



Ordinary Meeting

Council Chambers

Date: 16 May 2018

Time: 9:00am

AGENDA

THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON **WEDNESDAY, 16 MAY 2018** AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS
CHIEF EXECUTIVE OFFICER

ORDER OF BUSINESS

MEMBERS IN ATTENDANCE

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

BEREAVEMENTS/CONDOLENCES

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST

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CORPORATE AND COMMUNITY SERVICES

REGIONAL LAND USE PLANNING

ITEM-1 **REEVER AND OCEAN PTY LTD - ROL BOUNDARY REALIGNMENT - LOT 16 N157227 & LOT 22 SP296830 - 77 & 112 BARNWELL ROAD, KURANDA - RAL/18/0015**

MEETING: Ordinary

MEETING DATE: 16 May 2018

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Reever and Ocean Pty Ltd	ADDRESS	77 & 112 Barnwell Road, Kuranda
DATE LODGED	27 April 2018	RPD	Lot 16 on N157227 & Lot 22 on SP296830
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Boundary Realignment		

FILE NO	RAL/18/0015	AREA	Lot 16 - 57.617 ha Lot 22 - 107.3 ha
LODGED BY	Cardno	OWNER	Lot 16 - A & A Easton & B Martin Lot 22 - Reever and Ocean Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

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

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

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.

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	Reever and Ocean Pty Ltd	ADDRESS	77 & 112 Barnwell Road, Kuranda
DATE LODGED	27 April 2018	RPD	Lot 16 on N157227 & Lot 22 on SP296830
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Boundary Realignment		

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 - Boundary Realignment

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
18005/ROL/01 Sheet 1 of 2	Proposed Lots 16 & 22	Ausnorth Consultants	13/03/2018
18005/ROL/01 Sheet 2 of 2	Proposed Lots 16 & 22	Ausnorth Consultants	13/03/2018

(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 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/contributions contained 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 required to be made to the Council (including contributions, charges and bonds) pursuant to any condition of this approval must be made prior 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 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. Where existing building/s are in proximity to new property boundaries, a plan demonstrating compliance with the required setback must be submitted prior to endorsement of the plan of survey.

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.

(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) 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.

(c) Compliance with applicable codes/policies

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

(d) Environmental Protection and Biodiversity Conservation Act 1999

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

(e) Cultural Heritage

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

(F) 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

- Nil

THE SITE

The subject site comprises the following allotments:

- Lot 16 on N157227, area of 57.617 hectares, extensive frontages to Barnwell Road and Leilas Way;
- Lot 22 on SP296830, area of 107.3 hectares, frontage to Barnwell Road and unnamed road reserve.

Lot 16 is currently used for rural activities and is improved by a dwelling house and associated outbuildings.

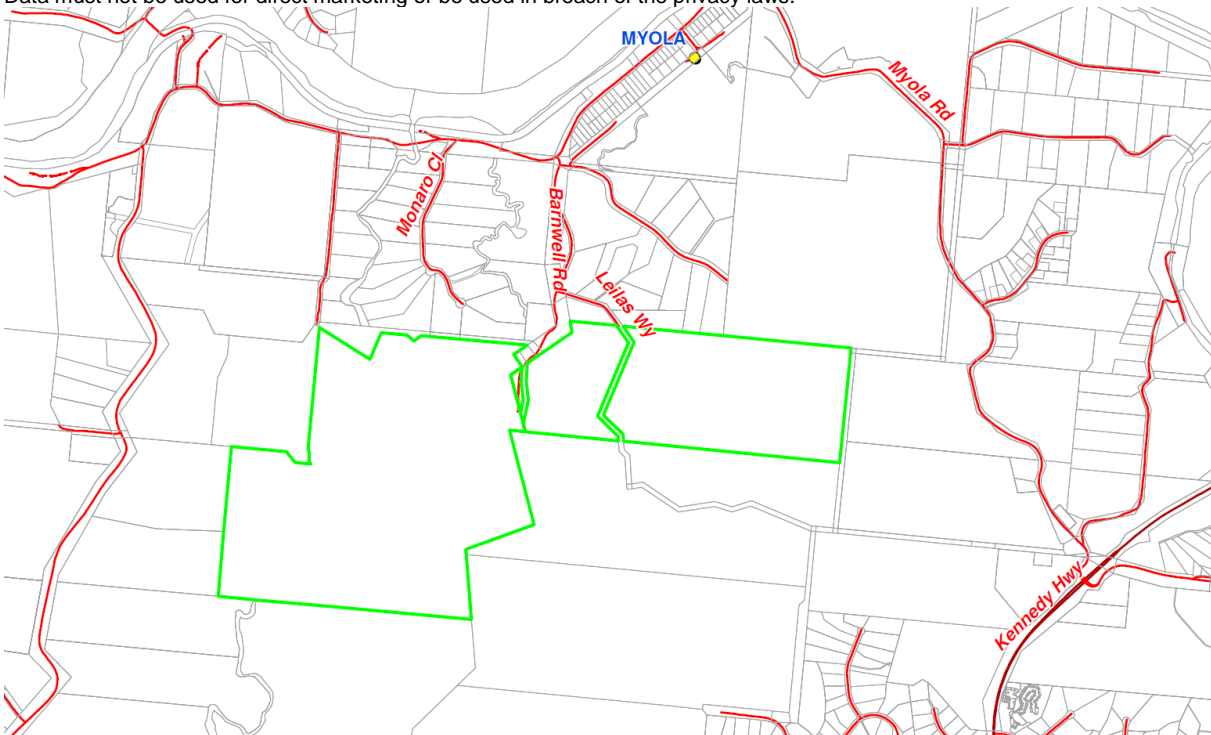
Lot 22 is utilised for a range of primarily rural land uses and is improved by a number of buildings and structures that support the existing land uses.

Both allotments are zoned Rural under the Mareeba Shire Council Planning Scheme 2016. Land immediately to the north is zoned Rural Residential and used predominantly for rural lifestyle purposes.



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

OW/16/0001 - Operational Works - Earthworks (Water Storage Dam)

Council, at its Ordinary Meeting on 20 July 2016 approved an application made by Civil Walker on behalf of the landowners, Reeve and Ocean Pty Ltd, seeking a development permit for operational works - earthworks (water storage dam) on land described as Lot 22 on N157227, situated at Barnwell Road, Kuranda. The Decision Notice was issued on 26 July 2016.

On 9 June 2017, Council, under delegated authority, approved a minor amendment to development approval OW/16/0001.

The water storage dam subject to development approval OW/16/0001 has been constructed in accordance with the conditions of approval and is considered to be lawfully established.

DA/16/0065 - Material Change of Use - Animal Keeping

On 9 February 2017, Council, under delegated authority, approved an application made by Cardno on behalf of the landowners, Reeve and Ocean Pty Ltd, seeking a development permit for material change of use - animal keeping on land described as Lot 22 on N157227, situated at Barnwell Road, Kuranda. The Decision Notice was issued on 9 February 2017.

Development approval DA/16/0065 has been acted upon and it is considered that the use is occurring in compliance with the conditions of approval.

MCU/17/0012 - Material Change of Use - Nature Based Tourism

On 27 November 2017, Council, under delegated authority, approved an application made by Cardno on behalf of the landowners, Reeve and Ocean Pty Ltd, seeking a development permit for material change of use - nature based tourism on land described as Lot 16, 17, 18, 22 on N157227, Lot 19 on N157452 and Lots 1 & 2 on RP703984 situated at 77 and 112 Barnwell Road, Kuranda. The Decision Notice was issued on 28 November 2017.

The use authorised under development approval MCU/17/0012 has not commenced at this time.

MCU/18/0006 - Material Change of Use - Tourist Attraction

On 15 March 2018, Cardno on behalf of Reeve and Ocean Pty Ltd, made application for a development permit for material change of use - nature based tourism on land described as part of Lot 16 on N157227, Lot 17 on SP296830, Lot 18 on SP296830, Lot 19 on SP296830 and Lot 22 on SP296830 situated at 77 and 112 Barnwell Road, Kuranda.

This application has not been decided by Council.

RAL/18/0001 - Reconfiguring a Lot

On 18 January 2018, Cardno on behalf of A & A Easton and B Martin, made application for a development permit for reconfiguring a lot - subdivision (1 into 48 lots in 2 stages) on land described as Lot 16 on N157227, situated at 77 Barnwell Road, Kuranda.

This application is awaiting the applicant's response to Council's information request and has not been decided by Council.

RAL/18/0002 - Reconfiguring a Lot

On 18 January 2018, Cardno on behalf of Reeve and Ocean Pty Ltd, made application for a development permit for reconfiguring a lot - subdivision (12 into 191 lots in 8 stages) on land described as Lot 1 on RP703984, Lot 20 on N157423, Lot 43 on N157359, Lot 95 on N157452, Lot 129 on NR456, Lot 131 on N157491, Lot 290 on N157480, Lot 17 on N157227, Lot 18 on N157227, Lot 19 on N157452, Lot 22 on N157227, Lot 2 on RP703984 and Road reserves (Barnwell Road and unnamed roads) adjoining Lots 17, 18 and 22 on N157227), Lots 1 and 2 on RP703984 and Lot 19 on N157452, situated at 112 Barnwell Road, Kuranda.

This application is awaiting the applicant's response to Council's information request and has not been decided by Council.

KUR-World Coordinated Project

The subject land is also the site of the proposed KUR-World Integrated Eco-Resort. This proposal is currently being investigated by the Queensland Coordinator General.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Boundary Realignment in accordance with the plans shown in **Attachment 1**.

The proposed allotments are:

- Lot 16 - area of 57.245 hectares, existing property access to continue via Barnwell Road;
- Lot 22 - area of 107.672 hectares, existing property access to continue via Barnwell Road.

The realignment would move approximately 3,720m² from existing Lot 16 and include this area as part of proposed Lot 22. The boundary realignment resolves an existing encroachment where part of the access to Lot 22 present traverses Lot 16.

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Rural other
Zone:	Rural
Overlays:	Airport environs overlay Bushfire hazard overlay Environmental significance 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

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
- 8.2.8 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 solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Transport infrastructure overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.

(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

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

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

As the proposed development is for boundary realignment only, no infrastructure charges/contributions are payable.

REFERRALS

This application did not trigger a referral to a State Referral Agency.

Internal Consultation

Technical Services

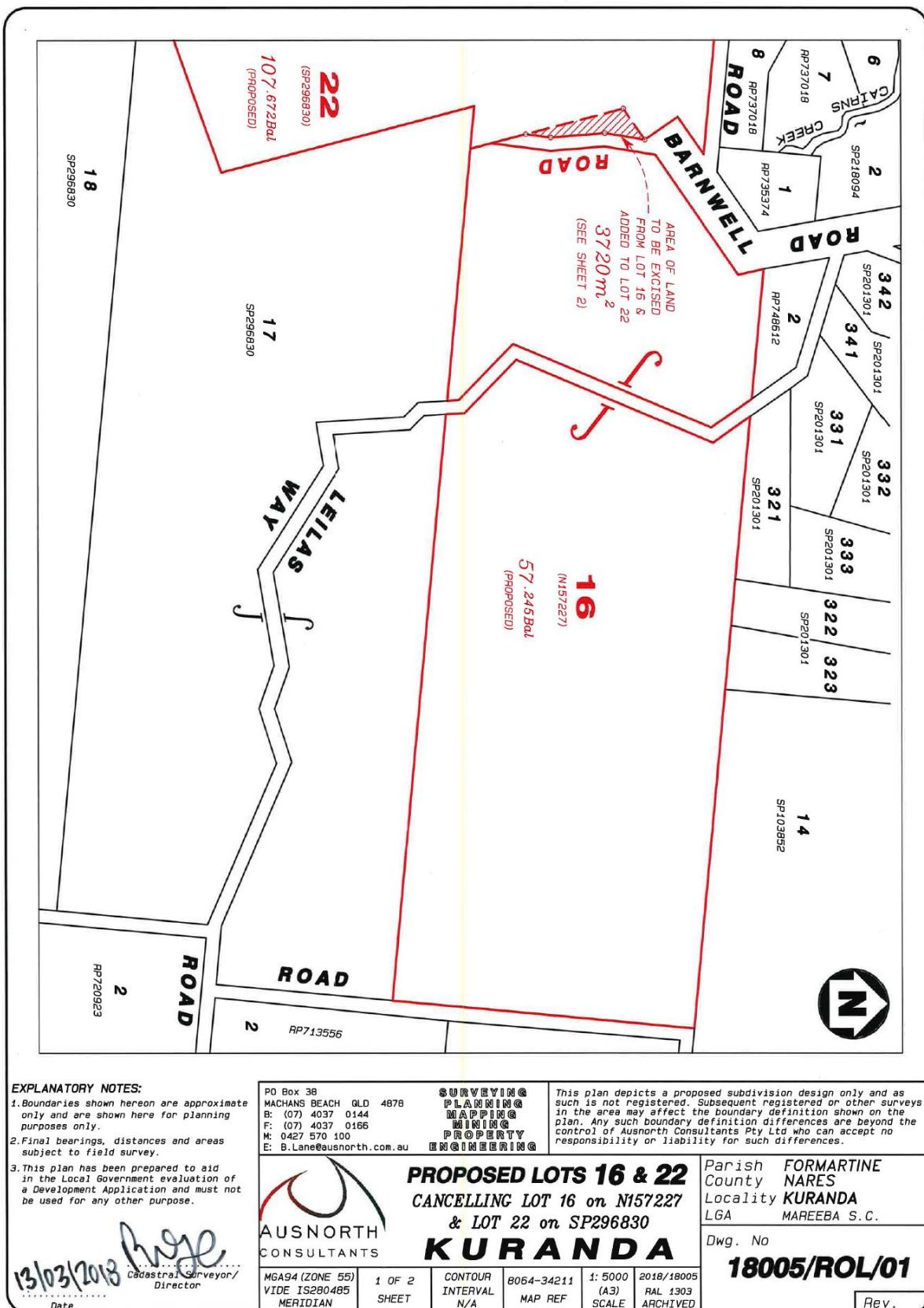
PLANNING DISCUSSION

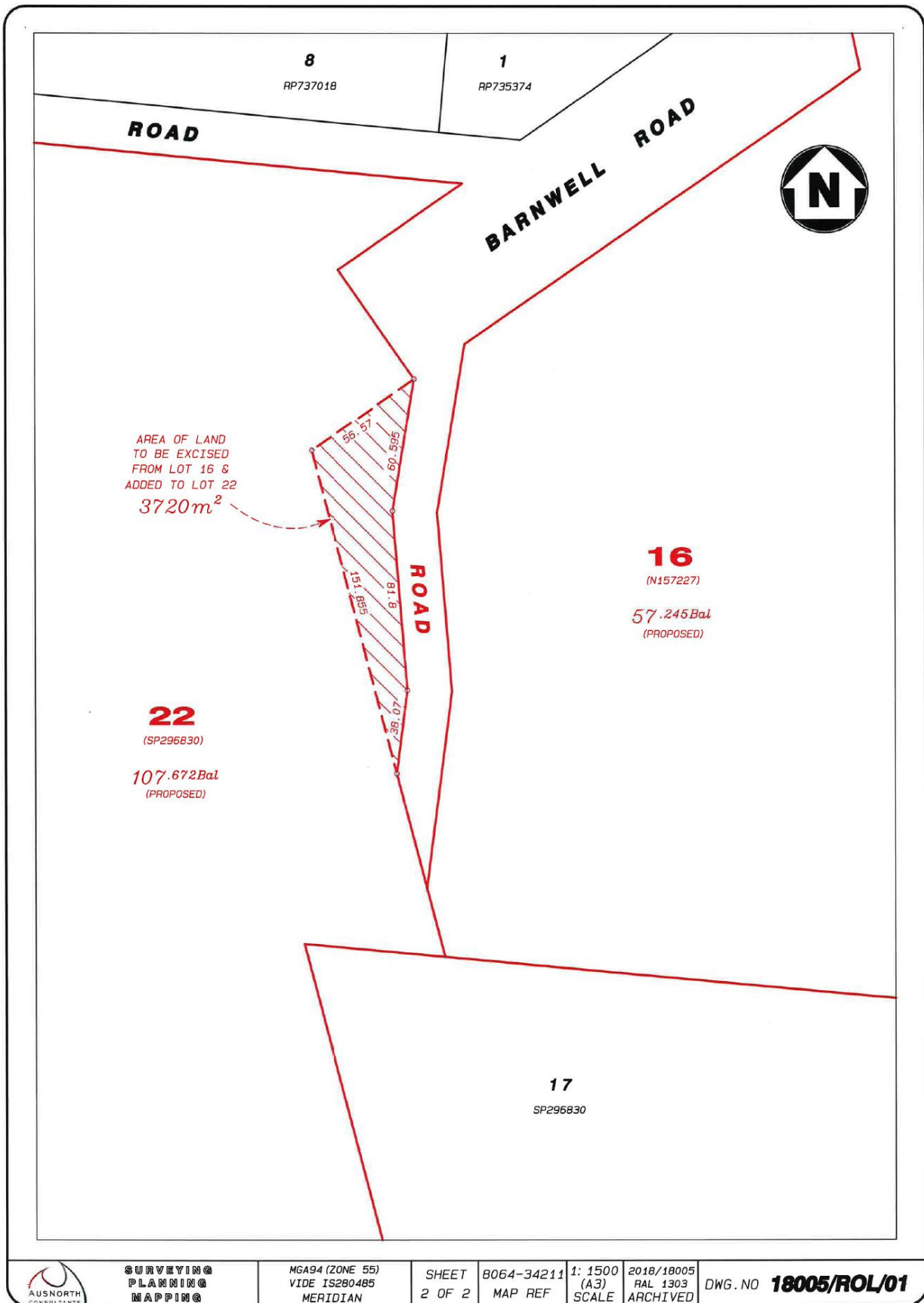
Nil

Date Prepared: *1 May 2018*

ATTACHMENT 1

PROPOSAL PLANS





**SURVEYING
PLANNING
MAPPING**

MGA94 (ZONE 55)
VIDE IS280485
MERIDIAN

SHEET
2 OF 2

8064-34211
MAP REF

1: 1500
(A3)
SCALE

2018/18005
RAL 1303
ARCHIVED

DWG. NO **18005/ROL/01**

ITEM-2 **REEVER AND OCEAN PTY LTD - MCU TOURIST ATTRACTION - LOT 16 N157227, LOT 17, 18, 19 & 22 SP296830 - 77 & 112 BARNWELL ROAD, KURANDA - MCU/18/0006**

MEETING: Ordinary

MEETING DATE: 16 May 2018

REPORT OFFICER'S TITLE: Senior Planner

DEPARTMENT: Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Reever and Ocean Pty Ltd	ADDRESS	77 & 112 Barnwell Road, Kuranda
DATE LODGED	15 March 2018	RPD	Lot 16 on N157227, Lot 17, 18, 19 and 22 on SP296830
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Tourist Attraction		

FILE NO	MCU/18/0006	AREA	Lot 16 - 57.61 ha Lot 17 - 63.12 ha Lot 18 - 69.81 ha Lot 19 - 43.49 ha Lot 22 - 107.3 ha
LODGED BY	Cardno	OWNER	Lot 16 - A & A Easton & B Martin Lots 17, 18, 19 & 22 - Reever and Ocean Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

- ATTACHMENTS:**
1. Proposal Plan/s
 2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response – 4 May 2018

EXECUTIVE SUMMARY

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

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

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.

The key issues of the proposed development are conditioning the staged upgrading of Barnwell Road and continuing the environmental protection conditions imposed for the previous nature based tourism development approval.

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	Reever and Ocean Pty Ltd	ADDRESS	77 & 112 Barnwell Road, Kuranda
DATE LODGED	15 March 2018	RPD	Lot 16 on N157227, Lot 17, 18, 19 and 22 on SP296830
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Tourist Attraction		

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), referral 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 - Tourist Attraction

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DA-SP060	Tourism Site Plan 60 Pax	Develop North	05/03/2018
DA-SP150	Tourism Site Plan 150 Pax	Develop North	05/03/2018
DA-SP300	Tourism Site Plan 300 Pax	Develop North	05/03/2018
DA-BH04	Ground Floor Plan	Develop North	01/03/2018
DA-BH05	Ground Floor Dimension Plan	Develop North	01/03/2018
DA-BH08	First Floor Plan	Develop North	01/03/2018
DA-BH09	First Floor Dimension Plan	Develop North	01/03/2018
DA-BH11	Roofing Plan	Develop North	01/03/2018
DA-BH12	Elevations	Develop North	01/03/2018
DA-BH13	Elevations	Develop North	01/03/2018
DA-CVD1	Cattle Viewing Deck Site Plan	Develop North	28/02/2018
DA-CVD2	Cattle Viewing Deck Ground Floor Plan	Develop North	28/02/2018
DA-CVD3	Cattle Viewing Deck First Floor Plan	Develop North	28/02/2018
DA-CVD4	Cattle Viewing Deck East & West Elevations	Develop North	28/02/2018
DA-CVD5	Cattle Viewing Deck North Elevation	Develop North	28/02/2018
DA-CVD6	Cattle Viewing Deck GF Beam Plan	Develop North	28/02/2018
DA-CVD7	Cattle Viewing Deck 1F Roof Beam Plan	Develop North	28/02/2018
DA-CVD8	Cattle Viewing Deck 3D Conceptual	Develop North	28/02/2018
DA-CON 01	Container Viewing Deck DA Plans & Elevation	Develop North	01/03/2018
DA-GD01	Garden Deck Site Plan Stage 1	Develop North	26/02/2018
DA-GD02	Garden Deck Floor Plan Stage 1	Develop North	26/02/2018
DA-GD03	Garden Deck Elevations Stage 1	Develop North	26/02/2018
DA-GD11	Garden Deck Site Plan Stage 2	Develop North	26/02/2018
DA-GD12	Garden Deck Floor Plan Stage 2	Develop North	26/02/2018
DA-GD13	Garden Deck Elevations Stage 2	Develop North	26/02/2018
DA-GD22	Garden Deck 3D Concept	Develop North	26/02/2018

Plan/Document Number	Plan/Document Title	Prepared by	Dated
DA-HP01	Horse Pen 2 Site Plan	Develop North	28/02/2018
DA-HP02	Horse Pen 2 Floor Plan	Develop North	28/02/2018
DA-HP03	North & South Elevations	Develop North	28/02/2018
DA-HP04	East & West Elevations	Develop North	28/02/2018
DA-HP05	Horse Pen 2 3D	Develop North	28/02/2018
DA-RSN01	Rest Stop North Site Plan	Develop North	28/02/2018
DA-RSN02	Rest Stop North Floor Plan	Develop North	28/02/2018
DA-RSN03	Rest Stop North Elevations	Develop North	28/02/2018
DA-RSN04	Rest Stop North 3D	Develop North	28/02/2018
DA-RSS01	Rest Stop South Site Plan	Develop North	28/02/2018
DA-RSS02	Rest Stop South Floor Plan	Develop North	28/02/2018
DA-RSS03	Rest Stop South Elevations	Develop North	28/02/2018
DA-RSS04	Rest Stop South 3D	Develop North	28/02/2018
DA-TB01	Toilet Block Floor & Site Plan	Develop North	01/03/2018
DA-TB02	Toilet Block Elevations	Develop North	01/03/2018
DA-TB03	Toilet Block 3D	Develop North	01/03/2018
Figure 1	Erosion and Sediment Control Points of Interest	NRA Consultants	Nov 2017

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, including but not necessarily limited to the subject of 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 relevant stage of the use except where specified otherwise in these conditions of approval.

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

3. General

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

- 3.2 All external 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.

3.3 Waste Management

On site refuse storage area 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.

3.4 Hours of Operation

The operating hours shall be between 7am and 7pm, Monday to Sunday.

- 3.5 Tourists are to be delivered to the site via bus only and are not permitted to access or be delivered to the approved use via a passenger-car of 5.2 metres length (or lesser length vehicle).

- 3.6 In order to reduce amenity impacts, quad bike activities associated with the approved use are not permitted within 150 metres of the northern boundary of Lot 22 on SP296830 at any time.

Note - Quad bike activities associated with the existing use, namely animal husbandry, is permitted within this area.

- 3.7 The maximum noise level of any ATV (quad bike) operated in the conduct of the approved use shall not exceed 63dBA (measured at 50 metres from the ATV or at the boundary of any land not forming part of this development approval).

- 3.8 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

An access crossover must be constructed (from the edge of Barnwell Road to the property boundary of the subject land) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

4.2 Barnwell Road upgrades

Prior to the commencement of each relevant stage of the use, the applicant/developer is required to undertake the following works and / or actions designed in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer:

- (i) Stage TA60 – no operational or infrastructure requirements.
- (ii) Stage TA150 – The applicant/developer must upgrade Barnwell Road (south), specifically the widening and sealing (with 4.5 metre minimum seal width) to the satisfaction of Council.

Note – Barnwell Road (north), being the sealed section of Barnwell Road is considered to be acceptable for the purposes of the TA150 and need not form part of the Traffic and Transport Management Plan.

- (iii) Stage TA300 – The applicant/developer must upgrade the full length of Barnwell Road to the following standard:
 - a. **Formation:** 8 metres
 - b. **Pavement Width:** 6.5 metres
 - c. **Seal Width:** 6.5 metres
 - d. **Shoulders:** 0.75 metres gravel
 - e. Myola Road / Barnwell Road intersection upgrade (as required), likely pavement widening on the left in to Barnwell Road.

4.3 Carparking/Internal Driveways

The designated car parking area and internal driveways must be constructed with compacted gravel to a minimum depth of 100mm and be appropriately drained prior to the commencement of the use, and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Environmental Management

- 4.4.1 Any material likely to degrade the water (eg 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.

4.4.2 An emergency spill containment kit must be kept on site at all times during the operation of the approved use.

4.4.3 A vehicle wash down facility must be provided on-site to reduce the spread of weed species. The vehicle wash down facility is to be located so as to prevent the discharge of sediment, contaminants or wastewater to waterways, creeks or watercourses.

4.4.4 All new earthworks associated with access tracks, driveways and the like are to be maintained so that the risk and consequence of erosion is minimised, to the satisfaction of Council's delegated officer. All batters created by earthworks are to be vegetated or otherwise protected from scour as soon as possible after works are carried out, to the satisfaction of Council's delegated officer.

4.4.5 All tracks, including all creek/waterway crossings, driveways and the like used for ATV (quad bike) tours are to be constructed and maintained for the life of the development, so that the risk and consequence of erosion/sedimentation is minimised, to the satisfaction of Council's delegated officer.

4.4.6 Crossings

The crossing of creeks internal to the site by quad bikes used for tourist activities shall:

- (a) be limited to the use of "South Crossing 1" and "South-East Crossing 3" as depicted on "Figure 1: Erosion and Sediment Control Points of Interest" prepared by NRA Consultants;
- (b) involve a maximum of 60 crossings per day (single movement) over any single creek crossing location; and
- (c) not involve the use of "South Crossing 2" as depicted on "Figure 1: Erosion and Sediment Control Points of Interest" prepared by NRA Consultants;

Note: 60 crossings (single movement) is equivalent to 30 return trips.

The crossing of creeks internal to the site by foot:

- (a) only occurs where involving an essential crossing; or
- (b) where for a non-essential crossing only occurs where a foot scrub is used immediately prior to the non-essential crossing.

Note: An "essential crossing" is considered a crossing where no feasible alternative to a crossing by foot is available. This

may include (but not be limited to) a crossing in response to a stranded vehicle, dangerous situation, potential for environmental harm or emergency situation.

Note: A foot scrub is required to be undertaken to limit the spread of Chytrid fungus.

Between 1 October of any given year and 31 May of the following year (inclusive), the following management protocols are to be implemented and followed in relation to the crossing of creeks internal to the site by vehicles associated with the tourist attraction use:

- (a) On-site rain gauge stations are to be monitored on a daily basis;
- (b) Where more than 25mm of rainfall is recorded within a 24 hour period, from the monitoring undertaken in accordance with paragraph (a), the crossing of any on-site creek for tourist activities is not to occur; and
- (c) The crossing of any on-site creek for tourist activities may recommence only when the level of water within a creek returns to pre-rainfall levels.

4.4.7 Speed Limits

The following speed limits are applicable to quad bikes used for tourist activities:

- (a) Where within a waterway corridor – 5km/h (walking pace)
- (b) Where within 100 metres of a waterway corridor – 10km/h
- (c) Where paragraphs (a) and (b) do not apply – 20km/h

4.4.8 Quad Bikes

Any quad bike used in association with the tourist attraction use must not leave the site unless:

- (a) The quad bike is transported by truck (and not under its own power) and the movement of the quad bike off site is for maintenance or servicing reasons; or
- (b) The movement of the quad bike is associated with an existing lawful rural use of the site.

4.4.9 Sediment and Erosion Control

The following sediment and erosion control measures are to be implemented on the site to limit the risk of sediment entering the watercourses, as appropriate:

- (a) Whoa-boy diversion drains, to divert water to grassed areas on the internal unsealed access-ways each side of the creek crossing;
- (b) Sections of appropriately sized rock at least 1.5 metres either side of any creek crossing and extending the full width of the access road, that will act as a shaker grid to dislodge dirt and debris prior to entering crossing;
- (c) Coir logs – pinned with wooden stakes, laid either side of the crossing to clean water entering the crossing and clean water leaving the crossing;
- (d) Embankments (where applicable) on either side of unsealed access ways covered with geofabric.

4.4.10 Signs

The following signage is to be erected on the site:

- (a) Signs located at the entrance to each creek crossing advising vehicle operators of the applicable speed limit under this approval; and
- (b) Signage located in the vicinity of the main tourist area, providing information on the Kuranda tree frog.

4.5 Water Supply

The quality of water provided on site for human contact or consumption must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

4.6 On-site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.7 Landscaping

Prior to the commencement of the use of the site, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval.

Plant species used must be selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

All landscaping must be carried out in accordance with the approved landscape plan and must be mulched, irrigated and maintained for the life of the development.

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

(b) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.**(c) Compliance with applicable codes/policies**

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

(d) 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.

(e) 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.

(f) 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) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 4 May 2018.

(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
- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

THE SITE

The subject land comprises 5 adjoining allotments situated at 77 and 112 Barnwell Road, Kuranda, and described as Lot 16 on N157227 and Lots 17, 18, 19 and 22 on SP296830.

The subject land has a combined area of approximately 341 hectares and is zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

The extent to which Lot 16 on N157227 (77 Barnwell Road) forms part of the application is for the purpose of facilitating access to the remainder of the subject land as the sites access road from Barnwell Road traverses the westernmost portion of Lot 16. No activity associated with the proposed use will occur on Lot 16 apart from accommodation vehicles travelling to the site.

The land is accessed via Barnwell Road with the constructed section of the road terminating within the road reserve adjacent Lot 22.

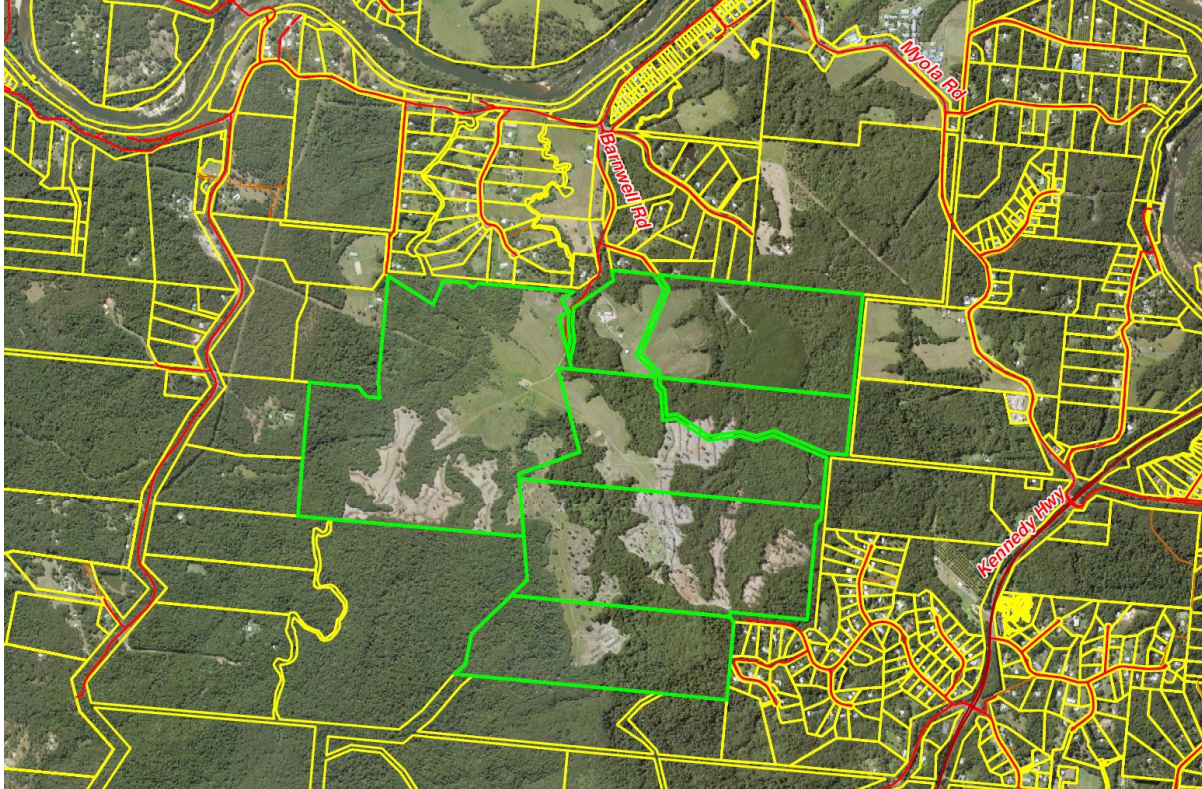
Of the four main land parcels subject to this application (112 Barnwell Road), Lot 22 is the only parcel that contains any known built improvements. The four main parcels are presently used for the following rural land uses:

- KUR-Cow: The site is used for the grazing and husbandry of beef cattle as part of the KUR-Cow business, that provides for the exporting of beef.
- KUR-Organics: Part of the site is used for the growing of organic produce.
- Animal Keeping: The site is used for the keeping of animals including (but not limited to) donkeys, alpacas, goats and horses.
- Nature-Based Tourism: The site has approval, on a temporary basis (until 30 June 2018), for small tourist activities associated with the rural and environmental features of the site.

The remainder of the subject land is undeveloped and is best described as undulating acreage with a mix of large cleared grassed areas and a network of vegetated gullies and watercourses. The site is traversed by Owen Creek, Cain Creek and Haren Creek and also tributaries of Owen Creek, Cain Creek, Warril Creek and Haren Creek.

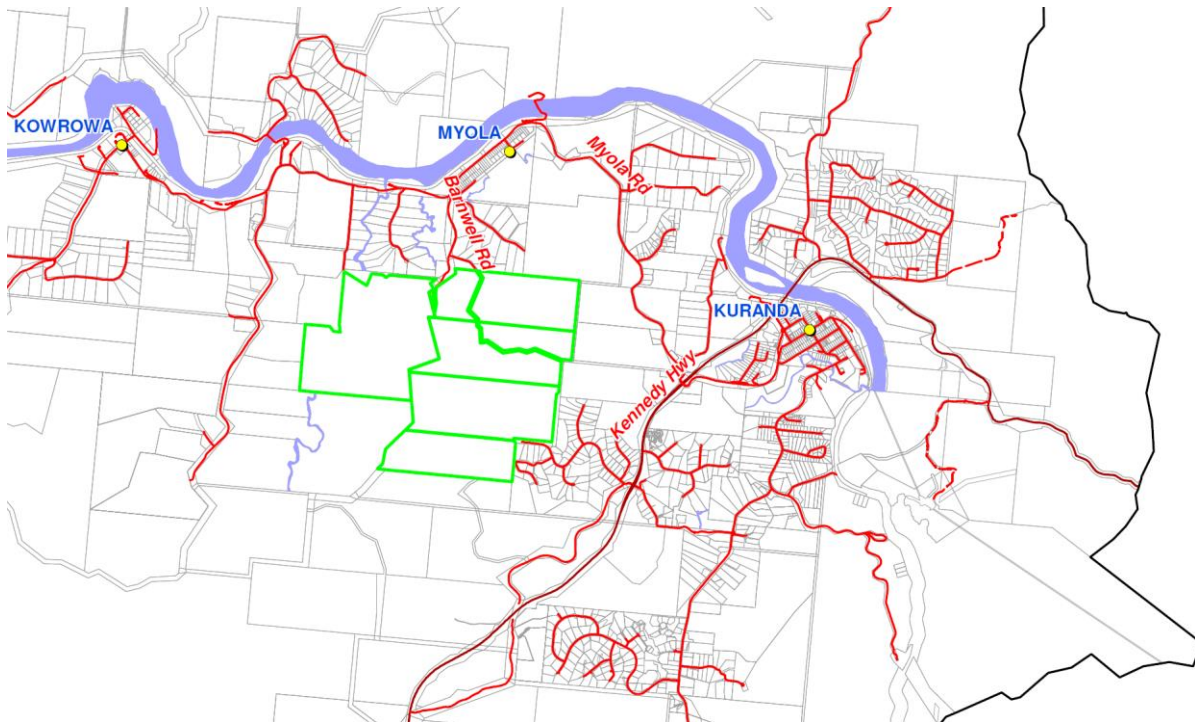
Remnant and regrowth vegetation is present on the site. Regrowth vegetation extends along the creek corridors that traverse the site.

Land surrounding the site is zoned a mix of Rural Residential and Rural and comprises a mix of smaller rural residential allotments containing single detached dwellings and larger rural holdings that remain predominately vegetated and are predominately used as large lifestyle lots with some used for low intensity 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

OW/16/0001 - Operational Works - Earthworks (Water Storage Dam)

Council, at its Ordinary Meeting on 20 July 2016 approved an application made by Civil Walker on behalf of the landowners, Reeve and Ocean Pty Ltd, seeking a development permit for operational works - earthworks (water storage dam) on land described as Lot 22 on N157227, situated at Barnwell Road, Kuranda. The Decision Notice was issued on 26 July 2016.

On 9 June 2017, Council, under delegated authority, approved a minor amendment to development approval OW/16/0001.

The water storage dam subject to development approval OW/16/0001 has been constructed in accordance with the conditions of approval and is considered to be lawfully established.

DA/16/0065 - Material Change of Use - Animal Keeping

On 9 February 2017, Council, under delegated authority, approved an application made by Cardno on behalf of the landowners, Reeve and Ocean Pty Ltd, seeking a development permit for material change of use - animal keeping on land described as Lot 22 on N157227, situated at Barnwell Road, Kuranda. The Decision Notice was issued on 9 February 2017.

Development approval DA/16/0065 has been acted upon and it is considered that the use is occurring in compliance with the conditions of approval.

MCU/17/0012 - Material Change of Use - Nature Based Tourism

On 27 November 2017, Council, under delegated authority, approved an application made by Cardno on behalf of the landowners, Reeve and Ocean Pty Ltd, seeking a development permit for material change of use - nature based tourism on land described as Lot 16, 17, 18, 22 on N157227, Lot 19 on N157452 and Lots 1 & 2 on RP703984 situated at 77 and 112 Barnwell Road, Kuranda. The Decision Notice was issued on 28 November 2017.

The use authorised under development approval MCU/17/0012 has not commenced at this time.

RAL/18/0001 - Reconfiguring a Lot

On 18 January 2018, Cardno on behalf of A & A Easton and B Martin, made application for a development permit for reconfiguring a lot - subdivision (1 into 48 lots in 2 stages) on land described as Lot 16 on N157227, situated at 77 Barnwell Road, Kuranda.

This application is awaiting the applicant's response to Council's information request and has not been decided by Council.

RAL/18/0002 - Reconfiguring a Lot

On 18 January 2018, Cardno on behalf of Reeve and Ocean Pty Ltd, made application for a development permit for reconfiguring a lot - subdivision (12 into 191 lots in 8 stages) on land described as Lot 1 on RP703984, Lot 20 on N157423, Lot 43 on N157359, Lot 95 on N157452, Lot 129 on NR456, Lot 131 on N157491, Lot 290 on N157480, Lot 17 on N157227, Lot 18 on N157227, Lot 19 on N157452, Lot 22 on N157227, Lot 2 on RP703984 and Road reserves (Barnwell Road and unnamed roads) adjoining Lots 17, 18 and 22 on N157227), Lots 1 and 2 on RP703984 and Lot 19 on N157452, situated at 112 Barnwell Road, Kuranda.

This application is awaiting the applicant's response to Council's information request and has not been decided by Council.

RAL/18/0015 - Reconfiguring a Lot - Boundary Realignment

On 27 April 2018, Cardno on behalf of Reeve and Ocean Pty Ltd, made application for a development permit for reconfiguring a lot - boundary realignment of land described as Lot 16 on N157227 and Lot 22 on SP296830 situated at 77 and 112 Barnwell Road, Kuranda.

This application has not been decided by Council.

KUR-World Coordinated Project

The subject land is also the site of the proposed KUR-World Integrated Eco-Resort. This proposal is currently being investigated by the Queensland Coordinator General.

DESCRIPTION OF PROPOSED DEVELOPMENT

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

The application summarises the proposed development as follows:

“The proposal involves the development of the KUR-Cow Tourist Attraction, providing a range of activities and experiences for site visitors, including quad bike activities, horse riding activities, tractor and trailer pull rides, horse and cart rides, cow milking and presentations on rural operations. The proposed development seeks to showcase:

- the existing rural operations of the site, including Reeve and Ocean’s established KUR-Cow business (Animal Husbandry);*
- the unique natural environment of the site and the surrounding area;*
- Australian and North Queensland culture and lifestyle, with a focus on ‘Australiana’ rural activities such as cattle handling; and*
- the history of the site in the development of the rural economy of North Queensland.*

The proposed development will involve the construction of a number structures to facilitate the Tourist Attraction use.

The 112 Barnwell Road property is presently improved with a range of structures and infrastructure associated with the various rural uses on the site, including Animal Keeping, Animal Husbandry and Cropping.

These uses will continue on the site in association with the proposed development. The extent of these existing uses is shown in the proposal plans.

The proposed development will be delivered across three stages. The key improvements in each stage are outlined below.

Stage TA60

Stage TA60 will involve up to 60 tourists (on average) attending the site each day. The following improvements form part of Stage TA60:

- Improvements to the first floor of the existing dwelling.*

Stage TA60 will also involve the cessation of the existing Dwelling House land use.

Stage TA150

Stage TA150 will involve up to 150 tourists (on average) attending the site each day. The following improvements form part of Stage TA150:

- Raising and extending the existing Dwelling*
- Cattle viewing deck*
- Container viewing deck*
- Garden viewing deck (Stage 1)*
- Toilet block*
- Temporary marquee*
- Covered and uncovered walkways*

Stage TA300

Stage TA300 will involve up to 300 tourists (on average) attending the site each day. The following improvements form part of Stage TA300:

- *Cattle ring seating*
- *Garden viewing deck (Stage 2)*
- *Horse pen roof*
- *Rest stops (north and south)*

All tourists attending the site will arrive by private charter bus. No tourists will arrive to the site by private vehicle.

Stage TA60 will utilise the existing circulation areas for bus parking and staff parking.

Stage TA150 will involve the development of a dedicated bus drop off, layby and turnaround area to the north-east of existing dwelling. Sufficient space for four buses has been provided. A staff car park, consisting of sufficient area for 19 cars, will also be provided in Stage TA150.

Stage TA300 will provide an expanded area for bus parking through the construction of a new bus parking area in the north of the site, together with the realignment of the existing internal driveway. A total of 11 bus parking spaces will be provided. The staff car park will also be expanded to provide sufficient area for 38 cars.

All parking and circulation spaces are proposed to have a gravel finish, consistent with the rural nature of the site and its existing uses. The proposed traffic arrangements for each stage are shown in the proposal plans."

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:

Land Use Categories

- Rural Other

Natural Environment Elements

- Biodiversity Areas
- Ecological Corridor
- Habitat Linkage

Zone:

Rural zone

Overlays:

- Airport Environs Overlay
- Bushfire Hazard Overlay
- Environmental Significance 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
Tourist attraction	Premises used for providing onsite entertainment, recreation or similar facilities for the general public. The use may include provision of food and drink for consumption on site.	Theme park, zoo	Hotel, major sport, recreation and entertainment facility, nightclub entertainment facility

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

Relevant Development Codes

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

- 6.2.9 Rural zone code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance overlay code
- 9.4.2 Landscaping 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 solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Works, services and infrastructure 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. Further discussion is warranted with regards to the following: <ul style="list-style-type: none"> ▪ Acceptable Outcome AO8.1 – transport network Refer to planning discussion section of report.

(e) Planning Scheme Policies

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

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

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

Significant upgrades to Barnwell Road have been conditioned for Stages TA150 and TA300. Due to the extent of these external roadworks, it is not proposed to impose an additional truck infrastructure payment condition.

REFERRALS

The application triggered a referral to the State Referral Agency for state transport infrastructure.

The Department advised in a response dated 4 May 2018 that they require conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services

PLANNING DISCUSSION

Compliance 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 performance outcome can be achieved.

Works, services and infrastructure code

PO8

The development has access to a transport network of adequate standard to provide for the safe and efficient movement of vehicles, pedestrians and cyclists

AO8.1

Vehicle access, crossovers, road geometry, pavement, utilities and landscaping to the frontage/s of the site are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.

Comment

A site inspection and multiple discussions were held in relation to the upgrading of Barnwell Road required by each of the three proposed development stages.

At the conclusion of these discussions, the following position was reached between Council officers and the applicant:

2. Stage TA60 – no operational or infrastructure requirements beyond that required by conditions of approval related to the Nature Based Tourism development, which is a similar type of operation to the TA60.
3. Stage TA150 – operational and infrastructure requirements are detailed in the discussion below.

The applicant/developer must upgrade Barnwell Road (south), specifically the widening and sealing (with 4.5 metre minimum seal width) to the satisfaction of Council.

Note – Barnwell Road (north), being the sealed section of Barnwell Road is considered to be acceptable for the purposes of the TA150 and need not form part of the Traffic and Transport Management Plan.

4. Stage TA300 – Barnwell Road to be upgraded to the following standard:
 - a. **Formation:** 8 metres
 - b. **Pavement Width:** 6.5 metres
 - c. **Seal Width:** 6.5 metres
 - d. **Shoulders:** 0.75 metres gravel
 - e. Myola Road / Barnwell Road intersection upgrade (as required), likely pavement widening on the left in to Barnwell Road.

Note – in the event that State or Federal environmental constraints limit the ability to achieve these standards we would seek to negotiate an alternative solution to the satisfaction of Mareeba Shire Council.

Conditioning of the development in accordance with the abovementioned will result in compliance with PO8 and AO8.1.

Date Prepared: 8 May 2018

ATTACHMENT 1

PROPOSAL PLANS




① **TOURISM SITE PLAN PAX 60**
1 : 2000

 <p>3/15/11/10/16 ST. KILMORNOCK QLD 4013 PO BOX 6042 CHURCHILL QLD 4013 08 9438 1000 www.developnorth.com.au</p>	<p>ADDRESS 112 BARNWELL RD, KURANDA</p> <p>PROJECT KUR-COW TOURISM ATTRACTION</p> <p>SHEET TOURISM SITE PLAN 60 PAX</p>	<p>No. Description Date</p> <p>A CONCEPT FOR REVIEW 12/12/17</p> <p>B PRELIM DEVELOPMENT APPLICATION 30/05/18</p> <p>C</p> <p>D</p> <p>E</p> <p>DATE: 30/05/2018 3:06:45 PM</p>	<p>DRAWING NO. DA-SP066</p> <p>REV NO.</p> <p>PROJECT NO. 1801</p> <p>DRAWN BY TOM V</p> <p>CHECKED BY ML</p>	<p>Scale 1 : 2000</p>



① TOURISM SITE PLAN PAX 150
1 : 2000

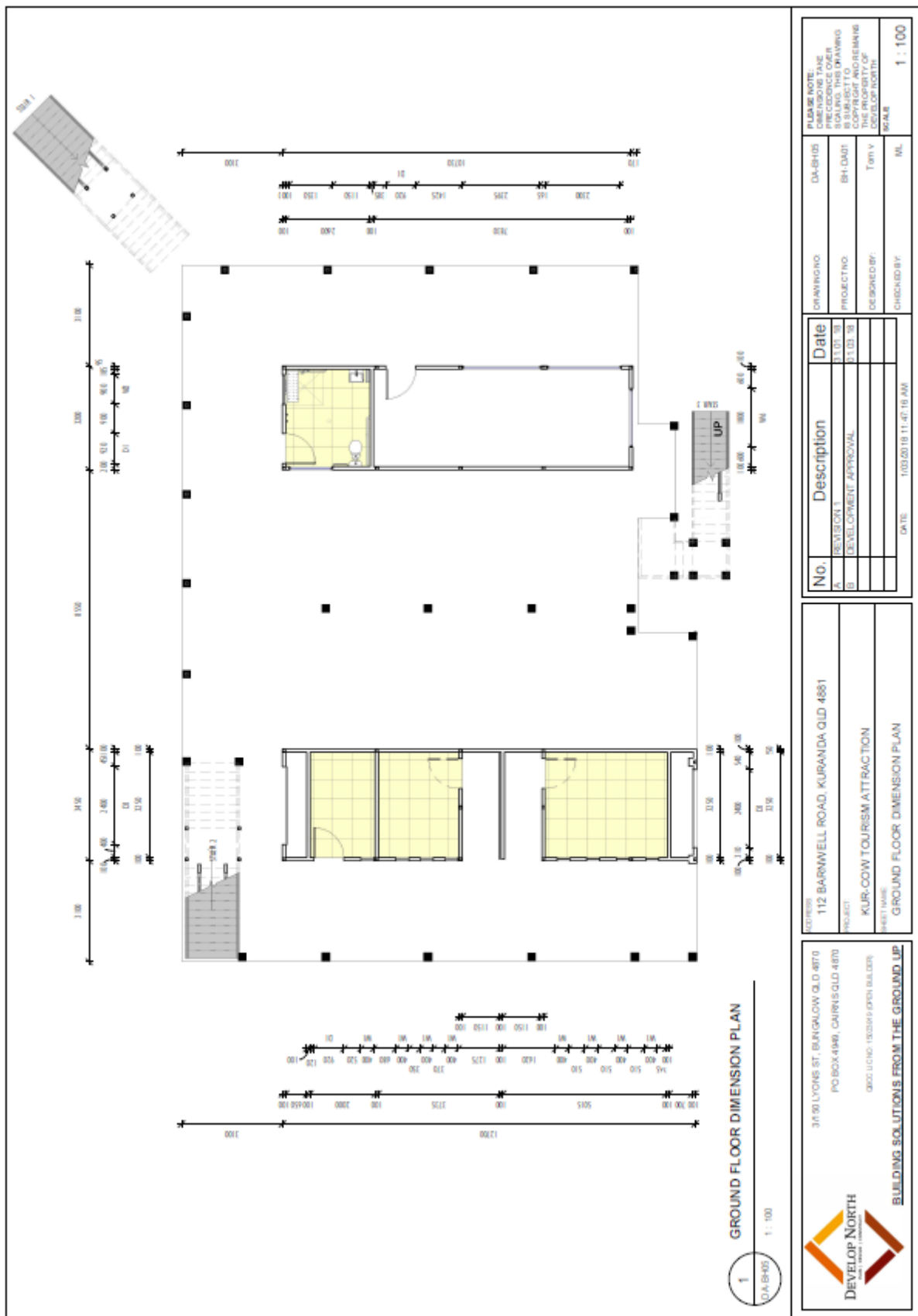
 <p>DEVELOP NORTH PLANNING & DESIGN</p>	<p>ADDRESS 112 BARNWELL RD. KURANDA</p> <p>PROJECT KUR-COW TOURISM ATTRACTION</p> <p>SHEET TOURISM SITE PLAN 150 PAX</p>	<p>DATE 5/5/2018 3:05:51 PM</p>	<p>NO A CONCEPT FOR REVIEW B PRELIM DEVELOPMENT APPLICATION</p>	<p>DATE 12/12/17 01/05/18</p>	<p>DRAWING NO CA-SP150 REV NO PROJECT NO 1801 DESIGNED BY TOM V CHECKED BY ML</p>	<p>SCALE 1 : 2000</p>



1 TOURISM SITE PLAN PAX 300
1 : 2000


 <p>DEVELOP NORTH 100-1000 ST. BARNWELL RD. KURANDA VIC 3860 03 503 4444 www.developnorth.com.au</p>	<p>ADDRESS 112 BARNWELL RD. KURANDA</p> <p>PROJECT KUR-COW TOURISM ATTRACTION</p> <p>SHEET TOURISM SITE PLAN 300 PAX</p>	<p>No A B</p> <p>Description CONCEPT FOR REVIEW PRELIM DEVELOPMENT APPLICATION</p> <p>Date 12/12/17 01/03/18</p> <p>DATE 06/03/2018 3:06:53 PM</p>	<p>DRAWING NO DA-SP300</p> <p>REV NO</p> <p>PROJECT NO 1801</p> <p>DESIGNED BY TOM V</p> <p>CHECKED BY ML</p>	<p>SCALE 1 : 2000</p>






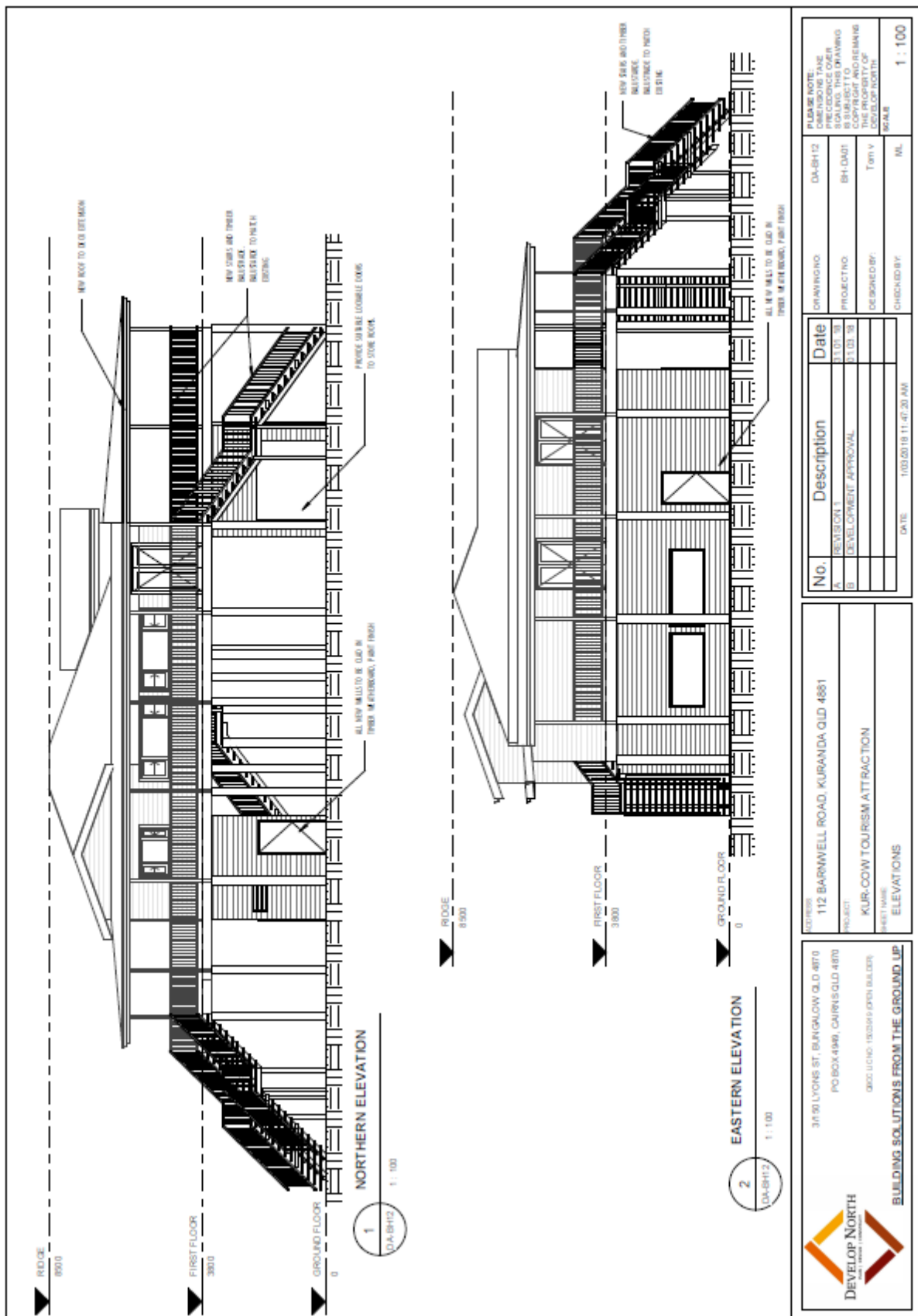







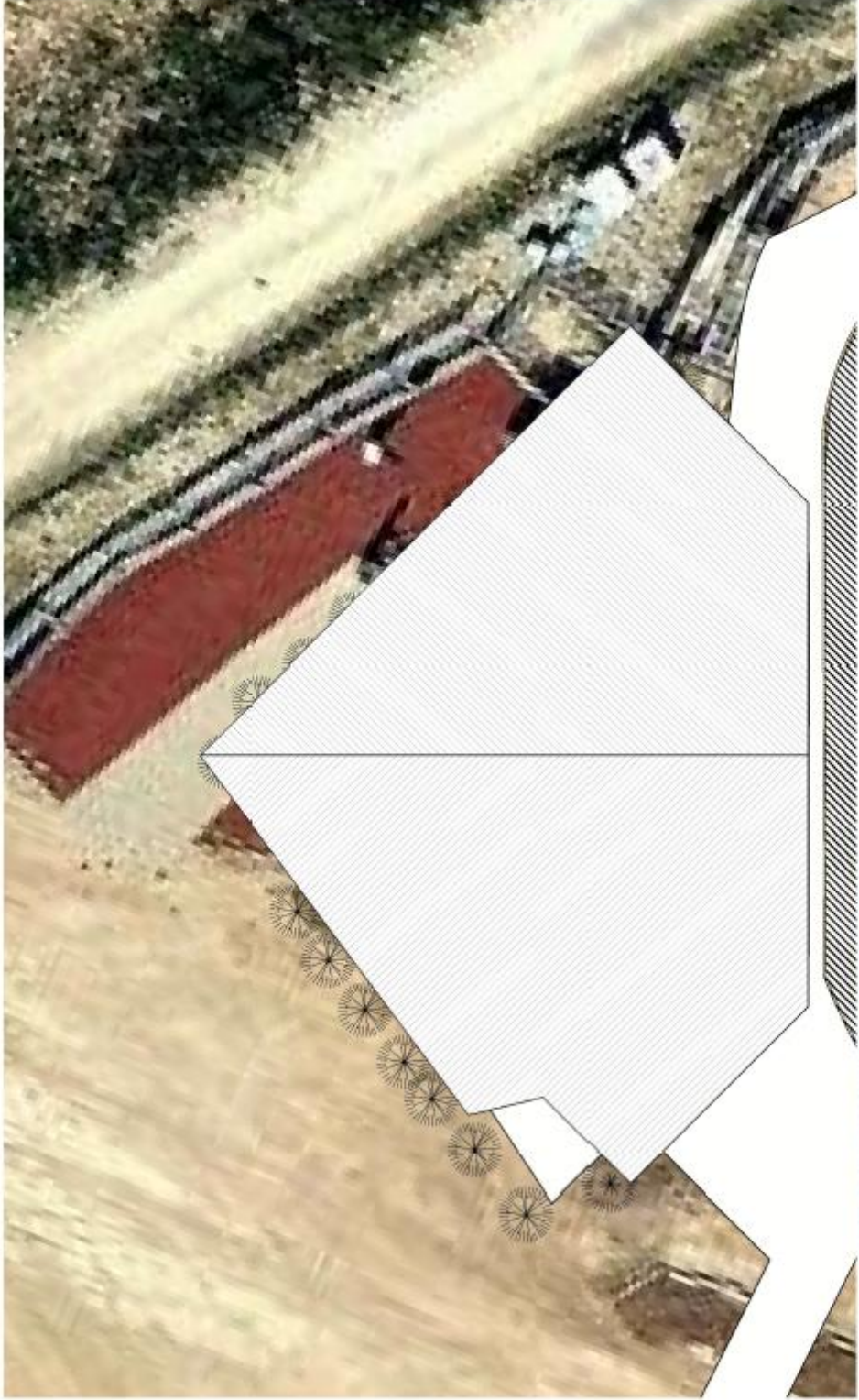
1 ROOFING PLAN
1 : 100

 <p>DEVELOP NORTH BUILDING SOLUTIONS FROM THE GROUND UP</p>		<p>3/150 LYONS ST, BUNGALOW QLD 4870 PO BOX 499, CAIRNS QLD 4870 0822 422000 • 0822 422000 FAX</p>		<p>REFERENCE 112 BARNWELL ROAD, KURANDA QLD 4851</p>		<p>PROJECT KUR-COW TOURISM ATTRACTION</p>		<p>DATE 10/03/2018 11:47:19 AM</p>		<p>NO. A B</p>		<p>DESCRIPTION REVISION 1 DEVELOPMENT APPROVAL</p>		<p>DATE 31.03.18 31.03.18</p>		<p>DRAWING NO. DA-BH11</p>		<p>PROJECT NO. BH-0401</p>		<p>DESIGNED BY Tom V</p>		<p>CHECKED BY ML</p>		<p>SCALE 1 : 100</p>	
<p>PLEASE NOTE: PRECEDENCE OVER ALL OTHERS. THIS DRAWING IS SUBJECT TO THE PROPERTY OF DEVELOP NORTH.</p>																									




