Act 1994 and Land Act 1994

EASEMENT

Duty Imprint

FORM 9 Version 4
 Page 1 of 4

711145382
\$115.00

02/11/2007 11:18

CS 601

Land Act 1994 and is used to maintain the publicly accessible registers in the land registry. For more information about privacy in NR&W see the department's website.

 Queensland Duty Paid \$1.50
 On the Amount of \$1.00 Duty Code **1.2.1**

 13A:CCR:25 Transaction Number **724/07**
 Signed *[Signature]* **25/10/07**

1. Grantor BARRON RIVER PTY LTD A.C.N. 116 651 131	Lodger (Name, address, E-mail & phone number) MacDonnells Cnr Shields & Grafton Streets CAIRNS QLD 4870 PH: (07) 4030 0600 Ref: MRS:EMS:75952	Lodger Code 754	
2. Description of Easement/Lot on Plan Servient Tenement (burdened land) SEE ENLARGED PANEL #Dominant Tenement (benefited land) # not applicable if easement in gross	County	Parish	Title Reference
3. Interest being burdened Fee Simple	4. Interest being benefited # not applicable if easement in gross		
5. Grantee Given names	Surname/Company name and number (include tenancy if more than one) MAREEBA SHIRE COUNCIL		
6. Consideration ONE DOLLAR (\$1.00)	7. Purpose of easement Drainage		

8. Grant/Execution

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of:- *the attached schedule; *the attached schedule and document no. *document no.

* delete if not applicable

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

signature
full name
qualification
Witnessing Officer

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

signature
full name
qualification
Witnessing Officer

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

BARRON RIVER PTY LTD
ACN 116 651 131

[Signature]
Sole Director

11/10/07 Execution Date Grantor's Signature

MAREEBA SHIRE COUNCIL
Corporate Seal

[Signature]
Mayor

23/10/2007 Execution Date Chief Executive Officer
Grantee's Signature

#elm_75952_2.DOC

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

ENLARGED PANEL
FORM 20 Version 2
 Page 2 of 4

Title Reference 50673817

Item 2 Description of Easement Lot Servient Tenement (burdened land)	County	Parish	Title Reference *part of
Easement A in Lot 1 on SP 208342	Nares	Tinaroo	50673817
Easement B in Lot 2 on SP 208342	Nares	Tinaroo	50673817
Easement C in Lot 11 on SP 208342	Nares	Tinaroo	50673817
Easement D in Lot 14 on SP 208342	Nares	Tinaroo	50673817
Easement E in Lot 18 on SP 208342	Nares	Tinaroo	50673817
Easement F in Lot 22 on SP 208342	Nares	Tinaroo	50673817
Easement G in Lot 32 on SP 208342	Nares	Tinaroo	50673817

~~*Dominant tenement (benefited land) - not applicable if easement in gross~~

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

SCHEDULE

FORM 20 Version 2
Page 3 of 4

Title Reference 50673817

Item 8 Request/Execution

1. The Grantee shall have the free right and liberty of using the Servient Tenement or any part or parts thereof for drainage purposes **AND** all that the full and free right and liberty at all times and from time to time to receive and convey upon the Servient Tenement rainwater and drainage of all kinds inclusive of stormwater runoff flowing continuously intermittently or occasionally into over and along the Servient Tenement from lands adjoining the Servient Tenement and/or any other lands whatsoever and whether flowing naturally or by way of drains pipelines or other artificial means.
2. The Grantee shall have all that the free right and liberty of filling in the Servient Tenement or any part or parts thereof and of excavating therein and erecting constructing and maintaining above or below or partly above and partly below the surface of the Servient Tenement drains and/or pipelines and all appurtenances thereof for the passage or conveyance of rainwater and drainage of all kinds **AND** with liberty to the Grantee by its officers servants agents workmen with or without trucks and other vehicles plant and materials to enter upon the Servient Tenement at all times for the purpose of removing and disposing of spoil constructing extending deepening widening maintaining and repairing the drains and/or pipelines and all appurtenances thereof and for the purpose of keeping the same in good order and condition and for all other lawful purposes incidental thereto.
3. The Grantee shall not be obliged to use the Servient Tenement for the purposes aforesaid nor to exercise or do any or all the powers or things herein mentioned but shall be at liberty to do so from time to time at its pleasure and to such extent as it may think fit.
4. The Grantee shall not be required to fence or contribute to the fencing of any part or parts of the boundaries of the Servient Tenement.
5. The Grantor shall at all times keep any drain or drains now or hereafter constructed on the Servient Tenement clear of debris and all other obstructions without the Grantee being liable to contribute towards any cost in respect thereof.
6. The Grantor shall at all times have the right to the flow of surface roof and other water from the land of the Grantor into the Servient Tenement and to any drains now or hereafter to be constructed or maintained on the Servient Tenement.
7. The Grantor will not execute or construct any excavations drains channels or other works of any kind on the Servient Tenement nor remove from or interfere with any existing drainage works or any retaining walls howsoever constructed or any other works within the area of the Servient Tenement without the prior approval in writing of the Grantee.
8. The Grantee shall be at liberty to take up and remove the whole or any part of any drains or pipelines at any time during the continuance of this easement or within six months of the determination of this easement.
9. Nothing herein expressed or implied shall limit or destroy any right or privilege of the Grantee to at any time purchase take by agreement resume or otherwise acquire the whole or any part of the Servient Tenement.
10. The Grantor shall pay the Grantee's costs properly incurred in the preparation stamping and registration of this Easement.
11. The consideration in Item 6 of the Form 9 in this Easement shall be paid by the Grantee to the Grantor upon the registration of this Easement by the Registrar of Titles.
12. Unless the contrary intention appears:-

"Easement" shall mean this Schedule and the Form 9 to which this Schedule is annexed and includes all annexures thereto.

"Grantor" shall mean and include the Grantor named in Item 1 of the Form 9 in this Easement and the executors administrators successors and assigns (as the case may be) of the Grantor.

"Grantee" shall mean and include the Grantee named in Item 5 of the Form 9 in this Easement and its successors and permitted assigns.

"Servient Tenement" means the land described as such in Item 2 of the Form 9 in this Easement and includes any part of that land subject to the burden of this Easement.

Words importing the masculine gender shall be construed to include the feminine and neuter gender.

Words importing the singular number shall be construed to include the plural number and vice versa.

Words relating to persons shall be construed to include a corporation, partnership, incorporated association, body corporate, unincorporated body, instrumentality of the State and any statutory, public or local authority.

Any covenant or agreement on the part of two or more persons shall be deemed to bind them jointly and severally.

MA VAP-GEN-ENG
IT-URP

8th April 2016

Jack Pedersen

PO Box 2762

Mr. Peter Franks

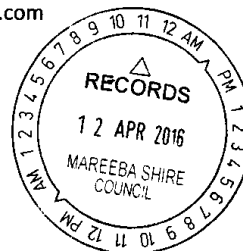
Mareeba, Qld, 4880

CEO, Mareeba Shire Council

jackpedersen@bigpond.com

65 Rankin St

Mareeba, Qld 4880



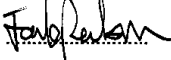
Dear Sir,

I live at lot 14 Hoolahan Drive which is a rural residential sub-division off Emerald End Road. Between my lot and my neighbour, Mick Fuller on lot 15 is a council drainage easement, which has been causing problems for some years. The open drain is causing erosion to both blocks, is difficult to maintain and breeds mosquitos in the stagnant water that often sits there for months. Mick Fuller has spent considerable funds on rock stabilisation trying to stop his block from eroding any further, however neither of us wish to expend further funds on "patch-ups".

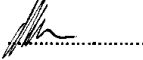
If Council were to supply the appropriate pipes, Mick Fuller who is a registered plumber, and myself would be prepared to lay the pipes and backfill the drain at our expense. All work would be carried out to Council specifications and the problem would be permanently solved. Thank you for considering this request.

Yours sincerely

Jack Pedersen



Mick Fuller









**ITEM-20 APPLICATION FOR PERMANENT ROAD CLOSURE OF
AN AREA SEPARATING 38 AND 41 RUSH ROAD,
BIBOOHRA****MEETING:** Ordinary**MEETING DATE:** 20 July 2016**REPORT OFFICER'S
TITLE:** Technical Officer - Investigations**DEPARTMENT:** Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

Correspondence has been received from Town Planning Pty Ltd acting on behalf of Cairns Regional Community and Employment ATSI Corporation (Indigenous Job Connections) seeking Council's position on an application to permanently close an area of road separating Lot 2 RP733948 and Lot 3 RP711202 (38 & 41 Rush Road), Bibbohra.

It is understood the request for closure is to incorporate the land into the adjoining lots which the applicant is the current landowner.

OFFICER'S RECOMMENDATION

"That Council advise Planz Town Planning Pty Ltd acting on behalf of Cairns Regional Community and Employment ATSI Corporation (Indigenous Job Connections) that it has no objection to the permanent road closure as detailed in their letter dated 24 May 2016."

BACKGROUND

As part of the Department of Natural Resources and Mines (DNRM) road closure application process, the applicant must seek approval from the Road Manager prior to making an application.

Accordingly the owner of 38 and 41 Rush Road, Bibbohra is requesting Council approval as the Road Manager, to permanently close part of the road reserve adjacent to their property (Refer Attachment 1).

The applicant wishes to apply to DNRM to close the reserve and incorporate into the adjoining freehold Lots being Lot 2 RP733918 and Lot 3 RP711202 (38 and 41 Rush Road).

There is no formed road or track maintained by Council and there are no current plans to use this section of road reserve.

LINK TO CORPORATE PLAN

Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's

infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

CONSULTATION

Internal

Manager Technical Services

Co-ordinator Transport Infrastructure

External

Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

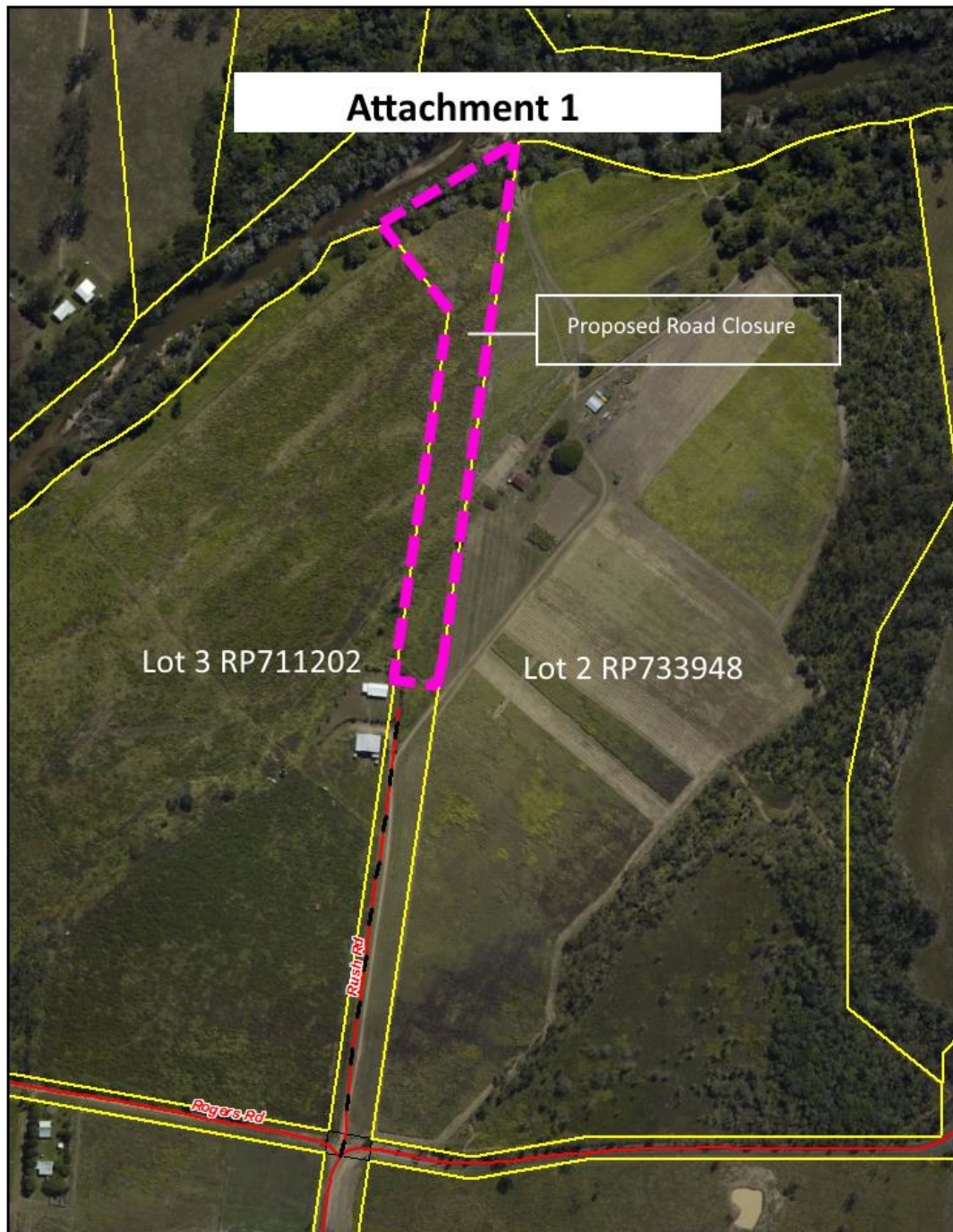
Following publication of Council minutes prepare and send communication to Planz Town Planning acting on behalf of Cairns Regional Community and Employment ATSI Corporation (Indigenous Job Connections) advising of Council's decision.

ATTACHMENTS

1. Locality Plan;
2. Correspondence received from Planz Town Planning Pty Ltd dated 24 May 2016.

Date Prepared: 15 June 2016

Proposed Road Closure Area Rush Road, Biboorha





✉ PO Box 181 Edge Hill
QLD 4870
🏠 Suite 26 City Arcade
76-80 Grafton St, Cairns

✉ plan@planztp.com
☎ 07 4041 0445
ABN: 83 128 085 870

Our Ref: 51501

24 May 2016

Mareeba Shire Council
PO Box 154
Mareeba QLD 4880

Dear Sir / Madam

**Request for Road Closure at 38 & 41 Rush Road, Biboorha
Lot 2 RP733948 & Lot 3 RP711202**

Planz represents Cairns Regional Community Development and Employment ATSI Corporation (Indigenous Job Connections), who are the landowners of 38 & 41 Rush Road, Biboorha (Lot 2 RP733948 & Lot 3 RP711202).

The DNRM has recently changed its process and now requires Council's position on the road closure as part of the 'properly made application material' i.e. Council's position is required prior to the DNRM accepting an application and before DNRM will consider an application. Accordingly, this letter is the request for an indication of support or otherwise from the Council of the proposed road closure. The DNRM has a form for Council to complete (attached) alternatively a letter will suffice.

The landowners are requesting a road closure of a section of Rush Road adjacent to their Lot 2 RP733948 and Lot 3 RP711202 as shown in **Figures 1 and 2** below. Ideally the applicants would like a permanent road closure, however a temporary road closure would be acceptable.



Figure 1: Site showing location of lots 2 & 3 either side of Rush Road

Site and Locality

The proposed area of road closure is a section of Rush Road and is approx. total of 23,250m². The area is approx. 500m x 40m plus the triangular area adjacent to the river.

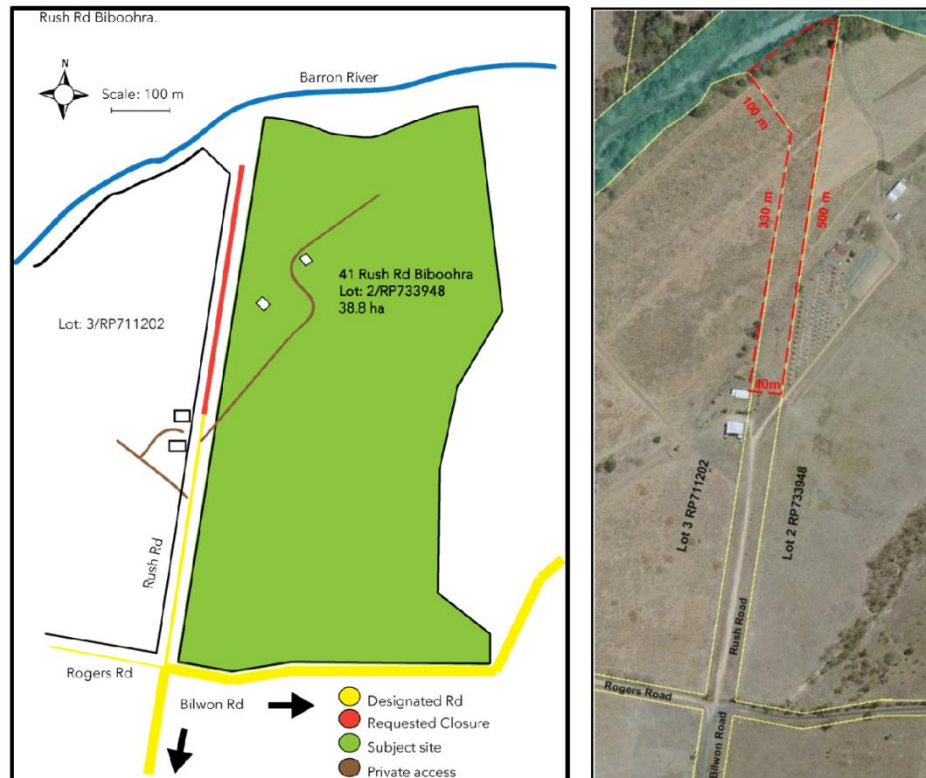


Figure 2a and 2b: Proposed area of road closure

Rush Road is located in the rural zone and lies between Lot 2 RP733948 and Lot 3 RP711202, and currently runs from the intersection with Rogers Road to the Barron River where it terminates. Rush Road only services Lots 2 and 3, and these Lots also have access via frontages to Bilwon Road and Rogers Road.

The proposed road closure is for the northern section of Rush Road (see Figure 2), north of the existing house and shed.

Statement in support of the proposed road closure

The owners of 38 and 41 Rush Road currently operate a working farm which incorporates specialised education and training facilities, known as 'Bilwon Farm'. This facility operates a diverse range of farm equipment for trainees to develop their skills year round, with a particular focus on the training of Indigenous groups, minorities, underprivileged individuals and refugees.



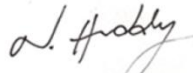
The owner of 38 and 41 Rush Road is also currently in the initial stages of preparing a development application for a Tourist Facility for the operation of a caravan park on Lot 2, with plans to extend operations to Lot 3 in future. This facility will help to ease the recognised shortage of accommodation for backpackers, as well as fruit pickers whose numbers are expected to rise, in the Tablelands area.

1. The area of Rush Road to be closed does not function as a road – it is farmland, has no formal kerb and channel and does not appear to contain any infrastructure (other than above ground power lines).
2. The adjoining lots at 38 and 41 Rush Road are owned by the applicant and each adjoining lot actually has frontage to another road.
3. The partial closure of Rush Road will enable flexibility in how the site is used and in particular how it contributes to the education, training and proposed tourism activities.
4. The road is not required to service any of the lots that it adjoins and there is more benefit in the land being used as part of the education, training and proposed local tourism uses of the site.
5. The proposed road closure will simply be for the incorporation of the land into the adjoining lots.

The Landowner / Applicant understands that as part of the road closure process, they will be responsible for purchasing the area of road, stamp duty, and any regulatory fees; as well as the preparation and lodgement of a plan of survey for the new lot.

Thank you for your consideration of this matter. If you require any further information please contact me via email plan@planztp.com or call me on 4041 0445.

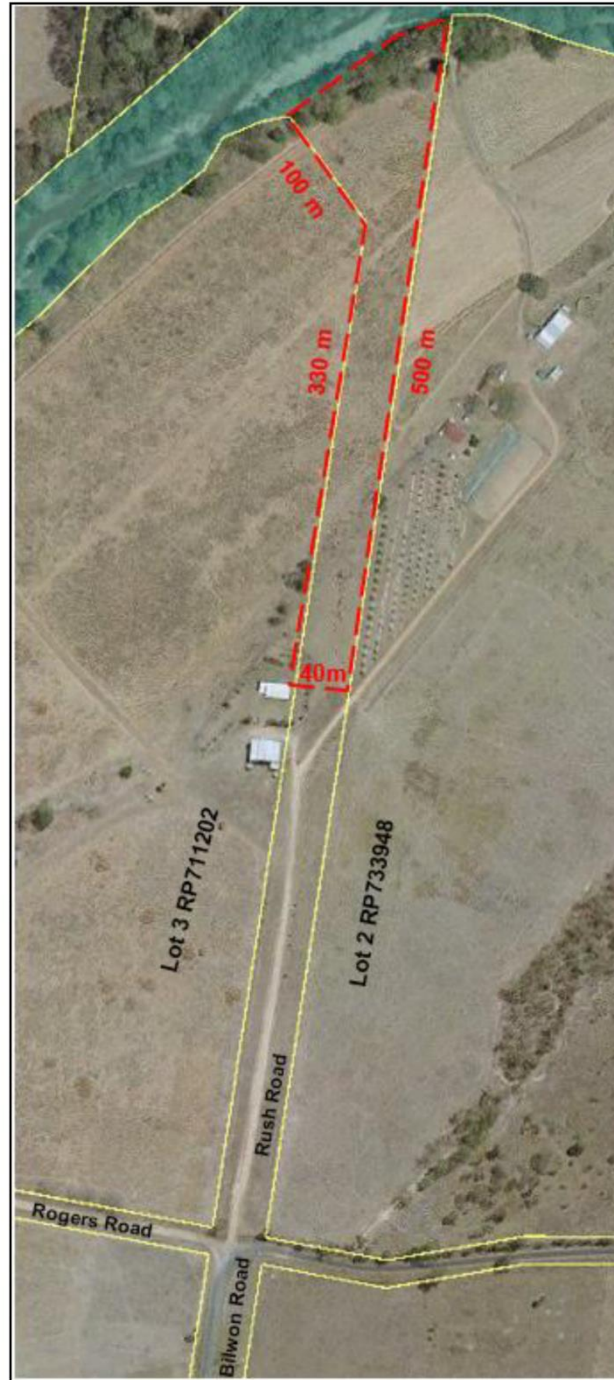
Yours faithfully,



Nikki Huddy
Director

- Att: 1. Plan of Proposed Road Closure
2. DNRM Form Statement in relation to an application under the Land Act 1994 over State land Part C

1. Plan of Proposed Road Closure





DEPARTMENT OF NATURAL RESOURCES AND MINES
Statement in relation to an application under
the *Land Act 1994* over State land
Part C

I/We Mareeba Shire Council, as

Please tick relevant fields –

- ☒ **Trustee of a Reserve Issued under the Land Act**
- ☐ have no objection to the application and consider authorisation of the use of the land be dealt with under the Land Act by DNRM (a full explanation stating the reason why use cannot be authorised by trustee eg. trustee lease/permit)
- ☐ are aware of any local non-indigenous or indigenous cultural heritage values (if so full details must be provided and the impacts on the application)
- ☐ **Road Manager**
- ☐ have no objection to the application and consider authorisation of the use of the land be dealt with under the Land Act by DNRM (a full explanation stating the reason why use cannot be authorised under Road Manager legislation)
- ☐ are aware of any local non-indigenous or indigenous cultural heritage values (if so full details must be provided and the impacts on the application)
- ☐ **Public Utility Provider** (Electricity, Telecommunication, Gas providers) only required for road dealings.
- ☐ have no objection to the application
- ☐ object to the application (a full explanation stating the reason for the objection must be provided with this application)

Public Utility Provider includes Telstra Corporation Ltd, Yes Optus, Energex, Ergon, Powerlink. Your Local Government or Dial Before your Dig website may assist in identifying utilities on the subject land.

Road Manager is –

- local government for a road that is under the control of the a local government
- a State-controlled road—the chief executive of the department in which the *Transport Infrastructure Act 1994* is administered

Additional comments –

Provide details of any additional comments or requirements that may affect the future use of the land that the department should consider when assessing this application. (If there is insufficient space, please lodge as an attachment)

Note – a different form of tenure may be considered a more appropriate tenure once the application has been assessed.

If you wish to make a separate submission to the Department of Natural Resources and Mines in relation to this proposed application, please provide a submission within **10 business days** of completing this declaration to SLAMlodgement@dnrm.qld.gov.au.

Authorisation

I certify that I have the authorisation to make this statement and the information I have provided is true and accurate.

I have **signed** a copy of a sketch/drawing in relation to this application.

**Full Name , position and Organisations name
of Road Manager**

Signature

Date: / /

This information will not otherwise be disclosed outside of the department unless required or authorised by law such as under the Right to Information Act 2009.

END DOCUMENT

Refresh

**ITEM-21 REQUEST FOR ASSISTANCE TO CONSTRUCT A
GRAVEL ROAD OFF WOLFRAM ROAD****MEETING:** Ordinary**MEETING DATE:** 20 July 2016**REPORT OFFICER'S
TITLE:** Manager Technical Services**DEPARTMENT:** Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

Council, at its Ordinary Meeting held on 2 December 2015, resolved to approve an application to construct a gravel road on road reserve off Wolfram Road providing the works are constructed in accordance with the FNQROC Development Manual.

The applicants requested they be allowed to construct the road from Wolfram Road to provide an all-weather access to their property, Lot 14 HG72.

On receiving a quote for \$98,429.00 (Inclusive of GST) from a local construction company to undertake the works, the applicants met with the Mayor, Manager Development and Governance and Manager Technical Services to request Council assistance to either help fund the works or alternatively, relax the conditions as set down in the FNQROC Development Manual.

OFFICER'S RECOMMENDATION

"That, in relation to the approval granted by Council to the owners of Lot 14 HG72 to construct a new road linking Lot 14 HG72 to Wolfram Road, Council not relax the road construction standard as set down in the FNQROC Development Manual and advise the applicants that, due to budget constraints, Council is also unable to contribute any funds to assist with the cost of construction."

BACKGROUND

An on-going issue of access to Lot 14 HG72 from Wolfram Road has been the subject of numerous Council reports and extensive legal argument between two neighbours for approximately five (5) years.

The last report was to the 2 December 2015 Council Meeting, which tabled a request from the owners of Lot 14 seeking approval from Council to construct a gravel access road within the road reserve which passes through Lot 13, the adjoining neighbour's property.

Council granted approval to the applicants for the construction of a gravel road, to the FNQROC standard, on the existing road reserve, so as to provide direct access from

Wolfram Road to their property, a distance of approximately 550m. The applicants subsequently approached a local contractor to provide a quote to construct the road.

The quote received of \$98,429 is outside the applicants' budget and they met with the Mayor, Manager Development and Governance and Manager Technical Services on 17 June 2016 to seek assistance from Council to either relax the standard as set down in the FNQROC Development Manual or provide funds to help meet the cost of construction.

The FNQROC Development Manual sets the standard for any new Council roads constructed within the Far North and has been developed in consultation with all the far northern Councils over many years. The standard is considered reasonable and dictates minimum standards of road design and construction to provide a safe environment for road users and meet community expectations.

As there are many examples of new roads being constructed within Mareeba Shire by third parties, who have all been required to comply with these standards, it is not recommended to relax these standards in this instance.

Regarding the request for Council to help meet the cost of construction, this also is not recommended as there are no funds set aside for this purpose within the 2016/17 budget and Council does not generally assist with the cost of construction of a new road by a third party unless there is a clearly identified reason to do so, which is not the case in this instance.

However, it should be noted that once the road is constructed to the required standard, Council will be responsible for its on-going maintenance in the future.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Manager Development and Governance

External
Owners of Lot 14 HG72

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

Should the road not be constructed to the FNQROC standard, Council may be at risk of litigation should an accident occur on this road as a result of the new works.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Construction of the road will add approximately 550m to the list of roads to be maintained at a yearly cost of approximately \$1,500.00

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

Nil

ATTACHMENTS

1. Report to Council 2 December 2015.

Date Prepared: 23 June 2016

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

SUBJECT: WOLFRAM ROAD, DIMBULAH - PROVISION OF LEGAL AND PRACTICAL ACCESS TO LOT 14 ON HG72, PARISH OF LEADINGHAM

MEETING: Ordinary

MEETING DATE: 2 December 2015

REPORT OFFICER'S TITLE: Manager Technical Services

DEPARTMENT: Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

The issue of access from Wolfram Road, Dimbulah to Lot 14 HG72 has been an on-going issue for approximately five (5) years when the traditional access on private property through Lot 13 HG72 was denied by the current owner.

Council resumed approximately 3,100m² of land from Lot 13 to align the existing road reserves from Wolfram Road through Lot 13.

Now that the road reserves have been aligned there is an almost direct legal access to Lot 14 from Wolfram Road through Lot 13 and the owners of Lot 14 are now requesting approval to construct a gravel road on the road reserve so as to gain a more direct all weather access to their property.

OFFICER'S RECOMMENDATION

"That Council approve the construction of a gravel road on road reserve from Wolfram Road through Lot 13 HG72 for a distance of approximately 570m and that all works to be constructed in accordance with the FNQROC Development Manual for a low volume unsealed rural road."

BACKGROUND

An ongoing issue with access to Lot 14 HG72 from Wolfram Road has been the subject of at least seven Council reports and extensive legal argument for approximately five years. Refer to last report to Council on 19 November 2014 which provides a brief history and legal opinion relating to this issue.

Council prior to de-amalgamation resumed a small portion of land from Lot 13 to align the mismatching road reserves, which affectively created a continuous road reserve through Lot 13 to Lot 14 and beyond.

The owners of Lot 14 have now requested approval to construct a gravel road on the newly aligned road reserve, so as to provide direct access from Wolfram Road to their property.

Providing Council have sufficient funds to undertake maintenance on this road in the future, there appears to be no reason why Council should not approve the construction of the road.

It should be noted that there are mature mango trees and an irrigation system located on the road reserve which have been planted/installed by the owners of Lot 13 without approval or any legal rights. Legal advice has been sought and the owners have no legal recourse regarding the removal should Council approve the construction of the road.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Manager Development and Governance

External

Mr Alex Trevisin

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

Council has full legal rights to have the road constructed and while the approval may result in a legal challenge from the owner of Lot 13 our advice is that such a challenge would have no prospect of success.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Construction of the road will add approximately 550m to the list of roads to be maintained at a yearly cost of approximately \$1,500.

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

No not included, however will need to be included in the 2016/17 maintenance budget

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

Nil

IMPLEMENTATION/COMMUNICATION

Should Council approve the construction then both the owners of Lot 13 and Lot 14 will need to be advised of Council's decision.

3

ATTACHMENTS

1. Request Letter from Mr and Mrs Trevisin dated 9 October 2015
2. Report to Council 19 November 2014

Date Prepared: 19 November 2015

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ATTACHMENT 1

From: anna trevisin [<mailto:annatrevisin@hotmail.com>]

Sent: Friday, 9 October 2015 1:44 PM

To: Peter Franks

Subject: Application for a new road within existing road reserve - Wolfram Road, Dimbulah provision of legal and practical access to Trevisin property (Lot 14 on HG72, Parish of Leadingham)

Dear Peter

Now that the issue of a continuous Road Reserve has been addressed we would like to formally submit an application to Council requesting permission to construct an all-season-usable road on the continuous 'No Name' Road Reserve leading out from our property (Lot14 on HG72 Wolfram Road Dimbulah) towards Wolfram Road.

Please find our submission attached in PDF version - a MS Word version can also be supplied if required.

Please let us know if you require any additional information and we look forward to continuing discussions with the Council.

Kind Regards

Giorgio and Anna Trevisin

ATTACHMENT 2**WOLFRAM ROAD, DIMBULAH PROVISION OF LEGAL AND PRACTICAL ACCESS
TO TREVISIN PROPERTY (LOT 14 ON HG72, PARISH OF LEADINGHAM)****RE: APPLICATION FOR NEW ROAD WITHIN EXISTING ROAD RESERVE**

We, Anna and Giorgio Trevisin, are requesting Council's permission to construct a new all season road along the now continuous 'No Name' Road Reserve from our property Lot 14 HG72 to Wolfram Road. The 400 metre (approx.) 'New' Road is to be constructed for reliable all season access to all vehicles including emergency services and transport vehicles.

We expect a maximum rate of 1 to 2 vehicles per day (VPD) with another additional maximum of 1 to 2 VPD during picking seasons along with an expected maximum travelling speed of approximately 40kmph. A large section of road area, estimated at 2/3rds of the eastern portion of the 400m length, we believe is already traversed on a daily basis at a rate of 1-2 VPD.

Our initial preference is for a road that is mostly FNQROC compliant in its dimensions with an 8 metre formation and consistent with the road construction standard of the 'Short Stub' Road (which is included in the Council's Road Register), the extremely low volume of VPD's and low speed to be driven.

Figure 1 is an excerpt from 'FNQROC Design Guidelines - Issue 6 - 2014'. 'Design Manual D1 Table D1.4 (Rural Road Elements)' lists the VPD groupings with the road elements and dimensions applicable under the FNQROC standard. Notes to the Table D1.4 also demonstrate that exemptions are made from the full standard, for example, Note 7 makes an allowance for where vehicle volumes are less than 50 VPD and the road requirements are reduced. We have been in contact with the FNQROC group and believe that ultimately an appropriate standard deemed appropriate and suitable should be applied in constructing any road.

We expect that the number of vehicle traversing will be at the extreme lower end of the initial VPD grouping of '<100 VPD' and the speed driven along the road to be significantly under 100km/hr. Our experience of driving along the 'Short Stub' road has been 20-40 km/hr. It is on this basis and the associated requirements of the new road that we ask for special dispensation on inclusion of a pavement width of 5.5 m.

Figures 2 -5 may also help to understand the geographic locations and associated views.

Should the pavement ultimately be required the current full cost estimate, based on quotes and discussions with Mr Ken Gregg of Gregg Construction, are:

- Survey \$2,000
- Mobilise and demobilise \$10,000
- Strip grass and topsoil \$1,700
- Supply and place fill Nil (on basis that ground is relatively flat or gently sloping)
- Supply and lay gravel pavement (5 m x 150mm) \$19,200
- Total (approximately) \$33,000

Figure 1 – Excerpt from FNQROC 2014 - Design Manual D1 Table D1.4 (Rural Road Elements)

Table D1.4 Rural Road Elements⁸

Traffic Volume or Road Class	<100VPD ^{5,6}	100 – 999 ⁵	1000 - 2999 (or rural collector)	>3000 (or sub-arterial)
Road Reserve (flat terrain ≤ 5%)	20m	20m	25m	To be designed in accordance with AUSTROADS or DMR design guidelines.
Road Reserve ² (Undulating/Hilly > 5%)	25m	25m	30m	
Formation	8m	8m	10m	
Pavement Width	5.5m	6.5m	8m	
Seal Width	4.5 ^{1,7}	6.5m	8m (incl. 0.5m sealed shoulders)	
Shoulders ³	1.25m Approved Select material	0.75m gravel	1m gravel	
Desirable Speed Environment	100kph	100kph	100kph	
Design Speed for Individual Elements (Minimum)	80kph	80kph	80kph	

Notes:

1. Cook Shire Council may consider relaxing the requirement to seal rural roads in some instances if there are no adverse impacts i.e. dust.
2. In undulating terrain this width shall be increased to enable services to be constructed on accessible flatter land on top and below batters.
3. Where the road is a designated on-road bicycle route (signposted and pavement marked) the shoulder provision needs to conform to the AUSTROADS
4. (Intentionally left blank)
5. In Cook Shire Council, all rural residential subdivisions within the urban expansion footprint are to comply with Residential Streets – Table D1.1
6. In Cassowary Coast Regional Council, the seal and pavement width will be min 6.5m with a shoulder width of 0.75m unless otherwise approved by council
7. Tablelands Regional Council will consider reduction of sealed width to 3.5m. For roads with less than 50vpd it will also consider relaxing the requirement for bitumen sealing
8. In TRC, this table does not apply to Rural Residential areas where lot size is less than 10,000m². For all Rural Residential areas where lot sizes are generally less than 10,000m² refer to the Urban road standards.

