



Ordinary Meeting

Council Chambers

Date: 12 October 2016

Time: 9:00am

AGENDA

THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON **WEDNESDAY, 12 OCTOBER 2016** AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS
CHIEF EXECUTIVE OFFICER

ORDER OF BUSINESS

MEMBERS IN ATTENDANCE

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BEREAVEMENTS/CONDOLENCES

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

ITEM-1 **PJ GIBBS - RECONFIGURING A LOT - SUBDIVISION (1 INTO 4 LOTS) LOT 17 SP219912 - 244 KANERVO ROAD, KOAH - DA/15/0045**

MEETING: Ordinary

MEETING DATE: 12 October 2016

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

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	PJ Gibbs	ADDRESS	244 Kanervo Road, Koah
DATE LODGED	23 September 2015	RPD	Lot 17 on SP219912
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 4 lots)		

FILE NO	DA/15/0045	AREA	19.4247 hectares
LODGED BY	Flanagan Consulting Group	OWNER	PJ Gibbs
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	N/A - Code assessment only		

ATTACHMENTS: 1. Proposal Plan/s
 2. Department of Infrastructure, Local Government and Planning Referral Agency Response dated 26 September 2016

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The applicant proposes the subdivision of the 19.43 hectare site into four (4) allotments ranging in size from 3.7 hectares to 6.3 hectares. Each lot will front Kanervo Road and back onto either Davies Creek or Clohesy River.

The application and supporting material has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy, and the Mareeba Shire Planning Scheme 2004 (including codes and policies) and is in conflict with provisions contained within the Planning Scheme Part 4 Division 14 - Rural Zone Code.

With the largest of the four (4) lots having an area of just 6.3 hectares, the proposed subdivision will create lots significantly smaller than the planning scheme's desired minimum reconfigured lot size of 30 hectares (where not GQAL). Despite the Kanervo Road area having limited agricultural activity, the proposed subdivision conflicts with an overall intent of the Rural Zone as it would result in further fragmentation of rural land, the ad hoc creation of three (3) additional rural lifestyle allotments, and an increase in dwelling densities within the Rural zone.

Council officers have not identified sufficient planning grounds to justify an approval despite these conflicts.

It is recommended that the application be refused.

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	PJ Gibbs	ADDRESS	244 Kanervo Road, Koah
DATE LODGED	23 September 2015	RPD	Lot 17 on SP219912
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 4 lots)		

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

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

(A) REFUSED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 4 Lots)

(B) ASSESSMENT MANAGER'S REASONS FOR REFUSAL:

1. The proposed development is in conflict with Part 4, Division 14, Overall Outcomes for Rural Zone Code:

To achieve an area:

- (b) *where agricultural production and the raising of animals are protected from incompatible land uses*
 - (f) *that excludes residential uses unless these uses are primarily ancillary and necessary to agricultural uses;*
2. The proposed development is in conflict with Part 4, Division 14, 4.80 of the Rural Zone code:

Reconfiguring a Lot

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

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

3. The proposed development is in conflict with land use policies 2.4.1, 2.6.1, 2.6.2 5.4.2 and 5.4.3 of the Far North Queensland Regional Plan 2009-2031.
4. That there are not sufficient grounds to justify approval of the application, despite the identified conflicts."

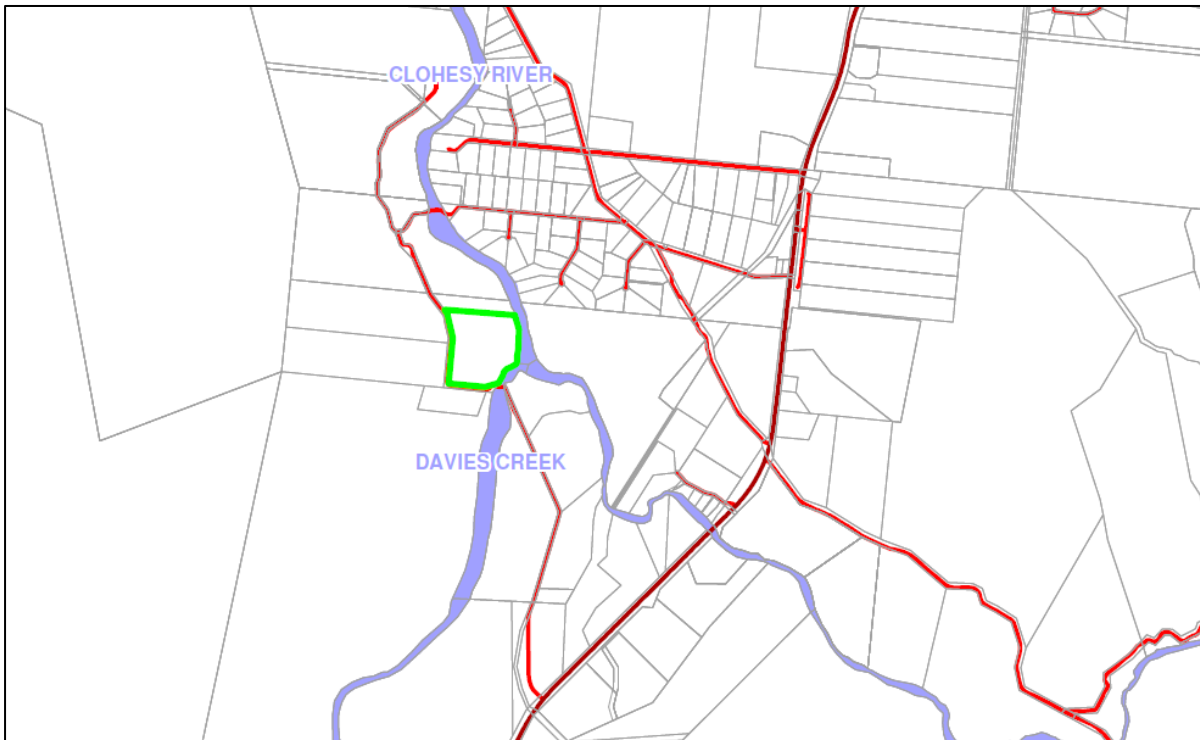
THE SITE

The subject site is situated at 244 Kanervo Road, Koah, and is described as Lot 17 on SP219912. The site is generally regular in shape with a total area of 19.4247 hectares and is zoned *Rural* under the Mareeba Shire Planning Scheme 2004. The site contains approximately 826 metres of frontage to Kanervo Road which is constructed to a formed gravel standard for the entire frontage. Access is currently gained via a single gravel crossover along the sites southern boundary.

The site is improved by a dwelling house and ancillary outbuildings (sheds) clustered along the southern boundary of the site as well as a number of horse paddock shelters in the north-west corner of the site.

The site is predominately cleared with the exception of riparian strip spanning the eastern boundary of the site and into a gully area behind the dwelling. The site drains to the east down to both Davies Creek and Clohesy River with the junction of the two (2) watercourses situated immediately to the east of the site.

All immediate surrounding allotments are zoned Rural and are predominately used for rural lifestyle purposes including some small fruit orchards and livestock grazing. A large rural residential estate exists to the north-east of the site on the opposite side of the Clohesy River, accessed via Koah Road.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

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

The applicant proposes the subdivision of the 19.43 hectare site into 4 allotments ranging in size from 3.7 hectares to 6.3 hectares as follows:

- Proposed Lot 1 - area of 3.7 hectares, frontage of approx. 463 metres to Kanervo Road;
- Proposed Lot 2 - area of 6.3 hectares, frontage of approx. 133 metres to Kanervo Road;
- Proposed Lot 3 - area of 4.7 hectares, frontage of approx. 113 metres to Kanervo Road; and
- Proposed Lot 4 - area of 4.7 hectares, frontage of approx. 116 metres to Kanervo Road.

Proposed Lot 1 will contain the majority of the sites existing improvements including the dwelling, while proposed Lot 4 will contain a number of small horse stables/shelters.

The applicant has stated that each lot can be provided with a telecommunications and electricity connection and each lot will have riparian rights to either Davies Creek or Clohesy River for domestic water supply. All lots are of a size and shape that could easily accommodate on-site domestic wastewater disposal.

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	No Designation (Rural)
Zone:	Rural zone
Preferred Area/Precinct:	Preferred Area No 3 - Clohesy River Area
Overlays:	Natural Disaster - Bushfire Overlay

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

Assessment against the Regional Plan is required because the plan is not reflected in the planning scheme. The following Desired Regional Outcome Land Use Policies are relevant to the assessment of the application:

DRO 1.1 Biodiversity Conservation			
Land Use Policy		Complies	Comments
1.1.1	Urban development within the regional landscape and rural production area is located outside of areas of high ecological significance (see map 3).	✓	<p>With the exception of the sites Davies Creek/Clohesy River riparian areas, the majority of each of the four proposed lots are not mapped as containing terrestrial/wetland areas of high/general ecological significance.</p> <p>Conditions imposed by the Department of Infrastructure, Local Government and Planning as a Concurrence Agency for the application limit clearing permitted within these mapped riparian areas.</p>
1.1.3	Urban development adjacent to areas of high ecological significance (see map 3) is located, designed, operated and setback to avoid adverse impacts on the area's ecological values.	✓	<p>With the exception of the sites Davies Creek/Clohesy River riparian areas, the majority of each of the four proposed lots are not mapped as containing terrestrial/wetland areas of high/general ecological significance.</p> <p>Conditions imposed by the Department of Infrastructure, Local Government and Planning as a Concurrence Agency for the application limit clearing permitted within these mapped riparian areas.</p>
1.1.4	Urban development in or adjacent to areas of general ecological significance (see map 3) is located, designed and operated to avoid or, where avoidance is not possible, minimise any adverse impacts on ecological values where possible.	✓	<p>With the exception of the sites Davies Creek/Clohesy River riparian areas, the majority of each of the four proposed lots are not mapped as containing terrestrial/wetland areas of high/general ecological significance.</p> <p>Conditions imposed by the Department of Infrastructure, Local Government and Planning as a Concurrence Agency for the application limit clearing permitted within these mapped riparian areas.</p>

DRO 2.4 Primary Production & Fisheries			
Land Use Policy		Complies	Comments
2.4.1	Good quality agricultural land is protected from urban development outside the urban footprint.	×	<p>The subject site and immediate surrounding allotments are not mapped as Good Quality Agricultural Land (GQAL).</p> <p>Despite the marginal quality of the subject land for conventional agricultural uses (cropping, grazing), the creation of four additional 'rural lifestyle' allotment may constrain the future rural development options of the immediate surrounding area.</p> <p>The future development of intensive rural uses such as meat poultry farms and kennels are dependent on achieving separation distances from sensitive receptors (dwelling houses) which, will, in turn be made more difficult by the creation of three additional lots and the subsequent additional dwellings.</p>

DRO 2.6 Rural Subdivision			
Land Use Policy		Complies	Comments
2.6.1	Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.	×	<p>The proposed subdivision will result in the fragmentation of land within the RLRPA to create 4 allotments between 3.7 and 6.3 hectares in size (rural lifestyle allotments).</p> <p>Regardless of whether or not the existing lot is considered to be an economically viable size in terms of farming, fragmenting the site into 4 rural lifestyle lots will compromise any ability for the site to accommodate agriculture or agriculture - intensive uses in future.</p>

DRO 4.6 Rural Residential Development			
Land Use Policy		Complies	Comments
4.6.1	New rural residential development is located in rural living areas.	×	The proposed subdivision will create four rural lifestyle allotments outside the rural living area.

DRO 5.4 Primary Industries			
Land Use Policy		Complies	Comments
5.4.2	Threats to primary production from incompatible development are identified and managed through land use planning and where appropriate, by developer established buffers.	×	<p>The proposed development will create four rural lifestyle allotments and will subsequently increase dwelling densities within the rural zone.</p> <p>The future development of intensive rural uses such as meat poultry farms and kennels are dependent on achieving separation distances from sensitive receptors (dwelling houses) which will be made more difficult by the creation of the proposed additional lots and the subsequent additional dwelling houses.</p>
5.4.3	Potential conflict between primary industries and urban activities is managed through land use planning and, where appropriate, developer-established buffers.	×	<p>The proposed development will create four rural lifestyle allotments and will subsequently increase dwelling densities within the rural zone.</p> <p>The future development of intensive rural uses such as meat poultry farms and kennels are dependent on achieving separation distances from sensitive receptors (dwelling houses) which will be made more difficult by the creation of the proposed additional lots and the subsequent additional dwelling houses.</p>

DRO 7.1 Protection of Waterways, Wetlands and Water Quality			
Land Use Policy		Complies	Comments
7.1.1	Development is planned, designed, constructed and managed in accordance with best practice environmental management to protect environmental values and meet water quality objectives of the Environmental Protection Policy (Water) 1997 (EPP Water) for regional surface water, groundwater and wetlands.	✓	<p>Each proposed lot is of a size and shape that could accommodate an on-site domestic wastewater disposal system appropriately setback from either Davies Creek or Clohesy River.</p> <p>Any subsequent domestic water supply permitted to each lot from either Davies Creek or Clohesy River is not likely to detrimentally impact on the water quality objectives contained within Environmental Protection Policy (Water) 1997.</p>

(b) State Planning Policy

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

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

Queensland State Planning Policy		
State Interest	Complies	Assessment Requirements & Comments
Biodiversity A development application where the land relates to a matter of state environmental significance, if the application is for: <ul style="list-style-type: none"> (a) operational work, or (b) a material change of use other than for a dwelling house, or (c) reconfiguring a lot that results in more than six lots or lots less than five hectares. 	✓	Development: <ul style="list-style-type: none"> (1) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and (2) manages the significant adverse environmental impacts on matters of state environment significance by, in order of priority: <ul style="list-style-type: none"> (a) avoiding significant adverse environmental impacts, and (b) mitigating significant adverse environmental impacts where these cannot be avoided, and (c) where applicable, offsetting any residual adverse impacts. Comment The sites Davies Creek/Clohesy River riparian areas are mapped as MSES regulated Vegetation and MSES Regulated Vegetation (intersecting a watercourse). Conditions imposed by the Department of Infrastructure, Local Government and Planning as a Concurrence Agency for the application limit clearing permitted within the mapped MSES areas. Each proposed lot will contain ample space to accommodate future improvements outside these areas.
Natural hazards A development application for a material change of use, reconfiguring a lot or operational works on land within: <ul style="list-style-type: none"> (1) a flood hazard area, or (2) a bushfire hazard area, or (3) a landslide hazard area, or (4) a coastal hazard area. 	✓	For all natural hazards: Development: <ul style="list-style-type: none"> (1) avoids natural hazard areas or mitigates the risks of the natural hazard, and (2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and (3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and (4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and (5) maintains or enhances natural processes and the protective function of landforms and vegetation

		<p>that can mitigate risks associated with the natural hazard, and</p> <p>Comment</p> <p>The subject site is not mapped as being in a natural hazard area for landslide or coastal hazards.</p> <p>The eastern side of the site (Davies Creek/Clohesy River riparian area) is mapped as a flood hazard area. However, each proposed lot contains ample cleared and flat space outside the mapped flood hazard area for the siting of any future improvements.</p> <p>The sites mapped bushfire hazard risk to future development can be managed through appropriate conditions</p>
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(c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)

Relevant Development Codes

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

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

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

Relevant Codes	Comments
Rural Zone Code	<p>The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code apart from the following:</p> <ul style="list-style-type: none"> 4.80 Reconfiguring a Lot - Probable Solution PS1.2 <p>Refer to planning discussion section of the report.</p>
Natural Disaster - Bushfire Overlay Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Reconfiguring a Lot Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

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

Should Council approve the application against the officer recommendation, water supply can be satisfied by each lots riparian rights to either Davies Creek or Clohesy River.

No. 4 - Development Manual

The current carriageway width for Kanervo Road at the frontage of the site is approximately 4.5 metres wide and constructed to a formed gravel standard only.

The FNQROC Development Manual minimum standards for a rural road (<100 vehicle movements per day) is eight (8) metre formation width with 5.5 metre pavement width and 4.5 metre sealed width (two (2) coat bitumen seal).

Given the proposed lots are essentially rural lifestyle lots, should Council approve the application against the officer recommendation, it is recommended that the applicant/developer be responsible for the upgrade of Kanervo road to FNQROC Development Manual Standards, for the full frontage of the site.

REFERRALS

Concurrence

The application triggered referral to the Department of Infrastructure, Local Government and Planning as a Concurrence Agency (SARA - Clearing of Remnant Vegetation).

That Department advised in a letter dated 26 September 2016 that they require the conditions to be attached to any approval (**Attachment 2**).

Advice

This application did not trigger referral to an Advice Agency.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Noncompliance with the relevant overall outcomes and acceptable/probable solutions contained within the relevant development codes are summarised as follows:

The overall outcomes sought for the Rural Zone code are to achieve an area:

- (b) *where agricultural production and the raising of animals are protected from incompatible land uses;*

Comment

The rural zone is intended for agricultural and primary production purposes. Fragmenting rural allotments below the Planning Scheme's minimum lot size will generally lead to higher than anticipated dwelling densities within the rural zone, increasing the probability of land use conflict with bona fide rural uses.

The future development of intensive rural uses such as meat poultry farms and kennels are dependent on achieving separation distances from sensitive receptors (dwelling houses) which could be made more difficult by the creation of the proposed lots and the subsequent additional dwelling houses.

- The proposed development conflicts with Overall Outcome (b).
- (f) *that excludes residential uses unless these uses are primarily ancillary and necessary to agricultural uses;*

Comment

The rural zone is intended for agricultural and primary production purposes. Fragmenting rural allotments below the Planning Scheme's minimum lot size will lead to higher than anticipated dwelling densities within the rural zone, increasing the probability of land use conflict with bona fide rural uses.

The future development of intensive rural uses such as meat poultry farms and kennels are dependent on achieving separation distances from sensitive receptors (dwelling houses) which could be made more difficult by the creation of the proposed lots and the subsequent additional dwelling houses.

The proposed development conflicts with Overall Outcome (f).

4.80 Reconfiguring a Lot

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

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

Comment

The proposed subdivision will create four (4) rural lifestyle allotments (3.7 - 6.3 hectares) that are significantly smaller than the desired minimum resultant lot size of 30 hectares for land within the Rural zone (where not GQAL).

An overriding intention of the Planning Scheme is to minimise further fragmentation of agricultural land within the Rural zone and to maintain economically viable farm lots sizes. Although the subject site is not mapped as containing GQAL, and is of a size that puts in questions its viability as a farming property, the proposed development would still result in the fragmentation and dissipation of rural land and the ad-hoc creation of additional rural lifestyle allotments.

Although the subdivision may benefit the applicant, there is not considered to be any overriding benefit to the community as a result of the development. In fact, the development creates further opportunity for land use conflicts to occur and may further hinder the development of rural uses including animal husbandry-intensive uses which are dependent on separation distances only achievable within lesser developed rural areas.

The proposed development conflicts with PS1.2 and Specific Outcome S1.

Conclusion

An intention of both the Planning Scheme and the Regional Plan is to discourage the creation of additional rural lifestyle lots in rural areas, and the proposal is in conflict with this intention.

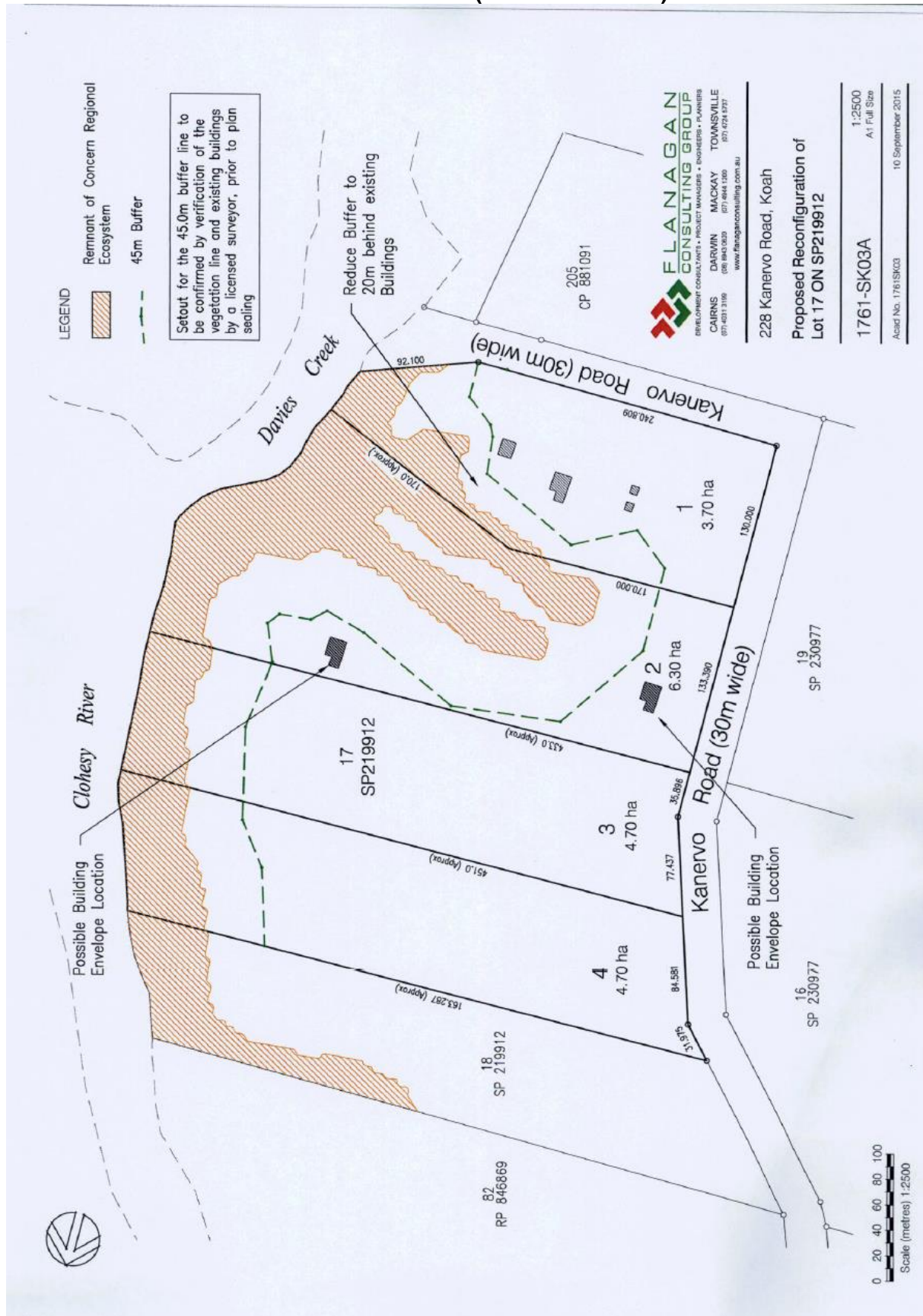
The proposed development is in conflict with both the Mareeba Shire Planning Scheme and the FNQ Regional Plan and sufficient planning grounds have not been identified to justify an approval, despite these conflicts.

It is therefore recommended that the application be refused.

Date Prepared: 30 September 2016

ATTACHMENT 1

PROPOSED PLANS (ECM VS 3716467)



ATTACHMENT 2

Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0216-028157
Your reference: DA/15/0045

26 September 2016

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

Att: Carl Ewin

Dear Sir

Concurrence agency response—with conditions

Development application for reconfiguration of a lot (1 lot into 4 lots) on land located at 244 Kanervo Road, Koah and described as Lot 17 on SP219912
(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 22 February 2016.

Applicant details

Applicant name:	Phyllis Jean Gibbs c/- Flanagan Consulting Group
Applicant contact details:	PO Box 891 Townsville Qld 4810 erin@flanaganconsulting.com.au

Site details

Street address:	244 Kanervo Road, Koah
Lot on plan:	Lot 17 on SP219912
Local government area:	Mareeba Shire Council

Application details

Proposed development:	Development permit for reconfiguration of a lot (1 lot into 4 lots)
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Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
Cairns QLD 4870

SDA-0216-028157

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	Reconfiguring of a Lot – 1 lot into 4 lots	Code Assessment

Referral triggers

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

Referral trigger **Schedule 7, Table 2, Item 4** — Clearing vegetation

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: Reconfiguration of lot				
Referral Agency Response Plan (RARP)	Queensland Government (Department of Natural Resources and Mines – SAK-j5269)	19/9/16	SDA-0216-028157	Map reference 8064

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

SDA-0216-028157

For further information, please contact Joanne Manson, Principal Planning Officer, SARA Far North QLD on 4037 3228 or email joanne.manson@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Tony Croke
A/Manager (Planning)

cc: Phyllis Jean Gibbs, c/- Flanagan Consulting Group, email: erin@flanaganconsulting.com.au

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

SDA-0216-028157

Our reference: SDA-0216-028157
 Your reference: 1761/02 (Council ref: DA/15/0045)

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Reconfiguration of a lot (1 lot into 4 lots)		
Schedule 7, Table 2, Item 4 – Clearing vegetation — Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The clearing of assessable vegetation is not permitted, except for the establishment of a 6m wide fire management line on the Northern boundary of each created lot, in the area identified as Area A (Parts A1-A3) on the attached Referral Agency Response Plan (RARP) SDA-0216-028157 dated 19 September 2016	At all times
2.	No infrastructure, including but not limited to, buildings, fences and roads is to be established or located within Area A (Parts A1-A3) as shown on the attached Referral Agency Response Plan (RARP) SDA-0216-028157 dated 19 September 2016	At all times
3.	No infrastructure except fences, roads and underground services is to be established or located within Area B (Part B1) as shown on the attached Referral Agency Response Plan (RARP) SDA-0216-028157 dated 19 September 2016	At all times
4.	The permit holder is responsible for ensuring that: (a) A full copy of the permit is held by; and (b) That the extent of the clearing authorised by this permit is properly understood by, Any person(s) engaged or employed to carry out the clearing of the vegetation under this permit.	At all times

SDA-0216-028157

Our reference: SDA-0216-028157
Your reference: 1761/02 (Council ref: DA/15/0045)

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure any future vegetation clearing works are carried out in the location and to the extent specified on the approved plan.
- To ensure the person undertaking the clearing works, is aware of, and understands, all of the requirements and conditions associated with the carrying out of the works.
- To ensure the development achieves the outcomes in 8.1 Queensland vegetation management state code in the State Development Assessment Provisions version 1.7.