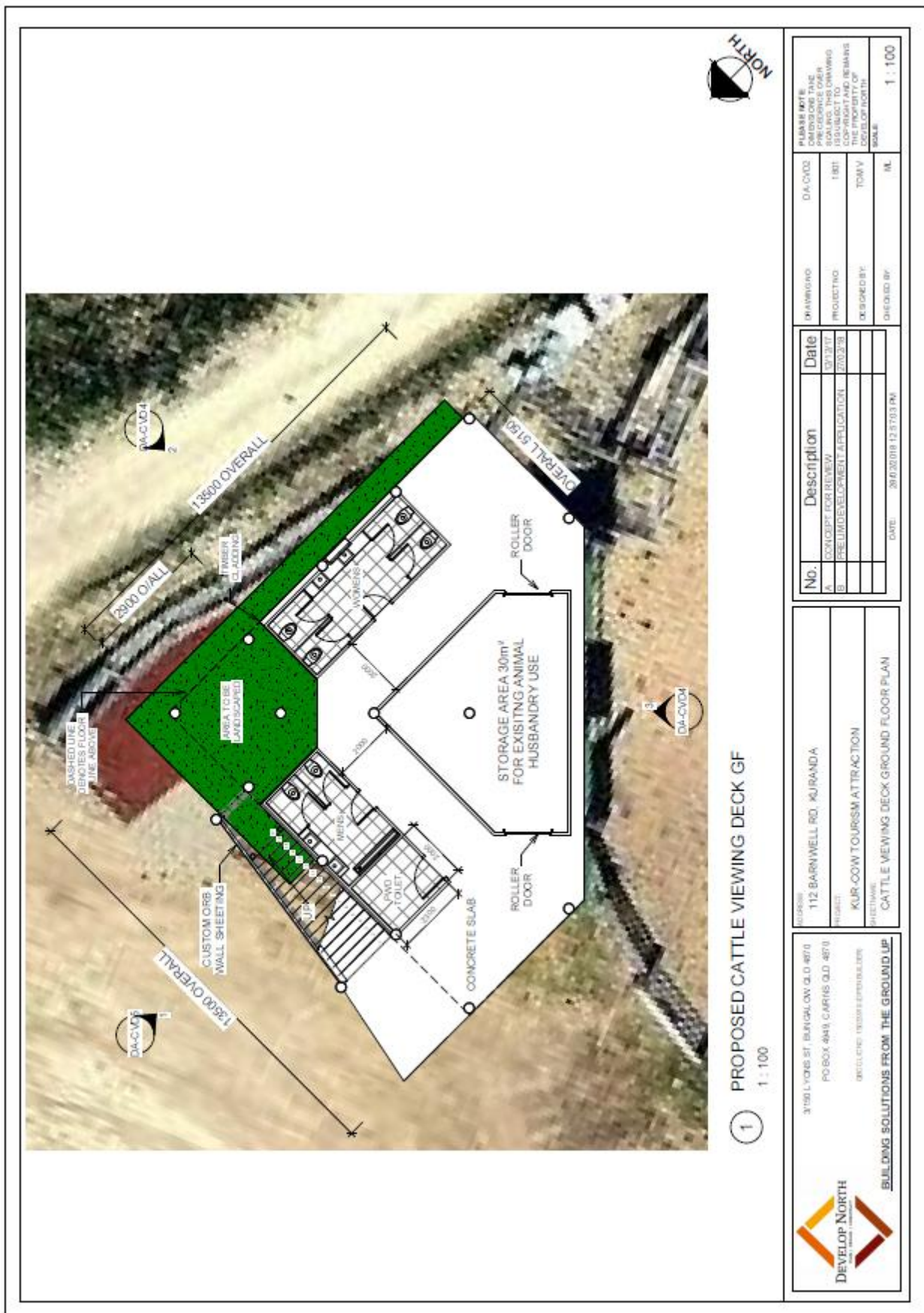
<div><div><div>DEVELOP NORTH</div><div>ARCHITECTS</div></div></div> <div>3/150 LYONS ST, BUNGALOW QLD 4870 PO BOX 4949, CAIRNS QLD 4870 GPO LIC NO: 19235/1 OPEN BUILDER</div>		<div>BUILDING SOLUTIONS FROM THE GROUND UP</div>																			
REFERENCE 112 BARNWELL ROAD, KURANDA QLD 4851 PROJECT KUR-COW TOURISM ATTRACTION SHEET NAME ELEVATIONS		<table><tr><th>No.</th><th>Description</th><th>Date</th></tr><tr><td>A</td><td>REVISION 1</td><td>31.03.18</td></tr><tr><td>B</td><td>DEVELOPMENT APPROVAL</td><td>31.03.18</td></tr><tr><td colspan="2"></td><td></td></tr><tr><td colspan="2"></td><td></td></tr><tr><td colspan="2"></td><td></td></tr></table>		No.	Description	Date	A	REVISION 1	31.03.18	B	DEVELOPMENT APPROVAL	31.03.18									
No.	Description	Date																			
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B	DEVELOPMENT APPROVAL	31.03.18																			
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		PROJECT NO BH-0401																			
		DESIGNED BY Tom V	SCALE 1:100																		
		CHECKED BY ML																			
		DATE 10/03/2018 11:47:20 AM																			






1 **PROPOSED CATTLE VIEWING DECK SITE PLAN**
1 : 100

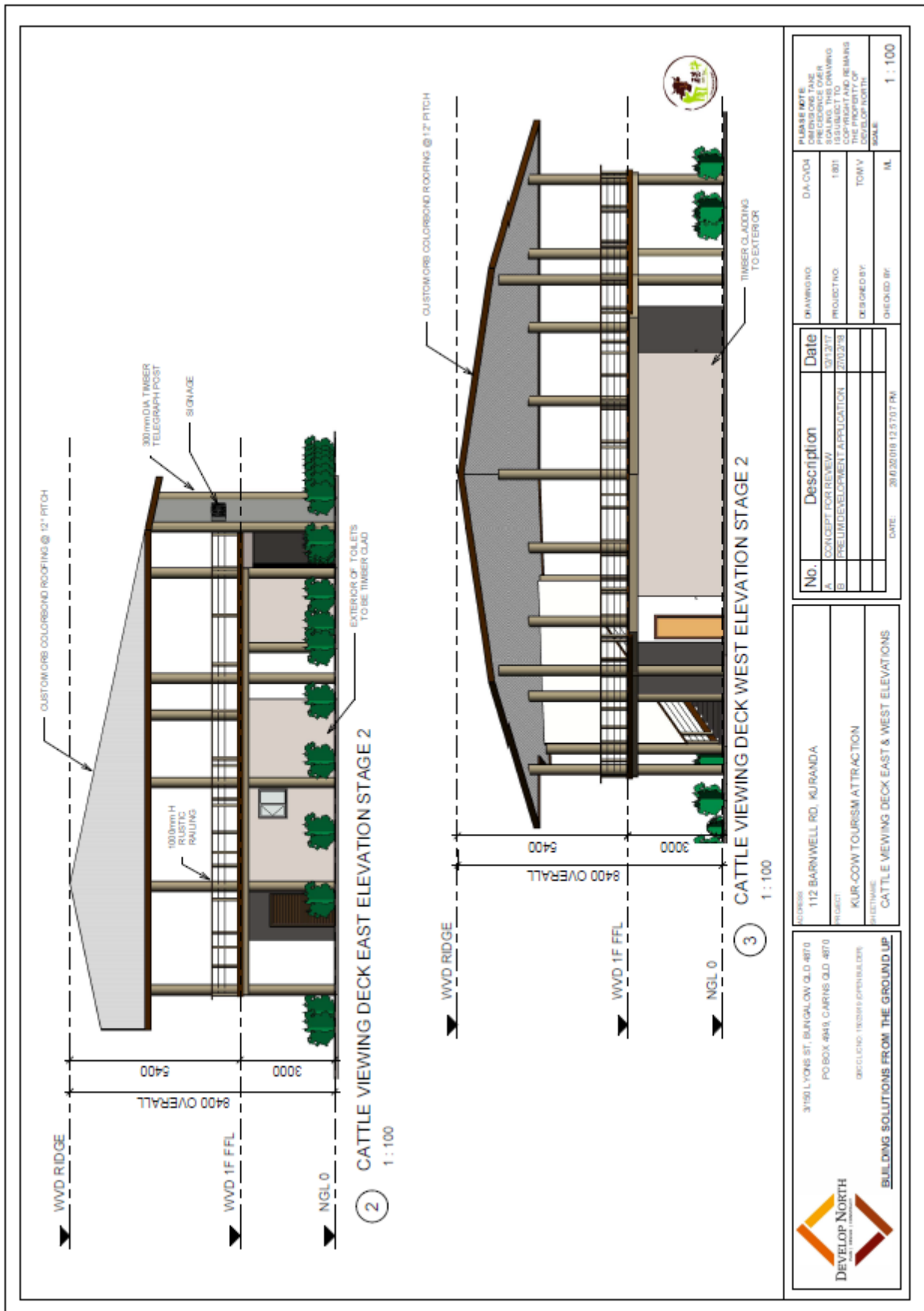
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ADDRESS 112 BARNWELL RD, KURANDA		PROJECT NO PROJECT NO	
PROJECT KUR COW TOURISM ATTRACTION		PROJECT NO PROJECT NO	
PROJECT NAME CATTLE VIEWING DECK SITE PLAN		PROJECT NO PROJECT NO	
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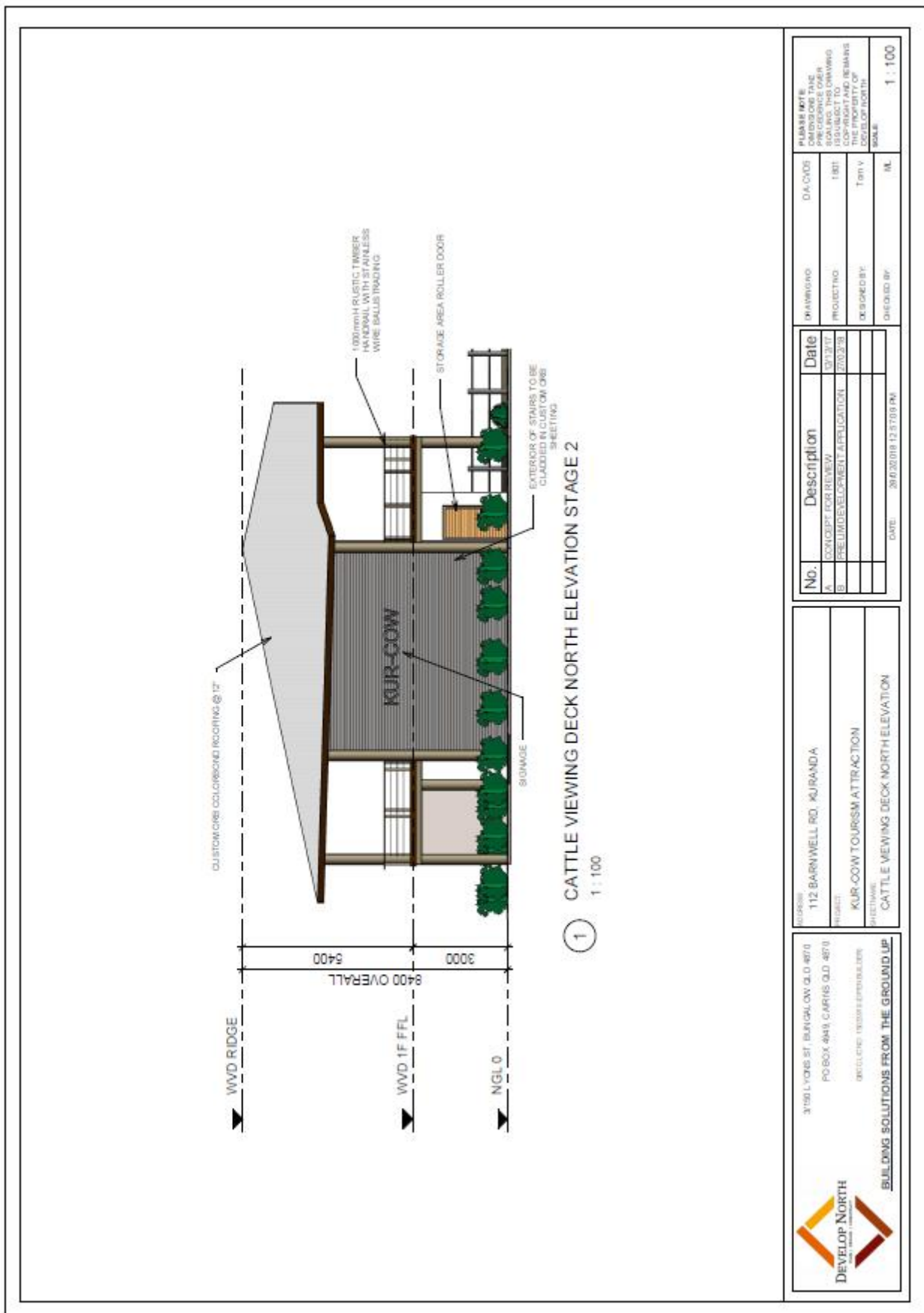


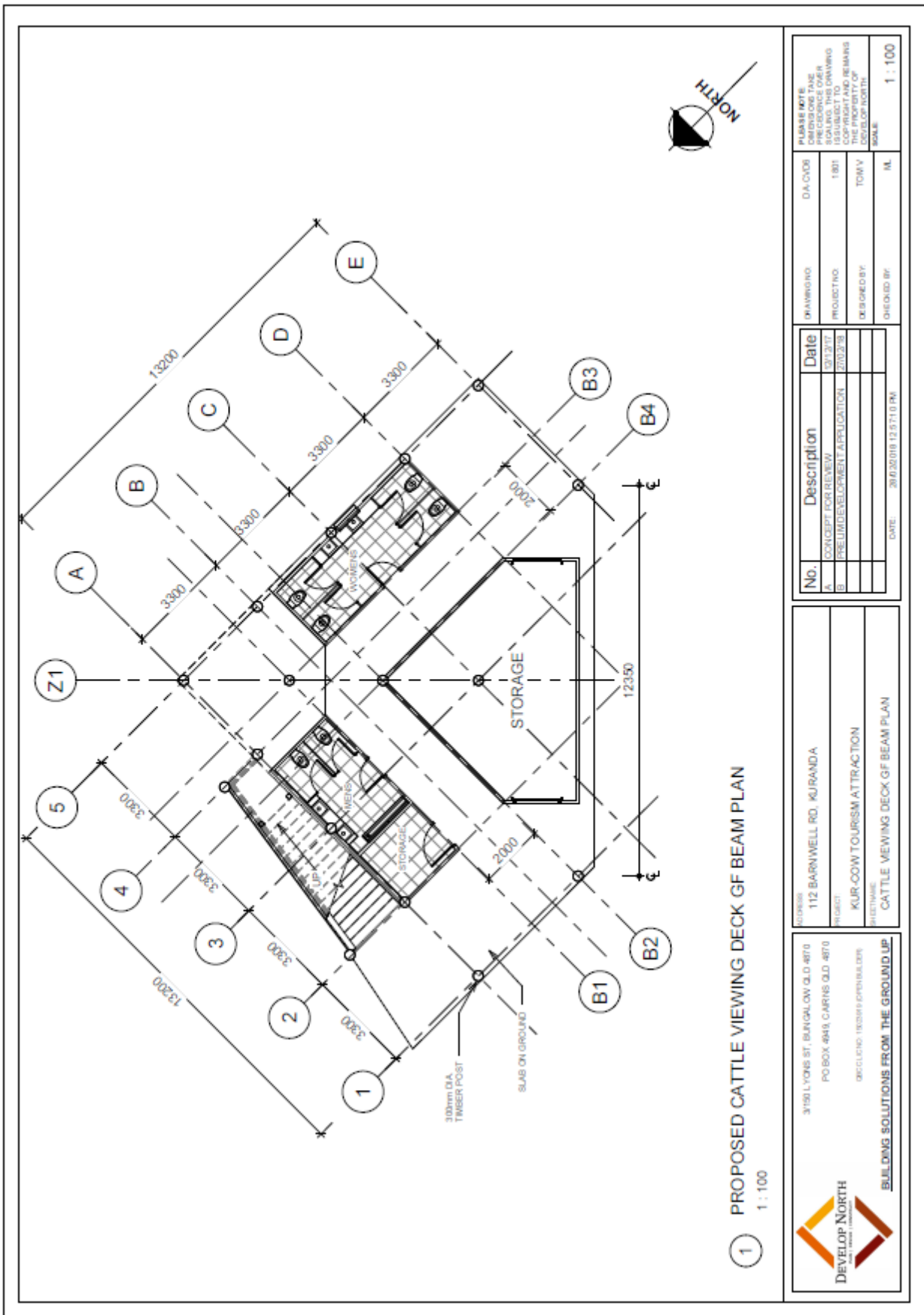


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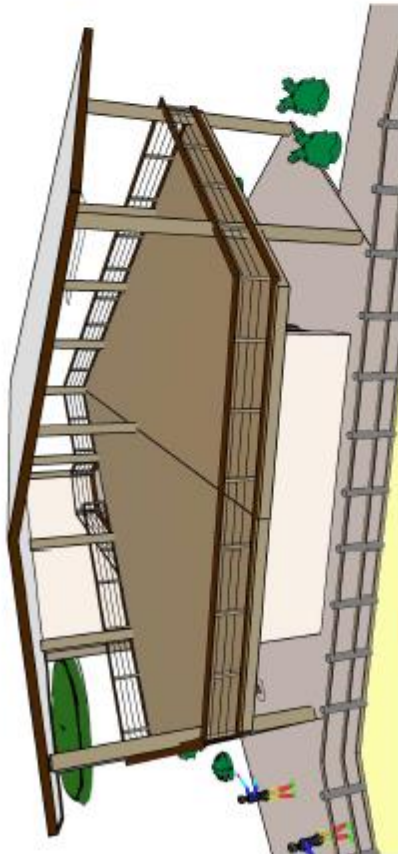
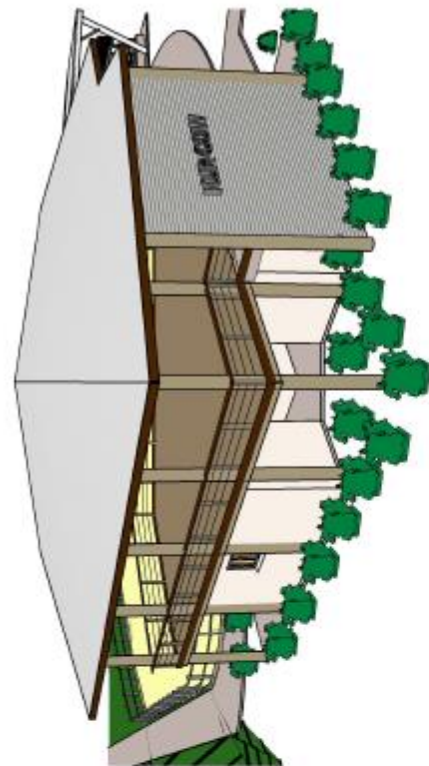
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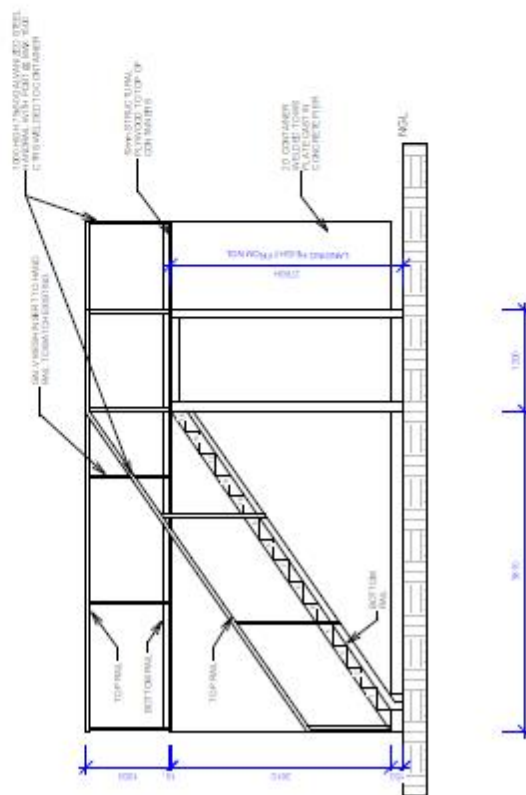







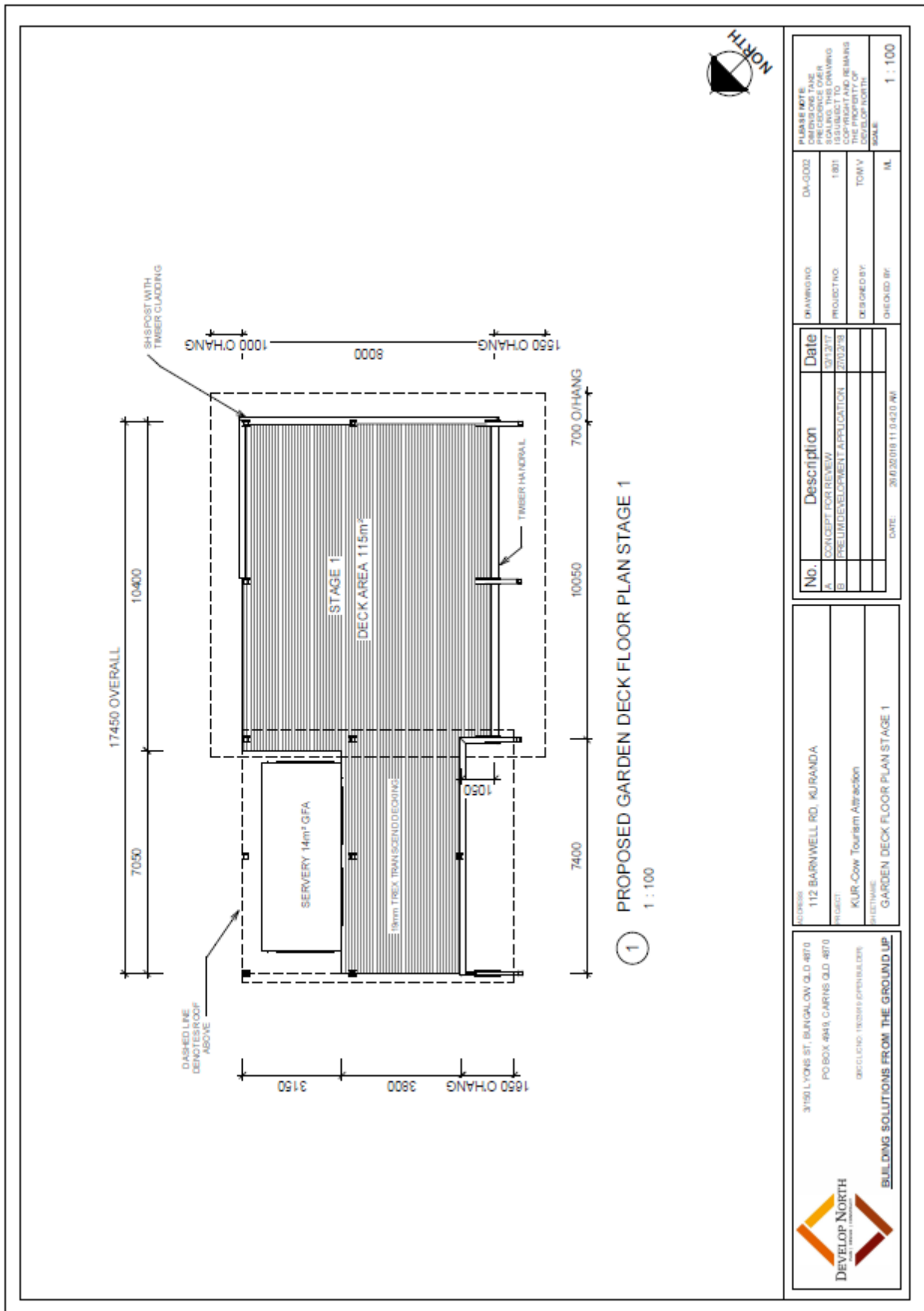


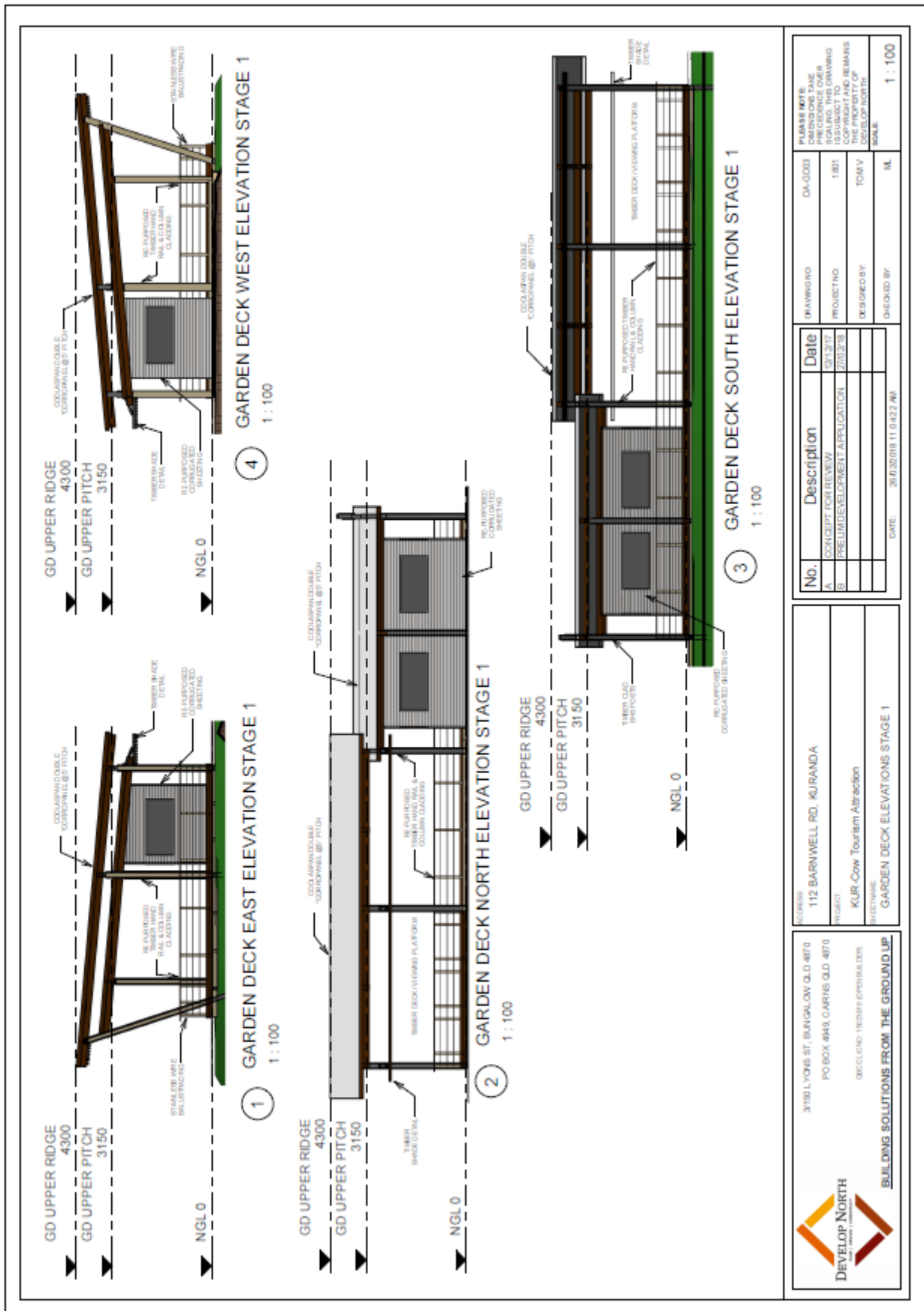
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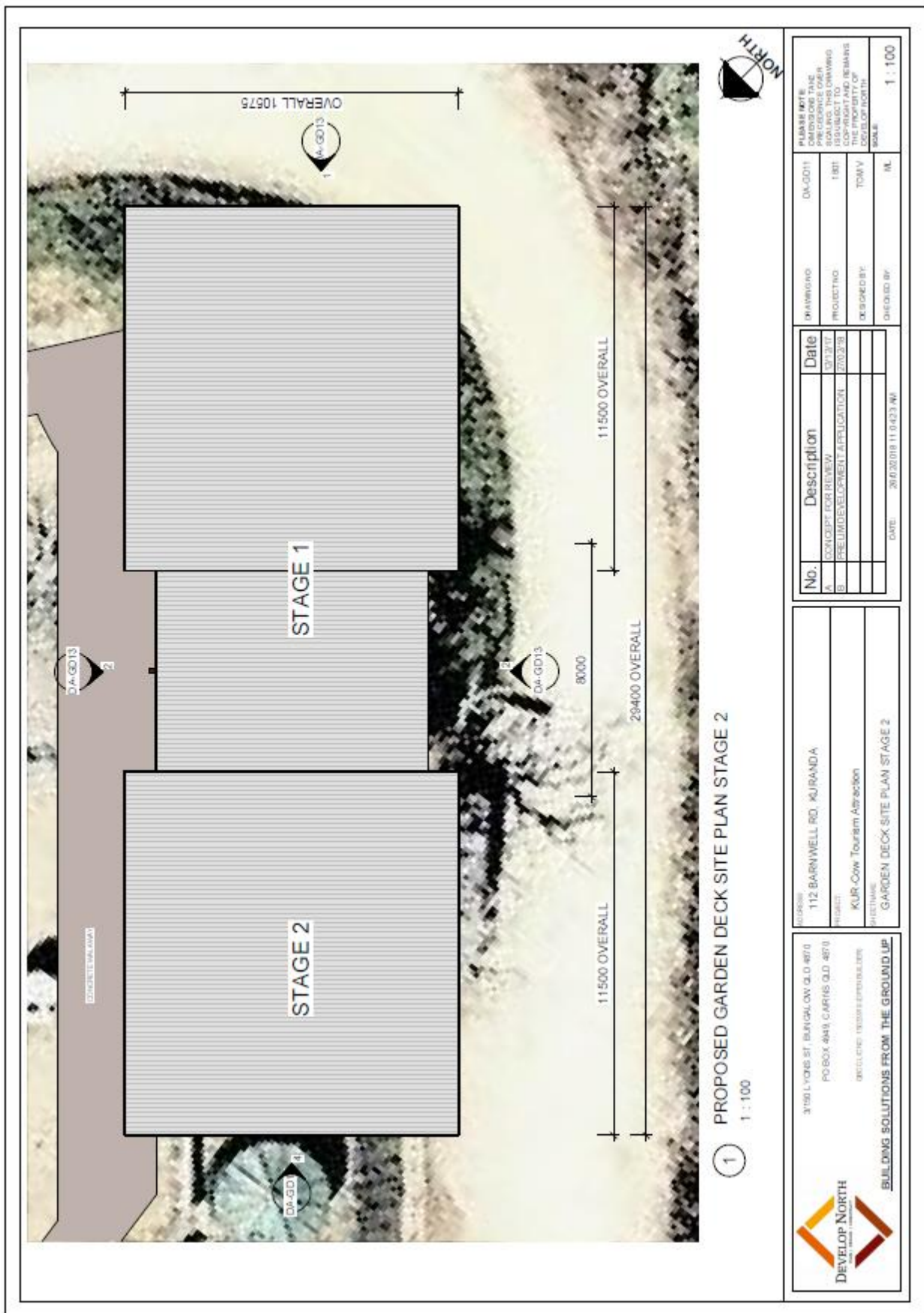


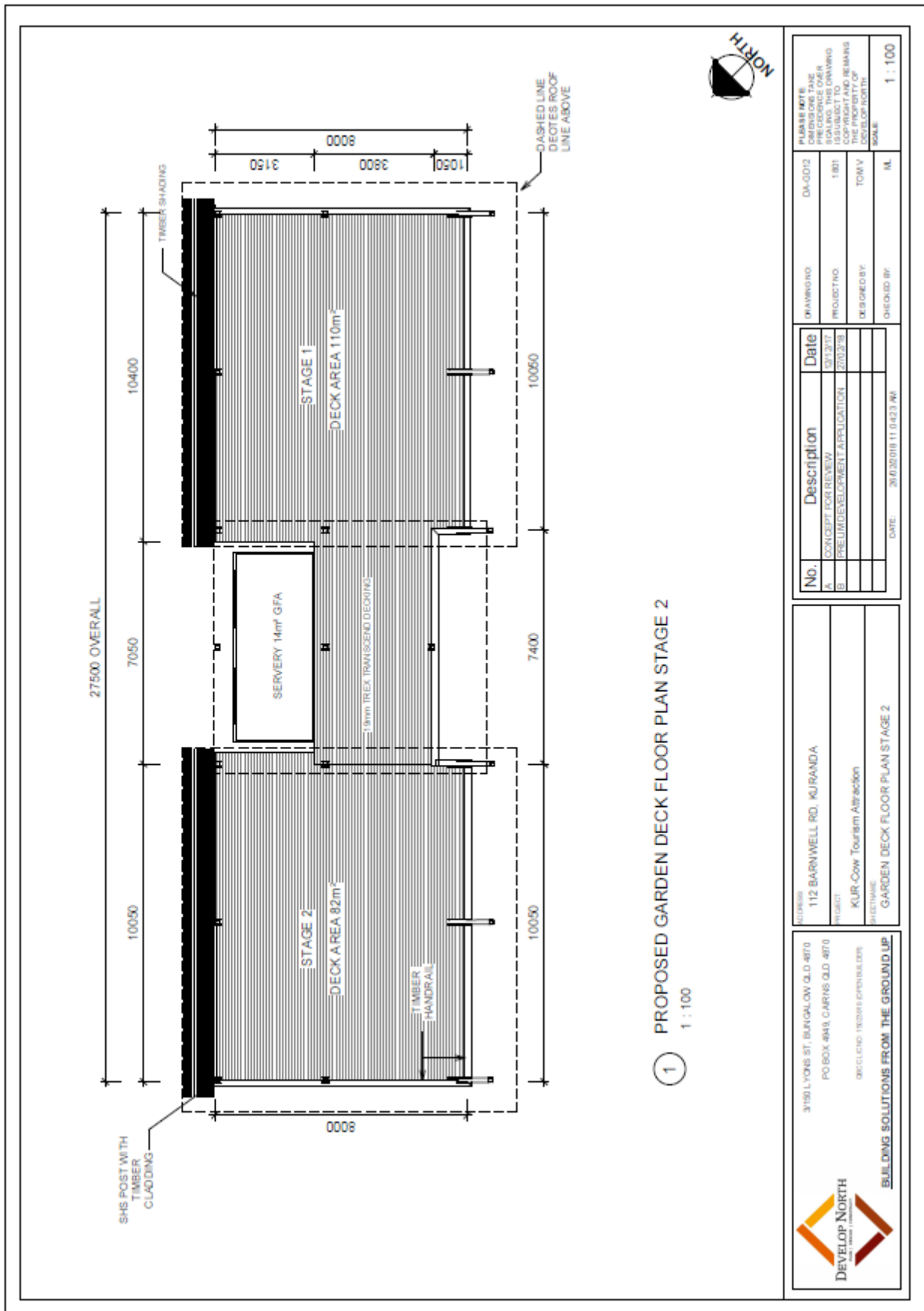
 <p>DEVELOP NORTH <small>Develop. Rebuild. Renew.</small></p>	3150 LYONS ST. BURGON QLD 4870 PO BOX 448, CARRIS QLD 4870		112 BARNWELL RD. KURANDIA KUR-CON TOURISM ATTRACTION		No.	Description	Date	DA-CON (01)	<p>PLANS NOTE CHANGING TANK SOAKING THIS DRAWING 100% TO REMAINS THE PROPERTY OF DEVELOP NORTH</p> <p>SCALE</p> <p>As indicated</p>
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	DEVELOP NORTH		112 BARNWELL RD. KURANDIA		B	PRE-DEVELOPMENT APPLICATION	03/03/2018	TOWN V	
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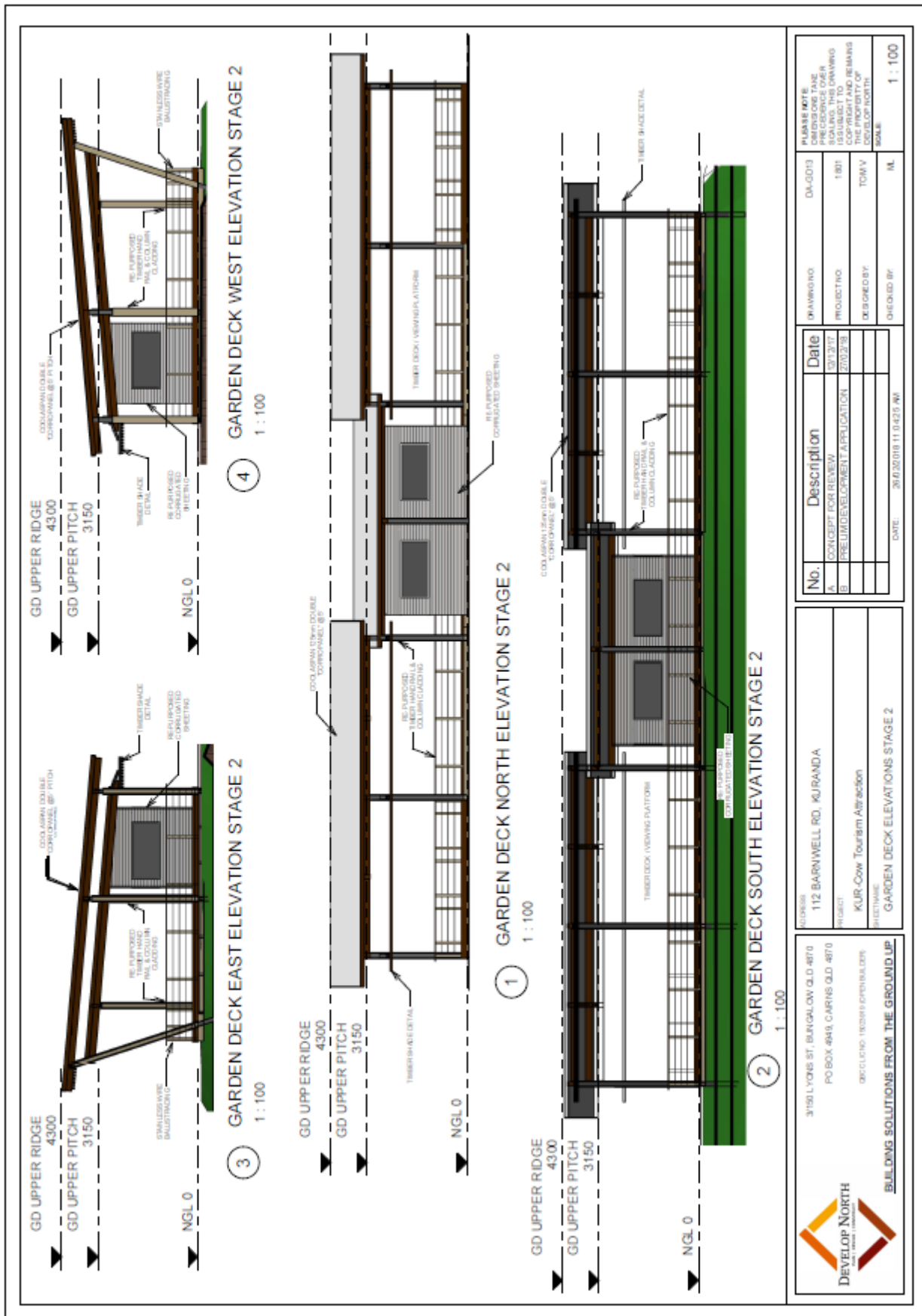


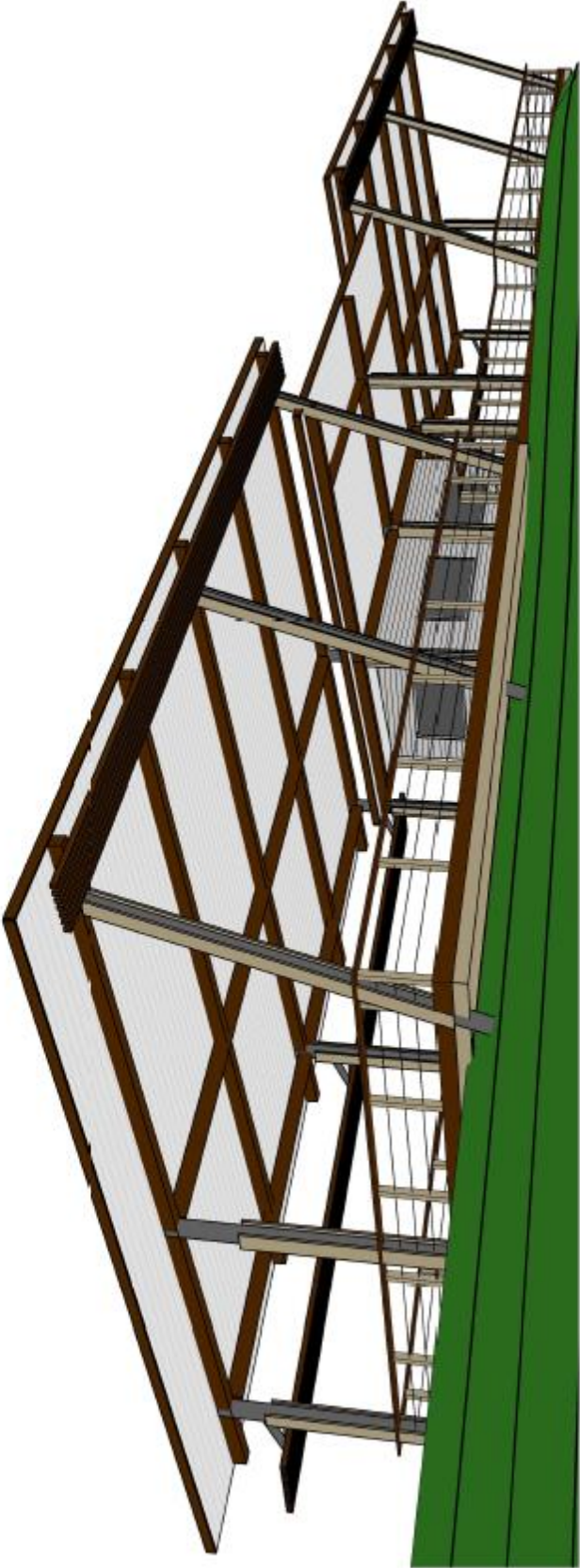












1 GARDEN DECK 3D

DEVELOP NORTH
31188 LYNCH ST, BUNGA, VIC 3083
PO BOX 4418, CAMPBELL QLD 4071
08 5457 1300 / 08 5457 1301

BUILDING SOLUTIONS FROM THE GROUND UP

PROJECT
112 BARNWELL RD, KURANDA

PROJECT NAME
KUR Cow Tourism Attraction

PROJECT DESCRIPTION
GARDEN DECK 3D CONCEPT

DATE
28/05/2018 11:04:27 AM

DATE
15/12/17

DATE
27/03/18

NO.
A
B

DESCRIPTION
CONCEPT FOR REVIEW
PRELIMINARY DEVELOPMENT APPLICATION

DATE
15/12/17
27/03/18

DESIGNED BY
TOMMY

PROJECT NO
1801

DATE
18/05/2018

CHECKED BY
MIL

PROJECT NO
1801

DATE
18/05/2018

DESIGNED BY
TOMMY

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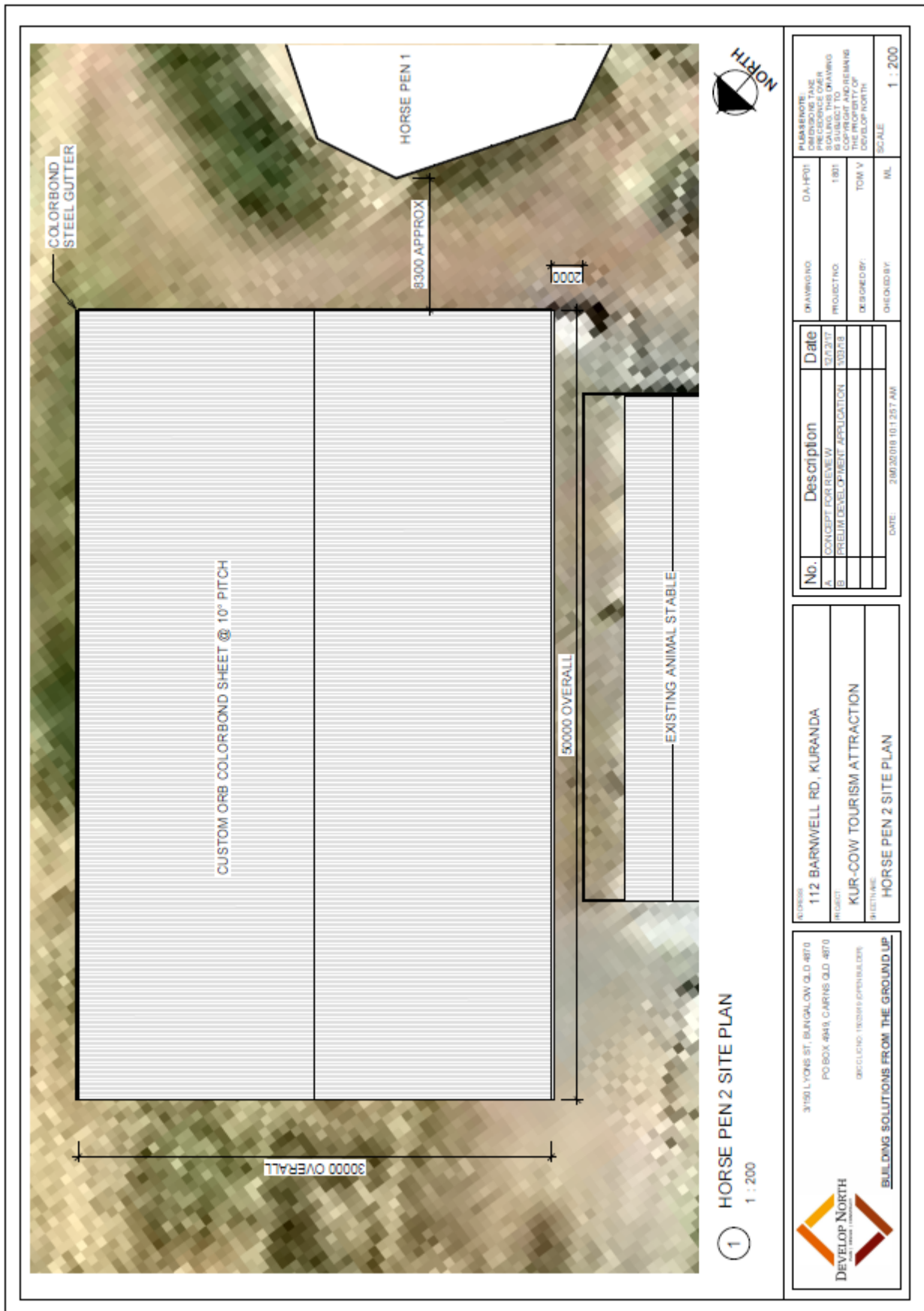
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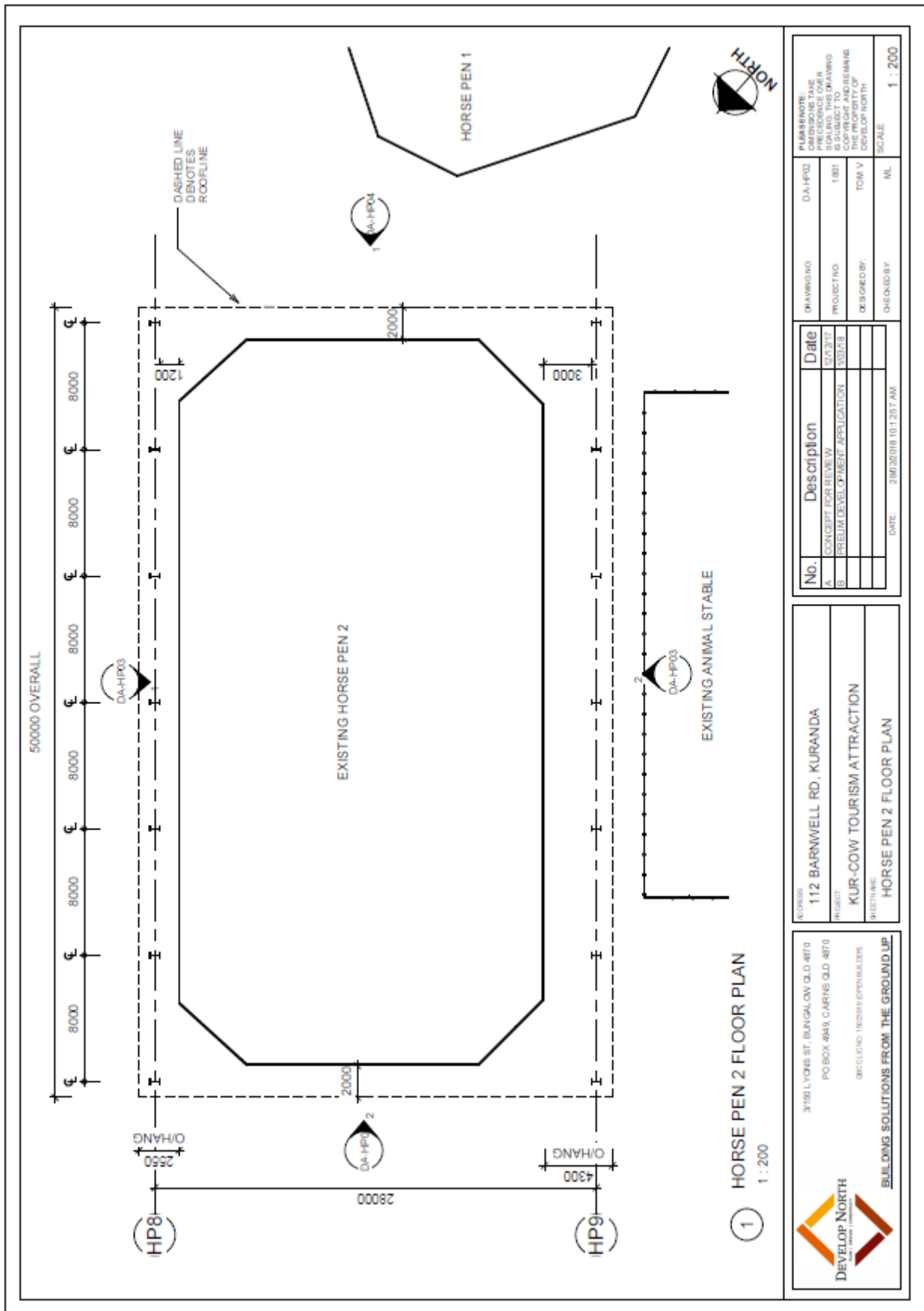
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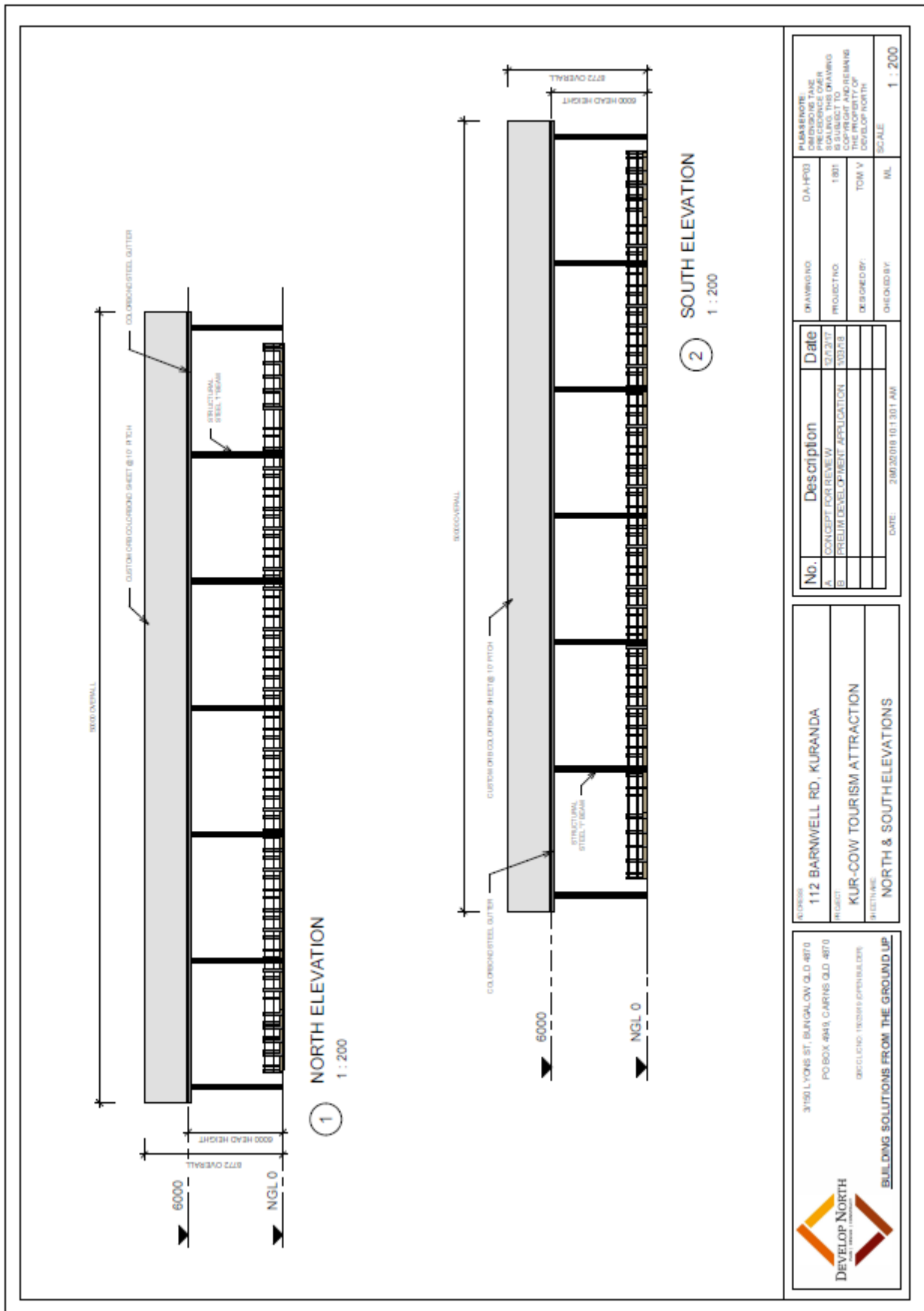
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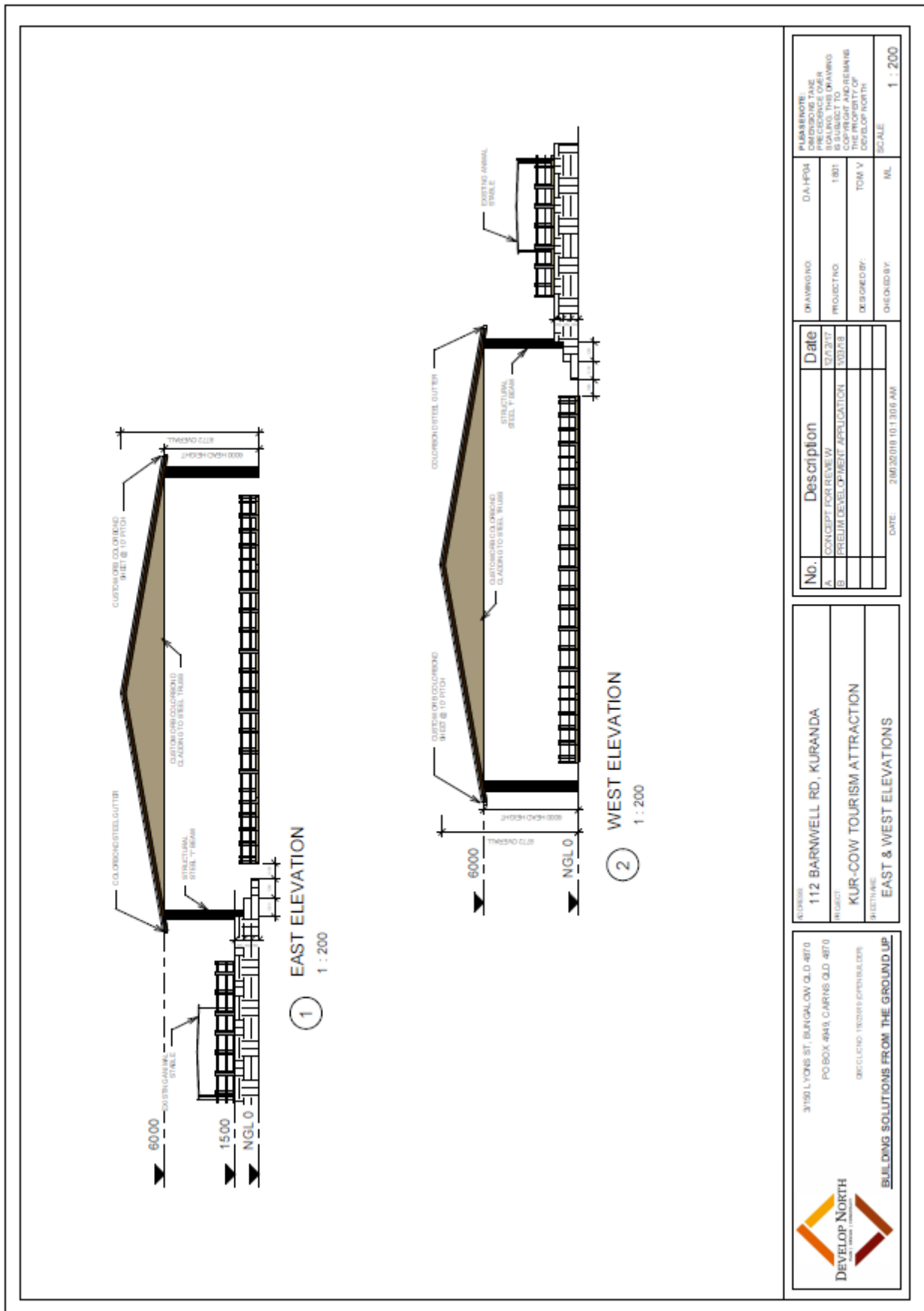
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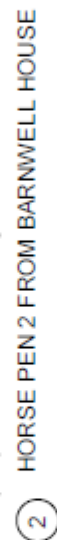
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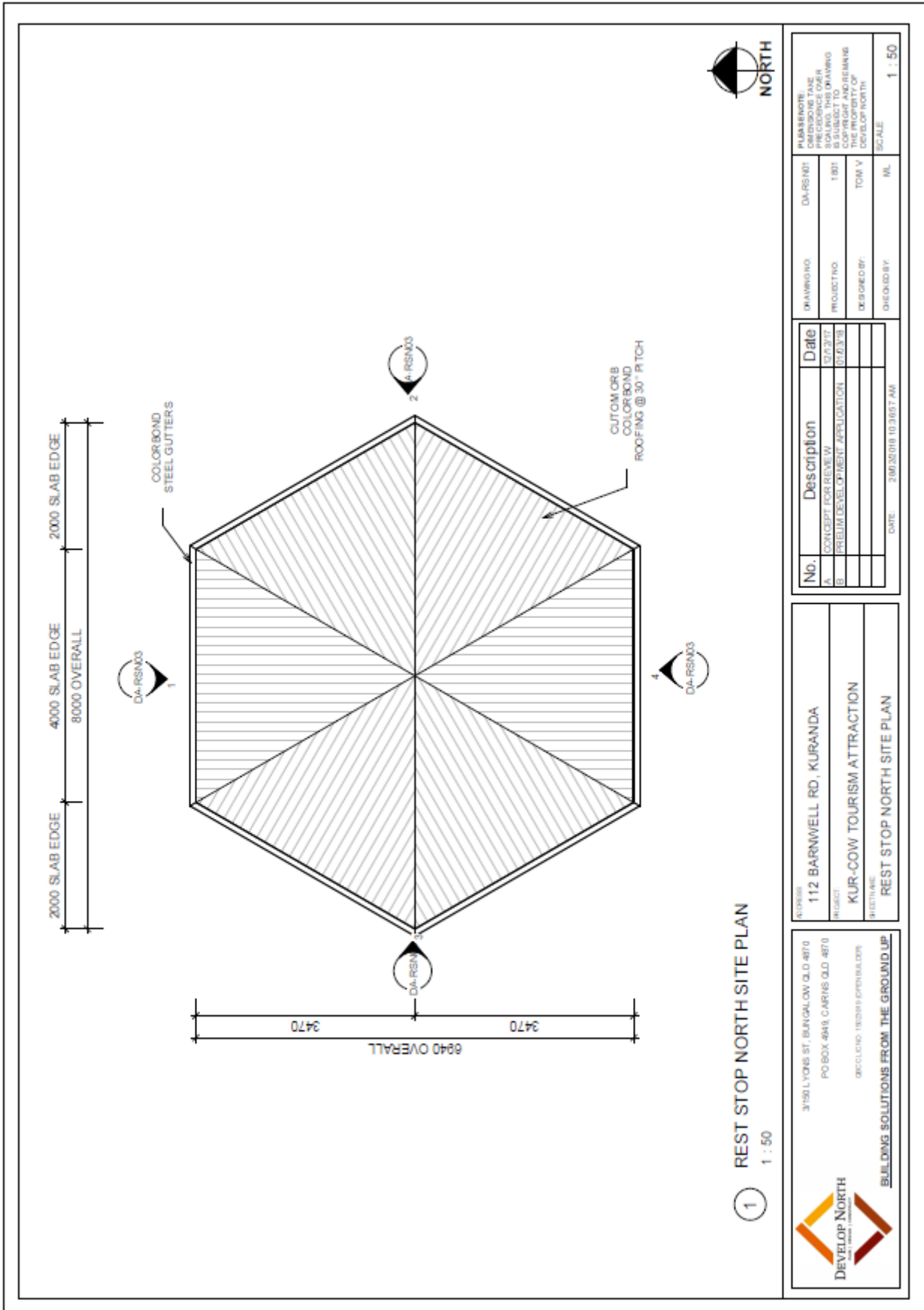