Figure 2 – Roads and Road Reserves in the immediate area

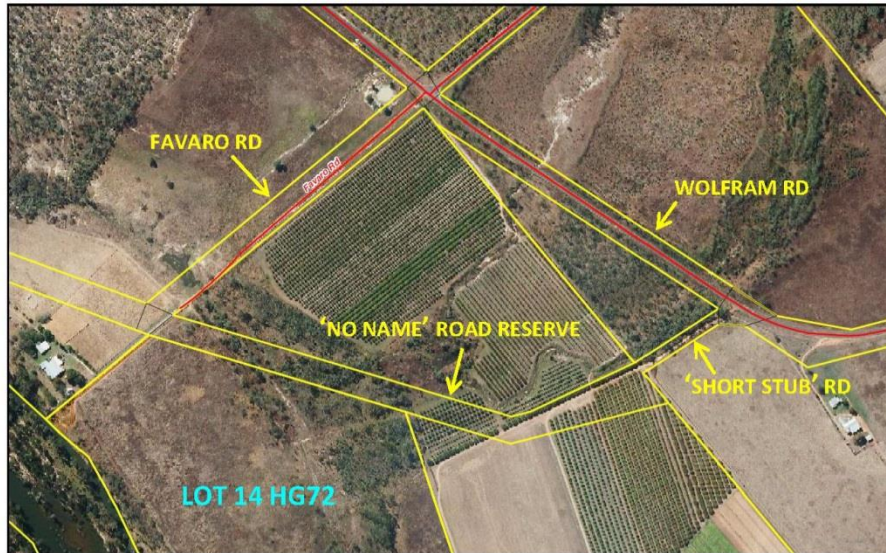


Figure 3 - Illustration of the minimum 20 metre Road Reserve required by FNQROC

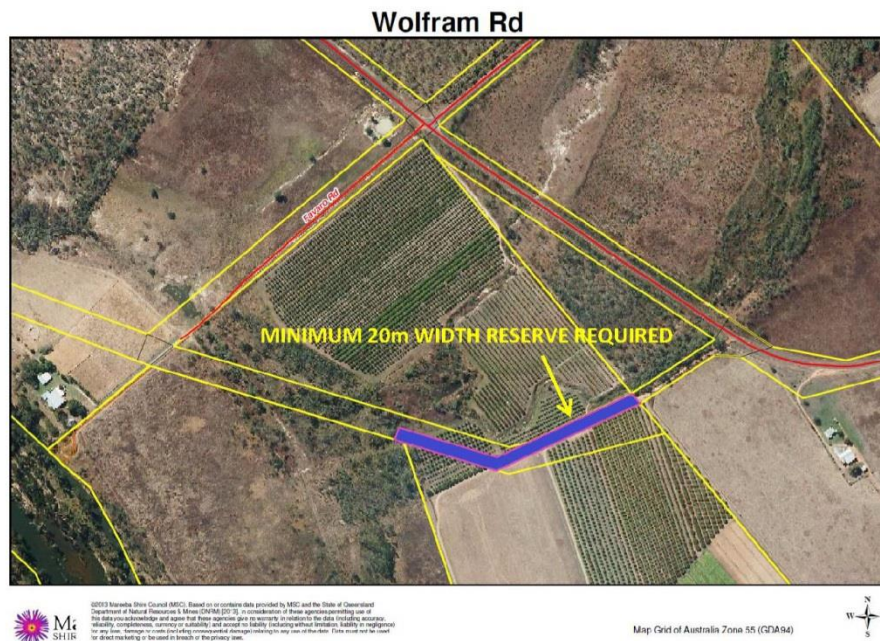


Figure 4 - Positioning of 8m Road Formation as per FNQROC requirement

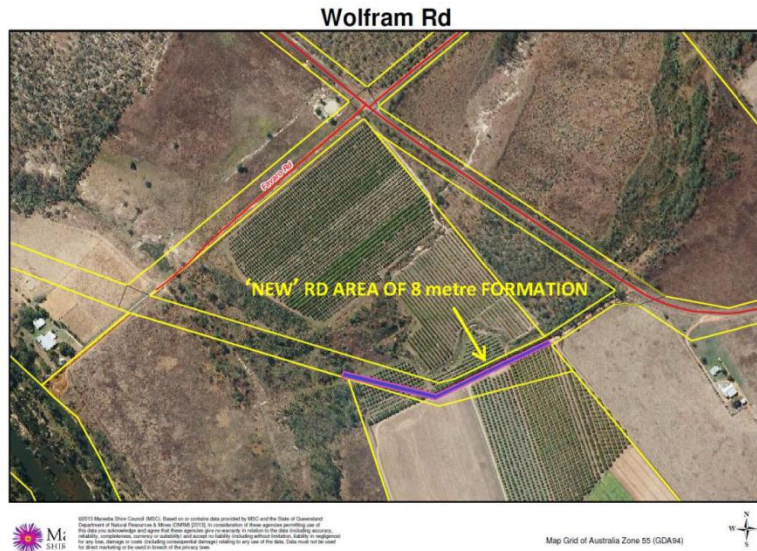
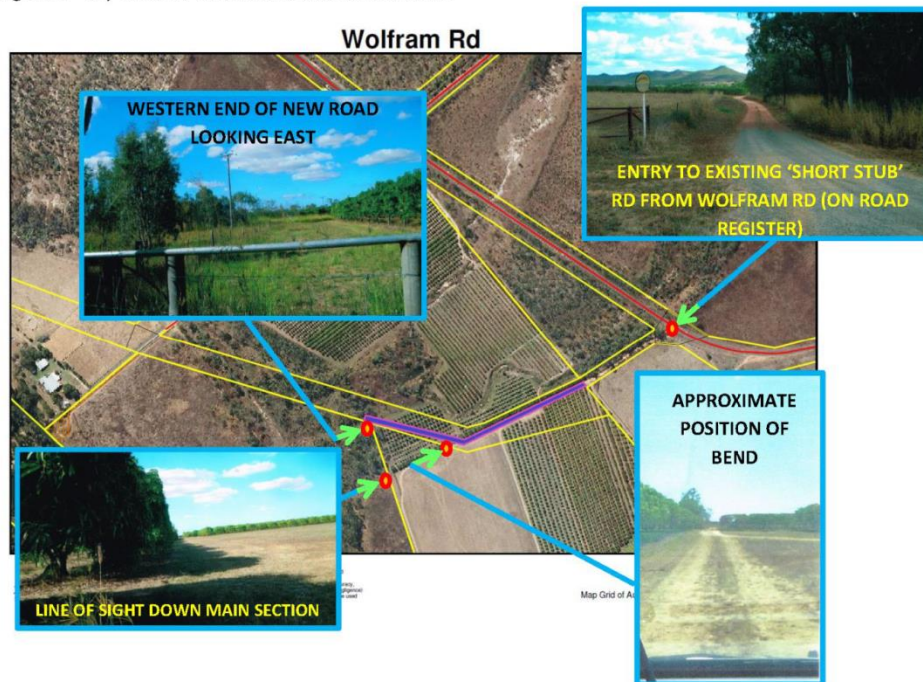


Figure 5 – Key 'New Rd' locations and associated views



Appendix A – Full size Photographs of key locations

Figure 1 - Entry to unpaved 'Short Stub' Road from Wolfram Road (looking West)



Figure 2 - Line of sight down main section of 'New' Road' (looking East)



Figure 3 - Approximate position of bend in 'New' Road (looking East)



Figure 4 - Western end of 'New' Road (looking East)



Figure 5 - Larger geographical section of area



Mareeba Shire Council

OFFICER'S REPORT

SUBJECT: WOLFRAM ROAD, DIMBULAH - PROVISION OF LEGAL AND PRACTICAL ACCESS TO TREVISIN PROPERTY (LOT 14 ON HG72, PARISH OF LEADINGHAM)

MEETING: Ordinary

MEETING DATE: 19 November 2014

REPORT OFFICER'S TITLE: Manager Technical Services

DEPARTMENT: Infrastructure Services, Technical Services Group

EXECUTIVE SUMMARY

The property owners of Lot 14 on HG72 requested assistance from Council in finding a solution to create legal and practical access to their property from Wolfram Road. Previously access to Lot 14 had been through an adjacent property Lot 13 on HG72 within the confines of an unregistered (private) neighbourhood agreement. This agreement has now ceased. Existing physical access to Lot 14 is via Favaro Road at the northern end of Lot 13 (also providing access to Lot 185 on HG605) however they have stated that it does not provide all-weather access to the residence due to flooding in a watercourse on Lot 14.

In the first step to provide a road reserve Council proceeded with the compulsory acquisition of a triangular parcel of land from Lot 13 to align the existing road reserves. The area was nominally calculated on paper as 3,050m², however after the on ground survey was completed the actual area was 3,128m².

To further align the road reserve to provide a more direct route to Lot 14 a further 2,300m² would need to be acquired from Lot 13 to provide more direct all weather access from Wolfram Road to Lot 14. The primary purpose of this report is to ask Council whether it wishes to proceed with this option or investigate alternate solutions.

Accordingly Council is now presented with the following) options for consideration. These are:

- *commence the acquisition of a further 2,300m² (approx.) of land from the owner of Lot 13 to provide direct access to Lot 14. As the owner of Lot 13 has indicated that he will not agree to this proposal, compulsory acquisition would be necessary; or*
- *take no action for the further acquisition of land on Lot 13 and advise the owner of Lot 14 that should they wish to construct an access on existing road reserve through Lot 13 then they should make a formal request to Council. Should Council agree to this request then the road will need to be constructed to FNQROC standard and will necessitate the removal of mango trees and irrigation placed on the road reserve.*

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OFFICER'S RECOMMENDATION

"That Council resolves to:

1. pay compensation costs for the previously acquired 3,128m² and dedicate it as road reserve as per Council's original intent;
2. not proceed with the compulsory acquisition of a further 2,300m² within Lot 13.

BACKGROUND

There is a long and extensive history dealing with the above access dating from the mid 1970's when the owners of Lots 13 and 14 agreed to formally apply to open the road reserve in association with the proposed closure of the existing 20m road reserve through Lot 13. This outcome in 1977 saw provision of a registered plan of survey (Plan HG603 attached) which intended the creation of a new road opening and road closures. Unfortunately, for reasons unknown, the road opening and closure actions were never completed by the Department of Environment and Resource Management, and the situation remains unresolved. The registered Survey Plan, HG603, is by default out dated and is not a sufficient article on which to define any new road dealings.

Council decided to revisit the opening of a road reserve as detailed on original plan HG603, however after receiving legal advice, only proceeded with a partial opening to correct the discontinuity and align existing road reserves. Council served notice of its intention to resume the 3,050 m² land area but the owner of Lot 13 was not agreeable and an objection hearing was held.

The basis for the objection to the resumption was founded on the belief by the owner of Lot 13 that the road reserve that presently dissects Lot 13 on HG72 is not required now or in the future, as access to individual land titles that may be advantaged by this potential route exists by alternate means.

The objection was over ruled and Council proceeded with the acquisition of the 3,050m² triangle shaped section of land from Lot 13 to align the existing road reserves.

While the road reserves are now aligned, a formed road does not exist and it is noted that there is encroachment of the mango orchard owned by Lot 13 on the existing road reserves. Therefore the owner of Lot 14 continues to access his property from Favaro Road. He advises that while this is possible during the dry season, the current route from the end of Favaro Road through his property is impassable during flood events.

Should Council wish to progress this matter further options are presented for its consideration:

1. Commence the land resumption of a further 2,300m² (approx.), pay compensation costs for this and the previously acquired 3,128m². This would be in accordance with the original intent of the 1977 Plan of Survey HG603 to line up the road reserves and provide direct access to Lot 14 through Lot 13.

However Council should be aware that legal advice previously received states that, while the compulsory acquisition of the 3,050m² (actual 3,128m²) was entirely reasonable the further acquisition of 2,300m² is less defensible and should not be proceeded with as it is arguably for private purposes. This resulted in a report to Council on 6 September 2012 where Council resolved to exclude the acquisition of the 2,300m² but to continue with the 3,050m² portion.

14

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Also in a Supreme Court ruling between the two parties on 9 November 2012 it was found that the Trevisins (Lot 14) "...have no lawful right to use the road they have been using" through Lot 13 as the access via the " No Name Road (Favaro Road) would provide appropriate, affordable, all-weather access". A copy of the Supreme Court Judgment is attached as Item 8 of the attachments.

For the reasons listed above, it is not recommended that this option be pursued as it would most likely lead to a very expensive legal battle, where there is a high probability of Council being unsuccessful and having to meet legal and court costs for both parties.

2. Council not proceed with the acquisition of a further 2,300m², however advise Trevisins that if they wish to construct a road on the existing road reserve through Lot 13 then they should make formal application to Council. Should they elect to do so Council would then consider the application on its merits of the application at that time. This report in no way should be read in such a way as to indicate Council's views on such an application.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Manager Technical Services
Senior Planner

External

DERM Land Administration Officer
Apels Solicitors
Preston Law

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

The Acquisition of Land Act 1967 is the legislation applicable should Council resolve to proceed to compulsorily acquire the necessary land. Should Council proceed with the acquisition of land it could set a precedent for future involvement by Council in what should be civil matters.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

The owner of Lot 13 HG72 is entitled to compensation for the land Council previously acquired through compulsory acquisition and the level of this is to be determined

15

4

Operating
Nil

Is the expenditure noted above included in the 2014/2015 budget?
No, the compensation sum is yet to be determined.

If not you must recommend how the budget can be amended to accommodate the expenditure
The funds required will be allocated at the next budget review.

IMPLEMENTATION/COMMUNICATION

Following publication of Council minutes prepare and send communication to the Department of Environment and Resource Management advising of Council's decision.

ATTACHMENTS

1. Letter from Apels Solicitors dated 12 June 2014 objecting to proposal;
2. MSC Solicitor's letter and plan dated 26 May 2014;
3. Letter from Apels Solicitors dated 10 March 2014 requesting compensation;
4. Survey Plan HG603;
5. Option 1: To Access Lot 14 HG72 via the Acquisition of Land;
6. Option 2: To Access Lot 14 HG72 via the Unused Road Reserve through Lot 13, removing Julatten Developments' Mango Trees;
7. Option 3: To Access Lot 14 HG72 via a Private Road Connecting to the Unnamed Road off Favaro Road.
8. Supreme Court Decision

Date Prepared: 16 October 2014

16

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Attachment 1



Apels
Solicitors and Notary
ABN: 78 141 273 797

Principal: Peter Apel
Associate: Daniela Parlapiano

RECEIVED
13 JUN 2014
BY: JME

Your Reference: M. Skipworth
Our Reference: P. Apel:RF:34650
Direct E-mail: peter@apels.com.au

12 June 2014

The Partners
Preston Law
PO Box 707N
NORTH CAIRNS QLD 4870

Dear Sir

Re: Julatten Developments Pty Ltd/Mareeba Shire Council

We acknowledge receipt of your correspondence dated 26th May 2014.

Your client's compensation proposal is rejected.

Our client will be making application to the Department of Natural Resources for the closure of the now superfluous areas of road reserve adjacent to the newly acquired Lot 1.

You will be aware that our client has participated in lengthy Court proceedings regarding actions by the proprietors of Lot 14 seeking access across our client's land, and that the Supreme Court has made detailed findings with regard to claims by the Proprietors of Lot 14 that access across our client's land is in any way necessary.

Any attempt by Council to resume further areas of our client's land for the purposes of providing access to the neighbouring land will be strenuously opposed. Council is put on notice that indemnity costs will be sought against Council should such litigation be required.

Our client has endeavoured to cooperate so far as possible in the negotiation of compensation but quite frankly finds the proposal put forward by your client as insulting.

Our client will pursue monetary compensation in lieu of the proposed settlement.

Yours faithfully,
APELS SOLICITORS & NOTARY

Per: 

42452

Liability limited by a scheme approved under Professional Standards Legislation

Telephone: (07) 4092 2522
Facsimile: (07) 4092 2138

Email: reception@apels.com.au
Website: www.apels.com.au

1st Floor, 85 Byrnes Street
PO Box 160, Mareeba 4880

17

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Attachment 2**COPY****Preston**
LAW

Our Reference: Mal Skipworth:130697
Direct Line: 07 4052 0705
Direct Email: MSkipworth@prestonlaw.com.au
Partner Responsible: Mal Skipworth
Your Reference: P.Apel:CA:34650

26 May 2014

Apels
Solicitors and Notary
PO Box 160
MAREEBA QLD 4880

Mareeba Shire Council and Julatten Developments Pty Ltd

We refer to your letter to the Council dated 10 March 2014.

In your letter you refer to the recent acquisition by the Council of Lot 1 SP 261241 and the possible alignment of road reserves.

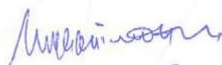
With this letter we **enclose** a Council plan. This plan identifies a parcel of land approximately 2,300 m2 in area owned by Julatten Developments Pty Ltd and suitable for road reserve. The plan also identifies two proposed road closure areas.

Should you client agree to surrender this 2,300 m2 extra parcel of land to road reserve, then the Council will not object to the two proposed road closure areas being closed in the event your client makes application to the Department of Natural Resources and Mines.

This proposal is put forward on the basis it is also in full and final settlement of any compensation claim by your client in relation to the resumption process.

Would you please refer this proposal to your client and then advise us as to its acceptability.

Yours faithfully



Mal Skipworth
Partner
for PRESTON LAW

Enc

272408:ELM

T +61 7 4032 0700

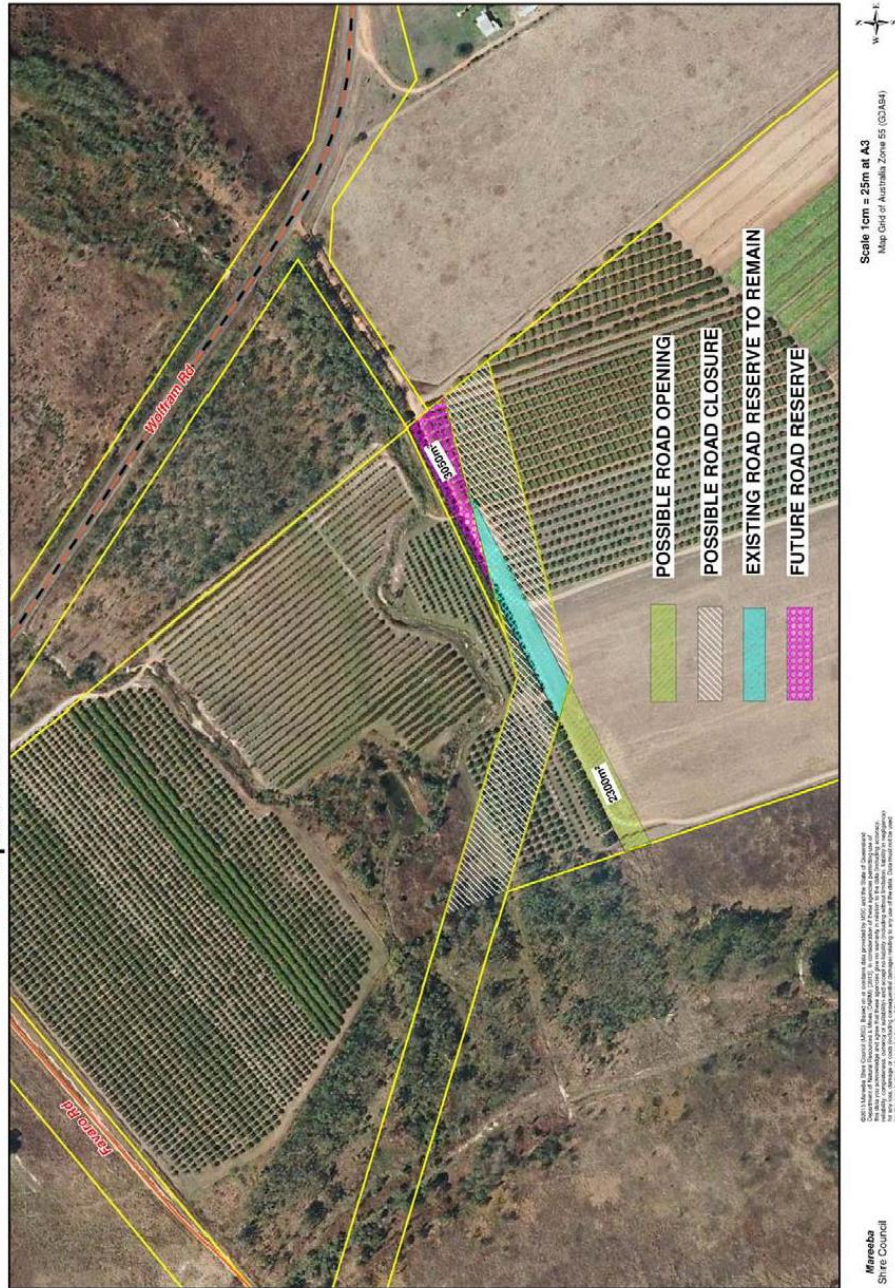
F +61 7 4031 0182

ADDRESS 59 Melend Street Cairns Qld 4870

POSTAL PO Box 707N North Cairns Qld 4870 Australia

www.prestonlaw.com.au

Proposed new access to Lot 14 HG72




18

7

19

8

Attachment 3

**Apels**
ABN: 78 141 273 797

Solicitors and Notary
Principal: Peter Apel
Associate: Daniela Parlapiano
*5 ROA - OPE
B.S.*
10 March 2014

Your Reference: ROA-OPE
Our Reference: P. Apel:AC:34650
Direct E-mail: peter@apels.com.au

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

Attention: Brian Smyth

Dear Sir

Re: Resumption of part of Lot 1 on SP241952
Our Client: Julatten Developments Pty Ltd
Re: Compensation for resumption of Land

We act on behalf of Julatten Developments Pty Ltd in this matter. Council has recently resumed part of our client's property for the purpose of aligning existing road reserves.

Our client has received notification as to processes available to it to seek compensation from Council in respect of the area of land resumed.

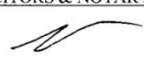
We **enclose** a copy of a Plan of the subject area for your consideration. The highlighted area is the area of land recently compulsorily acquired by Council from our client.

The acquisition of this parcel of land will permit the alignment of existing road reserves, making part of the existing road reserve which does not meet the alignment, now redundant.

By way of compensation for the land lost by our client as a result of the compulsorily acquisition, our client seeks the following:-

1. Council to undertake a closure of the redundant area of gazetted road (see hatched area on attached Plan) and amalgamation of that area to our client's adjoining farming land, at no cost to our client; and
2. Monetary compensation in the sum of \$5,000.00, to offset legal costs our client has incurred in the course of the resumption process.

We invite your response to this compensation proposal.

Yours faithfully,
APELS SOLICITORS & NOTARY
Per: 

Encl.

37194

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Telephone: (07) 4092 2522
Facsimile: (07) 4092 2138

Email: reception@apels.com.au
Website: www.apels.com.au

1st Floor, 85 Byrnes Street
PO Box 160, Mareeba 4880



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FOR OPENING NOTIFICATIONS SEE BACK

009250

TRAVERSERS ETC.

LINE	BEARING	DIST.
2-3	123°54'14"	139.78
6-2	117°46'20"	21.25
5-7		22.01
5-10	230°05'	17.46
9-11	234°12'34"	231.33
11-12	855°33'	91.70
11-13	281°18'	170.39
14-15	144°50'	45.38
13-2	138°20'45"	470.005
10-23	144°77'20"	2.07
13-14	25°18'	413.66

FOR OPENING NOTIFICATIONS SEE BACK

Pay. pld. of stns 3, 4, 5, 6, 10, 13, 14 & 15
Pay. A.R. pld. of stns 21-23.

Reference Marks

Sta.	To	Bearing	Dist.	Remarks
1	S.P.P.	105°29'	1-037	
2	"	285°03'	0-885	53 deep
3	"	44°50'	1-006	
4	"	36°20'	1-006	
5	"	297°45'	1-006	
6	"	49°05'	4-639	0-5 deep
7	"	23°05'	1-064	
8	"	2°40'	2-167	
10	"	143°30'	1-144	
11	"	107°44'	1-576	
12	"	134°25'	1-979	
21	"	155°17'30"	1-0	
22	"	32°24'40"	2-441	
23	"	50°10'	1-0	

Area of new road
7384 m² (18-3-22-21-18) Por 13

Area of old road
1-669 ha (16-2-20-2-16) Por 13

Closed Road
1-553 ha (14-15-16-13) Por 14

Parish of Borneo

Parish of Masterton

Original information compiled from Hg 72
in the Office of the Surveyor-General, Brisbane.

For Additional Plans &
Document Notings
Refer to CISP

I, John Arthur Wise
Surveyor General, Queensland, do hereby certify that the above plan is a true and correct copy of the original plan as submitted to me for registration and that the same is a true and correct copy of the original plan as submitted to me for registration and that the same is a true and correct copy of the original plan as submitted to me for registration.

Amendments in red wide letter
dated 11-11-82 on file 79K2/167

Supervising Computer
23-11-82

SURVEY PLAN
SCALE 1:6000

PARISH OF LEADINGHAM
County of Hodgkinson
L.A. District of Cairns

Portions 13 & 14

Hg 603

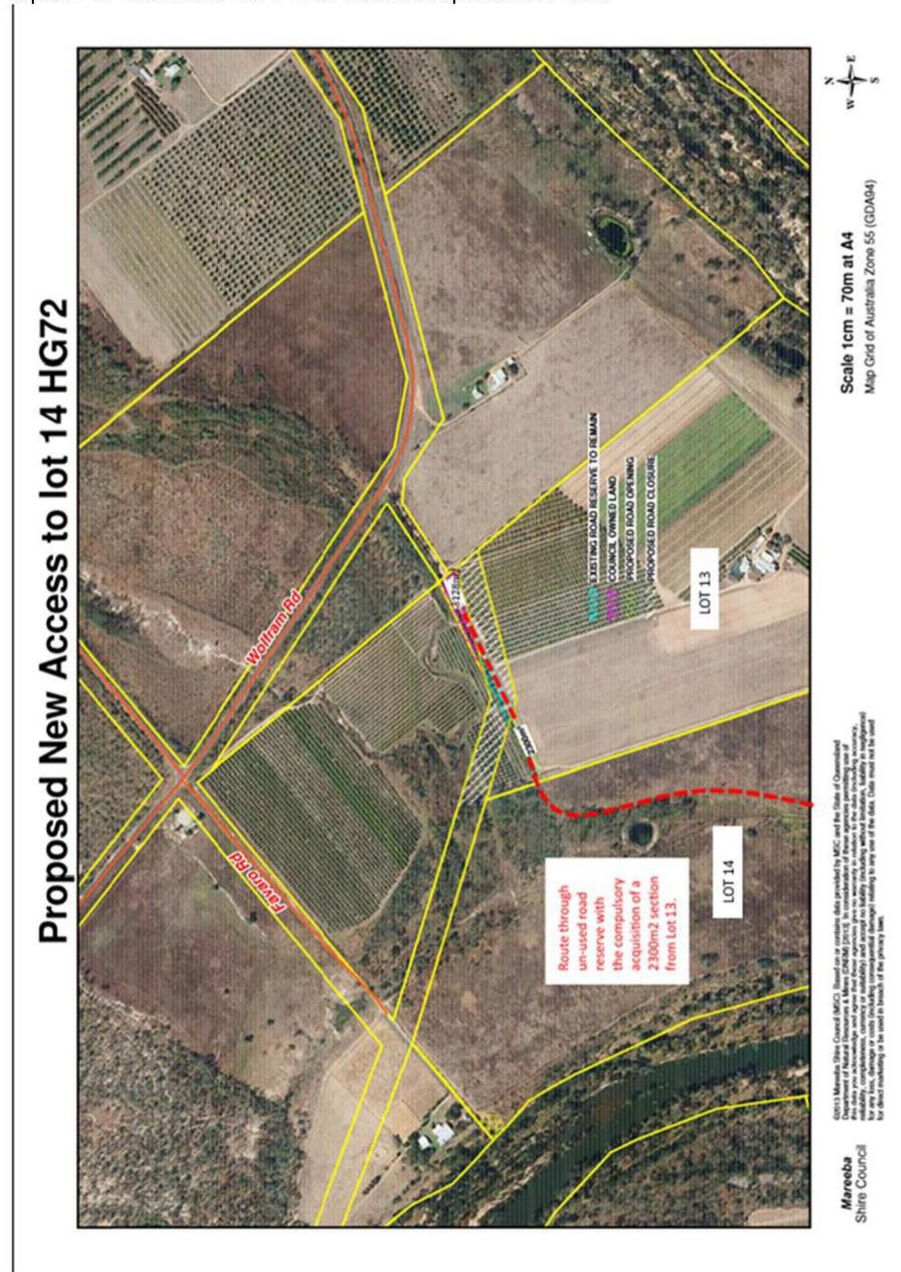
R.M. CROWN COPYRIGHT RESERVED

22

11

Attachment 5

Option 1: To access Lot 14 HG via the acquisition of land



23

12

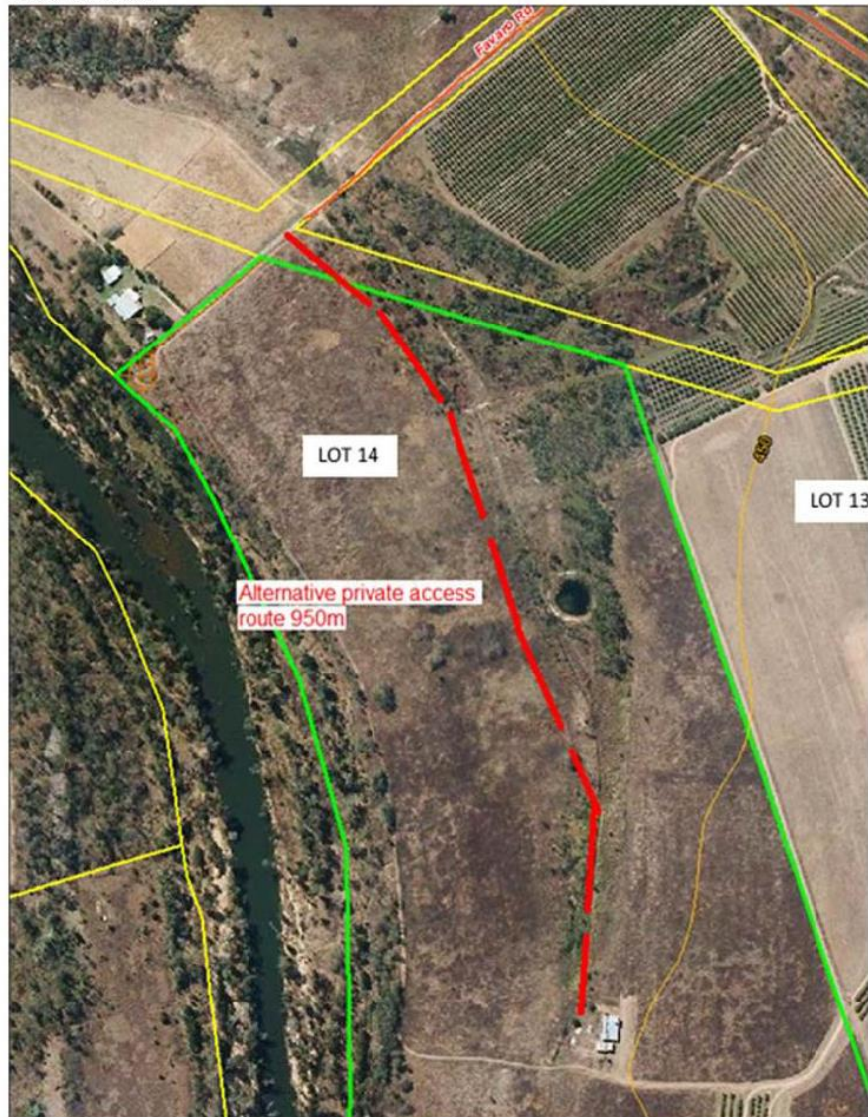
Attachment 6

Option 2. to access Lot 14 HG72 via the unused road reserve through lot 13, removing Julatten Development's mango trees



Attachment 7

Option 3: To access Lot 14 HG72 via a private road connecting to the Favaro Road



In this option, it is suggested that the owner of Lot 14 re-route and improve make it all-weather.

**ITEM-22 TRAFFIC ADVISORY COMMITTEE - MINUTES OF
MEETING HELD 21 JUNE 2016**

MEETING: Ordinary

MEETING DATE: 20 July 2016

**REPORT OFFICER'S
TITLE:** Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Minutes of the Mareeba Shire Council Traffic Advisory Committee Meeting held on Tuesday, 21 June 2016 are presented for Council's information.

The action items presented in the minutes of the Traffic Advisory Committee (TAC) are recommendations to Council. Council's endorsement or contrary view of the recommendations is required.

OFFICER'S RECOMMENDATION

"That Council notes the Traffic Advisory Committee Meeting Minutes of 21 June 2016, and resolves to:

1. In respect to Item 15.12-01, write to Mr Sweeper advising the outcome of TMR investigations that no change is required in relation to the "Give Way" signage and speed zone on the Kennedy Highway at the intersection of McIver Road;
2. In respect to Item 16.06-07, Council officers investigate the potential of angle parking in front of the old fire brigade."

BACKGROUND

The Traffic Advisory Committees (TAC) is a consultative committee of Council established to raise community and other representative body concerns in relation to traffic conditions with Council and the Department of Transport and Main Roads.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Nil

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Internal resources for investigation and follow up actions.

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Minutes of Mareeba Shire Council Traffic Advisory Committee Meeting held 21 June 2016.

Date Prepared: 7 July 2016

TRAFFIC ADVISORY COMMITTEE MEETING
MAREEBA BOARDROOM, 65 RANKIN STREET, MAREEBA
TUESDAY, 21 JUNE 2016
9:00AM TO 10:09AM

MINUTES



PRESENT:

Mareeba Chamber of Commerce (Promotions)
Transport and Main Roads - Safety and Regulation Division (SRD)
Transport and Main Roads - Safety and Regulation Division (SRD)
Queensland Police Service (QPS) - Mareeba
Queensland Police Service (QPS) - Mareeba
Queensland Police Service (QPS) - Mareeba
Mareeba Shire Council (MSC) - Councillor
Mareeba Shire Council (MSC) - Councillor
Mareeba Shire Council (MSC) - Manager Technical Services
Mareeba Shire Council (MSC) - Minutes Secretary

Sam Musumeci
Marita Stecko
Darryl Jones
Rolf Straatemeier (Inspector)
John Ridgway
Derek Garner (Senior Sergeant)
Angela Toppin
Alan Pedersen (Chair)
Val Shannon
Marjorie Anthony

APOLOGIES:

Lindsay Transport
Qld Emergency Services
Kuranda Chamber of Commerce
Mackay Sugar
Transport and Main Roads - Transport Services (TS)
Transport and Main Roads - Transport Services (TS)
Mareeba Shire Council (MSC) - Councillor
Mareeba Shire Council (MSC) - Director Infrastructure Services

Terry Montague
John Lindsay
Steve Dominikovic
Don Fowler
Ray Blain
James Graham
Kevin Davies
Brian Smyth

1. MINUTES

Tuesday 15 March 2016

Minutes of the Mareeba Shire Council Traffic Advisory Committee Meeting held on Tuesday 15 March 2016 were ratified by Council at their Ordinary Meeting of 06 April 2016

2. BUSINESS ARISING FROM PREVIOUS MEETING

Item	Organisation	Issue	Recommendation / Follow Up Action
14.06-02	Kuranda Chamber of Commerce	Seeks more emphasis of the Kuranda Signage on Kennedy Highway (similar to Mission Beach)	<p>Kuranda Chamber to write to TMR with request for review of signage for Kuranda on Kennedy Highway</p> <p>TMR investigating the installation of a sign approximately 180m from the intersection</p> <p>MSC officers to review the current "Welcome to Kuranda" sign on Rob Veivers Drive</p> <p>Photos tabled, no issues with sign on Rob Veivers Drive however requires some vegetation clearing</p> <p>Clearing has been undertaken by MSC</p> <p>Matter pending Kuranda Chamber contacting TMR re location of signage</p> <p>Chamber Representative not in attendance at TAC meeting of 23/09/2015 to ascertain status of action item</p> <p>TMR to follow up with Kuranda Chamber</p> <p>08/12/2016 no attendees from Kuranda Chamber or TMR, however minutes will be sent to TMR for action</p> <p>TMR to follow up with Kuranda Chamber</p> <p>No further action required by this Committee, resolved to remove from the minutes</p>
15.03-03	QPS (Rolf Straatemeier)	Overtaking lanes on Kennedy Highway between Mareeba and Kuranda	<p>QPS seeks support of the TAC Committee for additional vehicle overtaking lanes to be constructed, due to increased volume of vehicles and numerous complaints of driver behavior received by QPS.</p> <p>TAC Committee resolved to recommend Council write to Minister</p> <p>Letter forwarded to Minister 28/04/2015</p> <p>TMR advised an overtaking lane site has been identified</p> <p>Awaiting funding</p> <p>TMR advised funding received for one which is under design, construction to commence early next year</p> <p>Pending further advice from TMR (Brett Martin)</p> <p>Tichum Creek acceleration lane heading towards Mareeba requires more signage, as it is being used as a passing lane. TMR to advise</p> <p>TMR submitted 3 locations for overtaking lanes, no locations approved</p> <p>Matter pending advice on signage from</p> <p>TMR re de-acceleration lane at Tichum Creek</p> <p>On 15 April 2016 Qld Government announced \$3.4M committed to building new overtaking lanes on the Kennedy Highway between Kay and Davies Creek Roads and the existing overtaking lane will be extended under the Safer Roads Sooner Program</p> <p>Works programmed for 2016/17, survey currently underway</p> <p>No further action required by this Committee, resolved to remove from the minutes</p>

Inspector Rolf Straatemeier arrived 9:09am

Item	Organisation	Issue	Recommendation / Follow Up Action
15.03-13	TMR (Brett Martin)	TMR is in receipt of a letter from QPS advising of the difficulty experienced by b-double drivers not being able to see the guardrail safety barrier on the Rex Range due to the height of the trucks	TMR investigating the possibility of installing guide posts on the guardrail safety barrier prior to the cane crushing season This matter also dealt with in item 13.06-11 TMR to respond to QPS, looking to upgrade, funding applied for QUBE advised some upgrades carried out however still waiting further advice from TMR QPS to follow up
15.12-01	Graham Sweeper	Please refer to attachment - Graham Sweeper - Traffic Safety Concerns 1. Bus zone - Mareeba Primary School Constance Street 2. No parking/standing area Jasper Street at Intersection with O'Donnell Street 3. Signage/Parking Jacobsen Street 4. 40kph zone signage McIver Road 5. Kennedy Highway 'Give Way' Sign 6. Kennedy Highway Speed zone	Points 1-4 MSC Design Office to investigate Points 5-6 TMR to advise Items 1-4 addressed by MSC TAC Committee resolved to recommend Council forward items 5 and 6 to TMR for addressing Item 5 & 6 forwarded to TMR via email 06/04 Items 5 & 6 investigated by TMR no change required, TAC Committee resolved to recommend Council write to Mr Sweeper advising of outcome
15.12-02	QPS (John Ridgway)	Request for changed traffic speed limits in Mt Carbine	QPS raised with TMR at previous meeting personally, no action has been taken to date. To be raised with TMR Speed zones changes completed 09/03/2016 QPS advised southern side complete, northern side sign still to be moved to include truck pads - approximately another 200m TMR to investigate and advise through MSC RMPC Trucks Pads to be included in 60 zone TMR to investigate
15.12-03	Performance Motors (Kevin Dunn)	Short passing lane on Kuranda range, too short of distance for passing, when wet causing accidents	Funding application made by TMR for upgrading, application unsuccessful TMR investigating changing the short passing lane to an emergency pullover in the vicinity of "The Hole" near Streets Creek Road geometry needs to be reviewed TMR to advise further TMR advised \$3M available for upgrade, design currently underway item pending updates and progress of works
16.03-01	Councillor (Alan Pedersen)	Reports received of motorbikes racing along Mines Road / Railway Corridor from around the kennels to Wylandra - dangerous for other users (cyclists, horses and walkers)	QPS to continue to monitor No further action required by this Committee, resolved to remove from the minutes

