



## Ordinary Meeting

**Council Chambers**

**Date: 20 June 2018**

**Time: 9:30am**

## AGENDA

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THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON **WEDNESDAY, 20 JUNE 2018** AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS  
CHIEF EXECUTIVE OFFICER





## ORDER OF BUSINESS

MEMBERS IN ATTENDANCE

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

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

**MEETING:**                      Ordinary

**MEETING DATE:**              20 June 2018

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

**DEPARTMENT:**              Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	P English	<b>ADDRESS</b>	343 Fantin Road, Mareeba
<b>DATE REQUEST FOR NDN LODGED</b>	29 March 2018	<b>RPD</b>	Lot 1 on RP746336
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Air Services (Private Airstrip)		

<b>FILE NO</b>	DA/17/0029	<b>AREA</b>	73.637 ha
<b>LODGED BY</b>	Elizabeth Taylor Town Planner	<b>OWNER</b>	P English
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Rural Zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	182		

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**ATTACHMENTS:**              1. Decision Notice dated 21 March 2018  
   2. Applicant's written representations dated 29 March 2018.

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## EXECUTIVE SUMMARY

*Council approved a development application described in the above application details at its Ordinary Meeting on 21 March 2018, subject to conditions. The application was impact assessable and 182 properly made submissions were received in response to public notification of the application.*

*Elizabeth Taylor Town Planner, on behalf of the applicant has subsequently made written representations about Condition 3.5 of the approval which places restrictions on the number of flights permitted from the airstrip. As the condition stands, it limits the number of flights from the airstrip to one (1) flight per day (non-cumulative), totalling 365 flights per year. The applicant has requested that he be permitted to fly up to three (3) flights on any given day to account for any unforeseen circumstances/issues whereby a pilot would have to, or be forced to return to the site and land shortly after take-off, but then still be able to fly again at a later time that same day once the issue/problem is resolved.*

*As discussed in the body of this report, the original condition 3.5 recommended by Council officers permitted the applicant to fly up to six (6) flights on any given day, however, capped the total flights in any given week to seven (7). Council, at its Ordinary Meeting on 21 March 2018 resolved to approve the application subject to an amendment to Condition 3.5 reducing the number of flights to one (1) per day, totalling 365 flights per year, with no option to fly multiple flights on any given day.*

*In keeping with the original planning officers report, whereby it was considered that up to six (6) flights per day was not likely to result in unacceptable amenity impacts on surrounding residential uses (provided the total number of flights per week was limited to 7), it is recommended that the application to amend Condition 3.5 to allow up to three (3) flights per day be approved, subject again to a limit of up to seven (7) flights per calendar week in order to ensure the frequency of flights was spread evenly over the course of a year.*

*Alternatively, Council may confirm Condition 3.5 as it currently stands and refuses the applicant's request for a negotiated decision notice.*

## OFFICER'S RECOMMENDATION

It is recommended that:

- “1. In relation to the written representations made by Elizabeth Taylor Town Planner on behalf of P English regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	P English	ADDRESS	343 Fantin Road, Mareeba
DATE REQUEST FOR NDN LODGED	29 March 2018	RPD	Lot 1 on RP746336
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Air Services (Private Airstrip)		

and in accordance with the Planning Act 2009, the following

- (A) Condition 3.5 of Council's Decision Notice issued on 21 March 2018 be amended as follows:

3.5 *Permitted Flights*

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

- (i) ~~1 flight per day~~ **seven (7) flights per calendar week** (non-cumulative), totalling 365 flights per normal calendar year, inclusive of the 52 flights per calendar year permitted under development permit MCU/09/0050;
- (ii) **A maximum of three (3) flights are permitted on any given day over the course of a calendar week, subject to the abovementioned limit of seven (7) flights per calendar week (Monday - Sunday);**

**Note: one (1) "flight" includes one (1) take-off movement and one (1) landing movement, or vice-versa for "visitor flights" as visitor flights do not commence from the site.**

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

## THE SITE

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

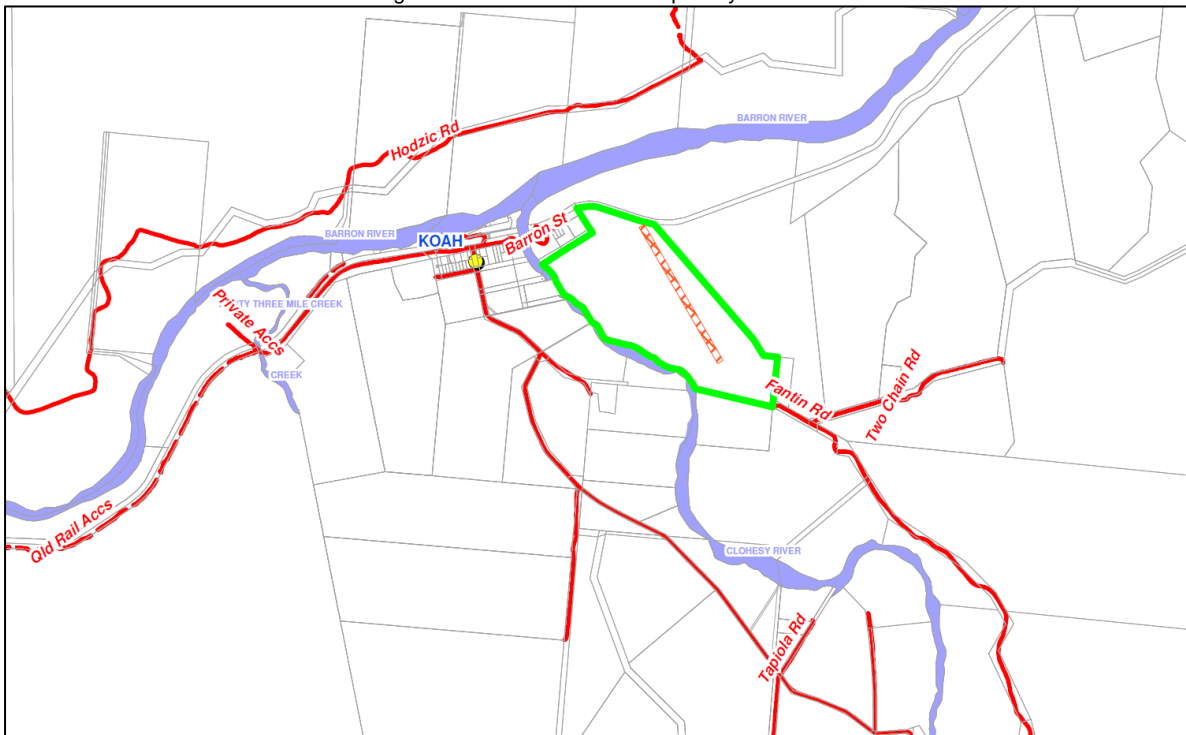
The site is improved by an aircraft hangar/storage and maintenance shed situated approximately 500 metres into the site from Fantin Road as well as a grassed airstrip approximately 900 metres in length which runs in a north-west to south-east direction. The airstrip is operational and supports up to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

Lots to the north and north-west of the site make up the Koah Township and are zoned a mix of Low Density Residential and Rural Residential and contain a mix of dwelling house uses and rural lifestyle uses. Lots to the south, east and west of the site are predominantly Rural zoned properties and are used as a mix of both rural lifestyle lots and grazing properties.



**Map Disclaimer:**

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



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

## BACKGROUND AND CONTEXT

Council, at its Ordinary Meeting on 21 March 2018 approved an application made by Elizabeth Taylor Town Planner on behalf of P English (the applicant) for a material change of use - air services (private airstrip) on land described as Lot 1 on RP746336, situated at 343 Fantin Road, Koah. The Decision Notice was issued on 21 March 2018 and is included as **Attachment 1**.

Elizabeth Taylor Town Planner, on behalf of the applicant has written to Council making representations (**Attachment 2**) in relation to Condition 3.5 and is seeking the issue of a negotiated Decision Notice.

## APPLICANT'S REPRESENTATIONS

### Condition 3.5 - Permitted Flights

#### *3.5 Permitted Flights*

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

- (i) one (1) flight per day (non-cumulative), totalling 365 flights per normal calendar year, inclusive of the 52 flights per calendar year permitted under development permit MCU/09/0050;

**Note:** one (1) "flight" includes one (1) take-off movement and one (1) landing movement, or vice-versa for "visitor flights" as visitor flights do not commence from the site.

### Representation by Applicant

Under the Sustainable Planning Act 2009 it states, at section 345:

#### **345 Conditions must be relevant or reasonable**

(1) A condition must—

(a) **be relevant to, but not an unreasonable imposition on,** the development or use of premises as a consequence of the development; or 2

(b) **be reasonably required in relation to the development** or use of premises as a consequence of the development.

(2) Subsection (1) applies despite the laws that are administered by, and the policies that are reasonably identifiable as policies applied by, an assessment manager or concurrence agency.

(My Emphasis)

Similar provisions are outlined in the Planning Act 2015, at Section 65:

Section 65 Permitted development conditions

(1) A development condition imposed on a development approval must—

(a) be relevant to, but not be an **unreasonable imposition on**, the development or the use of premises as a consequence of the development; or

(b) **be reasonably required in relation to the development** or the use of premises as a consequence of the development.

(My Emphasis)

Part of Condition 3.5 [ one (1) flight per day (non-cumulative)] is an unreasonable imposition on the development for the following reasons:

It provides no flexibility to vary the number of flights per day, unless approved by Council, approval that could not be forthcoming if sought immediately, for whatever reason.

It is important, particularly for safety reasons that the operator is not limited to one (1) flight per day. Outlined below are a variety of examples that support a request for flexibility and the option for more than one take-off in any one day.

Safety aspects – It is important that any pilot be able to respond to unforeseen events that dictate that the flight be aborted, and the problem/issue rectified before taking off again; examples provided by my client include:

- On one occasion wasps had built a nest in an air vent. When reaching speed at rotation they started to be blown into the aircraft cabin necessitating a quick circuit and landing to clear them from aircraft before continuing flight.
- Weather conditions at times dictate a return to departure point after take-off. The pilot then waits for conditions to improve before departing again. If no extra flights are allowed, subtle pressure could manifest on the pilot to continue the flight under duress when turning back should be instinctive, without requiring consideration or further deliberation.
- Shortly after take –off the plane hit a swarm of insects and had to return and land to check engine filters, pitot tube (this tube gives you the airspeed of the plane i.e. a small forward facing hole that registers air pressure as you move forward and converts it to airspeed, easily blocked by foreign bodies) and clean windscreen before departing again.

Operations aspects – It is important the pilot can make decisions in the best interests of the flight and passengers on the flight, for example:

- A passenger can suffer from airsickness during or not long after take-off, which may necessitate a return to the airstrip to drop them off and then take off again and continue to destination.



- *An item needed is forgotten and left behind such as wallet, CASA Pilot Security ID, mobile phone etc., etc. requiring a quick return to pick up item/s and depart again.*
- *An unknown vehicle arrives on the property after take-off requiring a landing to see who they are, what is going on and why they are there.*

Angel Flight - launched as an Australian charity in April 2003 by Bill Bristow AM, a successful businessman and experienced pilot. My client has flown for Angel Flight and wishes to continue his association, to support the charity.

- *An Angel Flight is organised by liaison between a number of people, the patient and their family, the transport/ambulance driver and the pilot and coordinated by Angel Flight. Occasionally after take-off, the pick-up time at the destination changes because of unanticipated medical complications. If this happens early in the flight you normally return to the departure point and depart again at a later time, as required by the Angel Flight coordinator.*

*It is important to note that the current airstrip approval issued by Council in 2010, limits the total number of flights per annum but does not have any limitation on the number of flights that can be flown on any one day. This means my client can currently fly any number of flights on any one day if he chooses to but it has been rare for my client to do so and this is likely to continue.*

*In fact, the only time my client has flown three (3) times in a day was last year to facilitate the Acoustic Noise Study, when Council officers were on-site. However, some operational flexibility is required and this does not have to be open-ended as it currently is with the original approval.*

*It is very unlikely that the airstrip will ever be used on more than one (1) occasion on any one day, however, for the reasons outlined above it is important that Condition 3.5 provide some flexibility for this to occur, particularly for safety reasons.*

*It is considered that Condition 3.5 is currently unlawful as it is an unreasonable imposition on the development.*

*It is requested that Condition 3.5 be amended to state:*

#### *Condition 3.5 Permitted Flights*

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

- (i) ~~1 flight per day~~ **A maximum of 3 flights per day** (non-cumulative), totalling 365 flights per normal calendar year, inclusive of the 52 flights per calendar year permitted under development permit MCU/09/0050.*

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

#### **Council Officer Response**

The applicant has requested that Condition 3.5 be amended to allow for up to three (3) flights per day to account for unforeseen circumstances/issues (examples provided above by the

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applicant) which would force a pilot to land back at the site shortly after take-off, whilst still providing the ability to carry out the original intended flight on same day after the unforeseen circumstance/issue is resolved.

The following is an extract from the original planning report discussing the proposed intensification of the airstrip use and potential amenity impacts:

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

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

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

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

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

*The below table summarises the maximum noise levels reached at each receptor (refer to column heading L<sub>Amax</sub>).*

**Table 4.1:** Calculated emission levels to receptors

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

Based on the above noise measurements, the planes created a noise disturbance (increase in noise) of between 20 – 50 decibels during take-off depending on test location and background noise levels. The NIA also considered noise impacts associated with the three planes flying over the site (overflights). Overflight noise readings of the three (3) planes were also compared to noise produced by commercial jet overflights which occur over the Koah area on a daily basis. The intended planes generally produced lower overflight noise outputs than that of a commercial jet.

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

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

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

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

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

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

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

*Permitted Flights*

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

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

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

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

Considering the officer's recommendation in the original planning report included a condition that allowed up to 6 flights on any given day, but no more than seven (7) flights over the course of a calendar week, no objection is raised to the applicant's request to amend Condition 3.5 to allow up to three (3) flights on any given day.

However, as discussed above, to minimise amenity impacts on surrounding residential uses, it is still considered reasonable to place controls on the frequency of flights to ensure that the

365 flights permitted are spread over the course of a year. It is therefore recommended that in addition to the requested amendments, a further clause be added to Condition 3.5 restricting the number of flights per calendar week to seven (7).

It is recommended that Condition 3.5 be amended as follows:

**3.5 Permitted Flights**

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

(i) ~~1 flight per day~~ **seven (7) flights per calendar week** (non-cumulative), totalling 365 flights per normal calendar year, inclusive of the 52 flights per calendar year permitted under development permit MCU/09/0050;

**(ii) A maximum of three (3) flights are permitted on any given day/s over the course of a calendar week, subject to the abovementioned limit of seven (7) flights per calendar week (Monday - Sunday);**

**Note: one (1) "flight" includes one (1) take-off movement and one (1) landing movement, or vice-versa for "visitor flights" as visitor flights do not commence from the site.**

With the abovementioned amendments applied, no more than three (3) flights in any given day can be carried out from the airstrip, and no more than seven (7) flights in a given calendar week can be carried out from the airstrip.

**Date Prepared:** 11 June 2018

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**ATTACHMENT 1**

21 March 2018

P English  
C/- Elizabeth Taylor Town Planner  
23 Valley Street  
FRESHWATER QLD 4870

65 Rankin Street  
PO Box 154 MAREEBA QLD 4880

P: 07 4086 4656  
F: 07 4092 3323

W: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
E: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Council Ref: DA/17/0029

Our Ref: BM:CE:nj

Your Ref: F17/18

## Decision Notice Approval

*Sustainable Planning Act 2009 s334 and s335*

Dear Applicant/s

**APPLICATION FOR MATERIAL CHANGE OF USE - AIR SERVICES (PRIVATE AIRSTRIP)**  
**LOT 1 ON RP746336**  
**SITUATED AT 343 FANTIN ROAD, KOAH**

I wish to advise that, at Council's Ordinary Meeting held on *21 March 2018*, the above development application was -

- Approved in full with conditions.

The conditions relevant to this approval are detailed in **section 5** of this notice. These conditions are clearly identified to indicate whether the Assessment Manager or a Concurrence Agency imposed them.

### Approval under Section 331

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

#### 1. Details of the approval –

Development Permit for Material Change of Use – Air Services (Private Airstrip)

#### 2. Other approvals required from Council

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

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

**DECISION NOTICE - APPROVAL**

2  
21 March 2018

**3. Submissions -**

There **were 182** properly made submissions about the application. In accordance with s 335(l) of the SPA, the name and address of the principal submitter for each properly made submission are as follows —

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

## DECISION NOTICE - APPROVAL

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



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

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21 March 2018

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

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

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

**5. Conditions –**

**(A) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)**

**(a) Development assessable against the Planning Scheme**

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by 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.

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**2. Timing of Effect**

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

**3. General**

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

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

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

**3.4 Hours of Operation**

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

**3.5 Permitted Flights**

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

- (i) 1 flight per day (non-cumulative), totalling 365 flights per normal calendar year, inclusive of the 52 flights per calendar year permitted under development permit MCU/09/0050;

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

**3.6 Flight Logbook**

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

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

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**3.7 Permitted Aircraft**

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

**3.8 Flight Paths**

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

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

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

**3.9 All scheduled maintenance of aircraft shall be undertaken off-site.****3.10 Water Supply for Fire Fighting Purposes**

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

**3.11 Fuel Storage**

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

**4. Infrastructure Services and Standards****4.1 Access**

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

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**4.2 Stormwater Drainage/Water Quality**

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

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

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

**(B) ASSESSMENT MANAGER'S ADVICE****(a) Compliance with applicable codes/policies**

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

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

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

**(c) Environmental Protection and Biodiversity Conservation Act 1999**

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

**(d) Cultural Heritage**

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

**6. IDAS referral agencies –**

The application did not require referral to any Referral Agency.

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21 March 2018**7. Approved Plans**

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

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

**8. When approval lapses if development not started (s341)**

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

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

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

**9. Appeal rights –*****Applicant may make representations about decision***

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

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

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

**Attachment 2** is an extract from SPA which contains details regarding making representations about the decision.

***Appeals by applicants***

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

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA



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- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

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

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

***Appeals by submitters***

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

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

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

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

**Attachment 3** is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

**10. When the development approval takes effect –**

This development approval takes effect –

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

**OR**

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

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

Yours faithfully

**BRIAN MILLARD**  
**SENIOR PLANNER**

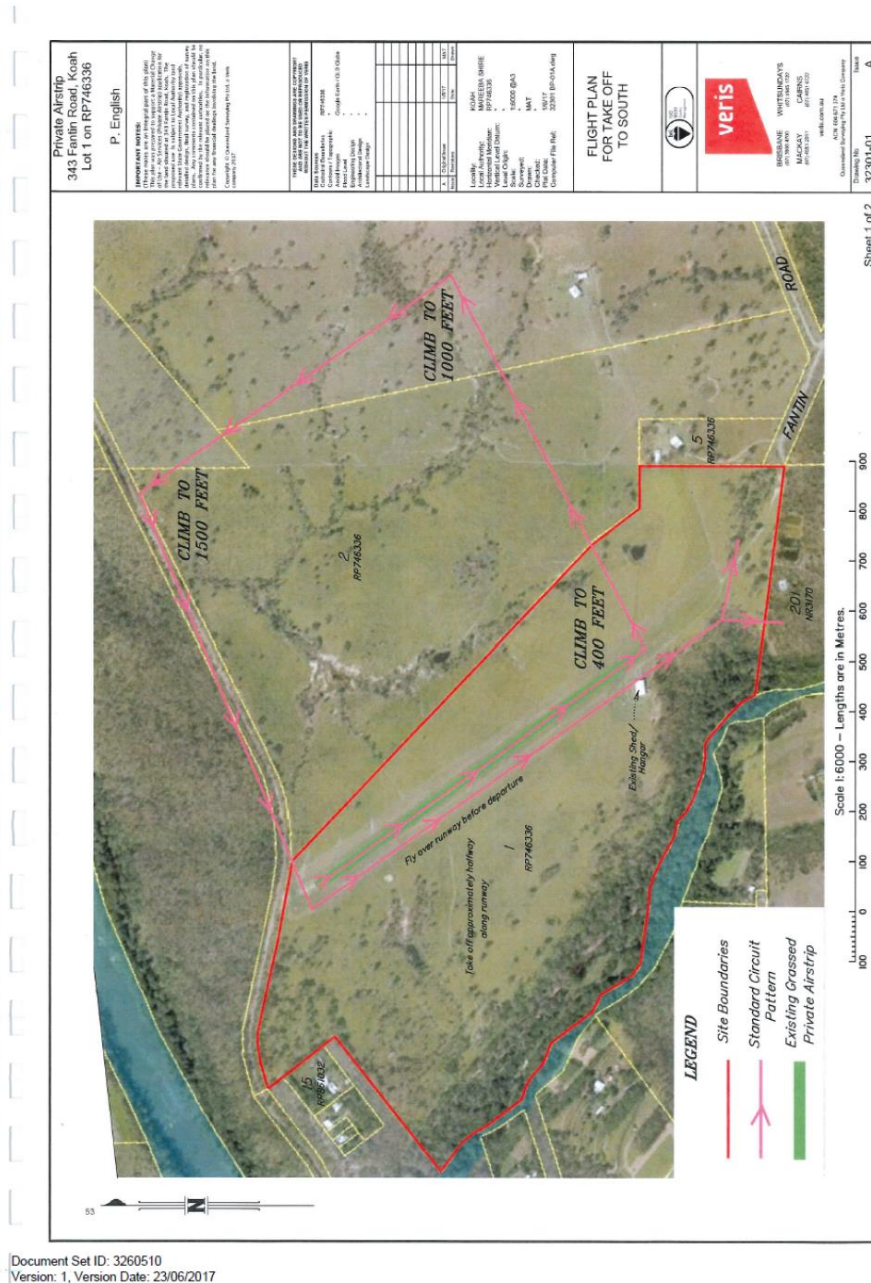
Enclosures:    **Attachment 1 - Approved Plans of Development**  
                      **Attachment 2 - SPA Extract - Making Representations about Decision**  
                      **Attachment 3 - SPA Extract on Appeal Rights**



DECISION NOTICE - APPROVAL

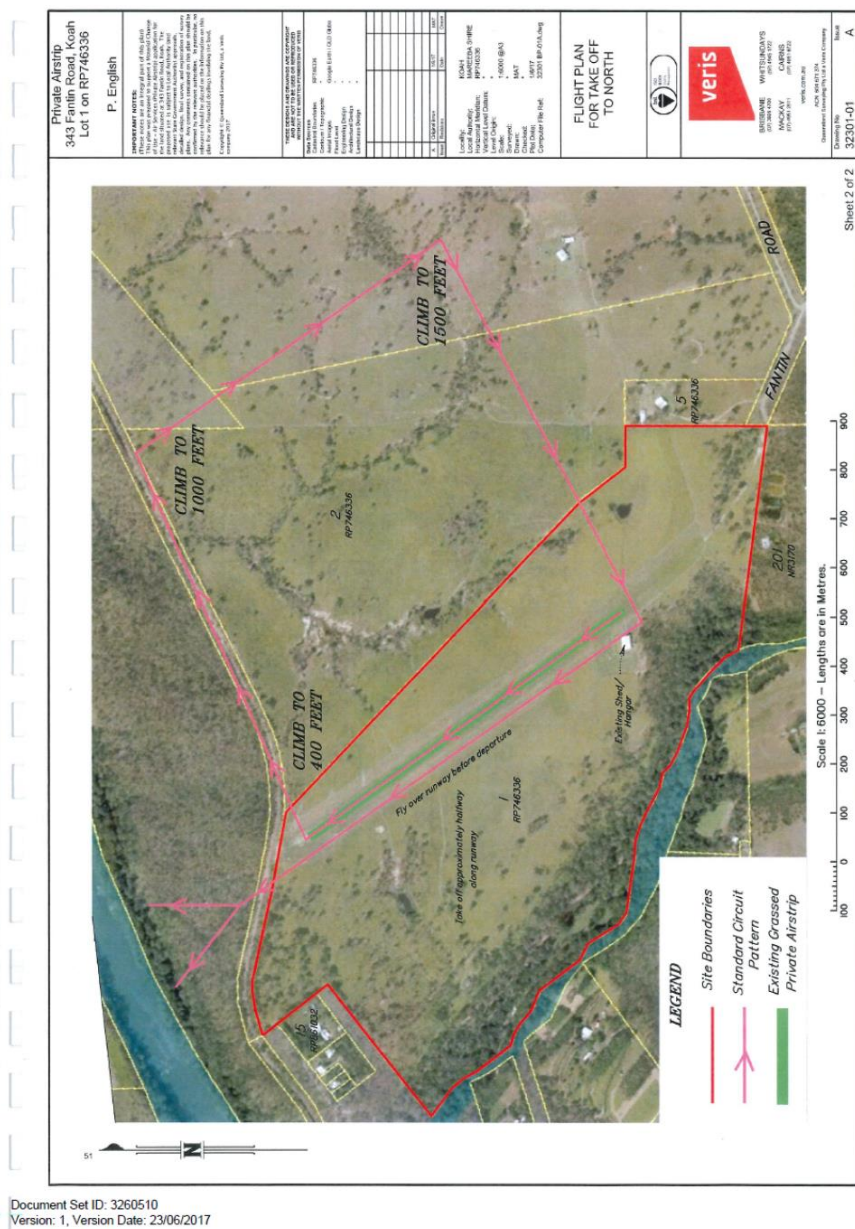
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ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT (ECM Doc Set ID 3260510)



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**ATTACHMENT 2**

Elizabeth Taylor  
Town Planner  
23 Valley Street  
**FRESHWATER QLD 4870**

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

MSC Ref: DA/17/0029  
My Ref: ET127/025

29 March, 2018

**ATTENTION: MR CARL EWIN**

Dear Sir,

**RE: REPRESENTATIONS IN RELATION TO DECISION NOTICE FOR MCU APPLICATION- DA/17/0029**

In response to the Decision Notice dated 21 March 2018, my client seeks to make representations in relation to Condition 3.5. For ease of reference, Condition 3.5 is reproduced below, followed by representations.

*Condition 3.5 Permitted Flights*

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

- (i) *1 flight per day (non-cumulative), totalling 365 flights per normal calendar year, inclusive of the 52 flights per calendar year permitted under development permit MCU/09/0050.*

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

**REPRESENTATIONS**

Under the Sustainable Planning Act 2009 it states, at section 345:

***345 Conditions must be relevant or reasonable***

*(1) A condition must—*

*(a) **be relevant to, but not an unreasonable imposition on,** the development or use of premises as a consequence of the development; or*

*(b) be reasonably required in relation to the development or use of premises as a consequence of the development.*

*(2) Subsection (1) applies despite the laws that are administered by, and the policies that are reasonably identifiable as policies applied by, an assessment manager or concurrence agency.*

(My Emphasis)

Similar provisions are outlined in the Planning Act 2015, at Section 65:

Section 65 Permitted development conditions

*(1) A development condition imposed on a development approval must—*

*(a) be relevant to, but not be an unreasonable imposition on, the development or the use of premises as a consequence of the development; or*

*(b) be reasonably required in relation to the development or the use of premises as a consequence of the development.*

(My Emphasis)

Part of Condition 3.5 [*1 flight per day (non-cumulative)*] is an unreasonable imposition on the development for the following reasons:

It provides no flexibility to vary the number of flights per day, unless approved by Council, approval that could not be forthcoming if sought immediately, for whatever reason.

It is important, particularly for safety reasons that the operator is not limited to one (1) flight per day. Outlined below are a variety of examples that support a request for flexibility and the option for more than one take-off in any one day.

Safety aspects – It is important that any pilot be able to respond to unforeseen events that dictate that the flight be aborted and the problem/issue rectified before taking off again; examples provided by my client include:

- On one occasion wasps had built a nest in an air vent. When reaching speed at rotation they started to be blown into the aircraft cabin necessitating a quick circuit and landing to clear them from aircraft before continuing flight.
- Weather conditions at times dictate a return to departure point after take-off. The pilot then waits for conditions to improve before departing again. If no extra flights are allowed, subtle pressure could manifest on the pilot to continue the flight under duress when turning back should be instinctive, without requiring consideration or further deliberation.



- Shortly after take-off the plane hit a swarm of insects and had to return and land to check engine filters, pitot tube (this tube gives you the airspeed of the plane ie. a small forward facing hole that registers air pressure as you move forward and converts it to airspeed, easily blocked by foreign bodies) and clean windscreen before departing again.

Operations aspects – It is important the any pilot can make decisions in the best interests of the flight and passengers on the flight, for example:

- A passenger can suffer from airsickness during or not long after take-off, which may necessitate a return to the airstrip to drop them off and then take off again and continue to destination.
- An item needed is forgotten and left behind such as wallet, CASA Pilot Security ID, mobile phone etc., etc. requiring a quick return to pick up item/s and depart again.
- An unknown vehicle arrives on the property after take-off requiring a landing to see who they are, what is going on and why they are there.

Angel Flight - launched as an Australian charity in April 2003 by Bill Bristow AM, a successful businessman and experienced pilot. My client has flown for Angel Flight and wishes to continue his association, to support the charity.

- An Angel Flight is organised by liaison between a number of people, the patient and their family, the transport/ambulance driver and the pilot and coordinated by Angel Flight. Occasionally after take-off the pick-up time at the destination changes because of unanticipated medical complications. If this happens early in the flight you normally return to departure point and depart again at a later time, as required by the Angel Flight coordinator.

It is important to note that the current airstrip approval issued by Council in 2010, limits the total number of flights per annum but does not have any limitation on the number of flights that can be flown on any one day. This means my client can currently fly any number of flights on any one day if he chooses to but it has been rare for my client to do so and this is likely to continue.

In fact, the only time my client has flown three (3) times in a day was last year to facilitate the Acoustic Noise Study, when Council officers were on-site. However, some operational flexibility is required and this does not have to be open-ended as it currently is with the original approval.

It is very unlikely that the airstrip will ever be used on more than one (1) occasion on any one day, however, for the reasons outlined above it is important that Condition 3.5 provide some flexibility for this to occur, particularly for safety reasons.

It is considered that Condition 3.5 is currently unlawful as it is an unreasonable imposition on the development.

It is requested that Condition 3.5 be amended to state:

*Condition 3.5 Permitted Flights*

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

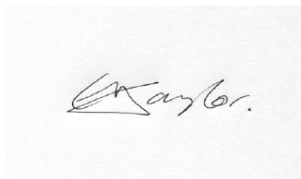
- (i) ~~1 flight per day~~ **A maximum of 3 flights per day** (non-cumulative), totalling 365 flights per normal calendar year, inclusive of the 52 flights per calendar year permitted under development permit MCU/09/0050.

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

Please contact me if you have any further queries or require any clarification in relation to the contents of this correspondence.

I look forward to Council's favourable consideration of these representations, particularly in light of safety concerns raised above and look forward to the issue of a Negotiated Decision Notice, in due course.

Yours faithfully,



**Elizabeth Taylor**  
**Town Planner**

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**ITEM-2**                      **BTM & S STANKOVICH PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 8 LOTS) LOT 1 ON RP735200 - 267 HASTIE ROAD, MAREEBA - RAL/18/0012****MEETING:**                      Ordinary**MEETING DATE:**              20 June 2018**REPORT OFFICER'S  
TITLE:**                          Senior Planner**DEPARTMENT:**                Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM & S Stankovich Pty Ltd	<b>ADDRESS</b>	267 Hastie Road, Mareeba
<b>DATE LODGED</b>	6 April 2018	<b>RPD</b>	Lot 1 on RP735200
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 8 lots)		

<b>FILE NO</b>	RAL/18/0012	<b>AREA</b>	3.685 hectares
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	B Hastie
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Emerging Community		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Nil		

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**ATTACHMENTS:**              1.    Proposal Plan/s

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**EXECUTIVE SUMMARY**

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

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

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

*The key issues of the proposed development are whether the reconfiguration of the subject land at this time would compromise the potential future residential redevelopment of this area,*

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and ensuring each proposed lot has the desired level of flood hazard immunity. Council officers are satisfied that the development will not compromise future redevelopment of the area and that each proposed allotment will be provided with a sufficient building area above the defined flood event.

*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	BTM & S Stankovich Pty Ltd	ADDRESS	267 Hastie Road, Mareeba
DATE LODGED	6 April 2018	RPD	Lot 1 on RP735200
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 8 lots)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 8 lots)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
8111-LL1 Rev A	Development Plan	Twine Surveys Pty Ltd	2018.3.27

(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, and subject to any alterations:



- found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
- to ensure compliance with the following conditions of approval.

## 2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey of the development, except where specified otherwise in these conditions of approval.

## 3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments 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.
- 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
- 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.5 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.

### 3.6 Charges

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

### 3.7 Bushfire Management

A bushfire hazard management plan for the subject land and proposed development must be prepared by suitably qualified person, and submitted to Council prior to the endorsement of the plan of survey.

All future development on the subject land must comply with the bushfire hazard management plan.

#### 4. Infrastructure Services and Standards

##### 4.1 Access

- (a) Access must be provided/constructed to each allotment in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of layback kerb along the frontage of each allotment will satisfy this condition.

- (b) An asphalt sealed or concrete driveway shall be provided within the access handle of proposed Lot 2 to the satisfaction of Council's delegated officer. The driveway will:

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

##### 4.2 Earthworks

As part of a subsequent application for Operational Works, an earthworks plan (including the building pads on proposed Lot 5, 6, 7 and 8) is to be submitted, prepared by a suitably qualified RPEQ demonstrating compliance with the Works, Services and Infrastructure Code including the following detail:

- Maintenance of access roads to and from the site such that they remain free of all fill material and are cleaned as necessary
- Preservation of all drainage structures from the effects of structural loading generated by the earthworks;
- Protection of adjoining properties and roads from ponding or nuisance from stormwater.
- Prevention of the spread of weeds

All site earthworks, drainage and pavement construction are to be designed and supervised by a RPEQ. Testing is to be carried out by NATA Registered Laboratories and results submitted as part of the As Constructed information. The Supervising Engineer must submit a certificate demonstrating that all work has been satisfactorily completed to the quality control criteria for the site and in accordance with AS3798 (as amended).

#### 4.3 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12-month maintenance period.

#### 4.4 Roadworks – External Construction - Hastie Road Frontage of Lot 1 on RP735200

Hastie Road, for the full frontage of Lot 1 on RP735200, must be upgraded/constructed to Access Street standard in accordance with

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

Specifically, Hastie Road, must be widened to an overall sealed width of 6.5 metres, with layback kerb constructed on the development side. This widening must be blended into the existing seal to avoid sharp transitions in the sealed pavement.

The widening works must be bitumen or asphalt standard, and must include sufficient overlapping of the existing bitumen seal to ensure an appropriate bond of surfaces is achieved, to the satisfaction of Council's delegated officer.

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

#### 4.5 Water Supply

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

#### 4.6 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).

#### 4.7 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 **underground** power reticulation.

#### 4.8 Telecommunications

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

#### 4.9 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's delegated officer.

#### 4.10 Building Envelopes and Required Flood Immunity

- (a) The approved building envelopes for proposed Lots 5, 6, 7 and 8 are the building pads as shown on the Twine Surveys Pty Ltd drawing no. 8111-LL1 dated 27 March 2018.
- (b) Prior to the endorsement of the survey plan, the building envelopes for proposed Lots 5, 6, 7 and 8 must be filled to reach a minimum height of RL395.5 metres AHD. The filling must be approved as part of a subsequent development application for operational works.
- (c) Prior to endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.
- (d) All buildings must be located within the approved building envelopes.
- (e) The floor level of all new buildings constructed on proposed Lots 1, 2, 3 and 4 must be a minimum height of RL395.5 metres AHD. Where a lot contains land below RL395.5 metres AHD, survey pegs must be placed on the subject land establishing the location of the RL395.5 metres AHD contour.

#### 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 \$18,000.00 per additional lot as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

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

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

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

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

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

(D) ASSESSMENT MANAGER'S ADVICE

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

(b) 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:

- an approved building pad for Lots 5, 6, 7, 8
- conditions regarding bushfire management
- defined flood immunity building floor level height RL395.5 metres AHD

(f) 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.

(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](http://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](http://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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil"

## THE SITE

The subject land is described as Lot 1 on RP735200, situated at 267 Hastie Road, Mareeba.

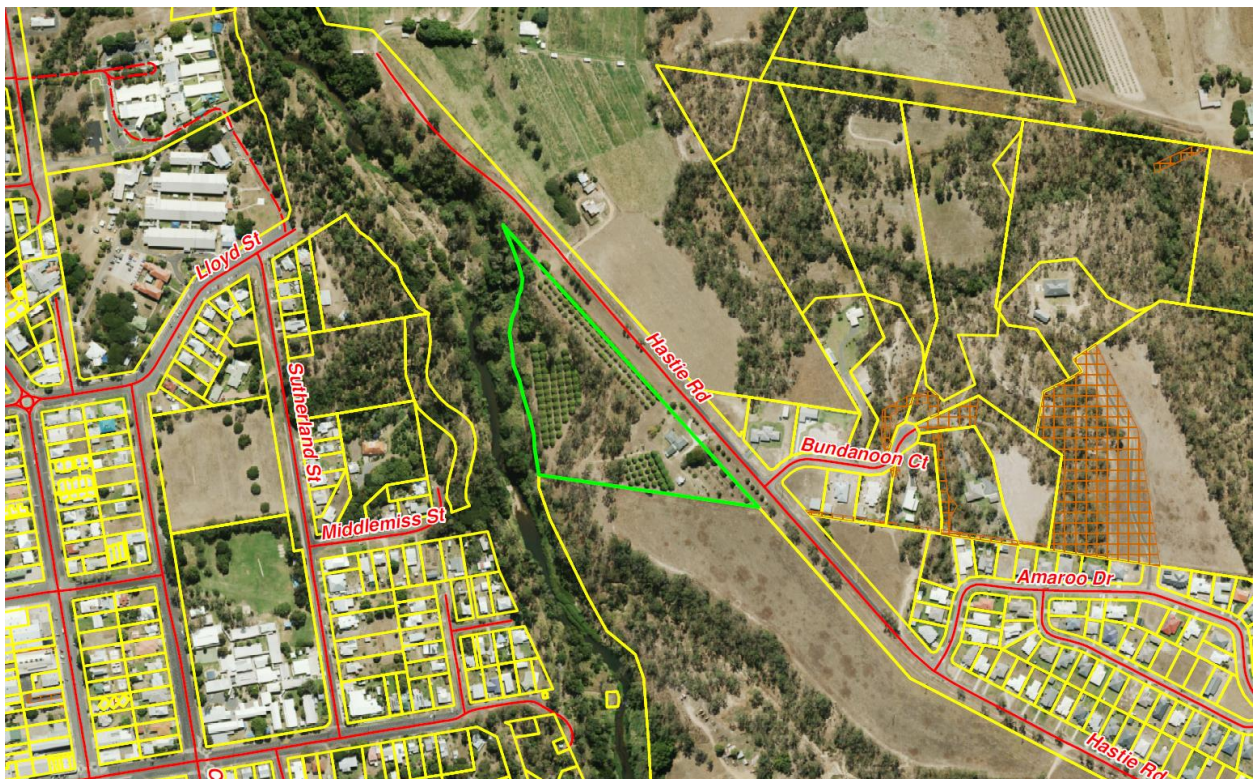
The land is triangular in shape, having an area of 3.685 hectares with a frontage of approximately 446 metres to Hastie Road. Hastie Road is formed to bitumen sealed standard for the entire frontage with the subject land.

The land is improved by a single storey dwelling house and shed, both of which are sited in the south-eastern corner. Approximately one (1) hectare of the land is planted with mature fruit trees, which are scattered in three distinct clusters.

The Barron River forms the western boundary of the land. Some vegetation remains along the Barron River bank and also along a second low order waterway which centrally traverses the subject land in a north-south direction. The subject land contains a narrow flat area adjacent to Hastie Road with the remainder of the site sloping down to a small river flat beside the Barron River.

The subject land is able to be serviced by the Mareeba reticulated town water supply and sewer which extend along the Hastie Road frontage. Reticulated electricity and telecommunication infrastructure is connected to the existing dwelling house.

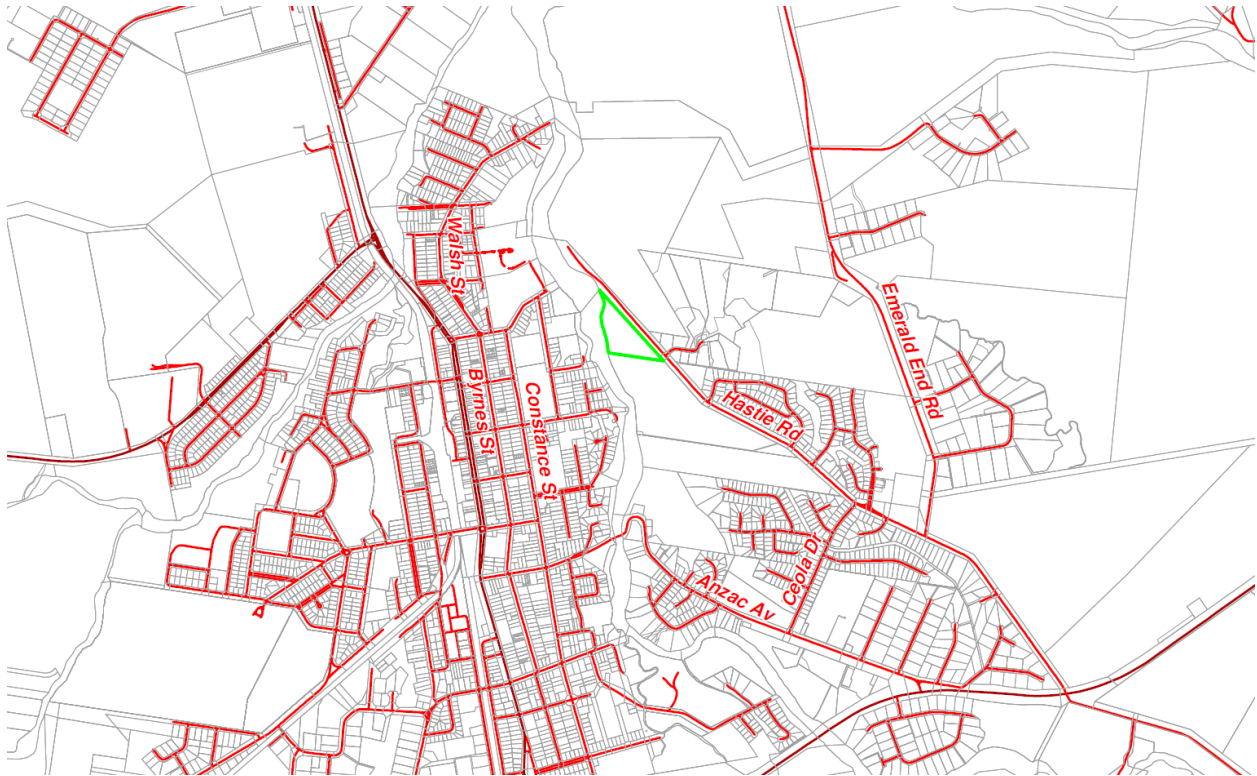
Land adjoining to the south is zoned Emerging Community under the planning scheme, whilst Bundanoon Estate (directly to the east) is zoned Low Density Residential.



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

The details of the proposed allotments are as follows:

- Lot 1 - 3,024 square metres, 80.352 metres frontage to Hastie Road;
- Lot 2 - 6,068 square metres, 10.272 metres frontage to Hastie Road;
- Lot 3 - 4,834 square metres, 52.876 metres frontage to Hastie Road;
- Lot 4 - 4,397 square metres, 42.154 metres frontage to Hastie Road;
- Lot 5 - 6,097 square metres, 45 metres frontage to Hastie Road;
- Lot 6 - 5,198 square metres, 45 metres frontage to Hastie Road;
- Lot 7 - 4,168 square metres, 45 metres frontage to Hastie Road;
- Lot 8 - 3,073 square metres, 125.946 metres frontage to Hastie Road.

All proposed lots will be accessed via the Hastie Road frontage. Hastie Road will be widened with layback kerb for the full frontage of the subject land. The access handle of proposed Lot 2 will be constructed from Hastie Road to the main body of Lot 2.

All proposed lots will be connected to reticulated water and sewer, electricity and telecommunications. This infrastructure presently runs along the Hastie Road frontage and can be efficiently connected to each lot.

The site is designated as containing areas of Extreme to Low Flood Hazard by the planning scheme's Flood Hazard Overlay mapping. From the flood model data, it is understood that the defined flood event (100 year) height for the subject land is 395 metres AHD. Each allotment will be provided with a building area/pad of at least 395.5 AHD. Some controlled filling of proposed Lots 5 to 8 will be undertaken to achieve the required flood immunity.

The established dwelling house will be retained within proposed Lot 3. All remaining lots will be vacant at the time of creation.

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

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

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Urban Expansion Area
Zone:	Emerging Community
Mareeba Local Plan:	Mareeba North-eastern Expansion
Overlays:	Airport environs overlay Bushfire hazard overlay Environmental significance overlay Flood hazard overlay Hill and slope overlay Regional infrastructure corridors and substations overlay Transport infrastructure overlay

## RELEVANT PLANNING INSTRUMENTS

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

**(a) Far North Queensland Regional Plan 2009-2031**

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

**(b) State Planning Policy**

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

**(c) Mareeba Shire Council Planning Scheme 2016****Strategic Framework****3.3.8 Element—Urban expansion and investigation areas****3.3.8.1 Specific outcomes**

- (1) *Urban expansion areas* and *investigation areas* are anticipated to provide for development beyond the life of the planning scheme and are preserved for this purpose, with interim development not compromising future residential development.
- (2) Well-serviced and designed greenfield residential development occurs in *urban expansion areas* of Mareeba and Kuranda only where it is planned, logically sequenced and can be efficiently serviced.
- (3) *Urban expansion areas* in Mareeba provide a range of housing options and aim for density targets of twelve dwellings per hectare by 2031.

**3.3.8.2 Land use strategies**

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

- (f) consistency with State and Regional Planning requirements.

Comment

A structure plan has not been prepared for this development application. The potential for the subject land to be developed together with neighbouring land is limited due to the hard constraints posed by the Barron River and its associated flood hazard, the irregular shape of the land, the topography of the land and its location at the far end of Hastie Road.

The proposed lot density and lot layout is considered to be the maximum reasonably achievable from the land due to the beforementioned constraints. The subject land has an area of 3.685 hectares. Of the total site area, only 1.34 hectares is outside the mapped hazard areas of the Flood Hazard overlay.

Excluding the mapped flood hazard area, proposed development would represent 1 dwelling per 1,675m<sup>2</sup>, or 6 dwellings per hectare.

Further, all of the subject land is covered by the Bushfire Hazard overlay mapping. Based on the planning scheme's interpretation note, all of the land outside of the eight (8) likely future dwelling houses could be excluded from the calculation of accommodation density.

All proposed lots will be connected to reticulated water and sewerage. This infrastructure presently runs along the Hastie Road frontage and can be efficiently connected to each lot.

No new roads will be created. Hastie Road will be widened for the frontage of the subject land.

No non-residential development is proposed.

The proposed development is of a similar nature to that already established in Bundanoon Estate, located directly to the east on the opposite side of Hastie Road.

The proposed development appropriately addresses density, the availability of urban services and the constraints of the land. The development does not compromise the potential for future residential development in the vicinity.

**Relevant Development Codes**

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

- 6.2.4 Emerging community zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code

- 8.2.9 Regional infrastructure corridors and substations 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
Emerging community zone code	<p>The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:</p> <ul style="list-style-type: none"> <li>▪ Performance Outcome PO7</li> </ul> <p>Refer to planning discussion section of report.</p>
Mareeba local plan code	<p>The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:</p> <ul style="list-style-type: none"> <li>▪ Performance Outcome PO18</li> </ul> <p>Refer to planning discussion section of report.</p>
Airport environs overlay code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>
Bushfire hazard overlay code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>
Environmental significance overlay code	<p>The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:</p> <ul style="list-style-type: none"> <li>▪ Performance Outcome PO3</li> </ul> <p>Refer to planning discussion section of report.</p>
Flood hazard overlay code	<p>The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:</p> <ul style="list-style-type: none"> <li>▪ Performance Outcome PO13</li> </ul> <p>Refer to planning discussion section of report.</p>
Hill and slope overlay code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>
Regional infrastructure corridors and substations overlay code	<p>The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).</p>

Transport infrastructure overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Reconfiguring a lot code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> <li>Performance Outcome PO1</li> </ul> Refer to planning discussion section of report.
Works, services and infrastructure code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> <li>Performance Outcome PO7</li> </ul> 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.

The development will create seven (7) additional allotments and will place additional demand on Council's trunk infrastructure (transport, open space, water supply and sewer).

The developer must pay a one-off payment of \$18,000.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

The trunk infrastructure for which the payment is required is:

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

- The trunk sewer 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.

## **Internal Consultation**

Technical Services

## **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 27 April 2018 to 22 May 2018. The applicant submitted the notice of compliance on 23 May 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

## **PLANNING DISCUSSION**

Compliance with the Performance Outcomes of the Emerging Community Zone Code, Mareeba Local Plan Code, Environmental Significance Overlay Code, Flood Hazard Overlay Code, Reconfiguring a Lot Code and the Works, Services and Infrastructure Code are summarised as follows:

### **Emerging Community Zone Code**

#### **PO7**

*Development occurs as outlined in a Structure Plan that:*

- (a) is prepared in accordance with Planning Scheme Policy 8 Structure Planning;*
- (b) takes into consideration land use need and the type, scale, density of proposed urban development;*
- (c) includes a road network that:*
  - (i) is logically designed;*
  - (ii) can be delivered sequentially;*

- (iii) *includes an urban morphology that is consistent with the surrounding area;*
  - (iv) *provides pedestrian links to centres and open space;*
- (d) *locates any non-residential development:*
  - (i) *on major roads;*
  - (ii) *where not introducing non-residential traffic to residential streets; and*
  - (iii) *to provide the day to day needs of the immediate residential community;*
- (e) *scales any non-residential development to:*
  - (i) *be consistent with the scale of surrounding residential development;*
  - (ii) *not undermine the viability of nearby centres or the centres network; and*
  - (iii) *not unduly detract from the amenity of nearby residences.*

**A07**

*No acceptable outcome provided.*

**Comment**

A structure plan has not been prepared as part of this development application.

The potential for the subject land to be developed together with neighbouring land is limited due to the hard constraints posed by the Barron River and its associated flood hazard, the irregular shape of the land, the topography of the land and its location at the far end of Hastie Road.

The proposed lot density and lot layout is considered to be the maximum reasonably achievable from the land due to the beforementioned constraints.

All proposed lots will be connected to reticulated water and sewerage. This infrastructure presently runs along the Hastie Road frontage and can be efficiently connected to each lot.

No new roads will be created. Hastie Road will be widened for the frontage of the subject land.

No non-residential development is proposed.

The proposed development is of a similar nature to that already established in Bundanoon Estate, located directly to the east on the opposite side of Hastie Road.

The proposed development does not compromise the fulfilment of Performance Outcome PO7.

**Mareeba Local Plan Code****PO18**

*Development provides an average net accommodation density of at least 12 dwellings or accommodation units per hectare.*

*Note—Calculation of accommodation density excludes areas not developed as a result of provisions of an overlay.*

**A018**

*No acceptable outcome is provided.*



Comment

The subject land has an area of 3.685 hectares.

Of the total site area, only 1.34 hectares is outside the mapped hazard areas of the Flood Hazard overlay.

Excluding the mapped flood hazard area, proposed development would represent 1 dwelling per 1,675m<sup>2</sup>, or 6 dwellings per hectare.

All of the subject land is covered by the Bushfire Hazard overlay mapping. Based on the interpretation note for PO18, all of the land outside of the 8 likely future dwelling houses could be excluded from the calculation of accommodation density.

The proposed development is of a similar density to already developed and adjacent Bundanoon Estate.

The proposed density appropriately addresses the availability of urban services and the constraints of the land

**Environmental Significance Overlay Code****PO3**

*Vegetation clearing in areas mapped as 'Regulated vegetation intersecting a watercourse', identified as 'Waterway' and 'Waterway buffer' on the **Environmental Significance - Waterway Overlay Maps (OM-004p-z)** is avoided unless wildlife interconnectivity between habitats is maintained or enhanced at a local and regional scale, to the extent that migration or normal movement of significant species between habitats or normal gene flow between populations is not inhibited.*

*Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.*

**Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)**

**AO3.1**

*A minimum setback in accordance with **Table 8.2.4.3B** is provided between development and the top of the high bank of a 'Waterway' identified on the **Environmental Significance - Waterway Overlay Maps (OM-004p-z)**.*

Comment

A stream order 1 waterway is mapped on the subject land. Table 8.2.4.3B calls for a 10-metre setback from the high bank of a stream order 1 waterway.

The proposed development will occur over the previously disturbed (by farming) areas of the subject land.

Building pads for proposed Lots 5, 6, 7 and 8 will be constructed in a 30-metre-wide band along the Hastie Road frontage. No future building works will be able to occur outside this 30-metre-wide band due to flood hazard constraints.

Regulated vegetation will remain on proposed Lots 5, 6, 7 and 8 outside the building pad area. Proposed Lot 3 will contain the existing dwelling and proposed Lots 1, 2 and 4 have sufficient existing cleared area to accommodate a future dwelling.

With the exception of proposed Lot 2, all other lots will have dwelling houses in close proximity to the Hastie Road frontage.

The habitat connectivity function provided by the Barron River will continue.

No significant clearing of native vegetation is proposed to facilitate the development

### **Flood Hazard Overlay Code**

#### **PO13**

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

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

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

#### **AO13**

*No acceptable outcome is provided.*

#### **Comment**

Where necessary, filling will be carried out in order to construct building pads to a height of 395.5m AHD. Filling for this purpose is expected over a 30-metre-wide band along the Hastie Road frontages of proposed Lots 5, 6, 7 and 8.

The minor filling will not impact on the hydrological function of the premises. Each proposed lot will contain a building pad/area above the defined flood level. Access to each proposed lot is through low or no flood hazard areas.

The development will comply.

### **Reconfiguring a Lot Code**

#### **PO1**

*Lots include an area and frontage that:*

- (a) is consistent with the design of lots in the surrounding area;*
  - (b) allows the desired amenity of the zone to be achieved;*
  - (c) is able to accommodate all buildings, structures and works associated with the intended land use;*
  - (d) allow the site to be provided with sufficient access;*
  - (e) considers the proximity of the land to:*
-

- (i) centres;
- (ii) public transport services; and
- (iii) open space; and
- (f) allows for the protection of environmental features; and
- (g) accommodates site constraints.

**AO1.1**

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

Comment

For acceptable outcome AO1.1, Table 9.4.4.3B nominates a minimum lot size of ten (10) hectares. The proposed lots will not comply with AO1.1, therefore must demonstrate compliance with PO1.

In response to PO1:

- (a) The design of the lots is consistent with that of those established lots in Bundanoon Court (opposite the subject land);
- (b) The proposed lots, most with Barron River frontage and full urban services, will provide a very high level of amenity;
- (c) Each proposed lot will contain a building pad of sufficient area and dimensions to accommodate buildings and structures.
- (d) Each lot will be provided with good access via the Hastie Road frontage.
- (e) The subject land neighbours Bundanoon Estate and is proximate to Amaroo Park Estate. The developing Amaroo Park neighbourhood centre is conveniently located to service the subject land.
- (f)(g) Due to flood hazard constraints associated with the Barron River, development of each lot will be confined to specific building pads/areas. This allows for the protection of environmental features over the balance of each allotment.

The development will satisfy PO1.

**Works, Services and Infrastructure Code****PO7**

*Excavation or filling must not have an adverse impact on the:*

- (a) streetscape;
- (b) scenic amenity;
- (c) environmental values;
- (d) slope stability;
- (e) accessibility; or
- (f) privacy of adjoining premises.

Comment

All filling proposed for the subject land will be conditioned to require appropriate engineering supervision and certification.

These works will be assessed in detail as part of the future operational works application.

The extent of the filling proposed will not cause permanent negative impacts to the streetscape and scenic amenity.

The filling proposed for the site will comply with PO7.

**Date Prepared:** 1 June 2018

## PROPOSAL PLANS





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**ITEM-3**                      **BTM & S STANKOVICH PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 25 LOTS & BALANCE AREA) LOT 200 ON SP292105 - MOONDANI AVENUE & ALLARA STREET, MAREEBA - RAL/18/0018**

**MEETING:**                      Ordinary

**MEETING DATE:**              20 June 2018

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

**DEPARTMENT:**              Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	BTM & S Stankovich Pty Ltd	<b>ADDRESS</b>	Moondani Avenue & Allara Street, Mareeba
<b>DATE LODGED</b>	18 May 2018	<b>RPD</b>	Lot 200 on SP292105
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 25 lots and balance area)		

<b>FILE NO</b>	RAL/18/0018	<b>AREA</b>	9.19 hectares
<b>LODGED BY</b>	Freshwater Planning Pty Ltd	<b>OWNER</b>	BTM & S Stankovich Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE</b>	Low Density Residential zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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**ATTACHMENTS:**              1. Proposal Plan/s

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**EXECUTIVE SUMMARY**

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

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

*The application represents the continued development of Amaroo Park Estate, being Stage 10 comprising 25 new residential lots and a balance lot.*

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*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	
<b>APPLICANT</b>	BTM & S Stankovich Pty Ltd	<b>ADDRESS</b>	Moondani Avenue & Allara Street, Mareeba
<b>DATE LODGED</b>	18 May 2018	<b>RPD</b>	Lot 200 on SP292105
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 25 lots and balance area)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 25 lots and balance area)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
8154-LL1 Rev A Sheet 1	Proposed Reconfiguration of a Lot (1 Lot into 26 lots)	Twine Surveys Pty Ltd	15.5.2018
8154-LL1 Rev A Sheet 2	Proposed Reconfiguration of a Lot (1 Lot into 26 lots)	Twine Surveys Pty Ltd	15.5.2018



**(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, and subject to any alterations:
  - found necessary by the Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.
2. Timing of Effect
  - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey of the development, except where specified otherwise in these conditions of approval.
3. General
  - 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
  - 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
  - 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
  - 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
  - 3.5 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.

### 3.6 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

Access to each allotment must be constructed (from the edge of the road pavement to the property boundary of each lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of roll-over kerb along the frontage of each allotment will satisfy this condition.

### 4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.

- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12-month maintenance period.

#### 4.3 Roadworks - Internal

- (a) Moondani Avenue and Allara Street are to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (b) Temporary turnaround areas, with a gravel surface, must be provided at the northern end of Moondani Avenue to allow traffic manoeuvring.

#### 4.4 Water Supply

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

#### 4.5 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).

#### 4.6 Electricity provision/supply

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

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

#### 4.7 Telecommunications

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

#### 4.8 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's delegated officer.

### (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) 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.

- (d) 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.

(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) 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.

(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](http://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](http://www.datsip.qld.gov.au).

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Residential	\$18,000.00	25	\$450,000.00	Nil	\$450,000.00
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>					<b>\$450,000.00</b>

## THE SITE

The subject land is the balance area of the incomplete Amaroo Park Estate situated at Moondani Avenue and Allara Street, Mareeba, being described as Lot 200 on SP292105.

The land has an area of 9.19 hectares and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains an extensive frontage to Emerald End Road which is formed to a rural road bitumen sealed standard. Frontages also exist to Moondani Avenue and Allara Street; however these are limited to stub roads which will be constructed to bitumen sealed standard during the current stage.

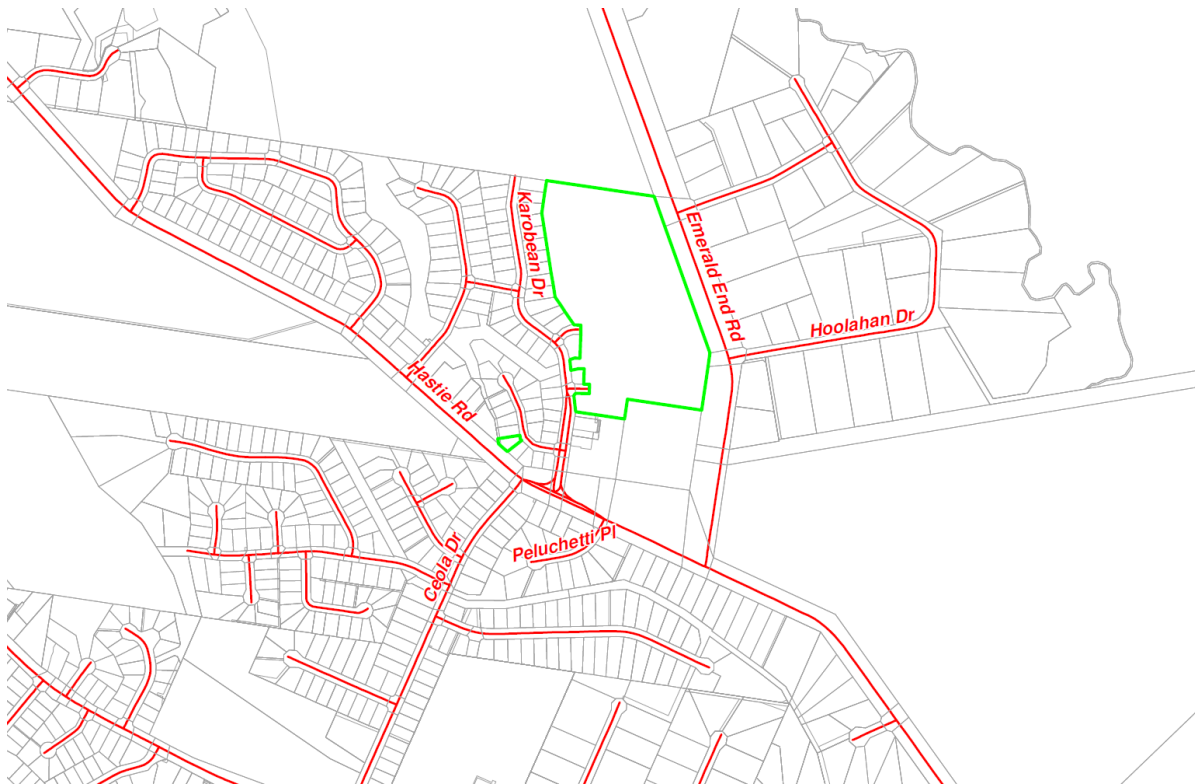
Being a balance lot for an incomplete estate, the site is unimproved with the land being cleared and grassed. The site is able to be connected to town water, sewer, telecommunications and underground electricity supply.

Surrounding allotments are zoned *Low Density Residential* and have / and or will be developed for residential 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**

The application represents the continued development of Amaroo Park Estate, being Stage 10 comprising 25 new residential lots and a balance lot.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 25 lots and balance area) in accordance with the plans shown in **Attachment 1**.

All proposed residential lots will exceed 800 square metres in area and will have a generally rectangular shape. Each lot will have generous frontage to a bitumen sealed road.

The residential lots will be connected to all urban services, with the balance area allotment being serviced during future stages to Amaroo Park Estate.



## 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 Major Regional Activity Centre in the Regional Plan.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Residential area
Zone:	Low Density Residential zone
Overlays:	Airport environs 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:

- 6.2.6 Low density residential zone code
- 8.2.2 Airport environs 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
Low density residential 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.
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) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2017, a charge of \$18,000.00 will apply to each additional residential allotment created.

The \$18,000.00 charge was derived from a \$4,500.00 infrastructure charge for the following four (4) trunk infrastructure networks:

- Transport network (roads);
- Public parks and land for community facilities network;
- Water supply network; and
- Sewerage network

The application proposes the creation of 25 additional residential lots (not including the balance lot).

