



Ordinary Meeting

Council Chambers
Date: 15 March 2017
Time: 9:00am

AGENDA

THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON **WEDNESDAY, 15 MARCH 2017** 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

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CORPORATE AND COMMUNITY SERVICES

REGIONAL LAND USE PLANNING

ITEM-1 **EXTENSION TO RELEVANT PERIOD - LANDGOLD PTY LTD - MATERIAL CHANGE OF USE - MOTEL - LOT 1 RP725711 - CNR KENNEDY HIGHWAY, MAREEBA CONNECTION ROAD & KENNEALLY ROAD, MAREEBA - MCU/08/0063**

MEETING: Ordinary

MEETING DATE: 15 March 2017

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION		PREMISES	
APPLICANT	Landgold Pty Ltd	ADDRESS	Cnr Kennedy Highway, Mareeba Connection Road & Kenneally Road, Mareeba
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	31 January 2017	RPD	Lot 7 on SP265039 (Formerly Lot 1 on RP725711)
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Motel		

FILE NO	MCU/08/0063	AREA	1.389 hectares
LODGED BY	Landgold Pty Ltd	OWNER	Landgold Pty Ltd
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)		
ZONE	Residential Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

- ATTACHMENTS:**
1. Decision Notice dated 9 February 2010
 2. Applicant's request to extend relevant period dated 31 January 2017
 3. Department of Infrastructure, Local Government and Planning response dated 9 February 2017
-

EXECUTIVE SUMMARY

Council, at its Ordinary Meeting on 3 February 2010 approved in part only a development application made by Peter Robinson Planner on behalf of Landgold Pty Ltd for Material Change of Use - Motel and Drive Through Fast Food Outlet. The 'drive through fast food outlet' component of the development application was refused by Council. The approval in part was granted subject to various conditions.

The application was impact assessable and no properly made submissions were received in response to public notification of the application.

To date, no development works have commenced in relation to the approved development.

Two (2) previous requests to extend the relevant period of the approval have been lodged and approved by Council. The relevant period for the approval was set to expire on 9 February 2017.

*The applicant has subsequently lodged this request to further extend the relevant period by four (4) years from 9 February 2017 to 9 February 2021 (**Attachment 2**). The four (4) year extension is sought to facilitate the sale of the site to another developer.*

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

Given that two (2) previous extensions have been granted, it is recommended that the relevant period be extended for a period of one (1) year only, from 9 February 2017 to 9 February 2018.

OFFICER'S RECOMMENDATION

- "1. That in relation to the application to extend the relevant period for the following development approval:

APPLICATION		PREMISES	
APPLICANT	Landgold Pty Ltd	ADDRESS	Cnr Kennedy Highway, Mareeba Connection Road & Kenneally Road, Mareeba
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	31 January 2017	RPD	Lot 1 on RP725711
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Motel		

and in accordance with the Sustainable Planning Act 2009,

- (A) The relevant period be extended for *one (1) year from 9 February 2017 to 9 February 2018*.
2. A Notice of Council's decision be issued to the applicant/ Department of Infrastructure, Local Government and Planning, State Assessment and Referral Agency (SARA) via email CairnsSARA@dilgp.gov.au (reference: SPD-0217-033781) advising of Council's decision."

THE SITE

The subject land has an area of 1.087 hectares and is described as Lot 7 on SP265039 (formerly Lot 1 on RP725711), Parish of Tinaroo, County of Nares. The land is irregular in shape and is bounded on three (3) of its four (4) sides by roads. The northern boundary of the land fronts the Mareeba Connection Road. The south-eastern boundary fronts the Kennedy Highway and the south-western boundary fronts Kenneally Road.

The subject land is flat and fully cleared and grassed.

The subject land is positioned at the eastern entrance to the Mareeba Township, approximately 2.3 kilometres from the Mareeba Post Office.

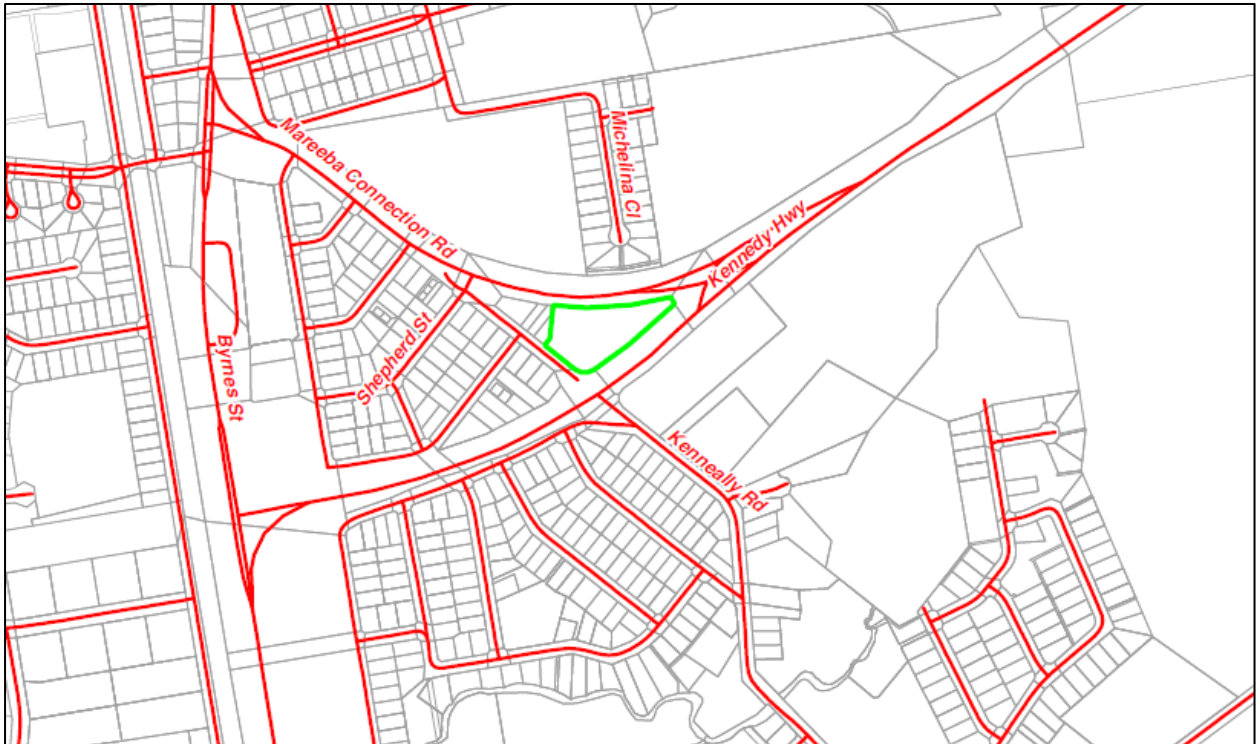
To the immediate north of the site, across the Mareeba Connection Road, are a vacant former school reserve and a residential subdivision (The Edge subdivision), both of which are zoned Low Density Residential under the planning scheme. Land to the south and south-east of the subject land has been developed for single dwelling residential allotments. Land to the south-west has been developed as a caravan park.

The subject land is able to connect to town water supply and town sewerage on the northern side of Mareeba Connection Road and is capable of being serviced by all other urban infrastructure including telecommunications, electricity, refuse disposal, drainage and road access.



Map Disclaimer:

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

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BACKGROUND AND CONTEXT

Council, at its Ordinary Meeting held on 3 February 2010, approved in part only, a development application made by Peter Robinson Planner on behalf of the applicant for a Material Change of Use - Motel and Drive Through Fast Food Outlet on land described as Lot 1 on RP725711, Parish of Tinaroo, situated at corner of Kennedy Highway, Mareeba Connection Road and Kenneally Road, Mareeba. The 'drive through fast food outlet' component of the proposal was refused by Council.

The in-part approval was issued subject to various conditions in a Decision Notice dated 9 February 2010 (**Attachment 1**).

To date, no works have commenced on site in relation to the approved development, nor has the applicant paid any of the required infrastructure charges/contributions.

On 19 March 2014, Council approved a two (2) year extension to the relevant period from 9 February 2014 to 9 February 2016.

On 2 March 2016, Council approved a further one (1) year extension to the relevant period from 9 February 2016 to 9 February 2017.

The applicant has subsequently lodged a third application to extend the relevant period of the approval for a further four (4) years from 9 February 2017 to 9 February 2021 (**Attachment 2**).

The four (4) year extension is sought to facilitate the sale of the site to another developer.

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

Given that two (2) previous extensions have been granted, it is recommended that the relevant period be extended for a period of one (1) year only, from 9 February 2017 to 9 February 2018.

ASSESSMENT AND DECISION REQUIREMENTS

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

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

If a new application was lodged for this proposal, it could potentially (see below) be assessed against essentially the same planning instruments as was the 2008 development application, with the exception of the single State Planning Policy (SPP) which commenced on 2 December 2013. A new application would not conflict with the intent of the SPP.

Although the Mareeba Shire Council Planning Scheme - July 2016 is now in effect, the applicant could utilise mechanisms in place within the *Sustainable Planning Act 2009* to re-lodge under the superseded 2004 planning scheme (up until 30 June 2017).

Applicable Infrastructure Charges/Contributions

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

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

The original development application was Impact Assessable and subject to public notification. No submissions were made in relation to the original development application.

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

A further development application would be Impact Assessable and subject to public notification. No submissions were made in relation to the original development application.

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

The original application triggered a referral to the Department of Transport and Main Roads as a Concurrence Agency.

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

The Department of Infrastructure, Local Government and Planning (SARA) advised in a letter dated 9 February 2017 that they have no objection to the proposed extension to the relevant period (**Attachment 3**).

Date Prepared: 27 February 2017

ATTACHMENT 1

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

Urban & Regional Planning Group
Gary Searle, Planning Officer
Telephone: (07) 4043 4372
Facsimile: (07) 4092 3323
Email: info@trc.qld.gov.au

File Ref: MCU/08/0063
Our Ref: BN:GPS:mh

9 February 2010

Landgold Pty Ltd
c/- Peter Robinson
PO Box 4751
CAIRNS QLD 4870

Decision Notice Approval

Integrated Planning Act 1997 S 3.5.15

Dear Sir

**APPLICATION FOR MATERIAL CHANGE OF USE – MOTEL AND DRIVE THROUGH FAST
FOOD OUTLET
LOT 1 ON RP725711
SITUATED AT CNR KENNEDY HIGHWAY, MAREEBA CONNECTION ROAD AND KENNEALLY
ROAD, MAREEBA**

I wish to advise that, at Council's Ordinary Meeting held 3 February 2010, the above development application was -

- Approved in part for the following, with conditions -
 - Motel only

The conditions relevant to this approval are detailed in section 4 of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

1. Details of the approval –

This Decision Notice approves a **Development Permit for Material Change of Use – Motel made assessable by the Mareeba Shire Planning Scheme 2004.**

2. The relevant period for the approval -

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

- Material Change of Use – four (4) years;

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

DECISION NOTICE - APPROVAL

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

LOCATION: Cnr Kennedy Highway, Mareeba Connection Road and Kenneally Road, Mareeba

PROPERTY DESCRIPTION: Lot 1 on RP725711, Parish of Tinaroo

AREA OF LAND: 1.389 hectares

MATERIAL CHANGE OF USE: Motel (Approved)
Drive Through Fast Food Outlet (Refused)

(B) APPROVED PLANS

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated	Date received by Council
628_DD A-101-A	Site Plan	CA Architects	14/05/2009	28/10/2009
628_DD A-201	Plan	CA Architects	20/01/2009	19/08/2009
628_DD A-202	First Floor	CA Architects	20/01/2009	19/08/2009
628_DD A-203	Typical Room Layouts	CA Architects	20/01/2009	19/08/2009
628_DD A-301	Site Elevations / Section	CA Architects	20/01/2009	19/08/2009
628_DD A-302	Elevations & Section	CA Architects	20/01/2009	19/08/2009

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

1. The Drive Through Fast Food Outlet part of the application is refused.
2. 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.
3. Timing of Effect
 - 3.1 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.
 - 3.2 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.
 - 3.3 Prior to the commencement of use, the applicant must provide a letter from the Department of Transport and Main Roads confirming that all conditions of that Department have been complied with to the Departments satisfaction.

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9 February 2010**4. General**

- 4.1 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.
- 4.2 All payments required to be made to Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the issue of a building permit and at the rate applicable at the time of payment.
- 4.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

4.4 Noise Nuisance

Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.

The applicant/developer must install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.

4.5 Waste Management

An on-site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by a 1 metre wide landscaped screening buffer or a 1.8m high solid fence.

Certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicle to enter and exit the site in a forward gear, prior to the issue of a building permit.

4.6 Flood Immunity

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

4.7 Privacy

The buildings, including orientation of windows, are to be designed to ensure the use does not intrude on the privacy of residential neighbours, in accordance with the following:

- No windows have direct views into adjoining buildings.

5. Infrastructure Services and Standards**5.1 Access**

Access to the proposed site shall be as per Department of Transport and Main Road's requirements.

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9 February 2010**5.2 Stormwater Drainage**

Prior to works commencing, the developer must apply for and receive an approval for Operational Works. A stormwater management plan must be lodged with Council demonstrating "No net increase in the rate of stormwater discharge from the development" to the satisfaction of Council's delegated officer. The plan must be accompanied by a report prepared and certified by a suitably qualified design engineer (RPEQ) clearly indicating measures taken and calculated impact. The design and construction of stormwater drainage for the proposed development is to be in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) (as amended) and the FNQROC Development Manual (as amended).

The applicant/developer (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

5.3 Car Parking/Internal Driveways

- (a) The developer must ensure that the development is provided with a minimum of 73 on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.
- (b) Prior to works commencing, the developer must submit engineering plans and specifications for the construction of proposed car parking facilities and internal driveways demonstrating:
 - Compliance with Australian Standard AS2890;
 - Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility.
- (c) Parking must be easily identifiable from the internal access road, and
 - illuminated at night; and
 - as close as possible to the units to be served.
- (d) Disabled parking is to be appropriately signed or marked.
- (e) A mini-bus set down area must be designed and constructed on site in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
- (f) Shading of car parking areas
 - Trees that will grow to provide shade must be planted throughout the car park area and around its perimeter at the rate of one (1) tree per ten (10) car parking spaces or part thereof; or
 - Shade structures are provided over 40% of the car parking spaces.

5.4 Landscaping and Fencing

- (a) Prior to the issue of the Development Permit for Building Works, a landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The plan is to include the following:
 - Planting of a 3 metre wide buffer strip along all road boundaries, excluding driveways;

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- Planting of 1 metre wide landscaping strips adjacent to car parking areas, including appropriate edging to protect the landscaping from damage from vehicles;
 - Planting of shade trees adjacent to car parking areas, unless shade structures are provided as an alternative;
- (b) The landscaping of the site must be carried out in accordance with an endorsed landscaping plan, and irrigated, mulched and maintained to the satisfaction of Council's delegated officer.

5.5 Lighting

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

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

NOTE: The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly, i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces

5.6 Frontage Works

The developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) for the applicable planning scheme area to the satisfaction of Council's delegated officer:-

- 5.6.1 Kerb and channel for the Kenneally Road frontage of Lot 1 on RP725711 from the approved subdivision boundary approximately 77.5 metres from the western boundary of Lot 1 to the new culdesac;
- 5.6.2 Widen the existing bitumen on Kenneally Road for the frontage of Lot 1 on RP725711 from the approved subdivision boundary approximately 77.5 metres from the western boundary of Lot 1 to the new culdesac by two (2) metres to the new kerb and channel;
- 5.6.3 Construct a concrete footpath from the eastern proposed driveway into the development, along the Mareeba Connection Road to Kenneally Road.
- 5.6.4 Construct a concrete footpath for the full Kenneally Road frontage.

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

5.7 Water Supply

The developer must connect the proposed development to the Council's reticulated water supply system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

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 and augment the reticulated water supply infrastructure to connect the site to Council's existing

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infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended). The applicant is to connect the development to the 300mm AC water main located at the top of Haren Street.

The applicant is to provide calculations detailing the maximum rate of potable water draw off for the development and to provide hydraulic modelling to demonstrate that the distribution system has capacity or can be augmented to provide the required capacity to the development site.

5.8 Sewerage Connection

The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend and augment the reticulated sewerage 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). The applicant is to connect the development to the sewer at Manhole 10146, located on Lot 157 on NR5658.

The applicant is to provide calculations detailing the maximum rate of wastewater discharge from the development to the wastewater reticulation system and to demonstrate that the wastewater reticulation system has capacity or can be augmented to provide the required capacity to dispose of wastewater generated by the development.

The Contractor is to allow in his contract price the cost for video checking (and rectification if necessary) of all new sewer work to the satisfaction of Council's delegated officer.

6. CONTRIBUTIONS/HEADWORKS**6.1 Water Headworks**

The developer must pay a contribution for 43.3 EDC's for water supply headworks to Council in accordance with Mareeba Shire Planning Scheme Policy 2 (Headworks Charges for Water Supply and Sewerage) at the rate applicable at time of payment.

6.2 Sewerage Headworks

The developer must pay a contribution for 50.6 EDC's for sewerage supply headworks to Council in accordance with Mareeba Shire Planning Scheme Policy 2 (Headworks Charges for Water Supply and Sewerage) at the rate applicable at time of payment.

(D) REFERRAL AGENCY RESPONSE

Department of Transport and Main Roads response dated 30 October 2009.

(E) ASSESSMENT MANAGER'S ADVICE**(a) 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

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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.nrw.qld.gov.au.

(b) **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.

(c) **Food Premises**

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

(d) **A Trade Waste Permit will be required prior to the commencement of use.**

(e) **Compliance with Acts and Regulations**

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

4. Other necessary development permits –

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

- Development Permit for Building Work
- Development Permit for Plumbing and Drainage Work
- Development Permit for Operational Works

5. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of referral agency	Status	Address
MATERIAL CHANGE OF USE			
On land contiguous to a <u>State-controlled road</u>	Department of Main Roads	Concurrence or Advice	Department of Main Roads Peninsula District PO Box 6185 CAIRNS QLD 4870

6. Submissions -

There were no properly made submissions about the application.

7. Appeal rights –

In accordance with the *Integrated Planning Act 1997* you may negotiate with Council or appeal to the Planning and Environment Court. A copy of the **Implementation Note, Note 16 – Negotiated Decision Notices and Implementation Note, Note 20 – Appeal and Declaratory Powers under the IPA** and the form 'Notice of Appeal' is enclosed for your information.

8. When the development approval takes effect -

DECISION NOTICE - APPROVAL8
9 February 2010

This development approval takes effect –

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

OR

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

This approval will lapse if—

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

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

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

Yours faithfully

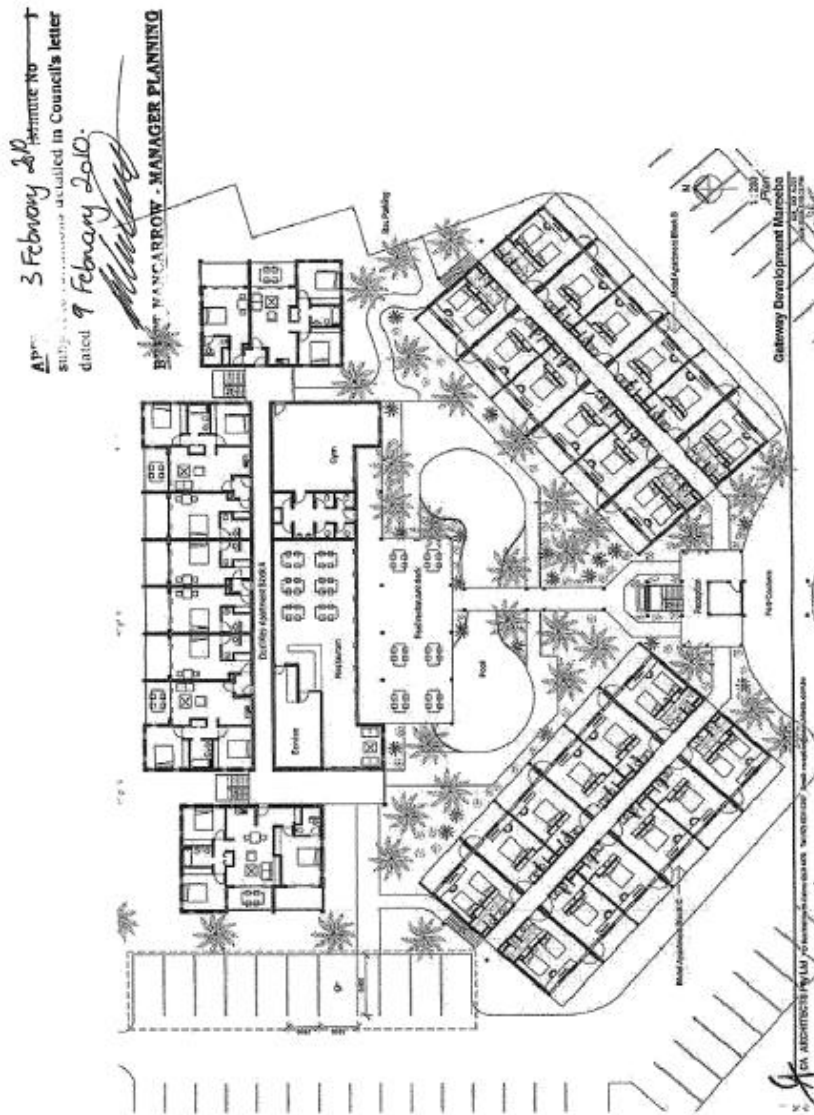
BRETT NANCARROW
MANAGER URBAN & REGIONAL PLANNING

Enclosures – Approved plan/s of development, Implementation Note, Note 16 – Negotiated Decision Notices and Implementation Note, Note 20 – Appeal and Declaratory Powers under the IPA and the form 'Notice of Appeal'

Copy: **Mr Malcolm Hardy**
Department of Main Roads
Peninsula District
PO Box 6185
CAIRNS QLD 4870

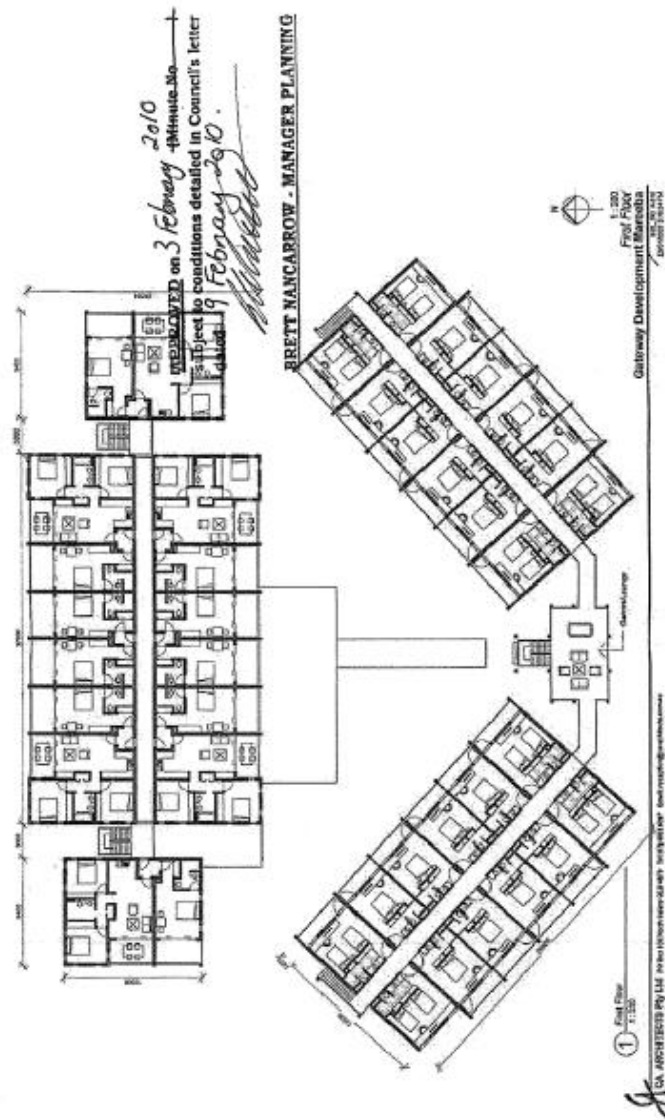
DECISION NOTICE - APPROVAL

9
9 February 2010



DECISION NOTICE - APPROVAL

10
9 February 2010

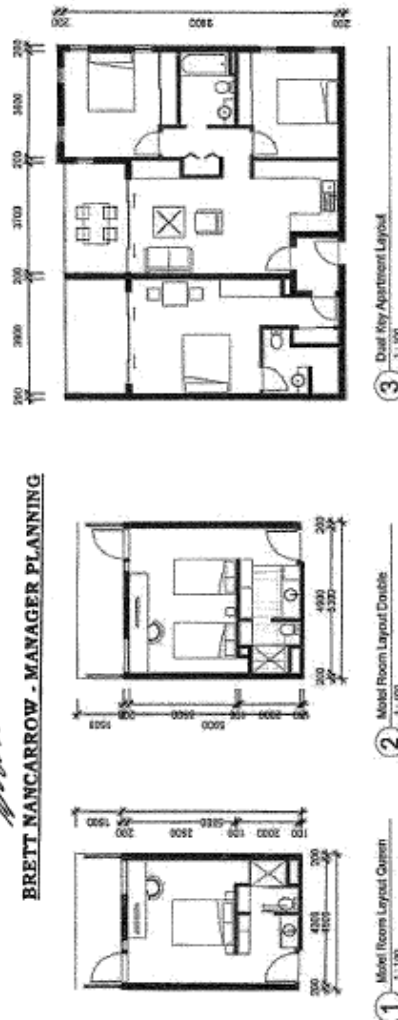


DECISION NOTICE - APPROVAL

11
9 February 2010

APPROVED on 3 February 2010
subject to conditions detailed in Council's letter
dated 9 February 2010.

BRETT NANCARROW - MANAGER PLANNING



1:100 @ A3
Typical Room Layouts
Gateway Development Mareeba
Date: 10/02/2010
Drawing No: 1001000000



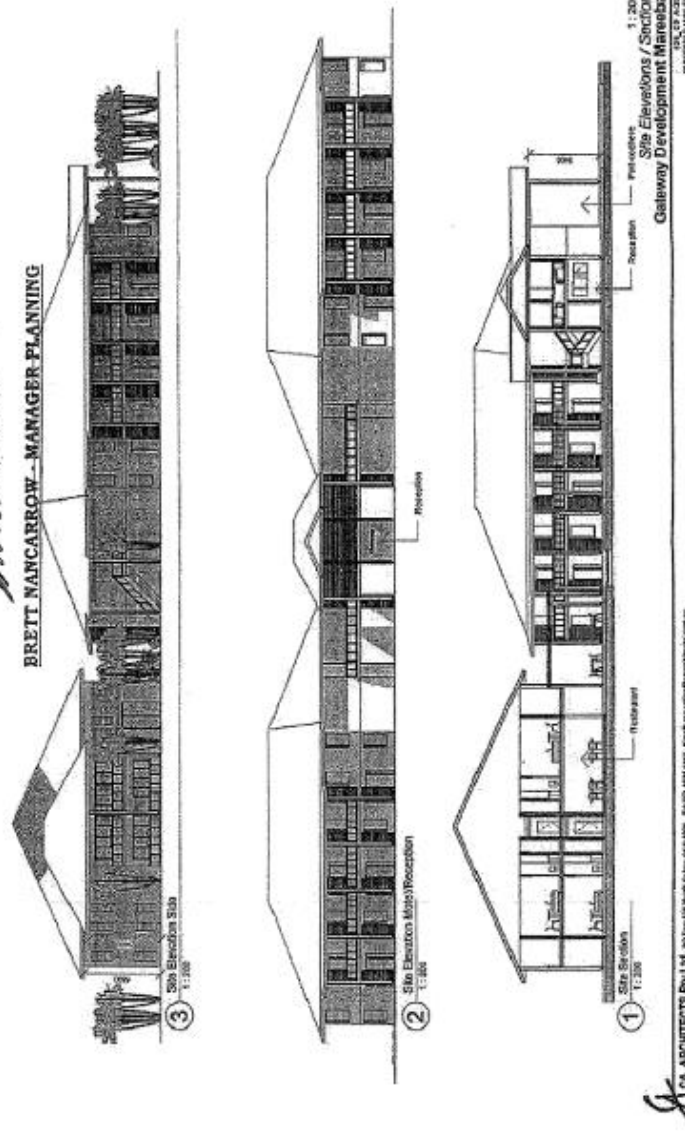
CCA ARCHITECTS Pty Ltd
170 River Road, South Geelong, VIC 3218
Tel: 03 5241 6247 Fax: 03 5241 6247 Email: info@ccaarchitects.com.au

DECISION NOTICE - APPROVAL

12
9 February 2010

APPROVED on 3 February 2010 (Minute No. 17)
subject to conditions detailed in Council's letter
dated 9 February 2010.

BRETT NANCARROW - MANAGER PLANNING



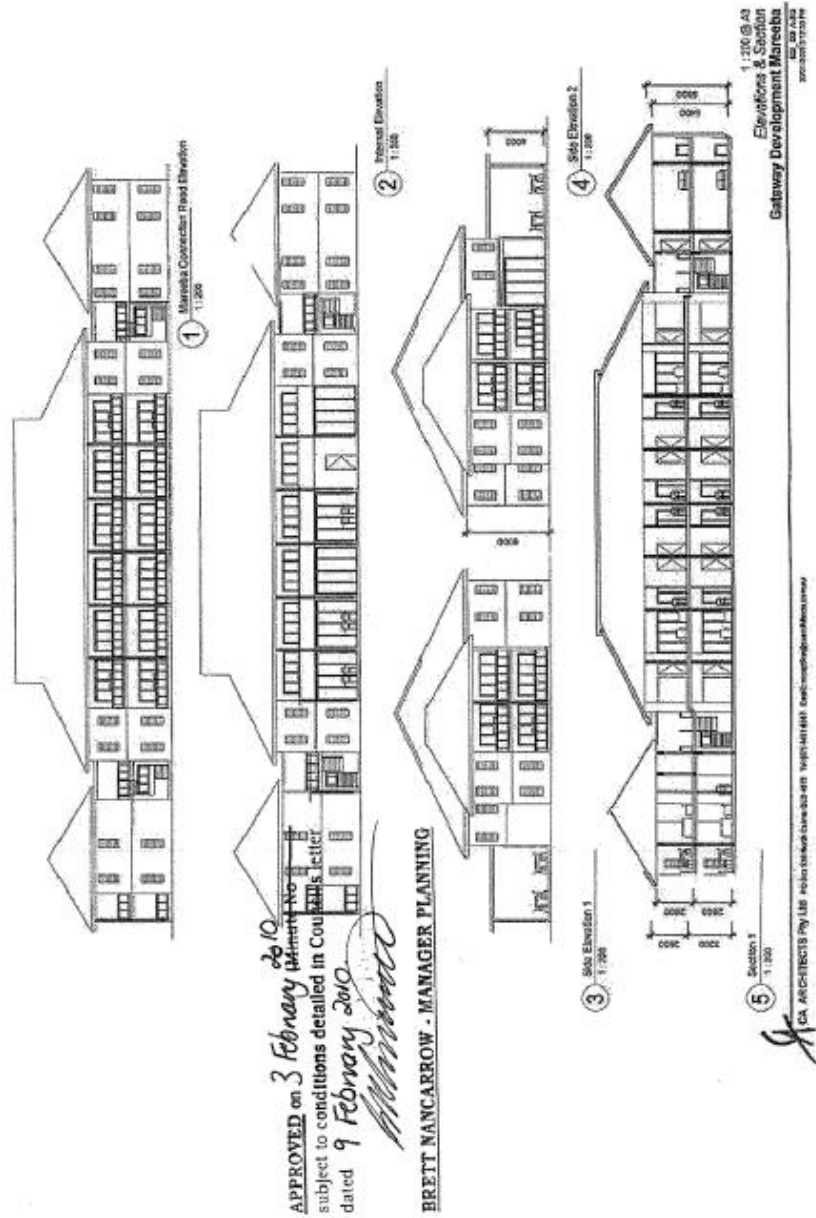
Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



DECISION NOTICE - APPROVAL

13
9 February 2010



Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



DECISION NOTICE - APPROVAL

15
9 February 2010

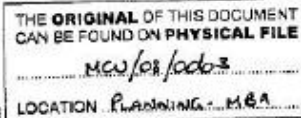
Council Ref: MCU/08/0063

30 October 2009

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

Attention Brian Millard

Dear Mr Millard



Department of Main Roads

**Integrated Planning Act 1997 – Review of Referral Agency Response**

Applicant: Landgold Pty Ltd

Application: Material Change of Use (Motel & Drive Through Fast Food Outlet)

Location: Lot 1 on RP 725711, Parish of Tinaroo
At intersection of Highway & Mareeba Connection Road, Mareeba

I refer to:

- the above application received at Roads Assets & Operations (the part of the Department of Transport & Main Roads formerly known as the Department of Main Roads) 3 February 2009 requesting consideration of the above development,
- RAO letter of 18 February 2009 of conditions of development,
- an amended application received at RAO 19 March 2009 ignoring RAO conditioned "Exclusion Area",
- RAO letter of 23 March 2009 of retained conditions of development,
- an amended application received at RAO 8 May 2009 of staged development,
- RAO letter of 11 May 2009 of amended conditions of development,
- written representations from the applicant's consultant received at RAO 29 June 2009 concerning condition 4,
- RAO letter 22 July 2009 of retained conditions of development, and
- written representations from the applicant's consultant received at RAO 28 October 2009 with a revised site plan, deleting the drive through fast food outlet.

Pursuant to section 3.3.17 of the *Integrated Planning Act 1997*, the Department of Transport & Main Roads, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requires that Council include the following attached amended conditions of development for the subject application

Should you have any queries regarding the response please contact Malcolm Hardy on telephone 4050 5511.

Council is requested to reflect the conditions on its Rates Record, to ensure that the planning intentions of the conditions are secured.

Roads Business Group
Far North Regional Office
Floor 4 Cairns Corporate Tower 15 Lake Street
PO Box 8188 CAIRNS Queensland 4870
ABN 67 836 727 791Our ref: 264/32A/102/1931.02
Your ref: MCU/08/0063
Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438

Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



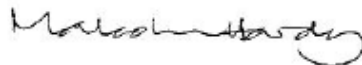
DECISION NOTICE - APPROVAL16
9 February 2010

- 2 -

This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely



Malcolm Hardy
Senior Planner (Road Assets & Operations) Far North

DECISION NOTICE - APPROVAL

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Conditions of Development and Statement of Reasons

Council Ref: MCU/08/0063
State-controlled road: Kennedy Highway (Cairns-Mareeba)
Proposal: Material Change of Use (Motel & Drive Through Fast Food Outlet)
Real property description: Lot 1 on RP 725711, Parish of Tinaroo
Site locality: Intersection of Highway & Mareeba Connection Road, Mareeba
Applicant: Landgold Pty Ltd
Date: 30 October 2009

Conditions of Development	Reasons	Condition Basis
Layout 1. Unless otherwise approved in writing by Main Roads the development site layout must generally comply with CA Architects Gateway Development Mareeba Option 2, dated 14/03/2009. Land Requirement for Road Purposes 2. MR Plan No PD 266 Rev B dated 25/1/06 (copy attached) identifies the portion of the Subject Land required to accommodate future transport infrastructure along Kennedy Highway. This area is hereafter referred to as the 'Exclusion Area'. 3. The applicant/landowner shall not construct any structure/s nor commence any development under, on or over the 'Exclusion Area' without the written approval of Main Roads.	To ensure the development proceeds in accordance with the proposal Main Roads has determined the land described in the condition as being within a proposed future land requirement area.	

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Conditions of Development	Reasons	Condition Basis
<p>4. Should the State of Queensland not have acquired the 'Exclusion Area' within twelve (12) months of:</p> <ul style="list-style-type: none">• The commencement of the approved Model use, and• The applicant/landowner formally requesting in writing the Regional Director of the Cairns office of Main Roads, or its successor or assign, to acquire/resume the land, then conditions 2 and 3 shall cease to have effect. <p>Permitted Road Access Location</p> <p>5. Vehicular access between the state-controlled road (Mareeba Connection Road) and the Subject Land shall be via:</p> <ul style="list-style-type: none">(i) A new driveway located about 85m west of the eastern boundary of the Subject Land, and(ii) A new ingress only driveway located about 155m west of the eastern boundary of the Subject Land. <p>6. No additional direct vehicular access between the state-controlled road (Mareeba Connection Road) and the Subject Land is permitted.</p> <p>7. No direct vehicular access between the state-controlled road (Kennedy Highway) and the Subject Land is permitted.</p> <p>8. Vehicular access between the Mareeba Connection Road and the Kennedy Highway and the approved accommodation units on the Subject Land shall be via Kencally Road, to the satisfaction of Tablelands Regional Council.</p> <p>Road Access Works</p> <p>9. Road access works at the permitted road access location, pursuant to Condition 5 (ii), are required and shall be constructed in accordance with:</p> <ul style="list-style-type: none">• Main Roads <i>Road Planning and Design Manual</i>, and• Current Main Roads standards	<p>Main Roads must ensure that access between the Subject Land does not adversely impact the safe and efficient operation of the state-controlled road</p> <p>Access works at the permitted access location are required to mitigate the impacts of development generated traffic onto the state-controlled road.</p>	<p>s. 62 <i>Transport Infrastructure Act 1994</i> (Qld)</p> <p>s. 23 <i>Transport Infrastructure Act 1994</i> (Qld) Main Roads' <i>Road Planning and Design Manual</i></p>

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9 February 2010

Conditions of Development	Reasons	Condition Basis
<p>A recent site inspection indicates the access works require the provision of the following within the state-controlled road reserve (Mareeba Connection Road):</p> <p>(i) A sealed driveway, in-only, to a minimum width of 6 metres from the edge line to the property boundary and a radius of 10m.</p> <p>(ii) Signage at the frontage of the Subject Land advising Entry Only visible to Mareeba Connection Road traffic and advising No Exit visible to on-site traffic.</p> <p>10. The applicant/landowner shall obtain the written approval of Main Roads for road access works prior to works commencing within the state-controlled road reserve (Mareeba Connection Road).</p> <p>11. All required road access works must be completed to the written approval of Main Roads prior to the commencement of the approved Motel use.</p> <p>Intersection Works</p> <p>12. Road intersection works at the permitted road access location, pursuant to Condition 5 (i), are required and shall be constructed in accordance with:</p> <ul style="list-style-type: none"> • Main Roads Road Planning and Design Manual, and • Current Main Roads standards. 	<p>Access works at the permitted access location are required to mitigate the impacts of development generated traffic onto the state-controlled road.</p>	<p>s. 50 Transport Infrastructure Act 1994 (Qld)</p> <p>s. 33 Transport Infrastructure Act 1994 (Qld) Main Roads' Road Planning and Design Manual</p>

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Conditions of Development	Reasons	Condition Basis
<p>A recent site inspection indicates the intersection works require the provision of the following within the state-controlled road reserve (Mareeba Connection Road):</p> <ul style="list-style-type: none"> (i) A channelised intersection including right turn lane from Mareeba Connection Road, left turn deceleration lane from Mareeba Connection Road and 30m tapered left turn acceleration lane from the Subject Land. (ii) Raised concrete islands with painted concrete infill extending to the existing median east of the intersection and extending at least 100m west of the intersection to Tablelands Regional Council requirements. (iii) Appropriate streetlighting, linemarking, signage and other associated works. <p>A recent site inspection indicates the intersection works require the provision of the following within the state-controlled road reserve (Kennedy Highway):</p> <ul style="list-style-type: none"> (i) A left turn deceleration lane from Kennedy Highway into Mareeba Connection Road located about 2m clear of the existing road frontage of the Subject Land. (ii) Kerbside pedestrian refuge islands on both sides of Kennedy Highway to the east of the closed Kennedy Road intersection. (iii) Appropriate streetlighting, linemarking, signage and other associated works. <p>To this end:</p> <ul style="list-style-type: none"> (i) The applicant/landowner shall obtain Main Roads approval prior to commencing any works within the state-controlled road reserves. (ii) The applicant/landowner shall submit to Main Roads for approval engineering drawings, certified by a Registered Professional Engineer of Queensland (RPEQ), of the proposed works. (iii) Subject to Main Roads approval of the engineering designs the applicant/landowner shall construct the works. (iv) All required access works within the state-controlled road reserves must be completed prior to the commencement of the approved Model use. 	<p>Any works within the state-controlled road reserve must have the written approval of the Chief Executive Officer</p>	<p>s. 50 <i>Transport Infrastructure Act 1994</i> (Qld)</p>

Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



DECISION NOTICE - APPROVAL

 21
 9 February 2010

Conditions of Development	Reasons	Condition Basis
Road Traffic Noise & Visual Treatments 13. Visual Amenity Works <p>The applicant/landowner shall provide landscaping along the Subject Land's frontages to the Kennedy Highway and Mareeba Connection Road, except for the access driveways, to screen the onsite vehicular circulation. The landscaping shall be designed and planted such that when the landscaping matures, it provides a minimum 1m high screening and complementary screen trees approximately 6m tall at 7m spacings.</p> <p>The species of plants used in the landscaping works shall be in accordance with Council's standards. If Council does not have standards, then the only requirements are that the species are native, low maintenance species that are effective at providing the necessary screening specified above and do not create a safety risk (that is, no thorns, poisonous fruits or berries or large nuts).</p> <p>All landscaping works shall be completed prior to the commencement of either the approved Motel use or approved Drive Through Fast Food Outlet use to the written approval of Main Roads.</p>	<p>To screen onsite vehicular circulation.</p>	<p>Main Roads' Road Landscape Manual</p>
14. Location of Road Traffic Noise Ameliorative Works <p>Road traffic noise ameliorative works shall be incorporated into the design of the development and the applicant/landowner shall have regard to the design criteria specified within AS3671. A noise barrier fence shall be located on the Subject Land, and suitably screened from the State-controlled roads with landscaping on the Subject Land. An acceptable alternative would be a noise barrier fence on the boundary of the Subject Land, with every second panel of the fence indicated a minimum of one metre with landscaping of the indicated areas. The fence would need to be suitably designed and painted to create a visually pleasing appearance.</p>	<p>The development is creating a noise sensitive use within the vicinity of the state-controlled road, a significant source of road traffic noise. Noise amelioration measures, such as architectural treatments, may reduce but not eliminate the impact of road traffic noise.</p>	<p>Main Roads' Road Traffic Noise Management: Code of Practice</p>

DECISION NOTICE - APPROVAL

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9 February 2010

Conditions of Development	Reasons	Condition Basis
<p>15. Maximum Noise Levels and Time Horizons</p> <p>The following maximum road traffic noise levels are not to be exceeded before 10 years after the time of completion of the full development:</p> <ul style="list-style-type: none"> External noise levels must not exceed 60dB(A) L₁₀ (18 hour), where existing levels measured at the local government deemed-to-comply dwelling setback distances are greater than 40dB(A) L₉₀ (8 hour) between 10pm and 6am; or External noise levels must not exceed 57dB(A) L₁₀ (18 hour), where existing levels measured at the local government deemed-to-comply dwelling setback distances are less than or equal to 40dB(A) L₉₀ (8 hour) between 10pm and 6am; and Internal noise levels (that is, within buildings above ground floor level only) must not exceed the maximum noise levels specified in AS2107-2000. <p>External noise shall be defined as being all open space including verandahs, balconies, pool areas and gardens.</p> <p>16. Noise Testing</p> <p>The following parameters shall be used to determine the required noise amelioration works:</p> <ul style="list-style-type: none"> External noise levels shall be those predicted to occur on the Subject Land in areas likely to be frequently occupied by people for significant periods. Internal noise levels shall be determined in accordance with AS2107-2000 Noise monitoring shall be carried out in accordance with AS2702-1984 Noise predictions shall be carried out in accordance with Calculation of Road Traffic Noise (CRTNR8) United Kingdom Department of Transport. 		

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9 February 2010

Conditions of Development	Reasons	Condition Basis
<p>17. Road Traffic Noise Report</p> <p>The applicant/landowner shall prepare a road traffic noise report, which demonstrates how the development is to be designed to conform to the requirements, pursuant to conditions 15 - 16. The report shall:</p> <ul style="list-style-type: none"> • Predict the road traffic noise levels • Identify the ameliorative works required within the Subject Land and the relevant buildings • Contain all relevant information and calculations upon which the calculations are based. <p>The applicant/landowner shall submit the report to Main Roads and if necessary, shall amend the report until Main Roads considers that the report reflects the requirements of this condition. The report and any subsequent amendments shall be completed prior to the applicant/landowner seeking Council or private certifier approval for a development permit to commence building works for the approved Motel use on the Subject Land.</p> <p>18. Incorporation of Works into the Development</p> <p>All noise ameliorative works required external to the building(s) on the Subject Land shall be completed prior to the commencement of the approved use.</p> <p>All ameliorative works required within the relevant building(s) shall be:</p> <ul style="list-style-type: none"> • Incorporated into the building design(s) prior to the applicant/landowner seeking Council or private certifier approval for a development permit to commence building works for the approved Motel use on the Subject Land, and • Incorporated into the building(s) prior to the commencement of the approved Motel use of the building. 		

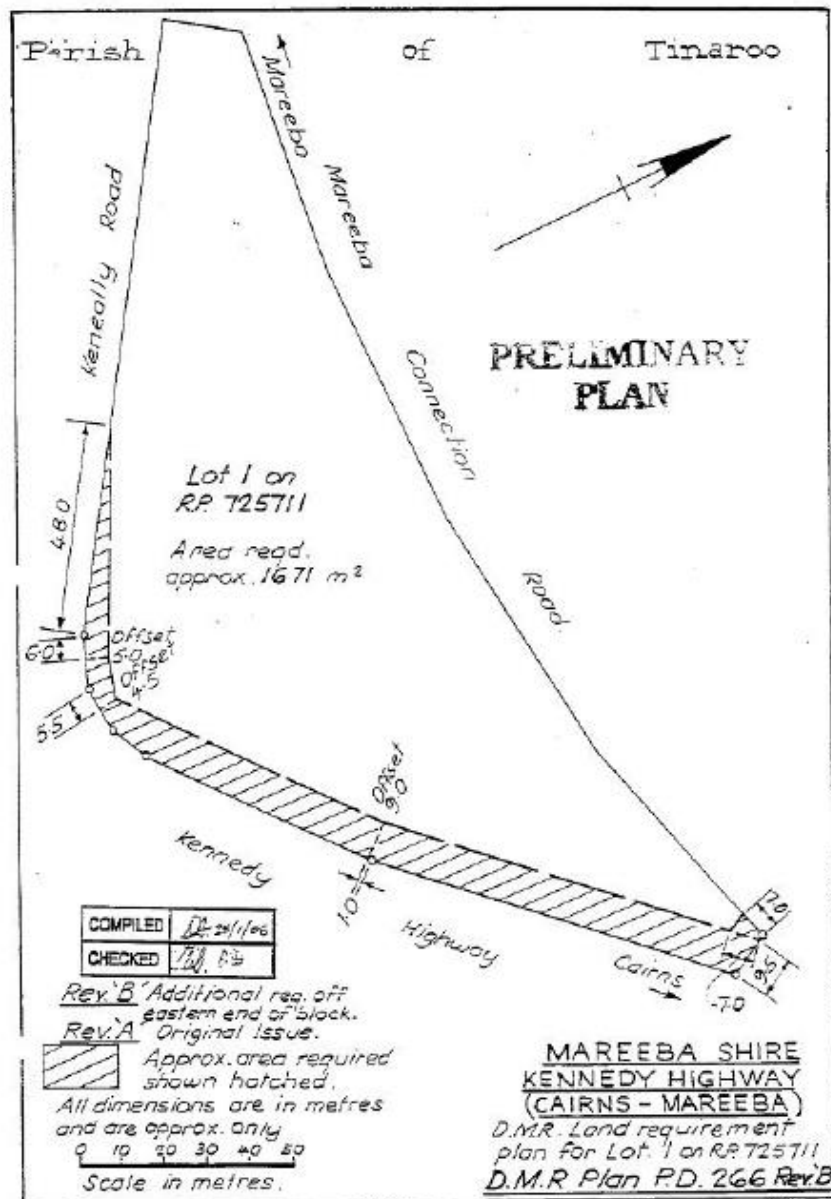
DECISION NOTICE - APPROVAL

 24
 9 February 2010

Conditions of Development	Reasons	Condition Basis
Stormwater & Drainage 19. To protect the existing flood immunity of the state-controlled roads (Kennedy Highway and Mareeba Connection Road), the applicant/landowner shall seek the written approval of Main Roads prior to any works commencing on the Subject Land which may involve modifying the existing drainage flows on the Subject Land.	Changing the location, level or flow of water runoff to, across or along the state-controlled road can adversely impact the road in terms of safety, efficiency and planning.	s. 33 of the <i>Transport Infrastructure Act 1994</i> (Qld)
Advertising 20. No advertising device for the proposed development is permitted within the state-controlled road reserves (Kennedy Highway and Mareeba Connection Road).	Advertising devices may obscure signage and distract motorists.	s. 50 <i>Transport Infrastructure Act 1994</i> (Qld)
Parking 21. No parking associated with the development is permitted within the state-controlled road reserves (Kennedy Highway and Mareeba Connection Road).	Lack of on-site parking can cause vehicle queuing and conflict at an access to the state-controlled road.	

DECISION NOTICE - APPROVAL

25
9 February 2010



ATTACHMENT 2

From: Brian Millard
Sent: 1 Feb 2017 08:08:45 +1000
To: Info (Shared)
Subject: MCU/08/0063 - request for extension of relevant period

Please register

Brian Millard
Senior Planner



Mareeba
SHIRE COUNCIL

Phone: 1300 308 481 | Direct: 07 4086 4657 | Fax: 07 4092 3323
Email: brianm@msc.qld.gov.au | Website: www.msc.qld.gov.au
65 Rankin Street, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

 Go green, keep it on screen - think before you print

From: tony fiorenza [<mailto:t.fiorenza@gmail.com>]
Sent: Tuesday, 31 January 2017 11:36 PM
To: Brian Millard
Subject: Extention motel DA

Brian Millard
Senior Town Planner
Mareeba Town Planner

This letter is a formal request for an extension motel D.A. MCU/08/0063 ;property description lot 7,SP 265039 Kennedy Highway(previously known as lot 1 Kenneally Rd.),for the maxable allowable period.

SARA,Cairns,has been adviced of this application for extension of time.

Yours Faithfully
Tony Fiorenza
(director of Landgold P/L,the applicant)

From: tony fiorenza
Sent: 2 Feb 2017 11:20:53 +1000
To: Brian Millard
Subject: FW: DA extension MCU/08/0063

Hi Brian. Referring to below email and extension term,I request an extension of 48 months.

Regards
Tony Fiorenza

From: tony fiorenza [mailto:t.fiorenza@gmail.com]
Sent: Tuesday, 31 January 2017 12:28 PM
To: brianm@mcs.qld.goc.au
Subject: DA extension MCU/08/0063
Brian Millard,
Senior town planner
Mareeba Shire Council

This is a formal request for an extension of motel D.A. MCU/08/0063 ; Property description: Lot 7 SP 265039 , Kennedy Highway , Mareeba(Previously known as Lot I Kenneally Rd.) for the maximum term allowed.

SARA has been advised of application for extension.

Yours Faithfully
Tony Fiorenza
(Director for Landgold p/l, the applicant)

ATTACHMENT 3

Department of Infrastructure,
Local Government and Planning

Our reference : SPD-0217-033781
Council reference: MCU/08/0063

09 February 2017

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

Attn: Brian Millard

Dear Sir / Madam,

Notice about request to extend relevant period
Application for Material change of use (motel) on land situated at Cnr Kennedy Highway, Mareeba Connection Road and Kenneally Road Mareeba, described as Lot 7 on SP265039 (formerly Lot 1 on RP725711)
(Given under section 385 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* (the act) on 02 February 2017 advising the department, as a concurrence agency, of the request to extend the relevant period. The proposed extension to the relevant period is 48 months.

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

If you require any further information, please contact Michele Creecy, Senior Planning Officer, on 4037 3206, or via email michele.creecy@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc. Tony Fiorenza - t.fiorenza@gmail.com

**ITEM-2 EXTENSION TO RELEVANT PERIOD - M & C SORBELLO
- RECONFIGURING A LOT - SUBDIVISION (1 INTO 2
LOTS) LOT 1 RP735873 - 3576 KENNEDY HIGHWAY,
MAREEBA - REC/08/0029**

MEETING: Ordinary

MEETING DATE: 15 March 2017

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

DEPARTMENT: Corporate and Community Services

APPLICATION		PREMISES	
APPLICANT	M Sorbello	ADDRESS	3576 Kennedy Highway, Mareeba
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	27 January 2017	RPD	Lot 1 on RP735873
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

FILE NO	REC/08/0029	AREA	14.07 hectares
LODGED BY	M & C Sorbello	OWNER	M & C Sorbello
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:

1. Decision Notice dated 9 February 2010
2. Applicant's request to extend relevant period dated 27 January 2017
3. Department of Infrastructure, Local Government and Planning response dated 21 February 2017.

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its Ordinary Meeting held on 3 February 2010, subject to conditions.

The application was code assessable and was therefore not subject to public notification.

To date the applicants have undertaken the following actions to progress the development:

- *Twine Surveys have carried out all required survey work and the new plan of survey has been completed (**Attachment 2**).*
- *Soil testing for the on-site effluent disposal condition is completed.*
- *Negotiations are progressing with Ergon Energy for the supply of an electricity service to both allotments.*

The applicants expect to complete the remaining conditions within six (6) months.

*The applicants have subsequently lodged this request to further extend the relevant period by one (1) year (**Attachment 2**).*

Two (2) previous requests to extend the relevant period of the approval have been lodged and approved by Council. The relevant period will be deemed to have expired on 9 February 2017, unless a further extension is granted by Council.

Due to the substantial progress made by the applicants, specifically the completion of the new plan of survey, it is recommended that the relevant period be extended for a period of one (1) year, from 9 February 2017 to 9 February 2018.

OFFICER'S RECOMMENDATION

- "1. That in relation to the application to extend the relevant period for the following development approval:

APPLICATION		PREMISES	
APPLICANT	M Sorbello	ADDRESS	3576 Kennedy Highway, Mareeba
DATE REQUEST FOR EXTENSION OF RELEVANT PERIOD LODGED	27 January 2017	RPD	Lot 1 on RP735873
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

and in accordance with the Sustainable Planning Act 2009,

- (A) The relevant period be extended for *one (1) year from 9 February 2017 to 9 February 2018.*
2. A Notice of Council's decision be issued to the applicant/ Department of Infrastructure, Local Government and Planning, State Assessment and Referral Agency (SARA) via email CairnsSARA@dilgp.gov.au (reference: SPD-0217-034012) advising of Council's decision."

THE SITE

The subject land is described as Lot 1 on RP735873, Parish of Dinden, County of Nares, situated at 3576 Kennedy Highway, Mareeba.

The land has an area of 14.07 hectares, with a frontage of 560 metres to the Kennedy Highway.

Improvements on the subject land include a dam, dwelling house and the Tichum Creek Coffee Farm tourist facility. Planning approval for the Tichum Creek Coffee Farm tourist facility was issued in 2002.

The land is generally flat and has been totally cleared of remnant vegetation during previous farming activities. Small pockets of maturing regrowth have re-established in the period following the cessation of active farming. Apart from the land immediately adjacent to the tourist facility, the remainder of the subject land is presently unused.

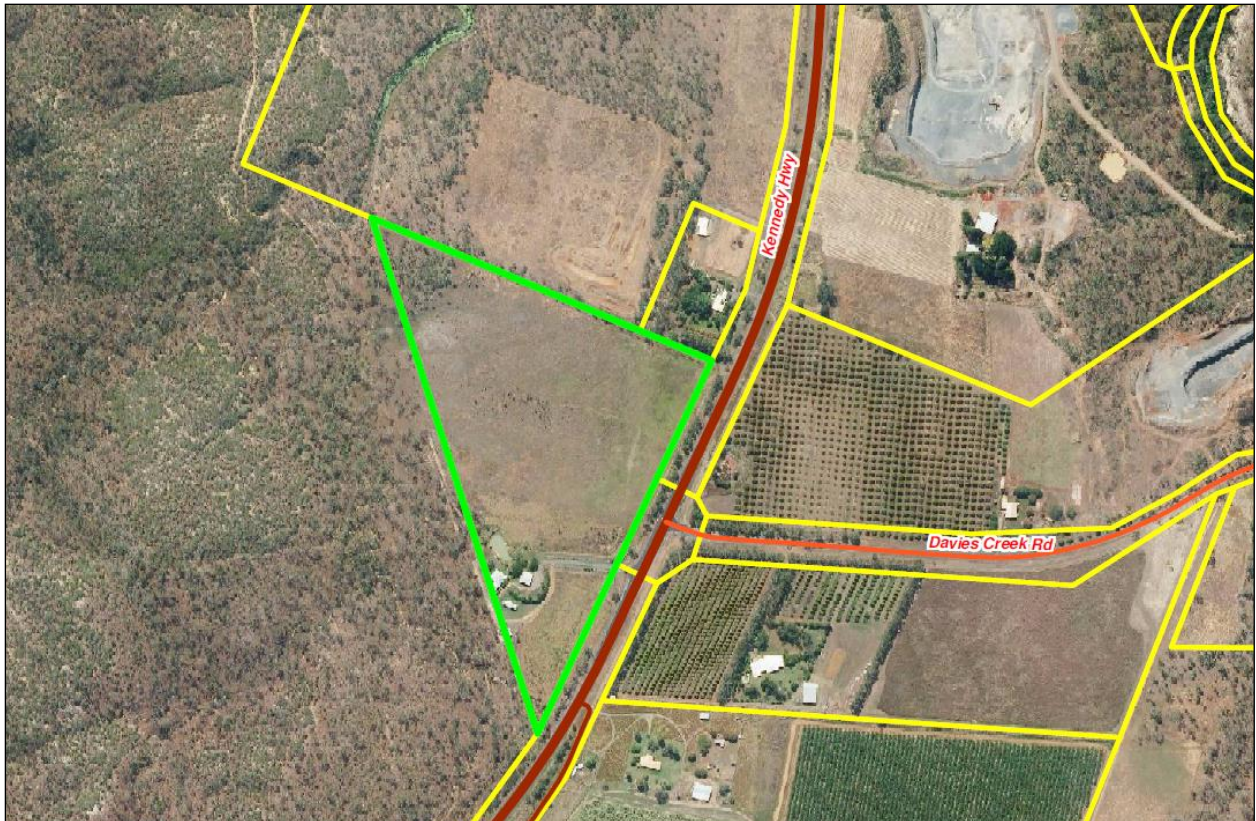
Access to the subject land is via an existing sealed driveway off the Kennedy Highway. An upgraded highway access was constructed by the applicants as part of the tourist facility development.

Surrounding properties are used for various rural and rural living purposes. The Tichum Creek Quarry (operated by Boral) is located to the north-east of the subject land on the opposite side of the Kennedy Highway and a second smaller quarry operation (Redcorp Quarry) is established on land to the north-west of the subject land.



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.

**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.

BACKGROUND AND CONTEXT

Council, at its Ordinary Meeting held on 3 February 2010, resolved to issue a development permit for the application made by M Sorbello for Reconfiguring a Lot - Subdivision (1 into 2 Lots) over land described as Lot 1 on RP735873, Parish of Dinden, situated at 3576 Kennedy Highway, Mareeba.

The approval was granted subject to various conditions (**Attachment 1**).