Minutes of the MSC Traffic Advisory Committee Meeting, Mareeba Boardroom, 65 Rankin Street, Mareeba,
Tuesday, 21 June 2016, commencing at 9:00am

Item	Organisation	Issue	Recommendation / Follow Up Action
16.03-02	Vaughan Street (Mareeba-Dimbulah Rd)	Council requests TMR make available funds or possibly enter a cost sharing agreement to seal between the existing edge of bitumen and the K&C on Vaughan Street to address dust issues	Letter sent 20/10/2014 Letter resent via email 22/01/2016 Refer to Agenda Attachments for copy of letter and locality map TMR to follow up on letter, consultation with residents in the area to be carried out by MSC, MSC to prepare an indicative cost for TMR Estimate sent to TMR 23/03/2016 TMR have advised all funds committed, however should there be any surplus they may be in a position to redirect funds to this project if it is documented and costed TMR advised no remaining funds for the FY available MSC design complete - Item pending
16.03-03	Traffic Management Study Mareeba CBD	Council seeks to undertake a full traffic management study for the Mareeba CBD area, including vehicle and pedestrian movements, disability access and parking	Letter to TMR 27/01/2016 TMR interested in cost sharing agreement Draft Brief prepared and under review MSC provided TMR (Darryl Jones) draft hard copy of Brief, electronic draft copy to follow via email
	14.12-07 TMR SRD (Alison Barlow)	Bollards on Rankin Street, outside McDonalds Restaurant	MSC advised rectification options being considered Options currently being reviewed by MSC Under design pending allocation of future capital works funding Installation of a concrete median from round-about to round-about is proposed Design still being worked with impacts to parking and PM school bus traffic being addressed Under investigation by MSC MSC Design office to investigate traffic management for Walsh, Rankin Streets including Target and Coles accesses, to be discussed with TMR MSC to commission traffic study of CBD including Rankin Street outside McDonalds Awaiting response from TMR Refer to item 16.03-03
	15.03-01 MSC Mayor (Tom Gilmore)	The Mayor has requested the Committee consider the removal of at least one (1) car parking space to the RHS of the exit from Target Country building in Walsh Street due to poor visibility; particularly for people in small vehicles. It is considered to be a dangerous situation	MSC advised rectification options being considered Options currently being reviewed by MSC Under design pending allocation of future capital works funding Installation of a concrete median from round-about to round-about is proposed Design still being worked with impacts to parking and PM school bus traffic being addressed Under investigation by MSC MSC Design office to investigate traffic management for Walsh, Rankin Streets including Target and Coles accesses, to be discussed with TMR MSC to commission traffic study of CBD including Rankin Street outside McDonalds Awaiting response from TMR Refer to item 16.03-03

Item	Organisation	Issue	Recommendation / Follow Up Action
15.12-01	QPS (Derek Garner)	Byrnes / Rankin Street, one lane people using the backing out area as second lane	To be raised with TMR MSC to commission traffic study of CBD area, Refer to item 16.03-03
16.03-04	St Thomas's P&F Representative (Dave Saul)	St Thomas's P&F seeks approval for the temporary reduction of the speed limit around Centenary Park on Mareeba Market days, similar to the Yungaburra Markets	Locations for temporary signage identified and matter to be dealt with by TMR MSC to email signage proposal to TMR for consideration
16.03-05	Principal Mareeba State School (Mandy Whybird)	Concerns raised by the School Principal advising parents are parking on the footpath in Sutherland Street creating a safety issue for children/pedestrians leaving school whereby they are walking on the road. Photos and Transport Operations Part 12 tabled. (Relates to CRM/16/01256)	Reports received by QPS who are policing the area Cautions issued during initial patrol of the area, tickets are now being issued QPS will continue to monitor TAC Committee resolved to recommend Council write to Principal Residents consulted seeking views on proposal to convert Sutherland Street to "one way" traffic Results attached MSC resolved to trial "one way" traffic for a period of 6 months Temporary change will be put in place over school holidays Item pending results of trial
16.03-08	QPS (Derek Garner)	With the recent commencement of Springmount Raceway activities, concerns were raised regarding the possible conflict of cane hauling trucks and drag strip attendees along Springmount Road. As part of the Development Conditions imposed by Council, Springmount Raceway need to meet a number of requirements such as appropriate sign alerting road users to the upcoming event.	QPS to provide Mackay Sugar with contact details for Springmount Raceway Mackay Sugar to include information in their driver induction alerting drivers to the scheduled raceway meeting dates etc MSC to provide to QPS for their information, a copy of the development conditions issued to Springmount Raceway relating to traffic management Information forwarded to QPS 16/03/2016 QPS advised they would contact Raceway organisers regarding signage and contact with Mackay Sugar for the up and coming events in July and August QPS also advised motorists were confused as to the location of the Springmount Raceway Event / Directional signage sought, approval required by TMR / Council. QPS to approach raceway organisers Variable message board an option

HEAVY VEHICLE / TRUCK STOP RELATED ISSUES PENDING FURTHER CONSIDERATION

Item	Organisation	Issue	Recommendation / Follow Up Action
15.09-04	Ray Blain	Complaint received from Speewah resident of Blenners Transport B-Doubles parking on Freedom Close, Speewah. Access to site is Council's responsibility, suggested Council discuss with TMR to destroy site. A number of safety and legal issues for heavy vehicles accessing the site - breach of road rules crossing double white lines. De-gazetting the road not an option?? Is fgr de-acceleration lane an option?	<p>TMR advised no funding resource available for truck pads and reiterated that this is commercial activity not a TMR responsibility QT (Ray Blain) to monitor the situation but can only deal with heavy vehicles being off route which is not a legal issue</p> <p>It was identified that the main issues outstanding on the agenda all related to the lack of truck stops in the MSC area.</p> <p>Items relating to this issue are all highlighted in yellow</p> <p>Ray Blain to monitor, Ray spoke with Blenners and movement to cease.</p> <p>Item pending further investigation</p>
13.06-13	Ray Blain	Seeks an update on the current status of the extension of the B-Double route to Koah and de-coupling pad area between Kuranda and Mareeba	<p>Chamber advised they are working with transport operators gathering data for a report to be presented to TMR.</p> <p>Email dated 26/09/2013 from Chamber advising they are working with TMR & MP David Kempton to seek responses from Transport Operators Chamber proposes to meet with Transport Operators in February 2014</p> <p>TMR currently reviewing B-Double Route,</p> <p>TMR does not install truck pads,</p> <p>Fruit & Veggie growers to review options being presented and in particular Speewah turnoff using the old TMR Road</p> <p>Chamber to advise on progress</p> <p>David Kempton is looking into the matter which is a requirement by NHVR</p> <p>TMR advised operators can apply for a permit but there is no turning area</p> <p>Photo taken on 12 June 2015 of truck de-coupled in the deceleration lane on Kennedy Highway in the vicinity of Cardinia Bvd, Speewah</p> <p>TMR advised this is an enforcement issue,</p> <p>MSC to forward information to QT</p> <p>TMR reiterated that de-coupling areas are not provided by TMR, this is the responsibility of the heavy vehicle transport industry</p> <p>B-Doubles can access Kennedy Highway provided transport operators can operate on-site</p> <p>Inspector Ray Blain has talked with Blenners Transport regarding de-coupling at Speewah. De-coupling has ceased. Also a plan has been sent to TMR (Darryl Jones) showing possible locations for de-coupling pads</p> <p>05/04/2016 Council received further reports and photos of de-coupling by heavy vehicle operators, information forwarded to QT for action</p>

Item	Organisation	Issue	Recommendation / Follow Up Action
13.06-14		Truck pad on the Mulligan Highway north of Mareeba	<p>TMR representative advised that the facility is not the responsibility of TMR even though it is located on State Controlled Road, Council has the option to close it as the facility is the responsibility of Council.</p> <p>Matter to be considered at a future meeting</p> <p>Matter to be considered by MSC, concerns of activity at location raised TS advised option of Springs Road not suitable due to safety & visibility issues</p> <p>Matter to be brought forward for consideration by Council</p> <p>Site at Bibbohra Store being investigated</p> <p>Mayor advised Bibbohra Store proprietors are generally in favour of the proposal of a truck stop. Suggested next steps:</p> <ul style="list-style-type: none"> Council staff to discuss details with Bibbohra Store proprietors Undertake survey and concept design and cost estimate List for future Capital Works consideration <p>Council Officer met with Store proprietors</p> <p>Engineering and survey being undertaken, concept designs to be developed for discussion with TMR and Store owners. Once approved by all parties, cost estimate will be prepared for inclusion on the Capital Works List for consideration.</p> <p>Survey completed,</p> <p>design in progress for review by TMR and Store Owners</p> <p>Funding opportunities available which will be investigated</p> <p>Currently with MSC Design Services section, programmed to commence after completion of 2015/16 capital works design programme later this calendar year</p> <p>MSC to follow up with Design section as to status</p>
14.06-01	Cr Jenny Jensen	<p>TRC resolved on 05/12/2013 to refer matter to TAC.</p> <p>Concerns raised regarding the safety of the current intersection of Springs Road and the Burke Development Road being used by B-Double transports, and requested that the matter be referred to the Traffic Advisory Committee for their consideration.</p> <p>TAC to consider the need for improvements to the current intersection of Springs / BDR to accommodate the safe use of the intersection by B-Double transports.</p> <p>Request for a truck stop on the southern side of Mareeba, currently where screenings are stock piled</p>	<p>Pending outcome of investigation of possible alternatives</p> <p>This matter dealt with in Item 13.06-14</p>
15.03-06	Councillor (Mary Graham)		To be investigated further Pending further investigation

3. NEW BUSINESS FOR CONSIDERATION (Incoming Correspondence / Requests)

Item	Organisation	Issue	Recommendation / Follow Up Action
16.06-01	Concerned Motorist (MSC)	Report and photos provided of unsafe behaviour by motorists overtaking vehicles using the acceleration / de-acceleration lane at Tichum Creek on the Kennedy Highway	Information provided to QPS Sign indicating "Overtaking Lane 2kms ahead" located on the eastern side of the acceleration / de-acceleration lane to be relocated nearer to the "overtaking lane" TMR advised further investigations being undertaken on actions to improve driver behaviour Possible further works pending
16.06-02	QPS (Snr Sgt Derek Garner)	Animal strikes on Roads on the Kennedy Highway between Mareeba and Kuranda - communication lines and systems between agencies receiving the call from the public (QPS) and the road owner/manager (Council / TMR)	All agencies to review their current process to ensure there is communication with other agencies and report back to the next meeting
16.06-03	Councillor (Alan Pedersen)	Enquiry received requesting a temporary 40kph zone on Byrnes Street from the Heritage Centre to the Cairns Connection road on market days	Refer to Item 16.03-04
16.06-04	QPS (Inspector Rolf Straatemeier)	Information sought from TMR on the following items: 1. Update on overtaking lane between Mareeba and Kuranda 2. What is required for "High Crash Zone" signs to be placed between Mareeba and Kuranda	# 1. Refer to Item 15.03-03 above #2. QPS to liaise with TMR as to locations for low cost solutions

Inspector Rolf Straatemeier left the meeting at 9:50am

4. GENERAL BUSINESS

Item	Organisation	Issue	Recommendation / Follow Up Action
16.06-05	Councillor (Mary Graham)	Keep right for through traffic on Byrnes Street	To be investigated in CBD Traffic Study
16.06-06	Councillor (Mary Graham)	Request for more QPS presence in Byrnes Street	QPS to monitor
16.06-07	Mareeba Chamber (Sam Musumeci)	Seeks additional angle parking in front of old fire brigade	MSC to investigate
16.06-08	Mareeba Chamber (Sam Musumeci)	Seeks the review of line marking and speed signage heading into the Mareeba Industrial Estate in particular Bower / Barrett Streets	MSC to install traffic counters, review and investigate current signage
16.06-09	Mareeba Chamber (Sam Musumeci)	Follow up on previous requests by Fruit Growers for acceleration / de-acceleration lanes to be constructed on the Kennedy Highway at the intersections of Gilmore Road and Kay Road	TMR advised response sent to MSC

Item	Organisation	Issue	Recommendation / Follow Up Action
16.06-10	QPS (John Ridgway)	Reported visibility issues travelling north from "jump up" on Kennedy Highway near Walkamin, double white lines need to be extended	TMR to investigate
16.06-11	TMR (Darryl Jones)	Safe Roads Sooner Programme - announcements shortly for works in 2016/17	Noted
16.06-12	TMR (Darryl Jones)	Requested TAC meeting start time of 9:00am be moved forward to 9:30am to allow more time for agencies travelling from Cairns	TMR to consult with Tablelands Regional Council with regard to moving their TAC meetings forward a half hour
16.06-13	QPS (John Ridgway)	Advised of drug testing and fatal reaction campaign currently being undertaken	Noted

5. FUTURE MEETINGS

Meeting dates for 2016:

Tuesday, 20 September
Tuesday, 06 December

6. CLOSURE

10:09am

**ITEM-23 INFRASTRUCTURE SERVICES - TECHNICAL SERVICES
- MONTHLY ACTIVITIES REPORT - JUNE 2016****MEETING:** Ordinary**MEETING DATE:** 20 July 2016**REPORT OFFICER'S
TITLE:** Manager Technical Services**DEPARTMENT:** Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

This report summaries Council's Technical Services activities undertaken by Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management and Investigation Sections of Infrastructure Services during the month of June 2016.

OFFICER'S RECOMMENDATION

"That Council receive and note the Infrastructure Services Technical Services Monthly Report for the month of June 2016."

BACKGROUND**TECHNICAL SUPPORT SECTION****Design**

- 2016/17 Capital Works
 - Springmount Road, Arriga, formation rehabilitation, widening and seal - Preliminary design work commenced. Awaiting survey
 - Myola Road, Kuranda, formation widening and seal - Awaiting survey
 - Byrnes Street, Mareeba. Stormwater upgrade in-front of My Mareeba Dentist
- 2015/16 Capital Works
 - Sunbird Parade Footpath, Mareeba
- Sporting Precinct Davies Park, Mareeba - Footpath design for Stage 1 and 2 complete

Soils Lab

- MSC
 - McIver Road, Mareeba Causeway Upgrade
 - Cobra Road, Mareeba Widening and Seal
 - Euluma Creek Road, Julatten Concrete Causeway
 - Herberton / Petford Road Resheeting
 - Mareeba Swimming Pool Car Park
 - Springmount Road, Arriga
 - Myola Road
-

- External Contractors
 - Work has been undertaken for nine (9) external clients

Survey

- 2015/16 Capital Works
- Mareeba Landfill
- Mareeba Industrial Park
- Firth Park, Mareeba
- Sutherland Street, Mareeba
- Springmount Road, Arriga
- Myola Road, Kuranda
- Sunbird Parade Footpath, Mareeba
- Swimming Pool, Car Park
- Keegan Street, Mareeba
- Sewer Rising Main as constructed survey pick up to Wastewater Treatment Plant
- Geraghty Park, Julatten

SUBDIVISIONS AND INVESTIGATIONS**Subdivisions**

- Current - Under construction
 - Christensen Road, Kuranda Stage 2 - Currently on hold
 - Wylandra Stage 6B and 6C (95% completed)
 - Mareeba Industrial Park - Effley Street - Mareeba Investments No. 10 Pty Ltd (95% completed)
 - Amaroo Stage 8 (10% completed)
- On Maintenance - Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset
 - Howe Farming - Kay Road - Drainage
 - Amaroo Stage 7
 - Bellevue Estate
 - Rhane (Keegan Road)
 - SunWater (Costin Street)
 - Bright Acquisitions (Tinaroo Creek Road)
 - Blacks Road
- Off Maintenance - Council Asset
 - Gateway Development (Landgold)
 - Amaroo Stage 6
 - Kuranda Springs, Stage 3B

FLEET AND WORKSHOP SECTION

- | | |
|----------------------------------|----|
| • Routine Vehicle/Plant Services | 28 |
| • Planned routine maintenance | 52 |
| • Breakdowns < 8 hrs Downtime | 6 |
| • Breakdowns > 8 Hrs Downtime | 2 |

FACILITIES SECTION

Caravan Parks

Dimbulah Caravan Park

In June 2016, 513 total bookings were recorded for Dimbulah Caravan Park, showing a slight increase of 31 compared to last month. The total figures this year compared to June 2015 were down slightly by 13.

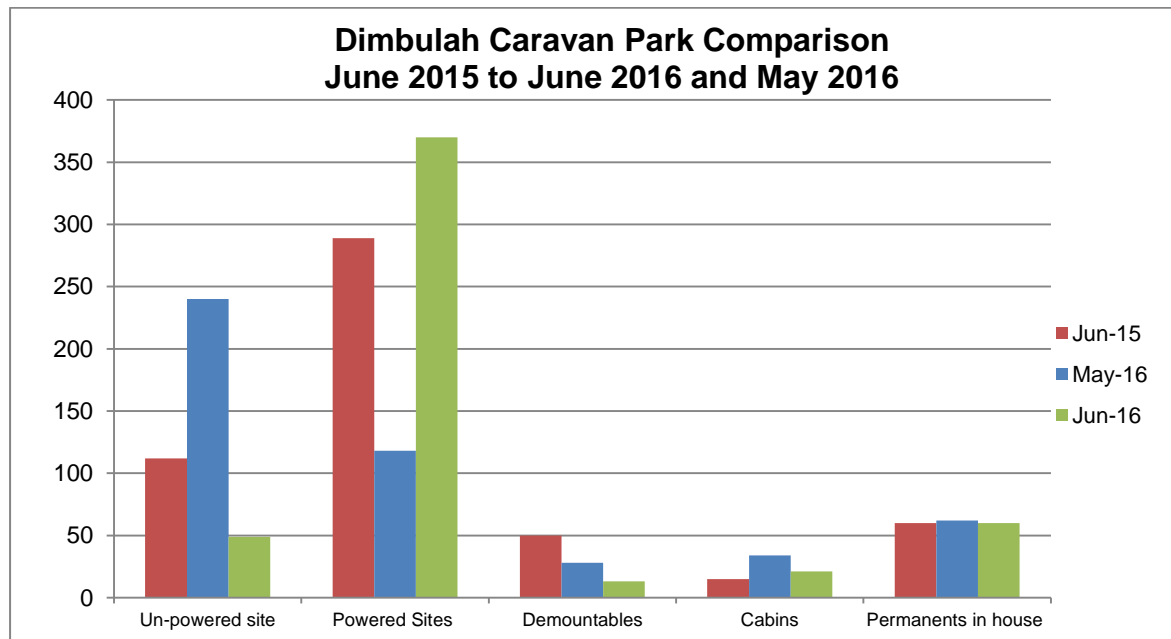


Figure 1. Monthly comparison Dimbulah Caravan Park

Mareeba Riverside Caravan Park

In June 2016, 2,510 total bookings were recorded for Riverside Caravan Park, showing a very slight decrease of 18 compared to last month. The total figures this year compared to June 2015 have slightly increased by 81.

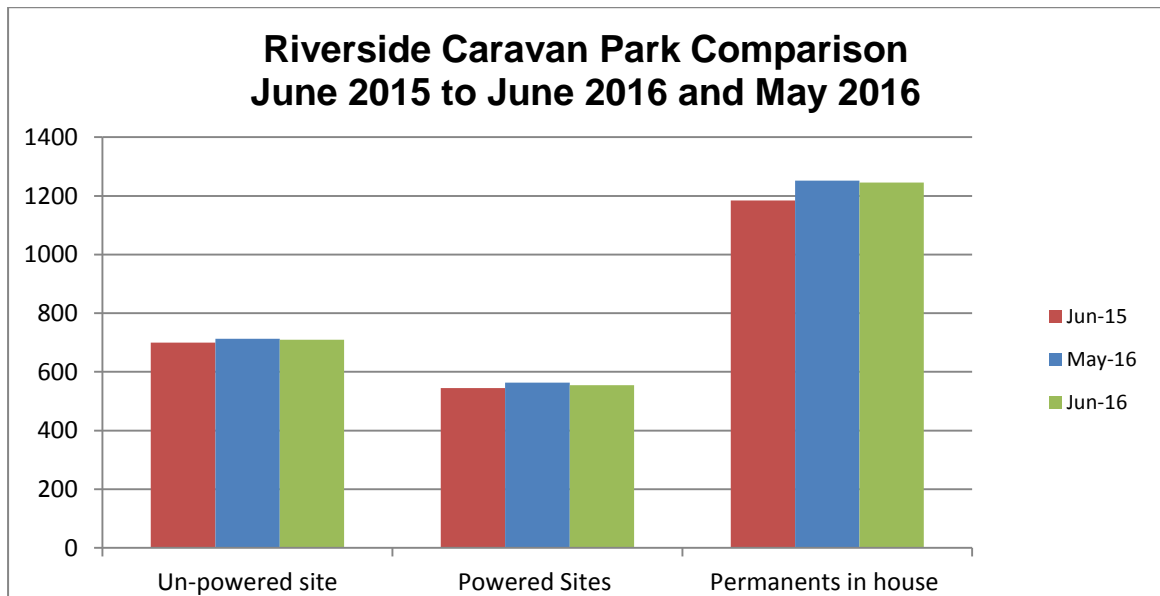


Figure 2. Monthly comparison Mareeba Riverside Caravan Park

Public Halls

The total number of hall bookings in June 2016 has decreased to 89 days from 98 last month. The hall hire in comparison to June 2015 has increased by 38 days.

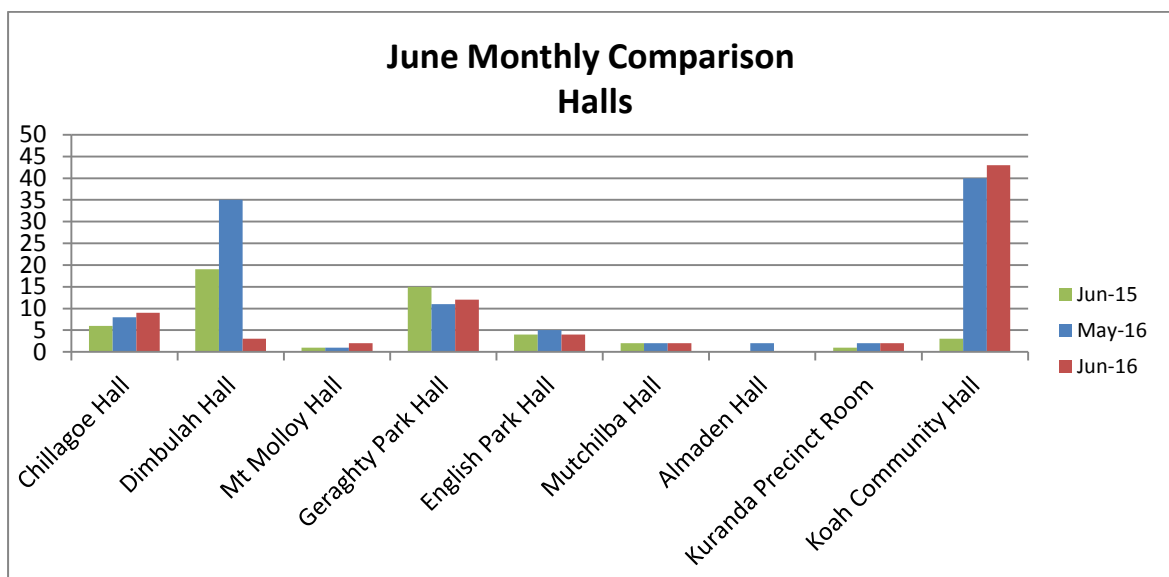


Figure 3. Monthly comparison halls

Swimming Pools

July is the start of the annual shutdown for the pools. Therefore, Kuranda Aquatic and Dimbulah Pool have no figures. Mareeba Swimming Pool stayed open until 23 June 2016 allowing for locals to use the facility that were competing on sporting events e.g. triathlon. Mareeba Swimming pool recorded 209 patrons for June.

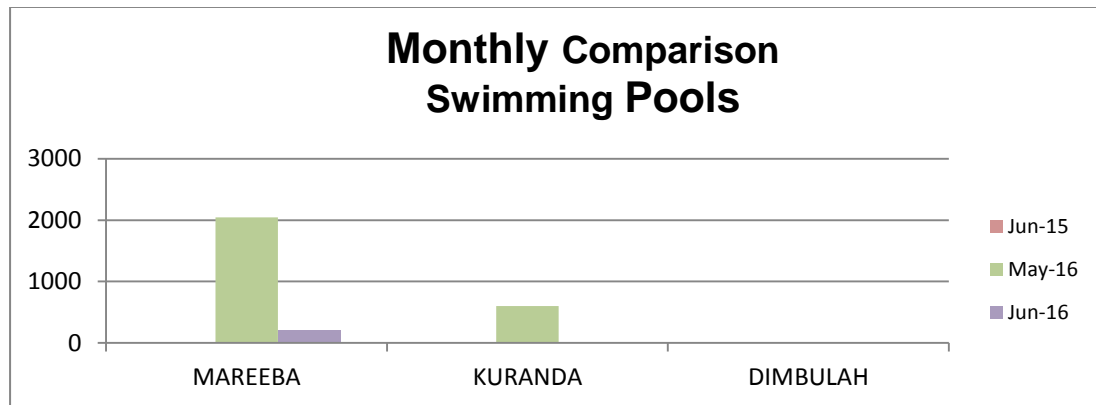


Figure 4. Monthly comparison swimming pools

Park Hire

Council parks bookings have increased this month with 19 bookings recorded. This has increased from 18 last month.

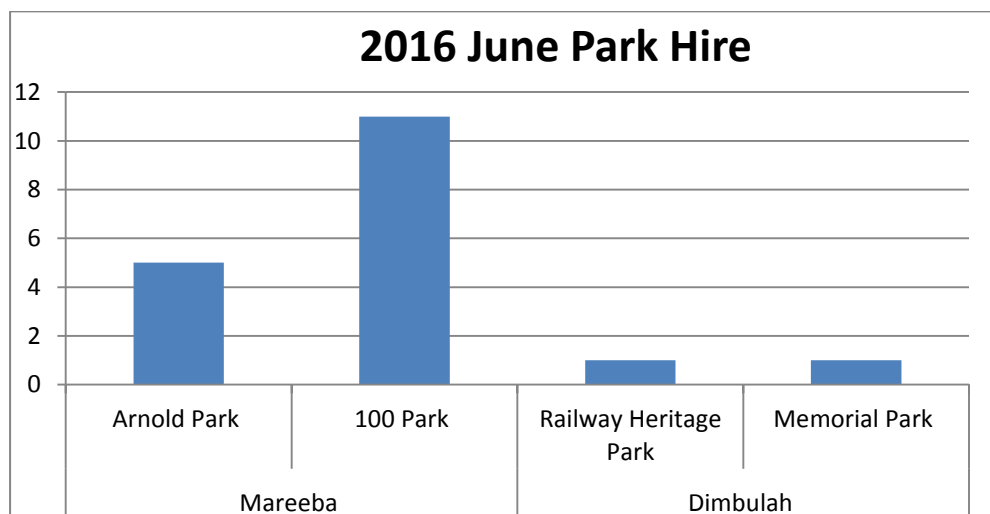


Figure 5. Monthly comparison park hire

Vandalism and Graffiti

During June 2016, 3 reports of graffiti vandalism was recorded.

Kuranda Community Precinct

Vandalism had occurred at the Community Precinct on work that had commenced on the tiled wall structure. Bolts to hold a new roof structure had been removed and some minor damage on the wall. Damage was fixed to allow work to continue.

Kuranda Old Library

Graffiti was found around the old Library building. The graffiti has been removed.

**Mareeba Mary Andrews Park**

Vandalism to the power box at the Mary Andrews Park occurred. Damage has been repaired.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Nil

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 7 July 2016

WORKS

ITEM-24 INFRASTRUCTURE SERVICES - WORKS SECTION PROGRESS REPORT - JUNE 2016

MEETING: Ordinary Meeting

MEETING DATE: 20 July 2016

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

DEPARTMENT: Infrastructure Services, Works Group

EXECUTIVE SUMMARY

This report sets out works undertaken by the Transport Infrastructure, Parks and Gardens and Bridge Sections of Infrastructure Services during the month of June 2016.

OFFICER'S RECOMMENDATION

"That Council receive and note the Infrastructure Services, Transport Infrastructure, Parks and Gardens and Bridge Sections, Progress Report for the month of June 2016."

BACKGROUND

Works Group

Maintenance Activities

Maintenance activities accruing more than \$1,000 in expenditure were carried out in June at the following locations:

Description	Activity
Main Street, Almaden	Grading unsealed roads
Crystalbrook Road, Almaden	Grading unsealed roads
McBean Road, Arriga	Grading unsealed roads
Tyrconnell Road, Arriga	Grading unsealed roads
Fossilbrook Road, Barwidgi	Grading unsealed roads
Junevale Road, Barwidgi	Grading unsealed roads
Bilwon Road, Bibbohra	Slashing
Hodzic Road, Bibbohra	Grading unsealed roads, slashing
Pickford Road, Bibbohra	Grading unsealed roads, slashing
Cowan Road, Bibbohra	Grading unsealed roads
Narcotic Creek Road, Chewko	Slashing
Contract Clearing Account, Chillagoe	Cleaning, general operations, mowing, spraying
Boonmoo Road, Dimbulah	Grading unsealed roads
Carbonate Creek Road, Dimbulah	Grading unsealed roads
Ericson Road, Dimbulah	Grading unsealed roads
Karma Waters Road, Hurricane	Grading unsealed roads, slashing
Cemetery Road, Irvinebank	Grading unsealed roads

Description	Activity
Hales Siding Road, Irvinebank	Grading unsealed roads
Mount Misery Road, Irvinebank	Grading unsealed roads
Rubina Terrace, Irvinebank	Grading unsealed roads
Stannary Hills Road, Irvinebank	Grading unsealed roads
Vulcan Wood Road, Irvinebank	Grading unsealed roads
No Name Road 89, Irvinebank	Grading unsealed roads
Carr Road, Julatten	Bitumen patching, culvert repairs, road furniture, road inspections, slashing
Clacherty Road, Julatten	Bitumen patching, road furniture, slashing
Euluma Creek Road, Julatten	Bitumen patching, road furniture, slashing
Hillview Road, Julatten	Slashing
McLeans Bridge Road, Julatten	Grading unsealed road, road furniture, road inspections, slashing
Morrish Road, Julatten	Grading unsealed roads, road inspections, road furniture, slashing
Black Mountain Road, Julatten	Clean inlet/outlets culverts, road inspections, slashing
Koah Road, Koah	Bitumen patching, grading unsealed roads, road furniture, slashing
Black Mountain Road, Kuranda	Slashing
Myola Road, Kuranda	Bitumen patching, line marking, pavement repairs, slashing
Oak Forest Road, Kuranda	Bitumen patching, grading unsealed roads, pavement repairs, road inspections, slashing
Rob Veivers Drive, Kuranda	Road inspections, slashing, tree clearing / vegetation management
Bulimba Road, Lyndside	Grading unsealed roads
Adil Road, Mareeba	Grading unsealed roads, slashing
Chewko Road, Mareeba	Bitumen patching, slashing
Kay Road, Mareeba	Grading unsealed roads, slashing
Malone Road, Mareeba	Slashing
Peters Road, Mareeba	Grading unsealed roads, slashing
Ray Road, Mareeba	Grading unsealed roads, slashing
Shanty Creek Road, Mareeba	Grading unsealed roads, slashing
Trimble Road, Mareeba	Grading unsealed roads, slashing
Wright Road, Mareeba	Grading unsealed roads, slashing
Kondaparinga Road, Mt Carbine	Grading unsealed roads
Fraser Road, Mt Molloy	Road furniture, road inspections, slashing
Wetherby Road, Mt Molloy	Grading unsealed roads, road furniture, road inspections, slashing
Collins Weir Road, Mutchilba	Grading unsealed roads
Beh Road, Paddy's Green	Grading unsealed roads
Brooks Road, Paddy's Green	Grading unsealed roads
Fassio Road, Paddy's Green	Grading unsealed roads, road furniture
Hawkins Road, Paddy's Green	Grading unsealed roads
Ivicevic Road, Paddy's Green	Grading unsealed roads
Rains Road, Paddy's Green	Grading unsealed roads
Lappa Street, Petford	Grading unsealed roads
Pioneer Road, Petford	Grading unsealed roads
Sunnymount Road, Petford	Grading unsealed roads
Lappa, Mount Garnet Road, Petford	Grading unsealed roads
Speewah Road, Speewah	Grading Unsealed Roads
Springfield Road, Springfield	Grading Unsealed Roads
Mt Mulligan Road, Thornborough	Grading Unsealed Roads
Walsh River Road, Watsonville	Grading Unsealed Roads

The table below shows the current budget position of road maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,230,322	\$3,230,322	\$3,239,835

Capital Work

Mclver Road Causeway Upgrade, Pavement Rehabilitation and Widen and Seal

Causeway upgrading works were completed in June at Mclver Road. The existing causeway was replaced, raised and widened to 9.6m.

Following the causeway upgrade 320m of the existing pavement was widened and sealed to a width of 9.2m. The causeway works were completed mid-May. Road and additional drainage and kerb and channel works were completed mid-June.



\$600,000 Gravel Resheet Program

In the month of June resheeting works continued on sections of the following roads.

- Inveradi Road
- Hodzic Road

In July resheeting will commence on sections of the following roads in the Julatten area.

- Mt Perseverance Road
- Black Mountain Road
- Wetherby Road
- Norris Road
- Fraser Road

Cobra Road Widen and Seal

At the Ordinary Meeting of 18 November 2015, Council endorsed the inclusion of Cobra Road widening in the non-year specific projects to be funded from Developers' Contributions.

Savings in the 2015/16 R2R funded projects have realised approximately \$200,000.

The funds were returned to Developers' Contributions and the length of the widening works was extended to acquit the R2R grant funding for 2015/16.

The programmed and additional works were completed in late June. The original length of 500m as scoped in 2015 was increased to 1,350m.

The existing seal was widened to 6.5m with a 0.75m gravel shoulder. Driveways with existing culverts were reinstated using 450Ø Blackmax pipe and precast sloping headwalls.



Mareeba Swimming Pool Car Park Upgrade

Construction of additional parking spaces in the car park adjacent to the Mareeba Swimming Pool and Gymnasium commenced in early June.

The project included pavement and asphalt surfacing works, the installation of kerbing and channelling, provision of pedestrian accesses, stormwater network upgrading and pavement marking.

The project was completed 30 June.



Walsh River Bridge Upgrade

Construction of the Walsh River Bridge Upgrade on Springmount Road was completed 01 July.

The existing timber deck was replaced with concrete girders with minor works carried out on the existing abutments and the installation of a guardrail.



Bicentennial Lakes Footpath Replacement

The replacement of various sections of paved footpath with concrete footpath started in mid-March in and around the Bicentennial Lakes precinct. The sections were identified by assessing trip hazards, general overall condition, received Customer Requests and where new replacement sections could be joined.

Works progressed throughout the last quarter of the financial year in between other concrete projects. A total of 966m² of broken or uneven pavers and concrete were replaced.



TMR Routine Maintenance Performance Contract (RMPC)

Routine maintenance activities were undertaken during June at the following location;

Primary Location	Activity Name
Burke Developmental Road	Other formation work

The total claim to DTMR for the works listed above for the month of June was \$138,234.14

Parks and Gardens Section

Maintenance Activities

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in June at the following locations:

Location
Parks and Gardens, Chillagoe
Basalt Gully and Bi-Centennial Lakes, Mareeba
Mary Andrews Gardens, Mareeba
Arnold Park, Mareeba
Centenary Park, Mareeba
Barron Esplanade, Mareeba
Byrnes Street Medians, Mareeba
Ralph Leinster Park, Mareeba
Eales Park, Mareeba
Kuranda Parks, Library, CBD and Streets
Kuranda Esplanade
Old Kuranda Depot / Amphitheatre
Wetherby Park, Mt Molloy
Town Hall Park, Dimbulah
Borzi Park, Mareeba
Davies Park, Mareeba
Vains Park, Mt Molloy
Hunter Park - Fallon Road, Kuranda
Mareeba Streets
River Gardens - Park/Drainage Area, Mareeba
Tree Removal, Kuranda
Sunbird Park, Mareeba
Walk-Path Kuranda Resort - Rob Veivers Drive, Kuranda
Pressure Cleaning Kuranda CBD Footpaths
Anzac Avenue, Mareeba
Irvinebank Mowing and Maintenance

The table below shows the current budget position of Parks and Gardens maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$1,616,639	\$1,616,639	\$1,558,115

Bridge Section

The table below shows the current budget position of Bridge maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$537,318	\$537,318	\$375,084

Land Protection Section

All Land Protection officers have undergone training on the implementation of the new Biosecurity Act.

MSC Local Area Biosecurity Plan has been launched on the MSC Website. On 14 June all contributors to this plan were invited to an all-day review of the joint plan.

Council's Land Protection staff have been chemically removing Rubbervine, rats tail grass and lantana from Reserve 76 Mt Molloy. This has been in conjunction with the grazier who leases part of the reserve.

A new infestation of Siam weed has been detected on Back Creek on the Upper Walsh catchment. The sites have been cleared and mapped on to Council's GIS. More extensive searches on the head of Back Creek are planned to locate the source.

Rubber Vine, Jatropha Curcas and Bellyache bush are still being targeted. This work involves MSC staff, affected landowners, Biosecurity Qld staff and Mitchell River catchment group.

The Federally funded transition to management of Kesters Curse has now been operating for 20 weeks. Surveillance, control and prevention of spread protocols as well as continued public awareness programs are all tools used on this program.