\$18,000.00 x 25 (lots) = **\$450,000.00**

## **REFERRALS**

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

## **Internal Consultation**

Technical Services

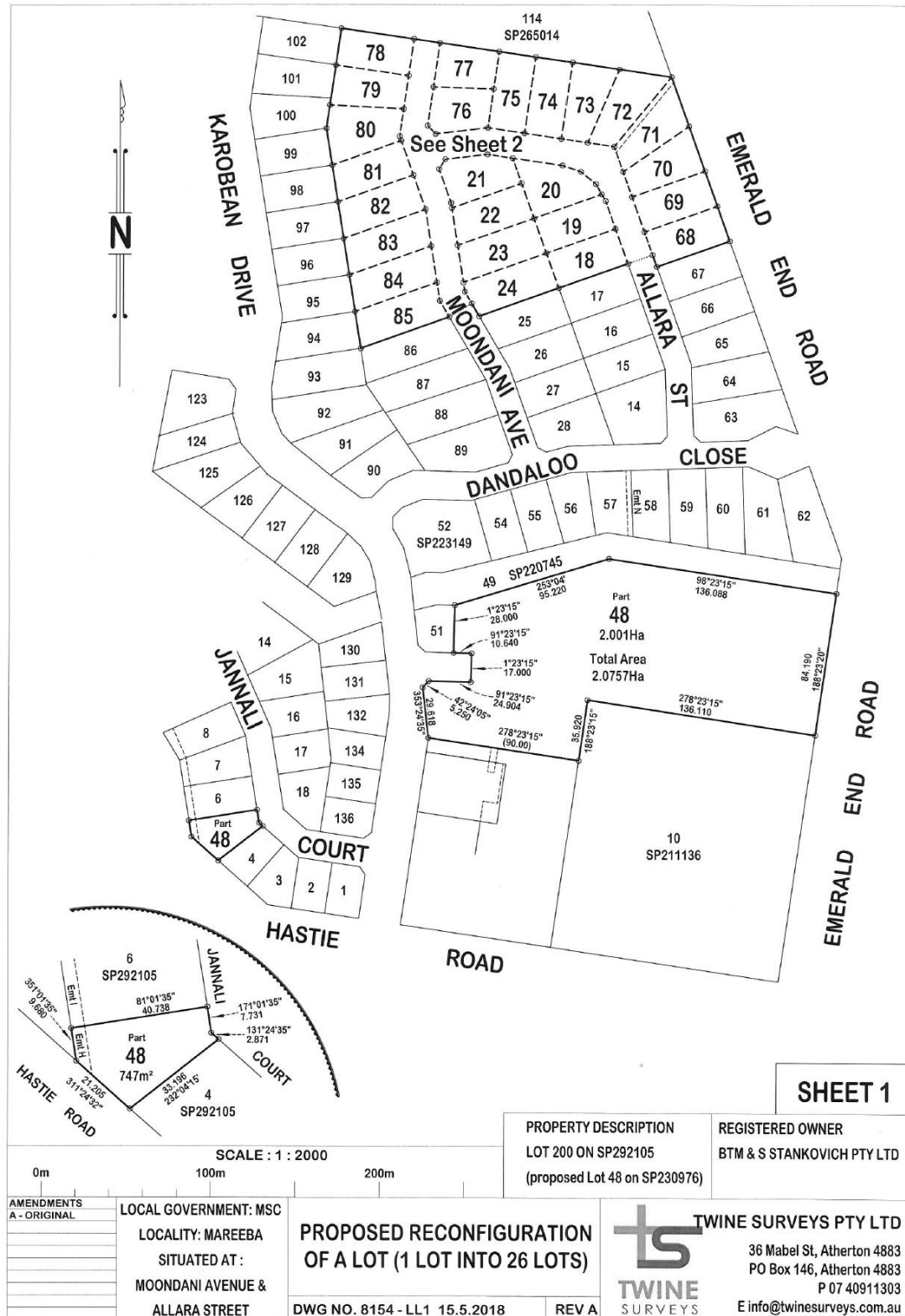
## **PLANNING DISCUSSION**

Nil

***Date Prepared:***            *22 May 2018*

**ATTACHMENT 1**

**PROPOSAL PLANS**







**ITEM-4**                      **CHANGE OF DEVELOPMENT APPROVAL - COMARAY PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 12 LOTS) - LOT 4 RP739487 - EMERALD END ROAD, MAREEBA - RC2005/56**

**MEETING:**                      Ordinary

**MEETING DATE:**            20 June 2018

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

**DEPARTMENT:**              Corporate and Community Services

APPLICATION		PREMISES	
<b>APPLICANT</b>	Comaray Pty Ltd	<b>ADDRESS</b>	Emerald End Road, Country Road and Annie Court, Mareeba
<b>DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED</b>	29 May 2018	<b>RPD</b>	Lot 4 on RP739487 (now Lots 100 & 200 on SP188083)
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 12 Lots)		

<b>FILE NO</b>	RC2005/56	<b>AREA</b>	Lot 100 - 10.17 Ha Lot 200 - 39.68 Ha
<b>LODGED BY</b>	Jill Spackman and Twine Surveys Pty Ltd	<b>OWNER</b>	Comaray Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)		
<b>ZONE</b>	Rural Residential Zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	N/A - Code Assessment Only		

**ATTACHMENTS:**

1. Amended Decision Notice dated 25 August 2009
2. Request to change development approval dated 29 May 2018
3. Proposed amended plan/s

## EXECUTIVE SUMMARY

*Council approved a development application described in the above application details at its Ordinary Meeting on 21 August 2007, subject to conditions. A subsequent request to amend the development approval was approved by Council at its Ordinary Meeting held on 19 August 2009 and an Amended Decision Notice was issued on 25 August 2009.*

*Development approval RC2005/56 covers Stage 1 of the Country Road Estate subdivision and is nearing completion with 8 of the proposed 12 lots created. The applicant has subsequently lodged an application to change the development approval, requesting that proposed Lot 101 be removed from the approved lot layout. Proposed Lot 101 is situated at the very front of the site, facing Emerald End Road, and its presence as a proposed lot in Stage 1 will interfere with planned changes to Stage 8 of the Country Road Estate subdivision which is covered under development approval REC/08/0096 and which are discussed in a separate report to Council.*

*Lot 101 is required to be formally removed from Stage 1 as it will no longer be created due to changes to the lot layout of Stage 8 (REC/08/0096), and also, because development approval REC/08/0096 contains a condition that requires all lots in Stage 1 to be completed prior to any lots being created under development approval REC/08/0096.*

*The requested changes to development approval RC2005/56 will not result in substantially different development and it is therefore recommended that the request to change development approval be approved, subject to the amendments listed below.*

*Please note that the developer has previously paid all the infrastructure charges applicable to development approval RC2005/56 (including for Lot 101), therefore it is also recommended that a refund of \$2,000.00, which was payable for Lot 101 be provided to the applicant.*

## OFFICER'S RECOMMENDATION

It is recommended that:

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

APPLICATION		PREMISES	
APPLICANT	Comaray Pty Ltd	ADDRESS	Emerald End Road, Country Road and Annie Court, Mareeba
DATE REQUEST FOR CHANGE TO DEVELOPMENT APPROVAL LODGED	29 May 2018	RPD	Lot 4 on RP739487 (now Lots 100 & 200 on SP188083)
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 12 Lots)		



and in accordance with the Planning Act 2016, the following

- (A) The description of the approved development of Council's Amended Decision Notice issued on 25 August 2009 be amended as follows:

*The application seeks a **Development Permit for Reconfiguring a Lot – One (1) into ~~twelve~~ eleven (42 11) lots made assessable by the Mareeba Shire Planning Scheme.***

- (B) The approved plan/s of Council's Amended Decision Notice issued on 25 August 2009 be amended as follows:

Plan / Document Number	Plan / Document Name	Date
REF-05/4743	Proposed Reconfiguration of Lots 1-9 and 100-102	22/09/2005
-	Lot Layout	Undated
<b><u>DWG No. 4743 - LL1 (Sheet 1)</u></b>	<b><u>Proposed Reconfiguration of a Lot (1 into 10 Lots)</u></b>	<b><u>21/05/2018</u></b>
<b><u>DWG No. 4743 - LL1 (Sheet 2)</u></b>	<b><u>Proposed Reconfiguration of a Lot (1 into 10 Lots)</u></b>	<b><u>21/05/2018</u></b>

- (C) Condition 13 of Council's Amended Decision Notice issued on 25 August 2009 should be deleted.
2. That a refund of infrastructure charges previously paid for Lot 101 of \$2,000.00 be refunded to the applicant.
3. A Notice of Decision on Request to Change a Development Approval be issued to the applicant and the Department of State Development, Manufacturing, Infrastructure and Planning, State Assessment and Referral Agency (SARA) via email [cairnsSARA@dsmip.gov.au](mailto:cairnsSARA@dsmip.gov.au) (reference: 2005/107327:103649) advising of Council's decision."

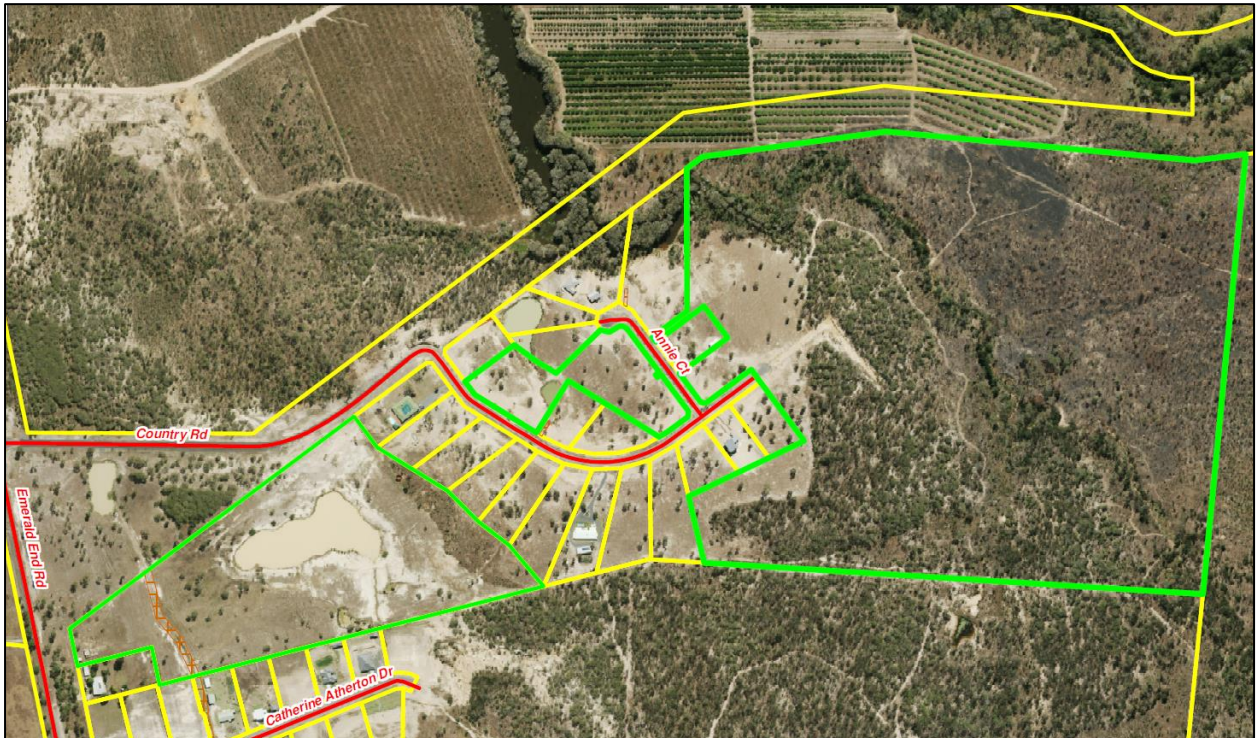
## THE SITE

The subject land forms part of Country Road Estate and is described as Lot 100 on SP188083 and Lot 200 on SP188083 (Formerly Lot 4 on RP739487), situated at Emerald End Road, Country Road and Annie Court, Mareeba. Twenty lots have been created within the estate with Lot 100 and 200 being the balance land. Lot 100 & 200 have a combined total area of 49.85 hectares and are zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016.

Emerald End Road, Country Road and Annie Court are all constructed to bitumen sealed standards with Country Road and Annie Court incorporating kerb and channel for their entire lengths.

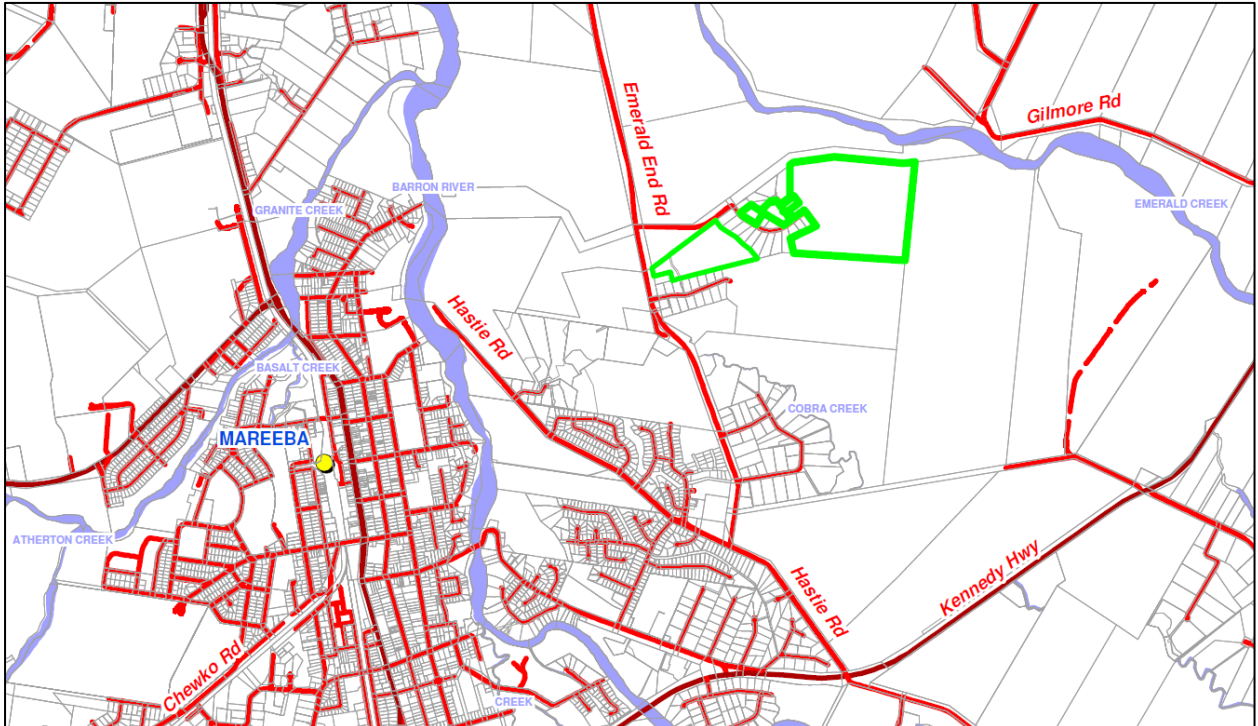
The 12 lots that have been created within the estate form part of Stages 1, 2 and 7 only. Lot 100 remains cleared and grassed with scattered mature vegetation while Lot 200 remains predominately vegetated. Both Lots are unimproved with Lot 100 containing a large dam, two smaller dams and drainage easement used to drain water from Catherine Atherton Drive which accesses "The Rise" estate situated immediately to the south of the subject land. Lot 200 contains a seasonal watercourse which meanders through the site, eventually draining to Emerald Creek situated to the north-east of the lot.

Surrounding lots are zoned a mix of Rural Residential and Rural with the area characterised by a mix of large rural holdings and rural residential allotments.



**Map Disclaimer:**

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

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## BACKGROUND AND CONTEXT

Council approved a development application described in the above application details at its Ordinary Meeting on 21 August 2007, subject to conditions. A subsequent request to amend the development approval was approved by Council at its Ordinary Meeting held on 19 August 2009 and an Amended Decision Notice was issued on 25 August 2009 (**Attachment 1**).

Development approval RC2005/56 covers Stage 1 of the Country Road Estate subdivision and is nearing completion with 8 of the proposed 12 lots created. The applicant has subsequently lodged an application to change the development approval, requesting that proposed Lot 101 be removed from the approved lot layout (**Attachment 2**). Proposed Lot 101 is situated at the very front of the site, facing Emerald End Road, and its presence as a proposed lot in Stage 1 will interfere with planned changes to Stage 8 of the Country Road Estate subdivision which is covered under development approval REC/08/0096 and which are discussed in a separate report to Council.

Lot 101 is required to be formally removed from Stage 1 as it will no longer be created due to changes to the lot layout of Stage 8 (REC/08/0096), and also, because development approval REC/08/0096 contains a condition that requires all lots in Stage 1 to be completed prior to any lots being created under development approval REC/08/0096. A revised plan of subdivision excluding Lot 101 is included in **Attachment 3**.

## 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 an 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 an email to Council dated 29 May 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**

*The application seeks a **Development Permit for Reconfiguring a Lot – One (1) into 12 lots made assessable by the Mareeba Shire Planning Scheme.***

#### **Request by Applicant**

*The requested changes to RC2005/56 were recommended by Council officers in light of the changes to development approval REC/08/0096 which is covered in a separate report to Council.*

*Development approval RC2005/56 covers Stage 1 of the Country Road Estate subdivision and is nearing completion with 8 of the proposed 12 lots created. The applicant has subsequently lodged an application to change the development approval, requesting that proposed Lot 101 be removed from the approved lot layout. Proposed Lot 101 is situated at the very front of the site, facing Emerald End Road, and its presence as a proposed lot in Stage 1 will interfere with planned changes to Stage 8 of the Country Road Estate subdivision which is covered under development approval REC/08/0096 and which are discussed in a separate report to Council.*

*Lot 101 is required to be formally removed from Stage 1 as it will no longer be created due to changes to the lot layout of Stage 8 (REC/08/0096), and also, because development approval REC/08/0096 contains a condition that requires all lots in Stage*

*1 to be completed prior to any lots being created under development approval REC/08/0096.*

#### Response

No objection is raised to the removal of Lot 101 from development approval RC2005/56. It is therefore recommended that the description of the approved development be amended as follows:

*The application seeks a **Development Permit for Reconfiguring a Lot – One (1) into 42 11 lots made assessable by the Mareeba Shire Planning Scheme.***

#### Approved Plan/s

Plan / Document Number	Plan / Document Name	Date
REF 05/4743	Proposed Reconfiguration of Lots 1-9 and 100-102	22/09/2005
-	Lot Layout	Undated

#### Request by Applicant

*The requested changes to RC2005/56 were recommended by Council officers in light of the changes to Stage 8 of development approval REC/08/0096 which is covered in a separate report to Council.*

*Development approval RC2005/56 covers Stage 1 of the Country Road Estate subdivision and is nearing completion with 8 of the proposed 12 lots created. The applicant has subsequently lodged an application to change the development approval, requesting that proposed Lot 101 be removed from the approved lot layout. Proposed Lot 101 is situated at the very front of the site, facing Emerald End Road, and its presence as a proposed lot in Stage 1 will interfere with planned changes to Stage 8 of the Country Road Estate subdivision which is covered under development approval REC/08/0096 and which are discussed in a separate report to Council.*

*Lot 101 is required to be formally removed from Stage 1 as it will no longer be created due to changes to the lot layout of Stage 8 (REC/08/0096), and also, because development approval REC/08/0096 contains a condition that requires all lots in Stage 1 to be completed prior to any lots being created under development approval REC/08/0096.*

### Response

No objection is raised to the removal of Lot 101 from development approval RC2005/56. It is therefore recommended that the approved plans be amended as follows:

Plan / Document Number	Plan / Document Name	Date
REF 05/4743	Proposed Reconfiguration of Lots 1-9 and 100-102	22/09/2005
-	Lot Layout	Undated
<b><u>DWG No. 4743 - LL1 (Sheet 1)</u></b>	<b><u>Proposed Reconfiguration of a Lot (1 into 10 Lots)</u></b>	<b><u>21/05/2018</u></b>
<b><u>DWG No. 4743 - LL1 (Sheet 2)</u></b>	<b><u>Proposed Reconfiguration of a Lot (1 into 10 Lots)</u></b>	<b><u>21/05/2018</u></b>

### Condition 13

13. *Prior to the signing and sealing of the new plan of survey, the applicant shall provide Council with a report prepared by a suitably qualified civil engineer, acceptable to Council, demonstrating that sufficient flood free land exists within proposed Lot 101 to allow for the construction of a dwelling and associated effluent disposal system. The report shall be prepared at the applicant's cost.*

### Request by Applicant

*The requested changes to RC2005/56 were recommended by Council officers in light of the changes to Stage 8 of development approval REC/08/0096 which is covered in a separate report to Council.*

*Development approval RC2005/56 covers Stage 1 of the Country Road Estate subdivision and is nearing completion with 8 of the proposed 12 lots created. The applicant has subsequently lodged an application to change the development approval, requesting that proposed Lot 101 be removed from the approved lot layout. Proposed Lot 101 is situated at the very front of the site, facing Emerald End Road, and its presence as a proposed lot in Stage 1 will interfere with planned changes to Stage 8 of the Country Road Estate subdivision which is covered under development approval REC/08/0096 and which are discussed in a separate report to Council.*

*Lot 101 is required to be formally removed from Stage 1 as it will no longer be created due to changes to the lot layout of Stage 8 (REC/08/0096), and also, because development approval REC/08/0096 contains a condition that requires all lots in Stage 1 to be completed prior to any lots being created under development approval REC/08/0096.*

### Response

No objection is raised to the removal of Lot 101 from development approval RC2005/56. Condition 13 relates only to Lot 101 and would be non-applicable if the lot was removed from the approval.

It is therefore recommended that Condition 13 be deleted.



**Infrastructure Charges**

On 17 July 2013, the applicant/developer paid \$22,000.00 in infrastructure charges required under Condition 5 (iv) and Condition 10 of Council's Amended Decision Notice dated 25 August 2009 (Receipt No. 459516).

As discussed above, the applicant/developer has now requested that development approval RC2005/56 be amended to exclude Lot 101 as it will no longer be created due to changes to the lot arrangement of Stage 8 of development approval REC/08/0096 which is covered under a separate report to Council.

As such, it is considered reasonable that a refund of \$2,000.00 for the infrastructure charges payable for Lot 101 be provided to the applicant/developer.

**Date Prepared:** 7 June 2018

**ATTACHMENT 1****Tablelands Regional Council**

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

**Urban & Regional Planning Department**  
Brian Millard, Senior Planner  
Telephone: (07) 4043 4364  
Facsimile: (07) 4092 3323  
Email: info@trc.qld.gov.au

**File Ref:** RC2005/56  
**Our Ref:** BM:kc

25 August 2009

Jill Spackman  
Comaray Pty Ltd  
PO Box 892  
CAIRNS QLD 4870

## **Amended Decision Notice Approval**

*Integrated Planning Act 1997 S 3.5.23, S3.5.25, S3.5.33*

Dear Madam

**APPLICATION FOR RECONFIGURING A LOT – CHANGE OF CONDITIONS- ONE (1) LOT INTO  
TWELVE (12) LOTS  
LOT 4 ON RP739487  
SITUATED AT 200 EMERALD END ROAD, MAREEBA**

I wish to advise that, on 19 August 2009, the request to extend the relevant period/change the development approval (other than a change of a condition)/change or cancel conditions, was approved –

- Approved to the extent detailed below -

*Condition 1(iii)- External Works*

The Amended Decision Notice replaces the decision notice previously issued and dated 12 December 2005.

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

### **1. Details of the approval –**

The application seeks a **Development Permit for Reconfiguring a Lot – One (1) into twelve (12) lots made assessable by the Mareeba Shire Planning Scheme.**

### **2. The relevant period for the approval -**

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

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

**AMENDED DECISION NOTICE – APPROVAL**

 2  
 25 August 2009

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.

**3. The approved plans -**

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

Plan / Document Number	Plan / Document Name	Date
REF 05/4743	Proposed Reconfiguration of Lots 1-9 and 100-102	22/09/2005
-	Lot Layout	Undated

**4. Conditions –**

Development Number:	RC2005/56
Applicant:	J Spackman
Proposal:	Subdivide land into 12 lots
Property Location:	200 Emerald End Road, Mareeba
Real Property Description:	Lot 4 on RP739487, Parish of Tinaroo
Referral Agencies:	Dept Natural Resources & Mines (Concurrence)
Decision Date:	6 December 2005
Decision:	Approved, subject to conditions
Type Of Approval:	Development Approval
Assessment Manager Conditions:	See Attached
Concurrence Agency Conditions:	Response letter from Dept Natural Resources & Mines dated 21 November 2005
Further Development Permits Required:	Nil
Appeal Rights:	Division 8 – Appeals to Court Relating to Development Applications, attached for your information.

**CONDITIONS**

Council resolves:

- A. To issue a Development Permit for the application made by Twine Surveys on behalf of J Spackman for the reconfiguration of land described as Lot 4 on RP739487, Parish of Tinaroo, situated on Emerald End Road, Mareeba, into twelve (12) lots as indicated on Drawing No. 05/4743 (B-1), subject to the following conditions:-

**COUNCIL CONDITIONS**

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**AMENDED DECISION NOTICE – APPROVAL****3**  
**25 August 2009****1. External Works****(i) Emerald End Road.**

The Intersection of Emerald End Road and the Unnamed road leading to the proposed development is to be designed and constructed in accordance with the FNQROC Development Manual. The main points to note from the manual is that the finish surface is to be in asphalt and the design is to be in accordance with NAASRA Part 5.

**(ii) The Unnamed Road leading to the proposed development is to be designed and constructed in accordance with the FNQROC Development Manual in particular Table 1.4 Rural Road Elements (Rural Collector).****(iii) Deleted****2. General****(i) All operational works relating to this development will be as per the FNQROC Development Manual, including the following.****(ii) Prior to the submission of any documentation, Council draws your attention to AP 1 Application Procedures with particular reference to:-**

AP 1.02	Pre-Lodgement Discussion
AP 1.07	Supporting Information (in particular
- 9 (xi)	Erosion and Sediment control Strategy (ESCS)
- 9 (xvii)	Landscaping Design Plan
AP 1.08-1.14	Plan Presentation
AP 1.15-1.31	Design Drawings (including asphalt intersection/cul-de-sac details with bitumen road)

**(iii) Documentation as detailed in AP 1 should be submitted at least one (1) month prior to the proposed starting date for construction.****(iv) Refer also to associated Mareeba Shire Council Specific Requirements and Standard Drawings.****(v) Council wishes to advise the applicant of the Aboriginal Cultural Heritage Act 2003 and the Environment Protection and Biodiversity Conservation Act 1999 which may impact on this development.****(vi) No work may commence on site until Council has approved both the:**

- (a) Erosion and Sediment Control Strategy; and**
- (b) Principal Contractor's Sediment Control Plan.**

**3. Roadworks & Earthworks****(i) Roadworks are to be designed and constructed in accordance with FNQROC Development Manual with particular reference to the following sections:-**

DP 1	Development Principles
D1	Road Geometry
D2	Site Regrading
D3	Road Pavements (Design)
S1	Earthworks
S2	Road Pavements (Specification)
Table D 1.1	Street and Road Hierarchy

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**AMENDED DECISION NOTICE – APPROVAL****4**  
25 August 2009

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- (ii) Refer also to associated Mareeba Shire Council Specific Requirements and Standard Drawings.

**4. Stormwater Drainage**

- (i) Stormwater drainage is to be designed and constructed in accordance with FNQROC Development Manual with particular reference to the following sections.

DP 1	Development Principles
D4	Stormwater Drainage (Design)
D5	Stormwater Quality Management
S4	Stormwater Drainage (Specification)

- (ii) Refer also to Mareeba Shire Council specific requirements and site drawings.

**5. Water Supply**

- (i) Water reticulation is to be designed and constructed in accordance with FNQROC Development Manual with particular reference to the following sections.

D5	Water Reticulation (Design from existing Council Supply)
S5	Water Reticulation (Specification)

- (ii) Refer also to Mareeba Shire Council specific requirements and standard drawings.

- (iii) All laying and installation work is to be carried out to the specific requirements of Mareeba Shire Council.

- (iv) The applicant shall contribute to the cost of water headworks in accordance with the adopted policy of Council existing at the time of submission of the application. This payment to be made prior to the signing and sealing of the Plan of Survey.

**6. Wastewater Disposal**

Prior to the issue of a Development Permit for operational works, the developer shall provide a Soil and Evaluation Report prepared by a suitably qualified Registered Professional Engineer acceptable to Council, for the proposed development. The report shall be prepared in accordance with the requirements of AS1547.2000 and shall specifically address those issues pertaining to the planning, Re-zoning and Subdivision of Land. The developer shall warrant that each lot within the proposed subdivision is of sufficient size and soil classification to dispose of wastewater generated by any development consistent with the zoning of the land without impacting on any adjoining lands. The report will include a detailed investigation of problem lots within the development. AS1547.2000 provides direction on the preparation of such a report and guidance on the minimum level of testing required to produce such a report.

**7. Construction**

- (i) As well as the requirements set out in the Design Guidelines and Specifications of the FNQROC Development Manual, Council draws your attention to CP 1 Construction Procedures which details minimum requirements acceptable to Council. Particular reference is made to the following sections.

CP 1.04	Inspection and Test Plan
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**AMENDED DECISION NOTICE – APPROVAL**

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25 August 2009

CP 1.06	Contractors Erosion & Sediment Control Plan
CP 1.08	Notice to Commence Works
CP 1.09	Pre-Start Meeting

- (ii) Refer also to associated Mareeba Shire Council Specific Requirements and Standard Drawings.
  - (iii) Before any contractor can proceed on site, the applicant is to complete and submit for signing of approval to the Manager Civil Works, the "Notice of Appointment of Principal Contractor" form, stating who is to be the Principal Contractor for this development.
  - (iv) All construction works are to be carried out to the requirements of the FNQROC Development Manual and the specific Mareeba Shire Council requirements in the FNQROC Manual.
8. Electrical Reticulation
 

The developer shall provide written advice from Ergon Energy that satisfactory arrangements have been made for an electricity supply to be provided to each of the proposed residential allotments.

Street lighting shall be installed in accordance with the requirements of the FNQROC Development Manual.
  9. Telephone Service
 

The developer shall provide written advice from Telstra that satisfactory arrangements have been made for an underground telephone supply to be provided to each of the proposed residential allotments
  10. A contribution of \$1,000 per additional rural residential allotment created shall be provided towards the upgrading of existing public open space and/or the acquisition of additional public open space. Such payment shall be made prior to the signing and sealing of the Plan of Survey by Council.
  11. The floor level of a habitable room in any dwelling house constructed on the proposed allotments is to be at least 300mm above the Q100 flood level.
  12. Any dwelling erected on the subject land shall be in accordance with State Planning Policy 1/03, in particular:
    - (i) Shall achieve a setback from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10 metres, whichever is greater.
    - (ii) An on-site water storage of not less than 5,000 litres, with fire brigade fittings where necessary, is to be provided at the same time the dwelling is constructed.
    - (iii) The dwelling should be located in the location of lowest hazard within the allotment.
  13. Prior to the signing and sealing of the new plan of survey, the applicant shall provide Council with a report prepared by a suitably qualified civil engineer, acceptable to Council, demonstrating that sufficient flood free land exists within proposed Lot 101 to allow for the construction of a dwelling and associated effluent disposal system. The report shall be prepared at the applicant's cost.
  14. Plan of survey and Form 6



**AMENDED DECISION NOTICE – APPROVAL**

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25 August 2009

At the same time as any fees are paid, a copy of the Plan of Survey and the Form 6 that is lodged with the Department of Natural Resources and Mines for each permanent survey mark installed must also be lodged with Council prior to the signing and sealing of the Plan of Survey.

**DEPARTMENT OF NATURAL RESOURCES AND MINES CONDITIONS**  
Conditions as per concurrence agency response dated 21 November 2005.

- B. Authorise the Mayor and Chief Executive Officer to sign and seal the plan of survey when all of the above conditions have been completed to the satisfaction of the Shire Planner.

5. **Other necessary development permits –**

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

- Development Permit for Operational Works

6. **IDAS referral agencies –**

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of referral agency	Status	Address
<b>RECONFIGURING A LOT</b>			
If the reconfiguring involves land with an area of 2 ha or above, 2 or more lots are created and the size of any lot created is 25 ha or smaller, and the land contains–  (i) A category 1, 2 or 3 area shown on a property map of assessable vegetation; or  (ii) <u>Remnant vegetation</u>	Department of Environment and Resource Management	Concurrence	Department of Environment and Resource Management Administration Officer Planning & Environment PO Box 5318 TOWNSVILLE QLD 4810

7. **Submissions -**

Not applicable

8. **Appeal rights –**

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

9. **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

**AMENDED DECISION NOTICE – APPROVAL**

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25 August 2009

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

This approval will lapse if—

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

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

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

Yours faithfully

**BRETT NANCARROW**  
**MANAGER URBAN & REGIONAL PLANNING**

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

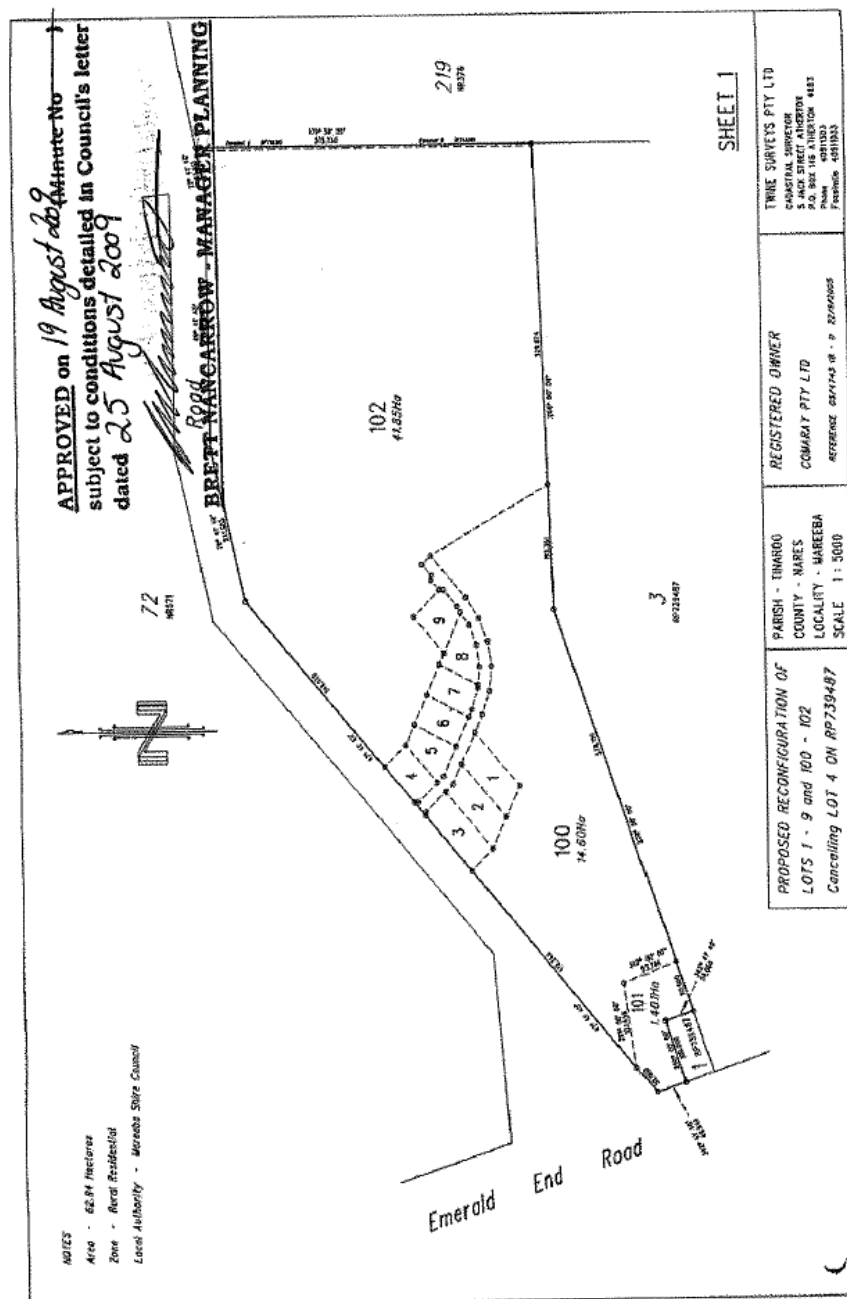
Copy:

Department of Environment and Resource Management  
Administration Officer  
Planning & Environment  
PO Box 5318  
TOWNSVILLE QLD 4810



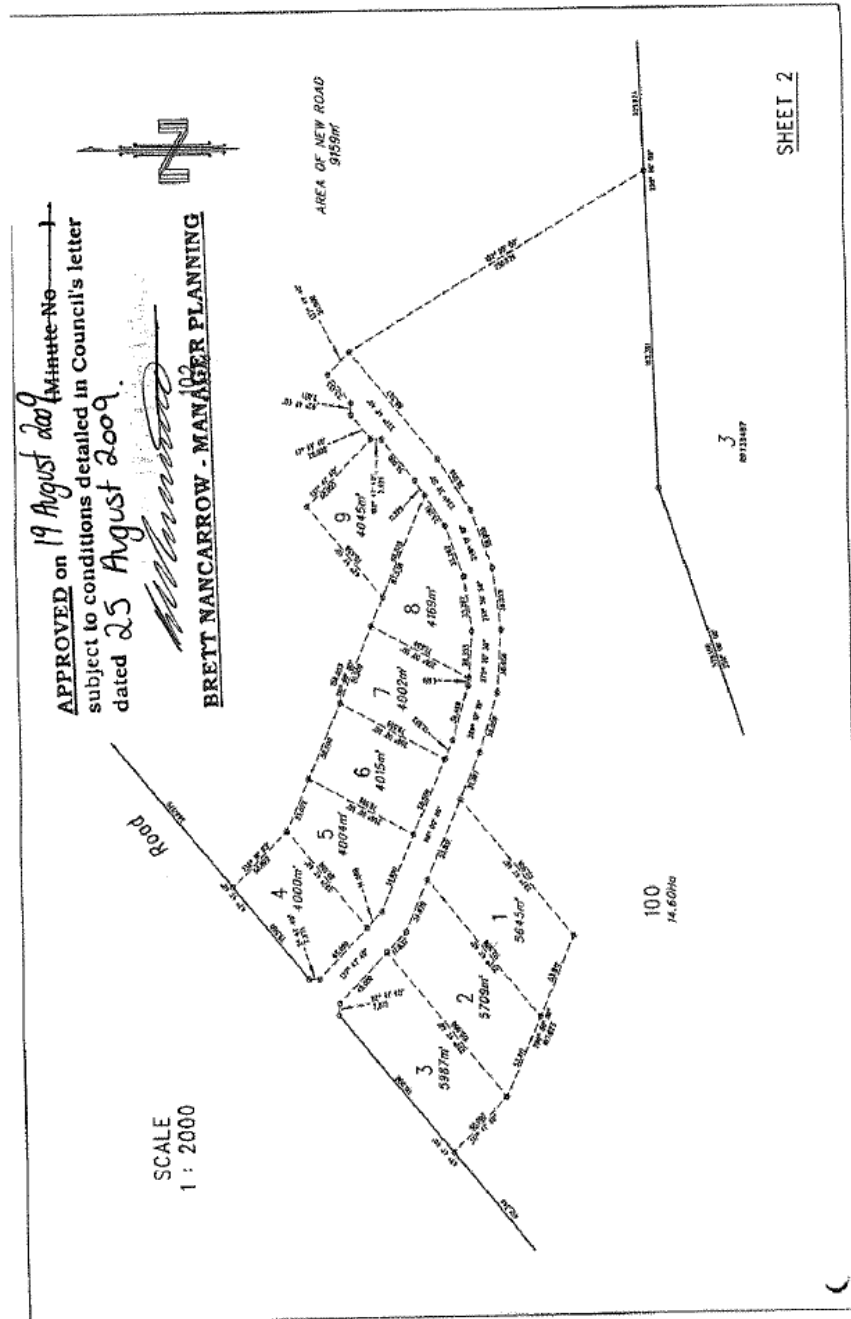
AMENDED DECISION NOTICE – APPROVAL

8  
25 August 2009



AMENDED DECISION NOTICE – APPROVAL

9  
25 August 2009



**AMENDED DECISION NOTICE – APPROVAL**10  
25 August 2009

21.NOV.2005 14:13

CENTRE FOR TROPICAL AGRICULTURE

NO.547 P.2/6

**Queensland**  
Government

Natural Resources and Mines

Author: Rachael Whitla  
File / Ref number: 2005/107327-103649  
Receipt No: ATN000208  
Trackjob No: IC1005MBA0004  
Unit: Vegetation Management  
Phone: 4048 4732

21 November 2005

Chief Executive Officer  
Mareeba Shire Council  
P.O. Box 154  
Mareeba QLD 4880

Attention: Mr. Brian Millard

Dear Sir

**Application for Reconfiguring a Lot on Lot 4 RP739487 - Mareeba Shire Council – Referral Agency Response**

The Department of Natural Resources and Mines (acting as a Concurrence Agency), has completed the assessment of the above application against the purposes of the Vegetation Management Act 1999 in accordance with the Concurrence Agency Policy for ROL (Concurrence).

The Referral Agency Response, prepared pursuant to section 3.3.16(1) of the *Integrated Planning Act 1997*, is enclosed. I look forward to receiving a copy of the decision notice for the application in due course.

Should you have any questions about the above, please contact Rachael Whitla on telephone number (07) 4048 4732, quoting the above reference number.

Yours sincerely



Simon Danielsen  
Acting Senior Vegetation Management Officer  
North Region  
Att.

NRMM Mareeba  
PO Box 1054  
Mareeba  
28 Police Street  
Mareeba  
4880  
QLD  
Telephone (07) 4048 4850  
Facsimile (07) 40923593  
Website [www.nrm.qld.gov.au](http://www.nrm.qld.gov.au)  
ABN 63 705 537 506

0740923323

21.NOV.2005 14:07 RECEIVED FROM: 61740923593

#0793-002

AMENDED DECISION NOTICE – APPROVAL

11  
25 August 2009

21.NOV.2005 14:14

CENTRE FOR TROPICAL AGRICULTURE

NO.547 P.3/6

**Referral Agency Response – Reconfiguring a Lot**  
s 3.3.16 Integrated Planning Act 1997



**Queensland**  
Government

Natural Resources and Mines

**1. Application information**

- 1.1. **Applicant's name:** Jill Spackman
- 1.2. **Property description:** 4 RP739487 - Mareeba Shire Council
- 1.3. **Assessment Manager/Reference:** Mareeba Shire Council – RC2005/56
- 1.4. **Date application was referred to Department:** 10 October 2005
- 1.5. **Departmental Reference:** eLVA Case No: 2005/107327, File Ref. No: ATN/000208, Trackjob No: IC1005MBA0004
- 1.6. **Type/s of development sought by the application:**  
☐ Reconfiguring a Lot

**2. Concurrence Agency response:**

The Chief Executive of the Department of Natural Resources and Mines directs that:

- ☐ the following conditions must be imposed on any approval given by the Assessment Manager:
  - Clearing associated with the RaL must not occur unless the clearing is already made exempt under Schedule 8, Part 1 of the *Integrated Planning Act 1997* in the absence of the RaL approval.

**3. Reasons:**

A Statement of Reasons is attached at Schedule 1.

**4. Additional comments or information:**

**Aboriginal Cultural Heritage**

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in compliance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the Department's website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants should also undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, Department of Natural Resources and Mines. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 323 83838 or on the Department's website [www.nrm.qld.gov.au/cultural\\_heritage](http://www.nrm.qld.gov.au/cultural_heritage).

IDAS Referral Agency Response

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21.NOV.2005 14:07

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**AMENDED DECISION NOTICE – APPROVAL**12  
25 August 2009

21.NOV.2005 14:14

CENTRE FOR TROPICAL AGRICULTURE

NO.547 P.4/6

**5. Authorised Officer Signature:****Simon Danielsen**  
**Acting Senior Vegetation Management Officer**  
**North Region**

21 November 2005

Att. Schedule 1 – Statement of Reasons

Natural Resources and Mines – Referral Agency Response

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0740923323

21.NOV.2005 14:07 RECEIVED FROM: 61740923593

#0793-004

**AMENDED DECISION NOTICE – APPROVAL**

13  
25 August 2009

21.NOV.2005 14:14 CENTRE FOR TROPICAL AGRICULTURE

NO.547 P.5/6

eLVAS Case No:	2005/107327
File Ref. No:	ATN/000208
Trackjob No:	IC1005MBA0004

**Schedule 1**

**Statement of Reasons  
Referral Agency Response  
Application for Reconfiguring a Lot  
Jill Spackman**

The following Statement of Reasons is provided pursuant to s. 3.3.18(7) of the *Integrated Planning Act 1997*

**Introduction**

1. The Department of Natural Resources and Mines (NR&M) received an application from Twine Surveys Pty Ltd on 10 October 2005.
2. The application is for RaL (Concurrence) on Lot 4 RP739487 - Mareeba Shire Council.
3. An Assessment Report was sent to the Delegate of the Chief Executive, Simon Daniels, on 21 November 2005.
4. The Delegate determined the Referral Agency Response on 21 November 2005

**Evidence**

1. Application dated 22/09/05.  
a) Completed IDAS Form 1 Part "J".  
b) Property Vegetation Management Plan.
2. *Integrated Planning Act 1997 & Integrated Planning Regulation 1998 (Schedule 2)*
3. *Vegetation Management Act 1999*
4. *Department of Natural Resources and Mines Concurrence Agency Policy for Material Change of Use/Reconfiguring a Lot dated 27 June 2005*
5. *State Planning Policy (SPP) 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire, and Landslide.*
6. Natural Resource (IPA) Delegation (No.1) 2003
7. Aerial Photography QAP 5681, 1:25000 dated 9/9/98
8. Assessment Report dated 21 November 2005

**Findings of fact**

1. I find that lot 4 on RP739487 is mapped as containing remnant not of concern regional ecosystems and areas mapped as non-remnant.
2. I find that the proposed RaL and any infrastructure associated with the RaL is contained within areas on lot 4 on RP739487 that are mapped as non-remnant.
3. Clearing of non-remnant vegetation on freehold properties is exempt under Schedule 8, Part 1 Table 4 item 1A (f) and remains exempt in the absence of an RaL approval.

**Reasons**

1. To ensure that any clearing associated with the RaL is contained within the proposed areas of the RaL as shown in the sketches submitted in the Development application

Natural Resources and Mines - Referral Agency Response

Page 3 of 4

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#0793-005

**AMENDED DECISION NOTICE – APPROVAL**14  
25 August 2009

21.NOV.2005 14:14 CENTRE FOR TROPICAL AGRICULTURE NO.547 P.6/6

(sheet 1), and that clearing only occurs where it is already made exempt under  
Schedule 8 Part 1 of the *Integrated Planning Act 1997* in the absence of an approval.



Simon Danielsen  
Acting Senior Vegetation Management Officer  
North Region

21 November 2005

Natural Resources and Mines - Referral Agency Response

Page 4 of 4

0740923323

21.NOV.2005 14:07 RECEIVED FROM: 61740923593

#0793-006

**ATTACHMENT 2****Carl Ewin**

---

**From:** Jill Spackman <jillspackman@yahoo.com.au>  
**Sent:** Tuesday, 29 May 2018 8:28 AM  
**To:** Carl Ewin  
**Subject:** Fw: RE: Lot 101  
**Attachments:** 4743-REC 2005 56.pdf

Hi Carl,

Roger sent you the original plans minus lot 101, so we can now proceed with the re-configuration of Stage 8 or do you need anything else before it can go to the Council meeting?

Cheers  
Jill

----- Forwarded message -----

**From:** Roger Twine <roger@twinesurveys.com.au>  
**To:** 'Jill Spackman' <jillspackman@yahoo.com.au>  
**Sent:** Monday, 28 May 2018, 6:14:24 am AEST  
**Subject:** RE: Lot 101

Good morning Jill

I sent this file to Carl on the 22.5.2018 and asked if he required any alterations and have not been forwarded any advice to date.

Regards

Roger Twine



36 Mabel Street, Atherton Q 4883 | PO Box 146, Atherton Q 4883

P: 07 4091 1303 | E: [roger@twinesurveys.com.au](mailto:roger@twinesurveys.com.au)

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**From:** Jill Spackman <jillspackman@yahoo.com.au>  
**Sent:** Sunday, 27 May 2018 7:57 PM  
**To:** Roger Twine <roger@twinesurveys.com.au>; Brendan Twine <brendan@twinesurveys.com.au>  
**Subject:** Re: Lot 101



Good morning Roger & Brendon,

Can I please have the original approved subdivision plans changed with the Lot 101 removed? This re-drawn plan (minus Lot 101) can then go to the next Council meeting so they can approve the reconfiguration of Stage 8?

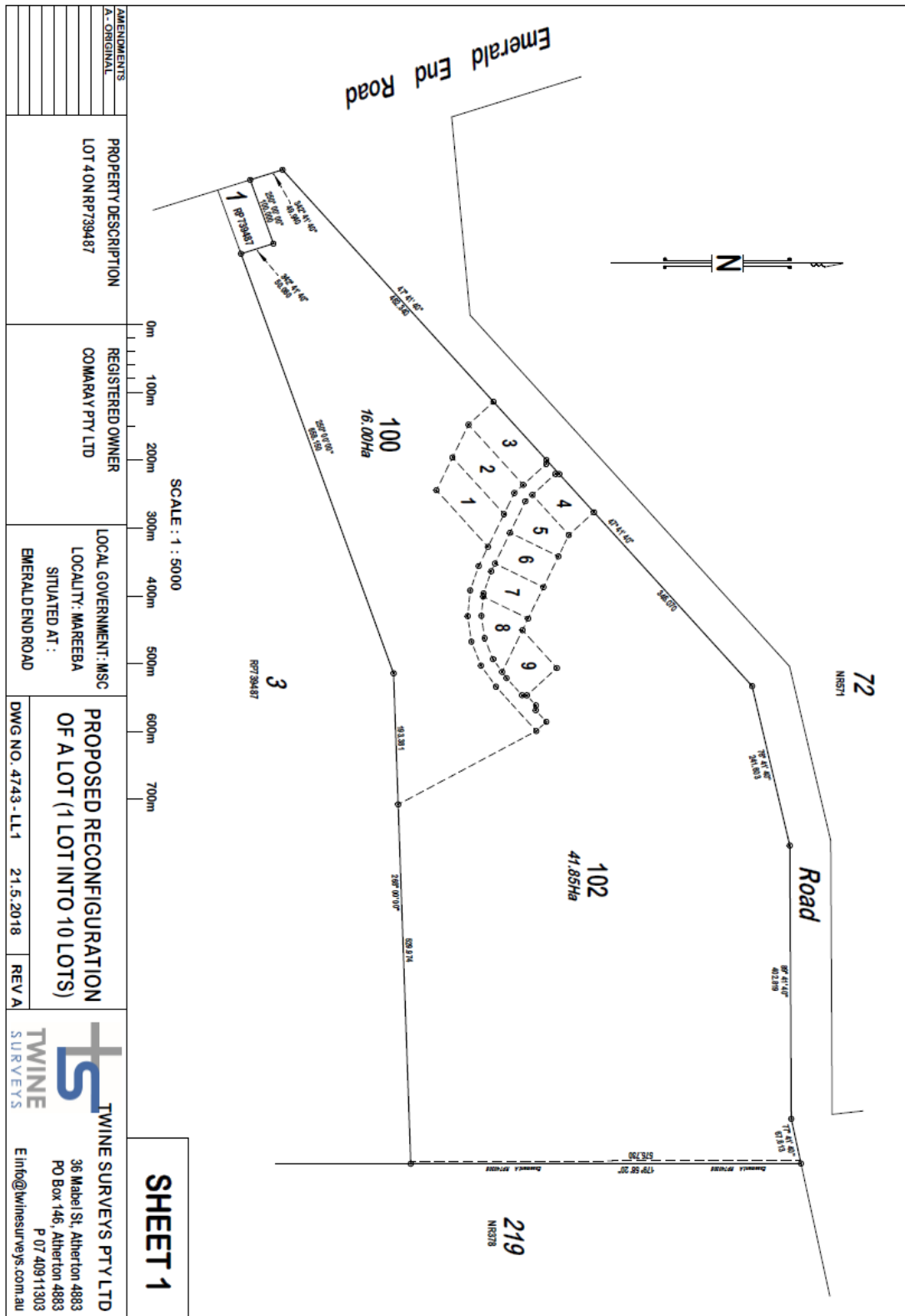
Can you let me know when it has been done? Thank you so much,

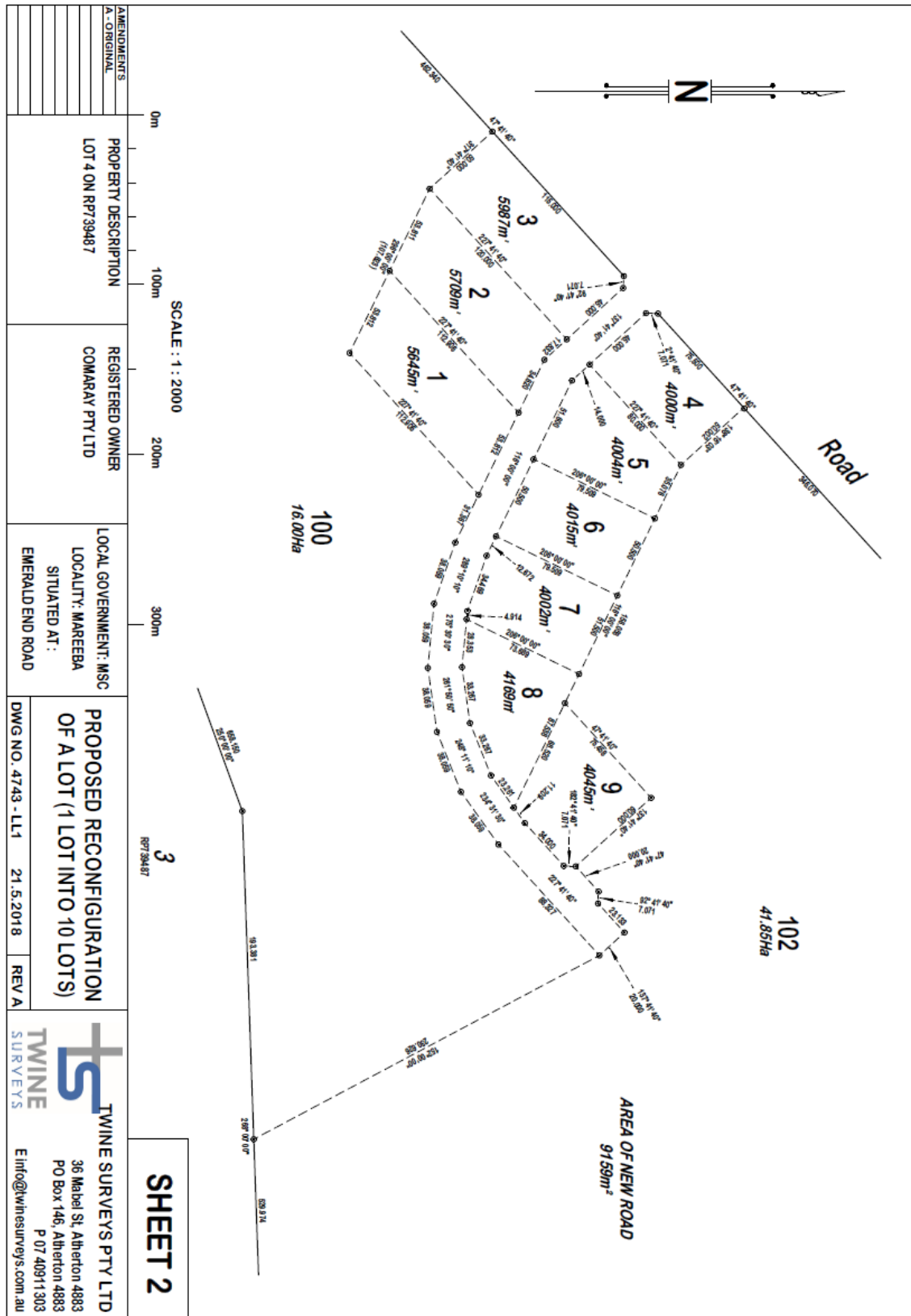
Cheers

Jill.

**ATTACHMENT 3**

**PROPOSED AMENDED PLANS (ECM Doc Set ID 3414567)**







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**ITEM-5**                      **CHANGE OF DEVELOPMENT APPROVAL AND EXTENSION TO CURRENCY PERIOD - COMARAY PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 62 LOTS IN 5 STAGES) - LOT 4 RP739487 - EMERALD END ROAD, MAREEBA - REC/08/0096**

**MEETING:**                      Ordinary

**MEETING DATE:**            20 June 2018

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

**DEPARTMENT:**              Corporate and Community Services

---

APPLICATION		PREMISES	
<b>APPLICANT</b>	Comaray Pty Ltd	<b>ADDRESS</b>	Emerald End Road, Country Road and Annie Court, Mareeba
<b>DATE REQUESTS LODGED</b>	18 March 2018	<b>RPD</b>	Lot 4 on RP739487 (Lot 100 & 200 on SP188083)
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 62 Lots in 5 Stages)		

<b>FILE NO</b>	REC/08/0096	<b>AREA</b>	Lot 100 - 10.17 Ha Lot 200 - 39.68 Ha
<b>LODGED BY</b>	Benchmark Survey & Design and Twine Surveys Pty Ltd	<b>OWNER</b>	Comaray Pty Ltd
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)		
<b>ZONE</b>	Rural Residential		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	N/A - Code Assessment Only		

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**ATTACHMENTS:**

1. Negotiated Decision Notice dated 28 March 2012
2. Request to change development approval dated 18 March 2018
3. Proposed amended plan/s
4. Request to extend currency period dated 23 March 2018

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## EXECUTIVE SUMMARY

*Council approved a development application described in the above application details at its Ordinary Meeting on 16 November 2011, subject to conditions. A Negotiated Decision Notice was issued by Council on 28 March 2012.*

*Development Approval REC/08/0096 covers Stages 3, 4, 5, 6 and 8 of the Country Road Estate subdivision. Stages 1, 2 and 7 of the Estate are covered by separate reconfiguration approvals.*

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

*Benchmark Survey and Design, on behalf of the applicant has lodged an application to change the development approval, in particular, Stage 8 of the approval. At present, Stage 8 involves the creation of 13 lots over Lot 100 on SP188083 accessed from a proposed new access road intersecting with Country Road. The location of this proposed intersection is considered unsuitable due to topographical constraints, and as a result, it is proposed to amend the lot layout of Stage 8 so that the new access road intersects with Emerald End Road towards the very front of the site.*

*The requested change to Stage 8 of this approval will also require an amendment to development approval RC2005/56 (Stage 1 of Country Road Estate), namely the removal of proposed Lot 101 which is situated at the very front of the site. Lot 101 is required to be removed as Lot 101 interferes with the proposed amended layout of Stage 8. This change is addressed in a separate report to Council.*

*The requested changes to development approval REC/08/0096 will not result in substantially different development and remains consistent with the intent of the subject land under the current Mareeba Shire Council Planning Scheme 2016. It is therefore recommended that the request to change development approval REC/08/0096 be approved, subject to the amendments listed below.*

*Further to the request to change the development approval, Twine Surveys Pty Ltd, on behalf of the applicant, have also lodged a request to extend the currency period of development approval REC/08/0096 for a further four (4) years. Given the substantial works already completed on site for the earlier stages of the Country Road Estate development, with 19 lots created and sold, the developer has demonstrated substantial commitment to the development and the requested four (4) year extension is considered reasonable in this instance. Therefore, it is also recommended that the relevant period for REC/08/0096 be extended for four (4) years from 28 March 2018 to 28 March 2022.*

## OFFICER'S RECOMMENDATION

It is recommended that:

- “1. In relation to the application to change the following development approval and also to extend the currency period of the following development approval:

APPLICATION		PREMISES	
APPLICANT	Comaray Pty Ltd	ADDRESS	Emerald End Road, Country Road and Annie Court, Mareeba
DATE REQUESTS LODGED	18 March 2018	RPD	Lot 4 on RP739487 (now Lot 100 & 200 on SP188083)
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 62 Lots in 5 Stages)		

and in accordance with the Planning Act 2016, the following:

- (A) The description of the approved development of Council's Negotiated Decision Notice issued on 28 March 2012 be amended as follows:

*This Decision Notice approves a **Development Permit** for **Reconfiguring a Lot – Subdivision** creating a further ~~62~~ **64** lots in five (5) stages **made assessable by the Mareeba Shire Planning Scheme 2004.***

Stage 3 - creating 12 rural residential lots  
 Stage 4 - creating 13 rural residential lots  
 Stage 5 - creating 15 rural residential lots  
 Stage 6 - creating 9 rural residential lots  
 Stage 8 - creating ~~43~~ **15** rural residential lots

*Where the approved Stages are defined on approved Plan 11/4743 Stages 3-6 (2B), dated 23/8/2011 **except for Stage 8 which is defined on amended Plan CRE17-018-C01, dated 29/01/18.***

- (B) The approved plan/s of Council's Negotiated Decision Notice issued on 28 March 2012 be amended as follows:

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
11/4743-Stages 3-6 (2B)	Proposed Reconfiguration of Stages 3-6 & 8 Country Road Estate	Twine Surveys Pty Ltd	23.8.2011
<b><u>CRE17-018-C01</u></b>	<b><u>Layout Plan - Stage 8 - 1 Lot into 15 Lots</u></b>	<b><u>Benchmark Survey &amp; Design</u></b>	<b><u>29/01/18</u></b>

- (C) That new Condition 4.13 be included on Council's Negotiated Decision Notice issued on 28 March 2018 as follows:

**4.13 Roadworks - External Construction (Stage 8)**

**The intersection of Emerald End Road and the unnamed road servicing Stage 8 (as shown on Plan CRE-018-C01 dated 29/01/18) must be designed and constructed in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.**

**The finished surface of the intersection is to be in asphalt, unless otherwise determined by 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.**

- (D) The currency period be extended for four (4) years from 28 March 2018 to 28 March 2022.
2. That the Adopted Infrastructure Charges Notice be amended to include the following infrastructure charges table:

Infrastructure Charge	Lots	Rate	Current Amount of Charge
Augmentation of the Road Network Contributions (Mareeba East)	62 <b>63</b>	\$3,558.00 <b><u>\$4,500.00</u></b>	\$174,342.00 <b><u>\$283,500.00</u></b>
Open Space Contributions	62 <b>63</b>	\$3,558.00 <b><u>\$4,500.00</u></b>	\$174,342.00 <b><u>\$283,500.00</u></b>
Water Supply Headworks Contributions	63 <b>64</b>	\$3,558.00 <b><u>\$4,500.00</u></b>	\$177,900.00 <b><u>\$288,000.00</u></b>
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>			\$526,584.00 <b><u>\$855,000.00</u></b> plus \$554 per street light installed

3. A Notice of Decision on Request to Change a Development Approval be issued to the applicant and the Department of State Development, Manufacturing, Infrastructure and Planning, State Assessment and Referral Agency (SARA) via email [cairnsSARA@dsdmip.gov.au](mailto:cairnsSARA@dsdmip.gov.au) (reference: 2008/007471) advising of Council's decision."

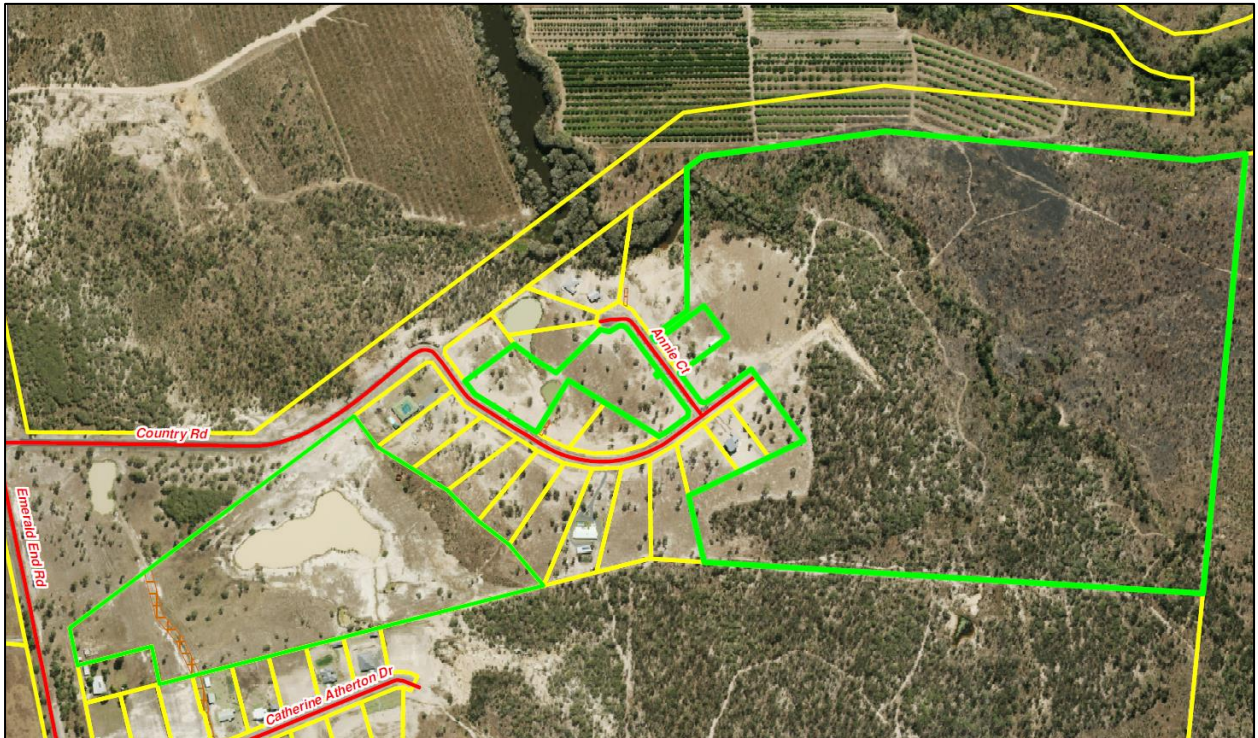
## THE SITE

The subject land forms part of Country Road Estate and is described as Lot 100 on SP188083 and Lot 200 on SP188083 (Formerly Lot 4 on RP739487), situated at Emerald End Road, Country Road and Annie Court, Mareeba. 20 lots have been created within the estate with Lot 100 and 200 being the balance land. Lot 100 & 200 have a combined total area of 49.85



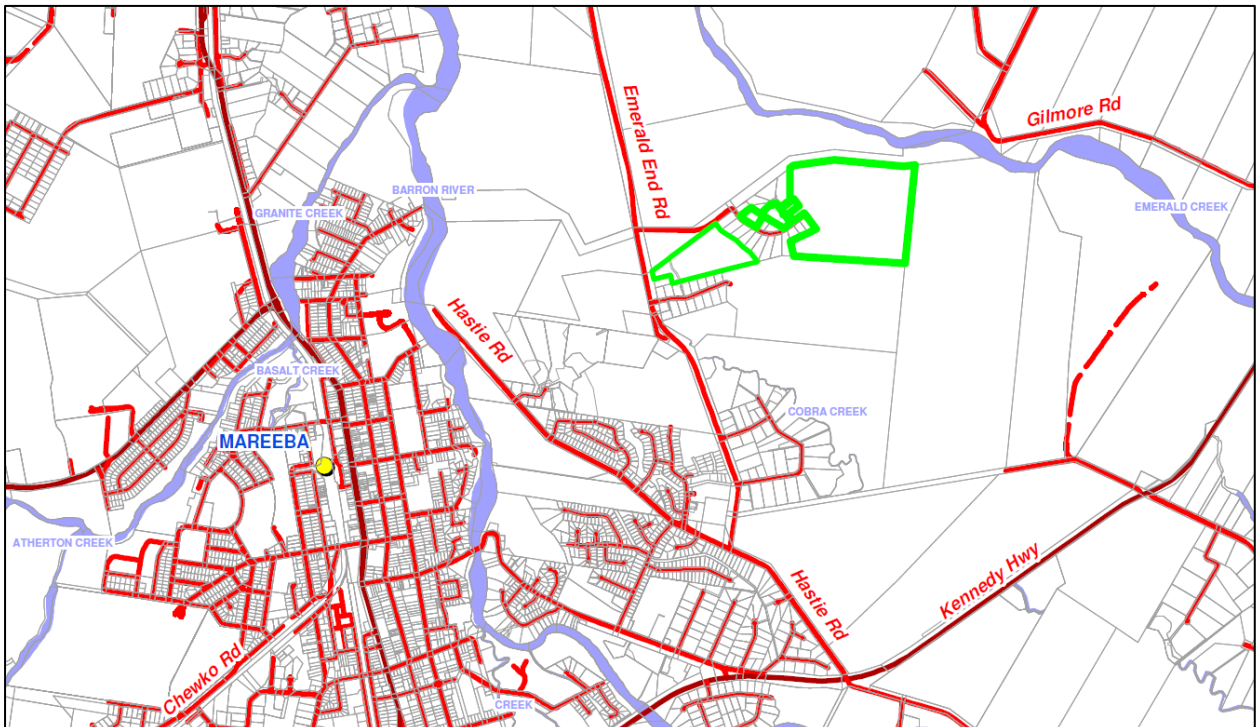
hectares and are zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016.

Emerald End Road, Country Road and Annie Court are all constructed to bitumen sealed standards with Country Road and Annie Court incorporating kerb and channel for their entire lengths.



**Map Disclaimer:**

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

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The 12 lots that have been created within the estate form part of Stages 1, 2 and 7 only. Lot 100 remains cleared and grassed with scattered mature vegetation while Lot 200 remains predominately vegetated. Both Lots are unimproved with Lot 100 containing a large dam, two (2) smaller dams and drainage easement used to drain water from Catherine Atherton Drive which accesses "The Rise" estate situated immediately to the south of the subject land. Lot 200 contains a seasonal watercourse which meanders through the site, eventually draining to Emerald Creek situated to the north-east of the lot.

Surrounding lots are zoned a mix of Rural Residential and Rural with the area characterised by a mix of large rural holdings and rural residential allotments.

## BACKGROUND AND CONTEXT

Council approved development application REC/08/0096 at its Ordinary Meeting on 16 November 2011, subject to conditions. A Negotiated Decision Notice was issued by Council on 28 March 2012.

Development Approval REC/08/0096 covers Stages 3, 4, 5, 6 and 8 of the Country Road Estate subdivision. Stages 1, 2 and 7 of Country Road Estate are covered by separate reconfiguration approvals.

Council, at its Ordinary Meeting on 16 March 2016 approved an application made by Twine Surveys Pty Ltd on behalf of the applicant to extend the currency period of the approval by two (2) years from 28 March 2016 to 28 March 2018.

