



## Ordinary Meeting

**Council Chambers**

**Date: 19 April 2017**

**Time: 9:00am**

## AGENDA

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THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON WEDNESDAY, 19 APRIL 2017 AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS  
CHIEF EXECUTIVE OFFICER



## ORDER OF BUSINESS

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

**ITEM-1**                      **RJ MCNAB - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 3 ON RP836311 - 323 MALONE ROAD, MAREEBA - DA/17/0007**

**MEETING:**                      Ordinary

**MEETING DATE:**              19 April 2017

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

**DEPARTMENT:**                Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	RJ McNab	<b>ADDRESS</b>	323 Malone Road, Mareeba
<b>DATE LODGED</b>	20 March 2017	<b>RPD</b>	Lot 3 on RP836311
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

<b>FILE NO</b>	DA/17/0007	<b>AREA</b>	41.5 hectares
<b>LODGED BY</b>	RJ McNab	<b>OWNER</b>	LE & CR McNab
<b>PLANNING SCHEME</b>	Mareeba Shire Council Planning Scheme - July 2016		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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**ATTACHMENTS:**      1.        Proposal Plan/s (distributed separately)

**EXECUTIVE SUMMARY**

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

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

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*It has been assessed against the Mareeba Shire Council Planning Scheme and is in conflict with Performance Outcomes PO1, PO2, PO3 and PO6 of the Agricultural Land Overlay Code and Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code.*

*Both proposed allotments are smaller than the desired minimum reconfigured lot size of 60 hectares for land within the Rural zone.*

*The intent of the planning scheme for the rural zone is to discourage the creation of additional small rural lots. The proposed development, which essentially proposes the creation of an addition small rural lifestyle allotment, is in conflict with this intent.*

*It is recommended that the application be refused.*

## OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	RJ McNab	ADDRESS	323 Malone Road, Mareeba
DATE LODGED	20 March 2017	RPD	Lot 3 on RP836311
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

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

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

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

(B) ASSESSMENT MANAGER'S REASONS FOR REFUSAL:

1. The proposed development is in conflict with Performance Outcomes PO1, PO2, PO3 and PO6 of the Agricultural Land Overlay Code:

### PO1

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

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

**PO2**

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

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

**PO3**

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

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

**PO6**

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

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

2. The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code:

**PO1**

*Lots include an area and frontage that:*

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

**AO1.1**

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

3. That there are not sufficient grounds to justify approval, despite the identified conflicts.

## THE SITE

The subject land is described as Lot 3 on RP735311, Parish of Tinaroo, County of Nares, situated at 323 Malone Road, Mareeba.

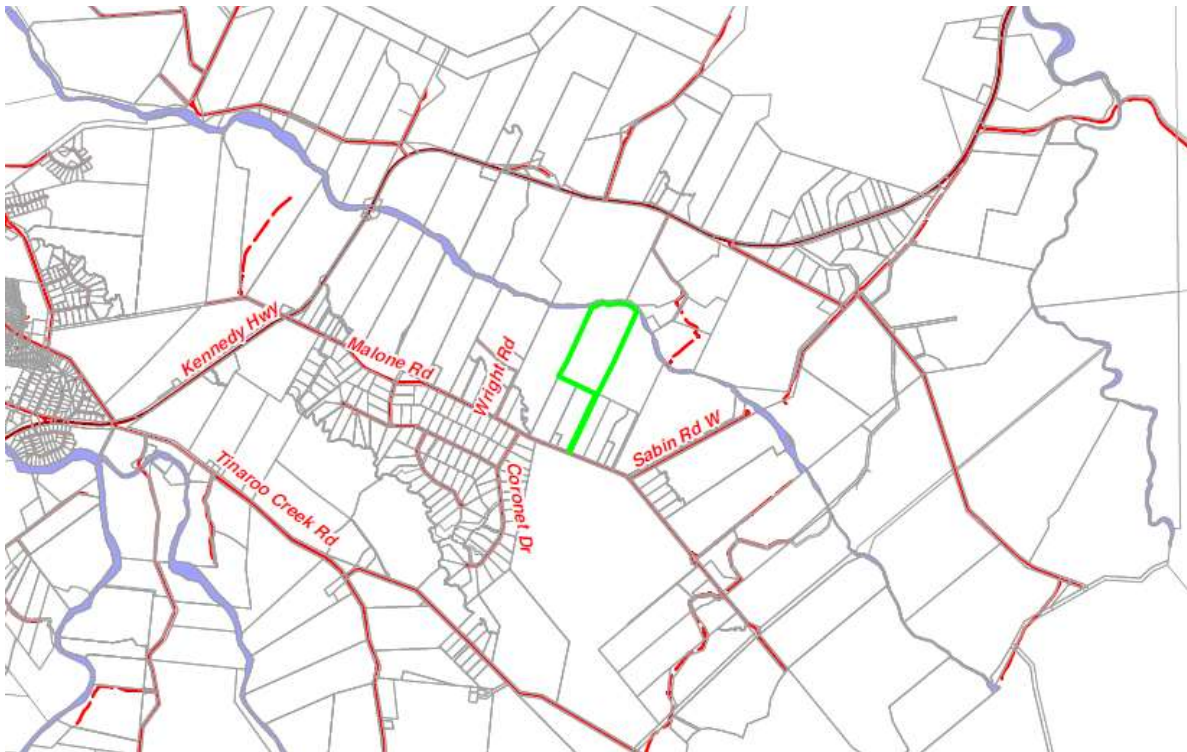
The land has an area of 41.5 hectares with a frontage of approximately 15 metres to Malone Road. Malone Road is constructed to 7 metre wide bitumen sealed standard for the extent of this limited frontage.



**Map Disclaimer:**

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



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A 650 metre long access handle extends from Malone Road to the main body of Lot 3. A reasonable standard gravel driveway and a large table drain is constructed for the entire length of this access handle.

Lot 3 is improved by several farm residences and multiple farm sheds, all of which are sited in the north-eastern corner adjacent to Emerald Creek. In recent years, the majority of Lot 3 has been intensively farmed (Mareeba Herb Farm).

The site has been mostly cleared of native vegetation, except for a narrow band of remnant vegetation which remains along the northern boundary (Emerald Creek).

All surrounding land is zoned rural and predominantly used for agriculture, horticulture and animal husbandry.

**BACKGROUND AND CONTEXT**

Nil

**PREVIOUS APPLICATIONS & APPROVALS**

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

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

The details of the proposed allotments are as follows:

- Lot 3 - area of 38.4 hectares, 15 metres frontage to Malone Road;
- Lot 3A - area of 3.1 hectares, no road frontage, access to Malone Road proposed via access easement over Lot 3's 15 metre wide access handle.

Proposed Lot 3 will contain the established farm dwelling house, multiple farm sheds and all notable farm infrastructure. Apart from a small horse shelter, proposed Lot 3A would be vacant at the time of its creation.

The existing servicing arrangements for proposed Lot 3 would remain in place. Proposed Lot 3A would require a water supply, electricity and telecommunication services.

Access to both proposed allotments will be via a single crossover off Malone Road and a shared access handle (easement) arrangement.

## REGIONAL PLAN DESIGNATION

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

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

## PLANNING SCHEME DESIGNATIONS

	<b>Land Use Categories</b> <ul style="list-style-type: none"><li>• <i>Rural Agricultural Area</i></li><li>• <i>Rural other</i></li></ul> <b>Natural Environment Elements</b> <ul style="list-style-type: none"><li>• <i>Biodiversity Areas (Wildlife Habitat)</i></li></ul>
Strategic Framework:	
Zone:	Rural zone
Overlays:	Agricultural land overlay Airport environs overlay Bushfire hazard overlay Environmental significance overlay Transport infrastructure overlay

## RELEVANT PLANNING INSTRUMENTS

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

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

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

### (b) State Planning Policy

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

### (c) Mareeba Shire Council Planning Scheme - July 2016

#### Relevant Development Codes

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.11 Transport infrastructure overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application did not include a planning report and assessment against the planning scheme. An officer assessment has found that the application would conflict with the identified sections of the Agricultural Land Overlay Code and Reconfiguring a Lot Code.

Relevant Codes	Comments
Rural zone code	The application complies with applicable acceptable/probable solutions/performance criteria.
Agricultural land overlay code	<p>The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:</p> <ul style="list-style-type: none"> <li>▪ PO1</li> <li>▪ PO2</li> <li>▪ PO3</li> <li>▪ PO6</li> </ul> <p>Refer to planning discussion section of this report.</p>
Bushfire hazard overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.

Environmental significance overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Transport infrastructure overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Landscaping code	The application complies with applicable acceptable/probable solutions/performance criteria.
Parking and access code	The application complies with applicable acceptable/probable solutions/performance criteria.
Reconfiguring a lot code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following: <ul style="list-style-type: none"> <li>▪ PO1 and AO1</li> </ul> Refer to planning discussion section of this report.
Works, services and infrastructure code	The application complies with applicable acceptable/probable solutions/performance criteria.

**(e) Planning Scheme Policies/Infrastructure Charges Plan**

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

**(f) Additional Trunk Infrastructure Condition - (Section 650 of SPA)**

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

Section 650 of SPA allows Council to condition additional trunk infrastructure outside the PIA if the development is deemed to create additional demand on trunk infrastructure which therefore results in additional trunk infrastructure costs for Council.

The development, creating an additional allotment, is predicted to place additional demand on Council's trunk transport infrastructure (roads).

the developer must pay a one off payment of \$4,425.00 (per additional lot) as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.

The trunk infrastructure for which the payment is required is:

- The trunk transport infrastructure servicing the land (\$4,425.00)

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

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

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

## REFERRALS

### Concurrence

This application did not trigger referral to a Concurrence Agency.

### Advice

This application did not trigger referral to an Advice Agency.

### Internal Consultation

Technical services

## PLANNING DISCUSSION

Noncompliance with the Performance Outcomes and Acceptable Outcomes of the Agricultural Land Overlay Code and the Reconfiguring a Lot Code are summarised as follows:

### Conflicts with the Agricultural Land Overlay Code

#### **PO1**

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

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

#### Comment

The majority of the subject land is mapped as Class A area.

Proposed Lot 3 will contain the established farm residences and farm sheds.

Proposed Lot 3A would be vacant at the time of its creation, and would have self-assessable land use rights for a future dwelling house.

Any future dwelling house on proposed Lot 3A would be within the Class A area and would lead to a loss of agricultural land.

There is not an overriding need for this proposed reconfiguration, and there are numerous alternative sites to meet Mareeba's future urban growth demand.

**PO2**

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

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

**Comment**

While the current application is for reconfiguring a lot only, it is expected that a dwelling house would be established on proposed Lot 3A as a consequence of the reconfiguration.

Proposed Lot 3A is adjoined on three of its four sides by Class A area.

Siting a rural living allotment, with additional dwelling house, adjacent to Class A area is likely to lead to land use conflict at some time in the future.

Having an additional sensitive land use (dwelling house) in this area will make it harder to manage impacts from lawful farming activities and can only negatively impact on future farming opportunities.

**PO3**

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

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

**Comment**

The significant majority of proposed Lots 3 and 3A is Class A area.

There is no physical separation between proposed Lots 3 and 3A, which prevents the efficient farming of both areas as a single farm.

The excision of proposed Lot 3A (3.1 hectares) will result in a rural living allotment. A dwelling house will be built on this 3.1 hectares and this land will be alienated from agricultural production.

Proposed Lot 3A is adjoined on three sides by Class A area. Establishing another sensitive land use (dwelling house) immediately adjacent to Class A area will constrain the future use of the Class A area.

The proposed development is in conflict with P03.

**P06**

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

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

**A06**

*No acceptable outcome is provided.*

**Comment**

The proposed development is in conflict with PO6.

The reconfiguration does not improve agricultural efficiency; does not facilitate agricultural activity; does not facilitate a conservation outcome; and does not resolve a boundary issue.

**Conflicts with the Reconfiguring a Lot Code****P01**

*Lots include an area and frontage that:*

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

**A01.1**

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

**Comment**

Existing Lot 3 on RP735311 has an area of 41.5 hectares which is below the 60 hectares minimum area nominated in Table 9.4.4.3B.

Proposed Lots 3 and 3A will have areas of 38.4 hectares and 3.1 hectares respectively.

The area of proposed Lot 3 is consistent with the design of other farming lots in the surrounding area and it is considered that proposed Lot 3 would comply PO1.

The area of proposed Lot 3A is not consistent with the design of other farming lots in the surrounding area (acknowledging that multiple historic 10 hectare allotments are established along Malone Road).

The proposed reconfiguration conflicts with PO1.

The intent of the planning scheme for the rural zone is to discourage the creation of additional small rural lots. The proposed development, which essentially proposes the creation of an additional small rural lifestyle allotment, is in conflict with this intent. Furthermore, there are not sufficient grounds to justify approval despite the identified conflicts.

It is recommended the application be refused.

**Date Prepared:** 28 March 2017



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**ITEM-2**                      **M GALLO - MCU - SUBDIVISION (2 INTO 34 LOTS) LOT 2 SP276695 & LOT 139 SP179170 - 446 RAY ROAD & GEORGE FABRIS ROAD, MAREEBA - DA/15/0043**

**MEETING:**                      Ordinary

**MEETING DATE:**              19 April 2017

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

**DEPARTMENT:**              Corporate and Community Services

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**APPLICATION DETAILS**

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	M Gallo	<b>ADDRESS</b>	446 Ray Road & George Fabris Road, Mareeba
<b>DATE LODGED</b>	17 September 2015	<b>RPD</b>	Lot 1 on SP276695 & Lot 139 on SP179170
<b>TYPE OF APPROVAL</b>	Preliminary Approval and Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use for Preliminary Approval to vary the effect of the Mareeba Shire Planning Scheme 2004 (SPA Section 242) and Development Permit for Reconfiguring a Lot - Subdivision (2 Lots into 34 Lots)		

<b>FILE NO</b>	DA/15/0043	<b>AREA</b>	Lot 1 - 27.97 ha Lot 139 - 60 ha
<b>LODGED BY</b>	Twine Surveys Pty Ltd	<b>OWNER</b>	M Gallo
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
<b>ZONE</b>	Rural zone		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Sixteen (16) Submissions		

- 
- ATTACHMENTS:**
1. Proposal Plan/s (distributed separately)
  2. Ergon Energy Advice Agency Response dated 19 October 2015(distributed separately)
  3. Department of Infrastructure, Local Government and Planning Third Party Advice response dated 10 March 2016 (distributed separately)
  4. Department of Natural Resources and Mines Third Party Advice Response dated 31 January 2017 (distributed separately)
  5. Submitter letters (distributed separately)
  6. Applicants response to submitter letters (distributed separately)
-

## EXECUTIVE SUMMARY

*Council is in receipt of an impact assessable development application described in the above application details. Public notification of the development application attracted 16 submissions, of which, 15 objected to the proposed development and 1 was a neutral submission from SunWater regarding the channel infrastructure.*

*The application seeks preliminary approval to vary the effect of the Mareeba Shire Planning Scheme 2004 by overriding the subject land's existing rural zoning to facilitate development of the land in accordance with the planning scheme's rural residential zone. A development permit for reconfiguring a lot - subdivision (2 lots into 34 lots) is also sought to subdivide the land into 34 rural residential lots. A similar and concurrent development application (DA/15/0042) has been lodged over the northern adjoining Lots 137 and 138 on SP179170 which proposes the creation of a further 47 rural residential lots from the 2 existing rural lots. The two proposed developments would be linked via various internal roads.*

*The development application and supporting material has been assessed against the relevant statutory planning instruments, including the FNQ Regional Plan, the State Planning Policy, and the Mareeba Shire Planning Scheme 2004 (including DEO's, codes and policies). The application, which proposes a large scale rural residential development over Good Quality Agricultural Land (GQAL) conflicts with multiple fundamental provisions contained in both the FNQ Regional Plan and the Mareeba Shire Planning Scheme 2004. The development will result in the fragmentation and ultimate loss of large parcels of GQAL and the very real prospect of ongoing land use conflict with surrounding agricultural uses. The significant increase in dwelling densities proposed by the development is also likely to increase the likelihood of land use conflict with the Mareeba Airport, particularly considering the likely increase in air traffic as a result of the airports planned \$18 million upgrade.*

*From time to time, Council will need to consider development applications over GQAL. In such cases, a key principle that Council should consider is whether an **overriding need** for the development exists, i.e. an overriding need for additional rural residential land. Although the application was lodged and is being assessed under the now superseded Mareeba Shire Planning Scheme 2004, the recently adopted Mareeba Shire Council Planning Scheme - July 2016 needs to be considered when assessing the application and determining if an overriding need for the development exists. The Mareeba Shire Council Planning Scheme - July 2016 was developed to provide enough rural residential land to accommodate demand over the intended life of the planning scheme (approx. 10 years) and includes a number of englobo (large parcels awaiting development) rural residential lots in Mareeba's urban footprint, including the balance land for Wylandra Estate just to the east of the subject land. The 2016 planning scheme does not include the subject land within the rural residential zone.*

*Considering the large number of rural residential developments already approved by Council and awaiting completion, as well as the large amount of rural residential zoned land allocated by the recently commenced 2016 planning scheme, there is not considered to an overriding need for additional rural residential land at this time. Accordingly, there is no justification for the proposed loss of GQAL or for the increased level of constraint likely to be placed on adjoining rural uses. The proposed development is likely to place additional financial burden on the wider community through the higher cost of providing infrastructure, and more so maintaining services to an out of sequence rural residential development. Council should also consider the possibility that if concurrent development application DA/15/0042 is approved but never acted upon for any reason, the lots proposed under this*

*application would become an isolated rural residential estate with rural uses to the north, south and west which is far from a desirable planning outcome.*

*The proposed development would undermine the principles of the Mareeba Shire Planning Scheme 2004 and the Mareeba Shire Council Planning Scheme 2016, and is therefore recommended for refusal.*

## OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M Gallo	ADDRESS	446 Ray Road & George Fabris Road, Mareeba
DATE LODGED	17 September 2015	RPD	Lot 1 on SP276695 & Lot 139 on SP179170
TYPE OF APPROVAL	Preliminary Approval and Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use for Preliminary Approval to vary the effect of the Mareeba Shire Planning Scheme 2004 (SPA Section 242) and Development Permit for Reconfiguring a Lot - Subdivision (2 Lots into 34 Lots)		

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

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

(A) REFUSED DEVELOPMENT: Material Change of Use for Preliminary Approval to vary the effect of the Mareeba Shire Planning Scheme 2004 (SPA s242) and Development Permit for Reconfiguring a Lot - Subdivision (2 lots into 34 lots)

(B) ASSESSMENT MANAGER'S REASONS FOR REFUSAL:

That Council consider the following:

1. The proposed development is in conflict with the following Strategic Framework Strategies:
  - (c) *The rural area provides for a wide range of agricultural and horticultural uses with opportunities for economic development with the expansion of agriculture and value adding to primary industry.*
  - (e) *Create an urban form that maintains a high quality living environment, that reflects the distinct cultural and lifestyle values and the local area, suitable to sustainable living through;*
    - *Compact urban form*

- *efficient use of natural resources*
  - *efficient use of infrastructure*
- (m) *Good Quality Agricultural Land within the Mareeba Shire is conserved and protected from fragmentation in accordance the SPP 1/92.*
2. The proposed development is in conflict with Part 3, 3.1 Desired Environmental Outcomes, (3):
- (d) *Good quality agricultural land is conserved and protected from fragmentation and alienation.*
  - (e) *Agricultural and forestry resources, mining, extractive activity in the rural sector are encouraged, facilitated and protected.*
  - (f) *The amenity and safety of land uses adjoining industrial estates and agricultural areas adjoining urban centres are protected from potential noise and air pollution.*
  - (i) *The efficient use, extension and safe operation of infrastructure are maximised, including roads, rail, aerodromes, water and sewerage systems.*
  - (l) *Residential uses are consolidated in identified urban nodes, including the existing townships and settlements and the rural landscape is protected from encroachment of urban uses.*
  - (q) *The establishment of new industries such as value adding agricultural industries as well as ecotourism and tradeable services beyond agriculture.*
  - (r) *The identification and protection of the amenity of noise sensitive development and liveability of residential areas.*
3. The proposed development is in conflict with Part 4, Division 14, 4.77 Overall Outcomes for Rural Zone Code, (2):
- (a) *that caters for a range of primary industries including forestry and aquaculture to contribute to the economic well-being of the Mareeba Shire;*
  - (b) *where agricultural production and the raising of animals are protected from incompatible land uses;*
  - (c) *where Good quality agricultural land is protected from fragmentation and alienation, not developed for purposes other than agricultural and support uses, and is protected from incompatible land uses in accordance with SPP1/92;*
  - (d) *in which agricultural uses and works are located, designed and managed to maximise the efficient use and operation of infrastructure including the MDIA channel infrastructure;*
  - (f) *that excludes residential uses unless these uses are primarily ancillary and necessary to agricultural uses;*
-

- (g) where a distinct boundary between the towns of Mareeba, Kuranda and Dimbulah is clear so that those towns do not extend beyond identified boundaries;*
  - (j) that allows for rural value adding industries where appropriately located;*
  - (k) where GQAL is conserved for agricultural uses that are dependent on the quality of agricultural land;*
  - (q) makes effective use of the land and of the services provided to enable the functioning of the zone.*
- 4. The proposed development is in conflict with Part 4, Division 14, 4.78 Building Siting, Scale and Amenity, Specific Outcome Rural Zone Code:
  - S2 Agricultural activities are protected from incompatible land uses.*
    - PS2.2 Non agriculture or agriculture-intensive uses which adjoin any agriculture or agriculture-intensive uses are protected from spray drifts by the maintenance of a separation distance of 300 metres between the agriculture or agriculture-intensive uses and the non agriculture or agriculture-intensive uses.*
  - S10 Uses not dependent upon good quality agricultural land are not located on Good Quality Agricultural Land identified on Agricultural Land Quality Maps S2 to S5, unless there is an overriding need and no alternative sites.*
- 5. The proposed development is in conflict with Part 4, Division 14, 4.80 Reconfiguring a Lot, Specific Outcome Rural Zone Code:
  - S1 The viability of the farming industry throughout the Shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised.*
    - PS1.1 Allotments to have a minimum area of 60 hectares and road frontage of 300 metres within the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5;*
- 6. The proposed development is in conflict with Part 4, Division 4, 5.11 Overall Outcome for the Airport and Aviation Facilities Overlay Code (2):
  - (a) Adverse effects on the safety and operational efficiency of operational airspace and the functioning of aviation facilities are avoided.*
- 7. The proposed development is in conflict with Part 4, Division 8, 4.77 Overall Outcomes for Rural Residential Zone Code, (2):
  - (c) where the need to maintain a distinct boundary between the zone and rural areas, and that Rural Residential development does not extend beyond the Rural Residential zone boundaries as identified by the zoning maps;*
  - (i) which makes effective use of land and the services provided to enable the functioning of the zone.*

8. The proposed development is in conflict with Part 4, Division 8, 4.46 Reconfiguring a Lot, Specific Outcome Rural Residential Zone Code:

*S10 Lots created for rural residential purposes in the vicinity of and identified on Agricultural Land Quality Maps S2 to S5 must ensure that potential impacts from agricultural activities do not adversely affect community health, safety, amenity and the continuing use of the agricultural land resource.*

*PS10 Lot layout is consistent with State Planning Policy 1/92: Development and Conservation of Agricultural Land and its supporting Planning Guidelines: Separating Agricultural and Residential Land Uses.*

9. The proposed development is in conflict with land use policies 1.3.1, 1.3.2, 1.3.3, 2.4.1, 2.4.2, 2.6.1, 4.6.1, 4.6.2, 5.4.2, 5.4.3, 7.6.1 and 8.1.3 of the Far North Queensland Regional Plan 2009-2031.
10. That there are insufficient planning grounds to justify approval of the application, despite the identified conflicts."

## THE SITE

The subject land is situated on the corner of Ray Road and George Fabris Road, Mareeba and is described as Lot 1 on SP276695 and Lot 139 on SP179170. Lot 1 has an area of 27.97 hectares while Lot 139 has an area of 60 hectares with both lots zoned *Rural* under the Mareeba Shire Planning Scheme 2004. Both lots are mapped as Good Quality Agricultural Land (GQAL).

Lot 1, being the western land parcel, contains 17.8 metres of frontage to George Fabris Road only (access handle lot) which is constructed to a formed gravel standard of approximate width of 9 metres. Lot 1 is farmed in conjunction with, and gains access through Lot 139, with no formal access constructed from George Fabris Road. The majority of Lot 1 has been cleared with only a handful of scattered mature trees remaining. The allotment is improved by a stock watering dam and small pump shed. The land drains to the north and north-west.

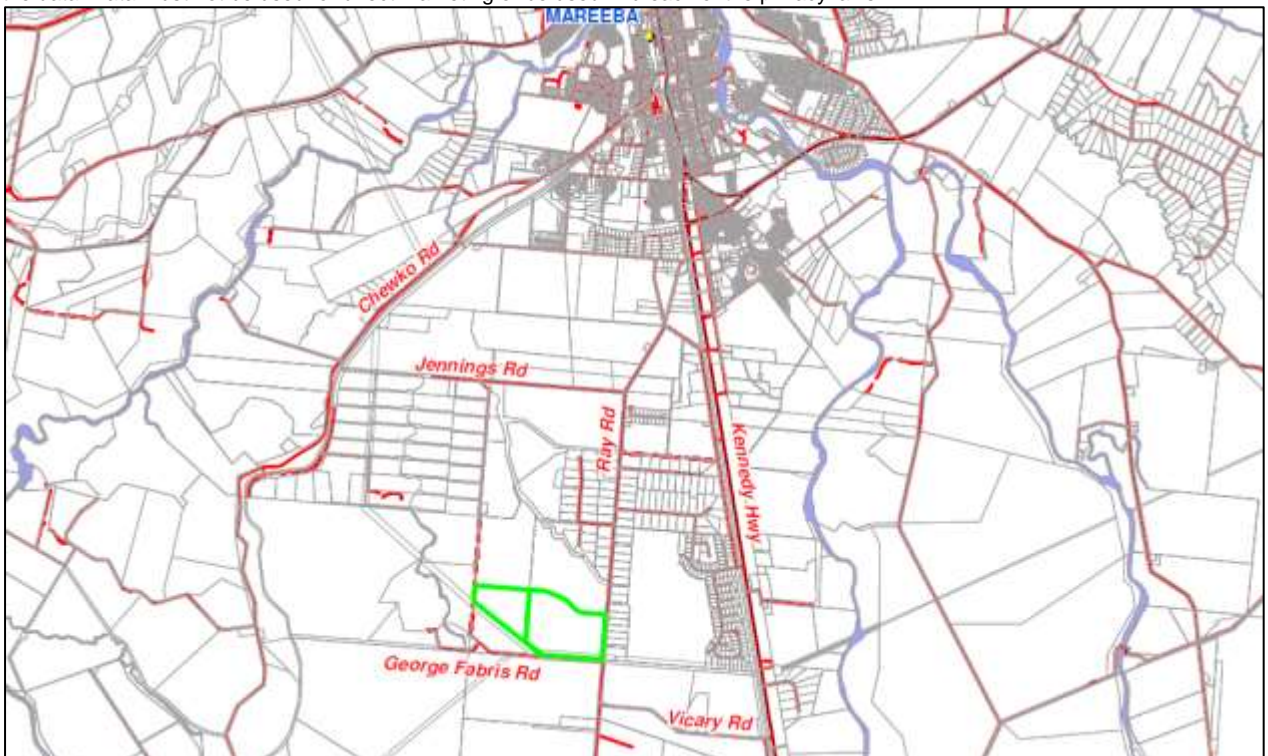
Lot 139, the eastern land parcel, contains 550 metres of frontage to Ray Road and 720 metres of frontage to George Fabris Road. Ray Road is constructed to bitumen sealed standard for the full frontage, while George Fabris Road is constructed to formed gravel standard only. Access to Lot 139 is gained from Ray Road via a single gravel crossover in the north-east corner of the lot. Like Lot 1, the majority of Lot 139 has been cleared with only scattered mature vegetation remaining. Lot 139 is improved by a dwelling and a number of outbuildings (sheds) clustered towards the western boundary of the lot. The land generally drains in a northerly direction. A 60 metre wide Ergon Energy electricity easement containing high voltage transmission lines is established along the southern boundary.