SDA-0216-028157

Our reference: SDA-0216-028157
Your reference: 1761/02 (Council ref: DA/15/0045)

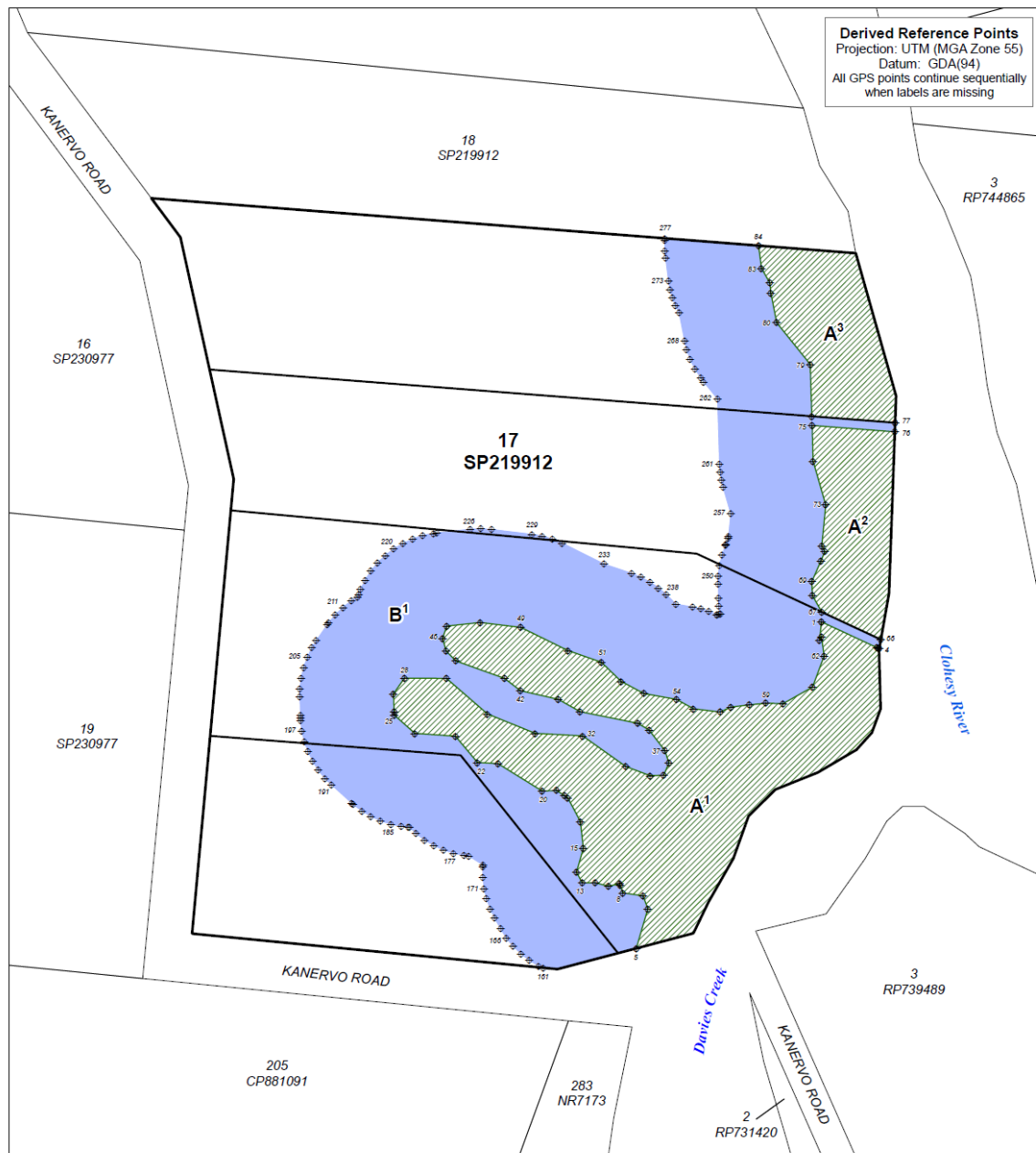
Attachment 3—Further advice

General advice	
State Planning Policy April 2016 interim development assessment provisions	
1.	Mareeba Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy April 2016, and in particular the interim development assessment provisions, such as Natural hazards, risk and resilience to the extent it is relevant to the proposed development.

SDA-0216-028157

Our reference: SDA-0216-028157
Your reference: 1761/02 (Council ref: DA/15/0045)

Attachment 4—Approved plans and specifications



1:2500 @ A3 size
0 25 50 100 150 200 250 m
Projection: UTM (MGA Zone 55) Datum: GDA94

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).

The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

Note: This plan must be read in conjunction with Referral Agency Response SDA-0216-028157

Derived Reference Points for GPS
(refer to Attachment to Plan)

Subject Lot(s)

Area A (Parts A¹ - A³)

Area B (Part B¹)

Note: This is a colour plan and should only be reproduced in colour.

Referral Agency Response (Vegetation) Plan

Plan of Area A (Parts A¹ - A³) and Area B (Part B¹) in Lot 17 on SP219912

eLVAS. 2016/000832

CENTRE: MAREEBA
LOCALITY OF KOAH

REGION: NORTH
LOCAL GOVT: MAREEBA SHIRE


Map Reference: 8064

Compiled from: DCDB, PVMP & VMO Notes

File Reference: eDOCS. 082/0000917

Prepared by: SAK - j5269 Date: 19 September 2016

N



Queensland
Government

RARP

SDA-0216-028157

Sheet 1 of 1

Attachment to Plan: SDA-0216-028157
Derived Reference Points for GPS

Horizontal Datum: GDA94 Projection: Transverse Mercator MGA 94 Zone 55

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s). This attachment must be read in conjunction with the accompanying plan and the Referral Agency Response SDA-0216-028157. Derived Reference Points are indicated on the accompanying plan and proceed sequentially if labels are missing.

Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing
A1	1	345688	8130988	A1	61	345682	8130945	B1	121	345448	8130962
A1	2	345724	8130971	A1	62	345689	8130966	B1	122	345480	8130951
A1	3	345725	8130971	A1	63	345688	8130979	B1	123	345490	8130943
A1	4	345726	8130971	A1	64	345686	8130976	B1	124	345515	8130937
A1	5	345566	8130774	A1	65	345688	8130988	B1	125	345529	8130929
A1	6	345574	8130800	A2	66	345727	8130976	B1	126	345567	8130922
A1	7	345571	8130808	A2	67	345688	8130994	B1	127	345575	8130917
A1	8	345558	8130810	A2	68	345682	8131005	B1	128	345585	8130904
A1	9	345556	8130815	A2	69	345681	8131014	B1	129	345588	8130895
A1	10	345555	8130816	A2	70	345687	8131028	B1	130	345584	8130887
A1	11	345548	8130815	A2	71	345690	8131034	B1	131	345575	8130887
A1	12	345539	8130817	A2	72	345688	8131038	B1	132	345559	8130893
A1	13	345531	8130817	A2	73	345691	8131065	B1	133	345531	8130913
A1	14	345527	8130824	A2	74	345682	8131093	B1	134	345500	8130915
A1	15	345531	8130840	A2	75	345682	8131117	B1	135	345469	8130928
A1	16	345530	8130857	A2	76	345736	8131112	B1	136	345442	8130951
A1	17	345521	8130873	A3	77	345736	8131118	B1	137	345414	8130951
A1	18	345519	8130874	A3	78	345681	8131123	B1	138	345407	8130941
A1	19	345514	8130878	A3	79	345680	8131157	B1	139	345407	8130929
A1	20	345505	8130877	A3	80	345658	8131184	B1	140	345408	8130927
A1	21	345475	8130895	A3	81	345654	8131204	B1	141	345421	8130915
A1	22	345462	8130896	A3	82	345654	8131210	B1	142	345448	8130913
A1	23	345448	8130913	A3	83	345648	8131220	B1	143	345462	8130896
A1	24	345421	8130915	A3	84	345646	8131235	B1	144	345475	8130895
A1	25	345408	8130927	B1	85	345736	8131118	B1	145	345505	8130877
A1	26	345407	8130929	B1	86	345736	8131112	B1	146	345514	8130878
A1	27	345407	8130941	B1	87	345682	8131117	B1	147	345519	8130874
A1	28	345414	8130951	B1	88	345682	8131093	B1	148	345521	8130873
A1	29	345442	8130951	B1	89	345691	8131065	B1	149	345530	8130857
A1	30	345469	8130928	B1	90	345688	8131038	B1	150	345531	8130840
A1	31	345500	8130915	B1	91	345690	8131034	B1	151	345527	8130824
A1	32	345531	8130913	B1	92	345687	8131028	B1	152	345531	8130817
A1	33	345559	8130893	B1	93	345681	8131014	B1	153	345539	8130817
A1	34	345575	8130887	B1	94	345682	8131005	B1	154	345548	8130815
A1	35	345584	8130887	B1	95	345688	8130994	B1	155	345555	8130816
A1	36	345588	8130895	B1	96	345727	8130976	B1	156	345556	8130815
A1	37	345585	8130904	B1	97	345726	8130971	B1	157	345558	8130810
A1	38	345575	8130917	B1	98	345725	8130971	B1	158	345571	8130808
A1	39	345567	8130922	B1	99	345724	8130971	B1	159	345574	8130800
A1	40	345529	8130929	B1	100	345688	8130988	B1	160	345566	8130774
A1	41	345515	8130937	B1	101	345686	8130976	B1	161	345505	8130761
A1	42	345490	8130943	B1	102	345688	8130979	B1	162	345502	8130763
A1	43	345480	8130951	B1	103	345689	8130966	B1	163	345496	8130766
A1	44	345448	8130962	B1	104	345682	8130945	B1	164	345491	8130770
A1	45	345442	8130969	B1	105	345663	8130935	B1	165	345486	8130775
A1	46	345439	8130977	B1	106	345651	8130935	B1	166	345481	8130781
A1	47	345442	8130985	B1	107	345640	8130934	B1	167	345477	8130787
A1	48	345464	8130988	B1	108	345628	8130932	B1	168	345473	8130794
A1	49	345490	8130984	B1	109	345621	8130929	B1	169	345470	8130800
A1	50	345521	8130969	B1	110	345604	8130931	B1	170	345468	8130807
A1	51	345543	8130962	B1	111	345593	8130937	B1	171	345466	8130813
A1	52	345556	8130949	B1	112	345571	8130941	B1	172	345466	8130820
A1	53	345571	8130941	B1	113	345556	8130949	B1	173	345466	8130827
A1	54	345593	8130937	B1	114	345543	8130962	B1	174	345466	8130829
A1	55	345604	8130931	B1	115	345521	8130969	B1	175	345456	8130835
A1	56	345621	8130929	B1	116	345490	8130984	B1	176	345453	8130835
A1	57	345628	8130932	B1	117	345464	8130988	B1	177	345446	8130836
A1	58	345640	8130934	B1	118	345442	8130985	B1	178	345440	8130839
A1	59	345651	8130935	B1	119	345439	8130977	B1	179	345433	8130841
A1	60	345663	8130935	B1	120	345442	8130969	B1	180	345427	8130845

Attachment to Plan: SDA-0216-028157
Derived Reference Points for GPS

Horizontal Datum: GDA94 Projection: Transverse Mercator MGA 94 Zone 55

Note: Derived Reference Points are provided to assist in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s). This attachment must be read in conjunction with the accompanying plan and the Referral Agency Response SDA-0216-028157. Derived Reference Points are indicated on the accompanying plan and proceed sequentially if labels are missing.

Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing
B1	181	345422	8130849	B1	241	345609	8130997				
B1	182	345418	8130853	B1	242	345614	8130995				
B1	183	345417	8130854	B1	243	345619	8130993				
B1	184	345412	8130854	B1	244	345619	8130993				
B1	185	345405	8130855	B1	245	345621	8130993				
B1	186	345399	8130858	B1	246	345621	8130993				
B1	187	345392	8130861	B1	247	345620	8130998				
B1	188	345386	8130864	B1	248	345620	8131003				
B1	189	345381	8130868	B1	249	345620	8131013				
B1	190	345380	8130869	B1	250	345620	8131018				
B1	191	345366	8130881	B1	251	345621	8131025				
B1	192	345362	8130885	B1	252	345622	8131032				
B1	193	345358	8130891	B1	253	345625	8131038				
B1	194	345354	8130897	B1	254	345625	8131039				
B1	195	345351	8130903	B1	255	345627	8131043				
B1	196	345348	8130910	B1	256	345627	8131044				
B1	197	345347	8130916	B1	257	345628	8131059				
B1	198	345346	8130923	B1	258	345623	8131076				
B1	199	345346	8130925	B1	259	345622	8131081				
B1	200	345346	8130927	B1	260	345621	8131086				
B1	201	345346	8130939	B1	261	345621	8131091				
B1	202	345346	8130944	B1	262	345619	8131134				
B1	203	345346	8130951	B1	263	345610	8131145				
B1	204	345348	8130958	B1	264	345609	8131148				
B1	205	345350	8130965	B1	265	345605	8131154				
B1	206	345353	8130971	B1	266	345602	8131160				
B1	207	345356	8130976	B1	267	345599	8131167				
B1	208	345364	8130986	B1	268	345598	8131172				
B1	209	345364	8130987	B1	269	345594	8131190				
B1	210	345369	8130993	B1	270	345592	8131195				
B1	211	345374	8130998	B1	271	345590	8131200				
B1	212	345380	8131002	B1	272	345588	8131206				
B1	213	345383	8131004	B1	273	345587	8131211				
B1	214	345384	8131006	B1	274	345585	8131226				
B1	215	345385	8131009	B1	275	345585	8131231				
B1	216	345388	8131015	B1	276	345585	8131238				
B1	217	345392	8131021	B1	277	345585	8131239				
B1	218	345397	8131027	B1	278	345646	8131235				
B1	219	345402	8131032	B1	279	345648	8131220				
B1	220	345407	8131036	B1	280	345654	8131210				
B1	221	345413	8131040	B1	281	345654	8131204				
B1	222	345420	8131042	B1	282	345658	8131184				
B1	223	345426	8131045	B1	283	345680	8131157				
B1	224	345433	8131046	B1	284	345681	8131123				
B1	225	345435	8131046	B1	285	345736	8131118				
B1	226	345457	8131049								
B1	227	345464	8131049								
B1	228	345471	8131049								
B1	229	345498	8131045								
B1	230	345504	8131044								
B1	231	345511	8131042								
B1	232	345517	8131040								
B1	233	345545	8131026								
B1	234	345563	8131020								
B1	235	345569	8131017								
B1	236	345575	8131014								
B1	237	345581	8131010								
B1	238	345586	8131006								
B1	239	345592	8131000								
B1	240	345603	8130998								

ITEM-2 **REQUEST FOR VARIATION OF OPERATING HOURS FOR GINGERELLA QUARRY - M & G CRUSHING AND MATERIALS PTY LTD - MCU - EXTRACTIVE INDUSTRY - LOT 1 LD117 - 72 GINGERELLA ROAD, BARWIDGI - DA/14/0059**

MEETING: Ordinary

MEETING DATE: 12 October 2016

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION		PREMISES	
APPLICANT	M & G Crushing and Materials Pty Ltd	ADDRESS	72 Gingerella Road, Barwidgi
DATE REQUEST FOR VARIATION OF OPERATING HOURS LODGED	19 September 2016	RPD	Lot 1 on LD117
TYPE OF APPROVAL	Development Permit		
APPROVED DEVELOPMENT	Material Change of Use - Extractive Industry		

FILE NO	DA/14/0059	AREA	74,100 hectares
LODGED BY	Hughes Consulting	LESSEE	Roxanne Wellington TTE
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	One (1) submission for original development application		

ATTACHMENTS:

1. Decision Notice dated 21 September 2015
2. Hughes Consulting's request to vary the hours of operation under Condition 3.6 dated 19 September 2016

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at it's meeting held on 16 September 2015, subject to conditions, including Condition 3.6 which limits the hours of operation to 7:00am to 6.00 pm Mondays to Friday and 7:00am to 12:00 noon weekends.

The application was impact assessable and one (1) properly made submission was received in response to public notification of the application.

On the 18 September 2016, a complaint was made to Council that operations at the Gingerella Quarry were occurring outside the approved hours. In response, Council officers contacted M & G Crushing and Materials Pty Ltd to discuss the matters raised.

It was confirmed that M & G Crushing and Materials Pty Ltd were using the camp facilities at the Gingerella Quarry and by doing such, the conditions (with the exception of 3.10, 3.12 and 3.13) of DA/14/0059 were applicable to the ongoing quarry operations. Specifically, the hours of operation for the quarry needed to comply with Condition 3.6 of DA/14/0059, not the hours of operation under Condition 3.4 of MCU/09/21.

M & G Crushing and Materials Pty Ltd were provided with the following advice:

- (i) Comply with the existing hours of operation as outlined in Condition 3.6 of DA/14/0059;*
- (ii) Should they desire other hours of operation, to make a request to Council in accordance with Condition 3.6 of DA/14/0059; or*
- (iii) Cease using the Gingerella Quarry camp facilities and operate under Condition 3.4 of MCU/09/0021.*

Hughes Consulting on behalf of M & G Crushing and Materials Pty Ltd have written to Council requesting a variation of the hours of operation under Condition 3.6 of DA/14/0059.

The current request is not a request to change development approval under section 369 of the Sustainable Planning Act 2009

It is recommended that the variation to the hours of operation be approved.

OFFICER'S RECOMMENDATION

It is recommended that:

- "1. In relation to the request by M & G Crushing and Materials Pty Ltd for a variation of the hours of operation under Condition 3.6 of development approval DA/14/0059, Council approve the hours of operation of between 6:00am to 6:00pm, each day.
2. Advice of Council's decision 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: SDA-114--015999) advising of Council's decision."

THE SITE

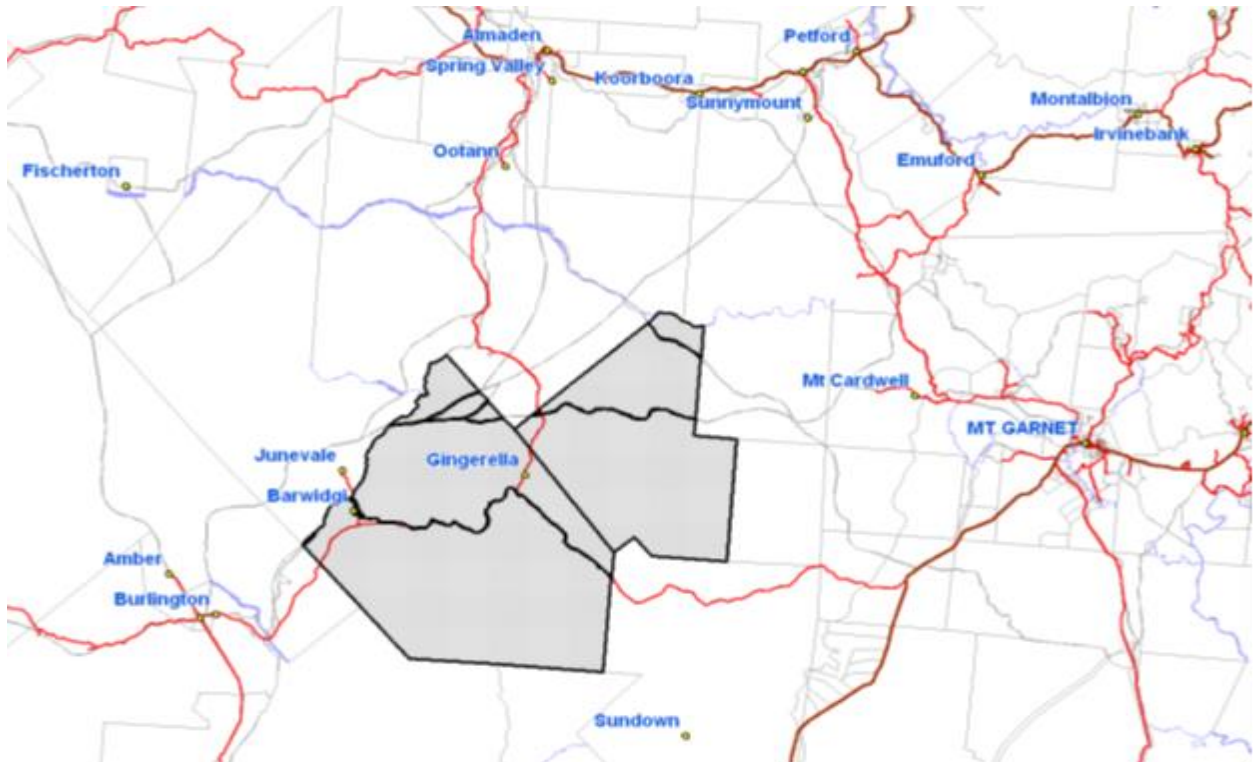
The subject land is described as Lot 1 on LD117, Parish of Saltcoats, County of Lynd, having an area of 74,100 hectares. The subject land is a large pastoral leasehold property, containing typical grazing infrastructure and an extensive coverage of native vegetation.

Access to the site is obtained from Ootann Road. This road is constructed to gravel standard for the full frontage of the development site.

The development site covers approximately 286 hectares of the subject land. A resource allocation (Sales Permit) over the extraction site has been issued by the Department of Agriculture and Fisheries.

Surrounding lots are very large rural holdings. The nearest dwelling house is approximately 14 kilometres west of the extractive industry site. Stock mustering yards are established immediately to the west of the quarry entrance.

The Rocky Tate River is located approximately 100 metres north of the extractive industry site.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

On the 18 September 2016, a complaint was made to Council that operations at the Gingerella Quarry were occurring on Sunday, outside the 7:00am to 12:00 noon approved hours.

A brief summary of the Gingerella Quarry development approval history is as follows:

- conditions regarding bushfire management
- **19 August 2009** - Council issued a development permit (MCU/09/0021) for Material Change of Use - Extractive Industry to M & G Crushing and Materials Pty Ltd authorising the extraction and screening of up to 100,000 tonnes of hard rock material per annum from approximately 43 hectares of Lot 1 on LD117.

The 43 hectares corresponded to the Forestry Act Sales Permit issued to M & G Crushing and Materials Pty Ltd.

Condition 3.4 of MCU/09/0021 limits the hours of operation to between 6:00am to 6:00pm each day.

- **Between August 2009 and August 2014** - The Department of Agriculture, Fisheries and Forestry issued an amended Forestry Act Sales Permit to M & G Crushing and Materials Pty Ltd. The amended Sales Permit increased the supply zone to approximately 286 hectares.
- **July/August 2014** - Mareeba Shire Council received a complaint alleging that extraction was occurring outside the approved 43 hectares of the original Forestry Act Sales Permit.
- **13 August 2014** - A site inspection was carried out by representatives of the Department of Agriculture, Fisheries and Forestry, the Department of Environment and Heritage Protection and Mareeba Shire Council.

As a result of this inspection, Council officers formed the view that M & G Crushing and Materials Pty Ltd were extracting material outside the 43 area approved under Development Permit MCU/09/0021, but within the 286 hectare area of the amended Forestry Act Sales Permit.

M & G Crushing and Materials Pty Ltd were instructed to cease extracting from outside the approved area until such time as an effective development approval was obtained from Mareeba Shire Council. M & G Crushing and Materials Pty Ltd have provided a written undertaking not to extract from outside the area approved.

- **23 October 2014** - Development Application DA/14/0059 for Material Change of Use - Extractive Industry was made to Mareeba Shire by M & G Crushing and Materials Pty Ltd. The application seeks approval to extract and screen up to 100,000 tonnes of material per annum from the extended Forestry Act Sales Permit area.
- **5 November 2014** - Mareeba Shire Council issued an Acknowledgement Notice to M & G Crushing and Materials Pty Ltd. Section 5 of the acknowledgement notice is an information request made to the applicant. In particular, the applicant has been asked to supply Council with additional information in relation to Traffic Impact and Site Rehabilitation.
- **12 November 2014** - An amended acknowledgement notice was issue to the applicant adding a second State referral agency trigger (railways).
- **16 September 2015** - Council issued a development permit (DA/14/0059) for Material Change of Use - Extractive Industry to M & G Crushing and Materials Pty Ltd authorising the extraction and screening of up to 100,000 tonnes of material per annum from approximately 286 hectares of Lot 1 on LD117.

Condition 3.6 of DA/14/0059 currently limits the hours of operation to 7:00am to 6.00 pm Mondays to Friday and 7:00am to 12:00 noon weekends.

In response to the 18 September 2016 complaint, Council officers contacted M & G Crushing and Materials Pty Ltd on 19 September 2016 to discuss the matters raised in the complaint.

It was confirmed that M & G Crushing and Materials Pty Ltd were using the camp facilities at the Gingerella Quarry and by doing such, the conditions (with the exception of 3.10, 3.12 and 3.13) of DA/14/0059 were applicable to the ongoing quarry operations. Specifically, the

hours of operation for the quarry needed to comply with Condition 3.6 of DA/14/0059, not the hours of operation under Condition 3.4 of MCU/09/21.

M & G Crushing and Materials Pty Ltd were provided with the following advice:

- (i) Comply with the existing hours of operation as outlined in Condition 3.6 of DA/14/0059;
- (ii) Should they desire other hours of operation, to make a request to Council in accordance with Condition 3.6 of DA/14/0059; or
- (iii) Cease using the Gingerella Quarry camp facilities and operate under Condition 3.4 of MCU/09/0021.

Hughes Consulting on behalf of M & G Crushing and Materials Pty Ltd have written to Council requesting a variation of the hours of operation under Condition 3.6 of DA/14/0059 (**Attachment 2**).

REQUEST TO VARY HOURS OF OPERATION

Condition 3.6

3.6 Hours of Operation

All operations pursuant to the extractive industry, or in any way connected with the extractive industry will, for site operations and for removal of material, be limited to the hours between 7.00 am and 6.00 pm Mondays to Friday and 7:00am to 12:00 noon weekends (except Public Holidays), PROVIDED ALWAYS that the Council will have the right at any time, and from time to time, to fix other hours of operation, and upon the fixing of any such other hours of operation pursuant to the permit, or in any way connected therewith, the extractive industry will be limited to such other hours. The Applicant will not be allowed to conduct nor permit nor suffer to be conducted, any extractive industry operation nor run nor start any motors, machinery, or the like, nor remove any materials from the said land on any Public Holiday, or at any time outside the hours mentioned or such other hours as will be fixed by Council.

Request by Applicant

"As discussed, an anomaly regarding hours of operation has been identified between the conditions of the original DA from 2009 and that which was approved in September 2015.

The conditions of the original DA provided for working hours between 6.00am and 6.00pm Monday through to Sunday. However in the conditions set for DA/14/0059 the hours of operation have been reduced to between 7.00am and 6.00 pm for Monday to Friday and 7.00 am to 12.00 noon on weekends. No work is to be carried out on Public Holidays.

The site is remote with sufficient distance from any noise sensitive site to avoid any nuisance being caused. The original hours can easily be worked while remaining in compliance with conditions of the associated environmental authority. I therefore respectfully request on behalf of my client that the "Hours of Operation" condition (3.6)

in the current DA/14/0059 be amended to read between 6.00am and 6.00pm as in the original approval."

Response

The current request is not a *request to change development approval* under section 369 of the *Sustainable Planning Act 2009* as Condition 3.6 already allows for Council to fix hours of operation outside those nominated at the time of the original development approval.

The Gingerella Quarry was established in 2009 and has operated under development approval MCU/09/0021 for most of the period between 2009 and present day. Under MCU/09/0021, the approved hours of operation have been 6:00am to 6:00pm.