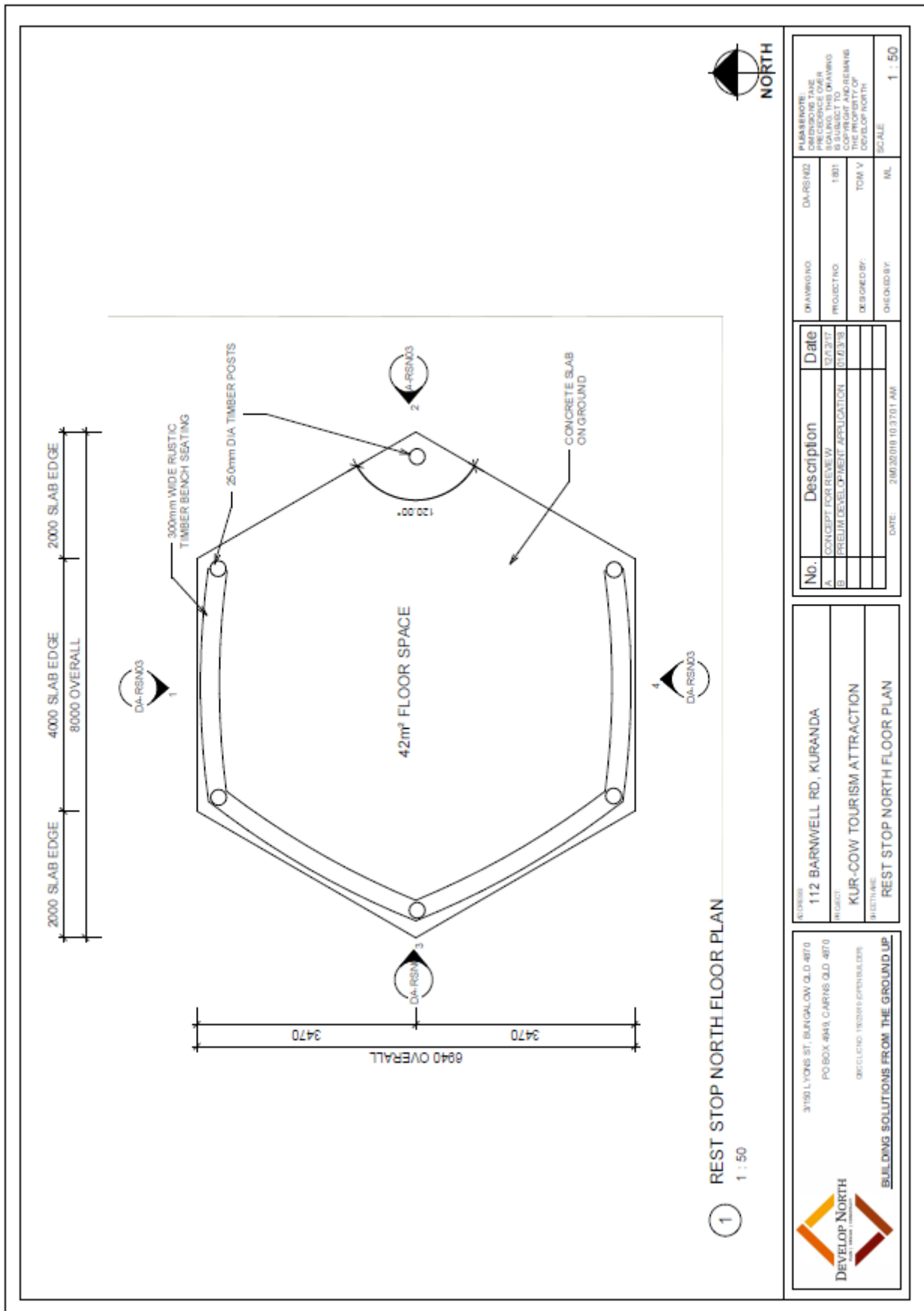
 **DEVELOP NORTH**
A COMMITMENT TO EXCELLENCE

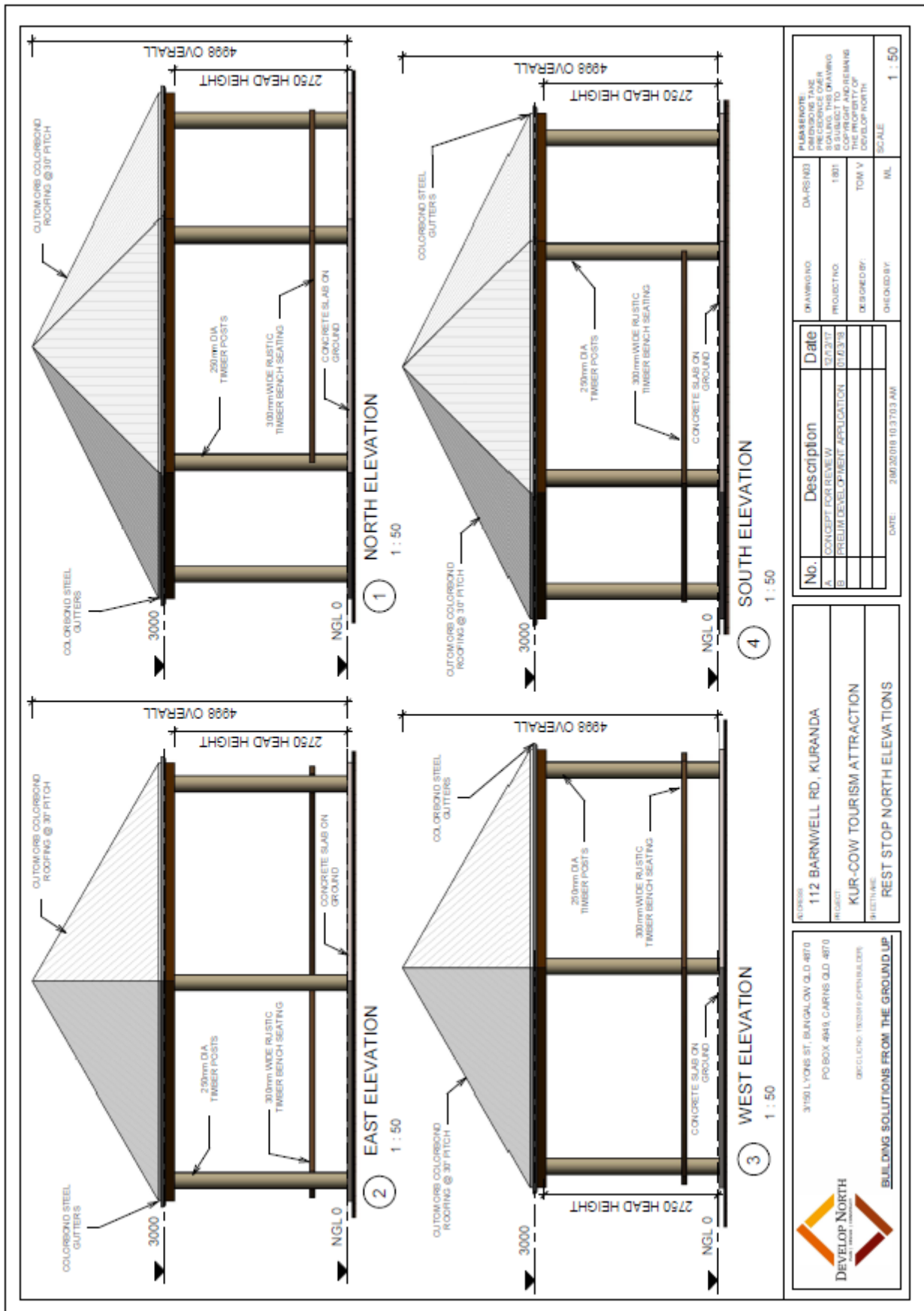
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PO BOX 4849, CARRIS QLD 4870

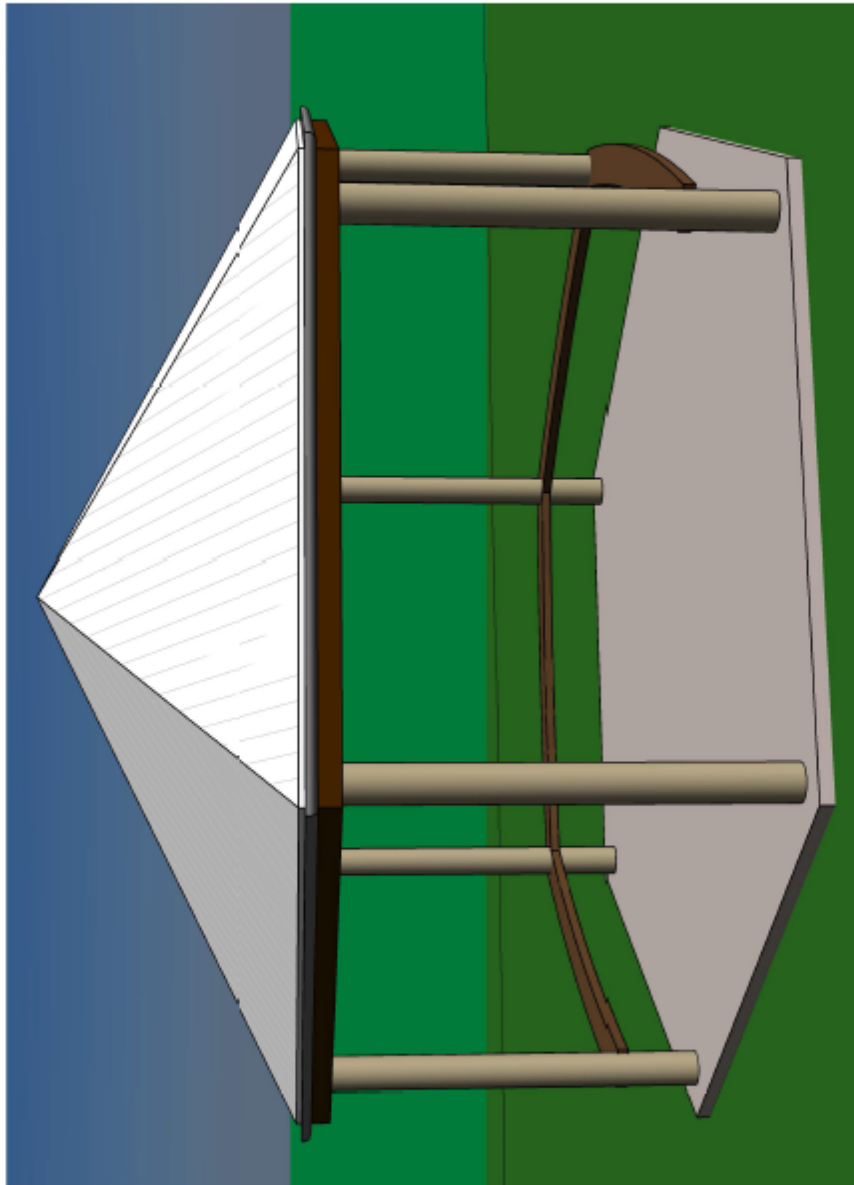
CONTACT: 1800 89 0000

BUILDING SOLUTIONS FROM THE GROUND UP




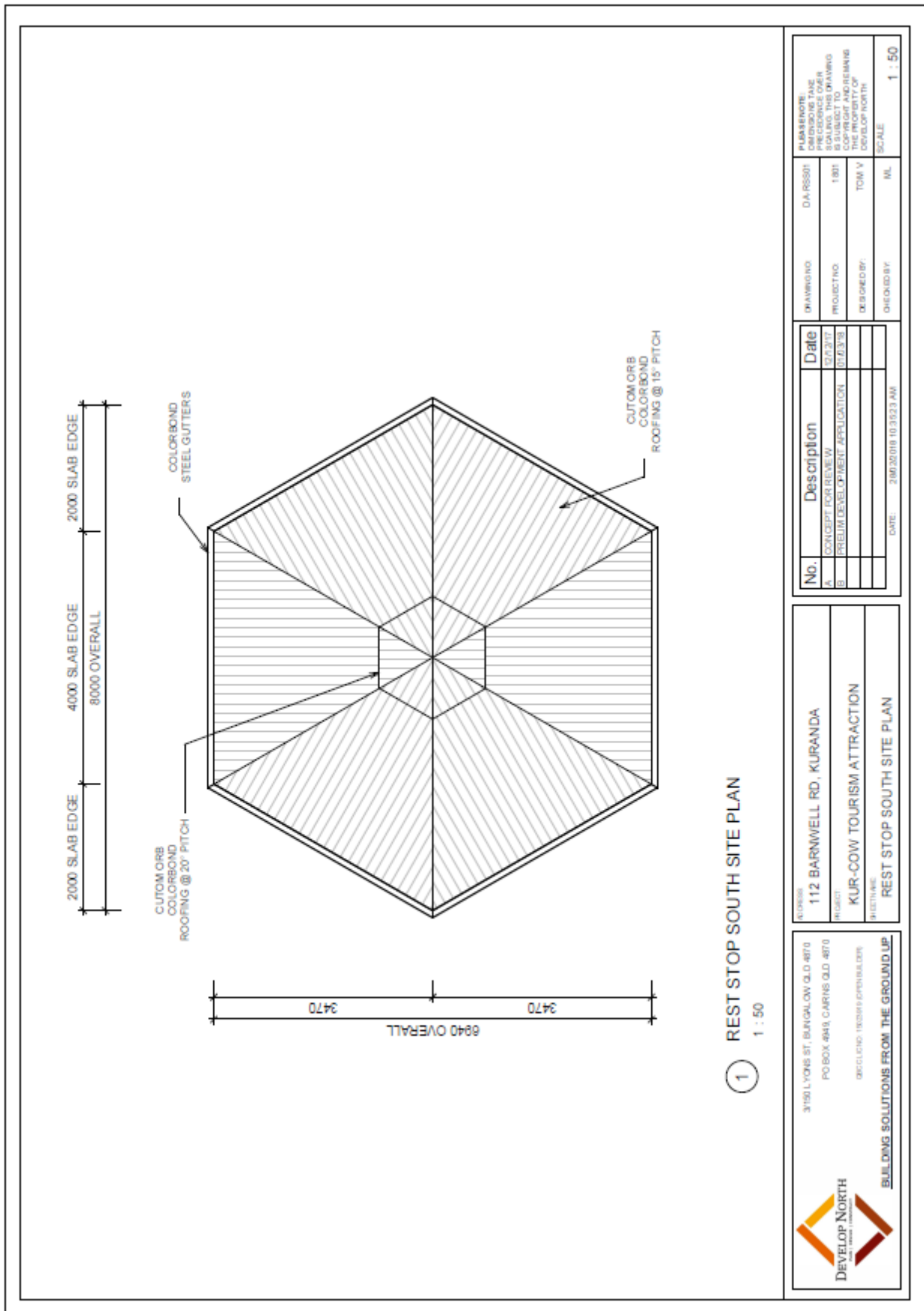


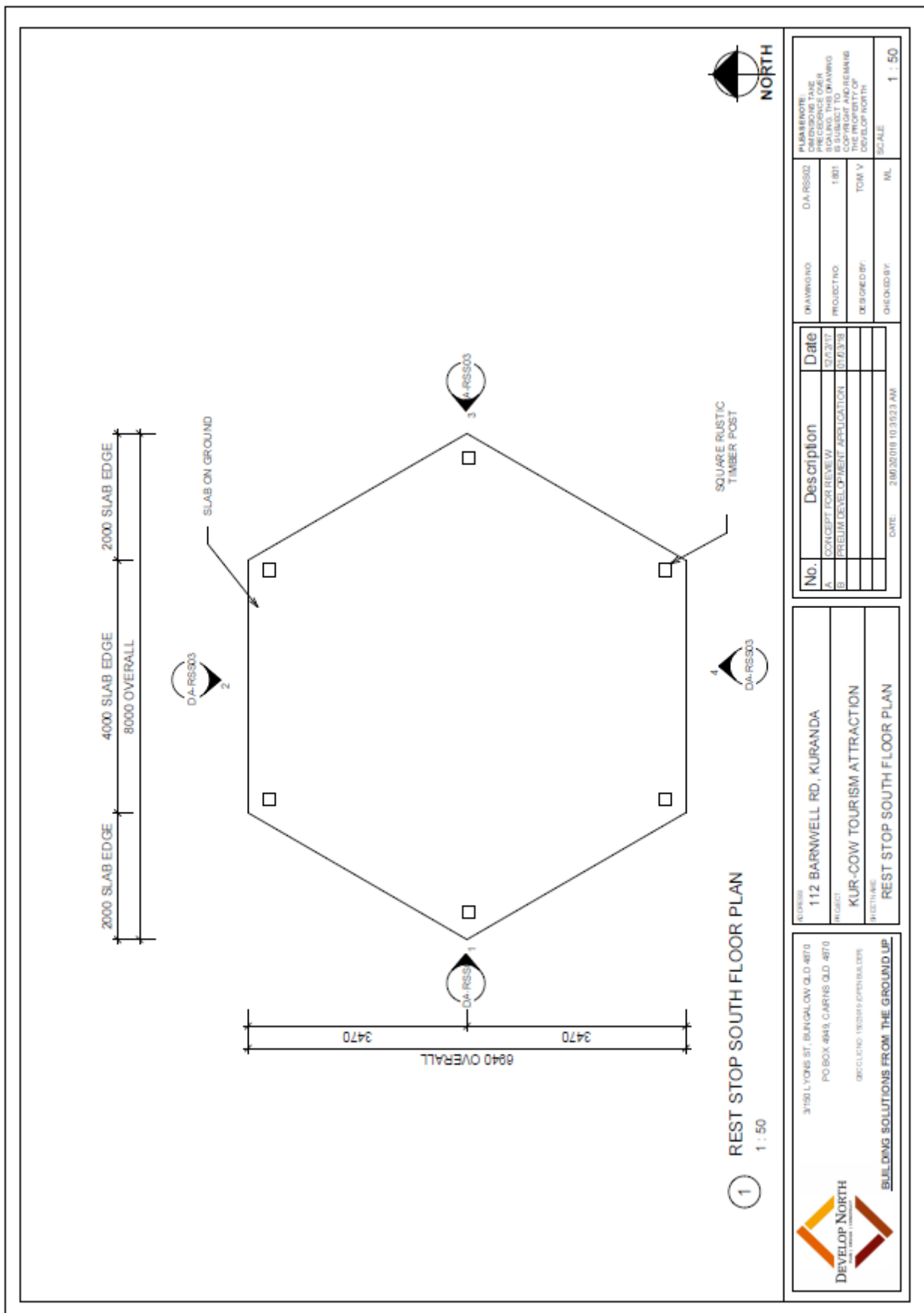


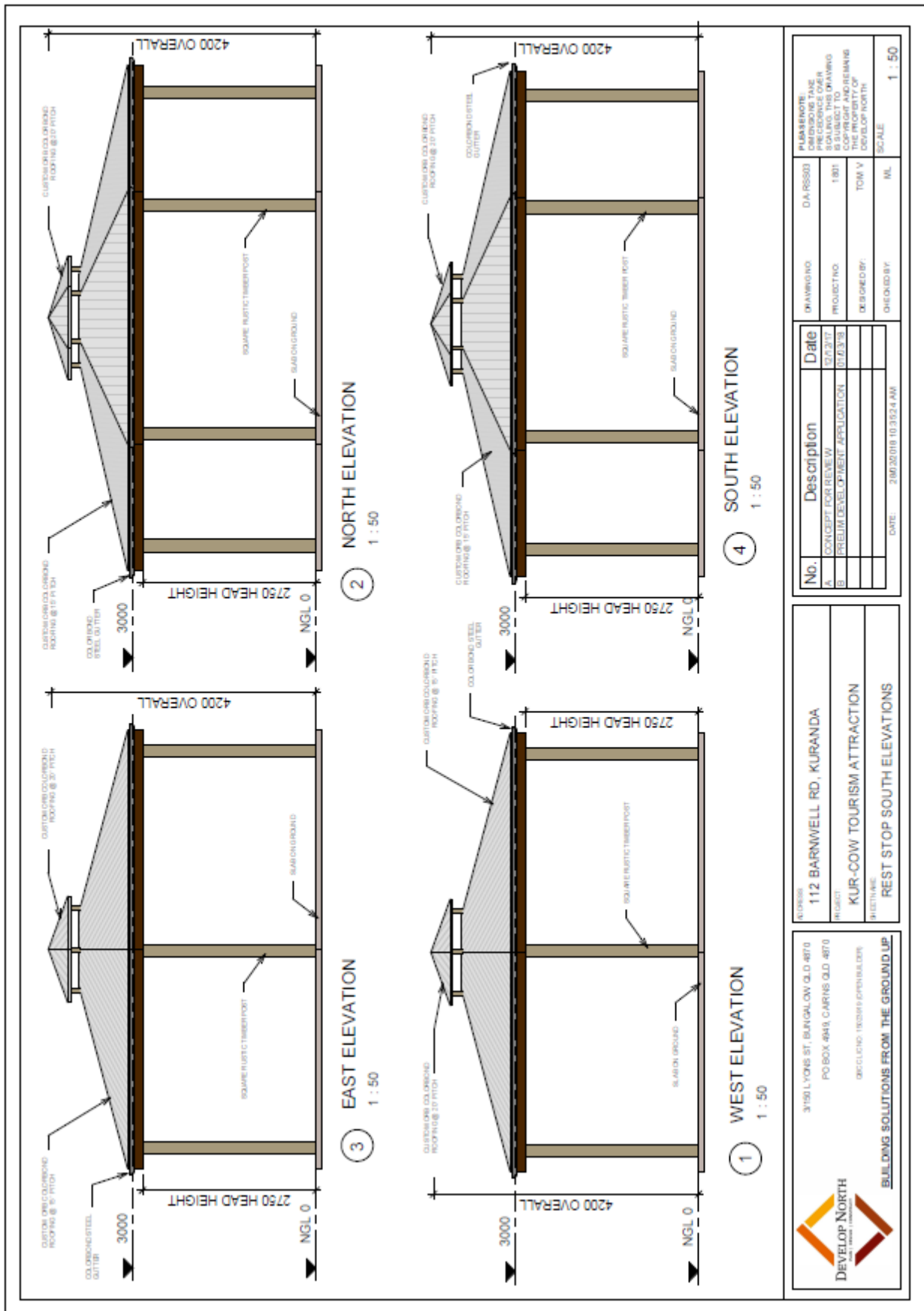


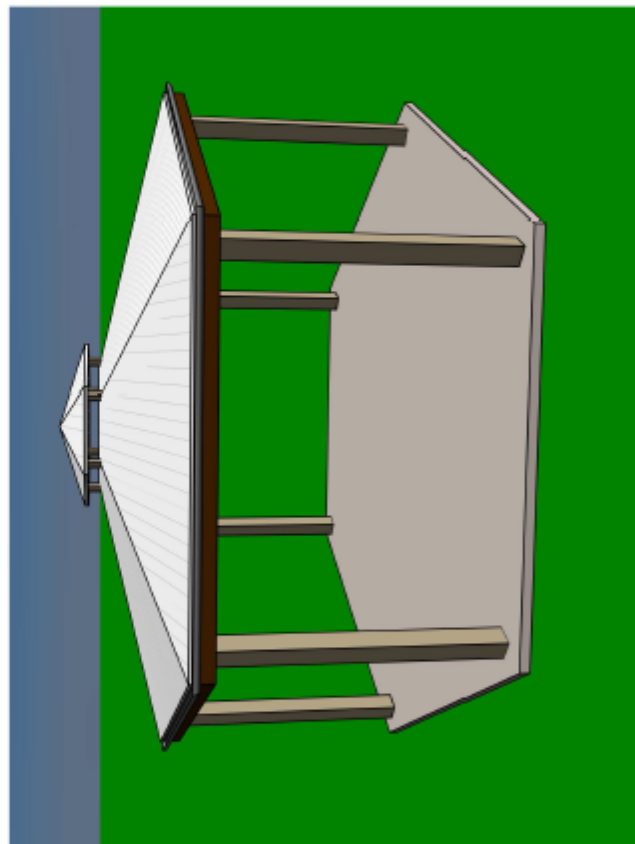
1 REST STOP NORTH 3D VIEW 1

 <p>DEVELOP NORTH BUILDING SOLUTIONS FROM THE GROUND UP</p>		<p>3198 LYNNE ST, BUNGALONG QLD 4870 PO BOX 494, CARRIS QLD 4870 08 5420 1520 / 08 5420 1521</p>		<p>ADDRESS 112 BARNWELL RD, KURANDA</p>		<p>PROJECT KUR-COW TOURISM ATTRACTION</p>		<p>SHEET NAME REST STOP NORTH 3D</p>		<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>CONCEPT FOR REVIEW</td> <td>27/2/17</td> </tr> <tr> <td>B</td> <td>PRELIM DEVELOPMENT APPLICATION</td> <td>27/2/18</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		No.	Description	Date	A	CONCEPT FOR REVIEW	27/2/17	B	PRELIM DEVELOPMENT APPLICATION	27/2/18							<p>DRAWING NO PROJECT NO DESIGNED BY CHECKED BY</p>		<p>DATE 30/05/2018 10:37:05 AM</p>		<p>DATE 30/05/2018 10:37:05 AM</p>		<p>DA/RS/MD 1801 TOM V ML</p>		<p>PLANNING NOTE: DIMENSIONS TAKE INTO ACCOUNT THE BUILDING'S POSITIONING ON THE SITE. THE DRAWING IS SUBJECT TO THE LOCAL GOVERNMENT'S APPROVAL AND REMAINS THE PROPERTY OF DEVELOP NORTH.</p>		<p>SCALE ML</p>	
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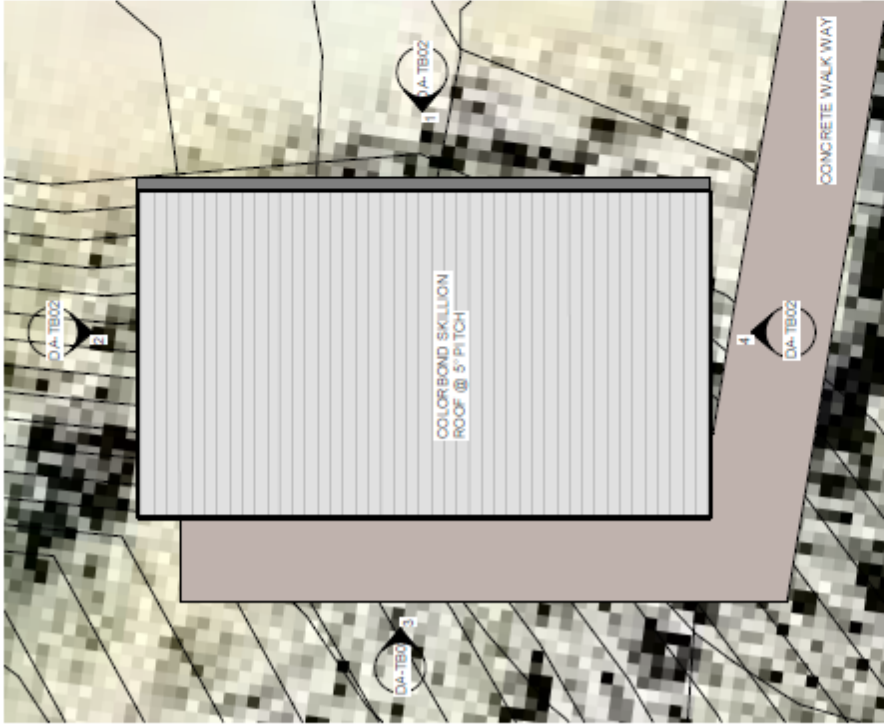




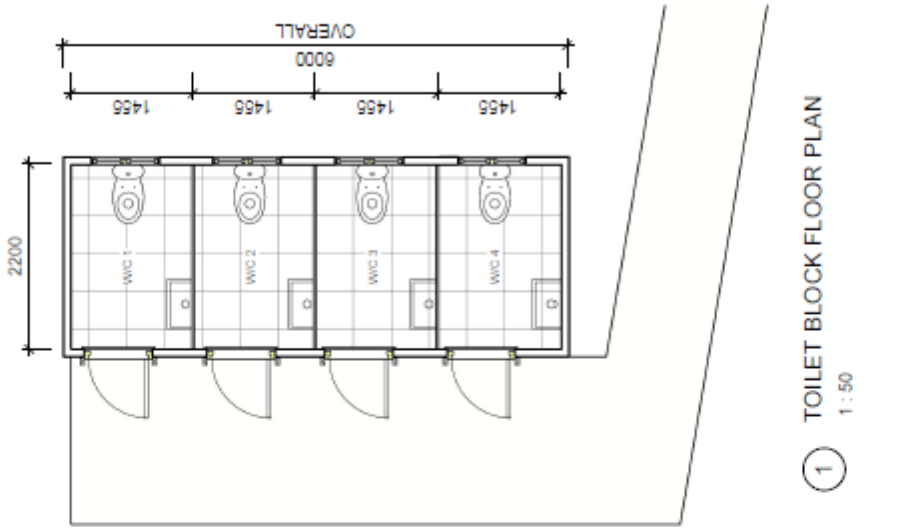


① 3D View 1

 <p>DEVELOP NORTH BUILDING SOLUTIONS FROM THE GROUND UP</p>		<p>3198 LYNNE ST, BUNGALONG QLD 4870 PO BOX 4948, CARRIS QLD 4870 0815 012 112 / 1523 669 (OPEN BUILDERS)</p>		<p>ADDRESS: 112 BARNWELL RD, KURANDA PROJECT: KUR-COW TOURISM ATTRACTION SHEET NAME: REST STOP SOUTH 3D</p>		<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>CONCEPT FOR REVIEW</td> <td>07/03/17</td> </tr> <tr> <td>B</td> <td>PRELIM DEVELOPMENT APPLICATION</td> <td>07/03/18</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		No.	Description	Date	A	CONCEPT FOR REVIEW	07/03/17	B	PRELIM DEVELOPMENT APPLICATION	07/03/18							<table border="1"> <thead> <tr> <th>DATE</th> <th>30/03/2018 10:30:25 AM</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		DATE	30/03/2018 10:30:25 AM			<table border="1"> <thead> <tr> <th>DATE</th> <th>30/03/2018 10:30:25 AM</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		DATE	30/03/2018 10:30:25 AM			<table border="1"> <thead> <tr> <th>PROJECT NO.</th> <th>1801</th> </tr> </thead> <tbody> <tr> <td>DESIGNED BY:</td> <td>TOM V</td> </tr> <tr> <td>CHECKED BY:</td> <td>ML</td> </tr> </tbody> </table>		PROJECT NO.	1801	DESIGNED BY:	TOM V	CHECKED BY:	ML	<p>PUBLISHER NOTE: DIMENSIONS TAKE PRECEDENCE OVER GRAPHIC SCALE. THE DRAWING IS SUBJECT TO COPYRIGHT AND REMAINS THE PROPERTY OF DEVELOP NORTH</p>	
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DESIGNED BY:	TOM V																																											
CHECKED BY:	ML																																											



TOILET BLOCK SITE PLAN
1 : 50



TOILET BLOCK FLOOR PLAN
1 : 50

ADDRESS
112 BARNWELL RD, KURANDA

PROJECT
KUR COW TOURISM ATTRACTION

SUBJECT NAME
TOILET BLOCK FLOOR & SITE PLAN

3198 LYNNE ST, BUNGALONG QLD 4870
PO BOX 4949, CARRIS QLD 4870

DEVELOP NORTH
BUILDING SOLUTIONS FROM THE GROUND UP

No.	Description	Date
A	CONCEPT FOR REVIEW	15/3/17
B	PRELIMINARY DEVELOPMENT APPLICATION	09/02/18

DATE	16/02/2018 11:17:51 AM
DESIGNED BY	DA-TB02
CHECKED BY	ML

PLANNING NO
DA-TB02

PROJECT NO
1801

DESIGNED BY
TOMMY

CHECKED BY
ML

PLEASE NOTE
DESIGNER TAKE RESPONSIBILITY FOR ISSUING THIS DRAWING. THIS DRAWING IS SUBJECT TO COPYRIGHT AND REMAINS THE PROPERTY OF DEVELOP NORTH.

SCALE
1 : 50

1 TOILET BLOCK REAR EL.
1 : 50

2 TOILET BLOCK SIDE EL 1
1 : 50

3 TOILET BLOCK FRONT EL.
1 : 50

4 TOILETS BLOCK SIDE EL 2
1 : 50

No.	Description	Date
A	CONCEPT FOR REVIEW	15/12/17
B	PRELIMINARY DEVELOPMENT APPLICATION	09/02/18

DATE: 16/02/2018 11:17:54AM	CHECKED BY: M.	SCALE: 1 : 50
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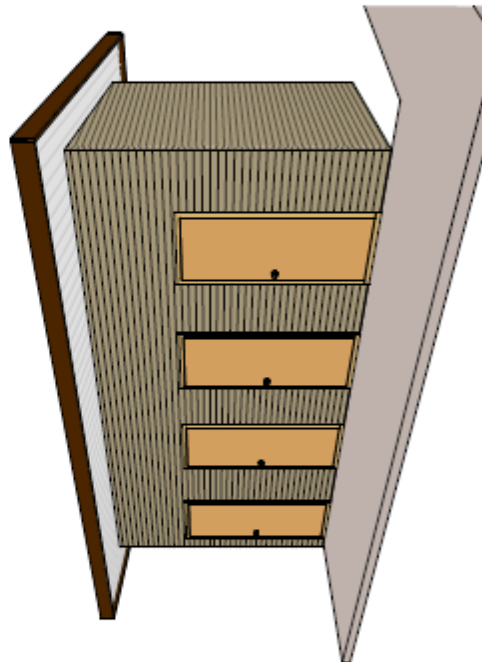
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PROJECT: KUR COW TOURISM ATTRACTION	DESIGNED BY: Tm v	DATE: 15/12/17
SHEETNAME: TOILET BLOCK ELEVATIONS	CHECKED BY: M.	SCALE: 1 : 50

DEVELOP NORTH
ARCHITECTS


3198 LYNNE ST, BUNGALONG QLD 4870
PO BOX 494, CARRIS QLD 4870

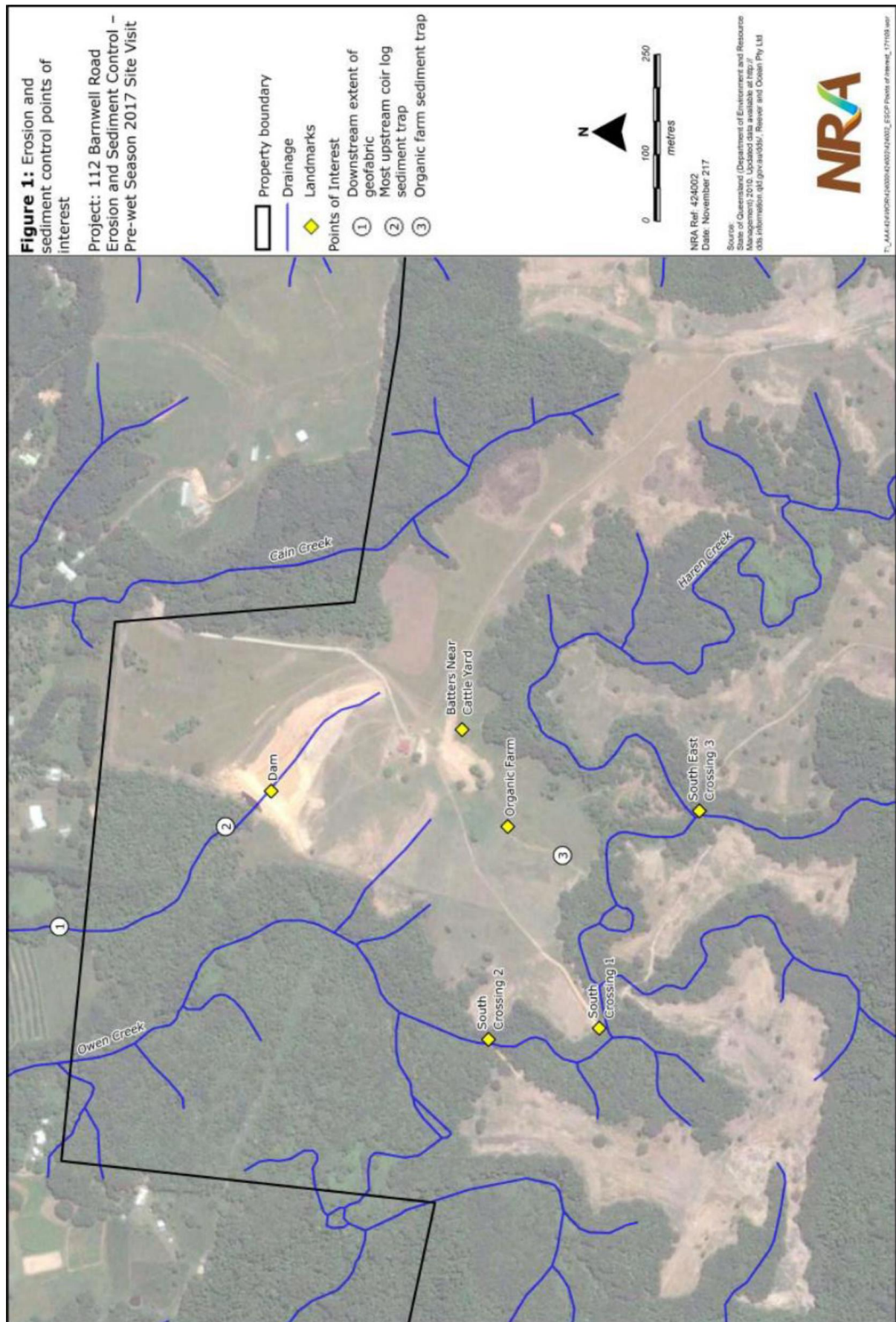
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BUILDING SOLUTIONS FROM THE GROUND UP



① GRAND STAND TOILET 3D View

 DEVELOP NORTH BUILDING SOLUTIONS FROM THE GROUND UP		3198 LYNNE ST, BUNGALONG QLD 4870 PO BOX 4949, CARRIS QLD 4870 QBC LICENSE: 1502069 OPEN BUILDERS		ADDRESS: 112 BARNWELL RD, KURANDA PROJECT: KUR COW TOURISM ATTRACTION REFERENCE: TOILET BLOCK 3D		<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>CONCEPT FOR REVIEW</td> <td>15/12/17</td> </tr> <tr> <td>B</td> <td>PRELIM DEVELOPMENT APPLICATION</td> <td>09/02/18</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>		No.	Description	Date	A	CONCEPT FOR REVIEW	15/12/17	B	PRELIM DEVELOPMENT APPLICATION	09/02/18							<table border="1"> <thead> <tr> <th>DRAWING NO</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>DA-TE03</td> <td>1801</td> </tr> <tr> <td>PROJECT NO</td> <td>TONIV</td> </tr> <tr> <td>DESIGNED BY</td> <td>ML</td> </tr> <tr> <td>CHECKED BY</td> <td>ML</td> </tr> </tbody> </table>		DRAWING NO	DATE	DA-TE03	1801	PROJECT NO	TONIV	DESIGNED BY	ML	CHECKED BY	ML	<p>PLEASE NOTE CHANGES TAKE EFFECT FROM THE DATE OF THIS DRAWING BEING ISSUED. THIS DRAWING IS SUBJECT TO COPYRIGHT AND REMAINS THE PROPERTY OF DEVELOP NORTH</p>	
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ATTACHMENT 2

RA6-N

Department of
**State Development,
Manufacturing,
Infrastructure and Planning**Our reference: 1803-4632 SRA
Your reference: MCU/18/0006

4 May 2018

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

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 State Development, Manufacturing, Infrastructure and Planning on 5 April 2018.

Applicant details

Applicant name:	Reever and Ocean Pty Ltd c/- Cardno
Applicant contact details:	PO Box 1619 Cairns QLD 4870 stephen.whitaker@cardno.com.au

Location details

Street address:	77 Barnwell Road, Kuranda
Real property description:	16N157227; 17SP296830; 18SP296830; 19SP296830; 22SP296830
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for Tourist Attraction
--------------------	---

1803-4632 SRA

Referral triggers

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

- 10.9.4.1.1.1 Infrastructure - state transport infrastructure

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.

Advice to the assessment manager

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

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 for Tourist Attraction				
Town Planning Report: Kur-Cow Tourist Attraction Barnwell Road, Kuranda Development Permit for Material Change of Use Tourist Attraction	Cardno	7 March 2018	HRP16299/006	-

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

For further information please contact Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Reeve and Ocean Pty Ltd c/- Cardno, stephen.whitaker@cardno.com.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the assessment manager
Approved plans and specifications

1803-4632 SRA

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use for Tourist Attraction		
10.9.4.1.1.1 - Infrastructure - state transport infrastructure — 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.	<p>The development must be generally in accordance with the Town Planning Report, Kur-Cow Tourist Attraction, Barnwell Road, Kuranda, Development Permit for Material Change of Use Tourist Attraction, prepared by Cardno, dated 7 March 2018, Reference HRP16299/006; in particular:</p> <ul style="list-style-type: none"> • The proposed development is to be delivered in three stages and restricted to the following tourists visitor numbers: <ul style="list-style-type: none"> o Stage TA60 involving up to 60 tourists; o Stage TA150 involving up to 150 tourists; o Stage TA300 involving up to 300 tourists. • The transportation of tourists to the Kur-Cow tourist attraction site on any given day must be limited to private charter buses only; • No tourists are allowed to enter the Kur-Cow tourist attraction site by private vehicle. 	Prior to the commencement of use and to be maintained at all times.

1803-4632 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the town planning report and the traffic impact assessment submitted with the application.
- To protect the state-controlled road from adverse impacts of the development.
- To maintain the safety and efficiency of the state-controlled road.

1803-4632 SRA

Attachment 3—Advice to the assessment manager

General advice	
Ref.	Advertising device
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>

ITEM-3 **CHANGE OF DEVELOPMENT APPROVAL - S RIZVI & P FREEMAN - ROL SUBDIVISION (1 INTO 4 LOTS) - LOT 1 NR7238 - 1063 KOAH ROAD, KOAH - DA/16/0009****MEETING:** Ordinary**MEETING DATE:** 16 May 2018**REPORT OFFICER'S
TITLE:** Planning Officer**DEPARTMENT:** Corporate and Community Services

APPLICATION		PREMISES	
APPLICANT	S Rizvi & P Freeman	ADDRESS	1063 Koah Road, Koah
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	24 April 2018	RPD	Lot 1 on NR7238
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 4 Lots)		

FILE NO	DA/16/0009	AREA	6.051 hectares
LODGED BY	S Rizvi	OWNER	S Rizvi & P Freeman
PLANNING SCHEME	Mareeba Shire Planning Scheme 2004		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	N/A - Code Assessment Only		

ATTACHMENTS:

1. Negotiated Decision Notice dated 3 June 2016.
2. Applicant's request to change development approval dated 17 April 2018.
3. Proposed amended Plan/s

EXECUTIVE SUMMARY

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

at its Ordinary Meeting held on 15 March 2017 and the amended Negotiated Decision Notice was issued on 16 March 2017.

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

The applicants have subsequently lodged a further request to change the development approval with regards to the approved lot layout and access/servicing arrangements. At present, access and services to all four lots is proposed through a common property allotment. Due to the reluctance of prospective purchasers to be involved in a common property arrangement (body corporate), the applicants have now requested that the approved plan be amended to remove the common property allotment and instead, include two access handles to the rear lots (2 and 3) with reciprocal access easements over these access handles to service all 4 proposed lots.

Schedule 1: Substantially different development of the Development Assessment Rules (Planning Act 2016) provides assistance to the assessment manager (Council) in determining if a proposed change would result in substantially different development. It is considered that the proposed change/s will not result in substantially different development and therefore constitute a 'minor change'.

It is recommended that the application to change the approval be approved in full, subject to necessary amendments to the conditions of approval as outlined below.

OFFICER'S RECOMMENDATION

It is recommended that:

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

APPLICATION		PREMISES	
APPLICANT	S Rizvi & P Freeman	ADDRESS	1063 Koah Road, Koah
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	24 April 2018	RPD	Lot 1 on NR7238
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 4 Lots)		

and in accordance with the Planning Act 2016, the following

- (A) The description of the approved development of Council's Decision Negotiated Decision Notice issued on 3 June 2016 be amended as follows:

Details of the approval –

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

- (B) The approved plan/s of Council's Negotiated Decision Notice issued on 3 June 2016 be amended as follows:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
7443-LL1	Proposed Reconfiguration of a Lot (1 Lot into 4 Lots and Common Property)	Twine Surveys Pty Ltd	14/01/2016
<u>7443-LL1</u>	<u>Proposed Reconfiguration of a Lot (1 Lot into 4 Lots)</u>	<u>Twine Surveys Pty Ltd</u>	<u>28/03/2018</u>

- (C) Condition 4.1 of Council's Negotiated Decision Notice issued on 3 June 2016 be amended as follows:

4.1 Access

- 4.1.1 ~~The shared access driveway within the common property~~ **situated over both access handles of lots 2 and 3** is to be constructed to a gravelled standard for the full length of the ~~common property~~ **access handles**, to the satisfaction of Council's delegated officer.

The driveway will:

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

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

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

- 4.1.4 Reciprocal 'access and services' easements must be established over the access handles of Lots 2 and 3 which benefit Lots 1, 2, 3 and 4. Easement documents must be made available to Council for review prior the endorsement of a plan of survey creating any of the 4 approved Lot/s.**

- (D) Condition 4.7 of Council's Negotiated Decision Notice issued on 3 June 2016 be amended as follows:

4.7 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.*

- (E) Advice clause (e) of Council's Negotiated Decision Notice issued on 3 June 2016 be amended as follows:

(e) *Notation on Rates Record*

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

- *bushfire management*
- *flood immunity*
- *An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report*
- *an approved source of water supply via bore/watercourse*
- *electricity supply may be via an off-grid solar energy system to be provided by the vendor, prior to the occupation of a dwelling house on the allotment.*
- **Access and services easements in favour of Lots 1, 2, 3 and 4 (to be placed on Rates record for Lots 2 and 3 only).**

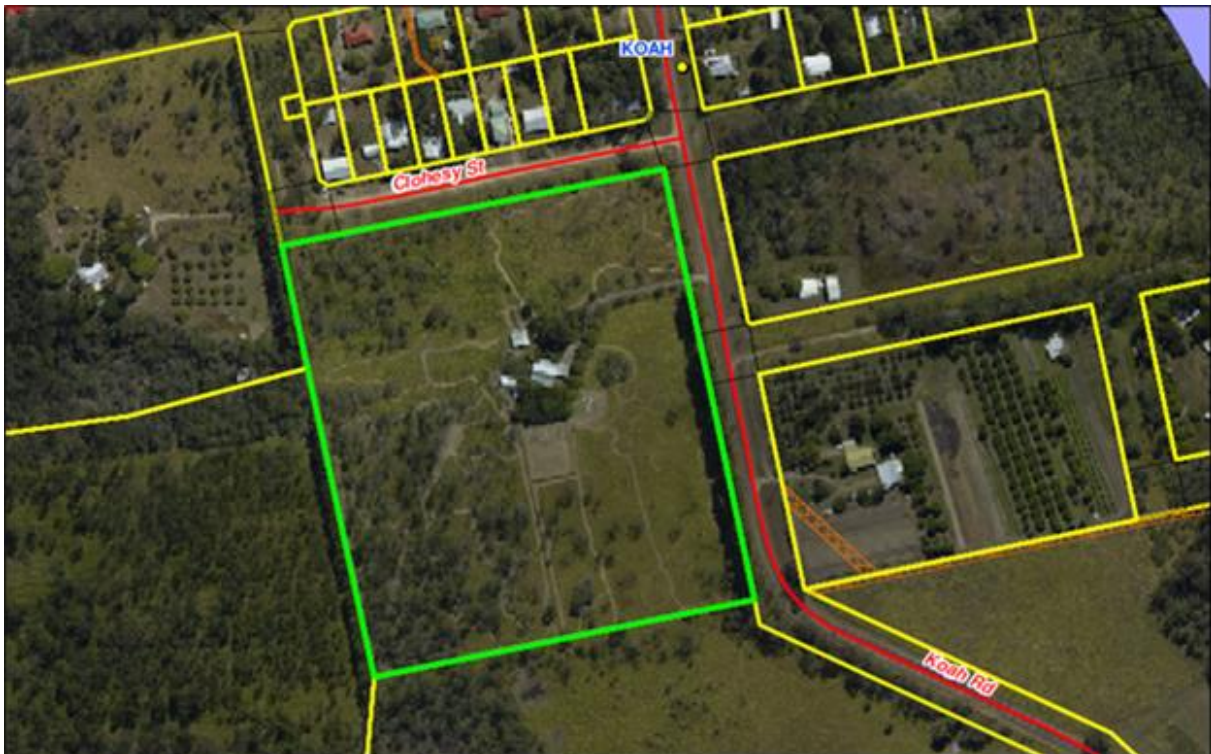
2. A Notice of Decision on Request to Change a Development Approval be issued to the applicant advising of Council's decision".

THE SITE

The subject site is situated on the outskirts of the Koah Township at 1063 Koah Road, Koah and is described as Lot 1 on NR7238. The site is almost square in shape with a total area of 6.051 hectares and is zoned *Rural* under the Mareeba Shire Planning Scheme 2004. The site contains 261.5 metres of frontage to Koah Road, which is constructed to bitumen sealed standard and 231 metres of frontage to Clohesy Street, which is constructed to a formed gravel standard.

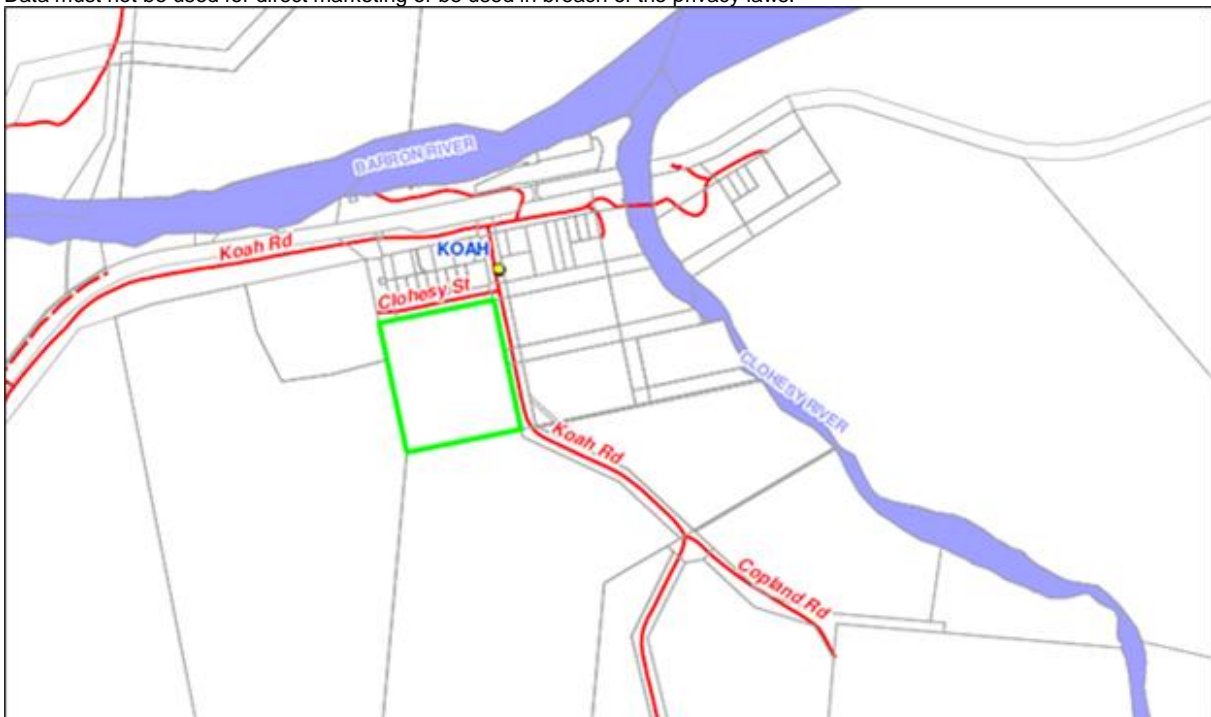
The land itself is relatively flat and contains lightly scattered regrowth vegetation. A single dwelling and multiple outbuildings are clustered towards the centre of the site, and another standalone shed has been constructed in the south-west corner of the site. The dwelling is accessed from a single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

Lots to the east, south and west of the site are zoned *Rural* and are used for rural lifestyle purposes while lots to the north of the site are zoned *Village* and contain residential uses.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

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

The application was approved subject to conditions and the decision notice was issued on 22 April 2016. A negotiated decision notice was issued on 3 June 2016. A further amendment to the approval was approved by Council at its Ordinary Meeting held on 15 March 2017 and an amended Negotiated Decision Notice was issued on 16 March 2017.