Coordinated and integrated control programs are continuing on feral pigs, wild dogs / dingos and rabbit problems all over the Shire's area of operations.

The table below shows the current budget position of land protection for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$410,506	\$410,506	\$410,201

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Infrastructure Services staff

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Included in 2015/2016 budget

Operating
Included in 2015/2016 budget

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

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

IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

ATTACHMENTS

Nil

Date Prepared: 6 July 2016

WATER & WASTE

ITEM-25 STANDPIPE MANAGEMENT POLICY

MEETING: Ordinary

MEETING DATE: 20 July 2016

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

DEPARTMENT: Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

Mareeba Shire Council (MSC) is a registered water service provider under the Water Supply (Safety and Reliability) Act 2008 (Qld). MSC owns and operates the water service infrastructure within its jurisdiction in line with this Act.

A draft Standpipe Management System Policy has been formulated to ensure all guidelines are met when accessing MSC's water supply. Standpipes are used to obtain water for but not solely, activities that include roadwork, private water carting, concrete sawing and the filling of swimming pools. The draft Standpipe Management System Policy enables customers' temporary access to Council's water supply through the use of hired Standpipes or Electronic Keys.

OFFICER'S RECOMMENDATION

"That Council adopt the Standpipe Management System Policy".

BACKGROUND

Mareeba Shire Council (MSC) has supplied metered standpipes to various users for hire for the purpose of drawing water from the Council's water supply. This hire has been either on short or long term agreements. Due to the recent construction of MSC's fixed standpipe facilities that can only be accessed by hired electronic key, a draft policy has been prepared to reflect the new access arrangements. The policy sets out the process of how customers are able to obtain temporary access to MSC's water supply through the use of either hired metered standpipes or electronic keys.

After further review of the current process, changes are also proposed to the conditions of the long term hire. It is proposed that long term hirers of metered standpipes, complete the self-read form with the standpipe meter read every three (3) months and return to MSC for billing purposes.

LINK TO CORPORATE PLAN

ENV 1: Prepare an appropriate planning scheme focused on sustaining good agricultural land and farming land as well as encouraging population growth and protecting the natural environment.

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

CONSULTATION*Internal*

Infrastructure and Corporate Services staff

External

Nil

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

Nil

POLICY IMPLICATIONS

The implementation of the Standpipe Management System Policy along with the Conditions of Use.

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

All relevant staff are informed of changes in the management of the standpipe hire process and the policy, if adopted, would be placed on the Council website.

ATTACHMENTS

1. Draft Standpipe Management System Policy;
2. Council Mobile and Fixed Metered Standpipes Conditions of Hire and Use.

Date Prepared: 30 June 2016



Standpipe Management System Policy

Council Policy <input type="checkbox"/>	Internal Policy <input type="checkbox"/>	Guideline/Procedure <input type="checkbox"/>
Draft <input checked="" type="checkbox"/>	Final <input type="checkbox"/>	Version:
File ref:	Policy Section:	
Date Adopted:	Review Date:	
Author:	Review Officer:	

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1. POLICY INTENT

To set out the process for the use, hire and charges for the supply of potable water through the use of Standpipes and to provide guidance on the processes for enforcement action in instances of unauthorised use of a Standpipe to take water from Mareeba Shire Council's water supply.

2. SCOPE

This policy applies to the provision of water through Mobile Metered Standpipes, Fixed Standpipes, Fire Flow/Pressure Testing Devices and all water extracted from the Mareeba Shire Council water supply other than:

- By an individual metered water service; or
- For firefighting purposes.

3. BACKGROUND

Under the *Water Supply (Safety and Reliability) Act 2008 (Qld)* (WSSR Act), MSC is a registered service provider that owns and operates the water service infrastructure under the jurisdiction of MSC.

This policy was formulated to allow customers to obtain temporary access to MSC's water supply through the use of hired Standpipes or Electronic Keys. Standpipes or Electronic Keys are used to obtain water directly from hydrants on MSC mains.

3.1 Legislation

In accordance with section 145(1) of the WSSR Act, a person must not take water from a firefighting system or a service provider's hydrant without the permission of the service provider unless the water is taken for firefighting purposes.

Section 191 of the WSSR Act states that a person must not, without the written consent of a service provider, connect to, or disconnect from, the service provider's infrastructure.

A person can only connect to MSC's water network by accessing an approved Metered Standpipe through a hire agreement with MSC. A maximum penalty of 1000 penalty units will apply¹.

Section 192(1) of the WSSR Act states that a person must not, without the written consent of a service provider, interfere with a service provider's infrastructure. A person must ensure that they comply with 'MSC Standpipe Hire - Conditions of Use' when using an MSC approved metered standpipe. A maximum penalty of 1000 penalty units will apply¹.

¹ Value of penalty unit for particular purposes—Act, s5A(1) -
<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PenaltASenR15.pdf> - Section 3

Section 195(1) of the WSSR Act states that a person must not, without a service provider's written approval, take water from a service provider's infrastructure. A maximum penalty of 1000 penalty units will apply¹.

Section 195(2) taking water from MSC infrastructure which is supplied for domestic purposes without approval. A maximum penalty of 1000 penalty units will apply¹.

4. DEFINITIONS

To assist in interpretation, the following definitions shall apply:

Annual Revenue Statement shall mean an outline and explanation of the measures that the Mareeba Shire Council has adopted for raising revenue.

Applicant shall mean the person or entity described on the relevant application form and includes all persons employed by or otherwise authorised by the Applicant to possess and operate a Standpipe.

Authorised Person shall mean a person who is appointed under the Local Government Act 2009 to ensure that members of the public comply with the Local Government Act.

Electronic Key shall mean a key provided by MSC to an Applicant that enables access to a Fixed Standpipe.

Fire Flow/Pressure Test Device shall mean a Mobile Standpipe with approved pressure measuring equipment installed.

Fixed Hydrant shall mean a fixed apparatus located at MSC's predetermined locations that allow the extraction of water under pressure to be released from the fixed hydrant.

Fixed Standpipe shall mean a temporary or permanent facility including pipework, control and metering equipment and other support equipment provided in a designated location by MSC for the purpose of extracting water from the reticulated water supply by an Applicant.

Hire Agreement shall mean an agreement between MSC and the Applicant in which the terms are binding until the return of the metered standpipe and payment of all applicable fees and charges.

Hirer shall mean the person, organisation, company or MSC Department nominated as the authorised user of the hired standpipe.

Hydrant shall mean an apparatus to allow the extraction of water under pressure to be released from MSC's infrastructure.

Internal Hire shall mean the hire of the metered standpipe or electronic key for council department projects.

Internal Staff shall mean an employee of MSC

Long Term Hire shall mean an agreement between MSC and the Applicant for the hire of an approved standpipe from MSC for a maximum six months period.

Metered Standpipe in accordance with definition of "Standpipe" however, with a meter attached to measure the flow of water to be drawn from the device.

MSC shall mean Mareeba Shire Council

MSC Fees and Charges shall mean the fees and charges for Council for the financial year.

Reticulated Water Supply shall mean the network of reservoirs, pumps, pipes and fittings that deliver water to a designated location.

Security Deposits/Bonds shall mean the amount paid by the hirer to MSC to be held until the return of the standpipe in a good condition and fees are fully paid.

Service Provider shall mean a supplier of water or sewerage service who is registered under s.20 of the *Water Supply (Safety and Reliability) Act 2008* as a service provider and may include a local government that owns infrastructure for supplying water or sewerage services.

Short Term Hire shall mean an agreement between MSC and the customer for the hire of an approved standpipe from MSC on a daily period.

Standpipe shall mean a device which attaches to MSC's managed water infrastructure to provide access to draw a controlled flow of water from the reticulated water supply.

Water and Waste Services shall mean a commercial division of MSC. For the purpose of this policy, 'Water and Waste Services' refers to any MSC staff having responsibility for implementation of this policy.

WSSR shall mean the *Water Supply (Safety and Reliability) Act 2008*.

5. POLICY STATEMENT

5.1 Supply of Temporary Water Meter (Metered Standpipe)

- 5.1.1 Metered water shall be supplied from either Mobile Metered Standpipes, or Fixed metered Standpipes (Electronic Key) as determined by MSC. Hirers will be instructed by the issuing staff on what specific hydrants they can draw water from on commencement of the hire agreement.

The use of non-Council (unauthorised) Standpipes to draw water from MSC's water supply system or hydrants is not permitted and will result in fines being imposed in accordance with the WSSR Act.

- 5.1.2 Bulk water may be accessed by completing an Application for the issue of a Short or Long Term Hire Metered Standpipe and upon receipt of approval from MSC. Prior approval from Water & Waste Services must be received for the drawing of water from every proposed location.

- 5.1.3 Standpipes/Electronic Key may be hired to customers through Short Term Hire or Long Term Hire.

5.2 Hire Agreement Conditions

MSC will issue a Standpipe or Electronic Key on the terms set out within the Hire Agreement.

5.2.1 Term of the Agreement

The term of the agreement shall be from the date of issue of the Standpipe/Electronic Key to the agreed date of return of the metered Standpipe/Electronic Key, or the date of payment of all applicable fees and charges, whichever is later. Late fees will apply if the Standpipe/Electronic Key is not returned by the due date.

5.2.2 Extension of Agreement

The hirer may be granted a two (2) day extension on the hire agreement for the continued use of the Standpipe/Electronic Key without being charged late fees on the condition that they contact Council at least one (1) day prior to the cessation of the agreement. Standard daily hire charges in accordance with MSC - Fees and Charges will apply to the period of the extension.

5.2.3 Extension of Agreement due to Exceptional Circumstances

In situations where a hirer is unable to return the Standpipe/Electronic Key by the due date as a result of force majeure conditions, the hirer is required to contact MSC informing of the circumstances and will be given an extension with an agreed upon return date. The hirer will not be charged late fees for the period of the extension however late fees will apply should the Standpipe/Electronic Key not be returned by this date. Standard daily hire charges in accordance with *MSC - Fees and Charges* will apply to the period of extension.

5.2.4 Termination of the Agreement

MSC has the right to terminate an agreement without notice to the hirer if the hirer:

- (i) fails to comply with a reasonable direction by an authorised person of MSC in relation to the use and inspection of the Standpipe;
- (ii) does not comply with any of the conditions of the agreement including but not limited to non payment of any fees and charges under the agreement;
- (iii) has any outstanding accounts with MSC.

If the agreement is terminated due to a breach as described above, the hirer shall:

- (iv) forfeit the unexpired portion of the hire charge;

- (v) immediately return the standpipe to MSC;
- (vi) if so directed by an authorised person of MSC, return the standpipe on demand to the authorised person;
- (vii) be liable for any water usage charges;
- (viii) forfeit the security deposit paid at commencement of the agreement.

Either party may terminate the agreement by giving the other party fourteen (14) days notice in writing and the agreement shall be terminated at the expiration of such period. The hirer will then immediately return the Standpipe/Electronic Key to MSC and will pay any unpaid portion of the hire charges, or portion of cost of repair to the value of the Standpipe or Electronic Key.

5.2.5 Transfer of the Agreement

Appropriate delegation is applicable only to the person signing the agreement on behalf of the company hiring the Standpipe/Electronic Key and will not apply to sub-contractors of the company. The agreement to hire a Standpipe/Electronic Key is non-transferable.

5.3 Fees and Charges for Supply of Water from Standpipes and Hire of Metered Standpipes/Electronic Keys

Water drawn from Standpipes shall be charged at the current bulk water rates as per the adopted Annual Revenue Statement. Hire, penalty fees and standpipe bonds shall be charged at the current schedule of MSC - Fees and Charges.

At the commencement of each new financial year, by way of correspondence to Annual Hirers, MSC will provide information relating to fees and charges adopted by MSC for that financial year.

New customers will not be granted an account with MSC until they have been a cash customer for at least six months.

5.4 Instructions for Use of Standpipes

On commencement of the hire agreement the hirer will be provided with operating instructions for the use of Standpipes.

5.5 Conditions for Use of Mobile Metered Standpipes

The hirer shall use the standpipe in accordance with the MSC Metered Standpipes - Conditions of Hire & Use which will be available at the commencement of the hire agreement. The hirer is to ensure to replace dust covers after use. The hirer will use the standpipe only for the purposes stated within the hire agreement.

Refer to Appendix 1 - MSC Metered Standpipes - Conditions of Hire & Use, for the full list of conditions of use of MSC approved standpipes.

5.6 Conditions for Use of Fixed Metered Standpipes (Electronic Keys)

The hirer shall use the standpipe in accordance with the MSC Metered Standpipes - Conditions of Hire & Use which will be available at the commencement of the hire agreement. Approval will be granted for the use of one or more Fixed Standpipes at designated locations as detailed in the application.

A Security Deposit as shown in the MSC -Fees and Charges will be charged for each Electronic Key allocated.

Electronic Keys remain the property of MSC and are to be returned at the end of the Hire Agreement or when requested by an Authorised Person.

The allocation of additional Electronic Keys is at the discretion of MSC.

MSC reserves the right to cancel inactive Electronic Keys after a period of 6 months.

5.7 MSC Hydrant Locations

The hirer must use specific hydrants as directed by Water & Waste Services staff. Permission will not be given to draw water from hydrants directly from trunk mains. (Under no circumstances can water be drawn from any hydrant outside of the MSC boundary area). Non compliance with this requirement will incur costs associated with any subsequent damage or claim. At the commencement of the hire agreement, hirers will be informed of the location of hydrants available for use.

5.8 Unauthorised Drawing of Water from MSC's Water Reticulation Supply

Any unauthorised drawing of water from the MSC water reticulation supply by any means will be prosecuted to the full extent of the law. "Unauthorised" in this context refers to non adherence to legislation (WSSR Act) and the MSC Metered Standpipes - Conditions of Hire & Use as set out in this policy and in the hire agreement.

5.9 Lost, Stolen or Destroyed Standpipes/Electronic Keys

The Standpipe remains the property of Water & Waste Services and must be returned to Water & Waste Services on demand or at cessation of the hire agreement.

- If while in the possession of the hirer a Standpipe/Electronic Key goes missing or is reported stolen, a report must be filed by the hirer to the Police immediately and MSC must be contacted and supplied with the Police reference number and any other relevant details. Costs incurred as a result of loss or theft will be the responsibility of the hirer.

Once the hirer has reported the theft to MSC, the hirer shall;

- (i) Reimburse the current cost of a replacement standpipe to MSC;

- (ii) Pay any outstanding water usage charges based on usage for the previous reading period or on MSC's estimate of average standpipe water usage for the same financial year. On receipt of payment for the replacement cost of the standpipe and outstanding water usage charges, MSC will provide a replacement Standpipe/Electronic Key for the remainder of the hire term.

5.10 Care and Maintenance of Equipment on Hire

The care and maintenance of equipment shall be the responsibility of the person nominated on the hire agreement.

On return of the Standpipe/Electronic Key at the cessation of the hire agreement, the hirer will be required to complete the Return Details on the *MSC Application for the Issue of Short or Long Term Hire Metered Standpipe*.

Refer to Appendix 2 - MSC Application for the Issue of a Short or Long Term Hire Metered Standpipe.

5.11 Use of Standpipes in accordance with Workplace, Health and Safety requirements and approved Quality Procedures

Particular attention to correct signage and barricades shall be mandatory for Mobile Standpipe hirers when drawing water from hydrants situated in roadways, or where subjected to vehicular traffic.

Signage must be in accordance with the *Manual of Uniform Traffic Control Devices 2011, Part 3*. Risk assessments must be undertaken to determine the needs for control regarding manual handling, and the needs for control regarding PPE i.e., safety boots, riggers gloves/hand protection.

5.12 Internal Hire Process

Any council project that requires water to be extracted from Council's water reticulation hydrants must be through a metered Standpipe or via the issuing of an Electronic Key.

Short Term Hire Process

An initial deposit shall apply to the hire of each and every Standpipe/Electronic Key. Charges will be levied for equipment hire, and the volume of water used in connection to the specific application. Water usage shall be charged at the current bulk water rates as per the adopted annual revenue statement. Hire and penalty fees shall be charged at the current schedule of *MSC - Fees and Charges*.

The hirer will be required to complete a self-read form on a monthly basis and return this information to the MSC before the due date for billing purposes. Failure to do this may result in the issuing of late fees.

Security deposits will only be released once full payment for hire, water usage, any penalty fees incurred and damage to equipment has been received. The hirer is required to complete the Return Details on the MSC Application for the Issue of Short or Long Term Hire Metered Standpipe.

Long Term Hire Process

At the initial hire, applicants must pay a security deposit which will be held until the cessation of hire. The hire fee payable by annual hirers will be as per the current schedule of *MSC - Fees and Charges* and is payable at the commencement of the hire agreement.

Hire is for a maximum six monthly basis. The hirer will be required to complete a self-read form every three (3) months and return the form to MSC. The hirer must return the Standpipe/Electronic Key every six months for inspection, meter reading and maintenance. The hirer will be notified in writing of their obligations. Failure to return the standpipe may result in confiscation of the hired equipment and forfeit of the security deposit.

The Standpipe is to be clean and dry when returned. Upon return of the Standpipe/Electronic Key and presentation of a new security deposit and completed application form, another Standpipe/Electronic Key will be issued if required.

Security deposits will only be released once full payment for hire, water usage, any penalty fees incurred has been received. The hirer is to complete the Return Details on the *MSC Application for the Issue of Short or Long Term Hire Metered Standpipe*.

6. REVIEW

This policy is to remain in force until otherwise determined.

This policy will be reviewed when any of the following occur:

1. The related documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council.

7. REFERENCES

- Local Government Act 2009
- Water Supply (Safety and Reliability) Act 2008
- Manual of Uniform Traffic Control Devices 2011
- MSC - Annual Revenue Statement
- MSC - Fees and Charges
- MSC - Application for Short or Long Term Hire Metered Standpipe
- MSC - Metered Standpipes Conditions of Hire & Use

8. ATTACHMENTS

Appendix 1

**COUNCIL MOBILE & FIXED METERED STANDPIPES**

CONDITIONS OF HIRE & USE

INTRODUCTION

Mareeba Shire Council is committed to protecting the environment and reducing water consumption. To help us save one of the world's most precious resources, we have introduced metered standpipes.

Standpipes are used to obtain water directly from hydrants on our mains for activities such as roadwork, water carting, concrete sawing and the filling of swimming pools.

We believe that the use of a metered standpipe is fairer and more equitable in ensuring charges reflect actual usage and endorses our commitment to reduce water consumption.

POLICY

Drawing of water from Council's reticulation system other than by a Council owned metered standpipe is not permitted.

Mobile Metered Standpipes hired from Mareeba Shire Council, Kowa Street, Depot Stores Department must be used for drawing water from hydrants on our mains.

Fixed Metered Standpipes operated by electronic key hired from Mareeba Shire Council Customer Service Centre must be used for drawing water from fixed meter locations.

Mobile and Fixed Metered standpipes will be owned by and remain the property of Mareeba Shire Council.

Fire Brigade and Emergency Services are exempt.

INTENDED USE

The treated water product is intended for the highest use for the general population i.e. drinking water. The water is not intended to be used for special industrial, commercial or other uses, such as aquaculture, pharmaceuticals, medical uses and other uses that need water of different quality from potable water.

There are people (such as the old, young, pregnant or immunocompromised) who are advised to provide additional point-of-use treatment before drinking the water based on specific medical advice as such patients are not necessarily the intended users.

Council takes no responsibility for the quality of water after it has left the Council reticulation system. Domestic delivery vessels supplying clients with water for drinking purposes must have a current registered health inspection certificate from Council.

If the following conditions of use are not adhered to a maximum penalty of 50 penalty units may be imposed under Local Law 23.

CHARGES

Fees stated are for the **2015/2016 financial year** and are subject to review each financial year.



HIRING A STANDPIPE

The "Hirer" is any person, including its employees and agents, who request to hire a standpipe from Mareeba Shire Council Water and Waste (the Owner). Application to hire a standpipe may be made at the Customer Service Centre, Council Office, 65 Rankin Street, Mareeba between the hours of 8:45am and 4:30pm.

SHORT TERM

Maximum of 7 days (e.g. builders, filling swimming pools, etc.)

If the standpipe return date falls on a weekend and is not returned on the first business day then additional charge rates apply.

LONG TERM

Hirers **must have a current** trade account with Mareeba Shire Council.

The hirer will be required to complete a self-read form every three (3) months for mobile meter standpipes and the information returned to Mareeba Shire Council, Kowa Street Depot, Stores Department before the due date, for billing purposes. Failure to do this may result in the issuing of late fees.

Long-term hire is on a maximum six (6) monthly basis. The standpipe must be returned every six (6) months to the Stores Department for inspection, meter reading and maintenance. You will be notified in writing of your obligations.

Failure to return the standpipe may result in confiscation of the hired standpipe and forfeiting your bond.

The standpipe is to be clean and dry when returned. Upon return of the standpipe and presentation of a new security deposit another standpipe will be issued, if required.

If a standpipe is still required after this six (6) month period, it will be replaced upon receipt of a security bond and completion of a new hire agreement.

USING YOUR STANDPIPE

The incorrect use of a standpipe can damage the standpipe, the hydrant, our mains, and contaminate the water supply.

Operating instructions are available from the Customer Service Centre to all hirers of metered standpipes.

The standpipe is not transferable to any other party and is the responsibility of the nominated approved standpipe holder.

DEPOSIT/BOND

Deposit will be taken on issue of the standpipe. Deposit will only be returned after Mareeba Shire Council determines the condition of the standpipe and any outstanding charges for that standpipe have been paid in full.

The deposit/security bond is non-transferable.

**REPAIRS AND REPLACEMENT**

Any damaged or faulty metered standpipe must be reported to Mareeba Shire Council within 24 hours.

If a standpipe is lost or stolen it must be reported to the police and a reference number obtained and advised to Mareeba Shire Council within 24 hours.

If a standpipe is lost, stolen, damaged or destroyed the hirer will be responsible for cost of repairs or replacement.

ON THE SPOT FINES

Under S195 Water Supply (Safety and Reliability) Act 2008, Council will impose on the spot fines for unlawful taking of water.

FAILURE TO COMPLY

Failure to comply with any of the above conditions, including non-payment of standpipe fees and charges due, will result in the hire agreement for the use of the standpipe being withdrawn and action taken for the recovery of the standpipe.

ENQUIRIES

All enquiries should be directed to Council's Customer Service on 1 300 308 461.

Appendix 2


65 Rankin Street
PO Box 154 MAREEBA QLD 4880
P: 1300 308 461
F: 07 4092 3323
W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

APPLICATION FOR THE ISSUE OF A SHORT OR LONG TERM HIRE OF METERED STANDPIPE
(Standpipe Management System Policy to be supplied to Applicant)

Privacy Notice: Mareeba Shire Council is collecting your personal information in accordance with the Local Government Act 2009 in order to process your application. The information will be only accessed by authorised Council employees. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.

Applicant Details			
I / We hereby make application to be granted approval to hire a metered standpipe.			
Applicant Name		Driver's Licence #	
		Mobile Phone	
Business Trading Name		ABN / ACN #	
Business Address			
Postal Address			
Email Address			

Customers must have a current trade account with Mareeba Shire Council or otherwise have completed a trade account application and had it approved.

Does the applicant have a trade account with Mareeba Shire Council?

Yes ☐ No ☐

If no please complete and attach a Credit Application form.

Is the Credit Application form completed and attached?

Yes ☐ No ☐

Issuing Officer (to complete this section)

Standpipe to be issued to applicant?

Yes ☐ No ☐

Name of Authorising Officer (please print) _____

☐ **Mobile Metered Standpipe Details**

ID Number of Standpipe issued:			
Type of Standpipe (tick applicable type)	<input type="checkbox"/> LCD	<input type="checkbox"/> DIAL	<input type="checkbox"/> NEW STYLE DIAL
Issue Read: NB: Analogue standpipe has 6 dials and a dial under the black figures			

☐ **Fixed Metered Details**

ID Number of Electronic Key issued:			
Location of Standpipe (circle)	Mareeba	Kuranda	Dimbulah
Issue Read: NB: Analogue standpipe has 6 dials and a dial under the black figures			

Applicant Declaration

☐ I / We have received a copy of 'Council Metered Standpipes – Conditions of Hire & Use' and the Standpipe Management System Policy in relation to being granted the use of a metered standpipe and agree to abide by these conditions. I / We hereby verify that the details of standpipe on issue are correct.

Signature of Applicant		Date	
Name of Issuing Officer		Signature	

OFFICE USE

General Ledger	Receipt No.	Date	Amount	Update Register	CSO Initials

Return Details (Receiving Officer to complete this section)
Mobile Metered

ID Number of Standpipe issued:			
Type of Standpipe (tick applicable type)	<input type="radio"/> LCD	<input type="radio"/> DIAL	<input type="radio"/> NEW STYLE DIAL
Return Read: NB: Analogue standpipe has 6 dials and a dial under the black figures			
Additional comments required if damaged or faulty:-			

Fixed Metered

ID Number of Electronic Key issued:			
Location of Standpipe (circle)	Mareeba	Kuranda	Dimbulah
Return Read: NB: Analogue standpipe has 6 dials and a dial under the black figures			
Additional comments required if damaged or faulty:-			

Receiving Officer's Details

Name of Receiving Officer:	Signature
----------------------------	-----------

Applicant's Declaration

I/We are aware that the Standpipe or Electronic Key is now subject to Council inspection and the bond will be returned once all outstanding charges for this Standpipe or Electronic Key have been cleared.

Signature of Applicant:	Date
Name of Applicant:	Signature

HOW TO READ ANALOGUE DIAL
Read Counter & First Black Dial

Example a Meter Reading

This Standpipe meter reads 12 kilolitres.

The reading on the 6 small black Counter/Digit roller is 1 x 10 kilolitres. Therefore the read is 10 kilolitres.

THE READING ON THIS FIRST DIAL IS BETWEEN THE NUMBERS 2 AND 3. NOTE: IF THE HAND IS BETWEEN NUMBERS, USE THE LOWER NUMBER. THEREFORE THE READ ON THE BLACK DIAL 2 KILOLITRES.

HOW TO READ NEW STYLE DIAL
Read Counter only
(Do not read red dials)

Example a Meter Reading NSD

This Standpipe meter reads 170 kilolitres

The reading on the 7 small black counter/digit roller is 170 x 1 kilolitres. Therefore the read is 170 kilolitres.

OFFICE USE

Reset	Period to/from	KL	Days	Total Charges	Charges INV#	Damages INV#



COUNCIL MOBILE & FIXED METERED STANDPIPES

CONDITIONS OF HIRE & USE

INTRODUCTION

Mareeba Shire Council is committed to protecting the environment and reducing water consumption. To help us save one of the world's most precious resources, we have introduced metered standpipes.

Standpipes are used to obtain water directly from hydrants on our mains for activities such as roadwork, water carting, concrete sawing and the filling of swimming pools.

We believe that the use of a metered standpipe is fairer and more equitable in ensuring charges reflect actual usage and endorses our commitment to reduce water consumption.

POLICY

Drawing of water from Council's reticulation system other than by a Council owned metered standpipe is not permitted.

Mobile Metered Standpipes hired from Mareeba Shire Council, Kowa Street, Depot Stores Department must be used for drawing water from hydrants on our mains.

Fixed Metered Standpipes operated by electronic key hired from Mareeba Shire Council Customer Service Centre must be used for drawing water from fixed meter locations.

Mobile and Fixed Metered standpipes will be owned by and remain the property of Mareeba Shire Council.

Fire Brigade and Emergency Services are exempt.

INTENDED USE

The treated water product is intended for the highest use for the general population i.e. drinking water. The water is not intended to be used for special industrial, commercial or other uses, such as aquaculture, pharmaceuticals, medical uses and other uses that need water of different quality from potable water.

There are people (such as the old, young, pregnant or immunocompromised) who are advised to provide additional point-of-use treatment before drinking the water based on specific medical advice as such patients are not necessarily the intended users.

Council takes no responsibility for the quality of water after it has left the Council reticulation system. Domestic delivery vessels supplying clients with water for drinking purposes must have a current registered health inspection certificate from Council.

If the following conditions of use are not adhered to a maximum penalty of 50 penalty units may be imposed under Local Law 23.

CHARGES

Fees stated are for the **2015/2016 financial year** and are subject to review each financial year.



HIRING A STANDPIPE

The "Hirer" is any person, including its employees and agents, who request to hire a standpipe from Mareeba Shire Council Water and Waste (the Owner). Application to hire a standpipe may be made at the Customer Service Centre, Council Office, 65 Rankin Street, Mareeba between the hours of 8:45am and 4:30pm.

SHORT TERM

Maximum of 7 days (e.g. builders, filling swimming pools, etc.)

If the standpipe return date falls on a weekend and is not returned on the first business day then additional charge rates apply.

LONG TERM

Hirers **must have a current** trade account with Mareeba Shire Council.

The hirer will be required to complete a self-read form every three (3) months for mobile meter standpipes and the information returned to Mareeba Shire Council, Kowa Street Depot, Stores Department before the due date, for billing purposes. Failure to do this may result in the issuing of late fees.

Long-term hire is on a maximum six (6) monthly basis. The standpipe must be returned every six (6) months to the Stores Department for inspection, meter reading and maintenance. You will be notified in writing of your obligations.

Failure to return the standpipe may result in confiscation of the hired standpipe and forfeiting your bond.

The standpipe is to be clean and dry when returned. Upon return of the standpipe and presentation of a new security deposit another standpipe will be issued, if required.

If a standpipe is still required after this six (6) month period, it will be replaced upon receipt of a security bond and completion of a new hire agreement.

USING YOUR STANDPIPE

The incorrect use of a standpipe can damage the standpipe, the hydrant, our mains, and contaminate the water supply.

Operating instructions are available from the Customer Service Centre to all hirers of metered standpipes.

The standpipe is not transferable to any other party and is the responsibility of the nominated approved standpipe holder.

DEPOSIT/BOND

Deposit will be taken on issue of the standpipe. Deposit will only be returned after Mareeba Shire Council determines the condition of the standpipe and any outstanding charges for that standpipe have been paid in full.

The deposit/security bond is non-transferable.

**REPAIRS AND REPLACEMENT**

Any damaged or faulty metered standpipe must be reported to Mareeba Shire Council within 24 hours.

If a standpipe is lost or stolen it must be reported to the police and a reference number obtained and advised to Mareeba Shire Council within 24 hours.

If a standpipe is lost, stolen, damaged or destroyed the hirer will be responsible for cost of repairs or replacement.

ON THE SPOT FINES

Under S195 Water Supply (Safety and Reliability) Act 2008, Council will impose on the spot fines for unlawful taking of water.

FAILURE TO COMPLY

Failure to comply with any of the above conditions, including non-payment of standpipe fees and charges due, will result in the hire agreement for the use of the standpipe being withdrawn and action taken for the recovery of the standpipe.

ENQUIRIES

All enquiries should be directed to Council's Customer Service on 1300 308 461.

ITEM-26 SUB-METERING POLICY**MEETING:** Ordinary**MEETING DATE:** 20 July 2016**REPORT OFFICER'S
TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water & Waste Group

EXECUTIVE SUMMARY

Mareeba Shire Council in accordance with legislation is required to establish a formal position in relation to the requirement of sub-meters on meterable premises. Sub-metering allows Council to measure the amount of water supplied to all metered premises in a multi-unit complex.

OFFICER'S RECOMMENDATION

"That Council adopt the Sub-Metering Policy".

BACKGROUND

From 1 January 2008 the Queensland Plumbing and Wastewater Code (QPW) required that all new multi-unit properties require sub-metering water metering requirements. Owners of existing multi-unit complexes which would have a master meter but not sub-meters, may choose to comply with the new sub-metering requirements at their own costs, however, owners do not have to comply with the new requirements.

Should Council introduce the draft Sub-Metering Policy there will need to be the introduction of a Sub-Metering Guideline outlining detailed requirements in supply and installation of sub-meters. Both draft documents are attached to this report.

In order to comply with the requirements, a draft Sub-Metering Policy has been prepared for Council consideration.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Infrastructure and Corporate Services staff

External
Nil

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

Nil

POLICY IMPLICATIONS

The Sub-metering Policy implementation.

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

All relevant staff are to be advised of the policy and associated guidelines and should Council adopt the draft Policy, it will then be placed on the Council Website.

ATTACHMENTS

1. Draft Sub-metering Policy;
2. Sub-metering Guidelines.

Date Prepared: 30 June 2016



Sub-Metering Policy

Council Policy <input type="checkbox"/>	Internal Policy <input type="checkbox"/>	Guideline/Procedure <input type="checkbox"/>
Draft x	Final <input type="checkbox"/>	Version: 1.0
File ref:		Policy Section:
Date Adopted:		Review Date:
Author:		Review Officer:

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1. POLICY INTENT

To establish, in accordance with legislation, a formal Council position in relation to the requirement of sub-meters on a meterable premises. Sub-meters are required in all Multiple Unit Premises and some non-residential developments. These premises must be fitted with a device (water meter) to measure the amount of water supplied to the premises, as described in the QPW Code and Mareeba Shire Council's Guideline - Sub-metering (Potable Water Supply).

2. SCOPE

This policy applies to the installation, ownership and maintenance of metered connections to multiple unit complex.

3. BACKGROUND

From 1 January 2008 the Queensland Plumbing and Wastewater Code (QPW Code) required sub-meters to be installed in all new multi-unit properties (MUPs). (see definition).

Owners of *existing developments* which would have a *master meter* but not *sub-meters* may choose to comply with the new *sub-metering* requirements at their own costs however, the owners do not have to comply with the new requirements.

4. DEFINITIONS

To assist in interpretation, the following definitions shall apply:

Classes 1 to 10 has the same meaning as provided in the Building Code of Australia - Classification of Buildings.

Council shall mean Mareeba Shire Council.

Existing Developments shall mean any development for which a Plumbing Compliance Certificate has been issued, or a request for such has been lodged, prior to 1 January 2008.

Master Meter shall mean a meter upstream of sub-meters and used to register the bulk consumption of the complex.

Meterable Premises shall mean:

- (a) all class 1 buildings; and
- (b) each lot within a community title scheme, including the common property, in a water service provider's area; and
- (c) the sole-occupancy unit of a class 2, 4, 5, 6, 7 or 8 building in a water service provider's area; and
- (d) each storey of a class 5 building in a water service provider's area where the building consists of more than one storey and sole-occupancy units are not identified at the time of the building's plumbing compliance assessment.

MSC shall mean Mareeba Shire Council

Multiple Unit Premise (MUP) shall mean new developments with multiple units on the property.

Sub-metering shall mean the installation of individual water meters to measure water consumption to individual houses, units, flats or apartments that form part of a complex.

Service Provider shall mean a supplier of water or sewerage service who is registered under s.20 of the *Water Supply (Safety and Reliability) Act 2008* as a service provider and may include a local government that owns infrastructure for supplying water or sewerage services.

Unit shall mean a house, flat, lot of land or an apartment within a complex.

Water Meter shall mean device, including equipment related to the device, for measuring the volume of water supplied to premises.

Water Supply shall mean a system of pipes that carry the supply of water for a particular area.

Water and Waste Services shall mean a commercial division of MSC. For the purpose of this policy, 'Water and Waste Services' refers to any MSC staff having responsibility for implementation of this policy.

5. POLICY STATEMENT

The *water supply* to a *meterable premise* must be fitted with a device (*water meter*) to measure the amount of water supplied to the premises in accordance with the QPW Code and the Mareeba Shire Council - Sub Metering (Potable Water Supply) Implementation Guideline.

5.1 Application Process

The property owner/developer must submit a "Water Service Request" to MSC, for the installation of a water connection from the water supply infrastructure.

5.2 Supply of Sub-Meters

All water meters will be supplied by MSC, at the cost of the property owner. Water meters supplied by MSC will incorporate an AMR (either inbuilt into the meter or as an appended device) to facilitate remote reading of the meter.

5.3 Installation of Sub-Meters

As per the Sub-Metering Guidelines

5.4 Ownership and Maintenance of Sub-Meters

As per the Sub-Metering Guidelines

5.5 Billing

MSC will charge the owner for the water consumed through each sub-meter and will charge the body corporate of the complex for any water consumed in the common property. With one exception being when a Water Consumption Agreement has been executed between Council and the body corporate as per of s.196(4) of the Body Corporate and Community Management Act.

6. REVIEW

This policy will be reviewed when any of the following occur:

1. The related documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy shall be reviewed at intervals of no more than 2 years.

7. REFERENCES

- Local Government Act 2009
- Water Act 2000
- Water Supply (Safety and Reliability) Act 2008
- Water Regulation 2002
- Building Act 1975
- Building Regulation 2006
- Sustainable Planning Act 2002
- Plumbing and Drainage Act 2002
- Standard Plumbing and Drainage Regulations 2003
- Public Health Act 2005
- Water Efficiency Labelling and Standards Act 2005
- Building Code of Australia
- Plumbing Code of Australia
- Queensland Plumbing and Wastewater Code

8. ATTACHMENTS

Water Service Request

PRIVACY NOTICE: Mareeba Shire Council is collecting your personal information in accordance with the Local Government Act 2009 in order to process this application. The information will only be accessed by authorised Council employees. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.

New Water Connection - Quotation Request

ECM: Action: Water Quotation Request Subject WAT-APP-CON
Precis: Water Quotation Request - New Water Connection - Service Address, Owner's Name, Phone No.

☐

New Water Connection - PAID

ECM: Action: New Connection Subject WAT-APP-CON
Precis: New Water Connection - Paid \$\$\$, Rec #1234 - Service Address, Owner's Name, Phone No.

☐

Water Disconnection at Owner's Request - PAID

ECM: Action: Disconnection of Service Subject WAT-APP-CON
Precis: Disconnect Water - Paid \$\$\$, Rec #1234 - Service Address, Owner's Name, Phone No.

☐

Water Reconnection - PAID

ECM: Action: Reinstatement of Service Subject WAT-APP-CON
Precis: Reconnect Water - Paid \$\$\$, Rec #1234 - Service Address, Owner's Name, Phone No.