Both lots are primarily used for livestock grazing in conjunction with northern adjoining Lots 137 and 138 on SP179170 (which are the subject of development application DA/15/0042). Surrounding lots to the south, south-west and west of the subject land are zoned *Rural* and are used primarily for banana cropping. Lots to the east of the subject land on the opposite side of Ray Road are zoned *Rural Residential* and include developed 2 hectare rural residential lots as well as the balance land for Wylandra Estate. The Mareeba Airport is situated approximately 600 metres to the south-east of the site.



**Map Disclaimer:**

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



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## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

## DESCRIPTION OF PROPOSED DEVELOPMENT

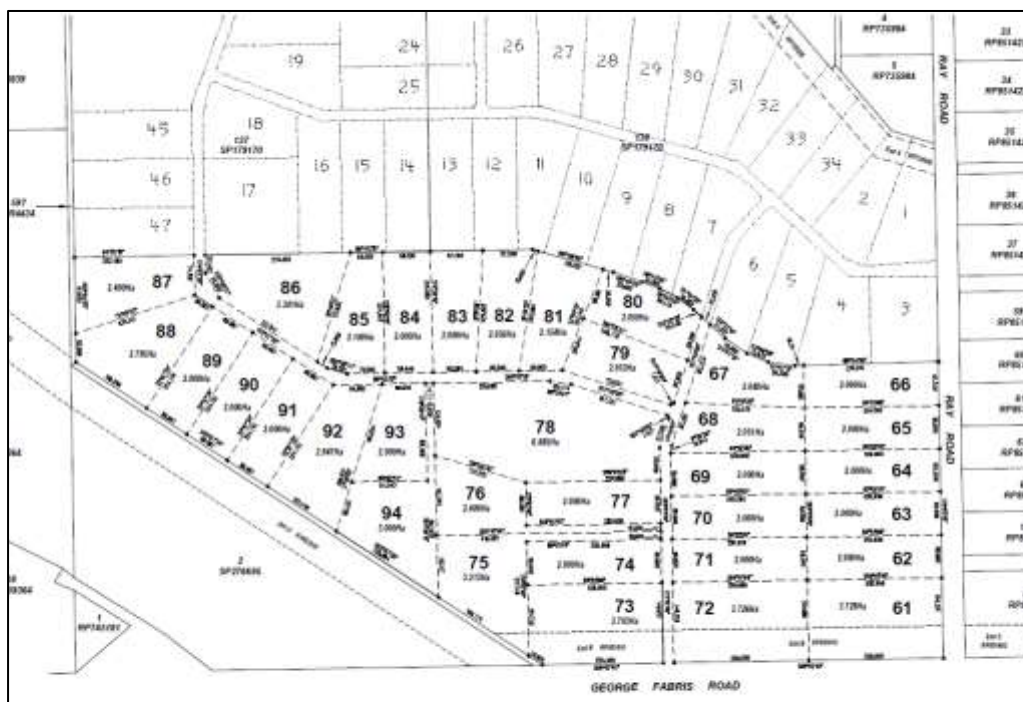
The development application seeks a Material Change of Use - Preliminary Approval to vary the effect of the Mareeba Shire Planning Scheme 2004 (SPA section 242) and Development Permit for Reconfiguring a Lot - Subdivision (2 Lots into 34 Lots) in accordance with the plans shown in **Attachment 1**.

The material change of use - preliminary approval is sought to override the subject lands existing Rural zoning to facilitate the development of the subject land in accordance with the Rural Residential Zone. The development permit component of the application is sought to facilitate the subdivision of the land to create 34 new lots (proposed Lot 61 - 94). The proposed lots range in size from 2 hectares up to 6.885 hectares with the majority of lots being 2 hectares in area. All proposed lots contain frontages in excess of 80 metres with the exception of Lots 75, 76, 87, 88 and 94 (5 lots) which are rear access lots and have frontages of 15 metres. Proposed Lot 78 will contain the subject lands existing improvements.

Two new internal roads are proposed to service the development and are connected to the internal road network proposed under development application DA/15/0042. One of the internal roads will exit onto George Fabris Road which runs along the southern boundary of the land. Proposed Lots 61 - 65 will be accessed directly from Ray Road. Each lot will be provided with an electricity connection and telecommunications connection either via fixed line or a fixed wireless service via the National Broadband Network. It is proposed to extend Mareeba's reticulated water supply network from nearby Wylandra Estate to service the proposed development.

A similar development application (DA/15/0042) has been lodged over northern adjoining Lots 137 and 138 on SP179170 which also seeks a preliminary approval to establish rural residential use rights as well as a development permit for reconfiguring a lot - subdivision (2 into 47 lots) to create 47 rural residential lots. Both proposed developments would be linked via the internal road network. The proposed lot layout for this application is shown on the below plan in bold. For reference purposes, the proposed lot layout for concurrent development application DA/15/0042 is also shown on the plan:





## REGIONAL PLAN DESIGNATION

The subject site is included within the Regional Landscape and Rural Production Area land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified a Major Regional Activity Centre in the Regional Plan.

The Regional Plan Map 3 - 'Areas of Ecological Significance' does not identify the site as being of any significance.

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Mareeba Dimbulah Irrigation Area
Zone:	Rural zone
	Natural & Cultural Heritage Features Overlay
Overlays:	Natural Disaster - Bushfire Overlay
	Airport and Aviation Facilities Overlay

## RELEVANT PLANNING INSTRUMENTS

Assessment against the Regional Plan is required because the plan is not reflected in the planning scheme. The application is assessed as being capable of substantially complying with the relevant provisions of the Regional Plan, provided reasonable and relevant conditions are applied.

The following Desired Regional Outcome Land Use Policies are relevant to the assessment of the application:

DRO 1.1 Biodiversity Conservation			
Land Use Policy		Complies	Comments
1.1.1	<i>Urban development within the regional landscape and rural production area is located outside of areas of high ecological significance (see map 3).</i>	✓	Complies - The subject land does not contain any areas of high ecological significance.
1.1.4	<i>Urban development in or adjacent to areas of general ecological significance (see map 3) is located, designed and operated to avoid or, where avoidance is not possible, minimise any adverse impacts on ecological values where possible.</i>	✓	Complies - the subject land does not contain any areas of general ecological significance.  An area of general ecological significance was mapped on adjacent Lot 2 on SP276695, however this area has been entirely cleared during recent farming improvements.

DRO 1.3 Air and Acoustic Environment Protection			
Land Use Policy		Complies	Comments
1.3.1	<i>Urban design, industrial and residential subdivision layout, building design and operational practices are adopted that act to minimise air and noise emissions and the impacts of emissions on sensitive land uses</i>	×	The proposed development will result in the creation of an additional 34 rural residential allotments (i.e. 33 new dwellings excluding the existing dwelling to be sited in proposed lot 78) within proximity to the Mareeba Airport and almost immediately adjacent actively farmed rural properties (banana plantations). The proposed development could only increase the likelihood of land use conflict occurring as a result of aircraft activity and nearby agricultural uses (both being generators of air and noise emissions).  The likelihood of future land use conflict associated with the Mareeba Airport will be made even more likely considering the planned and funded \$18 million upgrade to the Mareeba Airport which will likely result in a significant increase in air traffic over time.

			<p>The Mareeba Airport provides an essential service at a regional level and should be given significant land use planning consideration when assessing development applications of this kind.</p> <p>The proposed development conflicts with land use policy 1.3.1.</p>
1.3.2	<p><i>Development that generates emissions must be adequately separated or planned, designed, constructed and operated to ensure the impacts of air and noise emissions on sensitive land uses meet the objectives of the Environmental Protection (Air) Policy and the Environmental Protection (Noise) policy.</i></p>	x	<p>The proposed development will result in the creation of an additional 34 rural residential allotments (i.e. 33 new dwellings excluding the existing dwelling to be sited in proposed lot 78) within proximity to the Mareeba Airport and almost immediately adjacent actively farmed rural properties (banana plantations). The proposed development could only increase the likelihood of land use conflict occurring as a result of aircraft activity and nearby agricultural uses (both being generators of air and noise emissions).</p> <p>The likelihood of future land use conflict associated with the Mareeba Airport will be made even more likely considering the planned and funded \$18 million upgrade to the Mareeba Airport which will likely result in a significant increase in air traffic over time.</p> <p>The Mareeba Airport provides an essential service at a regional level and should be given significant land use planning consideration when assessing development applications of this kind.</p> <p>The proposed development conflicts with land use policy 1.3.2.</p>
1.3.3	<p><i>Sensitive land uses should be separated from activities that generate noise and air emissions including commercial, recreational activities such as motor sports, intensive agricultural land uses, major transport facilities and industrial developments to ensure that existing air and noise emitters are not affected by the encroachment of sensitive land uses.</i></p>	x	<p>The proposed development will result in the creation of an additional 34 rural residential allotments (i.e. 33 new dwellings excluding the existing dwelling to be sited in proposed lot 78) within proximity to the Mareeba Airport and almost immediately adjacent actively farmed rural properties (banana plantations). The proposed development could only increase the likelihood of land use conflict occurring as a result of aircraft activity and nearby agricultural uses (both being generators of air and noise emissions).</p> <p>The likelihood of future land use conflict associated with the Mareeba Airport will be made even more likely considering the planned and funded \$18 million upgrade to the Mareeba Airport which will likely result in a significant increase in air traffic over time.</p> <p>The Mareeba Airport provides an essential service at a regional level and should be given significant land use planning consideration when assessing development applications of this kind.</p> <p>The proposed development conflicts with land use policy 1.3.3.</p>

#### DRO 2.4 Primary Production & Fisheries

Land Use Policy		Complies	Comments
2.4.1	<p><i>Good quality agricultural land is protected from urban development outside the urban footprint.</i></p>	x	<p>The subject land is situated within the regional landscape and rural production area, outside the urban footprint and rural living area and is mapped as good quality agricultural land (GQAL) in both the Mareeba Shire Planning Scheme 2004 and the Mareeba Shire Council Planning Scheme - July 2016.</p> <p>As part of the application (and development application DA/15/0042), an agricultural land quality assessment was conducted which concluded that the "soils under consideration are certainly not Good Quality Agricultural</p>

			<p><i>Land (GQAL) when compared to the usual Atherton Tableland farming standards." The report also concludes the following: "Splitting lots 137, 138, 139 and 140 into smaller lots will not significantly change the existing or future agricultural potential of the Mareeba Shire."</i></p> <p>Third party advice on the agricultural land quality of the subject land (for both DA/15/0042 &amp; DA/15/0043) was sought from the Department of Natural Resources and Mines (<b>Attachment 4</b>) which concluded the following:</p> <p><i>"The subject land (the property) does not have limited agricultural potential. There is no substantiated evidence that the property is not "good quality agricultural land". There is no verifiable evidence given in the consultant's reports validating the findings provided.</i></p> <p><i>A large extent, 187 ha or 90% of the property is currently classified as A1 arable land, with an additional 8.4 ha (4%) B class arable land. Only 10 ha (~5%) is C class non-arable land. Most of the property is assessed as suitable for a wide range of irrigated crops. Surrounding and nearby properties provide evidence that even the C class land can viably and economically be developed for crops previously considered unsuitable for that land.</i></p> <p><i>There is no reason on the grounds of agricultural potential and agricultural land use suitability that this development proposal should be supported. The proposed development will permanently alienate GQAL which can produce economically important crops."</i></p> <p>As discussed in detail in the Planning Discussion section of this report, the applicant has not provided sufficient evidence to demonstrate that the subject land is not arable land, and therefore not "good quality agricultural land".</p> <p>On 5 March 2014, Council approved the subdivision of then Lot 140 on SP179170 to create Lot 2 on SP276695 (21.8 hectares) and Lot 1 on SP276695 (27.9 hectares). Lot 1 now forms part of the subject land for this application. The subdivision was approved by Council on the basis that proposed Lot 2 was not good quality agricultural land. Lot 2 contains the same soil types as the majority of the subject land (Walkamin) and is now actively farmed, including banana cropping.</p> <p>Cases will arise where Councils will have to consider development proposal over GQAL such as this development application. In such cases a key principle should be whether an overriding need for the development can be demonstrated at that particular location, and that no other more suitable site/s exists. Although the proposal may benefit the applicant, there is not considered to be an overriding need for the development, particularly considering the amount of rural residential zoned land allocated for future development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016.</p> <p>The proposed development will compromise approximately 80 hectares of good quality agricultural land and therefore conflicts with land use policy 2.4.1.</p>
2.4.2	<p><i>Appropriate buffer distances between incompatible uses and agricultural operations on good quality agricultural land are provided through sensitive land use planning in accordance with State Planning Policy 1/92.</i></p>	x	<p>Although State Planning Policy 1/92 lapsed in December 2012, its principles are still reflected in the FNQ Regional Plan and the Planning Scheme and therefore remain relevant to development assessment.</p> <p>Land to the south and west of the subject land is currently used for banana cropping which involve crop maintenance practices such as aerial spraying.</p> <p>The Planning Guideline: Separating Agricultural and</p>

			<p>Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 61, 72, 73, 75 and 87 - 94. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.</p> <p>As mentioned in the Guideline, landscape buffers are an effective planning tool to <u>reduce</u> land use conflict; however, landscape buffers, even when effectively established, will not totally eliminate amenity impacts resulting from surrounding agricultural activity. Furthermore, the effective establishment and ongoing maintenance of landscape buffers have proven difficult in Mareeba in the past given the dryer climate of the area as well as the shift in maintenance responsibility of those buffer areas to individual land owners when individual allotments are sold.</p> <p>Council should consider the very real possibility of ongoing land use conflict between the proposed development and surrounding agricultural land uses, and the impact on current and future agricultural activity as a result. As discussed above, a key principle to consider should be whether an overriding need for the development exists, i.e. a need for additional rural residential land. As discussed in the Planning Discussion section of the report, there is not considered to be overriding need for additional rural residential development at this point in time, particularly considering the amount of rural residential zoned land allocated for future development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016.</p> <p>What should also be considered in this instance is the future use of immediate northern adjoining Lots 137 and 138 on SP1791790. Development application DA/15/0042 was lodged at the same time as this development application and proposes similar rural residential development (creating 47 rural residential lots) over lots 137 and 138. Council should consider the possibility that if development application DA/15/0042 is not approved or is approved and is not acted upon, Lot 137 and 138 on SP1791790 would remain within the rural zone and could support future more intense agricultural uses than the current use of the land for livestock grazing (i.e. banana cropping). Should this occur, it would create further opportunity for land use conflict between potential agricultural activity on lots 137 and 138 and the lots proposed by this application, particularly those proposed lots situated along the northern boundary of the subject land.</p> <p>The proposed development will create opportunity for future land use conflict between agricultural and residential land uses and is therefore considered to conflict with land use policy 2.4.2.</p>
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DRO 2.6 Rural Subdivision			
Land Use Policy		Complies	Comments
2.6.1	<i>Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.</i>	×	<p>The subject land is situated within the regional landscape and rural production area and is mapped as good quality agricultural land (GQAL) in both the superseded Mareeba Shire Planning Scheme 2004 and the Mareeba Shire Council Planning Scheme - July 2016.</p> <p>As part of the application, an agricultural land quality assessment of the subject land was conducted which</p>

		<p>concluded that the "soils under consideration are certainly not Good Quality Agricultural Land (GQAL) when compared to the usual Atherton Tableland farming standards." The report also concludes the following: "Splitting lots 137, 138, 139 and 140 into smaller lots will not significantly change the existing or future agricultural potential of the Mareeba Shire."</p> <p>Third party advice on the agricultural land quality of the subject land was sought from the Department of Natural Resources and Mines (<b>Attachment 4</b>) which concluded the following:</p> <p><i>"The subject land (the property) does not have limited agricultural potential. There is no substantiated evidence that the property is not "good quality agricultural land". There is no verifiable evidence given in the consultant's reports validating the findings provided.</i></p> <p><i>A large extent, 187 ha or 90% of the property is currently classified as A1 arable land, with an additional 8.4 ha (4%) B class arable land. Only 10 ha (~5%) is C class non-arable land. Most of the property is assessed as suitable for a wide range of irrigated crops. Surrounding and nearby properties provide evidence that even the C class land can viably and economically be developed for crops previously considered unsuitable for that land.</i></p> <p><i>There is no reason on the grounds of agricultural potential and agricultural land use suitability that this development proposal should be supported. The proposed development will permanently alienate GQAL which can produce economically important crops."</i></p> <p>As discussed in detail in the Planning Discussion section of this report, the applicant has not provided sufficient evidence to demonstrate that the subject land is not arable land, and therefore not "good quality agricultural land".</p> <p>On 5 March 2014, Council approved the subdivision of then Lot 140 on SP179170 to create Lot 2 on SP276695 (21.8 hectares) and Lot 1 on SP276695 (27.9 hectares). Lot 1 now forms part of the subject land for this application. The subdivision was approved by Council on the basis that proposed Lot 2 was not good quality agricultural land. Lot 2 contains the same soil types as the majority of the subject land (Walkamin) and is now actively farmed, including banana cropping.</p> <p>Cases will arise where Councils will have to consider development proposal over GQAL such as this development application. In such cases a key principle should be whether an overriding need for the development can be demonstrated, i.e. a need for additional rural residential land. As discussed in detail in the Planning Discussion section of this report, there is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining actively farmed rural properties.</p> <p>The proposed development will compromise in excess of 100 hectares of good quality agricultural land and therefore conflicts with land use policy 2.6.1.</p>
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DRO 4.6 Rural Residential Development			
Land Use Policy		Complies	Comments
4.6.1	<i>New rural residential development is located in rural living areas.</i>	x	<p>The subject land is not situated within a rural living area mapped in the FNQ Regional Plan, nor does it sit within the Rural residential zone of the recently commenced Mareeba Shire Council Planning Scheme - July 2016 which is considered to appropriately reflect the FNQ Regional Plan.</p> <p>The proposed development conflicts with land use policy 4.6.1.</p>
4.6.2	<i>Future demand for rural residential housing is provided from within the existing stock of land zoned for this purpose.</i>	x	<p>The subject land is zoned rural under both the Mareeba Shire Planning Scheme 2004 and the current Mareeba Shire Council Planning Scheme - July 2016. The subject land is mapped as good quality agricultural land in both Planning Scheme's and is not recognised as land suitable for future rural residential development, as indicated by its Rural zoning under the current 2016 Planning Scheme.</p> <p>As discussed in detail in the Planning Discussion section of this report, there is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining rural properties.</p> <p>The proposed development conflicts with land use policy 4.6.2.</p>

DRO 5.4 Primary Industries			
Land Use Policy		Complies	Comments
5.4.2	<i>Threats to primary production from incompatible development are identified and managed through land use planning and where appropriate, by developer established buffers.</i>	x	<p>Although State Planning Policy 1/92 lapsed in December 2012, its principles are still reflected in the FNQ Regional Plan and the Planning Scheme and therefore remain relevant to development assessment.</p> <p>Land to the south and west of the subject land is currently used for banana cropping which involve crop maintenance practices such as aerial spraying.</p> <p>The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 61, 72, 73, 75 and 87 - 94. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.</p> <p>As mentioned in the Guideline, landscape buffers are an effective planning tool to <u>reduce</u> land use conflict; however, landscape buffers, even when effectively established, will not totally eliminate amenity impacts resulting from surrounding agricultural activity. Furthermore, the effective establishment and ongoing maintenance of landscape buffers have proven difficult in Mareeba in the past given the dryer climate of the area as well as the shift in maintenance responsibility of those buffer areas to individual land owners when individual allotments are sold.</p> <p>Council should consider the very real possibility of ongoing land use conflict between the proposed development and surrounding agricultural land uses, and the impact on</p>



			<p>current and future agricultural activity as a result. As discussed above, a key principle to consider should be whether an overriding need for the development exists, i.e. a need for additional rural residential land. As discussed in the Planning Discussion section of the report, there is not considered to be overriding need for additional rural residential development at this point in time, particularly considering the amount of rural residential zoned land allocated for future development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016.</p> <p>What should also be considered in this instance is the future use of immediate northern adjoining Lots 137 and 138 on SP1791790. Development application DA/15/0042 was lodged at the same time as this development application and proposes similar rural residential development (creating 47 rural residential lots) over lots 137 and 138. Council should consider the possibility that if development application DA/15/0042 is not approved or is approved and is not acted upon, Lot 137 and 138 on SP1791790 would remain within the rural zone and could support future more intense agricultural uses than the current use of the land for livestock grazing (i.e. banana cropping). Should this occur, it would create further opportunity for land use conflict between potential agricultural activity on lots 137 and 138 and the lots proposed by this application, particularly those proposed lots situated along the northern boundary of the subject land.</p> <p>The proposed development will create opportunity for future land use conflict between agricultural and residential land uses and is therefore considered to conflict with land use policy 5.4.2.</p>
5.4.3	<i>Potential conflict between primary industries and urban activities is managed through land use planning and, where appropriate, developer-established buffers.</i>	×	As discussed above, the proposed development is considered to conflict with land use policy 5.4.3.

#### DRO 7.1 Protection of Waterways, Wetlands and Water Quality

Land Use Policy		Complies	Comments
7.1.1	<i>Development is planned, designed, constructed and managed in accordance with best practice environmental management to protect environmental values and meet water quality objectives of the Environmental Protection Policy (Water) 1997 (EPP Water) for regional surface water, groundwater and wetlands.</i>	✓	The proposed development will be serviced by Council's reticulated water supply network and each lot is large enough to accommodate adequate on-site wastewater disposal in accordance with the Australian Standards. The proposed development is not likely to compromise water quality objectives contained within the Environmental Protection Policy (Water) 1997.

#### DRO 7.6 Rural Water

Land Use Policy		Complies	Comments
7.6.1	<i>The security and efficiency of the water infrastructure network for existing and future primary production areas is maintained and protected from incompatible land uses.</i>	×	<p>The subject land is situated within the Mareeba Dimbulah Irrigation Area (MDIA) and is currently serviced by SunWater's channel network. Sunwater have provided advice to Council during the public notification period that they will not be supplying water to the proposed rural residential lots (via their infrastructure) and that the existing SunWater infrastructure must be removed.</p> <p>The proposed development will not result in the protection</p>



			or maintenance of long established MDIA infrastructure and is therefore in conflict with land use policy 7.6.1.
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DRO 8.1 Integrated Transport & Land Use Planning			
Land Use Policy		Complies	Comments
8.1.3	<i>The urban fabric of towns and cities is designed to locate residential areas as close as possible to activity centres, including economic, retail, educational, recreational and community centres.</i>	×	<p>The proposed development will result in the creation of 34 additional rural residential allotments outside the mapped rural residential zone of both the superseded Mareeba Shire Planning Scheme 2004 and the current Mareeba Shire Council Planning Scheme - July 2016 and is therefore considered to be out of sequence development. Although the proposal may benefit the applicant, there is not considered to be an overriding need for the development, particularly considering the amount of rural residential zoned land allocated for future development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016.</p> <p>The proposed development conflicts with land use policy 8.1.3.</p>

### (b) State Planning Policy

The Department of State Development, Infrastructure and Planning has introduced a single State Planning Policy (SPP) to replace the various SPP's previously in place. As such, this State Planning Policy is not reflected in the Planning Scheme and is therefore applicable to the assessment of the application.