The applicants have subsequently lodged a further request to change the development approval with regards to the approved lot layout and access/servicing arrangements. At present, access and services to all four lots is proposed through a common property allotment. Due to the reluctance of prospective purchasers to be involved in a common property arrangement (body corporate), the applicants have now requested that the approved plan be amended to remove the common property allotment and instead, include two access handles to the rear lots (2 and 3) with reciprocal access easements over these access handles to service all 4 proposed lots.

Schedule 1: Substantially different development of the Development Assessment Rules (Planning Act 2016) provides assistance to the assessment manager (Council) in determining if a proposed change would result in substantially different development. It is considered that the proposed change/s will not result in substantially different development and therefore constitute a 'minor change'.

ASSESSMENT AND DECISION REQUIREMENTS

Minor change for a development approval - Planning Act 2016

Schedule 1: Substantially different development (Development Assessment Rules)

1. *An assessment manager or responsible entity may determine that the change is a minor change to a development application or development approval, where - amongst other criteria - a minor change is a change that would not result in 'substantially different' development.*

Schedule 2 - Dictionary of the Planning Act 2016 defines a minor change as follows:

Minor change means a change that-

- (a) *for a development application (not applicable).*
- (b) *for a development approval-*
 - (i) *Would not result in substantially different development; and*
 - (ii) *If a development application for the development, including the change, were made when the change application is made would not cause-*
 - (A) *the inclusion of prohibited development in the application; or*
 - (B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) *referral to extra referral agencies, other than the chief executive; or*

- (D) *a referral agency to assess the application against, or have regard to, matter prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have regard to, when the application was made; or*
 - (E) *public notification if public notification was not required for the development application.*
- 2. *An assessment manager or responsible entity must determine if the proposed change would result in substantially different development for a change-*
 - (a) *made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;*
 - (b) *made to a development application in accordance with part 6;*
 - (c) *made to a development application after the appeal period.*
- 3. *In determining whether the proposed change would result in substantially differed development, the assessment manager or referral agency must consider the individual circumstances of the development, in the context of the change proposed.*
- 4. *A change may be considered to result in a substantially different development if any of the following apply to the proposed change:*
 - (a) *involves a new use; or*
 - (b) *result in the application applying to a new parcel of land; or*
 - (c) *dramatically changes the built form in terms of scale, bulk and appearance; or*
 - (d) *change the ability of the proposed development to operate as intended; or*
 - (e) *removes a component that is integral to the operation of the development; or*
 - (f) *significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
 - (g) *introduces new impacts or increase the severity of known impacts; or*
 - (h) *removes and incentive or offset component that would have balanced a negative impact of the development; or*
 - (i) *impacts on infrastructure provisions.*

Comment

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

Assessing and deciding application for minor changes

Section 81(2) of the Planning Act 2016 requires that Council must assess the proposed change having regard to:

- *The information the applicant included with the application*

Comment

The details of the request to change the approval were provided by the applicant in a letter to Council dated 17 April 2018 (**Attachment 2**). The proposed changes and responses are addressed in the body of this report.

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

Comment

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

- *Any pre-request response notice or response notice given in relation to the change application.*

Comment

No pre-request response notice or response notice was received.

- *All matters the responsible entity (Council) would or may assess against or have regard to, if the change application were a development application.*

Comment

The requested changes and responses are addressed in the body of this report.

- *Another matter that the responsible entity (Council) considers relevant.*

Comment

No other matter is considered relevant.

REQUEST TO CHANGE THE DEVELOPMENT APPROVAL

Description of approved development

Details of the approval –

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

Request by Applicant

N/A - See comment below.

Response

The applicant did not specifically request that the description of the approved development be amended, however this change is still considered necessary.

Council officers raise no objection to the requested change to the lot layout to remove the common property allotment and replace with two access handles servicing Lots 2 and 3, as well as the proposed reciprocal access easements over both access handles which will provide lawful access to all four allotments over the existing common driveway constructed over the two access handles.

It is recommended the description of the approved development be amended as follows:

Details of the approval –

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

Approved Plan/s

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

Request by Applicant

We request that this condition references a new approved plan. We submit a new lot layout, as per the attached drawing. The lot configuration and sizes are very similar, but we wish to convert the avenue of common land which contains the shared driveway and infrastructure corridor to a two parallel access handles attached to the two rear lots, and providing access to these lots. We wish to cover these dual access handles of the two rear lots with an access easement in favour of both lots, therefore making it a shared driveway. This configuration is illustrated in the attached plan.

Response

Council officers raise no objection to the requested change to the lot layout to remove the common property allotment and replace with two access handles servicing Lots 2 and 3, as well as the proposed reciprocal access easements over both access handles which will provide lawful access to all four allotments over the existing common driveway constructed over the two access handles.

It is recommended the approved plan be amended as follows:

<i>Plan/Document Number</i>	<i>Plan/Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
7443 - LL1	<i>Proposed Reconfiguration of a Lot (1 Lot into 4 Lots and Common Property)</i>	<i>Twine Surveys Pty Ltd</i>	<i>14/01/2016</i>
<u>7443-LL1</u>	<u>Proposed Reconfiguration of a Lot (1 Lot into 4 Lots)</u>	<u>Twine Surveys Pty Ltd</u>	<u>28/03/2018</u>

Condition 4.1 - Access

4.1 Access

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

The driveway will:

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

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

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

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

Request by Applicant

We request that this condition is amended to the following:

4.1.1 *A shared access driveway across the combined access handles of proposed lots 2 & 3 will be constructed to a gravelled standard for the full length of the driveway, to the satisfaction of Council's delegated officer.*

- *have a minimum standard of four (4) metres;*
- *be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the common property; and*
- *Have a landscaped buffer along either side of the driveway, which will be planted out with drought hardy dry tropical native shrubs, such as Callistemon pachyphyllus, Callistemon recurvus, Acacia leptocarpa, Acacia simsii, Melaleuca viridifolia, Melaleuca linariifolia;*
- *Be subject to an access easement in favour of proposed lots 2 & 3.*

This draft wording has been altered from the current approval, to remove references to common property, and to condition the provision of an access easement across the combined access handles servicing Lots 2 & 3. This easement would also cover telecommunications conduits to both lots in a shared trench.

Response

Council officers raise no objection to the requested change to the lot layout to remove the common property allotment and replace with two access handles servicing Lots 2 and 3, as well as the proposed reciprocal access easements over both access handles which will provide lawful access to all four allotments over the existing common driveway constructed over the two access handles.

It is therefore recommended that Condition 4.1 be amended as follows:

4.1 Access

- 4.1.1 *The shared access driveway ~~within the common property~~ **situated over both access handles of lots 2 and 3** is to be constructed to a gravelled standard for the full length of the ~~common property~~ **access handles**, to the satisfaction of Council's delegated officer.*

The driveway will:

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

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

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

- 4.1.4 Reciprocal 'access and services' easements must be established over the access handles of Lots 2 and 3 which benefit Lots 1, 2, 3 and 4. Easement documents must be made available to Council for review prior the endorsement of a plan of survey creating any of the 4 approved Lot/s.**

Condition 4.7 - Telecommunications

4.7 Telecommunications

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

Request by Applicant

N/A - See comment below.

Response

Condition 4.7 should be amended to allow for a telecommunications connection via the National Broadband Network which is considered an accepted form of telecommunications supply under the current Mareeba Shire Council Planning Scheme 2016 and has been conditioned for other rural subdivision development. It is recommended that condition 4.7 be amended as follows:

4.7 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.***

Amendments to the following advice clause/s are recommended based on the above changes to conditions:

(e) *Notation on Rates Record*

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

- *bushfire management*
- *flood immunity*
- *An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report*
- *an approved source of water supply via bore/watercourse*
- *electricity supply may be via an off-grid solar energy system to be provided by the vendor, prior to the occupation of a dwelling house on the allotment.*
- **Access and services easements in favour of Lots 1, 2, 3 and 4 (to be placed on Rates record for Lots 2 and 3 only).**

Date Prepared: 1 May 2018

ATTACHMENT 1

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 07 4086 4657
F: 07 4092 3323

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

Council Ref: DA/16/0009
Our Ref: BM:CE:nj

3 June 2016

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

Negotiated Decision Notice Approval

Sustainable Planning Act 2009 s363

Dear Applicant/s

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

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

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

Approval under Section 331

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

1. Nature of the changes

The nature of the changes are:

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

4.6 Electricity Provision/Supply

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

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

- (a) Written advice from an Electricity Service Provider indicating to Council, that an agreement has been made for the provision of power reticulation to the lot, or that power reticulation is already available to the lot; or*
 - (b) The applicant providing an off-grid solar energy system servicing the allotment, prior to the occupation of the dwelling house on the allotment, which meets or exceeds the following minimum requirements:*
 - (i) The off-grid solar energy system have a minimum capacity of 5kW, include battery storage and a backup generator; and*
 - (ii) The off-grid solar energy system must be an accredited product through the Solar PV Accreditation scheme (Clean Energy Council) and must be installed by a supplier accredited under this same scheme; or*
 - (c) A combination of (a) and (b).*
- (B) Advice Clause (e) of Council's Decision Notice issued on 22 April 2016 be amended as follows:
- (e) Notation on Rates Record*
- A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:*
- bushfire management*
 - flood immunity*
 - An on-site effluent disposal system must be constructed in accordance with the approved site and soil evaluation report*
 - an approved source of water supply via bore/watercourse*
 - electricity supply may be via an off-grid solar energy system to be provided by the vendor, prior to the occupation of a dwelling house on the allotment.*
- (C) Condition 4.3 must remain as per Council's Decision Notice issued on 22 April 2016.

2. Details of the approval –

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

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

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

- Development Permit for Operational Works

4. Other approvals required from Council

- Nil

5. Submissions -

Not applicable

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

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

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

7. Conditions –**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)****(a) Development assessable against the Planning Scheme**

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

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

3.7 Flood Immunity

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

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

3.9 Bushfire Management

Any new dwelling erected on the lots shall:

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

3.10 Rural Addressing

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

3.11 Charges

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

4. Infrastructure Services and Standards

~~4.1 Access~~

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

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

At Council's Ordinary Meeting held on 15 March 2017, condition 4.1.1 was amended to the extent below:

4.1 Access

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

The driveway will:

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

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

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

4.2 Stormwater Drainage

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

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

4.3 Frontage Works - Koah Road

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

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

4.4 Non-reticulated Water Supply

- 4.4.1 Each Lot must be provided with a potable water supply via bore or by water rights to a perennial stream in accordance with Planning Scheme Policy No. 1 - Water Supply (Outside Reticulated Water Supply Area).
- 4.4.2 Where a bore is to be used as a source of water, bore installation will be in accordance with the requirements of D6.07 of the FNQROC Development Manual.
- 4.4.3 Where a bore is to be used as a source of potable water, it will be sited in accordance with the setback distances specified in the Queensland Plumbing and Wastewater Code.
- 4.4.4 The applicant/developer must demonstrate that any source of potable water supply can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).
- 4.4.5 Rainwater tanks will not be accepted as a means of potable water supply for either allotment.
- 4.4.6 If an existing bore is proposed as a potable water supply for any lot, this bore must comply with 4.4.2 (minimum sustainable yield only), 4.4.3 and 4.4.4 above.

4.5 On-Site Wastewater Management

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

4.6 Electricity Provision/Supply

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

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

- (a) Written advice from an Electricity Service Provider indicating to Council, that an agreement has been made for the provision of power reticulation to the lot, or that power reticulation is already available to the lot; or

- (b) The applicant providing an off-grid solar energy system servicing the allotment, prior to the occupation of the dwelling house on the allotment, which meets or exceeds the following minimum requirements:
- (i) The off-grid solar energy system have a minimum capacity of 5kW, include battery storage and a backup generator; and
 - (ii) The off-grid solar energy system must be an accredited product through the Solar PV Accreditation scheme (Clean Energy Council) and must be installed by a supplier accredited under this same scheme; or
- (c) A combination of (a) and (b).

4.7 Telecommunications

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

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

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

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

(B) ASSESSMENT MANAGER'S ADVICE

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

(b) Easement Documents

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

(c) Endorsement Fees

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

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

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

(f) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance.

Mareeba Shire Council

Document Set ID: 3237987
Version: 1, Version Date: 16/03/2017

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Further information on these matters can be obtained from www.environment.gov.au.

(g) Cultural Heritage

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

8. IDAS referral agencies –

The application did not require referral to any Referral Agency.

9. Approved Plan

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

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

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

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

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

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

11. Appeal rights –

Appeals by applicants

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

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

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- the length of a period mentioned in section 341
- a deemed refusal of the development application.

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

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

Appeals by submitters

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

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

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

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

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

12. When the development approval takes effect –

This development approval takes effect –

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

OR

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

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

Yours faithfully

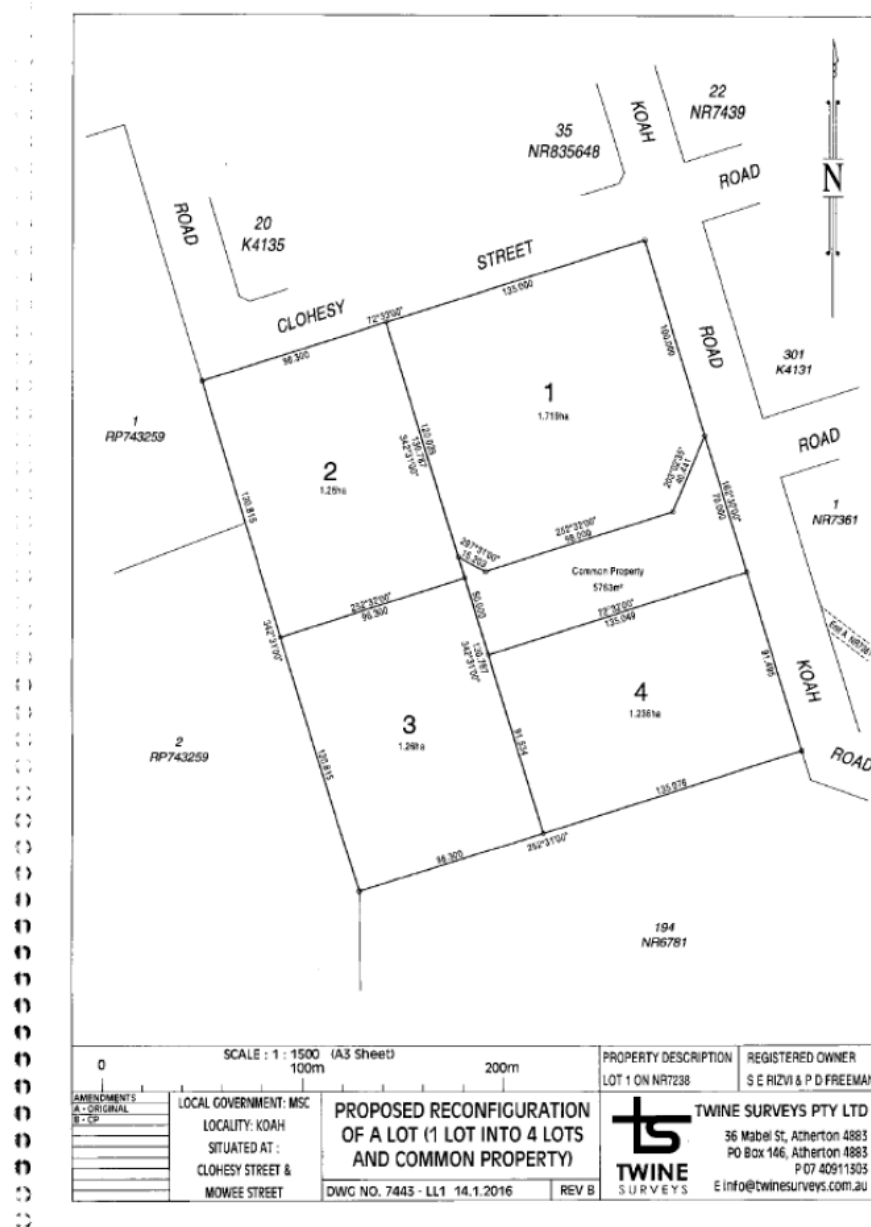
BRIAN MILLARD
SENIOR PLANNER

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

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



Mareeba Shire Council

Document Set ID: 3237987
Version: 1, Version Date: 16/03/2017

ATTACHMENT 2

Sarah Rizvi and Piers Freeman
The Folly, May Hill
Longhope, GLOS, GL17 0NP
United Kingdom

3 April 2018

Mareeba Shire Council
Planning department
Rankin Street, Mareeba QLD 4880

To whom it may concern,

RE: Request to change existing approval – DA/16/0009, 1063 Koah Rd, KOAH.

We the applicants request to change the following conditions of our existing approval:

Approved plans

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.*

We request that this condition references a new approved plan. We submit a new lot layout, as per the attached drawing. The lot configuration and sizes are very similar, but we wish to convert the avenue of common land which contains the shared driveway and infrastructure corridor to a two parallel access handles attached to the two rear lots, and providing access to these lots. We wish to cover these dual access handles of the two rear lots with an access easement in favour of both lots, therefore making it a shared driveway. This configuration is illustrated in the attached plan.

Access

We request that this condition is amended to the following:

- 4.1.1 *A shared access driveway across the combined access handles of proposed lots 2 & 3 will be constructed to a gravelled standard for the full length of the driveway, to the satisfaction of Council's delegated officer.*
 - *have a minimum standard of four (4) metres;*
 - *be formed with one-way cross fall to cater for stormwater drainage such that any stormwater runoff is contained within the common property; and*
 - *Have a landscaped buffer along either side of the driveway, which will be planted out with drought hardy dry tropical native shrubs, such as *Callistemon pachyphyllus*, *Callistemon recurves*, *Acacia leptocarpa*, *Acacia simsii*, *Melaleuca vriidfolia*, *Melaleuca linariifolia*;*
 - *Be subject to an access easement in favour of proposed lots 2 & 3.*

This draft wording has been altered from the current approval, to remove references to common property, and to condition the provision of an access easement across the combined access handles servicing Lots 2 & 3. This easement would also cover telecommunications conduits to both lots in a shared trench.

Furthermore, the decision notice states:

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

We would like to request a copy of this standard easement documentation.

Please don't hesitate to contact us if more information is required and we look forward to your response.

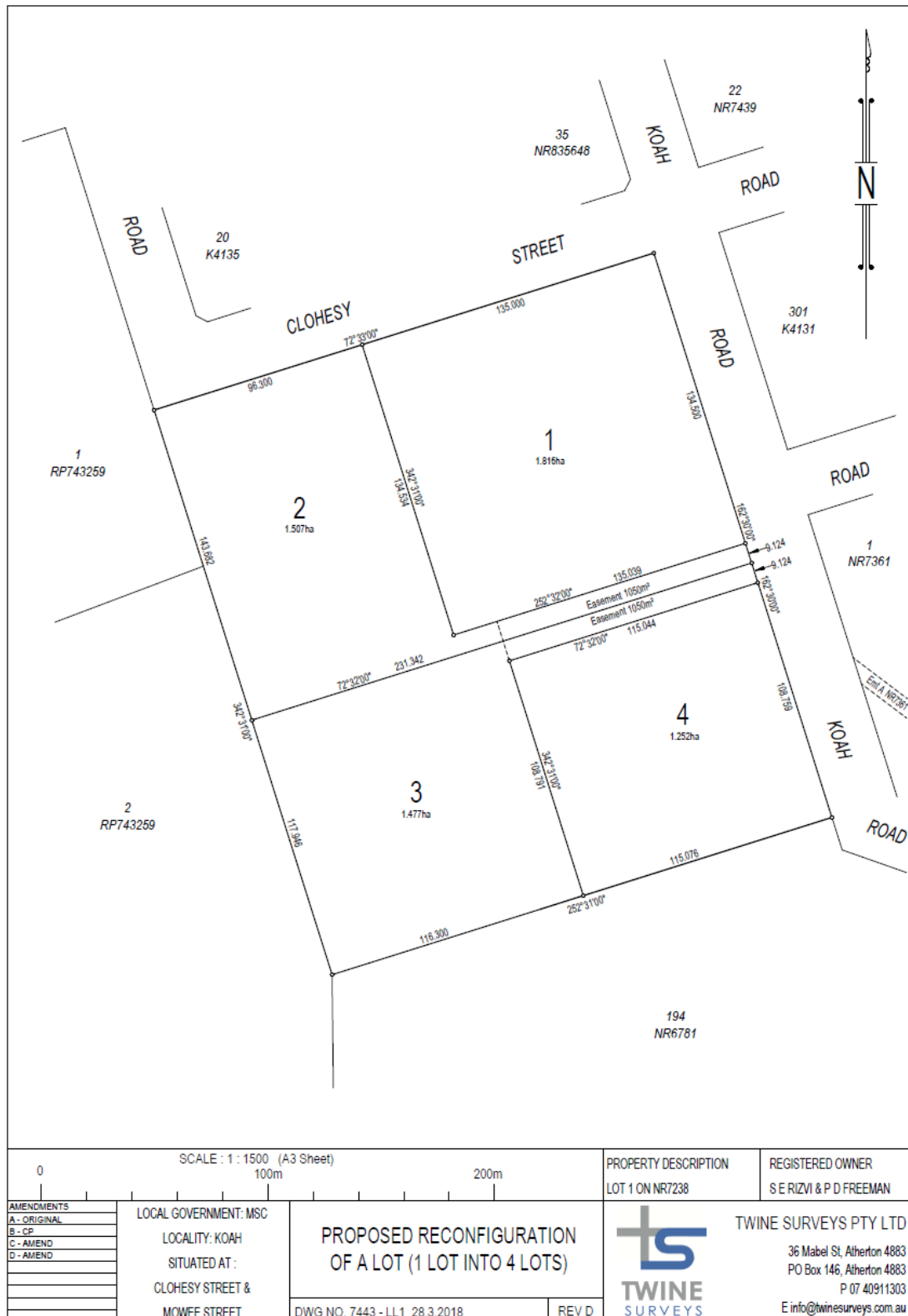
Kind regards

Sarah Rizvi and Piers Freeman

Owners of 1063 Koah Rd, Koah, Qld

ATTACHMENT 3

PROPOSED AMENDED PLAN



**ITEM-4 J SHAMBLER - MCU TRANSPORT DEPOT - LOT 2
RP728461 - 22 MONARO CLOSE, KURANDA -
MCU/18/0008****MEETING:** Ordinary**MEETING DATE:** 16 May 2018**REPORT OFFICER'S
TITLE:** Senior Planner**DEPARTMENT:** Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	J Shambler	ADDRESS	22 Monaro Close, Kuranda
DATE LODGED	21 March 2018	RPD	Lot 2 on RP728461
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Transport Depot		

FILE NO	MCU/18/0008	AREA	1.263 hectares
LODGED BY	Elizabeth Taylor - Town Planner	OWNER	J Shambler
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

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

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

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.

The key issues of the proposed development are establishing reasonable conditions to mitigate potential amenity impacts to a reasonable level, whilst acknowledging that one truck

and trailer combination can be kept on the subject land as accepted (self assessable) development.

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

OFFICER'S RECOMMENDATION

- That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	J Shambler	ADDRESS	22 Monaro Close, Kuranda
DATE LODGED	21 March 2018	RPD	Lot 2 on RP728461
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Transport Depot		

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 Material Change of Use - Transport Depot

- (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Untitled Map	-	-

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

- (a) Development assessable against the Planning Scheme

- Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, including but not necessarily limited to the subject of 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 **within three (3) months of the date of this approval taking affect.**
- 2.2 The applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

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

3.3 Waste Management

On site refuge storage area 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.

3.4 Hours of Operation

Any trailer coupling/decoupling, and any servicing, repair or cleaning of vehicles/trailers associated with the approved use shall be limited to the hours of 7:00am to 6:00pm Monday to Friday and 7:00am to 12:00pm Saturdays. No activities associated with the approved use are permitted on Sundays or Public Holidays.

However, the applicant/developer or subsequent owner/operator is permitted to enter or exit the site with the truck only outside of the abovementioned operating hours.

- 3.5 Any fuel stored on site associated with the approved use (other than in the prime mover fuel tanks) 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

An asphalt or concrete sealed (not bitumen) heavy duty access crossover with dimensions suitable for a prime mover and trailer, must be constructed (from the edge of Monaro Close to the property

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

4.2 Stormwater Drainage/Water Quality

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

4.2.2 All stormwater drainage concentrated by the development must be collected from site and discharged to an approved legal point of discharge.

4.3 Carparking/Internal Driveways

All trafficable areas associated with the approved use, including the trailer storage area, must be surface treated with crushed blue metal/rock, similar to that already installed on parts of the driveway, and maintained for the life of the development, to the satisfaction of Council's delegated officer.

4.4 Environmental Management

4.4.1 Any material likely to degrade the water (eg 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.

4.4.2 All waste products associated with the approved use including tyres, wheels, fluids (lubricants, fuels, solvents, coolants, degreasing agents etc.) must be disposed of off-site and must not be stored on site for an unreasonable length of time, to the satisfaction of Council's delegated officer.

4.5 Landscaping/Visual Screening

If the applicant/developer or subsequent landowner/operator proposes to remove the greenhouse structure situated immediately to the south of the trailer storage area shown on the approved plan, the following landscape buffer works are required prior to the removal of the structure:

- A two (2) metre wide landscape buffer planted along the entire length of the southern side of the trailer storage area. The landscape buffer must include ground cover, shrubs and trees that will grow to form an effective buffer of no less than four (4) metres in height.

Plant species used must be selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

All landscaping must be mulched, irrigated and maintained for the life of the development

(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) The change in the use of the building may also require a change in the classification of the building under the Building Act. You are advised to contact a Building Certifier to establish if a change in the classification of the building is required.
- (c) Compliance with applicable codes/policies

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

- (d) 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.

- (e) 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.

- (f) 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.

(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

- Nil

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

THE SITE

The subject land is described as Lot 2 on RP728461, situated at 22 Monaro Close, Kuranda. The land is approximately 3.9km west of Kuranda township and 200 metres south of the Oakforest Road/Monaro Close intersection.

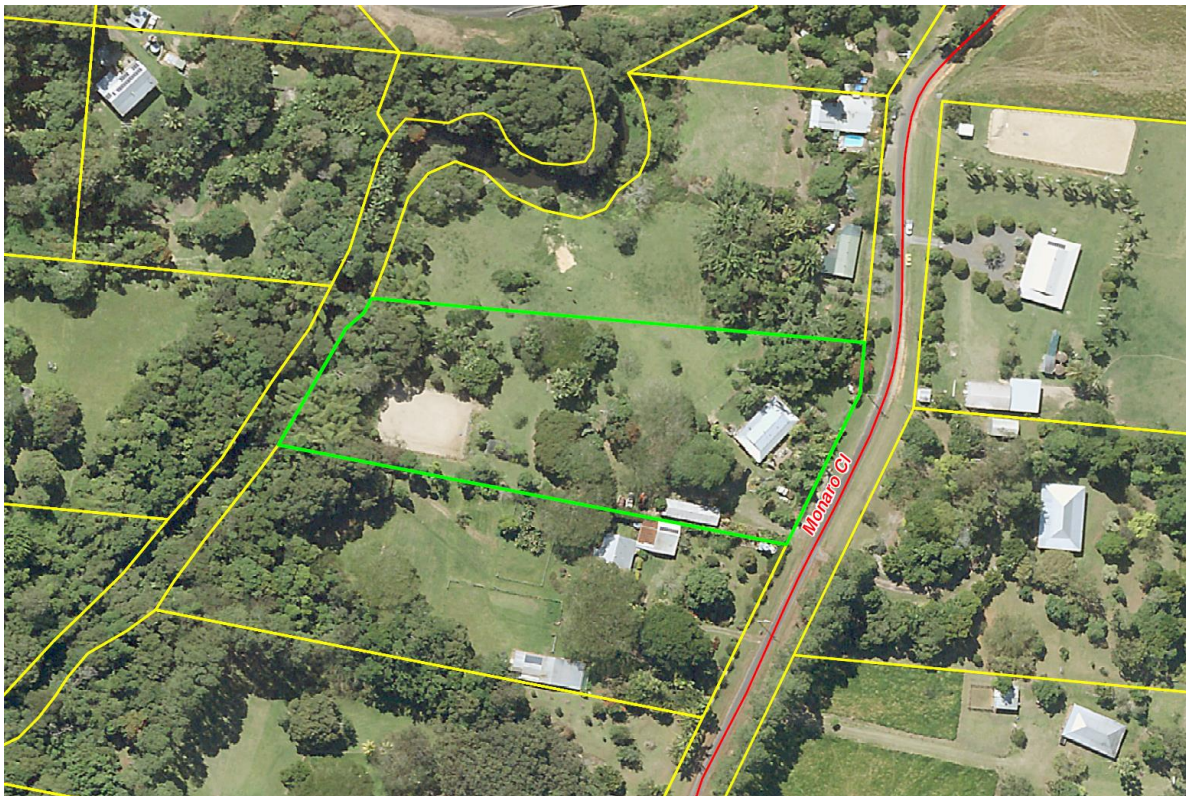
The land has an area of 1.263 hectares with a frontage of approximately 80 metres to Monaro Close. Monaro Close is constructed to a single lane bitumen sealed standard for its entire length. Access to the site is from Monaro Close at the most southerly point of the lots frontage.

The land is generally wedge shaped, being wider at the front than the rear. It slopes down from the Monaro Close frontage to Owen Creek which forms the rear boundary. The site is improved with a dwelling house and associated relative's accommodation, several sheds, greenhouse and a horse exercise yard.

The land has previously been cleared as a result of historic grazing activities and now features some regrowth trees scattered throughout. Dense vegetation is established along Owen Creek.

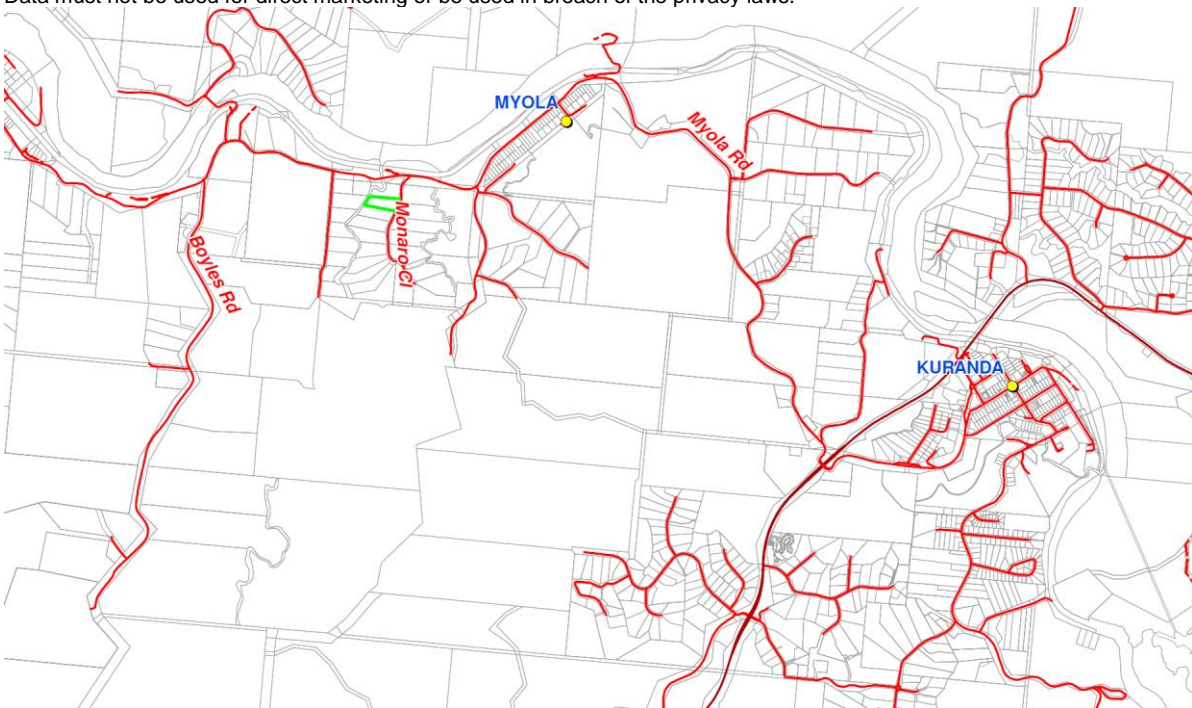
The land is serviced with reticulated electricity, telecommunications, on site effluent disposal and water supply.

Surrounding properties are zoned rural residential and have been developed for rural residential living purposes.



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

This development application is in response to a show cause notice issued by Council to the applicant on 13 February 2018.

The show cause notice alleged that a transport depot was being carried out on the subject land without an effective development permit.

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

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

The application summarises the proposed development as follows:

"The land owner has made application to establish a Transport Depot on the site in association with running his transport business, as an owner operator, from the premises.

The land owner currently operates one (1) prime mover from the premise and has four (4) trailers. The business is an owner operator business and is not intended to become a large operation. The owner is often away for weeks at a time with his business and therefore has minimal impact on the amenity of the area and any perceived detrimental impacts associated with the previous parking of the prime mover and semi-trailer outside the site on the road verge will be negated with the designation and future use of an area on site for the Transport Depot storage of the truck and trailers.

*A copy of an Aerial Plan which has been annotated to show the designated area for the Transport Depot is attached at Appendix 1 (**Attachment 1**).*

No major servicing or repairs of the prime mover or trailers will occur on the site. The Transport Depot will operate in accordance with the Transport Depot definition in the Planning Scheme that allows: ancillary servicing, repair and cleaning of vehicles on the site."

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:

Land Use Categories

- Rural Residential Area

Natural Environment Elements

- Biodiversity Areas

Zone:

Rural Residential zone

Overlays:

- Environmental Significance 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
Transport depot	Premises used for the storage, for commercial or public purposes, of more than one motor vehicle. The use includes premises for the storage of taxis, buses, trucks, heavy machinery and uses of a like nature. The term may include the ancillary servicing, repair and cleaning of vehicles stored on the premises.	Contractor's depot, bus depot, truck yard, heavy machinery yard	Home based business, warehouse, low impact industry, service industry

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**Relevant Development Codes**

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

- 6.2.10 Rural residential zone code
- 8.2.4 Environmental significance overlay code
- 8.2.8 Hill and slope overlay code
- 9.3.5 Industrial 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 solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural residential zone 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. Further discussion is warranted with regards to the following: <ul style="list-style-type: none"> Performance Outcome PO8 - non residential developmental Performance Outcome PO9 - amenity Refer to planning discussion section of report.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Industrial activities code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.
Parking and access 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. Further discussion is warranted with regards to the following: <ul style="list-style-type: none"> Acceptable Outcome AO6.3 – internal roads Refer to planning discussion section of report.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable solutions/performance outcomes contained within the code.

(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

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

Section 130 of the Planning Act 2016 allows Council to condition additional trunk infrastructure outside the PIA.

The applicant has one (1) prime mover which can be kept on the subject land as accepted development. The application does not increase the number of prime movers, therefore the traffic movements will not be altered.

Accordingly, no additional trunk transport infrastructure payment condition is proposed.

REFERRALS

This application did not trigger a referral.

Internal Consultation

Technical Services

PLANNING DISCUSSION

Compliance 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 performance outcome can be achieved.

Rural residential zone code

PO8

Non-residential development:

- (a) *is consistent with the scale of existing development;*
- (b) *does not detract from the amenity of nearby residential uses;*
- (c) *does not impact on the orderly provision of non-residential development in other locations in the shire; and*
- (d) *directly supports the day to day needs of the immediate residential community;*
or
- (e) *has a direct relationship to the land on which the use is proposed.*

AO8

No acceptable outcome is provided.

Comment

The proposed transport depot is an owner/operator activity comprising a single prime mover and a maximum of four (4) trailers.

Under the planning scheme, the storage and operation of a single prime mover and trailer is accepted development on the subject land.

The effective impact of this code assessable development application will be to permit the storage of three (3) additional trailers on the subject land.

As the applicant is the sole driver and only one trailer can be towed at any one time, meaning for the vast majority of the time, the three (3) additional trailers will have little impact, other than being visible from parts of neighbouring properties.

The scale of the proposed development will not threaten other established transport depots throughout the Shire.

A site inspection was undertaken on 3 May 2018. Passing traffic on Monaro Close would be unlikely to notice any evidence of the transport depot use. The proposed trailer storage area will be largely screened from neighbouring properties by existing sheds, established vegetation and a large shadehouse.

The proposed development complies with PO8.

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.

AO9

No acceptable outcome is provided.

Comment

The proposed transport depot is an owner/operator activity comprising a single prime mover and a maximum of four (4) trailers.

Under the planning scheme, the storage and operation of a single prime mover and trailer is accepted development on the subject land.

The effective impact of this code assessable development application will be to permit the storage of three (3) additional trailers on the subject land.

As the applicant is the sole driver and only one trailer can be towed at any one time, meaning for the vast majority of the time, the three (3) additional trailers will have little impact, other than being visible from parts of neighbouring properties.

A site inspection was undertaken on 3 May 2018. Passing traffic on Monaro Close would be unlikely to notice any evidence of the transport depot use. The proposed trailer storage area will be largely screened from neighbouring properties by existing sheds, established vegetation and a large shadehouse.

The development will be conditioned to limit maintenance and the hours maintenance is able to be carried out.

Similarly, the hours for trailer coupling/de-coupling will be conditioned to between 7:00am and 6:00pm.

Parking and access code**PO6**

Development that involves an internal road network ensures that it's design:

- (a) ensure safety and efficiency in operation;
- (b) does not impact on the amenity of residential uses on the site and on adjoining sites, having regard to matters of:
 - (i) hours of operation;
 - (ii) noise
 - (iii) light; and
 - (iv) odour;

- (c) *accommodates the nature and volume of vehicle movements anticipated to be generated by the use;*
- (d) *allows for convenient access to key on-site features by pedestrians, cyclists and motor vehicles; and*
- (e) *in the Rural zone, avoids environmental degradation.*

AO6.3

Internal roads are imperviously sealed and drained, apart from those for an Energy and infrastructure activity or Rural activity.

Comment

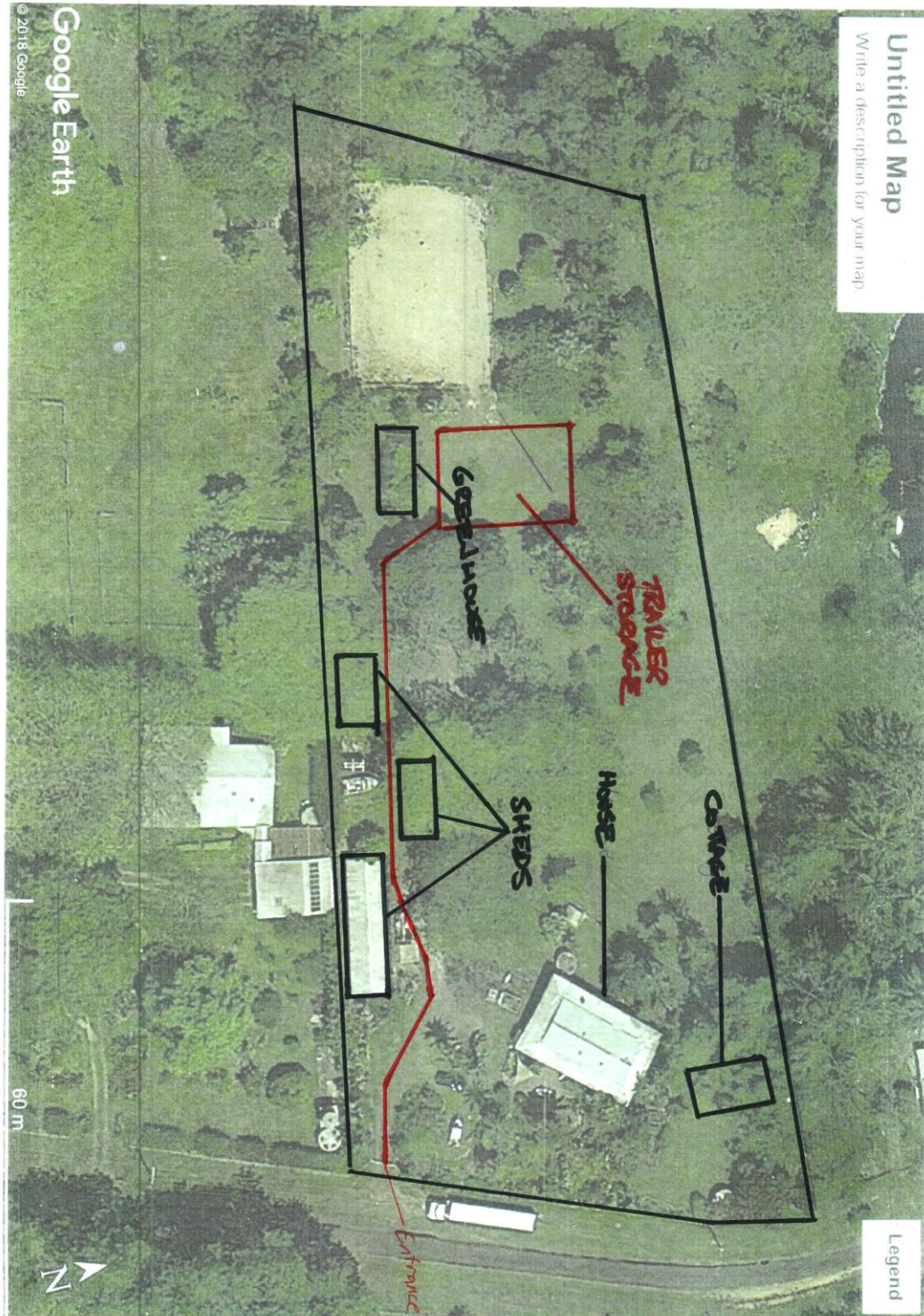
The trailer storage area and internal driveway will be graveled to a similar standard to match existing graveled driveway.

The property will not be open to the general public.

Date Prepared: 8 May 2018

ATTACHMENT 1

PROPOSAL PLANS



ITEM-5 **MAX SLADE DESIGNS PTY LTD - MCU SHORT TERM ACCOMMODATION (22 X 1 BEDROOM UNITS) LOT 1 RP725081 - 3 KENNEALLY ROAD, MAREEBA - MCU/18/0003****MEETING:** Ordinary**MEETING DATE:** 16 May 2018**REPORT OFFICER'S
TITLE:** Planning Officer**DEPARTMENT:** Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	Max Slade Designs Pty Ltd	ADDRESS	3 Kenneally Road, Mareeba
DATE LODGED	1 February 2018	RPD	Lot 1 on RP725081
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Short-term Accommodation (22 x 1 Bedroom Units)		

FILE NO	MCU/18/0003	AREA	2.026 hectares
LODGED BY	Max Slade Designs Pty Ltd	OWNER	G & R Tatti Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low density residential zone		
LEVEL OF ASSESSMENT	Impact assessment		
SUBMISSIONS	One (1) submission		

ATTACHMENTS: 1. Proposal Plan/s
 2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response dated 19 March 2018
 3. Submitter letter/s

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. One submission was received during public notification of the application.

The application proposes the development of 22 x 1 bedroom motel style short-term accommodation units to complement the existing caravan park use on the site. The unit development will comprise of two unit blocks containing 10 units each, as well as another two standalone units/cabins.

The application and supporting materials 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.

Conditions have been recommended to minimise amenity impacts on residential uses adjoining the site to the south and east. These 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	Max Slade Designs Pty Ltd	ADDRESS	3 Kenneally Road, Mareeba
DATE LODGED	1 February 2018	RPD	Lot 1 on RP725081
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Short-term Accommodation (22 x 1 Bedroom Units)		

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 - Short-term Accommodation (22 x 1 Bedroom Units)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
M17-4595 Sheet No. A101	Overall Site Plan	Max Slade Designs	Nov 2017
M17-4595 Sheet No. A102	Layout Plan	Max Slade Designs	Nov 2017
M17-4595 Sheet No. A102a	Site Plan	Max Slade Designs	Nov 2017
M17-4595 Sheet No. A102b	Unit Layout	Max Slade Designs	Nov 2017
M17-4595 Sheet No. A103	Elevations (North, East, South, West)	Max Slade Designs	Nov 2017
M17-4595 Sheet No. A104	Elevation 1 - a	Max Slade Designs	Nov 2017
M17-4595 Sheet No. A118	Google Map Overlay	Max Slade Designs	Nov 2017
12118/4	Floor Plan/Section A	Showers Engineering	17/08/12

(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 commencement of the use of each stage of the development except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use of each stage of the development, 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 or the payment of infrastructure charges within the Adopted Infrastructure Charges Notice.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
- 3.5 Noise Nuisance

- 3.5.1 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.

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.

- 3.5.2 Full time onsite manager

In order to minimise the likelihood of noise nuisance, a full time, onsite manager must be present onsite at all times during the operation of the approved use. The contact details for the onsite manager are to be made publicly accessible to all adjoining property owners.

- 3.6 Waste Management

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

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 which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicle to enter and exit the site in a forward gear, prior to the issue of a development permit for operational works.

Any refuse storage area must be constructed on an impervious surface such as a concrete slab and must be provided with a water connection to facilitate cleaning of bins, other receptacles and the collection area itself, and must be drained into the sites wastewater network.

Should an existing refuse storage area be proposed to satisfy this condition, the existing refuse storage area must comply with the above requirements.

3.7 Clothes Drying area

Sufficient area for clothes drying is to be provided for the units and is to be appropriately screened from view of adjoining properties and the street, to the satisfaction of Council's delegated officer.

3.8 Window Screening

The applicant/developer is required to install and maintain suitable screening to all windows on the south-east side of the two unit blocks for the purposes of privacy and reducing light spillage. The screening structures must be constructed from non-reflective materials that are consistent with materials used elsewhere on the facade of the building, to the satisfaction of Council's delegated officer.

3.9 Hot Water System Relocation

The roof mounted solar hot water systems must be mounted so as to not protrude above the roofline of each unit block when viewed from nearby residential uses, to the satisfaction of Council's delegated officer.

3.10 Building Materials and Finishes

All building materials and finishes, including roofing iron/tiles, guttering, external blockwork/render and window screening structures must be made from non-reflective, modern building materials and must be of a neutral colour, to the satisfaction of Council's delegated officer.

4. Infrastructure Services and Standards

4.1 Access

Prior to the commencement of the use for stage 1, the existing site access must be upgraded to a commercial/industrial standard in order to accommodate two directional large vehicle traffic (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 Prior to the issue of a development permit for building works for each stage, the applicant/developer 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. Where staged works are proposed, the Stormwater Management Plan and Report must detail the stormwater drainage for the whole of the development and for each stage of the development.

- 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 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.
- 4.2.4 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 that each unit/cabin is provided with 1 adjoining car parking space which is available solely for the parking of vehicles associated with the use of each unit/cabin.
- 4.3.2 Prior to the commencement of the use for stage 1, all car parking spaces for Stage 1, including the administration office set down/car parking areas, and all internal driveways servicing the approved use (as shown on Drawing No. M17-4595 Sheet A118, dated Nov 2017) must be concrete, bitumen or asphalt sealed, line marked and appropriately drained, to the satisfaction of Council's delegated officer.

For stage 2, the internal driveway/s must be extended to service the second unit block and the internal driveways and carparks must be constructed to the same standard as the stage 1 works.

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.

- 4.3.3 The internal driveways servicing the approved use must be wide enough to allow for two direction vehicle traffic, to the satisfaction of Council's delegated officer. If this is not the case and the existing loop road through the existing caravan park is proposed or required to service the development (short-term accommodation units only), this loop road must be upgraded to a concrete, asphalt or bitumen sealed standard, to a minimum width of 4 metres (including any widening required on corners) and appropriately drained, to the satisfaction of Council's delegated officer.

4.4 Landscaping & Fencing

- 4.4.1 For each stage of the development, a landscape plan must be prepared and submitted to Council's delegated officer for consideration and approval (one plan may be submitted for both stages).

The landscape plan must include a minimum 100m² of total new landscaping for each stage of the development and must include plant species selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

A minimum of 25% of the landscaping plants must be provided as larger, advanced stock with a minimum foliage height of 0.7 metres.

The landscaping of the site must be carried out in accordance with the endorsed landscape plan prior to the commencement of the use for each stage, and mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

- 4.4.2 Prior to the commencement of the use for stage 1, a solid 1.8 metre high timber paling (no gaps) or 1.8 metre high colorbond fence (of neutral colour) is to be erected along the south-east boundary of the site, extending from the southern corner of the site to a point 10 metres past the last wall of the stage 1 unit block.

Prior to the commencement of the use for stage 2, the boundary fencing required for stage 1 must be extended (with the same building materials and colours used) along the south-east boundary to a point 10 metres past the last wall of the stage 2 unit block.

The abovementioned fencing is to be erected and maintained in good order for the life of the development, to the satisfaction of Council's delegated officer.

4.5 Lighting

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

Illumination resulting from direct, reflected or other incidental light emanating from the subject land 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.

4.6 Water Supply

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).

If a new or upgraded water service connection is required to service the development, it must be provided in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.7 Sewerage Connection

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

Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend 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).

(D) 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) 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.

(d) Property Connection to existing sewer main

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.

(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.

(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) Motor Home Park/Caravan Park/Camping Ground

The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2011* is required prior to the commencement of the use.

(j) 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) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 19 March 2018.

(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

- 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)

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Category	Use Charge	Unit Measure of	Charge Rate	No of Units	Amount
Stage 1 - 12 Units					
Proposal					
Short-term Accommodation	Accommodation (short term)	Per suite (1 or 2 bedrooms)	\$4,500.00	12	\$54,000.00
Credit					
Short-term Accommodation	Accommodation (short term)	Per 1 or 2 plot caravan/tent site	\$4,500.00	8	\$36,000.00
Total Payable (Stage 1)					\$18,000.00
Stage 2 - 10 units					
Proposal					
Short-term Accommodation	Accommodation (short term)	Per suite (1 or 2 bedrooms)	\$4,500.00	10	\$45,000.00
Credit					
Short-term Accommodation	Accommodation (short term)	Per 1 or 2 plot caravan/tent site	\$4,500.00	6	\$27,000.00
Total Payable (Stage 2)					\$18,000.00

THE SITE

The subject site contains the Mareeba Tropical Caravan Park and is situated at 3 Kenneally Road, Mareeba and is more particularly described as Lot 1 on RP725081. The site is generally regular in shape with a total area of 2.026 hectares and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016. The site includes frontages to both Kenneally Road (approx. 86 metres) and the State controlled Kennedy Highway (approx. 244 metres) with access gained via a single crossover off Kenneally Road towards the southern corner of the lot.

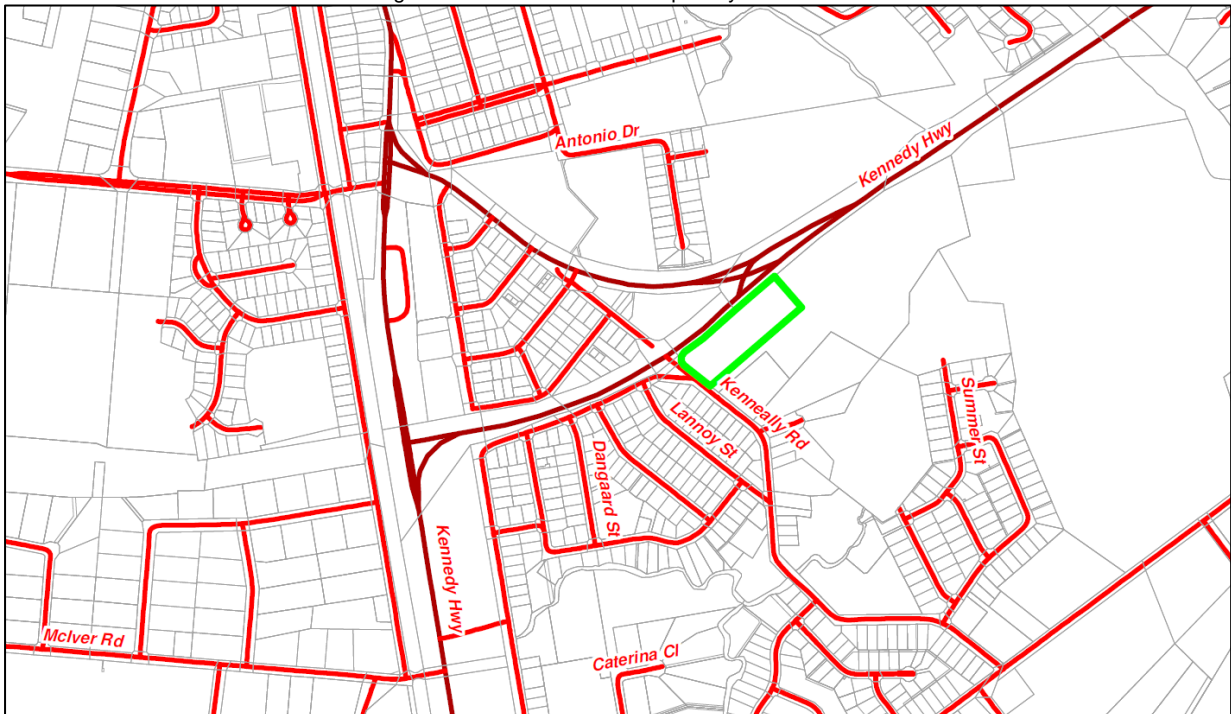
The site is improved by a number of buildings and structures consistent with the sites long established caravan park use which include a site office, manager/caretaker residence, ablutions/laundry blocks, caravan/motorhome/tent sites with some including concrete slabs, multiple accommodation dongas and an old general store which has since been converted to a workers/backpackers accommodation facility. The site has a gradual slope down to the rear of the lot (north-east end) and in terms of vegetation, contains a number of large shade trees and smaller trees and shrubs scattered throughout the caravan park which are of no ecological significance.

The site is currently connected to all urban services including Council's reticulated water and sewerage networks. All adjacent lots are zoned Low density residential and contain single dwellings.



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

MCU/11/0012

Council, at its Ordinary Meeting on 7 March 2012, approved a development application made by Victor G Feros Town Planning Consultants, on behalf of G & R Tatti for a development permit for material change of use - tourist facility (20 x 1 bedroom self-contained units) over land described as Lot 1 on RP725081, situated at 3 Kenneally Road, Mareeba. The Decision Notice was issued on 14 March 2012. A Negotiated Decision Notice was issued on 25 July 2012. Council, at its Ordinary Meeting on 15 November 2012 subsequently approved a further request by the applicant to amend the development approval.

Development approval MCU/11/0012 lapsed on 25 July 2018.

DA/12/0023

Council, at its Ordinary Meeting on 20 December 2012, approved a development application made by Victor G Feros Town Planning Consultants on behalf of Mareeba Tropical Caravan Park for a development permit for material change of use - tourist facility (10 x non self-contained rooms & ablutions block) over land described as Lot 1 on RP725081, situated at 3 Kenneally Road, Mareeba. The Decision Notice was issued on 21 December 2012.

Development approval DA/12/0023 lapsed on 21 December 2016.

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Short-term Accommodation (22 x 1 Bedroom Units) in accordance with the plans shown in **Attachment 1**.

The proposed development will be broken into two stages as follows:

Stage 1

- 1 block of 10 x 1 bedroom units, each with a gross floor area of approx. 36m² plus private patio and undercover carport;
- 2 x detached 1 bedroom units/cabins, each with a gross floor area of approx. 24m² plus patio and carpark.
- Common BBQ area/kitchen to be constructed at the eastern end of the unit block.

Stage 2

- 1 block of 10 x 1 bedroom units, each with a gross floor area of approx. 36m² plus private patio and undercover carport (same design as Stage 1 unit block)

Both unit blocks will be sited 2.1 metres off the south-east boundary of the site facing back into the caravan park. The two standalone units/cabins will be sited towards the centre of the

caravan park opposite the stage 1 unit block. A new sealed internal driveway is proposed to access the units.

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site as containing:

- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • <i>Residential Area</i> Transport Elements <ul style="list-style-type: none"> • <i>State Controlled Road</i> • <i>Principal Cycle Routes</i>
Zone:	Low Density Residential
Overlays:	Bushfire Hazard 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
Short-term Accommodation	Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained. The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.	Motel, backpackers, cabins, serviced apartments, accommodation hotel, farm stay	Hostel, rooming accommodation, tourist park

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 Settlement pattern and built environment****3.3.3 Element - Activity centres network**

- (1) *The role and function of Mareeba as the major regional activity centre for services in Mareeba Shire is strengthened. Mareeba is to accommodate the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire.*

Comment

The proposed development will provide additional short-term accommodation for visitors and tourists within Mareeba's urban footprint, of which there is an identified shortfall during peak demand periods. The development will help to strengthen Mareeba's role as the Shire's major regional activity centre.

- (2) *Development within Mareeba over time enhances the Shire's self-sufficiency in terms of services offered, business and employment opportunities.*

Comment

The proposed development will provide additional short-term accommodation for visitors and tourists within Mareeba's urban footprint, of which there is an identified shortfall during peak demand periods. The development will help to enhance the Shire's self-sufficiency with regards to short-term tourist/visitor accommodation.

3.7 Economic Development**3.7.7 Element - Tourism****3.7.7.1 Specific outcomes**

- (2) *Major tourist accommodation facilities that can accommodate large numbers of overnight visitors in the shire are developed in strategic locations where amenity impacts are mitigated and physical infrastructure appropriately provided.*

Comment

The proposed development will provide 22 x 1 bedroom short-term accommodation units within the confines of a long established caravan park (Mareeba Tropical Caravan Park). The site is on the fringe of an established residential area and contains minimum immediate adjoining residential uses. Given the nature and scale of the development, it is considered that the development can be appropriately conditioned to ensure minimal amenity impacts on these adjoining residential uses.