Benchmark Survey and Design, on behalf of the applicant has subsequently lodged an application to change the development approval, in particular, Stage 8 of the approval (**Attachment 2**). At present, Stage 8 involves the creation of 13 lots over now Lot 100 on SP188083 accessed from a proposed new internal access road intersecting with Country Road. The location of this proposed intersection is considered unsuitable due to topographical constraints, and as a result, it is proposed to amend the lot layout of Stage 8 so that the new access road intersects with Emerald End Road at the very front of the site. The revised lot layout for Stage 8 is shown on plan CRE17-018-C01, prepared by Benchmark Survey and Design, dated 29/01/18 (**Attachment 3**).

The requested change to Stage 8 of this approval will also require an amendment to development approval RC2005/56 (Stage 1 of Country Road Estate), namely the removal of proposed Lot 101 which is situated at the very front of the site. Lot 101 is required to be removed as Lot 101 interferes with the proposed amended layout of Stage 8. This change is addressed in a separate report to Council.

The requested changes to development approval REC/08/0096 will not result in substantially different development and remains consistent with the intent of the subject land under the current Mareeba Shire Council Planning Scheme 2016.

Further to the request to change the development approval, Twine Surveys Pty Ltd, on behalf of the applicant, have also lodged a request to extend the currency period of development approval REC/08/0096 for a further four (4) years from 28 March 2018 to 28 March 2022 (**Attachment 4**).

## **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 18 March 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.

## **Assessing and deciding extension applications**

Section 87(1) of the Planning Act 2016:

### **87 Assessing and deciding extension applications**

- (1) *When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.*

Comment

If a new application was lodged for this proposal it would be assessed under the new Mareeba Shire Council Planning Scheme 2016. The development remains consistent with the planning intent for the locality.

The conditions of development approval REC/08/0096 remain comprehensive and any new development approval would not be expected to have significantly different requirements.

Development Approval REC/08/0096 was not subject to fixed headworks charges/contributions.



The original development application was code assessable and was therefore not subject to public notification. A fresh development application would also be code assessable only and not subject to public notification.

The original application triggered a referral to the Department of Transport and Main Roads as a Concurrence Agency. A concurrence agency is no longer required to consent to an extension of the relevant period.

## **REQUEST TO CHANGE THE DEVELOPMENT APPROVAL**

### **Description of approved development**

*This Decision Notice approves a **Development Permit for Reconfiguring a Lot – Subdivision** creating a further 62 lots in five (5) stages **made assessable by the Mareeba Shire Planning Scheme 2004**.*

*Stage 3 - creating 12 rural residential lots  
Stage 4 - creating 13 rural residential lots  
Stage 5 - creating 15 rural residential lots  
Stage 6 - creating 9 rural residential lots  
Stage 8 - creating 13 rural residential lots*

*Where the approved Stages are defined on approved Plan 11/4743 Stages 3-6 (2B), dated 23/8/2011.*

### **Request by Applicant**

The applicants have provided the following information regarding the requested change:

*"Following a review of the original Reconfiguration and a meeting between Mr Lance Dodds (Benchmark Survey & Design) and Council Planning and Engineering Staff and alternative Layout is proposed.*

*The approved plan was for the access to Stage 8 allotments to be via an intersection with Country Road.*

*The approaches and departures at this location are too steep, the intersection is in close proximity to a bend in Country Road and we believe it is an unsuitable location.*

*Therefore it is proposed that access to Stage 8 be via an intersection with Emerald End Road.*

*Subsequently a realignment of the Stage 8 allotment boundaries is required."*

### **Response**

The requested amendment to the lot layout of Stage 8 will increase the number of lots provided within that Stage from 13 lots to 15 lots (2 additional lots). No objection is raised to the requested amendment or the addition of two extra lots, and it is recommended that the description of the approved development be amended to reflect the changes as follows:

This Decision Notice approves a **Development Permit** for **Reconfiguring a Lot – Subdivision** creating a further ~~62~~ **64** lots in five (5) stages **made assessable by the Mareeba Shire Planning Scheme 2004.**

Stage 3 - creating 12 rural residential lots  
 Stage 4 - creating 13 rural residential lots  
 Stage 5 - creating 15 rural residential lots  
 Stage 6 - creating 9 rural residential lots  
 Stage 8 - creating ~~13~~ **15** rural residential lots

Where the approved Stages are defined on approved Plan 11/4743 Stages 3-6 (2B), dated 23/8/2011 **except for Stage 8 which is defined on amended Plan CRE17-018-C01, dated 29/01/18.**

**Note:** Although the requested change will create two (2) additional lots in Stage 8, the requested changes also includes a reduction in the number of lots created in Stage 1 (RC2005/56) from 12 lots to 11 lots (see separate Council Report), so on balance, the requested changes only allow for the creation of 1 additional lot across the entire County Road Estate (Stages 1 - 8).

### Approved Plan/s

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
11/4743-Stages 3-6 (2B)	Proposed Reconfiguration of Stages 3-6 & 8 Country Road Estate	Twine Surveys Pty Ltd	23.8.2011

### Request by Applicant

As above.

### Response

Council officers raise no objection to the requested amendment. It is recommended that the list of approved plans be amended to include the requested changes as follows:

<b>Plan/Document Number</b>	<b>Plan/Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
11/4743-Stages 3-6 (2B)	Proposed Reconfiguration of Stages 3-6 & 8 Country Road Estate	Twine Surveys Pty Ltd	23.8.2011
<b><u>CRE17-018-C01</u></b>	<b><u>Layout Plan - Stage 8 - 1 Lot into 15 Lots</u></b>	<b><u>Benchmark Survey &amp; Design</u></b>	<b><u>29/01/18</u></b>

### Condition/s

As a result of the requested change to the development approval, which will see the new access road for Stage 8 accessed directly from Emerald End Road and not from Country Road, it is recommended that the following condition be included:

**4.13 Roadworks - External Construction (Stage 8)**

**The intersection of Emerald End Road and the unnamed road servicing Stage 8 (as shown on Plan CRE-018-C01 dated 29/01/18) must be designed and constructed in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.**

**The finished surface of the intersection is to be in asphalt, unless otherwise determined by 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.**

**Adopted Infrastructure Charges Notice**

The following is an excerpt from the original 2011 officers report regarding the infrastructure charges application for development approval REC/08/0096:

*"The standard per lot water headwork charge will be included as part of an Adopted Infrastructure Charges Notice. This charge is as follows:*

- 62 lots x \$3,558.00 = \$220,596.00

*No. 4 - Development Manual*

*All development works will need to be carried out in accordance with the FNQROC Development Manual.*

*No. 5 - Open Space Contributions*

*The applicable open space infrastructure charge based on the 2011/2012 schedule of fees is:*

- 61 lots x \$3,558.00 = \$217,038.00

*No. 6 - Augmentation of the Road Network Contribution*

*The applicable road network infrastructure charge based on the 2011/2012 schedule of fees is:*

- 61 lots x \$3,558.00 = \$217,038.00

*(f) Adopted Infrastructure Charges Notice*

**Water Supply**

*In accordance with Planning Scheme Policy No. 2 - Headworks Charges for Water Supply and Sewerage an infrastructure charge of \$220,596.00 should be applied to the development.*



### Roadworks

*In accordance with Planning Scheme Policy No. 6 - Augmentation of the Road Network Contribution an infrastructure charge of \$217,038.00 should be applied to the development.*

### Parks

*In accordance with Planning Scheme Policy No. 5 - Open Space Contributions an infrastructure charge of \$217,038.00 should be applied to the development."*

These charges were included in an Adopted Infrastructure Charges Notice to the applicant/developer concurrently with the Decision Notice.

The requested change to Stage 8, which will see 2 additional lots being created (total of 64 lots) under development approval REC/08/0096 and will therefore require an amendment to the adopted infrastructure charges notice.

The abovementioned infrastructure charges are payable at the rate applicable at time of payment. Based on the 2017/2018 fees and charges schedule, each of the above infrastructure charge units for water supply, parks and roads have increased from \$3,558.00 per unit per lot to \$4,500.00.

The original infrastructure charges notice included a charge of \$554.00 per street light installed. The application of this rate/charges not currently imposed by Council on other developers and is therefore recommended that this be removed off the infrastructure charges notice.

It is recommended that an amended infrastructure charges notice be issued to reflect the abovementioned changes as follows:

Infrastructure Charge	Lots	Rate	Current Amount of Charge
Augmentation of the Road Network Contributions (Mareeba East)	<del>62</del> <b>63</b>	<del>\$3,558.00</del> <b>\$4,500.00</b>	<del>\$174,342.00</del> <b>\$283,500.00</b>
Open Space Contributions	<del>62</del> <b>63</b>	<del>\$3,558.00</del> <b>\$4,500.00</b>	<del>\$174,342.00</del> <b>\$283,500.00</b>
Water Supply Headworks Contributions	<del>63</del> <b>64</b>	<del>\$3,558.00</del> <b>\$4,500.00</b>	<del>\$177,900.00</del> <b>\$288,000.00</b>
<b>TOTAL CURRENT AMOUNT OF CHARGE</b>			<del>\$526,584.00</del> <b>\$855,000.00</b> plus \$554 per street light installed

**Date Prepared:** 6 June 2018

**ATTACHMENT 1****Tablelands Regional Council**

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

Urban & Regional Planning Group  
Brian Millard, Senior Planner  
Telephone: (07) 4043 4830  
Facsimile: (07) 4092 3323  
Email: [info@trc.qld.gov.au](mailto:info@trc.qld.gov.au)

File Ref: REC/08/0096  
Our Ref: BN:BJM:nj

28 March 2012

Comaray Pty Ltd  
C/- Planning Far North  
PO Box 7801  
CAIRNS QLD 4870

## **Negotiated Decision Notice Approval**

*Sustainable Planning Act 2009 s363*

Dear Sir/Madam

**APPLICATION FOR RECONFIGURING A LOT - (SUBDIVISION CREATING A FURTHER 62  
LOTS IN FIVE (5) STAGES)  
LOT 4 ON RP739487  
SITUATED AT 200 EMERALD END ROAD, MAREEBA**

I wish to advise that, at Council's Ordinary Meeting held on 7 March 2012, a decision was made to issue a negotiated decision notice. This negotiated decision notice replaces the decision notice previously issued and dated 23 November 2011.

The above development application was

- Approved in full with conditions.

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

### **Approval under Section 331**

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

#### **1. Nature of the changes**

The nature of the changes are:

- (A) Condition 3.7 a) of Council's Decision Notice issued on 23 November 2011 be amended as follows:

##### *3.7 Flood Immunity*

- a) *All allotments must have a minimum area of 2,000 square metres 300mm above the Q100 level.*

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- (B) Condition 3.8 of Council's Decision Notice issued on 23 November 2011 be amended as follows:

**3.8 Bushfire Management***Firebreaks*

Where new roads are not involved or it is impractical to use new roads as firebreaks, firebreaks are established that:-

- have a minimum cleared width of 6m;
- have a maximum gradient of 12.5%;
- are constructed and maintained to prevent erosion and provide continuous access for fire fighting vehicles;
- have vehicular access at each end or have suitable clear manoeuvring areas for the turning of emergency fire fighting vehicles;
- all internal roads are to include fire hydrants;
- are within an easement in favour of Council and the Queensland Fire and Rescue Service or road reserve; and
- Are provided in at least the following situations:

The required firebreaks will be established:

- Along the eastern boundary of proposed Lots 38 and 41;
- Within the unnamed road reserve, for the entire northern road frontage of Lots 32 and 37, immediately adjacent to the agricultural buffer required under Condition 4.11.
- Along the southern boundary of proposed Lots 62 and 65.
- Long the entire eastern and western boundaries of the Vegetation Corridor identified on Drawing No. 11/4743 - Stages 3-6 (2B)

*Building and Structures (Lots greater than 2,500m<sup>2</sup>)*

- Are sited in location 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;
- Are 10 metres from any retained vegetation strips or small areas of vegetation;
- Are sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.

- (C) Condition 3.10 of Council's Decision Notice issued on 23 November 2011 be amended as follows:

- 3.10 Prior to the approval for any operational works for Stage 6, the subdivision layout will be amended so that the internal road network connects to the common boundary with Lot 219 on NR378 generally in the location of the road network shown on the approved plans as part of any further development of the adjoining Lot 219 on NR378 the configuration of proposed Lot 41 will be effected such that the road provides suitable geometry to the adjoining road network satisfactory of Council's delegated officer.

- (D) Conditions 3.11, 3.11 and 3.12 of Council's Decision Notice issued on 23 November 2011 be amended as follows:

**3.11 Stage 8 Requirements**

- a) Prior to lodgement of an application for Operational Works for Stage 8, the applicant will:

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- i) *in addition to any other Stormwater Management Plan requirements, provide a conceptual stormwater design for the stage that details how any threats or impacts from upstream dams will be addressed;*
- ii) *demonstrate, through that stormwater design, how stormwater flows that: originate outside the site, flow through the site, and discharge downstream of the site, will be suitably directed and contained.*
- iii) *demonstrate how stormwater infrastructure will be incorporated into the lot design in accordance with the requirements of this approval;*
- iv) *demonstrate how it is intended to maintain water quality within that storage in accordance with the requirements of Appendix 1 Parts A & C of State Planning Policy 4/10 Healthy Waterways.*
- v) *demonstrate that suitable building platforms can be provided on proposed lots with slopes greater than 1:6.*
- vi) *demonstrate that average lot size for the entire development exceeds 3000 sq m.*

*These requirements will be to the satisfaction of Council's delegated officer.*

- b) *The developer will prepare a management and operation plan for any artificial storage area within any proposed lot in accordance with Appendix 1 Part C of State Planning Policy 4/10 Healthy Waterways to the satisfaction of Council's delegated officer.*
- c) *the registered owner of any lot containing an artificial storage area within any proposed lot will be responsible for the maintenance and operation of that storage area in accordance with the required management and operation plan.*

**3.11 3.12 Design Changes**

- i) *Prior to lodgement of an application for Operational Works for Stage 6, the developer will provide an amended layout plan for that stage which ensures that the connecting road to the eastern boundary is almost square to that boundary.*
- ii) *Prior to lodgement of an application for Operational Works for Stage 8, the developer will provide an amended layout plan for that stage which complies with the requirements of any other conditions of this approval.*

*These requirements will be to the satisfaction of Council's delegated officer.*

**3.12 3.13 Charges**

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

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- (E) Condition 4.1 of Council's Decision Notice issued on 23 November 2011 be amended as follows:

4.1 Access

*Access must be constructed to each allotment in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer. The provision of Layback Kerbing along the total frontage of the proposed lots will satisfy this condition, except in the case of axe handle lots).*

*Where axe handle lots are proposed, a concrete or bitumen sealed driveway shall be provided within any access handles. The driveway will:*

- *Have a minimum width of 3 metres.*
- *Be constructed for the full length of the access handle.*
- *Be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access strip.*
- *Service and utility conduits are to be provided for the full length of the sealed driveway constructed within the access handle of the battleaxe allotments.*

- (F) Condition 4.5.2 of Council's Decision Notice issued on 23 November 2011 be amended as follows:

4.5.2 *The following reticulated water supply infrastructure upgrades must be undertaken by the developer:*

- (i) *Prior to the issue of any Development Permit for operational works, the developer must enter into an infrastructure agreement requiring the developer to contribute per additional allotment created (currently \$487.00 per lot) towards the construction of the following water infrastructure upgrades:*

- *A connection into the existing 375 mm diameter water main in Lloyd Street (at the corner of Constance Street). This connection must be a DN300 PN16 PVCO (or equivalent) pipe (Line A) to a point where the cross river boring commences (Line B).*
- *The cross river pipe must be a PE DN400 (Line B) which is to be directionally drilled under the Barron River, flanged at each end and extended to the eastern side of the Hastie Road reserve; a flanged Tee must be provided to connect the cross river pipe to the DN300 pipe to the left and the DN200 pipe to the right at the outlet on the eastern side of the Hastie Road reserve.*
- *From Line B, a DN200 PN16 PVCO (or equivalent) pipe (Line C) must extend to the current western end of the DN150 main on Hastie Road.*
- *Installation of a PVC DN200 main (Line D) from the current eastern end of the DN150 main on Hastie Rd to the proposed water pump station within the Godfrey Road road reserve.*

*The amount of the contribution shall be adjusted on 30th June each financial year in accordance with the Consumer Price Index.*

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(G) Conditions 4.11 (i), (iii) and (v) must remain as per Council's Decision Notice issued on 23 November 2011.

(H) Condition 4.2(l) should be deleted.

**2. Details of the approval –**

This Decision Notice approves a **Development Permit for Reconfiguring a Lot – Subdivision creating a further 62 lots in five (5) stages made assessable by the Mareeba Shire Planning Scheme 2004.**

Stage 3 - creating 12 rural residential lots  
Stage 4 - creating 13 rural residential lots  
Stage 5 - creating 15 rural residential lots  
Stage 6 - creating 9 rural residential lots  
Stage 8 - creating 13 rural residential lots

Where the approved Stages are defined on approved Plan 11/4743 Stages 3-6 (2B), dated 23/8/2011.

**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. 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**

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



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## 3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
- 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.5 The applicant must provide a letter from any Concurrence Agencies confirming that their conditions have been complied with.
- 3.6 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.
- 3.7 Flood Immunity
- a) All allotments must have a minimum area of 2,000 square metres 300mm above the Q100 level.
  - b) Any relevant Operational Works applications will include a Q100 analysis for the subject land. The applicant/developer must provide a plan showing the extent of a 100 ARI year flood event certified by a RPEQ (Registered Professional Engineer of Queensland).
  - c) No filling is to occur below the 100 ARI flood level unless accompanied by evidence that filling below the 100 ARI level would not detrimentally impact upon upstream or downstream properties to the satisfaction of Council's delegated officer.

## 3.8 Bushfire Management

## Firebreaks

Where new roads are not involved or it is impractical to use new roads as firebreaks, firebreaks are established that:-

- have a minimum cleared width of 6m;
- have a maximum gradient of 12.5%;
- are constructed and maintained to prevent erosion and provide continuous access for fire fighting vehicles;
- have vehicular access at each end or have suitable clear manoeuvring areas for the turning of emergency fire fighting vehicles;

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- all internal roads are to include fire hydrants;
- are within an easement in favour of Council and the Queensland Fire and Rescue Service or road reserve; and
- Are provided in at least the following situations:

The required firebreaks will be established:

- Along the eastern boundary of proposed Lots 38 and 41;
- Within the unnamed road reserve, for the entire northern road frontage of Lots 32 and 37, immediately adjacent to the agricultural buffer required under Condition 4.11.
- Along the southern boundary of proposed Lots 62 and 65.
- Long the entire eastern and western boundaries of the Vegetation Corridor identified on Drawing No. 11/4743 - Stages 3-6 (2B)

Building and Structures (Lots greater than 2,500m<sup>2</sup>)

- Are sited in location 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;
- Are 10 metres from any retained vegetation strips or small areas of vegetation;
- Are sited so that elements of the development least susceptible to fire are sited closest to the bushfire hazard.

### 3.9 Environmental Covenant

The applicant shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of native vegetation and habitat preservation including the preservation of native plants and natural features.

The covenant will be of a form that is acceptable to the Registrar of Titles and will apply to the area identified on Drawing No. 11/4743-Stages 3-6 (2B) as the Vegetation Corridor. The covenant location and the covenant document provisions will be to the satisfaction of Council's delegated officer.

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

The covenant shall require the registered owners of the site to obtain approval of the Council prior to undertaking any earthworks, clearing of vegetation, fencing or placement of water pumps and pipelines within or across the area of the Covenant. The placement of effluent waste disposal systems, building of structures and cultivation shall be specifically excluded from within the area of the Covenant. The maintenance of the area of the Covenant shall be the responsibility of the owner of the land.

Each Covenant must stipulate:-

- (i) that it is for the express purpose of vegetation and habitat preservation, including the preservation of native plants and the natural features of the lot (including the water in Unnamed Creek and the soil contained in the covenant area).



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- (ii) that no building, fixtures, infrastructure or improvements over the Covenant Area shall be permitted, including water pipes and pumps;
- (iii) Any maintenance required to be performed in respect of the Covenant Area shall be the responsibility of the lot owner.

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

3.10 Prior to the approval for any operational works for Stage 6, the subdivision layout will be amended so that the internal road network connects to the common boundary with Lot 219 on NR378 generally in the location of the road network shown on the approved plans as part of any further development of the adjoining Lot 219 on NR378 the configuration of proposed Lot 41 will be effected such that the road provides suitable geometry to the adjoining road network satisfactory of Council's delegated officer.

3.11 Stage 8 Requirements

- a) Prior to lodgement of an application for Operational Works for Stage 8, the applicant will:
  - i) in addition to any other Stormwater Management Plan requirements, provide a conceptual stormwater design for the stage that details how any threats or impacts from upstream dams will be addressed;
  - ii) demonstrate, through that stormwater design, how stormwater flows that: originate outside the site, flow through the site, and discharge downstream of the site, will be suitably directed and contained.
  - iii) demonstrate how stormwater infrastructure will be incorporated into the lot design in accordance with the requirements of this approval;
  - iv) demonstrate how it is intended to maintain water quality within that storage in accordance with the requirements of Appendix 1 Parts A & C of State Planning Policy 4/10 Healthy Waterways.
  - v) demonstrate that suitable building platforms can be provided on proposed lots with slopes greater than 1:6.
  - vi) demonstrate that average lot size for the entire development exceeds 3000 sq m.

These requirements will be to the satisfaction of Council's delegated officer.

- b) The developer will prepare a management and operation plan for any artificial storage area within any proposed lot in accordance with Appendix 1 Part C of State Planning Policy 4/10 Healthy Waterways to the satisfaction of Council's delegated officer.
- c) the registered owner of any lot containing an artificial storage area within any proposed lot will be responsible for the maintenance and operation of that storage area in accordance with the required management and operation plan.

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28 March 2012~~3.14~~ **3.12 Design Changes**

- i) Prior to lodgement of an application for Operational Works for Stage 6, the developer will provide an amended layout plan for that stage which ensures that the connecting road to the eastern boundary is almost square to that boundary.
- ii) Prior to lodgement of an application for Operational Works for Stage 8, the developer will provide an amended layout plan for that stage which complies with the requirements of any other conditions of this approval.

These requirements will be to the satisfaction of Council's delegated officer.

~~3.12~~ **3.13 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**

Access must be constructed to each allotment in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer. The provision of Layback Kerbing along the total frontage of the proposed lots will satisfy this condition, except in the case of axe handle lots).

Where axe handle lots are proposed, a concrete or bitumen sealed driveway shall be provided within any access handles. The driveway will:

- Have a minimum width of 3 metres.
- Be constructed for the full length of the access handle.
- Be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access strip.
- Service and utility conduits are to be provided for the full length of the sealed driveway constructed within the access handle of the battleaxe allotments.

**4.2 Stormwater Drainage**

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development and the applicant must take all necessary steps to achieve this including the following:

- a) The applicant must provide a Stormwater Management Plan prepared and certified by a RPEQ engineer that meets or exceeds the standards of design and construction set out in the Queensland Urban Development Manual (QUDM) and the Far North Queensland Regional Organisation of Councils Manual (FNQROC).
- b) The Stormwater Management Plan must include an erosion and sediment control plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia 1996).
- c) The Stormwater Management Plan must provide for:

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- (i) stormwater drainage from roofed and paved areas to be lawfully discharged to an approved drainage system within adjoining road reserves or where stormwater from roofed and paved areas cannot be drained into the approved drainage system within the adjoining road reserves, an inter-allotment drainage collection system must be provided;
- (ii) overland flow paths and underground drainage is to be designed in accordance with water sensitive urban design solutions so as not to directly or indirectly cause nuisance or worsen peak flows to downstream or adjoining properties. The completed development discharge rate for a Q100 storm frequency must not exceed the pre-development discharge rates for a Q100 storm frequency;
- (iii) The assumed increase in stormwater runoff associated with the construction of future dwelling houses and driveways within the development must provide for an ARI 100 years overland flow through roads, open space areas or easements over adjoining properties. Construction of drainage must be to FNQROC standards;
- d) The Stormwater Management Plan must include a plan of the development showing the Q100 Flood Levels as well as a 2,000 square metre building envelope for each lot that is impacted by the Q100 Flow. The building envelopes must be above the Q100 Flood Levels.
- e) The applicant must prepare a Stormwater Report, including an assessment of blockages, prepared and certified by a suitably qualified design engineer (RPEQ) clearly indicating measures taken and calculated impacts based upon the Stormwater Management Plan in accordance with the Queensland Urban Development Manual (QUDM) and the Far North Queensland Regional Organisation of Councils Manual (FNQROC).
- f) All stormwater channels through private property must be located in a registered easement for drainage purposes, with the easement in favour of Council. Alternatively stormwater channels may be located with drainage reserves or other similar approved land tenure.
- g) The applicant must submit the Stormwater Management Plan and Stormwater Report to council as part of the operational works application for its approval.
- h) The applicant must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Stormwater Report.
- i) Deleted
- j) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- k) The applicant (at its cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

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- l) A bond of 50% of the contract value of the drainage works must be lodged with Council during the 12 month maintenance period, as a guarantee for the satisfactory operation of the drainage works. The bond will be returned on satisfactory correction of any defective work after expiration of the maintenance period. During the maintenance period, Council may call up the bond and carry out any drainage repair work required.
  - m) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- 4.3 Prior to endorsement of the plan of survey creating the first lot of this development, the plan of survey/s for Stages 1, 2 and 7 (Development Approvals RC2005/56, RC2006/27 and REC/08/0110) of Country Road Estate must be registered.
- 4.4 Roadworks – Internal – All Stages
- Internal roads must be constructed to Residential Street standard in accordance with FNQROC Development Manual standards (as amended) for the applicable planning scheme area to the satisfaction of Council's delegated officer.
- A temporary turnaround area, with gravel surface, must be provided at the end of the new road construction adjacent to the balance area of the overall subdivision to allow traffic manoeuvring.
- 4.5 Water Supply
- 4.5.1 Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
- 4.5.2 The following reticulated water supply infrastructure upgrades must be undertaken by the developer:
- (i) Prior to the issue of any Development Permit for operational works, the developer must enter into an infrastructure agreement requiring the developer to contribute per additional allotment created (currently \$487.00 per lot) towards the construction of the following water infrastructure upgrades:
    - A connection into the existing 375 mm diameter water main in Lloyd Street (at the corner of Constance Street). This connection must be a DN300 PN16 PVCO (or equivalent) pipe (Line A) to a point where the cross river boring commences (Line B).
    - The cross river pipe must be a PE DN400 (Line B) which is to be directionally drilled under the Barron River, flanged at each end and extended to the eastern side of the Hastie Road reserve; a flanged Tee must be provided to connect the cross river pipe to the DN300 pipe to the left and the

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DN200 pipe to the right at the outlet on the eastern side of the Hastie Road reserve.

- From Line B, a DN200 PN16 PVCO (or equivalent) pipe (Line C) must extend to the current western end of the DN150 main on Hastie Road.
- Installation of a PVC DN200 main (Line D) from the current eastern end of the DN150 main on Hastie Rd to the proposed water pump station within the Godfrey Road road reserve.

The amount of the contribution shall be adjusted on 30th June each financial year in accordance with the Consumer Price Index.

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

4.6 On-Site Wastewater Management

The applicant must provide a site and soil evaluation report (or an evaluation report where existing on-site disposal), prepared by an accredited site and soil evaluator, demonstrating the ability of the lots to accommodate an on-site effluent disposal in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.7 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 underground power reticulation.

4.8 Telecommunications

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

4.9 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

4.10 Street trees

One street tree must be provided in the nature strip of each lot created. The plan depicting species must be submitted to Council's delegated officer for approval. The street trees must be planted in accordance with the approved plan.



**NEGOTIATED DECISION NOTICE**13  
28 March 2012**4.11 Agricultural Buffering**

- (i) A 30 metre wide vegetation buffer, 20 metres planted and 10 metres clear on the southern side, is to be planted along northern road frontage of the following lots:
- That part of the northern road frontage of Lot 31, extending from the DERM vegetation corridor, east to the boundary with Lot 32.
  - The entire northern road frontage of Lots 32 to 37.
- (ii) Appropriate native species will be used in the plantings. A landscaping/planting plan will be developed by a suitably qualified professional in compliance with SPP1/92 Planning Guidelines on Separating Agricultural and Residential Land Uses and must be endorsed by Council's delegated officer prior to any plantings being undertaken.
- (iii) The buffer vegetation will be established to a height of 4m on any relevant lot prior to Council signing the relevant plan of survey to the satisfaction of Council's delegated officer.
- (iv) The developer will maintain the buffer for two (2) years, and a bond of 50% of the contract value of the works must be lodged with Council during the maintenance period, as a guarantee. The bond will be returned on satisfactory correction of any defective work after expiration of the maintenance period. During the maintenance period, Council may call up the bond and carry out any work required. The bond will be lodged with Council to secure those works prior to Council signing the relevant plan of survey.
- (v) The applicant shall be responsible for the preparation and registration of a statutory covenant with Council pursuant to S97A of the Land Title Act for the purposes of establishment, protection and use of the land for a vegetated buffer over the required 30m buffer area.

The required covenant/s will be of a form that is acceptable to the Registrar of Titles and will contain provisions for:

- a management plan for the covenant area;
- protection of any vegetated buffer established as a result of this approval, including a requirement for cattle-proof fencing of the northern boundary of the vegetated buffer; and
- exclusion of buildings.

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

The covenant location and the covenant document provisions will be to the satisfaction of Council's delegated officer. Maintenance of the area of the Covenant shall be the responsibility of the owner of the land.

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28 March 2012

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

**4.12 Landscaping / Site Maintenance**

The required buffer plantings shall be maintained as follows:

- replacement of plantings as required
- site maintenance shall include mowing / slashing of all areas outlined above
- landscaping / site maintenance is to be continued throughout the Defects Liability Period until date of Final Acceptance

**Contrary to Section D9.23 Paragraph 7 of the FNQROC Manual, the maintenance period for irrigation works and landscaping shall be a minimum of twelve months.**

**(B) 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) Environmental Protection and Biodiversity Conservation Act 1999

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

(d) Cultural Heritage

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

(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) 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

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on the subject site, is must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

(g) Easement Documents

The Tablelands Regional Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. The applicant should contact the Urban & Regional Planning Section for more information regarding the drafting of easement documents for Council easements.

(h) Endorsement Fees

Please be advised that 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.

(i) Notation on Rates Record

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

Conditions to be reflected as rates notations:

- Bushfire Management
- Flood Immunity
- Environmental Covenant
- Agricultural Buffering

(C) CONCURRENCE AGENCY CONDITIONS

Department of Transport and Main Roads conditions dated 4 March 2011

Department of Environment and Resource Management conditions dated 11 May 2011

7. IDAS referral agencies –

The IDAS Referral Agencies applicable to this application are –

For an application involving	Name of referral agency	Status	Address
<b>RECONFIGURING A LOT</b>			
On land <u>not</u> contiguous to a <u>State-controlled road</u> , for a purpose exceeding the thresholds set in schedule 5 of the <i>Integrated Planning Regulation 1998</i>	Department of Transport & Main Roads	Concurrence	Department of Main Roads Peninsula District PO Box 6185 CAIRNS QLD 4870
If the reconfiguring involves land with an area of 2 ha or above, 2 or more lots are created and the size of any lot created is 25 ha or smaller, and the land contains–  (i) A category 1, 2 or 3 area shown on a property map of assessable vegetation; or  (ii) <u>Remnant vegetation</u>	Department of Environment & Resource Management	Concurrence	Administration Officer Implementation & Support Unit Department of Environment & Resource Management GPO Box 15155 CITY EAST QLD 4002



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For an application involving	Name of referral agency	Status	Address
If any part of the lot is situated in, or within 100m of, a <b>wetland</b> and  (i) the reconfiguration results in more than 10 lots, or  (ii) any lot resulting from the reconfiguring is less than 5 ha	Environmental Protection Agency	Advice	Administration Officer Implementation & Support Unit Department of Environment & Resource Management GPO Box 15155 CITY EAST QLD 4002

**8. Approved Plans**

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

Plan/Document Number	Plan/Document Title	Prepared by	Dated
11/4743-Stages 3-6 (2B)	Proposed Reconfiguration of Stages 3-6 & 8 Country Road Estate	Twine Surveys Pty Ltd	23.8.2011

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

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

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

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

**10. Appeal rights –**
***Appeals by applicants***

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

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

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

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

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28 March 2012***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 3** is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

**11. When the development approval takes effect –**

This development approval takes effect –

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

**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

**BRETT NANCARROW**  
**MANAGER URBAN & REGIONAL PLANNING**

**Enclosures:** Attachment 1 - Approved Plans of Development  
Attachment 2 - Concurrence Agency Conditions  
Attachment 3 - SPA Extract on Appeal Rights

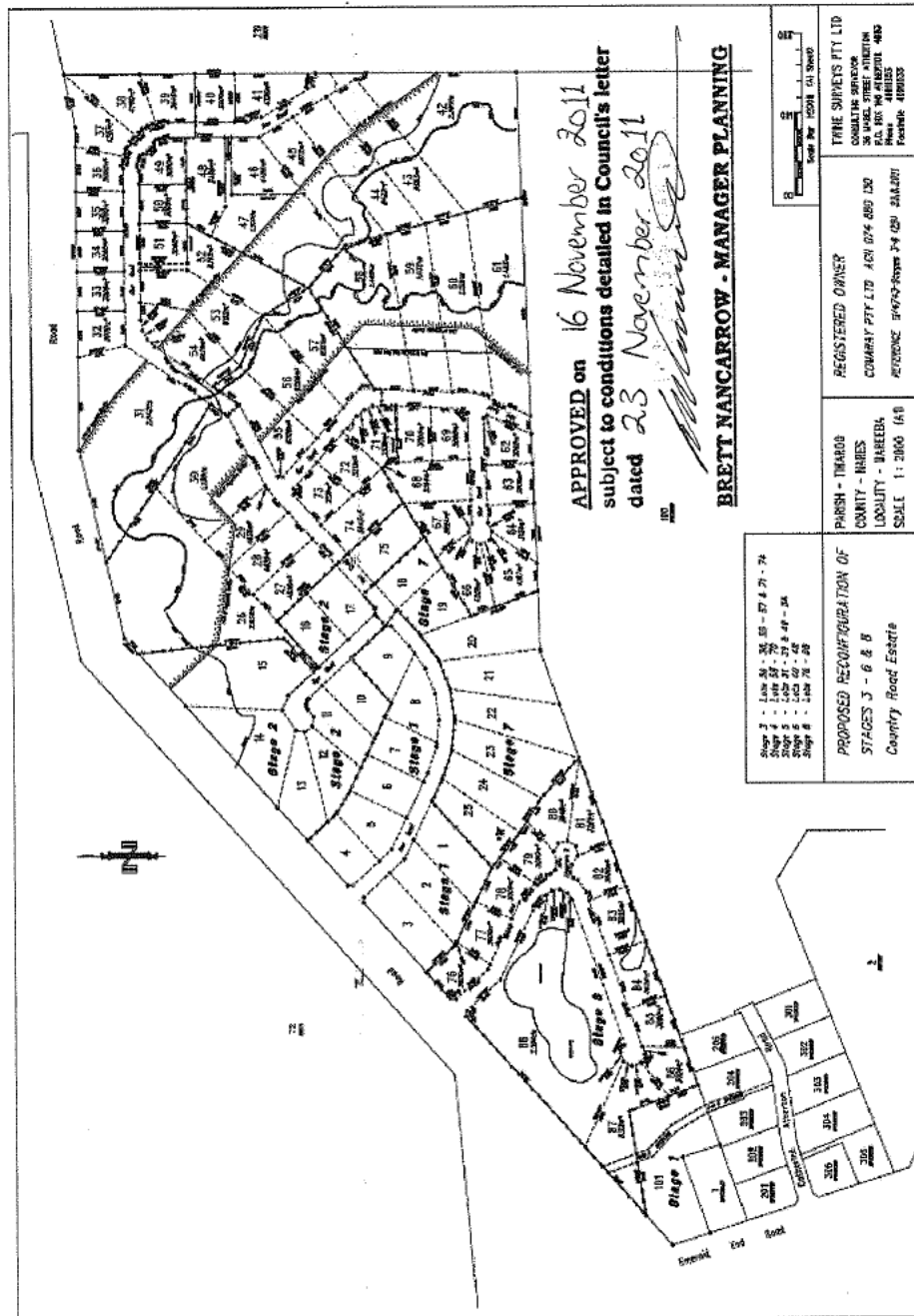
**Copy:** Mr Malcolm Hardy  
Department of Transport Main Roads  
Far North Region (Cairns)  
PO Box 6185  
CAIRNS QLD 4870

Administration Officer  
Implementation and Support Group  
Department of Environment and Resource Management  
GPO Box 15155  
CITY EAST QLD 4002

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## ATTACHMENT 1 - APPROVED PLANS OF DEVELOPMENT



Tablelands Regional Council:

Atherton, Herberton, Kuranda, Malanda, Mareeba and Ravenshoe



Document Set ID: 2385949  
Version: 1, Version Date: 28/03/2012

## NEGOTIATED DECISION NOTICE

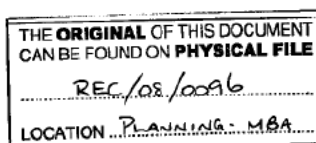
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## ATTACHMENT 2 - CONCURRENCE AGENCY CONDITIONS

URP-ROL  
B. Millard**Queensland**  
Government

Council Ref: REC/08/0096

4 March 2011

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

Attention Mr Brian Millard

Dear Mr Millard

**Amended Referral Agency Response – s. 287 of the Sustainable Planning Act 2009****Applicant:** Comaray Pty Ltd  
**Application:** Reconfiguration of Lot (71 Residential Allotments & New Roads)  
**Location:** Lot 4 on RP 739487, Parish of Tinaroo  
Emerald End Road, Mareeba

## I refer to:

- the above application received at the former Department of Main Roads (DMR) 1 September 2008 requesting consideration of the above development,
- DMR letter 4 September 2008 of conditions of development, and
- request to review conditions received at the Department of Transport and Main Roads (TMR) 2 March 2011, with an amended lot layout.

Pursuant to section 287 of the *Sustainable Planning Act 2009*, TMR, as a Concurrence Agency, has reviewed the impact of the proposed development on the State-controlled road network and requests that Council include the following **amended** conditions of development for the subject application:

**1. Layout**

Unless otherwise approved in writing by TMR the development site layout must generally comply with Twine Surveys plan numbered 11/4743-Stages 3-6 (2) dated 18.2.2011.

**2. Permitted Road Access Location**

- (i) Access between the State-controlled road (i.e. Kennedy Highway) and the subject land shall be via Emerald End Road and Hastie Road, to the satisfaction of Tablelands Regional Council.
- (ii) No additional access between the State-controlled road (i.e. Kennedy Highway) and the subject land is permitted.

**3. Intersection Works**

- (i) The intersection of the Kennedy Highway and Hastie Road shall be upgraded in

Department of Transport and Main Roads  
Assets and Operations  
Far North Region / Cairns Office  
Floor 4 Cairns Corporate Tower 15 Lake Street  
PO Box 6165 CAIRNS Queensland 4870  
ABN 39 407 690 291Enquiries MALCOLM HARDY  
Our ref: 26432A/102(122.01)  
Telephone +61 7 4050 5511  
Facsimile +61 7 4050 5438  
Website: www.tmr.qld.gov.au  
Email: malcolm.r.hardy@tmr.qld.gov.au

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accordance with:

- TMR *Road Planning and Design Manual (RP&DM)*, and
- current TMR standards,

and to the Department's satisfaction.

- (ii) The intersection of the Kennedy Highway and Hastie Road shall be upgraded as specified below:

- Provide a channelised right turn treatment (CHR) in accordance with Figure 13.60 of RP&DM.

Design aspects that include or address the following:

- 1.5 metre wide shoulders and 3.5 metre wide traffic lanes and turn lanes shall be provided on the Kennedy Highway.
- Painted traffic islands shall be used between the Highway traffic lanes, and these islands shall have raised reflective pavement markers (RRPMs) installed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
- Redundant sections of existing white lining shall be "blackened out" with hot bitumen and 7mm chip.
- Intersection lighting shall be upgraded to V5 standard to ensure new works are appropriately lit. The completed lighting installation will need to comply with:
  - The Electrical Act,
  - Australian Standards (AS1158, 3000), and
  - Chapter 17 of the RP&D manual.All works are to be certified by RPEQ (electrical).
- All associated works are to be completed to the Department's satisfaction [eg. services relocation, drainage (incl. extension of culverts), line marking (incl. RRPMs), and signage in accordance with the MUTCD].
- Any necessary relocation of Council water mains, Telstra and electrical services are to be undertaken at no cost to TMR and works completed to the service provider's satisfaction. No existing water mains within 3.0 m. of the new sealed shoulder edge shall be permitted.

- (iii) The landowner/ applicant shall submit design drawings prepared and certified by a suitably experienced RPEQ (civil) engineer, for approval to the Cairns office of TMR prior to commencing any works within the State-controlled road reserve (i.e. Kennedy Highway). No works shall commence on site until TMR has approved the plans.

- (iv) All required intersection works shall be completed to the satisfaction of the Director-General of TMR prior to Council approval and dating of the plan of survey creating the 30<sup>th</sup> Rural Residential allotment on the subject land.

**4. Advertising**

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

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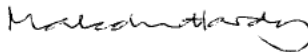
- 3 -

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

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

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

Yours sincerely



Malcolm Hardy  
**SENIOR PLANNER (ASSETS & OPERATIONS) FAR NORTH**

**NEGOTIATED DECISION NOTICE**22  
28 March 2012Department of Environment  
and Resource Management**Notice****Amended Concurrence Agency Response**

*This notice is issued by the Department of Environment and Resource Management pursuant to section 3.3.17 of the Integrated Planning Act 1997 ("the Act").*

The Chief Executive  
Tablelands Regional Council  
PO Box 154  
Mareeba QLD 4880cc. Comaray Pty Ltd  
PO Box 146  
Atherton QLD 4883

Our reference: 2008/007471

**Re: Amended Concurrence Agency Response****1. Application Details**

Assessment Manager ref.: REC/08/0096

Date application referred to DERM:

2 September 2008

Development approval applied for:

Reconfiguring a Lot – Clearing Vegetation

Aspect of development:

Schedule 2, table 2, item 4 of the *Integrated Planning Act 1997* (for Reconfiguring a Lot)DERM ref. no: 328583  
eLVAS: 2008/007471  
RecFind: MBA/000617

Development description:

Reconfiguring a Lot – Public safety and infrastructure

Property/Location description:

Lot 4 RP739487 – Tablelands Regional Council

2. The Chief Executive, Department of Environment and Resource Management (DERM) has imposed conditions on this development. Conditions are attached to this Notice



**NEGOTIATED DECISION NOTICE**23  
28 March 2012**Notice**  
**Concurrence Agency Response****3. Approved plans / specifications**

Document No.	Document Name	Date
RARP 2008/007471	Referral Agency Response Plan 2008/007471	15/04/2011

**4. General advice to assessment manager**

Pursuant to sections 3.5.15 and 3.5.17 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DERM as a referral agency for the relevant application at

Administration Officer  
Vegetation Management and Use  
Department of Environment and Resource Management  
PO Box 156  
Mareeba Qld 4860

and an electronic copy to [qcc.access@derm.qld.gov.au](mailto:qcc.access@derm.qld.gov.au).

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DERM as a referral agency for the relevant application has not provided notification to native title parties.

**5. Additional information for applicants**

This notification refers to the provisions of the *Vegetation Management Act 1999* and *Integrated Planning Regulation 1998* only and is based on the information you have provided regarding the proposed activities on the land. Should any issue subsequently emerge on site that requires further consideration by DERM, it is the responsibility of the landholder to contact DERM. Other legislation, including the acts listed below may affect clearing activities. You should contact the business units below to determine if your clearing activity will be affected.

It should be noted that all native plants in Queensland are protected under the *Nature Conservation Act 1992*. You must contact the OPWS Wildlife Branch of DERM on the details below before clearing vegetation.



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 28 March 2012

 Notice  
 Concurrence Agency Response

Act(s)	Agency	Contact details
<ul style="list-style-type: none"> <li>• <i>Water Act 2000</i></li> <li>• <i>Wild Rivers Act 2005</i></li> <li>• <i>Soil Conservation Act 1986</i></li> <li>• <i>Aboriginal Cultural Heritage Act 2003</i></li> <li>• <i>Torres Strait Islander Cultural Heritage Act 2003</i></li> <li>• <i>Nature Conservation Act 1992</i></li> <li>• <i>Environmental Protection Act 1994</i></li> <li>• <i>Coastal Protection and Management Act 1995</i></li> <li>• <i>Queensland Heritage Act 1992</i></li> <li>• <i>Forestry Act 1959</i></li> <li>• <i>Fisheries Act 1994</i></li> </ul>	Department of Environment and Resource Management (DERM)	Ph: 1300 130 372
<ul style="list-style-type: none"> <li>• <i>Environment Protection and Biodiversity Conservation Act 1999</i></li> </ul>	Department of Employment, Economic Development and Innovation (DEEDI)	Ph: 13 25 23 Email: <a href="mailto:callweb@dpi.qld.gov.au">callweb@dpi.qld.gov.au</a>
<ul style="list-style-type: none"> <li>• <i>Local Government Act 1993</i></li> <li>• <i>Sustainable Planning Act 1997</i></li> </ul>	Local Government	Ph: (02) 6274 1111 <a href="mailto:Epbc.referrals@environment.gov.au">Epbc.referrals@environment.gov.au</a> Contact your nearest local government office.



**Delegate**  
 Kate Cumming  
 Delegate, Chief Executive administering the *Vegetation Management Act 1999*  
 Department of Environment and Resource Management  
 11 May 2011

**Enquiries:**  
 Rebecca Silcock  
 Department of Environment and Resource Management  
 PO Box 156  
 Mareeba Qld 4680  
 Phone: (07) 4048 4719  
 Fax: (07) 4092 2366  
 Email: [Rebecca.silcock@derm.qld.gov.au](mailto:Rebecca.silcock@derm.qld.gov.au)

**Attachment(s)**  
 Amended Referral Agency Response (including conditions)  
 Referral Agency Response (Vegetation) Plan: 2008/007471

**NEGOTIATED DECISION NOTICE**25  
28 March 2012**Amended Referral Agency Response – Reconfiguring a Lot***s 3.3.17 Integrated Planning Act 1997***1. Application information**

- 1.1. **Applicant's name:** Comany Pty. Ltd. C/- Twine Surveys Pty Ltd
- 1.2. **Property description:** 4 RP739487 - Tablelands Regional Council
- 1.3. **Assessment Manager/Reference:** REC/08/0096
- 1.4. **Date application was referred to Department:** 2 September 2008
- 1.5. **Departmental Reference:** eLVA Case No: 2008/007471, File Ref. No: MBA/000617.
- 1.6. **Type of development sought by the application:**
  - Reconfiguring a Lot

**2. Concurrence Agency response:**

The Chief Executive of the Department of Environment and Resource Management directs that the following conditions must be imposed on any approval given by the Assessment Manager:

- 2.1 No clearing of native vegetation as a result of this Reconfiguration of a Lot is to occur within Areas A1 and A2 shown on the Referral Agency Response (Vegetation) Plan 2008/007471 dated 15 April 2011.
- 2.2 The Reconfiguration of a Lot must be conducted in accordance with *the Reconfiguration Plan for Lot 4 RP739487, Twine Surveys Pty. Ltd., Reference No. 11/4743-Stages 3-6 (2)*, dated 18 February 2011.
- 2.3 These conditions do not prevent vegetation being cleared for a purpose described in Schedule 8 of the *Integrated Planning Regulation 1997* (except where the extent of clearing is inconsistent with Conditions 2.1 and 2.3) or if cleared in accordance with any subsequent development approval.

**3. Reasons:**

A Statement of Reasons is attached at Schedule 1.

**4. Additional comments or information:****Clearing not authorised under this Amended Referral Agency Response**

Additional clearing within the subject area that is not authorised under this amended referral agency response, must be applied for as operational works, that is the clearing of native vegetation made assessable under Schedule 8, Part 1, Table 4 of the *Integrated Planning Act 1997*.

**Clearing Regrowth Vegetation**

The *Vegetation Management Act 1999* now regulates the clearing of certain regrowth vegetation as well as remnant vegetation. These regulations came into effect on the 8 October 2009. The aim of the new arrangement is to control the clearing of High Value Regrowth

IDAS Amended Referral Agency Response

**NEGOTIATED DECISION NOTICE**26  
28 March 2012

Vegetation, particularly that which is associated with watercourses, wetlands, steep slopes and habitat for rare and threatened fauna.

The Regrowth Vegetation Map identifies Regulated Regrowth Vegetation on land that is subject to this application. The Regrowth Vegetation Map is available online at:  
[http://www.derm.qld.gov.au/vegetation/regrowth\\_vegetation\\_regulations.html](http://www.derm.qld.gov.au/vegetation/regrowth_vegetation_regulations.html)

While no permit is required to authorise clearing of regulated regrowth vegetation, the code requires landholders to notify DERM of their intention to clear before they start any clearing activity.

Clearing that does not comply with the code is unlawful and may be subject to a compliance response including the possibility of prosecution or the restoration of the cleared area.

**Cultural Heritage**

A search has been performed on the inventory of recorded Aboriginal cultural heritage sites over subject area and no Aboriginal cultural heritage notings were found. However, the Chief Executive of DERM advises all Aboriginal cultural heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorised harm. A person carrying out an activity must take all reasonable and practical measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$750,000 for a corporation and \$75,000 for an individual. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or in under private land.

The gazetted cultural heritage Duty of Care Guidelines sets out how you can comply with the cultural heritage duty of care. An assessment of the proposed activity against the Duty of Care Guidelines will help determine whether, or to what extent, Aboriginal cultural heritage may be harmed. Upon assessment, if you believe cultural heritage may be harmed by the proposed activity, you should contact the Cultural Heritage Coordination Unit for further advice on (07) 3238 3838 or e-mail: [cultural.heritage@derm.qld.gov.au](mailto:cultural.heritage@derm.qld.gov.au).

Further information on cultural heritage a copy of the Duty of Care Guidelines or cultural heritage search forms visit: [http://www.derm.qld.gov.au/cultural\\_heritage/index.html](http://www.derm.qld.gov.au/cultural_heritage/index.html).

**5. Authorised Officer Signature:**

Kate Cumming  
Senior Vegetation Management Officer

**Date of Response:** 11 May 2011

Att. Schedule 1 – Statement of Reasons

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28 March 2012

eLVAS Case No:	2008/007471
File Ref. No:	MBA/000617
Project No:	328683

**Schedule 1****Statement of Reasons  
Referral Agency Response  
Application for Reconfiguring a Lot  
Comaray Pty. Ltd. C/- Twine Surveys.**

The following Statement of Reasons is provided pursuant to s. 3.3.18(8) of the *Integrated Planning Act 1997*

**Introduction**

1. The Department of Environment and Resource Management (DERM) received an application from Comaray Pty. Ltd. C/- Twine Surveys Pty. Ltd. on 2 September 2008.
2. The application is for Reconfiguring a Lot on 4 RP739487 - Tablelands Regional Council.
3. DERM refused the original application on 19 October 2009.
4. DERM received a request to amend the original RAR as well as amended layout plans from the applicant on 1 March 2011.
5. An Assessment Report was sent to the Delegate of the Chief Executive, Kate Cumming, on 11 May 2011.
6. The Delegate determined an Amended Referral Agency Response on 11 May 2011.

**Evidence**

1. Application dated 2 September 2008.
  - a) Completed IDAS Form 1 Part "J".
  - b) Property Vegetation Management Plan.
2. *Integrated Planning Act 1997 & Integrated Planning Regulation 1998 (Schedule 2)*
3. *Vegetation Management Act 1999*
4. Department of Environment and Resource Management Concurrence Agency Policy for Reconfiguring a Lot dated 23 August 2007.
5. *State Planning Policy (SPP) 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire, and Landslide.*
6. Letter from Matt Andrejic of Twine Surveys Pty Ltd, requesting an amended Referral Agency Response (with amended plans dated 18 February 2011) - dated 1 March 2011
7. The applicant's Reconfiguration Plan for Lot 4 RP739487, Twine Surveys Pty Ltd, Reference No. 11/4743-Stages 3-6 (2) dated 18 February 2011
8. Vegetation Information Network database (VIN)
9. Assessment Report dated 11 May 2011.

**Findings of fact**

1. The application confirmed that the purpose was to reconfigure lot 4 RP739487 into 72 lots.

Department of Environment and Resource Management- Amended Referral Agency Response

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**NEGOTIATED DECISION NOTICE**28  
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2. Smartmap identifies the land tenure for the subject area is freehold
3. Regional ecosystem mapping identifies the subject area contains *Least Concern* and non remnant vegetation.
4. The applicant's Reconfiguration Plan for Lot 4 RP739487, Twine Surveys Pty Ltd, Reference No. 11/4743-Stages 3-6 (2) dated 18 February 2011 confirmed the location of the proposed roads & allotment boundaries.
5. The subject area has been identified as being located within a low bushfire risk hazard area within the Tablelands Regional Council Planning Scheme
6. VIN confirmed the location, extent and types of vegetation on lot 4 RP739487.
7. Topographic Mapping confirmed the location of stream order 1 and a stream order 2 water courses on lot 4 RP739487.
8. The application is assessable against Criteria Table H of the Concurrence Agency Policy for Reconfiguring a Lot: performance requirements where clearing will occur as a result of the RaL within assessable vegetation.

**Reasons**

1. The application complies with the performance requirement of Criteria Table H of the Concurrence Agency Policy – with the inclusion of conditions 2.1, 2.2 & 2.3 of the referral agency response – as clearing as a result of the RaL will occur within assessable vegetation.
2. The application is consistent with the purpose of the Concurrence Agency Policy for Reconfiguring a Lot which achieves the outcomes of the *Vegetation Management Act 1999*

To ensure that a decision regarding this development application is consistent with the *Vegetation Management Act 1999* it is required conditions 2.1, 2.2 & 2.3 of this referral agency response be applied to the development.

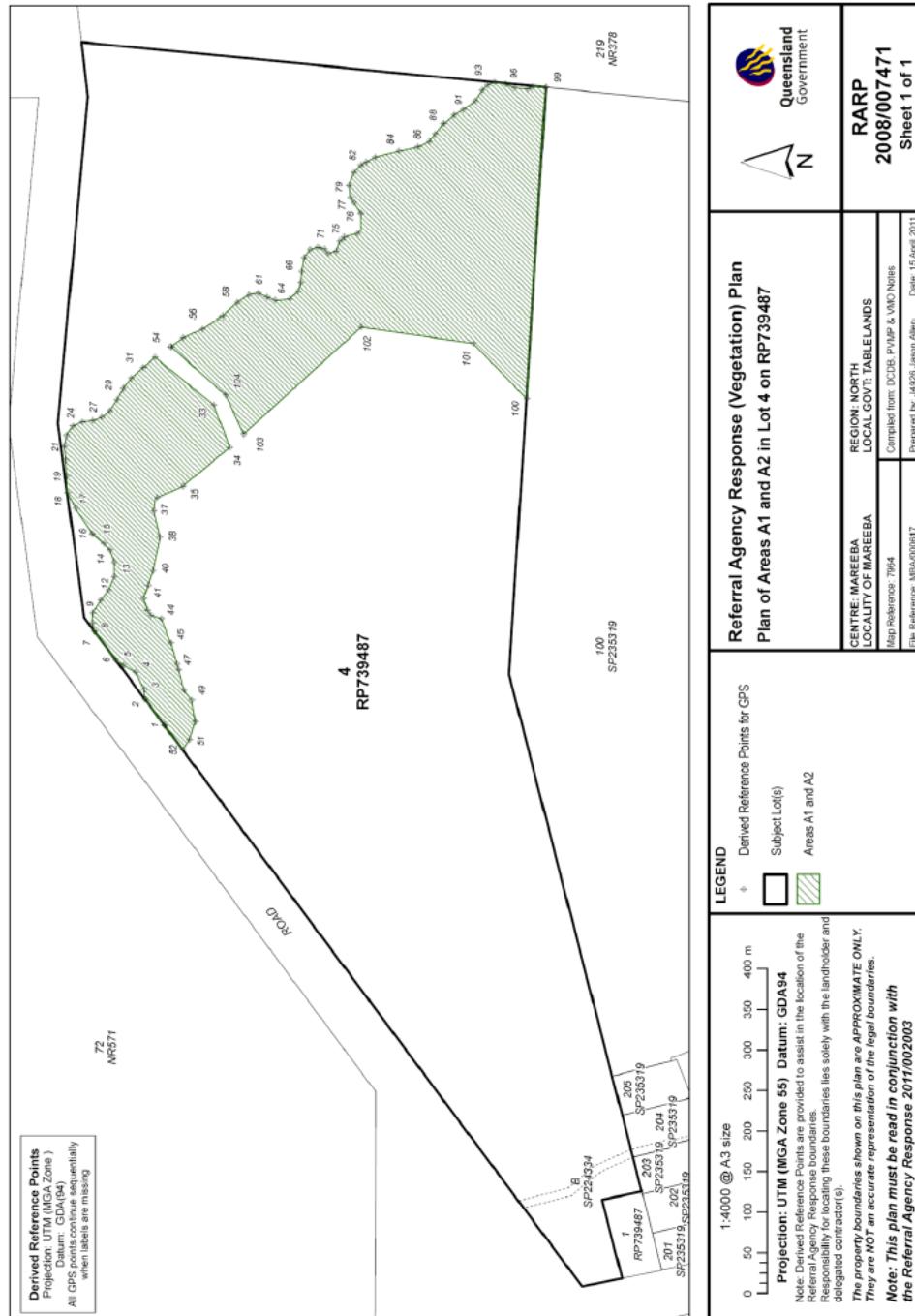


Kate Cumming  
Senior Vegetation Management Officer  
North Region

11 May 2011

**NEGOTIATED DECISION NOTICE**

29  
28 March 2012



**NEGOTIATED DECISION NOTICE**

30  
28 March 2012


# NOTICE

## Advice Agency Response –Wetland

This notice is issued by the Environmental Protection Agency pursuant to sections 3.3.16 and 3.3.19 of the *Integrated Planning Act 1997*.

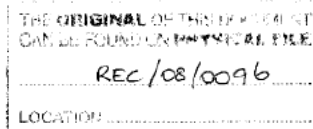
Tableland Regional Council  
PO Box 154  
MAREEBA QLD 4880

cc: Comaray Pty Ltd  
C/- Planning Far North  
PO Box 7801  
CAIRNS QLD 4870

Your reference : REC/08/0096

Our reference : CNS7912

Attention: Mr Brian Millard



Dear Mr Brian Millard

**Re:** Advice concerning application for development at 200 Emerald End Road, Mareeba (Lot 4 on Plan RP739487). Please treat this response as a properly made submission.

**EPA referral number:** IPAR01185308  
**Response type:** Advice Agency Response  
**Date application received by EPA:** 03 September 2008

ADVICE AGENCY JURISDICTION:	Item 38 of Table 2 of Schedule 2 of the <i>Integrated Planning Regulation 1998</i>
ASSESSMENT MANAGER REFERENCE NUMBER:	REC/08/0096
APPLICANT:	Comaray Pty Ltd
ACTIVITY DESCRIPTION:	Development application for Reconfiguration of 1 Lot into 71 Lots in Four Stages.
DESCRIPTION OF SUBJECT LAND:	200 Emerald End Road, Mareeba
	Lots: 4 Plan: RP739487

**NEGOTIATED DECISION NOTICE**31  
28 March 2012**Response to Development Application**

The lot is within 100m of a Wetland. The EPA, acting as an advice agency under the *Integrated Planning Act 1997*, provides the following advice to the application as detailed above.

**EPA advice**

The application is for the reconfiguration of Lot 4 on RP739487 (62.94ha), 200 Emerald End Road Mareeba, into 71 rural residential lots. The property has two swathes of 'not of concern' Regional Ecosystem with seasonally flowing gullies running through them and a patch of referable wetlands near the north eastern boundary.

The Overall Layout and Staging Plan (drawing 0807COMRAY) shows that most of the 'not of concern' Regional Ecosystem, seasonal streamlines and all of the wetland will be subdivided. This will inevitably lead to a loss of natural values associated with these features. It is noted that new lots 15 and 16 in the mapped wetland area in Stage 2 have previously been approved.


From EPA's perspective, a better environmental outcome would result if the wetland parts of lots 17 – 21 and a gully riparian easement of around 40m in width were kept in a natural state, made public land and protected. The subdivision could then be configured around these natural features. Similarly, if the gully and associated vegetation of lot 101 and adjacent parts of lot 100 could be afforded protection, it would add to the natural amenity of the subdivision.

Considering the close proximity of the Barron River it is important to ensure that any on-site effluent disposal is of a high standard. The risks of contamination of the groundwater and potentially the Barron River should be kept to a minimum. Further details demonstrating that on site effluent disposal can take place with minimal risks should be supplied to the satisfaction of the Tableland Regional Council.

**Additional information for applicants**

It is a requirement of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware that a Notifiable Activity (as defined under Schedule 2 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant, they must, within thirty (30) days after becoming aware the activity is being carried out, give notice to the Environmental Protection Agency. A list of Notifiable Activities is provided within Schedule 2 of the *Environmental Protection Act 1994*.

Yours sincerely



Signature

Gary Innis  
Manager Planning  
Far Northern Region  
Environmental Protection Agency

26 - SEP - 2008

Date

**Enquiries:**  
Mike Trenerry  
Environmental Protection Agency  
PO Box 2096  
CAIRNS QLD 4870  
Telephone: 4046 6694  
Facsimile: 4046 6606



**NEGOTIATED DECISION NOTICE**32  
28 March 2012**ATTACHMENT 3 - APPEAL RIGHTS****DIVISION 8 APPEALS TO COURT RELATING TO DEVELOPMENT APPLICATIONS AND APPROVALS****461 APPEALS BY APPLICANTS**

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

**462 APPEALS BY SUBMITTERS—GENERAL**

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

**NEGOTIATED DECISION NOTICE**33  
28 March 2012

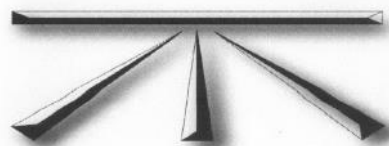
- (4) The appeal must be started within 20 business days (the **submitter's appeal period**) after the decision notice or negotiated decision notice is given to the submitter.

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

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

**464 APPEALS BY ADVICE AGENCY SUBMITTERS**

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

**ATTACHMENT 2****BENCHMARK  
SURVEY & DESIGN**

2 Cullinane Close, Innisfail QLD 4860 - P.O. Box 1285, Innisfail QLD 4860  
P: 07 4061 2618 - M: 0447 616 747 - E: highdodd@westnet.com.au

Contact: Wayne Storey

Our Ref: CRE17-018

18 March 2018

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



Dear Sir,

**Re: Request to Change an Existing Approval – Your Ref: REC/08/0096**  
**Country Road Estate – Stage 8 – Owners Comaray Pty Ltd**  
**Reconfiguration of a Lot - One (1) Lot into Fifteen (15) Lots**  
**Lot 100 on SP295184**

Benchmark Survey & Design have been engaged by Comaray Pty Ltd to submit to Mareeba Shire Council a request to change an existing approval.

Please find attached the following documentation:

1. Request to Change an Existing Approval Template
2. Three (3) copies of Proposed Reconfiguration Plan CRE17-018-C01
3. Three (3) Copies of Original Reconfiguration Layout Plan

Following a review of the original Reconfiguration and a meeting between Mr Lance Dodds (Benchmark Survey & Design) and Council Planning and Engineering Staff an alternative Layout is proposed.

The approved plan was for the access to Stage 8 allotments to be via an intersection with Country Road.

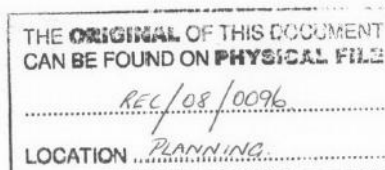
The approaches and departures at this location are too steep, the intersection is in close proximity to a bend in Country Road and we believe it is an unsuitable location.

Therefore it is proposed that access to Stage 8 be via an intersection with Emerald End Road.

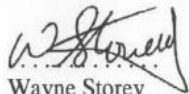
Subsequently a realignment of the Stage 8 allotment boundaries is required.

We hereby seek your Council's approval for this change.

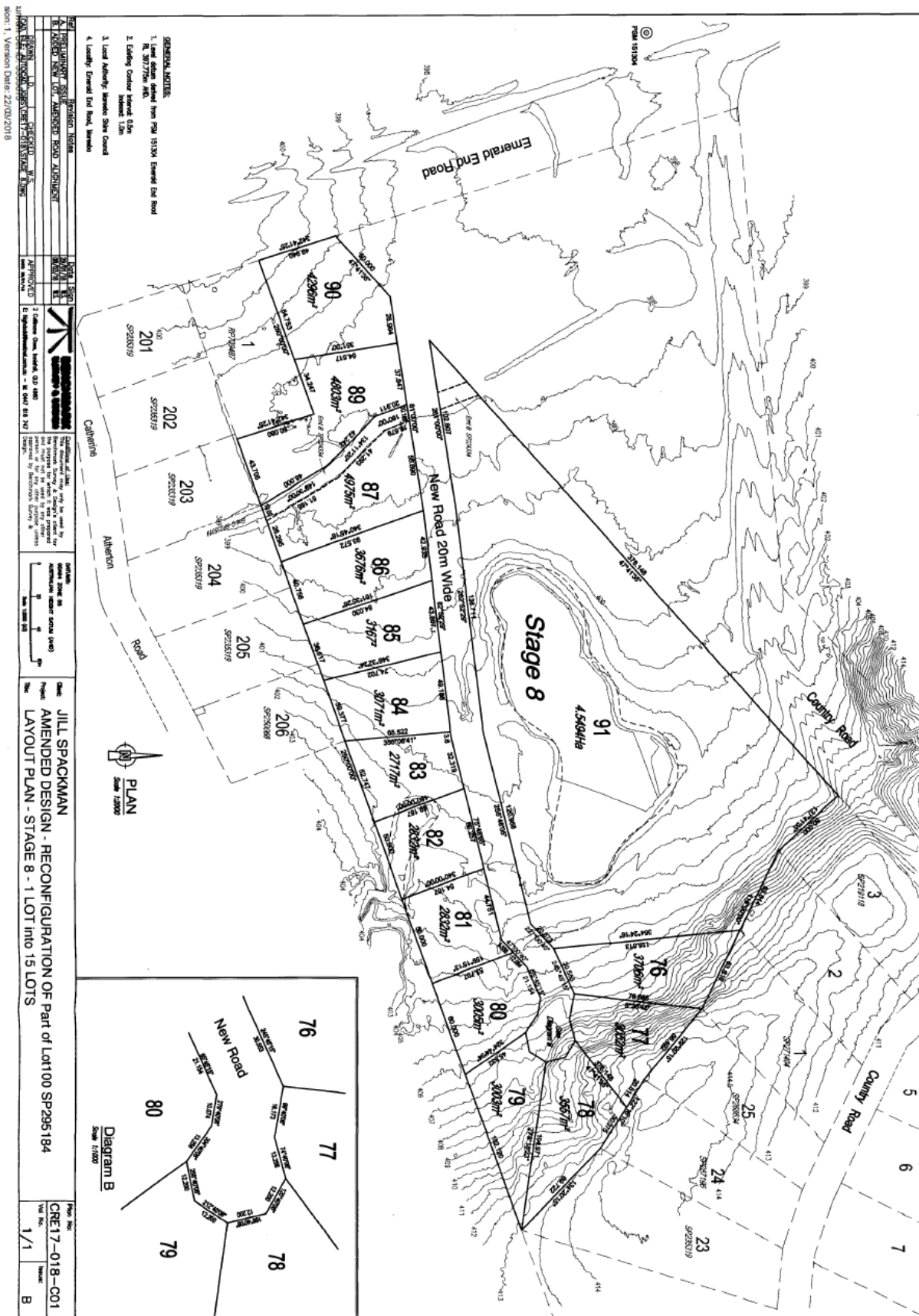
Please feel free to contact me if you require any further information.