To date the applicants have undertaken the following actions to progress the development:

- Twine Surveys have carried out all required survey work and the new plan of survey has been completed (**Attachment 2**).
- Soil testing for the on-site effluent disposal condition is completed.
- Negotiations are progressing with Ergon Energy for the supply of an electricity service to both allotments.

The applicants expect to complete the remaining conditions within six (6) months.

The applicants have subsequently lodged this request to further extend the relevant period by one (1) year (**Attachment 2**).

Two (2) previous requests to extend the relevant period of the approval have been lodged and approved by Council. The relevant period will be deemed to have expired on 9 February 2017, unless a further extension is granted by Council.

Due to the substantial progress made by the applicants, specifically the completion of the new plan of survey, it is recommended that the relevant period be extended for a period of one (1) year, from 9 February 2017 to 9 February 2018.

ASSESSMENT AND DECISION REQUIREMENTS

Assessment rules

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

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

The development application was made under the now superseded Mareeba Shire Planning Scheme 2004 in 2008. At the time of its approval in 2010, the development was considered to be consistent with the planning scheme.

On the 1 July 2016, the 2004 planning scheme was replaced by the Mareeba Shire Council Planning Scheme. The proposed development is inconsistent with the 2016 planning scheme.

Notwithstanding the inconsistency with the 2016 planning scheme, the Sustainable Planning Act 2009 allows for the applicants to submit an application under the superseded planning scheme up to the 30 June 2017.

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

The original development application was code assessable and therefore was not subject to public notification.

- *whether, if the request were refused –*

- (i) further rights to make a submission may be available for a further development application; and*
- (ii) the likely extent to which those rights may be exercised;*

A further development application would also be code assessable and therefore not subject to public notification.

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

The original application triggered a referral to the Department of Transport and Main Roads (Formerly the Department of Main Roads) as a concurrence agency.

The Department of Infrastructure, Local Government and Planning (SARA) advised in a letter dated 21 February 2017 that they have no objection to the proposed extension to the relevant period (**Attachment 3**).

ATTACHMENT 1

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

Urban & Regional Planning Group
Brian Millard, Senior Planner
Telephone: (07) 4043 4371
Facsimile: (07) 4092 3323
Email: info@trc.qld.gov.au

File Ref: REC/08/0029
Our Ref: BM:BN:mh

9 February 2010

Mr Mario Sorbello
PO Box 228
MAREEBA QLD 4880

Decision Notice Approval

Integrated Planning Act 1997 S 3.5.15

Dear Sir

**APPLICATION FOR RECONFIGURING A LOT – 1 LOT INTO 2 LOTS
LOT 1 ON RP735873
SITUATED AT 3576 KENNEDY HIGHWAY, MAREEBA**

I wish to advise that, at Council's Ordinary Meeting held 3 February 2010, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in section 4 of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

1. Details of the approval –

This Decision Notice approves a **Development Permit for Reconfiguring a Lot – 1 Lot into 2 Lots made assessable by the Mareeba Shire Planning Scheme 2004.**

2. The relevant period for the approval -

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

- Reconfiguring a Lot requiring Operational Works – four (4) years;

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

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

LOCATION: 3576 Kennedy Highway, Mareeba
 PROPERTY DESCRIPTION: Lot 1 on RP735873, Parish of Dinden
 AREA OF LAND: 14.07 hectares
 RECONFIGURING A LOT: 1 lot into 2 lots

(B) APPROVED PLANS

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated	Date received by Council
PR101694-1	Proposed Lots 1 & 2 cancelling Lot 1 on RP735873, Kennedy Highway, Mareeba	Conics (Cairns) Pty Ltd	20/11/09	25 Nov 2009

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

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

The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.2 All payments required to be made to Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.

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3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

3.5 Where approved existing buildings and structures are to be retained, setbacks to property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or the Queensland Development Code. A plan demonstrating compliance must be submitted prior to endorsement of the plan of survey.

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

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

3.8 Bushfire Management Plan

A Bushfire Management Plan must be prepared in accordance with Appendix 8 of State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide to the satisfaction of Council's delegated officer.

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

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 Easement

An access easement must be provided over the existing access driveway within proposed Lot 2 in favour of proposed Lot 1 for the purposes of access.

Where Council is party to a proposed easement and/or if the proposed easement is in favour of Council the applicant/developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents, using Council's standard form of easement. The approved easement documents must be submitted at the same time the applicant/developer seeks endorsement of the plan of survey and must be lodged and registered in the Department of Environment and Resource Management in conjunction with the plan of survey.

4.2 Water Supply

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

The requirements for each bore are as follows:

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

4.3 On-Site Wastewater Management

The applicant must provide a site and soil evaluation report (or an evaluation report where existing on-site disposal), prepared by an accredited site and soil evaluator, demonstrating the ability of the lots to accommodate an on-site effluent disposal in compliance with the latest version of On-Site Domestic Wastewater Management Standard (AS/NZ1547) to the satisfaction of the Council's delegated officer.

4.4 Building Envelope

Any dwelling house on proposed Lot 1 must be located within the approved Building Envelope Area (Plan PR101694-1). 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.

4.5 Agricultural and Extractive Industry Buffering

- 4.5.1 A 20 metre wide planted vegetation buffer, is to be established within proposed Lot 2 in accordance with the provisions of *Planning Guidelines: Separating Agricultural and Residential Land Uses*. The buffer shall extend along the entire boundary between proposed Lots 1 and 2 (excluding the access to proposed Lot 1). The vegetation must have a minimum height at maturity of 4 metres and shall be mulched and irrigated to ensure appropriate establishment.

The plan depicting species and areas to be planted must be submitted to Council's delegated officer for approval. The buffer must be planted in accordance with the approved plan.

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- 4.5.2 A 20 metre wide planted vegetation buffer, is to be established in accordance with the provisions of *Planning Guidelines: Separating Agricultural and Residential Land Uses* along the full northern and eastern sides of the Building Envelope Area (Plan PR101694-1). The vegetation must have a minimum height at maturity of 4 metres and shall be mulched and irrigated to ensure appropriate establishment.

The plan depicting species and areas to be planted must be submitted to Council's delegated officer for approval. The buffer must be planted in accordance with the approved plan.

- 4.5.3 The applicant/owner must enter into a S97A (3) (a) (i) Land Title Act Covenant with Council for those parts of the proposed allotments containing the buffers required under Conditions 4.5.1 and 4.5.2. The covenant shall relate to the protection and maintenance of the vegetation buffers required under Conditions 4.5.1 and 4.5.2.

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

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

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

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.

5. Contributions/Headworks

Rural Addressing

The applicant must pay a contribution per lot for provision of rural addressing at the rate applicable at time of payment.

(D) REFERRAL AGENCY RESPONSE

Department of Main Roads conditions dated 4 April 2008.

DECISION NOTICE - APPROVAL

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(E) ASSESSMENT MANAGER'S ADVICE
(a) Environmental Protection and Biodiversity Conservation Act 1999

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

(b) Cultural Heritage

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

(c) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with 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."

4. Other necessary development permits –

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

- Development Permit for Operational Works

5. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of referral agency	Status	Address
RECONFIGURING A LOT			
On land contiguous to a <u>State-controlled road</u> if –	Department of Main Roads	Concurrence or Advice	Department of Main Roads Peninsula District PO Box 6185 CAIRNS QLD 4870
(i) The total number of lots is increased; and			
(ii) The number of lots abutting the State-controlled road is increased			

6. Submissions -

Not applicable

7. Appeal rights –

In accordance with the *Integrated Planning Act 1997* you may negotiate with Council or appeal to the Planning and Environment Court. A copy of the **Implementation Note, Note 16 – Negotiated Decision Notices and Implementation Note, Note 20 – Appeal and**

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9 February 2010

Declaratory Powers under the IPA and the form 'Notice of Appeal' is enclosed for your information.

8. When the development approval takes effect -

This development approval takes effect –

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

OR

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

This approval will lapse if—

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

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

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

Yours faithfully

BRETT NANCARROW
MANAGER URBAN & REGIONAL PLANNING

Enclosures – Approved plan/s of development, Implementation Note, Note 16 – Negotiated Decision Notices and Implementation Note, Note 20 – Appeal and Declaratory Powers under the IPA and the form 'Notice of Appeal'

Copy: Mr Malcolm Hardy
Department of Main Roads
Peninsula District
PO Box 6185
CAIRNS QLD 4870

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9 February 2010

DECISION NOTICE - APPROVAL

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9 February 2010

THE ORIGINAL OF THIS DOCUMENT CAN BE FOUND ON PHYSICAL FILE REC/08/0029 LOCATION PLANNING	Subject: REC/008	Doc No:
	Action:	
	IR No: 680488	Input:



Queensland
Government

4 April 2008

Department of Main Roads

Mr Ian Church
I/ Chief Executive Officer
Tablelands Regional Council
PO Box 154
Mareeba Qld 4880

Dear Mr Church

Tablelands Regional Council : Kennedy Highway (Cairns-Mareeba)
Located opposite Davies Creek Road intersection, via Mareeba
Lot 1 on RP 735873, Parish of Dinden
M & CE Sorbello
Proposed Reconfiguration of Lot (One Additional Allotment) Application
Referral Agency Response (conditions apply)

I refer to the above application received at the Department 1 April 2008 requesting consideration of the above development.

A CONDITIONS OF DEVELOPMENT

Pursuant to section 3.3.16 of the *Integrated Planning Act 1997*, the Queensland Department of Main Roads, as Concurrence Agency, has assessed the impact of the proposed development on the State-controlled road network and requires that Council include the following conditions of development for the subject application:

1. Permitted Road Access Location

- (i) Access between the State-controlled road (i.e. Kennedy Highway) and the 2 proposed allotments shall be via the existing access located at the common boundary of the 2 proposed allotments, only.
- (ii) No additional direct access between the State-controlled road (i.e. Kennedy Highway) and the subject land is permitted.

2. Building Alignment Setback

A building alignment setback of 40 metres from the Kennedy Highway frontage of the subject land shall apply to all new structures located on the subject land.

Roads Business Group
Far North Regional Office
Floor 4 Cairns Corporate Tower 15 Lake Street
PO Box 6185 CAIRNS Queensland 4870
ABN 57 836 727 711

Our ref 264/32A/102(2973.01)
Your ref REC/08/0029
Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438



Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



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9 February 2010

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3. Advertising

No advertising device for the proposed development is permitted within the Kennedy Highway road reserve.

Reasons

The reasons and information used in the setting of conditions detailed above include:

- Department of Main Roads Access Policy,
- Department of Main Roads Involvement in Development Applications Referrals and Assessment Guide, and
- Mareeba Shire Planning Scheme.

B GENERAL DISCUSSION

Council is requested to reflect the above conditions on its Rtes Record, to ensure that the planning intentions of the conditions are secured.

This Department would appreciate a copy of Council's decision notice regarding the application.

A copy of this letter has been sent to the applicant.

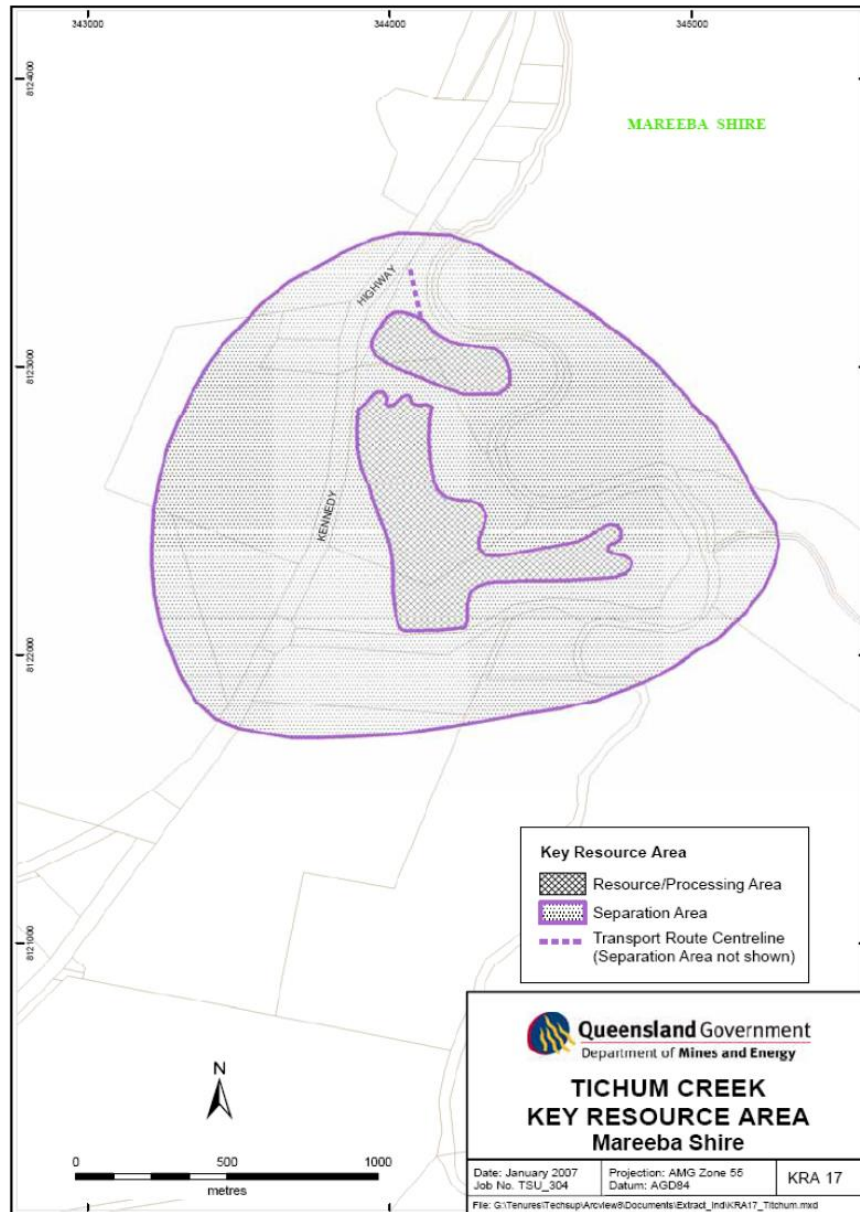
Yours sincerely



Malcolm Hardy
SENIOR PLANNER FAR NORTH

DECISION NOTICE - APPROVAL

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9 February 2010



DECISION NOTICE - APPROVAL

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9 February 2010Your Ref: REC/08/0029
Our Ref: MIO9/07854

19 June 2009

Mr Brian Millard
Senior Planner
Tablelands Regional Council
PO Box 573
ATHERTON, QLD 4883REC/08/0029
VED-201
Queensland
Government
3. MINEDDepartment of
Mines and Energy

Dear Mr Millard

Thank you for your letter of 28 May 2009 concerning the application for reconfiguration of Lot 1 on RP735873, at 3576 Kennedy Highway.

The subject lot lies within the separation area of the Tichum Creek Key Resource Area (KRA 17) and therefore the State Planning Policy 2/07: Protection of Extractive Resources (SPP 2/07) applies to the proposed development.

Reconfiguration of a lot to increase the number of lots within the separation area is not supported by SPP 2/07, as this may lead to an increase in the number of people living within the separation area.

An acceptable circumstance for not achieving the outcome of the Policy may arise if development is consistent with the planning scheme provisions for the subject lot. Nevertheless any development decision made by an Assessment Manager would take into consideration whether a proposed development is compatible, or can be made so, with the potential effects of extractive industry.

Thank you for bringing this matter to my attention and I trust this information is of assistance. Should you have any further enquiries, please contact Mr Malcolm Irwin Principal Project Officer of Mines and Energy on telephone 3227 6656.

Yours sincerely

MALCOLM IRWIN
Acting Manager, Mineral and Extractive PlanningMines and Energy
Department of Employment, Economic
Development and Innovation
PO Box 15216
City East
Queensland 4002 Australia
Telephone +61 7 3898 0375
Facsimile +61 7 3238 3088
Website www.dme.qld.gov.au
ABN 24 630 236 406

ATTACHMENT 2

From: Brian Millard
Sent: 30 Jan 2017 08:02:52 +1000
To: Info (Shared)
Subject: DA/13/0185 - request for extension of relevant period - Reconfiguring a lot - one lot into two lots - Lot 1 on RP735873 situated at 3576 Kennedy Hwy, Mareeba

From: Tichum Creek Coffee Farm [<mailto:sales@mareebacoffee.com.au>]
Sent: Saturday, 28 January 2017 11:23 AM
To: Brian Millard
Subject: Extension of time - Reconfiguring a lot - one lot into two lots - Lot 1 on RP735873 situated at 3576 Kennedy Hwy, Mareeba

File Ref DA/130185

27th January, 2017

File Ref DA/130185

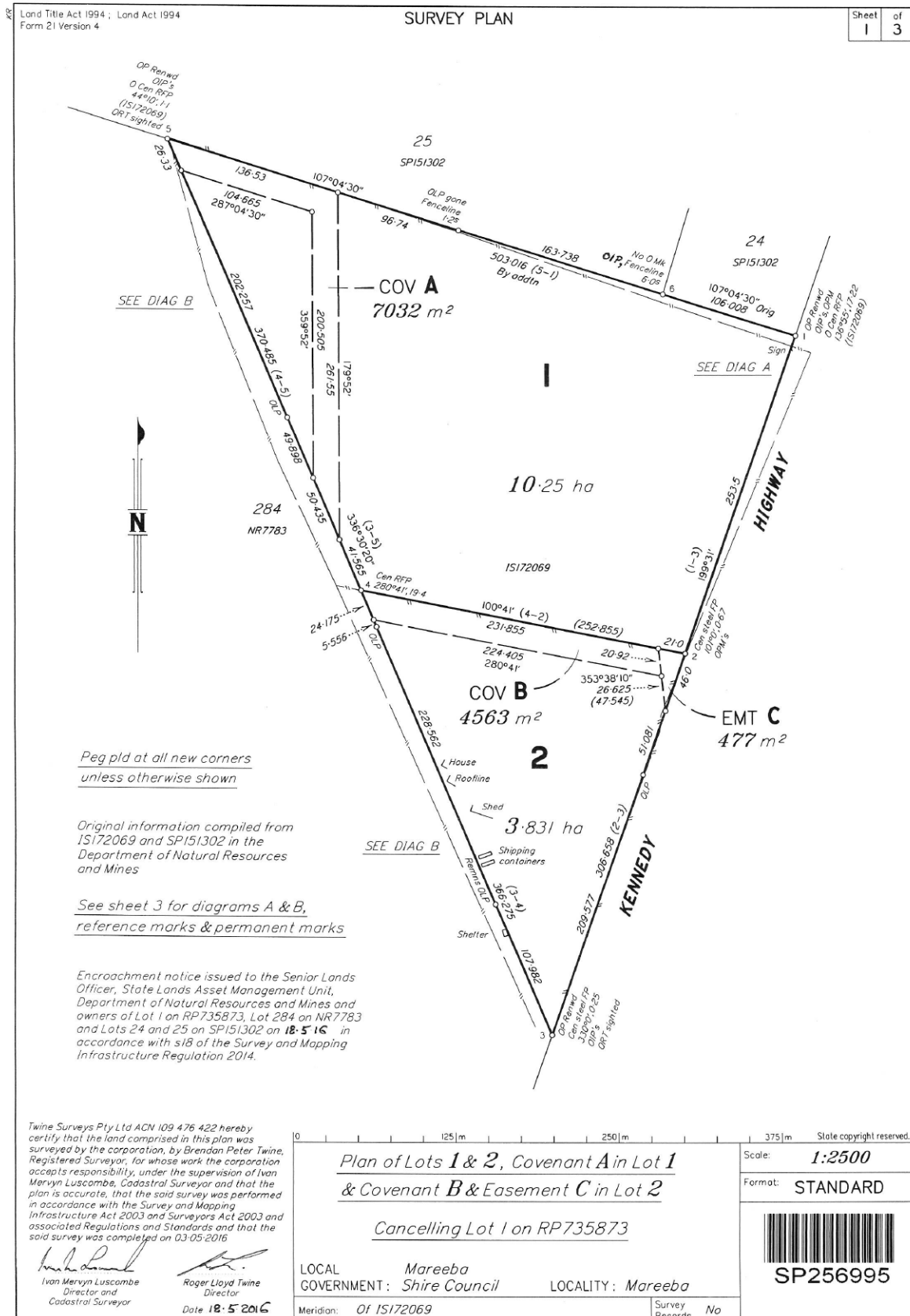
Brian Millard,
Senior Planner,
Mareeba Shire Council,
BO Box 154,
MAREEBA. Qld 4880

Brian,

We would like to apply to have the relevant period for the Development Permit extended for a further 12 months to allow us time to complete the requirements. Process is well under way, but we need more time to meet the requirements before the permit expires on 9th February, 1917.

Thank you.

MARIO AND CLAUDIA SORBELLO.



ATTACHMENT 3

Department of Infrastructure,
Local Government and Planning

Our reference : SPD-0217-034012
Council reference: REC/08/0029

21 February 2017

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

Attn: Brian Millard

Dear Sir / Madam

Notice about request to extend relevant period

Application for reconfiguring a lot – 1 lot into 2 lots on land situated at 3576 Kennedy Highway, Mareeba and described as Lot 1 RP735873
(Given under section 385 of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received written notice under section 383(1)(a) of the *Sustainable Planning Act 2009* (the act) on 13 February 2017 advising the department, as a concurrence agency, of the request to extend the relevant period. The proposed extension to the relevant period is 12 months.

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

If you require any further information, please contact Patricia Gadsden, Senior Planning Officer, on 4037 3233, or via email patricia.gadsden@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

Cc: Mario and Claudia Sorbello, sales@mareebacoffee.com.au

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

**ITEM-3 CHANGE OF DEVELOPMENT APPROVAL - S RIZVI & P
FREEMAN - RECONFIGURING A LOT - SUBDIVISION (1
INTO 4 LOTS AND COMMON PROPERTY) - LOT 1
NR7238 - 1063 KOAH ROAD, KOAH - DA/16/0009**

MEETING: Ordinary

MEETING DATE: 15 March 2017

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

DEPARTMENT: Corporate and Community Services

APPLICATION		PREMISES	
APPLICANT	S Rizvi & P Freeman	ADDRESS	1063 Koah Road, Koah
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	27 January 2017	RPD	Lot 1 on NR7238
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 4 lots and Common Property)		

FILE NO	DA/16/0009	AREA	6.051 hectares
LODGED BY	S Rizvi & P Freeman	OWNER	S Rizvi & P Freeman
PLANNING SCHEME	Mareeba Shire Council Planning Scheme - July 2016		
ZONE	Rural Residential zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:

1. Negotiated Decision Notice dated 3 June 2016
2. Applicant's request to change development approval dated 27 January 2017

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 20 April 2016, subject to conditions. A Negotiated Decision Notice was issued on 3 June 2016.

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

The applicants have subsequently lodged an application to change the development approval with regard to Condition 4.1.1, in particular, the surface treatment (bitumen versus gravel) of the shared common property access.

The proposed amendment of Condition 4.1.1 to relax the requirement for bitumen sealing of the shared common property access would not be inconsistent with the standard for an equivalent public road and is therefore recommended for approval.

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

It is recommended that the application be approved in full.

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	S Rizvi & P Freeman	ADDRESS	1063 Koah Road, Koah
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	27 January 2017	RPD	Lot 1 on NR7238
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 4 lots and Common Property)		

and in accordance with the Sustainable Planning Act 2009,

(A) Condition 4.1.1 of Council's Negotiated Decision Notice issued on 3 June 2016 be amended as follows:

4.1.1 The shared access driveway within the common property is to be constructed to a gravelled standard for the full length of the common property, to the satisfaction of Council's delegated officer.

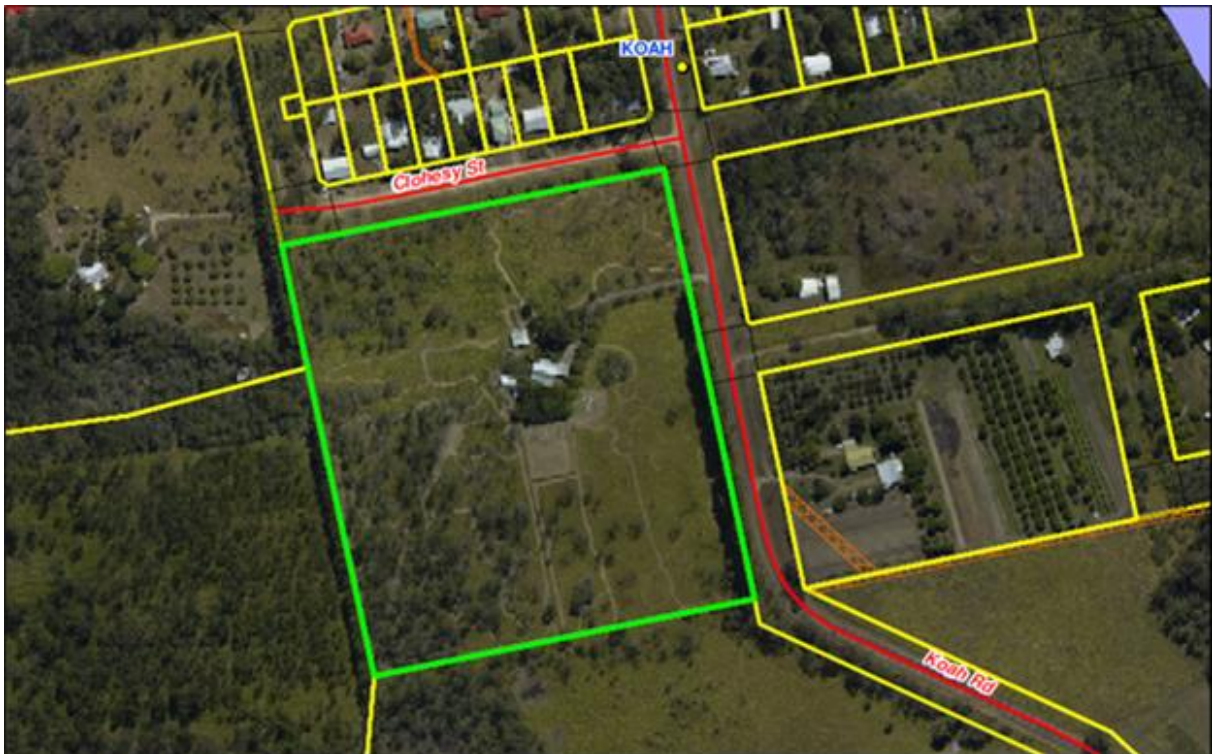
The driveway will:

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

- have a landscaped buffer along either side of the driveway, which will be planted out with drought hardy dry tropical native shrubs, such as *Callistemon pachyphyllus*, *Callistemon recurvus*, *Acacia leptocarpa*, *Acacia simsii*, *Melaleuca viridifolia*, *Melaleuca linariifolia*.
2. A Notice of Council's decision be issued to the applicant advising of Council's decision."

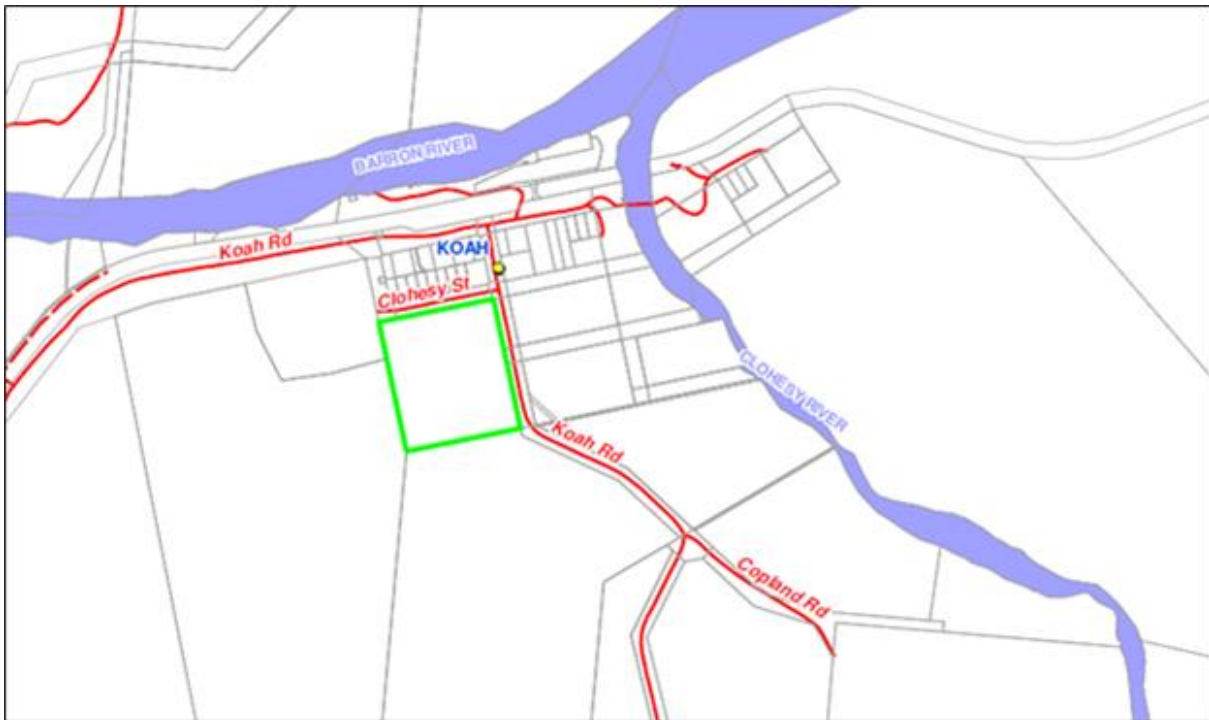
THE SITE

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



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.

**Map Disclaimer:**

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

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

BACKGROUND AND CONTEXT

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

The application was approved subject to conditions and the decision notice was issued on 22 April 2016. A negotiated decision notice was issued on 3 June 2016 (**Attachment 1**).

The applicants have subsequently lodged an application to change the development approval with regard to Condition 4.1.1 (shared internal access driveway) (**Attachment 2**).

The applicants are requesting a change to the surface treatment of the internal access driveway from bitumen to gravel.

ASSESSMENT AND DECISION REQUIREMENTS

Permissible change for a development approval

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

- *result in a substantially different development*

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

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

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

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

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

- *require referral to additional concurrence agencies*

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

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

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

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

The proposed change does not give rise to matters which may have attracted further submissions. Nor does the proposed change lessen or delete conditions which were imposed to mitigate impacts of the development.

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

The proposed change does not include any prohibited development.

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

Assessment rules

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

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

The details of the request to change the approval were provided by the applicant in a letter to Council dated 27 January 2017 (**Attachment 2**). The proposed changes and response are addressed in the body of this report.

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

In the assessment of the original application, significant weight was given to the then draft Mareeba Shire Council Planning Scheme. If a new application was lodged for this proposal, it would be assessed against the now adopted Mareeba Shire Council Planning Scheme.

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

The original development application was Code Assessable and therefore was not subject to public notification.

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

The original application did not trigger referral to any Concurrence Agencies.

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

No pre-request response notices were received.

REQUEST TO CHANGE THE DEVELOPMENT APPROVAL

Condition 4.1.1

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

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

Request by Applicant

"We request an amendment to this condition on the following grounds:

1. *The requirement to provide a four metre width of bitumen is for a private driveway within a low density, community title scheme and not a public road. We therefore feel that a gravel driveway is sufficient in this location, as the traffic loads on it will be minimal, and unsealed roads with far greater vehicle movements in other rural residential locations are perfectly adequate.*
2. *The one reason for the sealed standard is to mitigate dust impacts on the two front properties on Koah Rd from passing vehicle movements to the two (2) rear lots, however dust impacts from an unsealed driveway can be effectively managed other ways, including the following two (2) measures that we propose instead, which can be attached as new conditions:*
 - *A landscaped buffer along either side of the driveway, which will be planted out with drought hardy dry tropical native shrubs, such as Callistemon pachyphyllus, Callistemon recurvus, Acacia leptocarpa, Acacia simsii, Melaleuca viridifolia, Melaleuca linariifolia. This landscape buffer of native shrubs will contribute to the aesthetic and philosophy of our development.*
 - *We can apply this product (or one similar) to manage dust:*

<http://www.dustex.com.au/road-stabilisation/>

This product "can be applied either by incorporating or mixing the product into the road material during the construction phase or as a spray-on application when treating formed and compacted surfaces" and used extensively through the mining industry to manage dust associated with unsealed roads and heavy machinery.
3. *Sealed access driveway is commonly imposed as a condition on battle-axe blocks. This is because as any complaints due to dust impacts from the rear lot access driveway on the front lot would be directed to Council local laws officers, as Council is the relevant authority to deal with cross boundary complaints and impacts between adjoining neighbours.*

However, the circumstance of our development is different, because the four lots are all tied to a community management scheme, and the common land and

shared driveway will be managed by a body corporate with its own bylaws, and not Council local laws. Therefore any dust impacts on the front lots will be managed internally by the body corporate, and be of no concern to Council.

In the unlikely event that a complaint is directed to Council, it can simply be redirected back to the body corporate. However, as we will take the above listed measures to manage dust impacts, and our body corporate structure will be such that one occupier per lot will be required to participate in the body corporate, then it is very unlikely that such a complaint will come to Council in the first place.

4. *The permeable surface of a gravel driveway is preferable to the hard surface of a bitumen driveway for environmental reasons. Permeable surfaces allow rainwater to percolate into the soil to filter out pollutants and recharge the water table. On the contrary, impermeable, or hard surfaces such as bitumen, create the following environmental impacts:*

- *Pollution of surface water. When stormwater runs off impermeable surfaces, it picks up pollutants (oil/ rubber particles) as it flows into storm drains. The contaminated water then flows directly into the catchment, generating problems for biodiversity as well as water quality.*
- *Flooding of surface water and erosion of stream banks. During periods of heavy rainfall, large amounts of impermeable surfaces generate large amounts of runoff. The design of roads allows for a channel to manage this stormwater. However, the sudden influx of runoff is still a waste product to be managed, which will be significantly reduced if*
- *Water table is not adequately recharged. Because impermeable surfaces send rainwater into storm drains rather than allow it to percolate down to our aquifers, groundwater is not recharged at its natural rate.*

As proposed driveway will be 4m wide and 155m long, this is the addition of a total 620m², which is a significant amount of hard surface, which will generate all of these impacts to some degree.

5. *The landscaped buffer contributes to the development being environmentally oriented, and the gravel surface will be permeable which will remove the need for a large and unnecessary new area of hard surface, which is a more passive landscape intervention and will not create any associated drainage issues. We maintain that in order to support the aesthetic, philosophy and management structure of the development, we use these two simple and cost effective mitigation strategies*

Appendix 1

A very similar scheme exists further down Koah Rd, which is the Xanthorea estate where an internal driveway/ private road provides access to nine (9) allotments. This driveway is gravel sealed, and has functioned fine and without incident for over 20 years. It has provided access to over twice as many dwellings and subsequently vehicle movements as our proposal.

In the Xanthorrea estate, the driveway is managed and insured by a body corporate. Therefore any maintenance, liability, dust or other issues which could potentially occur in relation to the driveway, are managed by the body corporate. Dust impacts are managed by the body corporate through speed signs, speed bumps and landscaped buffers. Every few years the surface is regraded through funds collected by the body corporate.

The residents of the Xanthorrea estate since its establishment have confirmed that there has been no dust complaints in relation to the gravel driveway since its construction. A representative from the Xanthorrea body corporate can be contacted to confirm this on 0429937816.

We the owners of 1063 Koah Rd, feel that as our development has exactly the same model, a gravel surface would suffice in our case too.

In conclusion, the requirement to provide a 620m² of sealed driveway, imposes unnecessary and excessive requirements and undue cost on the development under our specific circumstances, and should be replaced with the requirements to provide a gravel driveway with landscaping on both sides as well as the application of a product such as dustex.

We hope these amendments can fulfil the philosophy and desires of the land owners as well as meet the reasons for the requirements set out by council which we can address with alternative and effective measures."

Response

The development proposes the creation of four (4) rural residential allotments with a shared common property access. All proposed allotments will have areas greater than 10,000m², but less than 20,000m².

Under the FNQROC Regional Development Manual, the rural road design standard applies to rural residential allotments with areas greater than 10,000m². The FNQROC manual does not specify a standard for private rural access roads.

If the FNQROC manual's rural public road standard was applied to the proposed development, the applicable standard would be **rural road (<100vpd)**. This standard calls for 4.5m seal width, but notes that Council will consider a reduction of sealed width to 3.5m.

Further, for roads with less than 50 vehicles per day, the FNQROC manual notes that Council will also consider relaxing the requirement for bitumen sealing altogether.

The four (4) proposed allotments will equate to total daily vehicle movements of 40vpd.

An amendment of Condition 4.1.1 to relax the requirement for bitumen sealing of the shared common property access would not be inconsistent with the standard for an equivalent public road.

It is recommended that Condition 4.1.1 be amended as follows:

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

The driveway will:

- *have a minimum ~~sealed~~ width of four (4) metres; and*
- *be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the common property; and*
- ***have a landscaped buffer along either side of the driveway, which will be planted out with drought hardy dry tropical native shrubs, such as Callistemon pachyphyllus, Callistemon recurvus, Acacia leptocarpa, Acacia simsii, Melaleuca viridifolia, Melaleuca linariifolia.***

Date Prepared: 14 February 2017

ATTACHMENT 1

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 07 4086 4657

F: 07 4092 3323

W: www.msc.qld.gov.au

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Council Ref: DA/16/0009

Our Ref: BM:CE:nj

3 June 2016

S E Rizvi & P D Freeman
1063 Koah Road
KOAHL QLD 4881

Negotiated Decision Notice Approval

Sustainable Planning Act 2009 s363

Dear Applicant/s

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

I wish to advise that, at Council's Ordinary Meeting held on 1 June 2016, a decision was made to issue a negotiated decision notice. This negotiated decision notice replaces the decision notice previously issued and dated 22 April 2016.

The conditions relevant to this approval are detailed in section 7 of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

Approval under Section 331

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

1. Nature of the changes

The nature of the changes are:

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

4.6 Electricity Provision/Supply

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

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

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

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

- (e)** *Notation on Rates Record*

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

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

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

2. Details of the approval –

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

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

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

- Development Permit for Operational Works

4. Other approvals required from Council

- Nil

5. Submissions -

Not applicable

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

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

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

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7. Conditions –

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

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

3.7 Flood Immunity

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

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

3.9 Bushfire Management

Any new dwelling erected on the lots shall:

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

3.10 Rural Addressing

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

3.11 Charges

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

4. Infrastructure Services and Standards

4.1 Access

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

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

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

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

4.2 Stormwater Drainage

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

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

4.3 Frontage Works - Koah Road

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

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

4.4 Non-reticulated Water Supply

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

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

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

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

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

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

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

4.5 On-Site Wastewater Management

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

4.6 Electricity Provision/Supply

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

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

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

4.7 Telecommunications

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

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

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay \$8,630.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk transport network servicing the land (\$4,315.00)
 - The trunk parks and open space network servicing the land (\$4,315.00)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council; and
 - Complete the works prior to endorsement of the plan of subdivision.

(B) ASSESSMENT MANAGER'S ADVICE

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

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

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

(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.

8. IDAS referral agencies –

The application did not require referral to any Referral Agency.

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9. Approved Plan

The approved plan for this development approval area is listed in the following table.

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

10. When approval lapses if development not started (s341)

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

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

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

11. Appeal rights –*Appeals by applicants*

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

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

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

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

Appeals by submitters

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

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

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

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

Attachment 2 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

12. When the development approval takes effect –

This development approval takes effect –

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

OR

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

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

Yours faithfully

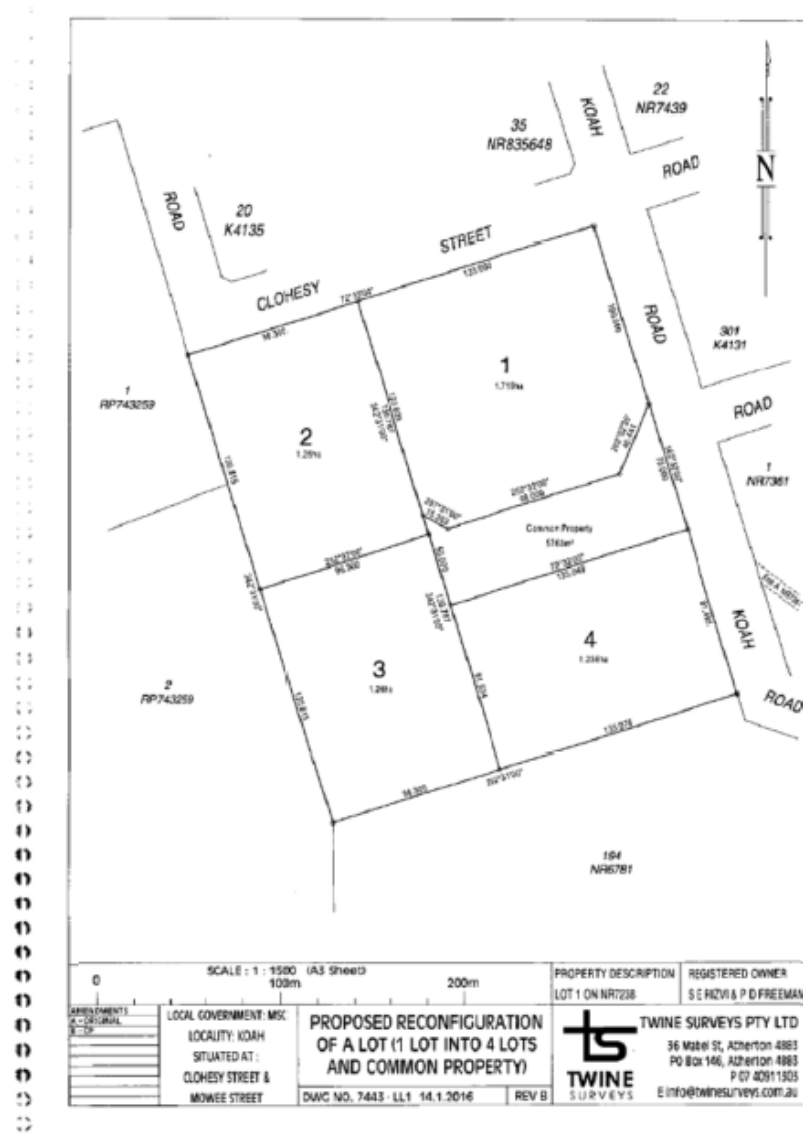
BRIAN MILLARD
SENIOR PLANNER

Enclosures: Attachment 1 - Approved Plan of Development
Attachment 2 - SPA Extract on Appeal Rights

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



ATTACHMENT 2 - APPEAL RIGHTS

DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS

461 APPEALS BY APPLICANTS

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

462 APPEALS BY SUBMITTERS—GENERAL

- (1) A submitter for a development application may appeal to the court only against—
- (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
- (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or

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- (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the *submitter's appeal period*) after the decision notice or negotiated decision notice is given to the submitter.

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

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

464 APPEALS BY ADVICE AGENCY SUBMITTERS

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

NEGOTIATED DECISION NOTICE

15
3 June 2016

- (b) any part of the approval relating to the assessment manager's decision under section 327.
- (3) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (4) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

ATTACHMENT 2

Sarah Rizvi & Piers Freeman
1063 Koah Rd KOAH Qld 4881
0427 677 447
moweefarm@gmail.com

Mareeba Shire Council
65 Rankin St, MAREEBA, Qld 4880

27 January 2017

To the Assessment Manager,

RE: Request to change existing conditions of DA/16/0009

We the land owners of 1063 Koah Rd, KOAH (Lot1 NR7238) and proponents of development application DA/16/0009, which was approved by Mareeba Shire Council on 1 June 2016, request to change the following condition:

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

-have a minimum sealed width of four (4) metres; and

Be formed with a one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the common property.

We request an amendment to this condition on the following grounds:

1. The requirement to provide a four metre width of bitumen is for a private driveway within a low density, community title scheme and not a public road. We therefore feel that a gravel driveway is sufficient in this location, as the traffic loads on it will be minimal, and unsealed roads with far greater vehicle movements in other rural residential locations are perfectly adequate.
2. The one reason for the sealed standard is to mitigate dust impacts on the two front properties on Koah Rd from passing vehicle movements to the two rear lots, however dust impacts from an unsealed driveway can be effectively managed other ways, including the following two measures that we propose instead, which can be attached as new conditions:
 - A landscaped buffer along either side of the driveway, which will be planted out with drought hardy dry tropical native shrubs, such as *Callistemon pachyphyllus*, *Callistemon recurvus*, *Acacia leptocarpa*, *Acacia simsii*, *Melaleuca viridifolia*, *Melaleuca linariifolia*. This landscape buffer of native shrubs will contribute to the aesthetic and philosophy of our development.
 - We can apply this product (or one similar) to manage dust:

<http://www.dustex.com.au/road-stabilisation/>.

This product "can be applied either by incorporating or mixing the product into the road material during the construction phase or as a spray-on application when treating formed and compacted surfaces" and used extensively through the mining industry to manage dust associated with unsealed roads and heavy machinery.

3. Sealed access driveway is commonly imposed as a condition on battle-axe blocks. This is because as any complaints due to dust impacts from the rear lot access driveway on the front lot would be directed to Council local laws officers, as Council is the relevant authority to deal with cross boundary complaints and impacts between adjoining neighbours. However the circumstance of our development are different, because the four lots are all tied to a community management scheme, and the common land and shared driveway will be managed by a body corporate with its own bylaws, and not Council local laws. Therefore any dust impacts on the front lots will be managed internally by the body corporate, and be of no concern to Council.

In the unlikely event that a complaint is directed to Council, it can simply be redirected back to the body corporate. However, as we will take the above listed measures to manage dust impacts, and our body corporate structure will be such that one occupier per lot will be required to participate in the body corporate, than it is very unlikely that such a complaint will come to Council in the first place.

4. The permeable surface of a gravel driveway is preferable to the hard surface of a bitumen driveway for environmental reasons. Permeable surfaces allow rainwater to percolate into the soil to filter out pollutants and recharge the water table. On the contrary, impermeable, or hard surfaces such as bitumen, create the following environmental impacts:
 - Pollution of surface water. When stormwater runs off impermeable surfaces, it picks up pollutants (oil/ rubber particles) as it flows into storm drains. The contaminated water then flows directly into the catchment, generating problems for biodiversity as well as water quality.
 - Flooding of surface water and erosion of stream banks. During periods of heavy rainfall, large amounts of impermeable surfaces generate large amounts of runoff. The design of roads allows for a channel to manage this stormwater, however the sudden influx of runoff is still a waste product to be managed, which will be significantly reduced if
 - Water table is not adequately recharged. Because impermeable surfaces send rainwater into storm drains rather than allow it to percolate down to our aquifers, groundwater is not recharged at its natural rate.

As proposed driveway will be 4m wide and 155m long, this is the addition of a total 620m², which is a significant amount of hard surface, which will generate all of these impacts to some degree.

5. The landscaped buffer contributes to the development being environmentally oriented, and the gravel surface will be permeable which will remove the need for a large and unnecessary new area of hard surface, which is a more passive landscape intervention and will not create any associated drainage issues. We maintain that in order to support the aesthetic,

philosophy and management structure of the development, we use these two simple and cost effective mitigation strategies

In conclusion, the requirement to provide a 620m² of sealed driveway, imposes unnecessary and excessive requirements and undue cost on the development under our specific circumstances, and should be replaced with the requirements to provide a gravel driveway with landscaping on both sides as well as the application of a product such as dustex.

We hope these amendments can fulfil the philosophy and desires of the land owners as well as meet the reasons for the requirements set out by council which we can address with alternative and effective measures.

Kind regards,


Sarah Rizvi & Piers Freeman

Request to change existing conditions of DA/16/0009**APPENDIX 1: Xanthorea estate (Koah Rd) gravel driveway**

This appendix is to support the request to change existing conditions of DA/16/0009, which was recently submitted to Mareeba Shire Council on 27 January 2017, which requested that a condition of approval to seal an internal driveway/ private road for a community title development on Lot1 NR7238 be reduced to a gravel driveway.

A very similar scheme exists further down Koah Rd, which is the Xanthorea estate where an internal driveway/ private road provides access to 9 allotments. This driveway is gravel sealed, and has functioned fine and without incident for over 20 years. It has provided access to over twice as many dwellings and subsequently vehicle movements as our proposal.

In the Xanthorrea estate, the driveway is managed and insured by a body corporate. Therefore any maintenance, liability, dust or other issues which could potentially occur in relation to the driveway, are managed by the body corporate. Dust impacts are managed by the body corporate through speed signs, speed bumps and landscaped buffers. Every few years the surface is regraded through funds collected by the body corporate.

The residents of the Xanthorrea estate since its establishment have confirmed that there has been no dust complaints in relation to the gravel driveway since its construction. A representative from the Xanthorrea body corporate can be contacted to confirm this on 0429937816.

We the owners of 1063 Koah Rd, feel that as our development has exactly the same model, a gravel surface would suffice in our case too.

Regards

Sarah Rizvi & Piers Freeman

Department of Infrastructure, Local Government and Planning

Request to change an existing approval template

(Sustainable Planning Act 2009 version 1.1 effective March 2010)

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

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

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

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

1. Who is making the request?

Name/s (individual or company name in full) Sarah Rizvi & Piers Freeman

For companies, contact name

Postal address

1063 Koah Rd KOAH QLD
4881

Contact phone number

0427 677 447

Mobile number (non-mandatory)

as above

Fax number (non-mandatory)

NA

e-mail address (non-mandatory)

mowee farm
@ gmail.com

Department of Infrastructure, Local Government and Planning

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

5. Details of the proposed change

Request to change one condition to seal an access driveway, and provide gravel surface instead.

6. Is owner's consent required for this request? (refer to notes at the end of this form for more information)

- ☐ No
☒ Yes—complete either table D or table E as applicable

Table D	
Name of owner of the land	Sarah Rizvi & Piers Freeman
I, the above-mentioned owner of the land, consent to the making of this request.	
Signature of owner of the land	S. Rizvi [Signature]
Date	

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

Question 6:

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

Question 7:

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

Question 9:

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

OFFICE USE ONLY

Date received		Reference numbers	
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ITEM-4 **CHANGE OF DEVELOPMENT APPROVAL - RODEO ACRES PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 8 LOTS) LOT 12 SP146292 - MAREEBA-DIMBULAH ROAD, MAREEBA - DA/16/0019**

MEETING: Ordinary

MEETING DATE: 15 March 2017

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION		PREMISES	
APPLICANT	Rodeo Acres Pty Ltd	ADDRESS	Mareeba - Dimbulah Road, Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	17 February 2017	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	Trinity Engineering	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. Decision Notice dated 26 July 2016
 2. Applicant's request to change development approval dated 17 February 2017
 3. Department of Infrastructure, Local Government and Planning response dated 1 March 2017

EXECUTIVE SUMMARY

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

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

Trinity Engineering and Consulting on behalf of the applicant has lodged an application to change the development approval with regard to the approved plan and related condition 3.14 (Lot Layout and Building Envelopes).

The existing approved plan would result in three (3) of the proposed eight (8) allotments being created as battle-axe allotments. The applicant's revised lot layout is a considerable improvement with no battle-axe allotments being created.

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

It is recommended that the application be approved in full.

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	Rodeo Acres Pty Ltd	ADDRESS	Mareeba - Dimbulah Road, Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	17 February 2017	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,

(A) The approved plan/s of Council's Decision Notice issued on 26 July 2016 be amended as follows:

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

<i>Plan/Document Number</i>	<i>Plan/Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
Sketch 1013-2 E	Lot Layout - Option 2	Trinity Engineering and Consulting	5 July 2016
Sketch 1013-2 G	Lot Layout - Option 2	Trinity Engineering and Consulting	17 February 2017

- (B) Condition 3.14 of Council's Decision Notice issued on 26 July 2016 be amended as follows:

3.14 Lot Layout and Building Envelopes

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

- (a) The approved building envelope plan is Drawing No. Sketch 1013-2 G. 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) All habitable buildings must be located within the approved building envelope area.*
2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant and Department of Infrastructure, Local Government and Planning, State Assessment and Referral Agency (SARA) via email CairnsSARA@dilgp.gov.au (reference: SPD-0217-034162) advising of Council's decision."

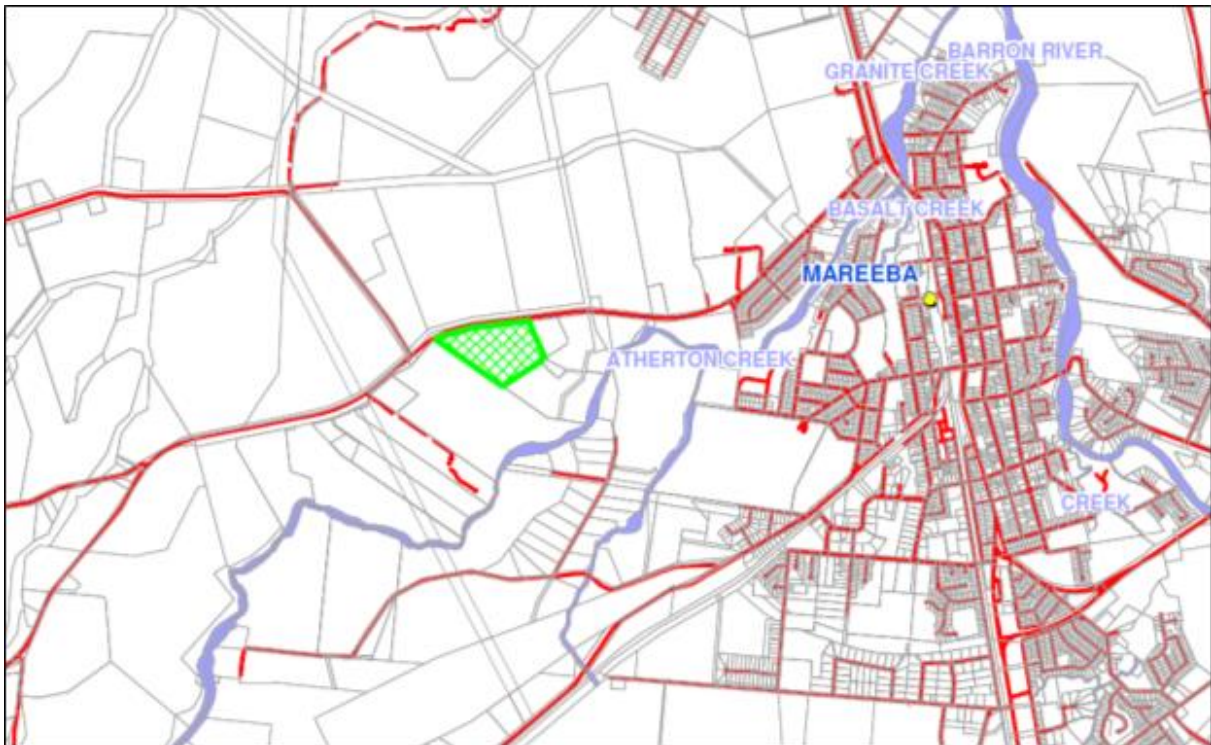
THE SITE

The subject site is situated opposite Kerribee Park (Mareeba Rodeo grounds) on the Mareeba - Dimbulah Road and is described as Lot 12 on SP146292. The site is irregular in shape with a total area of 17.83 hectares and is zoned *Rural* under the Mareeba Shire Planning Scheme 2004. The Planning Scheme's Land Quality Maps map the entire site as Good Quality Agricultural Land (GQAL).

The site contains 632 metres of frontage to the State controlled Mareeba - Dimbulah Road, which is constructed to two-lane bitumen sealed standard. Access is gained from a single gravel and grassed access crossover situated towards the centre of the sites frontage.

The site remains unimproved and is cleared and grassed for the most part with some scattered regrowth vegetation present towards the rear of the allotment. The site drains via overland flow to the south of the lot.

All surrounding allotments are zoned Rural and used for rural lifestyle purposes and low-intensity fruit tree cropping.



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.



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.

BACKGROUND AND CONTEXT

On 20 July 2016, Council approved an application for reconfiguring a lot - subdivision (1 into 8 lots) over land described as Lot 12 on SP146292, Parish of Tinaroo, situated at Mareeba-Dimbulah Road, Mareeba.

The application was approved subject to conditions and the decision notice was issued on 26 July 2016 (**Attachment 1**).

Trinity Engineering and Consulting on behalf of the applicant has lodged an application to change the development approval with regard to the approved plan and related condition 3.14-Lot Layout and Building Envelopes (**Attachment 2**).

The existing approved plan would result in three (3) of the proposed eight (8) allotments being created as battle-axe allotments. The applicant's revised lot layout is a considerable improvement with no battle-axe allotments being created.

ASSESSMENT AND DECISION REQUIREMENTS

Permissible change for a development approval

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

- *result in a substantially different development*

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

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

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

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

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

- *require referral to additional concurrence agencies*

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

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

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

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

The proposed change does not give rise to matters which may have attracted further submissions. Nor does the proposed change lessen or delete conditions which were imposed to mitigate impacts of the development.

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

The proposed change does not include any prohibited development.

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

Assessment rules

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

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

The details of the request to change the approval were provided by the applicant in an email to Council received on 17 February 2017. The proposed changes and response are addressed in the body of this report.

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

If a new application was lodged for this proposal, prior to the 30 June 2017, it could be assessed against the Mareeba Shire Planning Scheme 2004 as was the original development application.

Any application made after 30 June 2017 would be assessed against the new Mareeba Shire Council Planning Scheme - July 2016.

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

The original development application was Code Assessable and therefore was not subject to public notification.

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

The original application triggered referral to the Department of Infrastructure, Local Government and Planning (SARA) as a concurrence agency for State controlled roads.

The Department of Infrastructure, Local Government and Planning (SARA) advised in a letter dated 1 March 2017 that they have no objection to the proposed change (**Attachment 3**).

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

No pre-request response notices were received.

REQUEST TO CHANGE THE DEVELOPMENT APPROVAL

Approved Plan/s

8. Approved Plans -

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

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

Request by Applicant

The applicants propose to change the approved plan from Sketch 1013-2 Revision E to Sketch 1013-2 Revision G.

Response

Existing approved plan Sketch 1013-2 Revision E would result in three of the proposed eight allotments being created as battle-axe allotments.

Proposed plan Sketch 1013-2 Revision G is a considerable improvement with no battle-axe allotments being created. The number of allotments remains eight (8).

Section 8 of the decision notice should be amended as follows:

8. Approved Plans -

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated
<i>Sketch 1013-2 E</i>	<i>Lot Layout - Option 2</i>	<i>Trinity Engineering and Consulting</i>	<i>5 July 2016</i>
Sketch 1013-2 G	Lot Layout - Option 2	Trinity Engineering and Consulting	17 February 2017

Condition 3.14

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.*

Request by Applicant

The applicants propose to change the approved plan from Sketch 1013-2 Revision E to Sketch 1013-2 Revision G.

Response

Some minor amendments are required to this condition to reflect the revised lot layout. It is recommended that Condition 3.14 be amended as follows:

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~~ **The approved building envelope plan is Drawing No. Sketch 1013-2 G.** 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)(b) All habitable buildings must be located within the approved building envelope area.*

Date Prepared: 1 March 2017

ATTACHMENT 1

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 07 4086 4657
F: 07 4092 3323

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

Council Ref: DA/16/0019

Our Ref: BM:nj

Your Ref: P61610

26 July 2016

Rodeo Acres Pty Ltd
C/- Planz Town Planning Pty Ltd
PO Box 181
EDGE HILL QLD 4870

Decision Notice

Approval

Sustainable Planning Act 2009 s334 and s335

Dear Applicant/s

APPLICATION FOR RECONFIGURING A LOT - SUBDIVISION (1 INTO 8 LOTS)
LOT 12 ON SP146292
SITUATED AT MAREEBA - DIMBULAH ROAD, MAREEBA

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

- Approved in full with conditions.