In September 2015, Council granted development approval DA/14/0059 which expanded the approved area of the Gingerella Quarry. Condition 3.6 of development approval DA/14/0059 limited the hours of operation to those proposed by the applicant in their application documentation. These hours are 7.00am to 6.00 pm for Monday to Friday and 7.00 am to 12.00 noon on weekends. If the applicant had requested 6:00am to 6:00pm hours of operation, it is probable that Council officers would have drafted Condition 3.6 accordingly.

As stated by the applicant, the Gingerella Quarry site is remote with the nearest dwelling house being approximately 14 kilometres to the west. Stock mustering yards are established immediately to the west of the quarry entrance.

The Gingerella Quarry is covered by an environmentally authority administered by the Department of Environment and Heritage Protection. The environmental authority includes conditions controlling environmental emissions, including noise.

It is recommended that Council approve the hours of operation of between 6:00am to 6:00pm, each day.

Date Prepared: 26 September 2016

ATTACHMENT 1

21 September 2015

Chris Greenwood
M & G Crushing and Materials Pty Ltd
PO Box 210
WALKAMIN QLD 4872

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PO Box 154 MAREEBA QLD 4880

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F: 07 4086 4733

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

Council Ref: DA/14/0059

Our Ref: BM:nj

SARA Ref: SDA-1114-01999

Decision Notice Approval

Sustainable Planning Act 2009 s334 and s335

Dear Applicant/s

APPLICATION MATERIAL CHANGE OF USE - EXTRACTIVE INDUSTRY
LOT 1 ON LD117
SITUATED AT 72 GINGERELLA ROAD, BARWIDGI

I wish to advise that, at Council's Ordinary Meeting held on 16 September 2015, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in section 5 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 Material Change of Use - Extractive Industry

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2. Other approvals required from Council

- Nil

3. Submissions -

There was one (1) properly made submission about the application. In accordance with s 335(l) of the SPA, the name and address of the principal submitter for each properly made submission are as follows –

Name of principal submitter	Address
Wellington Family Trust, trading as Barwidgi Cattle Co	Barwidgi Station, MS 466, Mt Garnet QLD 4872

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

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

5. 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 the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.

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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 commencement of the use and at the rate applicable at the time of payment.

3.4 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.

3.5 Bushfire Management

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

3.6 Hours of Operation

All operations pursuant to the extractive industry, or in any way connected with the extractive industry will, for site operations and for removal of material, be limited to the hours between 7.00 am and 6.00 pm Mondays to Friday and 7:00am to 12:00 noon weekends (except Public Holidays), PROVIDED ALWAYS that the Council will have the right at any time, and from time to time, to fix other hours of operation, and upon the fixing of any such other hours of operation pursuant to the permit, or in any way connected therewith, the extractive industry will be limited to such other hours. The Applicant will not be allowed to conduct nor permit nor suffer to be conducted, any extractive industry operation nor run nor start any motors, machinery, or the like, nor remove any materials from the said land on any Public Holiday, or at any time outside the hours mentioned or such other hours as will be fixed by Council.

3.7 The Applicant shall provide Council with records of quantities of material extracted from the site on a monthly basis.

3.8 All material extracted from the Quarry Extension Area is to be processed within the existing Gingerella Quarry (MCU/09/0021). The total quantity of extracted material leaving the Gingerella Quarry per annum must not exceed 100,000 tonnes.

3.9 No blasting, crushing or screening is to occur within the proposed extension areas identified on Figure 1.

3.10 Identification Survey and Fencing

Prior to the re-commencement of extraction within the proposed extension areas identified on Figure 1, an identification survey must be undertaken to establish the boundaries of the Quarry Operational Areas and drainage buffers.

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The drainage buffers are to be clearly marked using star pickets. No extraction is permitted within the drainage buffers.

The Quarry Operational Areas and internal haul road between the Quarry Operational Areas must be marked and enclosed by a stock proof fence.

The stock watering point (dam) located within or adjacent to the eastern Quarry Operational Area must not be fenced and must be kept freely available for grazing use by the lessee of Lot 1 on LD117.

A 60 metre wide stock crossing (eg 2 cattle grids) must be provided along the internal haul road between the Quarry Operational Areas to allow continued grazing access on both sides of the internal haul road.

No other fencing of the land between the Quarry Operational Areas is permitted.

3.11 Stockpile Locations

The stockpiling of extracted material within 300 metres of Ootann Road must only occur within the locations shown on Figure 1. Stockpiling of material in the north-western corner of the Sales Permit area is not permitted.

3.12 Prior to the re-commencement of extraction within the proposed extension areas identified on Figure 1, the applicant must submit an updated Quarry Management Plan prepared by suitably qualified and experienced person/s.

A copy of the Quarry Management Plan must be kept on site at all times and the applicant must ensure all quarry employees are made aware of the Quarry Management Plan requirements.

3.13 Testing and Targeted Resource Extraction

Prior to the re-commencement of extraction within the proposed extension areas identified on Figure 1, the applicant must undertake testing of the proposed extension areas to establish the spread and approximate volume of the extractive resource layer.

Further extraction within the proposed extension areas identified on Figure 1 must be targeted to occur in locations where the extractive resource layer is generally 0.5 metre or greater in depth. No extraction is to occur where the resource layer is 0.3 metres or less in depth.

3.14 A 100 metre wide band of native vegetation must be retained along the entire south-western boundary of both Quarry Operational Areas to minimise visual amenity impacts.

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3.15 The applicant will be required to take every precaution to avoid spillage and any spillage which occurs on any public road, shall be removed at the end of each working day or within four (4) hours of any verbal requirement by Council's delegated officer.

3.16 The excavation of material will be required to be confined to the Quarry Operational Areas, subject to the conditions and requirements of the Council and/or other Authority and all operations will be carried out in such a manner that no erosion occurs in any adjoining or other land outside the Quarry Operational Areas.

3.17 The applicant shall ensure that no declared plants are transported to and from the site during the operation of the extractive industry.

3.18 Flood Immunity

Any 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.

4. Infrastructure Services and Standards

4.1 Access

A Commercial access crossover, for the extractive industry access, must be constructed and maintained, to the property boundary of the Sales Permit area in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

(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) 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) Compliance with Acts and Regulations

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

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(d) 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.

(e) 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 29 June 2015.

6. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of technical agency	Status	Address
MATERIAL CHANGE OF USE			
All State Transport Infrastructure An aspect of development identified in schedule 9 that— (a) is for a purpose mentioned in schedule 9, column 1; and (b) meets or exceeds the threshold— (i) for development in LGA population 1—mentioned in schedule 9, column 2 for the purpose; or (ii) for development in LGA population 2—mentioned in schedule 9,	Sch 7, Table 3, item 2	Department of Transport & Main Roads	Concurrence State Assessment & Referral Agency (SARA) Department of State Development, Infrastructure & Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dsdip.qld.gov.au 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.

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For an application involving	Name of technical agency	Status	Address
column 3 for the purpose. However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.			MyDAS can be accessed at www.dsdip.qld.gov.au/sara
Railways A material change of use of premises if any part of the land is— (a) within 25m of a railway or future railway land; or (b) future railway land	Sch 7, Table 3, item 15A	Department of Transport & Main Roads Concurrence	State Assessment & Referral Agency (SARA) Department of State Development, Infrastructure & Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dsdip.qld.gov.au 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 www.dsdip.qld.gov.au/sara

7. 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
Figure 1	Gingerella quarry extension location map and general arrangements	NRA	October 2014

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Figure 2	Gingerella quarry extension Queensland Government regional ecosystems and Matters of State Environmental Significance	NRA	October 2014
Figure 3	Gingerella quarry extension Areas of Ecological Significance	NRA	October 2014

8. 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:

- Material Change of Use – 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.

9. Appeal rights –

Applicant may make representations about decision

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

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

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

Attachment 5 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

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

10. When the development approval takes effect –

This development approval takes effect –

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

OR

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

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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 - Environmental Authority (Permit No EPPR01646013) issued by the Department of Environment and Heritage Protection
Attachment 4 - Department of Agriculture, Forestry and Fisheries letter dated 19 December 2014
Attachment 5 - SPA Extract - Making Representations about Decision
Attachment 6 - SPA Extract on Appeal Rights

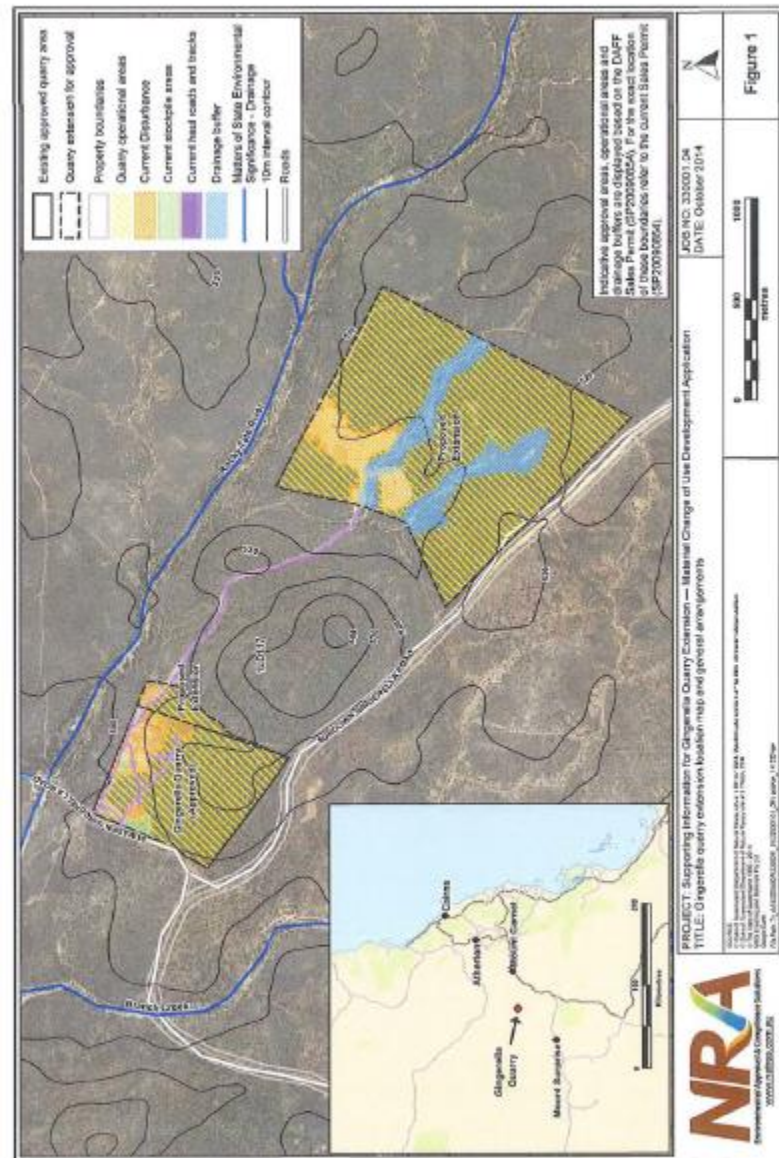
Copy: Department of State Development, Infrastructure and Planning
CairnsSARA@dilgp.qld.gov.au

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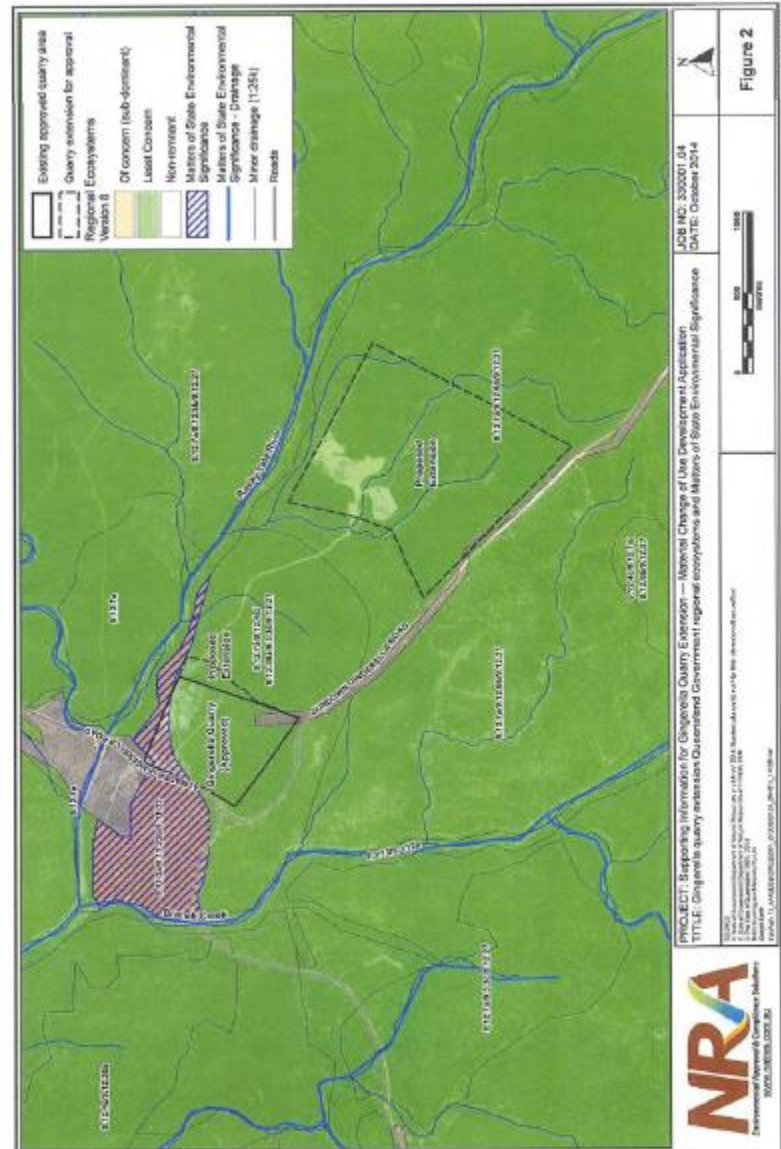
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ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT (ECM VS 3609942)



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ATTACHMENT 2 - CONCURRENCE AGENCY CONDITIONSDepartment of Infrastructure,
Local Government and PlanningOur reference: SCA-1114-015989
Your reference: DA/14/0056

29 June 2015

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

Attn: Brian Millard

Dear Sir

Concurrence agency response—with conditions
72 Gingerella Road, Barwidgee, known as Lot 1 on LD117
(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 14 November 2014.

Applicant details

Applicant name:	M&G Crushing and Materials Pty Ltd
Applicant contact details:	PO Box 210 Walkamin QLD 4872 m.gcrushing@bigpond.com

Site details

Street address:	72 Gingerella Road, Barwidgee
Lot on plan:	Lot 1 on LD117
Local government area:	Mareeba Shire Council

Application details

Proposed development:	Development permit for material change of use (quarry extension)
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Page 1	For North Queensland Regional Office Ground Floor, Cairns Port Authority Corner Grafton and Harley Streets PO Box 2168 Cairns QLD 4870
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SDA-1114-015099

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Development permit	Quarry extension	Impact Assessment

Referral triggers

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

Referral trigger: Schedule 7, Table 3, Item 2—State transport infrastructure
 Schedule 7, Table 3, Item 15A—Railways

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.

Relevant period

Under section 287(1)(d) of the *Sustainable Planning Act 2009*, the relevant period for any development approval is to be four years after the date the approval takes effect.

Further advice

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

Approved plans and specifications

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: material change of use				
Gingerella Quarry Extension Location Map & General Arrangements	Natural Resource Assessments Pty Ltd (NRA)	October 2014	Figure 1	N/A
Supply Zone & Operational Map	DERM Forest Products	June 2010	Part of Lot 1 on LD17	N/A
Traffic Management Plan (Overall Location Plan)	ERSCON Consulting Engineers	12/06/15	116-002-SK01	1
Intersection A Traffic Movement Plan	ERSCON Consulting Engineers	12/06/15	116-002-SK02	1

Department of Infrastructure, Local Government and Planning

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Intersection C Traffic Movement Plan	ERSCON Consulting Engineers	12/06/15	116-002-SK04	1
Traffic Impact Assessment Report	ERSCON Consulting Engineers	11/06/15	116-002-0015	1

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

For further information, please contact Michele Creedy, A/Senior Planning Officer, SARA Far North QLD on 4037 3206, or email michele.creedy@dsdip.qld.gov.au who will be pleased to assist.

Yours sincerely



Robin Clark
Manager (Planning)

cc: M&G Crushing and Materials Pty Ltd, m.gcrushing@bigpond.com
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Further advice
Attachment 4—Approved Plans and Specifications

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SDA-1114-015099

 Our reference: SDA-1114-015099
 Your reference: DA/14/0059

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Aspect of development: Material Change of use (quarry extension)		
Schedule 7, Table 3, Item 2—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of 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.	No requirements	No applicable
Aspect of development: Material change of use (quarry extension)		
Schedule 7, Table 3, Item 15A —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of 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):		
2.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> Gingerella Quarry Extension Location Map & General Arrangements prepared by NRA, dated October 2014, Figure 1. Supply Zone & Operational Map prepared by DERM Forest Products, dated June 2010, Part of Lot 1 on LD17. <p>Traffic Management Plan (Overall Location Plan) prepared by ERSCON Consulting Engineers, dated 12/06/15, Drawing No 116-002-SK01, Revision 1.</p>	At all times
3.	<p>The development must be in accordance with the Traffic Impact Assessment Report, prepared by ERSCON Consulting Engineers dated 11/06/2015, in response to the information request, and in particular:</p> <ul style="list-style-type: none"> The Gingerella Quarry Extension development is to be limited to vehicles not exceeding a Type 1 Road Train as indicated by ERSCON Traffic Movement Plans: <ul style="list-style-type: none"> Drawing No 116-002-SK02, Revision 1, and Drawing No 116-002-SK04, Revision 1. The development must only utilise the haul route to the permitted state controlled intersections identified by the Traffic Management Plan (Overall Location Plan) prepared by ERSCON Consulting Engineers, dated 12/06/15, Drawing No 116-002-SK01, Revision 1. 	At all times

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SCA-11114-010000

Our reference: SCA 11114 010000
Your reference: DA/14/0059

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- to ensure the proposed development is carried out generally in accordance with the plan of development submitted with the development application
- to ensure the safety and efficiency of state transport infrastructure, no heavy vehicles larger than a Type 1 Road Train are utilised at state-controlled intersections.

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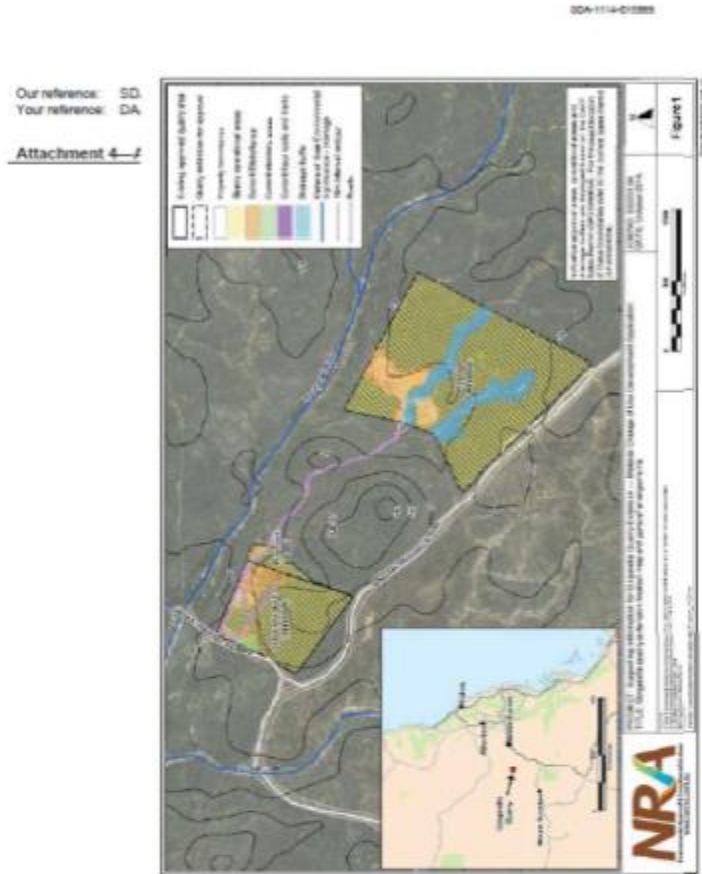
Our reference: SDA-1114-015999
Your reference: DA/14/0059

Attachment 3—Further advice

General advice	
The department recommends the following advice be provided to the assessment manager (SPA section 267(6)):	
Road train operations	
1.	The applicant is required to strictly adhere to the multi-combination routes designated for the Far North Region. The applicant must not use marked routes or heavy vehicles on state-controlled roads which are contrary to the Department of Transport and Main Roads (DTMR) mapping for multi-combination routes and zones for Queensland. If the development is seeking changes to routes or heavy vehicle usage, the applicant must contact DTMR.

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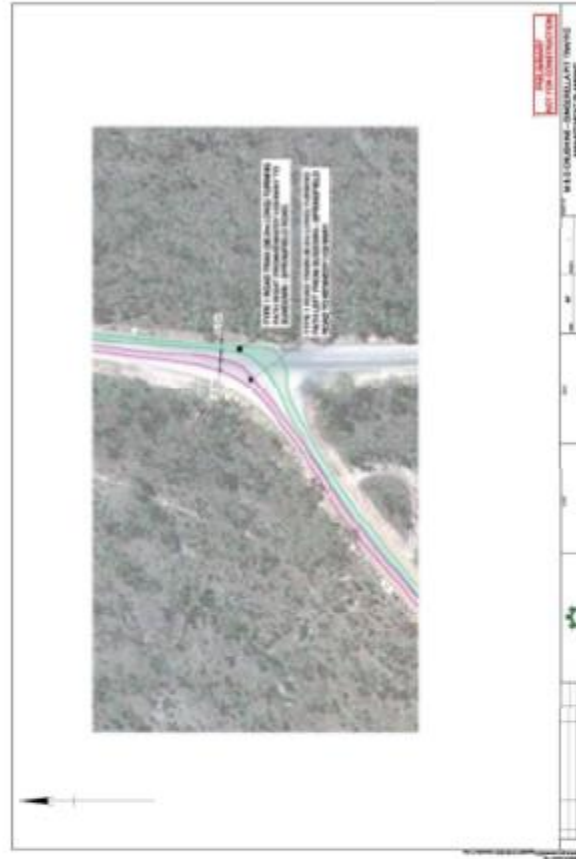
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ATTACHMENT 3 - Environmental Authority (Permit No EPPR01646013) issued by the Department of Environment and Heritage Protection


This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Permit¹ number: EPPR01646013

Environmental authority takes effect on 11 March 2015.

Note: Part 3 – Gingerella Quarry

Activities are not authorised to occur in areas identified as Proposed Extension areas, as per the Site Plan (Job NO: 330001.04), dated November 2014, entitled *Gingerella quarry extension location map and general arrangements*, as shown in Appendix 2, until Development Approval from Mareeba Shire Council takes effect for this extension area.

The anniversary date of this environmental authority remains as 23 October. An annual return and the payment of the annual fee will be due each year on this day.

Environmental authority holder(s)

Name	Registered address
M & G Crushing & Materials Pty Ltd T/A M & G Crushing & Materials Pty Ltd	77 Morgansbury Road WALKAMIN QLD 4872 PO Box 210 Walkamin QLD 4872

Environmentally relevant activity and location details

Environmentally relevant activity(ies)	Location(s)
Nolans Crossing Quarry Burke Development Road, ROOKWOOD QLD 4871 Lot 4 on Plan BW18	ERA 16(2a) Extracting rock or other material >5,000t but <100,000t per year ERA 16(3a) Screening rock or other material >5,000t but <100,000t per year
Nolans Crossing Quarry Burke Development Road, ROOKWOOD QLD 4871 Lot 4 on Plan BW18	ERA 16(2b) Extracting rock or other material >100,000t but <1,000,000t per year ERA 16(3b) Screening rock or other material >100,000t but <1,000,000t per year
Gingerella Quarry Gingerella – Fossilbrook Road, BARWIDGI QLD 4872	ERA 16(2a) Extracting rock or other material >5,000t but <100,000t per year

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

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**Permit
Environmental Authority**

Lot 1 on Plan LD117	ERA 16(3a) Screening rock or other material >5,000t but <100,000t per year
Warwombie Station Quarry Kennedy Developmental Road, HUGHENDEN	ERA 16(2b) Extracting rock or other material >100,000t but <1,000,000t per year ERA 16(3b) Screening rock or other material >100,000t but <1,000,000t per year

Additional information for applicants
Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority is issued is a restatement of the ERA as defined by legislation at the time the approval is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an environmental authority as to the scale, intensity or manner of carrying out an ERA, then the conditions prevail to the extent of the inconsistency.

An environmental authority authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the authority specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

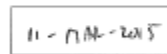
Contaminated land

It is a requirement of the EP Act that if an owner or occupier of land becomes aware a notifiable activity (as defined in Schedule 3 and Schedule 4) is being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to the chief executive.



Signature

James Mackenzie
 Department of Environment and Heritage Protection
 Delegate of the administering authority
Environmental Protection Act 1994



Date

Enquiries:
 Industry & Development Assessment
 Environmental Services & Regulation
 Department of Environment & Heritage
 Protection
 PO Box 731
 TOOWOOMBA QLD 4350
 Phone: (07) 4689 4333
 Fax: (07) 4689 4388
 Email: southwest.es@ehp.qld.gov.au

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**Permit
Environmental Authority**
Obligations under the Environmental Protection Act 1994

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Conditions of environmental authority

The environmentally relevant activity(ies) conducted at the locations as described below must be conducted in accordance with the following site specific conditions of approval.

Part Number	Applicable Location	Environmentally Relevant Activity
Part 1	Nolans Crossing Quarry Burke Development Road, ROOKWOOD QLD 4871 - Lot 4 on Plan BW18	ERA 16(2a) Extracting rock or other material >5,000t but <100,000t per year ERA 16(3a) Screening rock or other material >5,000t but <100,000t per year
Part 2	Nolans Crossing Quarry Burke Development Road, ROOKWOOD QLD 4871 - Lot 4 on Plan BW18	ERA 16(2b) Extracting rock or other material >100,000t but <1,000,000t per year ERA 16(3b) Screening rock or other material >100,000t but <1,000,000t per year
Part 3	Gingerella Quarry Gingerella - Fossilbrook Road, BARWIDGI QLD 4872 - Lot 1 on Plan LD117	ERA 16(2a) Extracting rock or other material >5,000t but <100,000t per year ERA 16(3a) Screening rock or other material >5,000t but <100,000t per year
Part 4	Warwombie Station Quarry Kennedy Developmental Road, HUGHENDEN QLD 4821 - Lots 1 and 2 on Plan WNG7	ERA 16(2b) Extracting rock or other material >100,000t but <1,000,000t per year ERA 16(3b) Screening rock or other material >100,000t but <1,000,000t per year

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Part 3 – Gingerella Quarry	
Agency Interest: General	
Condition number	Condition
P3-G1	Activities conducted under this environmental authority must not be conducted contrary to any of the following limitations: 1. The activity conducted on Lot1 on Plan LD117 is limited to the areas identified as quarry operational areas, as per the Site Plan (Job NO: 330001.04), dated November 2014, entitled Gingerella quarry extension location map and general arrangements, as shown in Appendix 2. 2. The extent of land disturbance must not exceed 5.0 hectares at any one time.
P3-G2	In carrying out an ERA to which this approval relates, all reasonable and practicable measures must be taken to prevent and / or to minimise the likelihood of environmental harm being caused.
P3-G3	The operator of an ERA to which this approval relates must: <ul style="list-style-type: none"> • Install all measures, plant and equipment necessary to ensure compliance with the conditions of this approval; • Maintain such measures, plant and equipment in a proper and efficient condition; and • Operate such measures, plant and equipment in a proper and efficient manner.

