



Ordinary Meeting

Council Chambers
Date: 21 March 2018
Time: 9:00am

AGENDA

THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON **WEDNESDAY, 21 MARCH 2018** AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS
CHIEF EXECUTIVE OFFICER

ORDER OF BUSINESS

MEMBERS IN ATTENDANCE

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BEREAVEMENTS/CONDOLENCES

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CORPORATE AND COMMUNITY SERVICES

REGIONAL LAND USE PLANNING

ITEM-1 **P ENGLISH - MATERIAL CHANGE OF USE - AIR SERVICES (PRIVATE AIRSTRIP) - LOT 1 RP746336 - 343 FANTIN ROAD, KOAH - DA/17/0029**

MEETING: Ordinary

MEETING DATE: 21 March 2018

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	P English	ADDRESS	343 Fantin Road, Koah
DATE LODGED	23 June 2017	RPD	Lot 1 on RP746336
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Air Services (Private Airstrip)		

FILE NO	DA/17/0029	AREA	73.637 ha
LODGED BY	Liz Taylor Town Planner	OWNER	P, S & C English
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	182		

ATTACHMENTS:

1. Proposal Plan/s
2. Noise Impact Assessment prepared by Dedicated Acoustics dated 3 November 2017
3. Submitter letters (distributed separately)

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. The subject site contains an existing private grassed airstrip and aircraft

hangar with existing use rights to conduct up to 52 flights per annum (approved by Council on 19 May 2010 – MCU/09/0050). The landowner/applicant now proposes to increase the total number of flights per annum to 365 flights, averaging one (1) flight per day, with the ability to conduct up to six (6) flights per day if desired.

During public notification of the application, 182 submissions were received by Council, of which 169 objected to the proposed development, while 13 were in support.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is not considered to conflict with any relevant aspect of the Planning Scheme. In terms of land use suitability, a private airstrip within the Rural zone is not considered to be an inconsistent use, however, this airstrip is situated in proximity to the Koah Township and is surrounded by a mix of residential and rural residential/lifestyle lots. As such, noise impacts as a result of the proposed increased use of the airstrip and the potential resultant loss of amenity are the primary planning consideration when assessing the application.

In order to comply with the relevant aspects of the Planning Scheme, it had to be demonstrated that the proposed intensification or increased use of the airstrip would not cause unacceptable noise impacts and loss of amenity for surrounding residences. 'Amenity' in itself is highly subjective and usually interpreted differently depending on an individual's viewpoints regarding environmental qualities. This is evidenced by a combination of support and opposition for the proposed development from a number of different landowners sited immediately adjacent the airstrip who would be expected to be impacted the greatest. For this reason, Council officers requested that the applicant commission a noise impact assessment (NIA) to assist in determining the level of noise impact associated with the development.

The NIA included calibrated noise readings at three different locations for all three (3) planes owned by the applicant, and all three test locations were in proximity to immediate adjoining dwellings. Based on the readings documented within the NIA, the planes created a noise disturbance (increase in noise) of between 20 – 50 decibels, depending on test location and background noise levels. Considering the airstrip can currently lawfully be used by two (2) of the three (3) planes involved in the assessment for up to 52 flights per year, the proposed increase in the frequency of flights becomes integral when determining if the developments level of noise nuisance/impact is unacceptable. Also measured was the noise levels of the three (3) planes when flying over the site (overflights) which has also been flagged by submitters as a noise nuisance.

The NIA concluded that some noise impacts will be felt by surrounding residences based on an average usage of one (1) flight per day and up to six (6) flights in any given day, however the level of impact is relatively minor and limited to a sparsely populated area. Noise impacts are also lessened due to the fact that flights only occur during the less sensitive daylight hours, are very short in duration (average of 34 seconds) and affected landowners are provided with substantial respite between each flight. Furthermore, overflight noise levels were generally less than that of commercial passenger jets which fly over the Koah area on a daily basis.

In order to help minimise noise and amenity impacts associated with the proposed development, it is recommended that conditions be attached to any approval limiting the frequency of flights to a maximum of seven (7) flights in any given calendar week. This will ensure the 365 flights applied for are spread over the course of a year, and if more than one (1) flight is carried out on any given day during that week (allowable maximum of 6 flights)

there will be resultant day/s within that same week where flying would not be permitted as the seven (7) flight weekly limit will still apply.

Based on the above considerations and with the inclusion of conditions that will limit flight frequency, it is considered that the proposed intensification of the airstrip use could proceed without causing unacceptable noise impacts and loss of amenity for surrounding residential uses.

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

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

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	P English	ADDRESS	343 Fantin Road, Koah
DATE LODGED	23 June 2017	RPD	Lot 1 on RP746336
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use – Air Services (Private Airstrip)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use – Air Services (Private Airstrip)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
32301-01 Sheet 1 of 2	Flight Plan For Take Off to South	Veris	1/06/2017
32301-01 Sheet 2 of 2	Flight Plan For Take Off to North	Veris	1/06/2017

(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

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

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.

- 3.2 The applicant/landowner 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 works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

- 3.4 Hours of Operation

The permitted hours for machinery to be used for maintaining the airstrip, for unscheduled aircraft maintenance, and for aircraft to take-off and land shall be between 7am and 6pm Monday to Sunday except for emergency use, which can be whenever necessary.

- 3.5 Permitted Flights

Recreational aircraft flights shall be limited as follows unless approved otherwise by Council:

- seven (7) flights per calendar week (Monday to Sunday), totalling 365 flights per normal calendar year, inclusive of the 52 flights per calendar year permitted under development permit MCU/09/0050;
- A maximum of six (6) flights are permitted on any given day over the course of a calendar week, subject to the abovementioned limit of seven (7) flights per calendar week;

- A maximum of 12 flights for visitor pilots over the course of a calendar year, subject to the abovementioned limits of seven (7) flights per calendar week and up to six (6) flights in any given day over the course of a calendar week.

Note: 1 “flight” includes 1 take-off movement and 1 landing movement, or vice-versa for “visitor flights” as visitor flights do not commence from the site.

3.6 Flight Logbook

The applicant/landowner must, for the life of the development, maintain a flight logbook, which contains records of all flight movements to and from the approved airstrip, including visitor flights. Flight records must include the aircraft used, and the date in which the flight/s was carried out.

At the request of Council officers, the logbook must be made available to Council for review.

3.7 Permitted Aircraft

Use of the airstrip is to be limited to Cessna 172, replica Spitfire MK5 and Glassair II aircraft, or other non-commercial aircraft with similar impact approved by Council’s delegated officer. This excludes the use of the airstrip by emergency flights, which are permitted to use whatever aircraft necessary.

3.8 Flight Paths

When safe to do so, any aircraft taking off in a southerly direction (where not involving a circuit), must turn to the east immediately after take-off, preferably following the Fantin Road road reserve in a south-east direction in order to avoid flying over Lot 201 on NR3170.

Any circuit after take-off must be carried out to the east of the site.

Note: A circuit as depicted on the submitted plans is not mandatory during take-off or landing.

3.9 All scheduled maintenance of aircraft shall be undertaken off-site.

3.10 Water Supply for Fire Fighting Purposes

The development is to be provided with a source of water for fire-fighting purposes of not less than 5,000 litres. This may be satisfied by the provision of an accessible dam, swimming pool or tank. In the case of a tank supply, delivery of the water should be provided through a 50mm Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located in an accessible position within 40 metres of the existing building.

3.11 Fuel Storage

Any fuel stored on site associated with the approved use must be kept in a sealed, bunded area with a storage capacity of at least 150% of the storage capacity of any fuel storage tanks/containers.

4. Infrastructure Services and Standards

4.1 Access

The sites existing access crossover must be upgraded/constructed (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

4.2.1 Any material likely to degrade water (e.g. oils, lubricants, solvents, coolants, degreasing agents etc.) must be stored within a bunded area, or an appropriately designed chemical storage container, suitable for preventing the escape of material into surface or underground water resources.

4.2.2 An emergency spill containment kit must be kept on site at all times and used when a spill occurs to prevent the escape of any contaminants off-site.

4.2.3 Any aircraft wash down area/s is to be located so as to prevent the discharge of sediment, contaminants or wastewater to waterways, creeks or watercourses.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Compliance with applicable codes/policies

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

(b) Compliance with Acts and Regulations

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

(c) 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

(d) Cultural Heritage

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

(E) RELEVANT PERIOD

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

- Material Change of Use – four (4) years (starting the day the approval takes effect);

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

- Nil

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

THE SITE

The subject site is situated just to the south-east of the Koah Township at 343 Fantin Road, Koah and is described as Lot 1 on RP746336. The site is irregular in shape with a total area of 73.637 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. The site is accessed from Fantin Road which terminates at the site boundary and is constructed to a formed gravel standard for its entire length. The site also contains frontage to multiple sections of undeveloped road reserve in its north-east corner as well as approximately 470 metres of frontage to the Mareeba - Kuranda railway line at the northern end of the property.

The site is improved by an aircraft hangar/storage and maintenance shed situated approximately 500 metres into the site from Fantin Road as well as a grassed airstrip approximately 900 metres in length which runs in a north-west to south-east direction. The airstrip is operational and supports up to 52 flights per annum, approved under Development Permit MCU/09/0050. Two (2) dams are also present at opposite ends of the site. The majority of the site has been cleared of vegetation while the western edge remains vegetated with mature riparian vegetation pertaining to the Clohesy River which runs along the western edge of the site. Scattered mature vegetation is also present over the northern end of the site. The location of the existing airstrip is shown on the below maps in orange hatching.

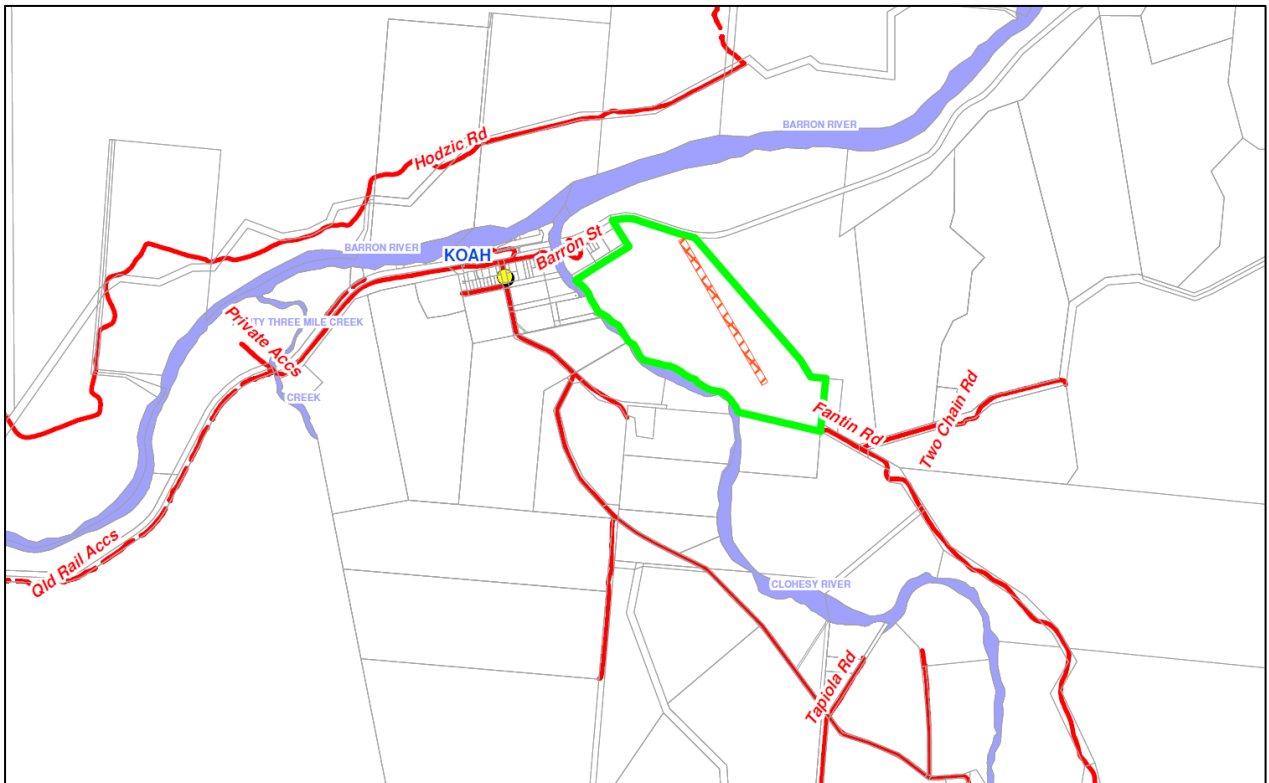
Lots to the north and north-west of the site make up the Koah Township and are zoned a mix of Low Density Residential and Rural Residential and contain a mix of dwelling house uses

and rural lifestyle uses. Lots to the south, east and west of the site are predominantly Rural zoned properties and are used as a mix of both rural lifestyle lots and grazing properties.



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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PREVIOUS APPLICATIONS & APPROVALS/BACKGROUND AND CONTEXT**MCU/09/0050**

Council, at its Ordinary Meeting on 19 May 2010, approved an application made by Planning Far North on behalf of P English (the landowner) for a material change of use – aircraft facility (private airstrip) over land described as Lot 1 on RP746336, situated at 343 Fantin Road, Koah. Development approval MCU/09/0050 authorised the use of the private airstrip to conduct up to 52 flights per year using a Cessna 172 or similar aircraft with the same or lesser impact.

In July/August of 2012, Council received several complaints advising that the landowner had started operating a replica spitfire from the airstrip. In response to these complaints, the landowner submitted a formal request to Council for approval to operate the replica spitfire arguing that it had the same or lesser impact than the approved Cessna 172 aircraft. Council, at its Ordinary Meeting on 20 September 2012, resolved to approve the landowners request to operate the replica Spitfire aircraft from the airstrip.

P English, the landowner, now wishes to conduct up to 365 flights per year from the approved airstrip. This activity constitutes an intensification of the use, triggering the requirement for this fresh application for material change of use – air services (private airstrip).

Noise Complaints

Between September 2012 after Council approved the use of the replica Spitfire aircraft from the approved airstrip and June 2017 when the current development application was lodged,

Council has no record of any complaints being received about the existing approved airstrip activity (taking off and landing of planes on site), or about any noise nuisance with regards to flying over the Koah/Speewah/Kuranda area.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use – Air Services (Private Airstrip) in accordance with the plans shown in **Attachment 1**.

Use of the sites existing airstrip for up to 52 flights per year is authorised under development permit MCU/09/0050 which was approved by Council on 19 May 2010.

The landowner/applicant proposes the following flight activity from the existing airstrip:

- A maximum of 365 flights per year, averaging one (1) flight per day; and
- The ability to conduct a maximum of 6 flights on any given day, with these flights to be included in the annual maximum 365 flight limit; and
- A maximum of 12 individual visitor flights per year (pilots other than the landowner/applicant) permitted to use the airstrip, whilst still adhering to the maximum daily flight limit of six (6) flights, and to be included in the annual maximum 365 flight limit.

Under any arrangement of flights, it is not proposed to exceed 365 flights per annum.

It should be noted that a 'flight' refers to one (1) take-off and one (1) landing or vice-versa for visitor flights (one landing and one take-off).

Aircraft primarily using the airstrip will be owned by the landowner/applicant and include a replica Spitfire MK5, a Cessna 172 Skyhawk and a Glassair II. Visitor planes using the airstrip will be of similar size and nature.

It is proposed that the hours of operation for both the machinery used to maintain the airstrip and for aircraft using the airstrip will be between 7 am and 6 pm, except for emergency use.

Aircraft using the airstrip have the option to take-off in both a northern and southerly direction, however the primary take-off direction will be to the south due to predominant wind direction in the area. The flight paths submitted with the application include circuits to the east of the site however these circuits are rarely required and are sometimes not desirable depending on wind direction, topography and speed.

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories - <i>Rural Other</i> Natural Environment Elements - <i>Biodiversity Areas</i>
Zone:	Rural Zone
Overlays:	- Environmental significance overlay - Flood hazard overlay - Hill and slope overlay - Transport infrastructure overlay

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
<i>Air Services</i>	<i>Premises used for any of the following:</i> <ul style="list-style-type: none"> <i>The arrival and departure of aircraft</i> <i>The housing, servicing, refueling, maintenance and repair of aircraft</i> <i>The assembly and dispersal of passengers or goods on or from an aircraft</i> <i>Any ancillary activities directly serving the needs of passengers and visitors to the use</i> <i>Associated training and education facilities</i> <i>Aviation facilities</i> 	<i>Airport, airstrip, helipad, public or private airfield</i>	

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

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme 2016 appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme 2016 appropriately integrates all relevant aspects of the SPP.

(c) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3 Settlement pattern and built environment

3.3.11 Element – Rural areas

3.3.11.1 Specific outcomes

- (1) *Rural areas include rural activities and land uses of varying scale, consistent with surrounding land use, character and site conditions.*

Comment

The proposed airstrip land use is not an inconsistent use within the Rural zone, however the subject site is adjoined by land within the Low density residential zone and is surrounded by sensitive land uses.

As discussed in the body of this report, it is considered that provided reasonable conditions are attached to any approval limiting flight frequency, the proposed intensification of the airstrip use could proceed without causing unacceptable noise impacts and loss of amenity for surrounding residential uses.

The proposed development is not considered to conflict with Specific Outcome 1.

3.4 Natural resources and environment

3.4.4 Element – Biodiversity areas

3.4.4.1 Specific outcomes

- (1) *Development avoids adverse impacts on the ecological values of biodiversity areas and where avoidance is not possible the adverse impacts are minimised and, for an area of high ecological significance, no net loss in biodiversity values is achieved.*
- (2) *Development on lots containing biodiversity areas ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.*
- (3) *Biodiversity areas that are considered to be of regional, state or higher levels of significance are awarded levels of protection commensurate with these values.*
-

- (4) *The ecological values of biodiversity areas which have been degraded are rehabilitated as part of the development, and commensurate with the scale of development.*

Comment

The proposed development is for the intensification of an existing lawfully established airstrip use within the Rural zone. No vegetation clearing, or habitat destruction will occur as a result of the development and the intensification of the use is unlikely to impact on ground and surface water resources (Clohesy/Barron Rivers). Native wildlife living on or in proximity to the site are subject to aircraft noise at present and the intensification of the use (i.e. increase frequency of flights from 1 per week to 7 per week) is not likely to have a significant impact on this native wildlife. The proposed development is not considered to conflict with Specific Outcomes 1, 2, 3 and 4.

3.4.8 Element – Air and noise quality

3.4.8.1 Specific Outcomes

- (1) *The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.*
- (3) *Land uses which emit high level of noise, including for example motor sports, gun clubs and the like will be appropriately located and managed to mitigate acoustic impacts.*
- (4) *Sensitive land uses are appropriately separated from areas containing or designated for activities that generate noise and air emissions.*

Comment

Refer to Planning Discussion section of report. Council officers acknowledge that some noise nuisance/impact is likely to be felt by surrounding residences as a result of the increased use of the airstrip, however provided reasonable conditions are attached to any approval limiting flight frequency, the proposed intensification of the airstrip use could proceed without causing unacceptable noise impacts and loss of amenity for surrounding residential uses.

The proposed development is not considered to conflict with Specific Outcomes 1, 3 and 4.

Relevant Development Codes

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

- 6.2.9 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code

- 8.2.11 Transport infrastructure overlay code
- 9.3.6 Rural activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Rural zone Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.</p> <p>Further discussion is warranted with regards to the following:</p> <ul style="list-style-type: none"> ▪ Performance Outcome PO6 (a) - noise <p>Refer to planning discussion section of report.</p>
Bushfire hazard overlay code	<p>The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.</p>
Environmental significance overlay code	<p>The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.</p>
Flood hazard overlay code	<p>The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.</p>
Hill and slope overlay code	<p>The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.</p>
Transport infrastructure overlay code	<p>The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.</p>
Rural activities code	<p>The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.</p>
Landscaping code	<p>Refer to development code assessment document. Given the nature of the use, landscaping is not considered reasonable or necessary.</p>
Parking and access code	<p>Refer to development code assessment document. Given the nature of the use, formal car parking is not considered reasonable or necessary.</p>
Works, services and Infrastructure code	<p>The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.</p>

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

REFERRALS**Concurrence**

This application did not trigger referral to a Concurrence Agency.

Advice

This application did not trigger referral to an Advice Agency.

Internal Consultation

Nil

PUBLIC NOTIFICATION

The development application was originally placed on public notification from 8 November 2017 to 29 November 2017. During this initial public notification period, various community members expressed concern and confusion regarding the flight parameters applied for (number of flights per year/day, who would be permitted to use the airstrip etc.). As a result, further information and clarity was sought from the applicant regarding the requested flight parameters and Council officer advised the applicant to restart the public notification stage of the application process.

The development application was placed on public notification for the second time from 25 November 2017 to 15 December 2017. The applicant submitted the notice of compliance on 18 December 2017 advising that the public notification requirements were carried out in accordance with the requirements of the Act. Submissions from both public notification periods were accepted as property made submissions.

182 submissions were received during both public notification periods, of which 169 objected to the proposed development, while 13 were in support of the proposed development.

The applicants planning consultant has reviewed the submissions lodged and has provided the following commentary in relation to the submitters:

"While it is acknowledged that anyone can make a submission, in this instance the only direct impact associated with this development will be felt by those properties immediately adjoining or in close proximity to the existing airstrip. On that basis the submissions have been grouped into place of origin of the submitter, with Mr English providing comments based on how he uses the airstrip and flight paths taken from the airstrip, as the plane noise is loudest at take-off not landing."

In summary, based on Mr English's observations, I advise as follows:

- *83 submissions/objections (46.11%) are from Koah residents who are not located adjoining or in close proximity to the existing airstrip and would not be subjected to any significant noise disturbance due to the height of the aircraft (2500ft) passing overhead in relation to their house, in some instances and/or the fact that the aircraft rarely fly's over some areas of Koah, in other instances;*
- *42 submissions/objections (23.33%) are from Kuranda residents who would not be impacted by additional flights from the airstrip;*
- *23 submissions/objections (12.77%) are from Speewah residents who would not be impacted by additional flights from the airstrip;*
- *15 submissions/objections (8.33%) are from residents from other localities (Smithfield x 2, Trinity Park/Beach x 2, Mareeba x 1, Bungalow x 1, Cairns/Cairns North x 3, Paddys Green x 1, Myola x 3, Keperra x 1, Walkamin x 1) not remotely located anywhere near the existing airstrip and therefore not impacted by additional flights from the airstrip.*
- *13 submission/in support (7.22%) are from 9 Koah residents (of whom 2 would be directly impacted and 7 would not be significantly impacted), 1 Kuranda resident, 1 Mareeba resident, 1 Stratford resident, and 1 Chapel Hill resident.*
- *4 submissions/objections (2.22%) are from 2 Koah residents (Nadine O'Brien x 3 and Sarah Isaacs x 1) who reside adjoining or in close proximity to the existing airstrip and would potentially be subjected to 23 seconds of aircraft noise once a day and for 12 additional days if a limited number of visitors used the airstrip, over any one (1) year period, if additional flights from of the airstrip were to be approved by MSC."*

The assessing officer has reviewed the submissions lodged and the grounds for objection/support are summarised and commented on below:

Noise and subsequent amenity impacts

A common concern amongst nearly all objecting submitters was the noise and amenity impact the additional flights would have on surrounding residents.

Comment

Refer to below Planning Discussion section of report for commentary on noise and amenity impact.

Domestic animals, wildlife and stock

Submitters believe that the intensification of the use of the airstrip will negatively impact on native wildlife and domestic/stock animals.

Comment

The proposed increase in flight activity is not likely to impact on native wildlife or domestic/stock animals any more than some 'as of right' land uses would such as farm machinery noise, motorbikes and plane overflights associated with aerial spraying. As

discussed in the report, wildlife moving throughout the area will have considerable respite from any take-off or landing noise with an average of only one (1) flight per day proposed. Noise relating to overflights is negligible and generally below that of commercial aircraft that fly over the Koah area multiple times daily.

Contrary to what submitters have stated, Council has no record of any complaints lodged regarding the existing airstrip operations and its startling effect on domestic/stock animals.

Privacy

There is concern with regards to the loss of or intrusion on privacy by aircraft flying low over properties. Aircraft taking off also pass low over neighbouring properties.

Comment

The primary take-off direction is to the south of the airstrip over a more sparsely populated area of Koah. During take-off and climb the pilots primary focus is on instruments and flying the aircraft, not observing neighbouring properties. The altitude at which the planes fly, combined with the speeds at which the planes are travelling make particular details on neighbouring properties, including people, almost undetectable. For this reason, the loss of privacy associated with the intensification of the use is likely to be negligible and has not been a substantial consideration during the assessment of this application.

Contrary to what submitters have stated, Council has no record of any complaints lodged regarding a loss of privacy from low flying aircraft over the Koah area and surrounds.

Extra pilots using the airstrip

Submitters are concerned that up to 12 extra pilots might be using the aircraft facility. Furthermore, there are concerns about what aircraft they will be using or how loud these aircraft will be compared to those of the landowner/applicants which were included in the noise impact assessment.

Comment

Should Council approve the use of the airstrip for up to 12 visitor flights per year, these visitor flights will be inclusive in the 365 flights per year limit as well as the recommended 7 flights per week limit and the maximum six (6) flights per day limit. The visitor planes will also have to be of similar size and have the same or lesser impact than the applicant/developers three planes used to conduct the noise assessment.

If visitor flights are approved and carried out from the airstrip, it may result in more than one (1) aircraft flying over the Koah area at any one time, however it is acknowledged that any plane from any airstrip could fly over the Koah area at any time, and the overflight noise outputs from the smaller aircraft in question are generally lessor than that of commercial aircraft that fly over the Koah area multiple times daily.

The use of the airstrip by up to 12 visitor planes/pilots over the year will have a negligible impact on the amenity of surrounding residents.

Non-compliance with development approval MCU/09/0050

There is community concern that the applicant/landowner is not adhering to the conditions previously imposed under development approval MCU/09/0050 which authorises the use of the airstrip for up to 52 flights per year. Submitters are concerned that if Council cannot enforce

the conditions imposed on this approval Council may not be able to adequately enforce the conditions imposed on any future development approval.

Comment

Any alleged non-compliance with a previous development approval is not a relevant consideration during the assessment of this application.

Prior to the lodgement of this development application Council had no record of any complaints being received about the existing airstrip activity.

Notwithstanding this, any reported non-compliance with development approval conditions are investigated by Council officers in due course.

Safety

Submitters are concerned about the increased risk of crash incidents as a result of the intensification of the use. Furthermore, the isolation of the Koah Township and the site itself would significantly increase emergency services response times if an incident was to ever occur.

Comment

Although it is acknowledged that an increase in flight activity from the airstrip would result in some increase in risk of crash incidents, it is also acknowledged that the applicant/landowner or any other party using the airstrip would take every precaution to ensure the risk of incident is minimised.

The increased risk of plane crash incidents as a result of the increased use of the airstrip and long response times from emergency services personnel is not sufficient grounds to recommend that the development application be refused.

Commercial activity

Submitters are concerned the airstrip will be used for commercial purposes, or that the proposed intensification of the use is a precursor to future commercial development (joy flights, skydiving).

Comment

Should the landowner/applicant propose any commercial use of the airstrip, a fresh material change of use development application will be required to be submitted to Council for assessment as this activity did not form part of this development application.

Proposed reason/s for the increased flights

Submitters have questioned the validity of the applicants stated reasoning for the request to increase flight numbers, which was to allow him to fly Cairns every day for work. Submitters also stated that the airstrip was originally approved because he intended on using the airstrip to muster livestock on his property and that, in fact, livestock has never been grazed on the airstrip property.

Comment

The particular reasons as to why the applicant/landowner wishes to intensify the use of the existing airstrip is irrelevant to the assessment of the application. This officer assessment is based on the flight parameters applied for and the potential impacts of that scale of development.

Overflight altitude

Submitters are concerned that the applicant currently flies his three planes below the minimum required height of 500ft.

Comment

Any flying of aircraft below 500 feet is the responsibility of the Civil Aviation Safety Authority. Non-compliance with this requirement is not a relevant consideration during the assessment of this application.

Prior to the lodgement of this development application Council had no record of any complaints being received about low flying aircraft associated with the existing airstrip use.

Odour and emissions (excluding noise)

Increasing the number of flights from the airstrip will increase levels of aircraft exhaust. Aircraft exhaust particles settle on house roofs which then flow into rainwater tanks causing a health issue.

Comment

It is unlikely that the exhaust from the aircraft would cause any contamination of local water supplies. Cars and trucks driving along the gravel roads in the area and other permitted rural uses involving machinery or aerial spraying would pose a greater contamination risk than aircraft exhaust.

Clohesy River water contamination

Submitters are concerned about the developments impacts on the Clohesy River, in particular from water runoff from the site which may contain contaminants such as oils and fuels.

Comment

A condition will be attached to any approval requiring any fuel and oil storage associated with the airstrip use to be contained in a bunded area to minimise risk of contamination. Given the proposed scale of the use and the anticipated number of planes to be stored on site, the risk of run-off and contamination to the Clohesy River is negligible.

Designated flight paths

Submitters state that the landowner/applicant does not adhere to the designated flight paths submitted and approved under MCU/09/0050. Submitters have concerns that if this application is approved, the landowner/applicant will continue to disregard designated flight paths.

Comment

Any non-compliance with conditions attached to development approval MCU/09/0050 do not form part of the assessment of this application. Council's control over the flight paths of aircraft

using the airstrip is strictly limited to the flight paths used during the taking off and land of aircraft. Due to the predominant wind direction over the site, the predominant take off direction is to the south over the less densely populated areas of Koah. Despite the application including specific flight paths that include a circuit to the east of the site, Council officers consider it reasonable to allow aircraft using the site to avoid this circuit (if possible) as it will likely result in a net decrease in noise impact as the aircraft will not be flying twice in close succession over properties immediately adjoining the subject site (see Condition 3.8).

Future growth of Koah

Koah has been identified as a future growth area in the Planning Scheme. The inconsistency and impacts of the airstrip use will only increase as the population of Koah increases.

Comment

Any significant growth of the Koah area is dependent on a number of factors which include a major Planning Scheme amendment. Under the current Mareeba Shire Council Planning Scheme 2016, the only growth potential (that is consistent with the Planning Scheme) in the surrounds of the subject site is limited to 6 lots on the southern edge of the Koah Township which are zoned Rural Residential (2-hectare precinct). The noise impact of the proposed development at these locations is not considered significant in any way.

Property devaluation

The proposed increased air traffic from the airstrip will cause property valuations to fall.

Comment

The potential for a development to devalue land is not a valid town planning consideration. Notwithstanding this, as discussed in the Planning Discussion section of this report, the proposed intensification of the existing airstrip use is not likely to have an unacceptable impact on amenity surrounding the subject site.

Monitoring flight numbers

Submitters have concerns that Council will be unable to monitor the additional flights for compliance if approved.

Comment

A condition will be attached to any approval requiring the applicant/landowner to keep a logbook of all flight activity from the airstrip. It is understood any pilot using the airstrip is required by law to maintain a flight logbook.

Community benefit

The proposed intensification of the airstrip use provides no community benefit, instead solely benefits the landowner/applicant.

Comment

The degree in which a development provides benefits to the wider community is generally only a consideration when that development significantly conflicts with the relevant planning instruments/provision, and is used as a means to justify approval, despite the conflicts. As discussed in the body of this report, the proposed development is not considered to conflict with any relevant aspect of the Mareeba Shire Council Planning Scheme 2016, in that Council

officers consider that the scale of the proposed use, being an average of 1 flight per day, will not cause an unacceptable noise nuisance and loss of amenity to surrounding residents.

KUR-World

The proposed intensification of the airstrip use is directly related to the KUR-World development.

Comment

The assessing officer is unaware of any link between the proposed intensification of the airstrip use and the KUR-World Coordinated Project.

Cairns & Mareeba Airports

Submitters argue that the site is in proximity to both the Cairns and Mareeba Airports and that the landowner/applicant should move all flight activity to either of these locations as an alternative to protect the threatened amenity.

Comment

Use rights are already established over the subject site for a private airstrip. The application proposes the intensification of the use by increasing flight numbers from an average of one (1) flight per week to one (1) flight per day. Although there may be alternate locations to operate the proposed use (i.e. Mareeba/Cairns Airports), this is not sufficient grounds to recommend the application be refused, particularly considering the proposed development is not considered to conflict with the Planning Scheme. As discussed in the body of this report, Council officers consider that the scale of the proposed use, being an average of one (1) flight per day, will not cause an unacceptable noise nuisance and loss of amenity to surrounding residents.

Noise impact assessment

There is a concern that the noise impact assessment that was conducted does not include adequate findings and does not consider all flight scenarios and should therefore be rejected by Council.

Comment

Council officers have reviewed the submitted Noise Impact Assessment and accept its findings in the context of providing a true representation of expected noise impacts associated with the proposed intensification of the airstrip use. If the application is approved by Council, submitters are able to engage their own suitably qualified professional to conduct a peer review of the noise impact assessment prior to the submitter appeal period ending.

Increased vehicle traffic

Submitters are concerned the development will increase vehicle traffic to and from the site.

Comment

The proposed intensification of the airstrip use is not likely to result in an increase in vehicle traffic to and from the subject site. The standard vehicle movements associated with a residential use on a rural property are 10 vehicle movements per day.

Submitters

Record of Submissions received for DA/17/0029		
Name	Address 1	Address 2
Natalie Waller	31 Douglas Track	Speewah QLD 4881
Warren Pine	37 Douglas Track	Speewah QLD 4881
Samantha Smeaton	245 Koah Road	Koah Qld 4881
Narelle Ross	9 Bolton Road	Koah Qld 4881
Anonymous (Katie)	Kennedy Highway	Walkamin QLD 4872
Jaide Stronggrove	1058 Koah Road	Koah Qld 4881
Phil Simpson C/- Liz Taylor	Koah Road	Koah Qld 4881
Mike Prien C/- Liz Taylor	Two Chain Road	Koah Qld 4881
Richard Copland	38 Copland Road	Koah Qld 4881
Anonymous (Rebecca)	9 Brickworks Road	Koah Qld 4881
Priscilla Ralph	8 Barron Street	Koah Qld 4881
Nadine O'Brien	345 Fantin Road	Koah Qld 4881
Jo Martin	451 Oak Forest Road	Kuranda QLD 4881
Seanne Mcarthur	392 Oak Forest Road	Kuranda QLD 4881
Marc Jaschok	1248 Koah Road	Koah Qld 4881
Yamuna Sztraka	1063 Koah Road	Koah Qld 4881
Sarah Baxter	235 Palm Valley Road	Koah Qld 4881
William Johnston	24 Clohesy Street	Koah Qld 4881
Ruth Young	None provided	
Syd Walker	PO Box 774	Kuranda QLD 4881
Bruce Copland	PO Box 171	Smithfield Qld 4878
Fay Copland	38 Copland Road	Koah Qld 4881
Steven Nowakowski	29 Black Mountain Road	Kuranda QLD 4881
E.Heather Price	7 Melaleuca Close	Koah Qld 4881
Hans Zehntner	81 Kuranda Heights Road	Kuranda QLD 4881
Cathy Retter	19 Kullaroo Close	Kuranda QLD 4881
Linda Snart	7 Greenhills Road	Kuranda QLD 4881
Toni Rogers	11 Punch Close	Kuranda QLD 4881
Alison Kempe	3 Punch Close	Kuranda QLD 4881
Garth Owen	19 Kullaroo Close	Kuranda QLD 4881
Gabriela Schierenbeck	102 Koah Rd/PO Box 741	Koah Qld 4881
Cheryl Tonkin	76 High Chapparral Road	Kuranda QLD 4881
Maria Feliz Newman	4 Clohesy Street	Koah Qld 4881
Patricia Zehntner	81 Kuranda Heights Road	Kuranda QLD 4881
Andrew Hodgetts	33 Brockman Way	Smithfield Qld 4878
Bill Sokolich	283 Speewah Road	Speewah QLD 4881
Maree Kerr	2 Meerloo Street	Kuranda QLD 4881
Sharon Shone	235 Koah Road	Koah Qld 4881
Emma Ewing	Clohesy Street	Koah Qld 4881
Bonnie Riley	1087 Barron Street	Koah Qld 4881
Ashleigh Thorne	14 Barron Street	Koah Qld 4881
Jamie Lee Thorne	14 Barron Street	Koah Qld 4881
Vickie Harris	1078 Koah Road	Koah Qld 4881
Peggy S Martin	1078 Koah Road	Koah Qld 4881
Christine Van Koeverden	31 Natasha Close	Koah Qld 4881
P Wyatt	599 Koah Road	Koah Qld 4881
Matthew Webb	15 Northcote Street	Trinity Park Qld 4878
Michelle Webb	8 Mar Street	Koah Qld 4881

Tyrone Samson	8 Mar Street	Koah Qld 4881
Jacqui Hammond	6 Masons Road	Kuranda QLD 4881
Aaron Hobbler	1099 Koah Road	Koah Qld 4881
Rosalyn A Wyatt	599 Koah Road	Koah Qld 4881
Byron Campbell	64 Barron Street	Koah Qld 4881
Tania Tutton	12 Clohesy Street	Koah Qld 4881
Neal Martin	1079 Koah Road	Koah Qld 4881
Ian Brouff	12 Clohesy Street	Koah Qld 4881
John Lindsay	Lot 685 Koah Road	Koah Qld 4881
Gordon Bartlett	685 Koah Road	Koah Qld 4881
Amadeus Lang	24 Clohesy Street	Koah Qld 4881
Michael and Joanne Gunzburg	38 Tapiola Road	Koah Qld 4881
Beverley Anne Adamson	62 Barron Street	Koah Qld 4881
Hannah Wattel	PO Box 473	Kuranda QLD 4881
Shanna Janz	149 McCorry Road	Kuranda QLD 4881
Chloe McKay	149 McCorry Road	Kuranda QLD 4881
Kerry Geck	PO Box 401	Kuranda QLD 4881
Ian Hainsworth	30 Enigma Close	Speewah QLD 4881
Kaya Wilson	3338 Kennedy Highway	Mareeba Qld 4880
Paul M Maxwell	200 Cedar Park Road	Koah Qld 4881
Chris Hannam	53 William Smith Drive	Speewah QLD 4881
Miira Kostava	922 Koah Road	Koah Qld 4881
Julie Brunt	922 Koah Road	Koah Qld 4881
Nadine O'Brien x 2 Submission	345 Fantin Road	Koah Qld 4881
Jimi Hannam	53 William Smith Drive	Speewah QLD 4881
Scott Morrison & Sajidah Abdullah	961 Koah Road	Koah Qld 4881
Carole Myee Maxfield	442 Speewah Road	Speewah QLD 4881
Dorothy Clews	374 Ganyan Drive	Speewah QLD 4881
John & Susan Fraser	PO Box 274	Kuranda QLD 4881
Judith Bell	8 Clohesy Street	Koah Qld 4881
Linda Guy	516 Koah Road	Koah Qld 4881
Russell James	516 Koah Road	Koah Qld 4881
Aeron Holzhauser	450 Koah Road	Koah Qld 4881
Susan Tullipan	11 Dominikovic Close	Koah Qld 4881
Sam Conomo	9 Bolton Road	Koah Qld 4881
Narelle Ross x 2 Submission	9 Bolton Road	Koah Qld 4881
Tonia Rose	Lot 12 Dominikovic Close	Koah Qld 4881
Matthew Cole	6 Natasha Close	Koah Qld 4881
Muriel Richardson	16 Barron Street	Koah Qld 4881
David Pickering	Lots 1 & 2 Barron Street	Koah Qld 4881
Stuart Biggs	382 Ganyan Drive	Speewah QLD 4881
Aneta Thomsen	21 William Smith Drive	Speewah QLD 4881
Alison Ylstra	90 Veivers Drive	Speewah QLD 4881
Arnold Erber	117 William Smith Drive	Speewah QLD 4881
Steven and Amanda Grist	1 Copland Road	Koah Qld 4881
William Wilson	457 Speewah Road	Speewah QLD 4881
Matthew Yates	48 Sanctuary Close	Speewah QLD 4881
Guy Summer and Suzanne Cove	222 Stoney Creek Road	Speewah QLD 4881
Yvonne House	9 Koah Road	Koah Qld 4881
Harry Dick	65 Palm Valley Road	Koah Qld 4881

Sam Musumeci	367 Koah Road	Koah Qld 4881
Gillian Louise Whitehead	3 Natasha Close	Koah Qld 4881
Nicola Cunningham	2413 Kennedy Hwy & 8 Marr St	Koah Qld 4881
Andrew Jowett	8 Tamarix Street	Chapel Hill Qld 4069
Richard Hunt	13 Edgar Street	Bungalow Qld 4870
Mick & Diane Mosch	PO Box 1490	Mareeba Qld 4880
Chris Jaschok	1248 Koah Road	Koah Qld 4881
Tracy Rusch	408 Koah Road	Koah Qld 4881
Sarah Smits	15 Law Street	Cairns North Qld 4870
B Dalla Costa	170 McBean Road	Paddys Green Qld 4880
Mark Chirio	441 Koah Road	Koah Qld 4881
Sophie McGrath	Koah Road	Koah Qld 4881
Irma Mikacaicunas	20 Weld Crescent	Trinity Beach Qld 4878
J Garbellini	516 Koah Road	Koah Qld 4881
Chris Van Koeverden	102 Koah Road	Koah Qld 4881
Rohan Rusch	408 Koah Road	Koah Qld 4881
Blake Hudson	118 Greenforest Road	Myola Qld 4881
Pat Storey	Fallon Road	Kuranda QLD 4881
Michelle Weeks	110 Clohesy River Road	Koah Qld 4881
M Kenny	14 Barron Street	Koah Qld 4881
Calvin Baker	15 William Smith Drive	Speewah QLD 4881
Justine Schlicht	22 Freedom Close	Speewah QLD 4881
Jemma Shelton	102 Koah Road	Koah Qld 4881
Noah Sailer	15 Law Street	Cairns North Qld 4870
Rohan Rusch	408 Koah Road	Koah Qld 4881
H Voogt	91 Scenic Drive	Speewah QLD 4881
Riette Voogt	Scenic Drive	Speewah QLD 4881
John & Kathryn Edwards	28 Monaro Close	Kuranda QLD 4881
Mark Bishop	2326 Kennedy Highway	Koah Qld 4881
Rob Stephenson	24 William Smith Drive	Speewah QLD 4881
Nadine O'Brien x 3rd objection	345 Fantin Road	Koah Qld 4881
Sarah Isaacs	345 Fantin Road	Koah Qld 4881
Nykea Ralston & Anthony Johnson	520 Koah Road	Koah Qld 4881
Kirsty Stephens	8 Gregory Terrace	Kuranda QLD 4881
Rozana Wright	426 Koah Road	Koah Qld 4881
Ken Wright	426 Koah Road	Koah Qld 4881
Adrian Church	7 Scrub Street	Kuranda QLD 4881
Keila Waksvik	6 Meerook Street	Kuranda QLD 4881
Steven Nowakowski x 2nd objection	PO Box 4761	Cairns Qld 4870
Julie Cohen	2 Punch Close	Kuranda QLD 4881
Robert Edwards	28 Monaro Close	Myola Qld 4881
Rosemary Marks	165 Boyles Road	Kuranda QLD 4881
Heinz Mullert	11 Harriman Street	Kuranda QLD 4881
Bob Madden	81 Veivers Drive	Speewah QLD 4881
Duncan Stebbing	None provided	Keperra Qld 4054
Jeffrey Hunt	414 Koah Road	Koah Qld 4881
Michael Douglass	9 Jarawee Road	Kuranda QLD 4881
Jon Trapnell	58 Barron Falls Road	Kuranda QLD 4881
Ashley & Annmaree Sloan Coleman	PO Box 829	Kuranda QLD 4881
Geoffrey & Joy Stannett	1227 Koah Road	Koah Qld 4881

John Todd	PO Box 685	Kuranda QLD 4881
Nico Wouterse	4 Fairyland Road	Kuranda QLD 4881
Iveta Svihla	143 Oak Forest Road	Kuranda QLD 4881
Suzanne Bartlett	26 Mount Haren Road	Kuranda QLD 4881
Bruce Campbell	64 Barron Street	Koah Qld 4881
Belinda Fry	63 Masons Road	Kuranda QLD 4881
Matthew Fry	PO Box 132	Kuranda QLD 4881
Zalan Glen	13 Fairyland Road	Kuranda QLD 4881
Peter Cohen	40 Punch Close	Kuranda QLD 4881
Helen Downie	17 McKenzie Street	Myola Qld 4881
Suzy Grinter	70 Veivers Drive	Speewah QLD 4881
Brian Prove	Lot 198 Popovic Road	Koah Qld 4881
Tanya Vickers	RP 65 Greenforest Road	Kuranda QLD 4881
Ken Parsons	11 Shane Court	Kuranda QLD 4881
Charlene Cabral	29 Palm Valley Road	Koah Qld 4881
Malcolm McKeen	25 Copland Road	Koah Qld 4881
Kerry Geck x 2	25 Copland Road	Koah Qld 4881
Phillip Arthur Simpson	341 Fantin Road	Koah Qld 4881
Bill Sokolich x 2	283 Speewah Road	Speewah QLD 4881
Kerry Geck submits petition various objections		
Aileen Downs (submitted by Kerry Geck)	38 Rob Veivers Drive	Kuranda QLD 4881
M Wycherley (submitted by Kerry Geck)	415 Koah Road	Koah Qld 4881
R Wycherley (submitted by Kerry Geck)	415 Koah Road	Koah Qld 4881
Tonielle Christensen (submitted by Kerry Geck)	Kuranda	
Rose Hunter (submitted by Kerry Geck)	1093 Koah Road	Koah Qld 4881
Alexandra Worsfold	1248 Koah Road	Koah Qld 4881
Marc Jaschok x 2	1248 Koah Road	Koah Qld 4881
Garry Hooper	Lot 2 McCorry Rd / PO Box 78	Stratford Qld 4870
Daniel Stronggrove	1058 Koah Road	Koah Qld 4881
Gayle Hannah	42 Rob Veivers Drive	Kuranda QLD 4881
Julie Brunt x 2	922 Koah Road	Koah Qld 4881
Piers Freeman	1063 Koah Road	Koah Qld 4881
Sarah Rizvi	1063 Koah Road	Koah Qld 4881
Brendan Kent	8 Jumrun Close	Kuranda QLD 4881

PLANNING DISCUSSION

6.2.9 Rural Zone Code

(3) The purpose of the Rural zone code will be achieved through the following overall outcomes:

- (a) Areas for use for primary production are conserved and fragmentation below economically viable lot sizes is avoidable;
- (b) The establishment of a wide range of rural pursuits is facilitated, including cropping, intensive horticulture, forestry, intensive animal industries, animal husbandry, and animal keeping and other compatible primary production uses;
- (c) The establishment of extractive industries, mining and associated activities and alternative forms of energy generation is appropriate where environmental impacts and land use conflicts are minimised;
- (d) Uses that require isolation from urban areas as a consequence of their impacts such as noise or odour may be appropriate where land use conflicts are **minimised**;
- (e) Development is reflective of and responsive to the environmental constraints of the land;

- (f) *Residential and other development is appropriate only where directly associated with the rural nature of the zone;*
- (g) *Low-impact tourism and recreation activities do not compromise the long-term use of the land for rural purposes;*
- (h) *The viability of both existing and future rural uses and activities is protected from the intrusion of incompatible uses;*
- (i) *Visual impacts of clearing, building, materials, access ways and other aspects of development are minimised or appropriately managed;*
- (j) *Adverse impacts of development both on-site and from adjoining areas are avoided and any impacts are minimised through location, design, operation and management; and*
- (k) *Natural features such as creeks, gullies, waterways, wetlands and bushland are retained, managed, enhanced and separated from adjacent development.*

Overall outcomes (d) and (j) are achieved through compliance with Performance Outcome PO6 below:

Amenity

PO6 *Development must not detract from the amenity of the local area, having regard to:*

- (a) *Noise;*
- (b) *Hours of operation;*
- (c) *Traffic;*
- (d) *Advertising devices;*
- (e) *Visual amenity;*
- (f) *Privacy;*
- (g) *Lighting;*
- (h) *Odour; and*
- (i) *Emissions*

Although the subject site is situated within the Rural zone, it is immediately adjoined by land within the Low Density Residential zone. The following provisions contained within the Low Density Residential zone are also considered relevant to the assessment of the application:

6.2.6 Low density residential zone code

(3) *The purpose of the code will be achieved through the following overall outcomes:*

- (g) *Development maintains a high level of residential amenity avoiding uses that introduce impacts associated with noise, hours of operation, traffic, advertising devices, visual amenity, privacy, lighting odour and emissions;*

Overall outcome (g) is achieved through compliance with Performance Outcome PO9 below:

Amenity

PO9 *Development must not detract from the amenity of the local area, having regard to:*

- (a) *Noise;*
- (b) *Hours of operation;*
- (c) *Traffic;*

- (d) *Advertising devices;*
- (e) *Visual amenity;*
- (f) *Privacy;*
- (g) *Lighting;*
- (h) *Odour; and*
- (i) *Emissions*

Comment

The application proposes the intensification of the use of a private airstrip sited on a large rural allotment. Given the nature and scale of the proposed use, its intensification it is not likely to result in amenity impacts as a result of hours of operation, traffic, advertising devices, visual amenity, privacy, lighting, odour or emissions.

Considering the subject site is surrounded by a mix of rural lifestyle and residential lots, potential noise impacts resulting from the proposed increased use of the airstrip (increased flights) becomes the primary consideration when determining potential loss of amenity.

'Amenity' is typically used to describe desirable features of a place and as such is a highly subjective term which will be interpreted differently depending on an individual's viewpoints regarding environmental qualities. This is evidenced by the combination of objection and support for the proposed development from different landowners sited immediately adjacent the site where the associated noise impacts will be the greatest.

The subject site is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and could support intensive cropping uses without council approval. Impacts generally associated with intensive cropping include noise (tractors, harvesters, motorbikes/quadbikes, aerial spraying depending on crop type), dust, and spray drift. The Koah locality contains a mix of land use zonings which include low density residential, rural residential and rural lots. Despite the mix of zonings, the area is considered to be rural in nature given its location, existing land uses and lack of urban services. As discussed above, rural areas are typically subject to noise generating activities such as machinery, tractors and motorbikes; therefore, the protection of amenity should not require the maintenance of a pristine acoustic environment.

As part of the application process, Council requested that the applicant/developer engage a suitably qualified acoustic consultant to investigate the level of noise nuisance/impact on surrounding sensitive land uses as a result of the proposed increased use of the airstrip. A Noise Impact Assessment (NIA) was prepared by Dedicated Acoustics and submitted to Council on 3 November 2017 (**Attachment 2**). The NIA was based on noise readings taken of all three (3) planes owned by the landowner at three (3) receptor points surrounding the site. All three (3) receptor points were in close proximity to adjoining dwellings, one (1) being adjacent the northern end of the airstrip (R4), and the other two (2) receptors being on the eastern side (R2) and western side (R3) of the southern end of the airstrip. The below table summarises the maximum noise levels reached at each receptor (refer to column heading LA_{max}).

Table 4.1: Calculated emission levels to receptors

Receptor	Aircraft	External Level		ANEF	Anticipated Annoyance		
		L _{Amax}	DNL		%Little Annoyed	%Annoyed	%Highly Annoyed
R2	Glassair	86.4	42	11	22	7	0
	Spitfire	85.9	40	11	18	5	0
	Cessna	74.3	32	0	1	0	0
R3	Glassair	73.7	32	0	0	0	0
	Spitfire	80.1	36	5	8	1	0
	Cessna	65.9	26	0	0	0	0
R4	Glassair	69.6	29	0	0	0	0
	Spitfire	65.7	30	0	0	0	0
	Cessna	63.7	24	0	0	0	0

Based on the above noise measurements, the planes created a noise disturbance (increase in noise) of between 20 – 50 decibels during take-off depending on test location and background noise levels. The NIA also considered noise impacts associated with the three planes flying over the site (overflights). Overflight noise readings of the three planes were also compared to noise produced by commercial jet overflights which occur over the Koah area on a daily basis. The intended planes generally produced lower overflight noise outputs than that of a commercial jet.

The Conclusion and Recommendations section of the NIA includes the following information in relation to noise nuisance/impact:

“We note that the measured maximum levels from aircraft movements are less than 90 dB(A) which are considered “acceptable”, under AS 2021, for dwellings in the vicinity of aerodromes with civilian non-jet aircraft, provided the average number of flights are less than 15 flights per day.

Anticipated noise levels are considered to be “acceptable” under AS 2021 (i.e. there is usually no need for the building construction to provide protection specifically against aircraft noise). However, some annoyance is expected from use of the airstrip based on an average usage of one (1) flight per day (i.e. 1 take off movement, 1 overflight, and 1 arrival movement per day), which correlates with 365 flights per year. These levels of annoyance are relatively minor and limited to sparsely populated areas. Furthermore, the noise source is limited to day time hours, is short in duration and affected parties are provided with substantial respite from this intrusion. It is anticipated that the real impacts to affected residents will be limited to short duration speech interference.

Community reaction to aircraft noise is generally based on an energy average, whereby they respond to loudness and frequency of occurrence in a similar manner (i.e. a loud infrequent noise is comparable to moderate sound with a higher frequency of occurring), which forms the basis of the ANEF calculations. On this basis it is considered reasonable for the proponent to refrain from flying on some days and use these saved flights to facilitate multiple flights on a single day. We recommend a limit of 6 flights per day (i.e. 6 departure movements and 6 arrival movements) to avoid excessive concentration of use on a single day.

Use of the surrounding area by aircraft should be limited to those necessary for departure and landing. Flight tracks should seek to avoid direct overflight of dwellings where possible.”

It is important to note that those dwellings in close proximity to either end of the airstrip will experience the greatest impact, however are generally only impacted by either the take-off or the landing of planes, as it is very rare that they occur at the same end of the airstrip for any given flight. It is also important to note that all noise readings were taken outdoors, and that noise impacts on residents would be significantly lessened when indoors.

In order to help minimise noise and amenity impacts associated with the proposed development, it is recommended that the following condition be attached to any approval limiting the frequency of flight activity:

Permitted Flights

Recreational aircraft flights shall be limited as follows unless approved otherwise by Council:

- *Seven (7) flights per calendar week (Monday to Sunday), totalling 365 flights per normal calendar year, inclusive of the 52 flights per calendar year permitted under development permit MCU/09/0050;*
- *A maximum of six (6) flights are permitted on any given day over the course of a calendar week, subject to the abovementioned limit of seven (7) flights per calendar week;*
- *A maximum of 12 flights for visitor pilots over the course of a calendar year, subject to the abovementioned limits of seven (7) flights per calendar week and up to six (6) flights in any given day over the course of any calendar week.*

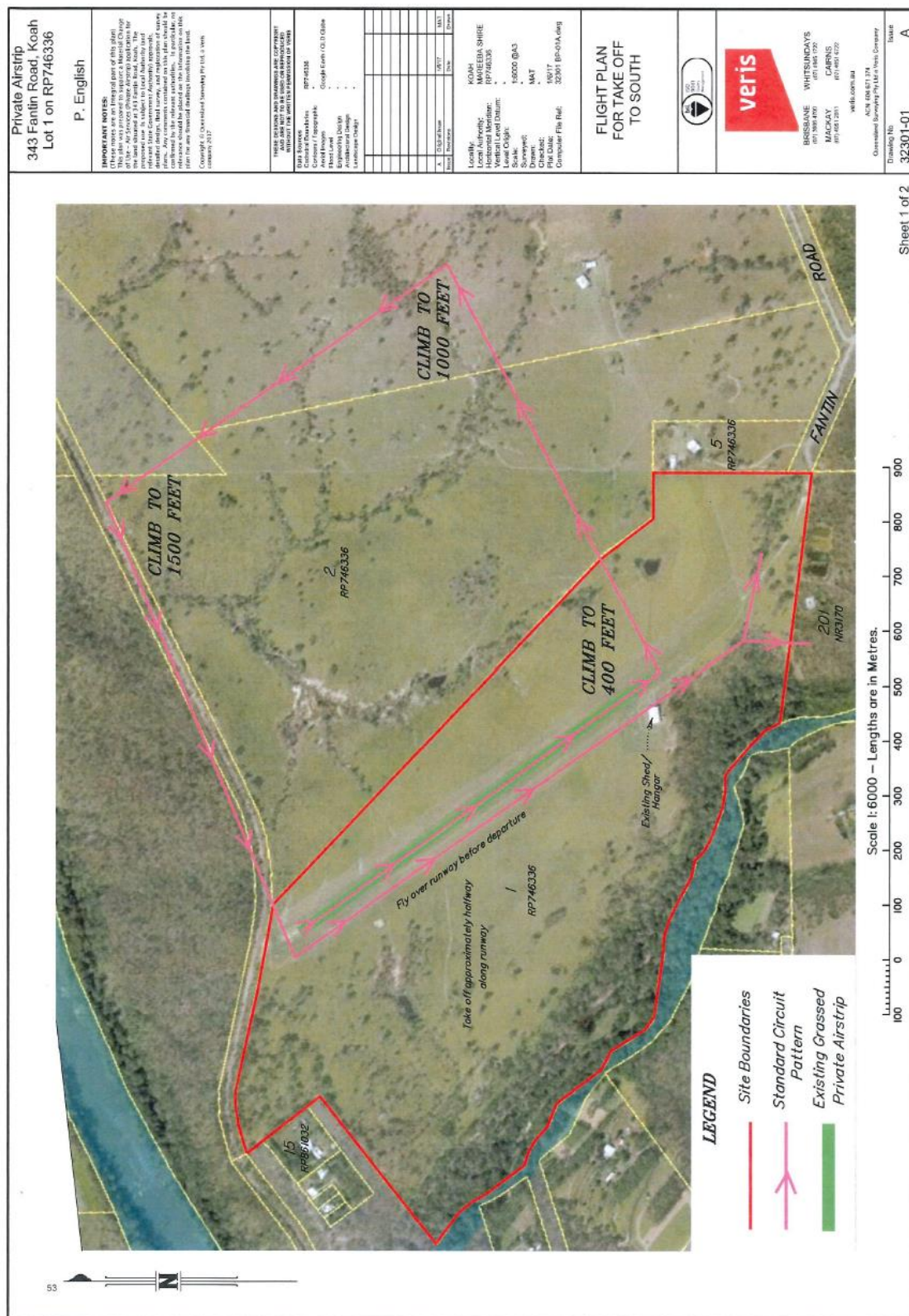
Such a condition will limit the frequency of flights to a maximum of seven (7) flights in any given calendar week which will ensure the 365 flights applied for are spread over the course of a year, and if more than one (1) flight is carried out on any given day during that week (allowable maximum of 6 flights) there will be resultant day/s within that same week where flying would not be permitted as the seven (7) flight weekly limit will still apply, thus providing further respite from any nuisance experienced by surrounding residents.