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

Approval under Section 331

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

1. Details of the approval –

Development Permit for Reconfiguring a Lot - Subdivision (1 into 8 lots)

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

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

- Development Permit for Operational Works

DECISION NOTICE - APPROVAL

 2
 26 July 2016

3. Other approvals required from Council

- Nil

4. Submissions -

Not applicable

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

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

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
1. The proposed development is in conflict with Part 4, Division 14, 4.77 Overall Outcomes for Rural Zone Code: (b) where agricultural production and the raising of animals are protected from incompatible land uses; (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;	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.
2. The proposed development is in conflict with Part 4, Division 14, Rural Zone Code: 4.78 Building Siting, Scale and Amenity S2 Agricultural activities are protected from incompatible land uses. PS2.2 Non-agriculture or agriculture - intensive uses which adjoin any agriculture or agriculture - intensive uses are protected from spray drifts	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. 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

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<p>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>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>
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6. Conditions –

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.

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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.

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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 fire fighting purposes of not less than 5,000 litres. This may be satisfied by the provision of an accessible dam, swimming pool or tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within 40 metres from the habitable buildings.

3.12 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

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- 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 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.

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- (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

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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 (AS/NZS1547) 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.

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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.

(B) ASSESSMENT MANAGER'S ADVICE

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

(b) Easement Documents

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

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(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.

(C) CONCURRENCE AGENCY CONDITIONS

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

7. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of technical agency	Status	Address
RECONFIGURING A LOT			
<u>State Controlled Roads</u> Reconfiguring a lot if— (a) any part of the land— (i) is within 25m of a <u>State-controlled road</u> ; or (ii) is future State-controlled road; or	Sch 7, Table 2, item 2	Department of Transport & Main Roads	Concurrence State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dilgp.qld.gov.au

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For an application involving	Name of technical agency	Status	Address
(iii) abuts a road that intersects with a State-controlled road that is within 100m of the land; and (b) 1 or more of the following apply— (i) the total number of lots is increased; (ii) the total number of lots abutting the State-controlled road is increased; (iii) there is a new or changed access between the land and the State-controlled road			SARA is supported by MyDAS—a new online system that allows an applicant to prepare and lodge or refer applications to DSDIP, as the single state assessment and referral agency. MyDAS can be accessed at http://www.dilgp.qld.gov.au/planning/development-assessment/state-assessment-and-referral-agency-applications.html

8. Approved Plans

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

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

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

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

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

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

10. Appeal rights –

Applicant may make representations about decision

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

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

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

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

Appeals by applicants

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

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

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

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

Appeals by submitters

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

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

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

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

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

11. When the development approval takes effect –

This development approval takes effect –

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

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OR

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

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

Yours faithfully

BRIAN MILLARD
SENIOR PLANNER

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

Copy: Department of Infrastructure, Local Government and Planning
CairnsSARA@dilgp.qld.gov.au

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ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT (ECM VS# 3787079)



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26 July 2016**ATTACHMENT 2 - CONCURRENCE AGENCY CONDITIONS**Department of Infrastructure,
Local Government and PlanningOur reference: SDA-0416-020717
Your reference: DA/16/0019

27 May 2016

The Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4680

Attn: Carl Ewin

Dear Sir

Concurrence agency response—with conditionsDevelopment 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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Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2368
Cairns QLD 4870

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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	Austrroads Guide to Road Design, Part 4A: Unsignalised and Signalised Intersections	2010	Figure 7.5	-
Rural basic left-turn treatment (BAL)	Austrroads Guide to Road Design, Part 4A: Unsignalised and Signalised	2010	Figure 8.2	-

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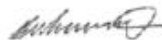
DDA-04/16-029717

	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@planzto.com

ens: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

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SDA-0416-029717

Our reference: SDA-0416-029717
Your reference: DA/10/009

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 Sustainable Planning Act 2009, 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>

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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.

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Our reference: SDA-0416-029717
Your reference: DA/15/0019

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.

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 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.</p> <p>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.dlgo.qld.gov.au/planning/state-planning-instruments/tnc-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>

Department of Infrastructure, Local Government and Planning

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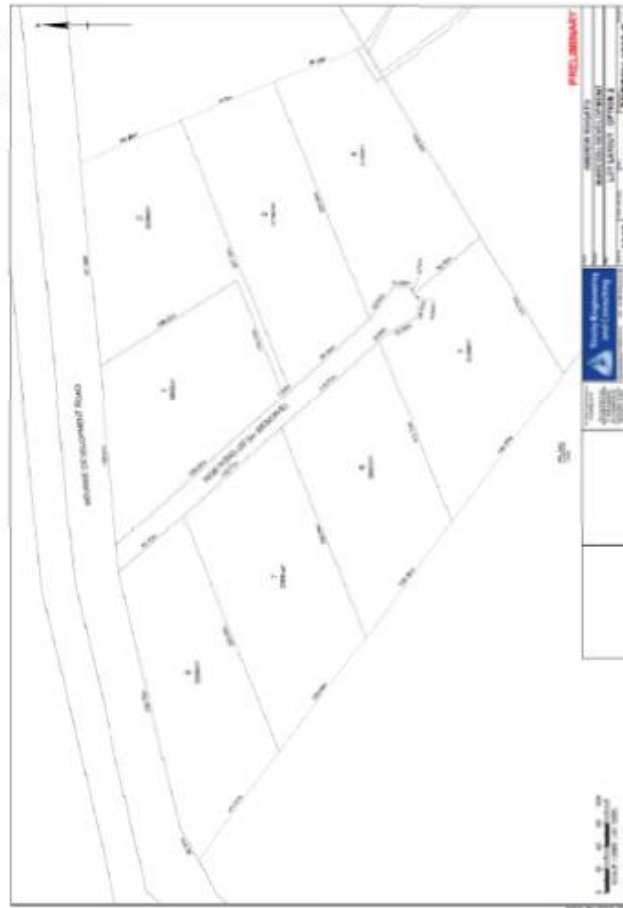
DECISION NOTICE - APPROVAL

22
26 July 2016

SDA-0416-020717

Our reference: SDA
Your reference: DA1

Attachment 4—A

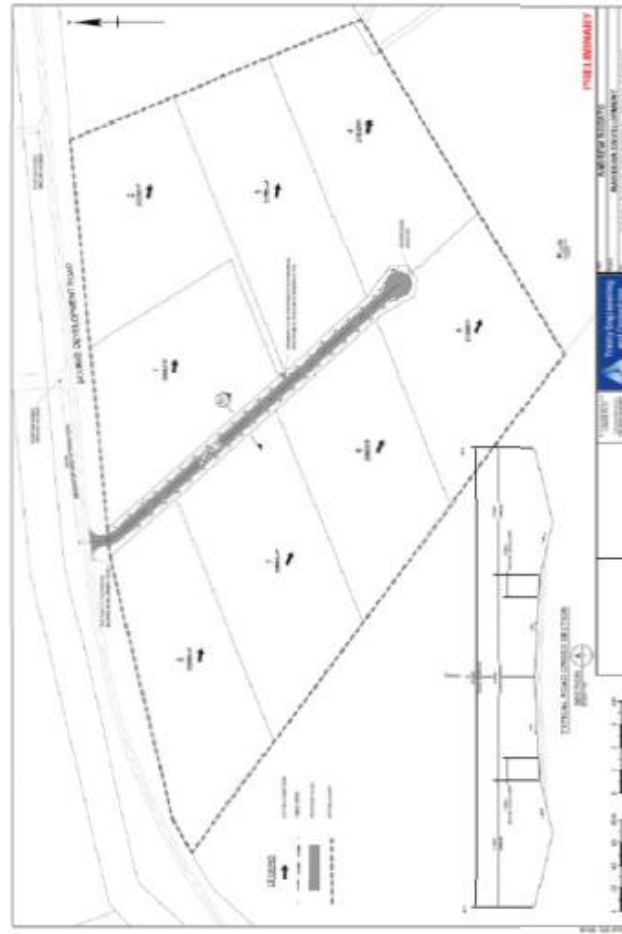


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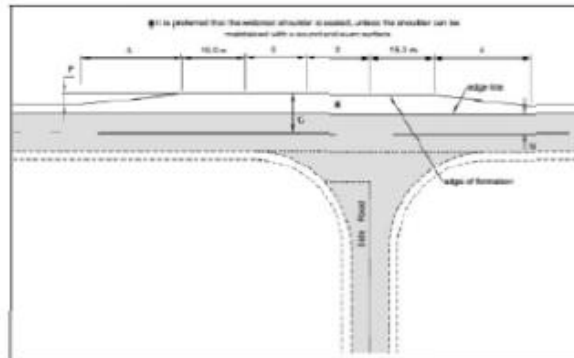


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25
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SDA-0416-0297-17

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



References

- The instrument applies to the maximum from a) or b) as a minimum load
2. The dimensions of the instrument are defined as:
- a) = Force through area with pin (including widening for curves), 1000 N to be measured through the instrument.
 - b) = On average = 0.2 mm
- 2.2.2. Minimum for Type 1 & Type 2 instrument
- On curves, width as shown - not a widening based on widening for the design turning vehicle plus widening for the design turning vehicle.
- A = $\frac{0.50 F}{3.6}$
- Minimum length A on right hand curve is, thus, with a side friction demand greater than the maximum desirable, where the design turning vehicle is larger than or equal to a 10-metre wheelbase the minimum ground cover to calculate A is 20 m.
- a) = Design speed of major road approach, km/h.
 - b) = Average curve tangency, %.
 - c) = Design length in curve for the side design turning vehicle (side friction demand length 0.2 m).
 - d) = Distance between design vehicle turning path, typically 10.5 m.
- (Source CEM 1998)

Source: CERN (2008).

Figure 7.5 Basic right (B&R) turn treatment on a two-lane rural road

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

The CHRTS 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 center of the road. This treatment is suitable where there are low to moderate through and turning volumes. For higher volume class, a full-length CHRTS turn treatment (Figure 7.7) is preferred.

— 101 —

Department of Transport and Main Roads notes:
 The specific requirements may not reflect the example in its
 entirety. Detailed drawings will be issued upon application for a
 Road Corridor Permit.

[illegible]

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

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

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

361 APPLICANT MAY MAKE REPRESENTATIONS ABOUT DECISION

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

362 ASSESSMENT MANAGER TO CONSIDER REPRESENTATIONS

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

363 DECISION ABOUT REPRESENTATIONS

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

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

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

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

462 APPEALS BY SUBMITTERS—GENERAL

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

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

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

464 APPEALS BY ADVICE AGENCY SUBMITTERS

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

ATTACHMENT 2**Brian Millard**

From: Scott Christensen <scott@trinityengineering.com.au>
Sent: Friday, 17 February 2017 2:51 PM
To: Brian Millard; 'CairnsSARA@dilgp.qld.gov.au'
Cc: 1013 Mareeba Development; andrew (andrew@4880.com.au); Renae Lofthouse
Subject: Rodeo Acres Subdivision - Request to change an existing approval Ref DA/16/0019
Attachments: Rodeo Acres Request to change approval 2017 02 17.pdf

Hi Brian

On behalf of the Applicant (Rodeo Acres), please find attached the request to change an existing approval.
If you have any queries, do not hesitate to contact me.

Regards

Scott Christensen
Project Manager



This transmission is intended only for the use of the addressee and may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately and delete all copies of this transmission together with any attachments

Department of Infrastructure, Local Government and Planning

Request to change an existing approval template

(Sustainable Planning Act 2009 version 1.1 effective March 2010)

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

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

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

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

1. Who is making the request?

Name/s (individual or company name in full)	Rodeo Acres Pty Ltd
For companies, contact name	Andrew Rogato
Postal address	219 Byrnes St Mareeba Q 4880
Contact phone number	07 4092 5255
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
e-mail address (non-mandatory)	andrew @4880.com.au



Department of Infrastructure, Local Government and Planning

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

Type of approval	Identification number	Date decision notice or negotiated decision notice issued	Name of entity that issued the approval or imposed the condition sought to be changed
<input checked="" type="checkbox"/> Development permit	DA/16/0018	20 July 16	Mareeba Shire Council
<input type="checkbox"/> Preliminary approval			

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

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

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

--

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

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

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

Street address				Lot on plan description		Local government area (e.g. Logan, Cairns)
Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
		Mareeba - Dimbulah Rd		12	SP146292	Mareeba

Department of Infrastructure, Local Government and Planning

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

5. Details of the proposed change

Lot layout amendment.

6. Is owner's consent required for this request? (refer to notes at the end of this form for more information)
--

- ☐ No
☒ Yes—complete either table D or table E as applicable

Table D	
Name of owner of the land	Rodeo Acres Pty Ltd
I, the above-mentioned owner of the land, consent to the making of this request.	
Signature of owner of the land	<i>A. Rogge</i>
Date	15/02/2017

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

Department of Infrastructure, Local Government and Planning

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

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

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

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

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

- ☐ No ☒ Yes—complete Table F

Table F

A copy of this request has been provided to the entities identified below (provide details for each entity given a copy of the request and the date the copy was given)

<input checked="" type="checkbox"/> Assessment manager for the original application	Mareeba Shire Council 17.2.17
<input checked="" type="checkbox"/> Concurrence agencies for the original application	Department of Transport and Main Roads (via SARA) 17.2.17
<input type="checkbox"/> Any other entity prescribed by a regulation	

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

Proposed amended lot layout sketch 1013-2 Revision 6

Notes for completing this template

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

Question 6:

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

Question 7:

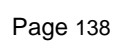
- Section 370(3) and (4) of the Sustainable Planning Act 2009 requires that if an application for the development approval were made at the time of making this request and evidence under section 264(1) of the Sustainable Planning Act 2009 would be required to support the application, this request must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

Question 9:

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

OFFICE USE ONLY

Date received		Reference numbers	
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ATTACHMENT 3

Department of Infrastructure,
Local Government and Planning

Our reference: SPD-0217-034162
Your reference: DA/16/0019

1 March 2017

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

Attn: Brian Millard

Dear Sir / Madam

Notice about request for permissible change—relevant entity

Development permit for Reconfiguring a lot (1 into 8 lots) at Mareeba-Dimbulah Road
Mareeba, described as Lot 12 on SP146292

(Given under section 373(1) of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning received a copy of the request for a permissible change under section 372(1) of the *Sustainable Planning Act 2009* on 17 February 2017 advising the department, as a relevant entity, of the request for a permissible change made to the responsible entity under section 369 of the *Sustainable Planning Act 2009* (SPA).

The department understands that the proposed changes are as follows:

- An amended lot layout for the reconfiguration to address conditions imposed by Mareeba Shire Council; specifically that the closest point of each building envelope must be setback a minimum of 90 metres from the Mareeba-Dimbulah road frontage and ensuring all lots access the internal road.

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

It is noted that if the applicant wishes reference to the approved plan (Lot Layout – Option 2 prepared by Trinity Engineering and Consulting, dated 29 February 2016, Reference 1013-2, Version D), referred to in condition 1 of the concurrence agency response dated 27 May 2016 to be amended, an application to the department as responsible entity under s372 of the *Sustainable Planning Act 2009* would be required.

SPD-0217-034162

If you require any further information, please contact Michele Creecy, Senior Planning Officer, on 4037 3206, or via email michele.creecy@dlgp.qld.gov.au who will be able to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc. Andrew Rogato – Andrew@4880.com.au

**ITEM-5 APPLICATION FOR COMMERCIAL OTHER -
 SUBSIDIARY ON PREMISES LIQUOR LICENCE -
 SPRINGMOUNT RACEWAY PTY LTD - LOT 113 ON
 SP214842 - SPRINGMOUNT ROAD, ARRIGA**

MEETING: Ordinary

MEETING DATE: 15 March 2017

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

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The Office of Liquor and Gaming Regulation have written to Council advising that an application has been made for a Commercial Other - Subsidiary on Premises liquor licence over land described as Lot 113 on SP214842, situated at Springmount Road, Arriga which contains the Springmount Raceway.

The commercial other - subsidiary on premises licence will allow the sale of liquor for consumption on the premises where the principal activity is the provision of motor sports. The proposed licensed area was previously licensed through the auspices of a licensed caterer, namely Hungry Possum Catering. The licensed area will remain the same, which will include outdoor areas, and similar licensing conditions will apply.

Council has been requested to provide comments on the liquor licence application.

It is recommended that Council offers no objection to the issue of the proposed licence.

OFFICER'S RECOMMENDATION

"That Council advise the Office of Liquor and Gaming Regulation of the Department of Justice and Attorney General that Council has no objection to the granting of a Commercial Other - Subsidiary on Premises Licence to Springmount Raceway Pty Ltd on land described as Lot 113 on SP214842, situated at Springmount Road, Arriga subject to the standard trading conditions."

BACKGROUND



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.

Springmount Raceway Pty Ltd, the managing company for the Springmount Raceway, have made application for a Commercial Other - Subsidiary on Premises liquor licence over Lot 113 on SP214842, situated at Springmount Road, Arriga.

The commercial other - subsidiary on premises licence will allow the Springmount Raceway to serve alcohol at motor sport events. The proposed licensed area was previously licensed through the auspices of a licensed caterer, namely Hungry Possum Catering. The licensed area will remain the same, which will include outdoor areas, and similar licensing conditions will apply.

The proposed trading hours are between 10:00am and 12:00am - Monday to Sunday.

LINK TO CORPORATE PLAN

Nil

CONSULTATION

Internal
Nil

External
Nil

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

Nil

POLICY IMPLICATIONS

Lot 113 on SP214842 is zoned Rural under the current Mareeba Shire Council Planning Scheme - July 2016.

Council, at its Ordinary Meeting on 16 December 2015 approved an application made by Planning Plus on behalf of Springmount Raceway Pty Ltd for a Development Permit for Material Change of Use - Outdoor Sport and Entertainment Facility (Drag Strip) on land described as Lot 113 on SP214842. A subsequent request for a Negotiated Decision Notice was approved by Council at its Ordinary Meeting on 20 January 2016.

Construction of the approved outdoor sport and entertainment facility (drag strip) more commonly known as Springmount Raceway was completed in early 2016 in time for the annual motorsports events calendar. The facility is considered to be lawfully established and operating within the bounds of the development permit. The proposed Commercial Other - Subsidiary on Premises Licence would allow the sale of alcohol at motor sport events.

The Queensland Government provides the following description of Commercial Other - Subsidiary on Premise Licence:

Service summary

A commercial other (subsidiary on-premises) licence is required when selling liquor for on-premises consumption is a 'subsidiary' activity of your business (i.e. it is not the main activity of your business).

Types of businesses that may be licensed under subsidiary on-premises licence include restaurants, cafes, nightclubs, vessels, indoor sporting centres, theatres, amusement parks, resorts, motels and function centres.

Trading conditions

Generally between the hours of 10am and 12 midnight - or during approved extended trading hours - liquor may be sold:

- *for consumption on the licensed premises*
- *for consumption off the licensed premises (i.e. if stated in the licence) in the course of the licensee catering to a function.*

If the main activity of your business includes any of the following, specific conditions will apply:

- *providing entertainment (e.g. nightclub, cabaret)*
- *providing meals prepared, and served to be eaten, on the premises (e.g. restaurants, cafes)*
- *providing accommodation (e.g. motel, resort).*

It is recommended that Council offers no objection to the granting of a Commercial Other - Subsidiary on Premises licence to Springmount Raceway Pty Ltd.

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

The Department of Justice and Attorney General will be informed of Council's decision by letter.

ATTACHMENTS

1. Department of Justice and Attorney General letter dated 21 February 2017.

Date Prepared: 23 February 2017

ATTACHMENT 1

Office of Liquor and Gaming Regulation

Department of
Justice and Attorney-GeneralPlease quote: 946233/LAB04
Contact officer: Customer Support Team
Contact Number: (07) 3224 7131Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880Email: info@msc.qld.gov.au

Dear Sir/Madam

SPRINGMOUNT RACEWAY - ARRIGA**Application for a commercial other subsidiary on premises licence****Real Property Description: Lot 113 on SP 214842****Applicant's Contact Details: Evan Yelavich, Phone: 0402073082, Email: evan@springmountraceway.com**

An application for a liquor licence within your area of authority has been received at this office. Details of the application are as follows:

<i>Applicant:</i>	Springmount Raceway Pty Ltd
<i>Name of Premises:</i>	Springmount Raceway
<i>Street Address:</i>	Lot 113, Springmount Road, Arriga
<i>Proposed Trading Hours:</i>	10:00am to 12:00am - Monday - Sunday
<i>Type of Licence:</i>	Commercial other subsidiary on premises – motor sports

Should this licence be granted it would enable the holder thereof to sell liquor for consumption on the premises whilst the premises adheres to its principal activity of the provision of motor sports.

Please note that the proposed licensed area will also include outdoor areas.

The proposed licensed area was previously licensed under the auspices of a licensed caterer, namely Hungry Possum Catering and the licensed area will remain the same and similar conditions will apply.

Office of Liquor and Gaming Regulation
63 George Street
BRISBANE QLD 4000
Locked Bag 180
CITY EAST QLD 4002Telephone +61 7 3224 7131
Facsimile +61 7 3227 7047
Email liquorandgaminglicensing@justice.qld.gov.au
Website www.business.qld.gov.au/liquor-gaming
ABN 13 846 673 994

By law, the relevant local government authority for the locality must be informed of the application and afforded the opportunity to:

- Comment on the reasonable requirements of the public in the locality.
- Object to the grant of the application on the grounds that the amenity, quiet or good order of the locality would be lessened.

Please advise whether you have any comments on, or objections to, the grant of the application. In accordance with section 117 of the *Liquor Act 1992* your comments or objection must be given to this office on or before the last day for filing objections. To comply with section 117 of the Act, your comments or objection should be received by 10 March 2017.

If you do not support the application, your comments or objection should include full particulars of:

- The grounds upon which the objection is made.
- The facts, evidence or reasons upon which it is based.

It is important to note that less weight will be given to statements that merely indicate that the Chief Executive Officer does not support, or objects to the application. Accordingly, any objection to this application should be supported by documentary evidence on the specific trading history of this venue and include incidents directly linked to the operation of the premises and the conduct of the licensee and their management.

If this application relates to a new licensed premises and there is no trading history to rely on, your objection may be based on anecdotal evidence, particularly in relation to the reasonable requirements of the public.

In the interests of natural justice, any comment or objection you provide may be referred to the applicant.

In considering your comments, including the likelihood of adverse health, public safety and amenity issues, the Commissioner for Liquor and Gaming may also impose licence conditions to mitigate any risk posed by the application.

The Commissioner's decision may be subject to review by the independent Queensland Civil and Administrative Tribunal. Substantiating any comments or objections as requested will ensure the Commissioner's decision is appropriately evidence-based and more capable of withstanding scrutiny in any subsequent review.

Compliance with local town planning requirements is requested to be confirmed in your reply to this letter.

If you require clarification on any of these matters, please do not hesitate to contact the Customer Support Team on telephone (07) 3224 7131.

Yours sincerely



MICHAEL SARQUIS
Executive Director
21 / 2 / 2017

**ITEM-6 K NETHERY - APPLICATION FOR ADVERTISING SIGN -
LOT 60 SP233811 - BURKE DEVELOPMENTAL ROAD,
CHILLAGOE****MEETING:** Ordinary**MEETING DATE:** 15 March 2017**REPORT OFFICER'S
TITLE:** Senior Planner**DEPARTMENT:** Corporate and Community Services

EXECUTIVE SUMMARY

Application has been made by K Nethery for the erection of an advertising sign on Lot 60 on SP233811, situated on the Burke Developmental Road, Chillagoe.

The proposed 1.2m x 2.4m single sided sign will be situated on the Mareeba side of Chillagoe, approximately 500 metres north of the town cattle grid. The sign face will present to the travelling public entering Chillagoe. The location falls within the permitted billboard area, as outlined in the MSC Policy for the Assessment of Advertising Billboards within the Mareeba Shire.

The proposed sign will promote Becci Nethery, a Chillagoe local and singer/songwriter.

The proposed sign is generally consistent with the policy for the assessment of advertising billboards and the application is recommended for approval, subject to conditions.

OFFICER'S RECOMMENDATION

"That Council approve the application made by K Nethery for the erection of an advertising sign on Lot 60 on SP233811, situated near culvert 290 on the Burke Development Road, Chillagoe, subject to:

1. The facts and circumstances as set out in the application and supporting information being adhered to, except where modifications to the proposal result from the application of the following conditions.
 2. The applicant obtaining a Development Permit for Building Works, prior to the erection of the advertising sign.
 3. The approval shall be valid for a period of one (1) year. The sign owner will have to reapply for a permit on a yearly basis, when Council will reassess the billboard and decide whether to approve or refuse the display of the sign.
 4. No part of the advertising sign is permitted to encroach on the State controlled road reserve (Burke Developmental Road).
-

5. A minimum of \$10,000,000 public liability insurance is maintained for the advertising sign until the advertising sign is removed.
6. The advertising sign must not be illuminated."

BACKGROUND

Lot 60 on SP233811 is part of the Chillagoe township reserve, situated to the west of the Burke Developmental Road, on the Mareeba side approach to Chillagoe.

The land has an area of 7.88 hectares and is zoned *Rural* under the Mareeba Shire Planning Scheme 2004. With the exception of a fire trail which traverses its southern tip and some stock fencing, the land remains vegetated and undeveloped.

The proposed advertising sign is single sided with sign face dimensions of 1.2m x 2.4m and will be on perpendicular alignment to the Burke Development Road. The bottom of the sign face will be at least 2.4 metres from ground level. The sign face will not be animated or incorporate revolving or flashing lights.



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.

**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.

The proposed sign will be sited to target Burke Developmental Road users travelling in a northern direction towards Chillagoe. The proposed sign will promote Becci Nethery, a Chillagoe local and singer/songwriter, and will include details of an associated website.

CONSULTATION*Internal*

Nil

External

Department of Transport and Main Roads (**Attachment 2**)

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

Nil

POLICY IMPLICATIONS

The proposed advertising sign is being developed under assessment framework in place for the Superseded Mareeba Shire Planning Scheme 2004.

Under the superseded planning scheme assessment framework, advertising signage in the Mareeba Shire is regulated through Schedule 8 of Subordinate Local Law No. 1 - Installation of Advertising Devices. The 'Policy for the Assessment of Advertising Billboards' is a Policy

established to assist in the assessment of advertising billboards within the Rural zone of the Mareeba Shire and applies to all applications made under Subordinate Local Law No. 1.

Policy Intent

The purpose of this policy is to ensure that the provision of advertising billboards within the rural zone of the Mareeba Shire allows for the functional advertising requirements of businesses, while ensuring that the natural attributes of the Mareeba Shire are not compromised.

As a region that derives an increasing part of its income from tourism there is an especially strong need to ensure that all signage is well presented, aesthetically pleasing and complementary to the character and built form of the locality.

The following development outcomes are promoted by this policy:

- a) Signage that adequately caters for the needs of business, to clearly identify the goods and/or services which are supplied to the public;*
- b) Signage that complements the local streetscape of its locality and presents a visually attractive appearance to public areas;*
- c) Signage that is safely secured and does not pose a physical hazard to motorists, pedestrians, cyclists and residents on adjoining sites;*
- d) Signage that does not detract from the operation and safety of the major arterial road routes in the region; and*
- e) Signage that complements the objectives for the provision of attractive tourist scenic routes*

Comment

The proposed advertising sign is considered to be consistent with the above policy intent for the assessment of advertising billboards within the Mareeba Shire.

Council has adopted the Policy for the Assessment of Advertising Billboards within the Mareeba Shire which guides the assessment process to be in line with Subordinate Local Law No. 1 - Installation of Advertising Devices.

Policy Statement (derived from Subordinate Local Law No. 1)

Council will only grant approval for an advertiser to exhibit an advertising billboard if:

- (a) the advertising billboard, including any structure associated with the support of the advertising billboard, must be structurally sound and safe; and*

Comment

The applicants have provided preliminary plans for the proposed advertising sign. Prior to construction, the applicant will need to obtain a development permit for building works.

- (b) *the display of the advertising billboard must not cause obstruction of, or distraction to, pedestrian or vehicular traffic on a road or any road-related area; and*

Comment

The proposed advertising sign will be setback from the Burke Developmental Road well away from vehicular and pedestrian traffic. The content of the sign face is simplified to avoid unnecessary distraction to vehicle drivers.

- (c) *an advertising billboard must not be located so as to form a background to a road or road related area when viewed from any direction; and*

Comment

The proposed sign will be sited near perpendicular to the Burke Development Road, but outside the State controlled road reserve. The sign is not likely to form a background to any road or road related area.

- (d) *an advertising billboard must not reflect any vehicle headlight glare towards - a road, a road-related area or a sensitive place.*

Comment

The colouring, design and location of the proposed sign are such that it is not likely to cause a reflective nuisance to a road or road-related area.

There are no sensitive places in the immediate locality.

- (e) *an advertising billboard that is illuminated must be shielded to prevent the illumination of any road or road-related area and the illumination of the advertising billboard must not extend further than 3m from the advertising billboard; and*

Comment

The proposed advertising sign will not be illuminated.

- (f) *an advertising billboard may only be erected on premises with the written consent of the registered owner or trustee of the premises and the advertiser must produce the written consent to the local government on demand; and*

Comment

Mareeba Shire Council is the trustee of the subject land.

- (g) *an advertising billboard that advertises premises, or an activity conducted on the premises, must not diminish the visual amenity of the locality on which the advertising billboard is installed; and*

Comment

The colouring, design and location of the proposed sign is considered to be consistent with the criteria specified under the policy.

- (h) *only 1 advertising billboard that is visible from a road may be installed on premises; and*

Comment

There are no other approved signs established on the subject site.

- (i) *an advertiser must not install an advertising billboard within 200m of an intersection of 2 roads unless the advertising billboard does not cause obstruction of, or distraction to, pedestrian or vehicular traffic; and*

Comment

The proposed sign will not be erected within 200 metres of an intersection of two public roads.

- (j) *the advertiser of an advertising billboard must maintain the advertising billboard in good order and repair; and*

Comment

This requirement can be conditioned.

- (k) *the advertiser of an advertising billboard installed on a State controlled road must produce documentary evidence of the approval of the State to the installation of the advertising billboard on the State controlled road on demand; and*

Comment

The proposed sign is located on Council controlled land and not on State controlled road reserve.

- (l) *an advertising billboard installed on a local government controlled area or road must not be attached to, or supported by, a tree, shrub or similar vegetation that is in its natural state (whether dead or alive); and*

Comment

The proposed sign is stand-alone structure and is not supported by any vegetation.

- (m) *an advertising billboard must not be attached to local government or main roads infrastructure or sign; and*

Comment

The proposed advertising sign will not be attached to Council or State infrastructure.

- (n) *an advertising billboard must not be situated on the paved area of the road or on traffic islands; and*

Comment

The proposed sign is located on Council controlled land and not on State controlled road reserve.

- (o) *the advertiser of an advertising billboard must maintain a public liability insurance policy that complies with the local government's published standards for public liability insurance for advertising devices; and*

Comment

A condition will be attached to any approval requiring a policy be in place for the life of the development.

- (p) *an advertiser of an advertising billboard must produce documented evidence of public liability insurance mentioned in paragraph (o) to an authorised person upon request; and*

Comment

This requirement can be conditioned.

- (q) *the dimensions of the advertising billboard bear a reasonable relationship to the dimensions of surrounding buildings and allotments so that -*

- (i) *its presence is not unduly dominating or oppressive; and*
(ii) *it does not unreasonably obstruct existing views; and*

Comment

The colouring, design and location of the proposed sign is considered to be consistent with the criteria specified under the policy.

- (r) *the advertising billboard is consistent, in colour and appearance, with buildings and natural features of the environment in which it is to be situated; and*

Comment

The colouring, design and location of the proposed sign is considered to be consistent with the criteria specified under the policy.

- (s) *the advertising billboard is in other respects consistent with the character and values of the environment in which it is to be situated.*

Comment

The colouring, design and location of the proposed sign is considered to be consistent with the criteria specified under the policy.

The *Policy for the assessment of advertising billboards within the Mareeba Shire* also establishes the following minimum provisions to demonstrate compliance with the Policy Statements:

- (i) *The advertising billboard must only be located in one of the following designated areas:*

Chillagoe - As indicated on Plan No. AB-CHI (**Attachment 3**)

Burke Development Road to 2km east and west of Chillagoe

Comment

The proposed advertising sign is sited with the area designated on Plan No. AB-CHI.

- (ii) *The advertising billboard has a maximum single face area of 18 square metres and a maximum sign face width of 6 metres.*

Comment

The proposed sign face will have dimensions of 1.2m by 2.4m or 2.88 square metres.

- (iii) *The advertising billboard must be sited a minimum of 500 metres from all existing advertising billboards.*

Comment

There are no other approved advertising signs within 500 metres (not including approved business signs in Queen Street).

- (iv) *The advertising billboard is perpendicular to the abutting road.*

Comment

The proposed sign will comply.

- (v) *The advertising billboard is of a shape, design and colour that is consistent with existing adjacent structures and streetscape.*

Comment

The colouring, design and location of the proposed sign is considered to be consistent with the criteria specified under the policy.

- (vi) *The advertising billboard is located as close to the centre of the site frontage as is practicable.*

Comment

The proposed sign is located north of centre on the subject land, therefore has a minor inconsistency provision (vi).

Due to the size of the subject land and its length of frontage, this non-compliance is considered only minor and is not likely to cause any detrimental impact.

- (vii) *The number of sign faces per advertising billboard is no more than two.*

Comment

The proposed sign complies.

- (viii) *A minimum of \$10,000,000 public liability insurance is obtained for the advertising billboard.*

Comment

A condition will be attached to any approval requiring a policy be in place for the life of the development.

- (ix) *The location of the advertising billboard must be approved by the Department of Transport and Main Roads.*

A copy of the application was referred to the Department of Transport and Main Roads for comment. In an email dated 2 March 2017 (**Attachment 2**), the Department of Transport and Main Roads advised that they have no objection to the proposed sign.

A copy of the Department's advice will be supplied to the applicant.

- (x) *The advertising billboard is not illuminated.*

The proposed sign will not be illuminated.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Advertising Sign Application
2. DTMR email response dated 2 March 2017
3. Plan No. AB-CHI

Date Prepared: 2 March 2017

ATTACHMENT 1

Mr Peter Franks
Chief Executive Officer
MAREEBA SHIRE COUNCIL
65 Rankin Street
Mareeba

20 February 2017
PO Box 68
Chillagoe, Q, 4871

Dear Mr Franks,

APPLICATION TO ERECT ROADSIDE SIGNAGE

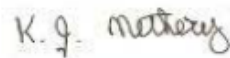
We request permission from Council to erect a sign on the road side, as you enter Chillagoe from the Mareeba side of town, 500m inside the town grid on the incoming side (Image of proposed sign, sketch of sign and photos of hopeful location are attached). The sign would be professionally manufactured by Girle's Signs Mareeba and would be erected by local builder TW Constructions FNQ.

This sign would have a photo of singer/songwriter Becci Nethery welcoming tourists & visitors to her home town of Chillagoe and is also designed to be a commercial prompt to visit her internet sites. Becci was born in the local hospital, grew up in Chillagoe and attended the local school. She was inspired by her grandfather the late Fred Burdell to take up music and now at the age of 20 is powering on in the country music industry. She has won many awards around the country for her songwriting and performing (BIO attached).

Could we possibly receive notice of approval or otherwise prior to 24th March 2017? If approved we wish to erect the sign before the arrival of Australian Horizons Foundation, who will be visiting Chillagoe & other small towns around the country to film a commercially sponsored documentary on tourist highlights of the town and near surrounds. This proposal is outlined in the link: (https://m.facebook.com/story.php?story_fbid=1932770770342835&substory_index=0&id=1856178498002063). The aim of the documentary is to highlight small town attractions in an attempt to boost tourism to smaller communities. Becci will be the co-compere of the Chillagoe documentary video by Horizon. The documentary is proposed to be circulated nationally and internationally.

We trust that Council will favourably view this request and if any further information is required please contact Kerry Nethery 0408 062 865 or email kerrynethery@gmail.com

Yours faithfully,



Kerry J Nethery

CC Mayor Tom Gilmore and Brian Millard (Town Planning)



Becci Nethery

2017 "Breakthrough Artist of the year", Australian Country Music People's Choice "Most Promising Future Star 2016, Tasmanian Independent Country Music Awards for 2016 National, Country Rising Star, National Country Album of the Year (Beautiful Life) and National Songwriter of the Year (Your Hand Slips In To Mine), the Silver Brumby Award 2015 "Female Vocalist of the Year", 2RRR AA Musicline 2015 "Most Promising Future Star" The TSA Open-Contemporary Songwriter of the year 2015 (I Wrote This One For You) are among some of Becci's recent achievements.

Becci released her first (full) album 'Beautiful Life' in Tamworth in July 2016 and the first two singles "Your Hand Slips In To Mine" and "Spread A Little Love Around" have been #1 hits in Tasmania. Becci's 2 previous singles from her debut EP 'Livin' In A Love Song' "I Wrote This One For You" and "Livin' In A Love Song" also reached #1 on the Tasmanian charts. All four have charted on the Australian Country Tracks Top 40 Chart throughout 2015 and 2016.

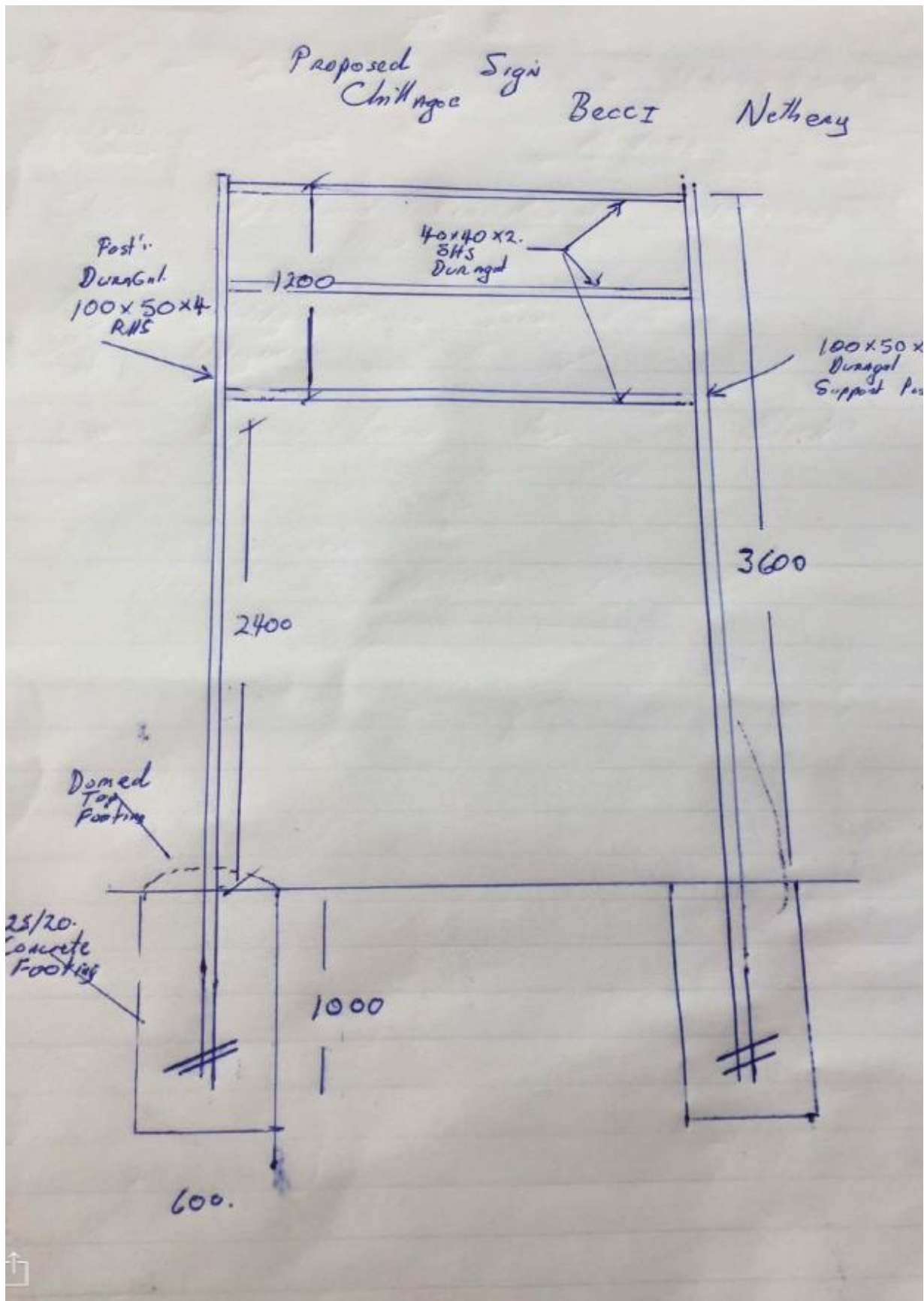
Becci has performed at Country music festivals and awards presentations in many States of Australia, including the Tamworth Festival NSW, the Gympie Muster Qld, the Mildura Festival Vic, The Far North Queensland Country Music Festival, the Mt Isa Country Music Festival Qld and the Tasmanian Independent Country Music Awards. Becci has opened shows for Amber Lawrence and James Blundell and performed alongside countless other Australian Country Music stars including Adam Harvey.

She was born on 6th March 1997 in Chillagoe, a tiny remote Cape York town of 250 people, completed high school at St Monica's College in Cairns and currently lives in Sydney, having completed her Academy of Music and Performing Arts (AMPA) Bachelor of Music Degree (Performance). Becci is a proud graduate of the 2012 Academy of Country Music in Tamworth.

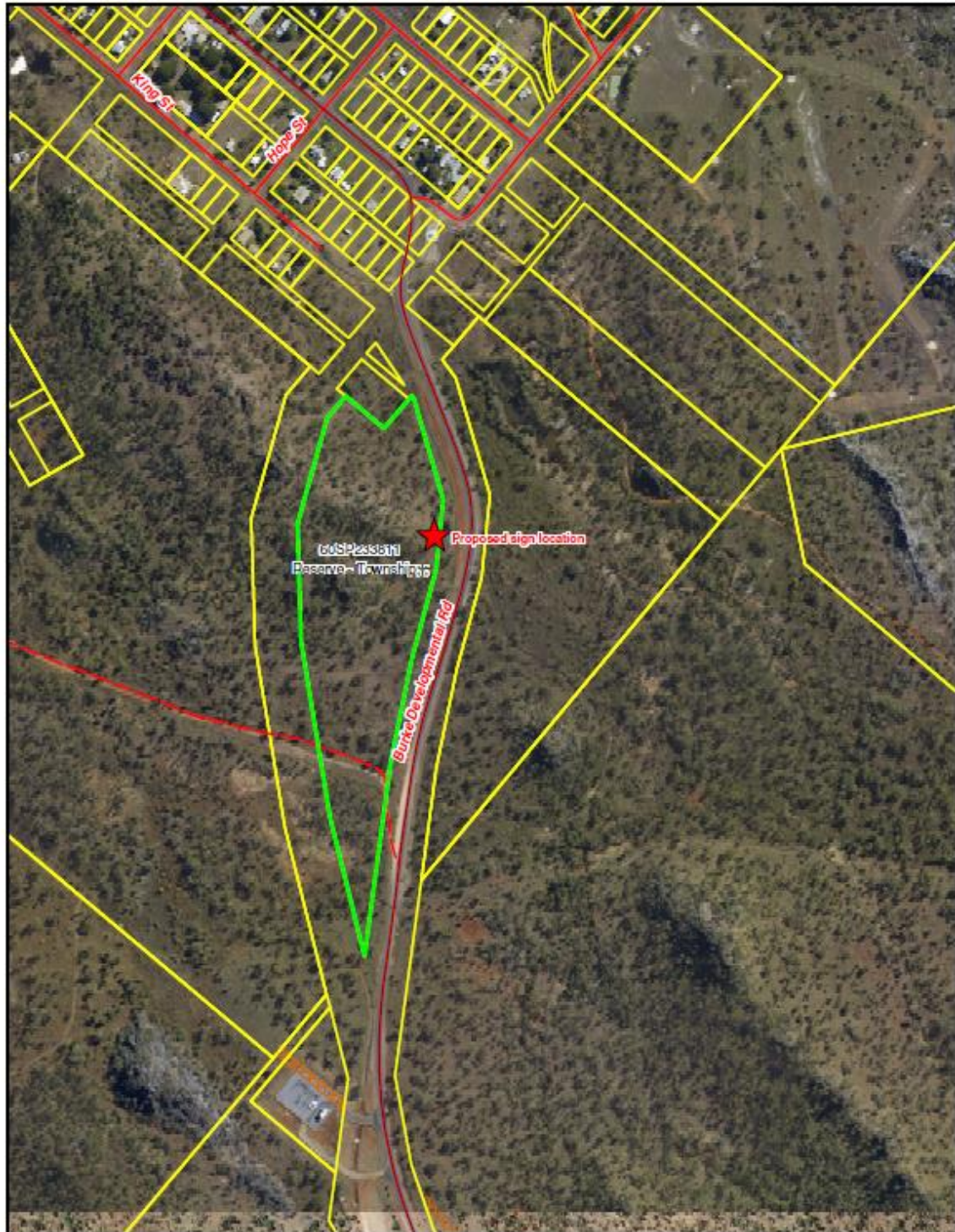


2400x 1200 is the size of the photo.

Welcome to
**BECCI
NETHERY
COUNTRY**
beccinethery.com
 **iTunes**

Title



ATTACHMENT 2**Brian Millard**

From: Susan M Marshall <Susan.M.Marshall@tmr.qld.gov.au>
Sent: Thursday, 2 March 2017 8:43 AM
To: Brian Millard
Cc: Carl Ewin; Peter J McNamara; Ron P Kaden
Subject: RE: Request for Roadside Signage - Burke Developmental Road, Chillagoe
Attachments: Layout.pdf; Chillagoe sign request - Nethery.pdf

Good morning Brian,

Should the applicant decide to install the sign outside the boundaries of, but visible from, the state-controlled road then the following advice would apply:

The proposal (static, non-illuminated billboard, within private land) generally complies with the requirements set out in TMR Roadside Advertising Guide (the Guide) and TMR would have no objections. However, TMR has the authority under section 139 of the Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015, Part 7 Miscellaneous, to require the modification or removal of a light or sign which may create a danger to traffic.

A danger to traffic may be defined as;

- a) Being used contrary to their intended function.
- b) Creating an expectation of an imminent change in traffic conditions,
- c) Causing a distraction to motorists in the proximity of traffic situations where additional driver attention and decision making is required, and
- d) Driver distraction by way of colour, lighting intensity, message change, number of words etc.

To access the advertising guide please go to www.tmr.qld.gov.au then follow the links:

- Business and industry
- Access technical publications
- **Roadside Advertising Guide** (Under Traffic Management)

Please note: TMR does not support the removal of vegetation outside the private property boundary to increase the visibility of advertising from the state-controlled road.

Please let me know if you require any further clarification on the above.

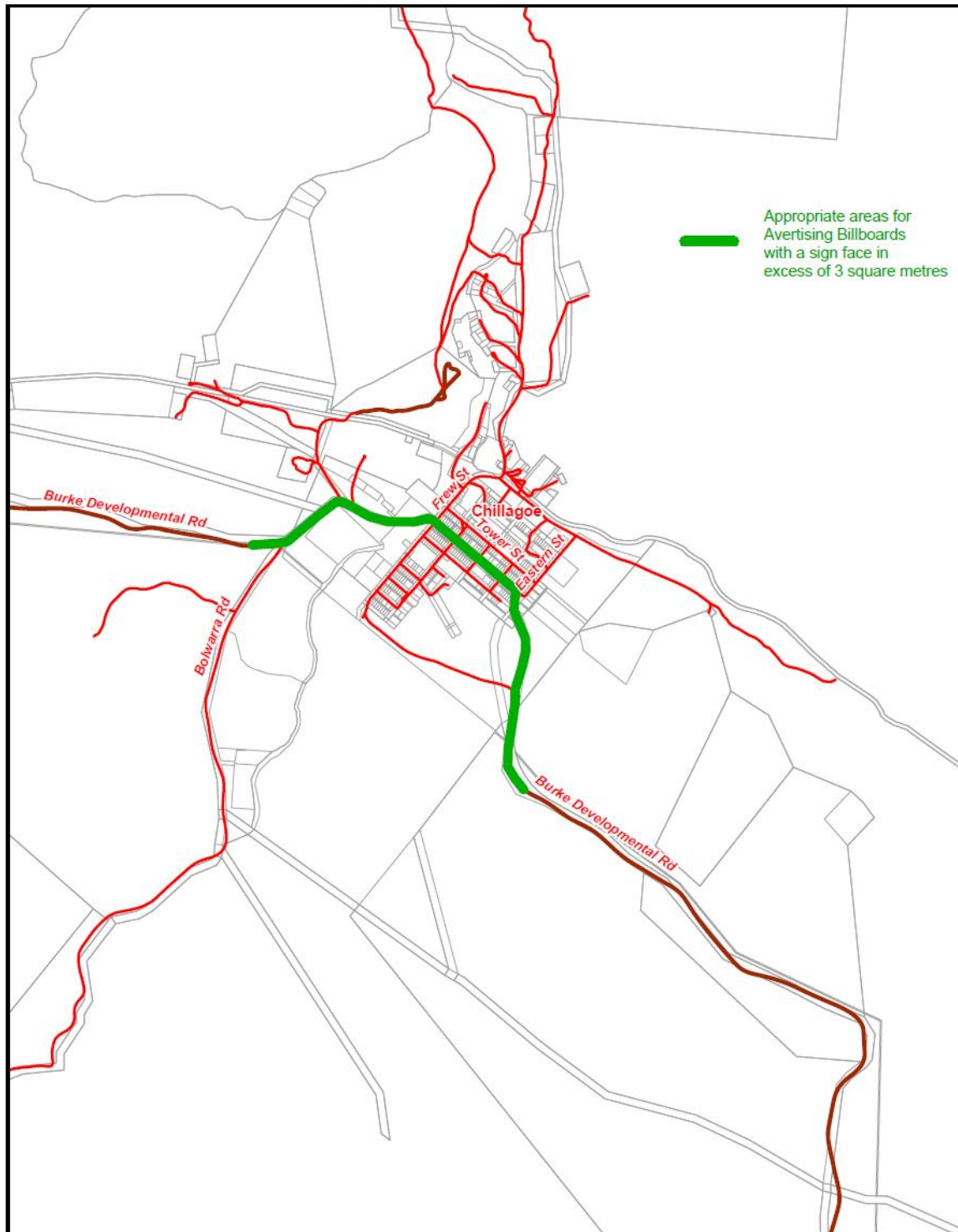
Regards

Susie Marshall
Program Support Coordinator | Far North District / Cairns Office
Program Delivery And Operations | Department of Transport and Main Roads

Floor 5 | Cairns Corporate Tower | 15 Lake Street | Cairns Qld 4870
PO Box 6185 | Cairns Qld 4870
P: (07) 40457119 | F: (07) 40457138
E: susan.m.marshall@tmr.qld.gov.au
W: www.tmr.qld.gov.au

ATTACHMENT 3

Plan No AB-CHI



ITEM-7 CARRYING OUT ASSESSABLE DEVELOPMENT WITHOUT AN EFFECTIVE DEVELOPMENT PERMIT

MEETING: Ordinary

MEETING DATE: 15 March 2017

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

On 18 January 2017, a Show Cause Notice was issued under section 578 of the Sustainable Planning Act 2009 for carrying out assessable development without an effective development permit.

The alleged development is the use of a modified single dwelling house as a dual occupancy (duplex) on a rural residential allotment.

The Show Cause Notice gave the landowner until 17 February 2017 to make representations to Council as to why an Enforcement Notice should not be issued.

The land owner has made representations stating that a Notice to Leave the dual occupancy has been served on the tenant and the dual occupancy will be vacated by midnight on 10 April 2017.

The land owner's latest representations are not unreasonable; however as Council officers have been attempting to resolve this particular matter since July 2016, the issuing of an Enforcement Notice to the land owner will provide Council with additional security that the dual occupancy will be vacated by 11 April 2017.

It is recommended that an Enforcement Notice be issued requiring the dual occupancy use to cease by 11 April 2017.

OFFICER'S RECOMMENDATION

- "1. That Council authorise an Enforcement Notice to be issued to the registered owners of land described as Lot 3 on SP146500 for carrying out assessable development (dual occupancy) without an effective development permit and that the notice requires the assessable development to cease by 11 April 2017.
2. That Council authorise the Chief Executive Officer to commence immediate legal action against the registered owners of Lot 3 on SP146500, should the assessable development not be ceased by 11 April 2017."

BACKGROUND

The following are the facts and circumstances of the alleged development offence as outlined in the show cause notice:

1. *You are the registered owner of the property situated at 8 Forest Close, Kuranda, described as Lot 3 on SP146500 ("the subject property").*
2. *The subject property is zoned Rural Residential under the Mareeba Shire Council Planning Scheme - July 2016 ("the planning scheme").*
3. *Council received a complaint alleging the establishment of a dual occupancy unit complex on the subject property.*
4. *The planning scheme defines a dual occupancy as follows:*
"Dual occupancy: *Premises containing two dwellings, each for a separate household, and consisting of:*
 - *a single lot, where neither dwelling is a secondary dwelling or*
 - *two lots sharing common property where one dwelling is located on each lot."*
5. *The use of the subject property as a dual occupancy constitutes assessable development under the planning scheme and cannot lawfully be carried out on the subject property unless an effective development is in place authorising the use.*
6. *Council has no record of an effective development permit being issued for the dual occupancy use on the subject property.*
7. *On 26 July 2016, Council wrote to you outlining points 3, 4, 5 and 6 above, and requested that you cease the use immediately and respond to Council by 9 August 2016 acknowledging that you had received and understood the advice contained within.*
8. *On 8 August 2016 a meeting was held between the land owner and Council officers to discuss Council's letter mentioned in point 7 above. During that meeting it was agreed that land owner would write to Council in a timely manner outlining whether or not the land owner would proceed with lodging an*

application to Council for material change of use - dual occupancy or cease the use on the subject property. No correspondence was received from the land owner.

- 9. On 23 August 2016, Council again wrote to the land owner providing 20 business days to cease the use of the subject property as a dual occupancy unit complex, or alternatively provide evidence by 7 September 2016 that the land owner had engaged a suitably qualified town planning consultant to prepare a material change of use application for dual occupancy.*
- 10. On 12 September 2016, the land owner wrote to Council advising that they would not be proceeding with the lodgement of a material change of use application for dual occupancy over the subject property. This letter also provided details of the current tenancy agreements confirming that the smaller tenancy lease period expired on 10 April 2017 and the larger tenancy lease period expired on 2 December 2016. Upon request by Council officers, copies of both lease agreements were emailed to Council.*
- 11. On 22 November 2016, Council officers advised in an email to the land owner, that once one of the two tenancy agreements expired on 2 December 2016, that it was not to be renewed for any length of time and for the land owner to confirm that they had made arrangements for the discontinuation of the lease beyond 2 December 2016. On that same day, the land owner confirmed via email that that would do so accordingly.*
- 12. On 17 January 2017, Council officers received a further complaint that the dual occupancy use was continuing on the subject property. A Council officer contacted the land owner on 17 January 2017 and they confirmed that both sets of tenants were still residing on the subject property and the dual occupancy use was continuing.*
- 13. Accordingly, the use of the subject property as a dual occupancy **must cease immediately** and not recommence unless there is an effective development permit in place authorising this use on the subject property.*

The Show Cause Notice invited the landowners to make written representations to Council as to why an Enforcement Notice under Section 590 of the Sustainable Planning Act should not be issued.

The land owner submitted representations on 6 February 2017 which included a Notice to Leave (Form 12) issued under the *Residential Tenancies and Rooming Accommodation Act 2008*, giving one set of tenants of the unlawful dual occupancy until 10 April 2017 to vacate the property (60 days).

Council officers informed the land owner that the direction given by the Show Cause Notice to cease the use immediately still applied, despite the issuing of a Notice to Leave (Form 12) to one of the dual occupancy tenants.

The land owner proceeded to make the following additional representations:

"Dear Carl,

Thanks for your email and its content.

As you know the Notice to Vacate was issued to the tenant on 10th of February 2017 (it was supposed to be given weeks before but due to some reasons unknown to me the agency did not act upon it till 10th of Feb) according to legislation covering the tenancy issues they must vacate within 60 days (not 90) from the date of the notice.

I have instructed my Real Estate Agency, who are managing this property to find some ways of asking the tenant to vacate sooner even if means providing financial incentives such as covering their moving cost and/or giving them equivalent of at least 2 weeks rent etc. to motivate them to vacate faster.

The problem is to find a suitable rental in Kuranda is not an easy task for obvious reason that there are not that many rental places available.

In a positive note the Agency has found a suitable place for our tenant which is under some small renovation work due to be completed by early March 2017. The tenant has made an application for this property and has been approved.

I would like to make a point clear to you and to the Mareeba Shire Council that the reason for my tenant are still continuing living in No. 8 Forest Close is not because I as a owner like to disregard your ruling or challenge it whatsoever, it is because they could not find anything suitable to move on to.

You know better than I do that the tenants these days have a lot of power/rights when it comes to owner/tenant relationship and the tenants rights are fully supported by the court.

So please bear with me a little longer and hopefully by early to mid March we have moved the tenant and there shall be only one tenancy for the entire place.

LINK TO CORPORATE PLAN***Outcome – Responsible Environmental Management***

Environmental responsibility in the ongoing development of the Region, by improving and managing the natural and built environment

Sustainable Development

Improve the region's urban form, character and natural environment through planning and development controls, design guidelines, traditional ownership considerations and sustainable development principles.

CONSULTATION

Internal
NIL

External
Nil

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

Nil

POLICY IMPLICATIONS

This matter was first brought to Council's attention by way of a complaint from another Kuranda resident.

Council officers have been attempting to resolve this particular matter with the landowners since July 2016. A previous verbal/email commitment made by the landowners was not met and as a consequence formal enforcement proceedings were commenced with the issue of the Show Cause Notice in January 2017.

The land owner's latest representations are not unreasonable. However, the issuing of an Enforcement Notice to the landowners will provide Council with additional security that the dual occupancy will be vacated by 11 April 2017.

Should the landowners not meet their commitment of 10 April 2017, Council can proceed with legal proceedings without further delay.

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

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

The 2016/17 planning budget includes sufficient funds.

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

Nil

IMPLEMENTATION/COMMUNICATION

NIL

ATTACHMENTS

Nil

Date Prepared: 22 February 2017.

GOVERNANCE AND COMPLIANCE

ITEM-8 DELEGATIONS UPDATE

MEETING: Ordinary

MEETING DATE: 15 March 2017

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

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

As part of the monthly delegations update service provided by MacDonnells Law, Council is advised of amendments to various pieces of legislation that require amendments to existing delegations or new delegations to be made by Council.

OFFICER'S RECOMMENDATION

"That:

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

BACKGROUND

At the meeting of Council held on 21 January 2015, Council delegated to the Chief Executive Officer the necessary statutory powers under various pieces of legislation to enable him to effectively perform the requirements of his role and efficiently manage the operations of the Council.

Council subscribes to a monthly delegations update service provided by MacDonnells Law, under which MacDonnells review the myriad pieces of legislation that provide statutory powers to local government and they then advise the subscribing Councils of any changes to legislation that require amendment of existing delegations or new delegations to be made by Council.

