



Ordinary Meeting

Council Chambers
Date: 20 June 2018
Time: 9:09am

MINUTES

MEMBERS IN ATTENDANCE

Members Present: Cr T Gilmore (Mayor), Crs, E Brown, K Davies, M Graham, A Pedersen, A Toppin and L Wyatt.

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Nil

BEREAVEMENTS/CONDOLENCES

A minute's silence was observed as a mark of respect for those residents who passed away during the previous month.

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/ CONFLICTS OF INTEREST

Cr Pedersen declared a material personal interest in relation to ITEM-17 EOI-MS2018-01 Panel of Preferred Providers, Occasional Plant Hire 2018-2019. His interest is that he is a partner in AC and KL Pedersen Partners which is one of the tenderers. Cr Pedersen will leave the chambers during the discussion of ITEM-17 and not vote.

Cr Davies declared a perceived conflict of interest in ITEM-16 Proposed Extension of Tender TMSC2018-15 Delivery of Regional Bitumen Reseals Program and ITEM-20 Tender Evaluation-TMSC2018-12 Mareeba CBD Water Main Upgrade. The perceived conflict arises due to Cr Davies being employed by Remondis who is in partnership with FGF at the Springmount landfill. FGF is one of the tenderers and for this reason Cr Davies will leave the chambers during the discussion of ITEM-16 and ITEM-20 and not vote.

CONFIRMATION OF MINUTES

Moved by Cr Pedersen

Seconded by Cr Toppin

"That the Minutes of the Ordinary Council Meeting held on 16 May 2018 be confirmed as true and correct."

CARRIED

BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS

Nil

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,
KOA - DA/17/0029**

Moved by Cr Pedersen

Seconded by Cr Wyatt

- "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."

LOST

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**

Moved by Cr Brown

Seconded by Cr Toppin

"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.

(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.

(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"

CARRIED

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**

Moved by Cr Pedersen

Seconded by Cr Toppin

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

APPLICATION		PREMISES	
APPLICANT	BTM & S Stankovich Pty Ltd	ADDRESS	Moondani Avenue & Allara Street, Mareeba
DATE LODGED	18 May 2018	RPD	Lot 200 on SP292105
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	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.

(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.

(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
TOTAL CURRENT AMOUNT OF CHARGE					\$450,000.00

CARRIED

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

Moved by Cr Toppin

Seconded by Cr Brown

"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** (~~12~~ **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
<u>DWG No. 4743 - LL1 (Sheet 1)</u>	<u>Proposed Reconfiguration of a Lot (1 into 10 Lots)</u>	<u>21/05/2018</u>
<u>DWG No. 4743 - LL1 (Sheet 2)</u>	<u>Proposed Reconfiguration of a Lot (1 into 10 Lots)</u>	<u>21/05/2018</u>

- (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@dsdmip.gov.au (reference: 2005/107327:103649) advising of Council's decision".

CARRIED

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

Moved by Cr Brown

Seconded by Cr Davies

- "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:

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

- (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 <u>63</u>	\$3,558.00 <u>\$4,500.00</u>	\$174,342.00 <u>\$283,500.00</u>
Open Space Contributions	62 <u>63</u>	\$3,558.00 <u>\$4,500.00</u>	\$174,342.00 <u>\$283,500.00</u>
Water Supply Headworks Contributions	63 <u>64</u>	\$3,558.00 <u>\$4,500.00</u>	\$177,900.00 <u>\$288,000.00</u>
TOTAL CURRENT AMOUNT OF CHARGE			\$526,584.00 <u>\$855,000.00</u>

Infrastructure Charge	Lots	Rate	Current Amount of Charge
			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 (reference: 2008/007471) advising of Council's decision."

CARRIED

ITEM-6 **FINALISATION OF MAREEBA SHIRE COUNCIL LOCAL GOVERNMENT INFRASTRUCTURE PLAN**

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council:

1. Receives and notes the draft Mareeba Shire Council Local Government Infrastructure Plan, as attached to these Minutes as Appendix 1;
2. Delegates 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. Instructs 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."

CARRIED

ITEM-7 **APPLICATION TO ENTER COONDOO STREET AVENUE OF FIG TREES IN THE QUEENSLAND HERITAGE REGISTER**

Moved by Cr Brown

Seconded by Cr Davies

"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."

CARRIED

ITEM-8 FUTURE USE OF SURPLUS RESERVES - LOT 5 ON LD152 AND LOT 8 ON LD38, KOORBOORA

Moved by Cr Davies

Seconded by Cr Graham

"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 and further that these lots be retained and incorporated with the balance of the township into the surrounding property as a single lot."

CARRIED**ITEM-9 REQUEST TO NAME ROAD RESERVE OFF WOLFRAM ROAD, DIMBULAH - TREVISIN ROAD**

Moved by Cr Brown

Seconded by Cr Pedersen

"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."

CARRIED**LOCAL LAWS****ITEM-10 LOCAL LAWS AND SUBORDINATE LOCAL LAWS**

Moved by Cr Wyatt

Seconded by Cr Graham

"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* (attached to these Minutes as Appendix 2)-

- 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*."

CARRIED

ITEM-11 ADOPTION OF LOCAL LAW NO. 6 (WASTE MANAGEMENT) 2018

Moved by Cr Brown

Seconded by Cr Graham

"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* (attached to these Minutes as Appendix 3); 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*."

CARRIED

FINANCE

ITEM-12 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MAY 2018

Moved by Cr Toppin

Seconded by Cr Graham

"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."

CARRIED

ITEM-13 LIBRARY FEES AND CHARGES AMENDMENT 2018/19

Moved by Cr Davies

Seconded by Cr Wyatt

"That Council adopts the amended Library Fees and Charges 2018/19, attached to these Minutes as Appendix 2."

CARRIED

COMMUNITY WELLBEING

ITEM-14 COMMUNITY HOUSING ASSET MANAGEMENT PLAN

Moved by Cr Graham

Seconded by Cr Toppin

"That Council adopts the Community Housing Asset Management Plan 2018 - 2023 (attached to these Minutes as Appendix 5), edited to reflect the Corporate Plan 2018 - 2022."

CARRIED

INFRASTRUCTURE SERVICES

ITEM-15 MAREEBA AIRPORT UPGRADING - MAY 2018 PROGRESS REPORT

Moved by Cr Pedersen

Seconded by Cr Wyatt

"That Council note the May 2018 progress report on the Mareeba Airport Upgrade Project."

CARRIED

TECHNICAL SERVICES

Cr Davies left the meeting at 9:29am.

**ITEM-16 PROPOSED EXTENSION OF TENDER TMSC2018-15
DELIVERY OF REGIONAL BITUMEN RESEALS
PROGRAM**

Moved by Cr Graham

Seconded by Cr Toppin

"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."

CARRIED

Cr Pedersen left the meeting at 9:30am.

Cr Davies returned to the meeting at 9:30am.

**ITEM-17 EOI-MSC2018-01 PANEL OF PREFERRED PROVIDERS,
OCCASIONAL PLANT HIRE 2018-2019**

Moved by Cr Davies

Seconded by Cr Graham

"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."

CARRIED

Cr Pedersen returned to the meeting at 9:33am.

**ITEM-18 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES
MONTHLY ACTIVITIES REPORT - MAY 2018**

Moved by Cr Toppin

Seconded by Cr Davies

"That Council receives the Technical Services Monthly Report for the month of May 2018."

CARRIED

WORKS

ITEM-19 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - MAY 2018

Moved by Cr Davies

Seconded by Cr Pedersen

"That Council receives the Infrastructure Services, Works Progress Report for the month of May 2018."

CARRIED

WATER & WASTE

Cr Davies left the meeting at 9:38am.

ITEM-20 TENDER EVALUATION - TMSC2018-12 MAREEBA CBD WATER MAIN UPGRADE

Moved by Cr Wyatt

Seconded by Cr Toppin

"That Council awards 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)."

CARRIED

Cr Davies returned to the meeting at 9:43am.

ITEM-21 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - MAY 2018

Moved by Cr Toppin

Seconded by Cr Davies

"That Council receives the Infrastructure Services, Waste Operations Progress Report, May 2018."

CARRIED

ITEM-22 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - MAY 2018

Moved by Cr Graham

Seconded by Cr Wyatt

"That Council receives the Infrastructure Services, Water and Wastewater Progress Report for the month of May 2018."

CARRIED

CHIEF EXECUTIVE OFFICER**ITEM-23 KURANDA TOWNSHIP INFRASTRUCTURE MASTER PLAN 2010 - 2020**

Moved by Cr Wyatt

Seconded by Cr Toppin

"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, and attached to these Minutes as Appendix 6);
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."

CARRIED**ITEM-24 COUNCILLOR ATTENDANCE AT CONFERENCES**

Moved by Cr Graham

Seconded by Cr Wyatt

"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."

CARRIED

BUSINESS WITHOUT NOTICE

Nil

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 18 July 2018.

There being no further business, the meeting closed at 9:50am.

.....
Cr Tom Gilmore
Mayor

APPENDIX 1 - ITEM-6 FINALISATION OF MAREEBA SHIRE COUNCIL LOCAL GOVERNMENT INFRASTRUCTURE PLAN

APPENDIX 2 - ITEM-10 LOCAL LAWS AND SUBORDINATE LOCAL LAWS

APPENDIX 3 - ITEM-11 ADOPTION OF LOCAL LAW NO. 6 (WASTE MANAGEMENT) 2018

APPENDIX 4 - ITEM-13 LIBRARY FEES AND CHARGES AMENDMENT 2018/19

APPENDIX 5 - ITEM-14 COMMUNITY HOUSING ASSET MANAGEMENT PLAN

**APPENDIX 6 - ITEM-23 KURANDA TOWNSHIP INFRASTRUCTURE MASTER PLAN
2010 - 2020**



Mareeba Shire Council Local Government Infrastructure Plan

Mareeba Shire Council

Local Government Infrastructure Plan

IH133800-0000-NW-RPT-0006 | 2

25 May 2018

PWK04311



Mareeba Shire Council Local Government Infrastructure Plan

Project No: IH133800
Document Title: Local Government Infrastructure Plan
Document No.: IH133800-0000-NW-RPT-0006
Revision: 2
Date: 25 May 2018
Client Name: Mareeba Shire Council
Client No: PWK04311
Project Manager: Paul Dennis
Author: Paul Dennis
File Name: J:\IE\Projects\05_Northern\IH133800\02 Documents\Updated May 2018\IH133800-0000-NW-RPT-0006_LGIP_Rev2.docx

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Document history and status

Revision	Date	Description	By	Review	Approved
A	29/03/2018	Draft Document	KLM	PSD	
0	18/04/2018	Updated to incorporate updated schedules, DSS	AP	PSD	
1	18/04/2018	Updated with Revised SOW and MSC Comments	AP	PSD	
2	25/05/2018	Updated with Revised SOW and to include review comments	AP	PSD	

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Schedule 3 Local Government Infrastructure Plan Mapping and Tables

4. Local government infrastructure plan

4.1 Preliminary

- 1) This local government infrastructure plan for the Mareeba Shire Council has been prepared in accordance with the requirements of the *Planning Act 2016*.
- 2) The purpose of the local government infrastructure plan is to:
 - a) integrate infrastructure planning with the land use planning identified in the planning scheme
 - b) provide transparency regarding a local government's intentions for the provision of trunk infrastructure
 - c) enable a local government to estimate the cost of infrastructure provision to assist its long term financial planning
 - d) ensure that trunk infrastructure is planned and provided in an efficient and orderly manner.
 - e) provide a basis for the imposition of conditions about infrastructure on development approvals.
- 3) The local government infrastructure plan:
 - a) states in Section 4.2 (planning assumptions) the assumptions about future growth and urban development including the assumptions of demand for each trunk infrastructure network
 - b) identifies in Section 4.3 (priority infrastructure area) the prioritised area to accommodate urban growth up to 10 to 15 years
 - c) states in Section 4.4 (desired standards of service) for each trunk infrastructure network the desired standard of performance
 - d) identifies in Section 4.5 (plans for trunk infrastructure) the existing and future trunk infrastructure for the following networks:
 - i. water supply
 - ii. wastewater
 - iii. stormwater
 - iv. transport
 - v. Public parks and land for community facilities
 - e) provides a list of supporting documents that assist in the interpretation of the local government infrastructure plan in the Editor's note – Extrinsic material at the end of Section 4

4.2 Planning assumptions

- 1) The planning assumptions state the assumptions about:
 - a) population and employment growth
 - b) the type, scale, location and timing of development including the demand for each trunk infrastructure network
- 2) The planning assumptions together with the desired standards of service form a basis for the planning of the trunk infrastructure networks and the determination of the priority infrastructure area.
- 3) The planning assumptions have been prepared for:
 - a) the base date 2016 and the following projection years to accord with future Australian Bureau of Statistics census years:

- i. mid 2021
- ii. mid 2026
- iii. mid 2031
- b) the LGIP development types in column 2 that include the uses in column 3 of Table 1.
- c) the projection areas identified on Local Government Infrastructure Plan Map LGIP PIA Index Map in Schedule 3—Local government infrastructure plan mapping and tables.

Table 1—Relationship between LGIP development categories, LGIP development types and uses

Column 1 LGIP development category	Column 2 LGIP development type	Column 3 Uses
Residential development	Single dwelling	Caretakers Accommodation Dwelling House Dwelling Unit
	Multiple dwelling	Dual Occupancy Multiple Dwelling Relocatable Home Park Retirement Facility
	Other Dwelling	Community Residence Hostel Hotel Non-resident Workforce Accommodation Residential Care Facility Short-term Accommodation Resort Complex Retirement Facility
Non-residential development	Retail	Adult Store Market Roadside Stall Service Station Shop Shopping Centre
	Commercial	Agricultural Supplies Store Bar Brothel Bulk Landscaping Supplies Car Wash Food and Drink Outlet Function Facility Funeral Parlour Garden Centre Hardware and Trade Supplies Home Based Business

Column 1 LGIP development category	Column 2 LGIP development type	Column 3 Uses
		Indoor Sport & Recreation Sales Office Showroom Theatre Tourist Attraction Tourist Park Veterinary Services Warehouse Wholesale Nursery Winery
	Industrial	Aquaculture Extractive Industry High Impact Industry Intensive Animal Husbandry Intensive Horticulture Low Impact Industry Marine Industry Medium Impact Industry Special Industry Research and Technology Industry Rural Industry Service Industry Transport Depot
	Community Purposes	Parking Station Cemetery Child Care Centre Community Residence Community Use Crematorium Educational Establishment Emergency Services Health Care Services Hospital Major Sport, Recreation and Entertainment Facility Place of Worship Telecommunications Facility
	Other	Air Services Animal Husbandry Animal Keeping Cropping Detention Facility

Column 1 LGIP development category	Column 2 LGIP development type	Column 3 Uses
		Environment Facility Landing Major Electricity Infrastructure Motor Sport Facility Nature-based Tourism Outstation Park Permanent Plantation Port Services Renewable Energy Facility Substation Utility Installation

- 4) Details of the methodology used to prepare the planning assumptions are stated in the extrinsic material.

4.2.1 Population and employment growth

- 1) A summary of the assumptions about population and employment growth for the planning scheme area is stated in Table 2—Population and employment assumptions summary.

Table 2—Population and employment assumptions summary – Planning Scheme Area

Column 1 Description	Column 2 Assumptions				
	Base date (2016)	2021	2026	2031	Ultimate Development (PIA only)
Population	21,557	22,605	23,562	24,522	24,522
Employment	9,812	8,695	9,064	9,433	9,433

- 2) Detailed assumptions about growth for each projection area and LGIP development type category are identified in the following tables in Schedule 3 Local government infrastructure plan mapping and tables:
- for population, Table SC3. 1
 - for employment, Table SC3. 2

For the purposes of the LGIP, 2031 development projection shall be considered ultimate. Calculation of ultimate residential development are provided within the LGIP and supporting documents. While it is acknowledged there is surplus land within the smaller localities to service development beyond 2031, planning for infrastructure to service these localities is likely to be uneconomic given the relatively low rate of new urban development within areas of the Shire outside of Mareeba township.

4.2.2 Development

- 1) The developable area is identified on Local Government Infrastructure Plan Map LGIP-PIA001 to LGIP-PIA-007 in Schedule 3—Local government infrastructure plan mapping and tables.

- 2) The planned density for future development is stated in Table SC3.3 in Schedule 3—Local government infrastructure plan mapping and tables.
- 3) A summary of the assumptions about future residential and non-residential development for the planning scheme area is stated in Table 3—Residential dwellings and non-residential floor space assumptions summary.

Table 3—Residential dwellings and non-residential floor space assumptions summary

Column 1 Description	Column 2 Assumptions					
	Base date (2016)	2021	2026	2031	Ultimate Development (PIA)	Ultimate Development
Residential dwellings	4,835	5,560	5,996	6,466	5,600	8,363
Non-residential floor space (m ² GFA)	224,160	232,680	242,506	252,372	252,372	252,372

- 1) Detailed assumptions about future development for each projection area and LGIP development type are identified in the following tables in Schedule 3 Local government infrastructure plan mapping and tables:
 - a) for residential development, Table SC3. 1
 - b) for non-residential development, Table SC3. 2

4.2.3 Infrastructure demand

- 1) The demand generation rate for each of the trunk infrastructure networks is stated in Table SC3.3 in Schedule 3 Local government infrastructure plan mapping and tables.
- 2) A summary of the projected infrastructure demand for each service catchment is stated in Schedule 3, as follows:
 - a) for the water supply network, Table SC3. 6
 - b) for the sewerage network, Table SC3. 7
 - c) for the stormwater network, Table SC3. 8
 - d) for the transport network, Table SC3. 9
 - e) for the parks and land for community facilities network, Table SC3. 10

4.3 Priority infrastructure area

- 1) The priority infrastructure area identifies the area prioritized for the provision of trunk infrastructure to service the existing and assumed future urban development up to 2031.
- 2) The priority infrastructure area is identified on Local Government Infrastructure Plan Map LGIP-PIA-001 to LGIP -PIA-007.

4.4 Desired standards of service

- 1) This section states the key standards of performance for a trunk infrastructure network.
- 2) Details of the standard of service for a trunk infrastructure networks are identified in the extrinsic material.

4.4.1 Water supply network

Table 4 : Desired Standard of Service (DSS) for the Water Supply network

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Reliability / Continuity of Supply	All development receives a reliable supply of potable water, with minimal interruptions to their service.	<ul style="list-style-type: none"> • Mareeba Shire Council Water and Wastewater Customer Service Standard • All sections of the reticulation network shall receive a residual pressure of at least 22 m during the 'maximum hour' demand and the system should be capable of supplying water for six (6) consecutive 'maximum hours'. • The system should have sufficient capacity to refill all reservoirs from empty to full within 5 days of continuous operation during 'average day' demand conditions. • Each reservoir in the system should have a net positive inflow, and should be capable of continuous operation during 'mean day maximum month' demand conditions. • FNQROC Development Manual, as amended. <ul style="list-style-type: none"> ➤ Wet Tropics Management Plan 1998.
Adequacy of Supply	All development is provided with a water supply which is adequate for the intended use. Minimum static pressure (meters head) and/or flow (liters/second) at connection.	<ul style="list-style-type: none"> • Water Supply Code of Australia – Water Services Association of Australia as amended by Council. • Planning Guidelines of Water Supply and Sewerage – Department of Energy and Water Supply. • The reticulation system should be capable of providing simultaneously a fire fighting flow of 30 L/s for 4 hours in commercial areas and 15 L/s for 2 hours in residential areas.

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
		<ul style="list-style-type: none"> During fire fighting demands the residual pressure at any point in the reticulation network should not drop below 12 m. The Average Daily consumption and peaking factors for the design of Water Supply Schemes shall be as follows: <ul style="list-style-type: none"> Average Daily Consumption (AD) 500 litre/person/day Mean Day Maximum Month (MDMM) 1.50 x AD Peak Day (PD) 2.25 x AD Peak Hour (PH) 1/12 x PD The maximum head in the reticulation system should be limited to below 60 m.
Quality of Supply	<ul style="list-style-type: none"> Provide a uniform water quality in accordance with recognised standards which safeguards community health and is free from objectionable taste and odour. 	<ul style="list-style-type: none"> National Health and Medical Research Council Australian Drinking Water Guidelines 2011 Version 3.4
Environmental Impacts	<p>Provide water supply infrastructure that:</p> <ul style="list-style-type: none"> Minimises energy use. Minimises greenhouse gas emissions. Complies with Environmental Management Strategies and Plans. <p>Provides for system operation and monitoring in accordance with recognized standards.</p>	<ul style="list-style-type: none"> Compliance with all environmental licenses and environmental management plans under the <i>Water Act 2000</i> and the <i>Environmental Protection Act 1994</i>. Water Supply Code of Australia – Water Services Association of Australia as amended by Council. Planning Guidelines of Water Supply and Sewerage – Department of Energy and Water Supply. FNQROC Development Manual, as amended. Wet Tropics Management Plan 1998.
Pressure and Leakage Management	The water supply network is monitored and managed to maintain the reliability and adequacy of supply and to minimize environmental impacts.	<ul style="list-style-type: none"> Mareeba Shire Council Water and Wastewater Customer Service Standard. System Leakage Management Plan (<i>Chapter 3, Part 3, Division 1A Water Act 2000</i>).

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
		<ul style="list-style-type: none"> A.S.C. System Loss Management Plan.
Infrastructure Design / Planning Standards	Design of the water supply network will comply with established codes and standards.	<ul style="list-style-type: none"> Water Services Association of Australia – WSA 03 – 2011 – Water Supply Code of Australia Australian Drinking Water Guidelines – National Health and Medical Research Council Planning Guidelines for Water Supply and Sewerage – Department of Natural Resources and Water FNQROC Development Manual, as amended.

Sewerage network

Table 5 : Desired Standard of Service (DSS) for the Sewerage network

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Reliability	All lots have access to a reliable sewerage collection, conveyance, treatment and disposal system.	<ul style="list-style-type: none"> Mareeba Shire Council Water and Wastewater Customer Service Standard. The “Average Dry Weather Flow” (ADWF) shall be limited to 275 L / EP / day. The design flow adopted shall be limited to (4 x ADWF). The sewer capacity at design flow should not exceed 0.75 x diameter of sewer. FNQROC Development Manual, as amended.
Quality of Treatment	Ensures the health of the community, and the safe and appropriate level of treatment and disposal of treated effluent.	<ul style="list-style-type: none"> Compliance with all environmental licenses and environmental management plans under the <i>Water Act 2000</i> and the <i>Environmental Protection (Water) Policy 1997</i>. Queensland <i>Water Quality</i> Guidelines 2006 – Environmental Protection Agency. National Water Quality Guidelines – National Water Quality Management Strategy.
Environmental Impacts	The environmental impacts of the sewerage network are minimized in accordance with community expectations.	<ul style="list-style-type: none"> Compliance with all environmental licenses and environmental management plans under the <i>Water Act 2000</i> and the <i>Environmental Protection (Water) Policy 1997</i> Mareeba Shire Council Water and Wastewater Customer Service Standard.

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Inflow / Infiltration	Ensure infiltration and inflow in the sewerage collection and transportation system remains within industry acceptable limits.	<ul style="list-style-type: none"> Compliance with all environmental licenses and environmental management plans under the <i>Water Act 2000</i> and the <i>Environmental Protection (Water) Policy 1997</i>
Effluent Re-use	Reuse effluent wherever possible.	<ul style="list-style-type: none"> Compliance with all environmental licenses and environmental management plans under the <i>Water Act 2000</i> and the <i>Environmental Protection (Water) Policy 1997</i> <i>Guidelines for Sewerage Systems – Reclaimed Water – February 2000</i> <i>Queensland Water quality guidelines for recycled water schemes - November 2008</i>
Infrastructure Design / Planning Standards	Design of the sewerage network will comply with established codes and standards.	<ul style="list-style-type: none"> Section D7 Sewerage System Design Guidelines of the Development Manual Planning Scheme Policy. Department of Natural Resources Planning Guidelines for Water Supply and Sewerage. Water Services Association of Australia – WSA – 02 – 2014 – Sewerage Code of Australia Water Services Association of Australia – WSA – 04 – 2005 – Sewerage Pumping Station Code of Australia. FNQROC Development Manual, as amended.

4.4.2 Stormwater Network

Table 6 Desired Standard of Service (DSS) for Stormwater Network

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Quantity	Collect and convey the design storm event in natural and engineered channels, a piped drainage network and system of overland flow paths to a lawful point of discharge in a safe manner that minimises the inundation of habitable rooms and protects life.	<ul style="list-style-type: none"> Department of Natural Resources and Water – <i>Queensland Urban Drainage Manual</i> FNQROC Development Manual, Australian Rainfall and Runoff – <i>A Guide to Flood Estimation</i>, Brisbane City Council - <i>Natural Channel Design Guidelines</i>.
Quality	The water quality of urban catchments and waterways are managed to protect and enhance environmental values and pose no health risk to the community, and water quality of urban catchments and waterways consider provision of sufficient space in	<ul style="list-style-type: none"> Provide sufficient space in waterway corridors to accommodate wetlands and stormwater quality improvement devices. Design cross road structures to provide the appropriate level of flood immunity. Queensland Water Quality Guidelines 2006 – Environmental Protection Agency

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
	waterway corridors to accommodate wetlands and stormwater quality improvement devices.	<ul style="list-style-type: none"> Queensland Waterway Guideline National Water Quality Guidelines – National Water Quality Management Strategy Fisheries Act 1994 and Fisheries Regulation 2008. Fish Habitat Guideline FHG 003 – Fisheries Guidelines for Fish Habitat Buffer Zones
Environmental Impacts	Adopt water sensitive urban design practices and on site water quality management to achieve EPA water quality objectives	<ul style="list-style-type: none"> Environmental Protection Agency requirements (section 42 Environmental Protection (Water) Policy 1997) Fisheries Act 1994. Queensland Waterway Guideline Employ water sensitive urban design criteria to maximise on-site quantity and quality treatment and limit discharges off site. Employ (NO net-worsening) criteria on all new development or redevelopment site.
Infrastructure Design / Planning Standards	Design of the stormwater network will comply with established codes and standards	<ul style="list-style-type: none"> FNQROC Development Design Standards - <i>Design Guidelines set out in Sections D4 and D5 of FNQROC Development Manual.</i> Department of Natural Resources and Water - <i>Queensland Urban Drainage Manual.</i> Australian Rainfall and Runoff – <i>A Guide to Flood Estimation</i>, and Brisbane City Council - <i>Natural Channel Design Guidelines</i> requirements.

4.4.3 Transport Network

Table 7 Desired Standard of Service (DSS) for Transport Network

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Road Network Design / Planning Standards	<p>The road network provides a functional urban and rural hierarchy and freight routes which support settlement patterns and commercial and economic activities.</p> <p>Design of the road system will comply with established codes and standards</p>	<ul style="list-style-type: none"> FNQROC Development Manual <i>Road Planning and Design Manual</i> - Department of Transport and Main Roads Australian Standards AUSTROADS guidelines
Public Transport Design / Planning Standards	New urban development is designed to achieve safe walking distance to existing or potential bus stops or	<ul style="list-style-type: none"> Design accords with the Performance Criteria set by Department of Transport and Main Roads

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
	existing or proposed demand-responsive public transport routes.	<ul style="list-style-type: none"> ▪ AUSTROADS guides for road-based public transport and high occupancy vehicles
Cycle ways and Pathways Design / Planning Standards	<p>Cycleways and pathways provide a safe and convenient network which encourages walking and cycling as acceptable alternatives.</p> <p>Design of the network will comply with established codes and standards.</p>	<ul style="list-style-type: none"> ▪ Australian Standards ▪ 'AUSTROADS Guide to Road Design – Part 6A: Pedestrian and Cycle Paths' ▪ Queensland Cycle Strategy 2011-2021 ▪ 'Complete Streets'

4.4.4 Public parks and land for community facilities network

Table 8 Desired Standards of Service Open Space and Community Facilities Network

Measure	Planning Criteria (qualitative standards)	Design Criteria (quantitative standards)
Functional Network	A network of parks and community land is established to provide for the full range of recreational and sporting activities and pursuits.	<ul style="list-style-type: none"> Parks and Community Land is provided at a Local, District and LGA Wide Level Parks and community land addresses the needs of both recreation and sport. Nature conservation is also provided for but not part of the charging regime.
Accessibility	Public parks will be located to ensure adequate pedestrian, cycle and vehicle access.	<ul style="list-style-type: none"> Accessibility criteria are identified in Table 9.
Land Quality/ Suitability <ul style="list-style-type: none"> Area / 1000 persons Minimum size Maximum grade Flood immunity 	Public parks will be provided to a standard which supports a diverse range of recreational, sporting and health promoting activities to meet community expectations. This includes ensuring land is of an appropriate size, configuration and slope and has an acceptable level of flood immunity.	<ul style="list-style-type: none"> The rate of public park provision is identified in Table 10. The size for public parks is identified in Table 11. The maximum gradient for public parks is identified in Table 12. The minimum flood immunity for public parks is identified in Table 13.
Embellishments	Public parks contain a range of embellishments to complement the type and use of the park.	<ul style="list-style-type: none"> Standard embellishments for each type of park are identified in Table 14.
Infrastructure Design / Performance Standards	Maximise opportunities to co-locate recreational parks in proximity to other community infrastructure, transport hubs and valued environmental and cultural assets.	<ul style="list-style-type: none"> Australian Standards; FNQROC Development Manual
Accessibility	Public parks will be located to ensure adequate pedestrian, cycle and vehicle access.	<ul style="list-style-type: none"> Accessibility criteria are identified in Table 9

Table 9 : Accessibility standard

Infrastructure Type	Accessibility Standard		
	<i>Local (non trunk)</i>	District	Area of Planning Scheme
Recreation park	Park or node ¹ within 500 m safe walking distance.	Park or node within 2 - 5 km.	Park/precinct based on specific feature or location – serves whole of planning scheme area.
Sport park	No formal provision	Sporting Park within 5-10 km of residential and village areas.	1-3 Parks serves whole of area for regional competition or is base for competition within area.

Table 10 : Rate of land provision

Infrastructure Type	Rate of provision (Ha/1000 people)		
	Local (non—trunk)	District	Area of Planning Scheme
Recreation park	1.5 Ha	1.0 Ha	0.5 Ha
Sport park	N/A	1.0 Ha	0.4 Ha
Community Facilities	N/A	N/A	0.1

Table 11 : Size of parks and community land

Infrastructure Type	Size (Ha)		
	<i>Local (non trunk)</i>	District	Area of Planning Scheme
Recreation park	1.5 Ha (2.0 Ha if a node)	2 Ha usable area	More than 5 Ha
Sport park	No formal provision	5 Ha minimum	5-10 Ha
Community Facilities		As required	As required

Table 12 : Maximum desired grade

Infrastructure Type	Maximum Gradient		
	Local (non trunk)	District	Area of Planning Scheme
Recreation park	1:20 for main use area 1:6 for remainder	1:20 for main use area, variable for remainder	1:20 for use areas Variable for remainder
Sport park	N/A	1:50 for field and court areas 1:10 for remainder	1:50 for all playing surfaces

¹ Node is an area within a higher level park or within other open space (e.g. a waterway corridor) that is developed for play and picnic use.

Infrastructure Type	Maximum Gradient		
	Local (non trunk)	District	Area of Planning Scheme
Community Facilities	N/A	N/A	

Table 13 : Minimum desired flood immunity for parks

Infrastructure Type	Minimum flood immunity (%)								
	Local			District			Area of Planning Scheme		
Flood immunity	>20% AEP	>2% AEP	>1% AEP	>20% AEP	>2% AEP	>1% AEP	>20% AEP	>2% AEP	>1% AEP
Recreation park	25%	50%	50%	0%	90%	10%	50%	40%	10%
Sport park	N/A	N/A	N/A	0%	90%	10%	50%	40%	10%
Community Facilities	N/A	N/A	N/A	N/A	N/A	N/A	0	10%	90%

Table 14 : Standard facilities/embellishments for parks

Embellishment type	Recreation parks			Sport parks	
	Local (non trunk)	District	Area of Planning Scheme	District	Area of Planning Scheme
Internal roads	N/A	N/A			N/A
Parking	On street	On street	Off street or dedicated on street parking, possibly in several locations	Off street parking provided as central hubs to facilities	Off street parking provided as central hubs to facilities
Fencing/bollards	Not required	Bollards to prevent car access	Range of fencing, boundary definition styles as appropriate to location	Bollards to prevent car access	Fencing and bollards to control access to site as well as limiting internal traffic access to fields and facilities.
Lighting	Safety lighting provided by street lights	For car park, toilets, youth space and picnic area	For car park, toilets, youth space and picnic area	For car park, toilets, security lighting for buildings. Field lighting responsibility	For car park, toilets, security lighting for buildings. Field lighting responsibility

Embellishment type	Recreation parks			Sport parks	
	Local (non trunk)	District	Area of Planning Scheme	District	Area of Planning Scheme
Toilet	Generally, not provided	Usually provided	Provided	Provided if not being provided as part of club facilities	Provided if not being provided as part of club facilities
Paths (pedestrian/cycle)	On footpath and providing access to boundary	Paths and links to park and within park	Internal links to facilities	Bikeway links to park. Internal links to facilities	Internal links to facilities
Shade structures	Shade from trees or structures provided for play areas and picnic node	Built shade for play and picnic facilities if insufficient natural shade	Shade for picnic facilities and all use nodes. Combination of natural and built.	Perimeter shade from appropriate tree species.	Perimeter shade from appropriate tree species.
Seating, tables and BBQ	1-2 tables 2+ seats BBQ's normally not provided	2+ sheltered tables 4+ seats BBQ's usually provided	Multiple picnic nodes, BBQ's and shelters provided	Not provided except as recreation nodes. 2-4 perimeter seats	Not provided except as recreation nodes. 2 perimeter seats per field
Taps/irrigation	1-2 drinking taps / fountains	2+ drinking fountains for picnic areas. Taps near active recreation areas.	In ground irrigation for landscaped areas. Drinking fountains and taps provided at picnic and active nodes.	Taps located on built facilities and near fields.	In ground irrigation for fields. Taps located on built facilities and 1 per field
Bins	Provided	Provided	Provided	Provided	Provided
Landscaping (including earthworks, irrigation and revegetation)	Ornamental plantings. Shade species. Buffer plantings with other nodes.	Enhancement plantings and shade plantings along with screening and buffers.	Significant works including plantings, features and public art.	Planted buffer areas adjacent to residential areas. Screening / buffer plantings for recreation nodes.	Planted buffer areas adjacent to residential areas. Screening / buffer plantings for recreation nodes.
Playgrounds	1 play event provided	Larger playground multiple play	Large playgrounds and possibly	Not provided except as part of recreation node.	Not provided except as part of recreation node.

Embellishment type	Recreation parks			Sport parks	
	Local (non trunk)	District	Area of Planning Scheme	District	Area of Planning Scheme
		events provided.	multiple locations.		
Youth active and informal facilities		Youth active facilities provided - court, bike tracks, youth space etc.	Youth active facilities provided -court, bike tracks, youth space etc.	Not provided except as public access to sporting fields	Not provided except as public access to sporting fields or as dedicated facility (e.g. skate park)

4.5 Plans for trunk infrastructure

- 1) The plans for trunk infrastructure identify the trunk infrastructure networks intended to service the existing and assumed future urban development at the desired standard of service up to 2031.

4.5.1 Plans for trunk infrastructure maps

- 1) The existing and future trunk infrastructure networks are shown on the following maps in Schedule 3—Local government infrastructure plan mapping and tables:
 - a) Local Government Infrastructure Plan Map LGIP-WAT-001 to LGIP -WAT-007 Plan for trunk water supply infrastructure
 - b) Local Government Infrastructure Plan Map LGIP-SEW-001 to LGIP -SEW-007 —Plan for trunk sewerage infrastructure
 - c) Local Government Infrastructure Plan Map LGIP-STW-001 to LGIP -STW-007 —Plan for trunk stormwater infrastructure
 - d) Local Government Infrastructure Plan Map LGIP-TPT-001 to LGIP -TPT-007 —Plan for trunk transport infrastructure
 - e) Local Government Infrastructure Plan Map LGIP-PCF-001 to LGIP -PCF-007 —Plan for trunk parks and land for community facilities infrastructure
- 2) The State infrastructure forming part of transport trunk infrastructure network has been identified using information provided by the relevant State infrastructure supplier.

4.5.2 Schedules of works

- 1) Details of the existing and future trunk infrastructure networks are identified in the electronic Excel schedule of works model which can be viewed here: <insert link to the website where the file can be found>. – TO BE INSERTED BY MSC FOLLOWING COMPLETION OF REPORT
- 2) The future trunk infrastructure is identified in the following tables <in Schedule 3—Local government infrastructure plan mapping and tables:
 - a) for the water supply network, Table SC3. 11
 - b) for the sewerage network, Table SC3. 12
 - c) for the stormwater network, Table SC3. 13

- d) for the transport network, Table SC3.14
- e) for the parks and land for community facilities network, Table SC3. 15

Editors note – Extrinsic material

The below table identifies the documents that assist in the interpretation of the local government infrastructure plan and are extrinsic material under the *Statutory Instruments Act 1992*.

List of extrinsic material

- 1) Table 4.5.2.1: List of extrinsic material

Column 1 Title of document	Column 2 Date	Column 3 Author
Background Information for the Water Supply & Wastewater Networks for the Mareeba Shire Council Local Government Infrastructure Plan	March 2017	MSC
Background Information for the Planning Assumptions for the Mareeba Shire Council Local Government Infrastructure Plan	March 2017	MSC
Background Information for the Transport Network for the Mareeba Shire Council Local Government Infrastructure Plan	March 2017	MSC
Background Information for the Stormwater Drainage Network for the Mareeba Shire Council Local Government Infrastructure Plan	March 2017	MSC
Background information for the Open Space and Land for Community Facilities Network for the Mareeba Shire Council Local Government Infrastructure Plan	March 2017	MSC

Schedule 3 Local Government Infrastructure Plan Mapping and Tables

SC3.1 Planning assumption tables

Table SC3. 1 Existing and Projected Populations

	Existing and projected population			
PIA Projection Area	2016	2021	2026	2031
CHILLAGOE	188	195	203	212
DIMBULAH	372	386	402	419
KURANDA*	1,906	1,978	2,062	2,146
MAREEBA**	8,902	9,241	9,631	10,022
Total PIA	11,368	11,801	12,299	12,798
Total outside PIA	10,189	10,804	11,263	11,724
Total for area of Planning Scheme	21,557	22,605	23,562	24,522

Table SC3. 2 Existing and Projected Employees

PIA Projection Area	LGIP Employment Category	Existing and projected persons in employment by PIA projection area (persons)			
		2016	2021	2026	2031 / Ultimate
CHILLAGOE	Retail	12	12	13	13
	Industry and Construction	-	-	-	-
	Office	9	10	10	10
	Community	15	15	16	16
	Rural, Mining and Other*	22	23	24	25
DIMBULAH	Retail	20	21	22	23
	Industry and Construction	19	20	21	21
	Office	4	4	4	5
	Community	48	50	52	54
	Rural, Mining and Other*	36	37	39	41
KURANDA	Retail	196	203	212	221
	Industry and Construction	162	168	175	182
	Office	141	147	153	159
	Community	336	348	363	378
	Rural, Mining and Other*	98	102	106	110
MAREEBA	Retail	894	928	967	1,007
	Industry and Construction	762	791	825	858
	Office	345	358	373	389
	Community	1,312	1,361	1,419	1,477
	Rural, Mining and Other*	1,031	1,070	1,115	1,160
Total PIA		5,462	5,669	5,909	6,149

Table SC3.3a Planned density and demand generation rate for a trunk infrastructure network

Column 1 Area classification	Column 2 LGIP development type	Column 3 Planned density		Column 4 Demand generation rate for a trunk infrastructure network				
		Non- residential plot ratio	Residential density (dwellings/ dev ha)	Water supply network (EP/dev ha)	Sewerage network (EP/dev ha)	Transport network (vpd/dev ha)	Parks and land for community facilities network (ha/1000 persons)	Stormwater network (imp ha/dev ha)
Residential development								
Rural Residential	4000 m² Precinct	N/A	2.1	4.7	N/A	18.9	N/A	No Worsening
Rural Residential	1 ha Precinct	N/A	1.0	2.1		9.45		
Rural Residential	2 ha Precinct	N/A	0.5	1.05		4.75		
Emerging Community		N/A	7.5	Demand Rates consistent with Low density residential (sewered) or in accordance with approved Structure Plan				
Low density residential	All Sewered Precincts	N/A	7.5	15.75	15.75	71	15.75	0.5
Low density residential	All Unsewered Precincts	N/A	6.0	15.75	N/A	71	15.75	0.5
Medium density residential	All Sewered Precincts	N/A	22	46.2	46.2	82	46.2	0.5
Non-residential development and mixed development ²								
Centre*	All Precincts	0.6240	80	277	277	624	N/A	0.9
Industry	Trades & Services	0.5200	N/A	47	47	260	N/A	0.8
Industry	General	0.5200	N/A	47	47	260	N/A	0.8
Industry	Heavy	0.5200	N/A	47	47	260	N/A	0.8
Community Facilities	Community Activities	0.4500	N/A	31.7	31.7	180	N/A	No Worsening
Recreation & Open Space	Sport & Recreation Activities	0.1000	N/A	N/A	N/A	N/A	N/A	No Worsening
Conservation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	No Worsening

Note—1. **Error! Reference source not found.** Mixed development is development that includes residential development and non-residential development.

* Demand determined for non residential activities within the centre zone. Use of this zone for residential uses at the maximum allowable density will result in reduced demands for infrastructure.

Table SC3.3b Demand Generation Rates for Reconfiguring of a Lot and Material Change of Use Applications, or carrying out Building Work

Planning scheme area identification & land use				Assumed demand generation rates				
				Water supply units of demand	Sewerage units of demand	Transport units of demand	Stormwater units of demand	Public parks and land for community facilities units of demand
Use	Zone	Planning scheme use type	Use intensity	Demand Ratio	Demand Ratio	Trips	Impervious area / ha	Demand Ratio
Residential uses	Low density residential	Detached house and lot	Detached house and lot	1.0	1.0	9	5000m²	1.0
	Medium density residential	1 bed unit 2 bed unit 3 bed or more	1 bed unit	0.5	0.6	5	6000m²	0.5
			2 bed unit	0.7	0.8	7	6000m²	0.7
			3 bed or more	1.0	1.0	9	6000m²	1.0
		1 bed unit 2 bed unit 3 bed or more	1 bed unit	0.5	0.6	5	6000m²	0.5
			2 bed unit	0.7	0.8	7	6000m²	0.7
			3 bed or more	1.0	1.0	9	6000m²	1.0
		1 bed unit 2 bed unit 3 bed or more	1 bed unit	0.5	0.6	5	6000m²	0.5
			2 bed unit	0.7	0.8	7	6000m²	0.7
			3 bed or more	1.0	1.0	9	6000m²	1.0
Industrial uses	100m² use area			0.03	0.03	5	8000m²	0.03
Retail uses	100m² use area			1.0	1.0	10	8500m²	1.0
Commercial uses	100m² use area			1.0	1.0	10	9500m²	1.0

Table SC3. 4 Existing and projected residential dwellings

Projection area	LGIP development type	Existing and projected residential dwellings				PIA Ultimate Development (within Locality in brackets)
		2016	2021	2026	2031	
Chillagoe	Single Dwelling	79	89	99	109	117 (152)
	Multiple Dwelling					
	Other	20	20	19	19	
	Total	99	109	118	128	
Dimbulah	Single Dwelling	196	203	209	216	328 (358)
	Multiple Dwelling	6	7	8	9	
	Other	30	30	29	29	
	Total	232	239	247	254	
Kuranda	Single Dwelling	751	787	822	858	350 (1345)
	Multiple Dwelling	18	39	59	80	
	Other	128	130	132	134	
	Total	897	955	1,014	1,072	
Mareeba	Single Dwelling	3,238	3,595	3,952	4,309	4,805 (6,593)
	Multiple Dwelling	386	278	170	62	
	Other	70	72	73	75	
	Total	3,694	3,945	4,195	4,446	
Outside priority infrastructure area (total)	Single Dwelling	4,245	5,049	5,441	5,862	N/A
	Multiple Dwelling	-	-	-	-	
	Other	-	-	-	-	
	Total	4,245	5,049	5,441	5,862	
Mareeba Shire	Single Dwelling	8,509	9,723	10,523	11,354	N/A
	Multiple Dwelling	410	324	237	151	
	Other	248	252	253	257	
	Total	9,167	10,297	11,015	11,762	

Table SC3. 5 Existing and projected non-residential floor space

PIA projection area	LGIP Employment Category	Existing and projected employment GFA by PIA Locality (m²)			
		2016	2021	2026	2031 / Ultimate
CHILLAGOE	Retail	237	246	256	268
	Industry and Construction	-	-	-	-
	Office	231	239	249	260
	Community	725	752	783	818
	Total	1,194	1,238	1,289	1,346
DIMBULAH	Retail	400	415	432	451
	Industry and Construction	2,091	2,170	2,259	2,355
	Office	100	104	108	113
	Community	2,401	2,491	2,595	2,704
	Total	4,992	5,180	5,395	5,623
KURANDA	Retail	3,921	4,069	4,242	4,415
	Industry and Construction	17,786	18,458	19,242	20,025
	Office	3,537	3,671	3,826	3,982
	Community	16,775	17,409	18,148	18,888
	Total	42,019	43,607	45,458	47,310
MAREEBA	Retail	17,884	18,565	19,349	20,134
	Industry and Construction	83,867	87,061	90,735	94,419
	Office	8,628	8,957	9,335	9,714
	Community	65,575	68,073	70,945	73,826
	Total	175,955	182,656	190,365	198,093
Total PIA		224,160	232,680	242,506	252,372

Table SC3. 6 Existing and projected demand for the water supply network

PIA projection area/ Service Catchment	Water supply network demand (EP)			
	2016	2021	2026	2031 / Ultimate
CHILLAGOE	193	201	209	217
DIMBULAH	379	393	409	426
KURANDA*	1,991	2,066	2,154	2,242
MAREEBA**	9,212	9,562	9,967	10,371
Total PIA	13,790	14,242	14,764	15,287

Table SC3. 7 Existing and projected demand for the sewerage network

	Sewerage network demand (EP)			
PIA projection area/ Service Catchment	2016	2021	2026	2031
CHILLAGOE	193	201	209	217
DIMBULAH	379	393	409	426
KURANDA*	1,991	2,066	2,154	2,242
MAREEBA**	9,212	9,562	9,967	10,371

Table SC3. 8 Existing and Projected Demand for the Stormwater Network

Column 1 Service Catchment	Column 2 Existing and projected stormwater network demand (Impervious Hectare)			
	2016	2021	2026	2031
Chillagoe	6.64	7.18	7.85	8.58
Dimbulah	15.75	14.29	15.63	17.17
Kuranda	55.03	63.77	68.67	73.89
Mareeba	305.82	354.88	382.08	411.12

Table SC3. 9 Existing and Projected Demand for the Transport Network

Locality	2016	2021	2026	2031
Chillagoe	967	1,042	1,135	1,238
Dimbulah	2,348	2,159	2,350	2,568
Kuranda	9,452	10,709	11,459	12,253
Mareeba	42,849	48,690	52,120	55,758

Table SC3. 10 Existing and Projected demand for the community facilities network

	Community Facilities Demand (EP)			
PIA projection area/ Service Catchment	2016	2021	2026	2031
Chillagoe	188	195	203	212
Dimbulah	372	386	402	419
Kuranda	1,906	1,978	2,062	2,146
Mareeba	8,902	9,241	9,631	10,022
Total PIA	11,368	11,801	12,299	12,798

SC3.2 Schedules of works

Table SC3. 11 Water Supply network schedule of works

Map reference	Trunk infrastructure	Estimated timing	Establishment cost
WAT - 01	Emerald End Road and Seary Road, Mareeba. Metered Water Standpipe Access Upgrade.	2019	\$100,000
WAT - 02	Design and install clear water pump set, Dimbulah Water Treatment Plant. Subject to options analysis.	2019	\$60,000
WAT - 03	Chillagoe Water Treatment Plant. Install generator.	2019	\$50,000
WAT - 04	Rankin Street, Mareeba. Water Main Replacement (Uncommitted: subject to obtaining grant funding).	2019	\$1,250,000
WAT - 05	Replace existing reservoirs in Chillagoe with new 500KL prefabricated steel reservoir (Uncommitted: subject to obtaining grant funding).	2019	\$800,000
WAT - 06	Mareeba Water Treatment Plant. Replace Alum Dosing System with Aluminium Chloride Hydrate (ACH) flocculant.	2019	\$80,000
WAT - 07	Mareeba Reticulation Depot Shed Replacement.	2019	\$100,000
WAT - 08	Upgrade Mareeba town water booster station, including water main upgrades.	2020	\$3,900,000
WAT - 09	New Mareeba Spare Transfer Holding Lagoon Pump.	2020	\$12,000
WAT - 10	Kuranda Water Treatment Plant new 500KL storage tank.	2020	\$820,000
WAT - 11	Upgrade Mareeba Water Treatment Plant High Lift Pumps.	2020	\$1,050,000
WAT - 12	Mareeba WTP Backwash Water Treatment Project	2020	\$170,000
WAT - 13	Mareeba Backwash Recycle Water Pump new spare.	2020	\$12,000
WAT - 14	Replace Kuranda Water Treatment Plant Generator.	2020	\$180,000
WAT - 15	Kuranda Water Treatment Plant Clear Water Pump Station Staged Pumps Renewal	2020	\$210,000