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P3-G4	<p>From commencement of an ERA to which this approval relates, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, the potential impact of these sources and what actions will be taken to prevent the likelihood of environmental harm being caused. The SBMP must also provide for the review and 'continual improvement' in the overall environmental performance of all ERAs that are carried out.</p> <p>The SBMP must address the following matters:</p> <ul style="list-style-type: none"> • Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals. • Identification of environmental issues and potential impacts. • Control measures for routine operations to minimise likelihood of environmental harm. • Contingency plans and emergency procedures for non-routine situations. • Organisational structure and responsibility. • Effective communication. • Monitoring of contaminant releases. • Conducting environmental impact assessments. • Staff training. • Record keeping. • Periodic review of environmental performance and continual improvement.
P3-G5	The site based management plan must not be implemented or amended in a way that contravenes any condition of this approval .
P3-G6	Record, compile and keep all monitoring results required by this approval and present this information to the administering authority when requested.
P3-G7	All records required by this approval must be kept for 5 years.
P3-G8	<p>A record of all waste, including trackable wastes, must be kept detailing the following information:</p> <ul style="list-style-type: none"> • Date of pickup of waste; • Description of waste; • Quantity of waste; • Origin of the waste; and • Destination of the waste.
P3-G9	The latest edition of the administering authorities INSTRUCTIONS FOR THE TREATMENT AND MANAGEMENT OF ACID SULFATE SOILS, 2001, ('the instructions') must be complied with when treating and managing acid sulfate soils.

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P3-G10	Telephone the administering authorities Pollution Hotline or local office as soon as practicable after becoming aware of any release of contaminants not in accordance with the conditions of this approval .
P3-G11	An appropriate spill kit, personal protective equipment and relevant operator instructions, emergency procedure guides for the management of wastes and chemicals associated with the ERA must be kept at the site .
P3-G12	Anyone operating under this approval must be trained in the use of the spill kit.
P3-G13	Acid sulfate soils must be managed such that contaminants are not directly or indirectly released to any waters .
Agency Interest: Air	
Condition number	Condition
P3-A1	The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the activity must not cause a nuisance at any nuisance sensitive or commercial place .
P3-A2	The release of dust and/or particulate matter resulting from the ERA must not cause an environmental nuisance at any nuisance sensitive or commercial place .
P3-A3	Dust and particulate matter must not exceed the following levels when measured at any nuisance sensitive or commercial place : <ul style="list-style-type: none"> • Dust deposition of 120 milligrams per square metre per day, when monitored in accordance with Australian Standard AS 3580.10.1 of 2003 (or more recent editions); OR • A concentration of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere of 150 micrograms per cubic metre over a 24 hour averaging time, at a nuisance sensitive or commercial place downwind of the site, when monitored in accordance with: <ul style="list-style-type: none"> ◦ Australian Standard AS 3580.9.6 of 2003 (or more recent editions) 'Ambient air - Particulate matter - Determination of suspended particulate PM10 high-volume sampler with size-selective Inlet - Gravimetric method'; or ◦ Any alternative method of monitoring PM10 which may be permitted by the 'Air Quality Sampling Manual' as published from time to time by the administering authority.

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P3-A4	When requested by the administering authority , dust and particulate monitoring must be undertaken to investigate any complaint of environmental nuisance caused by dust and/or particulate matter, and the results notified within 14 days to the administering authority following completion of monitoring. Monitoring must be carried out at a place(s) relevant to the potentially affected dust sensitive place and at upwind control sites and must include: <ul style="list-style-type: none"> For a complaint alleging dust nuisance, dust deposition; and For a complaint alleging adverse health effects caused by dust, the concentration per cubic metre of particulate matter with an aerodynamic diameter of less than 10 micrometre (µm) (PM10) suspended in the atmosphere over a 24hr averaging time.
Agency Interest: Water	
Condition number	Condition
P3-WT1	Erosion and sediment control plan must be prepared in accordance with the IE Aust QLD ESC guidelines, with particular attention to be given to FNQ rainfall events and associated calculations for sizing of sediment dams and the plans are to be endorsed by a Certified Practitioner. Erosion protection measures and sediment control measures must be implemented and maintained to prevent erosion and the release of sediment. The size of any sedimentation dam must be sufficient to contain the run off expected from a 24 hour storm with an average recurrence interval of 1 in 5 years .
P3-WT2	Contaminants must not be released from the site to surface waters or the bed or banks of surface waters .
P3-WT3	A minimum buffer distance of 50m must be maintained between extraction areas and the high banks of any watercourse , lake or wetland.
Agency Interest: Noise	
Condition number	Condition
P3-N1	Noise from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place .

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P3-N2	All noise from activities must not exceed the levels specified in Table 1 - Noise limits at any nuisance sensitive or commercial place. Table 1 - Noise limits at any nuisance sensitive or commercial place.																																																							
	<table><tr><th rowspan="2">Noise level dB(A) measured as</th><th colspan="3">Monday to Saturday</th><th colspan="3">Sundays and public holidays</th></tr><tr><th>7am - 6pm</th><th>6pm - 10pm</th><th>10pm - 7am</th><th>9am - 6pm</th><th>6pm - 10pm</th><th>10pm - 9am</th></tr><tr><td></td><td colspan="6">Noise measured at a 'Noise sensitive place'</td></tr><tr><td>LA10, adj, 10 mins</td><td>Bkg + 5</td><td>Bkg + 5</td><td>Bkg + 0</td><td>Bkg + 5</td><td>Bkg + 5</td><td>Bkg + 0</td></tr><tr><td>LA1, adj, 10 mins</td><td>Bkg + 10</td><td>Bkg + 10</td><td>Bkg + 5</td><td>Bkg + 10</td><td>Bkg + 10</td><td>Bkg + 5</td></tr><tr><td></td><td colspan="6">Noise measured at a 'Commercial place'</td></tr><tr><td>LA10, adj, 10 mins</td><td>Bkg + 10</td><td>Bkg + 10</td><td>Bkg + 5</td><td>Bkg + 10</td><td>Bkg + 10</td><td>Bkg + 5</td></tr><tr><td>LA1, adj, 10 mins</td><td>Bkg + 15</td><td>Bkg + 15</td><td>Bkg + 10</td><td>Bkg + 15</td><td>Bkg + 15</td><td>Bkg + 10</td></tr></table>	Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays			7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am		Noise measured at a 'Noise sensitive place'						LA10, adj, 10 mins	Bkg + 5	Bkg + 5	Bkg + 0	Bkg + 5	Bkg + 5	Bkg + 0	LA1, adj, 10 mins	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5		Noise measured at a 'Commercial place'						LA10, adj, 10 mins	Bkg + 10	Bkg + 10	Bkg + 5	Bkg + 10	Bkg + 10	Bkg + 5	LA1, adj, 10 mins	Bkg + 15	Bkg + 15	Bkg + 10	Bkg + 15	Bkg + 15	Bkg + 10
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LA1, adj, 10 mins	Bkg + 15	Bkg + 15	Bkg + 10	Bkg + 15	Bkg + 15	Bkg + 10																																																		
P3-N3	<p>When requested by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:</p> <ul style="list-style-type: none">• LA 10, adj, 10 mins• LA 1, adj, 10 mins• The level and frequency of occurrence of impulsive or tonal noise;• Atmospheric conditions including wind speed and direction;• Effects due to extraneous factors such as traffic noise; and• Location, date and time of recording.																																																							
P3-N4	The method of measurement and reporting of noise levels must comply with the latest edition of the administering authority's Noise Measurement Manual.																																																							
P3-N5	Vibration from the ERA must not cause an environmental nuisance at any nuisance sensitive place or commercial place .																																																							

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P3-N5	<p>When requested by the administering authority, vibration monitoring and recording must be undertaken to investigate any complaint of vibration nuisance, and the results notified within 14 days to the administering authority. Monitoring must include:</p> <ul style="list-style-type: none"> • Peak particle velocity (mm/s); • Location of the blasts within the site (including which bench level); • Atmospheric conditions including temperature, relative humidity and wind speed and direction; • The level and frequency of occurrence of impulsive or tonal noise; • Atmospheric conditions including wind speed and direction; • Effects due to extraneous factors; and • Location, date and time of recording.
Agency interest: Social	
Condition number	Condition
P3-S1	<p>The operator of the ERA must record the following details for all complaints received and provide this information to the administering authority on request:</p> <ul style="list-style-type: none"> • Time, date, name and contact details of the complainant; • Reasons for the complaint; • Any investigations undertaken; • Conclusions formed; and • Any actions taken.

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Agency interest: Land	
Condition number	Condition
P3-L1	<p>The site (including all disturbed areas such as slopes, borrow pits, stockpile and screening areas) must be rehabilitated in a manner such that:</p> <ul style="list-style-type: none"> • Suitable native species of vegetation are planted and established; • Potential for erosion of the site is minimised; • The quality of stormwater, other water and seepage released from the site is such that releases of contaminants such as suspended solids, turbidity, total dissolved salts, pH, total iron, total aluminium, and total manganese are not likely to cause environmental harm; • The likelihood of environmental nuisance being caused by release of dust is minimised; • The water quality of any residual water body meets relevant criteria for subsequent uses and does not have potential to cause environmental harm; • The final landform is stable and not subject to slumping; and • Any actual and potential acid sulfate soils in or on the site are either not disturbed, or are submerged or treated, so as to not be likely to cause environmental harm.
P3-L2	Rehabilitation of disturbed areas must take place progressively as works are staged and new areas of extraction are commenced.
P3-L3	Contaminants must not be released to land .
P3-L4	<p>Spillage of all chemicals and fuels must be contained within an on-site containment system and controlled in a manner that prevents environmental harm.</p> <p><i>NOTE: All petroleum product storage's must be designed, constructed and maintained in accordance with AS 1940 - Storage and Handling of Flammable and Combustible Liquids.</i></p>
Agency interest: Waste	
Condition number	Condition
P3-W1	All waste generated in carrying out the activity must be reused, recycled or removed to a facility that can lawfully accept the waste.

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Definitions

Key terms and/or phrases used in this document are defined in this section and **bolded** throughout this document. Applicants should note that where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Heritage Protection or its successors or predecessors.

Approval means an environmental authority issued under the *Environmental Protection Act 1994*.

Authorised place means the place authorised under this development approval for the carrying out of the specified environmentally relevant activities.

Blasting is the use of explosives to fracture

- rock, coal and other minerals for later recovery; or
- structural components or other items to facilitate removal from a site or for reuse.

Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

$L_{A, 10, 0.1, 10 \text{ dB}}$ means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 10% of any 10 minute measurement period, using Fast response.

$L_{A, 1, 0.1, 10 \text{ dB}}$ means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1% of any 10 minute measurement period, using Fast response.

$L_{A, \text{max}}(L_{A, 10, 0.1, 10 \text{ dB}})$ means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over any 10 minute period, using Fast response.

Land means land excluding waters and the atmosphere

Measures has the broadest interpretation and includes plant, equipment, physical objects, bunding, containment systems, monitoring, procedures, actions, directions and competency.

Noxious means harmful or injurious to health or physical wellbeing.

Nuisance sensitive place includes:

- A dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- A motel, hotel or hostel; or
- A kindergarten, school, university or other educational institution; or
- A medical centre or hospital; or
- A protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- A public thoroughfare, park or gardens; or
- A place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

Offensive means causing offence or displeasure; is disagreeable to the sense; disgusting, nauseous or repulsive.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

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- a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- a motel, hotel or hostel; or
- a kindergarten, school, university or other educational institution; or
- a medical centre or hospital; or
- a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 1992* or a World Heritage Area; or
- a public thoroughfare, park or gardens; or
- for noise, a place defined as a sensitive receptor for the purposes of the Environmental Protection (Noise) Policy 2008.

Site means land or tidal waters on or in which it is proposed to carry out the development approved under this environmental authority.

Vibration is the oscillating or periodic motion of a particle, group of particles, or solid object about its equilibrium position.

Watercourse means a river, creek or stream in which water flows permanently or intermittently:

- In a natural channel, whether artificially improved or not; or
- In an artificial channel that has changed the course of the watercourse.

Waters includes river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

24 hour storm event with an average recurrence interval of 1 in 5 years means the maximum rainfall depth from a 24 hour duration precipitation event with an average recurrence interval of once in 5 years. For example, an intensity-Frequency-Duration table for a 24 hour duration event with an average recurrence interval of 1 in 5 years, identifies a rainfall intensity of 7.05mm/hour. The rainfall depth for this event is therefore 24 hour x 7.05mm/hour = 170.16mm.

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Department of Environment and Heritage Protection

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ATTACHMENT 4 - Department of Agriculture, Forestry and Fisheries letter dated 19 December 2014Department of
Agriculture, Fisheries
and ForestryYour Ref: DA/14/0059
Our Ref: SP20090854

19 December 2014

Mr Brian Millard
Senior Planner
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Dear Mr Millard

**APPLICATION FOR MATERIAL CHANGE OF USE – DA/14/0059
LOT 1 ON LD117 GINGERELLA**

Thank you for your letter of 15 December 2014 concerning the application for Material Change of Use – Extractive Industry on Lot 1 on LD117 at Gingerella, which relates to quarrying operations authorised under Sales Permit 20090854 (Sales Permit), granted under the *Forestry Act 1959 (Act)* to M & G Crushing & Materials Pty Ltd.

Specifically, you have sought advice about clause 21 of the Sales Permit (as quoted in your letter) and its effect on the validity of the Sales Permit.

Due to variations and consequential re-numbering of the terms of the Sales Permit in June 2014, the relevant clause is now numbered 22.1. I have extracted the current clause 22.1 below, noting a change in wording when compared with your version:

"Subject to the Act, You must not by any act or omission interfere with the rights and privileges of any lessee, licence or holder of any authority from the State of Queensland for part or all of the Supply Zone, unless You do so with the consent of such lessee, licensee or authority holder."

By way of background, the State has authority to grant sales permits under the Act to third parties, for getting State-owned forest products and quarry material, including over leasehold land such as Lot 1 on LD117. The Act does not impose a requirement to seek the consent of the landholder before it grants, amends or extends a sales permit.

Under section 57 of the Act, the holder of a permit (including a sales permit for getting quarry material) is authorised to enter onto the land in relation to which the permit is granted, and to carry out on the land all operations necessary for the purpose of the permit.

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Accordingly, a permit holder has lawful authority to enter onto leased land over which a sales permit has been granted, with such equipment and vehicles as are necessary, to carry out the operations authorised under the permit.

The Sales Permit authorises the permit holder, subject to development approval and other legislative requirements, to carry out quarrying operations, which means any activity undertaken for the purpose of, or in association with, getting quarry material pursuant to the Sales Permit, including, but not limited to:

- (a) entering the supply zone (for the Sales Permit) to get quarry material;
- (b) the removal of quarry material from the supply zone;
- (c) the construction, maintenance and use of buildings, weighbridge, water storage facilities, fencing and other facilities, infrastructure, or works in the supply zone; and
- (d) the construction, maintenance and use of access roads.

However, the Sales Permit does not authorise a permit holder to carry out activities on the land outside of those authorised by the Act and the permit, without the consent of the lessee (or licensee etc). Clause 22.1 is merely a statement of this position.

Note that clause 22.1 is expressly stated to be subject to the Act, which is the source of authority for the permit holder to carry out the quarrying activities on the land. However, this interpretation also applies to the previous wording (under clause 21, before the variation) as the Sales Permit is (and was) subject to the Act in any case.

Accordingly, clause 22.1 (and the previous clause 21) of the Sales Permit does not impose a requirement to obtain the lessee's consent in order for the permit holder to carry out activities which are authorised under the Act and the Sales Permit; it has no effect on the validity of the Sales Permit.

I trust this information has been helpful. If you require any further information regarding this matter, please contact me on telephone 07 4095 7053 or email andy.page@daff.qld.gov.au.

Yours sincerely



Andy Page
Manager Quarry Production
Forest Products
Department of Agriculture, Fisheries and Forestry

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ATTACHMENT 5 - 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.

ATTACHMENT 6 - 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

124 Constance Street
Mareeba
4880
Queensland
Ph: +61 400377449
E: pixie@hughesconsulting.com.au

ABN: 67 976 518 701

19th September 2016

Brian Millard
Mareeba Shire Council
P O Box 154
Mareeba
Queensland
4880

Dear Brian

Re: Gingerella – DA/14/0059

Thank you for your time today.

As discussed, an anomaly regarding hours of operation has been identified between the conditions of the original DA from 2009 and that which was approved in September 2015.

The conditions of the original DA provided for working hours between 6.00am and 6.00pm Monday through to Sunday. However in the conditions set for DA/14/0059 the hours of operation have been reduced to between 7.00am and 6.00 pm for Monday to Friday and 7.00 am to 12.00 noon on weekends. No work is to be carried out on Public Holidays.

The site is remote with sufficient distance from any noise sensitive site to avoid any nuisance being caused. The original hours can easily be worked while remaining in compliance with conditions of the associated environmental authority. I therefore respectfully request on behalf of my client that the "Hours of Operation" condition (3.6) in the current DA/14/0059 be amended to read between 6.00am and 6.00pm as in the original approval.

Please do not hesitate to contact me should you have any questions or require any further information. I can be contacted on 07 4092 1713 or 0400 377 449.

Regards



Kathy Hughes (Pixie)
Consultant

**ITEM-3 APPLICATION FOR PERMIT TO OCCUPY - LOT 2 ON
AP5904, LOCALITY OF CHEWKO****MEETING:** Ordinary**MEETING DATE:** 12 October 2016**REPORT OFFICER'S
TITLE:** Senior Planner**DEPARTMENT:** Corporate and Community Services

EXECUTIVE SUMMARY

Application has been made to the Department of Natural Resources and Mines (DNRM) for the issue of a permit to occupy over land described as Lot 2 on AP5904, situated on Chewko Road, Locality of Chewko.

Should the application be successful, it is proposed that the land be used for grazing purposes.

DNRM seeks Council's views on the issue of the permit to occupy and whether Council has any fencing requirements for the land.

OFFICER'S RECOMMENDATION

"That Council offer no objection to the issue of a permit to occupy over Lot 2 on AP5904, situated on Chewko Road, Locality of Chewko for grazing purposes, subject to the permit holder erecting a fit for purpose livestock fence to contain livestock, and further, that the Bunny Seary Lookout be excluded from the fenced area."

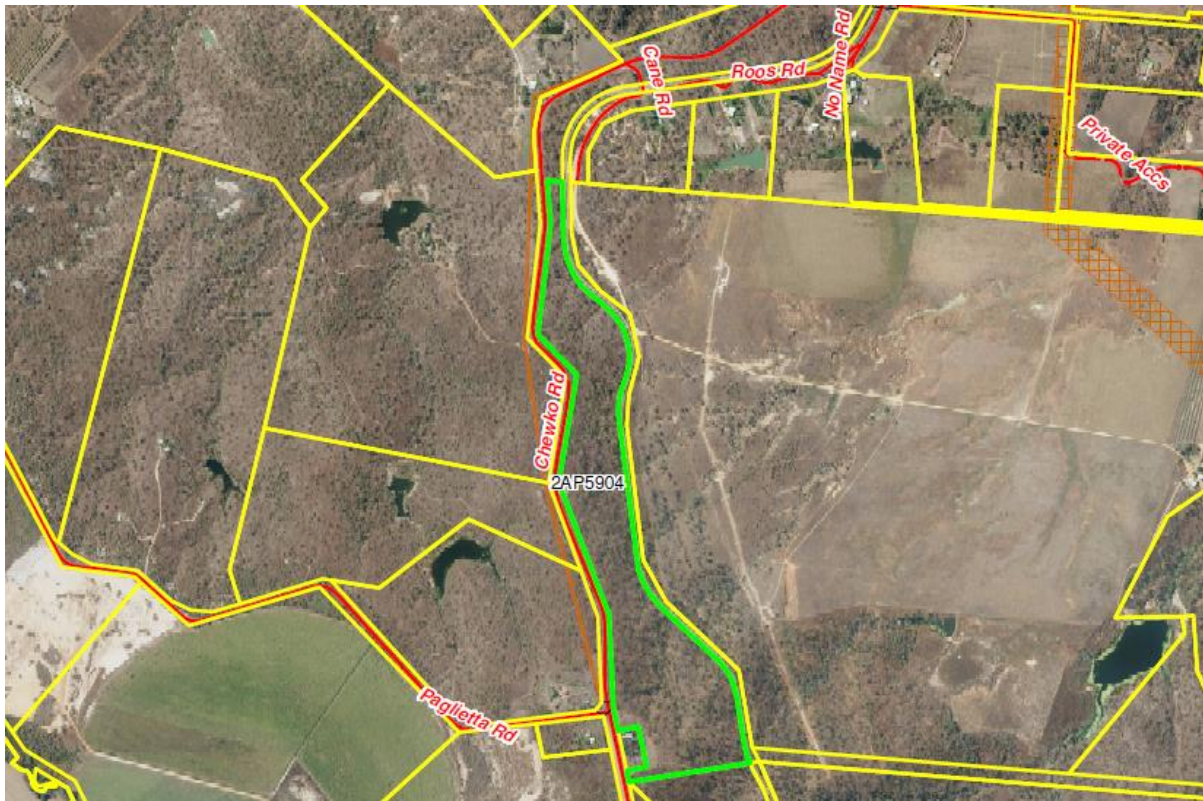
BACKGROUND

DNRM is currently considering an application for the issue of a permit to occupy over land described as Lot 2 on AP5904, Locality of Chewko.

The subject land has an area of 32.8 hectares and is situated on the eastern side of Chewko Road between Cane Road and Paglietta Road. The Mareeba-Dimbulah railway line forms the eastern boundary of Lot 2.

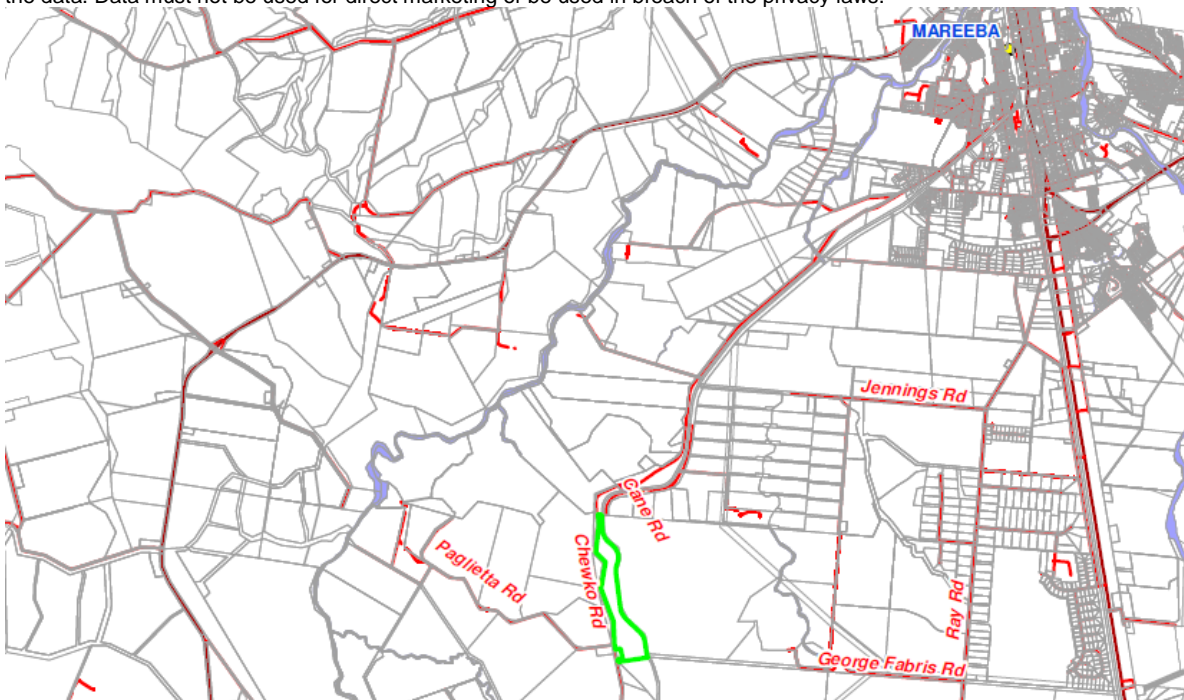
With the exception of Bunny Seary Lookout which partially extends onto Lot 2, the land is elongated, rugged, vegetated and unimproved. The proposal to use the land for grazing purposes would appear to be its best short term use.

DNRM seeks Council's views on the issue of a permit to occupy and also whether Council has requirements for fencing, given the subject lands 1.7 kilometre frontage to Chewko Road. The erection of a fit for purpose livestock fence is a reasonable requirement prior to the commencement of grazing.



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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LINK TO CORPORATE PLAN

Nil

CONSULTATION

Internal

Nil

External

Nil

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

The subject land is zoned Rural under the Mareeba Shire Council Planning Scheme.

There is no objection to the use of the land for grazing purposes.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

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

ATTACHMENTS

1. Department of Natural Resources and Mines letter of 14 September 2016.

Date Prepared: 15 September 2016

ATTACHMENT 1Queensland
GovernmentDepartment of
Natural Resources and Mines

Author Carolann Hackwood
File / Ref number 2016/004155
Directorate / Unit State Land Asset Management
Phone (07)46544276

14 September 2016

Mareeba Shire Council
PO Box 154
Mareeba QLD 4880

Dear Sir/Madam

APPLICATION FOR PROPOSED PERMIT TO OCCUPY OVER LOT 2 ON AP5904

The department has received the above application. The proposed use of the land is grazing. The attached Smartmap shows the subject land and the surrounding locality.

Please advise the department if Council have any fencing requirements that the department should consider when assessing this application, as the western boundary of the proposed Permit to Occupy adjoins a locally managed road. Any requirements should be received by close of business on **13 October 2016**.

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

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

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

If you wish to discuss this matter please contact Carolann Hackwood on (07)46544276.