Queensland State Planning Policy		
State Interest	Complies	Assessment Requirements & Comments
<b>Water quality</b> <u>Receiving waters</u> - a development application for any of the following: <ol style="list-style-type: none"> <li>(1) a material change of use for urban purposes that involves a land area greater than 2500 square metres that:               <ol style="list-style-type: none"> <li>(a) will result in an impervious area greater than 25 per cent of the net developable area, or</li> <li>(b) will result in six or more dwellings, or</li> </ol> </li> <li>(2) reconfiguring a lot for urban purposes that involves a land area greater than 2500 square metres and will result in six or more lots, or</li> <li>(3) operational works for urban purposes that involve disturbing more than 2500 square metres of land.</li> </ol>	✓	<u>Receiving waters</u> Development: <ol style="list-style-type: none"> <li>(1) avoids or otherwise minimises adverse impacts on the environmental values of receiving waters, arising from:               <ol style="list-style-type: none"> <li>(a) altered stormwater quality or flow, and</li> <li>(b) wastewater (other than contaminated stormwater and sewage), and</li> <li>(c) the creation or expansion of non-tidal artificial waterways, and</li> </ol> </li> <li>(2) complies with the SPP code: Water quality (Appendix 2).</li> </ol> <b>Comment</b> If the development is approved, a separate development permit for operational works will need to be obtained from Council prior to development works commencing. Appropriate conditioning will ensure stormwater quality and flow is appropriately managed during and after development.
<b>Natural hazards</b> A development application for a material change of use, reconfiguring a lot or	✓	<b>For all natural hazards:</b> Development:

<p>operational works on land within:</p> <ul style="list-style-type: none"> <li>(1) a flood hazard area, or</li> <li>(2) a bushfire hazard area, or</li> <li>(3) a landslide hazard area, or</li> <li>(4) a coastal hazard area.</li> </ul>		<ul style="list-style-type: none"> <li>(1) avoids natural hazard areas or mitigates the risks of the natural hazard, and</li> <li>(2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and</li> <li>(3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and</li> <li>(4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and</li> <li>(5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and</li> </ul> <p><b>Comment</b></p> <p>The subject site is not in a coastal hazard area or landslide hazard area.</p> <p>Each proposed lot will include sufficient flood free land for the siting of a dwelling and ancillary outbuildings.</p> <p>Based on the more accurate bushfire mapping included within the Mareeba Shire Council Planning Scheme - July 2016, the subject land is mapped as including medium bushfire hazard areas and potential impact buffer areas. Each proposed lot will include adequate area for the siting of a dwelling and ancillary outbuildings appropriately separated from hazardous vegetation and will be provided with a town water supply for fire-fighting purposes. Each lot will be provided with convenient access for fire-fighting personnel and evacuation routes via a sealed internal road network and sealed access handles (for rear access lots). The proposed development complies or can be conditioned to comply with points (1) to (5).</p>
<p><b>Strategic airports and aviation facilities</b></p> <p>A development application that involves land located within a local government area that contains or is impacted by a strategic airport identified in Table 2: Strategic airports (Part D) or an aviation facility identified in Appendix 1 of SPP Guideline: Strategic airports and aviation facilities if the development involves:</p> <ul style="list-style-type: none"> <li>(1) a material change of use of premises which will result in work encroaching into the operational airspace of a strategic airport and is at least 12 metres high, or</li> <li>(2) building work not associated with a material change of use mentioned in paragraph (1) that will result in work encroaching into the operational airspace of a strategic airport and is at least 12 metres high, or</li> <li>(3) a material change of use of premises</li> </ul>	<p>✓</p>	<p>Development:</p> <ul style="list-style-type: none"> <li>(1) complies with the SPP code: Strategic airports and aviation facilities (Appendix 5).</li> </ul> <p><b>Comment</b></p> <p>The subject land is situated within the lighting area buffer zone and the 3km wildlife hazard buffer zone of the Mareeba Airport (which is a strategic airport).</p> <p>If the development is approved by Council against the officer recommendation, appropriate conditions can be applied to the development to ensure compliance with the SPP code: Strategic airports and aviation facilities.</p>

<p>or reconfiguring a lot where any part of the land is within the 20 ANEF contour, or greater, for a strategic airport, or</p> <p>(4) a material change of use of premises or reconfiguring a lot where any part of the land is within the public safety area of a strategic airport, or</p> <p>(5) a material change of use of premises where any part of the land is within the lighting area buffer zone of a strategic airport, or</p> <p>(6) a material change of use of premises where any part of the land is within the wildlife hazard buffer zone of a strategic airport, or</p> <p>(7) a material change of use of premises which will result in work encroaching into the building restricted area of an aviation facility<sup>12</sup>, or</p> <p>(8) building work not associated with a material change of use mentioned in paragraph (7) that will result in work encroaching into the building restricted area of an aviation facility<sup>12</sup>.</p>		
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**(c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)**

**Relevant Desired Environmental Outcomes**

DEO	Complies	Comments
(c) Adverse effects from development on the natural environment are minimised with respect to the loss of natural vegetation, soil degradation, air and water pollution due to erosion, dust and chemical contamination, dispersal of pollutants, effluent disposal and the like.	✓	If approved, the proposed development can be conditioned to ensure minimal impact on the natural environment with respect to vegetation, soil degradation and air and water pollution. The development is not likely to result in any chemical contamination. The development will not involve any additional clearing and will be serviced by Mareeba's reticulated water supply network. Each lot is of an adequate size to accommodate adequate on-site wastewater disposal.
(d) Good quality agricultural land is conserved and protected from fragmentation and alienation.	×	The subject land is situated within the regional landscape and rural production area and is mapped as good quality agricultural land (GQAL) in both the superseded Mareeba Shire Planning Scheme 2004 and the Mareeba Shire Council Planning Scheme - July 2016.  As part of the application, an

	<p>agricultural land quality assessment of the subject land was conducted which concluded that the <i>"soils under consideration are certainly not Good Quality Agricultural Land (GQAL) when compared to the usual Atherton Tableland farming standards."</i> The report also concludes the following: <i>"Splitting lots 137, 138, 139 and 140 into smaller lots will not significantly change the existing or future agricultural potential of the Mareeba Shire."</i></p> <p>Third party advice on the agricultural land quality of the subject land was sought from the Department of Natural Resources and Mines (<b>Attachment 4</b>) which concluded the following:</p> <p><i>"The subject land (the property) does not have limited agricultural potential. There is no substantiated evidence that the property is not "good quality agricultural land". There is no verifiable evidence given in the consultant's reports validating the findings provided.</i></p> <p><i>A large extent, 187 ha or 90% of the property is currently classified as A1 arable land, with an additional 8.4 ha (4%) B class arable land. Only 10 ha (~5%) is C class non-arable land. Most of the property is assessed as suitable for a wide range of irrigated crops. Surrounding and nearby properties provide evidence that even the C class land can viably and economically be developed for crops previously considered unsuitable for that land.</i></p> <p><i>There is no reason on the grounds of agricultural potential and agricultural land use suitability that this development proposal should be supported. The proposed development will permanently alienate GQAL which can produce economically important crops."</i></p> <p>As discussed in detail in the Planning Discussion section of this report, the applicant has not provided sufficient evidence to demonstrate that the</p>
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		<p>subject land is not arable land, and therefore not "good quality agricultural land".</p> <p>On 5 March 2014, Council approved the subdivision of then Lot 140 on SP179170 to create Lot 2 on SP276695 (21.8 hectares) and Lot 1 on SP276695 (27.9 hectares). Lot 1 now forms part of the subject land for this application. The subdivision was approved by Council on the basis that proposed Lot 2 was not good quality agricultural land. Lot 2 contains the same soil types as the majority of the subject land (Walkamin) and is now actively farmed, including banana cropping.</p> <p>Cases will arise where Councils will have to consider development proposal over GQAL such as this development application. In such cases a key principle should be whether an overriding need for the development can be demonstrated, i.e. a need for additional rural residential land. As discussed in detail in the Planning Discussion section of this report, there is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining actively farmed rural properties.</p> <p>The proposed development will compromise approximately of 80 hectares of good quality agricultural land and therefore conflicts with DEO (d).</p>
(e) Agricultural and forestry resources, mining, extractive activity in the rural sector are encouraged, facilitated and protected.	×	<p>The proposed development would extinguish the possibility of future agricultural/horticultural activities on the subject land and has the potential to significantly constrain the continuation and/or expansion of rural uses on adjoining rural allotments.</p> <p>The applicant has not demonstrated that an overriding need exists to excuse the loss of GQAL or to justify the increased level of constraint created by allowing further out of sequence rural residential development in the Rural zone.</p>

		The proposed development conflicts with DEO (e).
(f) The amenity and safety of land uses adjoining industrial estates and agricultural areas adjoining urban centres are protected from potential noise and air pollution.	×	<p>Land to the south and west of the subject land is currently used for banana cropping which involve crop maintenance practices such as aerial spraying. Land immediately to the north of the subject land is currently used for livestock grazing but could support future, more intensive agricultural uses such as banana, citrus or sugarcane cropping (if development application DA/15/0042 is refused or is approved but never acted upon).</p> <p>The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 61, 66, 67, 72, 73, 75 and 80 - 94. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.</p> <p>As mentioned in the Guideline, landscape buffers are an effective planning tool to <u>reduce</u> land use conflict; however, landscape buffers, even when effectively established, will not totally eliminate amenity impacts from surrounding agricultural activity. The most appropriate method of preventing conflict is by not approving the development, particularly as there is not considered to be an overriding need for additional rural residential development.</p> <p>The proposed development conflicts with DEO (f).</p>
(g) The standard and location of the built environment, particularly in Mareeba and Kuranda, minimise the use of non-renewable resources, having regard to associated wastewater and effluent	✓	<p>The development would be serviced by a connection to the Mareeba reticulated water supply.</p> <p>The proposed allotments are of a suitable size to accommodate</p>

disposal infrastructure.		adequate on-site wastewater disposal in accordance with latest version On-Site Domestic Wastewater Management Standard (ASNZ1547).
(h) All members of the community have appropriate access to relevant services and facilities that meet their needs and create a sense of community satisfaction.	✓	The subject land is within reasonable driving distance to the Mareeba CBD. The development is therefore considered to have appropriate access to the existing services within the Mareeba township.
(i) The efficient use, extension and safe operation of infrastructure are maximised, including roads, rail, aerodromes, water and sewerage systems.	×	<p>The application proposes out of sequence rural residential development in addition to the rural residential zoned land allocated for future development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016.</p> <p>Given the amount of rural residential zoned land allocated within the 2016 planning scheme, there is not considered to be an overriding need for the development to excuse the loss of GQAL or to justify the increased level of constraint created by allowing further out of sequence rural residential development in the Rural zone.</p> <p>Approval of the application to allocate additional out of sequence rural residential land on top of the existing land stock would place unnecessary financial burdens on the community through the high cost of providing and more so maintaining services such as roads, stormwater and water supply.</p> <p>The proposed development conflicts with DEO (i).</p>
(l) Residential uses are consolidated in identified urban nodes, including the existing townships and settlements and the rural landscape is protected from encroachment of urban uses.	×	<p>The application proposes the creation of 34 additional rural residential allotments on land situated outside Mareeba's urban footprint as mapped in both the Mareeba Shire Planning Scheme 2004 and the current Mareeba Shire Council Planning Scheme - July 2016.</p> <p>Given the amount of rural residential zoned land allocated within the recently commenced 2016 planning scheme which does not include the subject land, there is not considered to be an overriding need for further encroachment into the rural landscape to development additional rural residential land.</p>

		The development conflicts with DEO (I).
(o) The Mareeba township and the Myola district, as identified by the Myola Feasibility Study are the primary residential nodes to accommodate future urban growth in accordance with the FNQ Regional Plan.	✓	Whilst the subject land is located on the extreme fringe of Mareeba's urban footprint, the development does not necessarily compromise the achievement of this DEO.
(r) The identification and protection of the amenity of noise sensitive development and liveability of residential areas.	×	<p>Land to the south and west of the subject land is currently used for banana cropping which involve crop maintenance practices such as aerial spraying. Land immediately to the north of the subject land is currently used for livestock grazing but could support future, more intensive agricultural uses such as banana, citrus or sugarcane cropping (if development application DA/15/0042 is refused or is approved but never acted upon).</p> <p>The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 61, 66, 67, 71 - 75 and 80 - 94. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.</p> <p>As mentioned in the Guideline, landscape buffers are an effective planning tool to <u>reduce</u> land use conflict; however, landscape buffers, even when effectively established, will not totally eliminate amenity impacts from surrounding agricultural activity. The most appropriate method of preventing conflict is by not approving the development, particularly as there is not considered to be an overriding need for additional</p>



		rural residential development. The proposed development conflicts with DEO (r).
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### Relevant Development Codes

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

Part 4, Division 8	Rural Residential Zone Code
Part 4, Division 14	Rural Zone Code
Part 5, Division 2	Natural and Cultural Heritage Features Overlay Code
Part 5, Division 4	Airport and Aviation Facilities Overlay Code
Part 5, Division 8	Natural Disaster - Bushfire Overlay Code
Part 6, Division 12	Reconfiguring a Lot Code

The application included a planning report and assessment against the planning scheme. A summary of the applications compliance with the relevant development codes is summarised as follows:

Relevant Codes	Comments
Rural Residential Zone Code (for proposed rural residential zone)	<p>The application conflicts with overall outcomes (c) and (i).</p> <p>The application can be conditioned to comply with the relevant acceptable/probable solutions and specific outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> <li>4.46 Reconfiguring a Lot - Specific Outcome S10</li> </ul> <p>Refer to planning discussion section of report.</p>
Rural Zone Code	<p>The application conflicts with overall outcomes (a), (b), (c), (d), (f), (g), (j), (k) and (q).</p> <p>The application can be conditioned to comply with the relevant acceptable/probable solutions and specific outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> <li>4.78 Building Siting, Scale and Amenity - Specific Outcome S2 &amp; S10</li> <li>4.80 Reconfiguring a Lot - Specific Outcome S1</li> </ul> <p>Refer to planning discussion section of report.</p>
Natural and Cultural Heritage Features Overlay Code	<p>The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.</p>
Airport and Aviation Facilities Overlay Code	<p>The application conflicts with overall outcome (a) of the code.</p> <p>Refer to planning discussion section of report.</p>
Natural Disaster Bushfire Overlay Code	<p>The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.</p>
Reconfiguring a Lot Code	<p>The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.</p>

**(e) Planning Scheme Policies/Infrastructure Charges Plan**

The following planning scheme policies are relevant to the application:

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

The proposed development will be serviced through an extension of Council's reticulated water supply network from nearby Wylanda Estate.

**No. 2 - Headworks Charges for Water Supply and Sewerage**

If the application is approved by Council against the officer recommendation, a contribution towards water headworks would be applicable. Significant infrastructure works would be required to extend Council's reticulated water supply network to service the subject land which would be done at the applicant/developers expense.

**No. 4 - Development Manual**

If the application is approved by Council against the officer recommendation, a condition will be attached to the approval requiring all development works to be constructed/upgraded in accordance with FNQROC Development Manual standards.

George Fabris Road is currently constructed to a formed gravel standard only which is less than the required standard for the additional vehicle movements likely to be generated by the development. Should the application be approved against the officer recommendation, George Fabris Road will be required to be upgraded to a bitumen sealed standard from its intersection with Ray Road to a point 20 metres past the proposed future access road.

**No. 5 - Open Space Contributions**

If the application is approved by Council against the officer recommendation, a contribution towards open space would be applicable.

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

If the application is approved by Council against the officer recommendation, a contribution towards augmentation of the road network would be applicable.

**REFERRALS****Concurrence**

This application did not trigger referral to a Concurrence Agency.

**Advice**

The application triggered referral to Ergon Energy as an Advice Agency.

Ergon Energy requested in their advice statement that their conditions be attached to any approval (**Attachment 2**).

### **Third Party Advice**

The application was referred to the Department of Infrastructure, Local Government and Planning for Third Party Advice.

The Departments Third Party Advice response was received by Council on 10 March 2016 (**Attachment 3**) and supports the various conflicts identified by the assessing officer.

Third Party Advice was also sought from the Department of Natural Resources and Mines (DNRM) seeking comment on the agricultural land quality of the subject land (**Attachment 4**). Although this advice was sought after public notification of the application, the content of the DNRM third party advice response has been considered by Council officers during the assessment of the application.

### **Internal Consultation**

Development Engineering, Technical Services

### **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 31 October 2016 to 12 December 2016. The applicant submitted the notice of compliance on 13 December 2016 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

16 properly made submissions were received during the public notification period. 15 submissions objected to the proposed development and 1 submission was received from SunWater Ltd who neither objected nor supported the development but provided comment with respect to their irrigation infrastructure.

The grounds for objection/support are summarised and commented on below:

Grounds for objection /support	Comment
<p>The development conflicts with the preferred pattern or development outlined in the regional plan and the provisions that seek to:</p> <ol style="list-style-type: none"> <li>1. protect good quality agricultural land ("GQAL") for ongoing and future agricultural production and only utilise it where there is an overriding need;</li> <li>2. protect rural production areas from inappropriate rural residential development;</li> <li>3. confine rural residential development to rural living areas;</li> <li>4. ensure that future demand for rural residential housing is to be provided from within the existing stock of land zoned for that purpose; and</li> <li>5. ensure that intensive agricultural land uses are not affected by encroachment of sensitive land uses.</li> </ol>	<p>Agreed.</p> <p>The submitters concerns have been noted and discussed in the body of this report. The application is recommended for refusal.</p>
<p>The development conflicts with the provisions of the State Planning Policy - State Interest Agriculture which seek to protect Agricultural Land Classification (ALC) Class A and Class B land suitable for sustainable agriculture.</p>	<p>Agreed.</p> <p>The submitters concerns have been noted and discussed in the body of this report. The application is recommended for refusal.</p>
<p>The development conflicts with the provisions of the 2004 scheme, including the DEO's, Rural Zone Code, Rural Residential Zone Code and Reconfiguring a Lot Code, that seek to:</p> <ol style="list-style-type: none"> <li>1. conserve and protect GQAL from alienation and fragmentation.</li> <li>2. protect the rural landscape from the encroachment of urban uses.</li> <li>3. protect agricultural activities from incompatible land uses;</li> <li>4. avoid conflicts with existing development in the locality.</li> <li>5. set a minimum lot area of 60 ha on GQAL;</li> <li>6. prevent the expansion of any further rural residential land; and</li> <li>7. restrict rural residential subdivision to already approved or zoned sites.</li> </ol> <p>To the extent that the applicant relies upon historical approvals for rural residential estates in the area, they are irrelevant because they were granted under different planning instruments and/or pre-date the regional plan.</p>	<p>Agreed.</p> <p>The submitters concerns have been noted and discussed in the body of this report. The application is recommended for refusal.</p>
<p>The new scheme came into effect in July 2016. Council is entitled to give it significant weight under s 317 of the Act.</p> <p>The site remains in the Rural zone and is mapped as Agricultural Land — Class A.</p> <p>Zone map ZMO16a shows that to the east and north east of the site, there are large undeveloped parcels of land zoned Rural Residential which are available for future supply.</p>	<p>Agreed.</p> <p>The submitters concerns have been noted and discussed in the body of this report. The application is recommended for refusal.</p>

Grounds for objection /support	Comment
<p>Submitters question the findings of the agricultural land quality assessment conducted by the applicants as part of the application. Submitters claim that the subject land is in fact GQAL.</p>	<p>The submitters concerns have been noted and discussed in the body of this report. Council officers consider the land to be good quality agricultural land based on third party advice received by the Department of Natural Resources and Mines (DNRM).</p> <p>The application has been recommended for refusal.</p>
<p>Approval of the development would cause significant reverse amenity impacts including:</p> <ol style="list-style-type: none"> <li>1. complaints from residents about the impacts of cropping on adjoining land due to: <ol style="list-style-type: none"> <li>a. night time machinery use;</li> <li>b. aerial and ground spraying; and</li> <li>c. noise; and</li> <li>d. dust;</li> </ol> </li> <li>2. trespassing by residents on adjoining agricultural land; and</li> <li>3. increased biosecurity risks, eg. outbreaks of Panama disease in bananas.</li> </ol>	<p>Agreed.</p> <p>The submitters concerns have been noted and discussed in the body of this report. The application is recommended for refusal.</p>
<p>The applicants have failed to suitably address the potential odour impact on the development from the existing piggery on Lot 2 on RP718754.</p>	<p>The Queensland Government through the Department of Primary Industries in 2001 provided a Separation Guideline for Queensland Piggeries which was reprinted in 2001, 2002, 2003 and 2004 and is still understood to be an appropriate and acceptable Guideline in dealing with separation for Piggeries within Queensland. Section 2.0 Variable Separation Distances – Distance between Piggery Complex and Receptors nominate a Separation Formula (S-Factor Formula) for Piggeries and Sensitive Receptors.</p> <p>Using the S-Factor Formula which takes into account factors such as the size of the piggery, terrain, pig effluent removal frequency, a separation distance of 753 metres was determined. The subject land is situated approximately 1.3 kilometres away from the piggery which is almost twice the S-Factor Formula distance.</p> <p>Notwithstanding this, the proposed development has significant conflicts with the Mareeba Shire Planning Scheme 2004 and is recommended for refusal.</p>
<p>The applicants have failed to suitably address the issue of potential noise nuisance from the Mareeba Airport and its potential to impact on the Airports operation in future.</p>	<p>The submitters concerns have been noted and discussed in the body of this report. The application is recommended for refusal.</p>
<p>Submitters believe there to be insufficient grounds to justify approval of the application, despite the various conflicts. Submitters believe there to be ample future supply of rural residential land surrounding the Mareeba Township.</p>	<p>The submitters concerns have been noted and discussed in the body of this report. Council officers do not consider there to be an overriding need for additional rural residential development, particularly consider the amount of rural residential land allocated for future development within the Mareeba Shire Council Planning Scheme - July 2016. The application is recommended for refusal.</p>

Grounds for objection /support	Comment
<p>Submitters believe that that part of the application seeking a preliminary approval for a material change of use is invalid because it fails to state the way in which the application seeks to vary the effect of the local planning instrument (the scheme), as required by s242 of the Act. The application fails to identify the levels of assessment for future development and does not include codes for proposed development.</p>	<p>The preliminary approval is sought to vary the effect of the planning scheme to allow the development of the site to occur in accordance with the Rural Residential zone of the Mareeba Shire Planning Scheme 2004. The development permit component of the application proposes the creation of 34 rural residential lots that are consistent with the size and servicing requirements outlined in the Rural Residential Zone Code.</p> <p>The proposed development is considered to be properly made in accordance with the <i>Sustainable Planning Act 2009</i>.</p>
<p>SunWater has the following comments in relation to the development application should the following subdivision proceed:</p> <ol style="list-style-type: none"> <li>1. SunWater will not be supplying water to the proposed rural residential subdivision lots and existing water supply must be removed;</li> <li>2. Developer to meet all costs of construction and upgrade of boundary fence (i.e. the requirement for fencing would be a four (4) strand galvanised fence) that will meet SunWater standard or to a higher standard as required by Council; and</li> <li>3. No access gate would be permitted onto SunWater land from the subdivision.</li> </ol>	<p>The application is recommended for refusal. Should Council approve the application against the officer recommendation, conditions can be attached to the approval to ensure compliance with SunWater requirements.</p>

Twine Surveys Pty Ltd, on behalf of the applicants, submitted a response to the abovementioned issues raised in the various submissions (**Attachment 6**). The consultant's representations were noted and considered during the assessment of the application.

### Submitters

Name of principal submitter	Address
1. SunWater Limited	PO Box 15536 City East Brisbane QLD 4002
2. Graham Sweeper	PO Box 1580 Mareeba QLD 4880
3. Tableland Canegrowers Ltd	PO Box 1359 Mareeba QLD 4880
4. Howe Farming Enterprises Pty Ltd	PO Box 926 Mareeba QLD 4880
5. Trickamee Pty Ltd	PO Box 1007 Walkamin QLD 4880
6. John Gilbert	168 Slape Road, Mareeba QLD 4880
7. S & P Murat & Stelbay Pty Ltd	PO Box 258 Mareeba QLD 4880
8. Vince Kattenberg	PO Box 50 Walkamin QLD 4883
9. Reinout and Susan Posma	PO Box 550 Mareeba QLD 4880
10. Charles Jennings	PO Box 1532 Mareeba QLD 4880
11. Luke Posma	PO Box 743 Mareeba QLD 4880
12. Paul Jennings	PO Box 600 Mareeba QLD 4880
13. John Jennings	PO Box 312 Mareeba QLD 4880
14. Margriet & Keith Howe	PO Box 2013 Mareeba QLD 4880
15. Andrew Jennings	PO Box 1368 Mareeba QLD 4880
16. Mareeba District Fruit and Vegetable Growers Association Inc.	PO Box 989 Mareeba QLD 4880

## PLANNING DISCUSSION

### Agricultural Land Quality Assessment

The majority of the subject land (Lots 1 and 139) are mapped as Good Quality Agricultural Land (GQAL) under both the Mareeba Shire Planning Scheme 2004 and the recently commenced Mareeba Shire Council Planning Scheme - July 2016.

As part of the application (and development application DA/15/0042 over adjoining Lot 137 and 138 on SP179170), an agricultural land quality assessment was conducted which concluded that the *"soils under consideration are certainly not Good Quality Agricultural Land (GQAL) when compared to the usual Atherton Tableland farming standards."* The report also concludes the following: *"Splitting lots 137, 138, 139 and 140 into smaller lots will not significantly change the existing or future agricultural potential of the Mareeba Shire."*

The land quality assessment findings were predominately based on soil type as follows:

#### **"Soils**

*The majority of the area under discussion consists of the Walkamin Soils. Details are shown on Map 4. Lots 139 and 140 are all Walkamin soils, and Lots 137 and 138 are a mix of both Walkamin and Ray soils, with smaller portions of the "Rocky Phases" of these two types. The land use characteristics of these soil types are detailed in the attached Fact Sheets. It is worth noting that in the "Limitations to Land Use" sections of these documents, both Walkamin and Ray soils are described as having "moderate permeability and poor drainage". It continues to state that they are both "subject to seasonal waterlogging limiting some land uses and machinery access". Mr Gallo assures me that this is certainly the situation on the soils of the property under discussion. The fact sheets state that the Rocky Phases of the two major soil types can have up to 50% of Basalt rock or boulder on the surface. Again, this is certainly the case on Lots 137 and 138.*

*I believe it is fair to say that the soils of the property under consideration are certainly not Good Quality Agricultural Land (GQAL) when compared to the usual Atherton Tableland farming standards. As mentioned earlier in this report, the adjacent red basalt soils of the Tolga Soil Type are a good illustration of the differences. They are annually cropped each summer season with very few machinery access problems. There are some tree crops and bananas grown on Walkamin soils, but in most cases the drainage is significantly better than the area under review. Even a slight slope makes a big difference during the wet season."*

Considering that land adjacent the subject site to the south, south-west, west and north-west, with similar soil types as the subject land currently contain productive banana crops, Council officers obtained third party advice from the Department of Natural Resources and Mines regarding the subject lands agricultural land quality (**Attachment 4**). The Departments advice was sought for both this development application and similar development application DA/15/0042 over adjoining Lots 137 and 138 on SP179170.

The Departments third party advice was comprehensive and includes the following advice:

*"The "usual Atherton Tableland farming standard" does not apply when determining agricultural land class, and did not apply when soils in the MDIA were classed as GQAL. These two classifications are based on their suitability for cropping. Attachment 3 shows the details of the 4 main soil mapping units on the subject land, including the land use suitability of each as evaluated by this Department for irrigated agricultural land uses for the soils of the Mareeba-Dimbulah Irrigation Area (MDIA). This evaluation identifies the Walkamin soil (mapping unit 880) is suitable for 13*

*irrigated land uses. The Ray soil (mapping unit 1027) is suitable for 8 irrigated land uses. Both rocky phase units are shown to be suitable for 1 irrigated land use each, however the Ray Rocky unit (mapping unit 1014) has more land uses assessed as unsuitable (class 5) than the Walkamin Rocky unit (mapping unit 1035). Attachment 3 has also identified mapping unit 880 as including small or minor extents of Walkamin Rocky Phase and Walkamin Shallow Phase. Mapping units 1014 and 1027 also contain minor extents of the soil type named Morgan. The soil type fact sheets in Attachment 2 also describe these. The Morgan Soil Fact Sheet identifies this soil type as having the same suitability as the Ray soil. The mapping does not indicate the location and extent of these minor units; they may or may not occur on the property."*

*"The Consultant has supplied in Report No.1 two soil type fact sheets produced by the Department of Natural Resources as supporting material. As well as describing the soils, it appears these are included with the intent of demonstrating poor agricultural potential. However, what the fact sheets do demonstrate is that the Walkamin and Ray soil types are suitable for a number of irrigated land uses.*

*It is the range of suitable land uses that makes the land GQAL, in the original intended use of this term for land planning purposes. This is why the Walkamin and Ray soils are Class A1 arable land. Whilst both may not be as good as some of the cropping soils found on the Atherton Tablelands, this does not mean they do not have agricultural potential. The better Tablelands soils just happen to be suitable for a much wider range of crops.*

*As shown in Attachment 3 the land is, to a large extent, suitable for many irrigated crop uses, including sugarcane which is now a very important crop in the district. Only a small portion of the property has been evaluated as being unsuitable. However, as discussed further below, it is likely that even the unsuitable areas can be rendered suitable for sugarcane and potentially other important land uses such as banana. Please note; the main soil type found on the Arriga, which is also the main sugarcane producing locality in the District, is very similar to Ray and Morgan soils. The proposed development would result in the land being permanently alienated from the potential production of this crop."*

*"The Consultant's report No 1 has identified Rockiness and Wetness (poor drainage) as two key problems with the land. Referring to the soil fact sheets, the report states that "both Walkamin and Ray soils are described as having moderate permeability and poor drainage", and "that during the wet season the surface drainage of water off the property is slow and it is difficult to move around the property", and "create difficulties in growing annual crops". Also, "up to 50% of Basalt rock or boulder on the surface"... "this is certainly the case on Lots 137 & 138".*

*I will confirm that wetness is a key limitation for both soils, and rockiness is an additional principal limitation for the Rocky phases. I need to point out that the Walkamin soil is imperfectly drained rather than poorly drained, hence the larger number of suitable land uses.*

*The soil mapping available from this Department shows that rocky areas known to contain up to 50% rock or boulder is a minor proportion of the property extent. The Consultant has not provided any additional information to demonstrate, beyond the existing mapping, the full extent and location of rocky areas on the property with a rock content high enough to make all of Lots 137 & 138, or the entire property, unsuitable for cropping.*



*Please note: the Ray Rocky Phase (mapping unit 1014), located mostly on Lot 138, is identified as containing the sub-dominant soil type named Morgan. It is possible this soil is found on that portion of the property rather than the Ray Rocky. It is possible that this area is sufficiently rock free such that this part of the property should be considered suitable for a wider range of land uses. Further on-ground work, undertaken appropriately, would verify the rock content of this area, as well as all other areas on the property.*

*With regard to drainage and waterlogging on the property, the Consultant's report has identified one important point; that any waterlogging is seasonal. It is restricted to the wet season. The poorest drainage or most prolonged waterlogging will occur on the lowest elevated portions of the property. Elsewhere, waterlogging that restricts vehicular movement around the property will be confined to short periods, possibly to as little as after a week of sunshine following heavy rainfall.*

*The drainage issues relating to these soils certainly will not prevent vehicular movement or cropping during the dry season. This wetness limitation does not restrict the use of dry season annual crops; please refer to Attachment 3 to see the range of annual crops that have been evaluated as suitable for both Walkamin and Ray soil types."*

*"As shown on neighbouring properties, and elsewhere on the same or similar soils in the district, the land presently evaluated as unsuitable for particular crops, or cropping in general, can be made suitable.*

*The same soil types found on the subject land are found on neighbouring properties. By all indications these neighbouring properties are successfully being used for cropping. Bananas are growing on bounding properties to the north, west and south of the subject land. There is a banana plantation found to the north, between Srape Road and Chinaman Creek, which is largely mapped as Ray, with smaller areas of Walkamin and Tolga Rocky Phase. Bananas have been established on adjoining land between the property and Atherton Creek to the west, which includes mapping unit 880. Bananas are currently being established on Lot 2 SP276695 which also includes mapping unit 880. Bananas are grown on land to the south on the other side of George Fabris Road, which also includes mapping unit 880.*

*There is a small property on Ray Road, found on the Ray Rocky (soil mapping unit 1014), which is growing a commercial sized Citrus orchard.*

*The suitability evaluation was undertaken back in 1996-1997, it appears that circumstances have changed somewhat since. Bananas and even citrus have been established on land thought to have been unsuitable (class 4 or 5) for these land uses. It is apparent that landholders are employing viable measures to develop the land, overcoming the severity of the key limitations, and rendering the land suitable.*

*Waterlogging issues can be overcome with the installation of drains (e.g. open channels, buried slotted pipes) or land forming. As can be seen in adjacent banana plantations, the landholder has formed high plant mounds to establish a deep, freely drained rootzone for the crop on soils with imperfect or poor drainage. The inter-row or furrow is directed and sloped in a way to allow free surface drainage away from the crop and prevent surface ponding of water.*

*Rock picking, manual rock removal with dozers and excavators, is used to remove rock, something seen to be highly evident in local banana plantations as well as for other land uses.*

*It is apparent that areas like the Rocky phases of Walkamin and Ray have potential for cropping despite the present land suitability classification. All of the property (excluding the drainage feature) should be considered having potential for a wide range of crops, including two of the district's more economically important crop types (sugarcane and banana).*

*Additionally, land that is suitable for a crop such as banana will also be suitable for a much wider range of perennial and annual crops, especially horticultural crops, than have presently been evaluated."*

Based on the technical advice provided by the Department of Natural Resources and Mines, Council officers disagree with the consultant's conclusion and consider the land to be Good Quality Agricultural Land (GQAL). Sufficient evidence has not been provided to demonstrate that the land is not arable either in its current extent or subject to agronomic improvements such as rock removal and drainage improvements which are commonly undertaken on farms in the Shire prior to cropping.