☐

Water Meter Relocation - Quotation Request

ECM: Action: Water Quotation Request Subject WAT-APP-CON
Precis: Water Quotation Request - Water Meter Relocation - Service Address, Owner's Name, Phone No.

☐

Date Request Received:	
How Request Received:	<input type="checkbox"/> Phone <input type="checkbox"/> Over Counter <input type="checkbox"/> Email <input type="checkbox"/> Corresp
MSC Property No.:	Lot and Plan No.:
Owner's Name:	
Address of Connection:	
Contact Name:	Phone No.:
Is this a single dwelling? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the property Domestic, Commercial or Industrial?	Domestic: <input type="checkbox"/> Commercial/ Industrial: <input type="checkbox"/>
Is a standard 20mm service requested? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is this water service associated with a Town Planning Department Approval? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Additional Information:	

Office Use Only	Quoted Price:	\$
	Customer Advised by Whom:	
	Date Customer Advised:	
	Date Quoted Price added as ECM Note:	

Last Updated: 14/07/2014

Page 1 of 1



**SUB-METERING INSTALLATION GUIDELINES
(Potable Water Supply)**

Council Policy <input type="checkbox"/>	Internal Policy <input type="checkbox"/>	Guideline/Procedure <input type="checkbox"/>
Draft x	Final <input type="checkbox"/>	Version: 1.0
File ref:		Policy Section:
Date Adopted:		Review Date:
Author:		Review Officer:

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1. INTRODCUTION

From 1 January 2008 the Queensland Plumbing and Wastewater Code (QPW Code) required *sub-meters* to be installed in all new *multi-unit properties (MUPs)*. This document provides guidelines and technical information relating to the processes and works required to fulfil the requirements of the Mareeba Shire Council (MSC) Council Policy - 'Sub-metering (Potable Water Supply)'.

Sub-meters to all applicable properties within the MSC area are to be installed in keeping with these guidelines.

2. DEFINITIONS

In this document the following terms shall have the corresponding meanings.

Accessible shall mean easily reached without having to overcome obstructions for water meter reading, maintenance and replacement purposes, within reasonable times (between 7am and 5pm), with the *sub-meters* where applicable being located in a non-locked enclosure requiring non-key access.

Act shall mean the *Water Supply (Safety & Reliability) Act 2008*.

AMR shall mean Automatic Meter Read device.

Billing Meter shall mean water *meter* (whether a *master meter* or a *sub-meter*), the consumption recorded on which, is used to generate a *water notice* to the owner of the property. Billing meters will always be the property of the *Water Service Provider*.

Body Corporate shall mean a corporation or body of persons or even an individual, with a legal existence distinct from the individual person(s) making up the corporate entity, created under the Body Corporate and Community Management Act 1997 for a Community Titles Scheme.

Boundary shall mean the line demarcating the property from adjoining properties, external streets and pathways, or depicted by legal title.

Common Area shall mean an area available for use by many or all *sole-occupancy units* within a complex.

Common Property shall mean freehold land in a complex, forming part of the complex land, but not forming part of a lot/unit included in the scheme/complex.

Community Title Scheme (CTS) shall mean a single community management statement recorded by the registrar identifying land (the scheme land); and the scheme. See Section 10 of the *Body Corporate and Community Management Act 1997*.

Complex shall mean a Community Titles Schemes and multi *sole-occupancy units* of a class 2, 4, 5, 6, 7 or 8 building and each level of a class 5 building.

Complying Valve shall mean a device incorporated as part of the *water meter*, installed upstream of the *water meter*, which a *Water Service Provider* can use to securely restrict the flow of water, either partially or fully, to the *meterable premises*.

Deed shall mean Community Title Scheme

Developer shall mean a person or entity, who builds a development in which the houses/units form part of a *complex* and can be rented or sold to individual *occupiers* or *owners*.

Horizontal Developments shall mean a development consisting of free standing or attached *sole-occupancy units*.

Internal Master Meter shall mean a water meter which has its own set of sub-meters, but is downstream of the master meter to the overall property.

Level shall mean the space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not –

- (a) a space that contains only –
 - i. a lift shaft, stairway or meter room; or
 - ii. a bathroom, shower room, laundry, water closet, or sanitary compartment; or
 - iii. accommodation intended for not more than 3 vehicles; or
 - iv. a combination of the above; or
- (b) a mezzanine

Lot shall mean a *sole-occupancy unit*, an area of exclusive use within the property.

Management shall mean person or entity managing a complex which can be a Body Corporate of a *Community Title Scheme* or a representative body of a multi *sole-occupancy unit*.

Master Meter shall mean a *water meter* upstream of *sub-meters* used to register the total consumption of a *complex* including the total sum consumption of all its *sub-meters*.

Meterable Premises means;

- (a) all class 1 buildings; and
- (b) each *lot* within a Community Title Scheme, including the common property, in a Water Service Provider's area; and
- (c) the sole-occupancy unit of a class 2, 4, 5, 6, 7 or 8 building in a Water Service Provider's area; and
- (d) each level of a class 5 building in a Water Service Provider's area where the building consists of more than one level and sole-occupancy units are not identified at the time of the building's plumbing compliance assessment.

MPE shall mean a Maximum Permissible Error which a *water meter* is allowed to operate within.

MSC shall mean the Mareeba Shire Council

Multi-unit Premises (MUP) shall mean a property with more than one occupancy unit.

Occupant shall mean the person(s) occupying a *sole-occupancy unit* within a complex, whether as a lessee, tenant or other occupier to the exclusion of any other occupier(s). An *occupant* may also be the *owner*.

Owner shall mean the person or entity owning a *sole-occupancy unit* within a complex. An *owner* may also be the *occupant*.

Private Meter shall mean a *water meter* that is not a *billing meter*. A *private meter* will provide information on the consumption for the applicable *meterable premises*.

QPW Code shall mean the Queensland Plumbing and Wastewater Code.

Sole-occupancy Unit shall mean a part of a building for occupation by one occupier, and includes:

- (a) a dwelling; or
- (b) a room or suite of rooms in a Class 3 building which includes sleeping facilities;

or

- (c) a room or suite of associated rooms in a Class 5, 6, 7, 8 or 9 building; or

- (d) a room or suite of associated rooms in a Class 9c aged care building, which includes sleeping facilities and any area for the exclusive use of an occupant.

Sub-meter shall mean an individual water meter measuring the water supply to a meterable premises or a common area within a complex. The term also differentiates from master meter that measures the supply of water to a complex as a whole.

Sub-metering shall mean the installation of individual water meters to measure water consumption to meterable premises that form part of a complex.

Unit shall mean a dwelling, flat, lot of land or an apartment within a complex.

Water Meter shall mean a device, including equipment related or appended to the device, for measuring the volume of water supplied.

Water Notice shall mean the bill issued by Mareeba Shire Council, in keeping with standard Mareeba Shire Council billing practices, for the water consumption and/or other water related charges, to property owners.

Water Service Provider (WSP) shall mean the entity registered under the *Water Supply (Safety and Reliability) Act 2008*, Chapter 2, Part 3, as the WSP for retail water services to the premises, the WSP is Mareeba Shire Council.

3. DOCUMENT REFERENCES

3.1 Queensland Legislation

- *Building Act 1975*
- *Building Regulation 2006*
- *Electrical Safety Act 2002*
- *Sustainable Planning Act 2009*
- *Plumbing and Drainage Act 2002*
- *Public Health Act 2005*
- *Standard Plumbing and Drainage Regulations 2003*
- *Water Act 2000.*
- *Water Efficiency Labeling and Standards Act 2005*
- *Water Regulation 2002*
- *Water Supply (Safety & Reliability) Act 2008*
- *Work, Health and Safety Act 2011*

3.2 Australian Standards

All materials and equipment used for *water meters* shall be new and in accordance with the following Australian Standards.

Table 1: Relevant Australian Standards

AS 2419.1-2005	Fire Hydrant Installations - System Design, Installation and Commissioning
AS3000:2007	Electrical Installations (known as the Australian/New Zealand Wiring Rules)
AS 3500.1:2003	Plumbing and Drainage - Water Services
AS 3565.1:2010	Meter for cold and heated drinking and non-drinking water supplies – technical requirements

3.3 Codes of Practice

- *Queensland Plumbing and Wastewater Code*
- *Building Code Australia*
- *Plumbing Code of Australia*

4. QUEENSLAND PLUMBING AND WASTEWATER CODE

Part 4 'Water meters for new premises' of the *QPW Code* requires that *sub-meters* be installed in all new multi-unit properties (*MUPs*) within the *Water Service Provider's* area supplied with reticulated water. The requirement is that water use of each *meterable premises* must be metered based on the following performance criteria and corresponding acceptable solutions detailed in Table 2 below.

Table 2 : QPW Code - Water Meters for New Premises

	Performance Criteria		Acceptable Solutions
P1	The water supply to <i>meterable premises</i> must be fitted with a device (<i>water meter</i>) to measure the amount of water supplied to the premises.	A1	Each <i>water supply</i> to a <i>meterable premises</i> is to be fitted with a <i>water meter</i> which – (a) measures only the water supplied by that <i>water supply</i> to that <i>meterable premises</i> ; and (b) is approved by the <i>Water Service Provider</i> ; and (c) complies with the relevant requirements of the <i>Water Service Provider</i> that may be imposed under the <i>Water Supply (Safety and Reliability) Act 2008</i> .
P2	A <i>water meter</i> must be located so it is easy to read and maintain.	A2	The <i>water meter</i> is located – (a) so that it can be easily maintained and read from a <i>common area</i> , <i>common property</i> or <i>public area</i> ; and (b) it is installed – i. in a <i>common area</i> ; or ii. in <i>common property</i> ; or iii. less than 3m from a property boundary within a <i>public area</i> .
P3	A <i>water meter</i> must be properly maintained.	A3	A <i>water meter</i> is to be maintained in accordance with the relevant Australian Standards**
P4	The installation of a <i>water meter</i> includes a device that allows for the restriction of the flow of water from the <i>water service</i> to the <i>water meter</i> .	A4	The <i>water meter</i> has a <i>complying valve</i> .

** The relevant Australian Standards are the AS3565 series detailed in Table 1 paragraph 3.2 of this document.

5. PROPERTY & SUB-METERING CONFIGURATIONS

This section details the sub-metering configurations required for different land uses and types of developments. Water supply pipework and master meters are to be nominated by a hydraulic engineer on hydraulic design plans and flow and pressure tests performed on existing infrastructure.

5.1 Sole Occupancy Unit Developments

Each sole-occupancy unit under the following classes of building must be provided with a sub-meter.

- class 2 – residential
- class 4 – residential
- class 5 – residential
- class 6 – commercial
- class 8 – industrial

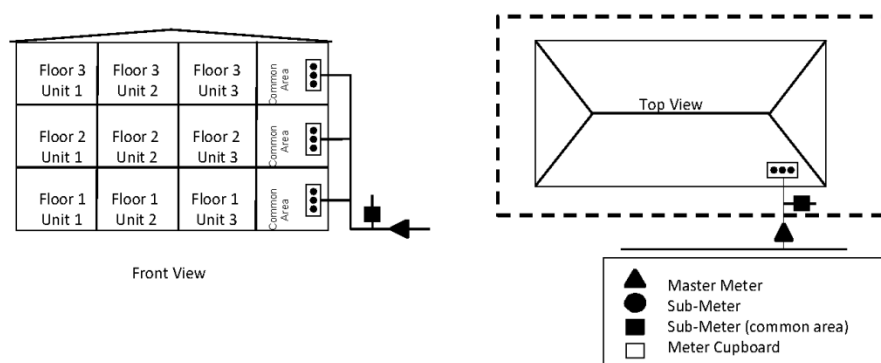
For full definitions of the different classes of building, please refer to the Building Code of Australia.

For properties subject to a material change of use, the requirements of the relevant building class will apply.

5.2 Apartment Buildings

Apartment building developments may consist of a number of meterable premises on each floor of a multi-level development. Each floor shall have a meter cupboard housing the sub-meters associated with each of the meterable premises on that level. Refer to diagrams in Figure 5.1 below.

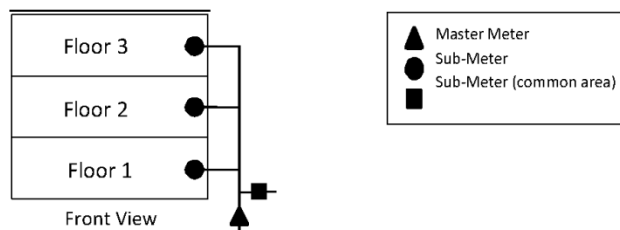
Figure 5.1 : Sub-metering Configuration for Apartment Buildings



5.3 Office Buildings

Office buildings will require at least one sub-meter per floor. If, at the time of design / construction, it is not possible to identify the areas of a class 5 multi-level building which are going to be leased out separately (i.e. Sole-occupancy Units), a sub-meter must be fitted to each level of the building. Refer to Figure 5.2 below for one example of an office building sub-metering system.

Figure 5.2 : Sub-metering Configuration for Office Buildings



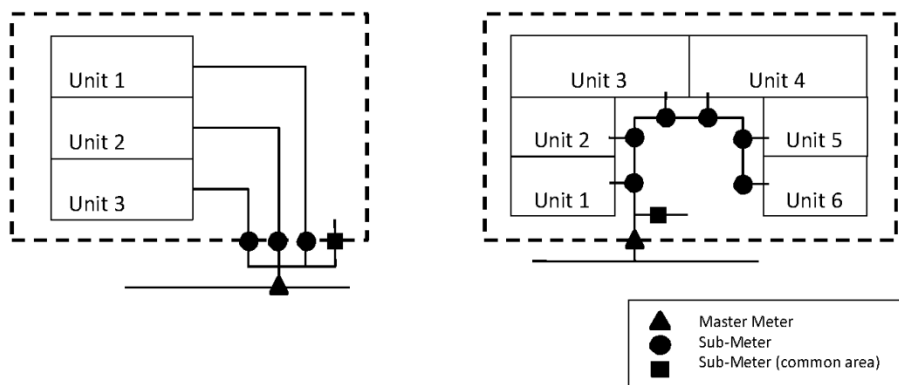
If at the time of design / construction, multiple sole-occupancy units are identified on a single level, a sub-meter must be fitted for each such sole-occupancy unit, located in the cupboard housing the sub-meters on that level. If this is the case, the meter configuration would be similar to that depicted in Figure 5.1, including the requirement for a meter cupboard in a common area.

5.4 Community Title Schemes / Body Corporate Developments

A development within a Community Titles Scheme requires all *lots* within the scheme to be metered. Therefore, a *master meter* at the boundary as well as an individual *sub-meter* for each unit and the common property (*meterable premises*) is required.

As illustrated in Figure 5.3 below, configurations may consist of *sub-meters* located either at the front property boundary in proximity to the *master meter* or closer to each *meterable premises*, as long as installation and access requirements are met.

Figure 5.3 : Sub-metering Configuration for Community Title Schemes



Short term accommodation uses such as motels do not require individual meters under the QPW Code. However, should the class of building change in the future and individual units be created then *sub-meters* will be required. Likewise, any restaurant or other facility within the motel that may be leased to another party will require a *sub-meter*. For these reasons, it is strongly recommended that *sub-meters* be installed, or allowances be made for future installations during construction, in order to not restrict the future use of the building.

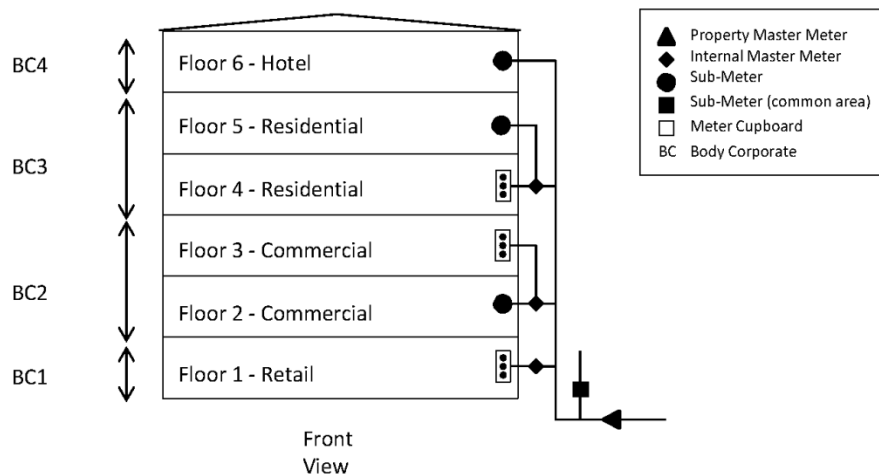
5.5 Mixed Use

If a development is mixed use, then each land use shall follow the relevant sub-metering requirements. For example, as illustrated in Figure 5.4, a high rise building with retail on the ground floor, offices on intermediate floors, residential floors above commercial floors and a hotel on the top floor, the development would require:

- each retail tenancy to be sub-metered individually;
- each floor of commercial space (or each identifiable sole-occupancy unit) be sub-metered in keeping with paragraph 5.3;
- each residential apartment to be sub-metered separately, in keeping with paragraph 5.2; and
- a single sub-meter for the hotel water usage.

A master meter would be required for the property as a whole. In addition, if the building is to be managed by multiple body corporates, say based on type of use, the total water supply to each body corporate would need to be monitored via an internal master meter, covering the supply to each body corporate area.

Figure 5.4 : Sub-Metering Configuration for Mixed Use Developments



Note – Floor 2 and Floor 5 is assuming 1 tenancy per floor.

As indicated in Figure 5.4: Sub-Metering Configuration for Mixed Used Development, in relation to Floor 6 - Hotel it would be strongly recommended that *sub-meters* be installed, or allowances be made for future installations during construction, in order to not restrict the future use of the area.

5.6 Centralised Reticulated Hot Water Supply

For developments that are designed to have a centralised reticulated hot water supply, two sub-meters will be required each meterable premises, one monitoring the cold water supply and the other monitoring the hot water supply, thereby enabling the calculation of the total water consumption at each meterable premises. It is also strongly recommended that the cold water inlet to the hot water system has its own sub-meter.

Where a centralised hot water system is envisaged, it is strongly recommended that a discussion be initiated with MSC, prior to finalisation of plumbing plans, to ensure variations are not required at a later stage.

5.7 Private Meters and Billing Meters

The installation of a sub-meter does not necessarily mean that each such sub-meter will be used for purposes of issuing a water notice. For more details on the billing process please see paragraph 7.4.

Where a water meter (whether a master meter, internal master meter or a sub-meter), the consumption recorded on which is not used for issuance of Water Notices, such a meter would be considered a private meter. Any water meter, the consumption recorded on which, is used as the basis for generating a Water Notice to the property owner, will be considered a billing meter.

Billing meters will at all times remain the property of MSC and MSC will be responsible for their maintenance. Private meters will be owned by and be the responsibility of the property owner.

6. SUB-METERING PROCESS

The sub-metering process consists of the following steps:

1. Developer reviews Development Approval to determine specific development requirements. Sub-metering conditions will identify requirements for the design and installation of sub-meters.
2. An application to be made by the property owner, using MSC's "Water Service Request" form, for the installation of the master meter. On application, MSC will provide a quotation for the installation of the master meter.
3. Where the intention is to sell each meterable premise to a separate owner, in which case each sub-meter will end up as a billing meter, a separate application shall be made by the property owner(s) using MSC's form "Water Service Request" for each individual meterable premise. In most instances (but not necessarily), these will be for developments described in paragraph 5.4.
4. MSC reviews the application and communicates the decision (approve or request for revision) to the applicant.
5. Developer notifies the Water Service Provider of the details of the Responsible Person who will perform/oversee the installation of the sub-metering system. Form 7 – "Notification of Responsible Person" to be submitted. Form 7 is available from the Queensland Governments Department of Local Government and Planning website.
6. Construction commences. Sub-meters installed as part of construction. Progressive plumbing inspections take place.
7. Construction completed and as-constructed information submitted to MSC. Information related to the sub-meters (meter numbers, AMR numbers, installation date time, stat read etc.) submitted to MSC as per MSC specified format.
8. Final plumbing inspection to include verification of the sub-meter installations. If issues/faults identified, rectification notice issued, else Plumbing Compliance Certificate

issued.

9. Issuance of water notices, in keeping with standard billing practices of MSC, commences with the next billing cycle.

7. SUB-METERING REQUIREMENTS & SPECIFICATIONS

7.1 Supply

All *water meters* will be supplied by MSC, at the cost of the property owner. *Water meters* supplied by MSC will incorporate an *AMR* (either inbuilt into the meter or as an appended device) to facilitate remote reading of the meter.

MSC takes on the responsibility that *water meters* supplied comply with the dimensions described in Appendix D of AS3565.1.

All communications equipment required for the operation of the *AMR* devices will also be supplied by MSC.

7.2 Assembly

Each *sub-meter* shall be installed with barrel union and ball valves on both sides for shutting off the water supply and the safe and convenient removal of the *sub-meter*. These items are referred to collectively as the 'sub-meter assembly' and relate to meter cupboard installations.

The *sub-meter* assembly shall connect to the property plumbing on the upstream side and the *meterable premises* plumbing on the downstream side, both with male iron adaptors. For *internal master meters*, the plumbing on both sides will be property/*Body Corporate* plumbing.

7.3 Installation

No water meters are to be installed until after an approval in response to the application(s). (See Section 2 of Part 6)

Installation of Water Connection & Master Meter

The property owner/developer is to submit a "Water Service Request" to MSC, for the installation of a water connection from *WSP* infrastructure, which will include the *master meter*.

The installation of the *master meter* monitoring the flow of water from the *WSP* infrastructure to the property is the sole responsibility of the *WSP*. Any work carried out on the service connection or the said *master meter* by personnel other than MSC authorised personnel, will be considered as "tampering with *WSP* infrastructure", which is an offence under the Act.

On submission of a "Water Service Request", MSC will submit a quotation for the supply of material and installation of the water connection. On receipt of payment and the availability of downstream plumbing infrastructure (i.e. plumbing infrastructure within the property), MSC will make arrangements to make the cut in and installation. It is the responsibility of the applicant to inform MSC when site is ready for the installation of the connection, noting that lead times for such installation will vary depending on a variety of factors.

Installation of Sub-meters and AMR Devices

Depending on the type of development, the property owner/developer to submit multiple "Water Service Request" to MSC for the installation of *sub-meters*, including internal *master meters* (if any).

All *water meters* and associated *AMR* devices shall be sourced from MSC. Any *water meters* and/or *AMR* devices/system installed that are not sourced from MSC will be considered

unauthorised meters/devices or private meters, and will need to be replaced with MSC supplied *water meters* and *AMR* devices before a Plumbing Compliance Certificate is issued.

The property owner/developer may determine a party to install the *sub-meters* under approval from MSC and any private meters will not be read by MSC. It is the responsibility of the property owner/developer to ensure appropriately qualified and licensed contractors are engaged. The owner/developer may request MSC to carry out the installation work, which will be carried out as a commercial assignment for a separate fee. Whether or not to accept such an assignment will be at the sole discretion of MSC.

On receipt of the application(s) MSC will supply a quotation for the supply of *water meters* and *AMR* devices. Specifications and infrastructure requirements for the installation of the communications equipment for the operation of the *AMR* devices (where relevant) will accompany such quotation. If requested and agreed, the quotation will include installation.

Where the installation of the *water meters* and *AMR* devices is to be carried out by a third party arranged by the owner/developer, MSC will provide instructions for the installation of the *AMR* devices and capture of related data. Communications equipment will at all times be installed by MSC or an authorised contractor.

In addition to the costs associated with the supply of materials and installation (if any), the property owner will also be billed an ongoing annual fee, as per MSC's adopted Schedule of Fees and Charges¹, for the supply of data related to the *sub-meters*.

A single *sub-meter* shall capture all cold water entering each *meterable premise*. These *sub-meters* shall capture only the water entering the premises for which they are assigned.

All *sub-meters* must contain a durable label (usually a metal or plastic tag with an inscription) attached to the meter, which clearly identifies the *meterable premises* that is supplied by that *sub-meter*.

Where the installation of *sub-meters* and *AMR* devices is carried out by a third party, it will be the responsibility of the property owner/developer to provide to MSC the installation data, in the format as specified by MSC. The installation will not be considered completed until such data is supplied to MSC and validated by MSC. Any invalidated data will need to be corrected.

Location of Sub-meters

For *sub-meter* configurations detailed in paragraphs 5.2, 5.3, and 5.5 all sub-meters, including internal master meters, shall be located in a meter cupboard. The meter cupboards and the installation of *water meters* within the cupboards shall conform to the following requirements:

- conforms to and comply with all standards and regulations applicable to such meter cupboards, including standards and regulations applicable to enclosures housing other devices if the enclosure is a shared enclosure housing *water meters* and other devices (e.g. fire hose reel)
- installed above ground with installations in basements or individual meters in underground pits to be avoided
- be installed in a common area (i.e. not inside the *meterable premises*), either in a single location when practical or in a common location on each floor/section
- clearly identified by the words "Water Sub-meters" on the outside of the door of the meter cupboard and where the meter cupboard is located in a separate room or structure, on the outside of the entry door to that room or structure
- constructed of material that permits the free passing of radio waves (not be constructed of metal)¹

¹ Metal enclosures inhibit the transmission of radio waves, which is used by the *AMR* devices for transmission of meter readings to the communications equipment.

- where meter cupboard is located in a utility room or a separate structure or enclosure (i.e. shed) such structure/enclosure, including its doors, also to be constructed of material that permits the free passing of radio waves (not be constructed of metal)
- a minimum gap the size of the meter on either side of the meter
- a minimum 150mm gap, perpendicular to the direction of the pipes, between sub-meters
- a minimum 150mm gap between the outermost valves and the edges of the cupboard
- if the cupboard also houses other devices (e.g. fire hose reels, gas meters), the fire rating not be compromised
- the *water meters* are easily accessible and readable from floor level, unassisted by a ladder or other equipment
- the cupboard (and where it is located within a separate room or structure, that room or structure) not be classifiable as a confined space for entry purposes
- a minimum of two metres perpendicular to the meter cupboard doors, for the entire width of the meter cupboard or a width of one metre, whichever is greater, is available in front of the meter cupboard as free working space
- such space in front of the meter cupboard is clearly identified as an area not be obstructed, by placing of materials/equipment, parking of vehicles (where applicable) or placement/planting of vegetation (where applicable)
- adequate lighting is available at all times for manual reading of meters as well as carrying out maintenance work
- sufficient room for the cupboard door(s) to swing open completely and provision for them to be held open without compromising the free working space in front of the meter cupboard
- a minimum 100mm deep bund at the opening if the meter cupboard is located inside a building
- sufficiently waterproof and drained to prevent seepage into the surrounding building structure in the event of a leak
- fastened with a latch, but not be locked as to restrict access.
- unrestricted access, from the property boundary to inside the meter cupboard to all *water meters* without having to use physical or electronic keys or make prior arrangements.
 - o entry through a reasonable security process which is manned during normal work hours is not considered restricted access
 - o entry using a personal identification number (PIN) of no more than four numbers that is customisable by MSC is not considered restricted access

For *sub-meter* configurations as detailed in paragraph 5.4, both the *master meter* and all *sub-meters* may be located at the front *boundary* of the property or alternatively, the master meter may be located at the front *boundary* of the property with the individual *sub-meters* located at the front *boundary* of each *lot* within the property. In such instances all *water meters* to be installed above ground in keeping with relevant MSC standard drawings.

In exceptional circumstances, *sub-meters* no larger than 25mm in diameter, may be installed in an underground pit provided prior concurrence of WSP is obtained. Where water meters are installed in underground pits, such pits and enclosure to conform to following requirements:

- the pit to be no more than 500mm from the front boundary of the *lot*
- the pit to be in an open area, not inside a building or structure
- water meter to be installed within an enclosure made of plastic material
- the top of the water meter to be no deeper than 150mm from ground level
- the enclosure cover (top lid) to be also made of plastic material
- access to the pit/enclosure to be unobstructed by structures, vegetation, equipment

- or materials at all times
- pit cover not to be locked
- A minimum work area of 2 square meters be available around the pit / enclosure

Where the *water meter* is larger than 32mm in diameter, there must be 10 times the diameter of straight pipe upstream of the *water meter* and 5 times the diameter of straight pipe downstream of the *water meter*, with all required valves and joints outside these sections. Where the *water meter* is 32mm or smaller in diameter, there should be 5 times the diameter of straight pipe upstream of the *water meter* and 3 times the diameter of straight pipe downstream of the *water meter*, with all required valves and joints outside these sections.

Location of AMR System

Where dedicated communications equipment is required to be located on-site², the property owner will be required to provide the following at no initial or ongoing cost to MSC, to facilitate the automated capture of water meter reads from the *water meters* located on the property.

- location on a wall, out of direct sunlight and rain, for installation of the communications receiver station of a size no more than 500mm x 500mm x 250mm (depth), weighing no more than 20 Kg
- a dedicated, uninterruptable (on 24/7 with no switch that can be turned off by non-MSD personnel) 240V AC power supply to the location of the receiver station
- a mounting pole (25mm NB medium duty steel pipe usually suffices), mounted in a manner conforming to all standards relevant to the Far North Queensland region³ for the location of the communications antenna weighing no more than 2.5 Kg, that will provide three (3) metres clear above the highest point of the roof or surrounding trees, whichever is higher
- a water proofed (as required) cable path from antenna to communications receiver station.
- Distance of cable path from location of receiver station to the top of the antenna mounting pole to be no more than 30 meters

Suitable locations for both the equipment and the antenna are to be discussed and agreed upon with MSC. The receiver station typically requires 25 watts of power.

Where dedicated equipment is required, the communications receiver station, the antenna, and the connecting cable(s) will be supplied by MSC, and included in the quotation supplied in response to the "Application for Private Metering Solution (Water)".

The communications equipment will remain the property of MSC at all times. The property owner will be required to enter into a simple agreement with MSC for the location of the communications equipment on the property.

7.4 Billing (Water Notices)

MSC will issue a separate *water notice* for each individual assessment, for the water consumed by that assessment, in keeping with the rates contained within MSC's Revenue Statement applicable to the period of the *water notice*. The *water notice* will be issued to the owner(s) of the property covered by the assessment number.

Where all *units* within a property fall under a single assessment with common ownership across the *units*, a single *water notice* will be issued based on the *master meter*.

² The need for on-site equipment will depend on the number of *sub-meters*, location of *sub-meters* and the complexity of the development from a radio communications viewpoint.

³ It should be noted that the Far North Queensland region is prone to cyclones and other forms of severe weather. Restoration of damages caused by weather events to the antenna and other communications equipment will be at the cost of the property owner.

Consumption information for individual units, based on the respective *sub- meters* will be available to the owners as well as the occupiers, but not be used for billing.

Where individual units within a property are not under common ownership (and have individual assessment numbers), separate *water notices* will be issued to the owner(s) of each unit. In such instances, the property will be required to register a *deed*, which determines the ratio in which water usage for common areas will be split between the owners of the *units*. Common consumption split between the owners, using the basis identified in the *deed* will consist of:

- water supplied to common areas within the property through a dedicated *sub- meter* or *sub-meters*
- residue calculated by deducting the sum consumption of all relevant *sub- meters* within the property from the consumption of the *master meter* of the property.

The *water notice* issued to owner(s) of each *unit* will be for the total consumption consisting of the specific consumption of the *unit* as determined by the *unit's sub-meter(s)* and a share of the common consumption split between the units on the basis specified in the *deed*.

As a policy, *water notices* for a given assessment are issued to the property owners. MSC does however have an agreement with some body corporates to issue *water notices*, including *water notices* for common consumption to the body corporate.

The allocation of water consumption to individual *units*, for billing or information purposes, will be based on the *water meter* and *AMR* installation data provided by the property owner/developer to MSC, immediately after the installation. While MSC will take all reasonable steps to validate the data, liability for any billing errors due to data errors will be with the property owner/developer responsible for the supply of the installation data.

7.5 Maintenance Responsibilities

The plumbing infrastructure (excluding the water meters), within the property will always remain the property of the property owners. As such, all maintenance responsibilities for such infrastructure will lie with the property owner(s) and/or their agents (e.g. body corporate). The cost of water consumed as a result of any failures in such infrastructure will lie with the property owner(s).

The master meter monitoring water flow from the WSP infrastructure to the property plumbing infrastructure will always remain the property of the WSP, and therefore the maintenance responsibility of, the WSP. The WSP will also be responsible for ensuring that such water meters continue to operate within the MPE.

Billing meters, including the full meter assembly, will always be the property of the WSP, and therefore the WSP will be responsible for their maintenance, including ensuring that such meters operate within the MPE. Decisions on the replacement of WSP owned meters will be at the sole discretion of the WSP. Interfering with WSP owned infrastructure, including meters, is an offence under the Water Supply (Safety and Reliability) Act 2008.

Maintenance of private meters, including ensuring that they operate within the MPE, will be the responsibility of the property owner and/or their agent.

As the supplier of the AMR devices and the related communications equipment, MSC will be responsible for meeting all warranty requirements on such devices and equipment, even the devices installed on private meters.

**ITEM-27 WATER AND WASTEWATER GROUP FEES & CHARGES
2016/2017 - AMENDED****MEETING:** Ordinary Meeting**MEETING DATE:** 20 July 2016**REPORT OFFICER'S
TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

The setting of the Water and Waste Fees and Charges for the 2016/2017 financial year has been adopted by Council at its Ordinary Meeting of 15 June.

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 amended 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.

Since adopting of the Fees and Charges there has been an increase by Tyrecycle in four of the tyre categories. Based on a cost recovery of actual activity, costing the updated costs for these items is presented for Council's consideration and endorsement to the original adopted fees and charges schedule.

The four tyre categories are listed herein:

F0115	Earth Mover Small - Up to 1m high	each	GST	\$ 115.00
F0116	Earth Mover Medium - 1m - 1.5m	each	GST	\$ 255.00
F0117	Earth mover large - 1.5m - 2m	each	GST	\$ 510.00
F0120	Truck with rim	each	GST	\$ 36.00

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Nil

External
Nil

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

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.

ATTACHMENTS

Nil

Date Prepared: 1 July 2016

ATTACHMENT 1

	Fee	Per	GST STATUS	2016/17 Fees
Waste Fees				
Domestic Waste				
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
Mulch Purchase				
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
Recyclables (Commercial)				
F0085	Includes HDPE, PET, Aluminium and steel cans, glass, other packaging items labelled as recyclable.	tonne	GST	\$ 10.00
Scrap Metal - Commercial and Domestic				
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
Commercial Waste Mareeba Waste Management Facility				
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
Dead Animals				
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
Regulated Waste				
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
Asbestos NOT accepted at any MSC Landfill or Waste Transfer Site				
Paint (wet) will not be accepted				
Regulated Waste				
EACH - Tyre				
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	\$ 115.00

F0116	Earth Mover Medium - 1m - 1.5m	each	GST	\$	255.00
F0117	Earth mover large - 1.5m - 2m	each	GST	\$	510.00
F0118	Passenger with rim	each	GST	\$	10.00
F0119	Light Truck with rim	each	GST	\$	16.00
F0120	Truck with rim	each	GST	\$	36.00
F0121	Bobcat	each	GST	\$	12.00
	Wheelie 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
F0143	Renewal of Water Service 25mm	application	NO GST	\$	1,498.00
F0144	Renewal of Water Service 32mm	application	NO GST	\$	1,850.00
F0145	Renewal of Water Service 40mm	application	NO GST	\$	2,250.00
F0146	Renewal of Water Service 50mm	application	NO GST	\$	2,610.00
F0147	Replacement Meter 20mm	meter	NO GST	\$	535.00
F0148	Replacement Meter 25mm	meter	NO GST	\$	550.00
F0149	Replacement Meter 32mm	meter	NO GST	\$	815.00
F0150	Replacement Meter 40mm	meter	NO GST	\$	935.00
F0151	Replacement Meter 50mm	meter	NO GST	\$	1,015.00
F0152	Disconnection of Water Service at Owners Request	application	NO GST	\$	175.00
F0153	Reconnection after Requested Disconnection 20mm	application	NO GST	\$	535.00
F0154	Reconnection after Requested Disconnection 25mm	application	NO GST	\$	550.00
F0155	Reconnection after Requested Disconnection 32mm	application	NO GST	\$	815.00
F0156	Reconnection after Requested Disconnection 40mm	application	NO GST	\$	935.00
F0157	Reconnection after Requested Disconnection 50mm	application	NO GST	\$	1,015.00
F0158	Reconnection (after breach of water regulations or non payment) - 20mm	application	NO GST	\$	535.00
F0159	Reconnection (after breach of water regulations or non payment) - 25mm	application	NO GST	\$	550.00
F0160	Reconnection (after breach of water regulations or non payment) - 30mm	application	NO GST	\$	815.00
F0161	Reconnection (after breach of water regulations or non payment) - 40mm	application	NO GST	\$	935.00
F0162	Reconnection (after breach of water regulations or non payment) - 50mm	application	NO GST	\$	1,015.00
F0163	Water Testing	not available			Not Available
F0164	Meter/Service Testing (to be refunded if meter/service found to be faulty)	test	NO GST	\$	320.00
F0165	Final Water Meter Reading request	reading	NO GST	\$	85.00
F0166	Hydrant flow & pressure test	test	NO GST	\$	240.00
F0167	Install Lockable Stop Valve	each	NO GST	\$	200.00
F0168	Locations - Mareeba	location	GST	\$	176.00
F0169	Locations - Dimbulah/Kuranda	location	GST	\$	506.00
F0170	Locations - Mount Molloy	location	GST	\$	506.00
F0171	Locations- Chillagoe	location	GST	\$	825.00
F0172	Automatic Meter Reading Device - MRC	Device	NO GST	\$	340.00
F0173	Automatic Meter Reading Device - ADC with flying lead	Device	NO GST	\$	340.00
	Wastewater				
F0174	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
F0175	Build over Council sewerage System	application	NO GST	\$	305.00
F0176	Hire of Fogging Crew (day hire)	Labour per hour + materials	GST	\$	1,045.00
F0177	Hire of Sewer Trailer	Maximum 4 hours	GST	\$	500.00
	Trade waste Permit				
F0178	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
Permit for Food Waste Disposal Units :					
MSC Sewerage Area					
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
Waste Discharge					
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
Standpipes					
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-28 REGIONAL KERBSIDE COLLECTION PROCUREMENT**MEETING:** Ordinary Meeting**MEETING DATE:** 20 July 2016**REPORT OFFICER'S
TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

Cairns Regional Council (CRC), Mareeba Shire Council (MSC) and Douglas Shire Council (DSC), through collaborative processes, have been undertaking feasibility planning for joint procurement of regional kerbside waste collection services. As a result of these processes and following the success of other regional waste contracts, it has been recognised that through joint cooperation, improvements and standardisation of service levels may be achieved and through the economy of scale, significant cost savings to ratepayers may be realised.