The development does not conflict with Specific Outcome (2).

Relevant Development Codes

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

- 6.2.6 Low density residential zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.12 Transport infrastructure overlay code
- 9.3.1 Accommodation 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 solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Low density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following: <ul style="list-style-type: none"> Acceptable Outcomes AO4 Acceptable Outcome AO5 Refer to planning discussion section of report.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Transport infrastructure overlay code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.

(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.

(f) Adopted Infrastructure Charges Notice

The following infrastructure charge/s for each stage of the development are derived from Council's Adopted Infrastructure Charges Resolution (No. 1) 2017.

The Adopted Infrastructure Charges Resolution (No. 1) 2017 nominates the following maximum charge for Accommodation (short term):

For a hotel or short-term accommodation:

- \$6,000.00 per suite (1 or 2 bedroom)

In calculating this maximum charge, it was assumed the development will access all four infrastructure networks (water, sewer, parks and roads). For this proposed development, the proximity to the State controlled road network (Kennedy Highway) means that any trunk infrastructure impacts are likely to be limited to water, sewer and parks. Accordingly, the

applicable charge for accommodation (short term) for the proposed development has been amended as follows:

For a hotel or short-term accommodation:

- \$4,500.00 per suite (1 or 2 bedroom)

Credits

It is acknowledged that the site contains a lawfully established caravan park (tourist park) use. After reviewing aerial imagery, the proposed development including access driveways will replace 14 existing tent/caravan sites (8 in stage 1, 6 in stage 2). The Adopted Infrastructure Charges Resolution also groups tourist parks within the Accommodation (short term) charge category and nominates a \$6,000.00 maximum charge (per 1 or 2 tent/caravan site). As discussed above, the maximum current charge would decrease to \$4,500.00 (per 1 or 2 tent/caravan site). Therefore, a credit for 14 tent/caravan sites is applicable at \$4,500.00 per site.

The adopted infrastructure charges for each stage of the development, including credits, is tabulated as follows:

Category	Use Charge	Unit Measure of	Charge Rate	No of Units	Amount
Stage 1 - 12 Units					
Proposal					
Short-term Accommodation	Accommodation (short term)	Per suite (1 or 2 bedrooms)	\$4,500.00	12	\$54,000.00
Credit					
Short-term Accommodation	Accommodation (short term)	Per 1 or 2 plot caravan/tent site	\$4,500.00	8	\$36,000.00
Total Payable (Stage 1)					\$18,000.00
Stage 2 - 10 units					
Proposal					
Short-term Accommodation	Accommodation (short term)	Per suite (1 or 2 bedrooms)	\$4,500.00	10	\$45,000.00
Credit					
Short-term Accommodation	Accommodation (short term)	Per 1 or 2 plot caravan/tent site	\$4,500.00	6	\$27,000.00
Total Payable (Stage 2)					\$18,000.00

REFERRALS

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Referral Agency (SARA - DTMR).

The Department advised in a letter dated 19 March 2018 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Not applicable.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 14 March 2018 to 10 April 2018. The applicant submitted the notice of compliance on 18 April 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) submission was received.

The issues raised in the submission are summarised and commented on below:

Issue	Comment
Light projection and privacy as a result of unit windows facing residential uses to the south of the site.	Conditions have been included requiring the installation of external screening to the southern facing unit windows.
Noise - In particular from the proposed common BBQ/kitchen area	<p>It is proposed to relocate the common BBQ/kitchen area further east to be situated between the two unit blocks further away from neighbouring dwellings. The external block wall of the common area as well as the 1.8 metre high solid screen boundary fencing required by condition of approval will further minimise the likelihood of noise nuisance from this common area.</p> <p>It is also assumed that, operationally, the caravan park and proposed short-term accommodation units would be managed to ensure minimum noise generation for the benefit of other guests staying on site.</p>
Visual amenity impact from roof mounted solar hot water systems.	The applicant/developer has agreed to move the roof mounted solar hot water systems down the roof on the northern side of the unit blocks so that the hot water systems are not visible from adjoining residential uses. This will be secured by condition of approval.
The submitter is concerned that the development will increase the number of vehicle movements to and from the site which will impact on the queuing of large caravan/motorhome vehicles during peak tourist season which in turn causes a safety issue along Kenneally Road. The Submitter is also concerned that the existing crossover is not constructed to standard.	<p>The proposed development is not likely to result in a substantial increase in vehicle movements to and from the site, particularly considering the development will replace approximately 14 existing caravan/tent sites that would ordinarily be utilised during peak tourist season. Tourists/visitors staying at the units are likely to have small private vehicles only which will park at reception (existing carpark considered adequate) briefly during check-in before utilising the individual car parks provided at each unit. The queuing of large vehicles associated with existing caravan park operations is not something that is likely to be noticeably worsened by the proposed short-term accommodation unit development.</p> <p>A condition will be attached to the approval requiring the existing access crossover be upgraded to a commercial/industrial standard that can accommodate two direction large vehicle traffic.</p>
The existing carpark/internal road network is not constructed to an adequate standard.	A condition will be attached to the approval requiring the sites front car park and internal road network servicing the development to be sealed, line-marked and appropriately drained.
The bulk and scale of the development is inconsistent with surrounding residential uses.	The subject site, with a total area of over 2 hectares, could be re-developed into approximately 20 residential allotments, with each allotment containing a 200-300m ² dwelling. Although the proposed development includes two long unit blocks, given the size of the site, it is not considered an overdevelopment of the site. Furthermore, the development will be separated from the closest neighbouring dwelling house by a 20 metre access handle, which is the width of a standard residential allotment. The proposed development is not likely to result in unacceptable amenity impacts through building bulk and scale of development.
The submitter has concerns about building materials and finishes to be used and given the size of the buildings proposed, consideration should be given to how the development compliments and maintains consistency with contemporary building finishes (rendered walls, non-reflective finishes).	A condition will be attached to the approval requiring modern, non-reflective finishes to be used, and the use of muted colours only.

Submitters

Name of principal submitter	Address
1. Stephen Hogan	7 Kenneally Road, Mareeba

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 performance outcome can be achieved.

6.2.6 Low density residential zone code***Accommodation density*****PO4**

The density of Accommodation activities:

- (a) *contributes to the house choice an affordability;*
- (b) *respects the nature and density of surrounding land use;*
- (c) *does not cause amenity impacts beyond the reasonable expectation of accommodation density for the zone; and*
- (d) *is commensurate to the scale and frontage of the site.*

AO4

*Development provides a maximum density for Accommodation activities in compliance with **Table 6.2.6.3B**.*

Comment

Table 6.2.6.3B does not dictate a maximum density for short term accommodation development within the Low density residential zone.

The proposed development proposes the establishment of 22 x 1 bedroom short-term accommodation units within the confines of a long established caravan park (Mareeba Tropical Caravan Park). The site is on the fringe of an established residential area and the development is unlikely to cause amenity impacts on surrounding residential uses as reasonable separation from the development is achieved due to the larger lot sizes on the eastern side of Kenneally Road. Notwithstanding this, the development will be conditioned to require boundary treatments, window screening and driveway sealing to further minimise the likelihood of amenity impact.

Although not specifically conflicting with AO4, the development is considered to comply with higher order PO4.

Gross floor area**PO5**

Buildings and structures occupy the site in a manner that:

- (a) *makes efficient use of land;*
- (b) *is consistent with the bulk and scale of surrounding buildings; and*

(c) *appropriately balances built and natural features.*

AO5

Gross floor area does not exceed 600m².

Comment

The proposed development, which will include 4 new structures, has an approximate GFA of 1,940m² and is therefore non-compliant with AO5.

The intention of AO5 (600m² GFA limit) is to limit the cumulative GFA of structures on standard residential sized allotments (700 - 1,000m²). In this instance, the subject site has a total area of 20,260m², or 2.026 hectares (or approximately 20 - 28 times the size of standard residential allotment in Mareeba).

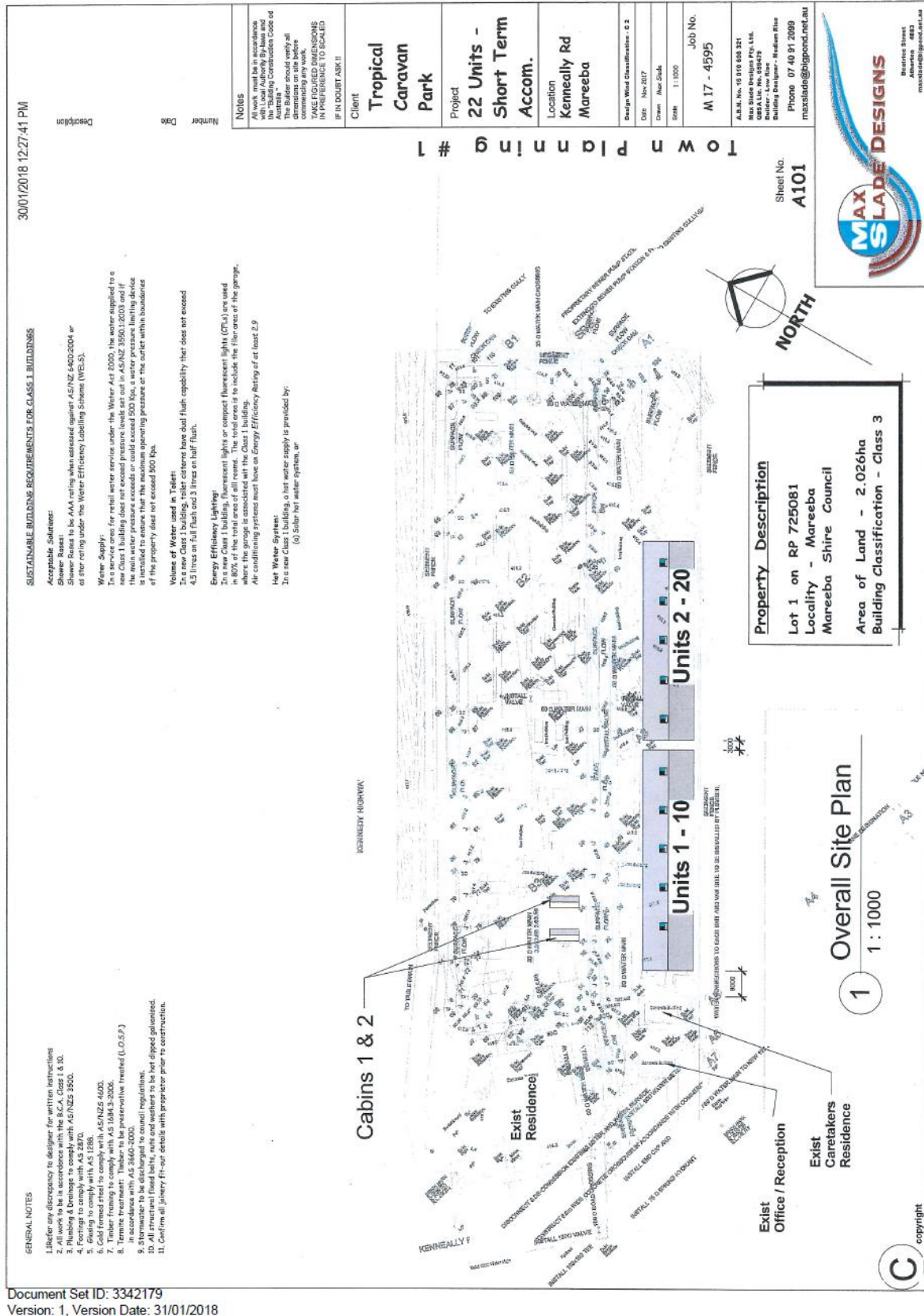
The proposed short-term accommodation units will be sited against the south-east boundary of the site so as to make efficient use of an underutilised portion of the land and to not compromise the sites existing long established caravan park use. Although the unit blocks will be inconsistent in bulk and size with that of surrounding dwellings, given the size of the site, the development will still result in an acceptable balance of built and natural features, especially considering the built form that would be present over the land if it were ever re-developed into smaller residential lots.

The development is not considered to conflict with PO5.

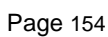
Date Prepared: 8 May 2018

ATTACHMENT 1

APPROVED PLANS



Document Set ID: 3342179
Version: 1, Version Date: 31/01/2018





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Description

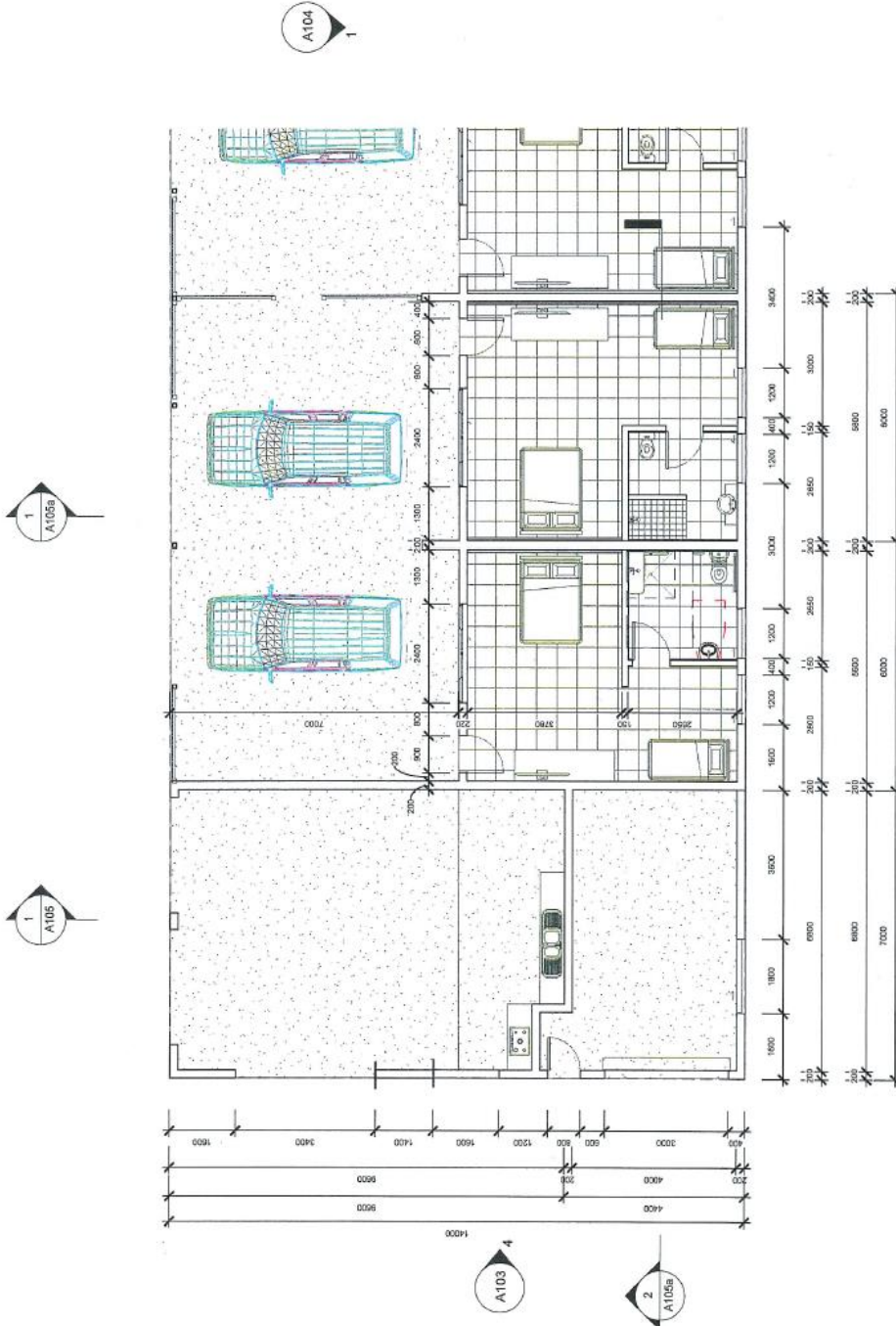
Date

Number

<p>Notes</p> <p>All work must be in accordance with Local Authority By-laws and Australian Standards.</p> <p>The Builder should verify all dimensions on site before commencing work.</p> <p>TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED</p> <p>IF IN DOUBT ASK !!</p>	<p>Client</p> <p>Tropical Caravan Park</p>	<p>Project</p> <p>22 Units - Short Term Accom.</p>	<p>Location</p> <p>Kenneally Rd Mareeba</p>	<p>Design Wind Classification - G 2</p>	<p>Drawn Max Slade</p>	<p>Scale 1 : 100</p>	<p>Job No.</p> <p>M 17 - 4595</p>	<p>A.B.N. No. 16 015 808 324 Max Slade Designs Pty. Ltd. CRSA Lic. No. 025479 Building Designer - Medium Risk Phone 07 40 91 2099 maxslade@bigpond.net.au</p>
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Town Planning # 1

Sheet No.
A102b



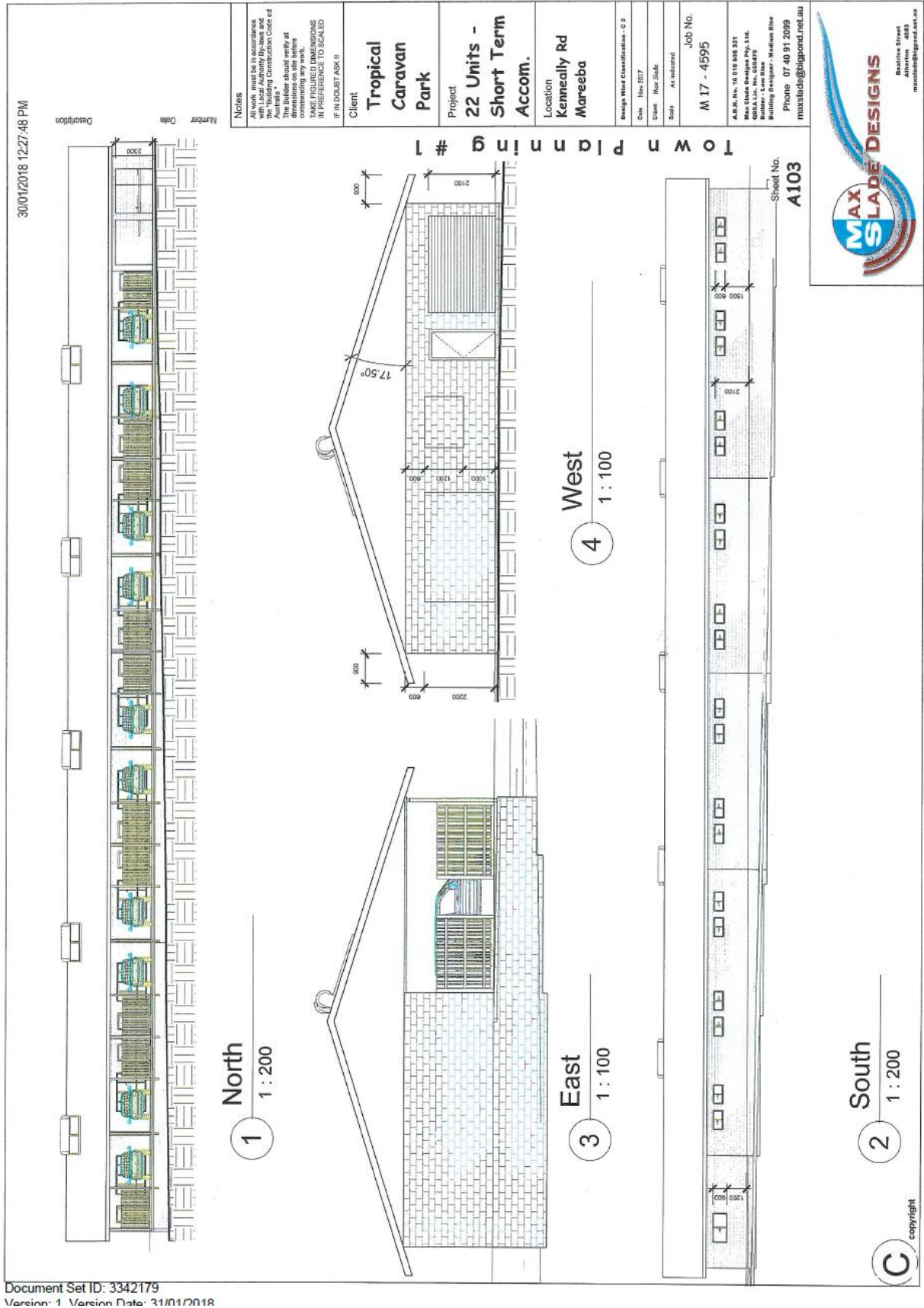
Unit Layout

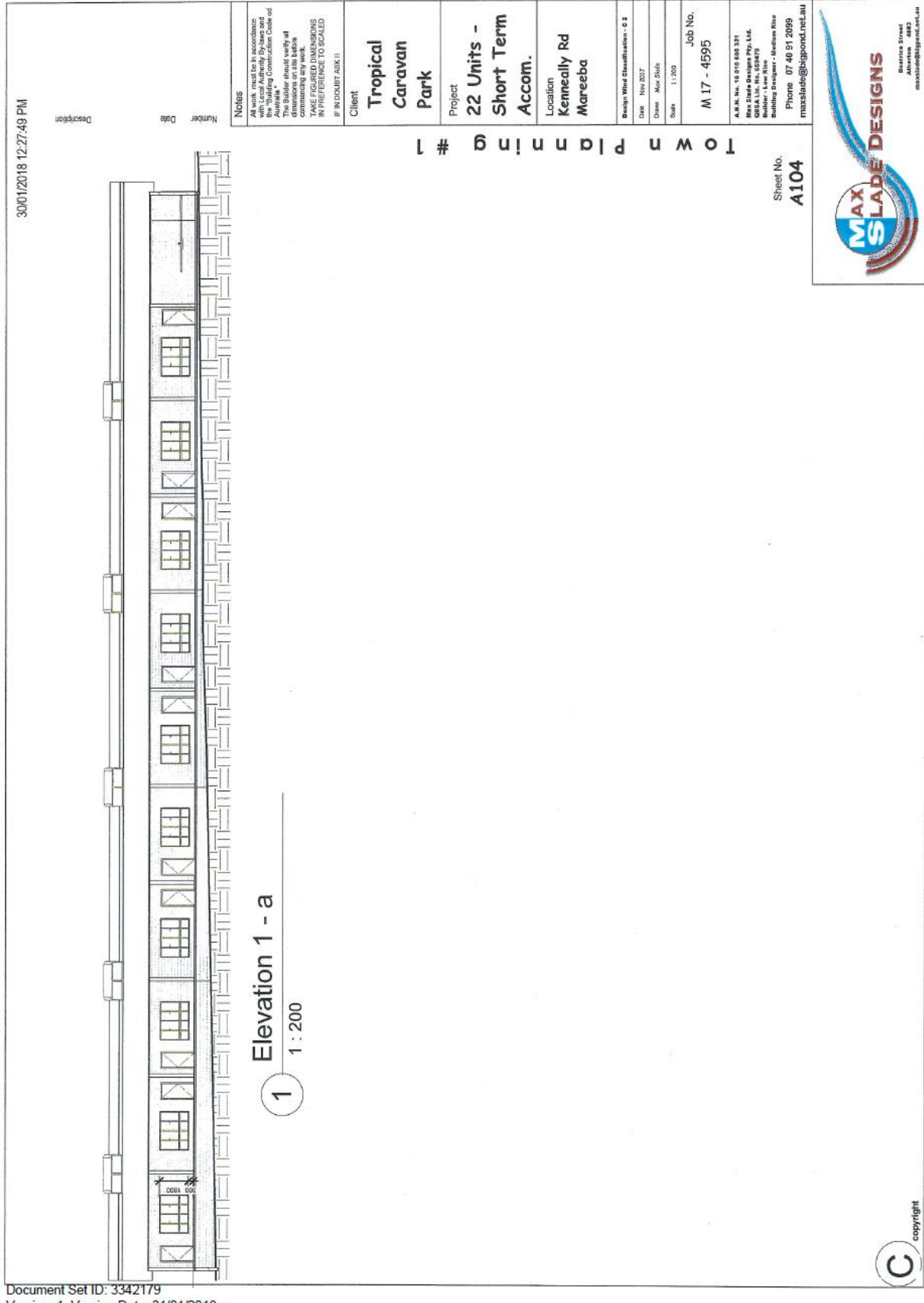
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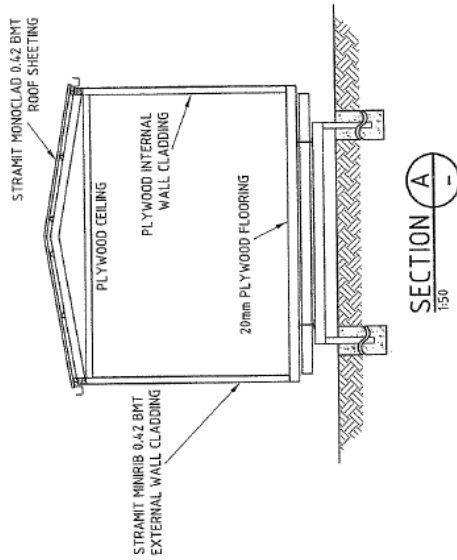
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NOTE:

ALL CONSTRUCTION TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA 2010.

ALL DIMENSIONS TO BE VERIFIED ON SITE BEFORE COMMENCEMENT OF WORK. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

ROOFWATER TO EXISTING STORMWATER DRAINAGE OR STREET CHANNEL OR RUBBLE PIT.

20mm SCYON CEMENT SHEET TO WET AREAS.

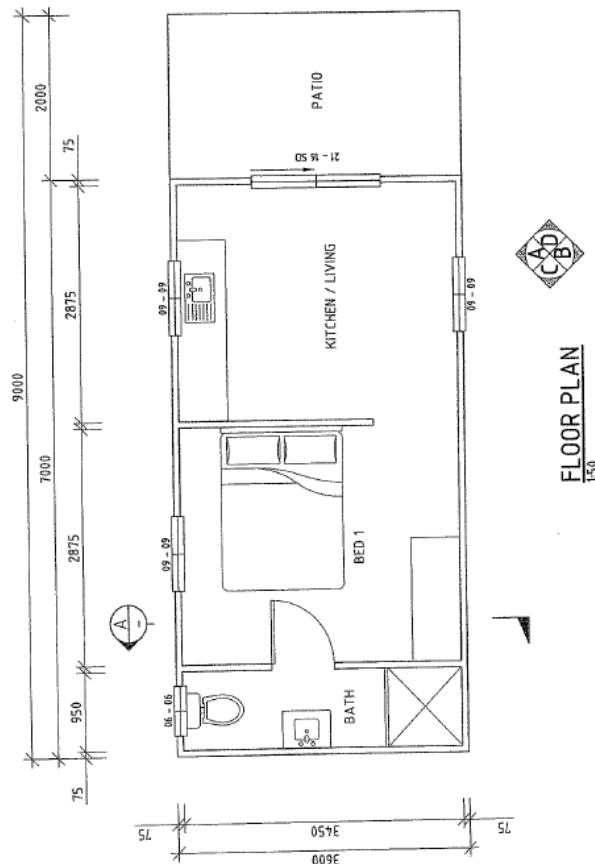
KWILLIA DECKING TO FRONT PATIO.

INSULATION:
ROOF - INSULBREAK 65 R2.7
WALLS - INSULBREAK 65 R2.7

WINDOW TREATMENT:

ALL WINDOWS TO HAVE:
- INTERNAL PELMETS & WINDOW COVERINGS AS
SELECTED BY CLIENT.

SMOKE DETECTOR SHALL BE HARD WIRED.



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Version: 1, Version Date: 31/01/2018

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Description

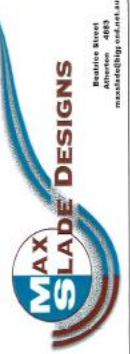
Number Date



Working Drawings

Sheet No.
A118

Notes	<p>All work must be in accordance with the Building Construction Code of Australia.</p> <p>Dimensions should be given in all dimensions in site before commencing any work.</p> <p>TAKE FOUNDED DIMENSIONS IN REFERENCE TO SCHEDULE</p> <p># IN DOUBT ASK!!</p>
Client	Tropical Caravan Park
Project	22 Units - Short Term Accom.
Location	Kenneally Rd Mareeba
Design Wind Classification - C 2	
Code	Nov 2017
Drawn	Max Slade
Scale	1:1000
Job No.	M 17 - 4595
A.S.N. No.	18 010 008 334
Rev. 01000	Rev. 01000
GBSA No.	425279
Builder - Low Rise	Medium Rise
Building Designer - Medium Rise	
Phone	07 49 91 2999
maxslade@bigpond.net.au	



Google Map Overlay

1

1 : 1000

copyright

Document Set ID: 3377260
Version: 1, Version Date: 08/05/2018

ATTACHMENT 2

RA6-N



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our reference: 1802-4151 SRA
Your reference: MCU/18/0003

19 March 2018

Chief Executive Officer
Mareeba Shire Council
PO Box 154
Mareeba QLD 4880
planning@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 State Development, Manufacturing, Infrastructure and Planning on 27 February 2018.

Applicant details

Applicant name:	G & R Tatti C/- Max Slade Designs Pty Ltd
Applicant contact details:	PO Box 834 Tolga QLD 4882 maxslade@bigpond.net.au

Location details

Street address:	3 Kenneally Road, Mareeba
Real property description:	Lot 1 on RP725081
Local government area:	Mareeba Shire Council

Application details

Development permit	Material change of use for Short term accommodation (22 x 1-bedroom units)
--------------------	--

Referral triggers

The development application was referred to the department under the following provisions of the

Page 1 of 6

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

1802-4151 SRA

Planning Regulation 2017:

- 10.9.4.2.4.1 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.

Advice to the assessment manager

Under section 56(3) of the Act, the department offers advice about the application to the assessment manager—see Attachment 3.

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				
Site Plan, sheet no. A102	Max Slade Designs	8/03/2018	M17 – 4595	AA

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 G & R Tatti C/- Max Slade Designs Pty Ltd, maxslade@bigpond.net.au

enc Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Advice to the assessment manager
Approved plans and specifications

1802-4151 SRA

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
State transport corridor (state-controlled road)—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 development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> Site Plan prepared by Max Slade Designs, dated 8/03/2018, reference M17 – 4595, sheet no. A102, issue AA. 	Prior to the commencement of use and to be maintained at all times.
2.	Direct access is not permitted between the Kennedy Highway and the subject site.	At all times.

1802-4151 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application so that noise intrusions on the development from a state-controlled transport corridor are minimised.
- To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road. Direct access to the state-controlled road is prohibited where not required.

1802-4151 SRA

Attachment 3—Advice to the assessment manager

Advertising devices	
1.	<p>A local government should obtain advice from the Department of Transport and Main Roads (DTMR) if it intends to approve the erection, alteration or operation of an advertising sign or another advertising device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015</i> to require removal or modification of an advertising sign and/or a device which is deemed that it creates a danger to traffic.</p>
Transport noise corridors	
2.	<p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise.</p> <p>Transport noise corridor means land designated under <i>Chapter 8B of the Building Act 1975</i> as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor.</p> <p>This tool is available at the Department of Local Government and Planning website: http://www.dilgp.qld.gov.au/planning/state-planning-instruments/spp-interactive-mapping-system.html and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors (NAPMAP) are located under Administrative Layers within the State Planning Policy (SPP) mapping system.</p>

ATTACHMENT 3

Stephen Hogan
7 Kenneally road
Mareeba Qld 4880
PH: 0439 601 380
Email: stephen.hogan@health.qld.gov.au

Mareeba Shire Council
65 Rankin St
Mareeba Qld 4880
Attention: Planning Department

Re: MCU/18/0003

Dear Sir/Madam,

Thankyou for the opportunity to provide comment on the proposed development at the Tropical Breeze Caravan Park. Myself and my family have lived in the most neighbouring property to the caravan park for approximately 4 and a half years since purchasing the property in 2013.

In this time we have had an opportunity to observe the everyday running of the park and feel we have a sound understanding of what the current business entails. During this time we have not had any reason to complain about the operation of the business and feel that the current manager does a good job of managing the park in a manner that generally reduces impact on our quite enjoyment.

We write in good faith and without prejudice, with the intention to provide a perspective which may not have been perceived in this process. We have no objection to the park undertaking development which is within their legal right as the owner of the property but also value the legal rights of ourselves and other neighbouring property owners.

LIGHT PROJECTION and PRIVACY

The current proposal sees that each individual unit will have a rear window facing to the south of the building. The windows in the proposal are situated at a height of 1.6 – 2.2 meters above the ground, meaning that at least 50% of the window will be positioned above the 1.8 metre boundary screen fence if the building floor height is at a level equal to the base of the fence.

This positioning of windows and their size presents a significant increase in both light projection from the units onto neighbouring properties, as well as a loss of privacy due to a clear line of sight from the units into neighbouring properties. Given the lower density nature of the area, this will be a significant change to what is currently the situation and has the potential to impact on the existing amenity through projecting light into neighbouring properties, causing nuisance and distraction to everyday activities such as sleep.

In a similar manner the potential for guests to be able to look directly into the backyards of existing properties is a significant change to the current situation and has the potential to impact on the existing amenity by way of reducing privacy and the ability to enjoy the qualities of a lower density residential area.

A possible solution to this issue could be the installation of external window screens of a nature which would allow light to penetrate into the unit, whilst reducing the amount of light which is projected outward and by reducing the scope of visibility which the guests would have over neighbouring properties.

NOISE

The current proposal plans to position a common area which includes kitchen facilities at the western end of the building closest to the front of the property. This presents a significant source of increased noise to neighbouring properties due to the likely gathering of people in this area and the related noise from this, as well as noise from normal operation of a kitchen. This is likely to have a negative impact on the audible amenity of neighbouring properties by being a source of significant noise being projected onto neighbouring properties from this activity. This will likely impact on quite enjoyment consistent with lower density residential areas.

A possible solution to this issue is to relocate the common area away from its current location to one which is further away from neighbouring properties, and such creating distance buffer between neighbouring properties. Similarly ensuring any building openings are located so as to not allow light or sound to be projected to neighbouring properties would also reduce the likely impact.

VISUAL AMENITY

The current proposal appears to include roof mounted hot water system to the buildings. These units present a significant change to the natural roofline and character of the building should they project above the ridge cap of the building as they will be able to be seen from neighbouring properties. This would have a negative impact on the visual amenity of neighbouring properties as they would increase the bulk of the building and contrast with the established roofline and character of the neighbourhood.

A possible solution to this would be to require the roof mounted systems to be positioned further down the north facing roof to not be able to be seen from neighbouring properties, or choose a water heating system which is installed on the ground.

VEHICLE MOVEMENTS and ROAD SAFETY

The current proposal has the potential to increase the number of vehicles to the site and the frequency of movements. The current vehicle access appears to be inadequate during busy periods of the year. It is common for large caravans to be parked on the roadside as guests check into the park. This appears to occur due to a lack of suitable off-road parking for such large vehicles and that the current crossover does not appear to be large enough for vehicles to be entering and leaving the facilities at the same time. Given the location of the entrance is adjacent to a T intersection and relatively close to the main intersection of the Kennedy Highway, this occurrence can result in interference to local traffic flow and potential for vehicle collisions and community safety.

Further to this I would query the capacity of the current carpark and the surface material to be able to manage the current number of vehicles in addition to the potential further 22 vehicles which is proposed. The current unsealed carpark which is located adjacent to the front of the property, serves to provide parking for the existing shop/reception and overflow from the seasonal worker accommodation building adjacent. The variety of vehicles includes mini buses used to ferry seasonal workers to and from farms, commercial vehicles making deliveries as well as employees vehicles. With departure times regularly occurring in the early hours of the morning, the unsealed nature of the current roadway regularly creates dust and sound caused by vehicle movements. Both occurrences impact on the amenity of neighbouring properties through noise distraction and dust pollution which reduces neighbour's abilities to enjoy a lifestyle commensurate with lower density residential living.

A possible solution to this issue would be to require the park to widen its current crossover to allow for dual vehicle access, considering the width and length of large caravans and towing vehicles. The requirement to allow both an adequate number and mix of use parking spaces to match frequenting vehicle types and the sealing of roadways with asphalt to reduce noise and dust generated by vehicle movements.

BUILDING SCALE

The proposed development includes a brick building with a steel roof approximately 130 metres in length located along the southern boundary of the site. This southern boundary is a shared boundary with a residential property and is also the boundary which is closest to a neighbouring residential building. The proposed sighting of this large building is not consistent with the bulk and scale of surrounding buildings and does not appropriately balance the built and natural features of the low density residential zone.

We appreciate there are economies associated with this type of building design and its location away from the highway, but feel that these compromises have come at the expense of neighbouring properties.

The size of the lot allows for the potential to separate the two proposed stages to reduce the majority of impact being focused on one boundary of the sight.

Possible solutions to this issue include locating stage 2 of the development opposite stage 1 of the development where the 2 cabins have been proposed. The proposal including the cabins suggests that the developer does not object to having buildings in this location and that infrastructure would have to be provided for these cabins anyway. This would work to spread the impact of the development within the park itself and reduce the impact on neighbouring properties. Further to this we believe that the proposed cabins could then be sighted alongside this new location of stage two as there is adequate land to do so and further reduce impact.

BULIT CHARACTER

The current proposal does not include details of building finishes or colours, including fences and landscaping. Given the size of the development and associated infrastructure, we believe that consideration should be given to how the development compliments and maintains consistency with contemporary building finishes and design.

We believe that building finishes and colours should be designed to reduce glare and vertical/horizontal lines/textures/patterns where possible. This would include a requirement to render brick walls to reduce vertical and horizontal textures/patterns, not allow the use of corrugated iron on walls, require roof sheeting to be of a non-reflective finish, require fencing which is primarily flat and without gaps and where colour is used to use a colour which is consistent with the surrounding environment, such as eucalyptus green, wilderness or woodland grey.

As a further alternative to some of the above requests, the inclusion of a larger landscape buffer zone between the buildings and the fence be considered to break up likely patterns formed by building materials, including an increase in the density of planting and species which will grow rapidly to a height which will provide a natural screen to the building height.

Thankyou again for the opportunity to comment. I can be contacted by email or phone on the above details.

Kind regards


10/4/2018

Steve Hogan

**ITEM-6 D KEARNEY - ROL SUBDIVISION (1 INTO 2 LOTS) LOT 11
SP101831 - 173 DE LACY ROAD, DIMBULAH -
RAL/18/0006****MEETING:** Ordinary**MEETING DATE:** 16 May 2018**REPORT OFFICER'S
TITLE:** Planning Officer**DEPARTMENT:** Corporate and Community Services

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	D Kearney	ADDRESS	173 De Lacy Road, Dimbulah
DATE LODGED	1 March 2018	RPD	Lot 11 on SP101831
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

FILE NO	RAL/18/0006	AREA	37.7019 hectares
LODGED BY	Gilvear Planning	OWNER	D Kearney
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

ATTACHMENTS: 1. Proposal Plan/s

EXECUTIVE SUMMARY

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

The subject site is physically separated into two portions by De Lacy Road. The application proposes the subdivision of the site to separate these two portions. The northern portion (proposed Lot 111) has an area of 16.9219 hectares while the southern portion (proposed Lot 112) has an area of 20.78 hectares. The subject land and surrounding lots are actively farmed and are mapped as containing Class A agricultural land.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is in conflict with multiple performance outcomes contained within the Agricultural land overlay code relating to the conservation and protection of agricultural land.

Furthermore, the subject land is entirely contained within the 'potential flood hazard area' which severely limits the ability for proposed vacant Lot 111 to support future improvements such as a dwelling and sheds without the imposition of costly flood hazard investigations and subsequent flood hazard mitigation strategies. The Planning Scheme's Flood hazard overlay code specifically discourages the creation of additional lots within flood hazard areas.

The assessing officer has not identified sufficient planning grounds to justify approval of the application, despite the conflicts discussed above. It is therefore recommended that the application be refused.

Council considered this report at the 18 April 2018 ordinary meeting and resolved to defer consideration of this application to the next meeting and request that officers prepare a report outlining possible conditions for approval.

Draft conditions of approval are provided at the end of this report.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	D Kearney	ADDRESS	173 De Lacy Road, Dimbulah
DATE LODGED	1 March 2018	RPD	Lot 11 on SP101831
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:

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

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

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

That Council consider:

- The proposed development is in conflict with Overall outcomes (a) and (b) of the Agricultural land overlay code;*
- The proposed development conflicts with the following Performance Outcomes and Acceptable Outcome of the Agricultural land overlay code:*

PO1

*The fragmentation or loss of productive capacity of land within the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)** is avoided unless:*

- (a) an overriding need exists for the development in terms of public benefit;*
- (b) no suitable alternative site exists; and*
- (c) loss or fragmentation is minimised to the extent possible.*

AO1

*Buildings and structures are not located on land within the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)** unless they are associated with:*

- (a) animal husbandry; or*
- (b) animal keeping; or*
- (c) cropping; or*
- (d) dwelling house; or*
- (e) home based business; or*
- (f) intensive animal industry (only where for feedlotting); or*
- (g) intensive horticulture; or*
- (h) landing; or*
- (i) roadside stalls; or*
- (j) winery.*

PO2

*Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)** are designed and located to:*

- (a) avoid land use conflict;*
- (b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;*
- (c) avoid reducing primary production potential; and*
- (d) not adversely affect public health, safety and amenity.*

PO3

*Development in the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)**:*

- (a) ensures that agricultural land is not permanently alienated;*
- (b) ensures that agricultural land is preserved for agricultural purposes; and*
- (c) does not constrain the viability or use of agricultural land.*

PO6

*Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)**, including boundary realignments, only occurs where it:*

- (a) improves agricultural efficiency;*
- (b) facilitates agricultural activity; or*
- (d) facilitates conservation outcomes; or*
- (d) resolves boundary issues where a structure is built over the boundary line of two lots;*

3. *The proposed development conflicts with the following Performance Outcome and Acceptable Outcome of the 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**.*

4. *The proposed development conflicts with the following Performance Outcome of the 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) minimise 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.*

THE SITE

The subject site is situated at 173 De Lacy Road, Dimbulah, and is more particularly described as Lot 11 on SP101831. The site is situated approximately 4 kilometres to the north-east of the Dimbulah Township on a peninsula of land bordered by Leadingham Creek to the north and the Walsh River to the south. De Lacy Road bisects the site in an east-west direction splitting the lot into two portions. The northern portion has an area of 16.9219 hectares while the southern portion has an area of 20.78 hectares (total combined area of 37.7019 hectares). The site is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is almost entirely mapped as "Class A" agricultural land.

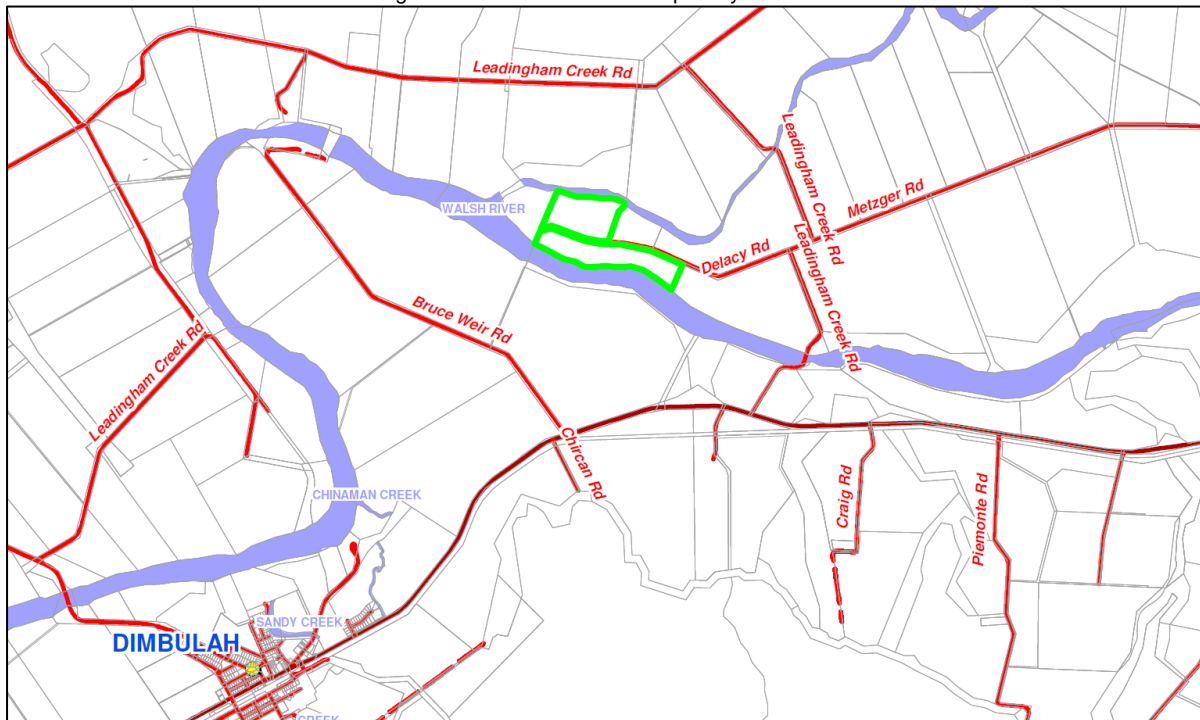
The site has a combined frontage of 1.746 kilometres to De Lacy Road which is constructed to a bitumen sealed standard for almost its entire length with only the last 60 metres of road constructed to a formed gravel standard. Both the northern and southern portions of the site are accessed from the same point off De Lacy Road via individual gravel crossovers.

The sites improvements include a dwelling and multiple farm sheds clustered together adjacent the southern boundary overlooking the Walsh River. The northern portion of the site remains unimproved. The majority of the site has been cleared of vegetation and is used for cropping. Some mature vegetation remains along the De Lacy Road frontage of the site as well as mature riparian vegetation along both the Walsh River and Leadingham Creek boundaries of the site. All immediate surrounding lots are also zoned Rural and are used for cropping.



Map Disclaimer:

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



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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:

- Proposed Lot 111 (northern portion of the site), area of 16.9219 hectares, frontage of 557 metres to De Lacy Road; and
- Proposed Lot 112 (southern portion of the site), area of 20.78 hectares, frontage of 1,186 metres to De Lacy Road.

Proposed Lot 111 will be created vacant, while Proposed Lot 112 will contain the sites existing improvements which include a dwelling and farm sheds.

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none">• <i>Rural Agricultural Area</i>• <i>Rural other</i> Other Elements <ul style="list-style-type: none">• <i>Major Watercourse</i>
Zone:	Rural zone
Overlays:	Agricultural land overlay Bushfire hazard overlay Flood hazard 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

Relevant Development Codes

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

6.2.9	Rural zone code
8.2.1	Agricultural land overlay code
8.2.3	Bushfire hazard overlay code
8.2.4	Environmental significance overlay code
8.2.6	Flood hazard 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 solutions (or probable solutions/performance criteria where no acceptable solution applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Agricultural land overlay code	The application conflicts with the following performance outcomes and acceptable outcomes: <ul style="list-style-type: none"> ▪ PO1 and AO1 ▪ PO2 ▪ PO3 ▪ PO6 Refer to planning discussion section of this report.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.

Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following: <ul style="list-style-type: none"> PO13 Refer to planning discussion section of this report.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following: <ul style="list-style-type: none"> PO1 and AO1 Refer to planning discussion section of this report.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code.

(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

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

Section 130 of the Planning Act 2016 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 transport infrastructure (roads).

The developer must pay a one-off payment of \$4,500.00 (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 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

This application did not trigger a referral to a State Referral Agency.

Internal Consultation

Not applicable

PLANNING DISCUSSION

Noncompliance with the Overall Outcomes, Performance Outcomes and Acceptable Outcomes of the Agricultural land overlay code, Reconfiguring a lot code and Flood hazard overlay code are discussed as follows:

Conflicts with the Agricultural Land Overlay Code

8.2.1.2 Purpose

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

- (a) *The alienation, fragmentation or reduction in primary production potential of land within the 'Class A' and or 'Class B' area is avoided, except where:*
 - (i) *an overriding need exists for the development in terms of public benefit;*
 - (ii) *no suitable alternate sites exist; and*
 - (iii) *the fragmentation or reduced production potential of agricultural land is minimised;*
- (b) *'Class A' areas and 'Class B' areas continue to be used primarily for more intensive agricultural activities which utilise the land quality provided in these areas;*

Comment

The site in its current configuration has a total area of 37.7019 hectares and is actively farmed, as are the surrounding lots. While it is acknowledged that the subject land is somewhat fragmented by De Lacy Road, it is still able to be farmed as one productive unit as this road experiences very little vehicle traffic. The presence of the road bisection is not considered to be sufficient planning grounds to justify further fragmentation of agricultural land through the creation of two separate titles. Each proposed lot would be well below the minimum desired

reconfigured lot size of 60 hectares, and because of this, their agricultural viability (or production potential) moving forward would be questionable.

While the current application is for reconfiguring a lot only, it is expected that a dwelling house would be established in future on proposed vacant Lot 111 as a consequence of the reconfiguration. A dwelling house could not be sited on proposed Lot 111 outside the Class A area and as a result, that portion of Class A area would be permanently alienated from agricultural production. Furthermore, increasing dwelling densities within the Rural zone only increases the likelihood of land use conflict occurring, especially when appropriate separation distances cannot be achieved. Increasing dwelling densities within the Rural zone also increases the difficulty associated with establishing new intensive rural activities or expanding existing intensive rural activities such as poultry farms, feedlots and kennels.

Whilst there may be a benefit to the applicants, there is not considered to be an overriding need in terms of benefit to the community.

The proposed development conflicts with Overall Outcomes (a) and (b).

PO1

*The fragmentation or loss of productive capacity of land within the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)** is avoided unless:*

- (a) an overriding need exists for the development in terms of public benefit;*
- (b) no suitable alternative site exists; and*
- (c) loss or fragmentation is minimised to the extent possible.*

AO1

*Buildings and structures are not located on land within the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)** unless they are associated with:*

- (a) animal husbandry; or*
- (b) animal keeping; or*
- (c) cropping; or*
- (d) dwelling house; or*
- (e) home based business; or*
- (f) intensive animal industry (only where for feedlotting); or*
- (g) intensive horticulture; or*
- (h) landing; or*
- (i) roadside stalls; or*
- (j) winery.*

Comment

The development would create proposed Lot 111 as a vacant rural allotment with the ability for the allotment to potentially accommodate a future dwelling. A dwelling house could not be sited on proposed Lot 111 without resulting in a loss of Class A area.

The proposed development is in conflict with PO1.

PO2

*Sensitive land uses in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)** are designed and located to:*

- (a) *avoid land use conflict;*
- (b) *manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;*
- (c) *avoid reducing primary production potential; and*
- (d) *not adversely affect public health, safety and amenity.*

Comment

While the current application is for reconfiguring a lot only, it is expected that a dwelling house would be established in future on proposed vacant Lot 111 as a consequence of the reconfiguration. The planning scheme defines a dwelling house as a sensitive land use.

A dwelling house could not be sited on proposed Lot 111 outside the Class A area. Furthermore, increasing dwelling densities within an actively farmed rural area will only increase the likelihood of future land use conflict resulting from impacts associated with farming activity such as spray drift, odour, dust and noise.

Siting an additional dwelling house within the Class A area will reduce primary production potential.

The proposed development is in conflict with PO2.

PO3

*Development in the 'Class A' area or 'Class B' area identified on the **Agricultural land overlay maps (OM-001a-n)**:*

- (a) *ensures that agricultural land is not permanently alienated;*
- (b) *ensures that agricultural land is preserved for agricultural purposes; and*
- (c) *does not constrain the viability or use of agricultural land.*

Comment

The site in its current configuration has a total area of 37.7019 hectares and is actively farmed, as are surrounding lots. While it is acknowledged that the subject land is somewhat fragmented by De Lacy Road, it is still farmed as one productive unit. The presence of the road bisection is not considered to be sufficient planning grounds to justify further fragmentation of agricultural land through the creation of two separate titles. Each proposed lot would be well below the minimum desired reconfigured lot size of 60 hectares, and because of this, their agricultural viability moving forward would be questionable.

While the current application is for reconfiguring a lot only, it is expected that a dwelling house would be established in future on proposed vacant Lot 111 as a consequence of the reconfiguration. A dwelling house could not be sited on proposed Lot 111 outside the Class A area and as a result, that portion of Class A area would be permanently alienated from agricultural production.

The proposed development would permanently compromise Class A agricultural land both through the siting of an additional dwelling and by further fragmenting the land into separate allotments with questionable agricultural viability (production potential) due to their reduced size.

The proposed development is in conflict with PO3.

PO6

*Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)**, including boundary realignments, only occurs where it:*

- (a) improves agricultural efficiency;*
- (b) facilitates agricultural activity; or*
- (d) facilitates conservation outcomes; or*
- (d) resolves boundary issues where a structure is built over the boundary line of two lots.*

AO6

No acceptable outcome is provided.

Comment

The reconfiguration does not improve agricultural efficiency; does not facilitate agricultural activity; does not facilitate a conservation outcome; and does not resolve a boundary issue where a structure is built over the boundary.

While it is acknowledged that the subject land is somewhat fragmented by De Lacy Road, it is still farmed as one productive unit. The presence of the road bisection is not considered to be sufficient planning grounds to justify further fragmentation of agricultural land through the creation of two separate titles. Each proposed lot would be well below the minimum desired reconfigured lot size of 60 hectares, and because of this, their agricultural viability moving forward would be questionable.

The proposed development is in conflict with PO6.

Conflicts with the Reconfiguring a Lot Code**PO1**

Lots include an area and frontage that:

- (g) is consistent with the design of lots in the surrounding area;*
- (h) allows the desired amenity of the zone to be achieved;*
- (i) is able to accommodate all buildings, structures and works associated with the intended land use;*
- (j) allow the site to be provided with sufficient access;*
- (k) considers the proximity of the land to:*
 - (i) centres;*
 - (ii) public transport services; and*
 - (iii) open space; and*
- (l) 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

Existing Lot 11 on SP101831 has an area of 37.7019 hectares. Proposed Lots 111 and 112 will have areas of 16.9219 hectares and 20.78 hectares respectively.

Table 9.4.4.3B dictates a minimum lot size of 60 hectares for land within the Rural zone. The reason for such a lot size is to maintain lots in economically viable sizes and to maintain dwelling densities at a low level to allow the functioning of the zone, which is primarily for agriculture and primary production purposes. The fact that the subject site is currently smaller than the Planning Scheme's desired 60 Ha lot size is not considered to be sufficient grounds to support further fragmentation of the land.

In terms of amenity, the desired amenity of the rural zone is one which includes provision for negative environmental outputs associated with farming activity, including spray drift, dust, odour and noise. Creating additional small rural lots will only increase dwelling densities, ergo increasing the likelihood of future land use conflict.

The proposed reconfiguration conflicts with PO1.

Conflicts with the 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 of flooding;*
- (c) *minimise 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

The subject site is entirely contained within the 'potential flood hazard area'. An information request was issued to the applicant requesting that the Flood hazard overlay code be addressed as part of this application. The information request response stated the following:

"The proposed subdivision, on its own and without any building works or new dwellings is not considered to be in conflict with the code. The conflict only occurs when building works occur. Any new development on the site, including a dwelling house, would need to comply with the Flood Hazard Overlay Code and a flood assessment is perhaps more relevant at that time. To ensure that any new potential owner is aware of this, a note could be placed on the Council rates file notifying any new owners of this issue."

While the current application is for reconfiguring a lot only, it is expected that a dwelling house would be established in future on proposed vacant Lot 111 as a consequence of the reconfiguration. Council planning officers believe that if a development application proposing

the creation of additional lots is lodged over land within a flood hazard area, then the potential flood hazard should be addressed at time of subdivision and the responsibility not passed onto a prospective landowner. Sensible town planning provides little scope for the 'buyer beware' approach to development, particularly where the potential for loss of life or property is a consideration.

Given that no flood hazard data is available for the subject site (flood heights/depths, water velocity etc.) a site-specific flood hazard assessment (as required by PO13) to determine if any future dwelling/sheds on vacant Lot 111 could achieve flood immunity would incur significant cost for a future landowner. In fact, given the location of the land between two watercourses, there is the very real possibility that flood immunity could be unachievable in this instance.

The proposed development is considered to be in conflict with PO13 which directly discourages the creation of new lots within flood hazard areas.

Conclusion

It is considered that the application holds significant conflicts with the Mareeba Shire Council Planning Scheme 2016, in particular the Agricultural land overlay code as it would result in further fragmentation of agricultural land, the ad-hoc creation of essentially two large lifestyle allotments with questionable agricultural viability, and the very real prospect of an increase in dwelling densities within the Rural zone, if the potential flood hazard over the subject land is adequately addressed in future.

It is therefore recommended that the application be refused.

Draft conditions of approval

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	D Kearney	ADDRESS	173 De Lacy Road, Dimbulah
DATE LODGED	1 March 2018	RPD	Lot 11 on SP101831
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 considers that the development has been reasonably conditioned to comply with all relevant instruments.

- (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
SP177746	Plan of Lots 111 & 112	Twine Surveys Pty Ltd	12 February 2018

- (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.

4. Infrastructure Services and Standards

4.1 Access

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

4.2 Stormwater Drainage

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

4.3 Water Supply

Proposed Lot 112 must be provided with a water supply via:

- (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or

- (b) A minimum 2 megalitre water allocation from SunWater's irrigation supply network; or
- (c) on-site water storage tank/s:
 - (i) with a minimum capacity of 90,000L;
 - (ii) fitted with a 50mm ball valve with a camlock fitting;
 - (iii) which are installed and connected prior to the occupation or use of the development.

At the time of construction of a dwelling on proposed Lot 111, a water supply must be provided via:

- (a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or
- (b) A minimum 2 megalitre water allocation from SunWater's irrigation supply network; or
- (c) on-site water storage tank/s:
 - (i) with a minimum capacity of 90,000L;
 - (ii) fitted with a 50mm ball valve with a camlock fitting;
 - (iii) which are installed and connected prior to the occupation or use of the development.

4.4 On-Site Wastewater Management

At the time of construction of a new dwelling on proposed Lot 111, 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 \$4,500.00 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)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council; and
 - Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) Easement Documents

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

(c) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set

out in Council's Fees & Charges Schedule applicable for each respective financial year.