The Instruments of Delegation attached to this report set out those pieces of legislation recently reviewed by MacDonnells and the delegations to be made as a result thereof.

Limitations to the Exercise of Power

All delegations are made subject to the following limitations:

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

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Director Corporate and Community Services

External

MacDonnells Law

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

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

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Instruments of Delegation

Date Prepared: *14 February 2017*

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Environmental Protection Act 1994***

Under section 518(1)(b) of the *Environmental Protection Act 1994*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Environmental Protection Act 1994 ("ENPA")
CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES
Part 2 - Application Stage
Division 4 – Notices about not properly made applications

Entity power given to	Section of ENPA	Description
Administering Authority	128(2)	In certain circumstances, the power to give the applicant a notice.
Administering Authority	129(2)	In certain circumstances, the power to agree to a further period with the applicant.

Division 5 – Joint applicants

Entity power given to	Section of ENPA	Description
Administering Authority	130(3)	In certain circumstances, the power to: (a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or (b) make a requirement under this chapter relating to the application of all the applicants, by making it of the principal applicant nominated in the application.

Division 6 – Changing applications
Subdivision 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	131(d)	In certain circumstances, power to be satisfied that a change would not adversely affect the ability of the authority to assess the changed application.

Subdivision 3 – Changed applications – effect on assessment process

Entity power given to	Section of ENPA	Description
Administering Authority	133(1)(b)	Power to agree in writing to the change.
Administering Authority	134(4)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Part 3 - Information Stage
Division 2 – Information requests

Entity power given to	Section of ENPA	Description
Administering Authority	140(1)	Power to ask the applicant, by written request (an information request), to give further information needed to assess the application.
Administering Authority	143(2)	In certain circumstances, the power to include in an information request a requirement that the applicant provide an EIS for the application.
Administering Authority	145(1)	Power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.
Administering Authority	145(3)	Power to request a further extension of the information request period.
Administering Authority	147(3)	Power to, within 5 business days after receiving the request: (a) decide whether to agree to the extension; and (b) give an information notice of the decision.

Part 4 - Notification Stage
Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	150(1)(d)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Division 2 – Public notice

Entity power given to	Section of ENPA	Description
Administering Authority	152(3)	Power to: (a) give the applicant an information notice about the decision before the application notice is given; and (b) decide an additional or substituted way to give or publish the application notice.
Administering Authority	159(2)	In certain circumstances, power to decide whether to allow the application to proceed under this part as if the noncompliance had not happened.
Administering Authority	159(3)	In certain circumstances, power to be satisfied that there has been substantial compliance with the public notice requirements.
Administering Authority	159(4)	In certain circumstances, power to within 10 business days after the decision is made, give the applicant written notice of the decision.
Administering Authority	159(5)(b)(i)	In certain circumstances, power to: (a) fix a substituted way to give or publish the application notice; and (b) give the applicant written notice of the substituted way.
Administering Authority	159(5)(b)(ii)	In certain circumstances, power to: (a) fix a new submission period for the application; and (b) give the applicant written notice of the period.
Administering Authority	159(5)(b)(iii)	In certain circumstances, power to give the applicant an information notice about the decision.

Division 3 – Submissions about applications

Entity power given to	Section of ENPA	Description
An Entity	160	Power to, within the submission period, make a submission to the administering authority about the application.
Administering Authority	161(3)	Power to accept a written submission even if it is not a properly made submission.
An Entity	162(1)	In certain circumstances, power to, by written notice, amend or replace a submission.

Part 5 - Decision Stage
Division 2 – Deciding an application
Subdivision 1 – Decision period

Entity power given to	Section of ENPA	Description
Administering Authority	168(2)	In certain circumstances, the power to, by written notice given to the applicant and without the applicant's agreement, extend the period mentioned in subsection 168(1) by not more than 20 business days.
Administering Authority	168(4)	Power to request a further extension of the decision period.

Subdivision 2 – Decision

Entity power given to	Section of ENPA	Description
Administering Authority	170(2)(a)	In certain circumstances, the power to decide that the application be approved subject to the standard conditions for the relevant activity or authority.
Administering Authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.
Administering Authority	172(2)	In certain circumstances, the power to decide that the application: (a) be approved subject to conditions; or (b) be refused.
Administering Authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.
Administering Authority	173(3)	Power to refuse an application for an environmental authority.

Division 4 – Steps after deciding application

Entity power given to	Section of ENPA	Description
Administering Authority	195	In certain circumstances, power to issue an environmental authority to the applicant.
Administering Authority	198(2)	In certain circumstances, power to give the application an information notice about the decision.
Administering Authority	198(4)	In certain circumstances, power to give any submitter for the application an information notice about the decision.

Division 6 – Conditions

Entity power given to	Section of ENPA	Description
Administering Authority	203(1)	Power to impose a condition on an environmental authority or draft environmental authority if: (a) it considers the condition is necessary or desirable; and (b) if the authority is for an application to which section 115 applies - the condition relates to the carrying out of the relevant prescribed ERA.
Administering Authority	203(2)	In certain circumstances, power to impose a condition on an environmental authority or draft environmental authority.
Administering Authority	204(2)	In certain circumstances, power to impose on the authority a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.
Administering Authority	209(4)	Power to enter into an agreement to establish obligations, or secure the performance, of a party to the agreement about a condition.

Part 6 - Amending Environmental Authorities by Administering Authority
Division 1 – Amendments

Entity power given to	Section of ENPA	Description
Administering Authority	211	In certain circumstances, power to amend an environmental authority to correct a clerical or formal error.
Administering Authority	212(2)	Power to amend the environmental authority to ensure compliance with conditions included in a determination made by the NNTT under the Commonwealth Native Title Act, section 38(1)(c).
Administering Authority	212(3)	Power to give written notice of the amendment to the environmental authority holder.
Administering authority	212A(2)	Power to amend the environmental authority to ensure it is consistent with the regional interests development approval.
Administering authority	212A(3)	Power to given written notice the amendment to the environmental authority holder.
Administering Authority	213(2)	In certain circumstances, power to amend the existing authority to replace the existing standard conditions with the new standard conditions.
Administering Authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.
Administering Authority	214(2)	In certain circumstances, power to amend the environmental authority.

Administering Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.
Administering Authority	215(1)	In certain circumstances, power to amend an environmental authority.
Administering Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.

Division 2 – Procedure for particular amendments

Entity power given to	Section of ENPA	Description
Administering Authority	216	Power to propose to amend an environmental authority
Administering Authority	217	Power to give the environmental authority holder a written notice (the proposed amendment notice).
Administering Authority	218	Power to consider any written representation made within the period stated in the proposed amendment notice by the holder of the environmental authority.
Administering Authority	219(1)	In certain circumstances, power to believe a ground exists to make the proposed amendment, and to make the amendment.
Administering Authority	219(3)	Power to give the holder written notice of the decision.
Administering Authority	220	Power to give the environmental authority holder an information notice about the decision.

Division 3 – Steps for amendments

Entity power given to	Section of ENPA	Description
Administering Authority	221(2)(b)	In certain circumstances, power to issue the amended environmental authority to the holder.

Part 7 - Amendment of Environmental Authorities by Application

Division 2A – Provision for particular amendment applications

Entity power given to	Section of ENPA	Description
Administering Authority	227A(2)	Power to refuse application within 10 business days after receiving the amendment application.
Administering Authority	227A(3)	Power to require the holder of the environmental authority to make a site-specific application for a new environmental authority.
Administering Authority	227A(5)	Power to give written notice of any refusal.

Division 3 – Assessment level decisions

Entity power given to	Section of ENPA	Description
Administering Authority	228(1)	Power to decide whether the proposed amendment is a major or minor amendment.
Administering Authority	229	Power to give the applicant a written notice.
Administering Authority	230(2)	In certain circumstances, power to be satisfied that: <ul style="list-style-type: none"> (a) there is likely to be a substantial increase in the risk of environmental harm under the amended environmental authority; and (b) the risk is the result of a substantial change in: <ul style="list-style-type: none"> (i) the quantity or quality of contaminant permitted to be released into the environment; or (ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.

Division 4 – Process if proposed amendment is a major amendment

Entity power given to	Section of ENPA	Description
Administering Authority	233(3)	In certain circumstances, power to: <ul style="list-style-type: none"> (a) decide another way of publishing the notice for subsection (2)(b)(ii); and (b) give the applicant an information notice about the decision before the notice is published.
Administering Authority	237(1)(b)	Power to agree in writing to the change.
Administering Authority	238(3)(a)	In certain circumstances, power to within 10 business days after notice of the change is received, ask the applicant to give further information needed to assess the application
Administering Authority	238(7)	In certain circumstances, power to be satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Division 5 – Process if proposed amendment is minor amendment

Entity power given to	Section of ENPA	Description
Administering Authority	240(1)	Power to decide either to approve or refuse the application: <ul style="list-style-type: none"> (a) for a condition conversion – within 10 business days after the application is received (for a condition conversion); or (b) otherwise, within 10 business days after notice of the assessment level decision is given to the applicant.
Administering Authority	240(2)	Power to be satisfied the proposed amendment is necessary or desirable.
Administering Authority	240(3)	In certain circumstances, power to make any other amendments to the conditions of the environmental authority it considers: <ul style="list-style-type: none"> (a) relate to the subject matter of the proposed amendment; and (b) are necessary or desirable.

Division 6 – Steps after deciding amendment application

Entity power given to	Section of ENPA	Description
Administering Authority	242(1)(b)	In certain circumstances, power to issue the amended environmental authority to the applicant.
Administering Authority	242(3)	Power to within 5 business days after the decision is made, give the applicant an information notice about the decision.

Part 8 - Amalgamating Environmental Authorities
Division 2 – Deciding amalgamation application

Entity power given to	Section of ENPA	Description
Administering Authority	247(1)	Power to, within 20 business days after the day the amalgamation application is received, decide to: (a) approve the application; or (b) if the application is for an amalgamated local government authority or amalgamated project authority—refuse the application.
Administering Authority	247(2)(c)	Power to be satisfied there is an appropriate degree of integration between the activities.
Administering Authority	247(3)	Power to be satisfied the relevant activities for the existing environmental authorities are being carried out as a single integrated operation.

Division 3 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	248(b)	In certain circumstances, power to issue to the applicant: (a) if the application is for an amalgamated corporate authority – an amalgamated corporate authority; or (b) if the application is for an amalgamated local government authority – an amalgamated local government authority; or (c) if the application is for an amalgamated project authority – an amalgamated project authority.
Administering Authority	249	Power to, within 10 business days after refusing an amalgamation application, give the applicant an information notice about the decision.

Division 4 – De-amalgamating environmental authorities

Entity power given to	Section of ENPA	Description
Administering Authority	250C(a)	Power to de-amalgamate the relevant authority within 15 business days after receiving a de-amalgamation application that complies with section 250B.

Part 9 - Transferring Environmental Authorities for Prescribed ERAs

Entity power given to	Section of ENPA	Description
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or (b) refuse the transfer.

Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the transferred environmental authority) to each holder.
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.

Part 10 - Surrender of Environmental Authorities

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	258(2)	In certain circumstances, power to by written notice (a surrender notice), require the holder of the environmental authority to make a surrender application.
Administering Authority	261(2)	In certain circumstances, power to approve a surrender application for part of the environmental authority.

Division 3 – Final rehabilitation reports

Entity power given to	Section of ENPA	Description
Administering Authority	264(2)(a)	Power to agree to a methodology.

Division 4 – Requests for Information

Entity power given to	Section of ENPA	Description
Administering Authority	265	Power to ask the applicant, by written request, to give further information needed to assess the surrender application.

Division 5 – Deciding surrender applications

Entity power given to	Section of ENPA	Description
Administering Authority	266(1)	Power to decide to: (a) approve the surrender application; or (b) refuse the surrender application.
Administering Authority	269(a)	Power to be satisfied the conditions of the environmental authority have been complied with.
Administering Authority	269(b)(i)	Power to be satisfied the land on which each relevant activity for the environmental authority has been carried out has been satisfactorily rehabilitated.
Administering Authority	269(b)(ii)	Power to be satisfied the land will be satisfactorily rehabilitated under a transitional environmental program.
Administering Authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.

Division 8 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	275(a)(ii)	In certain circumstances, power to give the applicant written notice of the decision.
Administering Authority	275(b)	In certain circumstances, power to give the applicant an information notice about the decision.

Part 11 - Cancellation or Suspension of Environmental Authorities
Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	278(1)	In certain circumstances, power to cancel or suspend an environmental authority .

Division 2 – Procedure for cancellation or suspension by administering authority

Entity power given to	Section of ENPA	Description
Administering Authority	280(1)	Power to give the environmental authority holder a written notice.
Administering Authority	281	Power to consider any written representation made within the stated period by the environmental authority holder.
Administering Authority	282(1)	In certain circumstances, power to believe a ground exists to take the proposed action.
Administering Authority	282(1)(a)	In certain circumstances, power to suspend the environmental authority for no longer than the proposed suspension period.
Administering Authority	282(1)(b)	In certain circumstances, power to either cancel the environmental authority or suspend it for a fixed period.
Administering Authority	282(3)	Power to decide not to take the proposed action and, if so, give the environmental authority holder written notice of the decision.
Administering Authority	283(1)	Power to give the environmental authority holder an information notice about the decision.
Administering Authority	283(2)	In certain circumstances, power to give written notice of the decision to the chief executive administering the resource legislation.

Part 11A - General Provisions
Division 3 – Deciding suspension applications

Entity power given to	Section of ENPA	Description
Administering Authority	284C	Power to decide whether to approve the application or refuse the application.
Administering Authority	284F(1)(a)(ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.
Administering Authority	284F(1)(b)	In certain circumstances, power to give the holder an information notice about the decision.

Part 12 - General Provisions
Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease

Entity power given to	Section of ENPA	Description
Administering Authority	287	Power to agree with the holder in writing to a shorter period.

Division 2 – Financial assurance
Subdivision 1 – Requiring financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	292(1)	Power to, by condition of an environmental authority, require the holder of the environmental authority to give the administering authority financial assurance.
Administering Authority	292(2)	Power to be satisfied the condition is justified.
Administering Authority	292(3)	Power to require a financial assurance to remain in force until satisfied no claim is likely to be made on the assurance.

Subdivision 2 – Amount and form of financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	295(1)	Power to decide the amount and form of financial assurance required under a condition of an environmental authority.
Administering Authority	295(2)(c)	Power to agree with the holder of the environmental authority to a further period.
Administering Authority	295(4)	Power to form an opinion as to the amount that represents the total of likely costs and expenses that may be incurred taking action to rehabilitate or restore and protect the environment because of environmental harm that may be caused by the activity.
Administering Authority	296	Power to, within 5 business days after making a decision under section 295(1), give an information notice about the decision to the holder of the environmental authority.

Subdivision 3 – Claiming or realising financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.
Administering Authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.
Administering Authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.
Administering Authority	301(2)	In certain circumstances, power to give the entity an information notice about the decision.

Subdivision 4 – Amending or discharging financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.
Administering Authority	305(1)(a)	Power to approve or refuse the application.
Administering Authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.
Administering Authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.
Administering Authority	305(5)	Power to withhold making a decision under subsection (1).
Administering Authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.
Administering Authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.
Administering Authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.

Division 3 – Annual fees and returns

Subdivision 1 – Annual notices

Entity power given to	Section of ENPA	Description
Administering Authority	308(2)	In certain circumstances, power to give the environmental authority holder a written notice complying with subsection (3) (an annual notice).
Administering Authority	310(1)	In certain circumstances, power to change the anniversary day, for an environmental authority for which an annual fee is prescribed under a regulation, to another day (the new day).
Administering Authority	311	Power to decide whether or not to change the anniversary day to the new day.
Administering Authority	312	Power to give the holder: (a) if the decision is to change the day – written notice of the decision; or (b) if the decision is not to change the day – an information notice about the decision.

Division 4 – Non-compliance with eligibility criteria

Entity power given to	Section of ENPA	Description
Administering Authority	314(2)	In certain circumstances, power to require the holder of the environmental authority to: (a) make a site-specific application for a new environmental authority under part 2; or (b) make an amendment application for the authority under part 7.
Administering Authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.

Administering Authority	314(5)	Power consider any representations made by the holder within the stated period.
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Division 5 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	315(1)	Power to ask any entity for advice, comment or information about an application made under this chapter at any time.

CHAPTER 7 – ENVIRONMENTAL MANAGEMENT

Part 1 - Environmental Duties

Division 2 – Duty to Notify of Environmental Harm

Subdivision 3B – Duty of local government

Entity power given to	Section of ENPA	Description
Local Government	320DB(1)	Power to give the administering authority written notice of the activity.
Local Government	320DB(2)	Power to give the administering authority written notice of (a) the nature of the event or change in the condition and the circumstances in which the event or change happened or is happening; or (b) within 24 hours after becoming aware of the event or change in condition of the land.

Part 2 - Environmental Evaluations

Division 2 – Environmental audits

Subdivision 1 – Audit requirements

Entity power given to	Section of ENPA	Description
Administering Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to: (a) conduct or commission an audit (an environmental audit) about a stated matter concerning a relevant activity; and (b) give the administering authority an environmental report on the audit.
Administering Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.
Administering Authority	323(1)	Power to be satisfied that: (a) a person is, or has been, contravening a regulation, an environmental protection policy, a transitional environmental program or an enforceable undertaking; or (b) a person is, or has been, contravening any of the following provisions: (i) section 363E; (ii) section 440Q; (iii) section 440ZG; (iv) a provision of chapter 8, part 3D, 3E or 3F.
Administering	323(2)	Power to, by written notice (also an audit notice), require the person to:

Authority		(a) Conduct or commission an audit (also an environmental audit) about the matter; and (b) give the administering authority an environmental report about the audit.
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Division 3 – Environmental investigations

Entity power given to	Section of ENPA	Description
Administering Authority	326B(1)	Power to be satisfied on reasonable grounds that: (a) an event has happened causing environmental harm while an activity was being carried out; or (b) an activity or proposed activity is causing, or is likely to cause environmental harm.
Administering Authority	326B(2)	Power to, by written notice (an investigation notice), require the person who has carried out, is carrying out or is proposing to carry out the activity to: (a) conduct or commission an investigation (an environmental investigation) about the event or activity; and (b) submit an environmental report about the investigation to the authority.
Administering Authority	326BA(1)	Power to be satisfied that circumstances contained in subsection (a) – (c) apply to the land.
Administering Authority	326BA(2)	Power to give written notice (an investigation notice) requiring a prescribed responsible person for the land to (a) conduct or commission an investigation; and (b) give the administering authority an investigation report.

Division 5 – Steps after receiving environmental reports

Entity power given to	Section of ENPA	Description
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.
Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.
Administering Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.
Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.

Administering Authority	326I(3)	Power to give written notice to the recipient.
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Part 3 - Transitional Environmental Programs

Division 2 - Submission and approval of transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program: (a) as a condition of an environmental authority; or (b) as a development condition of a development approval.
Administering Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.
Administering Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.
Administering Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the Environmental Protection Act 1994 about the transitional environmental program, to a conference to help in deciding whether or not to approve the program.
Administering Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.
Administering Authority	336(3)	If its considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.
Administering Authority	336(4)	In the specified circumstances, the power to appoint an independent person to mediate a conference.
Administering Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.
Administering Authority	337(1)	In the specified circumstances, the power to decide whether to approve a draft transitional environmental program within the specified time period.
Administering Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.
Administering Authority	337(2)	Power to gives an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.
Administering Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: (a) comply with any relevant regulatory requirement; and (b) subject to paragraph (a), consider the specified criteria.
Administering Authority	339(1)	Power to: (a) approve a draft transitional environment program: (i) as submitted; or (ii) as amended at the request, or with the agreement, of the administering authority; or (b) refuse to approve a draft transitional environmental program.
Administering Authority	339(2)	Power to impose on an approval of a draft transitional environmental program: (a) any conditions the authority must impose under a regulatory

		<p>requirement;</p> <p>(b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and</p> <p>(c) any other conditions the administering authority considers appropriate.</p>
Administering Authority	340(1)	Power to, within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.
Administering Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.
Administering Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.
Administering Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.
Administering Authority	342(2)	In the specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the Environmental Protection Act 1994.
Administering Authority	343A(2)(B)	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.

Division 3A – Financial assurances

Entity power given to	Section of ENPA	Description
Administering Authority	344(3)	In the specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.
Administering Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.
Administering Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action by making a claim on or realising the financial assurance or part of it.
Administering Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.
Administering Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.
Administering Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.
Administering Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.

Division 3B – Cancellation of approval for transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	344E(1)	Power to cancel the approval for a transitional environmental program for the reasons provided in that subsection.
Administering Authority	344E(1)(b)	<p>Power to be satisfied the approval holder has:</p> <p>(i) disposed of the place or business to which the program relates; or</p> <p>(ii) ceased the activity to which the program relates.</p>

Administering Authority	344E(2)(a)	Power to give a notice stating the details of the cancellation to the approval holder.
Administering Authority	344F(2)(a)	Power to withdraw the notice by another written notice.
Administering Authority	344G(2)	Power to give the holder of the environmental authority a copy of the authority that does not include the note.

Part 4 - Special Provisions about Voluntary Submission of Transitional Environmental Programs

Entity power given to	Section of ENPA	Description
Administering Authority	352(1)	In the specified circumstances, the power to give written notice to a person of: (a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.
Administering Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.

Part 4A - Temporary emissions licences

Entity power given to	Section of ENPA	Description
Administering Authority	357E(1)	Power to: (a) grant the application for a temporary emissions licence: (i) as submitted; (ii) on different terms than have been requested in the application; or (b) refuse to grant the application for a temporary emissions licence.
Administering Authority	357E(2)	Power to impose conditions on the temporary emissions licence it considers are necessary or desirable.
Administering Authority	357F	Power to give the applicant an information notice about the decision if the decision is to: (a) grant the application on different terms than have been requested in the application; or (b) refuse the application.
Administering Authority	357J	In certain circumstances, power to amend, cancel or suspend a temporary emissions licence.

Part 5 - Environmental Protection Orders

Entity power given to	Section of ENPA	Description
Administering Authority	358	In the specified circumstances, the power to issue an order (an environmental protection order) to a person.
Administering Authority	359	Before deciding to issue an environmental protection order, the power to consider the standard criteria.

CHAPTER 9 – INVESTIGATION AND ENFORCEMENT

Part 1 - Administration Generally

Entity power given to	Section of ENPA	Description
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517	445(1)(c) ¹	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.	448 ²	In the specified circumstances, the power to issue an identity card to each authorised person appointed.
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the Environmental Protection Act 1994 to a person requiring the person to give information relevant to the administration and enforcement of the Environmental Protection Act 1994.

¹ The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
 - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
 - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

² The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
 - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
 - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

Part 2 - Powers of Authorised Persons for Places and Vehicles

Entity power given to	Section of ENPA	Description
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.
Administering Authority	458(2)	In the specified circumstances, the power to give written notice of an application made under section 458(1) of the Environmental Protection Act 1994 to: <ul style="list-style-type: none"> (a) the owner of the land; and (b) if the owner is not the occupier of the land - the occupier; and (c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994: <ul style="list-style-type: none"> (i) the environmental authority holder; or (ii) transitional environmental program approval holder; or (iii) the registered operator. (d) if the application is for an order to take actions required under a clean-up notice – the recipient of the notice.
Administering Executive	463(2)	In the specified circumstances, the power to direct the destruction or disposal of a forfeited thing.
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In the specified circumstances, the power to issue a certificate.

CHAPTER 10 – LEGAL PROCEEDINGS
Part 3 - Legal Proceedings

Entity power given to	Section of ENPA	Description
Administering Authority	502A(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of an order made against a person under section 502.

Part 5 - Enforceable undertakings

Entity power given to	Section of ENPA	Description
Administering Authority	507(1)	Power to accept an enforceable undertaking.
Administering Authority	507(3)	Power to give written notice of: <ul style="list-style-type: none"> (a) administering authority's decision to accept or reject the enforceable undertaking; and (b) the reasons for the decision.
Administering Authority	507(4)	Power to form a reasonable belief that the undertaking will: <ul style="list-style-type: none"> (a) secure compliance with the Act; and

		(b) enhance the protection of the environment.
Administering Authority	509(1)	Power to give written agreement to: (a) withdraw the undertaking; or (b) vary the undertaking.
Administering Authority	510	Power to amend an enforceable undertaking with the written agreement of the person who made the undertaking.
Administering Authority	511	Power to: (a) amend an enforceable undertaking to correct a clerical or formal error; and (b) give written notice of the amendment to the enforceable undertaking.
Administering Authority	512(1)	Power to amend or suspend an enforceable undertaking if the administering authority is satisfied of the requirements in paragraphs (a) – (d).
Administering Authority	512(2)	Power to give a notice stating proposed action in respect of the enforceable undertaking.
Administering Authority	512(4)	Power to consider written representations.
Administering Authority	512(5)	Power to decide to take action under the section.
Administering Authority	512(6)	Power to give an information notice about the decision within 10 business days after making the decision.
Administering Authority	512(7)	Power to give written notice of a decision not to take action.
Administering Authority	513(2)	Power to apply to the Magistrates Court for an order about contravention of enforceable undertaking.

CHAPTER 11 – ADMINISTRATION

Part 2 - Delegations

Entity power given to	Section of ENPA	Description
CEO (both as CEO and as administering executive)	517(2)	Power to delegate their powers under this Act to an appropriately qualified employee of the local government.

Part 3 - Review of Decisions and Appeals

Division 2 – Internal Review of Decisions

Entity power given to	Section of ENPA	Description
Administering Authority	521(2)(a)(ii)	In the specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.
Administering Authority	521(5)	In the specified circumstances, the power to, within the decision period for a review of an original decision: (a) review the original decision; and (b) consider any submissions properly made by a recipient of a review notice; and (c) make a decision (the review decision) to:

		(i) confirm or revoke the original decision; or (ii) vary the original decision in a way considered appropriate.
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.

Division 3 – Appeals

Subdivision 2 – Appeals to Court

Entity power given to	Section of ENPA	Description
Dissatisfied person	531(1)	In certain circumstances, power to may appeal against the decision to the Court.

Part 4 - General

Entity power given to	Section of ENPA	Description
Administering Executive	544(1)	Power to approve forms.

CHAPTER 12 – MISCELLANEOUS

Part 3A - Auditors

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Auditor	568	Power to, subject to the terms of an approval under division 2: (a) conduct environmental audits and prepare environmental reports about audits under chapter 7, part 2, division 2; and (b) evaluate site investigation reports, validation reports, draft site management plans and draft amendments of site management plans prepared under chapter 7, part 8 against criteria prescribed under a regulation (the prescribed criteria) and: (i) if the report or plan does not comply with the prescribed criteria—prepare a report about the evaluation; or (ii) if the report or plan complies with the prescribed criteria—provide written certification that it complies with the criteria; and (c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.

CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS

Part 5 - Transitional provisions for Environmental Protection Legislation Amendment Act 2003

Entity power given to	Section of ENPA	Description
Administering	620(2)	In the specified circumstances, the power to change or cancel a condition of a

Authority		environmental authority.
Administering Authority	620(5)(b)	In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator: (i) a copy of the development conditions as applying after the change or cancellation; and (ii) a registration certificate.
Administering Authority	621(1)	Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the Environmental Protection Act 1994, give to the person carrying out the activity: (a) if the activity was carried out at 1 location - a development approval for the location; or (b) if the activity was carried at more than 1 location and is not a mobile and temporary environmentally relevant activity - a development approval for each location; or (c) if the activity is a mobile and temporary environmentally relevant activity - a development approval for a mobile and temporary environmentally relevant activity.
Administering Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.
Administering Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.
Administering Authority	623(2)	In the specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.
Administering Authority	626(3)(a)	In the specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.

Part 6 - Transitional Provisions for Petroleum and Other Legislation Amendment Act 2004

Entity power given to	Section of ENPA	Description
Administering Authority	634(1)	In the specified circumstances, the power to amend a condition about financial assurance imposed under Part 7, Chapter 13 of the Environmental Protection Act 1994 to require the giving of replacement financial assurance, in a form and amount decided by you.

Part 17 - Transitional provisions for the Environmental Protection and Other Legislation Amendment Act 2011

Entity power given to	Section of ENPA	Description
Administering Authority	671(2)	Power to consider, or continue to consider, the draft transitional environment program and decide whether to approve an existing draft transitional environment program under the unamended Act.

Part 18 - Transitional provisions for Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012

Division 5 – Transitional authorities for environmentally relevant activities

Entity power given to	Section of ENPA	Description
Administering Authority	697(1)	Power to decide whether to approve the application or refuse the application.
Administering Authority	698(1)	In certain circumstances, power to: (a) amend the environmental authority to give effect to the conversion; and (b) issue the amended environmental authority to the applicant.
Administering Authority	698(2)	In certain circumstances, power to give the applicant an information notice about the decision.

Division 5A – Suspended Activities

Entity power given to	Section of ENPA	Description
Administering Authority	698B	Power to approve an application to convert the surrendered registration certificate to an environmental authority that has been suspended under chapter 5, part 11A (a conversion application).

Division 6 – Financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	699(4)	Power to amend the environmental authority to impose a condition about financial assurance.
Administering Authority	699(5)	Power to give written notice of the amendment.

Division 8 – Provisions about environmental management plans

Entity power given to	Section of ENPA	Description
Administering Authority	701(2)	Power to amend the new authority to impose conditions consistent with the environmental management plan.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2016 11 08 - ENPA - Delegation Instrument - Mareeba]

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Information Privacy Act 2009***

Under section 257 of the *Local Government Act 2009*, Mareeba Shire Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Information Privacy Act 2009 ("INPA")
CHAPTER 2 – PRIVACY PRINCIPLES
Part 1 - Compliance with IPPs by agencies

Entity power given to	Section of INPA	Description
Law Enforcement Agency	29(1)	Power to be satisfied on reasonable grounds that noncompliance with the IPP is necessary in certain circumstances.

Part 3 - Transfer of Personal Information Outside Australia

Entity power given to	Section of INPA	Description
Agency	33(a)	Power to agree with an individual to transfer an individual's personal information to an entity outside Australia
Agency	33(c)	Power to be satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	33(d)(i)	Power to form a reasonable belief that the recipient of the personal information is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially similar to the IPPs or, if the agency is a health agency, the NPPs.

Part 4 - Compliance with Parts 1 to 3 by Contracted Service Providers

Entity power given to	Section of INPA	Description
Agency	34(1)	Power to enter into a service arrangement with a service provider.

CHAPTER 3 – DISCLOSURE AND AMENDMENT BY APPLICATION UNDER THIS ACT
Part 2 - Access and amendment applications

Entity power given to	Section of INPA	Description
Agency	44(3)	Power to consider a person has an appropriate interest in the amendment of the personal information.
Agency	49(2)	Power to consider a search for a document from a backup system is appropriate.

Part 3 - Dealing with Application
Division 1 – Decision-maker

Entity power given to	Section of INPA	Description
Principal Officer (the CEO)	50(2) ¹	The CEO as the Agency's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Agency	50(5)(b)	Power to appoint an appropriately qualified health care professional to make a health care decision in relation to the application.

Division 2 – Preliminary contact with applicant

Entity power given to	Section of INPA	Description
Entity	52(1)(b)	Power to decide that an application is outside the scope of this Act for 1 or more of the following reasons: (i) the document is not a document of an agency, or document of a Minister, for this chapter; (ii) the entity is not an agency for this chapter; (iii) the application is made to the information commissioner, RTI commissioner or privacy commissioner.
Entity	52(2)	Power to give prescribed written notice to the applicant of the decision.
Agency	53(2)	Power to inform a person how an application does not comply with a relevant application requirement.
Agency	53(3)	Power to give a reasonable opportunity to consult with a view to making application in a form complying with all relevant application requirements.
Agency	53(5)	Power to decide that an application does not comply with all relevant application requirements and to give the applicant prescribed written notice of the decision.
Agency	54(2)	Power to make reasonable efforts to inform the applicant of the matters set out in 54(2).
Agency	54(3)	Power to give the applicant a reasonable opportunity to consult as mentioned in 54(2)(c).
Agency	54(5)(b)	Power to consider whether an application is an application that can be made under this Act and power to give the applicant prescribed written notice of the decision.
Agency	55(1)	At any time before a deemed decision is taken to have been made in relation to an access or amendment application, power to ask the applicant for a further specified period to consider the application.
Agency	55(3)	Power to continue to consider the application and make a considered decision in relation to it in certain circumstances.

Division 3 – Contact with relevant third party

Entity power given to	Section of INPA	Description
Agency	56(1) ²	Power to give access to a document of which may reasonably be expected to

¹ Section 50(1) of the Act provides that the only the CEO or his/her delegate can exercise this power.

² Must take steps that are reasonably practicable to obtain the views of the relevant third party about whether:
(a) the document is a document for this chapter; or

		be of concern to a government, agency or person.
Agency	56(3)(b)	Power to decide: (i) that a document is a document for this chapter; or (ii) that the information is not exempt information or contrary to public interest information.
Agency	56(3)(c)	Power to give prescribed written notice of the decision in 56(3)(b) to the applicant and the relevant third party.
Agency	56(3)(d)	In the specified circumstances, power to defer giving access to a document.
Agency	56(4)	Power to give the applicant written notice when access is no longer deferred under 56(3)(d).

Division 4 - Transfers

Entity power given to	Section of INPA	Description
Agency	57(2)	In the specified circumstances, power to transfer an access or amendment application to another agency.

Part 4 – Refusal to Deal with Access or Amendment Application

Entity power given to	Section of INPA	Description
Agency	59(2)	Power to refuse to deal with an application without having identified any or all of the documents.
Agency	60(1)	Power to refuse to deal with an access or amendment application, or, if the agency or Minister is considering 2 or more access or amendment applications by the applicant, all the applications, if when using the power to consider the work involved in dealing with the application or all the applications would, if carried out: (a) substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions.
Agency	61(1)(a)	Power to give the applicant a written notice regarding its refusal to deal with an application under section 60.
Agency	61(1)(b)	Power to give the applicant a reasonable opportunity to consult with the agency.
Agency	61(1)(c)	Power to give the applicant any information that would help the making of an application in a form that would remove the ground for refusal.
Agency	62(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for access to a document or documents sought under the first application.
Agency	63(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for amendment of a document or documents sought under the first application.

(b) the information is exempt information or contrary to public interest information.

Part 5 - Decision
Division 1 – Access applications

Entity power given to	Section of INPA	Description
Agency	65(a)	In the specified circumstances, power to make a decision (a considered decision): (i) whether access is to be given to the document; and (ii) if access is to be given – whether any access charge must be paid before access is given,
Agency	65(b)	Power to give written notice of a decision.
Principal Officer (the CEO)	66(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	68(1)	In the specified circumstances, power to give a prescribed written notice to an applicant.
Agency	69(2)	Power to give a prescribed written notice.

Division 2 – Amendment Applications

Entity power given to	Section of INPA	Description
Agency	70	If a person makes an amendment application for a document, power to: (a) consider the application and make a considered decision whether the amendment of the document is to be permitted; and (b) give the person a written notice of the decision.
Principal Officer (the CEO)	71(2)	Power to give prescribed written notice of the decision to the applicant.
Agency	72(1)(a)	Power to refuse to amend a document if the agency is not satisfied: (a) the personal information is inaccurate, incomplete, out of date or misleading; or (b) the information sought to be amended is personal information of the applicant; or (c) if the application is purportedly made by an agent, that the agent is suitably authorised to make the amendment application.
Agency	73(1)	Power to give a prescribed written notice to the applicant for an amendment application of the decision on the application.
Agency	74	Power to make an amendment by: (a) altering the personal information; or (b) adding an appropriate notation to the personal information.
Agency	76(3)(b)	Power to give the applicant written notice of the nature of the notation.
Agency	76(5)	Power to decide the information to which the notice relates is not information in relation to which the applicant was entitled to apply to the agency for amendment of the document.
Agency	76(5)(b)	In the specified circumstances, power to give prescribed written notice to the applicant of the decision.

Part 6 - Charging Regime
Division 3 – Waiver of charges

Entity power given to	Section of INPA	Description
Agency	81(1)	Power to consider whether an access charge for an access application should be waived.
Agency	82(2)	When deciding to waive any access charge for an application, power to consider: (a) the applicant is the holder of a concessional card; and (b) the applicant is not making the application for some other person who is seeking to avoid the payment of a charge.
Agency	82(3)	Power to give the applicant a prescribed written notice of a decision under 82(2) before the end of the processing period.

Part 7 - Giving Access

Entity power given to	Section of INPA	Description
Agency	87(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	87(2)	In the specified circumstances, power to give the applicant written notice when access is no longer deferred under section 87(1).
Agency	88(1)	Power to reasonably consider that a document will disclose to the applicant information that is not relevant to the access application for the document.
Agency	88(2)	Power to delete the irrelevant information from a copy of the document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	88(3)	Power to consider, from the terms of the application or after consultation with the applicant – (a) the applicant would accept the copy; and (b) it is reasonably practicable to give access to the copy.
Agency	89(c)	Power to decide that an applicant would wish to be given access to a copy of a document and to give access.
Agency	90	Power to decide that an applicant would wish to be given access to a copy of a document and to give access.
Agency	91(2)	Power to consider whether it is consistent with the primary object of this act to give the applicant or a person nominated by the applicant and approved by the agency, a summary of the applicant's personal information; and power to agree with the intermediary or the intermediary and applicant regarding conditions of use or disclosure.
Agency	91(3)(a)	Power to make an agreement with an information giver for the disclosure of information given by that person.
Agency	91(3)(b)	Power to make an agreement with another person other than the applicant, for the disclosure of information, if the summary of information contains personal information about the other person.
Agency	92(2)	Power to direct that access to a document is instead given to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.

Part 8 - Internal Review

Entity power given to	Section of INPA	Description
Reviewer	94(2)	Power to review a reviewable decision and make a new decision.
Agency	97(2)	Power to notify an applicant of a decision.
Agency	97(3)	Power to give a prescribed written notice of the decision to the applicant.

Part 9 - External Review
Division 2 – Application

Entity power given to	Section of INPA	Description
Local Government / Agency	102(2)	In the specified circumstances, power to apply to the information commissioner to participate in the external review.

Division 3 – After application made

Entity power given to	Section of INPA	Description
Agency	106(1)(b)	Power to apply to the commissioner to allow the agency further time to deal with the access or amendment application.

Division 5 – Powers of information commissioner on external review

Entity power given to	Section of INPA	Description
Agency	112(2)	Power to give the applicant for external review and the commissioner an additional statement.
Agency	114(2)	Power to give the commissioner a written transcript of words recorded or contained in the document.
Agency	114(3)	Power to give the commissioner a written document created using the equipment.
Agency	115(1)	Power to conduct a particular further search, or further searches, for a document.

Part 10 - Vexatious applications

Entity power given to	Section of INPA	Description
Agency	127(1)	Power to apply to the information commissioner that a person be declared a vexatious applicant.

Part 11 - References of questions of law and appeals

Entity power given to	Section of INPA	Description
Participant in an external review	131(1)	Power to request the commissioner to refer a question of law arising on an external review to QCAT.
Participant in	132(1)	Power to appeal to the appeal tribunal against a decision of the information

an external review		commissioner on the external review.
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CHAPTER 4 – INFORMATION COMMISSIONER AND PRIVACY COMMISSIONER

Part 5 - Waiving or Modifying Privacy Principles Obligations in the Public Interest

Entity power given to	Section of INPA	Description
Agency	157(1)	Power to apply to the information commissioner for an approval under this section.

Part 6 - Compliance Notices

Entity power given to	Section of INPA	Description
Agency	159(1)	If given a compliance notice, power to ask the information commissioner to extend the time within which it must take the action stated in the compliance notice.
Agency	159(3)(b)	In the specified circumstances, power to give the commissioner an undertaking to take the stated action within the extended period.
Agency	161(1)	Power to apply to QCAT for a review of the decision of the information commissioner.

CHAPTER 5 – PRIVACY COMPLAINTS

Part 3 - Mediation of privacy complaints

Entity power given to	Section of INPA	Description
Respondent	172(1)	Power to agree on a resolution of the complaint.
Respondent	172(2)	Power to ask the information commissioner to prepare a written record of the agreement.

SCHEDULE 3 – INFORMATION PRIVACY PRINCIPLES

Entity power given to	Section of INPA	Description
Agency	2(5)(b)	Power to form a reasonable belief that there would be little practical benefit to the individual in complying with (3) in the circumstances.
Agency	7(3)	Power to consider it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information.
Agency	10(1)(b)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety, or welfare of an individual, or to public health, safety or welfare.
Agency	10(1)(d)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary in certain circumstances.
Agency	11(1)(c)	Power to be satisfied on reasonable grounds that the disclosure is necessary

		to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	11(1)(e)	Power to be satisfied on reasonable grounds that the disclosure of the information is necessary in certain circumstances.
Agency	11(1)(f)(iv)	Power to be satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Public Interest Disclosure Act 2010***

Under section 257 of the *Local Government Act 2009*, Mareeba Shire Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Public Interest Disclosure Act 2010 ("PIDA")

Note: Given the nature of the powers contained in PIDA, it is recommended that powers are not sub-delegated to officers other than the Chief Executive Officer.

CHAPTER 3 – Obligations of entities to whom disclosures may be made

Part 2 - Public sector entities

Entity power given to	Section of PIDA	Description
Public Sector Entity	30(1)	Power to decide not to investigate or deal with a public interest disclosure having regard to matters outlined in section 30(1)(a)-(d).
Public Sector Entity	30(1)(b)	Power to reasonably consider that the disclosure should be dealt with by another appropriate process.
Public Sector Entity	30(1)(d)	Power to reasonably consider that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert the resources of the entity from their use by the entity in the performance of its functions.
Public Sector Entity	30(2)	Power to give written reasons for its decision.
Public Sector Entity	30(3)	Power to review decision.
Public Sector Entity	31(1)	Power to refer public interest disclosure to another public sector entity.
Public Sector Entity	31(3)	Power to consider there is an unacceptable risk that a reprisal would happen because of a referral.
Public Sector Entity	31(4)	Power to consult with the person who made the public interest disclosure.
Public Sector Entity	32(1)	In certain circumstances, power to give reasonable information about the disclosure.
Public Sector Entity	32(4)	Power to decide that giving information would be likely to adversely affect matters set out in section 32(4)(a)-(c).

CHAPTER 5 – Oversight Agency

Entity power given to	Section of PIDA	Description
Public Sector Entity	60(3)	Power to consult with the oversight agency.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Right to Information Act 2009***

Under section 257 of the *Local Government Act 2009*, Mareeba Shire Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Right to Information Act 2009 ("RTIA")
CHAPTER 3 – DISCLOSURE BY APPLICATION UNDER THIS ACT
Part 3 - Dealing with Application
Division 2 – Preliminary contact with applicant

Entity power given to	Section of RTIA	Description
NOTE	30(1)	Power to deal with all access applications made to a local government as an agency under this Act, is given directly to the Chief Executive Officer as the Council's "principal officer".
Principal Officer	30(2)	The CEO as the Council's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Entity	32(1)(b)	Power to decide the application is outside the scope of this Act.
Entity	32(2)	Power to give a prescribed written notice to the applicant of the decision.
Agency	33(2)	Power to inform the person how the application does not comply with the relevant application requirement.
Agency	33(3)	Power to consult with the applicant with a view to making an application in a form complying with all relevant application requirements.
Agency	33(5)	Power to decide the application does not comply with all relevant application requirements and give the applicant prescribed written notice of the decision.
Agency	34(2)	Power to, within 15 business days after the application is received, inform the applicant that: (a) the application could have been made under the Information Privacy Act without any application fee or processing charge being payable; and (b) the applicant may either: (i) ask for the application to be dealt with under the Information Privacy Act; or (ii) confirm the application as an application under this Act.
Agency	35(1)	In the specified circumstances, power to ask the applicant for a further specified period to consider the application.
Agency	35(3)	In the specified circumstances, power to continue to consider the application and make a considered decision relating to it.
Agency	36(1)	If a person makes an access application, power to: (a) consider whether a processing charge or access charge is payable in relation to the application; and (b) before the end of the processing period for the application, give the applicant: (i) a schedule of relevant documents for the applicant unless the applicant waives the requirement; and (ii) a charges estimate notice.
Agency	36(2)	Power to consult with the applicant with a view to narrowing the application to reduce the applicable charges.
Agency	36(4)	Power to give the applicant a new charges estimate notice.

Agency	36(7)	Power to agree to extend the prescribed period.
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Division 3 – Contact with relevant third party

Entity power given to	Section of RTIA	Description
Agency	37(1)	Power to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person (relevant third party) only after taking steps that are reasonably practicable to: (a) obtain the views of the relevant third party about whether: (i) the document is a document to which this Act does not apply; or (ii) the information is exempt information or contrary to public interest information; and (b) inform the relevant third party that if access is given to the document because of an access application, access may also be given to the document under a disclosure log.
Agency	37(3)(b)	Power to decide: (i) the document is a document to which this Act does apply; or (ii) the information is not exempt information or contrary to public interest information.
Agency	37(3)(c)	Power to give prescribed written notice of the decision to the applicant and relevant third party.
Agency	37(4)	Power to give the applicant written notice when access is no longer deferred under subsection (3)(d).

Division 4 – Transfers

Entity power given to	Section of RTIA	Description
Agency	38(2)	In the specified circumstances, power to transfer an application to another agency.
Agency	38(2)(b)	Power to consent to the transfer of an application.

Part 4 - Refusal to Deal with Application

Entity power given to	Section of RTIA	Description
Agency	40(2)	Power to refuse to deal with the application without having identified any or all of the documents.
Agency	41(1)	Power to consider that the work involved in dealing with an application or all of the applications would substantially and unreasonably divert the resources of agency from their use, and subsequently the power to refuse to deal with an access application, or if there are 2 or more, all of the applications.
Agency	42(1)(a)	Power to give the applicant a written notice: (i) stating an intention to refuse to deal with the application; and (ii) advising that, for the prescribed consultation period for the notice, the applicant may consult with the agency with a view to making an application in a form that would remove the ground for refusal; and (iii) stating the effect of subsections (2) to (6).
Agency	42(1)(a)(ii)	Power to consult the applicant with a view to making an application in the form

		that would remove the ground for refusal.
Agency	42(6)	Power to agree to a longer prescribed consultation period.
Agency	43(3)	In the specified circumstances, power to refuse to deal with a later application to the extent it is for access to a document or documents sought under the first application.
Agency	43(3)(b)(ii)	Power to decide that the application is for a document to which this Act does not apply.
Agency	43(3)(b)(iii)	Power to decide that the document or documents sought are documents access to which was refused under section 47.
Agency	43(3)(c)(ii)	Power to decide that the application is for a document to which chapter 3 of the Information Privacy Act does not apply.

Part 5 - Decision

Entity power given to	Section of RTIA	Description
Agency	45(a)	In the specified circumstances, power to make a considered decision: (i) whether access is to be given to the document; and (ii) if the access is to be given – whether any charge must be paid before access is given.
Agency	45(b)	Power to give the person written notice of the decision under section 54.
Principal Officer	46(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	47(3)	In the specified circumstances, power to refuse access to a document of the agency.
Agency	48(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	48(3)	Despite section 48(1), power to decide to give access to all or part of a document.
Agency	49(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	49(3)	Power to consider on the balance, disclosure of information would be contrary to the public interest.
Agency	49(5)	Despite section 47(3)(b), power to decide to give access to all or part of a document.
Agency	50(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	50(4)	Despite section 47(3)(c), power to decide to give access to all or part of a document.
Agency	51(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	51(3)	Despite section 47(3)(d), power to decide to give access to all or part of a document.
Agency	52(1)(a)	Power to be satisfied that a document does not exist.
Agency	52(1)(b)	Power to be satisfied that:

		(i) the document has been or should be in the agency's possession; and (ii) all reasonable steps have been taken to find the document but the document cannot be found.
Agency	52(2)	In the specified circumstances, power to consider the document has been kept in, and is retrievable from, the backup system.
Agency	54(1)	For the specified purposes, power to give a prescribed written notice to an applicant for an access application.
Agency	55(2)	In the specified circumstances, power to give a prescribed written notice.

Part 6 - Charging Regime

Division 3 – Waiver of charges

Entity power given to	Section of RTIA	Description
Agency	64(1)	Power to consider that the likely associated costs to the agency would be more than the likely amount of the charge, and waive a processing or access charge.
Agency	66(2)	In the specified circumstances, power to decide to waive any processing charge, or access charge for the application.
Agency	66(3)	Power to give the applicant a prescribed written notice of a decision under subsection (2) before the end of the processing period.

Part 7 - Giving Access

Division 1 – Giving access to applicant

Entity power given to	Section of RTIA	Description
Agency	68(4)	In the specified circumstances, power to refuse access in a particular form and to give in another form.
Agency	68(8)	Power to give access to a document in another form if agreed to by the applicant.
Agency	72(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	72(2)	Power to give the applicant written notice when access is no longer deferred under section 72(1).
Agency	73(1)	Power to reasonably consider whether information in a document is not relevant to the access application for the document.
Agency	73(2)	Power to delete irrelevant information from a copy of a document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	73(3)	Power to consider, from the terms of the application or after consultation with the applicant: (a) the applicant would accept the copy; and (b) it is reasonably practicable to give access to the copy.
Agency	74	In the specified circumstances, power to give access.
Agency	75	In the specified circumstances, power to give access.
Agency	76(2)	In the specified circumstances, power to consider whether it is consistent with the primary object of the Act to give the applicant, or a person nominated by the applicant and approved by the agency (an intermediary), a summary of

		the person information on conditions of use or disclosure agreed between the agency and the intermediary, or between the agency, the intermediary and the applicant.
Agency	77(2)	In the specified circumstances, power to direct that access to the document is to be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.

Part 8 - Internal Review

Entity power given to	Section of RTIA	Description
Agency	83(1)	Power to decide an internal review application.
Agency	83(2)	Power to notify the applicant of the decision in the circumstances specified.
Principal Officer	83(3)	Power to give prescribed written notice of the decision to the applicant.

Part 9 - External Review
Division 3 – After application made

Entity power given to	Section of RTIA	Description
Agency	93(1)(b)	Power to apply to the commissioner to allow further time to deal with the access application.

Division 5 – Powers of information commissioner on external review

Entity power given to	Section of RTIA	Description
Agency	99(2)	Power to give an additional statement to the commissioner and the applicant, containing further and better particulars of the reasons for the decision.

Part 10 - Vexatious applicants

Entity power given to	Section of RTIA	Description
Agency	114(1)	Power to apply to the information commissioner to request a declaration that a person is a vexatious applicant.

Part 11 - References of questions of law and appeals

Entity power given to	Section of RTIA	Description
Participant in an external review	118(1)	Power to request the commissioner refer a question of law arising on an external review to QCAT.
Participant in an external review	119(1)	Power to appeal to the appeal tribunal against the decision of the information commissioner on the external review.

SCHEDULE 4**Part 4 - Factors favouring nondisclosure in the public interest because of public interest harming disclosure**

Entity power given to	Section of RTIA	Description
Prescribed entity	1(3)	Power to make an application to the information commissioner to extend the 10 year period if the commissioner considers the extension in the public interest.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

FINANCE

ITEM-9 ANIMAL MANAGEMENT, LOCAL LAWS AND ENVIRONMENTAL HEALTH FEES & CHARGES 2017/2018

MEETING: Ordinary

MEETING DATE: 15 March 2017

**REPORT OFFICER'S
TITLE:** Supervisor Environmental Health & Local Laws

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report presents the recommended 2017/18 cost recovery fees for Environmental Health, Animal Management and Local Laws Activities for Council's consideration and endorsement. The process costs as calculated for the cost recovery fees for 2017/2018 are included. The fees listed include current fees, calculated or process costs and the proposed fees.

Those fees considered not to be regulatory (or cost recovery) are highlighted as such but are included in this report for administrative purposes.

OFFICER'S RECOMMENDATION

"That Council:

1. Adopt the proposed 2017/2018 fees as listed for Animal Management, Environmental Health and Local Laws Activities; and
2. Endorse the ongoing arrangement in place whereby new applications received for licences, registrations and approvals on or after 1 April each year are given an extended currency period to 30 June in the following financial year; and
3. Council adopt the 'lifetime dog tag' proposal for animal registration, as of 2017/2018 all dog owners will receive one (1) dog tag for the life of the animal."

BACKGROUND

The basis for the cost recovery fees has been to calculate actual costs to provide the service.

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

Section 52 of the Animal Management (Cats & Dogs) Act 2008 requires local governments to include a de-sexing incentive when setting fees for animal registration. In this case, Council charges a higher fee for entire animals and a significantly lower fee for de-sexed animals.

The extended currency period results in a 15 month currency period for an approval that would ordinarily be for 12 months. This strategy satisfies most customers as it means that they are not issued with a renewal notice for an approval that was obtained in the last quarter.

A recommendation is also being made whereby Council will introduce 'lifetime dog tags' for dog registrations (new and renewals), commencing 2017/2018 financial year. This means that the animal owner will receive one dog tag for the life of the dog. After issuing the lifetime tags no yearly tags will be sent out with registration renewals.

LINK TO CORPORATE PLAN

ENV 2 - Maintain a proactive response to public health and safety matters including incorporating CPTED (Crime Prevention through Environmental Design) principles in town centres and commercial developments.

CONSULTATION

Internal

Manager Development and Governance

External

Nil

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

The cost recovery fees will be included in the schedule of cost recovery fees 2017/2018 and will be published on Council's Website.

ATTACHMENTS

Final Regulatory Fees 2017/2018 Financial Year (Local Laws and Environmental Health)

Date Prepared: 3 March 2017

Cost Recovery Fees 2017/2018	Per	R=Regulatory C=Commercial O=Other	GST STATUS	Fees 2017/2018
Environmental Health				
Note: Where an application fee is paid for an annual approval or annual licence on or after 1 April the fees set for the following financial year are to be used and an extended expiry is to be applied to the particular approval.				
Searches				
Record Search	search	R	NO GST	\$75.00
Physical Inspection (Sale Search)	inspection	R	NO GST	\$300.00
Food Act *				
Design & Fit out (without plan assessment)	application	R	NO GST	\$300.00
Design & Fit out (with plan assessment)	application	R	NO GST	\$410.00
Temporary Food Business (1 event)	application	R	NO GST	\$130.00
Application High Risk Food Business *	application	R	NO GST	\$730.00
Application Medium Risk Food Business *	application	R	NO GST	\$585.00
Application Low Risk Food Business *	application	R	NO GST	\$280.00
Application Renewal High Risk Food Business *	application	R	NO GST	\$600.00
Application Renewal Medium Risk Food Business *	application	R	NO GST	\$320.00
Application Renewal Low Risk Food Business *	application	R	NO GST	\$220.00
* based on the Priority Classification System for Food Business				
Application for Restoration of Food Licence	application	R	NO GST	\$95.00
Application for Amendment of Food Licence	application	R	NO GST	\$105.00
Application for Replacement of Food Licence	application	R	NO GST	\$70.00
Inspections - for non-compliance, improvement	inspection	R	NO GST	\$300.00
Inspections - by request	inspection	R	NO GST	\$280.00
Food Safety Program Accreditation of Program by a Council Food Safety Auditor	premise	R	NO GST	\$705.00
Non-Conformance Audit of a Food Safety Program by a Council Food Safety Auditor	premise	R	NO GST	\$380.00
Amendment of Accredited Food Safety Program	premise	R	NO GST	\$320.00
Personal Appearance Services				
Design & Fit out (with plan assessment)	application	R	NO GST	\$430.00
Application for Licence	application	R	NO GST	\$425.00
Application for Renewal of Licence	licence	R	NO GST	\$255.00
Inspection non higher risk	licence	R	NO GST	\$215.00
Re-inspection non higher risk	licence	R	NO GST	\$145.00
Application to Transfer Licence	licence	R	NO GST	\$210.00
Replacement Licence	licence	R	NO GST	\$70.00
Application for Amendment of Licence	licence	R	NO GST	\$230.00

Local Laws Activities				
Accommodation Facilities				
Caravan parks - initial	application	R	NO GST	\$415.00
Caravan parks - renewal	application	R	NO GST	\$300.00
Camping Grounds - initial	application	R	NO GST	\$415.00
Camping Grounds - renewal	application	R	NO GST	\$300.00
Transfer of ownership	application	R	NO GST	\$300.00
Operation of temporary entertainment events				
Operation of temporary entertainment events	application	R	NO GST	\$585.00
Remedial Notices				
Overgrown properties	notice	R	NO GST	Cost + \$170
Commercial Use of Local Government Controlled Areas and Roads (LGCARs) schedule 6				
Outdoor dining application	application	R	NO GST	\$270.00
Outdoor dining renewal	year	R	NO GST	\$160.00
Goods on footpath application	application	R	NO GST	\$270.00
Goods on footpath renewal	year	R	NO GST	\$160.00
Application for Approval - Commercial use LGCARs	application	R	NO GST	\$270.00
Application for Renewal of Approval - Commercial use LGCARs	year	R	NO GST	\$160.00
Amendment of Commercial Use of Roads Approval	application	R	NO GST	\$100.00
Installation of advertising device - Schedule 8				
Advertising Device Application	application	R	NO GST	\$265.00
Advertising Device Renewal Application	year	R	NO GST	\$145.00
Busking				
Application (annual)	application	R	NO GST	\$115.00
Application to renew	year	R	NO GST	\$90.00
Application (3 monthly)	3 monthly	R	NO GST	\$30.00
Public Liability Buskers Insurance	person	O	NO GST	\$15.00
Recovery of Abandoned Vehicles				
Recovery of abandoned vehicles	vehicle	R	NO GST	cost + \$170
Temporary Parking Permit				
Temporary parking permit	application	R	NO GST	\$175.00
Release of Impounded Items				
Release of impounded sign	sign	R	NO GST	\$65.00
Release of second and subsequent impounded signs	sign	R	NO GST	\$25.00
Release of miscellaneous impounded items	item	R	NO GST	\$65.00
Gates & Grids				
Application for approval gates & grids	application	R	NO GST	\$350.00
Application for renewal of approval gates & grids	year	R	NO GST	\$50.00
Fee for re-inspection of gate or grid	inspection	R	NO GST	\$190.00
Transfer of Gate / Grid (Change of Owner)	application	R	NO GST	\$50.00

Cost Recovery Fees 2017/2018	Per	R=Regulatory C=Commercial O=Other	GST STATUS	Fees 2017/2018
Animal Management				
Note: Where an application fee is paid for an annual approval or annual licence on or after 1 April the fees set for the following financial year are to be used and an extended expiry is to be applied to the particular approval.				
Registration				
Pups under 6 months	animal	R	NO GST	\$0.00
Entire male/female	animal/annum	R	NO GST	\$100.00
Entire male/female owned by pensioner	animal/annum	R	NO GST	\$100.00
Desexed male/female	animal/annum	R	NO GST	\$18.00
Desexed male/female owned by pensioner	animal/annum	R	NO GST	\$18.00
Replacement Tag	tag	R	NO GST	\$8.00
Entire Dog (owned by a member of a recognised kennel club)	animal/annum	R	NO GST	\$46.00
Assistance Dog	animal/annum	R	NO GST	\$0.00
Working Dogs	animal/annum	R	NO GST	\$0.00
<u>Pro rata calculations to apply to initial dog registration fees as follows:</u>				
1 July to 30 September, no fee reduction	animal	R	NO GST	
1 October to 31 December, 25 % fee reduction	animal	R	NO GST	
1 January to 31 March, 50 % fee reduction	animal	R	NO GST	
1 April to 1 June, pay full fee but maintain the 15 month registration	animal	R	NO GST	
Registration for Regulated Dogs (Dangerous, Menacing)				
Initial Fee (Includes 1 regulated sign)	animal	R	NO GST	\$400.00
Renewal fee	animal	R	NO GST	\$210.00
Regulated Dog Tag - replacement	tag	R	NO GST	\$15.00
Additional regulated sign (1 required at each entry point)	sign	R	NO GST	\$45.00
Approvals Animal Keeping				
Approval to Keep Excess Animals - Initial Application	application	R	NO GST	\$235.00
Approval to Keep Excess Animals - Renewal Application	application	R	NO GST	\$190.00
Amendment of Approval	application	R	NO GST	\$190.00
Regulated Dog Permit (Restricted Breed) Initial Fee	application	R	NO GST	\$400.00
Regulated Dog Permit (Restricted Breed) Renewal Fee	application	R	NO GST	\$210.00
Impounding of Animals				
Cats & Dogs				
Sustenance fee for care of animal (after 24 hours)	animal	R	NO GST	\$20.00
Sustenance fee for seized dogs per day	animal	R	NO GST	\$20.00
Dogs				
Registered dog 1st pickup and returned to owner if contactable	animal	R	NO GST	Free
Registered dog 1st impounded and release	animal	R	NO GST	\$87.00
Unregistered dog or second release of registered dog (to be registered on release if required)	animal	R	NO GST	\$220.00
Cats				
Cat or kitten with microchip 1st release	animal	R	NO GST	\$87.00
Cat or Kitten with no microchip or 2nd or subsequent release of microchipped cat	animal	R	NO GST	\$165.00
Stock				
One animal	animal	R	NO GST	\$375.00
Second and subsequent animals	animal	R	NO GST	\$180.00
Sustenance fee for care of animal (after 24 hours)	animal	R	NO GST	Cost
Contractors, Driving and Transport (per movement)	impoundment	O	NO GST	Cost
Advertising	impoundment	O	NO GST	Cost
Loan of Dog / Cat traps - no charge	trap	O	NO GST	
Poultry and Small Stock				
One bird	bird	R	NO GST	\$75.00
Second and subsequent bird	bird	R	NO GST	\$15.00
One small stock (Sheep & Goat)	animal	R	NO GST	\$75.00
Second and subsequent small stock	animal	R	NO GST	Remove
Sustenance fee for care of animal	animal	R	NO GST	Cost
Hire of stock yards				
Up to 7 head	day	C	GST	\$100.00
More than 7 head	animal/day	C	GST	\$16.00
Sustenance	animal/day	C	GST	at cost
Labour hire	hour/person	C	GST	\$70.00

**ITEM-10 WATER AND WASTEWATER GROUP FEES & CHARGES
2017/2018****MEETING:** Ordinary Meeting**MEETING DATE:** 15 March 2017**REPORT OFFICER'S
TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

The setting of the fees and charges for the 2017/2018 financial year is the responsibility of each relevant department and has been set either based on a set percentage increase or based on cost recovery of actual activity costing and is presented for Council's consideration and endorsement.