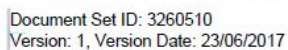
Based on the above considerations and with the inclusion of conditions that will limit flight frequency, it is considered that the proposed intensification of the airstrip use could proceed without causing unacceptable noise impacts and loss of amenity for surrounding residential uses. The proposed development is therefore not considered to be in conflict with Probable Solution PO6 of the Rural zone code or PO9 of the Low density residential zone code.

Date Prepared: 9 February 2018

ATTACHMENT 1

APPROVED PLANS (ECM Doc Set ID 3260510)





ATTACHMENT 2

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Gold Coast
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**NOISE IMPACT ASSESSMENT****MATERIAL CHANGE OF USE – AIR SERVICES (PRIVATE
AIRSTrip)**

343 Fantin Road, Koah QLD 4881
(Lot 1 on RP746336)



Document Control Page

Document Title: A168 – 343 Fantin Rd Koah – Noise Impact Assessment (Rev 3)
Date: 3rd November 2017
Prepared by: Craig O'Sullivan, BEng (Mech) MAAS
Reviewed by: Craig O'Sullivan, BEng (Mech) MAAS

Revision History

Date	Revision	Description	Authorised	
			Name/Position	Signature
30/09/2017	0	Internal review	Craig O'Sullivan Director	<i>COS</i>
30/10/2017	1	Revised issue	Craig O'Sullivan Director	<i>COS</i>
31/10/2017	2	Revised issue	Craig O'Sullivan Director	<i>COS</i>
3/11/2017	3	Revised issue	Craig O'Sullivan Director	<i>COS</i>

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The client is authorised, upon payment to Dedicated Acoustics of the agreed report preparation fee, to provide this report in full to any third party. Recommendations made in this report are intended to resolve acoustical problems only. We make no claim of expertise in other areas and draw your attention to the possibility that our recommendations may not meet the structural, fire, thermal, or other aspects of building construction

We encourage clients to check with us before using materials or equipment that are alternative to those specified in our Acoustical Report.

Dedicated Acoustics: Noise Impact Assessment

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EXECUTIVE SUMMARY

This report details a noise impact assessment undertaken for a Material Change of Use – Air Services (Private Airstrip) at 343 Fantin Road, Koah QLD 4881 (Lot 1 on RP746336).

The subject site is located at 343 Fantin Road, Koah; and is currently occupied by a large shed and an air-strip. The subject site and the majority of the surrounding land is zoned Rural, with a pocket of Rural Residential and Low Density Residential zoned land to the west and north west.

The airstrip has an existing approval for a total of 52 landings and take-offs per year with potential hours of operation limited to 7:00 am to 6:00 pm. The proponent wishes to increase the allowable usage to 365 landings and take-offs per year with hours of operation limited to 7:00 am to 6:00 pm.

The airstrip will be generally used by the following 3 planes which are owned by the proponent:

- Replica Supermarine Spitfire;
- Cessna 172 Skyhawk; and,
- Glassair Sportsman 2+2.

On occasion the airstrip may be utilised by aircraft other than those above, however they are expected to be of a similar size to these with similar levels of noise emission. Use of the site will be limited to take-off and departures only. Circuit training or prolonged usage of aircraft in the area is not proposed.

Context on the acceptability of the airstrip and surrounding land uses have been drawn from a review of:

- Mareeba Shire Planning Scheme 2016;
- Australian Standard AS 2021:2015 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction; and,
- Annoyance from Transportation Noise: Relationships with Exposure Metrics DNL and DENL and Their Confidence Intervals.

Anticipated noise levels are considered to be 'acceptable' under AS 2021 (i.e. there is usually no need for the building construction to provide protection specifically against aircraft noise). However some annoyance is expected from use of the airstrip based on an average usage of 1 flight per day (i.e. 1 take off movement, 1 overflight, and 1 arrival movement per day), which correlates with 365 flights per

year. These levels of annoyance are relatively minor and limited to sparsely populated areas. Furthermore the noise source is limited to day time hours, short in duration and affected parties are provided with substantial respite from this intrusion. It is anticipated that the real impacts to affected residents will be limited to short duration speech interference.

Community reaction to aircraft noise is generally based on an energy average, whereby they respond to loudness and frequency of occurrence in a similar manner (i.e. a loud infrequent noise is comparable moderate sound with a higher frequency of occurring), which forms the basis of the ANEF calculations. On this basis it is considered reasonable for the proponent to refrain from flying on some days and use these saved flights to facilitate multiple flights on a single day. We recommend a limit of 6 flights per day (i.e. 6 departure movements and 6 arrival movements) to avoid excessive concentration of use on a single day.

Use of the surrounding area by aircraft should be limited to those necessary for departure and landing. Flight tracks should seek to avoid direct overflight of dwellings where possible.

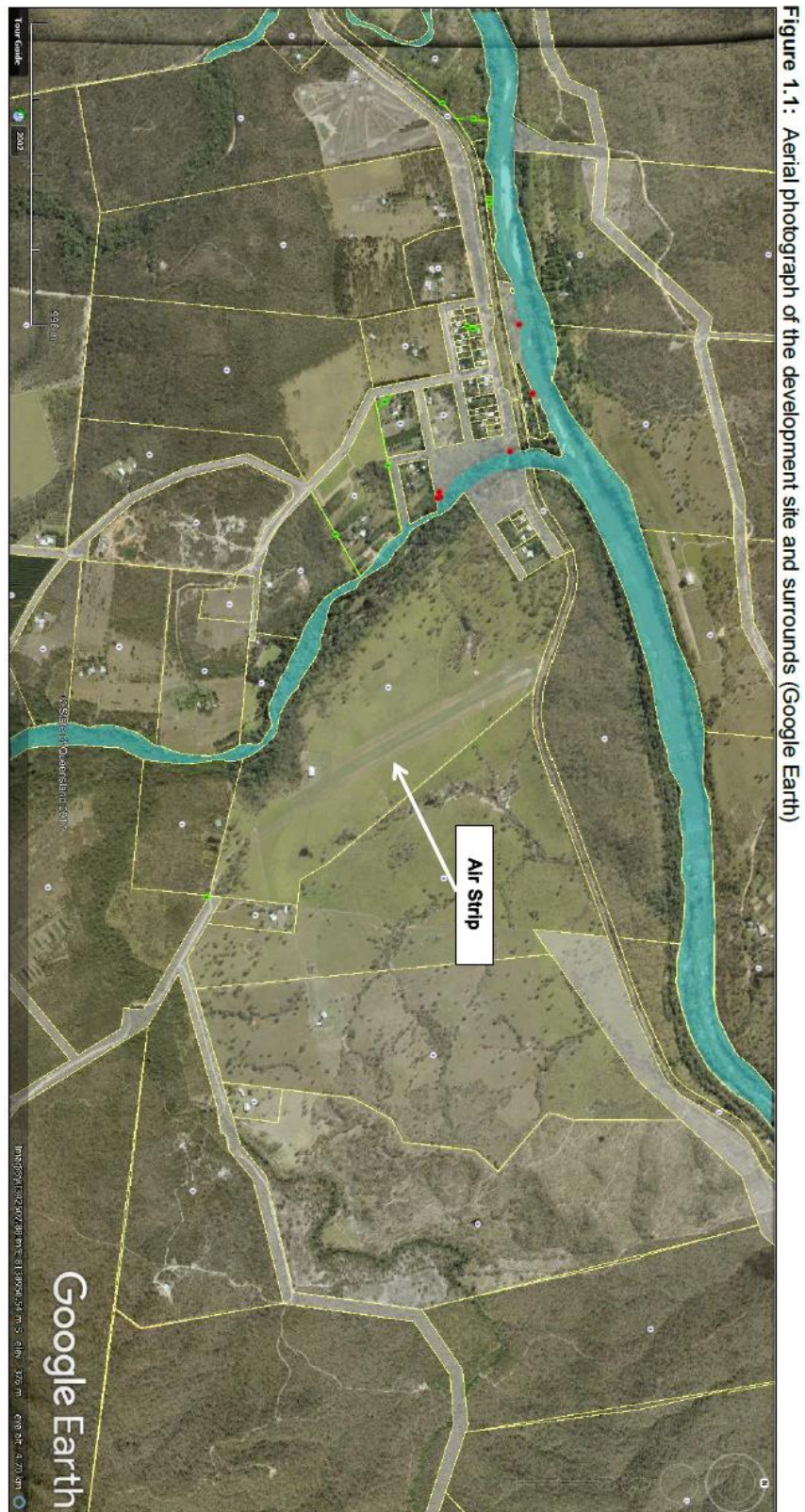
1. INTRODUCTION

This report details a noise impact assessment undertaken for a Material Change of Use – Air Services (Private Airstrip) at 343 Fantin Road, Koah QLD 4881 (Lot 1 on RP746336).

1.1 DESCRIPTION OF SITE AND SURROUNDS

The subject site is located at 343 Fantin Road, Koah; and is currently occupied by a large shed and an air-strip. The subject site and the majority of the surrounding land is zoned Rural, with a pocket of Rural Residential and Low Density Residential zoned land to the west and north west.

An aerial photograph of the development site and surrounds is shown in **Figure 1.1**.



1.2 PROPOSED OPERATON

We understand that approval has been given for a total of 52 landings and take-offs per year with potential hours of operation limited to 7:00 am to 6:00 pm. The proponent wishes to increase the allowable usage to 365 landings and take-offs per year with hours of operation limited to 7:00 am to 6:00 pm.

The airstrip will be generally used by the following 3 planes which are owned by the proponent:

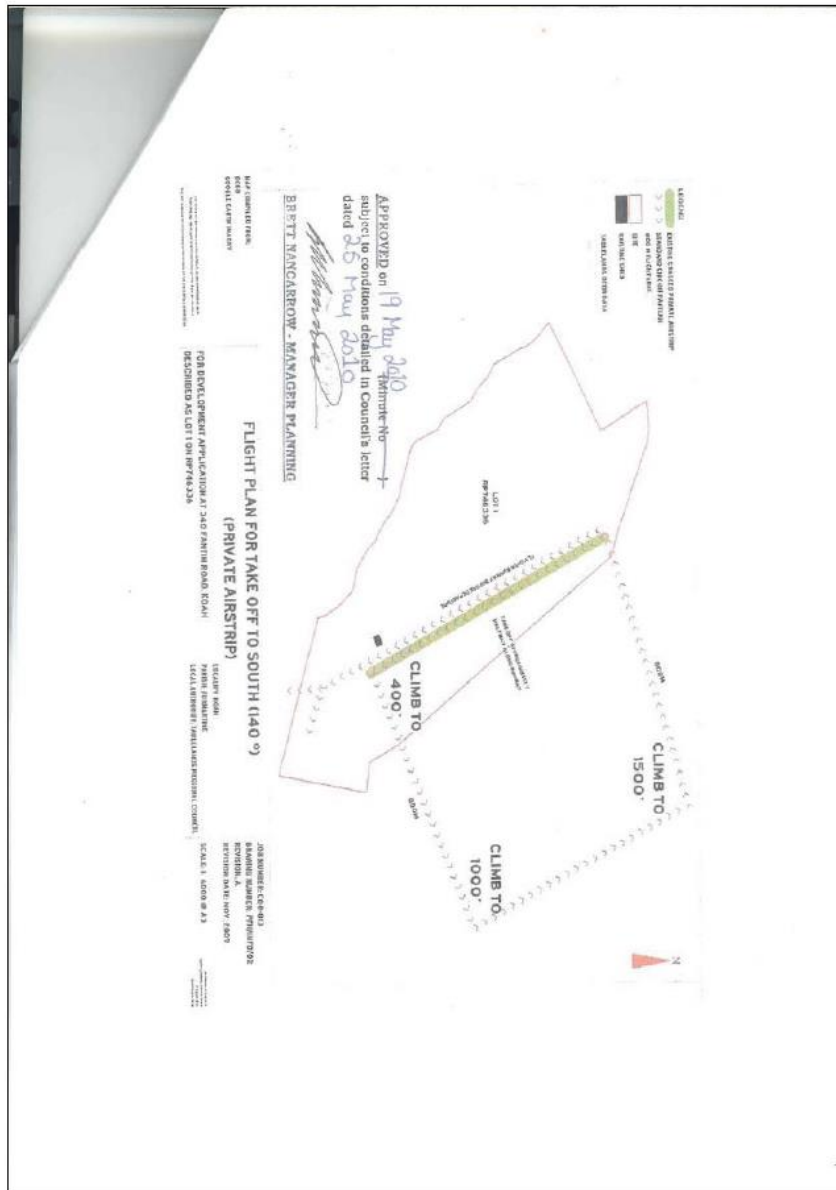
- Replica Supermarine Spitfire;
- Cessna 172 Skyhawk; and,
- Glassair Sportsman 2+2.

On occasion the airstrip may be utilised by aircraft other than those above, however they are expected to be of a similar size to these with similar levels of noise emission. These occasions may also involve multiple aircraft movements in a single day.

Use of the site will be limited to take-off and departures only. Circuit training or prolonged usage of aircraft in the area is not proposed.

The typical usage of the site is for departure to the south east and arrival from the north. The previously approved flight track for departure to the south is shown in **Figure 1.2**.

Figure 1.2: Previously approved departure track to the south



2. CRITERIA

2.1 MAREEBA SHIRE PLANNING SCHEME 2016 – RURAL ZONE CODE

The Mareeba Shire Planning Scheme 2016 – Rural Zone Code provides the following assessment criteria for amenity –

PO6 – Performance Outcome

Development must not detract from the amenity of the local area, having regard to:

a) noise.

AO6 – Acceptable Outcome

No acceptable outcome is provided,

Amenity typically describes desirable features of a place and as such is a highly subjective term which can be interpreted differently depending on one's viewpoint regarding environmental qualities. Under the Mareeba Shire Planning Scheme rural areas are intended to support rural activities and land uses of a varying scale, which typically involve noise generation over a range of levels (e.g. tractors and other machinery, processing equipment, and airstrips – which are considered to be a specific outcome for rural areas under the planning scheme). As such we do not consider that protection of amenity requires maintenance of a pristine acoustic environment, and that some impacts are tolerable within a rural environment.

The proposed development involves noise emission from aircraft, which is expected to occur for short durations on a daily basis during day time hours only. The anticipated impacts are expected to be limited to speech interference for very short periods and no sleep disturbance impacts are anticipated, along with some potential for annoyance depending on the recipients view towards neighbours and aviation activities.

Guidance on potential annoyance from the proposed use of airstrip has been drawn from Australian Standard AS2021:2015 – *Acoustics – Aircraft noise intrusion – Building siting and construction* as well as studies quantifying annoyance from transport noise in relation to the level of noise exposure; which are described in the following sections.

We note that aircraft noise is specifically excluded from the Environmental Protection Act 1994 and its subordinate legislation including the Environmental Protection (Noise) Policy 2008.

2.2 AS 2021:2015 – AIRCRAFT NOISE INTRUSION – BUILDING SITING AND CONSTRUCTION

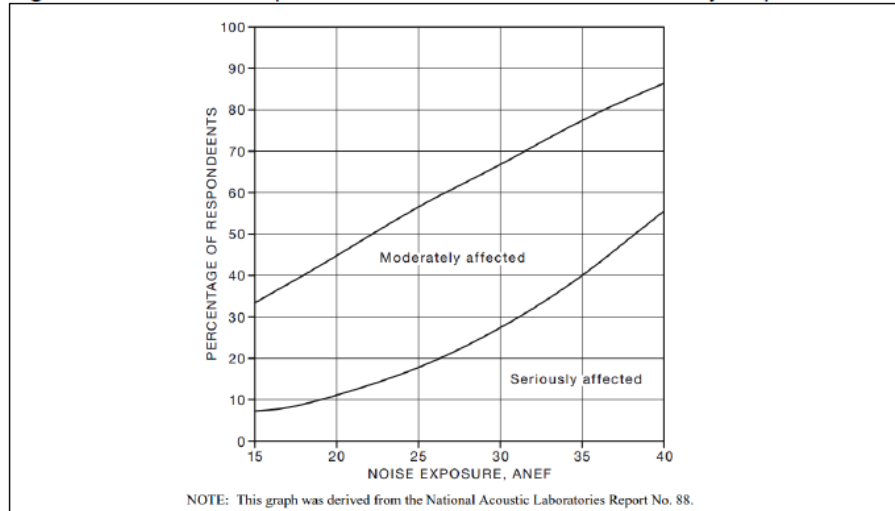
Australian Standard AS 2021:2015 – *Aircraft Noise Intrusion – Building Siting and Construction* (AS 2021) is commonly used in land planning, and the siting and construction of buildings in the vicinity of airports. Its objective is to provide guidance to regional and local authorities, organisations, communities and others associated with urban and regional planning and building development on the siting and construction of new buildings against aircraft noise intrusion and on the acoustical adequacy of existing buildings in areas near aerodromes. The standard is not intended to be applied for the purposes of assessing the effects of noise from aircraft and is been incorporated within this assessment to provide context on the potential impacts of an increase to usage of the airstrip.

The standard is typically used in conjunction with and Australian Noise Exposure Forecast (ANEF) chart to determine:

- (a) Whether the extent of aircraft noise intrusion makes building sites 'acceptable', 'unacceptable' or 'conditionally acceptable' for the types of activity to be, or being undertaken;
- (b) For 'conditionally acceptable' sites, the extent of noise reduction required to provide acceptable noise levels indoors for the types of activity to be, or being, undertaken; and
- (c) The type of building construction necessary to provide a given noise reduction, provided that external windows and doors are closed.

The ANEF is a single number index for predicting the cumulative exposure to aircraft noise in communities near aerodromes during a specified time period (normally 1 year). The calculation of this index includes aircraft noise levels as well as the frequency and timing of operations. This index is useful for rating the compatibility of differing land uses in relation to aircraft noise. **Figure 2.1** shows the dose/response relationship between aircraft noise and community reaction which was derived from the National Acoustics Laboratories Report 88, which was used in the determination of the ANEF system.

Figure 2.1: Relationship between aircraft noise and community response



Under AS2021 dwellings are considered: 'acceptable' with less than 20 ANEF, 'conditionally acceptable' between 20 to 25 ANEF, and 'unacceptable' in areas greater than 25 ANEF. If a location is classified as 'acceptable', there is usually no need for the building construction to provide protection specifically against aircraft noise. However this does not mean that aircraft noise will not be unnoticeable.

Calculation of ANEF contours is based on forecast involves averaging yearly movements on an average day. This ANEF 'average day' is not a specific day, but is generally calculated as the number of annual movements divided by 365.

The ANEF is calculated from the following equation:

$$ANEF_{ij} = EPNdB_{ij} + 10\log_{10}(Nd + 4N_n) - 88$$

Where

$ANEF_{ij}$ = noise exposure due to aircraft type i on flight path j

$EPNdB_{ij}$ = noise level of aircraft type i on flight path j

N_d, N_n = number of flights during the day and night respectively, of aircraft type i and flight path j

The total ANEF is the logarithmic sum of all individual noise exposures produced by each aircraft type operating on each flight path for a design average day.

AS 2021 also provides guidance on the acceptability of sites for dwellings, based on aircraft noise levels, which is suitable where aircraft usage is limited to a small number of civil, non-jet aircraft movements; as shown in **Table 2.1**.

Table 2.1: Site acceptability for dwellings based on aircraft noise levels

Average Number of Flights Per Day ¹	Aircraft Noise Level Expected at Site, dB(A)		
	Acceptable	Conditionally Acceptable	Unacceptable
> 30	< 70	70-75	> 75
15-30	< 80	80-85	> 85
< 15	< 90	90-95	> 95

1. Each night time flight is to count as 4 operations

2.3 ANNOYANCE FROM TRANSPORTATION NOISE: RELATIONSHIPS WITH EXPOSURE METRICS DNL AND DENL AND THEIR CONFIDENCE INTERVALS

Relationships between annoyance and aircraft noise exposure levels have been drawn from the peer reviewed paper *Annoyance from Transportation Noise: Relationships with Exposure Metrics DNL and DENL and Their Confidence Intervals* (Miedema & Oushoorn, 2001) and are summarised as:

- Percentage Little-Annoyed

$$\%LA = -5.741 \times 10^{-4}(DNL-32)^3 + 2.863 \times 10^{-2}(DNL-32)^2 + 1.912(DNL-32)$$

- Percentage Annoyed

$$\%A = 1.460 \times 10^{-5}(DNL-37)^3 + 1.511 \times 10^{-2}(DNL-37)^2 + 1.346(DNL-37)$$

- Percentage Highly-Annoyed

$$\%HA = -1.395 \times 10^{-4}(DNL-42)^3 + 4.081 \times 10^{-2}(DNL-42)^2 + 0.342(DNL-42)$$

The Day-Night Level (DNL) is the average levels during day, evening and night time periods with a 10 dB penalty for noise occurring during the night.

3. BACKGROUND NOISE SURVEY

An on-site survey was conducted between 30th August and 1st September 2017. The measurement location (ML1) was located positioned towards the south of the property as shown in **Figure 3.1**. The measured levels are considered free field.

Figure 3.1: Aerial photograph showing measurement location ML1 (Google Earth)



All instrumentation used in this assessment holds a current calibration certificate from a certified NATA calibration laboratory. The following instruments were used to measure the ambient noise levels-

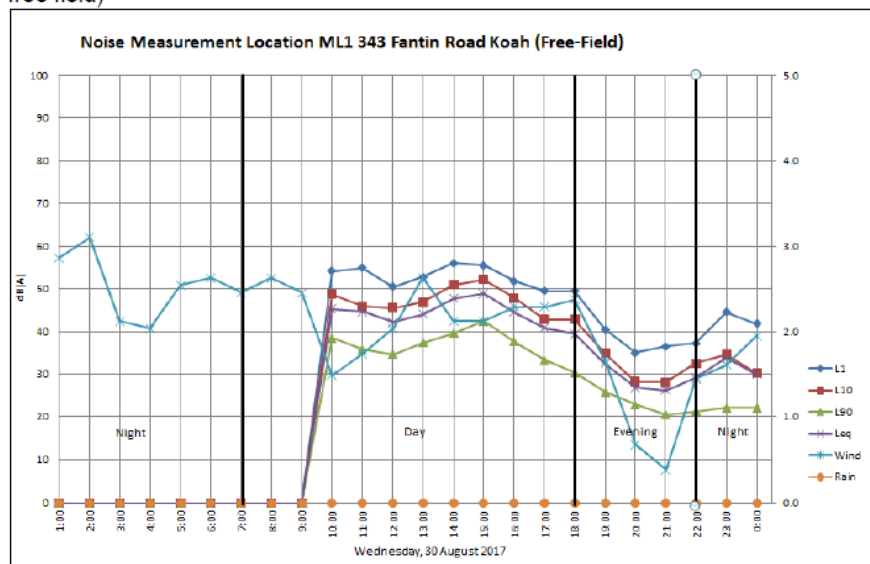
- Rion NL-21 sound level meter
- Castle GA607 calibrator

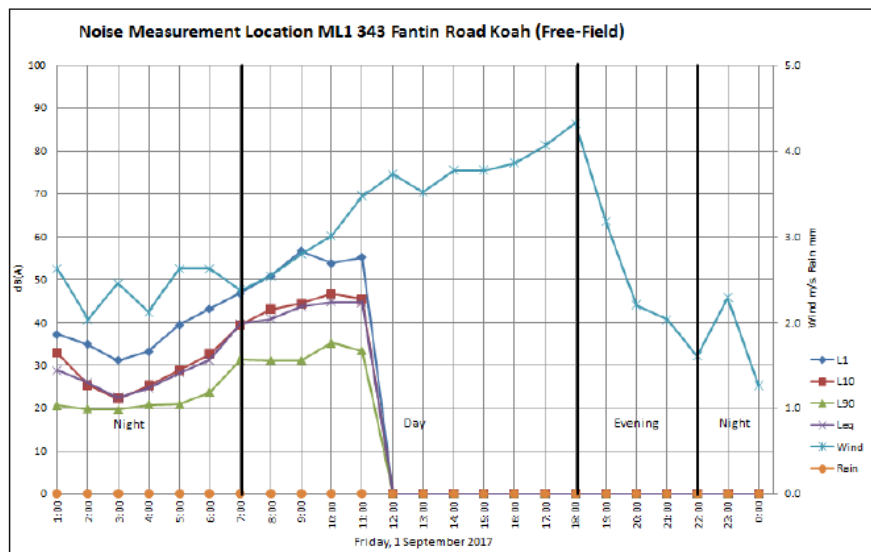
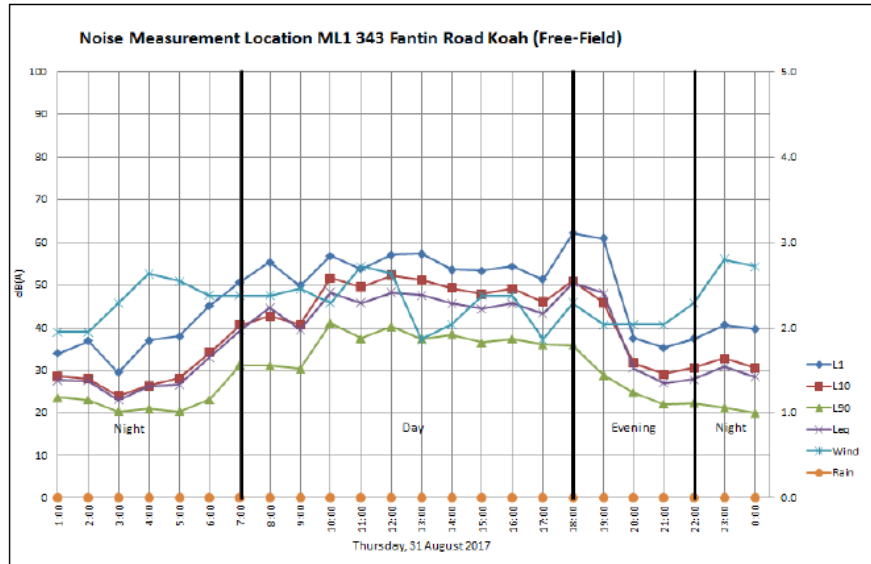
Ambient sound pressure levels were measured in accordance with Australian Standard AS1055.1:1997 – 'Acoustics-Description and measurement of environmental noise – Part 1: General procedures'. Ambient noise levels were recorded at continuous 15 minute intervals. Noise monitoring results are shown graphically in **Figure 2.2** and summarised in **Table 3.1**. Based on our observations the noise environment at the site is generally controlled by natural sounds (e.g. wind, bird and insect noise) as well as dog barks from the dwelling to the south of the site.

Table 3.1: Average ambient noise levels recorded at Location ML1, (levels in dB(A), free field)

Time	Measured Noise Level dB(A)				
	L _{A01}	L _{A10}	L _{A90}	L _{Aeq}	RBL
Day 7:00am to 6:00pm	53.8	47.2	36.0	44.7	30.3
Evening 6:00pm to 10:00pm	40.0	32.6	23.6	31.0	20.9
Night 10:00pm to 7:00am	39.1	30.3	22.5	29.3	20.1
Day Max 1-hr 7:00am to 6:00pm				49.6	
Night max 1-hr 10:00pm to 7:00am				39.5	
24 hour	46.0				36.6

Figure 3.2: Average ambient noise levels recorded at Location ML1, (levels in dB(A), free field)





Based on the background noise survey, the receiving environment can be considered to be very quiet and generally controlled by natural sounds.

4. NOISE IMPACT ASSESSMENT

Noise measurements were taken for Glassair Sportsman 2+2, Replica Supermarine Spitfire, and a Cessna 172 Skyhawk undertaking departure, arrival, and overflight movements on Friday 20th October 2017. Departure movements were to the south, with aircraft crossing the airstrip from west to east before landing on the airstrip from the north. Weather during the measurements was occasionally cloudy, with wind varying between still conditions a gentle breeze. The noise background was generally controlled by wind in the trees and grass, along with occasional bird noise and dog barks; and generally varied between 35 and 45 dB(A).

The measurement locations are shown in **Figure 4.1**. Measurement results are shown in **Table 4.1**.

Table 4.1: Measured noise levels

Location	Aircraft	Time	Description	Measured Level, dB(A)			
				L _{Amax}	L _{Aeq,T}	Duration, T, seconds	SEL
ML2 – SW Receptor	Glass Air	13:57	Take Off	86.4	77.8	23	91.4
		14:02	Overflight	61.9	54.9	55	72.3
	Spitfire	15:08	Take Off	85.9	75.9	24	89.7
		15:15	Overflight	56.7	51.3	38	67.1
	Cessna	15:55	Take Off	74.3	66.4	35	81.8
		15:59	Overflight	50.0	46.0	47	62.7
	Commercial Jet	15:10	Overflight	60.2	55.2	45	71.7
ML3 – SE Receptor	Glass Air	13:57	Take Off	73.7	65.2	37	80.9
		14:02	Overflight	60.4	53.9	42	70.1
	Spitfire	15:08	Take Off	80.1	70.7	30	85.4
		15:15	Overflight	62.2	53.0	43	69.4
	Cessna	15:55	Take Off	65.9	59.3	38	75.1
		16:00	Overflight	56.9	47.4	19	60.2
	Commercial Jet	15:10	Overflight	63.5	55.6	31	70.6
ML4 – NW Receptor	Glass Air	13:57	Take Off	69.6	63.6	27	78.0
		14:02	Overflight	58.7	58.7	35	68.3
		14:05	Landing	59.3	53.3	21	66.5

Location	Aircraft	Time	Description	Measured Level, dB(A)			
				L _{Amax}	L _{Aeq,T}	Duration, T, seconds	SEL
	Spitfire	15:08	Take Off	65.7	59.9	31	74.8
		15:15	Overflight	67.2	50.2	25	74.2
		15:17	Landing	69.8	60.2	28	74.7
	Cessna	15:54	Take Off	63.7	58.9	24	72.7
		15:59	Overflight	52.9	48.3	39	64.2
		16:02	Landing	50.2	47.8	49	64.7
	Commercial Jet	15:10	Overflight	64.1	55.6	33	70.7

The Sound Exposure Level (SEL) is the equivalent sound pressure level for the measurement condensed into a 1 second period.

Daily emission to nearby receptors has been calculated to nearby receptors and is shown in **Table 4.2**. The estimate is based on:

- An average single take off, over flight and landing per day; occurring in day time hours only.
- An approximation of $EPNdB = L_{Amax} + 13 \text{ dB}$ as described in *Evaluation and Prediction of Airport Noise in Japan (Yoshioka, 2000)* to allow calculation of ANEF levels at measurement points.



Table 4.1: Calculated emission levels to receptors

Receptor	Aircraft	External Level		ANEF	Anticipated Annoyance		
		L _{max}	DNL		% Little Annoyed	% Annoyed	% Highly Annoyed
R2	Glassair	86.4	42	11	22	7	0
	Spitfire	85.9	40	11	18	5	0
	Cessna	74.3	32	0	1	0	0
R3	Glassair	73.7	32	0	0	0	0
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	Spitfire	65.7	30	0	0	0	0
	Cessna	63.7	24	0	0	0	0

We note that the measured maximum levels from aircraft movements are less than 90 dB(A) which are considered 'acceptable', under AS 2021, for dwellings in the vicinity of aerodromes with civilian non-jet aircraft, provided the average number of flights are less than 15 flights per day. The calculated ANEF levels also indicate that the nearby sensitive locations are considered 'acceptable' under AS 2021.

Some annoyance is expected from use of the airstrip based on an average usage of 1 flight per day (i.e. 1 take off movement, 1 overflight, and 1 arrival movement per day), as shown in **Table 4.1**; which correlates with 365 flights per year. However these levels of annoyance are relatively minor and limited to sparsely populated areas. Furthermore the noise source is limited to day time hours, short in duration and affected parties are provided with substantial respite from this intrusion. It is anticipated that the real impacts to affected residents will be limited to short duration speech interference.

Community reaction to aircraft noise is generally based on an energy average, whereby they respond to loudness and frequency of occurrence in a similar manner (i.e. a loud infrequent noise is comparable moderate sound with a higher frequency of occurring), which forms the basis of the ANEF calculations. On this basis it is considered reasonable for the proponent to refrain from flying on some days and use these saved flights to facilitate multiple flights on a single day. We recommend a limit of 6 flights per day (i.e. 6 departure movements and 6 arrival movements) to avoid excessive concentration of use on a single day.

Use of the surrounding area by aircraft should be limited to those necessary for departure and landing. Flight tracks should seek to avoid direct overflight of dwellings where possible.

5. CONCLUSION AND RECOMMENDATIONS

This report details a noise impact assessment undertaken for a Material Change of Use – Air Services (Private Airstrip) at 343 Fantin Road, Koah QLD 4881 (Lot 1 on RP746336).

The subject site is located at 343 Fantin Road, Koah; and is currently occupied by a large shed and an air-strip. The subject site and the majority of the surrounding land is zoned Rural, with a pocket of Rural Residential and Low Density Residential zoned land to the west and north west.

The airstrip has an existing approval for approval has been given for a total of 52 landings and take-offs per year with potential hours of operation limited to 7:00 am to 6:00 pm. The proponent wishes to increase the allowable usage to 365 landings and take-offs per year with hours of operation limited to 7:00 am to 6:00 pm.

The airstrip will be generally used by the following 3 planes which are owned by the proponent:

- Replica Supermarine Spitfire;
- Cessna 172 Skyhawk; and,
- Glassair Sportsman 2+2.

On occasion the airstrip may be utilised by aircraft other than those above, however they are expected to be of a similar size to these with similar levels of noise emission. Use of the site will be limited to take-off and departures only. Circuit training or prolonged usage of aircraft in the area is not proposed.

Anticipated noise levels are considered to be 'acceptable' under AS 2021 (i.e. there is usually no need for the building construction to provide protection specifically against aircraft noise). However some annoyance is expected from use of the airstrip based on an average usage of 1 flight per day (i.e. 1 take off movement, 1 overflight, and 1 arrival movement per day), which correlates with 365 flights per year. These levels of annoyance are relatively minor and limited to sparsely populated areas. Furthermore the noise source is limited to day time hours, short in duration and affected parties are provided with substantial respite from this intrusion. It is anticipated that the real impacts to affected residents will be limited to short duration speech interference.

Community reaction to aircraft noise is generally based on an energy average, whereby they respond to loudness and frequency of occurrence in a similar manner (i.e. a loud infrequent noise is comparable moderate sound with a higher frequency

of occurring), which forms the basis of the ANEF calculations. On this basis it is considered reasonable for the proponent to refrain from flying on some days and use these saved flights to facilitate multiple flights on a single day. We recommend a limit of 6 flights per day (i.e. 6 departure movements and 6 arrival movements) to avoid excessive concentration of use on a single day.

Use of the surrounding area by aircraft should be limited to those necessary for departure and landing. Flight tracks should seek to avoid direct overflight of dwellings where possible.

APPENDIX A – GLOSSARY OF ACOUSTIC TERMS

The following is a brief description of the technical terms used to describe traffic noise to assist in understanding the technical issues presented in this document.

Event maximum sound pressure level ($LA_{\%,adj,T}$), L_{01}

The L_{01} level is calculated as the noise level equalled and exceeded for 1% of the measurement time, for example 9 seconds in any 15 minute interval. L_{01} is an appropriate level to characterise single events, such as from impulsive or distinctive pass-by noise. In this Report, the measured L_{01} levels for day/evening/night are not averaged but are arranged from low to high in the relevant day/evening/night interval and the value that is found at the 90th percentile (L_{10} of L_{01} sample) in the interval is recorded as its " L_{01} " level. The level can be adjusted for tonality or impulsiveness.

Average maximum sound pressure level ($LA_{\%,adj,T}$), L_{10}

The " L_{10} " level is an indicator of "steady-state" noise or intrusive noise conditions from traffic, music and other relatively non-impulsive noise sources. The L_{10} level is calculated as the noise level equalled and exceeded for 10% the measurement time, for example 90 seconds in any 15 minute interval. The measured L_{10} time-intervals for day/evening/night are arithmetically averaged to present the "average maximum" levels of the environment for day/evening/night. The level can be adjusted for tonality or impulsiveness.

Background sound pressure level ($LA_{90,T}$), L_{90}

Commonly called the " L_{90} " or "background" level and is an indicator of the quietest times of day, evening or night. The L_{90} level is calculated as the noise level equalled and exceeded for 90% the measurement time. The measured L_{90} time-intervals are arithmetically averaged to present the "average background" levels of the environment for day/evening/night. The level is recorded in the absence of any noise under investigation. The level is not adjusted for tonality or impulsiveness.

Equivalent Continuous or time average sound pressure level ($LA_{eq,T}$), Leq

Commonly called the " Leq " level it is the logarithmic average noise level from all sources far and near. The maximum 1-hour levels within the day/evening/night time intervals are referenced for building design. The level can be adjusted for tonality.

Façade-adjusted level

A sound level that is measured at a distance of 1.0 metre from a wall or façade. The level is nominally 2.5 dB higher than the free-field level.

Free-field level

A sound level that is measured at a distance of more than 3.5 metres from a wall or façade.

ITEM-2 **TELSTRA CORPORATION LTD - MATERIAL CHANGE OF USE - TELECOMMUNICATIONS FACILITY - LOT 0 SP154001 -6806 MULLIGAN HIGHWAY, MOUNT CARBINE - MCU/17/0015**

MEETING: Ordinary

MEETING DATE: 21 March 2018

REPORT OFFICER'S TITLE: Planning Officer

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Telstra Corporation Ltd	ADDRESS	6806 Mulligan Highway, Mount Carbine
DATE LODGED	21 November 2017	RPD	Lot 0 on SP154001
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Telecommunications Facility		

FILE NO	MCU/17/0015	AREA	16.1514 hectares
LODGED BY	Service Stream Mobile Communications	OWNER	Body Corporate for "Brooklyn Village Estate"
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	0 Submissions Received		

ATTACHMENTS:

1. Proposal Plan/s
2. Department of Infrastructure, Local Government and Planning Referral Agency Response dated 21 December 2017

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. No submissions were received during public notification of the application. Telstra Corporation Ltd proposes the construction of a telecommunications facility (mobile phone base station) on the south-east edge of the Mount Carbine Township as part of the Federal Governments Mobile Phone Black Spot Program. The facility will include a 30 metre

high monopole tower and associated antennas and will improve/provide mobile phone reception to the Mount Carbine area which has been identified as a black spot for mobile phone reception.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme.

Given the height of the proposed monopole tower, some visual amenity impacts are likely as the tower will encroach into the skyline; however, a minor degree of visual impact is considered acceptable given the likely community benefit provided by the development (mobile phone reception).

Draft conditions were provided to the Applicant care of their consultant and have been agreed to.

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

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Telstra Corporation Ltd	ADDRESS	6806 Mulligan Highway, Mount Carbine
DATE LODGED	21 November 2017	RPD	Lot 0 on SP154001
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Telecommunications Facility		

and in accordance with the Planning Act 2016, 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 **not** consider that the assessment manager's decision conflicts with a relevant instrument.

- (A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - Telecommunications Facility

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Q114459 S1	Site Access and Locality Plan	Service Stream Mobile Communications	25/09/17
Q114459 S1-1	Site Layout	Service Stream Mobile Communications	25/09/17
Q114459 S1-2	Antenna Layout	Service Stream Mobile Communications	25/09/17
Q114459 S3	North West Elevation	Service Stream Mobile Communications	25/09/17
Q114459 G1	Site Tenure Plan	Service Stream Mobile Communications	25/09/17

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

 (a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The 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 the condition(s) of this approval.
 - 3.2 All payments required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior to the commencement of the use and at the rate applicable at the time of payment.
 - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Noise Nuisance

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

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

4. Infrastructure Services and Standards

4.1 Lighting

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

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

4.1.2 Warning lights shall not be installed on the tower, unless specifically required by other relevant legislation.

4.2 Building Materials & Finishes

4.2.1 Any equipment cabinets shall be a neutral colour.

4.2.2 The monopole tower shall be painted a colour equivalent to Colorbond 'Pale Eucalypt' in order to help achieve an effective visual blend with the surrounding landscape.

4.2.3 The perimeter fence shall be chain wire mesh.

4.3 Operational Requirements

4.3.1 The radiofrequency field emissions from the installed tower shall not exceed the Australian Radiation Protection and Nuclear Safety Agency mandated exposure limits for continuous exposure to radio

frequency transmissions from mobile phone base stations at any time, at any location.

- 4.3.2 Within three (3) months of the site becoming operational, a site compliance certificate is to be carried out by an appropriately qualified person to verify that the site complies with the requirements and limits of the Australian Radiation Protection and Nuclear Safety Agency, Radiation Protection Standard, 2002 Maximum Exposure Levels to Radio Frequency Fields – 3 kHz to 300 GHz. This certificate is to be submitted to Council for consideration within three (3) months of the tower becoming operational.

4.4 Decommissioning and Site Rehabilitation

If the use is abandoned, the site must be rehabilitated to a level that achieves the following:

- (i) The monopole and associated infrastructure is removed from the site; and
- (ii) The site is made suitable for other uses compatible with the locality; and
- (iii) Restores the visual amenity of the site.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) Compliance with applicable codes/policies

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

- (b) Compliance with Acts and Regulations

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

- (c) 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

- (d) 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) Transportation of Soil

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

(E) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 21 December 2017.

(F) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Material Change of Use – six (6) years (starting the day the approval takes effect);

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

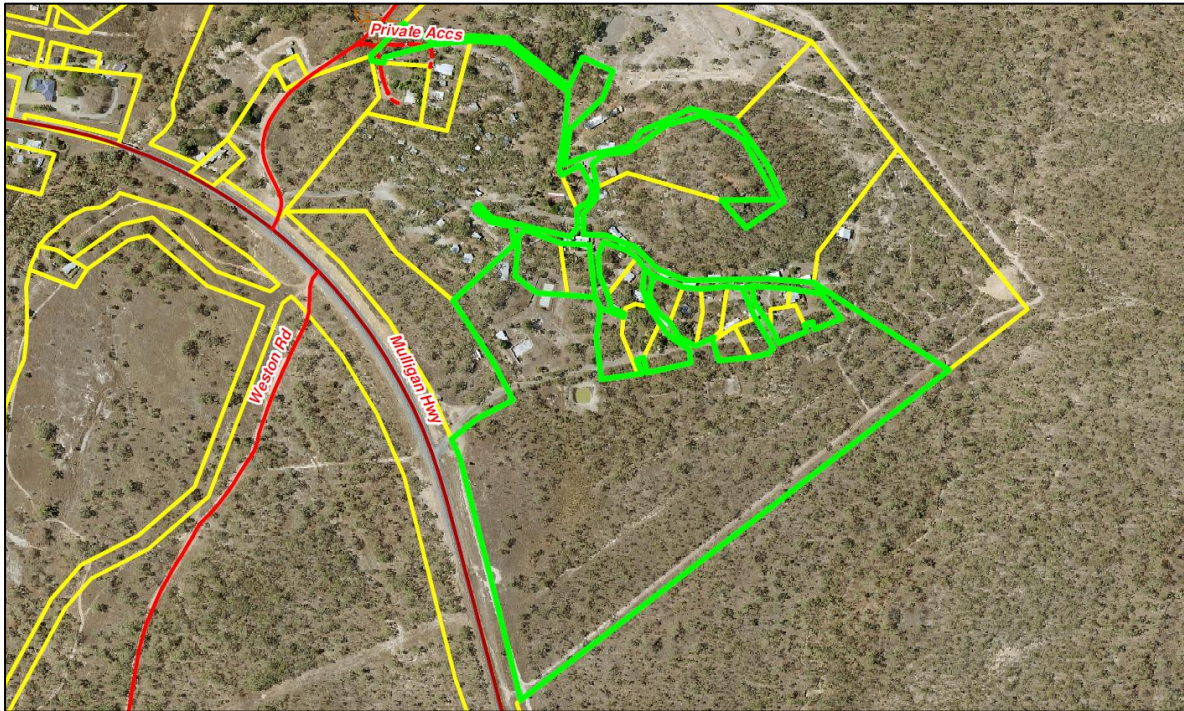
- Nil"

THE SITE

The subject site is the common property of the 'Brooklyn Village' community title scheme, situated at 6806 Mulligan Highway, Mount Carbine, and more particularly described as Lot 0 on SP154001. The Rural zoned site has an area of 16.1514 hectares and is irregularly shaped as the common property allotment exists between the number of freehold titles that make up Brooklyn Village. The site contains approx. 325 metres of frontage to the Mulligan Highway which is a State controlled bitumen sealed road. Access to the site is gained at the northern end of the site's frontage via a bitumen sealed crossover.

The site is generally flat with the majority of its land area covered in scattered mature vegetation. The site is improved by a dam, an old swimming pool, what appears to be a tennis/basketball court, multiple outbuildings and various roads used to access allotments in the Village.

The lots immediately adjacent the site to the north are zoned Low density residential, the majority of which form part of Brooklyn Village and contain dwellings. The remaining surrounding land is zoned Rural and used for livestock grazing.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Telecommunications Facility in accordance with the plans shown in **Attachment 1**.

Service Stream Mobile Communications, on behalf of Telstra Corporation Limited, propose the construction of a new telecommunications facility (mobile phone base station) to provide mobile phone service capabilities in the Mount Carbine area as part of the Federal Governments Mobile Black Spot Program. The proposed facility will consist of the following:

- A 30 metre high monopole tower;
- Four (4) Argus omnidirectional antennas positioned at a centreline elevation of 30 metres (bring total structure height to 33.4 metres);
- Equipment shelter; and
- Installation of associated/ancillary equipment including remote radio units, combiners, feeders and mast head amplifiers.

All infrastructure will be contained within a 100m² Telstra lease area compound which will be surrounded by security fencing. A double access gate will be provided for access into the compound.

The proposed facility will operate unmanned on a daily basis (remotely operated). Once operational, the facility will require only infrequent maintenance inspections (4 - 6 times per year).

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Residential Area Transport Element <ul style="list-style-type: none"> • State Controlled Road • B-double Route
Zone:	Rural
Overlays:	Bushfire Hazard Overlay Code

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Telecommunications facility	<i>Premises used for systems that carry communications and signals by means of radio, including guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled.</i>	<i>Telecommunication tower, broadcasting station, television station</i>	<i>Aviation facility, 'low impact telecommunications facility' as defined under the Telecommunications Act 1997</i>

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

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(c) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3.6 Element - Rural Villages

3.3.6.1 Specific Outcomes

- (1) *Biboohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah are rural villages that have limited centre activities and other non-residential activities. Some rural villages include small clusters of activity in which limited, small-scale development may occur. Any growth within rural villages is limited and is proportionate to their current scale.*

Comment

Although Mount Carbine is not specifically listed as a rural village, it is a small rural community and has been identified as a mobile black spot area. The proposed telecommunications facility (mobile phone base station) will provide mobile phone reception to the Mount Carbine community and surrounds. The development is considered to be proportionate to the development scale of Mount Carbine and is not likely to result in an increase in future development in the Township.

The development complies.

3.6.11 Element - Information and communication technology

3.6.11.1 Specific Outcomes

- (2) *Telecommunications facilities, particularly mobile phone towers, are located to ensure visual amenity is not compromised, with these facilities co-located wherever possible.*

Comment

Given the height of the proposed monopole tower, some minor visual amenity impacts are likely, however, any impact is considered acceptable due to the overriding community need for the development which will provide mobile phone reception to the Mount Carbine area, which is currently a mobile phone black spot.

The development complies.

Relevant Development Codes

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

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

Relevant Codes	Comments
Rural zone code	<p>The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcome AO1 <p>Refer to planning discussion section of report.</p>
Bushfire hazard overlay code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>
Energy and infrastructure activities code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>
Landscaping code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>
Parking and access code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>
Works, services and infrastructure code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

REFERRALS

Concurrence

The application triggered referral to Department of State Development, Manufacturing, Infrastructure and Planning (formerly the Department of Infrastructure, Local Government and Planning) as a Referral Agency.

That Department advised in a letter dated 21 December 2017 that they require the conditions to be attached to any approval (**Attachment 2**).

Advice

This application did not trigger referral to an Advice Agency.

Internal Consultation

Nil.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 19 January 2018 to 12 February 2018. The applicant submitted the notice of compliance on 14 February 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Noncompliance with the relevant acceptable outcomes of the following development codes is discussed below. Where the development cannot comply with an acceptable outcome, it is considered compliance with the higher order specific outcome can be achieved.

Rural Zone Code

Height

PO1 *Building height takes into consideration and respects the following:*

- (a) *the height of existing buildings on adjoining premises;*
- (b) *the development potential, with respect to height, on adjoining premises;*
- (c) *the height of buildings in the vicinity of the site;*
- (d) *access to sunlight and daylight for the site and adjoining sites;*
- (e) *privacy and overlooking; and*
- (f) *site area and street frontage length.*

AO1.1 *Development, other than buildings used for rural activities, has a maximum building height of:*

- (a) *8.5 metres; and*
- (b) *2 storeys above ground level.*

Comment

The proposed development will have a maximum height of 33.4 metres (inclusive of antennas) and is therefore non-compliant with AO1.1.

The height and location of the proposed telecommunications facility is necessary to achieve the desired coverage objectives for the area and is setback an appropriate distance from the Mulligan Highway as well as nearby dwellings in Brooklyn Estate. The proposed monopole tower is of a slimline design and a condition will be attached to any approval requiring the monopole to be painted a 'pale eucalypt' colour in order to help achieve an effective visual blend with the surrounding environment. Once operational, the development will operate unmanned on a daily basis and will not produce any solid or liquid wastes, odours, dust, smoke or significant noise (air conditioner noise only).

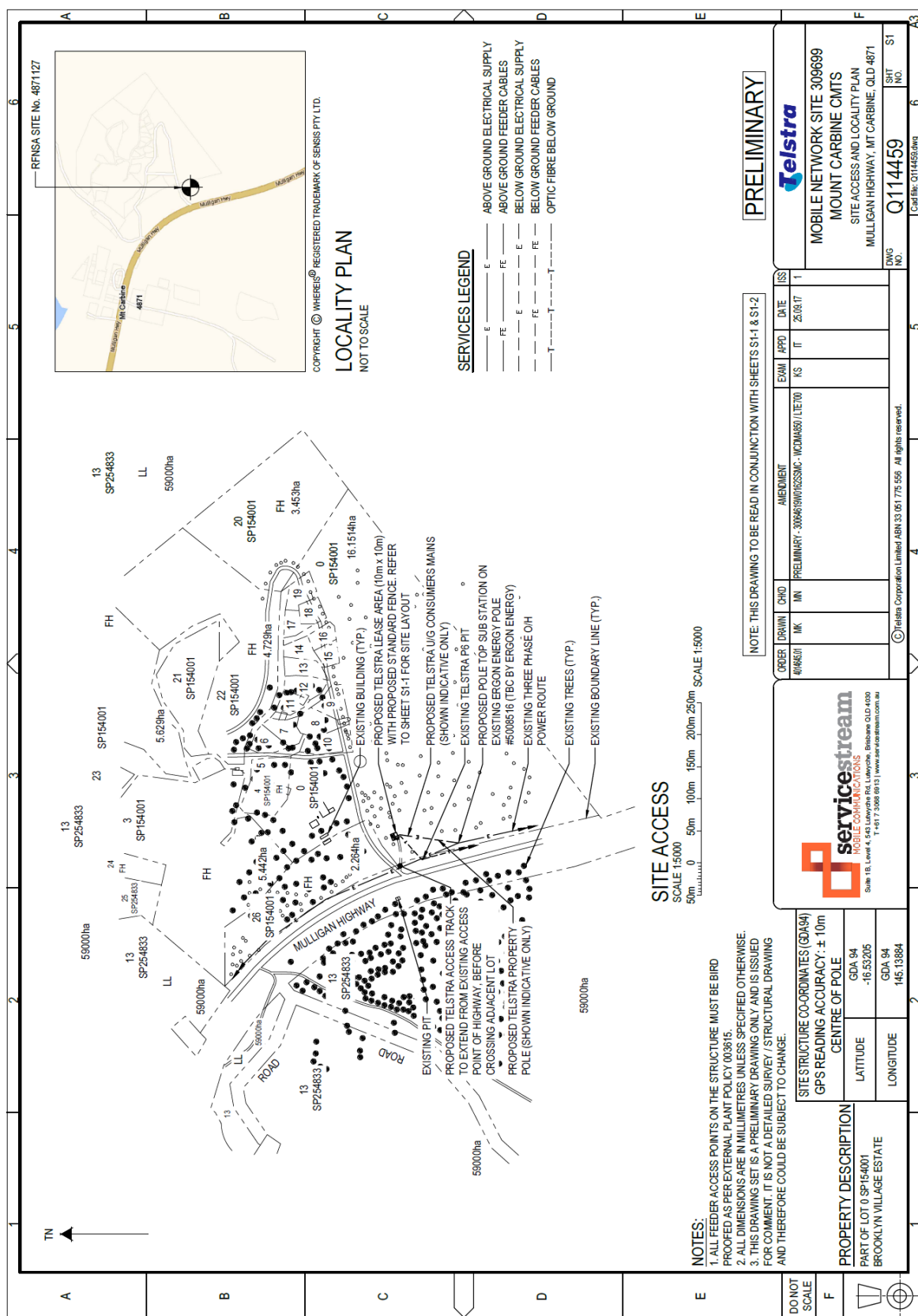
Considering this, the proposed development is not likely to have a significant visual or functional impact on residential uses in the surrounding vicinity or on nearby road users. Some degree of visual impact is considered acceptable given the likely community benefit provided by the development (mobile phone reception). No submissions against the development were received during the applications public notification period, which would have indicated a perceived amenity impact.

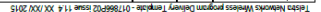
On balance, the development is considered to achieve compliance with PO1.