Yours faithfully,

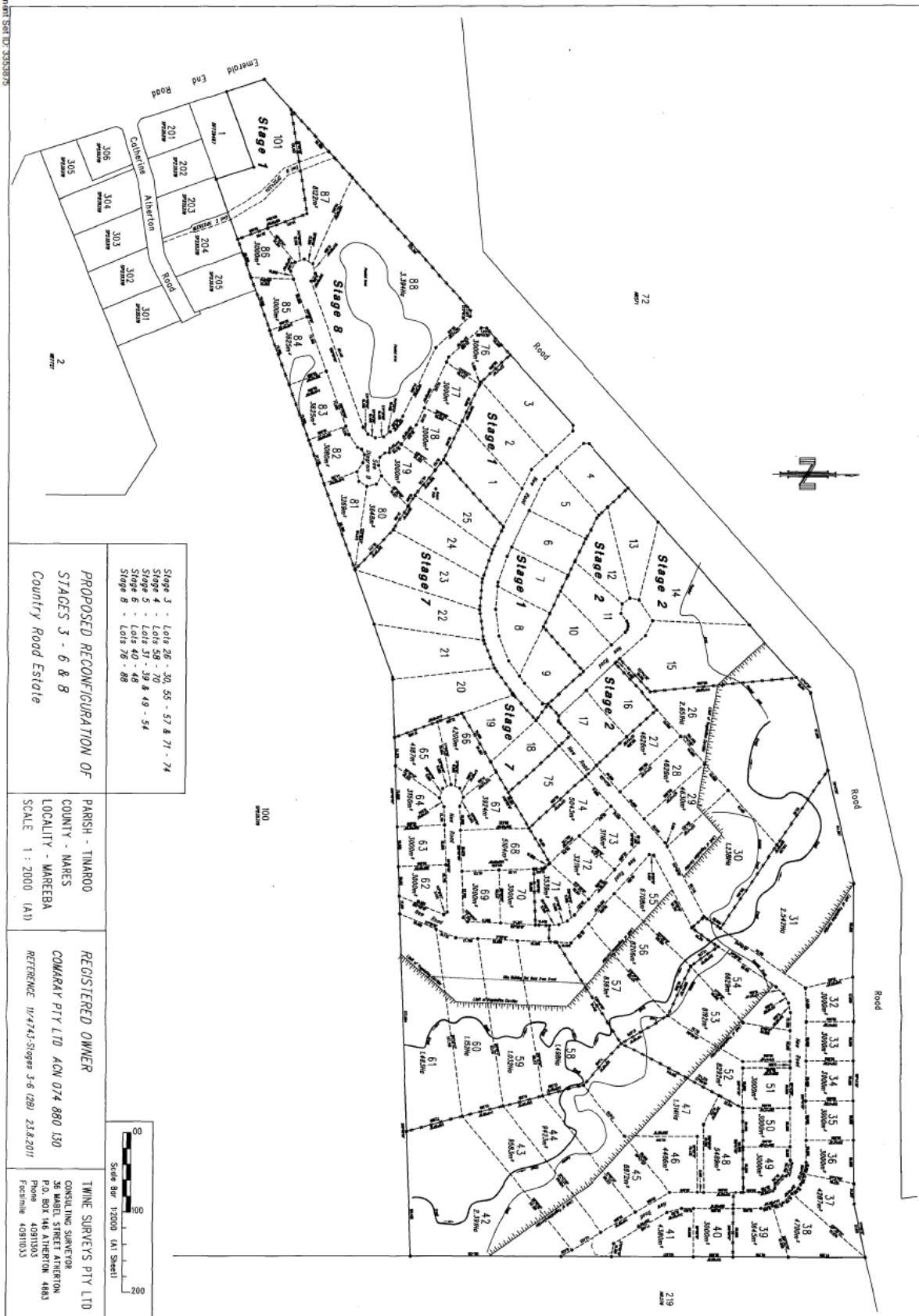


Wayne Storey  
Benchmark Survey & Design

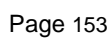




Document Set ID: 3353975  
Version: 1, Version Date: 22/06/2018



**PROPOSED AMENDED STAGE 8 PLAN (ECM Doc Set ID 3353875)**



**ATTACHMENT 4**VRP-ROL 20  
Rankin36 Mabel Street  
Atherton QLD 4883P 07 4091 1303  
E info@twinesurveys.com.au  
W twinesurveys.com.auACN 109 476 422  
ABN 66 109 476 42223<sup>rd</sup> March 2018Chief Executive Office  
Mareeba Shire Council  
Town Planning Department  
65 Rankin Street  
MAREEBA QLD 4880Your Ref:  
REC/08/0096

Dear Sir

Our Ref: 8097

**Request for an extension on the Development Approval  
Comaray Pty Ltd  
200 Emerald End Road – Mareeba  
Lot 4 on RP739487**

The proponent is currently in the process of obtaining engineering drawings for the stage development and plans to begin construction in the short term. In the past two years the developer has sold 7 lots in the previous stage demonstrating the motivated intentions.

This request is for an extension of the currency period of the Development Approval REC/08/0096 for a Development Permit for a Reconfiguring a Lot (subdivision creating a further 62 lots in five stages) over land described as Lot 4 on RP739487 and situated at 200 Emerald End Road, Mareeba is made on behalf of Comaray Pty Ltd, the current owners of the site.

The registered owners request an extension for 4 years to complete the necessary steps to progress the stage development. The proposed extension will hopefully allow sufficient time to complete the stage development.

Yours faithfully

Roger Twine  
Twine Surveys Pty Ltd



**ITEM-6**                      **FINALISATION OF MAREEBA SHIRE COUNCIL LOCAL GOVERNMENT INFRASTRUCTURE PLAN****MEETING:**                      Ordinary**MEETING DATE:**              20 June 2018**REPORT OFFICER'S  
TITLE:**                      Senior Planner**DEPARTMENT:**              Corporate and Community Services

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**EXECUTIVE SUMMARY**

*By legislation, Council is required to have an adopted Local Government Infrastructure Plan (LGIP) in place to continue to levy infrastructure charges or impose conditions about trunk infrastructure on applicable development approvals.*

*Council is in the process of finalising a draft LGIP under the Sustainable Planning Act 2009.*

*Once adopted, the LGIP will form part of the Mareeba Shire Council Planning Scheme 2016 and identifies Council's plans for trunk infrastructure that is necessary to service future urban development at the desired standard of service in a coordinated, efficient and financially sustainable manner.*

*To expedite the completion of the LGIP, it is recommended that Council delegate authority to the Chief Executive Officer to undertake all statutory steps, under the (repealed) Sustainable Planning Act 2009 and Statutory Guideline 01/16, to complete and adopt the LGIP.*

**OFFICER'S RECOMMENDATION**

"That Council:

1. Receive and note the draft Mareeba Shire Council Local Government Infrastructure Plan as attached (**Attachment 1**) to this report.
2. Delegate authority to the Chief Executive Officer to undertake all statutory steps, under the (repealed) Sustainable Planning Act 2009 and Statutory Guideline 01/16, to complete and adopt the Mareeba Shire Council Local Government Infrastructure Plan.
3. Instruct Council officers to submit a report to Council detailing the steps taken to complete and adopt the Mareeba Shire Council Local Government Infrastructure Plan following the adoption of the Local Government Infrastructure Plan."

## BACKGROUND

The LGIP details Council's plans to deliver new trunk infrastructure to service the Priority Infrastructure Area (PIA) for the period 2016 to 2031 for the following infrastructure networks:

- Water supply
- Sewerage
- Stormwater
- Transport
- Parks and land for community facilities

Trunk Infrastructure is higher order infrastructure which services multiple users, examples of trunk infrastructure include:

- In the water supply network - water treatment facilities, water storage facilities, pumping stations and higher order water distribution mains.
- In the sewerage network - sewerage treatment plants, sewer pump stations, rising mains and higher order gravity mains.
- In the stormwater network - stormwater channels, stormwater culverts and pipes and stormwater detention basins.
- In the transport network - arterial roads, sub-arterial roads and major distributor roads.
- In the parks and land for community facilities network - local, district and regional recreation and sporting parks.

The PIA is the area that Council intends to service with trunk infrastructure of the 15-year planning horizon of the LGIP. For Mareeba Shire Council, the PIA covers all properties which are zoned for urban development. Whilst most properties within the PIA are serviced by all five trunk infrastructure networks, some properties within the PIA will not be serviced by the sewerage network over the 15-year LGIP planning horizon.

An infrastructure charge may be imposed as part of a development approval where the development will result in additional demand on Council's trunk infrastructure networks. Where Council imposes an infrastructure charge, it must do so in accordance with its infrastructure charges resolution.

Council currently imposes infrastructure charges in accordance with the *Adopted Infrastructure Charges Resolution No.1 of 2017*. Council regularly reviews the infrastructure charges resolution and will review *Adopted Infrastructure Charges Resolution No.1 of 2017* following the adoption to the LGIP.

## RISK IMPLICATIONS

### Infrastructure and Assets

By legislation, Council is required to have an adopted LGIP in place to continue to levy infrastructure charges or impose conditions about trunk infrastructure on applicable development approvals

## LEGAL/COMPLIANCE/POLICY IMPLICATIONS

*Statutory Guideline 01/16: Making and amending local planning instruments* establishes the process for making or amending a planning scheme for a local government infrastructure plan.

An extract of the LGIP preparation process is included as **Attachment 2**.

The draft Mareeba Shire Council LGIP is presently being reviewed by Cardno (the appointed reviewer) and informally reviewed by the Department of State Development, Manufacturing, Infrastructure and Planning. Following completion of the Cardno review, the draft LGIP will be formally submitted to the Minister for State Development, Manufacturing, Infrastructure and Planning for review and approval to publicly consult the LGIP.

To expedite all remaining LGIP steps, delegated authority is sought for the Chief Executive Officer to allow the LGIP steps to proceed without further Council resolution/s being required.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### *Capital*

The preparation of the LGIP is included in the 2017/18 budget.

### *Operating*

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**

Council officers will undertake all statutory steps, under the (repealed) Sustainable Planning Act 2009 and Statutory Guideline 01/16, to complete and adopt the Mareeba Shire Council LGIP.

Upon adoption of the LGIP, Council officers will submit a report to Council detailing the steps taken to complete and adopt the LGIP.

## **ATTACHMENTS**

1. Draft Local Government Infrastructure Plan distributed separately and will be available on the website
2. Extract from Statutory Guideline 01/16

**Date Prepared:** 6 June 2018

## ATTACHMENT 2

Department of Infrastructure, Local Government and Planning

### 2.4B.1 Stages and steps for making or amending a planning scheme for a local government infrastructure plan

#### Stage 1 — Planning and preparation

##### Step 1 Local government proposes to make an LGIP

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>LGIP amendment.</li> <li>Interim LGIP amendment.</li> <li>LGIP administrative amendment.</li> </ul>	1.1 The local government must decide to make an LGIP.	Start of process

##### Step 2 Local government prepares a proposed LGIP

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>LGIP amendment.</li> <li>Interim LGIP amendment.</li> <li>LGIP administrative amendment.</li> </ul>	2.1 The local government must in accordance with the statutory guideline for LGIPs: <ul style="list-style-type: none"> <li>(a) prepare a proposed LGIP, and</li> <li>(b) complete the checklist (not required for LGIP administrative amendment).</li> </ul>	12 months (LGIP) or 6 months (interim LGIP amendment) or
	<ul style="list-style-type: none"> <li>LGIP amendment.</li> </ul>	2.2 Whilst preparing the LGIP the local government must consult with: <ul style="list-style-type: none"> <li>(a) the relevant state agency about transport matters, and</li> <li>(b) a distributor-retailer responsible for providing water and wastewater services for the area (if applicable).</li> </ul>	35 business days (LGIP administrative amendment)
	<ul style="list-style-type: none"> <li>Interim LGIP amendment.</li> </ul>	2.3 Whilst preparing the interim LGIP amendment the local government must consult with: <ul style="list-style-type: none"> <li>(a) the relevant state agency about transport matters only to the extent the agency may be affected by the proposed amendments, and</li> <li>(b) a distributor-retailer responsible for providing water and wastewater services for the area (if applicable), only to the extent a distributor-retailer may be affected by the proposed amendments.</li> </ul>	

##### Step 3 Local government progresses a proposed LGIP

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local	<ul style="list-style-type: none"> <li>LGIP</li> </ul>	3.1 After preparing the proposed LGIP, the local	

## Department of Infrastructure, Local Government and Planning

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
government	amendment.	<p>government must:</p> <ul style="list-style-type: none"> <li>(a) engage an <b>appointed reviewer</b> to conduct a compliance check of the proposed LGIP, and</li> <li>(b) give to the appointed reviewer, in accordance with the statutory guideline for LGIPs:               <ul style="list-style-type: none"> <li>(i) an electronic copy of the proposed LGIP (and a hard copy if requested by the appointed reviewer)</li> <li>(ii) the completed checklist, and</li> <li>(iii) any background studies or reports that informed the preparation of the proposed LGIP.</li> </ul> </li> </ul> <p><b>3.2</b> After receiving information under step 3.1, the appointed reviewer must:</p> <ul style="list-style-type: none"> <li>(a) if the appointed reviewer considers sufficient information has been provided - proceed to step 3.3, or</li> <li>(b) if the appointed reviewer considers insufficient information has been provided - write to the local government seeking more information.</li> </ul> <p><b>3.3</b> During the <b>compliance check</b> the appointed reviewer must:</p> <ul style="list-style-type: none"> <li>(a) consider whether the proposed LGIP appropriately complies with and addresses any relevant requirements identified in a statutory guideline for LGIPs,</li> <li>(b) consider whether the proposed LGIP is consistent with the SPSP, and</li> <li>(c) complete the checklist in accordance with the statutory guideline for LGIPs.</li> </ul> <p><b>3.4</b> After carrying out the compliance check, the appointed reviewer must write to the local government providing:</p> <ul style="list-style-type: none"> <li>(a) the completed checklist, and</li> <li>(b) a written statement, signed by the appointed reviewer:               <ul style="list-style-type: none"> <li>(i) confirming that the proposed LGIP appropriately complies with and addresses any relevant requirements identified in a statutory guideline for LGIPs, and</li> <li>(ii) identifying any outstanding issues with recommendations on how they should be addressed if the proposed LGIP does not fully comply with any matters considered in step 3.3.</li> </ul> </li> </ul> <p><b>3.5</b> After receiving information under step 3.4, the local government must, in accordance with</p>	

## Department of Infrastructure, Local Government and Planning

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		the statutory guideline for LGIPs: (a) write to the Minister requesting a review of the proposed LGIP and the Minister's agreement to publicly consult the proposed LGIP, and (b) give to the Minister: (i) an electronic copy (mandatory) and a hard copy (optional) of the proposed LGIP (ii) the checklist completed by the appointed reviewer (iii) the written statement prepared by the appointed reviewer (vi) any background studies or reports that informed the preparation of the proposed LGIP, and (v) any supporting information as stated in the statutory guideline for LGIPs.	
	<ul style="list-style-type: none"> <li>Interim LGIP amendment.</li> </ul>	<b>3.6</b> After preparing a proposed interim LGIP amendment and completing the checklist the local government must proceed to step 5.	
	<ul style="list-style-type: none"> <li>LGIP administrative amendment.</li> </ul>	<b>3.7</b> After preparing a proposed LGIP administrative amendment the local government must proceed to step 8.	

## Stage 2 — Review

### Step 4 Minister considers proposed LGIP and decides how to proceed

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Minister	<ul style="list-style-type: none"> <li>LGIP amendment.</li> </ul>	<b>4.1</b> After receiving information under step 3.5, the Minister must: (a) if the Minister considers sufficient information has been provided – proceed to step 4.2, or (b) if the Minister considers insufficient information has been provided – write to the local government seeking more information.  <b>4.2</b> The Minister may consider the following during the review: (a) whether the proposed LGIP appropriately complies with and addresses any relevant requirements identified in a statutory guideline for LGIPs, (b) whether the proposed LGIP is consistent with the SPSP, (c) the checklist completed by the local	30 business days

## Department of Infrastructure, Local Government and Planning

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>government and the appointed reviewer in accordance with the statutory guideline for LGIPs, and</p> <p>(d) the appointed reviewer's signed written statement with recommendations.</p> <p><b>4.3</b> After carrying out the review, the Minister must write to the local government advising it may:</p> <p>(a) publicly consult on the proposed LGIP and proceed to step 5,</p> <p>(b) publicly consult on the proposed LGIP subject to conditions and proceed to step 5, or</p> <p>(c) not proceed with the proposed LGIP.</p> <p><b>4.4</b> If the Minister advises the local government it may not proceed with the proposed LGIP, but the local government still wishes to make an LGIP, the local government may return to step 2.</p>	

### Stage 3 — Public consultation

#### Step 5 Local government commences public consultation of a proposed LGIP

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>LGIP amendment.</li> <li>Interim LGIP amendment.</li> </ul>	<p><b>5.1</b> Before publicly consulting on the proposed LGIP the local government must comply with any condition imposed by the Minister under step 4.3(b), if applicable.</p> <p><b>5.2</b> The local government must carry out public consultation about:</p> <p>(a) the proposed LGIP amendment for a period (<b>consultation period</b>) of at least 30 business days, or</p> <p>(b) the proposed interim LGIP amendment for a period (<b>consultation period</b>) of at least 15 business days.</p> <p><b>5.3</b> The local government must notify the public that the proposed LGIP is available for public consultation by, at a minimum, placing a notice in a newspaper circulating generally in the local government's area and on the local government's website, stating:</p> <p>(a) the name of the local government,</p> <p>(b) the title of the proposed LGIP,</p> <p>(c) for a proposed interim LGIP amendment:</p> <p>(i) the purpose and general effect of the amendment, and</p> <p>(ii) the location details of the area where it applies, if it only relates to part of</p>	<p>45 business days (incorporating a 30 business day consultation period) (LGIP amendment) or 25 business days (incorporating a 15 business day consultation period) (interim LGIP amendment)</p>

## Department of Infrastructure, Local Government and Planning

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>the local government area</p> <p>(d) where the proposed LGIP is available for inspection and purchase,</p> <p>(e) that written submissions about any aspect of the proposed LGIP may be made to the local government by any person,</p> <p>(f) the consultation period during which a submission may be made,</p> <p>(g) the requirements for making a properly made submission, and</p> <p>(h) a contact telephone number for information about the proposed LGIP.</p> <p>5.4 During the consultation period, the local government must display a copy of the notice in an obvious place in the local government's public office and have a copy of the proposed LGIP, completed checklist and any other documents as identified in a statutory guideline for LGIPs, available for inspection and purchase.</p> <p>5.5 The notice, proposed LGIP and completed checklist must also be available for download on the local government's website.</p>	

**Step 6 Local government reviews submissions and decides how to proceed with the proposed LGIP**

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>LGIP amendment.</li> <li>Interim LGIP amendment.</li> </ul>	<p>6.1 The local government must consider every properly made submission about the proposed LGIP.</p> <p>6.2 After considering the submissions, the local government:</p> <p>(a) may make changes to the proposed LGIP to:</p> <p>(i) address issues raised in a properly made submission</p> <p>(ii) amend a drafting error, or</p> <p>(iii) address new or changed planning circumstances or information</p> <p>(b) must ensure any changes continue to appropriately comply and address any relevant requirements identified in a statutory guideline for LGIPs, and</p> <p>(c) must advise persons who made a properly made submission about how the local government has dealt with the submission.</p> <p>6.3 If the local government changes the proposed</p>	<p>55 business days (LGIP amendment)</p> <p>or</p> <p>45 business days (interim LGIP amendment)</p>



## Department of Infrastructure, Local Government and Planning

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>LGIP and the changes result in the proposed LGIP being significantly different to the version released for public consultation, the local government must go back to step 5 and repeat the process.</p> <p><b>6.4</b> Despite step 6.3, public consultation may be limited to those aspects of the proposed LGIP which have significantly changed.</p> <p><b>6.5</b> After complying with steps 6.1 to 6.4, where relevant, the local government must decide to:</p> <ul style="list-style-type: none"> <li>(a) proceed with the proposed LGIP with no change, or</li> <li>(b) proceed with the proposed LGIP with changes if it reasonably believes the changes do not result in the proposed LGIP being significantly different to the version released for public consultation, or</li> <li>(c) not proceed with the proposed LGIP, and</li> <li>(d) update the checklist in accordance with the statutory guideline for LGIPs to reflect any changes to the proposed LGIP.</li> </ul>	
	<ul style="list-style-type: none"> <li>• LGIP amendment.</li> </ul>	<p><b>6.6</b> If proceeding with the proposed LGIP, the local government must:</p> <ul style="list-style-type: none"> <li>(a) engage an appointed reviewer to conduct a second compliance check of the proposed LGIP,</li> <li>(b) give to the appointed reviewer, in accordance with the statutory guideline for LGIPs:               <ul style="list-style-type: none"> <li>(i) an electronic copy of the proposed LGIP (and a hard copy if requested by the appointed reviewer) that clearly identifies any changes, if applicable, that have been made to the proposed LGIP since the review in step 4</li> <li>(ii) the completed checklist</li> <li>(iii) where proceeding with changes under step 6.5(b), a summary of matters raised in the properly made submissions and how the local government dealt with the matters</li> <li>(iv) confirmation that the local government does not believe the proposed LGIP is significantly different from a version which has undertaken public consultation and that additional public consultation under step 6.3 has been undertaken, if applicable</li> </ul> </li> </ul>	

## Department of Infrastructure, Local Government and Planning

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<ul style="list-style-type: none"> <li>(v) a copy of any condition as imposed by the Minister under step 4.3(b), if applicable, and</li> <li>(vi) any supporting information as stated in the statutory guideline for LGIPs.</li> </ul> <p><b>6.7</b> After receiving information under step 6.6, the appointed reviewer must:</p> <ul style="list-style-type: none"> <li>(a) if the appointed reviewer considers sufficient information has been provided - proceed to step 6.8, or</li> <li>(b) if the appointed reviewer considers insufficient information has been provided – write to the local government seeking more information.</li> </ul> <p><b>6.8</b> During the <b>second compliance check</b> the appointed reviewer must:</p> <ul style="list-style-type: none"> <li>(a) consider whether the proposed LGIP appropriately complies with and addresses any relevant requirements identified in a statutory guideline for LGIPs,</li> <li>(b) consider whether the proposed LGIP:               <ul style="list-style-type: none"> <li>(i) appropriately complies with any conditions imposed under step 4.3(b)</li> <li>(ii) version is not significantly different to a version which has undertaken public consultation, and</li> <li>(iii) is consistent with the SPSP, and</li> </ul> </li> <li>(c) complete the checklist in accordance with the statutory guideline for LGIPs.</li> </ul> <p><b>6.9</b> After carrying out the second compliance check, the appointed reviewer must write to the local government providing:</p> <ul style="list-style-type: none"> <li>(a) the completed checklist reflecting changes to the original version of the LGIP, and</li> <li>(b) a written statement, signed by the appointed reviewer:               <ul style="list-style-type: none"> <li>(i) confirming that the proposed LGIP appropriately complies with and addresses any relevant requirements identified in a statutory guideline for LGIPs, and</li> <li>(ii) identifying any outstanding issues with recommendations on how they should be addressed if the proposed LGIP does not fully comply with any matters considered in step 6.8.</li> </ul> </li> </ul> <p><b>6.10</b> After receiving information under step 6.9, the local government must, in accordance with the statutory guideline for LGIPs:</p>	

## Department of Infrastructure, Local Government and Planning

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		(a) write to the Minister seeking approval to adopt the proposed LGIP and proceed to step 8, and (b) give to the Minister: (i) an electronic copy (mandatory) and a hard copy (optional) of the proposed LGIP, that clearly identifies any changes, if applicable, that have been made to the proposed LGIP since the review in step 4 (ii) the checklist completed by the appointed reviewer (iii) the written statement prepared by the appointed reviewer (iv) where proceeding with changes under step 6.5(b), a summary of matters raised in the properly made submissions and how the local government dealt with the matters (v) confirmation that the local government does not believe the proposed LGIP is significantly different from a version which has undertaken public consultation and that additional public consultation under step 6.3 has been undertaken, if applicable, and (vi) any supporting information as stated in the statutory guideline for LGIPs.	
	<ul style="list-style-type: none"> <li>Interim LGIP amendment.</li> </ul>	<b>6.11</b> If proceeding with the proposed interim LGIP amendment, the local government must proceed to step 8.	

**Step 7 Minister advises on the next stage of the process**

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Minister	<ul style="list-style-type: none"> <li>LGIP amendment.</li> </ul>	<b>7.1</b> If the Minister receives written notice under step 6.10, the Minister must consider if: (a) conditions imposed under step 4.3(b) have been: (i) appropriately complied with—proceed to step 7.2, or (ii) not appropriately complied with or only complied with in part—the Minister may, at the Minister's discretion, having regard to the SPSP or the requirements outlined in a statutory guideline for LGIPs, write to the local government advising the conditions that need to be complied with and the steps	20 business days

## Department of Infrastructure, Local Government and Planning

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		<p>which need to be repeated</p> <p>(b) the version is:</p> <p>(i) not significantly different to a version which has undertaken public consultation—proceed to step 7.2, or</p> <p>(ii) significantly different to a version which has undertaken public consultation:</p> <p>(A) write to the local government advising it is considered to be significantly different, and</p> <p>(B) go back to step 5 and repeat the process</p> <p>(c) sufficient information:</p> <p>(i) has been provided—proceed to step 7.2, or</p> <p>(ii) has not been provided, the Minister must write to the local government advising more information is required, and</p> <p>(d) the proposed LGIP:</p> <p>(i) is consistent with the SPSP (where relevant and appropriately reflects the requirements outlined in a statutory guideline for LGIPs,—proceed to step 7.2, or</p> <p>(ii) is not consistent with the SPSP (where relevant), does not appropriately reflect the requirements outlined in a statutory guideline for LGIPs—the Minister may, at the Minister's discretion, write to the local government advising the matters that need to be addressed and the steps which need to be repeated.</p> <p><b>7.2</b> After receiving written notice under step 7.1, the Minister must consider the information supplied and write to the local government advising it may:</p> <p>(a) adopt the proposed LGIP and proceed to step 8:</p> <p>(i) with conditions, or</p> <p>(ii) without conditions, or</p> <p>(b) not proceed with the proposed LGIP.</p>	

## Stage 4 — Adoption

### Step 8. Local government decides whether to adopt the proposed LGIP

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
Local government	<ul style="list-style-type: none"> <li>LGIP amendment.</li> <li>Interim LGIP amendment.</li> </ul>	<p><b>8.1</b> After receiving advice from the Minister that it may adopt the proposed LGIP, or after completing step 6.11 for an interim LGIP amendment, the local government must decide to:</p> <ul style="list-style-type: none"> <li>(a) adopt the proposed LGIP, or</li> <li>(b) not proceed with the proposed LGIP.</li> </ul> <p><b>8A.2</b> If the local government decides to adopt the proposed LGIP it must:</p> <ul style="list-style-type: none"> <li>(a) comply with any conditions imposed by the Minister which must be undertaken prior to adoption, and</li> <li>(b) place a notice in the gazette, a newspaper circulating generally in the local government's area and on the local government's website, stating:               <ul style="list-style-type: none"> <li>(i) the local government name</li> <li>(ii) the date the LGIP was adopted</li> <li>(iii) the date the LGIP commences (if different to the adoption date), or</li> <li>(iv) for a proposed interim LGIP amendment:                   <ul style="list-style-type: none"> <li>(A) the title of the amendment, and</li> <li>(B) if the amendment only applies to part of the planning scheme area, a description about the location of that area,</li> <li>(C) the purpose and general effect of the amendment, and</li> </ul> </li> <li>(v) where to inspect and purchase a copy of the planning scheme.</li> </ul> </li> <li>(c) include on its website, a copy of the checklist and any other documents identified in the statutory guideline for LGIPs.</li> </ul> <p><b>8B.2</b> If the local government decides not to proceed with the proposed LGIP, it must place a notice in the gazette, a newspaper circulating generally in the local government's area, and on the local government's website, stating:</p> <ul style="list-style-type: none"> <li>(a) the local government name,</li> <li>(b) the title of the proposed LGIP,</li> <li>(c) the decision, and</li> <li>(d) the reason for not proceeding.</li> </ul> <p><b>8.3</b> The local government must give the chief executive as soon as possible:</p> <ul style="list-style-type: none"> <li>(a) after adopting:</li> </ul>	30 business days

## Department of Infrastructure, Local Government and Planning

Responsible entity	Processes to which this step applies	Step	Performance indicator timeframe
		(i) a copy of the notice under step 8A.2(b), and (ii) one electronic copy of the entire planning scheme, including associated maps, or (b) after deciding not to proceed, a copy of the notice under step 8B.2.	
	<ul style="list-style-type: none"> <li>LGIP administrative amendment.</li> </ul>	<p><b>8.4</b> After preparing the proposed LGIP administrative amendment, the local government must decide to:</p> <p>(a) adopt the proposed LGIP administrative amendment, or</p> <p>(b) not proceed with the proposed LGIP administrative amendment.</p> <p><b>8A.5</b> If the local government decides to adopt the proposed LGIP administrative amendment it must</p> <p>(a) place a notice in the gazette, a newspaper circulating generally in the local government's area and on the local government's website, stating:</p> <p>(i) the local government name</p> <p>(ii) the date the LGIP was adopted</p> <p>(iii) the date the LGIP commences (if different to the adoption date)</p> <p>(iv) the title of the proposed LGIP</p> <p>(v) the purpose and general effect of the amendment</p> <p>(vii) where to inspect and purchase a copy of the planning scheme, and</p> <p>(b) give the chief executive as soon as possible after adopting the amendment:</p> <p>(i) a copy of the notice in the gazette, and</p> <p>(ii) one electronic copy of the entire planning scheme, including associated maps.</p>	

**ITEM-7                                      APPLICATION TO ENTER COONDOO STREET AVENUE  
OF FIG TREES IN THE QUEENSLAND HERITAGE  
REGISTER****MEETING:**                                      Ordinary**MEETING DATE:**                                      20 June 2018**REPORT OFFICER'S  
TITLE:**                                      Senior Planner**DEPARTMENT:**                                      Corporate and Community Services

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**EXECUTIVE SUMMARY**

*An application has been made to the Department of Environment and Science (DES) proposing the entry of the Avenue of Ficus Microcarpa and Ficus Obliqua (fig) trees along part of Coondoo Street, Kuranda in the Queensland Heritage Register. This application would be an extension of a previous local heritage listing to include the remainder of Coondoo Street from Thongon Street to Arara Street.*

*The application purports that the avenue of fig trees satisfies cultural heritage criteria (a), (d) and (e). These criteria are outlined in the application documentation included as **Attachment 1** of this report.*

*The Local Heritage Place register of the Mareeba Shire Council Planning Scheme 2016 already lists the fig trees between Therwine Street and Thongon Street (**Attachment 2**). The previous listing did not include the section between Thongon Street to Arara Street because it did not meet the heritage assessment criteria at that time.*

*DES seeks Council's views on the proposed entry of the fig trees for the entire length of Coondoo Street.*

**OFFICER'S RECOMMENDATION**

"That Council offer an objection to the application to enter the Avenue of Ficus Microcarpa and Ficus Obliqua trees within the Coondoo Street road reserve between Therwine Street and Arara Street, Kuranda, in the Queensland Heritage Register on the basis that the application does not meet the identified criteria."

**BACKGROUND**

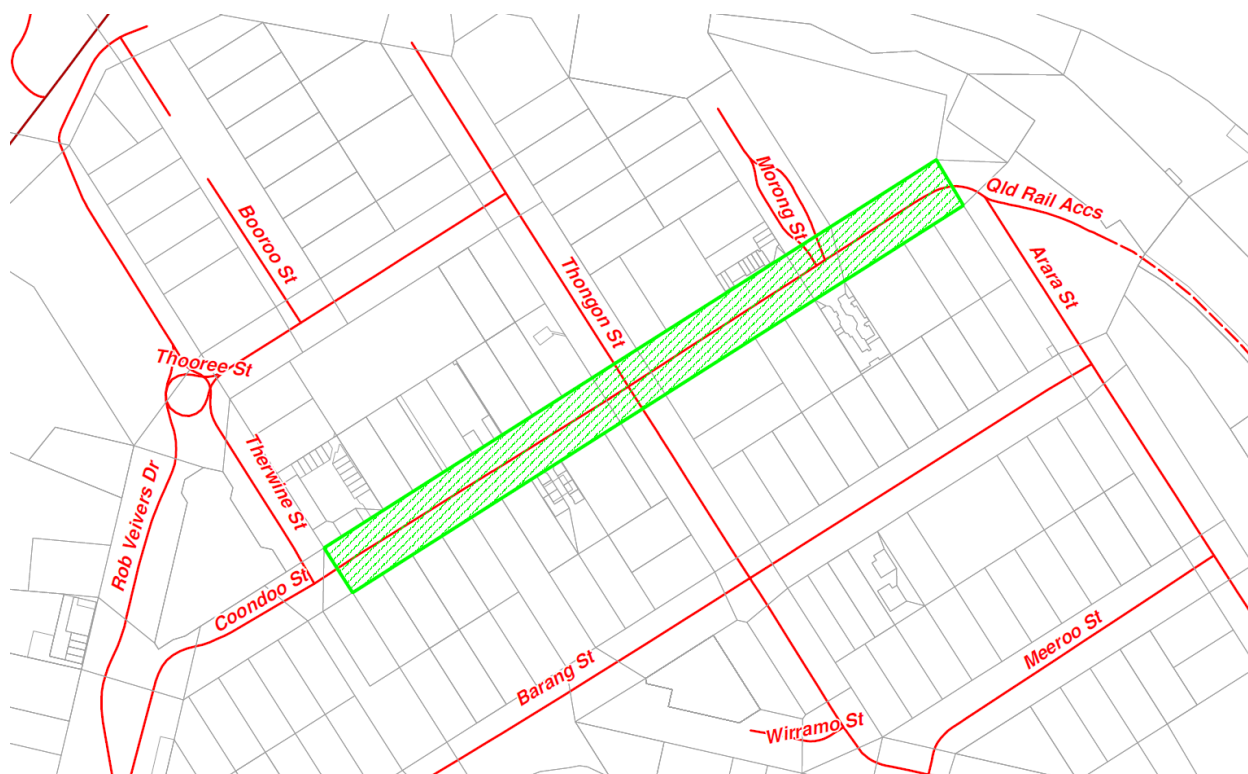
DES is currently considering an application to enter the Avenue of Ficus Microcarpa and Ficus Obliqua (fig) trees along part of Coondoo Street, Kuranda in the Queensland Heritage Register.

The listing would cover those fig trees within the Coondoo Street road reserve between Therwine Street and Arara Street.

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Council previously considered the fig trees within the Coondoo Street road reserve between Therwine Street and Thongon street for heritage listing and listed the area under Mareeba Shire Council Planning Scheme. As part of the previous heritage listing Council contracted external consultants to review local heritage sites that should be included in the region. The proposed extension by the applicant was not identified as an area of cultural or heritage significance.

However, Council will continue for the foreseeable future to manage these trees as it has it done since they were established.



**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.

Due to the size (65 pages) of the application, non-essential information has been excluded from the copy of the application included as **Attachment 2**. The excluded information consists of photographs of the various trees and archived newspaper clippings.

The proposed listing would cover the 27 fig trees lining the Coondoo Street roadway (green hatched area).

## RISK IMPLICATIONS

### Infrastructure and Assets

If the listing is successful, Council will need to consider this during any future works.



## LEGAL /COMPLIANCE/POLICY IMPLICATIONS

DES seeks Council's views on the application.

To be considered properly made, any objection to the proposed listing must be made on the basis that the fig trees fail to satisfy any of the standard cultural heritage criteria.

Council considered the area proposed in the application previously via an external contractor that provided professional advice to only list the area between Therwine street and Thongon Street on Coondoo Street, Kuranda.

## 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.

## IMPLEMENTATION/COMMUNICATION

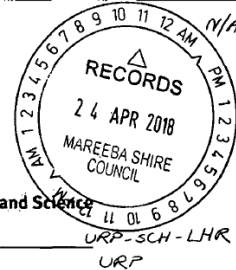
The Department of Environment and Science will be informed of Council's decision by letter.

Council has until **21 June 2018** to lodge a submission.

## ATTACHMENTS

1. Department of Environment and Science letter of 18 April 2018
2. Extract of Mareeba Shire Council Planning Scheme 2016 - Local Heritage Register

**Date Prepared:** 21 May 2018

**ATTACHMENT 1**Department of  
Environment and Science**Notice of application received –  
proposing entry of a place in the Queensland Heritage Register**Notice given under s.38 *Queensland Heritage Act 1992*

Ref: HRN 650081

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

Dear Mr Franks

**Re: Avenue of Ficus Microcarpa and Ficus Obliqua trees, Coondoo Street,  
Kuranda**

On **4 April 2018** the Department of Environment and Science (the Department) received an application from a member of the community proposing entry of the **Avenue of Ficus Microcarpa and Ficus Obliqua trees** in the Queensland Heritage Register.

The application affects the following property:

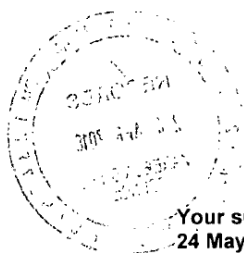
**Lot Plan**  
Part of Coondoo Street road reserve (described as Lot 1 on ROAD0)

You are receiving a copy of this application as you represent the local government in which this place is located. I understand Mareeba Shire Council is responsible for maintaining the area of road reserve which is included as part of the application.

The Department will assess the application in relation to the heritage criteria contained in s.35 of the *Queensland Heritage Act 1992* (the Act) and make a recommendation to the Queensland Heritage Council about whether the place is of state-level heritage significance and therefore suitable for entry in the Heritage Register. The Heritage Council then decides whether the place should be entered in the Register. Please find enclosed an information sheet setting out this process.

**Submission**

You are invited to make a written submission responding to the application. This response must address whether the place does or does not satisfy the criteria specified in the Act (s.35).



Your submission must be received by the Department before the close of business on **24 May 2018**, and should be forwarded:

By mail - **Heritage  
Department of Environment and Science  
GPO Box 2454  
BRISBANE QLD 4001**

OR

By email - [heritage@des.qld.gov.au](mailto:heritage@des.qld.gov.au)

If you require an extension of time, please contact Principal Heritage Officer, Joanne McAuley, on telephone 07 3339 5829 or [Joanne.McAuley@des.qld.gov.au](mailto:Joanne.McAuley@des.qld.gov.au) before **24 May 2018**. All submissions are given to those entitled to receive a copy of the recommendation. Unless consent to release of personal information is given by submitters, personal details are redacted from these copies, except those given to the Queensland Heritage Council.

The application will be advertised in the local paper and on the Queensland Government website, calling for public submissions.

In addition, the Chief Executive requests that the Mareeba Shire Council notifies the Department of:

- any application for Development Approval on the place that has been made but not decided under the Planning Act within 10 business days from the receipt of this notice
- any existing Development Approval on the place within 10 business days from the receipt of this notice.



Nicole Mulholland  
Manager  
Queensland Heritage Council & Heritage Register  
Heritage Branch

Date: **18/APRIL/2018**

**Enquiries:**  
Joanne McAuley  
Principal Heritage Officer  
Heritage Branch  
GPO Box 2454  
BRISBANE QLD 4001  
Ph. 07 3339 5829

**Enclosed:**

- Application made under s.36 of the *Queensland Heritage Act 1992*.
- Fact sheet: *Queensland Heritage Register—registering a State Heritage Place*.

Department of Environment and Heritage Protection

# Application form

Heritage

## Entry of a place in the Queensland Heritage Register

**Use this form** to apply to have a place considered for entry in the Queensland Heritage Register under the Queensland Heritage Act 1992.

**Before completing this application form:**

- read the *Application Guide: Entering a State Heritage Place in the Queensland Heritage Register* available at [www.qld.gov.au/environment/land/heritage/](http://www.qld.gov.au/environment/land/heritage/)
- call 13 QGOV (13 74 68) and discuss this application with a Heritage Branch officer

### 1. Applicant details

APPLICANT NAME/S Dawn May	TITLE Dr
ORGANISATION NAME (if applicable) Far Northern Branch of National Trust of Qld	
<div></div>	
<div></div>	<div></div>
<div></div>	
<div></div>	<div></div>
<div></div>	<div></div>

### 2. Applicant consent

Ticking YES in the box below means you give consent to the department to publicly disclose your name with this application. At no time (whether you tick YES or NO) will your personal contact details be made public during processing and assessment of this application. The department removes contact details (i.e. address, email and telephone numbers) from all copies of the application except those provided to the Queensland Heritage Council.

Applicant consents to personal information being released	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<div></div> APPLICANT'S SIGNATURE	



## Application form

## Entry of a place in the Queensland Heritage Register

PRINT APPLICANT'S NAME <b>Dawn May for Far Northern Branch National Trust Qld</b>	DATE SIGNED 26 March 2018
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## 3. Place details

NAME OF PLACE AND / OR FORMER NAME Avenue of Ficus Microcarpa and Ficus Obliqua trees	
STREET ADDRESS Coondoo Street, Kuranda	
LOT/S ON PLAN/S	LOCAL GOVERNMENT AREA/S Mareeba Shire Council
GPS COORDINATES (IF KNOWN) -16.819247 and 145.635969	

## 4. Consultation with the owner of the place

Do you own the place that is the subject of this application? Yes ☐ No ☒

If you are not the owner of this place, have you consulted with the owner? Yes ☐ No ☒

## 5. History of the place

<p><b>HISTORICAL SUMMARY</b></p> <p>There are 27 ficus trees identified by a botanist as <i>ficus microcarpa</i> and <i>ficus oblique</i>, lining both sides of Coondoo Street, Kuranda between Therwine and Arara Streets. They help to create a village atmosphere in the town and are frequently admired and photographed by tourists.</p> <p>The traditional owners of what Europeans call the Kuranda area are the Djabuguy speaking people who have lived in the region known to them as Ngunbah for over 10,000 years. Since the 1970s, Kuranda has been known as The Village in the Rainforest.</p> <p>Kuranda was surveyed by Thomas Behan in 1888 (see map in History folder) Located approximately 30 kilometres from Cairns and 330 metres above sea level, at the time the township could only be accessed by packhorses. Although in later years the odd motor car was able, with great difficulty, to negotiate the old pack track from the coast to Kuranda, it was not until 1939 that a start was made on constructing a road so that people could travel by motor vehicle to the little town in the mountains.</p> <p>Initially the main economic activity in the area was logging including kauri, maple, hickory, acacia and cadaghi. However when the railway reached the town in 1891 Kuranda rapidly gained a reputation for its natural beauty spots and a place to escape the oppressive heat of the coastal regions.</p> <p>On the trip from Cairns to Kuranda by rail the train passed close to the Barron Falls giving</p>
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## Application form

**Entry of a place in the Queensland Heritage Register**

passengers an opportunity to marvel at the tiered cascade as water fell some 125 metres below. The Falls became part of the Barron Gorge National Park established in 1940, one of the earliest National Parks in Queensland.

As more tourists travelled to the town, a number of activities were established capitalising on the natural beauty spots. These included The Maze (see photo in History folder) and Fairyland (see photo in History folder). Tourists arriving by train would be rowed across the Barron River to wander among beautiful palms, trees and ferns. The gardens at the station, carefully tendered by railway staff, consistently won awards. A walk back to the Barron Falls from the town was another popular activity. After 1904 when entomologist F. P. Dodd (1861-1937) moved to Kuranda, tourists were able to visit his collection of butterflies. Dodd subsequently gained a national reputation as "The Butterfly Man". (*Cairns Post* 7 August, 1937, 14 and *Courier Mail* 19 August 1937, p20) )

Given the number of beauty spots it is not surprising that in 1931 Councillor Jim Bartley (Kuranda Councillor for 34 years) was reported to be finalising the planting of a row of trees on each side of the Main street (Coondoo Street). Weeping figs and tulip trees were to be planted with Mr Dodd donating the tulip trees. Tree guards were to be erected to protect the trees until fully grown. It was noted that "Kuranda has many beauties for the tourist and this avenue of trees will be an addition". Cr Bartley was congratulated for his foresight. (*Cairns Post* 2 June 1931, p 9 and *Northern herald* 6 June 1931, p 44).

The following month it was reported that the guards were in place and the holes dug for the trees in Coondoo Street. It was observed that the trees would provide suitable shade and beauty for the town. (*Northern Herald* 4 July 1931, p43)

In 1934 Councillor Bartley requested £75 from the Woothakata Council to clean the streets of Kuranda described as the "oldest resort in North Queensland". (*Northern Herald* 2 May 1936, p 31) Two years later the Kuranda and District Progress Association asked the council to have bottom branches of the trees which were overhanging the footpath between the two hotels in Coondoo Street, lopped as they were proving a nuisance to pedestrian traffic. (*Northern Herald* 13 March 1936, p 43) As nothing had been done about pruning the trees it was decided to write to the Woothakata Council for immediate attention before the commencement of the tourist season. (*Northern Herald* 16 May 1936, p30) The work was eventually carried out and Mr Bell submitted an account for £15/11/4 for his work. As this was considered an exorbitant amount it was referred to Cr Bartley for comment. (*Cairns Post* 20 October 1937, p13)

While Kuranda was inland from the coast, it was not spared the ravages of cyclones. The very colourful but shallow rooted tulip trees were less able to withstand high winds (*Cairns Post* 13 March 1934, p4 and *Northern Herald* 22 August 1936, p 33) In February 1949 the town was buffeted by gales and it was reported that a few trees in Coondoo Street were blown down. (*Cairns Post* 22 February 1949, p6) While not specifically mentioning tulip trees, they would have been more likely to suffer from winds than the ficus with their many aerial roots. (*Cairns Post*, 22 August 1949, p 13). Indeed none of the tulip trees planted in 1931 in Coondoo Street have survived.

The bitumening of the street in August 1949 also resulted in some trees being removed to allow for road foundations. (*Cairns Post* 20 August 1949, p4)

In seeking to beautify the village with an avenue of large trees, the Council was following a practice that was occurring throughout Queensland between 1915 and 1955. Griggs in *Queensland Review* (2015, 22 (1) pp 30-48) argues that this was mainly to improve urban

## Application form

**Entry of a place in the Queensland Heritage Register**

landscapes and to provide shade from the harsh Queensland sun. In 1951 the issue of road beautification was again promoted. It was reported in the *Cairns Post* (13 January 1951, p5) that it was "pleasing to be able to note that some Tableland centres [including Kuranda] have shown commendable spirit in undertaking street beautification by the planting of trees and garden plots. Their efforts have merited and obtained official commendation and practical assistance and residents have reaped the benefits of more pleasant thoroughfares and surroundings."

## REFERENCE LIST

Behan's 1888 map  
 Cairns Post 2 June 1931, p9  
 Cairns Post 7 August 1937 p14  
 Cairns Post 13 January 1951, p5  
 Cairns Post 13 March 1934, p4  
 Cairns Post 20 August 1949, p4  
 Cairns Post 20 October 1937, p13  
 Cairns Post 22 August 1949, p13  
 Cairns Post 22 February 1949, p6  
 Cairns Historical Society P11229 Coondoo St trees, 1970s photo  
 Cairns Historical Society P17211 Fairyland, undated photo  
 Cairns Historical Society P23418 The Maze, undated photo  
 Courier Mail 19 August 1937 p20  
 Northern Herald 2 May 1936, p 31  
 Northern Herald 4 July 1931, p43  
 Northern Herald 6 June 1931, p44  
 Northern Herald 16 May 1936, p30  
 Northern Herald 22 August 1936, p33

## LIST OF ATTACHMENTS

Folder titled "History" containing copies of all identified in reference list above. Location and dimensions of each of the trees  
 Google Map showing location of Kuranda  
 Cadastral map showing boundaries of the identified trees  
 Individual photos of each tree listed

**6. Description of the place**

## WRITTEN DESCRIPTION

See attached list showing street location; height, circumference and spread of each individual tree – some trees look extremely healthy while others are less so. The trees are located on the roadway (not footpath) Most trees have raised enclosures around the base. In many cases there is a lot of extraneous, self-sown material in these raised beds. Where this is the case, the trees would benefit from having it removed.



## Application form

**Entry of a place in the Queensland Heritage Register****7. Statement of cultural heritage significance**

Decide which criteria are relevant to your application and complete a response for each in the boxes below. Write 'not applicable' against the criteria that are not relevant to your application.

CRITERION A the place is important in demonstrating the evolution or pattern of Queensland's history	By the 1930s Kuranda had become firmly established as a tourist destination. In seeking to beautify the village with an avenue of large trees, the Council was following a practice that was occurring throughout Queensland between 1915 and 1955. Griggs in Queensland Review (2015, 22 (1) pp 30-48) argues that this was mainly to improve urban landscapes and to provide shade from the harsh Queensland sun.
CRITERION B the place demonstrates rare, uncommon or endangered aspects of Queensland's cultural heritage	
CRITERION C the place has potential to yield information that will contribute to an understanding of Queensland's history	
CRITERION D the place is important in demonstrating the principal characteristics of a particular class of cultural places	This is a good example of the use of spreading trees for shade and beautification – still intact after almost 100 years.
CRITERION E the place is important because of its aesthetic significance	These trees are an integral part of the attractiveness of Kuranda Village. Without them, Kuranda would not only look far less attractive but it would lose its identity. Tourists come to the area as it has a village atmosphere created by the spreading canopies of these trees. They are regularly seen photographing the trees and the ferns growing on the branches.
CRITERION F the place is important in demonstrating a high degree of creative or technical achievement at a particular period	



## Application form

### Entry of a place in the Queensland Heritage Register

<b>CRITERION G</b> the place has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons	
<b>CRITERION H</b> the place has a special association with the life or work of a particular person, group or organisation of importance in Queensland's history	

#### 8. Site plan showing proposed boundary

Attach a site plan to this form. Tick to confirm:

- ☐ the site plan is drawn or sketched to scale
- ☐ all significant heritage elements of the place are shown and clearly labelled in their approximate locations
- ☒ the proposed heritage boundary is shown
- ☐ the cadastral (lot on plan) boundaries of the place are shown

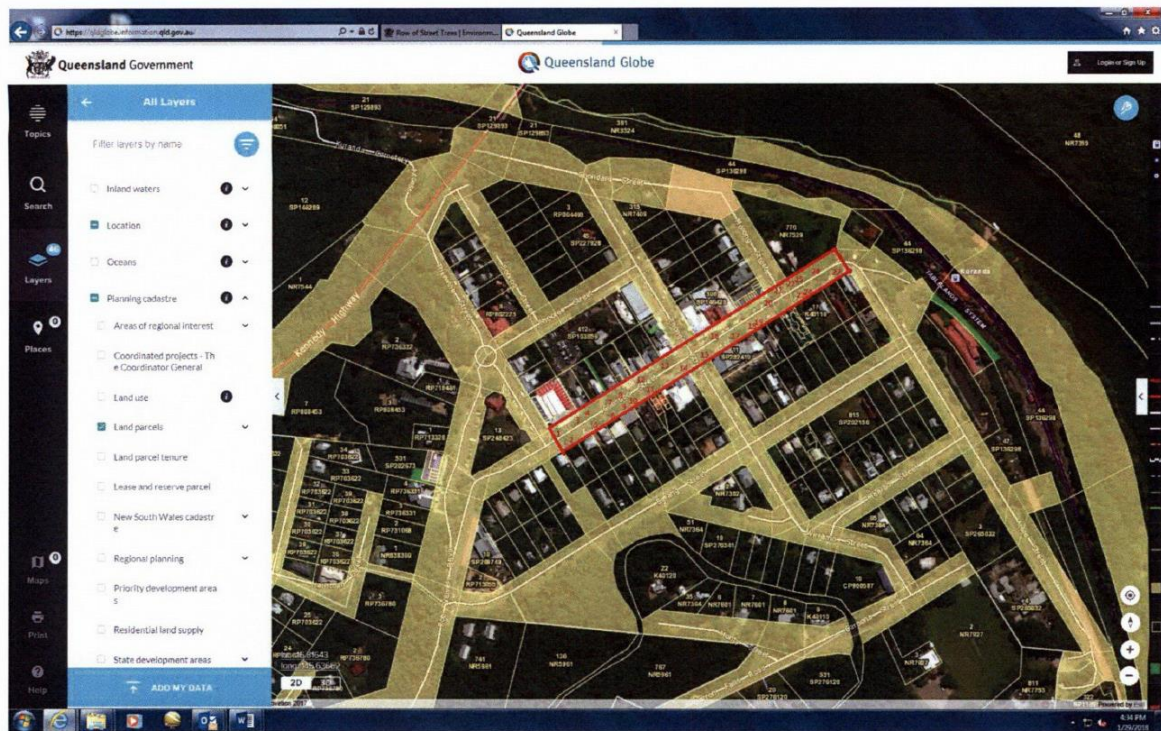
#### 9. Photographs

Attach photographs to this application that show the place in its current state. Number all photographs and complete the index table below adding more rows if needed.

If submitting an electronic application, submit the photographs in a digital file attached with the application form. Maximum file size for digital images attached to this form is 250kb each.

If submitting an application in hard copy, submit the photographs as an electronic file saved onto a CD or USB and attach one hardcopy print out of images to this application form.

<b>DATE AND TIME TAKEN</b> 11 February 2017 – middle of day	<b>PHOTOGRAPHER</b> Sylvia Walker
<b>COPYRIGHT PERMISSIONS</b> <i>By law copyright of material submitted is subject to conditions set out in the copyright licence for that material.</i>  <i>Please enter licensing details in the metadata for each image/file requiring copyright.</i>  <i>A copyright licence may be obtained free of charge from Creative Commons at <a href="http://www.creativecommons.org">www.creativecommons.org</a>. Creative Commons licence 'Creative Commons Attribution-Non-Commercial-No Derivative Works' is recommended. This licence maintains author copyright but allows others to copy and distribute work provided the author is given credit (in a way specified by the author) and the work is not changed in any way and is not used commercially.</i>  Photographer does not wish to hold the copyright for the images in this application	



No	Tree description	location	Height in metres	Circumference in metres	Spread in metres	
1	Ficus obliqua	Outside Kuranda village centre	16	8	13	
2	Ficus microcarpa	Outside 14 Coondoo St DoongaL Art Gallery	16	17	19.5	
3	Ficus microcarpa	Outside 3 Coondoo St Peter Jarver Gallery	16	14	17.5	
4	Ficus microcarpa	Outside 5 Coondoo St - Opal Time	20	19.5	23	
5	Ficus microcarpa	Outside 16 Coondoo St - Just Gorgeous	18	15.5	16	
6	Ficus obliqua	Outside 20 Coondoo St Mandala Cafe	20	8.3	20.5	
7	Ficus obliqua	Outside 7 Coondoo St St Saviours Church	16	9	14	
8	Ficus microcarpa	Outside ? Coondoo St Kuranda T shirts - next to St Saviours	15	19	17.5	
9	Ficus microcarpa	Outside 4/20 Coondoo St Kuranda Arts Co-op	16	16	16	
10	Ficus obliqua	Outside 22 Coondoo – The Ark Gallery	19	8	13	
11	Ficus microcarpa	Outside 8/24 Coondoo – Bobs Wood Art	21	18	27	
12	Ficus obliqua	Outside 13 Coondoo St Tropical Pulse	21	7	18.5	
13	Ficus obliqua	Outside 17 Coondoo St Coral Coast Leather	16	11	19	
14	Ficus obliqua	Outside 16 Coondoo – Kuranda Discount Drug Store	14.5	2.8	14.5	
15	Ficus obliqua	Outside 34 Coondoo – Barron Falls Hotel	21	5.5	17.5	
16	Ficus obliqua	Outside 19 Coondoo St – Bendigo Bank	23	6.2	20	
17	Ficus obliqua	Outside Barron Falls Hotel Drive Through	18	4.2	17	
18	Ficus obliqua	Outside 8/40 Coondoo - Australis Art Gallery	19	4.4	11.5	
19	Ficus obliqua	Outside 40 Coondoo St – front left hand shop	11	5.3	7.5	
20	Ficus obliqua	Corner of Coondoo & Morong Sts	16	4.1	14	
21	Ficus obliqua	Corner of Coondoo & Morong Streets	18	5.2	17	
22	Ficus microcarpa	Outside police station	19	13	14	
23	Ficus obliqua	Outside 42 Coondoo St	15.5	2.7	9	

24	Ficus obliqua	Outside 40 Coondoo Street	14	3	9	
25	Ficus macrocarpa	41 Condo St – same side as police stn	30	19.6	26.5	
26	Ficus obliqua	End of Coondoo Street	13	3.5	16	
27	Ficus obliqua	Outside Kuranda Hotel	14.5	3	18.5	



**ATTACHMENT 2**

**SCHEDULE 7**

**7.11.9. Coondoo Street, Kuranda - Fig Trees**



**Map Index:** KUR09

**Address:** Coondoo Street, Kuranda 4881

**Property Description:** N/A

**Archaeological Potential:** Yes

**Physical Condition:** Good

**Year Started:** 1918 **Year Completed:** 1918

**Satisfies Significance Criterion:** A, D & E **Tenure:** Road Reserve

**Statement of Significance:** The Coondoo Street fig trees have been an important part of the streetscape for almost a century and reflect the large sacrifice that small-town north Queensland made towards the war effort (criterion A). The plantings are representative of the World War I (and similar World War II) memorials in the Tablelands region, including other Anzac trees (eg Tolga and Watsonville) and a number of cenotaphs (criterion D). They are large, mature and shady trees that are a distinctive feature of the town's streetscape. They are local landmarks (criterion E).

**Local History:** The town of Kuranda was surveyed in 1888 and the rail reached the village by 1891. Kuranda remained a small rural village through most of the first half of the twentieth century. The fig trees in Coondoo Street were planted in 1918. The sources do not record that they were commemorative World War I plantings, but this was a common practice at the time and that is likely to have been their original purpose.

**Physical Description:** A row of large fig trees that are also home to a variety of ferns, mosses, orchids and vines, in addition to a range of birdlife.



**ITEM-8                      FUTURE USE OF SURPLUS RESERVES - LOT 5 ON  
LD152 AND LOT 8 ON LD38, KOORBOORA****MEETING:**                      Ordinary**MEETING DATE:**              20 June 2018**REPORT OFFICER'S  
TITLE:**                      Senior Planner**DEPARTMENT:**              Corporate and Community Services

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**EXECUTIVE SUMMARY**

*The Department of Natural Resources, Mines and Energy (DNRME) is considering the future use of two (2) surplus reserves situated at Koorboora.*

*The reserves are Lot 5 on LD152 (police purposes) and Lot 8 on LD38 (hospital purposes).*

*As Council has trusteeship over several other reserves (cemetery & rubbish) in the Koorboora township, DNRME have asked whether Council would also be prepared to accept trusteeship over the surplus reserves, subject to the reserves being changed to a suitable community purpose.*

*There is no obvious community need for Council to take on additional reserves in Koorboora, accordingly it is recommended that Council advise DNRME that Council does not wish to accept trusteeship of the surplus reserves.*

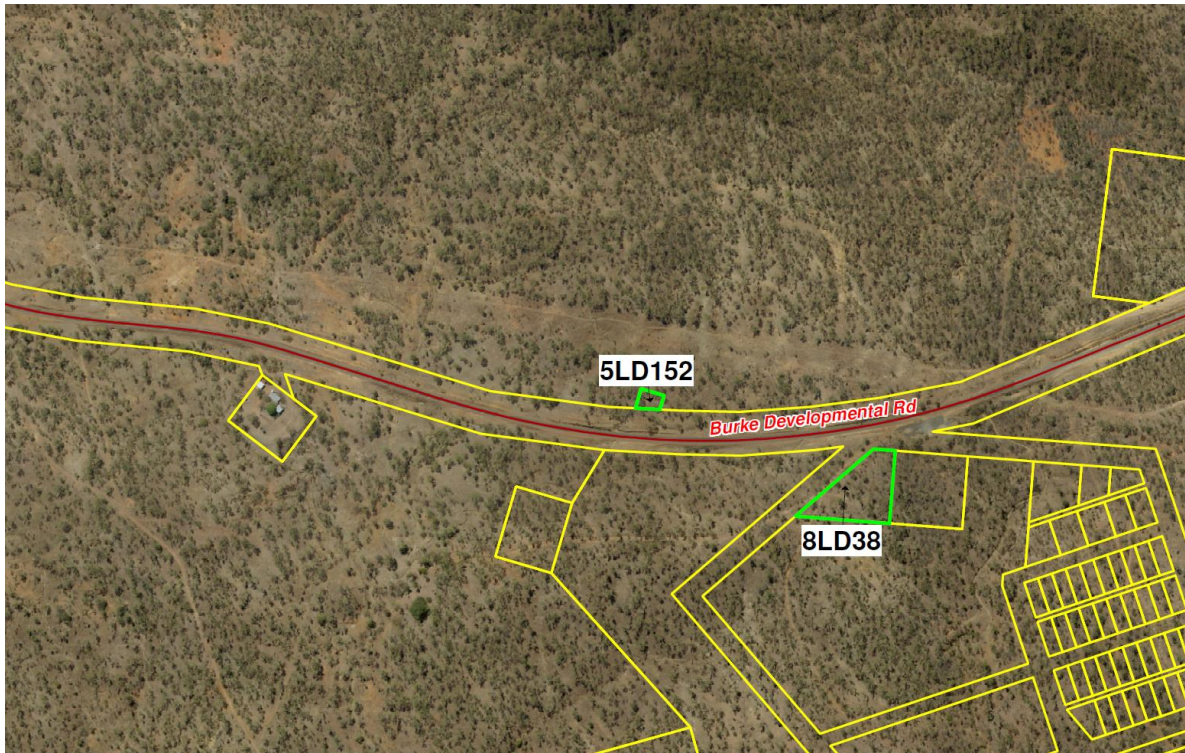
**OFFICER'S RECOMMENDATION**

"That Council advise the Department of Natural Resources, Mines and Energy that Council does not wish to accept trusteeship over surplus reserves being Lot 5 on LD152 (police purposes) and Lot 8 on LD38 (hospital purposes), Koorboora."

**BACKGROUND**

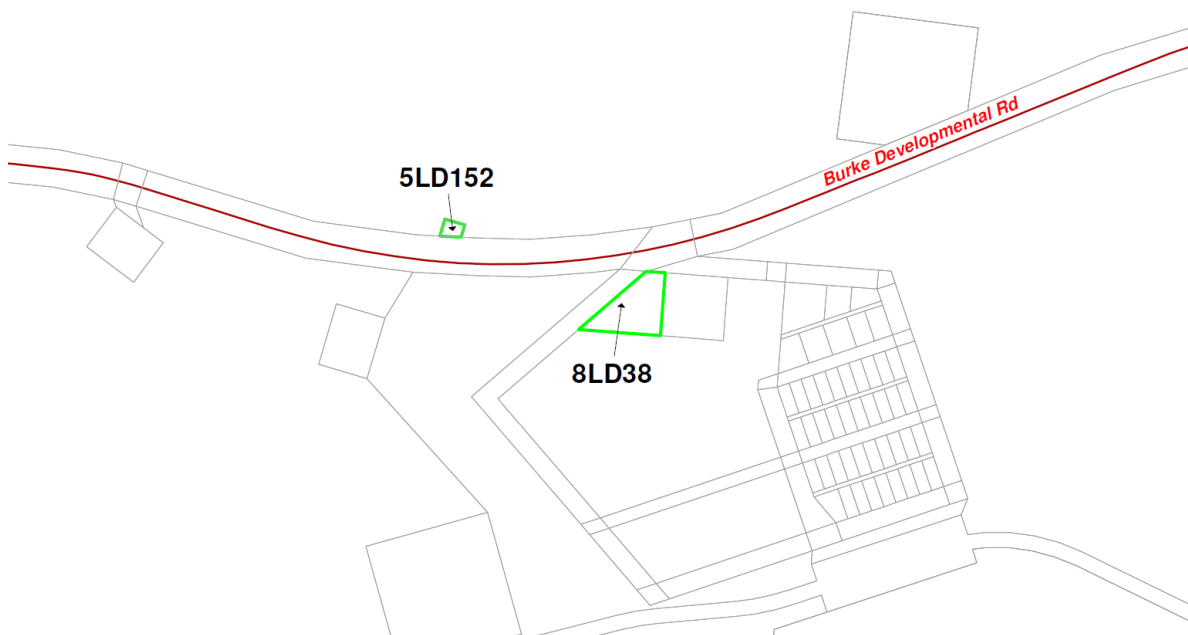
The Department of Natural Resources, Mines and Energy (DNRME) is considering the future use of the following two (2) surplus reserves situated at Koorboora:

- Reserve 568 (R26) for Police purposes, described as Lot 5 on LD152, area of 785m<sup>2</sup>;
- Reserve 1431 (R12) for Hospital purposes, described as Lot 8 on LD38, area of 8,094m<sup>2</sup>.



**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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As Council has trusteeship over several other reserves (cemetery & rubbish) in the Koorboora township, DNRME have asked whether Council would also be prepared to accept trusteeship over the surplus reserves, subject to the reserves being changed to a suitable community purpose.

## **RISK IMPLICATIONS**

Nil

## **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Both surplus reserves are zoned Rural under the Mareeba Shire Council Planning Scheme 2016.

With the exception of the Dimbulah - Almaden rail corridor, all land in the historic Koorboora township is zoned Rural.

The Strategic Framework of the planning scheme states that it is not intended to further develop the Koorboora township.

On this basis, there is no present need for Council to acquire additional community land in Koorboora.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
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.

### **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 Department of Natural Resources, Mines and Energy will be informed of Council's decision by letter.

**ATTACHMENTS**

1. Department of Natural Resources, Mines and Energy email of 9 May 2018

***Date Prepared:*** 29 May 2018

**ATTACHMENT 1****Brian Millard**

**From:** Brian Millard  
**Sent:** Wednesday, 9 May 2018 10:06 AM  
**To:** Info (Shared)  
**Subject:** DNRME submit request for Council views on trusteeship over surplus reserves - Reserve 568 (R26 Koorboora) for Police purposes, Lot 5 on LD152 and 20170131135833569.pdf; 2016-003817 Smart Map - Lot 5, Lot 8, & Council Res Lot 1 & Lot 17.pdf  
**Attachments:**

**Brian Millard**  
Senior Planner



**Mareeba**  
SHIRE COUNCIL

Phone: 1300 308 461 | Direct: 07 4086 4657 | Fax: 07 4092 3323  
Email: [brianm@msc.qld.gov.au](mailto:brianm@msc.qld.gov.au) | Website: [www.msc.qld.gov.au](http://www.msc.qld.gov.au)  
65 Rankin Street, Mareeba | PO Box 154, Mareeba, Queensland, Australia, 4880

**Sent:** Wednesday, 9 May 2018 9:55 AM  
**To:** Brian Millard <[BrianM@msc.qld.gov.au](mailto:BrianM@msc.qld.gov.au)>

**Subject:** RE: DNRME submit request for additional clarification - use of Reserve (R8) (Koorboora Cemetery), described as Lot 17 on LD97, and Reserve (R51) (Rubbish Depot), - ECM 3344876

Hi Brian,

With reference to the below email and Council's correspondence (Attached).

