



Ordinary Meeting

Council Chambers
Date: 16 November 2016
Time: 9:00am

AGENDA

THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON **WEDNESDAY, 16 NOVEMBER 2016** AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS
CHIEF EXECUTIVE OFFICER

ORDER OF BUSINESS

MEMBERS IN ATTENDANCE

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

BEREAVEMENTS/CONDOLENCES

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST

CONFIRMATION OF MINUTES

BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

CORPORATE AND COMMUNITY SERVICES	5
REGIONAL LAND USE PLANNING	5
ITEM-1 M McKeen - Reconfiguring a Lot - Subdivision (1 into 2 Lots) Lot 1 SP154474 - 25 Copland Road, Koah - DA/16/0033	5
ITEM-2 PJ Gibbs - Reconfiguring a Lot - Subdivision (1 into 4 Lots) Lot 17 SP219912 - 244 Kanervo Road, Koah - DA/15/0045	27
GOVERNANCE AND COMPLIANCE	49
ITEM-3 Delegations Annual Review 2016	49
ITEM-4 Lease - Auctus Resources Chillagoe	195
ITEM-5 Development and Governance Quarterly Report being for July to September 2016	213
FINANCE	221
ITEM-6 Financial Statements for period ending 31 October 2016	221
ITEM-7 Three Month Capital Review	229
ITEM-8 Kuranda Infrastructure Advisory Committee Meeting	233
ITEM-9 Mareeba Sports Hall	239
ITEM-10 Related Party Disclosure Policy	243
ITEM-11 Sale of Land due to Rates in Arrears CONFIDENTIAL	253
COMMUNITY WELLBEING	255
ITEM-12 Kuranda Community Precinct Advisory Committee	255
INFRASTRUCTURE SERVICES	273
PROJECT MANAGEMENT	273
ITEM-13 Contract TMSC2015-13 Mareeba Wastewater Treatment Plant - Design & Construction - October 2016 Progress Report	273
ITEM-14 Mareeba Airport Redevelopment - EOI - Western Lease Area	279
ITEM-15 Mareeba Airport Upgrading - October 2016 Progress Report	283
TECHNICAL SERVICES	293
ITEM-16 Pensioner Precinct Traffic Calming	293
ITEM-17 Mines Road Mareeba - Excessive Dust	299
ITEM-18 Infrastructure Services - Technical Services Monthly Activities Report - October 2016	303
WORKS	313
ITEM-19 Infrastructure Services - Works Section Progress Report - September/October 2016	313
WATER & WASTE	329

ITEM-20	Infrastructure Services - Water and Wastewater Group - Monthly Operations Report - October 2016.....	329
ITEM-21	Infrastructure Services - Waste Operations Report - October 2016	339
CHIEF EXECUTIVE OFFICER.....		345
ITEM-22	Change in Council Meeting Date January 2017	345
ITEM-23	Mareeba Local Disaster Management Group.....	347
ITEM-24	Gold Coast 2018 Commonwealth Games Queen's Baton Relay CONFIDENTIAL.....	351
ITEM-25	A summary, in chronological order, of documentation and events related to Reedlodge Pty Ltd's request to purchase a portion of the Reserve for Local Government purposes (Aged Housing) (Lot 20NR7137) CONFIDENTIAL.....	353
BUSINESS WITHOUT NOTICE.....		354
NEXT MEETING OF COUNCIL		354
SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF OCTOBER 2016.....		355

CORPORATE AND COMMUNITY SERVICES

REGIONAL LAND USE PLANNING

ITEM-1 **M MCKEEN - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) LOT 1 SP154474 - 25 COPLAND ROAD, KOAH - DA/16/0033**

MEETING: Ordinary

MEETING DATE: 16 November 2016

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	M McKeen	ADDRESS	25 Copland Road, Koah
DATE LODGED	24 June 2016	RPD	Lot 1 on SP154474
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

FILE NO	DA/16/0033	AREA	9.3871 hectares
LODGED BY	M McKeen	OWNER	M McKeen
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS:

1. Proposal Plan/s
2. Department of Infrastructure, Local Government and Planning Referral Agency Response dated 19 September 2016

EXECUTIVE SUMMARY

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

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

The applicants propose the excision of approximately two (2) hectares of land from the north-west corner of the site to form a separate allotment (proposed Lot 11), leaving a balance allotment of approximately 7.3871 hectares (proposed Lot 12).

The application and supporting material has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy, and the Mareeba Shire Planning Scheme (including codes and policies) and is in conflict with the rural subdivision provisions contained within both the Planning Scheme and the Regional Plan.

Both proposed allotments are significantly smaller than the Planning Scheme's desired minimum resultant lot size of 30 hectares for land within the Rural zone (where not GQAL). 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 an additional rural lifestyle allotment, and an increase in dwelling densities within the Rural zone.

It is recommended that the application be refused.

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	M McKeen	ADDRESS	25 Copland Road, Koah
DATE LODGED	24 June 2016	RPD	Lot 1 on SP154474
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

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

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

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

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

That Council considers:-

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

(b) *where agricultural production and the raising of animals are protected from incompatible land 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 2.6.1 and 4.6.1 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

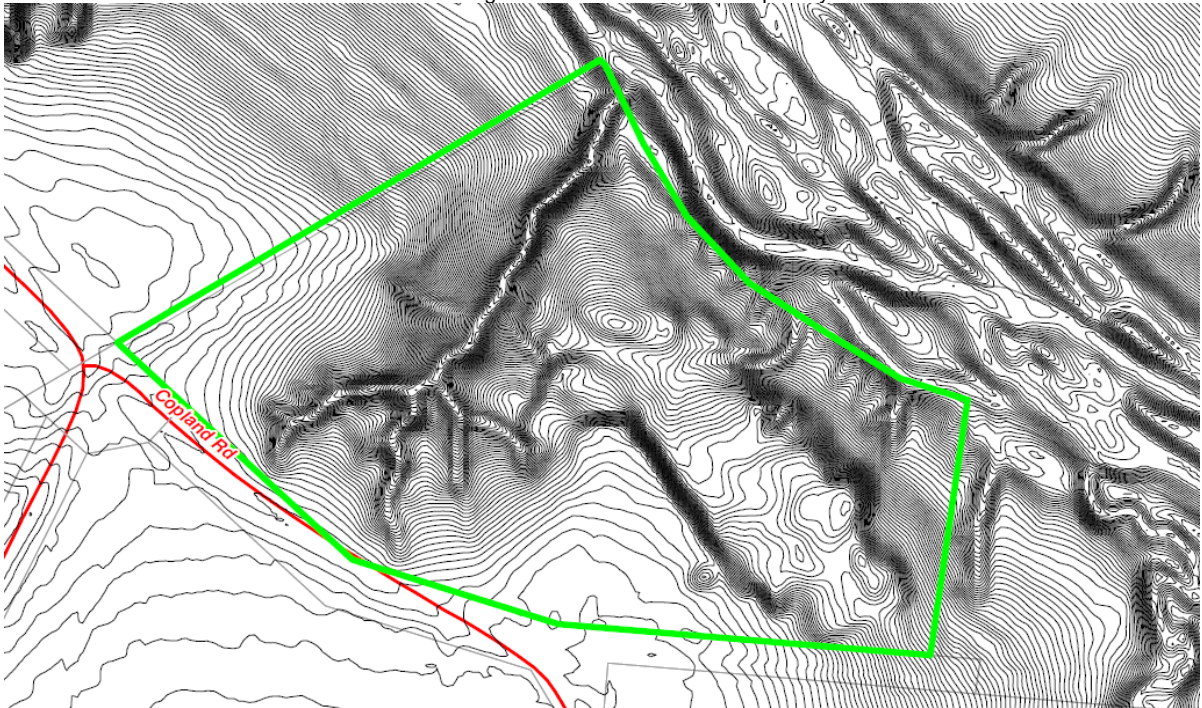
The subject land is described as Lot 1 on SP154474, Parish of Formartine, County of Nares, situated at 25 Copland Road, Koah.

The land has an area of 9.3871 hectares with a frontage of approximately 523.157 metres to Copland Road. Copland Road is constructed to a formed gravel standard for approximately 340 metres of the land's frontage, with the remaining frontage road consisting of a basic track. Access to the existing dwelling house is obtained off the formed gravel road.



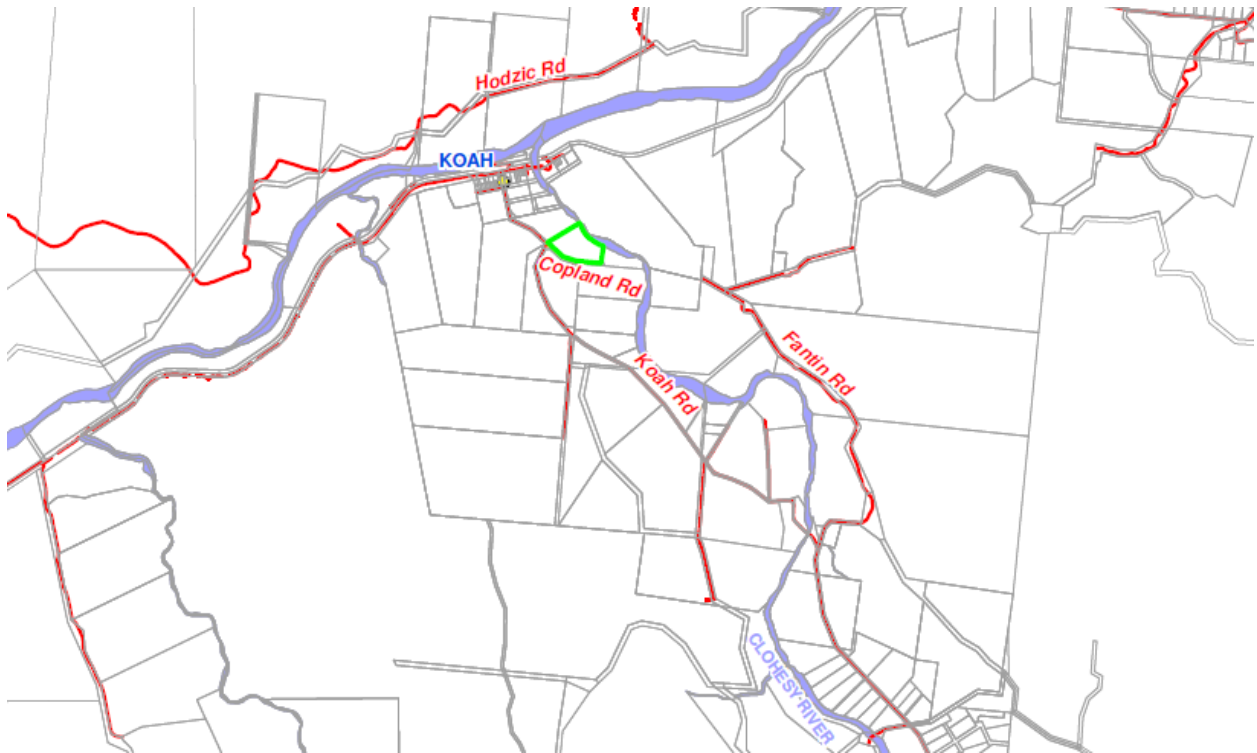
Map Disclaimer:

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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The site is improved by a single dwelling and several outbuildings which are clustered in the south-eastern corner, adjacent to the Copland Road frontage.

The site is mapped as containing extensive remnant vegetation coverage except for approximately two (2) hectares surrounding the existing dwelling house (proposed Lot 12) and 0.5 hectares adjoining the north-western boundary (proposed Lot 11). The two (2) hectare clearing is the site of the former Clohesy River brickworks clay pit.

The Clohesy River adjoins the north-eastern boundary of the subject land.

The site is currently used for rural living purposes. Surrounding properties are zoned Rural and Rural Residential and are used predominantly for rural lifestyle purposes.

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 2 lots) in accordance with the plans shown in **Attachment 1**.

The details of the proposed allotments are as follows:

- Lot 11 - area of 2 hectares, 110 metres frontage to Copland Road;
- Lot 12 - area of 7.387 hectares, 413.157 metres frontage to Copland Road.

Proposed Lot 12 will contain the single established dwelling house, associated on-site effluent disposal system and water supply.

Proposed Lot 11 will be created vacant and will likely accommodate a new dwelling house at some time in the future. Proposed Lot 11 will have riparian frontage to the Clohesy River.

Access to proposed Lot 12 will continue via the existing dwelling house access off Copland Road. A new access will be constructed off Copland Road to service proposed Lot 11.

REGIONAL PLAN DESIGNATION

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

- *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:	Potential Long Term Growth Area - Clohesy
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
<p>1.1.1 <i>Urban development within the regional landscape and rural production area is located outside of areas of high ecological significance (see map 3).</i></p>	<p>✓</p>	<p><i>The majority of the subject land is mapped as State & Regional Conservation Corridor. A small portion of this same area is also mapped as Terrestrial Area of High Ecological Significance.</i></p> <p><i>The existing dwelling house and structures (to be confined to proposed Lot 12) are located outside of the areas of high ecological significance.</i></p> <p><i>The new boundary between proposed Lots 11 and 12 will traverse through the areas of high ecological significance, following the north-western edge of a substantial drainage gully. The future owners of the proposed allotments would be permitted to carry out additional exempt clearing along the new boundary (for fencing, fire break, etc). However, the nature of the terrain makes the probability of such clearing unlikely.</i></p> <p><i>Conditions imposed by the Department of Infrastructure, Local Government and Planning as a Concurrence Agency for the application limit the clearing permitted on proposed Lot 11.</i></p> <p><i>Proposed Lot 11 includes a 20 metre wide strip of unmapped land along its north-western boundary. This unmapped area, together with Area A as identified on the Referral Agency Response (Vegetation) Plan (Attachment 2 of this report) provides a suitable site for a future dwelling house on proposed Lot 11.</i></p> <p><i>The proposed development can be reasonably conditioned to minimise potential impacts on areas of high ecological significance.</i></p>
<p>1.1.3 <i>Urban development adjacent to areas of high ecological significance (see map 3) is located, designed, operated and setback to avoid adverse impacts on the area's ecological values.</i></p>	<p>✓</p>	<p><i>The majority of the subject land is mapped as State & Regional Conservation Corridor. A small portion of this same area is also mapped as Terrestrial Area of High Ecological Significance.</i></p> <p><i>The existing dwelling house and structures (to be confined to proposed Lot 12) are located outside of the areas of high ecological significance.</i></p> <p><i>The new boundary between proposed Lots 11 and 12 will traverse through the areas of high ecological significance, following the north-western edge of a substantial drainage gully. The future owners of the proposed allotments would be permitted to carry out additional exempt clearing along the new boundary (for fencing, fire break, etc). However, the nature of the terrain makes the probability of such clearing unlikely.</i></p> <p><i>Conditions imposed by the Department of Infrastructure, Local Government and Planning as a Concurrence Agency for the application limit the clearing permitted on proposed Lot 11.</i></p> <p><i>Proposed Lot 11 includes a 20 metre wide strip of unmapped land along its north-western boundary. This unmapped area, together with Area A as identified on the Referral Agency Response (Vegetation) Plan (Attachment 2 of this report) provides a suitable site for a future dwelling house on proposed Lot 11.</i></p> <p><i>The proposed development can be reasonably conditioned to minimise potential impacts on areas of high ecological</i></p>

			<i>significance.</i>
1.1.4	<i>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.</i>	✓	<p><i>The majority of the subject land is mapped as Terrestrial Area of General Ecological Significance. A band of Wetland Area of General Ecological Significant extends along the subject land's entire boundary with the Clohesy River.</i></p> <p><i>The existing dwelling house and structures (to be confined to proposed Lot 12) are located outside of the areas of general ecological significance.</i></p> <p><i>The new boundary between proposed Lots 11 and 12 will traverse through the areas of general ecological significance, following the north-western edge of a substantial drainage gully. The future owners of the proposed allotments would be permitted to carry out additional exempt clearing along the new boundary (for fencing, fire break, etc). However, the nature of the terrain makes the probability of such clearing unlikely.</i></p> <p><i>Conditions imposed by the Department of Infrastructure, Local Government and Planning as a Concurrence Agency for the application limit the clearing permitted on proposed Lot 11.</i></p> <p><i>Proposed Lot 11 includes a 20 metre wide strip of unmapped land along its north-western boundary. This unmapped area, together with Area A as identified on the Referral Agency Response (Vegetation) Plan (Attachment 2 of this report) provides a suitable site for a future dwelling house on proposed Lot 11.</i></p> <p><i>The proposed development can be reasonably conditioned to minimise potential impacts on areas of general ecological significance.</i></p>

DRO 2.4 Primary Production & Fisheries

Land Use Policy	Complies	Comments
2.4.1 <i>Good quality agricultural land is protected from urban development outside the urban footprint.</i>	✓	<p><i>The subject site and immediate surrounding allotments are not identified as good quality agricultural land (GQAL) by the Mareeba Shire Planning Scheme 2004, the Mareeba Shire Council Planning Scheme - July 2016, or the State Planning Policy.</i></p> <p><i>The agricultural potential of the subject land is significantly constrained by the extensive remnant vegetation coverage and the dissection caused by the substantial drainage gully and past extractive industry (brickworks clay pit) use.</i></p> <p><i>Immediately surrounding allotments are constrained for agricultural use by size, zoning, remnant vegetation and topography.</i></p> <p><i>The proposed development is not expected to lead to a further loss of good quality agricultural land.</i></p>

DRO 2.6 Rural Subdivision			
	Land Use Policy	Complies	Comments
2.6.1	<i>Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.</i>	x	<p><i>The regulatory provisions supporting the regional plan at the time of its commencement in 2009, specified 60 hectares as the minimum rural lot size. The regulatory provisions were repealed in 2012.</i></p> <p><i>The regional plan land use policies do not nominate a minimum rural lot size.</i></p> <p><i>The default minimum rural lot size is therefore derived from the Mareeba Shire Council Planning 2004, and is 30 hectares per lot, for not good quality agricultural land.</i></p> <p><i>As the area of the subject land is only 9.3871 hectares, it is not possible to create compliant rural allotments.</i></p> <p><i>The proposed subdivision will result in the further fragmentation of land within the regional landscape and rural production area.</i></p>

DRO 4.6 Rural Residential Development			
	Land Use Policy	Complies	Comments
4.6.1	<i>New rural residential development is located in rural living areas.</i>	x	<p><i>The proposed subdivision will create one (1) additional rural lifestyle allotment outside the rural living area.</i></p> <p><i>It is acknowledged that the new Mareeba Shire Council Planning Scheme - July 2016 has expanded the Rural Residential zone to include adjoining Lot 267 on NR6781 and further that a development approval to reconfigure Lot 267 from 1 into 2 lots has been issued by Council.</i></p> <p><i>Notwithstanding the adjoining rural residential zone, the subject land is zoned Rural under the Mareeba Shire Planning Scheme 2004 and remains in the Rural zone under the Mareeba Shire Council Planning Scheme - July 2016.</i></p>

DRO 5.4 Primary Industries		
Land Use Policy	Complies	Comments
5.4.2	✓	<p><i>The proposed development will result in the creation of an additional rural lifestyle allotment and subsequent increase in dwelling densities within the rural zone.</i></p> <p><i>Immediately surrounding allotments are constrained for agricultural/intensive rural use by size, zoning, remnant vegetation, topography and the established settlement pattern.</i></p> <p><i>A future dwelling house on proposed Lot 11 is likely to be separated by at least 300 metres from any significant primary production activity.</i></p>
5.4.3	✓	<p><i>The proposed development will result in the creation of an additional rural lifestyle allotment and subsequent increase in dwelling densities within the rural zone.</i></p> <p><i>Immediately surrounding allotments are constrained for agricultural/intensive rural use by size, zoning, remnant vegetation, topography and the established settlement pattern.</i></p> <p><i>A future dwelling house on proposed Lot 11 is likely to be separated by at least 300 metres from any significant primary production activity.</i></p>

DRO 7.1 Protection of Waterways, Wetlands and Water Quality		
Land Use Policy	Complies	Comments
7.1.1	✓	<p><i>The proposed development is likely to result in one (1) additional dwelling house being constructed on the subject land. There are not expected to be any significant earthworks associated with the reconfiguration or consequential future development.</i></p> <p><i>Each proposed lot is of a size and shape that could accommodate an on-site domestic wastewater disposal system appropriately setback from the Clohesy River.</i></p> <p><i>Any subsequent domestic water supply permitted to each lot from Clohesy River is not likely to detrimentally impact on the water quality objectives contained within Environmental Protection Policy (Water) 1997.</i></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
<p>Biodiversity</p> <p>A development application where the land relates to a matter of state environmental significance, if the application is for:</p> <p>(a) operational work, or</p> <p>(b) a material change of use other than for a dwelling house, or</p> <p>(c) reconfiguring a lot that results in more than six lots or lots less than five hectares.</p>	✓	<p>Development:</p> <p>(1) identifies any potentially significant adverse environmental impacts on matters of state environmental significance, and</p> <p>(2) manages the significant adverse environmental impacts on matters of state environment significance by, in order of priority:</p> <p>(a) avoiding significant adverse environmental impacts, and</p> <p>(b) mitigating significant adverse environmental impacts where these cannot be avoided, and</p> <p>(c) where applicable, offsetting any residual adverse impacts.</p> <p>Comment</p> <p>The subject land contains the following areas of biodiversity:</p> <ul style="list-style-type: none"> • MSES - Regulated vegetation • MSES - Wildlife habitat <p>The wildlife habitat is confined to a narrow band along the Clohesy River. This habitat is also mapped as regulated vegetation. A separate small isolated area of regulated vegetation exists adjacent to the Copland Road frontage.</p> <p>The conditions imposed by the State referral agency will result in any future dwelling house on proposed Lot 11 being sited outside the biodiversity areas.</p>
<p>Natural hazards</p> <p>A development application for a material change of use, reconfiguring a lot or operational works on land within:</p> <p>(1) a flood hazard area, or</p> <p>(2) a bushfire hazard area, or</p> <p>(3) a landslide hazard area, or</p> <p>(4) a coastal hazard area.</p>	✓	<p>For all natural hazards:</p> <p>Development:</p> <p>(1) avoids natural hazard areas or mitigates the risks of the natural hazard, and</p> <p>(2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and</p> <p>(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</p>

		<p>(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</p> <p>(5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and</p> <p>Comment</p> <p>The flood hazard areas identified by the Mareeba Shire Council Planning Scheme - July 2016 are largely confined to that part of the subject land immediately adjacent to the Clohesy River. Each proposed allotment would have a considerable land area outside the mapped flood hazard.</p> <p>Land with a slope of 15% or greater is present along the various drainage features traversing this site. Outside of these areas, both proposed allotments contain sufficient areas of lower sloped land to cater for expected future development.</p> <p>The land is mapped as Medium Bushfire Hazard. A Bushfire Management Report has been prepared and its recommendations can be applied to future development.</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.

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	The application complies with applicable acceptable/probable solutions/performance criteria.
Reconfiguring a Lot Code	The application complies with applicable acceptable/probable solutions/performance criteria.

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

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

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

No. 4 - Development Manual

Should Council approve this application against the officer's recommendation, it is recommended that Copland Road be upgraded to a minimum rural road gravel standard in accordance with the FNQROC Development Manual, to a point 10 metres past the access into proposed Lot 12.

Further, a new section of road reserve should be opened to formalise the existing encroachment of the Copland Road formation on to the subject land.

REFERRALS**Concurrence**

The application triggered a 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 19 September 2016 that they require the conditions to be attached to any approval (**Attachment 2**).

Advice

This application did not trigger a 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 density 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 additional lot and the subsequent additional dwelling house.

The proposed development conflicts with Overall Outcome (b).

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 subject land is not mapped as GQAL. Therefore, PS1.2 is applicable.

The area of the existing allotment of 9.3871 hectares is well below the nominated 30 hectares. The proposed reconfiguration fails to achieve PS1.2.

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 yet another rural living allotment.

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 the Planning Scheme for the rural zone is to discourage the creation of further small rural lots, and the proposal is in conflict with this intention.

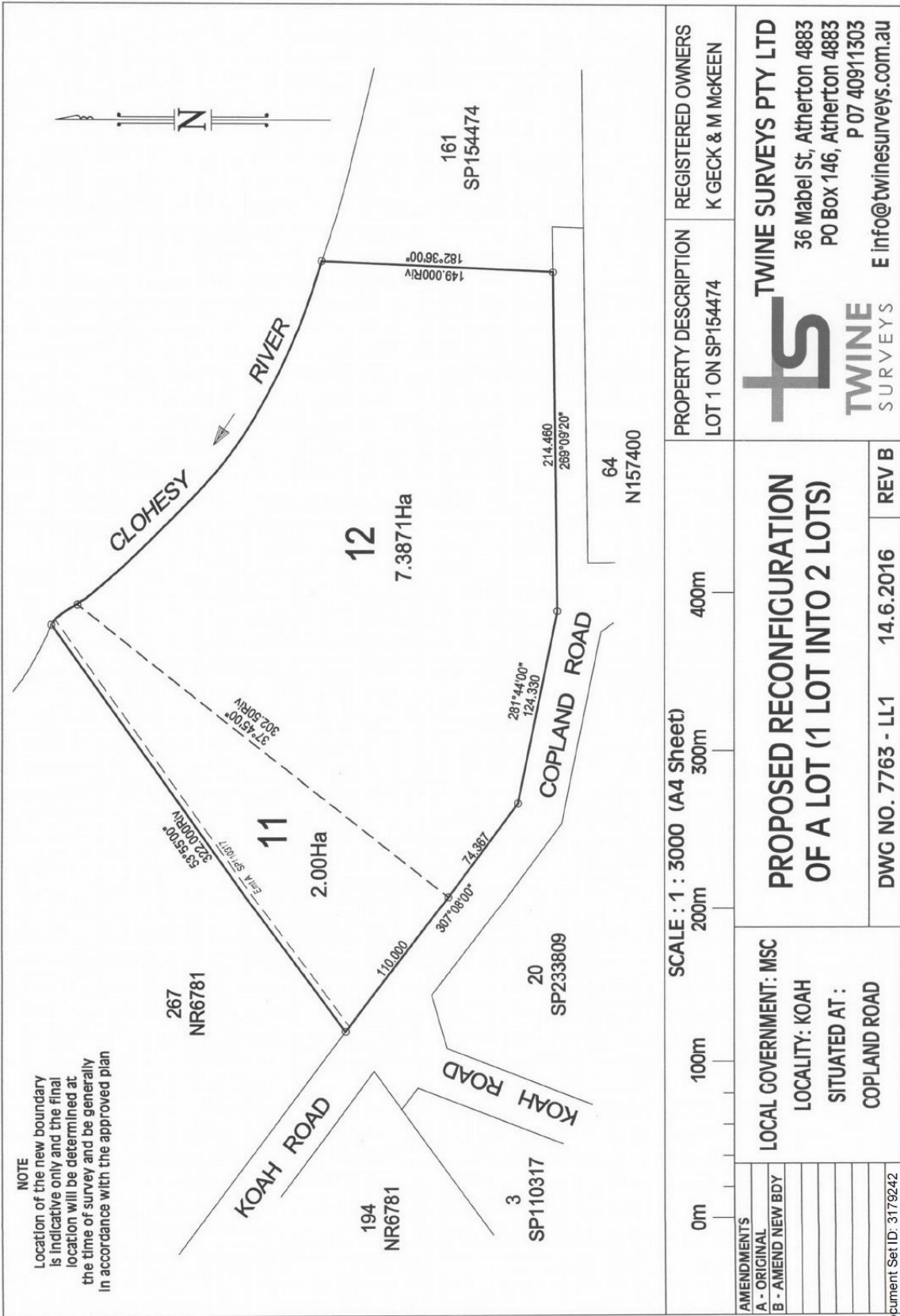
The proposed development is in conflict with both the Mareeba Shire Planning Scheme and the FNQ Regional Plan and sufficient planning grounds have not been identified to justify an approval, despite this conflict.

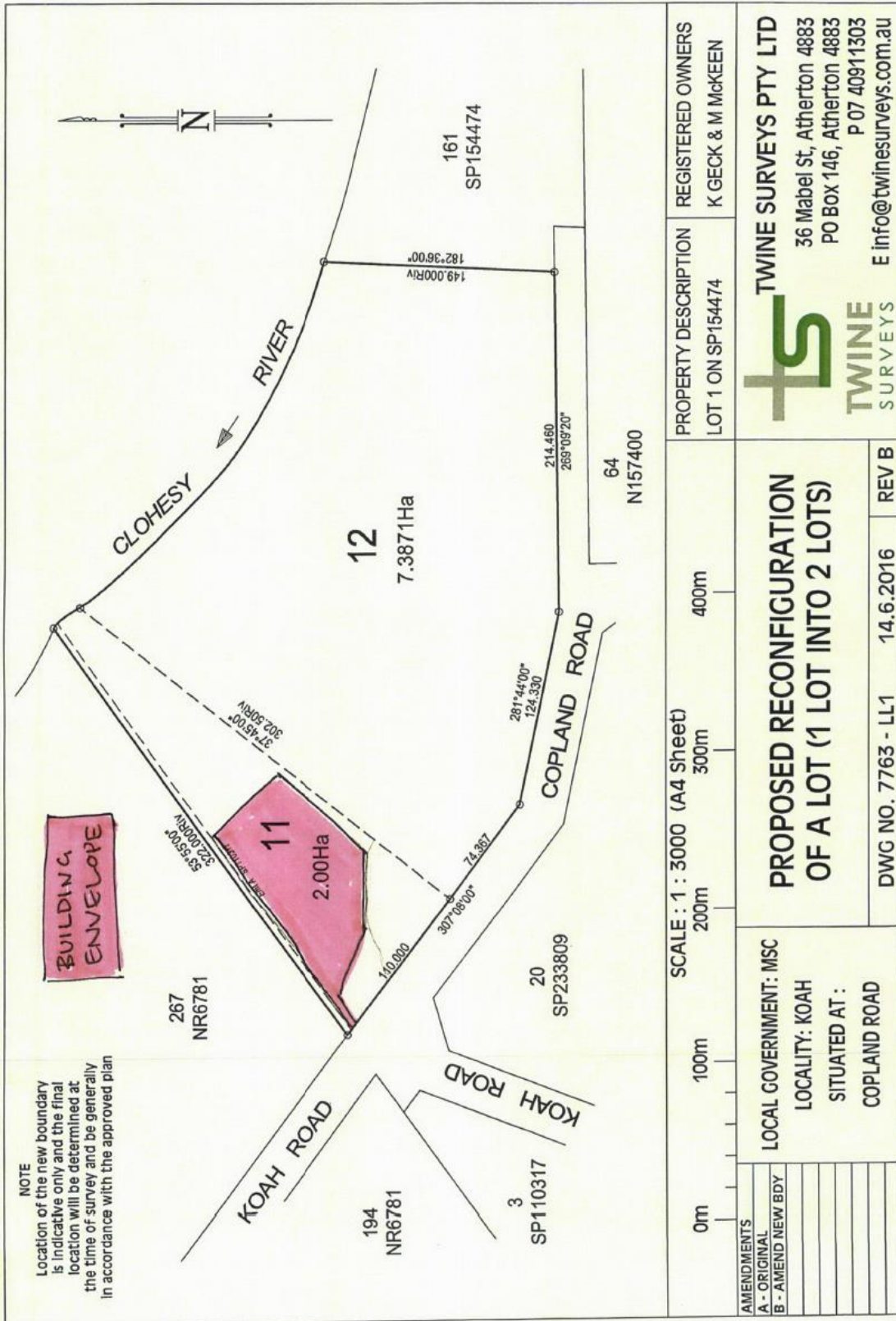
It is therefore recommended that the application be refused.

Date Prepared: 1 November 2016

ATTACHMENT 1

APPROVED PLANS (ECM VS 3816586)





ATTACHMENT 2

Department of Infrastructure,
Local Government and Planning

Our reference: SDA-0716-032044

Your reference:

19 September 2016

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba 4880

Att: Carl Ewin

Dear Sir/ Madam

Concurrence agency response—with conditions

Proposed reconfiguring a lot – subdivision (1 into 2 lots) of land situated at 25 Copland Road, Koah and described as Lot 1 on SP154474

(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 July 2016.

Applicant details

Applicant name:	Malcom McKeen
Applicant contact details:	25 Copland Road Koah QLD 4881 kerrygeck0@bigpond.com

Site details

Street address:	25 Copland Road Koah
Lot on plan:	1 SP154474
Local government area:	Mareeba Shire Council

Application details

Proposed development:	Development permit for reconfiguring a lot (1 lot into 2 lots)
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SDA-0716-032044

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 - one lot into two.	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 native 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.

Approved plans and specifications

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

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
Aspect of development: Reconfiguring a lot				
Referral Agency Response Plan	Department of Natural Resources and Mines	13 September 2016	SDA-0716-032044	N/A

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

For further information, please contact Kristin Keane, Senior Planning Officer, SARA Far North QLD on 4037 3220, or email kristin.keane@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
 Manager (Planning)

cc: Malcom McKeen, kerrygeck0@bigpond.com
 enc: Attachment 1—Conditions to be imposed
 Attachment 2—Reasons for decision to impose conditions
 Attachment 3—Approved Plans and Specifications

SDA-0716-032044

Our reference: SDA-0716-032044

Your reference:

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Reconfiguring a lot		
<p>Schedule 7 Table 2 Item 4 – clearing native vegetation 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 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):</p>		
1.	<p>The permit holder is responsible for ensuring that:</p> <ul style="list-style-type: none"> (a) a full copy of the permit is held by; and (b) that the extent of clearing authorised by this permit is properly understood by, any person(s) engaged or employed to carry out the clearing of the vegetation under this permit. 	At all times
2.	<ul style="list-style-type: none"> (a) Clearing for a single dwelling must only occur within the area identified as Area A on the accompanying Referral Agency Response (Vegetation) Plan (RARP) SDA-0716-032044 dated 13 September 2016. (b) No infrastructure except fences, roads and underground services is to be established or located within Area B as shown on the attached Referral Agency Response (Vegetation) Plan (RARP) SDA-0716-032044 dated 13 September 2016. 	

SDA-0716-032044

Our reference: SDA-0716-032044

Your reference:

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

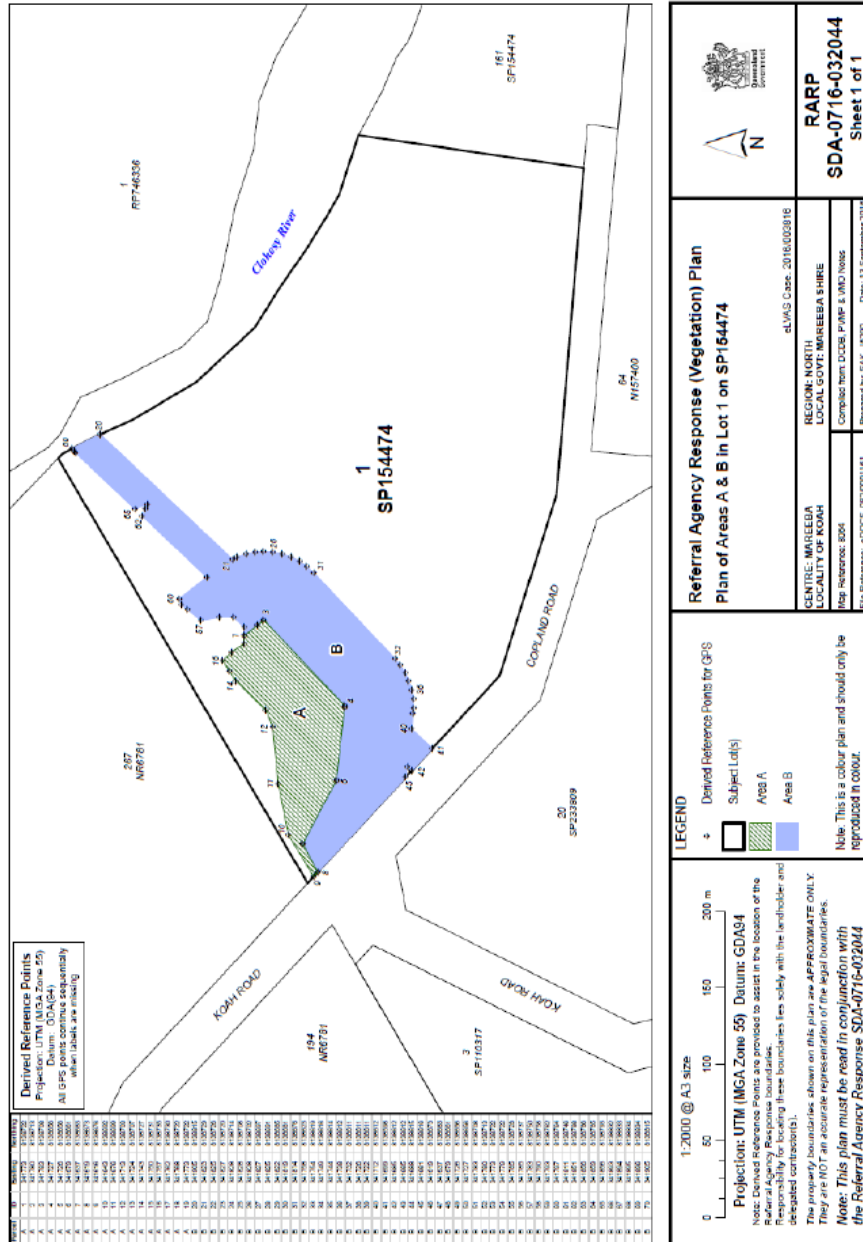
- To ensure the clearing works are carried out in the location and to the extent specific on the approved plans

SDA-0716-032044

Our reference: SDA-0716-032044
Your reference:

Attachment 3—Approved plans and specifications

SDA-0716-032044



ITEM-2 **PJ GIBBS - RECONFIGURING A LOT - SUBDIVISION (1 INTO 4 LOTS) LOT 17 SP219912 - 244 KANERVO ROAD, KOAH - DA/15/0045**

MEETING: Ordinary

MEETING DATE: 16 November 2016

REPORT OFFICER'S TITLE: Senior Planner

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		

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 additional rural lifestyle allotments, and an increase in dwelling densities within the Rural zone.

A report tabled at Council's Ordinary Meeting on 12 October 2016 recommended that the application be refused.

At this meeting, Council resolved that it intended to approve this development application and instructed officers to prepare suitable conditions for approval and provide a report to the 16 November 2016 meeting.

The proposed conditions are presented below.

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:

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

And

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

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p>1. The proposed development is in conflict with Part 4, Division 14, 4.77 Overall Outcomes for Rural Zone Code:</p> <p>(b) where agricultural production and the raising of animals are protected from incompatible land uses;</p> <p>(f) that excludes residential uses unless these uses are primarily ancillary and necessary to agricultural uses;</p> <p>2. The proposed development is in conflict with Part 4, Division 14, Rural Zone Code:</p> <p>4.80 Reconfiguring a Lot</p> <p>S1 The viability of the farming industry throughout the Shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised.</p> <p>PS1.2 Allotments to have a minimum area of <u>30 hectares</u> and road frontage of 150 metres if outside the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5.</p> <p>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.</p>	<p>The subject site and surrounding allotments are not mapped as Good Quality Agricultural Land (GQAL). Council considers that the subject land is not suitable for sustainable agricultural production and further, it is improbable that adjoining allotments will be developed for significant agriculture purposes in the future.</p> <p>In assessing the potential for intensive animal husbandry, Council has applied the S-Factor methodology developed for the assessment of meat poultry farms. The typical meat poultry farm established within the Mareeba Shire accommodates up to 200,000 birds. A buffer distance of 845m is calculated for this farm size. Applying this buffer from the centre of the subject land would cover in excess of 25 surrounding rural and rural residential allotments.</p> <p>This demonstrates that it is not possible for intensive animal husbandry to achieve this separation distance. Separation distances for the establishment of a piggery or feedlot are expected to be no less than that required for a meat poultry farm.</p> <p>The subject land is located within Preferred Area No 3 - Clohesy River Area. Preferred Area No 3 reflects the planning scheme's ultimate intent that the Clohesy River area be development to accommodate some of urban growth.</p> <p>The proposed development is considered to represent the highest and best use of the subject land.</p>

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1761-SK03A	Proposed Reconfiguration of Lot 17 on SP219912	Flanagan Consulting Group	10 September 2015

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
 - 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.
 - 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
 - 3.6 Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.

3.7 Prior to the endorsement of the plan of survey the applicant must provide a letter from any Concurrence Agencies confirming that their conditions have been complied with and/or that they have no objection to Council's endorsement of the plan of survey.

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

3.9 Flood Immunity

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

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

3.11 Bushfire Management

3.11.1 Any new dwelling erected on each lot shall:

- (a) be sited in locations of lowest hazard within the lot;
- (b) achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is the greater;
- (c) be sited 10 metres from any retained vegetation strips or small areas of vegetation;
- (d) be sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard; and
- (e) be provided with a source of water for firefighting purposes of not less than 5,000 litres. This may be satisfied by the provision of an accessible dam, swimming pool or tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within 40 metres from the habitable buildings.

3.11.2 Any future use on the lots must comply with the requirements of the Bushfire Management Plan prepared by ecoSpatial Pty Ltd (7-13-4_RP-BFMP_228_Kanervo_Rd_V1.0), at all times.

3.12 Charges

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

3.13 Rural Addressing

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

3.14 Building Setbacks

Any dwelling house constructed on proposed Lot 3 or 4 must be setback a minimum of 100 metres from the Kanervo Road frontage to reduce the potential for dust nuisance.

4. Infrastructure Services and Standards

4.1 Access

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

4.2 Stormwater Drainage

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

4.3 Roadworks – Kanervo Road

4.3.1 Kanervo Road, for its entire frontage with proposed Lots 1 and 2, must be constructed to Rural Road standard, with 4.5 metre seal width, in accordance with FNQROC Development Manual standards to the satisfaction of Council's delegated officer.

4.3.2 The value of the roadworks required under Condition 4.3.1 will be credited towards the trunk transport contribution payable under Condition 5.

4.4 Water Supply

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

- 4.4.2 Supply from a watercourse will be acceptable, provided the following can be demonstrated to the satisfaction of Council's delegated officer:
- the watercourse has sufficient flow and is perennial in all but the driest years; and
 - the applicant can demonstrate that the Department of Natural Resources and Mines is prepared to grant a water licence for the proposed lot.
- 4.4.3 Where a bore is to be used as a source of water, bore installation will be in accordance with the requirements of D6.07 of the FNQROC Development Manual.
- 4.4.4 Where a bore is to be used as a source of potable water, it will be sited in accordance with the setback distances specified in the Queensland Plumbing and Wastewater Code.
- 4.4.5 The applicant/developer must demonstrate that any source of potable water supply can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).
- 4.4.6 If an existing bore is proposed as a potable water supply for any lot, this bore must comply with 4.4.3 (minimum sustainable yield only), 4.4.4 and 4.4.5 above.

4.5 On-Site Wastewater Management

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

4.6 Electricity provision/supply

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

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

4.7 Telecommunications

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

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

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay a one-off payment of \$4,425.00 per additional lot as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
- 5.3 The trunk infrastructure for which the payment is required is:
- The trunk transport network servicing the land (\$4,425.00 per additional allotment)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council; and
 - Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Easement Documents

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- conditions regarding bushfire management
- conditions regarding flood immunity
- conditions regarding building siting
- conditions regarding on-site wastewater disposal system design (at time of dwelling construction)
- an approved source of water supply via bore/perennial watercourse
- Department of Infrastructure, Local Government and Planning concurrence agency conditions and advice

(f) Environmental Protection and Biodiversity Conservation Act 1999

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

(g) Cultural Heritage

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

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 26 September 2016

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

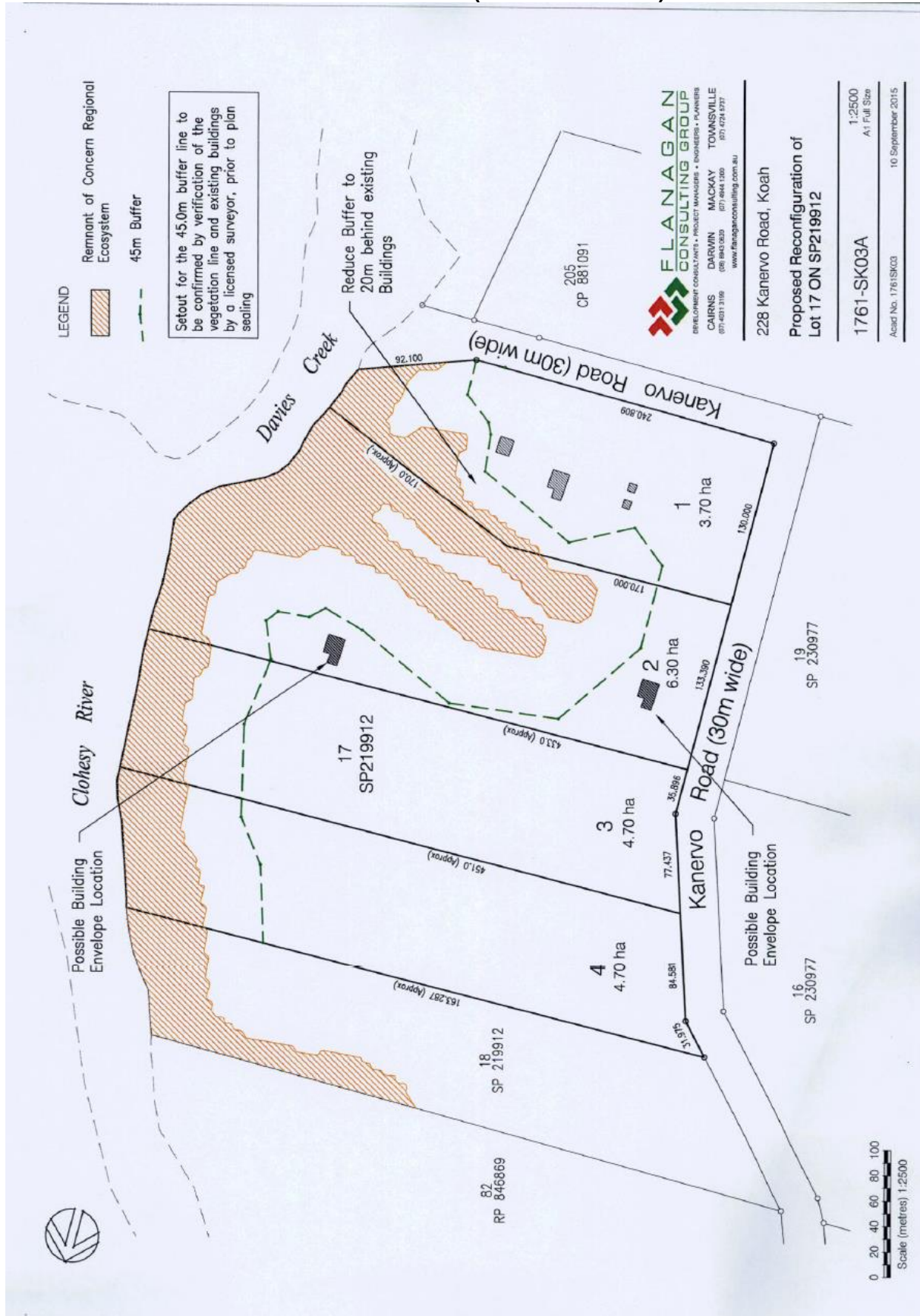
(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

Date Prepared: 25 October 2016

ATTACHMENT 1

PROPOSED PLANS (ECM VS 3716467)

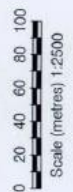


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228 Kanervo Road, Koah

Proposed Reconfiguration of
Lot 17 ON SP219912

1761-SK03A
Acad No. 1761SK03
1:2500
A1 Full Size
10 September 2015



ATTACHMENT 2Department of Infrastructure,
Local Government and PlanningOur 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 conditionsDevelopment 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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Page 1

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)

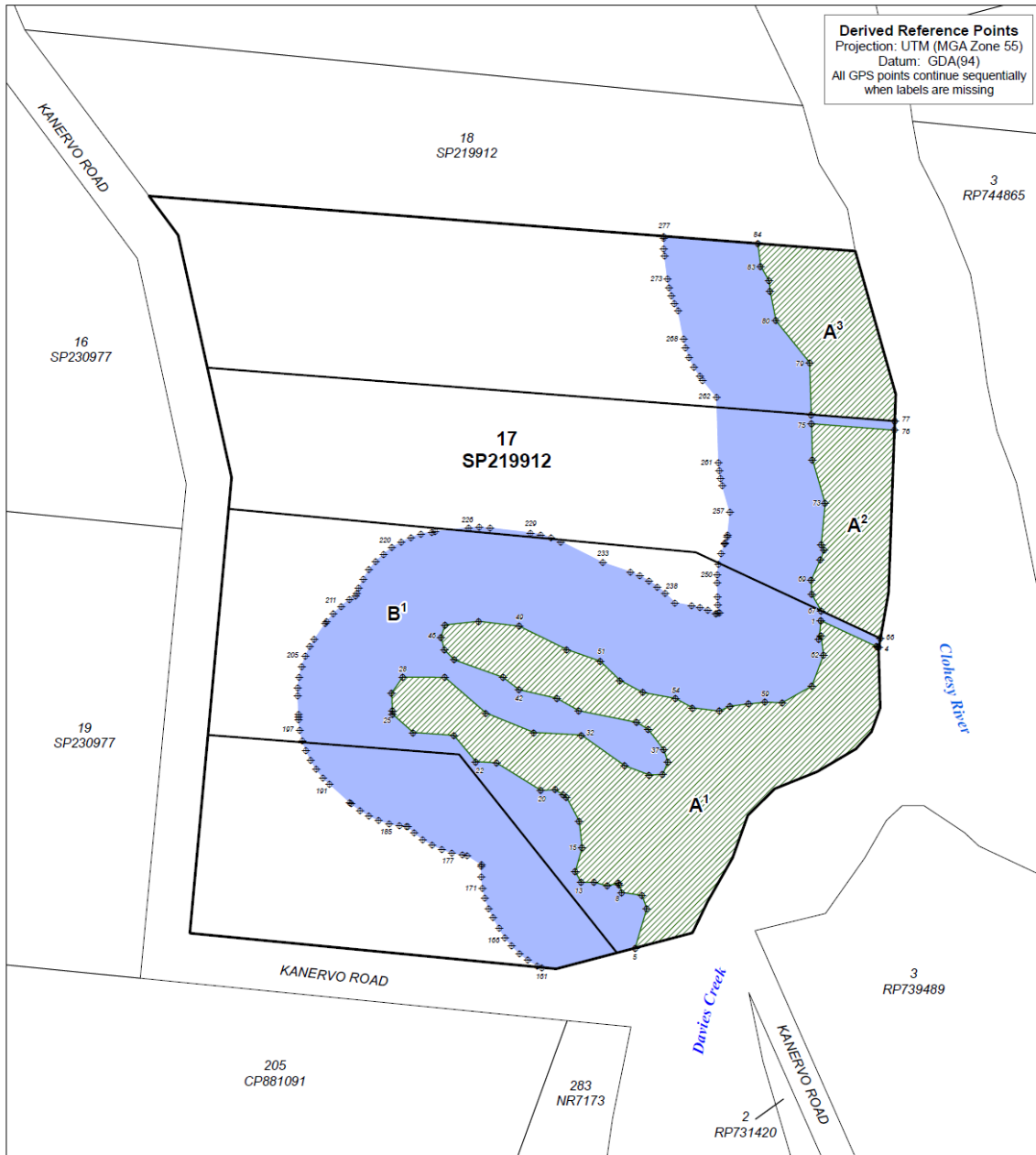
Attachment 3—Further advice

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.