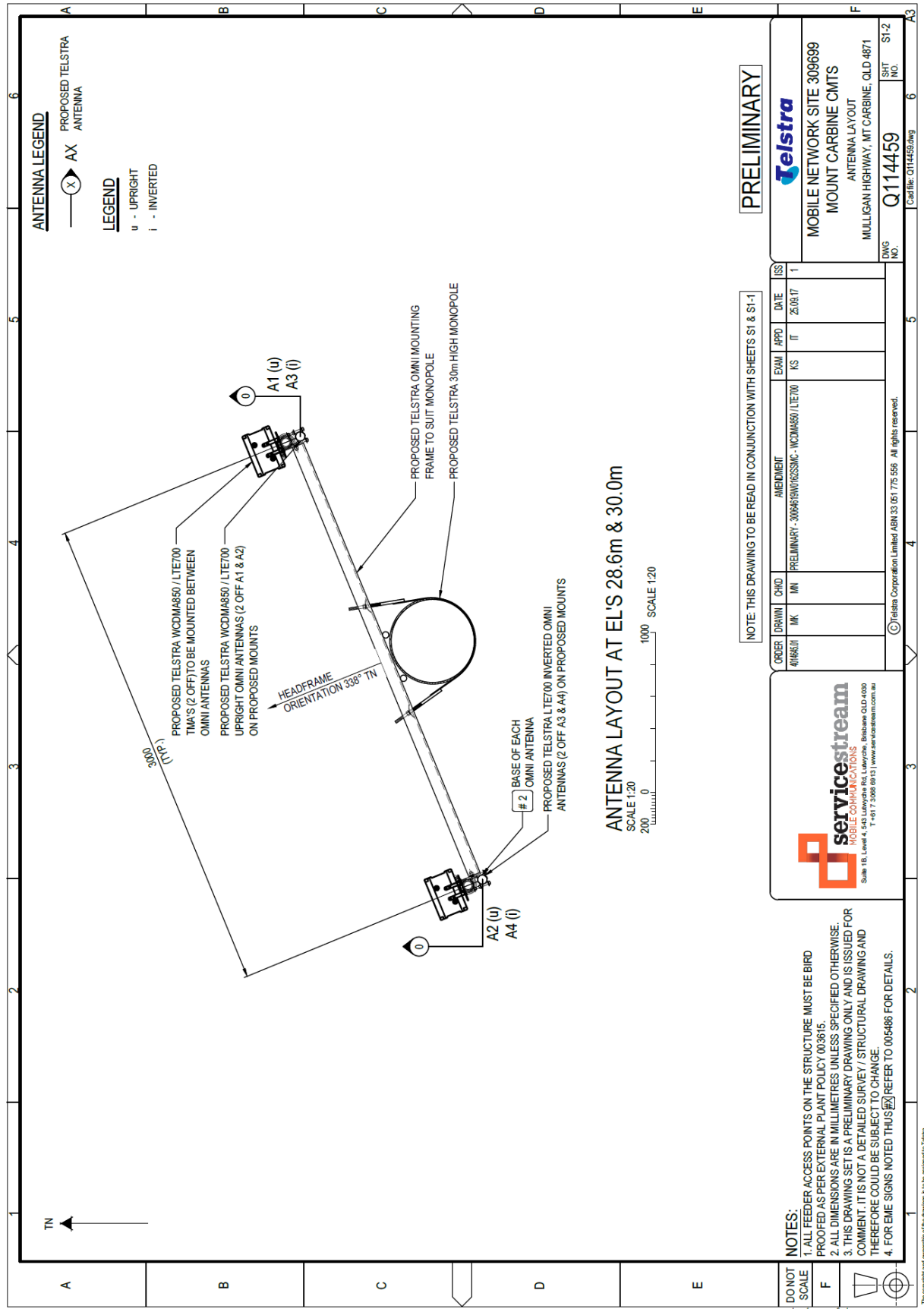
Date Prepared: *26 February 2018*

ATTACHMENT 1

PLANS











TELSTRA MOBILES ANTENNA CONFIGURATION TABLE									
ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	ANTENNA HEIGHT BASE OF A.G.L.	PHYSICAL ANTENNA BEARING (°T)	SECTOR NO. & TECHNOLOGY				
A1	ARGUS UNA010F-Q-V2 OMNI 3414 x Ø56	INSTALL	30.0m	0°	S0: WCDMA850 / LTE700				
A2	ARGUS UNA010F-Q-V2 OMNI 3414 x Ø56	INSTALL	30.0m	0°	S0: WCDMA850 / LTE700				
A3	ARGUS UNA010F-Q-V2 OMNI 3414 x Ø56	INSTALL	28.6m	0°	S0: LTE700				
A4	ARGUS UNA010F-Q-V2 OMNI 3414 x Ø56	INSTALL	28.6m	0°	S0: LTE700				
A10	ERICSSON GPS KRE 101 2082/1 OMNI Ø88 x 96	INSTALL	3.1m	0°	-				

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEET S3

PRELIMINARY



MOBILE NETWORK SITE 309699
MOUNT CARBINE CMTS
 ANTENNA CONFIGURATION TABLE
 MULLIGAN HIGHWAY, MT CARBINE, QLD 4871

ORDER #41665/1	DRAWN MK	CHKD MN	AMENDMENT	EXAM KS	APPD IT	DATE 25.03.17	ISS 1	
 <p>Suite 18, Level 4, 542 Llewellyn Rd, Llewellyn, Brisbane QLD 4000 T +61 7 3066 6913 www.servicestream.com.au</p>				<p>© Telstra Corporation Limited ABN 33 051 775 559 All rights reserved.</p>				<p>DWG No. Q114459</p> <p>SIT No. S3-1</p> <p>Cadfile: Q114459.dwg</p>

ATTACHMENT 2

RA6-N

Department of Infrastructure,
Local Government and Planning

Our reference: 1711-2452 SRA
Your reference: MCU/17/0015

21 December 2017

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba QLD 4880
info@msc.qld.gov.au

Attention: Carl Ewin

Dear Sir/Madam

Referral agency response—with conditions
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of Infrastructure, Local Government and Planning on 24 November 2017.

Applicant details

Applicant name:	Telstra Corporation Limited C/- Service Stream Mobile Communications
Applicant contact details:	PO Box 510 Lutwyche QLD 4030 geordie.pippos@servicestream.com.au

Location details

Street address:	6808 Mulligan Highway
Real property description:	Lot 0 on SP154001
Local government area:	Mareeba Shire Council

Application details

Development permit	Material Change of Use for a Telecommunications Facility
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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.3.4.3.1 Clearing native vegetation
- 10.9.4.2.4.1 State transport corridors and future State transport corridors

1711-2452 SRA

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Approved plans and specifications

The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
Queensland Government Transport and Main Roads	Queensland Government Transport and Main Roads	29/11/2017	TMR17-23169 (500-1200)	Issue A
Mobile Network Site 309699 Mount Carbine CMTS – Site access and locality plan	Service Stream Mobile Communications	25/9/2017	Q114459, Sheet No. S1	Issue 1
Mobile Network Site 309699 Mount Carbine CMTS – Site Layout	Service Stream Mobile Communications	25/9/2017	Q114459, Sheet No. S1-1	Issue 1

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

For further information please contact Jenny Sapuppo, Senior Planning Officer, on 5644 3212 or via email CairnsSARA@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Telstra Corporation Limited C/- Service Stream Mobile Communications,
geordie.pippos@servicestream.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Approved plans and specifications

1711-2452 SRA

Attachment 1—Conditions to be imposed

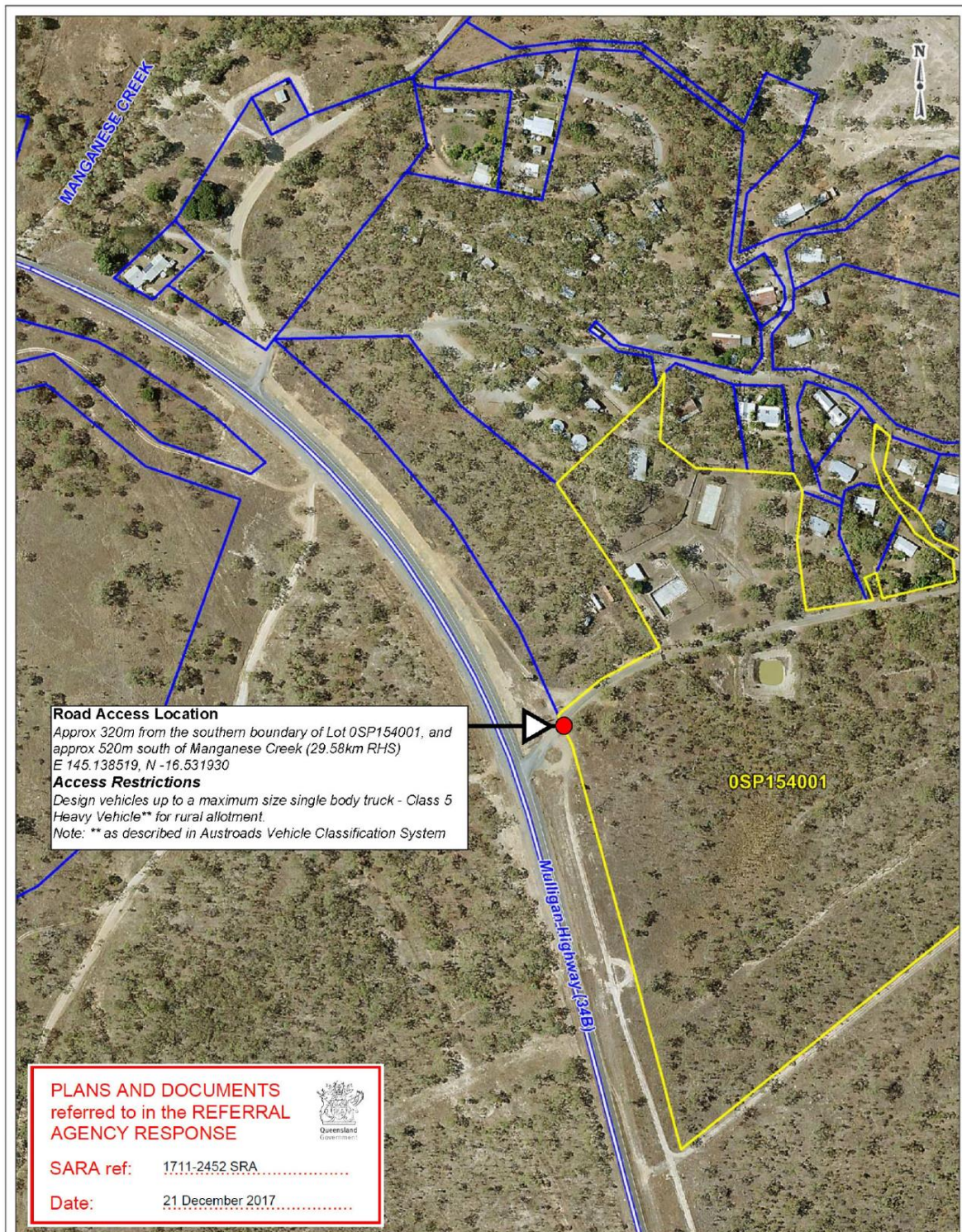
No.	Conditions	Condition timing
Material change of use		
State transport corridors —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The road access location is to be located approximately 320 metres from the southern boundary of Lot 0 on SP154001, generally in accordance with the following plans: <ul style="list-style-type: none"> • TMR Layout Plan (34B - 29.58km), prepared by Queensland Government Transport and Main Roads, dated 29/11/2017, reference TMR17-23169 (500-1200), Issue A, and • Mobile Network Site 309699 Mount Carbine CMTS – Site Access and Locality Plan, prepared by Service Stream Mobile Communications, dated 25.09.17, reference Q114459, Sheet No. S1, Issue 1. 	At all times.
2.	Direct access is prohibited between the Mulligan Highway and Lot 0 on SP154001 at any other location other than the permitted road access location described in Condition 1.	At all times
Material change of use		
Clearing native vegetation —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources and Mines to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
3.	The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"> • Mobile Network Site 309699 Mount Carbine CMTS – Site access and locality plan, prepared by Service Stream Mobile Communications, dated 25/9/2017, reference Q114459, Sheet No. S1, Issue 1 • Mobile Network Site 309699 Mount Carbine CMTS – Site Layout, prepared by Service Stream Mobile Communications, dated 25/9/2017, reference Q114459, Sheet No. S1-1, Issue 1. 	At all times
4.	Any person(s) engaged or employed to carry out the <u>clearing</u> of <u>vegetation</u> under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of <u>clearing</u> authorised by this development approval.	Prior to clearing

1711-2452 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure compliance with the development approval.



Branch/Unit **Corridor Management/Far North Region**

Projection/Datum: Geocentric Datum of Australia (GDA) 1994

— PROPERTY BOUNDARY
— SUBJECT LAND

TMR Layout Plan (34B - 29.58km)



Queensland Government
Transport and Main Roads

Plan No: 2 / 2	Issue: A	Date: 29/11/2017
Drawn by: RPK	File ref: TMR17-23169 (500-1200)	

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**ITEM-3 NEGOTIATED DECISION NOTICE - REEDLODGE PTY LTD
- MATERIAL CHANGE OF USE - SHOPPING CENTRE -
LOT 78 SP152626 - 232 BYRNES STREET, MAREEBA -
MCU/17/0011****MEETING:** Ordinary**MEETING DATE:** 21 March 2018**REPORT OFFICER'S
TITLE:** Senior Planner**DEPARTMENT:** Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Reedlodge Pty Ltd	ADDRESS	232 Byrnes Street, Mareeba
DATE OF NDN REQUEST	6 February 2018	RPD	Lot 78 on SP152626
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Shopping Centre		

FILE NO	MCU/17/0011	AREA	1.207 hectares
LODGED BY	Urban Sync	OWNER	Reedlodge Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Centre zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Decision Notice dated 20 December 2017
 2. Applicant's written representations received 6 February 2018

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its Ordinary Meeting held on 20 December 2017, subject to conditions.

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

The applicant has subsequently made written representations to Council requesting a minor amendment to Condition 4.2.3 and requesting clarity on the asphalt seal requirements under Condition 4.5.3.

It is recommended that the request be approved and a negotiated decision notice be issued.

OFFICER'S RECOMMENDATION

- "1. In relation to the written representations made by Urban Sync on behalf of Reedlodge Pty Ltd regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	Reedlodge Pty Ltd	ADDRESS	232 Byrnes Street, Mareeba
DATE OF NDN REQUEST	6 February 2018	RPD	Lot 78 on SP152626
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Shopping Centre		

and in accordance with the Planning Act 2016, the following

- (A) Condition 4.2.3 as per Council's Decision Notice issued on 20 December 2017 be amended as follows:

4.2.3 Specifically, the Stormwater Management Plan, prepared by Civil Walker, dated 08/11/2017, document number 151-001-002R, revision B must be revised to:

- (i) Determine the sizing and outlet configuration of the detention basin(s) in accordance with the Queensland Urban Drainage Manual, Fourth Edition, prepared by the Institute of Public Works Engineering Australasia (<http://www.ipweaq.com/qudm>) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP). The latest QUDM recommends the use of a suitable computer software package to determine the volume and outlet configuration of the detention basin(s). The SMP will need to be updated to include such analysis.*
- (ii) Provide engineering drawings showing the design of the proposed detention basin(s), including invert levels and outlet pipe and overflow, outlet configurations, and how they will connect to the existing drainage at the nominated legal point(s) of discharge.*
- (iii) Include revised details of the mitigation measures proposed to address any potential stormwater impacts (including flooding impacts) of the proposed development. The design flood peak discharges should be shown for the mitigated case to demonstrate there is no worsening impact for all relevant design events.*

- (B) Condition 4.5.3 as per Council's Decision Notice issued on 20 December 2017 be amended as follows:

4.5.3 The applicant must construct the areas of Rankin Street where Heavy Rigid Vehicles will undertake turning manoeuvres to ingress and egress the site with 50mm asphalt for the full frontage of Lot 78 on SP152626, for the full kerb to kerb width in accordance with the FNQROC Development Manual. The extent of the 50mm asphalt seal in Rankin Street is to be determined as part of the Operational Works application.

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

THE SITE

The subject land is described as Lot 78 on SP152626, Parish of Tinaroo, County of Nares, having an area of 1.207 hectares. The land has a frontage to Byrnes Street of approximately 203 metres, with a secondary frontage to Rankin Street of approximately 82 metres. The site is also bound by the railway line to the west and Herberton Street is located at the intersection in the south-east corner of the site.

The subject site is vacant, flat and relatively unconstrained by natural or physical features (vegetation, watercourses etc).

Formerly the site was used for the treatment of timber (sawmill) using copper/chromium/arsenic preservatives. The lot has been vacant since the demolition of sawmill approximately 10 years ago. Contaminated soil and associated bricks/rubble remain on site in a containment cell. This results in the land being subject to a site management plan approved by the relevant State government department in 2009.

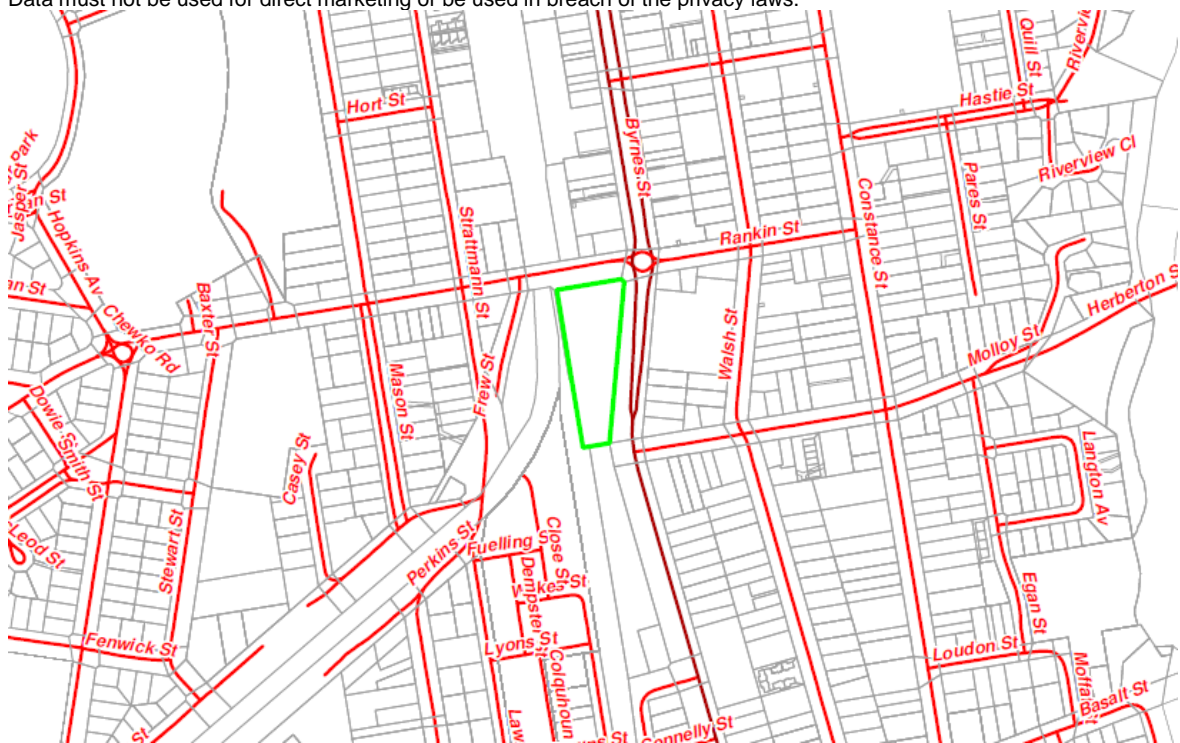
Neighbouring allotments to the north, south and east are zoned Centre under the Mareeba Shire Council Planning Scheme 2016. Properties in the general locality are used for a variety of land uses including the Mareeba Plaza Shopping Centre, Byrnes Street business district and residential uses.

Byrnes Street is currently constructed to a 33 metre wide bitumen standard for the majority of the frontage of the subject land. The 33 metre width incorporates a median strip down the central line of the road and car parking on both sides.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Council at its Ordinary Meeting on 20 December 2017 approved the application made by Reedlodge Pty Ltd for the issue of a development permit for Material Change of Use - Shopping Centre over land described as Lot 78 on SP152626, situated at 232 Byrnes Street, Mareeba

The approval was granted subject to conditions and the Decision Notice was issued on 20 December 2017 and is included as **Attachment 1**.

The applicant has written to Council making representations (**Attachment 2**) in relation to Condition 4.2.3 and 4.5.3 and are seeking the issue of a negotiated decision notice.

APPLICANT'S REPRESENTATIONS

Condition 4.2.3

4.2 Stormwater Drainage/Water Quality

4.2.3 *Specifically, the Stormwater Management Plan, prepared by Civil Walker, dated 08/11/2017, document number 151-001-002R, revision B must be revised to:*

- (i) *Determine the sizing and outlet configuration of the detention basin(s) in accordance with the Queensland Urban Drainage Manual, Fourth Edition, prepared by the Institute of Public Works Engineering Australasia (<http://www.ipweaq.com/qudm>) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP). The Stormwater Management Plan (SMP) has used the preliminary detention tank sizing methods outlined in the superseded version of Queensland Urban Drainage Manual (QUDM). The most recent edition of QUDM does not support the preliminary sizing methodology adopted in the SMP. The latest QUDM recommends the use of a suitable computer software package to determine the volume and outlet configuration of the detention basin(s). The SMP will need to be updated to include such analysis.*

Representation by Applicant

4.2.3 *Specifically, the Stormwater Management Plan, prepared by Civil Walker, dated 08/11/2017, document number 151-001-002R, revision B must be revised to:*

- (i) *Determine the sizing and outlet configuration of the detention basin(s) in accordance with the Queensland Urban Drainage Manual, Fourth Edition, prepared by the Institute of Public Works Engineering Australasia (<http://www.ipweaq.com/qudm>) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP). ~~The Stormwater Management Plan (SMP) has used the preliminary detention tank sizing methods outlined in the superseded version of Queensland Urban Drainage Manual (QUDM). The most recent edition of QUDM does not support the preliminary sizing methodology adopted in the SMP.~~ The latest QUDM recommends the use of a suitable computer software package to determine the volume and outlet configuration of the*

detention basin(s). The SMP will need to be updated to include such analysis.

The latest version of QUDM only references detailed design, preliminary sizing is discussed in Australian Rainfall and Runoff using adopted methods. As a result, we are of the view that this sentence should be deleted from the condition.

Response

Council officers have reviewed the applicant's representations and have no objection to the requested amendment to Condition 4.2.3. It is therefore recommended that Condition 4.2.3 be amended as shown above in the applicant's representations section.

Condition 4.5.3

4.5 Frontage Works - Rankin Street

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

4.5.3 The applicant must construct Rankin Street with 50mm asphalt for the full frontage of Lot 78 on SP152626, for the full kerb to kerb width in accordance with the FNQROC Development Manual.

Representation by Applicant

The applicant would like clarification as to what Council considers the 'full' frontage of Lot 78 on SP152626 to be, as well as what the existing pavement thickness of Rankin Street is. For example, is this condition requiring that only the current unsealed portion of Rankin Street, adjacent the north-west corner of the site be sealed, or does the condition require the entire kerb to kerb width of Rankin Street, for the full frontage of Lot 78, be re-sealed?

The applicant proposes the following revised wording:

*"The applicant must construct **the areas of Rankin Street where Heavy Rigid Vehicles will undertake turning manoeuvres to ingress and egress the site** with 50mm asphalt for the full frontage of Lot 78 on SP152626, for the full kerb to kerb width in accordance with the FNQROC Development Manual. The extent of the 50mm asphalt seal in Rankin Street is to be determined as part of the Operational Works application"*

Response

The intent of Condition 4.5.3 is to ensure all trafficable areas along Rankin Street that will be subject to heavy vehicle movements are asphalt sealed. It is therefore recommended that Condition 4.5.3 be amended as follows to provide clarity to both Council and the applicant:

4.5.3 The applicant must construct the areas of Rankin Street where Heavy Rigid Vehicles will undertake turning manoeuvres to ingress and egress the site with 50mm asphalt for the full frontage of Lot 78 on SP152626, for the full kerb to kerb width in accordance with the FNQROC Development Manual. The extent of the

50mm asphalt seal in Rankin Street is to be determined as part of the Operational Works application.

Date Prepared: 8 March 2018

ATTACHMENT 1

20 December 2017

Reedlodge Pty Ltd
ACN 089 077 403
PO Box 452
MAREEBA QLD 4880

Dear Sir/Madam

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

Officer: Brian Millard
Direct Phone: 4086 4657
Our Reference: MCU/17/0011
Your Reference: 17-230

Decision Notice

Planning Act 2016

I refer to your application and advise that on 20 December 2017, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/17/0011
Street Address:	232 Byrnes Street MAREEBA QLD 4880
Real Property Description:	Lot 78 on SP152626
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Shopping Centre
Date of Decision:	20 December 2017

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “*necessary infrastructure condition*” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

(A) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval and the conditions of the State Referral Agency.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council’s delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions have been complied with, except where specified otherwise in these conditions of approval.
 - 2.3 Prior to the commencement of use, the applicant must provide a letter from the State Referral Agency confirming that the department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
 - 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.

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

3.4 Noise Nuisance

3.4.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations after 10p.m. on a day to 7a.m. on the next day.

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

3.4.3 The use, including the unloading or loading of goods, is not to include the use of any sound projecting objects or systems that may cause a nuisance to adjoining properties.

3.5 Waste Management

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

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

3.6 Trolley Bays

Trolley bay areas must be provided on the site generally in accordance with Drawing No. SD1002 Issue G.

3.7 Rubbish Bins

Waste bins must be provided at each pedestrian entrance to the proposed development.

3.8 Amenity

3.8.1 Any walls built to the boundary must be finished as a blank wall including low maintenance finishes and materials, to the satisfaction of Council's delegated officer.

3.8.2 All building materials and colours to be used must be non-reflective and be generally in accordance with the approved plans to the satisfaction of Council's delegated officer.

3.9 No trucks, other than service vehicles for the shopping centre, are permitted to park on the subject land when the shopping centre is closed to the public. All service vehicles must leave the subject land as soon as reasonably practical after serving the shopping centre.

4. Infrastructure Services and Standards

4.1 Access

Any crossover/s used to access the development must be constructed to Commercial standard (from the edge of the road pavement to the property boundary of the subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The applicant/developer must ensure that any redundant vehicle crossovers are removed and reinstated with kerb and channel.

4.2 Stormwater Drainage/Water Quality

4.2.1 The applicant/developer must take all reasonable steps to ensure a non-worsening effect on surrounding land as a consequence of the development.

4.2.2 Prior to the issue of a development permit for operational works, the applicant/developer must submit a revised Stormwater Management Plan prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2.3 Specifically, the Stormwater Management Plan, prepared by Civil Walker, dated 08/11/2017, document number 151-001-002R, revision B must be revised to:

- I. Determine the sizing and outlet configuration of the detention basin(s) in accordance with the Queensland Urban Drainage Manual, Fourth Edition, prepared by the Institute of

Public Works Engineering Australasia
(<http://www.ipweaq.com/qudm>) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP). The Stormwater Management Plan (SMP) has used the preliminary detention tank sizing methods outlined in the superseded version of Queensland Urban Drainage Manual (QUDM). The most recent edition of QUDM does not support the preliminary sizing methodology adopted in the SMP. The latest QUDM recommends the use of a suitable computer software package to determine the volume and outlet configuration of the detention basin(s). The SMP will need to be updated to include such analysis.

- II. Provide engineering drawings showing the design of the proposed detention basin(s), including invert levels and outlet pipe and overflow, outlet configurations, and how they will connect to the existing drainage at the nominated legal point(s) of discharge.
- III. Include revised details of the mitigation measures proposed to address any potential stormwater impacts (including flooding impacts) of the proposed development. The design flood peak discharges should be shown for the mitigated case to demonstrate there is no worsening impact for all relevant design events.

4.2.4 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan.

4.2.5 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure that the development is provided with at least 139 on-site car parking spaces, generally in accordance with Drawing No. SD1002 Issue G, which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces must be sealed, line-marked and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

Car parking shade structures must generally be provided in accordance with Drawing No. SD1002 Issue G.

Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications, prepared by a Registered Professional Engineer of Queensland (RPEQ) or an Architectural

Building Designer, for the construction of proposed car parking facilities and internal driveways demonstrating:

- Compliance with Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Compliance with Australian Standard AS2890.2 – Parking Facilities (Off-street Parking) Commercial Vehicle Facilities;
- Compliance with Australian Standard AS2890.3 Bicycle Parking Facilities;
- Compliance with Australian Standard AS1428:2001 – Design for Access and Mobility;
- A sign must be erected in proximity to the access driveway indicating the availability of on-site car parking.

4.4 Frontage Works - Byrnes Street

The applicant/developer is required to construct the following works, designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer and the Department of Transport and Main Roads:

- 4.4.1 Kerb and channelling for the full frontage of Lot 78 on SP152626.
- 4.4.2 Signage and line marking as per the Department of Transport and Main Roads Manual of Uniform Traffic control Devices (MUTCD).
- 4.4.3 On street car parking and service road generally in accordance with the extent of works shown on Drawing No. SD1002 Issue G.
- 4.4.4 A paved footpath, including kerb ramps and associated tactile indicators must be constructed on Byrnes Street to the general extent indicated on Drawing No. SD1002 Issue G. The footpath must be constructed in accordance with the FNQROC Development Manual. No section of paved footpath is to be less than two (2) metres in width.

Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the construction of proposed works.

4.5 Frontage Works - Rankin Street

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

- 4.5.1 Kerb and channelling for the full frontage of Lot 78 on SP152626.
- 4.5.2 Signage and line marking as per the Department of Transport and Main Roads Manual of Uniform Traffic control Devices (MUTCD).

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- 4.5.3 The applicant must construct Rankin Street with 50mm asphalt for the full frontage of Lot 78 on SP152626, for the full kerb to kerb width in accordance with the FNQROC Development Manual.
- 4.5.4 On street car parking and service access generally in accordance with the extent of works shown on Drawing No. SD1002 Issue G (as amended by the Department of Transport and Main Roads).
- 4.5.5 A paved footpath, including kerb ramps and associated tactile indicators must be constructed on Rankin Street to the general extent indicated on Drawing No. SD1002 Issue G. The footpath must be constructed in accordance with the FNQROC Development Manual. No section of paved footpath is to be less than two (2) metres in width.

Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the construction of proposed works.

4.6 Landscaping and Fencing

- 4.6.1 The development must be landscaped in accordance with an approved landscape plan.
- 4.6.2 Prior to the issue of the development permit for operational works, a detailed landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval.
- 4.6.3 The landscape plan should be generally consistent with landscaping shown on the submitted site plan (Drawing No. SD1002 Issue G) and demonstrate compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.
- 4.6.4 The planting of street trees along the Byrnes Street and Rankin Street frontages must be included in the landscape plan.
- 4.6.5 A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.
- 4.6.6 The landscaping of the site must be carried out in accordance with the endorsed landscape plan/s, and prior to the commencement of the use, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

4.7 Lighting

Prior to the issue of a development permit for operational works, the applicant/developer must provide to Council a detailed lighting plan prepared by a qualified professional detailing:

- (a) The lux levels on site and surrounding the site, particularly the footpaths.
- (b) The access and the car parking areas must be lit during trading hours in accordance the requirements of Australian Standard AS 1158.1.
- (c) Outdoor lighting must be in accordance with AS 4282 (as amended) - Control of Obtrusive effects of outdoor lighting.
- (d) All lighting except for security lighting, internal lighting and street lighting must be turned off no later than an hour after the close of trading.

4.8 Water Supply

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

Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity to serve the proposed development requirements, the developer is required to extend the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development requirements in accordance with FNQROC Development Manual Standard (as amended).

- 4.8.2 Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the connection of the development to Council's reticulated water supply system demonstrating compliance with Condition 4.8.1.

The engineering plans and specifications for the connection, including any requirement for onsite firefighting storage, must be accompanied by an engineering report demonstrating that Council's existing infrastructure will be able to provide the minimum acceptable standard of service for water reticulation.

4.9 Sewerage Connection

- 4.9.1 The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC

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Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

- 4.9.2 Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the connection of the development to Council's reticulated sewerage system demonstrating compliance with Condition 4.9.1.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Material change of use of premises near a State transport corridor or that is a future State transport corridor (Road & Rail Corridor)		
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises—	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4	State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dilgp.qld.gov.au
(a) are within 25m of a State transport corridor; or		
(b) are a future State transport corridor; or		
(c) are—		
(i) adjacent to a road that intersects with a State-controlled road; and		
(ii) within 100m of the intersection		

A copy of any referral agency conditions is attached.

DECISION NOTICE

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Page 10**APPROVED PLANS**

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
4777 SD1001 A	Location Plan	Cotteeparker	18/08/2017
4777 SD1201 A	Existing Site Plan	Cotteeparker	08/09/2017
4777 SD1002 G	Site Plan	Cotteeparker	22/09/2017
4777 SD2001 C	Ground Floor Plan	Cotteeparker	08/09/2017
4777 SD2002 C	Roof & Mezzanine Plan	Cotteeparker	08/09/2017
4777 SD3001 D	Elevations	Cotteeparker	12/09/2017
4777 SD3101 B	Sections	Cotteeparker	08/09/2017
4777 SD0201 A	3D Drawings & Renders	Cotteeparker	08/09/2017
4777 SD0202 A	3D Drawings & Renders	Cotteeparker	08/09/2017

REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(A) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. 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.
- (c) Food Premises

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

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

(e) Compliance with applicable codes/policies

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

(f) Compliance with Acts and Regulations

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

(h) 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.

(i) 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.

(B) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 30 November 2017

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

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FURTHER DEVELOPMENT PERMITS REQUIRED

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

SUBMISSIONS

Not Applicable.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a "negotiated decision notice" will be issued. Only one "negotiated decision notice" may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a "negotiated decision notice".

OTHER DETAILS

If you wish to obtain more information about Council's decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully

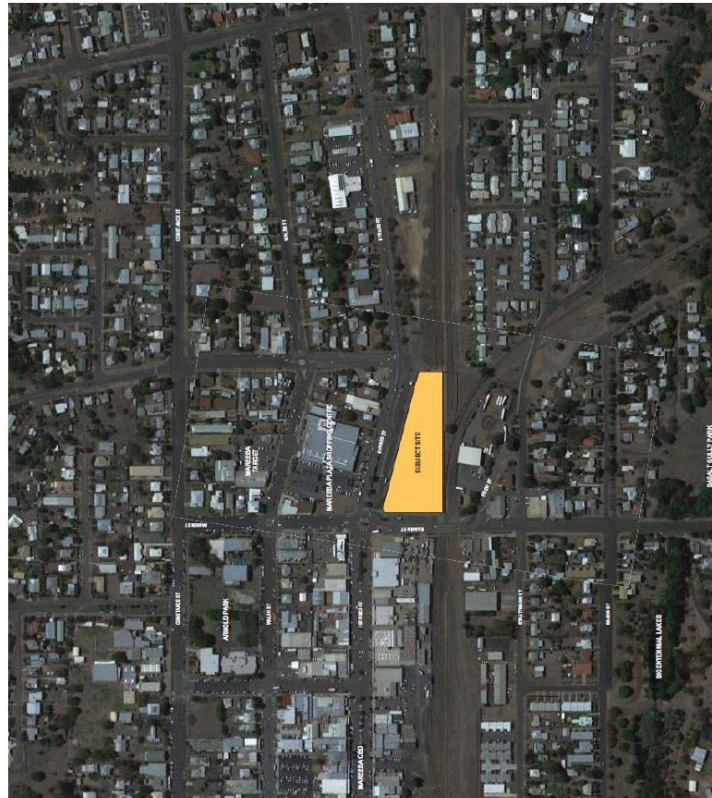
BRIAN MILLARD
SENIOR PLANNER

Enc: Adopted Infrastructure Charge Notice
 Approved Plans/Documents
 Referral Agency Response
 Appeal Rights

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

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Approved Plans/Documents

[illegible]

COTTEEPARKER Φ
 310 558-NE
 P 817 3546 FAX
 COTTEEPARKER@COTTEEPARKER.COM
 310 775 84 88
 COTTEEPARKER@COTTEEPARKER.COM

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DECISION NOTICE

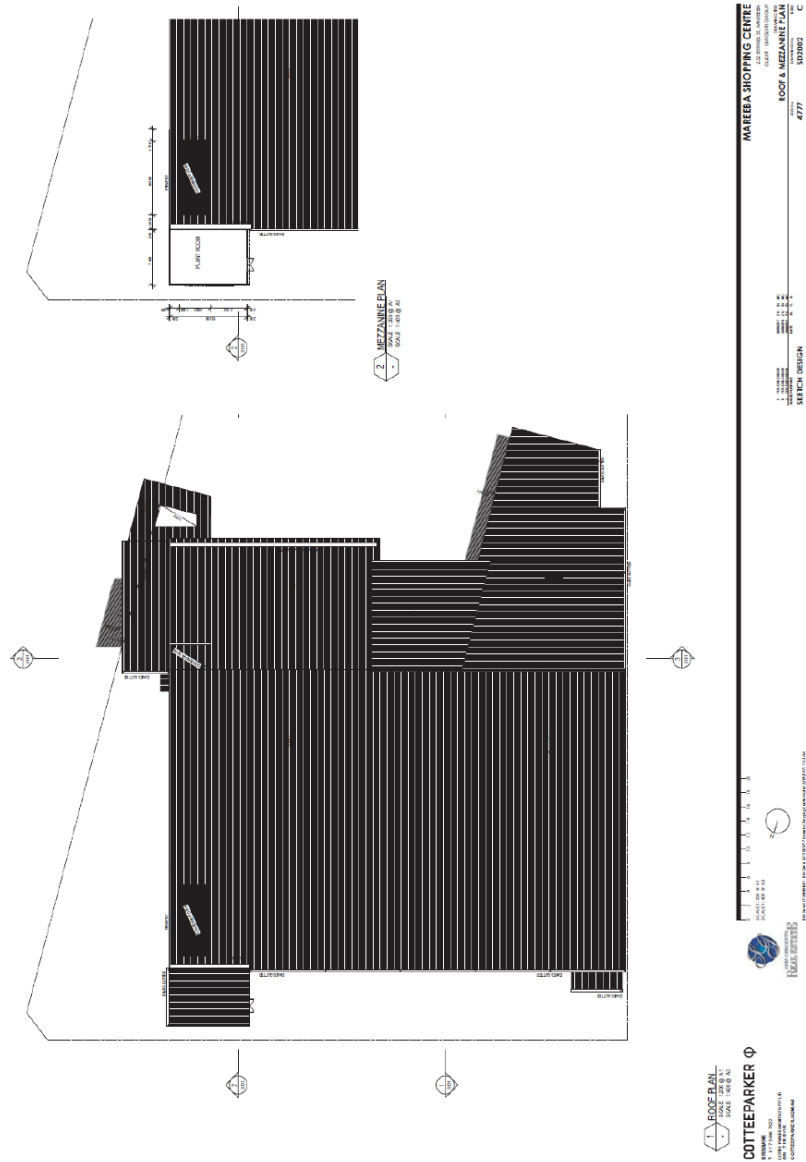
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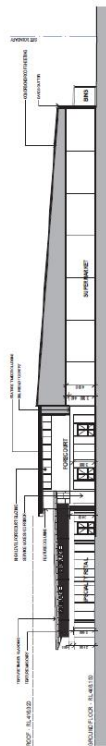
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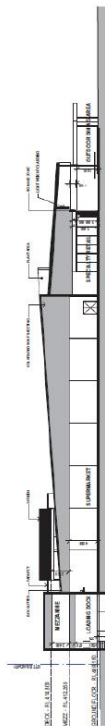


DECISION NOTICE

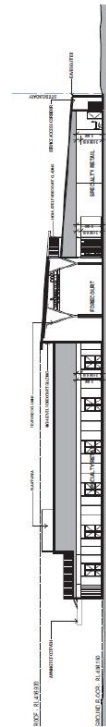
MCU/17/0011
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1. A1-SECTION
SCALE: 1:100



2. A2-SECTION
SCALE: 1:100



3. A3-SECTION
SCALE: 1:100

MAREEBA SHOPPING CENTRE
222 BIRCHALL AVENUE
MAREEBA VIC 3743
PROJECT NO. 17/0011
SECTION 19
DATE: 17/03/2018
DRAWN BY: J. DUNN
CHECKED BY: J. DUNN
SCALE: 1:100
PROJECT DESIGN
4777
803181
18



COTTEEPARKER
ARCHITECTS
100 STATION STREET
MAREEBA VIC 3743
TEL: 03 5442 1111
WWW.COTTEEPARKER.COM.AU

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VIEW FROM CARPARK



VIEW FROM CARPARK

COTTEPARKER Φ
ARCHITECTS
100/101 STATION STREET
MAREEBA VIC 3743
03 5477 1000
www.cotteparker.com.au

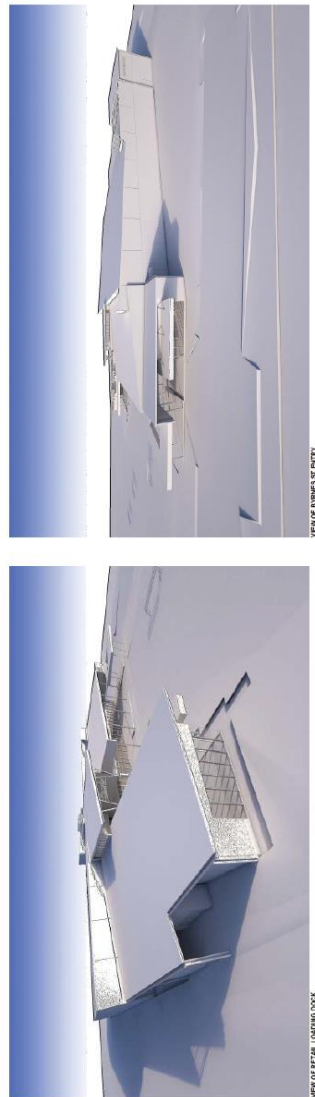


Prepared by: [Signature]
Checked by: [Signature]
Approved by: [Signature]

MAREEBA SHOPPING CENTRE
22-24 MAREEBA ROAD
MAREEBA VIC 3743
3D DRAWING & DESIGN
DATE: 15/03/2018
DRAWN: 4177
CHECKED: 50281
A

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Pages 22 to 47 of the Decision Notice not attached.

ATTACHMENT 2

T 07 4051 6946 **O** 192 Mulgrave Road, Cairns
E admin@urbansync.com.au **M** PO Box 2970, Cairns Q 4870
W www.urbansync.com.au **ABN** 83 169 940 649

6 February 2018

Our Ref: 17-230
Your Ref: MCU/17/0011

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

Attention: Brian Millard – Senior Planner and Carl Ewin - Planning Officer

Dear Brian and Carl

RE: REQUEST FOR A NEGOTIATED DECISION NOTICE UNDER S76(3) OF THE PLANNING ACT 2016 ASSOCIATED WITH AN APPROVAL FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE (SHOPPING CENTRE) OVER LOT 78 ON SP152626 AT 232 BYRNES STREET, MAREEBA

We refer to the above-described matter and confirm that Urban Sync Pty Ltd (Urban Sync) continues to provide town planning and development advice to the Applicant (Reedlodge Pty Ltd) in respect of this project. We have been commissioned to coordinate the request for 'change representations' under s75(1) of the *Planning Act 2016* in respect to conditions imposed in the Decision Notice approved by Mareeba Shire Council (Council) on 20 December 2017.

REQUESTED CHANGES TO THE CONDITIONS OF APPROVAL

Condition	Amendments
Infrastructure Services and Standards	
4.2.3	Specifically, the Stormwater Management Plan, prepared by Civil Walker, dated 08/11/2017, document number 151-001-002R, revision B must be revised to: <ul style="list-style-type: none">(i) Determine the sizing and outlet configuration of the detention basin(s) in accordance with the Queensland Urban Drainage Manual, Fourth Edition, prepared by the Institute of Public Works Engineering Australasia (http://www.ipweaq.com/qudm) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP). The Stormwater Management Plan (SMP) has used the preliminary detention tank sizing methods outlined in the superseded version of Queensland Urban Drainage Manual (QUDM). The most recent edition of QUDM does not support the preliminary sizing methodology adopted in the SMP. The latest QUDM recommends the use of a suitable computer software package to determine the volume and outlet configuration of the detention basin(s). The SMP will need to be updated to include such analysis.

Justification:

The latest version of QUDM only references detailed design, preliminary sizing is discussed in Australian Rainfall and Runoff using adopted methods. As a result, we are of the view that this sentence should be deleted from the condition.

Condition	Amendments
Infrastructure Services and Standards	
4.5.3	The applicant must construct Rankin Street with 50mm asphalt for the full frontage of Lot 78 on SP152626, for the full kerb to kerb width in accordance with the FNQROC Development Manual.

Justification:

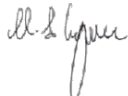
The applicant would like clarification as to what Council considers the 'full' frontage of Lot 78 on SP152626 to be, as well as what the existing pavement thickness of Rankin Street is. For example, is this condition requiring that only the current unsealed portion of Rankin Street, adjacent to the north-west corner of the site be sealed, or does the condition require the entire kerb to kerb width of Rankin Street, for the full frontage of Lot 78, be re-sealed?

CONCLUSION

We request preliminary feedback from Council on all the identified matters prior to a formal Negotiated Decision Notice being issued.

Should you require any additional information or wish to discuss this request in further detail, please contact me on 0488 200 229.

Yours faithfully,



Matt Ingram
Senior Planner
E matt@urbansync.com.au | T 07 4051 6946 | M 0488 200 229

**ITEM-4 S & J BEATTIE - RECONFIGURING A LOT - SUBDIVISION
(1 INTO 2 LOTS) - LOT 1 RP736571 - 82 MCGRATH ROAD,
MAREEBA - RAL/17/0010****MEETING:** Ordinary**MEETING DATE:** 21 March 2018**REPORT OFFICER'S
TITLE:** Senior Planner**DEPARTMENT:** Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	S & J Beattie	ADDRESS	82 McGrath Road, Mareeba
DATE LODGED	7 December 2017	RPD	Lot 1 on RP736571
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

FILE NO	RAL/17/0010	AREA	2.834 hectares
LODGED BY	S & J Beattie	OWNER	S & J Beattie
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Emerging Community zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

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

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

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme and does not conflict with any relevant planning instrument.

Draft conditions were provided to the Applicant and have been agreed.

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

OFFICER'S RECOMMENDATION

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

APPLICATION		PREMISES	
APPLICANT	S & J Beattie	ADDRESS	82 McGrath Road, Mareeba
DATE LODGED	7 December 2017	RPD	Lot 1 on RP736571
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

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

And

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

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Proposed Property Building and Flood Area Details	S.P.B.	24-10-2017

(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 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.

3.8 Charges

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

3.9 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.

3.10 Bushfire Management

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

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.

A bitumen sealed or reinforced concrete driveway shall be provided within any battleaxe lot access handle. The driveway will:

- have a minimum formation width of 3 metres
- be constructed for the full length of the access handle
- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access strip
- service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle of the battle axe allotment(s).

4.2 Stormwater Drainage

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

4.3 Water Supply

A water service connection must be provided to each lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on proposed Lot 2, 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.

4.5 Electricity provision/supply

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

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

4.6 Telecommunications

The applicant/developer must demonstrate that a connection to the national broadband network is available for each allotment, or alternatively, enter into an agreement with a telecommunication carrier to provide telecommunication services to each lot and arrange provision of necessary conduits and enveloping pipes.

5. Additional Payment Condition/s (section 130 of the Planning Act 2016)

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 \$13,500.00 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 (\$4,500.00 per additional allotment)
- The trunk open space infrastructure servicing the land (\$4,500.00)
- The trunk water supply infrastructure servicing the land (\$4,500.00)

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

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

- Discuss with Council's delegated officer the part of the works to be undertaken;
- Obtain the necessary approvals for the part of the works;
- Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;

- Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
- Comply with the reasonable direction of Council officers in relation to the completion of the works;
- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

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

- (b) Water Meters/Water Service Connection

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

- (c) Endorsement Fees

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

- (d) Compliance with applicable codes/policies

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

- (e) Notation on Rates Record

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

- an approved bushfire management plan
- An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report

- (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) RELEVANT PERIOD

When approval lapses if development not started (s.85)

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

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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1."

THE SITE

The subject land is described as Lot 1 on RP736571, situated at 82 McGrath Road, Mareeba.

The land is regular in shape, having an area of 2.834 hectares with a frontage of approximately 87 metres to McGrath Road. McGrath Road is formed to bitumen sealed standard for the entire frontage with the subject land.

The land is improved by a modern single storey dwelling house sited in the south-western corner. Ancillary structures include three (3) sheds and a swimming pool. All improvements are sited within the western half of the subject land, with the eastern half of the subject land being rugged and mapped as being within a flood hazard area.

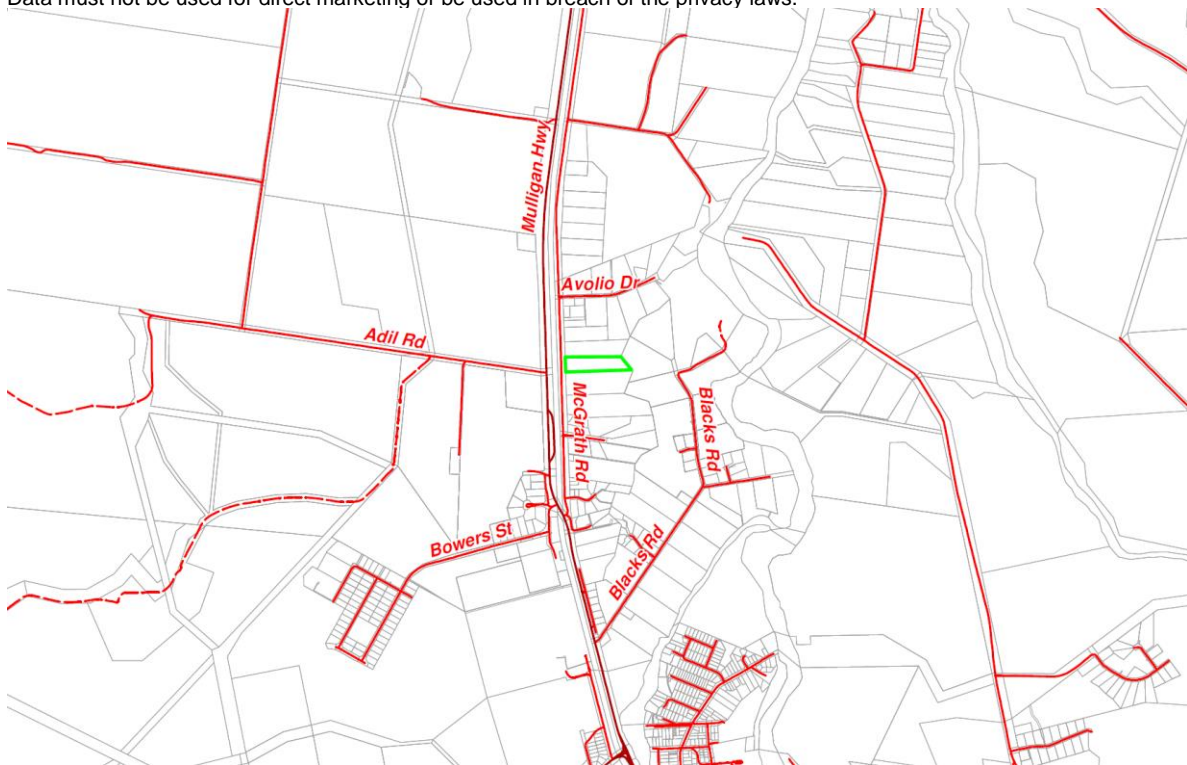
The subject land is serviced by the Mareeba reticulated town water supply, reticulated electricity and telecommunication infrastructure.

All adjoining properties are zoned Emerging Community under the Planning Scheme and are rural residential in character.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

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

The details of the proposed allotments are as follows:

- Lot 1 - 8,106 square metres, 71 metres frontage to McGrath Road;
- Lot 2 - 2.0234 hectares, 16 metres frontage to McGrath Road.

Proposed Lot 1 will contain the established dwelling house, two sheds and the associated onsite effluent disposal system. Proposed Lot 2 will contain a single large shed and will likely accommodate a new dwelling house at some time in the future.

Access to proposed Lot 1 will continue via the existing property accesses off McGrath Road. A new access off McGrath Road would be provided for proposed Lot 2. All accesses will be required to meet the current FNQROC development manual standard.

Both allotments will be serviced by reticulated town water, reticulated electricity and telecommunication services.

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. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none">▪ Investigation Area
	Natural Environment Elements <ul style="list-style-type: none">▪ Biodiversity Areas
Zone:	Emerging Community zone
Mareeba Local Plan:	Precinct G Mareeba Northern Expansion
Overlays:	Airport Environs overlay Bushfire hazard overlay Environmental significance overlay Flood hazard overlay Hill and slope overlay Transport infrastructure 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

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(b) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(c) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3.8 Element—Urban expansion and investigation areas

3.3.8.1 Specific outcomes

- (1) *Urban expansion areas and investigation areas* are anticipated to provide for development beyond the life of the planning scheme and are preserved for this purpose, with interim development not compromising future residential development.

Comment

The proposed reconfiguration will excise the rear largely flood hazard constrained area from a front area of 8,106m² which will contain the established dwelling house.

Due to the large size of both allotments and the constraint already caused by the flood hazard mapping, the proposed development does not further compromise the future development potential of the subject land.

- (2) Well-serviced and designed greenfield residential development occurs in *urban expansion areas* of Mareeba and Kuranda only where it is planned, logically sequenced and can be efficiently serviced.

Comment

The proposed development should be considered as interim development, rather than greenfield residential development. Infrastructure necessary to service this interim development is already in place and can efficiently service the one additional allotment.

- (3) *Urban expansion areas* in Mareeba provide a range of housing options and aim for density targets of twelve dwellings per hectare by 2031.

Comment

The proposed reconfiguration will excise the rear largely flood hazard constrained area from a front area of 8,106m² which will contain the established dwelling house.

Due to the large size of both allotments and the constraint already caused by the flood hazard mapping, the proposed development does not further compromise the future development potential of the subject land.

3.3.8.2 Land use strategies

- (1) *Investigation areas* are to be investigated to accommodate future development beyond the life of the planning scheme. *Investigation areas* are not to be developed unless there is an insufficient supply of land for the purpose intended to be developed. The purpose of development in an *investigation area* should promote a logical land use pattern, having regard to nearby land use and the established hierarchy of *activity centres*. In the instance that new or expanded areas are investigated, these are to be supported by detailed land use investigations that must demonstrate:
- (a) need for land for the proposed land use;
 - (b) mitigation or avoidance of impacts on sensitive receiving environments;
 - (c) where involving good quality agricultural land:
 - (i) there is no alternative land available that is not good quality agricultural land; and
 - (ii) the need for future development represents a public benefit.

- (d) suitable mitigation or offset arrangements in respect to impacts on areas of high ecological significance
- (e) consistency with the Strategic Framework.
- (f) consistency with State and Regional Planning requirements.

Comment

The proposed reconfiguration will excise the rear largely flood hazard constrained area from a front area of 8,106m² which will contain the established dwelling house.

Due to the large size of both allotments and the constraint already caused by the flood hazard mapping, the proposed development does not further compromise the future development potential of the subject land.

The proposed development does not conflict with the strategic framework.

Relevant Development Codes

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

- 6.2.4 Emerging community zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Emerging community zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Mareeba local plan code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Airport environs overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

Bushfire hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code including the following: <ul style="list-style-type: none"> • Performance Outcome PO13 Refer to Planning Discussion section of report.
Hill and slope overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Transport infrastructure overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code including the following: <ul style="list-style-type: none"> • Acceptable Outcome AO1.1 Refer to Planning Discussion section of report.
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(f) Additional Trunk Infrastructure Condition (Section 130 of PA)

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

Section 130 of the PA allows Council to condition additional trunk infrastructure outside the PIA.

The development, creating an additional allotment, is predicted to place additional demand on Council's trunk infrastructure (transport, open space and water supply).

the developer must pay a one-off payment of \$13,500.00 (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.

The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land (\$4,500.00)
- The trunk open space infrastructure servicing the land (\$4,500.00)
- The trunk water supply infrastructure servicing the land (\$4,500.00)

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

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

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

REFERRALS

The application did not trigger a referral.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 5 January 2018 to 20 January 2018. The applicant submitted the notice of compliance on 6 February 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Notwithstanding the applicant's notice of compliance, the period of public notification was 15 days, not the required 15 business days.

Section 53(3) of the Planning Act 2016 allows Council to assess and decide a development application even if some of the requirements of the development assessment rules about the notice have not been complied with, if Council considers any noncompliance has not:

- (a) adversely affected the public's awareness of the existence and nature of the application;
or
- (b) restricted the public's opportunity to make properly made submissions about the application.

No submissions were received during the notification of the application.

Council officers consider that the minor noncompliance satisfies the tests under Section 53(3) and the application should continue to a decision.

PLANNING DISCUSSION

Compliance with the Performance Outcomes and Acceptable Outcomes of the Flood Hazard Overlay Code and the Reconfiguring a Lot Code are summarised as follows:

Flood Hazard Overlay Code

PO13

Development, where involving Reconfiguring a lot, is located and designed to:

- (a) *maintain hydrological function of the premises;*
- (b) *not increase the number of people calculated to be at risk from flooding;*
- (c) *minimises the flood impact on adjoining premises;*
- (d) *ensure the safety of all persons by ensuring that a proportion of buildings are set above the defined flood level;*
- (e) *reduce the carriage of debris in flood waters;*
- (f) *reduce property damage; and*
- (g) *provide flood immune access to buildings.*

*Note—Where the development is located in a 'Potential flood hazard area' identified on the **Flood hazard overlay maps (OM006a-o)** and there is no defined flood level a hydraulic (flood hazard assessment) report prepared by a RPEQ is required in substantiation of an alternative outcome is required or the defined flood level from the adjacent representative hazard zone is used.*

AO13

No acceptable outcome is provided.

Comment

Both proposed lots will contain areas of no hazard and low hazard.

A future dwelling house can be development on the vacant allotment (proposed Lot 2) without unreasonable risk of flooding.

It is acknowledged that the proposed dwelling house for Lot 2 is partly within the mapped Low Flood Hazard Area. Further investigation into the flood modelling used to generate the flood hazard mapping clearly demonstrates that the proposed house site is outside of the modelled flood hazard area.

Reconfiguring a Lot Code

PO1

Lots include an area and frontage that:

- (a) *is consistent with the design of lots in the surrounding area;*

- (b) *allows the desired amenity of the zone to be achieved;*
- (c) *is able to accommodate all buildings, structures and works associated with the intended land use;*
- (d) *allow the site to be provided with sufficient access;*
- (e) *considers the proximity of the land to:*
 - (i) *centres;*
 - (ii) *public transport services; and*
 - (iii) *open space; and*
- (f) *allows for the protection of environmental features; and*
- (g) *accommodates site constraints.*

AO1.1

*Lots provide a minimum area and frontage in accordance with **Table 9.4.4.3B**.*

Comment

The proposed development does not meet Table 9.4.4.3B minimum requirements for lot size and frontage.