The process costs for 2017/2018 outlining current fees, calculated and process costs and the proposed fees were considered with the underlying basis for the proposed fees and charges to support cost recovery within the services provided by the Water and Waste Group.

OFFICER'S RECOMMENDATION

"That Council adopt the Water and Waste Fees & Charges for the 2017/2018 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 is required to adopt a Schedule of Fees & Charges. For the purpose of legislation these fees and charges need to be identified as either regulatory or non-regulatory.

Each relevant department has been responsible for the setting of the Fees & charges for the 2017/2018 financial year. Costs for services are reviewed annually. The fees and charges have been set on either full cost recovery, discounted community service obligation by direction of Council or based on a set percentage increase.

LINK TO CORPORATE PLAN

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

CONSULTATION*Internal*

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

External

Nil

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

Local Government Act 2009

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

On adoption of the 2017/2018 fees and charges advise Customer Service Officers of the changes and alter associated documents, advise Water and Waste Group staff and external clients.

ATTACHMENTS

1. Fees & Charges Schedule 2017/2018
2. Waste Oil Price Removal Increase

Date Prepared: 6 March 2017

	Fee	Per	GST STATUS	2017/18 Proposed Fees
Waste Fees				
	Domestic Waste			
F0080	Up to 1m3 (trailer or utility load)* With Exception Mareeba 2m3.	trailer or utility load	GST	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.			\$ 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 load - self load		GST	\$ 12.00
F0083	Box trailer load - machine to load			\$ 16.00
F0084	Purchases greater than 500m3 (in one instance)			\$10.00 per m3
F0567	Minimum fee commercial waste - weigh bridge charge	Each		\$ 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	GST	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	GST	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)	each	GST	\$ 115.00
F0574	White goods, air conditioners and gas bottles not de-gassed \$25.00	each	GST	\$ 25.00
F0090	Air conditioners - must be degassed	each	GST	No Charge
F0091	Gas bottles - must be degassed	each	GST	\$ 5.00
	Commercial Waste Mareeba Waste Management Facility			
F0092	MSW - Municipal Solid Waste	tonne	NIL	\$ 90.00
F0093	C&I - Commercial and Industrial (Incl plastic fluming)	tonne	NIL	\$ 75.00
F0094	C&D - Construction and Demolition	tonne	NIL	\$ 75.00
F0095	Concrete	tonne	NIL	\$ 20.00
F0096	Green waste	tonne	GST	No charge
F0565	Dead Animals			

	Fee	Per	GST STATUS	2017/18 Proposed Fees
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	GST	No charge
F0098	Oil (excludes cooking oils)	Litre	NIL	50c
	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	\$ 103.00
F0116	Earth Mover Medium - 1m - 1.5m	each	GST	\$ 227.00
F0117	Earth mover large - 1.5m - 2m	each	GST	\$ 450.00
F0118	Passenger with rim	each	GST	\$ 10.00
F0119	Light Truck with rim	each	GST	\$ 16.00
F0120	Truck with rim	each	GST	\$ 32.00
F0121	Bobcat	each	GST	\$ 12.00
	Wheelie Bin Purchase			
F0122	120 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	\$ 1,140.00
F0131	Meter Size - 25mm	Meter	NO GST	\$ 1,525.00
F0132	Meter Size - 32mm - Short Meter	Meter	NO GST	\$ 1,900.00
F0133	Meter Size - 40mm - Short Meter	Meter	NO GST	\$ 2,310.00
F0134	Meter Size - 50mm - Short Meter	Meter	NO GST	\$ 2,675.00

	Fee	Per	GST STATUS	2017/18 Proposed Fees
F0135	Oversize Connection - Quotation Fee	quote	NO GST	\$ 635.00
F0136	New Meter Installation Only - 20mm ø per m	Meter	NO GST	\$ 550.00
F0137	New Meter Installation Only - 25mm ø per m	Meter	NO GST	\$ 565.00
F0138	New Meter Installation Only - 32mm ø per m	Meter	NO GST	\$ 835.00
F0139	New Meter Installation Only - 40mm ø per m	Meter	NO GST	\$ 960.00
F0140	New Meter Installation Only - 50mm ø per m	Meter	NO GST	\$ 1,040.00
F0141	Fit Approved Lock and Supply Key	lock	NO GST	\$ 205.00
F0142	Renewal of Water Service 20mm	application	NO GST	\$ 945.00
F0579	Renewal of Water Service 25mm	application	NO GST	\$ 1,265.00
F0580	Renewal of Water Service 32mm	application	NO GST	\$ 1,385.00
F0581	Renewal of Water Service 40mm	application	NO GST	\$ 1,670.00
F0582	Renewal of Water Service 50mm	application	NO GST	\$ 1,700.00
F0143	Replacement Meter 20mm	meter	NO GST	\$ 550.00
F0584	Replacement Meter 25mm	meter	NO GST	\$ 565.00
F0585	Replacement Meter 32mm	meter	NO GST	\$ 835.00
F0586	Replacement Meter 40mm	meter	NO GST	\$ 960.00
F0587	Replacement Meter 50mm	meter	NO GST	\$ 1,040.00
F0144	Disconnection of Water Service at Owners Request	application	NO GST	\$ 180.00
F0145	Reconnection after Requested Disconnection 20mm	application	NO GST	\$ 550.00
F0588	Reconnection after Requested Disconnection 25mm	application	NO GST	\$ 565.00
F0589	Reconnection after Requested Disconnection 32mm	application	NO GST	\$ 835.00
F0590	Reconnection after Requested Disconnection 40mm	application	NO GST	\$ 960.00
F0591	Reconnection after Requested Disconnection 50mm	application	NO GST	\$ 1,040.00
F0146	Reconnection (after breach of water regulations or non payment) - 20mm	application	NO GST	\$ 550.00
F0592	Reconnection (after breach of water regulations or non payment) - 25mm	application	NO GST	\$ 565.00
F0593	Reconnection (after breach of water regulations or non payment) - 30mm	application	NO GST	\$ 835.00
F0594	Reconnection (after breach of water regulations or non payment) - 40mm	application	NO GST	\$ 960.00
F0595	Reconnection (after breach of water regulations or non payment) - 50mm	application	NO GST	\$ 1,040.00
F0148	Water Testing	Not Available		Not available
F0149	Meter/Service Testing (to be refunded if meter/service found to be faulty)	test	NO GST	\$ 330.00
F0150	Final Water Meter Reading request	reading	NO GST	\$ 90.00
F0151	Hydrant flow & pressure test	test	NO GST	\$ 250.00
F0575	Install Lockable Stop Valve			#REF!
F0570	Locations - Mareeba	location		\$ 176.00
F0571	Locations - Dimbulah/Kuranda	location		\$ 506.00
F0572	Locations - Mount Molloy	location		\$ 506.00
F0573	Locations- Chillagoe	location		\$ 825.00
F0596	Automatic Meter Reading Device - MRC	Device	NO GST	\$ 350.00
F0597	Automatic Meter Reading Device - ADC with flying lead	Device	NO GST	\$ 350.00
Wastewater				
F0152	Connection to Councils Sewerage System Based on 1.5m tapping and standard 1.5m from property boundary and 150mm join	connection	NO GST	\$ 1,875.00
F0153	Build over Council sewerage System	application	NO GST	\$ 315.00

	Fee	Per	GST STATUS	2017/18 Proposed Fees
F0578	Hire of Fogging Crew (day hire)	Labour per hour + materials maximum of 4 hours	GST	\$ 1,075.00
F0577	Hire of Sewer Trailer	Labour per hour + materials maximum of 4 hours	GST	\$ 515.00
	Trade Waste Application			
F0634	Application for Trade Waste first year	year	NO GST	\$ 140.00
	Trade Waste Approvals			
F0154	Category One Charge (Low Volume; Low Strength) <500 KL waste per year (Minimum flat fee)	year	NO GST	\$ 140.00
F0155	Category Two Charge (High Volume : Low Strength) >500KL waste per year (minimum flat fee)	year	NO GST	\$ 450.00
F0156	Category Three Charge (High Volume ; High Strength) - Category 3 charges are calculated on an individual case basis.	year	NO GST	\$ 2,500.00
F0157	Sampling of Grease Arrestor (per test)	test	NO GST	\$ 335.00
F0158	Sample - Tested strength of BOD5 by weight	test	NO GST	\$ 325.00
F0159	Sample - Tested strength of Suspended Solids by weight	test	NO GST	\$ 315.00
	Permit for Food Waste Disposal Units :			
	TRC Sewerage Area			
F0160	Category A - < 400 Watt rating (per year)	year	NO GST	\$ 1,235.00
F0161	Category B - 401 to 700 Watt rating (per year)	year	NO GST	\$ 3,700.00
F0162	Category C - 701 to 1000 Watt rating (per year)	year	NO GST	\$ 4,940.00
F0163	Category D - 1001 to 1500 Watt rating (per year)	year	NO GST	\$ 7,415.00
F0164	Category E - 1501 to 2000 Watt rating (per year)	year	NO GST	\$ 8,645.00
F0165	Category F - > 2000 Watt rating (per year)	year	NO GST	\$ 9,990.00
F0166	Search Fee - Query what Trade waste Service is on the property	search	NO GST	\$ 208.00
	Waste Discharge			
F0167	Grease trap waste Mareeba	litre	GST	
F0168	Septic effluent waste Mareeba	KL	NO GST	\$ 52.00
F0170	Liquid Waste - Anything other than grease trap or septic - Mareeba	KL	NO GST	\$ 52.00
	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

	Fee	Per	GST STATUS	2017/18 Proposed Fees
F0147	Water Supply from Fire Hydrants (other than for fire-fighting purposes) KL	KL	NO GST	\$1.45



TRANSPACIFIC SERVICE CONTRACT

www.transpaciflo.com.au

Contract No: 13979

Permanent Contract <input checked="" type="checkbox"/> Temporary Contract <input type="checkbox"/>	Commencement Date: 12/6/2014	<input type="checkbox"/> Transpacific Industries Pty Ltd ABN 40 010 745 383 <input type="checkbox"/> Mann Waste Management Pty Ltd ABN 62 102 473 450 <input type="checkbox"/> Transwaste Technologies Pty Ltd ABN 88 078 935 109 <input type="checkbox"/> Halkinwood Oil Pty Ltd ABN 95 068 383 364 <input type="checkbox"/> IVO Resource Recovery Pty Ltd ABN 74 057 291 265 <input type="checkbox"/> Australian Terminal Services Pty Ltd ABN 86 092 392 633
Contract Term: 36 months. (36 months applies, subject to clauses 7 & 17 overlaid)		Branch Name:
Contract End Date: 11/6/2017. (And thereafter automatically renewed in accordance with clause 7)		Branch Phone No:

THE CUSTOMER (THE LEGAL ENTITY) (YOU, YOUR)		ABN:	
TRADING NAME (IF DIFFERENT TO ABOVE)			
INVOICE ADDRESS (ADDRESS TO WHICH INVOICE IS TO BE SENT)		SITE ADDRESS (ADDRESS FOR LOCATION OF EQUIPMENT (I-E PREMISES))	
Name: <u>Marrumbidgee Shire Council</u>		Name: <u>Marrumbidgee Waste Water</u>	
<u>Po Box 154</u>		<u>Abn Pond Treatment Plant</u>	
<u>Marrumbidgee</u>		<u>MARRUMBIDGE</u>	
Post Code: <u>4880</u>		Post Code: _____	
Telephone No: <u>1300 308 401</u>		Telephone No: <u>4086 4721</u>	
Fax No: _____		Fax No: _____	
Contact Name: _____		Contact Name: <u>MORRIS HANILL</u>	
Position: _____		Position: _____	
Mobile No: _____		Mobile No: <u>0407675907</u>	
Email Address: _____		Email Address: _____	
E Invoicing <input type="checkbox"/> Y <input type="checkbox"/> N		E Invoicing <input type="checkbox"/> Y <input type="checkbox"/> N	

SERVICE DETAILS

[illegible]

Waste types

Waste types

(a) **Recyclable Waste** – waste we say may be beneficially reused or recycled. (b) **General Waste** – solid wastes which do not undergo environmentally significant physical, chemical or biological transformations once landfilled and which do not include the following waste types (c) to (f). (c) **Puressible Waste** – degradable wastes including food wastes, garden wastes and household wastes and which do not include the following waste types (g) to (i). (d) **Medical/Surgical Waste** – waste (excluding radioactive waste) produced by a hospital, clinic, medical or related wastes and which do not include the following waste types (g) to (i). (e) **Hazardous Waste** – solid, liquid or gaseous wastes (other than waste described in paragraph (d)) which through toxicity, corrosivity, reactivity or other biological or chemical properties may present danger to the life or health of living organisms when released into the environment and which do not include the following waste types (g) and (i). (f) **Prescribed or Other Waste** – any waste which does not fit within paragraphs (a) to (e) or which requires special treatment or handling, the type and manner of treatment being prescribed in this Contract. (g) **Liquid Waste** – liquid or semi-liquid wastes which do not include Waste types described in paragraphs (a) through to (f).

SPECIAL REQUIREMENTS / OTHER DETAILS

ACCESS TIMES

DATE OF FIRST SERVICE	INVOICE CYCLE
-----------------------	---------------


PAYMENT METHOD (TERM 30 DAYS NET)

PAYMENT METHOD (PLEASE CHECK ONE)
All payments by credit card will incur a surcharge at a rate notified to you by us from time to time.

CASH	<input type="checkbox"/>	EXISTING ACCOUNT	<input type="checkbox"/>
CHEQUE	<input type="checkbox"/>	NEW ACCOUNT	<input checked="" type="checkbox"/>
CREDIT CARD	<input type="checkbox"/>	DIRECT DEBIT	<input type="checkbox"/>

CREDIT REFERENCES / PAYMENT DETAILS / BANK ACCOUNT DETAILS (BSB & ACCOUNT No.)

CONTRACT ACCEPTANCE I hereby declare the above information to be true and correct. I have read and understood the Terms and Conditions overleaf and accept that failure by the Customer to meet those terms and conditions may result in breach of contract.

SIGNED BY: 

SIGNED BY: James M. M
POSITION: James M. M
PRINT NAME: James M. M

PRINT NAME: BILLIE HUTCHINS
For and on behalf of Supplier of Services and/or Equipment (WE, US, OUR)

Date 12/6/2014

PURCHASE ORDER No. (If applicable):

SIGNED BY: X WCP

POSITION: X Manager Water & Waste

PRINT NAME: X Morris Hamill

For and on behalf of the Customer - (YOU, YOUR) _____
Date 8/2.106.114

2010:28 March 13

White Copy - OFFICE COPY

Blue Copy - CUSTOMER COPY

YES COPY - CS COPY

**ITEM-11 FINANCIAL STATEMENTS FOR PERIOD ENDING 28
FEBRUARY 2017**

MEETING: Ordinary

MEETING DATE: 15 March 2017

**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 2016 to 28 February 2017.

OFFICER'S RECOMMENDATION

"That Council note the financial report for the period ending 28 February 2017."

BACKGROUND**Financial Summary**

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

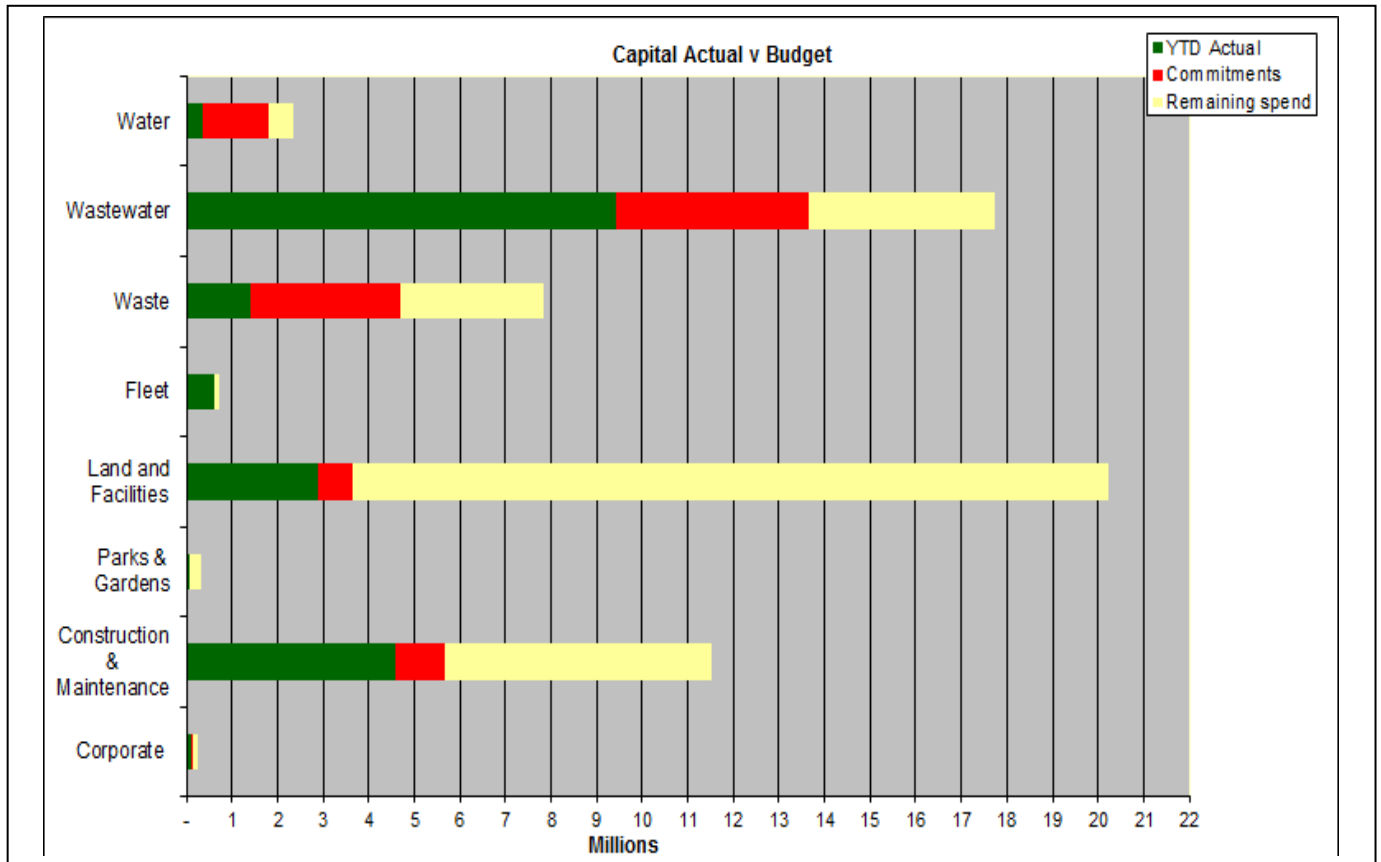
For the period ending 28 February 2017, Council shows an operational surplus of \$15,210,241 compared to a budgeted surplus of \$12,076,329. The large surplus is due to the rates for the half year, 1 January to 30 June 2017, that were issued in February.

February 2017 - Snapshot

Total Operating Income	\$	40,958,663
Total Operating Expenditure	\$	25,748,422
Operating Surplus	\$	15,210,241
Total Capital Income (grants, developer contributions)	\$	10,259,212
Net Result - Surplus	\$	25,469,453

Capital Expenditure

Total capital expenditure of \$29,904,634 (including commitments) has been spent for the period ending 28 February 2017 against the 2016/17 annual capital budget of \$60,914,307. This budget figure includes \$3.8M for the capital projects under the Works for Queensland Grant.



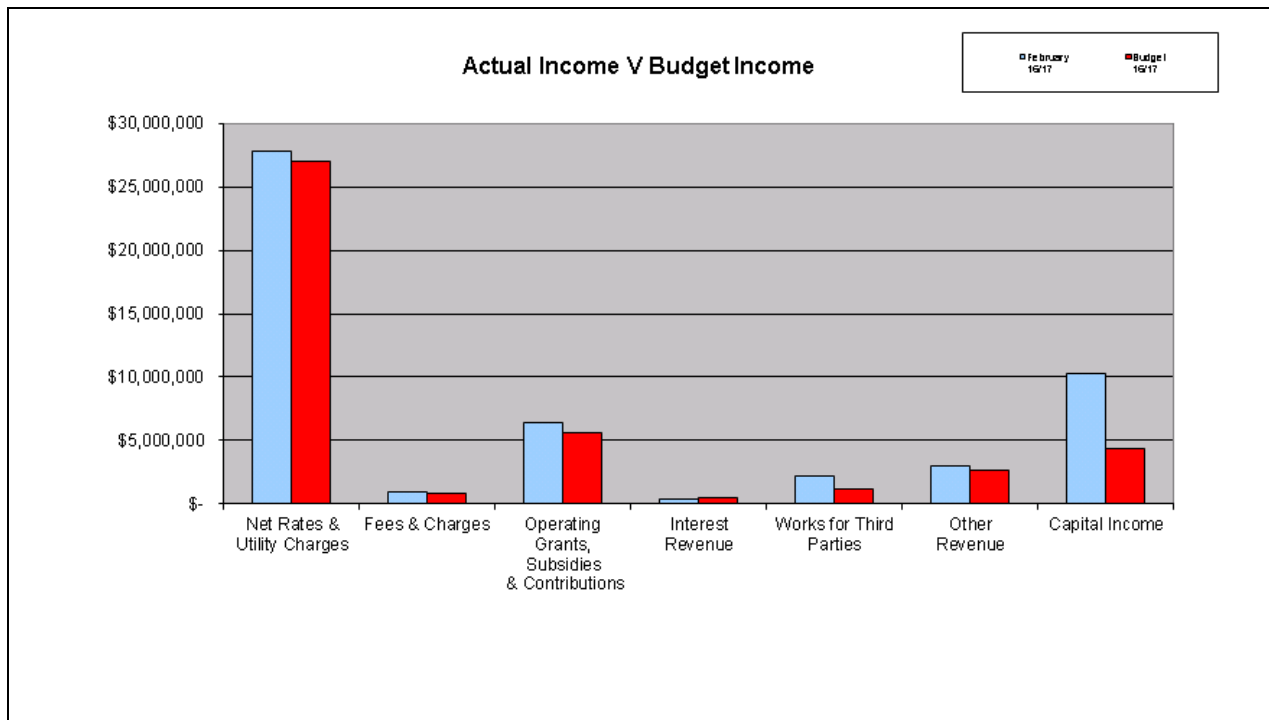
The significant remaining spend in the Land and Facilities section relates to the Mareeba Airport Re-development. It is anticipated that commitments will be made throughout the remainder of the financial year.

Other capital projects are currently tracking well against budgets.

Income Analysis

Total income (including capital income of \$10,259,212) for the period ending 28 February 2017 is \$51,217,875 compared to the YTD budget of \$42,117,324.

The graph below shows actual income against budget for the period ending 28 February 2017.



Description	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	27,828,185	27,040,738	1
Fees & Charges	922,582	828,751	
Operating Grants, Subsidies & Contributions	6,446,014	5,641,692	2
Interest Received	444,290	453,552	
Works for Third Parties	2,260,318	1,179,663	3
Other Revenue	3,057,274	2,642,952	4
Capital Income	10,259,212	4,330,006	5

Notes:

1. Rates for the half year 1 January to 30 June 2017 were issued on 14 February. The favourable variance relates to rates discount, which is only recorded when rate payments are made. As more rate payments are received before discount date, this variance will reduce.
2. Council has received an initial prepayment for NDRRA 2016 of \$957k. As the restoration works has no budget allocated, there will be an equivalent offset in expenditure.
3. Majority relates to the timing of the budget for RMPC income, and additional works of \$100k being approved on the Mossman-Mt Molloy roads, and \$576k for the BDR Gravel

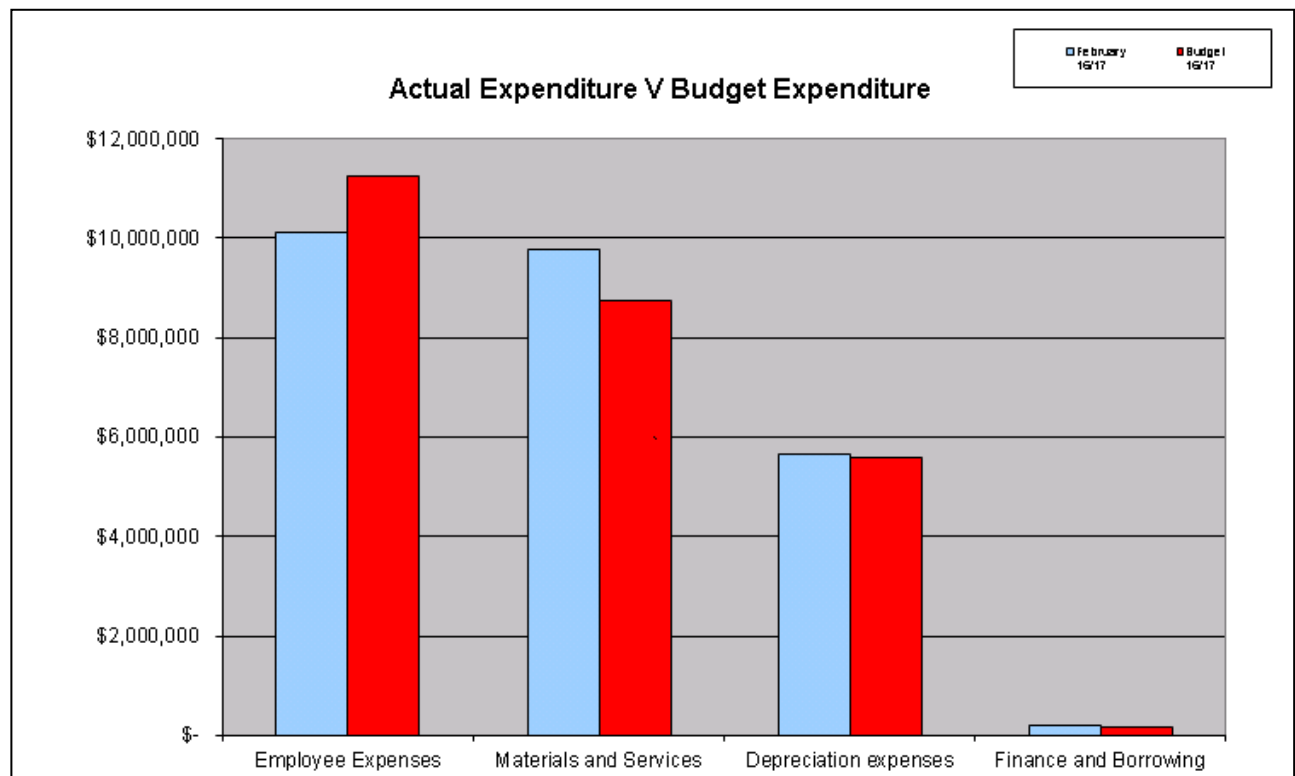
re-sheet works which has no budget allocated. There will be an equivalent offset in expenditure.

4. Favourable variance relates to the sale of industrial land blocks (\$202k).
5. First milestone claim for the Mareeba Airport upgrade of \$2.3M received, along with \$3.1M for Mareeba WWTP upgrade, \$986k for Roads to Recovery capital grant (R2R), \$133K for TIDS, \$425k for Bridges Renewal Program, \$2.8m for the Works for Queensland Grant and \$645k for developer contributions.

Expenditure Analysis

Total expenses for the period ending 28 February 2017 is \$25,748,422 compared to the YTD budget of \$25,710,989.

The graph below shows actual expenditure against budget for the period ending 28 February 2017.



Description	Actual YTD	Budget YTD	Note
Employee expenses	10,124,963	11,234,077	1
Materials & Services	9,771,874	8,736,127	2
Depreciation expenses	5,663,838	5,575,135	
Finance & Borrowing costs	187,747	165,650	

Notes:

1. The majority of the reported savings in employee expenses relate to staff costs being debited to construction/capital projects. Also contributing to the variance is the amount of leave staff have taken which is debited to a leave provision reserve (\$418k).
2. Expenditure for the additional DTMR works that was not budgeted for, is the main contributor to the variance and has been recovered through Works for Third Party income above.

Loan Borrowings

Council's loan balance as at 28 February 2017 is as follows:

QTC Loans	\$6,706,111
-----------	-------------

Rates and Sundry Debtors Analysis
Rates and Charges

The total rates and charges payable as at 28 February 2017 is \$14,500,603.

Rates were issued on 14 February 2016 for the six (6) months January to June 2016, with the discount period closing on 17 March 2016. Total Gross Rates and Charges levied for this six (6) month period will be \$16,323,659.

Collection House collected \$60,194 for the month of February. The outstanding amount for properties currently with debt collection is \$556,983.

The Sale of Land process is now underway, with \$210,837 likely to be collected over the coming six (6) months. Three (3) of the properties have already paid their outstanding balance in full (\$38,549).

Sundry Debtors

The total outstanding for Sundry Debtors as at 28 February 2017 is \$1,653,164 which is made up of the following:

Current	30 days	60 days	90 + days
\$1,517,664	\$8,570	\$979	\$125,950
91.80%	0.52%	0.06%	7.62%

LINK TO CORPORATE PLAN

Nil

CONSULTATION*Internal*

Director Corporate & Community Services
Financial Accountant

External

Nil

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

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

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Financial Statements

Date Prepared: 7 March 2017

MAREEBA SHIRE COUNCIL
**Budgeted Income Statement by Fund
For the period ending 28 February 2017**

	Sewerage Services			Water Services			Benefitted Areas		
	Actual YTD	Budget YTD	Budget 2016/17	Actual YTD	Budget YTD	Budget 2016/17	Actual YTD	Budget YTD	Budget 2016/17
Revenue									
Rates and utility charges	4,375,011	4,308,651	4,308,651	4,899,520	4,916,317	4,916,317	315,697	320,498	320,498
Less Discounts and Pensioner Remissions	-	-	-	-	-	-	-	-	-
Net Rates and Utility Charges	4,375,011	4,308,651	4,308,651	4,899,520	4,916,317	4,916,317	315,697	320,498	320,498
Fees and Charges	23,211	20,000	30,000	-	-	-	-	-	-
Operating Grants and Subsidies	-	-	-	25,000	-	-	-	-	-
Operating Contributions	-	-	-	-	-	-	379,057	967,200	734,400
Interest Revenue	104,150	-	-	43,126	38,280	57,420	32,151	23,333	35,000
Works for Third Parties	10,361	-	-	65,806	19,800	29,700	-	0	0
Other Revenue	300	-	-	107,567	18,667	28,000	3,978	24,667	37,000
Total Operating Revenue	4,513,033	4,328,651	4,338,651	5,141,019	4,993,064	5,031,437	730,883	735,698	1,126,898
Expenditure									
Employee Expenses	232,172	304,751	458,757	477,875	507,022	768,059	50,186	57,556	86,626
Materials and Services	824,958	923,461	1,347,352	1,951,978	1,807,822	2,588,966	124,230	155,524	208,183
Depreciation expense	578,390	588,033	897,049	806,933	822,083	1,233,124	65,449	94,302	141,452
Finance and Borrowing costs	75,989	82,505	165,010	-	-	0	-	-	0
Total Operating Expenses	1,711,509	1,908,750	2,868,168	3,236,786	3,136,927	4,590,149	239,865	307,382	436,261
Operating Surplus/(Deficit)	2,801,524	2,419,901	1,470,483	1,904,233	1,856,137	441,288	491,018	428,316	690,637
Capital Income									
Capital Contributions	121,619	-	-	129,225	0	0	-	-	-
Capital Grants and Subsidies	4,135,300	1,250,000	2,500,000	130,000	325,000	650,000	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-	222	-	-	-	-	-
	4,256,919	1,250,000	2,500,000	259,447	325,000	650,000	-	-	-
Net Result	7,058,443	3,689,901	3,970,483	2,163,680	2,181,137	1,091,288	491,018	428,316	690,637

ITEM-12 NDRRA PROCUREMENT**MEETING:** Ordinary**MEETING DATE:** 15 March 2017**REPORT OFFICER'S
TITLE:** Director Corporate and Community Services**DEPARTMENT:** Corporate and Community Services

EXECUTIVE SUMMARY

The purpose of this report is obtain approval from Council to complete two (2) contracts (TMSC2015-29 and TMSC2015-30) approved under the 2014 NDRRA Restoration program, after work was suspended due to another NDRRA weather event in May 2016 inhibited contractors to complete the contracted works.

OFFICER'S RECOMMENDATION

"That Council resolves for the continuation of contracts TMSC2015-29 and TMSC2015-30, as awarded in January 2016, on the condition that security deposits are returned to Council prior to commencement of works."

BACKGROUND

Two (2) contracts were let for the NDRRA 2014 Restoration Works as follows:

- TMSC2015-29 Errol Fitzgerald
- TMSC2015-30 Watto's Earthmoving and Machinery Hire Pty Ltd

Both of these contracts were open tendered, assessed and awarded in accordance with Council's Procurement Policy. As a result of this process both contracts were awarded on 20 January 2016.

During the course of the contracted works being delivered, a weather event occurred in 2016, which resulted in an activation by the Queensland Reconstruction Authority (QRA). The sites impacted by the event were some of the roads that comprised the 2015 contracts, particularly the roads being west of Chillagoe.

In late May 2016, inclement weather inhibited the contractors to continue with the contracted restoration works and extensions of time to complete the contact were requested through QRA. Subsequently as a result of the 2016 damage overlapping the 2015 contracts and the difficulty with contractors obtaining access due to inclement weather, a direction to suspend works was issued to both contractors on 1 June 2016.

In late June 2016 Council and the Contractors agreed that these contracts be reconciled and the uncompleted works varied out of the contract on the basis that the Contractors would then continue work on the "new" damage. Practical completion certificates were issued to the contractors for the completed works in late June/early July. Contractor security held by the MSC at the commencement of the contracts was reduced by 50% and released back to the contractors. Upon completion of the defects liability period in December 2016, the remaining 50% security was released back the contractors as it was deemed unfair to continue holding this deposit without being able to provide a definitive date for recommencement of works.

On 27 September 2016 advice was issued to the contractors reconfirming the suspension of works and the intent to recommence restoration works after the 2017 wet season. Both contractors are in a position to undertake the balance of restoration works as contracted.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Director Infrastructure Services
Manager Technical Services
Manager Finance

External

Queensland Reconstruction Authority
Trinity Engineering and Consulting

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

Recommendations provided are in accordance with Council's Procurement Policy

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil - works will be funded under NDRRA Restoration

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: *9 March 2017*

INFRASTRUCTURE SERVICES

ITEM-13 MAREEBA AIRPORT DEVELOPMENT GUIDELINES

MEETING: Ordinary

MEETING DATE: 15 March 2017

REPORT OFFICER'S TITLE: Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

This report recommends adoption of the Mareeba Airport Development Guidelines that have been prepared as part of the Mareeba Airport Upgrade Project.

The draft Guidelines have been previously discussed with Council but have not as yet been formally adopted. As the Guidelines set specific standards and requirements for development within the new Mareeba Airport Aviation Industrial Park and as approval of lease applications will be subject to compliance with those standards and requirements, formal approval of the Guidelines by Council is necessary.

With applications for leases within the Aviation Industrial Park having been invited by way of Council's Airport Development Newsletter No 2 and two (2) formal applications already received, the lease fee applicable to such leases needs to be considered. Like the Development Guidelines, this matter has also been previously discussed with Council including the Airport Business and Financial Plan and lease rates of \$9.00 per square metre for leases less than 500m² and \$6.00 per square metre for leases of 500m² or more were proposed.

While the Business and Financial Plan has not yet been finalised and formally adopted by Council, interested parties have been advised via Newsletter No 2 that they should utilise the above indicative lease rates in their business planning. It was also advised that the indicative rates are subject to change in line with Council's final costs of carrying out the Airport upgrade.

It is therefore intended that negotiation of new leases in the Aviation Industrial Park will be on the basis of the above indicative lease rates with lessees being made aware that, should finalisation of the Airport Business and Financial Plan require a variation to the rates to achieve cost recovery, draft leases will be amended to reflect those changed lease rates.

OFFICER'S RECOMMENDATION

"That:

1. Council adopt the Mareeba Airport Development Guidelines attached to this report as Appendix 1;

2. Council note the indicative leasing charges of \$9.00 per square metre for leases less than 500m² and \$6.00 per square metre for leases with an area of 500m² or more that will be utilised in the negotiation and preparation of draft leases for sites in the new Aviation Industrial Park, with lessees being made aware that these charges may be subject to change once the Council's Airport Business and Financial Plan has been finalised."

BACKGROUND

The draft Mareeba Airport Development Guidelines and draft Airport Business and Financial Plan were discussed with Council on 12 October 2016

Some amendments were made to the draft Development Guidelines as a result of the discussion and additional amendments were then also made as a result of further discussions with the Chief Executive Officer and members of the Airport Working Group.

The Guidelines were developed to set particular standards and requirements for developments within the new Aviation Industrial Park that is being constructed as part of the Mareeba Airport Upgrade Project and approval of new leases will be subject to proposed developments meeting those standards and requirements.

As applications for leases within the Aviation Industrial Park have already been invited and two (2) formal applications now received, the Development Guidelines should be formally adopted by Council to provide the basis for Council assessment and approval of applications received and, in conjunction with the standard lease document, the ongoing enforcement and compliance with lease conditions.

During discussions on the draft Business and Financial Plan, it was proposed that the following lease charges apply to new leases at the Airport in order to eventually achieve full cost recovery:

Leases less than 500m² - \$9.00 per square metre;
Leases of 500m² or more - \$6.00 per square metre.

While the Business and Financial Plan is still to be finalised and there may be some variation to the above rates (either up or down), interested parties have been made aware via the email sent out on 21 November 2016, to which Airport Development Newsletter No 2 was attached, that they should use the above indicative figures for their preliminary business planning purposes.

To enable new lease applications to progress, it is intended to utilise the above lease rates for the purpose of negotiating and preparing draft lease agreements with lessees being made aware that the rates may change once Council has further assessed the financial impacts of the Airport upgrade works and the Airport Business and Financial Plan is finalised. It is suggested that preparation of leases proceed to the point where they are ready for signature and registration but no action be taken to sign and register them until say 1 July 2017 by which time Council will have had further time to consider the financial impacts of the development and be in a better position to make a final determination on the leasing rates.

Should it then be necessary to amend the rates, the draft leases can also be amended accordingly.

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. (*The Shire's airports, particularly the Mareeba airport, continue to be developed, encouraging aviation related industry and spillover from Cairns airport.*)

CONSULTATION

Internal

Chief Executive Officer

External

Interested parties (potential lessees) have been made aware via the issue of Airport Development Newsletter No 2 that they should utilise the indicative lease rates set out in this report for their business planning purposes but that such rates are subject to change in line with Council's final costs of carrying out the Airport upgrade.

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

In order to progress new lease applications at the Airport and apply binding terms and conditions to such leases, it is necessary for Council to formally adopt such terms and conditions. Should issues of compliance with lease conditions then arise at a later date, any enforcement action taken by Council can relate back to the terms and conditions formally adopted by Council and conveyed in writing to the lessee.

POLICY IMPLICATIONS

Any proposed development will be required to comply with the Mareeba Airport Development Guidelines.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

The lease fees adopted by Council are designed to recover, as far as possible, the full costs of maintaining and operating the Mareeba Airport.

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

N/A

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

N/A

IMPLEMENTATION/COMMUNICATION

Applicants for leases at the Airport will be formally advised of the terms and conditions that will apply to any Council approved lease.

ATTACHMENTS

1. Mareeba Airport Development Guidelines.
2. Email dated 21 November 2016 to which was attached Airport Development Newsletter No 2 and in which interested parties were advised of the indicative costs per square metre for new leases at the Airport.

Date Prepared: 16 February 2017

MAREEBA AIRPORT DEVELOPMENT GUIDELINES

Introduction

The Mareeba Shire Council's vision for the Mareeba Airport is for it to become Queensland's second major aviation service centre after Cairns and the leading specialist support airport for FNQ, providing for a wide range of aviation-related activities and services, thereby contributing to the economic and social well-being of the district and wider FNQ region. It is well positioned to become a training hub for the Asia-Pacific providing world class facilities and attracting a larger share of the \$300 million plus local aviation sector.

Mareeba Airport has long been recognised as the logical facility to develop as the hub for General Aviation in the FNQ/Cairns Region. Its proximity to Cairns, excellent weather conditions and uncontrolled airspace (with controlled airspace near at hand when required) and the relatively low population base make Mareeba Airport an ideal facility for general aviation maintenance and training.

While Cairns International Airport has accommodated a significant general aviation sector for many years, its focus is now mainly on the larger commercial airline business and the smaller general aviation based industries which currently operate from the Airport are now in conflict with Cairns Airport Pty Ltd's future development plans. This conflict, together with the anticipated increases in costs of operating at Cairns International, means that the small aviation business sector will be facing critical pressure. Mareeba Airport provides an excellent opportunity for these businesses to move to and expand.

The Aviation Industrial Park being constructed by the Council at the western end of the airport provides a variety of lot sizes to cater for businesses wishing to relocate from Cairns and for other potential operators wishing to set up at Mareeba. Sufficient land reserve exists adjacent to the industrial park to allow for future expansion.

These Guidelines are intended to provide concise, practical planning criteria to facilitate a high standard of development at the airport and to encourage investment in and increased usage of the airport and leverage industry and economic development opportunities for the FNQ region.

Objectives of the Guidelines

The primary objectives of the Guidelines are to:

- assist in guiding sustainable and strategic development of industrial land at the airport by encouraging development that achieves the most effective, highest and best use of sites and does not adversely impact upon the airport's core aviation activities;
- ensure that the design and layout of the airport industrial park promotes orderly development that facilitates the types of industries and aircraft movements envisaged in the future and does not compromise future development options;
- assist in creating developments which achieve a high aesthetic quality and maintain a high level of building and landscaping presentation throughout the overall airport precinct;
- minimise impacts on the natural environment;
- promote the adoption of sustainable design principles into development at the Airport.

Planning Context

Mareeba Shire Council Planning Scheme - July 2016

The Mareeba Airport comprises the following land parcels:

- Lot 1 on RP714240, area of 52.398 hectares (containing main runway)
- Lot 390 on RP714645, area of 2,243 square metres
- Lot 2 on RP714241, area of 101 square metres
- Lot 387 on RP714645, area of 1,209 square metres
- Lot 1 on RP714241, area of 56 square metres
- Lot 20 on RP748320, area of 65.2 hectares (western aerodrome expansion area)

Under the Mareeba Shire Council Planning Scheme (MSCPS), which commenced on 1 July 2016, the Mareeba Airport is included in the *Industry zone (Heavy Industry Precinct)*. The Mareeba Local Plan of the MSCPS includes the Mareeba Airport within *Precinct F - Mareeba Airport*. Development for air services purposes within *Precinct F - Mareeba Airport* is self-assessable under the MSCPS, where such development complies with the applicable self-assessable provisions. If air services development cannot or does not comply with any of the self-assessment provisions, the development will require code-assessment, which is limited to assessment of the non-compliant self-assessment provisions only.

Existing Use Rights

The Mareeba Airport has been established in some form since the early 1940's and maintains existing use rights, notwithstanding the commencement of the Mareeba Shire Council Planning Scheme on 1 July 2016.

The expansion of the Mareeba Airport as outlined in the *Mareeba Airport Development Plan - June 2010* and the *Mareeba Airport Master Plan* commenced under the Mareeba Shire Planning Scheme 2004.

The Mareeba Shire Planning Scheme 2004 designates the Mareeba Airport as Community Infrastructure for Airport and Aviation Purposes. The effect of the community infrastructure designation is to make all development for airport and aviation purposes at the Mareeba Airport exempt development under the Mareeba Shire Planning Scheme 2004.

Development generally in accordance with the Mareeba Airport Master Plan is able to continue under the existing use rights without the need for further town planning approval.

Approval Process

Due to its zoning under the Mareeba Shire Planning Scheme as set out above, there will generally be no formal planning approval required for most aviation related businesses and industries that wish to establish at the Mareeba airport, however, as a precaution, applicants should check with the Council's Planning Section prior to proceeding with any development proposal.

In addition, under the provisions of section 236 of the *Local Government Regulation 2012*, there is an exemption from the formal tendering process for disposal (leasing) of land at an airport and the Council formally resolved to utilise this provision in the Regulation at its meeting held on 20 April 2016. This means that Council can deal direct with individual applicants in relation to the leasing of land at the Airport for aviation related activities.

Council's objective with the Mareeba airport is to encourage a wide range of aviation related businesses to establish there and consequently, a higher priority will therefore be given to those proposals that will provide direct economic benefits and employment opportunities for the local community and the wider FNQ region.

Site Selection

As noted in the Introduction, the Aviation Industrial Park provides a variety of lot sizes to cater for a wide range of aviation related activities:

18m x 15m
20m x 30m
21m x 25m
21m x 30m
30m x 30m
35m x 43m
70m x 60m (1 of)
70m x 63m (1 of)
70m x 70m (1 of)
70m x 75m (2 of)

However, because of financial constraints and the necessity to stage the Industrial Park development, all of the above lot sizes may not be available initially or only limited numbers of some lot sizes may be available (refer to staged development plan attached).

It should also be noted that while the majority of the lots will have service road access, the smaller 18m x 15m lots, which are designated for small aircraft hangarage only, do not have such access and, except in cases of emergency, general un-permitted vehicular access to these sites will not be allowed.

Potential lessees should select their proposed site based on intended usage and whether service access is required, the hangar size proposed to be erected, the building setback and boundary clearances required, and the hangar door configuration proposed (see separate section on Building Setbacks and Boundary Clearances and Hangar Door Configuration).

Lessees should also note that because there is no front boundary setback required (ie hangars can be built to the front lease boundary), there will be no parking permitted on the aircraft taxi lanes which provide access to the hangar sites and aircraft must be parked wholly on and within the lessee's lease area.

Should a lessee wish to set their hangar back from the front lease boundary so as to provide parking for their plane in front of their hangar, they will need to ensure that the lot size they have chosen allows for this.

Making Application to Lease Land at Airport

Applications for lease of land at the airport are required to be submitted in writing to the Council and will need to outline the intended use of the lease area and be accompanied by:

- I. A detailed site plan showing building location on the proposed site, dimensions and setbacks, location of rubbish bins, loading bays, any on-site parking, landscaping and other ancillary facilities.
- II. Building layout including internal floor plans and proposed hangar door configuration (if a door is to be fitted).
- III. Elevations, sections and perspectives of the proposed buildings sufficient to describe the character of the proposal including external details and signage concepts, plus a guide to anticipated use of materials, colours and finishes.
- IV. Where relevant, a landscape plan showing indicative ground treatment and proposed planting and reticulation. The landscape concept plan should utilise appropriate native endemic species that do not attract birds or grow to heights that could impact any Obstacle Limitation Surface (OLS).
- V. Proposed services plan detailing location and works required to connect services and stormwater control measures.
- VI. Confirmation that the finishes and products utilised in the completed works will not cause a hazard to and/or disrupt aircraft operations. Proposed developments should ensure that there will be no light spill above the horizontal plane.

The information described above will be assessed by the Council to determine whether the proposal meets the intent of these Guidelines and in particular, whether the proposal meets the specific objective of encouraging aviation related businesses that provide direct economic benefits and employment opportunities.

When Council consent is granted, an approval will be issued which references the plans and supporting documentation submitted. Any variation to the proposal will require an amended submission to Council.

The approval issued will form the basis for the lease to be entered into between the Council and the lessee.

General lease conditions:

The standard lease term will be 20 years plus option for a further 2 x 10 year extensions. Council may consider an alternative lease term for a specific development proposal or to meet the individual requirements of any particular lessee.

Lease charges and other charges applicable to the airport will be set as far as possible on a cost recovery basis but will also have regard to fair market value and the charges applicable to other similar airports operating throughout the State.

Lease charges will be reviewed every 5 years to ensure fair market value and cost recovery. Lease charges between five yearly reviews will be indexed to the CPI.

Lease charges are to be paid 12 months in advance.

The Lease Document will be prepared by Council's solicitors and will be in the format of a standard Council lease.

The Lessee will pay for all the legal costs involved in the preparation, stamping and registration of the Lease.

PRIOR TO HAVING LEASE DOCUMENTS PREPARED THE POTENTIAL LESSEE WILL BE REQUIRED TO LODGE A \$1 000 DEPOSIT WITH COUNCIL TO COVER ANY LEGAL FEES INCURRED IRRESPECTIVE OF WHETHER OR NOT THE LEASE DOCUMENTS ARE FINALISED.

In addition to the annual lease charge, the Lessee will be responsible for the payment of the following:

- (a) All Council rates and charges levied on or in respect of the leased area (general rates, waste management levy, Fire Levy - may also include special rates or charges levied for specific purposes or projects from time to time).
- (b) All charges for the connection of and consumption of all services including but not limited to electricity, sewerage, water, gas and telephone.
- (c) All licence fees or charges in connection with the business carried on by the lessee on the leased site.

The Lessee will be required to show evidence of having appropriate Public Liability Insurance cover (minimum of \$20,000,000.00).

Development Obligation:

The lessee must adhere to the following development obligation.

Within 6 months from the commencement of the lease, the Lessee will be required to obtain the required building approvals for the proposed development, either by submitting the appropriate building application to Council or obtaining Private Certification of the building plans.

The building/s and associated facilities are to be constructed within 1 year from the commencement of the lease. **Lessees should note that the obligation to construct a hangar/associated facilities within 12 months of commencement of the lease is a fundamental term of the lease, non-compliance with which is a breach of the lease conditions and may lead to termination of the lease.**

Specific Conditions

Non Commercial/Private Lease Sites

Site size: Sites allocated for non-commercial/private use will not exceed 21m (frontage) x 25m (depth) with a minimum lot size of 270m² (18m x 15m).

The number of sites for non-commercial/private use will be limited as the intention of the industrial park is to cater for aviation related businesses.

Lessees must not operate a commercial business from the site. However, the usage must still be aviation related. (This lease is suitable for activities such as the storage of an individual's light aircraft.)

Development Obligation:

Council reserves the right to impose a development obligation specifying a minimum dollar value for construction works.

Commercial Lease Sites

Site size: Standard size is 30m (frontage) x 30m (depth), however, some business operations may be able to fit on a 21m x 30m site.

Other lot sizes available are 35m x 43m, with a limited number of lots (5) exceeding 4,000m².

These sites are designed for the operation of an aviation related business

Development Obligation:

Council reserves the right to impose a development obligation specifying a minimum dollar value for construction works.

Design Guidelines

The Council promotes varied building designs and facades with a high degree of architectural merit. While many of the buildings within the Airport precinct will be functional, Council supports the incorporation of outstanding design treatments so as to promote a varied and interesting landscape.

Council also reserves the right to not approve any building design or materials to be used which it considers will detract from the aesthetic value of the Airport precinct.

It is also important from an integrated site planning perspective to achieve general consistency in building heights, building setbacks to boundaries, landscaping, site access and space between buildings to create a functional and pleasant environment.

In general terms, all buildings should be designed and sited to achieve the following:

- The front elevation must be designed to address the taxiway or apron and to provide an aesthetically pleasing façade when viewed from that perspective.
- Architectural form and character should avoid large unrelieved expanses of wall or roof.
- Where more than one building is planned for a site, their design must result in the creation of a group of integrated buildings presenting a harmonious image.
- Buildings and ancillary structures are not to impact on the amenity of adjoining properties.
- External finishes should reduce glare and reflectivity and building lighting should be in accordance with aviation requirements.
- External finishes shall be durable and suitable for function and use.

Roofing

Roofing should be Colorbond metal decking (no white, off-white, clear anodised or zincalume and other reflective finishes).

Walls

Wall construction may vary depending on boundary clearances and fire separation distances which could dictate whether a steel framed building or fire rated masonry construction is required (refer to section on Building Setbacks and Boundary Clearances).

Wall cladding can consist of:

- Composite aluminium panels
- Pre finished profiled metal sheeting - stainless steel or metallic finish
- Colorbond metal sheeting
- Tilt up or pre cast concrete panels - coloured or paint finish
- Rendered concrete masonry - paint finish

Low maintenance timber cladding may also be appropriate in some situations.

Floors

Hangars and other industrial use buildings are to be finished with a concrete floor.

Colours

Natural colours are preferred, with the dominance of colour largely reflective of materials chosen. Strong dominant colours will be supported where serving an architectural function.

Building Height

The maximum building heights are subject to compliance with the Obstacle Limitation Surface (OLS) which provides adequate clearances for visual contact with aircraft approaching the runway.

Generally, the maximum building height will be 10 metres.

Building Setbacks and Boundary Clearances

Building setbacks and side and rear boundary clearances will be dictated by the appropriate Building Codes.

As previously noted, there is no front boundary setback required and lessees may build right to the front boundary of the lease, however, as also previously indicated, the siting of the hangar on the lease will need to allow for parking in front of the hangar if required.

Buildings must comply with the required fire separation distances and lease boundaries are considered to be a fire source feature. For example, a Class 8 commercial building of basic steel frame construction with Colorbond cladding will require side and rear boundary clearances of a minimum of 3 metres. However, where commercial buildings are constructed of fire rated materials such as tilt up or pre-cast concrete panels/rendered concrete masonry, boundary clearances may be reduced.

For hangars that are used for aircraft storage purposes only eg small light aircraft for private use, such hangars will generally be considered to be a Class 10a building for which no separation is required provided they do not exceed a specified maximum floor area.

In all cases, lessees should seek the advice of the Council's Building Certifier or a Private Building Certifier on the required building setbacks and boundary clearances before proceeding with any development proposal.

Hangar Door Configuration

As noted previously, one of the factors to be taken into consideration when selecting a proposed site is the hangar door configuration, particularly where it is intended to construct the hangar right to the front lease boundary.

Where hangars are built to the front boundary, swinging doors which swing out into the taxi lane will not be permitted as they will restrict movement along the taxi lane. If a hangar is set back the required distance from the front lease boundary, swing out doors will be permitted provided they do not extend past the front lease boundary when fully opened out.

Where hangars are built to the front lease boundary, there are a number of alternate door options available eg

- Bi-Fold Doors
- Overhead (Roller/Tilt-Up) Doors
- Stack (Accordian) Doors
- Side Wall Stacking Doors

Depending on side boundary clearances available and co-operation between adjoining lease holders, outrigger type doors may also be a further option that could be considered.

In all cases, whatever hangar door configuration is chosen, lessees must ensure that no part of the door protrudes past the front lease boundary when in the open position.

Landscape Area

A Landscaping Plan is to be submitted where landscaping is required as part of these Guidelines or is proposed within a development.

Specific landscaping provisions apply pertaining to the need for species that do not attract birds or other pests. Landscaping design should also be based on efficient water use eg utilisation of drought tolerant species, and as far as possible must use non-potable water sources. In this regard, lessees should maximise opportunities for rainwater harvesting for irrigation of landscaped areas (refer section on Stormwater Management).

External Service and Storage Areas

Service, storage and refuse areas shall be set behind the approved building line and be screened from public view. Plant and machinery placed on the roof of any building will also require architectural screening.

Landscape screening and/or approved fencing can be used to achieve screening and should be considered an extension of the design of the building.

The placement of shipping containers on lease sites for storage or other purposes is not to occur without Council approval and must be in accordance with the Council's adopted policy: Shipping Containers - Placement on Council Aerodromes (refer attachment hereto).

Fencing Elements

Quality boundary fencing shall be integrally considered as part of the total design of any development, particularly where such fencing has the potential to impact upon the airside streetscape. Council recognises that fencing has the potential to excessively dominate a streetscape, but that equally, it can bring variation to the streetscape when considered in the context of the overall design.

It is acknowledged that site security is important. Applicants are encouraged to consider a range of security deterrents including effective lighting, landscaping and natural surveillance and building orientation to achieve the required protection.

Fencing is discouraged forward of the building line thereby encouraging an open and transparent interface with the taxiways/apron.

Fencing alignments will be assessed with due consideration to the impact on adjoining properties and the aesthetic balance of the general streetscape. The following minimum accepted standards of fencing will apply:

- Maximum front fence height of 2m (only where it can be demonstrated as necessary from a security or safety perspective).
- Fencing behind the front building line must be part of integrated design and landscape or architectural theme.
- Fencing must be in accordance with the Airport's security requirements.
- Chain wire fencing shall be black with matching posts.

Car Parking and Access

A general car parking area has been provided as part of the Aviation Industrial Park development. The majority of leases (excluding the smaller hangar sites) also have vehicular access to the rear of the lease and lessees may wish to construct their own car parking on the lease area.

Where car parking is provided on individual leases, the parking spaces and driveway access to them must be either bitumen or asphalt seal or reinforced concrete.

All vehicles (inclusive of delivery and service vehicles) are to enter and leave the site in a forward direction.

Loading and delivery bays are to be integrated into the design and clearly identified in the application. No loading or unloading shall be carried out within the street or in a manner that requires the reversing of vehicles to the street.

Refuse vehicles shall be afforded easy access to the site for collection of waste. Where collection of waste is proposed on site, then all waste vehicles must be able to enter and exit the site in a forward manner.