Map reference	Trunk infrastructure	Estimated timing	Establishment cost
WAT - 16	Mareeba WTP Clearwater Reservoir Roof Refurbishment	2020	\$600,000
WAT - 17	Chillagoe Town bore 2 pump station renewal	2020	\$25,000
WAT - 18	Chillagoe Town bore 1 pump station renewal	2020	\$25,000
WAT - 21	Wylandra Water Booster Pump Station/Extra Variable Speed Drive.	2021	\$60,000
WAT - 22	Mareeba WTP Security Fence.	2021	\$40,000
WAT - 19	Mareeba Water Treatment Plant - Construct concrete flow meter pits (Upgrade).	2021	\$30,000
WAT - 20	Third Kuranda Myola Road Reservoir.	2022	\$1,200,000
		Total	\$12,792,000.00

Table SC3. 12 Sewerage network schedule of works

Map reference	Trunk infrastructure	Estimated timing	Establishment cost
SEW - 01	Upgrade Barang St Pump Station (Subject to grant funding)	2019	\$900,000.00
SEW - 02	Kuranda Pump Stations, 2 New standby generators (Honey House and Myola 4) (Upgrade)	2019	\$80,000.00
SEW - 03	Mareeba Pump Stations, 2 New standby generators (Palm Close and Ceola Drive)	2019	\$80,000.00
SEW - 04	Kuranda Pump Stations, New standby generators * 2 (Upgrade) (Kullaroo, Arara)	2020	\$40,000.00
SEW - 05	Mareeba Pump Stations, New standby generators * 2 (Industrial, Yarrabee)	2020	\$40,000.00
SEW - 06	Kuranda Pump Stations, New standby generators * 2 (Upgrade) (Thoree, Myola 3)	2021	\$40,000.00
SEW - 07	Mareeba Pump Stations, New standby generators * 2 (Amaroo, Godwin)	2021	\$40,000.00
SEW - 08	Mareeba Pump Stations, New standby generators * 2 (The Edge, Prestige Gdns)	2022	\$40,000.00

Map reference	Trunk infrastructure	Estimated timing	Establishment cost
SEW - 09	Kuranda Pump Stations, New standby generators * 1 (Upgrade) (Railway, Barron Falls Rd.)	2023	\$40,000.00
SEW - 10	Mareeba Pump Stations, New standby generators * 2 (River Gdns, Lifestyle Resort.)	2023	\$40,000.00
		Total	\$1,380,000.00

Table SC3. 13 Stormwater Network Schedule of Works

Map Ref	Trunk infrastructure	Estimated timing	Establishment cost
SW-01	Vaughan Street, Mareeba. Drainage Improvement.	2019	\$220,000.00
SW-04	Atherton Street, Mareeba. Drainage Improvement.	2022	\$330,000.00
SW-05	Tower Street, Chillagoe. Drainage improvement.	2024	\$250,000.00
SW-06	Tilse St, Mareeba	2020	\$700,000
SW-08	CBD drainage, Mareeba	2022-2026	\$1,000,000
SW-09	Hoolahan Dr (Emerald End Rd), Mareeba	2027	\$250,000
SW-10	Amaroo drainage, Mareeba	2020	\$600,000
SW-13	Ceola Estate drainage, Mareeba	2020	\$600,000
SW-16	Costin St (Basalt Gully) culvert	2024	\$400,000
SW-17	Reynolds St (Basalt Gully) culvert	2024	\$400,000
SW-18	Rankin St (Basalt Gully) culvert	2023	\$400,000
SW-19	Keeble St (Basalt Gully) culvert	2023	\$400,000
		TOTAL	\$5,550,000.00

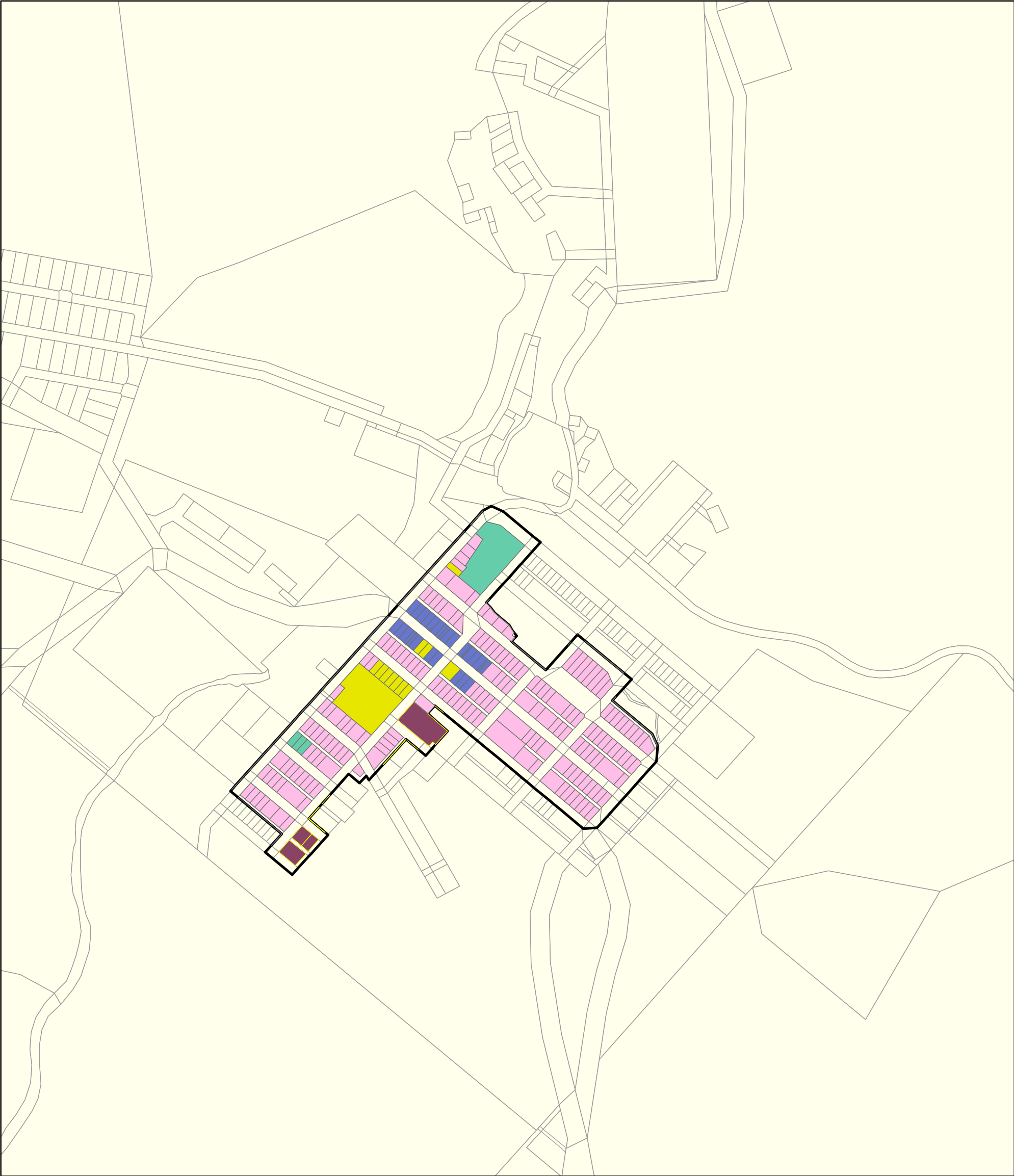
Table SC3.14 Transport network schedule of works

Ref	Trunk infrastructure	Estimated timing	Establishment cost
TPT-01	Rob Veivers Drive, Kuranda. Rehabilitate Pavement and Widen.	2017	\$490,000.00
TPT-02	Thongon Street, Kuranda. Replace K&C and construct parking indent along frontage of Foodworks.	2017	\$60,000.00
TPT-03	Barang Street/Rob Veivers Drive, Kuranda. Upgrade of intersection to include Channelised right turn pocket.	2026	\$90,000.00
TPT-04	Chewko Road, Mareeba. Widen and Seal to 8.5m.	2022	\$280,000.00
TPT-08	Bowers Street, Mareeba. Rehabilitate pavement both lanes Asphalt overlay.	2020	\$570,000.00
TPT-10	Moorong Street, Kuranda. Reconfigure Car Park.	2020	\$50,000.00
TPT-11	Barang Street, Kuranda. Widen and upgrade to collector street standard.	2020	\$390,000.00
TPT-13	Raleigh Street, Dimbulah. Carpark Improvement	2020	\$165,000.00
TPT-14	Black Mountain Road. Widen seal to 6.5m. Ch. 0.5 - 1.1.	2020	\$225,000
TPT-15	McGrath Road. Rehabilitate Pavement and Reseal to m. Ch. 0.014 - 0.835.	2021	\$520,000
TPT-16	Chewko Road. Rehabilitate Pavement, widen and seal to 8.5m. Ch. 0.4 - 1.	2021	\$300,000
TPT-17	Herberton Street/Constance Street intersection upgrade.	2027	\$1,800,000
TPT-18	Mclver Road. Construct new kerb and channel. Ch. 0 - 0.22.	2028	\$150,000
TPT-19	Myola Road. Intersection of Kuranda Heights Road onto Myola Road (near Water tank). Ch. 0.16 - 0.18.	2028	\$60,000
TPT-20	Rankin Street/Walsh Street. Rankin Street/Walsh Street Intersection Upgrade.	2020	\$1,200,000
TPT-21	Walsh Street. Walsh Street / Coles and Target Accesses upgrade.	2020	\$400,000

Ref	Trunk infrastructure	Estimated timing	Establishment cost
TPT-22	Ceola Drive/Anzac Avenue intersection	2021	\$1,000,000
TPT-23	Barron Falls Road. Rehabilitate, widen to 6.5m seal width and intersection upgrade with Mason Road to 6.5m. Ch. 1.2 - 2.6.	2023	\$400,000
TPT-24	Mason Road. Reprofile road due to drainage issues. Ch. 0.2 - 0.6.	2021	\$70,000
TPT-25	Hastie Road Upgrade, Mareeba	2020	\$700,000
TPT-26	Railway Avenue Car Park, Mareeba	2019	\$280,000
TPT-27	McIver Road – Ray Road Upgrade, Mareeba	2023	\$450,000
TPT-28	Malone Road widening, Mareeba	2022	\$800,000
TPT-29	Hastie Rd – Emerald End Rd intersection upgrade	2025	\$450,000
TPT-30	Railway Avenue Car Park Stage 2	2026	\$250,000
	TOTAL		\$11,150,000

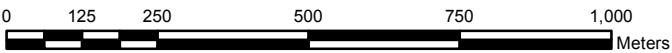
Table SC3. 15 Community Facilities Schedule of Works

	Column 1 Trunk infrastructure	Column 2 Estimated timing	Column 3 Establishment cost
CF-01	Bicentennial Lakes, Mareeba. Vegetation Management Program.	2018	\$250,000
CF-02	Mary Andrews Carpark, Mareeba. Seal carpark with asphalt.	2018	\$120,000
CF-03	Davies Park and Firth Park, Mareeba. Aerating and Top Dressing.	2019	\$52,000
CF-04	Centenary Park, Mareeba. Renew playground equipment.	2019	\$8,000
CF-05	Anzac Park, Mareeba. Renew irrigation.	2018	\$8,000
CF-06	Kuranda CBD. Renew irrigation and planting.	2018	\$40,000
CF-07	Railway Park, Dimbulah. Renew soft fall.	2018	\$60,000
CF-08	Sunbird Park, Mareeba. Irrigation Upgrade - Stage Two.	2020	\$20,000
CF-09	Sunbird Park, Mareeba. Replace soft fall around exercise equipment - Stage Three.	2020	\$20,000
CF-10	Seed funding for Bi-Centennial Lakes, Mareeba priority project/s.	2020	\$100,000
CF-11	Wetherby Park, Mt Molloy. Renew soft fall and replace rope spider climbing equipment.	2018	\$40,000
CF-12	Kuranda Esplanade. Renew concrete furniture.	2018	\$7,000
CF-14	Bicentennial Lakes, Mareeba. Install trash rack & fencing."	2019	\$12,000
CF-15	Gregory Terrace Park, Kuranda. Renew soft fall.	2021	\$30,000
CF-16	Bicentennial Lakes, Mareeba. Water Reconfiguration Program.	2022	\$1,050,000
CF-17	Bartley Park, Kuranda. New park seating and picnic facilities.	2023	\$12,000
CF-18	Centenary Park, Mareeba. Replace existing half sail & install shade sail on wheelchair swing.	2023	\$12,000
	TOTAL		\$1,961,000



Mareeba Cadastre Zoning

- ZONE**
- Centre
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 - Heavy Industry
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 - Cadastre

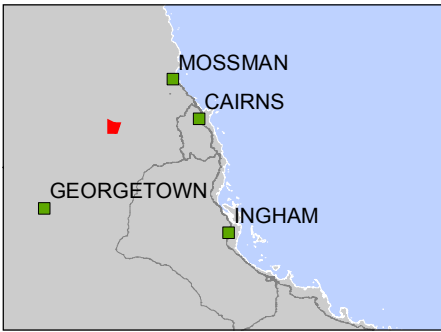


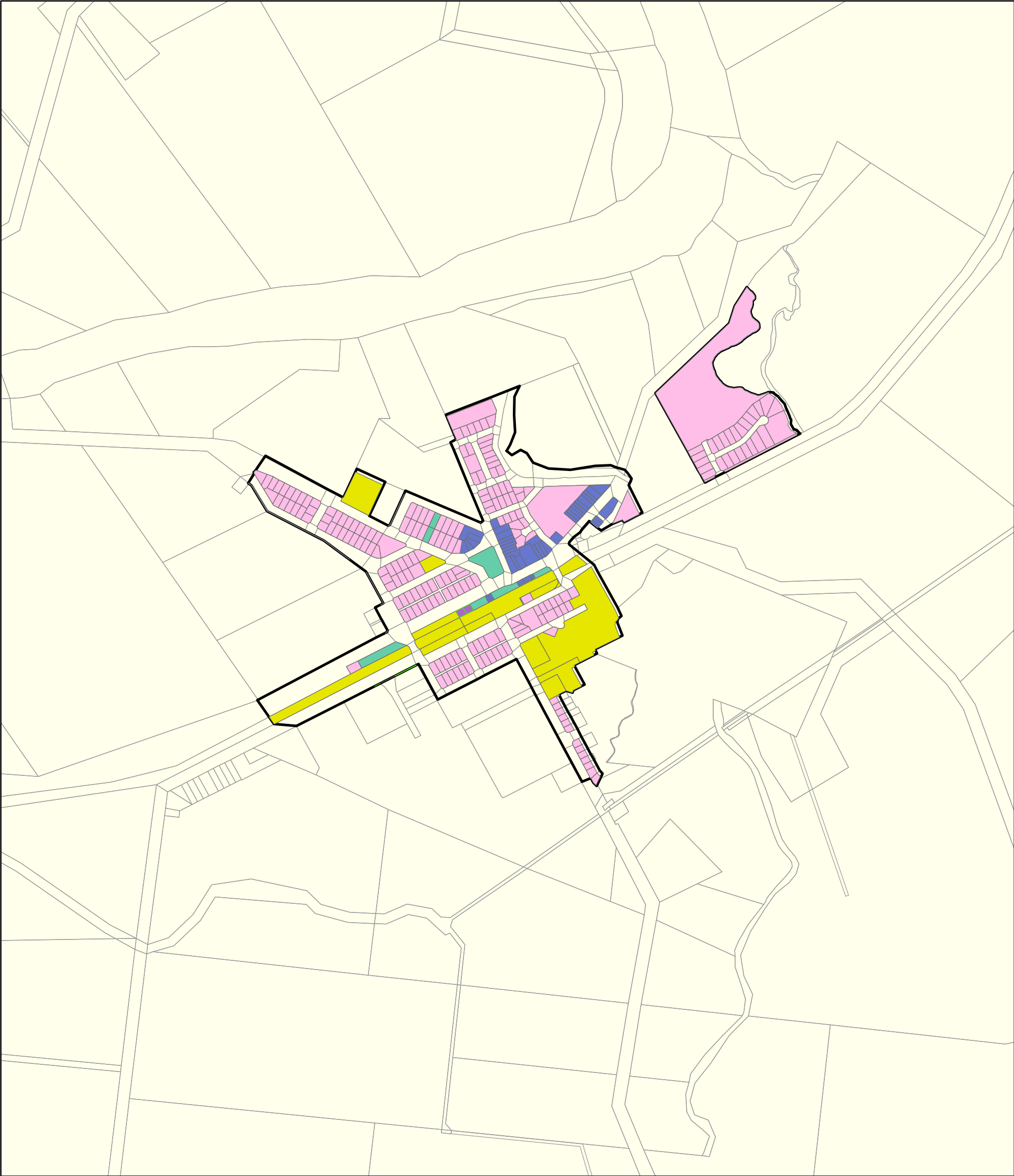
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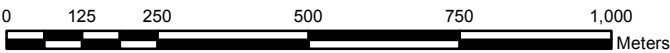
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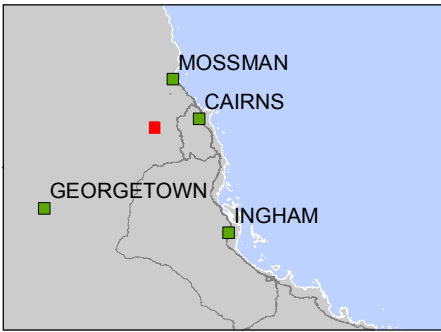


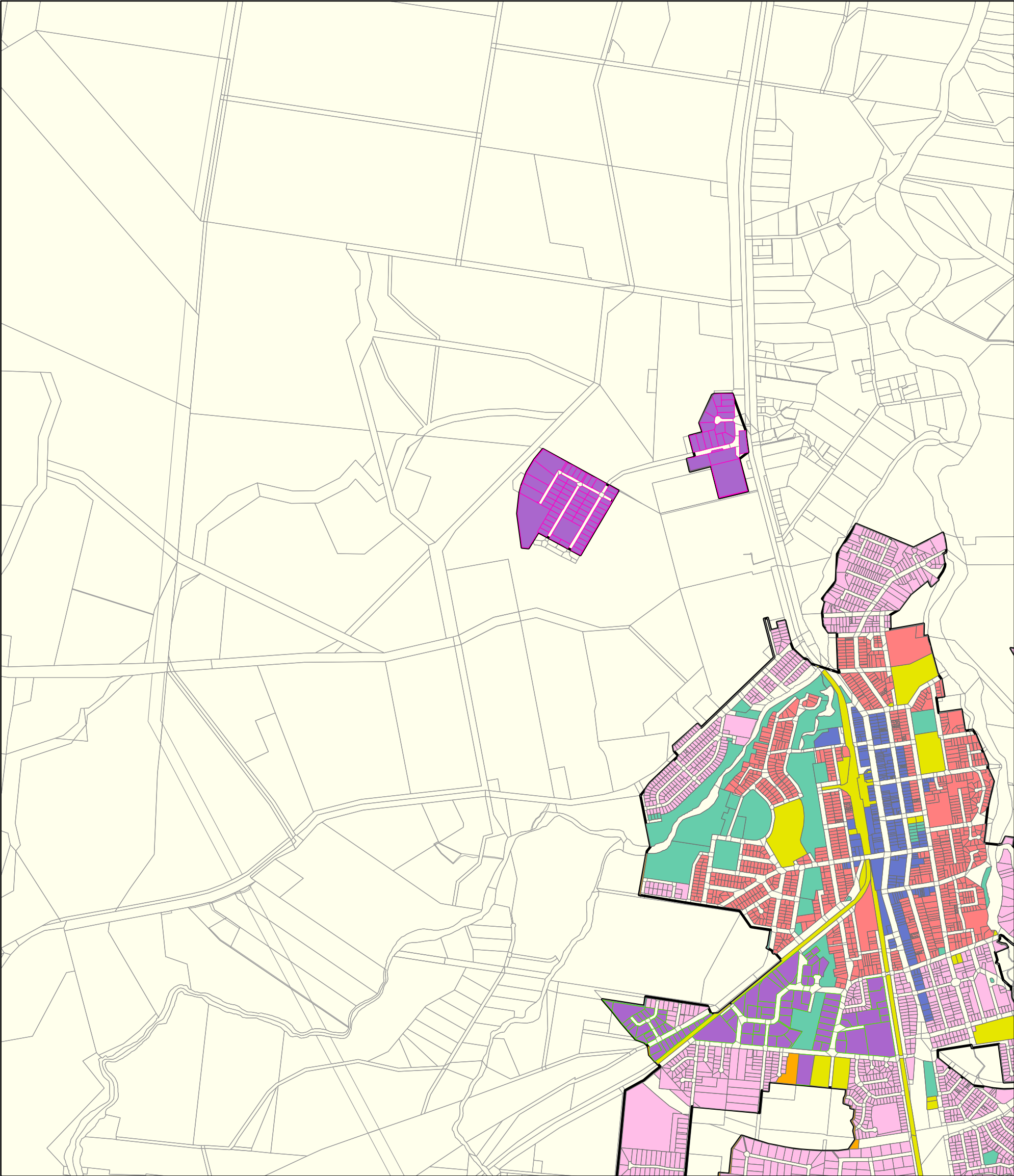
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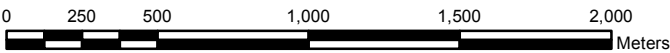
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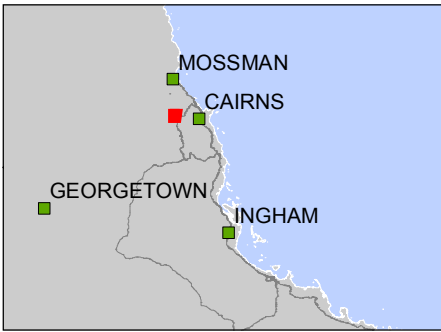


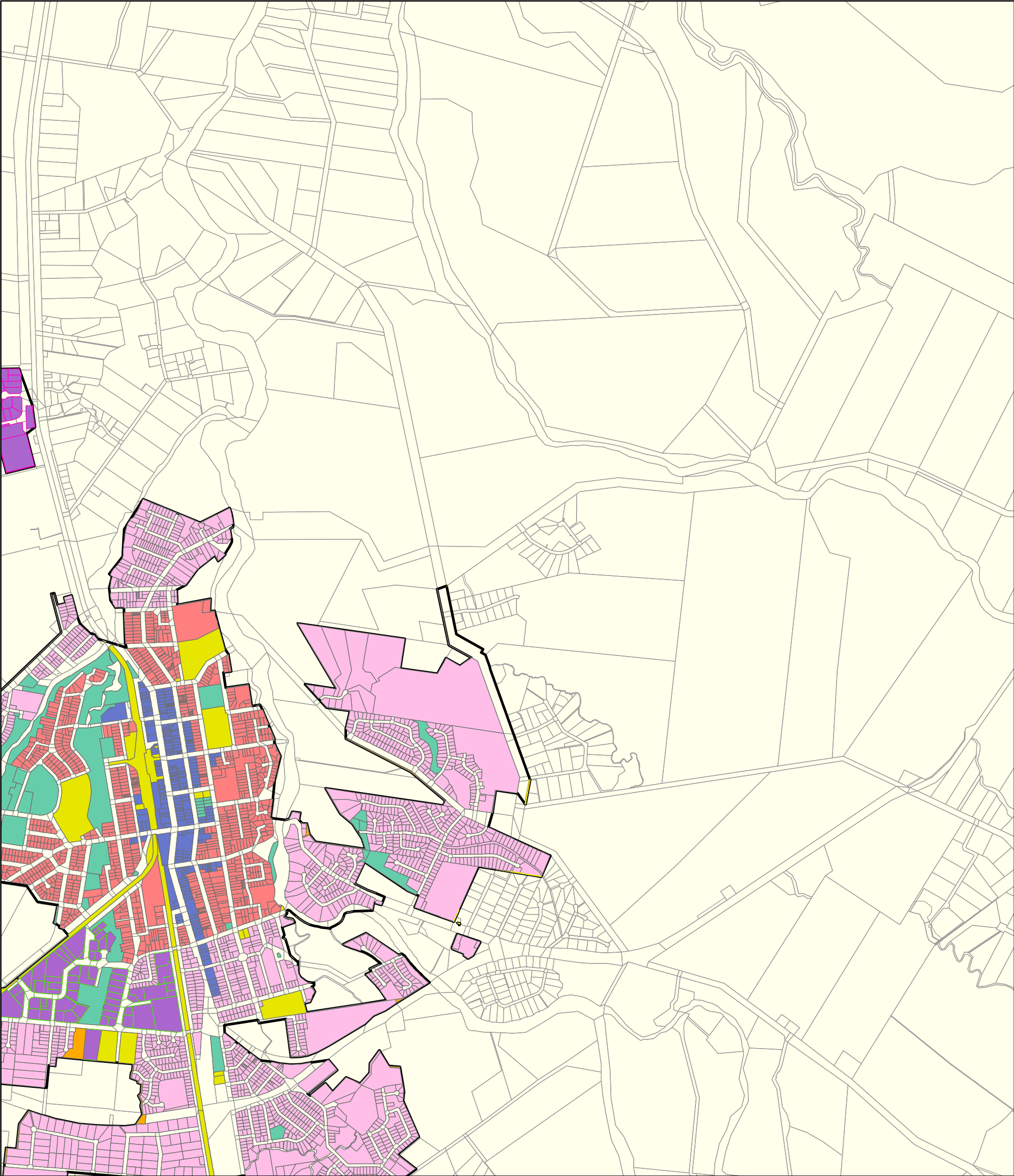
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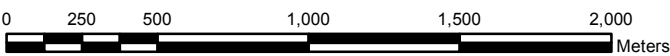
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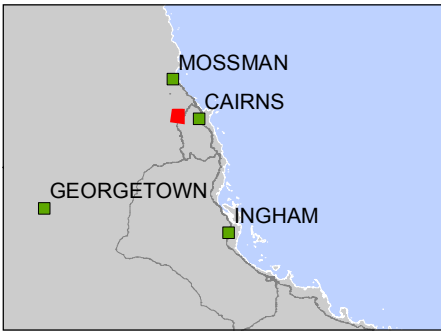


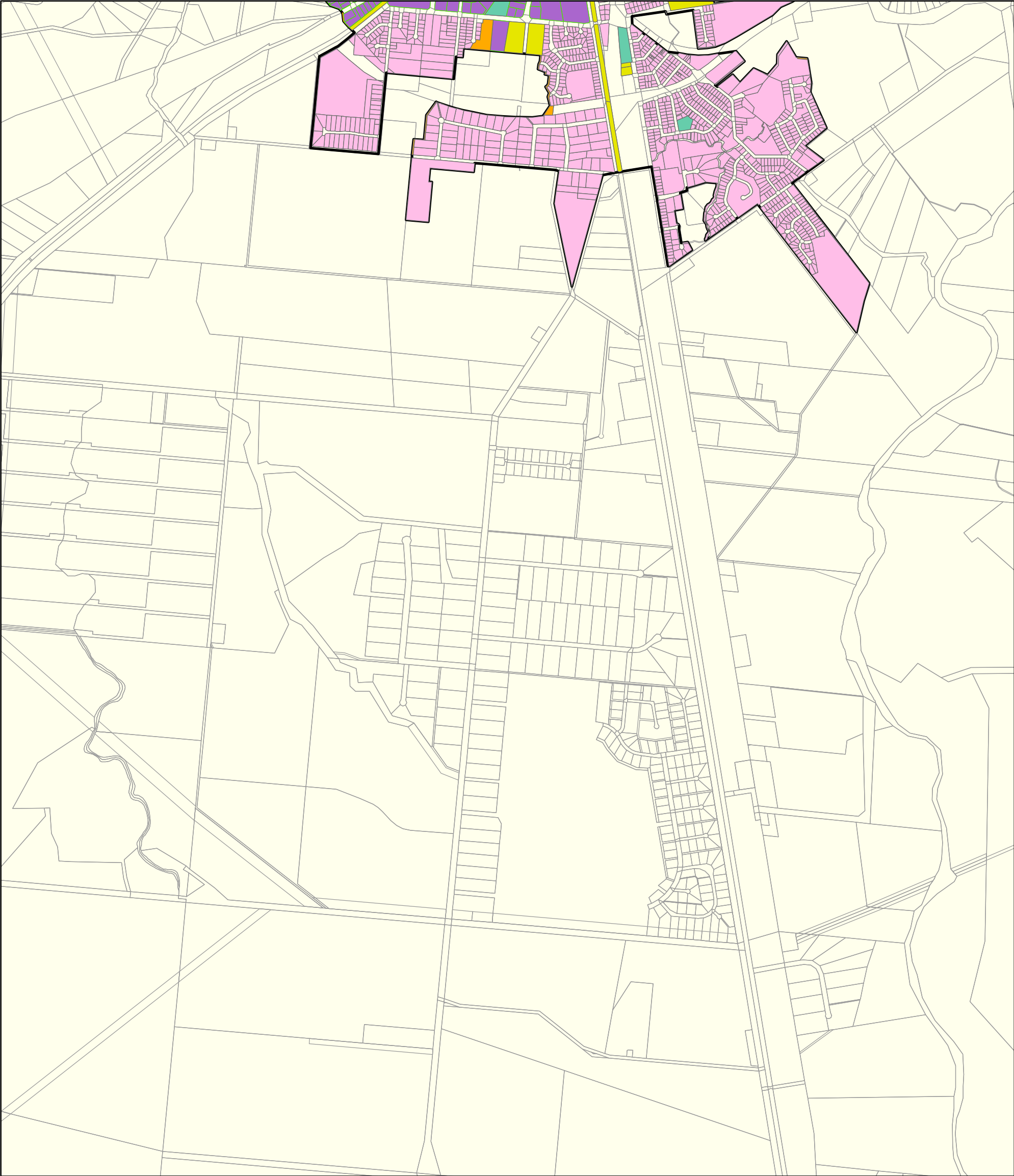
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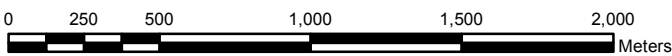
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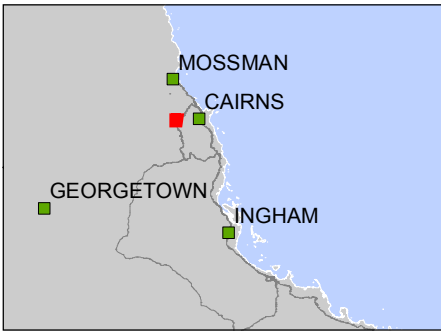


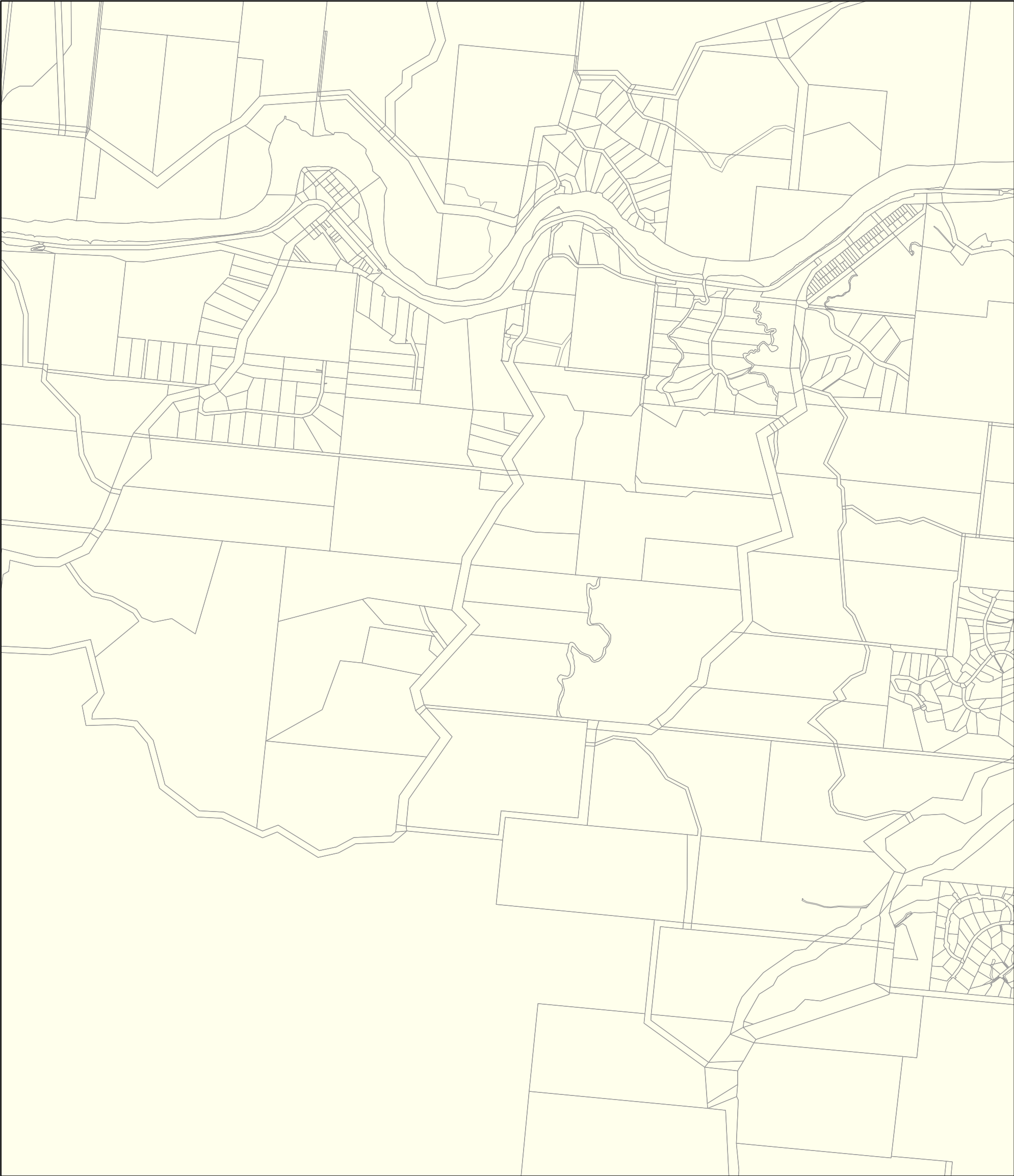
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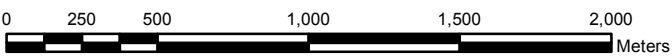
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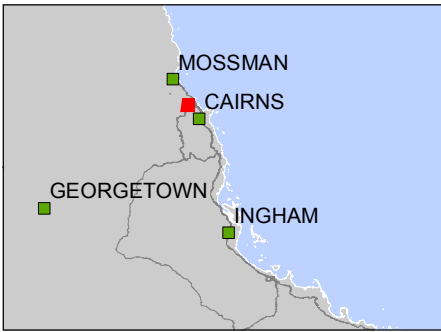


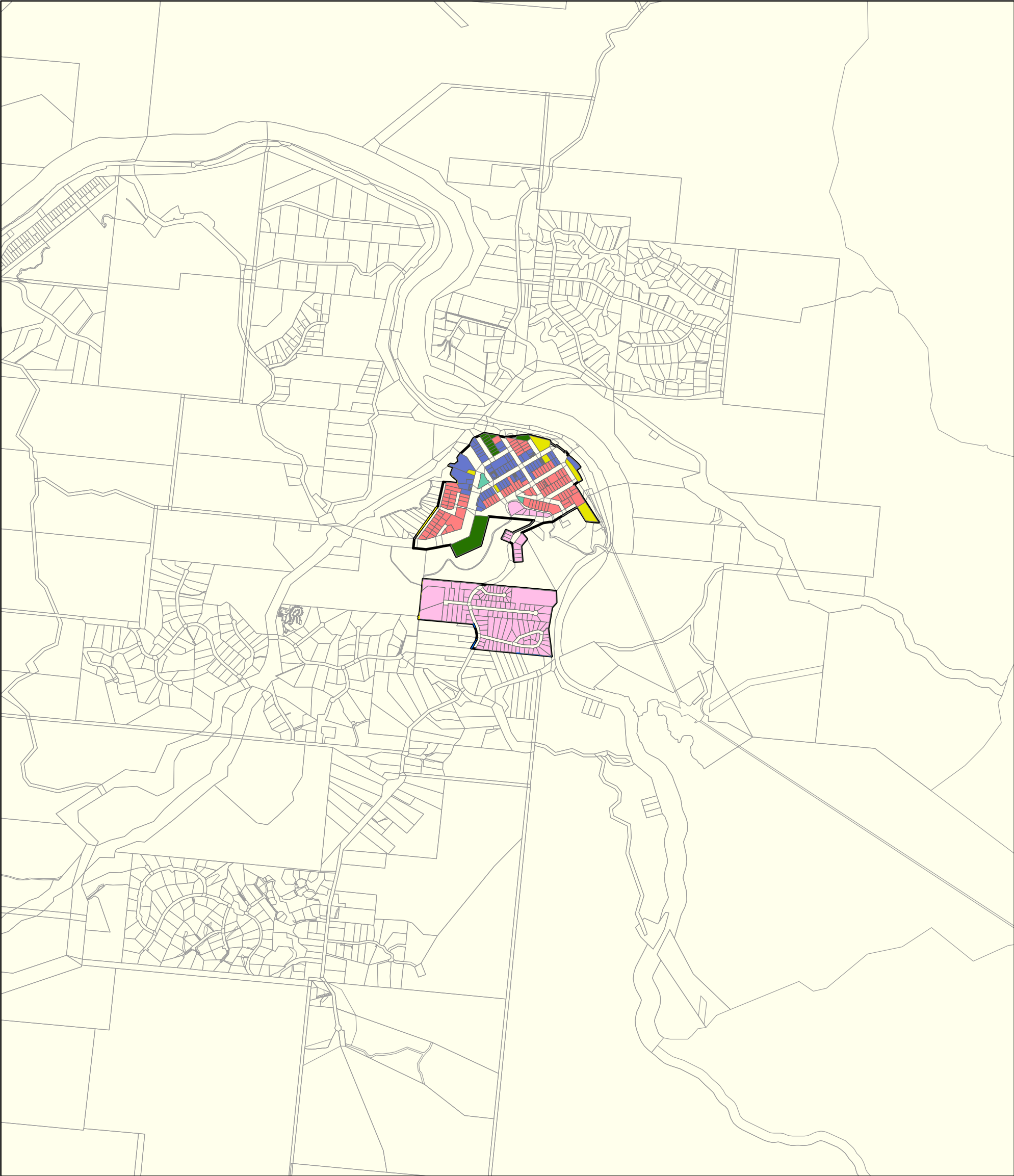
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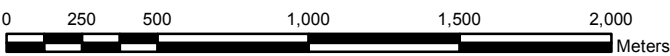
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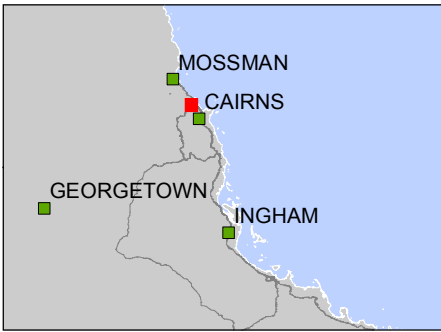


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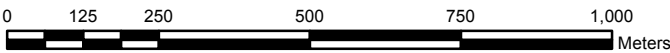
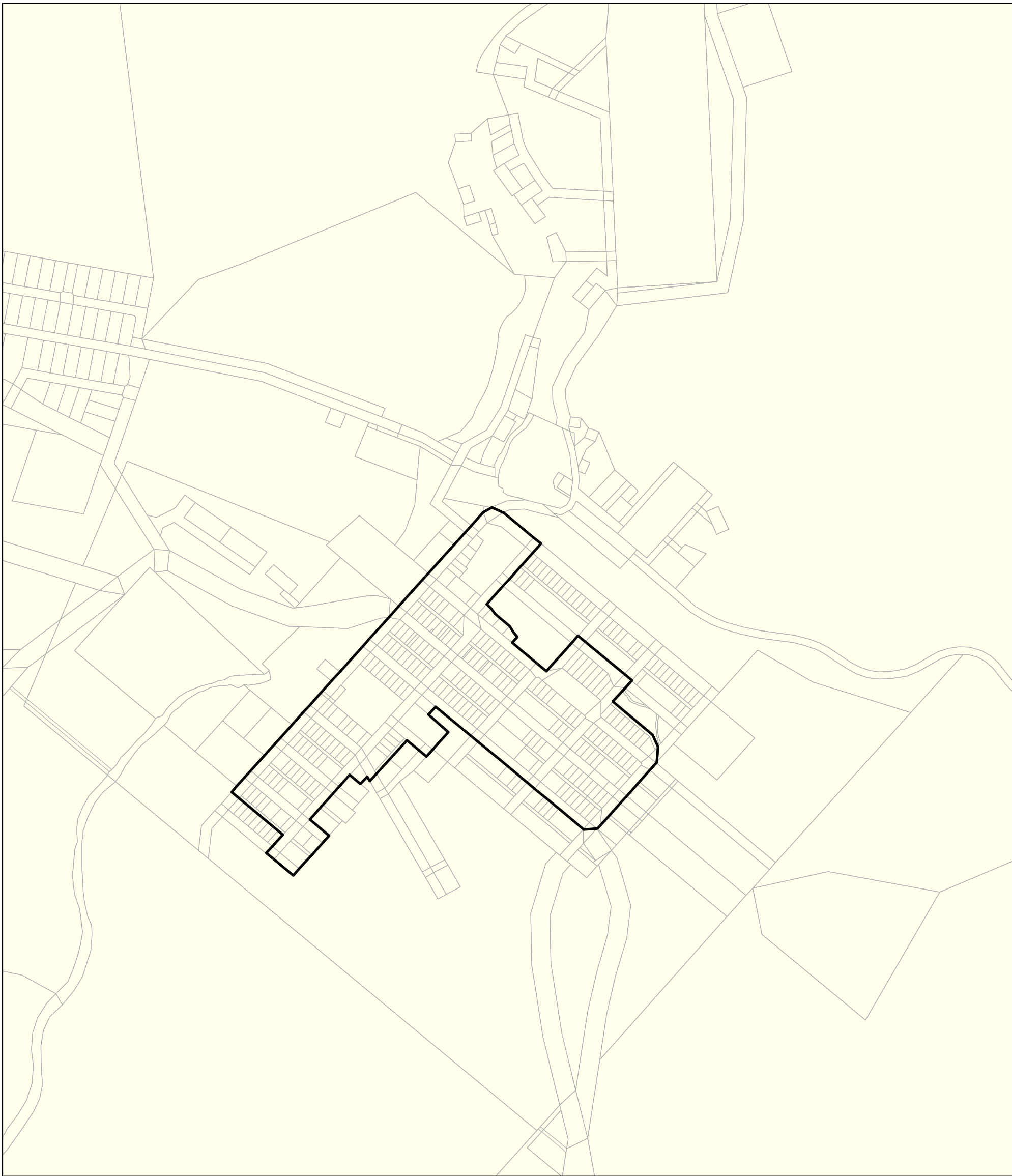
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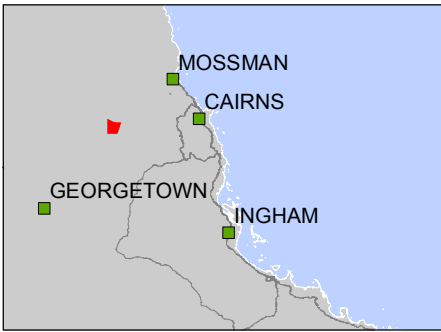
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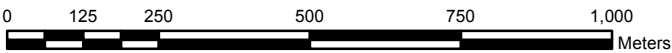
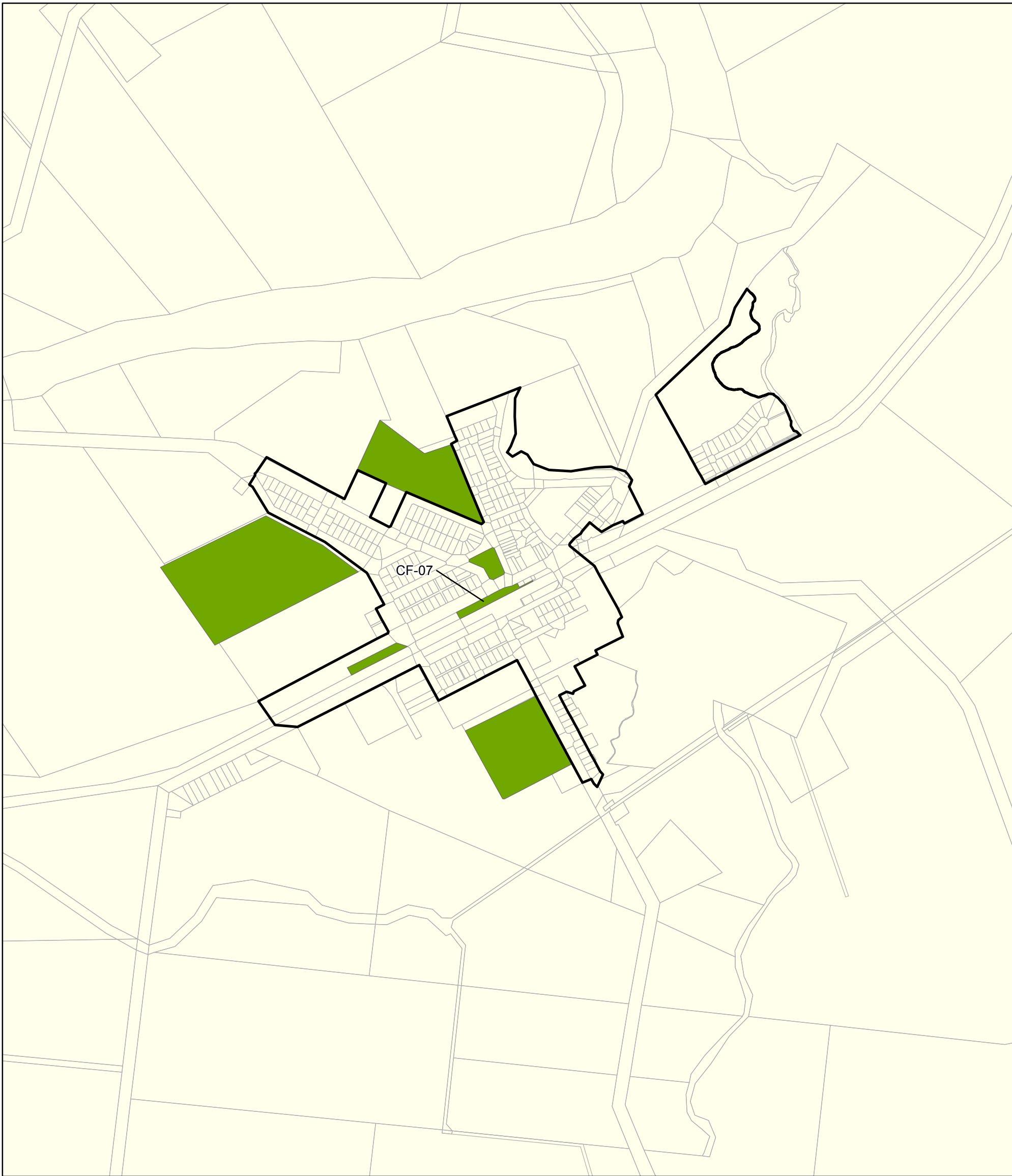
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- Legend**
- Cadastre
 - PIA Boundries