Regional collaborations are increasingly being implemented within the waste industry and local governments throughout Australia which is consistent with the Queensland Government Waste Avoidance and Resource Productivity Strategy (2014-2024). This Strategy supports the intention to consolidate waste streams to encourage substantial, long term investment in resource recovery infrastructure. Regional collaborations have provided improved purchasing power and administrative efficiencies.

The proposed regional procurement process, outlined in this report, allows Council to maintain autonomy and flexibility through a separable tender portion. Council will also maintain control of the collection service administration throughout the contract term. The process has been intentionally independent of FNQROC to provide logical efficiencies and savings for the participants of the Regional Waste Management Contract 1396.

Current individual kerbside waste collection contracts have been aligned for the potential of a tender document being released to market in August 2016, should Council endorse the proposed regional kerbside collection procurement process.

OFFICER'S RECOMMENDATION

"That Council note the information provided and endorse the regional kerbside collection procurement process as outlined in this report."

BACKGROUND

Mareeba Shire Council's current kerbside contract was extended to coincide with CRC's and DSC's contract which expires on 17 December 2017. JJ Richards is the incumbent contractor for the current kerbside collection services.

CRC's & DSC's current kerbside contract expires on 30 November 2017. Cleanaway is the incumbent for the current kerbside collection services. Cleanaway continues to service Douglas Shire Council, which de-amalgamated from Cairns.

MSC, DSC and CRC are planning a joint procurement of regional kerbside collection services. The intention is to release a tender document to market no later than August 2016.

The joint tender process is expected to provide a stronger buying / bargaining power in order to gain a higher level of service at a lower price.

The desired outcome is improved and standardised levels of kerbside collection services across the region coupled with efficiencies and economies of scale in the delivery of services.

As the proposed tender is to be issued in separable portions smaller suppliers who lack the capacity to service all the local government areas will not be precluded from entering a bid. This structure will allow the Councils to accept an individual supplier for its local government area if this is more favourable than the offers submitted for the regional area. The Councils participation in this joint contracting process is voluntary and they are both free to independently select a contractor that most benefits their respective area.

It would be expected that potentially lower contract service rates will deliver transaction cost savings compared with each local government engaging separately with suppliers. This is expected to benefit ratepayers with cost savings.

A joint tender will provide a more efficient process reducing the time and resources required if separate tenders were issued. It would also avoid duplication of work to prepare and issue the tenders. The technical waste management expertise and procurement resources of the three (3) local governments can be utilised rather than each separately engaging specialists.

The service area is larger so the successful tender should see efficiencies and economies of scale in the delivery of services. There could also be benefits with standardised contract administration and availability of vehicles. It is expected that the larger size of the services within the joint tender could create more competition between tenderers and provide an incentive for them to expand into the region.

The open tender process will allow the most tenderers to submit responses and the separable portion approach should allow smaller tenderers to still submit responses even if they are unable to service the regional area.

The proposed joint procurement will potentially aggregate sufficient volumes of recyclables to enable existing facilities to become more viable and upgrade to be capable of processing the increased volumes of recycling.

MSC will have autonomy with respect to its management of kerbside collection. However, CRC would anticipate recyclables collected from those regions to be delivered exclusively to its MRF to standardise delivery and secure increased volume. The MRF (on Waste Street, Portsmouth) is owned and operated by CRC.

MSC will retain autonomy within the regional contract by having its staff independently assessing and negotiating its kerbside collection with the successful contractor and administering its portion of the contract throughout the term of the contract. This will give Council the confidence it has the autonomy it needs throughout the term of the contract.

General waste is to continue to be delivered from all three (3) local government areas to the Cairns Advanced Resource Recovery Facility (Ray Jones Drive, Cairns). The Cairns Advanced Resource Recovery Facility is operated by SUEZ. The current Advanced Resource Recovery Facility contract with SITA expires in 2026.

Regional Waste Collection Contracts are not new in Queensland or other states of Australia with Rockhampton, Gladstone, Central Highlands and Isaac Regional Councils operating in regional waste contracts since 2008. The most recent (2015) Councils to enter into regional waste contracts are Brisbane and Redlands Councils. (Referenced ACCC authorisations).

It is intended that Tenderers will be invited in August 2016 with a 10 week tendering period. It will be necessary for any successful contractor to be given sufficient time to prepare plant etc. prior to the contract commencing.

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
Environmental Compliance Officer
Supervisor Waste Services
Engineer Water and Waste

External

Cairns Regional Council
Douglas Shire Council
Corrs Chambers Westgarth Lawyers (acting on behalf of CRC, DSC & MSC reviewing tender documentation)
McCullough Robertson Lawyers (acting on behalf of MSC)

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

CRC and DSC will be advised upon MSC's adoption of the regional kerbside collection procurement process.

ATTACHMENTS

Nil

Date Prepared: 1 July 2016

**ITEM-29 INFRASTRUCTURE SERVICES - WATER AND
WASTEWATER GROUP - MONTHLY OPERATIONS
REPORT**

MEETING: Ordinary

MEETING DATE: 20 July 2016

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

DEPARTMENT: Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Water and Wastewater activities undertaken by the Infrastructure Services Department during the month of June 2016.

OFFICER'S RECOMMENDATION

"That Council receive and note the June 2016 Monthly Water and Wastewater Report."

LINK TO CORPORATE PLAN

GOV 3 Undertake a whole of Council service level review to establish sustainable operational costs across core local government business and consult with communities.

1. Capital and Maintenance Works Projects

- Kuranda Sludge Management Project tender awarded to Abergeldie Constructions with site works well underway and the Belt Filter Press arrived on site 30 June with installation works starting 4 July.

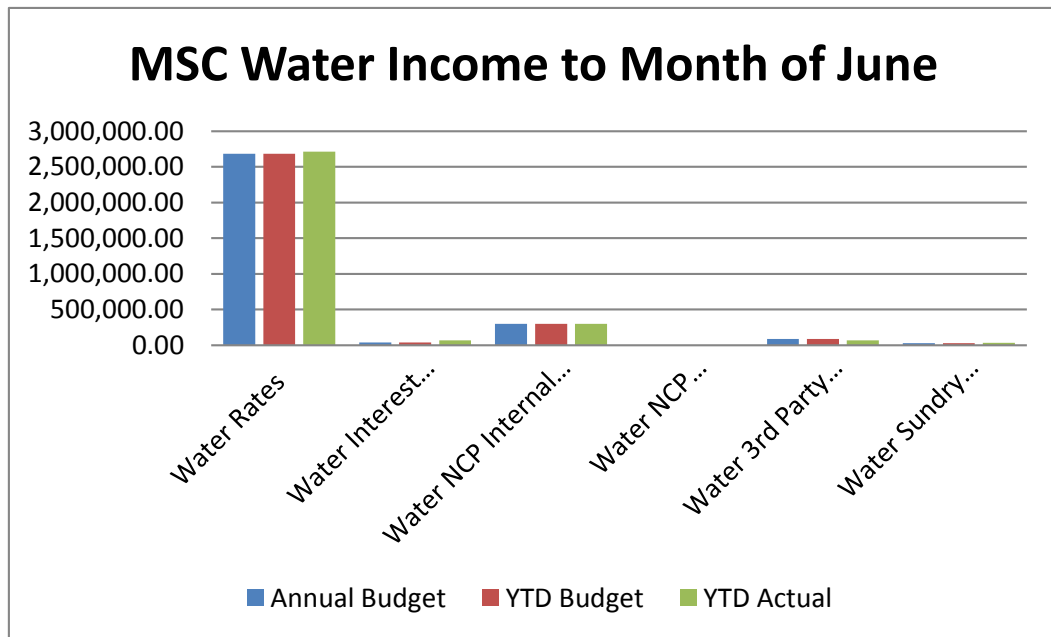


2. Environmental Monitoring - Treatment

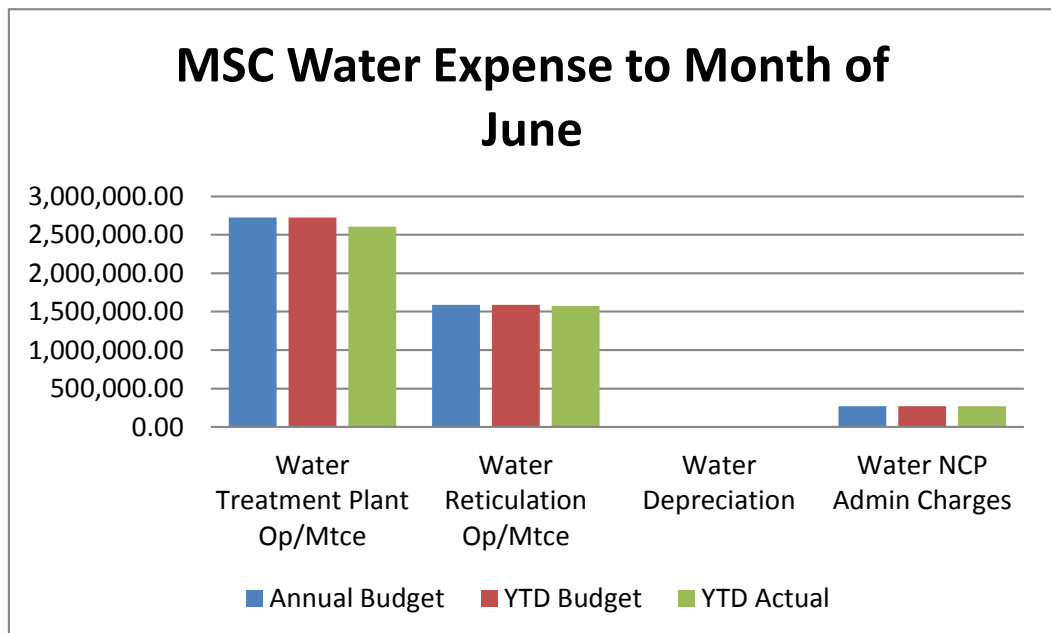
- Mareeba STP compliant, exceedance on Ammonia.
- Kuranda STP remains compliant with licence conditions.

3. Budget - Water

Graphical - Revenue



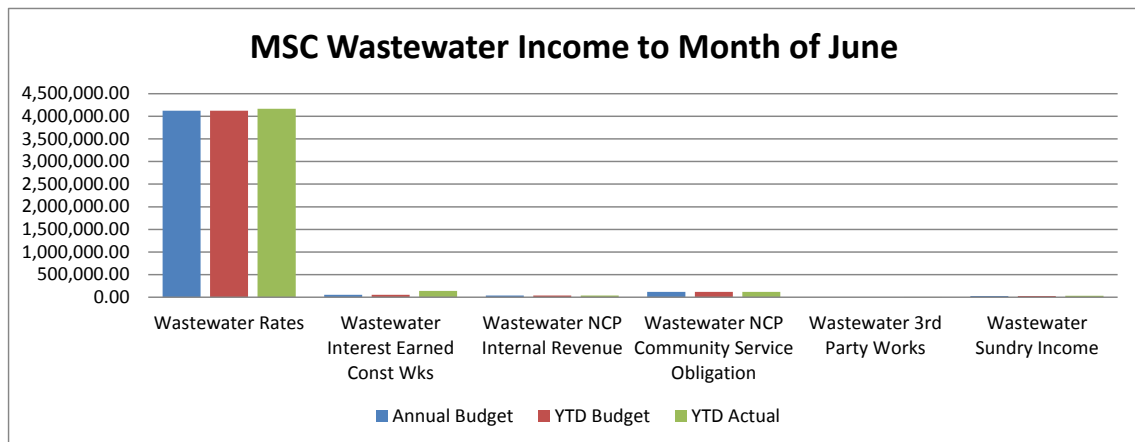
Graphical – Expense



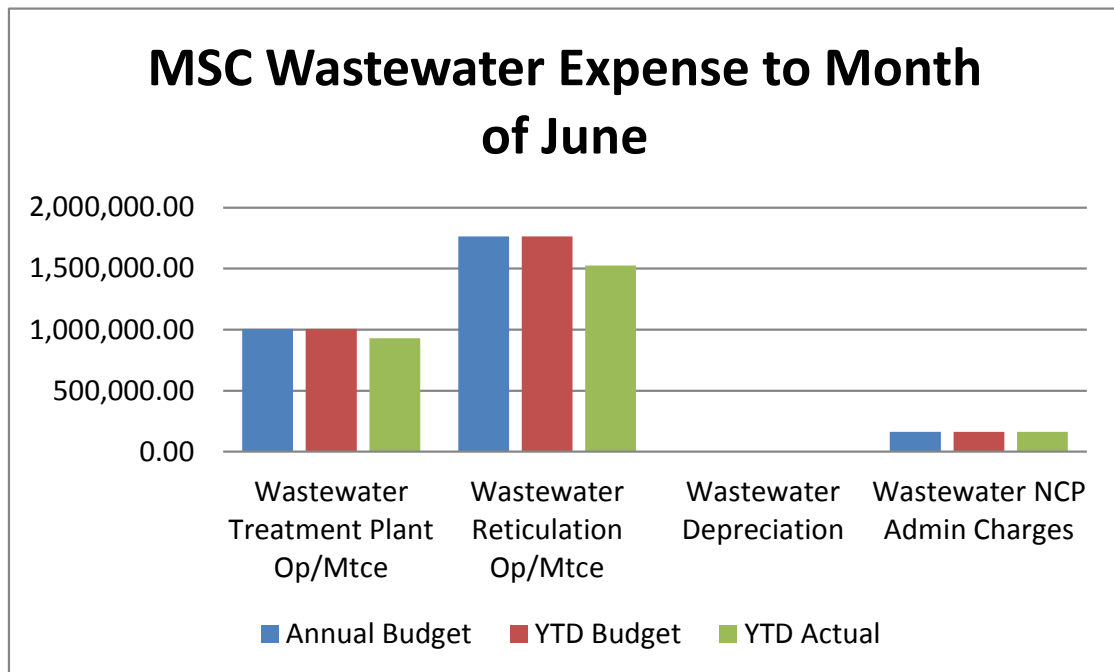
* Depreciation costs are now part of the operational expense

4. Budget - Wastewater

Graphical - Revenue



Graphical – Expense

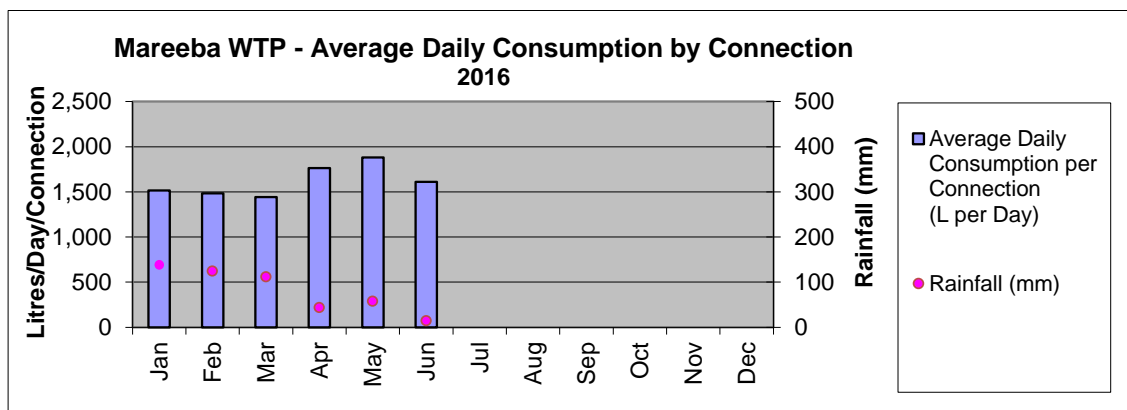
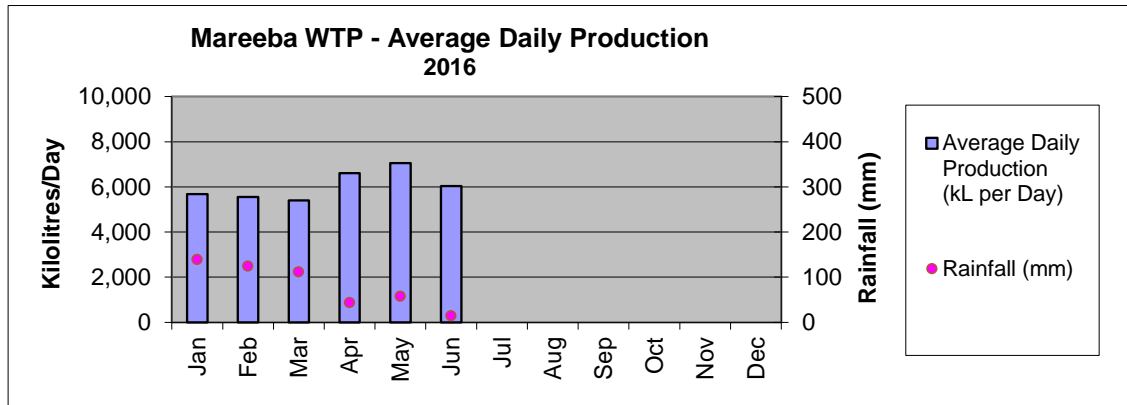


* Depreciation costs are now part of the operational expense

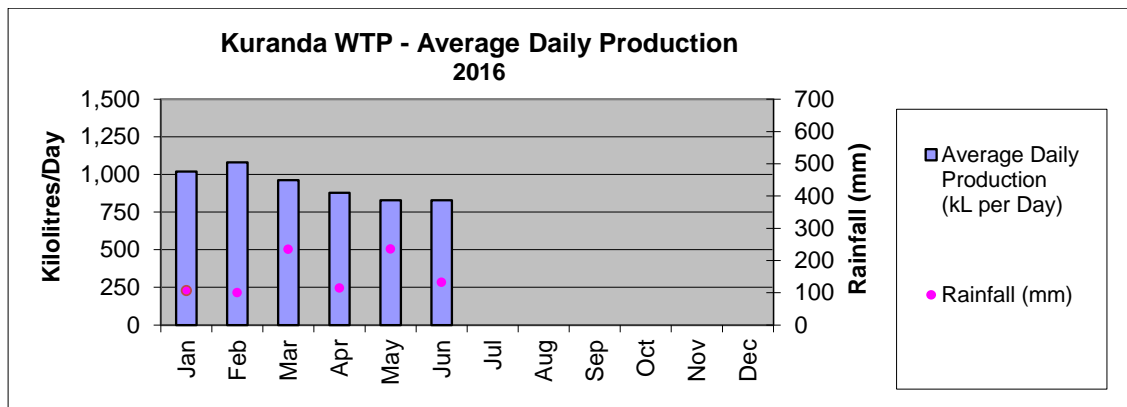
5. Chlorine Residual Readings

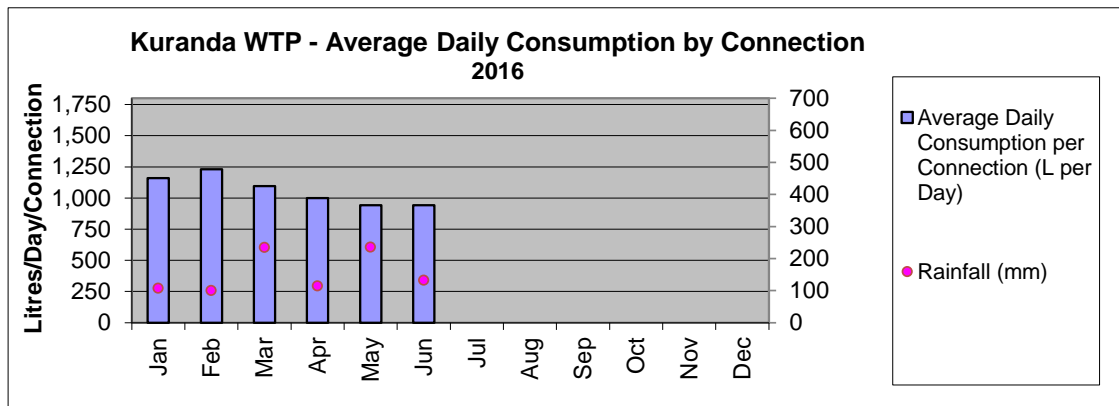
June 2016	Chlorine Residual Readings 2016												
	Australian Drinking Water Guidelines Maximum 5mg/L												
	Wed 1st	Fri 3rd	Mon 6th	Wed 8th	Fri 10th	Mon 13th	Wed 15th	Fri 17th	Mon 20th	Wed 22nd	Fri 24th	Mon 27th	We 29th
	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)
Mareeba Rankine St	1.18	1.16	0.99	1.14	1.12	1.21	0.99	1.07	1.04	1.22	1.02	1.00	1.00
Wylandra Drive Mareeba	0.41	0.44	1.07	0.72	0.81	0.78	0.78	0.64	0.61	0.60	0.62	0.87	0.87
Gregory Terrace Kuranda	0.55	0.71	1.14	1.00	1.45	1.43	1.20	1.23	1.10	1.70	1.25	0.59	0.59
Mason Rd PS Kuranda	0.75	1.00	1.02	1.54	1.63	1.26	1.28	0.94	1.45	2.01	1.23	0.76	0.76
Chillagoe	1.26	1.05	1.07	1.02	1.05	1.16	1.26	0.94	1.02	1.02	1.04	1.02	1.02
Dimbulah	1.04	1.08	1.04	1.04	0.84	1.26	1.28	1.18	1.23	1.15	1.13	1.10	1.10

6. Mareeba Water Supply Scheme – Operations Data

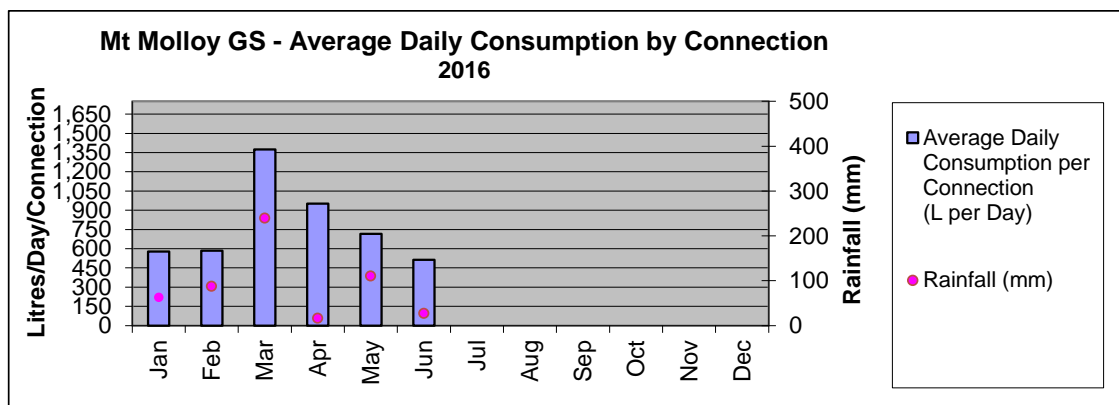
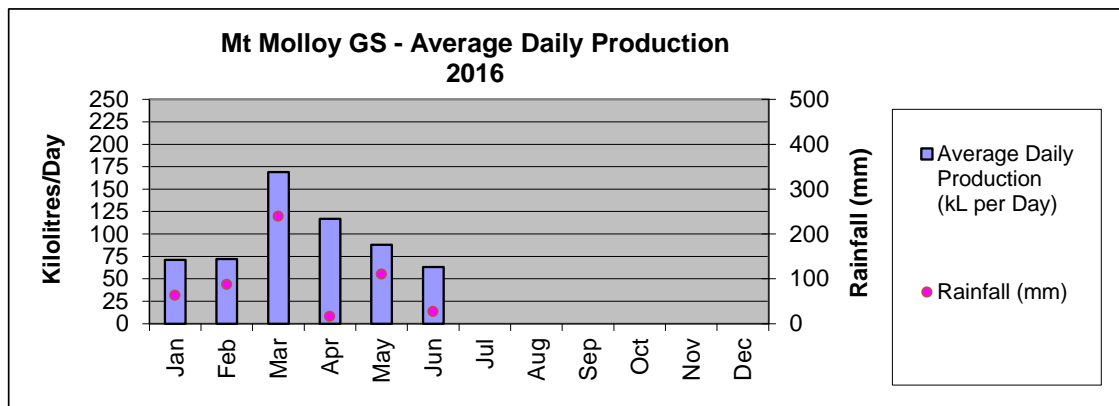


7. Kuranda Water Supply Scheme - Operations Data

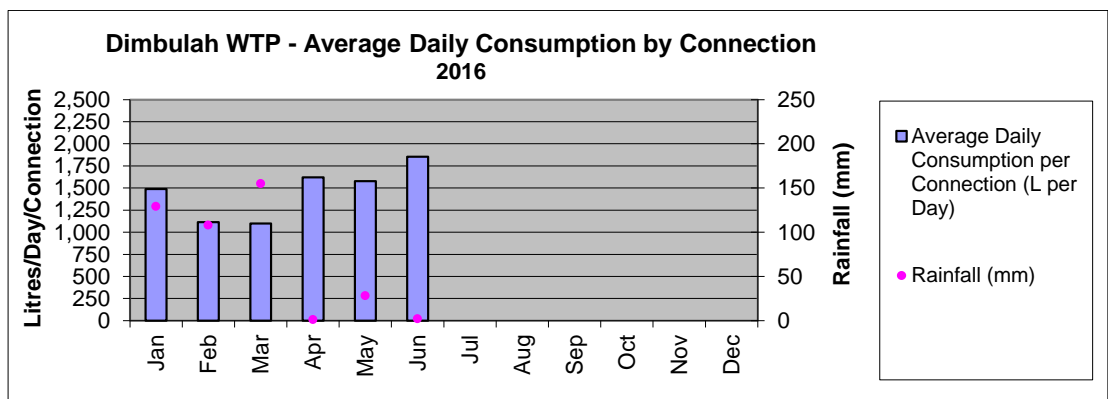
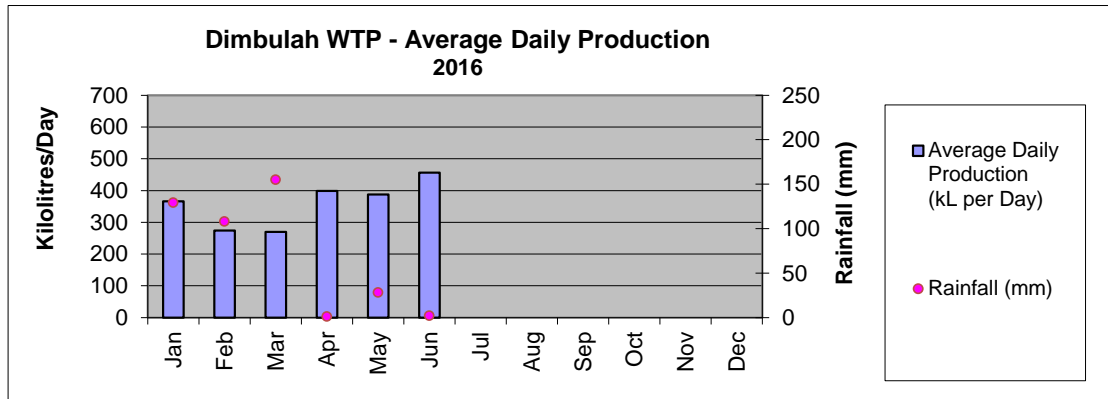




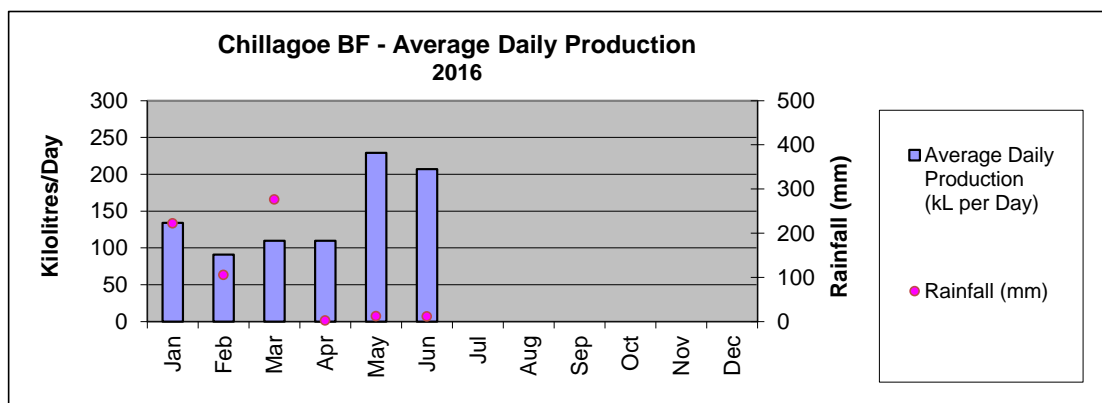
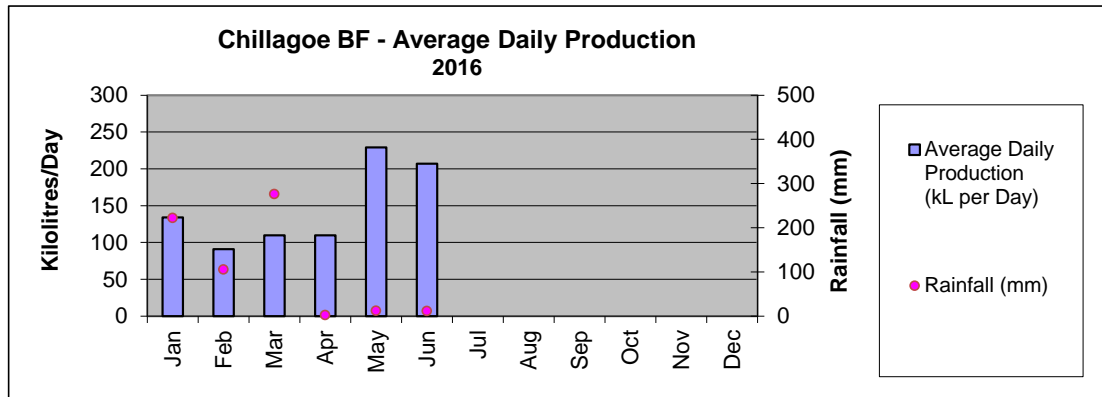
8. Mount Molloy Water Supply Scheme - Operations Data



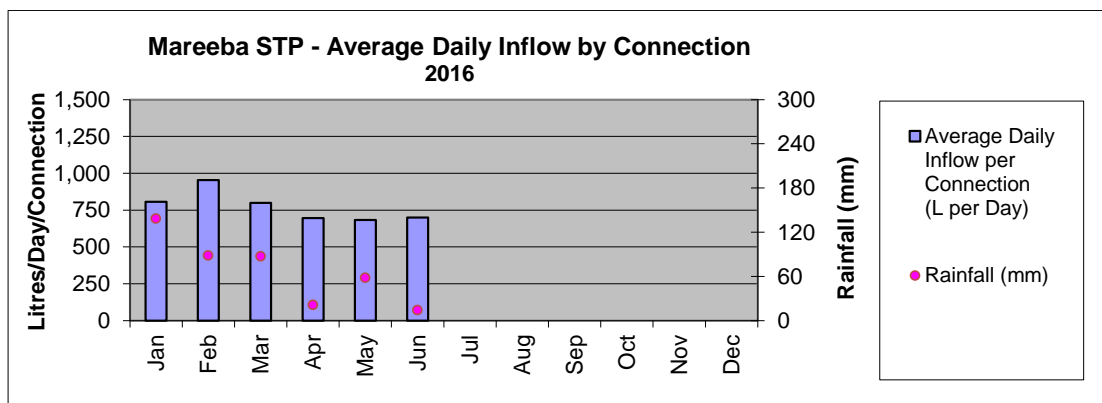
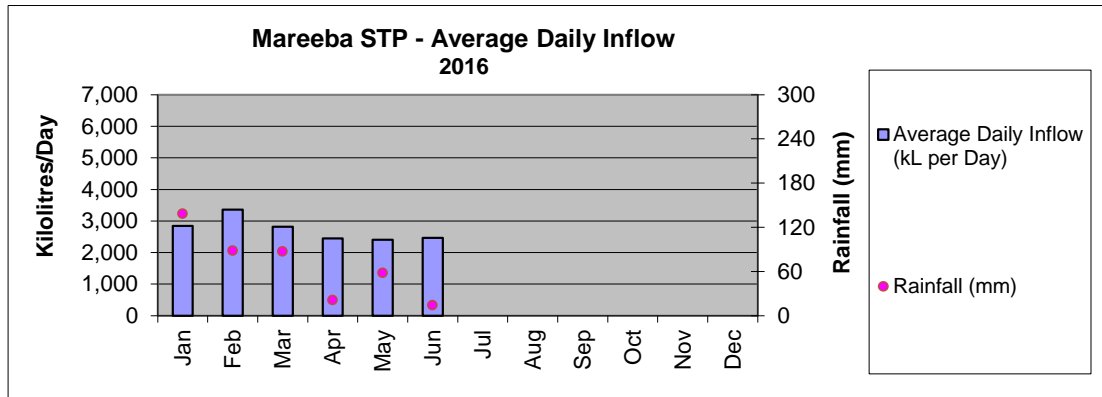
9. Dimbulah Water Supply Scheme - Operations Data



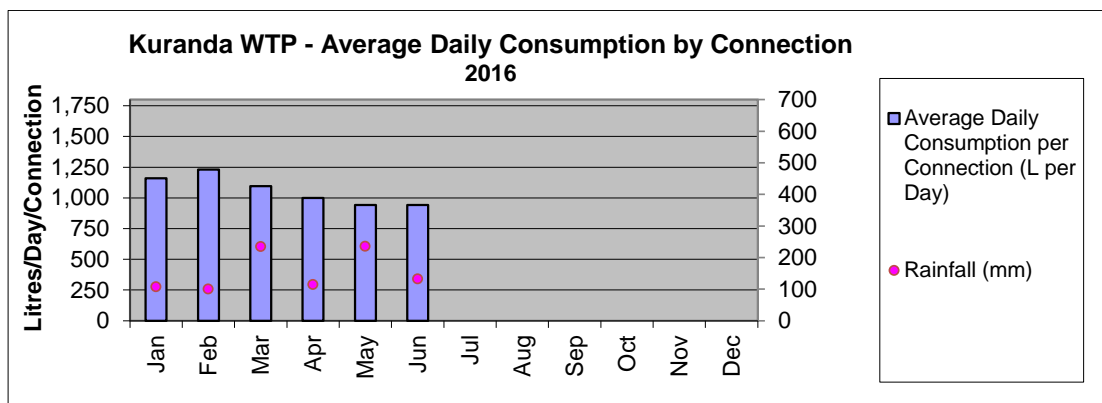
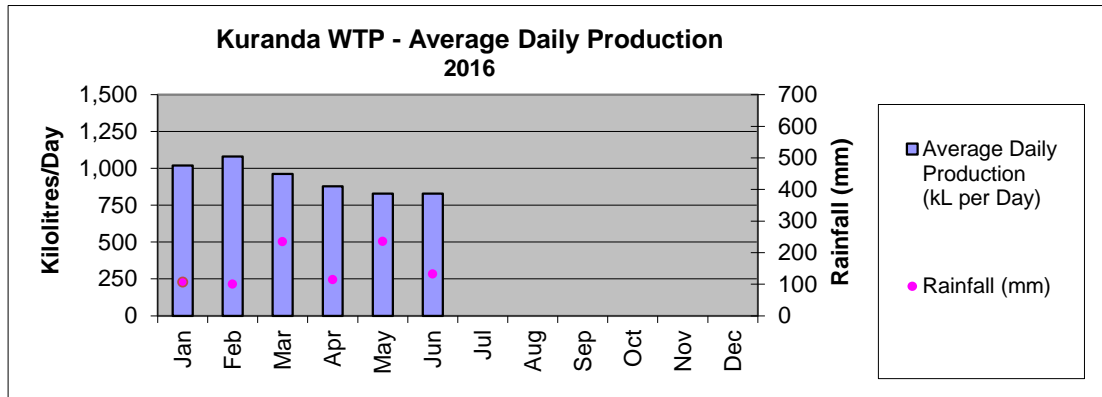
10. Chillagoe Water Supply Scheme - Operations Data



11. Mareeba Wastewater Treatment Plant - Operations Data



12. Kuranda Wastewater Treatment Plant - Operations Data



Date Prepared: 4 July 2016

**ITEM-30 INFRASTRUCTURE SERVICES - WASTE OPERATIONS
REPORT - JUNE 2016****MEETING:** Ordinary**MEETING DATE:** 20 July 2016**REPORT OFFICER'S
TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

This report summarises Council's Waste activities undertaken by the Infrastructure Services Department during the month of June 2016.

OFFICER'S RECOMMENDATION

"That Council receive and note the Infrastructure Services, Waste Operations Progress Report, June 2016."