(d) Compliance with applicable codes/policies

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

(e) Notation on Rates Record

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

- conditions regarding on-site wastewater disposal system design (at time of dwelling construction)
- an approved source of water supply
- Lot 111 is entirely within the Potential Flood Hazard Area as identified by the Flood Hazard Overlay of the Mareeba Shire Council Planning Scheme 2016. The ability to construct a dwelling house and/or future buildings on Lot 111 will be dependent on the land owner demonstrating compliance with the Flood Hazard Overlay Code of the Mareeba Shire Council Planning Scheme 2016.

(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);

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

- Nil

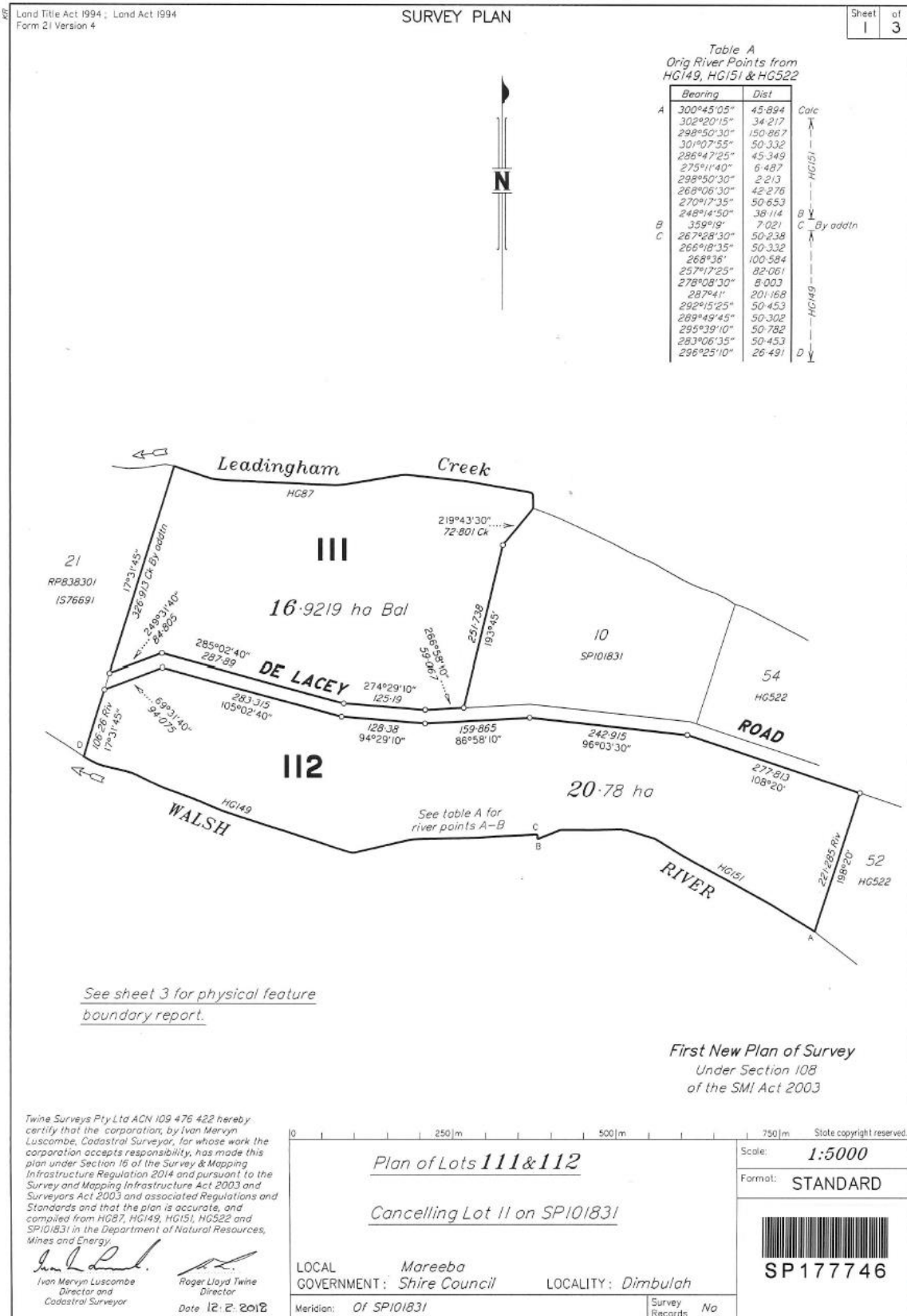
(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

Date Prepared: *1 May 2018*

ATTACHMENT 1

APPROVED PLANS



GOVERNANCE AND COMPLIANCE

ITEM-7 CHILLAGOE INDUSTRIAL ESTATE - SALE OF LAND

MEETING: Ordinary

MEETING DATE: 16 May 2018

REPORT OFFICER'S TITLE: Manager Development and Governance

DEPARTMENT: Development and Governance

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's adoption of the proposal to offer current lease holders in the Chillagoe Industrial Estate the opportunity to purchase the land currently encumbered by lease at the property markets current valuation.

OFFICER'S RECOMMENDATION

1. "That Council agree to offer current lease holders the opportunity to purchase the land they currently lease in the Chillagoe Industrial Estate; and
2. That Council authorises the Chief Executive Officer, to execute and vary the correspondence and relevant contracts as necessary to accomplish the transition from lease to freehold."

BACKGROUND

The Chillagoe Industrial Estate is free from conventional service infrastructure such as water, sewer and power. Each lot is provided with a means of access via the estate's existing network of formed gravel roads.

The limited service infrastructure is not considered unreasonable given the location of the estate on the outskirts of the Chillagoe Township, and the overall intent of the proposal which is to allow the individual sale of each lot at a price that would be responsive to the Chillagoe property market.

The Chillagoe Industrial Estate contains 49 lots, Lots 1 - 49 SP276116. 35 lots are currently under lease (16 lessees), 6 lots are not leased (3 of which are recently surrendered leases and 3 are pending offers from stage 1 tender) and 8 lots are no longer owned by Council.

Approximately 12 lots are currently occupied with industry uses, some including caretaker accommodation. All current leases expire in February 2020 and therefore have only a short remaining term.

It was always the intention of the previous Mareeba Shire that if the land at the Chillagoe Industrial Estate was made freehold, the lots would then be offered for purchase to the current lessees.

Council is progressively undertaking the sale of the land in the Estate in distinct stages to recognise the mixed tenure arrangements. The first stage was to sell the unleased lots and the second stage was to offer current lease holders to purchase the land that they are occupying.

Stage 1

The first stage was the tender of unleased lots which were sold through a public tender process in 2016. These lots were not under lease arrangements. Eight (8) lots have been sold and a further three (3) with pending offers outstanding.

Stage 2

Lessees have indicated their interest in purchasing the land under lease. It is highly unlikely that new or outside buyers would be attracted to the land when they would not get use of it until after the year 2020 and during this leased period, would only be receiving relatively small rental revenue.

On this basis, Council applied to the Minister for Local Government, Racing and Multicultural Affairs, in February 2018, under section 227 and 236(1)(f) of the Local Government Regulation 2012 requesting ministerial exemption from the tendering and auction requirement of land encumbered by lease within the Chillagoe Industrial Estate.

In April 2018, Council received conditional approval from the Minister to proceed with the offer of sale to current lessees. The Ministerial conditions include:

- The Council's offer price should not be less than the land market value as assessed by the independent valuer.
- In instances where the Council believes existing improvements need to be repaired, new improvements constructed, services installed or upgraded and other siteworks carried out, the Council will negotiate this as part of the sales process.
- Any lots not being sold to its current lessee, should be disposed of as per section 227 of the Regulation after the expiry of the any current lease term.

We are now proposing that Council offer current lease holders the opportunity to purchase the land they currently lease within the Chillagoe Industrial Estate.

Land & Lease Details		Valuation Details			
Lessee Reference	Lot Number	Land	Structures	Total per Lot	Total Unimproved Value per Lease
Lease #1	1	\$5 000	Nil	\$5 000	\$15 000
	2	\$5 000	Nil	\$5 000	
	3	\$5 000	Nil	\$5 000	
Lease #2	4	\$5 000	\$25 000	\$30 000	\$5 000
Lease #3	5	\$5 000	\$30 000	\$35 000	\$5 000
Lease #4	8	\$5 000	Nil	\$5 000	\$25 000
	9	\$5 000	Nil	\$5 000	
	10	\$5 000	\$25 000	\$30 000	
	11	\$5 000	Combined with Lot 10	Combined with Lot 10	

	12	\$5 000	\$30 000	\$35 000	
Lease #5	13	\$5 000	Nil	\$5 000	
	14	\$5 000	Nil	\$5 000	\$10 000
Lease #6	15	\$5 000	\$30 000	\$35 000	\$5 000
Lease #7	16	\$8 000	Nil	\$8 000	\$8 000
Lease #8	21	\$7 000	\$30 000	\$37 000	\$7 000
Lease #9	22	\$5 000	Nil	\$5 000	
	23	\$5 000	Nil	\$5 000	\$10 000
Lease #10	24	\$5 000	\$25 000	\$30 000	
	25	\$5 000	\$1 000	\$6 000	\$10 000
Lease #11	26	\$5 000	\$1 000	\$6 000	
	27	\$5 000	Nil	\$5 000	
	28	\$5 000	Nil	\$5 000	
	29	\$5 000	Nil	\$5 000	\$20 000
Lease #12	30	\$5 000	Nil	\$5 000	
	31	\$5 000	Nil	\$5 000	
	32	\$5 000	Nil	\$5 000	
	33	\$5 000	Nil	\$5 000	
	34	\$5 000	Nil	\$5 000	
	35	\$7 000	Nil	\$7 000	\$27 000
Lease #13	36	\$5 000	Nil	\$5 000	
	37	\$5 000	Nil	\$5 000	\$10 000
Lease #14	39	\$5 000	Nil	\$5 000	\$5 000
Lease #15	40	\$5 000	\$5 000	\$10 000	
	41	\$5 000	Nil	\$5 000	\$10 000
Lease #16	42	\$5 000	Nil	\$5 000	\$5 000

Total Amount of Unimproved Land	of	\$182 000	Total Amount of Unimproved Lots available to Lessees	\$182 000
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Total number of Lots	35	Total Number of Leases	of	16	Total Amount of Unimproved Lots available to Lessees	\$182 000
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RISK IMPLICATIONS

Legal and Compliance

The process outlined ensures legislative compliance will be met.

LEGAL /COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN**Economy and Environment**

A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance

Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community

IMPLEMENTATION/COMMUNICATION

Lessees will be notified that Council wishes to offer to sell the freehold interest of the lots encumbered by lease at the market value. The correspondence will include an outline of the proposed terms of sale of the land, an invitation to submit an expression of interest, including a stipulated time frame. After expressions have been received Council will commence with preparation of Commercial Land Contracts.

Lots not sold to the current lessees will be disposed of through the tender process, under section 227 of the Regulation after the expiry of the current lease term.

ATTACHMENTS

1. Northern Property Valuers Statement

Date Prepared: 4 May 2018



PO BOX 1589
MAREEBA Q 4880

Our Reference: 10523-2

27th April, 2018.

TO WHOM IT MAY CONCERN:

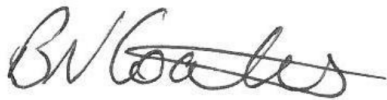
RE: Valuation of Various Lots, Chillagoe Industrial Estate, Chillagoe, Far North Queensland.

We refer to our valuation report dated 18th December, 2017 in regard to various lots located at the Chillagoe Industrial Estate, Chillagoe.

Our research of the latest sales information comparable to properties in the Chillagoe district shows no evidence to indicate a change in the property market.

We have reviewed our Valuation Report and confirm, due to the location of the subject parcels and current market conditions, our valuations as at 18th December, 2017 for the subject parcels are still considered current as at 27th April, 2018 and our valuation is valid, and can be relied upon, for a further period of three (3) months.

Signed:

A handwritten signature in dark ink, appearing to read 'B Coates', written over a light blue horizontal line.

BRUCE COATES AAPI
Certified Practising Valuer
Registered Valuer No. 3436
DIRECTOR
NORTHERN PROPERTY VALUERS - MAREEBA

Northern Property Valuers - Mareeba

ABN 74 451 631 026

PO Box 1589, Mareeba QLD 4880

PH: (07) 4092 7522 Email: valuers@npvaluers.com.au

LIABILITY LIMITED BY A SCHEME APPROVED UNDER PROFESSIONAL STANDARDS LEGISLATION.

FINANCE

ITEM-8 **FINANCIAL STATEMENTS FOR PERIOD ENDING 30 APRIL 2018**

MEETING: Ordinary

MEETING DATE: 16 May 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 30 April 2018.

OFFICER'S RECOMMENDATION

"That Council note the financial report for the period ending 30 April 2018."

BACKGROUND

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

For the period ending 30 April 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.

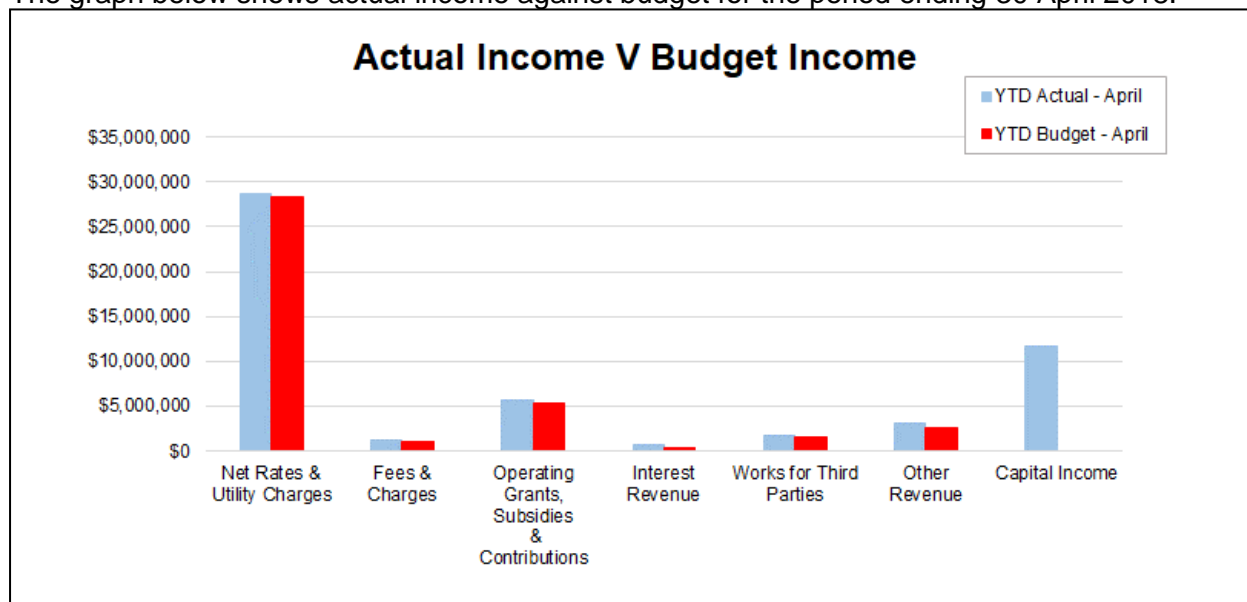
April 2018 - Snapshot

Total Operating Income	\$	40,984,337
Total Operating Expenditure	\$	(34,570,132)
Operating Surplus/(Deficit)	\$	6,414,205
Total Capital Income (grants, developer contributions)	\$	11,752,126
Net Result - Surplus/(Deficit)	\$	18,166,331

Income Analysis

Total income (including capital income of \$11,752,126) for the period ending 30 April 2018 is \$52,736,463 compared to the YTD budget of \$39,232,036.

The graph below shows actual income against budget for the period ending 30 April 2018.



	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	28,661,704	28,350,673	
Fees & Charges	1,147,992	1,076,822	
Operating Grants, Subsidies & Contributions	5,720,622	5,327,772	
Interest Received	695,665	346,500	
Works for Third Parties	1,725,960	1,490,195	1
Other Revenue	3,032,394	2,640,074	2
Capital Income	11,752,126	0	3

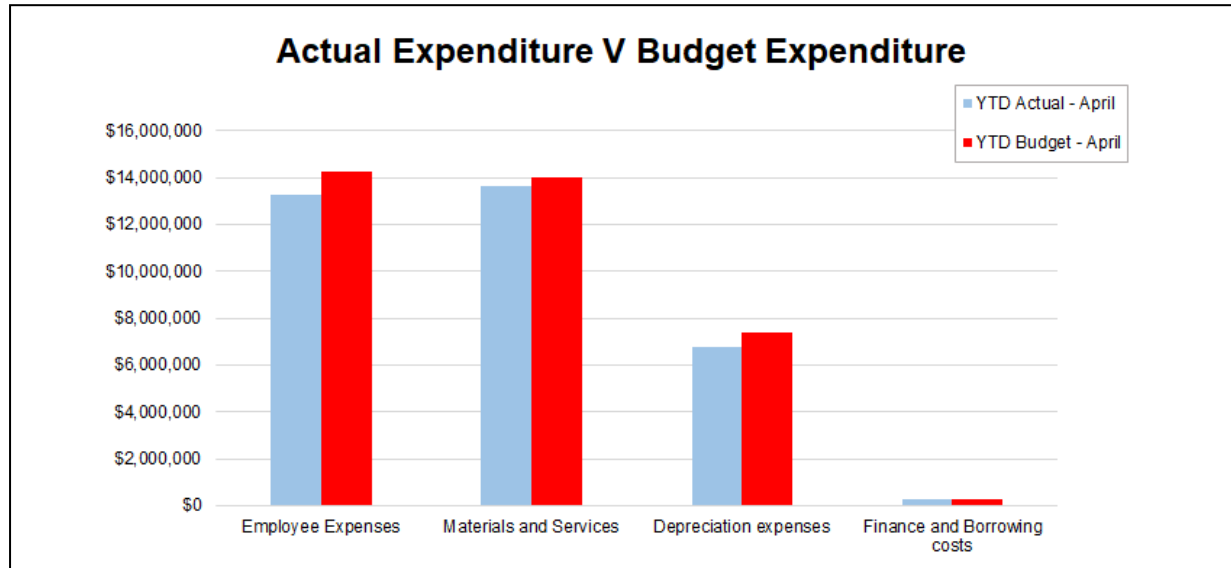
Notes:

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 \$104k in insurance recoveries (no budget allocated), leases and rental income is currently \$127k 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 \$94k.
3. Council has currently received \$10.7m in capital grants (e.g TIDS, R2R, Building our Regions, W4Q progress payment), \$304k 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 30 April 2018 is \$34,570,132, compared to the YTD budget of \$35,964,548.

The graph below shows actual expenditure against budget for the period ending 30 April 2018.



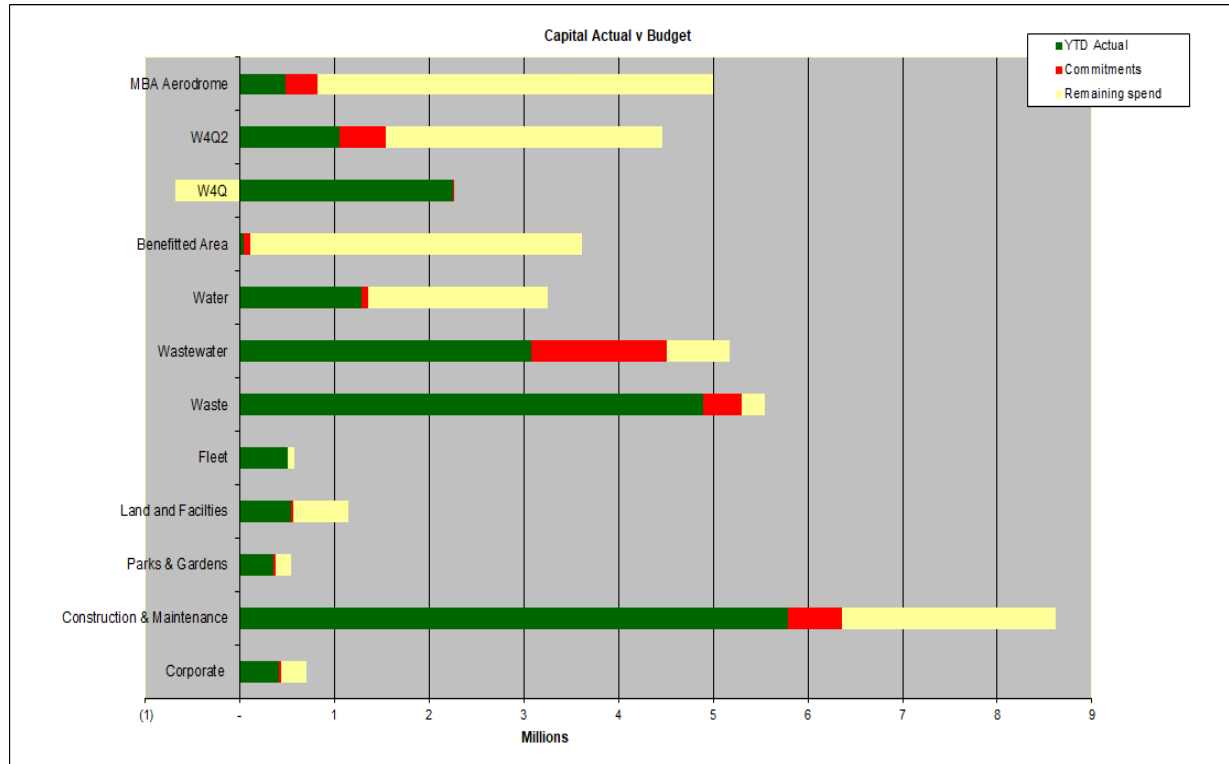
Description	Actual YTD	Budget YTD	Note
Employee expenses	13,270,700	14,284,993	1
Materials & Services	13,631,514	13,993,875	2
Depreciation expenses	7,368,189	7,409,582	3
Finance & Borrowing costs	299,729	276,098	

Notes:

1. There are no significant issues to report. The reason for the large variance at this point in time is 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. Staff absences and staff working on capital projects also contribute to this favourable variance. The anticipated total spend on employee expenses is expected to align 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.

Capital Expenditure

Total capital expenditure of \$24,186,226 (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.

Loan Borrowings

Council's loan balance as at 30 April 2018 is as follows:

QTC Loans	\$6,284,708
-----------	-------------

Rates and Sundry Debtors Analysis

Rates and Charges

The total rates and charges payable as at 30 April 2018 is \$3,834,221 which is broken down as follows;

	30 April 2018		30 April 2017	
Status	No. of properties	Amount	No. of properties	Amount
Valueless land	76	2,285,880	72	1,754,485
Payment Arrangement	276	255,409	241	215,163
Collection House	564	1,119,573	656	1,391,299
Exhausted – awaiting sale of land	9	88,420	6	130,505
Sale of Land	3	20,068	13	120,358
Other (includes current rates)	227	64,871	197	215,823
TOTAL	1155	3,834,221	1185	4,442,169

The Rates Notices for the period ending 30 June 2018 were issued in 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 terminated in March and Council will now follow due process in acquiring those 76 properties.

The Sale of Land process is still underway with the outstanding rates and charges of the three (3) remaining properties totalling of \$20,068 likely to be collected within the following month. The date has been set for the Public Auction, to be held in the Council Boardroom on the 31 May 2018.

Collection House collected \$88,253 for the month of April 2018.

Sundry Debtors

The total outstanding for Sundry Debtors as at 30 April 2018 is \$1,919,520 which is made up of the following:

Current	30 days	60 days	90 + days
\$541,082	\$1,246,658	\$4,068	\$127,712
0.28%	0.65%	0.00%	0.06%

90+ days: \$110,474 currently under investigation, legal advice has been sought.

Procurement

No emergency orders for the month.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

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.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LINK TO CORPORATE PLAN

Governance - Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

1. Financial Statements

Date Prepared: 3 May 2018

Mareeba Shire Council

Budgeted Income Statement by Fund

For the period ending 30 April

	Consolidated			General Fund			Waste Services		
	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	30,463,432	30,151,770	30,151,770	16,832,230	16,558,012	16,558,012	3,571,007	3,519,035	3,519,035
Less Discounts and Pensioner Remissions	(1,801,729)	(1,801,097)	(1,801,097)	(1,801,729)	(1,801,097)	(1,801,097)	0	0	0
Net Rates and Utility Charges	28,661,704	28,350,673	28,350,673	15,030,502	14,756,915	14,756,915	3,571,007	3,519,035	3,519,035
Fees and Charges	1,147,992	1,076,821	1,246,686	1,133,884	1,037,821	1,199,886	0	0	0
Operating Grants and Subsidies	4,883,528	4,664,087	10,086,708	4,883,528	4,664,087	10,086,708	0	0	0
Operating Contributions	837,094	663,684	884,912	0	0	0	0	0	0
Interest Revenue	695,664	346,500	422,800	319,978	227,500	280,000	169,065	41,667	50,000
Works for Third Parties	1,725,960	1,490,195	1,788,234	1,677,463	1,444,167	1,733,000	0	0	0
Other Revenue	3,032,394	2,640,074	3,191,981	1,692,985	1,342,074	1,634,381	1,234,997	1,244,250	1,493,100
Total Operating Revenue	40,984,337	39,232,036	45,971,994	24,738,339	23,472,565	29,690,890	4,975,068	4,804,952	5,062,135
Expenditure									
Employee Expenses	13,270,700	14,284,993	17,166,780	11,887,101	12,904,397	15,508,083	304,190	248,384	298,388
Materials and Services	13,631,514	13,993,875	15,921,131	6,830,637	6,907,788	7,447,003	3,139,581	3,257,904	3,908,815
Depreciation expense	7,388,189	7,409,582	8,891,499	5,202,577	4,943,265	5,931,919	100,330	79,583	95,499
Finance and Borrowing costs	299,729	276,098	331,317	190,951	156,067	187,280	0	0	0
Total Operating Expenses	34,570,132	35,964,548	42,310,727	24,111,326	24,911,517	29,074,286	3,544,101	3,585,871	4,302,702
Operating Surplus/(Deficit)	6,414,205	3,267,488	3,661,267	627,014	(1,438,952)	616,605	1,430,967	1,219,081	759,433
Capital Income									
Capital Contributions	303,963	0	0	245,634	0	0	0	0	0
Capital Grants and Subsidies	10,733,980	0	0	6,815,397	0	0	0	0	0
Donated Assets	714,183	0	0	714,183	0	0	0	0	0
Profit/(Loss) on Sale of Asset	0	0	0	0	0	0	0	0	0
	11,752,126	0	0	7,775,214	0	0	0	0	0
Net Result	18,166,331	3,267,488	3,661,267	8,402,228	(1,438,952)	616,605	1,430,967	1,219,081	759,433

Mareeba Shire Council

Budgeted Income Statement by Fund

For the period ending 30 April

	Sewerage Services			Water Services			Benefitted 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	4,625,658	4,554,032	4,554,032	5,118,949	5,198,317	5,198,317	315,588	322,374	322,374
Less Discounts and Pensioner Remissions	0	0	0	0	0	0	0	0	0
Net Rates and Utility Charges	4,625,658	4,554,032	4,554,032	5,118,949	5,198,317	5,198,317	315,588	322,374	322,374
Fees and Charges	14,108	39,000	46,800	0	0	0	0	0	0
Operating Grants and Subsidies	0	0	0	0	0	0	0	0	0
Operating Contributions	0	0	0	0	0	0	837,094	663,684	884,912
Interest Revenue	119,936	0	0	49,662	41,667	50,000	37,024	35,667	42,800
Works for Third Parties	4,598	8,333	10,000	43,900	37,695	45,234	0	0	0
Other Revenue	23,061	0	0	76,755	23,333	28,000	4,596	30,417	36,500
Total Operating Revenue	4,787,361	4,601,365	4,610,832	5,289,266	5,301,012	5,321,551	1,194,303	1,052,141	1,286,586
Expenditure									
Employee Expenses	451,920	422,136	507,158	550,902	636,849	765,171	76,587	73,227	87,980
Materials and Services	1,238,743	1,327,652	1,585,931	2,259,394	2,268,240	2,708,669	163,099	232,291	270,713
Depreciation expense	924,694	1,006,206	1,207,446	1,060,605	1,187,926	1,425,511	79,983	192,604	231,124
Finance and Borrowing costs	108,778	120,031	144,037	0	0	0	0	0	0
Total Operating Expenses	2,724,136	2,876,024	3,444,572	3,870,901	4,093,014	4,899,351	319,669	498,122	589,817
Operating Surplus/(Deficit)	2,063,226	1,725,342	1,166,260	1,418,365	1,207,998	422,200	874,634	554,020	696,769
Capital Income									
Capital Contributions	22,769	0	0	35,561	0	0	0	0	0
Capital Grants and Subsidies	2,948,624	0	0	969,959	0	0	0	0	0
Donated Assets	0	0	0	0	0	0	0	0	0
Profit/(Loss) on Sale of Asset	2,971,392	0	0	(2,084)	0	0	0	0	0
Net Result	5,034,618	1,725,342	1,166,260	2,421,800	1,207,998	422,200	874,634	554,020	696,769

COMMUNITY WELLBEING

ITEM-9 COMMUNITY HOUSING RENT REVIEW 2018

MEETING: Ordinary

MEETING DATE: 16 May 2018

REPORT OFFICER'S TITLE: Manager Community Wellbeing

DEPARTMENT: Corporate and Community Services

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement of the rent review for the community housing portfolio to set rents for the next 12 months.

OFFICER'S RECOMMENDATION

"That Council endorse the implementation of the rent increase for community housing tenants from 30 July 2018."

BACKGROUND

Community Housing Provider

Mareeba Shire Council is a registered Community Housing provider with 108 units in Mareeba, Mt Molloy, Kuranda and Dimbulah.

As a result, Council must adhere to current government legislation and policies including the Community Housing Rent Policy (September 2013).

The policy requires Council to review rents at least annually by considering the assessable income of the tenant and the rental market. For those tenants who have commenced their tenancies within the last 6 months, a rent review will be conducted following the pension increase in September 2018 and then in alignment with the ongoing rent reviews for all properties.

Accordingly, all rents paid to Council are spent on the community housing service to maintain the properties and manage the tenancies in line with the rules set out by the state government, and not used for any other council service.

Reviewing and Setting Rents

Council recognises the cost of living is increasing and conducts rent reviews following the increase in the pension to reduce the impact on tenants. After the last rent review in 2015, Council also phased in the rent increase over 18 months to minimise the impact on tenants.

The final instalment of that rent increase was in November 2016 and there have been three pension increases in this time. If the tenancy commenced after November 2016, then the tenant has not had any rent increases. It is timely that this rent review is conducted again.

Community Housing is subsidised social housing whereby the state government sets the standard for affordable rent for low income tenants as no more than 25% of assessable income.

Council's responsibility is to establish the current market rent increase which is used to determine whether a tenant pays 25% of their income in rent or market rent, whichever is the *lesser*. Council establishes the market rent by considering appraisals conducted by independent real estate agents contracted by Council.

The rent paid by tenants qualifying to pay 25% of assessable income, is *solely* determined by their personal circumstances and assessable income. Therefore, the market rent set by Council has no bearing on the amount of rent paid by those tenants. This rent review has identified that 40% of all tenants qualify to pay 25% of income as rent.

In accordance with the state government's policy, Council has provided two months written notice to tenants that the rent is being reviewed.

Ongoing Rent Review Process

It is proposed that Council Officers conduct a review of rents following the pension increase in March each year and implement the rent increase during July. To set the market rents, Real Estate Agents will be engaged to conduct market appraisals on all properties during February each year.

RISK IMPLICATIONS

Political and Reputational

Tenants have been advised in writing that Council is conducting a rent review and a second letter will be sent to each tenant advising of their specific rent increase and Officers will respond to any concerns raised by tenants.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

As per the Department of Housing and Public Works Community Housing Rent Policy 2013, Council is required to conduct rent reviews at least annually.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital
Nil

Operating

The implementation of the rent increase has been factored into the 2018/19 community housing budget.

Is the expenditure noted above included in the current budget?

Yes

LINK TO CORPORATE PLAN

Community - An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events

IMPLEMENTATION/COMMUNICATION

Written advice to tenants will be sent on 16 May 2018.

Rent increase implemented 30 July 2018.

Complete rent review for tenancies currently less than 6 months old following the pension increase in September 2018 and implement in accordance with the Community Housing Rent Policy.

ATTACHMENTS

Nil

Date Prepared: 4 May 2018

ITEM-10 **MAREEBA TENNIS CLUB REQUEST FOR FINANCIAL ASSISTANCE****MEETING:** Ordinary**MEETING DATE:** 16 May 2018**REPORT OFFICER'S
TITLE:** Manager Community Wellbeing**DEPARTMENT:** Corporate and Community Services

EXECUTIVE SUMMARY

The Mareeba Tennis Club has requested financial assistance from Council towards the upgrade of club facilities. This report details the request for Councillor consideration to support the Club, through the Community Partnerships Program.

OFFICER'S RECOMMENDATION

"That Council offer an interest free loan of \$20,000 to the Mareeba Tennis Club with repayment terms not to exceed 7 years with the in-kind support of foregone interest of \$500 per annum provided under the Community Partnerships Program."

BACKGROUND

Council received a request from the Mareeba Tennis Club on 19 April 2018 for at least \$20,000 in seed funding which the Club intends to use to leverage State Government funds to undertake proposed upgrades to tennis courts and associated facilities.

The Club has advised Council of their intention to apply for \$842,021 in state government funds under the Get Playing Plus program, with further contributions of \$100,000 from both Mareeba Tennis Club and Tennis Queensland. The initial informal request to Council was for a cash contribution of \$233,769. The Club has since made a formal request for at least \$20,000 + GST from Mareeba Shire Council as seed funding towards the project. The funding from Council will be combined with contributions from the Mareeba Tennis Club and Tennis Queensland to apply for this state government funding, which requires a co-contribution of more than 33% of total project costs.

Mareeba Tennis Club

The Mareeba Tennis Club is a community lessee with exclusive use of the tennis grounds and facilities located at Borzi Park, Chewko Rd. The grounds and facilities are managed on a non-profit basis, relying predominantly on membership fees and volunteer labour to deliver benefits for the whole community. A recent functional use assessment of the facilities (facility audit), undertaken by Tennis Queensland and Tennis Australia, showed that court surfaces are in very poor condition and are no longer safe to hold tournaments and competitions.

Request to Council

As a result of the facility audit, the Mareeba Tennis Club, in conjunction with Tennis Queensland and Tennis Australia developed a proposal to upgrade to the tennis courts and associated facilities at a total cost of \$1.275M. This proposal was presented to Council by Mareeba Tennis Club and Tennis Queensland on 21 March 2018.

The planned upgrades include: construction of new reinforced concrete bases and acrylic playing surfaces, fencing alterations, LED lighting upgrades, court furniture, on-court player shade structures; construction of mini-court, electronic booking and court gate access. These upgrades will improve safety, increase participation and player development and allow hosting of higher level tournaments.

Community Partnerships Program

Council has received similar requests from other community lessees and has consistently offered an interest free loan, through the Community Partnerships Program.

Therefore, it is recommended that Council offers the Mareeba Tennis Club an interest free loan and does not provide a cash donation of at least \$20,000 + GST.

The details of recommended support from Council are:

Loan Amount: \$20,000
Foregone Interest: \$275 (2.64% interest)
Loan Term: to be determined
Repayment Frequency: to be determined

The foregone interest will be recorded as in-kind support under the Community Partnerships Program. The loan term and repayment frequency will be negotiated if the Club accept Council's offer.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital
Nil

Operating
Yes

Is the expenditure noted above included in the current budget?

Yes, the foregone interest amount will be recorded as an in-kind contribution in the Community Partnerships Program budget.

LINK TO CORPORATE PLAN

Community: Communities across the area share a sense of common identity whilst retaining local diversity and enjoy equitable access to services and facilities based on effective partnerships.

IMPLEMENTATION/COMMUNICATION

The Executive Committee of the Mareeba Tennis Club will be formally advised of the outcome of this request. Council's Finance Department will progress the loan agreement and formalise this arrangement with the Executive Committee.

ATTACHMENTS

1. Letter of Request from the Mareeba Tennis Club
2. Cost Estimate

Date Prepared: 4 May 2018

ATTACHMENT 1

PO Box 1141 Mareeba QLD 4880
Ph: 07 4092 4685
E: mareebatennis@bigpond.com

19 April 2018**To: The Mareeba Shire Mayor and Councillors**

The Mareeba Tennis Club would like to formally make a request to the **Mareeba Shire Council** to provide much needed financial support in the form of seed funding towards our proposed upgrades of our tennis courts and associated facilities in 2019-20 as we recently presented with Tennis Queensland to the Council.

Our club is family friendly, focused on delivering a quality sporting environment that promotes inclusive tennis for everyone. Our dedicated volunteers aim to provide and maintain tennis facilities for our members and the community that we service.

The Mareeba Tennis Club:

- Places great importance on the social aspects of tennis rather than being purely competitive and results driven.
- Fosters an atmosphere in which tennis players of all skill levels can meet other people, develop friendships as well as find tennis players of a similar level to play with at the club.
- Provides a range of activities such as coaching, training and social tennis in order for people to learn and improve on their tennis skills and participate in social events the Club holds throughout the year.
- Manages the facility on a non-profit basis, in such a way that all revenues received will be reinvested into the Club and for the benefit the community as a whole.
- Operates in such a fashion to ensure membership fees are kept to a minimum. This makes the Club accessible to all members of the community.
- Encourages and supports community oriented activities by engaging directly with local stakeholders and partners.
- Has a proud history of running popular tennis tournaments and events attracting players from all over the region and the state.

What needs to be done and why:

- Despite all the good work the Mareeba Tennis Club is doing for the community, they are operating from a facility that has courts that are in very poor condition and are no longer safe to hold tennis tournaments and other competitions upon.
- Refer to the attached recently completed facility audit that confirms the need for a major upgrade of our facility
- The Mareeba Tennis Club, in conjunction with Tennis Queensland & Tennis Australia has developed an indicative plan and cost estimate to undertake the required upgrades to the courts and associated facilities.
- The required upgrades include the removal of the existing natural grass surrounds to all courts, the construction of new reinforced concrete court bases to the existing fence lines with new acrylic playing surfaces, minor fencing alterations, new LED court lighting system, new court furniture and on-court player shade structures.
- The project also includes the construction of a new dedicated Hot Shots mini-court with a shade structure over the top of it to allow children to begin learning to play tennis in a sun smart environment as well as upgraded amenities and pathways to ensure the facility is fully accessible to people with disabilities.

- It is also envisaged the project will include the installation of the new Book a Court electronic court gate access system that will make it easier for the community to access these courts when they want to use them.
- These upgraded facilities will help retain existing players as well as attract lapsed players back to the sport due to the courts being safer to play on. This also presents as a far more welcoming and attractive sporting venue to potential new participants in our sport.
- Aside from the new LED lighting making it easier for older players to be able to see the ball and return to night time tennis – which is the most popular time to play tennis in Far North Queensland's tropical climate – these new lights will also greatly reduce the club's annual maintenance and electricity usage costs.
- With these improved facilities, the club will once again be better placed to develop local tennis talent and also able to host higher level tournaments and events that will attract players from throughout the region and the state to participate and stay in Mareeba for the duration of these events that will provide associated economic benefits to the Mareeba community.
- Tennis is a sport that is available to whole community – both males and females in equal numbers from the ages of 4 to 84, able bodied and those with disabilities as well as people from all backgrounds that can contribute to community health and well-being both physically but also from a social interaction perspective.

We hope that the Council shares our vision and is prepared to partner with the Mareeba Tennis Club, Tennis Queensland and Tennis Australia to help us secure the funding required to allow this project to proceed.

The Club is seeking at least \$20,000 + GST from the Mareeba Shire Council as seed funding towards this project. This funding will be combined with funding commitments from the Mareeba Tennis Club and Tennis plus any other potential funding sources we can secure to then allow us to apply for the significant funding contribution from the State Government via their Get Playing Plus sporting facilities grant opportunity that will become available in April 2019.

We look forward to the Council providing confirmation of their ability to provide this requested financial support towards this project.

Please feel free to contact me with any questions on **0447 590 822** or mkeating@pgwseeds.com.au

Sincerely,

Mark Keating

President

Mareeba Tennis Club

ATTACHMENT 2
Mareeba Tennis Club


Tennis Queensland - Court Tech

Indicative Cost Estimate - Upgrade Existing Courts

Remove natural grass court surrounds, new reinforced concrete court bases and upgrade lighting

Upgrade existing court bases and lighting	\$(Excl.GST)
Contractor's preliminaries and site establishment (based on a staged project)	\$30,360
Minor demolition works and alterations (including water supply diversion)	\$45,072
Earthworks	\$90,392
Minor drainage works	\$16,746
Reinforced concrete court bases	\$345,108
Reinforced concrete pathways and Hot Shots mini-court	\$19,908
Upgrade court lighting system to LED fittings with new poles and footings	\$207,320
Minor court fencing alterations and additions	\$29,343
Built-in court equipment (tennis net posts and nets)	\$14,568
Acrylic court surfacing (10 courts + 1 Hot Shots mini-court)	\$107,328
On-court player shade structures (8 No.)	\$80,000
Shade structure over the new Hot Shots mini-court	\$45,000
Hit up wall refurbishments	\$5,000
Creation of a PWD shower area	\$5,000
Front entry refurbishments	\$10,000
Book a Court system	\$12,000
Minor landscaping (new turf to disturbed areas) and making good on completion	\$10,008
Project Cost - Estimate Date	\$1,073,153
Cost escalation to tender date in February 2020 (approx. 7.3%)	\$80,500
Project Cost - Tender Date	\$1,153,653
Project contingency allowance (5% approx. of above sub-total)	\$57,700
Project Cost - Site	\$1,211,353
Geotechnical Investigation and Site Survey	\$10,000
Civil Engineer to design earthworks and new court bases	\$10,000
Statutory fees and charges allowance	\$5,000
Funding acknowledgement signage	\$1,000
Project management and design coordination costs	\$38,437
Total Project Cost (Excluding GST)	\$1,275,790
GST	\$127,579
Total Project Cost (Including GST)	\$1,403,369

Excluded items:

- * Any abnormal works to connect to existing services or abnormal structural engineering requirements
- * Any works to the existing clubhouse and car parking areas except as detailed above
- * Any works to the existing court fencing other than minor alterations to suit the levels of the new court bases
- * Any pathways other than those leading directly to the courts (as shown on the plan)
- * Any landscaping works other than laying of new turf to the earthworks embankments

Notional Funding Sources:

	\$(Excl. GST)
Department of Sport & Recreation (Get Playing Plus - 66% of project cost based on population)	\$ 842,021
Mareeba Shire Council	\$ 233,769
Mareeba Tennis Club (cash reserves and TAFE Facility Loan Scheme)	\$ 100,000
Tennis Queensland / Tennis Australia (National Court Rebate Scheme)	\$ 100,000
	\$ 1,275,790

This estimate was prepared by Michael Blomer from Tennis Queensland - Court Tech.
 Michael is a qualified Quantity Surveyor and evidence of this qualification is attached.



16 November 2017
 Tennis Queensland - Court Tech

INFRASTRUCTURE SERVICES

ITEM-11 **MAREEBA AERODROME - LEASE AREA G - REARDON INVESTMENTS PTY LTD**

MEETING: Ordinary

MEETING DATE: 16 May 2018

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

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

This report deals with a request for an extension of an existing lease over lease area G at Mareeba Airport.

The report recommends that Council grant a new 40 year consecutive lease to take effect from the expiry of the current lease on 30 November 2023.

OFFICER'S RECOMMENDATION

"That, in relation to the request by Mr D Reardon of Reardon Investments Pty Ltd for an extension of his current lease over lease area G at the Mareeba Airport:

1. Council agree to grant Reardon Investments Pty Ltd a new standard consecutive lease with an initial term of 20 years plus 2 x 10 year options over lease area G to take effect on expiry of the current lease on 30 November 2023, with the rental for the first year of the new term being the current market rental applicable at that time and with the proviso that the rental shall be not less than that paid in the last year of the existing lease.
2. All costs associated with the preparation of the new lease are to be met by Reardon Investments Pty Ltd."

BACKGROUND

Reardon Investments P/L is the current lessee of lease area G at the Mareeba Airport. The lease has an area of 930m² and the lease is for a 21 year period commencing 1 December 2002 and expiring 30 November 2023.

The lease fee payable at the commencement of the lease was \$2.64/m² ex GST and the lease provides for CPI increases only for the balance of the term of the lease. There is no Market Review clause in the existing lease that gives Council the opportunity to review the lease fee to current market value. The current lease fee for the period December 2017 to November 2018 is \$3.93/m² ex GST.

The lease rate per square metre that was proposed for new leases at the redeveloped Airport, and which will eventually lead towards full cost recovery of airport operations, is \$6.00. This fee was determined in 2016 when the draft Business and Financial Plan for the upgraded airport was first prepared and any new leases entered into since that date have been on the basis of a lease fee of \$6.00/m². However, as it is now nearly two years since the \$6.00/m² was determined, it should be considered for at least CPI increase from 1 July 2018.

Mr Dan Reardon initially approached Council in February 2016 in relation to the possibility of extending his current lease past its expiry date of 30 November 2023, and a written response was forwarded to him by letter dated 25 February 2016 setting out possible options for him to consider (copy of letter attached). Mr Reardon then submitted the attached letter dated 14 February 2018 requesting Council to consider granting him a new 40 year consecutive lease to follow on from the expiry of his existing lease on 30 November 2023.

It will be noted in Mr Reardon's letter that he has raised the issue of increases in lease fees and has expressed the wish that the fee to apply to a new lease (if granted by Council) be a continuation of his existing CPI based lease fee. During the verbal discussions with Mr Reardon in February 2018, he also raised the matter of disparity between lease fees for other lessees.

The lease fee payable by individual lessees is determined by the lease provisions negotiated between the Council and the Lessee at the time the lease is entered into, and the rental provisions in the lease then determine how the initial commencing fee is increased over the life of the lease. This can vary as follows:

- Some leases (such as Mr Reardon's and others) have CPI increases only
- Current leases have a Market review every 5 years
- Older leases have Market reviews every 10 years
- Some leases have CPI increases plus 30 cents/m² each year for a 10 year period (in this case, a form of assistance to help get the business up and running)

Mr Reardon was advised that whatever the commencing lease fee is and whatever rental provisions are included in the lease, these matters are agreed between Council and the lessee at the time and form part of the legally binding lease document.

Mr Reardon was also advised that the lease fee that would apply to any new lease granted by Council would be based on the \$6.00/m² previously adopted by Council with appropriate CPI adjustment.

Mr Reardon currently sub-leases his hangar to Mission Aviation Fellowship (MAF) and the MAF maintenance facility located therein is an important part of the Airport's operations. By having a new consecutive lease in place to commence when the current lease expires will provide security of tenure and will assist Mr Reardon in his ongoing negotiations with MAF regarding future sub-leases and possible future purchase of the hangar.

It is therefore recommended that Council agree to grant Mr Reardon a new standard consecutive lease with an initial term of 20 years plus 2 x 10 year options.

RISK IMPLICATIONS

Financial

The entering into of a new lease with the commencing lease rate being in line with current market value, plus the inclusion in the lease of market review clauses to review rental to market value every five years, will assist in reducing the risk of Airport operational costs not becoming self-funding in the longer term.

Political and Reputational

The granting of the new consecutive lease is in line with similar leases granted to other existing lessees at the Airport in recent times and ensures that all lessees are given the same consideration and avoids the risk of criticism that some lessees are treated differently to others. It also reinforces Council's commitment to attracting and retaining business and industry at the Airport.

Legal and Compliance

To reduce the risk of any legal and compliance issues arising, the preparation of the new consecutive lease will be undertaken by the Council's Solicitors at the cost of the lessee.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

The preparation of the new 40 year consecutive lease will be undertaken by Council's Solicitors.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital
Nil

Operating
Setting of lease fees in accordance with the draft Airport Business and Financial Plan will assist in bringing all leases at the Airport up to a level that will eventually see full cost recovery of Airport operations.

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

LINK TO CORPORATE PLAN

Financial Sustainability - A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure - The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment - A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

IMPLEMENTATION/COMMUNICATION

Subject to Council adopting the recommendations of this report, Mr Reardon will be advised accordingly and Preston Law will be engaged to prepare the required lease documentation.

ATTACHMENTS

1. Copy of plan showing lease area G.
2. Letter to Mr Reardon dated 25 February 2016
3. Letter from Mr Reardon dated 14 February 2018

Date Prepared: 24 April 2018

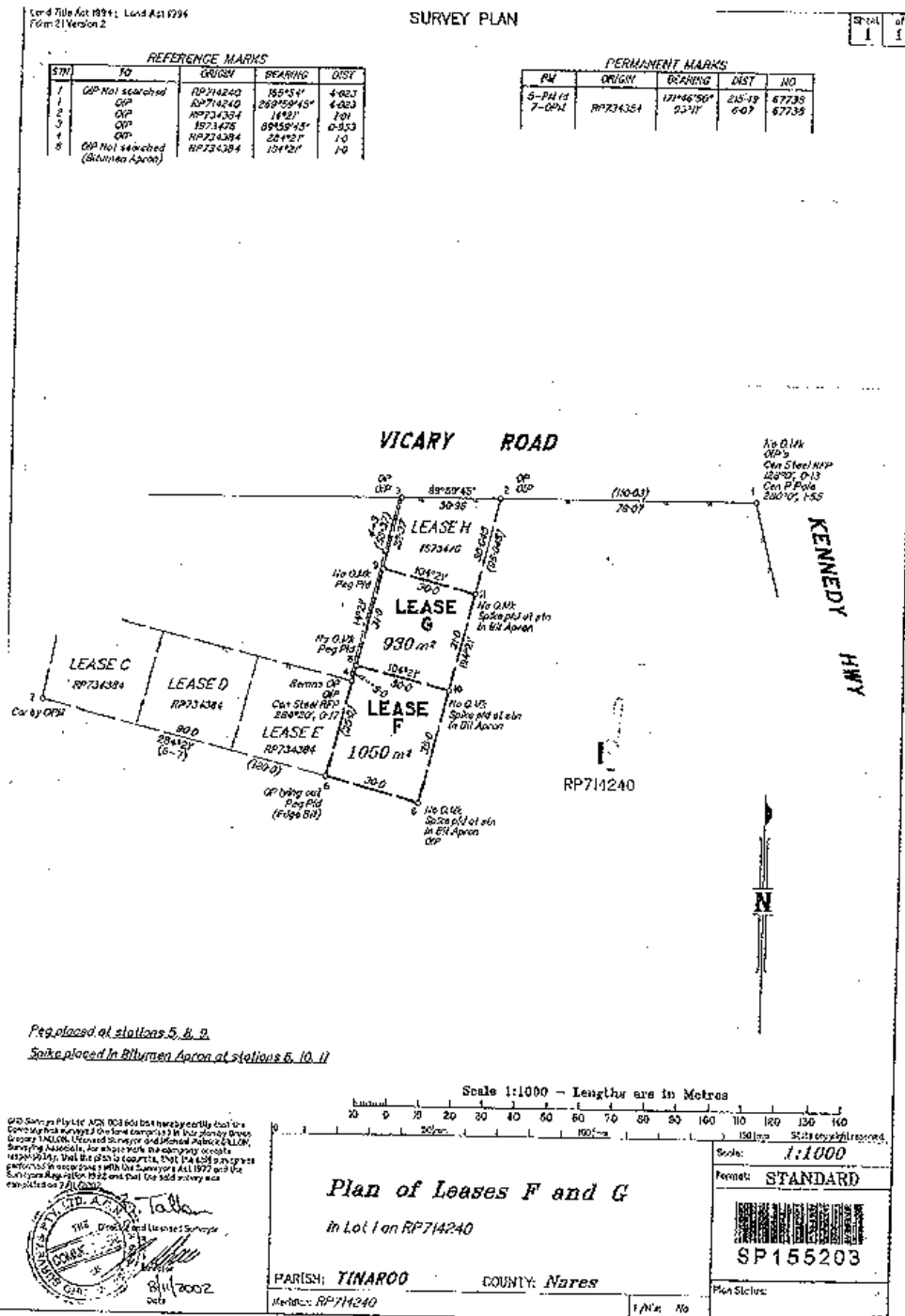
ATTACHMENT 1

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

SCHEDULE

FORM 20 Version 2
Page 29 of 30

Title Reference 21331174



ATTACHMENT 2**Mareeba**
SHIRE COUNCIL

25 February 2016

Mr Dan Reardon
Reardon Investments Pty Ltd
PO Box 18
STRATFORD QLD 4870

65 Rankin Street
PO Box 154 MAREEBA QLD 4880

P: 1300 308 461
F: 07 4092 3323

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

Council Ref: FAC-AER-AGR AL:CB

Your Ref: 3138735

Dear Sir

MATTERS RELATING TO LEASE 'G' AT MAREEBA AERODROME

I refer to your recent contact with Council with regard to your Lease 'G' at Mareeba Aerodrome wherein you requested Council provide information relevant to the future continuity of your lease which has an expiry date of 30 November 2023.

Depending on what you choose to do relevant to your lease will ultimately have bearing on what options are available to you. You may wish to consider the following as potential options:

1. Assign your lease to another party (assignee). Should you wish to do this you will need to inform Council, in writing, of your desire to undertake this action and also advise details of the assignee. A report is prepared for Council for consideration and if approved, you and/or the assignee would undertake to prepare all relevant documentation for lodgment and pay all costs relevant to having that action completed (Council bears no cost). The assignee takes on the lease and all conditions relevant thereto for whatever period remains in the term of the lease;
2. Seek a further lease from Council which commences immediately after the termination of your existing lease (a consecutive lease) for a period and for terms and conditions that are agreed between Council and you. Preparation of all relevant documentation for lodgment and all costs relevant thereto are to be borne by you (Council bears no cost);
3. Negotiate a new lease with Council for a new term to replace the existing lease which would be ultimately surrendered in favour of the new lease. Preparation of all relevant documentation for lodgment and all costs relevant thereto are to be borne by you (Council bears no cost).

Having regard to the aforementioned information, I advise that in those instances where Council has to resolve to approve certain actions, for example, assignment of a lease, I cannot give an assurance as to whether (or not) Council will give approval. However, I suggest that it would be unlikely that Council would not consent to approval if a lessee had not previously breached any lease conditions and had kept all rental amounts, rates and charges applicable to the lease paid up to date.

Mr Dan Reardon
MATTERS RELATING TO LEASE 'G' AT MAREEBA AERODROME

Page 2
25 February 2016

I trust this information provides some clarity with regard to your enquiries.

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

Yours faithfully



ALAN LAMBERT
MANAGER DEVELOPMENT AND GOVERNANCE

ATTACHMENT 3

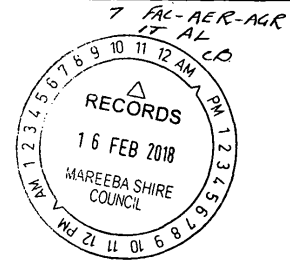
CEO

Mareeba Shire Council

P.O. Box 154

Mareeba Qld 4880

14th.Feb. 2018



Mareeba Aerodrome

Request for a new lease of area G on the Mareeba Aerodrome:

FOR ATTN. ALAN LAMBERT

Dear Alan,

I refer our mutual telephone conversation last week as well as your letter dated 25th. Feb. 2016 (copy attached) relating to the extension of the current head lease between Mareeba Shire Council and Reardon Investments Pty. Ltd. (ACN No. 010 685 640) that was executed on 27/11/2002 with an expiry date of 30/11/2023.

On behalf of Reardon Investments Pty. Ltd., we submit a formal request for a new 20-year head lease with 2 x 10-year options with the Mareeba Shire Council commencing on 1st. Dec 2023. This is basically what you have set out in item 2 of your letter.

Reardon Investments Pty. Ltd. took the initiative to invest capital on the Mareeba Airport by way of a substantial Aircraft Hangar and have promptly paid all the council lease and other charges since 1988 (close to 30 years). I bring this up for Councils attention so that this current request for an extension is viewed favourably by way of the new lease and in assessing the new lease charges as set out below. These charges cannot be open slather and need to be carefully justified.

Prior to reading the next paragraph to do with renewed lease charges I would like you all to be aware that the light aviation is currently a very fragile industry which is being brought to its knees and has been going downhill for some time showing it is therefore hard pressed to accommodate any ridiculous new charges. Without prejudice the Cairns Airport is a classic example on how

ridiculous ever increasing new high charges has caused a number of organisations to shut down, move elsewhere, knock down their buildings etc. I have heard second hand that there has been an exodus of light aircraft owners from the Atherton airport and Mareeba Airport being unfriendly and getting too expensive and they have gained very attractive incentives from the Wondecla Council. There are currently 8 new hangars completed and occupied with more scheduled to be constructed in the near future. We all know that it is within the interests of every town to have an airport for any number of reasons, commerce and medivac in the event of fire and floods to mention a few. For councils to see their airport as a cash cow has the chance to kill the goose that lays the golden egg. Enough said.

One last thing. Have you taken a look at the number of aircraft actually using your airport on say a monthly basis over the last year or so. It would be an interesting exercise to view the numbers to see if in fact they are increasing or decreasing.

So, based on what I have pointed out I would also humbly request that under the circumstances where we have already contributed for 30 years, that our new lease charges NOT jump by some 50 % which could be the case as you indicated in our telephone conversation. My wish would be that the new lease charges be calculated using a CPI increase added to the last year of the current head lease as we have definitely done our bit long term to date as well as projecting into the future to the benefit of the Mareeba airport and the Council.

I make mention to all the above as we have been dealing with a Church based organisation for quite some time who are a tough bunch to deal with financially, who do not want to face reality on the real costs and have expected us to wear the costs of outgoings to date which, should they wish to extend their sublease after the current term expires on 11th. Dec. 2021 cannot continue. So, what I am saying is that we do not want to be priced out of the market.

From Reardon Investment Pty. Ltd. side we would kindly again ask the Council to view our request to the extended term as well as charges in a favourable manner so that we have security of tenure for the longer term for reasons set out above.

Should there be any sequence of formalities required to keep things moving in a timely manner please advise the writer on the contact details below.

Dan & Gail Reardon



(For and on behalf of

Reardon Investments Pty. Ltd.)

P.O. Box 18 Stratford

4870 Qld.

email dngreardon@hotmail.com

Ph 40551433

Mob. 0428772057

**Mareeba**
SHIRE COUNCIL65 Rankin Street
PO Box 154 MAREEBA QLD 4880P: 1300 308 461
F: 07 4092 3323W: www.msc.qld.gov.au
E: info@msc.qld.gov.au

Council Ref: FAC-AER-AGR AL:CB

Your Ref: 3138735

25 February 2016

Mr Dan Reardon
Reardon Investments Pty Ltd
PO Box 18
STRATFORD QLD 4870

Dear Sir

MATTERS RELATING TO LEASE 'G' AT MAREEBA AERODROME

I refer to your recent contact with Council with regard to your Lease 'G' at Mareeba Aerodrome wherein you requested Council provide information relevant to the future continuity of your lease which has an expiry date of 30 November 2023.