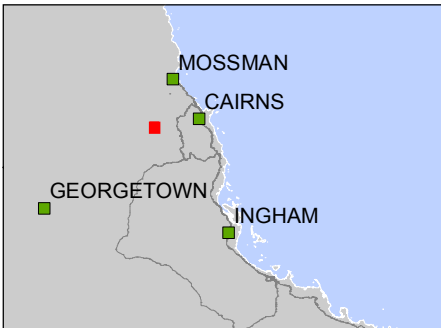
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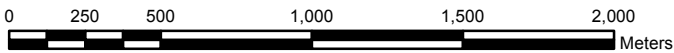
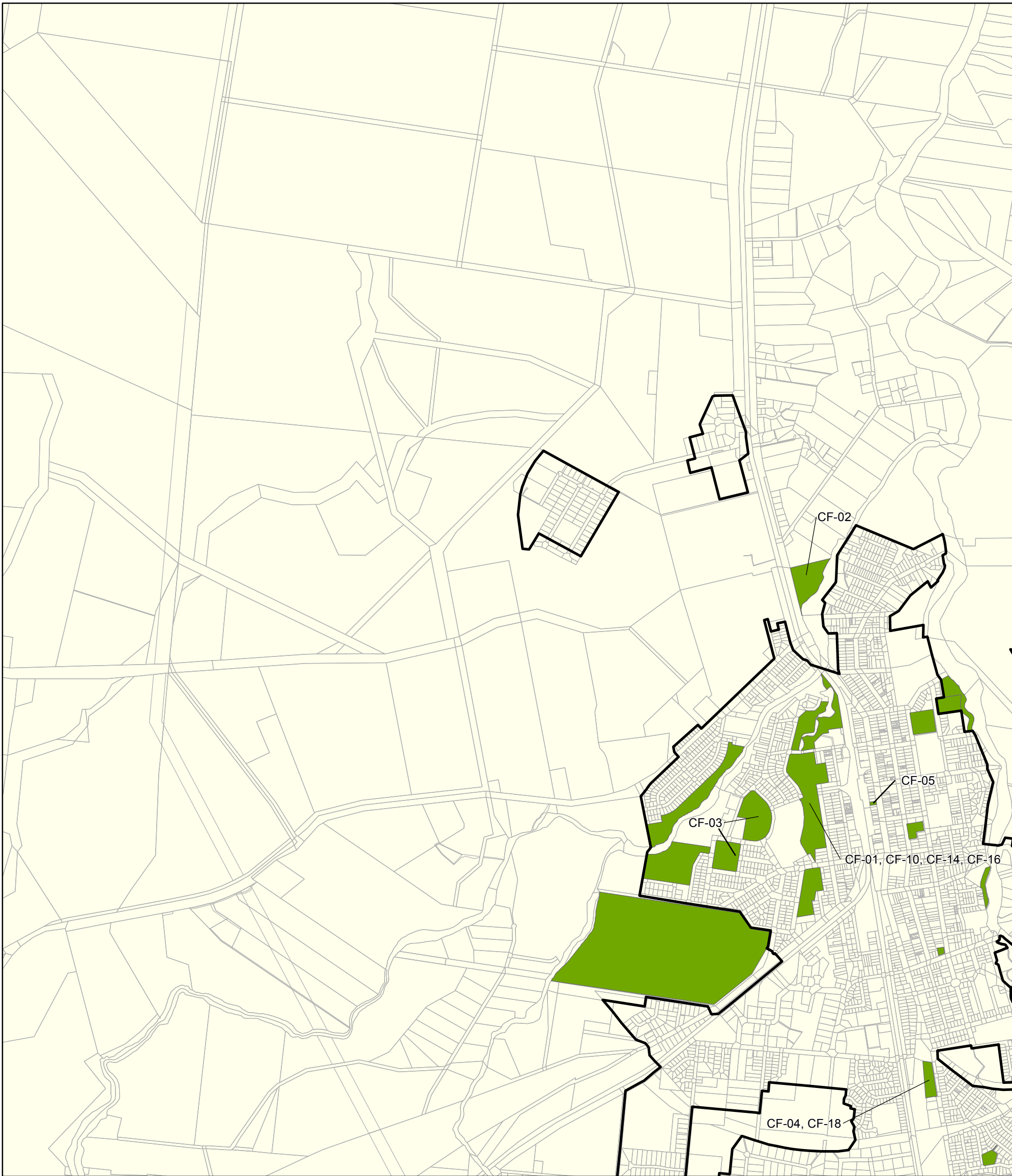
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- Legend**
- Parks
 - Cadastre
 - PIA Boundries

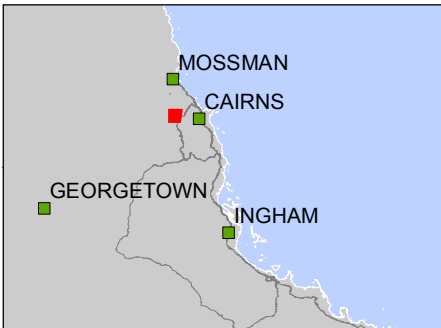
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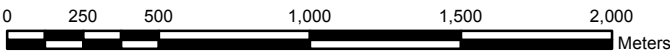
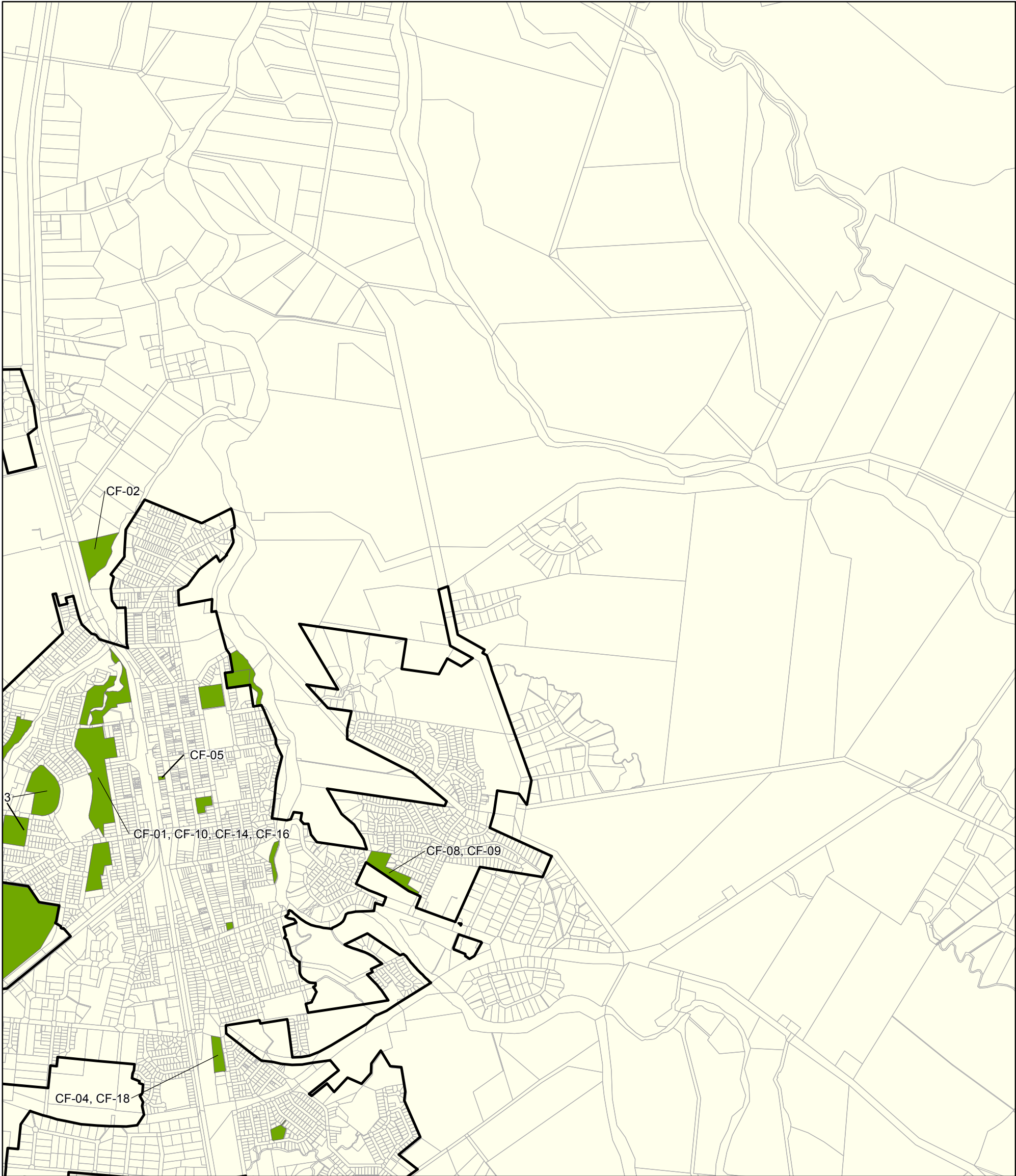
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- Legend**
- Parks
 - Cadastre
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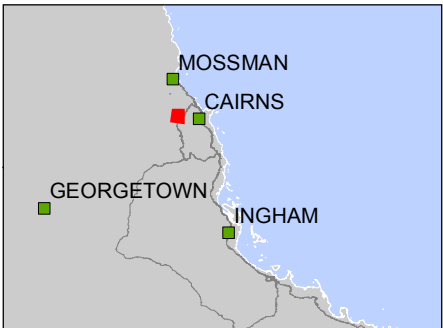
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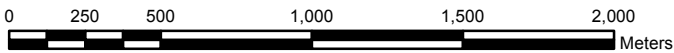
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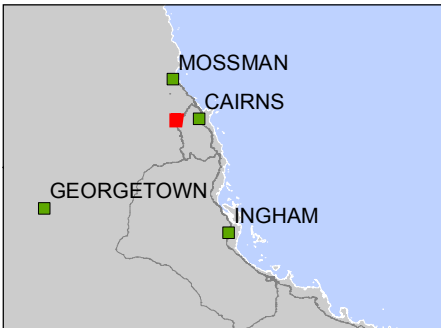
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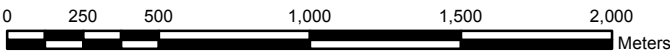
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- Legend**
- Parks
 - Cadastre
 - PIA Boundries

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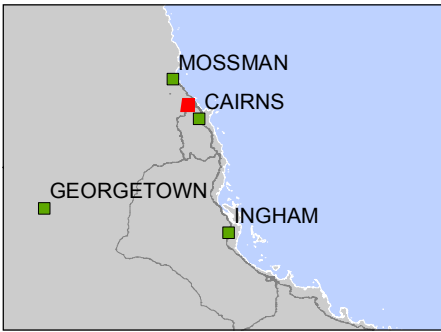
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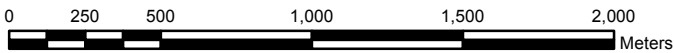
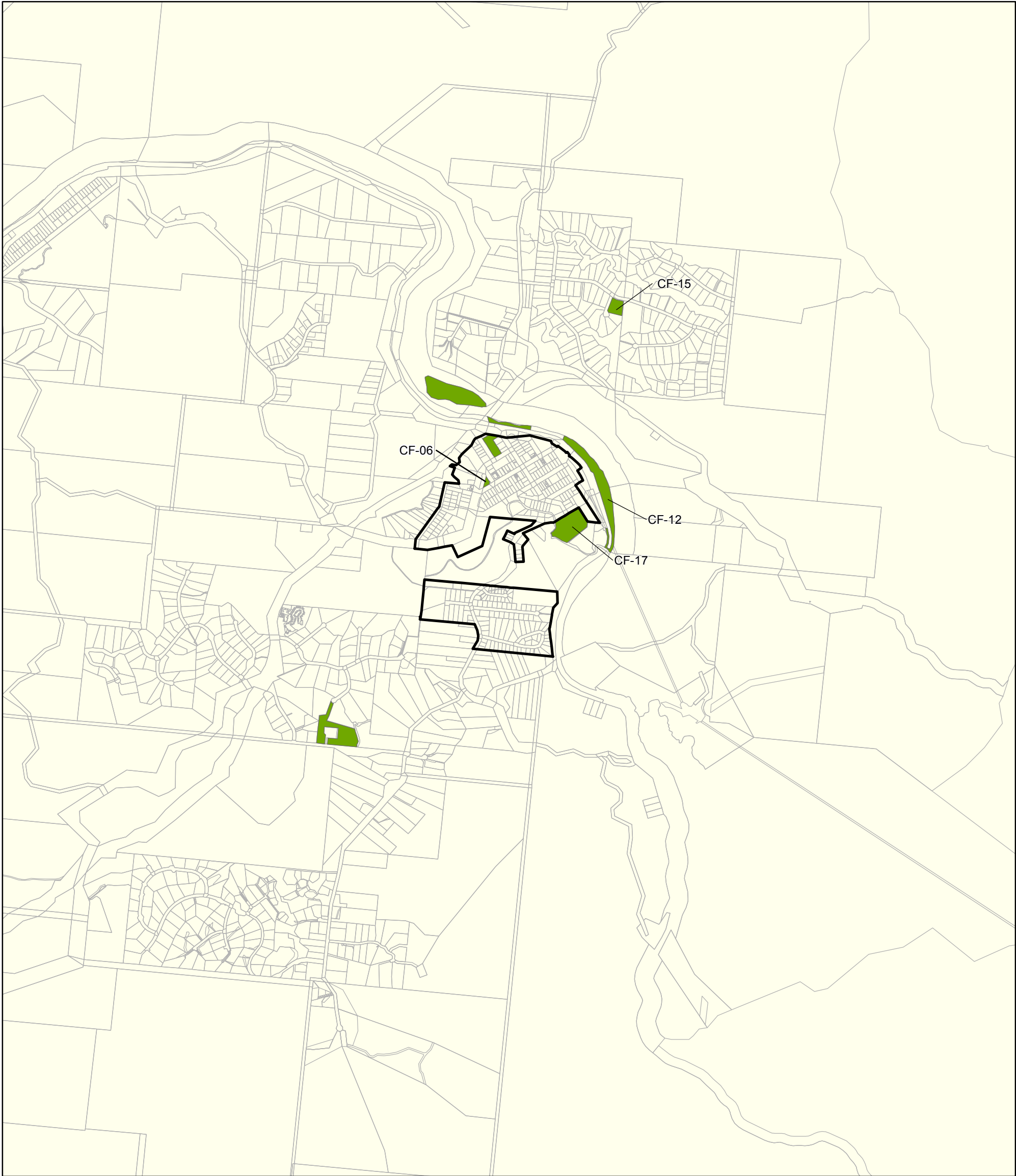
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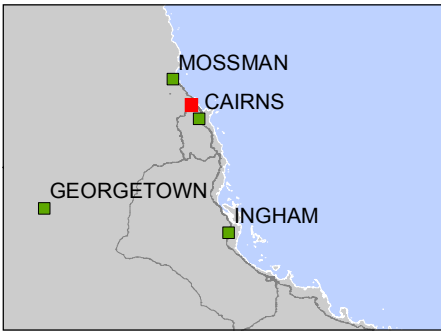
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-  Parks
-  Cadastre
-  PIA Boundries

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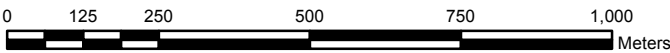
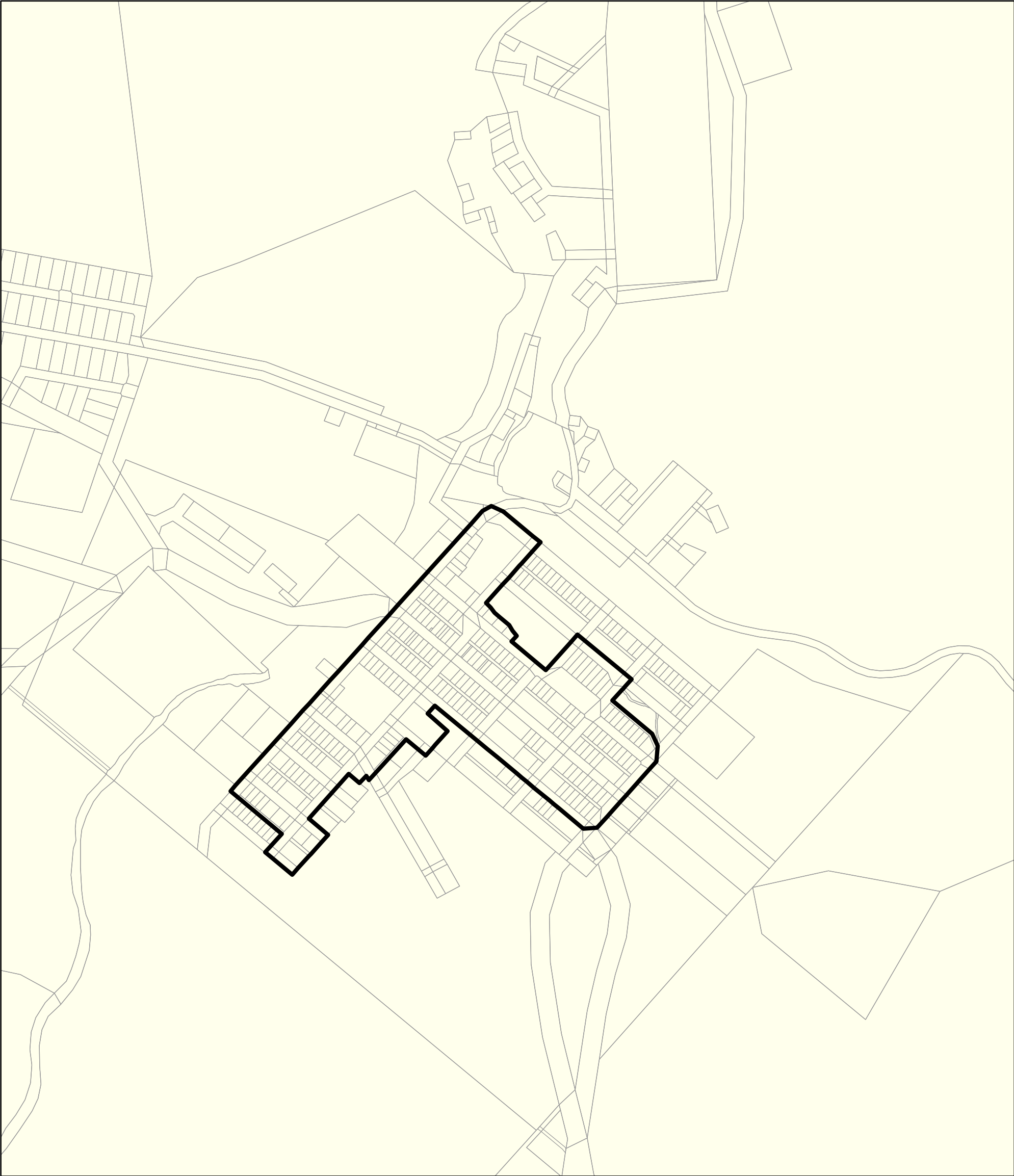
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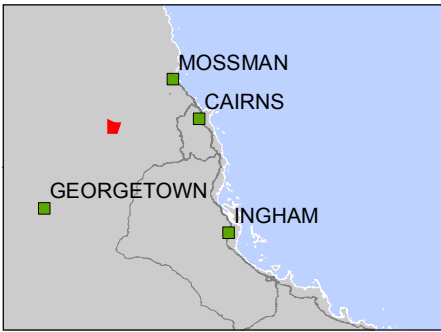
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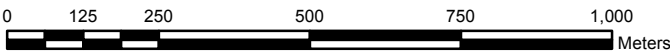
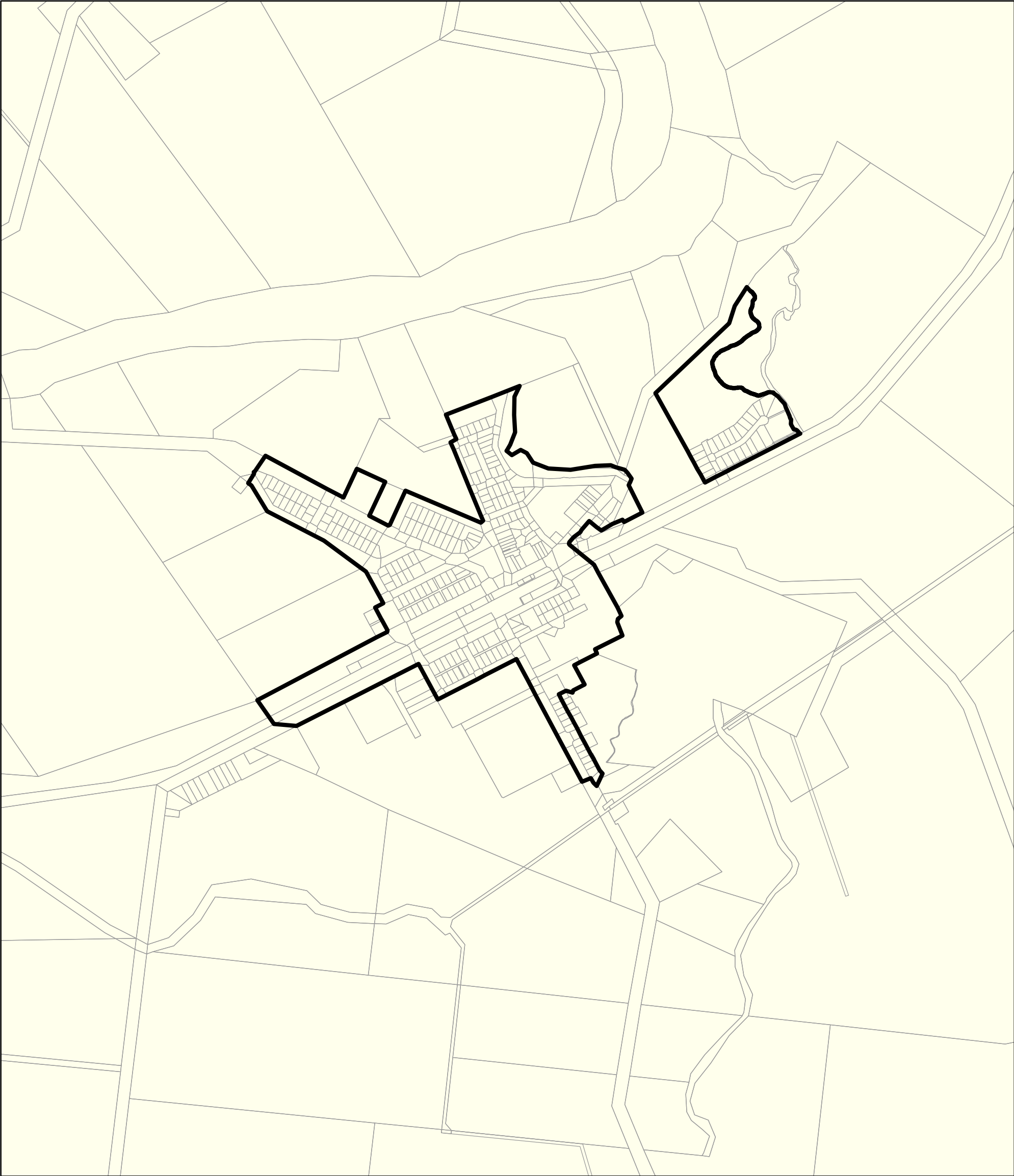
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- Legend**
- Sewer Pump Station
 - Sewer
 - PIA Boundries
 - Cadastre

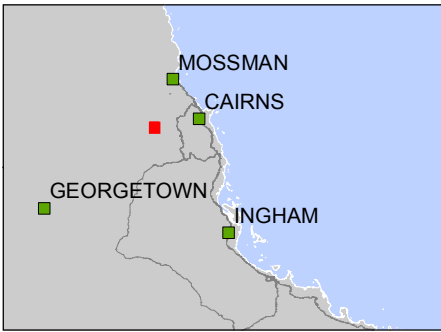
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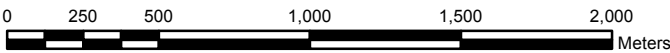
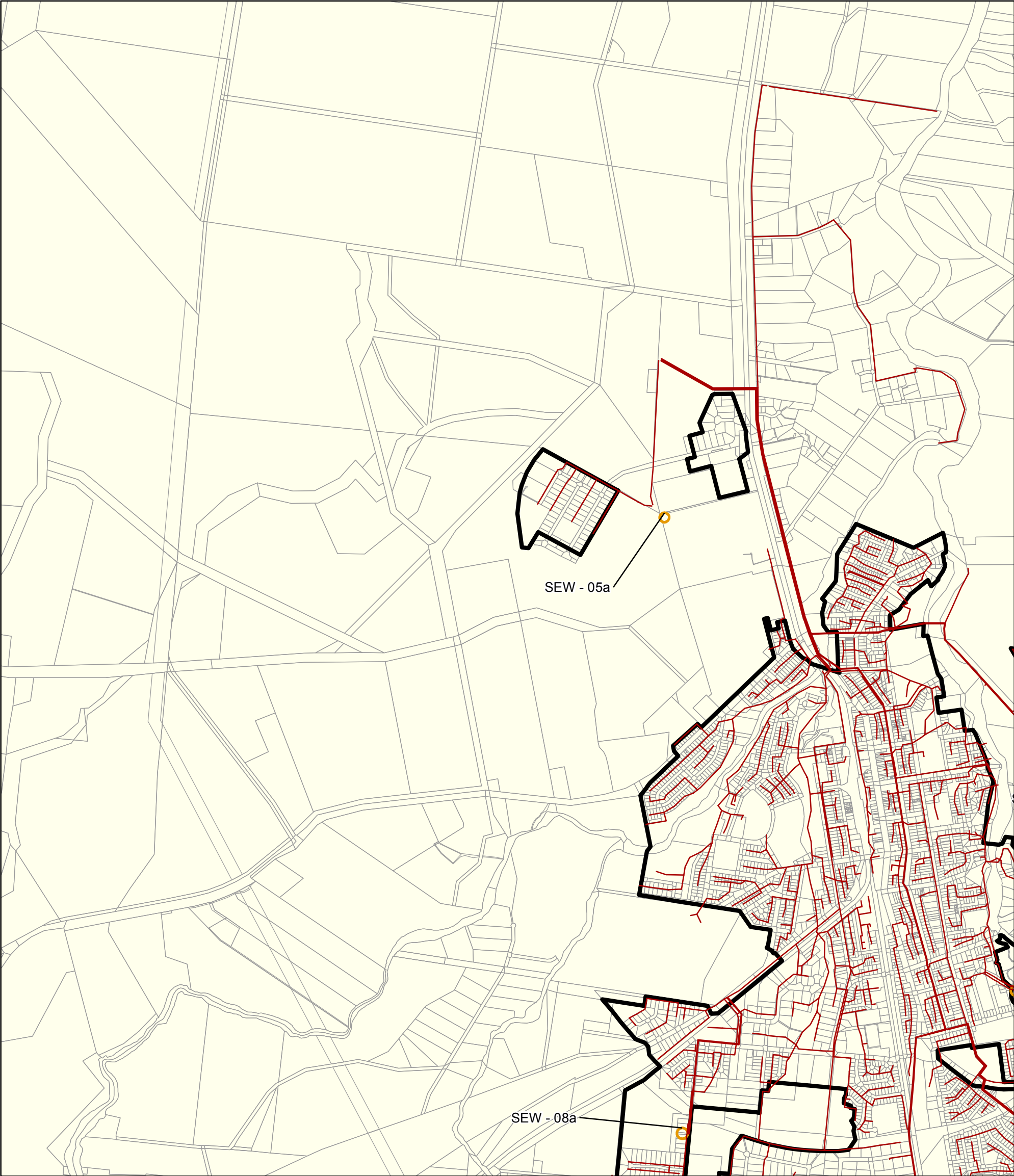
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- Legend**
- Sewer Pump Station
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 - PIA Boundries
 - Cadastre

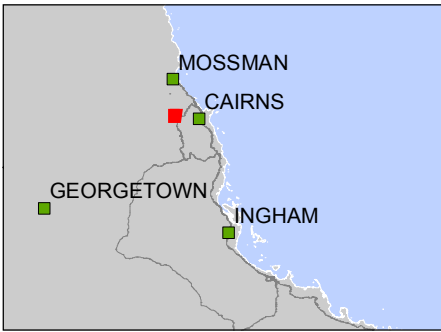
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GCS GDA 1994

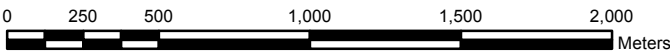
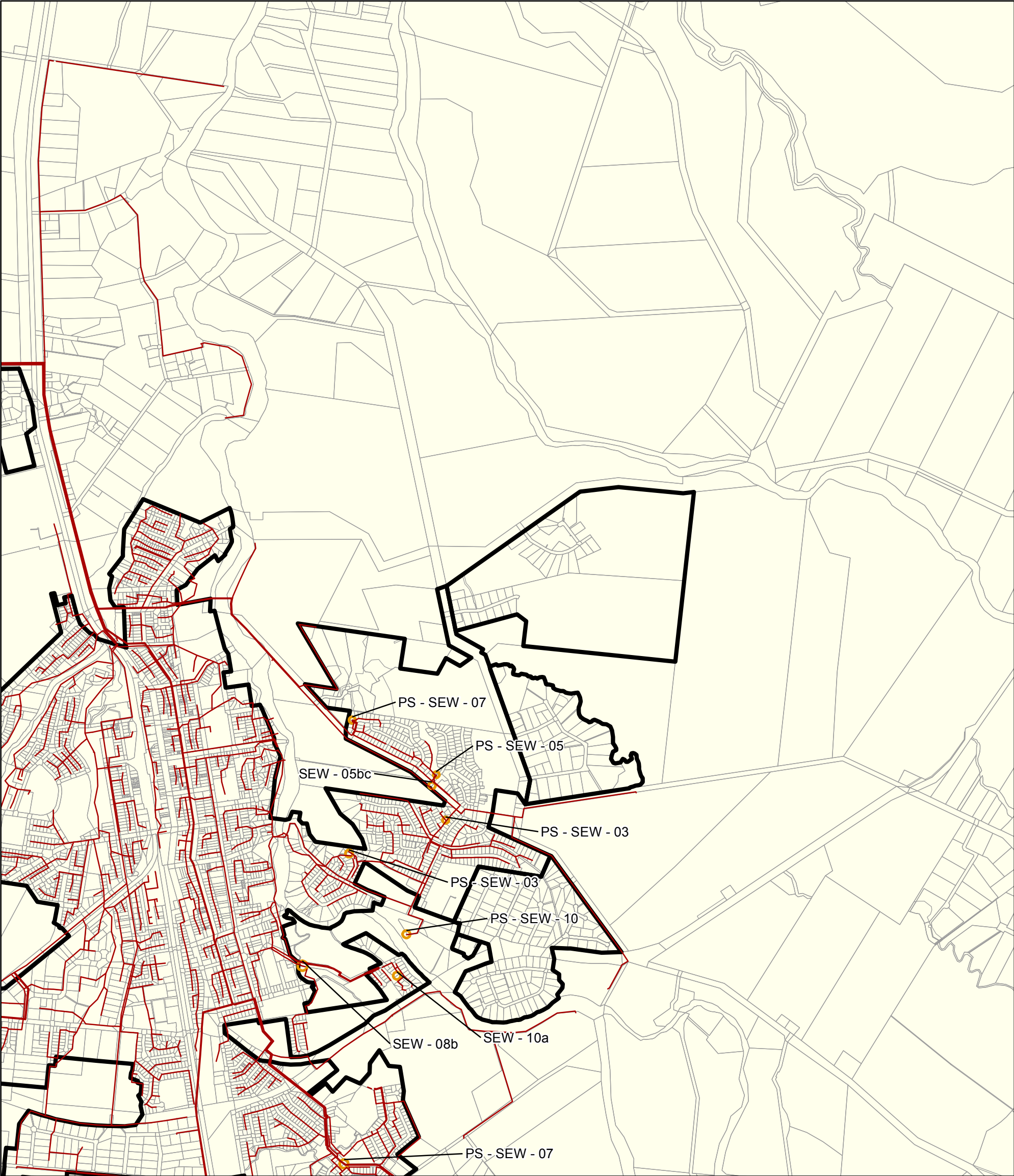
Scale 1:25,000

A3



- Legend**
- Sewer Pump Station
 - Sewer
 - PIA Boundries
 - Cadastre

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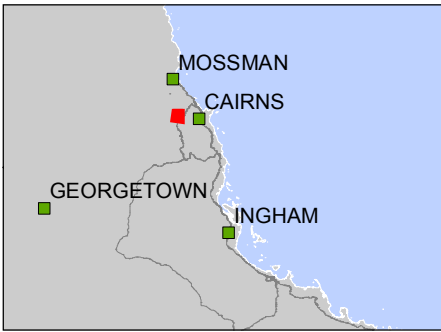
Legend

- Sewer Pump Station
- Sewer
- PIA Boundries
- Cadastre

GCS GDA 1994

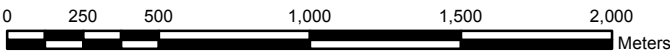
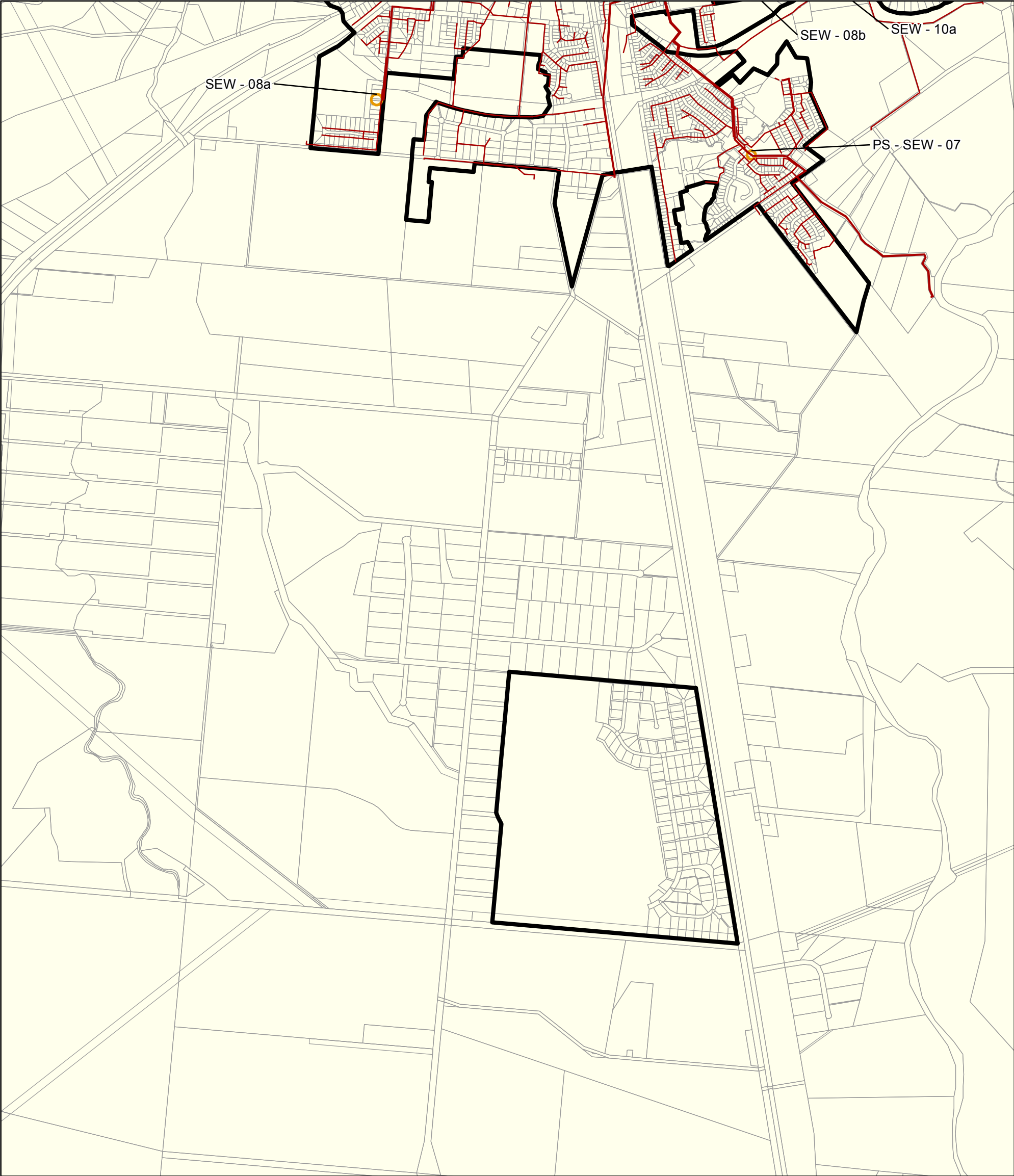
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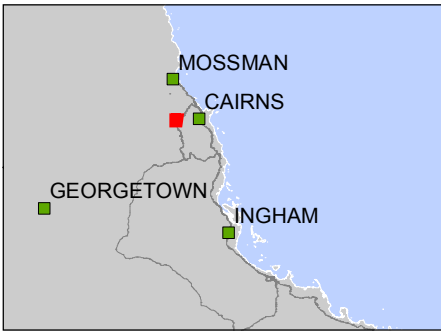




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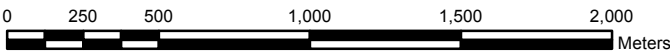
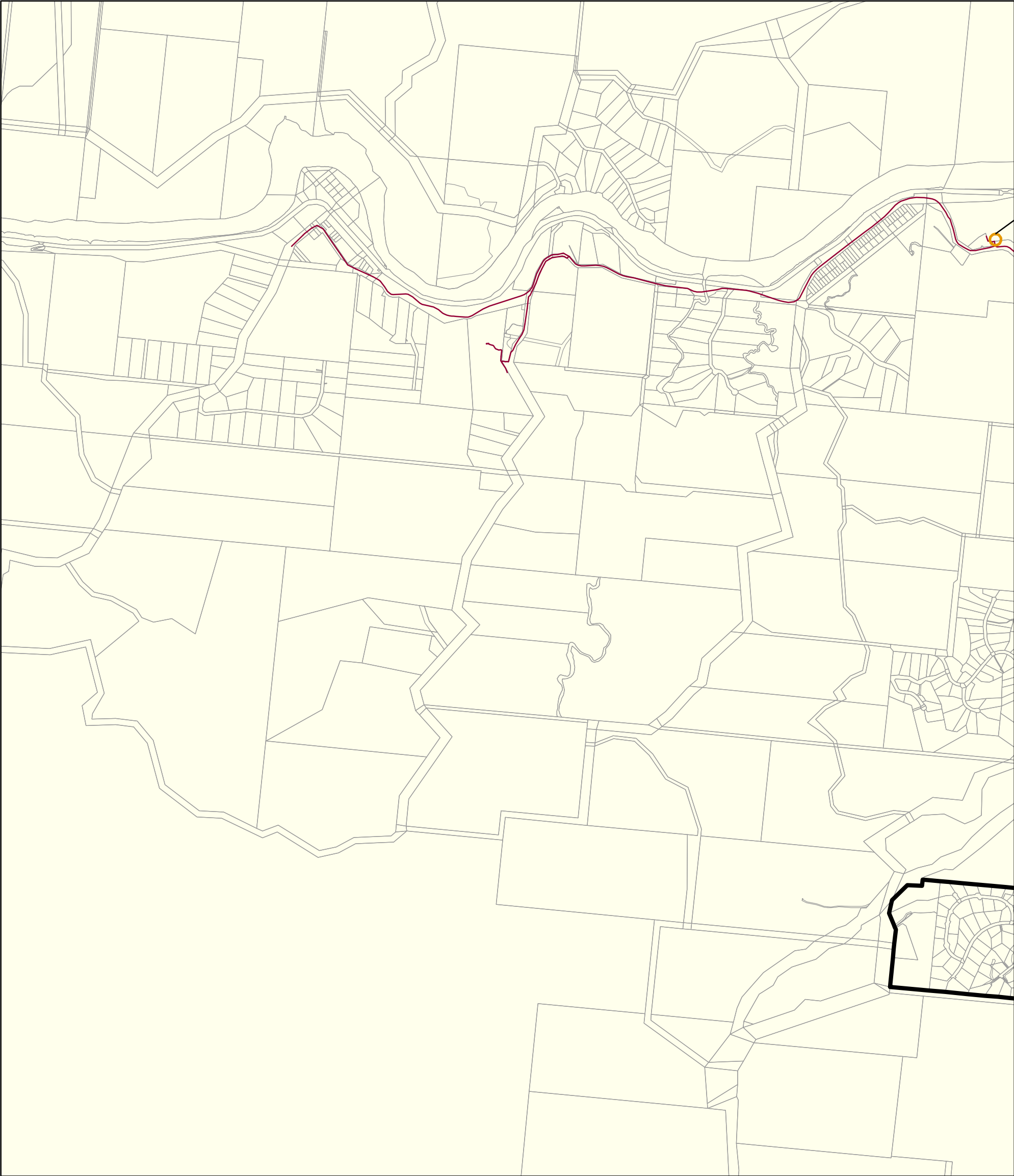
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A3



- Legend**
- Sewer Pump Station
 - Sewer
 - PIA Boundaries
 - Cadastre

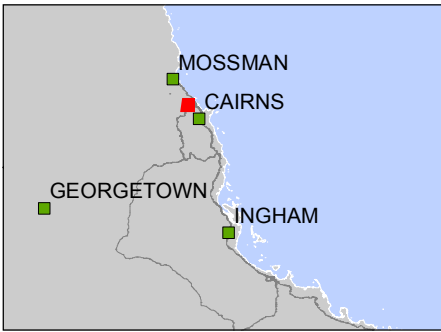
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GCS GDA 1994

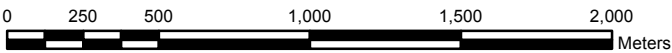
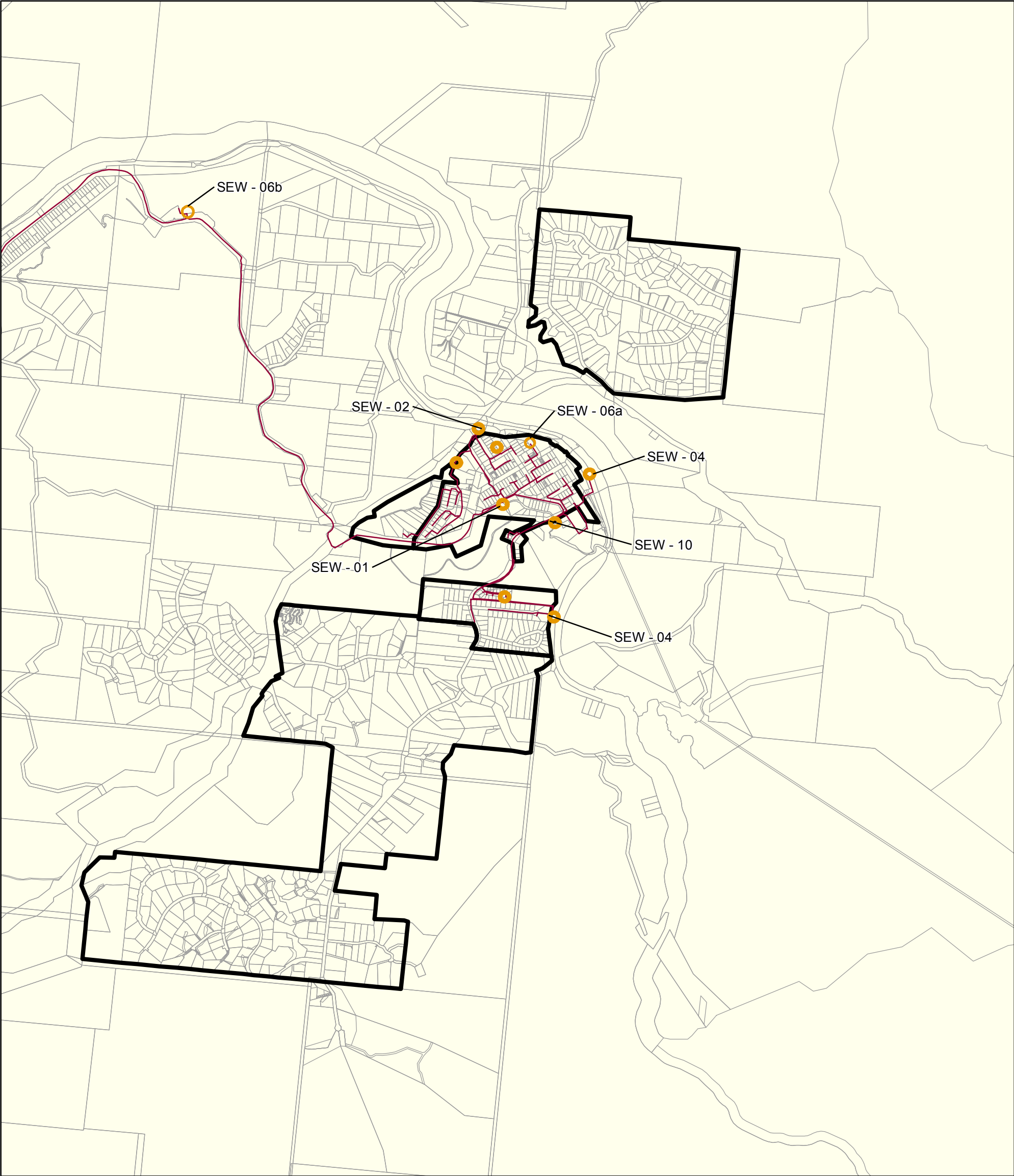
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A3



- Legend**
-  Sewer Pump Station
 -  Sewer
 -  PIA Boundries
 -  Cadastre

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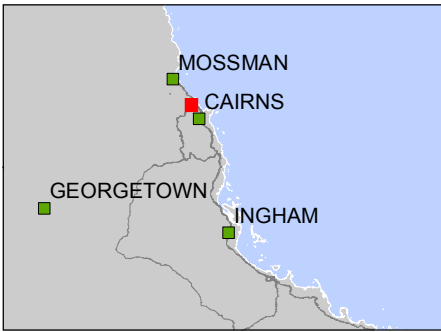
Legend

- Sewer Pump Station
- Sewer
- PIA Boundries
- Cadastre

GCS GDA 1994

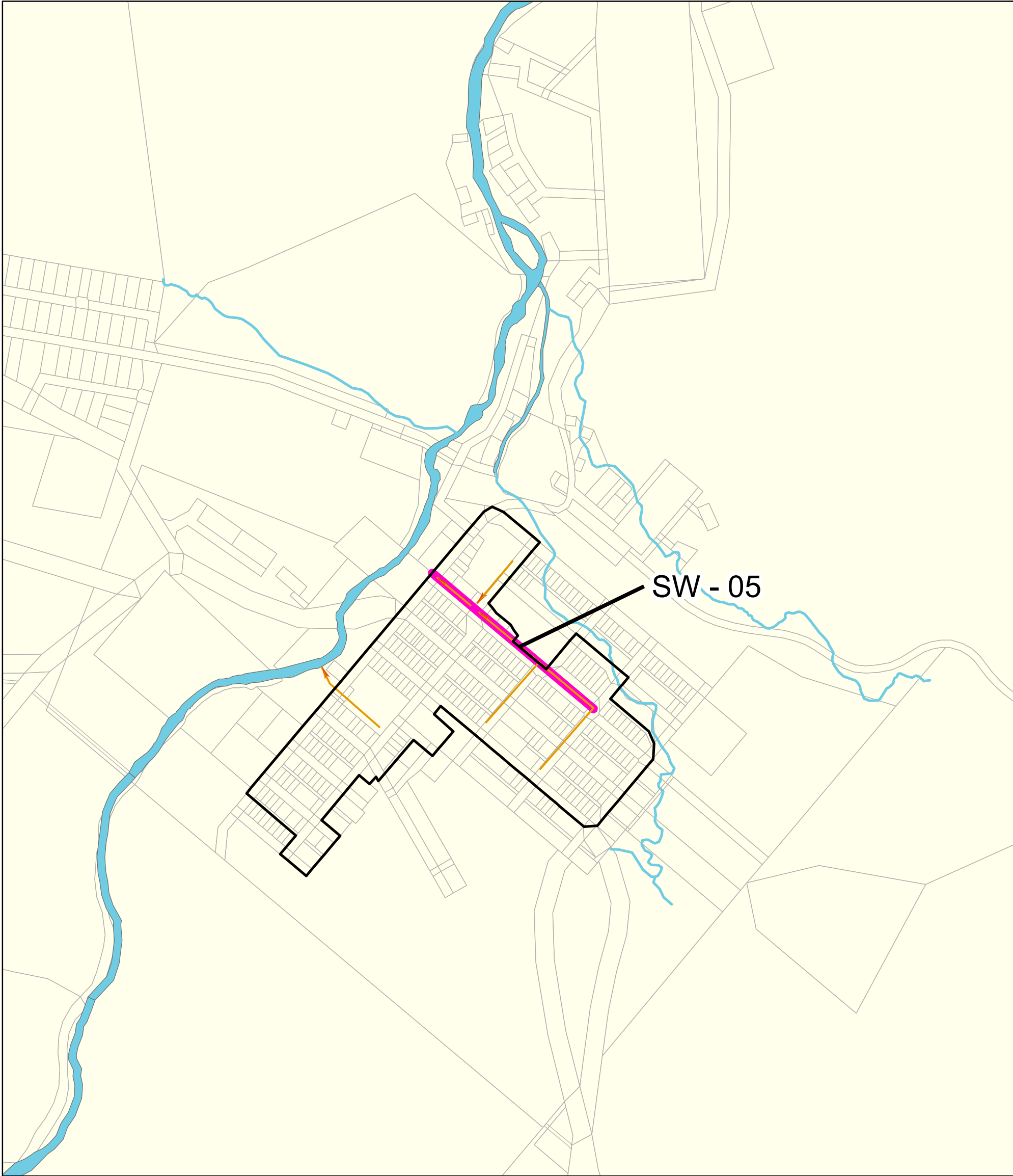
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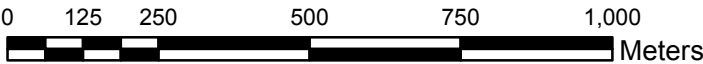
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Legend

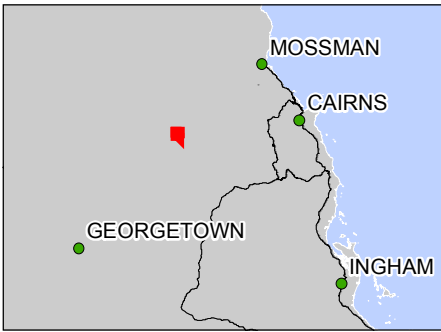
- Minor Natural Channel
- Overland Flowpath Channel
- Soil Drainage
- Piped Drainage
- Major Natural Channel
- Priority Drainage Improvement
- Stormwater Works
- Natural Drainage Path (Future Drainage)
- Cadastre



GDA 1994 MGA Zone 55

Scale 1:12,500

A3

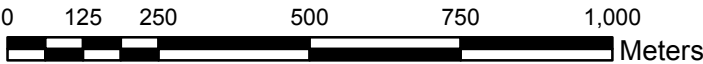


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Legend

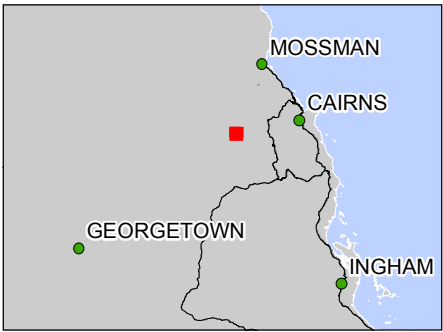
- Minor Natural Channel
- Overland Flowpath Channel
- Soil Drainage
- Piped Drainage
- Major Natural Channel
- Priority Drainage Improvement
- Stormwater Works
- Natural Drainage Path (Future Drainage)
- Cadastre