Waste bins shall be located in screened yards.

Lighting Considerations

Special lighting restrictions apply on the Airport to ensure the safe operation of aircraft. As a general principle, no up lighting or light spillage above the horizontal plane is permitted. As such, lighting design will be assessed to ensure safety is not compromised.

Infrastructure Services

Infrastructure services including sewer mains, reticulated water supply, electricity supply and communications cabling will be generally available to each site (electricity only to small storage hangar sites). Development proponents should consult with Council regarding the location and capacity of services prior to commencing design of any project. Current infrastructure services are adequate to cater for development proposed in accordance with these Guidelines.

Where a more intense development is proposed, Council may seek a contribution or works in kind to augment services to cater for the proposed development.

Stormwater Management

All development proposals must make adequate provision for the control and management of storm water within their development. Stormwater is not to be directed onto taxi lanes and aprons and must be directed to an approved discharge point. Stormwater discharged from the site must also be of an acceptable quality and volume to prevent harmful impacts on receiving waters.

Where landscaping forms part of a development proposal, Water Sensitive Urban Design strategies should be considered in relation to storm water management on sites, with storm water resulting from up to the 1 in 20 year storm occurrence retained on site and integrated with maintenance of site landscaping. In this regard, underground storage tanks are encouraged for roof water.

Wastewater (such as wash down water) discharged from the site must be treated prior to discharge so as to comply with acceptable environmental standards.

Signage

All applications for lease of sites at the Airport must indicate proposed signage for the building and overall site.

Major site signage shall be limited to the following:

- The company names/business names and/or logo positioned prominently on the building or within the front building setback; and
- Where sites provide for integrated uses, then a prominent entrance sign is permitted.

A high standard of contemporary signage is expected with painted sign panels or signage painted direct onto buildings being carried out by a professional sign writer. Where cut or raised lettering is used, this shall also be professionally made and installed.

Minor site signage shall be limited to:

- Flush wall or an awning sign or the like which identify the location and name of the business; and
- Minor statutory and safety signage to ensure the safe use of the development.

Sustainability Criteria

Council encourages sustainability in building and landscape design with the following objectives:

- Encourage businesses to participate sustainably in the development of Airport lands;
- Ensure that businesses operating are able to respond to future requirements in terms of environment and efficiency related standards and regulations; and
- To ensure their long term viability.

The main considerations in eco-efficient building design and operation should be:

- Energy consumption;
- Water consumption;
- Material usage (both in construction and operation); and
- Waste minimisation and diversion from landfill (both in construction and operation).

Incorporating sustainability and eco-efficiency considerations into building design is easier than retrofitting. More importantly, it often delivers significant financial benefits in terms of:

- Overall operating and maintenance costs;
- Improved employee productivity;
- Water use
- Energy use;
- Resource use and waste generation; and
- Reduced direct and indirect greenhouse gas emissions (ie Carbon Footprint).

Consideration should be given to the following factors in sustainability planning/design:

The Building Design -Orientation -Shading -Glazing -Natural lighting -Insulation -Lightweight materials (including cladding) -Durability -Dual reticulation systems -Acoustics -Breeze paths	Construction and Fit Out Materials -Recycled content materials (including carpets) -Modular carpets -Glazing, Tinting and Insulation -Low embodied energy materials -Solar reflective coatings/membranes (where appropriate and not causing a hazard to aerodrome operations) -Low VOC coatings and floor coverings
Water Using Fixtures and Fittings -WELS 5-star Urinals and Taps -WELS 4 Star (or better) Toilets and Showers -WELS 4 Star (or better) dish washer and washing machines -WELS 4 Star (or better) trigger sprays/pressure	Air Conditioning -Preference for air-cooled (as opposed to Evaporative Cooling Towers) -Appropriate sizing and design (including positioning and supply and return air vents and thermostats)

cleaners -Instantaneous kitchen hot water systems (with timer) -Instantaneous or Solar hot water systems (for showers and other use) -Rainwater harvesting for use in toilets and urinals; -Sensor and/or timed taps and urinals -Water sub-meters -Compliance with any water restrictions	-Air quality -Temperature settings -Zoning (especially IT server rooms) -Self-closing and/or automated doors -Refrigerant type -Sub-floor ventilation/air conditioning -Energy efficient chillers -Enthalpy units allowing for heat recovery for pre-heating of hot water -Electric re-heat is not permitted
Lighting -Energy efficient lamps and tubes -Efficient reflectors and ballasts -Daylight harvesting -Occupancy sensing controls -Zoned lighting systems -Timer controlled external signage lighting -Compliance with AS1680 (2006)	IT Equipment -LCD monitors -Energy efficient servers -System and monitor standby -Sleep modes for printers, copiers and fax machines -Appropriate positioning of printers etc to reduce HVAC energy consumption -Setting duplex printing as default
Furnishings -Eco-Specifier approved low VOC tables, desks, chairs, carpets etc -Photo-sensitive (automated) blinds and drapes -Ergonomic furniture	Consumables -Recycled content office paper -Remanufactured toner cartridges -Re-usable cups, crockery and cutlery
Landscaping -Use of native endemic species -Water sensitive design and materials -Use of rainwater/non-potable sources -Vegetation shall be selected to minimise attraction of birds and flying foxes, bats, etc as these animals can cause a hazard to aerodrome operations -Deciduous trees (where appropriate)	Waste Management -Office paper recycling -Co-mingled recycling -Green waste/organics recycling -Other waste segregation options

Mareeba Shire Council

SHIPPING CONTAINERS - PLACEMENT ON COUNCIL AERODROMES

Draft	Final ✕	Version:	0.4
File ref:	CCS 4.4.1	Policy Section:	Commercial Facilities (Caravan Parks, Industrial Estates, Aerodromes)
Date Adopted:	18 January 2012	Review Date:	18 January 2015
Author:	Doug Stott- Aerodrome Reporting Officer	Review Officer:	Manager Plant & Facilities

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1. POLICY INTENT

To set guidelines to govern the use, placement and appearance of shipping containers on Aerodromes and Landing Grounds owned or controlled by the Mareeba Shire Council.

2. SCOPE

This policy is applicable to the use, placement and appearance of shipping containers on Aerodromes and Landing Grounds owned or controlled by the Mareeba Shire Council area.

3. BACKGROUND/SUPPORTING INFORMATION

There has been a significant increase over the last few years in the number of shipping containers being utilised for storage and workshops. These containers are available in a number of sizes, the most popular two being 6.06 metres (20 feet) and 12.2 metres (40 feet) in length, 2.2 metres wide and 2.4 metres high. Some container sizes may vary on these popular sizes. The external colour and appearance of these containers varies greatly, to the extent that some of the containers may significantly degrade the aesthetics of the aerodrome..

The placement of shipping containers on aerodrome land needs to be controlled in order to ensure that appropriate building regulations are complied with regards to installation and their use, and placement is undertaken in a manner which is safe and does not distract from an aesthetic perspective.

4. POLICY STATEMENT**4.1 CONDITIONS**

- a. This Policy does not apply to Containers required for the receipt or dispatch of goods, provided the Container is not on site for greater than twenty-eight days. Security of such temporary containers during the wet season must be considered. Location and security requirements listed below are applicable to the satisfaction of Councils Authorised Officer.
- b. The use of a container/s for the purpose other than the receipt or dispatch of goods must comply with the Planning Scheme for the area in which the containers/s is to be located.
- c. Other than outlined in Para 1, the placement of containers will be a maximum of one 40 ft or similar size (or two 20 ft) container/s per 1000 square metres of site size.
- d. Containers must not be located over water, wastewater or stormwater mains or dedicated drainage easements.
- e. Containers must not be located over effluent treatment disposal areas/systems.
- f. Containers must not be located over gas lines or underground power lines.
- g. Setbacks to overhead powerlines must comply with the requirements of the relevant electricity authority.
- h. Containers must be screened from the streetscape by suitable vegetation or other appropriate screening to the satisfaction of Councils Authorised Officer.
- i. Containers will not be permitted in flood prone areas.
- j. Containers must be maintained in a good condition and painted a neutral colour to blend with the surrounding natural environment and other structures, with the proposed colour to be approved by Councils Authorised Officer.
- k. Containers must not be stacked.

Mareeba Shire Council**Placement of Shipping Containers - Aerodromes**

- l. Containers must not contain sanitary facilities or be used for the collection of rainwater.
- m. Containers must be placed on flat, solid ground, with engineered, certified foundations. Any associated earthworks (cut & fill) must be in accordance with the State Environmental Planning Policy and the Building Act.
- n. Containers must not be used to store contaminated or hazardous materials.
- o. Containers must be in good repair and not subject to corrosion damage.

5. AMNESTY PERIOD

Owners of containers on a Council Aerodrome site at the commencement of this policy will have six (6) months to obtain the appropriate Council approval or have the container removed.

6. REQUIREMENTS

For the purpose of this policy, Shipping Containers, other than those for the receipt or dispatch of goods as identified in item 1 of the Policy Statement are considered to be structures and as such require building approval for siting on Council controlled Aerodromes

7. NON-COMPLIANCE

Non-compliance with this policy (by the placement of a shipping container(s) on Council controlled land without the appropriate approval) is considered a breach of the Building Act 1975 and may place Council in a position to consider Enforcement Action against the lease holder, for breaches of the Building Act 1975.

8. REVIEW

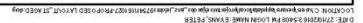
It is the responsibility of the Chief Executive Officer or his delegated Officer to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every three years or as required by Council.

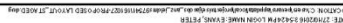
9. DISTRIBUTION REGISTER

Date	Issue No.	Copy No.	Issued To	Copy Type

This policy is to remain in force until otherwise determined.







From: Alan Lambert

Sent: Monday, 21 November 2016 10:02 AM

To: Adrian Gould; Alan Lambert; Aviation Management P/L & AeroRescue P/L; Bill Owen, Bill Owen Insurance Brokers; Brad and Nicola Ballin; Bram Pollock; Brendan Kent; Daintree Air Services; Damian Waters; Darren Jones, Sunbird Airport ; Digby Simmonds; Eric Webb; Frank Pappalardo; Frank Serravalle; George Ryan; Graeme Normington; Grant Lelliot; Grant Sindelar; Gulf Coast Aviation Pty Ltd; James Raihman; Joseph Kwort; Kim Weston; Lance Robb; Mark Stanley; Mark Sutherland; Matthew Jennings; McCloy Group; Michelle Lihou, Millettia Solutions P/L; Noel Gannon; Paul Hewitt; Ron Blundell; Simon Cobb, Wrotham Park; Steve Fielder; Tim Gunton; Tony Riccio; Vern Copley

Subject: Issue of Newsletter No 2 - Mareeba Airport Re-development

Dear Recipient,

Attached please find Newsletter No 2 in relation to the Mareeba Airport Re-development project. Also attached is the latest layout plan referred to in the Newsletter together with draft Development Guidelines for the Airport.

You will note in the Newsletter that Council is now seeking firm commitments for leases in the Aviation Industrial Park so that we can get a better understanding of lease survey requirements for Stage 1 of the Industrial Park and to also assist in fast tracking of leasing arrangements. Therefore, if you definitely wish to proceed with the leasing of a site, you are requested to submit a formal application to Council in accordance with the separate Application Form attached hereto. You will also note in the Newsletter and on the Application Form that Council is prepared to consider requests for lot sizes that do not fit the standard sizes shown on the layout plan, however, such requests would need to fit within the overall general layout and not affect the taxi lane or apron configuration. We would also not wish to end up with left-over unusable parcels of land in any row.

In terms of leasing costs, no firm figure has been adopted by Council as yet, however, an indicative cost for your preliminary business planning purposes is \$6.00 per square metre for commercial activities on leases 500 square metres and above and \$9.00 per square metre for smaller storage only hangar sites (18 metres x 15 metres). Please note that these costs are subject to change in line with Council's final costs of carrying out the Airport re-development, however, it is not expected that the lease costs will exceed \$10.00 per square metre.

I have also attached for your information, a copy of the draft lease template for the leasing of sites in the Industrial Park.

Please contact me if you have any queries or require any further information in relation to this matter.

Regards,

Alan Lambert

Phone: 1300 308 461 | **Direct:** 07 4086 4663 | **Fax:** 07 4092 3323

Email: alanl@msc.qld.gov.au | **Website:** www.msc.qld.gov.au

65 Rankin Street, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

 Go green, keep it on screen - think before you print

**ITEM-14 INFRASTRUCTURE SERVICES - PROJECT
PRIORITISATION APPRAISAL CRITERIA**

MEETING: Ordinary

MEETING DATE: 15 March 2017

**REPORT OFFICER'S
TITLE:** Strategic Project Officer

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Council adopted Project Prioritisation Tool (PPT) using a multi-criteria analysis for Transport assets in February 2015 in conjunction with a risk rating methodology that has allowed Council to introduce risk based decision making. Additional criteria have now been developed for the remaining asset classes and are presented for adoption. This report provides the updated criteria for Council's consideration as part of the 2017-18 Capital Works Program Development.

OFFICER'S RECOMMENDATION

"That Council adopt the Project Prioritisation Tool (PPT) criteria and risk assessment methodology for prioritising Infrastructure Services capital works projects."

BACKGROUND

Mareeba Shire Council (MSC) generates approximately \$26M in net rates and utility charges and owns approximately \$345M (Written Down Value) of assets that are used to deliver services to the community. Like most Councils, MSC has limited funds available for Capital Works projects. To address this issue, the International Infrastructure Management Manual (IIMM 2011) provides a range methods for prioritising projects of which Council regularly uses two.

The first method is a multi-criteria analysis which is part of Council's Project Prioritisation Tool (PPT, Attachment One), and the second method is a risk assessment (Attachment 2).

Project Prioritisation Tool Development

Council adopted Project Prioritisation Tool (PPT) using a multi-criteria analysis for Transport assets in February 2015 in conjunction with a risk rating methodology that has allowed Council to introduce risk based decision making. Additional criteria have now been developed for the remaining asset classes and are presented for adoption.

Multi-criteria Analysis

Each criterion was prepared with a five (5) point rating system that is weighted at Council's discretion to achieve a priority or appraisal score which is used to rank the projects within the program.

The percentage weightings can be varied to reflect the relative importance between each criterion. Regardless of the significance one (1) or more criteria may have against another, the total percentages must equal 100%. For example, Council may decide safety is of upmost importance and give it 30% weighting with the balance being allocated (in proportionate amounts) across the remaining criteria. Regardless of the weighting allocation, the highest PPT appraisal score a project can achieve is five (5).

Risk Rating Development

In addition to the PPT appraisal score, for each project proposal, a basic risk rating of the current situation to the Council and the community is also provided. This shows the risk of 'doing nothing'. Risk is assessed by combining the likelihood of a risk occurring and the consequence of the risk should the event occur. This is consistent with the AS NZS ISO 31000:2009 Risk Management Standard and a copy of the risk assessment tables are provided in Attachment 2.

Capital Works Planning

Projects are ranked according to the PPT appraisal score and presented to Council with both a PPT appraisal score and a risk rating as outlined in the table below. Projects are identified as discretionary or non-discretionary and grouped accordingly. Non-discretionary projects are typically those which are required to sustain services or external funding is already approved.

Rank	Description	Estimate			PPT Appraisal Score	Risk	External Funding	Developer Cont~ns	MSC \$	Comments
		Renewal	Upgrade/ Expansion	Total						
NON DISCRETIONARY (Required to sustain services or external funding is already approved)										
1										
DISCRETIONARY										
2										
3										
4										

References

- The International Infrastructure Management Manual (IIMM 2011)
- Institute of Public Works Engineers Australia National Asset Management System (NAMS Plus3)
- AS NZS ISO 31000:2009 Risk Management Standard
- Local Government Asset Investment Guidelines 2006, Local Government Victoria
- Former amalgamated Tablelands Regional Council (TRC) Project Prioritisation Tool

LINK TO CORPORATE PLAN

These criteria and prioritisation of projects will be used to inform the development of the long term asset management plans and link to the Corporate Plan goals below.

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 2 - Prepare a detailed strategic asset management plan to underpin asset sustainability.

CONSULTATION

Internal

Councillors
Chief Executive Officer
Director Infrastructure Services
Manager Technical Services
Manager Works
Manager Water and Waste

External

Nil

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

This proposal provides a risk management framework for prioritising capital works projects and provides a foundation for prioritising and deferring capital projects in a Strategic Asset Management Plan.

POLICY IMPLICATIONS

MSC Asset Management Policy - The proposed PPT criteria and Risk Assessment methodology are consistent with the MSC Asset Management Policy.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

These criteria will significantly influence and guide the Capital Works Program development.

Operating

Nil

IMPLEMENTATION/COMMUNICATION

The PPT criteria and risk assessment methodology will be used to appraise all Infrastructure Services Capital Project Proposals that are presented to Council.

ATTACHMENTS

1. Attachment 1 - Project Prioritisation Tool Criteria
2. Attachment 2 - Risk Assessment

Date Prepared: 21 February 2017

ATTACHMENT 1 - PROJECT PRIORITISATION TOOL CRITERIA

Urban Streets Criteria

Criteria	Rating/Interpretation			Weighting
Safety	Risk level from Road Safety Review, Number and severity of crashes, road geometry issues, school bus route (add 1 point if it is).			30%
	1	Very Low		
	2	Low		
	3	Medium		
	4	High		
	5	Very High		
Traffic	Number of vehicles per day.			20%
	Urban			
	1	Very Low	>0 & < 10	
	2	Low	>10 & < 200	
	3	Medium	>200 & < 500	
	4	High	>500 & < 1,000	
5	Very High	>1,000		
Maintenance	Annual maintenance cost for the particular section under consideration.			20%
	1	Very Low	>\$0 & < \$500	
	2	Low	>\$500 & < \$1,000	
	3	Medium	>\$1,000 & < \$1,500	
	4	High	>\$1,500 & < \$2,000	
	5	Very High	>\$2,000	
Condition	Current condition of the asset. An estimate of useful life used.			20%
	1	Very Good	Approximately 0 - 20% of useful life consumed.	
	2	Good	Approximately 20 - 40% of useful life consumed.	
	3	Fair	Approximately 40 - 60% of useful life consumed.	
	4	Poor	Approximately 60 - 80% of useful life consumed.	
	5	Very Poor/Unsafe	Approximately 80 - 100% of useful life consumed.	
Criticality	Road hierarchy to demonstrate how critical the road is to the community.			10%
	1	Access Street		
	2	Residential Street		
	3	Minor Collector		
	4	Major Collector		
	5	Urban Arterial Street		
				100%

Rural Roads Criteria

Criteria	Rating/Interpretation		Weighting
Safety	Risk level from Road Safety Review, Number and severity of crashes, road geometry issues, school bus route (add 1 point if it is)		30%
	1	Very Low	
	2	Low	
	3	Medium	
	4	High	
	5	Very High	
Traffic	Number of vehicles per day.		20%
	Rural		
	1	Very Low >0 & < 50	
	2	Low >50 & < 100	
	3	Medium >100 & < 250	
	4	High >250 & < 500	
Maintenance	Annual maintenance cost for the particular section under consideration.		20%
Condition	Ability to perform its primary function recognised by a condition index.		20%
	1	Very Good Approximately 0 - 20% of useful life consumed.	
	2	Good Approximately 20 - 40% of useful life consumed.	
	3	Fair Approximately 40 - 60% of useful life consumed.	
	4	Poor Approximately 60 - 80% of useful life consumed.	
	5	Very Poor/ Unsafe Approximately 80 - 100% of useful life consumed.	
Criticality	Road hierarchy to show how critical the road is to the community and economic value of the road.		10%
	1	Rural Access Secondary with low economic value	
	2	Rural Access Primary with low economic value and	
	3	Rural Access Secondary with high economic value.	
	4	Rural Access Primary with high economic value .	
	5	Rural Arterial or Rural Collector.	
			100%

Bridges Criteria

Criteria	Rating/Interpretation			Weighting	
Condition	Ability to perform its primary function recognised by a condition index.			45%	
	1	Very Good	All components free of defects and structure well maintained. Only planned maintenance required. Approximately 0 - 20% of useful life consumed.		
	2	Good	Minor maintenance required plus planned maintenance. Free of defects affecting performance, integrity and durability. Approximately 20 - 40% of useful life consumed.		
	3	Fair	Defects affecting durability which require monitoring and/or maintenance. Significant maintenance required to return to accepted level of service. Approximately 40 - 60% of useful life consumed.		
	4	Poor	Defects affecting performance and structural integrity. Renewal or upgrade required. Approximately 60 - 80% of useful life consumed.		
	5	Very Poor/Unsafe	Unserviceable. Requires urgent attention, life and property at risk. 80 - 100% of useful life consumed.		
Heavy Vehicle Usage	1	<5% of Average Annual Daily Traffic Count (AADT)		15%	
	2	N.a			
	3	Between 5% and 15% of AADT			
	4	N.a			
	5	≥ 15% of AADT			
Average Annual Daily Traffic Count (AADT)	Number of vehicles per day			10%	
	1	Very Low	>0 & < 50		
	2	Low	>50 & < 100		
	3	Medium	>100 & < 250		
	4	High	>250 & < 500		
	5	Very High	>500		
Detour Distance	Urban		Rural	20%	
	1	Very Low	Detour >0km & <1km		1 Detour >0km & 5km
	2	Low	Detour >1km & <5km		2 Detour >5km & <15 km
	3	Medium	Detour >5km & <10km		3 Detour >15km & <30km
	4	High	Detour >10km		4 Detour >30km & <50km
					5 Detour over 50km or no alternative
	5	Very High	No alternate access		
Height of Bridge	1	Under 1 metre		10%	
	2	1 - 2 metres			
	3	2.1 - 3 metres			
	4	3.1 - 4 metres			
	5	over 4 metres			
				100%	

Drainage Criteria

Criteria	Rating/Interpretation				Weighting
Severity of the "Problem"	Adopted score = minimum score from the two columns				30%
	Score		Properties affected ¹	5 year ARI Flow (m³/s)	
	1	Very Low	0 - 2	<1.0	
	2	Low	3 - 5	1.0 to 2.0	
	3	Medium	6 - 10	2.0 to 5.0	
	4	High	11 - 15	5.0 to 10.0	
	5	Very High	> 15	>10.0	
Effectiveness of Solution	Flood immunity provided.				10%
	1		Very Low	Provides 1 in 1 year event flood immunity.	
	2		Low		
	3		Medium	Provides 1 in 50 year event flood immunity.	
	4		High		
	5		Very High	Provides 1 in 100 year event flood immunity.	
Maintenance Benefit	Annual maintenance cost reduction by doing the project.				20%
	1		Very Low	>\$0/yr & < \$500/yr	
	2		Low	>\$500/yr & < \$1,000/yr	
	3		Medium	>\$1,000/yr & < \$1,500/yr	
	4		High	>\$1,500/yr & < \$2,000/yr	
	5		Very High	>\$2,000/yr	
Condition	Ability to perform its primary function recognised by a condition index. An estimate of useful life used.				25%
	1		Very Good	All components free of defects and structure well maintained. Only planned maintenance required. Approximately 0 - 20% of useful life consumed.	
	2		Good	Minor maintenance required plus planned maintenance. Free of defects affecting performance, integrity and durability. Approximately 20 - 40% of useful life consumed.	
	3		Fair	Defects affecting durability which require monitoring and/or maintenance. Significant maintenance required to return to accepted level of service. Approximately 40 - 60% of useful life consumed.	
	4		Poor	Defects affecting performance and structural integrity. Renewal or upgrade required. Approximately 60 - 80% of useful life consumed.	
	5		Very Poor/Unsafe	Unserviceable. Requires urgent attention, life and property at risk. 80 - 100% of useful life consumed.	
Environmental Considerations					15%
	1		Very Low	Soil erosion - mild	
	2		Low	Soil erosion - moderate	
	3		Medium	Soil erosion - significant	
	4		High	Significant and/or sensitive flora/fauna corridors affected, evidence of hazardous materials in catchment	
	5		Very High	Endangered and/or rare flora/fauna corridors affected	
					100%

¹ Properties affected = Dwellings with reported habitable flooding + reported garage flooding x 0.3 + reported garden flooding x 0.1

Traffic Facilities Criteria

Criteria	Rating/Interpretation						Weighting
Safety	Risk level from Road Safety Review, Number and severity of reported incidents, road geometry issues						30%
	1	Very Low					
	2	Low					
	3	Medium					
	4	High					
	5	Very High					
Traffic	Number of vehicles per day.						25%
	Urban			Rural			
	1	Very Low	>0 & < 10	1	Very Low	>0 & < 50	
	2	Low	>10 & < 200	2	Low	>50 & < 100	
	3	Medium	>200 & < 500	3	Medium	>100 & < 250	
	4	High	>500 & < 1,000	4	High	>250 & < 500	
	5	Very High	>1,000	5	Very High	>500	
	Number of Customer Requests received.						
Community Concern	1	Very Low	1 resident or customer request.				15%
	2	Low	>1 to <3 residents writing or customer requests				
	3	Medium	>3 to <10				
	4	High	>10 to <20				
	5	Very High	>20 residents or petition.				
	Takes account of population served and the savings/benefits by proceeding with the project.						
Cost Effectiveness	1	Very Low					
	2	Low					
	3	Medium					
	4	High					
	5	Very High					
Strategic Significance	Strategic significance of traffic facility asset in relation to development plan,						15%
	1	Very Low					
	2	Low					
	3	Medium					
	4	High					
	5	Very High					
							100%

Parking Criteria

Criteria	Rating/Interpretation			Weighting
Scale or Intensity of Use	This criteria considers the level of use a Car Park receives or will receive. Is it heavily used on a regular basis or is it only used occasionally or periodically by individuals or recreational groups visiting a site.			35%
	1	Very Low	Intermittent use, rarely @ capacity.	
	2	Low		
	3	Medium	Some mid-week use but mainly for weekend activities.	
	4	High		
	5	Very High	Constant use during the week & supports other activities in addition to weekend activities.	
Access Improvement	Will improve accessibility to Council facilities, tourism attractions, business centres and public amenities.			20%
	1	Very Low	Alternative parking available with no impact on adjacent properties.	
	2	Low		
	3	Medium	Alternative parking available with some impact on adjacent properties.	
	4	High		
	5	Very High	No alternative parking available with high impact on surrounding properties.	
Economic Benefit	Economic benefit to the community eg Increased tourism, commercial/business sector.			20%
	1	Very Low		
	2	Low		
	3	Medium		
	4	High		
	5	Very High		
Safety Improvement	Safety improvement for pedestrians.			25%
	1	No improvement.		
	2			
	3	Moderate improvement. Protected on street car parking.		
	4			
	5	Major improvement to safety. Off street carpark separated from traffic flows.		
				100%

Footpaths Criteria

Criteria	Rating/Interpretation		Weighting
Safety	Risk level from trip hazard(s), has a high percentage of vulnerable users (i.e. <12yrs or >60yrs), provision for special needs (Disabled/Hospitals/Schools).		30%
	1	Very Low	
	2	Low	
	3	Medium	
	4	High	
	5	Very High Close proximity to Schools, Aged Care, Shops. High % of trip hazards, poor condition.	
Connectivity	Will improve connectivity by providing a direct link to community services, businesses and public amenities. Enhances the network by filling an existing gap/missing link.		30%
	1	Very Low Access to local park.	
	2	Low	
	3	Medium	
	4	High	
	5	Very High Access to Regional Health, Schools, Shops, Major Parks, Tourists Attractions.	
Demand	Will be adequate to serve the current and future demand by assessing population served, potential users, and/or expressed community concern.		30%
	1	Very Low 0 to 10 per day	
	2	Low 10 to 50 per day, low number of requests	
	3	Medium 50 to 100 per day	
	4	High 100 to 500 per day	
	5	Very High > 500 per day, high number of requests	
Economic Benefit	Economic benefit to the community eg Increased tourism, commercial/business sector.		10%
	1	Very Low	
	2	Low	
	3	Medium	
	4	High	
	5	Very High	
			100%

Parks and Open Spaces Criteria

Criteria	Rating/Interpretation		Weighting
Environmental Impact	Projects will contribute to the natural and built environment, consider sustainable principle and energy efficiencies taking into consideration greenhouse gas emissions, water management, waste management and		10%
	1	High Negative Impact Project will result in highly negative impact on environmental values.	
	2	Low Negative Impact Project will result in low negative impact on environmental values.	
	3	Neutral Impact Project will have no positive or negative environmental impacts.	
	4	Low Positive Impact Project will result in low positive improvements on environmental values.	
	5	High Positive Impact Project will result in highly positive improvements to the environment.	
Utilisation	Utilisation of Recreation facility.		25%
	1	Very Low	
	2	Low	
	3	Medium	
	4	High	
	5	Very High	
Maintenance	Utilisation of Swimming Pool.		25%
	1	Very Low <5000	
	2	Low >5000 & <20,000	
	3	Medium >20,000 & <35,000	
	4	High >35,000 & <50,000	
	5	Very High >50,000	
Condition (Existing)/ Demand (New)	Annual maintenance cost reduction by proceeding with the project.		25%
	1	No Impact - \$0	
	2	Low Impact - \$0 & < \$1,000	
	3	Minor Impact - \$1,000 & < \$2,500	
	4	Moderate Impact - \$2,500 & < \$5,000	
	5	Major Impact - \$5,000	
Condition (Existing)/ Demand (New)	Existing Condition		25%
	1	Very Good Approximately 0 - 20% of useful life consumed.	
	2	Good Approximately 20 - 40% of useful life consumed.	
	3	Fair Approximately 40 - 60% of useful life consumed.	
	4	Poor Approximately 60 - 80% of useful life consumed.	
	5	Very Poor/Unsafe 80 - 100% of useful life consumed.	
Strategic Significance	New: Demand for construction of new facility.		15%
	1	Very Low Very low demand.	
	2	Low Low demand.	
	3	Medium Medium demand.	
	4	High High demand.	
	5	Very High Very high demand.	
Strategic Significance	Strategic Significance of building to the Council. Add 1 point if project/building is mentioned in Community Plan.		15%
	1	Supplementary Does not provide a public focus for Council, and is not a key area for Council activities.	
	2	Secondary Does not provide a public focus for the Council.	
	3	Standard Provides a regular focus for the Council.	
	4	Intermediate Provides an important public focus for the Council.	
	5	Premium Provides a key public focus for the Council, and is a defining icon of Council service.	
			100%

Aerodromes Criteria

Criteria	Rating/Interpretation		Weighting
Utilisation	Assessing the use of the facility. (Bookings/Year)		25%
	1	Very Low <500	
	2	Low >500 & <1,000	
	3	Medium >1,000 & <2,000	
	4	High >2,000 & <3,000	
	5	Very High >3,000	
Maintenance	Annual maintenance cost reduction by proceeding with the project.		25%
	1	No Impact \$0	
	2	Low Impact >0 & < \$1,000	
	3	Minor Impact >\$1,000 & < \$2,500	
	4	Moderate Impact >\$2,500 & < \$5,000	
	5	Major Impact >\$5,000	
Functionality and Condition or Demand (if this is a new asset)	Functionality		25%
	1	Very Good	
	2	Good	
	3	Fair	
	4	Poor	
	5	Very Poor/Unsafe	
Strategic Significance	Condition		25%
	1	Approximately 0 - 20% of useful life consumed.	
	2	Approximately 20 - 40% of useful life consumed.	
	3	Approximately 40 - 60% of useful life consumed.	
	4	Approximately 60 - 80% of useful life consumed.	
	5	80 - 100% of useful life consumed.	
Strategic Significance	Strategic Significance of building to the Council. Add 1 point if project is mentioned in		25%
	1	Supplementary Does not provide a public focus for Council, and is not a key area for Council activities.	
	2	Secondary Does not provide a public focus for the Council.	
	3	Standard Provides a regular focus for the Council.	
	4	Intermediate Provides an important public focus for the Council.	
	5	Premium Provides a key public focus for the Council, and is a defining icon of Council service.	
			100%

Facilities and Buildings Criteria

Criteria	Rating/Interpretation		Weighting
Environmental Impact	Projects will contribute to the natural and built environment, consider sustainable principle and energy efficiencies taking into consideration greenhouse gas emissions, water management.		10%
	1	High Negative Project will result in highly negative impact on environmental values.	
	2	Low Negative Impact Project will result in low negative impact on environmental values.	
	3	Neutral Impact Project will result in low negative impact on environmental values.	
	4	Low Positive Impact Project will have no positive or negative environmental	
	5	High Positive Impact	
Utilisation	Assessing the use of the facility. (Average People/Year)		25%
	1	Very Low	
	2	Low	
	3	Medium	
	4	High	
	5	Very High	
Maintenance	Annual maintenance cost reduction by proceeding with the project.		20%
	1	No Impact	
	2	Low Impact	
	3	Minor Impact	
	4	Moderate Impact	
	5	Major Impact	
Functionality and Condition	Ability to perform its primary function		30%
	1	Very Good	
	2	Good	
	3	Fair	
	4	Poor	
	5	Very Poor/Unsafe	
Strategic Significance	Condition		15%
	1	Approximately 0 - 20% of useful life consumed.	
	2	Approximately 20 - 40% of useful life consumed.	
	3	Approximately 40 - 60% of useful life consumed.	
	4	Approximately 60 - 80% of useful life	
	5	Approximately 80 - 100% of useful life	
Strategic Significance	Strategic Significance of building to the Council. Add 1 point if project/building is mentioned in		15%
	1	Supplementary Does not provide a public focus for Council, and is not a key area for Council activities.	
	2	Secondary Does not provide a public focus for the Council.	
	3	Standard Provides a regular focus for the Council.	
	4	Intermediate Provides an important public focus for the Council.	
	5	Premium Provides a key public focus for the Council, and is a defining icon of Council service.	
			100%

Water Criteria

Criteria	Rating/Interpretation		Weighting	
Risk	What would happen if Council did nothing? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009 Risk Management Standard.		25%	
	1 Low Risk	Manage by routine procedures		
	2 Medium Risk	Planned action required (ie. Make safe and include in forward programs)		
	3 High Risk	Prioritised action required (ie. Make safe and program in current/next program)		
	4 Very High Risk	Immediate Corrective Action required.		
Condition/ Capacity of surrounding assets to service the need	Condition of the current asset		Capacity to service the need.	25%
	1 Very Good	Excellent physical condition, Observable deterioration is insignificant. No adverse service reports.	1 Very good ability to service the need.	
	2 Good	Observation or testing indicates that asset is meeting all service requirements. Minor deterioration observed.	2 Good ability to service the need.	
	3 Fair	Moderate deterioration evident. Minor components or isolated sections need replacement or repair now but not affecting short term structural integrity.	3 Fair ability to service the need.	
	4 Poor	Serious deterioration and significant defects affecting structural integrity. Asset is now moving into zone of failure.	4 Poor ability to service the need.	
	5 Very Poor/ Unsafe	Failed or failure imminent. Immediate need to replace most or all of asset.	5 Very poor ability to service the need.	
	Criticality	This gives priority to renew water mains, pumps and reservoirs that would have the greatest impact on the community if they fail.		
1 Insignificant Impact		<=100mm supply main or booster pump primarily for irrigation supply such as a park or garden. No part of a treatment plant is considered insignificant.		
2 Minor Impact		150mm supply main or booster pump for small area (5 or less domestic connections) where supply could be re-routed and service delivery not affected. For a treatment plant, it would be a minor impact if there is a spare or a temporary work-around available.		
3 Moderate Impact		150mm supply main or booster pump for small area (5 or less domestic connections) where supply cannot be re-routed. For a treatment plant, it would be a moderate impact if it is not a critical control point but there is no spare available. It may cause water restrictions.		
4 High Impact		Entire reservoir catchment impacted or substantial proportion of CBD impacted. Reservoir, Trunk Main or Major Pump Station. For treatment plants this would include any critical control point asset that would reduce the clear water storage and initiate water restrictions.		
5 Very High Impact		Entire water scheme impacted or entire CBD impacted. Treatment Plant or CBD Trunk Main or Major Pump Station for CBD. Dialysis Patient or essential service such as but not limited to hospitals, schools, aged care facilities. For treatment plants this would include any critical control point asset that would stop the treatment process.		
				100%

Wastewater Criteria

Criteria	Rating/Interpretation		Weighting	
Risk	What would happen if Council did nothing? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009 Risk Management Standard.		25%	
	1 Low Risk	Manage by routine procedures		
	2 Medium Risk	Planned action required (ie. Make safe and include in forward programs)		
	3 High Risk	Prioritised action required (ie. Make safe and program in current/next program)		
	4 Very High Risk	Immediate Corrective Action required.		
Condition/ Capacity of surrounding assets to service the need	Condition of the current asset		Capacity to service the need.	25%
	1 Very Good	Excellent physical condition, Observable deterioration is insignificant. No adverse service reports.	1 Very good ability to service the need.	
			2 Good ability to service the need.	
	2 Good	Observation or testing indicates that asset is meeting all service requirements. Minor deterioration observed.	3 Fair ability to service the need.	
			4 Poor ability to service the need.	
	3 Fair	Moderate deterioration evident. Minor components or isolated sections need replacement or repair now but not affecting short term structural integrity.	5 Very poor ability to service the need.	
	4 Poor	Serious deterioration and significant defects affecting structural integrity. Asset is now moving into zone of failure.		
	5 Very Poor/ Unsafe	Failed or failure imminent. Immediate need to replace most or all of asset.		
Criticality	This gives priority to renew sewer mains and pumps that would have the greatest impact on the community if they fail.		50%	
	1 Insignificant Impact	No part of the wastewater reticulation network or treatment plant is considered insignificant.		
	2 Minor Impact	100mm connection for small area (5 or less domestic connections) where wastewater could temporarily (1 day) be removed by truck. For a treatment plant, it would be a minor impact if there is a spare or a temporary work-around available.		
	3 Moderate Impact	100mm connection for small area (more than 5 domestic connections) where wastewater could not temporarily be removed by one truck or more than 1 day. For a treatment plant, it would be a moderate impact if it is not a critical control point and there is no spare available.		
	4 High Impact	Entire pump station catchment impacted or substantial proportion of CBD impacted. Trunk Main or Major Pump Station. For treatment plants this would include any critical control point asset that would impact treatment but not initiate a bypass.		
	5 Very High Impact	Entire wastewater scheme impacted or entire CBD impacted. Treatment Plant or CBD Trunk Main or Major Pump Station for CBD. Essential service such as but not limited to hospitals, schools, aged care facilities. For treatment plants this would include any critical control point that results in a bypass.		
			100%	

Waste Criteria

Criteria	Rating/Interpretation		Weighting	
Risk	What would happen if Council did nothing? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009 Risk Management Standard.		20%	
	1 Low Risk	Manage by routine procedures		
	2 Medium Risk	Planned action required (ie. Make safe and include in forward programs)		
	3 High Risk	Prioritised action required (ie. Make safe and program in current/next program)		
	4 Very High Risk	Immediate Corrective Action required.		
Utilisation	Assessing the use of the facility. Cubic metres of waste per year.		20%	
	1	Very low <2000t		
	2	Low >2000t but <5000t per year		
	3	Medium >5000t but <20000t per year		
	4	High >20000t but <50000t		
	5	Very high >50000t		
Condition/ Capacity of surrounding assets to service the need	Condition of the current asset		Capacity to service the need.	20%
	1 Very Good	Excellent physical condition, Observable deterioration is insignificant. No adverse service reports.	1 Very good ability to service the need.	
			2 Good ability to service the need.	
	2 Good	Observation or testing indicates that asset is meeting all service requirements. Minor deterioration observed.	3 Fair ability to service the need.	
			4 Poor ability to service the need.	
	3 Fair	Moderate deterioration evident. Minor components or isolated sections need replacement or repair now but not affecting short term structural integrity.	5 Very poor ability to service the need.	
	4 Poor	Serious deterioration and significant defects affecting structural integrity. Asset is now moving into zone of failure.		
	5 Very Poor/ Unsafe	Failed or failure imminent. Immediate need to replace most or all of asset.		
Criticality	This gives priority to transfer station and landfill assets that would have the greatest impact on the community if they fail, are inaccessible or service is interrupted.		40%	
	1 Insignificant Impact	No interruption or delays to service.		
	2 Minor Impact	Failure of critical asset components that interrupts or delays Council providing the service at the site for up to 1 day.		
	3 Moderate Impact	Failure of critical asset components that interrupts or delays Council providing the service at the site for less than 1 week.		
	4 High Impact	Failure of critical asset components that interrupts or delays Council providing the service at the site for greater than 1 week.		
	5 Very High Impact	Very high number of ratepayers using transfer station or trench. Failure of critical asset components that stops Council providing the service at the site.		
			100%	

Fleet Criteria

Criteria	Rating/Interpretation	Weighting
Risk	What would happen if Council did nothing? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009 Risk Management Standard.	20%
	1 Low Risk Manage by routine procedures	
	2 Medium Risk Planned action required (ie. Make safe and include in forward programs)	
	3 High Risk Prioritised action required (ie. Make safe and program in current/next program)	
	4 Very High Risk Immediate Corrective Action required.	
Age	Age of vehicle compared to industry benchmark age for replacement	10%
	1 1 - 2 years above industry benchmark age for replacement	
	2 3 - 4 years above industry benchmark age for replacement	
	3 5 - 6 years above industry benchmark age for replacement	
	4 7 - 8 years above industry benchmark age for replacement	
Condition/ Capacity of other vehicles or machines to service the need.	Condition of the current asset	Capacity of other vehicles or machines to service the need.
	1 Very Good Excellent physical condition, Observable deterioration is insignificant. No adverse service reports.	1 Very good ability to service the need.
	2 Good Observation or testing indicates that asset is meeting all service requirements. Minor deterioration observed.	2 Good ability to service the need.
	3 Fair Moderate deterioration evident. Minor components need replacement or repair now but not affecting short term structural integrity.	3 Fair ability to service the need.
	4 Poor Serious deterioration and significant defects affecting structural integrity. Asset is now moving into zone of failure.	4 Poor ability to service the need.
	5 Very Poor/ Unsafe Failed or failure imminent. Immediate need to replace most or all of asset.	5 Very poor ability to service the need.
Criticality	This gives priority to replace vehicles and machinery that are utilised the most and would have the greatest impact on the community if they fail.	50%
	1 Insignificant Impact Low Utilisation. Another vehicle could be substituted. No impact on service delivery.	
	2 Minor Impact Low Utilisation. Another vehicle could be substituted. Low impact on service delivery.	
	3 Moderate Impact Moderate Utilisation. No spares. Some impact on service delivery.	
	4 High Impact High Utilisation. No spares. Rapid impact on service delivery or high cost to hire a replacement.	
	5 Very High Impact Very High Utilisation. No spares. Immediate impact on service delivery or very high cost to hire a replacement.	
		100%

ATTACHMENT 2 - RISK ASSESSMENT

Project Prioritisation Risk Management Framework

For all Asset Classes

Source: The following information and tables have been sourced from the IPWEA NAMS PLUS 3 Asset Management Manual, referencing AS/NZS ISO 31000:2009 Risk Management Standard

"What could happen if Council does nothing?"

Likelihood Ratings

Likelihood	Descriptor	Probability of occurrence
Rare	May occur in rare circumstances	More than 20 years
Unlikely	Could occur at some stage	Within 10-20 years
Possible	Might occur at some stage	Within 3-5 years
Likely	Will probably occur at most times	Within 2 years
Almost Certain	Is expected to occur at most times	Within 1 year

Consequence Ratings

Consequence	Injury	Service Interruptions	Environment	Finance	Reputation
Insignificant	Nil	< 4 hours	Nil	<\$20K	Nil
Minor	First Aid	Up to 1 day	Minor short term	\$20k-\$100k	Minor Media
Moderate	Medical Treatment	1 day - 1 week	Wide short term	\$100k-\$500k	Moderate Media
Major	Disability	1 week - 1 month	Wide long term	\$500k-\$1M	High Media
Catastrophic	Fatality	More than 1 month	Irreversible long term	>\$1M	Censure/Inquiry

Risk Ratings

Risk Rating					
Likelihood	Consequences				
	Insignificant	Minor	Moderate	Major	Catastrophic
Rare	Low	Low	Medium	Medium	High
Unlikely	Low	Low	Medium	Medium	High
Possible	Low	Medium	High	High	High
Likely	Medium	Medium	High	High	Very High
Almost Certain	Medium	High	High	Very High	Very High

Risk Rating and Action Priorities

Level of Risk	Action required timing
Very High Risk	Immediate corrective action
High Risk	Prioritised action required (i.e. make safe and include in current/next capital works program)
Medium Risk	Planned action required (i.e. make safe and include in forward capital works programs)
Low Risk	Manage by routine procedures

**ITEM-15 NEW MAREEBA AIRPORT AVIATION INDUSTRIAL PARK
- LEASE APPLICATION PROCESS**

MEETING: Ordinary

MEETING DATE: 15 March 2017

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

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

This report considers the formal approval process for applications received for leases in the new Mareeba Airport Aviation Industrial Park.

At this stage, two (2) formal applications have been received for sites in the new development and the report recommends that authority be delegated to the Mayor and Chief Executive Officer to approve those applications as well as any future applications for leases in the new Aviation Industrial Park.

OFFICER'S RECOMMENDATION

"That authority be delegated to the Mayor and Chief Executive Officer to approve applications for leases in the new Mareeba Airport Aviation Industrial Park."

BACKGROUND

In the last Airport Development Newsletter that was sent out to interested parties, applications were invited for leases in the new Aviation Industrial Park that is being developed as part of the Mareeba Airport Upgrade Project.

At this stage, two (2) formal applications have been received and discussions have been held with three other interested parties in relation to their lease requirements.

The applications that have been received are from Mr Bill Owen of Bill Owen Insurance Brokers P/L who wishes to establish a hangar for the storage of two company aircraft and incorporating a toilet, kitchen and offices, and from Mr Graeme Normington who is seeking two (2) sites for the storage of aircraft with the option of including a future maintenance facility.

In relation to approval of lease applications, it was suggested during previous discussions with Council on the draft Airport Development Guidelines that all applications be scrutinised and approved either by Council as a whole or a small committee or group of selected Councillors and/or Officers.

During further discussions on this matter at the Airport Working Group meeting held on 6 February, 2016 it was proposed that delegated authority be sought for the Mayor and Chief

Executive Officer to approve any applications received and it is recommended that Council delegate this authority to the Mayor and Chief Executive Officer.

The Mayor and Chief Executive Officer would obviously have the discretion to bring any application before the full Council if there were any issues in contention and/or it was considered that the Council as a whole should have input to the approval process.

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. (*The Shire's airports, particularly the Mareeba airport, continue to be developed, encouraging aviation related industry and spillover from Cairns airport.*)

CONSULTATION

Internal

Mayor

Chief Executive Officer

External

Mr Bill Owen, Bill Owen Insurance Brokers Pty Ltd

Mr Graeme Normington

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

Council approval of the leases will be formalised through a standard lease agreement that has been drafted by Preston Law and this will be registered with the Titles Office. The lease document contains appropriate conditions to mitigate risk to Council with respect to the leasing arrangements.

The delegated authority to the Mayor and Chief Executive Officer to approve lease applications will serve as formal Council approval of any new leases and will also expedite approval of leases in that applicants will not have to wait for a Council meeting to come around to receive approval.

POLICY IMPLICATIONS

Any proposed development will be required to comply with the Mareeba Airport Development Guidelines.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

The applicant will be responsible for any costs associated with the preparation and registration of the lease.

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

N/A

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

N/A

IMPLEMENTATION/COMMUNICATION

The applicant will be formally advised of Council's decision following the Council meeting.

ATTACHMENTS

Nil

Date Prepared: 16 February 2017

ITEM-16 LONG TERM ASSET MANAGEMENT PLAN

MEETING: Ordinary

MEETING DATE: 15 March 2017

**REPORT OFFICER'S
TITLE:** Strategic Project Officer

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Councillors have recently reviewed the proposed Long Term Asset Management Plan. This report provides the final draft Long Term Asset Management Plan for Council's review and adoption in accordance with the Local Government Act 2009 s104.

OFFICER'S RECOMMENDATION

"That Council adopt the Long Term Asset Management Plan".

BACKGROUND

The effective and efficient management of the Mareeba Shire Council's \$345M assets is crucial to the ongoing prosperity, liveability and sustainability of the shire. The assets include transport; water; wastewater; waste; community, aviation and industrial facilities; office buildings and depots; parks and gardens; plant and fleet.

Striking an optimal balance between affordability, levels of service and risk management for the maintenance, replacement and renewal of these assets is the key to achieving Council's Corporate Vision of:

A growing and confident Shire, comprised of diverse communities who share common values of a relaxed lifestyle and respect for the beauty of the natural environment of the region.

This Long Term Asset Management Plan has been developed to demonstrate how Mareeba Shire Council will meet its legislative requirements in relation to asset management over the next ten years. The plan outlines the policy and legislative requirements, summarises the current situation and provides improvement strategies. The plan has been developed in accordance with the requirements of the Local Government Act 2009 and Local Government Regulation 2012, referencing the International Infrastructure Management Manual (IIMM) 2011. It is consistent with the Long Term Financial Plan with the objective of maintaining financial and infrastructure capital over the long term.

Based on the requirements of the legislation and the IIMM, this plan assesses our current asset management maturity and provides strategies to ensure the sustainable management of Council's assets. Two (2) overarching strategies are proposed to address identified gaps and progress the maturity of Mareeba Shire Council's management of assets.

The first strategy is to improve our knowledge base and refine our asset management requirements. The key action in this strategy is to develop and annually review individual asset management plans for each of Council's major asset classes. This will be supported by additional actions to improve our management of service levels, demand management, condition assessment and prioritise critical assets for targeted risk management.

The second strategy is to mature our asset lifecycle management processes. The actions to achieve this strategy will include incorporating whole of life costing into the capital works programming process, further developing the use of the Queensland Treasury Corporation Project Decision Framework and incorporating capital expenditure projections into the long term financial plan and annual budgeting processes.

These two (2) strategies together with the Long Term Financial Plan are intended to ensure officers can provide frank and transparent advice to inform Council's expenditure decisions; and in doing so support an optimal balance between affordability, levels of service and risk management in the pursuit of ongoing prosperity, liveability and sustainability for the people of the Mareeba Shire.

References

- The International Infrastructure Management Manual (IIMM 2011)
- Institute of Public Works Engineers Australia National Asset Management System (NAMS Plus3)
- AS NZS ISO 31000:2009 Risk Management Standard
- Local Government Asset Investment Guidelines 2006, Local Government Victoria

LINK TO CORPORATE PLAN

These criteria and prioritisation of projects will be used to inform the development of the long term asset management plans and link to the Corporate Plan goals below.

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 2 - Prepare a detailed strategic asset management plan to underpin asset sustainability.

CONSULTATION

Internal

Mayor and Councillors
Chief Executive Officer
Director Infrastructure Services
Director Corporate and Community Services
Senior Management Team

External

Nil

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

A Long Term Asset Management Plan is required under the following legislation:

Local Government Act 2009 (Current as at 20 November 2015)***s4 (2) The local government principles are—***

- (a) transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and

s104 Financial management systems

(5)(a) The system of financial management established by a local government must include—

- (i) a 5-year corporate plan that incorporates community engagement;
- (ii) *a long-term asset management plan*;
- iii) a long-term financial forecast;
- (iv) an annual budget including revenue statement;
- (v) an annual operational plan.

Local Government Regulation 2012 (Current as at 19 March 2016)***s167 Preparation of long-term asset management plan***

- (1) A local government must prepare and adopt a long-term asset management plan.
- (2) The long-term asset management plan continues in force for the period stated in the plan unless the local government adopts a new long-term asset management plan.
- (3) The period stated in the plan must be 10 years or more.

s168 Long-term asset management plan contents

A local government's long-term asset management plan must—

- (a) provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and
- (b) state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and
- (c) be part of, and consistent with, the long-term financial forecast.

POLICY IMPLICATIONS

MSC Asset Management Policy - The proposed PPT criteria and Risk Assessment methodology are consistent with the MSC Asset Management Policy.

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

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

Nil

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

Nil

IMPLEMENTATION/COMMUNICATION

A project plan to implement the actions is being prepared under the guidance of EMT.

ATTACHMENTS

1. Long Term Asset Management Plan 2017-2027.

Date Prepared: 2 March 2017



Long Term Asset Management Plan

2017—2027

Long Term Asset Management Plan 2017 - 2027


DOCUMENT REVISION HISTORY

This document is Version 6, 2/02/2017 of the Long Term Asset Management Plan 2017 - 2027.

Date	Officer Name	Revision details	Issued to	Reviewed	Approved
31/10/2016	J Perkowicz	Initial draft	AM Broad Group	3/11/2016	n.a
8/11/2016	J Perkowicz	1. Executive Summary added 2. Document structural changes 3. Formatting improvements	EMT		
29/11/2016	J Perkowicz	Added optimisation as an action for capital investment decision making to Strategy Two.	EMT	29/11/2016	n.a
7/12/2016	J Perkowicz	Adjustments made from EMT feedback	AM Core Group	08/12/2016	n.a
9/12/2016	J Perkowicz	Adjustments made from AM Core Group Feedback.	Council Workshop	25/01/2017	n.a
2/02/2017	J Perkowicz	Feedback from Manager Community Development included.	Council		

Review Date:	October 2018
Date Adopted:	Not yet adopted

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EXECUTIVE SUMMARY

The effective and efficient management of the Mareeba Shire Council's \$345M assets is crucial to the ongoing prosperity, liveability and sustainability of the shire. The assets include transport; water; wastewater; waste; community, aviation and industrial facilities; office buildings and depots; parks and gardens; plant and fleet.

Striking an optimal balance between affordability, levels of service and risk management for the maintenance, replacement and renewal of these assets is key to achieving Council's Corporate Vision of:

A growing and confident Shire, comprised of diverse communities who share common values of a relaxed lifestyle and respect for the beauty of the natural environment of the region.

This Long Term Asset Management Plan has been developed to demonstrate how Mareeba Shire Council will meet its legislative requirements in relation to asset management over the next ten years. The plan outlines the policy and legislative requirements, summarises the current situation and provides improvement strategies. The plan has been developed in accordance with the requirements of the Local Government Act 2009 and Local Government Regulation 2012, referencing the International Infrastructure Management Manual (IIMM) 2011. It is consistent with the Long Term Financial Plan with the objective of maintaining financial and infrastructure capital over the long term.

Based on the requirements of the legislation and the IIMM, this plan assesses our current asset management maturity and provides strategies to ensure the sustainable management of Council's assets. Two overarching strategies are proposed to address identified gaps and progress the maturity of Mareeba Shire Council's management of assets.

The first strategy is to improve our knowledge base and refine our asset management requirements. The key action in this strategy is to develop and annually review individual asset management plans for each of Council's major asset classes. This will be supported by additional actions to improve our management of service levels, demand management, condition assessment and prioritise critical assets for targeted risk management.

The second strategy is to mature our asset lifecycle management processes. The actions to achieve this strategy will include incorporating whole of life costing into the capital works programming process, further developing the use of the Queensland Treasury Corporation Project Decision Framework and incorporating capital expenditure projections into the long term financial plan and annual budgeting processes.

These two strategies together with the Long Term Financial Plan are intended to ensure officers can provide frank and transparent advice to inform Council's expenditure decisions; and in doing so support an optimal balance between affordability, levels of service and risk management in the pursuit of ongoing prosperity, liveability and sustainability for the people of the Mareeba Shire.

Long Term Asset Management Plan 2017 - 2027



Table 1 Asset Management Strategies

Strategy*	Action	Desired Outcome
Strategy One: Improve our Knowledge Base and Refine Requirements	Further develop and annually review individual Asset Management Plans across the organisation.	Improve our asset management maturity.
	Develop a rating system to define levels of service .	Ensure that service levels are written in terms the end user can understand and relate to.
	Identify if there are non-asset solutions to modify future impacts such as demand management.	Better utilisation of existing assets and reduction in capital expenditure where possible.
	Progressively improve planned condition and defect inspection programs.	Improve understanding of the existing assets to facilitate better decision making.
	Review all asset classes to confirm and document critical assets and high level business risks for all asset classes.	Allow Council to understand its overall risk exposure and plan to manage risk to acceptable levels.
Strategy Two: Mature our Asset Lifecycle Management	Fully incorporate whole of life costing and optimisation into capital investment decision making.	To ensure all aspects of financial sustainability are considered in the capital works planning process.
	Further develop the use of QTC's Project Decision Framework.	To improve decision making on major projects to ensure the proposed solution delivers the best outcome to the community when the whole of life costs of the capital project is considered.
	Update the Long Term Financial Plan covering ten years incorporating asset management plan capital and operational/maintenance expenditure projections with a sustainable funding position.	Sustainable funding model to provide Council services.
	Ensure the Long Term Financial Plan continues to form the basis for the annual budgets.	Long term financial planning drives budget deliberations.

*The strategies in Table 1 are to be developed into a detailed action plan and Gantt Chart.

PURPOSE

This document has been prepared to demonstrate how Mareeba Shire Council intends to meet the requirements of the Local Government Act 2009 and the Local Government Regulation 2012 in relation to long term asset management for the purpose of maintaining financial and infrastructure capital over the long term. In 2012 asset management plans for Transport and Buildings were developed. These documents are due for review with remaining asset classes to also be included.

LEGISLATIVE REQUIREMENTS

Local Government Act 2009 (Current as at 20 November 2015)

s4 (2) The local government principles are—

- (a) transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and

s104 Financial management systems

(5)(a) The system of financial management established by a local government must include—

- (i) a 5-year corporate plan that incorporates community engagement;
- (ii) a long-term asset management plan;*
- iii) a long-term financial forecast;
- (iv) an annual budget including revenue statement;
- (v) an annual operational plan.

Local Government Regulation 2012 (Current as at 19 March 2016)

s167 Preparation of long-term asset management plan

- (1) A local government must prepare and adopt a long-term asset management plan.
- (2) The long-term asset management plan continues in force for the period stated in the plan unless the local government adopts a new long-term asset management plan.
- (3) The period stated in the plan must be 10 years or more.

s168 Long-term asset management plan contents

A local government's long-term asset management plan must—

- (a) provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and
- (b) state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and
- (c) be part of, and consistent with, the long-term financial forecast.

STRATEGIC FRAMEWORK

There are a number of planning documents that help Council achieve the community's desired outcomes. This plan is supported and informed by other legislated financial management and planning documents including:-



ASSET MANAGEMENT PLANNING FOR COMMUNITY ASPIRATIONS

Community aspirations identified by Mareeba Shire Council's community engagement include:

Transport networks	•are well maintained and upgraded with adequate capacity for future population , economic growth and enhanced community safety in a rural and remote shire.
Water, waste and wastewater	•infrastructure meets the needs of our growing population and is managed sustainably.
Community facilities	•support our growing and diverse population and enable safe, active, healthy, vibrant lifestyles.
Parks, open spaces and trails	•foster health and wellbeing in our rural and remote towns and districts.
Aviation facilities and industrial estates	•meet increased demand contribute to jobs and economic growth.

GUIDING PRINCIPLES FOR DECISIONS ON CAPITAL INVESTMENT

Sustainability	• Maintaining existing essential infrastructure before investing in new and upgraded assets.
Optimisation	•Achieving the optimal balance between affordability, levels of service and risk management.
Transparency	•Making informed decisions based on the available asset information.
Teamwork	•A whole of Council approach to Asset Management.
Liveability	•Considering the prosperity and liveability of communities.

ASSET MANAGEMENT POLICY

Review Date:	4 November 2017
Date Adopted:	4 November 2015

Policy Statement

The Mareeba Shire Council will use the International Infrastructure Management Manual (IIMM) and the newly developed ISO55000 International Standard for Asset Management to develop and improve Council's asset management strategy, plans and systems.