On 5 March 2014, Council approved the subdivision of then Lot 140 on SP179170 to create Lot 2 on SP276695 (21.8 hectares) and Lot 1 on SP276695 (27.9 hectares). Lot 1 now forms part of the subject land for this application. The subdivision was approved by Council on the basis that proposed Lot 2 was not good quality agricultural land. Lot 2 contains the same soil types as the majority of the subject land (Walkamin) and is now actively farmed, including banana cropping.

#### Overriding Need

Where out of sequence rural residential development is proposed over GQAL, a key principle that Council should consider is whether an **overriding need** for the development exists, i.e. a need for additional rural residential land.

The applicants engaged Herron Todd White (Cairns) Pty Ltd to conduct an analysis of the need for additional rural residential land in the Mareeba. The analysis concluded the following:

#### **"Assessment of Need**

*Information presented in this report indicates that rural residential land sales have traditionally been very much a part of the mainstream market for residential land in the Mareeba district. However in recent years, sales of rural residential allotments appear to have been retarded by the availability of stock and prices have risen relative to standard residential allotments.*

*The 2 to 5 hectare category has also traditionally been a strong component of the Mareeba district's rural residential land market. However, this category appears at present to be the least well supplied compared to other areas of the market, particularly on the southern side of Mareeba where two-hectare lot development capacity inside the rural residential zone has been exhausted. Sales in the 2 to 5*

*hectare category may have also been retarded by the non-availability of town water to the respective current developments.*

*The proposed subdivision has significant points of difference, in terms of location, amenity, town additional water availability, lot size and additional water availability, to the allotments being offered in rural residential subdivisions presently in operation. The proposed subdivision will address the absence of two hectare lot development capacity on the southern side of Mareeba and significantly extend diversity and choice in the market.*

*On these grounds it would appear that there is a justifiable market need for the proposed subdivision."*

The Herron Todd White analysis provides an in-depth look into the current supply of rural residential land stock in the Mareeba Township based on already approved and developed rural residential land as well as rural residential zoned land in the recently commenced Mareeba Shire Council Planning Scheme - July 2016. It should be noted that the 2016 planning scheme was developed to include adequate rural residential land stock to accommodate demand over the intended life of the planning scheme (approx. 10 years) and does not include the subject land within the rural residential zone.

As outlined in the analysis, the past 10 years has seen a significant decrease in the number of annual developer land sales (land sold by developers) of rural residential land in the 2-5 hectare lot size range, with a current average developer sale rate of just 6.9 or 7 lots per annum. Herron Todd White have indicated that this could be due to an increasing shortage of 2-5 hectare allotments surrounding the Mareeba Township, however, Council officers believe this decrease in land sales is more likely due to a shifting market trend towards 0.4 - 1 hectare rural residential lots. The need analysis identifies a surplus of rural residential land supply in the 0.4 - 1 hectare lot size range, and instead focuses on an apparent shortage of rural residential land in the 2-5 hectare lot size range in order to justify the need for the additional rural residential land proposed by the development.

At the time the need analysis was conducted, Herron Todd White's investigations indicated that there were currently 21 rural residential lots in the 2-5 hectare range immediately available for sale in the Mareeba Locality. With an average annual sale rate of 7 lots, the analysis concluded that rural residential land stocks in the 2-5 hectare lot size range would be exhausted by the end of 2018. The analysis did not consider rural residential estate balance land awaiting development (Brookland Estate - 10 lots, The Rise Estate - 5 lots) as well as other rural residential development recently approved by Council (Rodeo Acres Estate - 8 lots) which are likely to be developed pending market demand. With these lots in mind, there is likely to be sufficient rural residential land supply in the 2-5 hectare lot size range out to at least 2020 (using a 7 lot per annum sale rate).

In addition to the 2-5 hectare rural residential development already approved by Council, the availability of land currently zoned for this purpose must also be considered when determining the need for additional out of sequence rural residential development. The 2016 planning scheme mapping differentiates rural residential land into 3 precincts; Precinct A - 4,000m<sup>2</sup> lots, Precinct B - 1 hectare lots and Precinct C - 2 hectare lots. These precincts indicate the minimum resultant lot sizes suitable for rural residential development on a particular allotment. The 2016 planning scheme places one (1) large 130 hectare allotment within the Rural residential zone (Precinct C) which has previously been approved for rural residential development creating approximately 50 x 2 hectare allotments. The remaining rural residential zoned land is situated within Precinct A. Precinct A is intended to be

developed down to 4,000m<sup>2</sup> allotments; however there is no reason a prospective developer cannot apply to Council to subdivide rural residential (Precinct A) lots into 2 hectare allotments to meet any future market demand. Examples of land parcels that may be suitable for such development is land between Agius Crescent and Shaban Close, as well as land on the western side of the Wylandra Estate balance land parcel which was previously intended to be developed to include 2 hectare allotments. Although Precinct A is not specifically intended for development into rural residential lots of this size, the alternative is further encroachment onto the rural landscape and in most cases important agricultural land which is not a favourable town planning outcome.

In addition to the current stock of rural residential zoned land, the 2016 planning scheme also places a number of large allotments on the fringe of Mareeba's urban footprint into the emerging communities zone. The emerging communities zone is intended to preserve land suitable for future urban development, which includes rural residential development beyond the life of the planning scheme. Should Mareeba's rural residential land supply be exhausted in years to come (which will likely only occur outside the life of the planning scheme), the next sequentially preferable land to be developed for rural residential purposes would be the emerging communities zoned land before encroaching into the rural landscape any further.

State Planning Policy 1/92 does provide for the loss of GQAL in cases where an overriding need for the development, i.e. a need for additional rural residential land can be demonstrated. Considering existing approved rural residential development within the Mareeba Township, and the amount of land zoned for future rural residential development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016, the application fails this test.

Noncompliance with the relevant overall outcomes, acceptable/probable solutions and specific outcomes contained within the relevant development codes are summarised as follows:

#### Rural Zone Code

Overall outcomes sought for the rural zone code are to achieve an area:

- (a) *that caters for a range of primary industries including forestry and aquaculture to contribute to the economic wellbeing of the Mareeba Shire;*

#### Comment

The majority of the subject land is considered to be Good Quality Agricultural Land (GQAL). The application proposes the fragmentation of GQAL to create 34 rural residential lots.

Approval of the proposed development would extinguish the possibility of agricultural/horticultural activities on the subject land and has the potential to significantly constrain the continuation and/or expansion of rural uses on adjoining rural allotments.

The proposed development conflicts with overall outcome (a).

- (b) *where agricultural production and the raising of animals are protected from incompatible land uses;*

Comment

Land to the south, west and north-west of the subject land is currently used for banana cropping which involve crop maintenance practices such as aerial spraying. Land immediately to the north of the subject land is currently used for livestock grazing but could support future, more intensive agricultural uses such as banana, citrus or sugarcane cropping (if development application DA/15/0042 is refused or is approved but never acted upon).

The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 61, 66, 67, 72, 73, 75 and 80 - 94. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.

These buffers would reduce the likelihood of land use conflict, not prevent the likelihood of land use conflict. Furthermore, the effective establishment and ongoing maintenance of landscape buffers have proven difficult in Mareeba in the past given the areas dryer climate as well as the shift in maintenance responsibility of those buffer areas to individual land owners when allotments are on-sold. The most appropriate method of preventing conflict is by not approving the development, particularly as there is no justifiable need for additional out of sequence rural residential development.

Council should consider the very real possibility of ongoing land use conflict between the proposed development and surrounding agricultural land uses, and the impact on current and future agricultural activity as a result.

Approval of the proposed development would extinguish the possibility of agricultural/horticultural activities on the subject land and has the potential to significantly constrain the continuation and/or expansion of rural uses on adjoining rural allotments.

The proposed development conflicts with overall outcome (b).

- (c) *where Good quality agricultural land is protected from fragmentation and alienation, not developed for purposes other than agricultural and support uses, and is protected from incompatible land uses in accordance with SPP1/92;*

Comment

The majority of the subject land is considered to be good quality agricultural land (GQAL).

State Planning Policy 1/92 does provide for the loss of GQAL where there is considered to be an overriding need for the development, i.e. an overriding need for additional rural residential land. As previously discussed, considering existing approved rural residential development, and the amount of land zoned for future rural residential development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016, the application fails this test.

There is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining actively farmed rural properties.

The development conflicts with overall outcome (c).

- (d) *in which agricultural uses and works are located, designed and managed to maximise the efficient use and operation of infrastructure including the MDIA channel infrastructure;*

Comment

Should the development proceed, the subject land will be lost for agricultural purposes. The subject land is serviced by MDIA channel infrastructure which SunWater have indicated must be removed should the application be approved. The proposed development does not improve the efficient use and operation of the Mareeba-Dimbulah Irrigation Area infrastructure.

The proposed development conflicts with overall outcome (d).

- (f) *that excludes residential uses unless these uses are primarily ancillary and necessary to agricultural uses;*

The proposed development would introduce 34 additional rural residential allotments into a rural locality. The rural residential uses are not ancillary and necessary to agricultural uses.

The proposed development conflicts with overall outcome (f).

- (g) *where a distinct boundary between the towns of Mareeba, Kuranda and Dimbulah is clear so that those towns do not extend beyond identified boundaries;*

The proposed development will result in the fragmentation and permanent alienation of approximately 80 hectares of good quality agricultural land to create 34 out of sequence rural residential lots outside the identified rural residential zones of both the Mareeba Shire Planning Scheme 2014 and the current Mareeba Shire Council Planning Scheme - July 2016.

As previously discussed, the existing rural residential land stock identified in the recently commenced Mareeba Shire Council Planning Scheme - July 2016 does not justify any further encroachment into the rural zone.

The proposed development conflicts with overall outcome (g).

- (j) *that allows for rural value adding industries where appropriately located;*

Comment

The application does not seek approval for a rural value adding industry. Instead, the application proposes large scale rural residential subdivision and if approved, the proposed development may constrain new value adding industries on adjoining rural properties.

The proposed development conflicts with overall outcome (j).

- (k) *where GQAL is conserved for agricultural uses that are dependent on the quality of agricultural land;*

Comment

The majority of the subject land is considered to be good quality agricultural land (GQAL). The proposed development will result in the fragmentation and permanent alienation of approximately 80 hectares of good quality agricultural land to create 34 out of sequence rural residential lots.

State Planning Policy 1/92 does provide for the loss of GQAL where there is considered to be an overriding need for the development, i.e. an overriding need for additional rural residential development. As previously discussed, at this point in time, there is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining actively farmed rural properties.

If approved the proposed development will do the exact opposite of conserving GQAL and therefore conflicts with overall outcome (k).

- (q) *makes effective use of the land and of the services provided to enable the functioning of the zone.*

Comment

The proposed development is not considered to add to the functioning of the rural zone. The land is serviced by the Mareeba Dimbulah Irrigation Area infrastructure and its loss for agricultural purposes is inefficient considering the existing supply of rural residential land already developed or zoned for this purpose in the recently commenced Mareeba Shire Council Planning Scheme - July 2016.

The proposed development conflicts with overall outcome (q).

**4.78 Building Siting, Scale and Amenity**

*S2 Agricultural activities are protected from incompatible land uses.*

*PS2.2 Non agriculture or agriculture-intensive uses which adjoin any agriculture or agriculture-intensive uses are protected from spray drifts by the maintenance of a separation distance of 300 metres between the agriculture or agriculture-intensive uses and the non agriculture or agriculture-intensive uses.*

Comment

Land to the south, west and north-west of the subject land is currently used for banana cropping which involve crop maintenance practices such as aerial spraying. Land immediately to the north of the subject land is currently used for livestock grazing but could support future, more intensive agricultural uses such as banana, citrus or sugarcane cropping (if development application DA/15/0042 is refused or is approved but never acted upon).

The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre

separation distance will be unachievable for Lots 61, 66, 67, 72, 73, 75 and 80 - 94. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.

These buffers would reduce the likelihood of land use conflict, not prevent the likelihood of land use conflict. Furthermore, the effective establishment and ongoing maintenance of landscape buffers have proven difficult in Mareeba in the past given the areas dryer climate as well as the shift in maintenance responsibility of those buffer areas to individual land owners when allotments are on-sold. The most appropriate method of preventing conflict is by not approving the development, particularly as there is no justifiable need for additional out of sequence rural residential development.

Council should consider the very real possibility of ongoing land use conflict between the proposed development and surrounding agricultural land uses, and the impact on current and future agricultural activity as a result.

Approval of the proposed development would extinguish the possibility of agricultural/horticultural activities on the subject land and has the potential to significantly constrain the continuation and/or expansion of rural uses on adjoining rural allotments.

The proposed development is considered to conflict with specific outcome S2.

*S10 Uses not dependent upon good quality agricultural land are not located on Good Quality Agricultural Land identified on Agricultural Land Quality Maps S2 to S5, unless there is an overriding need and no alternative sites.*

#### Comment

The majority of the subject land is considered to be good quality agricultural land (GQAL).

State Planning Policy 1/92 does provide for the loss of GQAL where there is considered to be an overriding need for the development, i.e. an overriding need for additional rural residential land. As previously discussed, considering existing approved rural residential development, and the amount of land zoned for future rural residential development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016, the application fails this test.

There is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining actively farmed rural properties.

The proposed development is considered to be in conflict with specific outcome S10.

#### **4.80 Reconfiguring a Lot**

*S1 The viability of the farming industry throughout the Shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised.*

*PS1.1 Allotments to have a minimum area of 60 hectares and road frontage of 300 metres within the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5;*



Comment

The proposed allotments do not achieve the 60 hectare minimum lot size suggested by PS1.1.

Specific Outcome S1 requires that the viability of the farming industry throughout the Shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised.

The majority of the subject land is considered to be good quality agricultural land (GQAL).

State Planning Policy 1/92 does provide for the loss of GQAL where there is considered to be an overriding need for the development, i.e. an overriding need for additional rural residential land. As previously discussed, considering existing approved rural residential development, and the amount of land zoned for future rural residential development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016, the application fails this test.

There is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining actively farmed rural properties.

The proposed development conflicts with specific outcome S1.

Airport and Aviation Facilities Overlay Code

The overall outcome sought for the Airport and Aviation Facilities Overlay Code is:

- (a) *Adverse effects on the safety and operational efficiency of operational airspace and the functioning of aviation facilities are avoided.*

Comment

The Mareeba Shire Council has acquired a total of \$18 million of funding from both the State and Federal Governments for the upgrade of the Mareeba Airport. The proposed upgrade will provide the region with an alternative to the Cairns International Airport for light aircraft movements, pilot training and aviation maintenance activities.

The project will involve the strengthening/resealing of the runway, aprons and taxiways to meet current design standards, as well as the construction of a new parallel taxiway and apron parking for larger aircraft. Drainage, lighting, fencing and road upgrades are also proposed for the airport as part of the upgrade. Council is also currently in the process of creating a significant number of leasehold lots on the airport site to accommodate aircraft hangers and workshops. The planned expansion of the airport should, in time, see a significant increase in air traffic, particularly over airspace in the immediate surrounds of the Airport.

The subject land is situated approximately 600 metres from the Mareeba Airport site to the north-west and will result in the creation of 34 new rural residential lots (i.e. 33 new dwellings). A substantial increase in dwelling densities in the vicinity of the airport will increase the likelihood of land use conflict between residential uses and aircraft and airport operations.

The proposed airport upgrade is a significant development that will provide economic benefit to the Shire and region as a whole. While this proposed rural residential development may benefit the applicants, it may have an adverse effect on the safety, operational efficiency and functioning of the Mareeba Airport into the future.

The proposed development is considered to conflict with Overall Outcome (a).

#### Rural Residential Zone Code

The Overall Outcomes of the Rural Residential Zone Code are to achieve an area:

- (c) *where the need to maintain a distinct boundary between the zone and rural areas, and that Rural Residential development does not extend beyond the Rural Residential zone boundaries as identified by the zoning maps;*

#### Comment

The proposed development does seek to extend beyond the boundaries of the Rural Residential zone of both the Mareeba Shire Planning Scheme 2004 and the recently commenced Mareeba Shire Council Planning Scheme - July 2016.

As previously discussed, considering existing approved rural residential development, and the amount of land zoned for future rural residential development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016, there is not considered to be an overriding need for additional rural residential land which would justify further encroachment into the rural landscape.

The proposed development conflicts with overall outcome (c).

- (i) *which makes effective use of the land and the services provided to enable the functioning of the zone.*

#### Comment

The proposed development is not considered to add to the functioning of the rural zone. The land is serviced by the Mareeba Dimbulah Irrigation Area infrastructure and its loss for agricultural purposes is inefficient considering the available stock of land already zoned and/or approved for rural residential purposes.

The proposed development is in conflict.

#### **4.46 Reconfiguring a Lot**

*S10 Lots created for rural residential purposes in the vicinity of and identified on Agricultural Land Quality Maps S2 to S5 must ensure that potential impacts from agricultural activities do not adversely affect community health, safety, amenity and the continuing use of the agricultural land resource.*

*PS10 Lot layout is consistent with State Planning Policy 1/92: Development and Conservation of Agricultural Land and its supporting Planning Guidelines: Separating Agricultural and Residential Land Uses.*

Comment

The majority of the subject land is considered to be good quality agricultural land (GQAL).

State Planning Policy 1/92 does provide for the loss of GQAL where there is considered to be an overriding need for the development, i.e. an overriding need for additional rural residential land. As previously discussed, considering existing approved rural residential development, and the amount of land zoned for future rural residential development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016, the application fails this test.

Land to the south, west and north-west of the subject land is currently used for banana cropping which involve crop maintenance practices such as aerial spraying. Land immediately to the north of the subject land is currently used for livestock grazing but could support future, more intensive agricultural uses such as banana, citrus or sugarcane cropping (if development application DA/15/0042 is refused or is approved but never acted upon).

The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 61, 66, 67, 72, 73, 75 and 80 - 94. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.

These buffers would reduce the likelihood of land use conflict, not prevent the likelihood of land use conflict. Furthermore, the effective establishment and ongoing maintenance of landscape buffers have proven difficult in Mareeba in the past given the areas dryer climate as well as the shift in maintenance responsibility of those buffer areas to individual land owners when allotments are on-sold. The most appropriate method of preventing conflict is by not approving the development, particularly as there is no justifiable need for additional out of sequence rural residential development.

Council should consider the very real possibility of ongoing land use conflict between the proposed development and surrounding agricultural land uses, and the impact on current and future agricultural activity as a result.

Approval of the proposed development would extinguish the possibility of agricultural/horticultural activities on the subject land and has the potential to significantly constrain the continuation and/or expansion of rural uses on adjoining rural allotments.

The proposed development conflicts with specific outcome S10.

**CONCLUSION**

The proposed development has significant points of conflict with both the FNQ Regional Plan and the Mareeba Shire Planning Scheme 2004. These points of conflict primarily relate to the proposed developments impact on the rural landscape, namely the permanent loss of large parcels of Good Quality Agricultural Land (GQAL) and the very real prospect of ongoing land use conflict between the proposed residential development and adjoining bona fide rural uses.

In light of the identified conflicts, approval of such a development hinges on whether an overriding need for additional rural residential land exists to warrant the associated loss of GQAL or to justify likely future land use conflict and the increased level of constraint likely to

be placed on adjoining rural uses. Although there may not be a surplus of 2-5 hectare rural residential land in Mareeba (when compared to 0.4-1 hectare sized rural residential lots), there is considered to be enough to meet immediate and future market demand to at least 2020. In addition to this, the recently commenced Mareeba Shire Council Planning Scheme - July 2016 was developed to include enough rural residential land stock to accommodate demand over the intended life of the planning scheme (approx. 10 years). The 2016 Planning Scheme includes approximately 185 hectares of englobo (large allotments suitable for development) rural residential land within a 2 kilometre radius of the subject site, the majority of this being the balance land of Wylandra Estate situated to the east of the site.

The application has failed to demonstrate an overriding need for additional rural residential land and it is therefore recommended that the application be refused.

**Date Prepared:** 6 April 2017

**ITEM-3**                      **TM, DJ & DR GALLO - MCU - SUBDIVISION (2 INTO 47 LOTS) LOT 137 & 138 SP179170 - RAY ROAD, MAREEBA - DA/15/0042**

**MEETING:**                      Ordinary

**MEETING DATE:**            19 April 2017

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

**DEPARTMENT:**              Corporate and Community Services

**APPLICATION DETAILS**

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>APPLICANT</b>	TM, DJ & DR Gallo	<b>ADDRESS</b>	Ray Road, Mareeba
<b>DATE LODGED</b>	16 September 2015	<b>RPD</b>	Lot 137 & 138 on SP179170
<b>TYPE OF APPROVAL</b>	Preliminary Approval and Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Preliminary Approval to vary the effect of the Mareeba Shire Planning Scheme 2004 (SPA Section 242) and Development Permit for Reconfiguring a Lot - Subdivision (2 Lots into 47 Lots)		

<b>FILE NO</b>	DA/15/0042	<b>AREA</b>	Lot 137 - 60 ha Lot 138 - 60 ha
<b>LODGED BY</b>	Twine Surveys Pty Ltd	<b>OWNER</b>	TM, DJ & DR Gallo
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
<b>ZONE</b>	Rural Zone (GQAL)		
<b>LEVEL OF ASSESSMENT</b>	Impact Assessment		
<b>SUBMISSIONS</b>	Seventeen (17) Submissions		

- ATTACHMENTS:**
1. Proposal Plan/s (distributed separately)
  2. Department of Infrastructure, Local Government and Planning Referral Agency Response dated 9 December 2015 (distributed separately)
  3. Department of Infrastructure, Local Government and Planning Third Party Advice response dated 10 March 2016 (distributed separately)
  4. Department of Natural Resources and Mines Third Party Advice Response dated 31 January 2017 (distributed separately)
  5. Submitter letters (distributed separately)
  6. Applicants response to submitter letters (distributed separately)

## EXECUTIVE SUMMARY

*Council is in receipt of an impact assessable development application described in the above application details. Public notification of the development application attracted 17 submissions, of which, 15 objected to the proposed development, 1 supported the proposed development, and 1 was a neutral submission from SunWater regarding the channel infrastructure.*

*The application seeks preliminary approval to vary the effect of the Mareeba Shire Planning Scheme 2004 by overriding the subject land's existing rural zoning to facilitate development of the land in accordance with the planning scheme's rural residential zone. A development permit for reconfiguring a lot - subdivision (2 lots into 47 lots) is also sought to subdivide the land into 47 rural residential lots. A similar and concurrent development application (DA/15/0043) has been lodged over the southern adjoining Lot 1 on SP276695 and Lot 139 on SP179170 which proposes the creation of a further 34 rural residential lots from the 2 existing rural lots. The two proposed developments would be linked via various internal roads.*

*The development application and supporting material has been assessed against the relevant statutory planning instruments, including the FNQ Regional Plan, the State Planning Policy, and the Mareeba Shire Planning Scheme 2004 (including DEO's, codes and policies). The application, which proposes a large scale rural residential development over Good Quality Agricultural Land (GQAL) conflicts with multiple fundamental provisions contained in both the FNQ Regional Plan and the Mareeba Shire Planning Scheme 2004. The development will result in the fragmentation and ultimate loss of large parcels of GQAL and the very real prospect of ongoing land use conflict with surrounding agricultural uses. The significant increase in dwelling densities proposed by the development is also likely to increase the likelihood of land use conflict with the Mareeba Airport, particularly considering the likely increase in air traffic as a result of the airports planned \$18 million upgrade.*

*From time to time, Council will need to consider development applications over GQAL. In such cases, a key principle that Council should consider is whether an **overriding need** for the development exists, i.e. an overriding need for additional rural residential land. Although the application was lodged and is being assessed under the now superseded Mareeba Shire Planning Scheme 2004, the recently adopted Mareeba Shire Council Planning Scheme - July 2016 needs to be considered when assessing the application and determining if an overriding need for the development exists. The Mareeba Shire Council Planning Scheme - July 2016 was developed to provide enough rural residential land to accommodate demand over the intended life of the planning scheme (approx. 10 years) and includes a number of englobo (large parcels awaiting development) rural residential lots in Mareeba's urban footprint, including the balance land for Wylandra Estate just to the east of the subject land. The 2016 planning scheme does not include the subject land within the rural residential zone.*

*Considering the large number of rural residential developments already approved by Council and awaiting completion, as well as the large amount of rural residential zoned land allocated by the recently commenced 2016 planning scheme, there is not considered to be an overriding need for additional rural residential land at this time. Accordingly, there is no justification for the proposed loss of GQAL or for the increased level of constraint likely to be placed on adjoining rural uses. Furthermore, the proposed development is likely to place additional financial burden on the wider community through the higher cost of providing infrastructure, and more so maintaining services to an out of sequence rural residential development.*

*The proposed development would undermine the principles of the Mareeba Shire Planning Scheme 2004 and the Mareeba Shire Council Planning Scheme 2016, and is therefore recommended for refusal.*

## OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
<b>APPLICANT</b>	TM, DJ & DR Gallo	<b>ADDRESS</b>	Ray Road, Mareeba
<b>DATE LODGED</b>	16 September 2015	<b>RPD</b>	Lot 137 & 138 on SP179170
<b>TYPE OF APPROVAL</b>	Preliminary Approval and Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Material Change of Use - Preliminary Approval to vary the effect of the Mareeba Shire Planning Scheme 2004 (SPA Section 242) and Development Permit for Reconfiguring a Lot - Subdivision (2 Lots into 47 Lots)		

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

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

- (A) **REFUSED DEVELOPMENT:** Material Change of Use - Preliminary Approval to vary the effect of the Mareeba Shire Planning Scheme 2004 (SPA Section 242) and Development Permit for Reconfiguring a Lot - Subdivision (2 Lots into 47 Lots)

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

That Council consider the following:

1. The proposed development is in conflict with the following Strategic Framework Strategies:
  - (c) *The rural area provides for a wide range of agricultural and horticultural uses with opportunities for economic development with the expansion of agriculture and value adding to primary industry.*
  - (e) *Create an urban form that maintains a high quality living environment, that reflects the distinct cultural and lifestyle values and the local area, suitable to sustainable living through;*
    - *Compact urban form*
    - *efficient use of natural resources*
    - *efficient use of infrastructure*
  - (m) *Good Quality Agricultural Land within the Mareeba Shire is conserved and protected from fragmentation in accordance the SPP 1/92.*

2. The proposed development is in conflict with Part 3, 3.1 Desired Environmental Outcomes, (3):
    - (d) *Good quality agricultural land is conserved and protected from fragmentation and alienation.*
    - (e) *Agricultural and forestry resources, mining, extractive activity in the rural sector are encouraged, facilitated and protected.*
    - (f) *The amenity and safety of land uses adjoining industrial estates and agricultural areas adjoining urban centres are protected from potential noise and air pollution.*
    - (i) *The efficient use, extension and safe operation of infrastructure are maximised, including roads, rail, aerodromes, water and sewerage systems.*
    - (l) *Residential uses are consolidated in identified urban nodes, including the existing townships and settlements and the rural landscape is protected from encroachment of urban uses.*
    - (q) *The establishment of new industries such as value adding agricultural industries as well as ecotourism and tradeable services beyond agriculture.*
    - (r) *The identification and protection of the amenity of noise sensitive development and liveability of residential areas.*
  3. The proposed development is in conflict with Part 4, Division 14, 4.77 Overall Outcomes for Rural Zone Code, (2):
    - (a) *that caters for a range of primary industries including forestry and aquaculture to contribute to the economic well-being of the Mareeba Shire;*
    - (b) *where agricultural production and the raising of animals are protected from incompatible land uses;*
    - (c) *where Good quality agricultural land is protected from fragmentation and alienation, not developed for purposes other than agricultural and support uses, and is protected from incompatible land uses in accordance with SPP1/92;*
    - (d) *in which agricultural uses and works are located, designed and managed to maximise the efficient use and operation of infrastructure including the MDIA channel infrastructure;*
    - (f) *that excludes residential uses unless these uses are primarily ancillary and necessary to agricultural uses;*
    - (g) *where a distinct boundary between the towns of Mareeba, Kuranda and Dimbulah is clear so that those towns do not extend beyond identified boundaries;*
    - (j) *that allows for rural value adding industries where appropriately located;*
-



- (k) *where GQAL is conserved for agricultural uses that are dependent on the quality of agricultural land;*
- (q) *makes effective use of the land and of the services provided to enable the functioning of the zone.*
4. The proposed development is in conflict with Part 4, Division 14, 4.78 Building Siting, Scale and Amenity, Specific Outcome Rural Zone Code:
- S2 *Agricultural activities are protected from incompatible land uses.*
- PS2.2 *Non agriculture or agriculture-intensive uses which adjoin any agriculture or agriculture-intensive uses are protected from spray drifts by the maintenance of a separation distance of 300 metres between the agriculture or agriculture-intensive uses and the non agriculture or agriculture-intensive uses.*
- S10 *Uses not dependent upon good quality agricultural land are not located on Good Quality Agricultural Land identified on Agricultural Land Quality Maps S2 to S5, unless there is an overriding need and no alternative sites.*
5. The proposed development is in conflict with Part 4, Division 14, 4.80 Reconfiguring a Lot, Specific Outcome Rural Zone Code:
- S1 *The viability of the farming industry throughout the Shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised.*
- PS1.1 *Allotments to have a minimum area of 60 hectares and road frontage of 300 metres within the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5;*
6. The proposed development is in conflict with Part 4, Division 4, 5.11 Overall Outcome for the Airport and Aviation Facilities Overlay Code (2):
- (a) *Adverse effects on the safety and operational efficiency of operational airspace and the functioning of aviation facilities are avoided.*
7. The proposed development is in conflict with Part 4, Division 8, 4.77 Overall Outcomes for Rural Residential Zone Code, (2):
- (c) *where the need to maintain a distinct boundary between the zone and rural areas, and that Rural Residential development does not extend beyond the Rural Residential zone boundaries as identified by the zoning maps;*
- (i) *which makes effective use of land and the services provided to enable the functioning of the zone.*
8. The proposed development is in conflict with Part 4, Division 8, 4.46 Reconfiguring a Lot, Specific Outcome Rural Residential Zone Code:
- S10 *Lots created for rural residential purposes in the vicinity of and identified on Agricultural Land Quality Maps S2 to S5 must ensure that potential impacts*

*from agricultural activities do not adversely affect community health, safety, amenity and the continuing use of the agricultural land resource.*

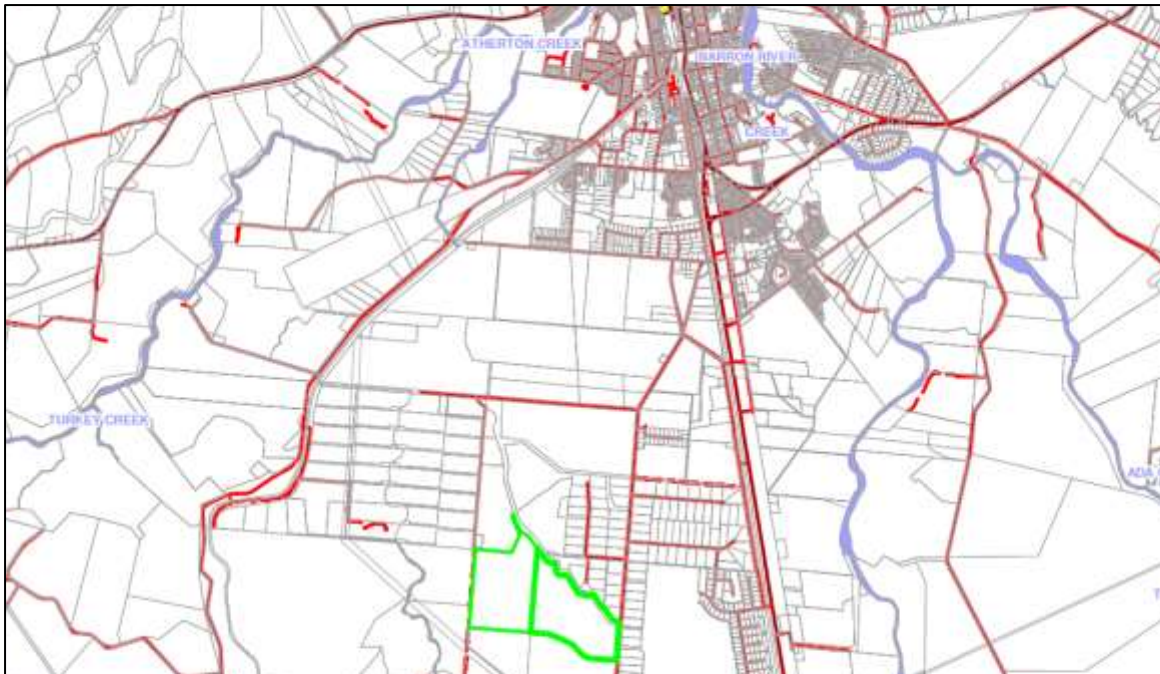
*PS10 Lot layout is consistent with State Planning Policy 1/92: Development and Conservation of Agricultural Land and its supporting Planning Guidelines: Separating Agricultural and Residential Land Uses.*

9. The proposed development is in conflict with land use policies 1.3.1, 1.3.2, 1.3.3, 2.4.1, 2.4.2, 2.6.1, 4.6.1, 4.6.2, 5.4.2, 5.4.3, 7.6.1 and 8.1.3 of the Far North Queensland Regional Plan 2009-2031.
10. That there are insufficient planning grounds to justify approval of the application, despite the identified conflicts."

## THE SITE

The subject land is situated towards the end of Ray Road, Mareeba, and is described as Lots 137 and 138 on SP179170. Both lots are irregular in shape with areas of 60 hectares each and are zoned *Rural* under the Mareeba Shire Planning Scheme 2004. The majority of both lots are mapped as Good Quality Agricultural Land (GQAL).

Lot 137, being the western land parcel, does not contain any road frontage with lawful access gained from Slape Road via an easement through northern adjoining Lot 23 on SP193149. The majority of Lot 137 is devoid of vegetation, except for a 9 hectare (approx.) thicket of remnant vegetation remaining on the western boundary and some scattered riparian vegetation adjacent Chinaman Creek which forms the northern boundary. Lot 137 remains vacant with no improvements and drains northwards into Chinaman Creek.



### Map Disclaimer:

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



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Lot 138, the eastern land parcel, contains 400 metres of frontage to Ray Road which is constructed to bitumen sealed standard for the full frontage of the lot. No formal access from Ray Road has been constructed to Lot 138. The majority of Lot 138 is also devoid of vegetation with some scattered vegetation situated along the northern boundary of the lot and surrounding a stock watering dam also situated along the northern boundary of the lot. A drainage easement has been established in the north-east corner of the lot which contains a seasonal watercourse that drains land on the eastern side of Ray Road through to Chinaman Creek. With the exception of the dam, Lot 138 contains no improvements and also drains to the north.

Both lots are primarily used for livestock grazing in conjunction with southern adjoining lots 139 on SP179170 and Lot 1 on SP276695. Surrounding lots to the north-east and east of the subject land are zoned *Rural Residential* and are characterised by 2 ha or larger lots with low density residential uses and typical rural hobby uses such as small fruit orchards and animal keeping (horses, cattle etc.). Lots to the north, south and west of the subject land are zoned *Rural* and used for livestock grazing and banana cropping. The Mareeba Airport is situated 1.13 kilometres to the south-east of the site.

## BACKGROUND AND CONTEXT

Nil

## PREVIOUS APPLICATIONS & APPROVALS

Nil

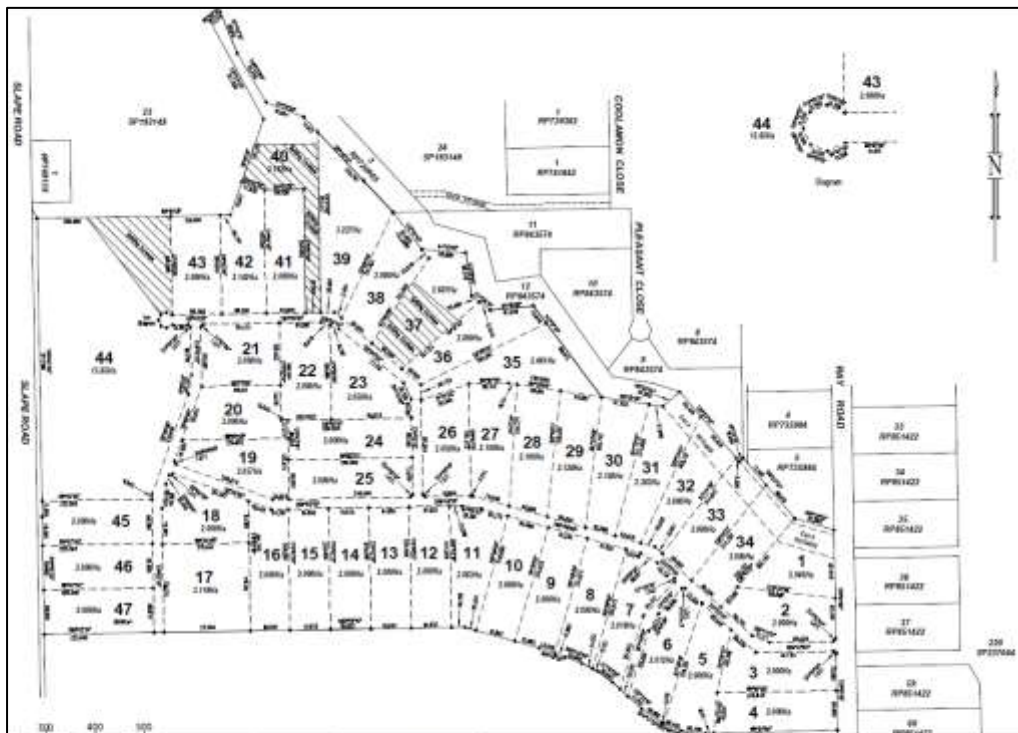
## DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Material Change of Use - Preliminary Approval to vary the effect of the Mareeba Shire Planning Scheme 2004 (SPA section 242) and Development Permit for Reconfiguring a Lot - Subdivision (2 Lots into 47 Lots) in accordance with the plans shown in **Attachment 1**.

The material change of use - preliminary approval is sought to override the subject land's existing Rural zoning to facilitate the development of the subject land in accordance with the Rural Residential Zone. The development permit component of the application is sought to facilitate the subdivision of the land to create 47 new rural residential lots (proposed Lot 1 - Lot 47).

The proposed lots will range in size from 2 hectares to 15.65 hectares with the typical average lot size being approximately 2 hectares. Most proposed lots contain road frontages in excess of 80 metres with the exception of Lots 30-32, 35, 36, 39 and 40 (7 lots) which would contain frontages of no less than 30 metres.

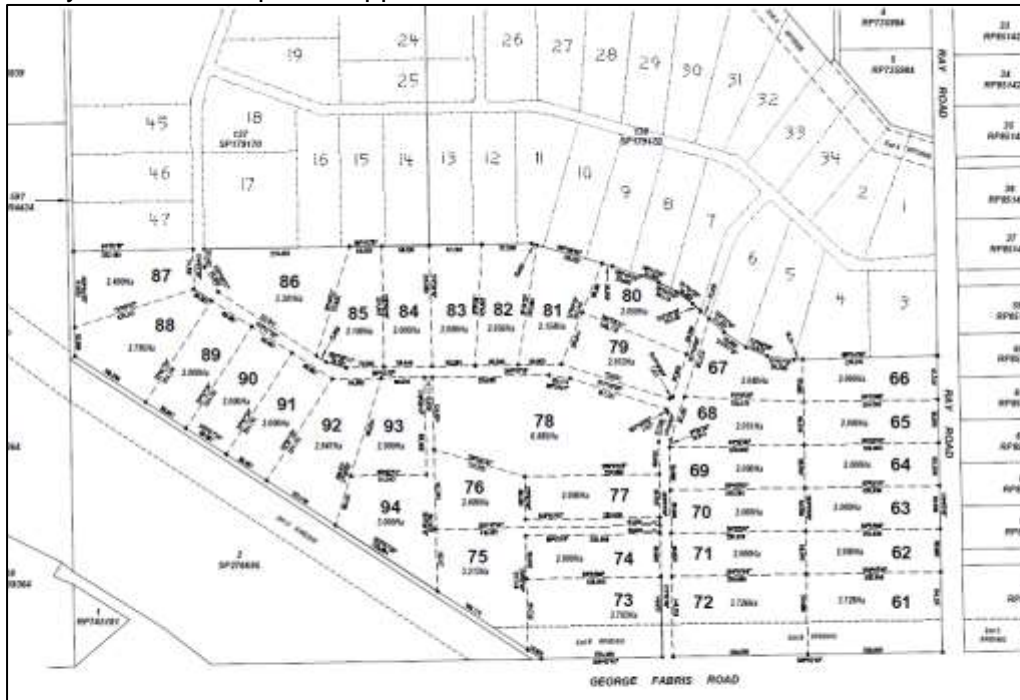
Four new internal roads are proposed to service the development. Each lot will also be provided with an electricity connection and telecommunications connection either via fixed line or a fixed wireless service via the National Broadband Network. It is proposed to extend Mareeba's reticulated water supply network from nearby Wylandra Estate to service the proposed development. The proposed lot layout for this application is shown below:



A similar development application (DA/15/0043) has been lodged over southern adjoining Lot 1 on SP276695 and Lot 139 on SP179170 which also seeks a preliminary approval to



establish rural residential use rights as well as a development permit for reconfiguring a lot - subdivision (2 into 34 lots) to create 34 rural residential lots. Both proposed developments will be linked via the proposed internal road network. For reference purposes, the proposed lot layout for development application DA/15/0043 is shown below:



## REGIONAL PLAN DESIGNATION

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

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

## PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Mareeba Dimbulah Irrigation Area
Zone:	Rural (GQAL)
Overlays:	Airport & Aviation Facilities Overlay Natural Disaster - Bushfire Overlay

## RELEVANT PLANNING INSTRUMENTS

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

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

Assessment against the Regional Plan is required because the plan is not reflected in the planning scheme. The application is assessed as being capable of substantially complying with the relevant provisions of the Regional Plan, provided reasonable and relevant conditions are applied.

The following Desired Regional Outcome Land Use Policies are relevant to the assessment of the application:

DRO 1.1 Biodiversity Conservation			
Land Use Policy		Complies	Comments
1.1.1	<i>Urban development within the regional landscape and rural production area is located outside of areas of high ecological significance (see map 3).</i>	✓	Complies - The subject land does not contain any areas of high ecological significance.
1.1.4	<i>Urban development in or adjacent to areas of general ecological significance (see map 3) is located, designed and operated to avoid or, where avoidance is not possible, minimise any adverse impacts on ecological values where possible.</i>	✓	Complies - A 9 hectare (approx.) thicket of mature vegetation which is mapped as general ecological significance is situated on the western side of Lot 137 and will be situated wholly within proposed Lot 44. No clearing of this vegetation is likely as a result of the proposed development as it is entirely contained within proposed Lot 44.

DRO 1.3 Air and Acoustic Environment Protection			
Land Use Policy		Complies	Comments
1.3.1	<i>Urban design, industrial and residential subdivision layout, building design and operational practices are adopted that act to minimise air and noise emissions and the impacts of emissions on sensitive land uses</i>	×	<p>The proposed development will result in the creation of an additional 47 rural residential allotments (i.e. 47 new dwellings) within proximity to the Mareeba Airport and almost immediately adjacent actively farmed rural properties (banana plantations). The proposed development could only increase the likelihood of land use conflict occurring as a result of aircraft activity and nearby agricultural uses (both being generators of air and noise emissions).</p> <p>The likelihood of future land use conflict associated with the Mareeba Airport will be made even more likely considering the planned and funded \$18 million upgrade to the Mareeba Airport which will likely result in a significant increase in air traffic over time.</p> <p>The Mareeba Airport provides an essential service at a regional level and should be given significant land use planning consideration when assessing development applications of this kind.</p> <p>The proposed development conflicts with land use policy 1.3.1.</p>
1.3.2	<i>Development that generates emissions must be adequately separated or planned, designed, constructed and operated to ensure the impacts of air and noise emissions on sensitive land uses meet the objectives of the Environmental Protection (Air) Policy and the Environmental Protection (Noise) policy.</i>	×	<p>The proposed development will result in the creation of an additional 47 rural residential allotments (i.e. 47 new dwellings) within proximity to the Mareeba Airport and almost immediately adjacent actively farmed rural properties (banana plantations). The proposed development could only increase the likelihood of land use conflict occurring as a result of aircraft activity and nearby agricultural uses (both being generators of air and noise emissions).</p> <p>The likelihood of future land use conflict associated with the Mareeba Airport will be made even more likely considering</p>

			<p>the planned and funded \$18 million upgrade to the Mareeba Airport which will likely result in a significant increase in air traffic over time.</p> <p>The Mareeba Airport provides an essential service at a regional level and should be given significant land use planning consideration when assessing development applications of this kind.</p> <p>The proposed development conflicts with land use policy 1.3.2.</p>
1.3.3	<p><i>Sensitive land uses should be separated from activities that generate noise and air emissions including commercial, recreational activities such as motor sports, intensive agricultural land uses, major transport facilities and industrial developments to ensure that existing air and noise emitters are not affected by the encroachment of sensitive land uses.</i></p>	x	<p>The proposed development will result in the creation of an additional 47 rural residential allotments (i.e. 47 new dwellings) within proximity to the Mareeba Airport and almost immediately adjacent actively farmed rural properties (banana plantations). The proposed development could only increase the likelihood of land use conflict occurring as a result of aircraft activity and nearby agricultural uses (both being generators of air and noise emissions).</p> <p>The likelihood of future land use conflict associated with the Mareeba Airport will be made even more likely considering the planned and funded \$18 million upgrade to the Mareeba Airport which will likely result in a significant increase in air traffic over time.</p> <p>The Mareeba Airport provides an essential service at a regional level and should be given significant land use planning consideration when assessing development applications of this kind.</p> <p>The proposed development conflicts with land use policy 1.3.3.</p>

#### DRO 2.4 Primary Production & Fisheries

Land Use Policy		Complies	Comments
2.4.1	<p><i>Good quality agricultural land is protected from urban development outside the urban footprint.</i></p>	x	<p>The subject land is situated within the regional landscape and rural production area, outside the urban footprint and rural living area and is mapped as good quality agricultural land (GQAL) in both the Mareeba Shire Planning Scheme 2004 and the Mareeba Shire Council Planning Scheme - July 2016.</p> <p>As part of the application (and development application DA/15/0043), an agricultural land quality assessment was conducted which concluded that the "soils under consideration are certainly not Good Quality Agricultural Land (GQAL) when compared to the usual Atherton Tableland farming standards." The report also concludes the following: "Splitting lots 137, 138, 139 and 140 into smaller lots will not significantly change the existing or future agricultural potential of the Mareeba Shire."</p> <p>Third party advice on the agricultural land quality of the subject land (for both DA/15/0042 &amp; DA/15/0043) was sought from the Department of Natural Resources and Mines (<b>Attachment 4</b>) which concluded the following:</p> <p><i>"The subject land (the property) does not have limited agricultural potential. There is no substantiated evidence that the property is not "good quality agricultural land". There is no verifiable evidence given in the consultant's reports validating the findings provided.</i></p> <p><i>A large extent, 187 ha or 90% of the property is currently classified as A1 arable land, with an additional 8.4 ha (4%) B class arable land. Only 10 ha</i></p>

			<p>(~5%) is C class non-arable land. Most of the property is assessed as suitable for a wide range of irrigated crops. Surrounding and nearby properties provide evidence that even the C class land can viably and economically be developed for crops previously considered unsuitable for that land.</p> <p>There is no reason on the grounds of agricultural potential and agricultural land use suitability that this development proposal should be supported. The proposed development will permanently alienate GQAL which can produce economically important crops."</p> <p>As discussed in detail in the Planning Discussion section of this report, the applicant has not provided sufficient evidence to demonstrate that the subject land is not arable land, and therefore not "good quality agricultural land".</p> <p>Cases will arise where Councils will have to consider development proposal over GQAL such as this development application. In such cases a key principle should be whether an overriding need for the development can be demonstrated at that particular location, and that no other more suitable site/s exists. Although the proposal may benefit the applicant, there is not considered to be an overriding need for the development, particularly considering the amount of rural residential zoned land allocated for future development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016.</p> <p>The proposed development will compromise in excess of 100 hectares of good quality agricultural land and therefore conflicts with land use policy 2.4.1.</p>
2.4.2	<p><i>Appropriate buffer distances between incompatible uses and agricultural operations on good quality agricultural land are provided through sensitive land use planning in accordance with State Planning Policy 1/92.</i></p>	×	<p>Although State Planning Policy 1/92 lapsed in December 2012, its principles are still reflected in the FNQ Regional Plan and the Planning Scheme and therefore remain relevant to development assessment.</p> <p>Land immediately to the west and north-west of the subject land is currently used for banana cropping which involve crop maintenance practices such as aerial spraying.</p> <p>The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 40 - 47. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.</p> <p>As mentioned in the Guideline, landscape buffers are an effective planning tool to <u>reduce</u> land use conflict; however, landscape buffers, even when effectively established, will not totally eliminate amenity impacts resulting from surrounding agricultural activity. Furthermore, the effective establishment and ongoing maintenance of landscape buffers have proven difficult in Mareeba in the past given the dryer climate of the area as well as the shift in maintenance responsibility of those buffer areas to individual land owners when individual allotments are sold.</p> <p>Council should consider the very real possibility of ongoing land use conflict between the proposed development and surrounding agricultural land uses, and the impact on current and future agricultural activity as a result. As discussed above, a key principle to consider should be whether an overriding need for the development exists, i.e. a need for additional rural residential land. As discussed in</p>



			<p>the Planning Discussion section of the report, there is not considered to be overriding need for additional rural residential development at this point in time, particularly considering the amount of rural residential zoned land allocated for future development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016.</p> <p>What should also be considered in this instance is the future use of immediate southern adjoining Lots 1 on SP276695 and Lot 139 on SP1791790. Development application DA/15/0043 was lodged at the same time as this development application and proposes similar rural residential development (creating 34 rural residential lots) over lots 1 and 139. Council should consider the possibility that if development application DA/15/0043 is not approved or is approved and is not acted upon, Lot 1 on SP276695 and Lot 139 on SP1791790 would remain within the rural zone and could support future more intense agricultural uses than the current use of the land for livestock grazing (i.e. banana cropping). Should this occur, it would create further opportunity for land use conflict between potential agricultural activity on lots 1 and 139 and proposed lots 4 - 17 of this application, situated along the southern boundary of the subject land.</p> <p>The proposed development will create opportunity for future land use conflict between agricultural and residential land uses and is therefore considered to conflict with land use policy 2.4.2.</p>
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DRO 2.6 Rural Subdivision			
Land Use Policy		Complies	Comments
2.6.1	Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.	x	<p>The subject land is situated within the regional landscape and rural production area and is mapped as good quality agricultural land (GQAL) in both the superseded Mareeba Shire Planning Scheme 2004 and the Mareeba Shire Council Planning Scheme - July 2016.</p> <p>As part of the application, an agricultural land quality assessment of the subject land was conducted which concluded that the "soils under consideration are certainly not Good Quality Agricultural Land (GQAL) when compared to the usual Atherton Tableland farming standards." The report also concludes the following: "Splitting lots 137, 138, 139 and 140 into smaller lots will not significantly change the existing or future agricultural potential of the Mareeba Shire."</p> <p>Third party advice on the agricultural land quality of the subject land was sought from the Department of Natural Resources and Mines (<b>Attachment 4</b>) which concluded the following:</p> <p><i>"The subject land (the property) does not have limited agricultural potential. There is no substantiated evidence that the property is not "good quality agricultural land". There is no verifiable evidence given in the consultant's reports validating the findings provided.</i></p> <p><i>A large extent, 187 ha or 90% of the property is currently classified as A1 arable land, with an additional 8.4 ha (4%) B class arable land. Only 10 ha (~5%) is C class non-arable land. Most of the property is assessed as suitable for a wide range of irrigated crops. Surrounding and nearby properties provide evidence that even the C class land can viably and economically be developed for crops previously considered unsuitable for that land.</i></p>

			<p><i>There is no reason on the grounds of agricultural potential and agricultural land use suitability that this development proposal should be supported. The proposed development will permanently alienate GQAL which can produce economically important crops."</i></p> <p>As discussed in detail in the Planning Discussion section of this report, the applicant has not provided sufficient evidence to demonstrate that the subject land is not arable land, and therefore not "good quality agricultural land".</p> <p>Cases will arise where Councils will have to consider development proposal over GQAL such as this development application. In such cases a key principle should be whether an overriding need for the development can be demonstrated, i.e. a need for additional rural residential land. As discussed in detail in the Planning Discussion section of this report, there is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining actively farmed rural properties.</p> <p>The proposed development will compromise in excess of 100 hectares of good quality agricultural land and therefore conflicts with land use policy 2.6.1.</p>
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#### DRO 4.6 Rural Residential Development

Land Use Policy		Complies	Comments
4.6.1	<i>New rural residential development is located in rural living areas.</i>	×	<p>The subject land is not situated within a rural living area mapped in the FNQ Regional Plan, nor does it sit within the Rural residential zone of the recently commenced Mareeba Shire Council Planning Scheme - July 2016 which is considered to appropriately reflect the FNQ Regional Plan.</p> <p>The proposed development conflicts with land use policy 4.6.1.</p>
4.6.2	<i>Future demand for rural residential housing is provided from within the existing stock of land zoned for this purpose.</i>	×	<p>The subject land is zoned rural under both the Mareeba Shire Planning Scheme 2004 and the current Mareeba Shire Council Planning Scheme - July 2016. The subject land is mapped as good quality agricultural land in both Planning Scheme's and is not recognised as land suitable for future rural residential development, as indicated by its Rural zoning under the current 2016 Planning Scheme.</p> <p>As discussed in detail in the Planning Discussion section of this report, there is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining rural properties.</p> <p>The proposed development conflicts with land use policy 4.6.2.</p>

#### DRO 5.4 Primary Industries

Land Use Policy		Complies	Comments
5.4.2	<i>Threats to primary production from incompatible development are identified and managed through land use planning and where appropriate, by developer established buffers.</i>	×	<p>Although State Planning Policy 1/92 lapsed in December 2012, its principles are still reflected in the FNQ Regional Plan and the Planning Scheme and therefore remain relevant to development assessment.</p> <p>Land immediately to the west and north-west of the subject</p>

			<p>land is currently used for banana cropping which involve crop maintenance practices such as aerial spraying. Land immediately to the south of the subject land is currently used for livestock grazing but could support future, more intensive agricultural uses such as banana, citrus or sugarcane cropping if development application DA/15/0043 is refused or is approved but never acted upon.</p> <p>The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 40 - 47. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.</p> <p>As mentioned in the Guideline, landscape buffers are an effective planning tool to <u>reduce</u> land use conflict; however, landscape buffers, even when effectively established, will not totally eliminate amenity impacts resulting from surrounding agricultural activity. Furthermore, the effective establishment and ongoing maintenance of landscape buffers have proven difficult in Mareeba in the past given the dryer climate of the area as well as the shift in maintenance responsibility of those buffer areas to individual land owners when individual allotments are sold.</p> <p>Council should consider the very real possibility of ongoing land use conflict between the proposed development and surrounding agricultural land uses, and the impact on current and future agricultural activity as a result. As discussed above, a key principle to consider should be whether an overriding need for the development exists, i.e. a need for additional rural residential land. As discussed in the Planning Discussion section of the report, there is not considered to be overriding need for additional rural residential development at this point in time, particularly considering the amount of rural residential zoned land allocated for future development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016.</p> <p>The proposed development will create opportunity for future land use conflict between agricultural and residential land uses and is therefore considered to conflict with land use policy 5.4.2.</p>
5.4.3	<i>Potential conflict between primary industries and urban activities is managed through land use planning and, where appropriate, developer-established buffers.</i>	×	As discussed above, the proposed development is considered to conflict with land use policy 5.4.3.