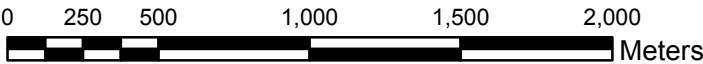
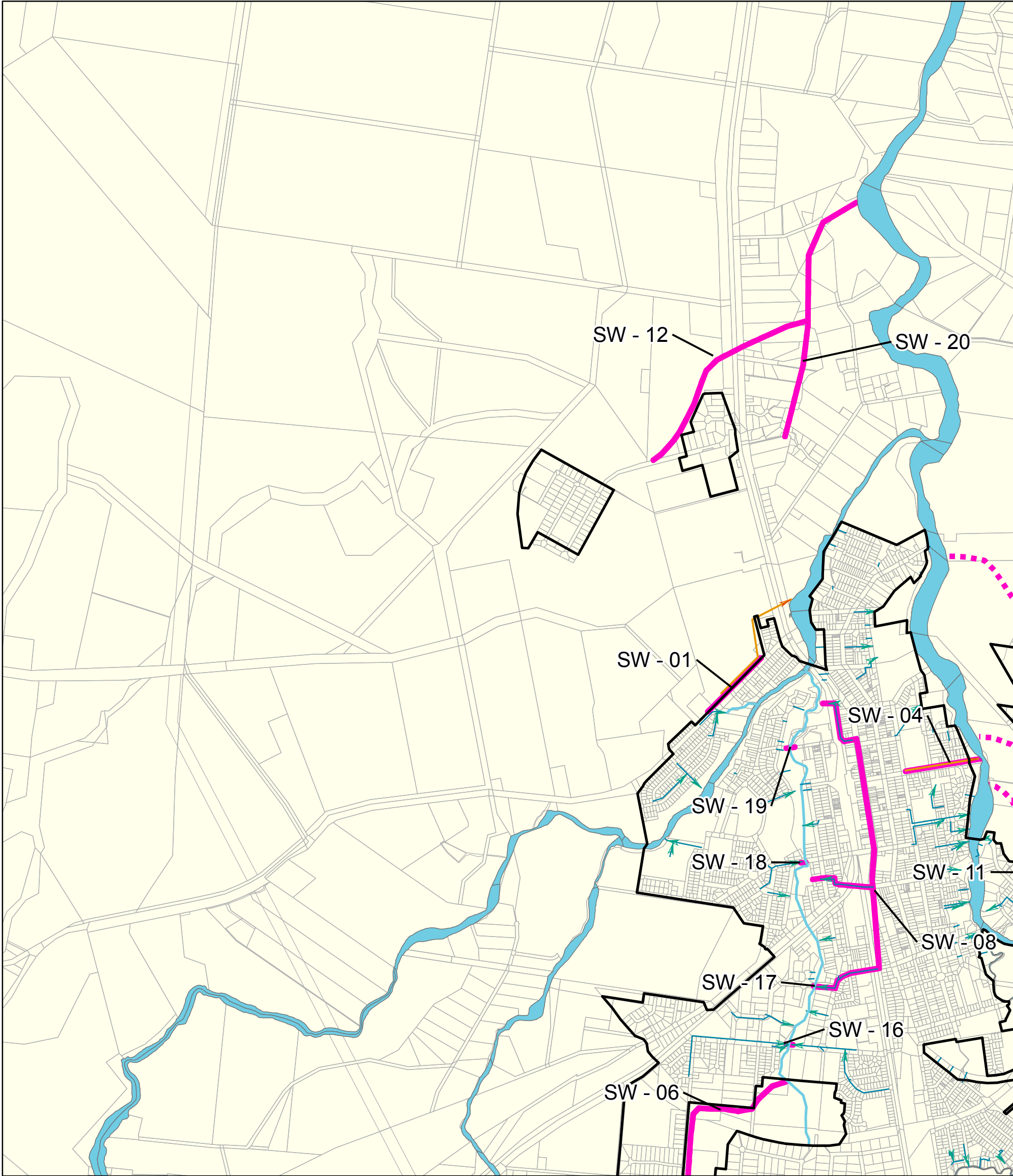
GDA 1994 MGA Zone 55

Scale 1:12,500

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GDA 1994 MGA Zone 55

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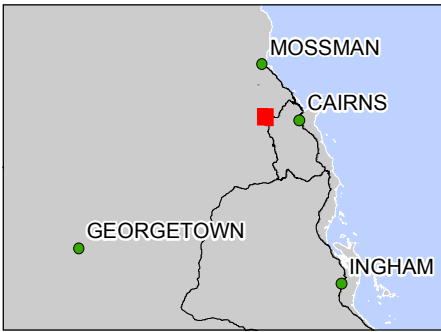
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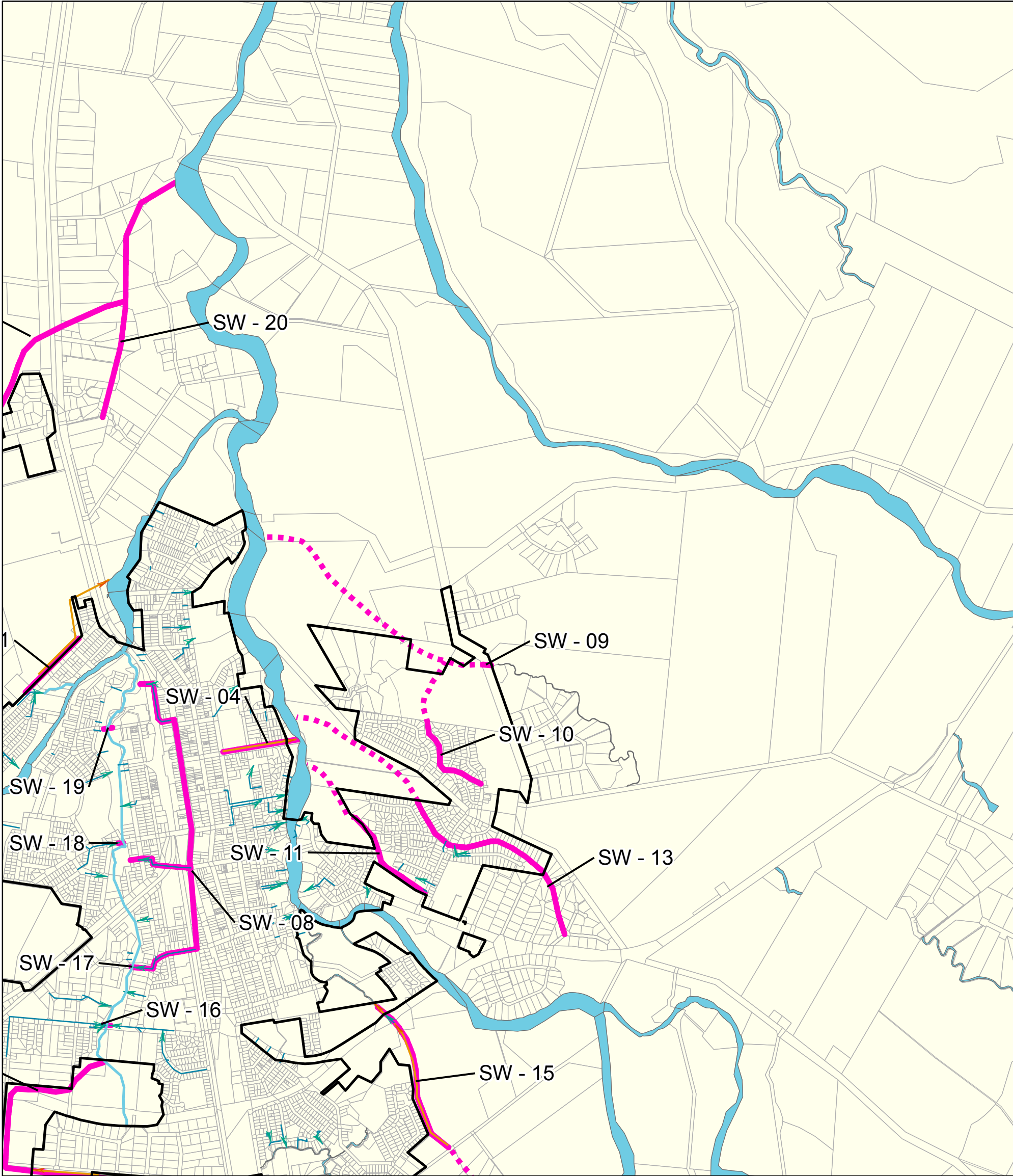
Legend

- Minor Natural Channel
- Overland Flowpath Channel
- Soil Drainage
- Piped Drainage
- Major Natural Channel
- Priority Drainage Improvement
- Stormwater Works
- Natural Drainage Path (Future Drainage)
- Cadastre

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Legend

- Minor Natural Channel
- Overland Flowpath Channel
- Soil Drainage
- Piped Drainage
- Major Natural Channel
- Priority Drainage Improvement
- Stormwater Works
- Natural Drainage Path (Future Drainage)
- Cadastre

0 250 500 1,000 1,500 2,000
Meters

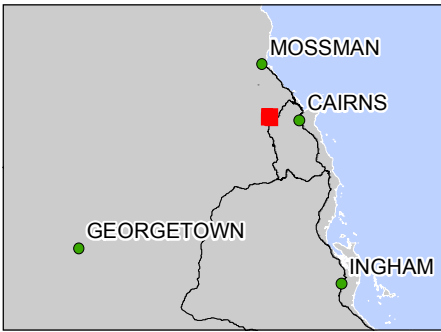
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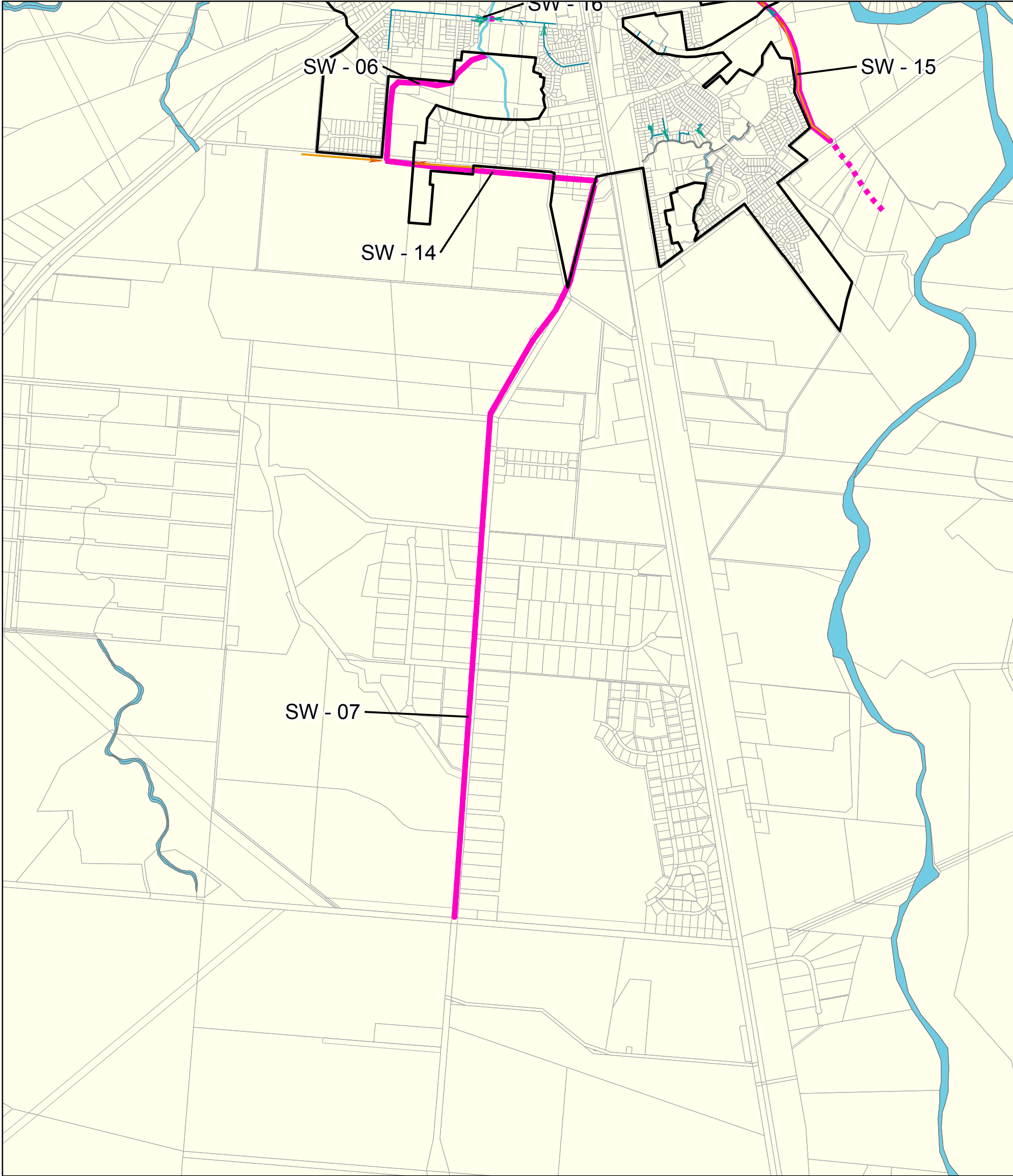
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Legend

- Minor Natural Channel
- Overland Flowpath Channel
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- Piped Drainage
- Major Natural Channel
- Priority Drainage Improvement
- Stormwater Works
- Natural Drainage Path (Future Drainage)
- Cadastre

0 250 500 1,000 1,500 2,000 Meters

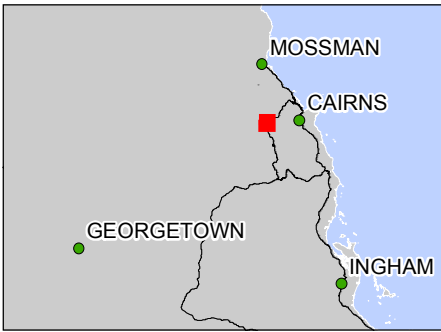
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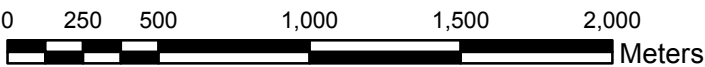
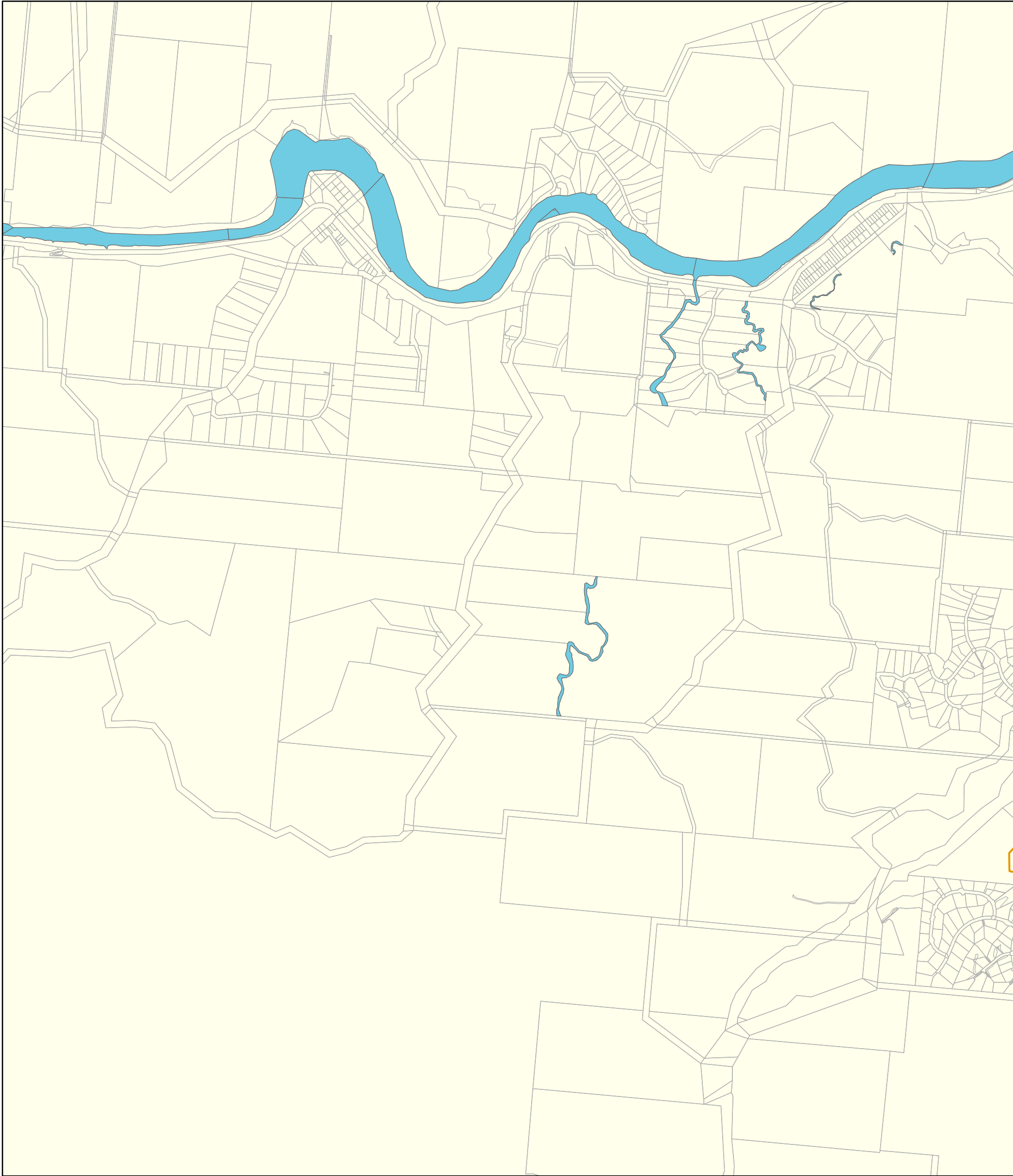
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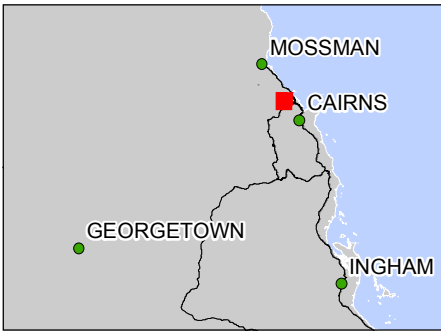
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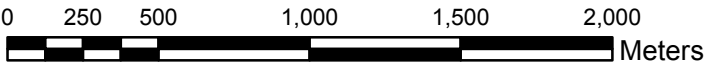
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Legend

- Minor Natural Channel
- Overland Flowpath Channel
- Soil Drainage
- Piped Drainage
- Major Natural Channel
- Priority Drainage Improvement
- Stormwater Works
- Natural Drainage Path (Future Drainage)
- Cadastre

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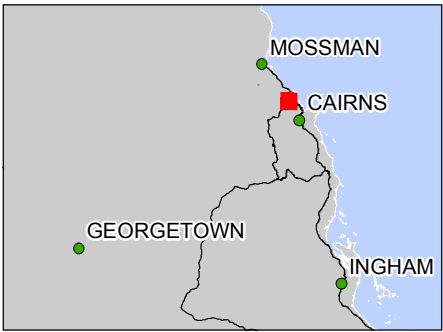
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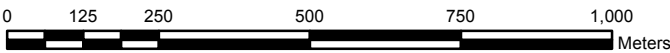
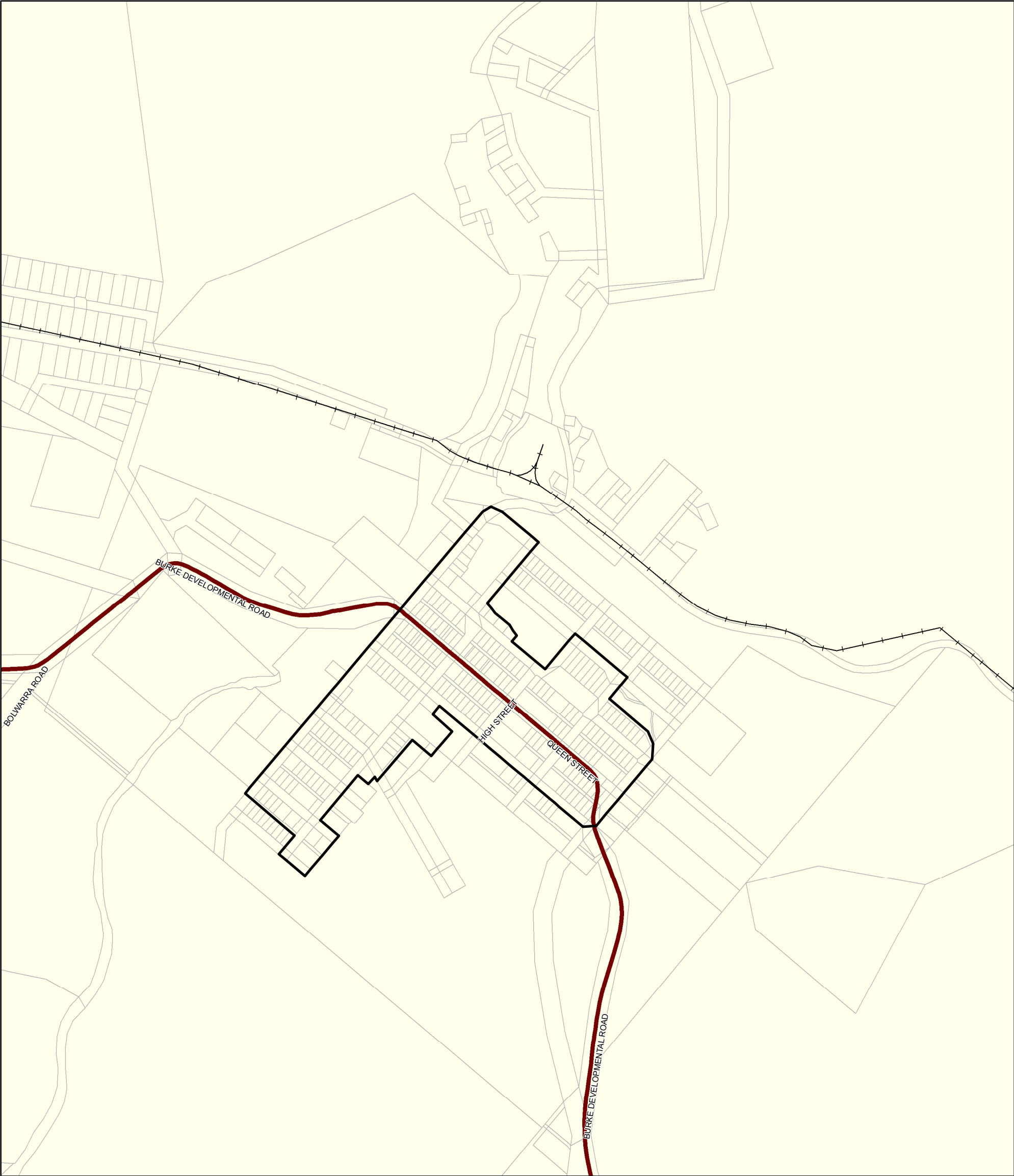
A3

Legend

- Minor Natural Channel
- Overland Flowpath Channel
- Soil Drainage
- Piped Drainage
- Major Natural Channel
- Priority Drainage Improvement
- Stormwater Works
- Natural Drainage Path (Future Drainage)
- Cadastre



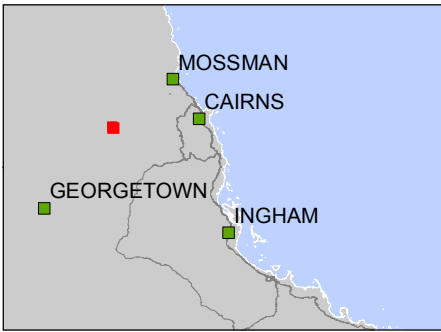
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GDA 1994 MGA Zone 55

Scale 1:12,500

A3



- Legend**
- +--- Railway
 - State Controlled Road
 - Cadastre

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01252505007501,000

Meters

GDA 1994 MGA Zone 55

Scale 1:12,500

A3

Legend

Railway

Local Rural Connection

State Controlled Road

Cadastre

Roads - Trunk Infrastructure Improvement / Upgrade

N

MOSSMAN

CAIRNS

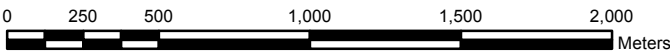
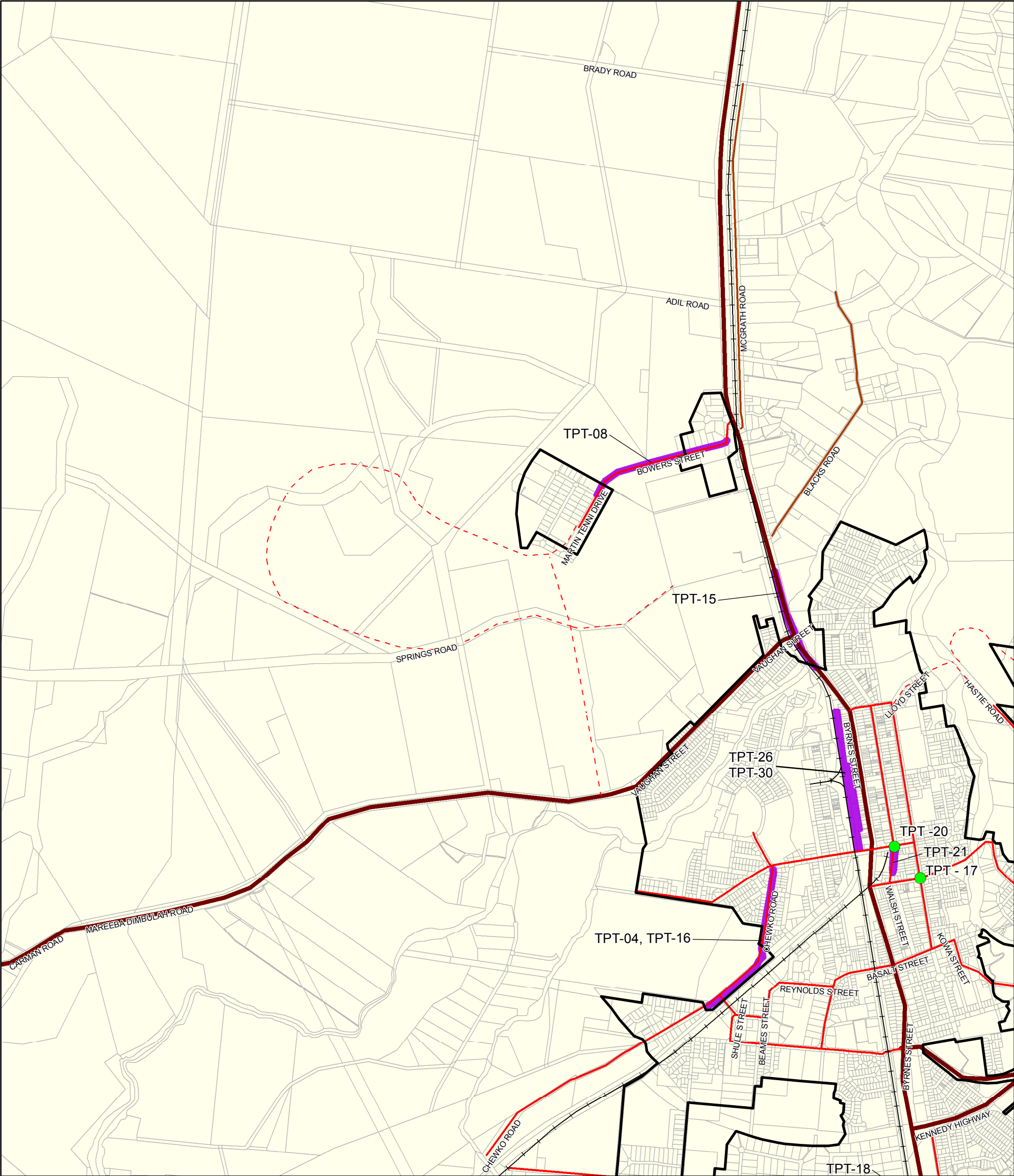
GEORGETOWN

INGHAM

JACOBS®

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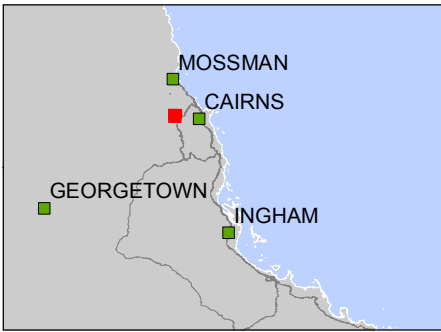
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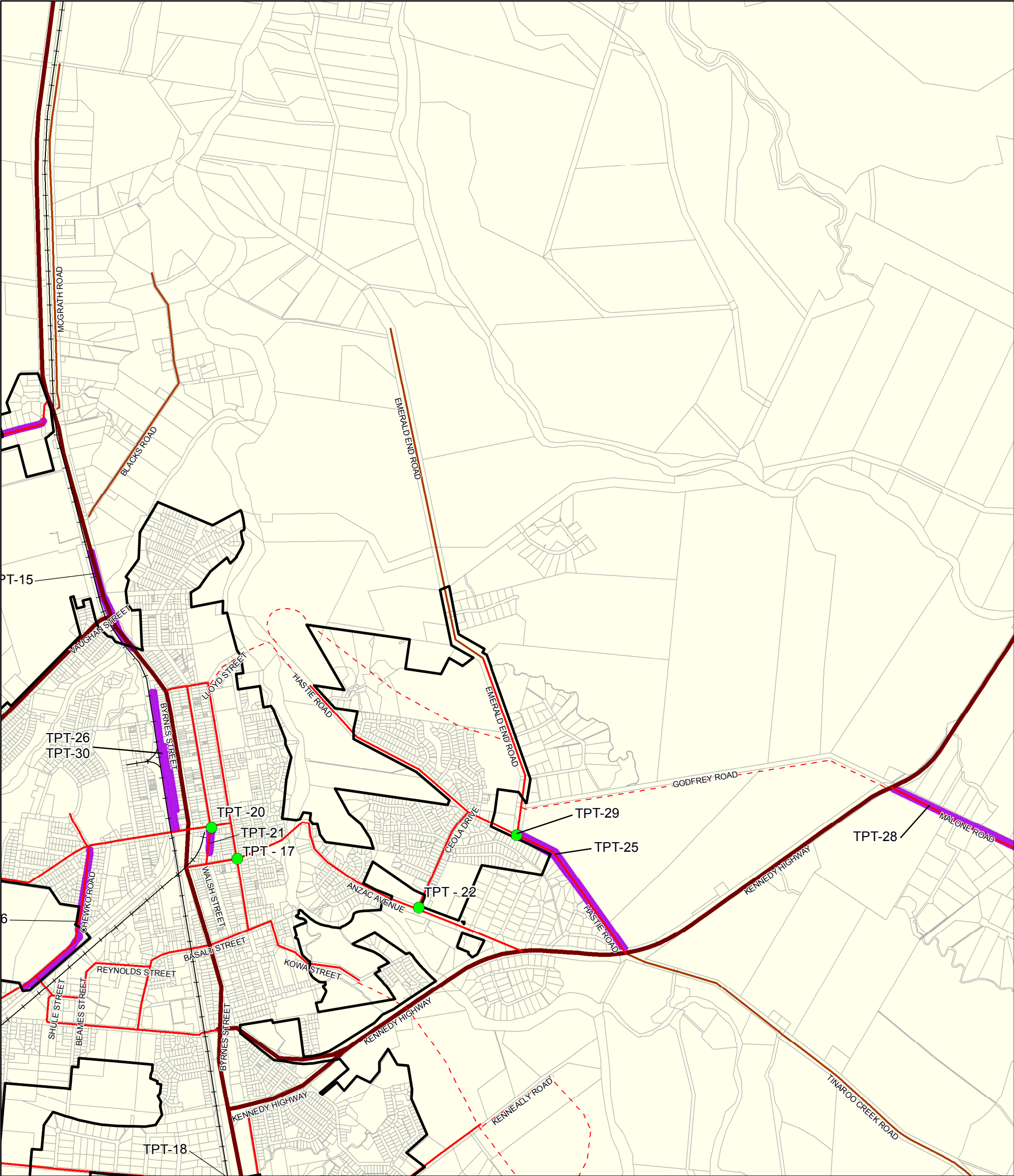
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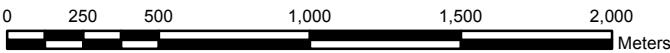
- Legend**
- Future Intersection Improvement
 - Railway
 - Future Local Network Road
 - Higher Order Local Road
 - Local Rural Connection
 - State Controlled Road
 - Cadastral
 - Roads - Trunk Infrastructure Improvement / Upgrade

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Legend

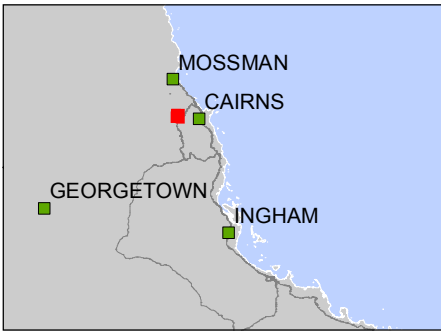
- Future Intersection Improvement
- +— Railway
- - - Future Local Network Road
- Higher Order Local Road
- Local Rural Connection
- State Controlled Road
- Cadastre
- Roads - Trunk Infrastructure Improvement / Upgrade



GDA 1994 MGA Zone 55

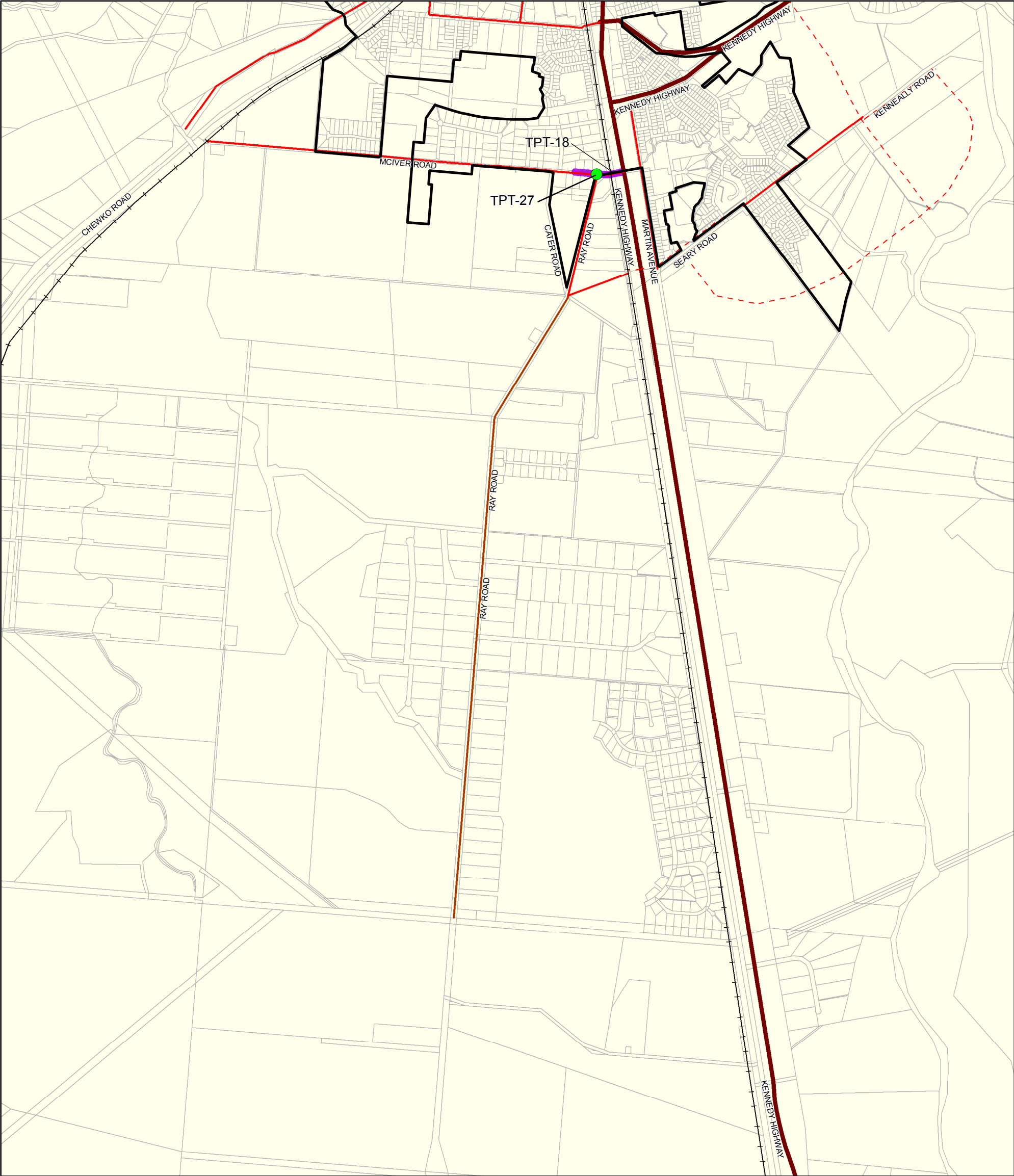
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Legend

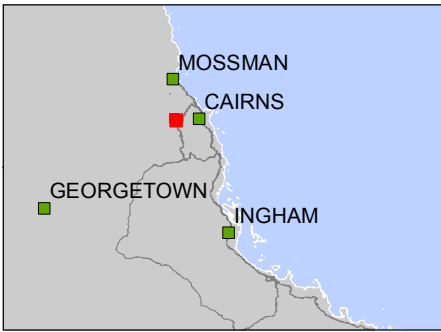
- Future Intersection Improvement
- Railway
- Future Local Network Road
- Higher Order Local Road
- Local Rural Connection
- State Controlled Road
- Cadastre
- Roads - Trunk Infrastructure Improvement / Upgrade

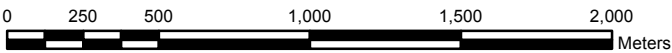
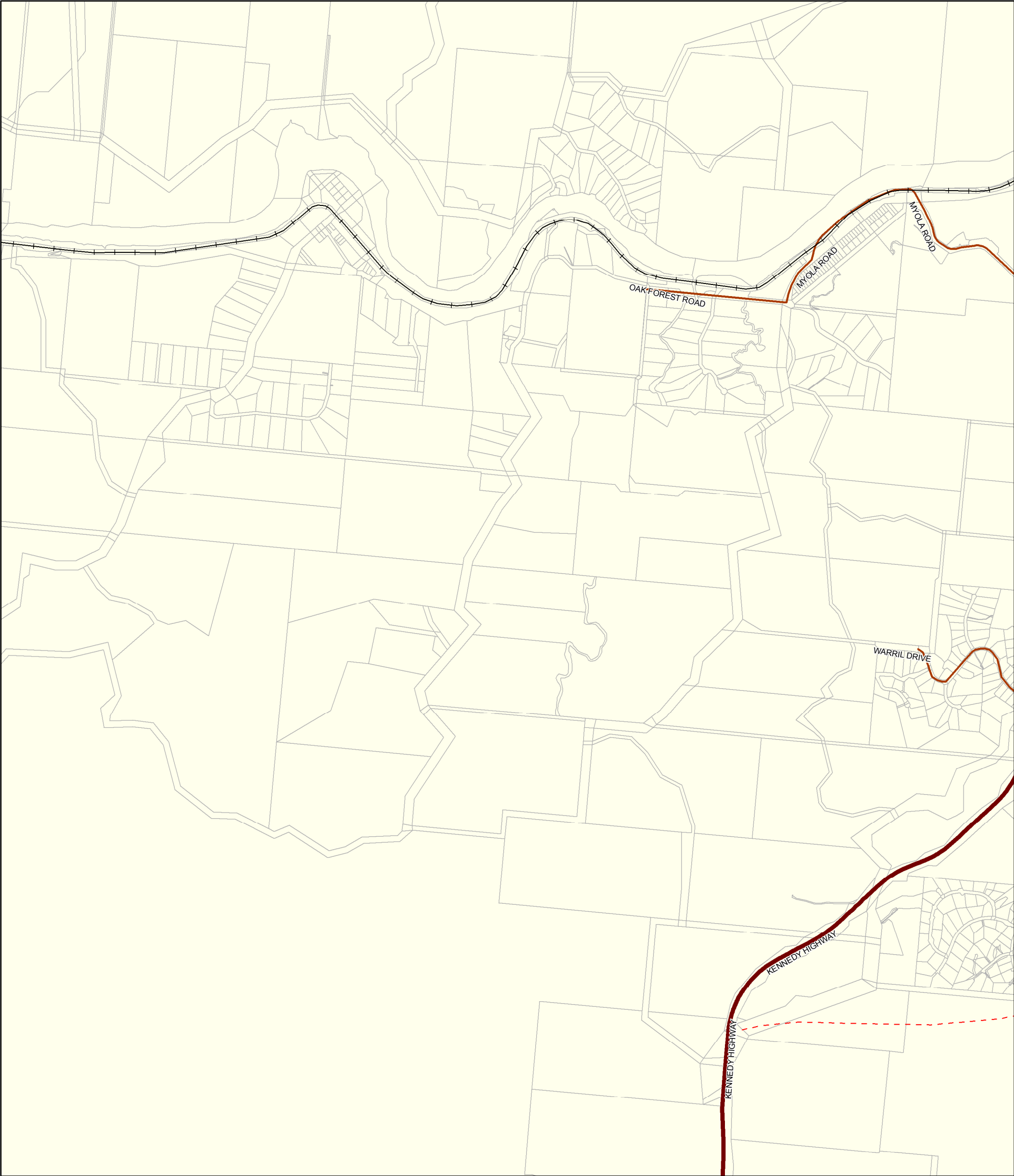
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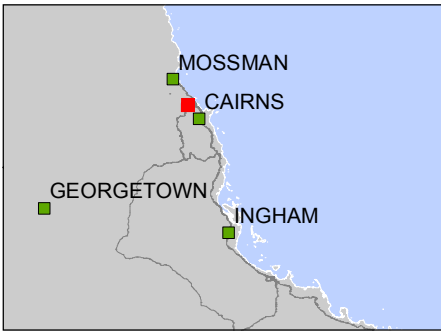




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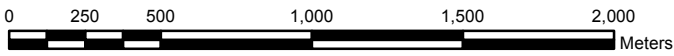
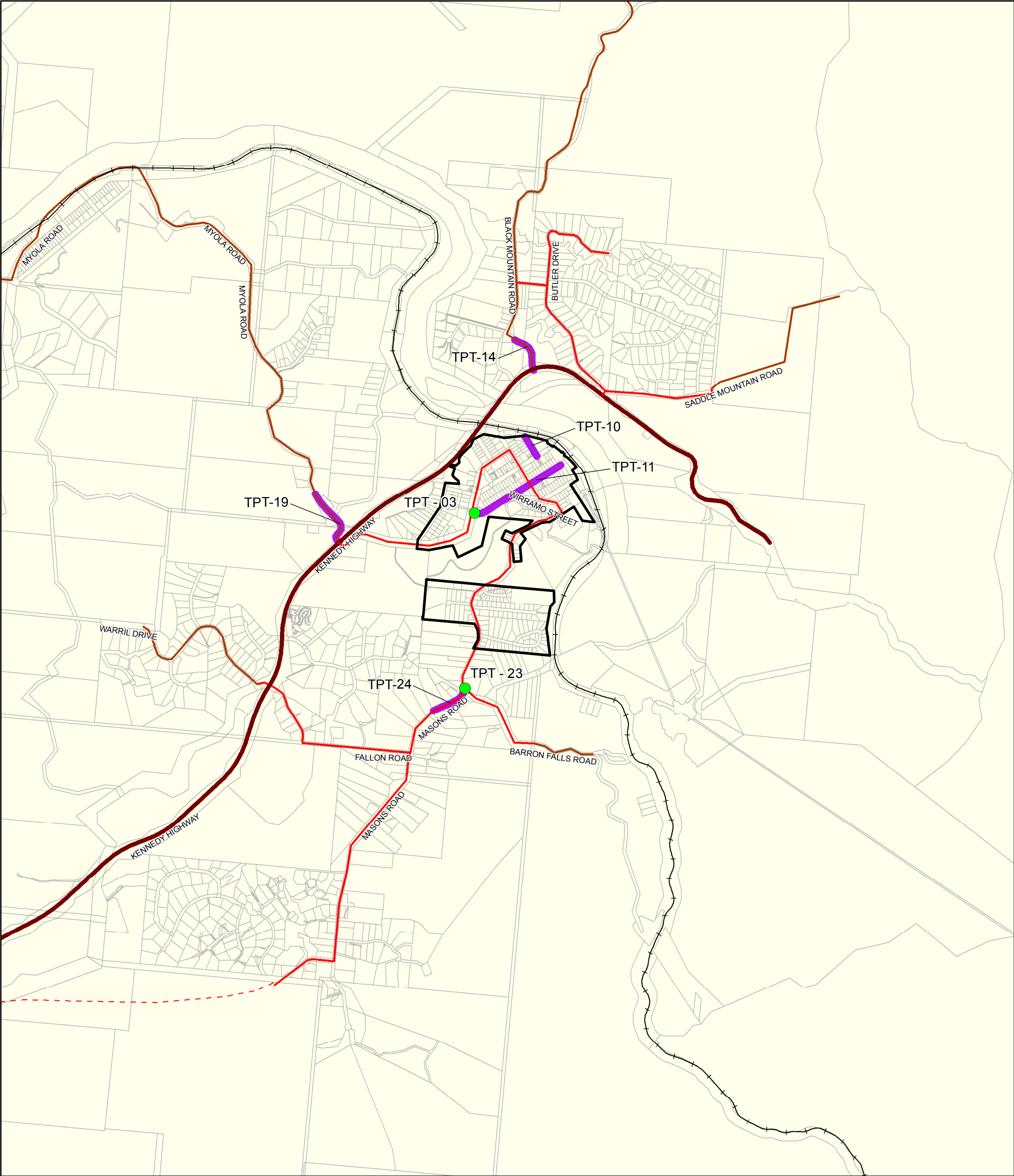
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A3



- Legend**
- +— Railway
 - - - Future Local Network Road
 - Local Rural Connection
 - State Controlled Road
 - Cadastre

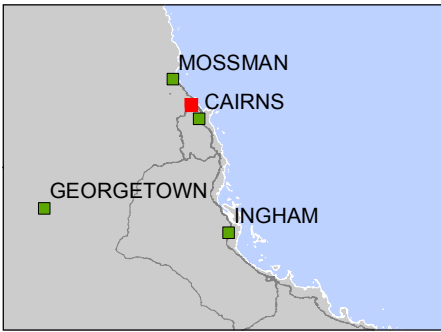
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GDA 1994 MGA Zone 55

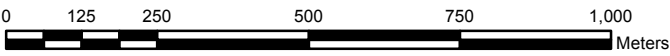
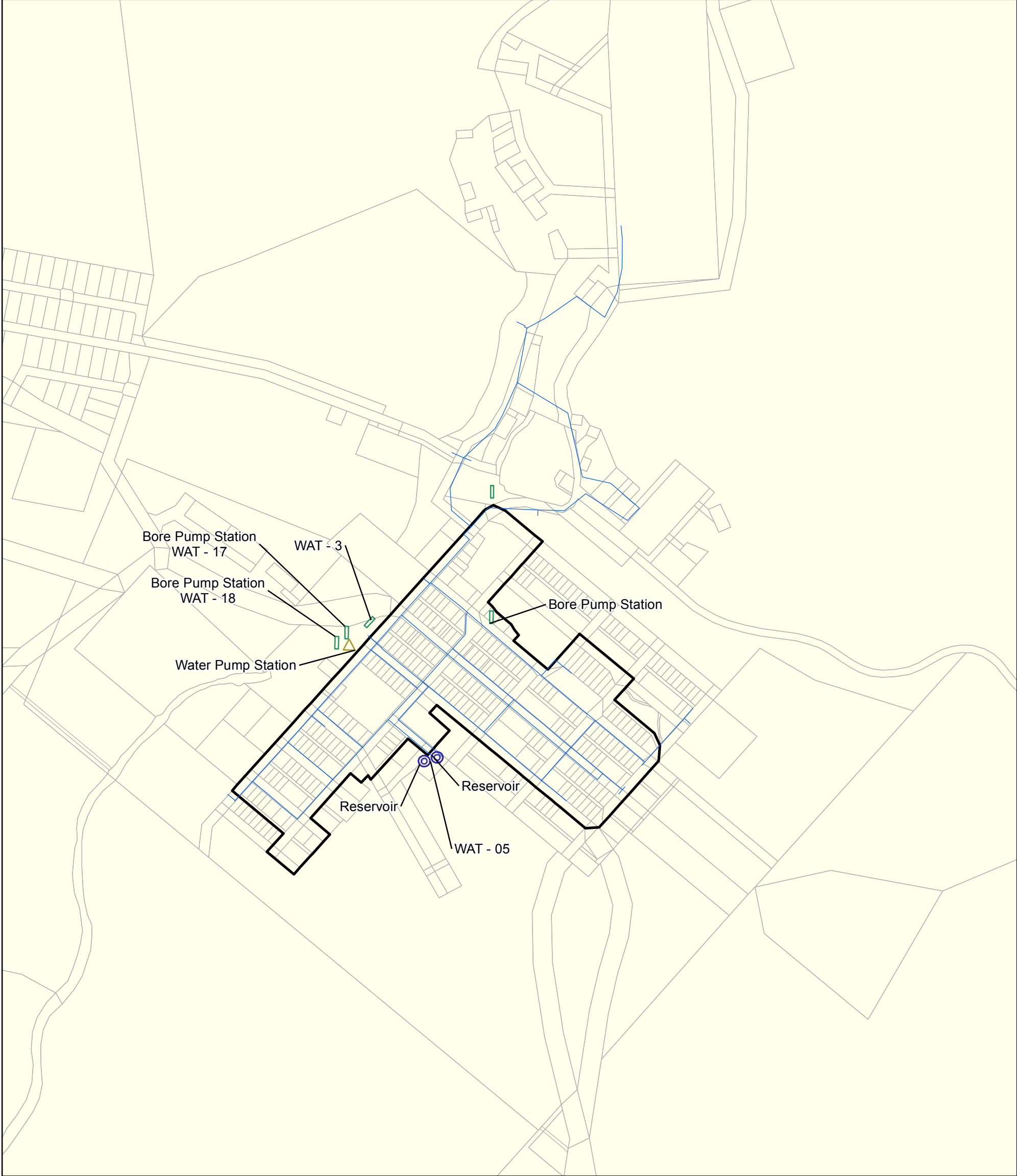
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A3