Depending on what you choose to do relevant to your lease will ultimately have bearing on what options are available to you. You may wish to consider the following as potential options:

1. Assign your lease to another party (assignee). Should you wish to do this you will need to inform Council, in writing, of your desire to undertake this action and also advise details of the assignee. A report is prepared for Council for consideration and if approved, you and/or the assignee would undertake to prepare all relevant documentation for lodgment and pay all costs relevant to having that action completed (Council bears no cost). The assignee takes on the lease and all conditions relevant thereto for whatever period remains in the term of the lease;
2. Seek a further lease from Council which commences immediately after the termination of your existing lease (a consecutive lease) for a period and for terms and conditions that are agreed between Council and you. Preparation of all relevant documentation for lodgment and all costs relevant thereto are to be borne by you (Council bears no cost);
3. Negotiate a new lease with Council for a new term to replace the existing lease which would be ultimately surrendered in favour of the new lease. Preparation of all relevant documentation for lodgment and all costs relevant thereto are to be borne by you (Council bears no cost).

Having regard to the aforementioned information, I advise that in those instances where Council has to resolve to approve certain actions, for example, assignment of a lease, I cannot give an assurance as to whether (or not) Council will give approval. However, I suggest that it would be unlikely that Council would not consent to approval if a lessee had not previously breached any lease conditions and had kept all rental amounts, rates and charges applicable to the lease paid up to date.



Mr Dan Reardon
MATTERS RELATING TO LEASE 'G' AT MAREEBA AERODROME

Page 2
25 February 2016

I trust this information provides some clarity with regard to your enquiries.

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

Yours faithfully



ALAN LAMBERT
MANAGER DEVELOPMENT AND GOVERNANCE

ITEM-12

MAREEBA AERODROME - LEASE AREA F - R & L RUDD

MEETING: Ordinary

MEETING DATE: 16 May 2018

REPORT OFFICER'S

TITLE: Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

This report deals with a request received from Mr Richard Rudd for an extension of the existing lease held by R & L Rudd over lease area F at Mareeba Airport.

The report recommends that Council grant R & L Rudd a new 40 year consecutive lease to take effect from the expiry of the current lease on 21 August 2024.

OFFICER'S RECOMMENDATION

"That, in relation to the request by Mr Richard Rudd for an extension of the current lease held by R & L Rudd over lease area F at the Mareeba Airport:

1. Council agree to grant R & L Rudd a new standard consecutive lease with an initial term of 20 years plus 2 x 10 year options over lease area F to take effect on expiry of the current lease on 21 August 2024, with the rental for the first year of the new term being the current market rental applicable at that time and with the proviso that the rental shall be not less than that paid in the last year of the existing lease.
2. All costs associated with the preparation of the new lease are to be met by R & L Rudd."

BACKGROUND

Richard and Linda Rudd are the current lessees of lease area F at the Mareeba Airport. The lease has an area of 1,050m² and the current lease covers the period commencing 16 January 2015 and expiring 21 August 2024. This lease was originally held by Mr & Mrs Rudd under the company name Beechtree Pty Ltd, with that lease commencing on 24 November 1988 and expiring in August 2024. However, as a result of the de-registration of the company name Beechtree P/L sometime during the period 2010 - 2012, the current lease was then entered into for the balance of the original term in the name of Richard and Linda Rudd.

The lease fee payable for the period September 2016 to August 2017 was \$3.35/m² ex GST and the charge for the period September 2017 to August 2018 has not yet been levied as it was put on hold pending resolution of some issues pertaining to a sub-lease of the head lease to Mission Aviation Fellowship (MAF). Once the charge for 2017/18 has been levied, it will still only bring the lease fee up to around \$3.42/m² ex GST. The lease provides for CPI increases only for the term of the lease. There is no Market Review clause in the existing lease that gives Council the opportunity to review the lease fee to current market value.

The lease rate per square metre that was proposed for new leases at the re-developed Airport, and which will eventually lead towards full cost recovery of airport operations, is \$6.00. This fee was determined in 2016 when the draft Business and Financial Plan for the upgraded airport was first prepared and any new leases entered into since that date have been on the basis of a lease fee of \$6.00/m². However, as it is now nearly two years since the \$6.00/m² was determined, it should be considered for at least CPI increase from 1 July 2018.

The attached letter from Mr Rudd requests that the current lease be extended by a further 25 to 30 years and that this request be considered in conjunction with the application by Mr Dan Reardon for an extension of his Lease G at the Airport. Mr Reardon's application is the subject of a separate report to Council.

Mr Rudd (like Mr Reardon) currently sub-leases his hangar to MAF and the MAF maintenance facility located within the two hangars is an important part of the Airport's operations. By having a new consecutive lease in place to kick in when the current lease expires will provide security of tenure and will assist Mr Rudd in his ongoing negotiations with MAF regarding future sub-leases and possible future purchase of the hangar.

It is therefore recommended that Council agree to grant R & L Rudd a new standard consecutive lease with an initial term of 20 years plus 2 x 10 year options, with the lease fee to be based on the CPI adjusted figure of \$6.00/m² or whatever market rental figure is current at the time the new lease commences.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

The preparation of the new 40 year consecutive lease will be undertaken by Council's Solicitors.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital
Nil

Operating
Setting of lease fees in accordance with the draft Airport Business and Financial Plan will assist in bringing all leases at the Airport up to a level that will eventually see full cost recovery of Airport operations.

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

LINK TO CORPORATE PLAN

Financial Sustainability - A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner

Transport and Council Infrastructure - The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles

Economy and Environment - A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come

IMPLEMENTATION/COMMUNICATION

Subject to Council adopting the recommendations of this report, Mr Rudd will be advised accordingly and Preston Law will be engaged to prepare the required lease documentation.

ATTACHMENTS

1. Copy of plan showing lease area F.
2. Letter from Mr Richard Rudd dated 8 May 2018.

Date Prepared: 9 May 2018

ATTACHMENT 1

QUEENSLAND LAND REGISTRY

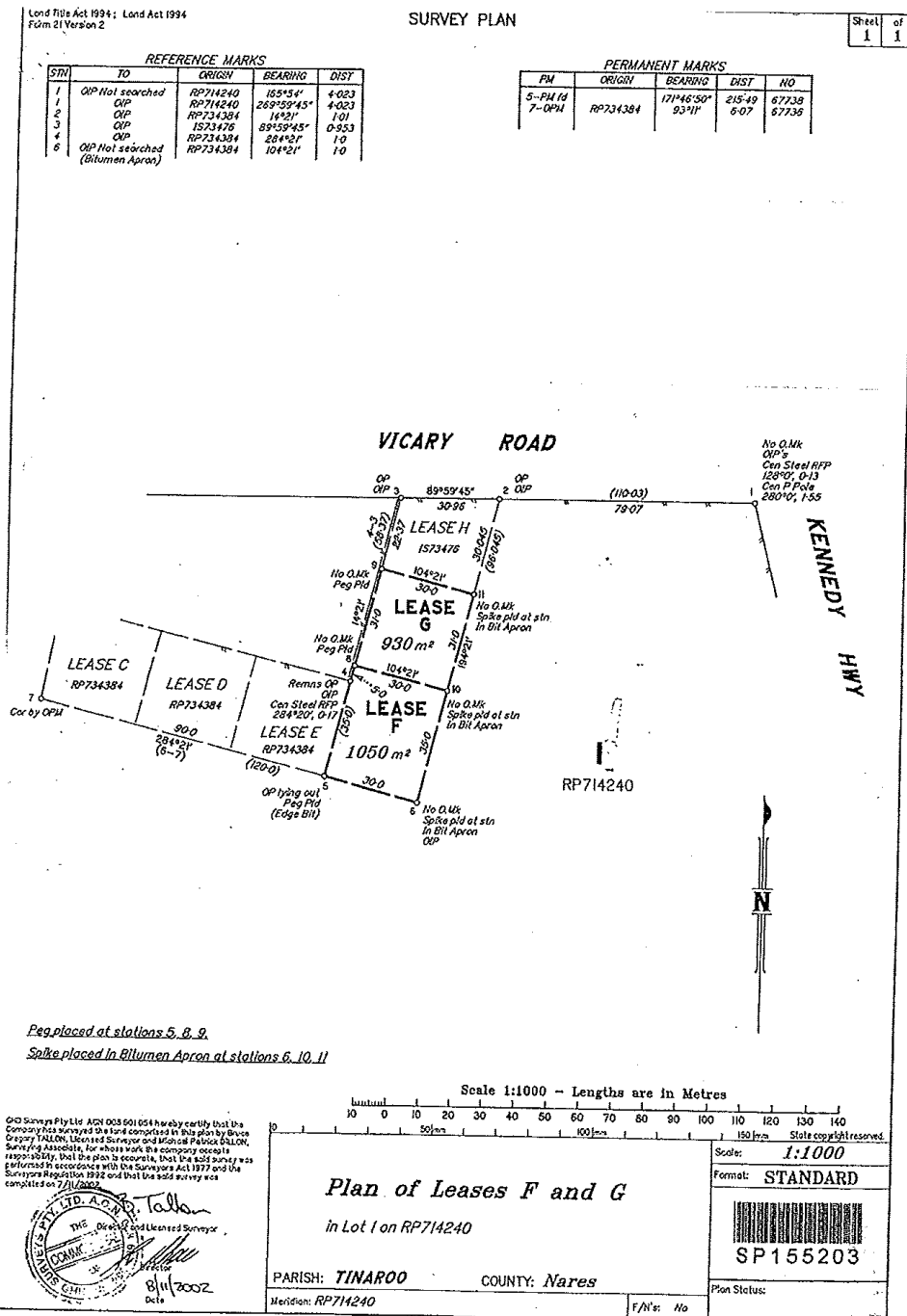
SCHEDULE

FORM 20 Version 2

Land Title Act 1994, Land Act 1994 and Water Act 2000

Page 29 of 30

Title Reference 21331174



ATTACHMENT 2

Mareeba Shire Council
65 Rankine St,
Mareeba Q 4880.

Attn. Lease Officer. A Lambert.



7
FAC - AER - AGR
AL

R. Rudd
PO Box 880
Mareeba Q 4880
08.05.2018

Dear Sir,

Hi Alan, in haste!

In conjunction with Readon, Lease G, request for Head Lease extension to be discussed at the Council meeting on Wed 16 May...

To save time and to progress the same discussion, R & L Rudd would like to also request an Head Lease extension, from expiry at January 2024 for a further 25 or 30 years, so as to give security of tenure both for the Head Lease owners and the common sub-lessor to both lots G and F.

We trust that this request may be attended to at the same time as for G

Please advise asap if this is not possible for the 16th and is to be held over until the next meeting.

regards

R. Rudd

ITEM-13 TENDER EVALUATION TMSC2018-13 SUPPLY & DELIVERY OF FULL SERVICE SEAL - OOTANN ROAD, ALMADEN - WIDEN & SEAL PROJECT

MEETING: Ordinary

MEETING DATE: 16 May 2018

REPORT OFFICER'S TITLE: Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Council has invited tenders under Tender TMSC2018-13 for the supply and delivery of Full Service Seal (excluding traffic control) for the Ootann Road, Almaden – Widen & Seal project.

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

OFFICER'S RECOMMENDATION

"That Council awards Tender TMSC2018-13 Supply and Delivery of Full service Seal (excluding traffic control) for the Ootann Road, Almaden – Widen & Seal project to Boral Resources (Qld) Pty Ltd at the following unit rates:

Item Description	Unit	Qty	Rate	Amount
1st Coat - Spray Rate 1.70 l/m² - 12,500m²				
Supply, Cart, Heat & Spray C170 Bitumen	Litre	21,250	\$1.50	\$31,875.00
Supply, Incorporate, Heat and Spray Bitumen Cutter @ 3%	Litre	638	\$1.52	\$969.76
Supply, Incorporate, Heat and Spray Adhesion Agent @ 0.5%	Litre	106	\$8.70	\$922.20
Supply, Load, Spread and Roll Pre-Coated 16mm Cover Aggregate @ 85m ² per m ³	M ³	147	\$211.34	\$31,066.98
SUBTOTAL (incl. GST):				\$64,833.64
2nd Coat - Spray Rate 1.2 l/m² - 12,500m²				
Supply, Cart, Heat & Spray C170 Bitumen	Litre	15,000	\$1.50	\$22,500
Supply, Incorporate, Heat and Spray Adhesion Agent @ 0.5%	Litre	75	\$8.70	\$652.50
Supply, Load, Spread and Roll Pre-Coated 10mm Cover Aggregate @ 120m ² per m ³	M ³	103	\$210.96	\$21,728.88
SUBTOTAL (incl. GST):				\$44,881.38
TOTAL (incl. GST)				\$109,715.02

"

BACKGROUND

A summary of the tenders received is as set out below.

Submission From	1 st Coat	2 nd Coat	Total	Additional Information
Boral Resources	\$64,833.64	\$44,881.38	\$109,715.02	Including GST
NQ Asphalt	\$67,756.58	\$51,648.87	\$119,405.45	Including GST

The tender from Boral Resources (Qld) Pty Ltd is the most advantageous supply arrangement for Council.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Tenders for the project were invited in accordance with Council's procurement policy.

FINANCIAL AND RESOURCE IMPLICATIONS*Capital*

Ootann Road Widen and Seal (Package 1) is included in 2017/2018 budget.

Is the expenditure noted above included in the current budget?

Yes

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

Nil

Operating

Nil

Is the expenditure noted above included in the current budget?

Nil

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

Nil

LINK TO CORPORATE PLAN

Financial Sustainability - A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner

Transport and Council Infrastructure - The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles

Governance - Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community

IMPLEMENTATION/COMMUNICATION

The successful tenderer and unsuccessful tenderer will be notified of the outcome in writing.

ATTACHMENTS

Nil

Date Prepared: 10 May 2018

ITEM-14 TENDER EVALUATION TMSC2018-14 SUPPLY & DELIVERY OF TYPE 2.1 ROAD BASE - OOTANN ROAD, ALMADEN - WIDEN & SEAL PROJECT

MEETING: Ordinary

MEETING DATE: 16 May 2018

REPORT OFFICER'S TITLE: Director Infrastructure Services

DEPARTMENT: Infrastructure Services

EXECUTIVE SUMMARY

Council has invited tenders under Tender TMSC2018-14 for the supply and delivery of Type 2.1 Road Base for the Ootann Road, Almaden – Widen & Seal project.

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

OFFICER'S RECOMMENDATION

"That Council awards Tender TMSC2018-14 Supply and Delivery of Type 2.1 Road Base for the Ootann Road, Almaden – Widen & Seal project to M&G Crushing Pty Ltd:

7,000 tonnes (approx.) Type 4.3 Road Base at \$33.44 per tonne (GST Inclusive); amounting to a total value of \$234,080.00 (GST Inclusive)."

BACKGROUND

A summary of the tenders received is as set out below.

Tenderer	Amount (Approx 7,000 tonnes)		Additional Information
	Rate per tonne	Total	
Bolwarra Enterprises Pty Ltd	\$58.30	\$408,100.00	Including GST
Conmat Pty Ltd	\$40.70	\$284,900.00	Including GST
M& G Crushing & Materials (conforming)	\$35.09	\$245,630.00	Including GST
M& G Crushing & Materials (alternate)	\$33.44	\$234,080.00	Including GST
Tableland Earthmoving & Raw Materials	\$40.15	\$281,050.00	Including GST

M&G Crushing & Materials is able to meet specification requirements with respect to gravel quality and supply the required quantity of material. The alternate tender from M&G Crushing & Materials is the most advantageous supply arrangement for Council.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Tenders for the project were invited in accordance with Council's procurement policy.

FINANCIAL AND RESOURCE IMPLICATIONS*Capital*

Ootann Road Widen and Seal (Package 1) is included in 2017/2018 budget.

Is the expenditure noted above included in the current budget?

Yes

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

Nil

Operating

Nil

Is the expenditure noted above included in the current budget?

Nil

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

Nil

LINK TO CORPORATE PLAN

Financial Sustainability - A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner

Transport and Council Infrastructure - The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles

Governance - Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community

IMPLEMENTATION/COMMUNICATION

The successful tenderer and unsuccessful tenderers will be notified of the outcome in writing.

ATTACHMENTS

Nil

Date Prepared: 10 May 2018

TECHNICAL SERVICES

ITEM-15 **INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - APRIL 2018**

MEETING: Ordinary

MEETING DATE: 16 May 2018

**REPORT OFFICER'S
TITLE:** Manager Technical Services

DEPARTMENT: Infrastructure Services, Technical Services Group

EXECUTIVE SUMMARY

This purpose of this report is to summarise Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management and Investigation Services activities undertaken by Infrastructure Services during the month of April 2018.

OFFICER'S RECOMMENDATION

"That Council receives the Technical Services Monthly Report for the month of April 2018."

BACKGROUND

DESIGN

- | | |
|---------------------------|---|
| 2017/18 Capital Works | <ul style="list-style-type: none">• Malone Road Drainage, Mareeba - Waiting final checks• Mareeba CBD Traffic Management Study - Community Engagement on Study Results to be undertaken.• Byrnes Street, Mareeba Water Main - Traffic island landscape plans completed and provided to Tender. |
| Works for Queensland Rd 2 | <ul style="list-style-type: none">• Petersen Street, Bibbohra Car Park - Detail design finalised• Clacherty Road Causeway, Julatten - Detailed Design completed and with Works for construction.• Bicentennial Lakes, Mareeba - Footpath design completed.• Western Beef Roads Causeway - Detailed Designs being finalised |
| 2018/19 Capital Works | <ul style="list-style-type: none">• Mt Mulligan Road, Dimbulah - Detailed Design being finalised• Mary Andrews Park, Mareeba - Concept car park plan• Springmount Road, Arriga - Detailed Survey completed |

Miscellaneous

- Rural addresses installation for GIS
- Burke Developmental Road and Herberton-Petford Road - Erosion and Sediment Control Plans for gravel resheets.
- Traffic counter installation
- Leadingham Creek Road, Dimbulah - Proposed drainage works design
- As constructed information provided
- DBYD information provided
- Doyle Street, Mareeba Dump Point- Detailed Design being finalised
- Mareeba Aerodrome - Staging lease plan
- Mareeba Industrial Park - Staging plan layout

SURVEY

- | | |
|---------------------------|---|
| Works for Queensland Rd 2 | <ul style="list-style-type: none"> • Tinaroo Creek Road - Survey Setout and Construction survey assistance |
| Miscellaneous | <ul style="list-style-type: none"> • Mareeba Industrial Park - Effley Street, Keegan Street Extension Registered Plans for Plan Sealing. • Mareeba Aerodrome - Lease plan |
| 2018/19 Capitals Works | <ul style="list-style-type: none"> • Springmount Road, Arriga - Detailed Survey completed |

SUBDIVISIONS AND INVESTIGATIONS

- | | |
|---|--|
| Subdivisions
(Under Construction) | <ul style="list-style-type: none"> • Amaroo Stage 9 |
| On-Maintenance (Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset) | <ul style="list-style-type: none"> • Springmount Road and Kippen Drive Intersection Upgrade • G & A Trevisin – Wolfram Road • Hilltop Close, Kuranda (Vegetation clearing) |
| Operational Works | <ul style="list-style-type: none"> • 112 Barnwell property, ongoing monitoring of; <ul style="list-style-type: none"> - Dam Construction completed and being monitored - Access monitoring for erosion issues. - Nature Base Tourism Works (MCU/17/0012) completed and monitoring |

PROJECT MANAGEMENT

- | | |
|----------|--|
| Building | <ul style="list-style-type: none"> • PCYC Building Upgrade – The contractor has taken delivery of the stainless steel hand rail for the internal stairs (installed by 25 August 2018) • Mareeba and Dimbulah Pool Filter Upgrades – Under review • New Pump Shed Mareeba Small Pool - Council approval to proceed received, chemical service provider has provided delivery requirements. Location of proposed shed to be adjusted to accommodate requirements. Shed design to be re-priced. • Dimbulah Cemetery Toilets - Purchase order issued to John Anziliero to construct new building • Kuranda Centenary Park Toilet Upgrade - Quantity Surveyor and temporary facilities cost received. Meeting with architect to review estimates and possible design changes • Mareeba Swimming Pool Kiosk and entry upgrade. Invitations to three local contractors to provide quotes for proposed upgrade. Quotations close end of May 2018 |
|----------|--|

Civil

2017-18 Reseals Bitumen and Asphalt Programmes

- Bitumen Reseals completed by FGF Developments Pty Ltd with only small quantity of line-marking remaining
- Asphalt Overlay Tender recommended for award at 18 April 2018 Council Meeting. Anticipate completion prior to end of Financial Year

2018-19 Reseals Bitumen Programme

- An indicative bitumen reseal programme has been forwarded to the FNQROC for inclusion in the Joint Procurement Process

Therwine Street Development

- JMAC engaged to undertake the Design & Construction Phase. Project Team met with affected Business and Owners onsite 4 April 2018 to discuss potential for incremental improvements to the design

NDRRA

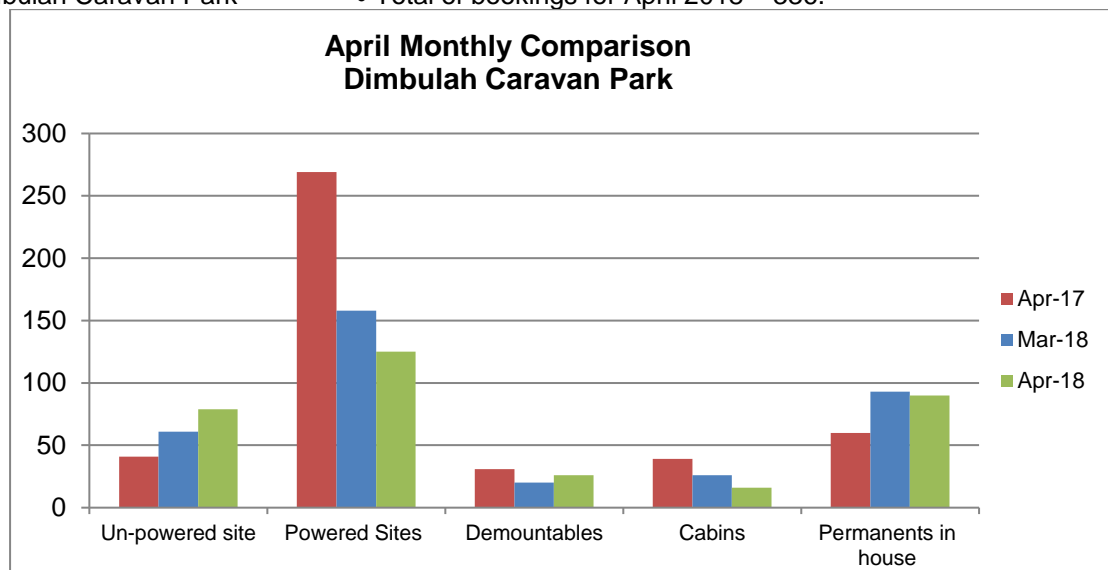
06-10 March 2018 Event Declared

- Emergent Works Extension of Time - additional 30 days requested for selected inaccessible roads. Machinery currently working on completing the Western Road Emergent Works requirements
- QRA submission for the James Creek crossing lodged. Maintenance of temporary bypass required until advice from QRA received
- Flaggy Creek crossing, Black Mountain Road; deck and superstructure removed from watercourse. Concept replacement options received, with submission to QRA by mid-May. Access will be returned as soon as practicable
- Full assessment of road network to ascertain extent of damage and possible Emergent Works to be undertaken in April/May/June 2018

FACILITIES

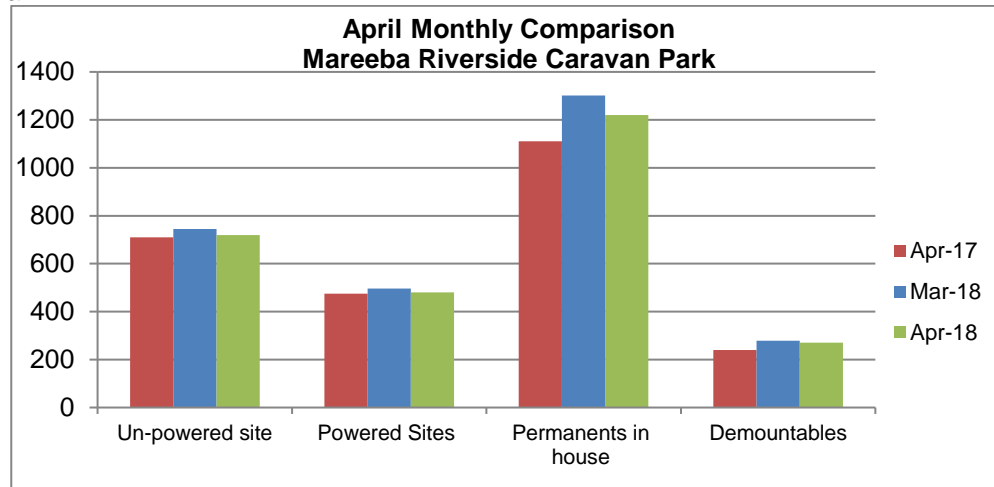
Dimbulah Caravan Park

- Total of bookings for April 2018 – 336.



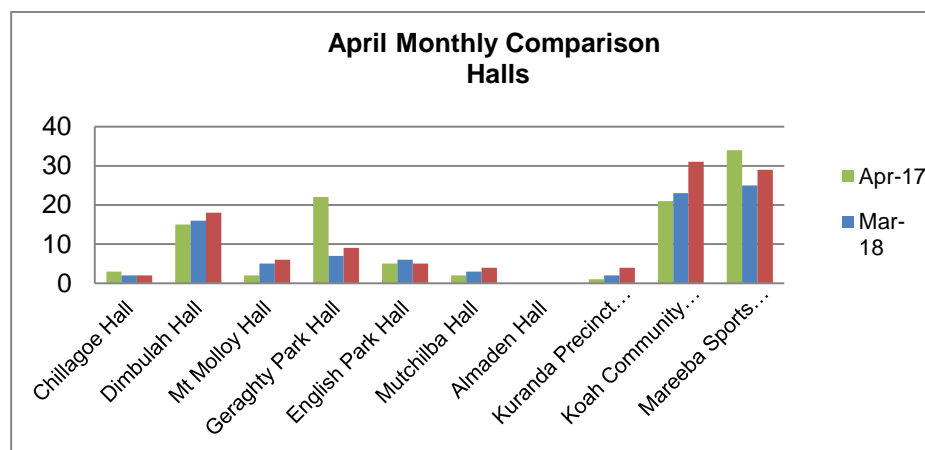
Mareeba Riverside Caravan Park

- Total of bookings for April 2018 – 2,689



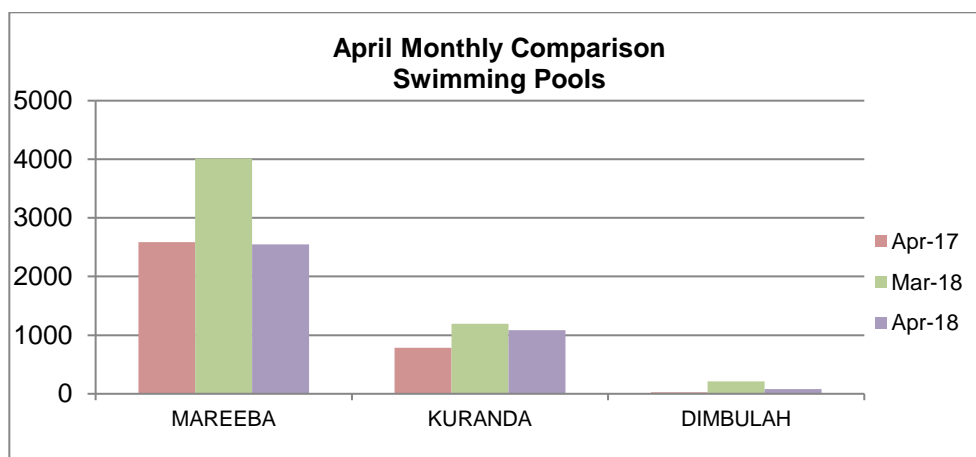
Public Halls

- Total of hall bookings for April 2018 -108.



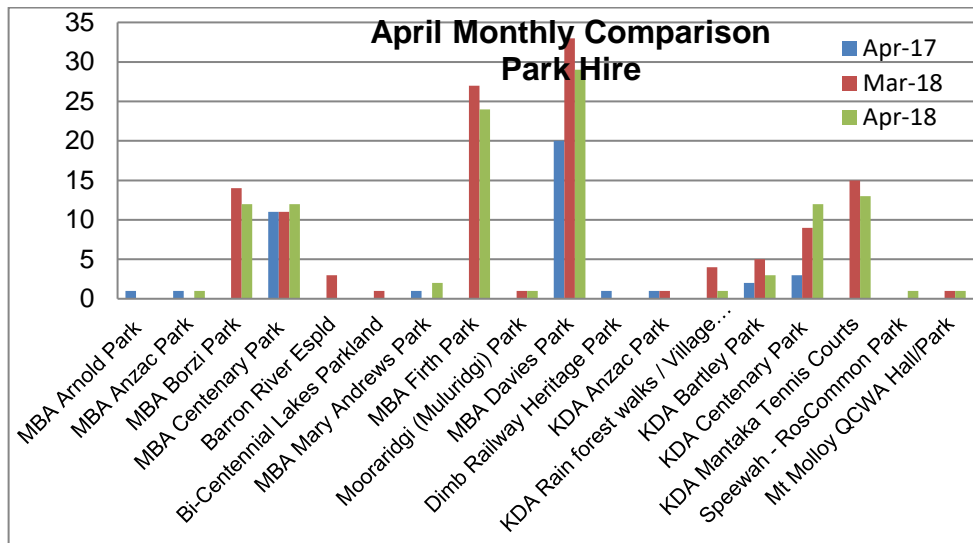
Swimming Pools

- Total of patron entries for April 2018;
 - Mareeba 2,547
 - Kuranda 1,085
 - Dimbulah 78



Park Hire

- Total park bookings for April 2018, 112.



Vandalism and Graffiti

During April 2018, 8 reports of graffiti and vandalism were recorded on Council's Facilities.

- Mareeba Library
- Mareeba CWA Restrooms x 2
- Mareeba Anzac Memorial Park
- Mareeba Arnold Park
- Mareeba Centenary Park
- Kuranda Aquatic Centre
- Kuranda Community Precinct

Graffiti and Vandalism	Year to date actuals
2015-16	\$2,134
2016-17	\$16,546
2017-18	\$20,174

Currently there is no allocated budget for graffiti and vandalism; these costs are being booked to operational

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

All capital works are listed in and funded by the 2017/18 Capital Works Program.

Is the expenditure noted above included in the current budget?

Yes

Operating

All operational works are funded by the Section specific 2017/18 maintenance budgets.

Is the expenditure noted above included in the current budget?

Yes

LINK TO CORPORATE PLAN

Financial Sustainability - A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner

Transport and Council Infrastructure - The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles

Economy and Environment - A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 8 May 2018

**ITEM-16 MAREEBA AIRPORT UPGRADING - APRIL 2018
PROGRESS REPORT****MEETING:** Ordinary**MEETING DATE:** 16 May 2018**REPORT OFFICER'S
TITLE:** Manager Technical Services**DEPARTMENT:** Infrastructure Services, Technical Services Group

EXECUTIVE SUMMARY

At its Ordinary Meeting of Council, 21 March 2018, Council resolved to award Contract TMSC2017-27 Mareeba Airport Upgrade to FGF Developments Pty Ltd, with works commencing onsite Mid-April 2018.

Council has received grant funding from the Australian and Queensland governments towards the upgrading of the Mareeba Airport.

OFFICER'S RECOMMENDATION

"That Council note the April 2018 progress report on the Mareeba Airport Upgrade Project."

BACKGROUNDFunding

Council has received two (2) grants - \$13M from the Queensland State Government's Royalties for Regions program and \$5M from the Australian Government's National Stronger Regions Fund - towards the upgrading of the Mareeba Airport. Both these grants are for specific aspects of the proposed upgrading project.

Additional funding has been sought under the Australian Government's Building Better Regions program, which will be utilised to undertake additional lengthening and strengthening of the runway, taxiways and airfield ground lighting, over and above that funded within existing grant arrangements. Should Council be unsuccessful in securing additional funding, the work to construct the taxiways, lighting and runway resurfacing (without lengthening or strengthening) will commence in mid-2018.

Programme and Progress

A programme of works has been prepared which reflects the works and commitment made by Council in the funding agreements. This programme will be updated at fortnightly meetings of the Project Team, which includes Council, FGF and Council's Consultant Contract Management representatives (Trinity Engineering Consultants).

In April 2018, FGF established to site and commenced the stripping of topsoil for the aviation commercial precinct. Works remain on track with the proposed program with bulk earthworks scheduled for May 2018 prior to installation of drainage and services.

Stakeholder Engagement

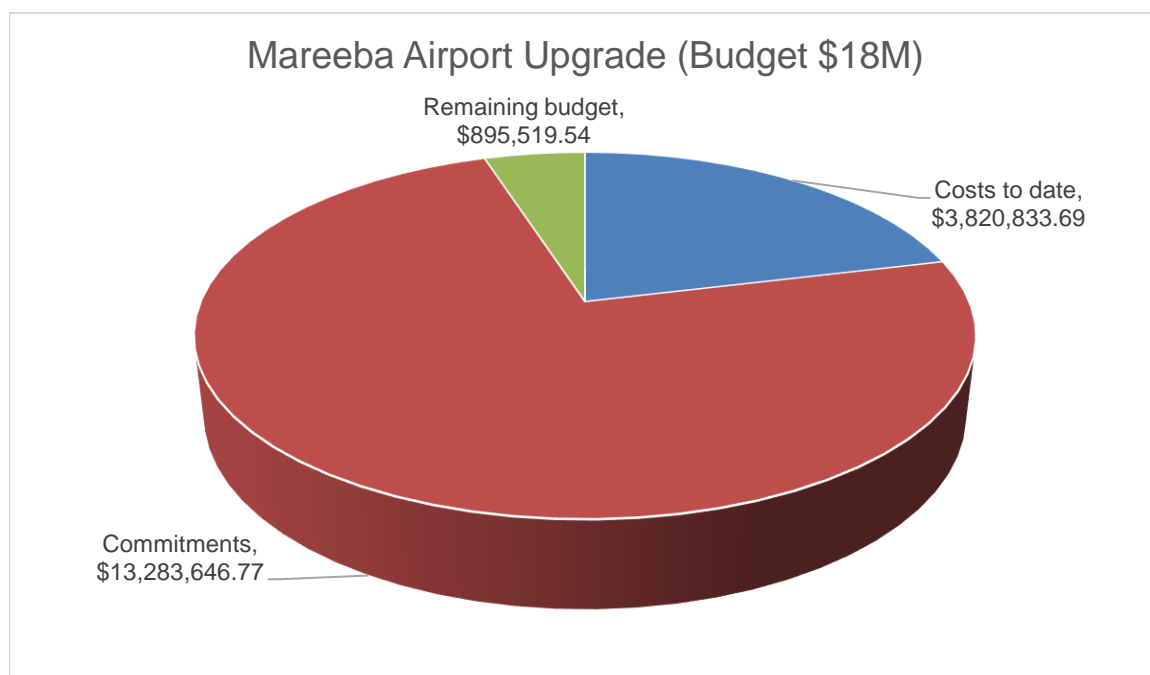
A Communication and Stakeholder Engagement Plan has been developed, which sets out the engagement strategy for delivery phase of the project. Ongoing engagement will be undertaken for the duration of the project.

Aviation Commercial Precinct Leasing Opportunities

To date, applications have been received for leasing of five (5) sites within the new aviation commercial precinct. Council has received many enquiries regarding leasing of land, with further lease applications expected to be received as construction progresses.

Expenditure

Council have only recently entered into its the contract for airside construction, further costs will accrue in the coming months.



RISK IMPLICATIONS

Financial

Latent conditions and potential project variations represent normal risks with complex projects, nominal allowances within the budget have been made.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

The contract is being managed under Australian Standard AS4000-1997 Conditions of Contract. Tender and procurement activities have been completed in accordance with Council's procurement policy.

FINANCIAL AND RESOURCE IMPLICATIONS*Capital*

Funding for this project has been made available from the Australian and State Governments.

Is the expenditure noted above included in the current budget?

Yes

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

Nil

Operating

Nil

Is the expenditure noted above included in the current budget?

Nil

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

Nil

LINK TO CORPORATE PLAN

Transport and Council Infrastructure - The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles

Economy and Environment - A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come

Governance - Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community

IMPLEMENTATION/COMMUNICATION

This purpose of this report is to provide Council with an update as to progress of the Project. No additional actions required at this time.

All communication in relation to the project shall be in accordance with the protocols outlined in the deeds of agreement with the Australian and Queensland governments.

ATTACHMENTS

Nil

Date Prepared: 8 May 2018

**ITEM-17 PROPOSAL TO SEAL AND IMPROVE DRAINAGE ON
MCIVER ROAD, MAREEBA****MEETING:** Ordinary**MEETING DATE:** 16 May 2018**REPORT OFFICER'S
TITLE:** Technical Officer Investigations**DEPARTMENT:** Infrastructure Services, Technical Services Group

EXECUTIVE SUMMARY

A petition has been received from residents requesting Council improve drainage and seal a 700m section of McIver Road, Mareeba. This is the third petition received from the residents in relation to this matter, with the first being received in October 2015 and the second in July 2016.

OFFICER'S RECOMMENDATION

"That Council advises the petitioners that given the project's current ranking on the Project Prioritisation Tool (PPT), the improvement to drainage and sealing of McIver Road cannot be considered at this time. This project has been listed for consideration in future budget deliberations by Council and the road will continue to be maintained as part of normal maintenance operations".

BACKGROUND

At its Ordinary meeting of 18 April 2018, Council received a petition requesting bitumen sealing and drainage works be undertaken on McIver Road, Mareeba. Council resolved to receive the Petition and refer it to Council officers for further investigation and report to a future Council Meeting.

The petition reads as follows:

"It is respectfully requested that the Mareeba Shire Council consider sealing McIver Road as well as constructing adequate drainage to cater to the overwhelming amount of water now flooding and damaging the dirt road residents rely on to come to and from our homes."

This is the third petition received from the residents in relation to this matter, with the first being received in October 2015 and the second in July 2016.

The first petition received in October 2015 requested the sealing of the remaining 700m section of McIver Road to alleviate a dust problem affecting the residents. Council responded to this request by advising that it does not have the necessary funds, that the sealing of the road is not listed within the current budget but the project has been listed for consideration in future Capital Works budget deliberations.

The second petition, presented to the Council meeting held on 20 July 2016, again sought Council's consideration to sealing this section of Mclver Road. Council resolved to receive the Petition and seek further advice from the CEO. Subsequently, at its Ordinary meeting of 17 August 2016, Council resolved to advise the petitioners that given this project's current ranking on the Project Prioritisation Tool (PPT), this upgrade cannot be considered at this time.

The current request to upgrade Mclver Road has been reviewed taking into consideration any changes in traffic and surrounding land use, current road construction costs and other factors that may have changed since the previous request. It was identified there has been little change in road impacts since 2016, however capital construction costs have increased slightly. The options considered in preparation of this report include;

Do Nothing: Council continues to maintain the existing road and drainage in line with existing maintenance budgets with no upgrade works.

Staged Improvements: The estimated cost of improving the drainage and applying a 4.5m wide single lane dust seal to Mclver Road, similar to that of Cater Road, is in the order of \$150,000 to \$200,000 depending on the quality and quantum of existing gravel remaining on this section of road.

Full Seal and Drainage Works: The estimated cost of improving the drainage and applying a 6.5m wide dual lane seal to Mclver Road, is in the order of \$200,000 to \$250,000 depending on the quality and quantum of existing gravel remaining on this section of road.

Council officers have currently listed the 'Staged Improvements' to Mclver Road in the PPT, however given the project's current ranking compared with other road renewal and upgrade projects, upgrade of Mclver Road is not recommended at this time. Council will continue to maintain the Mclver Road and associated drainage in line with existing maintenance budgets.

RISK IMPLICATIONS

Financial

Ongoing operational costs associated with the maintenance of Mclver Road are included in Councils Maintenance Budget. No additional costs are expected to be accrued.

Infrastructure and Assets

Council maintain the existing Gravel Road within its normal maintenance program, no improvements to the existing Level of Service for this road are recommended at this time.

Legal and Compliance

Council officers to continue with routine inspections and maintenance as identified and within budgetary constraints.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Recommend continuation of normal, routine maintenance program, in line with Council budgetary constraints.

FINANCIAL AND RESOURCE IMPLICATIONS*Capital*

Nil

Is the expenditure noted above included in the current budget?

Nil

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

Nil

Operating

Nil

Is the expenditure noted above included in the current budget?

Nil

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

Nil

LINK TO CORPORATE PLAN

Financial Sustainability - A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner

Transport and Council Infrastructure - The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles

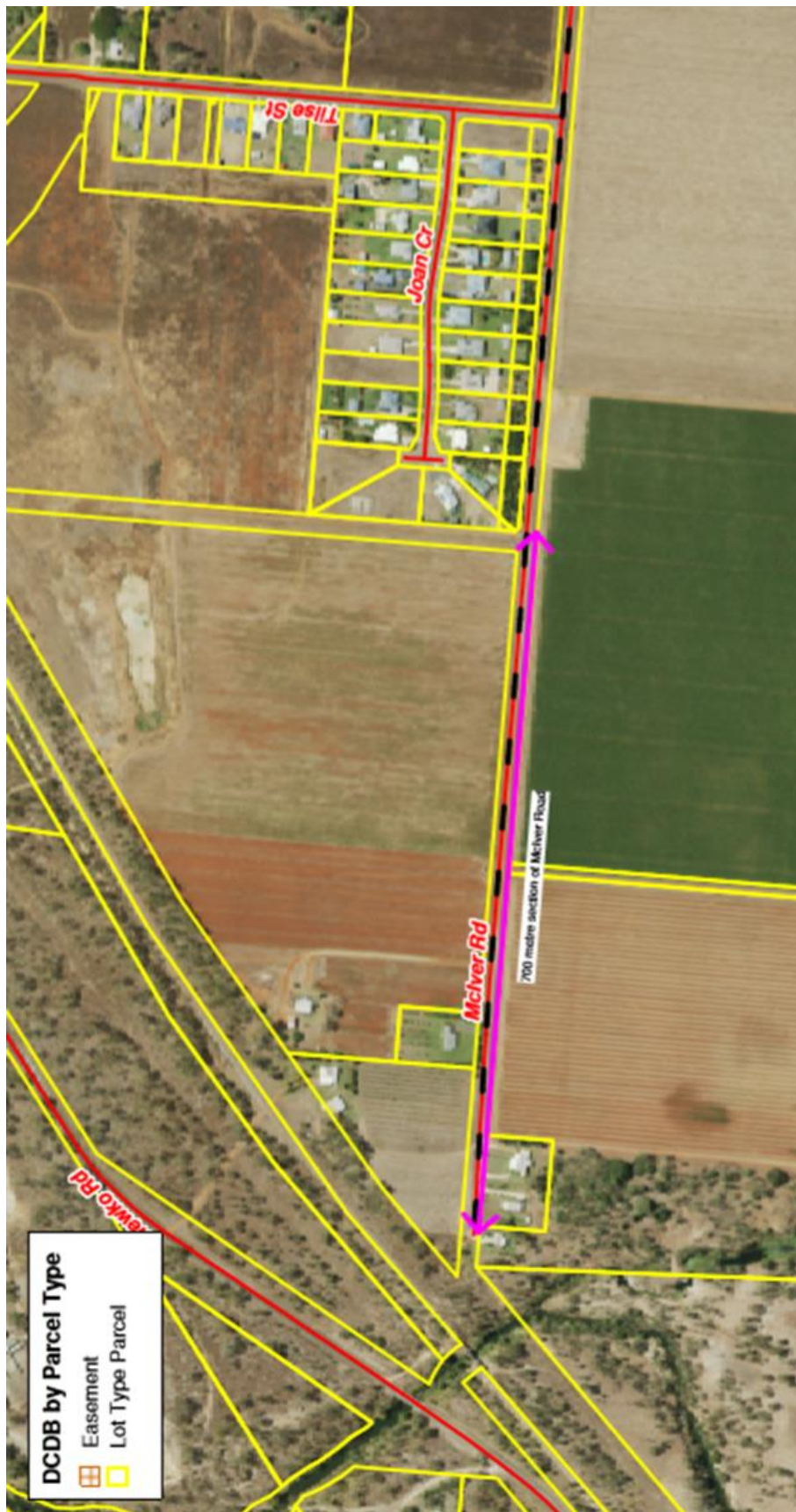
IMPLEMENTATION/COMMUNICATION

Residents to be advised of Council Decision.

ATTACHMENTS

1. Locality Map.
2. Recent Photos of Mclver Road.

Date Prepared: 8 May 2018







WORKS

ITEM-18 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - APRIL 2018

MEETING: Ordinary

MEETING DATE: 16 May 2018

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

DEPARTMENT: Infrastructure Services, Works Group

EXECUTIVE SUMMARY

This purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens, Bridge and Pest Management activities undertaken by Infrastructure Services during the month of April 2018.

OFFICER'S RECOMMENDATION

"That Council receives the Infrastructure Services, Works Progress Report for the month of April 2018."

BACKGROUND

Maintenance Activities

Maintenance activities accruing more than \$1,000 in expenditure were carried out in April at the following locations:

Description	Activity
Fossilbrook Road, Barwidgi	Grading unsealed roads
Bilwon Road, Bibbohra	Bitumen patching
Hodzic Road, Bibbohra	Slashing
Torwood Road, Bolwarra	Flood damage repairs
Collins Street, Dimbulah	Grading unsealed roads, mowing
Metzger Road, Dimbulah	Grading unsealed roads
Black Mountain Road, Julatten	Slashing
Cedar Park Road, Koah	Grading unsealed roads, slashing
Grievson Road, Koah	Grading unsealed roads
Kanervo Road, Koah	Grading unsealed roads, slashing
Koah Road, Koah	Bitumen patching, slashing
Black Mountain Road, Kuranda	Grading unsealed roads, road furniture, slashing, tree clearing / vegetation management
Fallon Road, Kuranda	Administration and supervision, bitumen patching
Myola Road, Kuranda	Bitumen patching, pavement repairs, slashing
Warril Drive, Kuranda	Grading unsealed roads, road furniture
Bakers Road, Mt Molloy	Slashing

Description	Activity
Main Street, Mt Molloy	Road furniture, slashing
Mount Mulligan-Kondaparinga Road, Mt Mulligan	Grading unsealed roads
Chisari Road, Mutchilba	Grading unsealed roads
Collins Weir Road, Mutchilba	Grading unsealed roads
Tabacum Road, Mutchilba	Grading unsealed roads
Stankovich Road, Mutchilba	Grading unsealed roads
Lemontree Drive, Mutchilba	Culvert repairs
Hawkins Road, Paddys Green	Grading unsealed roads
Mt Mulligan Road, Thornborough	Grading unsealed roads
Bischoff Mill Road, Watsonville	Grading unsealed roads
Walsh River Road, Watsonville	Grading unsealed roads

The table below shows the current budget position of road maintenance for Mareeba Shire Council at the end of April.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,338,972	\$2,781,415	\$2,396,167

Work for Queensland Package 2

Tinaroo Creek Road - Road Widening, Overlay and Reseal

Works commenced on the widening, overlay and resealing of Tinaroo Creek Road in late January.

The scope of the project includes the widening of the existing pavement and seal to 7.2m between Ch. 4815 and Ch. 5005 and upgrading the Tinaroo Creek Road and Spurrier Road intersection. The construction of kerb and channel between Ch. 4919 and Ch. 5005. The 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. A number of culverts have also been extended to cater for the widening activities.

All gravel has been laid and compacted with a section 700meters long starting from Ada Creek was stabilised with 1.5% cement incorporated in the gravel. Batter excavation was undertaken in one section to allow for drains to be installed either side of the road. Subsoil drainage was installed to remove excess ground water exposed during the road excavation. Seal is programmed early May.



TMR Routine Maintenance Performance Contract (RMPC)

Routine maintenance activities were undertaken during April 2018 at the following locations;

Primary Location	Activity Name
Kennedy Highway - Cairns/Mareeba	Rest area servicing
	Tractor slashing, urban includes traffic control
Mulligan Highway - Mareeba/Mt Molloy	Other roadside work
	Tractor slashing, urban
Mulligan Highway - My Molloy/Lakeland	Other roadside work
	Pothole patching includes traffic control
	Rest area servicing
	Roadside litter collection, rural
Mossman - Mt Molloy Road	Other roadside work
	Pothole patching includes traffic control
	Repair signs (excluding guide signs)
	Roadside litter collection rural
	Other surface drain work
	Tractor slashing, rural includes traffic control
Mareeba Connection Road	Other roadside work
	Tractor slashing, urban includes traffic control
Burke Developmental Road	Other formation work
	Other roadside work
Herberton/Petford Road	Medium formation grading (western)
	Other formation work

The total claim to DTMR for the works listed above for the month of April 2018 was \$114,743.80.

Parks and Gardens Section

Maintenance Activities

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in April at the following locations:

Location
Street Mowing, Mareeba
Parks, Library, CBD and Streets, Kuranda
Centenary Park, Mareeba
Molloy Road Approaches, Mareeba
Arnold Park, Mareeba
Davies Park, Mareeba
Mary Andrews Gardens, Mareeba
Byrnes Street Medians, Mareeba
Furniture and Playground Equipment, Mareeba
Mowing and Maintenance, Irvinebank
Parks and Gardens, Chillagoe
Sunset/Sunbird Park, Mareeba
Pool and Carpark, Mareeba
Town Hall Park, Dimbulah
Vains Park, Mt Molloy

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	\$1,503,741	\$1,447,563

Bridge Section

Maintenance Activities

Bridge inspection and maintenance activities were carried out in April at the following locations;

Structure	Road	Chainage	Area
Bridge	Anzac Ave	0	Mareeba
Bridge	Black Mountain Road	5363	Kuranda
Bridge	Black Mountain Road	12908	Kuranda
Bridge	Black Mountain Road	15131	Kuranda
Bridge	Ericson Road	435	Dimbulah
Bridge	Barron Street	273	Koah
Major Culvert	Windsor View Road	284	Julatten
Bridge	Anzac Ave	0	Mareeba
Bridge	Speewah Road	7022	Speewah
Bridge	Hodzic Road	13523	Biboohra
Bridge	Bolton Road	1273	Koah
Bridge	Kanervo Road	3656	Koah
Major Culvert	Wolfram Road	10884	Dimbulah
Major Culvert	Wolfram Road	6064	Dimbulah
Bridge	Kovacic Road	715	Mareeba
Bridge	Hoey Road	773	Speewah
Causeway	Mt Mulligan Road	34180	Thornborough
Causeway	Thornborough/Kingsborough Road	6628	Thornborough

The table below shows the current budget position of Bridge maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$562,213	\$468,091	\$297,796

Land Protection Section

The table below shows the current budget position for Land Protection operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$446,906	\$372,086	\$365,208

Four Tropical Weeds Eradication Program: Council officers are carrying out work in conjunction with Biosecurity Qld and affected landowners in removing these plants located in and around Julatten, Mt Molloy, Kuranda and Speewah area.

Barron River Aquatic Weeds: Staff are targeting Amazon Frog Bit, Water Lettuce and Salvinia Weed in the upper catchments of the Barron River. The major flood events are helping Council's efforts by pushing the bulk of these floating masses away, making it possible to chemically treat the remaining plants. Unfortunately, this means that the entire length of the river below our work zone will now be infested with these weeds. The Senior Land Protection Officer has been assisting Kuranda conservation groups in applying for a Federal grant that, if successful, will be used to hire a workforce to help Council with the removal program.

Upper Walsh River Multi Species Weed Removal: In partnership with affected landowners, the Mitchell River Catchment Group and the Northern Gulf Group land protection officers are removing Bellyache Bush, Physic Nut, Rats Tail Grass, Rubber Vine and Siam Weed from the riparian areas of the creeks and rivers between Irvinebank and the upper Walsh. The area of land involved is in excess of 8,000 hectares.

Wild Dog/Dingo: Numerous reports and complaints regarding wild dogs and dingos have been received from residents throughout the Shire. The most difficult areas to deal with are the Peri-Urban properties where council are prevented from using toxic baits, shooting is not allowed, and the dogs are too numerous for trapping to be a serious tool. These areas remain a growing problem. Officers continue to promote exclusion fences and cluster fencing in order to keep the dogs out.

Feral Pigs: The wet weather has increased the number of complaints received by Land Protection staff about pigs digging in fruit orchards and in back yards along the creek systems. Officers promote exclusion and cluster fencing, shooting (by referring landowners to professional shooters), laying toxic baits where applicable and constructing permanent silo traps.

RISK IMPLICATIONS

Financial

Potential budget overrun of the Tinaroo Creek Road widening and sealing project, however this is funded by Work for Queensland (W4Q2) and it is anticipated that there will be underspends in other projects within the W4Q2 program that will cater for this overspend.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

All capital works are listed in and funded by the 2017/18 Capital Works Program.

Is the expenditure noted above included in the current budget?

Yes

Operating

All operational works are funded by the Section specific 2017/18 maintenance budgets.

Is the expenditure noted above included in the current budget?

Yes

LINK TO CORPORATE PLAN

Financial Sustainability - A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner

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Economy and Environment - A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 04 May 2018

WATER & WASTE

ITEM-19 WASTE TRANSFER STATION OPERATOR CONTRACTS - TMSC2018-02 TO TMSC2018-11

MEETING: Ordinary

MEETING DATE: 16 May 2018

REPORT

OFFICER'S TITLE: Manager Water and Waste

DEPARTMENT: Infrastructure Services, Water and Waste Group

"That Council awards:

1. Tender TMSC2018-02 Dimbulah Transfer Station to Evy Entertainment for the period 1 July 2018 to 30 June 2021 with the option of a further one (1) year term for the sum of \$33,391.80 (Inc. GST); and
 2. Tender TMSC2018-03 Irvinebank Transfer Station to Evy Entertainment for the period 1 July 2018 to 30 June 2021 with the option of a further one (1) year term for the sum of \$31,249.40 (Inc. GST); and
 3. Tender TMSC2018-04 Julatten Transfer Station to M and C Zillfleisch for the period 1 July 2018 to 30 June 2021 with the option of a further one (1) year term for the sum of \$37,752.00 (Inc. GST); and
 4. Tender TMSC2018-05 Kuranda Transfer Station to Evy Entertainment for the period 1 July 2018 to 30 June 2021 with the option of a further one (1) year term for the sum of \$105,768.00 (Inc. GST); and
 5. Tender TMSC2018-06 Mareeba Transfer Station to Evy Entertainment for the period 1 July 2018 to 30 June 2020 with the option of a further two (2), one (1) year term for the sum of \$125,424.00 (Inc. GST);
 6. Tender TMSC2018-07 Mt Carbine Transfer Station to M and C Zillfleisch for the period 1 July 2018 to 30 June 2021 with the option of a further one (1) year term for the sum of \$18,997.00 (Incl. GST); and
 7. awards Tender TMSC2018-08 Mt Molloy Transfer Station to M and C Zillfleisch for the period 1 July 2018 to 30 June 2021 with the option of a further one (1) year term for the sum of \$18,997.00 (Incl. GST); and
 8. awards Tender TMSC2018-09 Mutchilba Transfer Station to Evy Entertainment for the period 1 July 2018 to 30 June 2021 the option of a further one (1) year term for the sum of \$22,261.20 (Inc. GST); and
-

9. awards Tender TMSC2018-10 Chillagoe Landfill Site to Evy Entertainment for the period 1 July 2018 to 30 June 2021 the option of a further one (1) year term for the sum of \$13,392.60 (Inc. GST); and
10. awards Tender TMSC2018-11 Almaden Transfer Station Evy Entertainment for the period 1 July 2018 to 30 June 2021 the option of a further one (1) year term for the sum of \$8,928.40 (Inc. GST)."

BACKGROUND

The current contracts for the provision of supervision services at Council transfer stations expire on 30 June 2018. Tenders have been invited for the new contracts to begin from 1 July 2018 to provide continuity of service at these facilities.

Tenders TMSC2018-02 to TMSC2018-11 were called on 21 March 2018 for the position of Contract Operator - Mareeba Shire Council Transfer Stations and closed on Tuesday 24 April 2018.

Nature and Extent of Contract

The contracts specify a lump sum amount (inclusive of GST) for operating each of the Transfer Stations for a set schedule of hours per annum inclusive of the costs of any necessary plant. The term of the contracts is to be for three (3) years with the option, at Council's discretion to extend the contracts for a further one (1) year, with the exception of the Mareeba Waste Transfer Station which is for a two (2) year term with the option of a further two (2), one (1) year terms at Council's discretion. The term for the Mareeba Transfer Station has been aligned with the current expiry date for other waste contracts relating to Mareeba Landfill which may impact on the scope of transfer station operations at this site beyond 30 June 2020.

The scope of work includes the supply of plant to undertake transfer station maintenance such as slashing and tidying of waste areas, transport of recycling to the Mareeba Waste Transfer Stations from outlying waste transfer stations and these costs are inclusive of the quoted rates for site operations.