To achieve this, Mareeba Shire Council will:

- Develop and implement an integrated risk-based asset management strategy that delivers an optimal balance between affordability and levels of service.
- Use a multi-disciplinary and cooperative approach to develop and implement asset management plans considering the services and the associated service levels, costs and risks.
- Set rates and charges at a level that ensures assets can be maintained at their agreed service level in accordance with the asset management plans and long term financial plan.
- Systematically review, update and report on the performance of the asset management plans and long term financial plan including the underlying assumptions, discount rates and growth rates.
- Communicate progress towards achieving best practice asset management to internal and external stakeholders.

Roles and Responsibilities

Council

- Act as custodians of community assets
- Set and approve asset management policy with linkage to Council's Corporate Plan
- Set levels of service, risk and cost standards based on the community's needs, legislative requirements and Council's ability to fund
- Ensure asset investment decisions consider whole of life costs and balance the investment in new/upgraded assets with the required investment in asset renewal to meet specified levels of service
- Ensure appropriate resources for asset management activities are made available.

Chief Executive Officer and Executive Management Team

- Provide strategic direction and leadership
- Review existing policies and develop new policies related to asset management
- Monitor and review performance of Council's managers and staff in achieving the asset management strategy

Managers and Staff

- Work collaboratively to develop and implement asset management plans
- Deliver levels of service to agreed risk and cost standards
- Manage infrastructure assets in consideration of long term sustainability

OUR ASSETS

Mareeba Shire Council generates approximately \$26M in net rates and utility charges and owns approximately \$345M (Written Down Value) of assets that are managed to deliver services to the community as outlined in Table 2 Asset and Service Delivery Snapshot.

Our assets are recorded and financially managed using the specialist database Technology One.

Table 2 Asset and Service Delivery Snapshot

Service	Assets	#	O&M Costs 2015/16
Transport	Roads (03.020)	2308 km	\$3,154,286
	Footpaths	38.9 km	
	Kerb & channel	118.5 km	
	Drainage	40 km	
	Bridges (03.030)	81	\$375,024
	Major Culverts	130	
	Minor Culverts	2270	
Water	Treatment Plants (20,21,22,24.013)	4	\$2,733,012
	Reticulation (20,21,22,23,24.014)		\$1,541,545
	Reservoirs - Number - Drinking Water Storage Vol	13 26.2 ML	
	Pump Stations	17	
	Water Mains	232.8 km	
Wastewater	Treatment Plants (10,11.012)	2	\$967,515
	Reticulation (10,11.013)		\$1,608,115
	Pump Stations	29	
	Length sewerage mains	133.5 km	
	Manholes	1697	
Facilities	Depots (02.117)	9	\$337,737
	Caravan Parks (05.333)	2	\$56,796
	Public Halls (05.334)	14	\$310,884
	Council Buildings (05.335)	53	\$1,087,439
	Community Housing (05.336)	108	\$727,419
	Mareeba Leagues Club (05.337)	1	\$135,199
	Swimming Pools (05.338)	3	\$489,243
	Industrial Estates (05.339)	1	\$24,841
	Aviation Facilities (03.089)	4	\$244,007
	TV Stations (05.341)	2	\$62,928
	Public Toilets (05.342)	28	\$184,776
Parks and Open Spaces	Parks & Rec Reserves (03.061)	150 ha	\$1,612,064
	Cemeteries (03.066)	10	\$160,581
Waste	Landfills and trenches (04.114)	3	\$1,614,998
	Waste Transfer Stations (04.117)	8	\$1,305,941
Plant & Fleet	Plant and Fleet (03.100)	196	\$2,411,248
TOTAL			\$21,145,598

Long Term Asset Management Plan 2017 - 2027**OUR TEAM**

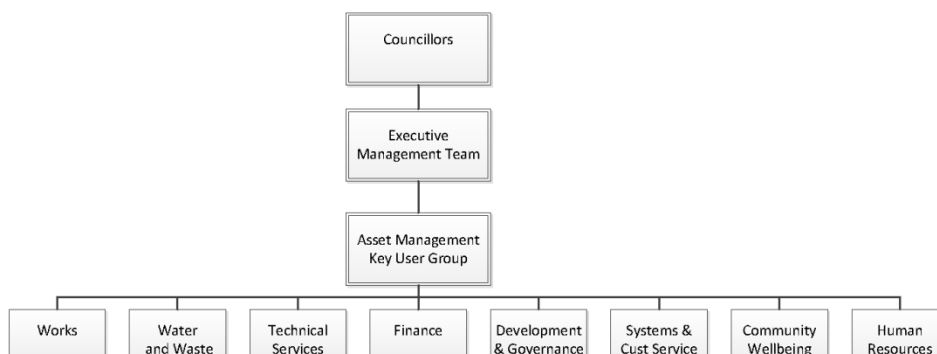
Asset Management is an issue for everyone across the organisation. A team approach reduces the risk of silos being created and ensures that specialist skills are brought together effectively.

A multi-disciplinary asset management team has been established which includes representatives from across the organisation. This team meets monthly to identify gaps in our asset management process and assign responsibility for improving on Mareeba Shire's asset management practices. Smaller specialist function teams are responsible for the implementation of the asset management processes and improvements.

The Strategic Project Officer and Manager Finance report to the Executive Management Team who provide leadership and act as Steering Committee for the development and implementation of asset management plans and improvements.

Mareeba Shire Council Asset Management Team

December 2016



Current Situation

This section identifies the current asset management processes and describes how Mareeba Shire Council is delivering services to the community.



UNDERSTANDING AND DEFINING REQUIREMENTS

Using the Local Government Regulation 2012 and the IIMM 2011 as a foundation, this section of the Asset Management Plan identifies our current status in terms of setting levels of service, forecasting future demand requirements, establishing our base asset knowledge, assessing asset condition and managing risk. This is consistent with the framework established by the IIMM 2011.

Levels of Service

"Levels of service are the outputs a customer receives from Council. Level of Service statements describe what Council is intending to deliver, commonly relate to service attributes such as quality, reliability, responsiveness, sustainability, timeliness, accessibility and cost and *should be written in terms the end user can understand and relate to*".¹

The existing Level of Service documentation covers the asset classes of Buildings (now known as Facilities), Transport, Water and Wastewater. This documentation is summarised in Appendix B Existing Service Level Documentation.

The Water and Wastewater service standards are consistent with national industry benchmarking standards, are compliant with the Water Supply (Safety and Reliability Act) 2008 and are also the subject of third party external audits.

Service levels for Parks, Open Spaces and Waste have not yet been documented. A Waste Strategy is currently being developed which will inform the development of formalised service levels for waste.

Water and Wastewater Service Standards

Water and Wastewater Customer Service Standards

Mareeba Shire Council is a registered service provider for Water and Wastewater and is required to prepare and publish Customer Service Standards that meet the prescribed requirements including Key Performance Indicators (KPIs) and targets that are reported on to the regulator in accordance with the *Water Supply Safety and Reliability Act ss113 - 120*. Council has previously adopted these Water and Wastewater Customer Service Standards and they are available on the Council website at <https://msc.qld.gov.au/water-and-wastewater/> and summarised briefly in Appendix B.

Drinking Water Quality Management Plan

Mareeba Shire Council is a drinking water service provider under the *Water Supply Safety and Reliability Act ss 92 - 101*. Council has an approved Drinking Water Quality Management Plan (DWQMP), which is available on the website <https://msc.qld.gov.au/water-and-wastewater/>. The legislation and plan effectively set service standards for our drinking water supply that meets the Australian Drinking Water Guidelines.

¹ International Infrastructure Management Manual International Edition 2011.

Long Term Asset Management Plan 2017 - 2027

Forecasting Future Demand

The [Mareeba Shire Council Planning Scheme](#), which was adopted on 15 June 2016. The planning scheme sets out Mareeba Shire Council's intention for the future development in the planning scheme area, over the next ten years. Part Four of the Planning Scheme is the Priority Infrastructure Plan (PIP). The purpose of the PIP is to: (a) Integrate and coordinate land use planning and infrastructure planning; and (b) Ensure that Trunk Infrastructure is planned and provided in an efficient and orderly manner.

The existing and planned trunk infrastructure for water supply, wastewater, stormwater, transport, parks and land for community facilities informs the long term asset management planning documentation and the long term financial plan.

Future demand is taken into account when identifying and prioritising projects in the capital works planning processes and also managed through maintenance management planning which ensures existing assets achieve their maximum life.

In addition to the PIP there are a number of key asset planning documents that are used which are documented in Table 3 Key Asset Planning Documents.

Table 3 Key Asset Planning Documents

Service/Asset Class	Planning Document
All	Project Prioritisation Tool
Transport	Mareeba Shire Council Road Hierarchy
	FNQ Regional Road Group Local Roads of Regional Significance Statements of Intent
Water	Aurecon - Service Reservoir Assessments - Kuranda, Mount Molloy and Chillagoe 2014
	Drinking Water Quality Management Plan
	Jacobs Mareeba Water Storage Investigation 2016
	Priority Infrastructure Plan
Wastewater	Priority Infrastructure Plan
Facilities	Maintenance Management Framework Policy for the Maintenance of Queensland Government Buildings
	Cemeteries Policy
Waste	Waste Strategy (currently under development)
Plant & Fleet	Plant and Fleet Renewals Planning

Long Term Asset Management Plan 2017 - 2027**Establishing Base Asset Knowledge**

A good asset database is the foundation for enabling most asset management functions.²

Mareeba Shire Council uses Technology One to store asset data. Council currently has well developed asset registers including most core asset data such as asset ID, description, replacement value, depreciation, year of installation and essential financial reporting information. Projects are currently underway to increase the use of the Technology One database systems to capture condition data and improve planned maintenance activities. A GIS system called MapInfo is used to for spatial asset data management and in some cases, this is linked to TechOne.

Asset Condition Assessment and Defect Identification

"Asset condition is a measure of the asset's physical integrity. Information on asset condition underpins effective, proactive asset management programs by enabling prediction of maintenance, rehabilitation and renewal requirements.

Asset condition is also critical to the management of risk, because it is linked to the likelihood that the asset will physically fail."³

Planned condition assessments are currently managed differently depending on asset class and asset criticality. Condition assessments are scheduled to meet regulatory requirements and inform the capital renewal planning process. A project to improve the capture and storage of condition data using Technology One is currently underway, initially targeting bridges with plans to extend the process to the other asset classes. Customer requests are also a key indicator of asset condition.

Risk Management

Mareeba Shire manages risk using methodology consistent with the AS/NZS ISO 31000 2009 Risk Management Standards, the International Infrastructure Management Manual (IIMM) 2011 and the [MSC Risk Management Framework](#). AS/NZS ISO 31000 defines risks as events that may cause failure to achieve objectives. Risk management involves identifying risks, evaluating them and managing the risks. Mareeba Shire has completed network level risk assessments for each asset class as part of the Project Prioritisation Tool (PPT) which informs the capital works programming process and maintenance activities.

In addition, for each capital project proposal, a basic risk assessment of the current situation to the Council and the community is completed. This shows the risk of 'doing nothing'. Risk is assessed by combining the likelihood of a risk occurring and the consequence of the risk should the event occur. This is consistent with the AS NZS ISO 31000:2009 Risk Management Standard and a copy of the risk assessment tables are provided in Appendix A.

LIFECYCLE MANAGEMENT

Using the Local Government Regulation 2012 and IIMM 2011 this section of the Long Term Asset Management Plan identifies our current status in terms of asset lifecycle management. This includes decision making techniques, developing operational, maintenance and capital investment strategies

² International Infrastructure Management Manual International Edition 2011.

³ International Infrastructure Management Manual International Edition 2011.

Long Term Asset Management Plan 2017 - 2027

and plans to inform a financial and funding strategy. This is consistent with the framework established by the IIMM 2011.

Decision Making Techniques

Like most Councils, Mareeba Shire Council has limited funds available for Capital Works projects. To address this issue, the International Infrastructure Management Manual (IIMM 2011) provides a number of decision making techniques for prioritising projects including benefit cost analysis (BCA), multi-criteria analysis and risk based decisions. In February 2015, Council adopted the PPT appraisal criteria, which uses a combination of multi-criteria analysis and risk assessment.

Queensland Treasury Corporation (QTC) Project Decision Framework

Queensland Treasury Corporation (QTC) has developed a Project Decision Framework, which aims to provide an overarching system through which decision making for new projects can be disciplined, robust and in the best interests of the community. It has a deliberate and specific focus on the investment of time required at the start of a project in order to maximise cost efficiencies, optimise resource allocation and achieve positive community outcomes while minimising risks and uncertainties. It places emphasis on asking the question 'should we do this project?' rather than 'can we do this project?'.

The QTC Project Decision Framework is included within the PPT and it adds value to the process by providing a decision point for further investigation into whether the proposed solution delivers the best outcome to the community when the whole of life costs of the capital project proposal are considered.

Incorporating the QTC Project Decision Framework has the additional benefit of improving Mareeba Shire Council's competitiveness when applying for external grant funding, particularly from the Queensland Government. In many grant guidelines, the QTC Project Decision Framework is now included in the assessment criteria.

Operation and Maintenance

"Maintenance includes all actions necessary for keeping an asset as near as possible to its original condition, but excluding rehabilitation or renewal. Maintenance slows down deterioration and delays the need for rehabilitation or replacement. It ensures that Council can continue delivering the required level of service." ⁴

Mareeba Shire's assets are currently maintenance in compliance with legislation and regulations.

Capital Investment Decisions

A Project Prioritisation Tool (PPT) is used to apply the criteria to all potential projects. Annual Capital Works planning is based on the PPT and it is proposed to use a combination of tools including the PPT and the Asset Register useful life information as the basis for the 10 year works plan for each asset class. Projects are entered into the PPT from a variety of sources including condition assessment, asset register renewal data, community and Councillor requests.

Financial Forecast

"Financial and asset management should complement each other rather than there being a separation between the activities. Outputs from asset management strategies and activities should

⁴ International Infrastructure Management Manual International Edition 2011.

Long Term Asset Management Plan 2017 - 2027


flow into financial management processes and vice versa. Much more financial information is typically required to properly manage assets than might be required to comply with regulatory or accounting standards"⁵.

Mareeba Shire's Long Term Financial Plan presents a point in time forecast, and whilst it does comply with accounting standards and regulation, without rigorous AMPS, there is an identified opportunity to improve and ensure a seamless connection between the asset management strategies and activities and the long term financial plan.

Table 4 Ten Year Capital Expenditure Forecast

Capital Expenditure Forecast (\$000)	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Buildings	1,087	900	927	955	983	1,013	1,043	1,075	1,107	1,140
Plant & equipment	942	532	548	564	581	598	616	682	652	671
Roads, drainage & bridges	8,589	7,156	7,360	7,579	7,804	8,035	8,273	8,519	8,771	9,032
Water	1,755	1,390	1,270	965	1,455	1,735	630	630	700	1,565
Sewerage	5,758	1,590	1,330	1,350	1,940	2,134	1,480	1,385	1,330	1,935
Parks and Gardens	320	66	69	71	72	75	77	79	82	83
Waste	7,305	100	101	105	108	112	115	119	123	127
Total	25,756	11,733	11,605	11,589	12,943	13,702	12,235	12,489	12,765	14,553

Table 5 Ten Year Operational Expenditure Forecast

Operational Expenditure Forecast (\$000)	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Buildings	3,661	3,771	3,884	4,001	4,121	4,244	4,372	4,503	4,638	4,777
Plant & equipment	2,411	2,484	2,558	2,635	2,714	2,795	2,879	2,966	3,054	3,146
Roads, drainage & bridges	3,529	3,635	3,744	3,857	3,972	4,091	4,214	4,341	4,471	4,605
Water	4,275	4,403	4,535	4,671	4,811	4,955	5,104	5,257	5,415	5,577
Sewerage	2,576	2,653	2,732	2,814	2,899	2,986	3,075	3,168	3,263	3,361
Parks and Gardens	1,773	1,826	1,881	1,937	1,995	2,055	2,117	2,180	2,246	2,313
Waste	2,921	3,009	3,099	3,192	3,288	3,386	3,488	3,592	3,700	3,811
Total	21,146	21,780	22,433	23,106	23,800	24,514	25,249	26,006	26,787	27,590

⁵ International Infrastructure Management Manual International Edition 2011.

Proposed Strategies

This section provides strategies to mature Mareeba Shire Council's asset management processes and implement an integrated risk-based plan that delivers an optimal balance between affordability and levels of service.



STRATEGY ONE: IMPROVING OUR KNOWLEDGE BASE AND REFINING REQUIREMENTS

This strategy provides an initial gap analysis against the IIMM 2011 to identify opportunities for improvement in setting levels of service, forecasting future demand requirements, establishing our base asset knowledge, assessing asset condition and managing risk.

Levels of Service

The current levels of service documentation for Buildings and Transport (Appendix B Existing Service Level Documentation) are identical across the Shire, without regard for the benefit that the community receives from achieving that service level. However, in practice, Council cannot and does not treat service levels as uniform without regard of the community benefit. This approach is demonstrated by the Project Prioritisation Tool (PPT) which prioritises potential projects using criteria that vary between asset classes but broadly assesses the current condition, the project benefits, and the number of users that will benefit from the project.

Levels of service are a critical component of an asset management plan as they are highly influential on long term financial sustainability. They can also become complicated over the different assets that Council manages in delivering services to the community.

It is therefore proposed to adopt a rating system to define levels of service similar to the systems.

Table 6 Proposed Levels of Service Example

Rating	Definition	Level of Service	Footpath Example
1	Very high criticality Very high utilisation Very high economic value Very high risk rating	<ul style="list-style-type: none"> Frequent proactive maintenance to ensure very high level of presentation and function at all times Reactive maintenance given high priority 	<ul style="list-style-type: none"> CBD Footpaths (all towns)
2	High criticality High utilisation High risk rating	<ul style="list-style-type: none"> Regular proactive maintenance to ensure high standard of presentation and function Reactive maintenance given high priority 	<ul style="list-style-type: none"> Footpaths around schools, hospitals, shopping precincts and high profile parks. Arterial and collector road footpaths.
3	Medium criticality Medium profile Medium utilisation Medium risk rating	<ul style="list-style-type: none"> Occasional proactive maintenance to satisfactory standard of presentation and function Reactive maintenance given medium priority 	<ul style="list-style-type: none"> All other formed paths
4	Low criticality Low utilisation Low risk rating	<ul style="list-style-type: none"> Some proactive maintenance activities undertaken Primarily reactive maintenance 	<ul style="list-style-type: none"> Unformed paths
5	Very low profile and utilisation	<ul style="list-style-type: none"> Generally only reactive maintenance 	N.a

Long Term Asset Management Plan 2017 - 2027**Water and Wastewater Service Standards***Water and Wastewater Customer Service Standards*

As a registered service provider for water and wastewater, Council will still be required to prepare and publish Customer Service Standards that meet prescribed requirements including Key Performance Indicators (KPIs) and targets that are reported on to the regulator *Water Supply Safety and Reliability Act ss113 - 120*. Refer to <https://msc.qld.gov.au/water-and-wastewater/> and Appendix B.

There are now a new set of mandatory performance indicators which will be the subject of regular third party audits. The water and wastewater asset management plans will describe in more detail the processes in place to ensure auditable data is being captured.

Drinking Water Quality Management Plan

Mareeba Shire Council is a drinking water service provider under the *Water Supply Safety and Reliability Act ss 92 - 101*. Council has an approved drinking water quality management plan (DWQMP), which is available on the website <https://msc.qld.gov.au/water-and-wastewater/>. The legislation and plan effectively set service standards for our drinking water supply that meets the Australian Drinking Water Guidelines. The Technology One works order system and the Long Term Asset Management Plan should seamlessly integrate with the DWQMP to facilitate good management and auditable processes.

Forecasting Future Demand

There are no current proposed changes to forecasting future demand. This component of the Long Term Asset Management Plan is well developed and backed by statutory documentation. The asset management plans for each asset class should identify if there are non-asset solutions to increased future demand such as demand management and better utilisation of existing assets.

Asset Condition Assessment

It is proposed to further improve our Asset Condition Assessment Programs by progressively improving planned inspection programs. The challenge will be to find the right balance of condition assessment and planned inspections to match the resources available to complete the assessments. The first priority will be those assets identified as critical and further described in the next section.

The use of Technology One is currently being improved for bridges, water and sewerage assets to schedule and record the outcomes of condition assessment and maintenance activities. Over time all asset classes will use Technology One as a key planning and recording tool for maintenance management.

Critical Assets and Risk Management

In addition to and complementary to the [MSC Risk Management Framework](#), it is proposed that the individual asset management plans will:

1. Identify critical assets and business risks;
2. Understand overall risk exposure; and
3. Plan to manage risk to acceptable levels.

Critical Assets

Long Term Asset Management Plan 2017 - 2027



Critical assets are those which are the most important for delivering the required service, and/or have the highest consequences of failure.⁶ The failure impact factors currently considered in our risk management framework include injury, service interruption, environment, finance and reputation.

For Mareeba Shire Council it is proposed that some examples of critical assets could include the assets identified in Table 7 Examples of Possible Critical Assets.

Table 7 Examples of Possible Critical Assets

Asset Class	Critical Assets	Failure Impact	Likelihood	Consequence	Risk Rating
Transport	Bridges and Major Culverts	<ul style="list-style-type: none"> Injury Service Interruption 	Rare	Catastrophic	High
Water	Treatment Plants	<ul style="list-style-type: none"> Health Service Interruption 	Possible	Major	High
	Reservoirs	<ul style="list-style-type: none"> Health Service Interruption 	Unlikely	Major	Medium
	Trunk Mains	<ul style="list-style-type: none"> Health Environment Service Interruption 	Unlikely	Major	Medium
Wastewater	Treatment Plants	<ul style="list-style-type: none"> Health Environment 	Rare	Major	High
	Pump Stations	<ul style="list-style-type: none"> Health Environment Service Interruption 	Possible	Major	High
	Trunk Mains	<ul style="list-style-type: none"> Health Environment Service Interruption 	Unlikely	Catastrophic	High
Facilities	Aviation Facilities	<ul style="list-style-type: none"> Safety Service Interruption 	Rare	Catastrophic	High
Parks and Open Spaces	Playground Equipment	<ul style="list-style-type: none"> Injury 	Unlikely	Major	Medium
Waste	Mareeba Landfill	<ul style="list-style-type: none"> Health Environment Safety 	Unlikely	Major	Medium

Risk Management

The management of these critical assets will be outlined in the individual asset class asset management plans. Broadly, the risk management strategies involve scheduled inspection programs, condition assessments and programmed maintenance associated with the condition assessments. The corporate asset management database Technology One is currently being improved to allow for programmed works orders to record this information. To date, the Works Order System has been implemented for Water, Wastewater and Bridges. The implementation of this is in its early stages and it is being regularly reviewed to check that the Technology One Works Orders are delivering the required outcomes in terms of asset maintenance, risk management and transparency of these processes.

STRATEGY TWO: MATURING OUR ASSET LIFECYCLE MANAGEMENT

This strategy provides an initial gap analysis of our operational, maintenance and capital investment strategies to mature our financial planning and ensure financial sustainability. This is consistent with the framework established by the IIMM 2011.

⁶ International Infrastructure Management Manual International Edition 2011.

Long Term Asset Management Plan 2017 - 2027**Operation and Maintenance**

The opportunity exists to make operational and maintenance practices more transparent by expanding the use of Technology One to schedule and record maintenance activities. This will be explored further in the individual asset management plans.

Capital Investment Decisions

Mareeba Shire's project decision making processes are relatively mature with a fully developed PPT that uses a combination of multi-criteria analysis and risk assessment to prioritise projects for funding. It is proposed to improve the renewal program based on condition and risk management improvements from Strategy One. It is further proposed to build on this decision making process by incorporating whole of life cost (WOLC) considerations and optimisation modelling into the decision making mix. WOLC tools for this are provided by the Queensland Treasury Corporation (QTC) and outlined below. Optimisation of capital investment decisions could involve seeking independent expert advice where necessary.

Queensland Treasury Corporation (QTC) Project Decision Framework

Mareeba Shire is in the very early stages of using the QTC Project Decision Framework. Council is embedding the QTC Project Decision Framework within its current PPT. This adds value to the process by providing a decision point for further investigation into whether the proposed solution delivers the best outcome to the community when the whole of life costs of the capital project proposal are considered.

It is proposed that through the asset management planning process, capital projects that require further investigation can benefit from the QTC Project Decision Framework templates and documentation using a project size related scaled approach.

Financial Forecast and Financial Sustainability

The Local Government Act 2009 defines financial sustainability as being, "able to maintain financial capital and infrastructure capital over the long-term". Councils need to set aside enough depreciation to fund the capital renewal programs without eroding the physical asset base. The major recurrent sources of finance available to councils are rates, fees and charges, and grants. Spending more each year than is earned from these sources results in deficits.

It is proposed to develop and annually review individual asset management plans for Transport, Water, Wastewater, Facilities, Parks and Open Spaces, Waste and Fleet. Long term financial planning will be integrated with long term asset renewals, upgrades and proposed new asset acquisitions. The next long term financial plan to be adopted will incorporate asset management plan expenditure projections with a sustainable funding position outcome. This will also allow the capital works planning process to be streamlined to incorporate Year One of the Long Term Financial Plan.

Where adjustments are made due to new and updated information, the Long Term Financial Plan and the asset management planning documentation will be updated to reflect the changes.

Long Term Asset Management Plan 2017 - 2027

APPENDIX A CAPITAL PROJECT PRIORITISATION RISK MANAGEMENT FRAMEWORK

Long Term Asset Management Plan 2017 - 2027


Project Prioritisation Risk Management Framework
For all Asset Classes

Source: The following information and tables have been sourced from the IPWEA NAMS PLUS 3 Asset Management Manual, referencing AS/NZS ISO 31000:2009 Risk Management Standard

"What could happen if Council does nothing?"

Likelihood Ratings

Likelihood	Descriptor	Probability of occurrence
Rare	May occur in rare circumstances	More than 20 years
Unlikely	Could occur at some stage	Within 10-20 years
Possible	Might occur at some stage	Within 3-5 years
Likely	Will probably occur at most times	Within 2 years
Almost Certain	Is expected to occur at most times	Within 1 year

Consequence Ratings

Consequence	Injury	Service Interruptions	Environment	Finance	Reputation
Insignificant	Nil	< 4 hours	Nil	< \$20k	Nil
Minor	First Aid	Up to 1 day	Minor short term	\$20k-\$100k	Minor Media
Moderate	Medical Treatment	1 day - 1 week	Wide short term	\$100k-\$500k	Moderate Media
Major	Disability	1 week - 1 month	Wide long term	\$500k-\$1M	High Media
Catastrophic	Fatality	More than 1 month	Irreversible long term	> \$1M	Censure/Inquiry

Risk Ratings

Risk Rating					
Likelihood	Consequences				
	Insignificant	Minor	Moderate	Major	Catastrophic
Rare	Low	Low	Medium	Medium	High
Unlikely	Low	Low	Medium	Medium	High
Possible	Low	Medium	High	High	High
Likely	Medium	Medium	High	High	Very High
Almost Certain	Medium	High	High	Very High	Very High

Risk Rating and Action Priorities

Level of Risk	Action required timing
Very High Risk	Immediate corrective action
High Risk	Prioritised action required (i.e. make safe and include in current/next capital works program)
Medium Risk	Planned action required (i.e. make safe and include in forward capital works programs)
Low Risk	Manage by routine procedures

Long Term Asset Management Plan 2017 - 2027



APPENDIX B EXISTING SERVICE LEVEL DOCUMENTATION

Existing Service Levels for Buildings

Key Performance Measure	Level of Service	Performance Measure
Accessibility	Provide adequate physical access to facilities.	Nº of community facilities upgraded to comply with the Disability Discrimination Act 1992.
Function	Facility meets user/service requirements.	Average Nº of bookings or visits per month. Public halls Swimming pools Caravan parks
		% of community facilities are inspected as required.
		% of community facilities routinely maintained.
	Convenient opening hours (if open to public).	Nº of reported complaints from community facility users.
Safety	Ensure buildings/facilities are safe and do not cause a hazard to customers.	Nº of reported safety incidents (per annum).
Quality	Facilities provide a good quality experience for all users.	% of community facilities are cleaned as planned.
Sustainability	Facilities are managed with respect to future generations.	Nº of community facilities that have 'Energy Management Plans'

Existing Service Levels for Transport

Key Performance Measure	Level of Service	Performance Measure
Quality/Condition	<p>Well maintained and suitable road network that provides for a smooth and comfortable ride.</p> <p>Bridges and Major culverts structures are structurally sound and "fit for purpose".</p> <p>Footpaths and cycle facilities are in a safe condition and are "fit for purpose".</p> <p>Kerb & Channelling is in good condition and "fit for purpose".</p>	<ul style="list-style-type: none"> - % length of Sealed roads surfaces in a satisfactory condition or better (Condition score 3 and above). - % length of Sealed road pavements in a satisfactory condition or better (Condition score 3 and above). - % length of Unsealed roads in a satisfactory condition or better (Condition score 3 and above). - % of Bridges & in Major Culverts in a satisfactory condition or better (Condition score 3 and above). - % length of Footpaths & Cycle facilities in a satisfactory condition or better (Condition score 3 and above). - % length with Kerb & Channel Culverts in satisfactory condition and better (Condition score 3 and above).
Amenity	Kerb & Channelling is clean and free of debris.	- % length swept in accordance with schedule.
Accessibility	<p>Roads - All weather access available across the constructed road network (urban and rural).</p> <p>Bridges - All weather access available throughout the formed road network (urban and rural).</p> <p>Provide Footpaths, Cycleways and Kerb & Channels in accordance with Council hierarchy standards.</p>	<ul style="list-style-type: none"> - Outage/closure days. - Average restoration time after event subsides. - Restoration time after event subsides. - % of bridges with loading restrictions. - % of structures meeting minimum flooding compliance - % Footpaths meets hierarchy specification. - % Kerb & Channel meets hierarchy specification.

Existing Levels of Service for Water and Wastewater

Performance Indicator	Performance Measure	Target	QG/NPR/SWIM Code
Total water main breaks	Per 100km of water main	25	QG4.5/A8/AS8
Total sewerage main breaks and chokes	Per 100km sewerage main	15	QG4.6/A14/AS39
Incidence of unplanned interruptions – water	Per 1000 properties	5	QG4.7/C17/CS17
Average response time for water incidents (bursts & leaks)	Minutes	60	QG4.8/ - /CS37
Average response time for sewerage incidents (including main breaks and chokes)	Minutes	60	QG4.9/ - /CS33
Water quality complaints	Per 1000 properties	10	QG4.10/C9/CS9
Total water and sewerage complaints	Per 1000 properties	100	QG 4.11/ C13/CS13

The full Water and Wastewater Customer Service standards are available on Council's website:
<https://msc.qld.gov.au/water-and-wastewater/>

**ITEM-17 INFRASTRUCTURE SERVICES - MONTHLY REPORT -
FEBRUARY 2017**

MEETING: Ordinary

MEETING DATE: 15 March 2017

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

DEPARTMENT: Infrastructure services

EXECUTIVE SUMMARY

This report sets out activities undertaken by the groups within Infrastructure Services during the month of February 2017.

OFFICER'S RECOMMENDATION

"That Council receive and note the Infrastructure Services, Monthly Activities report for the month of February 2017."

BACKGROUND**MONTHLY ACTIVITIES****WORKS GROUP****Maintenance Activities**

Maintenance activities accruing more than \$1,000 in expenditure were carried out in February at the following locations:

Description	Activity
Bower Road, Arriga	Clean inlet/outlets culverts, slashing
Chettle Road, Arriga	Slashing
Kimalo Road, Arriga	Slashing
McBean Road, Arriga	Slashing
Tyrconnell Road -Arriga	Slashing
Pickford Road, Bibbohra	Grading unsealed roads, spraying
Boonmoo Road, Dimbulah	Culvert repairs, road inspections, slashing
Leavingham Creek Road, Dimbulah	Culvert repairs, slashing
Leafgold Weir Road, Dimbulah	Bitumen patching, culvert repairs, road inspections, grading unsealed roads, slashing
Metzger Road, Dimbulah	Culvert repairs, slashing
Sandy Creek Road, Dimbulah	Culvert repairs, slashing
Short Road, Dimbulah	Culvert repairs, grading unsealed roads, slashing
Veness Road, Dimbulah	Culvert repairs, road inspections, slashing
Wolfram Road, Dimbulah	Culvert repairs, slashing
Carr Road, Julatten	Slashing
Mount Kooyong Road, Julatten	Slashing
Mount Lewis Road, Julatten	Grading unsealed roads, tree clearing / vegetation management

Description	Activity
Nine Mile Road, Julatten	Clean inlet/outlets culverts, slashing
Sides Road, Julatten	Bitumen patching, slashing
Black Mountain Road, Julatten	Slashing
Black Mountain Road, Kuranda	Clean inlet/outlets culverts, slashing, tree clearing / vegetation
Boyles Road, Kuranda	Grading unsealed roads, slashing
Crothers Road, Kuranda	Grading unsealed roads, slashing
Jeffrey Road, Kuranda	Grading unsealed roads, slashing
Little Road, Kuranda	Grading unsealed roads
Masons Road, Kuranda	Bitumen patching, slashing
McCorry Road, Kuranda	Grading unsealed roads, slashing
Myola Road, Kuranda	Bitumen patching, road furniture, slashing
Oak Forest Road, Kuranda	Bitumen patching, grading unsealed roads, slashing
Railway Street, Kuranda	Grading unsealed roads, slashing
Scrub Street, Kuranda	Grading unsealed roads
Weir Road, Kuranda	Slashing, tree clearing / vegetation management
Coronet Drive, Mareeba	Spraying
Emerald End Road, Mareeba	Slashing, spraying
Fichera Road, Mareeba	Slashing
James Street, Mareeba	Clean inlet/outlets culverts, grading unsealed roads, slashing
Jennings Road, Mareeba	Grading unsealed roads, spraying
Ray Road, Mareeba	Clean inlet/outlets culverts, grading unsealed roads, slashing, spraying
Tinaroo Creek Road, Mareeba	Slashing
Mt Spurgeon Road, Mt Carbine	Road furniture
Fraser Road, Mt Molloy	Clean inlet/outlets culverts, road furniture, slashing
Main Street, Mt Molloy	Slashing
Wetherby Road, Mt Molloy	Slashing
Masterson Road, Mutchilba	Culvert repairs
Piemonte Road, Mutchilba	Culvert repairs, slashing, spraying
Springmount Road, Mutchilba	Slashing
Oaky Valley Avenue, Mutchilba	Slashing
Fassio Road, Paddys Green	Slashing
Springs Road, Paddys Green	Slashing
Douglas Track, Speewah	Grading unsealed roads, tree clearing/vegetation
Douglas Track East, Speewah	Grading unsealed roads
Harper Road, Speewah	Grading unsealed roads
Hoey Road, Speewah	Grading unsealed roads
Speewah Road, Speewah	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
\$3,294,997	\$2,194,211	\$1,981,617

Capital Works

Iluka Street - Widen and Seal

Construction commenced on the widening and sealing of Iluka Street on 30 January 2017 and was completed on 20 February 2017.

The project scope is to reconstruct and seal the existing shoulders between Peters and Lerra Streets including several driveway upgrades and the installation or replacement of kerb and channel.

Minor delays were experienced due to unfavourable construction weather but the project was completed within budget.



Lawson Street Footpath Extension

Construction of the footpath extension on Lawson Street commenced on 01 February 2017 and was completed on 21 February 2017.

The scope of the project was the continuation of the footpath infrastructure network on Lawson Street, Mareeba between Downs Street and Lyons Street.

The project was completed on time and within budget.



TMR Routine Maintenance Performance Contract (RMPC)

Routine maintenance activities were undertaken during February 2017 at the following location;

Primary Location	Activity Name
Kennedy Highway - Cairns/Mareeba	Tractor slashing, urban, includes (2)x traffic control
	Rest area servicing
	Other vegetation control works
	Pothole patching, includes traffic control
Kennedy Highway - Mareeba/Ravenshoe	Tractor slashing, urban
Mulligan Highway, Mareeba/Mt Molloy	Pavement repairs, gravel (Mech. <500m ² / 1km), includes traffic control
	Tractor slashing, rural, includes (2)x traffic control
	Herbicide spraying, includes traffic control
	Tractor slashing, urban
Mulligan Highway, Mt Molloy/Lakeland	Herbicide spraying, includes traffic control
	Repair signs (excluding guide signs)
	Other roadside work
	Herbicide spraying, includes traffic control
	Tractor slashing, urban
	Rest area servicing
	Roadside litter collection, rural
Burke Developmental Road	Emergency call out / traffic accident
	Herbicide spraying, includes traffic control
	Other formation work
	Tractor slashing, rural, includes (2)x traffic control
Mareeba - Dimbulah Road	Herbicide spraying, includes traffic control
	Pothole patching, includes traffic control
	Repair or replace guide markers
	Roadside litter collection, rural
	Tractor slashing, rural, includes (2)x traffic control
Mareeba Connection Road	Tractor slashing, urban, includes (2)x traffic control
Mossman - Mt Molloy Road	Emergency call out / traffic accident
	Herbicide spraying, includes traffic control
	Other roadside work
	Roadside litter collection, rural
	Tractor slashing, rural, includes (2)x traffic Control

The total claim to DTMR for the works listed above for the month of February 2017 was \$98,612.97.

Parks and Gardens Section

Maintenance Activities

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in February at the following locations:

Location
Basalt Gully and Bi-Centennial Lakes, Mareeba
Mary Andrews Gardens, Mareeba
Arnold Park, Mareeba
Centenary Park, Mareeba
Barron Esplanade, Mareeba
Byrnes Street Medians, Mareeba
Eales Park, Mareeba
Parks, Library, CBD and Streets, Kuranda
Roscommon Park, Speewah
Town Hall Park, Dimbulah
Borzi Park, Mareeba
Davies Park, Mareeba
Firth Park, Mareeba
Vains Park, Mt Molloy
Street Mowing Mareeba
Nursery, Mareeba
Furniture and Playground Equipment, Mareeba
Sunset / Sunbird Park, Mareeba
Anzac Avenue, Mareeba
Mowing and Maintenance, Irvinebank

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
\$1,545,967	\$1,042,054	\$1,165,767

Bridge Section

Annual Budget	Year to Date Budget	Year to Date Actual
\$514,697	\$342,474	\$190,475

Mareeba Shire Council's bridge inspection program has been formalised and is operating under a works order system. 332 bridges and major culverts have been identified as requiring inspection within our local roads network.

To date, 277 inspections have been completed.

Land Protection Section

Annual Budget	Year to Date Budget	Year to Date Actual
\$394,729	\$272,694	\$306,762

Parthenium Weed: Land Protection Officers are carrying out property pest surveys for this plant and have followed up on two (2) reports of suspected outbreaks (both negative) and are maintaining the existing sites.

Gamba Grass: Council's annual roadside spray program for Gamba has commenced. All roads within Paddy's Green have been treated and the removal program on The Hann Tableland is being revisited and retreated as required.

Rats Tail Grass: Council's annual roadside spray program for Gamba has commenced. Staff are treating elevated sections of all roads within Council's area. This includes State Controlled Roads and DTMR have provided a budget to work on the Burke Developmental Road, Mulligan Highway and Mossman / Mt Molloy Road.

Barron Esplanade Weeds Clean-up: Turbina vines have been removed from the Brewery hole through to the Mareeba Hospital. Sections heavily infested with guinea grass have been treated and river couch seeds planted in bare soil within the long grass with the aim of establishing couch to overrun the high grass. Other nuisance weeds like legumes and joy weed have been sprayed with selective herbicides.

Wild Dog / Dingo: Numerous calls have been received in the peri urban areas about nuisance dogs. Where regulations allow, Council is setting toxic baits in a coordinated effort to reduce these dog numbers and where baiting is not permitted, effected land owners are being referred to professional shooters or are being lent traps.

Invasive Aquatic Plants: Strategic clean-ups of the Barron feeder creeks, Chinaman, Atherton and the Granite has commenced. The Land Protection Section is hopeful that a work crew may be accessed through Biosecurity Queensland to assist Council with this major clean-up program.

WATER AND WASTEWATER GROUP**Capital and Maintenance Works Projects**

- Kuranda Suburban Water Security Upgrade Project - 75% design completed and major works expected to start mid-March.
- Hastie Road Sewer Main Project design completed and sent out to tender. This is a Work for Queensland fully funded project.
- Leachate Management Project at the Mareeba Landfill design completed and sent out for Request for Quotes. Work comprises of a new leachate pumping station and main to the new Mareeba WWTP.
- Lightning strike at the Kuranda WWTP and Kuranda WTP caused significant damage to the Kuranda WWTP. We would like to acknowledge the good work our staff have done in dealing with this issue. To get the Plant running again from the

amount of damage sustained and prevent potential environmental harm. Staff have done an excellent job.

Environmental Monitoring - Treatment

- Mareeba STP compliant with Transitional Environmental Plan (TEP). Illegal hydrocarbon dumped into sewer 26 February
- Kuranda STP remains compliant with licence conditions.
- Mareeba Landfill
 - non-compliant with surface waters conditions. Program notice submitted. TEP being prepared.
 - gas management report submitted to EHP.

WASTE**Waste Operations**

- 50m³ of mulch sold.
- 3 Tonnes of recyclable material transported to Cairns MRF (including chemical drums).
- All transfer stations and Mareeba landfill are currently operational.

Environmental Matters Relating to Mareeba Landfill

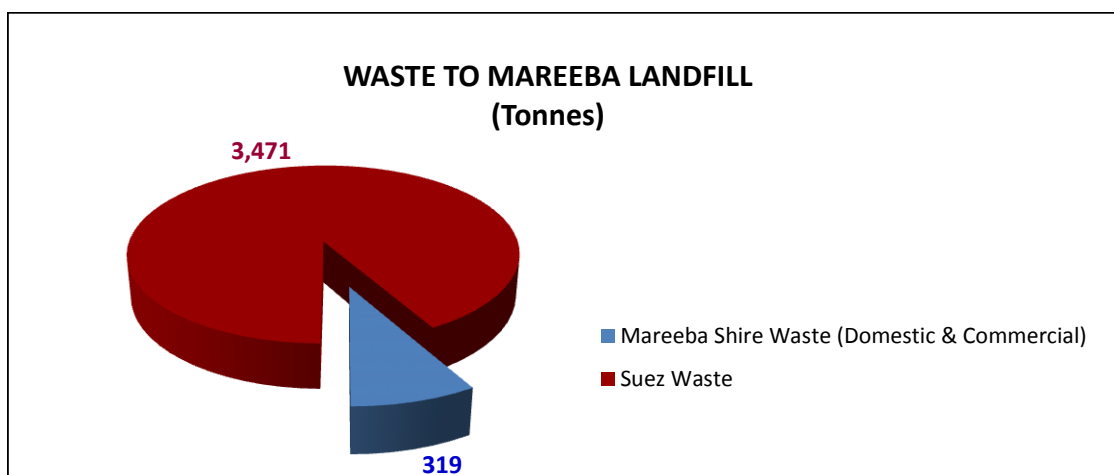
- Noncompliant with surface waters licence conditions. Program Notice submitted and Notice to Prepare Voluntary Transitional Environmental Program (TEP) received. The TEP, once approved, becomes a binding commitment to minimise discharge of sediment laden waters offsite.
- Gas management report submitted to EHP.
- Groundwater Review to be submitted to EHP mid-year.

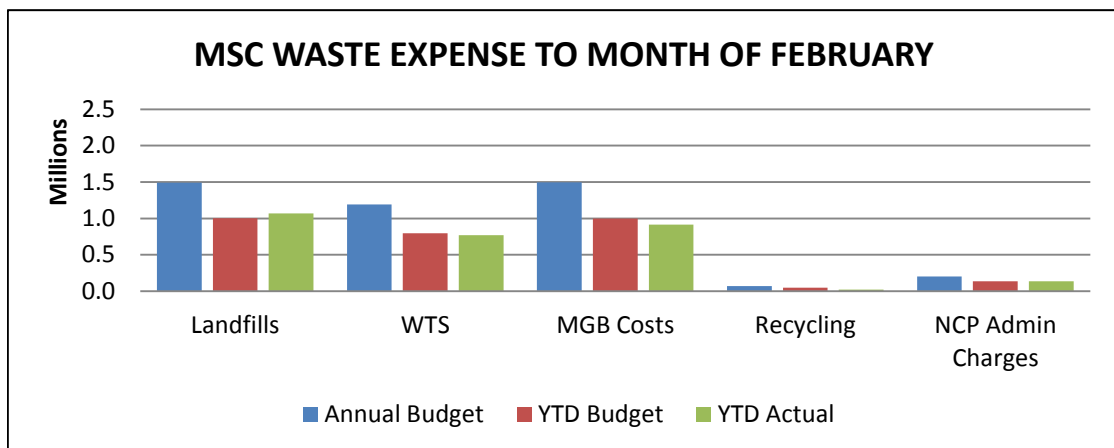
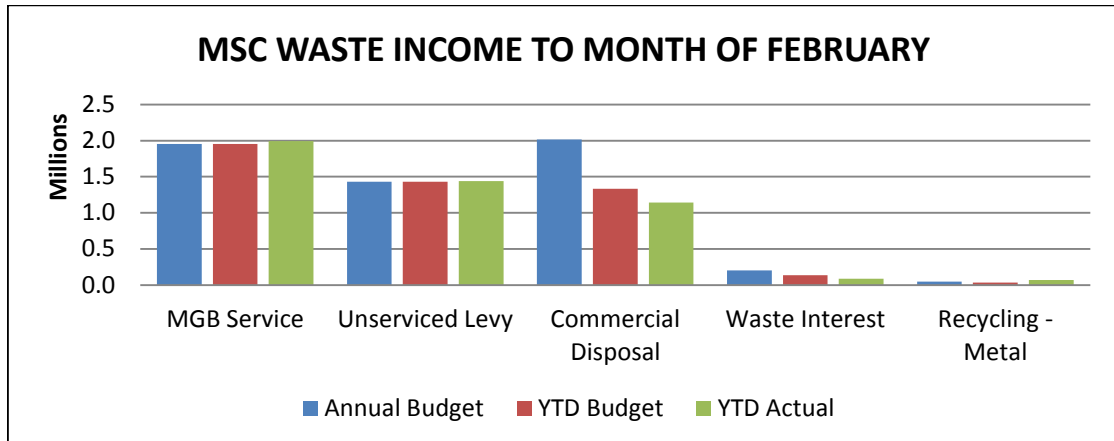
Old Mareeba Landfill Capping Project

- Construction was delayed due compactor not being able to access site due to saturated waste material.
- Due to a shortfall in the original estimate of waste cut/ fill material CCUS were temporarily stood-down while Golders redesigned the shape profile.
- Whilst inconvenient, the redesign provided to be a better outcome for the long-term management of the mound.
- Rolls of LLDPE Liner and Subsurface Geocomposite materials have been delivered to site in preparation for installation.
- Excavation of buried northern waste cells complete and cleared of waste material for leachate containment.

**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.



Financial Operational Budget Information (Per Budget Section Overall)

TECHNICAL SERVICES GROUP
Design

- 2016/17 Capital Works
 - Bolwarra Road, Tate River Crossing Renewal and Upgrade - GHD have provided MSC with a projected timeframe for completion of Design works end of February
 - Thongon Street, Kuranda - Replace damaged kerb and channel - Design complete
 - Kowa Street, Mareeba - Pavement and parking upgrade - Design complete
 - Sutherland Street, Mareeba - Design awaiting approval
 - Therwine Street, Kuranda - Redevelopment redesign being undertaken
- Mareeba Waste Transfer Station - Station upgrade detail design - Providing technical advice as required
- Kuranda Waste Transfer Station - Initial site meeting undertaken, design being completed

Subdivisions

- On Maintenance - Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset
 - Mt Emerald Wind Farm - Intersection upgrade
 - Amaroo Stage 8
 - Wylandra Stage 6B and 6C
 - Howe Farming - Kay Road - Drainage
 - Hoolahan Drive - Construction of easement drainage
- Off Maintenance - Council Asset
 - Amaroo Stage 7
- Operational Works
 - 112 Barnwell Road - Dam Construction completed and being monitoring

Project Management**Civil****2016-17 Reseals Bitumen and Asphalt Programs**

- Boral engaged to deliver the Asphalt Overlay Programme - commencement March

Oaky Creek Bridge Upgrade

- Kenmac scheduled to commence works Monday 27 March - Finish 12 May
- Delivery timeframes determined by the ROCLA commitment for manufacture of the prestressed girders

Vandalism and Graffiti

During February 2017, 8 reports of graffiti and vandalism were recorded.

- Mareeba Water Tower
- Mareeba Arnold Park Rotunda
- Mareeba Theatre Old Bowls Club Hall
- Mareeba Arnold Park disabled toilet
- Kuranda Centenary Park toilets - 4 complaints received

Graffiti and Vandalism	Year to date actuals
2015-16	\$2,134
2016-17	\$7,202

Currently there is no allocated budget for graffiti and vandalism.

PROJECT PROGRESS REPORTS**MAREEBA AIRPORT UPGRADE****Funding**

The Mareeba Airport Upgrade project is funded through a \$13 million grant from the State Government and a \$5 million grant from the Australian Government. Council has received the first milestone payment of \$1.3 million from the State Government. The first milestone payment of \$1 million is due from the Australian Government following lodgement of reports in February 2017.

Programme

A programme of works has been prepared which reflects the works and commitment made by Council in the funding agreements. The project is on schedule to meet final completion ahead of the target completion date of August 2018 as set in the funding agreement.

Construction of the Airside Infrastructure is scheduled to commence in May 2017 and be completed in December 2017. Given the significant rainfall we have had at the commencement of the wet season and the prediction for above average rainfall, the completion date for the project may have to be extended if the predictions are correct.

Airport Water Supply Upgrade

Tender TMSC2016-07 for upgrade of the water supply services was awarded to FGF Developments Pty Ltd in July 2016 and work commenced from mid-August 2016. The majority of work including commissioning has now been completed. Certification of the fire-fighting system to meet Queensland Fire and Rescue Services (QFRS) requirements will be completed upon final acceptance by QFRS.

Ray Road and Vicary Road Upgrade

LDI Constructions completed the widening and resurfacing Vicary Road and the section of Ray Road between Vicary Road and JRM Braes Road including associated drainage works under TMSC2016-05. Practical Completion was achieved in October 2016 and the contractor returned to complete line marking and rectify minor defects in February 2017.

Vicary Road Leased Area Pavements

Northern Civil Earthworks were awarded contract TMSC2015-04 for the Vicary Road Leased Area Pavements in July 2016. This work was completed in February 2017.

Aviation Commercial Precinct - Early Works

Bonadio Farming has been engaged under QMSC2016-17 for early works on the Aviation Commercial Precinct, which includes completion of ground clearing, removal of underground cobbles and boulders and reinstatement of the site. The contractor has commenced mobilisation to site and will commence work as soon as weather conditions are favourable.

Airside Infrastructure

Jacobs Engineering Group has been engaged to undertake the detailed design and documentation for the runway, taxiways, airfield lighting and aviation commercial precinct (Western Lease Area).

Expressions of Interest (EOIs) for construction of the airside infrastructure closed on 31 January 2017 and four (4) firms were selected to tender on the work:

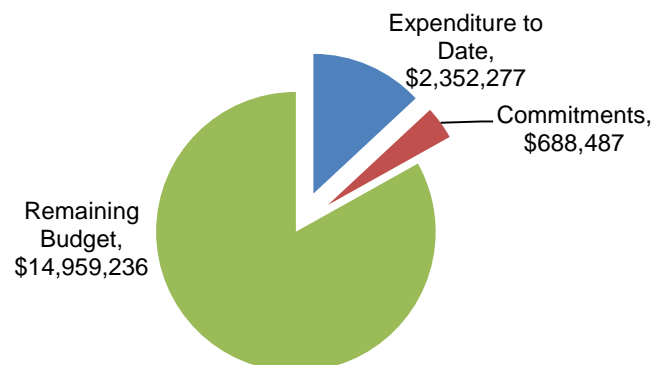
- Fulton Hogan
- BMD Boral JV
- FK Gardner & Sons
- FGF Developments

It is anticipated that the contract will be awarded in April 2017. In conjunction with the tender process, Council is calling for Expressions of Interest from local suppliers and trade providers to be placed on a register for possible work or supply of materials with the selected principal contractor. This register will be provided to the shortlisted tenderers to assist them in preparing their tenders and ensure opportunities for local businesses are maximised.

Stakeholder Engagement

A Communication and Stakeholder Engagement Plan has been developed, which sets out the engagement strategy for delivery phase of the project. Surveys have been distributed to current airport users to determine their usage patterns to help develop a methodology for the construction work. Further engagement work in relation to distribution of project information and engagement with local businesses regarding work opportunities on the project is underway.

Expenditure





Completion of Vicary Road Leased Area Pavements



Completion of Linemarking for Vicary Road Upgrade

MAREEBA WASTEWATER TREATMENT PLANT - DESIGN & CONSTRUCTION CONTRACT TMSC2015-13

Funding

The Mareeba Wastewater Treatment Plant Upgrade project is funded through a \$1.5 million grant from the State Government's Building Our Regions program and a \$5 million grant from the Australian Government's National Stronger Regions Fund, with the balance of the project funded by Mareeba Shire Council. Further funding of \$411,000 has been received from the State Government's Local Government Grants and Subsidies Scheme for the upgrade of trade and industrial waste receival facilities.

The Australian Government has paid Council \$3 million to date from National Stronger Regions Fund. Payments of \$600,000 have been received from the State Government's Building Our Regions program with a further \$600,000 payment due following the lodgement of reports in February 2017. The initial payment of \$123,300 has been received from the State Government's Local Government Grants and Subsidies Scheme.

Programme

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

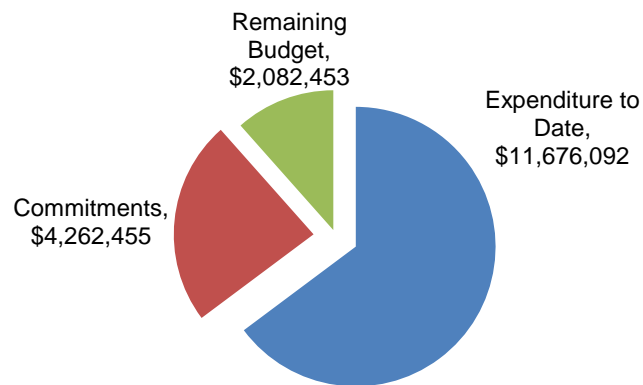
Downer mobilised to site in late May 2016, supplied final 100% design stage drawings on 15 July 2016 and construction currently progressing ahead of schedule by several weeks. During February 2017, the following work was undertaken:

- Structural concrete for flow splitter completed for the
- Installation of hand rails and pipe supports and internal walls to Sequential Batch Reactor (SBR)
- Assembly of Decanters for SBR
- Internal fitout of the Administration Building commenced
- Installation of Programmable Logic Controllers (PLC)s and electrical cabling commenced for Motor Control Centre (MCC)
- Sludge Dewatering and Blower Buildings completed
- Sludge dewatering press installed
- Bunds constructed and roof commenced for Chemical Dosing Area
- Installation of site electrical conduits and pits
- Site pipework installation
- Pre-commissioning meeting and planning commenced

Primary activities scheduled for March 2017 are the commencement of above-ground pipework and pumps for the bioreactor, installation of aeration blowers, commencement of inlet works, backfilling structures, electrical installation, fitout of the site buildings and commencement of on-site dry commissioning.

The majority of construction is scheduled for completion in April 2017, with wet commissioning scheduled to commence in May 2017. Handover of the plant to Council is anticipated in July 2017, following successful commissioning, optimisation and process-proving by the contractor.

Expenditure



7 February 2017 - Inspection of the Decanters prior to assembly



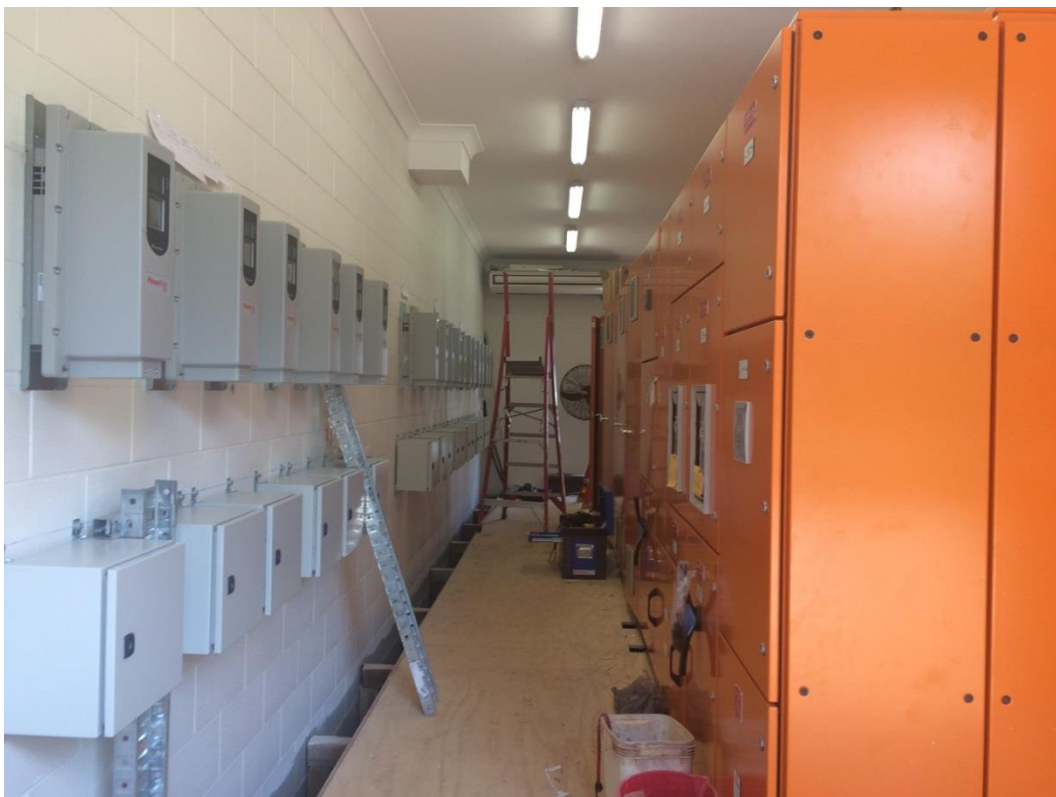
14 February 2017 - Painting the Admin Building



14 February 2017 - Installation of Cable Trays along SBR Walkway; Decanters assembled and stored on floor of SBR



17 February 2017 - Construction of Concrete Bunds for Chemical Dosing Area



24 February 2017 - Electrical installation in Motor Control Centre (MCC) underway



24 February 2017 - Installation of belt filter press in the sludge dewatering building



24 February 2017 - Roof framing installed to chemical dosing area



24 February 2017 - Progress on the construction of site buildings with commencement of roofing to sludge outloading building



28 February 2017 - Completion of internal painting and installation of louvers to blower building

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Infrastructure Services staff

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Included in 2016/2017 budget

Operating
Included in 2016/2017 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: 1 March 2017

PROJECTS

ITEM-18 TIMBER BRIDGE RENEWALS - QUOTE CONSIDERATION PLAN

MEETING: Ordinary

MEETING DATE: 15 March 2017

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

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Council has received grant funding from the State Government under the Work for Queensland Program towards the rehabilitation of Flaggy Creek Bridge (Mona Mona Road), Nissen Creek Bridge (Mt Lewis Road) and Jeffrey Road Bridge.

The proposed method of rehabilitation is for the works to be provided by a sole supplier of the materials who also provide design services, construction services and engineering certification of rehabilitated bridges. The proposed specialist contractor will also work together with Council in utilising Council's day labour workforce while also providing training to Council employees.