- Legend**
- Future Intersection Improvement
 - +— Railway
 - - - Future Local Network Road
 - Higher Order Local Road
 - Local Rural Connection
 - State Controlled Road
 - Cadastre
 - Roads - Trunk Infrastructure Improvement / Upgrade

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Legend

Water Reticulation

- Water Reticulation
- Cadastre
- PIA Boundries

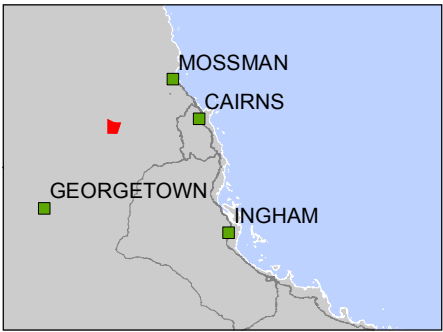
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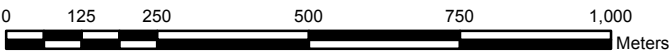
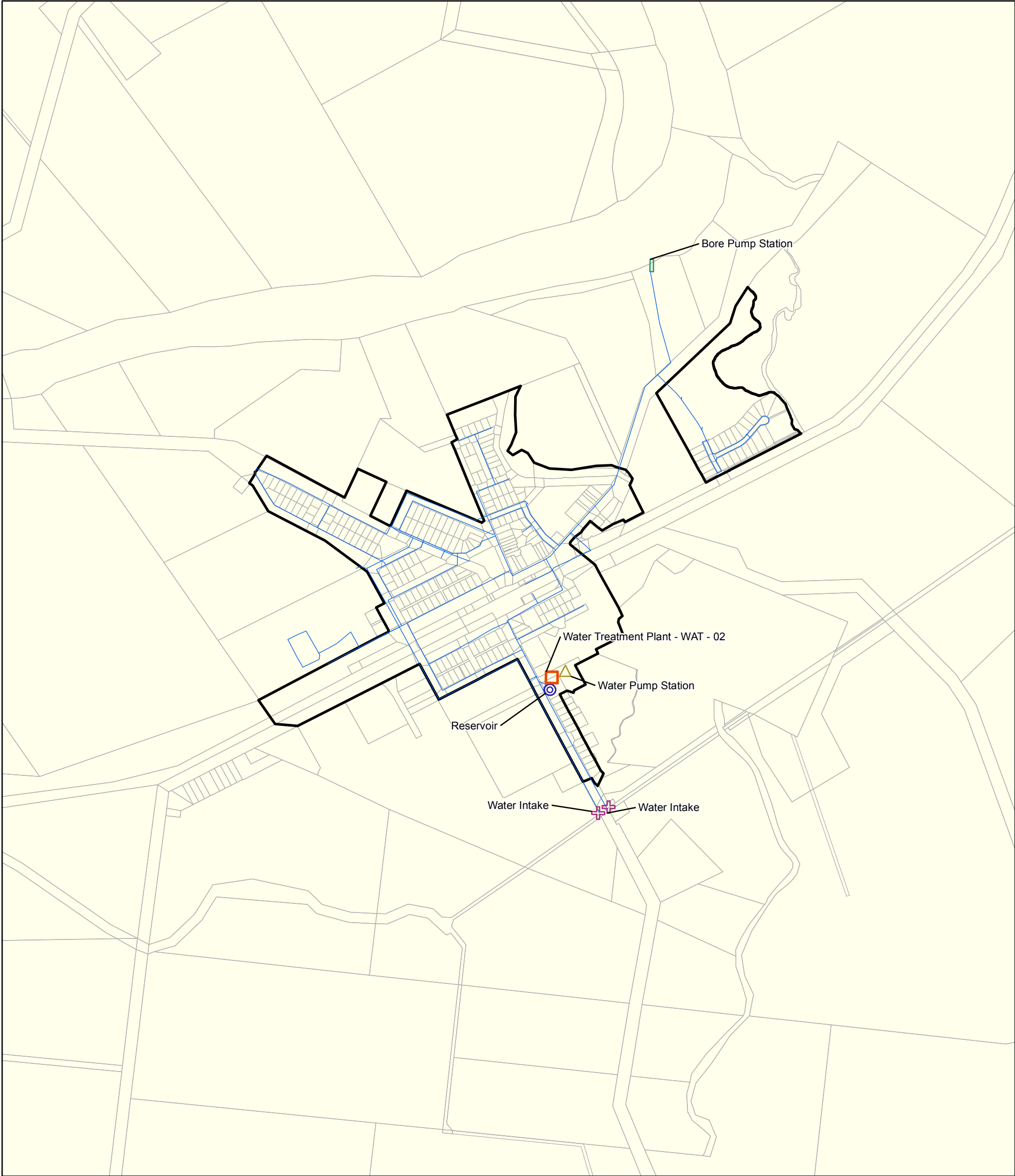
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Legend

Water Reticulation

- Water Reticulation
- Cadastre
- PIA Boundries

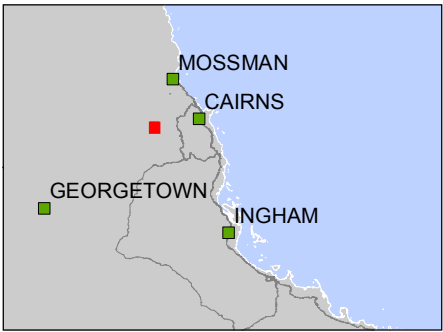
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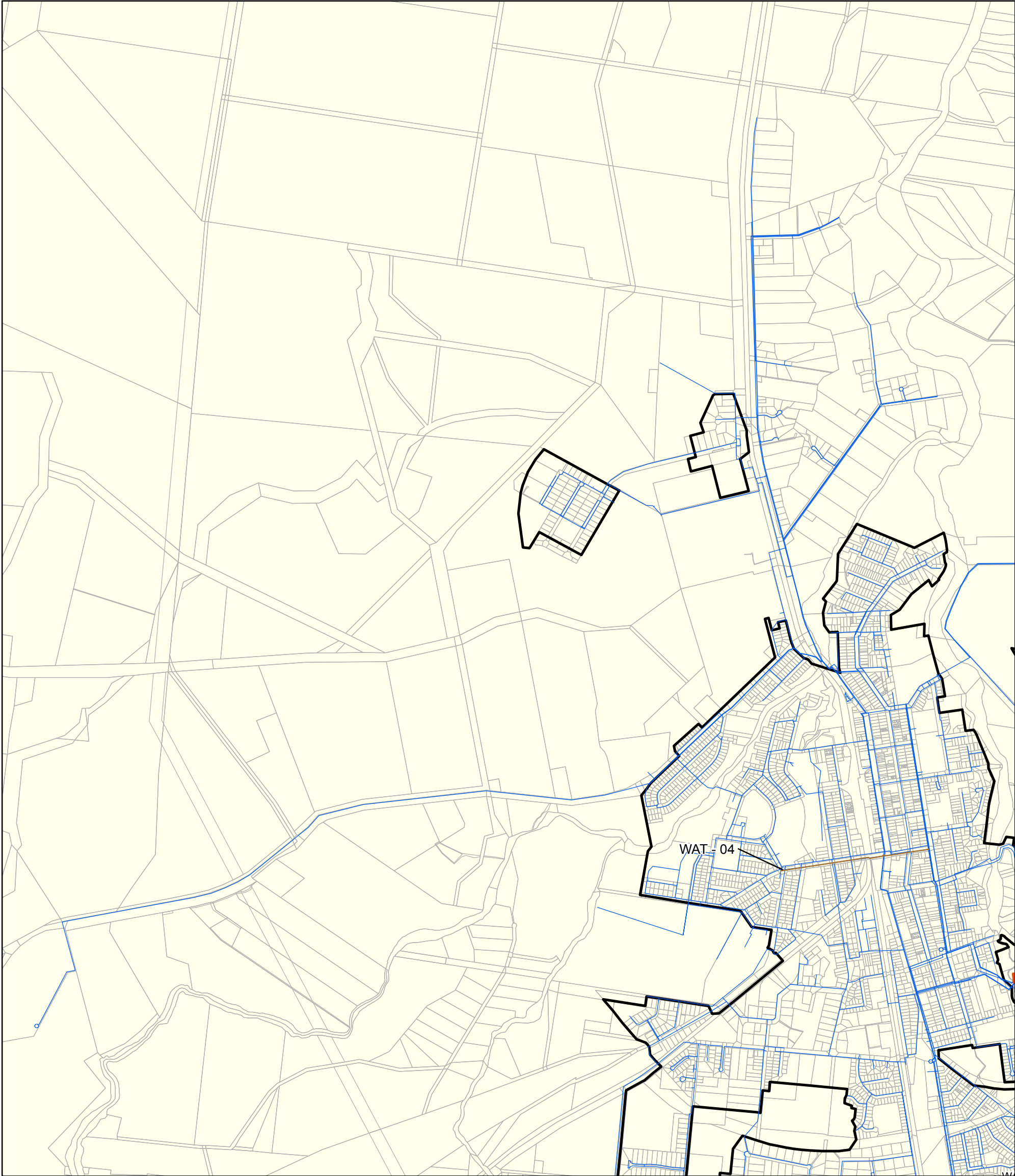
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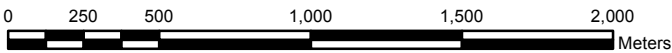




Legend

Water Reticulation

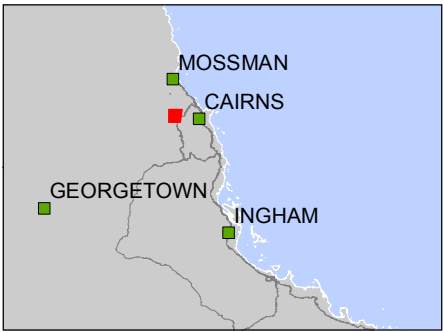
- Water Reticulation
- Cadastre
- PIA Boundries



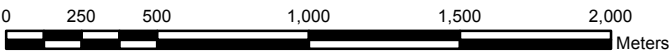
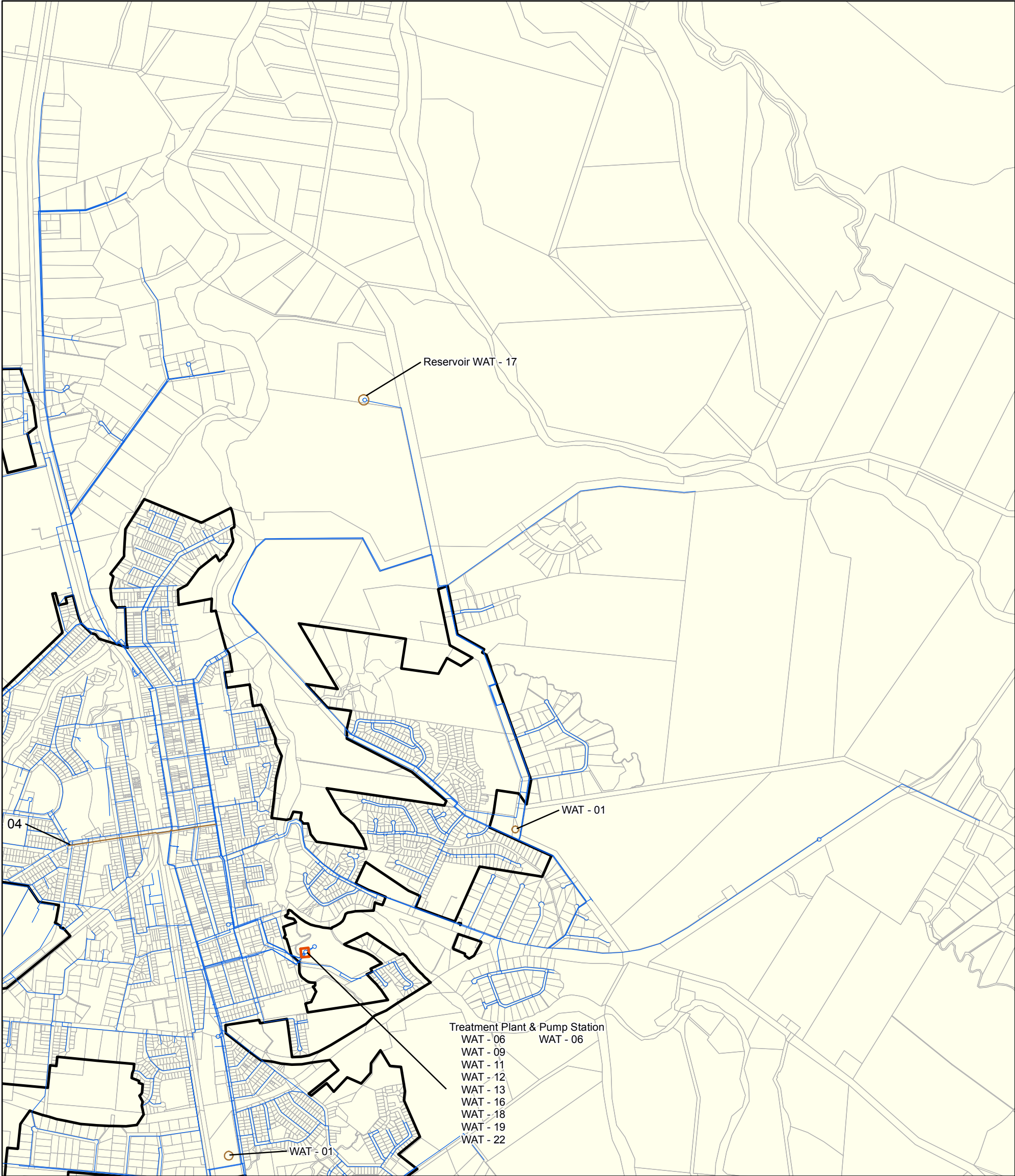
GCS GDA 1994

Scale 1:25,000

A3



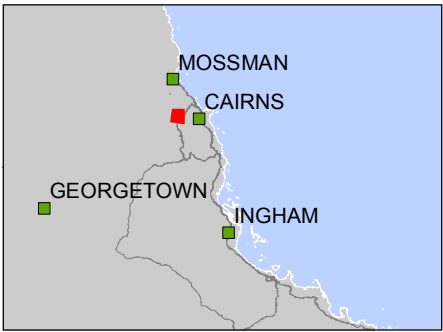
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GCS GDA 1994

Scale 1:25,000

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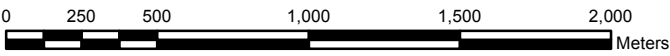
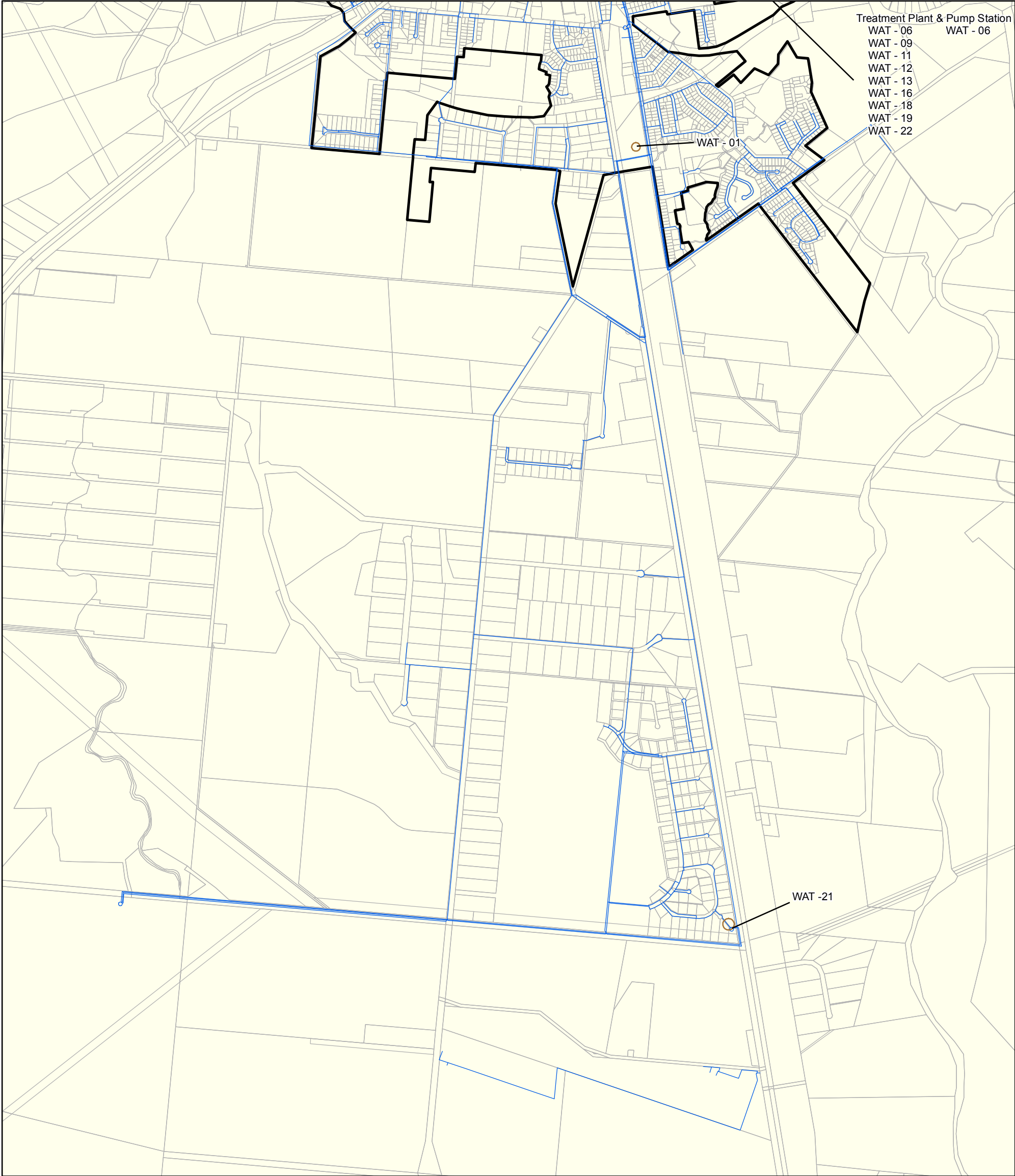


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Legend

Water Reticulation

- Water Reticulation
- Cadastral
- PIA Boundaries



Legend

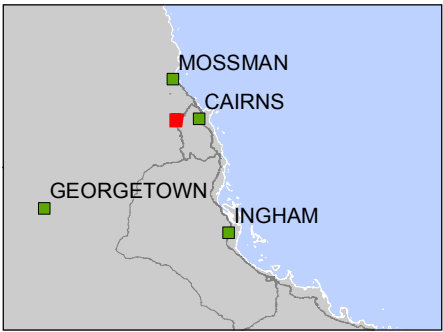
Water Reticulation

- Water Reticulation
- Cadastre
- PIA Boundries

GCS GDA 1994

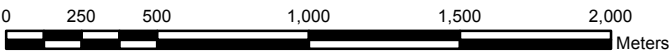
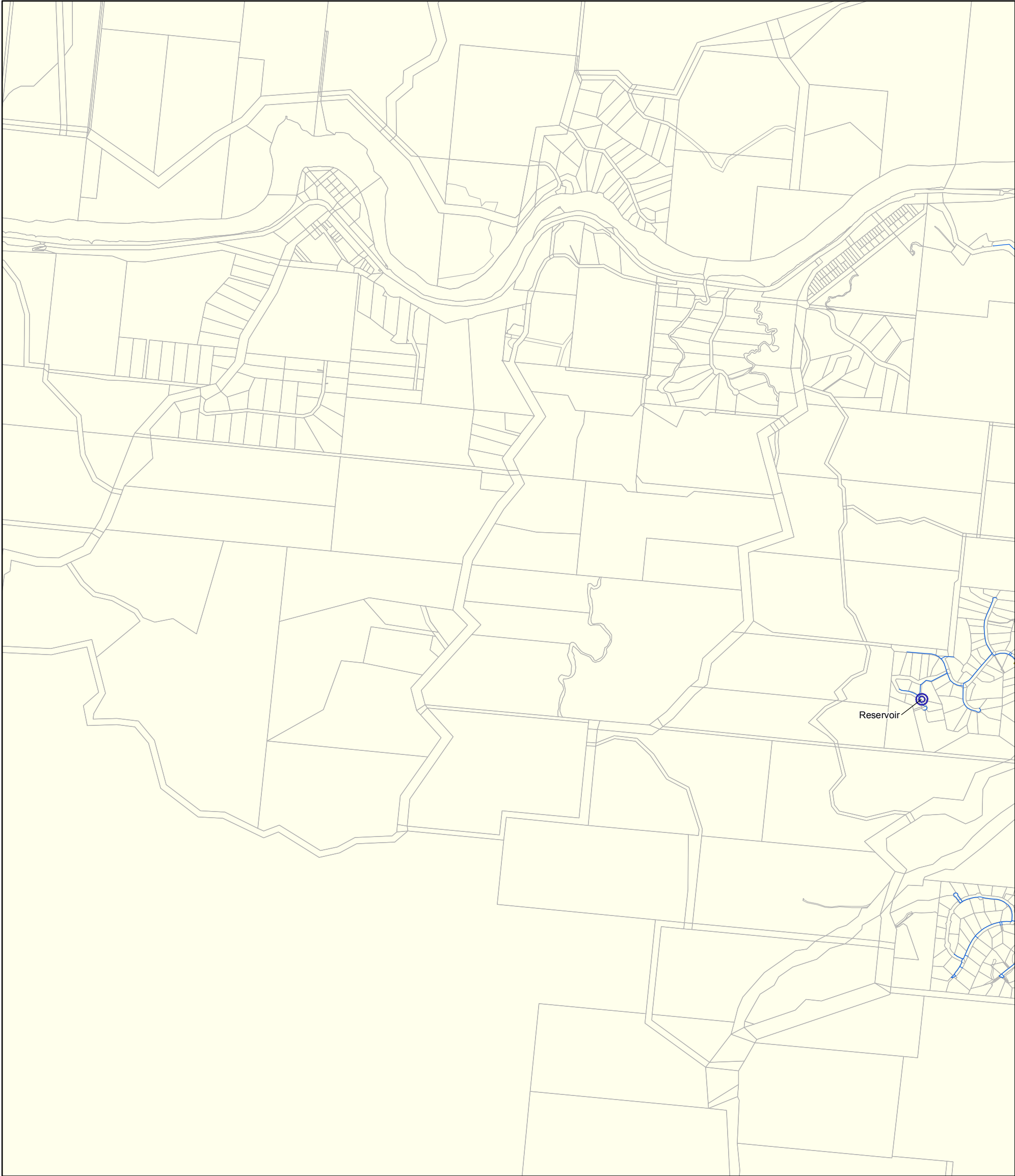
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Legend

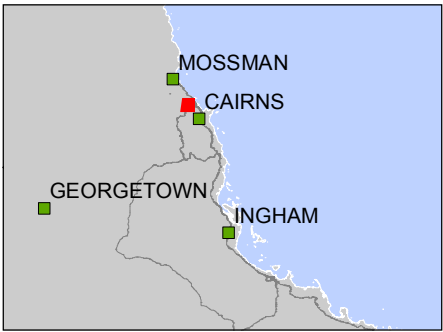
Water Reticulation

- Water Reticulation
- Cadastre

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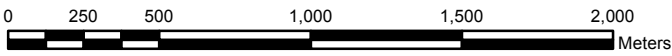
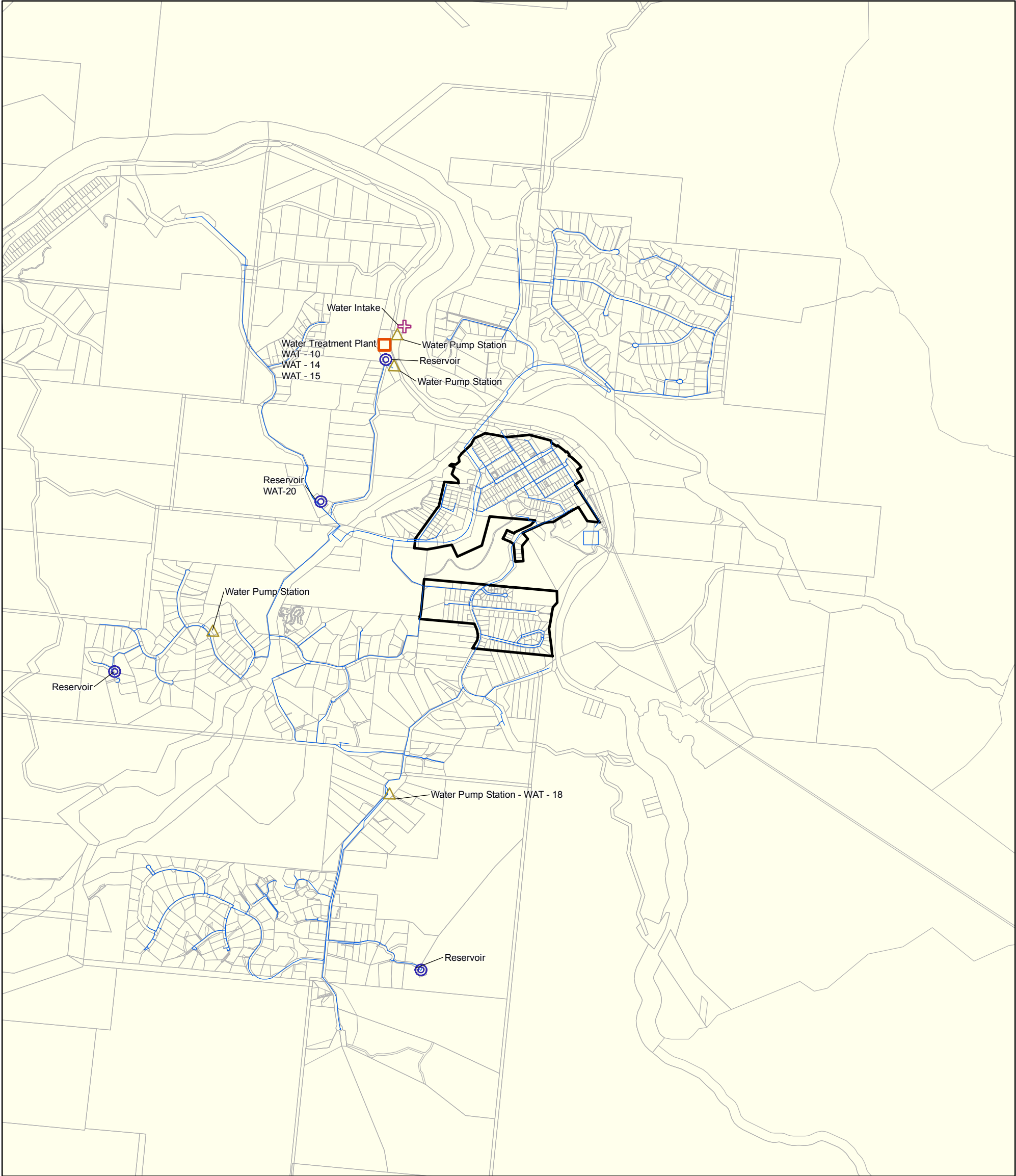
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Legend

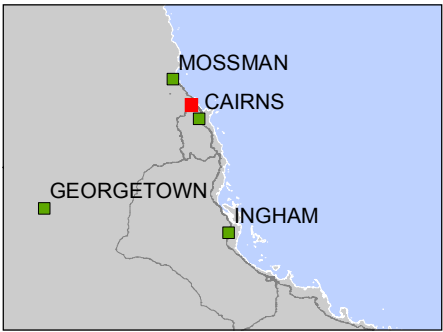
Water Reticulation

- Water Reticulation
- Cadastral
- PIA Boundries

GCS GDA 1994

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Description	Cost Recovery Fee (Y/N)	Paragraph of S97(2) of LG Act 2009 under which fee is fixed	Provision of Local Government Act	Unit	Fee/Charge \$	GST (Y/N)
-------------	-------------------------	---	-----------------------------------	------	---------------	-----------

2018/19 Fees and Charges						
Libraries						
Charges						
Lost charge - Cost value of item plus notice charge & administration fee	N			item	Cost + \$30.50	Y
Overdue notice fee	N			item	\$5.00	Y
Damaged item charges - items deemed unusable	N			item	Cost + \$15.20	Y
Visitor membership fee	N			unlimited	\$46.00	Y
Replacement CD/DVD cover/cases	N			item	\$5.00	Y
Replacement membership card	N			card	\$6.00	Y
Library bags	N			bag	\$5.00	Y
Book Sale						
Non-fiction - jigsaws - DVD & CD	N			item	\$3.50	Y
Fiction	N			item	\$2.50	Y
Junior books	N			item	\$2.00	Y
Magazines	N			item	\$0.50	Y
Photocopying						
Black & white - A4 per side	N			A4 page	\$0.30	Y
Black & white - A3 per side	N			A3 page	\$0.60	Y
Printing						
Black & white - A4 page	N			A4 page	\$0.30	Y
Colour - A4 page	N			A4 page	\$3.00	Y
Internet						
National & State Library online databases				Free	FREE	
USB Stick	N			Item	\$12.00	Y
WIFI				Free	FREE	
Full PC Use						
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	\$2.00	Y



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 ¹	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.

¹

<https://websync.msc.qld.gov.au/policies/files/244/Mareeba%20Shire%20Council%20Corporate%20Plan%202014-2019.pdf>

Goal ¹	Objective	How Goal and Objectives are addressed in AM Plan
GOV 2	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.
COM 3	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.
COM 2	Conduct an analysis of current community facilities and develop a Shire wide community facilities plan to guide the assessment of maintenance programmes, possible capital upgrades of existing facilities and community requests for new facilities and ensure equity of access.	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 Actions²

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.

² <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 [OldStateRegulatoryCode.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.

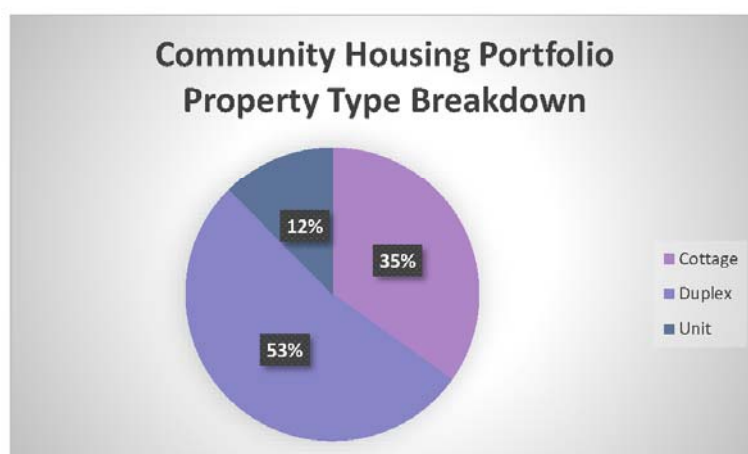
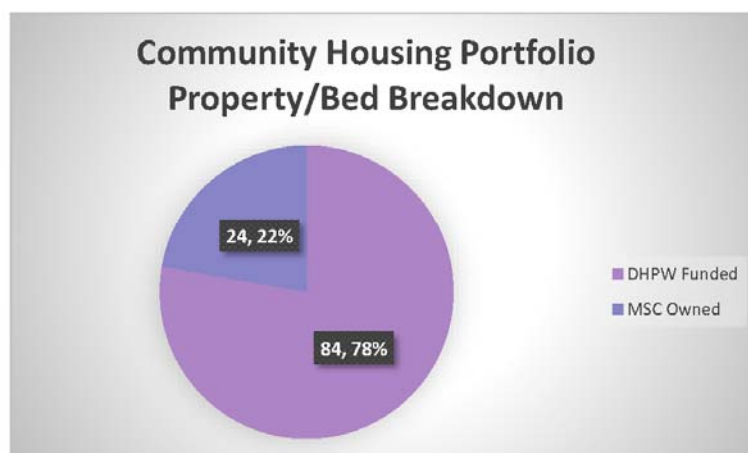
2 PROPERTY PORTFOLIO DETAILS

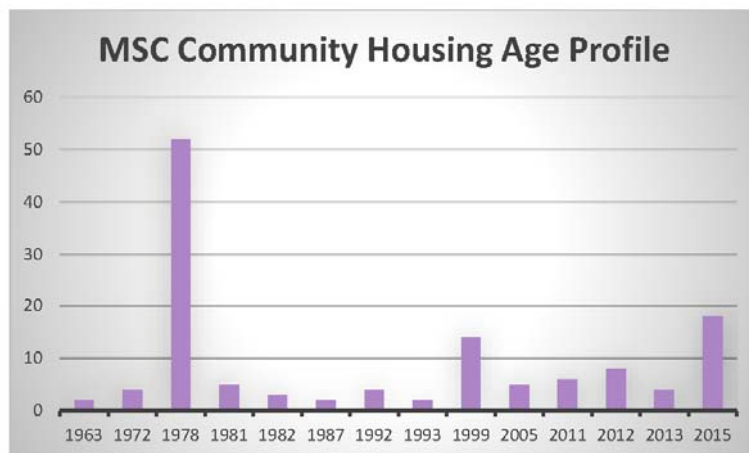
This section provides an overview of the organisation's property portfolio, including data captured for each property asset as well as outlining how the organisation manages its key portfolio data to keep it complete, timely and accurate.

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 Policy³ 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.

³ 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 Policy⁴ and Enterprise Risk Management Procedure⁵ 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"> Budget agreed prior to financial year Budget and forecast based on property 	Budget and forecast agreed in advance of reporting period	<ul style="list-style-type: none"> EMT 	<ul style="list-style-type: none"> As per budget setting process (e.g. monthly management reports).

⁴ <https://websync.msc.qld.gov.au/policies/files/424/Enterprise%20Risk%20Management%20Policy.pdf>

⁵ <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"> Executive Management Team 	<ul style="list-style-type: none"> Monthly reports against budget
Schedule of planned maintenance works is adhered to	Planned maintenance works performed as per schedule	100%	<ul style="list-style-type: none"> Executive Management Team 	<ul style="list-style-type: none"> Technology One Works Orders
Quality of service: <ul style="list-style-type: none"> Repairs on time Tenant feedback 	<ul style="list-style-type: none"> Repairs on time: as per DHPW requirement. Tenant feedback 	<ul style="list-style-type: none"> 100 % immediate faults responded to within 1 hour 100% urgent faults responded to within 4 hours 75% tenants satisfied with condition of property 75% tenants satisfied with maintenance of property 	<ul style="list-style-type: none"> Manager Community Wellbeing Manager Community Wellbeing 	<ul style="list-style-type: none"> Technology One CR and Works Orders Reports. Tenant survey, customer response management system.

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"> At least 70% all community housing assets meet S4 standard or equivalent Number of properties brought to standard 	
		Repair response times	<ul style="list-style-type: none"> At least 90% urgent repair response times met At least 80% non-urgent repair response times met 	
		Tenant satisfaction	<ul style="list-style-type: none"> At least 75% tenants satisfied with repairs service At least 75% tenants satisfied with condition of property 	

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.



Mareeba Shire Council

Local Law No. 1 (Administration) 2018

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 1 (Administration) 2018*.

2 Purposes and how they are to be achieved

- (1) 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.
- (2) The purposes are to be achieved 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.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

Part 2 Approvals for prescribed activities

5 Meaning of *prescribed activity*

Prescribed activity means—

- (a) an activity prescribed in part 1 of schedule 2 and defined in part 2 of schedule 2; or

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

- (b) an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

6 Offence to undertake local law prescribed activity without approval

- (1) This section applies to a prescribed activity mentioned in section 5(a) or (b).²
- (2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

- (a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or
- (b) for a category 1 activity—50 penalty units; or
- (c) for a category 2 activity—200 penalty units; or
- (d) for a category 3 activity—500 penalty units.
- (3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

Examples—

- A subordinate local law may declare that subsection (2) does not apply to installation of a specified type of advertising device (for example, a device prescribed as a ‘permitted advertising device’). These permitted advertising devices would not require an approval under this part but other types of advertising devices would continue to require an approval.
- A subordinate local law may declare that subsection (2) does not apply to the operation of a camping ground that meets certain criteria (for example, less than a certain size or in a particular location) or complies with certain conditions. A person operating such a camping ground would therefore not require an approval under this part.
- A subordinate local law may declare that subsection (2) does not apply to the establishment or operation of a temporary home in a particular part of the local government’s area.

- (4) In this section—

category 1 activity means a prescribed activity that is declared as a category 1 activity by a subordinate local law for this definition.

category 2 activity means a prescribed activity that is declared as a category 2 activity by a subordinate local law for this definition.

category 3 activity means a prescribed activity that is declared as a category 3 activity by a subordinate local law for this definition.

current approval means an approval that is in force and has not been suspended at the time the prescribed activity is being undertaken.

² For the offence for undertaking a prescribed activity mentioned in section 5(c) without a current approval, see the relevant Local Government Act that provides for the approval.

7 Approvals for prescribed activities to be obtained under this part

An approval required for a prescribed activity must be obtained under this part.

8 Form of application

- (1) An application for the local government's approval of a prescribed activity must be made in a form approved by the local government.

Examples of a form approved by the local government—

A written form or an online application process.

- (2) The application must be accompanied by—
 - (a) documents and materials required under a subordinate local law for this paragraph; and
 - (b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and
 - (c) the prescribed fee.

Example for paragraph (a)—

The local government may require an application to include site plans, management plans, relevant consents, evidence of public liability insurance etc.

Example for paragraph (b)—

A prescribed activity may require approvals under another Act in relation to development, building, liquor, carriage of goods, business licensing etc.

- (3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (4) The notice under subsection (3) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.
- (5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—
 - (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (6) However, the local government may extend the period for the applicant to provide the further information.
- (7) A person must not provide information in or in connection with an application that is, to the person's knowledge, false or misleading in a material particular.

Maximum penalty for subsection (7)—20 penalty units.

9 Local government's discretion in granting approvals

- (1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—
 - (a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and
 - (b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (c) the grant of the approval would be consistent with the purpose of any relevant local law; and
 - (d) the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
 - (e) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
 - (f) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the local law in relation to the approval; and
 - (g) if the application relates to a prescribed activity mentioned in section 5(c)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.

Example for paragraph (a)—

An application for commercial use of a local government controlled area that is held in trust by the local government under the *Land Act 1994* may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.

- (2) The local government may, by written notice to the applicant—
 - (a) grant the approval unconditionally; or
 - (b) grant the approval subject to conditions determined in accordance with section 10; or
 - (c) refuse to grant the approval.

Examples for paragraph (b)—

- If an application for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval, require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.
 - The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.
- (3) However, the local government's powers in deciding the application are subject to the provisions of any relevant local law.
 - (4) The local government must give the applicant an information notice if the local government—

- (a) refuses to grant the approval; or
 - (b) grants the approval subject to a non-standard condition.
- (5) In this section—
- non-standard condition*** means a condition that is not prescribed under section 10(3) as a condition that must be imposed on an approval or that will ordinarily be imposed on an approval.

10 Conditions of approval

- (1) An approval may be granted on conditions the local government considers appropriate.
- (2) However, the conditions must—
 - (a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (b) be consistent with the purpose of any relevant local law; and
 - (c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant local law in relation to the approval; and
 - (d) if the approval is for a prescribed activity mentioned in section 5(c)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval;
 - (e) not conflict with the conditions of any other relevant approval issued under an Act; and
 - (f) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.
- (4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—
 - (a) contravenes a noise standard; or
 - (b) causes an environmental nuisance.³

Example for paragraph (a)—

A condition of an approval for operation of a temporary entertainment event may authorise the operation of an amplifier device at specified times that would otherwise be a contravention of the noise standard in the *Environmental Protection Act 1994*, section 440Y.

- (5) In this section—
- environmental nuisance*** see *Environmental Protection Act 1994*, section 15.
- noise standard*** see *Environmental Protection Act 1994*, section 440K.

³ See *Environmental Protection Act 1994*, schedule 1, section 3(b).

11 Compliance with conditions of approval

- (1) A holder of an approval must ensure each condition of the approval is complied with.

Maximum penalty for subsection (1)—50 penalty units.

- (2) For a prescribed activity mentioned in section 5(b), this section does not apply if the Act that provides for the local government to grant an approval stipulates a penalty for contravening a condition of the approval.

12 Third party certification

- (1) In deciding an application under this part, the local government may accept the certificate of a third party certifier as evidence about any application requirement that is mentioned in a subordinate local law for this subsection.

Example—

A subordinate local law under section 9(1)(d) might specify that a criterion to be met by applicants for approval to operate a public swimming pool is a management plan that complies with the Royal Life Saving Society's *Guidelines for Safe Pool Operation*. A subordinate local law under the current section could state that compliance with this requirement is a matter about which a third party certifier may provide certification. In deciding an application, the local government may then accept a certificate of a third party certifier (approved under a subordinate local law pursuant to subsection (2) – e.g. the Royal Life Saving Society) as evidence that this requirement has been met.

- (2) In this section—

third party certifier means—

- (a) an individual or organisation declared under a subordinate local law for this paragraph as a third party certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a subordinate local law for this paragraph as necessary to provide a certificate about particular application requirements.

application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval for a prescribed activity.

13 Term of approval

Unless sooner cancelled or suspended, an approval remains in force for—

- (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or
- (b) if there is no term provided for under a subordinate local law—one year from the date the approval is granted.

14 Renewal of approval

- (1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—
 - (a) a further term provided for the prescribed activity under a subordinate local law for this paragraph; or
 - (b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.
- (2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.

Example—

The local government might give notice to the approval holder that, in order to prevent environmental harm to an endangered ecosystem, it does not intend to grant, renew or extend any approvals for the prescribed activity in a specified part of the local government area.

- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may, by written notice to the applicant—
 - (a) grant the application; or
 - (b) grant the application and amend the conditions of the approval; or
 - (c) refuse the application.
- (7) In deciding under subsection (6), the local government may have regard to—
 - (a) the matters mentioned in section 9(1); and
 - (b) whether the conditions of the approval are being complied with by the applicant.
- (8) The local government must give the applicant an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.
- (9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.
- (10) If an approval holder applies to renew or extend the approval, the approval remains in force until—
 - (a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or

- (b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or
- (c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

15 Transfer of approval

- (1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the *proposed transferee*).⁴
- (2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.
- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).
- (7) The local government may, by written notice to the approval holder and the proposed transferee—
 - (a) grant the application to transfer the approval; or
 - (b) refuse the application to transfer the approval.
- (8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.
- (9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.
- (10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.
- (11) The local government must give the approval holder and the proposed transferee an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.

⁴ See the Act, section 97, for the power of a local government to fix cost-recovery fees for approvals.

16 Amending conditions at request of approval holder

- (1) An approval holder may apply to the local government to amend the conditions of the approval.
- (2) The application must be written and state—
 - (a) the proposed amendment; and
 - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.
- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

17 Grounds for amending, suspending or cancelling approval

Each of the following is a ground for amending, suspending or cancelling an approval—

- (a) amendment, suspension or cancellation is necessary—
 - (i) for the protection of public health or safety; or
 - (ii) to prevent environmental harm; or
 - (iii) to prevent property damage or loss of amenity; or
 - (iv) to allow for works on roads or local government controlled areas; or
 - (v) to improve access to a road; or
 - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another approval required for the prescribed activity under an Act has been suspended or cancelled;
- (c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;
- (d) the approval holder has failed to comply with a condition of the approval;
- (e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;
- (f) the approval was granted because of a document or representation that was—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the ***proposed action***).
- (2) Before taking the proposed action, the local government must give the approval holder a written notice (the ***show cause notice***) stating—
 - (a) the proposed action; and
 - (b) the grounds for the proposed action; and
 - (c) an outline of the facts and circumstances that are the basis of the grounds; and
 - (d) if the proposed action is suspension of the approval, the proposed suspension period; and
 - (e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
 - (a) if the proposed action was to amend the approval—amend the approval; or
 - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval

- (1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.

- (2) The suspension—
- (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and
 - (b) operates immediately the notices are given to the approval holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
 - (iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;
 - (iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 3 Authorised persons

20 Appointment

An authorised person's instrument of appointment⁵ must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person⁶

A person must not threaten, insult or use abusive language to an authorised person.

Maximum penalty—20 penalty units.

Part 4 Review of decisions

22 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an *original decision*) may apply to the chief executive officer⁷ for a review of the decision under this part.⁸
- (2) The application (a *review application*) must be made within 14 days of—
 - (a) if the person is given an information notice for the decision—the day the

⁵ See the Act, chapter 6, part 6, for the power to appoint authorised persons.

⁶ See also the Act, section 149, in relation to obstructing a person enforcing a local government Act and section 150 in relation to impersonating an authorised person.

⁷ See definition of *chief executive officer* in the Act, schedule 4.

⁸ Persons who are aggrieved by a local government decision for which they do not receive, and are not entitled to receive, an information notice may seek redress under the local government's complaints process, which is required by the Act, section 268.

- person is given the notice; or
- (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.
- (3) However, the local government may, at any time, extend the time for making a review application.
- (4) The review application must be in writing and—
 - (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
 - (b) supported by enough information to enable the local government to decide the application.

23 Review decision

- (1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the **review decision**) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.
- (3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the **review notice**).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

24 Stay of operation of original decision

- (1) A review application does not stay the original decision that is the subject of the application.
- (2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.
- (3) The court may stay the original decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

- (1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.⁹
- (2) The authorised person may require the occupier of the property to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

26 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
 - (a) a person—
 - (i) is contravening a local law or a condition of an approval; or
 - (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and
 - (b) a matter relating to the contravention can be remedied; and
 - (c) it is appropriate to give the person an opportunity to remedy the matter.

Examples for paragraph (b) of matters relating to a contravention that can be remedied—

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
 - If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
- (2) The authorised person may give¹⁰ a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.¹¹
 - (3) The compliance notice must state the following—
 - (a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
 - (c) the time by which the recipient must remedy the contravention; and
 - (d) that it is an offence to fail to comply with the compliance notice; and
 - (e) the maximum penalty for failing to comply with the compliance notice.

⁹ See the Act, section 132.

¹⁰ See the *Acts Interpretation Act 1954*, sections 39 and 39A, regarding the service of documents on a person.

¹¹ Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a **remedial notice** under the Act, section 138AA(1).

- (4) The time under subsection (3)(c) must be reasonable having regard to—
 - (a) the action required to remedy the contravention; and
 - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the recipient has been aware of the contravention.
- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
 - Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.
 - (7) The recipient must comply with the compliance notice.¹²
- Maximum penalty for subsection (7)—50 penalty units.

27 Compliance notice authorised by local law

- (1) This section applies if—
 - (a) a local law provides that an authorised person may give a compliance notice to a person;¹³ and
 - (b) the authorised person gives¹⁴ a compliance notice to the person (the **recipient**).¹⁵
- (2) The compliance notice must state the following—
 - (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the recipient must take to comply with the notice; and
 - (c) the time by which the recipient must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
- (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.

¹² See also sections 17(e) and 18 regarding the local government's power to amend, suspend or cancel an approval where a notice is not complied with, and the Act, section 142, regarding the local government's power to enter property and take action that is required under a remedial notice.

¹³ For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities & Roads) 2018*, section 9(1) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2018*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

¹⁴ See also footnote 10.

¹⁵ See also footnote 11.

- (5) The compliance notice must include, or be accompanied by, an information notice.
- (6) The recipient must comply with the compliance notice.¹⁶
Maximum penalty for subsection (6)—50 penalty units.

28 Power to remove and cost recovery

- (1) This section applies where—
 - (a) a structure or other material thing has been brought onto a local government controlled area or road in contravention of a local law; or
 - (b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.
- (2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary—
 - (a) in the interests of public health or safety; or
 - (b) to prevent environmental harm, property damage or loss of amenity.
- (3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—
 - (a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to remove it; and
 - (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (4) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (5) In this section—
thing does not include an animal.