Tenders received:

Tenders were received as follows:

TMSC2018-02 Dimbulah Transfer Station		
Submission From	Amount	Additional Information
EVY Entertainment	\$33,391.80	Including GST

TMSC2015-03 Irvinebank Transfer Station

Submission From	Amount	Additional Information
Evy Entertainment	\$31,249.40	Including GST

TMSC2018-04 Julatten Transfer Station

Submission From	Amount	Additional Information
GW Rasmussen	\$31,824.00	Including GST
M and C Zillfleisch	\$37,752.00	Including GST

TMSC2018-05 Kuranda Transfer Station

Submission From	Amount	Additional Information
EVY Entertainment	\$105,768.00	Including GST

TMSC2018-06 Mareeba Waste Reveal Facility

Submission From	Amount	Additional Information
EVY Entertainment	\$125,424.00	Including GST

TMSC2018-07 Mt Carbine Transfer Station

Submission From	Amount	Additional Information
M and C Zillfleisch	\$18,997.00	Including GST

TMSC2018-08 Mt Molloy Transfer Station

Submission From	Amount	Additional Information
M and C Zillfleisch	\$18,997.00	Including GST

TMSC2018-09 Mutchilba Transfer Station

Submission From	Amount	Additional Information
EVY Entertainment	\$22,261.20	Including GST

TMSC2018-10 Chillagoe Waste Facility

Submission From	Amount	Additional Information
EVY Entertainment	\$13,392.60	Including GST

TMSC2018-11 Almaden Transfer Station

Submission From	Amount	Additional Information
EVY Entertainment	\$8,928.40	Including GST

Tender Evaluation:

The tenderers were evaluated according to the evaluation criteria and weightings as outlined in the tender documentation:

a) Relevant Experience	15%
b) Key personal skills, experience and resources	20%
c) Local Content	10%
d) Work methodology and approach	15%
e) Price	40%

For each of the tenders, the only tenders received were from the respective incumbent contractors, Evy Entertainment and M and C Zillfleisch, with the exception of TMSC2018-04 Julatten Transfer Station, where a tender was also received from GW Rasmussen.

All tenders received were assessed for completeness and compliance with the conditions of tendering and reference checks were undertaken.

The tenders submitted by M and C Zillfleisch were compliant with all aspects of the tender requirements. M and C Zillfleisch has the required background and skill set to adequately meet Council's requirements for operational works at the Transfer Stations they tendered on.

Evy Entertainment has an extensive history in the operational workings of Council's Transfer Stations and their tenders satisfied the requirements of the contracts.

The tender received from GW Rasmussen for TMSC2018-04 Julatten Transfer Station, while cheaper than that received from M and C Zillfleisch did not address the non-price evaluation criteria.

It is the opinion of the evaluation panel that the tenders from Evy Entertainment and M and C Zillfleisch offer Council the best value for money, background experience and methodology to give Council confidence and surety that the transfer station sites are to be well managed and maintained over the contract periods.

Probity:

This procurement activity has been overseen by an appointed Probity Advisor to verify that the process has been consistent with statutory requirements and best practice tendering. The Probity Adviser's report will be finalised following awarding of the contracts.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Tenders for the project were invited in accordance with Council's procurement policy.

FINANCIAL AND RESOURCE IMPLICATIONS*Capital*

Nil

Is the expenditure noted above included in the current budget?

Yes

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

Nil

Operating

Yes

Is the expenditure noted above included in the current budget?

Yes

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

Nil

LINK TO CORPORATE PLAN

Financial Sustainability - A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner

Transport and Council Infrastructure - The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles

Economy and Environment - A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come

Governance - Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 2 May 2018

**ITEM-20 INFRASTRUCTURE SERVICES, WATER AND
WASTEWATER GROUP MONTHLY OPERATIONS
REPORT - APRIL 2018****MEETING:** Ordinary**MEETING DATE:** 16 May 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 Infrastructure Services Department during the month of April 2018.

OFFICER'S RECOMMENDATION

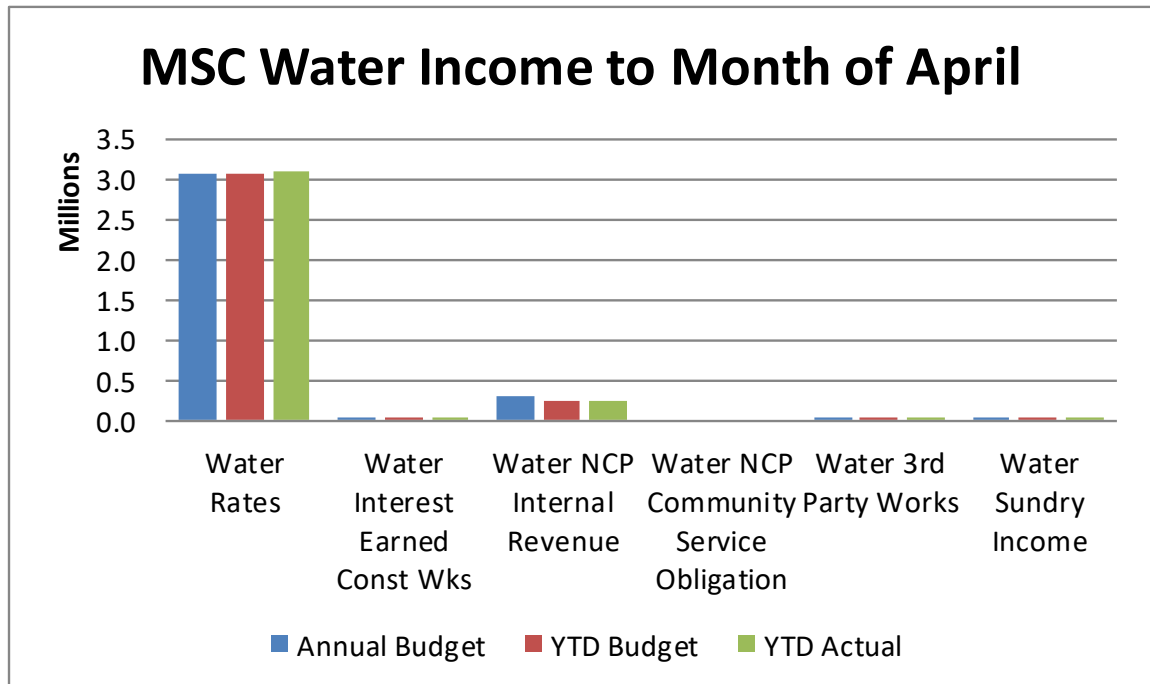
"That Council receives the Infrastructure Services, Water and Wastewater Progress Report for the month of April 2018."

BACKGROUND**1. Capital and Maintenance Works Projects**

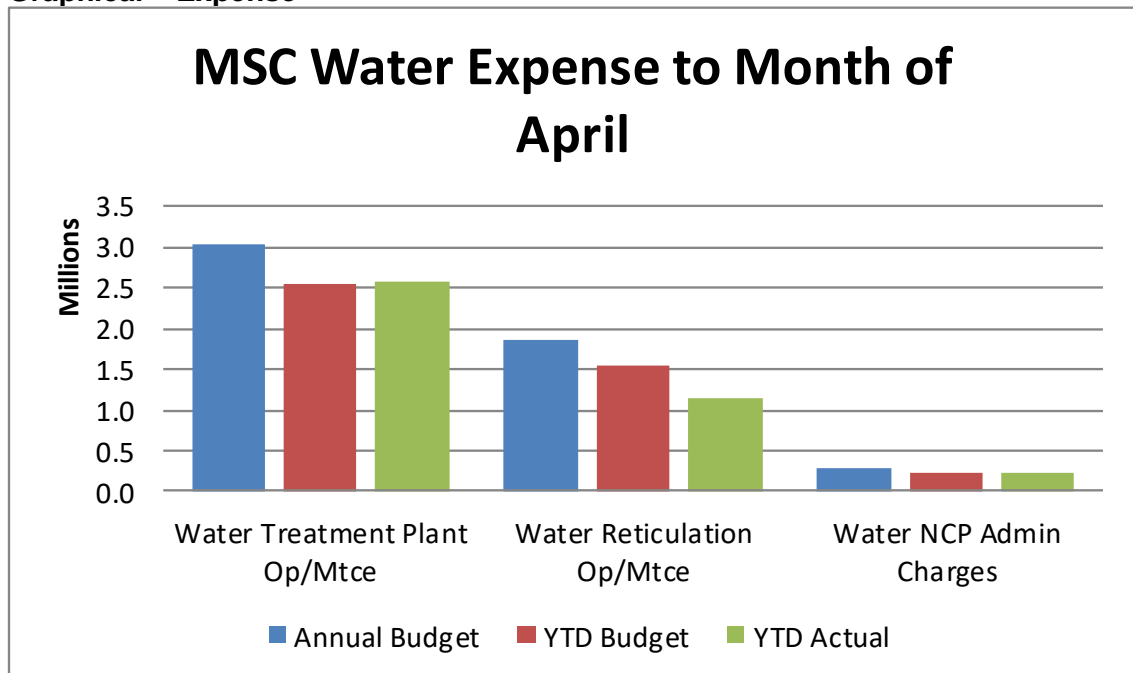
- Kenneally Sewer Rising main construction - project progressing well, photo shows the installation of the pipe under the highway through the enveloper pipe

3. Budget - Water

Graphical - Revenue

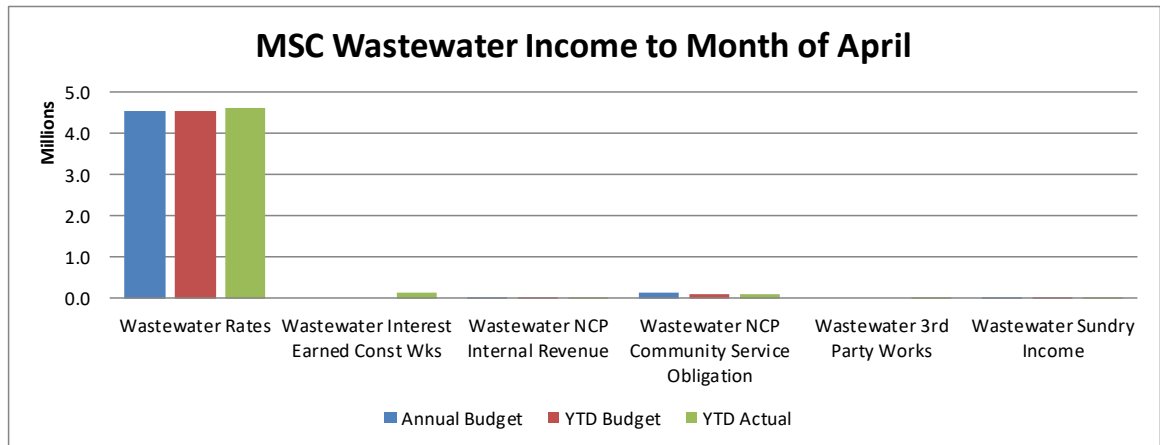


Graphical – Expense

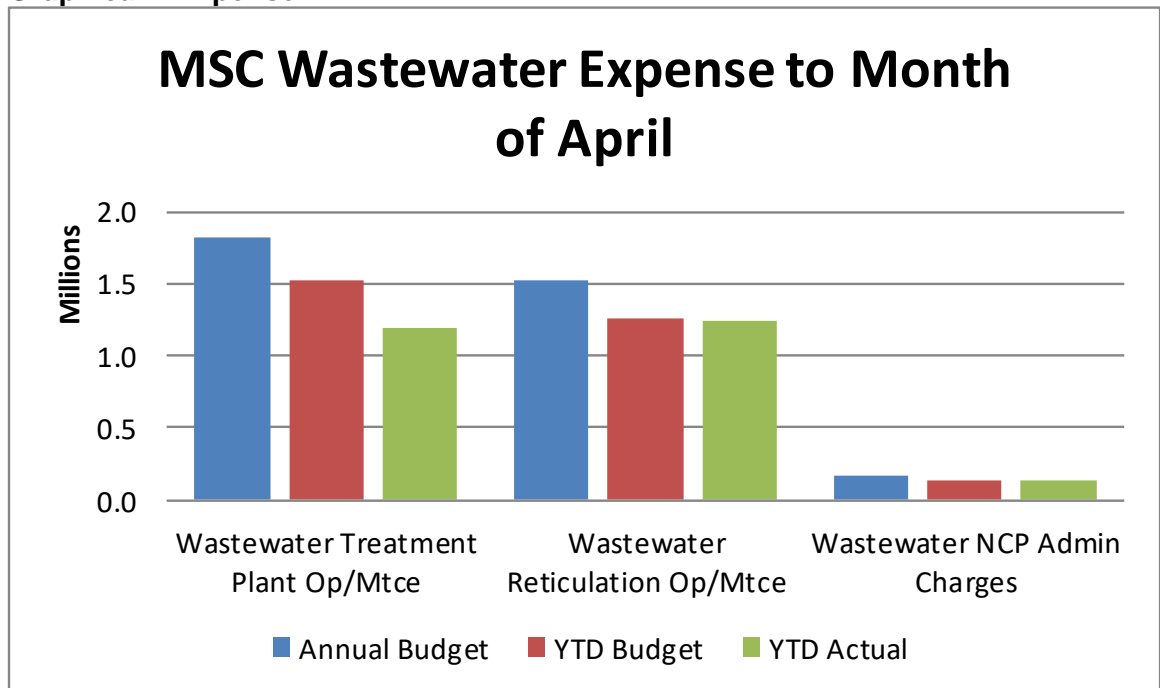


4. Budget - Wastewater

Graphical - Revenue



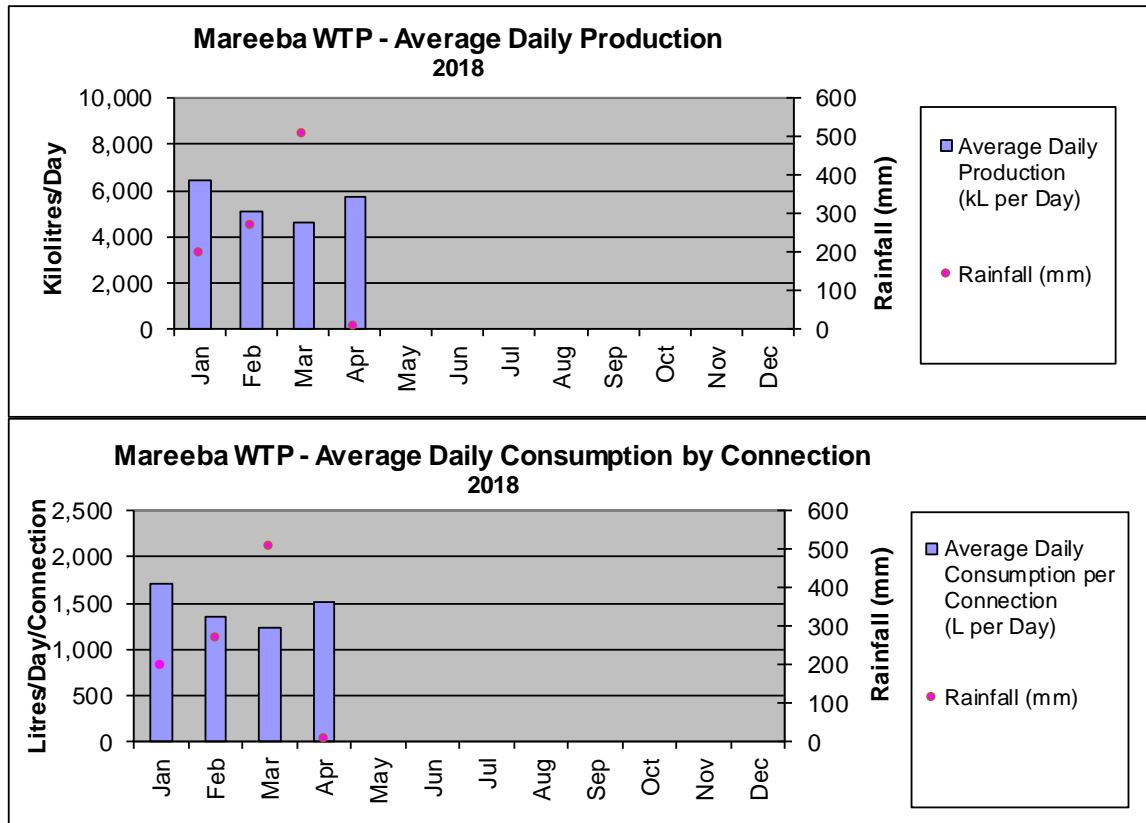
Graphical – Expense



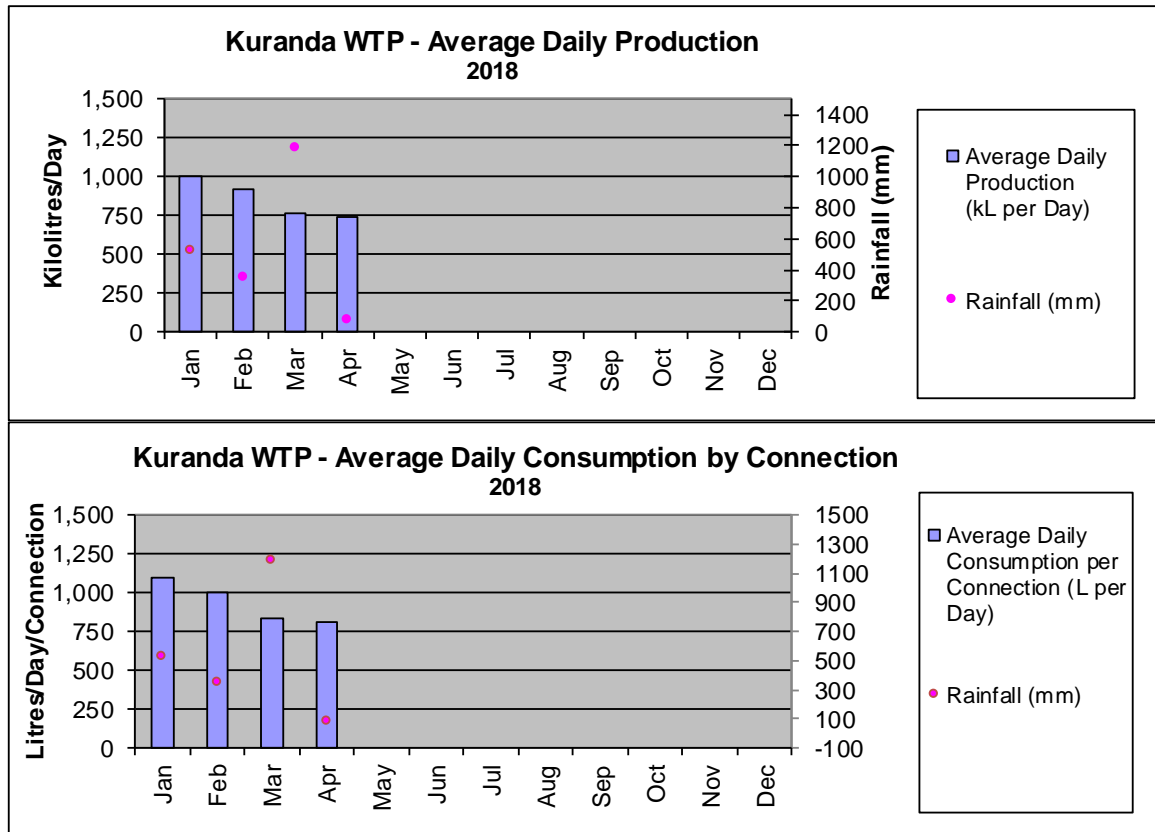
5. Chlorine Residual Readings

April 2018	Chlorine Residual Readings 2018												
	Australian Drinking Water Guidelines Maximum 5mg/L												
	Mon 2nd	Wed 4th	Fri 6th	Mon 9th	Wed 11th	Fri 13th	Mon 16th	Wed 18th	Fri 20th	Mon 23rd	Wed 25th	Fri 27th	Mon 30th
	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	1.34	1.28	1.46	1.38	1.36	1.38	0.98	1.35	1.28	1.23	1.28	1.21	1.26
Wylandra Drive Mareeba	0.66	0.66	0.67	0.81	0.79	0.81	0.76	0.88	0.85	0.85	0.81	0.80	0.81
Gregory Terrace Kuranda	1.12	1.00	0.99	1.00	0.55	0.58	0.78	0.80	0.80	1.03	0.67	0.91	0.90
Mason Rd PS Kuranda	1.20	1.15	1.15	1.19	0.70	1.00	1.01	1.22	1.10	1.20	0.88	1.18	1.20
Chillagoe	1.27	1.07	1.08	1.28	1.18	1.13	1.11	1.13	1.10	0.75	1.16	0.79	1.14
Dimbulah	1.13	0.88	0.86	0.84	1.10	1.18	1.23	1.22	1.23	1.21	1.60	1.24	1.32

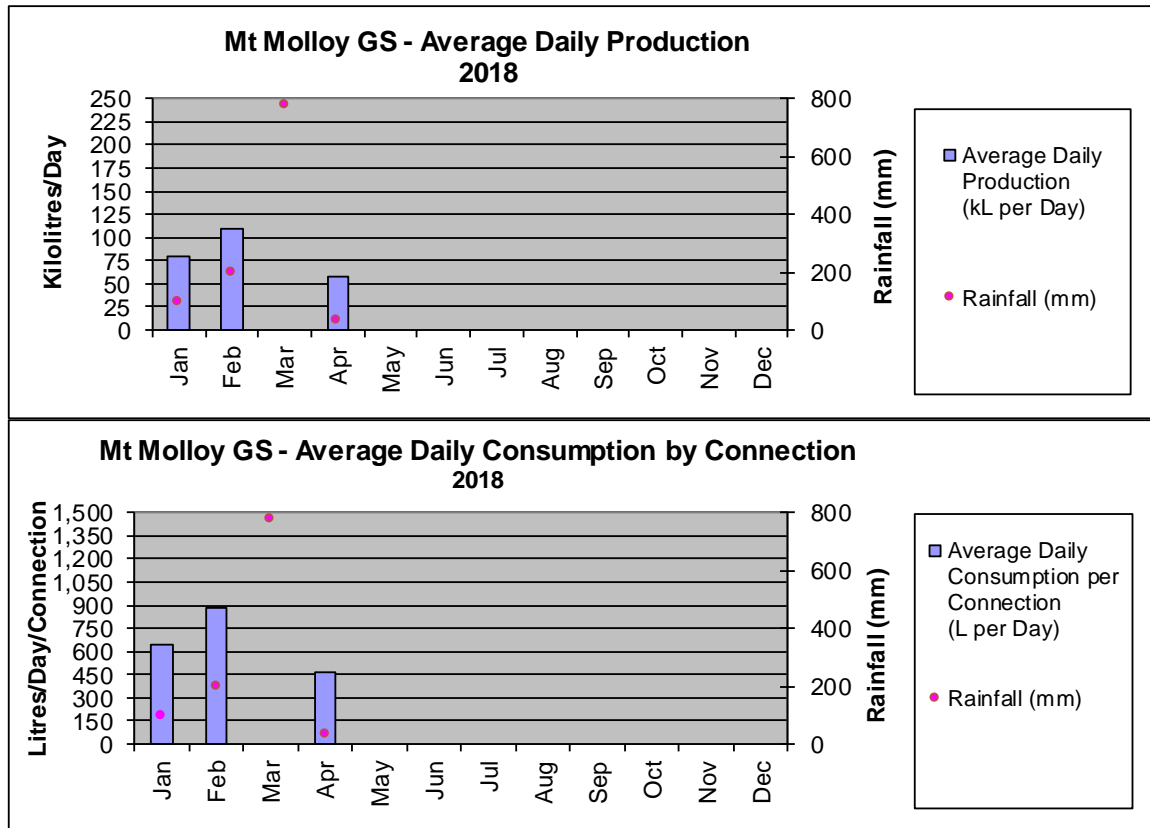
6. Mareeba Water Supply Scheme – Operations Data



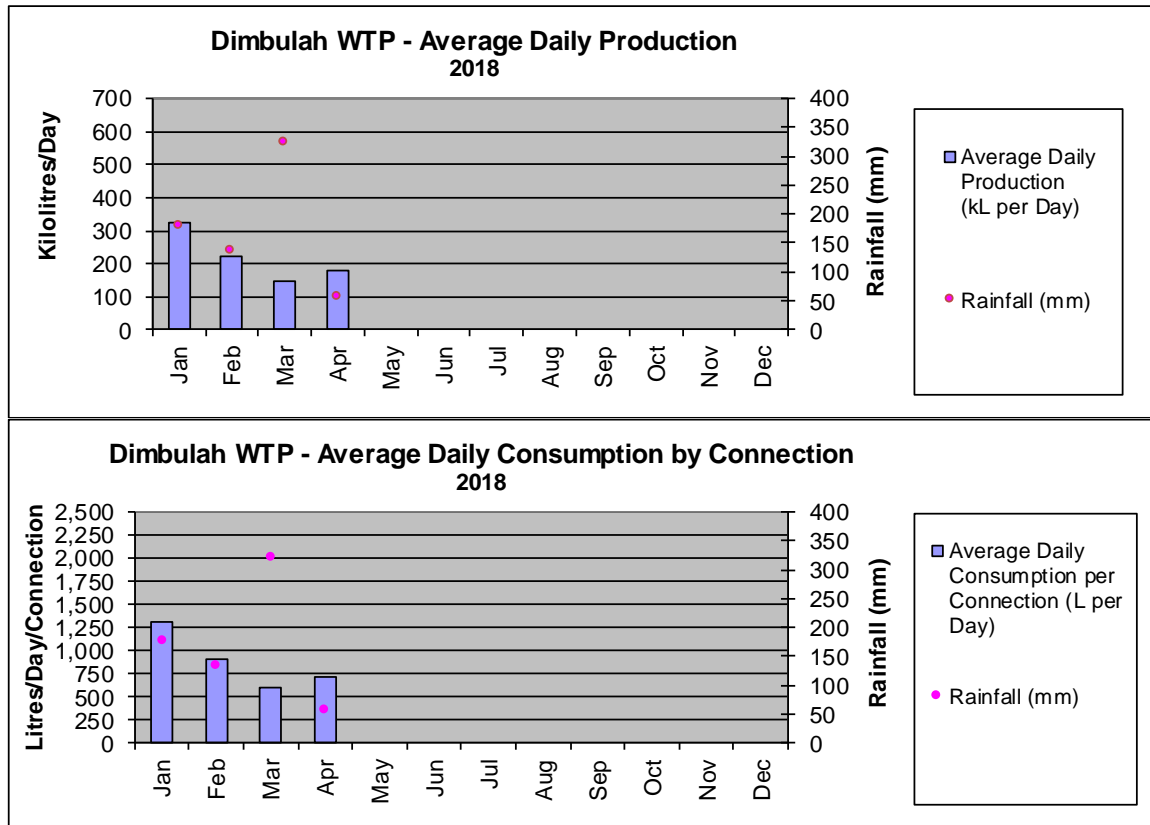
7. Kuranda Water Supply Scheme - Operations Data



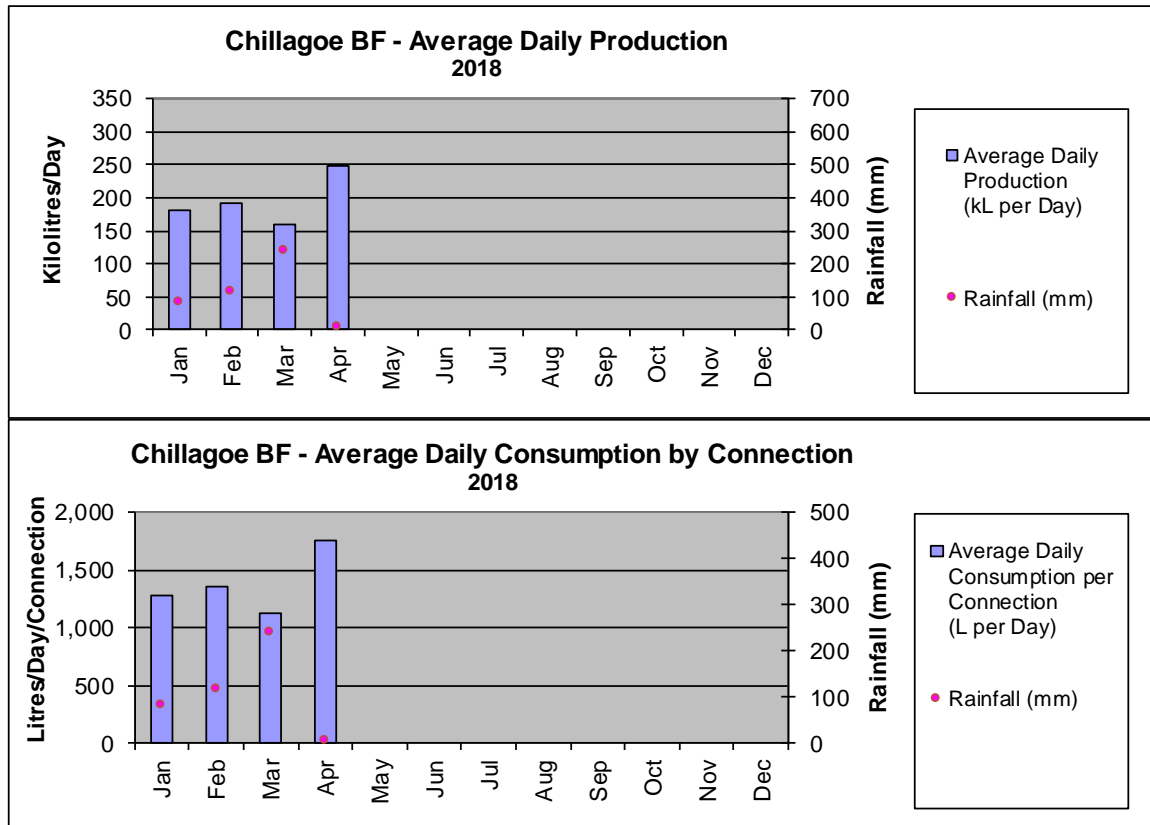
8. Mount Molloy Water Supply Scheme - Operations Data



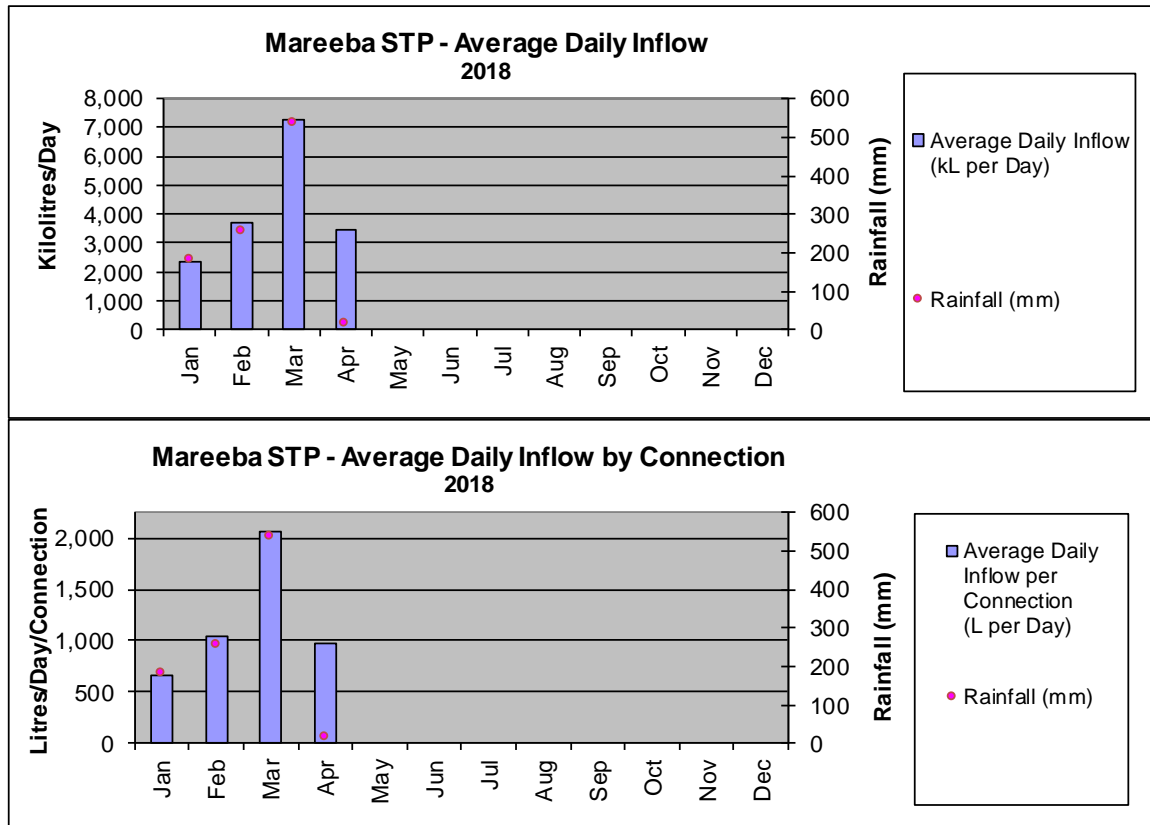
9. Dimbulah Water Supply Scheme - Operations Data



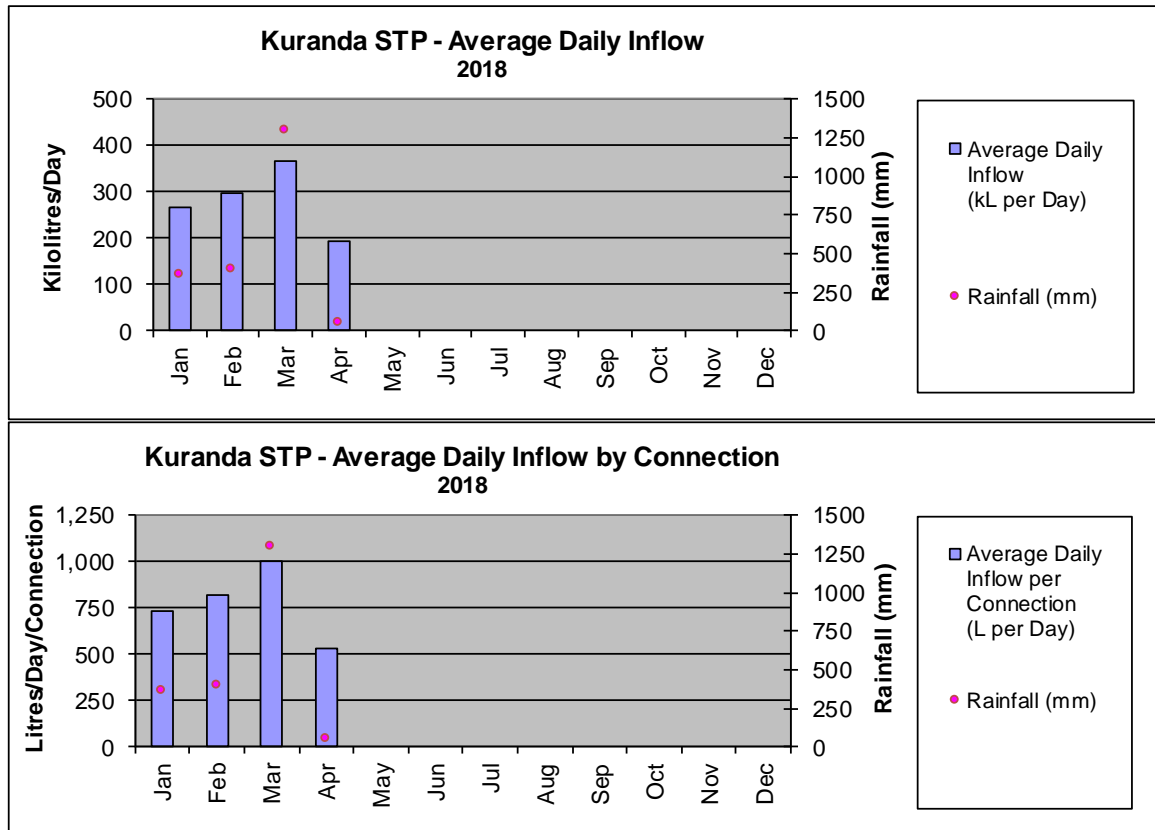
10. Chillagoe Water Supply Scheme - Operations Data



11. Mareeba Wastewater Treatment Plant - Operations Data



12. Kuranda Wastewater Treatment Plant - Operations Data



RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

As a drinking water service provider, Mareeba Shire Council is required under the Water Supply (Safety and Reliability) Act 2008 to comply with various legislative and statutory requirements. Council holds an environmental authority issued under the Environmental Protection Act 1994 to operate water and wastewater treatment facilities.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

All capital works are listed in and funded by the 2017/18 Capital Works Program.

Is the expenditure noted above included in the current budget?

Yes

Operating

All operational works are funded by the Section specific 2017/18 maintenance budgets.

Is the expenditure noted above included in the current budget?

Yes

LINK TO CORPORATE PLAN

Financial Sustainability - A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner

Transport and Council Infrastructure - The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles

Economy and Environment - A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 5 May 2018

**ITEM-21 INFRASTRUCTURE SERVICES, WASTE OPERATIONS
REPORT - APRIL 2018****MEETING:** Ordinary**MEETING DATE:** 16 May 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 Waste activities undertaken by Infrastructure Services during the month of April 2018.

OFFICER'S RECOMMENDATION

"That Council receives the Infrastructure Services, Waste Operations Progress Report, April 2018."

BACKGROUND**SUMMARY OF WASTE ACTIVITIES**

The following is a 'snapshot' of the waste activities undertaken during the month of April 2018.

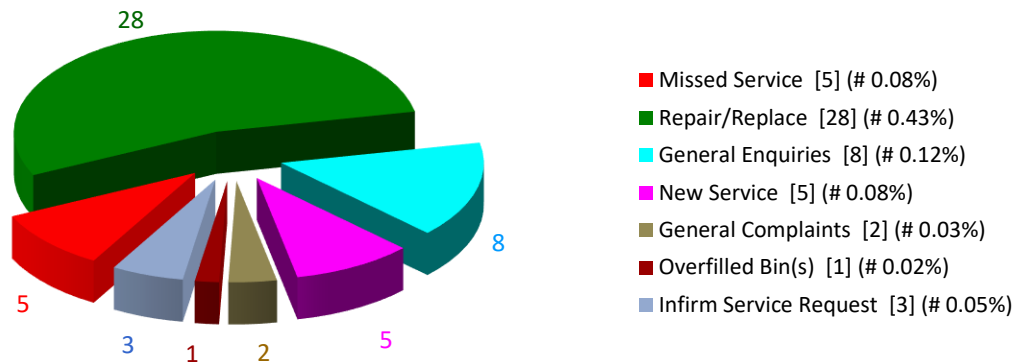
1. Waste Operations

- 6,119 vehicles entered Mareeba waste facility (to drop off or pick up waste).
- 373 vehicles deposited waste to Mareeba Landfill (total).
- 143 Suez vehicles deposited waste to Mareeba Landfill.
- 37 Suez vehicles removed waste from Mareeba WTS to recycling facility in Cairns.
- 73 m³ of mulch removed from Mareeba WTS (2 in bulk sales and 71 in small lots).
- Current Mareeba Landfill Compaction Rate of 0.97 tonnes per m³.
- All transfer stations and Mareeba landfill are currently operational.

2. Customer Service Waste Statistics

The following graph displays customer requests logged in the Customer Request Management (CRM) system during the month of April 2018.

**MAREEBA SHIRE CUSTOMER REQUESTS
(Number of Requests)**



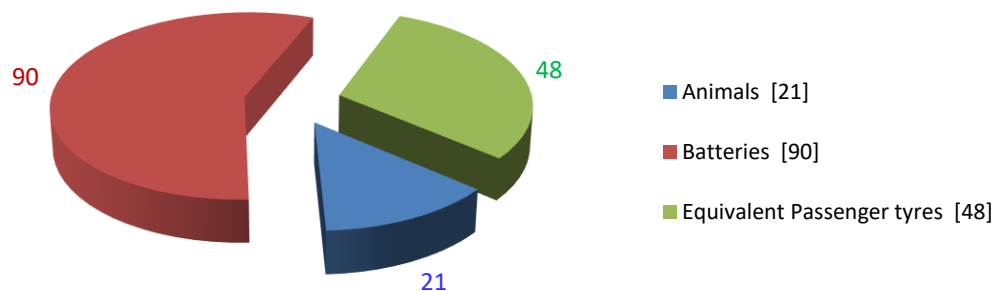
(# As a percentage of total domestic properties serviced with MGB)

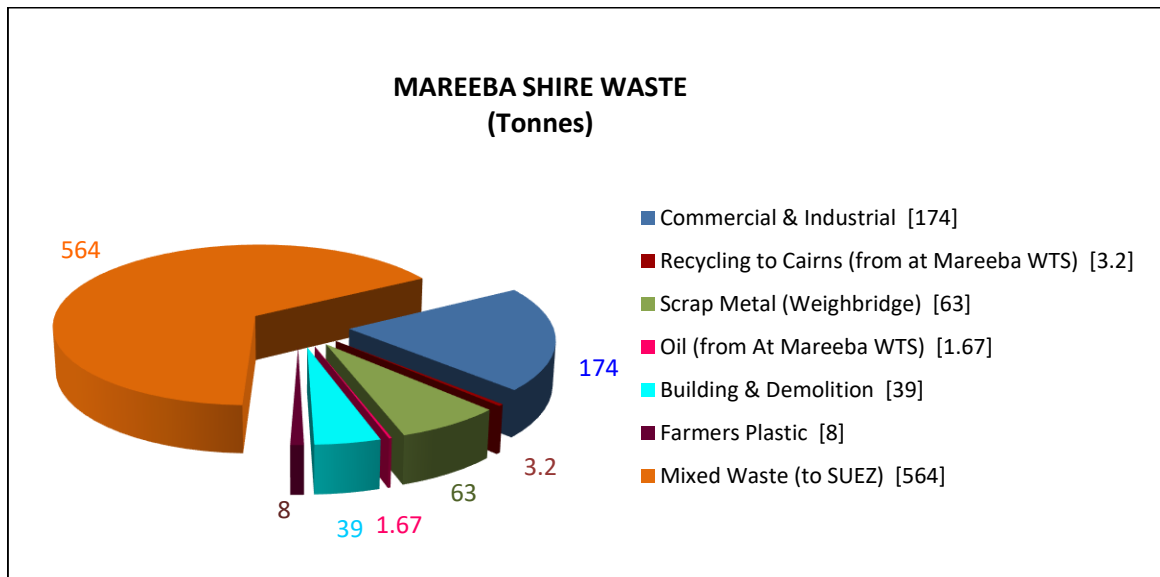
3. Waste Collected at Each of the Transfer Stations

Waste material collected at each of the waste transfer stations is either deposited directly to the Mareeba landfill, recycled or transported to the Suez facility in Cairns for processing.

The following pie charts are separated into waste received as whole units and waste received as accrued tonnage.

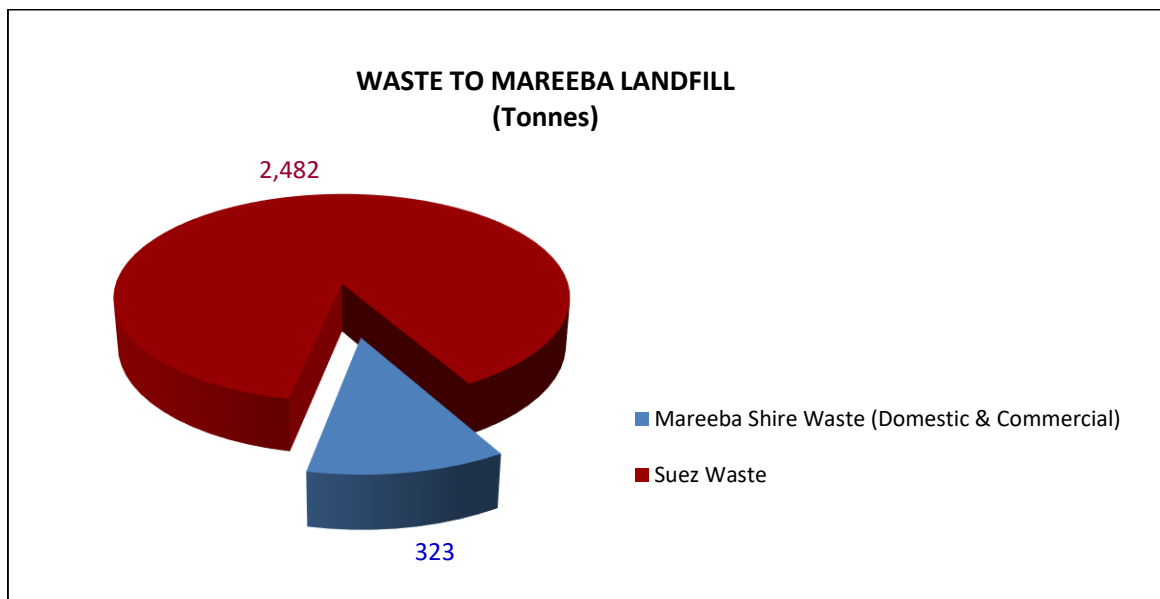
**MAREEBA SHIRE WASTE
(Number of Units)**





4. Waste to Mareeba Landfill

The Mareeba Shire waste shown in the pie chart below is the waste collected at each of the waste transfer stations (Mareeba included) and deposited directly to the Mareeba landfill. The commercial waste shown below is derived from the Suez recycling plant in Cairns and deposited into the Mareeba landfill.



5. Revenue

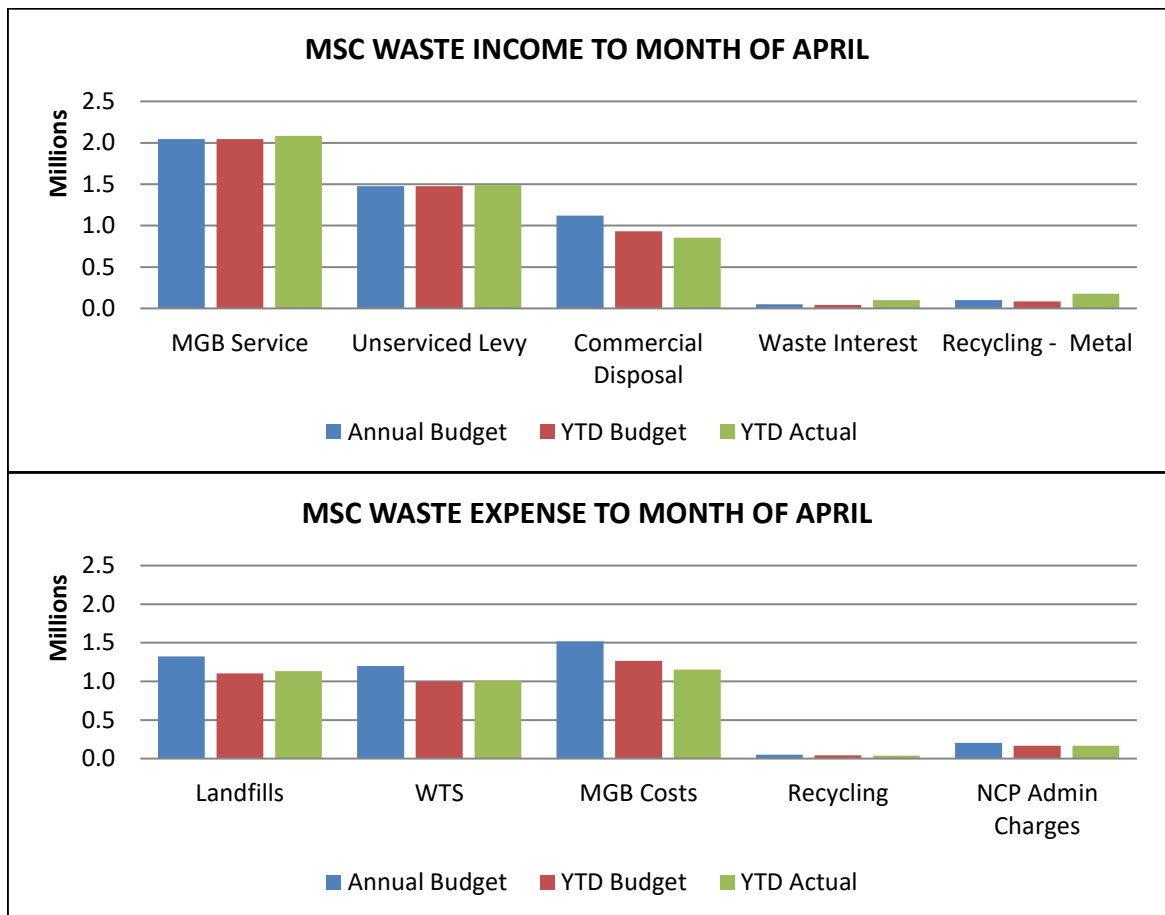
The income is derived from:

- Commercial disposal (predominantly Suez)
- Interest earned
- Interest on Constrained Works
- Recycling (steel, batteries)
- Rates

The expenditure is derived from:

- Waste administration
- Landfill management
- Transfer station management

6. Financial Operational Budget Information Per Budget Section Overall



RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Council holds an environmental authority issued under the Environmental Protection Act 1994 to operate landfill facilities.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

All capital works are listed in and funded by the 2017/18 Capital Works Program.

Is the expenditure noted above included in the current budget?

Yes

Operating

All operational works are funded by the Section specific 2017/18 maintenance budgets.

Is the expenditure noted above included in the current budget?

Yes

LINK TO CORPORATE PLAN

Financial Sustainability - A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure - The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment - A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

IMPLEMENTATION/COMMUNICATION

Nil

ATTACHMENTS

Nil

Date Prepared: 3 May 2018

ITEM-22 GREEN WASTE MANAGEMENT - EXPRESSION OF INTEREST**MEETING:** Ordinary**MEETING DATE:** 16 May 2018**REPORT OFFICER'S
TITLE:** Manager Water and Waste**DEPARTMENT:** Infrastructure Services, Water and Waste Group

EXECUTIVE SUMMARY

This report seeks Council endorsement to invite an Expression of Interest from contractors to provide green waste management services to Council at the Mareeba and Kuranda Waste Transfer Facilities.

For Council to identify a financially sustainable solution to the management of green waste whilst recognising its value as a commodity, is proposed to invite expressions of interest under Section 228(3) of the Local Government Regulation 2012 before considering whether to invite written tenders from short-listed tenderers under Section 228(6).

OFFICER'S RECOMMENDATION

"That Council invites Expressions of Interest from suitably qualified contractors for the management of green waste received at Council's waste transfer facilities."

BACKGROUND

Council currently accepts commercial and domestic Green Waste at all its waste transfer stations at no charge. Mareeba and Kuranda Waste Transfer Stations receive the bulk of green waste being disposed of in the Shire.

Currently, Council mulches all green waste and stockpiles the mulch product at the waste transfer stations for sale to the public. Management of mulched green waste has been problematic at both Mareeba and Kuranda Waste Transfer Stations with large stockpiles of mulch sitting for long periods. The smaller waste transfer stations generally accumulate minimal volumes of green waste.

Issues with the mulch have included fires from internal heat combustion and limited space on site once the green waste receipt and mulch pads are full. Council has endeavoured to reduce the stockpiled mulch with limited success through measures such as free mulch weekends to the public.

The cost to Council of mulching and managing green waste is significant and costs are not fully recovered through mulch sales.

It is proposed to invite expressions of interest (EOI) for the management of Green Waste received at Council's waste transfer facilities. Under Section 228(3) of the Local Government Regulation 2012, Council must decide, by resolution, that it would be in the public interest to invite expressions of interest before inviting written tenders and record its reasons for making the resolution.

It is recognised that mulch has a commodity value and that there is value in diverting this waste stream from landfill. It is envisaged that calling for expressions of interest will attract suitability qualified contractors and identify an economically feasible and sustainable green waste management solution that is environmentally responsible and ensure the health and safety of residents in the community.

As part of the alternative green waste management solution, Council would require a quantity of mulched green waste to be retained at the Mareeba and Kuranda Transfer Stations for purchase by the public.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Green waste is not authorised to be deposited in the Mareeba landfill unit under the Environmental Authority EPPR01792213.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Is the expenditure noted above included in the current budget?

Nil

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

Nil

Operating

Yes

Is the expenditure noted above included in the current budget?

Yes

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

Nil

LINK TO CORPORATE PLAN

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Governance - Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community

IMPLEMENTATION/COMMUNICATION

Subject to Council approval, Expressions of Interest will be invited from suitably qualified contractors for the management of green waste received at Council's waste transfer facilities.

ATTACHMENTS

Nil

Date Prepared: 4 May 2018

BUSINESS WITHOUT NOTICE

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at Mareeba 9:00 am on Wednesday 20 June 2018

SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS - APRIL 2018

Summary of new Planning Development Applications and Delegated Decisions for April 2018

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/18/0011	10/04/2018	Experience Co C/- Urban Sync Fichera Road, Mareeba	Lot 5 on SP160172	MCU - Nature Based Tourism (Bush Style Dining Activities)	In Decision making stage
MCU/18/0012	24/04/2018	K & C O'Brien C/- Max Slade Designs Pty Ltd 14A-14B Anzac Avenue, Mareeba	Lot 200 on SP282407	MCU - Dual occupancy	In Decision making stage
MCU/18/0013	30/04/2018	Telstra C/- Visionstream Pty Ltd Ann Street, Watsonville	Lot 114 on W2631	MCU Telecommunications facility	In Confirmation stage
RAL/18/0011	03/04/2018	Sibi Girgenti Holdings Pty Ltd & K & A Mann Antonio Drive, Mareeba	Lot 257 on SP214764 & Lot 301 on SP280080	ROL (Boundary Realignment)	Decision Notice issued on 12/04/2018
RAL/18/0012	05/04/2018	BTM & S Stankovich Pty Ltd C/- Freshwater Planning Pty Ltd 267 Hastie Road, Mareeba	Lot 1 on RP735200	ROL (1 into 8 Lots)	In Public Notification stage
RAL/18/0013	16/04/2018	Mark & Jane Peters Pickford Road, Bibbohra	Lot 331 on SP287199 & Lot 69 on DA118	ROL (Boundary Realignment)	Decision Notice issued on 26/04/2018
RAL/18/0014	24/04/2018	V & F Costas C/- Freshwater	Lot 1 on SP213034	ROL (1 into 2 Lots)	In Decision making stage

April 2018 (Regional Land Use Planning)

		Planning Pty Ltd 152-154 Hastie Road, Mareeba			
RAL/18/0015	24/04/2018	Reever and Ocean Pty Ltd C/- Cardno 77 & 112 Barnwell Road, Kuranda	Lot 22 on SP296830 & Lot 16 on N157227	ROL (Boundary Realignment)	In decision making stage
OPW/18/0004	09/04/2018	Tableland Group Australia Pty Ltd 26 Pike Road MAREEBA	Lot 257 on SP257003	OPW - Advertising Sign	Decision Notice issued on 23/04/2018
OPW/18/0005	23/04/2018	Sibi Girgenti Holdings Pty Ltd C/- Jim Papas Civil Engineering Designer Pty Ltd Kennedy Highway MAREEBA	Lot 301 on SP280080	Operational Works for Reconfiguring a Lot - Subdivision (1 into 19 lots)	In Confirmation stage

Decision Notices issued under Delegated Authority

Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
RAL/18/0008	01/05/2018	Mareeba Shire Council	Effley Street, Keegan Street & Thora Cleland Drive, Mareeba	Lot 879 on SP276129	Reconfiguring a Lot - Subdivision (1 into 4 lots and balance area)
MCU/18/0002	27/04/2018	O Davies	45 - 51 Raleigh Street, Dimbulah	Lot 505 on HG727 and Lots 506 - 508 on HG714	Material Change of Use - Community Use (Museum)
RAL/18/0013	26/04/2018	M & J Peters	Pickford Road & Fisher Road, Bibbohra	Lot 69 on DA118 & Lot 331 on SP287199	Reconfiguring a Lot - Boundary Realignment

April 2018 (Regional Land Use Planning)

OPW/18/0004	26/04/2018	Tableland Group Australia Pty Ltd	26 Pike Road, Mareeba	Lot 257 on SP257003	Operational Works - Advertising Device (Billboard)
MCU/18/0010	13/04/2018	A & A Zugno C/- Northern Building Approvals	Country Road, Mareeba	Lot 23 on SP219118	Material Change of Use - Dwelling House (Secondary Dwelling)
RAL/17/0012	13/04/2018	Lakeland Windfarm Pty Ltd C/- RPS Australia East Pty Ltd	421 Wetherby Road, Mount Molloy	Lot 427 on SP287159	Reconfiguring a Lot – Subdivision (1 into 2 lots)
RAL/18/0010	12/04/2018	BTM & S Stankovich Pty Ltd C/- Freshwater Planning Pty Ltd	18 Karobean Drive & Emerald End Road, Mareeba	Lot 52 on SP273688 & Lot 200 on SP292105	Reconfiguring a Lot - Boundary Realignment
RAL/18/0011	12/04/2018	K & A Mann and Sibi Girgenti Holdings Pty Ltd	Antonio Drive, Mareeba	Lot 301 on SP280088 & Lot 257 on SP214764	Reconfiguring a Lot - Boundary Realignment
OPW/18/0002	10/04/2018	E Balzarolo	327 Leadingham Creek Road, Dimbulah	Lot 88 on HG88	Operational Works - Earthworks (Water Storage Dam)
OPW/18/0003	10/04/2018	Springmount Waste Management Facility	Springmount Road, Arriga	Lot 123 on SP214842	Operational Works - Earthworks (Water Storage Dam)
MCU/18/0005	04/04/2018	C & J Gostelow	30 Kenneally Road, Mareeba	Lot 52 on RP718005	Material Change of Use - Dual Occupancy

Change to Existing Development Approval issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
N/A					

April 2018 (Regional Land Use Planning)

Referral Agency Response Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/18/0008	19/04/2018	F & J Birkbeck C/- Northern Building Approvals	16 Jannali Court, Mareeba	Lot 12 on SP292105	Referral agency response for building work - non-compliant GFA for Class 10a shed
CAR/18/0007	04/04/2018	A & L Boyington C/- Northern Building Approvals	Catherine Atherton Drive, Mareeba	Lot 206 on SP250068	Referral agency response for building work - non-compliant GFA for Class 10a shed
CAR/18/0006	04/04/2018	Kalahari Molopo Farms Pty Ltd C/- Northern Building Approvals	Metzger Road, Mutchilba	Lot 38 on HG801600	Referral agency response for building work - non-compliant setback 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/17/0025	26/04/2018	L & A Gostelow	135 Sabin Road, West	<i>LOTS 1 & 2 ON SP183696 AND EASEMENT D IN LOT 1 (CANCELLING LOT 556 ON NR652)</i>	ROL (1 into 2 Lots)
MC2004/47 (REC/10/0045)	05/04/2018	T, D, S & A Adil and H Ahmet	Blacks Road, Mareeba	<i>LOT 3 & 100 ON SP186120 AND EASEMENT C IN LOT 3 AND EASEMENTS B & D IN LOT 100 (CANCELLING LOT 100 ON SP296975)</i>	ROL (1 into 2 Lots)

April 2018 (Regional Land Use Planning)

RAL/18/0011	12/04/2018	Sibi Girgenti Holdings Pty Ltd	Antonio Drive, Mareeba	LOT 256 & 300 ON SP193170 (CANCELLING LOT 257 ON SP214764 & LOT 301 ON SP280080)	ROL (Boundary Realignment)
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April 2018 (Regional Land Use Planning)