### DRO 7.1 Protection of Waterways, Wetlands and Water Quality

Land Use Policy		Complies	Comments
7.1.1	<i>Development is planned, designed, constructed and managed in accordance with best practice environmental management to protect environmental values and meet water quality objectives of the Environmental Protection Policy (Water) 1997 (EPP Water) for regional surface water, groundwater and wetlands.</i>	✓	The proposed development will be serviced by Council's reticulated water supply network and each lot is large enough to accommodate adequate on-site wastewater disposal in accordance with the Australian Standards. The proposed development is not likely to compromise water quality objectives contained within the Environmental Protection Policy (Water) 1997.

DRO 7.6 Rural Water			
Land Use Policy		Complies	Comments
7.6.1	<i>The security and efficiency of the water infrastructure network for existing and future primary production areas is maintained and protected from incompatible land uses.</i>	×	<p>The subject land is situated within the Mareeba Dimbulah Irrigation Area (MDIA) and is currently serviced by SunWater's channel network. Sunwater have provided advice to Council during the public notification period that they will not be supplying water to the proposed rural residential lots (via their infrastructure) and that the existing SunWater infrastructure must be removed.</p> <p>The proposed development will not result in the protection or maintenance of long established MDIA infrastructure and is therefore in conflict with land use policy 7.6.1.</p>

DRO 8.1 Integrated Transport & Land Use Planning			
Land Use Policy		Complies	Comments
8.1.3	<i>The urban fabric of towns and cities is designed to locate residential areas as close as possible to activity centres, including economic, retail, educational, recreational and community centres.</i>	×	<p>The proposed development will result in the creation of 47 additional rural residential allotments outside the mapped rural residential zone of both the superseded Mareeba Shire Planning Scheme 2004 and the current Mareeba Shire Council Planning Scheme - July 2016 and is therefore considered to be out of sequence development. Although the proposal may benefit the applicant, there is not considered to be an overriding need for the development, particularly considering the amount of rural residential zoned land allocated for future development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016.</p> <p>The proposed development conflicts with land use policy 8.1.3.</p>

## (b) State Planning Policy

The Department of State Development, Infrastructure and Planning has introduced a single State Planning Policy (SPP) to replace the various SPP's previously in place. As such, this State Planning Policy is not reflected in the Planning Scheme and is therefore applicable to the assessment of the application.

Queensland State Planning Policy - July 2014		
State Interest	Complies	Assessment Requirements & Comments
<b>Biodiversity</b> A development application where the land relates to a matter of state environmental significance, if the application is for: <ul style="list-style-type: none"> <li>(a) operational work, or</li> <li>(b) a material change of use other than for a dwelling house, or</li> <li>(c) reconfiguring a lot that results in more than six lots or lots less than five hectares.</li> </ul>	✓	Development: <ul style="list-style-type: none"> <li>(1) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and</li> <li>(2) manages the significant adverse environmental impacts on matters of state environment significance by, in order of priority: <ul style="list-style-type: none"> <li>(a) avoiding significant adverse environmental impacts, and</li> <li>(b) mitigating significant adverse environmental</li> </ul> </li> </ul>

		<p>impacts where these cannot be avoided, and</p> <p>(c) where applicable, offsetting any residual adverse impacts.</p> <p><b>Comment</b></p> <p>The only areas of state environmental significance identified on the subject land are small isolated slivers of MSES - Regulated Vegetation situated along the riparian areas of Chinaman Creek along the northern boundary of the subject land.</p> <p>The proposed development is unlikely to have an adverse impact on these matters of state environmental significance.</p>
<p><b>Water quality</b></p> <p><u>Receiving waters</u> - a development application for any of the following:</p> <p>(1) a material change of use for urban purposes that involves a land area greater than 2500 square metres that:</p> <p>(a) will result in an impervious area greater than 25 per cent of the net developable area, or</p> <p>(b) will result in six or more dwellings, or</p> <p>(2) reconfiguring a lot for urban purposes that involves a land area greater than 2500 square metres and will result in six or more lots, or</p> <p>(3) operational works for urban purposes that involve disturbing more than 2500 square metres of land.</p>	✓	<p><b><u>Receiving waters</u></b></p> <p>Development:</p> <p>(1) avoids or otherwise minimises adverse impacts on the environmental values of receiving waters, arising from:</p> <p>(a) altered stormwater quality or flow, and</p> <p>(b) wastewater (other than contaminated stormwater and sewage), and</p> <p>(c) the creation or expansion of non-tidal artificial waterways, and</p> <p>(2) complies with the SPP code: Water quality (Appendix 2).</p> <p><b>Comment</b></p> <p>If the development is approved, a separate development permit for operational works will need to be obtained from Council prior to development works commencing. Appropriate conditioning will ensure stormwater quality and flow is appropriately managed during and after development.</p>
<p><b>Natural hazards</b></p> <p>A development application for a material change of use, reconfiguring a lot or operational works on land within:</p> <p>(1) a flood hazard area, or</p> <p>(2) a bushfire hazard area, or</p> <p>(3) a landslide hazard area, or</p> <p>(4) a coastal hazard area.</p>	✓	<p><b>For all natural hazards:</b></p> <p>Development:</p> <p>(1) avoids natural hazard areas or mitigates the risks of the natural hazard, and</p> <p>(2) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and</p> <p>(3) directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties, and</p> <p>(4) avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and</p> <p>(5) maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and</p>

		<p><b>Comment</b></p> <p>The subject site is not in a coastal hazard area or landslide hazard area.</p> <p>Each proposed lot will include sufficient flood free land for the siting of a dwelling and ancillary outbuildings.</p> <p>Based on the more accurate bushfire mapping included within the Mareeba Shire Council Planning Scheme - July 2016, the subject land is mapped as including medium bushfire hazard areas and potential impact buffer areas. Each proposed lot will include adequate area for the siting of a dwelling and ancillary outbuildings appropriately separated from hazardous vegetation and will be provided with a town water supply for fire-fighting purposes. Each lot will be provided with convenient access for fire-fighting personnel and evacuation routes via a sealed internal road network. The proposed development complies or can be conditioned to comply with points (1) to (5).</p>
<p><b>Strategic airports and aviation facilities</b></p> <p>A development application that involves land located within a local government area that contains or is impacted by a strategic airport identified in Table 2: Strategic airports (Part D) or an aviation facility identified in Appendix 1 of SPP Guideline: Strategic airports and aviation facilities if the development involves:</p> <ol style="list-style-type: none"> <li>(1) a material change of use of premises which will result in work encroaching into the operational airspace of a strategic airport and is at least 12 metres high, or</li> <li>(2) building work not associated with a material change of use mentioned in paragraph (1) that will result in work encroaching into the operational airspace of a strategic airport and is at least 12 metres high, or</li> <li>(3) a material change of use of premises or reconfiguring a lot where any part of the land is within the 20 ANEF contour, or greater, for a strategic airport, or</li> <li>(4) a material change of use of premises or reconfiguring a lot where any part of the land is within the public safety area of a strategic airport, or</li> <li>(5) a material change of use of premises where any part of the land is within the lighting area buffer zone of a strategic airport, or</li> <li>(6) a material change of use of premises where any part of the land is within the wildlife hazard buffer zone of a strategic airport, or</li> <li>(7) a material change of use of premises which will result in work encroaching into the building restricted area of an</li> </ol>	✓	<p>Development:</p> <p>(1) complies with the SPP code: Strategic airports and aviation facilities (Appendix 5).</p> <p><b>Comment</b></p> <p>The subject land is situated within the lighting area buffer zone and the 3km wildlife hazard buffer zone of the Mareeba Airport (which is a strategic airport).</p> <p>If the development is approved by Council against the officer recommendation, appropriate conditions can be applied to the development to ensure compliance with the SPP code: Strategic airports and aviation facilities.</p>

aviation facility <sup>12</sup> , or  (8) building work not associated with a material change of use mentioned in paragraph (7) that will result in work encroaching into the building restricted area of an aviation facility <sup>12</sup> .		
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**(c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)**

**Relevant Desired Environmental Outcomes**

DEO	Complies	Comments
(c) Adverse effects from development on the natural environment are minimised with respect to the loss of natural vegetation, soil degradation, air and water pollution due to erosion, dust and chemical contamination, dispersal of pollutants, effluent disposal and the like.	✓	If approved, the proposed development can be conditioned to ensure minimal impact on the natural environment with respect to vegetation, soil degradation and air and water pollution. The development is not likely to result in any chemical contamination. The development will not involve any additional clearing and will be serviced by Mareeba's reticulated water supply network. Each lot is of an adequate size to accommodate adequate on-site wastewater disposal.
(d) Good quality agricultural land is conserved and protected from fragmentation and alienation.	×	<p>The subject land is mapped as containing good quality agricultural land (GQAL) in both the Mareeba Shire Planning Scheme 2004 and the Mareeba Shire Council Planning Scheme - July 2016.</p> <p>As part of the application (and development application DA/15/0043), an agricultural land quality assessment was conducted which concluded that the <i>"soils under consideration are certainly not Good Quality Agricultural Land (GQAL) when compared to the usual Atherton Tableland farming standards."</i> The report also concludes the following: <i>"Splitting lots 137, 138, 139 and 140 into smaller lots will not significantly change the existing or future agricultural potential of the Mareeba Shire."</i></p> <p>Third party advice on the agricultural land quality of the subject land (for both DA/15/0042 &amp; DA/15/0043) was sought from the Department of Natural Resources and Mines (<b>Attachment 4</b>) which concluded the</p>

	<p>following:</p> <p><i>"The subject land (the property) does not have limited agricultural potential. There is no substantiated evidence that the property is not "good quality agricultural land". There is no verifiable evidence given in the consultant's reports validating the findings provided.</i></p> <p><i>A large extent, 187 ha or 90% of the property is currently classified as A1 arable land, with an additional 8.4 ha (4%) B class arable land. Only 10 ha (~5%) is C class non-arable land. Most of the property is assessed as suitable for a wide range of irrigated crops. Surrounding and nearby properties provide evidence that even the C class land can viably and economically be developed for crops previously considered unsuitable for that land.</i></p> <p><i>There is no reason on the grounds of agricultural potential and agricultural land use suitability that this development proposal should be supported. The proposed development will permanently alienate GQAL which can produce economically important crops."</i></p> <p>As discussed in detail in the Planning Discussion section of this report, the applicant has not provided sufficient evidence to demonstrate that the subject land is not arable land, and therefore not "good quality agricultural land".</p> <p>Cases will arise where Councils will have to consider development proposals over GQAL such as this development application. In such cases a key principle should be whether an overriding need for the development can be demonstrated, i.e. a need for additional rural residential land. As discussed in detail in the Planning Discussion section of this report, at this point in time, there is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify</p>
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		<p>the increased level of constraint likely to be placed on adjoining actively farmed rural properties.</p> <p>The proposed development will compromise in excess of 100 hectares of good quality agricultural land and therefore conflicts with DEO (d).</p>
(e) Agricultural and forestry resources, mining, extractive activity in the rural sector are encouraged, facilitated and protected.	×	<p>The proposed development would extinguish the possibility of future agricultural/horticultural activities on the subject land and has the potential to significantly constrain the continuation and/or expansion of rural uses on adjoining rural allotments.</p> <p>The applicant has not demonstrated that an overriding need exists to excuse the loss of GQAL or to justify the increased level of constraint created by allowing further out of sequence rural residential development in the Rural zone.</p> <p>The proposed development conflicts with DEO (e).</p>
(f) The amenity and safety of land uses adjoining industrial estates and agricultural areas adjoining urban centres are protected from potential noise and air pollution.	×	<p>Land immediately to the west and north-west of the subject land is currently used for banana cropping which involve crop maintenance practices like aerial spraying. Land immediately to the south of the subject land is currently used for livestock grazing but could support future, more intensive agricultural uses such as banana, citrus or sugarcane cropping (if development application DA/15/0043 is refused or is approved but never acted upon).</p> <p>The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 40 - 47 and lots 4 - 17. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land,</p>

		<p>20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.</p> <p>As mentioned in the Guideline, landscape buffers are an effective planning tool to <u>reduce</u> land use conflict; however, landscape buffers, even when effectively established, will not totally eliminate amenity impacts from surrounding agricultural activity. The most appropriate method of preventing conflict is by not approving the development, particularly as there is not considered to be an overriding need for additional rural residential development.</p> <p>The proposed development conflicts with DEO (f).</p>
(g) The standard and location of the built environment, particularly in Mareeba and Kuranda, minimise the use of non-renewable resources, having regard to associated wastewater and effluent disposal infrastructure.	✓	<p>The development would be serviced by a connection to the Mareeba reticulated water supply.</p> <p>The proposed allotments are of a suitable size to accommodate adequate on-site wastewater disposal in accordance with latest version On-Site Domestic Wastewater Management Standard (ASNZ1547).</p>
(h) All members of the community have appropriate access to relevant services and facilities that meet their needs and create a sense of community satisfaction.	✓	<p>The subject land is within reasonable driving distance to the Mareeba CBD. The development is therefore considered to have appropriate access to the existing services within the Mareeba township.</p>
(i) The efficient use, extension and safe operation of infrastructure are maximised, including roads, rail, aerodromes, water and sewerage systems.	×	<p>The application proposes the development of out of sequence rural residential development in addition to the rural residential zoned land allocated for future development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016.</p> <p>Given the amount of rural residential zoned land allocated within the 2016 planning scheme, there is not considered to be an overriding need for the development to excuse the loss of GQAL or to justify the increased level of constraint created by allowing further out of sequence rural residential development in the Rural zone.</p> <p>Approval of the application to allocate additional out of sequence rural residential land on top of the existing</p>

		<p>land stock would place unnecessary financial burdens on the community through the high cost of providing and more so maintaining services such as roads, stormwater and water supply.</p> <p>The proposed development conflicts with DEO (i).</p>
(l) Residential uses are consolidated in identified urban nodes, including the existing townships and settlements and the rural landscape is protected from encroachment of urban uses.	×	<p>The application proposes the creation of 47 additional rural residential allotments on land situated outside Mareeba's urban footprint as mapped in both the Mareeba Shire Planning Scheme 2004 and the current Mareeba Shire Council Planning Scheme - July 2016.</p> <p>Given the amount of rural residential zoned land allocated within the recently commenced 2016 planning scheme which does not include the subject land, there is not considered to be an overriding need for further encroachment into the rural landscape to development additional rural residential land.</p> <p>The development conflicts with DEO (l).</p>
(o) The Mareeba township and the Myola district, as identified by the Myola Feasibility Study are the primary residential nodes to accommodate future urban growth in accordance with the FNQ Regional Plan.	✓	<p>Whilst the subject land is located on the extreme fringe of Mareeba's urban footprint, the development does not necessarily compromise the achievement of this DEO.</p>
(r) The identification and protection of the amenity of noise sensitive development and liveability of residential areas.	×	<p>Land immediately to the west and north-west of the subject land is currently used for banana cropping which involve crop maintenance practices like aerial spraying. Land immediately to the south of the subject land is currently used for livestock grazing but could support future more intensive agricultural uses such as banana, citrus or sugarcane cropping (if development application DA/15/0043 is refused or is approved but never acted upon).</p> <p>The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use</p>

		<p>conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 40 - 47 and lots 4 - 17. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.</p> <p>As mentioned in the Guideline, landscape buffers are an effective planning tool to <u>reduce</u> land use conflict; however, landscape buffers, even when effectively established, will not totally eliminate amenity impacts from surrounding agricultural activity. The most appropriate method of preventing conflict is by not approving the development, particularly as there is not considered to be an overriding need for further rural residential development.</p> <p>The proposed development conflicts with DEO (r).</p>
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### Relevant Development Codes

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

Part 4, Division 8	Rural Residential Zone Code
Part 4, Division 14	Rural Zone Code
Part 5, Division 4	Airport and Aviation Facilities Overlay Code
Part 5, Division 8	Natural Disaster - Bushfire Overlay Code
Part 6, Division 12	Reconfiguring a Lot Code

The application included a planning report and assessment against the planning scheme. A summary of the applications compliance with the relevant development codes is summarised as follows:

Relevant Codes	Comments
Rural Residential Zone Code (for proposed rural residential zone)	<p>The application conflicts with overall outcomes (c) and (i).</p> <p>The application can be conditioned to comply with the relevant acceptable/probable solutions and specific outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> <li>4.46 Reconfiguring a Lot - Specific Outcome S10</li> </ul> <p>Refer to planning discussion section of report.</p>
Rural Zone Code	The application conflicts with overall outcomes (a), (b), (c), (d),

	(f), (g), (j), (k) and (q).  The application can be conditioned to comply with the relevant acceptable/probable solutions and specific outcomes contained within the code apart from the following: <ul style="list-style-type: none"> <li>▪ 4.78 Building Siting, Scale and Amenity - Specific Outcome S2 &amp; S10</li> <li>▪ 4.80 Reconfiguring a Lot - Specific Outcome S1</li> </ul> Refer to planning discussion section of report.
Airport and Aviation Facilities Overlay Code	The application conflicts with overall outcome (a) of the code. Refer to planning discussion section of report.
Natural Disaster - Bushfire Overlay Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Reconfiguring a Lot Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.

#### **(e) Planning Scheme Policies/Infrastructure Charges Plan**

The following planning scheme policies are relevant to the application:

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

The proposed development will be serviced through an extension of Council's reticulated water supply network from nearby Wylanda Estate.

##### **No. 2 - Headworks Charges for Water Supply and Sewerage**

If the application is approved by Council against the officer recommendation, a contribution towards water headworks would be applicable. Significant infrastructure works would be required to extend Council's reticulated water supply network to service the subject land which would be done at the applicant/developers expense.

##### **No. 4 - Development Manual**

If the application is approved by Council against the officer recommendation, a condition will be attached to the approval requiring all development works to be constructed/upgraded in accordance with FNQROC Development Manual standards.

##### **No. 5 - Open Space Contributions**

If the application is approved by Council against the officer recommendation, a contribution towards open space would be applicable.

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

If the application is approved by Council against the officer recommendation, a contribution towards augmentation of the road network would be applicable.

## REFERRALS

### Concurrence

The application triggered referral to the Department of Infrastructure, Local Government and Planning as a Concurrence Agency (SARA - DNRM remnant vegetation).

That Department advised in a letter dated 9 December 2015 that they require the conditions to be attached to any approval (**Attachment 2**).

### Advice

This application did not trigger referral to an Advice Agency.

### Third Party Advice

The application was referred to the Department of Infrastructure, Local Government and Planning for Third Party Advice.

The Departments Third Party Advice response was received by Council on 10 March 2016 (**Attachment 3**) and supports the various conflicts identified by the assessing officer.

Third Party Advice was also sought from the Department of Natural Resources and Mines (DNRM) seeking comment on the agricultural land quality of the subject land (**Attachment 4**). Although this advice was sought after public notification of the application, the content of the DNRM third party advice response has been considered by Council officers during the assessment of the application.

### Internal Consultation

Development Engineering, Technical Services

## PUBLIC NOTIFICATION

The development proposal was placed on public notification from 31 October 2016 to 12 December 2016. The applicant submitted the notice of compliance on 13 December 2016 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

17 properly made submissions were received during the public notification period. 15 submissions objected to the proposed development, 1 submission supported the proposed development, and 1 submission was received from SunWater Ltd who neither objected nor supported the development but provided comment with respect to their irrigation infrastructure.

The grounds for objection/support are summarised and commented on below:

Grounds for objection /support	Comment
<p>The development conflicts with the preferred pattern or development outlined in the regional plan and the provisions that seek to:</p> <ol style="list-style-type: none"> <li>1. protect good quality agricultural land ("GQAL") for ongoing and future agricultural production and only utilise it where there is an overriding need;</li> <li>2. protect rural production areas from inappropriate rural residential development;</li> <li>3. confine rural residential development to rural living areas;</li> <li>4. ensure that future demand for rural residential housing is to be provided from within the existing stock of land zoned for that purpose; and</li> <li>5. ensure that intensive agricultural land uses are not affected by encroachment of sensitive land uses.</li> </ol>	<p>Agreed.</p> <p>The submitters concerns have been noted and discussed in the body of this report. The application is recommended for refusal.</p>
<p>The development conflicts with the provisions of the State Planning Policy - State Interest Agriculture which seek to protect Agricultural Land Classification (ALC) Class A and Class B land suitable for sustainable agriculture.</p>	<p>Agreed.</p> <p>The submitters concerns have been noted and discussed in the body of this report. The application is recommended for refusal.</p>
<p>The development conflicts with the provisions of the 2004 scheme, including the DEO's, Rural Zone Code, Rural Residential Zone Code and Reconfiguring a Lot Code, that seek to:</p> <ol style="list-style-type: none"> <li>1. conserve and protect GQAL from alienation and fragmentation.</li> <li>2. protect the rural landscape from the encroachment of urban uses.</li> <li>3. protect agricultural activities from incompatible land uses;</li> <li>4. avoid conflicts with existing development in the locality.</li> <li>5. set a minimum lot area of 60 ha on GQAL;</li> <li>6. prevent the expansion of any further rural residential land; and</li> <li>7. restrict rural residential subdivision to already approved or zoned sites.</li> </ol> <p>To the extent that the applicant relies upon historical approvals for rural residential estates in the area, they are irrelevant because they were granted under different planning instruments and/or pre-date the regional plan.</p>	<p>Agreed.</p> <p>The submitters concerns have been noted and discussed in the body of this report. The application is recommended for refusal.</p>
<p>The new scheme came into effect in July 2016. Council is entitled to give it significant weight under s 317 of the Act.</p> <p>The site remains in the Rural zone and is mapped as Agricultural Land — Class A.</p> <p>Zone map ZMO16a shows that to the east and north east of the site, there are large undeveloped parcels of land zoned Rural Residential which are available for future supply.</p>	<p>Agreed.</p> <p>The submitters concerns have been noted and discussed in the body of this report. The application is recommended for refusal.</p>

Grounds for objection /support	Comment
<p>Submitters question the findings of the agricultural land quality assessment conducted by the applicants as part of the application. Submitters claim that the subject land is in fact GQAL.</p>	<p>The submitters concerns have been noted and discussed in the body of this report. Council officers consider the land to be good quality agricultural land based on third party advice received by the Department of Natural Resources and Mines (DNRM).</p> <p>The application has been recommended for refusal.</p>
<p>Approval of the development would cause significant reverse amenity impacts including:</p> <ol style="list-style-type: none"> <li>1. complaints from residents about the impacts of cropping on adjoining land due to: <ol style="list-style-type: none"> <li>a. night time machinery use;</li> <li>b. aerial and ground spraying; and</li> <li>c. noise; and</li> <li>d. dust;</li> </ol> </li> <li>2. trespassing by residents on adjoining agricultural land; and</li> <li>3. increased biosecurity risks, eg. outbreaks of Panama disease in bananas.</li> </ol>	<p>Agreed.</p> <p>The submitters concerns have been noted and discussed in the body of this report. The application is recommended for refusal.</p>
<p>The applicants have failed to suitably address the potential odour impact on the development from the existing piggery on Lot 2 on RP718754.</p>	<p>The Queensland Government through the Department of Primary Industries in 2001 provided a Separation Guideline for Queensland Piggeries which was reprinted in 2001, 2002, 2003 and 2004 and is still understood to be an appropriate and acceptable Guideline in dealing with separation for Piggeries within Queensland. Section 2.0 Variable Separation Distances – Distance between Piggery Complex and Receptors nominate a Separation Formula (S-Factor Formula) for Piggeries and Sensitive Receptors.</p> <p>Using the S-Factor Formula which takes into account factors such as the size of the piggery, terrain, pig effluent removal frequency, a separation distance of 753 metres was determined. The subject land is situated approximately 1.66 kilometres away from the piggery which is more than twice the S-Factor Formula distance.</p> <p>Notwithstanding this, the proposed development has significant conflicts with the Mareeba Shire Planning Scheme 2004 and is recommended for refusal.</p>
<p>The applicants have failed to suitably address the issue of potential noise nuisance from the Mareeba Airport and its potential to impact on the Airports operation in future.</p>	<p>The submitters concerns have been noted and discussed in the body of this report. The application is recommended for refusal.</p>
<p>Submitters believe there to be insufficient grounds to justify approval of the application, despite the various conflicts. Submitters believe there to be ample future supply of rural residential land surrounding the Mareeba Township.</p>	<p>The submitters concerns have been noted and discussed in the body of this report. Council officers do not consider there to be an overriding need for additional rural residential development, particularly consider the amount of rural residential land allocated for future development within the Mareeba Shire Council Planning Scheme - July 2016. The application is recommended for refusal.</p>



Grounds for objection /support	Comment
<p>Submitters believe that that part of the application seeking a preliminary approval for a material change of use is invalid because it fails to state the way in which the application seeks to vary the effect of the local planning instrument (the scheme), as required by s242 of the Act. The application fails to identify the levels of assessment for future development and does not include codes for proposed development.</p>	<p>The preliminary approval is sought to vary the effect of the planning scheme to allow the development of the site to occur in accordance with the Rural Residential zone of the Mareeba Shire Planning Scheme 2004. The development permit component of the application proposes the creation of 47 rural residential lots that are consistent with the size and servicing requirements outlined in the Rural Residential Zone Code.</p> <p>The proposed development is considered to be properly made in accordance with the <i>Sustainable Planning Act 2009</i>.</p>
<p>SunWater has the following comments in relation to the development application should the following subdivision proceed:</p> <ol style="list-style-type: none"> <li>1. SunWater will not be supplying water to the proposed rural residential subdivision lots and existing water supply must be removed;</li> <li>2. Developer to meet all costs of construction and upgrade of boundary fence (i.e. the requirement for fencing would be a four (4) strand galvanised fence) that will meet SunWater standard or to a higher standard as required by Council; and</li> <li>3. No access gate would be permitted onto SunWater land from the subdivision.</li> </ol>	<p>The application is recommended for refusal. Should Council approve the application against the officer recommendation, conditions can be attached to the approval to ensure compliance with SunWater requirements.</p>
<p>One (1) submission supporting the development was received which stated the following:</p> <p><i>"I supports the development of the subject site into 5 acre blocks on Ray Road on condition that all facilities are of a standard relevant to the needs of increased traffic, power, water and other safety issues. The submitter considers 5 acre lots an asset to a more relaxed, child friendly and open lifestyle."</i></p>	<p>The application is recommended for refusal based on a number of significant conflicts with relevant planning instruments as discussed in the body of this report. Should Council approve the application against the officer recommendation, conditions will be attached to the approval requiring the supply of appropriate service infrastructure (water, power, access, telecommunications and on-site wastewater disposal).</p>

Twine Surveys Pty Ltd, on behalf of the applicants, submitted a response to the abovementioned issues raised in the various submissions (**Attachment 6**). The consultant's representations were noted and considered during the assessment of the application.