29 Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) An order under this section—
 - (a) may be given orally or in writing; and
 - (b) operates until the earliest of the following happens—
 - (i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;
 - (ii) the local government immediately suspends the approval for the

¹⁶ See also footnote 12.

prescribed activity under section 19.

- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.

- (4) A person who receives an order under this section must comply with the order.

Maximum penalty for subsection (4)—50 penalty units.

- (5) This section does not affect the local government's powers under another law.

- (6) In this section—

relevant person means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed activity.

Part 6 Legal proceedings

30 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a local law, it is a defence to prove that the person had a reasonable excuse for the contravention.

31 General defence for owners or occupiers of land

In a proceeding under a local law against the owner or occupier of land for an offence relating to an act or omission with respect to the land, it is a defence for the owner or occupier to prove that—

- (a) the act or omission occurred without the owner's or occupier's knowledge or consent; and
- (b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

32 Joint and several liability

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

33 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—
 - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
 - (b) an offence against a local law.

- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

Part 7 Miscellaneous

34 Maintenance of good order at meetings

- (1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

Maximum penalty for subsection (1)—20 penalty units.

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.

Maximum penalty for subsection (3)—20 penalty units.

- (4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

35 Fees

- (1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

Example—

Suppose that a person pays an approval fee appropriate to an approval of 1 year's duration but, because of unforeseen circumstances, surrenders the approval within 3 months after it is granted. A resolution might provide that, in such a case, the former approval holder is to receive a partial reimbursement of the approval fee.

- (3) Unless specific provision to the contrary is made in the local law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

36 Abandoned goods

- (1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.
- (2) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

- (1) This section applies where—
 - (a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an *impounded item*);¹⁷ or
 - (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an *impounded item*) and the local law states that this section is to apply.
- (2) However, this section does not apply to an impounded item that is an animal¹⁸
- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (6).
- (4) A person may reclaim the impounded item if—
 - (a) written application is made to the chief executive officer; and
 - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
 - (c) the applicant pays the prescribed fee for the impounding of the item.
- (5) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
 - (a) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or
 - (b) by sale through—
 - (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (ii) an agent of the local government; or
 - (iii) an enterprise owned by the local government; or
 - (c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.
- (6) The proceeds of the sale or disposal of the impounded item must be applied—
 - (a) firstly, towards the costs of the sale or disposal; and
 - (b) secondly, towards the prescribed fee for impounding the impounded item; and
 - (c) thirdly, to the former owner of the impounded item.
- (7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

¹⁷ See, for example, section 28 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

¹⁸ See *Local Law No.2 (Animal Management) 2018*, part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

38 Repeal

This Local Law repeals—

- (a) *Mareeba Shire Council Local Law No. 1 (Administration) 2011*; and
- (b) *Mareeba Shire Council Local Law No. 2 (Animal Management) 2011*; and
- (c) *Mareeba Shire Council Local Law No. 3 (Community and Environmental Management) 2011*; and
- (d) *Mareeba Shire Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*; and
- (e) *Mareeba Shire Council Local Law No. 5 (Parking) 2011*.

Part 8 Subordinate local laws

39 Subordinate local laws

The local government may make subordinate local laws about—

- (a) prescribed activities in respect of which the requirement for an approval does not apply;¹⁹ and
- (b) the categories of prescribed activities for the purposes of maximum penalties;²⁰ and
- (c) the documents and materials that must accompany an application for an approval;²¹ and
- (d) additional criteria for the granting of approvals for prescribed activities;²² and
- (e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;²³ and
- (f) application requirements for which a third party certifier's certificate may be accepted by the local government;²⁴ and
- (g) the individuals or organisations that are declared as third party certifiers for particular application requirements;²⁵ and
- (h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;²⁶ and
- (i) the term for which an approval for a prescribed activity remains in force;²⁷ and
- (j) the further term for which an approval for a prescribed activity may be

¹⁹ See section 6(3).

²⁰ See section 6(4).

²¹ See section 8(2)(a).

²² See section 9(1)(d).

²³ See section 10(3).

²⁴ See section 12(1).

²⁵ See section 12(2), definition of *third party certifier*, paragraph(a).

²⁶ See section 12(2), definition of *third party certifier*, paragraph(b).

²⁷ See section 13(a).

renewed or extended;²⁸ and

- (k) categories of approvals that are non-transferable;²⁹ and
- (l) complementary accommodation prescribed as appropriate for caravan parks;³⁰ and
- (m) a State-controlled road to which this local law applies;³¹ and
- (n) public place activities prescribed as regulated activities on local government controlled areas and roads.³²

²⁸ See section 14(1)(a).

²⁹ See section 15(2).

³⁰ See schedule 1, definition of *complementary accommodation*, paragraph (b).

³¹ See schedule 1, definition of *road*, subparagraph (b)(i).

³² See schedule 2, part 2, definition of *regulated activities on local government controlled areas and roads*, paragraph (c).

Schedule 1 Dictionary

Section 3

amend for an approval, includes varying a condition, removing a condition or adding a condition.

approval includes a consent, permission, licence, permit or authorisation.

authorised person see the Act, schedule 4³³.

caravan see *Residential Tenancies Act 1994*, section 3A.

complementary accommodation means—

- (a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or
- (b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

compliance notice means a compliance notice given under—

- (a) section 26; or
- (b) another local law that authorises the giving of a compliance notice.

disturbance, of human remains, includes interfering with remains, removal of remains and opening of a site of burial

DOGIT land means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 13, or the *Torres Strait Islander Land Act 1991*, section 12.

entertainment includes recreation and amusement.

entertainment event means an event that is open to the public for entertainment whether or not a charge for admission is made and whether or not the person who controls admission to the place reserves a right to refuse admission.

environmental harm see *Environmental Protection Act 1994*, section 14.

goods does not include animals.

human remains means the body or part of the body of a deceased person.

information notice, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

Local Government Act see the Act, schedule 4.

local government cemetery means a cemetery under the control of the local government, including a cemetery located on land owned by the local government or on land for which the local government is the trustee.

³³ See also section 20.

local government controlled area—

- (a) A local government controlled area *means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.*

Examples of local government controlled areas—

- parks, reserves and gazetted foreshores
 - camping grounds or caravan parks on land owned or controlled by the local government
 - local government swimming pools
 - cemeteries
 - Council Chambers and local government offices
 - jetties.
- (b) A local government controlled area includes part of a local government controlled area.
- (c) A local government controlled area does not include a residential lot on DOGIT land.
- (d) A local government controlled area *means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.*

network connection see the Act, section 35(2).

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act³⁴.

property see *Acts Interpretation Act 1954*, section 36.

public notice means a notice published in a newspaper circulating in the local government's area.

public place see the Act, section 125(5).

residence means human habitation on a short-term or long-term basis.

review decision see section 23(1).

road means—

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road—
- (i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and
 - (ii) in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b).

shared facility accommodation means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

³⁴ See the Act, section 97.

- (a) dormitories or bedrooms;
- (b) toilets;
- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;
- (e) dining facilities;
- (f) cooking facilities;
- (g) recreation facilities.

show cause notice see section 18(2).

the Act means the *Local Government Act 2009*.

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of camping grounds

operation of cane railways

operation of caravan parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

*alteration or improvement to local government controlled areas and roads*³⁵
means—

- 1 *Alteration or improvement to local government controlled areas and roads*
means—
 - (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
 - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.

³⁵ Where a local government controlled area comprises land held on trust by the local government under the *Land Act 1994*, the local government must take account of, and give precedence to, its rights, powers and responsibilities as a trustee under that Act.

- 2 *Alteration or improvement to local government controlled areas and roads* does not include an alteration or improvement—
- (a) that constitutes development under the Planning Act³⁶; or
 - (b) for which a tree clearing permit is required under the *Vegetation Management Act 1999*; or
 - (c) that involves a network connection; or
 - (d) for which written approval of the local government is required under section 75 of the Act.

commercial use of local government controlled areas³⁷ and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

- (a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- (b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- (c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;
- (d) using a road for a particular purpose if the use constitutes development under the Planning Act;
- (e) operation of a temporary entertainment event;
- (f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—

- (a) a structure for erection which is constituted as development under the Planning Act; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

installation of advertising devices means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.³⁸

keeping of animals means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management) 2016*.

operation of camping grounds means to permit access to, or use of, a commercial camping ground but does not include a caravan park.

³⁶ See the definition of *Planning Act* in the Act, schedule 4.

³⁷ See footnote 36.

³⁸ See the Act, section 37(5), regarding the relationship between a local law about advertising devices and the local government's planning scheme.

operation of cane railways means the operation of a tramway or railway—

- (a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999*, chapter 2, part 4³⁹; and
- (b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and
- (c) that does not transport passengers or other freight for reward.

operation of caravan parks means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

operation of cemeteries means to operate a place for disposing of human remains by—

- (a) burial; or
- (b) cremation; or
- (c) placement in a columbarium, mausoleum or vault.

operation of public swimming pools means the operation of a swimming pool that is made available for use to—

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

operation of shared facility accommodation means the provision of shared facility accommodation to holiday makers or travellers, but does not include accommodation in a hotel or motel.

operation of temporary entertainment events means the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.

undertaking regulated activities regarding human remains means undertaking one of the following activities—

- (a) disturbance of human remains buried outside a cemetery; or
- (b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or
- (c) disturbance of human remains in a local government cemetery.

undertaking regulated activities on local government controlled areas⁴⁰ and roads means undertaking one of the following activities on a local government controlled area or road—

- (a) driving or leading of animals to cross a road; or
- (b) depositing of goods or materials; or

³⁹ *Sugar Industry Act 1999*, chapter 2 (Supply contracts and cane access rights), part 4 (Cane access, harvesting and mill supply).

⁴⁰ See footnote 36.

- (c) holding of a public place activity prescribed under a subordinate local law for this paragraph, excluding the operation of a temporary entertainment event.

Example for paragraph (c)—A subordinate local law may prescribe that a display or information booth in a public park or on a footpath is a regulated activity.



Mareeba
SHIRE COUNCIL

Mareeba Shire Council

**Local Law No. 2
(Animal Management) 2018**

Mareeba Shire Council

Local Law No. 2 (Animal Management) 2018

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 2 (Animal Management) 2018*.

2 Purpose and how it is to be achieved

- (1) 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.
- (2) 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;¹ and
 - (e) the seizure and destruction of animals in certain circumstances; and
 - (f) the establishment and administration of animal pounds.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws²

This local law is—

- (a) in addition to, and does not derogate from—
 - (i) laws regulating the use or development of land; and
 - (ii) other laws about the keeping or control or welfare of animals; and
- (b) to be read with *Local Law No. 1 (Administration) 2018*.

¹ The *Animal Management (Cats and Dogs) Act 2008* provides for the management of **regulated dogs**, comprising declared dangerous dogs, declared menacing dogs and restricted dogs.

² 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 Commonwealth. See the Act, section 27.

Part 2 Keeping of animals

Division 1 Prohibition on keeping animals

5 Prohibition on keeping animals in prescribed circumstances

- (1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.
- (2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) whether an animal is a restricted dog;³
 - (g) the locality in which the animal would be kept;
 - (h) the nature of the premises in which the animal would be kept, including the size of the enclosure or the size of the allotment.⁴

Example for subsection (2)—

A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

- (3) A person must not keep an animal in contravention of a prohibition under this section.

Maximum penalty for subsection (3)—50 penalty units.

Division 2 Animals for which approval is required

6 Requirement for approval

- (1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval⁵ for keeping an animal or animals in prescribed circumstances.

³ Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: “A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law.”

⁴ See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

⁵ Keeping an animal for which an approval is required under this local law is a **prescribed activity** under schedule 2 of *Local Law No. 1 (Administration) 2018*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

- (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
 - (g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.⁶
- (3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act.⁷
- (4) Under this section, the local government may not require an approval for keeping a restricted dog.⁸

Division 3 Animals for which desexing is required

7 Requirement to desex an animal

- (1) The local government may, by subordinate local law, require an animal of a particular species or breed to be desexed.
- (2) The subordinate local law may—
 - (a) specify that the requirement for desexing only applies once an animal reaches a certain age; and
 - (b) exempt animals under particular circumstances.

Example for paragraph (b)—

Exemption might be provided for an animal that is owned by a member of a recognised breeders' association for the purposes of breeding or showing.

- (3) A person must not keep an animal that is required to be desexed unless the animal has been desexed.

Maximum penalty for subsection (3)—20 penalty units.

⁶ See note 4.

⁷ See the definition of **Planning Act** in the Act, schedule 4.

⁸ Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.

Division 4 Minimum standards

8 Minimum standards for keeping animals

- (1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.
- (2) A person who keeps an animal must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.⁹

Maximum penalty for subsection (2)—20 penalty units.

- (3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

Division 5 Identification of registered cats and dogs

9 Identification for dogs in certain circumstances

The local government may, by subordinate local law, prescribe the identification required by the *Animal Management (Cats and Dogs) Act 2008* for a dog that is at a place other than the address stated in the registration notice for the cat or dog.¹⁰

Part 3 Control of animals

Division 1 Animals in public places

10 Exclusion of animals

- (1) The local government may, by subordinate local law, specify public places where animals, or animals of a particular species or breed, are prohibited.
- (2) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of a prohibition specified under subsection (1).

Maximum penalty for subsection (2)—20 penalty units.

- (3) The local government must take reasonable steps to provide notice to members of the public regarding the animals that are prohibited in a particular public place.
- (4) In this section—

reasonable steps include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—

⁹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

¹⁰ Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a cat or dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.

- (a) the animals that are prohibited in the place; and
- (b) in general terms, the provisions of subsection (2).

11 Dog off-leash areas

- (1) The local government may, by subordinate local law, designate an area within a public place as an area where a dog is not required to be on a leash (a ***dog off-leash area***).
- (2) The local government must take reasonable steps to provide notice to members of the public regarding the designation of an area as a dog off-leash area.
- (3) In this section—
reasonable steps include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of the area.

12 Control of animals in public places¹¹

- (1) The owner or responsible person for an animal must ensure that the animal is not in a public place—
 - (a) unless the animal is under the effective control of someone; and
 - (b) if the animal is a declared dangerous animal¹²—unless the animal is securely restrained to prevent it from—
 - (i) attacking a person or animal; or
 - (ii) acting in a way that causes fear to a person or animal; or
 - (iii) causing damage to property.

Maximum penalty for subsection (1)—20 penalty units.

- (2) The owner or responsible person for a dog that is on heat must ensure that the animal is not in a public place.

Maximum penalty for subsection (2)—20 penalty units.

- (3) An animal is under the ***effective control*** of someone only if—
 - (a) a person who is physically able to control the animal—
 - (i) is holding it by an appropriate leash, halter or rein; or
 - (ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or
 - (iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or

¹¹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

¹² See the definition of ***declared dangerous animal*** in the schedule.

- (b) the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or
- (c) the animal is a dog in a dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or
- (d) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or
- (e) the animal is a working animal actually engaged in moving livestock and under the supervision of a person who is able to control the animal by voice command.

13 Person in control of dog or prescribed animal to clean up faeces

If a dog or any other animal prescribed by subordinate local law defecates in a public place, the person who has control of the dog or animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty—20 penalty units.

Division 2 Restraint of animals

14 Duty to provide proper enclosure and prevent animal from wandering

- (1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land.¹³

Maximum penalty for subsection (1)—20 penalty units.

- (2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.
- (3) The owner of the animal must ensure that it is not wandering at large.¹⁴

Maximum penalty for subsection (3)—20 penalty units.

- (4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—
 - (a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or
 - (b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a local law.

Example for paragraph (b)—

The conditions of an approval to keep racing pigeons might authorise the approval holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

¹³ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

¹⁴ See the definition of *wandering at large* in the schedule.

15 Koala conservation requirements

- (1) The local government may, by subordinate local law, prescribe requirements for keeping a dog on land that is within a koala area.
- (2) The prescribed requirements may relate to—
 - (a) the enclosure in which the dog must be kept between sunset and sunrise; or
 - (b) tethering the dog between sunset and sunrise to prevent it from attacking a koala; or
 - (c) fencing that must be in place to separate dogs from koalas on the land or on a part of the land; or
 - (d) other measures that will be likely to prevent an attack by the dog on a koala between sunset and sunrise.
- (3) A person who keeps a dog on land that is within a koala area must comply with requirements prescribed under this section.

Maximum penalty for subsection (3)—20 penalty units.

- (4) In this section—

koala area means—

- (a) a koala habitat area; or
- (b) an area designated by subordinate local law as a koala area.

koala habitat area means an area designated as a koala habitat by—

- (a) a conservation plan made under the *Nature Conservation Act 1992*; or
- (b) a State planning instrument.

Division 3 Aggressive behaviour by animals other than dogs

16 Limited application of division to dogs¹⁵

- (1) Unless otherwise indicated, this division does not apply in relation to aggressive behaviour by a dog.
- (2) In this section—

aggressive behaviour means attacking, or acting in a way that causes fear to, someone else or another animal.

17 Animals not to attack or cause fear to persons or animals

- (1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.

¹⁵ Aggressive behaviour by dogs is covered by the *Animal Management (Cats and Dogs) Act 2008*, sections 194 to 196.

Maximum penalty for subsection (1)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
 - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
 - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
 - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
 - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (3) In this section—

allow or encourage, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992*.¹⁶

18 Defences for offence against s 17

It is a defence to a prosecution for an offence against section 17 for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

- (a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or
- (b) to protect the responsible person, or a person accompanying the responsible person (the ***accompanying person***), or the responsible person's or accompanying person's property.

¹⁶ See section 83 of that Act.

Division 4 Dangerous animals other than dogs¹⁷

19 Declaration of dangerous animal other than a dog

- (1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.
- (2) An authorised person may declare an animal other than a dog to be a declared dangerous animal if the animal meets the criteria prescribed by subordinate local law.
- (3) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice¹⁸ about the declaration.

20 Power to require responsible person for declared dangerous animal to take specified action

An authorised person may, by giving a compliance notice,¹⁹ require the responsible person for a declared dangerous animal to take specified action—

- (a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and
- (b) to ensure that the animal remains in secure custody and is unable to attack or cause fear to persons or other animals or cause damage to another person's property.

Part 4 Seizure, impounding or destruction of animals

Division 1 Seizure of animals

21 Seizure of animals

- (1) An authorised person may seize²⁰ an animal, other than a dog,²¹ in the following circumstances—
 - (a) the animal is found wandering at large; or

¹⁷ Dangerous dogs are dealt with in the *Animal Management (Cats and Dogs) Act 2008*.

¹⁸ See the definition of **information notice** in *Local Law No.1 (Administration) 2018*, schedule 1.

¹⁹ See *Local Law No.1 (Administration) 2018*, section 27 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

²⁰ See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

²¹ See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

- (b) the responsible person for the animal has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.²²
- (2) An authorised person may seize a dog in the following circumstances—
 - (a) the dog is found wandering at large; or
 - (b) the responsible person for the dog has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—
 - (a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or
 - (b) an occupier of private land has found the animal or dog wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.
- (5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.

Division 2 Destruction of animal without notice

22 Power to immediately destroy seized animal

- (1) This section applies where an authorised person has seized an animal, other than a regulated dog,²³ under this local law or another law.
- (2) The authorised person may, without notice, immediately destroy the animal if—
 - (a) the authorised person reasonably believes the animal is dangerous and the authorised person can not control it; or

²² The *Transport Operations (Road Use Management) Act 1995*, section 100(13) provides: “If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government’s area.”

²³ See the *Animal Management (Cats and Dogs) Act 2008*, section 127, for power to destroy a seized regulated dog.

- (b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or
- (c) an owner of the animal has requested the authorised person to destroy it.

Division 3 Return or impounding of animals

23 Immediate return of animal seized wandering at large

- (1) This section applies where—
 - (a) an animal has been seized under section 21(1)(a) or section 21(2)(a); and
 - (b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person may return the animal to the owner or responsible person.

24 Impounding of seized animal

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by—

- (a) the local government; or
- (b) another organisation or local government prescribed by subordinate local law.

Example for paragraph (a)—

An animal pound.

Example for paragraph (b)—

A veterinary surgery or an animal refuge.

25 What is a notice of impounding

- (1) A ***notice of impounding*** means a written notice, given to the owner or responsible person for an animal, stating that—
 - (a) the animal has been impounded; and
 - (b) the animal may be reclaimed within the prescribed period provided that—
 - (i) the cost-recovery fee is paid; and
 - (ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and
 - (iii) if the animal has been seized under section 21(1)(b) or 21(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and
 - (iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and
 - (v) no destruction order has been made for the animal.

- (2) In this section—

relevant compliance notice means the compliance notice mentioned in section 21(1)(b) or 21(2)(b).

26 Dealing with animal seized and impounded for wandering at large

- (1) Subsection (2) applies where—

- (a) an authorised person has impounded an animal seized under section 21(1)(a) or 21(2)(a); and
- (b) the animal was not a declared dangerous animal at the time of being seized; and
- (c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.

- (2) The authorised person must give the owner or responsible person a notice of impounding.

- (3) Subsection (4) applies where—

- (a) an authorised person has impounded a declared dangerous animal seized under section 21(1)(a); or
- (b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.

- (4) The authorised person may—

- (a) give the owner or responsible person for the animal a notice of impounding; or
- (b) make a destruction order for the animal under section 30.

27 Dealing with animal seized and impounded for non-compliance with local law

- (1) This section applies where an authorised person has impounded an animal seized under section 21(1)(b) or 21(2)(b).

- (2) The authorised person may—

- (a) give the owner or responsible person for the animal a notice of impounding; or
- (b) if the animal was being kept in contravention of section 5 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected— dispose of the animal under division 5.

28 Dealing with animal seized and impounded for attacking etc a person or another animal

- (1) This section applies where an authorised person has impounded an animal seized under section 21(1)(c).
- (2) The authorised person may²⁴—
 - (a) make a destruction order for the animal under section 30; or
 - (b) give the owner or responsible person a notice of impounding.

29 Reclaiming an impounded animal

- (1) This section applies where—
 - (a) the owner or responsible person for an animal has been given a notice of impounding; or
 - (b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
 - (a) reclaims the animal within the prescribed period; and
 - (b) pays the cost-recovery fee; and
 - (c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration—obtains the approval or registration; and
 - (d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
 - (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
 - (b) a destruction order has been made for the animal.
- (4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
 - (a) if subsection (3)(a) applies—
 - (i) an authorised person advises the owner or responsible person that the animal's continued retention as evidence is no longer required; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d);
 - (b) if subsection (3)(b) applies—
 - (i) an application for a review or an appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and

²⁴ An authorised person may also declare an animal as a declared dangerous animal under section 19 if specified criteria are met.

- (ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

Division 4 Destruction of animal following notice

30 Destruction orders

- (1) An authorised person may make an order (a ***destruction order***) stating the person proposes to destroy an animal 14 days after the order is served.
- (2) A destruction order may only be made in 1 or more of the following circumstances—
 - (a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (b) the animal is a declared dangerous animal and was found wandering at large; or
 - (c) the animal has been seized more than 3 times during a 12 month period.
- (3) The destruction order must—
 - (a) be served on a person who owns, or is a responsible person for, the animal; and
 - (b) include or be accompanied by an information notice.²⁵
- (4) If a destruction order is made for the animal, the person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
- (5) If an application for review has been made relating to the decision to make the order, the person may destroy the animal if—
 - (a) the review is finally decided or is otherwise ended; and
 - (b) the order is still in force; and
 - (c) the time allowed for filing a notice of appeal has expired and no notice of appeal has been filed.
- (6) If an appeal is made relating to the decision to make the order, the person may destroy the animal if—
 - (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
- (7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - (a) a review relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and

²⁵ See note 17.

- (c) the order is no longer in force; and
 - (d) the owner or responsible person has satisfied section 29(2)(b)-(d).
- (8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
- (a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) the order is no longer in force; and
 - (c) the owner or responsible person has satisfied section 29(2)(b)-(d).
- (9) In this section—

review means a review conducted under the process mentioned in part 4 of *Local Law No.1 (Administration) 2018*.

appeal means an appeal under part 4 of this local law.

Division 5 Disposal of impounded animals

31 Application of this division

This division applies where—

- (a) an impounded animal has not been reclaimed within the prescribed period under section 29(2); or
- (b) if section 29(3)(a) applies— the impounded animal has not been reclaimed within 3 days of an authorised person’s advice to the owner or responsible person that the animal’s continued retention as evidence is no longer required; or
- (c) if section 29(3)(b) applies—the impounded animal has not been reclaimed within 3 days of the completion of a review or appeal that caused a destruction order to no longer be in force; or
- (d) an authorised person has seized an animal mentioned in section 27(2)(b); or
- (e) the owner of an animal has surrendered the animal to the local government.

32 Sale, disposal or destruction of animals

- (1) The local government may—
- (a) offer the animal for sale by public auction or by tender; or
 - (b) if the animal is an animal mentioned in section 27(2)(b) or is of a species, breed or class specified by subordinate local law for this paragraph—
 - (i) sell the animal by private agreement; or
 - (ii) dispose of the animal in some other way without destroying it; or
 - (iii) destroy the animal.

Example for paragraph (b)—

The subordinate local law might specify dogs, cats and other small domestic animals, for which a public auction or tender might not be practicable.

- (2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

Examples—

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.
 - An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
 - A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.
- (3) If an animal is to be offered for sale at a public auction under this section, notice of the time and place of the auction must be exhibited at the local government's public office for at least 2 days before the date of the auction.
- (4) An amount realised on sale of an impounded animal must be applied—
- (a) first, towards the costs of the sale; and
 - (b) second, towards the cost-recovery fee for impounding; and
 - (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
- (5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.
- (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

Examples—

- The local government may give the animal away.
- The local government may have the animal destroyed.

Division 6 Other impounding matters

33 Register of impounded animals

- (1) The local government must ensure that a proper record of impounded animals (the *register of impounded animals*) is kept.
- (2) The register of impounded animals must contain the following information about each impounded animal—
- (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable—the registration number of the animal; and
 - (d) if known—the name and address of the responsible person; and

- (e) the date and time of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and
 - (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.
- (3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

34 Access to impounded animal

- (1) This section applies to an animal impounded under section 24.
- (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
- (3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.
- (4) The inspection must be provided free of charge.

35 Unlawful removal of seized or impounded animal

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
 - (a) a seized animal from the custody or control of an authorised person; or
 - (b) an impounded animal from the local government's facility for keeping impounded animals.

Maximum penalty for subsection (1)—50 penalty units.

- (2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Part 5 Appeals against destruction orders

36 Who may appeal

An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

37 Starting appeal

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
- (2) An appeal is started by—
 - (a) filing notice of appeal with the Magistrates Court; and

- (b) serving a copy of the notice of appeal on the local government; and
 - (c) complying with rules of court applicable to the appeal.
- (3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

38 Stay of destruction order

Upon filing the notice of appeal, the destruction order is stayed until the court decides the appeal.

39 Hearing procedures

- (1) In deciding an appeal, the Magistrates Court—
- (a) has the same powers as the local government; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the decision appealed against.

40 Court's powers on appeal

- (1) In deciding an appeal, the Magistrates Court may—
- (a) confirm the decision appealed against; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.
- (3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

41 Appeal to District Court

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

Part 6 Miscellaneous

42 Sale of animals

- (1) The local government may, by subordinate local law, specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale.
- (2) Conditions specified under subsection (1) are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.
- (3) A person must not offer or display animals for sale in the area unless the person complies with conditions specified under subsection (1).

Maximum penalty for subsection (3)—50 penalty units.

43 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the circumstances in which the keeping of animals is prohibited;²⁶ or
- (b) the circumstances in which an approval is required for the keeping of animals;²⁷ or
- (c) the circumstances in which desexing of an animal is required;²⁸ or
- (d) minimum standards for keeping animals generally or animals of a particular species or breed;²⁹ or
- (e) the identification for cats and dogs required under the *Animal Management (Cats and Dogs) Act 2008*;³⁰ or
- (f) the exclusion of animals, or animals of a specified species, from public places;³¹ or
- (g) designated dog off-leash areas;³² or
- (h) animals whose faeces in public places must be removed and disposed of;³³ or
- (i) proper enclosure requirements;³⁴ or
- (j) requirements for keeping a dog within a koala area;³⁵ or

²⁶ See section 5(1).

²⁷ See section 6(1).

²⁸ See section 7(1).

²⁹ See section 8(1).

³⁰ See section 9.

³¹ See section 10(1).

³² See section 11(1).

³³ See section 13.

³⁴ See section 14(2).

³⁵ See section 15(1).

- (k) designation of an area as a koala area;³⁶ or
- (l) the criteria for declaring an animal other than a dog to be a declared dangerous animal;³⁷ or
- (m) the organisation or local government that operates a place or care for impounded animals;³⁸ or
- (n) the species, breed or class of animal that may be disposed of other than by public auction or tender;³⁹ or
- (o) the office at which the register of impounded animals is available for public inspection;⁴⁰ or
- (p) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;⁴¹ or
- (q) the exclusion of animals of a particular species from the application of this local law;⁴² or
- (r) the declaration of a species of animal as a declared dangerous animal;⁴³ or
- (s) the period within which an impounded animal may be reclaimed.⁴⁴

³⁶ See section 15(4).

³⁷ See section 19(1).

³⁸ See section 24(b).

³⁹ See section 32(1)(b).

⁴⁰ See section 33(3).

⁴¹ See section 42(1).

⁴² See the definition of *animal* in the schedule.

⁴³ See the definition of *declared dangerous animal* in the schedule.

⁴⁴ See the definition of *prescribed period* in the schedule.

Schedule Dictionary

Section 3

animal includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by subordinate local law from the application of this local law.

attack, by an animal, means—

- (a) aggressively rushing at or harassing any person or animal; or
- (b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or
- (c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2018*, section 27.

cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.⁴⁵

declared dangerous animal means an animal—

- (a) of a species declared by subordinate local law as a declared dangerous animal; or
- (b) declared under section 19 of this local law to be a declared dangerous animal.

destroy, an animal, includes causing it to be destroyed.

destruction order see section 30(1).

dog off-leash area see section 11(1).

effective control see section 12(3).

notice of impounding see section 25(1).

owner, of an animal, means

- (a) its registered owner;
- (b) a person who owns the animal, in the sense of it being the person's personal property;
- (c) a person who usually keeps the animal, including through an agent, employee or anyone else;
- (d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

prescribed period means the period, fixed by subordinate local law, of not less than—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days,

and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

registered owner, of an animal, means a person recorded as being the owner of the animal in a registry kept by a local government.

⁴⁵ See the Act, section 97 for the power of a local government to fix a cost recovery fee.

responsible person, for an animal, means—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
- (b) the parent or guardian of a minor who has immediate control or custody of the animal; or
- (c) the person who occupies the place at which the animal is usually kept,

but does not include—

- (a) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or
- (b) a person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

restricted dog see *Animal Management (Cats and Dogs) Act 2008*, section 63.

State planning instrument see *Planning Act 2016*, schedule 2.

the Act means the *Local Government Act 2009*.

wandering at large means—

- (a) the animal is not under the effective control of someone; and
- (b) the animal is in either—
 - (i) a public place; or
 - (ii) a private place without the consent of the occupier.



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**Local Law No. 3 (Community and
Environmental Management) 2018**

Mareeba Shire Council

Local Law No. 3 (Community and Environmental Management) 2018

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2018*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the 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
 - (b) vegetation overgrowth; and
 - (c) visual pollution resulting from accumulation of objects and materials; and
 - (d) fires and fire hazards not regulated by State law; and
 - (e) community safety hazards; and
 - (f) noise that exceeds noise standards.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2018*.

Part 2 Declared local pests

Division 1 Application

5 Application of part

This part does not apply to an animal or plant that is an invasive animal, invasive plant, prohibited matter, or restricted matter under the *Biosecurity Act 2014*.

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

Division 2 Declaration of local pests

6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication.
- (4) In this section—

chief executive means the chief executive of the department in which the *Biosecurity Act 2014* is administered.

7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication; and
 - (c) comes to an end three months after the date of publication.
- (4) In this section—

environmental harm see *Environmental Protection Act 1994*, section 14.

8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

- (1) An authorised person may, by compliance notice² given to the owner of land, require the owner³ to take specified action to control declared local pests.
- (2) The specified action may include action to—
 - (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or
 - (b) prevent or minimise seeding or reproduction by declared local pests; or
 - (c) contain infestation by declared local pests within a localised area; or
 - (d) reduce the density or extent of infestation by declared local pests; or
 - (e) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

² See *Local Law No.1 (Administration) 2018*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

³ See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

(1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

Maximum penalty for subsection (1)—50 penalty units.

- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

(3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly allotments

13 Overgrown allotments

- (1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—

- (a) has seriously affected the visual amenity of the allotment; or
- (b) is likely to attract or harbour reptiles or flying foxes.

- (2) The authorised person may, by compliance notice⁴ given to the responsible person for the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.

⁴ See footnote 5.

- (3) However, the notice cannot prevent a use of land authorised under the Planning Act⁵ or the *Environmental Protection Act 1994*.
- (4) In this section—
- vegetation** includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁶ of the State or Commonwealth or under the local government's planning scheme.

14 Accumulation of objects and materials on allotments

- (1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment—
- (a) have seriously affected the visual amenity of the allotment; or
- (b) are likely to attract or harbour reptiles.

Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—

- Discarded or disused machinery or machinery parts.
- Broken-down or severely rusted vehicles.
- Discarded bottles, containers or packaging.
- Refuse or scrap material.

- (2) The authorised person may, by compliance notice⁷ given to the responsible person for the allotment, require the responsible person to—
- (a) remove objects or materials that are causing the circumstance mentioned in subsection (1)(a) or (b); or
- (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

Example of action that might be required under paragraph (b)—

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

- (3) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

⁵ See definition of *Planning Act* in the Act, schedule 4.

⁶ For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

⁷ See footnote 5.

Part 4 Fires and fire hazards

15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Rescue Service Act 1990*.⁸
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
 - the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
 - the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.
Maximum penalty for subsection (3)—50 penalty units.
 - (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.
Maximum penalty for subsection (4)—50 penalty units.
 - (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

16 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice⁹ given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.¹⁰

⁸ See the *Fire and Rescue Service Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.

⁹ See footnote 5.

¹⁰ See also the *Fire and Rescue Service Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

- (3) In this section—

fire hazard means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a)—

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

17 What is a community safety hazard

A *community safety hazard* is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community safety hazard for paragraph (a)—

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

18 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and

- (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
- (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹¹ given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
 - (a) remove the hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—

Securing objects or materials that may become airborne in periods of high wind.

20 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

Example of prescribed requirements—

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
 - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

¹¹ See footnote 5.

Part 6 Noise standards

21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.¹²
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
 - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);¹³ and
 - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.¹⁴

Part 7 Miscellaneous

22 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;¹⁵ or
- (b) lighting and maintaining of fires in the open;¹⁶ or
- (c) fire hazards;¹⁷ or
- (d) community safety hazards;¹⁸ or
- (e) prescribed requirements relating to community safety hazards;¹⁹ or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*.²⁰

¹² See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

¹³ See, however, *Local Law No.1 (Administration) 2018*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

¹⁴ Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

¹⁵ See section 6(1).

¹⁶ See section 15(2).

¹⁷ See section 16(3)(b).

¹⁸ See section 17(c).

¹⁹ See section 20(1).

²⁰ See section 21(2).

Schedule Dictionary

Section 3

allotment means an individual parcel or piece of land.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2018*, section 27.

declared local pest means a plant or animal declared to be a pest under section 6 or 7.

plant means vegetation of any type, including its flowers, roots, seeds and other parts.

reasonable written notice means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

responsible person means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

the Act means the *Local Government Act 2009*.



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**Local Law No. 4 (Local Government
Controlled Areas, Facilities and Roads)
2018**

Mareeba Shire Council

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2018*.

2 Purpose and how it is to be achieved

- (1) 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.
- (2) 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.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws² regulating the use of trust land and roads; and
- (b) is to be read with *Local Law No. 1 (Administration) 2018*.

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

² Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 1995* and the *Stock Route Management Act 2002*.

Part 2 Use of local government controlled areas, facilities and roads³

5 Prohibited and restricted activities

- (1) The local government may, by subordinate local law, declare an activity to be—
- (a) prohibited in a local government controlled area or road (a ***prohibited activity***); or
 - (b) restricted in a local government controlled area or road (a ***restricted activity***).

Example for paragraph (a)—

The local government may declare that the lighting of fires is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

Example for paragraph (b)—

The local government may declare that the playing of sport generally, or the playing of certain sports, is a restricted activity in that it is restricted to particular times of the day, week, month or year in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

- (2) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.
- (3) In this section—
- reasonable steps*** may include the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating—
- (a) if the declaration relates to the whole area—the restricted activities for the area; and
 - (b) if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and
 - (c) in general terms, the provisions of subsection (4).
- (4) A person must not engage in a prohibited activity or a restricted activity.

Maximum penalty—20 penalty units

³ *Local Law No. 1 (Administration) 2018* deals with activities on local government controlled areas and roads that require the local government's approval, such as commercial use of local government controlled areas and roads, alterations or improvements to local government controlled areas, and other miscellaneous regulated activities.

6 Motor vehicle access to local government controlled areas

- (1) A **motor vehicle access area** is an area within a local government controlled area that is—
 - (a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or
 - (b) declared under a subordinate local law for this paragraph as a motor vehicle access area.
- (2) For the purposes of *Local Law No.1 (Administration) 2018*, section 5(b), it is a prescribed activity⁴ to bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area.
- (3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a **prohibited vehicle**) as prohibited in a specified motor vehicle access area.
- (4) For the purposes of *Local Law No.1 (Administration) 2018*, section 5(b), it is a prescribed activity⁵ to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.
- (5) However, subsections (2) and (4) do not apply for an emergency vehicle.
- (6) The local government must take reasonable steps to provide notice to members of the public regarding—
 - (a) declarations of motor vehicle access areas under subsection (1)(b); and
 - (b) declarations of prohibited vehicles under subsection (3).
- (7) In this section—

emergency vehicle includes the following—

 - (a) an ambulance;
 - (b) a fire-engine;
 - (c) a police vehicle;
 - (d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.

reasonable steps include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area stating—

 - (a) a description of the declared motor vehicle access area; and
 - (b) a description of prohibited vehicles for the area; and
 - (c) in general terms, the provisions of subsections (2) and (4).

⁴ *Local Law No.1 (Administration) 2018*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

⁵ See footnote 3.

7 Opening hours of local government controlled areas

- (1) The local government may, by subordinate local law, declare the times when a local government controlled area is open to the public (the *opening hours*).
- (2) A person must not enter or remain in a local government controlled area outside the opening hours unless the person is authorised to do so by the chief executive officer.⁶

Maximum penalty for subsection (2)—20 penalty units.

- (3) If the local government declares the opening hours for a local government controlled area under subsection (1), it must place a notice showing the opening hours at each public entrance to the area.

8 Power of closure of local government controlled areas

- (1) The local government may, by resolution, temporarily close a local government controlled area to public access—
 - (a) to carry out construction, maintenance, repair or restoration work; or
 - (b) to protect the health and safety of a person or the security of a person's property; or
 - (c) because of a fire or other natural disaster; or
 - (d) to conserve or protect the cultural or natural resources of the area or native wildlife.
- (2) A resolution under subsection (1)—
 - (a) must state a period, not greater than 6 months, during which the area will be closed; and
 - (b) must be revoked by the local government as soon as practicable after the local government becomes satisfied that the reason for making the resolution no longer exists.
- (3) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—
 - (a) the conservation of the cultural or natural resources of the area, including, for example—
 - (i) to protect significant cultural or natural resources; or
 - (ii) to enable the restoration or rehabilitation of the area; or
 - (iii) to protect a breeding area for native wildlife; or
 - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
 - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;

⁶ See definition of *chief executive officer* in the Act, schedule 4.

- (b) protection of the health and safety of members of the public;
 - (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;
 - (d) protection of the amenity of an area adjacent to the area;
 - (e) the orderly or proper management of the area.
- (4) If the local government closes a local government controlled area under subsections (1) or (3), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

Example—

If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.

- (5) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by the chief executive officer.

Maximum penalty for subsection (5)—20 penalty units.

- (6) In this section—

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003*, section 9.

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

Part 3 Matters affecting roads

9 Power to require owner of land adjoining road to fence land

- (1) This section applies if, in the local government's opinion, it is necessary for land adjoining a road to be fenced to prevent the risk of—
- (a) animals escaping from the land onto the road; or
 - (b) interference with the safe movement of traffic or the safe use of the road.
- (2) The local government may, by giving a compliance notice⁷ to the owner—
- (a) if the land is not currently fenced—require the owner to fence the land; or
 - (b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.
- (3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.
- (4)

⁷ See *Local Law No.1 (Administration) 2018*, section 27, regarding the requirements for compliance notices.

In this section—

animal does not include a native animal, feral animal or pest animal.

feral animal see *Animal Care and Protection Act 2001*, section 42.

pest animal see *Animal Care and Protection Act 2001*, section 42.

10 Numbering of premises and allotments adjoining a road⁸

- (1) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this section.

Maximum penalty for subsection (1)—10 penalty units.

- (2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2)—10 penalty units.

Part 4 Miscellaneous

11 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of prohibited activities or restricted activities;⁹ or
- (b) the declaration of motor vehicle access areas;¹⁰ or
- (c) the declaration of prohibited vehicles;¹¹ or
- (d) the opening hours for a local government controlled area;¹² or
- (e) closing a local government controlled area to public access;¹³ or
- (f) minimum standards for fences on land adjoining a road.¹⁴

⁸ See the Act, section 60, regarding control of roads by a local government.

⁹ See section 5(1).

¹⁰ See section 6(1).

¹¹ See section 6(3).

¹² See section 7(1).

¹³ See section 8(3).

¹⁴ See section 9(3).

Schedule**Dictionary****Section 3**

local government controlled area see *Local Law No.1 (Administration) 2018*, schedule 1.

road see *Local Law No.1 (Administration) 2018*, schedule 1.



Mareeba Shire Council

Local Law No. 5 (Parking) 2018

Mareeba Shire Council

Local Law No. 5 (Parking) 2018

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 5 (Parking) 2018*.

2 Purpose and how it is to be achieved

- (1) 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.
- (2) The purpose is achieved 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.

3 Definitions—the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from the TORUM Act, chapter 5, part 6;² and
- (b) is to be read with *Local Law No. 1 (Administration) 2018*.

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

² A local government cannot regulate parking on a State-controlled road unless the written agreement of the chief executive has been obtained under the TORUM Act, section 101(1)(b).

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas

- (1) The local government may, by subordinate local law, declare the whole or a part of its area to be a traffic area.^{3 4}
- (2) The subordinate local law must define the boundaries of the traffic area.

6 Declaration of off-street regulated parking areas

- (1) The local government may, by subordinate local law, declare an area of land controlled⁵ by the local government, including structures on the land, as an off-street regulated parking area.⁶
- (2) The subordinate local law must define the boundaries of the off-street regulated parking area.

Part 3 Parking contrary to parking restriction

7 Parking permits⁷

- (1) The local government may issue a parking permit.⁸
- (2) The local government may prescribe, by subordinate local law, the persons that may be issued with a permit mentioned in subsection (1).
- (3) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—
 - (a) a parking permit for people with disabilities;⁹ or
 - (b) a permit issued by the local government and valid for the place and time at which the vehicle is parked.

³ See the TORUM Act, sections 102(3)(a) and 102(2)(b).

⁴ The TORUM Act, section 69(4), provides: “A local government may install or remove an official traffic sign that will result in a change to the management of a local government road, of a kind mentioned in the Transport Planning and Coordination Act 1994, section 8D(1), only if the chief executive has approved the proposed change under the Transport Planning and Coordination Act 1994, section 8D.”

⁵ See the TORUM Act, section 104(2).

⁶ See the TORUM Act, sections 104(1)(b) and 101(1)(c).

⁷ See the TORUM Act, section 103(4).

⁸ *Local Law No. 1 (Administration) 2018*, section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval”. Section 7 of *Local Law No. 1 (Administration) 2018* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2018*. As a result, an approval for a parking permit must be obtained under that part.

⁹ Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.

8 Commercial vehicle identification labels¹⁰

- (1) The local government may issue a commercial vehicle identification label.¹¹
- (2) The local government may, by subordinate local law, prescribe vehicles that may be issued with a commercial vehicle identification label.¹²
- (3) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.¹³

Part 4 Minor traffic offence infringement notice penalties

9 Minor traffic offence infringement notice penalties

- (1) The local government may prescribe, by subordinate local law, an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.¹⁴
- (2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

Part 5 Miscellaneous

10 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of traffic areas;¹⁵ or
- (b) the declaration off-street regulated parking areas;¹⁶ or
- (c) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign;¹⁷ or
- (d) vehicles that may be issued with a commercial vehicle identification label;¹⁸ or

¹⁰ See the TORUM Act, section 103(5).

¹¹ *Local Law No. 1 (Administration) 2018* section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration) 2018* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2018*. As a result, an approval for a commercial vehicle identification label must be obtained under that part.

¹² The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, **commercial vehicle**.

¹³ See also *Transport Operations (Road Use Management-Road Rules) Regulation 1999*, section 179, relating to drivers who are permitted to stop in a loading zone.

¹⁴ See the TORUM Act, section 108(1). The maximum penalty for an offence relating to paid parking is 40 penalty units under the TORUM Act, section 106(1). The maximum penalty for other parking offences is 40 penalty units under the TORUM Act, section 74.

¹⁵ See section 5(1).

¹⁶ See section 6.

¹⁷ See section 7(2).

¹⁸ See section 8(2).

- (e) infringement notice penalty amounts that apply for minor traffic offences.¹⁹

¹⁹ See section 9(1).

Schedule Dictionary

Section 3

Commercial vehicle identification label means a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

indication, on an official traffic sign, see TORUM Act, schedule 4.

infringement notice penalty means an infringement notice fine under the *State Penalties Enforcement Act 1999*.

minor traffic offence see TORUM Act, section 108(4).

official traffic sign see TORUM Act, schedule 4.

off-street regulated parking area see TORUM Act, schedule 4.

parking permit for people with disabilities see TORUM Act, schedule 4.

traffic area see TORUM Act, schedule 4.

TORUM Act means the *Transport Operations (Road Use Management) Act 1995*.



Mareeba
SHIRE COUNCIL

Mareeba Shire Council

**Subordinate Local Law No. 1
(Administration) 2018**

Mareeba Shire Council

Subordinate Local Law No. 1 (Administration) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2018*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2018*, 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.
- (2) The purpose is to be achieved 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.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2018* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Approvals for prescribed activities

5 Prescribed activities that do not require an approval—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the prescribed activities listed in schedule 1.

6 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4)

For section 6(4) of the authorising local law, it is declared that—

- (a) the prescribed activities listed in part 1 of schedule 2 are category 1 activities; and
- (b) the prescribed activities listed in part 2 of schedule 2 are category 2 activities; and
- (c) the prescribed activities listed in part 3 of schedule 2 are category 3 activities.

7 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 3 are non-transferable.

8 Prescribed complementary accommodation—Authorising local law, schedule 1

For the purposes of the definition of *complementary accommodation* in schedule 1 of the authorising local law, the accommodation listed in schedule 4 is prescribed as appropriate for caravan parks.

9 State-controlled roads to which the local law applies—Authorising local law, schedule 1

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

10 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2

For the purposes of paragraph (c) of the definition of *regulated activities on local government controlled areas and roads* in part 2 of schedule 2 of the authorising local law, the undertaking of a public place activity listed in schedule 6 is a prescribed activity.

11 Matters regarding prescribed activities—Authorising local law, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of the schedule relating to the prescribed activity.

- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.
- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of the schedule relating to the prescribed activity.
- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.
- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
- (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.
- (8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.
- (9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

Part 3 Repeal provisions

12 Repeal of Subordinate Local Laws

This subordinate local laws repeals—

- (a) *Subordinate Local Law No.1 (Administration) 2011*; and
- (b) *Subordinate Local Law No.2 (Animal Management) 2011*; and
- (c) *Subordinate Local Law No.3 (Community and Environmental Management) 2011*; and

- (d) *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011; and*
- (e) *Subordinate Local Law No.5 (Parking) 2011.*

**Schedule 1 Prescribed activities that do not require an
approval under the authorising local law**

section 5

operation of cane railways

Schedule 2 Categories of prescribed activities for the purposes of maximum penalties

section 6

Part 1 Category 1 activities¹

alteration or improvement to local government controlled areas and roads
establishment or occupation of a temporary home
installation of advertising devices
keeping of animals
undertaking regulated activities on local government controlled areas and roads
undertaking regulated activities regarding human remains

Part 2 Category 2 activities²

operation of camping grounds
operation of caravan parks
operation of temporary entertainment events
commercial use of local government controlled areas and roads

Part 3 Category 3 activities³

This part has been intentionally left blank.

¹ Prescribed activities for which the penalty for not having an approval will be 50 penalty units under section 6(2)(b) of the authorising local law.

² Prescribed activities for which the penalty for not having an approval will be 200 penalty units under section 6(2)(c) of the authorising local law.

³ Prescribed activities for which the penalty for not having an approval will be 500 penalty units under section 6(2)(d) of the authorising local law.

Schedule 3 Categories of approval that are non-transferable

section 7

- 1 establishment or occupation of a temporary home.
- 2 keeping of animals.
- 3 undertaking regulated activities regarding human remains.
- 4 operation of temporary entertainment events.
- 5 commercial use of local government controlled areas and roads .
- 6 parking permits issued under *Local Law No.5 (Parking) 2018*, section 7(1).
- 7 operation of shared facility accommodation.

Schedule 4 Prescribed complementary accommodation**Section 8**

- 1 converted railway carriages.
- 2 demountable accommodation units.