Notwithstanding , the proposed development will comply with performance outcome PO1.

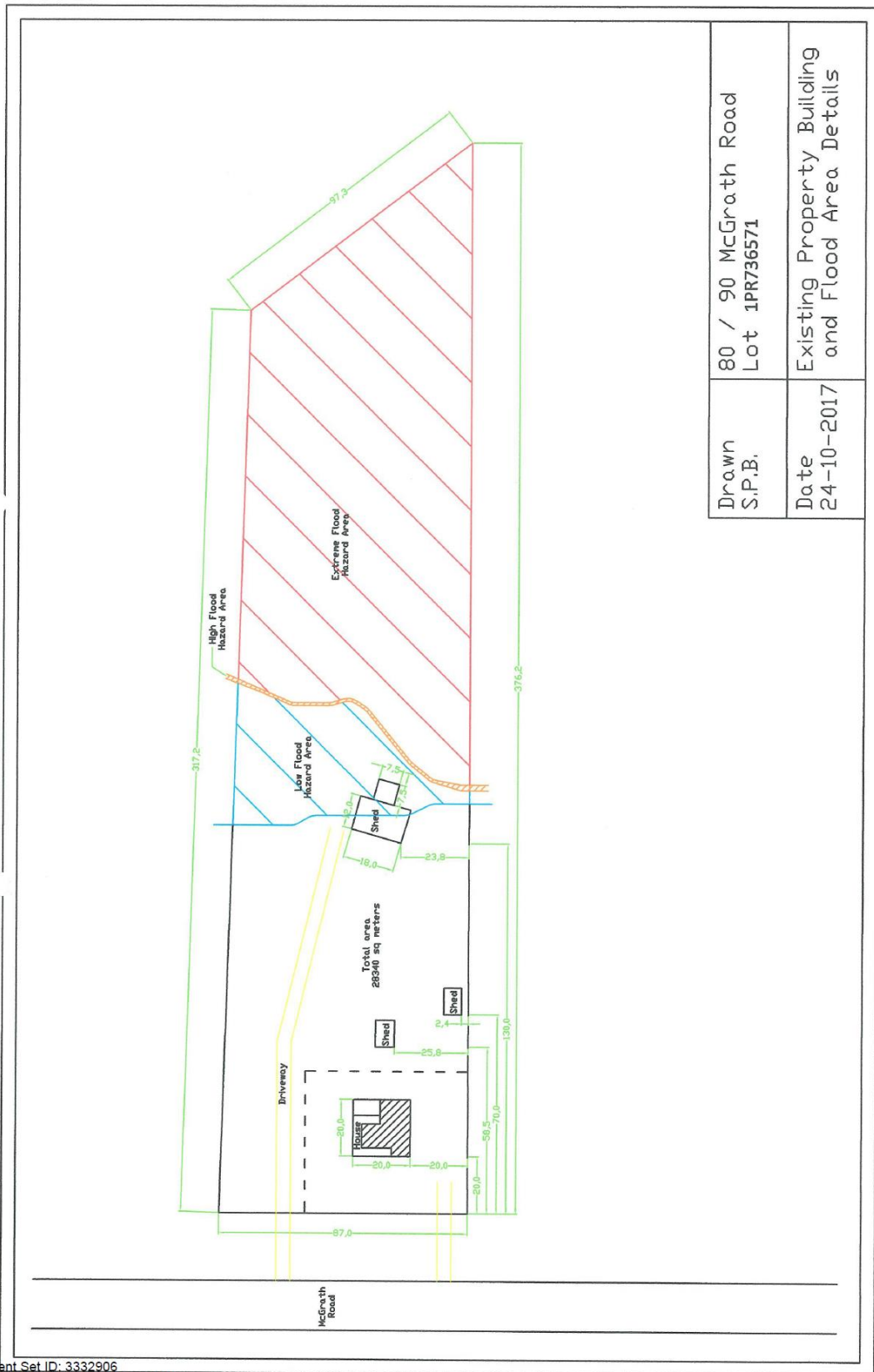
The proposed allotments are consistent with the design of lots in the local vicinity. The proposed lots will remain rural residential in nature.

The proposed development provides for residential amenity, has sufficient space for the development to be contained outside of the flood hazard area, has existing access, is within close proximity to Mareeba, does not involve clearing vegetation and has no other constraints.

Date Prepared: 26 February 2018

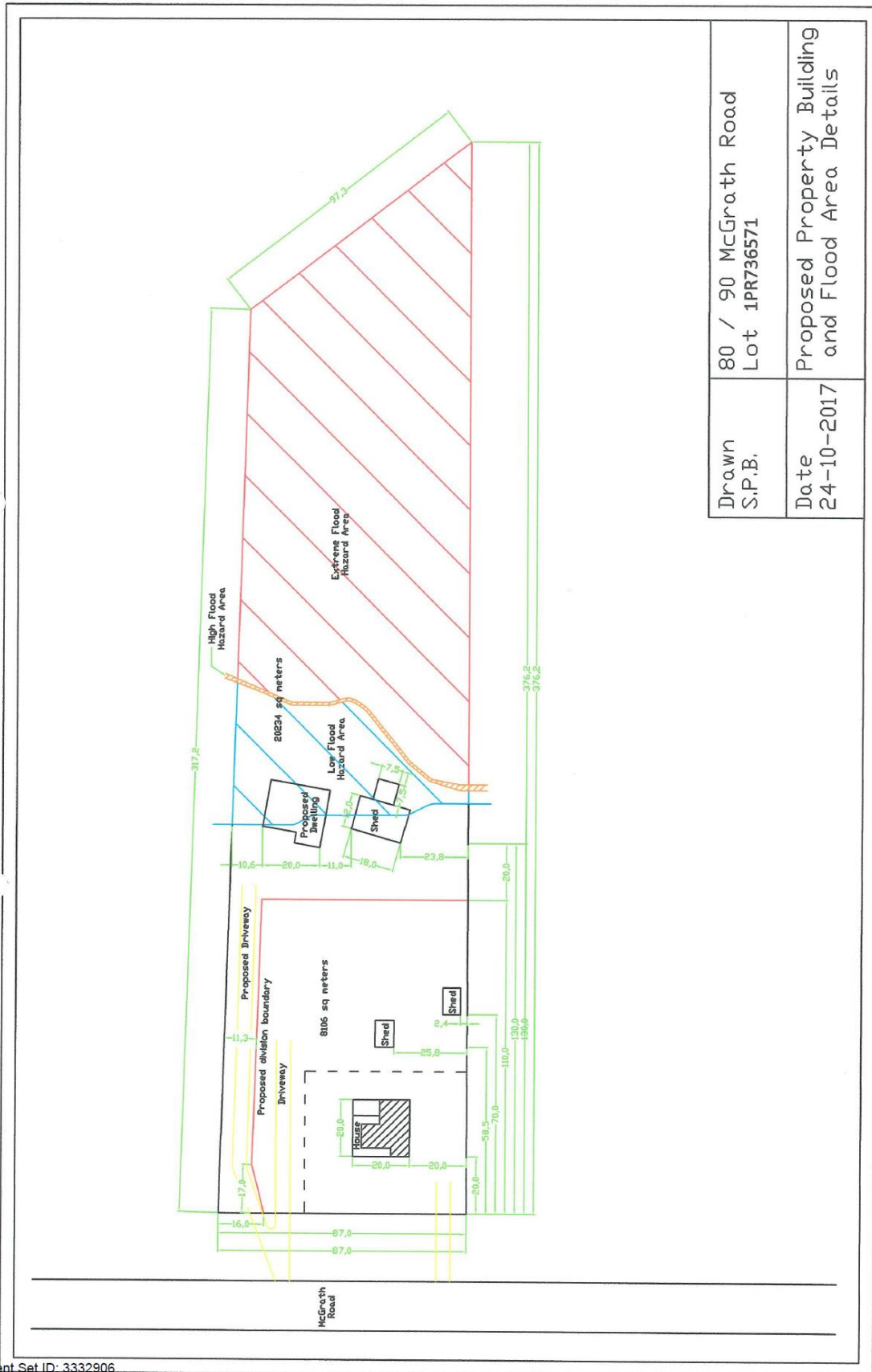
ATTACHMENT 1

PLANS



Document Set ID: 3332906

Version: 1, Version Date: 05/12/2017



**ITEM-5 APPLICATION FOR COMMERCIAL OTHER - SUBSIDIARY
ON PREMISES (ACCOMMODATION) LIQUOR LICENCE -
MOUNT MULLIGAN LODGE - LOT 20 ON HG725, MOUNT
MULLIGAN**

MEETING: Ordinary

MEETING DATE: 21 March 2018

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

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The Office of Liquor and Gaming Regulation have written to Council advising that an application has been made for a Commercial Other - Subsidiary on Premises (Accommodation) liquor licence over land described as Lot 20 on CP HG725, situated at 499 Thornborough - Kingsborough Road, Thornborough.

A commercial other - subsidiary on premises (accommodation) licence allows for the sale of liquor to a resident or a guest for consumption on the premises at any time and the sale of up to nine litres to a resident for consumption off the premises.

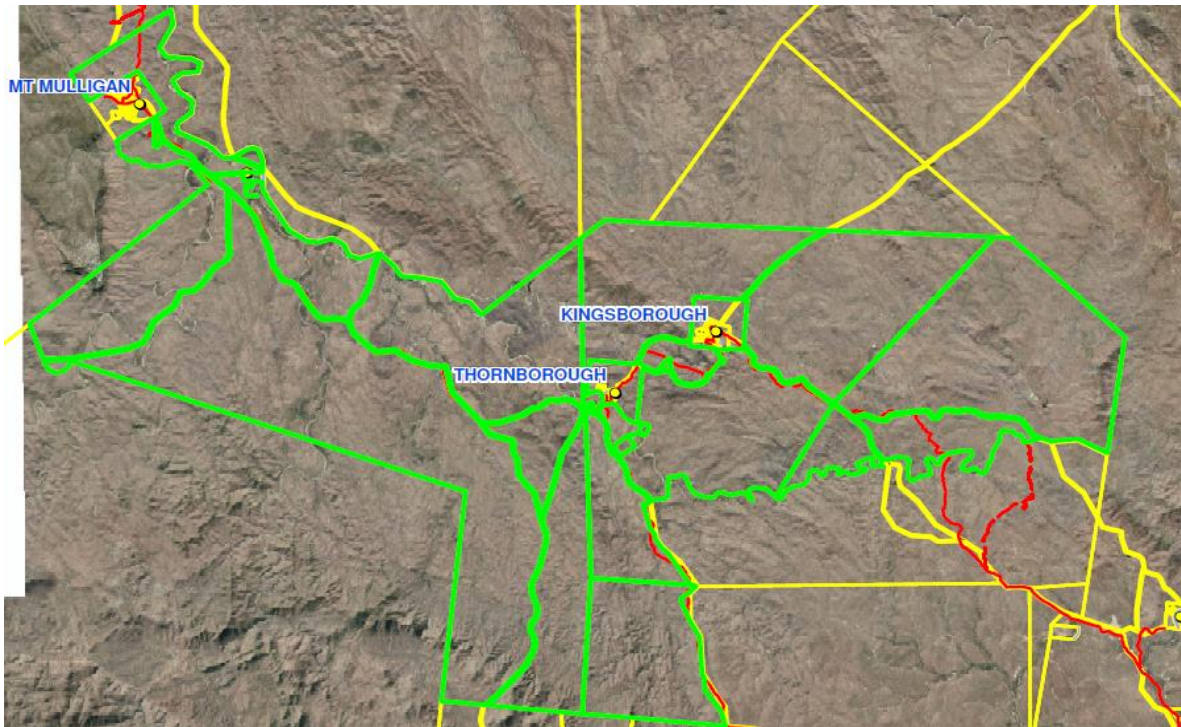
The applicant is Orpheus Island Nominees Pty Ltd and the premises to be licenced is Mount Mulligan Lodge. Town planning approval for the Mount Mulligan Lodge was granted by Council on 16 June 2016.

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

OFFICER'S RECOMMENDATION

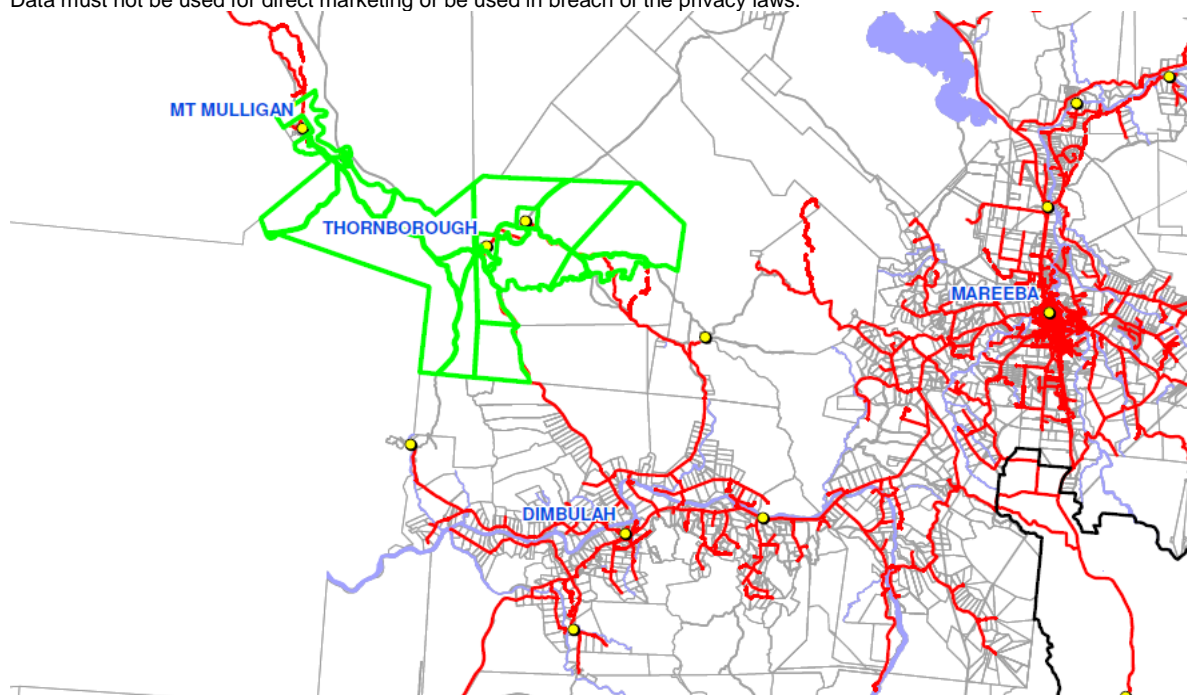
"That Council advises the Office of Liquor and Gaming Regulation of the Department of Justice and Attorney General that Council has no objection to the granting of a Commercial Other - Subsidiary on Premises (Accommodation) Licence to Orpheus Island Nominees Pty Ltd over the Mount Mulligan Lodge on land described as Lot 20 on CP HG725, situated at 499 Thornborough - Kingsborough Road, Thornborough, subject to the standard trading conditions."

BACKGROUND



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Orpheus Island Nominees Pty Ltd have made application to the Office of Liquor and Gaming Regulation for a Commercial Other - Subsidiary on Premises (Accommodation) liquor licence over the new Mount Mulligan Lodge on land described as Lot 20 on CP HG725, situated at 499 Thornborough - Kingsborough Road, Thornborough.

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

Council at its ordinary meeting held on 15 June 2016 issued a development permit for the application for material change of use - tourist facility and ancillary heliport made by CLG Properties Pty Ltd over land described as Lot 20 on HG725, Lot 1 on M6493 and Lots 19, 417 & 418 on M6494. This development permit authorises the establishment of the Mount Mulligan Lodge.

LINK TO CORPORATE PLAN

Nil

CONSULTATION

Internal
Nil

External
Nil

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

Nil

POLICY IMPLICATIONS

Lot 20 on CP HG725 has a total area of 26,700 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016. Lot 20 on CP HG725 comprises the majority of the area of Mount Mulligan Station.

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

Service summary

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

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

Trading conditions

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

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

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

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

It is recommended that Council offers no objection to the granting of a Commercial Other - Subsidiary on Premises (Accommodation) licence to Orpheus Island Nominees Pty Ltd.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

Is the expenditure noted above included in the 2017/2018 budget?

Nil

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

Nil

IMPLEMENTATION/COMMUNICATION

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

ATTACHMENTS

1. Department of Justice and Attorney General letter dated 26 February 2018

Date Prepared: 27 February 2018

ATTACHMENT 1

Please quote: 964835/LAB09
Contact officer: Customer Support Team
Contact Number: (07) 3224 7131

Office of Liquor and Gaming Regulation

Department of
Justice and Attorney-General

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

Email: info@msc.qld.gov.au

Dear Sir/Madam

MOUNT MULLIGAN LODGE - THORNBOROUGH

**Application for Commercial Other – Subsidiary on Premises
(Accommodation) Licence**

Real Property Description: Lot 20 on CP HG725

**Applicant's Contact Details: Mr David Grundy (Liquor & Gaming
Specialists), Phone: 3252 4066, Email: david@lgs.net.au**

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

<i>Applicant:</i>	Orpheus Island Nominees Pty Ltd As Trustee For Orpheus Island Unit Trust
<i>Name of Premises:</i>	Mount Mulligan Lodge
<i>Street Address:</i>	499 Thornborough Road, Thornborough
<i>Proposed Trading Hours:</i>	10:00 AM to 12:00 AM – Monday to Sunday
<i>Type of Licence:</i>	Commercial Other – Subsidiary on Premises (Accommodation)

Should this licence be granted it would enable the holder thereof to sell liquor to a resident or a guest of a resident for consumption on the premises at any time and up to nine litres for consumption off the premises to residents only.

Please note that the applicant has also indicated their intention to include an outdoor dining area as part of their proposed licensed area.

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

- Comment on the reasonable requirements of the public in the locality.

Office of Liquor and Gaming Regulation
63 George Street
BRISBANE QLD 4000
Locked Bag 180
CITY EAST QLD 4002

Telephone +61 7 3224 7131
Facsimile +61 7 3227 7047
Email OLGRlicensing@justice.qld.gov.au
Website www.business.qld.gov.au/liquor-gaming
ABN 13 846 673 994

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

Please advise whether you have any comments on, or objections to, the grant of the application. In accordance with section 117 of the *Liquor Act 1992* your comments or objection must be given to this office on or before the last day for filing objections. To comply with section 117 of the Act, your comments or objection should be received by 13 March 2018.

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

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

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

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

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

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

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

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

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

Yours sincerely



MICHAEL SARQUIS
Executive Director
26 / 02 / 2018

ITEM-6 **REQUEST FOR REVIEW OF INFRASTRUCTURE CONTRIBUTIONS - NGOONBI COMMUNITY SERVICES INDIGENOUS CORPORATION - MCU - EDUCATIONAL ESTABLISHMENT, LOW IMPACT INDUSTRY, OFFICE & TRANSPORT DEPOT - LOT 322 SP118917 - ARARA STREET, KURANDA - MCU/17/0006**

MEETING: Ordinary

MEETING DATE: 21 March 2018

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Ngoonbi Community Services Indigenous Corporation	ADDRESS	Arara Street, Kuranda
DATE OF REQUEST	31 January 2018	RPD	Lot 322 on SP118917
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Educational Establishment, Low Impact Industry, Office and Transport Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)		

FILE NO	MCU/17/0006	AREA	8,757m ²
LODGED BY	Gilvear Planning Pty Ltd	OWNER	State of QLD (Rep by Dept of Education and Training)
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Conservation zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

ATTACHMENTS: 1. Decision Notice dated 20 December 2017
 2. Applicant's email received 31 January 2018

EXECUTIVE SUMMARY

Council approved a development application described in the above application details at its meeting held on 20 December 2017, subject to conditions, including Condition 5 Additional Payment Condition.

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

Condition 5 requires the applicant to contribute a one-off payment of \$15,300 toward trunk transport, sewerage and water infrastructure. The applicant has subsequently emailed Council requesting a discount of the amount payable.

The development application is outside of the negotiated decision notice period. Therefore, Council cannot alter Condition 5 unless the applicant submits a formal request to change the development approval.

Notwithstanding, Council can agree to the deferral of the entire payment for a defined period or to allow the payment to be made in instalments.

It is recommended that Council agree to three (3) annual instalments of the trunk infrastructure contribution payable under Condition 5.

OFFICER'S RECOMMENDATION

"That Council agree to the payment of the trunk infrastructure contribution payable under Condition 5 of Development Approval MCU/17/0006, in three (3) annual instalments, the first of which is payable at the commencement of the first aspect of the approved development."

THE SITE

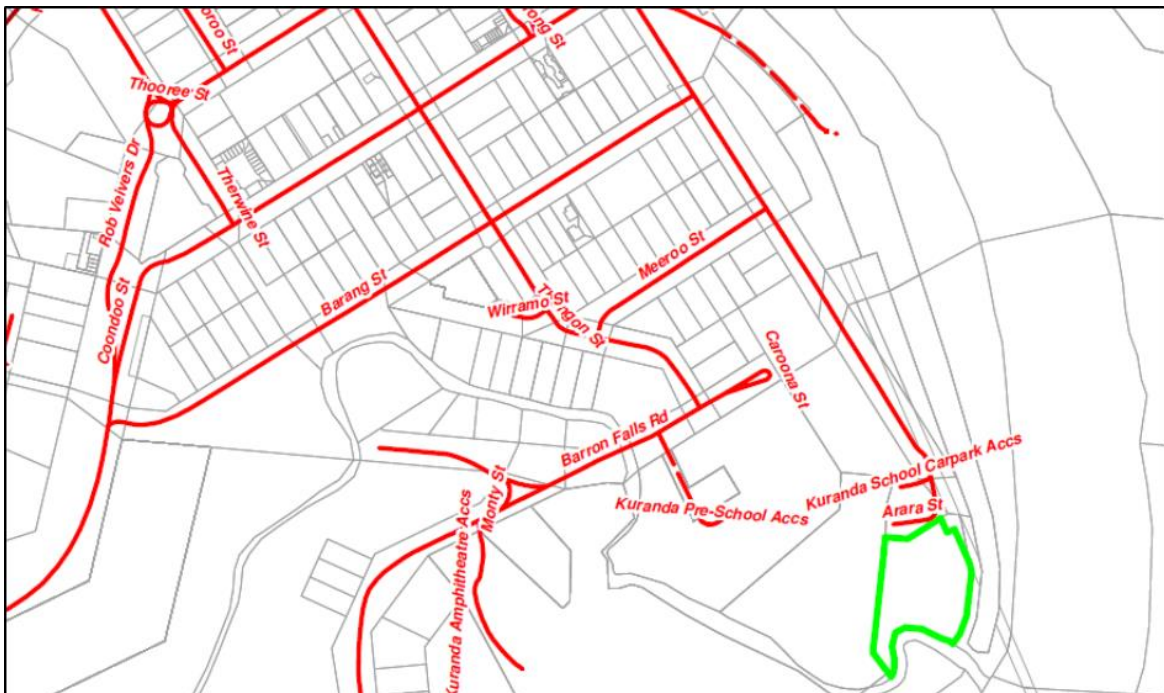
The subject site is situated at the southern end of Arara Street, Kuranda, adjacent the Kuranda sewerage treatment plant and is described as Lot 322 on SP118917. The site is irregular in shape with a total area of 8,757m² and is zoned Conservation under the Mareeba Shire Council Planning Scheme 2016. The site contains approximately 60 metres of frontage to Arara Street which is constructed to a bitumen sealed standard.

The site is currently vacant and contains existing mature vegetation over the entire southern half of the site and along both the eastern and western boundaries with an existing cleared area approximately 2,000m² in size situated in the middle of the northern half of the site. A narrow strip of vegetation is also present along the Arara Street frontage of the site. The existing cleared area, which is the proposed location for the development, is generally flat, while the rear third of the site slopes off steeply down to Jumrum Creek which flows behind the allotment. The site also slopes away along the eastern boundary down towards the Barron River which flows approx. 50 metres to the east of the site. Also to the east of the site (between the site and the Barron River) is the Skyrail line, a section of undeveloped road reserve and the Kuranda Railway line.



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All lots immediately surrounding the site are zoned Community Facilities. The lot immediately adjacent to the west contains the Kuranda sewerage treatment plant, while land further to the north-west contains the Kuranda Library (former Kuranda Primary School), sports oval and Kuranda Pre-School.

BACKGROUND AND CONTEXT

On the 20 December 2017, Council approved the application made by Ngoonbi Community Services Indigenous Corporation for the issue of a development permit for Material Change of Use - Educational Establishment, Low Impact Industry, Office and Transport Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms) over land described as Lot 322 on SP118917, situated at Arara Street, Kuranda.

The approval was granted subject to various conditions, including Condition 5 - Additional Payment Condition/s. The decision notice was issued on 20 December 2017 and is included as **Attachment 1**.

The applicant has written to Council asking for a discounting of the additional payment required under Condition 5 (**Attachment 2**).

The applicant's request has been made outside of the negotiated decision making period.

APPLICANT'S REPRESENTATIONS

Condition 5

5. Additional Payment Condition/s

- 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 **\$15,300.00** as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.*
- 5.3 *The trunk infrastructure for which the payment is required is:*
 - *The trunk water supply, sewerage and transport (road) network servicing the land.*
- 5.4 *The developer may elect to provide or upgrade part of the trunk infrastructure instead of making the payment.*

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

- *Discuss with Council's delegated officer the works to be undertaken;*
- *Obtain the necessary approvals for 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 the commencement of the use.*

Representation by Applicant

Ngoonbi Community Services Indigenous Corporation, (Ngoonbi CSIC) has received the below decision notice from your office, pertaining to the land in Arara Street Kuranda, owned by Department of Education (DOE).

Ngoonbi CSIC would like to discuss with you the "Trunk Infrastructure" cost of \$15,300. This project was considered over twelve months ago with our funding body, DOE & Council. Due to the nature of the project, lease arrangements, DOE, funding bodies requirements and now the change of use with council we have spent \$27,000. There has also been an increase of in the cost of material, labour etc. due to market conditions.

This brings me to my point of discussion with you. Ngoonbi received funding based on material prices from over 12 months ago when we completed our quotes etc. to build the shed. We are now reviewing the proposed plan to reduce cost wherever possible to ensure the project will progress within our allocated budget. Therefore we ask you, would council consider a discount on the trunk infrastructure cost?

Ngoonbi construction arm was implemented to provide training, & sustainable employment to our community. Ngoonbi CSIC is a not for profit providing services and giving opportunity to our local communities & people. Ngoonbi is also one of the largest employers in the tablelands region, demonstrating we put all available resources into training & employment.

As mentioned above with the increase overall of prices and conditions set by council in the decision notice, without support from our networks & service providers this project may not be able to proceed.

Response

Condition 5 requires the applicant to contribute a one-off payment of \$15,300 toward trunk transport, sewerage and water infrastructure. The applicant has subsequently emailed Council requesting a discount of the amount payable.

The development application is outside of the negotiated decision notice period, therefore Council cannot alter Condition 5 unless the applicant submits a formal request to change the development approval.

Notwithstanding, Council can agree to the deferral of the entire payment for a defined period or to allow the payment to be made in instalments.

It is recommended that Council agree to three (3) annual instalments of the trunk infrastructure contribution payable under Condition 5.

Date Prepared: *15 February 2018*

ATTACHMENT 1

20 December 2017

Ngoonbi Community Services Indigenous Corporation
C/- Kristy Gilvear
Gilvear Planning Pty Ltd
PO Box 28
BABINDA QLD 4861

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

Officer: Brian Millard
Direct Telephone: 07 4086 4657
Our Reference: MCU/17/0006
Your Reference: J000580

Dear Madam

Decision Notice

Planning Act 2016

I refer to your application and advise that on 20 December 2017, Council decided to approve the application in full subject to conditions.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	MCU/17/0006
Street Address:	Arara Street KURANDA QLD 4881
Real Property Description:	Lot 322 on SP118917
Planning Scheme:	Mareeba Shire Council Planning Scheme 2016

DECISION DETAILS

Type of Decision:	Approval
Type of Approval:	Development Permit for Material Change of Use - Educational Establishment, Low Impact Industry, Office and Transport Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)
Date of Decision:	20 December 2017

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

Public Office: 65 Rankin Street, Mareeba QLD 4880. Postal address: PO Box 154, Mareeba QLD 4880

DECISION NOTICE

MCU/17/0006
Page 2

INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “*necessary infrastructure condition*” for the provision of trunk infrastructure as defined under Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
 - 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 works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Noise Nuisance

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

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

3.5 Waste Management

On site refuse storage area must be provided and be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer or 1.8m high solid fence or building.

Where bulk bins are used and are to be serviced on site, certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council prior to the issue of a building permit which demonstrates that internal access roads are of adequate design and construction to allow waste collection/delivery vehicles to enter and exit the site in a forward gear.

3.6 Hours of Operation

The operating hours shall be between 6am and 6pm Monday to Friday and between 6am and 12pm Saturday. No operations are permitted on Sunday or Public Holidays.

3.7 Vegetation clearing on the site must be limited to that necessary for the siting of the proposed shed, ancillary car parking facilities, access driveways and any security fencing. A vegetation clearing plan, showing the extent of clearing works proposed, must be prepared and submitted to Council for approval prior to the commencement of any clearing works or building works.

4. Infrastructure Services and Standards

4.1 Access

A commercial access crossover must be constructed (from the edge of the Arara Street road pavement to the property boundary of the

subject lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Stormwater Drainage/Water Quality

4.2.1 Prior to building works commencing, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.

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

4.2.3 Prior to Building works commencing, the applicant must also provide a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.

4.2.4 The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.

4.2.5 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.

4.2.6 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Car Parking/Internal Driveways

4.3.1 The applicant/developer must ensure the development is provided with 13 on-site car parking spaces including one (1) disabled car parking space which are available solely for the parking of vehicles associated with the use of the premises.

All car parking spaces and internal driveways must be concrete, asphalt or bitumen sealed, line marked and appropriately drained prior to the commencement of the use and to the satisfaction of Council's delegated officer.

All car parking spaces and internal driveways must be constructed in compliance with the following standards, to the satisfaction of Council's delegated officer:

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility.

A sign must be erected in proximity to the access driveway indicating the availability of on-site parking.

- 4.3.2 Bicycle parking for a minimum of ten (10) bicycles must be provided in conjunction with the car parking requirements.

4.4 Lighting

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

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

4.5 Water Supply

- 4.5.1 Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

- 4.5.2 A water service connection must be provided to the subject lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Sewerage Connection

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

4.6.2 Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

5. Additional Payment Condition/s

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 **\$15,300.00** as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

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

- The trunk water supply, sewerage and transport (road) network servicing the land.

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

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

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

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- Complete the works to the standards required by the Council; and
- Complete the works prior to the commencement of the use.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Material change of use of premises near a State transport corridor or that is a future State transport corridor		
Development application for a material change of use, other than an excluded material change of use, that is assessable development under a local categorizing instrument, if all or part of the premises— (a) are within 25m of a State transport corridor; or (b) are a future State transport corridor; or (c) are— (i) adjacent to a road that intersects with a State-controlled road; and (ii) within 100m of the intersection	Schedule 10, Table 4	State Assessment & Referral Agency (SARA) Department of Infrastructure, Local Government & Planning PO Box 2358 Cairns Qld 4870 CairnsSARA@dilgp.qld.gov.au

A copy of any referral agency conditions is attached.

APPROVED PLANS

The following plans are Approved plans for the development:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
13-NGO-01 WD-01	Site Plan	-	July 2017
13-NGO-01 WD-02	Ground Floor Plan	-	July 2017
13-NGO-01 WD-03	Proposed Mezzanine Plan	-	July 2017
13-NGO-01 WD-04	Proposed Floor Plans	-	July 2017
13-NGO-01 WD-05	Elevations 1	-	July 2017
13-NGO-01 WD-06	Elevations 2	-	July 2017
13-NGO-01 WD-07	Elevations 3	-	July 2017
13-NGO-01 WD-08	Elevations 4	-	July 2017

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REFERENCED DOCUMENTS

Not Applicable.

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

(A) ASSESSMENT MANAGER'S ADVICE

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

(b) Water Meters/Water Service Connection

Prior to the water service connection works commencing and the installation of the meters by Council, an application for a Plumbing Compliance Permit is required to be submitted with detailed hydraulic drawings. The cost of the required water connection and meter (capping of any existing meter may be required) will be determined based upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(c) Property Connection to existing sewer main (house connection branch installation)

Prior to the property connection to the existing sewer main commencing, a request for a Property Connection Quotation must be lodged with Council. The cost of the required property connection will be determined based upon the assessment of the Property Connection Quotation Request.

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

(e) Compliance with applicable codes/policies

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

(f) Compliance with Acts and Regulations

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

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(g) Environmental Protection and Biodiversity Conservation Act 1999

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

(h) Cultural Heritage

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

(i) Transportation of Soil

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

(B) REFERRAL AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 12 October 2017.

PROPERTY NOTES

Not Applicable.

VARIATION APPROVAL

Not Applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work
- Compliance Permit for Plumbing and Drainage Work
- Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

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SUBMISSIONS

There were no properly made submissions about the application.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

OTHER DETAILS

If you wish to obtain more information about Council’s decision, electronic copies are available on line at www.msc.qld.gov.au, or at Council Offices.

Yours faithfully

BRIAN MILLARD
SENIOR PLANNER

Enc: Approved Plans/Documents
 Referral Agency Response
 Appeal Rights

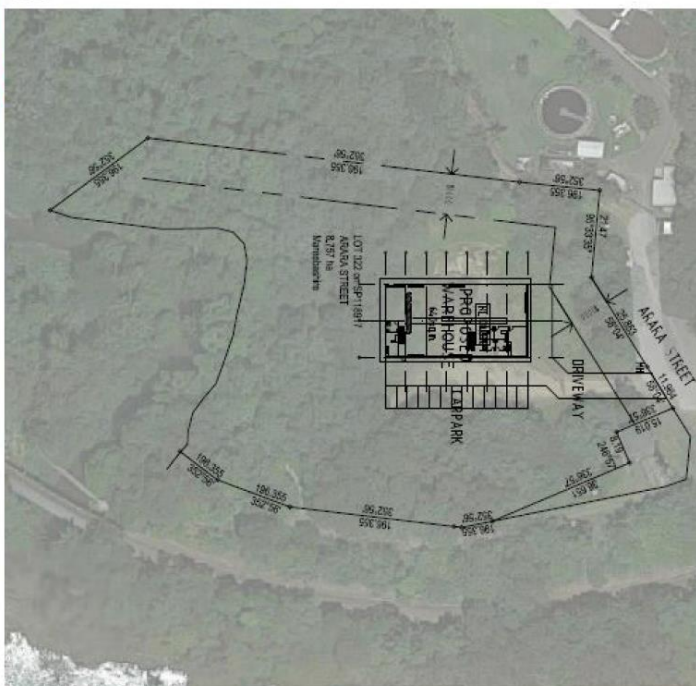
Copy: Department of Infrastructure, Local Government and Planning
 CairnsSARA@dilgp.qld.gov.au

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NO	DATE	REASON
1	06/07/17	ISSUED FOR REPAIR

1 SITE PLAN
1:750

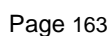
ISSUED FOR REVIEW

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PROJECT	NGO/OMB COMMUNITY SERVICES INDEPENDENT CORPORATION
TITLE	LOT 322, ANAYA STREET, KUALA LUMPUR (LOT 322 ON SP111817)
SITE PLAN	
SCALE	1:200
DATE	JAN 17
DRAWN	CHHED
CHECKED	JOHNS
DATE	MARCH 1
DESIGNED	WONG
PG	1

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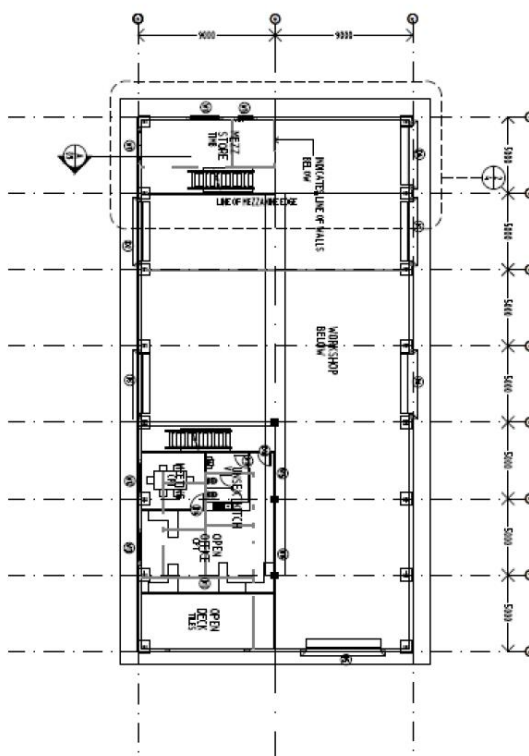
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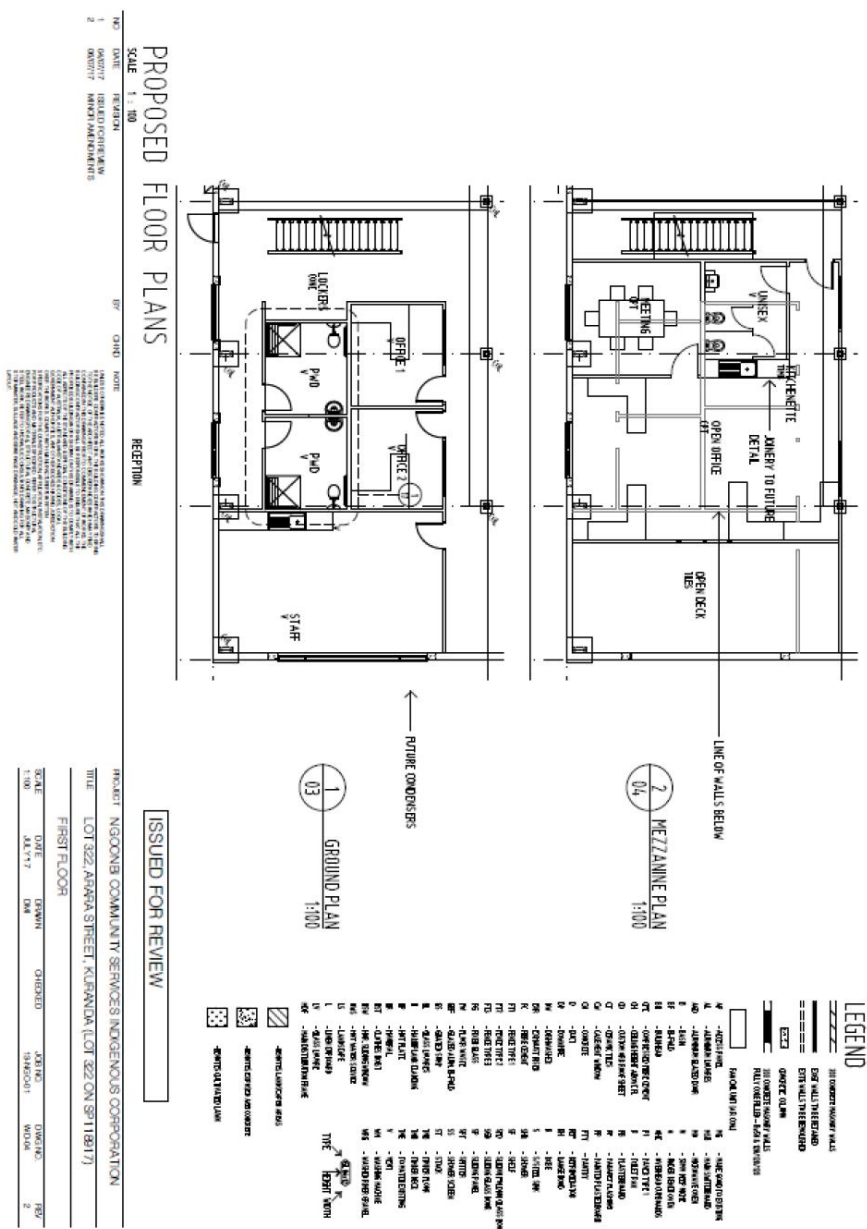
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SCALE 1 : 200

ISSUED FOR REVIEW

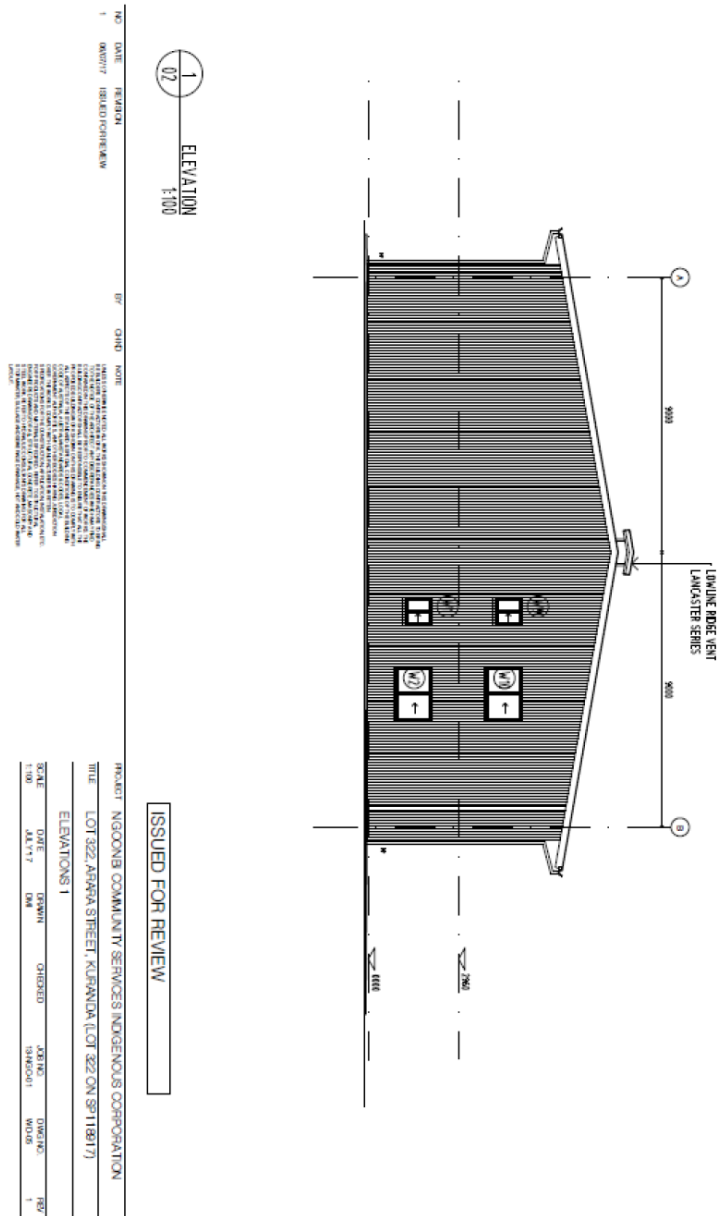
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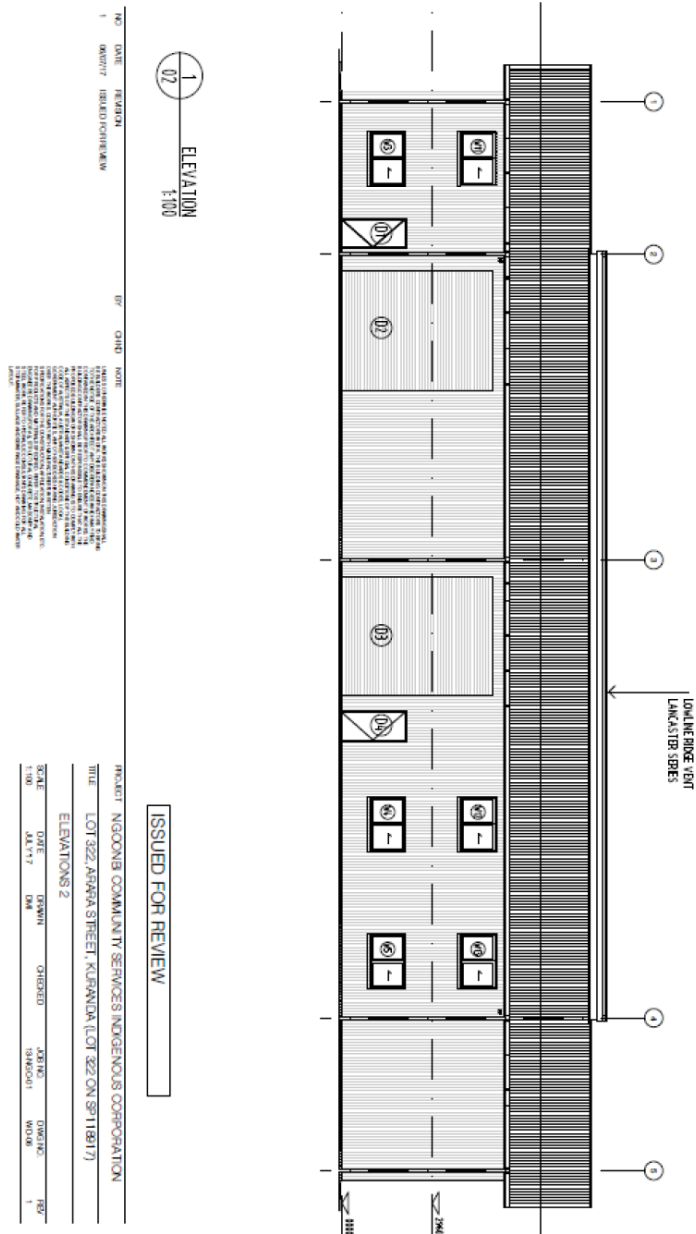
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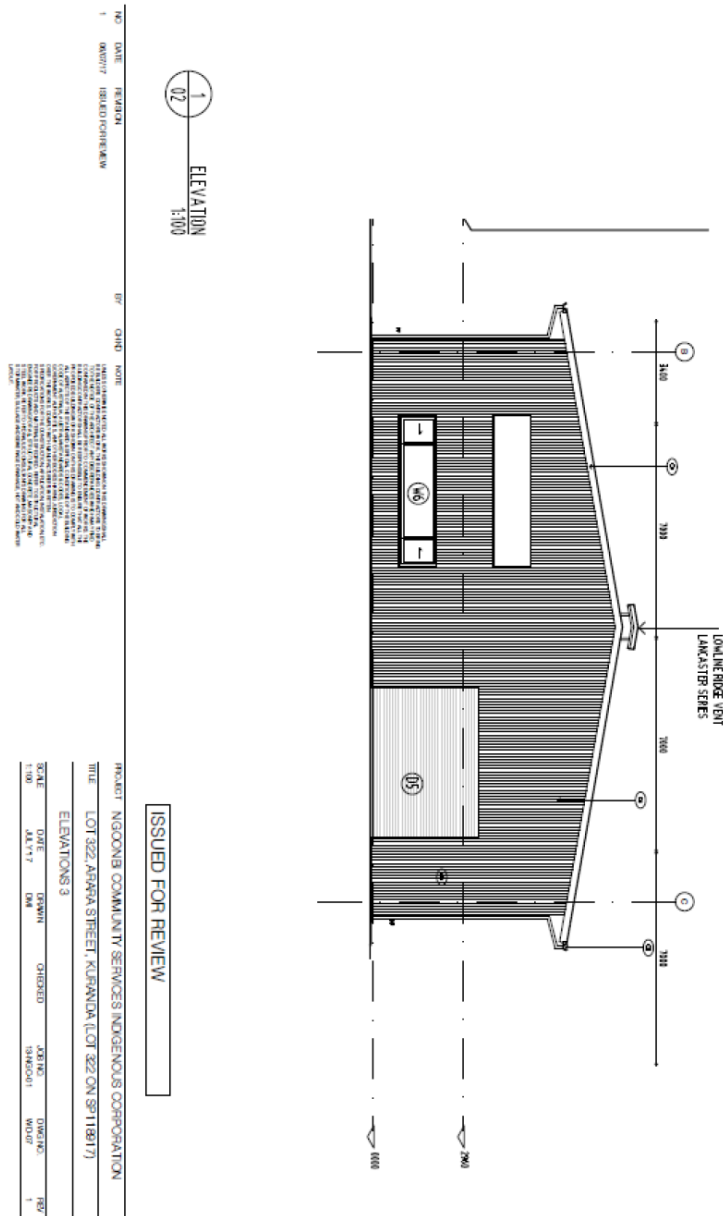
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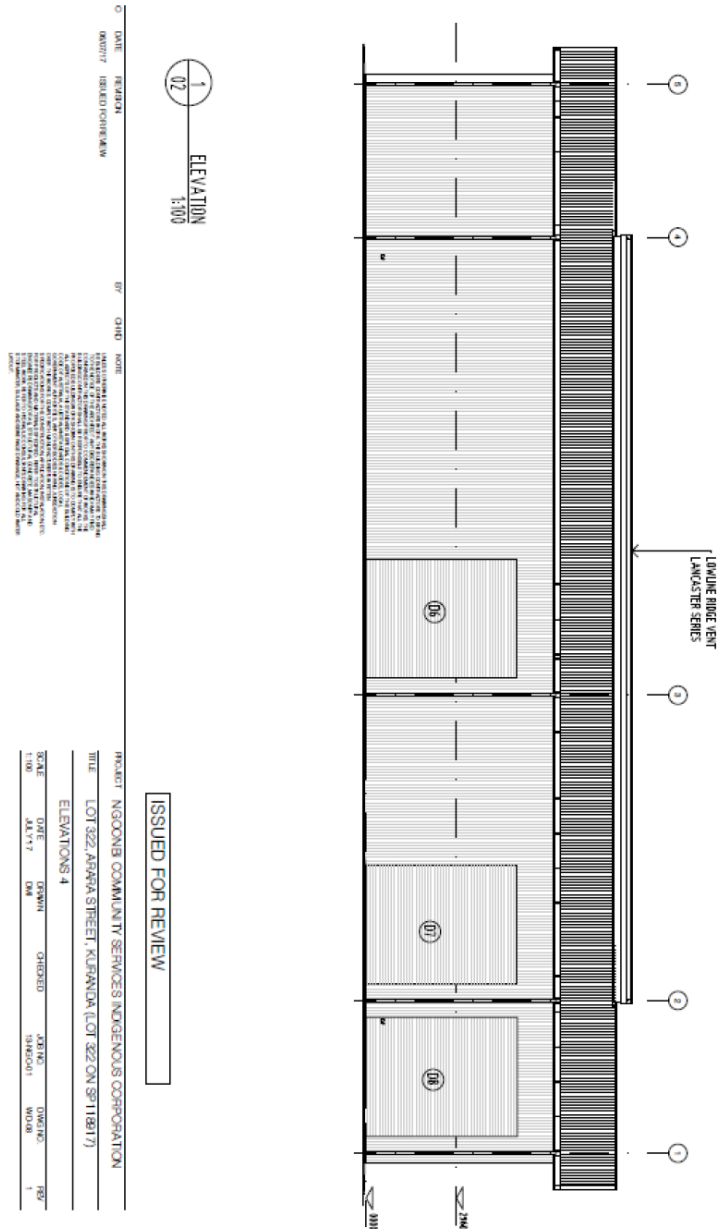
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DECISION NOTICE

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Page 20**Referral Agency Response**

GE78-N

Department of Infrastructure,
Local Government and Planning

Department of Infrastructure, Local Government and Planning
Statement of reasons for application 1709-1299 SRA
(Given under section 56 of the *Planning Act 2016*)

Departmental role: Referral agency

Applicant details

Applicant name: Ngoonbi Community Services Indigenous Corporation
C/- Gilvear Planning Pty Ltd
Applicant contact details: PO Box 228
BABINDA QLD 4861
kristy@gilvearplanning.com.au

Location details

Street address: Arara Street, Kuranda
Real property description: Lot 322 on SP118917
Local government area: Mareeba Shire Council

Development details

Development permit: Material change of use for Educational Establishment, Low Impact Industry, Office and / or Contractors Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)

Assessment matters

Aspect of development requiring code assessment	Applicable codes
1. Material change of use	State Development Assessment Provisions (SDAP), version 2.1 State code 2: Development in a railway environment

Reasons for the department's decision

The reasons for the decision are:

- The proposed development complies with all applicable performance outcomes of the SDAP State code 2: Development in a railway environment (subject to conditions).
- The proposed development is located on a lot separated from the railway corridor by another lot, up to 10m wide so will not impact the operation, structural integrity or safety of the railway.
- The proposed development will ensure stormwater events associated with the development are minimised and managed to avoid creating any adverse impacts on the state transport (railway) corridor.

DecisionFar North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Stuart Palmer

Mareeba Shire Council

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1700-1290 SRA

- The development application is for a material change of use for educational establishment, low impact industry, office and / or contactor's depot (mechanics workshop, construction business, offices and meeting rooms) to be provided within a shed (18m x 34 m) and car parking for 13 cars.

Relevant material

- Development application
- State Development Assessment Provisions published by the Department of Infrastructure, Local Government and Planning
- Development Assessment Rules
- *Planning Act 2016*
- Planning Regulation 2017

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RA6-N

Department of Infrastructure,
Local Government and PlanningOur reference: 1709-1299 SRA
Your reference: MCU/17/0006
Applicant reference: J00580

12 October 2017

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

Attention: Brian Millard

Dear Sir / Madam

Referral agency response—with conditions
(Given under section 56 of the *Planning Act 2016*)The development application described below was properly referred to the Department of Infrastructure,
Local Government and Planning on 8 September 2017.**Applicant details**

Applicant name:	Ngoonbi Community Services Indigenous Corporation
Applicant contact details:	C/- Gilvear Planning Pty Ltd PO Box 228 BABINDA QLD 4861 kristy@gilvearplanning.com.au

Location details

Street address:	Arara Street, Kuranda
Real property description:	Lot 322 on SP118917
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for Educational Establishment, Low Impact Industry, Office and / or Contractors Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)
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Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley

Mareeba Shire Council

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Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- 10.9.4.2.4 State transport corridors and future State transport corridors

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016* (the Act), the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

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

For further information please contact Michele Creecy, Senior Planning Officer, on 40373206 or via email CairnsSARA@dlgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Ngoonbi Community Services Indigenous Corporation, kristy@gilvearplanning.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions

Mareeba Shire Council

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1709-1299 SRA

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Aspect of development: Material change of use - Educational Establishment, Low Impact Industry, Office and / or Contractors Depot (Mechanics Workshop, Construction Business, Offices and Meeting Rooms)		
Schedule 10, Part 9, Division 4, Sub-division 2 Table 4 State transport corridor (railway)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement 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.	(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor. (b) Any works on the land must not: <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the railway corridor; (ii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; (iii) surcharge any existing culvert or drain on the railway corridor; (iv) reduce the quality of stormwater discharge onto the railway corridor. 	(a) and (b) At all times

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1700-1290 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor.

Appeal Rights

PLANNING ACT 2016 & THE PLANNING REGULATION 2017

Chapter 6 Dispute resolution**Part 1 Appeal rights****229 Appeals to tribunal or P&E Court**

- (1) Schedule 1 of the *Planning Act 2016* states –
- (a) Matters that may be appealed to –
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) The person-
 - (i) who may appeal a matter (**the appellant**); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.

(Refer to Schedule 1 of the Planning Act 2016)

- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is –
- (a) for an appeal by a building advisory agency – 10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal – at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises – 20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice – 20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given – 30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal – 20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note –

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt. It is declared that an appeal against an infrastructure charges notice must not be about-
 - (a) the adopted charge itself; or

- (b) for a decision about an offset or refund-
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that-
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar must, within the service period, give a copy of the notice of appeal to –
 - (a) the respondent for the appeal ; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1 – each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2 – each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
 - (f) for an appeal to the P&E Court – the chief executive; and
 - (g) for an appeal to a tribunal under another Act – any other person who the registrar considers appropriate.
- (4) The *service period* is –
 - (a) if a submitter or advice agency started the appeal in the P&E Court – 2 business days after the appeal has started; or
 - (b) otherwise – 10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section –
decision includes-
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or failure to make a decision; and

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- (d) a purported decision ; and
 - (e) a deemed refusal.
- non-appealable*, for a decision or matter, means the decision or matter-
- (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the Judicial Review Act 1991 or otherwise, whether by the Supreme Court, another court, a tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with the rules of the P&E Court.

ATTACHMENT 2**Brian Millard**

From: Kylie Sturges <projects@ngoonbi.org.au>
Sent: Wednesday, 31 January 2018 1:43 PM
To: Info (Shared)
Cc: construction.manager@ngoonbi.org.au
Subject: MCU/17/0006 - Ngoonbi write to the Mayor requesting meeting to discuss trunk infrastructure costs as conditions of a planning Decision Notice to ensure project viability
Attachments: 20171222085826421.pdf
Importance: High
Categories: Added to ECM

Attention Tom Gilmore:

Hi Tom,

Ngoonbi Community Services Indigenous Corporation,(Ngoonbi CSIC) has received the below decision notice from your office, pertaining to the land in Arara Street Kuranda, owned by Department of Education (DOE)

Ngoonbi CSIC would like to discuss with you the "Trunk Infrastructure" cost of \$15,300. This project was considered over twelve months ago with our funding body, DOE & Council. Due to the nature of the project, lease arrangements, DOE, funding bodies requirements and now the change of use with council we have spent \$27,000. There has also been an increase of in the cost of material, labour etc. due to market conditions.