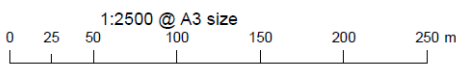
SDA-0216-028157

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

Attachment 4—Approved plans and specifications



Derived Reference Points
Projection: UTM (MGA Zone 55)
Datum: GDA(94)
All GPS points continue sequentially when labels are missing





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

<p>LEGEND</p> <ul style="list-style-type: none"> ⊕ Derived Reference Points for GPS (refer to Attachment to Plan) □ Subject Lot(s) ▨ Area A (Parts A¹ - A³) ■ Area B (Part B¹) <p>Note: This is a colour plan and should only be reproduced in colour.</p>	<p>Referral Agency Response (Vegetation) Plan Plan of Area A (Parts A¹ - A³) and Area B (Part B¹) in Lot 17 on SP219912</p> <p>eLVAS. 2016/000832</p>		 N  Queensland Government
	<p>CENTRE: MAREEBA LOCALITY OF KOAH REGION: NORTH LOCAL GOVT: MAREEBA SHIRE</p>		<p>RARP SDA-0216-028157 Sheet 1 of 1</p>
	<p>Map Reference: 8064</p>	<p>Compiled from: DCDB, PVMP & VMO Notes</p>	
	<p>File Reference: eDOCS. 082/0000917</p>	<p>Prepared by: SAK - j5269 Date: 19 September 2016</p>	

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

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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								

GOVERNANCE AND COMPLIANCE

ITEM-3 **DELEGATIONS ANNUAL REVIEW 2016**

MEETING:	Ordinary
MEETING DATE:	16 November 2016
REPORT OFFICER'S TITLE:	Manager Development and Governance
DEPARTMENT:	Corporate and Community Services

EXECUTIVE SUMMARY

As part of the monthly delegations update service provided by MacDonnells Law, Council is advised of amendments to various pieces of legislation that require amendments to existing delegations or new delegations to be made by Council.

Section 257(4) of the Local Government Act states that delegations to the CEO must be reviewed annually.

OFFICER'S RECOMMENDATION

"That:

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

BACKGROUND

At the meeting of Council held on 21 January 2015, Council delegated to the Chief Executive Officer the necessary statutory powers under various pieces of legislation to enable him to effectively perform the requirements of his role and efficiently manage the operations of the Council.

Council subscribes to a monthly delegations update service provided by MacDonnells Law, under which MacDonnells review the myriad pieces of legislation that provide statutory powers to local government and they then advise the subscribing Councils of any changes to legislation that require amendment of existing delegations or new delegations to be made by Council.

The Instruments of Delegation attached to this report set out those pieces of legislation recently reviewed by MacDonnells and the delegations to be made as a result thereof.

In future years the full schedule will not be attached to the Report, however will be available upon request.

Limitations to the Exercise of Power

All delegations are made subject to the following limitations:

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Director Corporate and Community Services

External

MacDonnells Law

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

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

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

In the case where Council is challenged on an action taken or a decision made by its employees, there needs to be proof that the employee held the powers required to do so.

Such documentation is known as the instrument and is required for delegations, sub-delegations and appointments.

Section 260 requires the Chief Executive Officer to establish and maintain a register of delegations and make it available to the public.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Instruments of Delegation

Date Prepared: 17 October 2016

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Environmental Protection Act 1994***

Under section 518(1)(b) of the *Environmental Protection Act 1994*, Mareeba Shire Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Environmental Protection Act 1994 ("ENPA")
CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES
Part 2 - Application Stage
Division 4 – Notices about not properly made applications

Entity power given to	Section of ENPA	Description
Administering Authority	128(2)	In certain circumstances, the power to give the applicant a notice.
Administering Authority	129(2)	In certain circumstances, the power to agree to a further period with the applicant.

Division 5 – Joint applicants

Entity power given to	Section of ENPA	Description
Administering Authority	130(3)	In certain circumstances, the power to: (a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or (b) make a requirement under this chapter relating to the application of all the applicants, by making it of the principal applicant nominated in the application.

Division 6 – Changing applications
Subdivision 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	131(d)	In certain circumstances, power to be satisfied that a change would not adversely affect the ability of the authority to assess the changed application.

Subdivision 3 – Changed applications – effect on assessment process

Entity power given to	Section of ENPA	Description
Administering Authority	133(1)(b)	Power to agree in writing to the change.
Administering Authority	134(4)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Part 3 - Information Stage**Division 2 – Information requests**

Entity power given to	Section of ENPA	Description
Administering Authority	140(1)	Power to ask the applicant, by written request (an information request), to give further information needed to assess the application.
Administering Authority	143(2)	In certain circumstances, the power to include in an information request a requirement that the applicant provide an EIS for the application.
Administering Authority	145(1)	Power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.
Administering Authority	145(3)	Power to request a further extension of the information request period.
Administering Authority	147(3)	Power to, within 5 business days after receiving the request: <ul style="list-style-type: none"> (a) decide whether to agree to the extension; and (b) give an information notice of the decision.

Part 4 - Notification Stage**Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Administering Authority	150(1)(d) ¹	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Division 2 – Public notice

Entity power given to	Section of ENPA	Description
Administering Authority	152(3)	Power to: <ul style="list-style-type: none"> (a) give the applicant an information notice about the decision before the application notice is given; and (b) decide an additional or substituted way to give or publish the application notice.
Administering Authority	159(2)	In certain circumstances, power to decide whether to allow the application to proceed under this part as if the noncompliance had not happened.
Administering Authority	159(3)	In certain circumstances, power to be satisfied that there has been substantial compliance with the public notice requirements.
Administering Authority	159(4)	In certain circumstances, power to within 10 business days after the decision is made, give the applicant written notice of the decision.
Administering Authority	159(5)(b)(i)	In certain circumstances, power to: <ul style="list-style-type: none"> (a) fix a substituted way to give or publish the application notice; and (b) give the applicant written notice of the substituted way.

¹ The *Environmental Protection and Other Legislation Amendment Act 2014* changes the section reference from s. 150(1)(c) to s. 150(1)(d). This amendment will be made on a day to be fixed by proclamation (but it has not yet proclaimed).

Administering Authority	159(5)(b)(ii)	In certain circumstances, power to: (a) fix a new submission period for the application; and (b) give the applicant written notice of the period.
Administering Authority	159(5)(b)(iii)	In certain circumstances, power to give the applicant an information notice about the decision.

Division 3 – Submissions about applications

Entity power given to	Section of ENPA	Description
An Entity	160	Power to, within the submission period, make a submission to the administering authority about the application.
Administering Authority	161(3)	Power to accept a written submission even if it is not a properly made submission.
An Entity	162(1)	In certain circumstances, power to, by written notice, amend or replace a submission.

Part 5 - Decision Stage

Division 2 – Deciding an application

Subdivision 1 – Decision period

Entity power given to	Section of ENPA	Description
Administering Authority	168(2)	In certain circumstances, the power to, by written notice given to the applicant and without the applicant's agreement, extend the period mentioned in subsection 168(1) by not more than 20 business days.
Administering Authority	168(4)	Power to request a further extension of the decision period.

Subdivision 2 – Decision

Entity power given to	Section of ENPA	Description
Administering Authority	170(2)(a)	In certain circumstances, the power to decide that the application be approved subject to the standard conditions for the relevant activity or authority.
Administering Authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.
Administering Authority	172(2)	In certain circumstances, the power to decide that the application: (a) be approved subject to conditions; or (b) be refused.

Administering Authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.
Administering Authority	173(3)	Power to refuse an application for an environmental authority.

Division 4 – Steps after deciding application

Entity power given to	Section of ENPA	Description
Administering Authority	195	In certain circumstances, power to issue an environmental authority to the applicant.
Administering Authority	198(2)	In certain circumstances, power to give the application an information notice about the decision.
Administering Authority	198(4)	In certain circumstances, power to give any submitter for the application an information notice about the decision.

Division 6 – Conditions

Entity power given to	Section of ENPA	Description
Administering Authority	203(1)	Power to impose a condition on an environmental authority or draft environmental authority if: (a) it considers the condition is necessary or desirable; and (b) if the authority is for an application to which section 115 applies - the condition relates to the carrying out of the relevant prescribed ERA.
Administering Authority	203(2)	In certain circumstances, power to impose a condition on an environmental authority or draft environmental authority.
Administering Authority	204(2)	In certain circumstances, power to impose on the authority a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.
Administering Authority	209(4)	Power to enter into an agreement to establish obligations, or secure the performance, of a party to the agreement about a condition.

Part 6 - Amending Environmental Authorities by Administering Authority

Division 1 – Amendments

Entity power given to	Section of ENPA	Description
Administering Authority	211	In certain circumstances, power to amend an environmental authority to correct a clerical or formal error.
Administering Authority	212(2)	Power to amend the environmental authority to ensure compliance with conditions included in a determination made by the NNTT under the Commonwealth Native Title Act, section 38(1)(c).
Administering Authority	212(3)	Power to give written notice of the amendment to the environmental authority holder.
Administering authority	212A(2)	Power to amend the environmental authority to ensure it is consistent with the regional interests development approval.
Administering authority	212A(3)	Power to give written notice the amendment to the environmental authority holder.

Administering Authority	213(2)	In certain circumstances, power to amend the existing authority to replace the existing standard conditions with the new standard conditions.
Administering Authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.
Administering Authority	214(2)	In certain circumstances, power to amend the environmental authority.
Administering Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.
Administering Authority	215(1)	In certain circumstances, power to amend an environmental authority.
Administering Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.

Division 2 – Procedure for particular amendments

Entity power given to	Section of ENPA	Description
Administering Authority	216	Power to propose to amend an environmental authority
Administering Authority	217	Power to give the environmental authority holder a written notice (the proposed amendment notice).
Administering Authority	218	Power to consider any written representation made within the period stated in the proposed amendment notice by the holder of the environmental authority.
Administering Authority	219(1)	In certain circumstances, power to believe a ground exists to make the proposed amendment, and to make the amendment.
Administering Authority	219(3)	Power to give the holder written notice of the decision.
Administering Authority	220	Power to give the environmental authority holder an information notice about the decision.

Division 3 – Steps for amendments

Entity power given to	Section of ENPA	Description
Administering Authority	221(2)(b)	In certain circumstances, power to issue the amended environmental authority to the holder.

Part 7 - Amendment of Environmental Authorities by Application

Division 2A – Provision for particular amendment applications

Entity power given to	Section of ENPA	Description
Administering Authority	227A(2)	Power to refuse application within 10 business days after receiving the amendment application.

Administering Authority	227A(3)	Power to require the holder of the environmental authority to make a site-specific application for a new environmental authority.
Administering Authority	227A(5)	Power to give written notice of any refusal.

Division 3 – Assessment level decisions

Entity power given to	Section of ENPA	Description
Administering Authority	228(1)	Power to decide whether the proposed amendment is a major or minor amendment.
Administering Authority	229	Power to give the applicant a written notice.
Administering Authority	230(2)	In certain circumstances, power to be satisfied that: <ul style="list-style-type: none"> (a) there is likely to be a substantial increase in the risk of environmental harm under the amended environmental authority; and (b) the risk is the result of a substantial change in: <ul style="list-style-type: none"> (i) the quantity or quality of contaminant permitted to be released into the environment; or (ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.

Division 4 – Process if proposed amendment is a major amendment

Entity power given to	Section of ENPA	Description
Administering Authority	233(3)	In certain circumstances, power to: <ul style="list-style-type: none"> (a) decide another way of publishing the notice for subsection (2)(b)(ii); and (b) give the applicant an information notice about the decision before the notice is published.
Administering Authority	237(1)(b)	Power to agree in writing to the change.
Administering Authority	238(3)(a)	In certain circumstances, power to within 10 business days after notice of the change is received, ask the applicant to give further information needed to assess the application
Administering Authority	238(7)	In certain circumstances, power to be satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Division 5 – Process if proposed amendment is minor amendment

Entity power given to	Section of ENPA	Description
Administering Authority	240(1)	Power to decide either to approve or refuse the application: <ul style="list-style-type: none"> (a) for a condition conversion – within 10 business days after the application is received (for a condition conversion); or (b) otherwise, within 10 business days after notice of the assessment level decision is given to the applicant.
Administering	240(2)	Power to be satisfied the proposed amendment is necessary or desirable.

Authority		
Administering Authority	240(3)	In certain circumstances, power to make any other amendments to the conditions of the environmental authority it considers: (a) relate to the subject matter of the proposed amendment; and (b) are necessary or desirable.

Division 6 – Steps after deciding amendment application

Entity power given to	Section of ENPA	Description
Administering Authority	242(1)(b)	In certain circumstances, power to issue the amended environmental authority to the applicant.
Administering Authority	242(3)	Power to within 5 business days after the decision is made, give the applicant an information notice about the decision.

Part 8 - Amalgamating Environmental Authorities

Division 2 – Deciding amalgamation application

Entity power given to	Section of ENPA	Description
Administering Authority	247(1)	Power to, within 20 business days after the day the amalgamation application is received, decide to: (a) approve the application; or (b) if the application is for an amalgamated local government authority or amalgamated project authority—refuse the application.
Administering Authority	247(2)(c)	Power to be satisfied there is an appropriate degree of integration between the activities.
Administering Authority	247(3)	Power to be satisfied the relevant activities for the existing environmental authorities are being carried out as a single integrated operation.

Division 3 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	248(b)	In certain circumstances, power to issue to the applicant: (a) if the application is for an amalgamated corporate authority – an amalgamated corporate authority; or (b) if the application is for an amalgamated local government authority – an amalgamated local government authority; or (c) if the application is for an amalgamated project authority – an amalgamated project authority.
Administering Authority	249	Power to, within 10 business days after refusing an amalgamation application, give the applicant an information notice about the decision.

Division 4 – De-amalgamating environmental authorities

Entity power given to	Section of ENPA	Description
Administering Authority	250C(a)	Power to de-amalgamate the relevant authority within 15 business days after receiving a de-amalgamation application that complies with section 250B.

Part 9 - Transferring Environmental Authorities for Prescribed ERAs

Entity power given to	Section of ENPA	Description
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or (b) refuse the transfer.
Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the transferred environmental authority) to each holder.
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.

Part 10 - Surrender of Environmental Authorities
Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	258(2)	In certain circumstances, power to by written notice (a surrender notice), require the holder of the environmental authority to make a surrender application.
Administering Authority	261(2)	In certain circumstances, power to approve a surrender application for part of the environmental authority.

Division 3 – Final rehabilitation reports

Entity power given to	Section of ENPA	Description
Administering Authority	264(2)(a)	Power to agree to a methodology.

Division 4 – Requests for Information

Entity power given to	Section of ENPA	Description
Administering Authority	265	Power to ask the applicant, by written request, to give further information needed to assess the surrender application.

Division 5 – Deciding surrender applications

Entity power given to	Section of ENPA	Description
Administering Authority	266(1)	Power to decide to: (a) approve the surrender application; or (b) refuse the surrender application.
Administering Authority	269(a)	Power to be satisfied the conditions of the environmental authority have been complied with.
Administering Authority	269(b)(i)	Power to be satisfied the land on which each relevant activity for the environmental authority has been carried out has been satisfactorily

		rehabilitated.
Administering Authority	269(b)(ii)	Power to be satisfied the land will be satisfactorily rehabilitated under a transitional environmental program.
Administering Authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.

Division 8 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	275(a)(ii)	In certain circumstances, power to give the applicant written notice of the decision.
Administering Authority	275(b)	In certain circumstances, power to give the applicant an information notice about the decision.

Part 11 - Cancellation or Suspension of Environmental Authorities

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	278(1)	In certain circumstances, power to cancel or suspend an environmental authority .

Division 2 – Procedure for cancellation or suspension by administering authority

Entity power given to	Section of ENPA	Description
Administering Authority	280(1)	Power to give the environmental authority holder a written notice.
Administering Authority	281	Power to consider any written representation made within the stated period by the environmental authority holder.
Administering Authority	282(1)	In certain circumstances, power to believe a ground exists to take the proposed action.
Administering Authority	282(1)(a)	In certain circumstances, power to suspend the environmental authority for no longer than the proposed suspension period.
Administering Authority	282(1)(b)	In certain circumstances, power to either cancel the environmental authority or suspend it for a fixed period.
Administering Authority	282(3)	Power to decide not to take the proposed action and, if so, give the environmental authority holder written notice of the decision.
Administering Authority	283(1)	Power to give the environmental authority holder an information notice about the decision.
Administering Authority	283(2)	In certain circumstances, power to give written notice of the decision to the chief executive administering the resource legislation.

Part 11A - General Provisions
Division 3 – Deciding suspension applications

Entity power given to	Section of ENPA	Description
Administering Authority	284C	Power to decide whether to approve the application or refuse the application.
Administering Authority	284F(1)(a)(ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.
Administering Authority	284F(1)(b)	In certain circumstances, power to give the holder an information notice about the decision.

Part 12 - General Provisions
Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease

Entity power given to	Section of ENPA	Description
Administering Authority	287	Power to agree with the holder in writing to a shorter period.

Division 2 – Financial assurance
Subdivision 1 – Requiring financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	292(1)	Power to, by condition of an environmental authority, require the holder of the environmental authority to give the administering authority financial assurance.
Administering Authority	292(2)	Power to be satisfied the condition is justified.
Administering Authority	292(3)	Power to require a financial assurance to remain in force until satisfied no claim is likely to be made on the assurance.

Subdivision 2 – Amount and form of financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	295(1)	Power to decide the amount and form of financial assurance required under a condition of an environmental authority.
Administering Authority	295(2)(c)	Power to agree with the holder of the environmental authority to a further period.
Administering Authority	295(4)	Power to form an opinion as to the amount that represents the total of likely costs and expenses that may be incurred taking action to rehabilitate or restore and protect the environment because of environmental harm that may be caused by the activity.
Administering Authority	296	Power to, within 5 business days after making a decision under section 295(1), give an information notice about the decision to the holder of the environmental authority.

Subdivision 3 – Claiming or realising financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.
Administering Authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.
Administering Authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.
Administering Authority	301(2)	In certain circumstances, power to give the entity an information notice about the decision.

Subdivision 4 – Amending or discharging financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.
Administering Authority	305(1)(a)	Power to approve or refuse the application.
Administering Authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.
Administering Authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.
Administering Authority	305(5)	Power to withhold making a decision under subsection (1).
Administering Authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.
Administering Authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.
Administering Authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.

Division 3 – Annual fees and returns
Subdivision 1 – Annual notices

Entity power given to	Section of ENPA	Description
Administering Authority	308(2)	In certain circumstances, power to give the environmental authority holder a written notice complying with subsection (3) (an annual notice).
Administering Authority	310(1)	In certain circumstances, power to change the anniversary day, for an environmental authority for which an annual fee is prescribed under a regulation, to another day (the new day).
Administering Authority	311	Power to decide whether or not to change the anniversary day to the new day.

Administering Authority	312	Power to give the holder: (a) if the decision is to change the day – written notice of the decision; or (b) if the decision is not to change the day – an information notice about the decision.
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Division 4 – Non-compliance with eligibility criteria

Entity power given to	Section of ENPA	Description
Administering Authority	314(2)	In certain circumstances, power to require the holder of the environmental authority to: (a) make a site-specific application for a new environmental authority under part 2; or (b) make an amendment application for the authority under part 7.
Administering Authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.
Administering Authority	314(5)	Power consider any representations made by the holder within the stated period.

Division 5 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	315(1)	Power to ask any entity for advice, comment or information about an application made under this chapter at any time.

CHAPTER 7 – ENVIRONMENTAL MANAGEMENT

Part 2 - Environmental Evaluations

Division 2 – Environmental audits

Subdivision 1 – Audit requirements

Entity power given to	Section of ENPA	Description
Administering Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to: (a) conduct or commission an audit (an environmental audit) about a stated matter concerning a relevant activity; and (b) give the administering authority an environmental report on the audit.
Administering Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.
Administering Authority	323(1)	Power to be satisfied that: (a) a person is, or has been, contravening a regulation, an environmental protection policy, a transitional environmental program or an enforceable undertaking; or (b) a person is, or has been, contravening any of the following

		provisions: (i) section 363E; (ii) section 440Q; (iii) section 440ZG; (iv) a provision of chapter 8, part 3D, 3E or 3F.
Administering Authority	323(2)	Power to, by written notice (also an audit notice), require the person to: (a) Conduct or commission an audit (also an environmental audit) about the matter; and (b) give the administering authority an environmental report about the audit.

Division 3 – Environmental investigations

Entity power given to	Section of ENPA	Description
Administering Authority	326B(1)	Power to be satisfied on reasonable grounds that: (a) an event has happened causing environmental harm while an activity was being carried out; or (b) an activity or proposed activity is causing, or is likely to cause environmental harm.
Administering Authority	326B(2)	Power to, by written notice (an investigation notice), require the person who has carried out, is carrying out or is proposing to carry out the activity to: (a) conduct or commission an investigation (an environmental investigation) about the event or activity; and (b) submit an environmental report about the investigation to the authority.

Division 5 – Steps after receiving environmental reports

Entity power given to	Section of ENPA	Description
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.
Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.
Administering Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority;

		(c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.
Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.
Administering Authority	326I(3)	Power to give written notice to the recipient.

Part 3 - Transitional Environmental Programs
Division 2 - Submission and approval of transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program: (a) as a condition of an environmental authority; or (b) as a development condition of a development approval.
Administering Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.
Administering Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.
Administering Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the Environmental Protection Act 1994 about the transitional environmental program, to a conference to help in deciding whether or not to approve the program.
Administering Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.
Administering Authority	336(3)	If its considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.
Administering Authority	336(4)	In the specified circumstances, the power to appoint an independent person to mediate a conference.
Administering Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.
Administering Authority	337(1)	In the specified circumstances, the power to decide whether to approve a draft transitional environmental program within the specified time period.
Administering Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.
Administering Authority	337(2)	Power to gives an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.
Administering Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: (a) comply with any relevant regulatory requirement; and (b) subject to paragraph (a), consider the specified criteria.
Administering Authority	339(1)	Power to: (a) approve a draft transitional environment program:

		(i) as submitted; or (ii) as amended at the request, or with the agreement, of the administering authority; or (b) refuse to approve a draft transitional environmental program.
Administering Authority	339(2)	Power to impose on an approval of a draft transitional environmental program: (a) any conditions the authority must impose under a regulatory requirement; (b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and (c) any other conditions the administering authority considers appropriate.
Administering Authority	340(1)	Power to, within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.
Administering Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.
Administering Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.
Administering Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.
Administering Authority	342(2)	In the specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the Environmental Protection Act 1994.
Administering Authority	343A(2)(B)	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.

Division 3A – Financial assurances

Entity power given to	Section of ENPA	Description
Administering Authority	344(3)	In the specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.
Administering Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.
Administering Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action by making a claim on or realising the financial assurance or part of it.
Administering Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.
Administering Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.
Administering Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.
Administering Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.

Division 3B – Cancellation of approval for transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	344E(1)	Power to cancel the approval for a transitional environmental program for the reasons provided in that subsection.
Administering Authority	344E(1)(b)	Power to be satisfied the approval holder has: (i) disposed of the place or business to which the program relates; or (ii) ceased the activity to which the program relates.
Administering Authority	344E(2)(a)	Power to give a notice stating the details of the cancellation to the approval holder.
Administering Authority	344F(2)(a)	Power to withdraw the notice by another written notice.
Administering Authority	344G(2)	Power to give the holder of the environmental authority a copy of the authority that does not include the note.

Part 4 - Special Provisions about Voluntary Submission of Transitional Environmental Programs

Entity power given to	Section of ENPA	Description
Administering Authority	352(1)	In the specified circumstances, the power to give written notice to a person of: (a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.
Administering Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.

Part 4A - Temporary emissions licences

Entity power given to	Section of ENPA	Description
Administering Authority	357E(1)	Power to: (a) grant the application for a temporary emissions licence: (i) as submitted; (ii) on different terms than have been requested in the application; or (b) refuse to grant the application for a temporary emissions licence.
Administering Authority	357E(2)	Power to impose conditions on the temporary emissions licence it considers are necessary or desirable.
Administering Authority	357F	Power to give the applicant an information notice about the decision if the decision is to: (a) grant the application on different terms than have been requested in the application; or (b) refuse the application.
Administering	357J	In certain circumstances, power to amend, cancel or suspend a temporary

Authority		emissions licence.
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Part 5 - Environmental Protection Orders

Entity power given to	Section of ENPA	Description
Administering Authority	358	In the specified circumstances, the power to issue an order (an environmental protection order) to a person.
Administering Authority	359	Before deciding to issue an environmental protection order, the power to consider the standard criteria.

CHAPTER 9 – INVESTIGATION AND ENFORCEMENT
Part 1 - Administration Generally

Entity power given to	Section of ENPA	Description
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517	445(1)(c) ²	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person
As delegate	448 ³	In the specified circumstances, the power to issue an identity card to each

² The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
 - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
 - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

³ The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
 - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
 - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and

of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.		authorised person appointed.
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the Environmental Protection Act 1994 to a person requiring the person to give information relevant to the administration and enforcement of the Environmental Protection Act 1994.

Part 2 - Powers of Authorised Persons for Places and Vehicles

Entity power given to	Section of ENPA	Description
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.
Administering Authority	458(2)	In the specified circumstances, the power to give written notice of an application made under section 458(1) of the Environmental Protection Act 1994 to: <ul style="list-style-type: none"> (a) the owner of the land; and (b) if the owner is not the occupier of the land - the occupier; and (c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994: <ul style="list-style-type: none"> (i) the environmental authority holder; or (ii) transitional environmental program approval holder; or (iii) the registered operator. (d) if the application is for an order to take actions required under a clean-up notice – the recipient of the notice.
Administering Executive	463(2)	In the specified circumstances, the power to direct the destruction or disposal of a forfeited thing.
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In the specified circumstances, the power to issue a certificate.

2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

CHAPTER 10 – LEGAL PROCEEDINGS
Part 3 - Legal Proceedings

Entity power given to	Section of ENPA	Description
Administering Authority	502A(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of an order made against a person under section 502.

CHAPTER 11 – ADMINISTRATION
Part 2 - Delegations

Entity power given to	Section of ENPA	Description
CEO (both as CEO and as administering executive)	517(2)	Power to delegate their powers under this Act to an appropriately qualified employee of the local government.

Part 3 - Review of Decisions and Appeals
Division 2 – Internal Review of Decisions

Entity power given to	Section of ENPA	Description
Administering Authority	521(2)(a) (ii)	In the specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.
Administering Authority	521(5)	In the specified circumstances, the power to, within the decision period for a review of an original decision: <ul style="list-style-type: none"> (a) review the original decision; and (b) consider any submissions properly made by a recipient of a review notice; and (c) make a decision (the review decision) to: <ul style="list-style-type: none"> (i) confirm or revoke the original decision; or (ii) vary the original decision in a way considered appropriate.
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.

Division 3 – Appeals
Subdivision 2 – Appeals to Court

Entity power given to	Section of ENPA	Description
Dissatisfied person	531(1)	In certain circumstances, power to may appeal against the decision to the Court.

Part 4 - General

Entity power given to	Section of ENPA	Description
Administering Executive	544(1)	Power to approve forms.

CHAPTER 12 – MISCELLANEOUS
Part 3A - Auditors
Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Auditor	568	Power to, subject to the terms of an approval under division 2: (a) conduct environmental audits and prepare environmental reports about audits under chapter 7, part 2, division 2; and (b) evaluate site investigation reports, validation reports, draft site management plans and draft amendments of site management plans prepared under chapter 7, part 8 against criteria prescribed under a regulation (the prescribed criteria) and: (i) if the report or plan does not comply with the prescribed criteria—prepare a report about the evaluation; or (ii) if the report or plan complies with the prescribed criteria—provide written certification that it complies with the criteria; and (c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.

CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS
Part 5 - Transitional provisions for Environmental Protection Legislation Amendment Act 2003

Entity power given to	Section of ENPA	Description
Administering Authority	620(2)	In the specified circumstances, the power to change or cancel a condition of a environmental authority.
Administering Authority	620(5)(b)	In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator: (i) a copy of the development conditions as applying after the change or cancellation; and (ii) a registration certificate.
Administering Authority	621(1)	Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the Environmental Protection Act 1994, give to the person carrying out the activity: (a) if the activity was carried out at 1 location - a development approval for the location; or (b) if the activity was carried at more than 1 location and is not a mobile and temporary environmentally relevant activity - a development

		approval for each location; or (c) if the activity is a mobile and temporary environmentally relevant activity - a development approval for a mobile and temporary environmentally relevant activity.
Administering Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.
Administering Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.
Administering Authority	623(2)	In the specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.
Administering Authority	626(3)(a)	In the specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.

Part 6 - Transitional Provisions for Petroleum and Other Legislation Amendment Act 2004

Entity power given to	Section of ENPA	Description
Administering Authority	634(1)	In the specified circumstances, the power to amend a condition about financial assurance imposed under Part 7, Chapter 13 of the Environmental Protection Act 1994 to require the giving of replacement financial assurance, in a form and amount decided by you.

Part 17 - Transitional provisions for the Environmental Protection and Other Legislation Amendment Act 2011

Entity power given to	Section of ENPA	Description
Administering Authority	671(2)	Power to consider, or continue to consider, the draft transitional environment program and decide whether to approve an existing draft transitional environment program under the unamended Act.

Part 18 - Transitional provisions for Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012

Division 5 – Transitional authorities for environmentally relevant activities

Entity power given to	Section of ENPA	Description
Administering Authority	697(1)	Power to decide whether to approve the application or refuse the application.
Administering Authority	698(1)	In certain circumstances, power to: (a) amend the environmental authority to give effect to the conversion; and (b) issue the amended environmental authority to the applicant.
Administering Authority	698(2)	In certain circumstances, power to give the applicant an information notice about the decision.

Division 5A – Suspended Activities

Entity power given to	Section of ENPA	Description
Administering Authority	698B	Power to approve an application to convert the surrendered registration certificate to an environmental authority that has been suspended under chapter 5, part 11A (a conversion application).

Division 6 – Financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	699(4)	Power to amend the environmental authority to impose a condition about financial assurance.
Administering Authority	699(5)	Power to give written notice of the amendment.

Division 8 – Provisions about environmental management plans

Entity power given to	Section of ENPA	Description
Administering Authority	701(2)	Power to amend the new authority to impose conditions consistent with the environmental management plan.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council *Land Act 1994*

Under section 257 of the *Local Government Act 2009*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Land Act 1994 ("LANA")
CHAPTER 1 - PRELIMINARY
Part 4 - Tidal and non-tidal boundaries and associated matters

Entity power given to	Section of LANA	Description
Registered owner	12(3)	Power to suitably indicate where the boundaries of land are across a surface of water.
Registered owner	12(4)	Power to regulate or prohibit the use or movement of ships in or over water above inundated land.
Owner	13A(4)	Power to: <ul style="list-style-type: none"> (a) exercise a right of access for the owner, the owner's family, executive officers, employees, agents and stock over the adjacent area of the watercourse or lake that is the property of the State that adjoins the owner's land; and (b) exercise a right of grazing for the person's stock over the adjacent area; and (c) bring an action against a person who trespasses on the adjacent area.
Applicant	13B(1)	In certain circumstances, power to apply to the Chief Executive to have watercourse land adjoining the relevant land's non-tidal boundary declared to be former watercourse land.
Applicant	13B(2)	Power to give notice of a person's intention to make the application.
Applicant	13B(6)	Power to appeal against the refusal of the application.

CHAPTER 2 - LAND ALLOCATION
Part 1 - Allocation powers

Entity power given to	Section of LANA	Description
Registered owner	18(1)	Power to reach agreement with the Governor in Council to grant unallocated State land in exchange for all or part of freehold land.
Lessee of a freeholding lease	18(2)	Power to reach agreement with the Governor in Council to grant a freeholding lease in exchange for all or part of a freeholding lease.
Lessee of a term lease	18(3)	Power to enter into agreement with the Minister to lease unallocated State land.

Part 2 - Reservations

Entity power given to	Section of LANA	Description
Person	23A(1)	Power to apply to Minister for the allocation of a floating reservation.

Person	23A(6)	Power to appeal against a Minister's decision.
Registered owner or lessee	24(3)	Power to apply to the Minister to buy the land.
Registered owner or lessee	25(2)	Power to appeal against the unimproved value of land.
Registered owner or Trustee	26(2)	In certain circumstances, power to agree with the Minister in respect to the specified matters when the Minister is deciding the boundaries of land being resumed.
Lessee, registered owner or trustee	26(4)	Power to appeal against the Minister's decision on the boundaries.
Lessee or registered owner	26B(8)	Power to appeal against the value decided by the Minister for the commercial timber.

CHAPTER 3 - RESERVES, DEEDS OF GRANT IN TRUST AND ROADS

Part 1 - Reserves and deeds of grant in trust

Division 2 - Reserves

Entity power given to	Section of LANA	Description
Any person	31C(1)	Power to apply to the Minister for the dedication of a reserve.
Any person	31C(2)	Power to give notice of the person's intention to make the application to: (a) if the person is not the proposed trustee of the reserve - the proposed trustee; and (b) each person with a registered interest in the unallocated State land over which a reserve is proposed to be dedicated.
Any person	31C(3)	Power to give notice to any other person that the person considers has an interest in the unallocated State land over which the reserve is proposed to be dedicated.
Trustee of a reserve	31D(1)	Power to apply to the Minister: (a) to change the boundaries of the reserve; or (b) to change the purpose for which the reserve is dedicated.
Trustee of a reserve	31D(2)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of a reserve	31D(3)	Power to give notice to any other person the trustee considers: (a) has an interest in the reserve; or (b) would have an interest in the reserve if the boundaries of the reserve or the purpose for which the reserve is dedicated were changed.
Any person	34(1)	Power to apply for the revocation of the dedication of all or part of a reserve.
Any person	34(2)	Power to give notice of the person's intention to make the application to: (a) if the person is not the trustee of the reserve - the trustee of the reserve; and (b) each person with a registered interest in the reserve.

Any person	34(3)	Power to give notice to any other person that the person considers has an interest in the reserve.
Local government	34H(1)	Power to apply to the Minister to remove improvements from a revoked reserve.
Trustee of an operational reserve	34I(1)	In certain circumstances, power to apply for the issue of a deed of grant over a reserve.
Trustee of an operational reserve	34I(3)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of an operational reserve	34I(4)	Power to give notice to any other person the trustee considers has an interest in the reserve.

Division 3 - Deeds of grant in trust

Entity power given to	Section of LANA	Description
Trustee of deed of grant in trust	38A(1)	Power to apply: (a) for an additional community purpose to be notified; or (b) to amalgamate land with common purposes.
Any person	38A(2)	Power to apply for the cancellation of a deed of grant in trust.
Applicant	38A(3)	Power to give notice of the applicant's intention to apply to each of the following: (a) the trustee of the deed of grant in trust, other than the applicant (b) each person with a registered interest in the trust land.
Applicant	38A(4)	Power to give notice to any other person the applicant considers has an interest in the trust land.
Owner of improvements on a deed of grant in trust that has been cancelled	38G(1)	Power to apply to the Minister to remove the owner's improvements on a deed of grant in trust.

Division 5 - Appointments, functions and removal of trustees

Entity power given to	Section of LANA	Description
Proposed trustee	44(4)	Power to provide written acceptance of appointment as trustee.
Trustee	48(1)(a)	Power to apply for the approval of a management plan for the trust land.
Trustee	49	In certain circumstances, power to: (a) allow the auditor general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the Chief Executive of a Department, to audit the trust's financial accounts; and (b) help the conduct of the audit, including a disclosure of the financial institution accounts necessary for the audit.

Division 6 - Powers of trustee

Entity power given to	Section of LANA	Description
Trustee	52(1)	Power to take all action necessary for the maintenance and management of the trust land.
Trustee of trust land	52(5)	Power to apply for the approval of an action that is inconsistent with the purpose for which the reserve was dedicated or the land was granted in trust (<i>inconsistent action</i>).
Trustee	55(1)	Power to surrender all or part of a deed of grant in trust: (a) on terms agreed to between the Minister and the trustee; and (b) with the Minister's written approval.
Trustee of a deed of grant in trust	55A(1)	Power to apply to surrender all or part of a deed of grant in trust.
Trustee of a deed of grant in trust	55A(2)	Power to give notice of the trustee's intention to apply to each person with a registered interest in the deed of grant in trust.
Trustee of a deed of grant in trust	55A(3)	Power to give notice to any other person the trustee considers has an interest in the deed of grant in trust.
Owner of improvements on a deed of grant in trust that has been surrendered	55H(1)	Power to apply to remove the owner's improvements on a surrendered deed of grant in trust.

Division 7- Trustee leases and trustee permits

Entity power given to	Section of LANA	Description
Trustee	66(1)	In certain circumstances, power to allow a trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.

Division 10 - Cemeteries

Entity power given to	Section of LANA	Description
Local government	82	Power to: (a) agree to have the trusteeship of a cemetery transferred; and (b) agree to conditions of the transfer of trusteeship.

Division 11 - Other grants for public purposes

Entity power given to	Section of LANA	Description
Trustee of land granted for an estate	84(1)	In certain circumstances, power to apply to the Minister to surrender land to the State and for the issue of a deed in grant in trust under the <i>Land Act 1994</i> for a community or public purpose.

in fee simple for some community, public or similar purpose		
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Part 2 - Roads
Division 1 – Dedicating and opening roads

Entity power given to	Section of LANA	Description
Person	94(2)	Power to apply for the dedication of a road for public use.

Division 2 - Closing roads

Entity power given to	Section of LANA	Description
Public utility provider or adjoining owner for the road	99(1)	Power to apply for the permanent closure of a road.
Adjoining owner for the road or, in certain circumstances, another person	99(3)	In certain circumstances, power to apply to the Minister for the temporary closure of a road.
Adjoining owner	99(4)	Power to ask for the road, on its closure, to be amalgamated with the adjoining owner's adjoining land.
Adjoining owner for the road	99(6)	In certain circumstances, power to ask in the application that, on the closure of the road, the road, the adjoining land and the other land be amalgamated.

Division 4 - Permanently closed roads

Entity power given to	Section of LANA	Description
Registered owner	109A(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Registered owner	109A(3)	Power to appeal against any conditions the Minister imposes under section 420I.
Trustee or Lessee	109B(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Trustee	109B(4)	Power to appeal against any conditions the Minister imposes under section 420I.

CHAPTER 4 - LAND HOLDINGS
Part 1 - Making land available

Entity power given to	Section of LANA	Description
Any person	120A(1)	Power to apply for an interest in land without competition.
Proposed lessee	136(5)	Power to enter into a land management agreement.
Buyer or previous lessee	140(1)	Power to negotiate the provisional value (negotiated value).
Buyer or previous lessee	140(2)	Power to give written agreement to the negotiated value becoming the amount to be paid for the improvements.
Buyer or previous lessee	140(4)	Power to make application to the Court to decide the value.

Part 3 - Leases

Entity power given to	Section of LANA	Description
Lessee	154(1)	Power to apply to the Minister for a lease to be used for additional or fewer purposes.
Lessee	155A(2)	Power to apply to extend a lease.
Lessee	155B(2)	Power to apply to extend a lease.
Lessee	155BA(2)	Power to apply to extend a lease.
Lessee	155DA(4)	Power to make written submissions to the Minister.
Lessee of term lease	158(1)	Power to apply for an offer of a new lease unless the condition of the lease or the <i>Land Act 1994</i> prohibits a renewal.
Applicant	160(3)	Power to appeal against the Chief Executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.
Lessee	164C(1)	Power to make an extension application.
Lessee	164C(7)	Power to appeal against the Minister's decision.
Lessee	164H(1)(b)	Power to advise the Chief Executive and agree to the lease becoming a rolling term lease.
Lessee	166(1)	Power to make a conversion application.
Applicant	168(5)	Power to appeal against the Chief Executive's decision to refuse the conversion application if the only reason for the refusal is that the applicant had not fulfilled the conditions of the lease.
Lessee	169(a)	Power to enter into a conservation agreement.
Lessee	169(b)(i)	Power to enter into a forest consent agreement in relation to the land.
Lessee	176(1)	Power to apply for approval to subdivide a lease.
Applicant	176E	In certain circumstances, power to appeal against a decision.

Lessee of two or more leases	176K(1)	In certain circumstances, power to apply for approval to amalgamate existing leases.
Applicant	176Q	In certain circumstances, power to appeal against a decision that is given to an Applicant.
Lessee	176UA(2)	Power to enter into a land management agreement.
Lessee	176XA	Power to agree with the Minister to cancel the land management agreement registered on a lease.

Part 4 - Permits to occupy particular land

Entity power given to	Section of LANA	Description
Any person	177A(1)	Power to apply for a permit to occupy unallocated State land, a reserve or road.
Any person	177A(2)	Power to give notice of the person's intention to apply to the following and to any other entity with a registered interest in the proposed permit land: (a) for a permit for a reserve – the trustee of the reserve; or (b) for a permit for a State-controlled road – the Chief Executive of the department in which the <i>Transport Infrastructure Act 1994</i> is administered.
Registered owner	179(2)	In certain circumstances, power to agree with an applicant for a permit on conditions about the maintenance of a boundary fence.
Permittee	180(2)	Power to surrender a permit: (a) on terms agreed between the Chief Executive Officer and the permittee; and (b) with the Chief Executive's written approval.
Relevant entity for a permit	180A(1)	Power to apply to cancel a permit.
Relevant entity for a permit	180A(2)	Power to give notice of the entity's intention to apply to: (a) the permittee; and (b) any other entity with a registered interest in the permit land.
Relevant entity for a permit	180A(4)	Power to give notice to any other entity the relevant entity considers has an interest in the permit land.
Permittee	180A(5)	Power to apply to surrender a permit.
Permittee	180H(1)	Power to apply to the Chief Executive to remove improvements on permit land.

CHAPTER 5 - MATTERS AFFECTING LAND HOLDINGS
Part 2 - Conditions
Division 3 - Changing and reviewing imposed conditions

Entity power given to	Section of LANA	Description
Lessee, licensee or	210(1)	Power to agree to a change of an imposed condition of the lease, licence or

permittee		permit.
Lessee, licensee or permittee	210(2)	Power to apply to change conditions of a lease, licence or permit under section 210(1).
Lessee	212(1)	Power to agree to change an imposed condition about the protection and sustainability of lease land.
Lessee	212(3)	In certain circumstances, power to appeal against a decision.

Division 3A – Regulated conditions

Entity power given to	Section of LANA	Description
Lessee of a lease	212B(5)	Power to agree with the designated officer for the lease about matters stated in section 212B(5)(a) and (b).

Division 5 – Remedial action

Entity power given to	Section of LANA	Description
Lessee	214(3)	Power to enter into an amended or a new land management agreement upon receipt of a remedial action notice.
Lessee or Licensee	214A(4)	Power to make written submissions to the Minister in response to a warning notice.
Lessee	214F(3)	Power to appeal against a decision.

Part 3 - Resumption and compensation

Division 2 – Resumption of a lease under a condition of the lease

Entity power given to	Section of LANA	Description
Lessee	226(5)	Power to appeal against the Minister's decision.

Division 3 – Resumption of a reservation for a public purpose

Entity power given to	Section of LANA	Description
Owner of the improvement	232(5)	Power to appeal against the Minister's decision.

Part 4 - Forfeiture

Division 2A – Forfeiture of leases by referral to court or for fraud

Entity power given to	Section of LANA	Description
Relevant local government	239(4)	Power to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.

Division 3A - Sale of lease instead of forfeiture

Entity power given to	Section of LANA	Description
Lessee	240E(1)	Power to make a written application for permission to sell the lease.
Relevant local government	240G(1)	Power to apply to the Minister for approval to sell a lease.
Local government	240I(3)	Power to start the process of selling a lease under this subdivision within the required period stated in the notice under section 240H(2).
Local government	240I(4)	Power to set a reserve price for the sale of the lease by auction, or a price for the sale of the lease under an agreement, that is at least the total of all charges owing to the State under the Land Act 1994 relating to the lease.
Lessee of a forfeited lease	243(1A)	Power to apply to remove the lessee's improvements on the lease.

CHAPTER 6 - REGISTRATION AND DEALINGS
Part 3 - Documents
Division 2 – Documents forming part of standard terms documents

Entity power given to	Section of LANA	Description
Person	321(1)	Power to ask the Chief Executive to withdraw a registered standard terms document.

Part 4 - Dealings affecting land
Division 1 – Transfers

Entity power given to	Section of LANA	Description
Lessee, licensee or the holder of a sublease	322(1B)	Power to apply for approval to transfer a lease, licence or sublease.
Transferor	322(6)	Power to appeal against the Minister's decision.

Division 2 - Surrender

Entity power given to	Section of LANA	Description
Registered owner	327	Power to agree to terms of the absolute surrender of freehold land.
Lessee	327A	Power to agree to terms of the absolute or conditional surrender of all or part of a lease.
Registered owner of freehold land	327B	Power to apply to surrender freehold land.
Lessee	327C(1)	Power to apply to surrender all or part of a lease.

Lessee	327C(2)	Power to give notice of the lessee's intention to apply to any other person with a registered interest in the lease.
Lessee	327C(3)	Power to give notice to any other person the lessee considers has an interest in the lease.
Owner of improvements on a lease that has been surrendered	327I(1)	Power to apply to remove improvements on surrendered lease.
Any grantee of an easement or profit a prendre	330(c)	Power to give written approval to the surrender where the grantee's interests will be adversely affected.

Division 3 - Subleases

Entity power given to	Section of LANA	Description
Person	332(1)(a)(i)	The power to seek the Minister's written approval to the sublease.
Sublessor	332(8)	Power to appeal against a Minister's decision.
Sublessor	339(1)	Power to lodge a request for the Chief Executive to register the re-entry.

Division 3A - Mediation for disputes about terms of particular subleases

Entity power given to	Section of LANA	Description
Party to a sublease	339B(1)	Power to ask the Chief Executive to refer a dispute to mediation.
Party to a sublease	339B(3)(a)(i)	Power to agree on a person to conduct the mediation.
Party to a sublease	339B(3)(b)	Power to decide the way in which the mediation is to be conducted.
Party to a sublease	339B(3)(c)	Power to participate in mediation on behalf of the local government.

Division 7 - Correcting and changing deeds of grant and leases

Entity power given to	Section of LANA	Description
Registered owner or Trustee	358(1)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust.
Registered owner or Trustee	358(2)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust with the Minister's written approval.
Lessee or a person acting for the lessee	360C(1)	In certain circumstances, power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d).
Lessee or a person acting	360C(2)	Power to apply to amend the description in a term lease, other than a State lease, or a perpetual lease if the description of the lease may be amended

for the lessee		under section 360A(2)(a), (b) or (c).
Lessee or a person acting for the lessee	360C(3)	Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).
Applicant	360D(2)	Power to give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.
Applicant	360D(3)	Power to give notice to any other person the applicant considers has an interest in the lease.

Division 8 - Easements

Entity power given to	Section of LANA	Description
Trustee	368(2)(a)	In certain circumstances, power to ask the Chief Executive to extinguish an easement.
Owner of land or public utility provider	371(2)	In certain circumstances, power to sign a document of surrender
Person who has a registered interest in the land	371(3)	Power to agree to surrender an easement.

Division 8A - Covenants

Entity power given to	Section of LANA	Description
Person	373B(1)(a)	Power to sign a document creating a covenant.
Person	373C(2)(a)	Power to sign a document amending the covenant.
Covenantee	373D(2)	Power to sign a document releasing the covenant.

Division 8B – Profits a prendre

Entity power given to	Section of LANA	Description
Lessee	373L(a)	Power to ask the Chief Executive to extinguish the profit a prendre.

Division 11A – Caveats

Entity power given to	Section of LANA	Description
Caveatee	389H(1)	Power to apply to the Supreme Court for an order that a caveat lodged under this division be removed.

CHAPTER 7 - GENERAL
Part 2 - Unlawful occupation of non-freehold and trust land
Division 3 – Action by lessee, licensee, permittee or trustee

Entity power given to	Section of LANA	Description
Trustee, lessee, licensee, or permittee	415(1)	In certain circumstances, power to start a proceeding in the Magistrates Court.

Division 4 – Court matters

Entity power given to	Section of LANA	Description
Party	420	Power to appeal to the District Court on a question of law if dissatisfied with a trespass order.

Part 2A - General provisions for applications

Entity power given to	Section of LANA	Description
Entity	420CB(1)	Power to make a submission against the proposed application to: (a) the person who gave the entity the notice; or (b) the Chief Executive.

Part 3 - Review of decisions and appeals
Division 2 – Internal review of decisions

Entity power given to	Section of LANA	Description
Person who has a right of appeal against an original decision	423	Power to apply to the Minister for a review of the decision.
Applicant	425(1)	Power to apply for a stay of the decision to the Court.

Division 3 – Appeals

Entity power given to	Section of LANA	Description
A person who has applied for the review of a decision under division 2	427	Power to appeal to the Court if dissatisfied with the review decision.

Part 3B - Making land available for public use as beach

Entity power given to	Section of LANA	Description
Local government	431V(3)	Power to consult with the owner of the lot.
Manager	431W(6)(a)	Power to authorise an officer or employee of the manager of a declared beach area, to enter the area at any time without notice to any other person.
Manager	431X(1)(b)(ii)	Power to authorise or direct a person acting in the performance of functions or powers.

Part 4 - Miscellaneous

Entity power given to	Section of LANA	Description
Offeree	442(4)	In certain circumstances, power to apply to the person who made the offer to extend the time stated in the offer or that otherwise applies under subsection (1).
Offeror	442(9)	Power to amend the offer by changing the price or premium to a price or premium decided by the offeror in the way prescribed by regulation.

CHAPTER 8 - CONTINUED RIGHTS AND TENURES
Part 5 - Licences and permits
Division 1 - Occupation licences

Entity power given to	Section of LANA	Description
Licensee	481A	Power to surrender, absolutely, all or part of an occupation licence: (a) on terms agreed to between the Minister and the licensee; (b) and with the Minister's written approval.
Public utility provider (an <i>applicant</i>)	481B(1)	Power to apply to cancel all or part of an occupation licence.
Licensee (an <i>applicant</i>)	481B(3)	Power to apply to surrender, absolutely, all or part of an occupation licence.
Applicant	481B(4)	Power to give notice of the applicant's intention to apply to each of the following: (a) if the applicant is not the licensee of the occupation licence – the licensee; (b) any other person with a registered interest in the occupation licence; (c) if the occupation licence is a designated occupation licence – the Chief Executive of the department having responsibility for the administration of the forest reserve, national park, State forest or timber reserve the subject of the designated occupation licence.
Applicant	481B(5)	Power to give notice to any other person the applicant considers has an interest in the occupation licence.
Licensee of occupation licence	481J(1)	Power to apply to remove licensee's improvements on a licence.