Schedule 5 State-controlled roads to which the local law applies

Section 9

This schedule has been intentionally left blank.

Schedule 6 Public place activities that are prescribed activities

section 10

The following public place activities are prescribed activities that require approval—

- (a) film and television production activities for which a development application is not required under the local government's planning scheme;
- (b) an invitation only ceremony, party or celebration attended by more than 50 people;
- (c) a cake stall, sausage sizzle, car wash or similar fundraiser held on no more than 1 day;
- (d) a display, demonstration or information booth.

Schedule 7 Alteration or improvement to local government controlled areas and roads

section 11

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads.

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for a person to plant trees on the footpath immediately adjacent to the person's property, provided the person complies with the local government's approved policy for footpath planting.

3 Documents and materials that must accompany applications for approval

- (1) For an approval to construct or improve a memorial in a local government cemetery, the application must—
 - (a) identify the burial site or other place in which the memorial is to be constructed or improved; and
 - (b) state the nature and dimensions of the proposed memorial.
- (2) For any approval to make an alteration or improvement to a local government controlled area or road, the application must include or be accompanied by—
 - (a) the name and address of the applicant and, if the applicant is a body corporate or a partnership, the name and address of an individual who is authorised by the applicant to act on its behalf; and
 - (b) full details of the proposed alteration or improvement; and
 - (c) if the applicant proposes to erect or install a structure on, over or under the road—plans and specifications of the structure; and
 - (d) details of building or other work to be carried out under the approval; and
 - (e) a specified date for completion of the works; and
 - (f) details of the location where the works or activity will be carried out, by way of plan or otherwise, which also shows the location of any warning notices for the safety of road users; and
 - (g) the intended hours and days of operation of the works or activity; and
 - (h) details of procedures which will be used to prevent any risk to the health and safety of employees or agents of the applicant and the general public; and
 - (i) a quality plan; and
 - (j) a safety plan.

4 Additional criteria for the granting of approval

- (1) For all approvals, the additional criteria are—

- (a) the physical suitability of the site for the proposed activity; and
 - (b) the suitability of any proposed structure including satisfactory compliance with relevant standards of the local government; and
 - (c) the likelihood of the activity interfering with public access to public areas and roads.
- (2) For an approval to erect or install a memorial in a local government cemetery, additional criteria are that the proposed memorial—
- (a) will not encroach upon adjoining burial plots; and
 - (b) will be constructed of suitable weather resistant material.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—

- (a) will be constructed of suitable weather resistant material.
- (b) at the expiration or earlier cancellation of the approval, remove any structure erected or installed within 14 days or such other period as the local government may agree to in writing;
- (c) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy—
 - (i) listing the local government as an interested party;
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website.
- (d) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
- (e) indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the prescribed activity;
- (f) ensure that any prescribed activities are undertaken to protect public utility services and before undertaking any ground disturbing works a "Dial 1100 Before You Dig" search must be undertaken;
- (g) prior to commencing any activities which may affect or disrupt public access to the area set out the site in accordance with the requirements of the Manual of Uniform Traffic Control Devices;

- (h) not damage any local government infrastructure in the course of any approved works, except as permitted in the approval; and
- (i) comply with any reasonable direction of an authorised person, local government or emergency services in relation to controlling traffic or ensuring the safety of persons.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 8 Commercial use of local government controlled areas and roads

section 11

1 Prescribed activity

Commercial use of local government controlled areas and roads.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) details of the nature, time and place of the proposed activities; and
- (b) a plan showing the relevant part of the local government controlled area or road that is to be used for the prescribed activity; and
- (c) details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage; and
- (d) evidence of any necessary statutory permit, authorisation or approval; and
- (e) details of all insurances relevant to the authority held by the person who will be undertaking the activity.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are—

- (a) the physical suitability of the area or road for the proposed use;
- (b) the appropriateness, quality and condition of equipment to be used in the activity; and
- (c) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (d) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity; and
- (e) whether the application provides documented evidence that the applicant holds a public liability insurance policy that complies with the local government's published standard requirements for public liability insurance for approval holders.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

For all approvals, the conditions that will ordinarily be imposed on an approval are below—

- (a) The approval holder must comply with the Guidelines for Commercial Use of Local Government Controlled Areas and Roads.
- (b) For the duration of the term of the approval, maintain in full force and effect a public liability insurance policy—
 - (i) listing the local government as an interested party;
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;
- (c) Prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the public liability insurance policy.
- (d) Indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity.
- (e) Where the approval involves the installation of a structure on a local government controlled area or road, the approval holder—
 - (i) must ensure that the structure is constructed in accordance with the conditions of a current building permit;
 - (ii) must maintain a 2 metre thoroughfare for pedestrian traffic at all times;
 - (iii) may only undertake installation works outside of ordinary business hours and must provide an alternate route for pedestrians during installation;
 - (iv) must maintain the structure to a standard reasonably satisfactory to the local government;
 - (v) must ensure there is no obstruction to any service access points (water meter, trade waste meter) located in the footpath or at the front of any neighbouring premises;
 - (vi) must ensure that works are undertaken in accordance with an approved safety plan during construction and installation of the structure. All safety signage must also be displayed at all times;
 - (vii) must promptly repair any damage caused to the footpath or to any adjacent premises, to the satisfaction of an authorised person;
 - (viii) must ensure the structure is not able to harbour pests;
 - (ix) must ensure the structure is removable and the approval holder must remove the structure when requested to do so by the local government;

- (x) acknowledges that the installation of the structure does not constitute any interest in or ownership over the footpath;
- (f) Where approval is for busking, the following conditions are applicable—
 - (i) the approval holder must not engage in abusive, profane, offensive or harassing behaviour;
 - (ii) no amplification is permitted;
 - (iii) no flammable liquids or lit torches are to be used;
 - (iv) no knives, whips or sharp objects are to be used;
 - (v) the approval may be limited to specific times depending on the intrusiveness of the performance;
 - (vi) buskers may only perform in the location detailed in the approval. The areas designated for busking shall be determined by the local government;
 - (vii) the applicant must seek approval or consent from any business operators adjacent to the approved site;
- (g) Where approval is for sale of goods on a footpath, the following conditions are applicable—
 - (i) the approval holder must not:
 - (A) in any way obstruct the movement of pedestrians or access from the footpath to kerbside;
 - (B) hang goods from ceilings or awnings;
 - (ii) all bins, racks or other items used for the display of goods shall be free of protrusions, sharp edges or any parts which an authorised person reasonably believes may present a risk of injury;
 - (iii) goods are to be removed from the footpath at the close of business every day;
 - (iv) the approval holder must maintain a 2 metre thoroughfare for pedestrian traffic at all times;
 - (v) the approval holder may not under any circumstances use any area that is outside the area specified in the approval. Any changes to the area to be used must be approved by an authorised person;
 - (vi) where approvals already exist at an adjacent business, the siting of goods must complement the existing approvals (in the reasonable opinion of an authorised person);
 - (vii) generally, goods may only be placed in the following locations—
 - (A) on the kerbside side of the footpath, for approvals granted within the township of Kuranda;
 - (B) against the shop wall, for approvals granted within the township of Mareeba.
- (h) Where approval is for outdoor dining, the following conditions are applicable—

- (i) the approval holder must maintain a 2 metre thoroughfare for pedestrian traffic at all times;
 - (ii) access from the footpath to kerbside shall not be obstructed;
 - (iii) tables, chairs and their surrounds shall be kept in a clean and tidy condition at all times;
 - (iv) tables and chairs are only to be placed in the area approved under the approval;
 - (v) tables and chairs are to be removed from the footpath at the close of business every day;
 - (vi) the approval holder may not under any circumstances use any area that is outside the area specified in the approval. Any changes to the area to be used must be approved by an authorised person;
 - (vii) where the applicant also has approval to place a temporary advertising device, and or goods for sale on the footpath, all chairs, tables and other furniture associated with outdoor dining must be placed on the same side of the footpath.
- (i) The following additional conditions apply where approval is sought to place furniture on any part of the footpath at Byrnes Street, Mareeba—
- (i) approved furniture shall be limited to the following:
 - (A) 1 x table (preferably round) which does not exceed 50cm x 50cm in width or length or diameter with only 2 chairs permitted for that table; or
 - (B) 1 x 1.2m bench with a seat width of no greater than 60cm wide.
 - (ii) the approval holder must maintain a 2 metre thoroughfare for pedestrian traffic at all times;
 - (iii) approved furniture and their surrounds shall be kept in a clean and tidy condition at all times;
 - (iv) approved furniture is to be placed in the area approved under the approval;
 - (v) approved furniture is to be placed against the building front only;
 - (vi) no furniture to be placed along the kerbside;
 - (vii) approved furniture is to be removed from the footpath at the close of business every day;
 - (viii) the approval holder may not under any circumstances use any area that is outside the area specified in the approval. Any changes to the area to be used must be approved by an authorised person;
- (j) Where the applicant also has approval to place a temporary advertising device, and/or goods for sale on the footpath and/or outdoor dining, all chairs, tables and other furniture associated with the approvals must be placed on the same side of the footpath.
- (k) Where approval is for the installation of hoarding, scaffolding or gantry, the approval holder must—

- (i) ensure unobstructed movement of vehicles and pedestrians;
- (ii) observe standards specified by the local government in the carrying out of the works or activity;
- (iii) ensure safety of pedestrians and vehicles including but not limited to the safety temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person;
- (iv) specify a deadline for completion of the works or ceasing of the activity;
- (v) reinstate the road to the satisfaction of an authorised person following completion of the works or ceasing of the activity.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 9 Establishment or occupation of a temporary home

section 11

1 Prescribed activity

Establishment or occupation of a temporary home.

2 Activities that do not require approval under the authorising local law

- (1) An approval under the authorising local law is not required for establishment or occupation of a temporary home—
 - (a) for less than 2 weeks in any 52 week period if the temporary home is established on a vacant allotment and occupied by the owners of the allotment; or
 - (b) for less than 4 weeks in any 52 week period if—
 - (i) the temporary home is sited on an allotment occupied by an existing dwelling house; and
 - (ii) the temporary home is located to the rear of the existing dwelling house.
- (2) However, subsection (1) applies only if no waste materials, including grey water, are deposited on site during occupation, or left on site after departure.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) a site plan illustrating—
 - (i) the location of the temporary home; and
 - (ii) the location of the other buildings on the site; and
 - (iii) the location of the proposed permanent residence; and
 - (iv) the location of neighbouring buildings; and
- (b) if the applicant is not the owner—written consent of the owner; and
- (c) details of the type of temporary home proposed; and
Examples for paragraph (c)—A shed; a caravan with an awning.
- (d) the proposed floor plan of the temporary home; and
- (e) details of the proposed fit out of the temporary home's kitchen, bathroom, toilet and laundry; and
- (f) intended method of water supply; and
- (g) details of a current building approval for the construction or renovation of a permanent residence and evidence of financial capacity and ability to construct or renovate the permanent residence.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

- (a) where necessary, adequate screening of the temporary home is planned to ensure reduced impact on visual amenity; and
- (b) a building permit has been issued for the construction of a permanent residence on the property prior to the issue of the approval; and
- (c) a plumbing compliance permit has been obtained prior to the issue of the approval, to enable the fixtures to be installed and the liquid wastes to be removed; and
- (d) an adequate source of water will be available to the proposed temporary home; and
- (e) adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained; and
- (f) the proposed temporary home has, as a minimum, a toilet, shower, laundry tub, kitchen sink and hand basin; and
- (g) the proposed dwelling will be suitable for temporary occupation; and
- (h) separation distances are compliant with the Planning Act; and
- (i) the applicant is able to demonstrate an ability and capacity to construct a permanent dwelling within the term of the approval.

Example—

The applicant has a contract with a registered builder and sufficient funds are available. However this criteria may not be satisfied if a genuine application has not been made for building approval of a permanent residence or there is insufficient time remaining under the building approval to finish the relevant building work.

5 Conditions that must be imposed on approvals

For all approvals, a condition that must be imposed on the approval is that, where the temporary home is in an area serviced by the local government's waste contractor, a waste service must be obtained.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

- (a) keep the temporary home in good order and repair;
- (b) ensure that the temporary home is not unsightly or unhygienic;
- (c) ensure the temporary home does not detrimentally affect the amenity of neighbouring properties or cause an odour nuisance;
- (d) ensure that lighting used to illuminate any areas is angled or shaded in such a manner that the light does not cause a nuisance;

- (e) ensure that water intended for use for domestic purposes is from an approved water source;
- (f) maintain an adequate and continuous supply of water to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home;
- (g) maintain all water supply connections in accordance with applicable legislative requirements;
- (h) ensure that the temporary home is only occupied by those persons whose names have been given to the local government in the application for approval;
- (i) ensure that there is an adequate means of waste disposal, including waste water, and sanitation and basic amenities are provided for living such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, waste water disposal, refuse disposal, storage and adequate water supply to ensure reasonable standards of health and hygiene can be maintained;
- (j) ensure waste containers provided at the temporary home are sufficient to accommodate the collection and storage of all waste generated by and in conjunction with the use of the temporary home, and must ensure those waste containers are kept so as not to attract pests;
- (k) not incinerate waste;
- (l) dispose of human wastes from the temporary home at a dedicated sanitary facility, the sewerage system or an approved on-site sewerage facility;
- (m) connect all plumbing or drainage facilities to the temporary home as soon as practicable, but in any case no later than 90 days of the day a person first occupies the temporary home, so as to comply with plumbing and drainage requirements;
- (n) where the temporary home is for the temporary on-site accommodation of an owner-builder or builder—
 - (i) must construct the approved permanent residential dwelling in a timely and efficient manner, and complete the permanent dwelling within the duration of the approval term;
 - (ii) ensure that they do not cease construction of the permanent residence for a period greater than 90 days or such other period as the local government may approve; and
 - (iii) dismantle and remove the temporary home within 30 days of occupation of the permanent residence or the expiry of the term of the approval, whichever first occurs.

7 Term of approval

The term of the approval commences on the date the approval is granted and expires on the earlier of the following events—

- (a) the end of the term specified in the approval, which can be no more than 18 months from the commencement date; or

- (b) on the issue pursuant to the *Building Act 1975* of the Form 21 Final Inspection Certificate for the new permanent residence constructed on the allotment where the temporary home is located.

8 Term of renewal of approval

- (1) The renewal may only be renewed for the term that a permanent residence on the allotment is reasonably likely to become habitable, not exceeding 12 months, that must be stated in the approval.
- (2) The renewal will lapse on the issue pursuant to the *Building Act 1975* of the Form 21 Final Inspection Certificate for the new permanent residence constructed on the allotment where the temporary home is located.

Schedule 10 Installation of advertising devices

section 11

1 Prescribed activity

Installation of advertising devices.

2 Activities that do not require approval under the authorising local law

- (1) The installation of an advertising device does not require approval under the authorising local law in the following circumstances—
 - (a) the installation of the advertising device is regulated under the local government's planning scheme; or
 - (b) the installation is of a permitted advertising device listed in subsection (2) that complies with the prescribed requirements for advertising devices in subsection (3).
- (2) In this section, a *permitted advertising device* means any of the following—
 - (a) portable signs that—
 - (i) are not greater than 1m² in face area on any face; and
 - (ii) are no wider than 750mm; and
 - (iii) are only placed adjacent to the business being advertised; and
 - (iv) are secured to prevent danger to pedestrians and traffic outside the site in high wind situations; and
 - (v) do not number more than 1 sign per business per road frontage or, in the case of a business in an arcade, 1 sign per business per arcade opening;
 - (b) garage sale signs that—
 - (i) are not one of more than 4 signs advertising the same garage sale; and
 - (ii) are not in place earlier than the day before the commencement of the garage sale and after 24 hours of the conclusion of the sale; and
 - (iii) are not in place for more than 72 hours for any one garage sale; and
 - (iv) are not erected for a sale at premises where a garage sale has been held on 4 occasions already in the previous year;
 - (c) real estate signs that—
 - (i) advertise a property for sale, lease or auction; and
 - (ii) are not greater than 3m² in face area; and
 - (iii) are not positioned on a road, footpath or building (other than the building being advertised);
 - (d) event signs that—
 - (i) do not number more than 8 signs advertising the same event; and

- (ii) are not in place earlier than 4 weeks before the commencement of the event and after 48 hours of the conclusion of the event;
- (e) lost pet signs;
- (f) construction site signs that—
 - (i) contain only project details and real estate information; and
 - (ii) are only exhibited during the period of construction; and
 - (iii) are not greater than 2m in height.
 - (iv) are not positioned on a road, footpath or building (other than the building being advertised);
- (g) rural identification signs that—
 - (i) are not greater than 2m² in face area; and
 - (ii) do not number more than 1 sign per property;
- (h) fresh produce for sale signs that—
 - (i) are not adjacent to a residential property; and
 - (ii) are no larger than 3m² in face area; and
 - (iii) do not number more than 2 signs per seller;
- (i) horizontal banner signs that—
 - (i) do not number more than 1 sign per property; and
 - (ii) do not cover or hide any architectural feature of a building or structure; and
 - (iii) are no larger than 8m² in face area;
- (j) vertical banner signs that—
 - (i) do not number more than 1 sign per property; and
 - (ii) do not cover or hide any architectural feature of a building or structure; and
 - (iii) do not project above the roof line of a building to which the vertical banner is attached; and
 - (iv) do not exceed a maximum width of 0.6m;
 - (v) are no larger than 2m² in face area.

- (3) The *prescribed requirements for advertising devices* are that—
- (a) the advertising device, including any structure associated with the support of the advertising device, must be structurally sound and safe; and
 - (b) the display of the advertising device must not cause obstruction of, or distraction to, pedestrian or vehicular traffic on a road or any road-related area; and
 - (c) an advertising device must not be located so as to form a background to a road or road-related area when viewed from any direction; and
 - (d) an advertising device must not reflect any vehicle headlight glare towards—
 - (i) a road; or
 - (ii) a road-related area; or
 - (iii) a sensitive place; and
 - (e) an advertising device that is illuminated must be shielded to prevent the illumination of any road or road-related area and the illumination of the advertising device must not extend further than 3m from the advertising device; and
 - (f) an advertising device may only be erected on premises with the written consent of the registered owner or trustee of the premises and the advertiser must produce the written consent to the local government on demand; and
 - (g) an advertising device that advertises premises, or an activity conducted on the premises, which is not installed on the premises, must not diminish the visual amenity of the locality on which the advertising device is installed; and
 - (h) only 1 advertising device that is visible from a road may be installed on premises; and
 - (i) an advertiser must not install an advertising device within 200m of an intersection of 2 roads unless the advertising device does not cause obstruction of, or distraction to, pedestrian or vehicular traffic; and
 - (j) the advertiser of an advertising device must maintain the advertising device in good order and repair; and
 - (k) the advertising device must not be installed on or can be viewed from a State-controlled road; and
 - (l) an advertising device installed on a local government controlled area or road must not be attached to, or supported by, a tree, shrub or similar vegetation that is in its natural state (whether dead or alive); and
 - (m) an advertising device must not be attached to local government or main roads infrastructure or signs; and
 - (n) an advertising device must not be situated on the paved area of the road or on traffic islands; and
 - (o) the advertiser of an advertising device must maintain a public liability insurance policy that complies with the local government's published standards for public liability insurance for advertising devices, unless the advertising device is a garage sale sign, lost pet sign, election sign, fresh

produce signs (not associated with a roadside stall) or a rural identification sign; and

- (p) the advertiser of an advertising device must produce documented evidence of public liability insurance mentioned in paragraph (o) to an authorised person upon request.

(4) In this section—

event sign means an advertising device that advertises a local event of a cultural, educational, recreational, religious, social or similar nature.

face area, of an advertising device—

(a) means—

- (i) generally—the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case and calculated by multiplying the sign face area height and width parameters; and
 - (ii) in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face—the area calculated by drawing a rectangle around the advertising device lettering; and
 - (iii) in the case of irregular shaped advertising devices, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes—the face area calculated by not more than 2 abutting and non-overlapping rectangles added together.
- (b) includes any decorative lines, stripes or an architectural trim forming part of an advertising device, whether illuminated or not.

horizontal banner sign means a temporary advertising device suspended from a structure or pole with or without supporting framework displaying an advertising device applied or painted to fabric or similar material of any kind.

portable sign means a temporary portable self-supporting sign which is freestanding and may be mounted on wheels to facilitate movement and includes an A frame sign and a sandwich board.

rural identification sign means a freestanding sign which is intended to display the name or nature of an agribusiness or occupant undertaking an agricultural practice on the property that the sign is advertising.

vertical banner sign means an advertising device of non-rigid material normally supported at 2 or more locations from brackets from either a pole or a building.

3 Documents and materials that must accompany applications for approval

The application for approval must be accompanied by—

- (a) details of the advertising device including the dimensions, colour, content, materials and construction; and
- (b) details of where the device is to be located and how it is to be affixed; and
- (c) where necessary, an engineer's certificate for the structural adequacy of the device with reference to wind velocity loadings.

4 Additional criteria for the granting of approval

For any approval for installation of an advertising device, the additional criteria are that—

- (a) the proposed installation of the advertising device is consistent with the prescribed requirements for advertising devices in section 2(3) of this schedule
- (b) the dimensions of the advertisement bear a reasonable relationship to the dimensions of surrounding buildings and allotments so that—
 - (i) its presence is not unduly dominating or oppressive; and
 - (ii) it does not unreasonably obstruct existing views;
- (c) the advertisement is consistent, in colour and appearance, with buildings and natural features of the environment in which it is to be situated;
- (d) the advertisement is in other respects consistent with the character and values of the environment in which it is to be situated.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are as follows—

- (a) The dimensions of the sign shall not exceed the following—
 - (i) under awning sign which is securely fixed under a permanent awning—
– length 2.4 metres; width 200 mm; and
 - (ii) fascia sign which is painted to the fascia of the permanent awning—the face of the fascia; and
 - (iii) above awning sign which is securely fixed above a permanent awning—
– length 3 metres; width 200 mm; depth 1.5 metres; and
 - (iv) wall mounted sign which is securely fixed to a wall of a building and does not protrude more than 1.2 metres from the wall length 1.2 metres depth 600 mm; and
 - (v) roof sign which is securely fixed to either the roof or parapet wall at the front of a building - length 3 metres; depth 1.5 metres; and
 - (vi) sandwich board/A Frame sign placed on a footpath or public area must not be more than 900mm x 600mm or 0.54m² on each side of the sign; and
- (b) All signs that protrude over a footpath by more than 50 mm shall be a minimum of 2.4 metres above the footpath measured from the underside of the sign; and
- (c) Sandwich board/A frame—a portable sign used to advertise a business or goods and services available at the business must meet the following criteria—
 - (i) the sign may only be used when the business is open; and
 - (ii) a maximum of (1) one sign per tenancy is permitted; and
 - (iii) the sign must be placed on the property to which it refers, or where this is not practically possible immediately adjacent to the property; and

- (d) the advertisement content shall not be offensive.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on all approvals are as follows—
 - (a) the approval holder must comply with the local government's adopted Guidelines for the Management of Temporary Public and Community Events Banners and Signs;
 - (b) the approval holder must comply with the local government's adopted *Guidelines for Portable Sign Permit*;
 - (c) the device does not interfere with any underground utilities;
 - (d) the device does not interfere with the road or its operation;
 - (e) no portion of the sign can project over the carriageway or any surface used by motor vehicles;
 - (f) the device is not located in a place that is likely to distract motorists, restrict sight distances on approaches to intersections, restrict the visibility of other authorised signs, or otherwise impact on safety;
 - (g) the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists);
 - (h) the device does not flash, revolve or involve the production of sound or smell;
 - (i) the device is not fastened to trees or road infrastructure (for example, signs or guardrails);
 - (j) the device is not left in place in the event of extreme weather;
 - (k) the device must be maintained in good condition at all times;
 - (l) the device does not contain explicit, inappropriate or offensive content;
 - (m) for the duration of the term of the approval, maintain in full force and effect a public liability insurance policy—
 - (i) listing the local government as an interested party;
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;
 - (n) prior to the commencement of the prescribed activity, provide the local government with a certificate of currency for the standard public liability insurance policy;
 - (o) the local government must be indemnified against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the activity;

- (p) for an approval for installing a portable 'A' frame or inverted 'T' frame board sign—
 - (i) the size of the device must not exceed 600 millimetres (width) x 1200 millimetres (height);
 - (ii) the device must be fitted with a strut or other approved mechanism to ensure the sign can not close accidentally;
 - (iii) the device must be fixed or weighted so as to ensure stability;
 - (iv) all corners of the device must be chamfered;
 - (v) the maximum number of devices that may be installed for a business is—
 - A. for corner businesses—1 device on each street frontage; or
 - B. in any other circumstances—1 device;
- (q) the device must be placed at the roadside edge of the footpath and set back 0.3 metres from the kerb;
- (r) the device must be removed from the footpath during the hours when the business is closed;
- (s) the device must not be located within any landscaped area or garden bed.
- (2) The conditions that will ordinarily be imposed on election signs are that the device must—
 - (a) not be erected until an election has been called and the writ has been issued (in the case of State of Commonwealth elections), or a notice of election has been published (in the case of local government elections);
 - (b) in the case of a referendum or poll, not be erected before the writ for the referendum is issued or; in the case of a poll, before a date determined by the local government;
 - (c) be removed within 14 days after the day of the election.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 11 Keeping of animals

section 11

1 Prescribed activity

Keeping of animals.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application must be accompanied by the following information—

- (a) the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- (b) the number of animals to be kept; and
- (c) the area, or part of the area, in which the animal or animals are to be kept; and
- (d) the nature of the premises in which the animal or animals are to be kept; and
- (e) details of the proposed keeper's experience and qualifications to conduct the activity.

4 Additional criteria for the granting of approval

- (1) For all approvals, the additional criteria are that—
 - (a) the land is physically suitable for the keeping of the animal; and
 - (b) the enclosure in which the animal is to be kept is structurally suitable; and
 - (c) the animal is not likely to cause undue nuisance, inconvenience or annoyance to the occupiers of adjoining land.
- (2) For an approval to keep a rooster in an urban area, the additional criterion is that the keeper of the rooster is a member of a poultry club in the local government area that is formally affiliated with a national or state association for poultry keeping.
- (3) For an approval to keep more than 2 dogs or cats in an urban area, the additional criteria are that—
 - (a) the animals are kept as part of the activity of showing or breeding dogs or cats and the keeper of the animals is a member of a recognised breeders' association; or
 - (b) exceptional circumstances exist to justify the keeping of the additional animal or animals.

Example for paragraph (b) of 'exceptional circumstances'— A family member has passed away and left the pet in the keeper's care.

- (4) For an approval to keep more than 2 head of stock or a pig on a property in an urban area greater than 10,000m², the additional criteria are—
 - (a) the animal will only be kept on the property temporarily; and
 - (b) exceptional circumstances exist to justify the approval.
- (5) For an approval to keep a horse on a property in an urban area greater than 450m² but less than 10,000m², the additional criteria are—
 - (a) the animal will only be kept on the property temporarily; and
 - (b) exceptional circumstances exist to justify the approval.

Example for paragraph (b)—The animal is undergoing veterinary treatment that requires it to be kept on a property in an urban area.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder—

- (a) may not use this approval to breed or conduct any commercial activity involving the animals the subject of the approval;
- (b) must ensure compliance with any of the requirements for keeping an animal under State legislation and *Local Law No. 2 (Animal Management) 2018*;
- (c) must ensure the animals do not cause a nuisance, inconvenience or annoyance to others.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 12 Operation of camping grounds

section 11

1 Prescribed activity

Operation of camping grounds.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must include or be accompanied by—

- (a) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and
- (b) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner regarding the application; and
- (c) details of the facilities for sanitation, washing and laundry to be provided for campers; and
- (d) details of water quality, reticulation and drainage.

4 Additional criteria for the granting of approval

Applications must meet the following additional criteria—

- (a) the applicant is a suitable person to operate a camping ground.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

- (a) maintain all facilities in the camping ground to a high quality standard of hygiene and safety;
- (b) supply potable water for drinking, cooking and personal hygiene;
- (c) cause every outlet within the camping ground receiving non-potable water to prominently display a permanent sign stating 'Unsuitable for Drinking';
- (d) unless an accommodation is fitted with ablutionary facilities, provide and maintain adequate toilets and bathing or showering facilities for persons of both sexes (including disabled persons);
- (e) cause hot and cold water to be reticulated to every shower, bath and hand basin;

- (f) cause all sanitary conveniences to be constructed so as to ensure privacy;
- (g) cause such shower or bath to be installed with separate drainage points for the discharge of water;
- (h) if bed linen is provided - to keep it in a clean and sanitary condition and replace it with clean bed linen whenever there is a change of occupation of the relevant accommodation or site;
- (i) provide adequate laundry facilities for the exclusive use of the occupants in the ratio of 1 set of twin wash tubs and 1 clothes washing machine and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part thereof;
- (j) not permit an accommodation to be erected or located, closer than 3 metres to any other accommodation and not closer than 6 metres to any ablution facility;
- (k) not permit an accommodation to be located at any place within the camping ground other than on a site approved by the local government;
- (l) provide adequate lighting for the safe movements of persons within the camping ground;
- (m) provide waste water disposal points which are connected to a sewerage or approved drainage system;
- (n) if a swimming pool is located at the camping ground - ensure that the swimming pool complies with—
 - (i) all requirements of any applicable State legislation; and
 - (ii) the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines;
- (o) ensure that an up-to-date register is kept and made available at the request of an authorised person, containing—
 - (i) the name and address of each person who hires accommodation or a site on the camping ground
 - (ii) an identifying number for the accommodation or site; and
 - (iii) the registered number of a caravan and the vehicle towing it; and
 - (iv) the dates when the hiring of the accommodation or site begins and ends;
- (p) unless the local government agrees in writing, not change the sites by—
 - (i) adding to the existing sites, structures, facilities or accommodations;
 - (ii) changing the position or boundaries of sites, structures or facilities; or
 - (iii) removing existing structures or facilities however, this does not apply if the proposed change constitutes development under the Planning Act;
- (q) not permit a fire in the open unless the fire is in a fireplace approved by the local government;
- (r) ensure all sites are clearly numbered.

7 Term of approval

The term of the approval commences on the date the approval and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in an approval.

Schedule 13 Operation of cane railways

Section 11

This schedule has been intentionally left blank.

Schedule 14 Operation of caravan parks

section 11

1 Prescribed activity

Operation of caravan parks.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must include or be accompanied by—

- (a) if the applicant is not the owner of the land on which the caravan park is situated—the written consent of the owner to the application; and
- (b) the name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park; and
- (c) the plan of the proposed caravan park drawn to scale showing the following additional particulars—
 - (i) the location and real property description of such land; and
 - (ii) the location, number, designation and type of sanitary conveniences to be provided; and
 - (iii) the location, number, and designation of ablutionary facilities to be provided; and
 - (iv) details of each site clearly defined and bearing a distinguishing mark or number.

4 Additional criteria for the granting of approval

The additional criteria for granting an approval are that—

- (a) the proposed resident manager is a suitable person to be manager of a caravan park; and
- (b) all facilities in the caravan park are at an acceptable standard or can be brought to acceptable standard for use by residents.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

- (a) maintain all facilities in the camping ground to an acceptable standard of hygiene and safety;
- (b) supply potable water for drinking, cooking and personal hygiene;
- (c) cause every outlet within the caravan park receiving non-potable water to prominently display a permanent sign stating '**Unsuitable for Drinking**';
- (d) unless accommodation is fitted with ablutionary facilities, provide and maintain adequate toilets and bathing or showering facilities for persons of both sexes (including disabled persons);
- (e) cause hot and cold water to be reticulated to every shower, bath and hand basin;
- (f) cause all sanitary conveniences to be constructed so as to ensure privacy;
- (g) cause such shower or bath to be installed with separate drainage points for the discharge of water;
- (h) if bed linen is provided — to keep it in a clean and sanitary condition and replace it with clean bed linen whenever there is a change of occupation of the relevant accommodation or site;
- (i) provide adequate laundry facilities for the exclusive use of the occupants in the ratio of 1 set of twin wash tubs and 1 clothes washing machine and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part thereof;
- (j) not permit an accommodation to be erected or located, closer than 3 meters to any other accommodation and not closer than 6 meters to any ablution facility;
- (k) not permit an accommodation to be located at any place within the caravan park other than on a site approved by the local government under this local law;
- (l) provide adequate lighting for the safe movements of persons within the caravan park;
- (m) provide waste water disposal points which are connected to a sewerage or approved drainage system;
- (n) ensure that if a swimming pool is located within the caravan park that the swimming pool complies with—
 - (i) all requirements of any applicable State legislation; and
 - (ii) the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines;
- (o) ensure that an up-to-date register is kept and made available at the request of an authorised person, containing—
 - (i) the name and address of each person who hires accommodation or a site at the caravan park; and
 - (ii) an identifying number for the accommodation or site; and
 - (iii) the registered number of a caravan and the vehicle towing it; and
 - (iv) the dates when the hiring of the accommodation or site begins and ends;

- (p) unless the local government agrees in writing, not change the sites by—
 - (i) adding to the existing sites, structures, facilities or accommodations;
or
 - (ii) changing the position or boundaries of sites, structures or facilities; or
 - (iii) removing existing structures or facilities however, this does not apply if the proposed change constitutes development under the Planning Act;
- (q) not permit a fire in the open unless the fire is in a fireplace approved by the local government;
- (r) ensure all sites are clearly numbered;
- (s) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 15 Operation of cemeteries

Section 11

1 Prescribed activity

Operation of cemeteries.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) a drawing showing the design and dimensions of the proposed cemetery;
- (b) details of the materials out of which the cemetery is (or is to be) constructed and other structural details of the cemetery;
- (c) details of the location of the cemetery;
- (d) if the applicant is not the owner of the land on which the cemetery / crematorium is located—the written consent of the owner;
- (e) a site plan drawn at an appropriate scale and showing the immediate area of the proposed cemetery and proposed burial plots, columbarium niches, walls or any associated structures, plots and layout; and
- (f) details of the proposed administration and management of the cemetery.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals are that the approval holder must—

- (a) comply with specified hours when the cemetery may be open to the public (where not previously regulated by a development approval);
- (b) comply with specified hours when a burial, cremation or disposal may take place in the cemetery (where not previously regulated by development approval);
- (c) give notice to the local government prior to a burial, cremation or disposal;
- (d) permit an authorised person to inspect a burial site at any time either before or after a burial;
- (e) comply with requirements in the approval regarding the position of grave sites;

- (f) comply with specified standards for required minimum depth, size and other dimensions of graves and grave sites;
- (g) comply with any relevant standard applicable to coffins (for example, an Australian Standard);
- (h) not exceed the specified maximum number of bodies which may be buried in a single grave;
- (i) comply with prescribed minimum periods of leases of grave sites;
- (j) comply with specified standards applicable to the keeping of records of burials and graves;
- (k) ensure that records of burials and graves are not destroyed or otherwise disposed of without the written approval of the local government;
- (l) keep records of burials and graves open to inspection at all times when the person responsible for the making and retaining thereof is ordinarily in attendance at the place where the records are kept;
- (m) keep a register of all reserved sites or niches within the cemetery;
- (n) properly maintain memorials and other buildings and structures in the cemetery;
- (o) keep the cemetery in a clean and tidy state.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 16 Operation of public swimming pools

Section 11

1 Prescribed activity

Operation of public swimming pools.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

Additional documents and materials that must accompany an application for an approval are—

- (a) the address of the swimming pool, including real property description;
- (b) the dimensions and capacity of the pool;
- (c) pool filtration unit details;
- (d) pool pump details;
- (e) pool chlorination equipment details;
- (f) resuscitation notice details;
- (g) fencing and access to the swimming pool;
- (h) hours of operation;
- (i) details of backwash water discharge;
- (j) plans of the site showing the immediately adjoining properties, and the position, width and name of the street or road from which the property has access and upon which it abuts; and
- (k) details of how the swimming pool will be adequately supervised when open to the public including the names and a copy of a lifesaving qualification and blue card for each proposed supervisor.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder must—

- (a) provide separate dressing rooms for male and female users of the pool that are—
 - (i) of a size sufficient to accommodate the likely maximum number of users (at any one time) of the pool; and

- (ii) situated and constructed so that they totally conceal persons within the dressing rooms from persons who may be outside the dressing rooms;
- (b) provide for proper and sufficient male and female sanitary conveniences at the pool;
- (c) not allow persons suffering, or appearing to suffer from an infectious, contagious or offensive disease or skin complaint to be at, or use, the public pool;
- (d) maintain water quality in the manner recommended by the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines (October 2004);
- (e) keep the pool at all times free from extraneous matter;
- (f) display a notice explaining mouth to mouth resuscitation in a position that is visible from within any point of the swimming pool or spa;
- (g) prominently display a sign at any spa pool containing the following warning: “IMMERSION FOR PERIODS LONGER THAN 20 MINUTES IN WATER HEATED UP TO 35°C IS CONSIDERED DANGEROUS”;
- (h) ensure that the swimming pool is adequately supervised at all times that it is open to the public;
- (i) ensure that any persons engaged to supervise the use of the pool—
 - (i) hold and maintain, throughout the term of the approval, lifesaving qualifications from a body recognised by the local government,
 - (ii) hold a blue card; and
 - (iii) are otherwise suitable and of sufficiently good character in the reasonable opinion of the local government.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 17 Operation of shared facility accommodation

Section 11

1 Prescribed activity

Operation of shared facility accommodation.

2 Activities that do not require approval under the authorising local law

Approval is not required—

- (a) for the operation of shared facility accommodation in a private home in which accommodation is provided for not more than 3 holiday makers or travellers; or
- (b) if an approval is obtained for the prescribed activity under a Planning Act

3 Documents and materials that must accompany applications for approval

An application must be accompanied by—

- (a) the name, location and real property description of the premises; and
- (b) a plan of the premises drawn to scale and showing—
 - (i) the location of the building on the site including location of vehicle accesses and parking, areas for clothes drying and open recreation areas; and
 - (ii) the internal layout of the building showing the proposed function of each room and in the case of bedrooms and dormitories—the maximum number of beds proposed; and
- (c) details of shared facilities including—
 - (i) number of toilets; and
 - (ii) number of bathrooms and showers; and
 - (iii) laundry facilities; and
 - (iv) dining facilities; and
 - (v) cooking facilities; and
 - (vi) vehicle parking; and
- (d) a report from an appropriately qualified professional that the fire safety provisions of the *Building Act 1975* have been complied with; and
- (e) if the applicant is not the owner of the premises for which the approval is sought—the written consent of the owner to the application.

4 Additional criteria for the granting of approval

In deciding requirements to be made of holders of approvals under this subordinate local law, the local government must have regard to—

- (a) the need for a reasonable degree of uniformity between local government areas; and
- (b) the need to encourage prospective operators to enter the market for

accommodation to which this local law applies as a way of promoting tourism.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed in an approval are as follows—

(a) Bedrooms and Dormitories

- (i) sleeping accommodation and beds are not provided in any room or space except those rooms designated on the plan accompanying the application as bedrooms or dormitories;
- (ii) every person accommodated on the premises to be provided with a clean and comfortable bed which shall be designated by a room and bed number;
- (iii) each bedroom or dormitory shall have—
 - (A) cupboard space provided at a rate of 0.03 square metres per person; and
 - (B) 1 towel rail per person.
- (iv) the maximum number of people to be accommodated in any bedroom or dormitory shall be 8;
- (v) no beds to be more than two tiers in height and the clearance between the upper and lower beds to be at least 870mm with a clearance of 1 metre between the upper bed and the ceiling, light fittings or any other projection from the ceiling.

(b) Kitchen Facilities

- (i) a kitchen separate from all other rooms shall be provided;
- (ii) kitchens shall be kept in a clean and hygienic manner at all times;
- (iii) all kitchen walls and ceilings shall be smooth and free of ledges, protrusions, cracks and crevices and treated with washable gloss paint or other washable surface;
- (iv) all kitchen floors to shall be covered with a smooth impervious floor covering;
- (v) all kitchen benches, tables and shelving shall be covered in smooth impervious material;
- (vi) cooking appliances shall be provided at a rate of at least 4 burners or hotplates and 1 oven for each 15 people;
- (vii) refrigeration space to be provided at a rate of 15 litres per person;
- (viii) dishwashing facilities shall be provided at a rate of one stainless steel sink per 15 people;
- (ix) adequate crockery, cutlery and cooking utensils shall be provided and maintained in a sound and clean condition;

- (x) kitchen cupboard space shall be provided at a rate of 0.015 square metres per person.

(c) Dining Room

- (i) a dining room under the same roof as the kitchen shall be provided;
- (ii) dining room seating shall be available at the rate of 50 percent of the maximum occupancy authorised under the approval.

(d) Common Living Rooms

- (i) one or more common living rooms shall be required;
- (ii) floor area of common living rooms shall be at least two square metres per person, which may include the area of the dining room but which shall not include a—
 - (A) passage way; or
 - (B) fire access way; or
 - (C) non-habitable room.

(e) Toilets and Ablution Facilities

The provision of toilet and ablution facilities shall be in accordance with the Building Code.

(f) Laundry Facilities

Laundry facilities to be provided at a rate of 1 wash tub and 1 washing machine per 15 people.

(g) Office

- (i) every premises shall have a clearly designated office;
- (ii) an emergency telephone service shall be available when the office is closed.

(h) Refuse Disposal

- (i) refuse shall be disposed of at least once in every week in an approved manner;
- (ii) refuse storage to be provided at the rate of 1 240 litre bin per 6 people.

(i) Maintenance

- (i) the premises to be treated for the control of vermin at least twice per year;
- (ii) the premises, including the grounds around any building, to be maintained in a state of good repair and in a clean and sanitary condition free from accumulated refuse and waste materials at all times.

(j) Storage

- (i) a secure, fire proof safe shall be provided for the keeping of the occupants valuables and papers;
- (ii) a security lock up for bulky packs and luggage shall be provided which is not accessible other than by permission of the operator.

(k) *Fire Safety*

Fire prevention, fire detection and fire suppression and control devices to be installed to ensure compliance with the *Building Act 1975*.

(l) *Accommodation Register*

(i) a register to be kept which details—

- (A) the full name of the occupant; and
- (B) permanent residential address of the occupant; and
- (C) the occupant's signature; and
- (D) dates the occupant checked in and out; and
- (E) room and bed number allocated to the occupant.

(ii) the operator may not allow a bed to be occupied by any person who has failed to register his/her name and address in the accommodation register.

(m) *Duties of the Operator*

The operator or a representative of the operator shall reside on the premises and be available for emergency contact at night.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 18 Operation of temporary entertainment events

section 11

1 Prescribed activity

Operation of temporary entertainment events.

2 Activities that do not require approval under the authorising local law

Events that are attended by less than 100 people.

3 Documents and materials that must accompany applications for approval

- (1) The additional documents and materials that must accompany an application for an approval are—
 - (a) the details of the proposed event including the type and location of the event;
 - (b) the number of persons invited to or likely to attend the event;
 - (c) details of the temporary entertainment event venue;
 - (d) details about how the applicant proposes to manage the event, which must include (where relevant):
 - (i) community consultation plan;
 - (ii) an event operational plan;
 - (iii) a catering plan;
 - (iv) a security service plan;
 - (v) an emergency management plan;
 - (vi) an alcohol management plan;
 - (vii) a noise management plan;
 - (viii) a traffic management plan;
 - (ix) a waste management plan;
 - (x) a risk management strategy;
 - (xi) a public safety plan;
 - (e) details of the quality and condition of equipment to be used in the activity;
 - (f) if the business or activity is to operate from a vehicle—a full description of that vehicle and its registration number;
 - (g) details of compliance with the requirements of the State and Commonwealth legislation and government agencies.
- (2) The application for an approval must be made at least 10 business days prior to the event.

4 Additional criteria for the granting of approval

- (1) For all approvals, the additional criteria are—

- (a) the physical suitability of the area or road for the proposed event, including access roads servicing the event; and
 - (b) the appropriateness, quality and condition of equipment to be used in the activity; and
 - (c) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
 - (d) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.
- (2) For an approval relating to the operation of a circus, an additional criterion is that the applicant demonstrates compliance with the National Consultative Committee for Animal Welfare (NCCAW) *Position Statement Number 26, Recommended National Circus Standards*.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

For all approvals, the conditions that will ordinarily be imposed on an approval are as follows—

- (a) the permissible noise level measured at the nearest occupied building must not exceed the following limits—
 - (i) before 7am, if the use causes audible noise; or
 - (ii) from 7am to 10pm, if the use causes noise of more than 70dB(A); or
 - (iii) from 10pm to midnight, if the use causes noise of more than the lesser of the following
 - (A) 50dB(A);
 - (B) 10dB(A) above the background level;
- (b) if the sound level at the event exceeds the levels outlined above, or, if in the opinion of an authorised person the noise emitted is unreasonable, the approval holder must direct the persons controlling the volume of the sound to reduce the volume so as not to exceed these levels. The approval holder is responsible for ensuring that the person in control of sound production complies with directions on noise reduction;
- (c) amplification equipment used for the prescribed activity shall be set up so as to minimise the noise impact on residential premises;
- (d) a letter drop must be conducted to residents within 200 metres of the boundaries of the site where the prescribed activity is being held. The letter must detail the dates and operating times of the prescribed activity;
- (e) during the event, an authorised person must be able to contact the approval holder or a person acting on behalf of the approval holder by mobile phone. The approval holder, or any person acting on behalf of the approval holder,

must be able to exercise control over the volume of the sound at the mixing console;

- (f) the approval holder must maintain a defined access point for emergency vehicles at all times;
- (g) the approval holder must provide a first aid station and qualified first aid officer/s;
- (h) food shall be sold only from the temporary food stalls or mobile food vans approved by the local government. All food must be processed, prepared and packed in accordance with the provisions of the *Food Act 2006*;
- (i) an adequate number of toilets are to be provided to meet the needs of all attendants. All toilets are to be kept in a sanitary state at all times during the prescribed activity;
- (j) if camp fires are permitted during the prescribed activity, they must be in a designated area and all precautions must be in place to ensure the safety of patrons and festival staff. The fires must be monitored at all times and extinguished when not supervised;
- (k) for the duration of the term of the approval, the approval holder must maintain in full force and effect a public liability insurance policy—
 - (i) listing the local government as an interested party;
 - (ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and
 - (iii) for an amount of no less than the amount listed in the local governments Requirements for Public Liability Insurance for Approval Holders published on the local government's website;
- (l) prior to the commencement of the prescribed activity, the approval holder must provide the local government with a certificate of currency for the standard public liability insurance policy;
- (m) the approval holder must indemnify the local government against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against or made upon the local government as a result of the prescribed activity;
- (n) if the activity involves playing live or taped performances—the approval holder must obtain a casual licence from the Australasian Performing Rights Association;
- (o) if the activity involves use of a footpath— the approval holder must maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, the distance greater than 2 metres stipulated in the approval;
- (p) the approval holder must comply with relevant workplace health and safety requirements.

7 Term of approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.

- (2) The term of the approval must be specified in the approval.

8 Term of renewal of approval

- (1) The term for which an approval is renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants a renewal or extension, the local government must specify by written notice, the term of the renewal or extension.

Schedule 19 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery

section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains—(a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery.

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for the exhumation or other disturbance or interference with human remains if undertaken pursuant to an order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) details of the proposed disturbance of human remains; and
- (b) a certified copy of the death certificate or medical certificate of cause of death for the deceased; and
- (c) written consent from the nearest living relative; and
- (d) written confirmation from a recognised undertaker that he or she is prepared to carry out the exhumation; and
- (e) if the remains are on land that is outside a local government cemetery—the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are located.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

- (a) the nearest living relative consents to the disturbance of the human remains; or
- (b) the executor of a deceased estate is acting on instructions contained in the last will and testament of the deceased.

5 Conditions that must be imposed on approvals

It is a condition of an approval that the Registrar of Births, Deaths and Marriages must be advised.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval is that—

- (a) a qualified undertaker must conduct the activity;

- (b) any re-interment must be carried out in accordance with an approval granted for the following prescribed activities—
 - (i) the operation of cemeteries; or
 - (ii) undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery.

7 Term of approval

The term of approval commences on the date the approval is granted and is valid for 6 months, unless otherwise specified in the approval.

8 Term of renewal of approval

The term of the renewal must be determined by the local government having regard to the information submitted by the applicant.

Schedule 20 Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery

section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) details of the person being buried or disposed of and the burial site or other place in which the remains are to be buried or placed; and
- (b) details of when and how the remains are to be disposed of; and
- (c) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed; and
- (d) Global Positioning System (GPS) reference points to identify the proposed burial location; and
- (e) information supporting the special historical association between the deceased person and the place at which the remains are to be buried or placed; and
- (f) details of the relevant qualifications of the undertaker organising the burial.

4 Additional criteria for the granting of approval

The additional criteria for approvals for burial or disposal of human remains outside a cemetery are that—

- (a) the approval is justified by—
 - (i) a particular significant association to the land that was—
 - (A) historical;

for example—the person had a direct and continuous association to the land, or the human remains of other family members have been disposed of, in a family cemetery.

- (B) traditional or cultural; and

for example—the person has a native title right to be buried on the land, and the native title holders consent to the burial.

- (b) the burial or disposal of human remains at the place will not cause reasonable offence to others.

5 Conditions that must be imposed on approvals

Conditions that must be imposed are that—

- (a) the burial or disposal of the human remains must take place at a time, or within a period specified in the approval;
- (b) a memorial or marker must be erected to identify the site in which the human remains have been buried.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

The term of the approval must be specified in the approval and must not be more than 3 months.