The Department has since been advised that two other reserves nearby are surplus to the respective Agency's requirements.

I have attached a Smart map showing the locations for your information.

The descriptions are:

- Reserve 568 (R26 Koorboora) for Police purposes, described as Lot 5 on LD152 – Area 785m2 (Shaded Blue)
- Reserve 1431 (R12 Koorboora) for Hospital purposes, described as Lot 8 on LS38 – Area 8094m2 (Shaded Green)

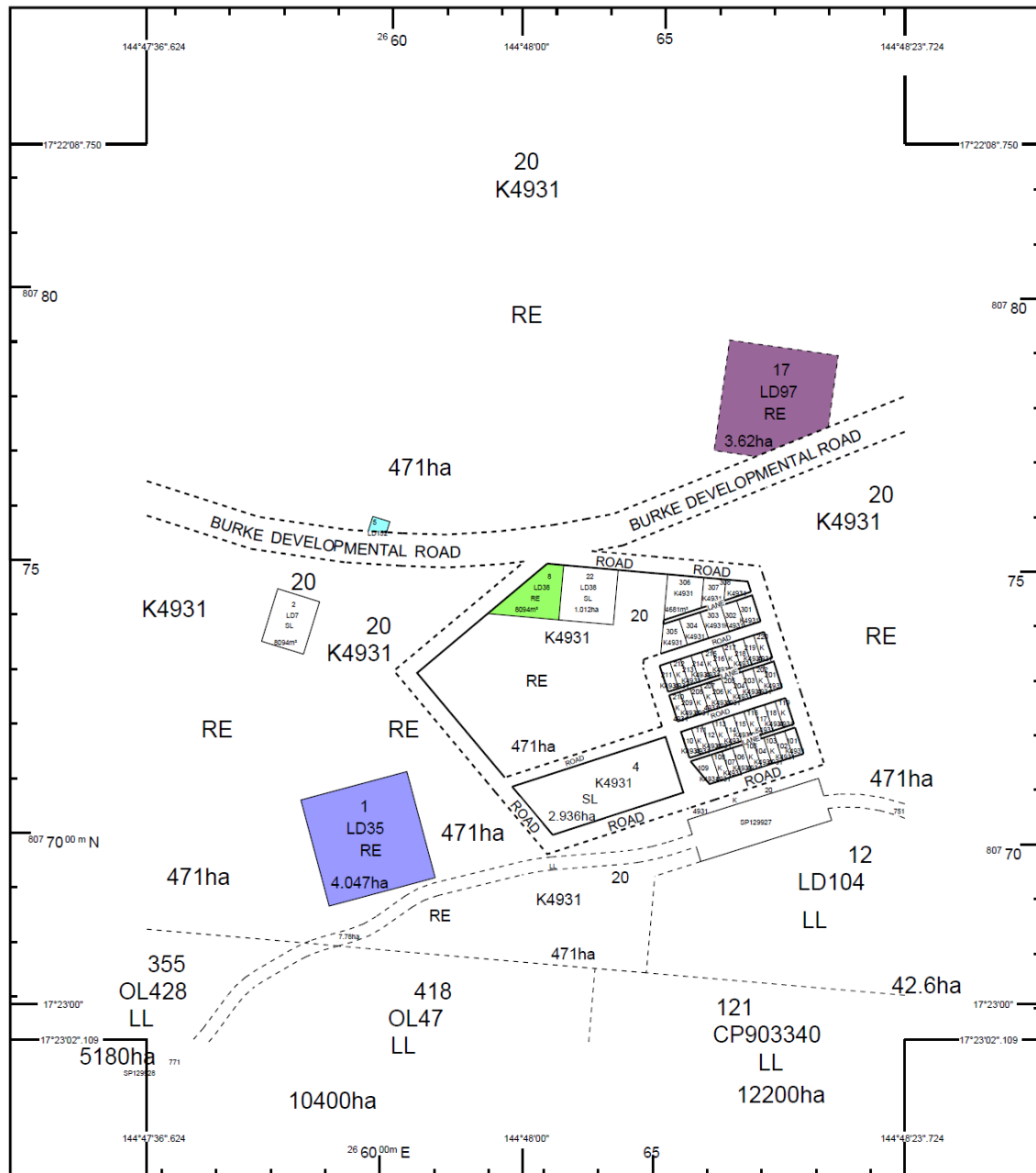
As Council have trusteeship over nearby Reserve (R8) (Koorboora Cemetery), described as Lot 17 on LD97, and Reserve (R51) (Rubbish Depot) described as Lot 1 on LD35 (both shaded in Purples), would Council consider being trustee over the above reserves and change the purposes to a suitable community purpose?

Please contact me should you require any further information and quote 2016/003817.

Kind regards,

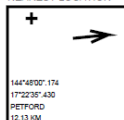


Land Administration Officer  
**State Land Asset Management | North Region**  
Land and Vegetation Services  
Department of Natural Resources, Mines and Energy



STANDARD MAP NUMBER  
7863-23411

MAP WINDOW POSITION &  
NEAREST LOCATION



#### SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	8/LD38
Area/Volume	8094m <sup>2</sup>
Tenure	RESERVE
Local Government	MAREEBA SHIRE
Locality	PETFORD
Segment/Parcel	21095/9

#### CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 09/05/2018  
For additional information regarding this SmartMap see page 2.  
Shading Rules have been applied.

DCDB 08/05/2018

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

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

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**SmartMap**

An External Product of  
SmartMap Information Services  
Based upon an extraction from the  
Digital Cadastral Data Base



(c) The State of Queensland,  
(Department of Natural  
Resources and Mines) 2018.

**ITEM-9                      REQUEST TO NAME ROAD RESERVE OFF WOLFRAM ROAD, DIMBULAH - TREVISIN ROAD****MEETING:**                      Ordinary**MEETING DATE:**              20 June 2018**REPORT OFFICER'S  
TITLE:**                      Senior Planner**DEPARTMENT:**              Corporate and Community Services

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**EXECUTIVE SUMMARY**

*Correspondence has been received proposing to name a section of unnamed road reserve off Wolfram Road, Dimbulah as Trevisin Road.*

*Council's Road Naming Policy provides the process for the naming of unnamed roads. As Trevisin is not on the policy's approved name list, Council must give approval for the name to be added.*

**OFFICER'S RECOMMENDATION**

"That Council add the name *Trevisin* to the list of approved road names for District 4 in accordance with Section 3.1.3 of the Road Naming Policy."

**BACKGROUND**

Council adopted the Road Naming Policy on 21 January 2015. This policy is applicable to the naming of newly created roads, the naming of existing unnamed roads, and the renaming of roads.

Trevisin is not on the policy's approved name list, and Council must give approval for the name to be added to the policy. The approval for an alternative name may be approved by Council where the name has a linkage to Mareeba Shire's local history, Aboriginal cultural heritage, fallen soldiers, and/or historical identities.

The Trevisin family has outlined their family's historic linkages to the Dimbulah locality in **Attachment 1**.

The relevant section of road reserve to be named is highlighted in green on the plan included as **Attachment 2** of this report and was constructed at the expense of the Trevisin family in late 2017. The road reserve was constructed to provide all weather access to Lot 14 on HG72, which was owned by the Trevisin family at the time.

Notwithstanding the above considerations, Council's attention is drawn to the following relevant points relating to this naming request:

- This particular road reserve is not on Council's list of maintained roads, and is considered to be a private driveway off Wolfram Road;
-

- The naming of this section of road reserve would change the rural addresses for the two land owners who presently use this access road.

Based on the above points, it is recommended that the requested section of road for naming is not accepted, however support is given to adding the name Trevisin to the list of approved road names for District 4 (Arriga, Dimbulah, Mutchilba), in accordance with Section 3.1.3 of the policy.

## **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Section 3.3 of the policy deals with the naming of unnamed roads:

### **3.3 THE NAMING OF EXISTING, UNNAMED ROADS AND THE RENAMING OF ROADS**

- 3.3.1 *Where an existing road is unnamed, a property owner may submit a written request to Council to name that road, by selecting an entry from the approved list for the relevant district.*
- 3.3.2 *Where a proposed name is selected from an approved list, authority to approve the proposed name will be delegated to the Chief Executive Officer.*
- 3.3.3 *Where a proposed name is not from an approved list, the proposal will be referred to Council for approval.*

As Trevisin is not included on the approved list, the request has been forwarded to Council for approval. The Trevisin family has outlined their family's historic linkages to the Dimbulah locality and there is no existing road named after the Trevisin family.

There are several issues relevant to this naming request. Firstly, the particular road reserve is not on Council's list of maintained roads, instead it is considered to be a private driveway off Wolfram Road. Secondly, and more significantly, the naming of this section of road reserve would change the rural addresses for the two land owners who presently use this access road.

Rather than name the suggested road reserve, it is recommended that Council in accordance with Section 3.1.3 of the policy, add Trevisin to the list of approved road names for District 4 (Arriga, Dimbulah, Mutchilba).

## **FINANCIAL AND RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
The estimated cost to Council to purchase and install a new street sign and post is \$255.20 (inc GST)

*Is the expenditure noted above included in the current budget?*  
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**

Subject to Council's approval, the list of approved road names will be updated to include *Trevisin*.

**ATTACHMENTS**

1. Letter from Trevisin family received 20 March 2018
2. Plan of subject road reserve

**Date Prepared:** 21 May 2018

**ATTACHMENT 1***2 ROA-NAM-UNS**CEO*

Dear Sir,

We write to humbly request the council name the newly constructed council road at location 475 Wolfram Road to TREVISIN ROAD. Ken GREGG constructed this road for us in October 2017 at our cost.

My husband, Giorgio Trevisin, has been here on this property since 1961 when he completed his first tobacco season in Dimbulah share-farming with Attilio Michieletto. I myself have connection with the road since 1958 as my family FAVARO owned the farm next to the one where we currently live. And we bought our property in 1977. So we have spent many years here and have been active members in the community, supporting our local schools, soccer clubs, and <sup>MGST</sup> Trevisin clubs as our young family grew up in Dimbulah. It would be an honour for us and our children to have the new road named TREVISIN ROAD.

I would like to extend a very big thank you to all in council for their understanding and assistance in sorting out the access road problem we have had these last 9 years. It wasn't easy, and it took a lot out of all of us.

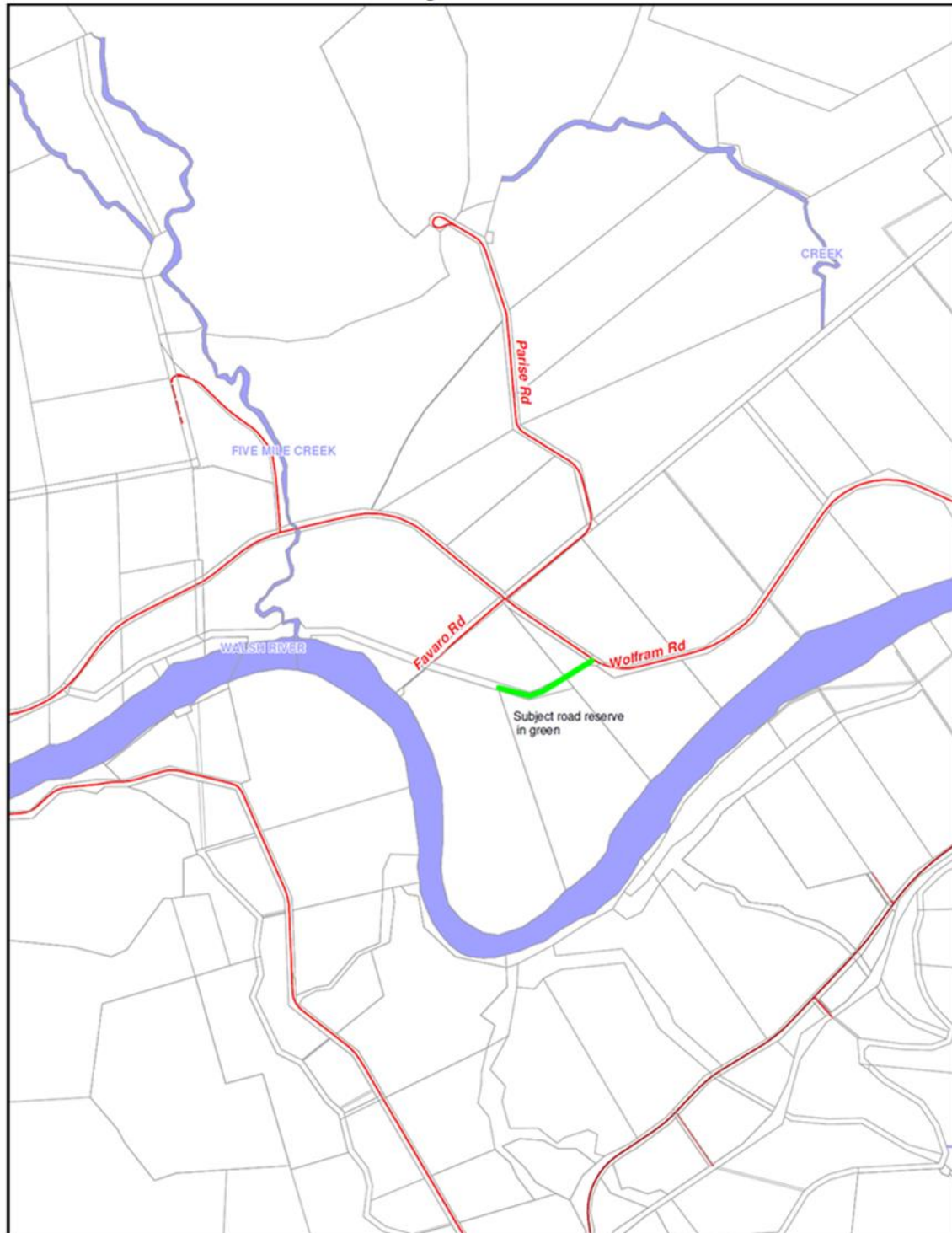
Thanking you and wishing all the best to council for the future prosperity in the Shire.





**ATTACHMENT 2**

## Subject Road





## LOCAL LAWS

### ITEM-10 LOCAL LAWS AND SUBORDINATE LOCAL LAWS

**MEETING:** Ordinary

**MEETING DATE:** 20 June 2018

**REPORT OFFICER'S TITLE:** Manager Development and Governance

**DEPARTMENT:** Corporate and Community Services

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#### EXECUTIVE SUMMARY

*On 18 April 2018, Council proposed to adopt 5 (five) new local laws and 5 (five) new subordinate local laws ("proposed local and subordinate local laws").*

*The purpose of this report is to recommend the adoption of the proposed local and subordinate local laws and the repeal of the existing local and subordinate local laws in accordance with the requirements of chapter 3, part 1 of the Local Government Act 2009.*

#### OFFICER'S RECOMMENDATION

"That Council:

1. repeals the following local and subordinate local laws, pursuant to section 29(3) of the *Local Government Act 2009*-
    - Local Law No. 1 (Administration) 2011;
    - Local Law No. 2 (Animal Management) 2011;
    - Local Law No. 3 (Community and Environmental Management) 2011;
    - Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;
    - Local Law No. 5 (Parking) 2011;
    - Subordinate Local Law No. 1 (Administration) 2011;
    - Subordinate Local Law No. 2 (Animal Management) 2011;
    - Subordinate Local Law No. 3 (Community and Environmental Management) 2011;
    - Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;
    - Subordinate Local Law No. 5 (Parking) 2011; and
  2. makes the following local and subordinate local laws, pursuant to section 29(2) of the *Local Government Act 2009*-
    - Local Law No. 1 (Administration) 2018;
    - Local Law No. 2 (Animal Management) 2018;
-

- Local Law No. 3 (Community and Environmental Management) 2018;
  - Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads)2018;
  - Local Law No. 5 (Parking) 2018;
  - Subordinate Local Law No. 1 (Administration) 2018;
  - Subordinate Local Law No. 2 (Animal Management) 2018;
  - Subordinate Local Law No. 3 (Community and Environmental Management) 2018;
  - Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads)2018;
  - Subordinate Local Law No. 5 (Parking) 2018; and
3. approves the anti-competitive provisions review for the new local laws and subordinate local laws and confirm that meaningful public consultation was undertaken;
  4. confirms that a State interest check was conducted in accordance with section 29A of the *Local Government Act 2009* in relation to Local Law No. 3 (Community and Environmental Management) 2018; and
  5. delegates to the Chief Executive Officer the power to take all steps necessary to publish the new local and subordinate local laws in accordance with section 29B of the *Local Government Act 2009*."

## BACKGROUND

On 20 April 2018 Council commenced a procedure to undertake the State interest check in accordance with section 29A(3) of the *Local Government Act 2009* in relation to Local Law No. 3 (Community and Environment Management) 2018. Comments were received from the Department of Environment and Science and the Director General, Department of Justice and Attorney-General. The Departments did not have an objection to making the local law.

No other Government Department had any comments in relation to Local Law No. 3 (Community and Environment Management) 2018 and the State interest check has been concluded. No other local laws required a State interest check to be undertaken.

Amendments have been made to the local laws and following a discussion on 6 June 2018 with Council further amendments were made. Those amendments removed some local laws, but no new provisions were made and therefore further public consultation was not required.

All amendments have been assessed for anti-competitive provisions and no amendment to the anti-competitive report is required.

## Local Law Summary

### *Local Law No.1 (Administration) 2018*

The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters by providing for-

- a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and
- b) authorised persons for enforcing local laws; and
- c) review of certain decisions made under local laws; and
- d) enforcement of local laws; and
- e) matters relating to legal proceedings; and
- f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

This local law contains anti-competitive provisions, but no significant impacts were identified under step 3 of the National Competition Policy-Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws- Version 1, (Guidelines).

*Subordinate Local Law No.1 (Administration) 2018*

The purpose of this subordinate local law is to supplement Local Law No. 1 which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters by providing for-

- a) various matters regarding the granting of approvals for prescribed activities; and
- b) further specification of the definitions relevant to various prescribed activities.

This local law contains anti-competitive provisions, but no significant impacts were identified under step 3 of the Guidelines.

*Local Law No. 2 (Animal Management) 2018*

The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that-

- a) balances community expectations with the rights of individuals; and
- b) protects the community against risks to health and safety; and
- c) prevents pollution and other environmental damage; and
- d) protects the amenity of the local community and environment.

The purpose is to be achieved by providing for-

- a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
- b) the prescription of minimum standards for keeping animals; and
- c) the proper control of animals in public places and koala conservation areas; and
- d) the management of dangerous or aggressive animals other than dogs; and
- e) the seizure and destruction of animals in certain circumstances; and
- f) the establishment and administration of animal pounds.

This local law contains anti-competitive provisions but was excluded from the review under step 2 of the Guidelines.

*Subordinate Local Law No. 2 (Animal Management) 2018*

The purpose of this subordinate local law is to supplement Local Law 2, which provides for regulation of the keeping and control of animals within the local government's area by providing for-

- a) the circumstances in which the keeping of animals is prohibited or requires approval; and
- b) requirements for keeping animals, including minimum standards, mandatory de-sexing, proper enclosures, koala conservation and identification; and
- c) the control of animals in public places; and
- d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
- e) the conditions to be complied with by persons who offer animals, or a particular species of animals, for sale; and
- f) the declaration of a species of animals as a declared dangerous animal and the criteria for declaration of a specific animals as a declared dangerous animal.

This local law contains anti-competitive provisions but was excluded from the review under step 2 of the Guidelines.

*Local Law No. 3 (Community and Environmental Management) 2018*

The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area by elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from-

- a) inadequate protection against animal and plant pests; and vegetation overgrowth; and
- b) visual pollution resulting from accumulation of objects and materials; and
- c) fires and fire hazards not regulated by State law; and
- d) community safety hazards; and
- e) noise that exceeds noise standards.

No anti-competitive provisions were identified in step 1 of the Guidelines. However, if there were anti-competitive provisions present, it would be excluded from a review under step 2 of the Guidelines.

*Subordinate Local Law No. 3 (Community and Environment Management) 2018*

The purpose of this subordinate local law is to supplement Local Law No. 3 which provides for protecting the environment and public health, safety and amenity within the local government's area by providing for-

- a) declaration of local pests; and
- b) prohibition of lighting or maintaining certain fires; and
- c) declaration of fire hazards; and
- d) declaration of community safety hazards; and
- e) prescribed requirements for owners of land containing community safety hazards; and
- f) declaration of noise standards.

No anti-competitive provisions were identified in step 1 of the Guidelines. However, if there were anti-competitive provisions present, it would be excluded from a review under step 2 of the Guidelines.

*Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*

The purpose of this local law is to-

- a) protect the health and safety of persons using local government-controlled land, facilities, infrastructure and roads; and
- b) preserve features of the natural and built environment and other aspects of the amenity of local government-controlled land, facilities, infrastructure and roads.

The purpose is to be achieved by providing for-

- a) the regulation of access to local government-controlled areas; and
- b) the prohibition or restriction of particular activities on local government-controlled areas or roads; and
- c) miscellaneous matters affecting roads.

This local law contains anti-competitive provisions but was excluded from the review under step 2 of the Guidelines.

*Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*

The purpose of this subordinate local law is to supplement Local Law No. 4 in order to protect the health and safety of persons using local government-controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government-controlled land, facilities, infrastructure and roads by providing for-

- a) the regulation of access to local government-controlled areas; and
- b) the prohibition or restriction of particular activities in local government-controlled areas or roads

This local law contains anti-competitive provisions but was excluded from the review under step 2 of the Guidelines.

*Local Law No. 5 (Parking) 2018*

The purpose of this local law is to complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act by providing for-

- a) the establishment of traffic areas and off-street regulated parking areas; and
- b) lawfully parking contrary to an indication on an official traffic sign with a parking permit or in a loading zone with a commercial vehicle identification label; and
- c) the prescribing of infringement notice penalties for minor traffic offences

This local law contains anti-competitive provisions, but no significant impacts were identified under step 3 of the Guidelines.

### *Subordinate Local Law No. 5 (Parking) 2018*

The purpose of this subordinate local law is to supplement Local Law 5, which provides for the exercise of local government powers authorised under the TORUM Act by providing for-

- a) the establishment of traffic areas and off-street regulated parking areas; and
- b) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign; and
- c) the vehicles that can be issued with commercial vehicle identification labels; and
- d) the infringement notice penalty amounts for minor traffic offences

This local law contains anti-competitive provisions, but no significant impacts were identified under step 3 of the Guidelines.

## **RISK IMPLICATIONS**

### **Legal and Compliance**

The new local laws have been prepared to reflect the specific requirements of Mareeba Shire Council as compared to the existing 2014 local laws.

## **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

All relevant legislative requirements have been met.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
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**

The implementation and communication process will follow the process required in section 29B of the *Local Government Act 2009*.

## **ATTACHMENTS**

1. The proposed Local Laws and Subordinate Local Laws will be distributed separately to this report and will be available on Council's website.

**Date Prepared:** 8 June 2018

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**ITEM-11                                      ADOPTION OF LOCAL LAW NO. 6 (WASTE MANAGEMENT) 2018****MEETING:**                                      Ordinary**MEETING DATE:**                                      20 June 2018**REPORT OFFICER'S  
TITLE:**                                      Manager Development and Governance**DEPARTMENT:**                                      Corporate and Community Services

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**EXECUTIVE SUMMARY**

*On 21 March 2018, Council proposed to adopt Local Law No. 6 (Waste Management) 2018.*

*Following completion of the regulated process, the proposed local law was finalised with some amendments. The proposed local law as amended is annexed to this Report as **Attachment 1** and is presented to Council for adoption.*

**OFFICER'S RECOMMENDATION**

"That Council:

1. approves the anti-competitive provisions review for Local Law No. 6 (Waste Management) 2018, and confirms that public consultation and consultation with the State has occurred in accordance with the *Local Government Act 2009*; and
2. adopts Local Law No. 6 (Waste Management) 2018, pursuant to section 29(2) of the *Local Government Act 2009*; and
3. delegates to the Chief Executive Officer the power to take all steps necessary to publish the new local law in accordance with section 29B of the *Local Government Act 2009*."

**BACKGROUND**

On 17 April 2018 Council commenced a procedure to undertake the State interest check in accordance with section 29A(3) of the *Local Government Act 2009*. Comments were received from the Department of Local Government, Racing and Multi-Cultural Affairs and the Department of Environment and Science. All comments were appropriately addressed on 14 and 18 May 2018 respectively and are available upon request.

No other Government department had any comments in relation to the proposed local law and the State interest check has been concluded.

Amendments were made to the local law following the State Interest check and are reflected in the attached local law for adoption. The amendments have been assessed for anti-competitive provisions and no amendment to the anti-competitive report is required.

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**RISK IMPLICATIONS****Legal and Compliance**

The proposed local law adopts the existing provisions of Chapter 5A of the *Environmental Protection Regulation 2008* and Section 7 of the *Waste Production and Recycling Regulation 2011* which expire on 1 July 2018.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

All relevant legislative requirements have been met.

**FINANCIAL AND RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
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**

The implementation and communication process will follow the process authorised in section 29B of the *Local Government Act 2009*.

**ATTACHMENTS**

1. Local Law No. 6 (Waste Management) 2018

**Date Prepared:** 8 June 2018



# **Mareeba Shire Council**

## ***Local Law No. 6 (Waste Management) 2018***

## Local Law No. 6 (Waste Management) 2018

### Contents

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## **Part 1 Preliminary**

### **1 Short title**

This local law may be cited as *Local Law No. 6 (Waste Management) 2018*.

### **2 Purpose and how it is to be achieved**

- (1) The purpose of this local law is to regulate and manage waste in the local government area in a way that—
  - (a) balances community expectations with the rights of individuals; and
  - (b) protects the community against risks to health and safety; and
  - (c) prevents pollution and other environmental damage; and
  - (d) protects the amenity of the local community and environment.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of the storage, servicing and removal of waste; and
  - (b) the regulation and management of waste facilities.

### **3 Relationship with other laws<sup>1</sup>**

- (1) This local law is—
  - (a) in addition to and does not derogate from laws regulating the management of waste, land use, planning and development assessments; and
  - (b) is to be read with *Local Law No. 1 (Administration) 2018*.
- (2) For the purposes of *Environmental Protection Regulation 2008*, section 81ZC, this local law replaces *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments).

### **4 Definitions**

The dictionary in the Schedule defines the particular words used in this local law.

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<sup>1</sup> This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the *Local Government Act 2009*, section 27.

## **Part 2                    Waste management**

### **Division 1            Designation of areas for general or green waste collection**

#### **5      Designation of areas**

The local government may—

- (a) designate areas within its local government area in which the local government may conduct general waste or green waste collection; and
- (b) decide the frequency of general waste or green waste collection in the designated areas.

### **Division 2            General waste**

#### **Subdivision 1 Storage of general waste**

#### **6      Owner or occupier of premises to supply waste containers**

- (1) The owner or occupier of premises must—
  - (a) subject to subsection (2), supply standard general waste containers at the premises as—
    - (i) are necessary to contain the general waste produced at the premises; or
    - (ii) are prescribed by subordinate local law; or
  - (b) supply at the premises, waste containers, other than standard general waste containers—
    - (i) if required by the local government, as are necessary to contain the general waste produced at the premises; or
    - (ii) as are prescribed by subordinate local law.

*Example of ways the local government may require waste containers for paragraph (1)(b)(i) —*

by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier, or a development approval for the premises

- (c) identify all waste containers at the premises as prescribed —
  - (i) by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier; or
  - (ii) by subordinate local law.

Maximum penalty — 20 penalty units

- (2) However, subsection (1)(a) does not apply if the local government supplies to the premises the number of standard general waste containers the local government reasonably considers is required at the premises.
- (3) If the local government supplies a standard general waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the premises to the local government.
- (4) However, subsection (3) does not prevent the local government from supplying a standard general waste container to premises without cost to the owner or occupier of the premises.
- (5) The local government may identify waste containers it has supplied to premises under subsection (2), or that have been supplied by the owner or occupier of the premises under subsection (1) by providing written notice 7 days prior to identifying the waste containers informing the owner or occupier—
  - (a) the identification method to be used; and
  - (b) the days and times the waste containers will be affixed with identification.
- (6) Subsection (1)(c) does not apply if the local government has identified the waste containers under subsection (5).

## **7 Requirements for storing general waste in waste containers**

- (1) The occupier of premises must—
  - (a) store general waste produced as a result of the ordinary use or occupation of the premises in—
    - (i) a standard general waste container; or
    - (ii) if another type of waste container is required by the local government or prescribed by subordinate local law — the other type of container; and
  - (b) keep each waste container clean and in good repair; and

- (c) ensure that each waste container is securely closed, except when the waste is being placed in, or removed from, the container or the container is being cleaned;

Maximum penalty—20 penalty units.

- (2) A person must not—
  - (a) place any of the following in a waste container—
    - (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container;
    - (ii) material that is smouldering or aflame;
    - (iii) matter or a thing that is alive;
    - (iv) a thing stated in a subordinate local law; or
  - (b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or
  - (c) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or
  - (d) disturb or otherwise interfere with the contents of a waste container; or
  - (e) remove or deface the identification placed on a waste container under section 6(1)(c) or 6(5).

Maximum penalty—20 penalty units.

- (3) The occupier of the premises must not allow a person to place a thing in a waste container in contravention of subsection (2)(a).

Maximum penalty—20 penalty units.

- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

## **8 General requirements for keeping waste containers at serviced premises**

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—
  - (a) if the local government requires the container to be kept at a particular place at the premises — at the place; or



*Examples of ways the local government may require waste containers to be kept at a particular place—*

by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the occupier, or a development approval for the premises.

- (b) if a subordinate local law requires the container to be kept at a particular place at the premises — at the place; or
- (c) if paragraphs (a) and (b) do not apply — at ground level close to the rear alignment of a building at the premises.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the premises for the collection of general waste from the container, if—
  - (a) the local government has arranged to collect waste from the container at the place; and
  - (b) the container is in the place for no longer than—
    - (i) the period, if any, allowed under a subordinate local law of the local government; or
    - (ii) 24 hours before or after the scheduled collection day for the collection of the waste in the container.

*Example of a place outside serviced premises—*

the kerb adjacent to the serviced premises

- (3) If the local government has arranged for the collection of general waste from a waste container at serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty for subsection (3) — 20 penalty units.

- (4) It is a defence in the proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

## **9 Other requirements for storing general waste at particular serviced premises**

- (1) This section applies to any of the following persons (each a *prescribed person*) for serviced premises, other than a single detached dwelling—

- (a) the owner or occupier of the premises;
  - (b) the registered suitable operator for a prescribed ERA carried out at the premises;
  - (c) the holder of an environmental authority for a mining activity carried out at the premises.
- .
- (2) The prescribed person must ensure that the waste container storage place for the premises is supplied with—
- (a) if required by the local government — each of the following—
    - (i) either—
      - (A) an elevated stand at a level required by the local government for holding all waste containers; or
      - (B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
    - (ii) a hose cock and hose in the vicinity of the stand or paved area;
    - (iii) a suitable enclosure for the area where the waste containers are kept; and
- Examples of ways the local government may require a prescribed person to comply with subsection (2)(a) —*
- by resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the prescribed person, or a development approval for the premises
- (b) if a requirement is prescribed by subordinate local law — facilities and structures for the placement, storage and cleaning of waste containers as prescribed by subordinate local law.

Maximum penalty for subsection (2) — 20 penalty units.

## **Subdivision 2      Removal of general waste**

### **10   Local government may give notice about removal of general waste**

- (1) This section applies where the local government has arranged for the removal of general waste produced at a premises.
- (2) The local government may give the occupier of the premises a written notice stating—
  - (a) the days (each a *scheduled collection day*) on which the waste is to be collected; and
  - (b) the location (*collection location*) where the waste container is to be placed

for collection of the waste; and

- (c) the time by which the waste container is to be placed in the collection location for collection of the waste; and
- (d) the time by which the waste container is to be removed from the collection location.

#### **11 Depositing or disposal of general waste from premises other than serviced premises**

- (1) This section applies if general waste is produced at a premises, other than serviced premises.
- (2) The local government may—
  - (a) give a written approval to the owner or occupier of the premises for depositing or disposing of the waste; and
  - (b) impose conditions on the approval, including, for example, conditions about—
    - (i) the place for depositing or disposing of the waste; or
    - (ii) the method of depositing or disposing of the waste.
- (3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—
  - (a) at a waste facility; or
  - (b) in accordance with—
    - (i) an approval under subsection (2) for disposal of the waste; and
    - (ii) if the approval has been given on conditions — the conditions of the approval.

Maximum penalty for subsection (3) — 20 penalty units.

### **Division 3 Storage and treatment of industrial waste**

#### **12 Requirements for storing industrial waste**

- (1) The occupier of premises where there is industrial waste must—
  - (a) if required by the local government—

- (i) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and
- (ii) keep the waste containers at the particular place at the premises required by the local government; and
- (iii) keep each waste container clean and in good repair;

*Examples of ways the local government may require compliance with subsection (1)(a) —*

by resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the occupier, or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law — comply with each requirement prescribed by subordinate local law, about each of the following —
  - (i) the supply at the premises of industrial waste containers for storing the waste at the premises;
  - (ii) keeping the waste containers at a particular place at the premises;
  - (iii) keeping each waste container clean and in good repair.

Maximum penalty — 20 penalty units.

- (2) The local government may supply industrial waste containers at the premises if the occupier does not supply at the premises the number of industrial waste containers which are—
  - (a) required by the local government under subsection (1)(a); or
  - (b) prescribed by subordinate local law under subsection (1)(b).
- (3) If the local government supplies an industrial waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.

### **13 Requirements to treat industrial waste for disposal**

- (1) The occupier of premises where there is industrial waste must—
  - (a) if required by the local government, treat the waste to a standard approved by the local government for disposal of the waste at a waste facility; or

*Examples of ways the local government may require an occupier to treat industrial waste for disposal—*

by resolution of the local government, or a decision of a delegate of the local government, written

notice of which is given to the occupier, or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law, comply with each requirement, prescribed by subordinate local law, about the treatment of industrial waste for disposal of the waste at a waste facility.

Maximum penalty — 40 penalty units.

## **Part 3                      Receiving and disposing of waste**

### **14    Unlawful disposal of waste at waste facility**

- (1) A person must not deposit the following waste at a waste facility—
  - (a) liquid or semiliquid waste;
  - (b) hot ash;
  - (c) material that is smouldering or aflame;
  - (d) material that can spontaneously combust;
  - (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
  - (f) an explosive;
  - (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction;
  - (h) waste prescribed by subordinate local law.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of—
  - (a) the person who—
    - (i) is the registered suitable operator for the facility; or
    - (ii) holds an environmental authority for the facility; or
  - (b) the person in charge of the facility.

**15 Restrictions on burning waste at waste facility**

- (1) A person must not set fire to, or burn, waste at a waste facility other than—
- (a) under an environmental authority; or
  - (b) under a development condition of a development approval; or
  - (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty — 20 penalty units.

**16 Restrictions on use of waste facility**

- (1) A person must not, without the consent of a waste facility's owner or operator—
- (a) enter the facility other than to deposit waste; or
  - (b) remain on the facility after depositing waste; or
  - (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty — 10 penalty units.

- (2) Subsection (1) does not apply to—
- (a) the facility's owner or operator; or
  - (b) an authorised person.

**17 Waste transporter to comply with directions and give information**

- (1) This section applies to a person who transports waste to a waste facility.
- (2) The person must—
- (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by a facility's owner or occupier;
  - (b) deal with waste in accordance with all reasonable instructions given by the person in charge of the facility;
  - (c) if asked by a facility person — give information to the facility person about the type and amount of waste being delivered to the facility; and
  - (d) if asked by a facility person — give information to the facility person that provides satisfactory evidence of the identity and residential address of the person.

Maximum penalty — 10 penalty units.

- (3) In this section, for a waste facility, *facility person* means each of the following—
- (a) the operator of the waste facility;
  - (b) the owner of the waste facility;
  - (c) if the local government is the operator or the owner of the facility—the local government.

## **Part 4                      Subordinate local laws**

### **18   Subordinate local laws**

- (1) The local government may make subordinate local laws about—
- (a) a thing that is specified to be waste pursuant to the Schedule of this local law;
  - (b) the requirement to supply standard general waste containers at premises;<sup>2</sup>
  - (c) the requirement to supply waste containers at premises, other than standard general waste containers;<sup>3</sup>
  - (d) another type of waste container for the storage of general waste produced as a result of the ordinary use or occupation of premises;<sup>4</sup>
  - (e) what must not be placed in a waste container;<sup>5</sup>
  - (f) the requirement to keep waste container supplied for premises at a particular place;<sup>6</sup>
  - (g) the requirement to provide facilities and structures for the placement, storage and cleaning of waste containers;<sup>7</sup>
  - (h) the supply of industrial waste containers or the storing of industrial waste at the premises;<sup>8</sup>
  - (i) the treatment of industrial waste;<sup>9</sup>
  - (j) waste that a person must not deposit at a waste facility;<sup>10</sup>

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<sup>2</sup> See section 6(1)(a)(ii).

<sup>3</sup> See section 6(1)(b)(ii).

<sup>4</sup> See section 7(1)(a)(ii).

<sup>5</sup> See section 7(2)(a)(iv).

<sup>6</sup> See section 8(1)(b).

<sup>7</sup> See section 9(2)(b).

<sup>8</sup> See section 12(1)(b).

<sup>9</sup> See section 13(b).

<sup>10</sup> See section 14(1)(h).

- (k) what is recyclable waste.<sup>11</sup>

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<sup>11</sup> See schedule 1 (Dictionary), definition of “recyclable waste”.



## **Part 5                      Transitional Provisions**

### **Division 1              Introduction**

#### **19    What is this part about**

- (1) In this part, *the old Act* refers to both:
  - (a) Chapter 5A of the *Environmental Protection Regulation 2008*, in the reprint that was current on the day before this local law was adopted;
  - (b) section 7 of the *Waste Reduction and Recycling Regulation 2011*, in the reprint that was current on the day before this local law was adopted.
- (2) This part is about the transition from the old Act to this local law.
- (3) If this part applies a provision (*the applied provision*) of the old Act to a thing, the following provisions also apply to the thing—
  - (a) any other provision of the old Act, to the extent the applied provision refers to the other provision;
  - (b) any definition in the old Act that is relevant to the applied provision or a provision stated in paragraph (a).
- (4) Division 2 applies subject to the other divisions of this part.
- (5) To avoid any doubt, section 20 of the *Acts Interpretation Act 1954* applies to the old Act.

### **Division 2              General Provisions**

#### **20    Documents**

- (1) This section applies to a document issued under the old Act that is in effect when this local law was made.
- (2) Subject to this part, the document continues to have effect according to the terms and conditions of the document, even if the terms and conditions could not be imposed under this local law.
- (3) In all other ways this local law applies to the document as if the document had been made under this local law.
- (4) To remove any doubt, it is declared that the document took effect or was made, given or received when the document took effect or was made, given or received under the old Act.
- (5) In this section, *document* includes—

- (a) a requirement to supply standard general waste containers pursuant to section 81F(1)(b) of the old Act;
- (b) a direction under section 81ZR(2)(a) of the old Act (for example, a direction to comply with the reasonable directions of a waste facility owner);
- (c) a compliance notice issued under section 81ZN of the old Act;
- (d) an arrangement (for example, an arrangement for the removal of general waste under section 81ZJ of the old Act).

## **21 Applications generally**

- (1) This section applies to an application (however described) that was made under Chapter 5A of the old Act but was not decided before this local law was made.
- (2) Chapter 5A of the old Act continues to apply to the application instead of this local law.
- (3) To remove any doubt, it is declared that a document that results from the application—
  - (a) takes effect or is made when the application takes effect or is made under the old Act; but
  - (b) is taken to have been made under this local law, even if that type of document can not be made under this local law.
- (4) In this section, application includes—
  - (a) an application for written approval from a local government under section 812K of the old Act;
  - (b) an application for consent to use a waste facility under section 81ZQ of the old Act.

## **Division 3 Enforcement**

### **22 Proceedings generally**

- (a) This subsection applies to a matter under the old Act, if a person—
  - (i) had started proceedings before the commencement but the proceedings have not ended before the commencement; or
  - (ii) had, immediately before the commencement, a right to start proceedings; or
  - (iii) has a right to start proceedings that arrives after the commencement in relation to an act or omission that occurred prior to commencement of this local law.
- (b) For proceedings instituted in the Planning & Environment Court,

Magistrates Court or the Court of Appeal—

- (i) the old Act continues to apply to the proceeding; and
- (ii) this local law applies to any appeal in relation to the proceedings as if the matter giving rise to the appeal happened under this local law.

## Schedule Dictionary

### Section 4

**authorised person** means a person authorised by the local government pursuant to chapter 6, part 6 of the *Local Government Act 2009*.<sup>12</sup>

**collection location** means a place at, or adjacent to, premises at which a standard general waste container associated with the premises can be easily accessed by a general waste collection vehicle without causing obstruction.

**commercial premises** means any of the following types of premises—

- (a) a hotel, motel, caravan park, café, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;
- (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out;
- (f) a church, or other building, used as a place of worship, or for religious purposes.

**commercial waste** means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

**development approval** has the meaning given in the *Planning Act 2016*.

**domestic premises** means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) rooming accommodation, lodging house or guest house.

**domestic clean-up waste** means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.

**domestic waste** means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

**environmental authority** has the meaning given in the *Environmental Protection Act 1994*.

**environmental harm** has the meaning given in the *Environmental Protection Act 1994*.

**environmental nuisance** has the meaning given in the *Environmental Protection Act 1994*.

**general waste** means—

- (a) waste other than regulated waste; and
- (b) for part 2, any of the following—
  - (i) commercial waste;

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<sup>12</sup> Section 20, *Local Law No. 1 (Administration) 2018* provides that the instrument of appointment must state the local laws, or provisions of the local laws, for which the person is appointed as an authorised person.

- (ii) domestic waste;
- (iii) recyclable waste.

**green waste** means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

**industrial waste** means—

- (a) interceptor waste; or
- (b) waste other than the following—
  - (i) commercial waste;
  - (ii) domestic clean-up waste;
  - (iii) domestic waste;
  - (iv) green waste;
  - (v) recyclable interceptor waste;
  - (vi) recyclable waste;
  - (vii) waste discharged to a sewer.

**industrial waste container** means a container of a type approved by the local government for storing industrial waste at premises in the local government's area.

**interceptor** means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

*Examples of interceptors—*

- *neutralising interceptors for neutralising acidic and alkaline substances*
- *grease interceptors for collecting and solidifying fat, grease and similar matter*
- *oil interceptors for collecting oil and petroleum products*
- *silt interceptors for collecting soil, sand, gravel and other sedimentary solids*

**interceptor waste** means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

**manufacturing process** means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

**nuisance** includes environmental nuisance.

**occupier** of premises means the person who has the control or management of the premises.

**owner** of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

**premises** includes domestic premises, government premises, industrial premises and commercial premises.

**prescribed ERA** has the meaning given in the *Environmental Protection Act 1994*.

**prescribed person** see section 9(1).

**recyclable interceptor waste** means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable

substance for sale.

**recyclable waste**, means clean and inoffensive waste that is—

- (a) declared by resolution of the local government to be recyclable waste for the area of the local government; or
- (b) prescribed by subordinate local law.

*Examples of waste that may be declared or prescribed to be recyclable waste—*

*glass bottles, plastic containers, paper, cardboard, steel and aluminium cans, and green waste*

**regulated waste** has the meaning given in the *Environmental Protection Regulation 2008*.

**rooming accommodation** has the meaning given in the planning scheme of the local government.

**scheduled collection day** see section 10(2).

**serviced premises** means—

- (a) premises which are in an area designated by the local government as an area in which the local government may conduct general waste collection under—
  - (i) *Waste Reduction and Recycling Regulation 2011*, section 7; or
  - (ii) section 5; and
- (b) premises for which the local government has required the owner or occupier of the premises to arrange for removal of general waste from the premises.

**standard general waste container—**

- (a) means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area; and
- (b) for the avoidance of doubt, includes 1 or more containers each of which is approved by the local government for storing, at premises in the local government's area—
  - (i) 1 or more or multiple types of commercial waste; or
  - (ii) 1 or more or multiple types of recyclable waste.

*Example for paragraph (b)—*

*The local government may approve 1 container for storing recyclable waste which is green waste and 1 container for storing recyclable waste other than green waste.*

**waste**, has the meaning given in the *Environmental Protection Act 1994*, and includes any thing that is specified to be waste under a subordinate local law.

**waste container storage place** see section 8(1).

**waste facility—**

- (a) for part 2, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste; and
- (b) for part 3, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste, but only if the local government is the lessee, occupier, operator or owner of the facility.

## FINANCE

### **ITEM-12                      FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MAY 2018**

**MEETING:**                      Ordinary

**MEETING DATE:**            20 June 2018

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

**DEPARTMENT:**            Corporate and Community Services

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#### **EXECUTIVE SUMMARY**

*The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2017 to 31 May 2018.*

#### **OFFICER'S RECOMMENDATION**

"That Council note the financial report for the period ending 31 May 2018 and reverse Invoice 16690 relating to Debtor 5103 for the amount of \$110,474."

#### **BACKGROUND**

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

For the period ending 31 May 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.

While it appears there is a significant surplus at this stage this will largely disappear once the end of year adjustments are made. In addition, the larger proportion relates to capital projects which are either expended this year or carried forwarded to the next financial year.

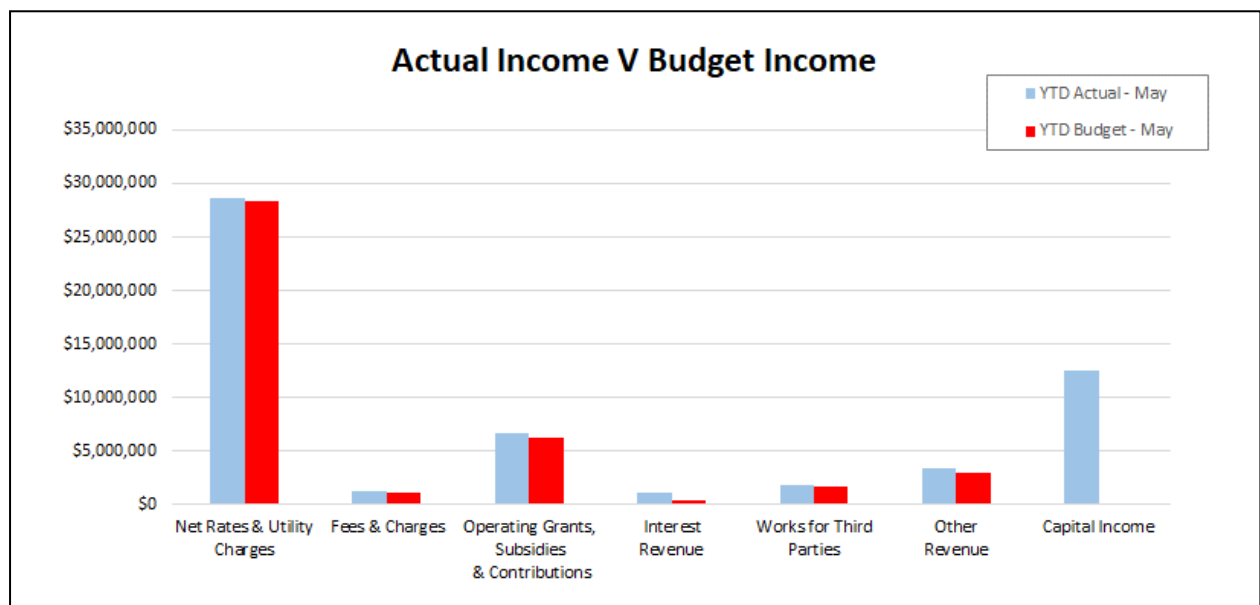
### May 2018 - Snapshot

Total Operating Income	\$ 42,899,515
Total Operating Expenditure	\$ (37,980,314)
Operating Surplus/(Deficit)	\$ 4,919,201
Total Capital Income (grants, developer contributions)	\$ 12,582,549
<b>Net Result - Surplus/(Deficit)</b>	<b>\$ 17,501,750</b>

### Income Analysis

Total income (including capital income of \$12,582,549) for the period ending 31 May 2018 is \$55,482,064 compared to the YTD budget of \$40,653,219.

The graph below shows actual income against budget for the period ending 31 May 2018.



	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	28,692,354	28,350,673	
Fees & Charges	1,309,819	1,161,254	1
Operating Grants, Subsidies & Contributions	6,618,503	6,228,152	
Interest Received	1,092,661	375,900	
Works for Third Parties	1,867,520	1,639,214	2
Other Revenue	3,318,658	2,898,026	3
Capital Income	12,582,549	0	4



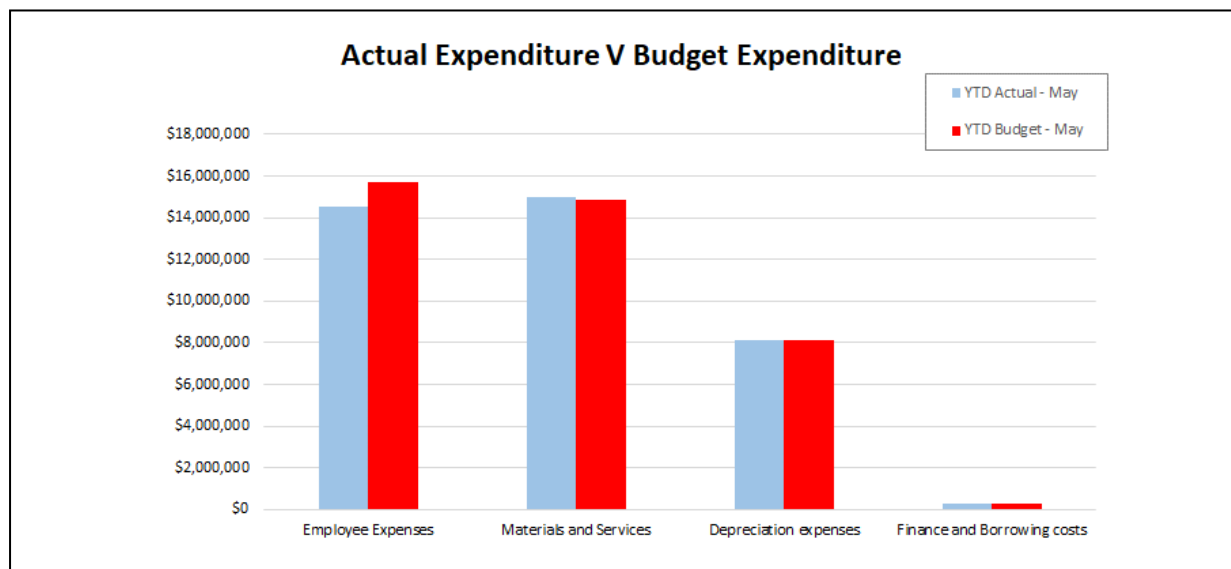
**Notes:**

1. Environmental Health food licences for 2018/19 were sent out for total value of \$67,879. This revenue actually belongs to 2018/19 so will be transferred over at the end of this financial year.
2. Favourable variance is due to additional 3<sup>rd</sup> 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.
3. To date we have received \$106k in insurance recoveries (no budget allocated), leases and rental income is currently \$115k 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.
4. Council has currently received \$11M in capital grants (e.g. TIDS, R2R, Building our Regions, W4Q progress payment), \$793k in Developer Contributions and \$714k of Donated Assets for Bellevue Stages 1 – 3, Wylandra Stages 6B – 6C and Amaroos Stage 8 which were not reflected in the budget.

**Expenditure Analysis**

Total expenses for the period ending 31 May 2018 is \$37,980,314, compared to the YTD budget of \$39,041,768.

The graph below shows actual expenditure against budget for the period ending 31 May 2018.



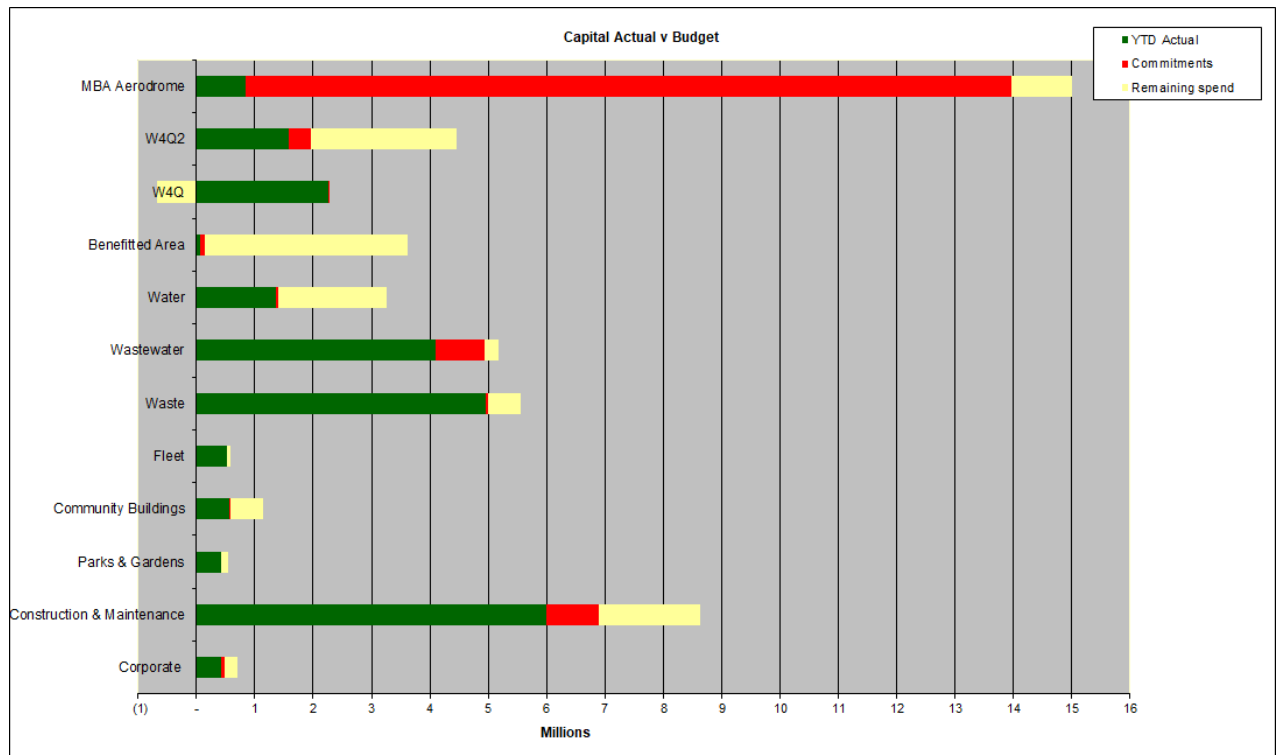
Description	Actual YTD	Budget YTD	Note
Employee expenses	14,553,376	15,725,445	<b>1</b>
Materials & Services	14,965,486	14,862,075	<b>2</b>
Depreciation expenses	8,157,566	8,150,541	<b>3</b>
Finance & Borrowing costs	303,886	303,707	

Notes:

1. There are no significant issues to report. Staff absences and staff working on capital projects also contribute to this favourable variance. Any savings realised in operational employee expenses are largely offset in capital expenditure.
2. The variance largely relates to the additional 3<sup>rd</sup> party works which was not originally budgeted for but is offset against revenue as explained above.
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 \$38,554,182 (including commitments) has been spent for the period ending 30 May 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.

The Mareeba Airport upgrade project has been awarded and is under construction. The completion of this project is expected to occur in the 2018/19 year and the balance of funds from 2017/18 will be transferred across.

### Loan Borrowings

Council's loan balance as at 31 May 2018 is as follows:

QTC Loans	\$6,284,708
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### **Rates and Sundry Debtors Analysis**

#### Rates and Charges

The total rates and charges payable as at 31 May 2018 is \$3,408,842 which is broken down as follows;

Status	31 May 2018		31 May 2017	
	No. of properties	Amount	No. of properties	Amount
Valueless land	77	2,312,248	72	1,763,576
Payment Arrangement	252	140,493	214	112,207
Collection House	386	784,740	445	1,093,485
Exhausted – awaiting sale of land	10	100,152	1	10,409
Sale of Land	0	0	13	120,621
Other (includes current rates)	348	71,209	288	41,806
<b>TOTAL</b>	<b>1,073</b>	<b>3,408,842</b>	<b>1033</b>	<b>3,142,104</b>

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 76 valueless land properties. Council is waiting for the forms to be returned from the Office of State Revenue before forwarding it on the Titles Office.

The auction for Sale of Land did not go ahead as all properties paid the outstanding amount before the auction date.

Collection House collected \$331,966 for the month of May 2018.

### Sundry Debtors

The total outstanding for Sundry Debtors as at 31 May 2018 is \$1,605,212 which is made up of the following:

Current	30 days	60 days	90 + days
\$98,147	\$148,639	\$1,234,520	\$123,906
6%	9%	77%	8%

**30+ days:** \$1,200,000 relates to the final milestone payment for the Mareeba Wastewater Treatment Plant from the Department of Infrastructure and Regional Development. The Department has advised that payment will be made by 30 June 2018.

**90+ days:** \$110,474 relates to a charge that has been under investigation. As the close of the financial year is approaching Council has received advice regarding this invoice and it has been suggested that Invoice 16690 for Debtor 5103 be reversed until this matter is finalised.

### **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 the understanding and confidence of the community, reflected in responsible long-term financial sustainability and clear strategic direction build around core local government business and affordable levels of service.

### **IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

1. Financial Statements

***Date Prepared:***            *3 May 2018*

## Budgeted Income Statement by Fund

For the period ended 31 May

	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
<b>Revenue</b>									
Rates and utility charges	30,494,730	30,151,770	30,151,770	16,861,367	16,558,012	16,558,012	3,572,498	3,519,035	3,519,035
Less Discounts and Pensioner Remissions	(1,802,376)	(1,801,097)	(1,801,097)	(1,802,376)	(1,801,097)	(1,801,097)	0	0	0
Net Rates and Utility Charges	28,692,354	28,350,673	28,350,673	15,058,991	14,756,915	14,756,915	3,572,498	3,519,035	3,519,035
Fees and Charges	1,309,819	1,161,254	1,246,686	1,295,308	1,118,354	1,199,886	0	0	0
Operating Grants and Subsidies	5,781,408	5,564,468	10,086,708	5,781,408	5,564,468	10,086,708	0	0	0
Operating Contributions	837,094	663,684	884,912	0	0	0	0	0	0
Interest Revenue	1,092,661	375,900	422,800	408,519	245,000	280,000	307,874	45,833	50,000
Works for Third Parties	1,867,520	1,639,215	1,788,234	1,794,542	1,588,583	1,733,000	0	0	0
Other Revenue	3,318,658	2,898,026	3,191,981	1,836,399	1,470,226	1,634,381	1,368,639	1,368,675	1,493,100
<b>Total Operating Revenue</b>	<b>42,899,515</b>	<b>40,653,219</b>	<b>45,971,994</b>	<b>26,175,167</b>	<b>24,743,546</b>	<b>29,690,890</b>	<b>5,249,011</b>	<b>4,933,543</b>	<b>5,062,135</b>
<b>Expenditure</b>									
Employee Expenses	14,553,376	15,725,444	17,166,780	13,056,212	14,205,798	15,508,083	329,434	273,386	298,388
Materials and Services	14,965,486	14,862,075	15,921,131	7,482,811	7,081,948	7,447,003	3,477,936	3,583,380	3,908,815
Depreciation expense	8,157,566	8,150,541	8,891,499	5,738,697	5,437,592	5,931,919	114,152	87,541	95,499
Finance and Borrowing costs	303,886	303,707	331,317	195,108	171,673	187,280	0	0	0
<b>Total Operating Expenses</b>	<b>37,980,315</b>	<b>39,041,768</b>	<b>42,310,727</b>	<b>26,472,827</b>	<b>26,897,011</b>	<b>29,074,286</b>	<b>3,921,522</b>	<b>3,944,307</b>	<b>4,302,702</b>
<b>Operating Surplus/(Deficit)</b>	<b>4,919,201</b>	<b>1,611,452</b>	<b>3,661,267</b>	<b>(297,660)</b>	<b>(2,153,465)</b>	<b>616,605</b>	<b>1,327,489</b>	<b>989,237</b>	<b>759,433</b>
<b>Capital Income</b>									
Capital Contributions	793,024	0	0	508,602	0	0	0	0	0
Capital Grants and Subsidies	11,075,342	0	0	7,115,397	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
<b>Net Result</b>	<b>17,501,750</b>	<b>1,611,452</b>	<b>3,661,267</b>	<b>8,040,522</b>	<b>(2,153,465)</b>	<b>616,605</b>	<b>1,327,489</b>	<b>989,237</b>	<b>759,433</b>

## Budgeted Income Statement by Fund

For the period ended 31 May

	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
<b>Revenue</b>									
Rates and utility charges	4,625,941	4,554,032	4,554,032	5,119,615	5,198,317	5,198,317	315,309	322,374	322,374
Less Discounts and Pensioner Remissions	0	0	0	0	0	0	0	0	0
Net Rates and Utility Charges	4,625,941	4,554,032	4,554,032	5,119,615	5,198,317	5,198,317	315,309	322,374	322,374
Fees and Charges	14,511	42,900	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	218,409	0	0	90,438	45,833	50,000	67,422	39,233	42,800
Works for Third Parties	20,132	9,167	10,000	52,847	41,465	45,234	0	0	0
Other Revenue	26,624	0	0	76,832	25,667	28,000	10,165	33,458	36,500
<b>Total Operating Revenue</b>	<b>4,905,616</b>	<b>4,606,099</b>	<b>4,610,832</b>	<b>5,339,731</b>	<b>5,311,282</b>	<b>5,321,551</b>	<b>1,229,989</b>	<b>1,058,750</b>	<b>1,286,586</b>
<b>Expenditure</b>									
Employee Expenses	484,324	464,647	507,158	598,756	701,010	765,171	84,651	80,604	87,980
Materials and Services	1,373,207	1,456,791	1,585,931	2,436,845	2,488,454	2,708,669	194,687	251,502	270,713
Depreciation expense	1,046,825	1,106,826	1,207,446	1,169,970	1,306,718	1,425,511	87,922	211,864	231,124
Finance and Borrowing costs	108,778	132,034	144,037	0	0	0	0	0	0
<b>Total Operating Expenses</b>	<b>3,013,135</b>	<b>3,160,298</b>	<b>3,444,572</b>	<b>4,205,571</b>	<b>4,496,183</b>	<b>4,899,351</b>	<b>367,260</b>	<b>543,969</b>	<b>589,817</b>
<b>Operating Surplus/(Deficit)</b>	<b>1,892,482</b>	<b>1,445,801</b>	<b>1,166,260</b>	<b>1,134,161</b>	<b>815,099</b>	<b>422,200</b>	<b>862,730</b>	<b>514,780</b>	<b>696,769</b>
<b>Capital Income</b>									
Capital Contributions	136,361	0	0	148,061	0	0	0	0	0
Capital Grants and Subsidies	2,989,986	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	0	0	0	0	0	0	0	0	0
	3,126,347	0	0	1,118,020	0	0	0	0	0
<b>Net Result</b>	<b>5,018,829</b>	<b>1,445,801</b>	<b>1,166,260</b>	<b>2,252,180</b>	<b>815,099</b>	<b>422,200</b>	<b>862,730</b>	<b>514,780</b>	<b>696,769</b>





**ITEM-13 LIBRARY FEES AND CHARGES AMENDMENT 2018/19**

**MEETING:** Ordinary

**MEETING DATE:** 20 June 2018

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

**DEPARTMENT:** Corporate and Community Services

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**EXECUTIVE SUMMARY**

*The purpose of this Report is to seek Council's adoption of an amendment to the Library Service Fees and Charges schedule for 2018/2019.*

**OFFICER'S RECOMMENDATION**

"That Council adopts the amended Library Fees and Charges 2018/19."

**BACKGROUND**

The Library Fees and Charges for 2018/19 were adopted by Council on 18 April 2018. Further to these fees, it is proposed that a new fee be included to address the late return of materials.

An overdue fee of \$5.00 per overdue item is proposed for resources that are not renewed or returned within three (3) weeks of the due date. The fee will not be waived on return of late return of items and will result in borrowing rights of customers being withdrawn until the fee has been paid and the overdue resources being returned, or the applicable fee paid.

The introduction of this fee addresses the situation of resources not being returned in a timely manner, thereby denying access to other library users.

The attached schedule provides the amended Library Fees and Charges for 2018/2019.

**RISK IMPLICATIONS****Financial**

The overdue fee is required to cover the cost of the associated administration when an item is not returned within the specified time.

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

**FINANCIAL AND RESOURCE IMPLICATIONS***Capital*

Nil.

*Operating*

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.

**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 Overdue Fees detailed in this report will be included in the 2018/2019 Register of Cost-Recovery Fees and published on Council's Website and the Library Management System.

**ATTACHMENTS**

1. 2018/19 Library Services Fees and Charges Schedule

**Date Prepared:** 14 May 2018

**ATTACHMENT 1**

3

Description	Cost Recovery Fee (Y/N)	Paragraph of S97(2) of LG Act 2009 under which fee is fixed	Provision of Local Government Act	Unit	Fee/Charge \$	GST (Y/N)
<b>2018/19 Fees and Charges</b>						
<b>Libraries</b>						
<b>Charges</b>						
Lost charge - Cost value of item plus notice charge & administration fee	N			item	<b>Cost + \$30.50</b>	Y
Overdue notice fee	N			item	<b>\$5.00</b>	Y
Damaged item charges - items deemed unusable	N			item	<b>Cost + \$15.20</b>	Y
Visitor membership fee	N			unlimited	<b>\$46.00</b>	Y
Replacement CD/DVD cover/cases	N			item	<b>\$5.00</b>	Y
Replacement membership card	N			card	<b>\$6.00</b>	Y
Library bags	N			bag	<b>\$5.00</b>	Y
<b>Book Sale</b>						
Non-fiction - jigsaws - DVD & CD	N			item	<b>\$3.50</b>	Y
Fiction	N			item	<b>\$2.50</b>	Y
Junior books	N			item	<b>\$2.00</b>	Y
Magazines	N			item	<b>\$0.50</b>	Y
<b>Photocopying</b>						
Black & white - A4 per side	N			A4 page	<b>\$0.30</b>	Y
Black & white - A3 per side	N			A3 page	<b>\$0.60</b>	Y
<b>Printing</b>						
Black & white - A4 page	N			A4 page	<b>\$0.30</b>	Y
Colour - A4 page	N			A4 page	<b>\$3.00</b>	Y
<b>Internet</b>						
National & State Library online databases				Free	<b>FREE</b>	
USB Stick	N			item	<b>\$12.00</b>	Y
WiFi				Free	<b>FREE</b>	
<b>Full PC Use</b>						
Full PC Use is offered at no cost for the first hour, with fees to apply thereafter depending on availability						

Library member	N			30 min	<b>\$2.00</b>	Y
Library member + Concession Card (Seniors, Veterans, Health Care)	N			30 min	<b>\$1.00</b>	Y
Non-Library members, per 1/2 hour or part thereof	N			30 min	<b>\$3.00</b>	Y
Non-Library members, per hour or part thereof	N			60 min	<b>\$6.00</b>	Y
<b>Inter Library Loan (ILL)</b>						
University Loan charge	N			University Library	<b>\$16.50</b>	Y
Processing Charge for uncollected items	N			Uncollected item	<b>\$15.00</b>	Y
Replacement Inter Library Loan wrapper	N			Per item label	<b>\$5.00</b>	Y
Freight	N			Freight per item	<b>\$2.50</b>	Y

## COMMUNITY WELLBEING

### ITEM-14                      **COMMUNITY HOUSING ASSET MANAGEMENT PLAN**

**MEETING:**                      Ordinary

**MEETING DATE:**              20 June 2018

**REPORT OFFICER'S  
TITLE:**                          Senior Community Wellbeing Officer

**DEPARTMENT:**                Corporate & Community Services.

---

#### **EXECUTIVE SUMMARY**

*This report is to present Council's Community Housing Asset Management Plan 2018 - 2023 for Council's endorsement.*

*The Community Housing Asset Management Plan is part of Council's long-term asset management planning process and is also required by the Department of Housing and Public Works for the properties which have received state funding.*

*The Plan defines Council's approach to sustainable management of the community housing assets while aiming to meet the requirements of the Department of Housing and Public Works asset management framework, relevant legislation and funding agreements.*

#### **OFFICER'S RECOMMENDATION**

"That Council adopts the Community Housing Asset Management Plan 2018 - 2023."