All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to slam-charleville@dnrm.qld.gov.au. Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Postal :
DNRM Charleville
PO Box 224
Charleville
4470 QLD

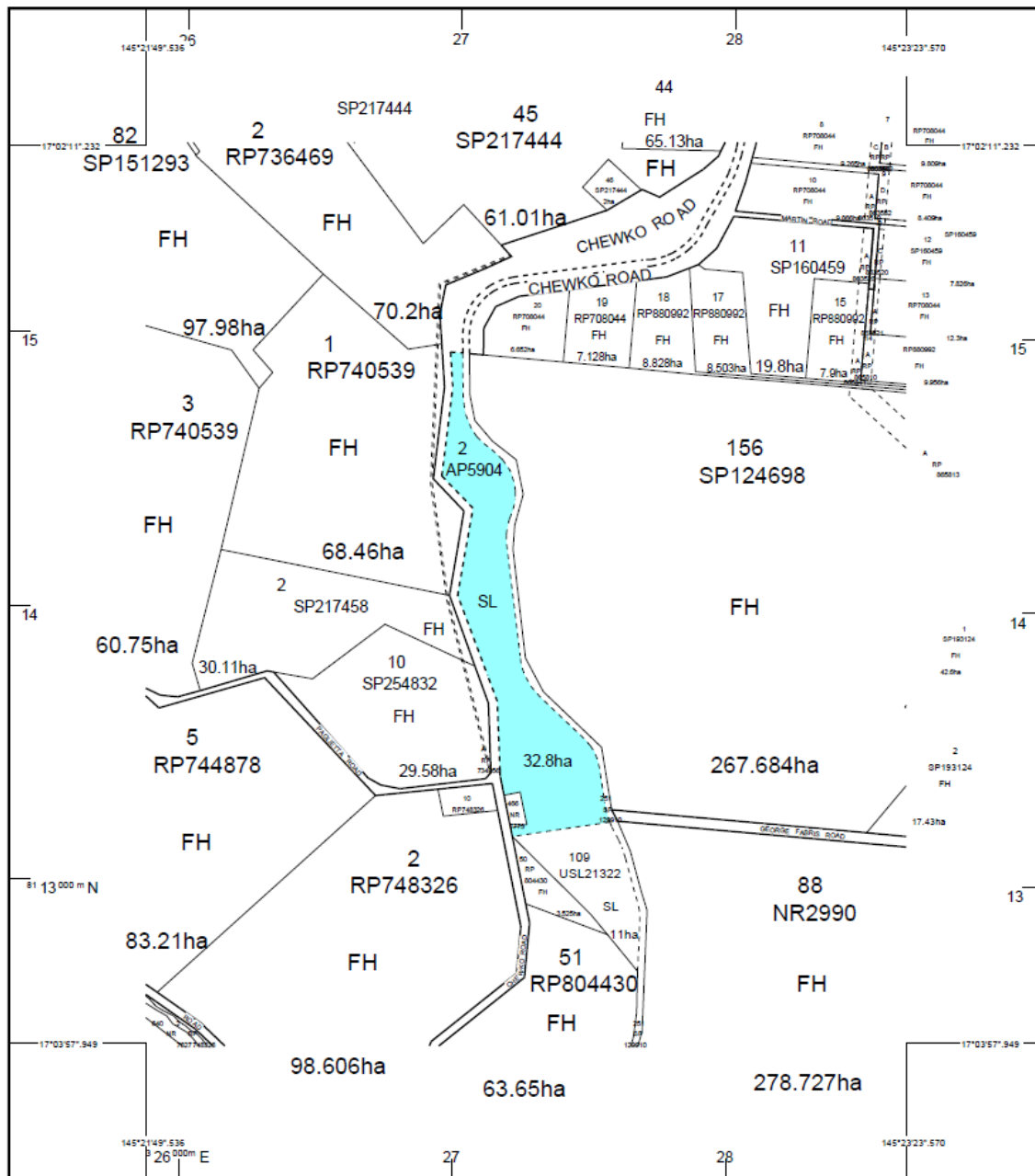
Telephone : (07)46544276
Fax: (07)46544225

Please quote reference number 2016/004155 in any future correspondence.

Yours sincerely

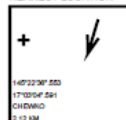


Carolann Hackwood
Land Administration Officer



STANDARD MAP NUMBER
7963-11433

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB
Lot/Plan
Area/Volume
Tenure
Local Government
Locality
Segment/Parcel

2/AP5904
32.8ha
STATE LAND
MAREEBA SHIRE
CHEWKO
21244/55

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 14/09/2016
For additional information regarding this SmartMap see page 2.
Shading Rules have been applied.

DCDB 13/09/2016 (Lots with an area less than 3000m² are not shown)

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the information and should seek independent professional advice in relation to dealings with property.

Despite Department of Natural Resources and Mines (DNRM)'s best efforts, DNRM makes no representations or warranties in relation to the information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the information.

For further information on SmartMap products visit <http://lnw.qld.gov.au/property/mapping/blinmap>

SmartMap


An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base



(c) The State of Queensland,
(Department of Natural
Resources and Mines) 2016.

Additional Information Page**Shading Rules**

 Lot Number = 2 and Plan Number = AP5904

Official correspondence from Department of Natural Resources and Mines
Case Id: 2016/004155

Dear Sir/Madam

**APPLICATION FOR PROPOSED PERMIT TO OCCUPY OVER LOT 2 ON
AP5904**

The department has received the above application. The proposed use of the land is grazing. The attached Smartmap shows the subject land and the surrounding locality.

Please advise the department if Council have any fencing requirements that the department should consider when assessing this application, as the western boundary of the proposed Permit to Occupy adjoins a locally managed road. Any requirements should be received by close of business on 13 October 2016.

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

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

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

If you wish to discuss this matter please contact Carolann Hackwood on (07)46544276.

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Please quote reference number 2016/004155 in any future correspondence.

Yours sincerely

Carolann Hackwood
Land Administration Officer

GOVERNANCE AND COMPLIANCE

ITEM-4 APPLICATION FOR APPROVAL TO KEEP STOCK IN AN URBAN AREA

MEETING: Ordinary

MEETING DATE: 12 October 2016

**REPORT OFFICER'S
TITLE:** Governance and Compliance Advisor

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

Council at its meeting held on 21 September 2016 considered a matter relevant to the keeping of rural animals (horses) in an urban environment. It was determined that this matter be deferred to the next meeting of Council to give officers sufficient time to prepare reasons and conditions for approval of the request.

It is recommended that the application be approved in full with conditions

OFFICER'S RECOMMENDATION

"That Council grants an 'Approval to Keep Stock in an Urban Area' to allow for the keeping of horses by Gail Bradshaw and Tom Smith on land described as Lot 2 RP735977 and Lots 10-11 RP738086, subject to their adherence to the conditions detailed on the Approval."

(A) COUNCIL'S CONDITIONS

(a) Applicant's Conditions of Approval

1. The Applicant must provide a signed letter to Council from each property owner on which horses are to be kept advising of that property owner's consent for horses to be kept on their property. In the event that the consent of a property owner is ever withdrawn, then this Approval for keeping of horses on that property will cease.
 2. The Applicant must provide a Medical Certificate from a qualified medical practitioner (as part of the annual application for renewal process) which provides evidence of her continuing treatment which prevents her from driving or otherwise being able to care for the horses if they were to be relocated.
 3. This Approval only relates to the keeping of horses on the properties noted in the Schedule and is not transferable to any other property. Should there be any changes to the configuration of the land on which the horses are kept or any
-

changes to the configuration of adjoining land, then this Approval will be withdrawn.

4. Approval is only granted for those horses that are identified on the Schedule of the initial Approval. The horses identified on the schedule must be microchipped. Also, approval is not transferable to any other horse.
5. This Approval is not an approval for the purpose of breeding or any commercial enterprise involving horses.
6. The approval holder must comply with the detailed conditions and minimum standards for keeping animals, enclosure requirements and air quality and noise control measures as set out in the attachment hereto.
7. Horses must be kept in accordance with the requirements of any existing code of practice.

(b) Approval to keep stock in an urban area

1. Minimum Standards for Keeping of Animals

The approval holder or any person responsible for the premises must:

- 1.1. Ensure the enclosure/s in which the animals are kept is cleaned regularly, and waste is disposed of in such a manner as not to create a nuisance to adjoining properties or be injurious or prejudicial to health; and
- 1.2. Take all reasonable steps to prevent the animals from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of neighbouring properties; and
- 1.3. Ensure that any enclosure in which the animals are kept is properly maintained in
 - 1.3.1. a clean and sanitary condition; and
 - 1.3.2. an aesthetically acceptable condition; and
- 1.4. Ensure that the animals are wormed and vaccinated in accordance with the recommendations of the national veterinary association.

2. Enclosure Requirements

- 2.1. The size of the area to be suitably fenced is to be appropriate to the species and breed of the animals to be enclosed, so as to effectively enclose the animals within the property at all times.
- 2.2. Suitably fenced means a fence which is constructed of strong and firm materials and designed in such a way as to prevent the animals from attacking a person or escaping over, under or through the fence.
- 2.3. In any case, a part of a building or structure that does not have openings through which an animal may escape may form part of the enclosure in lieu of fencing.

- 2.4. Where gates form part of the enclosure, they must be kept closed and latched except when in actual immediate use.

3. Air Quality

- 3.1. All areas associated with the animal keeping activity must be managed to minimise nuisance and impacts caused by odour, dust or particulate matter at any sensitive place.
- 3.2. No odour associated with the animal keeping activity determined to be strong or very strong (4 to 5 intensity on German Standard VDI 3882 (1) (1992)) by Council's delegated officer is to impact upon any nearby sensitive receptor at any time, when assessed every 10 seconds over a 20 minute assessment period in one (1) location at the sensitive receptor. The odour will impact if it is determined to be present more than 25% of the 20 minute assessment period or detected at a strong or very strong intensity level more than 30 times during the 20 minute assessment period.
- 3.3. When instructed by Council, the approval holder must commission an odour/dust assessment to monitor and investigate any complaint of a nuisance. The monitoring will establish if the animal keeping activity complies with the relevant standards for odour and dust conditions determined in accordance with the Environmental Protection Policy (Air) 2008, and the monitoring data, analysis of that data and a report must be provided within 10 business days of completion of the investigation, to the satisfaction of Council's delegated officer. Where the odour/dust assessment determines that the animal keeping activity is not in compliance with the Environmental Protection Policy (Air) 2008, it must recommend mitigation measures to bring the activity into compliance.
- 3.4. Any recommendations or mitigation measures outlined in the odour/dust assessment must be implemented where practically possible within 20 business days of receiving the report findings, to the satisfaction of Council's delegated officer.

4. Noise Control

- 4.1. The animal keeping activity must be managed in such a way as to prevent offensive noise levels being emitted beyond the boundaries of the subject site, as determined by Council's delegated officer.
- 4.2. When instructed by Council, the approval holder must commission a noise monitoring assessment to monitor and investigate any complaint of a nuisance. The monitoring will establish if the animal keeping activity complies with the relevant standards for noise output determined in accordance with the Environmental Protection Policy (Noise) 2008, and the monitoring data, analysis of that data and a report must be provided within 10 business days of completion of the investigation, to the satisfaction of Council's delegated officer. Where the noise monitoring assessment determines that the animal keeping activity is not in compliance with the Environmental Protection Policy (Noise) 2008, it must recommend mitigation measures to bring the activity into compliance.
- 4.3. Any recommendation or mitigation measures outlined in the noise monitoring assessment must be implemented where practically possible within 20 business days of receiving the report findings, to the satisfaction of Council's delegated officer.

These conditions may be modified or the Approval withdrawn at Council's discretion following due notice.

BACKGROUND

Council previously considered at its meeting held on 21 September 2016 matters relating to an application for Approval to Keep Stock in an Urban Area submitted by Gail Bradshaw and Tom Smith. The application referred to them keeping horses on land that they own as well as adjoining land owned by others.

As discussed at that meeting, Council has no provision within its Local Laws or Subordinate Local Laws to approve the keeping of stock upon urban land except 'temporarily' and where 'exceptional circumstances exist to justify the temporary approval.' Given Council's desire to find a means to allow for the applicants to continue to keep their horses on the subject land, it is suggested that they are given written approval which has clearly defined conditions which must be adhered to in order for them to keep the horses on the subject land. This approval will not be permanent, and renewal must be applied for each year, and the relevant fee paid.

Conditions which are appropriate are included above for consideration by Council and are based on the exceptional circumstance that one of the applicants has a medical condition that prevents her from travelling to maintain the animals.

LINK TO CORPORATE PLAN

Not applicable

CONSULTATION

Internal

Manager Development and Governance
Coordinator Environmental Health and Local Laws
Senior Planner

External

Nil

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

Due to Council's local laws not allowing for issue of approvals except for exceptional circumstances and only on a temporary basis, the issue of any approval would not be underpinned by a local law and as such this could prove problematic in the event of compliance issues arising.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

If Council decides to issue an Approval, then provision will have to be made to ensure that suitable information is captured through an application process, necessary fees paid and the conditions relevant to any Approval are clearly communicated to the parties to the Approval.

ATTACHMENTS

1. Map identifying land subject to application for Approval to Keep Stock in an Urban Area. ECM DSID: 3208072.

Date Prepared: 5 October 2016

ATTACHMENT 1

LAND IDENTIFIED AS BEING SUBJECT TO APPLICATION FOR APPROVAL TO KEEP STOCK IN AN URBAN AREA



FINANCE

ITEM-5 COUNCIL REPORT - FINANCIAL STATEMENTS FOR PERIOD ENDING 30 SEPTEMBER 2016

MEETING: Ordinary

MEETING DATE: 12 October 2016

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

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

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

OFFICER'S RECOMMENDATION

"That Council note the financial report for the period ending 30 September 2016."

BACKGROUND

Financial Summary

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

For the period ending 30 September 2016, Council shows an operational surplus of \$8,270,046 compared to a budgeted surplus of \$7,304,926. The large surplus is due to the rates for the half year, 1 July to 31 December 2016, that were issued in August. The budget reflects the 2016/17 Budget as adopted by Council at the 15 June 2016 meeting. There are no major issues to report or areas of concern after the first quarter. As each month goes past, there will be more financial data to analyse and any areas of concerns will be highlighted.

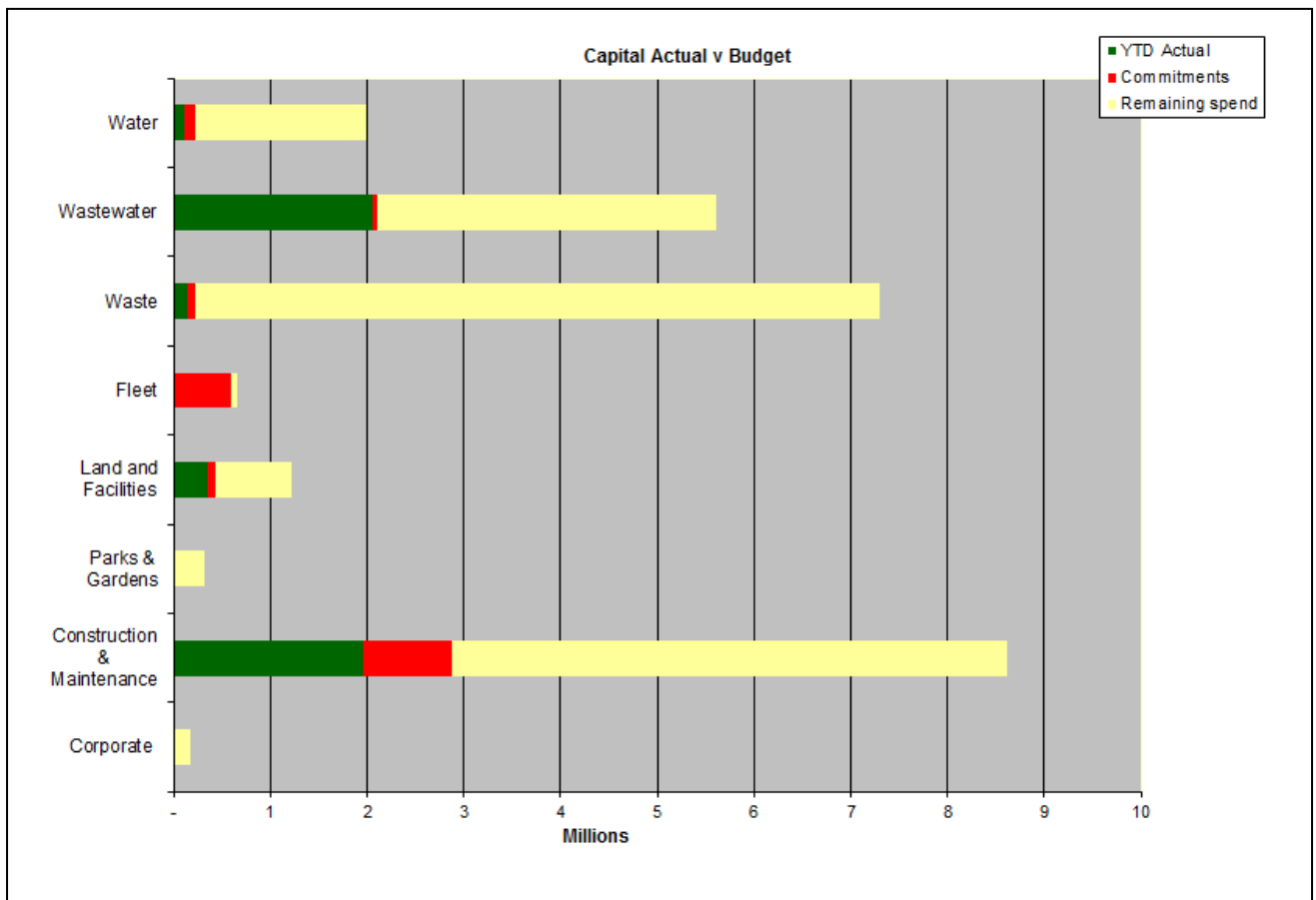
The balance of cash outstanding as a result of the court case with TRC is \$1,728,219.84 plus interest. The ongoing dispute regarding NDRRA expenses is currently being discussed. The court costs will be pursued through the formal process.

September 2016 - Snapshot

Total Operating Income	\$	17,873,647
Total Operating Expenditure	\$	9,603,601
Operating Surplus	\$	8,270,046
Total Capital Income (grants, developer contributions)	\$	1,784,768
Net Result - Surplus	\$	10,054,814

Capital Expenditure

Total capital expenditure of \$6,481,742 (including commitments) has been spent for the period ending 30 September 2016 against the 2016/17 annual capital budget of \$25,756,064.

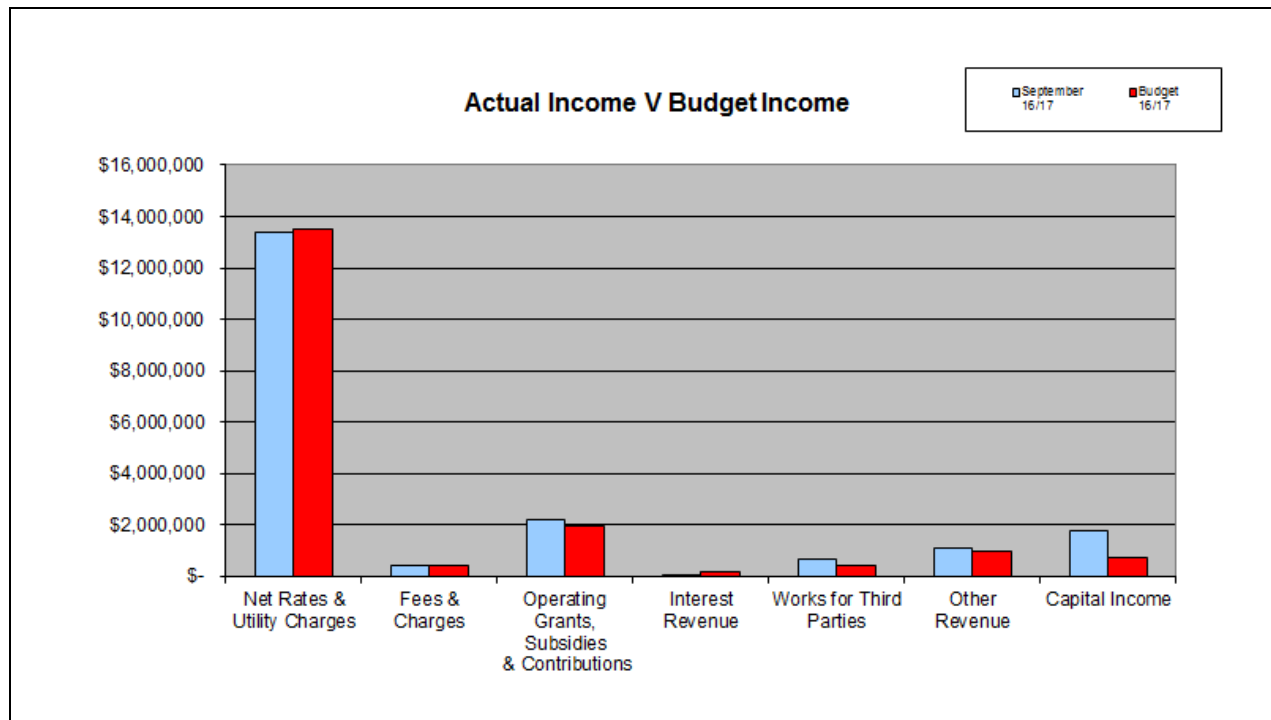


Any 2015/16 capital projects that did not commence or finish will be carried over into the 2016/17 budget. A three month capital review is currently underway and will be presented to Council at the November meeting.

Income Analysis

Total income (including capital income of \$1,784,768) for the period ending 30 September 2016 is \$19,658,415 compared to the YTD budget of \$18,219,072.

The graph below shows actual income against budget for the period ending 30 September 2016.



Description	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	13,371,814	13,520,370	
Fees & Charges	456,218	434,307	
Operating Grants, Subsidies & Contributions	2,236,100	1,952,317	
Interest Received	772	170,082	1
Works for Third Parties	677,760	442,363	2
Other Revenue	1,130,984	970,083	
Capital Income	1,784,768	729,550	3

Notes:

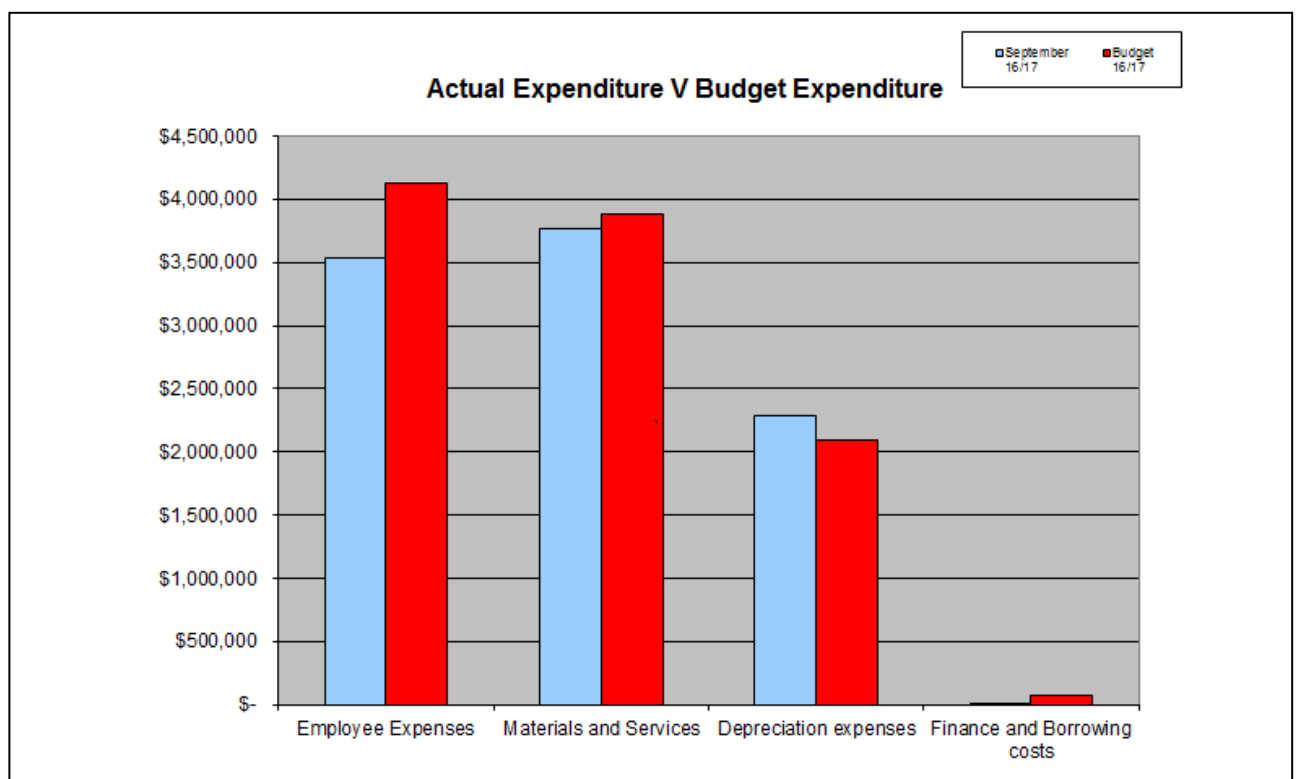
1. Council currently has four (4) term deposits maturing at different periods over the next 11 months. Term deposit interest revenue will amount to \$368k. September QTC interest has not been included in this report, expected to be approximately \$35k.

2. RMPC income higher than expected due to additional works of \$100k being requested on the Mossman-Mt Molloy roads.
3. 1st milestone claim from R4R funding for the Mareeba Airport upgrade of \$1.3M received this month. \$325k for Roads to Recovery capital grant (R2R).

Expenditure Analysis

Total expenses for the period ending 30 September 2016 is \$9,603,601 compared to the YTD budget of \$10,184,596.

The graph below shows actual expenditure against budget for the period ending 30 September 2016.



Description	Actual YTD	Budget YTD	Note
Employee expenses	3,537,065	4,132,917	1
Materials & Services	3,764,959	3,883,178	
Depreciation expenses	2,290,316	2,090,675	
Finance & Borrowing costs	11,261	77,826	

Notes:

1. Due to the early meeting date this month we were not able to include the payroll transactions for the last two weeks of September. This is purely a timing matter.

Loan Borrowings

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

QTC Loans	\$6,911,987
-----------	-------------

Rates and Sundry Debtors Analysis

Rates and Charges

The total rates and charges payable as at 30 September 2016 is \$3,323,354.

Rates were issued on 16 August for the six (6) months July to December 2016, with the discount closing 16 September. Total Gross Rates and Charges levied for the six (6) month period was \$15,116,928.

Collection House collected \$53,528 for the month of September. The outstanding amount for properties currently with debt collection is \$223,502.

Sundry Debtors

The total outstanding for Sundry Debtors as at 30 September is \$2,906,939 which is made up of the following:

Current	30 days	60 days	90 + days
\$356,632	\$17,130	\$18,656	\$2,310,009
13.2%	0.6%	0.7%	85.5%

The majority of the 90+ day sundry debtors relate to TRC outstanding payments.