Part 7 - Tenures under other Acts
Division 1 - Sale to Local Authorities Land Act 1882

Entity power given to	Section of LANA	Description
Local government	492(1)	In certain circumstances, power to apply to exchange a conditional deed for a reserve or deed of grant in trust with Council as trustee or a lease issued under the <i>Land Act 1994</i> .

CHAPTER 9 - TRANSITIONAL AND REPEAL PROVISIONS
Part 1K - Transitional provisions for Land, Water and Other Legislation Amendment Act 2013

Entity power given to	Section of LANA	Description
Lessee	521ZE(2)	Power to apply in writing to the Minister for the cancellation of the land management agreement for the lease.

Part 1M - Transitional provisions for Land and Other Legislation Amendment Act 2014

Entity power given to	Section of LANA	Description
Lessee of a lease	521ZL(2)	Power to agree to the renewal application being treated as an extension application and advise the Chief Executive of same.
Lessee of a lease	521ZM(2)	Power to advise the Chief Executive that the lessee wishes the lease to become a rolling term lease.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council *Liquor Act 1992*

Under section 257 of the *Local Government Act 2009*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Liquor Act 1992 ("LIQA")
Part 5 - Grant, Variation and Transfer of Licences and Permits and Related Matters
Division 1 - Applications

Entity power given to	Section of LIQA	Description
Local Government	105B(1)	Power to consent to an application for an adult entertainment permit.
Local Government	105B(4)	Power to abstain from consenting to the application for an adult entertainment permit.
Local Government	117(2)	In the specified circumstances, the power to— (a) comment on the reasonable requirements of the public in the locality; or (b) object to the grant of an application on the grounds that the amenity, quiet or good order of the locality would be lessened.
Local Government	117A(2)	In the specified circumstances, the power to comment on, or object to, an application by given written comments or objections to the Chief Executive within 28 days after receiving the Chief Executive's advice about the application.

Part 6 - Obligatory Provisions and Offences
Division 4 - Provisions concerning consumption of liquor in certain public places

Entity power given to	Section of LIQA	Description
Local Government	173C(1)	Power to designate a public place mentioned in section 173B(1)(a) of the <i>Liquor Act 1992</i> that is in Council's area as a public place where liquor may be consumed.
Local Government	173C(2)	Power to specify the period or times during which the designation is to have effect.
Local Government	173D(6)	In the specified circumstances, the power to provide written approval for the use of a public place mentioned in section 173D(5) of the <i>Liquor Act 1992</i> .
Local Government	173E(1)	Power to repeal or amend a designation under section 173C of the <i>Liquor Act 1992</i> .
Local Government	173N(4)	Power to give the Queensland Police a written notice of suspension of designation of a public place in a restricted area.

Part 6AB - Safe Night Precincts
Division 3 - Provisions that apply when a safe night precinct has a local board

Entity power given to	Section of LIQA	Description
Chief	173NH(2)	Power to nominate an employee of the local government for the local

Executive Officer	(d)	government area as a member of a consultative committee for a safe night precinct.
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Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Local Government Act 2009***

Under section 257 of the *Local Government Act 2009*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Local Government Act 2009 ("LOGA")
CHAPTER 3 - THE BUSINESS OF LOCAL GOVERNMENT
Part 1 - Local Laws
Division 2 - Making, recording and reviewing local laws

Entity power given to	Section of LOGA	Description
Local government	29(1)	Power to decide local government process for making a local law to the extent that the process is not inconsistent with this part.

Division 5 - Miscellaneous

Entity power given to	Section of LOGA	Description
Chief Executive Officer	38B(9)	Power to ask the police commissioner to give the chief executive officer information about noise abatement directions given to persons in the local government area.

Part 3 - Roads and other infrastructure
Division 1- Roads

Entity power given to	Section of LOGA	Description
Local government	61(1)	Power to give the owner of land the local government wants to acquire, a notice of intention to acquire land.
Local government	61(5)	Power to give permission to an owner to erect, place, re-erect, replace or repair any structure or part of a structure on the land.
Local government	62(6)	Power to reasonably require information to decide the claim.
Local government	62(7)	In the specified circumstances, power to give the claimant written notice of Council's decision on the claim.
Local government	64(4)	Power to agree on compensation for the acquisition of the land.
Local government	65(1)	Power to decide not to proceed with the realignment of a road or part of a road after giving a notice of intention to acquire land.
Local government	65(3)	Power to serve notice of Council's decision on all owners of land who were served with the notice of intention to acquire land.
Local government	65(4)(a)	Power to withdraw the notice of intention to acquire land.
Local government	65(4)(b)	Power to lodge with the registrar of titles for registration a notice of Council's decision not to proceed with the realignment of the road, or part of the road.
Local government	66(4)	Power to agree on an amount of compensation.
Local government	67(1)	Power to acquire land that adjoins a road for use as a footpath.

Local government	67(2)	In the specified circumstances, power to decide whether any of the rights specified in this subsection are appropriate.
Local government	67(3)	Power to consider necessary structural alterations to the structure, room or cellar.
Local government	68(4)	Power to object to the opening or closing of the road.
Local government	69(1)	Power to close a road.
Local government	69(2)(c)	Power to decide that it is necessary or desirable to close a road for a temporary purpose in the circumstances specified.
Local government	69(4)	Power to do everything necessary to stop traffic using the road after it is closed.
Local government	69(5)	If a road is closed to traffic for a temporary purpose, power to permit the use of any part of the road on the conditions considered appropriate.
Local government employee or contractor	70(3)	In the specified circumstances, power to: (a) make an agreement with the owner or occupier of the land; or (b) give the owner or occupier of the land at least 3 days written notice.
Local government	70(4)	In the specified circumstances, power to give the owner or occupier of the land oral notice of the matters mentioned in subsection (3)(b).
Chief Executive Officer	70(6)(b)	Power to allow a later time for receipt of a claim for compensation.
Local government	70(7)(a)	Power to make an agreement with a person for the amount of compensation.
Local government	71(2)	Power to give the owner or occupier advice about the permanent level of the road.
Local government	71(4)(a)	Power to make an agreement with the owner or occupier, or their successor in title, for the amount of compensation.
Local government	72(1)(b)	Power to consider that the conduct of the activity is having, or will have, a significant adverse impact on a road in the local government area.
Local government	72(2)	Power to require the entity which is conducting an activity to provide information, within a reasonable time, that will enable the local government to assess the impact of the activity on the road.
Local government	72(3)	After assessing the impact of the activity on the road, power to do one or more of the following: (a) give the entity a direction about the use of the road to lessen the impact; (b) require the entity: (i) to carry out works to lessen the impact; or (ii) to pay an amount as compensation for the impact.
Local government	74(2)	Power to consider appropriate particulars to be shown on the register of roads.
Local government	75(2)	For the specified reasons, power to give written approval.
Local government	75(4)	Power to decide the conditions of an approval under subsection (2).

Division 2 - Stormwater drains

Entity power given to	Section of LOGA	Description
Local government	77(1)	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.
Local government	77(3)(b)	Power to give approval for the connection to a local government stormwater drain.
Local government	77(4)	Power to impose conditions on approval for the connection, including about the way the connection must be made.
Local government	78(4)	Under the specified circumstances, power to, by written notice, require the owner of the property to perform the work stated in the notice, within the time stated in the notice.
Local government	78(5)	For a notice provided in subsection (4), power to decide a time that is reasonable.
Local government	79(4)(e)(i)	Power to approve the maximum temperature for a substance.

Part 4 - The business of indigenous local governments
Division 2 – Managing Trust Land

Entity power given to	Section of LOGA	Description
Trustee Council	85(6)	Power to give written notice of the reasons for the proposed decision to the community forum.

Part 5 - Caretaker period arrangements

Entity power given to	Section of LOGA	Description
Local government	90B(2)	Power to consider it is necessary to make a major policy decision in the public interest, and power to apply to the Minister for approval to make the decision.

CHAPTER 4 - FINANCES AND ACCOUNTABILITY
Part 1 - Rates and charges

Entity power given to	Section of LOGA	Description
Local government	95(3)(a)	Power to sign and lodge for registration a request to register a charge over the land on behalf of the local government.
Chief Executive Officer	95(3)(b)	Power to sign a certificate that states there is a charge of the land for overdue rates and charges.
Chief Executive Officer	95(5)(b)	Power to sign a certificate that states the overdue rates and charges have been paid.

CHAPTER 5 - MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS
Part 1 - Local governments
Division 3 – Action by the Minister

Entity power given to	Section of LOGA	Description
Local government	120(5)	Power to make submissions within the time specified in the notice.

Part 2 - The public
Division 1 - Powers of authorised persons

Entity power given to	Section of LOGA	Description
Local government	133(3)	Power to give, or make a reasonable attempt to give, the occupier of the property a written notice that informs the occupier of the following: (a) the intention to enter the property; (b) the reason for entering the property; (c) an estimation of when the property will be entered.
Local government	133(4)	Power to give, or make a reasonable attempt to give, written notice to the occupier within a reasonable time before the property is to be entered.
Local government	137(2)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.
Local government	138(3)(b)	Power to give reasonable entry notice.
Local government	138(4)	Power to authorise a local government worker.

Division 2 - Powers of other persons

Entity power given to	Section of LOGA	Description
Local government	140(1)(a)	Power to give a remedial notice to the owner of a property.
Owner or Owner's agent	140(2)	Power to enter property at the times stated in the reasonable entry notice and take the action that is required under the remedial notice.
Local government	142(6)	In the specified circumstances, power to give the person who failed to take the action, written notice of the amount of the debt.
Local government	143(1)	Power to form a belief that there is no reasonably practicable way of obtaining materials other than by removing the materials from the relevant land.
Person	146(1)	Power to enter the property in accordance with a Court order made under this section.
Person	146(2)	Power to apply to a Magistrate for a Court order.
Local government	147(3)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

Part 3 - Investigation of local government records
Division 3 – Investigations by local government

Entity power given to	Section of LOGA	Description
Chief Executive Officer	148F(2)	Power to make all inquiries the Chief Executive Officer considers to be reasonable to find out whether and to what extent the register or record is incorrect/power to direct an authorised person to make such enquiries.
Chief Executive Officer	148G(2)	Power to, in the circumstances in subsection (1) require a person to give information or produce a document, or direct an authorised person to require a person to give information or produce a document.

CHAPTER 6 - ADMINISTRATION
Part 2 - Councillors
Division 3 - Vacancies in councillor's office

Entity power given to	Section of LOGA	Description
Chief Executive Officer	162(1)(e)	Power to give leave.
Chief Executive Officer	166(6)	In the specified circumstances, power to request the political party to advise the full name and address of its nominee.
Chief Executive Officer	166(8)	Power to, within 14 days after the office become vacant, invite nominations.

Division 6 - Conduct and performance of councillors

Entity power given to	Section of LOGA	Description
Entity dealing with the complaint under this division	176A(2)	The power to decide not to take any further action in relation to a complaint about the conduct of a person who is no longer a councillor in the prescribed circumstances.
Entity that makes a decision under subsection (2)	176A(3)	The power to give to an entity that made the complaint, and the accused person, a written notice that states: (a) No further action will be taken in relation to the complaint; and (b) The reasons for the decision.

Part 5 - Local government employees
Division 3 - Common provisions

Entity power given to	Section of LOGA	Description
Local government	198(2)	Power to make an agreement with other local governments that an employee may be employed by more than one local government.

CHAPTER 7 - OTHER PROVISIONS
Part 2 - Superannuation

Entity power given to	Section of LOGA	Description
Local government	219(2)	Power to declare an employee to be a permanent employee by a written notice given to the super board.

Part 4 - Legal provisions

Entity power given to	Section of LOGA	Description
Local government	236(1)	The power to sign a document on behalf of a local government.
Local government	240(1)	Power to authorise in writing another employee, other than the chief executive officer, to: <ul style="list-style-type: none"> (a) give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.

Part 6 - Other provisions

Entity power given to	Section of LOGA	Description
Local government	262(2)	In the specified circumstances, power to do anything that is necessary or convenient for performing the responsibilities.
Chief Executive Officer	265A(1)(b)	Power to authorise an employee of a local government to conduct searches of registers or documents about the land in the land registry.
Local government	268A	The power to decide the way in which a local government will conduct a voluntary poll of electors in its area.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Peaceful Assembly Act 1992***

Under section 257 of the *Local Government Act 2009*, Mareeba Shire Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Peaceful Assembly Act 1992 ("PEAA")

Entity power given to	Section of PEAA	Description
Local Authority	4 - definition of 'representative' - paragraph (b)	Power to nominate an officer of Council to be Council's representative.
Local Authority	10(2)(b)	In the specified circumstances, power to give a notice of permission for a public assembly stating Council does not oppose the holding of the assembly.
Local Authority	11(1)	In the specified circumstances, power to specify conditions to which the giving of the notice is subject.
Local Authority	11(4)	In the specified circumstances, power to consult, or attempt to consult, with: <ul style="list-style-type: none"> (a) if there is a body known to Council to represent persons who have a significant interest in the place of assembly - the body; or (b) in any other case - each person, body or agency (an interested person) known to you to have a significant interest in, or responsibility for, the place of assembly.
Local Authority	11(5)	In the specified circumstances, power to fix a reasonable time and place for holding the consultations.
Local Authority	12(1)	In the specified circumstances, power to apply to a Magistrates Court for an order refusing to authorise the holding of an assembly.
Local Authority	13(1)(b)	In the specified circumstances, power to form the opinion, on reasonable grounds, that if the assembly were to be held: <ul style="list-style-type: none"> (i) the safety of persons would be likely to be placed in jeopardy; or (ii) serious public disorder would be likely to happen; or (iii) the rights or freedoms of persons would be likely to be excessively interfered with.
Local Authority	13(1)(c)	In the specified circumstances, power to consult, or attempt to consult, with each person, body or agency (an interested person).
Local Authority	13(1)(d)	Power to engage in mediation process.
Relevant Authority	13(3)	In the specified circumstances, power to fix a reasonable time and place for holding the consultations.
Relevant Authority	15(1)	Power to notify organiser in writing that relevant authority does not oppose the holding of the assembly.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council - Public Health Act 2005

Under Section 257 of the *Local Government Act 2009*, **MAREEBA SHIRE COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

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

Schedule 1

Public Health Act 2005 ("PHA")
CHAPTER 2 - ENVIRONMENTAL HEALTH
Part 2 - Roles of the State and Local Governments for Public Health Risks

Entity Power Given to	Section of PHA	Description
Chief Executive Officer ('CEO')	14(1)	Power to agree with the chief executive that: a) the State do a thing in the administration or enforcement of this Act for a matter mentioned in section 13(1); or b) the local government do a thing in the administration or enforcement of the Act for a matter mentioned in section 12(1).
CEO	14(3)	Power to perform functions and exercise powers for this Act for a matter mentioned in section 12(1), including appointing authorised persons.

Part 3 - Public Health Orders
Division 1 – Preliminary

Entity Power Given to	Section of PHA	Description
CEO	22(2)	Power to consult the chief executive of the department in which the relevant one of those Acts is administered.

Division 3 - Enforcement of Public Health Orders

Entity Power Given to	Section of PHA	Description
Issuing authority	24(1)	Power to consider whether a person has contravened a public health order.

Schedule 1

Entity Power Given to	Section of PHA	Description
Issuing authority	24(2)	Power to apply to a magistrate for an order enforcing the public health order (an Enforcement Order).
Issuing authority	25(1)	Power to give a notice of hearing of an application.

Division 4 – Taking Steps Under Enforcement Order

Entity Power Given to	Section of PHA	Description
CEO	32(4)	Power to sign certificate stating there is a charge over the land under section 32.

Part 4 - Authorised Prevention and Control Programs

Entity Power Given to	Section of PHA	Description
Local government	36(5)	In the specified circumstances power to consult with the chief executive.
CEO	39(1)(a)	In certain circumstances, the power to agree.
CEO	39(1)(c)	In certain circumstances, the power to agree.

CHAPTER 3 – NOTIFIABLE CONDITIONS
Part 3 – Contact Tracing
Division 1 – Contact Tracing Officers

Entity Power Given to	Section of PHA	Description
CEO	90(4)(a)	Power to agree to the appointment of an emergency officer (general) for declared public health emergencies under section 333 (1)(c).

Schedule 1

CHAPTER 8 – PUBLIC HEALTH EMERGENCIES
Part 5 – Appointment of emergency officers

Entity Power Given to	Section of PHA	Description
CEO	333(3)	Power to agree to the appointment of a contact tracing officer for a notifiable condition under section 90(2).

CHAPTER 9 - MONITORING AND ENFORCEMENT
Part 1 – Authorised Persons

Entity Power Given to	Section of PHA	Description
CEO	377(2)	Power to appoint an authorised person.
Administering executive	380(1)	Power to issue an identity card to each authorised person.

Part 2 - Powers of Authorised Persons
Division 1 - Entry of places

Entity Power Given to	Section of PHA	Description
Issuing authority by its employees or agents	388(2)	In the specified circumstances power to at reasonable times, enter the place to take the steps stated in the order.

Division 2 - Procedure for entry

Entity Power Given to	Section of PHA	Description
Issuing authority	393(2)	In the specified circumstances power to give the occupier and owner of the place reasonable notice that the issuing authority, by its employees or agents, intend to enter the place to take the steps required under the public health order.

Schedule 1

Division 7 – Recovery of costs and expenses

Entity Power Given to	Section of PHA	Description
CEO	407(4)	Power to sign certificate stating there is a charge over the land under section 407.

Part 4 - Approved Inspection Programs

Entity Power Given to	Section of PHA	Description
CEO	427(1)	Power to approve a program (an <i>approved inspection program</i>).

CHAPTER 11 – MISCELLANEOUS
Part 2 – Other provisions

Entity Power Given to	Section of PHA	Description
CEO	458(2)	Power to approve forms for use by the local government under this Act.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. The Chief Executive Officer may sub-delegate the powers contained in Schedule 1.
2. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
3. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
4. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
5. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
6. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
7. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Residential Tenancies and Rooming Accommodation Regulation 2009***

Under section 257 of the *Local Government Act 2009*, Mareeba Shire Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Residential Tenancies and Rooming Accommodation Regulation 2009 ("RTRR")
SCHEDULE 1 – GENERAL TENANCY AGREEMENTS
Part 2 - Standard Terms
Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Lessor	2(3)	Power to agree on other terms of a general tenancy agreement (<i>special terms</i>).

Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description
Lessor	5(1)	Power to prepare, in the approved form, and to sign and give to the tenant, one copy of a condition report for the premises.
Lessor	6(1)(b)(v)	Power to enter into a written agreement with the tenant to end a fixed term agreement.

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	8(3)(b)(i)	Power to give the tenant a notice proposing a way to pay rent.
Lessor	8(3)(ii)	Power to agree a proposal to pay rent.
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.
Lessor	10(1)	Power to, if the lessor proposes to increase the rent, give notice of the proposal to the tenant.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to give the authority a notice about the bond.

Division 6 – Rights and obligations concerning the premises during tenancy
Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description
Lessor	20	Power to enter premises during the tenancy only if the obligations under

		section 192 to 199 have been complied with.
Lessor	22(1)	Power to give the tenant a copy of any body corporate by-laws in accordance with that subsection.

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	27(2)	Power to agree in writing to the tenant to attach a fixture or make a structural change.
Lessor	29(1)(a)	Power to agree to change the locks with the tenant.
Lessor	31(1)(b)	Power to give a notice to the tenant of the lessor's nominate repairer for emergency repairs.

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	34(1)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.

Division 8 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	36(1)(a)	Power to agree to end an agreement with the tenant.
Lessor	36(1)(b)	Power to give a notice to leave the premises to the tenant.
Lessor	39(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	40(2)(a)	Power to sign a condition report on behalf of the lessor.

Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description
Lessor	44(4)	Power to withdraw the lessor's consent to notices being given by facsimile or email to the lessor.
Lessor	44(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.

SCHEDULE 2 – MOVEABLE DWELLING TENANCY AGREEMENT

Part 2 - Standard Terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Lessor	2(3)	Power to agree with the tenant on other terms of a moveable dwelling tenancy agreement (special terms).

Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description
Lessor	5(1)	Power to prepare, sign and give to the tenant, a copy of a condition report for the premises.
Lessor	6(1)(b)(v)	Power to agree with the tenant to end a fixed term agreement.

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	8(3)(b)(i)	Power to give a notice to the tenant proposing a way for payment of rent.
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent in writing.
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.
Lessor	10	Power to give a notice of proposal to increase rent to the tenant.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to give to the authority, a notice about a rental bond.
Lessor	14(1)(a)	Power to give a notice to the tenant to increase a rental bond.

Division 5 – Outgoings

Entity power given to	Section of RTRR	Description
Lessor	17(4)	Power to give the tenant a written statement showing: (a) each service for which an amount of rent is attributable; and (b) the amount attributed to the service.

Division 6 – Rights and obligations concerning the premises during tenancy
Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description
Lessor	20(1)	The right to enter premises during a tenancy only if the obligations under sections 192 to 199 have been complied with.
Lessor	22(2)	Power to give a copy of park rules for a moveable dwelling park to the tenant.
Lessor	22(3)	Power to give the tenant a copy of a park rule change.

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	28(2)	Power to agree in writing to the tenant attaching a fixture or making a structural change.

Lessor	30(1)(a)	Power to agree with the tenant to change a lock.
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Subdivision 4 – Damage and repairs

Entity power given to	Section of RTRR	Description
Lessor	32(1)(b)	Power to give a notice to the tenant of the lessor's nominated repairer for emergency repairs.

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	35(1)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.
Lessor	36(2)	Power to agree to the transfer or subletting of a tenant's interest under an agreement.

Division 8 – Relocation

Entity power given to	Section of RTRR	Description
Lessor	38(1)	Power to give a notice (notice to relocate) to the tenant requiring the tenant to relocate the moveable dwelling to another site in the moveable dwelling park.

Division 9 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	42(1)(a)	Power to agree in writing with the tenant that an agreement ends.
Lessor	42(1)(b)	Power to give a notice to the lessee to leave the premises.
Lessor	45(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	46(2)(a)	Power to sign a condition report for premises.

Division 10 – Miscellaneous

Entity power given to	Section of RTRR	Description
Lessor	50(4)	Power to withdraw the lessor's consent to notices being given to them via facsimile or email by giving notice to the other party.
Lessor	50(6)	Power to give a notice to the other party of the lessor's new address for service, facsimile number or email address.

SCHEDULE 3A – REPLACEMENT TERMS FOR COMMUNITY HOUSING PROVIDER TENANCY AGREEMENTS
Part 2 - Replacement terms
Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	7(3)	Power to form a reasonable belief that the housing service information given by the tenant is false or misleading in a material particular or the housing service information given by the tenant has changed.
Lessor	7(4)	Power to change the amount payable under the agreement.
Lessor	7(5)	Power to give the tenant a written notice stating the new amount and when it takes effect.
Lessor	8(4)	Power to give a notice to the tenant stating a different place for payment.
Lessor	9	In certain circumstances, power to require a tenant to pay rent in advance.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	10(1)	Power to give a tenant notice stating the rental bond amount under an agreement and whether the bond is to be paid by instalments.
Lessor	11(1)(a)	Power to give notice to the tenant to increase the bond.

Division 5 – Outgoings

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to give the tenant written notice stating the matters set out in section 13(2)(a) to (c).
Lessor	14(6)	Power to give the tenant written notice stating that the tenant must pay for water consumption charges in relation to the premises.

Division 6 – Rights and obligations concerning the premises during tenancy
Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description
Lessor	17	Power to enter the premises in certain circumstances.

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	25	Power to agree to a fixture's attachment or structural change.
Lessor	24(5)(a)	Power to take action for a breach of a term in this agreement.
Lessor	24(5)(b)	Power to waive the breach (that is, not take action for the breach) and treat the

		fixture or change as an improvement to the premises (that is, treat it as not belonging to the tenant and not having to pay the tenant for it).
Lessor	25(4)	Power to request the tenant to give the lessor a key for a lock.
Lessor	26(1)	Power to agree to change the locks.
Lessor	28(1)	Power to nominate a repair for emergency repairs.

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	31	Power to agree in writing to the transfer of the tenant's interest or to the tenant subletting the premises under this agreement.

Division 8 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	33(1)(a)	Power to agree in writing to end the agreement.
Lessor	33(1)(b)	Power to give a notice to the tenant to leave the premises.
Lessor	36(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	37(2)(b)	Power to agree with the report or show parts of the report the lessor disagrees with by making a copy in an appropriate way.
Lessor	41(4)	Power to consent and withdraw a consent to notices being given by fax or email.
Lessor	41(6)	Power to give notice that the lessor withdraws its consent to the notices being given by fax or email.
Lessor	42(3)	Power to give written authority to sublease the premises or allow the premises to be used as a place of residence by anyone other than the tenant, the tenant's family or other persons approved by the lessor.
Lessor	42(7)	Power to issue a notice to leave or ending of housing assistance.
Lessor	43(2)	Power to give notice to the tenant stating the matters set out in section 43(2)(a) to (c).
Lessor	45(1)	Power to agree in writing, to the tenant installing or placing upon the premises, any type of swimming pool.

SCHEDULE 4 – ROOMING ACCOMMODATION AGREEMENTS

Part 2 - Standard Terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Provider	2(4)	Power to agree with a resident on other terms of a rooming accommodation agreement (special terms).

Division 2 – Period of rooming accommodation agreement

Entity power given to	Section of RTRR	Description
Provider	4(2)	Power to prepare, sign and give a resident a copy of a condition report.

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Provider	6(3)(b)(i) and (ii)	Power to agree with the resident, a way to pay rent.
Provider	6(5)	Power to give a notice to the resident stating a different place for payment of rent.
Provider	8(1)	Power to give notice to the resident of a proposal to increase rent.
Provider	9(2)	Power to agree with the resident, decrease in amount of rent payable.
Provider	10(2)	Power to agree with the resident to reduce rent for the period of an absence.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Provider	11(2)	Power to give a notice to an authority a notice about a rental bond.
Provider	21(2)	Power to, in writing, agree to the resident attaching a fixture or making a structural change.
Provider	22	Power to enter a resident's room only if the obligations under sections 257 to 262 have been complied with.

Division 7 – When agreement ends

Entity power given to	Section of RTRR	Description
Provider	23(1)(a)	Power to agree in writing with a resident that an agreement ends.
Provider	23(1)(b)	Power to give a notice to leave rental premises to the resident.

Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description
Provider	29(4)	Power to withdraw consent to the provider being given notices by facsimile or email.
Provider	29(6)	Power to change the provider's address for service, facsimile number or email by notice to the other party.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council *River Improvement Trust Act 1940*

Under section 257 of the *Local Government Act 2009*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

River Improvement Trust Act 1940 ("RITA")
Part 2 - Establishment of river improvement areas and trusts

Entity power given to	Section of RITA	Description
	3(3)	Power to apply to the Minister for the establishment, change or abolition of a river improvement area.

Part 3 - Membership and operation of trusts
Division 1 – Membership

Entity power given to	Section of RITA	Description
	5(1)(a)	Power to appoint councillors for the trust of an improvement area.
	5(1A)(a)	Power to nominate councillors for the trust.
	5A(1)	Power to appoint councillor to vacant office within 30 days after the vacancy.

Division 4 – Vacancies of office

Entity power given to	Section of RITA	Description
	5K(2)	Power to remove person from office as a member of the trust.

Part 4 - Officers and employees of trusts

Entity power given to	Section of RITA	Description
	6(1A)	Power to consent to appointment of Council's chief executive officer as its secretary of the trust.

Part 6 - Financial matters
Division 1 – Trusts' responsibilities

Entity power given to	Section of RITA	Description
	12A(1)	In the specified circumstances, power to enter into a written agreement with a trust for the trust to use the accounts and accounting systems of Council.

Division 2 – Funding

Entity power given to	Section of RITA	Description
	14(1B)	In the specified circumstances, power to negotiate contribution to be paid.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Stock Route Management Act 2002***

Under section 257 of the *Local Government Act 2009*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Stock Route Management Act 2002 ("SRMA")
CHAPTER 3 - STOCK ROUTE NETWORK MANAGEMENT
Part 3 - Stock Route Network Management Plans

Entity power given to	Section of SRMA	Description
CEO	113(1)	Power to consider when it is appropriate for Council to review, or renew, its stock route network management plan.
Local government	113(1)	Power to review, or renew, stock route network management plan.

Part 4 - Stock Route Agistment Permits
Division 1 - Obtaining Permits

Entity power given to	Section of SRMA	Description
Issuing entity	116(2)(c)(i)(B)	In the specified circumstances, the power to be satisfied that the relevant land contains more pasture and water than is needed for the use of travelling stock.
Issuing entity	116(2)(c)(ii)	In the specified circumstances, the power to give notice that a person may apply for a permit for the land.
Issuing entity	117(1)	Power to, by written notice, ask an applicant to give further reasonable information or documents about the application by the reasonable date stated in the notice.
Issuing entity	117(2)	Power to refuse an application if an applicant does not give the information or documents by the stated day, without reasonable excuse.
Issuing entity	118(1)	Power to consider and decide whether to grant or refuse an application.
Issuing entity	118(2)	In the specified circumstances, the power to grant an application.
Issuing entity	118(2)(b)	Power to be satisfied that the specified criteria applies.
Issuing entity	119(1)(b)	In the specified circumstances, the power to give an applicant a review notice about the decision.
Issuing entity	121(a)	In the specified circumstances, the power to give an applicant a review notice about the decision.

Division 2 - Renewing Permits

Entity power given to	Section of SRMA	Description
Issuing entity	123(1)	Power to consider and decide whether to grant or refuse an application.
Issuing entity	123(2)	Power to be satisfied that there is enough pasture and water available on the land for the continued agistment and the use of travelling stock.
Issuing entity	124(1)(b)	In the specified circumstances, the power to give an applicant a review notice about the decision.
Issuing entity	125(a)	In the specified circumstances, the power to give an applicant a review notice about the decision.

Division 3 - Conditions of Permits

Entity power given to	Section of SRMA	Description
Issuing entity	126(1)	Power to impose on a stock route agistment permit the reasonable conditions it decides.
Issuing entity	127(3)	Power to consider and decide whether to grant or refuse an application.
Issuing entity	127(4)	In the specified circumstances, the power to give a holder written notice of the amended conditions.
Issuing entity	127(5)	In the specified circumstances, the power to give a holder a review notice about the decision.

Division 4 - Cancellation of Permits

Entity power given to	Section of SRMA	Description
Issuing entity	128(1)	Power to cancel a stock route agistment permit if satisfied the specified criteria applies.
Issuing entity	128(2)(a)	In the specified circumstances, the power to give a permit holder a written notice.

Division 6 - Replacing Permits

Entity power given to	Section of SRMA	Description
Issuing entity	130(1)	Power to, by written notice, require the holder of a stock route agistment permit to return the permit, within a stated reasonable period, for amendment under a decision made under section 127(4) or 129(2)(b)(ii) to (iv).

Part 5 - Stock Route Travel Permits
Division 2 - Obtaining Permits

Entity power given to	Section of SRMA	Description
Issuing entity	135(1)	Power to, by written notice, ask an applicant to give further reasonable information or documents about an application by the reasonable date stated in the notice.
Issuing entity	135(2)	Power to refuse an application for a stock route travel permit if an applicant does not give the information or documents by the stated day, without reasonable excuse.
Issuing entity	136(1)	Power to consider and decide whether to grant or refuse an application.
Issuing entity	136(2)	Power to be satisfied that the specified criteria applies.
Issuing entity	137(1)(b)	In the specified circumstances, the power to give an applicant a review notice about the decision.
Issuing entity	139(a)	In the specified circumstances, the power to give an applicant a review notice about the decision.

Division 3 - Notice of Correct Particulars

Entity power given to	Section of SRMA	Description
Issuing entity	141(1)	In the specified circumstances, the power to, by written notice, require the holder to return the stock route travel permit.

Division 4 - Conditions of Permits

Entity power given to	Section of SRMA	Description
Issuing entity	142(1)	Power to impose on a stock route travel permit the reasonable conditions it decides.
Issuing entity	143(3)	Power to consider and decide whether to grant or refuse an application.
Issuing entity	143(4)	In the specified circumstances, the power to give a holder written notice of the amended conditions.
Issuing entity	143(5)	In the specified circumstances, the power to give a holder a review notice about the decision.

Division 5 - Cancellation of Permits

Entity power given to	Section of SRMA	Description
Issuing entity	144(1)	Power to cancel a stock route travel permit if satisfied the specified criteria applies.
Issuing entity	144(2)(a)	In the specified circumstances, the power to give a permit holder written notice.

Division 7 - Miscellaneous Provisions

Entity power given to	Section of SRMA	Description
Issuing entity	146(1)	Power to, by written notice, require the holder of a stock route travel permit to return the permit within a stated reasonable period for amendment under a decision made under section 143(4) or 145(2)(b)(ii) to (iv).
Local Government	147(2)	Power to authorise inspections to calculate the rate of travel of stock.

Part 6 - Fencing Stock Routes

Entity power given to	Section of SRMA	Description
Local Government	148(1)	Power to consider whether it is necessary to build a stock-proof fence on the boundary of land adjoining a stock route network in order to protect or improve the stock route network.
Local Government	149(1)	In the specified circumstances, the power to, by written notice (a fencing notice) given to a land owner, require the land owner to build a stock-proof fence on the boundary of the land to prevent stock on the land entering a part of the stock route network.
CEO	152(2)	In the specified circumstances, the power to enter an owner's land at any reasonable time to build or complete the building of the fence, or do anything necessary to make the fence stock-proof.

CEO	152(3)	In the specified circumstances, the power to give an owner at least 7 days written notice.
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Part 7 - Other Provisions about Stock Route Network Management
Division 1 - Mustering Stock

Entity power given to	Section of SRMA	Description
CEO	155	Power to form a reasonable belief that it is necessary to muster stock on relevant land in Council's area to monitor compliance with: (a) a stock route agistment permit; or (b) a stock route travel permit.
Local Government	156(1)	In the specified circumstances, the power to, by written notice (a mustering notice) given to a permit holder, require the permit holder to muster the permit holder's stock on the land.
CEO	158(1)	In the specified circumstances, the power to enter land at any reasonable time and muster the stock.
CEO	158(2)(b)	In the specified circumstances, the power to give a landowner at least 24 hours written notice of the intended entry.

Division 2 - Pasture on the Stock Route Network

Entity power given to	Section of SRMA	Description
CEO	161(1)	Power to form a reasonable belief that, because of the number of stock on land within which a part of the stock route network in Council's area is fenced or otherwise enclosed, sufficient pasture will not be available for travelling stock on the network.
Local Government	161(2)	Power to, by written notice given to a landowner, require the owner to reduce the number of stock on the land.

Division 3 - Travelling Stock Facilities and Water Facility Agreement

Entity power given to	Section of SRMA	Description
Local Government	163(1)	Power to enter into an agreement (a water facility agreement) with the chief executive and a landowner about any of the specified matters.

Division 4 - Stray Stock

Entity power given to	Section of SRMA	Description
CEO	167	Power to: (a) reasonably suspect stock found on the stock route network in Council's area are stray stock; (b) seize the stock.
CEO	168(1)	Power to give the owner of seized stock written notice of the seizure.
CEO	169	Power to be satisfied that a person is entitled to possession of the stock.
CEO	170(2)	In the specified circumstances, the power to sell stock by public auction or tender.
CEO	170(3)	In the specified circumstances, the power to dispose of stock in a way

		considered appropriate.
CEO	172(1)	Power to form a reasonable belief that: (a) stock found on the stock route network in Council's area are stray stock; and (b) it is not practicable to seize the stock under section 167; and (c) it is necessary to destroy the stock in the interests of public safety.
CEO	172(2)	In the specified circumstances, the power to destroy the stock in a way considered appropriate.

Part 8 - Other Offences about the Stock Route Network

Entity power given to	Section of SRMA	Description
Local Government	180(1)	Power to consent to the burning of pasture on a stock route network within Council's area.
Local Government	180(2)	Power to consent to the removal of pasture on a stock route network within Council's area.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council *Sustainable Planning Act 2009*

Under section 257 of the *Local Government Act 2009*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Sustainable Planning Act 2009 ("SUPA")
CHAPTER 3 – LOCAL PLANNING INSTRUMENTS
Part 2 - Planning Schemes
Division 5 – Application of superseded planning schemes

Entity power given to	Section of SUPA	Description
Local Government	96(1)	Power to decide a request for application of a superseded planning scheme.
Local Government	96(2)	Power to, by written request, extend the period in which to make a decision on a request for application of a superseded planning scheme by no more than 10 business days.
Local Government	96(4)	Power to agree with the person making a request to further extend the period in which to make a decision on a request for application of a superseded planning scheme.
Local Government	97	Power to give written notice of a decision on a request for application of a superseded planning scheme.
Local Government	98(4)	Power to decide a request to extend the period for carrying out development the subject of a superseded planning scheme application.
Local Government	98(4)	Power to give written notice of a decision on a request to extend the period for carrying out development the subject of a superseded planning scheme application.

CHAPTER 5 – DESIGNATION OF LAND FOR COMMUNITY INFRASTRUCTURE
Part 6 - Acquiring Designated Land

Entity power given to	Section of SUPA	Description
Designator of Land	223(1)	Having regard to the considerations in subsection (2), the power to decide a request by the owner of an interest in designated land to acquire the designated land under hardship.
Designator of Land	224	Power to give a notice to an owner who has made a request under section 223 of a proposal to buy the nominated interest.
Designator of Land	225	Power to give a notice to an owner who has made a request under section 223 of a refusal to acquire the nominated interest.
Designator of Land	226	Power to take one of the specified actions as an alternative to buying a nominated interest and to give notice to the owner stating the proposed action.
Designator of Land	227(2) ¹	In the specified circumstances, power to give the owner of land a notice of intention to resume the nominated interest.

¹ The notice is taken to be a notice of intention to resume under the Acquisition of Land Act 1967, section 7 (section 227(3) SPA).

CHAPTER 6 – INTEGRATED DEVELOPMENT ASSESSMENT SYSTEM (IDAS)
Part 1 - Preliminary
Division 4 – Assessment managers and referral agencies
Subdivision 3 – Additional third party advice or comment about applications

Entity power given to	Section of SUPA	Description
Assessment Manager Concurrence Agency	256(1)	Power to ask any person for advice or comment about an IDAS application.

Part 2 - Application Stage
Division 1 – Application process
Subdivision 1 – Applying for development approvals

Entity power given to	Section of SUPA	Description
Assessment Manager	261(1)(a) (ii)(A)(B)	Power to: (a) be satisfied the application complies with section 260(1)(a), (b), (d) and (e) and (3); and (b) receive and after considering any non-compliance with section 261(1)(c), accept the application
Person required to take action under IDAS ie. as Assessment Manager or Referral Agency	262(5)(a) and (b)	Power to: (a) extend the period to take action under e-IDAS in the specified circumstances; and (b) give notice of an extension of time taken under e-IDAS.
Owner of Land	263	Power to give owner's consent for land the subject of an application.

Subdivision 2 – Notices about receipt of applications

Entity power given to	Section of SUPA	Description
Assessment Manager	266(1)	Power to give notice that an application is not a properly made application.
Assessment Manager	267(2)	In the specified circumstances, power to give an acknowledgement notice for a properly made application.

Part 3 - Information and Referral Stage
Division 2 – Giving material to referral agencies

Entity power given to	Section of SUPA	Description
Assessment Manager	272(b)	Power to agree a further period for receipt of referral agency material with the applicant.
Assessment Manager	274(2)(b)	Power to agree to extend the time for compliance with section 272 after an application has been revived under section 274(1).

Division 3 – Information requests

Entity power given to	Section of SUPA	Description
Assessment Manager Concurrence Agency	276(1)	Power to ask the applicant, by written request (information request), to give further information needed to assess an application.
Assessment Manager Concurrence Agency	277(1)	Power to, by written notice to the applicant, extend the information request period.
Assessment Manager Concurrence Agency	277(3)	Power to decide to agree with the applicant to further extend the information request period.
Assessment Manager	280(2)(b)	Power to agree to extend the time for compliance with section 278 after an application has been revived under section 280(1).

Division 4 – Referral agency assessment
Subdivision 1 – Assessment generally

Entity power given to	Section of SUPA	Description
Referral Agency	282(1)	Power to assess the application against the specified matters.
Referral Agency	282(2)	Power to assess the application having regard to the specified matters.
Concurrence Agency	284(1)	Power to extend the assessment period.
Concurrence Agency / Referral Agency	284(3)	Power to request the applicant to agree to further extensions of the assessment period.

Subdivision 2 – Concurrence agency responses

Entity power given to	Section of SUPA	Description
Concurrence Agency	285(2)	Power to give a concurrence agency response.

Concurrence Agency	287	Power to exercise the concurrence agency's response powers in subsections (1) – (6).
Concurrence Agency	288(1)(a)	Power to be satisfied that the development would compromise the intention of the designation.
Concurrence Agency	290(1)(a)	Power to, in the specified circumstances, give a concurrence agency response.
Concurrence Agency	290(1)(b)(i)	Power to, in the specified circumstances amend a concurrence agency response where: (a) the applicant agrees to the amended response; or (b) the Minister has given a direction under section 420.
Concurrence Agency	290(1)(b)(ii)	Power to amend a concurrence agency response to respond directly to: (a) a change made to a development application in response to an information request; or (b) a matter raised in a properly made submission for the application.
Concurrence Agency	290(2)	Power to give notice of a proposal to amend a concurrence agency response under section 290(1)(b)(ii).

Subdivision 3 – Advice agency responses

Entity power given to	Section of SUPA	Description
Advice Agency	291(2)	Power to give an advice agency's response.
Advice Agency	292	Power to exercise the advice agency's response powers in subsections (1) – (3) of that section.

Part 4 - Notification Stage

Division 2 – Public notification

Entity power given to	Section of SUPA	Description
Assessment Manager	297(1)	Power to agree with the applicant to give and to give public notice of an application.
Assessment Manager	302(1)(a)	Power to agree to extend the period in which to carry out actions under section 297(1).
Assessment Manager	302(1)(b)	Power to agree to extend the time for compliance with section 301.
Assessment Manager	303(2)	Power to agree to extend the time to carry out the actions under section 297(1) after an application has been revived under section 303(1).
Assessment Manager	303(3)	Power to agree to extend the time for compliance with section 301 after an application is revived under section 303(1).
Assessment Manager	304(1)	Power to, if satisfied, in the specified circumstances, assess and decide an application despite non-compliance with public notification.

Division 3 – Submissions about applications

Entity power given to	Section of SUPA	Description
Assessment	305(3)	Power to decide to accept a written submission that is not a properly made

Manager		submission.
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Part 5 - Decision Stage
Division 2 – Assessment process

Entity power given to	Section of SUPA	Description
Assessment Manager	313(2)	Power to, in the specified circumstances, assess the part of the application requiring code assessment against each of the specified matters or things to the extent the matter or thing is relevant to the development.
Assessment Manager	313(3)	Power to, in the specified circumstances, assess the part of the application requiring code assessment having regard to the specified matters.
Assessment Manager	314(2)	Power to, in the specified circumstances, assess the part of the application requiring impact assessment against each of the specified matters or things to the extent the matter or thing is relevant to the development.
Assessment Manager	314(3)	In the specified circumstances, assess the part of the application requiring impact assessment having regard to the specified matters.
Assessment Manager	315(1)	Power to, in the specified circumstances, assess a development application (superseded planning scheme).
Assessment Manager	316(4)	Power to assess the part of the application that states the way in which the applicant seeks to vary, the effect of any planning instrument for the land having regard to the specified matters.
Assessment Manager	317	In assessing an application, power to decide to give weight to later planning instrument, code, law or policy.

Division 3 – Decision
Subdivision 1 – Decision-making period

Entity power given to	Section of SUPA	Description
Assessment Manager	318(1)	Power to decide an application.
Assessment Manager	318(2)	Power to extend the decision making period.
Assessment Manager	318(4)	Power to request and agree with the applicant further extensions of the decision making period.

Subdivision 2 – Decision rules - generally

Entity power given to	Section of SUPA	Description
Assessment Manager	324(1) ²	Power to decide an application including any conditions other than an application for a preliminary approval that seeks to vary the effect of a local planning instrument.

² Any conditions included as a consequence of a decision to approve a development application must be lawful having regard to Chapter 6, Part 5, Division 6 of SPA.

Subdivision 3 – Decision rules-application under section 242

Entity power given to	Section of SUPA	Description
Assessment Manager	327(1)	Power to decide the part of an application for a preliminary approval that seeks to vary the effect of a local planning instrument.

Subdivision 4 – Deemed decision for particular applications

Entity power given to	Section of SUPA	Description
Assessment Manager	331(6)	Where a deemed approval has been given for an application, power to issue a decision notice.

Division 4 – Notice of decision

Entity power given to	Section of SUPA	Description
Assessment Manager	334(1)	Power to give a written notice of a decision on an application (a decision notice).
Assessment Manager	337(1)	Power to give a copy of a decision to approve an application to the principal submitter.
Assessment Manager	337(2)	Power to give a copy of a decision to refuse an application to the principal submitter.

Division 6 – Conditions

Entity power given to	Section of SUPA	Description
Assessment Manager Concurrence Agency	348	Power to enter into an agreement with an applicant to establish obligations, or secure the performance, of a party to the agreement about a condition.

Part 6 - Changing or Withdrawing Development Applications
Division 1 – Preliminary

Entity power given to	Section of SUPA	Description
Assessment Manager	350(1)(b)	Power to be satisfied that a change of applicant is a minor change.
Assessment Manager	350(2)	Power to decide that a change to an application is a minor change under section 350(1)(d).

Division 3 – Changed applications – effect on IDAS

Entity power given to	Section of SUPA	Description
Assessment Manager	354(1)(b)	Power to be satisfied that a change: (a) only deals with a matter raised in a properly made submission for the application; or (b) is in response to an information request.

Assessment Manager	354(4)	In the specified circumstances, power to decide that the notification stage does not have to restart or be repeated.
Assessment Manager	355(4)	In the specified circumstances, power to decide that the notification stage does not have to be repeated.

Part 7 - Missed Referral Agencies

Entity power given to	Section of SUPA	Description
Assessment Manager Referral agency	357(2)	Power to give notice to another party of a missed referral agency

Part 8 - Dealing with Decision Notices and Approvals
Division 1 – Changing decision notices and approvals during applicant's appeal period

Entity power given to	Section of SUPA	Description
Assessment Manager	362	Power to consider any representations made to the assessment manager under section 361.
Assessment Manager	363(1)	Power to issue a negotiated decision notice.
Assessment Manager	363(5)	Power to decide not to agree with any of the representations and to give notice that the assessment manager does not agree with the applicant's representations.
Local Government	364(2)	Power to give an applicant a new infrastructure charges to replace the original notice.

Division 2 – Changing approvals-request for change after applicant's appeal period ends
Subdivision 1 – Preliminary

Entity power given to	Section of SUPA	Description
Relevant Entity	368(3)	Power to give a pre-request response notice.

Subdivision 2 – Procedure for changing approvals

Entity power given to	Section of SUPA	Description
Person	369	Power to, by written notice, ask a responsible entity to make a change to an approval.

Subdivision 3 – Assessing and deciding request for change

Entity power given to	Section of SUPA	Description
Owner	371	Power to give owner's consent to the request.

Responsible Entity	371(d)	Power to be satisfied of the circumstances in which know consent is not required under subparagraphs (i) and (ii).
Responsible Entity	371(e)	Power to be satisfied of the circumstances in which know consent is not required under subparagraphs (i) and (ii).
Entity	373(1)(a)	Power to give the responsible entity notice that (a) it has no objection to a proposed change; or (b) it objects.
Responsible Entity	374(1) and (2)	Power to assess an application having regard to the specified matters.
Responsible Entity	375(1)(a) and (b)	Power to decide to approve or refuse (with or without conditions) a request to change a development approval.
Responsible Entity	375(5)	Power to agree with the person making the request to extend the period within which the entity must decide the request.
Responsible Entity	376(1)	Power to give notice of a decision on an application to change a development approval.

Division 3 – Changing or cancelling particular conditions-other than on request

Entity power given to	Section of SUPA	Description
Assessment Manager Concurrence Agency	378(3)	Power to change or cancel a development condition.
Assessment Manager Concurrence Agency	378(7)	Power to give notice of intention to change or cancel a development condition to the owner and occupier of land.
Assessment Manager Concurrence Agency	378(9)	Power to decide whether to change or cancel a development condition.
Assessment Manager Concurrence Agency	378(9)(a)	Power to give notice that a development condition will not be changed or cancelled.
Assessment Manager Concurrence Agency	378(9)(b)	Power to give notice of a change to or cancellation of a development condition.

Division 4 – Cancelling approvals

Entity power given to	Section of SUPA	Description
Assessment manager	381(a) and (b)	Power to: (a) cancel an approval at the request of an owner or person with owner's consent under section 379; and (b) give notice of the cancellation.

Division 5 – Extending period of approvals

Entity power given to	Section of SUPA	Description
Assessment Manager	383(4)	Power to decide the owner's consent is not required.
Concurrence Agency	385(a) and (b)	Power to give the assessment manager notice: (a) stating no objection to the extension being approved; or (b) objecting to the extension being approved.
Assessment Manager	387(1)	Power to approve or refuse a request to extend the relevant period for an approval.
Assessment Manager	387(3)	Power to agree with the person making a request to extend the decision making period for a request to extend the relevant period.
Assessment Manager	389	Power to give notice of the decision on a request to extend the relevant period.

Part 10 - Compliance Stage
Division 2 – Compliance assessment
Subdivision 2 – Referring request to local government

Entity power given to	Section of SUPA	Description
Local Government	402(4) and 402(5)(a) and (b)	Power to: (a) assess an aspect of development referred by a compliance assessor to the local government; and (b) give notice of the local government's response to a matter referred to it by a compliance assessor.

Subdivision 3 – Compliance assessor to assess and decide request

Entity power given to	Section of SUPA	Description
Compliance Assessor	405(1)	Power to be satisfied that a development, document or work achieves compliance, or would achieve compliance if particular conditions were complied with.
Compliance Assessor	405(2) and (3)	Power to decide a compliance assessment request.
Compliance Assessor	405(5)	Power to issue an action notice for a non-compliant development, document or work.
Compliance Assessor	407(1)(a) and (b)	Power to issue: (a) a compliance permit for development; and (b) a compliance certificate for a document or work.
Compliance Assessor	408(3)(b)(i)	Where a compliance assessment request for development is deemed approved, power to issue a compliance permit.
Compliance Assessor	408(3)(b)(ii)	Where a compliance assessment request for a document or work is deemed approved, power to issue a compliance certificate.

Division 3 – Changing Notices, Compliance Permits and Certificates

Entity power given to	Section of SUPA	Description
Compliance Assessor	412(3)	Power to withdraw an action notice after considering representations made under section 412(2).
Compliance Assessor	412(4)	Power to issue a new action notice after considering representations about a matter mentioned in section 405(5)(b).
Compliance Assessor	412(5)	Power to issue a new action notice after considering representations about a matter mentioned in section 405(5)(c) or (d).
Local Government	412(6)	Power to agree to allow a compliance assessor (as a nominated entity of the Local Government) to withdraw an action notice or give a new action notice where a response under section 402 has been given.
Compliance Assessor	412(9)	Power to ,where the compliance assessor does not agree with representations about a matter mentioned in section 405(b), (c) or (d), give notice of the decision about the representations.
Compliance Assessor	413(2)(a)	Power to: (a) decide an application to change a compliance permit or compliance certificate; and (b) Issue a new compliance permit or compliance certificate showing the change.
Compliance Assessor	413(2)(c)	Power to give notice of refusal to change a compliance permit or compliance certificate.
Local Government	413(3)	Power to agree for a compliance assessor to change a condition of a compliance permit imposed by the Local Government.