## Submitters

Name of principal submitter	Address
1. SunWater Limited	PO Box 15536 City East Brisbane QLD 4002
2. Graham Sweeper	PO Box 1580 Mareeba QLD 4880
3. Mary Shephard	PO Box 1571 Mareeba QLD 4880
4. Tableland Canegrowers Ltd	PO Box 1359 Mareeba QLD 4880
5. Howe Farming Enterprises Pty Ltd	PO Box 926 Mareeba QLD 4880
6. Trickamee Pty Ltd	PO Box 1007 Walkamin QLD 4880
7. John Gilbert	168 Sape Road, Mareeba QLD 4880
8. S & P Murat & Stelbay Pty Ltd	PO Box 258 Mareeba QLD 4880
9. Vince Kattenberg	PO Box 50 Walkamin QLD 4883
10. Reinout and Susan Posma	PO Box 550 Mareeba QLD 4880
11. Charles Jennings	PO Box 1532 Mareeba QLD 4880
12. Luke Posma	PO Box 743 Mareeba QLD 4880
13. Paul Jennings	PO Box 600 Mareeba QLD 4880
14. John Jennings	PO Box 312 Mareeba QLD 4880
15. Margriet & Keith Howe	PO Box 2013 Mareeba QLD 4880
16. Andrew Jennings	PO Box 1368 Mareeba QLD 4880
17. Mareeba District Fruit and Vegetable Growers Association Inc.	PO Box 989 Mareeba QLD 4880

## PLANNING DISCUSSION

### Agricultural Land Quality Assessment

The majority of the subject land (Lots 137 and 138) are mapped as Good Quality Agricultural Land (GQAL) under both the Mareeba Shire Planning Scheme 2004 and the recently commenced Mareeba Shire Council Planning Scheme - July 2016.

As part of the application (and development application DA/15/0043 over adjoining Lot 1 on SP276695 and Lot 139 on SP179170), an agricultural land quality assessment was conducted which concluded that the *"soils under consideration are certainly not Good Quality Agricultural Land (GQAL) when compared to the usual Atherton Tableland farming standards."* The report also concludes the following: *"Splitting lots 137, 138, 139 and 140 into smaller lots will not significantly change the existing or future agricultural potential of the Mareeba Shire."*

The land quality assessment findings were predominately based on soil type as follows:

#### **"Soils"**

*The majority of the area under discussion consists of the Walkamin Soils. Details are shown on Map 4. Lots 139 and 140 are all Walkamin soils, and Lots 137 and 138 are a mix of both Walkamin and Ray soils, with smaller portions of the "Rocky Phases" of these two types. The land use characteristics of these soil types are detailed in the attached Fact Sheets. It is worth noting that in the "Limitations to Land Use" sections of these documents, both Walkamin and Ray soils are described as having "moderate permeability and poor drainage". It continues to state that they are both "subject to seasonal waterlogging limiting some land uses and machinery access". Mr Gallo assures me that this is certainly the situation on the soils of the property under discussion. The fact sheets state that the Rocky Phases of the two major soil types can have up to 50% of Basalt rock or boulder on the surface. Again, this is certainly the case on Lots 137 and 138.*

*I believe it is fair to say that the soils of the property under consideration are certainly not Good Quality Agricultural Land (GQAL) when compared to the usual Atherton*

*Tableland farming standards. As mentioned earlier in this report, the adjacent red basalt soils of the Tolga Soil Type are a good illustration of the differences. They are annually cropped each summer season with very few machinery access problems. There are some tree crops and bananas grown on Walkamin soils, but in most cases the drainage is significantly better than the area under review. Even a slight slope makes a big difference during the wet season."*

Considering that land adjacent the subject site to the south, south-west, west and north-west, with similar soil types as the subject land currently contain productive banana crops, Council officers obtained third party advice from the Department of Natural Resources and Mines regarding the subject lands agricultural land quality (**Attachment 4**). The Departments advice was sought for both this development application and similar development application DA/15/0043 over adjoining Lot 1 on SP276695 and Lot 139 SP179170.

The Departments third party advice was comprehensive and includes the following advice:

*"The "usual Atherton Tableland farming standard" does not apply when determining agricultural land class, and did not apply when soils in the MDIA were classed as GQAL. These two classifications are based on their suitability for cropping. Attachment 3 shows the details of the 4 main soil mapping units on the subject land, including the land use suitability of each as evaluated by this Department for irrigated agricultural land uses for the soils of the Mareeba-Dimbulah Irrigation Area (MDIA). This evaluation identifies the Walkamin soil (mapping unit 880) is suitable for 13 irrigated land uses. The Ray soil (mapping unit 1027) is suitable for 8 irrigated land uses. Both rocky phase units are shown to be suitable for 1 irrigated land use each, however the Ray Rocky unit (mapping unit 1014) has more land uses assessed as unsuitable (class 5) than the Walkamin Rocky unit (mapping unit 1035). Attachment 3 has also identified mapping unit 880 as including small or minor extents of Walkamin Rocky Phase and Walkamin Shallow Phase. Mapping units 1014 and 1027 also contain minor extents of the soil type named Morgan. The soil type fact sheets in Attachment 2 also describe these. The Morgan Soil Fact Sheet identifies this soil type as having the same suitability as the Ray soil. The mapping does not indicate the location and extent of these minor units; they may or may not occur on the property."*

*"The Consultant has supplied in Report No.1 two soil type fact sheets produced by the Department of Natural Resources as supporting material. As well as describing the soils, it appears these are included with the intent of demonstrating poor agricultural potential. However, what the fact sheets do demonstrate is that the Walkamin and Ray soil types are suitable for a number of irrigated land uses.*

*It is the range of suitable land uses that makes the land GQAL, in the original intended use of this term for land planning purposes. This is why the Walkamin and Ray soils are Class A1 arable land. Whilst both may not be as good as some of the cropping soils found on the Atherton Tablelands, this does not mean they do not have agricultural potential. The better Tablelands soils just happen to be suitable for a much wider range of crops.*

*As shown in Attachment 3 the land is, to a large extent, suitable for many irrigated crop uses, including sugarcane which is now a very important crop in the district. Only a small portion of the property has been evaluated as being unsuitable. However, as discussed further below, it is likely that even the unsuitable areas can be rendered suitable for sugarcane and potentially other important land uses such as banana. Please note; the main soil type found on the Arriga, which is also the main sugarcane*

*producing locality in the District, is very similar to Ray and Morgan soils. The proposed development would result in the land being permanently alienated from the potential production of this crop."*

*"The Consultant's report No 1 has identified Rockiness and Wetness (poor drainage) as two key problems with the land. Referring to the soil fact sheets, the report states that "both Walkamin and Ray soils are described as having moderate permeability and poor drainage", and "that during the wet season the surface drainage of water off the property is slow and it is difficult to move around the property", and "create difficulties in growing annual crops". Also, "up to 50% of Basalt rock or boulder on the surface"... "this is certainly the case on Lots 137 & 138".*

*I will confirm that wetness is a key limitation for both soils, and rockiness is an additional principal limitation for the Rocky phases. I need to point out that the Walkamin soil is imperfectly drained rather than poorly drained, hence the larger number of suitable land uses.*

*The soil mapping available from this Department shows that rocky areas known to contain up to 50% rock or boulder is a minor proportion of the property extent. The Consultant has not provided any additional information to demonstrate, beyond the existing mapping, the full extent and location of rocky areas on the property with a rock content high enough to make all of Lots 137 & 138, or the entire property, unsuitable for cropping.*

*Please note: the Ray Rocky Phase (mapping unit 1014), located mostly on Lot 138, is identified as containing the sub-dominant soil type named Morgan. It is possible this soil is found on that portion of the property rather than the Ray Rocky. It is possible that this area is sufficiently rock free such that this part of the property should be considered suitable for a wider range of land uses. Further on-ground work, undertaken appropriately, would verify the rock content of this area, as well as all other areas on the property.*

*With regard to drainage and waterlogging on the property, the Consultant's report has identified one important point; that any waterlogging is seasonal. It is restricted to the wet season. The poorest drainage or most prolonged waterlogging will occur on the lowest elevated portions of the property. Elsewhere, waterlogging that restricts vehicular movement around the property will be confined to short periods, possibly to as little as after a week of sunshine following heavy rainfall.*

*The drainage issues relating to these soils certainly will not prevent vehicular movement or cropping during the dry season. This wetness limitation does not restrict the use of dry season annual crops; please refer to Attachment 3 to see the range of annual crops that have been evaluated as suitable for both Walkamin and Ray soil types."*

*"As shown on neighbouring properties, and elsewhere on the same or similar soils in the district, the land presently evaluated as unsuitable for particular crops, or cropping in general, can be made suitable.*

*The same soil types found on the subject land are found on neighbouring properties. By all indications these neighbouring properties are successfully being used for cropping. Bananas are growing on bounding properties to the north, west and south of the subject land. There is a banana plantation found to the north, between Slape Road*

*and Chinaman Creek, which is largely mapped as Ray, with smaller areas of Walkamin and Tolga Rocky Phase. Bananas have been established on adjoining land between the property and Atherton Creek to the west, which includes mapping unit 880. Bananas are currently being established on Lot 2 SP276695 which also includes mapping unit 880. Bananas are grown on land to the south on the other side of George Fabris Road, which also includes mapping unit 880.*

*There is a small property on Ray Road, found on the Ray Rocky (soil mapping unit 1014), which is growing a commercial sized Citrus orchard.*

*The suitability evaluation was undertaken back in 1996-1997, it appears that circumstances have changed somewhat since. Bananas and even citrus have been established on land thought to have been unsuitable (class 4 or 5) for these land uses. It is apparent that landholders are employing viable measures to develop the land, overcoming the severity of the key limitations, and rendering the land suitable.*

*Waterlogging issues can be overcome with the installation of drains (e.g. open channels, buried slotted pipes) or land forming. As can be seen in adjacent banana plantations, the landholder has formed high plant mounds to establish a deep, freely drained rootzone for the crop on soils with imperfect or poor drainage. The inter-row or furrow is directed and sloped in a way to allow free surface drainage away from the crop and prevent surface ponding of water.*

*Rock picking, manual rock removal with dozers and excavators, is used to remove rock, something seen to be highly evident in local banana plantations as well as for other land uses.*

*It is apparent that areas like the Rocky phases of Walkamin and Ray have potential for cropping despite the present land suitability classification. All of the property (excluding the drainage feature) should be considered having potential for a wide range of crops, including two of the district's more economically important crop types (sugarcane and banana).*

*Additionally, land that is suitable for a crop such as banana will also be suitable for a much wider range of perennial and annual crops, especially horticultural crops, than have presently been evaluated."*

Based on the technical advice provided by the Department of Natural Resources and Mines, Council officers disagree with the consultant's conclusion and consider the land to be Good Quality Agricultural Land (GQAL). Sufficient evidence has not been provided to demonstrate that the land is not arable either in its current extent or subject to agronomic improvements such as rock removal and drainage improvements which are commonly undertaken on farms in the Shire prior to cropping.

### Overriding Need

Where out of sequence rural residential development is proposed over GQAL, a key principle that Council should consider is whether an **overriding need** for the development exists, i.e. a need for additional rural residential land.

The applicants engaged Herron Todd White (Cairns) Pty Ltd to conduct an analysis of the need for additional rural residential land in the Mareeba. The analysis concluded the following:

**"Assessment of Need**

*Information presented in this report indicates that rural residential land sales have traditionally been very much a part of the mainstream market for residential land in the Mareeba district. However in recent years, sales of rural residential allotments appear to have been retarded by the availability of stock and prices have risen relative to standard residential allotments.*

*The 2 to 5 hectare category has also traditionally been a strong component of the Mareeba district's rural residential land market. However, this category appears at present to be the least well supplied compared to other areas of the market, particularly on the southern side of Mareeba where two-hectare lot development capacity inside the rural residential zone has been exhausted. Sales in the 2 to 5 hectare category may have also been retarded by the non-availability of town water to the respective current developments.*

*The proposed subdivision has significant points of difference, in terms of location, amenity, town additional water availability, lot size and additional water availability, to the allotments being offered in rural residential subdivisions presently in operation. The proposed subdivision will address the absence of two hectare lot development capacity on the southern side of Mareeba and significantly extend diversity and choice in the market.*

*On these grounds it would appear that there is a justifiable market need for the proposed subdivision."*

The Herron Todd White analysis provides an in-depth look into the current supply of rural residential land stock in the Mareeba Township based on already approved and developed rural residential land as well as rural residential zoned land in the recently commenced Mareeba Shire Council Planning Scheme - July 2016. It should be noted that the 2016 planning scheme was developed to include adequate rural residential land stock to accommodate demand over the intended life of the planning scheme (approx. 10 years) and does not include the subject land within the rural residential zone.

As outlined in the analysis, the past 10 years has seen a significant decrease in the number of annual developer land sales (land sold by developers) of rural residential land in the 2-5 hectare lot size range, with a current average developer sale rate of just 6.9 or 7 lots per annum. Herron Todd White have indicated that this could be due to an increasing shortage of 2-5 hectare allotments surrounding the Mareeba Township, however, Council officers believe this decrease in land sales is more likely due to a shifting market trend towards 0.4 - 1 hectare rural residential lots. The need analysis identifies a surplus of rural residential land supply in the 0.4 - 1 hectare lot size range, and instead focuses on an apparent shortage of rural residential land in the 2-5 hectare lot size range in order to justify the need for the additional rural residential land proposed by the development.

At the time the need analysis was conducted, Herron Todd White's investigations indicated that there were currently 21 rural residential lots in the 2-5 hectare range immediately available for sale in the Mareeba Locality. With an average annual sale rate of 7 lots, the analysis concluded that rural residential land stocks in the 2-5 hectare lot size range would be exhausted by the end of 2018. The analysis did not consider rural residential estate balance land awaiting development (Brookland Estate - 10 lots, The Rise Estate - 5 lots) as well as other rural residential development recently approved by Council (Rodeo Acres Estate - 8 lots) which are likely to be developed pending market demand. With these lots in

mind, there is likely to be sufficient rural residential land supply in the 2-5 hectare lot size range out to at least 2020 (using a 7 lot per annum sale rate).

In addition to the 2-5 hectare rural residential development already approved by Council, the availability of land currently zoned for this purpose must also be considered when determining the need for additional out of sequence rural residential development. The 2016 planning scheme mapping differentiates rural residential land into 3 precincts; Precinct A - 4,000m<sup>2</sup> lots, Precinct B - 1 hectare lots and Precinct C - 2 hectare lots. These precincts indicate the minimum resultant lot sizes suitable for rural residential development on a particular allotment. The 2016 planning scheme places one (1) large 130 hectare allotment within the Rural residential zone (Precinct C) which has previously been approved for rural residential development creating approximately 50 x 2 hectare allotments. The remaining rural residential zoned land is situated within Precinct A. Precinct A is intended to be developed down to 4,000m<sup>2</sup> allotments; however there is no reason a prospective developer cannot apply to Council to subdivide rural residential (Precinct A) lots into 2 hectare allotments to meet any future market demand. Examples of land parcels that may be suitable for such development is land between Agius Crescent and Shaban Close, as well as land on the western side of the Wylandra Estate balance land parcel which was previously intended to be developed to include 2 hectare allotments. Although Precinct A is not specifically intended for development into rural residential lots of this size, the alternative is further encroachment onto the rural landscape and in most cases important agricultural land which is not a favourable town planning outcome.

In addition to the current stock of rural residential zoned land, the 2016 planning scheme also places a number of large allotments on the fringe of Mareeba's urban footprint into the emerging communities zone. The emerging communities zone is intended to preserve land suitable for future urban development, which includes rural residential development beyond the life of the planning scheme. Should Mareeba's rural residential land supply be exhausted in years to come (which will likely only occur outside the life of the planning scheme), the next sequentially preferable land to be developed for rural residential purposes would be the emerging communities zoned land before encroaching into the rural landscape any further.

State Planning Policy 1/92 does provide for the loss of GQAL in cases where an overriding need for the development, i.e. a need for additional rural residential land can be demonstrated. Considering existing approved rural residential development within the Mareeba Township, and the amount of land zoned for future rural residential development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016, the application fails this test.

Noncompliance with the relevant overall outcomes, acceptable/probable solutions and specific outcomes contained within the relevant development codes are summarised as follows:

#### Rural Zone Code

Overall outcomes sought for the rural zone code are to achieve an area:

- (a) *that caters for a range of primary industries including forestry and aquaculture to contribute to the economic wellbeing of the Mareeba Shire;*

Comment

The majority of the subject land is considered to be Good Quality Agricultural Land (GQAL). The application proposes the fragmentation of GQAL to create 47 rural residential lots.

Approval of the proposed development would extinguish the possibility of agricultural/horticultural activities on the subject land and has the potential to significantly constrain the continuation and/or expansion of rural uses on adjoining rural allotments.

The proposed development conflicts with overall outcome (a).

- (b) *where agricultural production and the raising of animals are protected from incompatible land uses;*

Comment

Land immediately to the west and north-west of the subject land is currently used for banana cropping which involve crop maintenance practices like aerial spraying. Land immediately to the south of the subject land is currently used for livestock grazing but could support future more intensive agricultural uses such as banana, citrus or sugarcane cropping (if development application DA/15/0043 is refused or is approved but never acted upon).

The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 40 - 47 and lots 4 - 17. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.

These buffers would reduce the likelihood of land use conflict, not prevent the likelihood of land use conflict. Furthermore, the effective establishment and ongoing maintenance of landscape buffers have proven difficult in Mareeba in the past given the areas dryer climate as well as the shift in maintenance responsibility of those buffer areas to individual land owners when allotments are on-sold. The most appropriate method of preventing conflict is by not approving the development, particularly as there is no justifiable need for additional out of sequence rural residential development.

Council should consider the very real possibility of ongoing land use conflict between the proposed development and surrounding agricultural land uses, and the impact on current and future agricultural activity as a result.

Approval of the proposed development would extinguish the possibility of agricultural/horticultural activities on the subject land and has the potential to significantly constrain the continuation and/or expansion of rural uses on adjoining rural allotments.

The proposed development conflicts with overall outcome (b).

- (c) *where Good quality agricultural land is protected from fragmentation and alienation, not developed for purposes other than agricultural and support uses, and is protected from incompatible land uses in accordance with SPP1/92;*



Comment

The majority of the subject land is considered to be good quality agricultural land (GQAL).

State Planning Policy 1/92 does provide for the loss of GQAL where there is considered to be an overriding need for the development, i.e. an overriding need for additional rural residential land. As previously discussed, considering existing approved rural residential development, and the amount of land zoned for future rural residential development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016, the application fails this test.

There is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining actively farmed rural properties.

The development conflicts with overall outcome (c).

- (d) *in which agricultural uses and works are located, designed and managed to maximise the efficient use and operation of infrastructure including the MDIA channel infrastructure;*

Comment

Should the development proceed, the subject land will be lost for agricultural purposes. The subject land is serviced by MDIA channel infrastructure which SunWater have indicated must be removed should the application be approved. The proposed development does not improve the efficient use and operation of the Mareeba-Dimbulah Irrigation Area infrastructure.

The proposed development conflicts with overall outcome (d).

- (f) *that excludes residential uses unless these uses are primarily ancillary and necessary to agricultural uses;*

The proposed development would introduce 47 additional rural residential allotments into a rural locality. The rural residential uses are not ancillary and necessary to agricultural uses.

The proposed development conflicts with overall outcome (f).

- (g) *where a distinct boundary between the towns of Mareeba, Kuranda and Dimbulah is clear so that those towns do not extend beyond identified boundaries;*

The proposed development will result in the fragmentation and permanent alienation of in excess of 100 hectares of good quality agricultural land to create 47 out of sequence rural residential lots outside the identified rural residential zones of both the Mareeba Shire Planning Scheme 2014 and the current Mareeba Shire Council Planning Scheme - July 2016.

As previously discussed, the existing rural residential land stock identified in the recently commenced Mareeba Shire Council Planning Scheme - July 2016 does not justify any further encroachment into the rural zone.

The proposed development conflicts with overall outcome (g).

- (j) *that allows for rural value adding industries where appropriately located;*

Comment

The application does not seek approval for a rural value adding industry. Instead, the application proposes large scale rural residential subdivision and if approved, the proposed development may constrain new value adding industries on adjoining rural properties.

The proposed development conflicts with overall outcome (j).

- (k) *where GQAL is conserved for agricultural uses that are dependent on the quality of agricultural land;*

Comment

The majority of the subject land is considered to be good quality agricultural land (GQAL). The proposed development will result in the fragmentation and permanent alienation of in excess of 100 hectares of good quality agricultural land to create 47 out of sequence rural residential lots.

State Planning Policy 1/92 does provide for the loss of GQAL where there is considered to be an overriding need for the development, i.e. an overriding need for additional rural residential development. As previously discussed, at this point in time, there is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining actively farmed rural properties.

If approved the proposed development will do the exact opposite of conserving GQAL and therefore conflicts with overall outcome (k).

- (q) *makes effective use of the land and of the services provided to enable the functioning of the zone.*

Comment

The proposed development is not considered to add to the functioning of the rural zone. The land is serviced by the Mareeba Dimbulah Irrigation Area infrastructure and its loss for agricultural purposes is inefficient considering the existing supply of rural residential land already developed or zoned for this purpose in the recently commenced Mareeba Shire Council Planning Scheme - July 2016.

The proposed development conflicts with overall outcome (q).

#### **4.78 Building Siting, Scale and Amenity**

*S2 Agricultural activities are protected from incompatible land uses.*

*PS2.2 Non agriculture or agriculture-intensive uses which adjoin any agriculture or agriculture-intensive uses are protected from spray drifts*

*by the maintenance of a separation distance of 300 metres between the agriculture or agriculture-intensive uses and the non agriculture or agriculture-intensive uses.*

#### Comment

Land immediately to the west and north-west of the subject land is currently used for banana cropping which involve crop maintenance practices like aerial spraying. Land immediately to the south of the subject land is currently used for livestock grazing but could support future more intensive agricultural uses such as banana, citrus or sugarcane cropping (if development application DA/15/0043 is refused or is approved but never acted upon).

The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 40 - 47 and lots 4 - 17. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.

These buffers would reduce the likelihood of land use conflict, not prevent the likelihood of land use conflict. Furthermore, the effective establishment and ongoing maintenance of landscape buffers have proven difficult in Mareeba in the past given the areas dryer climate as well as the shift in maintenance responsibility of those buffer areas to individual land owners when allotments are on-sold. The most appropriate method of preventing conflict is by not approving the development, particularly as there is no justifiable need for additional out of sequence rural residential development.

Council should consider the very real possibility of ongoing land use conflict between the proposed development and surrounding agricultural land uses, and the impact on current and future agricultural activity as a result.

Approval of the proposed development would extinguish the possibility of agricultural/horticultural activities on the subject land and has the potential to significantly constrain the continuation and/or expansion of rural uses on adjoining rural allotments.

The proposed development is considered to conflict with specific outcome S2.

*S10 Uses not dependent upon good quality agricultural land are not located on Good Quality Agricultural Land identified on Agricultural Land Quality Maps S2 to S5, unless there is an overriding need and no alternative sites.*

#### Comment

The majority of the subject land is considered to be good quality agricultural land (GQAL).

State Planning Policy 1/92 does provide for the loss of GQAL where there is considered to be an overriding need for the development, i.e. an overriding need for additional rural residential land. As previously discussed, considering existing approved rural residential development, and the amount of land zoned for future rural residential development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016, the application fails this test.

There is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining actively farmed rural properties.

The proposed development is considered to be in conflict with specific outcome S10.

#### **4.80 Reconfiguring a Lot**

*S1 The viability of the farming industry throughout the Shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised.*

*PS1.1 Allotments to have a minimum area of 60 hectares and road frontage of 300 metres within the area identified on Agricultural Land Quality Maps S2, S3, S4 and S5;*

##### Comment

The proposed allotments do not achieve the 60 hectare minimum lot size suggested by PS1.1.

Specific Outcome S1 requires that the viability of the farming industry throughout the Shire and including Good Quality Agricultural Land, and future opportunities for farming pursuits are not compromised.

The majority of the subject land is considered to be good quality agricultural land (GQAL).

State Planning Policy 1/92 does provide for the loss of GQAL where there is considered to be an overriding need for the development, i.e. an overriding need for additional rural residential land. As previously discussed, considering existing approved rural residential development, and the amount of land zoned for future rural residential development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016, the application fails this test.

There is not considered to be an overriding need for additional rural residential land to warrant the subsequent loss of GQAL or to justify the increased level of constraint likely to be placed on adjoining actively farmed rural properties.

The proposed development conflicts with specific outcome S1.

#### Airport and Aviation Facilities Overlay Code

The overall outcome sought for the Airport and Aviation Facilities Overlay Code is:

- (a) *Adverse effects on the safety and operational efficiency of operational airspace and the functioning of aviation facilities are avoided.*

##### Comment

The Mareeba Shire Council has acquired a total of \$18 million of funding from both the State and Federal Governments for the upgrade of the Mareeba Airport. The proposed upgrade will provide the region with an alternative to the Cairns International Airport for light aircraft movements, pilot training and aviation maintenance activities.