This brings me to my point of discussion with you. Ngoonbi received funding based on material prices from over 12 months ago when we completed our quotes etc. to build the shed. We are now reviewing the proposed plan to reduce cost wherever possible to ensure the project will progress within our allocated budget. Therefore we ask you, would council consider a discount on the trunk infrastructure cost?

Ngoonbi construction arm was implemented to provide training, & sustainable employment to our community. Ngoonbi CSIC is a not for profit providing services and giving opportunity to our local communities & people. Ngoonbi is also one of the largest employers in the tablelands region, demonstrating we put all available resources into training & employment.

As mentioned above with the increase overall of prices and conditions set by council in the decision notice, without support from our networks & service providers this project may not be able to proceed.

We ask you to consider this favourably and look forward to your response.

Kind Regards

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Ngoonbi Community Services Indigenous Corporation QBCC Builders Licence No: 1238051 PO Box 26, Kuranda Qld 4881

GOVERNANCE AND COMPLIANCE

ITEM-7 ENTERTAINMENT AND HOSPITALITY POLICY

MEETING: Ordinary

MEETING DATE: 21 March 2018

REPORT OFFICER'S TITLE: Manager Development and Governance

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

As part of the policy review process the Entertainment and Hospitality Policy has been reviewed and amended.

OFFICER'S RECOMMENDATION

"That Council repeal existing Entertainment and Hospitality Policy and adopt new Entertainment and Hospitality Policy attached to the report."

BACKGROUND

The Entertainment and Hospitality Policy has been reviewed through consultation between the reporting officer, the Director Corporate and Community Services the Chief Executive Officer and Councillors.

CONSULTATION

Internal

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

External

Nil

ATTACHMENTS

1. Entertainment and Hospitality Policy

Date Prepared: 8 March 2018

ATTACHMENT 1**Entertainment and Hospitality Policy**

Policy Type	Council Policy	Published	External
Responsible Officer	Director Corporate & Community Services	Date Approved:	21/03/2018
Review Officer:	Manager Development & Governance	Review Due:	21/03/2022
Author:	Manager Development & Governance	Commencement:	21/03/2018

1. PURPOSE

The purpose of the Entertainment and Hospitality Policy (this policy) is to assist council officers in the discharge of their responsibilities, by providing clarity about the reasonable and appropriate use of public funds.

2. POLICY STATEMENT

Council recognises that there are circumstances where the provision of entertainment and hospitality is appropriate and can result in significant benefits to the Mareeba Shire. As a publicly funded body, however, it must ensure that public sector standards of accountability are maintained, and that practice is consistent across the organisation.

3. SCOPE

This policy applies to all Councillors and Council officers. The intention of the policy is to identify principles and to provide clarification of issues and examples of reasonable and appropriate practices regarding expenditure for the provision of entertainment and hospitality.

This policy does not cover the entertainment and hospitality to Council officers by external organisations (refer Gifts and Benefits Policy), nor entertainment and hospitality as part of attendance at conferences and seminars.

4. GUIDING PRINCIPLES

Council may spend money on entertainment or hospitality only if the entertainment or hospitality is in the public interest.

All entertainment and hospitality expenditure must be:

- reasonable;
- cost-effective;
- within the relevant budget allocations;
- for official purposes; and
- able to withstand public scrutiny.

Officers incurring and authorising the expenditure must demonstrate that the expenditure will benefit the Council and has been authorised for official purposes.

Expenditure deemed by this Policy to be inappropriate or unreasonable must be repaid to the Council within 14 days of being issued a notification of the expenditure being inappropriate.

Entertainment and Hospitality Policy

Entertainment and hospitality expenditure must be properly documented so as to satisfy audit, legislative and reporting requirements.

Officers must not authorise their own expenditure. Expenditure by the CEO must be authorised by the Mayor or the Director Corporate and Community Services. Expenditure by a Director must be authorised by the CEO. Expenditure by a Manager or other officer must be authorised by the CEO, relevant Director or Manager respectively. The person approving the expenditure must ensure that;

- The expenditure is in accordance with this Policy; and
- The cost is available in the relevant budget item and meets the usual requirements for expenditure approvals.

The following are the types of entertainment or hospitality services that Council considers appropriate for the use of its funds:

Type of Function	Definition	Guidelines
Civic Reception	Formal functions hosted by Council generally for: <ul style="list-style-type: none"> • Visiting dignitaries • Recognition of significant achievement(s) of individual(s) and group(s) • Economic development and furthering business links in the community • Citizenship ceremonies 	Receptions that meet the guiding principles are supported by this policy subject to: <ul style="list-style-type: none"> • Authorisation by the Mayor • Availability of funds during the Financial Year
Council Function	Entertainment provided by Council generally for: <ul style="list-style-type: none"> • Visiting dignitaries • Recognition of significant achievement(s) of individual(s) and group(s) • Economic development and furthering business links in the community 	Those functions that meet the guiding principles are supported by this policy subject to: <ul style="list-style-type: none"> • Authorisation by the Mayor or CEO • Availability of funds during the Financial Year
Employer Function	A formal function hosted by Councillors and Officers (may include members of immediate family) generally for: <ul style="list-style-type: none"> • Length of service • Christmas celebrations 	Those functions that meet the guiding principles are supported by this policy subject to: <ul style="list-style-type: none"> • Authorisation by the Mayor or CEO • Availability of funds during the financial year (Note: Proposed functions must be included in the Council's adopted budget for the financial year and expenditure is limited to the budget provision)

Entertainment and Hospitality Policy

Sponsored Meal	Food and drink provided by Council to Councillors, Officers and agents of Council on a working day at a venue other than Council Premises.	It is allowable for Councillors and Officers to be provided with entertainment during the course of their daily business, e.g. business lunch at an off-site venue subject to: <ul style="list-style-type: none"> • Authorisation by the Mayor or CEO; and • Authorisation is limited to \$35/head.
Working Meals	Food and drink provided by Council to Councillors, Officers and agents of Council on a working day at Council premises.	Provision of entertainment to Councillors and Officers during the course of their daily business, e.g. a working lunch on premises, is supported subject to: <ul style="list-style-type: none"> • Authorisation by the CEO or accountable Manager; and • Authorisation is limited to \$35/head.
Travel Meals	Food and drink provided by Council to Councillors, Officers and agents of Council on a working day whilst traveling for work related matters	Provision of entertainment to Councillors and Officers during the course of their daily business, e.g. a lunch whilst traveling during the course of a working day, is supported subject to Australian Tax Office Taxation Determination "What are the reasonable travel and overtime meal allowance expense amounts"

Fringe Benefits Tax

Fringe Benefits Tax Declarations will need to be completed for the following types of entertainment and hospitality:

- Civic Receptions
- Council Functions
- Employer Function
- Sponsored Meals

Transparency and Accountability

The following responsibilities apply to all Councillors and Council officers:

- Be aware of and comply with the Entertainment and Hospitality Policy and other associated policies listed in this document.
- Ensure the expenditure is reasonable and appropriate and passes the public defensibility test.
- Report suspected breaches of policy in accordance with the Employee Code of Conduct.
- A tax invoice must be obtained for all costs, and fringe benefits tax declarations must be completed. Where a tax invoice cannot be provided, the Councillors or Council officer incurring the expense must provide a detailed list of items of expenditure, together with a statutory declaration certifying that the expenditure was incurred for official purposes.
- Ensure all expenditure for entertainment and hospitality is correctly recognised in the financial system.

Entertainment and Hospitality Policy

5. DEFINITIONS

Council officer/employee means:

1. the Chief Executive Officer; or
2. a person holding an appointment under section 196 of the Local Government Act 2009.

An **entertainment or hospitality service** as defined by the Local Government Regulation 2012 includes, for example:

1. Entertaining members of the public in order to promote a local government project;
2. The provision of food or beverages:
 - a. to a person visiting the local government in an official capacity; or
 - b. for a conference, course, meeting, seminar, workshop or another forum that is held by the local government for its Councillors, employees or other persons; and
 - c. paying for a Councillor or local government employee to attend a function as part of the councillor's, or employee's official duties or obligations as a councillor or local government employee.

6. REVIEW

It is the responsibility of the Manager Development & Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

7. RELATED DOCUMENTS

Gifts and Benefits Policy
Gifts and Benefits Guidelines

LOCAL LAWS

ITEM-8 MAREEBA SHIRE COUNCIL - LOCAL LAW NO. 6 (WASTE MANAGEMENT) 2018

MEETING: Ordinary

MEETING DATE: 21 March 2018

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

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

Council currently regulates waste management under Chapter 5A of the *Environmental Protection Regulation 2008* and section 7 of the *Waste Reduction and Recycling Regulation 2011*. Those sections expire on 1 July 2018 as the State Government contemplated, local governments regulating waste management under its local laws.

The new local law principally replicates the provisions that will expire in the *Environmental Protection Regulation 2008* and the *Waste Reduction and Recycling Regulation 2011* to ensure Council can contribute to and manage risks associated with the supply, storage, removal and treatment of waste, and have designated areas for waste and recycling collection, within its local government area.

OFFICER'S RECOMMENDATION

"That Council propose to adopt the Draft Local Law No.6 (Waste Management) being Step 1 in the "process for making a local law that is not a model local law or interim local law" that was adopted at the ordinary Council meeting dated 19 July 2017."

BACKGROUND

Please refer to the **attached** report provided by Preston Law in relation to this matter.

LINK TO CORPORATE PLAN

Governance – Developer Communication Plan to engage communities including by increasing Council availability to achieve a greater understanding of Council's decision making process and policies.

CONSULTATION

Internal

Manager – Development & Governance
Manager – Waste & Water
Manager – Finance

External

Preston Law

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

The relevant legislative requirements are as follows:-

- (a) *Local Government Act 2009* – section 29 (local law making process);
- (b) *Local Government Act 2009* – section 121(1) (removal of unsound decisions);
- (c) *Local Government Act 2009* – section 38 (anti-competitive provisions);
- (d) *Local Government Act 2009* – section 257 (delegation of local government powers);
- (e) *Local Government Regulation 2012* – section 14 (local law register) – Act, s31;
- (f) *Local Government Regulation 2012* – section 15 (anti-competitive provisions and review procedures);
- (g) National Competition Policy – Guidelines for Conducting Reviews on Anti-Competitive Provisions and Local Laws – Version 1.

POLICY IMPLICATIONS

The adoption of local laws is in accordance with the principles of Local Government.

The adoption of the local laws will amend policy and procedures as outlined in the local law.

Public consultation regarding the procedural and policy changes is part of the local law adoption process.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Advice on process requirements to be provided by Preston Law.

Is the expenditure noted above included in the 2015/2016 budget?

Nil

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

Nil

IMPLEMENTATION/COMMUNICATION

The implementation and communication process will follow the process adopted by Council.

The proposed local laws are the same provisions as Council is currently operating under and therefore additional implementation measures, internal and public communication to that contained in the local law adoption process is unlikely to be required.

ATTACHMENTS

1. Report to Council – Preston Law

Date Prepared: 14 March 2018



WASTE MANAGEMENT LOCAL LAW REPORT

MAREEBA SHIRE COUNCIL

14 March 2018

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1. Executive Summary

- 1.1. Currently all local governments apply Chapter 5A of the *Environmental Protection Regulation 2008* and section 7 of the *Waste Reduction and Recycling Regulation 2011* to regulate waste in their local government area. These provisions expire on 1 July 2018.
- 1.2. The new local law essentially replicates the provisions of the expiring regulations to ensure Council can adequately manage risks associated with the supply, storage, removal and treatment of waste and to continue to designate areas for waste and recycling collection within its local government area.
- 1.3. The purpose of this Report is to recommend that Council proposes to adopt Local Law No. 6 (Waste Management) 2018 in accordance with the adopted process for making local laws.

2. Background

- 2.1. Preston Law together in consultation with Council Officers have reviewed Chapter 5A of the *Environmental Protection Regulation 2008* and section 7 of the *Waste Reduction and Recycling Regulation 2011* and considered it appropriate that Council adopt a local law generally replicating the provisions of those Acts. Some amendments to the provisions were made to align it with Council's local laws.
- 2.2. Council Officers also requested some minor amendments which were considered by Preston Law.
- 2.3. The following provisions have been amended from the existing Regulation:-

(a) Provision for Subordinate Local Laws

As Councillors would be aware, local laws enable the adoption of subordinate local law which may further specific requirements required by the local government for example, section 6(1) of the proposed local law requires an owner or occupier to supply general standard waste containers at a premises necessary to contain the general waste produced at the premises.

Sub-section 6(1)(a)(iii) has been inserted to enable Council to further prescribe the type of general waste containers that must be at a premises.

Whilst Council does not currently wish to prescribe specific details in a local law, in the future Council may wish to further specify requirements in a subordinate local law. The inclusion of reference to the subordinate in the local law will allow a subordinate to be created in the future with no amendment to the local law.

There is no requirement to have a subordinate local law and at this stage Council Officers have not requested specific clauses that would require a subordinate to be created.

(b) Inclusion of section 6(1)(c)

The following clause has been inserted to require owners and occupiers to identify waste containers:-

- “(c) identify all waste containers at the premises as prescribed:-*
- (i) by resolution of the local government or a decision of a delegate of the local government, written notice of which is given to the owner or occupier; or*
 - (ii) by subordinate local law.”*

Council Officers have indicated that in the future, all waste containers will either be affixed with a label or an electronic device to enable rubbish collectors to identify bins. This section will enable Council to require owners and occupiers to identify their waste containers.

(c) Inclusion of section 6(5) and (6)

- “(5) The local government may identify waste containers it has supplied to premises under subsection (2), or that have been supplied by the owner or occupier of the premises under subsection (1) by providing written notice 7 days prior to identifying the waste containers informing the owner or occupier:*
- (i) the identification method to be used;*
 - (ii) the days and times the waste containers will be affixed with identification.*
- (6) Subsection (1)(c) does not apply if the local government has identified the waste containers under subsection (5).”*

This section enables Council to identify waste containers instead of requiring the owner or occupier to identify it.

Prior to identification, a written notice must be sent 7 days prior to undertaking the task of identifying the waste container bins and informing the owner and occupier of the identification method and or when the identification will be affixed.

Sub-section (6) relevantly provides that if Council undertakes to identify bins a person is excused from identifying that bin under sub-section 1(c).

(d) Amendment of Section 7(c) – Requirement for Storing General Waste and Waste Containers

Sub-section (c) has been amended which previously read:-

“ensure that each waste container bin is securely covered...”

This section now reads *“ensure that each waste container bin is securely closed”*.

Council Officers considered that each bin has a lid that should be closed as opposed to a person covering it with some other covering.

(e) Insertion of Section 7(2)(e)

The new section relevantly states:-

“7. A person must not

...

(e) remove or deface the identification placed on a waste container under section 6(1)(c) or 6(5).”

This provision makes it an offence to tamper with the identification that is placed on a bin by the owner under clause 6(1)(c), or by Council under clause 6(5).

(f) Omission of Section 81ZN of the *Environmental Protection Regulation 2008*

This section deals with compliance notices and has been deleted because compliance notices are dealt with under Local Law No. 1 (Administration).

Section 26 of Local Law No. 1 (Administration) contains a protocol for the issuing of compliance notice if an authorised person is satisfied that a person has contravened a local law or a condition or approval, and it is appropriate to give the person to remedy the contravention.

Report – Consent Determination

**(g) Part 5 - Transitional Provisions**

An infringement, issue of compliance notice, direction, arrangement or application made under the Regulations will remain in force. Prosecutions may be commenced regardless of whether the offence occurred under the Regulations or when the local law has been adopted, the local law.

3. The Process

- 3.1. Once Council has proposed to adopt this local law, we are required to attend to the following:-
- a) State interest check;
 - b) Review of anti-competitive provisions;
 - c) Issue a notice for public consultation.
- 3.2. Council cannot adopt the local laws until the abovementioned steps have been made. Following the State interest check and public consultation, further amendments to the local laws may be required or considered appropriate.

4. Options for Council

- 4.1. Take no action.
- 4.2. Resolve that Council adopts the proposed local law.

5. Recommendations

We recommend that Council proposes to adopt the local law.

Should you have any queries, please do not hesitate to contact Martin Wright of our office.

14 March 2018

Martin Wright
Preston Law

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Mareeba Shire Council

Local Law No. 6 (Waste Management) 2018

Local Law No. 6 (Waste Management) 2018

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 6 (Waste Management) 2018*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to regulate and manage waste in the local government area in a way that—
 - (a) balances community expectations with the rights of individuals;
 - (b) protects the community against risks to health and safety; and
 - (c) prevents pollution and other environmental damage; and
 - (d) protects the amenity of the local community and environment.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the storage, servicing and removal of waste; and
 - (b) the regulation and management of waste facilities.

3 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws regulating the management of waste, land use, planning and development assessments; and
- (b) is to be read with *Local Law No. 1 (Administration) 2018*.

4 Definitions

The dictionary in the Schedule defines the particular words used in this local law.

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the *Local Government Act 2009*, section 27.

Part 2 Waste management

Division 1 Designation of areas for general or green waste collection

5 Designation of areas

The local government may—

- (c) designate areas within its local government area in which the local government may conduct general waste or green waste collection; and
- (d) decide the frequency of general waste or green waste collection in the designated areas.

Division 2 General waste

Subdivision 1 Storage of general waste

6 Owner or occupier of premises to supply waste containers

- (1) The owner or occupier of premises must—
 - (a) subject to subsection (2), supply standard general waste containers at the premises as—
 - (i) are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law; or
 - (b) supply at the premises, waste containers, other than standard general waste containers—
 - (i) if required by the local government, as are necessary to contain the general waste produced at the premises; or
 - (ii) as are prescribed by subordinate local law.

Example of ways the local government may require waste containers for paragraph (1)(b)(i) —

by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier, or a development approval for the premises

- (c) Identify all waste containers at the premises as prescribed —
 - (i) by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier; or
 - (ii) by subordinate local law.

Maximum penalty — 20 penalty units

- (2) However, subsection (1)(a) does not apply if the local government supplies to the premises the number of standard general waste containers the local government reasonably considers is required at the premises.
- (3) If the local government supplies a standard general waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the premises to the local government.
- (4) However, subsection (3) does not prevent the local government from supplying a standard general waste container to premises without cost to the owner or occupier of the premises.
- (5) The local government may identify waste containers it has supplied to premises under subsection (2), or that have been supplied by the owner or occupier of the premises under subsection (1) by providing written notice 7 days prior to identifying the waste containers informing the owner or occupier:
 - (i) the identification method to be used;
 - (ii) the days and times the waste containers will be affixed with identification.
- (6) Subsection (1)(c) does not apply if the local government has identified the waste containers under subsection (5).

7 Requirements for storing general waste in waste containers

- (1) The occupier of premises must—
 - (a) store general waste produced as a result of the ordinary use or occupation of the premises in—
 - (i) a standard general waste container; or
 - (ii) if another type of waste container is prescribed by subordinate local law — the other type of container; and
 - (b) keep each waste container clean and in good repair; and

- (c) ensure that each waste container is securely closed, except when the waste is being placed in, or removed from, the container or the container is being cleaned; and

Maximum penalty—20 penalty units.

- (2) A person must not—
 - (a) place any of the following in a waste container—
 - (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container;
 - (ii) material that is smouldering or aflame;
 - (iii) matter or a thing that is alive;
 - (iv) a thing stated in a subordinate local law; or
 - (b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or
 - (c) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or
 - (d) disturb or otherwise interfere with the contents of a waste container; or
 - (e) remove or deface the identification placed on a waste container under section 6 (1)(c) or 6 (5).

Maximum penalty—20 penalty units.

- (3) The occupier of the premises must not allow a person to place a thing in a waste container in contravention of subsection (2)(a).

Maximum penalty—20 penalty units.

- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

8 General requirements for keeping waste containers at serviced premises

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—
 - (a) if the local government requires the container to be kept at a particular place at the premises — at the place; or

Examples of ways the local government may require waste containers to be kept at a particular place—

by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the occupier, or a development approval for the premises.

- (b) if a subordinate local law requires the container to be kept at a particular place at the premises — at the place; or
- (c) if paragraphs (a) and (b) do not apply — at ground level close to the rear alignment of a building at the premises.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the premises for the collection of general waste from the container, if—
 - (a) the local government has arranged to collect waste from the container at the place; and
 - (b) the container is in the place for no longer than—
 - (i) the period, if any, allowed under a local law of the local government; or
 - (ii) 24 hours before or after the scheduled collection day for the collection of the waste in the container.

Example of a place outside serviced premises—

the kerb adjacent to the serviced premises

- (3) If the local government has arranged for the collection of general waste from a waste container at serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty for subsection (3) — 20 penalty units.

- (4) It is a defence in the proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

9 Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a **prescribed person**) for serviced premises, other than a single detached dwelling—
 - (a) the owner or occupier of the premises;
 - (b) if a prescribed ERA is carried out at the premises — the holder of the environmental authority for the prescribed ERA.
- (2) The prescribed person must ensure that the waste container storage place for the premises is supplied with—
 - (a) if required by the local government — each of the following:-
 - (i) either—
 - (A) an elevated stand at a level required by the local government for holding all waste containers; or
 - (B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
 - (ii) a hose cock and hose in the vicinity of the stand or paved area;
 - (iii) a suitable enclosure for the area where the waste containers are kept; and

Examples of ways the local government may require a prescribed person to comply with subsection (2)(a) —

by resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the prescribed person, or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law — facilities and structures for the placement, storage and cleaning of waste containers as prescribed by subordinate local law.

Maximum penalty for subsection (2) — 20 penalty units.

Subdivision 2 Removal of general waste

10 Local government may give notice about removal of general waste

- (1) This section applies where the local government has arranged for the removal of general waste produced at a premises.

- (2) The local government may give the occupier of the premises a written notice stating—
 - (a) the days (each a *scheduled collection day*) on which the waste is to be collected; and
 - (b) the location (*collection location*) where the waste container is to be placed for collection of the waste; and
 - (c) the time by which the waste container is to be placed in the collection location for collection of the waste; and
 - (d) the time by which the waste container is to be removed from the collection location.

11 Depositing or disposal of general waste from premises other than serviced premises

- (1) This section applies if general waste is produced at a premises, other than serviced premises.
- (2) The local government may—
 - (a) give a written approval to the owner or occupier of the premises for depositing or disposing of the waste; and
 - (b) impose conditions on the approval, including, for example, conditions about—
 - (i) the place for depositing or disposing of the waste; or
 - (ii) the method of depositing or disposing of the waste.
- (2) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—
 - (a) at a waste facility; or
 - (b) in accordance with—
 - (i) an approval under subsection (2) for disposal of the waste; and
 - (ii) if the approval has been given on conditions — the conditions of the approval.

Maximum penalty for subsection (3) — 20 penalty units.

Division 3 Storage and treatment of industrial waste

12 Requirements for storing industrial waste

- (1) The occupier of premises where there is industrial waste must—
- (a) if required by the local government—
 - (i) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and
 - (ii) keep the waste containers at the particular place at the premises required by the local government; and
 - (iii) keep each waste container clean and in good repair; and

Examples of ways the local government may require compliance with subsection (1)(a) —

by resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the occupier, or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law — comply with each requirement prescribed by subordinate local law, about each of the following —
 - (i) the supply at the premises of industrial waste containers for storing the waste at the premises;
 - (ii) keeping the waste containers at a particular place at the premises;
 - (iii) keeping each waste container clean and in good repair.

Maximum penalty — 20 penalty units.

- (2) The local government may supply industrial waste containers at the premises if the occupier does not supply at the premises the number of industrial waste containers which are—
- (a) required by the local government under subsection (1)(a); or
 - (b) prescribed by subordinate local law under subsection (1)(b).
- (3) If the local government supplies an industrial waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.

13 Requirements to treat industrial waste for disposal

- (1) The occupier of premises where there is industrial waste must—
- (a) if required by the local government, treat the waste to a standard approved by the local government for disposal of the waste at a waste facility; or

Examples of ways the local government may require an occupier to treat industrial waste for disposal—

by resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the occupier, or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law, comply with each requirement, prescribed by subordinate local law, about the treatment of industrial waste for disposal of the waste at a waste facility.

Maximum penalty — 40 penalty units.

Part 3 Receiving and disposing of waste**14 Unlawful disposal of waste at waste facility**

- (1) A person must not deposit the following waste at a waste facility—
- (a) liquid or semiliquid waste;
 - (b) hot ash;
 - (c) material that is smouldering or aflame;
 - (d) material that can spontaneously combust;
 - (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
 - (f) an explosive;
 - (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction;
 - (h) waste prescribed by subordinate local law.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of—
 - (a) the person who—
 - (i) is the registered suitable operator for the facility; or
 - (ii) holds an environmental authority for the facility; or
 - (b) the person in charge of the facility.

15 Restrictions on burning waste at waste facility

- (1) A person must not set fire to, or burn, waste at a waste facility other than—
 - (a) under an environmental authority; or
 - (b) under a development condition of a development approval; or
 - (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty — 20 penalty units.

16 Restrictions on use of waste facility

- (1) A person must not, without the consent of a waste facility's owner or operator—
 - (a) enter the facility other than to deposit waste; or
 - (b) remain on the facility after depositing waste; or
 - (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty — 10 penalty units.

- (2) Subsection (1) does not apply to—
 - (a) the facility's owner or operator; or
 - (b) an authorised person.

17 Waste transporter to comply with directions and give information

- (1) This section applies to a person who transports waste to a waste facility.
- (2) The person must—
 - (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by a facility's owner or occupier;
 - (b) deal with waste in accordance with all reasonable instructions given by the person in charge of the facility;

- (c) if asked by a facility person — give information to the facility person about the type and amount of waste being delivered to the facility; and
- (d) if asked by a facility person — give information to the facility person that provides satisfactory evidence of the identity and residential address of the person.

Maximum penalty — 10 penalty units.

- (3) In this section, for a waste facility, **facility person** means each of the following—
 - (a) the operator of the waste facility;
 - (b) the owner of the waste facility;
 - (c) if the local government is the operator or the owner of the facility—the local government.

Part 4 Subordinate local laws

18 Subordinate local laws

- (1) The local government may make by subordinate local laws about—
 - (a) a thing that is specified to be waste pursuant to the Schedule of this local law;
 - (b) the requirement to supply standard general waste containers at premises;²
 - (c) the requirement to supply waste containers at premises, other than standard general waste containers;³
 - (d) another type of waste container for the storage of general waste produced as a result of the ordinary use or occupation of premises;⁴
 - (e) what must not be placed in a waste container;⁵
 - (f) the requirement to keep waste container supplied for premises at a particular place;⁶
 - (g) the requirement to provide facilities and structures for the placement, storage and cleaning of waste containers;⁷
 - (h) the supply of industrial waste containers or the storing of industrial waste at the premises;⁸

² See section 6(1)(a).

³ See section 6(1)(b).

⁴ See section 7(1)(a).

⁵ See section 7(2).

⁶ See section 8(1)(b).

⁷ See section 9(2)(b).

⁸ See section 12(1)(b).

- (i) the treatment of industrial waste;⁹
- (j) waste that a person must not deposit at a waste facility.¹⁰

Part 5 Transitional Provisions

Division 1 Introduction

19 What is this part about

- (1) This part is about the transition from Chapter 5A of the *Environmental Protection Regulation 2008* (*the old Act*) to this local law.
- (2) If this part applies to a provision (*the applied provision*) of the old Act to a thing, the following provisions also apply to the thing—
 - (a) any other provision of the old Act, to the extent the applied provision refers to the other provision;
 - (b) any definition in the old Act that is relevant to the applied provision or a provision stated in paragraph (a).
- (3) Division 2 applies subject to the other divisions of this part.
- (4) To avoid any doubt, section 20 of the *Acts Interpretation Act 1954* applies to Chapter 5A of the old Act.

Division 2 General Provisions

20 Documents

- (1) This section applies to a document issued under Chapter 5A of the old Act that is in effect when this local law was made.
- (2) Subject to this part, the document continues to have effect according to the terms and conditions of the document, even if the terms and conditions could not be imposed under this local law.
- (3) This local law applies to the document as if the document had been made under this local law.
- (4) To remove any doubt, it is declared that the document took effect or was made, given or received when the document took effect or was made, given or received under the old Act.

⁹ See section 13(b).

¹⁰ See section 14(1).

- (5) In this section, **document** includes—
- (a) a requirement to supply standard general waste containers pursuant to section 81F(1)(b) of the old Act;
 - (b) a direction under section 81ZR(2)(a) of the old Act (for example, a direction to comply with the reasonable directions of a waste facility owner);
 - (c) a compliance notice issued under section 81ZN of the old Act;
 - (d) an arrangement (for example, an arrangement for the removal of general waste under section 81ZJ of the old Act).

21 Applications generally

- (1) This section applies to an application (however described) that was made under Chapter 5A of the old Act but was not decided before this local law was made.
- (2) Chapter 5A of the old Act continues to apply to the application instead of this local law.
- (3) To remove any doubt, it is declared that a document that results from the application—
 - (a) takes effect or is made when the application takes effect or is made under the old Act; but
 - (b) is taken to have been made under this local law, even if that type of document can not be made under this local law.
- (4) In this section, application includes—
 - (a) an application for written approval from a local government under section 812K of the old Act;
 - (b) an application for consent to use a waste facility under section 81ZQ of the old Act.

Division 3 Enforcement

22 Proceedings generally

- (a) This subsection applies to a matter under the old Act, if a person—
 - (i) had started proceedings before the commencement but the proceedings have not ended before the commencement; or
 - (ii) had, immediately before the commencement, a right to start proceedings; or
 - (iii) has a right to start proceedings that arrives after the commencement in relation to an act or omission that occurred prior to commencement of this local law.

- (b) For proceedings instituted in the Planning & Environment Court, Magistrates Court or the Court of Appeal—
 - (i) the old Act continues to apply to the proceeding; and
 - (ii) this local law applies to any appeal in relation to the proceedings as if the matter giving rise to the appeal happened under this local law.

Schedule Dictionary

Section 3

authorised person means a person authorised by the local government pursuant to chapter 6, part 6 of the *Local Government Act 2009*.¹¹

collection location means a place at, or adjacent to, premises at which a standard general waste container associated with the premises can be easily accessed by a general waste collection vehicle without causing obstruction.

commercial premises means any of the following types of premises—

- (a) a hotel, motel, caravan park, café, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;
- (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out;
- (f) a church, or other building, used as a place of worship, or for religious purposes.

commercial waste means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

development approval has the meaning given in the *Planning Act 2016*.

domestic premises means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) rooming accommodation, lodging house or guest house.

domestic clean-up waste means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.

domestic waste means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

environmental authority has the meaning given in the *Environmental Protection Act 1994*.

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

general waste means—

- (a) waste other than regulated waste; and
- (b) for part 2, any of the following—
 - (i) commercial waste;

¹¹ Section 20, *Local Law No. 1 (Administration) 2018* provides that the instrument of appointment must state the local laws, or provisions of the local laws, for which the person is appointed as an authorised person.

- (ii) domestic waste;
- (iii) recyclable waste.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

industrial waste means—

- (a) interceptor waste; or
- (b) waste other than the following—
 - (i) commercial waste;
 - (ii) domestic clean-up waste;
 - (iii) domestic waste;
 - (iv) green waste;
 - (v) recyclable interceptor waste;
 - (vi) recyclable waste;
 - (vii) waste discharged to a sewer.

industrial waste container means a container of a type approved by the local government for storing industrial waste at premises in the local government's area.

interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- *neutralising interceptors for neutralising acidic and alkaline substances*
- *grease interceptors for collecting and solidifying fat, grease and similar matter*
- *oil interceptors for collecting oil and petroleum products*
- *silt interceptors for collecting soil, sand, gravel and other sedimentary solids*

interceptor waste means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

manufacturing process means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

occupier of premises means the person who has the control or management of the premises.

owner of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

premises includes domestic premises, government premises, industrial premises and commercial premises.

prescribed ERA has the meaning given in the *Environmental Protection Act 1994*.

prescribed person see section 9(1).

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste, means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area of the local government.

Examples of waste that may be declared to be recyclable waste—

glass bottles, plastic containers, paper, cardboard, steel and aluminium cans, and green waste

regulated waste has the meaning given in the *Environmental Protection Regulation 2008*.

rooming accommodation has the meaning given in the planning scheme of the local government.

scheduled collection day see section 10(2).

serviced premises means—

- (a) premises which are in an area designated by the local government as an area in which the local government may conduct general waste collection under—
 - (i) *Waste Reduction and Recycling Regulation 2011*, section 7; or
 - (ii) section 5; and
- (b) premises for which the local government has required the owner or occupier of the premises to arrange for removal of general waste from the premises.

standard general waste container—

- (a) means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area; and
- (b) for the avoidance of doubt, includes 1 or more containers each of which is approved by the local government for storing, at premises in the local government's area—
 - (i) 1 or more or multiple types of commercial waste; or
 - (ii) 1 or more or multiple types of recyclable waste.

Example for paragraph (b)—

The local government may approve 1 container for storing recyclable waste which is green waste and 1 container for storing recyclable waste other than green waste.

waste, has the meaning given in the *Environmental Protection Act 1994*, and includes any thing that is specified to be waste under a subordinate local law.

waste container storage place see section 8(1).

waste facility—

- (a) for part 2, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste; and
- (b) for part 3, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste, but only if the local government is the lessee, occupier, operator or owner of the facility.

ITEM-9 REGULATORY FEES AND CHARGES 2018 - 2019

MEETING: Ordinary

MEETING DATE: 21 March 2018

REPORT OFFICER'S TITLE: Manager Development & Governance

DEPARTMENT: Corporate & Community Service

EXECUTIVE SUMMARY

This report presents the recommended 2018/19 cost recovery fees for Environmental Health, Animal Management and Local Laws Activities for Council's consideration and endorsement.

OFFICER'S RECOMMENDATION

"That Council:

1. Adopt the proposed 2018 - 2019 fees as listed for Animal Management, Environmental Health and Local Law Activities; and
2. With immediate effect, not offer refunds on any fees for Animal Management, Environmental Health and Local Law Activities."

BACKGROUND

The basis for the cost recovery fees has been to calculate actual costs to provide the service.

Section 97 of Local Government Act 2009 prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost-recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged.

Section 52 of the Animal Management (Cats & Dogs) Act 2008 requires local governments to include a de-sexing incentive when setting fees for animal registration. Although not achieving cost recovery for entire animals, the proposed fee for de-sexed animals is significantly lower to encourage de-sexing.

Council currently offers a refund for withdrawn applications or requests for services. Due to the processing costs incurred for such fees, it is proposed that Council no longer offer refunds for Animal Management, Environmental Health and Local Law Activities.

LINK TO CORPORATE PLAN

ENV 2 - Maintain a proactive response to public health and safety matters including incorporating CPTED (Crime Prevention through Environmental Design) principles in town centres and commercial developments.

CONSULTATION

Internal
Manager Finance

External
Nil

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

Council must be able to demonstrate that the cost recovery fees are no more than the cost of providing the service. Council is able to set a fee that is lower than the calculated cost where it is deemed appropriate.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital
Nil

Operating
Nil

Is the expenditure noted above included in the 2017/2018 budget?
Nil

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

IMPLEMENTATION/COMMUNICATION

The cost recovery fees will be included in the schedule of cost recovery fees 2018 - 2019 and will be published on Council's Website.

ATTACHMENTS

1. Local Laws Activities Fees and Charges
2. Animal Management Fees and Charges
3. Environmental Health Fees and Charges

Date Prepared: *8 March 2018*

ATTACHMENT 1

Description	Cost Recovery Fee (Y/N)	Paragraph of S97(2) of LG Act 2009 under which fee is fixed	Provision of Local Government Act	Unit	Fee/Charge \$	GST (Y/N)
2018/19 Fees and Charges						
Local Laws Activities						
Accommodation Facilities						
Caravan parks - initial	Y	(a)	LL1	application	\$415.00	N
Caravan parks - renewal	Y	(a)	LL1	application	\$300.00	N
Camping Grounds - initial	Y	(a)	LL1	application	\$415.00	N
Camping Grounds - renewal	Y	(a)	LL1	application	\$300.00	N
Transfer of ownership	Y	(a)	LL1	application	\$300.00	N
Operation of temporary entertainment events						
Operation of temporary entertainment events	Y	(a)	LL1	application	\$585.00	N
Remedial Notices						
Overgrown Properties	Y	(a)	LL1	Notice	Cost + \$200.00	N
Commercial Use of Local Government Controlled Areas and Roads (LGCARs) schedule 6						
Outdoor dining application	Y	(a)	LL1	application year	\$275.00	N
Outdoor dining renewal	Y	(a)	LL1	application year	\$165.00	N
Goods on footpath application	Y	(a)	LL1	application year	\$275.00	N
Goods on footpath renewal	Y	(a)	LL1	Application	\$165.00	N
Approved Furniture application	Y	(a)	LL1	Application	No cost	N
Approved Furniture renewal	Y	(a)	LL1	Year	No cost	N
Application for Approval - Commercial use LGCARs	Y	(a)	LL1	application	\$275.00	N
Application for Renewal of Approval - Commercial use LGCARs	Y	(a)	LL1	year	\$165.00	N
Amendment of Commercial Use of Roads Approval	Y	(a)	LL1	application	\$105.00	N
Installation of advertising device - Schedule 8						
Advertising Device Application	Y	(a)	LL1	application	\$270.00	N
Advertising Device Renewal Application	Y	(a)	LL1	year	\$150.00	N
Busking						
Application (annual)	Y	(a)	LL1	application	\$117.00	N
Application to renew	Y	(a)	LL1	year	\$92.00	N
Application (3 monthly)	Y	(a)	LL1	3 monthly	\$35.00	N
Public Liability Buskers Insurance	Y	(a)	LL1	person	\$15.00	N

Description	Cost Recovery Fee (Y/N)	Paragraph of S97(2) of LG Act 2009 under which fee is fixed	Provision of Local Government Act	Unit	Fee/Charge \$	GST (Y/N)
Recovery of Abandoned Vehicles						
Recovery of abandoned vehicles	Y	(d)	LL1	vehicle	cost + \$170	N
Temporary Parking Permit						
Temporary Parking Permit	Y	(a)	LL1	application	\$180.00	N
Release of Impounded Items						
Release of impounded sign	Y	(d)	LL1	sign	\$65.00	N
Release of second and subsequent impounded signs	Y	(d)	LL1	sign	\$25.00	N
Release of miscellaneous impounded items	Y	(d)	LL1	item	\$65.00	N
Gates and Grids						
Application for approval gates & grids	Y	(a)	LL1	application	\$350.00	N
Application for renewal of approval gates & grids	Y	(a)	LL1	year	\$50.00	N
Fee for re-inspection of gate or grid	Y	(a)	LL1	inspection	\$190.00	N
Transfer of Gate/Grid (change of ownership)	Y	(a)	LL1	application	\$50.00	N
Hoarding, Scaffolding or Gantry						
Application for approval hoarding, scaffolding or gantry	Y	(a)	LL1	application	\$270.00	N
Bond (if applicable - refundable)	N	(a)	LL1	application	\$1000.00	N

ATTACHMENT 2

Description	Cost Recovery Fee (Y/N)	Paragraph of S97(2) of LG Act 2009 under which fee is fixed	Provision of Local Government Act	Unit	Fee/Charge \$	GST (Y/N)
2018/19 Fees and Charges						
Animal Management						
<p>Note: Where an application fee is paid for an annual approval or annual licence on or after 1 April the fees set for the following financial year are to be used and an extended expiry is to be applied to the particular approval.</p>						
Registration						
Pups under 6 months				animal	\$0.00	N
Entire male/female	Y	(a)	AM C&DA 2008 44 & 46	animal/annum	\$116.00	N
Entire male/female owned by pensioner	Y	(a)	AM C&DA 2008 44 & 46	animal/annum	\$21.00	N
Desexed male/female	Y	(a)	AM C&DA 2008 44 & 46	animal/annum	\$21.00	N
Desexed male/female owned by pensioner	Y	(a)	AM C&DA 2008 44 & 46	animal/annum	\$21.00	N
Replacement Tag	Y	(a)	AM C&DA 2008 44 & 46	tag	\$8.00	N
Entire Dog (owned member of a recognised kennel club)	Y	(a)	AM C&DA 2008 44 & 46	animal/annum	\$51.00	N
Assistance Dog				animal/annum	\$0.00	N
Working Dogs				animal/annum	\$0.00	N
Pro rata calculations to apply to initial dog registration fees as follows:						
1 July to 30 September				animal	no fee reduction	N
1 October to 31 December				animal	25 % fee reduction	N
1 January to 31 March				animal	50 % fee reduction	N
1 April to 1 June				animal	pay full fee but maintain the 15 month registration	N
Registration for Regulated Dogs (Dangerous, Menacing)						
Initial Fee	Y	(a)	AM C&DA 2008 44 & 46	animal	\$405.00	N
Renewal fee	Y	(a)	AM C&DA 2008 44 & 46	animal	\$210.00	N
Regulated Dog Tag - replacement	Y	(a)	AM C&DA 2008 44 & 46	tag	\$15.00	N
Additional regulated sign (1 required at each entry point)	N			sign	\$45.00	N
Approvals Animal Keeping						
Approval to Keep Excess Animals - Initial Application	Y	(a)	LL2	application	\$235.00	N
Approval to Keep Excess Animals - Renewal Application	Y	(a)	LL2	application	\$190.00	N
Amendment of Approval	Y	(a)	LL2	application	\$190.00	N
Regulated Dog Permit (Restricted Breed) Initial Fee	Y	(a)	LL2	application	\$405.00	N
Regulated Dog Permit (Restricted Breed) Renewal Fee	Y	(a)	LL2	application	\$210.00	N

Description	Cost Recovery Fee (Y/N)	Paragraph of S97(2) of LG Act 2009 under which fee is fixed	Provision of Local Government Act	Unit	Fee/Charge \$	GST (Y/N)
Impounding of Animals						
Cats & Dogs						
Loan of Dog / Cat traps - no charge						
Sustenance fee for care of animal (after 24 hours)	Y	(d)	LL2	animal	\$22.00	N
Sustenance fee for seized dogs per day	Y	(d)	LL2	animal	\$22.00	N
Dogs						
Registered dog 1st release	Y	(d)	LL2	animal	\$90.00	N
Unregistered dog or second release of registered dog (to be registered on release if required)	Y	(d)	LL2	animal	\$225.00	N
Cats						
Cat or kitten with microchip 1st release	Y	(d)	LL2	animal	\$90.00	N
Cat or Kitten with no microchip or 2nd or subsequent release of microchipped cat	Y	(d)	LL2	animal	\$170.00	N
Stock						
One animal	Y	(d)	LL2	animal	\$375.00	N
Second and subsequent animals	Y	(d)	LL2	animal	\$180.00	N
Sustenance fee for care of animal (after 24 hours)	Y	(d)	LL2	animal	Cost	N
Contractors, Driving and Transport (per movement)	Y	(d)	LL2	impoundment	Cost	N
Advertising	Y	(d)	LL2	impoundment	Cost	N
Poultry and Small Stock						
One bird	Y	(d)	LL2	bird	\$75.00	N
Second and subsequent bird	Y	(d)	LL2	bird	\$15.00	N
One small stock	Y	(d)	LL2	animal	\$75.00	N
Sustenance fee for care of animal	Y	(d)	LL2	animal	Cost	N
Hire of stock yards						
Up to 7 head	Y	(d)	LL2	day	\$100.00	Y
More than 7 head	Y	(d)	LL2	animal/day	\$16.00	Y
Sustenance	Y	(d)	LL2	animal/day	at cost	Y
Labour hire	Y	(d)	LL2	hour/person	\$70.00	Y

ATTACHMENT 3

Description	Cost Recovery Fee (Y/N)	Paragraph of S97(2) of LG Act 2009 under which fee is fixed	Provision of Local Government Act	Unit	Fee/Charge \$	GST (Y/N)
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2018/19 Fees and Charges						
Environmental Health						
Note: Where an application fee is paid for an annual approval or annual licence on or after 1 April the fees set for the following financial year are to be used and an extended expiry is to be applied to the particular approval.						
Searches						
Record Search	Y	(a)	FA2006/LL1	search	\$78.00	N
Physical Inspection (Sale Search)	Y	(a)	FA2006/LL1	inspection	\$315.00	N
Food Act						
Design & Fit out (without plan assessment)	Y	(a)	FA2006	application	\$310.00	N
Design & Fit out (with plan assessment)	Y	(a)	FA2006	application	\$428.00	N
Temporary Food Business (1 event)	Y	(a)	FA2006	application	\$134.00	N
Application High Risk Food Business *	Y	(a)	FA2006	application	\$757.00	N
Application Medium Risk Food Business *	Y	(a)	FA2006	application	\$608.00	N
Application Low Risk Food Business *	Y	(a)	FA2006	application	\$293.00	N
Application Renewal High Risk Food Business *	Y	(a)	FA2006	application	\$623.00	N
Application Renewal Medium Risk Food Business *	Y	(a)	FA2006	application	\$332.00	N
Application Renewal Low Risk Food Business *	Y	(a)	FA2006	application	\$229.00	N
* based on the Priority Classification System for Food Business						
Application for Restoration of Food Licence	Y	(a)	FA2006	application	\$100.00	N
Application for Amendment of Food Licence	Y	(a)	FA2006	application	\$110.00	N
Application for Replacement of Food Licence	Y	(a)	FA2006	application	\$74.00	N
Inspections - for non-compliance, improvement	Y	(a)	FA2006	inspection	\$315.00	N
Inspections - by request	Y	(a)	FA2006	inspection	\$294.00	N
Food Safety Program Accreditation of Program by a Council Food Safety Auditor	Y	(a)	FA2006	premise	\$733.00	N
Non-Conformance Audit of a Food Safety Program by a Council Food Safety Auditor	Y	(a)	FA2006	premise	\$397.00	N
Amendment of Accredited Food Safety Program	Y	(a)	FA2006	premise	\$335.00	N

Description	Cost Recovery Fee (Y/N)	Paragraph of S97(2) of LG Act 2009 under which fee is fixed	Provision of Local Government Act	Unit	Fee/Charge \$	GST (Y/N)
Personal Appearance Services						
Design & Fit out (with plan assessment)	Y	(a)	PH(ICPS)A2003	application	\$449.00	N
Application for Licence	Y	(a)	PH(ICPS)A2003	application	\$442.00	N
Application for Renewal of Licence	Y	(a)	PH(ICPS)A2003	licence	\$266.00	N
Inspection non higher risk	Y	(a)	PH(ICPS)A2003	licence	\$222.00	N
Re-inspection non higher risk	Y	(a)	PH(ICPS)A2003	licence	\$152.00	N
Application to Transfer Licence	Y	(a)	PH(ICPS)A2003	licence	\$220.00	N
Replacement Licence	Y	(a)	PH(ICPS)A2003	licence	\$74.00	N
Application for Amendment of Licence	Y	(a)	PH(ICPS)A2003	licence	\$240.00	N

FINANCE

ITEM-10 FINANCIAL STATEMENTS FOR PERIOD ENDING 28 FEBRUARY 2018

MEETING: Ordinary

MEETING DATE: 21 March 2018

**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 2017 to 28 February 2018.

OFFICER'S RECOMMENDATION

"That Council note the financial report for the period ending 28 February 2018."

BACKGROUND

Financial Summary

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

For the period ending 28 February 2018, the actual results are in line with the year to date budget.

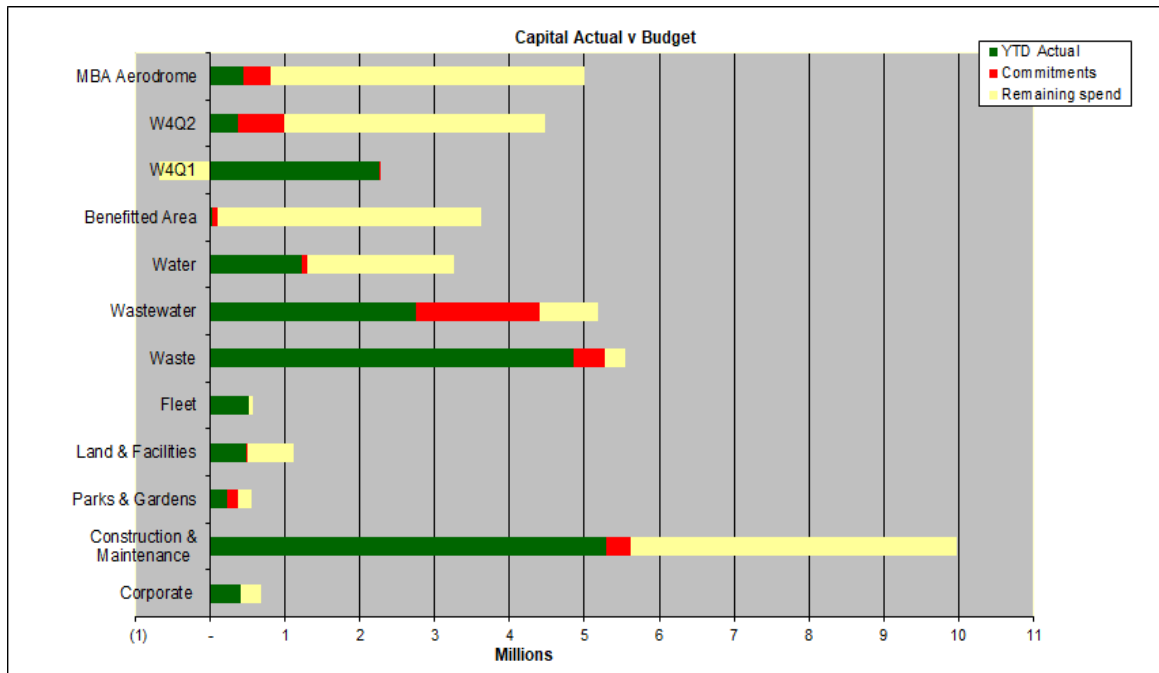
The budgeted figures reflect the 2017/18 Budget as adopted by Council at the 21 June 2017 meeting. There are no issues or concerns to discuss or highlight at this stage. As we proceed through the financial year there will be more financial data to analyse and any areas of concerns will be highlighted with Council.

February 2018 - Snapshot

Total Operating Income	\$	39,947,528
Total Operating Expenditure	\$	27,934,537
Operating Surplus/(Deficit)	\$	12,012,991
Total Capital Income (grants, developer contributions)	\$	10,340,677
Net Result - Surplus/(Deficit)	\$	22,353,668

Capital Expenditure

Total capital expenditure of \$22,683,659 (including commitments) has been spent for the period ending 30 June 2018 against the 2017/18 adjusted annual capital budget of \$41,512,344. The annual adjusted capital budget includes the 2016/17 carry overs (\$29,190,145), additional projects for 2017/18 (\$2,742,763) and W4Q2 (\$3,710,000).

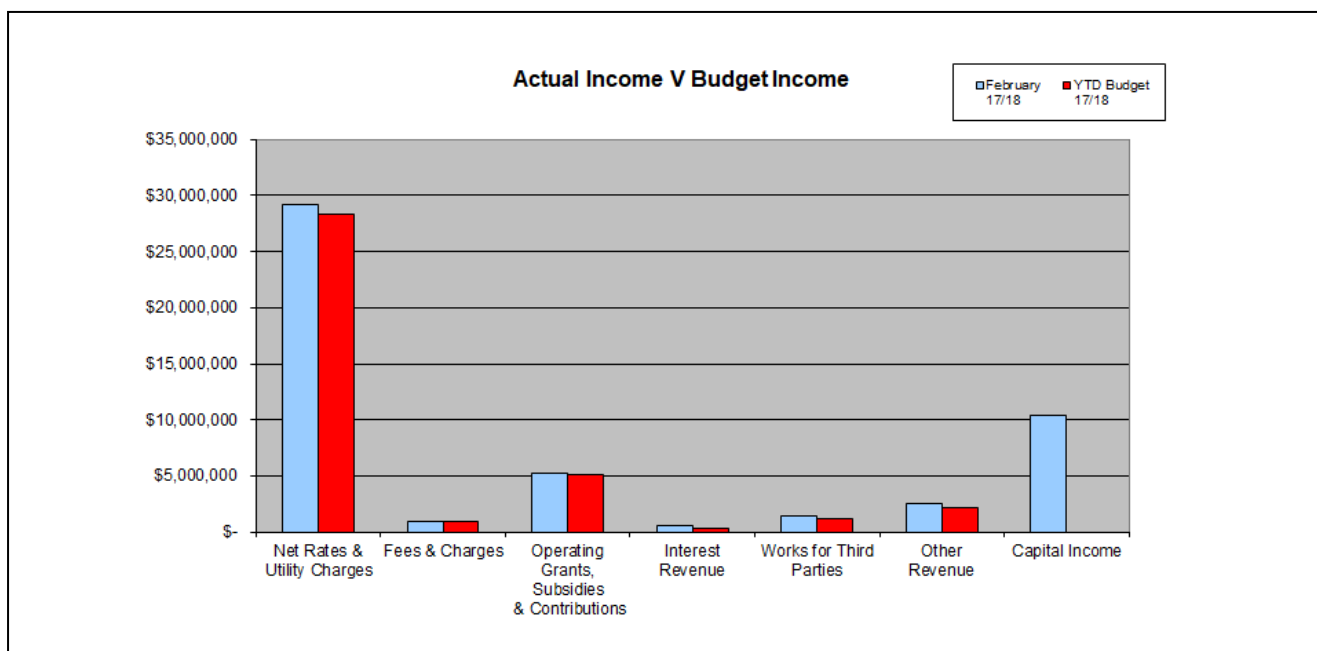


The W4Q remaining spend is shown in the negative to represent the council contribution for additional demolition and repair costs for timber bridges.

Income Analysis

Total income (including capital income of \$10,340,677) for the period ending 28 February 2018 is \$50,288,205 compared to the YTD budget of \$37,907,060.

The graph below shows actual income against budget for the period ending 28 February 2018.



	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	29,169,015	28,350,673	
Fees & Charges	893,279	905,957	
Operating Grants, Subsidies & Contributions	5,293,525	5,064,103	
Interest Received	595,296	270,200	
Works for Third Parties	1,458,033	1,192,156	1
Other Revenue	2,538,380	2,123,971	2
Capital Income	10,340,677	0	3

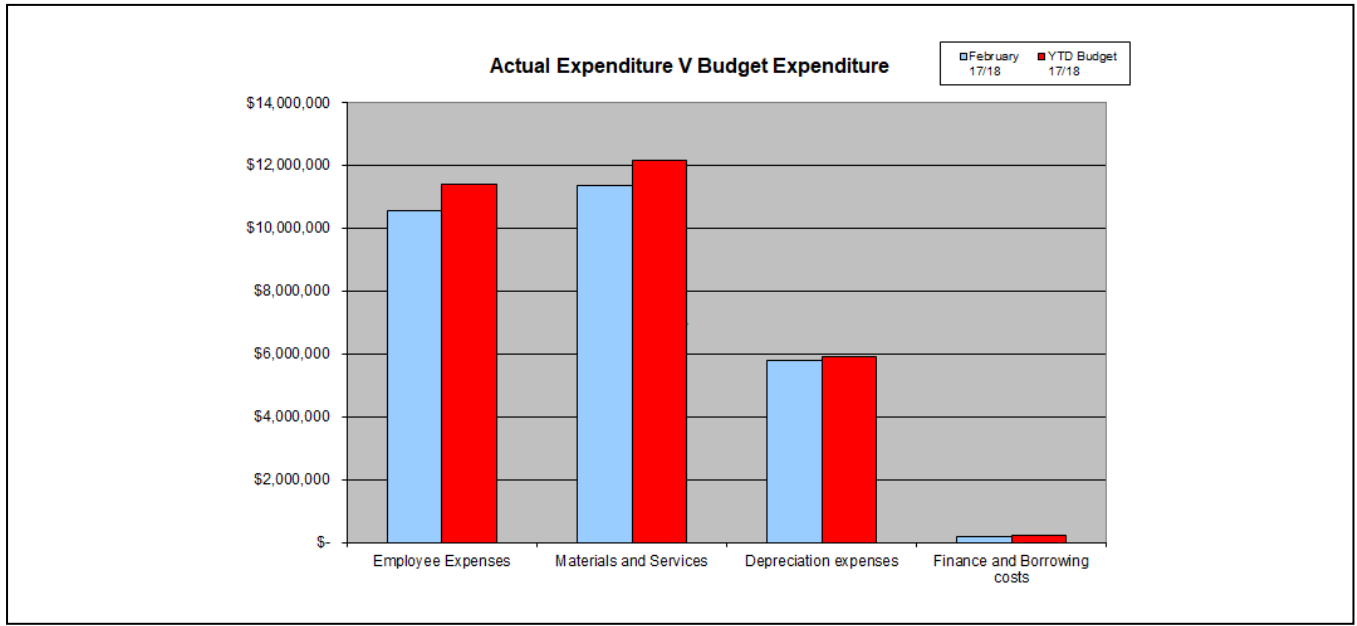
Notes:

1. Favourable variance is due to additional 3rd party works which was not originally budgeted for. The associated costs form part of the operational expenses which were also not budgeted. The net impact of these additional works is likely to be a small surplus and will be reported at the completion of the works.
2. To date we have received \$88k in insurance recoveries (no budget allocated) leases and rental income is currently \$150k higher than budget however this is a timing issue and expected to even out closer to 30 June, and sale of scrap metal has also exceeded YTD budget by \$111k.
3. Council has currently received \$9.3m in capital grants (TIDS, R2R, W4Q progress payment), \$278k in Developer Contributions and \$714k of Donated Assets for Bellevue Stages 1 – 3, Wylandra Stages 6B – 6C and Amaroo Stage 8 which were not reflected in the budget.