#### **BACKGROUND**

Council has ownership of 108 units spread throughout the towns of Mareeba, Mount Molloy, Dimbulah and Kuranda. Of these 108 properties, there are 84 properties which have received funding by the Department of Housing and Public Works (DHPW).

This means that Mareeba Shire Council is the largest local government provider of community housing in the region, and the second largest community housing provider in Far North Queensland.

As a Long-Term Community Housing (LTCH) Provider, Council is responsible for maintaining the properties in accordance with the DHPW's Social Housing Program Specifications, DHPW Funding Agreements and the Queensland Government's Maintenance Management Framework.

Further, the Queensland State Regulatory Code 2003 establishes Performance Outcomes and desired timeframes to implement improvements that registered local government community housing providers must comply with under the Housing Act 2003.

**Performance Outcome 2 Housing Assets states:**

The local government manages its community housing assets in a manner that ensures suitable properties are available now and, in the future, particularly in relation to the following:

- a) determining changing housing needs and plans asset acquisitions, disposals and reconfiguration to effectively respond (strategic asset management)
- b) setting and meeting relevant property condition standards
- c) planning and undertaking responsive, cyclical and life-cycle maintenance to maintain property conditions (asset maintenance).

The DHPW requires, over time, that all providers meet KPIs under the Social Housing Program Specification which include the requirement that:

95% of funded Department-owned properties meet the S4 rating as specified within the Queensland Government's Maintenance Management Framework, unless otherwise exempted by the Department.

**Table 1. DHPW Condition Standard Rating System**

Rating	Specified Standard
S5	Building to be in the best possible condition. Only minimal deterioration allowed.
S4	Building to be in good condition operationally and aesthetically, benchmarked against industry standards for that class of asset.
S3	Building to be in reasonable condition, fully meeting operational requirements.
S2	Building to meet minimum operational requirements only.
S1	Building can be allowed to deteriorate, however, must be marginally maintained.

**Mareeba Shire Council Community Housing Asset Management Plan**

The Mareeba Shire Council Community Housing Asset Management Plan (CHAMP) demonstrates how Council will meet legislative requirements for asset management planning over the next five years, as a Local Government Authority and Long-Term Community Housing Provider. The plan summarises the current state of the asset class, includes strategies to improve the condition of properties and aligns with Mareeba Shire Council's Corporate Plan, long term asset management plan and long term financial management plan.

The CHAMP includes the actions that Council is taking to continue to improve confidence levels in the data which is available and, consequently, the effectiveness of planning for maintenance and capital works. The draft CHAMP was submitted to the DHPW for consideration on 6 April 2018, and Council will consider Departmental feedback, if/when provided.

**Asset Management Plan Implementation**

This plan will be implemented from 2018 through to 2023 as a guide for capacity around funding and resource availability. It will be reviewed in June 2019 and then, once every three years. The maintenance and capital planning component will be reviewed annually.

While the Plan will guide Council's financial and works forecasts, the prioritisation of maintenance and capital works may be revised as required. Confidence levels for the final two financial years are lower; however, these years have been included to capture the information that is currently available and to provide a template for improvement.

## **RISK IMPLICATIONS**

### **Infrastructure and Assets**

The Community Housing Asset Management Plan includes strategies to effectively manage the lifecycle of the housing assets. Through the continuation of scheduled inspection programs and maintenance planning as well as the implementation of a formal condition assessment cycle, Council can plan to ensure that the assets are functional, safe and sustainable.

### **Political and Reputational**

The community housing service is one of the ways that Council contributes to the liveability of the Shire. Through the provision of subsidised housing for seniors, Council is recognised for providing a valued service in the community. Appropriate management of the housing assets contributes to the continuation of the positive reputation that Council has developed within the community.

### **Legal and Compliance**

Council's CHAMP addresses the requirements under the Local Government Act 2009, Local Government Regulation 2012, Housing Act 2003, Queensland State Regulatory Code 2003, Department of Housing and Public Works funding agreements and Maintenance Management Framework.

Council's continuous improvement approach to asset management is aligned with the requirements of DHPW standards and funding agreements.

Under the Queensland State Regulatory System for Community Housing Providers (QSRSC) Council is required to demonstrate that there are plans in place for asset management.

## **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

The Community Housing Policy is due for review in 2022 and, at that time, will be updated to include reference to the CHAMP.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### *Capital*

The capital works will be considered in the capital works budget

*Is the expenditure noted above included in the current budget?*

Yes. The Community Housing capital budget for 2018/2019 will include the CHAMP priorities, dependent on the availability of funds.

### *Operating*

The community housing service is self-funded and requires no contribution from general rates.

*Is the expenditure noted above included in the current budget?*

Yes. The maintenance works which have been identified under the CHAMP will be funded through existing operational budgets, pending resourcing and capacity.

## **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.

### **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.

### **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 plan will be implemented from April 2018 and extends to June 2023.

## **ATTACHMENTS**

1. MSC Community Housing Asset Management Plan 2018 - 2023

**Date Prepared:** 8 June 2018



**ATTACHMENT 1.**

COMMUNITY HOUSING ASSET MANAGEMENT PLAN

LONG TERM COMMUNITY HOUSING PROVIDER

Version 1.0 – March 2018

For Period March 2018 to June 2023

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## Version Control

Version	Date	Status	Key changes made	Author/s	Approved by CEO
1.0	March 2018	Initial release		Jacqueline Perkowicz Glenys Pilat Amy Phillips Cristina Aloia	4 April 2018

Date of next review: June 2019

## 1 ORGANISATIONAL PURPOSE AND OVERVIEW

### 1.1 ASSET MANAGEMENT PLAN PURPOSE

The purpose of this Plan is to set out the organisation's approach to the effective asset management of its large property portfolio for the period of 2018 to 2023. The Plan will guide the organisation's asset management and maintenance activities for the 108 residential properties. It will also be provided to appropriate external stakeholders such as funders and regulators to satisfy their requirements.

### 1.2 ORGANISATION'S MISSION, STRATEGIC GOALS AND ASSET MANAGEMENT GOALS

Mareeba Shire Council is a community housing provider which provides affordable rental accommodation to eligible persons who are receiving the age pension or people over 55 years of age on a disability pension. In partnership with the State Government, Council has ownership of 108 units spread throughout the towns of Mareeba, Mount Molloy, Dimbulah and Kuranda. Mareeba Shire Council is the second largest community housing provider in Far North Queensland and the largest local government provider of community housing in the region. This asset management plan is prepared under the direction of Mareeba Shire Council's Corporate Plan, long term asset management plan and long term financial management plan.

**Our vision is:**

A growing and confident Shire, comprised of diverse communities who share common values of a relaxed lifestyle and respect for the beauty of the natural environment of the region.

**Our mission is:**

To preserve the values expressed in its vision by creating the foundations for a strong and financially sustainable future for the Shire, by responsible and accountable decision-making, cost-effective service provision, and community capacity building through collaborative partnerships.

Relevant organisational goals and objectives and how these are addressed in this asset management plan are:

Table 1 Mareeba Shire Council Corporate Plan 2014-2019 Relevant Goals

Goal <sup>1</sup>	Objective	How Goal and Objectives are addressed in AM Plan
ECON 3	Undertake the management of Council's assets in accordance with the long-term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long-term benefit to industry.	This plan defines the long-term strategies to manage Community Housing and is consistent with Council's Long Term Asset Management Plan.
GOV 1	Develop an achievable long term financial plan that underpins Council's long-term financial sustainability.	This plan develops options and identifies the risks involved for Council to prioritise projects appropriately to meet budget constraints.

<sup>1</sup>

<https://websync.msc.qld.gov.au/policies/files/244/Mareeba%20Shire%20Council%20Corporate%20Plan%202014-2019.pdf>

Goal <sup>1</sup>	Objective	How Goal and Objectives are addressed in AM Plan
<b>GOV 2</b>	Prepare a detailed strategic asset management plan to underpin asset sustainability.	This plan contributes to the strategies identified in the Long Term Asset Management Plan.
<b>COM 3</b>	Encourage the building of strong partnerships with community, private sector and government to build community capacity and develop strategies to encourage and support leadership and self-responsibility in the community	This plan contributes to strong partnerships with government to provide community housing.
<b>COM 2</b>	Conduct an analysis of current community facilities and develop a Shire wide community facilities plan to guide the assessment of maintenance programmes, possible capital upgrades of existing facilities and community requests for new facilities and ensure equity of access.	This plan contributes towards the analysis of current community housing facilities.

Source: Mareeba Shire Council Corporate Plan 2014-2019

Table 2 Long Term Asset Management Plan 2017 - 2027 Strategies and Actions<sup>2</sup>

Strategy*	Action	Desired Outcome
Strategy One: Improve our Knowledge Base and Refine Requirements	Further develop and annually review individual Asset Management Plans across the organisation.	Improve our asset management maturity.
	Develop a rating system to define levels of service .	Ensure that service levels are written in terms the end user can understand and relate to.
	Identify if there are non-asset solutions to modify future impacts such as demand management.	Better utilisation of existing assets and reduction in capital expenditure where possible.
	Progressively improve planned condition and defect inspection programs.	Improve understanding of the existing assets to facilitate better decision making.
	Review all asset classes to confirm and document critical assets and high level business risks for all asset classes.	Allow Council to understand its overall risk exposure and plan to manage risk to acceptable levels.
Strategy Two: Mature our Asset Lifecycle Management	Fully incorporate whole of life costing and optimisation into capital investment decision making.	To ensure all aspects of financial sustainability are considered in the capital works planning process.
	Further develop the use of QTC's Project Decision Framework.	To improve decision making on major projects to ensure the proposed solution delivers the best outcome to the community when the whole of life costs of the capital project is considered.
	Update the Long Term Financial Plan covering ten years incorporating asset management plan capital and operational/maintenance expenditure projections with a sustainable funding position.	Sustainable funding model to provide Council services.
	Ensure the Long Term Financial Plan continues to form the basis for the annual budgets.	Long term financial planning drives budget deliberations.

<sup>2</sup> <https://websync.msc.qld.gov.au/policies/files/358/Long%20Term%20Asset%20Management%20Plan%202017-2027.pdf>

This asset management plan also addresses 32 risks that are specific to the Community Housing asset portfolio (Attachment A - Community Housing Risk Management Plan) which has been developed under the Enterprise Risk Management system to manage the two enterprise level risks.

Table 3 Enterprise Risks Identified for Community Housing

RISK TITLE	RISK DESCRIPTION	RATING
State Community Housing Arrangements	Fail to meet compliance. Multiple arrangements causing confusion. Long Term Asset Management Plans. Increasingly complex compliance requirements.	Extreme
Impact of changing needs of tenants on service levels	Change in the service provided from primarily affordable housing to support and housing. Lack of aged-care facilities / nursing homes. Lack of affordable housing for seniors. Lack of in home support services for seniors. Applicants with mental health issues. Ageing in place - high level of care/support required for tenants as they become less independent.	Significant

### 1.3 ASSET MANAGEMENT OBLIGATIONS AND METHODOLOGY

Mareeba Shire Council's Community Housing portfolio consists of 108 purpose-built units across the townships of Mareeba, Mt Molloy, Dimbulah and Kuranda.

Of the 108 properties, 84 are funded by the Department of Housing and Public Works and 24 are funded by Mareeba Shire Council. The Mareeba Shire Council funded units are in Mareeba and Mount Molloy.

The units which are funded by DHPW are in Mareeba, Dimbulah, Kuranda and Mt Molloy. These properties were funded under various agreements ranging in date from 1978 to 2014. The funding agreements include Housing Accommodation Assistance Scheme Agreements (HAAS), Local Government and Community Housing Provider Agreements (LGCHP), Capital Assistance Agreements (CAA) and Capital Funding Agreements (CFA). Over time, several Variations have been made to many of the original Agreements.

The LGCHP Agreement, under which 17 properties are funded, Section 1(d) states that the Provider must:

*"maintain the property at the standard applicable to the Queensland Housing Commission public housing or such other reasonable standard as is agreed between the organisation and the Commission."*

Mareeba Shire Council has conducted a risk assessment and identified potential mitigating strategies and maintenance plans. The actions noted in this Asset Management Plan are a guide and the implementation will be determined in consideration of:

1. Impact of the potential risk;
2. The Community Housing budget and long-term financial forecast; and

### 3. Staff capacity to complete works.

This Asset Management Plan is contingent on the availability of funding and where possible the plan is adhered to, but may be revised as required.

The Asset Management Plan includes the actions that council is taking to meet the Department's Key Performance Indicators and to continue to improve confidence levels in the data which is available and, consequently, the effectiveness of planning for maintenance and capital works. Council has recently engaged Valuers to conduct formal valuations on all Council Buildings including Community Housing and it is expected that this data will be available in the next version of the Community Housing Asset Management Plan.

Initial sample data from a qualified building inspector who provided condition assessments and defect identification reports for 14 properties has been collated and analysed to prepare this initial Asset Management Plan. The plan captures the requirement to have all buildings comprehensively inspected within a three-year period. These strategies will increase confidence levels as it is reviewed and updated with valuation and condition assessment data as they become available for each of the 108 properties.

As a Long-Term Community Housing Provider, Council's assets are managed in accordance with relevant legislation, guidelines and contractual arrangements including, but not limited to:

#### **Department of Housing and Public Works Obligations**

- Queensland State Regulatory System for Community Housing Providers [QldStateRegulatoryCode.pdf](#)
- Social Housing Program Specifications [SocialHousingProgramSpecifications.pdf](#)
- Maintenance Management Framework [MMF.pdf](#)
- Funding Agreements
- Allowable Expenditure and Surplus Policy [AllowableExpenditureAndSurplusPolicy.pdf](#)

#### **Legislation**

- Housing Act 2003 [Housing Act 2001 - Current 3 July 2017.pdf](#)
- Housing Regulation 2015 [Housing Regulation 2015 - Current 1 July 2017.pdf](#)
- Residential Tenancies and Rooming Accommodation Act 2008 [RTARA Act 2008 - Current 1 January 2018.pdf](#)
- Building Fire Safety Regulation 2008
- Fire and Emergency Services Act 1990 [Fire & Emergency Services Act 1990 - Current 3 July 2017.pdf](#)
- Fire and Emergency Services (Domestic Smoke alarms) Amendment Act 2016 (QLD)
- Electrical Safety Act 2002 - safety switches (annual maintenance)

### Standards

- Australian Standards AS/NZS 4032.1-2005 Valves for the control of heated Water Supply
- Australian Standards AS/NZS 3500.4:2015 Heated Water Services (previously AS/NZS 3500.4:2003)
- Australian Standards AS/MZS 2845.1:2010 Water supply Backflow prevention devices

### Asbestos

Asbestos is managed and controlled in Queensland by 10 main statutes and two codes of practice. These are administered by state government agencies and local councils. Work health and safety legislation regulates the management, control and removal of asbestos in the workplace (including residential premises which are a 'workplace' when work is undertaken by a contractor).

- [Work Health and Safety Act 2011](#) (WHS Act)  
[Work Health and Safety Regulation 2011](#) (WHS Regulation)  
[Code of Practice: How to Safely Remove Asbestos](#)  
[Code of Practice: How to Manage and Control Asbestos in the Workplace.](#)
- **public health legislation** applies to asbestos-related activities carried out at non-workplaces settings (i.e. by home owners at domestic premises).
- [Public Health Act 2005](#) (PH Act)  
[Public Health Regulation 2005](#) (PH Regulation).
- The management of asbestos in non-workplaces is the responsibility of local governments under public health legislation. [Queensland Health](#) provides information and advice to the general public on asbestos and its health risks and works in partnership with other government agencies in response to incidents involving asbestos.
- **environmental protection and waste legislation** regulates the transportation of commercial and industrial waste; the licensing of disposal facilities (such as landfills); and notification and remediation of contaminated land.
- [Environmental Protection Act 1994](#) (EP Act)  
[Environmental Protection Regulation 2008](#) (EP Regulation)  
[Environmental Protection \(Waste Management\) Regulation 2000](#) (EP Waste Regulation).
- The [Department of Environment and Heritage Protection](#) (DEHP) maintains a public register of contaminated land (including land contaminated by asbestos). It also regulates the transportation and disposal of asbestos waste.



- Some of the DEHP powers are delegated or devolved to local councils. For example, while the DEHP is responsible for licensing disposal facilities, councils are responsible for the management of landfills and transfer stations where asbestos is accepted.
- Councils are also responsible for cleaning up the illegal dumping of asbestos material under the [Environmental Protection Act 1994](#) (EP Act) and the [Work Health and Safety Act 2011](#) (WHS Act) (where council officers are undertaking any clean-up) and any relevant local laws.
- [Residential Tenancies and Rooming Accommodation Act 2008](#) and [Residential Tenancies and Rooming Accommodation Regulation 2009](#) (RTA is the statutory authority that administers these.
- The Social Housing Program Specifications section 4.3 Asset Management.

Mareeba Shire Council's Community Housing Procedures provides the operational detail required to deliver this service.

#### 1.4 TIMEFRAMES

This plan will be implemented from April 2018 and extends to June 2023. Confidence levels for the final two financial years are lower; however, these years have been included to capture the information that is currently available and to provide a template for improvement.

It is intended that this plan be implemented and tested for capacity around funding and resource availability and will be reviewed in June 2019 to improve confidence levels. After the initial review, the plan can be reviewed once every three years, and the maintenance and capital planning component will be reviewed annually.

The Community Housing Maintenance and Capital Renewals Plan (Attach C) includes timeframes to conduct condition assessments on the balance of properties which will then be implemented on a three-yearly rolling basis. As this data is captured, the confidence level in the Plan will improve.

#### 1.5 ASSET MANAGEMENT GOVERNANCE

Asset Management is the responsibility of everyone across the organisation. A team approach reduces the risk of silos being created and ensures that specialist skills are brought together effectively.

A multi-disciplinary asset management team has been established which includes senior representatives from across the organisation. This team meets monthly to identify gaps in the asset management process and assign responsibility for improving on Mareeba Shire's asset management practices.

The Executive Management Team of the CEO and both Directors attend asset management meetings every two months to provide leadership and act as Steering Committee for the development and implementation of asset management plans and improvements.

Smaller specialist function teams are responsible for the implementation of the asset management processes and improvements. These teams have considerable input to the redevelopment of the asset management plan for the asset class they are responsible for managing and maintaining. The Community Housing Asset Management team includes:

- Manager Community Wellbeing
- Senior Community Wellbeing Officer
- Community Wellbeing Officer

The Community Housing Asset Management team will meet on a bi-monthly basis during the 12 months following the implementation of the Community Housing Asset Management Plan. At the end of this period, the frequency of meetings will be reviewed.

The Manager Community Wellbeing is responsible for measuring Key Performance Indicators and outputs, budget setting and monitoring and risk management.

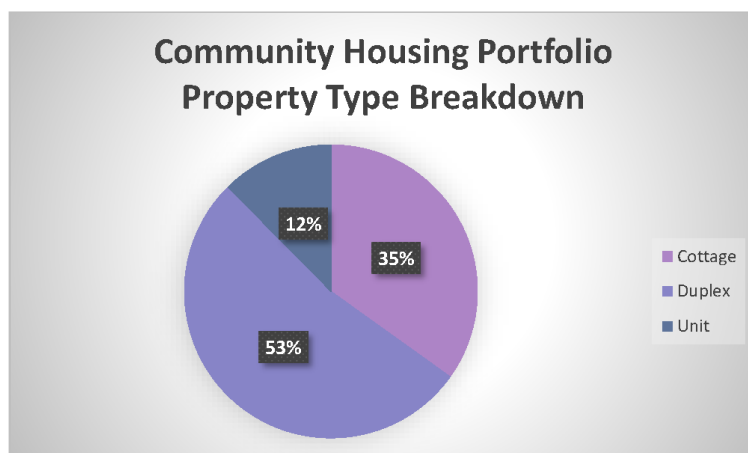
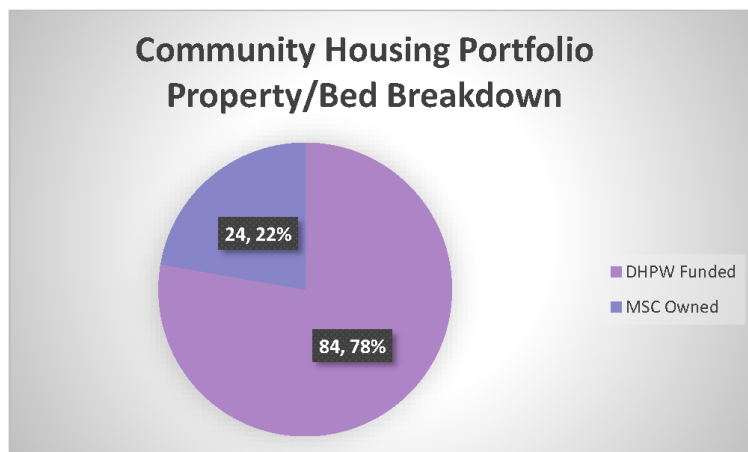
## 2 PROPERTY PORTFOLIO DETAILS

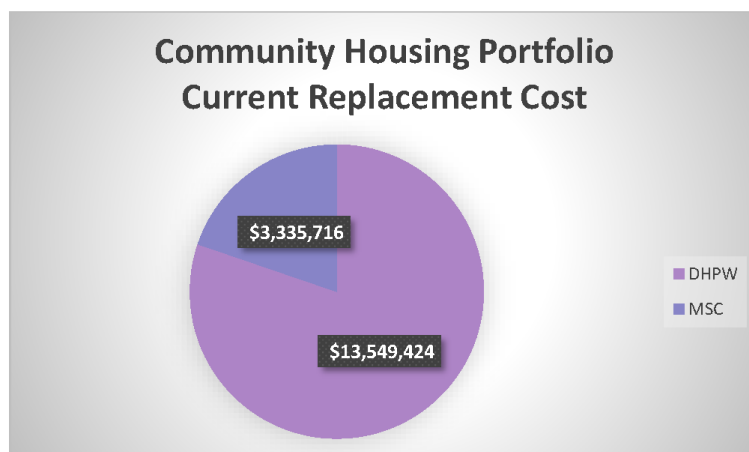
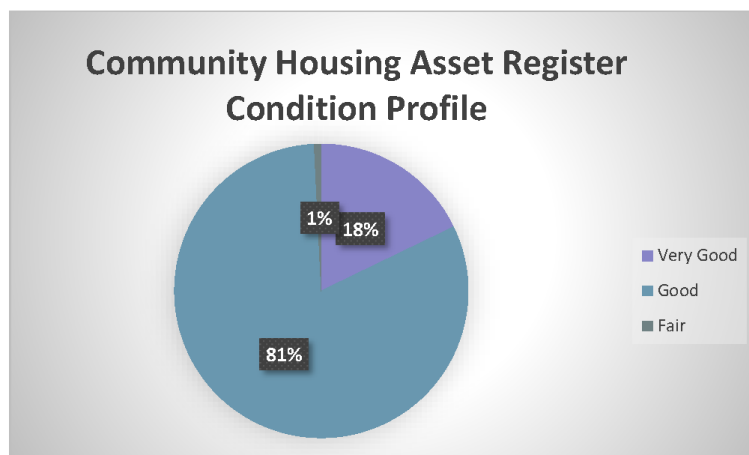
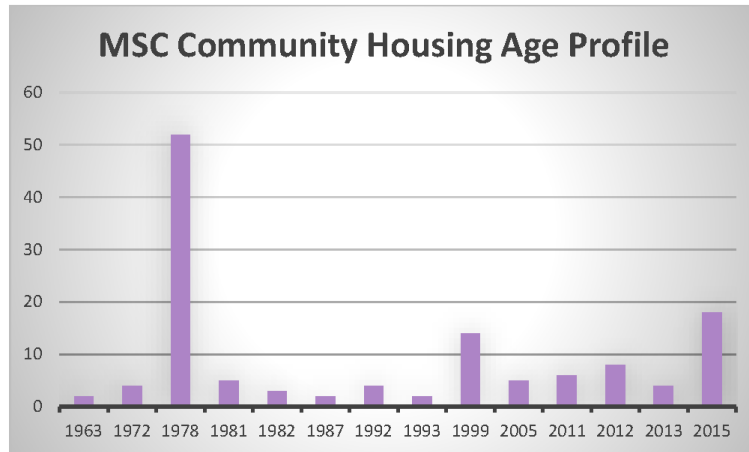
This section provides an overview of the organisation's property portfolio, including data captured for each property asset as well as outlining how the organisation manages its key portfolio data to keep it complete, timely and accurate.

### 2.1 PORTFOLIO OVERVIEW

Mareeba Shire Council's Community Housing portfolio consists of 108 purpose-built units across the townships of Mareeba, Mt Molloy, Dimbulah and Kuranda. The properties are all long-term accommodation for which Mareeba Shire Council holds all maintenance responsibilities including for works which are planned, responsive and structural.

Mareeba Shire Council's long-term community housing portfolio consists of 84 properties which are funded by the Department of Housing and Public Works and 24 which are unfunded (Council funded). The Council funded units are in the townships of Mt Molloy and Mareeba. The following graphs summarise the asset register information from Attachment E.





## 2.2 PROPERTY REGISTER

Mareeba Shire Council uses Technology One to store and manage asset and financial data. Council currently has well developed asset registers including most core asset data such as asset ID, description, replacement value, depreciation, year of installation and essential financial reporting information. Projects are currently underway to increase the use of the Technology One database systems to broaden and improve condition data and improve planned maintenance activities using the Defects and Works Orders module.

The Asset Register is maintained by Council's Asset Accountant and Management Accountant using condition and defect data provided by the Community Wellbeing team, as well as property valuations and condition data provided in formal condition inspections.

An extract of data captured in the Technology One Asset Register is provided in Attachment E, including Asset ID, Sub Category (Council or DHPW), Asset Name, Year Acquired, Current Replacement Cost, Useful Life, Renewal Cost and Condition Score (1 - 5, where 1 is as new and 5 is very poor). A broad range of asset details in addition to this are captured and can be provided on request. Attachment E also provides analysis graphs of the Asset Register summary data.

Examples of this building attribute data includes Disability Access, Gross Square Meterage, Floor Type, Wall Type, Roof Type, Condition, Insured value and Replacement Value.

## 2.3 PROPERTY CONDITION DATA

The Technology One software package includes asset management modules for property component defect data capture as well as an overall condition score.

The Defects module in Technology One is currently in the Test environment and will be used to store defect data captured in the three-yearly building inspections, of which 14 were completed in March 2018 by a professional building inspector. Defect data will be prioritised and transferred to Works Order for prioritisation and scheduling.

An example of the condition and defect data that was captured in the March 2018 building inspections is provided in Attachment C. The March 2018 condition inspections may be used as the template for all comprehensive three yearly inspections going forward, dependent on whether an external contractor is engaged, or a Council Officer completes this task.

The Community Housing Maintenance and Capital Renewals Plan captures the requirement to have all buildings comprehensively inspected within a three-year period. A qualified person or a person who is trained by a qualified person will be responsible for carrying out the comprehensive 3 yearly inspections.

Annual inspections of each property are carried out by tenancy management staff and maintenance works which are required are recorded in Technology One and prioritised for completion.

The condition data is currently stored in the Technology One Asset Register using a different rating system to the DHPW standard (i.e. 1 is Very Good, 2 is Good, 3 is Fair, 4 is Poor, 5 is Very Poor).

### 3 MAINTENANCE

#### 3.1 CONTRACTOR ENGAGEMENT

Contractors are engaged using the Mareeba Shire Council Procurement Policy<sup>3</sup> and Pre-Qualified Supplier list.

All Council employees responsible for purchasing goods and services of any kind must comply with this Procurement Policy.

Council employees must undertake procurement activities in accordance with their delegation of authority. Failure to comply with the substance and intention of the Act or Regulation may constitute a significant breach of Council's Code of Conduct and could carry significant consequences. Employees are responsible for familiarising themselves with Council's policies, guidelines and procedures, as a failure to do so may be accepted as grounds for a breach. Some of these include:

- Guideline for Workplace Health and Safety Procurement
- Guideline for Calling Tenders and Administering Contracts
- Guideline for Engagement of Consultants
- Advertising Spending Policy
- Entertainment and Hospitality Policy
- Petty Cash procedures
- Non-Current Asset Policy
- Gift and Interests Register
- Code of Conduct

These Guidelines determine how all contractors are engaged to complete works including repairs and maintenance works.

#### 3.2 RESPONSIVE MAINTENANCE

Council has implemented a Customer Request Management software module within the Technology One product suite. All maintenance requests are recorded and managed through this system which allows for communication with the tenant, response timeframes and actions taken to resolve issues to be recorded.

#### 3.3 STATUTORY AND CYCLICAL MAINTENANCE

Council has implemented a Works Order system within the Technology One suite of asset management modules for scheduling, requesting and recording completion of works. This has recently been linked to a Defects module so that the repair or replacement of identified defects can be recorded from identification to completion of work.

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<sup>3</sup> [https://websync.msc.qld.gov.au/corporate\\_documents/files/379/Procurement%20Policy%202017-18.pdf](https://websync.msc.qld.gov.au/corporate_documents/files/379/Procurement%20Policy%202017-18.pdf)

### 3.3.1 SMOKE ALARMS

Council tests smoke alarms annually and replaces the batteries annually. Any faulty alarms are replaced with photoelectric alarms. This last took place in February 2018.

A plan is under development to install extra smoke alarms (mainly in the bedrooms) for all properties to ensure compliance with new smoke alarm legislation by 1 January 2022. These smoke alarms will be hardwired and connected to all other alarms in the building. In addition, the alarms will need to be connected to a safety switch.

This work is being costed by an electrician so that this expense can be budgeted for over the next three budget periods. It is likely that Council will take a staged approach to completing these works.

#### 3.3.1.1 STANDARDS AND LEGISLATION

When replacing smoke alarms, they must be of a photoelectric type which complies with Australian Standard (AS) 3786-2014.

Reference - [QFES Information Sheet on New Smoke Alarm Legislation Ver 02/2017](#).

### 3.4 PLANNED MAINTENANCE

An Annual Maintenance and Asset Renewal Plan has been developed using an initial sample data set from a qualified building inspector who provided Condition Assessments and Defect Identification Reports for 14 properties.

The data from the 14 inspections was collated and used as a basis to complete a portfolio level Risk Management Plan (Attachment A). The risk assessment was completed using the Mareeba Shire Council Enterprise Risk Management methodology following ISO 31000 Risk Management standards. Unmitigated (Raw) Risk Scores were captured and proposed mitigation strategies developed. A current residual risk score is kept and will be updated as risk mitigation programs are implemented.

The Maintenance and Capital Renewals Plan (Attachment B) has been developed using a risk-based approach at a portfolio and property level, with specifically identified defects also captured and initially prioritised for repair or replacement. Maintenance activities are prioritised using a combination of risk and defect scores as well as considering regular operational activities and resource constraints.

Capital renewals are prioritised using a multi-criteria analysis and a risk score, which is captured in Council's Project Prioritisation Tool.

Types of Planned/Cyclical Maintenance captured within the Maintenance and Capital Renewals Plan includes:

- Council's Customer Request Management software - Property and Rating
- Pest Control - annual treatment for ants, spiders and cockroaches
- Pest Control - annual inspection for termites (report provided)

- Mowing of common areas e.g. Lawson St Mareeba units, gardens and paths at 2 Barang St Kuranda units
- Cleaning of solar panels for hot water systems (currently mainly responsive)
- Trimming of trees in Kuranda, Mareeba, Dimbulah and Mt Molloy
- Cleaning of gutters in Mt Molloy units (annually)
- Cleaning of gutters in Kuranda units (once or twice a year)
- Cleaning of gutters in various Mareeba units (as required)
- Air conditioners - filters are checked as part of annual maintenance inspection. If the filters are dusty, then they are cleaned and re-installed.

### 3.5 VACANT MAINTENANCE/TENANT DAMAGE

Vacant Maintenance and tenant damage is managed using the Social Housing Program Specifications August 2015. As per the Specifications, Council has a performance indicator which states that vacant maintenance to be completed within 11 days of the vacate date.

## 4 MAINTENANCE BUDGETS AND FORECAST SUMMARY

### 4.1 BUDGET FORECAST OVERVIEW

An initial 5-year budget forecast has been prepared as part of the Community Housing Maintenance and Capital Renewals Plan in Attachment B. Confidence levels are lower for the years four and five in the plan. As this is the first time a long-term budget forecast has been prepared and because it was developed using 14 property condition inspections as its basis, it is proposed to use 2018-19 to test Council's capacity to deliver the program and review for future years based on implementation in 18-19. A ✓ in the Maintenance and Capital Renewals plan indicates that this item is already costed within normal staff salaries (Natural Account 7000) in the Operational Budget. A cost estimate indicates that this work should be prioritised from the Natural Account 7136, 7160 or other relevant account.

Annual Operational Budgets are also prepared, and the draft 2018-19 Operational Budget is provided in Attachment D. This Operational Budget has not yet been adopted by Council and is expected to be adopted in June 2018.

### 4.2 BUDGET DEVELOPMENT

The operational budget is informed by historical costs of delivering the service, increases in CPI and Property Rates and the anticipated costs of upcoming maintenance works (identified in the annual maintenance inspections or by customer request and prioritised accordingly). Typically, operational budgets are only increased by CPI and there is a limited amount of capital funding available, so it is important to prioritise maintenance, operational and capital expenditure carefully.

### 4.3 BUDGET REVIEW



The monthly budget variance report is reviewed by the Senior Community Wellbeing Officer and Manager - Community Wellbeing. Budgets are also monitored and reviewed formally on a quarterly basis across Council.

#### 4.4 FUNDING FUTURE MAINTENANCE LIABILITIES

Depreciation is funded across the Community Housing Portfolio and is calculated according to condition and remaining useful life.

### 5 LIFE CYCLE MANAGEMENT

#### 5.1 MAJOR PROJECTS OR PLANNED REFURBISHMENTS

Major projects and planned refurbishments are flagged for consideration in the Asset Maintenance and Capital Renewals Plan, but these are dependent on structural engineering reports and the remainder of the 3-yearly building inspections being completed. Where possible, works would be completed as tenants vacate the properties identified for refurbishment or major works.

### 6 RISK MANAGEMENT

36 risks have been identified in a portfolio level Risk Management Plan (Attachment A), which was developed using the certified building inspection condition assessments and analysing risk broadly across the Community Housing portfolio. This has been prepared to be consistent and referencing the MSC Enterprise Risk Management Policy<sup>4</sup> and Enterprise Risk Management Procedure<sup>5</sup> in accordance with ISO31000:2009.

Accordingly, the Community Housing Maintenance and Capital Renewals Plan (Attachment B) is a risk-based management plan, and inherent (unmitigated) risk scores are referenced within the Maintenance and Capital Renewals Plan.

### 7 KPIS, REPORTING AND RECORD KEEPING

The following table contains example goals and KPIs, for your reference.

Table 4 Internal Key Performance Indicators

Asset Mgmt Goal	Key Performance Indicators	Target	Reporting to	Method of reporting
Annual budget	<ul style="list-style-type: none"> <li>Budget agreed prior to financial year</li> <li>Budget and forecast based on property</li> </ul>	Budget and forecast agreed in advance of reporting period	<ul style="list-style-type: none"> <li>EMT</li> </ul>	<ul style="list-style-type: none"> <li>As per budget setting process (e.g. monthly management reports).</li> </ul>

<sup>4</sup> <https://websync.msc.qld.gov.au/policies/files/424/Enterprise%20Risk%20Management%20Policy.pdf>

<sup>5</sup> <https://websync.msc.qld.gov.au/policies/files/425/Enterprise%20Risk%20Management%20Process.pdf>

Asset Mgmt Goal	Key Performance Indicators	Target	Reporting to	Method of reporting
	condition data			
Performance against budget	Actuals within budget	+/- 10% budget variance	<ul style="list-style-type: none"> <li>Executive Management Team</li> </ul>	<ul style="list-style-type: none"> <li>Monthly reports against budget</li> </ul>
Schedule of planned maintenance works is adhered to	Planned maintenance works performed as per schedule	100%	<ul style="list-style-type: none"> <li>Executive Management Team</li> </ul>	<ul style="list-style-type: none"> <li>Technology One Works Orders</li> </ul>
Quality of service: <ul style="list-style-type: none"> <li>Repairs on time</li> </ul>	<ul style="list-style-type: none"> <li>Repairs on time: as per DHPW requirement.</li> </ul>	<ul style="list-style-type: none"> <li>100 % immediate faults responded to within 1 hour</li> <li>100% urgent faults responded to within 4 hours</li> </ul>	<ul style="list-style-type: none"> <li>Manager Community Wellbeing</li> </ul>	<ul style="list-style-type: none"> <li>Technology One CR and Works Orders Reports.</li> </ul>
<ul style="list-style-type: none"> <li>Tenant feedback</li> </ul>	<ul style="list-style-type: none"> <li>Tenant feedback</li> </ul>	<ul style="list-style-type: none"> <li>75% tenants satisfied with condition of property</li> <li>75% tenants satisfied with maintenance of property</li> </ul>	<ul style="list-style-type: none"> <li>Manager Community Wellbeing</li> </ul>	<ul style="list-style-type: none"> <li>Tenant survey, customer response management system.</li> </ul>

## 7.1 EXTERNAL REPORTING REQUIREMENTS:

Table 5 External Key Performance Indicators

Reporting to	Report	KPIs/metrics	Target	Method of reporting
Department of Housing and Public Works	Quarterly reports	Funded department-owned properties inspected meet the S4 ratings	95%	As per DHPW reporting template
		Immediate faults are responded to within 1 hour	100%	
		Urgent faults are responded to within four hours	100%	
		Changes to properties are advised to the DHPW.	100%	

Reporting to	Report	KPIs/metrics	Target	Method of reporting
		The minimum head lease quota range is achieved	100%	
		Average time to complete vacant maintenance	11 days	
	Monthly report	Maintenance works are recorded	100%	As per DHPW reporting template
	Annual Community Housing Annual Financial Return (CHAFR)	3 years planned maintenance forecast		Annual CHAFR return
		Capital upgrades		
		Properties meeting condition S4	<ul style="list-style-type: none"> <li>At least 70% all community housing assets meet S4 standard or equivalent</li> <li>Number of properties brought to standard</li> </ul>	
		Repair response times	<ul style="list-style-type: none"> <li>At least 90% urgent repair response times met</li> <li>At least 80% non-urgent repair response times met</li> </ul>	
		Tenant satisfaction	<ul style="list-style-type: none"> <li>At least 75% tenants satisfied with repairs service</li> <li>At least 75% tenants satisfied with condition of property</li> </ul>	

## 7.2 RECORD KEEPING

Council has a formal record management system which uses Technology One modules including Customer Request Management, Works Orders and ECM, the Enterprise Record Management system.



## INFRASTRUCTURE SERVICES

### ITEM-15                      MAREEBA AIRPORT UPGRADING - MAY 2018 PROGRESS REPORT

**MEETING:**                      Ordinary

**MEETING DATE:**              20 June 2018

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

**DEPARTMENT:**                Infrastructure Services

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#### 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. The purpose of this report is to provide an update on progress of the project.*

#### OFFICER'S RECOMMENDATION

"That Council note the May 2018 progress report on the Mareeba Airport Upgrade Project."

#### BACKGROUND

##### Funding

Council has received two (2) grants - \$13M from the Queensland State Government's Royalties for Regions program and \$5M from the Australian Government's National Stronger Regions Fund - towards the upgrading of the Mareeba Airport. Both these grants are for specific aspects of the proposed upgrading project.

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 from September 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 May 2018, FGF continued earthworks and commenced installation of underground drainage and services. Some rock has been encountered during earthworks and service installation. At Council's request, FGF mobilised additional resources to site to expedite rock removal and minimise delays to the project. Minor delays to the overall program of 2-3 weeks are expected and will be reviewed accordingly.

Planned work for June includes completion of earthworks, continuation of drainage and service installation and commencement of pavement works.

#### Stakeholder Engagement

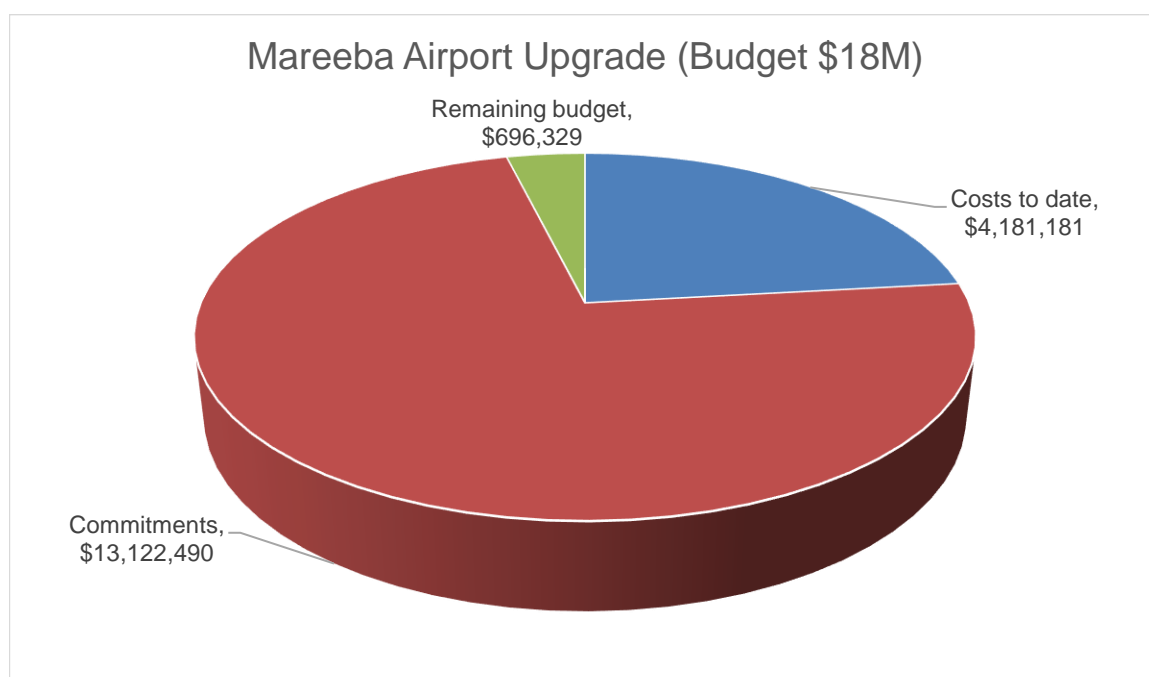
A Communication and Stakeholder Engagement Plan has been developed, which sets out the engagement strategy for delivery phase of the project. Ongoing engagement will be undertaken for the duration of the project. A project newsletter is planned for release in June 2018.

#### 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

*Operating*

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**

1. Progress photographs

**Date Prepared:** 12 June 2018



17 May 2018 - earthworks underway for aviation commercial precinct



17 May 2018 - stormwater pipes delivered for aviation commercial precinct





22 May 2018 - water pipes delivered for aviation commercial precinct



25 May 2018 - aerial photograph showing progress on earthworks and service installation for aviation commercial precinct





25 May 2018 - aerial photograph showing progress on earthworks and service installation for aviation commercial precinct

## TECHNICAL SERVICES

### **ITEM-16                      PROPOSED EXTENSION OF TENDER TMSC2018-15 DELIVERY OF REGIONAL BITUMEN RESEALS PROGRAM**

**MEETING:** Ordinary

**MEETING DATE:** 20 June 2018

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

**DEPARTMENT:** Infrastructure Services, Technical Services

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#### **EXECUTIVE SUMMARY**

*Mareeba Shire Council participates in a regional procurement arrangement involving the other Far North Queensland Regional Organisation of Councils (FNQROC) members for the delivery of its annual Bitumen Reseals Program.*

*FGF Bitumen Pty Ltd were award the 2017-18 Regional Bitumen Reseals contract which included an option for Councils to extend for a further two (2) x twelve (12) month period at their discretion. Following FGF's successful delivery of the 2017-18 Bitumen Reseal Program the FNQROC steering Committee invited FGF to submit a quotation for delivery of the 2018-19 program for its consideration.*

*This report recommends the revised FGF Bitumen Pty Ltd submission is accepted and their Contract extended for delivery of the 2018-19 Regional Bitumen Reseals Program.*

#### **OFFICER'S RECOMMENDATION**

"That Council;

1. awards contract TMSC2018-15 for delivery of the Regional Bitumen Reseals Program to FGF Bitumen Pty Ltd indicative of the quoted delivery rates applied to the current Council works program valued at an estimated contract amount of \$610,148.70 (inclusive GST); and
2. delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate, finalise and execute all matters in relation to these arrangements."

#### **BACKGROUND**

Mareeba Shire Council's budget for its combined 2018-19 bitumen reseals and asphalt overlay programmes is \$1.25 million. Council undertakes its annual bitumen reseal program in order

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to maintain its road infrastructure to a suitable standard and extend the life of the existing sealed road network.

In the past five (5) years the bitumen reseal program has been delivered under a collective procurement arrangement coordinated by FNQROC. This collective arrangement enables participating member Councils to achieve economy of scale price benefits and eliminate the risk of individual Councils competing against each other for limited supplier resources, providing a degree of assurance that works are completed in accordance with agreed timeframes.

The 2017-18 bitumen resealing contract with FGF Bitumen Pty Ltd contract included provision to allow FNQROC member Councils the discretionary option of extending the contract for a further twelve-month period.

FNQROC members considered inviting tender submissions from the open market, but it agreed by officers from the member councils that little advantage would be gained as the results would more than likely be reflective of 2017-18 tender submissions.

Following the successful delivery of its 2017-18 program, FNQROC invited FGF to quote on the delivery of the combined 2018-19 regional program.

Quotes were requested on behalf of the following member Councils:

Cairns Regional Council  
Cassowary Coast Regional Council  
Cook Shire Council  
Hinchinbrook Shire Council  
Mareeba Shire Council  
Tablelands Regional Council

The formal Request for Quotation was sent to FGF Bitumen on Thursday, 19 April 2018 and the revised quote received on 14 May 2018.

For the purpose of reducing administrative burden on all parties, FGF Bitumen Pty Ltd was asked to provide a price for each individual Council's program along with a proposed works schedule. Conditions and specifications of the 2017-18 contract would apply accordingly.

Following receipt of the FGF Bitumen quotation, negotiations were undertaken to assess the revised prices ultimately resulting in a reduction in the overall price. While revised FGF unit rates have increased slightly from tendered 2017-18 rates, equating to a rise in the price of some individual Council programs, it is noted that the price of bitumen has increased by 3.5% in the last 12 months.

In comparison to the 2017-18 FGF Bitumen tender submission, ASPIC provided the lowest price but scored only sixth overall against the non-price criteria and quotes provided by the other suppliers last year did not provide the same value for money as the applied FGF unit rates. Revised FGF rates applied against the 2018-19 Mareeba Shire Council bitumen reseal program indicated that the cost per square metre has remained consistent with the 2017-18 program.

It is recommended that the revised FGF Bitumen Pty Ltd submission is accepted based on the competitiveness of their 2017-18 submission and the high scores received for the non-

price weighted evaluation criteria. FGF Bitumen Pty Ltd is an established local company with a reputation for the quality delivery of bitumen seal and reseal services to a high standard. It is considered that FGF have provided a competitive quote for delivery of the 2018-19 program which still represents good value for money for Councils overall.

## **RISK IMPLICATIONS**

Nil

The contract requires the supplier provides copies of relevant insurances and certificates of currency and operates in accordance with quality assurance specifications.

## **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### *Capital*

Yes 2018-19 Reseals Bitumen and Asphalt Program

*Is the expenditure noted above included in the current budget?*

Yes

### *Operating*

Nil

## **LINK TO CORPORATE PLAN**

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

## **IMPLEMENTATION/COMMUNICATION**

While FNQROC administer delivery of the reseal program, each participating Council will be required enter into individual contracts with FGF Bitumen Pty Ltd.

Prior to the program being undertaken Council will place and advertisement in the local newspaper to notify the public of the proposed works and the potential for traffic disruptions.

## **ATTACHMENTS**

1. Mareeba Shire Council Bitumen Reseals Program

**Date Prepared:** 11 June 2018



## 2018-19 Reseal Programme FNQROC Tender

Asset Number	Road Name	00 Chainage Reference Point	Locality	Start Chainage	End Chainage	Length	Width	Area	Reseal Type
<b>ARRIGA</b>									
RD-000607	Borzi Road	Mareeba - Dimbulah Rd	Arriga	40.0	674.0	634	6.5	4121	14-7mm lock
RD-000608	Borzi Road	Mareeba - Dimbulah Rd	Arriga	674.0	806.0	132	7.5	990	14-7mm lock
RD-000609	Borzi Road	Mareeba - Dimbulah Rd	Arriga	806.0	1110.0	304	6.5	1976	14-7mm lock
RD-028769	Kimalo Road	Bower Rd	Arriga	185.0	1112.0	927	7.4	6859.8	14-7mm lock
RD-005390	Tyrconnell Road	Mareeba - Dimbulah Rd	Arriga	10.0	50.0	40	9	360	14-7mm lock
RD-005391	Tyrconnell Road	Mareeba - Dimbulah Rd	Arriga	50.0	190.0	140	7	980	14-7mm lock
<b>BIBOOHRA</b>									
RD-027583	Bilwon Road	Mulligan Hwy	Biboohra	3880.0	3960.0	80	6.2	496	16-10mm 2 coat
RD-027584	Bilwon Road	Mulligan Hwy	Biboohra	3960.0	4044.0	84	6.0	504	16-10mm 2 coat
RD-027586	Bilwon Road	Mulligan Hwy	Biboohra	4081.0	4120.0	39	6.2	241.8	16-10mm 2 coat
RD-027588	Bilwon Road	Mulligan Hwy	Biboohra	4183.0	4255.0	72	6.0	432	16-10mm 2 coat
RD-027589	Bilwon Road	Mulligan Hwy	Biboohra	4255.0	4600.0	345	6.5	2242.5	16-10mm 2 coat
<b>DIMBULAH</b>									
RD-028180	Dimbulah Lane	K&C Crossover Stephens St	Dimbulah	0.0	193.0	193	3.6	694.8	10mm chip seal
RD-004372	Raleigh Street	Mareeba - Dimbulah Rd	Dimbulah	1875.0	1953.0	78	4.2	327.6	14-7mm lock
RD-004723	Short Street	Glynn St	Dimbulah	2174.0	2450.0	276	3.8	1048.8	7mm Chip Seal
RD-004723	Short Street	Glynn St	Dimbulah	2450.0	2591.0	141	4.5	634.5	7mm Chip Seal
RD-002933	Leadingham Creek Road	Mareeba - Dimbulah Rd	Dimbulah	5276.0	5316.0	40	3.8	152	14-7mm lock
RD-028962	Leadingham Creek Road	Mareeba - Dimbulah Rd	Dimbulah	220.0	365.0	145	10.0	1444.2	14-7mm lock
RD-028963	Leadingham Creek Road	Mareeba - Dimbulah Rd	Dimbulah	0	110	110	4	440	14-7mm lock
RD-002938	Leadingham Creek Road	Mareeba - Dimbulah Rd	Dimbulah	100	120	20	4	80	14-7mm lock
RD-027797	Bruce Weir Road	Mareeba - Dimbulah Rd	Dimbulah	30.0	940.0	910	3.0	2730	14-7mm lock
RD-000703	Bruce Weir Road	Mareeba - Dimbulah Rd	Dimbulah	940.0	1489.0	549	3.0	1647	14-7mm lock

**KURANDA**

RD-030439	Fairyland Road	Jarawee Rd	Kuranda	739.0	809.0	70	5.0	350	10mm chip seal
RD-030440	Fairyland Road	Jarawee Rd	Kuranda	809.0	863.0	54	6.0	324	10mm chip seal
RD-030441	Fairyland Road	Jarawee Rd	Kuranda	863.0	914.0	51	5.0	255	10mm chip seal
RD-028340	Fairyland Road	Jarawee Rd	Kuranda	914.0	1180.0	266	3.6	957.6	10mm chip seal
RD-028664	Jarawee Road	Myola Rd	Kuranda	20.0	93.0	73	6.5	474.5	10mm chip seal
RD-028665	Jarawee Road	Myola Rd	Kuranda	93.0	153.0	60	5.2	312	10mm chip seal
RD-028666	Jarawee Road	Myola Rd	Kuranda	153.0	235.0	82	6.4	524.8	10mm chip seal
RD-002634	Jumrum Close	Williamson Dr	Kuranda	0.0	66.0	66	5.2	343.2	10mm chip seal
RD-002636	Jumrum Close	Ch 160 Jumrum Cl. (Hammer Head)	Kuranda	0.0	70.0	70	5.2	364	10mm chip seal
RD-002860	Kullaroo Close	Barron Falls Rd	Kuranda	0.0	15.0	15	15.9	238.5	7mm chip seal
RD-028867	Kullaroo Close	Barron Falls Rd	Kuranda	15.0	398.0	383	7.2	2757.6	7mm chip seal
RD-004151	Penny Close	Masons Rd	Kuranda	0.0	70.0	70	6.14	429.8	7mm Chip Seal
RD-004152	Penny Close	Ch 50 Penny Close	Kuranda	0.0	15	15	4.30	64.5	7mm Chip Seal
RD-004278	Platypus Close	Masons Rd	Kuranda	3.0	12	9	12.1	108.9	7mm Chip Seal
RD-029723	Platypus Close	Masons Rd	Kuranda	12.0	70.0	58	6.3	365.4	7mm Chip Seal
RD-004641	Scenic Drive	Speedwah Rd	Speedwah	19.0	50	31	12	372	7mm Chip Seal

**MAREEBA**

RD-000037	Adil Road	Mulligan Hwy	Mareeba	50.0	256	206	4.8	988.8	14-7mm lock
RD-000038	Adil Road	Mulligan Hwy	Mareeba	256.0	472	216	4	864	14-7mm lock
RD-000039	Adil Road	Mulligan Hwy	Mareeba	472.0	657	185	4	740	14-7mm lock
RD-000040	Adil Road	Mulligan Hwy	Mareeba	890.0	1545	655	5.1	3340.5	14-7mm lock
RD-000042	Adil Road	Mulligan Hwy	Mareeba	3.0	163	160	7.4	1184	14-7mm lock
RD-000064	Aircobra Close	Wyandra Dr	Mareeba	12.5	53.5	41.0	20.5	840.5	7mm Chip Seal
RD-000715	Buffalo Close	Wyandra Dr	Mareeba	1160.0	1476	316	5.92	1870.72	7mm chip seal
	Constance Street Infills LH	Lloyd St	Mareeba	1476.0	1615	139	5.45	757.55	7mm chip seal
	Constance Street Infills LH	Lloyd St	Mareeba	1165.0	1615	450	2.17	976.5	7mm chip seal
	Constance Street Infills RH	Lloyd St	Mareeba	1650.0	1814	164	3.87	634.68	7mm chip seal
	Constance Street Infills LH	Lloyd St	Mareeba	1710.0	1814	104	3.83	398.32	7mm chip seal
	Constance Street Infills RH	Lloyd St	Mareeba	2099.1	2169.5	70.4	10.6	746.24	7mm chip seal

RD-001139	Constance Street	Lloyd St	Mareeba	3.0	36	33	6.56	216.48	7mm chip seal
RD-001219	Couper Street	Macrae St (E)	Mareeba	3.0	14	11	13	143	7mm chip seal
RD-001346	Dean Circuit	Wylandra Dr (Nth End)	Mareeba	14.0	88	74	7.1	525.4	7mm chip seal
RD-028161	Dean Circuit	Wylandra Dr (Nth End)	Mareeba	0.0	223.7	223.7	4.57	1022.31	7mm chip seal
RD-002206	Haren Street	Byrnes St Sth	Mareeba	2.0	162	160	7.4	1184	7mm chip seal
RD-002262	Hellcat Close	Wylandra Dr	Mareeba	8662.0	8792	130	4.5	585	7mm chip seal
RD-002272	Henry Hannam Drive	Kennedy Hwy	Mareeba	210.0	265	55	6.31	347.05	10mm Chip Seal
RD-028753	Keeble Street Parking Infill	Doyle St	Mareeba	1740.0	1895	155	6.4	992	7mm chip seal
RD-003234	Martin Avenue	Bailey St	Mareeba	255.0	482	226.6	7.54	1708.56	10mm Chip Seal
RD-003278	Mason Street	Ferguson St	Mareeba	12.0	135	123	6.5	799.5	7mm chip seal
RD-029688	Peluchetti Place	Hastie Rd	Mareeba	325.3	340	14.7	15.5	227.85	7mm Chip Seal
RD-004175	Peters Street	Byrnes St South	Mareeba	340.0	404	64	9.00	576	7mm Chip Seal
RD-030459	Peters Street	Byrnes St South	Mareeba	404.0	453	49	9.3	455.7	7mm Chip Seal
RD-030460	Peters Street	Byrnes St South	Mareeba	453.0	522	69	9.3	641.7	7mm Chip Seal
RD-030461	Peters Street	Byrnes St South	Mareeba	15.0	85	70	8.57	599.9	7mm Chip Seal
RD-004485	Riverview Close	Hastie St	Mareeba	0.0	365	365	6.5	2372.5	7mm Chip Seal
RD-005169	Tilse Street	Costin St	Mareeba	365.0	462	97	7.2	698.4	7mm chip seal
RD-005170	Tilse Street	Costin St	Mareeba	462.0	811	349	6.5	2268.5	7mm chip seal
RD-005171	Tilse Street	Costin St	Mareeba	2533.0	2965	432	4.5	1944	7mm chip seal
RD-005543	Walsh Street Infills LH	Walsh St Nth End	Mareeba	2526.0	2965	439	4.5	1975.5	7mm chip seal
RD-005543	Walsh Street Infills RH	Walsh St Nth End	Mareeba	11.5	186	174.5	7.2	1256.4	7mm chip seal
RD-005866	Wylandra Drive	Gallo Dr	Mareeba	186.0	373	187	7.2	1346.4	7mm chip seal
RD-005867	Wylandra Drive	Gallo Dr	Mareeba	373.0	559	186	7.97	1482.42	7mm chip seal
RD-005868	Wylandra Drive	Gallo Dr	Mareeba	559.0	748	189	7.2	1360.8	7mm chip seal
RD-005869	Wylandra Drive	Gallo Dr	Mareeba	748.0	870	122	7.2	878.4	7mm chip seal
RD-005870	Wylandra Drive	Gallo Dr	Mareeba	3.0	43	40	8.2	328	7mm chip seal
								<b>Area</b>	
								<b>78,244</b>	



**ITEM-17**                      **EOI-MSC2018-01 PANEL OF PREFERRED PROVIDERS,  
OCCASIONAL PLANT HIRE 2018-2019****MEETING:**                      Ordinary**MEETING DATE:**              20 June 2018**REPORT OFFICER'S  
TITLE:**                          Senior Fleet Officer**DEPARTMENT:**                Infrastructure Services, Technical Services Group

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**EXECUTIVE SUMMARY**

*Council called for Expressions of Interest for Panel of Preferred Providers, Occasional Plant Hire 2018-2019 which closed at 11:00am Tuesday, 20 March 2018.*

**OFFICER'S RECOMMENDATION**

"That Council receive the report and empanel the contractors listed in the documentation attached for the purpose of providing Occasional Plant Hire EOI-MSC2018-01 for the 2018/2019 financial year."

**BACKGROUND**

Council called for Expressions of Interest for Panel of Preferred Providers for Occasional Plant Hire 2018-2019 which closed at 11:00am Tuesday, 20 March 2018. At the time of closing Council received 107 submissions with further two (2) submissions received after the closing time.

It is noted that 12 current contractors failed to submit tenders. Council officers will investigate conducting a supplementary tender in October 2018.

Included with the report is a list of names of contractors that are recommended to be empanelled as suitable providers under the terms and conditions of the Expression of Interest (EOI) documentation and the Local Government Act.

In accordance with Section 231 of the *Local Government Regulation 2012* titled "Exception for contractor on approved contractor list", Council is required to empanel the applicants that Council deem to be suitable providers for them to provide occasional plant hire.

Only those contractors who are listed in the panel of suitable suppliers can be used for providing occasional plant hire. This does not exclude other contractors from being engaged on a job-by-job basis should empanelled contractors not be available as long as they have been engaged under Council's conditions of hire.

**Local Supplier**

The definition of local suppliers must comply with the definition adopted by Council in Council's Procurement Policy and which:

- i. is beneficially owned by persons who are residents or ratepayers in the Mareeba Shire Council; or*
- ii. has its principle place of business/registered office within the Mareeba Shire Council; or*
- iii. Otherwise has a place of business within the Mareeba Shire Council which solely or primarily employs persons who are residents or ratepayers of the Shire.*

In addition to definition provided in the Procurement Policy, a "local supplier" for the purpose of the EOI is a supplier nearest to the township where the goods or services are required. Both local and non-local suppliers are included in the panel of suitable providers. However, when considering a non-local supplier, a 10% margin is to be applied for the purpose of assessment.

A schedule of the suitable suppliers sorted by plant type, zones (1, 2, 3, 4, and 5 as per the attached zone map) and a detailed listing of names and addresses of contractors tendered for 2018/2019 EOI is attached.

**RISK IMPLICATIONS**

Nil

**LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Procurement Policy

**FINANCIAL AND RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
To ensure cost effective selection of contractors to undertake occasional work for Council.

**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.

**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.

**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.

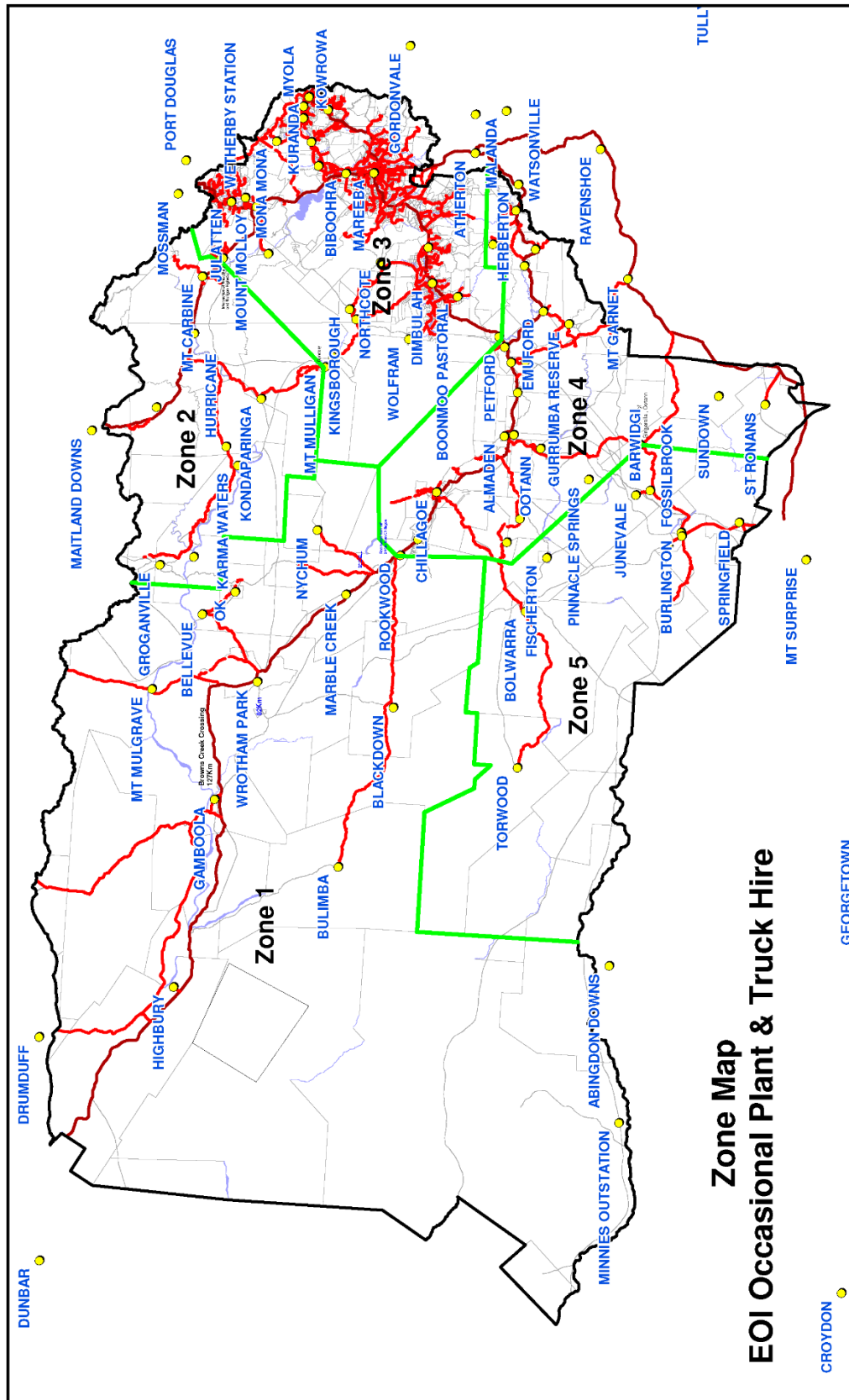
**IMPLEMENTATION/COMMUNICATION**

The empanelled list of contractors will be notified in writing.

**ATTACHMENTS**

1. EOI Occasional Plant and Truck Hire Zone Map;
2. List of Panel of Providers EOI-MSC2017-01 (provided separately).

***Date Prepared:*** 25 May 2018



**Scale 1cm = (1000 m or km) at A4**  
Map Grid of Australia Zone 55 (GDA94)

©2016 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and the State of Queensland Department of Natural Resources & Mines (DNRM) (2016). In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, timeliness or suitability) and accept no liability (including where negligence) for any loss or damage caused by or arising from the use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

**ITEM-18                      INFRASTRUCTURE SERVICES, TECHNICAL SERVICES  
MONTHLY ACTIVITIES REPORT - MAY 2018****MEETING:**                      Ordinary**MEETING DATE:**              20 June 2018**REPORT OFFICER'S  
TITLE:**                      Manager Technical Services**DEPARTMENT:**              Infrastructure Services, Technical Services Group

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**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 May 2018.*

**OFFICER'S RECOMMENDATION**

"That Council receives the Technical Services Monthly Report for the month of May 2018."