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: *30 September 2016*

MAREEBA SHIRE COUNCIL
Budgeted Income Statement by Fund
For the period ending 30 September 2016

	Consolidated		General Fund		Waste Services		Sewerage Services		Water Services		Benefited Areas	
	Actual YTD	Budget 2016/17	Actual YTD	Budget 2016/17	Actual YTD	Budget 2016/17	Actual YTD	Budget 2016/17	Actual YTD	Budget 2016/17	Actual YTD	Budget 2016/17
Revenue												
Rates and utility charges	14,254,117	14,384,327	7,982,759	7,918,139	1,709,572	1,693,465	3,386,509	2,188,712	2,154,256	4,916,317	158,818	160,249
Less Discounts and Pensioner Remissions	(882,309)	(883,957)	(882,309)	(883,957)	(1,727,914)	-	-	-	-	-	-	-
Net Rates and Utility Charges	13,371,814	13,500,370	7,100,450	7,034,182	1,709,572	1,693,465	3,386,509	2,188,712	2,154,256	4,916,317	158,818	160,249
Fees and Charges	456,218	434,307	448,606	438,807	-	-	-	7,613	-	-	-	-
Operating Grants and Subsidies	2,236,100	1,768,717	2,236,100	1,768,717	-	-	-	-	-	-	-	-
Operating Contributions	-	183,600	-	-	-	-	-	-	-	-	-	-
Interest Revenue	772	170,082	772	96,250	-	50,727	202,608	-	-	-	-	-
Works for Third Parties	677,760	442,303	653,234	434,938	-	-	-	1,927	-	14,355	57,420	183,600
Other Revenue	1,130,984	970,083	663,606	378,608	451,088	575,225	2,348,500	-	16,310	7,425	29,700	8,750
Total Operating Revenue	17,873,647	17,488,522	11,102,772	10,159,502	2,160,640	2,319,407	5,936,717	2,178,152	2,273,265	5,031,437	158,818	361,849
Expenditure												
Employee Expenses	3,537,065	4,132,917	3,174,644	3,689,813	122,437	123,927	504,490	72,258	149,498	185,715	18,228	21,219
Materials and Services	3,764,659	3,883,178	2,063,242	1,744,201	729,813	981,391	3,937,270	275,094	632,844	690,590	63,376	66,449
Depreciation expense	2,290,316	2,990,875	1,723,118	1,903,643	18,870	19,126	76,503	218,603	305,689	1,233,124	25,136	35,363
Finance and Borrowing costs	11,261	77,826	11,261	35,573	-	-	-	41,253	-	-	-	-
Total Operating Expenses	9,603,601	10,184,596	6,971,285	6,974,230	871,120	1,124,444	4,518,263	598,445	1,088,031	1,984,566	106,740	146,031
Operating Surplus/(Deficit)	8,270,046	7,304,926	4,131,507	3,185,272	1,289,520	1,194,963	1,418,454	1,611,707	1,185,234	3,026,871	52,078	215,818
Capital Income												
Capital Contributions	84,374	1,800	67,356	1,800	-	-	-	6,788	-	-	-	-
Capital Grants and Subsidies	1,625,172	645,200	1,625,172	645,200	-	-	-	-	-	-	-	-
Profit/(Loss) on Sale of Asset	75,222	82,500	75,000	82,500	222	-	-	-	222	-	-	-
Total Capital Income	1,784,768	729,500	1,767,528	729,500	222	-	-	6,788	222	-	-	-
Net Result	10,054,814	8,034,476	5,899,035	3,914,822	1,289,520	1,194,963	1,418,454	1,618,495	1,185,458	3,026,871	52,078	215,818
												680,637

ITEM-6 COUNCIL MEETING RELATED PARTY POLICY

MEETING: Ordinary

MEETING DATE: 12 October 2016

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

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the implementation of AASB 124 related party disclosures by local governments in Queensland and present a policy for Council's adoption.

OFFICER'S RECOMMENDATION

"That Council adopt the Related Party Disclosure Policy."

BACKGROUND

From 2016/17, local governments must disclose related party relationships, transactions and outstanding balances, including commitments, in the annual financial statements. Councils are encouraged to develop and adopt a policy on related party disclosures to assist the implementation and disclosure requirements. The policy adoption is not however, in its' own right, required by the Local Government Act 2009.

Related parties include the mayor, councillors, chief executive officer, senior executives, their close family members and any entities that they control or jointly control. Any transactions between council and these parties, whether monetary or not, may need to identified and disclosed.

This information will be audited as part of the annual external audit by Queensland Audit Office.

The proposed policy was presented to the Audit Committee on 4 October 2016 for feedback and the amended policy is now presented to Council for review and feedback.

CONSULTATION

Internal
Director Corporate & Community Services
Financial Accountant
Audit Committee

External
QAO
Grant Thornton

LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Related Party Disclosure Policy

Date Prepared: 4 October 2016

ATTACHMENT 1



RELATED PARTY DISCLOSURE POLICY

Draft <input checked="" type="checkbox"/>	Final <input type="checkbox"/>	Version:	1
File ref:		Policy Section:	Finance
Date Adopted:	1 July 2016	Review Date:	1 July 2017
Author:	Manager Finance	Review Officer:	Director Corporate and Community Services

Version #: 00/00/2009

Mareeba Shire Council

Related Party Disclosure Policy

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1. POLICY INTENT

The purpose of this policy is to provide guidance to Council to achieve compliance with the *Australian Accountant Standard AASB 124 – Related Party Disclosures*.

2. SCOPE

This policy applies to related parties of Council and their transactions with Council.

3. BACKGROUND

The sources of legal obligations behind this Policy are;

- Local Government Act 2009
- Local Government Regulation 2012
- AASB 124 Related Party Disclosures

4. DEFINITIONS

“Close family members of a person” - are those family members who may be expected to influence or be influenced by, that person in their dealings with Council and include

- that person's children and spouse or domestic partner
- children of that person's spouse or domestic partner
- dependants of that person or that person's spouse or domestic partner

“Entities” - include companies, trusts, incorporated and unincorporated associations, joint ventures, control or joint controlled entities and partnerships.

“Key Management Personnel” - as defined in Section 5.1 of this policy.

“Materiality” - means the assessment will be assessed on a case by case basis assessing if the amount and/or nature of the transaction would be considered beneficial to the related party.

“Ordinary citizen transactions” - means a transactions that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

“Related Party” - as defined in Section 5.2 of this policy.

“Related Party Transaction” - is a transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged. ,

5. POLICY STATEMENT

5.1 IDENTIFICATION OF RELATED PARTIES AND TRANSACTIONS

A related party is a person or entity that is related to the Council.

For the purpose of this policy, related parties of Council are;

- A subsidiary, associate or joint venture of Council
- Key Management Personnel (KMP)
- Close family members of KMP
- Any entities controlled or jointly controlled by KMP or their close family members.

5.1.1 Subsidiary, associated or joint venture of Council

These are entities that are controlled by Council, jointly control by Council or over which Council has significant influence.

For the purpose of this policy, Council does not have any entities in this category.

5.1.2 Key Management Personnel (KMP)

Key Management Personnel (KMP) is persons having authority and responsibility for planning, directing and controlling the activities of Council either directly or indirectly.

KMP's for the Council are considered to be;

- Councillors (including the Mayor)
- Chief Executive Officer
- Directors
- A person acting in the Chief Executive Officer or Director position (that are not already identified as a KMP).

Council requires all KMP's to fill out a Related Party Declaration form (as per **Appendix 1**) identifying the following;

- their close family members
- entities that they control or are associated with; and
- entities that their close family members control or jointly control

Declarations are required bi- annually each financial year. Should an individual's circumstances materially change between these periods a new declaration must be completed.

5.1.3 Close family members of KMP

Close family members are people who may be expected to influence or be influenced by, that person in their dealings with Council and include;

- that person's children and spouse or domestic partner
- children of that person's spouse or domestic partner
- dependants of that person or that person's spouse or domestic partner.

KMP will identify close family members through the Related Party Declaration form.

5.1.4 Entities controlled or jointly controlled by KMP or their close family members

Entities include companies, trust, joint ventures, partnerships and non-profit associations such as sporting clubs.

Key management personnel will identify all entities through the Related Party Declaration form.

Transactions between Council and related parties, whether monetary or not, are required to be identified. The types of transactions may include;

- Grants and Subsidy payments made to associated entities of Council
- Non-monetary transactions between Council and related parties
- Goods and services provided by Council to related parties
- Compensation made to key personnel
- Fees and charges charged to related parties
- Infrastructure contributions and application fees from related parties

5.2 ASSESSMENT OF RELATED PARTY TRANSACTIONS AND DISCLOSURES

Once the related party transactions have been identified they will be analysed by the Manager Finance and Manager of Development and Governance. Where transactions are found to be of material or significant nature, they will be disclosed in the financial statements.

The following matters must be considered in determining the materiality and significance of any related party transactions;

- Significance of transaction in terms of size
- Whether the transaction was carried out on non-market terms
- Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets
- Whether the transaction is disclosed to regulatory or supervisory authorities
- Whether the transaction has been reported to senior management
- Whether the transaction was subject to Council approval.

Transactions or balances that occur within a **ordinary citizen transaction** shall be excluded from the detailed disclosures. An exception to this would be if the terms and conditions differ from those offered to the general public the transaction may be material therefore a disclosure would be required.

6. REVIEW

It is the responsibility of the Director Corporate and Community Services to monitor the adequacy of this policy and approve appropriate changes.

Mareeba Shire Council

Related Party Disclosure Policy

7. DISTRIBUTION REGISTER

Date	Issue No.	Copy No.	Issued To	Copy Type

This policy is to remain in force until otherwise determined by Council.

APPENDIX 1**Mareeba**
SHIRE COUNCIL**Declaration****Related Party Declaration for Key Management Personnel****PRIVATE AND CONFIDENTIAL**

Name of Key Management Person: _____

Position of Key Management Person: _____

(List details of known close family members, entities that are controlled/jointly controlled by KMP
and entities that are controlled/jointly controlled by the close family members of KMP)

Name person or entity

Relationship

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(attach separate sheet if required)

I, _____
(insert full name and position)

declare that the above list includes all my close family members and the entities controlled, or
jointly controlled, by myself or my close family members. I make this declaration after reading the
fact sheet supplied by council which details the meaning of the words "close family members" and
"entities controlled, or jointly controlled, by myself or my close family members".

Declared at: _____ on the: _____

Signature of KMP: _____

Name of KMP: _____

Related Party Declaration

V1: 14/09/2016

COMMUNITY WELLBEING

ITEM-7 PRIORITY PROJECTS FOR GRANT APPLICATIONS

MEETING: Ordinary

MEETING DATE: 12 October 2016

**REPORT OFFICER'S
TITLE:** Senior Engagement Officer

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report presents the priority projects for submission to Department of Local Government, Infrastructure and Planning as Expressions of Interest for grants and subsidies.

OFFICER'S RECOMMENDATION

"That Council endorse the priority projects listed in this report for submission to Department of Local Government, Infrastructure and Planning for grants and subsidies support."

BACKGROUND

The Department of Local Government, Infrastructure and Planning have made available to local government authorities the following grants and subsidies programs:

- Local Government Grants and Subsidies Program
- Community Resilience Fund
- Natural Disaster Resilience Program.

The grant programs provide a 60% subsidy, increased from 40% 2015/16. The core objectives of the programs are to:

- reduce community vulnerability to natural hazards and build community resilience
- support the delivery of infrastructure that meets community needs and increases local employment and growth
- deliver key natural disaster mitigation infrastructure
- support projects that align with state, regional and local priorities.

Project Prioritisation Criteria

The prioritised Council projects for submission as Expressions of Interest for grant subsidies are those that:

- Have been assessed as high need by the Project Prioritisation Tool;
 - Meet the grant guidelines; and
 - Are "project ready" with technical assessments and costings completed, or can be completed to meet grant timeframes.
-

COUNCIL PROJECTS

Project	Project details	Financial contribution		Total project cost
		Council 40%	*DLGIP 60%	
Mareeba Sewer Capacity Upgrade - Hastie and Kenneally Roads, Mareeba	Existing sewer trunk mains at Hastie and Kenneally Roads Mareeba, are reaching capacity and upgrading them will provide critical infrastructure to service new land subdivision developments, including a retail and medical precinct, as well as preventing wastewater overflows and environmental license breaches.	\$927,800	\$1,391,700	\$2,319,500
Replacement Leadingham Creek Bridge	This project is to replace an aged and structurally compromised single lane timber bridge with a one lane concrete bridge on Leadingham Creek, Leadingham Creek Road, Dimbulah. The replacement will provide safe passage of traffic and increase the load limit.	\$120,000	\$180,000	\$600,00 [^]
Mareeba Industrial Waste Receiving Facilities Project	Upgrade of existing industrial waste receiving facilities at the Mareeba Wastewater Treatment Plant to improve Council's ability to control, monitor and treat industrial waste and leachate. At present there is limited control over the quantity or quality of influent coming into the treatment plant and the project proposes a number of modifications to improve the process.	\$274,000	\$411,000	\$685,000

*DLGIP - Department of Local Government, Infrastructure and Planning

[^]Eligible to apply for \$180,000 as the TIDS road grants of \$300,000 will be used for this project

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

The 40% Council co-contribution for each project is available in reserves or the 2016/17 capital budget

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: *30 September 2016*

**ITEM-8 MAREEBA SHIRE COUNCIL LIBRARY SERVICE
STRATEGIC PLAN 2016-2020**

MEETING: Ordinary

MEETING DATE: 12 October 2016

**REPORT OFFICER'S
TITLE:** Library Coordinator

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The Mareeba Shire Council Library Service Strategic Plan 2016-20 is presented for Council consideration and adoption.

OFFICER'S RECOMMENDATION

"That Council adopt the Mareeba Shire Council Library Service Strategic Plan 2016-20."

BACKGROUND

Mareeba Shire Council Libraries are required to demonstrate in a Strategic or Operational Plan how they uphold management and operational practices which strive to be consistent with Queensland Public Library Standards and Guidelines. The Strategic Plan is to be submitted to the State Library of Queensland to demonstrate compliance with the Service Level Agreement, thereby ensuring Council is eligible to receive the annual Public Library Resources Grant.

The Library Services' Strategic Plan will be used as a foundational document to guide collection management, policy, procedure and library practise in accordance with the directives outlined in Mareeba Shire Council's Corporate Plan.

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.

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

CONSULTATION

Internal
Library staff and Branch Supervisors
Manager Community Wellbeing

Chief Executive Officer
Councillors

External

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

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

NIL

POLICY IMPLICATIONS

Library Service Collection Management Policy will require review and updating.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

Is the expenditure noted above included in the 2016/17 budget?

Nil

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

Nil

IMPLEMENTATION/COMMUNICATION

On adoption of the 2016-2020 Library Service Strategic Plan, it will be sent to the State Library of Queensland.

ATTACHMENTS

1. Mareeba Shire Council Library Service Strategic Plan 2016-20

Date Prepared: 28 September 2016



STRATEGIC PLAN

**MAREEBA SHIRE COUNCIL
LIBRARY SERVICE
2016 - 2020**



Mareeba Shire Library Service Strategic Plan

2016 – 2020

GOALS	STRATEGIES	TARGETS
<p>GOAL 1</p> <p>Technology</p> <p>Evaluate a range of digital and virtual resources which can be offered free to library members to offset distance, isolation and rural disadvantage by providing access to information through technology</p> <p>ECON1- Corporate Plan Economic growth potential & promotion of growth</p>	<p>Strategy 1.1 Develop and promote digital library services to increase customer use and borrowing</p> <p>Strategy 1.2 Investigate the demand for online magazines across different sectors of the community</p> <p>Strategy 1.3 Introduce equipment loans with appropriate policies and staff and customer training</p>	<p>Target 1.1 Identify possible new digital services with community input to produce a report which informs purchasing and collection management decisions</p> <p>Target 1.2 Evaluate borrowing statistics and assess the increasing use of digital titles against a possible decline in hardcopy borrowing Measurable through Soydus reporting module and customer feedback</p> <p>Target 1.3 Write policy and procedure for the lending of equipment and create a demand for digital technologies to use at home and in the library Measurable by increasing equipment bookings on the online booking system.</p>
<p>GOAL 2</p> <p>Service orientation</p> <p>Review and develop policy and procedures which act as a bridge to connect clients and services</p> <p>GOV3 & GOV5 Corporate Plan ICT Strategy focus on Cloud solutions</p>	<p>Strategy 2.1 Develop a procedure manual to reflect systems up-grade and to provide reliable but adaptive guidelines for consistency of service</p> <p>Strategy 2.2 Increase organisational agility to reflect the fluidity of Cloud based Library Management System</p> <p>Strategy 2.3 Develop flexible procedures which reflect library culture of problem solving to maximise positive customer service</p>	<p>Target 2.1 Policy control domain- Standardised policy to support staff in providing confident, efficient and consistent customer service across locations.</p> <p>Target 2.2 Semi-control domain-costing for an annual staff meeting to exchange information and discuss issues across branches and work for consensual tailored procedure which also reflects site specific environmental factors</p> <p>Target 2.3 Customer environment- Investigate options to minimise barriers to membership and ensure the customer has maximum access to services and resources.</p>

<p>GOAL 3</p> <p>Training</p> <p>Develop an external & internal training plan using resources available online</p> <p>GOV5- Corporate Plan Identify training and skills needs</p>	<p>Strategy 3.1 Utilise lynda.com an online education company offering video courses in software, creative, and business skills</p> <p>Strategy 3.2 Create promotional flyers and how to use information targeting *internal library staff and Council officers *Library customers</p>	<p>Target 3.1 Conduct training courses to maximise the use and benefit of new technologies by staff</p> <p><u>Staff Training</u></p> <ul style="list-style-type: none"> Teaching Future-Ready Students with Kevin Brookhouser Learn the three literacies that students need to master for tomorrow's jobs—entrepreneurship, video production, and coding Using whiteboards Why go paperless, and best practices
<p>GOAL 4</p> <p>Automate</p> <p>Measure business performance to improve efficiency and effectiveness</p> <p>GOV5- Corporate Plan Review & document internal processes</p>	<p>Strategy 4.1 Monitor circulation desk process using a time use survey to determine the amount of time spent on specific tasks</p> <p>Strategy 4.2 Analyse productivity against costing of technology to determine potential savings</p> <p>Strategy 4.3 Investigate a move from a direct service to a self-service model and utilize desk staff in training and consultative reference work and customer education interactions for the OPAC, self-service machines and digital literacy</p> <p>Strategy 4.4 Review data collection to ensure only relevant statistics are collected</p>	<p>Target 4.1 Adjust desk rostering to suit new workflow along with performance metrics</p> <p>Target 4.2 Determine alternate time use strategies and patterns of service for circulation staff</p> <p>Target 4.3 Automate repetitive business processes to reduce non-professional tasks and increase consultation and readers advisory</p> <p>Target 4.4 Ensure that the data collected is useful and meets compliance standards for internal and external stakeholders</p>

<p>GOAL 5</p> <p>Grant Funding</p> <p>Access grants for program delivery to meet customer needs and Queensland Public Library Standards and Guidelines</p> <p>GOV1- Corporate Plan Long term asset management & Financial strategies</p>	<p>Strategy 5.1 Build on the robotics and coding training provided through the Vision 2017 grant and provide coding experiences in the community</p> <p>Strategy 5.2 Investigate suitable locations for relocated central library service in order to provide a workable venue for training and programs and co-location with complementary services</p>	<p>Target 5.1 Invite community groups and service providers to participate in grant funded training to magnify the reach of coding and robotics knowledge</p> <p>Target 5.2 Increase ability to offer grant funded programs and purchase technological resources by exploring, identifying and assessing options for new Library premises in Mareeba</p>
<p>GOAL 6</p> <p>Online Presence</p> <p>Implement online engagement strategies to inform customers and the community about council and library services</p> <p>GOV3 & GOV5 Corporate Plan ICT Strategy focus on Cloud solutions</p>	<p>Strategy 6.1 Develop Council's website with dedicated Library web pages with links to Facebook and Pinterest</p> <p>Strategy 6.2 Utilise Facebook to engage with and direct community and customers to Council's website for information about library services, programs and activities.</p>	<p>Target 6.1 Include a "Library News" section on Council's website to promote library activities across branches in a seamless and coordinated manner.</p> <p>Target 6.2 Partner with community services producing e-newsletters newsletters to include library news and promote services and programs.</p> <p>Target 6.3 Facebook and the Council website will allow for frequent customer updates to showcase new library services and resources</p> <p>Target 6.4 Pinterest can be used as a reader recommendation platform for readers advisory by providing current book lists information and reading suggestions, in addition to the educational information from writers blogs and writing tips.</p>

INFRASTRUCTURE SERVICES

PROJECT MANAGER

ITEM-9 MAREEBA AIRPORT UPGRADING - SEPTEMBER 2016 PROGRESS REPORT

MEETING: Ordinary

MEETING DATE: 12 October 2016

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

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Council has received grant funding from the State and Australian Governments towards the upgrading of the Mareeba Airport.

Design and construction of the Mareeba Airport Upgrading are underway this report sets out progress to date.

OFFICER'S RECOMMENDATION

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

BACKGROUND

Funding

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. Both these grants are for specific aspects of the proposed upgrading project.

The final funding agreements with the Australian Government and State Government have been reviewed, signed and executed. Milestone reporting is being provided to the Australian and State Governments as required under the funding agreements. Council has received the first milestone payment of \$1.3 million from the State Government following lodgement of reports in September 2016.

Master Concept Layout

The final draft concept layout for the airport upgrading as presented to Council at its meeting in March has not altered significantly. It is anticipated that a final concept layout will be completed in mid-October 2016 and reported to Council at the Ordinary Meeting in November 2016.

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.

Airport Water Supply Upgrade

Tender TMSC2016-07 for upgrade of the water supply services was awarded to FGF Developments Pty Ltd in July 2017. FGF Developments commenced water main upgrade works from mid-August 2016. The water main installation has been completed along Vicary Road and through the airport reserve to the Western Lease Area, and the section from the Wylandra Reservoir to the airport is currently being installed. Work for October includes completion of pipework, installation of pillar hydrants and installation and commissioning of new booster pumps for the potable and firefighting water supplies. Some delays have been encountered due to the extensive rock and buried services encountered, and work is scheduled for completion by early November 2016.

It should be noted that the need to duplicate the water supply (firefighting and general use) is a Civil Aviation Safety Authority (CASA) requirement.

Ray Road and Vicary Road Upgrade

Contract TMSC2016-05 for widening of Vicary Road and Ray Road was awarded to LDI Constructions in July 2017. LDI Constructions commenced roadworks on Vicary Road in early September 2016 and have completed the culvert installation, intersection upgrade and 50% of the road widening for Vicary Road and Ray Road. During October, LDI Constructions will complete the remaining work on Vicary Road and Ray Road, with all work scheduled for completion by the end of October 2016.

Vicary Road Leased Area Pavements

Northern Civil Earthworks were awarded the tender for the Vicary Road leased area pavements in July 2016. Work is scheduled to commence in early November 2016, following completion of the water main and Vicary Road upgrade and is scheduled for completion by mid-December 2016.

Western Lease Area

Jacobs has been commissioned to undertake the detailed design and documentation for the western lease area. This incorporates the design of aprons, road, car parking, services and lighting. Consideration has been given to provision of a mix of lease sizes and types to cater for aircraft storage and aircraft-based businesses when developing the draft layout. Jacobs will provide a concept design which will meet International Civil Aviation Organization (ICAO) and CASA requirements by early October 2016. Full detailed design of the Western Lease Area is scheduled for completion by the end of November 2016 with tenders for construction work to be invited from early 2017.

Runway, Taxiways and Lighting

As resolved by Council at its October 2016 Ordinary Meeting, Jacobs have been engaged to design the runway, taxiways and airfield lighting based on the requirements of the funding agreements. A concept plan and estimate for this work will be completed by early October 2016. Council resolved to invite Expressions of Interest (EOI) for the construction of the runway, taxiways and airfield lighting at its October 2016 Ordinary Meeting. EOIs will be called from early November 2016, with a shortlist of contractors being invited to tender on the work from early 2017. Detailed design and documentation for construction of the runway,

taxiways and airfield lighting is to be completed by the end of November 2016, so that construction can commence post wet season in early 2017.

Expenditure

Expenditure to date of \$2,573,341 comprises survey, design, ground clearing, soil testing, master planning, business planning and construction. This amount includes current committals of \$2,050,918 which are primarily made up of the purchase orders raised on Northern Civil Earthworks for Contract TMSC2016-04 Mareeba Airport Redevelopment - Construction of Vicary Road Leased Area Pavements (\$160,565), LDI Constructions for Contract TMSC2016-05 Mareeba Airport Redevelopment - Construction of Vicary Road and Ray Road (\$890,173) and FGF Developments for Contract TMSC2016-07 Mareeba Airport Redevelopment - Water Main Upgrade (\$597,216).

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

A/Director Infrastructure Services
Manager Works

External

Commonwealth 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

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

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

ATTACHMENTS

1. Progress Photographs – September 2016

Date Prepared: *30 September 2016*



6 September 2016 - Water main installation along southern boundary of Mareeba Airport reserve



29 September 2016 - Water main installation from Wylandra reservoir to Mareeba Airport



19 September 2016 - Culvert installation at intersection of on Vicary Road and Ray Road



24 September 2016 - Pavement construction for Vicary Road upgrade



29 September 2016 - Aerial photograph of culvert installation and roadworks at intersection of on Vicary Road and Ray Road



29 September 2016 - Aerial photograph of water main installation from Wyandra Reservoir to Mareeba Airport



30 September 2016 - Aerial photograph of Mareeba Airport with clearing for the new Western Lease Area in foreground

ITEM-10 **TMSC2015-13 MAREEBA WASTEWATER TREATMENT PLANT PROGRESS SEPT 2016**

MEETING: Ordinary

MEETING DATE: 12 October 2016

REPORT OFFICER'S TITLE: Contracts and Project Management Officer

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

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

Design work has been completed on the plant with the contractor having established to site and commenced construction. This report sets out progress to date.

OFFICER'S RECOMMENDATION

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

BACKGROUND

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

Downer mobilised to site in late May 2016, supplied final 100% design stage drawings on 15 July 2016 and construction is progressing on target. During September 2016, the following work was undertaken:

- Electrical conduit installed and Ergon substation nearly completed
- Concrete walls poured for Digesters and Sequential Batch Reactor (SBR)
- Chlorine Contact Tank (CCT) concrete base slab and walls poured
- Installation of outfall pipework
- Preparation of building foundations for concrete blinding

Primary activities scheduled for October are the continuation of concrete works for the bioreactor, digesters and chlorine contact tank, installation of services and construction of the site buildings.

Milestone reporting is being provided to the Australian and State Governments as required under the funding agreements. The Australian Government has forwarded \$600,000 to Council as the initial milestone payment under the National Stronger Regions Fund. A payment of \$300,000 from the State Government under the Building Our Regions Fund is due to Council following acceptance of reports submitted in September 2016.