BACKGROUND

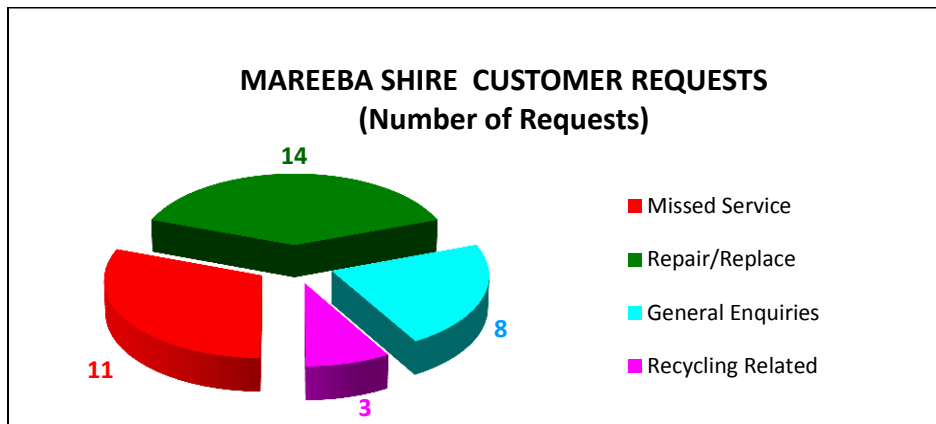
The following is a summary of the waste activities undertaken during the month of June 2016.

1. Waste Operations

- 4,062 vehicles entered Mareeba waste facility (to drop off or pick waste)
- 509 vehicles deposited waste to Mareeba Landfill (total)
- 293 Suez vehicles deposited waste to Mareeba Landfill
- 41 Suez vehicles removed waste from Mareeba WTS to recycling facility in Cairns
- 73 m³ of mulch sold (67 in bulk sales and 6 in small lots less than 3 m³)
- All transfer stations and Mareeba landfill are currently operational

2. Customer Service Waste Statistics

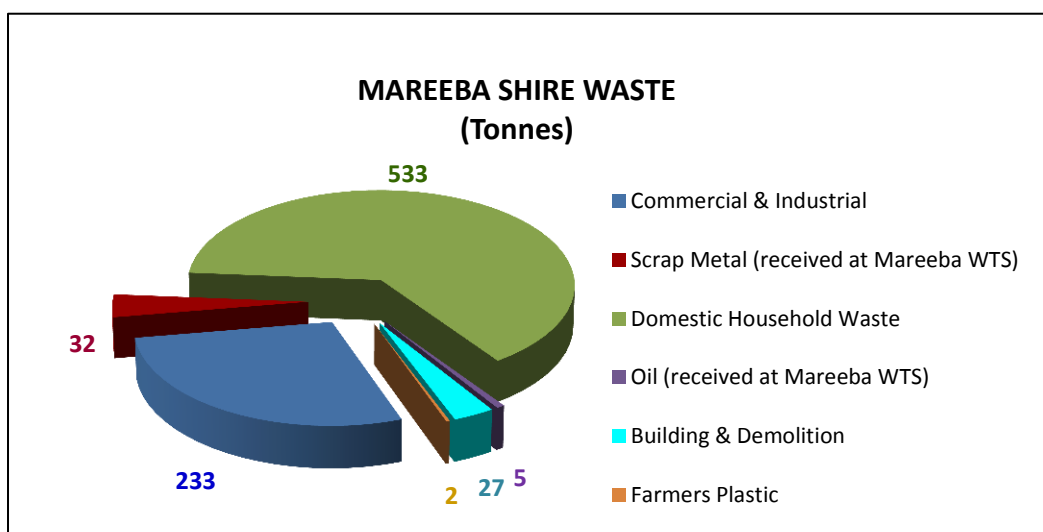
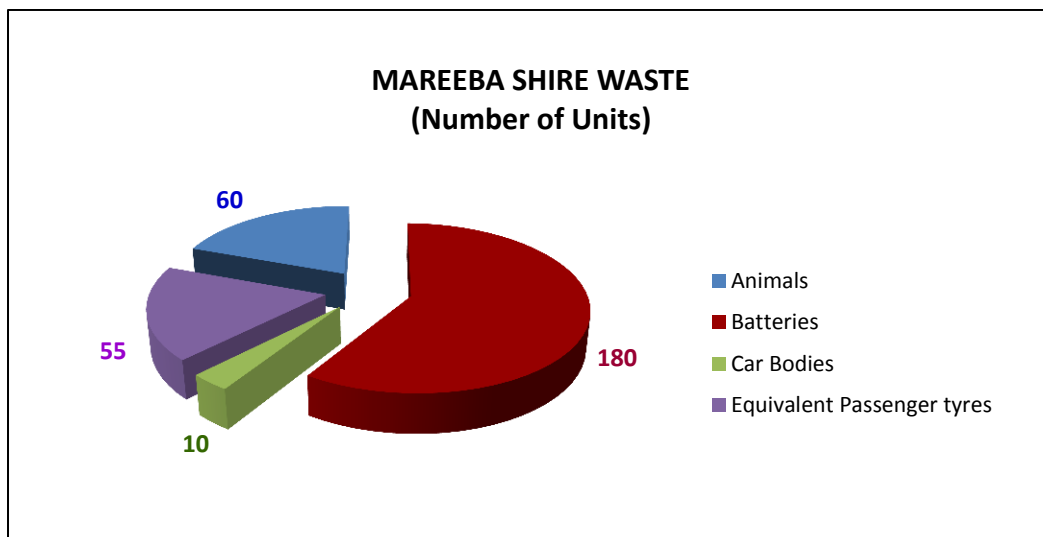
The following graph displays customer requests logged in the Customer Request Management (CRM) system during the month of June 2016.



3. Waste Collected at Each of the Transfer Stations

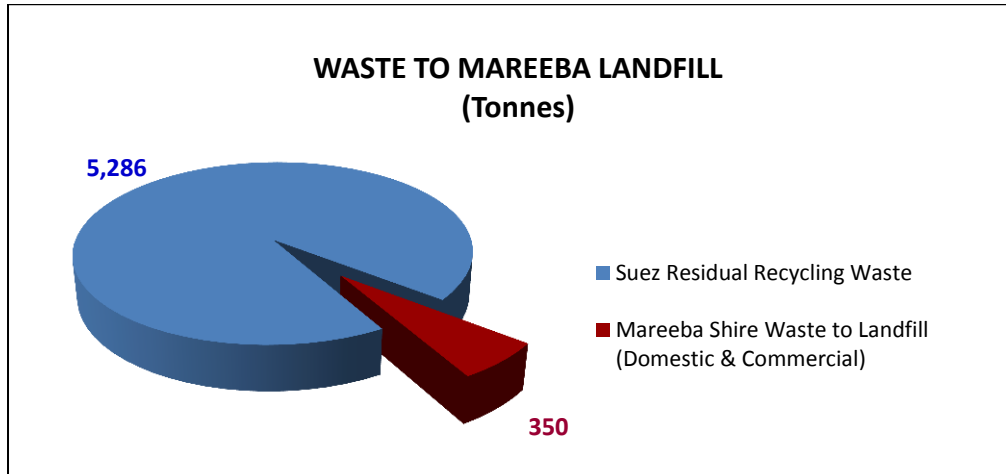
Waste material collected at each of the waste transfer stations is either deposited directly to the Mareeba landfill, recycled or transported to the Suez facility in Cairns for processing.

The following pie charts are separated into waste received as whole units and waste received as accrued tonnage.



4. Waste to Mareeba Landfill

The Mareeba Shire waste shown in the pie chart below is the waste collected at each of the waste transfer stations (Mareeba included), and deposited directly to the Mareeba landfill. The commercial waste shown below is derived from the Suez recycling plant in Cairns and deposited into the Mareeba landfill.



5. Revenue

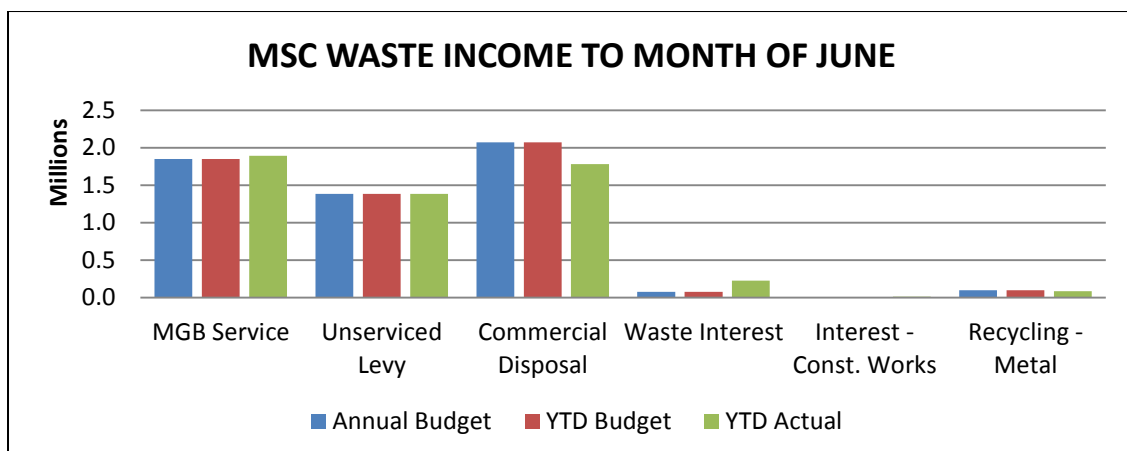
The income is derived from:

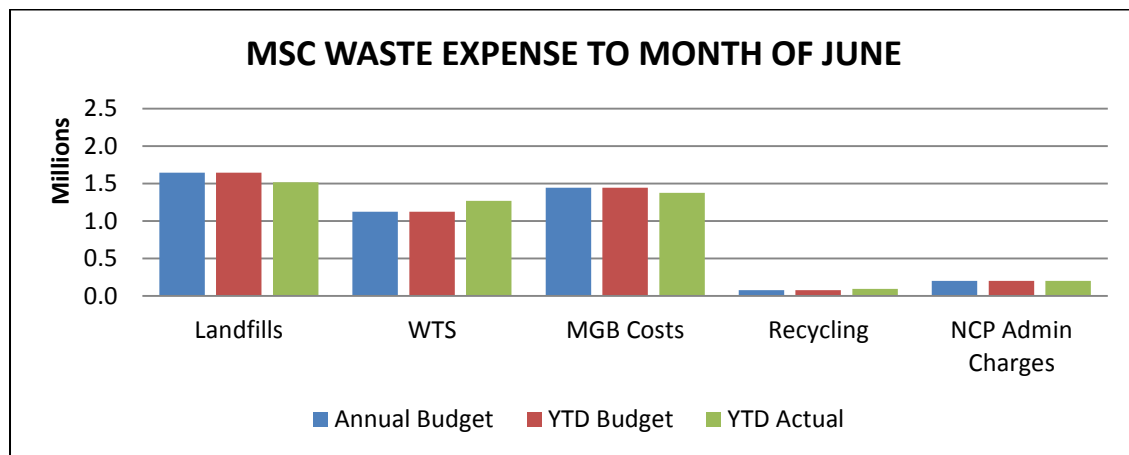
- Commercial disposal (predominantly Suez)
- Interest earned
- Interest on Constrained Works
- Recycling (steel, batteries)
- Rates

The expenditure is derived from:

- Waste administration
- Landfill management
- Transfer station management

6. Financial Operational Budget Information per Budget Section Overall





LINK TO CORPORATE PLAN

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

GOV 3 Undertake a whole of council service level review to establish sustainable operational costs across core local government business and consult with communities.

CONSULTATION

Internal
Director Infrastructure Services
Waste Staff

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: *5 July 2016*

ITEM-31 TRADE WASTE POLICY REVIEW**MEETING:** Ordinary**MEETING DATE:** 20 July 2016**REPORT OFFICER'S
TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

Mareeba Shire Council must meet all legislative and environmental requirements relating to the disposal and reuse of effluent and sludge from its sewerage system. MSC has a responsibility under the Environmental Protection Act 2004, Water Supply (Safety and Reliability) Act 2008 and the Local Government Act 2009.

This report deals with the Trade Waste Policy and the outcomes from the recent internal review that has led to the revised policy.

OFFICER'S RECOMMENDATION

"That Council adopt the Trade Waste Policy."

BACKGROUND

An internal review of the current MSC Trade Waste Policy has recently been conducted. The assessment found that:

- the policy failed to outline the need for Council to receive information from the licenced premises regarding the servicing of trade waste facilities. This information is important for Council to maintain up-to-date records on service history.
- the policy did not provide the general pre-treatment guidelines for minor trade waste generators. This forms Appendix 4 of the revised policy.

LINK TO CORPORATE PLAN

ENV 5: Prepare an environmental scorecard to ascertain the current status of the natural environment in the Shire and to inform Council's response to environmental management and sustainability and the development of protection and conservation plans.

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

CONSULTATION*Internal*

Relevant Council Officers

External

Nil

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

Nil

POLICY IMPLICATIONS

The MSC Trade Waste Policy will be amended.

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

The amended policy will be communicated to all relevant parties within Council and placed on the Council website.

ATTACHMENTS

1. Draft Trade Waste Policy.

Date Prepared: 1 July 2016

ATTACHMENT 1


**Policy for Discharge of Liquid Trade
Waste to Sewers and the Sewage
Treatment System**

(TRADE WASTE POLICY)

Council Policy <input type="checkbox"/>	Internal Policy <input type="checkbox"/>	Guideline/Procedure <input type="checkbox"/>
Draft <input checked="" type="checkbox"/>	Final <input type="checkbox"/>	Version: 1.0
File ref:	Policy Section:	
Date Adopted:	Review Date:	
Author:	Review Officer:	

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1. INTRODUCTION

Mareeba Shire Council provides a sewerage system for the transport and treatment of domestic sewage. Payment for this service is collected through sewerage charges on each property.

Council must meet all legislative and environmental requirements relating to the disposal and reuse of effluent and sludge from its sewerage system.

1. Under the Environmental Protection Act 2004, discharges to receiving waters are required to be treated to a standard set down in licences which will maintain or enhance water quality and environmental values. Under the Act, Council is also held responsible for any pollution from storm water outfalls under its control; hence this system must only be used for the disposal of uncontaminated storm water runoff.
2. Under the Water Supply (Safety and Reliability) Act 2008 and the Environmental Protection Policy (EPP (Water)), Mareeba Shire Council is also required to fully assess the effect of trade waste on the sewerage system and the environment before issuing a trade waste approval.
3. The discharge of trade waste to storm water drainage is prohibited under the Local Government Act 2009.

Domestic sewage consists mostly of water which, after treatment to reduce biodegradable material, suspended solids and nutrients, can be disposed of in accordance with licence requirements.

Liquid waste generated by industry, small business and commercial enterprises is referred to as trade waste. The Water Supply (Safety and Reliability) Act 2008 prohibits the unauthorised discharge of wastes, other than domestic sewage, into the sewerage system.

Trade waste may have an organic strength many times that of domestic sewage and may overload the treatment facility. Trade waste may also contain a variety of exotic substances such as heavy metals, organic solvents and chlorinated organics which sewerage systems are not designed to treat. These substances may:

- pose a serious risk to the safety and health of sewerage workers;
- damage the fabric of the sewerage system;
- inhibit biological treatment processes;
- accumulate in sludge;
- pass through Council's treatment plants untreated resulting in environmental contamination

Council's policy is to accept biodegradable waste into the sewerage system provided that the system is of adequate capacity to effectively collect, transport and treat the waste. As trade waste imposes an additional load on the sewerage system, trade waste charges apply.

Council may consider the acceptance of trade waste containing toxic or hazardous substances and non-degradable pollutants to sewer only after the waste has been pre-treated by on site "best practicable treatment" to ensure sewer admission limits are not exceeded.

2. DEFINITIONS

Arrestor / Interceptor	An apparatus designed to intercept and retain silt, sand, oil, grease, sludge and other substances in a waste discharge.
Biosolids	The treated solids (sludge), mainly organic, produced by sewage treatment
Domestic Sewage	Household wastewater that contains, or may contain, faecal, urinary or other human waste.
Effluent	The liquid discharged following a wastewater treatment process.
Human wastes	Human faecal substances and urine.
Premises	A lot as defined in section 1.3.5 of the Sustainable Planning Act 2009, and includes a lot that has a building situated on it, or that is wholly or partly contained in, or that wholly or partly contains, a building.
Premises Group	<p>The land comprised in 2 or more premises all the owners of which have mutual rights and obligations under the <i>Body Corporate and Management Act 1997</i> (BCCMA) or the <i>Building Units and Group Titles Act 1980</i> (BUGTA) for the purpose of their respective ownerships, and includes the common property forming part of</p> <ul style="list-style-type: none"> a) if the premises are lots included in a community titles scheme under BCCMA – the scheme land for the scheme; or b) if the premises are lots under BUGTA – the parcel of which the premises form part.
Prohibited substances	A substance prescribed in Schedule 1 of the <i>Water Supply (Safety and Reliability) Act 2008</i> .
Owner	As defined in the Local Government Act 2009.
Authorised Agent	Person or firm appointed by the owner to act on their behalf. Notification of such appointment is to be lodged in writing with Council.
Sewage	The wastewater from the community including all faecal matter, urine, household and commercial wastewater that contains human waste.
Sewerage or Sewerage System	<p>Infrastructure used to receive, transport and treat sewage or effluent, and consisting of some or all of the following:</p> <ul style="list-style-type: none"> a) sewers; b) access chambers; c) vents; d) engines; e) pumps; f) structures; g) machinery; h) outfalls; i) works not mentioned in (a) to (h).

Stormwater Drainage	Means infrastructure used to receive, store, transport or treat stormwater, and consisting of some or all of the following (a) drains; (b) channels; (c) pipes; (d) chambers; (e) structures; (f) outfalls; (g) works not mentioned in paragraphs (a) to (f).
Trade Waste	Water-borne waste from business, trade or manufacturing premises, other than— (h) waste that is a prohibited substance; or (i) human waste; or (j) stormwater.
Trade Waste Generator	Any person, owner, occupier, company, or body whose activity produces or has the potential to produce trade waste. Used interchangeably with 'Generator'
Trade Waste Inspector	A person appointed by the Council to carry out inspections of premises from which trade wastes are being discharged or proposed to be discharged to its sewerage system. The term includes an inspector appointed by the Council in an acting capacity for the time being to carry out such inspections. A person appointed by Council to oversee the disposal of trade waste in accordance with Council's trade waste policy and waste management plan and provide advice on acceptable methods of disposal of trade waste, including legal, economic and environmental aspects.

POLICY OBJECTIVES

The objectives of Council in controlling the discharge of trade waste to sewerage are:

- To provide an environmentally responsible liquid waste disposal system for domestic, commercial and industrial waste in a manner which safeguards public health.
- To prevent harm or injury to sewerage employees.
- To safeguard the sewerage system against damage, blockage or surcharging.
- To exclude non-biodegradable and potentially harmful substances that may:
 - lead to non-compliance with the conditions of Mareeba Shire Council's environmental authority issued by DEHP;
 - cause the treatment process to fail;
 - render effluent or sludge unacceptable for reuse or disposal;
 - cause physical damage to infrastructure; or
 - cause any other detriment to the environment
- To equitably recover the cost of services to commerce and industry including the cost of conveyance, treatment and damage to the sewerage system.
- To provide operational data on the volume and composition of industrial effluent to assist in the operation of the sewerage system and the design of augmentations or new sewerage systems.

- To conform with the National Water Quality Management Strategy *Guidelines for Sewerage Systems, Acceptance of Trade Wastes (Industrial Wastes)*, Agriculture and Resource Management Council of Australia and New Zealand and Australian and New Zealand Environment and Conservation Council, November 1994.
- To conform to the Environmental Protection Legislation.
- To encourage waste minimisation.
- To promote water conservation.

3. CONTROL OF TRADE WASTE

It is an offence under the Water Supply (Safety and Reliability) Act 2008 to discharge trade waste to the sewer unless approval, through the issuing of a trade waste permit has been given by Council. A permit is the written approval from Council for the discharge of trade waste to sewer which states the requirements and conditions under which discharge is allowed. Two types of permit are referred to in this policy – a Permit for Category 1 and 2 wastes and an Agreement for Category 3 wastes.

It is an offence under the Local Government Act 2009 to discharge waste, other than uncontaminated storm water either directly or indirectly to a storm water drain.

A summary of legislation relevant to trade waste discharge to sewer is given in Appendix 1 for the benefit of applicants. This is not, nor is it intended to be, a complete listing of all legislation pertaining to the discharge of trade waste.

3.1 TERMINATION OF PERMIT / AGREEMENT

Failure by the owner and / or trade waste generator to comply with the conditions of their Permit or Agreement or the requirements of any written notices issued pursuant to their Permit or Agreement shall result in the Permit or Agreement being terminated by Council.

Terms and conditions of a Permit or Agreement in respect of any matter occurring before the termination, including the payment of charges owing, shall continue to have force and effect after the termination of the Permit or Agreement.

3.2 PENALTIES

Council may prosecute any person who commits a breach of the *Water Supply (Safety & Reliability) Act 2008* or who refuses or neglects to comply with any direction or requirement by Council pursuant to the *Water Supply (Safety & Reliability) Act 2008*. Maximum penalties under the Act are 1665 penalty units (currently \$196,137).

4. SEWER ADMISSION STANDARDS

Any waste discharges to Council's sewer shall at all times comply with the Trade Waste Sewer Admission Limits as set out in Appendix 2 unless otherwise specified in the Permit or Agreement. These limits are subject to periodic review.

Council may, at its discretion, negotiate with a Trade Waste Generator concerning acceptance of waste to sewer for which a General Limit parameter(s) (Schedule 1, Appendix 2) exceeds the Sewer Admission Limit. Additional charges (clause 7.6) will apply for such parameters.

The sewer admission limits, unless otherwise specified in the Permit or Agreement, are absolute maximums.

The dilution of trade waste with water to achieve compliance with the sewer admission limits is prohibited.

The trade waste stream and domestic waste stream should, where ever practicable, discharge separately to the sewer. Where there is a common discharge pipe, allowance for the domestic component will be made to estimate the actual trade waste component strength.

4.1 PRE TREATMENT FACILITY AND CAPACITY REQUIREMENTS

Any waste discharges to Council's sewer shall be pre-treated by the specified unit for the relevant business type, the sizing and capacity requirements as set out in Appendix 4 unless otherwise specified in the Permit or Agreement.

Council may, at its discretion, negotiate with a Trade Waste Generator about an alternative solution to pre-treatment prior to discharge to sewer. The onus is on the Trade Waste Generator to demonstrate the adequacy of the alternative solution.

5. DISCHARGE CATEGORIES

All trade waste accepted to the sewer will be classified according to the following three categories for the purposes of approval, control and charging.

- | | |
|--------------------|--|
| Category 1: | <ul style="list-style-type: none">• Low strength / low volume discharges:<ul style="list-style-type: none">▪ COD less than 600mg/L, and▪ Suspended Solids less than 300 mg/L▪ Volume less than 500 kl/annum |
| Category 2: | <ul style="list-style-type: none">• Low strength / high volume discharges:<ul style="list-style-type: none">▪ COD less than 600mg/L, and▪ Suspended solids less than 300 mg/L▪ Volume greater than 500 kl/annum▪ Approval to discharge required – Permit▪ Charge – Quantity charge on total annual flow; |
| Category 3: | <ul style="list-style-type: none">• High strength discharges:<ul style="list-style-type: none">▪ COD greater than 600 mg/L, or▪ Suspended solids greater than 500 mg/L▪ Volume any▪ Approval to discharge required – Agreement between Council and both the Owner (or Authorised Agent) and the trade waste generator when the owner is not the Generator▪ Charge – The higher of a Quantity charge or Quantity and Quality charge on total annual load; (see clause 7.1) |

Acceptance of waste under any category is conditional on the waste meeting Council's Sewer Admission Limits (clause 5.0 and Appendix 2) unless otherwise specified in the Permit Agreement.

It is the responsibility of the trade waste generator to install, operate and maintain "best practicable" pre-treatment facilities to ensure sewer admission limits are not exceeded.

In the event of a significant change in the strength or volume of a waste approved under Category 1 or Category 2, the waste will be treated as a Category 3 waste for the purposes of charging and monitoring.

6. TRADE WASTE CHARGES AND FEES

Charges to be levied in respect of trade waste for the ensuing financial year will be determined by Council resolution passed before or at the same time as the budget in any financial year.

Accounts for trade waste discharge will be forwarded annually and the amount thereof shall be a debt due by the owner of the premises, and if not paid within 30 days after service of the demand, shall thereafter bear interest at such rate per centum per annum as shall be fixed by the Council by resolution. The amount owing, including interest, shall be recoverable in the same manner as general rates and shall, until paid, be a charge on the land, and in addition may be recovered as a debt from any subsequent owner.

Trade waste charges and fees for the current financial year are listed in Appendix 3.

6.1 TRADE WASTE CHARGES

Trade waste is divided into three categories for charging purposes (see clause 6.0). Charges are based on actual quality and quantity of discharge for the period, not on figures described in the permit or agreement.

Annual charges will be structured as set out below; with unit charging rates being adopted and reviewed annually by Council as part of its budget (see Appendix 3).

- Category 1:** Flat fee to cover administration, inspection, compliance testing, and acceptance of up to 500 kl of trade wastes shall apply.
- Category 2:** Quantity charge on total annual volume of trade waste discharged to the sewer to be calculated as follows:
- Q.k**
- Where: Q is the annual trade waste volume (kl)
k is the unit charge rate (\$/kl).
- The unit charge, k, is based on the cost of providing and maintaining the sewerage system for the total annual wastewater flow to the sewerage plant(s) including administration, inspection and compliance testing for trade waste control;
- A minimum fee to cover administration, inspection, and compliance testing shall apply when the charges calculated by the above formula are less than the minimum fee.
- Category 3:** The higher of:
- Quantity Charge on total annual volume of trade waste discharged to the sewer to be calculated as follows:
- Q.k**
- Where: Q is the annual trade waste volume (kl) and
k is the unit charge rate (\$/kl).
- or
- A Quantity and Quality charge on the total annual discharge of trade waste to the sewer to be calculated as follows: $Q_a + Q_{x_1}n_1/1000 + Q_{x_2}n_2/1000 +$
- Where:

Q is the total annual discharge volume (kl)

a is the unit charge for volume (\$/kl)

x_1, x_2 are the average concentrations of pollutants N_1, N_2 (mg/L)

n_1, n_2 are the unit charges for pollutants

N_1, N_2 (\$/kg) N_1, N_2 are the pollutants to be charged for.

- Charges shall be made for COD, suspended solids, and / or other pollutants as set out in the written agreement.
- A minimum fee, to cover administration, inspection, and compliance testing shall apply if and when the charges calculated by the above formula are less than the minimum fee.

6.2 CHARGES FOR FOOD WASTE DISPOSAL UNITS

Trade waste Generators in Categories 1 and 2 with food waste disposal units (garbage grinders) shall be charged a fee based on the power of the motor:

	Rated Power, watts	Units
Category A	< 400	2C
Category B	400 – 700	6C
Category C	700 – 1000	8C
Category D	1000 – 1500	12C
Category E	1500 – 2000	14C
Category F	> 2000	16C

Where C is equivalent to the annual domestic sewage unit charge per pedestal.

6.3 INSPECTION AND ANALYSIS FEES

Additional inspection and testing fees, to be paid by the Owner (or Generator) on a sundry debtor basis, shall apply in all categories where more than the number of Council inspections and quality compliance tests allowed for under the Permit or Agreement and covered by the minimum fee are required because of non-compliance.

Inspection fees shall be based on the time spent on site.

The full cost of laboratory analyses shall be recovered.

6.4 APPLICATION FEES

Applicants for an Agreement to discharge under Category 3 shall be charged an application fee to cover the cost of processing the application and drawing up the Agreement.

This fee must accompany the application.

A permit fee (renewable annually) shall be charged for applications for Category 1 and Category 2 Permits.

6.5 SEPTAGE AND OTHER LIQUID WASTES

Licensed liquid industrial waste disposal contractors (clause 13.0) disposing of septic, portable toilet or other approved liquid waste to the sewer under approved conditions shall be charged on

a calculated volume basis (\$/kl) which takes account of both the volume and strength of the waste.

6.6 ADDITIONAL CHARGE

Where Council agrees to accept to the sewer waste which has properties in excess of those defined in the General Limits (Schedule 1, Appendix 2) of the Sewer Admission Limits, an additional charge will apply for each agreed non-complying parameter. The formula for calculation shall be:

$$\text{Charge} = (\text{actual/approved})^d \times \text{charge rate } (\$/\text{kg}) \times \text{kg pollutant}$$

Where:

- **d** is a constant to be determined by Council for each non-complying parameter under consideration at the time;
- the **minimum ratio** for (actual/approved) is 1.0; and
- **approved** means the sewer admission limit value or other negotiated value defined in the Permit or Agreement.

The period of the charge will be the time period, based on the sampling frequency, over which the limits are considered to have been exceeded.

Exceeding the approved limit is an offence under the act.

7. APPLICATION PROCEDURES

An application, signed by the Owner or duly Authorised Agent and the Generator, must be lodged at the following times in respect of any premises where trade waste is generated or likely to be generated:

- during the processing of a Building Application for new premises or extensions intended for industrial and / or commercial usage;
- change in tenancy of such premises;
- shop fit-outs of such premises;
- during the processing of an application to strata title such premises;
- existing premises where trade waste is generated and no permit or agreement has been issued;
- change of ownership of such premises.

Liquid waste disposal contractors wishing to discharge septic, portable toilet waste or other approved holding tank or liquid waste to the sewer or sewage treatment plants must apply for a Permit/Agreement.

Application forms are available from the Services Centres of the Mareeba Shire Council.

Applicants may seek advice from the appropriate person appointed by the Council on how to complete the Form. Failure to provide all required information may result in delays in approvals.

Applications for discharge approval under Category 3 are subject to an Agreement being negotiated and must be accommodated by the Application Fee (Section 7.4 and Appendix 3).

Applications should include details of the proposed method of pre-treatment to be used to ensure the waste meets sewer admission limits. Treatment plans should be forwarded in triplicate with the application. One copy will be returned stamped "approved – trade waste only" if satisfactory.

Any plumbing and drainage work associated with the installation of any treatment process shall be in accordance with the Plumbing and Drainage Act 2002.

Applicants are referred to Council's publication "Pre-treatment Guidelines for General Trade Waste Discharges" for formal guidance (See table 1 and 2).

Where a waste is deemed to be non-sewer able, a Permit / Agreement will not be issued and alternative arrangements for disposal of wastes will have to be made. Advice on treatment and disposal options for non-sewer able waste may be obtained from the appropriate person appointed by the Council, Council's Environmental Health Officers and Environmental Health Officers from the Department of Environment and Heritage Protection.

8. PERMITS AND AGREEMENTS

8.1 PERMITS

Both the Owner or Authorised Agent and the trade waste generator, when the Owner is not the Generator, of a premise from which waste classified as Category 1 or Category 2 is being discharged, shall be issued with a written permit which shall remain in force for the specified period unless cancelled sooner.

Trade waste permits are not transferable.

The Trade Waste Permit states the terms and conditions the Owner or Authorised Agent and the Generator must observe to discharge trade waste to Council's sewerage system. These include, but are not limited to:

- the location of the premises and nature of the occupancy;
- the type and composition of trade waste that may be discharged;
- the quantity of trade waste that may be discharged;
- the rate of discharge, including maximum rate of discharge;
- the time when trade waste may be discharged;
- the period for which trade waste may be discharged;
- the method for estimation or measurement of discharge volume;
- provisions for measurement and sampling of discharge prior to entry to the sewer;
- details of any pre-treatment required;
- conditions for maintenance of and removal of waste from pre-treatment equipment, including the contractor to be used;
- records to be kept concerning the cleaning and maintenance of pre-treatment equipment;
- the powers of Council to enter premises in relation to any matter with regard to trade waste control;
- termination conditions;
- penalties for non-compliance;
- the obligations of the owner and generator with respect to payment of charges, fees and penalties; and
- any other condition considered by Council to be reasonable.

8.2 AGREEMENTS

Both the Owner or Authorised Agent and the trade waste Generator, when the Owner is not the Generator, of premises from which waste classified as Category 3 is being discharged, shall be required to negotiate a written Agreement with Council. The Agreement will remain in force for a period of three (3) years unless cancelled sooner by either party.

Trade Waste Agreements are not transferable.

The Trade Waste Agreement states the terms and conditions the Owner or Authorised Agent and the Generator must observe to discharge trade waste to Council's sewerage system. These include but are not limited to:

- location of the premises and nature of the occupancy;
- quality of waste that may be discharged;
- quantity of waste that may be discharged;
- rate of discharge – maximum instantaneous, maximum daily;
- hours of day, days of week discharge is allowed;
- details of self-regulation monitoring program
 - sampling point
 - frequency of sampling
 - method of sample collection and type of sample to be collected
 - analyses required
 - laboratory to be used
 - data transfer and availability to Council;
- type, design and location of flow measuring equipment and requirements for calibration
- methods to be used for estimation of data lost due to failure of sampling program or flow measurement instrumentation;
- provision for measurement and sampling of discharge prior to entry to sewer;
- pre-treatment processes to be used;
- conditions for maintenance of, and removal of waste from, pre-treatment equipment;
- records to be kept concerning the cleaning and maintenance of pre-treatment equipment and disposal of waste;
- the powers of Council to enter premises in relation to any matter with regard to trade waste control;
- the obligation of the Owner or Authorised Agent and the Generator concerning any variations to operation or treatment processes that may affect discharge quantity or quality including change of business type;
- the obligations of the Owner or Authorised Agent and the Generator on termination of an Agreement by expiry, discontinuance of discharges, change of ownership or generator, or non-compliance with Agreement conditions;
- the obligations of the Owner or Authorised Agent and the Generator with respect to the payment of charges, fees and penalties;
- penalties for non-compliance;
- a force majeure clause;
- the conditions by which any difference or dispute between Council, the Owner or Authorised Agent and the Generator arising from the terms of the Agreement which are not resolved to their mutual satisfaction may be submitted to arbitration; and
- any other conditions relevant to the particular discharge agreed to.

9. INSPECTION AND MONITORING

9.1 INSPECTION CHAMBERS AND / OR GAUGING FACILITY

Category 3 waste shall be discharged to Council's sewerage system via an open channel inspection chamber and/or gauging facility. The inspection chamber and/or gauging facility shall be located on the trade waste discharge line in an area which is accessible at all times to Council's officers thus allowing for sampling and/or monitoring equipment to be installed and operated.

For new Category 2 and 3 installations, the trade waste discharge line shall be separate from the domestic waste discharge line. For existing installations, retrofitting is not required except where it may be done during any proposed upgrading or alterations to the installations.

Where a non-domestic premise does not have a trade waste discharge to Council's sewerage system, an open channel inspection chamber shall be installed on the house drain, in an accessible location, prior to leaving the property and/or connecting into the Council sewer.

Arrestor trap installations and other pre-treatment devices on premises discharging Category 1 and 2 waste shall have an inspection opening provided externally to the building, within the premises, at finished ground level.

9.2 INSPECTION AND MONITORING

All licensed premises shall be routinely and randomly inspected by Council officers for the purpose of monitoring and auditing the conditions of discharge.

Council officers shall be permitted entry to the premises at all reasonable times and not obstructed from carrying out inspections.

All licensed premises are required to supply their annual servicing history when renewing their applications. This information will be required before the renewal is approved.

10. RENEWALS

All licensed premises will be forwarded a renewal notice annually to continue discharging trade waste. As a condition of this renewal, it is a requirement that premises supply their previous year's annual servicing history to Council. Approvals will not be issued without first receiving this information.

Trade waste renewal charges and fees for the current financial year are listed in Appendix 3.

11. DETERMINATION OF DISCHARGE QUANTITY

11.1 CATEGORY 1 AND 2

The volume of trade waste discharged shall be estimated from total metered water consumption, less an allowance for domestic waste based on 136 kl/annum per pedestal and an allowance for water consumed on the property, based on a discharge factor.

Investigations have established a basis for estimation of the proportion of water consumption discharged as trade waste by various types of trade and manufacturing processes as set out in the following table. These will form the basis of the initial fraction applied when a permit is issued. Where there is no fraction available, 100% discharge will be assumed.

Industry	Discharge %
Cold Stores	7
Concrete Batching	2
Commercial Buildings / Office Blocks	95
Dye Houses	75
Hotels / Motels	100
Industrial Laundries	92
Registered Clubs	100

Restaurants / Food Bars	95
Service Stations	70
Service Stations with Car Wash	80
Shopping Centres	70
Warehouse (dry)	70

Discharge Factors for Estimating Volume of Trade Waste from Water Consumption

(Source: DPI Water Resources, Client Advisory Services Division, Technical Bulletin TB 6/1992
"Trade Waste – Waste Characterisation")

Where individual generators have information which would indicate a departure from these bases, application may be made for reconsideration of the fraction used.

High volume Category 2 generators may, and are encouraged to, install an approved flow measurement device to be calibrated as specified in the Permit conditions.

11.2 CATEGORY 3

The volume of trade waste discharged to the sewer shall be measured by an approved flow measurement device calibrated as specified in the Agreement. This should be located on the trade waste discharge stream which should be separate from the domestic waste discharge stream.

Where the flow measured includes domestic waste, an allowance of 136 kl/annum per pedestal shall be made.

Generators exempt from installing a flow measurement device shall have the volume of discharge estimated as under section 11.1.

12. DETERMINATION OF DISCHARGE QUALITY**12.1 CATEGORY 1 AND 2**

Quality measurements for Category 1 and 2 discharges are required for compliance checks only. This shall be done by Council as part of the inspection and monitoring program. The cost shall be covered by the annual trade waste fee except where additional inspection and testing is required because of non-compliance when Council shall charge the owner as prescribed in Section 7.3 and Appendix 3.

12.2 CATEGORY 3

Quality measurements are required for both charging and compliance purposes.

For charging purposes a system of self-monitoring by the discharger shall be used to collect sufficient data to enable the average mass load for the designated charging period to be calculated. Where pre-treatment is required to meet sewer admission limits for specified parameters, self-monitoring will be required for those parameters, or a suitable surrogate, to confirm satisfactory pre-treatment. Requirements for self-monitoring and auditing by Council shall be specified in the Agreement.