**BACKGROUND****DESIGN**

- |                           |  |
|---------------------------|--|
| 2017/18 Capital Works     | <ul style="list-style-type: none"><li>• Malone Road Drainage, Mareeba - Waiting final checks</li><li>• Mareeba CBD Traffic Management Study - Documentation prepared for consultation</li><li>• Byrnes Street, Mareeba, Water Main - Traffic island landscape plan detailed design being finalised</li></ul>   |
| Works for Queensland Rd 2 | <ul style="list-style-type: none"><li>• Western Beef Roads Causeway - Detailed Designs finalised</li></ul>   |
| 2018/19 Capital Works     | <ul style="list-style-type: none"><li>• Mt Mulligan Road, Dimbulah - Detailed Design finalised and with management for review</li><li>• Springmount Road, Arriga - Detailed Design underway</li></ul>  |
| Miscellaneous             | <ul style="list-style-type: none"><li>• Rural addresses installation for GIS</li><li>• Traffic counter installation</li><li>• Leadingham Creek Road, Dimbulah - Proposed drainage works design</li><li>• As constructed information provided</li><li>• DBYD information provided</li><li>• Doyle Street, Mareeba Dump Point- Detailed Design finalised</li><li>• Mareeba Aerodrome - Staging lease plan amendments</li><li>• Mareeba Industrial Park - Detailed Survey</li><li>• Supervise Work Experience Students from Mareeba State High School</li></ul> |

## **SURVEY**

- |                           |   |
|---------------------------|---|
| Works for Queensland Rd 2 | <ul style="list-style-type: none"> <li>• Tinaroo Creek Road - Setout construction survey for works</li> </ul>   |
| Miscellaneous             | <ul style="list-style-type: none"> <li>• Mareeba Landfill - Survey volume pick-up</li> <li>• Treatment Plants - Mowing areas for all treatment plants</li> <li>• Kuranda Recreation Centre, Fallon Road - Cadastral Survey Plan for Lo 14 and 28 NR808477</li> <li>• Mt Mulligan-Kondaparinga Road, Mt Mulligan - Cadastral Survey Plan for road opening</li> </ul>   |
| 2018/19 Capitals Works    | <ul style="list-style-type: none"> <li>• Flin Creek Bridge, Pinnacle Road - Detailed survey complete of existing bridge</li> <li>• Boggy Creek Bridge, Hillview Road - Detailed survey complete of existing bridge</li> <li>• Atherton Creek Bridge, Ray Road - Detailed survey complete of existing bridge</li> <li>• MIP Effley Street Extension - Detailed survey being undertaken</li> <li>• MIP Keegan/Effley Street Connection - Detailed survey being undertaken</li> <li>• Springmount Road, Arriga - Minor detailed survey works</li> <li>• Ootann Road, Ch16.8 to 18.2, Almaden - Setout construction survey for works</li> </ul> |

## **SUBDIVISIONS AND INVESTIGATIONS**

- |  |  |
|--|--|
| Subdivisions<br><i>(Under Construction)</i>  | <ul style="list-style-type: none"> <li>• 8-10 Forest Close, Kuranda</li> </ul>   |
| On-Maintenance <i>(Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset)</i> | <ul style="list-style-type: none"> <li>• Springmount Road and Kippen Drive Intersection Upgrade</li> <li>• G &amp; A Trevisin – Wolfram Road</li> <li>• Hilltop Close, Kuranda (Vegetation clearing)</li> <li>• Amaroo Stage 9</li> </ul>  |
| Operational Works  | <ul style="list-style-type: none"> <li>• 112 Barnwell property, ongoing monitoring of;               <ul style="list-style-type: none"> <li>- Dam construction completed and being monitored</li> <li>- Access approved and monitoring for erosion issues</li> <li>- Nature Base Tourism Works (MCU/17/0012) completed and monitoring</li> </ul> </li> </ul> |

## **PROJECT MANAGEMENT**

- |          |  |
|----------|--|
| Building | <ul style="list-style-type: none"> <li>• PCYC Building Upgrade – Stainless hand rails completed.</li> <li>• Mareeba and Dimbulah Pool Filter Upgrades – Under review and waiting for audit report to determine extent of work.</li> <li>• New Pump Shed Mareeba Small Pool - Same as for pool filter upgrade</li> <li>• Dimbulah Cemetery Toilets - Construction commenced 11 June 2018</li> <li>• Kuranda Centenary Park Toilet Upgrade - Review of works completed. Tender documents available 18 June 2018</li> <li>• Mareeba Swimming Pool Kiosk and entry upgrade. Works commenced 4 June 2018. Proposed completion date 3 August 2018.</li> <li>• Dimbulah Swimming Pool - Quotes to remove non-compliant starting blocks, install new blocks and provide concrete access to starting area.</li> </ul> |
|----------|--|

**Civil**
**2017-18 Reseals Bitumen and Asphalt Programmes**

- Bitumen reseals completed in April FGF Bitumen Pty Ltd
- Pioneer commenced the Asphalt Program 11 June 2018

**2018-19 Reseals Bitumen Programme**

- Currently in negotiation FGF Bitumen for a 2<sup>nd</sup> year contract extension

**Therwine Street Redevelopment**

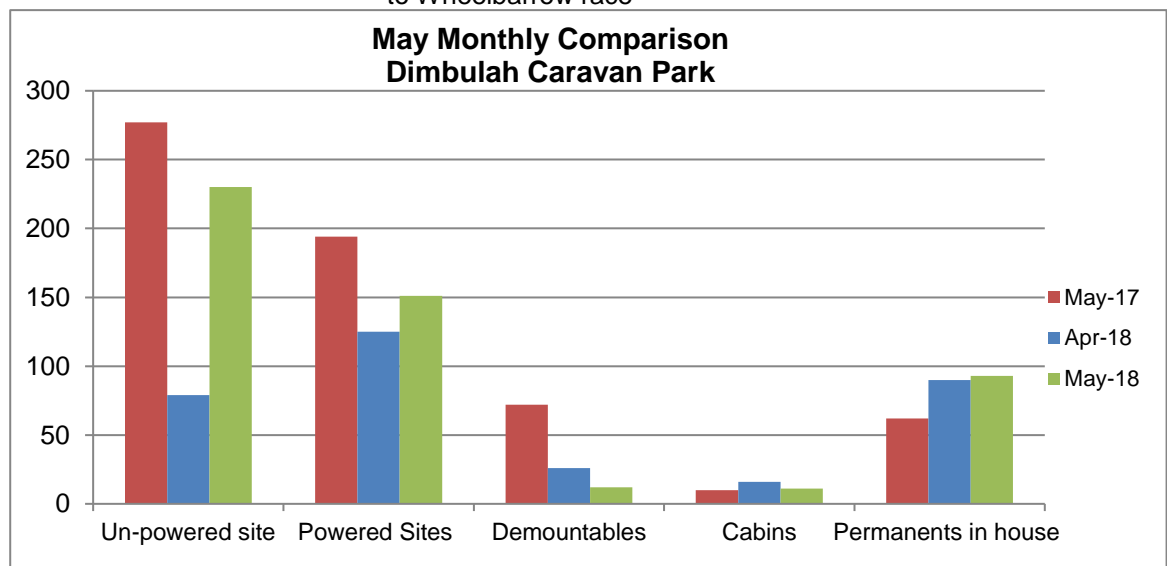
- JMAC Constructions finalising design plans
- Difficulties with achieving compliant footpath gradients in Lower Therwine Street
- JMAC advised Council of its expected works schedule
- Upper Therwine Street approximately 6 weeks to complete
- Lower Therwine Street approximately 12 weeks to complete
- Ongoing correspondence from concerned business owners regarding construction
- Commencement date for construction anticipated late July 2018

**NDRRA**
**06-10 March 2018 Event**

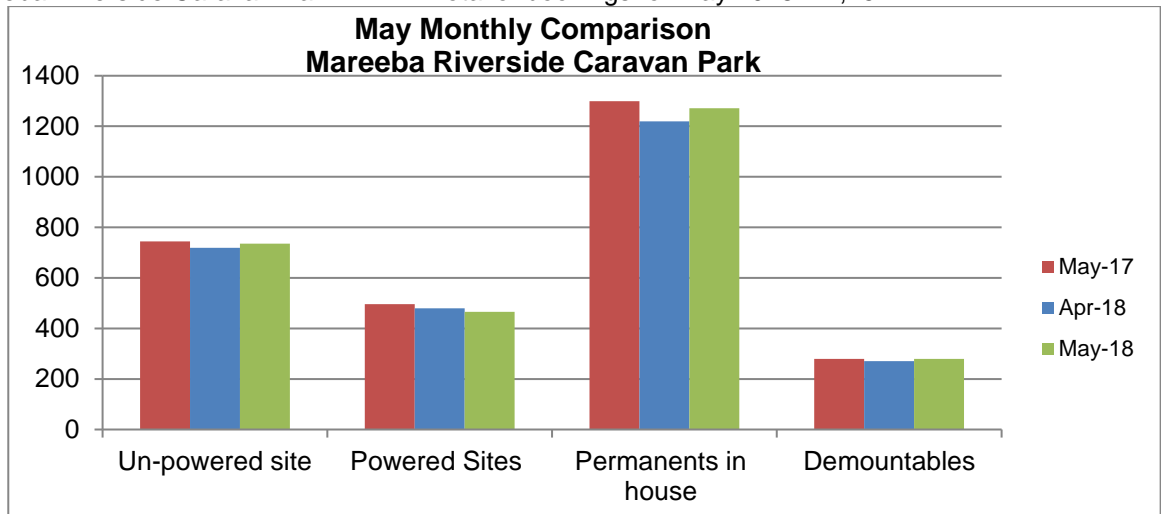
- Emergent Works Extension of Time - further additional 30 days requested for selected inaccessible roads - awaiting QRA approval.
- 3 x QRA restoration submissions lodged and awaiting QRA approval: James Creek crossing, Flaggy Creek bridge and landslip repairs.
- Full assessment of road network to ascertain extent of damage and possible restoration works is continuing.

**FACILITIES**
**Dimbulah Caravan Park**

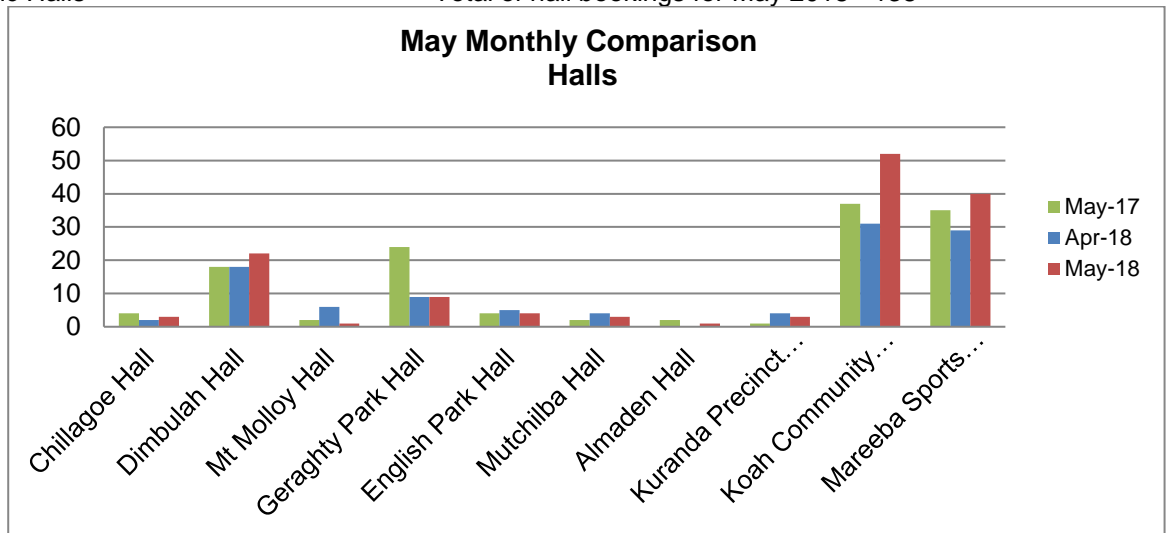
- Total of bookings for May 2018 – 497. Sites have increased due to Wheelbarrow race



**Mareeba Riverside Caravan Park** • Total of bookings for May 2018 – 2,752

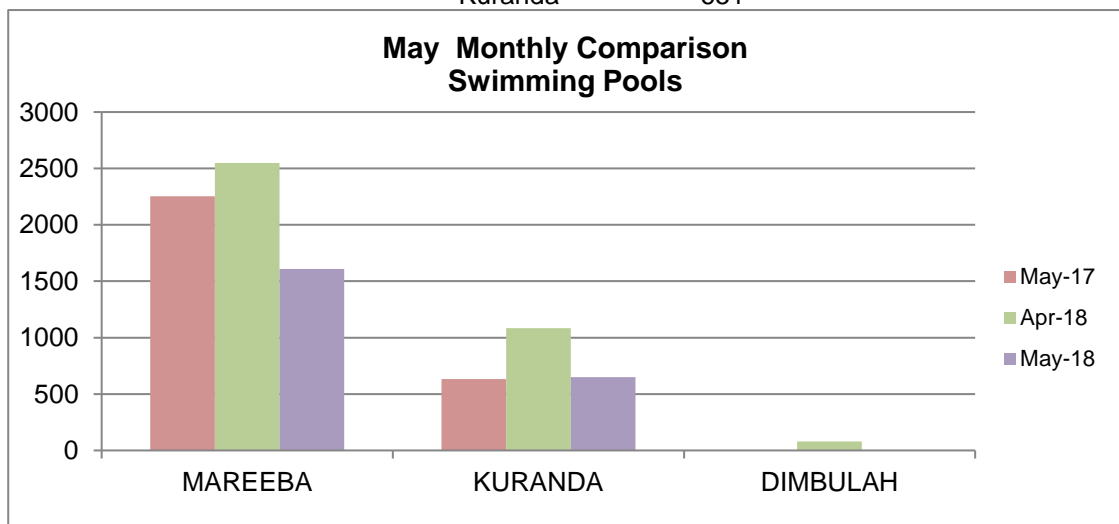


**Public Halls** • Total of hall bookings for May 2018 - 138



**Swimming Pools** • Total of patron entries for May 2018;

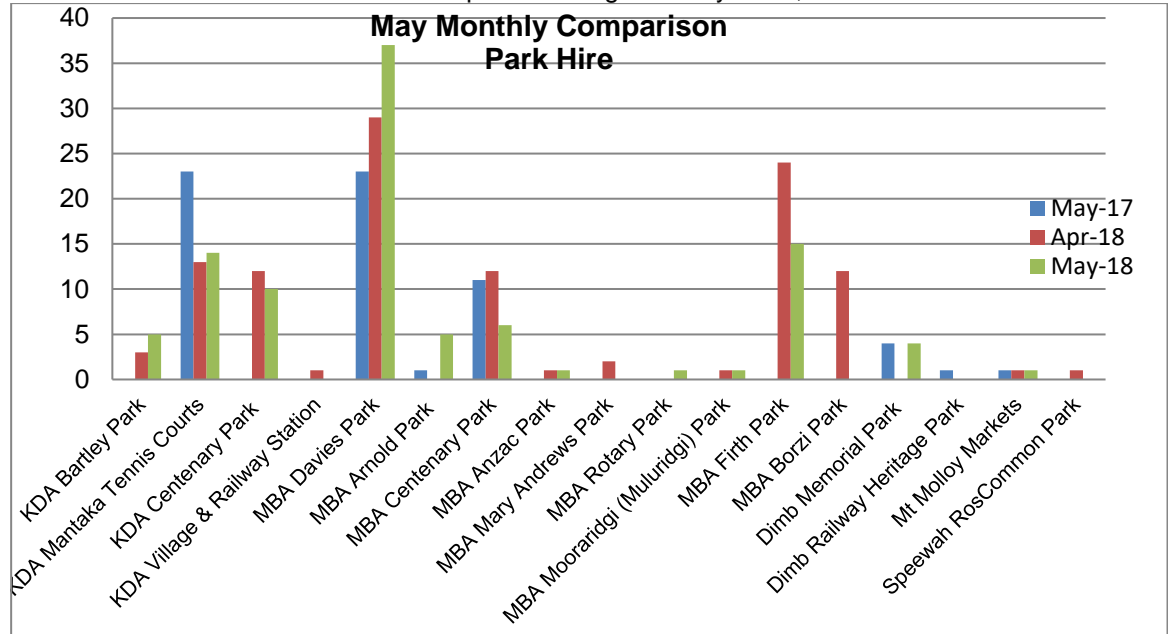
- Mareeba 1,608  
- Kuranda 651





**Park Hire**

• Total park bookings for May 2018, 100


**Vandalism and Graffiti**

During May 2018, 5 reports of graffiti and vandalism were recorded on Council Facilities.

- Mareeba Heritage Centre
- Mareeba Cemetery x2
- Kuranda Community Precinct
- Dimbulah Park Toilets

Graffiti and Vandalism	Year to date actuals
2015-16	\$2,134
2016-17	\$16,546
2017-18	\$22,452

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 June 2018

## WORKS

### **ITEM-19                      INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MAY 2018**

**MEETING:**                      Ordinary

**MEETING DATE:**            20 June 2018

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

**DEPARTMENT:**             Infrastructure Services, Works Group

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#### **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 May 2018.*

#### **OFFICER'S RECOMMENDATION**

"That Council receives the Infrastructure Services, Works Progress Report for the month of May 2018."

#### **BACKGROUND**

##### **Maintenance Activities**

Maintenance activities accruing more than \$1,000 in expenditure were carried out in May at the following locations:

Description	Activity
Ootann Road, Almaden	Grading unsealed roads
McBean Road, Arriga	Grading unsealed roads
Fossilbrook Road, Barwidgi	Grading unsealed roads
Junevale Road, Barwidgi	Grading unsealed roads
Cowan Road, Biboohra	Grading unsealed roads
Fisher Road, Biboohra	Grading unsealed roads
Harrigan Road, Chewko	Grading unsealed roads, slashing
Healy Road, Chewko	Grading unsealed roads, slashing
Narcotic Creek Road, Chewko	Grading unsealed roads, slashing
Paglietta Road, Chewko	Grading unsealed roads, slashing
Roos Road, Chewko	Grading unsealed roads, slashing
Bolwarra Road, Crystalbrook	Grading unsealed roads
Leadingham Creek Road, Dimbulah	Drainage, slashing
Leafgold Weir Road, Dimbulah	Slashing
Amber Road, Fossilbrook	Grading unsealed roads
Hurricane Road, Hurricane	Grading unsealed roads
Alice Street, Irvinebank	Grading unsealed roads
Annie Street, Irvinebank	Grading unsealed roads
Cemetery Road, Irvinebank	Grading unsealed roads
Gibbs Lane, Irvinebank	Grading unsealed roads
Hales Siding Road, Irvinebank	Grading unsealed roads
Macdonald Street, Irvinebank	Grading unsealed roads
Rubina Terrace, Irvinebank	Grading unsealed roads
Vulcan Ore Road, Irvinebank	Grading unsealed roads
Vulcan Wood Road, Irvinebank	Grading unsealed roads
Highland Drive, Julatten	Slashing

Description	Activity
Mount Lewis Road, Julatten	Culvert repairs, road furniture, slashing
Nine Mile Road, Julatten	Grading unsealed roads, slashing
Black Mountain Road, Julatten	Grading unsealed roads, slashing
Kanervo Road, Koah	Bitumen patching, grading unsealed roads, slashing
Koah Road, Koah	Bitumen patching, grading unsealed roads, road inspections
Barron Falls Road, Kuranda	Bitumen patching, grading unsealed roads, road furniture
Coondoo Street, Kuranda	Bitumen patching, road furniture
Masons Road, Kuranda	Grading unsealed roads, road furniture
Myola Road, Kuranda	Bitumen patching, road furniture, slashing
Oak Forest Road, Kuranda	Bitumen patching, road furniture, slashing
Weir Road, Kuranda	Bitumen patching, grading unsealed roads, slashing
Byrnes Street (North), Mareeba	Road furniture
Chewko Road, Mareeba	Road furniture, slashing, spraying
Cobra Road, Mareeba	Grading unsealed roads, slashing
Copine Road, Mareeba	Grading unsealed roads, slashing
Emerald End Road, Mareeba	Slashing
Emerald Falls Road, Mareeba	Grading unsealed roads, slashing
Fichera Road, Mareeba	Slashing
George Fabris Road, Mareeba	Grading unsealed roads
Henry Hannam Drive, Mareeba	Grading unsealed roads, road furniture
Jennings Road, Mareeba	Grading unsealed roads
Kay Road, Mareeba	Slashing
Lockwood Road, Mareeba	Grading unsealed roads, slashing
Malone Road, Mareeba	Slashing
Marinelli Drive, Mareeba	Bitumen patching, slashing
Martin Avenue, Mareeba	Grading unsealed roads, slashing
McIver Road, Mareeba	Grading unsealed roads, slashing
Mines Road, Mareeba	Grading unsealed roads, slashing
Peters Road, Mareeba	Grading unsealed roads
Ray Road, Mareeba	Bitumen patching, grading unsealed roads, road furniture, slashing
Roiko Road, Mareeba	Slashing, spraying
Shanty Creek Road, Mareeba	Slashing
Tinaroo Creek Road, Mareeba	Grading unsealed roads, slashing
Venture Road, Mareeba	Grading unsealed roads, slashing
Kondaparinga Road, Mt Carbine	Grading unsealed roads
Bakers Road, Mt Molloy	Grading unsealed roads, slashing
Fraser Road, Mt Molloy	Grading unsealed roads, slashing
Wetherby Road, Mt Molloy	Culvert repairs, grading unsealed roads, road furniture, road inspections, slashing
Mount Mulligan-Kondaparinga Road, Mt Mulligan	Grading unsealed roads
Austin Road, Mona Mona	Grading unsealed roads
Collins Weir Road, Mutchilba	Grading unsealed roads, spraying
Pin Road, Mutchilba	Bitumen patching, spraying
Stankovich Road, Mutchilba	Grading unsealed roads, spraying
Fassio Road, Paddy's Green	Slashing
Springs Road, Paddy's Green	Slashing
Springfield Road, Springfield	Grading unsealed roads, street sweeping
Mt Mulligan Road, Thornborough	General repairs and maintenance, grading unsealed roads

The table below shows the current budget position of road maintenance for Mareeba Shire Council at the end of May.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,338,972	\$3,060,193	\$2,902,809

### **Work for Queensland Package 2**

#### **Tinaroo Creek Road - Road Widening, Overlay and Reseal**

Practical completion of the Tinaroo Creek Road - Road Widening, Overlay and Reseal was reached mid-May 2018. Line marking will be undertaken late June.

The scope of the project included 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 were also extended to cater for the widening activities.

Wet weather resulting in gravel loss and delay combined with sections of very poor subgrade conditions at the Ada Creek end of the project resulted in a cost overrun of approximately 13%. It is anticipated that savings generated from other W4Q2 projects will cover the cost overrun.



### **Hodzic Road Causeway Extension**

Works commenced mid-May on the extension of the Hodzic Road causeway located approximately 590m from the intersection of Hodzic Road and the Mulligan Highway. Works include extending the northern end of the existing causeway by 10m and the southern end by 70m.

Works were completed in early June.



### **Clacherty Road Causeway Upgrade**

Works commenced early May on the installation of a concrete causeway at Clacherty Road, Julatten. Works include the installation of a 17m x 4.5m concrete causeway, a 600mm Ø low flow pipe, rock protection and unsealed approaches.

Works were completed late May with savings of approximately \$50,000.





### **DTMR Third Party Works**

#### **Herberton - Petford Road Resheet**

In December 2017, DTMR requested pricing for proposed resheeting works on the Herberton - Petford Road and the Burke Developmental Road.

Two sections of the Herberton - Petford Road, Ch 23.11 to 24.05 and Ch 24.14 to 25.47 were started and completed in May.



#### **Burke Developmental Road Resheet**

In December 2017, DTMR requested pricing for proposed resheeting works on the Herberton - Petford Road and the Burke Developmental Road.



One section of the Burke Developmental Road, Ch 588.18 to 591.75 was commenced late May and will be complete mid-June.



Both resheeting projects are required to be completed and claim prior to the end of the 2017/18 financial year.

### **Beef Road Funding**

#### **Ootann Road - Almaden to Kennedy Highway - Sealing Works Package 1**

In late May works commenced at Ootann Road on the first of the Beef Road Packages. The project is from Ch 16.9 to 18.3 and entails the extension and widening of the existing causeway at the Sandy Tate River by 37m followed by 1.36km of 9m wide two coat bitumen sealed road.

Works are valued at \$860,000 and are estimated to be completed by mid-July.



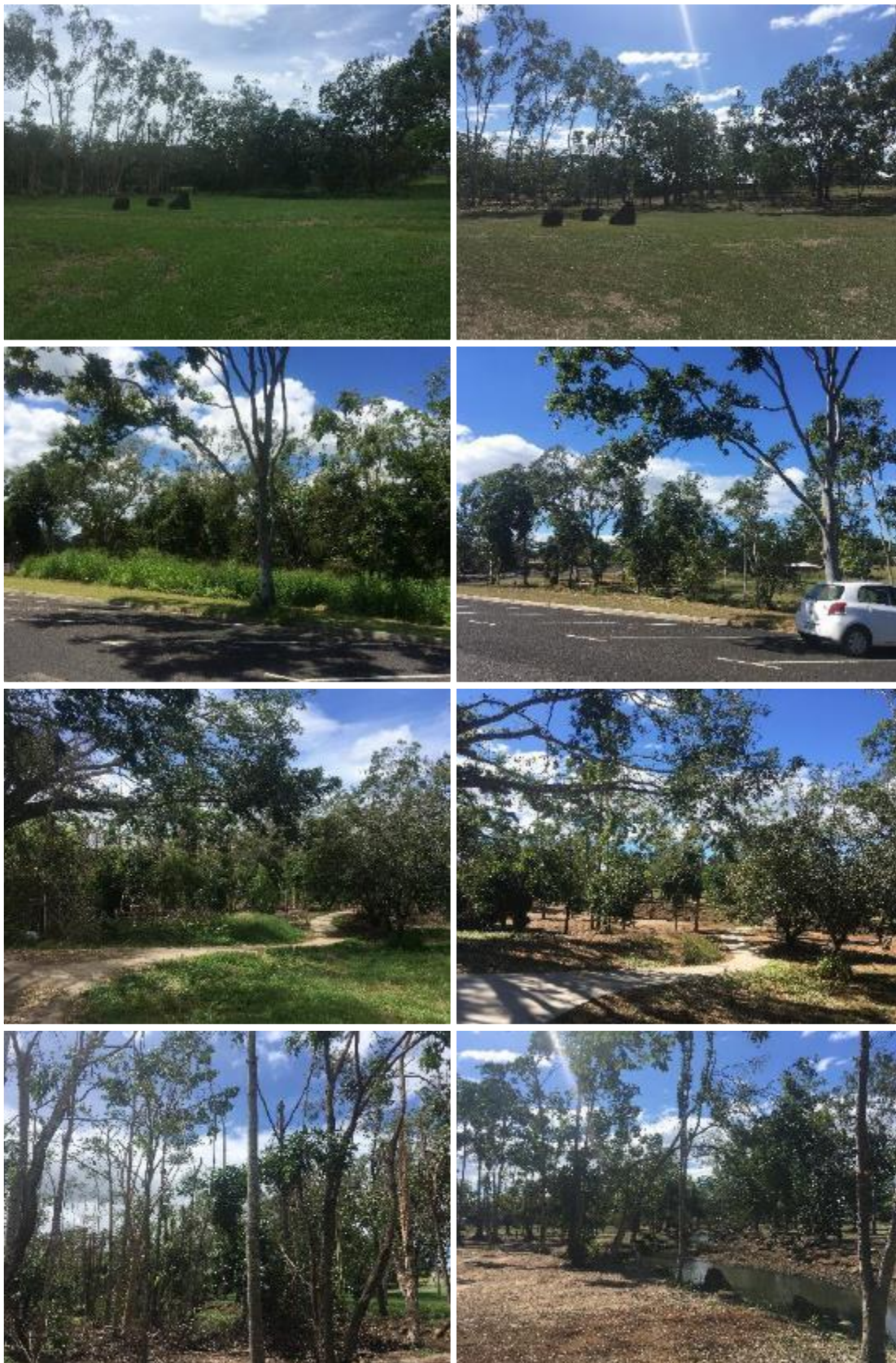
### **2018/19 Capital Works**

#### **Basalt Gully Vegetation Management**

Council at its Ordinary Meeting of 21 March 2018 resolved to adopt the Basalt Gully Vegetation Management Project. The works involved the clearing of selected trees between Stewart and Keeble Streets in Basalt Gully and the top soiling and levelling of holes and indents to provide a safer environment for people wishing to use the Bicentennial Lakes precinct.

Works were largely completed at the end of May with only minor fill and pruning left to complete.





### **TMR Routine Maintenance Performance Contract (RMPC)**

Routine maintenance activities were undertaken during May 2018 at the following locations;

<b>Primary Location</b>	<b>Activity Name</b>
Kennedy Highway - Cairns/Mareeba	Rest area servicing
Kennedy Highway - Mareeba/Ravenshoe	Tractor slashing, urban
Mulligan Highway - Mareeba/Mt Molloy	Repair or replace guide markers
	Tractor slashing, rural includes traffic control
Mulligan Highway - Mt Molloy/Lakeland	Emergency callout/ traffic accident
	Rest area servicing
	Roadside litter collection, rural
Mossman - Mt Molloy Road	Emergency callout/ traffic accident
	Roadside litter collection rural
Mareeba Connection Road	Repair signs excluding guide signs
Mareeba - Dimbulah Road	Other sign work
	Tractor slashing, rural includes traffic control
Burke Developmental Road	Medium formation grading (western)
	Pothole patching includes traffic control
	Repair signs excluding guide signs
	Tractor slashing, rural includes traffic control

The total claim to DTMR for the works listed above for the month of May 2018 was \$145,388.25.

### **Parks and Gardens Section**

#### **Maintenance Activities**

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in May at the following locations:

<b>Location</b>
Parks, Library, CBD and Streets, Kuranda
Street Mowing, Mareeba
Basalt Gully and Bi-Centennial Lakes, Mareeba
Byrnes Street Medians, Mareeba
Davies Park, Mareeba
Esplanade, Kuranda
Mowing Streets, Bibbohra
Bi-Centenary Park, Mt. Molloy
Vains Park, Mt. Molloy
Furniture and Playground Equipment, Mareeba
Borzi Park, Mareeba
Mooraridgi Park, Mareeba
Sunset/Sunbird Park, Mareeba
Drainage Easements, Mareeba
Centenary Park, Mareeba
Arnold Park, Mareeba
Parks and Gardens, Chillagoe
Raleigh Street Park, Dimbulah
Eales Park, Mareeba
Molloy Road Approaches, Mareeba
Town Hall Park, Dimbulah
Anzac Park, Mareeba
Mary Andrews Gardens, Mareeba
Shaban Park, Mareeba

The table below shows the current budget position of Parks and Gardens maintenance for Mareeba Shire Council.

<b>Annual Budget</b>	<b>Year to Date Budget</b>	<b>Year to Date Actual</b>
\$1,794,335	\$1,649,038	\$1,652,421

## **Bridge Section**

### **Maintenance Activities**

Bridge inspection and maintenance activities were carried out in May at the following locations;

Structure	Road	Chainage	Area
Bridge	Oak Forest Road	2890	Kuranda
Culvert	Oak Forest Road	2404	Kuranda
Causeway	Rubina Terrace	118	Irvinebank
Causeway	Black Mountain Road	43468	Julatten
Culvert	Black Mountain Road	44070	Julatten
Culvert	Bowers Street	388	Mareeba
Causeway	Andy Sheppard Drive	4689	Glen Russell
Bridge	Oak Forest Road	593	Kuranda
Culvert	Lappa - Mt Garnet Road	22355	Petford
Bridge	Black Mountain Road	15131	Kuranda
Culvert	Lappa - Mt Garnet Road	11180	Petford
Culvert	Lappa - Mt Garnet Road	12993	Petford
Culvert	Lappa -Mt Garnet Road	19230	Petford
Culvert	Lappa - Mt Garnet Road	19945	Petford
Culvert	Lappa - Mt Garnet Road	20650	Petford
Culvert	Lappa - Mt Garnet Road	21365	Petford
Bridge	Chapmans Road	600	Julatten

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	\$515,152	\$320,775

### **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	\$409,424	\$416,616

**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. Weeds are being pushed downstream on Chinaman, Atherton and Granite Creek. Landowners along the catchment use the water for stock and domestic use so the use of chemicals must be kept to a minimum. The bulk of the plants will need to be removed manually. Bicentennial Lakes have been treated for floating aquatic pests.

**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 and have coordinated many baiting programmes.

**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.

**Electric Ants:** Paddocks were slashed on Blacks Road so Biosecurity could lay their ant lures. Electric ants have been located in a load of soil on Debel Close and have now spread down the gully between Debel Close and Blacks Road. We are now in the process of eliminating the spread of ants.

## **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.

### *Operating*

All operational works are funded by the Section specific 2017/18 maintenance budgets.

## **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:***            *07 June 2018*



## WATER & WASTE

### **ITEM-20                      TENDER EVALUATION - TMSC2018-12 MAREEBA CBD WATER MAIN UPGRADE**

**MEETING:**                      Ordinary Meeting

**MEETING DATE:**            20 June 2018

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

**DEPARTMENT:**              Infrastructure Services, Water and Waste Group

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#### **EXECUTIVE SUMMARY**

*The Mareeba CBD Water Main Upgrade Project will see the construction and installation, commissioning new 225mm water main from Rankin Street to Lloyd Street, with connection to the Rankin Street water main and under boring underneath Byrnes Street and Rankin Street Round About.*

*This project is funded through the Local Government Grants and Subsidies Program (LGGSP) which provides sixty percent (60%) of eligible project costs. This program aims to support local governments to meet the needs of their community by providing funding for the delivery of priority capital infrastructure projects.*

*Councils co-contribution to the Water Main Upgrade is forty percent (40%) for the project cost.*

*Tenders for TMSC2018-12 Mareeba CBD Water Main Upgrade Project closed at 11:00am Tuesday, 15 May 2018 and four (4) responses were received.*

*This report provides a comparison of tenders received and makes a recommendation on the preferred tenderer.*

#### **OFFICER'S RECOMMENDATION**

"That Council award Tender TMSC2018-12 Mareeba CBD Water Main Project to FGF Developments Pty Ltd for a total value of \$2,385,591.26 (exclusive of GST)."

#### **BACKGROUND**

This project will be to construct and install new water mains and connections to premises along Byrnes Street from Rankin Street intersection to the Lloyd Street Intersection with under boring the rail corridor and the roundabout located on Rankin Street. The project is to increase the capacity of the sewer trunk mains required for fast growing prime residential areas of town.

The project deliverables will include replacement of the existing 225mm diameter asbestos cement (AC) water main servicing businesses in Mareeba's central business district (CBD)

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located in Byrnes Street. The project includes approximately 900 metres of new PVC water main and water service connections to all existing customers located between Rankin Street and Lloyd Street.

The second part of this project is for the under boring of the Q Rail Corridor and the Rankin St / Byrnes St Round About and replacement of existing 225 diameter asbestos cement (AC) water main servicing residents and businesses from Constance Street to the Q Rail Corridor connection. Completing this section of water main will not only eliminate a complicated valving arrangement but will also replace a fatigued section of existing water main.

The project is essential for continuity of water supply to those premises as the existing, failing water main is approaching the end of its useful life. A report prepared by Aurecon in 2016 estimated that the existing water main had approximately five (5) years life remaining.

The Street Tree Landscaping for the western side of Byrnes Street will be incorporated into this project, to eliminate doubling up of works and reduce costs associated with implementing the landscaping at a later date.

The list of tenders received and the tendered amount is provided in the table below.

Tenderer	Tender Price Submitted (GST excl.)		
	Separable Portion A	Separable Portion B	Total
Gregg Constructions Pty Ltd	\$2,017,491.30	\$741,238.20	\$2,758,729.50
FGF Developments	\$1,998,262.62	\$387,328.64	\$2,385,591.26
HEH Civil	\$1,464,610.00	\$275,573.00	\$1,740,183.00
Reay Services Group	\$1,870,045.20	\$326,335.50	\$2,196,380.70

Tenders were reviewed in accordance with the evaluation criteria stated in the tender documentation:

#### Assessment Criteria

Criteria	Weightings
Tendered Price	40%
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Tenderer's Resources	10%
Demonstrated Understanding	20%
<b>Total</b>	<b>100%</b>

Price is a calculated formula dependent on the actual tender received against the median of all prices received. Scores for the other criteria are subject to knowledge of the tenderers performance on previous projects.

## TENDER EVALUATION

The criteria weightings were applied to the scores and the assessment summary is presented below.

### Tender Assessment Summary

Tenderer	Total Weighted Score
FGF Developments Pty Ltd	64%
Gregg Construction Pty Ltd	30%
HEH Civil Pty Ltd	46%
Reay Group Pipe & Civil Pty Ltd	40%

### Tender Evaluation

Trinity Engineering and Consulting (TEC) was engaged to undertake a third-party evaluation of tenders and assisted in the post-tender negotiations with Council. All four (4) tender offers were assessed against the tender criteria and ranked accordingly.

#### Reay Services Group

Reay Services Group tender submission highlighted they had completed four (4) projects of similar nature in rural/remote environments, and provided for a supervisor, plumber and another plumber operator only. Their list of plant is generic only and provided a construction program with brief methodology.

#### HEH Civil

HEH Civil's submission showed they had only completed two (2) projects of a similar nature in a rural environment and provided for a supervisor, leading hand and project manager. There were no details on plant and equipment and materials to be provided, with a generic methodology and a brief project specific methodology.

HEH Civil's tender price is unusually low, a difference of 25% below that of the median price.

#### Gregg Constructions

Gregg Constructions have no direct relevant experience demonstrated in this field of work. They provided for a Project manager, systems manager and supervisor. They provided a comprehensive list of plant and equipment and materials, with a construction program and brief methodology.

#### FGF Developments

FGF Developments' tender submission scored the highest. Throughout FGF Developments' tender submission, they demonstrated an understanding of the works and the sensitive nature of the urban works. FGF Developments has had extensive experience of similar works in urban environments. FGF Developments' tender does contain a list of clarifications and

qualifications; however, these are considered acceptable as they do not explicitly contravene requirements of the contract documentation.

It is noted that HEH Civils' tender price is significantly lower than FGF Developments and the median price. The difference in HEH Civils' tender price and the median price is 25%, which would be considered unusually low. Generally, an unusually low bid, greater than 20% lower than median price, represents a risk to the Principal and the Contractor. Typically, an unusually low bid has not contemplated the full scope of works, project risk or/and unfamiliar with the complexity of the works under contract. Consequently, the Principal is exposed to the risks of prolonged construction period, poor workmanship and ultimately works under contract not being complete.

The tendered price from FGF Developments is within the available funding for the project.

## **RISK IMPLICATIONS**

### **Infrastructure and Assets**

Telstra and Ergon services: though extensive locating works have been undertaken it remains a risk that Telstra and or Ergon infrastructure could be compromised

### **Health and Safety**

Project site is a high-risk site with both pedestrian and vehicle movements

## **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Tenders were invited in accordance with Council's Procurement Policy

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### *Capital*

Yes - 60% funded through Local Government Grants and Subsidies Program (LGGSP) with Council co-contributing the remaining 40% of funding

*Is the expenditure noted above included in the current budget?*

Yes

## **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.

**Economy:** A growing and vibrant local economy supported by a planning scheme that seeks to balance development with rural sustainability and lifestyle considerations.

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

**IMPLEMENTATION/COMMUNICATION**

Advice is provided to residents and businesses affected by any activities

**ATTACHMENTS**

Nil

***Date Prepared:***            *29 May 2018*



**ITEM-21                      INFRASTRUCTURE SERVICES, WASTE OPERATIONS  
REPORT - MAY 2018****MEETING:**                      Ordinary**MEETING DATE:**              20 June 2018**REPORT OFFICER'S  
TITLE:**                          Manager Water and Waste**DEPARTMENT:**                Infrastructure Services, Water and Waste Group

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**EXECUTIVE SUMMARY**

*This report summarises Council's Waste activities undertaken by the Infrastructure Services Department during the month of May 2018.*

**OFFICER'S RECOMMENDATION**

"That Council receives the Infrastructure Services, Waste Operations Progress Report, May 2018."

**Summary of Waste Activities**

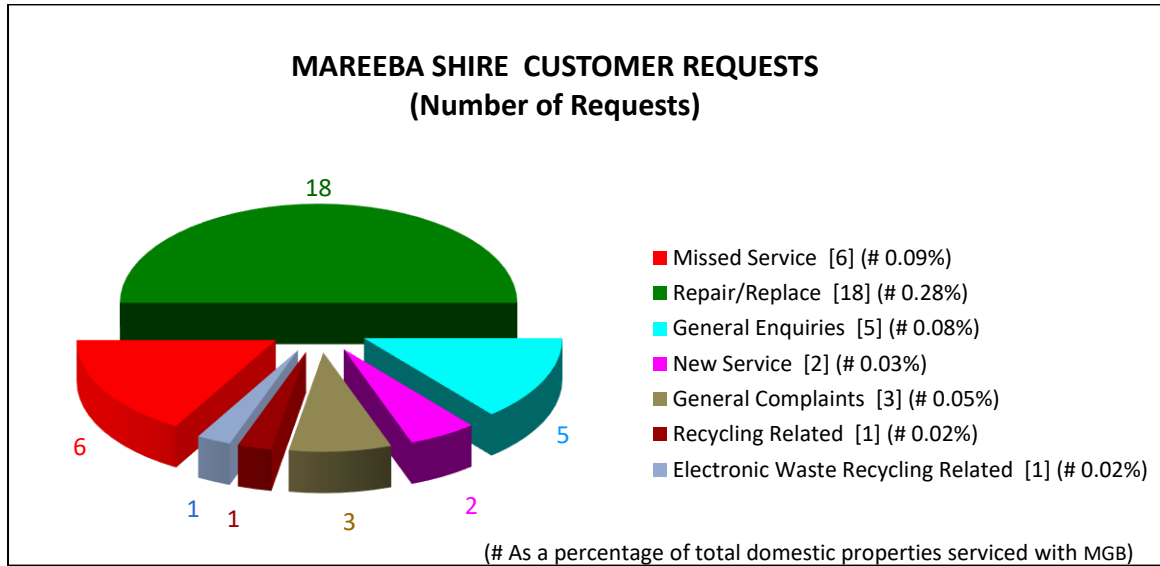
The following is a 'snapshot' of the waste activities undertaken during the month of May 2018.

**1. Waste Operations**

- 5,854 vehicles entered Mareeba waste facility (to drop off or pick up waste)
- 385 vehicles deposited waste to Mareeba Landfill (total)
- 133 Suez vehicles deposited waste to Mareeba Landfill
- 39 Suez vehicles removed waste from Mareeba WTS to recycling facility in Cairns
- 70 m<sup>3</sup> of mulch removed from Mareeba WTS (9 in bulk sales and 61 in small lots)
- All transfer stations and Mareeba landfill are currently operational

**2. Customer Service Waste Statistics**

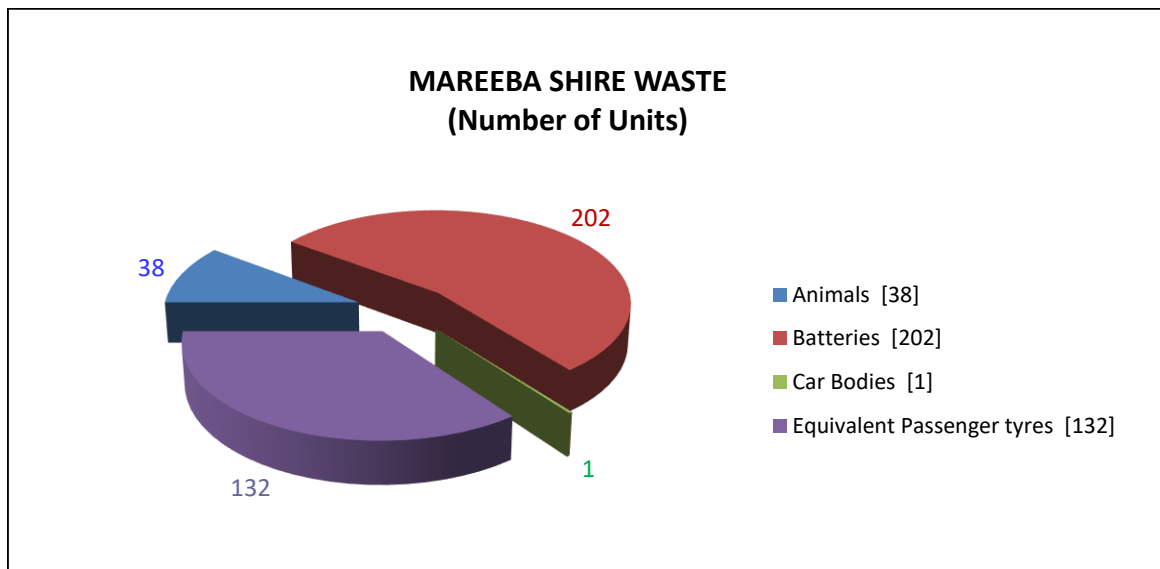
The following graph displays customer requests logged in the Customer Request Management (CRM) system during the month of May 2018.



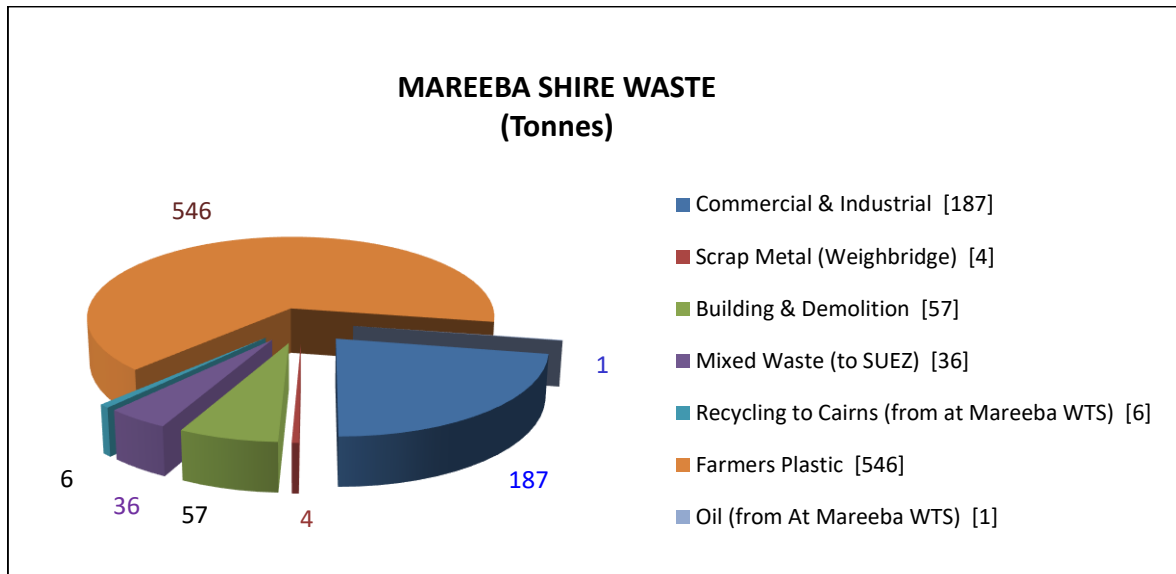
### 3. Waste Collected at Each of the Transfer Stations

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.

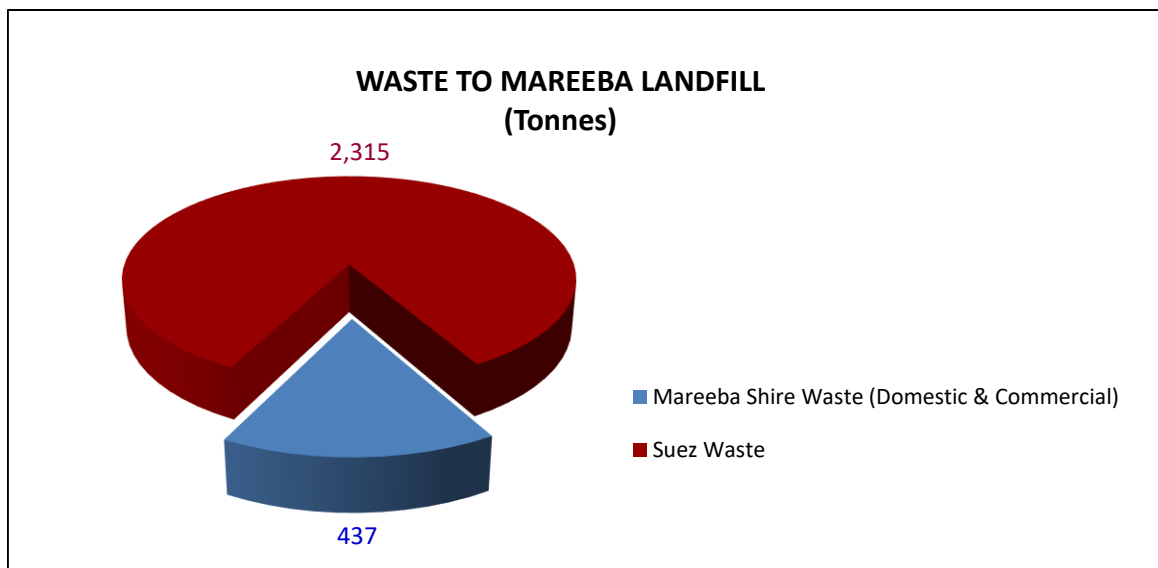






#### 4. Waste to Mareeba Landfill

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:

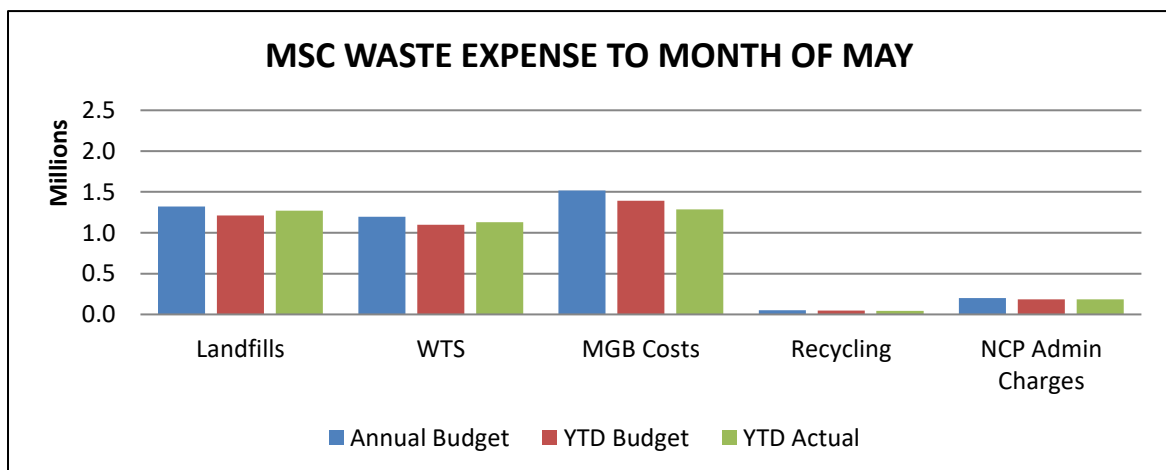
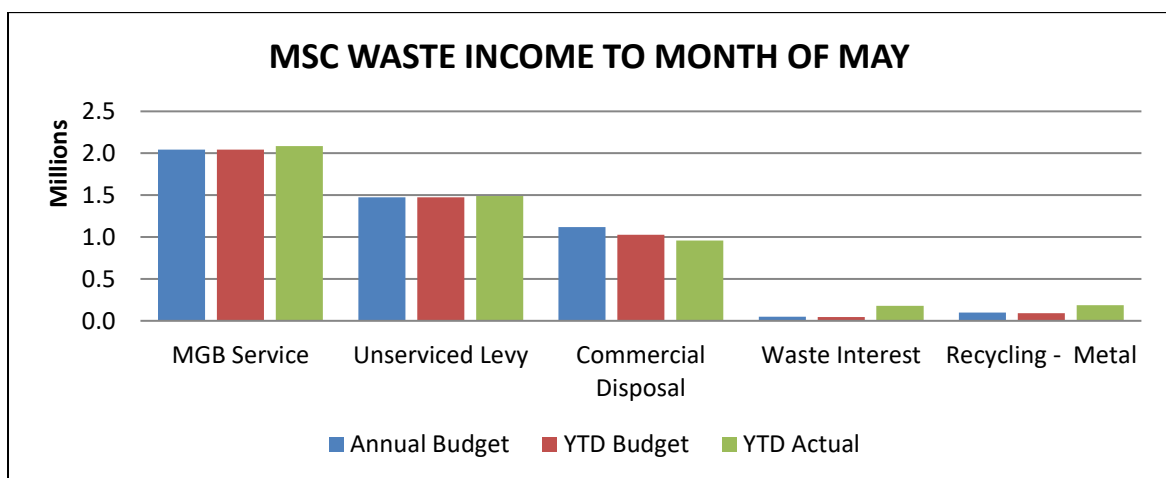
- Commercial disposal (predominantly Suez)
- Interest earned

- 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.*

### *Operating*

*All operational works are funded by the Section specific 2017/18 maintenance budgets.*

## 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:** 1 June 2018



**ITEM-22                      INFRASTRUCTURE SERVICES, WATER AND  
WASTEWATER GROUP MONTHLY OPERATIONS  
REPORT - MAY 2018****MEETING:**                      Ordinary**MEETING DATE:**              20 June 2018**REPORT OFFICER'S  
TITLE:**                          Manager Water and Waste**DEPARTMENT:**              Infrastructure Services, Water and Waste Group

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**EXECUTIVE SUMMARY**

*The purpose of this report is to summarise Council's Water and Wastewater activities undertaken by the Infrastructure Services Department during the month of May 2018.*

**OFFICER'S RECOMMENDATION**

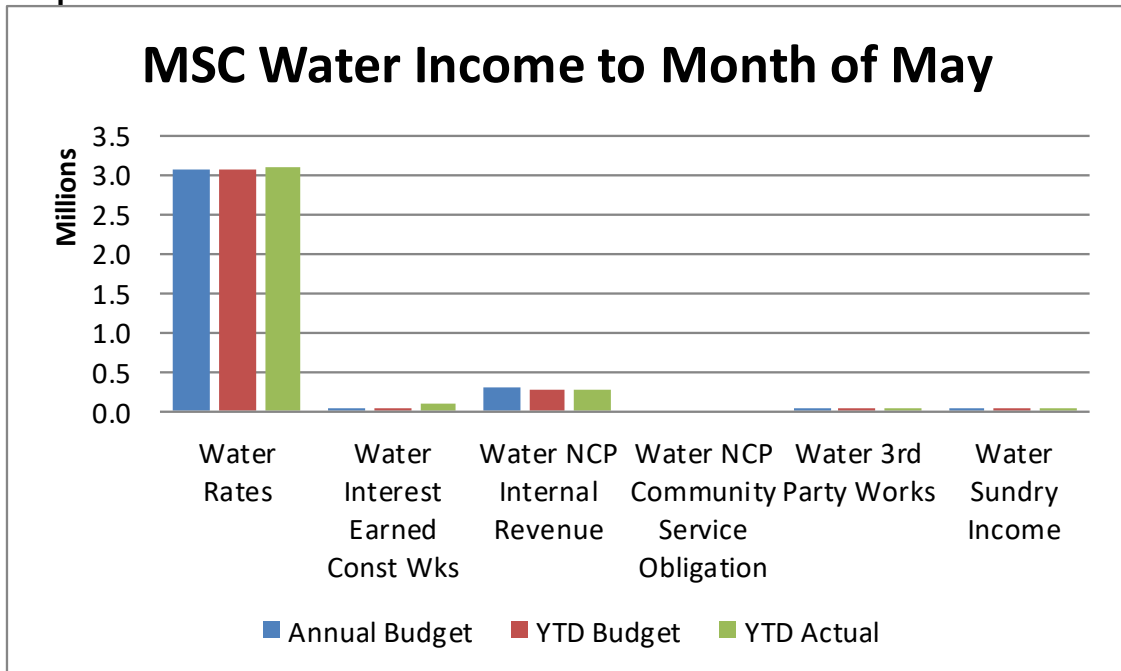
"That Council receives the Infrastructure Services, Water and Wastewater Progress Report for the month of May 2018."

**BACKGROUND****1. Capital and Maintenance Works Projects**

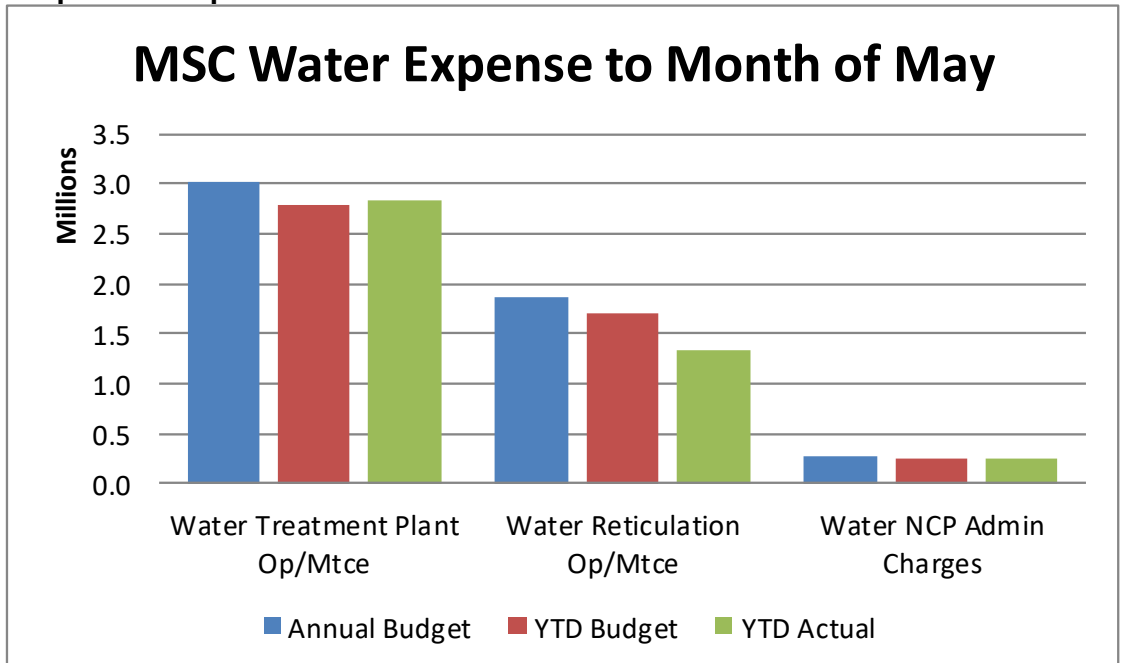
- Kenneally Sewer Rising main construction - expected project completion date is 8 June 2018. The sewer pump station has now been upgraded with the new pumps and electrical switchboard works completed.