Expenditure

The expenditure to date of \$14,258,990 includes current committals of \$10,762,011 which is primarily made up of the purchase order raised on Downer Utilities Australia (balance of committal is \$10,711,814) for Contract TMSC2015-13 Mareeba Wastewater Treatment Plant – Design and Construction and a purchase order of \$732,441 against Bilfinger for Contract TMSC2015-08 Mareeba Wastewater Treatment Plant – Inlet Works. Other minor committals and expenditure are also included in the total expenditure to date.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
A/Director Infrastructure Services
Manager Water & Waste

External
Contractors

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

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

1. Progress Photographs – September 2016

Date Prepared: 4 October 2016



1 September 2016 - Installation of reinforcement for chlorine contact tank (CCT) base slab



12 September 2016 - Installation of outfall pipework



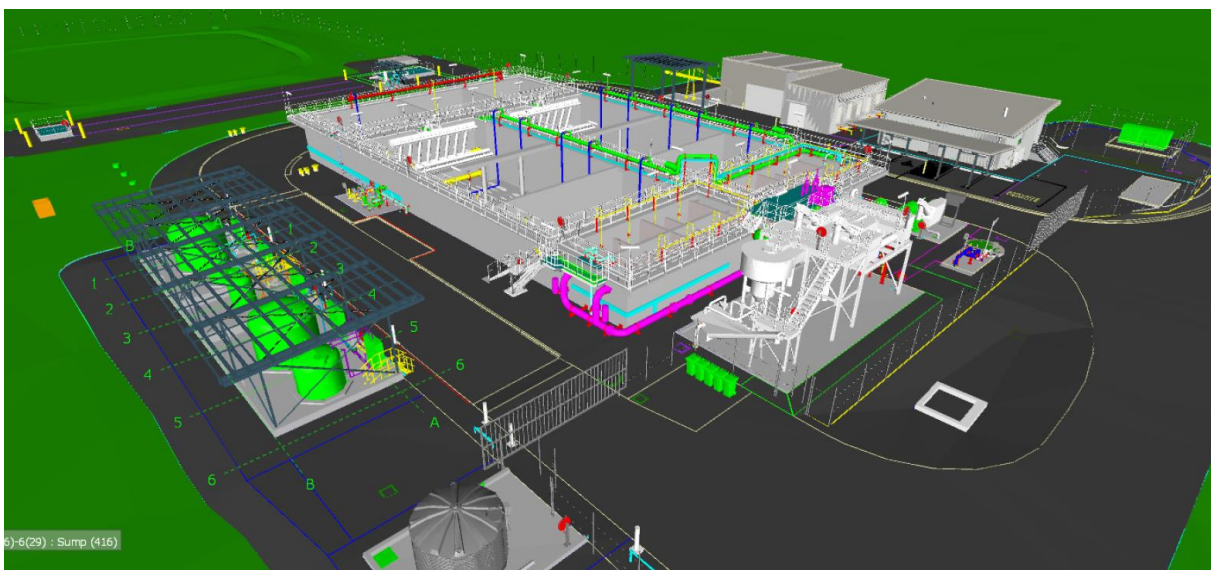
20 September 2016 - Aerial photograph of project site



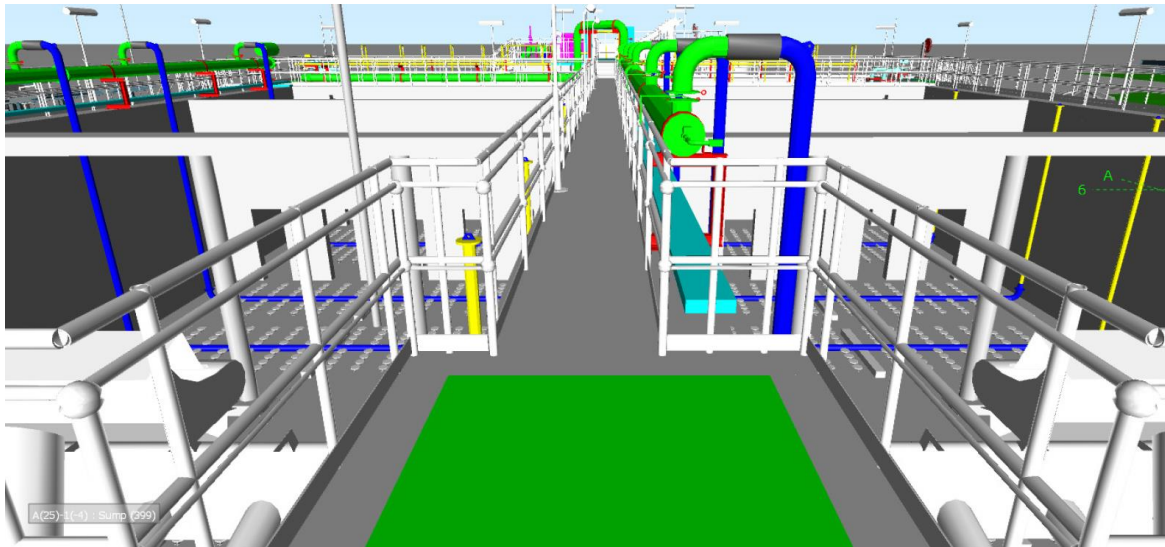
21 September 2016 - Sunrise at the project site; Electrical Conduit to MCC and SBR wall formwork in place



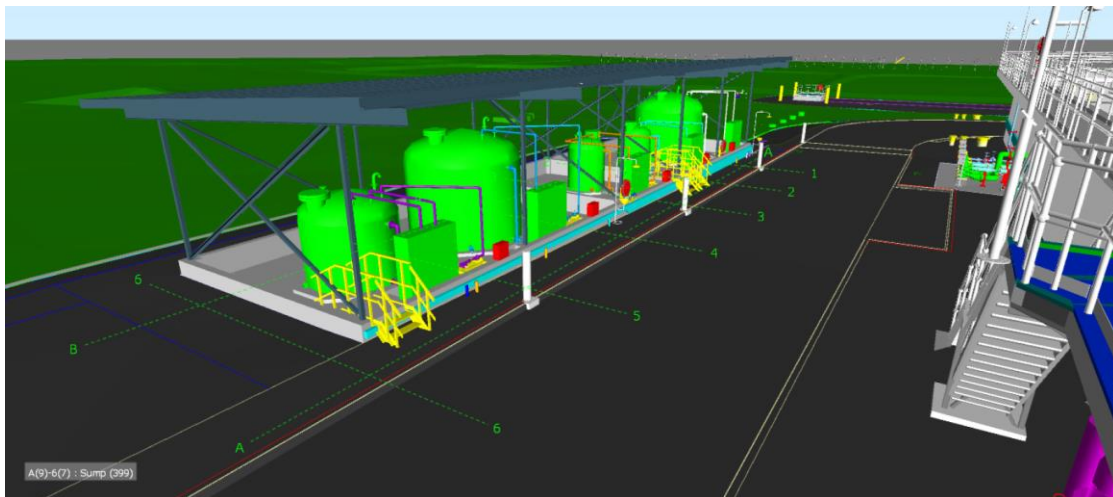
27 September 2016 - Concrete pour for the SBR and Digester walls



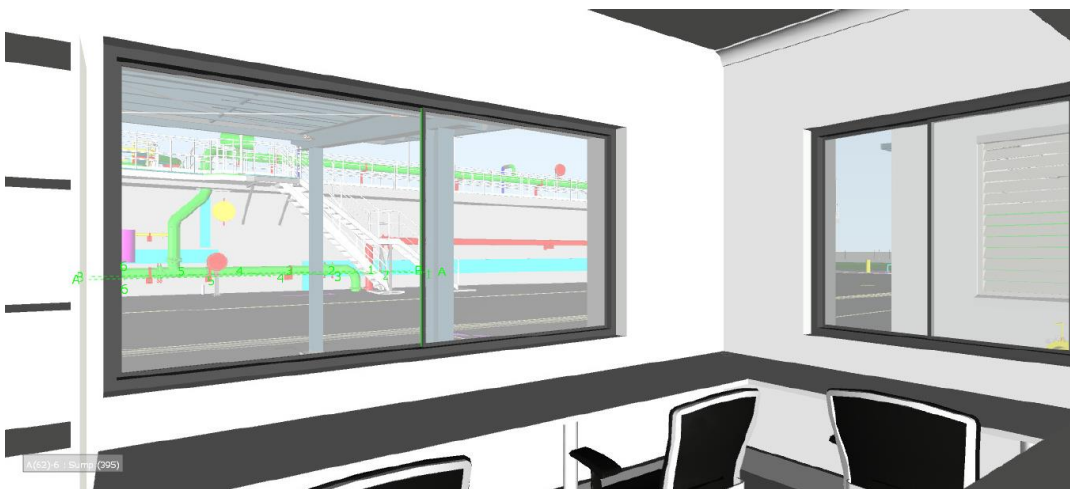
Latest 3D Model of the new Mareeba Wastewater Treatment Plant



Latest 3D Model of SBR



Latest 3D Model of Chemical Dosing Facility



Latest 3D Model of view from Control Room towards SBR

**ITEM-11 TENDER EVALUATION TMSC2016-11 OAKEY CK
BRIDGE**

MEETING: Ordinary Meeting

MEETING DATE: 12 October 2016

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

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Council has received funding through the Australian Government Bridges Renewal Programme contributing to the upgrade of the Oakey Creek timber bridge on Springmount Road.

Tenders have been recently invited for the refurbishment and upgrade of the bridge to a single lane concrete deck arrangement.

This report provides details of the results of the procurement process and recommends the engagement of preferred contractor to undertake the bridge upgrade works.

OFFICER'S RECOMMENDATION

"That Council accept the tendered Kenmac Constructions Pty Ltd lump sum offer of \$ 354,167 inclusive of GST, for Contract TMS2016-11 the refurbishment and concrete upgrade of Oakey Creek Bridge on Springmount Road."

BACKGROUND

Council were successful in obtaining 50-50% funding under the Australian Government Bridges Renewal Programme - Round 2 for the refurbishment and upgrade of the existing Oakey Creek timber bridge on Springmount Road.

Due to the nature of the works and the significance of the bridge in the regional road transport network the upgrade works are scheduled to commence following the completion the 2016 Sugar Cane Harvesting season.

Tenders submissions were received from:

Chris Dempsey Cranes	\$ 496,910.91 excl.GST	\$ 546,602.00 incl.GST
LDI Constructions	\$ 471,499.00 excl.GST	\$ 518,648.90 incl.GST
Jackson + Semler	\$ 352,697.12 excl.GST	\$ 387,966.83 incl.GST
NQ Civil Contractors Pty Ltd	\$ 469,535.00 excl.GST	\$ 516,488.50 incl.GST
Kenmac Constructions Pty Ltd	\$ 321,970.00 excl.GST	\$ 354,167.00 incl.GST
Civform - King Concreting Pty Ltd	\$ 475,488.00 excl.GST	\$ 523,036.80 incl.GST

The project budget is \$340,000 excl.GST with the Australian Government contribution being \$170,000 excl.GST or fifty percent (50%) of the total cost and Council committed to funding the other fifty percent (50%).

TENDER ASSESSMENT

Overview

The tender documents advised that the tenders would be evaluated based on the following weighted selection criteria:

Relevant Experience	30%
Key Personnel Skills and Experience and Resources	5%
Tenderers Resources	5%
Demonstrated Understanding	20%
Value for Money - Price	40%

The evaluation score for Price is calculated using a formula that compares the tendered price of individual submissions against the median value of all prices received. Scores assigned against the other selection criteria are subjective based on the content of the tender submissions and Council knowledge of previous performance on similar projects.

While Kenmac Constructions scored well across all categories their competitive value for money tender price influenced the overall tender score and was the only tender price within the range of the allocated budget amount of \$340,000 excl.GST.

It should be noted that there are actual costs of \$31,938 excl.GST already committed to the project for design and preliminary development works.

Kenmac Constructions are a Mossman based company that has undertaken recent concrete works for Mareeba Shire Council at the Sandy Tate River, Mowbray River Bump Track and Burke Development Road causeway upgrade on the western side of Chillagoe. Kenmac have also undertaken bridge deck replacement works for Douglas Shire Council and National Parks & Wildlife Service on Davies Creek Road.

Jackson+Semlar are a well credentialed Townsville based company that also provided a fairly competitive value for money tender price that slightly exceeded the allocated budget amount.

All of the companies that tendered have the capability to deliver the project to Councils satisfaction, in accordance with the design plans and specification provided.

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*

Acting Director Infrastructure Services
Contracts and Project Management Officer

External

Nil

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

Council are required to deliver the project satisfying various Government compliance obligations meeting predetermined milestones and reporting deadlines with acquittal due by 30 June 2017.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

The project, CP00117 is included in the 2016/ 2017 budget.

Operating

Nil

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

Yes

However the budget amount of \$340,000 is not sufficient to cover the total cost of the project.

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

Budget - \$340,000 excl.GST

Project Cost Estimate:

\$ 321,970.00 - Kenmac Constructions Tender Price
\$ 31,938.00 - Actual Costs to Date (Design/ Preliminaries)
\$ 10,000.00 - Estimated Project Management Costs & Contingency
\$ 363,908.00 - Total Project Cost Estimated

It is recommended that Council approve an additional \$23,908.00 to cover the total estimated project cost. The additional budget amount can be funded by saving from other capital projects, details will be provided at the budget review.

IMPLEMENTATION/COMMUNICATION

The local community, emergency services and transport agencies will be advised of the bridge upgrade and subsequent Springmount Road closure required for the duration of construction.

ATTACHMENTS

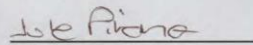
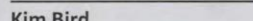
1. Summary of Tender TMSC2016-11

Date Prepared: ***30 September 2015***

ATTACHMENT 1**SUMMARY OF TMSC2016-11
Oakey Creek Bridge Replacement****11.00 am - Tuesday 27 September 2016****COUNCIL STAFF IN ATTENDANCE AT OPENING:**

Julie Pitcher and Kim Bird

Submission From	Amount	Additional Information
Chris Dempsey Cranes	\$546,602.00	Inc GST
LDI Constructions	\$518,648.90	Inc GST
Jackson + Semler	\$387,966.83	Inc GST
NQ Civil Contractors Pty Ltd	\$516,488.50	Inc GST
Kenmac Constructions Pty Ltd	\$354,167.00	Inc GST
Civform	\$523,036.80	Inc GST


Julie Pitcher
Kim Bird

ITEM-12 PROPOSED CONSTRUCTION OF A COLUMBARIUM WALL AT THE DIMBULAH CEMETERY

MEETING: Ordinary

MEETING DATE: 12 October 2016

REPORT OFFICER'S TITLE: Project Manager Building

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Action from Council's Ordinary Meeting, 20 July 2016 requested a report be presented to Council outlining the potential construction of a columbarium wall at the Dimbulah Cemetery.

Plans for the existing Mareeba columbarium wall were used as a guideline to build a similar structure at Dimbulah, which is constructed from masonry block and clay bricks with single and double niches available to both sides of the wall.

Should Council be in favour of constructing a columbarium wall at the Dimbulah Cemetery, the next step is to call quotes for a structure similar to that erected in Mareeba.

OFFICER'S RECOMMENDATION

"That Council approve the obtaining of quotes from registered builders to construct a columbarium wall at the Dimbulah Cemetery, prior to Council deciding whether to proceed."

BACKGROUND

There is no legislative requirements for ashes of cremated persons to be entombed in a Cemetery however if ashes are placed in a Cemetery there is a requirement for the ashes of the deceased person to be recorded and registered.

The original columbarium wall at the Mareeba Cemetery was constructed in 1982 and the existing wall has been extended in recent years to accommodate a total 120 double niches and 252 single niches combining to a total of 492 individual niches.

From the construction date of the columbarium wall at the Mareeba Cemetery in 1982 and up to the current date, 256 niches have been used out of the 492 niches available.

The Mareeba wall is constructed of masonry block and clay brick and has single and double niches available on both sides of the wall. Generally the double niches are for two names or to allow for extra wording on a single name.

Given the usage at Mareeba it is suggested that an appropriate size of the wall for Dimbulah would be 4800mm long x 1720mm high x 700mm wide which will accommodate 156 single niches and 60 double niches. This structure with a height of less than two meters does not require certification or a building application.

Should Council agree in principle to the erection of the columbarium wall at the Dimbulah Cemetery, Council Officers will call quotes for the construction and report back to Council on the cost and make recommendation on a likely source of funding.

The final location of the wall at Dimbulah can be addressed once quotes are received and funding for the project is approved by Council.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Manager Technical Services
Coordinator Customer Services

External

Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Capital cost subject to calling of quotes and reporting back to Council

Operating

Nil

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

Once the quotes have been received Council will consider if it wishes to proceed and a source of funding will have to be sought.

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Photo of Mareeba Columbarium Wall;
2. Dimbulah Cemetery Layout Plan.

Date Prepared: *30 September 2016*



Dimbulah Cemetery



Scale 1 :1200 at A4

Map Grid of Australia Zone 55 (GDA94)

©2016 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and the State of Queensland Department of Natural Resources & Mines (DNRM) [2016]. In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept no liability (including without limitation liability in negligence) for any loss or damage, whether direct or indirect, arising from any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

TECHNICAL SERVICES

ITEM-13 TRAFFIC ADVISORY COMMITTEE - MINUTES OF MEETING HELD 20 SEPTEMBER 2016

MEETING: Ordinary

MEETING DATE: 12 October 2016

REPORT OFFICER'S TITLE: Acting Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Minutes of the Mareeba Shire Council Traffic Advisory Committee Meeting held on Tuesday, 20 September 2016 are presented for Council's information.

The action items presented in the minutes of the Traffic Advisory Committee (TAC) are recommendations to Council. Council's endorsement or contrary view of the recommendations is required.

OFFICER'S RECOMMENDATION

"That Council notes the Traffic Advisory Committee Meeting Minutes of 20 September 2016, and resolves to:

1. In respect to Item 16.09-03, write to Mrs Shirley Osbourne seeking a proposal from them regarding the access from Mareeba-Dimbulah Road to Chircan Road."

BACKGROUND

The Traffic Advisory Committees (TAC) is a consultative committee of Council established to raise community and other representative body concerns in relation to traffic conditions with Council and the Department of Transport and Main Roads.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Nil

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Internal resources for investigation and follow up actions.

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. Minutes of Mareeba Shire Council Traffic Advisory Committee Meeting held 20 September 2016.

Date Prepared: 27 September 2016

TRAFFIC ADVISORY COMMITTEE MEETING
MAREEBA BOARDROOM, 65 RANKIN STREET, MAREEBA
TUESDAY, 20 SEPTEMBER 2016
9:30AM TO 10:30AM

MINUTES



PRESENT:

Mareeba Chamber of Commerce (Promotions)
Transport and Main Roads - Safety and Regulation Division (SRD)
Transport and Main Roads - Program Performance Advisor
Transport and Main Roads -
Mackay Sugar
Queensland Police Service (QPS) - Mareeba
Queensland Police Service (QPS) - Mareeba
Queensland Police Service (QPS) - Mareeba
Queensland Police Service (QPS) - Mareeba
Mareeba Shire Council (MSC) - Councillor
Mareeba Shire Council (MSC) - Councillor
Mareeba Shire Council (MSC) - Acting Director Infrastructure Services
Mareeba Shire Council (MSC) - Minutes Secretary

Sam Musumeci
Marita Stecko
David Hamilton
Richards Evans
Don Fowler
Roger White (Inspector)
David Saul
Aleda Day
Alf Grigg
Angela Toppin
Alan Pedersen (Chair)
Val Shannon
Marjorie Anthony

APOLOGIES:

Mareeba Shire Council (MSC) - Councillor
Mareeba Shire Council (MSC) - Mayor
QUBE Logistics
Transport and Main Roads - Project Planning & Corridor Management
Lindsay Transport
Queensland Police Service (QPS) - Mareeba
Queensland Police Service (QPS) - Mareeba

Kevin Davies
Tom Gilmore
Darren Fuller
Darryl Jones
Terry Montague
John Ridgway
Derek Garner (Senior Sergeant)

1. MINUTES

Tuesday 21 June 2016

Minutes of the Mareeba Shire Council Traffic Advisory Committee Meeting held on Tuesday 21 June 2016 were ratified by Council at their Ordinary Meeting of 20 July 2016

2. BUSINESS ARISING FROM PREVIOUS MEETING

Item	Organisation	Issue	Recommendation / Follow Up Action
15.03-13	TMR (Brett Martin)	TMR is in receipt of a letter from QPS advising of the difficulty experienced by b-double drivers not being able to see the guardrail safety barrier on the Rex Range due to the height of the trucks	TMR investigating the possibility of installing guide posts on the guardrail safety barrier prior to the cane crushing season This matter also dealt with in item 13.06-11 TMR to respond to QPS, looking to upgrade, funding applied for QUBE advised some upgrades carried out however still waiting further advice from TMR QPS to follow up Don Fowler to provide TMR with details of locations
15.12-01	Graham Sweeper	Please refer to attachment - Graham Sweeper - Traffic Safety Concerns 1. Bus zone - Mareeba Primary School Constance Street 2. No parking/standing area Jasper Street at Intersection with O'Donnell Street 3. Signage/Parking Jacobsen Street 4. 40kph zone signage McIver Road 5. Kennedy Highway 'Give Way' Sign 6. Kennedy Highway Speed zone	Points 1-4 MSC Design Office to investigate Points 5-6 TMR to advise Items 1-4 addressed by MSC TAC Committee resolved to recommend Council forward items 5 and 6 to TMR for addressing Item 5 & 6 forwarded to TMR via email 06/04 Items 5 & 6 investigated by TMR no change required, TAC Committee resolved to recommend Council write to Mr Sweeper advising of outcome Letter forwarded to Mr Sweeper on 16/08/2016 No further action required by this Committee, resolved to remove from the minutes
15.12-02	QPS (John Ridgway)	Request for changed traffic speed limits in Mt Carbine	QPS raised with TMR at previous meeting personally, no action has been taken to date. To be raised with TMR Speed zones changes completed 09/03/2016 QPS advised southern side complete, northern side sign still to be moved to include truck pads - approximately another 200m TMR to investigate and advise through MSC RMPC Trucks Pads to be included in 60 zone TMR (David Hamilton) to investigate and advise
15.12-03	Performance Motors (Kevin Dunn)	Short passing lane on Kuranda range, too short of distance for passing, when wet causing accidents	Funding application made by TMR for upgrading, application unsuccessful TMR investigating changing the short passing lane to an emergency pullover in the vicinity of "The Hole" near Streets Creek Road geometry needs to be reviewed TMR to advise further TMR advised \$3M available for upgrade, design currently underway Item pending updates and progress of works TMR recently completed a Planning Study of the Range, identifying action plan strategies TMR to confirm funding available next FY to undertake some of these works

Item	Organisation	Issue	Recommendation / Follow Up Action
16.03-02	Vaughan Street (Mareeba-Dimbulah Rd)	Council requests TMR make available funds or possibly enter a cost sharing agreement to seal between the existing edge of bitumen and the K&C on Vaughan Street to address dust issues	<p>Letter sent 20/10/2014</p> <p>Letter resent via email 22/01/2016</p> <p>Refer to Agenda Attachments for copy of letter and locality map</p> <p>TMR to follow up on letter;</p> <p>consultation with residents in the area to be carried out by MSC;</p> <p>MSC to prepare an indicative cost for TMR</p> <p>Estimate sent to TMR 23/03/2016</p> <p>TMR have advised all funds committed, however should there be any surplus they may be in a position to redirect funds to this project if it is documented and</p> <p>costed</p> <p>TMR advised no remaining funds for the FY available</p> <p>MSC design complete - Item pending</p> <p>Pending advice from TMR re funding</p>
16.03-03	Traffic Management Study Mareeba CBD	Council seeks to undertake a full traffic management study for the Mareeba CBD area, including vehicle and pedestrian movements, disability access and parking	<p>Letter to TMR 27/01/2016</p> <p>TMR interested in cost sharing agreement</p> <p>Draft Brief prepared and under review</p> <p>MSC provided TMR (Darryl Jones) draft hard copy of Brief;</p> <p>electronic draft copy to follow via email</p> <p>MSC met with DTMR on 09/09/2016 to finalise tender documents, minor changes required, waiting advice from TMR on cost sharing arrangement</p> <p>Waiting letter of advice from TMR</p>
	14.12-07	TMR SRD (Alison Barlow)	<p>MSC advised rectification options being considered</p> <p>Options currently being reviewed by MSC</p> <p>Under design pending allocation of future capital works funding</p> <p>Installation of a concrete median from round-about to round-about is proposed</p> <p>Design still being worked with impacts to parking and PM school bus traffic being addressed</p> <p>MSC Design office to investigate traffic management for Walsh, Rankin Streets including Target and Coles accesses, to be discussed with TMR</p> <p>MSC to commission traffic study of CBD including Rankin Street outside McDonalds</p> <p>Refer to item 16.03-03</p>
	15.03-01	MSC Mayor (Tom Gilmore)	<p>MSC advised rectification options being considered</p> <p>Options currently being reviewed by MSC</p> <p>Under design pending allocation of future capital works funding</p> <p>Installation of a concrete median from round-about to round-about is proposed</p> <p>Design still being worked with impacts to parking and PM school bus traffic being addressed</p> <p>MSC Design office to investigate traffic management for Walsh, Rankin Streets including Target and Coles accesses, to be discussed with TMR</p> <p>MSC to commission traffic study of CBD including Rankin Street outside McDonalds</p> <p>Refer to item 16.03-03</p>

Item	Organisation	Issue	Recommendation / Follow Up Action
	15.12-01 QPS (Derek Garner)	Byrnes / Rankin Street, one lane people using the backing out area as second lane	To be raised with TMR MSC to commission traffic study of CBD area. Refer to Item 16.03-03
	16.06-05 Councillor (Mary Graham)	Keep right for through traffic on Byrnes Street	To be investigated in CBD Traffic Study Refer to Item 16.03-03
16.03-04	St Thomas's P&F Representative (Dave Saul)	St Thomas's P&F seeks approval for the temporary reduction of the speed limit around Centenary Park on Mareeba Market days, similar to the Yungaburra Markets	Locations for temporary signage identified and matter to be dealt with by TMR MSC to email signage proposal to TMR for consideration Signage plan forwarded to DTMR, waiting their official response TMR advised Traffic Management Plan required; TMR to meet with St Thomas's P&F Representative
	16.06-03 Councillor (Alan Pedersen)	Enquiry received requesting a temporary 40kph zone on Byrnes Street from the Heritage Centre to the Cairns Connection road on market days	Refer to Item 16.03-04
David Hamilton from Transport and Main Roads arrived at 9:46am			
Item	Organisation	Issue	Recommendation / Follow Up Action
16.03-05	Principal Mareeba State School (Mandy Whybird)	Concerns raised by the School Principal advising parents are parking on the footpath in Sutherland Street creating a safety issue for children/pedestrians leaving school whereby they are walking on the road. Photos and Transport Operations Part 12 tabled. (Relates to CRM/16/01256)	Reports received by QPS who are policing the area Cautions issued during initial patrol of the area, tickets are now being issued QPS will continue to monitor TAC Committee resolved to recommend Council write to Principal Residents consulted seeking views on proposal to convert Sutherland Street to "one way" traffic Results attached MSC resolved to trial "one way" traffic for a period of 6 months Temporary change will be put in place over school holidays Trial still underway, change working effectively Trial period ends January 2017 Item pending results of trial
16.03-08	QPS (Derek Garner)	With the recent commencement of Springmount Raceway activities, concerns were raised regarding the possible conflict of cane hauling trucks and drag strip attendees along Springmount Road. As part of the Development Conditions imposed by Council, Springmount Raceway need to meet a number of requirements such as appropriate sign alerting road users to the upcoming event.	QPS to provide Mackay Sugar with contact details for Springmount Raceway Mackay Sugar to include information in their driver induction alerting drivers to the scheduled raceway meeting dates etc MSC to provide to QPS for their information, a copy of the development conditions issued to Springmount Raceway relating to traffic management Information forwarded to QPS 16/03/2016 QPS advised they would contact Raceway organisers regarding signage and contact with Mackay Sugar for the up and coming events in July and August QPS also advised motorists were confused as to the location of Springmount R/way Event / Directional signage sought, approval required by TMR / Council QPS to approach raceway organisers Variable message board an option Springmount Raceway organisers to be approached by Cr Davies to investigate the use of temporary directional signage to be located at key locations on race days