Expenditure Analysis

Total expenses for the period ending 28 February 2018 is \$27,934,537 compared to the YTD budget of \$29,730,398.

The graph below shows actual expenditure against budget for the period ending 28 February 2018.



Description	Actual YTD	Budget YTD	Note
Employee expenses	10,572,325	11,405,251	1
Materials & Services	11,375,340	12,176,604	2
Depreciation expenses	5,794,208	5,927,666	3
Finance & Borrowing costs	192,664	220,877	

Notes:

- There are no significant issues to report. The reasons for the variance at this point in time are:
 Firstly, staff absences, vacancies and staff working on capital projects contribute to this favourable variance
 Secondly, as a result of the spread of budget across the year - with employee expenses allocated equally over 12 periods not equating precisely to the pay periods.

The anticipated total spend on employee expenses is expected to align more closely with budgets for the 2017/18 year.

2. The variance largely relates to a timing issue and it is anticipated that by 30 June 2018, the anticipated budget will be spent.
3. There will be an annual increase of depreciation of almost \$200k. This is due to the findings from the comprehensive asset valuation that was undertaken on bridges as at 30 June 2017.

Loan Borrowings

Council's loan balance as at 28 February 2018 is as follows:

QTC Loans	\$6,395,914
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Rates and Sundry Debtors Analysis

Rates and Charges

The total rates and charges payable as at 28 February 2018 is \$15,140,666 which is broken down as follows:

	28 February 2018		28 February 2017	
Status	No of properties	Amount	No of properties	Amount
Valueless land	76	2,249,222	69	1,620,469
Payment Arrangement	68	110,807	44	67,957
Collection House	230	888,311	299	1,076,022
Exhausted – awaiting sale of land	8	84,940	16	229,124
Sale of Land	6	78,950	10	186,607
Other (includes current rates)	7771	11,728,436	7704	11,320,424
TOTAL	8159	15,140,666	8142	14,500,603

The Rates Notices for the period ending 30 June 2018 were issued on 13 February 2018 with the discount due date being 16 March 2018. Total Gross Rates and Charges levied for this six (6) month period totalled \$16,513,547.

The procedure has commenced to acquire valueless land properties. The six-month waiting period will terminate in March and Council will then follow due process in acquiring those properties.

The Sale of Land process is now underway, with two (2) properties being paid out during the month of February. There are six (6) properties remaining with outstanding rates and charges of \$78,950. This process is likely to collect the full balance within the coming two (2) months.

Collection House collected \$71,567 for the month of February 2018.

Sundry Debtors

The total outstanding for Sundry Debtors as at 28 February 2018 is \$696,378 which is made up of the following:

Current	30 days	60 days	90 + days
\$555,544	\$15,311	\$5,065	\$120,458
0.80%	0.02%	0.00%	0.18%

90+ days: \$110,474 currently under investigation, legal advice has been sought.

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: 9 March 2018

MAREEBA SHIRE COUNCIL
Budgeted Income Statement by Fund

For the period ending 31 February 2018

	Consolidated		General Fund		Waste Services	
	Actual YTD	Budget YTD	Actual YTD	Budget YTD	Actual YTD	Budget YTD
		2017/18		2017/18		2017/18
Revenue						
Rates and utility charges	30,434,813	30,151,770	16,809,827	16,558,012	3,567,998	3,519,035
Less Discounts and Pensioner Remissions	(1,265,789)	(1,801,097)	(1,265,798)	(1,801,097)	-	-
Net Rates and Utility Charges	29,169,015	28,350,673	15,544,029	14,756,915	3,567,998	3,519,035
Fees and Charges	893,279	905,957	891,240	885,957	-	-
Operating Grants and Subsidies	4,627,877	4,621,847	4,627,877	4,621,647	-	-
Operating Contributions	665,648	442,456	-	-	-	-
Interest Revenue	595,296	270,200	260,712	175,000	150,568	33,334
Works for Third Parties	1,458,033	1,192,156	1,415,235	1,155,333	-	-
Other Revenue	2,538,380	2,123,971	1,416,936	1,065,571	1,035,936	995,400
Total Operating Revenue	39,947,528	37,907,059	24,156,029	22,680,423	4,754,402	5,062,135
Expenditure						
Employee Expenses	10,572,325	11,405,251	9,511,607	10,372,961	237,337	198,380
Materials and Services	11,375,340	12,176,604	5,956,758	6,478,865	2,446,483	2,606,954
Depreciation expense	5,794,208	5,927,666	4,121,933	3,954,612	76,560	63,666
Finance and Borrowing costs	192,664	220,877	119,515	124,853	-	-
Total Operating Expenses	27,934,537	29,730,388	19,708,813	20,931,291	2,760,380	2,869,000
Operating Surplus/(Deficit)	12,012,991	8,176,661	4,447,216	1,749,132	1,994,022	1,678,769
Capital Income						
Capital Contributions	278,413	-	229,448	-	-	-
Capital Grants and Subsidies	9,348,081	-	6,842,895	-	-	-
Donated Assets	714,183	-	714,183	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-	-	-	-
Net Result	22,353,668	8,176,661	12,233,742	1,749,132	1,994,022	759,433

MAREEBA SHIRE COUNCIL
Budgeted Income Statement by Fund
For the period ending 31 February 2018

	Sewerage Services			Water Services			Benefited Areas		
	Actual YTD	Budget YTD	Budget 2017/18	Actual YTD	Budget YTD	Budget 2017/18	Actual YTD	Budget YTD	Budget 2017/18
Revenue									
Rates and utility charges	4,624,219	4,554,032	4,554,032	5,119,274	5,198,317	5,198,317	313,595	322,374	322,374
Less Discounts and Pensioner Remissions	-	-	-	-	-	-	-	-	-
Net Rates and Utility Charges	4,624,219	4,554,032	4,554,032	5,119,274	5,198,317	5,198,317	313,595	322,374	322,374
Fees and Charges									
Operating Grants and Subsidies	2,038	20,000	30,000	-	-	-	-	-	-
Operating Contributions	-	-	-	-	-	-	-	-	-
Interest Revenue	106,814	-	-	44,229	33,333	50,000	665,648	442,456	884,912
Works for Third Parties	4,491	6,667	10,000	38,307	30,156	45,234	32,973	28,533	42,800
Other Revenue	15,429	-	-	69,318	18,667	28,000	-	-	-
Total Operating Revenue	4,752,991	4,580,699	4,594,032	5,271,128	5,280,473	5,321,551	1,012,977	817,696	1,286,586
Expenditure									
Employee Expenses	333,565	266,909	401,562	432,385	508,527	765,171	57,412	58,474	87,980
Materials and Services	1,041,355	1,069,105	1,585,531	1,809,750	1,827,810	2,708,669	121,994	193,870	270,713
Depreciation expense	685,895	804,964	1,207,446	846,460	950,341	1,425,511	64,360	154,083	231,124
Finance and Borrowing costs	73,149	96,025	144,037	-	-	0	-	-	-
Total Operating Expenses	2,133,964	2,237,003	3,338,576	3,087,595	3,286,678	4,899,351	243,766	406,427	569,817
Operating Surplus/(Deficit)	2,619,007	2,343,696	1,255,456	2,183,533	1,993,795	422,200	769,211	411,269	696,769
Capital Income									
Capital Contributions	17,904	-	-	31,061	-	-	-	-	-
Capital Grants and Subsidies	1,535,227	-	-	969,959	-	-	-	-	-
Donated Assets	-	-	-	-	-	-	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-	-	-	-	-	-	-
Net Result	1,553,131	-	-	1,001,020	-	-	-	-	-
	4,172,138	2,343,696	1,255,456	3,184,553	1,993,795	422,200	769,211	411,269	696,769

COMMUNITY WELLBEING

ITEM-11 REGIONAL ARTS DEVELOPMENT FUND APPLICATION TO ARTS QUEENSLAND

MEETING: Ordinary

MEETING DATE: 21 March 2018

REPORT OFFICER'S TITLE: Senior Community Wellbeing Officer

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report presents, for Council approval, the proposed 2018-20 RADF strategy that will form the basis of Council's application to Arts Queensland.

OFFICER'S RECOMMENDATION

"That Council

1. Adopt the 2018-2020 Regional Arts Development Fund Strategy;
2. Submit an expression of interest to Arts Queensland for the 2018/2019 Regional Arts Development Fund grant to build cultural tourism, public mural partnerships and youth arts engagement activities in the shire; and
3. Co-contribute \$18,000 to the 2018/2019 Regional Arts Development Fund program as outlined in this report."

BACKGROUND

The Regional Arts Development Fund (RADF) is delivered as a partnership between the Arts Queensland and eligible local councils across the state. Arts Queensland recently released the 2018/2019 RADF guidelines for council applications. Council's application for funding must be submitted to Arts Queensland by 6 April 2018. Eligible councils can apply for funding guided by set population and co-investment tiers. Councils can apply for funding above their population tier maximum where they can provide strong justification.

The 2018-2020 RADF Strategy will prioritise the following types of activities: cultural tourism (initiatives that develop and promote the community's locally distinct arts, culture and heritage both for members of that community and for visitors), public mural partnerships (between professional artists and private building owners), and engagement of youth in arts, cultural and heritage activities.

There has been significant interest within the community around activities of this nature. It is proposed that the RADF 2018-2020 Strategy is implemented with the following components:

- Identified community initiatives delivered by Council: Mareeba Heritage Museum & Visitor Information Centre, community events and festivals, Mareeba Arts Festival,
- Annual community grant funding comprising of a general stream and a public art partnership stream,
- Development and training activities for the RADF Advisory Committee and arts groups,
- Administration and promotion of the RADF program.

It is proposed that Council package the existing investment of \$256,000 in relevant arts and cultural activities with Council's cash contribution of \$18,000 in an attempt to leverage a higher contribution from Arts Queensland. The application will request a grant of \$100,000, and if approved by Arts Queensland will require a co-contribution of \$18,000 from Council. This contribution is proposed to be funded by \$13,000 from the 2018-2019 operational budget and \$5,000 from the Mareeba CBD Levy.

Along with the Arts Queensland grant, this will deliver the Mareeba Arts Festival, a community grant round, development and training activities, and program administration and promotion.

LINK TO CORPORATE PLAN

COM 4: Encourage vibrant and active community participation in festivals and events, arts, culture and natural heritage activities that celebrate the community and its cultural diversity and enrich lifestyle and encourage tourism.

CONSULTATION

Internal

Mareeba Shire Council RADF Advisory Committee
Manager Community Wellbeing

External

Arts Queensland

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Yes, see below

Is the expenditure noted above included in the 2017/2018 budget?

2018/2019 RADF budget pack incorporates proposed strategy.

2018/2019 RADF budget pack incorporates the community grant round allocation.

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

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. 2018-2020 Regional Arts Development Fund Strategy

Date Prepared: 13 March 2018

ATTACHMENT 1

Mareeba Shire Council Regional Arts Development Fund 2018 - 2020 Strategy

1. Introduction

The Regional Arts Development Fund (RADF) is delivered as a partnership between the Queensland Government through Arts Queensland (AQ) and eligible local councils across the state. RADF promotes the role and value of arts, culture and heritage as key drivers of diverse and inclusive communities and strong regions. RADF invests in local arts and cultural priorities, as determined by local communities, across Queensland.

RADF is a flexible fund enabling local councils to tailor RADF programs to suit the needs of their communities. The Queensland Government's and local councils' investment in each RADF partnership varies in ratio depending on population tiers, the contribution made by each council and the total amount of funding available. Council applies to Arts Queensland for RADF funding in April each year.

2. Key Features

The 2018-20 RADF Strategy:

- aims to achieve cultural tourism outcomes for the shire and social outcomes for youth,
- continues to cater for the development needs of artists and arts, cultural and heritage groups,
- is informed by and aligns with community, cultural and corporate plans and with community consultation,
- allocates funding to council-led initiatives, community grants, training and development activities, program administration and promotion,
- supports an Advisory Committee to guide the development and implementation of the Strategy.

The 2018 - 2020 RADF Strategy has been developed in response to feedback and priorities identified by Councillors, RADF Advisory Committee, RADF applicants, community and cultural plans and other community development and engagement activities in the shire. The guiding principle is to ensure equitable access to and value from RADF for residents across the entire shire by supporting RADF activities in multiple locations and art forms.

3. Community Consultation

3.1 Community Interests

There continues to be a high level of interest and activity by community groups throughout the shire to develop cultural tourism opportunities, undertake "place making" activities and public art creation. This is



also evidenced through strong demand for community grants which prioritised cultural tourism projects during 2016-18.

3.2 Support for Artists and Arts Workers

RADF has historically been one of the few sources of financial assistance to artists and arts workers and this is particularly relevant to communities within the shire with a high population of artists, such as Kuranda. The RADF Strategy will continue to cater for the needs of individual artists and arts workers by offering and boosting the amount allocated to Community Grants.

3.3 Community and Cultural Plans

The RADF Strategy has also been informed by and aligns with existing MSC Community and Cultural Plans. Specific cultural tourism goals identified in the Cultural Plan include:

- Support key local festivals and events and the capacity of local festival organisers. (Goal 1.4 & 1.5)
- Initiate planning and secure funds to implement an annual event (Goal 2.2)
- Encourage the documentation, access and presentation of public heritage collections. (Goal 2.3)
- Audit and document existing public art works and monuments (Goal 2.5)
- Develop a public art policy for the commissioning and care of public art assets (Goal 2.6)
- Support cultural business initiatives, for example, by providing funding or resources for business planning and market research, product development, marketing and advertising. (Goal 7.5)
- Establish visitor information centres as cultural tourism hubs. (Goal 8.7)

3.4 Youth Arts Engagement

Community consultation during 2016 identified that providing arts and cultural activities and opportunities for young people was a community priority. The newly formed RADF Advisory Committee has recently reiterated this priority. Investigating opportunities for arts and cultural spaces and events for young people was identified in the Tablelands Community Plan 2021.

4. Local Priorities - Cultural Tourism, Public Mural Partnerships and Youth Arts Engagement

The proposed RADF Strategy 2018-20 continues to build on activities conducted over the last two years by again making "cultural tourism" a local priority. Cultural tourism refers to initiatives that develop and promote the community's locally distinct arts, culture and heritage both for members of that community and for visitors.

Facilitating the creation of public art is one way cultural tourism outcomes can be achieved. Public art will contribute to town beautification and community pride. Investment in public mural partnerships (between professional artists and private building owners) will build on local interest created by recent mural projects and the activities currently being undertaken by local arts organisations.

The 2018-20 RADF Strategy also aims to achieve social outcomes for youth by providing opportunities for engagement in arts and cultural activities. Youth engagement in arts and cultural activities can enhance wellbeing, connection to the community and community pride.



5. Council-led Initiatives

Three Council-led Initiatives for RADF 2018-20 have been identified to deliver cultural tourism and public art outcomes across the shire. Allocations have also been made for RADF Advisory Committee Training (which may include professional development opportunities for Council staff) and for RADF program administration and promotion. Part of the RADF grant from AQ will be invested into Council-led Initiatives which are listed below:

- i. Community Management of Mareeba Visitor Information Centre and Heritage Museum
- ii. Investment in local festivals and community events
- iii. Mareeba Arts Festival

6. Community Grants for Individuals, Groups and Companies

It is proposed that one Community Grant Round will be conducted Jan - Feb 2019 for projects implemented May 2019 - April 2020. Within the Community Grant Round there will be two streams. Stream 1 will be a general stream for community projects addressing any one of the three priority areas or the general RADF objectives. Stream 2 will be a public mural partnership stream. Grant funding will be made available for murals to be created on privately owned buildings. Professional artists and private building owners must make a joint application and murals must reflect the identity of the shire. The ongoing maintenance of the mural will be the responsibility of the members of the partnership.

Approved community projects that support youth engagement in arts and culture will be supported through the community grants rounds each year.

Any remaining funds will be held aside for grants requiring a "quick" response throughout the remainder of the 2018/19 financial year. The *MSC RADF Guidelines for Community Grants* will be used to direct the implementation of the Community Grant Round.

7. Training & Professional Development

Council recognises the value in providing development opportunities for the RADF Advisory Committee and broader arts sector participants. Council will allocate funding to either the RADF Advisory Committee or for development activities via the Far North Queensland Arts Services Network. The extent of training activities will be dependent on the final allocation from Arts Queensland.

8. Program Plan and Budget

The 2018-20 budget presented below relies on an Arts Queensland contribution of \$100,000 and Council contribution of \$274,000. Community feedback on the implementation of the Strategy in 2017/18 has informed the development of the 2018-20 budget.



2018-19 RADF PROGRAM BUDGET & PLAN

Activity	Budget	Timeframe
Arts & Cultural Festivals, Events and Tourism	256,000	Sept 2018 - Aug 2019
Mareeba Arts Festival	36,000	Sept 2018
Community Grant Round	69,000	Jan - Feb 2019
Training & PD, Program Admin & Promotion	13,000	Sept 2018 - Aug 2019
Total	374,000	



9. Further Information

For further information about the RADF 2018-20 Strategy including how to apply for a community RADF grant, please contact Mareeba Shire Council.

Senior Community Wellbeing Officer (RADF Officer)

T: 1300 308 461

E: info@msc.qld.gov.au

W: www.msc.qld.gov.au/grants-and-sponsorship

INFORMATION SYSTEMS AND CUSTOMER SERVICE

ITEM-12 CEMETERIES FEES AND CHARGES 2018 - 2019 AND OPERATING PROCEDURES

MEETING: Ordinary

MEETING DATE: 21 March 2018

**REPORT OFFICER'S
TITLE:** Manager Systems and Customer Service

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

This report details the proposed Cemeteries Fees and Charges for 2018 - 2019 financial year and proposal to amend the operating procedures relating to the approval of reservations at the Kuranda cemetery.

OFFICER'S RECOMMENDATION

"That Council:

1. Adopt the Cemeteries Fees and Charges 2018 - 2019; and
2. Amend the operating procedures relating to the approval of reservations at the Kuranda Cemetery."

BACKGROUND

Fees and Charges

Council, as part of its budgetary process and under the legislation of the Local Government Act, is required to adopt a Schedule of Fees and Charges each year. Each relevant department is responsible for the setting of these Fees and Charges.

Costs for services are reviewed annually. While Council generally applies a cost recovery model, charges are discounted wherever possible, to keep costs within this area affordable.

In the attached proposed fee scheme the more common services such as Reservations and Interments have undergone minimal increases.

The calculation of fees for shelter hire has decreased considerably, as we propose to replace the large and cumbersome shelters at the Mareeba New cemetery with pop up gazebos.

The reason for the proposed change is as follows:

- Fewer staff required to erect the shelter.
- The ability to manoeuvre the shelter in and around existing memorials with greater ease.
- The canvas gazebo provides adequate protection from the rain as opposed to the shade cloth currently used.
- The overall interment site will be aesthetically appealing.

There will be an initial outlay for the purchase of the pop-up gazebo (approx. \$480 each), upon which time the existing shelters will be removed from the cemetery.

Operating Procedures

Council provides for the pre-allocation of interment sites to an individual, through a process known as reservation. A reservation may be in place for many years before an interment takes place.

It is proposed that, at the Kuranda cemetery, future reservations are not permitted. The only exception will be a request for an adjoining plot at the time of an interment occurring. The intent being to allow for a spouse or partner of the interred individual to be subsequently interred in the adjoining plot. There will be a limit of one (1) reservation offered.

All existing reservations will be honoured.

The reason for this change is that there are a limited number of plots available at the Kuranda cemetery.

LINK TO CORPORATE PLAN

N/A

CONSULTATION

Internal

Executive Management Team
Co-ordinator Customer Service
Manager Systems and Customer Service
Co-ordinator Open Spaces
Councillors

External

Nil

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

Nil

POLICY IMPLICATIONS

Cemeteries Policy

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

\$480 per pop up gazebo (anticipate the purchase of 2)

Is the expenditure noted above included in the 2017/2018 budget?

No

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

Mareeba cemetery operating budget has sufficient funds available.

IMPLEMENTATION/COMMUNICATION

Update schedule of fees and charges displayed on Council's website and advise relevant funeral directors. Advise relevant funeral directors of change to reservation procedures at Kuranda Cemetery.

ATTACHMENTS

1. Proposed Cemeteries Fees and Charges 2018/19

Date Prepared: 8 March 2018

Description	Cost Recovery Fee (Y/N)	Paragraph of s97(2) of LG Act 2009 under which fee is fixed	Provision of Local Government Act	Unit	Fee/Charge \$	GST (Y/N)
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2018/19 Fees and Charges						
Cemeteries						
Reservation						
Reservation - Grave, Above Ground Vault	N			Plot	\$571.00	Y
Reservation Child 1 - Grave, Above Ground Vault	N			Plot	\$285.00	Y
Reservation - Mausoleum Wall	N			Plot	\$8,100.00	Y
Reservation - Mausoleum Free Standing	N			Plot	\$3,875.00	Y
Reservation - Niche (Single)	N			Niche	\$363.00	Y
Reservation - Niche (Double)	N			Niche	\$425.00	Y
Interment (In addition to reservation fee ²)						
Interment - Grave	N			Plot	\$1,660.00	Y
Interment Child 1- Grave	N			Plot	\$830.00	Y
Interment - Above Ground Vault, Mausoleum Wall, Mausoleum Free Standing	N			Plot	\$542.00	Y
Interment - Ashes (Niche; includes installation of plaque)	N			Niche	\$397.00	Y
Interment - Ashes (In ground)	N			Plot	\$397.00	Y
Interment Surcharge						
Interment Surcharge (Weekends and public holidays)	N			Interment	\$1,261.00	Y
Plaque						
Cost of plaque including freight	N			Plaque	POA	Y
Plaque installation - Lawn Cemetery	N			Plaque	\$176.00	Y
Plaque installation - Niche (if not installed at interment)	N			Plaque	\$176.00	Y
Shelter Hire						
Hire of shelter - Weekdays excluding public holidays	N			Shelter	\$75.00	Y
Hire of second shelter - Weekdays excluding public holidays	N			Shelter	\$27.00	Y
Hire of shelter - Weekends and public holidays	N			Shelter	\$150.00	Y
Hire of second shelter - Weekends and public holidays	N			Shelter	\$55.00	Y
Chair Hire						
Hire of chairs - Weekdays excluding public holidays (per 10)	N			Per 10	\$89.00	Y

Description	Cost Recovery Fee (Y/N)	Paragraph of s97(2) of LG Act 2009 under which fee is fixed	Provision of Local Government Act	Unit	Fee/Charge \$	GST (Y/N)
Hire of chairs - Weekends and public holidays (per 10)	N			Per 10	\$1116.00	Y
Miscellaneous						
Construction of a memorial	N			Plot	\$302.00	Y
Exhumation	N			Plot	At cost	Y
Removal of slab or headstone	N			Plot	At cost	Y
Concrete Pillars	N			Pillar	\$265.00	Y
¹ Child - Less than 9 years old.						
² Second and subsequent interments in the same plot do not incur a reservation fee.						

INFRASTRUCTURE SERVICES

TECHNICAL SERVICES

**ITEM-13 TENDER EVALUATION TMSC2017-27 MAREEBA
AIRPORT UPGRADE - CONSTRUCTION OF AIRSIDE
INFRASTRUCTURE**

MEETING: Ordinary

MEETING DATE: 21 March 2018

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

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of the assessments of tender submissions for TMSC2017-27 Mareeba Airport Upgrade - Construction of Airside Infrastructure and provide recommendation on award of the tender.

Tenders were invited from four (4) shortlisted respondents following a call for Expressions of Interest (EOI) and five (5) responses were received from four (4) tenderers.

OFFICER'S RECOMMENDATION

"That Council awards the contract for TMSC2017-27 Mareeba Airport Upgrade- Construction of Airside Infrastructure to FGF Developments Pty Ltd for a total value of \$14,251,418.45 (inclusive of GST)."

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. Several early works packages have been completed to date, with the largest portion of work for the construction of airside infrastructure remaining.

Expressions of Interest (EOIs) for construction of the airside infrastructure closed on 31 January 2017 and four (4) firms were selected to tender on the work under Tender TMSC2017-04:

- Fulton Hogan
- BMD Boral JV
- FK Gardner & Sons
- FGF Developments

Tenders closed on 9 May 2017 and all tender submission prices exceeded the available budget.

Council recalled these tenders following amendment of the scope of works and has now invited the four (4) shortlisted firms to tender under a new tender package, TMSC2017-27.

The scope of works consists of the extension of the Aviation Commercial Precinct (Stage 1) and Airside Works (Stage 2).

The key project deliverables include:

- A 50-lot aviation commercial precinct connected to water, sewerage, power and telecommunications;
- Resurfacing the existing runway, aprons and taxiways;
- Additional taxiways and extension to aprons;
- Upgrade to the Airfield Ground Lighting;
- Upgrade to surrounding roads, drainage, lighting, and airport fencing

Tenders were initially advertised to close 7 February 2018, however due to delays with the provision of some tender documentation, the closing date was extended twice, resulting in the final closing date of 28 February 2018.

Tenders Received

A summary of the tender prices submitted (as opened) is provided in the following table.

Tenderer	Tender Price Submitted (GST excl.)		
	Separable Portion A	Separable Portion B	Total
BMD Boral JV	\$11,715,182.19	\$10,695,062.75	\$22,410,244.94
FGF Developments	\$9,770,344.94	\$8,145,458.20	\$17,915,803.14
FK Gardner & Sons	\$11,248,041.40	\$6,873,162.87	\$18,121,204.27
Fulton Hogan Pty Ltd	\$13,019,844.29	\$9,308,684.51	\$22,328,528.80

An 'Alternative Tender' was submitted by FK Gardner & Sons Pty Ltd, in addition to a Conforming Tender offer. The Alternative Tender proposed a reduced scope of works, whereby works on the runway, existing taxiway A and the airfield ground lighting is excluded. FK Gardner's alternative tender was further evaluated as the reduced scope of works proposed would affect Council's eligibility under the funding arrangements.

Tender Evaluation

Trinity Engineering and Consulting (TEC) was engaged to undertake evaluation of tenders and post-tender negotiations on Council's behalf.

Tenders were reviewed in accordance with the evaluation criteria stated in the tender documentation:

- Tender Price (60%),
- Work Methodology and Innovation (30%),
- Local Content (10%).

All four (4) tender offers were initially assessed for conformance, compliance and discrepancies. Minor discrepancies were found in tender schedules of Fulton Hogan and FK Gardner, resulting from rounding errors and rate extension errors. FK Gardner's tender also excluded pricing several items in the tender schedule. The tendered construction programmes for BMD and Boral Joint Venture and FK Gardner did not conform to the contract conditions, specifically the date for practical completion. FGF Developments' (FGF) tender was generally in accordance with the tender documentation requirements.

BMD Boral Joint Venture

BMD Boral JV's tender submission was based on providing a non-conforming asphalt product with asphalt works programmed later than the date for practical completion.

Due to the high tendered price and programme not meeting Council's requirements, BMD Boral JV's tender was not further considered.

Fulton Hogan

Fulton Hogan's submission is based on providing a non-conforming asphalt product and an extensive list of qualifications. Of these clarifications, several were found to be incompatible with the tender documentation and exposes the Council to unacceptable risk of variations.

Due to the high tendered price and list of departures, Fulton Hogan's tender was not further considered.

FK Gardner

An extensive list of commercial and technical departures was provided in FK Gardner's tender submission. Of these clarifications, several were found to be incompatible with the tender documentation and exposes the Council to unacceptable risk of variations.

However, in consideration of the competitive tender price received from FK Gardner, TEC issued post-tender correspondence requesting withdrawal of these specific qualifications and details of any costs associated with the removal of these qualifications.

FK Gardner advised that several of their qualifications, which were considered critical non-conformances, would not be withdrawn. FK Gardner further advised cost implications of qualifications which were not captured in their submitted tendered price. TEC assessed these cost implications would result in a significant increase in FK Gardner's total tendered price.

Following post-tender correspondence and FK Gardner's refusal to rescind several departures, FK Gardner's submitted tender was not further considered.

FGF Developments

Following the evaluation of the tenders for conformity, it was determined that FGF Developments' tender complied with the tender conditions, however, the tendered price exceeded the available budget.

A meeting was held between Council officers, TEC and FGF to discuss potential opportunities for cost savings to meet the available budget. Several cost savings were identified and FGF were requested to provide revised pricing based on the following amendments:

- Bitumen sprayed seal in lieu of asphalt for the runway and apron resurfacing;
- Processing of excavated material for embankment fill;
- Deletion of minor items in the pricing schedule to remove duplication of items elsewhere in the schedule
- Amended pavement design for new taxiways
- Design and construction of aerodrome ground lighting by contractor

Following the issue of an amended cost schedule to reflect the above amendments, FGF provided an amended tendered price as follows:

FGF Developments	Separable Portion A	Separable Portion B	Total
GST exclusive	\$8,701,784.92	\$4,253,960.03	\$12,955,834.95
GST inclusive	\$9,571,963.41	\$4,679,356.04	\$14,251,418.45

Preferred Tender

Based on above and the price assessment, FGF Developments Pty Ltd is the preferred tenderer for Contract TMSC2017-27 Mareeba Airport Upgrade - Construction of Airside Infrastructure.

In summary;

- All but FGF Developments' tender submission was deemed to contain unacceptable departures and non-conformances.
- While non-price criteria were applied to the assessment of the tenders, only FGF's tender was eligible for consideration due to unacceptable non-compliances in the other tenders.
- Acceptance of FGF Developments' tender submission will present value for money as it was the lowest price of the four (4) tenders received and following post-tender correspondence is within the available project budget.
- FGF Developments has proposed suitably competent personnel and appear to have the capability to deliver the works under this contract.
- FGF Developments is a Cairns based contractor with a depot in Mareeba employing local staff and has proposed to use local suppliers and subcontractors where possible.

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

Mareeba Airport Steering Committee

External

Trinity Engineering and Consulting

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

Latent conditions during the construction phase is a project risk and a nominal allowance has been made within the project budget to cover latent conditions and other variations.

POLICY IMPLICATIONS

Tenders for the project were invited in accordance with Council's procurement policy.

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Funding for this project has been made available from the Australian and State Governments.

Operating

Nil

IMPLEMENTATION/COMMUNICATION

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

Monthly progress reports will be presented to Council throughout the project.

ATTACHMENTS

Nil.

Date Prepared: 13 March 2018

ITEM-14 ASSIGNMENT OF LEASE TO MAREEBA HANGERS PTY LTD**MEETING:** Ordinary**MEETING DATE:** 21 March 2018**REPORT OFFICER'S
TITLE:** Director Infrastructure Services**DEPARTMENT:** Infrastructure Services

EXECUTIVE SUMMARY

This report considers a request for the assignment of Lease U at the Mareeba Airport from the current lessee, Wedmaier Investments Pty Ltd, to Mareeba Hangars Pty Ltd.

It is recommended that Council approve the assignment of the lease subject to a number of conditions.

OFFICER'S RECOMMENDATION

"That Council approve the assignment of Lease U at the Mareeba Airport from Wedmaier Investments Pty Ltd to Mareeba Hangars Pty Ltd, subject to the following conditions:

1. The assignee (Mareeba Hangars Pty Ltd) entering into: (a) a Deed containing a covenant as per Clause 2.08.1(a) of the existing lease to observe, fulfil and comply with all of the covenants, conditions and stipulations contained within the existing lease, and (b), a Power of Attorney clause similar to that contained in Clause 4.06 of the existing lease;
2. All lease fees, rates and charges levied in respect of Lease U to be paid and up to date as at the date of assignment;
3. The current lessee and/or assignee being responsible for payment of all costs associated with the assignment of the lease. "

BACKGROUND

The attached letter from Lee Williams & Associates Lawyers dated 14 March 2018 seeks approval for the assignment of Lease U at the Mareeba Airport from the current lessee, Wedmaier Investments Pty Ltd, to Mareeba Hangars Pty Ltd. Lease U is located at the western end of the Airport and is the first hangar on the left when entering the Airport from Ray Road along JRM Braes Road.

Under the provisions of the existing lease agreement, a lessee cannot assign, transfer or part with possession of a lease without the consent in writing of the lessor first had and obtained. There is also an issue with the existing lease in that, for reasons unknown, it has never been

registered on the Title. However, steps are currently being taken to ensure that the lease will be registered within the next month, thus enabling a transfer of the lease to proceed.

A company search has been conducted (attached) and the proposed transferee, Mareeba Hangars Pty Ltd, appears to be a reputable company and there is no reason why Council should not approve the assignment of the lease subject to:

- Mareeba Hangars P/L entering into a covenant to comply with all of the terms and conditions of the existing lease agreement, including a Power of Attorney Clause similar to Clause 4.06 of the existing lease;
- all lease fees, rates and charges being paid and up to date as at the date of transfer; and
- the existing lessee and/or Mareeba Hangars Pty Ltd being responsible for all costs involved in the assignment of the lease.

LINK TO CORPORATE PLAN

ECON 2: In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries. (*The Shire's airports, particularly the Mareeba airport, continue to be developed, encouraging aviation related industry and spillover from Cairns airport.*)

CONSULTATION

Internal

Governance & Compliance Advisor; Coordinator Records

External

Mr Bruce Wedmaier, Wedmaier Investments Pty Ltd

Mal Skipworth, Preston Law (acting on Council's behalf)

Lee Williams & Associates (acting on behalf of Wedmaier Investments)

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

In accordance with the conditions of the lease, Council approval is required to be obtained before any assignment of the lease can occur. The proposed assignee appears to be a reputable company and there should not be any risk involved in approving the assignment of the lease.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

The current lessee and the assignee will be responsible for any costs associated with the assignment of the lease.

Is the expenditure noted above included in the 2017/2018 budget?

N/A

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

N/A

IMPLEMENTATION/COMMUNICATION

Lee Williams & Associates will be formally advised of Council's decision following the Council meeting.

ATTACHMENTS

1. Letter from Lee Williams & Associates Lawyers dated 14 March 2018
2. Copy of executed (but un-registered) lease for Lease U, Mareeba Airport
3. Copy of Company Search for Mareeba Hangars Pty Ltd

Date Prepared: 14 March 2018

Real t law

LEE WILLIAMS & ASSOCIATES
LAWYERS

Lee Malcolm Williams
PRINCIPAL

Our Ref: Alan Lambert
Your Ref: LMW:EGW:18055

14 March 2018

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Dear Sir/Madam

RE: WEDMAIER INVESTMENTS P/L SALE OF LEASE U, JRM BRAES ROAD,
MAREEBA TO MAREEBA HANGARS P/L

We refer to the above matter and confirm we act for the Seller in the proposed sale of Lease U, JRM Braes Road, Mareeba

We write to inform that the Seller intends to sale the Lease to Mareeba Hangars Pty Ltd ACN 624 446 304.

We write to request the council's consent to the assignment of the lease in accordance with Clause 2.08.01 of the lease.

We are advised that the original lease was not registered and that arrangements are being made to fix this. We understand that either the original will be found and then lodged or the lease will be re-entered into on the same terms and lodged, and then pending consent, the assignment of the lease will be lodged.

Please advise as to the consent in due course.

Yours faithfully
REAL T LAW
LEE WILLIAMS & ASSOCIATES

per: *Euan Williams*.


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

LEASE/SUB-LEASE

Duty Imprint

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Dealing Number



OFFICE USE ONLY

Privacy Statement
 Collection of this information is authorised by the Land Title Act 1994 the Land Act 1994 and the Water Act 2000 and is used to maintain the publicly searchable registers in the land registry and the water register. For more information about privacy in DERM see the department's website.

1. Lessor	Lodger (Name, address E-mail & phone number)		Lodger Code
TABLELANDS REGIONAL COUNCIL			

2. Lot on Plan Description	County	Parish	Title Reference
LOT 20 ON RP 748320	NARES	TINAROO	21406126

3. Lessee	Given names	Surname/Company name and number	(include tenancy if more than one)
		WEDMAIER INVESTMENTS PTY LTD (ACN 010 253 433)	

4. Interest being Leased
FEE SIMPLE

5. Description of premises being Leased
LOT U ON SP 251443

6. Term of Lease	7. Rental/Consideration
Commencement date/event: 01/10/2012	SEE ENLARGED PANEL
Expiry date: 30/09/2032	
*Options: 2 x 10 years	
#Insert nil if no option or insert option period (eg 3 years or 2 x 3 years)	

8. Grant/Execution

The Lessor Leases the premises described in item 5 to the Lessee for the term stated in item 6 subject to the covenants and conditions contained in:- *the attached schedule; *the attached schedule and document no. _____; *document no. _____; *Option in registered Lease no. _____ has not been exercised.

* delete if not applicable

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

x *[Signature]* signature

x *Alexandra Laura McGregor* full name

x *Justice of Peace* qualification

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

Execution Date 25/10/12

Chief Executive Officer Lessor's Signature

9. Acceptance

The Lessee accepts the Lease and acknowledges the amount payable or other considerations for the Lease.

WITNESSES NOT REQUIRED

.....signature

.....full name

.....qualification

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

Execution Date 10/10/12

Director/Secretary Lessee's Signature

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

ENLARGED PANEL

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Title Reference 21406126

RENTAL:

- A. The rent for the first year of the term hereof shall be \$3,974.40 per annum (plus GST).
- B. On the commencement of the 6th, 11th and 16th years of the term of this Lease the rent will be reviewed to market value and in an amount not less than the rent payable during the preceding Lease year.
- C. The rent for each of the four years of the term hereof after the initial year and after each market review shall be the rent payable for the previous year of the term adjusted by the percentage change per the Consumer Price Index for the City of Brisbane published by the Commonwealth Statistician for the year ending with the September quarter preceding the start of the year for which the rent is to be calculated, provided however the rent shall not be less than that paid in the year prior to the review date.
- D. In the event of abandonment of such Index, another Index may be substituted by the Lessor and the Lessee, but in lieu thereof the amount of each increase shall be such as shall be agreed upon by the Lessor and the Lessee, or failing agreement, then by mediation. If the agreement as to the rent increase can not be agreed by mediation, the adjustment of rent shall be referred to a registered valuer whose determination shall be final. The cost of obtaining the Valuer's determination shall be shared equally by the Lessor and the Lessee.

Title Reference 21406126

- 1.00 Demised Premises. The premises as referred to in item (5) hereof shall hereinafter be referred to as "the demised premises" and such demised premises shall be Leased by the Lessee as Lessee at a rental payable annually in advance to the Lessor of amounts as determined in item (7) hereof the first of which is to commence on the date of commencement of the Lease as referred to in item (6) hereof and subsequent payments to be made at intervals of one calendar year thereafter subject, in addition to the covenants powers and conditions implied herein by the Property Law Act 1974-1975 or such modifications or alterations of the same as hereinafter appear, to the following covenants and restrictions:
- 1.01 Notice of CPI figure. If a percentage change per the Consumer Price Index figure for the City of Brisbane as published by the Commonwealth Statistician is required in the rental adjustments of this Lease, such percentage change shall be notified to the Lessee by the Lessor, together with a calculation of the new rental to be paid in accordance with this Lease.
- 2.00 Lessee's Covenants. **THE LESSEE COVENANTS WITH THE LESSOR AS FOLLOWS:**
- 2.01 To pay Rent. To pay the rent hereby reserved annually in advance to the Lessor or such other person bank or financial institution as the Lessor shall from time to time in writing direct without any deduction on the days aforesaid.
- 2.02 Use of Premises. To use the demised premises for the purpose of construction and use of an aircraft storage hanger or aviation related purposes and not to use the demised premises for any other purposes without the consent in writing of the Lessor first had and obtained and not to carry on or permit to be carried on upon the demised premises or any part thereof any dangerous or offensive trade business or process nor any trade business or process which may require the consent of the Local Authority without such consent first had and obtained by the Lessee nor permit nor suffer to be done anything in or about the demised premises which may cause annoyance nuisance or inconvenience to occupiers of adjacent premises or to persons in the neighbourhood of the demised premises or be in any way disadvantageous to the interests of the Lessor.
- 2.03 To Repair. To keep in repair and maintain the demised premises demised premises and any appurtenances thereto upon or belonging to the same in good and tenable repair and condition having regard to the condition of the demised premises at the commencement of this Lease fair wear and tear and damage by accidental fire storm flood or tempest or other inevitable casualty and without any neglect or default on the part of the Lessee only excepted and at the termination or other sooner determination of the term hereby granted to yield up the same to the Lessor in such repair and condition
- 2.04 To Permit Entry and to Execute Repairs. To permit the Lessor or the agent or agents of the Lessor with or without workmen and others at all reasonable times upon reasonable Notice to enter upon and view the condition of the demised premises and forthwith, upon notice in writing being given to the Lessee by the Lessor, to execute all repairs and work required to be done fair wear and tear excepted by the Lessee hereunder; AND also to permit the Lessor or the agent or agents of the Lessor with or without workmen and others at all reasonable times to enter upon the demised premises for the purposes of effecting any alterations remodelling or repairs (if any) which may be incumbent upon the Lessor pursuant to law or which the Lessor may wish to carry out for ensuring the safety and preservation of the demised premises or which the Lessor may be required to carry out, such repairs being carried out with as little interference to the Lessee as possible.
- 2.05 To pay Costs. To pay upon demand to the extent permissible by law the Lessor's legal costs (on a Solicitor and own client basis on the Queensland Supreme Court Fee Scale) for and incidental to the preparation execution of this Lease, obtainment of Lessor's Mortgagee's consent (if applicable), stamping and registration of this Lease and relevant outlays, AND of the Lessor's Solicitor attending to any requirements of the Commissioner of State Revenue relating to chapter 4 or any other section of the *Duties Act* of the State of Queensland and any further duty and fees payable under the said Act, AND in connection with any application for consent under clause 2.08 hereof, AND all costs and expenses (including legal costs on the same basis and Scale as previously stated in this Clause) which the Lessor may incur in consequence of any default by the Lessee in the performance or observance of any covenant condition or agreement herein contained or implied or which shall have been authorised entered into or made by the Lessee. Furthermore, should the Lessee require this Lease to be registered in the Land Titles Office, the Lessee hereby undertakes to make the necessary arrangements for provision of a sketch plan for insertion in the Lease, capable of registration in the said Land Titles Office, at the cost and expense of the Lessee.

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Land Title Act 1994, Land Act 1994 and Water Act 2000**SCHEDULE**Form 20 Version 2
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- 2.06 To comply with statutes. Duly and punctually to comply with and observe all statutes now or hereafter in force and all ordinances regulations and by-laws thereunder and orders and regulations of all other relevant authorities relating to the demised premises and/or to the business of the Lessee carried on therein and all requirements and orders lawfully given or made by any public body or authority relating to the demised premises within the time required by the notice or order PROVIDED THAT the Lessee shall not be liable for any structural repairs alterations or additions to the demised premises other than those required by reason of the use to which the Lessee or the Lessee's servants or invitees from time to time may put the demised premises or any part thereof or the appurtenances thereto.
- 2.07 To Indemnify Lessor. To indemnify the Lessor and to hold the Lessor always indemnified against all damages losses costs and expenses (including legal costs on a Solicitor and own client basis) which the Lessor may sustain or be put to by reason or on account of any neglect or default on the part of the Lessee in respect of:
- (a) the breach or non-observance of any agreement or stipulation on the part of the Lessee herein contained;
 - (b) the negligent use waste or overflowing of water by the Lessee and of the Lessee's negligently allowing the escape or leakage of gas or electricity;
 - (c) the Lessee making or attempting to make any alteration to the demised premises;
 - (d) the installation or introduction of any plant furniture or material by the Lessee whether such introduction shall have been consented to by the Lessor or not whether caused with or without negligence of any person;
 - (e) loss, damage or injury from any cause whatsoever to property or person within or without the demised premises occasioned or contributed to by any act omission neglect breach or default of the Lessee or any servant agent contractor sub-contractor sub-tenant licensee invitee or other person claiming through or under the Lessee and whether or not the existence of risks of such loss, damage or injury was or should have been known to the Lessor.
- 2.08.1 Not to Assign. Not to assign transfer demise set over or part with possession of or otherwise by any act or deed procure the demised premises or any part or portion or portions thereof to be assigned transferred demise set over or part with the possession of the same or any part or parts thereof otherwise parted with unto any person or persons body corporate or incorporate whomsoever or whatsoever without the consent in writing of the Lessor first had and obtained and further will not without such consent as aforesaid execute any transfer assignment or sub-Lease of or any contract or agreement for the sale transfer assignment or sub-Lease of this Lease or any part of the term hereof but such consent to a proposed assignment or sub-letting shall not be unreasonably arbitrarily or capriciously withheld in favour of a respectable responsible and financial person or persons body corporate or incorporate the burden of proof of such respectability responsibility and financial status lying upon the Lessee. The Lessor shall be entitled to require at the cost of the Lessee as a condition of the Lessor's consent to any assignment hereof:-
- (a) a Deed containing a covenant by the proposed assignee to observe all and every the covenants conditions and stipulations herein contained and on the part of the Lessee to be observed performed and fulfilled and a Power of Attorney clause similar to that contained in Clause 4.08 hereof; and
 - (b) (where the intended assignee is a Body Corporate) a written personal guarantee provided by each of the directors of the intended assignee or such other persons as the Lessor may reasonably require; each personally guaranteeing the assignees performance of all obligations contained in or incidental thereto this Lease and any renewal thereof.

The Lessee is responsible for payment of all professional costs, duties, and outgoings associated with the Assignment and covenant in relation thereto as reasonably required by the Lessor to give effect to this clause.

2.09 Erection of signs.

- (i) Not to erect set up or display any structure or sign (including neon sign) on any part of the demised premises without first having provided details to the Lessor and obtaining approval from the Lessor in writing and/or which may or may be likely to damage or weaken the structure of the building forming part of the demised premises or any part thereof and at the expiration or sooner determination of the tenancy

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to remove or clean off all structures signs signwriting lettering advertisements or hoardings painted placed or erected on the demised premises and to repair and make good to the satisfaction of the Lessor any damage done in or about such removal or cleaning up and in particular to repaint the whole area from which any signs signwriting lettering advertisements and hoardings shall be removed or cleaned off so that the whole of such area shall match and blend in with the surrounding paint work.

- (ii) The Lessee acknowledges and agrees to be bound by the hanger provision of the airport buildings guide attached hereto as Annexure "A"

- 2.10.1 To pay charges. To pay and discharge punctually all Local Authority rates and charges (including water consumption charges) attributable to the demised premises.

- 2.10.2 Taxes & Future Taxes. The Lessee shall unless otherwise expressly provided in this Lease pay and discharge without exception all taxes (excepting Land Tax) charges assessments outgoings and impositions whatsoever (whether parliamentary local authority or otherwise and whether assessed charged or imposed by or under Federal or State Law or by Federal State or Local Authorities and whether on a capital or revenue value or other basis and even though of a novel character) including those of a kind which are not payable at the date of commencement but which may at any time during the term of this Lease be assessed, charged or imposed upon or in respect of the premises or the use and occupation of the premises and whether assessed against the Lessee or directly against the Lessee will be paid to the relevant assessing Authority not later than the due date for the payment and if assessed against the Lessor will be paid by the Lessee to the Lessor upon demand.

- 2.10.3 GST. The Lessee will pay to the Lessor an amount equal to the goods and services tax or other consumption tax payable by the Lessor for all taxable supplies supplied by the Lessor to the Lessee in connection with this Lease. The Lessee will pay the tax when the Lessor provides an invoice for the payment.

The Lessor may include in the amount of the Outgoings to which the Lessee contributes, all goods and services tax or other consumption tax payable by the Lessor in respect of the Outgoings except for any part of the tax that the Lessor may claim as an input tax credit.

- 2.11 To keep clean. To keep the demised premises clean and of good appearance at all times.
- 2.12 To notify defects. To notify the Lessor promptly of any accident to or defects of or leakage in the water pipes or sewerage system and of any other reparations which may be required.
- 2.13 Restrictions. TO NOT:
- (a) permit the demised premises or any part thereof to be used occupied or frequented for any unlawful unseemly or noisy purpose;
 - (b) do or cause to be done anything which might bring the demised premises into disrepute or whereby the standard thereof as existing at present may be lowered or otherwise prejudicially affected;
 - (c) use or allow to be used any of the water closets drains lavatories or other water apparatus for any purpose other than those for which the same are intended AND to not throw or place nor permit to be thrown or placed in any closets or other water apparatus or drain any tea-leaves sweepings rubbish rags ashes or other unsuitable substances;
 - (d) To maintain all areas adjacent to any building in neat and tidy condition including (but not limited to) -
 - Keep all gardens and landscaped areas free of weeds;
 - Mowing all lawns regularly to keep ground areas in a neat condition; and
 - Generally keep the gardens maintained and free of rubbish.
- 2.14 Limit on dangerous substances. Not to use nor permit to be used chemical burning fluids oil acetylene or alcohol in lighting the premises or for any business or other purpose except as reasonably required for the purpose of carrying on the Lessee's said business nor to do nor permit anything to be done in the demised premises nor to bring nor keep anything therein that may in any way make void or voidable or lead to an increased rate of premium being payable in respect of any policy or policies of insurance of the demises premises.

Title Reference 21406126

- 2.15 "To Let" Notice. That the Lessee will during the THREE CALENDAR MONTHS immediately preceding the termination of the term hereof if the Lessee has not availed himself of any agreement with the Lessor for any further term permit the Lessor or the agent or agents of the Lessor or prospective tenants or purchasers and others with the written authority from the Lessor or the age of the Lessor at all reasonable times of the day without causing any undue disturbance to the Lessee to view the premises and will permit the Lessor to exhibit a "To Let" sign outside the premises.
- 2.16 Fixtures and Fittings. Not to pull down or remove or permit or agree to any other person pulling down or removing the fixtures or fittings now upon the demised premises nor shall the Lessee nor any other person or persons erect or re-erect or substitute any other fixtures plant or fittings now upon the said demised premises without first notifying the Lessor and obtaining the consent of the Lessor thereto **AND IT IS HEREBY AGREED AND DECLARED** that the consent of the Lessor shall not for this purpose be unreasonably arbitrarily or capriciously withheld **PROVIDED FURTHER** and notwithstanding anything to the contrary hereinbefore contained the Lessee shall have the right without notifying the Lessor and obtaining the Lessor's consent as aforesaid to erect in or upon the demised premises such fixtures and fittings as may be required for the purpose of the Lessee's business : **AND** at the expiration of the term hereof, **PROVIDED THAT** the Lessee shall have not made default under this Lease, the Lessee shall have the right to remove such fixtures and fittings **PROVIDED THAT** in so doing as little damage as possible shall be done to the demised premises **AND** any such damage shall be repaired by the Lessee at the Lessee's cost.
- 2.17 Insurance
- 2.17.1 Plate Glass. To insure and keep insured to the full replacement value thereof all plate glass in and about the demised premises together with any signwriting thereon (if applicable) with a reputable Insurance Company and in the event of damage or destruction to the whole or any part or parts of the said plate and/or other glass (by any means) to have the damaged or destroyed glass replaced expeditiously.
- 2.17.2 Public Liability. To insure and keep insured against public risk relating to the demised premises for an amount of not less than Ten Million Dollars (\$10,000,000.00) or such other minimum amount as the Lessor may from time to time reasonably nominate for any one event and including indemnity in respect of all claims demands and actions in respect of injury loss or damage to any person or property howsoever sustained arising out of the use or occupation of the demised premises at any time during the term and in respect of all risks of an insurable nature in respect of which the Lessee is obliged to indemnify the Lessor under this Lease. The Lessee will on demand provide evidence of currency of public liability insurance to the Lessor.
- 2.17.3 The Lessee shall not do or omit to do anything upon the demised premises or elsewhere upon the land or bring or keep anything therein whereby any insurance relating to the land whether effected by the Lessee or Lessor may be rendered void or voidable and whereby the rate of premium on that insurance may be liable to be increased. If the Lessor approves a proposal of the Lessee to increase an insured risk, the Lessee shall pay all additional premiums of insurance (if any) required on account of the additional risk.
- 2.18 Town Planning Consents. If the use intended to be made by the Lessee of the Demised Premises requires the consent of the relevant local authority under the Town Planning Scheme for that local authority the Lessee shall at his own cost and expense apply for such consent and the Lessor shall as the registered proprietor of the land consent to any such application. The failure of the Lessee to obtain such consent shall not in any way affect the obligations of the Lessee under this Lease **PROVIDED HOWEVER** that upon such failure and whilst it persists the Lessor may determine this Lease by notice in writing to the Lessee.
- 2.19 Environmental Protection Act Provisions
- (a) The Lessor does not warrant that the Land is not contaminated land within the meaning of the 'Environmental Protection Act 1994' (the "Act").
- (b) The Lessee acknowledges and agrees that it has made such inspections and enquiries as it has desired to make to satisfy itself whether or not the Land is contaminated land within the meaning of the Act.
- (c) The Lessee shall not cause, and shall not permit its employees, agents, contractors, customers, invitees, clients or others (with or without invitation) who may at any time be in or upon the Demised Premises to cause the Land to become contaminated land within the meaning of the Act.

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- (d) The Lessee shall indemnify and keep indemnified the Lessor in respect of any claim, remedy, damage, loss, liability, cost, charge, expense, payment or other expenditure for which the Lessor shall or may be or become liable, whether during the Term, in respect of or arising from the Lessee causing, or permitting its employees, agents, contractors, customers, invitees, clients or others (with or without invitation) who may at any time be in or upon the Demised Premises to cause the Land or any land or place to become contaminated land within the meaning of the Act.

2.20 Construction of Hangar

2.20.1 The Lessee shall construct a Hangar upon the Demised Premises.

2.20.2 The Lessee acknowledges that it shall be responsible for separately obtaining any approvals or permits necessary for the construction of the Hangar.

2.20.3 The Lessee shall submit plans and specifications of the Hangar to the Lessor for approval and shall not commence the construction of the Hangar without the prior approval of the Lessor and in accordance in every respect with the plans and specifications as so approved. The Lessor before giving approval, will take into consideration the uniformity in terms of style, colour and practicality of the plans and specifications of the proposed Hangar in the of existing or neighbouring hangars. The Lessee acknowledges the Lessor may reasonably require as a condition of approval, a design and colour scheme that conforms or complements the colour and design of nearby buildings. The Lessee acknowledges and agrees to be bound by the building requirements of the airport buildings guide attached hereto as annexure "A"

2.20.4 The plans for the Hangar must be submitted to the Lessor for approval within 6 calendar months from the date of commencement of this Lease with a letter from a bank or reputable financial institution confirming all finance necessary for the construction of the Hangar is approved and available to the Lessee.

2.20.5 Construction of the Hangar must be completed within 1 year of the Commencement Date of this Lease.

2.20.6 The Lessee shall not take down or remove any part of the Hangar (or other improvements constructed by the Lessee on the Demised Premises) except in accordance with clause 4.13 of this Lease.

2.20.7 For the purpose of this clause "Hangar" means a building constructed of suitable, durable building materials suited for use as an aircraft storage facility. The Hangar shall have a cost of construction of not less than \$85.00 per square meter of Leased land.

2.20.8 The Lessee acknowledges that the obligation to construct the Hangar is a fundamental term of this Lease. The Lessee acknowledges that Lessor may terminate this Lease if this condition is not complied with.

2.21 The Lessee shall within three months of the commencement of this Lease securely fence the Leased area at the Lessee's expense with animal proof fencing so as to prevent access by animals to the airport runway and taxiway areas over, through or via the Leased land. The animal proof fencing must not be removed during the term of this Lease or any period of extension or holding over without obtaining the consent of the Aerodrome Manager. The Lessee acknowledges that they are responsible for the cost of removal of any animal that gains access to the airport runway or taxiway areas via the Leased land and for any loss or damage caused as a result of the presence of an animal entering onto the airport runway or taxiway areas via the Leased land.

3.00 Lessor's Covenants. THE LESSOR HEREBY COVENANTS WITH THE LESSEE AS FOLLOWS:

3.01 Quiet enjoyment. That if the Lessee shall promptly pay the rent hereby reserved and observe and perform the Lessee's agreements herein throughout the said term the Lessee shall peaceably hold and enjoy the said premises during the term as aforesaid without any interruption by the Lessor or any person lawfully claiming under or in trust for the Lessor.

3.02 Works by Lessor. That the Lessor will at all times during the said term execute any works which by any local or other Government Authority or instrumentality shall be required to put the demised premises in good and sanitary order" and condition (other than such works as the Lessee is obliged to execute in accordance with the provisions hereof).