8 Term of renewal of approval

The term of the renewal must be determined by the local government having regard to the information submitted by the applicant.

Schedule 21 Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—
(a) driving or leading of animals to cross a road.

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for—

- (a) a person who has been granted approval for installation of a gate or grid on a road adjacent to the person's land; or
- (b) leading animals; or
- (c) driving animals that are not stock.⁴

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) details of how the applicant plans to carry out the activity and the regularity and duration of the activity;
- (b) details of the location where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users; and
- (c) details of the type and number or approximate number of animals that will be involved.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) the physical suitability of the road or footway for the proposed use;
- (b) the likelihood of the use causing undue nuisance, risk, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians;
- (c) the likely effect on the amenity of the surrounding area;
- (d) the likely effect on the local environment and any possible pollution or other environmental damage.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

⁴ Stock has the meaning given in the *Stock Route Management Act 2002*, Schedule 3.

6 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on an approval are that the approval holder must—

- (a) conduct the activity on the days and times specified in the approval;
- (b) limit the number of stock participating in the activity to the number specified in the approval;
- (c) comply with specified safety requirements;
- (d) exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area;
- (e) provide an indemnity to the State and the local government;
- (f) maintain public liability insurance of no less than \$20,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 22 Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—
(b) depositing of goods or materials.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

The additional documents and materials that must accompany an application for an approval are—

- (a) details of the location of where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users;
- (b) details of the quantity or volume and type of goods or materials that will be deposited; and
- (c) details of the duration of the depositing of the goods or materials.

4 Additional criteria for the granting of approval

The additional criteria for granting of the approval are—

- (a) the physical suitability of the road or footway for the proposed use;
- (b) whether the activity will have an adverse effect on an existing service in, on or over a road.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on an approval are that the approval holder must—

- (a) ensure unobstructed movement of vehicles and pedestrians;
- (b) maintain public liability insurance of no less than \$20,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government and any other person who has an interest in or takes a benefit from the work or activity in respect to any liability arising from the activity;
- (c) observe standards specified by the local government in the carrying out of the works or activity;

- (d) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
- (e) lodge a security deposit with the local government in the amount specified in the approval;
- (f) reinstate the road following completion of the works or ceasing of the activity.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June unless otherwise specified in a renewal.

Schedule 23 Undertaking regulated activities on local government controlled areas and roads— (c) undertaking of a public place activity prescribed by subordinate local law

section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—
(c) undertaking of a public place activity prescribed by subordinate local law.⁵

2 Activities that do not require approval under the authorising local law

A cake stall, sausage sizzle, car wash or similar fundraising activity held on no more than 1 day.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

- (a) a plan of the venue; and
- (b) a detailed statement of the nature of the activity; and
- (c) the dates and times the activity will be undertaken; and
- (d) if the applicant is not the owner of the land—the written consent of the owner; and
- (e) if approval of anything to be done under the approval is required under another law—a certified copy or other appropriate evidence of the approval.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

- (a) the venue is safe and appropriate for the nature of the activity and for the number of people expected to attend; and
- (b) the activity will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the activity; and
- (d) adequate provision will exist for the disposal of refuse generated by the activity; and
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the venue.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

⁵ See schedule 4 of this subordinate local law for the list of activities prescribed as public place activities that require approval.

6 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on an approval are that the approval holder must—

- (a) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
- (b) maintain public liability insurance of no less than \$10,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity;
- (c) lodge security bond with council in the amount specified in the approval;
- (d) reinstate the area following the ceasing of the activity.

7 Term of approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8 Term of renewal of approval

- (1) The term for which a renewal must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants a renewal the local government must specify by written notice, the term of the renewal or extension.

Schedule 24 Undertaking regulated activities on local government controlled areas and roads - (c) - Film and television activities.

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—
(c) - film and television production activities for which a development application is not required under the local government's planning scheme

Example—

commercial filming/photography

2 Activities that do not require approval under the authorising local law

Filming or photography undertaken only for personal use.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany applications for approval—

- (a) details of the location where the activity will be carried out, by way of plans or otherwise; and
- (b) if an applicant for an approval is not the owner of the premises on which the activity is to be operated, the application must be accompanied by the written consent of the owner; and
- (c) details of contact person; and
- (d) details of times; and
- (e) a certificate of currency of the applicant's public liability insurance for the activity.

4 Documents and materials that must accompany applications for approval

The additional criteria are as follows—

- (a) Whether the premises or location is suitable taking into account the—
 - (i) type of activity proposed; and
 - (ii) number of people involved in the activity; and
 - (iii) means of entry and exit for attendees and or vehicles if applicable.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

The conditions ordinarily imposed on an approval are that the approval holder must—

- (a) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades;
- (b) maintain public liability insurance of no less than \$10,000,000, or such an amount as determined by the local government covering the activity which also indemnifies the local government in respect to any liability arising from the activity;
- (c) lodge security bond with council in the amount specified in the approval;
- (d) reinstate the area following the ceasing of the activity;
- (e) advise residents living adjacent to the location of the time, nature and scale of the activity at least 7 days before the activity commences;
- (f) obtain additional approval under the local laws to use vehicles, aircraft, vessels and non-filming equipment on local government areas;
- (g) vegetation must not to be disturbed or damaged;
- (h) inform the local government of any alterations to the activity schedule;
- (i) ensure a sufficient number of sanitary conveniences are available during the activity;
- (j) fees are to be paid in accordance with the local government's current fees and charges schedule.

9 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

10 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 25 Bringing or driving motor vehicles onto a park or reserve

Section 11

1 Prescribed activity

Bringing a motor vehicle onto or driving a motor vehicle on a place that is—

- (a) within a local government controlled area; and
- (b) not within a motor vehicle access area.

(Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2018, section 6(2)).

2 Activities that do not require approval under the authorising local law

- (a) access to a local government controlled area by an authorised contractor for the purposes of repairing or maintaining a local government facility; or
- (b) persons holding an approval under another local law permitting the bringing or driving of motor vehicles onto local government controlled areas.

3 Documents and materials that must accompany applications for approval

An application must be accompanied by—

- (a) full details of the need and reasons for bringing the motor vehicle onto the local government controlled area; and
- (b) the date and time and duration of bringing the motor vehicle onto the area; and
- (c) the parts of the area where the motor vehicle will be driven; and
- (d) the type of motor vehicle to be driven; and
- (e) any other documentation and materials requested on the approved application form.

4 Additional criteria for the granting of approval

The additional criteria are that—

- (a) the vehicle access is required for—
 - (i) construction, repair and maintenance work within the local government controlled area; or

- (ii) access to a temporary entertainment venue for which the applicant has received approval under another local law; or
 - (iii) holding a celebration, ceremony or competition for which the applicant has received approval under another local law.
- (b) access by the vehicle will not—
 - (i) unduly interfere with the usual use and enjoyment of the area;
 - (ii) impact on the natural resources and native wildlife of the area;
 - (iii) cause damage to the area;
 - (iv) generate significant noise or dust or other significantly adverse effects on the surrounding neighbourhood or other users of the area.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that the approval—

- (a) will be valid only for the specific vehicle or type of vehicle specified in the approval; and
- (b) is not transferable; and
- (c) is displayed on the dashboard of the vehicle while it is within the local government controlled area; and
- (d) holder must ensure the safety of other users of the area arising from the carrying out of the activity; and
- (e) holder must pay to the local government the cost of rectifying any damage caused by using the vehicle in the area.

6 Conditions that will ordinarily be imposed on approvals

The following condition will ordinarily be imposed on approvals—

- (a) The approval holder must give at least 24 hours notice to neighbouring land holders that the area will be accessed under the approval.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

**Schedule 26 Bringing or driving prohibited vehicles onto motor
vehicle access areas**

Section 11

This schedule has been intentionally left blank

**Schedule 27 Use of bathing reserves for training, competitions
etc**

Section 11

This schedule has been intentionally left blank

Schedule 28 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

section 11

1 Prescribed activity

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee (*Local Law No.5 (Parking) 2018*, section 7(1)).

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank

3 Documents and materials that must accompany applications for approval

An application for a parking permit must be accompanied by the following information—

(a) for a works zone permit—

- (i) the name, address, telephone number and e-mail address of the applicant; and
- (ii) the trading name, address, telephone number and email address of the business under which the permit will be issued; and
- (iii) the registration number, make, model and colour of any vehicle nominated in the application; and
- (iv) the address at which the vehicle/s will be parked; and
- (v) details of the works being carried out on the premises including—
 - (A) copy of the development application and/or building works approval; and
 - (B) in the case of continuing traffic, the nature and type of the traffic and the general class of vehicle likely to be parked in the works zone; and
 - (C) the hours of operation; and

(b) for a business parking permit—

- (i) the name, address, telephone number and e-mail address of the applicant; and
- (ii) the trading name, address, telephone number and e-mail address of the business under which the permit will be issued; and

- (iii) the registration number, make, model and colour of the vehicle nominated in the application; and
- (iv) the location for and type of permit required.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval, which will be granted in the form of a permit, are that—

- (a) the approval holder must affix the permit to the vehicle identified in the permit facing outwards and as near as practicable to the registration label for the vehicle; and
- (b) a replacement permit will only be issued after completion by the approval holder of a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original permit.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

An approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in an approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 29 Parking in a loading zone by displaying a commercial vehicle identification label

Section 11

1 Prescribed activity

Parking in a loading zone by displaying a commercial vehicle identification label
Local Law No.5 (Parking) 2018, section 8(1).

2 Activities that do not require approval under the authorising local law

This section is not applicable for this prescribed activity.

3 Documents and materials that must accompany applications for approval

An application for a parking permit must be accompanied by the following documents—

- (a) the name, home address, telephone number and e-mail address of the applicant; and
- (b) the business name, address, telephone number and e-mail address of the applicant's business; and
- (c) the registration number, make, model and colour of the vehicle nominated in the application; and
- (d) a copy of the current registration notice for the vehicle; and
- (e) the number of persons the vehicle is built to carry; and
- (f) details of the usage of the vehicle, including the—
 - (i) nature of goods carried in the vehicle; and
 - (ii) quantity of goods carried; and
 - (iii) hours that goods are carried; and
 - (iv) frequency with which goods will be loaded/unloaded.

4 Additional criteria for the granting of approval

This section has been intentionally left blank

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval for a commercial vehicle identification label are that—

- (a) the approval applies to the vehicle registration and applicant nominated on the application form;
- (b) the label must be affixed to the lower left-hand corner of the windscreen or other highly visible location on the left-hand side of the vehicle;

- (c) the label is not transferable to the new owner of the vehicle if the vehicle is sold;
- (d) in the event of a change of vehicle the approval holder is required to destroy the label;
- (e) in the event of a change of vehicle the approval holder is to complete a new application form with new vehicle details;
- (f) damaged or defaced labels must be returned to the local government;
- (g) a label must not be wilfully misused.

7 Term of approval

The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.

Schedule 30 Carrying out works on a road or interfering with a road or its operation

Section 11

1 Prescribed activity

Carrying out works on a road or interfering with a road or its operation

Local Government Act 2009, section 75(2)

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank

3 Documents and materials that must accompany applications for approval

- (1) The application must be accompanied by—
 - (a) full details of the proposed works on the road or interference with its operation; and
 - (b) if the applicant proposes to erect or install a structure on, over or under the road – plans and specifications of the structure; and
 - (c) details of building or other work to be carried out under the approval.
- (2) For approvals for installation of a gate or grid, an application must also be accompanied by—
 - (a) the name, address and telephone number of the person who will be installing the gate or grid; and
 - (b) details of the gate or grid to be installed including—
 - (i) its design, dimensions and construction, including details of the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment; and
 - (ii) when, where and how the gate or grid is to be installed; and
 - (iii) a site plan to scale and specifications of the gate or grid to be installed; and
 - (c) details of all insurances held by the person who will be installing the gate or grid.

4 Additional criteria for the granting of approval

- (1) The additional criteria for approvals for the installation of a vehicular access to premises are the following—
 - (a) the owner of the premises accepts the responsibility for the cost of installing and maintaining the vehicular access; and
 - (b) unless special reasons exist, there is only one vehicular access per allotment or one every 20 metres of road frontage.
- (2) The additional criteria for approvals for the installation of a gate or grid on a road are the following—

- (a) the gate or grid will not unduly obstruct pedestrian or vehicular traffic; and
- (b) the gate or grid will not prejudice the safety of pedestrian or vehicular traffic; and
- (c) the gate or grid will not prejudice the proper maintenance of the road; and
- (d) the matters which are the subject of the conditions specified in section 6(2) of this schedule which are relevant to the installation of the gate or grid can be adequately addressed by the imposition of those conditions.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

- (1) For approvals for installing a vehicular access to premises, the conditions that will ordinarily be imposed on an approval are that the approval holder must ensure that—
 - (a) if an allotment is located on a corner—the vehicular access to the premises is not constructed along the arc of the kerb return into the side street; and

Example for paragraph (a) —
A vehicular access to the premises cannot lie between the tangent points of the turnout arc.
 - (b) the vehicular access to the premises is—
 - (i) 600 millimetres clear of stormwater drainage and catchpits; and
 - (ii) 800 millimetres clear of power poles or light poles;
 - (c) the vehicular access is not built over hydrants or other services;
 - (d) where a vehicular access is built over a service cover, the cover is altered and reconstructed to the level of the new driveway;
 - (e) the vehicular access is constructed in accordance with the engineering guidelines adopted by the local government.
- (2) For approvals for installing or operating gates or grids on a road, the conditions that will ordinarily be imposed are that the approval holder must ensure that—
 - (a) the gate or grid, the approaches to the gate or grid and the warning signs are erected and installed in accordance with the following requirements—
 - (i) a grid or gate must be erected—
 - (A) at locations approved by the local government; and
 - (B) as directed by the local government;
 - (ii) a grid is constructed at a skew of 1 in 12 to the centreline of the road;
 - (iii) the centre of the grid or gate coincides with the centreline of the road;
 - (iv) a gate is constructed at right angles to the road centreline;

- (v) the grade of the motor grid conforms to the grade of the road unless otherwise ordered by the local government;
- (vi) the levels of the grid surface (including crossfalls) are in accordance with the directions of the local government;
- (vii) when the grid is on a curve, the crossfall conforms to the cant of the curve;
- (viii) the surface of the grid is 0.5 metres (with a tolerance of 0.1 metre) above the natural surface of the surrounding country;
- (ix) approach ramps are constructed for the full width of the running surface of the grid;
- (x) the longitudinal grade of the approach ramps are such that the surface levels of the ramps deviate from the existing average grade of the road by not more than 1%;
- (xi) the fill used in the approach ramps is thoroughly compacted and finished to the satisfaction of the local government;
- (xii) a grid is constructed of steel or concrete and is—
 - (A) of dimensions not less than 3.66 metres by 1.80 metres; or
 - (B) of such greater dimensions as may be required by the local government; and
- (xiii) the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment—
 - (A) are sufficient to guarantee the safe transit of vehicles;
 - (B) will not interfere with the natural drainage of the area; and
- (xiv) the construction of the grid will allow for the movement of stock by a suitable gate erected—
 - (A) beside the grid; and
 - (B) within the road reserve;
- (xv) sufficient guide posts and rails are provided, as shown on the drawings, to satisfy road traffic safety requirements at the specific location;
- (xvi) reflectorised grid warning signs which satisfy the requirements of the Manual of Uniform Traffic Control Devices (Queensland) are provided at the approaches to the grid in accordance with best traffic safety practice;
- (b) the gate or grid, the approaches thereto and the warning signs are maintained to the standard specified in the local government's standard specification;
- (c) a sign on which the words "**Permitted Public Gate/Grid**" are prominently and permanently displayed is exhibited on a conspicuous part of the structure so that it can be viewed by members of the public;

- (d) public liability insurance in relation to the gate or grid is taken out and maintained for an amount not less than \$10,000,000 or such an amount as determined by the local government and which also indemnifies the local government in respect of any liability arising from the gate or grid;
- (e) a management program is maintained, which details how and when the gate or grid will be monitored and maintained.

7 Term of approval

The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in a renewal.



Mareeba Shire Council

Subordinate Local Law No. 2 (Animal Management) 2018

Mareeba Shire Council

Subordinate Local Law No. 2 (Animal Management) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2018*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2018*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved 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 desexing, 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 animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2018* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law, unless otherwise defined in the dictionary in Schedule 13 of this subordinate local law.

Part 2 Keeping of animals

5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

7 Animals that must be desexed—Authorising local law, s 7

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

8 Minimum standards for keeping animals—Authorising local law, s 8(1)

- (1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9

For section 9 of the authorising local law, the identification required for a dog that is at a place other than the address stated in the registration notice for the dog is a tag attached to a collar of a dog.

Part 3 Control of animals**10 Public places where animals are prohibited—Authorising local law, s 10(1)**

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

11 Dog off-leash areas—Authorising local law, s 11(1)

For section 11(1) of the authorising local law, the areas described in schedule 7 are designated as dog off-leash areas.

12 Animal faeces in public places—Authorising local law, s 13

For section 13 of the authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way—

Intentionally left blank.

13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)

For section 14(2) of the authorising local law, column 2 of schedule 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

14 Criteria for declared dangerous animals—Authorising local law, s 19(1)

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 9.

Part 4 Seizure, impounding or destruction of animals**15 Place of care for impounded animals—Authorising local law, s 24**

For section 24 of the authorising local law, the place of care for animals impounded by the local government will be operated by the local government or be a contractor of the local government, or be nominated by a resolution of the local government.

16 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b)

For section 32(1)(b) of the authorising local law, the following animals may be sold by private agreement, destroyed or disposed of in some other way without being destroyed—

- (a) dogs;
- (b) cats;
- (c) birds and noisy birds;
- (d) pigs, sheep, goats and other small animals.

17 Register of impounded animals—Authorising local law, s 33(3)

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the local government's public office.

Part 5 Miscellaneous

18 Conditions regarding sale of animals—Authorising local law, s 42(1)

For the purposes of section 42(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 10 must comply with the conditions set out in column 2 of schedule 10.

19 Animals excluded from application of the local law—Authorising local law, schedule

For the purposes of the definition of *animal* in the schedule to the authorising local law, the following species of animal are excluded from the application of the local law—

- (a) fish;
- (b) insects; and
- (c) amphibians.

20 Species that are declared dangerous animals—Authorising local law, schedule

For the purposes of the definition of *declared dangerous animal* in the schedule to the authorising local law, no species of animal is a declared dangerous animal.

21 Prescribed period for reclaiming animals—Authorising local law, schedule

For the purposes of the definition of *prescribed period* in the schedule to the authorising local law, the prescribed period is—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days.

Schedule 1 Prohibition on keeping animals

section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	(a) Keeping more than 1 dog is prohibited on a property that is less than 450m ² or within a residential complex in an urban area.
2	Cat	(a) Keeping more than 2 cats is prohibited on a property that is less than 450m ² or within a residential complex in an urban area.
3	Poultry	(a) Keeping poultry is prohibited on a property that is less than 450m ² or within a residential complex in an urban area. (b) Keeping more than 10 poultry is prohibited on a property greater than 450m ² but less than 20,000m ² in an urban area. (c) Keeping more than 50 poultry is prohibited on a property greater than 20,000m ² in an urban area.
4	Rooster	(a) Keeping a rooster is prohibited on a property that is less than 20,000m ² or within a residential complex in an urban area. (b) Keeping more than 1 rooster is prohibited on a property that is greater than 20,000m ² in an urban area.
5	Noisy bird	(a) Keeping a noisy bird is prohibited on a property that is less than 450m ² or within a residential complex in an urban area. (b) Keeping more than 2 noisy birds is prohibited on a property in an urban area.
6	Caged bird	(a) Keeping more than 10 caged birds is prohibited on a property that is less than 450m ² or within a residential complex, in an urban area. (b) Keeping more than 60 caged birds is prohibited on a property in an urban area in an urban area.
8	Stock (excluding horses)	(a) Keeping stock (excluding horses) is prohibited on a property that is less than 10,000m ² within a residential complex in an urban area.

9	Pigs	(a) Keeping a pig is prohibited on a property that is less than 20,000m ² in an urban area
10	Horses	(a) Keeping horses is prohibited on a property that is less than 450m ² or within a residential complex in an urban area.

Schedule 2 Requirement for approval to keep animals

section 6

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹
1	Dog	(a) An approval is required to keep more than 2 dogs over the age of 12 weeks on a property greater than 450m ² in an urban area.
2	Cat	(a) An approval is required to keep more than 2 cats over the age of 12 weeks on a property that is greater than 450m ² in an urban area.
3	Stock	(a) An approval is required to keep more than 2 head of stock on a property greater than 10,000m ² in an urban area.
4	Pigs	(a) An approval is required to keep a pig on a property greater than 20,000m ² in an urban area.
5	Horses	(a) An approval is required to keep a horse on a property that is greater than 450m ² but less than 10,000m ² in an urban area. (b) An approval is required to keep more than 2 horses on a property greater than 10,000m ² in an urban area.

¹ See *Local Law No.1 (Administration) 2018* and *Subordinate Local Law No.1 (Administration) 2018* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

Schedule 3 Requirement to desex animal

Section 7

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
1	<i>This table has been intentionally left blank.</i>		

Schedule 4 Minimum standards for keeping animals generally

section 7(1)

1. The person keeping the animal must ensure that—
 - (a) the animal does not—
 - (i) cause a nuisance; or
 - (ii) expose the health and safety of other persons and animals to significant risk; or
 - (iii) create a reasonable apprehension in the minds of other persons of a significant risk to health and safety of persons, other animals or that animal; and
 - (b) waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining land; and
 - (c) excreta, food scraps, and other material that is, or is likely to become, offensive is collected at least once in each day and, if not immediately disposed of, is kept in a fly proof container; and
 - (d) any enclosure in which an animal is kept is kept in a clean and sanitary condition, free from dust and odour and properly maintained in an aesthetically acceptable condition; and
 - (e) the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept; and
 - (f) any animal food is stored in an impervious fly proof and vermin proof receptacle or in an impervious fly proof and vermin proof storeroom facility; and
 - (g) all animals kept on the premises are provided with and have access to adequate shelter, drinking water and appropriate food; and
 - (h) any enclosure used for the purpose of keeping an animal is thoroughly cleaned each week and effectively treated with an insecticide at least twice a year; and
 - (i) upon discovering the existence of a dead animal, immediately dispose of the remains of the dead animal so as not to cause a nuisance. The remains must not be disposed of on or in a public place.
2. For subsection 1(a)(i), a nuisance occurs if an authorised officer considers there is sufficient evidence that people in nearby properties are being affected by the activity of the offending animal.

Examples—

Animal noise is a nuisance if it disrupts a person—

- (a) *holding a conversation; or*
- (b) *watching television; or*
- (c) *listening to a radio or recorded material; or*
- (d) *sleeping.*

An odour is a nuisance if caused by—

- (a) *an animal enclosure not being cleaned regularly; or*
- (b) *the waste from an animal enclosure not being disposed in an acceptable manner.*

Schedule 5 Minimum standards for keeping particular animals

section 7(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1		<i>This table has been intentionally left blank.</i>

Schedule 6 Prohibition of animals in public places

section 9

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1		<i>This table has been intentionally left blank.</i>

Schedule 7 Dog off-leash areas

section 10

This schedule has been intentionally left blank.

Schedule 8 Requirements for proper enclosures for animals

section 12

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All Animals	<p>(a) The size of area to be suitably fenced is to be appropriate to the species and breed of the animal to be enclosed, so as to effectively enclose the animal within the property at all times.</p> <p>(b) <i>Suitably fenced</i> means a fence which is constructed of strong and firm materials and designed in such a way as to prevent the animal from attacking a person or escaping over, under or through the fence.</p> <p>(c) In any case, a part of a building or structure that does not have openings through which an animal can escape may form part of the enclosure in lieu of fencing.</p> <p>(d) The enclosed area must contain adequate shelter.</p> <p>(e) Where gates form part of the enclosure, they must be kept closed and latched except when in actual immediate use.</p>

Schedule 9 Criteria for declared dangerous animals

section 13

1. A dangerous animal declaration may be made for an animal only if the animal—
 - (a) has attacked, or acted in a way that caused fear to, a person or another animal; or
 - (b) may, in the opinion of an authorised person, having regard to the way the animal behaved towards a person or another animal, attack, or act in a way that causes fear to another person.
2. To avoid any doubt, an animal may be declared a dangerous animal if the animal attacked and caused no bodily harm to the person or animal attacked.

Schedule 10 Conditions for sale of animals

section 17

Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
1 All animals	<ul style="list-style-type: none">(a) The animal must be in good health and free from disease; and(b) The animal must have been vaccinated and have received worm treatment; and(c) The area where the animal is held for sale must be clean and sanitary and free of vermin harbourage.

Schedule 11 Dictionary

birds means all birds other than noisy birds, poultry and roosters.

lot has the meaning given in the *Planning Act 2016*, schedule 2.

noisy birds means a cacophonous bird of the galah, cockatoo, magpie, peacock or currawong variety but does not include a rooster.

planning scheme means the planning scheme of the local government.

property means—

- (a) a lot; or
- (b) if a person owns and occupies 2 or more adjoining lots – the parcel of land comprising all of the lots owned by the person.

residential complex means a complex comprising more than 2 joined residential units.

stock means an animal that is a member of any of the following groups of animals—

- (a) buffalo;
- (b) cattle;
- (c) deer;
- (d) goats;
- (e) sheep;
- (f) the family Camillidae;

Examples of members of the Camillidae family – alpacas, Arabian camels, llamas

- (g) the family Equidae.

Examples of members of the family Equidae – horses, ponies, donkeys, mules, zebras.

urban area means—

- (a) an area identified as an area intended for an urban purpose, or for an urban purpose in the future, on a map in a planning scheme that—
 - (i) identifies the area using cadastral boundaries; and
 - (ii) is used exclusively or mainly to assess development applications; and

Example of a map for paragraph (a)— a zoning map

- (b) any area within the local government area which is designated as one of the following zones in the planning scheme—
 - (i) Low Density Residential Zone;
 - (ii) Medium Density Residential Zone;
 - (iii) Rural Residential Zone;
 - (iv) Emerging Community Zone.



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SHIRE COUNCIL

Mareeba Shire Council

**Subordinate Local Law No. 3
(Community and Environment
Management) 2018**

Mareeba Shire Council

Subordinate Local Law No. 3 (Community and Environment Management) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No.3 (Community and Environment Management) 2018*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.3 (Community and Environment Management) 2018*, which provides for protecting the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved 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 responsible persons for land containing community safety hazards; and
 - (f) declaration of noise standards.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.3 (Community and Environment Management) 2018* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Declared local pests

5 Declaration of local pests—Authorising local law, s 6(1)

- (1) For section 6(1) of the authorising local law, the animal or plant prescribed in column 2 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 1 of schedule 1.

6 Persons exempted from introducing etc a declared local pest— Authorising local law, s 12(2)

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 12(1) of the authorising local law in relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 2.

Part 3 Overgrown and unsightly allotments

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 4 Fires and fire hazards

7 Prohibition on lighting or maintaining fires—Authorising local law, s 15(2)

- (1) This section applies to the following fires¹—
- (a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres;
 - (b) a fire lit for the purpose of burning the carcass of a beast;
 - (c) a fire lit at a sawmill for the purpose of burning sawdust or other residue resulting from the operation of a sawmill;
 - (d) a fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.
- (2) For section 15(2) of the authorising local law, lighting or maintaining a fire described in column 2 of Schedule 3 is declared to be prohibited in the corresponding part of the local government's area mentioned in column 1 of Schedule 3.

8 Fire hazards—Authorising local law, s 16(3)(b)

For section 16(3)(b) of the authorising local law, the following are declared to be fire hazards—

- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash;
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion;
- (c) dry vegetation that could be easily ignited or other flammable materials.

¹ Pursuant to a notification by the Fire and Rescue Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Emergency Services Act 1990*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire conforms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

Part 5 Community safety hazards

9 Community safety hazards—Authorising local law, s 17(c)

For section 17(c) of the authorising local law, the following are declared to be community safety hazards—

- (a) Barbed wire fencing; and
- (b) Electric fencing; and
- (c) Wells (including disused wells); and
- (d) A tree that—
 - i. is located on land adjoining a local government-controlled area or road; and
 - ii. poses a significant risk of causing injury to a person using the area or road or damage to property located on the area or road.

Part 6 Noise standards

10 Prescribed noise standards—Authorising local law, s 21(2)

- (1) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 5.
- (2) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 5.

Part 7 Miscellaneous

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Schedule 1 Declared local pests

section 5

	Column 1 Applicable part of local government's area	Column 2 Declared local pest
1		<i>There are no additional declared pests identified in this local law.</i>

Schedule 2 Persons exempted from offence of introducing etc declared local pest

section 6(2)

	Column 1 Exempt person	Column 2 Declared local pest
1	<i>This table has been intentionally left blank</i>	

Schedule 3 Prohibited Fires

section 6(2)

	Column 1 Applicable part of local government's area	Column 2 Prohibited Fires
1	Entire local government area	<p>A fire within 100m of a residential premise is prohibited, unless—</p> <ul style="list-style-type: none">(a) the fire is directly associated with the bona fide use of any appliance or equipment for cooking or heating purposes; and(b) all reasonable and practical measures have been taken by the person in control of the fire to minimise smoke creation. <p>In this section—</p> <p><i>reasonable and practical measures</i> include the selection of a suitable fuel for the burning activity and the maintenance of conditions which promote efficient combustion of that fuel.</p> <p>suitable fuel <i>does not include grass cuttings, leaves, green waste or any other household waste.</i></p>

Schedule 4 Prescribed requirements for community safety hazards

section 6(2)

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by owner of land
1	Barbed wire fencing	<p>(a) Barbed wire fencing is not to be installed along a boundary adjoining a public park;</p> <p>(b) Barbed wire may only be used in urban areas—</p> <p>(i) in a security fence with the barbed wire to be more than 1800mm off the ground; or</p> <p>(ii) on boundary fences on allotments over 40,000m² that do not adjoin a public park; or</p> <p>(ii) on fences that do not form part of an allotments boundary fence.</p>
2	Electric fencing	<p>(a) Electric fencing that adjoins any road or public land must have warning signs of a size that can be read from a distance of 5 metres and fixed at 5 metre intervals along the fence;</p> <p>(b) Electric fencing must be at least 1500mm from a fence located on or within the boundary of the premises OR if the fencing is installed on the boundary of the premises the lowest point of the fencing capable of imparting an electric shock when touched must be least 2000mm off the ground;</p> <p>(c) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003;</p>

		(d) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.
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Schedule 5 Prescribed noise standards

section 11

Column 1 Section of the <i>Environmental Protection</i> <i>Act 1994, Chapter 8, Part</i> 3B, division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of the local government area
There has been no additional noise standard prescribed under this local law.		



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Mareeba Shire Council

**Subordinate Local Law No. 4
(Local Government Controlled Areas,
Facilities and Roads) 2018**

Mareeba Shire Council

Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2018*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2018* 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.
- (2) 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 in local government controlled areas or roads.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2018* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) In this local law—

authorised by an authorised person—

 - (a) means that the action is authorised by a written authorisation signed by an authorised person; and
 - (b) does not mean an approval mentioned in section 5(b) of *Local Law No.1 (Administration) 2018*.

camp see *Recreation Areas Management Act 2006*, schedule.

Part 2 Use of local government controlled areas, facilities and roads

5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

7 Prohibited vehicles—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

8 Opening hours for local government controlled areas—Authorising local law, s 7(1)

For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.

9 Permanent closure of local government controlled area—Authorising local law, s 8(3)

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

Part 3 Matters affecting roads

10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be constructed of materials which are of sufficient strength to prevent the animal(s) from escaping over, under or through the fence; and
- (b) where the animal(s) have the ability to dig, the fence must include a barrier installed directly below the fence to prevent the animal(s) digging its way out; and
- (c) where the animal(s) have the ability to climb or jump, the fence must be designed and constructed to a height which is sufficient to prevent the animal(s) climbing or jumping over the fence; and
- (d) where the fence includes gates or panels which can be readily opened, those gates or panels must be kept closed and latched except when in immediate use by a person entering or leaving the Premises on which the animal is kept.

Schedule 1 Prohibited activities for local government controlled areas or roads

section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas and roads within the local government area	<p>(a) Contravene a sign prohibiting an activity. <i>For example –</i></p> <ul style="list-style-type: none"> • Diving or swimming; • Riding a bicycle, wheeled recreational device or wheeled toy. <p>(b) Remove any turf, sand, clay, soil or other material.</p> <p>(c) Damage, interfere with, or wilfully misuse any animal, vegetation, facilities, notices, official signs, equipment or property owned by local government.</p> <p>(d) Remove any turf, sand, clay, soil or other material.</p> <p>(e) Fish, dive or jump from, or on, a bridge, structure or building.</p> <p>(f) Advertise a vehicle including a trailer, caravan, boat, motorbike for sale or hire.</p> <p>(g) Engage in conduct that in an authorised person's opinion is dangerous or creates a risk to the safety of members of the public.</p> <p>(h) Repair a vehicle/vessel except in an emergency.</p> <p>(i) Play golf or practice.</p> <p>(j) Park, stand or leave an unregistered vehicle on a local government controlled area.</p> <p>(k) Store a vessel on a local government area.</p> <p>(l) Exercise rights of occupation or use over any local government controlled area or road.</p> <p>(m) Carry out domestic tasks, including ablutions, cooking and washing unless on infrastructure provided by the local government for that purpose.</p>

2	Parks and Reserves within the local government area	<ul style="list-style-type: none">(a) Play golf or practice golf.(b) Play music or musical instruments at such a volume or in such a manner, in the opinion of an authorised person, as to interfere with any other persons enjoyment of the park, reserve or drainage channel.
3	All bridges and culverts within the local government area	<ul style="list-style-type: none">(a) Loiter.(b) Dive or jump from a bridge.(c) Throw or drop an object from a bridge.(d) Obstruct or interfere with the bridge or culvert.
4	Cemeteries	<ul style="list-style-type: none">(a) Depasture any animal.(b) Take part in any meeting other than of a religious or commemorative nature.(c) Disturb or interfere with a funeral service.(d) Discharge a firearm except at a military funeral or other recognised type of funeral service ordinarily involving such discharge.(e) Damage or interfere with any grave, vault or memorial with any flowers or tokens placed thereon.(f) Drive any vehicle otherwise than upon a designated roadway.

Schedule 2 Restricted activities for local government controlled areas or roads

section 5(2)

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
1	All local government controlled areas and roads	A person must not camp, sleep, occupy or remain overnight on any local government controlled area or road	The activity is permitted if— (a) authorised by a sign exhibited in the local government area; or (b) the place is located on the Queensland Heritage Trails Network; or (c) authorised by an authorised person; or (d) authorised under the conditions of an approval for a prescribed authority.
		Parking or standing a vehicle for sale or rent.	The activity is permitted if— (a) authorised by an authorised person; or (b) the vehicle is parked in an area designated by the local government for the purpose.

Schedule 3 Motor vehicle access areas in local government controlled areas

sections 6 and 7

Column 1 Motor vehicle access areas	Column 2 Prohibited vehicles
1 <i>This schedule has been intentionally left blank.</i>	

Schedule 4 Opening hours for local government controlled areas

section 8

	Column 1 Local government controlled area	Column 2 Opening hours
1	<i>This schedule has been intentionally left blank.</i>	

Schedule 5 Permanent closure of local government controlled areas

section 9

This schedule has been intentionally left blank.



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Mareeba Shire Council

Subordinate Local Law No. 5 (Parking) 2018

Mareeba Shire Council

Subordinate Local Law No. 5 (Parking) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as Subordinate Local Law No. 5 (Parking) 2018.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement Local Law No. 5 (Parking) 2018, which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) the persons who may be issued with parking permits and the terms and conditions of such permits; and
 - (c) the vehicles that can be issued with commercial vehicle identification labels; and
 - (d) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by Local Law No. 5 (Parking) 2018 (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas—Authorising local law, s 5

- (1) For section 5(1) of the authorising local law, the whole local government area is declared to be a traffic area.
- (2) For section 5(2) of the authorising local law, the boundaries of the traffic area is indicated by bold lines circumscribing the hatched areas on the maps in schedule 1.

6 Declaration of off-street regulated parking areas—Authorising local law, s 6

- (1) For section 6(1) of the authorising local law, each area of land indicated by hatching in the maps in schedule 2 is declared to be an off-street regulated parking area.

- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by the lines circumscribing the hatched areas on the maps in schedule 2.

Part 3 Parking contrary to parking restriction

7 Parking permits issued by local government—Authorising local law, s 7(2)

For section 7(2) of the authorising local law, a person may be issued with a parking permit mentioned in section 7(1)(b) of the authorising local law if—

- (a) the person is engaged in a temporary activity that—
 - (i) affects premises adjacent to a designated parking space to which the application for a permit relates; or
 - (ii) requires the use of a designated parking space for a charitable or community benefit purpose; and
- (b) the person cannot reasonably carry out the activity unless the designated parking space is allocated to the person's exclusive use for the duration of the activity.

Part 4 Minor traffic offence infringement notice penalties

8 Infringement notice penalty amounts—Authorising local law, s 9

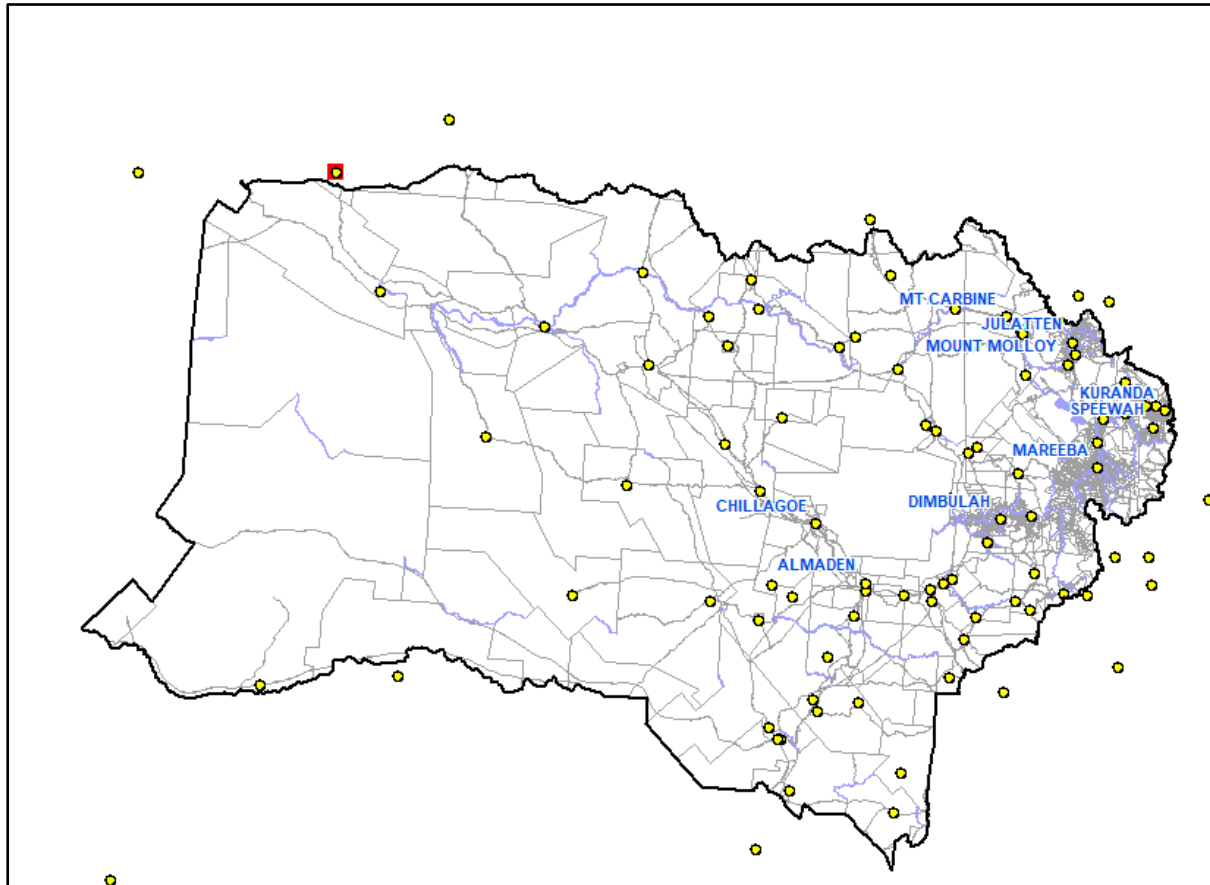
For section 9 of the authorising local law, the infringement notice penalty amount for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

Part 5 Miscellaneous

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Schedule 1 Declaration of traffic area

section 5



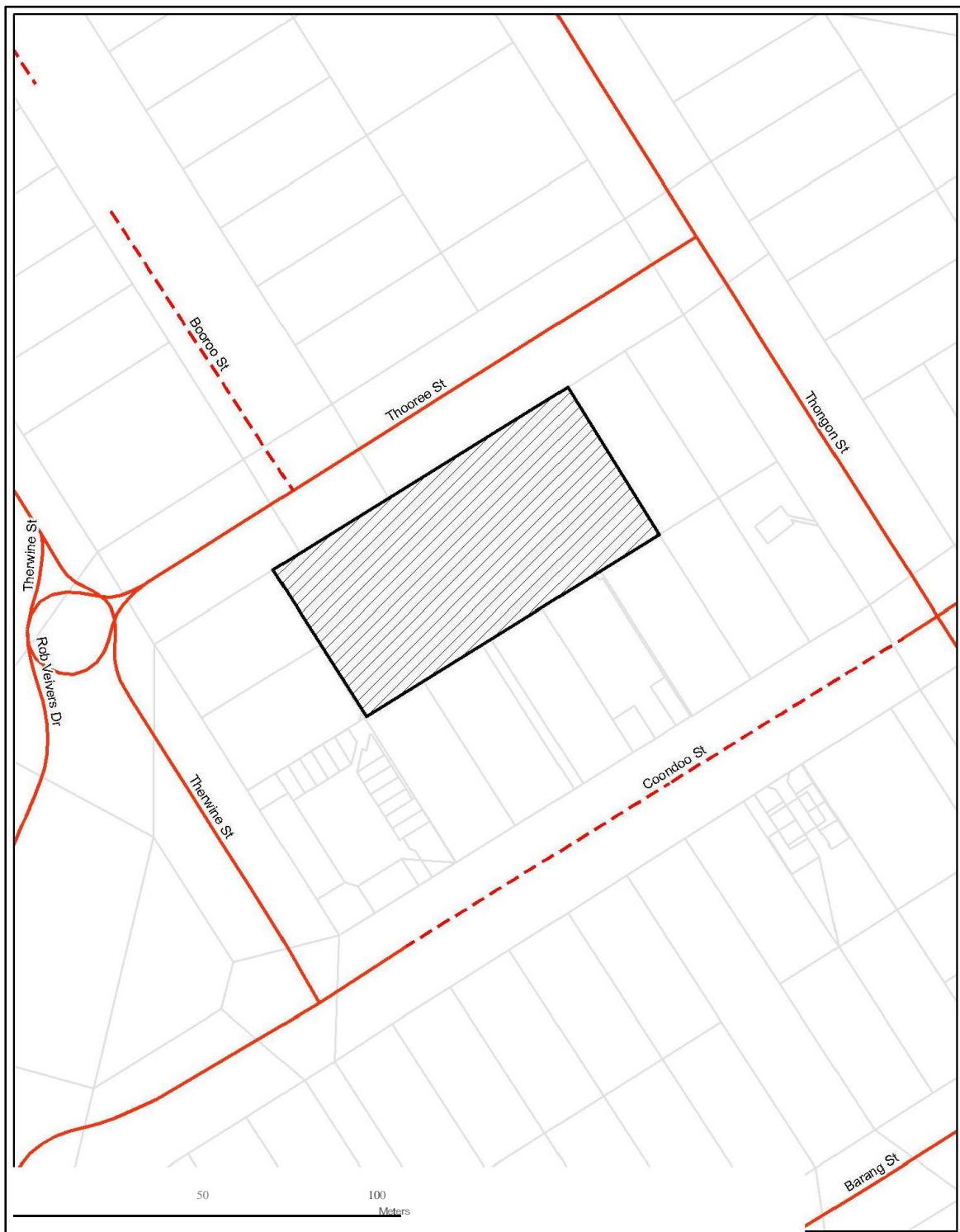
Schedule 2 Declaration of off-street regulated parking areas

section 6

Mareeba Off Street Parking Area



Kuranda Off Street Parking Area



Schedule 3 Infringement notice penalty amounts for certain minor traffic offences

section 8

	Column 1 Minor traffic offence	Column 2 Infringement notice penalty amount
1	Paid parking offences provided for in section 106 (Paid parking offences) of the <i>Transport Operations (Road Use Management) Act 1995</i>	0.3 penalty unit
2	The offence provided for in section 203 (Stopping in a parking area for people with disabilities) of the <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009</i>	2 penalty units
3	Offences related to loading zones provided for in section 179 (Stopping in a loading zone) of the <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009</i>	0.5 penalty unit
4	Other parking offences provided for in part 12 (Restrictions on stopping and parking) of the <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009</i>	0.3 penalty unit
5	All other offences which relate to the parking or stopping of a vehicle as provided for in section 74 (Contravention of official traffic sign an offence) of the <i>Transport Operations (Road Use Management) Act 1995</i>	0.3 penalty unit



Mareeba Shire Council

***Local Law No. 6
(Waste Management) 2018***

Local Law No. 6 (Waste Management) 2018

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 6 (Waste Management) 2018*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to regulate and manage waste in the local government area in a way that—
 - (a) balances community expectations with the rights of individuals; 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 laws¹

- (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.

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the *Local Government Act 2009*, section 27.

Part 2 Waste management

Division 1 Designation of areas for general or green waste collection

5 Designation of areas

The local government may—

- (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;²
 - (c) the requirement to supply waste containers at premises, other than standard general waste containers;³
 - (d) another type of waste container for the storage of general waste produced as a result of the ordinary use or occupation of premises;⁴
 - (e) what must not be placed in a waste container;⁵
 - (f) the requirement to keep waste container supplied for premises at a particular place;⁶
 - (g) the requirement to provide facilities and structures for the placement, storage and cleaning of waste containers;⁷
 - (h) the supply of industrial waste containers or the storing of industrial waste at the premises;⁸
 - (i) the treatment of industrial waste;⁹
 - (j) waste that a person must not deposit at a waste facility;¹⁰

² See section 6(1)(a)(ii).

³ See section 6(1)(b)(ii).

⁴ See section 7(1)(a)(ii).

⁵ See section 7(2)(a)(iv).

⁶ See section 8(1)(b).

⁷ See section 9(2)(b).

⁸ See section 12(1)(b).

⁹ See section 13(b).

¹⁰ See section 14(1)(h).

(k) what is recyclable waste.¹¹

¹¹ 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*.¹²

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;

¹² 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.

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
Warril Drive/Hilltop Close Reservoir - new 500KI Reservoir & Booster Pump Stn	\$ 770,000
Masons Road Reservoir Upgrade - new 500KI Reservoir	\$ 780,000
Sludge De-watering Facility Kuranda Wastewater Treatment Plant	\$ 145,000
Water Main replacement Rob Viewers 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 some way 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
Total			\$10,517,473	

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
	Currently listed projects to be completed - 2010-2020													
022	Theravare Street Re-development Agreement	Upgrades to Upper and Lower Theravare 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 Phase 1	Development of longer distance walking tracks connecting Kuranda to Barron Falls attractions in the vicinity, including Penda Trees and Jum Rum to Barron Falls walking track.	1	100,000	100,000	0	5,000	Feb-18	Apr-18	KIA, Levy/Interest	Significant budget increase to extend footpath network to Barron Falls	✓	✓	KIAC
	Phase 2		2	2,000,000	2,000,000	10,000	100,000	Aug-19	Dec-19			✓	✓	KIAC
	New Works 2010-2020													
	Agreement:													
035	New Wayfinding Signage	Provision of new signage in keeping 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 other information boards.	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 prepare the 2010 KIP Strategic Plan prepared by ARIIP in 2010 and formally document the future aspects.	2	60,000	60,000	0	0	Jul-19	Jun-20	KIA, Levy/Interest		✓	✓	MSC
038	Rehabilitation of Jum Rum 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	Curseway Park Toilet Block Refurbishment	Provision of new toilet block for tourists and requires major refurbishment as the current block is in poor condition.	1	200,000	200,000	0	4,000	Nov-17	Jan-18	Depreciation		✓	✓	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	Coaching, repainting and repairing the existing iron street lights, handrails and bins installed around 1997	1	50,000	50,000	0	2,500	Jan-18	Feb-18	Depreciation		✓	✓	KIAC
	TOTALS				4,200,000	21,000	199,500							

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 2010-2020 Agreement:									
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
	New Works 2010-2020 Agreement:									
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
	TOTALS	1940000	67072	114819	0	76822	180205	2260000	84127	235205
		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
Opening Reserve Balance	2,717,076	2,087,984	2,788,994
Income			
Levy	884,912	902,610	920,662
Interest	57,887	55,427	50,009
	942,799	958,037	970,671
Expenditure			
Capital Projects			
As per Appendix B	1,390,000	0	2,060,000
Operations and Maintenance			
Annual Maintenance as per Appendix B	67,072	76,822	84,127
Depreciation as per Appendix B	114,819	180,205	235,205
	1,571,891	257,027	2,379,332
Closing Reserve Balance	2,087,984	2,788,994	1,380,333
Opening Depreciation Balance	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
Closing Depreciation Reserve	360,572	540,777	575,982