CHAPTER 7 – APPEALS, OFFENCES AND ENFORCEMENT
Part 1 - Planning and Environment Court
Division 7 – Other court matters

Entity power given to	Section of SUPA	Description
Local Government	456(1)	Power to bring a proceeding in the Court for a declaration.
Assessment Manager	456(2)	Power to bring a proceeding about a matter done, to be done or that should have been done for chapter 6, Part 11, Division 2 for a development application called in the specified circumstances.

Division 8 – Appeals to court relating to development applications and approvals

Entity power given to	Section of SUPA	Description
Applicant	461(1)	Power to appeal to the Court about a development application.
Submitter	462(1)	Power to appeal to the Court about a development application.
Submitter	463(2)	Power to appeal to the Court about a referral agency's response made by a prescribed concurrence agency for the development application for particular aquaculture development.

Advice Agency	464(2)	Power to appeal to the Court about a development application where the advice agency response is treated as a properly made submission.
Concurrence Agency	465(1)	Power to appeal to the Court about a decision relating to an extension for an approval.
Responsible Entity	466(1)	Power to appeal to the Court about a permissible change to a development application where a notice under section 373 or a pre-request response notice has been given.
Person to whom notice is given under s378(9)(b)	467(1)	Power to appeal to the Court about a change or cancellation of a condition.

Division 10 – Appeals to Courts about other matters

Entity power given to	Section of SUPA	Description
Party to a proceeding before Building and Development Committee	479(1)	Power to appeal to the Court against a decision by a Building and Development Committee.

Division 11 – Making an appeal to Court

Entity power given to	Section of SUPA	Description
Submitter	485(4)	Power to elect to co-respond to an appeal.
Person given notice about an appeal under s 465	485(9)(c)	Power to elect to co-respond to an appeal where not otherwise a party.
Person given notice about an appeal under s 466	485(10)(b)(ii)	Power to elect to co-respond to an appeal where not otherwise a party.
Person given notice of an appeal under Division 10	487(4)	Power to elect to co-respond to an appeal where not otherwise a party.
Entity entitled to elect	488	Power to elect to be a co-respondent to an appeal.

Division 14 – Appeals to Court of Appeal

Entity power given to	Section of SUPA	Description
Party to a proceeding	498(1)	Power to appeal a decision of the Court to the Court of Appeal

Part 2 - Building and Development Dispute Resolution Committees
Division 3 – Committee declarations
Subdivision 1 – Declarations

Entity power given to	Section of SUPA	Description
Assessment Manager	510(3)	Power to bring an application for a declaration about whether an application is a properly made application.
Compliance Assessor	512	Power to bring an application for a declaration about whether an application for compliance assessment has lapsed.
Responsible Entity	513(3)	Power to bring an application for a declaration about whether a proposed change to an approval is a permissible change.

Subdivision 2 – Proceedings for declarations

Entity power given to	Section of SUPA	Description
Person entitled to bring proceeding	515(1)	Power to request the chief executive to appoint a building and development committee to start hearing the proceeding.
Party to the Proceeding	515(4)	Power to agree to a request.

Division 4 – Appeals to committees about development applications and approvals
Subdivision 1 – Appeals about particular material changes of use

Entity power given to	Section of SUPA	Description
Concurrence Agency	520(2)	Power to appeal to the building and development committee about a decision to extend an approval.
Relevant Entity	521(2)(a)(ii)	Power to appeal to the building and development committee about a permissible change to a development application where a notice under section 373 or a pre-request response notice has been given.

Division 6 – Appeals to committees about building, plumbing and drainage and other matters
Subdivision 2 – Appeals about development applications and approvals

Entity power given to	Section of SUPA	Description
Advice agency	528	Power to appeal to the building and development committee about giving a development approval for building work to be assessed against the Building Act.
Concurrence Agency	529(1)	Power to appeal to the building and development committee about a decision to extend a development approval.
Concurrence Agency	530(1)(a)(ii)	Power to appeal to the building and development committee about a decision to make a permissible change to an application where a notice under section 373 or a pre-request notice has been given.

Person to whom notice is given under s378(9)(b)	531(1)	Power to appeal to the building and development committee about change or cancellation of a development condition.
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Division 8 – Making appeals to building and development committees

Entity power given to	Section of SUPA	Description
Advice agency	537(1)	Power to request the chief executive to appoint a building and development committee to start hearing an appeal.
Assessment Manager	543(4)	Power to apply to the building and development committee to withdraw from the appeal.
Person to whom notice of appeal is given under subsection 539 or 541	543(5)	Power to elect to co-respond to an appeal under sections 519, 522 or 527 where not otherwise a party.
Person to whom notice of appeal is given under subsection 539 or 541	544(c)	Power to elect to co-respond to an appeal under section 520 or section 529 where not otherwise a party.
Person to whom notice of appeal is given	545(b)(ii)	Power to elect to co-respond to an appeal under section 521 where not otherwise a party.
Person to whom notice of appeal is given under section 541	546(c)	Power to elect to co-respond to an appeal under section 528 where not otherwise a party.
Local government	547(3)(b)	Power to elect to co-respond to an appeal under sections 532, 533 or 535 where not otherwise a party.

Division 9 – Process for appeals or proceedings for declarations in building and development committees

Entity power given to	Section of SUPA	Description
Party to an Appeal	560(1)	Power to appear as a representative of the local government as a party to an appeal at a building development committee hearing .
Party to an Appeal	562(1) and (2)	Power to make written submissions if requested by the building and development committee.
Assessment Manager / Compliance Assessor	568	Power to give the registrar written notice.

Part 3 - Provisions about Offences, Notices and Orders
Division 2 – Show cause notices

Entity power given to	Section of SUPA	Description
Assessing Authority	588(1)	Power to form a reasonable belief that a person has or is committing a development offence.
Assessing Authority	588(2)	Power to issue a show cause notice for a development offence.
Assessing Authority	588(3)	Power to reasonably consider it is not appropriate to give a show cause notice.

Division 3 – Enforcement notices

Entity power given to	Section of SUPA	Description
Assessing Authority	590(1) ³	Power to form a reasonable belief that a person has or is committing a development offence and to Issue an enforcement notice for a development offence.
Assessing Authority	590(9)	In relation to a development offence involving premises, power to issue an enforcement notice to the owner where the person who committed the offence is not the owner of the premises.
Assessing Authority	591(2)	Power to: (a) consider all representations made by a person about a show cause notice within the period stated in the notice; and (b) form the belief that it is appropriate to give an enforcement notice.
Assessing Authority	592(2)	Power to form the belief that it is not possible or practical to take steps to demolish or remove work.

Division 4 – Offence proceedings in Magistrates Court

Entity power given to	Section of SUPA	Description
Local Government Assessing Authority for building assessment provisions Assessing Authority	597(1)	Power to bring a proceeding in a Magistrates Court for an offence against Chapter 7, Part 3.

Division 5 – Enforcement orders of Court

Entity power given to	Section of SUPA	Description
Local Government	601(1)(a)	Power to bring a proceeding in the Court for an enforcement order to remedy or restrain the commission of a development offence.

³ 590(7) The local government may not delegate this power to give an enforcement notice ordering the demolition of a building.

Assessing Authority for building assessment provisions		
Local Government Assessing Authority	601(1)(b)	Power to bring a proceeding in the Court for an interim enforcement order.
Local Government Assessing Authority	601(1)(c)	Power to bring a proceeding in the Court to cancel or change an enforcement order or interim enforcement order.

CHAPTER 8 – INFRASTRUCTURE

Part 1 - Preliminary

Entity power given to	Section of SUPA	Description
Local Government	626(3)(a)	Power to amend an infrastructure charges notice for the relevant development approval.

Part 2 - Provisions for Local Governments

Division 1 – Charges for trunk infrastructure

Subdivision 2 – Charges resolutions

Entity power given to	Section of SUPA	Description
Participating Local Government for a distributor-retailer	632(2)	Power to agree about the charges break up (a <i>breakup agreement</i>).

Subdivision 3 – Levying charges

Entity power given to	Section of SUPA	Description
Local Government	635(2) ⁴	Power to give an infrastructure charges notice.

Subdivision 4 – Payment

Entity power given to	Section of SUPA	Description
Local Government	639(1)(a) and (b)	Power to agree with a recipient of an infrastructure charges notice about the matters in (a) and (b).

⁴ As per section 626(3).

Subdivision 5 – Changing charges during relevant appeal period

Entity power given to	Section of SUPA	Description
Local Government	642	Power to consider the submissions.
Local Government	643(1)	Power to decide it agrees with a submission and to give the recipient a new infrastructure charges notice (a negotiated notice).
Local Government	643(4)	Power to decide it does not agree with any of the submissions and to give the recipient a notice stating the decision.

Division 2 – Development approval conditions about trunk infrastructure
Subdivision 1 – Conditions for necessary trunk infrastructure

Entity power given to	Section of SUPA	Description
Local Government	646(2)	Power to impose a condition requiring either or both of the following to be provided at the stated time (a) the identified infrastructure; (b) the different trunk infrastructure delivering same desired standard service.
Local Government	647(2)	Power to impose a condition on a development approval that requires development infrastructure necessary to service the premises to be provided at a stated time.

Subdivision 2 – Conditions for additional trunk infrastructure costs

Entity power given to	Section of SUPA	Description
Local Government	650	Power to impose a condition (an additional payment condition).
Local Government	651(2)	Power to agree the payment time with the applicant.
Local Government	655(3)	Power to agree to on terms of the timing of the refund with the payer.

Subdivision 3 – Working out cost for required offset or refunds

Entity power given to	Section of SUPA	Description
Local Government	657(3)	Power to give notice to the applicant about and to amend the existing infrastructure charges notice.

Division 3 – Miscellaneous provisions about trunk infrastructure
Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts

Entity power given to	Section of SUPA	Description
Local Government	660(1)	Power to consider and decide the conversion application within the required period.

Local Government	660(3)	Power to give notice to the applicant requiring the applicant to give information the local government reasonably needs to make the decision.
Local Government	660(5)(b)	Power to agree with the applicant about any later period for compliance with the notice.
Local Government	661(1)	Power to give the applicant notice of the decision on a conversion application.
Local Government	662(3)	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.
Local Government	662(4)	In certain circumstances, power to give an infrastructure charges notice, or amend by notice to the applicant, any existing infrastructure charges notice for the development approval.

Subdivision 2 – Other provisions

Entity power given to	Section of SUPA	Description
Local Government	664(2)	Power to agree with the applicant about a levied charge.

Part 3 - Provisions for State Infrastructure Providers

Entity power given to	Section of SUPA	Description
Local Government	669(2)(b)	Power to agree with the State infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levied charge will be paid.

Part 4 - Infrastructure Agreements

Entity power given to	Section of SUPA	Description
Owner of land	674(1)	Power to enter an infrastructure agreement and to consent to obligations under it being attached to the land.

Part 5 - Miscellaneous

Entity power given to	Section of SUPA	Description
Public Sector Entity	677(1)(a) and (b)	Power to enter into an agreement about the matters provided in (a) and (b).
Local Government	678(3)	Power to set a reasonable period within which submissions about a proposed sale of land may be made to the local government.
Local Government	678(4)	Power to consider all submissions made to the local government within the stated period.
Local Government	679(2)	Power to impose a condition on a development approval for the supply of development infrastructure.

CHAPTER 9 – MISCELLANEOUS
Part 2 - Environmental Impact Statements
Division 2 – EIS process

Entity power given to	Section of SUPA	Description
Local Government Assessment Manager	691(8)	Power to comment on draft terms of reference for an EIS.
Local Government Assessment Manager	695(1)	Power to make a submission on a draft EIS.
Local Government Assessment Manager	695(3)(a)	Power to amend a submission on a draft EIS.
Local Government Assessment Manager	695(3)(b)	Power to withdraw a submission on a draft EIS.

Part 3 - Compensation

Entity power given to	Section of SUPA	Description
Local Government	709(1)	Power to decide a claim for compensation.
CEO	709(2)	To: (a) give a claimant a written notice of decision; (b) notify the amount of any compensation to be paid; (c) advise the claimant of appeal rights.
Local Government	710(1)	Power to: (a) grant all of the claims; or (b) grant part of the claim and reject the rest; or (c) refuse all of the claim.
Local Government	710(2)(a)	For an entitlement to claim the compensation under section 705, give notice of intention to resume the interest in the land under the Acquisition of Land Act, section 7. ⁵
CEO	713	Power to give the registrar of titles written notice of payment of compensation under Section 704.

⁵ The power to give the notice is in section 7 of the *Acquisition of Land Act 1967*.

Part 4 - Power to Purchase, Take or Enter Land for Planning Purposes

Entity power given to	Section of SUPA	Description
Local Government	714(1)	Power to be satisfied that the taking of land would help to achieve the strategic outcomes stated in its planning scheme.
Local Government	714(2)	At any time after a development approval or compliance permit has taken effect, power to be satisfied of the circumstances in subparagraphs (i) – (iii).
Assessment Manager / Relevant Entity	715(1)	Power to enter land at all reasonable times to undertake works if the assessment manager / relevant entity is satisfied: <ul style="list-style-type: none"> (a) implementing a development approval or compliance permit would require the undertaking of works on land other than the land the subject of the approval or permit; and (b) the applicant or person who requested compliance assessment has taken reasonable steps to obtain the agreement of the owner of the land to enable the works to proceed, but has not been able to obtain the agreement; and (c) the action is necessary to implement the development approval or compliance permit.
Assessment Manager Entity	716(3)	Power to decide a claim for compensation for loss or damage because of an entry onto land under section 715.
Assessment Manager Entity	716(5)	Power to recover from the applicant or person who requested compliance assessment the amount of any compensation or loss or damage paid under this part that is not attributable to the assessment manager's negligence.

Part 6 - Public Access to Planning and Development Information
Division 4 – Planning and development certificates

Entity power given to	Section of SUPA	Description
Local Government	741	Power to give a planning and development certificate.

Part 7 - Notification stage for particular aquaculture development
Division 2 – Public notification

Entity power given to	Section of SUPA	Description
Assessment Manager	746(1)	Power to agree with the applicant to and carry out public notification of proposed development.
Assessment Manager	749(2)	Power to give each prescribed concurrence agency for the application, written notice that the assessment manager has complied with this division.
Assessment Manager	750	In the specified circumstances, power to assess an application despite non-compliance with public notification.
Concurrence Agency	750(b)	Power to consent to an assessment and decision being made in the way proposed by the assessment manager.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Tobacco and Other Smoking Products Act 1998***

Under section 257 of the *Local Government Act 2009*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Tobacco and Other Smoking Products Act 1998 ("TOSP")
Part 2C - Smoke-Free Outdoor Places
Division 3 - Other outdoor places

Entity power given to	Section of TOSP	Description
Local Government	26ZO(3)	In the specified circumstances, power to give the chief executive information about the local government's administration and enforcement of the matter.

Division 4 – Prohibition on smoking at public transport waiting points and malls by local governments

Entity power given to	Section of TOSP	Description
Local Government	26ZPD(3)	In the specified circumstances, power to give the chief executive information about the local government's administration and enforcement of the local law.

Part 3 - Monitoring and enforcement
Division 1 – Appointment of authorised persons and other matters

Entity power given to	Section of TOSP	Description
Local Government	28(2)	Power to appoint any of the following persons as an authorised person for the local government and its area: (a) an employee of the local government; (b) if another local government consents, an employee of the other local government; or (c) another person under contract to the local government.
Local Government	28(3)	Power, together with CEOs of other local governments, to appoint an employee of one of the local governments another person under contract to one of the local governments as an authorised person for the local governments' area.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council - Transport Infrastructure Act 1994

Under Section 257 of the *Local Government Act 2009*, **MAREEBA SHIRE COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

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

Schedule 1

Transport Infrastructure Act 1994 ("TIA")
CHAPTER 6 - ROAD TRANSPORT INFRASTRUCTURE
Part 2 - State Controlled Roads
Division 1 - Declaration of State-controlled roads

Entity Power Given To	Section of TIA	Description
Local Government	25(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road.

Division 2 - Motorways

Entity Power Given To	Section of TIA	Description
Local Government	27(3)(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road as a motorway.

Part 4 - Relationship with Local Governments

Entity Power Given To	Section of TIA	Description
Local Government	41	In the specified circumstances, the power to make financial arrangements with the chief executive for improvements to be made to a State-controlled road.
Local Government	42(1)	<p>In the specified circumstances, the power to apply to the chief executive for written approval to carry out road works on a local government road or make changes to the management of a local government road where the works or changes would -</p> <ul style="list-style-type: none"> (a) require the carrying out of road works on a State-controlled road; or (b) otherwise have a significant adverse impact on a State-controlled road; or (c) have a significant impact on the planning of a State-controlled road or a future State-controlled road.

Schedule 1

Entity Power Given To	Section of TIA	Description
Local Government	43(1)	In the specified circumstances, the power to apply to the chief executive for written approval where you intend to approve the erection, alteration or operation of an advertising sign or other advertising device that would be - (a) visible from a motorway; and (b) beyond the boundaries of the motorway; and (c) reasonably likely to create a traffic hazard for the motorway.

Part 5 - Management of State-Controlled Roads
Division 2 - Ancillary works and encroachments and roadside facilities
Subdivision 2 - Special arrangement about access

Entity Power Given To	Section of TIA	Description
Local Government	55(b)	In the specified circumstances, the power to make submissions to the chief executive on a proposal to publish a gazette notice to make, amend or revoke a declaration or to make, amend or replace a policy for a limited access road.

Part 8 - Local Government Tollways
Division 2 - Approval of Tollway Project

Entity Power Given To	Section of TIA	Description
Local Government	105C(1)	In the specified circumstances, power to ask the Minister for approval for a tollway project.

Division 2A - Local Government Tollway
Subdivision 1 - Declaration

Entity Power Given To	Section of TIA	Description
Local government	105G(1)	In the specified circumstances, power to ask the Minister to declare a local government tollway for the approved project.
Local government	105GB(1)	In the specified circumstances, power to ask the Minister to amend the declaration of a local government tollway for the approved project.

Schedule 1

CHAPTER 7 - RAIL TRANSPORT INFRASTRUCTURE AND OTHER MATTERS
Part 8 - General

Entity Power Given To	Section of TIA	Description
Local Government	253(1)	<p>In the specified circumstances, the power to make a request to the chief executive for permission to construct, maintain and operate a road on rail corridor land by way of -</p> <p>(a) a bridge or other structure over a railway; or</p> <p>(b) a bridge or other structure that allows the road to pass under the railway; or</p> <p>(c) a level crossing.</p>

CHAPTER 9 - BUSWAYS AND BUSWAY TRANSPORT INFRASTRUCTURE
Part 4 - Management of Busway Land and Busway Transport Infrastructure
Division 1 - Transport infrastructure interaction

Entity Power Given To	Section of TIA	Description
Local Government	307(1)	<p>In the specified circumstances, the power to make a request to the chief executive for permission to construct, maintain and operate a road located on busway land, consisting of -</p> <p>(a) a bridge or other structure allowing traffic to pass over the level at which buses use the busway land; or</p> <p>(b) a structure allowing traffic to pass under the level at which buses use the busway land.</p>
Local Government	309(1)	<p>In the specified circumstances, the power to apply to the chief executive for written approval where you intend to approve the erection, alteration or operation of an advertising sign or other advertising device that would be -</p> <p>(a) visible from a busway; and</p> <p>(b) reasonably likely to create a traffic hazard for the busway.</p>

Schedule 1

CHAPTER 10 - LIGHT RAIL AND LIGHT RAIL TRANSPORT INFRASTRUCTURE
Part 4 - Management of Light Rail Land and Light Rail Transport Infrastructure
Division 1 - Transport infrastructure interaction

Entity Power Given To	Section of TIA	Description
Local Government	358(1)	<p>In the specified circumstances, the power to make a request to the chief executive for permission to construct, maintain and operate a road located on light rail land, consisting of -</p> <p>(a) a bridge or other structure allowing traffic to pass over the level at which light rail vehicles use the light rail land; or</p> <p>(b) a structure allowing traffic to pass under the level at which light rail vehicles use the light rail land.</p>

CHAPTER 12 - MISCELLANEOUS TRANSPORT INFRASTRUCTURE
Part 2 - Operational Licences and Approvals for Licensees
Division 3 - Approvals for licensees for intersecting areas

Entity Power Given To	Section of TIA	Description
Responsible Entity	420(3)	In the specified circumstances, the power to grant or refuse an application for approval by a licensee to construct, maintain, use or operate miscellaneous transport infrastructure stated in the licensee's operational licence across, over or under an intersecting area.
Responsible Entity	421	In the specified circumstances and if an application for approval has been refused, the power to give the applicant a written notice within 14 days after refusing the application stating the specified matters.

Division 4 - Conditions for approvals

Entity Power Given To	Section of TIA	Description
Responsible Entity	423(1)	In the specified circumstances and if an approval is granted, the power to impose reasonable conditions for the approval (" approval conditions ").
Responsible Entity	424	In the specified circumstances and if approval conditions are imposed, the power to give the application for the approval written notice within 14 days after imposing the conditions stating the specified matters.

Schedule 1

Division 5 - Arbitration of approval conditions

Entity Power Given To	Section of TIA	Description
Responsible Entity	426(1)	In the specified circumstances, the power to join with the application for approval in appointing an independent arbitrator to resolve the dispute.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council - Work Health and Safety Act 2011

Under 257 of the *Local Government Act 2009*, **MAREEBA SHIRE COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

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

Schedule 1

Work Health and Safety Act 2011 ("WHS")
Part 3 - Incident Notification

Section of WHS	Description
38(1)	Power to notify the regulator immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.
38(4)(b)	Power to, if required by the regulator, give written notice of the incident within 48 hours of that requirement being made.

Part 5 - Consultation, Representation and Participation

Section of WHS	Description
52(1)	Power to negotiate and agree upon the work group.
52(4)	Power to negotiate a variation of the agreement upon a work group.
52(5)	Power to, if asked by a worker, negotiate with the worker's representative under this section 52.
53(1)	Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.
53(2)	Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement.
57(1)	Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement.
57(2)	Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement.
71(5)	Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.
71(5A)	Power to refuse to grant access to the workplace to a person (the assistant) assisting a health and safety representative for a work group if the health and safety representative has not: <ul style="list-style-type: none"> (a) given notice under section 68(3B); or (b) given the person conducting the business or undertaking the information about the assistant prescribed under a regulation.
73(1)	Power to agree to apportion the costs of the representative exercising powers and performing functions under the WHS in another way.
73(2)	Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.

Schedule 1

Section of WHS	Description
76(1)	Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee.
77(c)	Power to agree upon the functions of a health and safety committee.
81(2)	Power to agree upon a procedure for the timely, final and effective resolution of health and safety issues.
87	Power to direct a worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.
89	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Biosecurity Regulation 2016***

Under section 257 of the *Local Government Act 2009*, Mareeba Shire Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Biosecurity Regulation 2016 ("BIOR")**CHAPTER 2 – BIOSECURITY OBLIGATIONS****Part 6 - Diagnostic Testing**

Entity power given to	Section of BIOR	Description
Person	27(1)	Power to apply to the chief executive in the approved form for a test kit or method approval

CHAPTER 5 – PREVENTION AND CONTROL MEASURES FOR BIOSECURITY MATTER**Part 1 - Preliminary**

Entity power given to	Section of BIOR	Description
Responsible person	46(1)	In certain circumstances, power to ensure biosecurity matter or a carrier is dealt with in accordance with a risk minimisation requirement for dealing with the biosecurity risk or carrier.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Mineral Resources Act 1989***

Under section 257 of the *Local Government Act 2009*, Mareeba Shire Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Mineral Resources Act 1989 ("MIRA")
CHAPTER 2 – PROSPECTING PERMITS
Part 1 - Prospecting Permit Categories and Entitlements

Entity power given to	Section of MIRA	Description
Owner of a Reserve	19(1)	In the specified circumstances, the power to give written consent to a parcel prospecting permit holder entering the surface of a reserve for prospecting purposes.
Owner of Occupied Land	19(2)	In the specified circumstances, the power to give written consent to a district prospecting permit holder entering the surface of occupied land.
Owner of Occupied Land	19(3)	In the specified circumstances, the power to give written consent to a prospecting permit holder entering occupied land for hand mining only.
Occupier of Land	20(3)	In the specified circumstances, the power to give a prospecting permit holder consent to enter land.
Owner or Occupier of Land	20(6)	In the specified circumstances, the power to, by written notice given to a prospecting permit holder and the mining registrar, amend or withdraw a consent given for land.

Part 2 - Other Provisions About Prospecting Permits

Entity power given to	Section of MIRA	Description
Owner of any Land	26(3)	Power to apply in writing to the mining registrar to rectify damage referred to in section 26(1) of the <i>Mineral Resources Act 1989</i> that has been caused by an activity allegedly authorised under a prospecting permit in respect of the land.
Owner of Occupied Land	26(9)(a)(i)	In the specified circumstances, the power to give the mining registrar written approval to refund the security.
Owner of Land	32(2)	Power to accept a shorter time period within which notice must be given by a parcel prospecting permit holder before entry to the land.
Owner of Land	34(1)	In the specified circumstances, the power to report to the chief executive.
Owner of Land	46(1)	In the specified circumstances, the power to demand that a person purporting to be upon land under the authority of a prospecting permit produce, or cause to be produced, proof of the person's authority for being on the land.
Owner of Occupied Land	47(1)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a district prospecting permit, entering the land at night.
Owner of Occupied Land	47(2)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a parcel prospecting permit, entering the land at night.
Occupier of Land	47(4)	In the specified circumstances, the power to give consent.

CHAPTER 3 – MINING CLAIMS

Entity power given to	Section of MIRA	Description
Owner of Restricted Land	51(2)(a)	In the specified circumstances, the power to give written consent to an application for a mining claim over the surface of restricted land being lodged.
Owner of Reserve	54(a)	In the specified circumstances, the power to give consent to the granting of a mining claim over a reserve.
Owner of Land	65(1)(a)	In the specified circumstances, the power to give the chief executive a written request for a conference.
Relevant Local Government	71(1)	Lodge a written objection in the approved form to an application for a mining claim.
Owner of Land	71(2)	In the specified circumstances and within the specified time periods, the power to lodge an objection to an application for a mining claim.
Objector	71A(1)	To withdraw an objection to an application for a mining claim by giving written notice of the withdrawal.
Owner of Land	85(1)(a)	In the specified circumstances, the power to agree with the applicant for a mining claim on an amount of compensation.
Owner of Land	125(9)(a)(i)	In the specified circumstances, the power to give written consent to an application under section 125 of the <i>Mineral Resources Act 1989</i> being lodged.
Owner of Land	125(10)	In the specified circumstances, the power to agree with a mining claim holder on compensation payable in respect of the proposed use of the land as access in respect of the mining claim.

CHAPTER 4 – EXPLORATION PERMITS
Part 1 - Preliminary

Entity power given to	Section of MIRA	Description
Owner of Restricted Land	129(3)(a)	In the specified circumstances, the power to give written consent to a person entering the surface of the restricted land.
Owner of Reserve	129(6)	In the specified circumstances, the power to withdraw consent given under section 129(1)(a)(ii) of the <i>Mineral Resources Act 1989</i> by giving written notice to the chief executive.

Part 4 - Other Provisions About Exploration Permit

Owner of Land	167(1)	In the specified circumstances, the power to demand that a person purporting to be upon land under the authority of an exploration permit produce, or cause to be produced, proof of the person's authority for being on the land.
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CHAPTER 5 – MINERAL DEVELOPMENT LICENCES
Part 1 - Mineral Development Licences Generally

Entity power given to	Section of MIRA	Description
Owner of Restricted Land	181(8)(a)	In the specified circumstances, the power to give consent to a person entering the surface of land that was restricted land when the application for a mineral development licence was lodged.
Owner of Land	190(7)	In the specified circumstances, the power to lodge a claim for rectification of actual damage to land caused under the authority, or purported authority, of a mineral development licence.
Owner of Land	190(8)(a)	In the specified circumstances, the power to certify that there is no actual damage to land that should be rectified.
Owner of Land	216(1)	In the specified circumstances, the power to demand that a person purporting to be upon land under the authority of a mineral development licence produce, or cause to be produced, proof of the person's authority for being on the land.

CHAPTER 6 – MINING LEASES
Part 1 - Mining Leases Generally

Entity power given to	Section of MIRA	Description
Owner of Land	237(2)(d)(i)	In the specified circumstances, the power to consent to an application to conduct drilling and other activities on land not included in the surface area covered under a mining lease.
Owner of Land	237(2)(d)(ii)	In the specified circumstances, the power to agree with the mining lease holder about the compensation payable for the activities.
Owner of Restricted Land	238(1)(a)	Power to give written consent to a mining lease application.
Affected Person	260(1)	Power to lodge an objection in writing in an approved form before the objection date for the application of a mining lease.
Objector	260(4)	Power to serve a copy of the objection lodged by the objector in respect of an application for a grant of a mining lease.
Owner of Land	261(1)	In specified circumstances, the power to withdraw an objection to an application for a grant of a mining lease.
Owner of Land	279(1)(a)	In the specified circumstances, the power to agree with a mining lease holder on compensation.
Owner of Land	280(1)	In the specified circumstances, the power to agree with the holder of a mining lease as to compensation for any damage caused to the surface of the land.
Owner of Land	283A(2)	In the specified circumstances, the power to agree to amend the original compensation (the amended agreement).
Owner of Land	317(10)	In the specified circumstances, the power to agree with the holder of a mining lease on compensation payable in respect of the proposed use of the land as access in respect of a mining lease.

CHAPTER 13 – ADMINISTRATION AND JUDICIAL FUNCTIONS
Part 2 - Conferences with Eligible Claimants or Owners and Occupiers
Division 1 - Preliminary

Entity power given to	Section of MIRA	Description
Eligible Claimant	335F(1)	Power to give an election notice asking for a conference.
Owner / Occupier of Land	335F(2)(a)	Power to give a notice of the following concerns: (i) that someone claiming to act under a mining tenement, or to have entered land on the tenement holder's instructions: (A) is not authorised to be on the land; or (B) is not complying with a provision of this Act or a condition of the mining tenement; (ii) activities being, or proposed to be, carried out on land apparently under a mining tenement (including when the activities are being, or are to be, carried out); (iii) the conduct on the land of someone apparently acting under a mining tenement;

Division 2 – Calling conference and attendance

Entity power given to	Section of MIRA	Description
Eligible Claimant	335G(1)	Power to attend a conference.
Owner / Occupier of Land or other person with an interest in the concerns	335G(2)	Power to attend a conference.
Recipients of notice pursuant to s335G(1)	335H(1)	Power to attend and take part in a conference.

Division 3 - Conduct of conference

Entity power given to	Section of MIRA	Description
Owner / Occupier of Land or other person with an interest in the concerns or given notice of the conference	335L(1)	Power to enter into an agreement.

CHAPTER 14 – MISCELLANEOUS

Entity power given to	Section of MIRA	Description
Owner of Land	403(1)(e)	In the specified circumstances, the power to authorise a person to enter, be upon, use, occupy, or erect any building or structure on or make any other improvement to land.

SCHEDULE 1 - Conditions of carrying out activity for boundary definition purposes

Entity power given to	Section of MIRA	Description
Owner of Occupier of Restricted Land	2(1)(a)	Power to give written consent to enter restricted land.
Owner of Land	3(1)(a)	Power to give written consent for a person to enter occupied land.
Occupier of Occupied Land	3(3)	In certain circumstances, power to give consent to a person to enter occupied land.
Owner of Reserve	4	Power to give written consent to a person to enter the surface of the reserve.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council – Waste Reduction and Recycling Regulation 2011

Under Section 257 of the *Local Government Act 2009*, **MAREEBA SHIRE COUNCIL**, resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations and conditions contained in Schedule 2.

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

Schedule 1

Waste Reduction and Recycling Regulation 2011 ("WRRR")

PART 2A - DESIGNATION OF AREAS BY LOCAL GOVERNMENTS FOR GENERAL OR GREEN WASTE COLLECTION

Entity Power given to	Section of WRRR	Description
Local Government	7(b)	Power to decide the frequency of general waste or green waste collection in the designated areas.

Schedule 2

Limitations and Conditions to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, the delegate in exercising delegated power in relation to that matter, will only commit the Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge adversely affects, or is likely to adversely affect, the Council's relations with the public at large.
3. The delegate will not exercise any delegated power in relation to a matter which has already been the subject of a resolution or other decision of the Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable affect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any power which cannot lawfully be the subject of delegation by Council.

INSTRUMENT OF DELEGATION

Mareeba Shire Council ***Building Act 1975***

Under section 257 of the *Local Government Act 2009*, Mareeba Shire Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

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

Schedule 1

Building Act 1975 ("BUIA")
CHAPTER 4 – ASSESSMENT OF BUILDING DEVELOPMENT APPLICATION AND CARRYING OUT SELF-ASSESSABLE BUILDING WORK
Part 1 - Laws and Other Documents under which Building Work must be Assessed
Division 1 – General Provisions about the Laws and Documents for the Assessment

Entity power given to	Section of BUIA	Description
Local government	37(2)	Power to give a building development approval for the work if the approval is given under the building assessment provisions in force immediately before the amendment, and IDAS.

Part 2 - Persons Responsible for Assessing Building Development Applications

Entity power given to	Section of BUIA	Description
Local government	51(2)	In the specified circumstances power to: <ul style="list-style-type: none"> (a) receive, assess and decide the application; (b) appoint or employ a private certifier or another building certifier to perform building certifying functions for: <ul style="list-style-type: none"> (i) the application; and (ii) if the building development approval applied for is granted—the building work.
Local government	52	In the specified circumstances power to issue the building development approval applied for only if: <ul style="list-style-type: none"> (a) a local government building certifier has carried out the building assessment work for the application; and (b) the building certifier is appropriately licensed to carry out the building assessment work.
Local government	53(2)	In the specified circumstances power to accept and, without further checking, rely and act on the certificate or other document: <ul style="list-style-type: none"> (a) the original application; (b) another building development application for all or part of the building work under the original application.
Assessment manager	55(3)	In the specified circumstances power to resume or start the application process at any stage of IDAS the assessment manager considers appropriate.

Part 4 - Requirements for and Restrictions on Assessing or Approving Building Development Applications

Entity power given to	Section of BUIA	Description
Assessment manager	63	Power for the assessment manager to approve a building application subject to the requirement in Part 4 as follows: <ul style="list-style-type: none"> (a) the fire safety management plan accompanying the application complies with the <i>Fire and Rescue Service Act 1990</i>, section 104FC, or

		(b) the building work involves an alternative solution, for performance requirements under the BCA, that includes a fire safety management procedure as a condition of the occupation and use of the building and the fire safety management plan adequately reflects the procedure.
Assessment manager	65(2)	Power for the assessment manager to approve the building application (subject to conditions) if each registered holder of the easement or covenant has consented to the building work.
Assessment manager	66(2)	Power for the assessment manager to approve the building application if the special structure: (a) complies with the building assessment provisions; and (b) reasonably provides for all of the following: (i) the safety of persons using the structure if there is a fire (including, for example, means of egress); (ii) the prevention and suppression of fire; (iii) the prevention of the spread of fire; (iv) the health and amenity of persons using the structure.
Assessment manager	67(3)	In the specified circumstances power for the assessment manager to approve the building application if subsections (3)(a) and (3)(b) have been complied with.
Assessment manager	68(3)	Power for the assessment manager to approve a building application if the building certifier has decided the alterations do not unduly reduce the following: (a) the existing level of fire protection for persons accommodated in, or using, the building or structure; (b) the existing level of resistance to fire of the building or structure; (c) the existing safeguards against spread of fire to adjoining buildings or structures; (d) the existing level of emergency egress from the building or structure.

Part 5 - Conditions of Building Development Approvals

Division 1 - Conditions Taken to be Imposed

Entity power given to	Section of BUIA	Description
Local government	71(8)	Power to consult with any other entity the local government considers appropriate in deciding the application.
Local government	71(9)	Power to decide the application.
Local government	71(11)	Power to give the applicant and the assessment manager for the building work notice of the decision.
Assessment manager	74(2)(b)	Power to require the person installing the service to give a copy of the notices to the assessment manager when they are given to QFRS.

Division 2 – Conditions that may be Imposed

Entity power given to	Section of BUIA	Description
Assessment manager	80(2)	Power to include a condition that all, or a stated part, of the building or structure must comply with the building assessment provisions in force when the approval was granted.

Part 7 - Provisions about Lapsing of Building Development Approvals and Related Matters
Division 1 – Building Work for Demolition or Removal

Entity power given to	Section of BUIA	Description
Local government	92(2)	Power to in the specified circumstances take action considered necessary to complete the building work.
Local government	92(5)	In the specified circumstances power to authorise the use of all or part of any security given to the local government for the carrying out of the building work.
Local government	93(1)	Power to, at any time, having regard to the progress of the building work, refund or release part of any security.

Division 2 – Other Building Work

Entity power given to	Section of BUIA	Description
Assessment manager	95(1)(a) and (b)	Power for assessment manager to give a reminder notice.

CHAPTER 5 – INSPECTIONS, BUILDING CLASSIFICATION, AND THE USE OF BUILDINGS
Part 4 - Restrictions on the Use of Buildings

Entity power given to	Section of BUIA	Description
Assessment manager	117(2)	Power to be satisfied that only building work of a minor nature is needed before a certificate of classification can be given for the building.

CHAPTER 6 – PROVISIONS ABOUT CERTIFIERS AND OTHER BUILDING CERTIFIERS
Part 4 - Complaint, Investigations and Disciplinary Proceedings Relating to Building Certifiers
Division 3 – Show Cause Notice for Disciplinary Proceedings

Entity power given to	Section of BUIA	Description
Local government	206(1)	Power to: (a) form the reasonable belief proper grounds exist for applying to the tribunal to start a disciplinary proceeding against a building certifier; (b) before making the application give the building certifier a notice (a show cause notice).
Local government	207(2)	Power to: (a) consider any representations made about a show cause notice; (b) decide to: (i) take no further action; or (ii) apply to the tribunal to start a disciplinary proceeding against the building certifier.
Local government	207(3)	Power to give a building certifier written notice of the decision and the reasons for the decision.

CHAPTER 7 – FIRE SAFETY FOR BUDGET ACCOMMODATION BUILDINGS
Part 3 - Budget Accommodation Buildings Built, Approved or Applied for, before 1 January 1992

Entity power given to	Section of BUIA	Description
Local government	221(2)(a)	Power to consult with any other entity considered appropriate in deciding an application for a longer period for conformity with a fire safety standard.
Local government	221(2)(b)	Power to grant an application for a longer period for conformity with a fire safety standard if satisfied undue hardship would be caused to the budget accommodation building's occupants if the application were refused.
Local government	221(3)	Power to grant an application for a longer period for conformity with a fire safety standard with or without the reasonable conditions considered appropriate.
Local government	221(4)	Within 20 business days after receiving an application for a longer period for conformity with a fire safety standard, the power to: (a) decide the application; and (b) give the budget accommodation building's owner written notice of the decision.
Local government	222(2)	Within 20 business days after receiving an application for advice as to conformity with a fire safety standard, the power to: (a) decide if the building conforms with the fire safety standard; and (b) give the building owner written notice of the decision.

Part 4 - All Budget Accommodation Buildings

Entity power given to	Section of BUIA	Description
Local government	228(2)	Subject to subsection (1), the power to, at least once every 3 years, inspect the building to ensure the owner of the building is complying with Chapter 7, Part 4 in relation to the building.

CHAPTER 7A – FIRE SAFETY FOR RESIDENTIAL CARE BUILDINGS BUILT, APPROVED OR APPLIED FOR, BEFORE 1 JUNE 2007
Part 4 - Assessment of residential care buildings

Entity power given to	Section of BUIA	Description
Local government	231AL(1) ¹	Where a written application is made by the owner of an RCB to obtain a fire safety (RCB) compliance certificate or certificate of classification, power to approve a later day for obtaining the certificate
Local government	231AL(3)	When approving a later day under section 231AL(1), power to: (a) consult with QFRS; and (b) any entity considered appropriate in deciding the application; and (c) grant the application if it is satisfied undue hardship would be cause to the occupants of the RCB if the application were refused.

¹ Section 231AK(a)(iii) provides that the date must be later than 1 September 2014 but not later than 1 September 2015.

Local government	231AL(4)	Power to grant the application and impose reasonable conditions considered appropriate.
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CHAPTER 8 – SWIMMING POOL SAFETY
Part 2 - Compliance with pool safety standard and other matters about pool safety
Division 3 – Exemptions from compliance with pool safety standard - disability
Subdivision 1 – Applying for exemption and deciding application

Entity power given to	Section of BUIA	Description
Local government	236	Power to require an applicant to give the local government medical evidence to support an application.
Local government	237(1)	Power to consider the application and within 5 business days after the application is made: (a) grant the exemption; or (b) refuse to grant the exemption.
Local government	237(3)	Power to grant an exemption on the reasonable conditions it considers necessary or desirable to prevent a child from accessing the pool.
Local government	238(1)	Power to give applicant written notice that an exemption has been granted
Local government	238(2)	Power to give applicant an information notice about refusal of exemption or conditions imposed on exemption.

Subdivision 2 – Ending and revocation of exemptions

Entity power given to	Section of BUIA	Description
Local government	242(1)(b) ²	In the specified circumstances power to be satisfied 1 or more of the following applies: (i) the decision on the application for the exemption was based on a false or misleading particular given by an applicant; (ii) the exemption has ended under section 241 of the Building Act 1975; (iii) the exemption was subject to conditions and there has been a contravention of a condition.
Local government	242(2)	In the specified circumstances, the power to give an applicant a show cause notice inviting the applicant to show cause why a decision should not be revoked.
Local government	242(3)	Power to: (a) consider any representations made under a show cause notice; and (b) give a further notice (a revocation notice) to the applicant, revoke a decision previously given.

² Section 242(1)(b) only applies where the Local Government has, under section 237, granted an exemption.

Division 4 – Exemption from compliance with pool safety standard - Impracticality

Subdivision 1 – Applying for exemptions and deciding applications

Entity power given to	Section of BUIA	Description
Local government	245A	Power to require the owner of a regulated pool to give further information to establish that compliance with the part of the pool safety standard is not practicable.
Local government	245B(1)	Power to consider the application and decide to: (a) grant the exemption; or (b) refuse to grant the exemption.
Local government	245B(2)	In deciding the application, power to consider: (a) whether compliance with the part of the pool safety standard may require the owner to: i) move or demolish a building or part of a building; or ii) change the location of size of the regulated pool; or iii) remove vegetation protected from removal under an Act or a local law; (b) the cost of the barrier or work required to ensure the pool complies with the part of the pool safety standard, having regard to the nature of any existing barriers for the pool; (c) other matters considered relevant.
Local government	245B(3)	Subject to section 245B(5), power to grant an exemption on reasonable conditions considered necessary or desirable to prevent a young child from accessing the pool.
Local government	245C(1)	If exemption is granted, power to give the applicant a written notice of the exemption.
Local government	245C(2)	If the exemption is refused, or conditions imposed, power to give the applicant an information notice about the decision.

Subdivision 2 – Revocation of exemptions

Entity power given to	Section of BUIA	Description
Local government	245E(2)	Power to give the owner of regulated pool a show cause notice as to why the decision should not be revoked.
Local government	245E(3)	After considering any representations made under the show cause notice, power to issue a revocation notice to the owner, to revoke the decision previously given.

Part 3 - Inspections of Regulated Pools and the Giving of Pool Safety Certificates

Division 2 – Functions of Local Government for Inspections of Regulated Pools

Entity power given to	Section of BUIA	Description
Local government	246AE(2)	Power for an employee or agent of the local government to enter land on which a regulated pool is situated to inspect the pool.
Local government	246AF(2)	After complying with section 246AG, power to cancel a pool safety certificate.

Local government	246AG(1)	Power to give the owner of a regulated pool a show cause notice before cancelling a pool safety certificate under s246AF(2).
Local government	246AG(5)	Subject to 246AG(4), power to: (a) consider submissions; and (b) (decide whether to cancel the pool safety certificate.
Local government	246AG(6)	If the Local Government decides not to cancel the safety certificate, power to give notice to the owner of that decision.
Local government	246AG(7)	If the Local Government decides to cancel the pool safety certificate, power to give the owner an information notice about that decision.

CHAPTER 8B – TRANSPORT NOISE CORRIDORS

Part 2 - Designation by Local Governments

Entity power given to	Section of BUIA	Description
Local government	246X(1)	A local government may by gazette notice designate land as a transport noise corridor.
Local government	246X(2)	A local government may designate land under (1) only if: (a) the land is within: i) 100m if a road under its control; or ii) A distance of more than 100m but not more than 200m of a road under its control, if the noise level caused by traffic on the road at the distance has been measured and approved by the CEO.

CHAPTER 9 – SHOW CAUSE AND ENFORCEMENT NOTICES

Entity power given to	Section of BUIA	Description
Local government	248(1) ³	Power to give a notice (an enforcement notice) to the owner of a building, structure or building work if the local government reasonably believes the building, structure or building work: (a) was built before the commencement of this section without, or not in accordance with, the approval of the local government; or (b) is dangerous; or (c) is in a dilapidated condition; or (d) is unfit for use of occupation; or (e) is filthy, infected with disease or infested with vermin.
Local government	248(2)	Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.
Local government	248(3)	Subject to section 248(4), the power to give a person a show cause notice.
Local government	249(1)	In the specified circumstances power to require a person to do any of the following: (a) to apply for a development permit; (b) to do, or not to do, another act to ensure building work complies with

³ S.590(7) of the *Sustainable Planning Act 2009* prohibits a Local Government from delegating its power to give an enforcement notice ordering the demolition of a building.

		the approval of the local government given before the commencement of this section; (c) to repair or rectify the building or structure; (d) to secure the building or structure (whether by a system of support or in any other way); (e) to fence off the building or structure to protect persons; (f) to cleanse, purify and disinfect the building or structure; (h) to comply with this Act for a particular matter.
Local government	249(2)	Power to require a person to demolish or remove the building or structure only if the local government reasonably believes that it is not possible and practical to take steps to comply with subsection (1)(c) to (f).

CHAPTER 10 – GENERAL PROVISIONS

Entity power given to	Section of BUIA	Description
Local government	256(2)(d)	Power to make a complaint against the Building Act for an offence under section 245G(1).
Local government	256(2)(e)	Power to make a complaint for an offence against section 245K, 245L or 246AR(2) of the Building Act.
Local government	256(2)(f)	Power to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the Building Act.
Local government	256(2)(g)	Power to make a complaint for an offence against section 246AP(2) of the Building Act.
Local government	256(2)(h)	Power to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.
Local government	256(2)(h)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.
Local government	256(2)(i)	Power to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local government	256(2)(i)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local government	256(2)(k)	Power to make a complaint for another offence against the Building Act.
Local government	256(2)(k)	Power to authorise a person to make a complaint for another offence against the Building Act.

CHAPTER 11 – SAVINGS AND TRANSITIONAL PROVISIONS
Part 1 - Transitional Provisions for Local Government Act 1993

Entity power given to	Section of BUIA	Description
Local government	262(3)	In the specified circumstances power to at any time, and subject to such reasonable conditions as considered appropriate, extend the time for an owner to comply with section 235 if: (a) the owner files a written application for an extension with the local government while a previously given extension is still in force; and (b) the local government is satisfied that compliance within the time

		provided for in the previously given extension would cause the owner financial hardship.
--	--	--

Part 2 - Transitional Provisions for Building and Integrated Planning Amendment Act 1998

Entity power given to	Section of BUIA	Description
Local government	266	Power to decide that a building or structure is: <ul style="list-style-type: none"> (a) dangerous; or (b) in a dilapidated condition and unfit for use of or occupation; or (c) filthy; or (d) is infected with disease; or (e) is infested with vermin. to allow for the alteration or removal of a building otherwise lawfully constructed before the commencement of the section.

Schedule 2

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

ITEM-4 LEASE - AUCTUS RESOURCES CHILLAGOE

MEETING: Ordinary

MEETING DATE: 16 November 2016

REPORT OFFICER'S TITLE: Governance and Compliance Advisor

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

Orana Engineering (Orana) on behalf of Auctus Resources Pty Ltd (Auctus) seek approval from Council to co-locate communication equipment at Council's broadcast facility located atop the reservoir hill in Chillagoe. The Auctus equipment will primarily provide a vital communication link between Chillagoe and their King Vol and Mungana mine sites.

OFFICER'S RECOMMENDATION

"That Council delegate authority for the Chief Executive Officer to negotiate suitable terms and conditions with Auctus Resources Pty Ltd for the co-location of their communication equipment at Council's broadcast facility in Chillagoe and further to execute a suitable legal instrument between Council and Auctus Resources Pty Ltd."

BACKGROUND

On 15 August 2016 Council received an email from Orana (see attached) formally requesting Council allow Auctus to co-locate their communication equipment at Council's broadcast facility located atop the reservoir hill in Chillagoe.

Council operates a broadcast facility which serves a number of purposes, primarily, to rebroadcast television services to the Chillagoe community and also for Council's own use with regard to communication with its workforce in the western regions of the shire.

Council has sought (and received) from Auctus details of the equipment that they propose to install in Council's facility in order for this information to be passed on to N-Com Pty Ltd (N-Com) which is the communications company that services/maintains Council's broadcast facility in Chillagoe. Advice received from N-Com is that the nature of the equipment proposed for installation by Auctus should not cause any conflict with Council's existing equipment and that there exists sufficient room within Council's facility to accommodate it. See attached email from N-Com which also provides advice as to a suggested fee that Council may charge for hosting this equipment.

Legal advice has been sought from Council's solicitors as to a suitable legal instrument to allow the hosting of the equipment. At the time of preparing this report, advice is still to be received as to the best means to achieve this outcome.

Originally, it was thought that the most suitable means would be a Trustee Lease, as Council's facility is located in the Town Reserve (Lot 59 SP233811) in Chillagoe for which Council is the trustee. After consulting with Department of Natural Resources and Mines (DNRM) Cairns it was found that DNRM would not allow a Trustee Lease to be entered into between Council and Auctus. See attached email from Mark Langford, Senior Land Officer, for their reasoning. The suggested means by DNRM for having a lease (not a Trustee Lease) would require Council excising an area from the Town Reserve and acquiring a deed which would mean Council having to pay market value for the land and also having to address native title.

Having regard to the advice provided by DNRM and upon consultation with Orana and solicitors acting on behalf of Auctus, it is thought that perhaps some form of Licence Agreement may provide a means to achieve the desired outcome of co-locating Auctus' equipment without the significant delays and expense involved in the processes identified by DNRM.