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- 3.03 **Sale of Property.** The Lessor shall not during the continuance of this Lease or any extension or renewal thereof sell assign or otherwise dispose of its interest in the demised premises or any part thereof or the said land of which the demised premises forms part without first obtaining from the person in whose favour it is intended to make such sale assignment or disposition the execution of a covenant whereunder such person covenants with the Lessee that he will be bound by the covenants on the part of the Lessor herein contained or implied including the options for renewal as though he were the Lessor named herein instead of the said Lessor first hereinbefore mentioned to the intent that the covenants upon the part of the Lessor herein contained or implied shall be binding upon him and enure for the benefit not only of the Lessee but also his successors in title, such covenant shall be prepared by the Lessor's Solicitors, and the Lessee shall pay all the Lessor's reasonable professional costs and outlays in connection with the preparation execution and stamping thereof.
- 4.00 **IT IS HEREBY AGREED AND DECLARED BY AND BETWEEN THE LESSOR AND THE LESSEE AS FOLLOWS:**
- 4.01 **Powers on Default.** That if the rent hereby reserved or any part thereof shall be in arrears for the space of fourteen (14) days after the same shall become payable although no legal or formal demand shall have been made therefore it being hereby agreed that no such demand shall be necessary or if the Lessee shall make a breach of any covenant obligation condition or agreement (express or implied) in this Lease or if the Lessee shall being a Company go into liquidation either voluntary or compulsory (except for the purpose of reconstruction) or if a winding up petition be presented against it or if a Receiver or Official Manager of its property be appointed or if any Writ of Execution be levied on the real or personal property of the Lessee and such breach shall not be remedied after a period of fourteen (14) days from the date the Lessor shall have served on the Lessee a Notice pursuant to Section 124 (1) of the Property Law Act 1974 - 1985 (it being specifically agreed by and between the Lessor and the Lessee that the said period of fourteen (14) days is a reasonable time under the said Section 124 (1) to remedy any such breach) THEN and in any of the said cases it shall be lawful for the Lessor immediately thereupon or at any time thereafter and notwithstanding that the Lessor may have waived or failed to take advantage of any prior breach of a like nature to determine this Lease (without the demand for the payment of rent and with or without any re-entry on the demised premises) by Notice in writing and thereupon the term hereby granted and then current shall cease and absolutely determine without prejudice however to any right of action or remedy of the Lessor in respect of any antecedent breach of any of the covenants or agreements on the part of the Lessee herein contained or implied. It is hereby expressly declared that this clause shall be in substitution of Section 107(d) of the Property Law Act 1974 - 1985.
- 4.02 **Water damage.** The Lessor shall not be liable to the Lessee or any person claiming under or through the Lessee for any loss or damage whatsoever directly or indirectly caused by or arising from rain or other water or fluid flowing or leaking into or being in the demised premises or any part thereof or issuing from any pipes attached to or connected with the same or otherwise in or upon the land on part of which the demised premises, provided that such loss or damage is not caused by any act or neglect or default on the part of the Lessor.
- 4.03 **No waiver.** That no waiver by the Lessor of any breach or non-observance by the Lessee of any of the covenants conditions or agreements herein contained on the part of the Lessee to be observed or performed shall be construed to be a general or continuing waiver.
- 4.04 **Notices.** Unless otherwise herein provided any Notice given by the Lessor shall be deemed to be duly served on the Lessee if delivered to the Lessee personally or any one of the Lessees in the case of two or more or if the Lessee is a Company or Corporation then to any person at its registered office appearing to be a servant thereof or if left at the demised premises or sent to the Lessee by certified mail in an envelope addressed to the Lessee at the demised premises and in the latter case service shall be deemed to have been effected on the day following the posting thereof.
- 4.05 **Mediation/Arbitration.** Any dispute or difference whatsoever arising out of or in connection with this Lease ("dispute") shall be resolved as follows:-
- 4.05.1 **Reference to alternate dispute resolution**
- The parties shall first refer the Dispute to mediation ("the ADR reference") by a Law Society Approved Mediator agreed by the parties and failing agreement appointed by the President of the Society on the terms of the Standard Mediation Agreement approved by the Queensland Law Society.

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The ADR reference shall commence when any party gives written notice to the other(s) specifying the Dispute and requiring its resolution under this clause.

Any information or documents obtained through or as part of the reference under this sub-clause shall not be used for any purpose other than the settlement of the Dispute under this sub-clause.

4.05.2 Final Resolution

If the Dispute is not resolved within twenty-one (21) days of the commencement of the ADR reference either party may then, but not earlier, commence proceedings in any court of competent jurisdiction.

4.05.3 Venue

Any mediation under this clause shall be held at a venue as agreed between the parties, failing agreement then as appointed by the President for the time being of the Queensland Law Society Incorporated.

4.05.4 Contract Performance

Each party shall continue to perform this Lease notwithstanding the existence of a Dispute or any proceedings under this clause.

4.06 Power of Attorney. That in consideration of the Lease hereby granted the Lessee hereby irrevocably makes nominates constitutes and appoints and in the place and stead of the Lessee puts and deposes the Lessor and the attorney or attorneys substitute or substitutes of the Lessor jointly and severally to be the true and lawful attorney or attorneys of the Lessee and as the act and deed of the Lessee to make sign seal and execute and deliver all and every such instrument or instruments deed or deeds or other documents as the Lessor or the said attorney or attorneys substitute or substitutes may in his her or their absolute discretion see fit for further assuring to the Lessor the powers rights and privileges hereinbefore conferred or expressed or intended so to be AND ALSO in the name and on behalf of the Lessee to execute and procure the registration of a surrender of this Lease or any assignment thereof without any payment or compensation whatsoever to the Lessee and from time to time appoint a substitute or substitutes and such appointment at pleasure to revoke and another or others to appoint AND generally to do execute and perform all acts matters and things whatsoever relating to the premises as fully and effectually to all intents and purposes as the Lessee could do the Lessee hereby ratifying and confirming and covenanting to ratify and confirm all and whatsoever the Lessor or the substitute or substitutes attorney or attorneys of the Lessor shall lawfully do or cause to be done in and about the premises and also agreeing not to revoke the powers hereby conferred or any of them at any time during the continuance of this Lease PROVIDED ALWAYS and it is hereby agreed and declared that the powers conferred by this clause shall not be exercised by the Lessor unless default shall have been made by the Lessee in the observance performance or fulfilment of some one or more of the covenants provisions conditions and agreements herein contained or implied or unless this Lease shall be determinable or determined under the provisions hereof and sufficient proof of such default or determination shall for all purposes be a statutory declaration by any authorised person acting on behalf of the Lessor.

4.07 Holding Over. If after the expiration of the said term the Lessee shall with the consent of the Lessor remain in possession of the demised premises without any express arrangements being made for a further term the Lessee shall hold the demised premises from the Lessor as a tenant from month to month at a monthly rental equal to the monthly instalment of rent which was payable by the Lessee to the Lessor for the month immediately prior to the Lessee becoming such tenant from month to month payable monthly in advance and otherwise upon the same terms and conditions as are herein contained as far as the same applicable to a monthly tenancy and such tenancy may be determined at any time upon one calendar month's notice being given in writing by either party to the other.

4.08 Damages.

(a) If any of the Lessee's conduct amounts to:-

(i) a repudiation of the Lease (or any of the Lessee's obligations in the Lease), or a breach of any covenant in the Lease,

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the Lessee must compensate the Lessor for any loss or damage suffered because of the repudiation or breach.

- (b) The Lessor may recover damages from the Lessee for the repudiation or breach in (a) for damages suffered during the whole term of the Lease.
- (c) The Lessor may recover damages even though:-
 - (i) the Lessee has abandoned the premises,
 - (ii) the Lessor has re-entered or terminated the Lease,
 - (iii) the Lessor has accepted the Lessee's repudiation, or
 - (iv) there has been a surrender of the Lease by operation of law.
- (d) The Lessor's acceptance of rent or any other money under the Lease (whether before or after termination) is not a waiver of any breach or an acceptance of the Lessee's repudiation of the Lease.
- (e)
 - (i) If the Lessor terminates the Lease, the Lessor must take reasonable steps to mitigate his damages by accepting to Lease the premises on reasonable terms and at a reasonable rent,
 - (ii) The Lessor shall not be required to take any further steps to mitigate his damages,
 - (iii) The Lessor's right to damages shall be assessed on the basis the Lessor has observed the obligation to mitigate his damages.

4.09 Interpretation. Unless such interpretation shall be excluded by or be repugnant to the context:

- (a) Whenever more than one Lessor or Lessee is a party hereto the words "Lessor" and "Lessee" whenever applicable shall be read as "Lessors" and "Lessees" respectively and shall be deemed to be followed where necessary or applicable by words relating to the plural number instead of the singular and the covenants herein contained or implied on the part of the Lessee shall be deemed to be entered into by the Lessees jointly and severally.
- (b) When the Lessor or the Lessee is a woman the words "him" and "his" when they relate to the Lessor or the Lessee respectively shall be read as "her". Words importing the masculine gender shall where applicable import the feminine and neuter gender.
- (c) Whenever a Company or Corporation shall be a party hereto either as Lessor or as Lessee the words "Lessor" and "Lessee" or "person" whenever used herein shall where applicable be deemed to mean and include such Company or Corporation and its successors and assigns and the words "him" or "his" when referring to such Company or Corporation shall read as "it and "its" respectively.

4.10 Any inconsistency. If any inconsistency exists between the provisions of this Lease and those implied by the said *Property Law Act 1974 - 1985*, the said provisions of this Lease shall prevail over those implied by the said Act.

4.11 Clause headings. The clause headings to this Lease shall not be considered as part of the Lease and shall not affect the construction or meaning thereof.

4.12 Registration. If the Lessee shall so require, this Lease shall be registered in the Titles Office at any time at the cost of the Lessee

4.13 Removal of Improvements

4.13.1 Subject to the next succeeding clause hereof the Lessee may, within thirty (30) days after the expiration or sooner determination of this Lease, take down, remove or carry away all buildings, fixtures and improvements the Lessee has with the approval of the Lessor and during the continuance of this Lease erected or constructed upon the Demised Premises provided that in effecting such removal the Lessee shall do as little damage as possible and shall restore to the satisfaction of the Lessor the Demised Premises to the same or substantially the same condition as they were in immediately prior to the erection or construction of these buildings, fixtures and improvements.

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4.13.2 The Lessor may within, thirty (30) days after the expiration or sooner determination of this Lease, by notice in writing to the Lessee require the Lessee within a reasonable period after the giving of notice to take down, remove and carry away all or any buildings, fixtures and improvements which the Lessee has during the continuance of this Lease erected or constructed upon the Demised Premises, and the Lessee covenants to take down, remove and carry away the buildings, fixtures and improvements, specified in notice and to restore the Demised Premises to the same and substantially the same condition as they were in prior to the erection or construction of those buildings, fixtures and improvements.

4.13.3 Abandoned fittings belong to Lessor. Any improvements, fittings or fixtures not removed by the Lessee either as of right or by requirement of the Lessor as aforesaid shall be deemed abandoned by the Lessee and shall be and become the property of the Lessor. If any improvements, fittings or fixtures so abandoned require, in the reasonable opinion of the Lessor, demolition or works to make them safe, the Lessor may undertake those works, the costs of that labour or those works being recoverable from the Lessee by the Lessor.

4.14 First Renewal Option. If the Lessee desires a renewal of this Lease:

PROVIDED THAT

- (1) The Lessee shall have punctually paid the rent and observed and performed and kept the covenants conditions and restrictions required to be observed performed and kept by the Lessee throughout the term of this Lease, and
- (2) The Lessee shall have served on the Lessor written notice of exercise of option during the period commencing six calendar months and ending three calendar months before the date of expiry of the term of the Lease,

THEN the Lessee may, by service of that notice, accept this offer by the Lessor to grant a renewal of this Lease for a further term of ten (10) years from the day after the date of expiry of the term of this Lease, containing identical covenants conditions and restrictions to the covenants conditions and restrictions of this Lease (except this Clause), and

THE RENTAL for the first year of such extended term shall be subject to market review and shall be agreed upon between the Lessor and the Lessee prior to the expiry date of commencement of the further term but failing agreement then determined as follows:

- (a) The calendar monthly rental shall be reviewed and determined by a disinterested registered valuer whose determination shall be binding between the parties. The registered valuer shall be appointed by mutual agreement or failing agreement, by the President for the time being of the Australian Institute of Valuers.
- (b) It is further covenanted and agreed as follows:-
 - (i) The valuer shall be requested to complete his assessment within twenty-eight (28) days of his appointment.
 - (ii) The costs of the valuer shall be borne equally by the Lessor and the Lessee.
 - (iii) In the event of the death or the incapacity of the valuer to commence or complete his valuation within the time specified in sub-paragraph (i) hereof, or within any extended time agreed upon between the parties, either party may apply to the President for the time being of the said Institute to appoint another person to act as valuer and thereupon the engagement of the first valuer shall cease, the new appointee shall be the valuer for the purposes of this clause and the time referred to in the clause shall commence from the date of his nomination as valuer.
 - (iv) The current market rent shall mean the annual rental value of the demised premises on the open market which might reasonably be demanded by a willing but not anxious Lessor on a Lease for a term of years certain equivalent in length to the residue unexpired at the date on which such current market rent is to first take effect of the terms of years hereby granted; AND the valuer in determining the current market rent shall inter alia have regard to the availability and rental of comparable premises, and in this context the word "comparable" shall include site position access and visibility of the demised premises to the public from adjacent roadways.

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AND the valuer in determining the current market rent shall not take into account any goodwill attributable to the demised premises as a result of the business carried on the demised premises by the Lessee.

- (v) Until the rent shall have been determined in respect of the reviewed dates the Lessee shall continue to pay the rental payable at the last review date and upon the rent having been determined pursuant to this clause the Lessee covenants to pay the new rental assessed in accordance with such determination within twenty-eight (28) days after receipt by the Lessee of a notice stating the amount due and its computation.
- (c) No determination of the annual rent hereunder shall operate to reduce the rent payable by the Lessee below the rental payable during the preceding year of the tenancy.

The rent for each remaining year of the extended term shall be the rent for the previous year of the term increased by the percentage change in the Consumer Price Index for the City of Brisbane as published by the Commonwealth Statistician, for the year ending with the September quarter over the same quarter for the previous year.

In the event of abandonment of such Index, another Index may be substituted by the Lessor and the Lessee, but in lieu thereof the amount of each increase shall be such as shall be agreed upon by the Lessor and the Lessee, or failing agreement, then to be determined pursuant to sub-clauses (a) and (b) above of this clause.

4.15 Second Renewal Option. If the Lessee desires a further renewal of this Lease:

PROVIDED THAT

- (1) The Lessee shall have punctually paid the rent and observed and performed and kept the covenants conditions and restrictions required to be observed performed and kept by the Lessee throughout the term of this Lease, and the first option period, and
- (2) The Lessee shall have served on the Lessor written notice of exercise of option during the period commencing six calendar months and ending three calendar months before the date of expiry of the term of the first option period,

THEN the Lessee may, by service of that notice, accept this offer by the Lessor to grant a renewal of this Lease for a further term of ten (10) years from the day after the date of expiry of the term of this Lease, containing identical covenants conditions and restrictions to the covenants conditions and restrictions of this Lease (except this Clause), and

THE RENTAL for the first year of such extended term shall be subject to market review and shall be agreed upon between the Lessor and the Lessee prior to the expiry date of commencement of the further term but failing agreement then determined as follows:

- (a) The calendar monthly rental shall be reviewed and determined by a disinterested registered valuer whose determination shall be binding between the parties. The registered valuer shall be appointed by mutual agreement or failing agreement, by the President for the time being of the Australian Institute of Valuers.
- (b) It is further covenanted and agreed as follows:-
 - (i) The valuer shall be requested to complete his assessment within twenty-eight (28) days of his appointment.
 - (ii) The costs of the valuer shall be borne equally by the Lessor and the Lessee.
 - (iii) In the event of the death or the incapacity of the valuer to commence or complete his valuation within the time specified in sub-paragraph (i) hereof, or within any extended time agreed upon between the parties, either party may apply to the President for the time being of the said Institute to appoint another person to act as valuer and thereupon the engagement of the first valuer shall cease, the new appointee shall be the valuer for the purposes of this clause and the time referred to in the clause shall commence from the date of his nomination as valuer.

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- (iv) The current market rent shall mean the annual rental value of the demised premises on the open market which might reasonably be demanded by a willing but not anxious Lessor on a Lease for a term of years certain equivalent in length to the residue unexpired at the date on which such current market rent is to first take effect of the terms of years hereby granted; AND the valuer in determining the current market rent shall inter alia have regard to the availability and rental of comparable premises, and in this context the word "comparable" shall include site position access and visibility of the demised premises to the public from adjacent roadways.

AND the valuer in determining the current market rent shall not take into account any goodwill attributable to the demised premises as a result of the business carried on the demised premises by the Lessee.

- (v) Until the rent shall have been determined in respect of the reviewed dates the Lessee shall continue to pay the rental payable at the last review date and upon the rent having been determined pursuant to this clause the Lessee covenants to pay the new rental assessed in accordance with such determination within twenty-eight (28) days after receipt by the Lessee of a notice stating the amount due and its computation.
- (c) No determination of the annual rent hereunder shall operate to reduce the rent payable by the Lessee below the rental payable during the preceding year of the tenancy.

The rent for each remaining year of the extended term shall be the rent for the previous year of the term increased by the percentage change in the Consumer Price Index for the City of Brisbane as published by the Commonwealth Statistician, for the year ending with the September quarter over the same quarter for the previous year.

In the event of abandonment of such Index, another Index may be substituted by the Lessor and the Lessee, but in lieu thereof the amount of each increase shall be such as shall be agreed upon by the Lessor and the Lessee, or failing agreement, then to be determined pursuant to sub-clauses (a) and (b) above of this clause.

GUARANTEE

IN CONSIDERATION of the within mentioned TABLELANDS REGIONAL COUNCIL of Rankin Street, Mareeba in the State of Queensland (hereinafter called "the Lessor") having agreed to enter into and execute the within Lease at the request of BRUCE MAXWELL WEDMAIER of 30 Tyrconnell Crescent, Redlynch in the State of Queensland (hereinafter called "the Guarantor") that he the Guarantor DOES HEREBY AGREE with the Lessor in the manner following that is to say:-

- (a) THAT HE DOES HEREBY GUARANTEE the performance by the Lessee of each and every one of its obligations contained in the within Lease or otherwise imposed by operation of Law including (but not limited to) the due and punctual payment of the rentals and all other monies payable by the within mentioned Lessee to the Lessor.
- (b) That he will not be released from his obligations under these presents by the granting of any time or indulgence to the within mentioned Lessee or by any other thing whatsoever which under the law relating to sureties would but for this provision have the effect of releasing them.
- (c) That in order to give better effect to this Guarantee he DECLARES that the Lessor shall be at liberty to act as though they were the principal debtor and he HEREBY WAIVES all and any of his rights as sureties which might at any time be inconsistent with this provision hereof.
- (d) That these presents shall be a running and continuing guarantee and indemnity and shall remain of full force and effect until all the rentals and other monies payable hereunder by the within mentioned Lessee to the Lessor shall have been paid in full.

DATED this TWENTY day of OCTOBER 2012.


SIGNED by the said Guarantor)

BRUCE MAXWELL WEDMAIER)

in the presence of:)

[Signature]

[Signature]
A Justice of the Peace/Solicitor



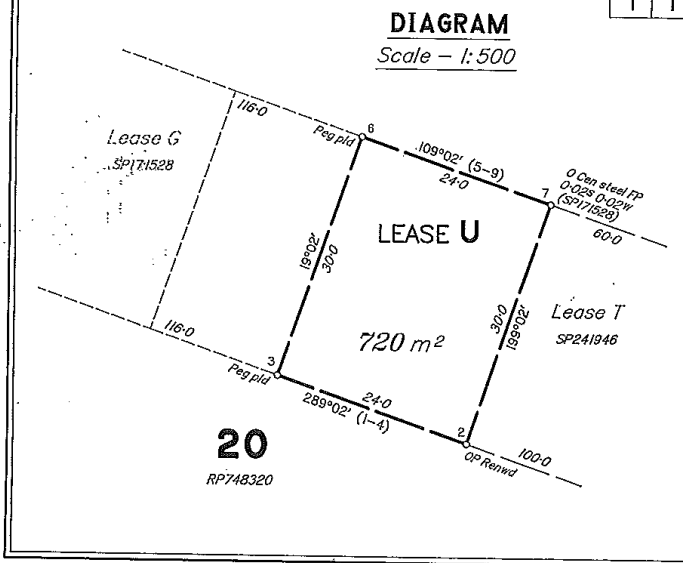
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Stn	To	Origin	Bearing	Dist
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2	Pin	SP171528	199°02'	2.5
3	Pin	SP171528	199°02'	2.5
4	OIP	SP171528	199°02'	2.5
5	OIP	SP171528	19°02'	2.0
6	Pin	SP171528	19°02'	2.0
7	Pin	SP171528	19°02'	2.0

SURVEY PLAN

Sheet 1 of 1

DIAGRAM
Scale - 1:500



20
RP748320

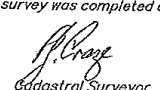
Permanent Marks

PM	Origin	Bearing	Dist	Nº	
8-OPM	SP171528	64°02'	2.828	163851	Ntd & chkd
9-OPM	SP171528	19°02'	2.0	163850	

20
RP748320

Plan of Lease U in Lot 20 on RP748320

I, Peter John Craze hereby certify that the land comprised in this plan was surveyed by me personally and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 24-7-2012



Cadastral Surveyor

4/9/2012
Date

PARISH: TINAROO		COUNTY: Nares	
Meridian: MGA Zone 55 vide SP171528		F/N's: No	

Scale: **1:1500**

Format: **STANDARD**



SP251443

Plan Status:

Current Company Extract for MAREEBA HANGARS PTY LTD

Extracted from ASIC database on 14/03/2018 at 09:09 AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

Corporation Details		Document Number
Name:	MAREEBA HANGARS PTY LTD	6E4139739
A.C.N.:	624446304	
Registered In:	QLD	
Registration Date:	15/02/2018	
Organisation Number Type:	A.C.N. (Australian Company Number)	
Review Date:	15/02/2019	
Details Start Date:	15/02/2018	
Status:	Registered	
Name Start Date:	15/02/2018	
Type:	Australian Proprietary Company	
Class:	Limited by Shares	
Subclass:	Proprietary Company	
Disclosing Entity:	No	
Registered Charity:	No	

Company Addresses		Document Number
Address Type:	Registered Office	6E4139739
Address:	127 SHERIDAN STREET CAIRNS , QLD 4870	
Start Date:	15/02/2018	
Address Type:	Principal Place of Business	6E4139739
Address:	127 SHERIDAN STREET CAIRNS , QLD 4870	
Start Date:	15/02/2018	

Company Officers		Document Number
Role:	Director	6E4139739
Name:	BRIDGE, NATHAN WILLIAM	
Address:	13 HILLTOP CLOSE BAYVIEW HEIGHTS , QLD 4868	
Birth Details:	25/09/1981 DARLINGHURST NSW	
Appointment Date:	15/02/2018	
Role:	Director	6E4139739
Name:	OWEN, WILLIAM JOSEPH	
Address:	9 WOODLANDS AVENUE EDGE HILL , QLD 4870	
Birth Details:	11/05/1955 TORRINGTON UNITED KINGDOM	
Appointment Date:	15/02/2018	
Role:	Secretary	6E4139739
Name:	BRIDGE, NATHAN WILLIAM	
Address:	13 HILLTOP CLOSE BAYVIEW HEIGHTS , QLD 4868	
Birth Details:	25/09/1981 DARLINGHURST NSW	
Appointment Date:	15/02/2018	

Share Structure		Document Number
Share Class:	ORD (ORDINARY SHARES)	6E4139739
Number of Shares Issued:	120	

Amount Paid: \$ 120.00
Total Unpaid: \$ 0.00

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

Shareholders		Document Number
Class:	ORD	6E4139739
Number Held:	60	
Beneficially Held:	No	
Fully Paid:	Yes	
A.C.N.:	619120320	
Org Name:	HAPPY QUOKKA PTY LTD	
Address:	UNIT 12 92-96 PEASE STREET MANUNDA , QLD 4870	
Joint Holding Indicator:	No	
Share Issuer Org Number Type:	A.C.N. (Australian Company Number)	
Class:	ORD	6E4139739
Number Held:	60	
Beneficially Held:	Yes	
Fully Paid:	Yes	
A.C.N.:	137700906	
Org Name:	TRIUNE HOLDINGS PTY LTD	
Address:	LEVEL 1 12-20 TOOGOOD ROAD WOREE , QLD 4868	
Joint Holding Indicator:	No	
Share Issuer Org Number Type:	A.C.N. (Australian Company Number)	

ASIC Satisfied Charges and Related Documents

There are no satisfied charges recorded for this organisation (No charges records are displayed where the extract type is current).

Note: This extract may not contain all charges for organisations registered prior to 1991 and it may be advisable to also search the state or territory records held by A.S.I.C.

Note: On January 30, 2012 the Personal Property Securities Register (PPS Register) commenced. The details of current charges will only be available from the PPS Register and the details of satisfied charges (as at 30th January 2012) can be obtained from ASIC. Further information can be obtained from www.ppsr.gov.au

ASIC Document List

Form Type	Pages	Received	Processed	Effective	Document Number
201	3	15/02/2018	15/02/2018	15/02/2018	6E4139739
201C Application For Registration as a Proprietary Company					

**** End of Report ****

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ITEM-15 BASALT GULLY**MEETING:** Ordinary**MEETING DATE:** 21 March 2018**REPORT OFFICER'S
TITLE:** Manager Technical Services**DEPARTMENT:** Infrastructure Services

EXECUTIVE SUMMARY

This report seeks Council approval to undertake a Vegetation Management project within Basalt Gully from Stewart Street to Keeble Street. The project objective is to reduce the density of vegetation in selected areas, thereby promoting the regeneration of grassed open spaces which support and promote community usage. It is also intended to develop maintenance access to the boundary of the parklands, which is vital in the long-term management of the area.

OFFICER'S RECOMMENDATION

"That Council approves the Vegetation Management project for the Basalt Gully parkland area."

COMMENT

The wider Basalt Gully parklands, which includes Bicentennial Lakes, is a high value community reserve which is intended to provide for community open space use. As trees have matured, the vegetated areas within the parklands have become overgrown, with little grass cover below and restricting community access. Additionally, in many areas, the vegetation has encroached onto the boundary of the parklands and roadway resulting in a restriction of access to Council Officers for maintenance purposes. As an outcome of the overgrown vegetation, some undesirable community behaviour has been identified in the area, further constraining the intended function of the parklands.

At the Ordinary Meeting on 20 November 2017, Council adopted the Bicentennial Lakes Masterplan draft concept drawing for consultation purposes. Preliminary assessment of community survey results indicates that the proposed project would generally be supported by the wider community through improving overall amenity of the area.

It is proposed to address the vegetation issue by focusing on three (3) areas of concern within the park, being;

1. Density of Vegetation
2. Park Maintenance Access
3. Roadside Vegetation Management

The attached maps indicate the areas identified for the various treatments.

Density of Vegetation:

De-densification of the parklands will involve the strategic removal of trees from within the overgrown sections of the parklands. The intention will be to create parklands which incorporate a varied range of tree sizes with suitable spacing so to ensure healthy establishment of grassed open areas to promote community usage.

Park Maintenance Access:

Establishment of a 5m wide vehicle access pathway between all fixed property boundaries and the nearest tree, which should provide sufficient access to ensure any machinery required to maintain the park is able to access the site. If during the establishment of the 5m pathway, a tree outside of the alignment becomes unbalanced or has its structural root zone impacted; removal of affected tree will also occur.

Roadside Vegetation Management:

Any vegetation which may cause an impediment to the safe function or maintenance of the road will be removed.

Council Officers are aware that, from time to time, flying foxes may be found within the parklands. To ensure no harm occurs to the animals, a program to 'move on' the populations will be undertaken in accordance with the guidelines.

Site Reinstatement

Following removal of trees, areas will be levelled, topsoiled and grass-seeded to allow future maintenance. Felled trees will be mulched for use on landscaped areas within the Basalt Gully parklands.

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*

Corporate & Community Services staff
Infrastructure Services staff

External

Community consultation on the draft Bicentennial Lakes Masterplan closes on 16 March 2018.

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

A qualified and experienced arborist will be engaged to undertake any removal of trees due to the specialised nature of this work.

There is currently a colony of Little Red Flying Foxes residing behind the pool area per the attached map, and to conduct works the Flying Foxes will need to be relocated. The Development and Governance section of Council will implement a process to reduce the risk of harm to any Flying Fox. A monitoring program will occur during works to ensure no Flying Foxes return while works are being conducted.

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

The cost of this Vegetation Management project for the Basalt Gully, estimated at \$250,000, will be funded through Parks Contributions in the 2018/19 budget.

Operating

Some additional maintenance costs may be incurred for additional areas requiring mowing. However, it is anticipated that some of these costs will be offset through a reduction in reactive maintenance (e.g. Fallen branches and trees).

IMPLEMENTATION/COMMUNICATION

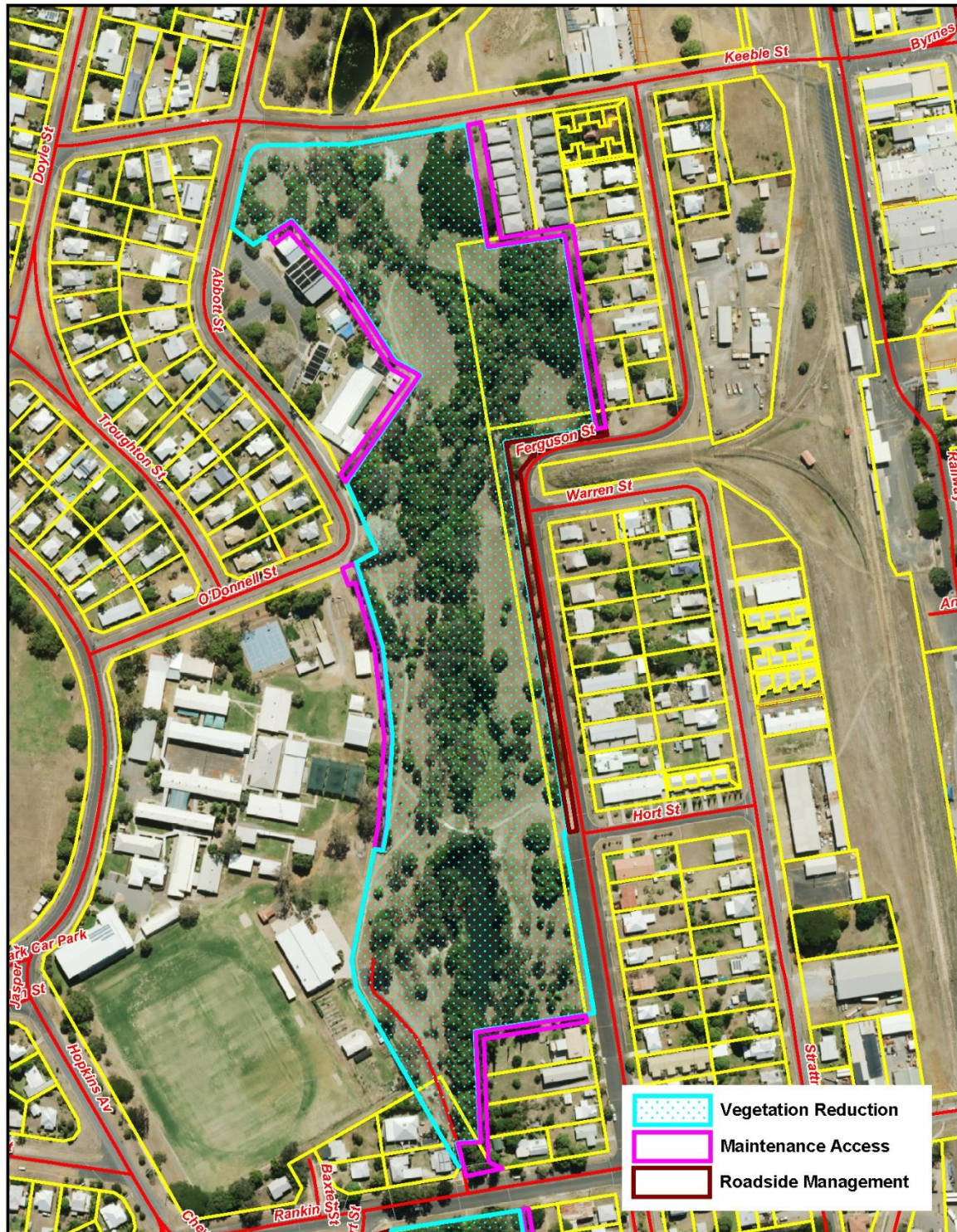
Works have commenced to undertake vegetation management in the northern section of Basalt Gully due to favourable weather conditions. Works will continue towards the south and are expected to take approximately 10 weeks to complete. Affected residents and businesses will be notified of works as required,

ATTACHMENTS

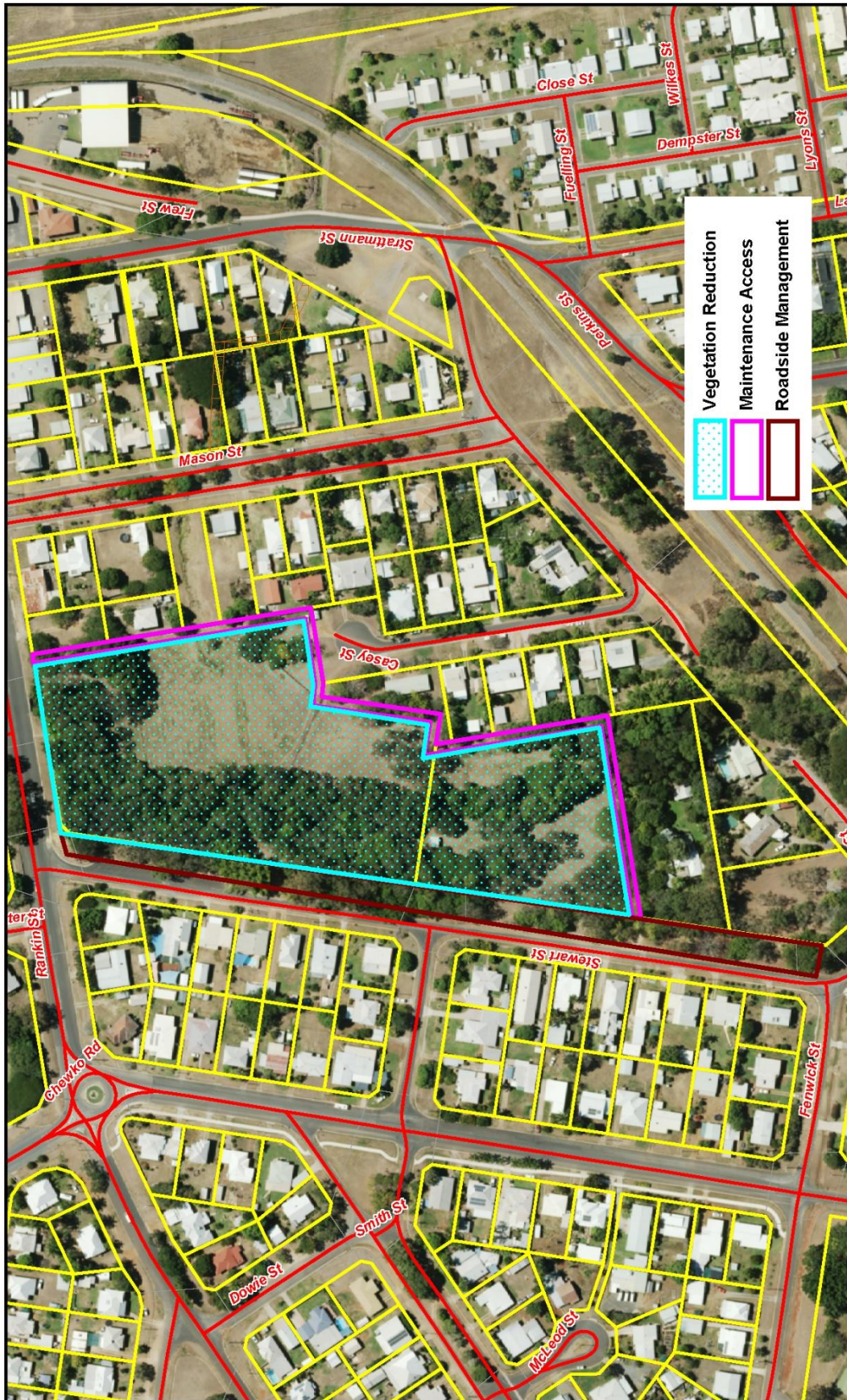
1. Maps of vegetation treatments proposed for Basalt Gully.

Date Prepared: 14 March 2018

Vegetation Management: Rankin Street to Keeble Street



Vegetation Management: Stewart Street to Rankin Street



Do Not Scale

Map Grid of Australia Zone 55 (GDA94)

©2016 Mareeba Shire Council (MSC). Based on or contains data provided by NSC and the State of Queensland Department of Natural Resources & Mines (DNRM) (2016). In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept no liability (including without limitation, liability in negligence) for any loss, 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.

**ITEM-16 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES
MONTHLY ACTIVITIES REPORT - FEBRUARY 2018****MEETING:** Ordinary**MEETING DATE:** 21 March 2018**REPORT OFFICER'S
TITLE:** Manager Technical Services**DEPARTMENT:** Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

This purpose of this report is to inform Council of Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management and Investigation Services activities undertaken by the Technical Services Section of Infrastructure Services during the month of February 2018.

OFFICER'S RECOMMENDATION

"That Council receive the Technical Services Monthly Report for the month of February 2018."

BACKGROUND**Design**

- 2017/18 Capital Works
 - Malone Road Drainage, Mareeba - Waiting final checks
- Works for Queensland Round 2
 - Petersen Street, Bibbohra Car Park – Preliminary Detailed Design
 - Clacherty Road Causeway - Detailed Design complete and hand over to Works for construction
 - Hodzic Road Causeway - Detailed Design complete and hand over to Works for construction
- Miscellaneous Works
 - Anzac Avenue and Ceola Drive Intersection - Traffic and pedestrian movement assessment conducted by AECOM.
 - WWII Markers - Locality Plan and details for Grants submission finalised
 - Pickford Road - Concept plans and cost estimate
 - Julatten School - Concept plans for bus and vehicle parking and movements.
 - Mareeba Landfill Capping - Providing technical assistance for As Constructed volumes.

Survey

- 2017/18 Capital Works
 - Oak Forest Road - Construction survey assistance
 - Works for Queensland Round 2
 - Tinaroo Creek Road - Survey Setout and Construction survey assistance
-

- Royes Street - Survey Setout and Construction survey assistance
- Miscellaneous Works
 - Mareeba Landfill Monthly Survey
 - Fumar Road, Mutchilba - Drainage pick up
- TIDS
 - Springmount Road, Arriga - Detailed Survey commenced
 - Mt Mulligan Road – Detail Survey completed and handed over to Design

SUBDIVISIONS AND INVESTIGATIONS

Subdivisions

- Current - Under construction
 - Amaroo Stage 9
 - Hilltop Close, Kuranda (Vegetation clearing)
- On-Maintenance - Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset
 - Springmount Road and Kippen Drive Intersection Upgrade
 - G & A Trevisin – Wolfram Road
- Operational Works
 - Barnwell property:
 - Dam Construction completed and being monitored
 - Access approved and monitoring for erosion issues.
 - Nature Base Tourism Works (MCU/17/0012) completed and monitoring

PROJECT MANAGEMENT

Building

- PCYC Building Upgrade – Work substantially complete, waiting for approval from Department of Environment and Science regarding the proposed design and installation of stainless steel balustrade to internal stairs.
- Mareeba and Dimbulah Pool Filter Upgrades – Plans revised to a reduced scope of works. PIMS to quote on supplying new replacement filter tanks for the Dimbulah Pool, like for like. Continue maintenance on Mareeba Pool filter tanks.
- New Pump Shed Mareeba Small Pool - Council approval to proceed received. Work to commence when information from chlorine service provider inspects site and provides delivery requirements.
- Mareeba Riverside Caravan Park Boundary Fence – Fence completed. Minor tidy up to footpath outstanding.
- Dimbulah Cemetery Toilets - Awaiting structural certification before lodging building application.
- Kuranda Centenary Park Toilet Upgrade - QS (quantity surveyor) and temporary facilities cost received. Meeting with architect to review estimates.

Civil

- **2017-18 Reseals Bitumen and Asphalt Programmes** – FGF have completed the bitumen reseal part of the programme. The asphalt programme is currently out to Tender and closing 5 April 2018. Asphalt works expected to be undertaken in May/ June 2018.

- **2018-19 Reseals Bitumen Programme** – An indicative bitumen reseal programme is being compiled for FNQROC to initiate the Tender / procurement process.

FACILITIES

Dimbulah Caravan Park

- Total of bookings for February 2018 – 296.

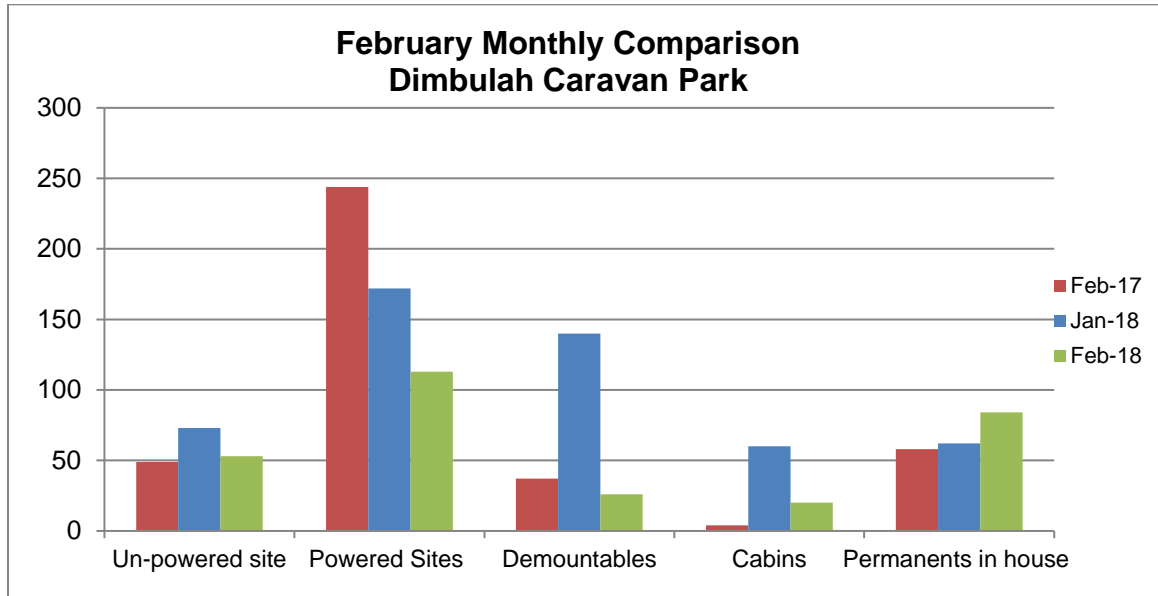


Figure 1. Monthly comparison Dimbulah Caravan Park

Mareeba Riverside Caravan Park

- Total of bookings for February 2018 - 2,548

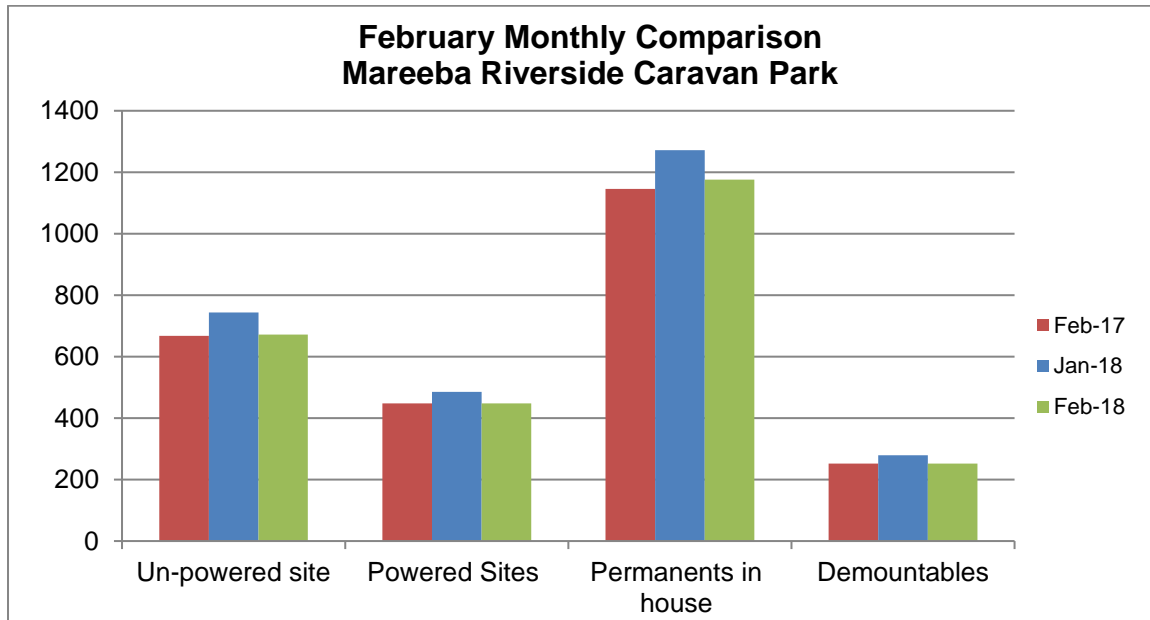


Figure 2. Monthly comparison Mareeba Riverside Caravan Park

Public Halls

- Total hall bookings for February 2018 - 82

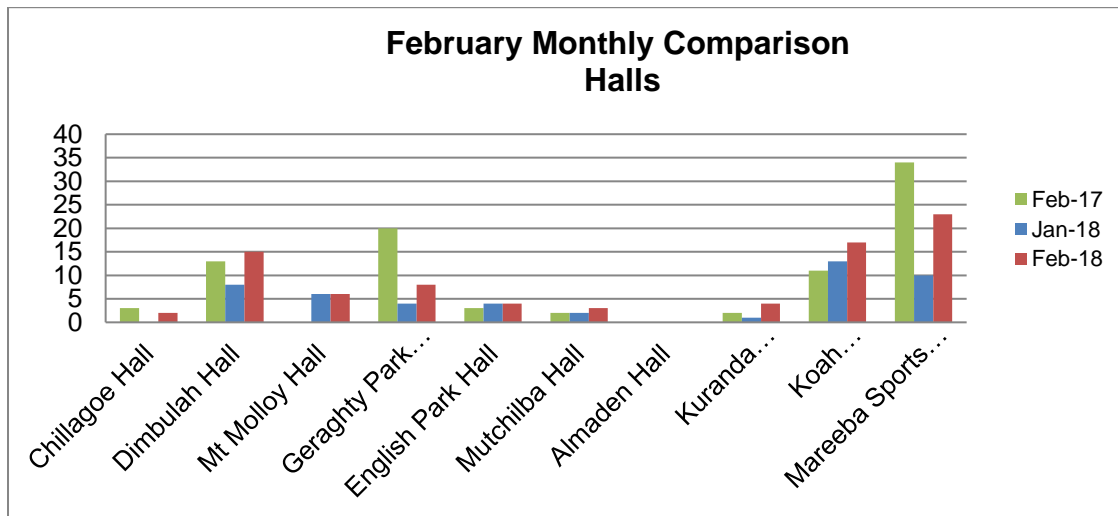


Figure 3. Monthly comparison halls

Swimming Pools

- Total of patron entries for February 2018
- Mareeba 8,835
 - Kuranda 1,334
 - Dimbulah 517

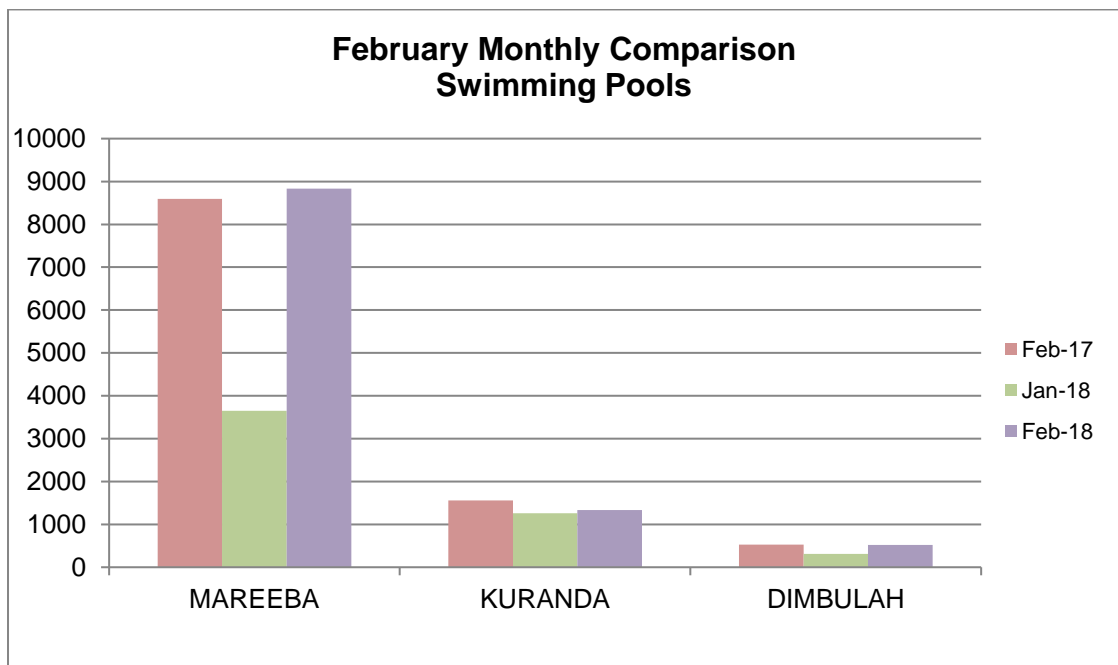


Figure 4. Monthly comparison swimming pools

Park Hire

- Total park bookings for February 2018 – 73.

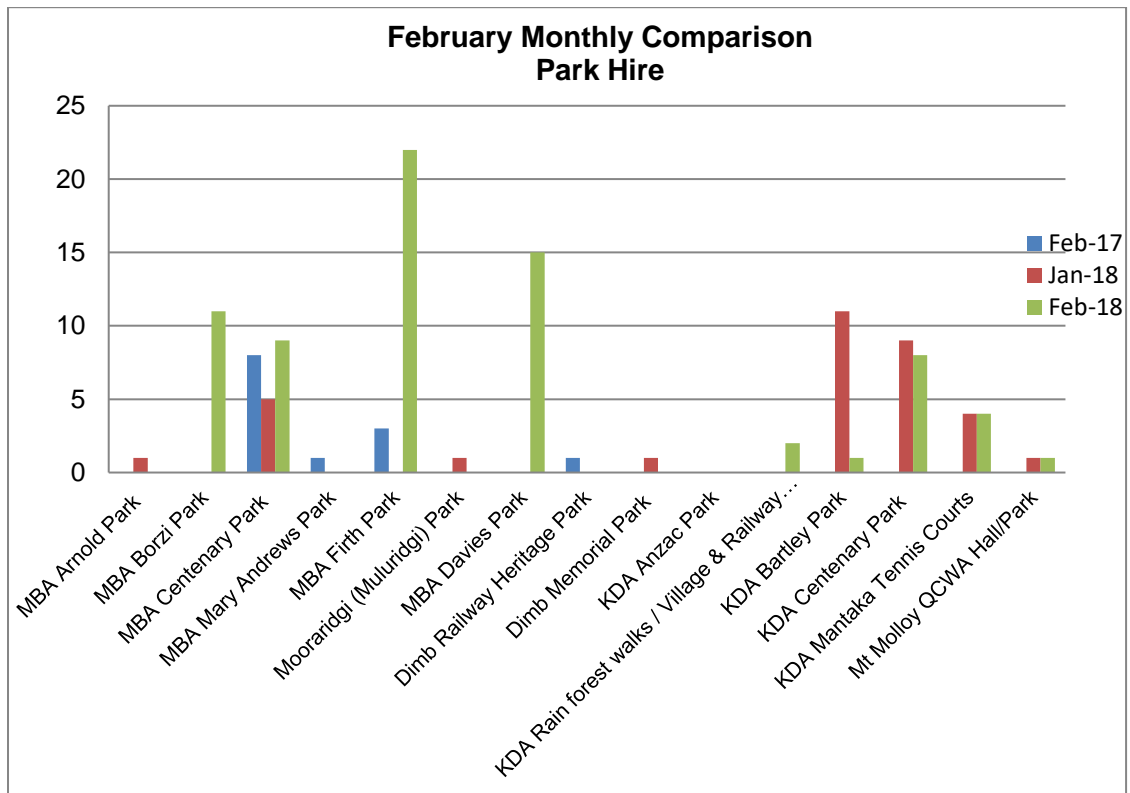


Figure 5. Monthly comparison Park Hire

Vandalism and Graffiti

During February 2018, six (6) reports of graffiti and vandalism were recorded on Council's Facilities.

- Mareeba Library
- Mareeba Swimming Pool x3
- Chillagoe 10 Acre toilet block
- Kuranda Aquatic Centre

Graffiti and Vandalism	Year to date actuals
2015-16	\$2,134
2016-17	\$16,546
2017-18	\$19,672

Currently, there is no allocated budget for graffiti and vandalism; these costs are being booked to operational.

LINK TO CORPORATE PLAN

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

CONSULTATION*Internal*

Nil

External

Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Nil

Operating

Nil

Is the expenditure noted above included in the 2017/2018 budget?

Nil

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 12 March 2018

WORKS

ITEM-17 INFRASTRUCTURE SERVICES - WORKS SECTION ACTIVITY REPORT - FEBRUARY 2018

MEETING: Ordinary

MEETING DATE: 21 March 2018

**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, Bridge Sections and Pest Management of Infrastructure Services during the month of February 2018.

OFFICER'S RECOMMENDATION

"That Council receive and note the Transport Infrastructure, Parks and Gardens, Bridge Sections and Pest Management Activities Report for the month of February 2018."

BACKGROUND

Maintenance Activities

Maintenance activities accruing more than \$1,000 in expenditure were carried out in February at the following locations:

Description	Activity
Ootann Road, Almaden	Road furniture, road inspections
Bower Road, Arriga	Slashing
Kimalo Road, Arriga	Slashing
Tyrconnell Road, Arriga	Grading unsealed roads, slashing
Pickford Road, Bibohra	Grading unsealed roads
Argyle Street, Dimbulah	General operations, mowing, slashing
Braund Road, Dimbulah	Culvert repairs, grading unsealed roads, slashing
Leadingham Creek Road, Dimbulah	Slashing
Wolfram Road, Dimbulah	Bitumen patching, general repairs and maintenance, grading unsealed roads, road furniture, slashing
Highland Drive, Julatten	Bitumen patching, grading unsealed roads, slashing
McDougall Road, Julatten	Clean Inlet/Outlets culverts, road furniture, slashing
Mount Lewis Road, Julatten	Bitumen patching, clean inlet/outlets culverts, culvert repairs, grading unsealed roads, road furniture, slashing
Cedar Park Road, Koah	Grading unsealed roads

Description	Activity
Barron Falls Road, Kuranda	Bitumen patching, road furniture, slashing
Black Mountain Road, Kuranda	Grading unsealed roads, road furniture, road inspections, slashing
Crothers Road, Kuranda	Grading unsealed roads, road inspections, slashing
Fairyland Road, Kuranda	Slashing
Fallon Road, Kuranda	Slashing
Masons Road, Kuranda	Bitumen patching, road furniture, slashing
Myola Road, Kuranda	Bitumen patching, road furniture, slashing
Oak Forest Road, Kuranda	Bitumen patching, road furniture, slashing
Rob Veivers Drive, Kuranda	Bitumen patching, general repairs and maintenance, mowing, slashing
Blacks Road, Mareeba	Grading unsealed roads
Bowers Street, Mareeba	Bitumen patching, pavement repairs
Chewko Road, Mareeba	Slashing
Eccles Street, Mareeba	Prep Work for Reseals
Emerald End Road, Mareeba	Road furniture, slashing
Fichera Road, Mareeba	Slashing
Malone Road, Mareeba	Slashing
Rankin Street, Mareeba	Grading unsealed roads, linemarking for reseals
Tinaroo Creek Road, Mareeba	Bitumen patching, slashing
Gowan Street, Mareeba	Bitumen patching, pavement repairs
Mount Spurgeon Road, Mt Carbine	Road furniture, vandalism repairs including graffiti
Fraser Road, Mt Molloy	Clean inlet/outlets culverts, culvert repairs, slashing
Main Street, Mt Molloy	Clean inlet/outlets culverts, road furniture, slashing
Mutchilba Road, Mutchilba	Mowing, slashing
Beh Road, Paddy's Green	Grading unsealed roads, slashing
Brooks Road, Paddy's Green	Grading unsealed roads, slashing
Carman Road, Paddy's Green	Slashing
Cetinich Road, Paddy's Green	Grading unsealed roads, slashing
Fassio Road, Paddy's Green	Grading unsealed roads, slashing
Hawkins Road, Paddy's Green	Grading unsealed roads, slashing
Ivicevic Road, Paddy's Green	Grading unsealed roads, slashing
Rains Road, Paddy's Green	Grading unsealed roads, slashing
Springs Road, Paddy's Green	Road furniture, slashing
Hoey Road, Speewah	Grading unsealed roads
Speewah Road, Speewah	Grading unsealed roads, road furniture, slashing, tree clearing / vegetation management

The table below shows the current budget position of road maintenance for Mareeba Shire Council at the end of February.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,338,972	\$2,223,859	\$1,990,514

2017/18 Capital Works**Leadingham Creek Bridge Renewal**

Bridge renewal works at Leadingham Creek Bridge, Dimbulah were completed on 28 February 2018.