## 2. Budget - Water

### Graphical - Revenue

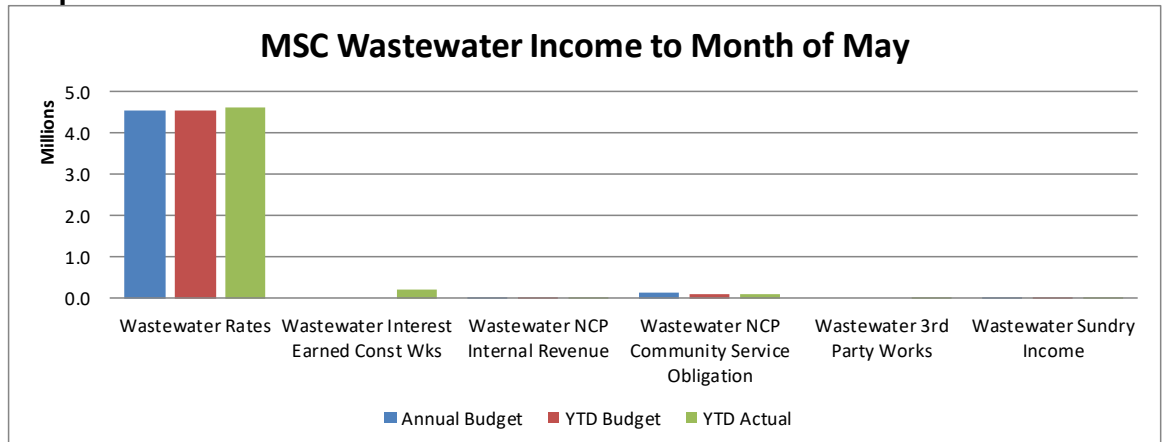


### Graphical – Expense

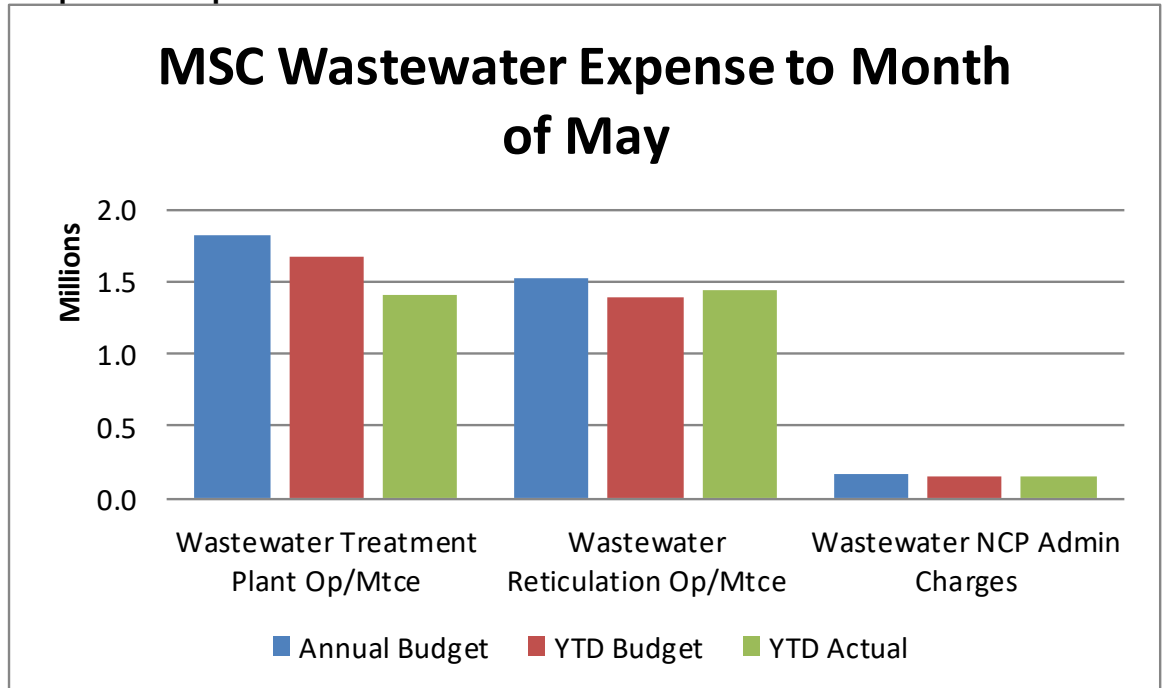


### 3. Budget - Wastewater

#### Graphical - Revenue



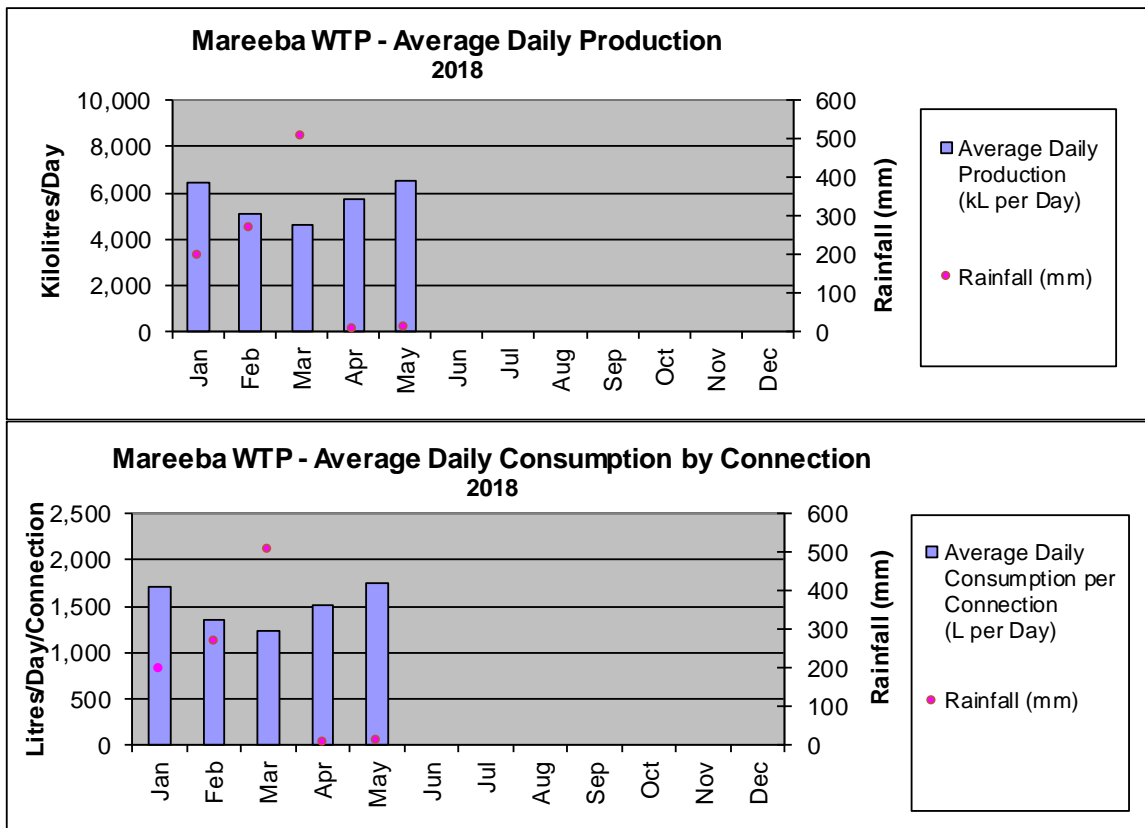
#### Graphical – Expense



### 4. Chlorine Residual Readings

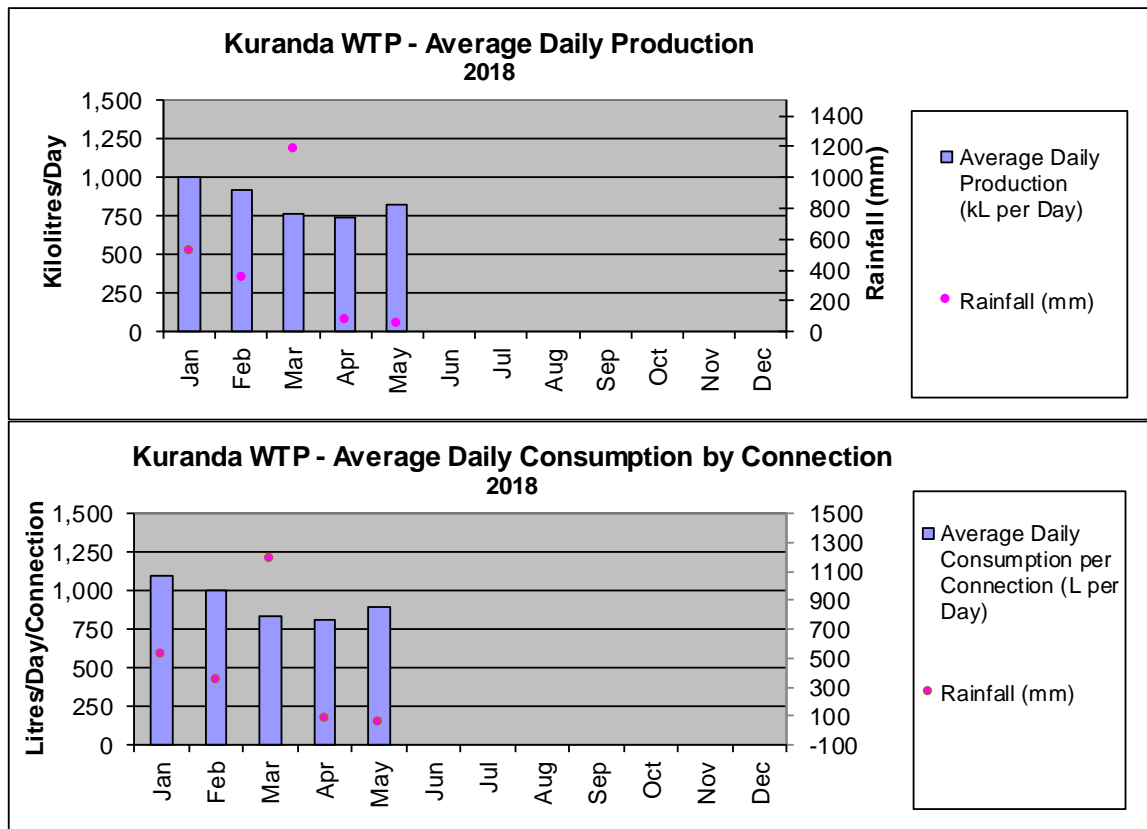
May 2018	Chlorine Residual Readings 2018												
	Australian Drinking Water Guidelines Maximum 5mg/L												
	Wed 2nd	Fri 4th	Mon 7th	Wed 9th	Fri 11th	Mon 14th	Wed 16th	Fri 18th	Mon 21st	Wed 23rd	Fri 25th	Mon 28th	Wed 30th
Mary Andrews Park Mareeba	1.28	1.25	1.76	1.72	1.63	1.48	1.25	1.27	1.29	1.36	1.29	1.34	1.27
Wylandra Drive Mareeba	0.92	0.94	0.92	0.96	1.20	1.07	1.16	1.50	1.21	1.20	1.07	1.17	0.96
Gregory Terrace Kuranda	0.92	1.23	1.22	1.16	1.01	0.96	0.98	1.01	0.98	0.98	1.09	1.19	1.08
Mason Rd PS Kuranda	1.12	1.36	1.21	1.30	1.18	1.22	1.25	1.20	1.18	1.13	1.25	1.27	1.28
Chillagoe	1.15	0.77	0.98	1.26	1.12	1.20	1.03	1.15	1.15	1.06	1.12	1.16	1.17
Dimbulah	1.10	0.96	1.68	1.62	1.44	1.33	1.22	1.14	1.47	1.52	1.25	1.21	1.13

## 5. Mareeba Water Supply Scheme – Operations Data

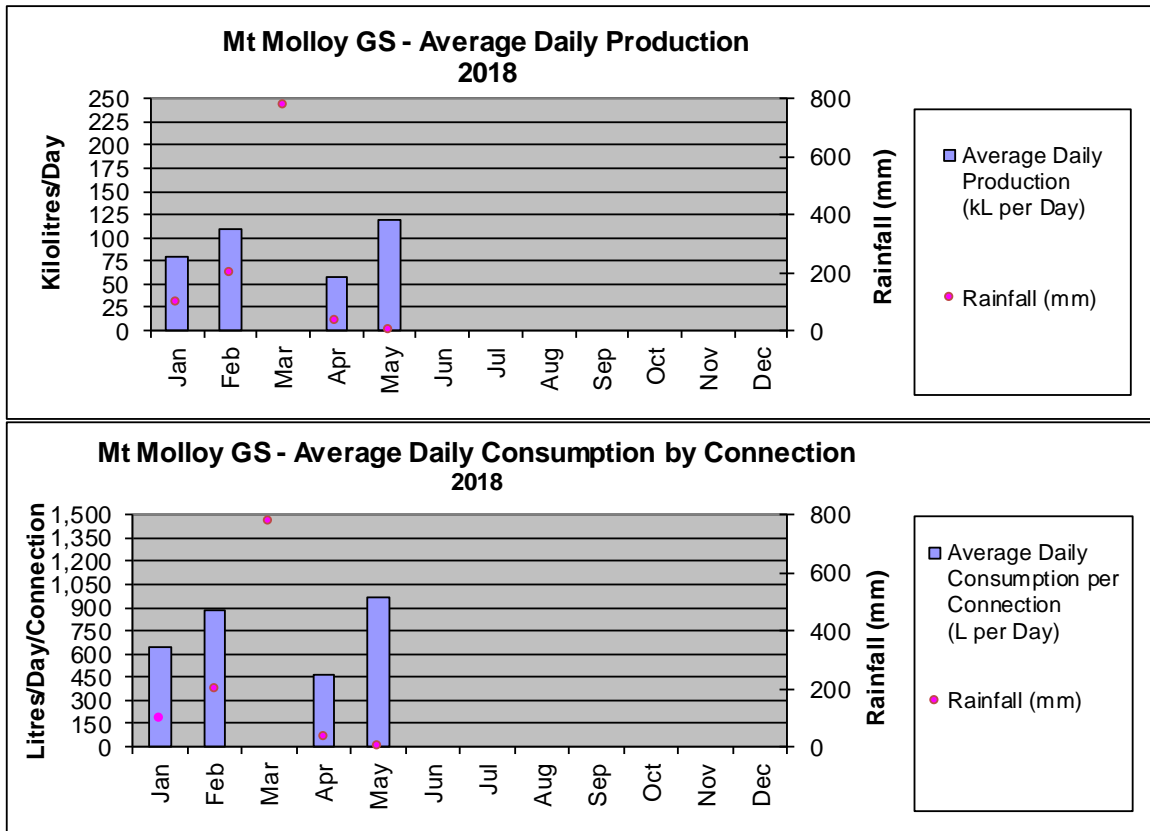




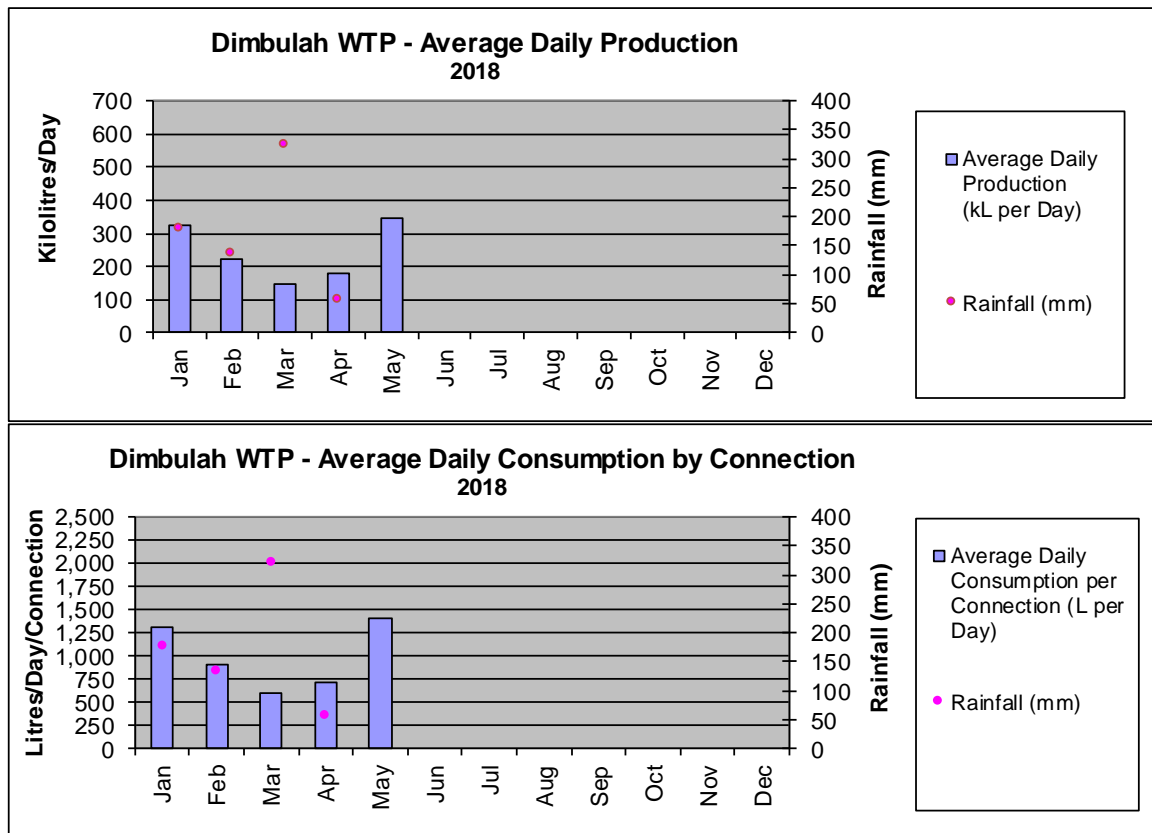
## 6. Kuranda Water Supply Scheme - Operations Data



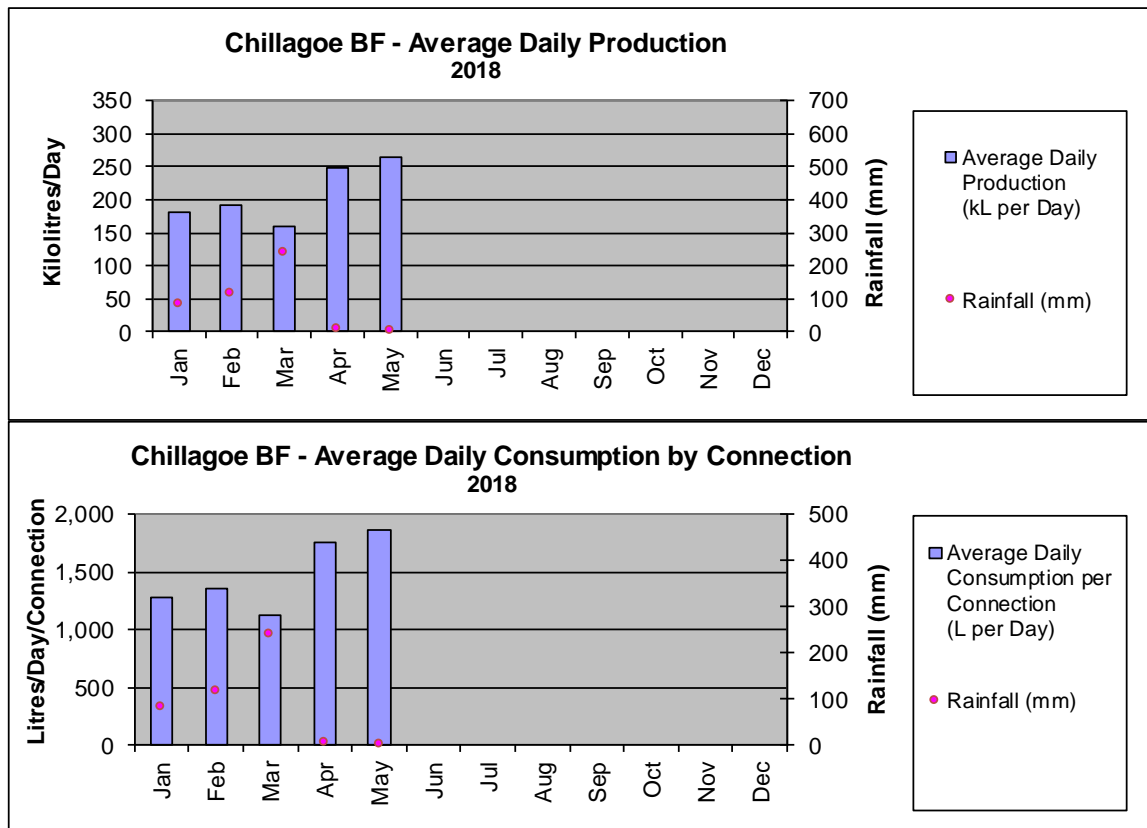
## 7. Mount Molloy Water Supply Scheme - Operations Data



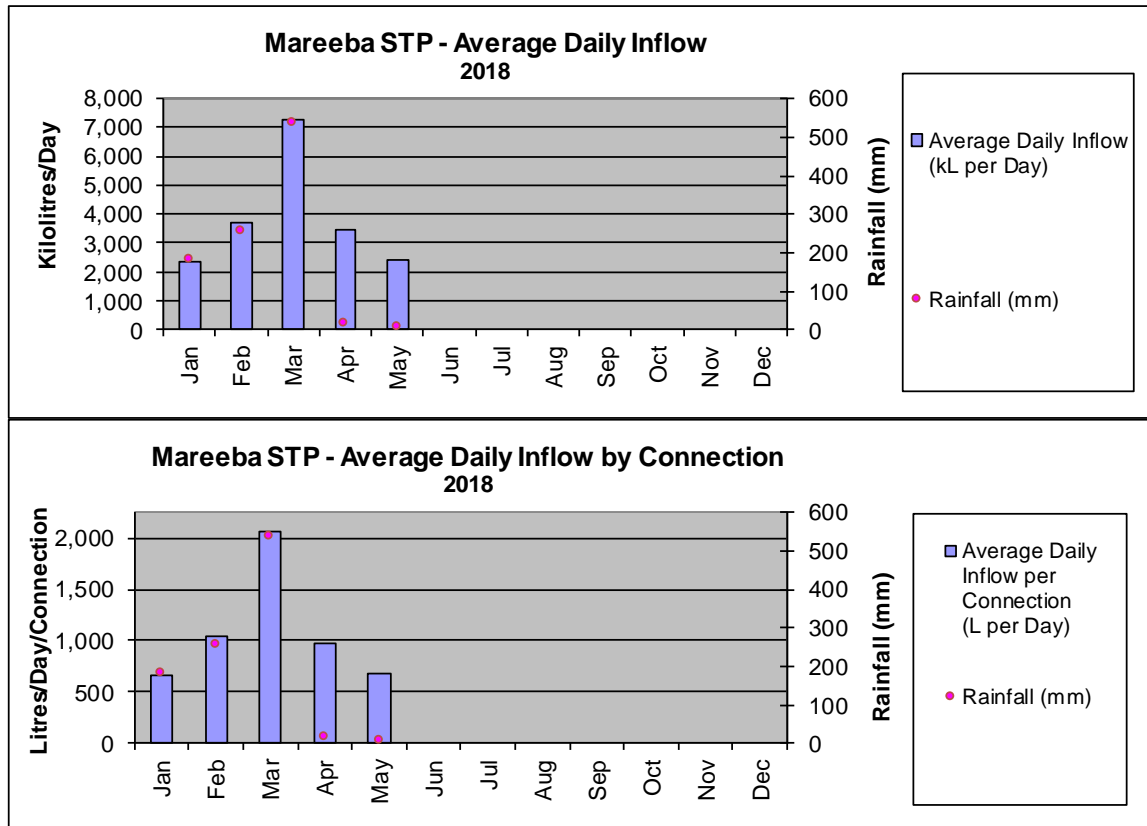
## 8. Dimbulah Water Supply Scheme - Operations Data



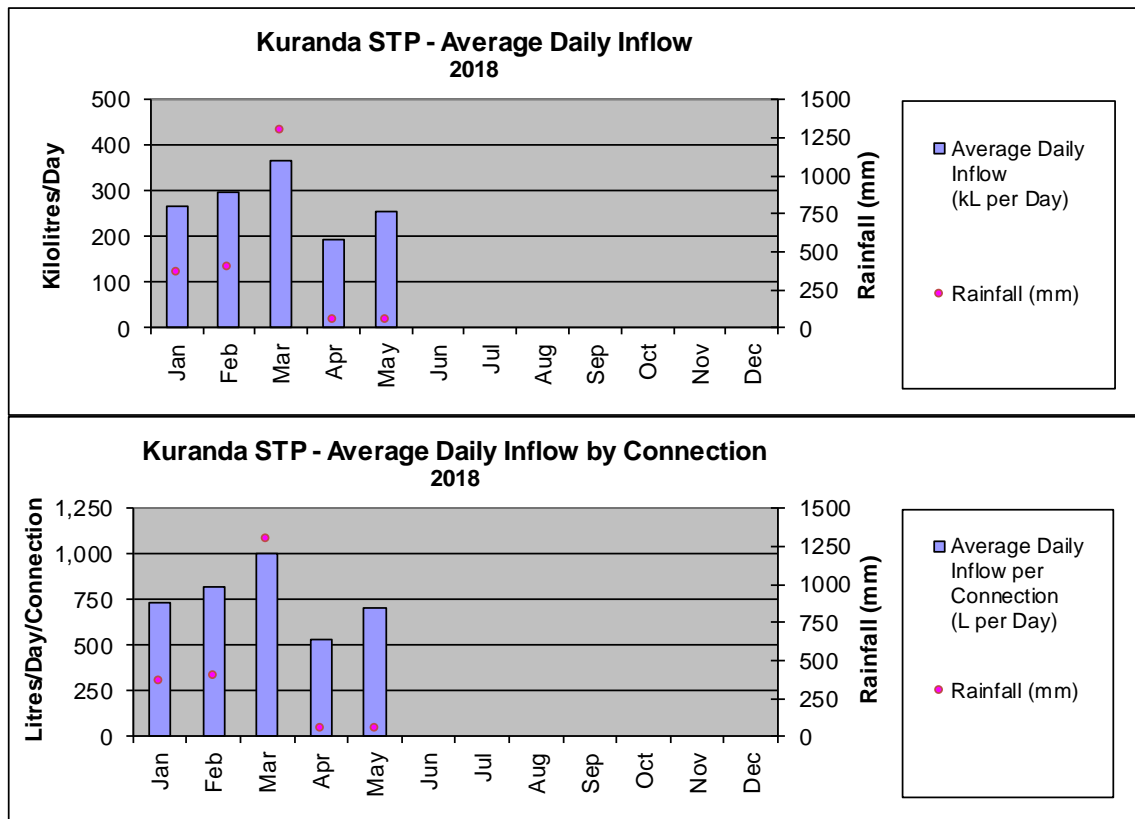
## 9. Chillagoe Water Supply Scheme - Operations Data



## 10. Mareeba Wastewater Treatment Plant - Operations Data



## 11. 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**

**Environment:** A natural and living environment that provides safety and enjoyment for the community and visitors.

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

**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**

Nil

**ATTACHMENTS**

Nil

**Date Prepared:** 5 June 2018





## CHIEF EXECUTIVE OFFICER

### ITEM-23                      KURANDA TOWNSHIP INFRASTRUCTURE MASTER PLAN 2010 - 2020

**MEETING:**                      Ordinary

**MEETING DATE:**              20 June 2018

**REPORT OFFICER'S TITLE:**                      Director Corporate and Community Services

**DEPARTMENT:**              Corporate and Community Services

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### EXECUTIVE SUMMARY

*A recent amendment of the Kuranda Township Infrastructure Master Plan 2010 - 2020 takes into account infrastructure needs and current priorities of the tourist market within the constraints of the Kuranda Infrastructure Agreement.*

*Council are now requested to endorse the amended Master Plan and projects as approved by Minister Hinchliffe in April 2018 while further endorsing a working group to implement the Information Technology (Kuranda Visitor Engagement App) as recommended by the Kuranda Infrastructure Advisory Committee.*

### OFFICER'S RECOMMENDATION

"That further to recommendations by the Kuranda Infrastructure Advisory Committee at the 17 May meeting, Council:

1. Endorses the Kuranda Township Infrastructure Master Plan 2010 - 2020 (As Amended 2017);
2. Adopts the projects funded by the Kuranda Infrastructure Levy to be included in the 2018/19 and 2019/20 budgets; and
3. Endorses a working group comprising of KIAC representatives, Tourism Kuranda representatives and MSC representatives to develop a design brief for a Kuranda Visitor Engagement App to further progress the Information Technology project."

### BACKGROUND

On 6 November 2017 Council wrote to the Minister for Local Government seeking to amend the Kuranda Township Infrastructure Master Plan 2010 - 2020 (KTIMP). The KTIMP sets out approved infrastructure projects to be funded from the tourist levy collected from the commercial tour operators, Skyrail and Kuranda Scenic Rail, in accordance with the provisions of the Kuranda Infrastructure Agreement (KIA) entered into between Council and the State on 1 March 2010.

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On 23 April 2018 the Minister for Local Government, Racing and Multicultural Affairs, Stirling Hinchliffe approved the amendments to the KTIMP with one exception, that unspent monies remaining in the Kuranda fund at 30 June 2020 should in fact not be retained by Council for ongoing maintenance and depreciation costs. This change is reflected in the attached Kuranda Township Infrastructure Master Plan 2010 - 2020 (As Amended 2017) Ministerial Approval 23 April 2018.

The projects approved in the amended KTIMP include:

• Therwine Street Re-development	\$1,050,000
• Barron River Walking Tracks	\$2,100,000
• Wayfinding Signage	\$ 150,000
• Information Technology	\$ 90,000
• Rehabilitation of Jum Rum Creek Walking Track	\$ 300,000
• Centenary Park Toilet Block Refurbishment	\$ 200,000
• Jungle Walking Track Rehabilitation	\$ 200,000
• Street Furniture Refurbishment	\$ 50,000

These projects will be undertaken prior to the 2020 end date of the KIA.

In order to progress the Information Technology project, the Advisory Committee have requested that Council endorse a working group comprising of KIAC representatives, Tourism Kuranda representatives and MSC representatives to develop a design brief for a Kuranda Visitor Engagement App. The nominated representatives are as follows:

• KIAC	A Clarke, C Retter and R Berman-Hardman (or Skyrail proxy)
• Tourism Kuranda	K Pepper and P Danford
• MSC	As required

## **RISK IMPLICATIONS**

### **Financial**

Financial risks will be managed through the procurement process and ongoing project management

### **Environmental**

Environmental risks will be managed through the design and consultation of all projects

### **Infrastructure and Assets**

Construction designs meet all applicable technical, safety and legislative requirements

### **Service Delivery and IT**

Engagement with affected business owner's forms part of all project delivery

## **LEGAL/COMPLIANCE/POLICY IMPLICATIONS**

Nil

## FINANCIAL AND RESOURCE IMPLICATIONS

### *Capital*

Nil

*Is the expenditure noted above included in the current budget?*

Projects are to be included in the 2018/19 and 2019/20 budget with 100% of funding provided by the Kuranda Infrastructure Levy

## 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.

### **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

Engagement with business owner's forms part of the project plans. In addition to this, media releases will be provided to ensure that up to date information is provided to the community at large.

## ATTACHMENTS

1. Kuranda Township Infrastructure Master Plan 2010 - 2020 (As Amended 2017)  
Ministerial Approval 23 April 2018

**Date Prepared:** 25 May 2018

2017

# Kuranda Township Infrastructure Master Plan 2010 - 2020 (As Amended 2017)



Alan Lambert  
Mareeba Shire Council  
1 October 2017

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## EXECUTIVE SUMMARY

The provision of tourism related infrastructure in the village of Kuranda to meet the needs and expectations of an estimated 1,000,000 visitors per year, is funded to a large degree by a levy on tourists travelling to Kuranda via the commercial tour operators, Skyrail and Kuranda Scenic Rail, with a smaller funding component provided by the Mareeba Shire Council from its own revenue sources.

The levy on Skyrail and Kuranda Scenic Rail is collected by the Queensland State Government and paid to the Mareeba Shire Council in accordance with the provisions of an agreement, the Kuranda Infrastructure Agreement (KIA), entered into between the State and the Council. The Kuranda Township Infrastructure Master Plan 2010 -2020 (KTIMP10 - 20), which has been developed in accordance with the provisions of the KIA, sets out approved projects to be funded from the levy, and in addition, the KIA itself lists six approved projects in Appendix A to that agreement, three of which are also included in the KTIMP10 - 20 schedule of approved projects.

The KTIMP10 - 20 has recently been reviewed by the skills based Committee appointed by the Council to provide advice and direction on projects to be funded under the KIA, the Kuranda Infrastructure Advisory Committee.

The Committee made a number of recommendations to the Mareeba Shire Council to amend the schedule of projects included in the KTIMP10 - 20, originally given Ministerial approval on 17 February 2011. These recommendations were endorsed by the Council and make the following changes to the approved program of works:

### Capital projects to be completed prior to 30 June 2020

Therwine Street Re-development	\$1,050,000
Walking Tracks to Barron Falls	\$2,100,000
New Wayfinding Signage	\$ 150,000
Information Technology	\$ 90,000
New Kuranda Township Infrastructure Master Plan	\$ 60,000

### Renewal projects to be completed prior to 30 June 2020 (funded from Depreciation Reserve)

Rehabilitation of Jum Rum Walking Track	\$ 300,000
Centenary Park Toilet Block Refurbishment	\$ 200,000
Jungle Walking Track Rehabilitation	\$ 200,000
Street Furniture Refurbishment	\$ 50,000

### Projects deleted

Indigenous Village Precinct - Phase 1 and 2	\$ 650,000
Drink Fountains	\$ 20,000
Amphitheatre Upgrade	\$1,000,000
Upper Coondoo Street Pedestrian Mall and Traffic Control	\$2,200,000

As any amendments to the approved program of works must have Ministerial approval, this amended KTIMP10 - 20 has been developed for that purpose and retains the same planning horizon as the original 2010 - 2020 document ie expiring 30 June 2020.

### Background to KIA 2010 - 2020

The KIA between the State of Queensland and the Mareeba Shire Council recognises that the township of Kuranda, adjoining the Wet Tropics World Heritage Area in Far North Queensland, is a unique tourist destination (the Village in the Rainforest) attracting up to one million tourists and other visitors on an annual basis, the majority of whom are overseas travellers.

The KIA also recognises that the scope and value of works required to maintain the character of Kuranda and conserve the natural environment while still providing the necessary infrastructure to cater for the needs and demands of the annual tourist visitation are such that the costs are too great for the residents of Kuranda or the Mareeba Shire Council to meet by usual means.

Since 1994, when the first KIA was entered into, the Queensland Government has, in recognition of the significant economic benefits that Kuranda brings to the Far North Region, and subject to the terms and conditions set out in the 1994 and succeeding infrastructure agreements, committed to make a financial contribution towards the funding of infrastructure and amenities that will enhance visitors' experience of the Kuranda area.

This financial contribution is provided via monies collected by the State from corporations that have licence to transport passengers through and across the World Heritage Wet Tropics between Cairns and Kuranda, these corporations being Kuranda Scenic Rail (which is operated by Queensland Rail and therefore a State Government owned corporation) and Skyrail (privately owned and operated by the Chapman Group). Payments to the State by Kuranda Scenic Rail and Skyrail are made in accordance with relevant provisions of the Local Government Regulation 2012 (Chapter 3, Part 4) and the State Transport (People-Movers) Act 1989.

All expenditure from the funds provided by the State must:

- Be used to provide and maintain amenities that will enhance visitors' experience, enjoyment and environmental understanding of the Kuranda area whilst supporting the well-being of the local Kuranda community. Approved expenditure also includes the direct costs associated with the implementation of the KTIMP; repayment of borrowed monies to undertake projects identified in the KTIMP; cost of preparation of the KTIMP; acquisition of property required to implement a project identified in the KTIMP; purchase of equipment and plant required to give effect to the KIA, and accounting costs to operate the Kuranda Fund.
- Not be used for the establishment, management and maintenance of services and amenities that could reasonably be expected to be provided by the Mareeba Shire Council in the normal course of providing such services and amenities to its residents, rate payers and business owners from whom it collects rates and other charges.
- Be first approved by the Minister or his or her approved delegate via the incorporation of priority projects and their estimated costs in the KTIMP.

To provide advice and direction on projects that are funded under the KIA, a skills based Advisory Committee was established. This committee, the Kuranda Infrastructure Advisory Committee, includes elected representatives from the State Government and the Mareeba Shire Council, Council officers, local business owners, tourism operators and residents.

The KIA 2010-2020 is the third of such agreements entered into between the State and the Mareeba Shire Council\* and was signed by both parties on 1 March 2010. Prior agreements were the 1994 Agreement executed on 23 March 1994 and the 1997 Agreement executed on 16 May 1997.

\*Note that the 2010 – 2020 agreement was executed by the Tablelands Regional Council, of which the Mareeba Shire at that time formed part. However, following the de-amalgamation of the Mareeba Shire from the Tablelands Regional Council on 1 January 2014, and in accordance with the provisions of the Local Government (De-amalgamation Implementation) Regulation 2013, the Mareeba Shire Council assumed responsibility for the ongoing administration of the agreement from the date of de-amalgamation.



## Kuranda Infrastructure Program Vision, Objectives and Key Strategic Directions

### Vision

Significant consultation with a broad range of stakeholders, including tourists/visitors and Kuranda residents and/or business owners, was undertaken in the lead up to the development of the KTIMP for the 10 year period 2010 to 2020, and the Kuranda Infrastructure Advisory Committee was also engaged in a series of facilitated workshops to consider the strategic framework for Kuranda.

Three themes emerged from these workshops which were broadly supported by the research and consultation undertaken and the following Vision evolved from those themes:

***The Kuranda Infrastructure Program will deliver infrastructure and improvements that enhance the Village in the Rainforest as a unique, authentic experience for residents and tourists alike, by improving safety, accessibility, connection with the environment and integration between the activities of residents and tourists.***

### Objectives

The following high level objectives underpin this vision:

- Sustain market share (volume)
- Enhance yield from market
- Local engagement

### Key Strategic Directions

As a result of the stakeholder consultation referred to above, four key strategic directions were identified to respond to the priorities identified by visitors, commercial operators and residents. These four strategic directions are:

1. Improved visual and physical access to the natural attractions, including the rainforest and Barron Gorge.
2. Develop more authentic activities, services and retail options that align with the theme and the needs of new markets.
3. Introduce built form/urban design elements that improve pedestrian comfort and wayfinding and create a strong visual identity for the village in the rainforest.
4. Encourage greater diversity of uses and expanded operating hours to create a safer and livelier town centre attractive to residents and visitors.

These strategic directions continue to remain relevant to the ongoing provision of infrastructure, services and amenities that are required to meet the needs of visitors to the Kuranda area and fulfil the objectives of the KIA.

### Project Selection and Prioritisation

The selection and prioritisation of projects to be funded under the KIA has evolved and been influenced by a number of factors over the life of successive infrastructure agreements.

A key factor in project selection is of course the requirement that projects must enhance visitors' experience, enjoyment and environmental understanding of the Kuranda area and support the well-being of the local Kuranda community but must not be projects that the Council itself should be reasonably expected to provide in the normal course of provision of services to its residents and ratepayers.

From 2010 onwards, the four strategic directions set out in the previous section have also informed project selection.

Some projects have become patently obvious simply as the result of the growth in visitor numbers over the years and the necessity to implement better systems to handle the volumes of tourists and vehicular traffic involved. These projects relate to upgrades to roads and streets, widening of footpaths and pedestrian safety, provision of car parking and bus parking, provision of toilet facilities and provision of signage.

Studies and research undertaken by various consultants over the years have also produced various plans and strategies which have identified project priorities. These have included the Kuranda Strategic Management Plan (1992), the Le Page Report (2008) and more recently, the Kuranda Infrastructure Program Strategic Plan and Project Report prepared by ARUP in 2010 as the basis for the KTIMP10 - 20.

Other project priorities have been determined as a result of suggestions put forward by Council officers and elected representatives, Kuranda Infrastructure Advisory Committee members and other stakeholders including business owners, tourists/visitors and local residents. Tourism Kuranda has also had input to the identification of possible projects.

Community and other stakeholder input has largely been through the conduct of surveys and focus groups with identified projects then being refined and prioritised by the Kuranda Infrastructure Advisory Committee.

### Relationship of KIA funding to broader objectives

While the funding provided by the State under the KIA is directed specifically to provision of infrastructure and services primarily intended to enhance visitors' experience of Kuranda and surrounds, projects funded under the agreement also contribute to a broader range of objectives that enhance the well-being of the Kuranda community (refer to Clause 8.4(b) of the KIA).

These objectives include:

**Economic:** The annual influx of tourists and other visitors to Kuranda (predominantly overseas travellers) provides a significant boost to the local economy in terms of the income generated for local businesses and also the employment opportunities provided for the regional community, including the Indigenous residents of the Kuranda area. Therefore, spending on infrastructure to increase visitor numbers or at least retain current market share has a direct economic impact on the local Kuranda community.

**Cultural/Heritage:** The showcasing and promotion of the local Indigenous culture and heritage is an integral part of the Kuranda experience with signage and artwork funded under the Kuranda Infrastructure program informing and educating visitors of the historical connections of the Indigenous people to the Kuranda area.

Indigenous culture and art is also showcased at various businesses within Kuranda and at places such as Rainforestation where Aboriginal dance troupes perform traditional dances for visitors.

Visitors travelling to Kuranda by rail and arriving at the historic Kuranda Railway Station also experience a unique part of Queensland's history as they travel along what is one of the most iconic railway lines in Australia. The construction of this rail line between 1886 and 1891 is, even today, considered an engineering feat of tremendous magnitude. Hundreds of men were employed to build the 15 handmade tunnels and 37 bridges and a significant number of lives were lost during the rail line construction. Visitors travelling on the Scenic Railway undertake a spectacular journey comprising unsurpassed views of dense rainforest, deep ravines and picturesque waterfalls.

From a further cultural perspective, the Kuranda Amphitheatre (which was an approved project under the original KTIMP 2010 - 2020 but has now been deleted for possible inclusion in a future Master Plan) is a world renowned venue attracting national and international performers and visitors alike. It is the only one of its kind in Australia, built, managed, staffed and maintained by volunteers of the Kuranda community since its inception in 1979. Around 80% of the concerts held at the Amphitheatre attract up to 3,500 adult visitors and families to Kuranda making it not only a significant cultural venue but also a major economic driver for the Kuranda area, injecting many thousands of dollars into the Kuranda economy.

**Transport related:** A number of the projects funded under the KIA relate to road and street improvements and car parking. While these are primarily designed to provide for safe and efficient movement of the thousands of visitors who arrive in Kuranda on an annual basis, they also provide a safer traffic and pedestrian environment for local residents and business owners in Kuranda.

**Infrastructure:** Infrastructure (other than Transport related) funded under the KIA such as redevelopment of Centenary Park, construction of walking tracks, landscaping, tree planting and general town improvements, provides facilities that can be enjoyed by and form an integral part of the lifestyle of Kuranda residents, contributing positively to their health and well-being.

### **KTIMP relationship to Mareeba Shire Infrastructure Provision and Service Delivery**

While Clause 7.1(c) of the KIA states that the funding provided under the agreement is to be used in a considered manner designed to promote and maintain the well-being of the Kuranda community as demonstrated in the section above, it also states that funded projects should be recognisable parts of a broader infrastructure master plan.

In this regard, projects funded under the agreement should complement other projects and services funded and/or provided by the Council, all of which should work together as one overarching blueprint for the longer term development of the Kuranda area and the well-being of its residents.

Apart from its role in delivering the projects approved under the KIA, there are a number of other infrastructure projects that have been or are to be undertaken by the Council and services that are provided by the Council from its own funds that meet the above objective. These projects/services include:

#### **INFRASTRUCTURE PROJECTS:**

**Water and Sewerage Infrastructure:** Over the past 5 years, the Council has spent, or has programmed to spend, \$8.0M (including Government grants and subsidies) in the upgrading of water and sewerage infrastructure in Kuranda to ensure that not only are such services adequate to cater for the needs of local residents and visitors alike but to also meet the strict environmental standards required in the Wet Tropics World Heritage Area.

These projects include:

Wastewater Treatment Plant Upgrade	\$3,600,000
Myola Road - new 1 Megalitre Water Reservoir	\$1,049,978
Barang Street Sewer Main Upgrade and Arara Street Sewerage Pump Station	\$ 539,172
Warri Drive/Hilltop Close Reservoir - new 500Kl Reservoir & Booster Pump Stn	\$ 770,000
Masons Road Reservoir Upgrade - new 500Kl Reservoir	\$ 780,000
Sludge De-watering Facility Kuranda Wastewater Treatment Plant	\$ 145,000
Water Main replacement Rob Vievers Drive	\$ 150,000

**Upgrading of main entrance into Kuranda:** This project, scheduled for construction in 2017/18, involves upgrading of the main entrance into Kuranda from the Kennedy Highway to provide a safer road access for the many tourist buses and self-drive visitors entering the Village on a daily basis.

These works will complement previous works undertaken on Morton Street and its intersection with the main entrance road. These works have provided a safer entry and exit to and from Morton Street and will greatly reduce the potential for accidents on this section of the main entrance road in the future.

The Morton Street intersection works were undertaken at a cost of \$135,698 and the proposed upgrading of the main entrance road has an estimated cost of \$520,000.

**Conduct of Traffic and Pedestrian Study:** This study, undertaken by consulting firm Bitzios and completed in April 2012, provided 62 recommendations on improving traffic and pedestrian flow throughout the Kuranda CBD. Cost of undertaking the study was \$130,800 and was funded by

Council and developer contributions. The main driver in undertaking this study was to ensure that pedestrian and traffic infrastructure within the CBD was capable of handling the thousands of tourists and visitors to Kuranda on an annual basis.

The total estimated value of all works recommended by the study is \$4.7m and the works are being undertaken as funding permits. Thirty three of the original 62 recommendations were given priority status and \$340,000 was made available in Council's 2014/15 budget to undertake the majority of those projects.

**Upgrading of landscaping and gardens at Skyrail:** This project has involved working collaboratively with Skyrail to upgrade the gardens and landscaping at the Skyrail/Train Station terminal to present an attractive and welcoming view to tourists arriving at the terminal. Cost of the works is \$17,741.

**Old Kuranda Primary School Redevelopment:** The old Kuranda Primary School was purchased from the State Government for \$782,927 in the 2007/08 financial year.

A program to develop the site and selected buildings located thereon (former classrooms) commenced in 2010/11 with the intention of developing the area as a community hub (Kuranda Community Precinct) containing the town library, meeting rooms and spaces for individual clubs and community organisations to operate from.

To date, a total of \$954,893 (excluding the original purchase price) has been spent on development of the site including demolition of two of the former classroom blocks and converting Block C for use as the Library. The Library itself has direct relevance to tourists and visitors to the area as it provides free wi-fi and a large number of visitors call into the Library to make use of this and the Library's free computers.

Three priority projects listed in the Kuranda Community Precinct Strategic Plan also have relevance to the tourists and visitors to Kuranda, these being Walking Trail Signage, Support of Local History and Culture and Support of Local Arts Scene.

The Kuranda Community Precinct is also a space that local residents can call their own and utilise for recreational, sporting, cultural and educational experiences and activities. In the extensive community consultation that took place in 2011 when developing the Tablelands Community Plan 2021, it was found that there is some divisiveness within the Kuranda community around the perception that Kuranda is all about tourism and the focus is on tourists and visitors and not the local community and that all funding is directed towards tourism.

Expenditure on the Kuranda Community Precinct is therefore complementary to the funding provided under the KIA in the sense that it goes somewhat to changing the community perception that tourism is number one and community needs run a poor second.

#### **SERVICE DELIVERY:**

**Mareeba Shire Planning Scheme:** Planning for the orderly growth and development of Kuranda township is governed by the provisions of the Mareeba Shire Planning Scheme and all projects, whether funded by the State under the KIA or by the Council from rates and other sources, must meet the intent of the Planning Scheme.

The Planning Scheme is therefore an integral component of the broader infrastructure master plan for the ongoing development of Kuranda and environs as it has the capacity to limit or prevent undesirable development and set stringent development conditions that protect the unique environmental features of the Village in the Rainforest and regulate the built character of

development that occurs therein. All of this has a direct impact on the types of businesses and activities that can operate within Kuranda, which in turn contributes to its attractiveness to tourists and other visitors.

Significant community consultation was undertaken in the development of the new Mareeba Shire Planning Scheme (adopted on 15 June 2016 and commenced on 1 July 2016), particularly with respect to ensuring that the views, opinions and concerns of the Kuranda community were considered and accommodated where possible within the planning framework.

The total cost of preparing the new Planning Scheme was well over \$1.0M, the majority of this expenditure being incurred prior to de-amalgamation while Mareeba Shire was part of the Tablelands Regional Council and up to one quarter of this cost is estimated to be directly applicable to the Kuranda region.

**Visitor Information Centre:** The Kuranda VIC is an integral part of the Kuranda tourism experience with its friendly and helpful staff providing expert advice to tourists and visitors on what to see and do in the Kuranda area. The Centre provides advice and assistance to up to 98,000 visitors per year (97,124 in 2016/17 and 88,819 in 2015/16) and the annual cost to operate the centre is \$119,000.

**Tourism Kuranda:** Tourism Kuranda is the peak tourism promotion body for the Kuranda area and is funded by the Council via a special rate levy collected from local businesses. The annual cost of running Tourism Kuranda is \$247,000 and includes a significant media and advertising budget for promotion of Kuranda to domestic and international visitors.

### Past Projects completed under 1994, 1997 and 2010 -2020 Infrastructure Agreements and KTIMP 2010 - 2020

A total of 21 projects (Project Codes 001 to 021), with a combined value of \$8.256M, were delivered under the previous 1994 and 1997 infrastructure agreements. In addition, a further seven projects listed in either Appendix A of the 2010 - 2020 KIA or in the KTIMP10 - 20, or both (Project Codes 023, 024 and 026 to 030), have also been completed with a combined value of \$1.684M and a further \$577,324 has been spent on completion of part (undergrounding of power) of the Therwine Street Re-development project (Project Code 022). All of these completed projects are summarised in Table 1 hereunder with a total value of \$10.517M.

**Table 1** - Completed works under 1994, 1997 and 2010 - 2020 Kuranda Infrastructure Agreements and KTIMP 2010 - 2020

Project Code	Project	Scope of Works	Cost	Completion of Major Works
001	Underground Power	Installation of underground power	\$45,942	1995
002	Therwine and Coondoo Street Intersection	Upgrades and signage to intersection of Therwine and Coondoo Streets	\$72,313	1996
003	Centenary Park Stage 1 Redevelopment	Major redevelopment. Previously the park was a bare mound. The upgrade included substantial retaining walls and landscaping	\$818,989	1997
004	Sewerage Treatment	Connection and treatment	\$88,604	1997
005	Centenary Park Toilets	Constructed public toilet facilities that were incorporated with a tourist information centre	\$295,989 \$65,306	1997 2007
006	Upper Coondoo Street	Widening of the footpaths, protection of large fig trees, inclusion of street art	\$1,621,368	1999
007	Barron Falls Pendas Car Park	Additional Carparking at Barron Falls	\$242,666	1998
008	Red Path - Coondoo Street	Footpath works with public art	\$261,497	1998
009	Thoree Street Carpark	Car and bus parking area on Thoree Street	\$215,089	1999
010	Therwine and Thoree Streets	Roundabout landscaping, small car park on Therwine with paving leading to heritage markets	\$158,377	2000
011	Visitor Centre	TIC improvements and signage	\$33,566	2000 2007
012	Feature road signs	Feature signage on Coondoo and Therwine Streets	\$60,916	2001
013	Parking and Regulated Parking	Provision of additional parking spaces and of parking signage and regulation	\$330,221	2002
014	Walking Tracks	Construction of new walking tracks: Jum Rum walk from Coondoo Street to Barron Falls road 1.4km; Jungle walk from Barron Falls road, via Amphitheatre to Barron River 900m; and River walk to rail station 760m	\$799,473	2002

015	Barang/Barron Falls car parks	Improve Parking along Barang Street with some landscaping	\$63,365	2002
016	Rail bus parking	Purpose built bus parking off the end of Barang Street and upgrade of the interchange parking in front of Skyrail	\$734,114	2004
017	Lower Coondoo Street	Similar work to Upper Coondoo	\$1,480,391	2005
018	Upper Coondoo Street refurbishment	Improve lighting and footpaths	\$604,723	2006
019	Footpath from Rail Station to pub	New path linking the rail and Skyrail station to Arara Street across from the pub	\$34,092	2006
020	Themed Planting	Street planting of iconic species	\$41,816	2007
021	Various minor infrastructure works	Minor projects under \$35,000: Underground power, footpath upgrades, signage, planning studies and sundry assets	\$187,600	2004 - 2010
022	Therwine Street Re-development	Undergrounding of power	\$577,324	2016
023	Toilet Block at Barron Falls Carpark	The KIP contributed towards the EPA to install toilet facilities	\$125,000	2010
024	Upgrade of Wright's Lookout	Upgrading of the access road to Wright's Lookout	\$20,597	2011
026	Coondoo Street Lighting Improvements	Installation of 3 additional street lights in the lower section of Coondoo Street	\$11,323	2012
027	Covered Walkway	Covered walkway from Queensland Rail and Skyrail to the Bus Park and Village. Comprises a series of fully accessible pathways, partially covered, and covered interpretive 'pods' in the Lower Coondoo Street area	\$478,727	2014
028	River Walk	Signed walking track between Kuranda Rail Station to highway bridge along Barron River Esplanade	\$272,983	2014
029	Transport Interchange	Works to improve amenity and safety for passengers transferring between train/Skyrail and shuttle buses	\$66,806	2013
030	Visitor Information Centre Improvements	Alteration and expansion of existing Visitor Information Centre	\$708,296	2015
<b>Total</b>			<b>\$10,517,473</b>	

For the majority of completed projects, there is an ongoing annual depreciation and maintenance cost and these costs are detailed in Appendices A, B and C attached hereto.



### Amendments to KTIMP10 - 20

The KTIMP10 – 20 contained scheduled reviews at key stages to monitor the overall progress of the Kuranda Infrastructure Program to ensure that project priorities and budgets remained relevant and realistic over the ten year life of the Program and that delivered projects were achieving the desired outcomes.

Two reviews were scheduled, the first in October 2013 and the second in October 2016.

In 2013, due to Council resources being totally focused on the impending de-amalgamation of the Mareeba Shire from the Tablelands Regional Council at the end of 2013, the scheduled October 2013 review did not take place although a Consultancy Brief was prepared for that purpose.

The 2016 review was undertaken by the Kuranda Infrastructure Advisory Committee in early 2017. While the KTIMP10 - 20 was initially developed using comprehensive community and stakeholder engagement as per Subclause 8.4(f) of the KIA, the agreement does not prescribe further community consultation as a pre-requisite to the amendment of the KTIMP and consequently, no such consultation occurred during the 2016 review.

However, as the Kuranda Infrastructure Advisory Committee is comprised of a wide cross section of relevant stakeholders, including local business owners, tourism operators and residents, it is considered that their knowledge and awareness of local issues, infrastructure requirements and desired town improvements obviates the necessity for further comprehensive community engagement at this point in time.

As a result of the 2016 review by the Kuranda Infrastructure Advisory Committee, a revised list of projects was put forward by the Committee which sees the deletion of a number of uncompleted projects (some for possible inclusion in a future Master Plan) and the concentration on only two of those listed projects, the introduction of three relatively small new projects, and renewal works on four projects that require work to bring them back to an acceptable standard.

This revised list of projects is discussed further in the following Section.

### Project Priorities to 2020

As noted in Table 1 above, seven of the approved 2010 - 2020 projects have been completed and a further project partially completed. As also noted in the preceding section, the 2016 review of the KTIMP10 - 20 by the Kuranda Infrastructure Advisory Committee recommended some changes to the approved program.

The following discusses the changes recommended by the Kuranda Infrastructure Advisory Committee and subsequently endorsed by the Mareeba Shire Council.

#### Capital Projects to be completed by June 2020:

##### 1. Therwine Street Re-development (Project Code 022)

As noted in Table 1, the undergrounding of power has been completed at a cost of \$577,324. The balance of the Therwine Street Re-development works is scheduled to commence in 2017/18 and is estimated to cost \$1,050,000. Allied with this project is new Wayfinding Signage which is also scheduled for 2017/18 at a cost of \$150,000. The nett result is that the projected cost for this project is \$222,676 less than the initially projected \$2,000,000.

##### 2. Walking Tracks to Barron Falls (Project Code 025)

Information sourced primarily from Skyrail and Kuranda Scenic Rail on tourist needs and feedback is that the tourism experience being sought is changing and that tourists are looking for more walking trails and engagement with the natural environment. This data is also supported by Tourism Kuranda. Based on this, the Walkways budget has been boosted from \$900,000 to \$2,100,000. This will enable the current footpath network to be extended to Barron Falls, which has rated highly on the tourists' wish list.

##### 3. Wayfinding Signage (Project Code 035) - see comments under Therwine Street Re-development above

This project costing \$150,000 involves the provision of new signage in keeping with the existing theme to assist visitors to navigate to places of interest by vehicle or on foot.

##### 4. Information Technology (Project Code 036)

This project relates to provision of e signage. Again, data from Skyrail and Kuranda Scenic Rail is that many of the overseas visitors have asked for Q codes with links to sites that provide the information on notice/information boards. This request has come mainly from the ever increasing number of Chinese visitors and it is envisaged that the \$90,000 budgeted will deliver an excellent start to meet these needs.

##### 5. New Kuranda Township Infrastructure Master Plan (Project Code 037)

In the expectation that KIA funding will continue post 2020, an allocation of \$60,000 has been included in the 2019/20 program of works to develop a new KTIMP for the 10 year period 2020 - 2030.

#### Renewal Projects (funded from Depreciation Reserve) to be completed by June 2020

1. Rehabilitation of Jum Rum Walking Track (Project Code 038)

This walking track is very popular with tourists and not only provides linkages to other walking opportunities but also exposes them to the tropical rainforest. Given this track is through the rainforest, the walking surface has been heavily affected by the vegetation and needs renewal. Estimated cost of the project is \$300,000.

2. Centenary Park Toilet Block Refurbishment (Project Code 039)

This toilet block is the main amenity used by tourists and sees very heavy traffic. The wear and tear on this has reached the point where a major refurbishment is required as in its present state it certainly detracts from the tourist experience. This has been borne out by the feedback received by the Council. The estimated cost of the refurbishment works is \$200,000.

3. Jungle Walking Track Rehabilitation (Project Code 040)

This walking track is similar to the Jum Rum track above in that the walking surface has been affected by the vegetation and presents a trip hazard to persons using it. Works will include condition assessment and repair of affected sections by asphalt overlay and repair of the pedestrian bridge and improvements under the rail bridge adjacent to the River Walk. Estimated cost is \$200,000.

4. Street Furniture Refurbishment (Project Code 041)

This project involves refurbishment of the wrought iron bollards, handrails and bins that were installed around 1997 and which also form part of the Kuranda street art and sculptures. The works involve cleaning, undertaking any necessary repairs and repainting and the estimated cost is \$50,000.

**Projects deleted**

1. Indigenous Village Precinct (Project Code 031)

The scope of this project needs to be re-visited particularly given the perceived competition and recent developments at the Tjapukai Aboriginal Cultural Park adjacent to the Skyrail terminal at Smithfield in Cairns and the Rainforestation tourist facility on the outskirts of Kuranda. While the concept certainly has merit, considerable consultation and work will have to be undertaken before this project can be recommenced. The project has therefore been deleted from the 2010 - 2020 program of works for possible inclusion in a future Master Plan.

2. Drink Fountains (Project Code 032)

This has been dropped as a specific standalone project and will be dealt with as and when refurbishment projects occur.

3. Amphitheatre Upgrade (Project Code 033)

A considerable amount of work has been undertaken at the Amphitheatre over the past few years as a result of that Committee and the Council obtaining grants etc. While there certainly is the opportunity to undertake further works there, the imperative is not as urgent as some other projects and, like the Indigenous Village Precinct, this project has been deleted from the 2010 - 2020 program of works for possible inclusion in a future Master Plan. The Amphitheatre is an important venue to

both local and regional communities and adds to the tourism offering in Kuranda but it cannot be seen at the same level of priority as the Walking Tracks which meet the needs not only of the local and regional community but also the large national and international tourist market.

4. Upper Coondoo Street Pedestrian Mall and Traffic Control (Project Code 034)

Although included in the list of projects in the ARUP 2010 - 2020 Strategic Plan, the re-design of Upper Coondoo Street to create a shared zone or pedestrian mall was listed as Un-programmed Works and it was never intended that it be scheduled for construction within the 2010 - 2020 planning horizon. It has now been deleted and may be reconsidered for possible inclusion in a future Master Plan.

Appendices A, B and C show Project Staging and Budget implications for the amended program of works over the three year period 2017/18 to 2019/20

### Appendix A - Project Staging and Budget Implications

Project Code	Project Title	Description	Priority	Estimated/ Actual Cost	New Capital	Annual Maintenance	Annual Depreciation	Anticipated Start Date	Anticipated Completion Date	Source of Funding	Comments	Visitor Benefit	Local Benefit	Proposed By
	<b>Currently listed projects to be completed - 2010-2020 Agreement:</b>													
022	Therwine Street Re-development	Upgrade to Upper and Lower Therwine Street to improve parking and circulation and enhance visual amenity.	1	1,050,000	1,050,000	5,000	15,000	Oct-17	Mar-18	KIA Levy/Interest	Reduces scope of works to original proposal	✓	✓	KIAC
025	Walking Tracks to Barron Falls:	Development of longer distance walking tracks connecting Kuranda to natural attractions in the vicinity, including Penda Penda and Jumbun to Barron Falls walking track.	1	100,000	100,000	0	5,000	Feb-18	Apr-18	KIA Levy/Interest	Significant budget reduction required to complete network to Barron Falls	✓	✓	KIAC
			2	2,000,000	2,000,000	10,000	100,000	Aug-19	Dec-19			✓	✓	KIAC
	<b>New Works 2010-2020 Agreement:</b>													
035	New Wayfinding Signage	Provision of new signage in locations with existing theme to assist visitors to navigate to points of interest by vehicle or on foot.	1	150,000	150,000	5,000	30,000	Nov-17	Feb-18	KIA Levy/Interest	Project initiated as a result of visitor feedback	✓		KIAC
036	Information Technology	Provision of QR codes with links to sites which provide information on history/information board.	1	90,000	90,000	1,000	18,000	Jan-18	Mar-18	KIA Levy/Interest		✓		KIAC
037	New Kuranda Township Infrastructure Master Plan	To replace the 2010 RPP Strategic Plan prepared by AECOM in 2010 and formally adopted by Council in 2011.	2	60,000	60,000	0	0	Jul-19	Jun-20	KIA Levy/Interest		✓	✓	MSC
038	Rehabilitation of Jumbun Walking Track	The walking surface of the existing track has been heavily affected by the rainforest vegetation and needs renewal.	1	300,000	300,000	0	15,000	Feb-18	Apr-18	Depreciation		✓	✓	KIAC
039	Centenary Park Toilet Block Refurbishment	This is the main amenity used by tourists and requires major refurbishment as its current state is not safe for use.	1	200,000	200,000	0	4,000	Nov-17	Jan-18	Depreciation		✓ 80%	✓ 20%	KIAC
040	Jungle Walking Track Rehabilitation	The walking surface of the existing track has been heavily affected by the rainforest vegetation and needs renewal.	2	200,000	200,000	0	10,000	Aug-19	Dec-19	Depreciation		✓	✓	KIAC
041	Street Furniture Refurbishment	Replacing, repairing and repainting the wrought iron bollards, handrails and bins installed around 1997.	1	50,000	50,000	0	2,500	Jan-18	Feb-18	Depreciation		✓	✓	KIAC
<b>TOTALS</b>					<b>4,200,000</b>	<b>21,000</b>	<b>199,500</b>							

### Appendix B - KTIMP Projects - Expenditure by Year

Project Code	Project Title	2017/18			2018/19			2019/20		
		Capital Expenditure	Annual Maintenance	Annual Depreciation	Capital Expenditure	Annual Maintenance	Annual Depreciation	Capital Expenditure	Annual Maintenance	Annual Depreciation
001 to 028	Completed Works under 1994, 1997 and 2010 - 2020 Agreements - Refer Table 1		63905	90736		65822	90705		67797	90705
	Still to be completed works									
	<b>2010-2020 Agreement:</b>									
022	Therwine Street Re-development	1050000	1250	3750		5000	15000		5150	15000
025	Walking Tracks to Barron Falls:									
	Phase 1	100000		833			5000			5000
	Phase 2							2000000	5000	50000
	<b>New Works 2010-2020 Agreement:</b>									
035	New Wayfinding Signage	150000	1667	10000		5000	30000		5150	30000
036	Information Technology	90000	250	4500		1000	18000		1030	18000
037	New Kuranda Township Infrastructure Master Plan							60000		
038	Rehabilitation of Jum Rum Walking Track	300000		2500			15000			15000
039	Centenary Park Toilet Block Refurbishment	200000		1667			4000			4000
040	Jungle Walking Track Rehabilitation							200000		5000
041	Street Furniture Refurbishment	50000		833			2500			2500
	<b>TOTALS</b>	<b>1940000</b>	<b>67072</b>	<b>114819</b>	<b>0</b>	<b>76822</b>	<b>180205</b>	<b>2260000</b>	<b>84127</b>	<b>235205</b>
		1390000						2060000		
	Expenditure funded by Depreciation	550000						200000		

### Appendix C - Kuranda Infrastructure Fund - Budget to 2020

	Projected Year End 30.6.18	Projected Year End 30.6.19	Projected Year End 30.6.20
<b>Opening Reserve Balance</b>	2,717,076	2,087,984	2,788,994
<b>Income</b>			
Levy	884,912	902,610	920,662
Interest	57,887	55,427	50,009
	<b>942,799</b>	<b>958,037</b>	<b>970,671</b>
<b>Expenditure</b>			
<b>Capital Projects</b>			
As per Appendix B	1,390,000	0	2,060,000
<b>Operations and Maintenance</b>			
Annual Maintenance as per Appendix B	67,072	76,822	84,127
Depreciation as per Appendix B	114,819	180,205	235,205
	<b>1,571,891</b>	<b>257,027</b>	<b>2,379,332</b>
<b>Closing Reserve Balance</b>	<b>2,087,984</b>	<b>2,788,994</b>	<b>1,380,333</b>
<b>Opening Depreciation Balance</b>	795,753	360,572	540,777
Transfer Depreciation in	114,819	180,205	235,205
Less Expenditure funded by Depreciation - as per Appendix B	550,000		200,000
<b>Closing Depreciation Reserve</b>	<b>360,572</b>	<b>540,777</b>	<b>575,982</b>





**ITEM-24 COUNCILLOR ATTENDANCE AT CONFERENCES**

**MEETING:** Ordinary

**MEETING DATE:** 20 June 2018

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

**DEPARTMENT:** Office of the CEO

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**EXECUTIVE SUMMARY**

*The purpose of this report is to obtain Council approval for the attendance of Councillors at the following conferences:*

- *Local Authority Waste Management Advisory Committee (LAWMAC) Conference Townsville 24-25 May 2018;*
- *Local Government Association Queensland (LGAQ) Waste Forum Brisbane 7 June 2018;*
- *Northern Alliance of Councils Conference Ingham 23-23 August 2018*
- *LGAQ Annual Conference Brisbane 29-31 October 2018*

**OFFICER'S RECOMMENDATION**

"That Council:

1. Endorses the attendance of Cr Brown at the LAWMAC Conference held in Townsville 24-25 May 2018;
2. Endorses the attendance of Crs Brown, Davies and Wyatt at the LGAQ Waste Forum held in Brisbane 7 June 2018;
3. Approves the attendance of Crs Brown and Wyatt to attend the Northern Alliance of Councils Conference to be held in Ingham 21-23 August 2018; and
4. Approves the attendance of Cr Wyatt to the Annual LGAQ Conference to be held in Brisbane 29-31 October 2018."

**BACKGROUND**

The Local Authority Waste Management Advisory Committee (LAWMAC) is an organisation of 19 North Queensland Local Government Councils dedicated to best practice waste management aiming to provide sustainable solutions through its regional forum and interactive participation across the LAWMAC region on current and future Waste Management Practices and Technologies.

The LGAQ Waste Conference was convened to discuss the rapidly changing waste and recycling environment and the challenges and opportunities that this presents for Queensland councils to create a 'zero waste to landfill' future.

The Northern Alliance of Councils (formerly North Queensland Local Government Association) Conference is holding its inaugural Annual General Meeting and will include the consideration of conference motions and future host Councils.

The LGAQ Annual Conference provides an important opportunity for councils to not only network and learn but also to debate and vote on new policy. The event doubles as the Association's AGM. Cr Wyatt has expressed an interest to attend the conference.

**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

**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**

Councillors will be registered, and travel arrangements made if approved by Council.

**ATTACHMENTS**

Nil

***Date Prepared:*** 30/05/2018

## **BUSINESS WITHOUT NOTICE**

### **NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at 9:00 am on Wednesday 18 July 2018.



## SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF MAY 2018

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
MCU/18/0014	04/05/2018	Pioneer North QLD Pty Ltd 2576 Mareeba - Dimbulah Road MUTCHILBA	Lot 77 CP 902753	MCU Extractive industry (expansion)	Referral stage
MCU/18/0015	15/05/2018	Jaques Australian Coffee Pty Ltd, Kelsey Andersen, Luke Anderson 137 Leotta Road MAREEBA	Lot 232 NR 4837	MCU - Special Industry (Distillery)	In public notification stage
RAL/18/0016	04/05/2018	MSF Sugar Limited Borzi Road ARRIGA	Lot 47 on HG73 Lot 34 on RP909118	ROL - Boundary Realignment	Decision Notice issued on 18/05/2018
RAL/18/0017	14/05/2018	B & T Poyner 8 & 64 Shiffon Road, Watsonville	Lot 1 & 4 on MPH40281	ROL - Boundary Realignment	In referral stage
RAL/18/0018	18/05/2018	BTM & S Stankovich Pty Ltd C/- Freshwater Planning Pty Ltd Moondani Avenue and Allara Street, Mareeba	Lot 200 on SP292105	ROL Subdivision (1 into 25 Lots Plus Balance Area)	In decision making stage
RAL/18/0019	24/05/2018	DP Energy C/- Cardno 8579 Mulligan Highway, Desailly	Lot 581 SP263759	ROL (Dividing Land into Parts by Agreement)	In confirmation stage
OPW/18/0006	18/05/2018	BTM & S Stankovich Pty Ltd C/- Freshwater	Lot 200 on SP292105	Operational Works (Roadworks, Stormwater, Water Infrastructure,	In decision making stage

May 2018 (Regional Land Use Planning)

		Planning Pty Ltd Moondani Avenue and Allara Street, Mareeba		Drainage, Earthworks & Sewerage Infrastructure) For Amaroo Stage 10	
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**Decision Notices issued under Delegated Authority**

Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
RAL/18/0014	11/05/2018	V & F Costas C/- Freshwater Planning Pty Ltd	152-154 Hastie Road MAREEBA	Lot 1 on SP213034	ROL (1 into 2 Lots)
RAL/18/0016	18/05/2018	MSF Sugar Limited C/- RPS Australia East Pty Ltd	Borzi Road ARRIGA	Lot 47 on HG73 & Lot 34 on RP909118	ROL (Boundary Realignment)
MCU/18/0012	25/05/2018	K & C O'Brien C/- Max Slade Designs Pty Ltd	14A-14B Anzac Avenue, Mareeba	Lot 200 on SP282407	MCU - Dual Occupancy
MCU/18/0011	29/05/2018	Experience Co Ltd C/- Urban Sync Pty Ltd	Fichera Road MAREEBA	Lot 5 on SP160172	MCU - Nature-Based Tourism (Bush-style dining area)

**Change to Existing Development Approval issued**

Application #	Date of Decision	Applicant	Address	Property Description	Application Type
N/A					

<b>Referral Agency Response Decision Notices issued under Delegated Authority</b>					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/18/0009	16/05/2018	Andrew & Helen Malcolm C/- Emergent Building Approvals	37 Copine Road, Mareeba	Lot 1 on RP732287	Extension to Class 1a dwelling assessable against the Rural Zone Code, Flood Hazard Overlay Code and Accommodation Activities Code
CAR/18/0010	30/05/2018	Richard & Laura Sharp	Fallon Close and Barron Falls Road, KURANDA	Lot 10 on RP860997	Referral Agency Response (response before application) for building work (Class 1a Dwelling) and associated operational works assessable against the Hill and Slope Overlay and Environmental Significance Overlay
CAR/18/0011	30/05/2018	Emergent Building Approvals	13 Reynolds Street MAREEBA	Lot 4 on M356169	Non-compliant setback for stock feed shed
CAR/18/0012	31/05/2018	DP Energy Australia Pty Ltd	11332 Mulligan Highway DESAILLY	Lot 581 on SP263756	Non-compliant height (2 x temporary wind monitoring masts)
CAR/18/0013	31/05/2018	Shane & Kim Chalmers C/- Northern Building Approvals	92 McGrath Road MAREEBA	Lot 2 on RP736571	Non-compliant gross floor area for class 10a shed

<b>Extensions to Relevant Period issued</b>					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
N/A					

May 2018 (Regional Land Use Planning)

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
DA/15/0056	23/05/2018	S & A Grist	Copland & Koah Road, Koah	LOTS 671 & 672 ON SP295201 (CANCELLING LOT 267 ON NR6781)	ROL (1 into 2 Lots)
REC/08/0029	04/05/2018	M & C Sorbello	3576 Kennedy Highway, Mareeba	LOT 1 & 2 ON SP256995 (CANCELLING LOT 1 ON RP735873)	ROL (1 into 2 Lots)
DA/17/0010	04/05/2018	BTM & S Stankovich Pty Ltd	KAROBAN DRIVE, MAREEBA	LOTS 14, 15, 17, 25-28, 48, 49, 60-64, 66, 67, 88 & 89 ON SP220745 (CANCELLING LOT 200 SP292105)	18 Lots
RAL/18/0010	24/05/2018	BTM & S Stankovich Pty Ltd	KAROBAN DRIVE & Emerald End Road, MAREEBA	LOTS 48 & 52 ON SP223149 (CANCELLING LOT 52 ON SP273688 & LOT 48 ON SP220745)	ROL (Boundary Realignment)
DA/17/0010	24/05/2018	BTM & S Stankovich Pty Ltd	KAROBAN DRIVE, DANDALOO CLOSE, MOONDANI AVENUE, ALLARA STREET, MERINDAH CLOSE AND EMERALD END ROAD, MAREEBA	LOTS 16, 48, 54-59, 65, 86 & 87 ON SP230976 (CANCELLING LOT 48 ON SP223149)	11 Lots
MC2004/47 (REC/10/0045)	24/05/2018	T, D, S & A Adil and H Ahmet	Blacks Road, Mareeba	LOT 2 & 100 ON SP223126 (CANCELLING LOT 100 ON SP186120)	ROL (1 into 2 Lots)





# **APPENDIX - CONFIDENTIAL ITEMS**