Certainly, Auctus is keen to have this matter dealt with as soon as practicable given their timeframe for commencement of operations at their mine sites and the accommodation facility in Chillagoe in early 2017. For this reason, it is suggested that Council delegates authority to the Chief Executive Officer to negotiate with Auctus for a suitable means to achieve a desirable outcome for the co-location of their equipment and also to undertake to secure a regular and on-going financial contribution from Auctus for the use of Council's facility. At the time of preparing this report, there has been no discussion with any representative for Auctus (or Orana) of an amount of payment for the option to co-locate. They propose to occupy the site for a period of no longer than 10 years, which they advise is the anticipated lifespan of their Mungana mine site.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Chief Executive Officer
Planning Section
Finance Section

External

Orana Engineering Pty Ltd
Auctus Resources Pty Ltd
Department of Natural Resources and Mines (Cairns)
Apels Solicitors
DLA Piper Australia (solicitors for Auctus)
N-Com Pty Ltd

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

Council will need to ensure that its interests are protected through a suitable legal instrument which affords necessary protections for its existing equipment located in Chillagoe and also that its liability is minimised and clearly defined in the wording of whichever legal instrument is used.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Council will incur costs associated with the provision of legal advice in its preliminary dealings with this matter, and there will be a further expense for the preparation and execution of legal documents. However, Council may seek to recover this amount from Auctus.

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

Council may seek to recover legal expenses from Auctus Resources as part of the negotiations for a suitable legal instrument.

IMPLEMENTATION/COMMUNICATION

Council will need to communicate with the parties involved in the preparation of the legal documentation and later with regard to the installation of the equipment.

ATTACHMENTS

1. Letter from Auctus Resources Pty Ltd (via Orana Engineering Pty Ltd) with their proposal for co-location of equipment;
2. Email from N-Com Pty Ltd providing technical and other advice relevant to equipment proposed to be co-located at Council's broadcast facility;
3. Email to Mark Langford, Senior Land Officer, DNRM Cairns seeking advice on best means to accommodate equipment in Council's facility on Town Reserve; and
4. Emails to/from Mark Langford, Senior Land Officer DNRM Cairns further to the permissible use of Town Reserve and ultimate non-support of a Trustee Lease between Council and Auctus Resources Pty Ltd.

Date Prepared: 8 November 2016

ATTACHMENT 1

4 August 2016

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba 4880

Dear Sir/Madam

PROPOSAL TO CO-LOCATE COMMUNICATION EQUIPMENT AT CHILLAGOE TOWER

Auctus Resources wishes to enter into discussions with the Mareeba Shire Council to gain approval to co-locate communication equipment on the existing broadcast infrastructure (mast and the communications hut) on top of the hill overlooking the Chillagoe Township. The intention of this letter is to seek in principle approval for the installation of various standard communications equipment required to establish the Chillagoe end of a planned wide area two way radio system.

To allow Auctus Resources to proceed with providing a distinct advantage to safety for both the local community and employees, it will be necessary to implement various forms of communications between the Chillagoe area, Mungana Mine site and King Vol Mine site. It is proposed to install a wide area two way radio system network that will provide instant voice communication between the Chillagoe area, Mungana Mine and King Vol Mine, providing the necessary coverage and accessibility to first responders and medical assistance.

Establishing a wide area two way radio communications system around the Chillagoe area requires the installation of two antennas to be mounted on the mast and various electronic components installed in the existing communication hut. The purpose of the two antennas is to:

- Link the wide area two way radio system with Mungana Mine and King Vol Mine to allow the transmission of voice communications from the mine sites to the Chillagoe area, and
- Rebroadcast the voice communications around the Chillagoe area.

It is proposed to utilise the existing communications hut for the installation of electronics and power equipment installed in either an available spare rack-mounted space or in a new rack supplied by Auctus Resources to implement the two way radio system. Details of the antennas, electronics and power equipment for the proposed two way radio communication system is provided in the attached technical specification.

Auctus Resources is seeking to have the communication equipment at Chillagoe installed and operational by the beginning of October 2016 and expecting to utilise the mast and communication hut infrastructure for the life of the Mungana Mine Site, being a maximum of 10years.

Auctus Resources wishes to enter into further discussion regarding leasing arrangements for part of the existing infrastructure, access to the facility and any specific installation and technical requirements to establish a wide area two way radio system around the Chillagoe area. Should you require any additional

Auctus Resources Pty Ltd
ABN 15 136 606 338
Suite 15, 58 Kishorn Road, Mount Pleasant
Western Australia, 6153

Page | 1



information or wish to discuss this proposal further, please contact Gianni Rantucci on mobile phone number 0488698980, or via email at gianni.rantucci@oranaeng.com.au

Technical Specification

A Cambium point-to-point PTP 650 series 450mm flat panel antenna complete with a lightning protection unit is proposed to be installed on the Chillagoe mast to link the two way radio system with Mungana Mine and King Vol Mine. This antenna will be used to link the radio system to Mungana so voice transmissions can be sent and received between the sites.

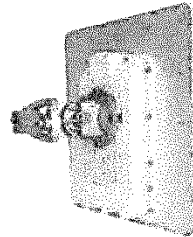


Figure 1 - Cambium point-to-point PTP 650 Antenna

A RFI Industries UHF Side Mounted Dipole SMD4-67 Antenna is proposed to be installed on the Chillagoe mast to broadcast and receive radio transmissions around Chillagoe to the actual radio units carried by employees or mounted in light vehicles. It is also noted that the proposed radio system is a professional enterprise system and the radio channels deployed are licenced with the ACMA. Radio transmissions from this system will not interfere with any other radio systems in the area.

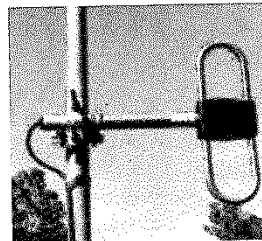


Figure 2 - RFI Industries UHF Side Mounted Dipole SMD4-67 Antenna

The following is a list of electronic components proposed for installation inside the existing communications hut in either a spare rack-mounted space available or on a new rack supplied by Auctus Resources.

- 1 x Power Over Ethernet (POE) switch,
- 1 x Uninterruptable Power Supply (UPS),
- 1 x two way radio repeater,
- 2 x sealed batteries

It is anticipated that POE, UPS and two way radio repeater would occupy an 8RU server cabinet/rack of space. The batteries would be mounted external of the cabinet in either existing floor space, on an existing rack or outside the hut in a sealed cabinet.

Power consumption for items proposed would be a constant average of 400-450 watts, rising to a peak of around 600 watts when voice transmission takes place.



Yours sincerely

A handwritten signature in blue ink, appearing to read 'Terry O'Connor'.

TERRY O'CONNOR
COMMERCIAL DIRECTOR
AUCTUS RESOURCES PTY LIMITED

ATTACHMENT 2

From: Glen Thorley
Sent: 30 Aug 2016 17:24:46 +1000
To: Craig Batchelor
Cc: Ray Zhaj;l.paltera@n-com.com.au
Subject: RE: Information/advice relevant to Mareeba Shire Council communication equipment at Chillagoe and proposal to co-locate other equipment ...

Good afternoon Craig,

I don't see any major issue with the provision space for the radio repeater and two antennas. In fact, this is one of the good reasons for council to hold these sites as they can house services and offer a small return to council.

I would point out the following and thus suggest you consider these points in your report to Council.

This facility will continue to attract users and thus I suggest you consider a starting lease rate appropriate for the use of this communication site. A figure of \$6000 per annum plus GST is on the low side of average but takes into account that the guyed mast will need to be replaced or at least refurbished in the next 3 to 5 years.

8 rack Units is available for use in the second equipment rack from the door. I would suggest that all the equipment be installed together and not spread throughout the rack. What I mean is use 8 rack units in succession. No additional equipment rack is needed and server cabinet type racks are unsuitable for this type of site given the small working area within the hut.

Council to reserve the right to relocate this equipment if necessary for the provision of other services, especially given that digital radio for regional areas will become available in the next 2 years.

Batteries to be housed in an external box and not within the communications hut.

Equipment not to be activated until ACMA has issued licenses.

Both antennas to be mounted on the mast below the current folded dipole.

That's about if from our point of view.

Please feel free to ask any questions.

Kind regards

Glen

Glen Thorley
Broadcast Engineer

Office: 07 3266 6779

E-mail: [g.thorley@n-](mailto:g.thorley@n-com.com.au)

Address: 2 Allworth St, Northgate,
4013,QLD
Postal: P.O Box 207, Geebung, 4034, QLD
Website: www.n-com.com.au

N-Com Pty Ltd

n-com.com.au



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From: Craig Batchelor [mailto:CraigB@msc.qld.gov.au]

Sent: Monday, 29 August 2016 4:31 PM

To: 'g.thorley@n-com.com.au'

Subject: Information/advice relevant to Mareeba Shire Council communication equipment at Chillagoe and proposal to co-locate other equipment ...

Hello Glen

I rang **N-Com Pty Ltd** (N-Com) earlier today and spoke with Jye with regard to some information/advice that Council is seeking relevant to its existing communication infrastructure at Chillagoe for which I believe N-Com maintains for Council.

Council has been approached to have additional communication equipment co-located at our site in Chillagoe and I seek your advice as to whether the equipment that is proposed to be installed will be compatible and not cause technical issues with Council's equipment should Council allow the installation to occur.

Ultimately, the decision to allow any further installation at the site will be determined by a report to Council. Given the technical nature of what is being proposed any advice you can provide would be appreciated. I have included with this email a letter from the company proposing to undertake the work and I have spoken with their contact person, Gianni Rantucci, whose contact details are included in the letter and he has confirmed that, should it be necessary, he can be contacted to seek clarification on any of the matters raised in the letter. You can see that I have removed sensitive information from the letter as relates to privacy provisions.

I will need to have information compiled for a report to Council by Friday 9 September, so if it is possible, can you provide this feedback to me prior to that date?

I can be contacted via the details shown below should you need anything further.

Thanks Glen,

Regards

Craig

Craig Batchelor
Governance and Compliance Advisor



Mareeba
SHIRE COUNCIL

Phone: 1300 308 461 | Direct: 07 4086 4602 | Fax: 07 4092 3323
Email: craigb@msc.qld.gov.au | Website: www.msc.qld.gov.au
65 Rankin Street, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

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

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ATTACHMENT 3

From: Craig Batchelor
Sent: 16 Sep 2016 01:00:02 +0000
To: mark.langford@dnrm.qld.gov.au
Cc: Anthony Archie
Subject: Advice for possible Trustee Lease on reserve land in Chillagoe - addition to communications facility operated by Council
Attachments: MSC_ChillagoeTV_Facility.jpg

Hello Mark

I'm seeking your advice on something that has come up with regard to a facility that Council operates on a town reserve in Chillagoe, Lot 59 SP233811 (see attached map). Council, going back quite some time ago, established a television rebroadcast facility on a hill in close proximity to the Chillagoe water reservoirs. This facility has been operational since that time (around 20 years). Council has recently been approached by a company undertaking mining operations in and around Chillagoe and Mungana etc and they have established accommodation facilities in Chillagoe for staff. They wish to co-locate communication equipment etc in Council's shelter and utilise existing tower/pole for various antennas etc to provide a more secure means of communication between Chillagoe and their mine operations and additionally provide services to their staff accommodation facilities.

Council has sought technical advice and it would appear there will be no problem in accommodating the equipment that they propose to install. However, I have pointed out to them in previous communications that Council's facility is located on reserve land and that as a consequence it will require the preparation of (I believe) a Trustee Lease. This will take time and will certainly involve DNRM in the process, as is normal.

Council has also sought legal advice, as the company seeking the installation is keen to progress the matter as soon as practicably possible.

My question to you: Is there any way in which temporary access could be granted with, for example, a specific condition that an approved (by DNRM) Trustee Lease must be executed within a defined period? Basically an intent to enter into a lease between Council and the company but allowing for them to take up occupancy in the interim while the lease is finalised. They propose that the period they require the lease will be a maximum of 10 years.

I can provide more information to you should you require it.

Mark any advice you could provide in relation to this matter would be appreciated. I will then communicate back with the proponent in order that they have an understanding of what can be achieved.

Regards

Craig

Craig Batchelor
Governance and Compliance Advisor





ATTACHMENT 4

From: LANGFORD Mark
Sent: 24 Oct 2016 02:24:57 +0000
To: Craig Batchelor
Cc: Anthony Archie
Subject: FW: Advice for possible Trustee Lease on reserve land in Chillagoe - addition to communications facility operated by Council
Importance: High

Craig,

Following discussion with colleagues across the state, I have found that DNRM does not support trustee leasing of township reserves.

Historically, township reserves were areas of vacant crown land that identified the boundaries of a town. A township reserve created under the *Crown Lands Alienation Act 1876* or the *Land Act 1897* allowed for the expansion of that town within the township reserve area by allowing the sale or lease of the crown land and the creation of reserves for public purposes.

Under the current provisions of the *Land Act 1994*, township reserves are still considered reserves, however are unique in that they are not categorised under an operational or community purpose. The transitional provisions of s449 of the *Land Act 1994* means that the historical purpose of township reserves has continued effect. Accordingly township reserves may not be subject to a trustee lease as their purpose is for township expansion.

To facilitate the proposal Council would first need to rectify the tenure issue by applying to DNRM for a deed. Once the deed is issued, council may enter into their own agreement with Auctus resources.

DNRM requirements for issue of a deed will mean that council will need to pay market value for the land, undertake a survey and address native title (it is likely Council would need to undertake an ILUA to allow deed to issue).

Happy to discuss further.

Mark Langford
Senior Land Officer
State Land and Asset Management
Service Delivery, North Region
Phone: 07 4222 5412 **Mobile:** 0475 976 731
Email: mark.langford@dnrm.qld.gov.au

Department of Natural Resources and Mines
William McCormack Place
5B Sheridan Street
P O Box 937, CAIRNS QLD 4870

From: LANGFORD Mark
Sent: Friday, 21 October 2016 4:09 PM
To: 'Craig Batchelor'
Cc: Anthony Archie
Subject: RE: Advice for possible Trustee Lease on reserve land in Chillagoe - addition to communications facility operated by Council

Craig,

I've been doing a bit more research on this query.

It is strange that a higher form of tenure was not issued for the facility, for example freehold. I will have a look at our tenure file to see if I can find anything.

Historically, land required for public purposes would be excised from township reserves and allocated to an appropriate authority. I need to make some enquiries with my colleagues in other parts of the region regarding trustee leasing on township reserves so hopefully I can provide better advice next week.

Thanks, Mark
Mark Langford
Senior Land Officer
State Land and Asset Management
Service Delivery, North Region
Phone: 07 4222 5412 **Mobile:** 0475 976 731
Email: mark.langford@dnrm.qld.gov.au

Department of Natural Resources and Mines
William McCormack Place
5B Sheridan Street
P O Box 937, CAIRNS QLD 4870

From: Craig Batchelor [<mailto:CraigB@msc.qld.gov.au>]
Sent: Thursday, 20 October 2016 11:08 AM
To: LANGFORD Mark
Cc: Anthony Archie
Subject: RE: Advice for possible Trustee Lease on reserve land in Chillagoe - addition to communications facility operated by Council

Hello Mark

Thank you for providing your advice below. Council is currently liaising with the party seeking to co-locate their equipment, i.e. Auctus Resources (Auctus) in order to begin the process.

With regard to your query about the ownership/management arrangements for the TV rebroadcast facility that Council operates within the Town Reserve, I have been able to ascertain some detail as to the history of it.

From Council records that I have been able to access and also from advice provided to me by officers who have a recollection of the history of the facility, I have discovered that the facility apparently came about due to a demand from the Chillagoe community to access a reliable television service. Council ultimately funded the construction of a facility in the late 1980s (at or around 1989) within (what is now) Lot 59 SP233811 atop of the hill on which the town's water reservoirs are located. The reservoirs are located within close proximity to the TV rebroadcast facility but located upon a different land parcel. The facility consists of a fenced 'compound' (from aerial imagery it looks to be approximately 25m² plus an external dish) containing an enclosed structure which houses various electronic equipment used to provide the TV service and also communications equipment that Council uses for internal radio communications with its workforce throughout the western regions of the shire. In essence, Council owns and operates the facility in its entirety. My efforts to date have not been able to locate any plans of the facility, however, there may be some potential, if required, to see if old physical (archived) documents still exist which may provide details.

Council pays an annual licence fee to the Australia Communications and Media Authority for the operation of the facility and engages the services of a private communications company to maintain the equipment. As mentioned, with the recommencement of mining operations near Chillagoe and the reopening of the accommodation facility in the town, Auctus is very keen to have mechanisms in place for the anticipated commencement of mine operations in the new year. It would appear that Council's existing infrastructure atop the hill is ideal for their intended use and advice has been sought from the company that maintains Council's equipment that the proposed equipment installation by Auctus will not be incompatible with Council's existing equipment.

Council has publicly acknowledged and welcomed the reopening of mining operations and the accommodation village in Chillagoe, and as such, although the proposal for the co-location of communication equipment has not, as yet, been formally considered by Council, it is reasonably considered that this should not be a problem.

Mark, I hope that this information proves to be of some assistance as we look to progress this matter. Certainly your advice as to the possibility of fast-tracking any trustee lease application is something that Council may look to pursue with you.


Regards

Craig

Craig Batchelor
Governance and Compliance Advisor



Phone: 1300 308 461 | Direct: 07 4086 4602 | Fax: 07 4092 3323
Email: craigb@msc.qld.gov.au | Website: www.msc.qld.gov.au
65 Rankin Street, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

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

From: LANGFORD Mark [<mailto:Mark.Langford@dnrm.qld.gov.au>]
Sent: Monday, 17 October 2016 9:31 AM
To: Craig Batchelor
Cc: Anthony Archie
Subject: FW: Advice for possible Trustee Lease on reserve land in Chillagoe - addition to communications facility operated by Council

Hi Craig,

Not sure what happened to this email however apologies for the late reply.

What are the ownership/management arrangements regarding the TV rebroadcast facility?

I'm not aware of a way to provide interim permission to use the site while DNRM/Council process a trustee lease. As the proposed use relates to safety I would have concerns regarding indemnification of State/Council should any accidents occur.

If all standard application requirements are met, DNRM can fast track a trustee lease application from council.

Mark Langford
Senior Land Officer
State Land and Asset Management
Service Delivery, North Region
Phone: 07 4222 5412 **Mobile:** 0475 976 731
Email: mark.langford@dnrm.qld.gov.au

Department of Natural Resources and Mines
William McCormack Place
5B Sheridan Street
P O Box 937, CAIRNS QLD 4870

From: Craig Batchelor [<mailto:CraigB@msc.qld.gov.au>]
Sent: Thursday, 13 October 2016 4:46 PM
To: LANGFORD Mark
Subject: FW: Advice for possible Trustee Lease on reserve land in Chillagoe - addition to communications facility operated by Council

Hello Mark

From our conversation this afternoon. This is the email that I had sent through with my queries in relation to the possibility of having equipment co-located with Council's existing infrastructure in Chillagoe.


Regards

Craig

Craig Batchelor
Governance and Compliance Advisor



Phone: 1300 308 461 | Direct: 07 4086 4602 | Fax: 07 4092 3323
Email: craigb@msc.qld.gov.au | Website: www.msc.qld.gov.au
65 Rankin Street, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

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

From: Craig Batchelor
Sent: Friday, 16 September 2016 11:00 AM
To: mark.langford@dnrm.qld.gov.au
Cc: Anthony Archie
Subject: Advice for possible Trustee Lease on reserve land in Chillagoe - addition to communications facility operated by Council

Hello Mark

I'm seeking your advice on something that has come up with regard to a facility that Council operates on a town reserve in Chillagoe, Lot 59 SP233811 (see attached map). Council, going back quite some time ago, established a television rebroadcast facility on a hill in close proximity to the Chillagoe water reservoirs. This facility has been operational since that time (around 20 years). Council has recently been approached by a company undertaking mining operations in and around Chillagoe and Mungana etc and they have established accommodation facilities in Chillagoe for staff. They wish to co-locate communication equipment etc in Council's shelter and utilise existing tower/pole for various antennas etc to provide a more secure means of communication between Chillagoe and their mine operations and additionally provide services to their staff accommodation facilities.

Council has sought technical advice and it would appear there will be no problem in accommodating the equipment that they propose to install. However, I have pointed out to them in previous communications that Council's facility is located on reserve land and that as a consequence it will require the preparation of (I believe) a Trustee Lease. This will take time and will certainly involve DNRM in the process, as is normal.

Council has also sought legal advice, as the company seeking the installation is keen to progress the matter as soon as practicably possible.

My question to you: Is there any way in which temporary access could be granted with, for example, a specific condition that an approved (by DNRM) Trustee Lease must be executed within a defined period? Basically an intent to enter into a lease between Council and the company but allowing for them to take

up occupancy in the interim while the lease is finalised. They propose that the period they require the lease will be a maximum of 10 years.

I can provide more information to you should you require it.

Mark any advice you could provide in relation to this matter would be appreciated. I will then communicate back with the proponent in order that they have an understanding of what can be achieved.


Regards

Craig

Craig Batchelor
Governance and Compliance Advisor



Phone: 1300 308 461 | **Direct:** 07 4086 4602 | **Fax:** 07 4092 3323
Email: craigb@msc.qld.gov.au | **Website:** www.msc.qld.gov.au
65 Rankin Street, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

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ITEM-5 **DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT BEING FOR JULY TO SEPTEMBER 2016**

MEETING: Ordinary

MEETING DATE: 16th November 2016

REPORT OFFICER'S TITLE: Manager Development and Governance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report presents the key activities and achievements of the Development and Governance Group for the July to September 2016 quarter.

OFFICER'S RECOMMENDATION

"That Council receive and note the quarterly report of the Development and Governance Group for July to September 2016."

BACKGROUND

The development and Governance Group is comprised of the following Council service areas:

- Governance and Compliance
- Building and Plumbing
- Regional Land Use Planning
- Local Laws and Environmental Health

GOVERNANCE AND COMPLIANCE

Some of the main issues dealt with by the Governance and Compliance section during the quarter were as follows:

Industrial Estates

- Chillagoe Industrial Estate:
 - Legal advice received on existing lease provisions and conditions of sale in readiness for future sale of lots where an active lease holder is wishing to purchase their lot.
 - All sales from phase 1 have been settled except for one (1) purchaser. We have given the person extra time due to unforeseen personal circumstances.
 - Mareeba Industrial Park:
 - We currently have two (2) large blocks for sale and eight (8) standard industrial blocks.
 - Keegan Street road has now been completed, connecting Gowan Street and Martin Tenni Drive.
-

Complaints Management

Details of complaints received/processed during the quarter ending 30 September 2016 are displayed in the table below:

Complaints carried over from previous period (April to June 2016)	8
Complaints lodged during reporting period (July to September 2016)	5
Complaints finalised during reporting period (July to September 2016)	4
Complaints still in process (not finalised) during reporting period (July to September 2016)	9

For comparative purposes the below details of complaints received/processed during the quarter ending 30 September 2015 are displayed in the table below:

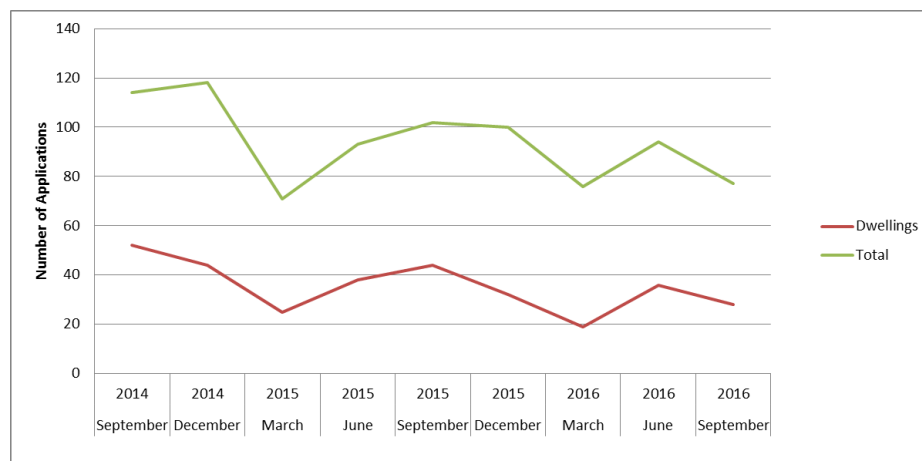
Complaints carried over from previous period (April to June 2015)	24
Complaints lodged during reporting period (July to September 2015)	6
Complaints finalised during reporting period (July to September 2015)	10
Complaints still in process (not finalised) during reporting period (July to September 2015)	20

BUILDING AND PLUMBING

Building and Plumbing Approvals

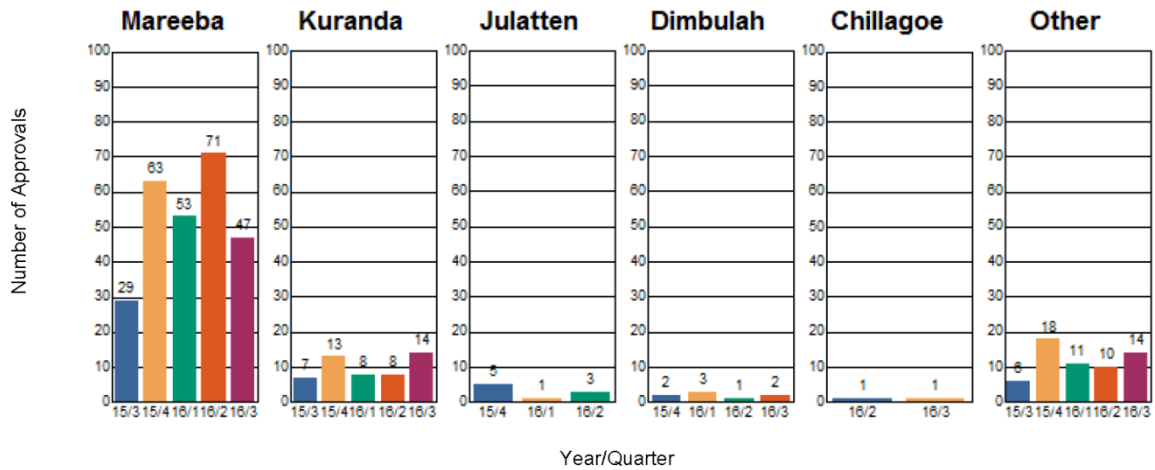
The local construction industry has been in a steady decline over the past 2 years - refer to the graph below. \$9.6 million worth of buildings have been approved this quarter in comparison to the same quarter last year, \$13.2 million. Staff numbers in Building Services has dropped from 2 to 1 since last year, which is the major cost driver in this section.

Type	Jul - Sep 2016		Jul - Sep 2015	
	\$	A	\$	A
Dwellings	6,990,576	28	10,563,914	44
10A (Sheds, ETC)	1,067,384	39	1,322,526	43
Commercial	1,169,058	2	378,640	2
Others	459,796	8	944,453	13
Total	9,686,814	77	13,209,533	102

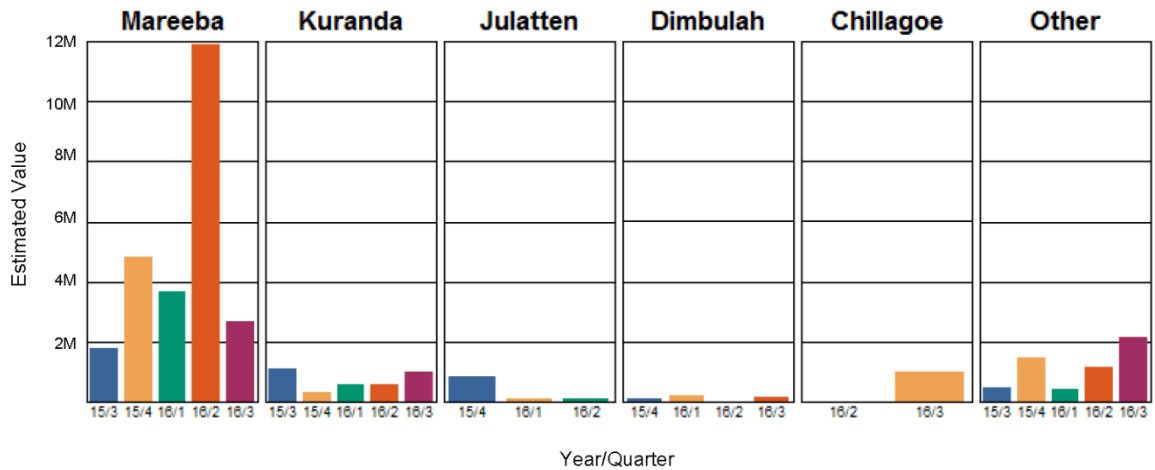


Building Services Statistics
(1/07/2016 to 30/09/2016)

Total Approvals by Locality



Total Value of Approvals by Locality



REGIONAL LAND USE PLANNING

New Development Applications

15 development applications were lodged in the September quarter 2016 compared to 23 lodged in the September quarter 2015. Total applications lodged in 2016 to the end of the September quarter was 62 compared to a total of 56 applications for the same period in 2015.

Development Applications received/approved during quarters compared to the same quarter the previous year:

Development Applications received/approved during quarter:

	1 st Quarter 2015	1 st Quarter 2016
New Development Applications lodged	18	15
Decision Notices issued under delegated authority	12	18
Negotiated Decision Notices issued under delegated authority	0	0
Decision Notices issued (from Council Minutes)	5	8
Negotiated Decision Notices issued (from Council Minutes)	1	0
Extensions to relevant period issued	3	1
Change to existing Development Approval issued	3	0
Building Work approvals issued under delegated authority	6	6
Survey Plans endorsed	7	19
Notices issued under SPA	0	1
Planning Appeals and other Court proceedings	0	0

LOCAL LAWS AND ENVIRONMENTAL HEALTH

Environmental Health

The Environmental Health section responded to a total of 77 enquiries, complaints and service requests for the quarter relating to the following matters:

	1 st Quarter 2015	1 st Quarter 2016
Nuisances (air, noise)	12	9
Bats or Flying Foxes	0	4
Food Business Complaint	3	2
Food Business Enquiry	51	41
General Service Requests	3	3
Health Enquiry	10	3
Illegal Dumping of Waste	8	5
Temporary Event Enquiry	2	1
Public Health Complaints	6	7
Public Health Enquiry	8	1
Untidy Property & Accumulation of Items	2	1
Total	105	77

Majority of food business enquiries are about new fixed and temporary (food stalls/markets) businesses

Notices Issued, Inspections Carried Out, Applications Processed

Environmental Health

	1 st Quarter 2015	1 st Quarter 2016
Licensed premises inspected	87	78
New Food applications	19	13
Compliance Notice	0	1

Compliance notice issued for materials dumped on council road reserve

Regulatory Support Officers

Regulatory Support Officers dealt with a total of 285 complaints and enquiries during the quarter relating to the following matters

Complaints and Enquiries relating to Animals		
	1 st Quarter 2015	1 st Quarter 2016
Animals Restrained for Collection	4	3
Animal Noise	65	36
Animal Enquiries	215	173
Complaints and Enquiries relating to all other areas		
Abandoned vehicles	30	40
Commercial Use of Roads	24	14
Gate and Grids	0	1
General Service Request	11	5
Parking	26	10
Overgrown Properties	6	3
Total	381	285

Local Laws

Local Laws Officers dealt with a total of 448 complaints and enquiries during the quarter relating to the following matters

Complaints and Enquiries relating to Animals		
	1 st Qtr 2015	1 st Qtr 2016
Enquiries, Cruelty, Noise, Restrained for Collection	112	122
Dangerous Aggressive Dogs	44	51
Missing/Lost/Found Animals	45	37
Property - Hygiene (animal related)	1	5
Request for Council Animal Trap	46	57
Straying Animal	92	118
Too many Animals	10	6
Unleashed, Not Restrained Dog & unregistered Animal	14	22
Complaints and Enquiries relating to all other areas		
Abandoned vehicles	4	3
Air & Noise Nuisance - Backyard Burning & Music/Busking	7	7
Commercial Use of roads & parks enquiries	10	1
General Service Request	16	5
Illegal Camping & Parking & Signs	22	8
Parking	10	5
Obstruction of Footpath	0	1
Overgrown	2	0
Total	435	448

	1st Quarter 2015	1st Quarter 2016
Penalty Infringement Notices Issued	538	340
Warning Letters issued	107	94
Compliance Notices issued	53	13

Impoundments

A total of 216 animals were impounded:

	1st Quarter 2015	1st Quarter 2016
Cats	54	66
Dogs	81	144
Other	23	6

Cats

25.80% of impounded cats were handed over to FOTA
 6.10% of impounded cats were claimed by their owners
 66.60% of impounded cats were euthanized
 1.5% of impounded cats were cancelled

Dogs

19.44% of impounded dogs were handed over to FOTA
 34.72% of impounded dogs were claimed by their owners
 45.84% of impounded dogs were euthanized

LINK TO CORPORATE PLAN

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

ENV 2 - Maintain a proactive response to public health and safety matters including incorporating CPTED principles in town centres and commercial developments

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

CONSULTATION

Internal

Senior Planner
 Senior Building & Plumbing Officer
 Coordinator Environmental Health & Local Laws
 Governance & Compliance Adviser

External

Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Nil

Date Prepared: *8 November 2016*

FINANCE

ITEM-6 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 OCTOBER 2016

MEETING:	Ordinary
MEETING DATE:	16 November 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 31 October 2016.

OFFICER'S RECOMMENDATION

"That Council note the financial report for the period ending 31 October 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 31 October 2016, Council shows an operational surplus of \$6,728,657 compared to a budgeted surplus of \$4,950,187. 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.

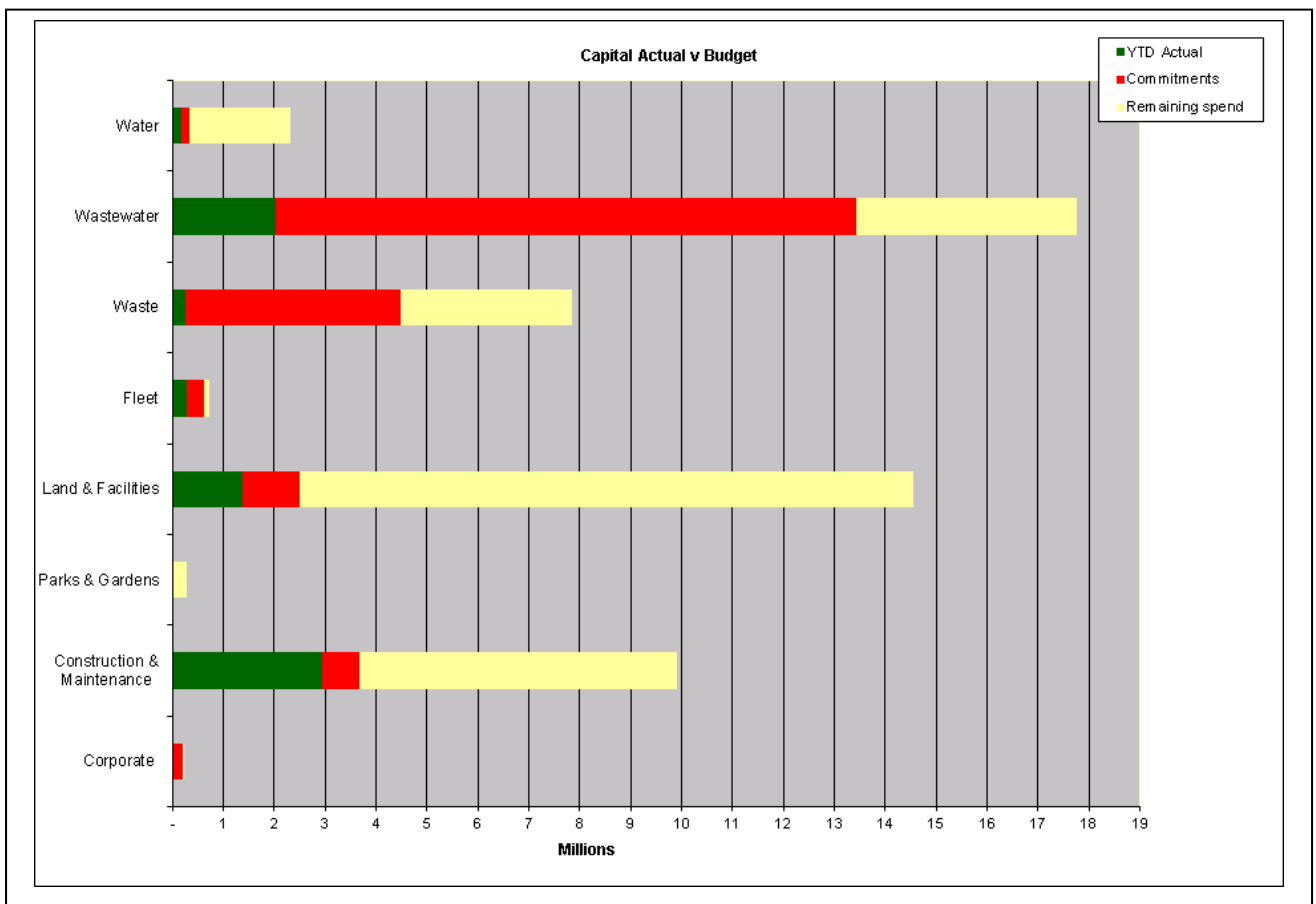
At the time this report was prepared, the balance of cash outstanding as a result of the court case with TRC is \$1,728,219.84 has been paid to Council and the interest is due to be paid on Friday 11 November 2016. The ongoing dispute regarding NDRRA expenses has also now been resolved. The only remaining item now is court costs which will be pursued through the formal process.

October 2016 - Snapshot

Total Operating Income	\$	19,748,496
Total Operating Expenditure	\$	13,019,839
Operating Surplus	\$	6,728,657
Total Capital Income (grants, developer contributions)	\$	3,148,091
Net Result - Surplus	\$	9,876,748

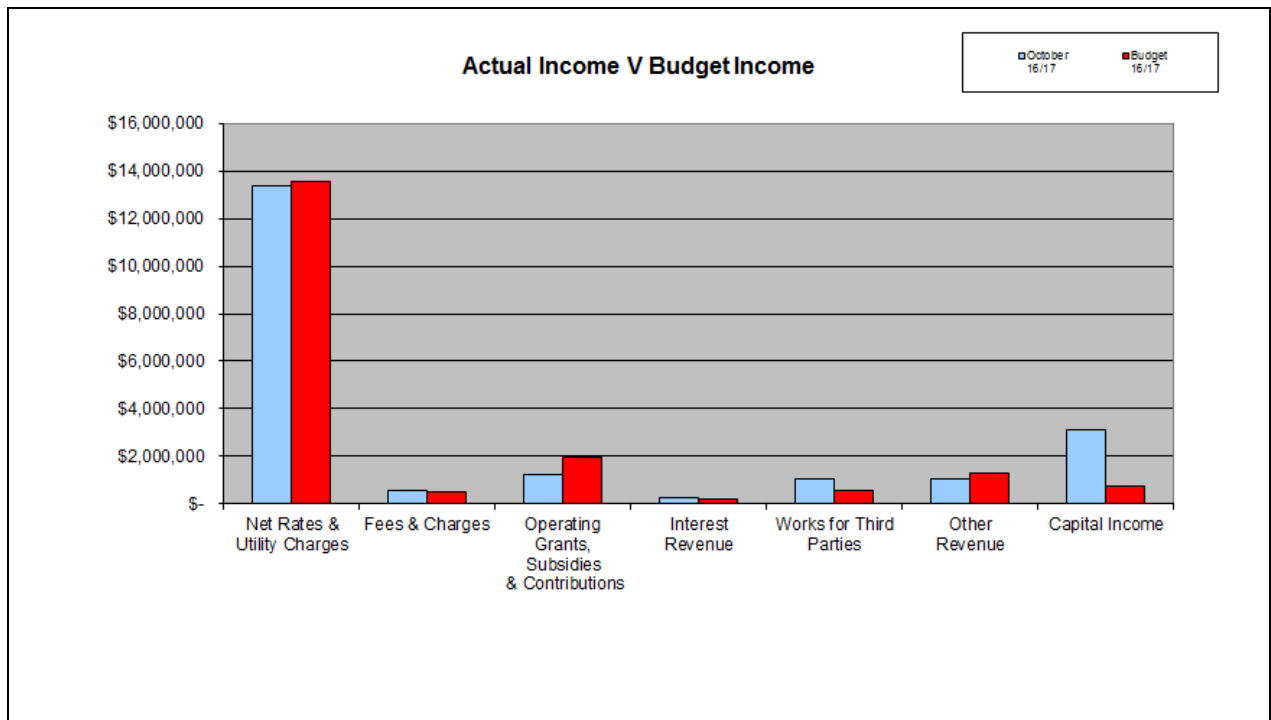
Capital Expenditure

Total capital expenditure of \$25,240,130 (including commitments) has been spent for the period ending 31 October 2016 against the 2016/17 annual capital budget of \$53,585,546. This budget figure now includes carry overs from 2015/16 and new capital items as per the Three Month Capital Review Report that will also be presented at this same meeting.


Income Analysis

Total income (including capital income of \$3,148,091) for the period ending 31 October 2016 is \$20,669,653 compared to the YTD budget of \$18,848,468.

The graph below shows actual income against budget for the period ending 31 October 2016.



Description	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	13,368,956	13,520,370	
Fees & Charges	574,954	512,876	1
Operating Grants, Subsidies & Contributions	3,057,534	1,970,202	2
Interest Received	263,215	226,776	3
Works for Third Parties	1,034,103	589,817	4
Other Revenue	1,449,734	1,298,877	5
Capital Income	3,148,091	729,550	6

Notes:

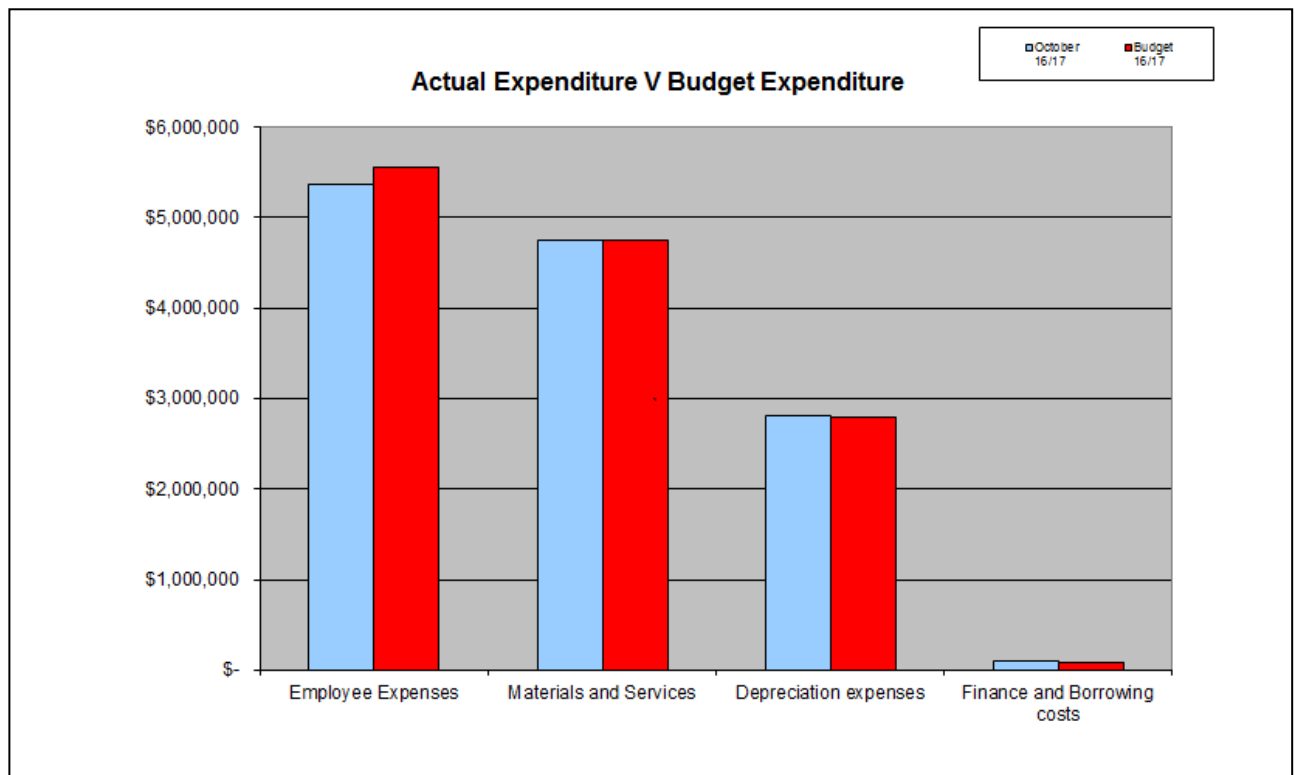
1. Current YTD actuals are trending higher than budget for cemetery services (\$18k), Trade Waste (\$10k), Local Laws - dog fines (\$18k) and permits, licences and registrations for regulatory services (\$16k).
2. Council has received an initial prepayment for NDRRA 2016 of \$957k.
3. Council currently has four (4) term deposits maturing at different periods over the next 11 months. Term deposit interest revenue will amount to \$368k.

4. Majority relates to RMPC income and timing of budget and additional works of \$100k being requested on the Mossman-Mt Molloy roads.
5. Variance relates to the sale of industrial land blocks (\$202k).
6. First milestone claim for the Mareeba Airport upgrade of \$1.3M received, along with \$900k for Mareeba WWTP upgrade, \$325k for Roads to Recovery capital grant (R2R), \$425k for Bridges Renewal Program and \$125k for developer contributions.

Expenditure Analysis

Total expenses for the period ending 31 October 2016 is \$13,019,839 compared to the YTD budget of \$13,168,731.

The graph below shows actual expenditure against budget for the period ending 31 October 2016.



Description	Actual YTD	Budget YTD	Note
Employee expenses	5,359,311	5,553,132	
Materials & Services	4,752,224	4,745,207	
Depreciation expenses	2,809,189	2,787,566	
Finance & Borrowing costs	99,115	82,826	

Loan Borrowings

Council's loan balance as at 31 October 2016 is as follows:

QTC Loans	\$6,808,338
-----------	-------------

Rates and Sundry Debtors Analysis

Rates and Charges

The total rates and charges payable as at 31 October 2016 is \$2,737,984.

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 \$30,876 for the month of October. The outstanding amount for properties currently with debt collection is \$193,284.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 October 2016 is \$4,050,596 which is made up of the following:

Current	30 days	60 days	90 + days
\$1,689,232	\$50,449	\$5,925	\$2,304,990
41.7%	1.3%	0.1%	56.9%

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: *7 November 2016*

MAREEBA SHIRE COUNCIL
**Budgeted Income Statement by Fund
 For the period ending 31 October 2016**

	Consolidated		General Fund		Waste Services	
	Actual YTD	Budget YTD	Actual YTD	Budget YTD	Actual YTD	Budget YTD
Revenue						
Rates and utility charges	14,253,438	14,384,327	7,982,759	7,918,139	1,709,293	1,693,455
Less Discounts and Pensioner Remissions	(884,482)	(863,957)	(884,482)	(863,957)	-	-
Net Rates and Utility Charges	13,368,956	13,520,370	7,098,277	7,054,182	1,709,293	1,693,455
Fees and Charges	574,954	512,876	562,741	502,876	-	-
Operating Grants and Subsidies	2,861,938	1,786,602	2,861,938	1,786,602	-	-
Operating Contributions	195,596	183,600	-	-	-	-
Interest Revenue	283,215	226,776	263,215	128,333	-	67,636
Works for Third Parties	1,034,103	589,817	993,036	579,917	-	-
Other Revenue	1,449,734	1,298,877	795,523	506,411	637,820	770,800
Total Operating Revenue	19,748,496	18,118,918	12,574,730	10,558,321	2,347,113	2,531,891
Expenditure						
Employee Expenses	5,359,311	5,553,132	4,792,824	4,958,379	186,264	166,212
Materials and Services	4,752,224	4,745,207	2,331,310	2,013,494	1,115,715	1,307,454
Depreciation expense	2,809,189	2,787,566	2,049,610	2,004,857	26,229	28,501
Finance and Borrowing costs	99,115	82,826	61,154	41,573	-	-
Total Operating Expenses	13,019,839	13,168,731	9,234,898	9,018,303	1,327,208	1,498,167
Operating Surplus/(Deficit)	6,728,657	4,950,187	3,339,832	1,540,018	1,019,905	1,032,724
Capital Income						
Capital Contributions	125,607	1,800	96,844	1,800	-	-
Capital Grants and Subsidies	2,950,172	645,250	2,050,172	645,250	-	-
Profit/(Loss) on Sale of Asset	72,312	82,500	72,090	82,500	-	-
	3,148,091	729,550	2,219,106	729,550	-	-
	9,876,748	5,679,737	5,558,938	2,269,568	1,019,905	1,032,724
Net Result		13,320,843		6,149,961		1,418,454

MAREEBA SHIRE COUNCIL
**Budgeted Income Statement by Fund
 For the period ending 31 October 2016**

	Sewerage Services		Water Services		Benefited Areas	
	Actual YTD	Budget YTD	Actual YTD	Budget YTD	Actual YTD	Budget YTD
Revenue						
Rates and utility charges	2,168,712	2,154,326	2,233,856	2,458,158	158,818	160,249
Less Discounts and Pensioner Remissions	-	-	-	-	-	-
Net Rates and Utility Charges	2,168,712	2,154,326	2,233,856	2,458,158	158,818	160,249
Fees and Charges	12,213	10,000	-	0	-	0
Operating Grants and Subsidies	-	-	-	0	-	0
Operating Contributions	-	-	-	0	195,596	183,600
Interest Revenue	-	-	-	19,140	-	11,667
Works for Third Parties	1,827	-	39,240	9,900	-	0
Other Revenue	-	-	16,391	9,333	-	0
Total Operating Revenue	2,182,752	2,164,326	2,289,487	2,496,531	354,414	367,849
Expenditure						
Employee Expenses	123,728	150,744	227,167	249,311	29,328	28,486
Materials and Services	381,740	483,519	846,083	838,376	77,366	102,364
Depreciation expense	292,261	299,016	408,574	411,041	33,575	47,151
Finance and Borrowing costs	37,961	41,253	-	-	-	-
Total Operating Expenses	835,690	974,532	1,481,774	1,498,728	140,269	178,001
Operating Surplus/(Deficit)	1,347,062	1,189,794	807,713	997,803	214,145	189,848
Capital Income						
Capital Contributions	11,213	-	17,550	-	-	-
Capital Grants and Subsidies	900,000	-	-	650,000	-	-
Profit/(Loss) on Sale of Asset	-	-	222	-	-	-
	911,213	-	17,772	650,000	-	-
Net Result	2,258,275	1,189,794	825,485	997,803	214,145	189,848
						690,637

ITEM-7 THREE MONTH CAPITAL REVIEW

MEETING: Ordinary

MEETING DATE: 16 November 2016

REPORT OFFICER'S TITLE: Manager Finance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with a review of the capital budget for 2016/17.

OFFICER'S RECOMMENDATION

"That Council adopt the proposed changes to the capital budget as listed in this report."

BACKGROUND

The capital budget review was undertaken across all departments and reflects adjustments since Council's adoption of the 2016/17 budget. Carry overs and new projects are listed below.