Minor works on the bridge approaches will commence in mid-March 2018.

This project is partially funded under the Department of Transport and Main Roads Transport Infrastructure Development Scheme (TIDS) with the balance of funding by Mareeba Shire Council.



Works For Queensland (Round 2)**Royes Street - Widen and Seal**

The widening and sealing of Royes Street, Mareeba commenced in early February 2018. The project scope includes the widening of the existing seal to the existing kerb and channel along Royes and Carroll Streets, the replacement of existing length of kerb and channel and the upgrade of property access driveways at various locations.

Wet weather has created difficulty in working over the very poor subgrade conditions and the works have been postponed until May/June where more favourable subsurface conditions are expected.

**Tinaroo Creek Road - Road Widening, Overlay and Reseal**

Works commenced on the widening, overlay and resealing of Tinaroo Creek Road in late January 2018.

The scope of work includes:

- widening of the existing pavement and seal to 7.2m between Ch. 4815 and Ch. 5005
- upgrade of the Tinaroo Creek Road and Spurrier Road intersection
- construction of kerb and channel between Ch. 4919 and Ch. 5005
- widening and overlay of the existing pavement and seal to 7.2m between Ch. 5070 and Ch. 7736 and several locations of full width reconstruction.
- several culverts have also been extended to cater for the widening activities.

There have been some wet weather delays but the site is generally well drained and disruptions have been kept to a minimum. Works are estimated to be complete late May/early June 2018.



TMR Routine Maintenance Performance Contract (RMPC)

Routine maintenance activities were undertaken during February 2018 at the following locations;

Primary Location	Activity Name
Kennedy Highway - Cairns/Mareeba	Rest area servicing
Mulligan Highway, Mareeba/Mt Molloy	Pothole patching, includes traffic control
Mulligan Highway - Mt Molloy/Lakeland	Repair or replace guard rail, barrier furniture
	Other sign work
	Herbicide spraying, includes traffic control
	Herbicide spraying- includes traffic control
	Rest area servicing
	Roadside litter collection, rural
	Other roadside work
	Other surface drain work
Mossman/ Mt Molloy Road	Edge repair (Manual) min 1 tonne, includes traffic control
	Other bituminous surface work
	Other surface drain work
	Other surface drain work
	Other vegetation control works
	Other roadside work
	Pothole patching, includes traffic control
	Roadside litter collection, rural
	Other roadside work
	Emergency call out / traffic accident
Burke Developmental Road	Pothole patching, includes traffic control
	Other sign work
	Clean, straighten and/or paint guide markers
	Repair or replace guide markers
	Replace guardrail delineators
	Other vegetation control works
	Emergency call out / traffic accident
	Other roadside work
	Other roadside work
	Herbicide spraying- includes traffic control
Herberton/Petford Road	Culvert, pipe and pit work
	Repair signs (excluding guide signs)
	Herbicide spraying, includes traffic control
	Other formation work
	Other vegetation control works
	Other sign work
	Pothole patching, includes traffic control

The total claim to DTMR for the works listed above for the month of February 2018 was \$72,078.45.

Parks and Gardens Section

Maintenance Activities

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in February at the following locations:

Location
Street Mowing, Mareeba
Kuranda Parks, Library, CBD and Streets
Byrnes Street Medians, Mareeba
Davies Park, Mareeba
Basalt Gully and Bi-Centennial Lakes, Mareeba
Nursery, Mareeba
Walking Track, Costin Street to Morrow Street, Mareeba
Centenary Park, Mareeba
Mowing and Maintenance, Irvinebank
Hunter Park /Fallon Road, Kuranda
Furniture and Playground Equipment
Mary Andrews Gardens, Mareeba
Town Hall Park, Dimbulah
Sunset/Sunbird Park, Mareeba
Martin Avenue, Mareeba
Borzi Park, Mareeba
Junior Soccer Reserve, Dimbulah
Parks and Gardens, Chillagoe
Firth Park, Mareeba
Pool and Carpark, Kuranda

The table below shows the current budget position of Parks and Gardens maintenance for Mareeba Shire Council:

Annual Budget	Year to Date Budget	Year to Date Actual
\$1,794,335	\$1,213,147	\$1,156,516

Bridge Section

Maintenance Activities

Annual Budget	Year to Date Budget	Year to Date Actual
\$562,213	\$373,970	\$248,007

Land Protection Section

Annual Budget	Year to Date Budget	Year to Date Actual
\$446,906	\$297,410	\$295,391

Gamba Grass: All Council roads have been treated with selective herbicides. The project site on the Hann (Walsh Catchment) has been revisited and all new seedlings treated. Council officers are notifying any land owners in this catchment that it is their responsibility to not allow plants to flower and seed.

Weedy Rats Tail Grasses: Council's annual roadside spray program has commenced. Staff are treating all Council roads and the Department of Transport and Main Roads have allocated funding for council staff to treat the state-controlled corridor. When infested properties are located, Land Protection officers speak to the owners, describe the current best practice control measures and inform them that as a bare minimum the property owner must install a buffer zone between the infested paddock and their neighbours to prevent seed spread.

Aquatic Pest Plants in the Barron Catchment: In order to beat this invasive aquatic pest, it is necessary to positively identify the source of the weed and start at this point and strategically work downstream. Staff have located the source of these weeds on Chinaman Creek and Atherton Creek and have treated 5km of Chinaman Creek and 2km of Atherton Creek down to the confluence of the two creek systems. The swamps, dams and anabranches have all been inspected for the presence of the plants and all outbreaks have been treated. Weather permitting, officers will be inspecting and treating Atherton Creek from the Chewko Road Rail line downstream to the Junction of the Granite in the next month.

Feral Pigs: Feral pigs are currently rooting mulch under tree crops in the Paddy's Green area. This damages the fruit trees, affects production and destroys irrigation infrastructure. Land Protection staff are assisting affected landowners by initiating integrated control measures such as installing traps and free feeding the pigs followed by the laying of toxic baits. Staff are also referring the owners to trappers, hunters and doggers and also promoting the construction of pig proof fencing.

Wild Dog/Dingo: Wild dogs and dingos are coming out of the mountains to prey on calves, poultry and domestic animals. Officers are working with affected landowners to co-ordinate toxic baiting programs.

LINK TO CORPORATE PLAN

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

CONSULTATION

Internal

Infrastructure Services staff

External

Nil

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS*Capital*

Included in 2017/2018 budget

Operating

Included in 2017/2018 budget

Is the expenditure noted above included in the 2017/2018 budget?

Yes

IMPLEMENTATION/COMMUNICATION

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

ATTACHMENTS

Nil

Date Prepared: *12 March 2018*

WATER & WASTE

ITEM-18 WATER AND WASTEWATER GROUP WATER RESTRICTIONS REVIEW

MEETING: Ordinary Meeting

MEETING DATE: 21 March 2018

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

DEPARTMENT: Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

The purpose of this report is to provide an update to Council on water restrictions in Mareeba and Chillagoe and review current water restriction levels in accordance with the Water Restrictions Policy.

OFFICER'S RECOMMENDATION

"That Council:

1. cease the current water restrictions on the Mareeba Water Supply Scheme; and
2. maintain the current water restrictions on the Chillagoe Water Supply Scheme with a review to be undertaken at the end of April 2018."

BACKGROUND

At the Ordinary Meeting on 25 October 2017, Council adopted the Water Restrictions Policy and subsequently implemented water restrictions in Chillagoe and Mareeba.

The Mareeba water supply is primarily sourced from the SunWater irrigation channel or Barron River which is fed from Tinaroo Dam. The water storage level in Tinaroo Dam has risen to 70% following recent rainfall events and is now at an adequate level to give surety of supply, and as such water restrictions for Mareeba can now cease.

The Chillagoe township water supply scheme is fed from three (3) bores. Bores 1 and 2 were installed in 1988 and Bore 3 installed in 2013. The water aquifer has not risen to acceptable levels to provide enough confidence to cease or lift water restrictions at Chillagoe at this time.

It is recommended that the water restrictions remain in place at Chillagoe with a further review at the end of April 2018 to determine if the catchment has received sufficient rainfall to improve the water aquifer.

LINK TO CORPORATE PLAN

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

GOV 3 - Undertake a whole of council service level review to establish sustainable operational costs across core local government business and consult with communities.

CONSULTATION

Internal

Director Infrastructure Services
Supervisor Treatment Operations
Supervisor Water Reticulation

External

Nil

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

Water Supply (Safety and Reliability) Act 2008

POLICY IMPLICATIONS

Council implements and ceases water restrictions in accordance with Council's Water Restrictions Policy

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Customer Service Officers, Water and Waste Group staff and external clients to be advised of the cessation of water restrictions for Mareeba whilst maintaining water restrictions at Chillagoe and details to be published on Council's website.

ATTACHMENTS

Nil

Date Prepared: 13 March 2018

**ITEM-19 INFRASTRUCTURE SERVICES, WASTE OPERATIONS
REPORT - FEBRUARY 2018****MEETING:** Ordinary**MEETING DATE:** 21 March 2018**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 February 2018.

OFFICER'S RECOMMENDATION

"That Council receive and note the Infrastructure Services, Waste Operations Progress Report, February 2018."

SUMMARY OF WASTE ACTIVITIES

The following is a 'snapshot' of the waste activities undertaken during the month of February 2018.

1. Waste Operations

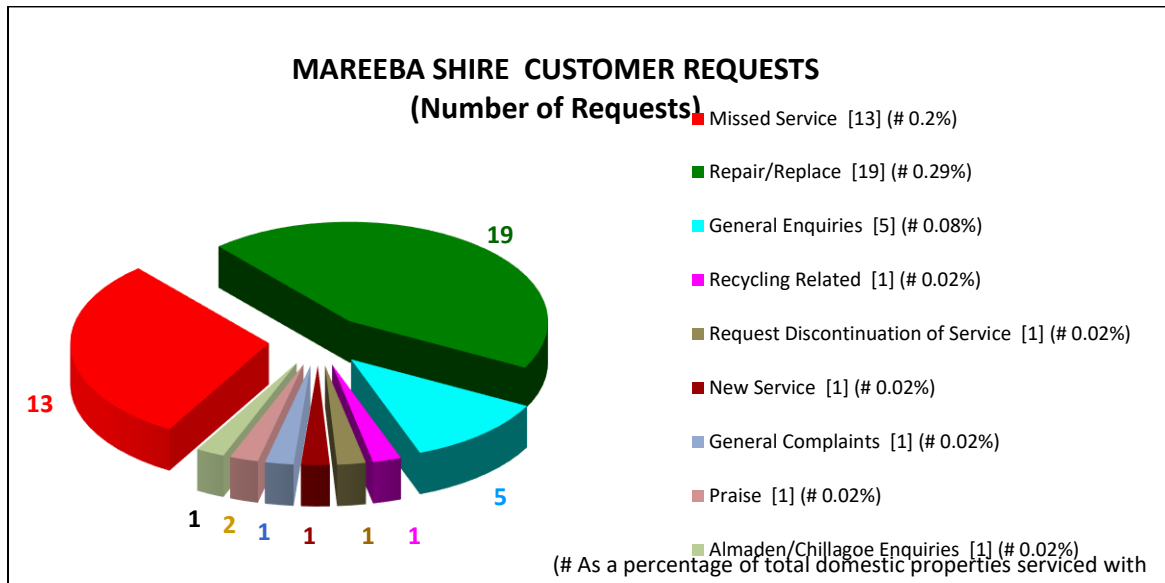
- 6,078 vehicles entered Mareeba waste facility (to drop off or pick up waste).
- 308 vehicles deposited waste to Mareeba Landfill (total).
- 89 Suez vehicles deposited waste to Mareeba Landfill.
- 34 Suez vehicles removed waste from Mareeba WTS to recycling facility in Cairns.
- 72 m³ of mulch sold (3 in bulk sales and 69 in small lots less than m³).
- Current Mareeba Landfill Compaction Rate of 0.85 tonnes per m³.
- All transfer stations and Mareeba landfill are currently operational.

2. Mareeba Old Mareeba Landfill Capping Project Update

- The capping and infrastructure installation works is complete.
- 13 week landfill grass and irrigation establishment/ maintenance period is due to expire 23 March 2018.

3. Customer Service Waste Statistics

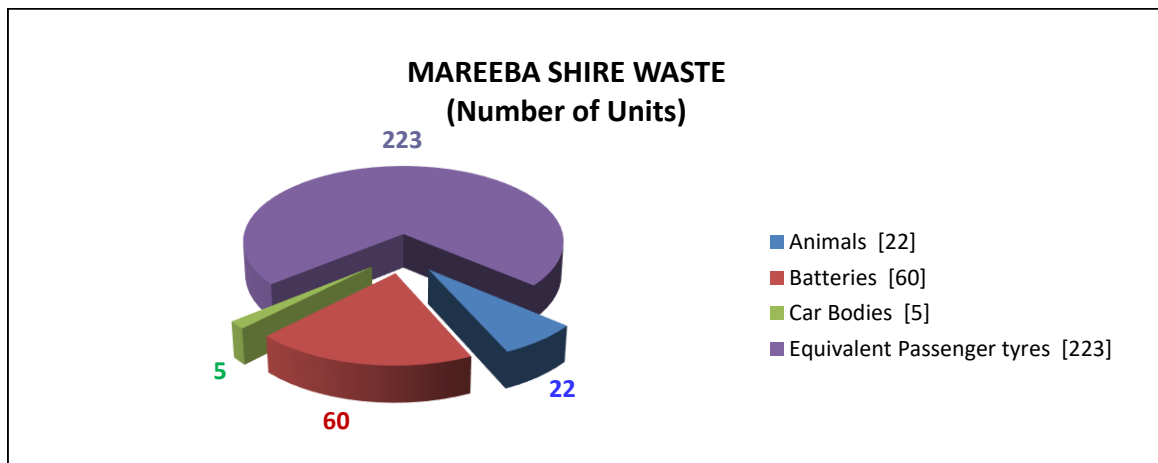
The following graph displays customer requests logged in the Customer Request Management (CRM) system during the month of February 2018.

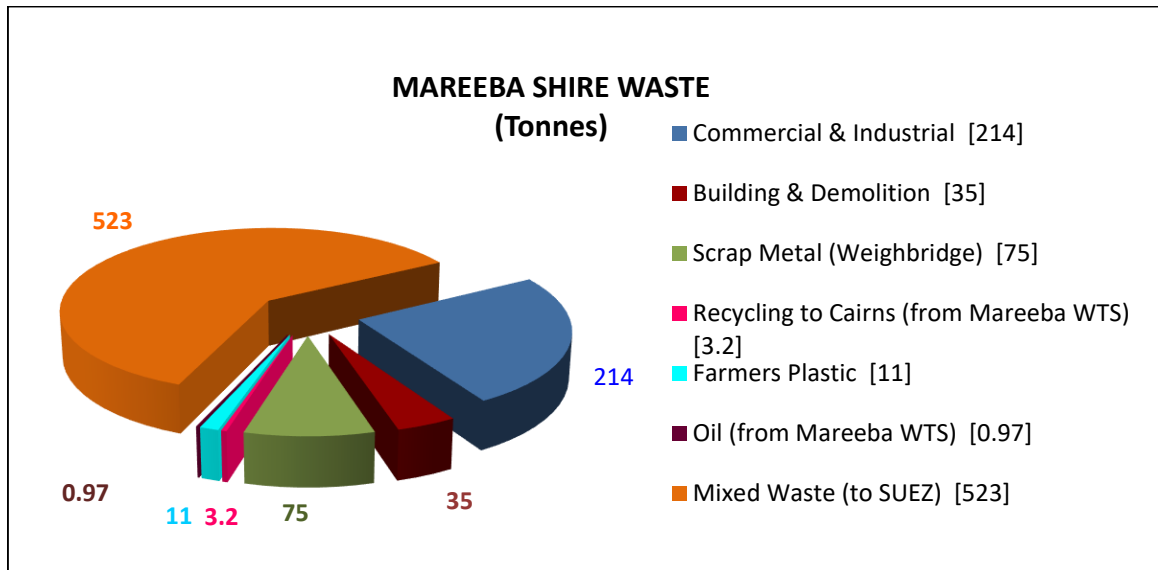


4. Waste Collected at Each of the Transfer Stations

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.

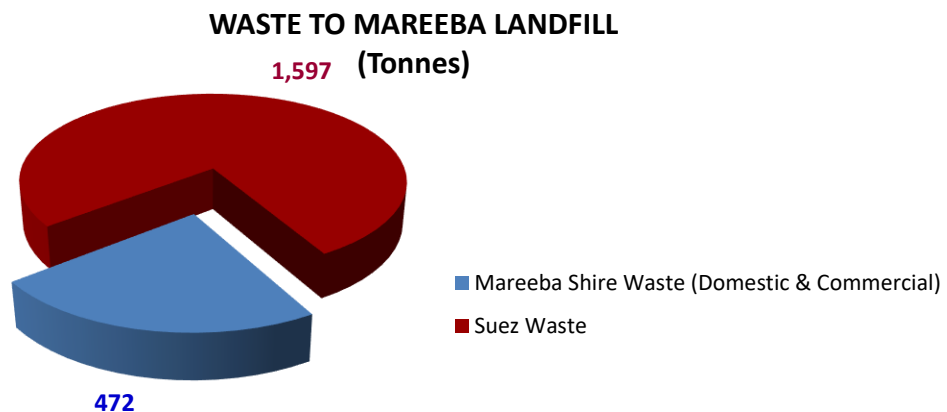
The following pie charts are separated into waste received as whole units and waste received as accrued tonnage.





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

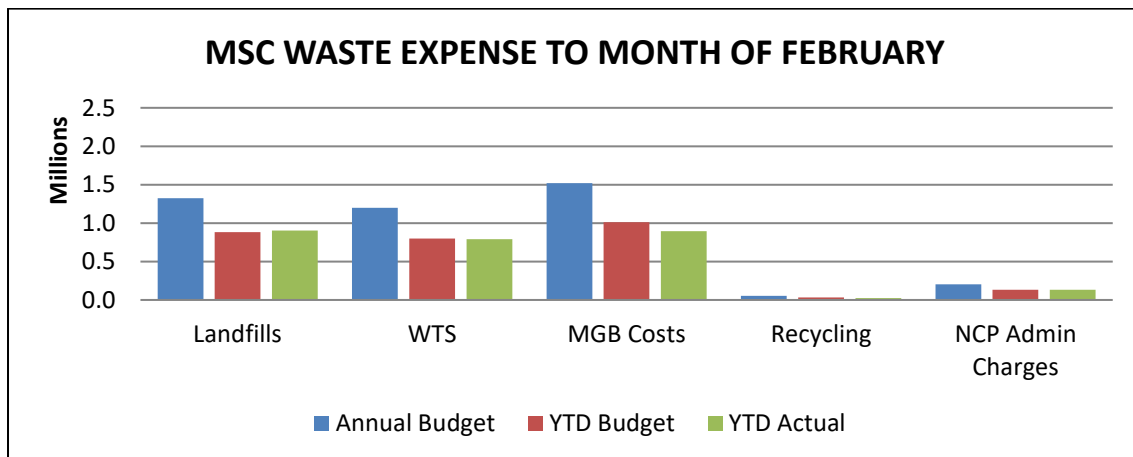
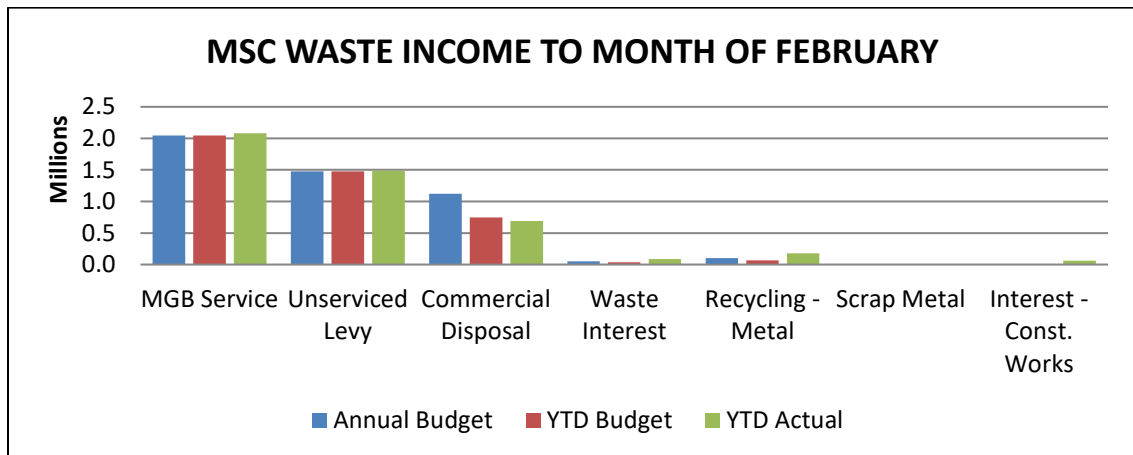
The income is derived from:

- 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*

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 2017/2018 budget?

Yes

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 12 March 2018

**ITEM-20 INFRASTRUCTURE SERVICES, WATER AND
WASTEWATER GROUP MONTHLY OPERATIONS
REPORT - FEBRUARY 2018****MEETING:** Ordinary**MEETING DATE:** 21 March 2018**REPORT OFFICER'S
TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

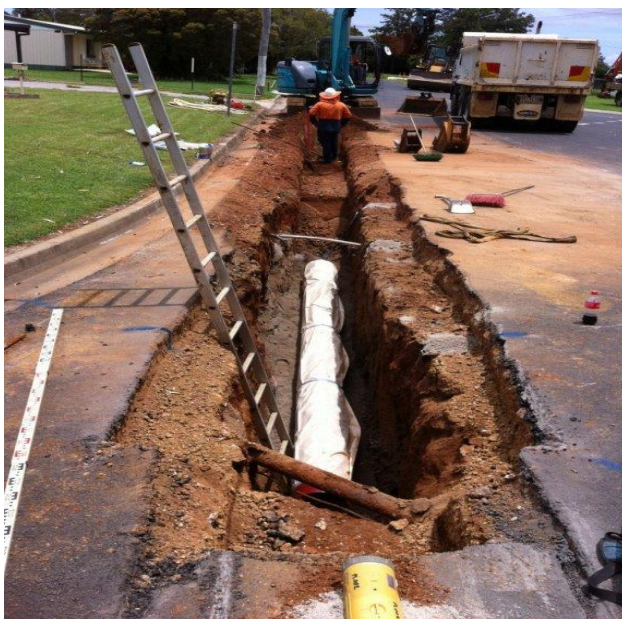
The purpose of this report is to summarise Council's Water and Wastewater activities undertaken by the Infrastructure Services Department during the month of February 2018.

OFFICER'S RECOMMENDATION

"That Council receive and note the February 2018 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

Kenneally Sewer Rising main construction has commenced (pictured), however delays

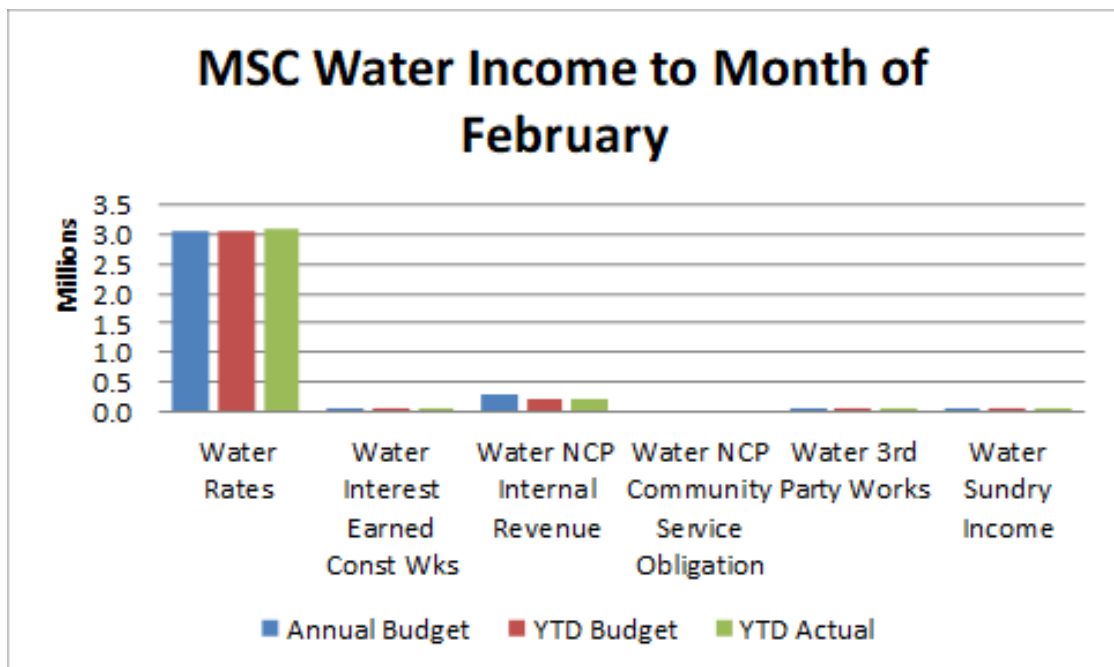
have been encountered due to inclement weather. However, work remains on target for completion in May 2018.

2. Environmental Monitoring - Treatment

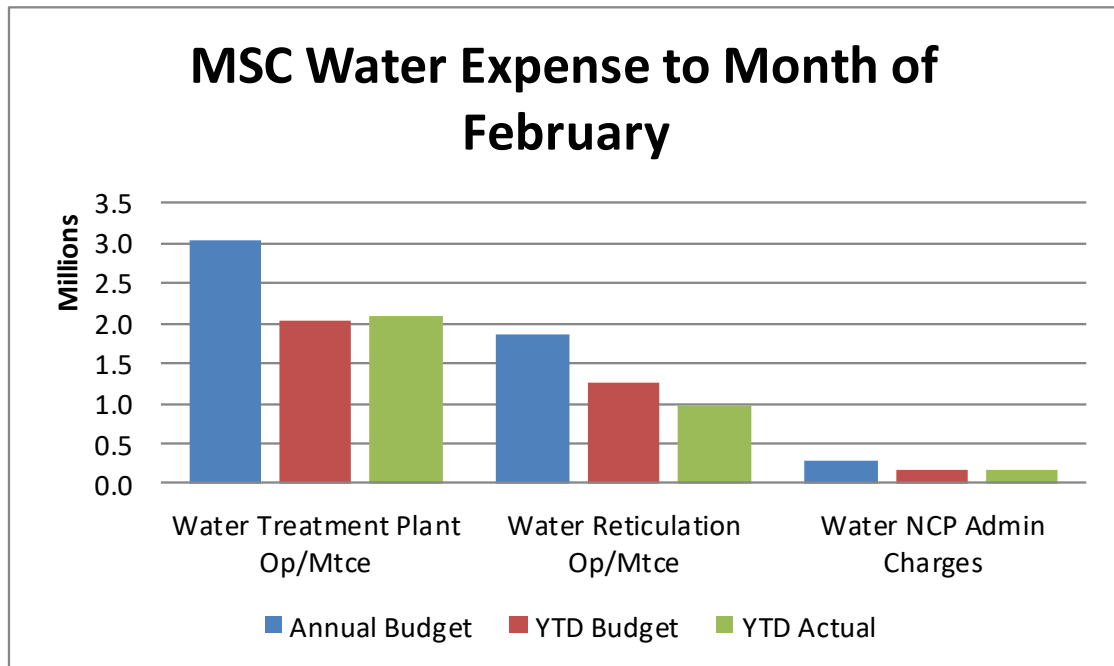
- Mareeba WWTP continues to perform well. Effluent water quality results are compliant with EA limits. One bypass event due to server failure in February - working with Downer to resolve.
- Two Mile Creek bimonthly monitoring continues. Two Mile Creek water quality downstream is improving.
- Kuranda STP - Remains compliant with licence conditions
- Mareeba WTP - Aluminium remains non-compliant in discharge waters to Barron River.

3. Budget - Water

Graphical - Revenue

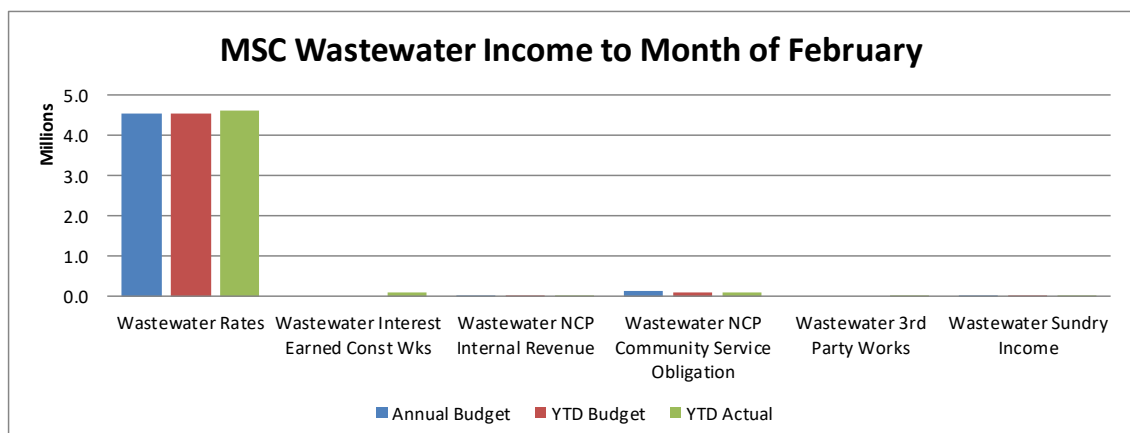


Graphical – Expense

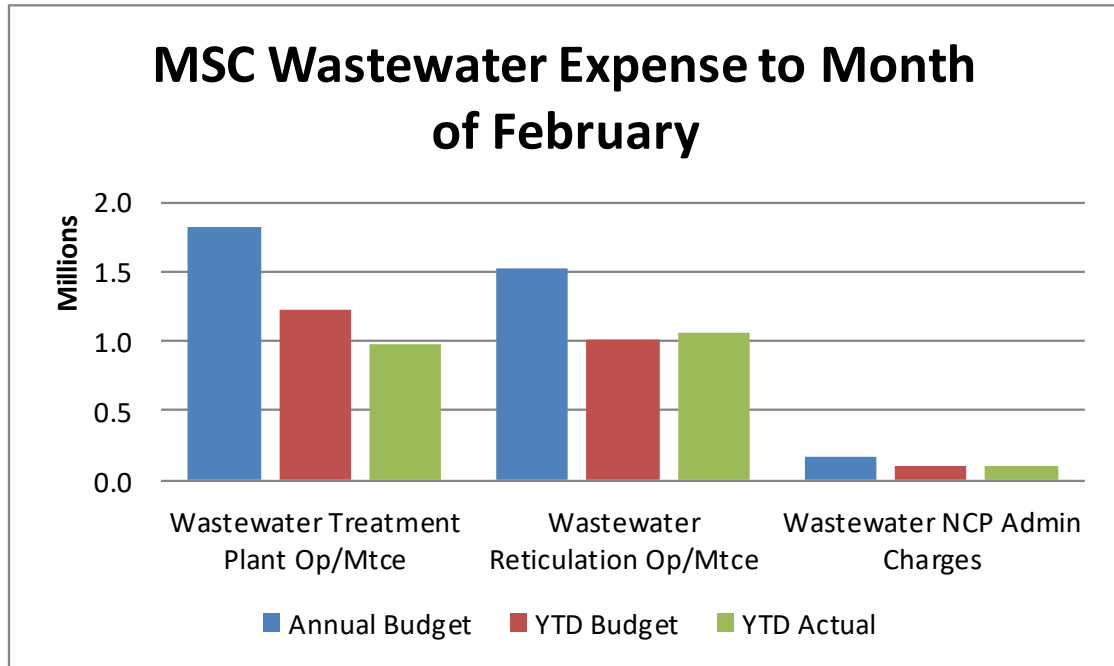


4. Budget - Wastewater

Graphical - Revenue



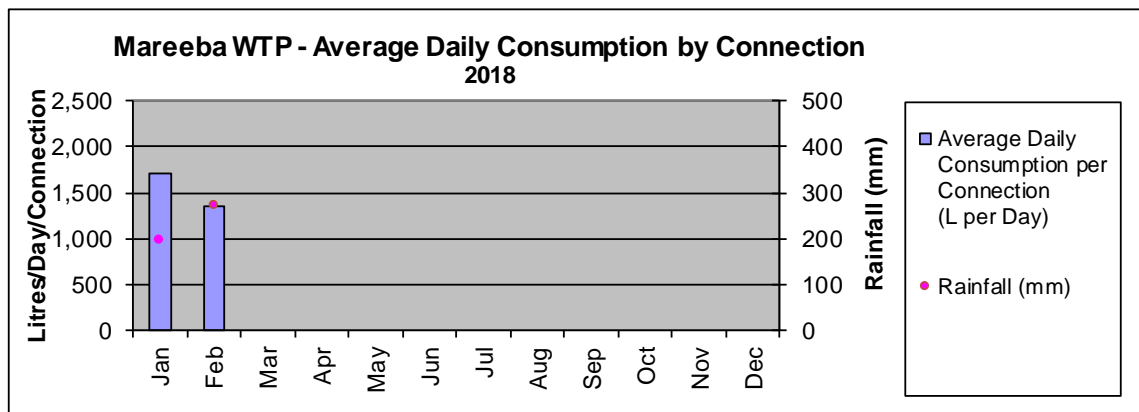
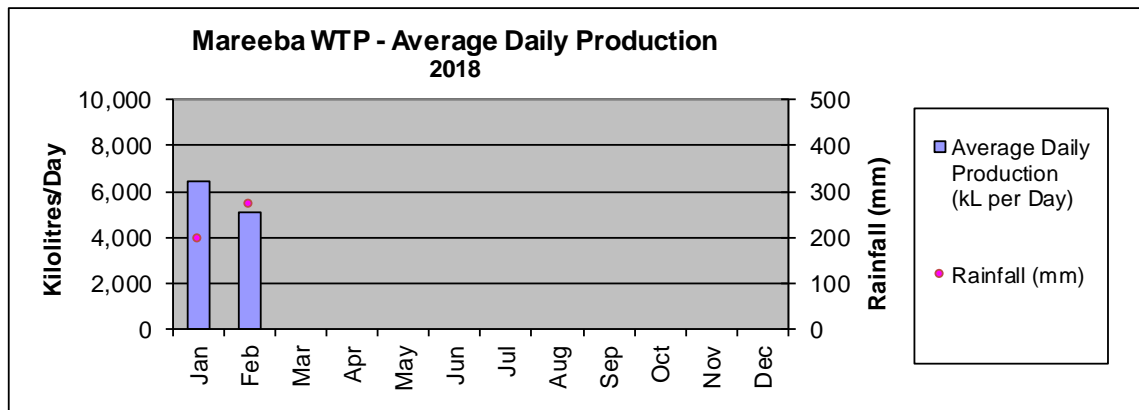
Graphical – Expense



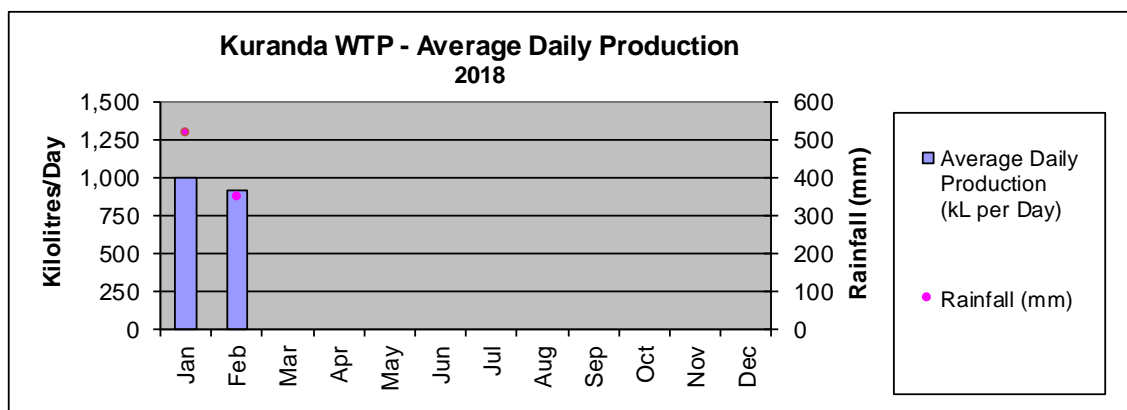
5. Chlorine Residual Readings

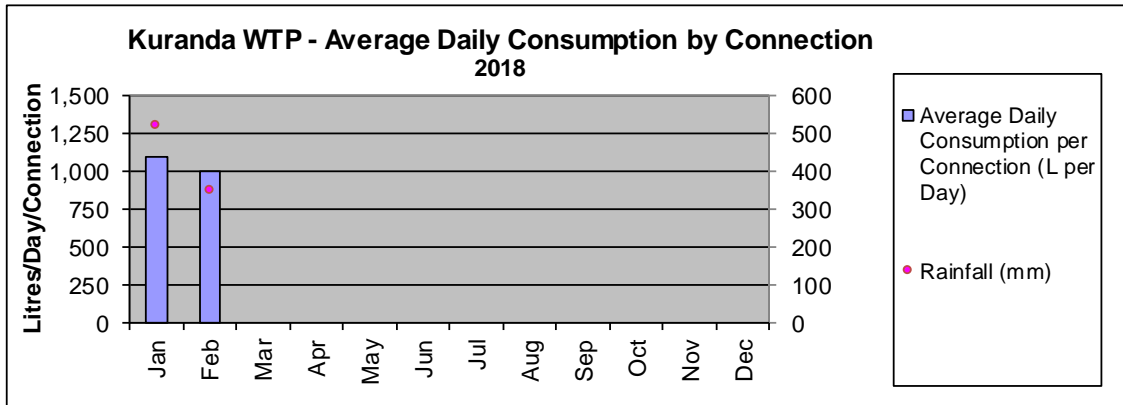
January 2018	Chlorine Residual Readings 2018 Australian Drinking Water Guidelines Maximum 5mg/L													
	Tue 2nd	Wed 3rd	Fri 5th	Mon 8th	Wed 10th	Fri 12th	Mon 15th	Wed 17th	Fri 19th	Mon 22nd	Wed 24th	Thu 25	Mon 29th	Wed 31st
	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)
Mary Andrews Park Mareeba	1.32	1.18	0.85	0.66	1.22	1.39	1.02	0.90	0.76	0.77	0.90	0.83	0.78	1.08
Wylandra Drive Mareeba	0.62	0.58	0.67	0.50	0.54	0.54	0.72	0.61	0.65	0.46	0.40	0.41	0.40	0.32
Gregory Terrace Kuranda	0.89	1.28	0.87	0.71	0.60	0.86	1.00	0.72	0.84	0.79	0.73	0.86	1.00	1.10
Mason Rd PS Kuranda	1.56	1.35	1.25	1.26	1.20	1.32	1.00	0.76	1.08	1.10	0.81	1.11	1.20	1.50
Chillagoe	1.24	1.23	1.22	1.34	1.14	1.36	1.22	1.20	1.18	0.94	1.02	1.06	0.78	1.12
Dimbulah	0.92	0.91	0.77	0.76	1.05	0.88	0.96	1.10	0.96	0.98	0.94	1.05	1.02	0.89

6. Mareeba Water Supply Scheme – Operations Data

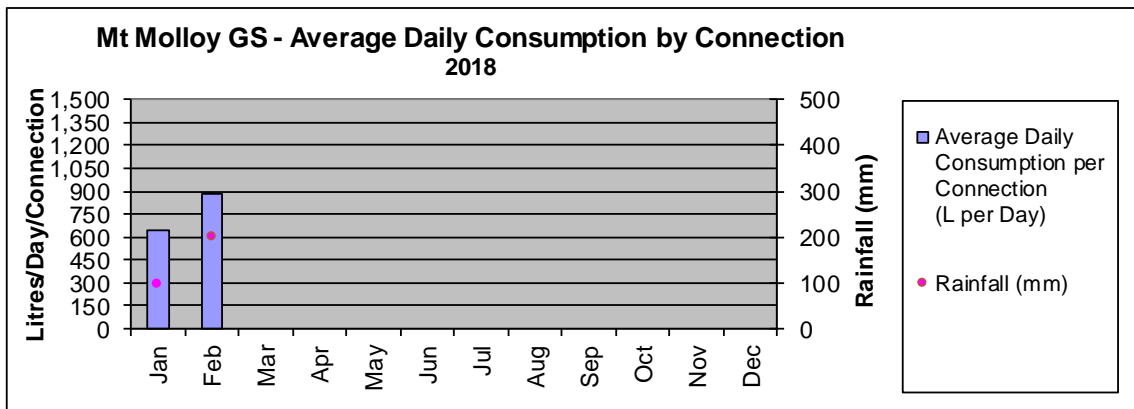
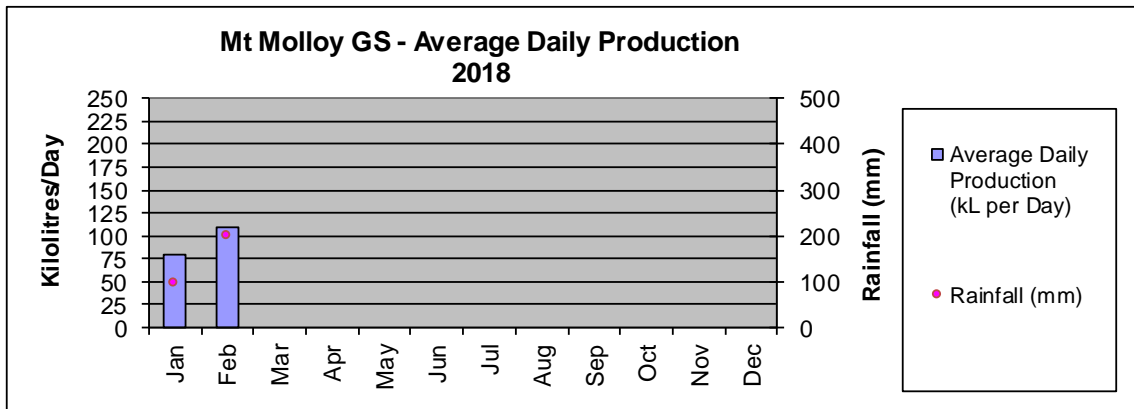


7. Kuranda Water Supply Scheme - Operations Data

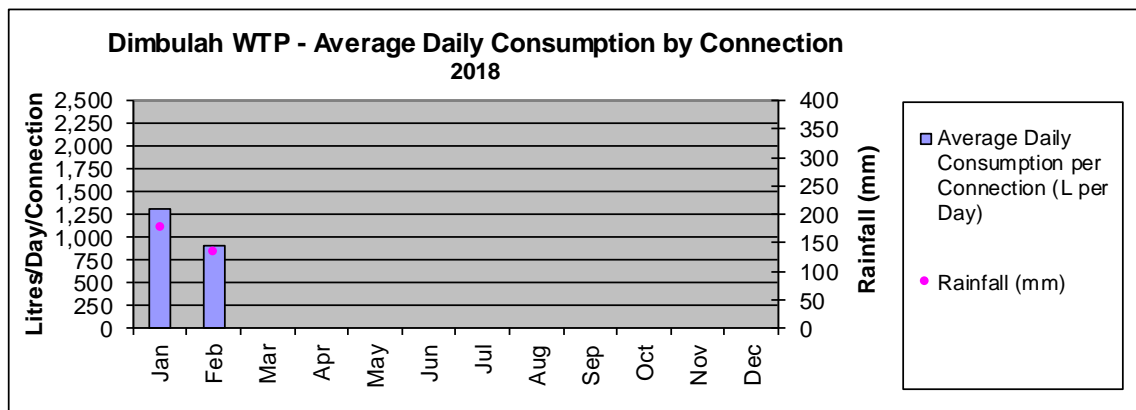
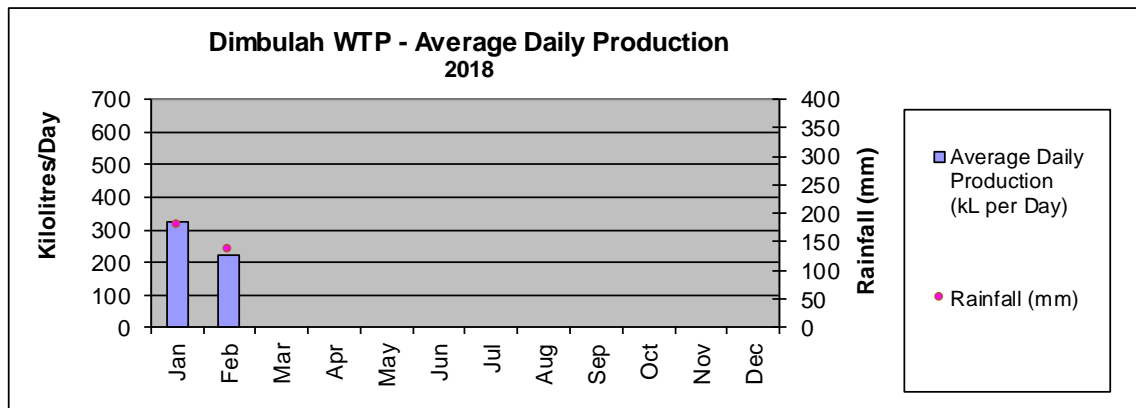




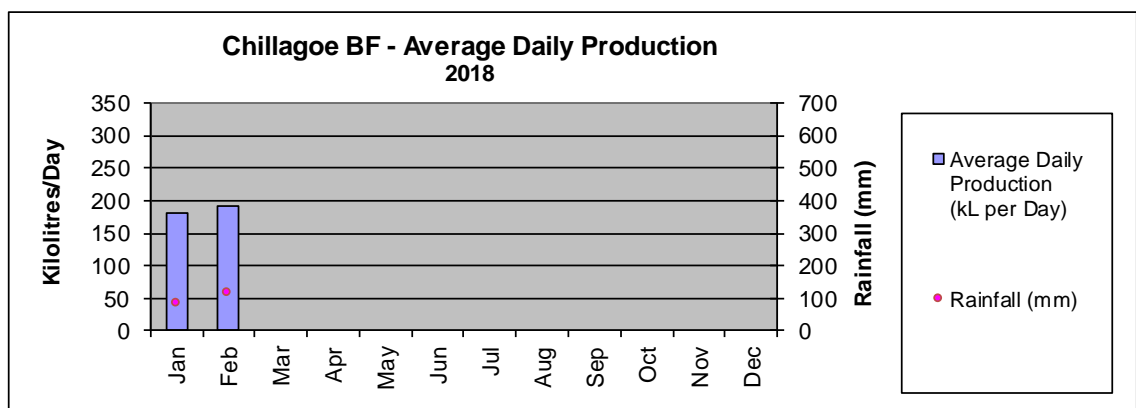
8. Mount Molloy Water Supply Scheme - Operations Data

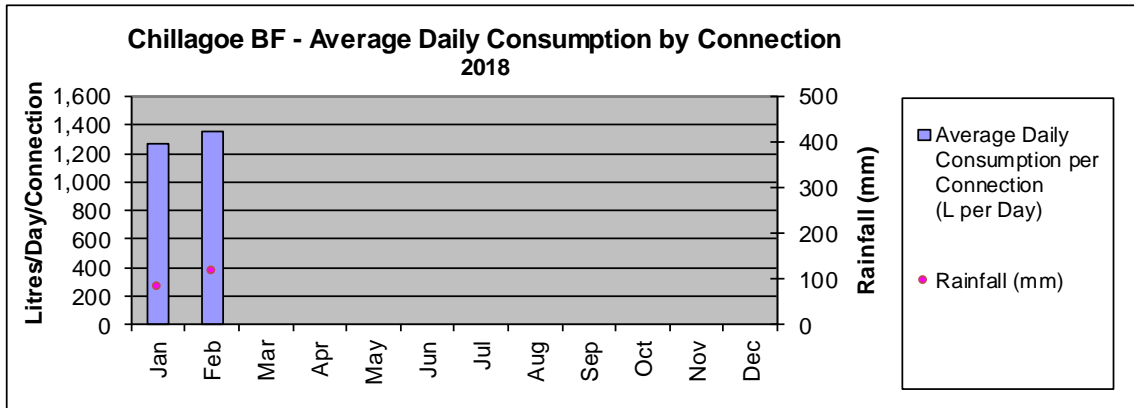


9. Dimbulah Water Supply Scheme - Operations Data

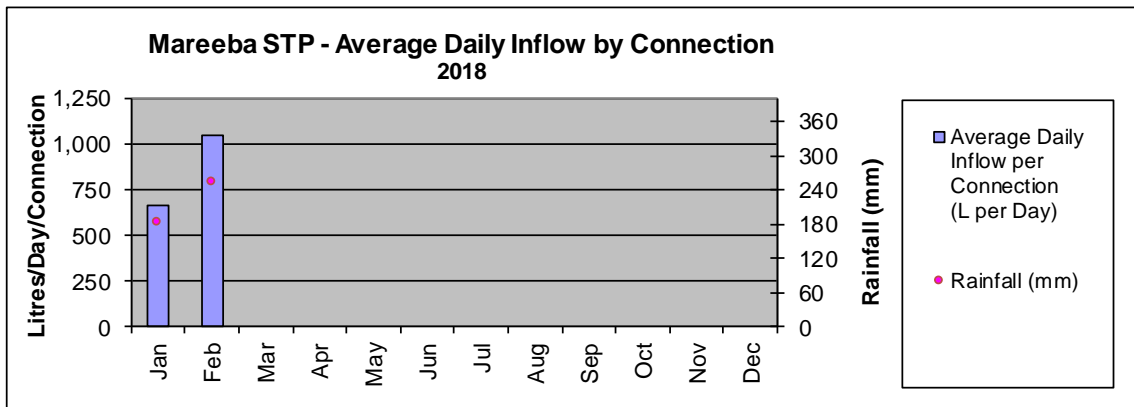
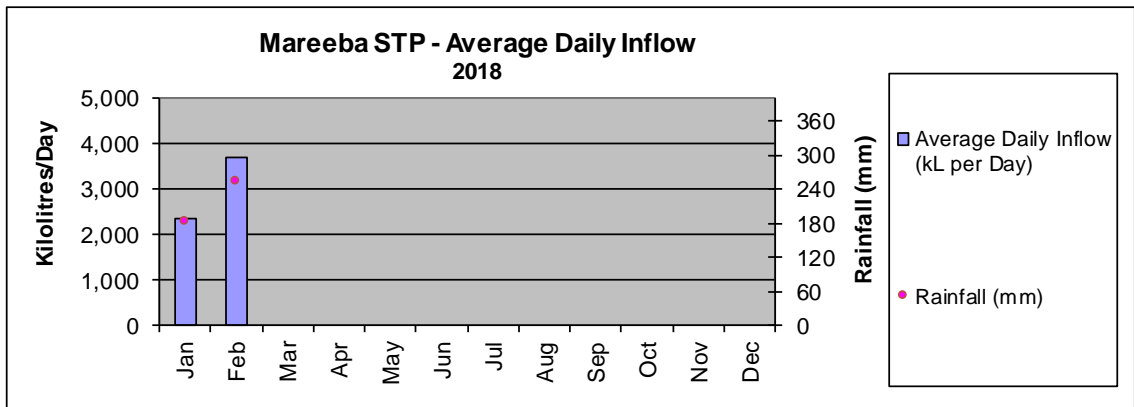


10. Chillagoe Water Supply Scheme - Operations Data

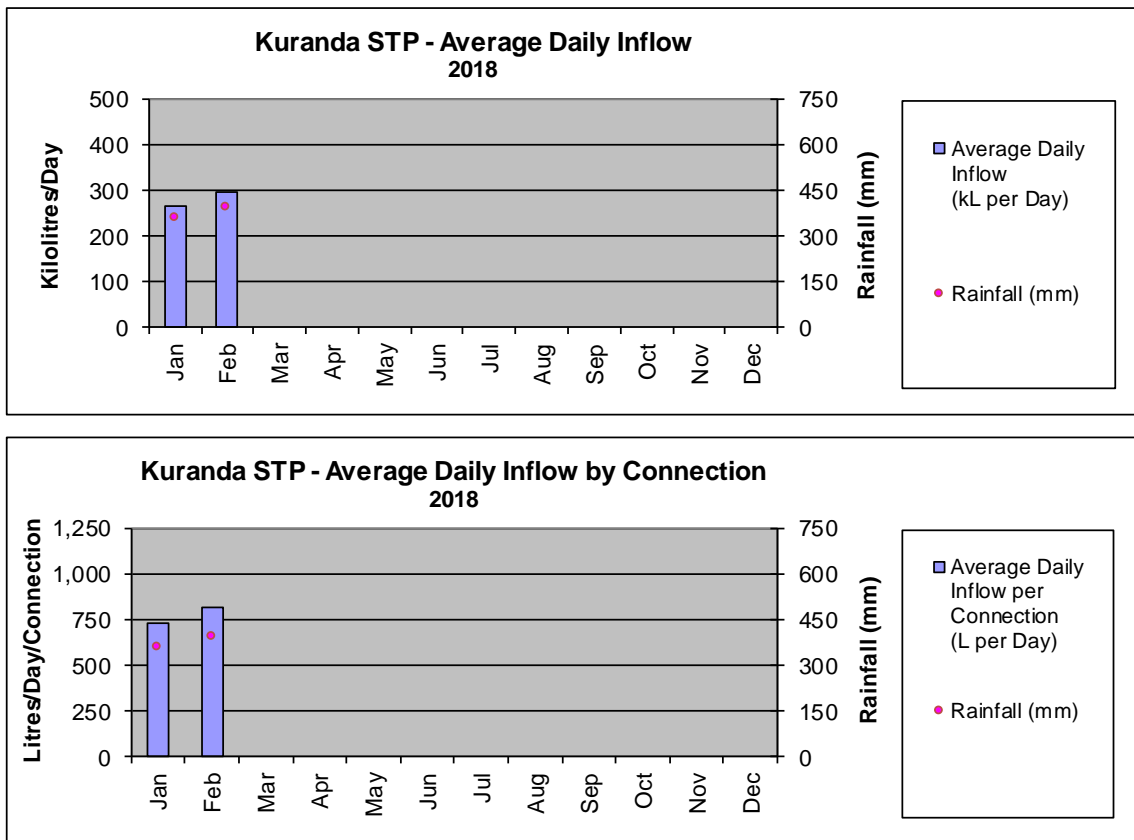




11. Mareeba Wastewater Treatment Plant - Operations Data



12. Kuranda Wastewater Treatment Plant - Operations Data



Date Prepared:

9 March 2018

BUSINESS WITHOUT NOTICE

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 18 April 2018

SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF FEBRUARY 2018

Summary of new Planning Development Applications and Delegated Decisions for February 2018

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/18/0004	02/02/2018	Telstra Corp C/- Visionstream Pty Limited Ann Street, Watsonville	Lot 115 W2631	MCU Telecommunications facility	In public notification stage
MCU/18/0005	12/02/2018	C & J Gostelow C/- Northern Building Approvals 30 Kenneally Road, Mareeba	Lot 52 RP718005	MCU - Dual Occupancy	In Decision stage
RAL/18/0005	23/02/2018	J Papas C/ Planz Town Planning 393 Emerald End Road, Mareeba	Lot 6 RP732287	ROL (1 into 3 Lots)	Awaiting payment
RAL/18/0006	28/02/2018	D Kearney C/- Gilvear Planning 173 De Lacy Road, Dimbulah	Lot 11 SP101831	ROL (1 into 2 Lots)	Information request stage
OPW/18/0002	06/02/2018	E Balzarolo 327 Leadingham Creek Road, Dimbulah	Lot 88 HG88	Operational Works - Dam	In Referral stage
OPW/18/0003	13/02/2018	Springmount Waste Management Facility Springmount Road, Dimbulah	Lot 123 SP214842	Op Works - Earthworks (Water Storage Dam)	Awaiting payment

February 2018 (Regional Land Use Planning)

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
N/A					

Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
N/A					

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/18/0003	19/02/2018	M Anthony C/- Northern Building Approvals	9 Owen Street, Mareeba	Lot 35 NR8096	Non-compliant gross floor area for Class 10a Shed

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
N/A					

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
DA/13/0006	13/02/2018	Kanjini Co-Op Ltd	Emerald Falls Road, Mareeba	LOT 1 & 67 ON SP177749 (CANCELLING LOT 67 ON SP284105)	ROL (1 into 2 Lots)
DA/17/0017	15/02/2018	R Neate & D Pregl	21-23 Keeble Street, Mareeba	LOTS 56 & 57 ON SP291994 (CANCELLING LOT 56 ON SP291993 & LOT 57 ON SP276126)	ROL - Boundary realignment

February 2018 (Regional Land Use Planning)