The proposed method of rehabilitation utilises some patented materials available from only one (1) supplier in Australia and in order to comply with the requirements of Council's Purchasing Policy, and the procurement requirements in the Local Government Act 2009 and Local Government Regulation 2012, it is proposed that a Quote Consideration Plan is adopted as the means of engagement of the specialist contractor to undertake the identified timber bridge renewal projects in the Work for Queenslanders Program.

OFFICER'S RECOMMENDATION

"That Council adopt the Timber Bridge Renewals - Quote Consideration Plan for the engagement of a bridge specialist to provide design, construction and certification of the rehabilitation works associated with the Timber Bridge Renewals under the Work for Queensland Program as detailed in this report."

BACKGROUND

Council has received grant funding from the State Government under the Work for Queensland Program towards the rehabilitation of Flaggy Creek Bridge (Mona Mona Road), Nissen Creek Bridge (Mt Lewis Road) and Jeffrey Road Bridge.

It is proposed that renewal of these timber bridges be delivered with the assistance of specialist contractors for the Mareeba Shire Council.

Section 179 of the Local Government Regulations 2012 states that: -

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

- (a) decides, by resolution, to prepare a quote or tender consideration plan; and
- (b) prepares and adopts the plan.

(2) A **quote or tender consideration plan** is a document stating—

- (a) the objectives of the plan; and
- (b) how the objectives are to be achieved; and
- (c) how the achievement of the objectives will be measured; and
- (d) any alternative ways of achieving the objectives, and why the alternative ways were not adopted; and
- (e) the proposed terms of the contract for the goods or services; and
- (f) a risk analysis of the market from which the goods or services are to be obtained.

The following is a plan to meet the requirements of the Local Government Regulation 2012.

Quote Consideration Plan

The purpose of the plan is for engagement of a bridge structure specialist to provide design, construction and certification of three (3) timber bridges to be rehabilitated under the Work for Queensland Program. The Program currently includes Flaggy Creek Bridge (Mona Mona Road), Nissen Creek Bridge (Mt Lewis Road) and Jeffrey Road Bridge and may include other projects that may arise that fit the following criteria: -

1. Utilise the same patented technology
2. Do not include a requirement for new piling works
3. Have sufficient Capital or Operational Works Funding (e.g. through additional funding that may be allocated through the Work for Queensland Program)
4. In the opinion of the Director Infrastructure Services demonstrate a clear benefit in terms of savings over other known methods of bridge rehabilitation

Objectives:

The objectives of the Quote Consideration Plan include: -

1. To rehabilitate / renew existing bridges utilising patented RetrotenTM, RetrowrapTM, StructurefillTM and patented FIRPTM Glulam beams with a laminated timber deck as a low cost replacement option.
2. To provide ongoing training to Mareeba Shire Council staff in application of timber technologies and advanced timber maintenance techniques.

Achievement of the Objectives:

The objectives of the Quote Consideration Plan will be achieved by: -

Council engaging Timber Restoration Systems (TRS) to provide design, construction and certification of the works for the timber bridge rehabilitation projects in the Work for Queensland Program.

Measurement of the Achievements:

The achievements of the Quote Consideration Plan will be measures as follows: -

1. Delivery of certified bridges capable of handling conventional highway loading within adopted budget.
2. Adoption of advanced timber bridge maintenance techniques by MSC staff on other timber bridges.

Alternatives to Achieve the Objective:

Alternative methods of achieving the objectives and why these alternative methods were not adopted are detailed below: -

Alternative Methods	Reason for not adopting the Alternative Method
Call tenders for restoration of bridges and installation of Glulam beams	Other firms are beginning to offer laminated timber materials in the Australian market. At this time, however they are yet to demonstrate how they compare with the ability to resist cyclic delamination and the longevity of their timber treatment. Previous projects delivered by TRS for other Queensland Councils have been highly successful.
Call tenders for design and construction of new bridges using conventional precast concrete, concrete and steel technology.	A critical consideration in the rehabilitation of timber bridges is the required time of closure during works as for two of the bridges, Council will be unable to provide alternate access. Based on other tendered works, a conventional concrete bridge would likely be closed to traffic for three (3) months. In addition, the timeframes and cost estimates associated with the repair if the three (3) nominated bridges have been based on repair using timber treatments. To call for tenders based on an alternative rehabilitation treatment may result in the budget and/or timeframes for the grant funding being exceeded and subsequent withdrawal of grant funding.

Terms of Contract:

The proposed terms of the contract for the goods and services will be a quoted price for the supply of goods and services.

Risk Analysis:

Risk analysis of the market from which the goods or services are to be obtained:

Risk	Likelihood	Consequence	Risk Rating	Risk Mitigation
The projects take longer than anticipated or require additional materials to those anticipated, resulting in higher costs.	Moderate	Additional funds will be required to complete works or some non-critical components could be removed from the schedule of works. Possible loss of grant funding if projects take longer than anticipated.	Low	TRS to be asked to provide a fixed quote for the rehabilitation work. Early engagement of TRS to ensure project delivery timeframes can be met.
The technology has a lower potential efficacy than is prescribed by the vendor.	Very Low	Given the very low cost of this rehabilitation treatment as compared to a conventional approach and noting the existing application of the technology within Queensland Councils, as well as larger scale operations globally, there is a low expectation of sub-optimal performance.	Low	Require Engineering certification and insurance.
There is another provider who has developed similar technology that can be provided at a lower cost, who will be excluded from this process.	Very Low	Mareeba Shire Council would pay a quantity higher than required for a similar service.	Very Low	Attendance at Engineering Conferences, to be aware of what is available in the market.

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
 Manager Technical Services
 Manager Works

External

Wood Research & Design / Timber Restoration Systems

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

Council is required to meet the terms of State Government's Work for Queensland Program, including budget and timeframes.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Rehabilitation of these timber bridges is fully funded under the State Government's Work for Queensland Program.

IMPLEMENTATION/COMMUNICATION

Residents and the travelling public will be advised of the upcoming bridge rehabilitation works through signage and public notices.

ATTACHMENTS

Nil

Date Prepared: *1 March 2017*

**ITEM-19 TENDER TMSC2017-04 MAREEBA AIRPORT UPGRADE -
CONSTRUCTION OF AIRSIDE INFRASTRUCTURE**

MEETING: Ordinary

MEETING DATE: 15 March 2017

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

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

The construction of the Airside Infrastructure as part of the Mareeba Airport Upgrade comprises the works for the runway, taxiways, airfield lighting and aviation commercial precinct.

Council has shortlisted four (4) contractors to invite to tender on the work following and Expression of Interest (EOI) process under Section 228(6) of the Local Government Regulation 2012.

To ensure that construction can be completed prior to the 2017/18 wet season, Council will need to award the contract by the end of April 2017. To allow the maximum possible timeframe for tenderers to prepare their pricing, and to allow sufficient time for the tenders to be evaluated and negotiated, it is proposed to delegate authority to the Mayor and Chief Executive Officer to enter into, negotiate, finalise the Contract after consultation with Councillors.

OFFICER'S RECOMMENDATION

"That Council delegate authority to the Mayor and Chief Executive Officer to enter into, negotiate, finalise after consultation with Councillors, the Contract for the Mareeba Airport Upgrade: Construction of Airport Infrastructure."

BACKGROUND

Council has received two (2) grants - \$13M from the Queensland State Government's Royalties for Regions program and \$5M from the Australian Government's National Stronger Regions Fund - towards the upgrading of the Mareeba airport.

Expressions of Interest (EOIs) for construction of the airside infrastructure closed on 31 January 2017 and four (4) firms were selected to tender on the work:

- Fulton Hogan
 - BMD Boral JV
 - FK Gardner & Sons
 - FGF Developments
-

To ensure that construction can be completed prior to the 2017/18 wet season, Council will need to commence construction in May-June 2017. Tender documentation was finalised and released to tenderers on 9 March 2017. To allow the maximum possible timeframe for tenderers to prepare their pricing, tenders would need to close mid-April 2017. Council would need to award the contract by the end of April 2017 to allow sufficient time for the tenders to be evaluated and negotiated, while maintaining the programmed commencement date. These timeframes will not align with the scheduled Ordinary Meeting dates, and to defer awarding of the Contract to such a date would impact the successful contractor's ability to deliver the project on time.

To allow the tender award process to meet the required timeframes, it is proposed to delegate authority to the Mayor and Chief Executive Officer to enter into, negotiate, finalise the Contract after consultation with Councillors. Council may decide not to accept any tenders it receives, however, if it does decide to accept a tender, it must be the most advantageous to Council having regard to the Sound Contracting Principles as defined in Section 104 of the Local Government Act 2009 and Council's Procurement Policy.

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
Manager Technical Services

External

Australian and State governments
Jacobs

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

As detailed in the funding agreements Council has signed with the State and Australian governments, Council is required to meet various milestone and reporting targets.

POLICY IMPLICATIONS

Procurement Policy

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 Australian 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 Australian and State governments.

ATTACHMENTS

Nil

Date Prepared: *1 March 2017*

**ITEM-20 TENDER EVALUATION TMSC2017-01 MAREEBA WATER
PLANT MOTOR CONTROL CENTRE REPLACEMENT
UPGRADE****MEETING:** Ordinary Meeting**MEETING DATE:** 15 March 2017**REPORT AUTHOR/
OFFICER'S TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

The Mareeba Water Plant was originally constructed in the late 1950's and early 1960's and has been providing the residents of Mareeba with quality water since that time. However some componentry of the site is quite old and an Ergon inspection highlighted deficiencies in the Motor Control Centre (MCC).

The objective of the project is to replace the aged and non-compliant MCC of the Mareeba Water Plant. The new switchboard is to be installed and cutover while the plant is operational and therefore the cutover methodology will need to accommodate the plant requirements. The existing downstream circuits and upstream supply will remain unchanged.

Tenders for TMSC2017-01 Mareeba Water Plant MCC Replacement/Upgrade Project closed at 11:00am Thursday 23 February 2017 and three (3) responses were received.

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

OFFICER'S RECOMMENDATION

- "1. That Council award Tender TMSC2017-01 Mareeba Water Plant MCC Replacement Upgrade to Babinda Electrics for a total value of \$243,121.00 (exclusive of GST).
2. That Council approve the extra funding of \$137,433.10 required out of Depreciation Reserves Funds required to complete the electrical upgrade works at the Mareeba Water Plant."

BACKGROUND

The objective of the project is to replace the aged and non-compliant MCC of the Mareeba Water Plant. The new switchboard is to be installed and cutover in an operational plant and therefore the cutover methodology will need to accommodate the plant requirements. The existing downstream circuits and upstream supply will remain unchanged.

Scope of Works on this project includes the following:

- Electrical Services
- New Motor Control Centre
- New sub mains cabling
- Diversion of all existing pumps and final circuits

Following the Ergon audit which identified deficiencies in the existing MCC a condition assessment was undertaken by a suitably qualified commercial and industrial electrical firm (copy attached).

The electrical firm also provided an estimate of \$150,000 to upgrade the existing MCC. However they also advised we seek further advice from an electrical engineering consultant with the view to writing a scope and design for the project and estimating costs for the project.

The electrical engineering firm engaged by Council for this was Sequal, a local Cairns company well qualified to undertake this on behalf of Council. Sequal identified a number of issues with associated plant equipment that the upgrading of the MCC would impact on and advised that the original budget estimate would be quite higher and final tenders would reflect this.

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

Tenderer	Price (ex GST)	Price (incl GST)
Babinda Electrics	\$243,121.00	\$267,433.10
JM Switchboards	\$300,650.00	\$330,715.00
Jason Cummings Electrical	\$279,185.00	\$307,103.50

Tenders were assessed on the following criteria and weightings:

Tender Price	40%
Experience	20%
Key Personal	10%
Resources	10%
Understanding	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 10.

Scoring of the tenderers for this contract resulted in the following (scores out of 10):

Tenderer	Score
Babinda Electrics	7.55
JM Switchboards	7.49
Jason Cummings Electrical	5.83

The highest scoring tenderer, Babinda Electrics, is a Cairns based commercial and industrial contractor with experience in similar electrical water and wastewater projects. Babinda are currently undertaking the electrical works at the new Mareeba WWTP and have also completed the electrical works at the Kuranda WWTP upgrade in 2012.

Babinda Electrics tendered a construction program showing the work being completed within 17 weeks of contract award, with 15 weeks construction on-site. Babinda Electrics supplied a logical, comprehensive works methodology statement detailing how the work will be undertaken.

The scoring reflects the opinion that Babinda Electrics offers Council the best value for money, background, experience, skill and methodology to satisfactorily meet the requirements for this project.

The tendered price from Babinda Electrics is outside of the available funding for the project.

Should Council resolve to award tender TMS2017-01 to Babinda Electrics the sum of \$137,433.10 would be required from Depreciation Reserves Fund to enable the project to proceed. This sum includes a contingency amount of \$20,000 to cover Programmable Logic Control and SCADA Changes that will be required for automated control.

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

Supervisor Treatment Operations
SCADA Officer/Operator
Water and Waste Engineer
Water and Waste Operational Staff

External

Sequal Electrical Consulting

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Funded through the depreciation funds reserve

Operating

Nil

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

Nil

IMPLEMENTATION/COMMUNICATION

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

ATTACHMENTS

1. Condition assessment report

Date Prepared: 27 February 2017



B.E. SWITCHBOARDS

A division of Babinda Electrics

104-120 Newell Street, Cairns
P.O. Box 6365, Cairns, QLD 4870

Tel: (07) 40509100 Direct Tel: (07) 40509145 Fax: (07) 40509191
Email: robj@babinda-electrics.com.au

Switchboard Condition Report

Mareeba Water Treatment Plant Tuesday, February 16th, 2016

Main Switchboard and MCC





B.E. SWITCHBOARDS

A division of Babinda Electrics

General Condition

- Internal Switchboard
- Clean Dust free environment
- Cabinet metal work is in fair condition with limited signs of corrosion
- All cabling is in fair condition with no signs of damage or deterioration to insulation
- Main Bus bar and all joints appear to be in good condition with no signs of discoloration from overloading or bad connections

Switchboard details

- Painted sheet steel folded and welded construction.
- Form Rating varies throughout the cabinet but is mainly form 1
- Limited segregation between drive cells and electrical components
- Main switch is a Nilsen NAB2H ACB rated at 1600A and a fault capacity of 50kA for 1 Second. I was unable to determine the trip settings on the overload unit however the Single line schematics indicate the breaker is set 630A
- The Main bus bar system is a custom made installation with custom made insulated panel used as bus bar supports

Nilsen NAB2H



Main Busbar and bus Supports





B.E. SWITCHBOARDS

A division of Babinda Electrics

General Comments

The MSB is installed and operated in a clean cool environment with good egress around the board, however it is in an area in which desk work is performed.

The construction and components are dated and while in a clean working order many parts are no longer replaceable or repairable.

The fault protection rating of the board cannot be determined due to its custom construction and vintage bar support system and it is doubtful that the board could contain a fault as high as the 50kA rating of the main switch.

The Main Switch protection setting cannot be determined or it's operation guaranteed due to its age.

Whilst the Single line provided shows a main switch rating of 630A the potential is there for supply to exceed that rating if protection settings are changed or not set as documented.

If the current rating was to exceed 800A this would be classified as a high current switchboard and would not conform to current AS3000 and AS3439 requirements

There is major concerns to personal safety with lack of separation from exposed live bars when doors are opened or covers are removed

In the event of a failure leading to high fault current there is potential of major damage to the board due to lack of form rating and segregation within the cabinet .
This could also result in extended downtime and possible injury to personal in the office at time of fault.

Concerns and Possible breaches of regulations.

Undetermined level Fault protection	AS3000 AS3439
Main Switch protection settings allowing possible high current	AS3000
Lack of internal arc fault containment and separation	AS3000 AS3439
Lack of warning labels and construction information	AS3000
No RCD Protection provided on light & Power distribution	AS3000

Please contact myself if you require additional information or clarification on anything pertaining to this report.

Robert James

Foreman / Estimator, B.E. Switchboards

(No signature shown for electronic transmittal)

**ITEM-21 MAREEBA WASTEWATER TREATMENT PLANT
UPGRADE - VARIATIONS TO CONTRACT TMSC2015-13
CONFIDENTIAL**

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 275(1) (e) and (h) 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 Council.
- (h) other business for which a public discussion would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage.

TECHNICAL SERVICES

ITEM-22 MT MULLIGAN ROAD RESERVES

MEETING: Ordinary

MEETING DATE: 15 February 2017

**REPORT OFFICER'S
TITLE:** Manager Technical Services

DEPARTMENT: Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

Council at its Ordinary Meeting of 12 October 2016, requested officers investigate the current road reserves and road alignments in Mt Mulligan.

The purpose of this report is to inform Council of the various locations where the existing road alignment is not located on the current road reserve and passes through land leases and also to inform Council that there is no legal access (road reserve) between the Mt Mulligan Township and the Cemetery and also the historic Smelter Chimney.

A desktop survey investigation has been carried out to extend the existing town road reserves to the Cemetery and the turnaround area near the old Smelter Chimney.

While there is also no road reserve connecting the Cemetery to the existing Kondaparinga Road, it is not recommended to proceed any further with legal access for this connection at this time.

OFFICER'S RECOMMENDATION

"That Council does not consider the opening of new road reserves, from the existing road reserves in the Mt Mulligan Town Centre to the Cemetery and turnaround area near the old Smelter Chimney as the cost could well exceed \$15,500."

BACKGROUND

Council at its Ordinary Meeting of 12 October 2016, requested officers investigate the current road reserves and road alignments in Mt Mulligan with particular attention to the Cemetery and old Smelter Chimney.

Mt Mulligan is comprised of four (4) different land parcel tenures, including land leases, reserves (park), freehold land and state land (refer to figure 1). Parts of the current road alignments are not aligned within the current road reserves and pass through various Land Leases (refer to figure 2). Figures 3 to 6 show the various locations where the current road alignment passes through land leases.

Due to the number of instances in this area where the formed road departs from the existing road reserve, the focus was on three (3) key sections including the connection from the Mt Mulligan Township to the Cemetery, the connection from the cemetery to the Kondaparinga Road and the connection to the old Smelter Chimney.

Legal Access from the township to the Cemetery and Smelter Chimney

Council Surveyors advise that the Mt Mulligan cemetery and the old Smelter Chimney have no legal access (Road Reserve) to the Mt Mulligan Township. Further investigations found the following;

- According to the Cadastral Survey Requirements V7, Section 3.34 discusses Remote area surveys and that a complete standard survey may not be required. However this is determined by the DNRM Surveyors after submitting a proposal.
- The Cemetery's original survey plan (Lot3 M6497) was destroyed in a fire in 1945, and therefore would most likely require a re-survey/identification, should a road reserve be opened between the existing road reserve and the Cemetery.
- The turnaround at the old Smelter Chimney is also not located on road reserve and is used as a parking area by visitors. It is proposed to extend the existing road reserve to include this area also.

Only a site inspection will identify if existing survey marks are still onsite, therefore it is difficult to determine a cost for survey at this time. However if there are survey marks nearby, it would cost approximately \$7,000 to carry out the survey at both locations.

It should also be noted that the State may require payment for the land, estimated to be \$5,000 based on recent land purchases by Council in the area.

Legal fees associated with land transfer costs would also have to be borne by Council estimated to be in the order of \$3,500.

Should Council decide to proceed, Figure 7 shows a proposed location for the road opening from the existing road reserve to the Cemetery and Figure 10 shows the proposed road opening over the turnaround at the Chimney.

Legal Access Cemetery to Kondaparinga Road

With regard to the Kondaparinga Road it appears there is no road reserve connecting this road to the Cemetery (figure 8). The road was gazetted in 1991 (HG843453) and shows it finishing at Lot 599 OL65 with the DCDB showing it finishing at Lot20 HG725. Both however don't show it joining the Mt Mulligan Road.

Importantly, it seems that the intent of survey HG843453 (figure 9) was to connect the Kondaparinga Road to Mt Mulligan Road, however there is still some uncertainty as to the status of this section of road and requires more investigation. In the case of an unsurveyed road (No pegs/marks in the ground) as shown on HG843453, the road reserve is actually on the existing road centreline.

Therefore in summary, while there are a number of survey plans for this area, it appears there is still some uncertainty as to the exact status of the Mt Mulligan and Kondaparinga Road connection. However due to the need for extensive consultation with the Department

of Natural Resources and Mines (DNRM) and other stakeholders, it is recommended not to proceed any further with legal access for this connection at this time.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Council Surveyors

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating

The cost to survey the road reserve to the Cemetery and Smelter Chimney is a minimum of \$7,000 however this could be considerably higher should there be no survey pegs in the area.

In addition the State Government may require that the new road reserve is paid for by Council, estimated to be \$5,000 and the cost of legal fees associated with the land transfers would also be borne by Council and estimated to be in the order of \$3,500.

Therefore an estimated cost to open these two (2) road reserves is likely to cost in the order of \$15,500.

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

Officer recommendation is not to proceed

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Figures 1-10.

Date Prepared: 6 February 2017



Figure 1 - Mt Mulligan Land Parcel Tenures

Legend

Khaki Colour	-	Land Leases
Green Colour	-	Reserve (Park)
Aqua Colour	-	Freehold Land
Grey Colour	-	State Land



Figure 2 - Mt Mulligan Road Reserves

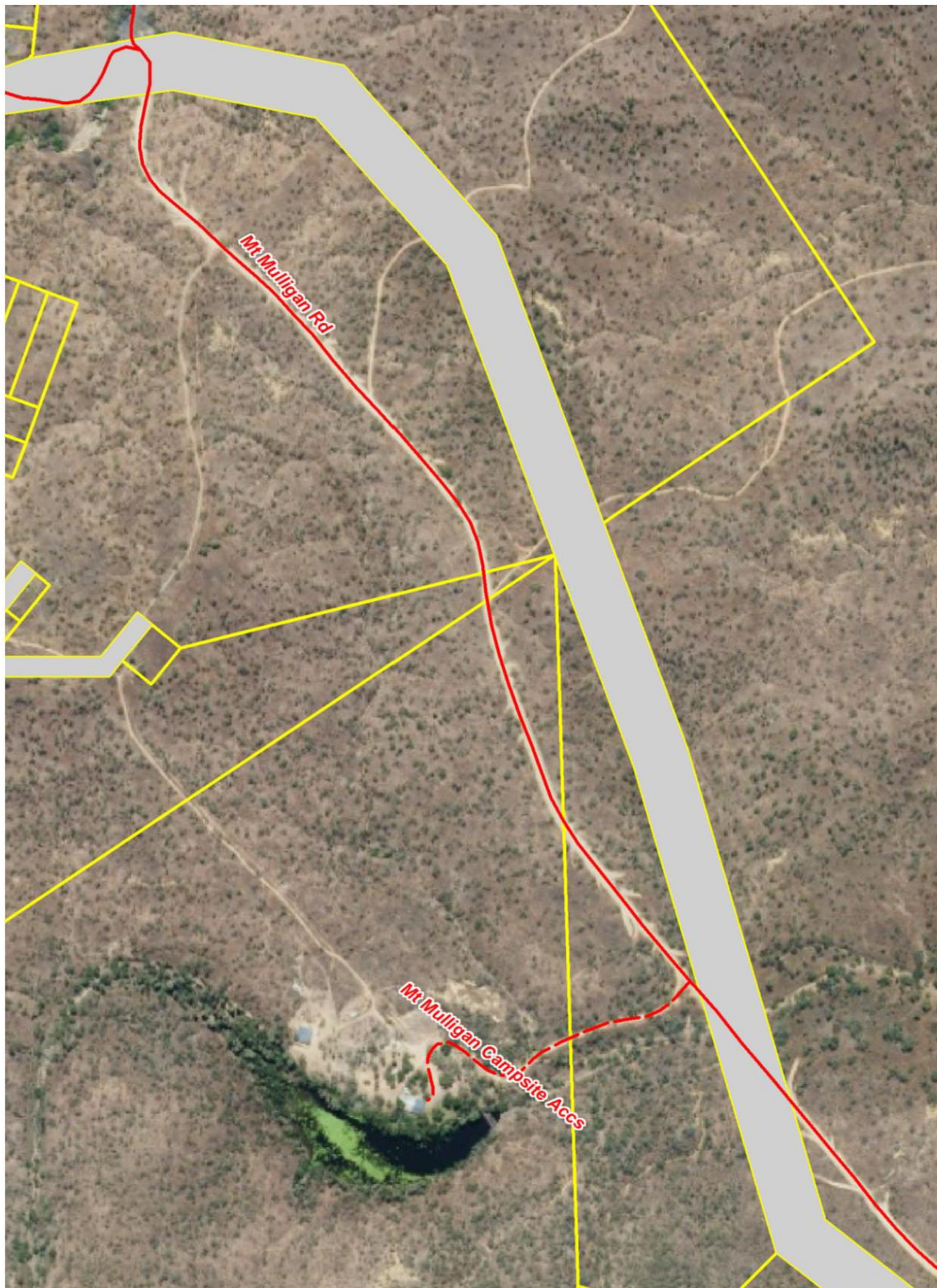


Figure 3 - Road Alignment Entering Mt Mulligan



Figure 4 - Road Alignment at the Beginning of Mt Mulligan Township

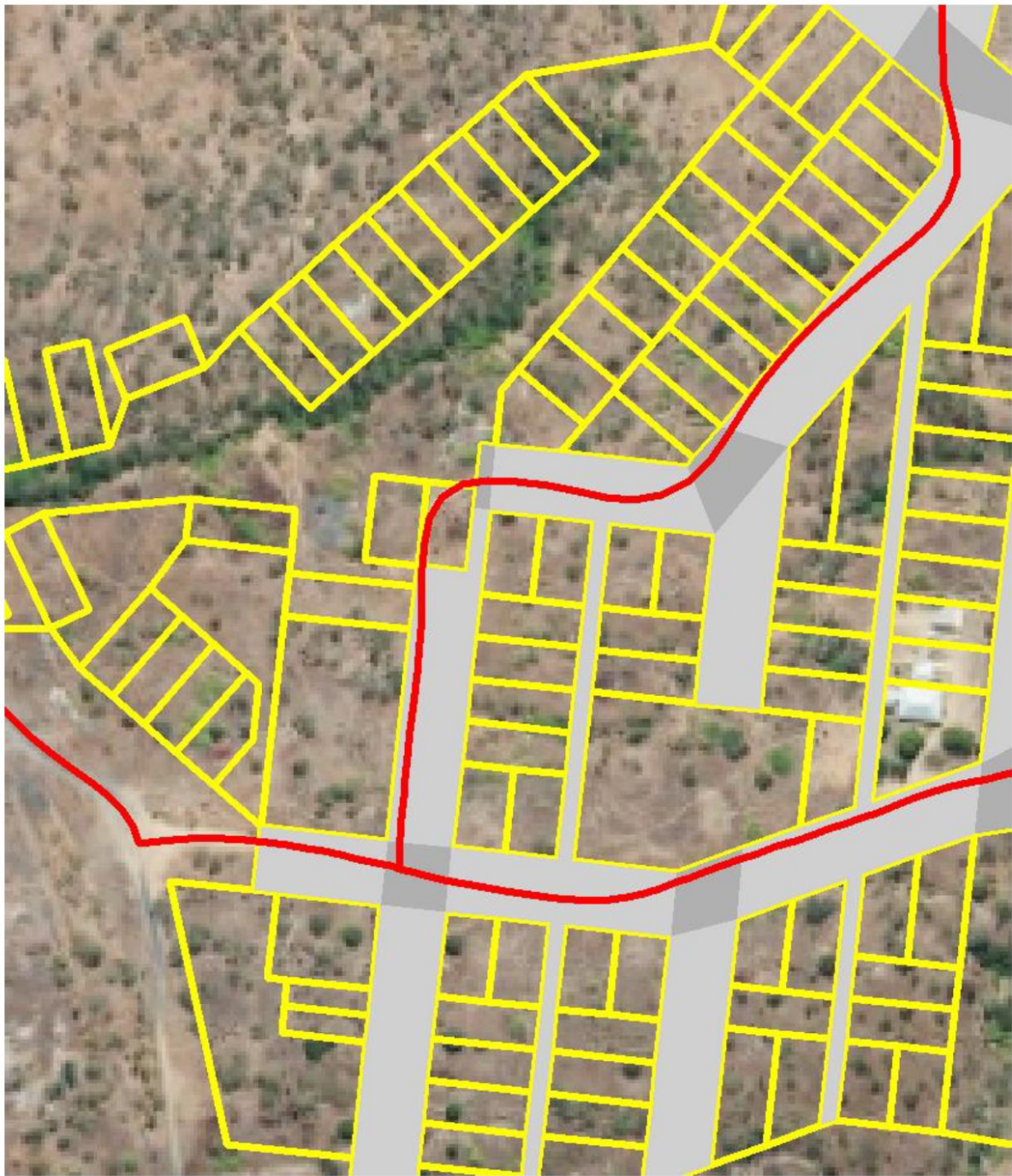


Figure 5 - Road Alignment through Lease Land in Mt Mulligan Township



Figure 6 - Road Alignment through Lease Land Leading to Mt Mulligan Cemetery

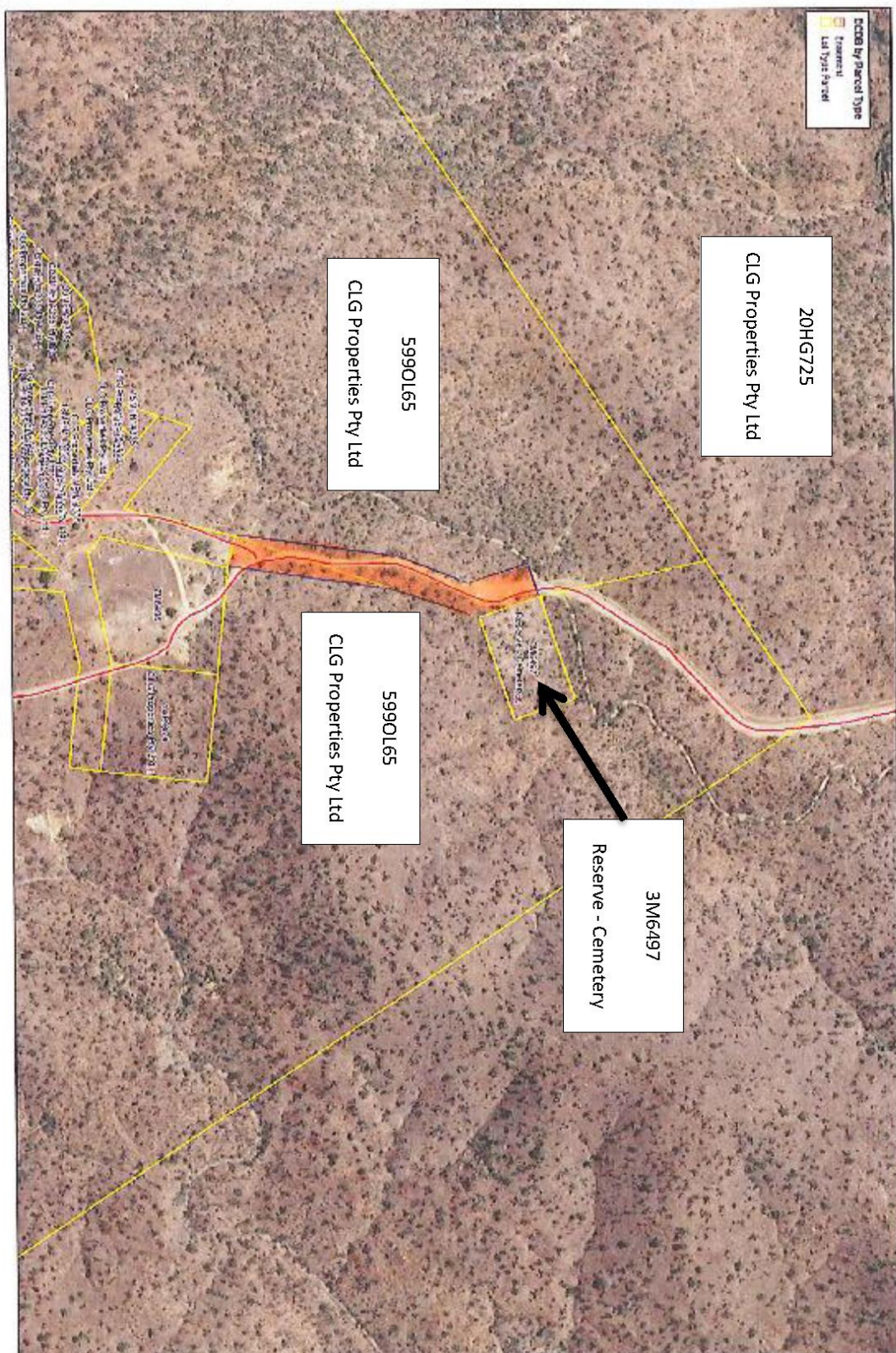


Figure 7 - Proposed Road Opening to Mt Mulligan Cemetery







Figure 10 - The Smelter Access

ITEM-23

MAREEBA SWIMMING POOL AND KURANDA AQUATIC CENTRE LEASE

MEETING: Ordinary

MEETING DATE: 15 March 2017

REPORT OFFICER'S
TITLE: Manager Technical Services

DEPARTMENT: Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

Council at its meeting held on 21 September 2016 considered a report which recommended the approval of a non-conforming tender from June and Sydney Cotter trading as Cotters Aquatic Swim and Fitness to lease both the Mareeba Swimming Pool and Kuranda Aquatic Centre. In the original report (copy attached) the amounts that were tendered were shown as being inclusive of GST which was contrary to the details included in the supporting documentation. This report now shows the amounts, as tendered, excluding GST. These figures will be included in the new lease document between Council and the successful tenderer.

OFFICER'S RECOMMENDATION

"That Council approve the non-conforming tender and proposed entrance fees (outlined in Attachment B of this report) submitted by June and Sydney Cotter T/A Cotter's Aquatic Swim and Fitness to:

1. lease the Mareeba Pool for \$13,000 (excluding GST) for the first year with additional CPI increases for the remaining two (2) years;
2. manage the Kuranda Aquatic Centre where Council provide an amount of \$65,000 (excluding GST) for the first year with additional CPI increases for the remaining two (2) years.”

BACKGROUND

The recommendation (above) reflects the prices submitted by the successful tenderer for the operation of both pool facilities. When processing payments either to or from the successful tenderer, GST will be added to those amounts respectively.

LINK TO CORPORATE PLAN

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

CONSULTATION*Internal*

Chief Executive Officer
Manager Technical Services
Senior Facilities Officer

External

Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

\$6,500 additional operating expenses will be incurred (payment to successful tenderer/lessee) due to GST component being noted as included in original resolution for payment of management fee of Kuranda Aquatic Centre.

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

When Council approved (at its meeting held on 21 September 2016) the non-conforming tender relevant to the payment to the Lessee for operation of the Kuranda Aquatic Centre, there was no provision in the 2016/2017 Budget to cater for the substantial increase in payment. In order to accommodate for the additional \$6,500, being the GST component, it will be necessary to reallocate funds within the relevant facilities' budget.

IMPLEMENTATION/COMMUNICATION

Lease document will be amended to reflect the changes in payment figures prior to execution by the Lessee and Council.

ATTACHMENTS

1. Attachment B - Non-conforming Tender Submission - June and Sydney Cotter;
2. Report to Council Meeting on 21 September 2016 (ECM DSID: 3203100).

Date Prepared: 28 February 2017

Attachment B

June and Sydney Cotter Tender Submitted - Non Conforming

Mareeba - Annual Rental Tendered

SUBMITTED BY	YEAR	TENDER OFFER PER ANNUM RENTAL (Exclusive of GST)
June and Sydney Cotter Trading as Cotters Aquatic Swim and Fitness	Year 1	\$13,000
	Year 2	\$13,000 + CPI
	Year 3	Total Year 2 + CPI

Mareeba - Details of Fees Proposed

SUBMITTED BY COTTERS	CURRENT FEE Per Person	PROPOSED FEE Per Person
Entrance - Adults	\$3.50	\$3.80
Entrance Children 2 to 15 years and Pensioners	\$2.50	\$2.50
Pensioners	\$2.50	\$2.80
Spectators and Children to 2 years	\$1.50	\$1.00

Kuranda - Annual Management Fee

SUBMITTED BY	YEAR	ANNUAL MANAGEMENT FEE (Exclusive of GST)
June and Sydney Cotter Trading as Cotters Aquatic Swim and Fitness	Year 1	\$65,000
	Year 2	\$65,000 + CPI
	Year 3	Year 2 + CPI

Kuranda - Details of Fees Proposed

SUBMITTED BY COTTERS	CURRENT FEE Per Person	PROPOSED FEE Per Person
Entrance - Adults	\$3.50	\$3.80
Entrance Children 2 to 15 years and Pensioners	\$2.50	\$2.50
Pensioners and Seniors	\$2.50	\$2.80
Spectators and Children under 2 years	\$1.50	\$1.00
Family	\$9.50	\$9.50

Mareeba Shire Council

OFFICER'S REPORT

SUBJECT: MAREEBA SWIMMING POOL LEASE AND MANAGEMENT
OF THE KURANDA AQUATIC CENTRE

MEETING: Ordinary

MEETING DATE: 21 September 2016

**REPORT OFFICER'S
TITLE:** Project Manager Building

DEPARTMENT: Infrastructure Services, Project Management

EXECUTIVE SUMMARY

The current lease for the Mareeba Swimming Pool and the Kuranda Aquatic Centre expired on 1 September 2016.

A public invitation to tender was advertised in the Cairns Post, Tablelands Advertiser and The Mareeba Express for suitable qualified persons to tender an annual rental price including proposed entrance fees over a three (3) year period for the Mareeba Swimming Pool and the Kuranda Aquatic Centre.

The compulsory site meeting at both pools was attended by representatives of two (2) interested groups with council receiving only one (1) tender submission from June and Sydney Cotter T/A Cotter's Aquatics Swim and Fitness.

June and Sydney Cotter lodged two (2) tenders, one (1) conforming tender (refer Attachment A) and one (1) non-conforming tender (refer Attachment B).

OFFICER'S RECOMMENDATION

"That Council approve the non-conforming tender and proposed entrance fees (outlined in Attachment B of the report) submitted by June and Sydney Cotter T/A Cotter's Aquatic Swim and Fitness to;

1. lease the Mareeba Pool for \$14,300 (inclusive of GST) for the first year with additional CPI increases for the remaining two (2) years.
2. manage the Kuranda Aquatic Centre where Council provide an amount of \$65,000 (inclusive of GST) for the first year with additional CPI increases for the remaining two (2) years."

BACKGROUND

A public invitation to tender was advertised in the Cairns Post, Tablelands Advertiser and The Mareeba Express for suitable qualified persons to tender an annual rental price including proposed entrance fees over a three (3) year period for the Mareeba Swimming Pool and the Kuranda Aquatic Centre.

2

The compulsory site meeting at both pools was attended by representatives of two (2) interested groups, June and Sydney Cotter T/A Cotter's Aquatics Swim and Fitness and Belgravia Leisure which currently operate the new Tobruk Pool at Cairns; however Council only received the one (1) tender from June and Sydney Cotter.

June and Sydney Cotter T/A Cotter's Aquatics Swim and Fitness have leased the Mareeba Swimming Pool for the previous eight (8) years and have managed the Kuranda Aquatic Centre for the previous three (3) years.

The Mareeba Pool is currently operated as a lease agreement with Council and the Kuranda Aquatic Centre is operated under a management agreement with Council where financial assistance from Council is provided to operate the centre.

Attached to the report (refer Attachment C) is a detailed list of responsibilities for the Trustee and the Trustee Lessee for the maintenance type, supply and delivery of services / consumables and equipment used for the maintenance of the pools, buildings and surrounding lawns and gardens.

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 Infrastructure Services
Senior Facilities Officer
Budget Officer

External

June and Sydney Cotter
Belgravia Leisure

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

3

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. Attachment A - Conforming Tender Submission - June and Sydney Cotter;
2. Attachment B - Non-conforming Tender Submission - June and Sydney Cotter;
3. Attachment C - Detailed list of responsibilities for the Trustee and the Trustee Lessee.

Date Prepared: 7 September 2016

Attachment A

June and Sydney Cotter Tender Submitted - Conforming

Mareeba - Annual Rental Tendered

SUBMITTED BY	YEAR	TENDER OFFER PER ANNUM RENTAL (Exclusive of GST)
June and Sydney Cotter Trading as Cotters Aquatic Swim and Fitness	Year 1	\$13,000 (ex GST)
	Year 2	\$13,000 (ex GST) + CPI
	Year 3	Total Year 2 + CPI

Mareeba - Details of Fees Proposed

SUBMITTED BY COTTERS	CURRENT FEE Per Person	PROPOSED FEE Per Person
Entrance - Adults	\$3.50	\$3.80
Entrance Children 2 to 15 years and Pensioners	\$2.50	\$2.50
Pensioners	\$2.50	\$2.80
Spectators and Children to 2 years	\$1.50	\$1.00

Kuranda - Annual Rental Tendered

Nil - No Annual Rental Tender Submitted.

Kuranda - Details of Fees Proposed

SUBMITTED BY COTTERS	CURRENT FEE Per Person	PROPOSED FEE Per Person
Entrance - Adults	\$3.50	\$3.80
Entrance Children 2 to 15 years and Pensioners	\$2.50	\$2.50
Pensioners	\$2.50	\$2.80
Spectators and Children to 2 years	\$1.50	\$1.00
Family	\$9.50	\$9.50

Attachment B

June and Sydney Cotter Tender Submitted - Non Conforming

Mareeba - Annual Rental Tendered

SUBMITTED BY	YEAR	TENDER OFFER PER ANNUM RENTAL (Exclusive of GST)
June and Sydney Cotter Trading as Cotters Aquatic Swim and Fitness	Year 1	\$13,000
	Year 2	\$13,000 + CPI
	Year 3	Total Year 2 + CPI

Mareeba - Details of Fees Proposed

SUBMITTED BY COTTERS	CURRENT FEE Per Person	PROPOSED FEE Per Person
Entrance - Adults	\$3.50	\$3.80
Entrance Children 2 to 15 years and Pensioners	\$2.50	\$2.50
Pensioners	\$2.50	\$2.80
Spectators and Children to 2 years	\$1.50	\$1.00

Kuranda - Annual Management Fee

SUBMITTED BY	YEAR	ANNUAL MANAGEMENT FEE (Exclusive of GST)
June and Sydney Cotter Trading as Cotters Aquatic Swim and Fitness	Year 1	\$65,000
	Year 2	\$65,000 + CPI
	Year 3	Year 2 + CPI

Kuranda - Details of Fees Proposed

SUBMITTED BY COTTERS	CURRENT FEE Per Person	PROPOSED FEE Per Person
Entrance - Adults	\$3.50	\$3.80
Entrance Children 2 to 15 years and Pensioners	\$2.50	\$2.50
Pensioners and Seniors	\$2.50	\$2.80
Spectators and Children under 2 years	\$1.50	\$1.00
Family	\$9.50	\$9.50

Attachment C

Maintenance Type - Consumables - Equipment Mareeba and Kuranda	Responsibility Trustee Lessee	Responsibility- Trustee Mareeba Shire Council
Mowing all lawns and keeping the same neat and tidy including inside the perimeter fence lines	<input checked="" type="checkbox"/>	
Weeding all gardens and landscaped areas	<input checked="" type="checkbox"/>	
Keep free from mould and lime build up all concreted, tiled and/or paved footpaths	<input checked="" type="checkbox"/>	
Telephone usage charges	<input checked="" type="checkbox"/>	
Telephone rental charges		<input checked="" type="checkbox"/>
Plant and Equipment - Clean and tidy and in good order	<input checked="" type="checkbox"/>	
Plant and Equipment - Repair all plant and equipment unless damage is caused by negligent or wilful conduct from the Trustee Lessee		<input checked="" type="checkbox"/>
Retractable Sail Shade Mareeba 50 meter pool - Operation, maintenance, removal and installation		<input checked="" type="checkbox"/>
Fixed Sail Shade wading pool Mareeba and Kuranda - Maintenance, removal and installation		<input checked="" type="checkbox"/>
Cleaning equipment (e.g. pool vacuums) supplied and maintained		<input checked="" type="checkbox"/>
Supply of tools, brooms, brushes, hoses, disinfectants, soaps and cleaners required for use on the premises		<input checked="" type="checkbox"/>
Pool blankets - supplied and maintained		<input checked="" type="checkbox"/>
Chlorination and disinfection of water to be used in both Mareeba and Kuranda pools	<input checked="" type="checkbox"/>	
Record of operations and use of chemicals	<input checked="" type="checkbox"/>	
Rescue equipment - Supply and maintain		<input checked="" type="checkbox"/>
Licences and Permits - Obtain, maintain, renew	<input checked="" type="checkbox"/>	
Annual report	<input checked="" type="checkbox"/>	
Security	<input checked="" type="checkbox"/>	
Emptying and filling pools	<input checked="" type="checkbox"/>	
Supply of chemicals and gases for pool chlorination and disinfection		<input checked="" type="checkbox"/>
Kiosk - Repair or replace all broken, cracked or damaged plate glass or other glass, doors, locks, frames and windows	<input checked="" type="checkbox"/>	
Toilets/Shower- damage to toilets/showers and associated fittings and equipment	<input checked="" type="checkbox"/>	
Pool heating systems - service and maintain		<input checked="" type="checkbox"/>
Rodents and Vermin - maintain and clear rodents, termites, cockroaches and other vermin	<input checked="" type="checkbox"/>	
Rubbish removal and sanitary collection service		<input checked="" type="checkbox"/>
Water - All water consumed or used in connection with the operation of the Premises		<input checked="" type="checkbox"/>
Electricity - Mareeba		<input checked="" type="checkbox"/>
Electricity- Kuranda other than pool heating	<input checked="" type="checkbox"/>	
Structural Repairs - Pools/ Buildings Trustee owned infrastructure		<input checked="" type="checkbox"/>

PROVISION OF EQUIPMENT BY TRUSTEE

The Trustee shall supply and maintain the following plant and equipment necessary to maintain the grounds and other internal areas at the Premises.

Plant/ Equipment	Mareeba	Kuranda
Public address system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Backstroke poles and flags	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Starting blocks (removable)		<input checked="" type="checkbox"/>
Lane rope reels x 2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Storage shed x 2		<input checked="" type="checkbox"/>
Lap clock	2 x <input checked="" type="checkbox"/>	1 x <input checked="" type="checkbox"/>
Defibrillator		1 x <input checked="" type="checkbox"/>
Public notice board		1 x <input checked="" type="checkbox"/>
Oxy Viva		1 x <input checked="" type="checkbox"/>
Spinal board	1 x <input checked="" type="checkbox"/>	1 x <input checked="" type="checkbox"/>
First Aid Table		1 x <input checked="" type="checkbox"/>
Leaf blower	1 x <input checked="" type="checkbox"/>	
Push lawnmower	1 x <input checked="" type="checkbox"/>	1 x <input checked="" type="checkbox"/>
Brush cutter	1 x <input checked="" type="checkbox"/>	1 x <input checked="" type="checkbox"/>
Edge Trimmer	1 x <input checked="" type="checkbox"/>	

WATER & WASTE

ITEM-24 CONTRACTURAL MATTER - REGIONAL REMOVAL & BENEFICIAL REUSE OF BIOSOLIDS

MEETING: Ordinary Meeting

MEETING DATE: 15 March 2017

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

DEPARTMENT: Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

The Far North Queensland Regional Organisation of Councils (FNQROC) invited suitably qualified suppliers to tender for the collection and beneficial reuse of biosolids for the following Councils across the FNQROC region:

- *Mareeba Shire Council (MSC)*
- *Cassowary Coast Regional Council (CCRC)*
- *Cook Shire Council (CSC)*
- *Douglas Shire Council (DSC)*
- *Cairns Regional Council (CRC)*
- *Tablelands Regional Council (TRC)*
- *Yarrabah Aboriginal Shire Council (YASC)*

In addition, suppliers were invited to tender for the dewatering and removal of sludge stored in lagoons at Gordonvale by Cairns Regional Council and Yarrabah by Yarrabah Aboriginal Shire Council.

The intent of the contract is to provide a safe and effective biosolids and sludge removal and beneficial reuse service to the region, which provides consistency, efficiencies and savings to all participating Councils and economies of scale opportunities to the successful contractor.

The invitation received three submissions which were evaluated by the Tender Evaluation Committee.

Arkwood (Gloucester) Pty Ltd are recommended for the contract as they provided the most competitive offering both in terms of value for money and the provision of a service that was considered suitable by all participating Councils.

The tendered rates provide cost benefit for participating Councils, with an improvement in the price per tonne on the previous contract price and simplified pricing together with an efficient and effective service to the region enabled by the provision of centralised contracts administration.

Whilst there are a number of Councils involved in the collective offer to the market, each Council will have an individual contract with the selected supplier as FNQROC does not have formal delegated authority to contract on behalf of Councils.

OFFICER'S RECOMMENDATION

"That Council:

1. Award Contract FNQ009 Regional Removal & Beneficial Reuse of Biosolids to Arkwood (Gloucester) Pty Ltd based on the schedule of rates provided for three (3) years from 1 July 2017 to 30 June 2020 with the option to extend for two (2) x 12 months;
2. Delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with these arrangements.

BACKGROUND

Biosolids are treated sewage sludges and are the major by-product of the waste water treatment process. When treated and managed appropriately they can be beneficially used for a number of purposes. Councils Wastewater Treatment Plants produce biosolids that meet the stabilisation criteria for beneficial reuse and require these biosolids, together with the sludge stored in lagoons at Gordonvale and Yarrabah, to be regularly removed, treated and disposed.

In 2015 the Far North Queensland Regional Water Alliance (previously FNQWRAP) identified the removal and beneficial reuse of biosolids as a potential procurement improvement opportunity for Councils as there was only one supplier actively working in the region who was willing and able to provide the full service required.

The aggregation of regional volumes and collective scheduling was identified as potentially enabling both Councils and Supplier to benefit from economies of scale and improved efficiency. It was also hoped that a collective arrangement would encourage additional suppliers into the region and an increase in farms currently licensed for beneficial reuse. In addition, it was anticipated that the formation of one collective tender with individual contracts managed centrally would lessen the administrative burden on Councils and facilitate best practice across the region.

There is a financial cost saving benefit for Council in accepting this tender, currently the costs for removal and disposal of Biosolids is in the vicinity of \$120.00 per tonne. Arkwood's tendered price is \$60.00 per tonne, a saving to Council of around \$60.00 per tonne.

The Request for Tender opened on Monday, 12 September 2016, a tender briefing took place on Monday, 26 September and the tender closed on Friday, 4 November 2016.

COMMENT:

Following extensive market consultation submissions were received from the following:

1. Arkwood (Gloucester) Pty Ltd
2. Conhur Pty Ltd
3. Shark Recyclers Pty Ltd

All submissions were deemed to be conforming.

The submissions were evaluated against the following criteria by the evaluation panel.

1. Relevant experience and details of personnel to be involved
2. Tenderer's resources
3. Work procedures and methodology
4. Local business
5. Value for money

Recommended Respondent: Arkwood (Gloucester) Pty Ltd

Two (2) of the three (3) Contractors scored relatively consistently to each other against criteria one (1) to four (4) which is 70% of the available weighting. 30% was available for criteria five (5), value for money.

Arkwood (Gloucester) Pty Ltd provided by far the most competitive quote for participating Councils and the quoted rates provided cost benefit to all participating Councils.

Whilst Conhur Pty provided the next most competitive quote, its rates were not nearly as competitive as Arkwood.

Shark Recyclers Pty Ltd tender submission scored the least well in both the non-price and price evaluation criteria and was therefore considered to be the least competitive of the quotes provided.

OPTIONS:

1. Council resolves to award Contract FNQ009, Regional Collection & Beneficial Reuse of Biosolids to Arkwood (Gloucester) Pty Ltd for a 3 year period commencing 1 July 2016 with the option to extend by a further 2 x 12 months.
2. Council resolves not to award Contract FNQ009, Regional Collection & Beneficial Reuse of Biosolids but resolves to explore alternative options.

CONSIDERATIONS:**Risk Management:****Contractor**

Arkwood (Gloucester) Pty Ltd is an established company with sound capability and a proven work history. Arkwood have previously provided the service to Councils in the region for a number of years.

FNQROC Procurement Coordinator

The adherence by the Contractor to the overall delivery of the contract is overseen by the FNQROC Procurement Coordinator on behalf of participating Councils by FNQROC.

LINK TO CORPORATE PLAN

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

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

Supervisor Treatment Operations
Engineer Water and Waste
Senior Environmental Advisor

External

FNQROC

FNQRWA – Far North Queensland Regional Water Alliance
FNQROC Procurement
Member Council Water & Waste Council Officers

Biosolids contractors
Farmers

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

- Local Government Act 2009
- Local Government Regulation 2012

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Yes

Is the expenditure noted above included in the 2017/2018 budget?
Yes

IMPLEMENTATION/COMMUNICATION

Open tender process

ATTACHMENTS

1. FNQ009 - Final Agreed Pricing and Terms (Arkwood)

Date Prepared: 27 February 2017

Description	Unit	Cairns Regional Council	Cassowary Coast Regional Council	Cook Shire Council	Douglas Shire Council	Mareeba Shire Council	Tablelands Regional Council	Yarrabah Aboriginal Shire Council
Beneficial Reuse inc Springmount	Per Tonne	\$ 59.07	\$ 61.84	\$ 91.23	\$ 70.25	\$ 60.00	\$ 82.95	\$ 37.65
Material Unsuitable for Reuse	Per Tonne	\$ 107.30	\$ 119.38	\$ 151.18	\$ 118.52	\$ 108.21	\$ 130.29	\$ 116.80
ARRT	Per Tonne	\$ 19.90						
Mobilisation/Demobilisation for Dewatering	Lump Sum	\$ 9,600.00						
Mobile centrifuge dewatering	Per m3 at 2.5% solids feed	\$ 11.85						\$ 9,600.00
								\$ 11.85

**ITEM-25 TENDER EVALUATION TMSC2017-02 HASTIE ROAD
SEWER RISING MAIN****MEETING:** Ordinary Meeting**MEETING DATE:** 15 March 2017**REPORT AUTHOR/
OFFICER'S TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

The Hastie Road Sewer Rising Main Project will see the design and construction and installation, commissioning new pumps to the Amaroo and Yarrabee sewerage pump stations and new 300mm rising main from Yarrabee Close along Hastie Road, underneath the Barron River connecting to the existing Lloyd Street manhole to service new properties and planned new subdivision.

This project is fully funded through the Queensland State Government's Work for Queensland (W4Q) funding program.

Tenders for TMSC2017-02 Hastie Road Sewer Rising Main Project closed at 11:00am Tuesday, 28 February 2017 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 TMSC2017-02 Hastie Road Sewer Rising Main to BJS Plumbing & Civil Contracting for a total value of \$623,853.00 (exclusive of GST)."

BACKGROUND

This project will be to design and construct sewer rising mains to increase the capacity of the sewer trunk mains required for fast growing prime residential areas of town.

The upgrade of the sewer network capacity at Hastie Road is a critical infrastructure project that will provide pre-requisite wastewater services to enable new subdivisions and expansion of a retail and medical precinct. The wastewater network is already reaching capacity and larger pipes and pump station upgrades are essential to prevent sewage overflows and environmental licence breaches.

The project is fully funded by the Queensland State Government through the Works for Queensland Program (W4Q).

The project will see the supply, installation and commissioning of new pumps to the Amaroo and Yarrabee sewerage pump stations and new 300mm rising main from Yarrabee Close, along Hastie Road, underneath the Barron River connecting to the existing Lloyd Street manhole to service new properties and planned new subdivision.

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

Tenderer	Price (ex GST)	Price (incl GST)
JR & LM Trackson Pty Ltd	\$761,326.17	\$837,458.79
Far North Plumbing	\$799,720.00	\$879,692.00
Gregg Constructions Pty Ltd	\$1,250,648.75	\$1,375,713.63
Northern Civil Earthworks Pty Ltd	\$636,550.00	\$700,205.00
BJS Plumbing & Civil Contracting	\$623,853.00	\$686,238.30
FGF Developments	\$759,750.10	\$835,725.11
Koppen Construction	\$1,285,415.50	\$1,413,957.05
HEH	\$843,302.00	\$927,632.20
LDI Constructions	\$766,639.00	\$843,302.90

Tenders were assessed on the following criteria and weightings:

Tender Price	40%
Experience	20%
Key Personal	10%
Resources	10%
Understanding	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 10.

Scoring of the tenderers for this contract resulted in the following (scores out of 10):

Tenderer	Score
JR & LM Trackson Pty Ltd	7
Far North Plumbing	8
Gregg Constructions Pty Ltd	9
Northern Civil Earthworks Pty Ltd	5
BJS Plumbing & Civil Contracting	1
FGF Developments	2
Koppen Construction	6
HEH	4
LDI Constructions	3

The highest scoring tenderer, BJS Plumbing and Civil Contracting, is an Atherton Tablelands based contractor with local experience in similar civil construction on water and wastewater reticulation projects. BJS Plumbing and Civil Contracting completed the Barang Street Rising Main Project in Kuranda for Mareeba Shire Council in 2014.

BJS Plumbing and Civil Contracting tendered a construction program showing the work being completed within 26 weeks of contract award, with 6 weeks construction on-site. BJS Plumbing and Civil Contracting supplied a logical, works methodology statement detailing how the work will be undertaken.

The scoring reflects the opinion that BJS Plumbing and Civil Contracting offers Council the best value for money, background, experience, skill and methodology to satisfactorily meet the requirements for construction of the Hastie Road Sewer Main and sewer pump station pump upgrades at Yarrabee and Amaroo pumping stations.

The tendered price from BJS Plumbing and Civil Contracting is within the available funding for the project.

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

Supervisor Reticulation Services
Water and Waste Engineer
Contracts & Project Management Officer
Water and Waste Operational Staff

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Fully funded through the Works for Queensland Program (W4Q).

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: 8 March 2017

BUSINESS WITHOUT NOTICE

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 19 April 2017

APPENDIX - FOR INFORMATION

SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF FEBRUARY 2017

Summary of new Planning Development Applications and Delegated Decisions for February 2017

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
DA/17/0002	7/2/2017	A Muis 61 Masons Road, Kuranda	Lot 1 on RP745448	Reconfiguring a Lot - Subdivision (1 into 2 lots)	Approved on 2 March 2017.
DA/17/0003	9/2/2017	K Smith 74 Mines Road, Mareeba	Lot 1 on RP711038	Reconfiguring a Lot - Subdivision (1 into 2 lots)	In decision making stage.

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
DA/16/0065	9/2/2017	Reever and Ocean Pty Ltd	Barnwell Road, Kuranda	Lot 22 on N157227	Material Change of Use - Animal Keeping

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
DA/14/0056	2/2/2017	D Holloway	Mulligan Highway, Bibbohra	Lot 300 on SP223154	Reconfiguring a Lot - Subdivision (1 into 2 lots) - extension of one (1) year to 27 January 2018.

February 2017 (Regional Land Use Planning)

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
DA/16/0032	2/2/2017	C Murie	Black Mountain Road & Shiva Close, Kuranda	Lot 4 on RP726331	2 lots
DA/16/0044	6/2/2017	A & V Henderson and A Smith & Z Cowe	Euluma Creek Road, Julatten	Lot 105 on SP273723 & Lot 207 on SP146122	Boundary Realignment
REC/09/0033	21/2/2017	L & A Gostelow	21 Damien Street, Mareeba	Lot 8 on SP206329	2 lots

February 2017 (Regional Land Use Planning)