Carry Overs from 2015/16 budget

Project	Budget Amount \$
GENERAL FUND	
Gravel Resheet	337,142
Keegan Street Mareeba, Extension	413,954
Anzac Ave Mareeba, Intersection upgrade	132,324
Mclver Road Mareeba - Rehab, Widen and Seal to 6.5m	15,862
Cobra Rd Widen first 500m	12,705
Renewal of Grove Creek Bridge - Speewah Road, Speewah	93,944
Coronet Drive, Drainage	57,870
Mareeba Swimming Pool - extend carpark	26,147
Coondoo Street, Irrigation Kuranda	24,884
Arnold Park Shade Sail (Funded from Multicultural Festival Committee)	13,073
Extend concrete footpath at Sunbird Estate	86,151
Mareeba Aerodrome upgrade	12,668,470
Vehicle Management System	7,000

Project	Budget Amount \$
40 Mobile Radio Units	20,564
Kuranda Depot - concrete bays	40,000
Solar Panels for Rankin Street and Kowa Street Offices	160,000
Soil Lab - concrete slab and open carport	10,910
Mareeba Swimming Pool - Media filter tanks x2 - rusted chlorine filter tanks needs replacing	165,000
Mareeba Library - replace carpets in Library	25,000
Refurbish 9 Close Ave (incl replacing all floor coverings, wet area, removing asbestos)	15,615
Replace steps and pavers aged cottages (Barang Street Kuranda)	7,000
Mareeba Cemetery Mausoleum Wall	115,550
ECM 4.03 upgrade	20,098
WATER FUND	
Historian Stage 2	17,470
Install Smart Meters Stage 2	331,692
WASTEWATER FUND	
Mareeba Wastewater Treatment Plant	10,749,374
Mareeba Wastewater Inlet works	802,316
Kuranda Wastewater Treatment Plant Sludge Management upgrade	415,862
Sewerage Pump Renewals	204,573
Kuranda Recreation Centre Hunter Park Wastewater	35,000
WASTE FUND	
Design and Construct leachate treatment pond to treat leachate to trade waste	391,934
Mareeba Landfill - Design a post closure gas collection and treatment system	110,000
Site development plans for Chillagoe and Almaden waste disposal facilities	8,562
Post closure care plans for Irvinebank, Julatten, Mt Molloy, Mt Carbine and Mareeba Sanitary Depot	25,255
TOTAL CARRY OVERS	\$27,561,301

Funding sources for the above projects were accounted for in 2015/16 and consists of:

• Depreciation	\$1,602,487
• Developer Contributions	\$1,327,007
• Sale proceeds	\$115,550
• Grants & Subsidies	\$18,664,036
• Loan	\$2,549,374
• Revenue	\$35,000
• Reserve	\$3,267,847

Additional projects for 2016/17

Project	Budget Amount \$
GENERAL FUND	
Ootan Road - benefit cost analysis	24,000
Hoolahan Drive Drainage	18,831
Sutherland Street, parking upgrade	6,175
Mba Sporting Precinct footpath upgrade	83,637
Saturated steam weed control unit	22,034
Refurbish top office Kowa Street Depot	24,685
Kuranda Aquatic Centre - pool heating	51,727
Library Signage - replace TRC to MSC branding	7,000
Mapinfo Imagery update	30,000
WATER FUND	
Irvinebank Telemetry System upgrade	100,000
Combined House Drains	12,165
TOTAL NEW	\$380,254

There are also a few adjustments to the original capital budget projects. New budget amounts are listed below;

Project	Original Budget Amount \$	New Budget Amount \$
Chillagoe Retransmission Site - decoders and transmitter	7,000	9,500
Robotic Total Station replacement	65,000	73,182
Folding Machine	13,000	0
TOTAL ADJUSTMENTS	\$(2,318)	

LINK TO CORPORATE PLAN

GOV - 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
Chief Executive Officer
Directors
Managers

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Revised 2016/17 Capital Works budget

Operating
Nil

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

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

IMPLEMENTATION/COMMUNICATION

The budget review amendments will be communicated to the relevant Directors and Managers.

Date Prepared: 28 October 2016

ITEM-8 KURANDA INFRASTRUCTURE ADVISORY COMMITTEE MEETING

MEETING: Ordinary

MEETING DATE: 16 November 2016

REPORT OFFICER'S TITLE: Manager Finance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The Kuranda Infrastructure Advisory Committee met on the 27 October 2016. The resolutions of the meeting made a number of recommendations for Council's consideration.

OFFICER'S RECOMMENDATION

"That Council:

1. Receive the minutes of the Kuranda Infrastructure Advisory Committee meeting of the 27 October 2016;
2. Authorise the Mayor to approach the Minister to extend agreement beyond 2020, preferably in perpetuity;
3. Adopt works programmes, up to 2020 and post 2020, as endorsed by the Committee and forward these to the Minister for approval."

BACKGROUND

The Kuranda Infrastructure Advisory Committee met on the 27 October 2016. The minutes are attached to the report.

LINK TO CORPORATE PLAN

GOV - 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
Mayor
Chief Executive Officer
Manager Technical Services

External

Kuranda Infrastructure Advisory Committee (KIAC)

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Budget allocations are available to implement the recommendation.

Operating

Nil

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

Nil

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

N/A

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Minutes of the Kuranda Infrastructure Advisory Committee Meeting held 27 October 2016.

Date Prepared:

8 November 2016



65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
F: 07 4092 3323

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

MINUTES KURANDA INFRASTRUCTURE ADVISORY COMMITTEE

Thursday 27 October 2016
Commenced at 4.15pm

Members Present:

Anne Clarke (Community)	Mayor Cr Tom Gilmore
Cathy Retter (Community)	Peter Franks (MSC)
Gerald Hobbler (DTAC)	Val Shannon (MSC)
Fay Allen (Professional)	Glenda Kirk (MSC)
Craig Pocock (Skyrail)	Elisa Tatti (MSC)

1. WELCOME

The Mayor opened the meeting at 4.15pm

APOLOGIES:

Cr Angela Toppin
Melanie Wicks

2. MINUTES OF THE PREVIOUS MEETING

Moved: Cr Tom Gilmore

Seconded: Cathy Retter

That the minutes of 23 June 2016 meeting be accepted as true and correct.

Carried

3. BUSINESS ARISING FROM PREVIOUS MINUTES

A workshop was held with KIAC on 25 August 2016 to review the list of future projects and prioritise.

4. FINANCIALS

Moved: Cathy Retter

Seconded: Craig Pocock

That the financial statement submitted at the meeting be accepted as true and correct.

Carried

5. PROJECT UPDATE

- Craig Pocock provided feedback from Skyrail's ongoing tourist survey. Points to note of particular interest to KIAC are as follows:
 - There has been a big increase in tourist numbers particularly from China
 - Chinese tourists are now well educated travellers with heavy use of technology such as "WeChat"
 - The feedback being received by Skyrail has not been very complimentary about Kuranda experience

- The traditional full day stay in Kuranda by tourists (i.e. up on Skyrail at 9.30am and return by KSR train at 3.30pm) is no longer popular. Most tourists are only staying 1-3 hours as they have not found enough activities in Kuranda to keep them occupied.
- Tourists are now looking for a more natural experience such as walking tracks and information about the area such as who lives there and the local history.
- The condition of the public toilets has been the subject of a number of complaints, particularly from Chinese tourists.
- Multi-lingual signage is a must and should be combined with technology (eg. Q-code links)
- Streetscape looks tired and needs work to give the lush green rainforest experience
- Structured walking experience would be a good idea where tourists are provided with a guide or information boards along the walk.
- Community engagement is needed to improve the Kuranda experience
- Streetscape improvements required particularly where tourists enter Kuranda at Arara Street from KSR and Skyrail. Craig offered to maintain these gardens and will send a letter to Council.
- He noted that he believed the projects identified and prioritised at the workshop were addressing these issues and he supported these.

6. RECOMMENDATIONS FROM THE COMMITTEE

Moved: Cathy Retter

Seconded: Anne Clarke

- The Committee recommends that Council ;
- Authorise Mayor and CEO to approach the Minister to extend agreement beyond 2020, preferably in perpetuity
- Adopt works programme up to 2020 as presented at the meeting (with agreed additions of 2 projects: "IT Infrastructure Project" and "Coondoo Street Light Relocation" (LISTED BELOW) and forward this along with the proposed list of projects from 2020 onwards to the Minister for approval.

Projects to 2020

Jum Rum Creek Walking Track Rehabilitation
Centenary Part Toilet Block Refurbishment
Therwine Street Redevelopment - Option C (Upper & Lower - Limited Works)
New Wayfinding Signage
Barron Falls Walking Track - Phase 1
IT Infrastructure Project
Coondoo St Streetlight Relocation

Projects post 2020

New KIP Strategic Plan
Barron Falls Walking Track - Phase 3 (loop)
Barron Falls Walking Track - Phase 2
Jungle Walking Track Rehabilitation
DDA Compliance Footpath Investigation
Kuranda CCTV
Centenary Park Lighting
New Public Amenities at Morong St
Therwine St Turnaround Upgrade
Arara Street Carpark Landscaping
Arara Street East Streetscaping
River Walk (South) Upgrade
Amphitheatre Carpark
Amphitheatre Entrance Building Upgrade
Indigenous Village Precinct - Phase 1
Indigenous Village Precinct - Phase 2

Carried

7. GENERAL BUSINESS

Nil.

Craig Pocock left the meeting at 4:45pm

Anne Clark left the meeting at 5:10pm

8. NEXT MEETING

To be held at Kuranda Community Precinct at 4pm on Tuesday 24 January 2017

9. CLOSURE

There being no further business, the meeting closed at 5:40pm

ITEM-9 MAREEBA SPORTS HALL

MEETING: Ordinary

MEETING DATE: 16 November 2016

REPORT OFFICER'S TITLE: Chief Executive Officer

DEPARTMENT: Office of the Chief Executive Officer

EXECUTIVE SUMMARY

A revised schedule of fees and charges for hiring of the Mareeba Sports Hall is presented for Council's consideration and adoption.

The proposed Fees and Charges are identical to those charged by Police Citizens Youth Club (PCYC) when they managed the Sports Hall until the 30 June 2016.

OFFICER'S RECOMMENDATION

"That Council adopt the following Hire Fees and Charges for the Mareeba Sports Hall as part of Councils Schedule of Hire Fees and Charges with effect from 1st December 2016

Full day hall hire	\$130 (7am-6pm)
Half Day hall hire	\$75 (4 hours between 7am-6pm)
Night hall hire	\$35.00 per hour (6pm - midnight)
Friday or Saturday night hall hire	\$275.00 (6pm - midnight)
Alcohol on premises	\$200.00
Deposit for ALL HIRES	\$500.00."

BACKGROUND

The Mareeba Sports Hall operated for many years under community management by the Mareeba PCYC and hall hire fees were set to offset operational costs. Community management of the Mareeba Sports Hall ceased on 30 June 2016.

The Hall Hire Fees for this facility were discussed with Councillors at the time the facility was handed back and the recommendation was that the current fees being charged by PCYC be maintained. A formal report was not tabled in this regard at that stage.

However what has transpired is that the standard Council hall hire fees were applied to users of this facility. During the budget planning process earlier in the year, Council's hall hire fees were not increased to encourage community use of halls and this was the reasoning for not applying the higher rate.

A new community group has approached Council offering to manage the Sports Hall in 2017 and to break even the will need to charge fees that resemble those previously charged by the PCYC in order to offset operating costs.

In order for the community management of the Sports Hall to be viable in the future by any community group, the hall hire fees charged by Council for the Mareeba Sports Hall need to be equivalent to those charged when the hall was under previous community management. A new set of fees and charges for the Mareeba Sports Hall are proposed and these reflect those charged when the hall was under community management (refer Attachment 1).

LINK TO CORPORATE PLAN

COM 2:- Conduct an analysis of current community facilities and develop a Shire wide community facilities plan to guide the assessment of maintenance programmes, possible capital upgrades of existing facilities and community requests for new facilities and ensure equity of access.

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

CONSULTATION

Internal

Chief Executive Officer
Facilities Officer

External

Nil

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

Nil

POLICY IMPLICATIONS

New Mareeba Sports Hall Schedule of Hire Fees and Charges replaces Council's Hall Hire Fees and Charges for the Mareeba Sports Hall only.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

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

Yes

IMPLEMENTATION/COMMUNICATION

Mareeba Sports Hall User Groups to be advised of the rationale for the re-introduction of previous hall hire fees and charges

ATTACHMENTS

Nil

Date Prepared: 4 November 2016

ITEM-10 **RELATED PARTY DISCLOSURE POLICY**

MEETING: Ordinary

MEETING DATE: 16 November 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.

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.

Related parties are likely to 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 be identified and disclosed.

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

Councils are encouraged to develop and adopt a policy on related party disclosures, even though it is not required by the Local Government Act 2009. It is intended that Council develop a policy to guide staff in implementing the standard and assist in mitigating the risk of non-compliance.

The proposed policy was presented to the Audit Committee on 4 October 2016 for feedback and the changes have been reflected.

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



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

CONTENTS

1. POLICY INTENT	1
2. SCOPE.....	1
3. BACKGROUND	1
4. DEFINITIONS	1
5. POLICY STATEMENT.....	2
6. REVIEW	3
7. DISTRIBUTION REGISTER	4

Version 1: 02/11/2011

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 5.1.2 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 transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

“Related Party” - as defined in Section 5.1 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 controlled 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) are 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
- Purchase of materials and services from 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



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: _____

ITEM-11**SALE OF LAND DUE TO RATES IN ARREARS****REASON FOR CONFIDENTIALITY**

This report is **CONFIDENTIAL** in accordance with Section 275(1) (h) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (h) Other business for which a public discussion would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage.

COMMUNITY WELLBEING

ITEM-12 **KURANDA COMMUNITY PRECINCT ADVISORY** **COMMITTEE**

MEETING: Ordinary

MEETING DATE: 16 November 2016

REPORT OFFICER'S
TITLE: Senior Community Wellbeing Officer

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The Kuranda Community Precinct Advisory Committee presents two (2) recommendations to Council for consideration and adoption. Firstly, the Committee has developed proposed guidelines for the hiring of Kuranda Community Precinct facilities. Secondly, the Committee has considered a request by Ngoonbi Community Services Indigenous Corporation for exclusive use of Precinct facilities and offers a recommendation for Council's consideration.

OFFICER'S RECOMMENDATION

"That Council adopt the following recommendations by the Kuranda Community Precinct Advisory Committee:

1. Adopt the *Guidelines for Hiring of the Kuranda Community Precinct* at Attachment 2; and
2. Not support the request by Ngoonbi Community Services Indigenous Corporation for exclusive use of Kuranda Community Precinct facilities."

BACKGROUND

The Kuranda Community Precinct Advisory Committee is appointed by Council to provide information and advice regarding the development of the Kuranda Community Precinct and use of the Precinct facilities.

Guidelines for Hiring of the Kuranda Community Precinct

Council manages the hiring of Precinct facilities and the Advisory Committee was asked by Council to develop guidelines to inform the assessment of requests for use of Precinct facilities by community and commercial users.

The recommended guidelines support the use of Precinct facilities, whilst ensuring that the Precinct does not unfairly compete with other community facilities for hire or take revenue from voluntary management committees operating community workshop venues and other similar facilities on a not for profit basis. The proposed guidelines are also consistent with

community feedback regarding the long term vision for the Precinct to be available as a multi-use and shared community space for the use and enjoyment by all Kuranda residents for recreational, sporting, cultural and educational experiences and activities.

The Kuranda Community Precinct Advisory Committee has given considerable thought and effort to developing these guidelines which are recommended to Council for consideration and adoption.

Ngoonbi Request for Exclusive Use of Precinct Facilities

Council received a request from Ngoonbi Community Services Indigenous Corporation on the 7 October 2016 seeking consideration of the permanent and exclusive use of the undercover area, canteen and storage facility at the Kuranda Community Precinct.

Councillors considered the request and referred it to the Advisory Committee for review and recommendation.

Ngoonbi's request for exclusive use was to facilitate the inception of a Kuranda Youth Hub, which would serve as a drop-in centre for vulnerable youth.

It was proposed that the canteen be utilised as an office to:

- Deliver an at-risk youth service from Monday - Friday;
- Act as a space for homework assistance twice a week;
- Provide a venue for the delivery of a weekly 'Youth Night' from 4:00pm - 8:00pm including sport and recreation, dinner, a guest speaker, social activities and dinner.

Ngoonbi proposed that the storage area be used to store the sport and recreational equipment utilised for the youth program.

The Advisory Committee referred to the proposed guidelines for hiring of Kuranda Community Precinct facilities when considering this request to develop a recommendation to Council AND The pertinent sections are outlined as follows:

5.2 Tuckshop Undercover Area and Kitchen

5.2.1 Conditions of Hire

The hire of the tuckshop undercover area and kitchen will not compete with existing facilities managed by not for profit organisations as long as it is a multi-use and shared use facility. For example, the tuckshop will not be hired out as a commercial kitchen on a long term basis.

Exclusive use of the tuckshop and adjacent undercover area by a user group is not supported.

5.2.2 Cost to Hire

Council gives consideration to the hiring of this facility by community groups at no cost to increase community participation at the Precinct, especially to those groups hiring the sports field as an incentive to use the field on a shared and multi-use basis.

5.2.3 Hiring Process

All enquiries for the hiring of the Tuckshop Undercover Area and Kitchen for community use area referred to a Council Facilities Officer for actioning.

5.3 Storage Shed

5.3.1 Conditions of Hire

Hiring of this facility does not compete with existing facilities managed by not for profit organisations.

5.3.2 Cost to Hire

Groups seeking to hire a "cell" in the Storage Shed with revenue streams will be charged an ongoing fee of \$10/month.

5.3.3 Discretion to Reduce or Waive Fees

Council considers requests for hiring a "cell" in the Storage Shed by un-funded community groups at no cost to the group.

5.3.4 Hiring Process

All enquiries for the hiring of the Storage Shed for community use area referred to a Council Facilities Officer for actioning."

Whilst acknowledging the high needs of young people in the Kuranda district and the contribution made by state and commonwealth government funded community services such as Ngoonbi, the Advisory Committee came to the conclusion it could not support this request as it does not reflect the intent of the hiring guidelines which preclude the exclusive use of Precinct facilities. A key principle underlying the proposed hiring guidelines is for the Precinct to be available as a multi- use and shared facility for the use and enjoyment by the whole community.

The Advisory Committee is finalising a Strategic Plan to guide the future development for community use of the Precinct and allowing community organisations to have exclusive use is not complementary with the vision developed by the Committee which is based on comprehensive community engagement and feedback. The Strategic Plan will be presented to Council for consideration and adoption in December 2017.

RECOMMENDATION

If Council accepts the Guidelines for Hiring of the Kuranda Community Precinct proposed by the Kuranda Community Precinct Advisory Committee, then it is recommended that Council accepts the Committee's recommendation that the request by Ngoonbi Community Services Indigenous Corporation for exclusive use of specific Precinct facilities is not supported.

LINK TO CORPORATE PLAN

COM 2:- Conduct an analysis of current community facilities and develop a Shire wide community facilities plan to guide the assessment of maintenance programmes, possible capital upgrades of existing facilities and community requests for new facilities and ensure equity of access.

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*

Mayor
Councillors
Chief Executive Officer
Manager Community Wellbeing

External

Kuranda Community Precinct Advisory Committee

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

Nil

POLICY IMPLICATIONS

New Kuranda Community Precinct Hiring Guidelines to be implemented by Council Officers.

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Nil

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

Nil

IMPLEMENTATION/COMMUNICATION

The Kuranda Community Precinct Advisory Committee will be informed of the outcome of this report.

The new Kuranda Community Precinct Hiring Guidelines will be published on Council's website.

Procedures for the hiring of Council facilities will be updated and Officers informed.

Ngoonbi Community Services Indigenous Corporation will be advised that the request for exclusive use of Precinct facilities is not supported.

ATTACHMENTS

1. Minutes of the Kuranda Community Precinct Advisory Committee meeting held 1 November 2016
2. Guidelines for Hiring of the Kuranda Community Precinct
3. Request by Ngoonbi Community Services Indigenous Corporation dated 5 Oct 2016
4. Request by Ngoonbi Community Services Indigenous Corporation dated 6 Oct 2016

Date Prepared: 3 November 2016

ATTACHMENT 1

Kuranda Community Precinct Advisory Committee
Minutes of Tuesday 1st November 2016 – 6pm
Kuranda Community Precinct

AGENDA:

- 1 Welcome and apologies
- 2 Review of agenda
- 3 Declarations of conflict of interest
- 4 Minutes and business arising
- 5 Budget report – Peter/John
- 6 Review of Hiring Policy
- 7 Precinct signage
- 8 Ngoonbi application
- 9 Other business
- 10 Next meeting

Present: Cr Nipper Brown, John Robinson, Mandy Dewey, Arch McArthur, Maggie Herbohn, Mayor Tom Gilmore, Glenys Pilat, John Baskerville, CEO Peter Franks, Amy Philips (Snr community Wellbeing Officer)

Minute Taker : Mandy Dewey

Apologies :

Previous Minutes : Moved by John Robinson Seconded by Maggie Herbohn **CARRIED**

Item		Action
	<ul style="list-style-type: none"> • Strategic Planning Workshop held 3:30pm – 6:00pm 	Glenys P.
	<ul style="list-style-type: none"> • Welcome to Amy Philips who will relieve Glenys Pilat whilst on leave 	
5	<ul style="list-style-type: none"> • Budget – Peter Franks and John Baskerville have reviewed. John sighted completed review shortly before meeting, wishes to have more time to review and circulate to members for next meeting 	John B. Peter F.
6	<ul style="list-style-type: none"> • Draft Hiring Procedures – RECOMMENDATION : The committee recommends Council adopt Hiring Procedures of the Kuranda Community Precinct Moved by Arch McArthur Seconded by Maggie Herbohn 	Glenys P.
7	<ul style="list-style-type: none"> • Signage – Community Precinct signs are in place. • There is an issue with the historical sign, in process 	Arch McA.
8	<ul style="list-style-type: none"> • Ngoonbi request – RECOMMENDATION : The committee recommends to Council that this request does not fit within the Hiring Procedures of the Kuranda Community Precinct Moved by Arch McArthur Seconded by Maggie Herbohn 	Glenys P.
	<ul style="list-style-type: none"> • Next meeting 6th December 2016. 4.30pm 	
	<ul style="list-style-type: none"> • Meeting closed 6.25pm 	

ATTACHMENT 2



GUIDELINES

HIRING OF THE KURANDA COMMUNITY PRECINCT

Draft <input checked="" type="checkbox"/>	Final <input type="checkbox"/>	Version:
Identifier:		Policy Section:
Date Adopted:		Review Date:
Author:	Manager, Community Wellbeing	Review Officer:

Mareeba Shire Council

Guidelines for Hiring of Kuranda Community Precinct Facilities

CONTENTS

1. GUIDELINES INTENT	3
2. CORPORATE PLAN LINKAGE	3
3. BACKGROUND/SUPPORTING INFORMATION	3
4. POLICY STATEMENT	3
5. IMPLEMENTATION	4
6. REVIEW	5
7. DISTRIBUTION REGISTER.....	6

1. GUIDELINES INTENT

To clarify the Council's requirements regarding the hire of the Kuranda Community Precinct, and provide a fair, transparent and consistent approach to managing requests for usage of the facilities.

Council is committed to managing and developing the Precinct with community input and to considering the community's aspirations for the site and facilities. The guidelines are consistent with community feedback and were recommended by the Kuranda Community Precinct Advisory Committee.

2. CORPORATE PLAN LINKAGE

These guidelines align with Council's 2014-2019 Corporate Plan via Key Strategic Priority - Community.

The goal of this priority area is:

Communities across the area share a sense of common identity whilst retaining local diversity, and enjoy equitable access to services and facilities based on effective partnerships.

This is further articulated under Strategy COM 2 and COM 3 which state:

COM 2: Conduct an analysis of current community facilities and develop a Shire wide community facilities plan to guide the assessment of maintenance programmes, possible capital upgrades of existing facilities and community requests for new facilities and ensure equity of access.

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.

3. BACKGROUND/SUPPORTING INFORMATION

The Kuranda Community Precinct Advisory Committee was established by Council to provide information and advice for the use and development of the Precinct.

Council manages the hiring of Precinct facilities, and the guidelines developed by the Advisory Committee inform the assessment of requests for use of Precinct facilities by community and commercial users.

4. POLICY STATEMENT

These guidelines support the use of Precinct facilities, whilst ensuring that the Precinct does not unfairly compete with other community facilities for hire or take revenue from voluntary management committees operating community workshop venues and other similar facilities on a not for profit basis.

The guidelines reflect the community's aspirations and long term vision for the Precinct to be available as a multi-use and shared community space for the use and enjoyment by all Kuranda residents for recreational, sporting, cultural and educational experiences and activities.

These guidelines apply to the following Precinct facilities:

- Level 1 Workshop Space: Two Rooms above the Kuranda Library and Customer Service Centre
- Tuckshop Undercover Area and Kitchen
- Storage Shed

5. IMPLEMENTATION

The details pertaining to the hire of each of these facilities are specified below:

5.1 Level 1 Workshop Space: Two Rooms above the Kuranda Library and Customer Service Centre

5.1.1 Conditions of Hire:

- The workshop facilities are available first and foremost for Council use.
- The workshop facilities will be hired out for complementary community use ie. the use must complement existing and future uses.

5.1.2 Cost to Hire:

The Precinct workshop venue hire fees for each workshop room are:

- \$40/hour
- \$75/half day
- \$170/full day including evening

5.1.3 Discretion to Reduce or Waive Fees:

If the Precinct workshop venue is available as a "venue of last resort" and the booking is by an unfunded community group, the booking is referred to the KCP Advisory Committee Chair for recommendation.

The Chair will consult with key stakeholders before making a recommendation to the Council Officer regarding the hire fee as the fee may be reduced or waived in extenuating circumstances for unfunded groups.

Requests for ongoing occupancy at no cost by unfunded community groups are to be referred to the KCP Advisory Committee for consideration and recommendation to Council.

If the Precinct workshop rooms are developed into a high-tech centre in the future, then these guidelines will be reviewed by the KCP Advisory Committee and Council.

5.1.4 Hiring Process:

1. All enquiries for the hiring of Kuranda Community Precinct workshop facilities for community use are referred to a Council Facilities Officer.
2. Facilities Officer advises Enquirer of other community workshop venues and the respective features/facilities available at each and the fees.
3. If Enquirer maintains they want to hire the Precinct workshop space, the Facilities Officer advises that it is only available for hire as a "venue of last resort" and offers to check the availability of other venues.
4. Facilities Officer rings the contact people for the Kuranda Recreation Centre, Amphitheatre and CWA Hall to check availability.
5. If another community venue is available, the Enquirer is advised of this and that the Precinct workshop space is therefore not available as it is hired out as a "venue of last resort", only when

other community workshop venues are not available. The Enquirer is given the contact details for the other community venue/s.

6. If the other community venues are not available, then the Precinct workshop facilities are hired out to the Enquirer at the new rates which are higher than the rates for the community venues.

5.2 Tuckshop Undercover Area and Kitchen

5.2.1 Conditions of Hire:

The hire of the tuckshop undercover area and kitchen will not compete with existing facilities managed by not for profit organisations as long as it is a multi-use and shared use facility. For example, the tuckshop will not be hired out as a commercial kitchen on a long term basis.

Exclusive use of the tuckshop and adjacent undercover area by a user group is not supported.

5.2.2 Cost to Hire:

Council gives consideration to the hiring of this facility by community groups at no cost to increase community participation at the Precinct, especially to those groups hiring the sports field as an incentive to use the field on a shared and multi-use basis.

5.2.3 Hiring Process:

All enquiries for the hiring of the Tuckshop Undercover Area and Kitchen for community use area referred to a Council Facilities Officer for actioning.

5.3 Storage Shed

5.3.1 Conditions of Hire:

Hiring of this facility does not compete with existing facilities managed by not for profit organisations.

5.3.2 Cost to Hire:

Groups seeking to hire a "cell" in the Storage Shed with revenue streams will be charged an ongoing fee of \$10/month.

5.3.3 Discretion to Reduce or Waive Fees:

Council considers requests for hiring a "cell" in the Storage Shed by un-funded community groups at no cost to the group.

5.3.4 Hiring Process:

All enquiries for the hiring of the Storage Shed for community use area referred to a Council Facilities Officer for actioning.

6. REVIEW

It is the responsibility of the Manager Community Wellbeing to monitor the adequacy of this guideline and recommend appropriate changes. This guideline will be formally reviewed every three years or as required by Council.

Mareeba Shire Council

Guidelines for Hiring of Kuranda Community Precinct Facilities

7. DISTRIBUTION REGISTER

Date	Issue No.	Copy No.	Issued To	Copy Type

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

ATTACHMENT 3**NGOONBI COMMUNITY SERVICES INDIGENOUS CORPORATION**

36 Coondoo Street Kuranda Qld 4881 P O Box 26 Kuranda Qld 4881
Ph: 07 4093 7177 Fax: 07 4093 7466

ABN: 40 047 335 486

Emailed: TomG@msc.qld.gov.au

Dear Mayor Gilmore

RE: Lease of old Kuranda Primary School located on Arara Street, Kuranda

I am writing to request consideration by Council to approve a lease of the old Kuranda Primary School to Ngoonbi for the purpose of creating a Youth Hub.

Youthlink and Cairns Sexual Health are all keen to work together to deliver services from this proposed hub.

The proposed Kuranda Youth Hub will be a drop in centre for youth and will provide a range of services addressing:

- School attendance
- Homelessness
- Domestic Violence
- Substance abuse
- Mental health
- Suicide prevention
- STI testing and information sessions
- Crime prevention / diversionary programs such as Youth at Risk and Sports and Recreation activities

Local Police recently reported that there are a lot of youth on the streets of Kuranda at night and drug usage, particularly ice is on the increase.

It has also been identified that some youth are experiencing unaddressed mental health issues and given that Kuranda has had two suicides in the last six months indicates more resources are needed to meet community demand.

The Kuranda Youth Hub will be instrumental in coordinating youth services in the region and will be based on a holistic approach to ensure the needs of our youth are being addressed.

Recently you met with my staff member, Kristyne Love who advised me that the Mareeba Shire Council may be open to a Ministerial lease. Ngoonbi met with Barron River MP, Craig Crawford who advised that a letter from the Mareeba Shire Council in support of a lease of the old Kuranda Primary School would be required to progress this.

Is this an option that the Mareeba Shire Council would support?

Your assistance with this matter will be really appreciated.

Please find attached letters of support from local service providers.

If you require further information, please do not hesitate to contact Sharryn Howes on 0407 893 652 or sharrynhowes@ngoonbi.org.au

Warmest regards,



Sheryl Quartermaine
Acting CEO

5 October 2016



Enquiries to: Debbie Penney
Telephone: 07 4226 4769
Facsimile: 07 4226 4771
Email: debbie.penney@health.qld.gov.au

4th October, 2016

To Whom It May Concern:

Re: Lease of old Kuranda Primary School for Youth Hub

As a clinical nurse at Cairns Sexual Health Service involved with youth outreach work in the Kuranda region I would like to formally acknowledge our support of Ngoonbi's application to lease the old Kuranda Primary School for the purpose of creating a Youth Hub and we would also like to take the opportunity to highlight the crucial need for a program of this type in the community.

The Cairns Sexual Health Service works with a number of youth and health organisations in the Far North to ensure that young people are actively engaged in their health care and have access to accurate information when making decisions about their sexual and reproductive health.

As well as endorsing the proposal we also commit to working in partnership with the program wherever appropriate to ensure it is able to provide young people with the necessary supports for the young people of Kuranda.

We believe that this collaborative project model will provide the young people in the Kuranda community an increased opportunity to gain important life skills and that the proposal, in responding to the local needs of young people, is well structured to achieve it's aims of better health outcomes.

We are also impressed by the commitment of relevant service providers to work together in the ongoing development, implementation and evaluation of this initiative. Addressing local needs in a holistic way promotes an active and engaged community which is responsive to the changing need of our diverse community and we hope that this project will enable a platform for a collaborative integration of both primary and specialist services and subsequent cross pollination of these service systems in Kuranda.

We would commend the proposal to you and look forward to playing our role in it's development.

Yours sincerely



Debbie Penney, Clinical Nurse
Cairns Sexual Health Service

Office
Cairns Sexual Health Service
Cairns North Community Health
Precinct
381 Sheridan St
Cairns Q 4870

Postal
Cairns Sexual Health Service
P O Box 902
Cairns 4870

Phone
07 4226 4769

Fax
07 4226 4771



9/21/2016

To Mareeba Shire Council,

I Lara Baker the coordinator of Youth Link in Kuranda would like to formally acknowledge Youth Links support of Ngoonbi's change of location to the old Kuranda School, operating out of the canteen. The main level of support I would like to highlight is the fact that the sport and rec program would be located there as well and the fact that there is storage for equipment and the oval to use is an benefit for them, which in turn has a positive effect on the health and well-being of the young people of Kuranda. Youth link will not be operating out of the premises we will remain in our current location although we will support and collaboratively work together on existing programs, ventures and outreach programs.

As well as endorsing the application we agree in principal to the development of formal referral pathways and to work alongside the project wherever appropriate to ensure it is able to provide young people with the necessary wrap around supports for the young people of Kuranda. There has been a strong collaboration made with both services presently and it will be clearly organized to reduce duplication of our existing service.

Through the use of strategies and evidence based initiatives such as that being proposed under this project model we believe that the young people in the Kuranda community and the Kuranda community itself will be provided with an increased opportunity to work positively together. This will allow us to move towards an integrated service approach that increases supports for young people at risk which shall result in enhanced social inclusion and cohesion within our community.

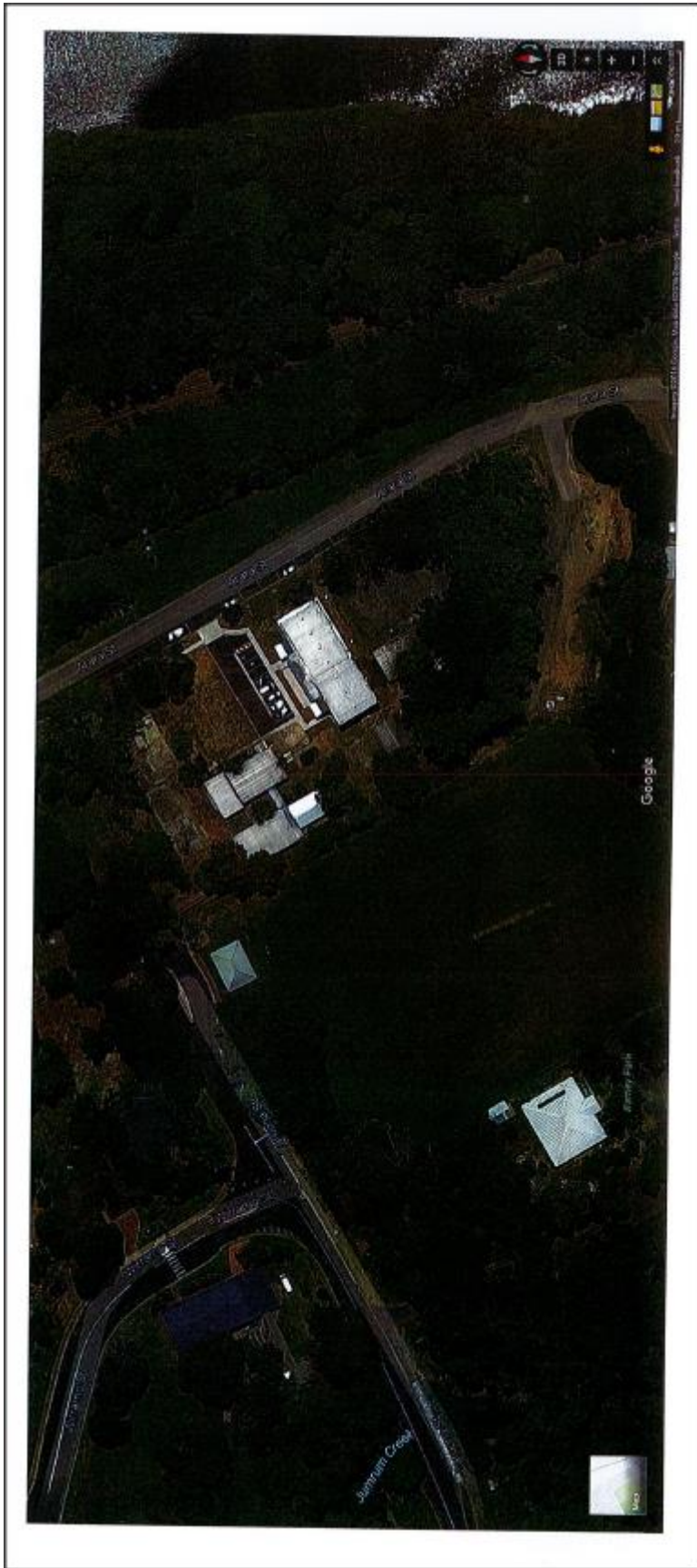
Furthermore we would like to reiterate the importance of, and our willingness to participate in a collaborative community approach in the ongoing development, implementation and evaluation of this initiative that aims to assist in supporting young people. Addressing the local need that promotes an active and engaged community which is responsive to the changing need of our diverse community is crucial and we hope that this project will enable the potential to provide a platform for a collaborative and harmonious integration of both primary and specialist services. Subsequent the cross pollination of these service systems in a community that is sorely lacking these vital youth services, and envisages it as being a strategy that has the potential to remain with the community after completion of this project

Yours sincerely,

Lara Baker



Shop 12/12 Viewers drive Kuranda • 07 40 93 90 90 • lara@youthlink.org.au
YOUTH LINK KURANDA



ATTACHMENT 4

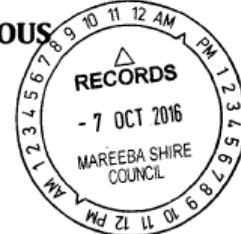
25 CoE-CAS-KCP
G. Pilot



NGOONBI COMMUNITY SERVICES INDIGENOUS CORPORATION

36 Coondoo Street Kuranda Qld 4881 P O Box 26 Kuranda Qld 4881
Ph: 07 4093 7177 Fax: 07 4093 7466

ABN: 40 047 335 486



Kuranda Community Precinct Advisory Committee
C/- Mareeba Shire Council
Mareeba

Dear Committee,

I am writing to the Kuranda Community Precinct Committee on behalf of the Ngoonbi Youth at Risk and Sport and Recreation team to ask about permanent use of the Canteen, undercover area and Storage area at the Kuranda Precinct.

The canteen and storage area have not been used in over two years since the Kuranda Rugby League Club had use of these areas.

As Kuranda Community Precinct has some awesome facilities like Bartley Park where we already run sport and rec. programs on a weekly basis, a canteen and sports storage areas we feel it would be a perfect location for our team. At present if the weather is unsuitable, sporting events are cancelled. If we had an area in this precinct we could still run activities, undercover.

The storage area would be used to store the Sport and Rec. equipment and community sport and rec. programs would be run at Bartley Park and the basketball courts. We would look at reintroducing the Kuranda Touch competition with a view also to recommence a Kuranda Rugby League team at a later date.

The canteen would be kept as a canteen as we provide afternoon tea and dinner with some of our youth programs and later on with large sporting competitions and carnivals we would use the canteen to fundraise by supplying food and drinks. We would also use part of the canteen for a small office with internet connection.

The canteen did not look like it needed any work but a good clean and the football club has donated the BBQ and all equipment to Ngoonbi Sport and Rec.

The Canteen/office would be open Monday to Friday during the day for youth to access the youth at risk service. This service assists young people with information on Suicide, Sexual Health, Mental illness, education and training.

We would also like to offer homework assistance twice a week in the afternoons where young people could come down have afternoon tea and access us or the library for study. We work in partnership with Youthlink, Headspace, Cairns sexual health and other organisations which we refer local young people too.

One of the programs we would like to reinstate after the loss of our premises is Monday night Youth night. We bring 30 young people in from the communities of

Mantaka and Kowrowa over the age of 12 for two hours of sport and recreation between 4-6.00pm. We then have dinner and either has a guest speaker on a relevant topic, have a trivia night, board games, art/craft then at 8.00pm transport the young people home. Dinner and games could be held in the undercover area.

Youthlink and Ngoonbi have formed a strong working relationship and combine to hold many programs in Kuranda and the surrounding communities.

At night, Kuranda being a tourist town closes and the only organisations left open are the Hotel and Pizza shop, leaving youth with few activities and this can lead to antisocial behaviour and youth crime. The Police and the local Kuranda Justice fully support our programs and provided support letters for us for our tender of the old Kuranda Library.

I have organised a Kuranda Youth committee which meet monthly to discuss youth issues in our town and is well attended by Police, Kuranda Justice, Youthlink, KDSC, health and a range of other organisations.

Our Sport and Rec team is funded by two different agencies and is only funded for wages with no program costs included with this funding.

We appreciate you taking the time to read and consider this very worthwhile proposal.

Kristyne Love
6.10.16

INFRASTRUCTURE SERVICES

PROJECT MANAGEMENT

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

MEETING: Ordinary

MEETING DATE: 19 November 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 October 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 October 2016, the following work was undertaken:

- Concrete walls poured for Digesters and Sequential Batch Reactor (SBR)
- Chlorine Contact Tank (CCT) walls poured
- Commencement of General Purpose Pumping Station (GPPS)
- Completion and commission of new Ergon power supply to the new site
- Set out of building foundations for slab construction

Primary activities scheduled for November are the continuation of concrete works for the bioreactor, digesters and chlorine contact tank, installation of pipework and other services and construction of the site buildings. Commencement of works for the packaged inlet works is also planned to commence in late November 2016.

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 second milestone payment under the National Stronger Regions Fund. A payment of \$300,000 has been received from the State Government under the Building Our Regions Fund.

Expenditure

The expenditure to date of \$15,902,879 includes current committals of \$11,288,206 which is primarily made up of the purchase orders raised on Downer Utilities Australia (balance of committal is \$10,555,765) 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

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

CONSULTATION

Internal

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 – October 2016

Date Prepared: 4 November 2016



13 October 2016 - Concrete pour for Sequential Batch Reactor (SBR) Walls



15 October 2016 - Aerial photograph of the project site



19 October 2016 - Installation of wall reinforcement for Chlorine Contact Tank (CCT)



1 November 2016 - Installation of Cover to General Purpose Pumping Station (GPPS)

ITEM-14 **MAREEBA AIRPORT REDEVELOPMENT - EOI - WESTERN LEASE AREA**

MEETING: Ordinary

MEETING DATE: 16 November 2016

REPORT OFFICER'S TITLE: Contracts and Project Management Officer

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

The construction of the Western Lease Area forms a major component of the overall Mareeba Airport Upgrade. Construction of aircraft pavements and associated infrastructure in an operational airport is complex, and stringent quality standards exist for construction of aircraft pavements and engagement of a suitably qualified contractor is crucial to manage Council's risk on the project. Council is currently preparing documentation to invite Expressions of Interest (EOI) for the runway, taxiways and airfield lighting. Inclusion of the construction of the Western Lease Area as a separable portion to the EOI is proposed to help deliver best value for money for Council.

For Council to be able to drive the best outcomes with regard to the construction of the Mareeba Airport Upgrade – Construction of the Western Lease Area, it is proposed to invite expressions of interest under Section 228(3) of the Local Government Regulation 2012 before considering whether to invite written tenders from short-listed tenderers under Section 228(6).

OFFICER'S RECOMMENDATION

"That Council invites Expressions of Interest from civil contractors for construction of the Mareeba Airport Redevelopment - Construction of Western Lease Area."

BACKGROUND

Council has received two (2) grants - \$13M from the Queensland State Government's Royalties for Regions program and \$5M from the Australian Government's National Stronger Regions Fund - towards the upgrading of the Mareeba airport. Both these grants are for specific aspects of the proposed upgrading project.

The Western Lease Area comprises aircraft aprons, taxiways and other civil infrastructure to support 50 new lease areas as part of the upgrade. Construction of aircraft pavements and associated infrastructure is complex and higher standards and quality requirements exist for airport pavements compared with road pavements. Engagement of a contractor with relevant airport experience and sound construction practices will help to mitigate Council's risk and ensure that the works are completed within the required timeframes and engineering tolerances.

It is proposed to invite expressions of interest (EOI) for construction of the Western Lease Area in conjunction with the EOI for the runway, taxiways and airfield lighting (the "work packages"), with short-listed contractors invited to tender on the work in early 2017.

Under Section 228(3) of the Local Government Regulation 2012, Council must decide, by resolution, that it would be in the public interest to invite expressions of interest before inviting written tenders and record its reasons for making the resolution.

Inviting expressions of interest before inviting written tenders from short-listed, suitably-qualified contractors will help ensure that the selected tenderers dedicate appropriate resources to their tender as they would assess their chances of success as higher than in an open tender. Engaging with a smaller number of tenderers also allows Council greater flexibility to negotiate, manage risk and deliver best value for money from tenders than in a larger and more disparate field of tenderers.

Council resolved in October 2016 to invite expressions of interest (EOI) for the Mareeba Airport Upgrade runway, taxiways and airfield lighting. The quantity of pavement materials and asphalt surfacing in the Western Lease Area is significant and comparable to that for the runways and taxiways. Council Officers consider that inclusion of this work as part of the EOI process may deliver best outcomes for Council for the following reasons:

- Reduced establishment costs by combining the work packages into a single contract
- Reduced coordination and project management costs associated with managing only one contractor under a single contract
- The scale of work may warrant establishment of an on-site asphalt batching plant by the successful contractor, which will lead to reduced costs, faster completion time and improved quality of work.
- Consistency in products such as airfield lighting fixtures will assist Council in managing operations and maintenance of the upgraded airport

Through the EOI process, Council may invite tenders for either or both of the work packages from shortlisted tenderers, but is not bound to do so. Council may still choose to invite tenders for either or both work packages from the open market.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

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 Commonwealth Governments, Council is required to meet various milestone and reporting targets.

To ensure that a suitably qualified contractor is engaged to undertake construction of the Western Lease Area, it is proposed that expressions of interest are called for this work, with short-listed contractors invited to tender on the work in early 2017.

POLICY IMPLICATIONS

Procurement Policy

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

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

Operating

To be included in future budgets.

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

Yes

IMPLEMENTATION/COMMUNICATION

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

ATTACHMENTS

Nil

Date Prepared: 7 November 2016

ITEM-15 **MAREEBA AIRPORT UPGRADING - OCTOBER 2016
PROGRESS REPORT**

MEETING: Ordinary

MEETING DATE: 16 November 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 October 2016 progress report on the Mareeba Airport Upgrading."

BACKGROUNDFunding

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 with further payment due following lodgement of reports in November 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. Some detailed design work is required to assist preparation of the final concept layout for the runways and taxiways.

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 2016 and work commenced from mid-August 2016. The majority of work has now been completed, with installation and commissioning of new booster pumps and back-up generator for the potable and firefighting water supplies still to be completed. Some delays have been encountered due to the extensive rock and buried services encountered, and work is scheduled for completion by early December 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 2016 and work commenced in early September 2016. The contractor achieved practical completion in late-October 2016, almost three (3) weeks ahead of the scheduled completion date.

Vicary Road Leased Area Pavements

Northern Civil Earthworks were awarded the tender for the Vicary Road leased area pavements in July 2016. Commencement of work has been deferred to early 2017 by mutual agreement with the contractor to minimise disruptions to airport users over the Christmas holiday period.

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. A staging plan for the Western Lease Area has been prepared for concept design purposes and is included in this report. While only Stage 1 will be progressed to detailed design stage and delivered as part of this project, future expansion can be catered for by ensuring that this work fits in with the ultimate staging plan. It is proposed to add the construction of the Western Lease Area to the Expressions of Interest (EOI) for construction of the runway, taxiways and airfield lighting, which is being tabled in a separate report at this meeting.

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 and Expressions of Interest (EOI) will be invited for the construction of this work. 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 \$2,955,022 comprises survey, design, ground clearing, soil testing, master planning, business planning and construction. This amount includes current committals of \$1,356,919 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 (\$400,465 remaining) and FGF Developments for Contract TMSC2016-07 Mareeba Airport Redevelopment - Water Main Upgrade (\$428,211 remaining).

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

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.

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 – October 2016
2. Western Lease Area Staging Plans

Date Prepared: 4 November 2016



6 October 2016 - Rock encountered during trenching for potable water main from Wylandra Reservoir



3 November 2016 - Structure installed for new potable water pumps and back-up generator



19 October 2016 - Completed culvert and surfacing at Intersection of Vicary Road and Ray Road











5 November 2016 - Vicary Road widening following completion of two-coat bitumen seal

TECHNICAL SERVICES

ITEM-16 PENSIONER PRECINCT TRAFFIC CALMING

MEETING: Ordinary

MEETING DATE: 16 November 2016

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

DEPARTMENT: Infrastructure and Maintenance Services

EXECUTIVE SUMMARY

Concerns raised by Queensland Police Service (QPS) on behalf of Mareeba's Neighbourhood Watch (NHW), have identified an issue of speeding and excessive volume of traffic in the Pensioner Precinct Mareeba, bounded by Lawson, Downs and James Street, Mareeba.

This report recommends the installation of traffic calming devices to improve driver behaviour and awareness and to reduce the risks for all users.

OFFICER'S RECOMMENDATION

"That Council endorse the installation of traffic calming devices as per Drawing No. 16-CON01 within the Pensioner Precinct, Mareeba."

BACKGROUND

Concerns have been raised by the QPS on behalf of the residents of Mareeba's Pensioner Precinct of speeding and excessive volume of traffic on Lawson, Downs and James Streets bounding and connecting the Precinct.

Currently the roads within the precinct are not signposted; however the default urban speed limit of 50 km/hr applies. A traffic study carried out in July 2014 (See Attachment 2) reinforces the concerns of the residents, with 13% of vehicles above the speed limit on Lawson Street with a maximum recorded speed of 75.6 km/hr.

An implementation of traffic calming devices is proposed (See Attachment 3), with a combination of signage, line marking and semi-mountable kerbing, all of which is designed to promote local traffic use only, reduction in speed and a greater awareness of the aged residents using the roads.

An onsite meeting between Council officers and representatives of the QPS and the NHW endorsed the design, with the QPS representative offering to support the implementation by targeting the area to reinforce the proposed new traffic calming measures.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Nil

External
Queensland Police Service
Mareeba Neighbourhood Watch

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Yes
\$6,000.00 includes installation of semi-mountable kerb, signage and line marking.

Operating
Ongoing costs would be incurred for maintenance and replacement of damaged or obsolete signage

Is the expenditure noted above included in the 2016/2017 budget?
No

Suncorp Community Grant Funding was considered as a source of funding, however advice from Council's Community Wellbeing department advised this was not eligible. The project shall be listed for consideration in future Capital Works budget deliberations.

IMPLEMENTATION/COMMUNICATION

Advise QPS representative of Council's decision

ATTACHMENTS

1. Traffic Survey Report Pensioner Precinct Mareeba July 2014
2. Locality Plan and Traffic Calming Details : Drawing 16-CON01

Date Prepared: 1 November 2016

Traffic Survey Report Pensioner Precinct Mareeba July 2014

The Streets are currently zoned at the default urban speed limit of 50 km per hour.