The generator shall meet all costs of self-monitoring. Council shall inspect the premises and audit the test results as agreed to at Council's expense.

Council will collect and analyse samples for overall assessment of compliance with Sewer Admission Limits at its own cost.

Where additional inspection and testing is required to be done by Council as a result of non-compliance, Council shall charge the owner as prescribed in Section 7.3 and Appendix 3.

13. REMOVAL OF LIQUID AND SLUDGE WASTE FROM PREMISES

No person shall discharge or cause to be discharged directly or indirectly to the sewer, waste from any waste transport vehicle without Council approval through the issue of a Permit or Agreement.

Industrial Waste Removal Contractors shall dispose of septic and/or other approved waste into the sewerage system in accordance with their Permit / Agreement conditions. Trade waste charges in accordance with Clause 7.5 and Schedule VI, Appendix 3 shall apply.

Grease arrestor waste and oil arrestor waste shall not be disposed of to the sewerage system. Such wastes shall be disposed of in a manner and/or at a site approved by Council for this purpose.

Advice on the disposal of waste not suitable for discharge to sewer may be obtained from the appropriate person appointed by the Council.

14. ARRESTOR INSTALLATIONS

Where grease and oil arrestors are used to pre-treat waste before discharge to sewer they will be of a design and capacity approved by Council.

In a situation where a grease arrestor is required for pre-treatment but cannot be installed because of specific site constraints, an additional charge (clause 7.6) will apply.

14.1 GREASE ARRESTORS

The use of solvents, enzymes, bacterial cultures, odour control agents or pesticides in grease arrestors is prohibited unless specifically approved by Council. Conditional approval may be given to allow the generator to demonstrate to Council that the product to be used does not adversely impact on the sewerage system.

The maximum capacity of an individual grease arrestor shall be 2000 litres. Where the capacity requirement for a premise is greater than 2000 litres, additional arrestors shall be used, with each arrestor to be a discrete installation separately treating a defined waste stream.

Maintenance cleaning of grease arrestors shall be carried out on a regular basis in accordance with conditions of the Permit or Agreement by a Council approved Industrial Liquid Removal Contractor.

14.2 OIL ARRESTORS

Only Council approved "Quick Break Detergents" may be used where waste is discharged to sewer via an oil arrestor.

Maintenance cleaning of oil arrestors shall be carried out on a regular basis in accordance with conditions of the Permit or Agreement by a Council approved Industrial Liquid Removal Contractor.

15. ENZYMES / BACTERIAL CULTURES IN PRE- TREATMENT SYSTEMS

Enzyme and bacterial cultures may be permitted for use in certain biological pre-treatment systems by way of specific application to Council. Conditional approval may be given to allow the discharger to demonstrate to Council that the product to be used does not adversely impact on the sewerage system.

16. FOOD DISPOSAL UNITS

Food waste disposal units (garbage grinders / in sink waste disposal units) may be approved for non-domestic use by specific application to Council.

Where installation is approved, an annual charge based on motor power shall apply (Section 7.2 and Appendix 3).

17. COMMERCIAL SWIMMING POOLS / ORNAMENTAL POOLS

The back wash and pool water from commercial and public swimming pools and ornamental ponds constitute a trade waste and may not be discharged to sewer without approval through the issue of a Permit / Agreement. Trade waste charges in accordance with the discharge category will apply.

18. MEDICAL, CLINICAL, VETERINARY AND INFECTIOUS WASTES

Solid waste from any hospital, clinic, office or surgery of a medical or veterinary facility or laboratory, convalescent or nursing home or health transport facility; including, but not limited to, hypodermic needles, syringes, instruments, utensils, swabs, dressings, bandages, or any paper or plastic item of a disposable nature, or any portions of human or animal anatomy; shall not be discharged to the sewer.

Infectious or hazardous wastes deemed to pose a threat to public health and safety may not be discharged to the sewer without approval of Council. Such wastes shall require treatment to render them non-infectious or non-hazardous prior to discharge. When approved for discharge, trade waste charges will apply.

19. CONTAINMENT OF TOXIC / HAZARDOUS SUBSTANCES

Any potentially toxic or hazardous substances shall be stored in areas where leaks, spillages or overflows cannot be drained by gravity or by any automated mechanical means to the sewer or the storm water system.

20. DISCHARGE OF LIQUID FROM BUSES, AIRCRAFT AND VESSELS

The discharge of certain galley and toilet wastes from recreational vessels may be permitted via approved "pump out" facilities. The waste discharged from these facilities must meet Sewer Admission Limits as set out in Appendix 2. The operator of such facilities must hold a Permit or Agreement for discharge. Charges will be in accordance with the category classification.

The discharge of untreated bilge waste to the sewer is prohibited.

The discharge of toilet waste from buses, aircraft or other recreational vehicles may be permitted at approved discharge locations such as bus or transport depots, terminals and caravan parks. The owner of the premises on which such facilities are located must hold a Permit or Agreement and the discharge must be in accordance with the Permit / Agreement conditions.

21. LANDFILL LEACHATE

Leachate from landfill sites and wastewater from waste treatment / disposal facilities constitutes a trade waste and may not be discharged to sewer without approval through the issue of a Permit / Agreement. Trade waste charges in accordance with the discharge category shall apply.

21.1 MAREEBA LANDFILL LEACHATE

In recent years, the service delivery model for MSC's waste services has significantly grown in complexity from traditional local government waste collection and disposal services to providing the major waste disposal facility accepting domestic and commercial waste from the Cairns region.

The quantity of leachate from the landfill has grown significantly since the creation of the new waste disposal facility. A special internal trade waste charge is to be charged against the MSC Waste Operational Budget in recognition of the adverse impact that leachate can cause to the wastewater treatment processes at the Mareeba Wastewater Treatment. This internal trade waste charge will serve to implement enabling infrastructure to develop Mareeba as an industrial hub whilst promoting the Shire as a desirable lifestyle destination.

The internal trade waste charge shall be applied each year for a minimum of twenty (20) years or for the term of leachate generation at Mareeba Landfill, whichever is the longer period.

The internal trade waste fee shall be calculated each year as follows:

The first year shall be 2014 - 2015. No CPI is charged in the first year. $R_1 = \$300,000$.

The second year shall be base year multiplied by CPI. $R_2 = R_1 \times A$

The third year shall be $R_3 = R_2 \times A$

$R_n = R_{(n-1)} \times A$

Where

R = Internal trade waste fee charged each year

A = The Brisbane CPI from *Consumer Price Index (a)(b): All groups, Brisbane and weighted average of eight capital cities, financial year table*, at the end of the June quarter, as published by the Queensland Government Statistician's Office.

n = The nth year of charging the internal trade waste charge.

22. DISCHARGE FROM OPEN AREAS

The ingress of surface waters from a potentially contaminated open area to the sewerage system can cause severe operational problems to Council. However, there may be circumstances when it is environmentally beneficial to accept these wastes to the sewer under strict controls.

A Permit / Agreement is required to discharge such waste. Controls will be required to ensure the discharge quality and quantity meet the requirements set by this policy and will include:

- all such water is pumped to sewer at a rate acceptable to Council;
- measures to ensure the discharge to sewer ceases automatically after a predetermined level of rainfall volume (mm) and / or intensity (mm/h);

- measures to collect, segregate and treat the “first flush” volume, equivalent to 10mm x open area (m²), during wet weather with additional runoff directed to the storm water system;
- the “first flush” volume collected is pumped to sewer, after any necessary pre-treatment, no sooner than one (1) hour after the cessation of rain;
- a suitable device for the determination of sewer discharge volume to be installed; and
- any additional conditions as applicable.

All conditions will be specified in the Permit / Agreement.

Trade waste charges in accordance with the discharge category will apply.

23. DENTAL LABORATORIES

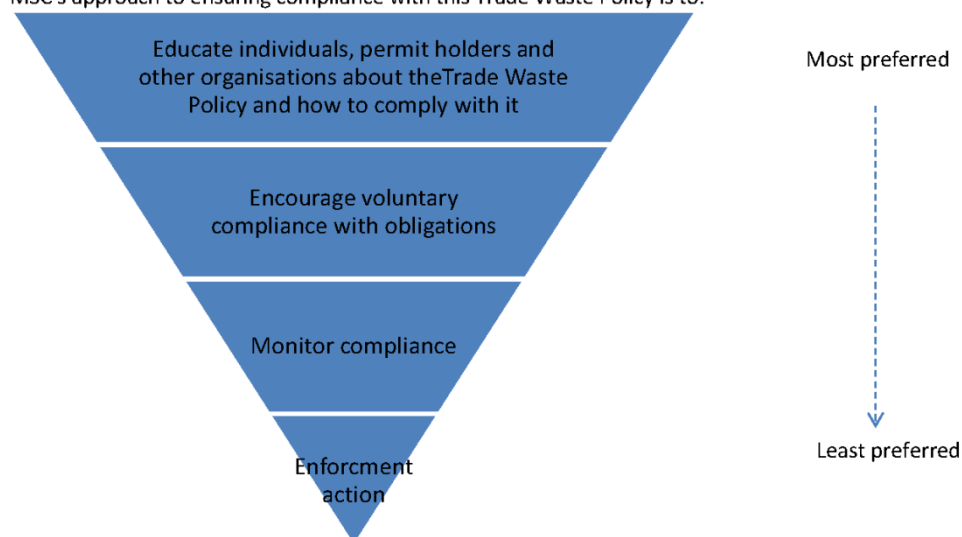
A Trade Waste Permit will not be required for Dental Laboratories provided any waste waters generated are discharged to sewer through an Amalgum Separator. Note: If Film Processing is carried out on site, a Trade Waste Permit and additional pre-treatment may be required.

24. DISCRETIONARY POWER

Notwithstanding the provisions of this policy, given the complexity of many industrial wastes and the need to protect Council’s sewerage system, staff and the environment, acceptance of any given trade waste to sewer shall always be at the discretion of Council.

25. COMPLIANCE AND ENFORCEMENT

MSC’s approach to ensuring compliance with this Trade Waste Policy is to:



A compliance inspection may happen in response to either a complaint or incident, or it can be part of MSC’s proactive inspection schedule.

To help Trade Waste Generators comply with their Trade Waste Permit, this Policy will set clear expectations about acceptable standards of performance, and MSC will issue easy to understand guidance material and information about how to meet those expectations to permit holders.

For those individuals or organisations who choose not to comply with their obligations, MSC will be consistent in taking prompt enforcement action. This action will demonstrate to responsible permit holders, and the broader community, that there are consequences for poor performance.

In addition, MSC will consider the performance of Trade Waste Generators when developing its compliance activities each year. This information is combined with a risk rating for particular trade waste categories to ensure that the department's proactive activities are targeted.

26. REFERENCE TO COUNCIL

In this policy, reference to Council means any person appointed or authorized by Council to act on behalf of Council as the case may be.

APPENDIX 1 - Selected Legislation Relevant To Trade Waste

Water Supply (Safety and Reliability) Act 2008

Plumbing and Drainage Act 2002

Standard Plumbing and Drainage Regulation 2003

Environmental Protection Act 1994

Environmental Protection (Water) Policy 2009

Environmental Protection Regulation

Environmental Protection Act 1994

- Environmental Protection Regulation 2008
- Environmental Protection (Waste Management) Policy 2000

Council Local Laws

APPENDIX 2 - Sewer Admission Limits

The upper limits for the quality of trade waste discharged to the sewer for all categories are set out below. These admission limits shall apply from 01 January 2014. They are subject to periodic review.

1. GENERAL LIMITS

Parameter	Concentration mg/L except
Temperature *	< 38°C
pH *	6 – 10
Biochemical Oxygen Demand (BOD ₅)	600 mg/L
Chemical Oxygen Demand (COD)	1200 mg/L
Total Organic Carbon (TOC)	1200 mg/L
Suspended Solids	600 mg/L
Total Dissolved Solids (TDS)	4000 mg/L
Total oil/grease (Freon extractable)	200
Gross Solids	non faecal gross solids shall have a maximum linear dimension of less than 20mm and a quiescent settling rate of less than 3m/hr.
Colour *	limited such as not to give any discernible colour in treatment discharge.
Odour *	not detectable in 1% dilution or causing an odour problem in Council's sewerage system.
Chlorine (as Cl ₂)	10
Sulphate (as SO ₄) [#]	2000
Sulphite (as SO ₂)	100
Surfactants – Anionic (MBAS)	500
Aluminium (as Al) [#]	100
Iron (as Fe) [#]	100
Ammonia plus ammonium iron (as N) [#]	80
Total Kjeldahl Nitrogen (as N) [#]	150
Total Phosphorous (as P) [#]	35
Manganese (as Mn)	100

The total mass load and the capacity of the sewerage system to accept the load shall be considered for each application.

Council may in some circumstances accept waste containing higher concentrations of these substances. Additional charges for treatment will apply.

2. PROHIBITED DISCHARGES

- Prohibited substances as defined in Schedule 1 of the Water Act 2000
- Flammable / explosive substances
- Radioactive substances except as allowed under the Radiation Safety Act 1999 and the Radiation Safety Regulation 1999
- Pathological and infectious waste and Cytotoxic waste as allowed for under the National Guidelines for Waste Management in the Health Industry, National Health and Medical Research Council, 1999
- Genetically modified (engineered) organisms
- Rainwater and stormwater and uncontaminated water

3. SPECIFIC LIMITS – INORGANIC

Parameter	Concentration, mg/L
Boron (B)	100
Bromine (Br ₂)	10
Fluoride (F)	30
Cyanide (CN)	5
Sulphide (S)	5

4. SPECIFIC LIMITS – METALS

Parameter	Maximum Concentration mg/L	Lower Daily Mass Load g/day
Arsenic (As)	5	15
Cadmium (Cd)	2	6
Chromium (Cr) Total	20	75 [*]
Hexavalent	10	
Cobalt (Co)	10	30
Copper (Cu)	10	75
Lead (Pb)	10	30
Mercury (Hg)	0.05	0.15
Nickel (Ni)	10	30
Selenium (Se)	5	15
Silver (Ag)	5	15
Tin (Sn)	10	30
Zinc (Zn)	10	75

The concentration values apply to discharges having a daily mass load between the Lower Daily Mass Load (LDML) and the Upper Daily Mass Load (UDML). For small discharges with a daily mass load below the LDML, no concentration limits apply. Dischargers who exceed Mareeba Shire Council's UDML limits will be required to take measures to meet the UDML. This may involve treating to lower concentration than indicated above.

^{*} For discharges below the Lower Daily Mass Load, hexavalent Cr must be reduced to trivalent Cr.

5. SPECIFIC LIMITS – ORGANIC

Mareeba Shire Council may request specific demonstrable evidence based on degradability and toxicity concerning substances listed below.

Parameter		Maximum Concentration, mg/L
Formaldehyde (HCHO)		50
Phenolic compounds (as Phenol)		100
Pentachlorophenol		5
Petroleum hydrocarbons		30
Halogenated Aliphatic hydrocarbons		5
Halogenated Aromatic Hydrocarbons (HAHs)		0.002
Polychlorinated biphenyls (PCBs)		0.002
Polybrominated biphenyls (PBBs)		0.002
Polynuclear Aromatic Hydrocarbons (PAHs)		5
Pesticides:	General (insecticides / herbicides / fungicides)**	1.0
Pesticides:	Organophosphates	0.1
	Azinphos – methyl	
	Azinphos – ethyl	
	Coumaphos	
	Demeton	
	Dichlorvos	
	Dimethoate	
	Disulfoton	
	Fenitrothion	
	Fenthion	
	Malathion	
	Methamidophos	
	Mevinphos	
	Omethoate	
	Oxydemeton – methyl	
	Parathion	
	Triazophos	
	Trichlorfon	
Pesticides:	Organochlorines	
	Aldrin	0.001
	Chlordane	0.006
	DDT	0.003
	Dieldrin	0.001
	Heptachlor	0.003
	Lindane	1.100

** This category covers all pesticides other than those specifically listed under organophosphate and organochlorine pesticides.

6. OTHERS

Any substance not listed in the above tables is a prohibited discharge and may not be discharged without prior approval of the Mareeba Shire Council. Council may request specific demonstrable evidence based on degradability and toxicity for any substance when assessing acceptance to sewer.

APPENDIX 3 - Trade Waste Charges For 2016 /2017 Financial Year

Fee	Per	GST STATUS	Approved Fee 2015/2016
Trade Waste Permit			
Category One Utility Charge (Low Volume : Low Strength) <500 KL waste per year (per year)	year	NO GST	\$140.00
Category Two Utility Charge (High Volume : Low Strength) >500KL waste per year (per KL)	Year	NO GST	\$140.00
Category Three Utility Charge (Any Volume : High Strength) Refer Strength of waste as tested (per year)	Year	NO GST	\$140.00
Sampling of Grease Arrestor (per test)	test	NO GST	\$325.00
Sample - Tested strength of BOD5 by weight	test	NO GST	\$315.00
Sample - Tested strength of Suspended Solids by weight	test	NO GST	\$308.00
Permit for Food Waste Disposal Units :			
MSC Sewerage Area			
Category A - < 400 Watt rating (per year)	year	NO GST	\$ 1,205.00
Category B - 401 to 700 Watt rating (per year)	year	NO GST	\$ 3,611.00
Category C - 701 to 1000 Watt rating (per year)	year	NO GST	\$ 4,820.00
Category D - 1001 to 1500 Watt rating (per year)	year	NO GST	\$ 7,235.00
Category E - 1501 to 2000 Watt rating (per year)	year	NO GST	\$ 8,435.00
Category F - > 2000 Watt rating (per year)	year	NO GST	\$ 9,740.00
Search Fee - Query for existing Trade Waste Service on the property	search	NO GST	\$208.00
Waste Discharge			
Grease trap waste - Mareeba - Transpacific Service Agreement	litre	NO GST	\$0.10
Septic effluent waste Mareeba	KL	NO GST	\$50.00
Liquid Waste - Anything other than grease trap or septic - Mareeba	KL	NO GST	\$50.00

APPENDIX 4 - General Pre-Treatment Guidelines for Minor Trade Waste Generators
MECHANICAL REPAIRS IN WORKSHOP

PROCESS	PRE-TREATMENT	COMMENTS
Parts Washing With Water	<p>Wash area to be bunded to contain wash water. If outside the workshop the wash area is to be bunded and roofed</p> <p>A collection well and non-emulsifying pump.</p> <p>An approved oil Separator with an oil collection container and sludge removal system, all within a roofed and bunded area.</p> <p>Wash designated, bunded area (segregated from rest of workshop).</p>	<p>Screens may be useful to exclude nuts and washers from the pump intake. Cleaning compounds to be compatible with the pre-treatment system. The cleaning and maintenance program specified by the supplier should be followed. Oil to be drained or wiped from parts prior to washing. Store used oil for recycling.</p>
Parts washing with solvents (Preferred method)	<p>Spent solvents to be removed off-site for regeneration or disposal.</p> <p>Areas containing the parts wash to be bunded to contain any spillage or leakage.</p> <p>NB. There is no discharge to Sewer.</p>	<p>Read the material safety data sheets for each of the materials being used.</p>
Floor Washdown (Periodic)	<p>Area to be under roof and bunded to exclude rainwater, but include washwater. A collection well and non-emulsifying pump. An approved oil separator with an oil collection container and sludge withdrawal system, all within roofed and bunded area.</p> <p>NB. The wastewater from washdown can drain to the same pre-treatment system as that used for parts washing.</p>	<p>Screen may be used to exclude nuts and washers from the pump intake. Cleaning compounds to be compatible with the pre-treatment system. The cleaning and maintenance program specified by the supplier should be followed.</p> <p>Oils spills should be soaked wash down up or wiped up prior to washing.</p> <p>Grease blobs should be scraped up before washing.</p>
Vehicle Body Repair Shops (Wet Rubbing)	<p>Wet rubbing area to be roofed and bunded.</p> <p>Area to drain to a minimum 550 litre silt trap</p>	<p>Settling Pit to be serviced at regular intervals by a licenced contractor.</p>
Washing of Vehicle Body Only (No De-greasing)	<p>Wash area to be bunded to contain wash water. If outside the workshop the wash area is to be bunded and roofed. A 550 Litre silt trap</p> <p>A 550 litre Silt Trap.</p>	<p>Silt trap is to be serviced at regular intervals by a licenced industrial liquid removal contractor.</p>
Vehicle Detailing (De-greasing)	<p>Area to be under roof and bunded to exclude rainwater, but include washwater. A collection well and non-emulsifying pump. An approved oil separator with an oil collection container and sludge withdrawal system, all within roofed and bunded area</p>	<p>Collection well / separator to be serviced at regular intervals by a licenced industrial liquid removal contractor.</p>

PROCESS	PRE-TREATMENT	COMMENTS
Service Stations - covered forecourt Fuel installation and refuelling Depot		NOT PERMITTED TO SEWER OR STORMWATER DRAIN - dry cleaning technique should be adopted

GENERAL PRE-TREATMENT REQUIREMENTS - FOOD INDUSTRY

PROCESS	PRE-TREATMENT	COMMENT
All premises involved in cooking food	Grease Arrestor. (For sizing see Table 2) Dry basket arrestors in floor wastes and sinks. Used oil and fat storage area to be roofed and bunded. Garbage bin wash cleaning area to be roofed and bunded - wastewater to pass through a dry basket arrestor and discharged through a grease arrestor.	Grease arrestors to be serviced at regular intervals by a licenced liquid waste disposal contractor.
Food preparation only	Dry basket arrestors in floor wastes and sinks. Grease arrestor in some circumstances (determined by a person appointed by the Council to carry out inspections of premises from which trade wastes are being discharged).	Grease arrestors to be serviced at regular intervals by licenced liquid waste disposal contractor.

GENERAL PRE-TREATMENT GUIDELINES FOR OTHER TRADE WASTE GENERATORS

GENERATOR / SOURCE	CHARACTERISTICS OF WASTE	GENERAL PRE-TREATMENT REQUIREMENTS
Dental / Medical / Veterinary Surgeries		
- no plaster casts	solids	dry basket arrestor
- plaster casts	solids	plaster arrestor
- x-rays	rinse water and spent solutions	to sewer via balancing tank after silver recovery (refer photographic industry code of practice)
Photographic Waste		
- fast photos	rinse water and spent solutions	to sewer via balancing tank after silver recovery (refer photographic industry code of practice)
- x-rays		
Laundromats	lint, temperature	lint screens 1mm mesh, cooling pit. If temperature exceeds 38° Celsius
Hairdressing Salons	Hair, soap, dyes etc	no pre-treatment required. Not to discharge through a grease arrestor
Hobby Clubs		
- discharge less than 200 L/Day	suspended solids	no pre-treatment
- discharge 200 - 1000 L/Day	suspended solids	plaster arrestors
- discharge over 1000 L/Day	suspended solids	solids settlement pit 1000 L, min of 1 hour retention time
Kennels	solids	dry arrestor pit, open area controls, dry cleaning prior to washing down
School - Laboratory	acid / alkali, chemicals	sediment and neutralising pit

NB. Discharge from photographic processing and laboratories not to come into contact with copper pipes.

GUIDELINES FOR SIZING GREASE ARRESTORS

- The capacity of a grease arrestor may be calculated from the following capacity allowances for various fixtures and fittings in commercial premises.

Fixture/Fitting	Capacity (Litres)
Commercial kitchen sink	140
Double bowl or pot sink	280
Basin	30
Water heated bain-marie	40
Dishwasher	
- small (under bench)	400
- medium (upright)	800
- large (more than one outlet)	1200
Steamer / Hydrotherm / Boiling Pots / Stock Pots	100
Wok burner	140
Mixing bowl	140
Glass washers (not in liquor sales area)	200

- If a restaurant, coffee shop, hotel, motel, hostel, nursing home etc. does not have fixture or fittings in excess of 250 litres capacity, the following criteria shall apply;

Servicing capacity	Minimum size grease arrestor
0-40 persons	550 Litre
40 - 90 persons	1000 Litre
90 - 180 persons	2000 Litre

MINIMUM GREASE ARRESTOR CAPACITIES

Business	Arrestor Size	Comments
Takeaways	550 Litre	No cooking chicken, no woks
Hostel	550 Litre	
Retail Seafood Outlets		No processing/cooking
Ice Cream Parlour	550 Litre	
Hot Bread Shop	550 – 1000 Litre	Depending on Fixtures/Fittings/Seating Capacity
Pizza Shop	550 – 1000 Litre	
Takeaway and Delicatessen	550 – 1000 Litre	
Coffee Shop (0-40 persons)	550 – 1000 Litre	
Restaurant (0-40 persons)	550 – 1000 Litre	
Retail Butcher	550 – 1000 Litre	
Bakery	1000 – 2000 Litre	
Coffee Shop (40-90 persons)	1000 – 2000 Litre	
Restaurants (40-90 persons)	1000 – 2000 Litre	
Retail Chicken	1000 - 2000 Litre	
Seafood Processing	1000 – 2000 Litre	
Coffee Shop (91-180 persons)	2000 Litre	
Restaurants (91-180 persons)	2000 Litre	
Nursing Homes	2000 Litre	
Hotel	2000 Litre	
Hospital	2000 Litre	
Shopping Centres	2000 Litre	Combination Shops

CHIEF EXECUTIVE OFFICER**ITEM-32 CHANGE IN ORDINARY COUNCIL MEETING DATE -
OCTOBER 2016****MEETING:** Ordinary**MEETING DATE:** 20 July 2016**REPORT OFFICER'S
TITLE:** Chief Executive Officer**DEPARTMENT:** Office of the Chief Executive Officer

EXECUTIVE SUMMARY

At its ordinary meeting 18 May 2016, Council resolved to hold Council meetings on the third Wednesday of the month.

It is now requested that Council consider changing the meeting date from the 19 October 2016 to the 12 October 2016.

The reason for the change in Council meeting date is to allow Councillors to attend the annual LGAQ Conference.

OFFICER'S RECOMMENDATION

"That Council change the date of the Ordinary Council Meeting scheduled for Wednesday 19 October 2016 to Wednesday 12 October, commencing at 9am in Council Chambers."

BACKGROUND

As stated above, Council holds its monthly meeting on the third Wednesday of each month. In order to provide minimal impact on the operational aspect of Council it is preferable to move the meeting forward by a week as opposed to cancelling the monthly meeting.

The reason for the change in date is to allow Councillors to attend the Annual LGAQ Conference.

LINK TO CORPORATE PLAN

Nil

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

Notice of the change in meeting date to be advertised in the local media and on the website.

ATTACHMENTS

Nil

Date Prepared: *12 July 2016*

ITEM-33 MSC SHOW HOLIDAY 2017

MEETING: Ordinary

MEETING DATE: 20 July 2016

REPORT OFFICER'S TITLE: Chief Executive Officer

DEPARTMENT: Office of the Chief Executive Officer

EXECUTIVE SUMMARY

Council has been contacted by the Treasurer with regard to the declaration of a Show Holiday for 2017. Council is required to put in a request for the declaration of show holidays before the 2 September 2016. This report recommends the current situation where three (3) separate dates are allocated across three (3) separate areas of the Shire linking them to the Shows closest to them.

OFFICER'S RECOMMENDATION

"That Council request the Treasurer to declare the following show holidays within the Mareeba Shire for 2017:

11 July 2017 for the parishes of Irvinebank, Myosotis and Western, which links to the Atherton Annual Show;

21 July 2017 for the Mareeba Shire Council area excluding the parishes of Irvinebank, Myosotis, Western, Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks, which links to the Cairns Annual Show;

24 July 2017 for the parishes of Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks, which links to the Mossman Annual Show.
"

BACKGROUND

The Holidays Act 1983 provides for the declaration of a show holiday within a Local Government area and Council has been advised that if it wishes to have such a holiday/s declared, a request must be submitted to the State Government before 2 September 2016.

As the Mareeba Shire does not have an Annual Agricultural, Horticultural or Industrial Show, it has previously linked these holidays to other Annual Shows in the region and has linked specific parishes to specific shows.

Below is an extract from the State Government's Show Holiday listing for 2016 in which the various parishes have dates declared and to which shows they link. These holidays were declared by the State following a request made by the Mareeba Shire Council last year.

12 July	Mareeba Shire - that part of Mareeba district within the parishes of Irvinebank, Myosotis and Western; the communities of Malanda, Atherton and Herberton and the districts of Ravenshoe, Mt Garnet, Millaa Millaa and Yungaburra.	Atherton Annual Show
22 July	Mareeba Shire - excluding the parishes of Irvinebank, Myosotis, Western, Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks.	Cairns Annual Show
25 July	Mareeba Shire - that part of the Mareeba district within the parishes of Mowbray, Salisbury, Riflemead and that part of the parish of Garioch located north of Hunter and Rifle Creeks.	Mossman Annual Show

LINK TO CORPORATE PLAN

COM 4: Encourage vibrant and active community participation in festivals and events, arts, culture and natural heritage activities that celebrate the community and its cultural diversity and enrich lifestyle and encourage tourism.

CONSULTATION

Internal
 Nil

External
 Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
 Nil

Operating
 Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: *6 July 2016*

ITEM-34 PETITION MCIVER ROAD MAREEBA SEALING

MEETING: Ordinary

MEETING DATE: 20 July 2016

**REPORT OFFICER'S
TITLE:** Chief Executive Officer

DEPARTMENT: Office of the Chief Executive Officer

EXECUTIVE SUMMARY

This report introduces a petition which was delivered to Council on 5 May 2016, requesting Council to seal the remaining approximately 700 meters of McIver Road.

OFFICER'S RECOMMENDATION

"That Council receive the petition and refer to the CEO for a report."

BACKGROUND

In terms of Council's Standing Orders Council has three (3) options with regard to petitions that are tabled and these are:

1. The petition be received and consideration stand as an order of the day for the meeting; or for a future meeting; or
2. Petition be received and referred to a committee or officer for consideration and a report to the local government; or
3. The petition not be received.

While the petition does not meet the requirements as per the Standing orders in that it has only 8 signatures rather than the required 10, it is proposed that it be accepted as it has been signed by one member of the family from 8 separate properties and if it were to be rejected on this technical ground it would be very simple for them to obtain the 10 signature required. It meets the other requirements for a petition.

The Petition calls for Council to seal the balance of McIver Rd.

The Petition is attached as part of this report.

LINK TO CORPORATE PLAN

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

CONSULTATION*Internal*

Mayor

Chief Executive Officer

Director 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

The Head Petitioner will be notified of Council's decision.

ATTACHMENTS

1. Letter to Mareeba Shire Council enclosing petition

ATTACHMENT 1

The Mareeba Shire Council
PO Box 154
Mareeba
QLD 4880,



5 May 2016

The Mayor and Councillors,

Re sealing of balance of Mclver Rd

We refer to our request, copy of letter attached dated 10 October 2015, to sealing the balance of approximately 700 metres of Mclver Road. We acknowledge councils response thereto indicating that funds were not available for this.

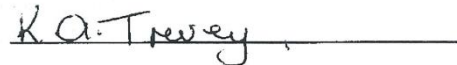
With the oncoming dry seasonal conditions, dust is again going to be a significant issue to us. We note that the council has recently sealed Cater Road which services a similar number of residents, but much longer in distance and with two intersections requiring, no doubt, more funds to complete. If council does not wish to pursue sealing the balance of Mclver Road because it is wanting nearby developers to contribute to such, then the same can be said about Cater Road with the property alongside having been rezoned for housing.

The balance of Mclver Road would most likely be the only unsealed, but well used road, within a 6km radius of the Mareeba Township. Further our discussions with the Murat family who farm alongside a considerable length of Mclver Road, have indicated that their total net rates and charges for their farming activities in the red soil area increased by 48% from the year ending June 2014 to June 2015 due to valuation adjustments and not because of any extra services council may have provided.

Again we strongly request the council to budget for the sealing of this section of Mclver Road in the coming budget session.

Yours Sincerely

1. Karen Trevey of 1/259 Mclver Road



2. Lorraine Hanush of 2/259 Mclver Road



3. E. Maksuti of 263 Mclver Road



4. F. Baltabaev of 267 Mclver Road



5. D. Lukic of Lot 1 Mclver Road

Don M.

6. A. Borzi of 232 Mclver Road

Ulfio Borzi

7. S. Girgenti of 232 Mclver Road

S. Girgenti

8. Paul Murat on behalf of the Murat Families

Paul Murat

ITEM-35 COURT COSTS CONFIDENTIAL**REASON FOR CONFIDENTIALITY**

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it.

ITEM-36**GOLD COAST 2018 COMMONWEALTH GAMES
QUEEN'S BATON RELAY AGREEMENT CONFIDENTIAL****REASON FOR CONFIDENTIALITY**

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it.

**ITEM-37 OUTSTANDING DE-AMALGAMATION NDRRA ISSUE
CONFIDENTIAL****REASON FOR CONFIDENTIALITY**

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it.

BUSINESS WITHOUT NOTICE

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 17 August 2016

FOR INFORMATION SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS - JUNE 2016

Summary of new Planning Development Applications and Delegated Decisions for June 2016

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
DA/16/0030	6/06/2016	R & A Scicluna 462 & 468 Koah Road, Koah	Lot 1 on SP188101 & Lot 2 on RP738539	Reconfiguring a Lot - Boundary Realignment	Approved on 16 June 2016.
DA/16/0031	10/06/2016	Koala Court Resort Enterprises Pty Ltd 1-5 Ciobo Close, Mareeba	Lot 7 on SP213017	Reconfiguring a Lot - Subdivision (1 into 2 lots)	In decision making stage.
DA/16/0032	16/06/2016	C & A Murie 7A-7B Black Mountain Road, Kuranda	Lot 4 on RP726331	Reconfiguring a Lot - Subdivision (1 into 2 lots)	In decision making stage.
DA/16/0033	24/06/2016	M McKean 25 Copland Road, Koah	Lot 1 on SP154474	Reconfiguring a Lot - Subdivision (1 into 2 lots)	In referral stage.
DA/16/0034	24/06/2016	T Falvo 1 Admore Park, Kuranda	Lot 1 on RP733629	Reconfiguring a Lot - Subdivision (1 into 2 lots)	In decision making stage.
DA/16/0035	28/06/2016	G Searle 37 Cobra Road, Mareeba	Lot 22 on SP227510	Reconfiguring a Lot - Subdivision (1 into 2 lots)	In decision making stage.
DA/16/0036	27/06/2016	J Corcoran Gowan Street, Mareeba	Lot 218 on SP276129 (part of Lot 879 on SP276124)	Material Change of Use - Industry (Truck & Heavy Vehicle Repair) and Caretakers Residence	In decision making stage.
DA/16/0037	29/06/2016	L & M Clayton 475 Pinnacle Road, Julatten	Lot 107 on RP748330	Reconfiguring a Lot - Subdivision (1 into 2 lots)	In referral stage.
DA/16/0038	29/06/2016	SL Christensen Christensen Road, Kuranda	Lot 12 on SP218651	Reconfiguring a Lot - Subdivision (4 into 7 lots)	In acknowledgement stage.
DA/16/0039	30/06/2016	S & J Royster 46 Cadagi Drive, Russett Park	Lot 35 on RP729449	Material Change of Use - Bed and Breakfast Accommodation	In acknowledgement stage.

June 2016 (Regional Land Use Planning)

DA/16/0040	30/06/2016	NQ Concrete Co Pty Ltd 30 Martin Tenni Drive, Mareeba	Lot 61 on SP198060	Material Change of Use - Industry (Concrete Batching Plant)	In acknowledgement stage.
DA/16/0041	30/06/2016	G Dumaresq & P Woodcock 31 & 31B Anzac Avenue, Mareeba	Lot 29 on RP835611 & Lot 30 on CP897015	Reconfiguring a Lot - Boundary Realignment	In decision making stage.
DA/16/0042	30/06/2016	Stelbay Pty Ltd 259 & 267 McIver Road, Mareeba	Lot 1 & 2 on RP720121 & Lot 7 on RP857695	Reconfiguring a Lot - Boundary Realignment (3 lots into 3 lots)	In acknowledgement stage.

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
DA/16/0028	3/06/2016	M Blackman	5-7 Thora Cleland Drive, Mareeba	Lot 33 on SP198053	Material Change of Use - Industry (Fire Management Business)
DA/16/0027	16/06/2016	Mareeba Shire Council	Gowan Street & Martin Tenni Drive, Mareeba	Lot 879 on SP276124	Reconfiguring a Lot - Subdivision (1 into 3 lots)
DA/16/0030	16/06/2016	R & A Scikluna	462-468 Koah Road, Mareeba	Lot 1 on SP188101 & Lot 2 on RP738539	Reconfiguring a Lot - Boundary Realignment
DA/16/0022	29/06/2016	J Portelli & D Ellwood	8 Argyle Street, Dimbulah	Lot 2 on D81510	Material Change of Use - Vehicle Repair Station

Negotiated Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
DA/16/0021	9/06/2016	NB2 Farming Ltd	301 Peters Road, Mareeba	Lot 6 on RP708157	Material Change of Use - Workers Cottage & Animal Husbandry (crocodile farm & snake farm) Amendment of relevant period to

June 2016 (Regional Land Use Planning)

					provide for development in stages.
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Building Work assessable against the Planning Scheme Decision Notices issued under Delegated Authority

Application #	Date of Decision	Applicant	Address	Property Description	Application Type
BAP/16/0006	28/06/2016	J & N Tyler	Bellevue Close, Mareeba	Lot 301 on SP270091	Request for height dispensation to allow construction of a 5.5 metre high shed.

Survey Plans endorsed

Application #	Date	Applicant	Address	Property Description	No of Lots
REC/10/0004	1/06/2016	M Morton-Masterman	Windy Hollow Road, Kuranda	Lot 4 on SP184833	3 lots
DA/15/0037	21/06/2016	Kula Park Trust	60 Tye Road, Mount Molloy	Lot 2 on RP745863	2 lots
REC/12/0001	22/06/2016	J Fisher	Tinaroo Creek Road, Mareeba	Lot 502 on SP235356	2 lots

June 2016 (Regional Land Use Planning)