Minutes of the MSC Traffic Advisory Committee Meeting, Mareeba Boardroom, 65 Rankin Street, Mareeba, Tuesday, 20 September 2016, commencing at 9:30am

Item	Organisation	Issue	Recommendation / Follow Up Action
16.06-01	Concerned Motorist (MSC)	Report and photos provided of unsafe behaviour by motorists overtaking vehicles using the acceleration / de-acceleration lane at Tichum Creek on the Kennedy Highway	Sign indicating "Overtaking Lane 2kms ahead" located on the eastern side of the acceleration / de-acceleration lane to be relocated nearer to the "overtaking lane" TMR advised further investigations being undertaken on actions to improve driver behaviour Possible further works pending Contract awarded by TMR for works on the Kennedy Highway including overtaking lanes west of Davies Creek Signs relocated No further action required by this Committee, resolved to remove from the minutes
16.06-02	QPS (Snr Sgt Derek Garner)	Animal strikes on Roads on the Kennedy Highway between Mareeba and Kuranda - communication lines and systems between agencies receiving the call from the public (QPS) and the road owner/manager (Council / TMR)	All agencies to review their current process to ensure there is communication with other agencies and report back to the next meeting MSC process reviewed and LLO Coordinator advised that effective communications between all agencies currently takes place No issues reported by QPS TMR to contact Council on emergency callout if call received on 13 19 40 No further action required by this Committee, resolved to remove from the minutes
16.06-04	QPS (Inspector Rolf Straatemeier)	Information sought from TMR on the following items: 1. Update on overtaking lane between Mareeba and Kuranda 2. What is required for "High Crash Zone" signs to be placed between Mareeba and Kuranda	#1. Refer to Item 15.03-03 above Contract awarded by TMR to HEH for works on the Kennedy Highway including overtaking lanes west of Davies Creek #2. QPS to liaise with TMR as to locations for low cost solutions TMR to follow up
16.06-06	Councillor (Mary Graham)	Request for more QPS presence in Byrnes Street	QPS monitoring No further action required by this Committee, resolved to remove from the minutes
16.06-07	Mareeba Chamber (Sam Musumeci)	Seeks additional angle parking in front of old fire brigade	MSC to investigate Line marking completed No further action required by this Committee, resolved to remove from the minutes
16.06-08	Mareeba Chamber (Sam Musumeci)	Seeks the review of line marking and speed signage heading into the Mareeba Industrial Estate in particular Bower / Barrett Streets	MSC to install traffic counters, review and investigate current signage Traffic counters to be installed, programmed to be carried out Pending results
16.06-09	Mareeba Chamber (Sam Musumeci)	Follow up on previous requests by Fruit Growers for acceleration / de-acceleration lanes to be constructed on the Kennedy Highway at the intersections of Gilmore / Kay Road	TMR advised response sent to MSC Departmental response received 07/07/2016 Item pending
16.06-10	QPS (John Ridgway)	Reported visibility issues travelling north from "jump up" on Kennedy Highway near Walkamin, double white lines need to be extended	TMR to investigate Pending advice from TMR
16.06-12	TMR (Darryl Jones)	Requested TAC meeting start time of 9:00am be moved forward to 9:30am to allow more time for agencies travelling from Cairns	TMR to consult with Tablelands Regional Council (TRC) with regard to moving their TAC meetings forward a half hour TRC agreed to change, time for MSC TAC is 9:30am commencing 20/09/2016 No further action required by this Committee, resolved to remove from the minutes

Minutes of the MSC Traffic Advisory Committee Meeting, Mareeba Boardroom, 65 Rankin Street, Mareeba, Tuesday, 20 September 2016, commencing at 9:30am

HEAVY VEHICLE / TRUCK STOP RELATED ISSUES PENDING FURTHER CONSIDERATION

Item	Organisation	Issue	Recommendation / Follow Up Action
15.09-04	Ray Blain	Complaint received from Speewah resident of Blenners Transport B-Doubles parking on Freedom Close, Speewah. Access to site is Council's responsibility, suggested Council discuss with TMR to destroy site. A number of safety and legal issues for heavy vehicles accessing the site - breach of road rules crossing double white lines. De-gazetting the road not an option?? Is fgr de-acceleration lane an option?	TMR advised no funding resource available for truck pads and reiterated that this is commercial activity not a TMR responsibility QT (Ray Blain) to monitor the situation but can only deal with heavy vehicles being off route which is not a legal issue It was identified that the main issues outstanding on the agenda all related to the lack of truck stops in the MSC area. Items relating to this issue are all highlighted in yellow Ray Blain to monitor, Ray spoke with Blenners and movement to cease. Item pending further investigation
13.06-13	Ray Blain	Seeks an update on the current status of the extension of the B-Double route to Koah and de-coupling pad area between Kuranda and Mareeba	Chamber advised they are working with transport operators gathering data for a report to be presented to TMR. Email dated 26/09/2013 from Chamber advising they are working with TMR & MP David Kempton to seek responses from Transport Operators Chamber proposes to meet with Transport Operators in February 2014 TMR currently reviewing B-Double Route, TMR does not install truck pads, Fruit & Veggie growers to review options being presented and in particular Speewah turnoff using the old TMR Road Chamber to advise on progress David Kempton is looking into the matter TMR advised operators can apply for a permit but there is no turning area which is a requirement by NHVR Photo taken on 12 June 2015 of truck de-coupled in the deceleration lane on Kennedy Highway in the vicinity of Cardinia Bvd, Speewah TMR advised this is an enforcement issue, MSC to forward information to QT TMR reiterated that de-coupling areas are not provided by TMR, this is the responsibility of the heavy vehicle transport industry B-Doubles can access Kennedy Highway provided transport operators can operate on-site Inspector Ray Blain has talked with Blenners Transport regarding de-coupling at Speewah. De-coupling has ceased. Also a plan has been sent to TMR (Darryl Jones) showing possible locations for de-coupling pads 05/04/2016 Council received further reports and photos of de-coupling by heavy vehicle operators, information forwarded to QT for action Sam Musumeci advised of a meeting with fgr Proposed coupling / de-coupling at quarry near Windy Hollow Road on Kennedy Highway Input to be sought from QPS / TMR to progress this matter

Item	Organisation	Issue	Recommendation / Follow Up Action
13.06-14		Truck pad on the Mulligan Highway north of Mareeba	<p>TMR representative advised that the facility is not the responsibility of TMR even though it is located on State Controlled Road. Council has the option to close it as the facility is the responsibility of Council.</p> <p>Matter to be considered at a future meeting</p> <p>TS advised option of Springs Road not suitable due to safety & visibility issues</p> <p>Matter to be brought forward for consideration by Council</p> <p>Site at Bibbohra Store being investigated</p> <p>Mayor advised Bibbohra Store proprietors are generally in favour of the proposal of a truck stop. Suggested next steps:</p> <ul style="list-style-type: none"> • Council staff to discuss details with Bibbohra Store proprietors • Undertake survey and concept design and cost estimate • List for future Capital Works consideration <p>Council Officer met with Store proprietors</p> <p>Engineering and survey being undertaken, concept designs to be developed for discussion with TMR and Store owners. Once approved by all parties, cost estimate will be prepared for inclusion on the Capital Works List for consideration.</p> <p>Survey completed,</p> <p>design in progress for review by TMR and Store Owners</p> <p>Funding opportunities available which will be investigated</p> <p>Currently with MSC Design Services section, programmed to commence after completion of 2015/16 capital works design programme later this calendar year</p> <p>MSC to follow up with Design section as to status</p>
14.06-01	Cr Jenny Jensen	TRC resolved on 05/12/2013 to refer matter to TAC. Concerns raised regarding the safety of the current intersection of Springs Road and the Burke Development Road being used by B-Double transports, and requested that the matter be referred to the Traffic Advisory Committee for their consideration.	<p>Pending outcome of investigation of possible alternatives</p> <p>This matter dealt with in Item 13.06-14</p>
15.03-06	Councillor (Mary Graham)	TAC to consider the need for improvements to the current intersection of Springs / BDR to accommodate the safe use of the intersection by B-Double transports. Request for a truck stop on the southern side of Mareeba, currently where screenings are stock piled	To be investigated further Pending further investigation

3. NEW BUSINESS FOR CONSIDERATION (Incoming Correspondence / Requests)

Item	Organisation	Issue	Recommendation / Follow Up Action
16.09-01	Council Meeting 17/08/2016	Unregistered dirt bikes on Mines Road / Railway Corridor	<p>Email request to QPS 30/08/2016</p> <p>QPS to monitor</p>

Item	Organisation	Issue	Recommendation / Follow Up Action
16.09-02	Patrick Herlihy (CRM/16/01223; 1237; 3916)	Reports unregistered motor bike riders using the track coming from Doyle Street across the pedestrian bridge at Granite Creek onto Carroll Street Mareeba	Issue to be raised with QPS For Locality Map refer to Agenda Attachments Page 4 QPS to monitor
16.09-03	Shirley Osbourne Dimbulah/Mutchilba Community BBQ CRM/16/08741	Access from Mareeba-Dimbulah Road to Chircan Road is too narrow - the intersection is too narrow for a low loader to turn into Chircan Road due to the size of the culvert. They currently load heavy vehicles on the highway which is dangerous practice but the heavy vehicles cannot get into Chircan Road to the property. Chircan Road is a Council road intersecting with a main road so any improvements require DTMR approval.	Issue to be raised with TMR TAC Committee resolved to recommend Council write to the customer seeking their proposal
16.09-04	Jenny Lott Jullatten Community BBQ CRM/16/09098	Bushy Creek Causeway has been a problem for a long time in the wet season. Can't get in/out of property and there is no mobile coverage. It seems to be getting slowly worse. Other community members commented: New bridge has made the flooding worse; it is more important now as young people are travelling to work on the coast and parents worry about them being stranded. It is a safety issue.	Issue to be raised with TMR TMR to advise MSC of the rehabilitation program and flooding monitoring station
16.09-05	Peter Sherpio Jullatten Community BBQ	Request the widening of Rifle Creek Bridge, widening a higher priority than raising	Issue to be raised with TMR TMR advised rehabilitation works currently planned for Spear Creek however widening of Rifle Creek in not in the short term plan
16.09-06	Carol Illes Jullatten Community BBQ	Reports visibility issues, trees are blocking the view on the corner Rifle Creek (from southern side)	Issue to be raised with TMR Issue raised by MSC at RMPC Meeting (David Matuschka) TMR to follow up with David Matuschka
16.09-07	QPS (Inspector Rolf Straatemeier)	Keep Left Strategy - issue of international visitors failing to keep left	Inter-Agency Workshop held 12/09/2016 Workshops will be held every 2 weeks identifying strategies to address issue Funding is currently being sourced to undertake line marking and install warning signage similar to that used in Stanthorpe MSC currently working with QPS to identify high risk locations Fruit Growers to be approached to incorporate information for "Keep Left Strategy" in safety inductions of backpackers Matter ongoing

4. GENERAL BUSINESS

Nil

5. FUTURE MEETINGS

Meeting dates for 2016:

Tuesday, 06 December

6. CLOSURE

10:30am

WATER & WASTE

ITEM-14 WATER ALLOCATIONS TEMPORARY LEASE

MEETING: Ordinary Meeting

MEETING DATE: 12 October 2016

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

DEPARTMENT: Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

Over the course of the past two (2) years, Council has received steady interest from Water Brokers and industry groups such as the Tableland Cane Growers Association and Mareeba & District Fruit & Vegetable Growers Association wishing to take a temporary lease on Council's unutilised water allocations.

Primarily this is for seven (7) lots of 100 megalitres (7 x 100M/L) of medium priority water allocations.

OFFICER'S RECOMMENDATION

"That Council commence a tender process for the temporary lease transfer of the seven (7) lots of 100 megalitres medium priority water allocations for an initial maximum period of 12 months."

BACKGROUND

An appropriate Cost Recovery method for unused Water Allocations would be to temporary lease these allocations by an open tender process.

Over the course of the past two (2) years Council has received interest from Water Brokers and industry groups wishing to take a temporary lease on Council's unutilised water allocations.

Primarily this is for seven (7) lots of 100 megalitres (7 x 100M/L) of medium priority water allocations. Council would need to approve a tender process for the temporary transfer of these allocations with the maximum lease term being twelve months.

The tender and lease process would allow Council to recoup costs for the unused water allocation whilst still retaining ownership of the water allocation. The temporary transfer periods could range from three (3) months to a maximum term of 12 months.

It is recommended that should Council approve the temporary lease transfers by tender and a law firm with experience in water allocation transfers be engaged by Council to facilitate the lease arrangements.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

A/Director Infrastructure Services

Manager Finance

Engineer Water and Waste

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

Open tender process

ATTACHMENTS

Nil

Date Prepared: 30 September 2016

CHIEF EXECUTIVE OFFICER

PETITION

ITEM- 15 GROW MAREEBA PROJECT PETITION

MEETING: Ordinary

MEETING DATE: 12 October 2016

**REPORT OFFICER'S
TITLE:** Chief Executive Officer

DEPARTMENT: Office of the Chief Executive Officer

EXECUTIVE SUMMARY

This report introduces a petition which was delivered to Council on 14 September 2016 by a resident who has collected the signatures in support of the Petition.

OFFICER'S RECOMMENDATION

"That Council receive and note the petition."

BACKGROUND

In terms of Council's Standing Orders Council has three (3) options with regard to petitions that are tabled and these are:

1. The petition be received and consideration stand as an order of the day for the meeting; or for a future meeting; or
2. Petition be received and referred to a committee or officer for consideration and a report to the local government; or
3. The petition not be received.

The petition meets the requirements as per the Standing orders, in that it is legible and has more than 10 signatures. The Petition has 764 signatures.

The petition reads as follows;

We, the undersigned, residents of the Mareeba Shire, want Mareeba Shire Council to support and assist Reedlodge Pty Ltd to develop a Shopping Centre at 232 Byrnes St, Mareeba, for the betterment of the town and shire, by:

1. Supporting the sale of 1128m² of the state owned land (reserved for aged person accommodation) to Reedlodge Pty Ltd for the purposes of constructing a shopping centre
 2. Approving the development when the application is made
-

3. Working with the developer to maximise the use of local trades and suppliers for its construction

With regard to point 1, Council is currently considering the request from Reedlodge and the Petition would be taken into account when making its decision.

With regard to point 2, Council is unable to decide to either approve or decline an application until an application is formally made and all the relevant information is put before them. Doing so would be contrary to the regulations Council operate within. The impact of indicating that Council intends approving an application before it is lodged and properly considered would not only mean any future decision in this regard being challengeable in court and if challenged would have a high degree of probability that the decision would be reversed.

With regard to point 3, Council always promotes the use of local contractors and suppliers with developers but has no ability to ensure this occurs.

LINK TO CORPORATE PLAN

Key Strategic Priority - Governance

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

CONSULTATION

Internal
Nil

External
Nil

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

Nil other than as outlined in the Background regarding point 2.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

The organiser of the Petition will be notified of Council's decision.

ATTACHMENTS

1. The First Page of the Petition. The entire original Petition will be available at the Council Meeting

Date Prepared: 30/09/2016

ATTACHMENT 1

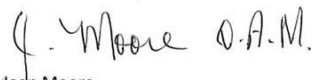
14/09/2016

Dear Sir / Madam,



I have independently collected signatures in support of the Grow Mareeba Project from the public to present to the council. Within a short 3 week period I managed to collect a total of 764 signatures. I was shown an abundant amount of support from the public with the vast majority wanting the project to move forward. I myself feel that this project would benefit Mareeba in many ways including more job opportunities, more shopping choices, will attract tourist and many more. I would like to see this project move forward and Mareeba to grow.

Kindest regards,


Joan Moore

We, the undersigned, residents of the Mareeba Shire, want Mareeba Shire Council to support and assist Reedlodge Pty Ltd to develop a Shopping Centre at 232 Byrnes St, Mareeba, for the betterment of the town and shire, By:

1. Supporting the sale of 1128m² of state owned land (reserved for aged person accommodation) to Reedlodge Pty Ltd for the purposes of constructing a shopping centre
2. Approving the development when the application is made
3. Working with the developer to maximise the use of local trades and suppliers for its construction

Book No 1 - 10

Name	Address	Signature
Caroline Eaton	318 BYRNES. MRA.	C. J. Eaton
Andrew Skelton	308 AGARVES MRA.	A. Skelton
John Serna	146 WALSH ST MRA	J. Serna
Lucas White	44 Rankin Street Mareeba	L. White
Chris Scott	38 McGrath rd mareeba	C. Scott
JOHN WHELAN	97 SPENA RD	J. Whelan
KATHY ELLIOTT	298 KENNETHA RD, MAREEBA	K. Elliott
Margaret Borzi	232 McIVER Rd. Mareeba	M. Borzi
Alfio Borzi	232 McIVER Rd. Mareeba	A. Borzi
Ross Borzi	11 Donlen. St. Mareeba	R. Borzi
Rokiah Borzi	11 Donlen. St. Mareeba	R. Borzi
Helena Bowring	17 Kennedy St, Mareeba	H. Bowring
MARGARET BAMBINO	106 WRIGHT RD, MAREEBA	M. Bambino

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ITEM-16 PURCHASE OF LOTS IN MT MULLIGAN

MEETING: Ordinary

MEETING DATE: 12 October 2016

REPORT OFFICER'S TITLE: Chief Executive Officer

DEPARTMENT: Office of the Chief Executive Officer

EXECUTIVE SUMMARY

Correspondence has been received from the Dept of Housing and Public Works offering Council four (4) blocks of land in Mt Mulligan that are surplus to their requirements. This report proposes that Council accepts the offer and purchases these.

The reason for the proposed purchase is primarily to enable Council to realign a road, which currently crosses private property and has a sharp turn in it. By Council owning these lots the road can be realign into a gentle curve and remain on either road reserve or Council land.

OFFICER'S RECOMMENDATION

"That Council accepts the offer from the Department of Housing and Public Works to purchase Lots 305,306 and 307 McLeod St and Lot 308 Wason St, Mt Mulligan."

BACKGROUND

Correspondence has been received from the Dept. of Housing and Public Works offering Council four (4) blocks of land in Mt Mulligan that are surplus to their requirements. This report proposes that Council accepts the offer and purchases these.

The reason for the proposed purchase is primarily to enable Council to realign a road, which currently crosses private property and has a sharp turn in it. By Council owning these lots the road can be realign into a gentle curve and remain on either road reserve or Council land.

Should Council elect not to purchase the land it is recommended that the Dept. be requested to restrict the sale to the current owner of the remaining freehold lots in this historic township.

The lots in question are Lots 305, 306, 307 and 308 on Crown Plan M6494. The State is requesting \$1500 per lot.

The letter of offer and an attached map identifying the four lots is attached.

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

Finance

Infrastructure Services

External

Nil

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

The risk in this situation is that a party other than the current owner of the majority of blocks purchases these.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

\$6,000 is required to purchase the lots

Operating

Nil

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

Capital funding can be made available from General Reserves should Council decide to proceed with the purchase

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Letter from Housing and Public Works
2. Map of Mt Mulligan

Date Prepared: *05 October 2016*

ATTACHMENT 1

Department of Justice and Attorney-General
Office of the Director-General

In reply please quote: 3413281; 5666718

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

21 September 2016

Dear Mr Franks

Alert: Government departments and agencies targeted by scammers

I am writing to local government Chief Executives to alert you of a sophisticated scam targeting government departments and agencies. Known as 'fake billing' or 'man in the middle' scams, the attacks start with the scammers researching suppliers who are likely to invoice for significant sums of money for current work.

There are two main variations of this scam:

- A senior executive's email account is hacked and an email request in that executive's name is sent to a junior officer requesting transfer of money to a bank account. The request is accompanied by a plausible reason and a believable account holder name, but the bank account is controlled by the scam perpetrator.
- Phone calls and emails are used to identify who works in the finance area of an organisation and what existing arrangements are in place with external goods and services providers. The scammers then target finance personnel with false but credible invoices from organisations that the agency routinely interacts with, with details for payment into bank accounts that are controlled by the scam perpetrator.

The attackers appear to have reasonably detailed knowledge of both current work and projects, and of suppliers associated with the work or project.

Brisbane City Council recently reported losing \$450,000 in this scam. Nine payments of \$50,000 each were made to fraudsters for 'service delivery' in July and August.

The Western Australian Department of Commerce has reported it received information about a very credible attempt to perpetrate this scam on a Western Australian government agency. That attempt was prevented but the scammer had made some progress towards being in a position to implement it.

In that case the scam involved very credible false emails and letters purporting to be from an established supplier for legitimate and expected expenditure. The perpetrators of the scam sought to have the supplier's existing bank account details held by the agency changed.

State Law Building
50 Ann Street Brisbane
Queensland 4001 Australia
Telephone (07) 3239 3520
Facsimile (07) 3239 3474
www.justice.qld.gov.au

ABN 13 846 673 994



(2)

I encourage each agency to be vigilant in following up and checking information. Make sure the right company is contacting you. To prevent the scam from being successful it is recommended that agencies:

- Advise finance staff that this scam is currently being actively attempted in Queensland and that fraudulent attempts to change existing bank account details of suppliers or contractors may be made by telephone, letter or email.
- Be aware the scammers are very sophisticated and professional. The attackers may be using the name of a senior executive of the agency. They are likely to be using professional stationery, email addresses and be using the real names of suppliers or contractors. They are likely to have knowledge of agency staff, particularly in the finance area.
- Place very strict controls over whether suppliers and contractors should be able to change their bank account details.
- Ensure that if a supplier or contractor needs to change their bank account details this can only happen with multiple people involved in the approval and checking process to ensure that the new bank account details are legitimate.
- Ensure that processes are in place by which senior staff in the agency can personally confirm with bona fide senior staff of suppliers and contractors that any attempt to change bank account details is genuine.

Further information on fake billing scams can be found at: www.scamwatch.gov.au and enquiries can be directed to Mr Chris McKenzie, A/Director, Regional Operations and Engagement, Office of Fair Trading on (07) 3008 5834 or at: christopher.mckenzie@justice.qld.gov.au.

Investigations into this type of fraudulent activity are undertaken by the Queensland Police Service's Fraud and Cyber Crime Group. The Group can be contacted on (07) 3364 6622.

I trust this information is of assistance.

Yours sincerely



David Mackie
Director-General

ATTACHMENT 2



BUSINESS WITHOUT NOTICE

NEXT MEETING OF COUNCIL

The next meeting of Council will be a Special Meeting to be held at 9:00 am on Wednesday 26 October 2016.

APPENDIX - FOR INFORMATION

SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF SEPTEMBER 2016

Summary of new Planning Development Applications and Delegated Decisions for September 2016

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
DA/16/0053	6/09/2016	W Collins 69 Costin Street, Mareeba	Lot 3 on SP184956	Reconfiguring a Lot - Subdivision (1 into 2 lots)	Approved on 29 September 2016.
DA/16/0054	23/09/2016	RA Function Services Pty Ltd 189 Fichera Road, Mareeba	Lot 1 on RP745867	Material Change of Use - Short Term Accommodation (108 units/cabins)	In acknowledgement stage.

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
DA/16/0051	20/09/2016	R Neate & D Pregl	31 Keeble Street, Mareeba	Lot 56 on RP749632	Reconfiguring a Lot - Subdivision (1 into 3 lots)
DA/16/0053	4/10/2016	W Collins	69 Costin Street, Mareeba	Lot 3 on SP184956	Reconfiguring a Lot - Subdivision (1 into 2 lots)

Building Work assessable against the Planning Scheme Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
BAP/16/0012	6/09/2016	V & E Tatti	6 Margherita Close, Mareeba	Lot 10 on RP843499	Request for GFA dispensation to allow construction of a 180m ² shed on 4,055m ² allotment.

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property	No of Lots

September 2016 (Regional Land Use Planning)

				Description	
Community Titles Scheme	5/09/2016	WR & R Blundell	5 Donlen S Street, Mareeba	Lot 20 on NR7834	2 lots and common property
DA/13/0048	29/09/2016	S & J Royster	Shiva Close & Black Mountain Road, Kuranda	Lot 1 on RP724696	2 lots
DA/13/0153	13/09/2016	Cohico Pty Ltd	Reynolds, Beames and Costin Streets, Mareeba	Lot 9 on M356175, Lot 7 on M356188, Lots 13 & 14 on M356226	4 lots (boundary realignment)
DA/13/0185	12/09/2016	Quintilian Pty Ltd	29 & 37 Masons Road, Kuranda	Lot 3 on RP725562 and Lot 9 on SP260114	3 lots
DA/14/0049	1/09/2016	C Taylor	Black Mountain Road, Julatten	Lot 2 on RP745173	2 lots
DA/16/0007	20/09/2016	K Nicol	282 Hodzic Road, Bibbohra	Lot 143 on NR8004	2 lots
DA/16/0014	20/09/2016	J & R Stevens	10-12 Bundanoon Court, Mareeba	Lots 107 & 108 on SP247844	2 lots (boundary realignment)
DA/16/0030	5/09/2016	R & A Scikluna	462-468 Koah Road, Koah	Lot 2 on RP738539 & Lot 1 on SP188101	2 lots (boundary realignment)
DA/16/0049	15/09/2016	WR & R Blundell	Tinaroo Creek Road and Cobra Road, Mareeba	Lot 20 on SP184955 & Lot 22 on SP227510	2 lots (boundary realignment)
RC2005/42	12/09/2016	Rahne Pty Ltd	Studt Road, Mareeba	Lot 51 on N157399	Road opening
RC2006/14	12/09/2016	A & M Developments Pty Ltd	Norman Street, Mareeba	Lot 221 on SP237051	7 lots
REC/07/0052	5/09/2016	Hockey Machinery Sales Pty Ltd	Summer Street, Mareeba	Lot 99 on SP289744	2 lots

September 2016 (Regional Land Use Planning)