- Counters were placed in 4 Locations and deployed for 2 weeks.
- **Mason Street** between Perkins Street and Downs Street, Sealed carriageway width 17.8m
- **Lawson Street** between Perkins Street and Lyons Street, Sealed carriageway width 4.5m
- **James Street** between Lyons Street and Downs Street, Sealed carriageway width 4.7m
- **Downs Street** between Colquhoun Street and James Street, Sealed carriageway width 5.1m

Traffic Volumes

- Mason Street - 5502 vehicles (Both Directions)
- Lawson Street - 3822 vehicles (Both Directions)
- James Street - 2145 vehicles (Both Directions)
- Downs Street - 2295 vehicles (Both Directions)

Percentage of Commercial Traffic

- Mason Street - 7.9%
- Lawson Street - 3.9%
- James Street - 4.4%
- Downs Street - 4.0%

Average Daily Traffic Volumes

- Mason Street - 366 vehicles (Both Directions)
- Lawson Street - 254 vehicles (Both Directions)
- James Street - 144 vehicles (Both Directions)
- Downs Street - 155 vehicles (Both Directions)

Speed Statistics

Vehicles above the speed limit for the period of the deployment.

- Mason Street - **3036** vehicles above 50 km per hr, of these **870** where above 60 Km per hr.
- Lawson Street - **484** vehicles above 50 km per hr, of these **61** where above 60 Km per hr.
- James Street - **444** vehicles above 50 km per hr, of these **63** where above 60 Km per hr.
- Downs Street - **15** vehicles above 50 km per hr, of these **none** where above 60 Km per hr.

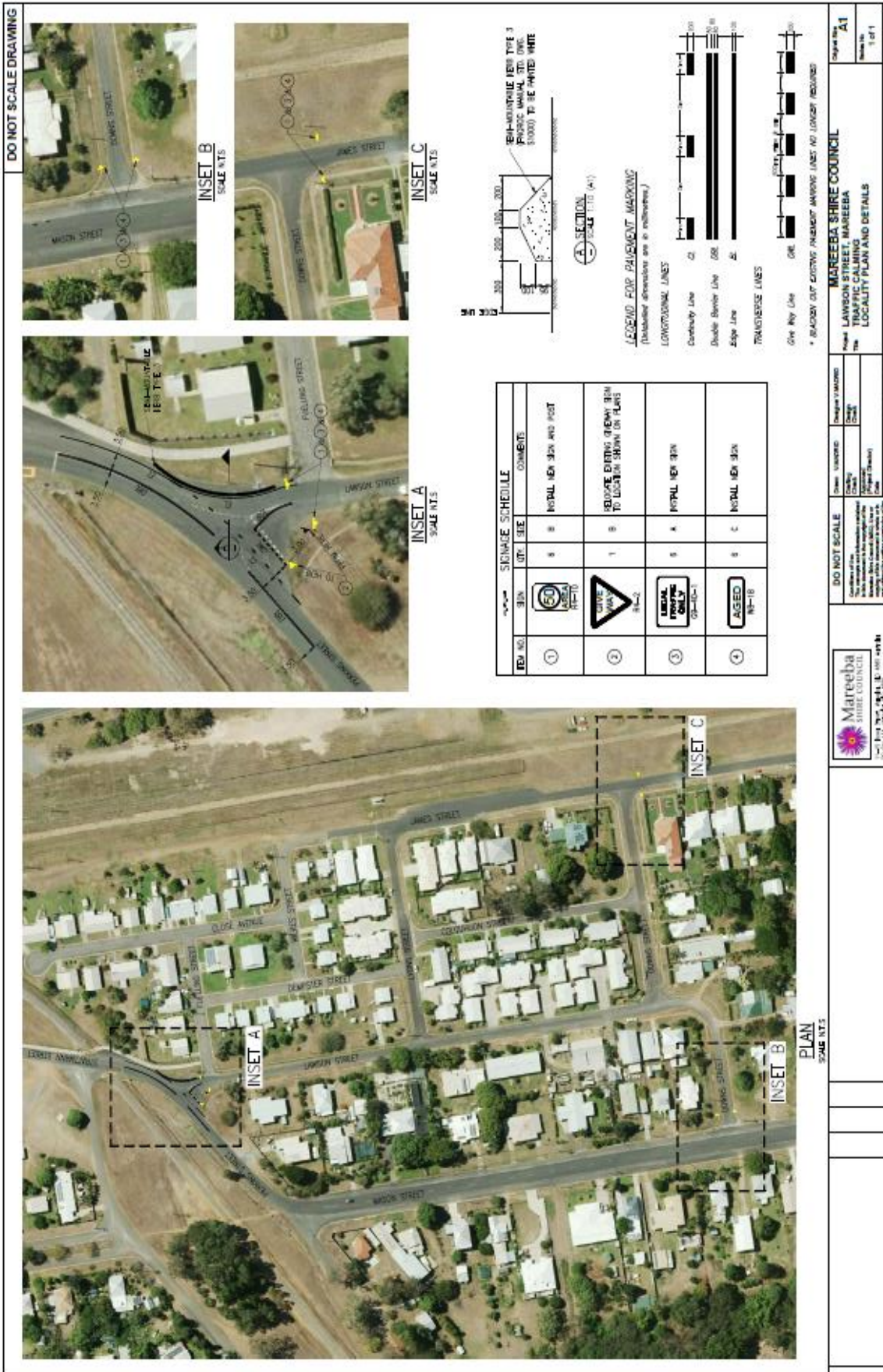
Speed Statistics %

- Mason Street - 59.2% of vehicles counted were above speed limit.
- Lawson Street - 13.6% of vehicles counted were above speed limit.
- James Street - 22.2% of vehicles counted were above speed limit.
- Downs Street - 0.7% of vehicles counted were above speed limit.

HIGHEST SPEED Recorded

- Mason Street - 90.2 Km per hr
- Lawson Street - 75.6 Km per hr
- James Street - 87.1 Km per hr
- Downs Street - 60 Km per hr

Date 16 August 2014
Officer's Name Bruce Vicary
Officer's Title Asset Officer
Department Technical Services Group



ITEM-17 **MINES ROAD MAREEBA - EXCESSIVE DUST****MEETING:** Ordinary**MEETING DATE:** 16 November 2016**REPORT OFFICER'S
TITLE:** Manager Technical Services**DEPARTMENT:** Infrastructure Services, Technical Services Group

EXECUTIVE SUMMARY

Concerns have been raised by residents, of excessive dust generated from traffic on Mines Road, Mareeba. This report recommends the installation of a gate and associated fencing on Mines Road to reduce road use to local traffic only, minimising the dust issue.

OFFICER'S RECOMMENDATION

"That Council endorse the installation of a gate and associated fencing on Mines Road, Mareeba"

BACKGROUND

Concerns have been raised by residents of excessive dust generated from unwarranted traffic on Mines Road, Mareeba.

Mines Road is a rural access road with an unposted default speed limit of 100km/h. The southern section of Mines Road is an unsealed gravel formation, starting from Gallo Drive and continuing 1.5km north. The primary purpose of this southern section is to provide Sunwater accessibility to the channel infrastructure located off Mines Road and is legal access for the rural property Lot 1RP741787.

Investigations have been carried out and two (2) possible treatment options of the dust issue have been considered:

Option 1 :(See Attachment 1) the preferred treatment is to install a gate and associated fencing 600m north of the intersection of Gallo Drive and Mines Road, in line with the northern property boundary of Lot 1RP741787. Positioned to still allow access to the property but installed to restrict traffic to authorised vehicles only, thus minimising dust from traffic. This section of Mines Road only services this property, other users have legal and formal access off Ray Road and denying access to the rear of their properties from the South would not be a major inconvenience as they can still access Mines Road and Kennedy Highway to the north.

Option 2: Apply a dust seal consisting of 100mm gravel with a single coat 16mm seal, 4.5m wide, 600m long starting at the intersection of Gallo Drive and finishing at the northern boundary of Lot 1RP741787. This option would eliminate the dust issue but expensive to complete. The associated problem with this is that we would be creating a precedent as there are a large number of unsealed roads in the community where dust is an issue.

Estimated Comparison Cost to Install Treatments	
Option 1: Gate and associated fencing installed	\$7,500
Option 2: Dust Seal ,600m Long , 4.5m Wide	\$44,000

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Nil

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Yes
\$7,500 for installation of gate and associated fencing

Operating
Nil

Is the expenditure noted above included in the 2016/2017 budget?
No

The project to be listed for consideration in future Capitol Works budget deliberations

IMPLEMENTATION/COMMUNICATION

Advise residents of Council's decision

ATTACHMENTS

1. Proposed Gate Location Locality Plan

Date Prepared: 8 November 2016

Mines Road

Attachment 1



**ITEM-18 INFRASTRUCTURE SERVICES - TECHNICAL SERVICES
MONTHLY ACTIVITIES REPORT - OCTOBER 2016**

MEETING: Ordinary

MEETING DATE: 16 November 2016

**REPORT OFFICER'S
TITLE:** Manager Technical Services

DEPARTMENT: Infrastructure Services, Technical Services Group

EXECUTIVE SUMMARY

This report summaries Council's Technical Services activities undertaken by Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management and Investigation Sections of Infrastructure Services during the month of October 2016.

OFFICER'S RECOMMENDATION

"That Council receive and note the Infrastructure Services Technical Services Monthly Report for the month of October 2016."

BACKGROUND**TECHNICAL SUPPORT SECTION****Design**

- 2016/17 Capital Works
 - Springmount Road, Arriga, formation rehabilitation, widening and seal - Design complete
 - Myola Road, Kuranda, formation widening and seal - Design completed with minor amendments due to construction starting
 - Byrnes Street, Mareeba - Stormwater Upgrade at My Mareeba Dentist - Design Underway
 - Raleigh Street, Dimbulah Pavement rehab and widening - Design complete
 - Vicary Road & Ray Road, Mareeba - Formation Widening and Seal - Amendments
 - Lawson Street, Mareeba - Footpath upgrade - Design complete
 - Bowers Street, Mareeba - Road reconstruction - Design review stage
 - Iluka Street, Mareeba - Road pavement widening - Concept design stage
 - Western roads culvert construction - construction 90% complete, on-site technical advice as required
- Mareeba Waste Transfer Station - Station upgrade detail design - Design stage
- Sandy Creek Road, Dimbulah - Dimbulah Cemetery Columbarium Wall - Concept Completed
- Leadingham Creek Bridge design tender close 23 November 2016
- CBD Traffic Study tender close 17 November 2016

Soils Lab

- External Contractors - Council provided services to 10 external agencies and Councils

Survey

Surveys were undertaken at:

- Mareeba Landfill
- Rob Veivers Drive, Kuranda
- Chettle Road, Mareeba
- Kowa Street, Mareeba
- Thongon Street Parking Upgrade
- Wessel Road
- Ray Road Widening
- Pin Road Drainage
- Leadingham Creek Bridge
- Mareeba Pound Reserve
- Mareeba Aerodrome
- Speewah Bridge
- Warril Drive Pump station
- Platypus Close Reservoir
- Heritage Centre Lease
- Myola Road Widening
- Popovic Road Detail

GIS

- Editing footpath data from GNSS receiver for GIS (MSC Zeno 20 unit) including Dimbulah footpaths, Sunbird, Bicentennial Lakes and Anzac Avenue
- External maps, layers and queries such as producing Irvinebank maps for community projects

Technical Investigations

- Gregory Terrace Subsidence / Erosion in Council Easement encroaching onto private property
 - Site visit, liaise with property owner, investigate cause of subsidence
 - Owner advised of investigation outcome

SUBDIVISIONS AND INVESTIGATIONS**Subdivisions**

- Current - Under construction
 - Christensen Road, Kuranda Stage 2 - Currently on hold
 - Amaroo Stage 8 (60% completed)
- On Maintenance - Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset
 - Wylandra Stage 6B and 6C
 - Howe Farming - Kay Road - Drainage

- Amaroo Stage 7
- Bellevue Estate Stage 1A, 1B, 2 and 3
- Hoolahan Drive - Construction of easement drainage
- Operational Works
 - 112 Barnwell Road - Dam Construction (5% completed)

PROJECT MANAGEMENT

Building

- Koah Hall - Place of Refuge - Work to commence on 8 November, expected completion date 18 November
- Kuranda SES shed extension commenced - completed by Christmas.
- MSC Depot Soils Lab - Concrete slab - Work to commence 14 November
- Solar Tender - Rankin and Kowa Street offices - Closing date 10 November

FLEET AND WORKSHOP SECTION

- | | |
|----------------------------------|----|
| • Routine Vehicle/Plant Services | 22 |
| • Planned routine maintenance | 40 |
| • Breakdowns < 8 hrs Downtime | 6 |
| • Breakdowns > 8 Hrs Downtime | 0 |

FACILITIES SECTION

Caravan Parks

Dimbulah Caravan Park

In October 2016, 443 total bookings were recorded for Dimbulah Caravan Park, showing a decrease of 225 compared to last month. The total figures this year compared to October 2015 has slightly increased by 49. There were fewer travellers due to the hot weather. Backpackers are not staying in town as there is no farm work due to the lack of fruit.

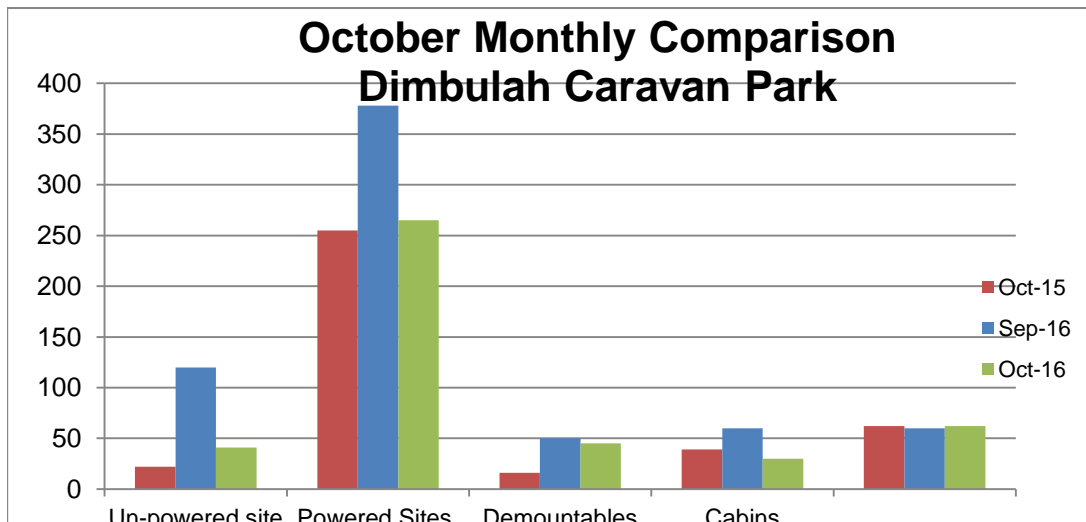


Figure 1. Monthly comparison Dimbulah Caravan Park

Mareeba Riverside Caravan Park

In October 2016, 2415 total bookings were recorded for Mareeba Riverside Caravan Park, showing an increase of 145 compared to last month. The total figures this year compared to October 2015 has decreased by 277. The upgrade to the powered sites has continued which is still causing the unavailability of some of the sites. Backpackers have started coming back to the park.

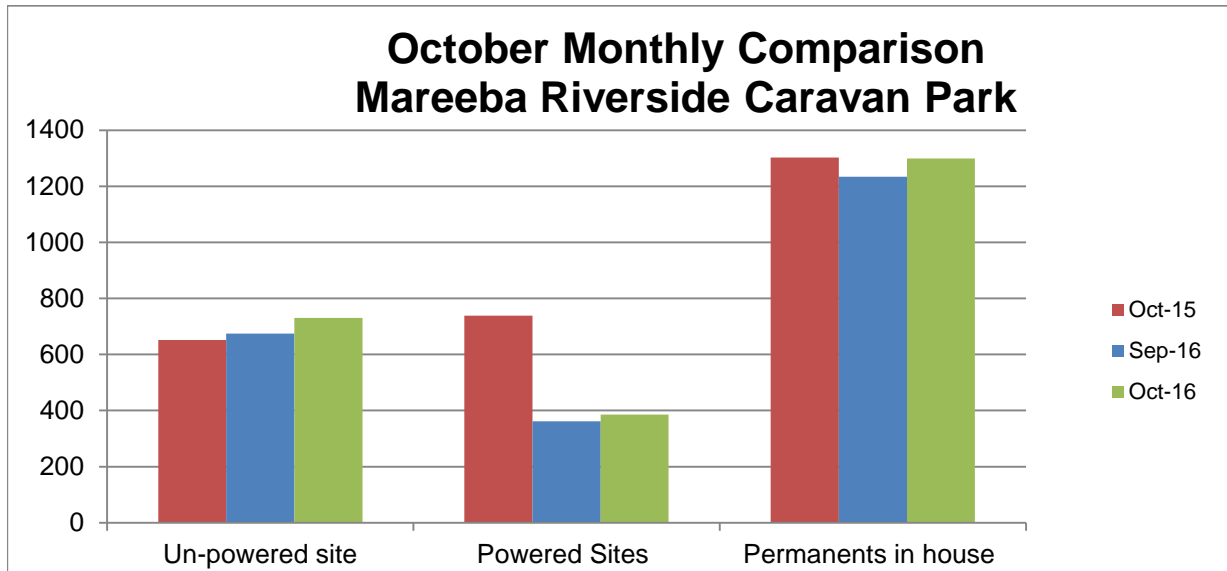


Figure 2. Monthly comparison Mareeba Riverside Caravan Park

Public Halls

The total number of hall bookings in October 2016 has increased to 137 compared to last month of 107. The increase is due to the end of the school holidays and the clubs returning back for their seasons. Bookings have largely increased compared to October 2015 which was 69.

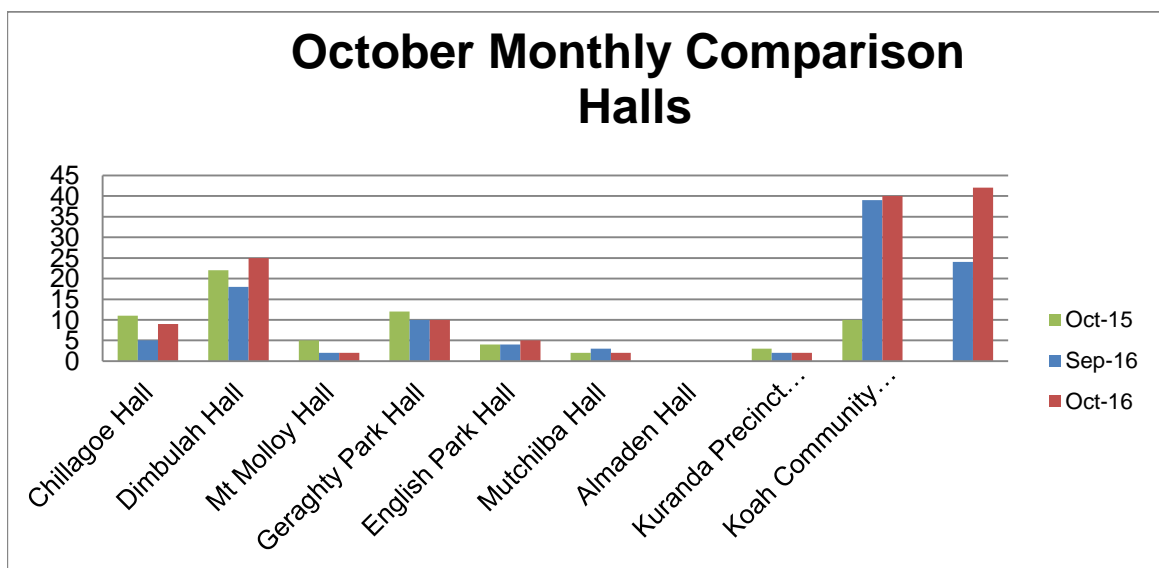


Figure 3. Monthly comparison halls

Swimming Pools

For October 2016 the total number of patrons that used all 3 pools was 8924. This is a slight decrease of 50 compared to October 2015. Mareeba Pool had 7201 patrons attend, Kuranda Aquatic Centre had 994 patrons while Dimbulah had 729. As the weather is warming up it is enticing more patrons to the pools. There is an increase for Dimbulah of 189 compared to October 2015. A school swimming program has commenced and the Dimbulah Swimming Club has seen an increase in numbers after their recent opening of their new clubhouse.

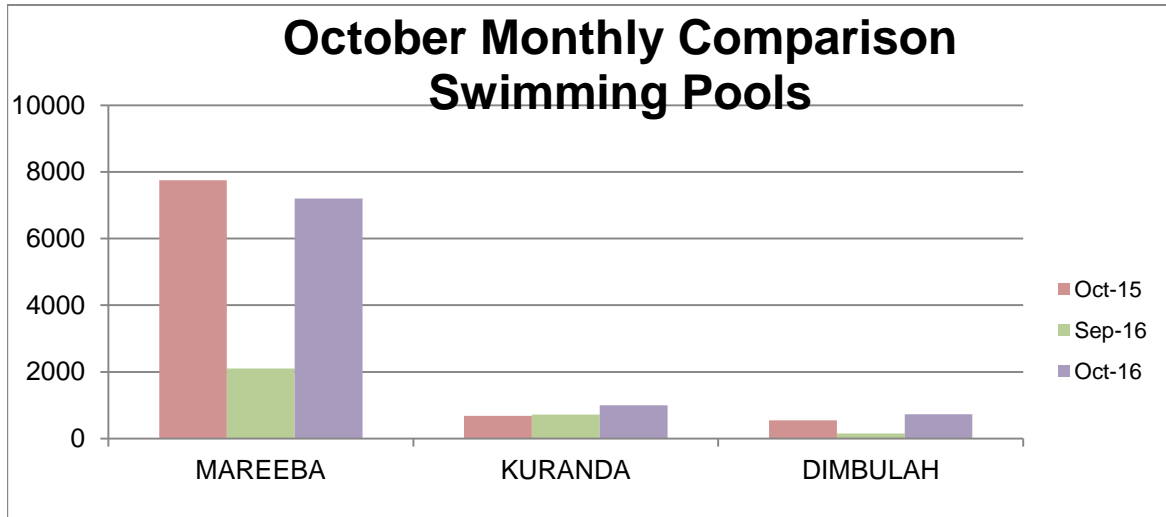


Figure 4. Monthly comparison swimming pools

Park Hire

Council parks recorded 31 bookings for the month of October 2016. This is a slight increase by 7 from last month and an increase of 14 from August 2016.

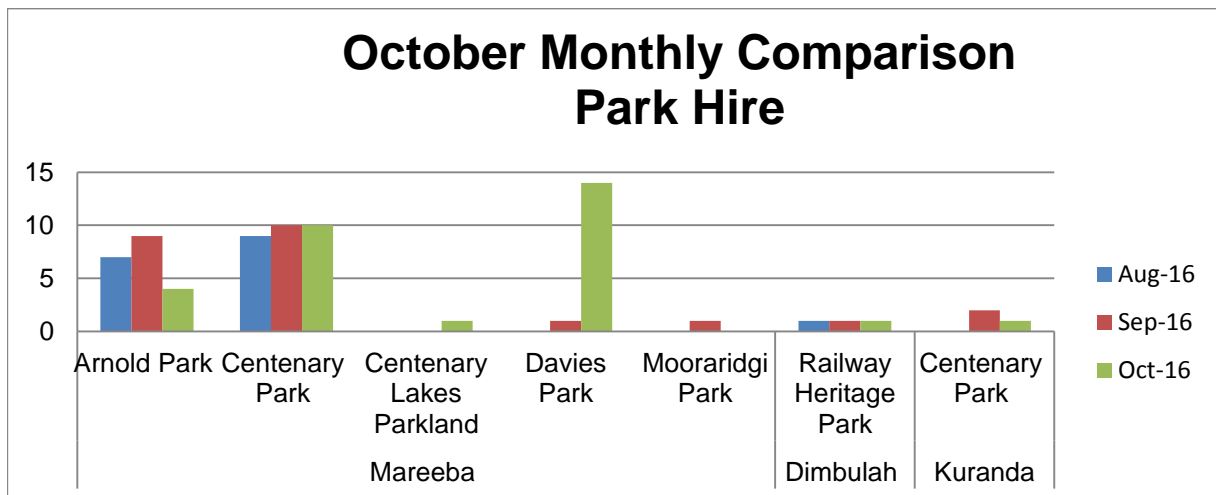


Figure 5. Monthly comparison Park Hire

Vandalism and Graffiti

During September 2016, 4 reports of graffiti and vandalism were reported.

Mareeba Arnold Park Toilets

One of the male toilets was set on fire. QFES attended. Police were notified and investigations are ongoing. The toilet has been replaced.

A report of graffiti and vandalism was also received for the toilet block. Removal of graffiti and touch up paint has not been completed.



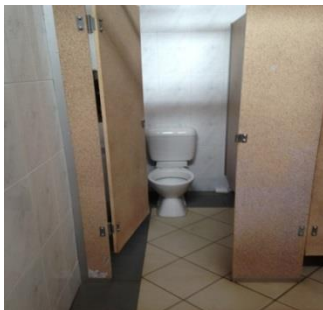
Dimbulah Memorial Hall

An exterior light on toilet block side of hall was broken. Light has been refitted to the wall.



Kuranda Centenary Toilets

Toilet seat and lid in the female toilets was stolen. Seat and lid has been replaced.



During October 2016, 9 reports of graffiti and vandalism were reported.

Mareeba Mary Andrews Park

The power box padlocks were cut and a wooden post (bollard) had been broken off at ground level. The padlocks and post have since been replaced.



Mareeba Old Bowls Club

Exposed wires were noticed at the back of the building. It is alleged that children had been gathering there. The area has been made safe.



Mareeba CWA Toilets

In the men's urinals a toilet roll dispenser had been stolen. This has been replaced and installed.

Mareeba Rotary Park Toilets

The disable toilet door handle was broken. This has been fixed.

Mareeba Sports Precinct - Firth Park - Cricket Shed

It was reported by the Police that the cricket shed had graffiti on most of the exterior walls. The shed is the responsibility of the Mareeba Cricket Club. The graffiti has been removed.



Kuranda Old Library

An attempt to smash a window was made. The window has been replaced.

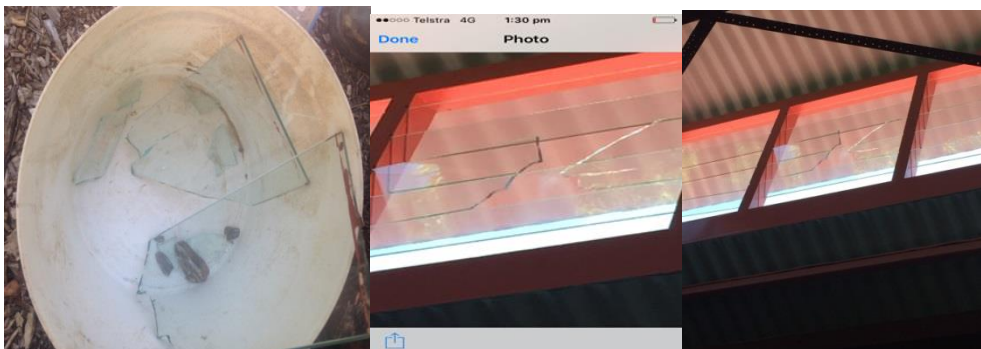


Kuranda Centenary Park Toilets - 3 reports below

Reported 11/10/2016 - Graffiti was reported in the men's toilets. This has been cleaned off.



Reported 18/10/2016 - The high louvers above the men's toilets were smashed. The glass was cleaned up and the broken louvers were removed. Replacement louvers to be sourced.



Reported 31/10/2016 - An external light on the building was smashed. The light has not yet been replaced. A light cover is being sourced for replacement.



LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Nil

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 2 November 2016

WORKS

**ITEM-19 INFRASTRUCTURE SERVICES - WORKS SECTION
PROGRESS REPORT - SEPTEMBER/OCTOBER 2016****SUBJECT: MEETING STANDARD 19.06.2016****MEETING: Ordinary Meeting****MEETING DATE: 16 November 2016****REPORT OFFICER'S
TITLE: Manager Works****DEPARTMENT: Infrastructure Services, Works Group**

EXECUTIVE SUMMARY

This report sets out works undertaken by the Transport Infrastructure, Parks and Gardens and Bridge Sections of Infrastructure Services during the month of September and October 2016.

OFFICER'S RECOMMENDATION

"That Council receive and note the Infrastructure Services, Transport Infrastructure, Parks and Gardens and Bridge Sections, Progress Report for the month of September and October 2016."

BACKGROUND**Works Group****Maintenance Activities**

Maintenance activities accruing more than \$1,000 in expenditure were carried out in **September** at the following locations:

Description	Activity
Ootann Road - ALMADEN	Grading Unsealed Roads
Coyle Road - BIBOOHRA	Grading Unsealed Roads
Grigg Road - BIBOOHRA	Grading Unsealed Roads
Hume Road - BIBOOHRA	Grading Unsealed Roads - Slashing
Vallely Road - BIBOOHRA	Grading Unsealed Roads
Torwood Road - BOLWARRA	Grading Unsealed Roads
Euluma Creek Road - JULATTEN	Bitumen Patching - Slashing - Grading Unsealed Roads - Road Furniture
Gadd Close - JULATTEN	Slashing
Rasmussen Road - JULATTEN	Grading Unsealed Roads
Black Mountain Road - JULATTEN	Bitumen Patching - Road Furniture
Koah Road - KOAH	Bitumen Patching - Grading Unsealed Roads - Pavement Repairs - Road Furniture

Description	Activity
Ootann Road - ALMADEN	Grading Unsealed Roads
Coyle Road - BIBOOHRA	Grading Unsealed Roads
Grigg Road - BIBOOHRA	Grading Unsealed Roads
Hume Road - BIBOOHRA	Grading Unsealed Roads - Slashing
Vallely Road - BIBOOHRA	Grading Unsealed Roads
Torwood Road - BOLWARRA	Grading Unsealed Roads
Euluma Creek Road - JULATTEN	Bitumen Patching - Slashing - Grading Unsealed Roads - Road Furniture
Gadd Close - JULATTEN	Slashing
Rasmussen Road - JULATTEN	Grading Unsealed Roads
Black Mountain Road - JULATTEN	Bitumen Patching - Road Furniture
Koah Road - KOAH	Bitumen Patching - Grading Unsealed Roads - Pavement Repairs - Road Furniture
Popovic Road - KOAH	Culvert Repairs
Barang Street - KURANDA	Bitumen Patching - Slashing
Jarawee Road - KURANDA	Slashing
Kuranda Crescent - KURANDA	Bitumen Patching - Slashing
Kuranda Heights Road - KURANDA	Bitumen Patching
Masons Road - KURANDA	Bitumen Patching
Oak Forest Road - KURANDA	Grading Unsealed Roads - Slashing
Bulimba Road - LYNDSDIE	Grading Unsealed Roads
McGrath Road - MAREEBA	Grading Unsealed Roads - Pavement Repairs
Mount Spurgeon Road - MT CARBINE	Grading Unsealed Roads
Bakers Road - MT MOLLOY	Grading Unsealed Roads - Pavement Repairs - Road Furniture
Fraser Road - MT MOLLOY	Bitumen Patching - Grading Unsealed Roads - Slashing
Mount Mulgrave Road - MT MULGRAVE	Grading Unsealed Roads
Armstrong Road - MONA MONA	Grading Unsealed Roads
Nychum Road - NYCHUM	Grading Unsealed Roads
OK Mine Road - NYCHUM	Grading Unsealed Roads
Tye Road - SOUTHEDGE	Grading Unsealed Roads - Slashing
Speewah Road - SPEEWAH	Bitumen Patching - Grading Unsealed Roads - Road Furniture - Slashing
Bellevue Road - WROTHAM	Grading Unsealed Roads

Maintenance activities accruing more than \$1,000 in expenditure were carried out in **October** at the following locations:

Description	Activity
Ootann Road - ALMADEN	Grading Unsealed Roads
Strathleven Road - GAMBOOLA	Grading Unsealed Roads
Clacherty Road - JULATTEN	Bitumen Patching - Grading Unsealed Roads - Road Furniture - Slashing
Euluma Creek Road - JULATTEN	Bitumen Patching - Slashing - Grading Unsealed Roads - Road Furniture

Description	Activity
Morrish Road - JULATTEN	Grading Unsealed Roads - Slashing
Mount Lewis Road - JULATTEN	Clean Inlet/Outlets culverts - Road Furniture - Slashing
Popovic Road - KOAH	Culvert Repairs
Barnwell Road - KURANDA	Bitumen Patching
Barron Falls Road - KURANDA	Bitumen Patching - Slashing
Fairyland Road - KURANDA	Bitumen Patching - Grading Unsealed Roads
Kuranda Crescent - KURANDA	Bitumen Patching - Slashing
Masons Road - KURANDA	Bitumen Patching
Oak Forest Road - KURANDA	Bitumen Patching - Slashing
Rob Veivers Drive - KURANDA	Bitumen Patching - Road Furniture - Slashing
Kenneally Road - MAREEBA	Culvert Repairs
Bakers Road - MT MOLLOY	Grading Unsealed Roads - Slashing
Wetherby Road - MT MOLLOY	Bitumen Patching - Grading Unsealed Roads - Road Furniture - Slashing
Mount Mulgrave Road - MT MULGRAVE	Grading Unsealed Roads
Mona Mona Road - MONA MONA	Grading Unsealed Roads - Slashing
Springfield Road - SPRINGFIELD	Grading Unsealed Roads
Bischoff Mill Road - WATSONVILLE	Grading Unsealed Roads
Walsh River Road - WATSONVILLE	Grading Unsealed Roads

The table below shows the current year to date budget position for road maintenance.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,294,997	\$1,093,425	\$1,146,117

Capital Works

2015/19 \$600,000 Gravel Resheet Program

The Gravel Resheet Program commenced again in mid-September. In the Mt Molloy/Julatten area the following sections were resheeted and works were completed by mid-October.

Road	Area of Resheet	Total Length of Resheeting
Fraser Road	700m ²	140m
Black Mountain Road	8,340m ²	1,390m
Norris Road	400m ²	100m
Quinn Road	160m ²	40m
Wetherby Road	10,560m ²	1,760m
Morrish Road	1,620m ²	270m
Mt Perseverance Road	2,480m ²	620m

Gravel resheeting was also carried out on the Ootann Road at the following chainages.

Ch Start	Ch End	Area of Resheet	Total Length of Resheeting
14.00	15.60	14,400m ²	1,600m
16.90	17.50	5,400m ²	600m
35.00	37.00	18,000m ²	2,000m

Approximately 12,000m³ of ridge gravel has been pushed and stockpiled at five locations along the Blackdown - Bulimba Road in preparation for further resheeting works in this area after the wet season.

Western Beef Causeways

The construction of nine new causeways on western beef roads commenced on 08/08/2016 and were completed in late October. The project was funded 60% depreciation and 40% Community Resilience Program. Works were completed on time and within budget.

The causeways are located as follows;

Road Name	Chainage
Hurricane Road	15.92km from Mulligan Highway intersection
Fossilbrook Road	70 km from BDR intersection
Crystalbrook Road	11.17km from BDR intersection
Bolwarra Road (1)	8.35km from BDR intersection
Bolwarra Road (2)	9.3km from BDR intersection
Blackdown Road	20.8km from BDR intersection
Bulimba Road	3.55 km from Blackdown Road intersection
Nychum Road	2.579km from BDR intersection
Bellevue Road	16.54km from BDR intersection



Hurricane Road



Fossilbrook Road



Crystalbrook Road



Bolwarra Road (1)



Bolwarra Road (2)



Blackdown Road



Bulimba Road



Nychum Road



Bellvue Road

Myola Road, Kuranda - Pavement Rehabilitation, Widen and Seal

Pavement rehabilitation and widen works commenced at Myola Road, Kuranda in late September. The project is 1,063m in length and extends from Warril Creek to Barnwell Road.

The project is estimated to take eight (8) weeks to complete at a cost of \$750,000. The works are jointly funded by TIDS and R2R.



Mareeba Sports and Recreational Pathway/Bikeway

Stage two of the Mareeba Sports and Recreational Pathway/Bikeway was completed in late October. Works comprised the installation of 510m of asphalt pathway from the pedestrian gate adjacent to the netball courts, around Davies Park terminating at the double gate entrance opposite the Dog Off Leash Park in Doyle Street and provision of disabled access at the new cricket facility at Firth Park.



TMR Routine Maintenance Performance Contract (RMPC)

Routine maintenance activities were undertaken during September 2016 at the following location;

Primary Location	Activity Name
Burke Dev Road	Heavy Shoulder Grading Rural - Includes Traffic Control
	Medium Formation Grading (Western) with Extras and 2 WaterCarts - Excludes Traffic Control
Herberton - Petford Road	Other Minor Culvert Pipes and Pit Work
Kennedy Highway-Cns-Mareeba	Rest Area Servicing
Mossman - Mt Molloy Road	Light Shoulder Grading Rural - Includes Traffic Control
	Other Surface Drain Work
	Other Vegetation Control Works
	Pavement Repairs, Gravel (Mech. < 500m2 per 1km) - Includes Traffic Control
	Pothole Patching - Includes Traffic Control
	Roadside Litter Collection - Rural
Mulligan Highway-Mareeba/Mt Molloy	Other Roadside Work
	Other Surface Drain Work
	Repair Signs (excluding Guide Signs)
	Roadside Litter Collection - Rural

The total claim to DTMR for the works listed above for the month of September 2016 was \$298,383.45.

Routine maintenance activities were undertaken during October 2016 at the following location;

Primary Location	Activity Name
Burke Dev Road	Other Culvert, Pipe and Pit Work
	Other Sign Work
	Other Surface Drain Work
	Repair or Replace Guide Markers
	Repair Signs (excluding Guide Signs)
Herberton - Petford Road	Clean and/or Paint Guide Markers
	Edge Repair (Manual) Min 1 Tonne - Including Traffic Control
	Herbicide Spraying - Includes Traffic Control
	Other Vegetation Control Works
	Pothole Patching Includes Traffic Control
	Repair Signs (excluding Guide Signs)
	Surface Correction Isolated Depression Includes Traffic Control
Kennedy Highway Cns-Mareeba	Rest Area Servicing
	Mareeba - Dimbulah Road
	Other Sign Work
	Repair Signs (excluding Guide Signs)
Mossman - Mt Molloy Road	Clean and/or Paint Guide Markers
	Cleaning Signs
	Emergency Call Out / Traffic Accident
	Light Shoulder Grading Rural - Includes Traffic Control
	Other Culvert, Pipe and Pit Work
	Other Surface Drain Work
	Other Vegetation Control Works
	Pavement Repairs, Gravel (Mech. < 500m ² per 1km) - Includes Traffic Control
	Roadside Litter Collection - Rural
Mulligan Highway- Mareeba/Mt Molloy	Emergency Call Out / Traffic Accident
	Other Bituminous Surface Work
	Other Roadside Work
	Pothole Patching - Includes Traffic Control
	Repair or Replace Guide Markers
	Rest Area Servicing
	Roadside Litter Collection - Rural

The total claim to DTMR for the works listed above for the month of October 2016 was \$84,748.10.

Parks and Gardens Section

Maintenance Activities

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in **September** at the following locations:

Location
Parks and Gardens - Chillagoe
Mutchilba Park - Mutchilba
Mary Andrews Gardens - Mareeba
Arnold Park - Mareeba
Centenary Park - Mareeba
Byrnes Street Medians - Mareeba
Council Office & Library - Mareeba
Parks, Library, CBD and Streets - Kuranda
Esplanade - Kuranda
Ceola Drive Park - Mareeba
Borzi Park - Mareeba
Davies Park - Mareeba
Vains Park - Mt. Molloy
Mareeba Streets
Nursery - Mareeba
Furniture & Playground Equipment
Pool & Carpark - Kuranda
Industrial Park - Mareeba
Sunset /Sunbird Park - Mareeba
Pressure Cleaning /CBD Footpaths - Kuranda
Mowing and Maintenance - Irvinebank

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in **October** at the following locations:

Location
Parks and Gardens - Chillagoe
Arnold Park - Mareeba
Centenary Park - Mareeba
Byrnes Street Medians - Mareeba
Anzac Park - Mareeba
Parks, Library, CBD and Streets - Kuranda
Ceola Drive Park - Mareeba
Borzi Park - Mareeba
Davies Park - Mareeba
Firth Park - Mareeba
Mareeba Streets
Tree Removal - North
Pressure Cleaning CBD Footpaths - Kuranda
Mowing and Maintenance - Irvinebank

Annual Budget	Year to Date Budget	Year to Date Actual
\$1,545,967	\$518,765	\$537,334

Bridge Section

Maintenance Activities

Bridge maintenance activities accruing more than \$1,000 in expenditure were carried out in **September** at the following locations:

Location
Re-active Maintenance
Inspections & General Expenses

Bridge maintenance activities accruing more than \$1,000 in expenditure were carried out in **October** at the following locations:

Location
Re-active Maintenance
Inspections & General Expenses

Mareeba Shire Council's bridge inspection program has been formalised and is operating under a works order system. Three hundred and thirty two (332) bridges and major culverts have been identified as requiring inspection within our local roads network.

To date one hundred and fifty eight (172) inspections have been completed.

Annual Budget	Year to Date Budget	Year to Date Actual
\$514,697	\$170,251	\$61,961

Land Protection Section

October

Annual Budget	Year to Date Budget	Year to Date Actual
\$394,729	\$120,658	\$142,044

Parthenium Weed: There are currently five (5) active Parthenium sites throughout Mareeba Shire Council. These infestations have been passed on to the affected landowner to be treated in a timely way that will see them sprayed or hand removed before the plants come into flower. Three (3) more properties in the Bilwon area were inspected when they were seen to be at potential risk of being infected by this plant. No new Parthenium infestations have been found. The five (5) property owners are all complying with their requirements under the Act.

Thunbergia: Council provided support to affected landowners in Julatten and Kuranda who are actively removing this invasive plant from their land. MSC provided commercial spray equipment to chemically treat the vines and assisted in taking the plants to landfill for deep burying to prevent weed seed spread.

Miconia and Pond Apple: Jum Rum Creek at Kuranda has had a major infestation of Pond Apple that Council, ratepayers, Biosecurity Qld and The Barron River Catchment Management Group have been engaged on in a whole of catchment removal program on for many years. This infestation is almost extinct and several days this period were spent surveying the creek, anabranches, swamps and farm dams. Some small seedlings were removed, but efforts have almost won with this removal program.

The Miconia site covers around three (3) square kilometres. Every year council officer survey across multiple land tenures searching for these rainforest invading trees. The work is carried out in collaboration with ratepayers, biosecurity Qld, Kuranda Conservation Group and Kuranda Envirocare. All plants that are found have been hand removed and mapped on to Council Weeds map.

Navua Sedge: All council roads in Julatten have been subjected to a roadside spray program. The Rex Highway and The Mulligan Highway have been treated as well with funds provided by the Department of Transport Main Roads.

Gamba Grass: Has been boom sprayed on all roads throughout the Mareeba Dimbulah Irrigation Area (MDIA). Our control program site on Leadingham Ck and the upper Hodgkinson has been revisited and resprayed as necessary.

The aim of this program is to prevent infestations on the Hann Tableland from infesting the Walsh and Mitchell river systems.

Turbina Vine: As part of the Barron River Esplanade Asset Management Program, Turbina vines have been cut and chemically treated where they are impacting on the riparian trees. Other tributaries that run into the Barron in the town area have also been cleared of these vines.

Weedy Rats Tail Grass: Council officers arranged for a visit by the scientist who is developing a biological control agent that will see the pest grass infected and killed by a naturally occurring soil fungus. He has developed a technique to spread the fungus over broad acre paddocks. Council's Senior Land Protection Officer invited him to come and demonstrate the technique to some of our badly affected landowners. Two (2) farm trial sites have been established so that our group can see over time the kinds of results that are to be had with this product. If this approach is successful, it will be the best advancement seen on this rats tail grass problem and a report will be prepared at a later date on progress.

Vertebrate Pests: Council's bi yearly coordinated program on wild dog/dingo eradication continues with many of the larger pastoral properties carrying out their second round of baiting. Many smaller properties within the MDIA have also been wrapped up in coordinated baiting programs.

Feral Pigs have been treated with 1080 poison with free feeding programs in place on several fruit blocks. Officers continue to roll out the Drought Relief Program that is funded up by the Northern Gulf Resource Management Group. Their funds have purchased bait feeding devices that provide for target specific toxic bait use. The funds have also paid to fabricate 20 silo type pig traps that we are installing in strategic locations throughout the Shire.

Rabbits are still being trapped and injected with the RHD virus. They are poison baited with pindone dipped grain, and are also having their habitat removed by farmers clearing old car bodies and pipes etc. from around their sheds.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal
Infrastructure Services staff

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Included in 2016/2017 budget

Operating
Included in 2016/2017 budget

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

IMPLEMENTATION/COMMUNICATION

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

ATTACHMENTS

Nil

Date Prepared: *06 November 2016*

WATER & WASTE

ITEM-20 INFRASTRUCTURE SERVICES - WATER AND WASTEWATER GROUP - MONTHLY OPERATIONS REPORT - OCTOBER 2016

MEETING: Ordinary

MEETING DATE: 16 November 2016

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

DEPARTMENT: Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Water and Wastewater activities undertaken by the Infrastructure Services Department during the month of October 2016.

OFFICER'S RECOMMENDATION

"That Council receive and note the October 2016 Monthly Water and Wastewater Report."

LINK TO CORPORATE PLAN

GOV 3 Undertake a whole of Council service level review to establish sustainable operational costs across core local government business and consult with communities.

1. Capital and Maintenance Works Projects

- Early works have been completed on the Kuranda Treated Water Reservoir augmentation and the Tender issued for the project.
- The shed extension works for the sludge management facility have been awarded to MDF Industries and should be completed by 23 December.

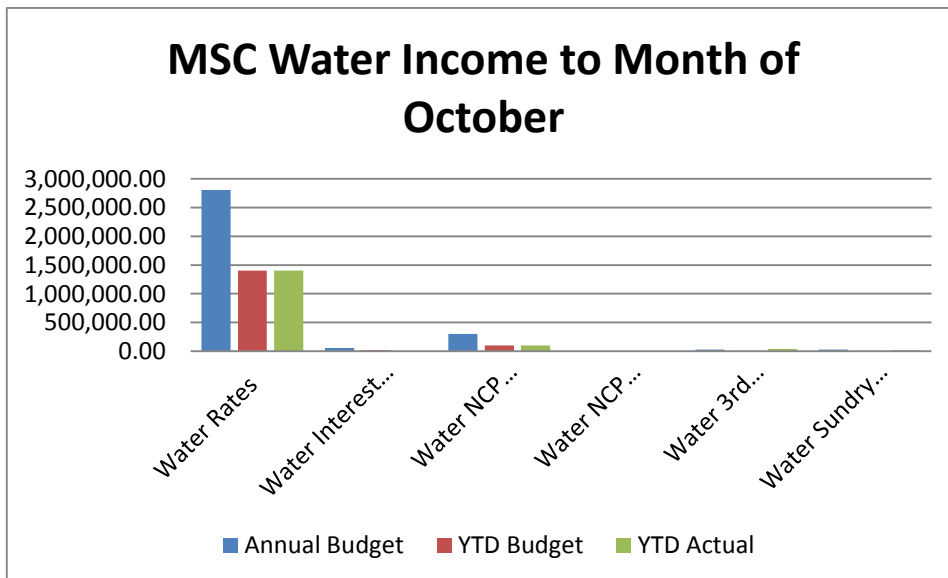


2. Environmental Monitoring - Treatment

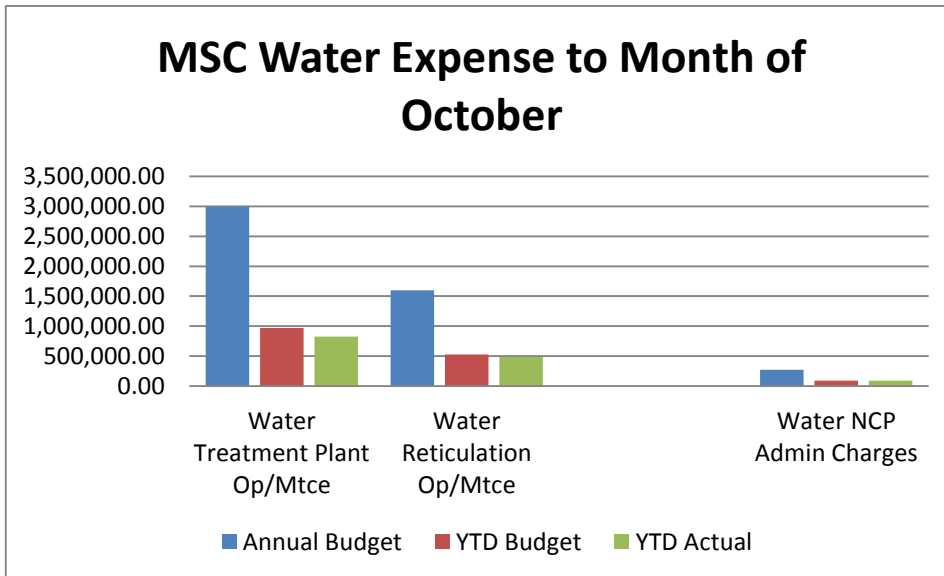
- Mareeba WTP exceeded the Aluminium trigger limit, set in the Licence conditions, for release of backwash water to the Barron River.
- Mareeba STP compliant with Transitional Environmental Plan (TEP).
- DEHP carried out a compliance inspection of the Mareeba STP on the 24 October, waiting on compliance inspection response from DEHP.
- Kuranda STP remains compliant with licence conditions.

3. Budget - Water

Graphical - Revenue

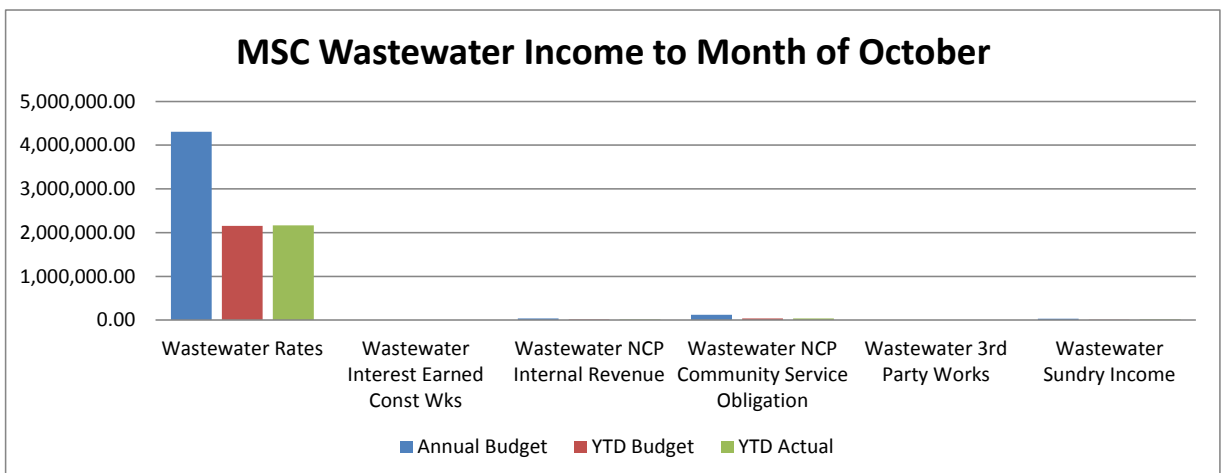


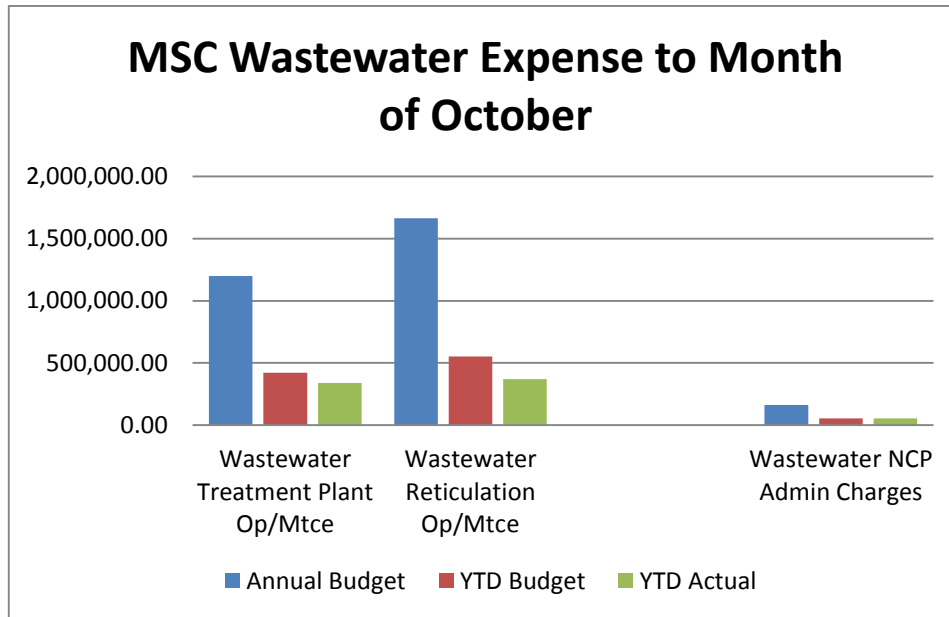
Graphical – Expense



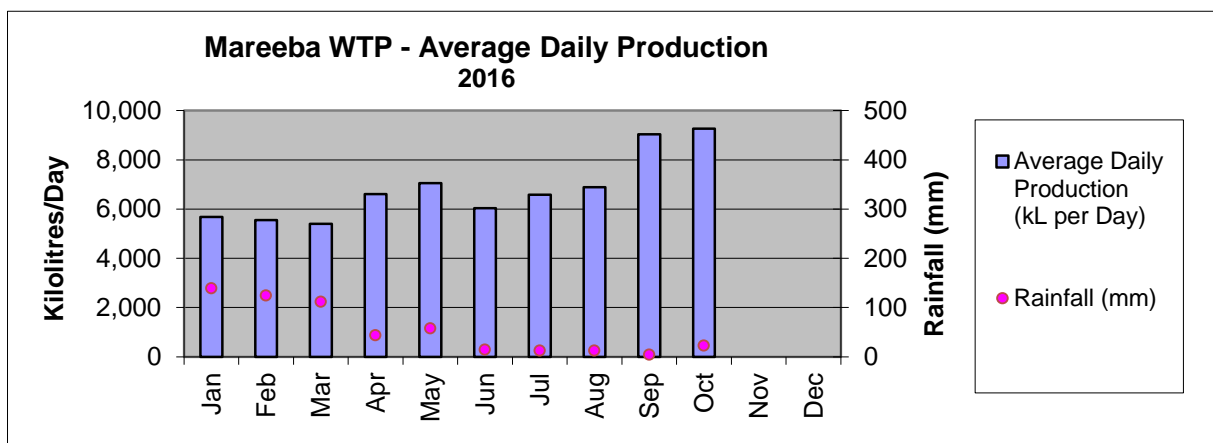
4. Budget - Wastewater

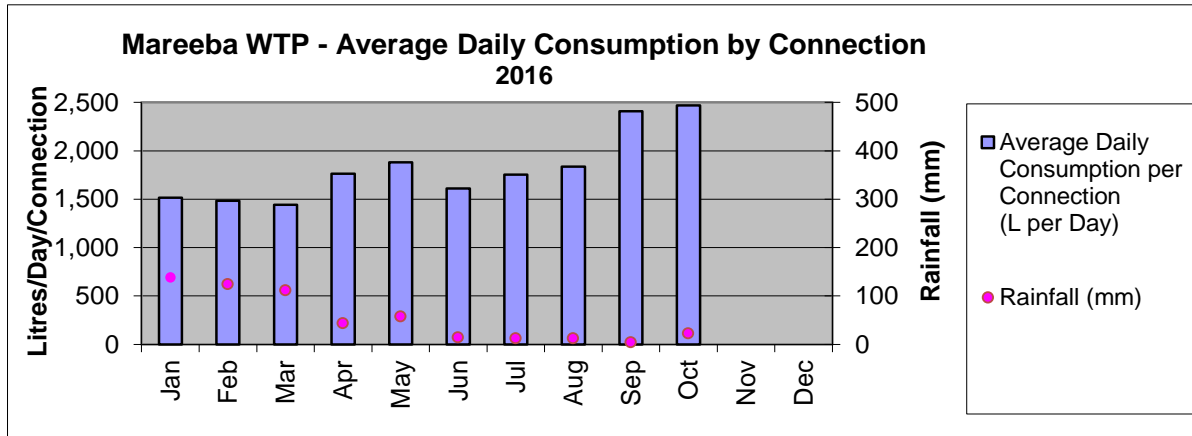
Graphical - Revenue



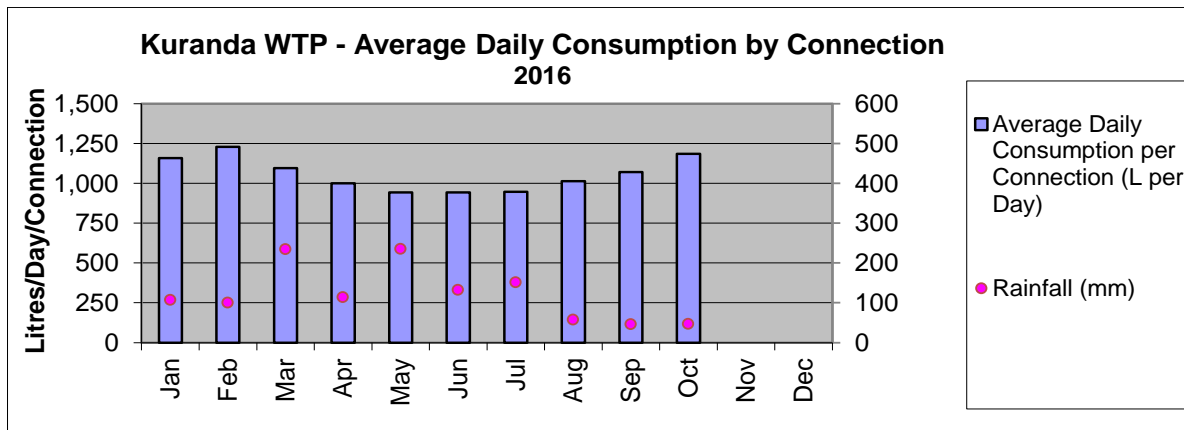
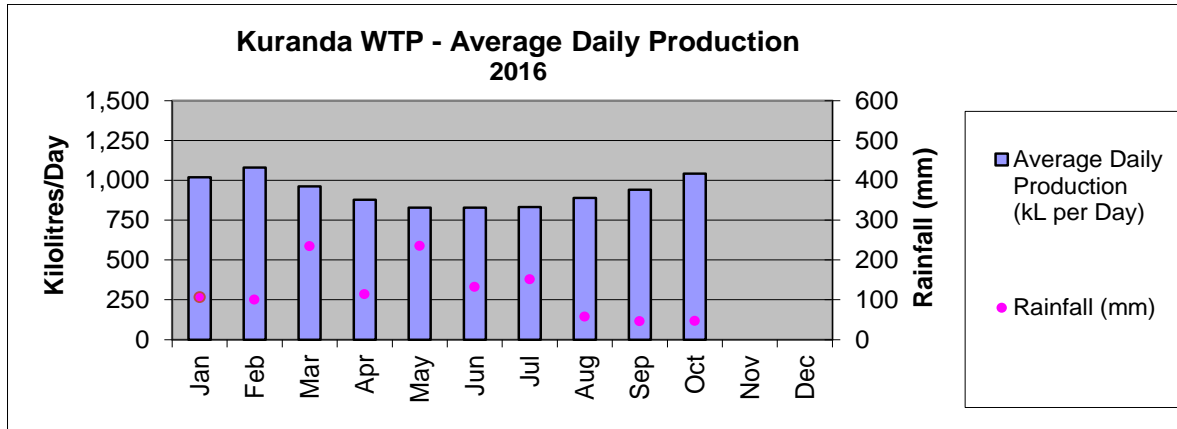
Graphical – Expense

5. Chlorine Residual Readings

October 2016	Chlorine Residual Readings 2016												
	Australian Drinking Water Guidelines Maximum 5mg/L												
	Mon 3rd	Wed 5th	Fri 7th	Mon 10th	Wed 12th	Fri 14th	Mon 17th	Wed 19th	Fri 21st	Mon 24th	Wed 26th	Fri 28th	Mon 31st
Mareeba Rankine St	1.15	1.14	1.17	1.05	1.13	1.21	0.80	1.26	1.16	0.94	1.03	1.20	1.22
Wylandra Drive Mareeba	0.66	0.70	0.81	0.75	0.77	0.75	0.36	0.87	0.58	0.76	0.73	0.91	0.78
Gregory Terrace Kuranda	0.67	0.62	0.66	0.88	0.60	0.54	0.61	0.67	0.71	0.75	0.83	0.90	1.10
Mason Rd PS Kuranda	0.99	1.03	0.96	0.98	0.91	0.95	1.04	1.05	1.02	1.03	1.22	1.01	1.14
Chillagoe	1.27	1.15	1.87	1.25	1.04	1.27	1.82	1.16	1.89	1.17	0.95	1.06	1.21
Dimbulah	1.20	1.21	1.14	1.15	1.23	1.28	1.24	1.30	1.27	1.03	1.19	1.21	1.34

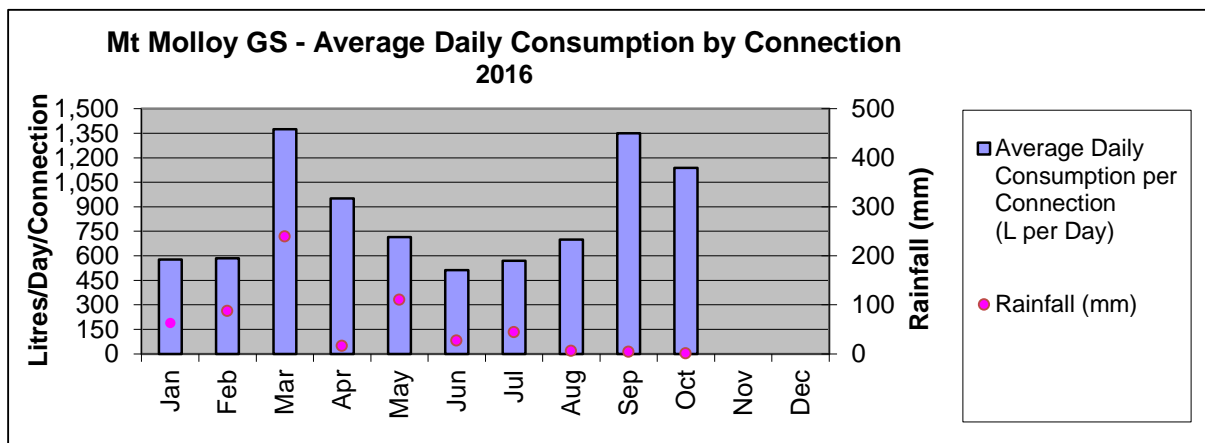
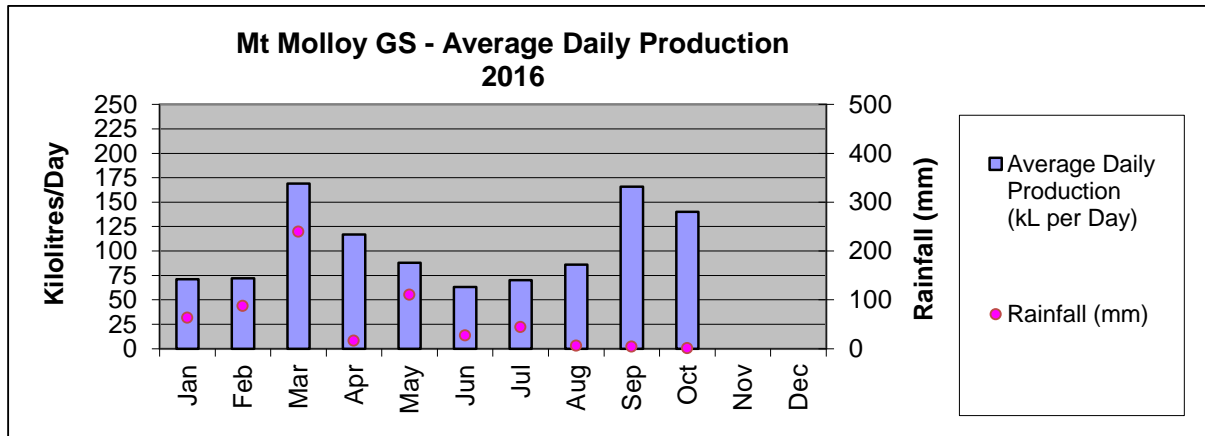
6. Mareeba Water Supply Scheme – Operations Data




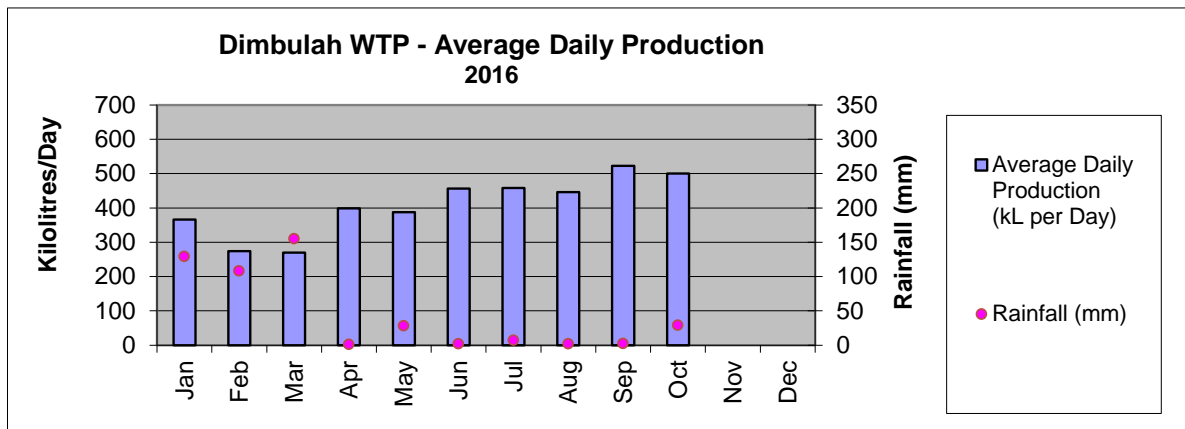
7. Kuranda Water Supply Scheme - Operations Data

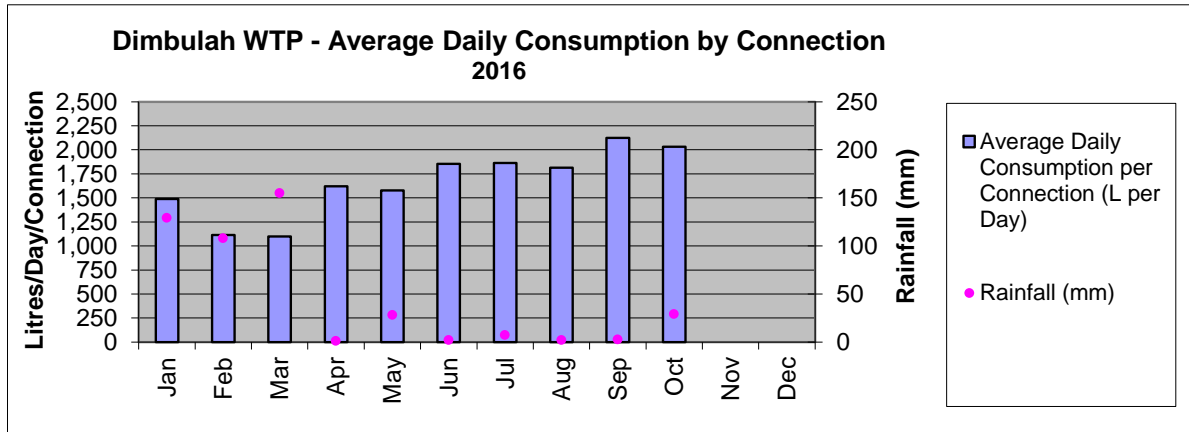


8. Mount Molloy Water Supply Scheme - Operations Data

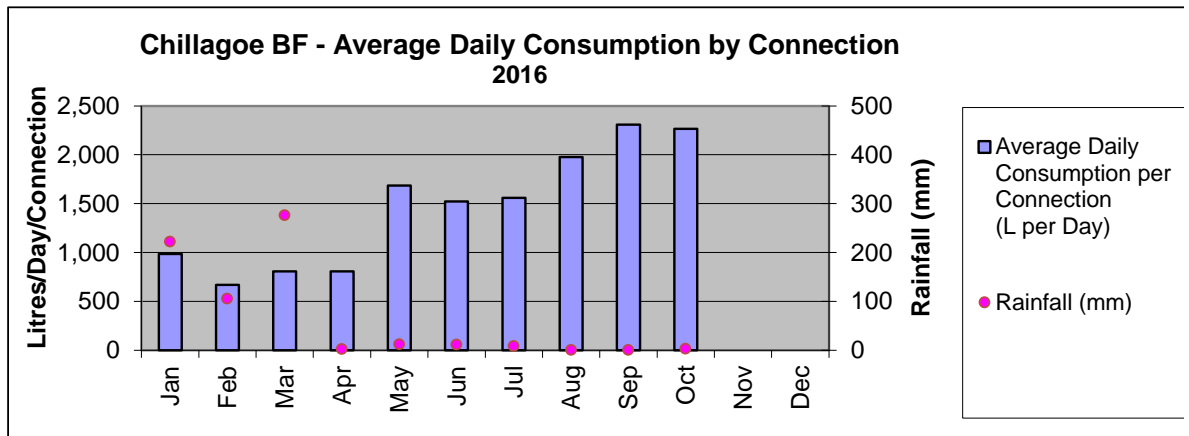
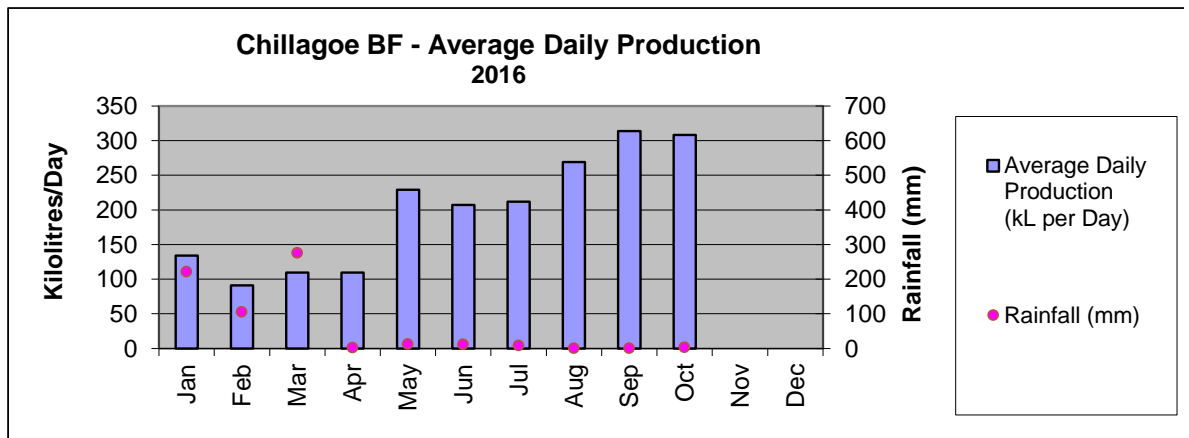


9. Dimbulah Water Supply Scheme - Operations Data

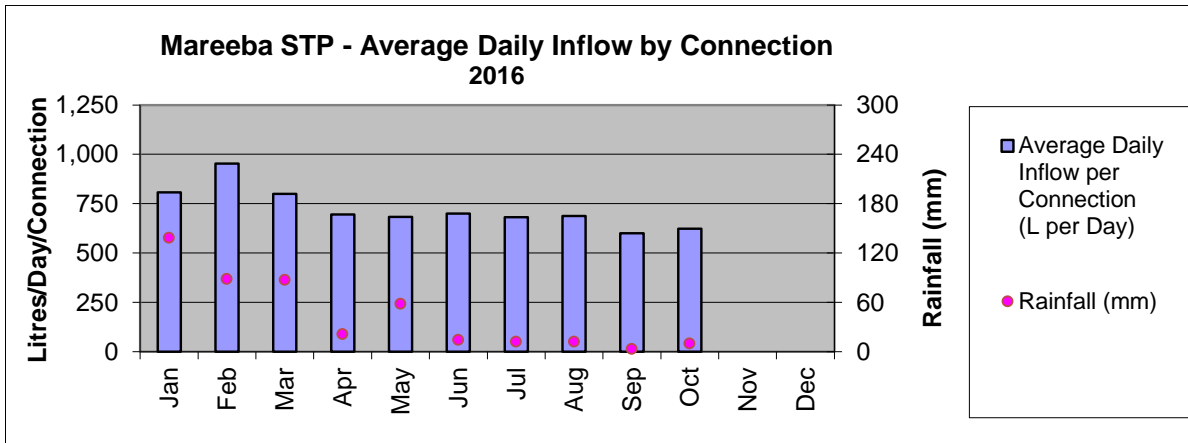
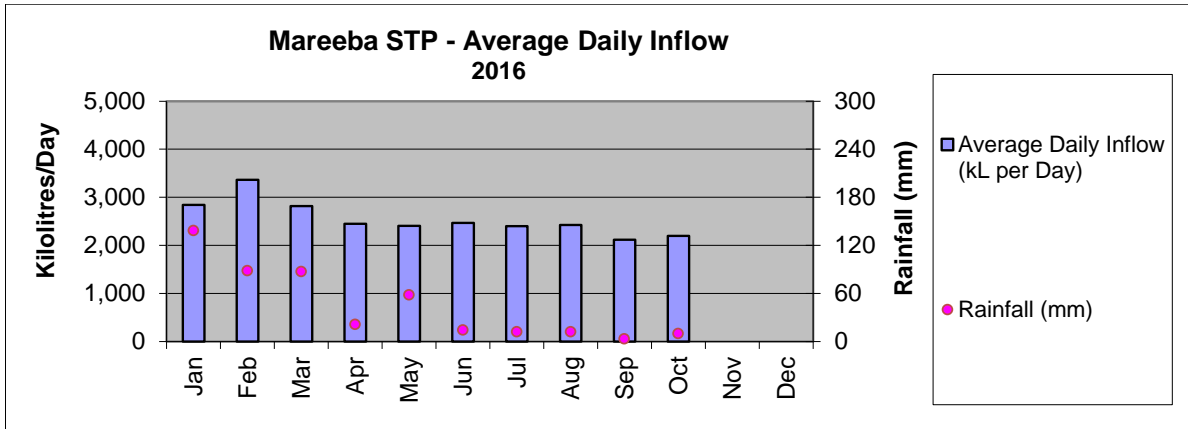




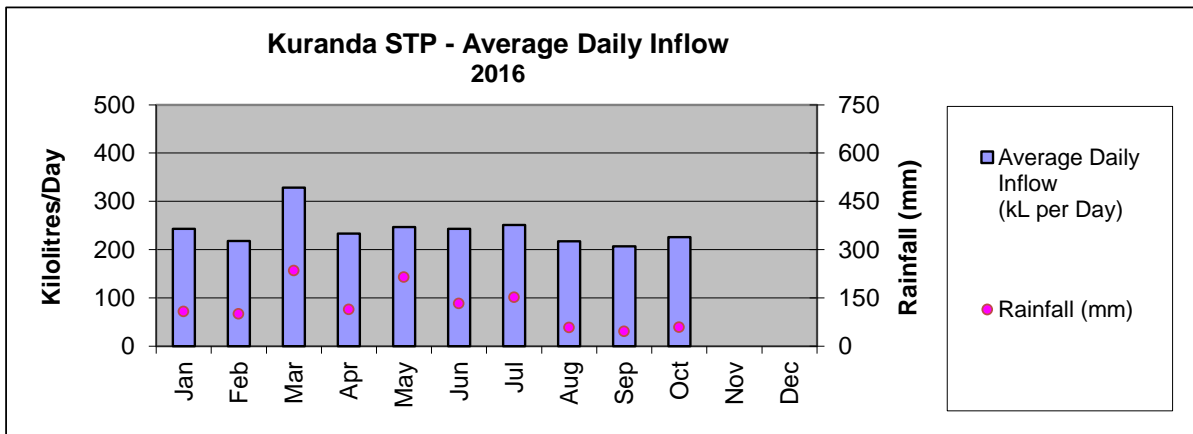
10. Chillagoe Water Supply Scheme - Operations Data

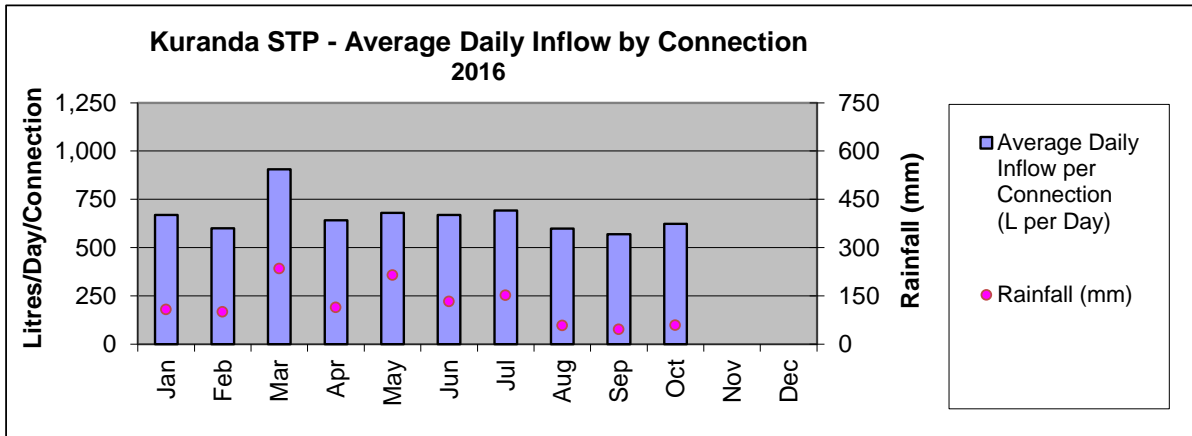


11. Mareeba Wastewater Treatment Plant - Operations Data



12. Kuranda Wastewater Treatment Plant - Operations Data





Date Prepared: 6 November 2016

**ITEM-21 INFRASTRUCTURE SERVICES - WASTE OPERATIONS
REPORT - OCTOBER 2016****MEETING:** Ordinary**MEETING DATE:** 16 November 2016**REPORT OFFICER'S
TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

This report summarises Council's Waste activities undertaken by the Infrastructure Services Department during the month of October 2016.

OFFICER'S RECOMMENDATION

"That Council receive and note the Infrastructure Services, Waste Operations Progress Report, October 2016."

BACKGROUND

The following is a summary of the waste activities undertaken during the month of October 2016.

1. Waste Operations

- 5,154 vehicles entered Mareeba waste facility (to drop off or pick waste).
- 509 vehicles deposited waste to Mareeba Landfill (total).
- 306 Suez vehicles deposited waste to Mareeba Landfill.
- 43 Suez vehicles removed waste from Mareeba WTS to recycling facility in Cairns.
- 137 cubic metres of mulch sold (75 in bulk sales & 62 in small lots less than 3 cubic metres).
- DEHP carried out compliance inspection Mareeba Landfill, awaiting outcome.
- All transfer stations and Mareeba landfill are currently operational.

2. Old Mareeba Landfill Capping Project

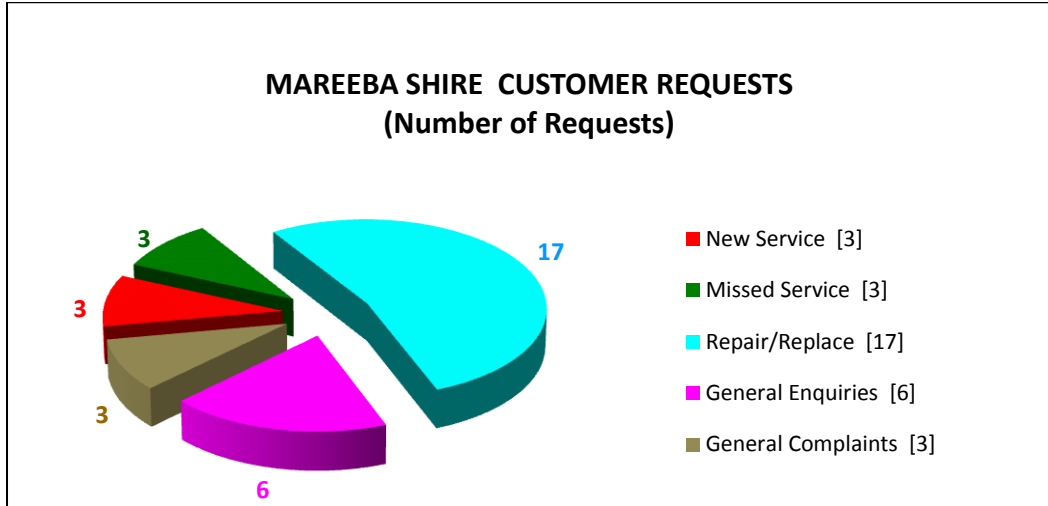
- Project was awarded to Celtic Construction & Utility Services July 2016
 - Commenced work onsite late September 2016.
 - Bund wall construction complete on the south-western end.
 - Select fill stripped from identified areas within the bunded area.
 - Waste removal commenced on the northern end to consolidate the containment area.
 - Waste profiling and placement commenced on the south-west end using the relocated northern waste.
-

- Project slightly behind schedule due to a delay in mobilization and work commencement



3. Customer Service Waste Statistics

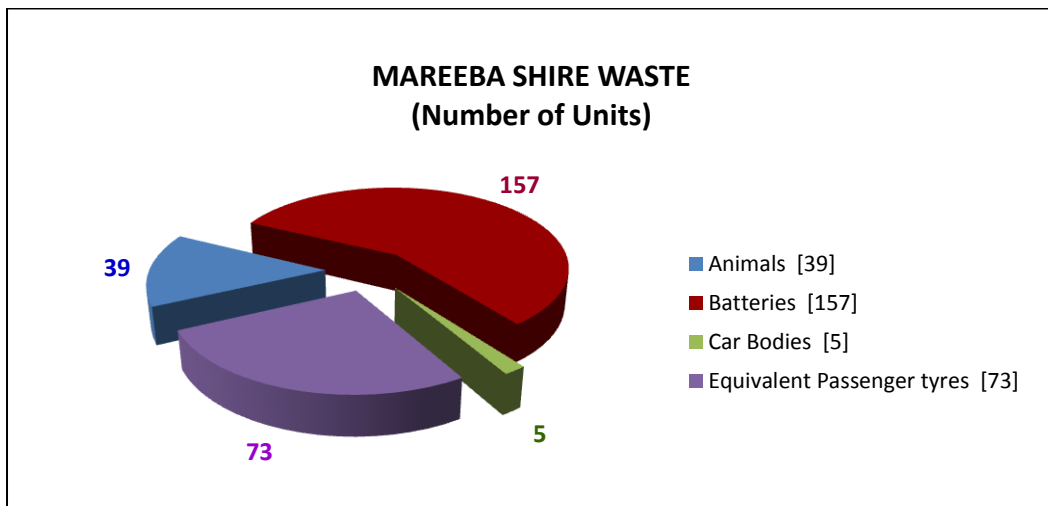
The following graph displays customer requests logged in the Customer Request Management (CRM) system during the month of October 2016.

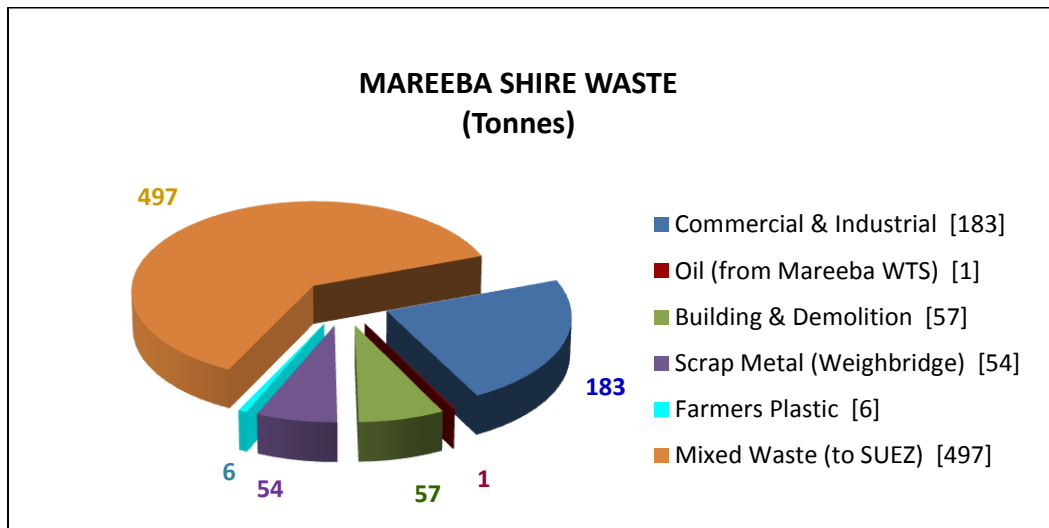


4. Waste Collected at Each of the Transfer Stations

Waste material collected at each of the waste transfer stations is either deposited directly to the Mareeba landfill, recycled or transported to the Suez facility in Cairns for processing.

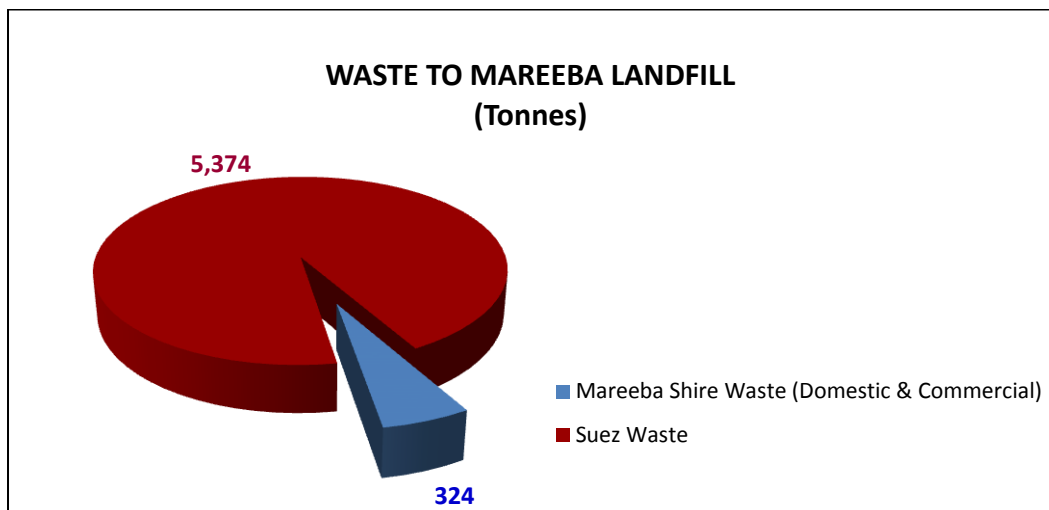
The following pie charts are separated into waste received as whole units and waste received as accrued tonnage.





5. Waste to Mareeba Landfill

The Mareeba Shire waste shown in the pie chart below is the waste collected at each of the waste transfer stations (Mareeba included), and deposited directly to the Mareeba landfill. The commercial waste shown below is derived from the Suez recycling plant in Cairns and deposited into the Mareeba landfill.



6. Revenue

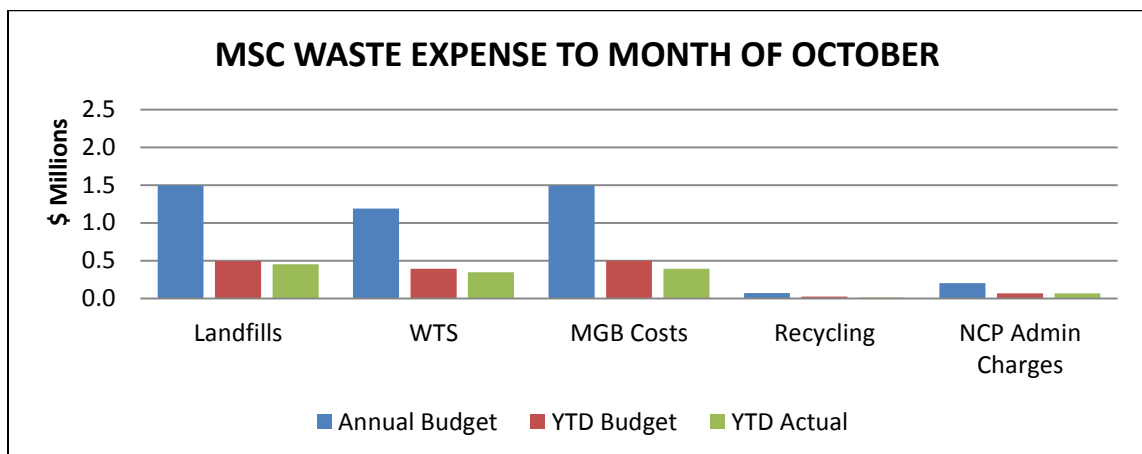
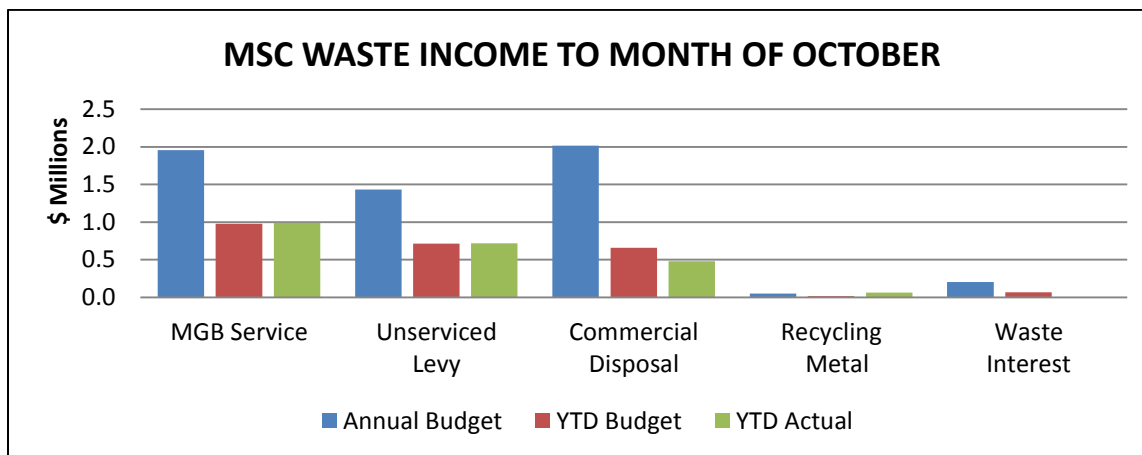
The income is derived from:

- Commercial disposal (predominantly Suez)
- Interest earned
- Interest on Constrained Works
- Recycling (steel, batteries)
- Rates

The expenditure is derived from:

- Waste administration
- Landfill management
- Transfer station management

7. Financial Operational Budget Information Per Budget Section Overall



LINK TO CORPORATE PLAN

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

GOV 3:- Undertake a whole of council service level review to establish sustainable operational costs across core local government business and consult with communities.

CONSULTATION*Internal*

Acting Director Infrastructure Services
Waste Staff

External

Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Nil

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

Yes

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 4 November 2016

CHIEF EXECUTIVE OFFICER**ITEM-22 CHANGE IN COUNCIL MEETING DATE JANUARY 2017**

MEETING: Ordinary

MEETING DATE: 16 November 2016

REPORT OFFICER'S TITLE: Chief Executive Officer

DEPARTMENT: Office of the Chief Executive Officer

EXECUTIVE SUMMARY

This report is presented to Council to consider changing the date of the Ordinary Meeting scheduled to be held from 18 January 2017 to Wednesday 25 January 2017. The reason for the proposed change is to accommodate the fact that Council will be closed from 23 December 2016 to 3 January 2017 and as such, business activity with Council would be minimal in the first week of January. This would then result in limited Agenda items being presented to Council if the meeting schedule remains unchanged. It is more appropriate to vary the schedule in this instance ensure meaningful reports can be presented to Council.

OFFICER'S RECOMMENDATION

"That Council hold its January 2017 Ordinary Council meeting on Wednesday 25 January 2017."

BACKGROUND

Council Meetings are generally held on the third Wednesday of every month, with the deadline for Council Reports the week before. The early part of January has historically been quiet and would result in minimal Agenda items being presented due to the short time frame to prepare the Council Meeting Reports. By moving the Council Meeting back one (1) week there is a greater opportunity to *ensure meaningful reports can be presented to Council.*

.

LINK TO CORPORATE PLAN

N/A

CONSULTATION

Internal
Chief Executive Officer
Executive Management Team

External
Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 04/11/2016

ITEM-23 MAREEBA LOCAL DISASTER MANAGEMENT GROUP

MEETING: Ordinary

MEETING DATE: 16 November 2016

REPORT OFFICER'S TITLE: Chief Executive Officer

DEPARTMENT: Office of the Chief Executive Officer

EXECUTIVE SUMMARY

Under s.57 of the Disaster Management Act 2003, Mareeba Shire Council must prepare a Local Disaster Management Plan for disaster management in the local government's area and this was adopted by Council on 16 July 2014.

Due to changes in both Councillor Representation and key staff within the Local Disaster Management Group (LDMG) and Sub-Groups, it is necessary for Council to endorse the proposed changes to the LDMG structure.

OFFICER'S RECOMMENDATION

"That Council endorse and adopt the changes to the Mareeba Local Disaster Management Group structure."

BACKGROUND

The Local Disaster Management Plan (LDMP) is the foundation document for responding to and recovering from disaster events that affect the Mareeba Shire Council area. The LDMP was adopted by Council on 16 July 2014.

It is a requirement of the *Disaster Management Act 2003* that Mareeba Shire Council must review the effectiveness of its LDMP at least once per year (s.59). During the recent review of LDMP it was identified that Attachment 1 of the LDMP needed to be updated to reflect changes in both Councillor and senior staff representation.

LINK TO CORPORATE PLAN

Nil

CONSULTATION

Internal
Mayor / LDMG Chairperson
Chief Executive Officer / Local Disaster Coordinator

External
Nil

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

Under s.57 of the Disaster Management Act 2003, Mareeba Shire Council must prepare a Local Disaster Management Plan for disaster management in the local government's area.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

IMPLEMENTATION/COMMUNICATION

Following approval by Council, a copy of the LDMG Structure will be tabled at the next Mareeba LDMG meeting and incorporated in the Mareeba LDMP.

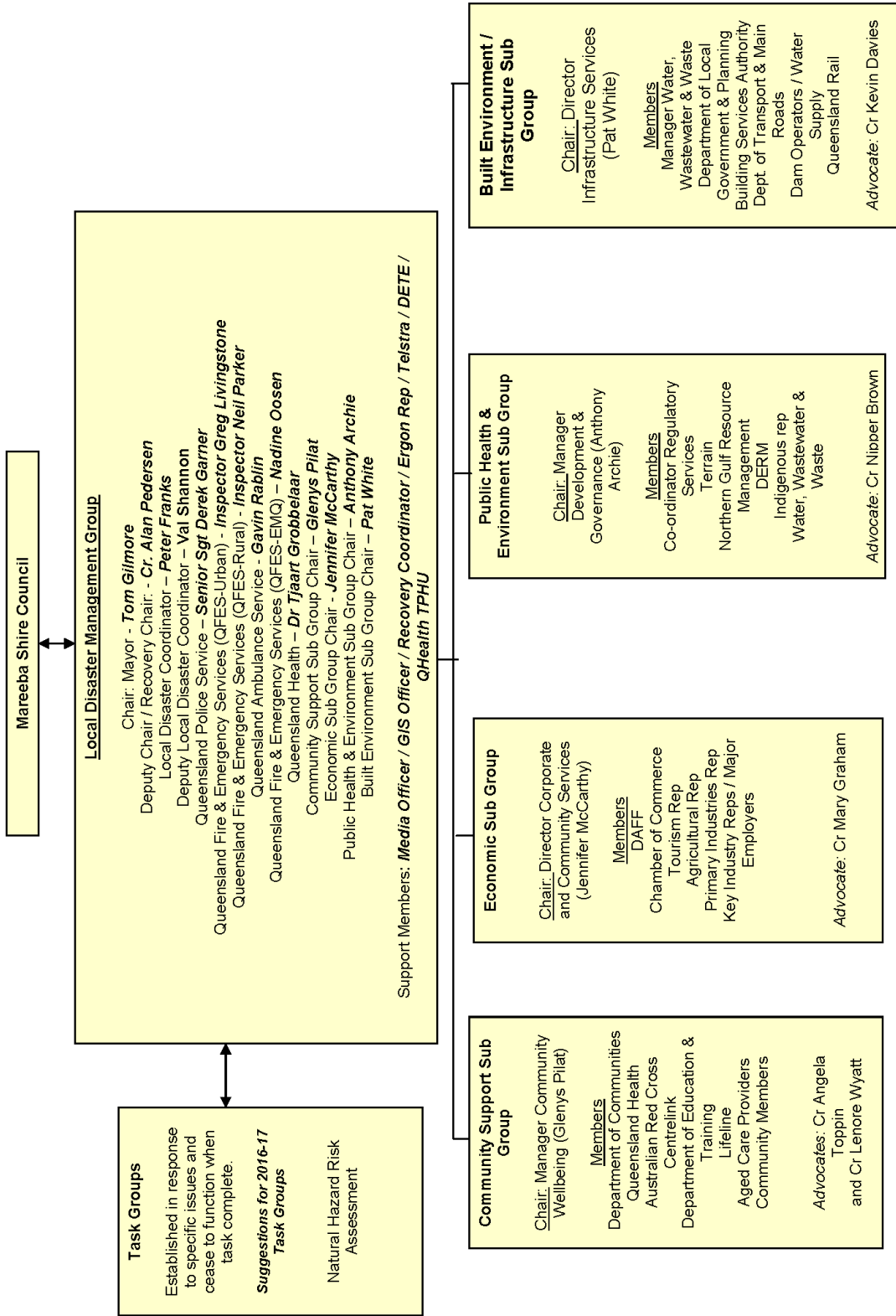
ATTACHMENTS

1. Mareeba Shire Council Local Disaster Management Group (LDMG) Structure

Date Prepared: 24 October 2016



ATTACHMENT 1: Mareeba Shire Council Local Disaster Management Group (LDMG) Structure



ADOPTED BY COUNCIL 16/11/2016

ITEM-24**GOLD COAST 2018 COMMONWEALTH GAMES
QUEEN'S BATON RELAY CONFIDENTIAL****REASON FOR CONFIDENTIALITY**

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed to be made by it.

ITEM-25

A SUMMARY, IN CHRONOLOGICAL ORDER, OF DOCUMENTATION AND EVENTS RELATED TO REEDLODGE PTY LTD'S REQUEST TO PURCHASE A PORTION OF THE RESERVE FOR LOCAL GOVERNMENT PURPOSES (AGED HOUSING) (LOT 20NR7137) CONFIDENTIAL

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 275(1) (h) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (h) other business for which a public discussion would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage.

BUSINESS WITHOUT NOTICE

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 21 December 2016

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

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

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
DA/16/0055	7/10/2016	R Jordan & T Vickers 65 Greenforest Road, Kuranda	Lot 23 on RP726370	Material Change of Use - Dwelling House (Family Accommodation)	Approved on 11 October 2016.
DA/16/0056	18/10/2016	GJ Armbrust 6068 Mulligan Highway, Mount Carbine	Lot 1 on RP745867	Material Change of Use - Tourist Park (Camp Ground)	In public notification stage.
OW/16/0009	13/10/2016	Adil Farming Co Pty Ltd Mulligan Highway, Bibohra	Lot 238 on SP276717	Operational Works (Earthworks)	Approved on 20 October 2016.

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
DA/16/0055	12/10/2016	R Jordan & T Vickers	65 Greenforest Road, Kuranda	Lot 23 on RP726370	Material Change of Use - Dwelling House (Family Accommodation)
OW/16/0009	20/10/2016	Adil Farming Co Pty Ltd	Mulligan Highway, Bibohra	Lot 238 on SP276717	Operational Works (Earthworks)

Building Work assessable against the Planning Scheme Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
BAP/16/0013	5/10/2016	MSF Sugar Ltd	1823 Springmount Road, Arriga	Lot 1 on SP100452	Request for building height dispensation to allow replacement of boiler (30.57m) and chimney stack (45.5m).

October 2016 (Regional Land Use Planning)

BAP/16/0014	25/10/2016	DP Energy	8579 Mulligan Highway, Desailly	Lot 191 on SP284406	Request for building height dispensation to allow erection of two wind monitoring masts (62m).
BAP/16/0015	31/10/2016	B & K Ernst	31 Ceola Drive, Mareeba	Lot 81 on SP184957	Request for GFA dispensation to allow 30.6m ² addition to 81m ² shed.

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
REC/07/0084	5/10/2016	D Rankine	Bitwon Road, Biboohra	Lot 22 on SP160167	2 lots
DA/16/0023	20/09/2016	L Mosch	Mount Mulligan Road, Dimbulah	Lot 191 on SP284101	2 lots
DA/16/0024	31/10/2016	A Guild-Schoeller	Wolfram Road, Dimbulah	Lot 20 on HG143 & Lot 19 on HG755	2 lots (boundary realignment)
REC/07/0052	31/10/2016	Hockey Machinery Sales Pty Ltd	Summer Street, Mareeba	Lot 99 on SP292110	2 lots

October 2016 (Regional Land Use Planning)