The project will involve the strengthening/resealing of the runway, aprons and taxiways to meet current design standards, as well as the construction of a new parallel taxiway and apron parking for larger aircraft. Drainage, lighting, fencing and road upgrades are also proposed for the airport as part of the upgrade. Council is also currently in the process of creating a significant number of leasehold lots on the airport site to accommodate aircraft hangers and workshops. The planned expansion of the airport should, in time, see a significant increase in air traffic, particularly over airspace in the immediate surrounds of the Airport.

The subject land is situated just over 1 kilometre from the Mareeba Airport site to the north-west and will result in the creation of 47 new rural residential lots (i.e. 47 new dwellings). A substantial increase in dwelling densities in the vicinity of the airport will increase the likelihood of land use conflict between residential uses and aircraft and airport operations.

The proposed airport upgrade is a significant development that will provide economic benefit to the Shire and region as a whole. While this proposed rural residential development may benefit the applicants, it may have an adverse effect on the safety, operational efficiency and functioning of the Mareeba Airport into the future.

The proposed development is considered to conflict with Overall Outcome (a).

#### Rural Residential Zone Code

The Overall Outcomes of the Rural Residential Zone Code are to achieve an area:

- (c) *where the need to maintain a distinct boundary between the zone and rural areas, and that Rural Residential development does not extend beyond the Rural Residential zone boundaries as identified by the zoning maps;*

#### Comment

The proposed development does seek to extend beyond the boundaries of the Rural Residential zone of both the Mareeba Shire Planning Scheme 2004 and the recently commenced Mareeba Shire Council Planning Scheme - July 2016.

As previously discussed, considering existing approved rural residential development, and the amount of land zoned for future rural residential development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016, there is not considered to be an overriding need for additional rural residential land which would justify further encroachment into the rural landscape.

The proposed development conflicts with overall outcome (c).

- (i) *which makes effective use of the land and the services provided to enable the functioning of the zone.*

#### Comment

The proposed development is not considered to add to the functioning of the rural zone. The land is serviced by the Mareeba Dimbulah Irrigation Area infrastructure and its loss for agricultural purposes is inefficient considering the available stock of land already zoned and/or approved for rural residential purposes.

The proposed development is in conflict.

#### 4.46 Reconfiguring a Lot

*S10 Lots created for rural residential purposes in the vicinity of and identified on Agricultural Land Quality Maps S2 to S5 must ensure that potential impacts from agricultural activities do not adversely affect community health, safety, amenity and the continuing use of the agricultural land resource.*

*PS10 Lot layout is consistent with State Planning Policy 1/92: Development and Conservation of Agricultural Land and its supporting Planning Guidelines: Separating Agricultural and Residential Land Uses.*

##### Comment

The majority of the subject land is considered to be good quality agricultural land (GQAL).

State Planning Policy 1/92 does provide for the loss of GQAL where there is considered to be an overriding need for the development, i.e. an overriding need for additional rural residential land. As previously discussed, considering existing approved rural residential development, and the amount of land zoned for future rural residential development in the recently commenced Mareeba Shire Council Planning Scheme - July 2016, the application fails this test.

Land immediately to the west and north-west of the subject land is currently used for banana cropping which involve crop maintenance practices like aerial spraying. Land immediately to the south of the subject land is currently used for livestock grazing but could support future more intensive agricultural uses such as banana, citrus or sugarcane cropping (if development application DA/15/0043 is refused or is approved but never acted upon).

The Planning Guideline: Separating Agricultural and Residential Land Uses - August 1997 (developed in conjunction with State Planning Policy 1/92) recommends a separation distance of 300 metres between agricultural and residential land uses to minimise land use conflict. Given the proposed lot layout, the desired 300 metre separation distance will be unachievable for Lots 40 - 47 and lots 4 - 17. As an alternative to the desired 300 metre separation distance, the Guideline recommends a reduced 40 metre buffer which includes 10 metres of cleared land, 20 metres of heavily planted landscape buffering and a further 10 metres of cleared land.

These buffers would reduce the likelihood of land use conflict, not prevent the likelihood of land use conflict. Furthermore, the effective establishment and ongoing maintenance of landscape buffers have proven difficult in Mareeba in the past given the areas dryer climate as well as the shift in maintenance responsibility of those buffer areas to individual land owners when allotments are on-sold. The most appropriate method of preventing conflict is by not approving the development, particularly as there is no justifiable need for additional out of sequence rural residential development.

Council should consider the very real possibility of ongoing land use conflict between the proposed development and surrounding agricultural land uses, and the impact on current and future agricultural activity as a result.

Approval of the proposed development would extinguish the possibility of agricultural/horticultural activities on the subject land and has the potential to significantly constrain the continuation and/or expansion of rural uses on adjoining rural allotments.

The proposed development conflicts with specific outcome S10.

## CONCLUSION

The proposed development has significant points of conflict with both the FNQ Regional Plan and the Mareeba Shire Planning Scheme 2004. These points of conflict primarily relate to the proposed developments impact on the rural landscape, namely the permanent loss of large parcels of Good Quality Agricultural Land (GQAL) and the very real prospect of ongoing land use conflict between the proposed residential development and adjoining bona fide rural uses.

In light of the identified conflicts, approval of such a development hinges on whether an overriding need for additional rural residential land exists to warrant the associated loss of GQAL or to justify likely future land use conflict and the increased level of constraint likely to be placed on adjoining rural uses. Although there may not be a surplus of 2-5 hectare rural residential land in Mareeba (when compared to 0.4-1 hectare sized rural residential lots), there is considered to be enough to meet immediate and future market demand to at least 2020. In addition to this, the recently commenced Mareeba Shire Council Planning Scheme - July 2016 was developed to include enough rural residential land stock to accommodate demand over the intended life of the planning scheme (approx. 10 years). The 2016 Planning Scheme includes approximately 185 hectares of englobo (large allotments suitable for development) rural residential land within a 2 kilometre radius of the subject site, the majority of this being the balance land of Wylandra Estate situated to the east of the site.

The application has failed to demonstrate an overriding need for additional rural residential land and it is therefore recommended that the application be refused.

**Date Prepared:** 5 April 2017





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**ITEM-4                      NEGOTIATED DECISION NOTICE - M MCKEEN - ROL -  
SUBDIVISION (1 INTO 2 LOTS) LOT 1 SP154474 - 25  
COPLAND ROAD, KOAH - DA/16/0033****MEETING:**                      Ordinary**MEETING DATE:**              19 April 2017**REPORT OFFICER'S  
TITLE:**                          Planning Officer**DEPARTMENT:**                Corporate and Community Services

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**APPLICATION DETAILS**

APPLICATION		PREMISES	
<b>APPLICANT</b>	M McKeen	<b>ADDRESS</b>	25 Copland Road, Koah
<b>DATE REQUEST FOR NDN LODGED</b>	25 January 2017	<b>RPD</b>	Lot 1 on SP154474
<b>TYPE OF APPROVAL</b>	Development Permit		
<b>PROPOSED DEVELOPMENT</b>	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		
<b>FILE NO</b>	DA/16/0033	<b>AREA</b>	9.3871 hectares
<b>LODGED BY</b>	M McKeen	<b>OWNER</b>	M McKeen
<b>PLANNING SCHEME</b>	Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)		
<b>ZONE</b>	Rural Zone		
<b>LEVEL OF ASSESSMENT</b>	Code Assessment		
<b>SUBMISSIONS</b>	n/a		

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**ATTACHMENTS:**              1. Decision Notice dated 21 December 2016 (distributed separately)  
   2. Applicant's written representations dated 25 January 2017 (distributed separately)

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**EXECUTIVE SUMMARY**

*Council approved a code assessable development application described in the above application details at its Ordinary Meeting on 21 December 2016. Being code assessable, the development application was not required to undergo public notification.*

*Copland Road partially encroaches over the western boundary of the subject land. A condition of approval requires the applicant/developer to dedicate the portion of the subject*

land, subject to the encroachment (approx. 500m<sup>2</sup>), as road reserve in order to resolve the encroachment.

The applicant has subsequently made written representations to Council requesting the removal and amendment of a number of conditions of approval as a means of compensation for that part of the subject land required to be dedicated as road reserve.

Council officers have recommended a number of changes to the conditions of approval in order to reach a reasonable balance between the applicants request for compensation while not compromising the normal service standards required for this type of development.

It is recommended that the application be approved in part and a Negotiated Decision Notice be issued.

## OFFICER'S RECOMMENDATION

It is recommended that:

- "1. In relation to the written representations made by M McKeen (the applicant) regarding conditions of the following development approval:

APPLICATION		PREMISES	
APPLICANT	M McKeen	ADDRESS	25 Copland Road, Koah
DATE REQUEST FOR NDN LODGED	25 January 2017	RPD	Lot 1 on SP154474
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

and in accordance with the Sustainable Planning Act 2009, the following

- (A) Condition 4.1 must remain as per Council's Decision Notice issued on 21 December 2016.
- (B) Condition 4.3 as per Council's Decision Notice issued on 21 December 2016 be deleted.
- (C) Condition 4.4 as per Council's Decision Notice issued on 21 December 2016 be amended as follows:

### 4.4 Copland Road road reserve

*A new section of road reserve must be opened to formalise the existing encroachment of the Copland Road formation on to the subject land.*

***The cost of the surveying work, to be accepted by Council's delegated officer, for the new section of road reserve only, shall be credited towards the trunk transport contribution payable under Condition 5.***

- (D) Condition 4.8 as per Council's Decision Notice issued on 21 December 2016 be amended as follows:

*4.8 Telecommunications*

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

- (E) Condition 5 must remain as per Council's Decision Notice issued on 21 December 2016.

2. A Negotiated Decision Notice be issued to the applicant and referral agency (SARA Ref: SDA-0716-032044) advising of Council's decision"

## THE SITE

The subject land is described as Lot 1 on SP154474, and is situated at 25 Copland Road, Koah.

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

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

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

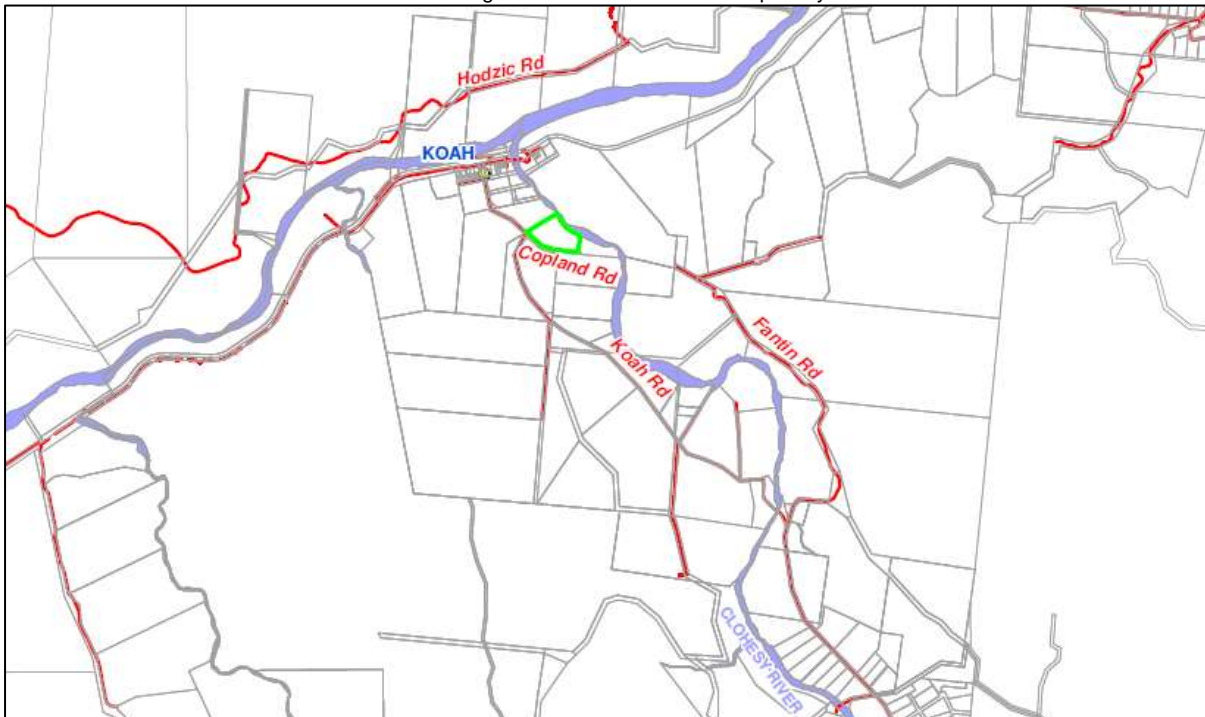
The Clohesy River adjoins the north-eastern boundary of the subject land.

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



**Map Disclaimer:**

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



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## BACKGROUND AND CONTEXT

On 21 December 2016, Council approved an application made by M McKeen seeking a development permit for reconfiguring a lot - subdivision (1 into 2 lots) on land described as Lot 1 on SP154474 situated at 25 Copland Road, Koah.

The Decision Notice was issued on 21 December 2016 and is included as **Attachment 1**.

Copland Road which is situated immediately to the west of the subject land partially encroaches over the western boundary of the subject land. A condition of approval requires the applicant/developer to dedicate the portion of the subject land subject to the encroachment (approx. 500m<sup>2</sup>) as road reserve in order to resolve the encroachment.

M McKeen, the applicant, has subsequently made written representations to Council about the removal and amendment of a number of conditions of approval as a means of compensation for that part of the subject land required to be dedicated as road reserve (**Attachment 2**).

## APPLICANT'S REPRESENTATIONS

### Condition 4.1

#### 4.1 Access

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

### Representation by Applicant

*A new section of road reserve must be opened to formalise the existing encroachment of the Copland Rd formation on the subject land. This condition relates to the fact that Copland Rd has been partly constructed within Lot 1 on SP154474, which is my private land, instead of wholly within the road reserve. Copland Rd provides public access to our property, as well as two others beyond us. The constructed road formation is partly within our private land as a result of a historical surveying error on behalf of local authorities at the time.*

*Whilst I am happy for Council to realign the boundary to address this error and ensure that the whole of the constructed road is contained within gazetted road reserve, Council should acknowledge that this requires them to acquire a portion of my private, freehold land. In exchange for this acquisition of my land, I request that the works resulting from Conditions 4.3.1 and Condition 4.1 (access), and any re-surveying or other costs required to realign the boundary to address this inconsistency, are carried out by Council at their own cost.*

*I also request that the trunk transport infrastructure network charge of \$4,425.00 be waived to compensate for the portion of my land which will be acquired by Council to add to the Copland road reserve.*

### Response

Condition 4.1 (access) is a standard condition to ensure that access to each proposed lot is upgraded or constructed to the standards outlined in the FNQROC Development Manual. At

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minimum, it is expected that any new lot created within the Shire be provided with reasonable access to ensure future usability. Development works required to be carried out to comply with the conditions of a development permit, including access upgrades are required to be completed by the applicant/developer, not Council.

Considering that Council officers have recommended that Condition 4.3 be deleted and Condition 4.4 be amended (see discussion below) to benefit the applicant, it is not considered reasonable that the works required under Condition 4.1 be undertaken by Council as requested.

It is recommended that Condition 4.1 remain unchanged.

### **Condition 4.3**

#### **4.3 Roadworks – Copland Road**

*4.3.1 Copland Road, from its intersection with Koah Road, to a point 10 metres past the access into proposed Lot 12, must be constructed to Rural Road gravel standard, in accordance with FNQROC Development Manual standards to the satisfaction of Council's delegated officer.*

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

### **Representation by Applicant**

*A new section of road reserve must be opened to formalise the existing encroachment of the Copland Rd formation on the subject land. This condition relates to the fact that Copland Rd has been partly constructed within Lot 1 on SP154474, which is my private land, instead of wholly within the road reserve. Copland Rd provides public access to our property, as well as two others beyond us. The constructed road formation is partly within our private land as a result of a historical surveying error on behalf of local authorities at the time.*

*Whilst I am happy for Council to realign the boundary to address this error and ensure that the whole of the constructed road is contained within gazetted road reserve, Council should acknowledge that this requires them to acquire a portion of my private, freehold land. In exchange for this acquisition of my land, I request that the works resulting from Conditions 4.3.1 and Condition 4.1 (access), and any re-surveying or other costs required to realign the boundary to address this inconsistency, are carried out by Council at their own cost.*

*I also request that the trunk transport infrastructure network charge of \$4,425.00 be waived to compensate for the portion of my land which will be acquired by Council to add to the Copland road reserve.*

### **Response**

Council officers acknowledge that a portion of the landowners land will be required to be surrendered as road reserve in order to rectify the existing encroachment of a small section of Copland Road into the subject land. The landowner has requested that a number of conditions be removed or amended as compensation for the surrender of a portion of the subject land.

Considering that Copland Road is constructed to a reasonable formed gravel standard, experiences low traffic volumes, and that new proposed Lot 11 will be accessed almost directly from Koah Road (i.e. will not result in additional traffic along Copland Road), Council officers consider it to be a reasonable compromise to remove Condition 4.3 in lieu of compensation for the land to be surrendered as road reserve.

It is estimated that approximately 500m<sup>2</sup> of the subject land will need to be surrendered as road reserve to ensure the Copland Road formation does not encroach onto private freehold land. The estimated cost of the 500m<sup>2</sup> portion of the subject land, based on the unimproved value of \$2.98 per m<sup>2</sup>, is \$1,490.00. This is significantly less than the estimated cost to improve Copland Road.

It is therefore recommended that Condition 4.3 be deleted.

#### **Condition 4.4**

##### **4.4 Copland Road road reserve**

*A new section of road reserve must be opened to formalise the existing encroachment of the Copland Road formation on to the subject land.*

#### **Representation by Applicant**

*A new section of road reserve must be opened to formalise the existing encroachment of the Copland Rd formation on the subject land. This condition relates to the fact that Copland Rd has been partly constructed within Lot 1 on SP154474, which is my private land, instead of wholly within the road reserve. Copland Rd provides public access to our property, as well as two others beyond us. The constructed road formation is partly within our private land as a result of a historical surveying error on behalf of local authorities at the time.*

*Whilst I am happy for Council to realign the boundary to address this error and ensure that the whole of the constructed road is contained within gazetted road reserve, Council should acknowledge that this requires them to acquire a portion of my private, freehold land. In exchange for this acquisition of my land, I request that the works resulting from Conditions 4.3.1 and Condition 4.1 (access), and any re-surveying or other costs required to realign the boundary to address this inconsistency, are carried out by Council at their own cost.*

*I also request that the trunk transport infrastructure network charge of \$4,425.00 be waived to compensate for the portion of my land which will be acquired by Council to add to the Copland road reserve.*

#### **Response**

In addition to the deletion of Condition 4.3 (discussed above). Council officers consider it reasonable that the cost of surveying that part of the subject land to be surrendered as road reserve (only) be deducted from the trunk transport contribution payable under Condition 5 (this contribution is still considered reasonable as discussed below).

It is therefore recommended that Condition 4.4 be amended as follows:

#### 4.4 Copland Road road reserve

A new section of road reserve must be opened to formalise the existing encroachment of the Copland Road formation on to the subject land.

**The cost of the surveying work, to be accepted by Council's delegated officer, for the new section of road reserve only, shall be credited towards the trunk transport contribution payable under Condition 5.**

#### **Condition 4.8**

##### 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.*

#### **Representation by Applicant**

*I consider this condition of approval to be unreasonable, as in this location, households are eligible for Skymuster service under the National Broadband Network. Many households no longer rely on a traditional landline service as they are moving over to mobile and Wi-Fi technology to meet their telecommunications needs, which offers more flexibility and greater choice of services. This condition was relevant to a former era when people relied on fixed landlines for telephone services, which is no longer the case. Therefore I request that this unnecessary condition be removed if possible. It is noted we, and neighbouring properties are already customers of Skymuster satellite which supplies home phone and internet access at a fraction of the cost of Telstra.*

#### **Response**

Council officers consider the applicants request reasonable, particularly considering the current Mareeba Shire Council Planning Scheme - July 2016 allows for a telecommunications service via the National Broadband Network (AO5 of the Works, services and infrastructure code).

It is therefore recommended that condition 4.8 be amended as follows:

##### 4.8 Telecommunications

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

#### **Condition 5**

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



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

### **Representation by Applicant**

*A new section of road reserve must be opened to formalise the existing encroachment of the Copland Rd formation on the subject land. This condition relates to the fact that Copland Rd has been partly constructed within Lot 1 on SP154474, which is my private land, instead of wholly within the road reserve. Copland Rd provides public access to our property, as well as two others beyond us. The constructed road formation is partly within our private land as a result of a historical surveying error on behalf of local authorities at the time.*

*Whilst I am happy for Council to realign the boundary to address this error and ensure that the whole of the constructed road is contained within gazetted road reserve, Council should acknowledge that this requires them to acquire a portion of my private, freehold land. In exchange for this acquisition of my land, I request that the works resulting from Conditions 4.3.1 and Condition 4.1 (access), and any re-surveying or other costs required to realign the boundary to address this inconsistency, are carried out by Council at their own cost.*

*I also request that the trunk transport infrastructure network charge of \$4,425.00 be waived to compensate for the portion of my land which will be acquired by Council to add to the Copland road reserve.*

**Response**

The applicant has requested that the \$4,425.00 trunk transport contribution payable under Condition 5 be removed as partial compensation for that portion of the subject land required by Condition 4.4 to be dedicated to road reserve to resolve the encroachment of Copland Road into the subject land.

A condition requiring the payment of a trunk transport contribution is standard for developments that are likely to place additional demand on Councils trunk transport infrastructure (roads). The contributions are spent within a designated catchment area (Koah Catchment) when road upgrade works are required.

Given that the contribution will be used to benefit the Koah Catchment as a whole, and that Council officers have recommended that Condition 4.3 be deleted and Condition 4.4 be amended to benefit the applicant, it is not considered reasonable that the requirement for the applicant to contribute towards the developments impact on Council's trunk transport network be removed as well.

It is therefore recommended that Condition 5 remain unchanged.

***Date Prepared:***            *7 April 2017*

**ITEM-5**                      **MAREEBA SHIRE COUNCIL ROAD NAMING POLICY -  
REQUEST TO INCLUDE NAME ON APPROVED ROAD  
NAME LIST****MEETING:**                      Ordinary**MEETING DATE:**              19 April 2017**REPORT OFFICER'S  
TITLE:**                      Planning Officer**DEPARTMENT:**              Corporate and Community Services

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**EXECUTIVE SUMMARY**

*Correspondence has been received from Arthur Alan Lane of Mareeba proposing the inclusion of an additional name on the list of approved road names under Council's Road Naming Policy ("the policy").*

*The proposed road name is **Lane**, after the late Arthur Randolph Lane.*

*A submission prepared by Arthur Alan Lane advises that the late Arthur Randolph Lane operated a Blacksmith/Wheelwright and Coachbuilders business in Mareeba from 1918 and was also heavily involved in both the Mareeba and Chillagoe Gymnasium and Rifle Clubs over the course of his life (**Attachment 2**).*

*Section 2.1 of the policy explains that the reason for the approved road name lists is that Council wishes to keep the links to the Mareeba Shire's local history and Aboriginal cultural heritage alive in a practical way which serves to honour our Traditional Owners, fallen soldiers, and historical identities. Arthur Randolph Lane would satisfy the historical identity criteria.*

*Section 3.1.3 of the policy provides for Council to add to the list of approved road names and it is recommended that the list of approved road names for Districts 2 and 6 of the policy be amended to include the name Lane.*

**OFFICER'S RECOMMENDATION**

"That Council in accordance with section 3.1.3 of the Road Naming Policy, add the name **Lane** to the list of approved road names for Districts 2 and 6."

**BACKGROUND**

Council adopted the Road Naming Policy on 21 January 2015.

The policy is applicable to the naming of newly created roads, the naming of existing unnamed roads, and the renaming of roads.

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The policy separates the Mareeba Shire local government area into six districts and maintains an approved list of road names for each district.

### **LINK TO CORPORATE PLAN**

Nil

### **CONSULTATION**

*Internal*  
Nil

*External*  
Nil

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

Nil

### **POLICY IMPLICATIONS**

Section 2.1 of the policy explains that the reason for the approved road name lists is that Council wishes to keep the links to the Mareeba Shire's local history and Aboriginal cultural heritage alive in a practical way which serves to honour our Traditional Owners, fallen soldiers, and historical identities.

Arthur Randolph Lane would satisfy the historical identity criteria for District 2 (Biboohra, Mareeba & Paddy's Green) and District 6 (Almaden, Chillagoe) of the Mareeba Shire (**Attachment 2**).

There is no existing road named after the Arthur Randolph Lane or his family within either District 2 or 6.

### **FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
NIL

*Is the expenditure noted above included in the 2015/2016 budget?*  
Nil

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

**IMPLEMENTATION/COMMUNICATION**

Subject to Council's approval, the list of approved road names will be updated to include ***Lane***.

**ATTACHMENTS**

1. Submission from Arthur Alan Lane dated 24 February 2017 (distributed separately)
2. Current list of approved road names - Districts 2 and 6 of the Road Naming Policy (distributed separately)

***Date Prepared:***                *8 March 2017*



**ITEM-6                      APPLICATION FOR CONVERSION OF TERM LEASE TO  
FREEHOLD - LOT 69 ON DA118, PARISH OF  
SOUTHEDGE**

**MEETING:** Ordinary

**MEETING DATE:** 19 April 2017

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

**DEPARTMENT:** Corporate and Community Services

## EXECUTIVE SUMMARY

*Application has been made to the Department of Natural Resources and Mines (DNRM) for the conversion of Term Lease TL 0/237332 over land described as Lot 69 on DA118, Parish of Southedge to freehold.*

*Should the conversion be successful, it is proposed that the land be used for grazing purposes.*

*DNRM seeks Council's views on the conversion to freehold.*

## OFFICER'S RECOMMENDATION

"That Council offer no objection to the conversion to freehold of the term lease over land described as Lot 69 on DA118, Parish of Southedge."

## BACKGROUND

DNRM is currently considering an application for the conversion to freehold of Term Lease TL 0/237442 over land described as Lot 69 on DA118, Parish of Southedgedge.

The land has an area of 78.762 hectares and is situated on Fisher Road, north of Mareeba. It is currently used for grazing purposes and it is expected that this use will continue if the conversion is successful. The land remains covered in remnant vegetation and there are no known building improvements on the land.

A high voltage overhead transmission line and easement is established within the subject land, adjacent to the eastern boundary.

## DNRM seeks Council's views on the conversion to freehold.



**Map Disclaimer:**

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



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**LINK TO CORPORATE PLAN**

Nil

**CONSULTATION**

*Internal*

Nil

*External*

Nil

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

Nil

**POLICY IMPLICATIONS**

The subject land is zoned Rural under the Mareeba Shire Council Planning Scheme - July 2016.

There is no objection to the continued use of the land for grazing purposes.

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

NIL

*Is the expenditure noted above included in the 2016/2017 budget?*

Nil

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

Nil

**IMPLEMENTATION/COMMUNICATION**

The Department of Natural Resources and Mines will be informed of Council's decision by letter.

**ATTACHMENTS**

1. Department of Natural Resources and Mines letter of 15 March 2017.

**Date Prepared:** 16 March 2017

**ATTACHMENT 1**Department of  
**Natural Resources and Mines**

Author Taylah Hopper  
File / Ref number 2017/001074  
Directorate / Unit State Land Asset Management  
Phone (07) 4222 5427

15 March 2017

Mareeba Shire Council  
PO Box 154  
Mareeba, QLD 4880  
Email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)

Dear Sir/Madam,

**Application for conversion of TL 0/237332 over Lot 69 on DA118, to freehold tenure.  
Locality – Mareeba.**

The department has received the above application. The proposed use of the land is for grazing purposes.

Copies of documents supporting the application are enclosed for your information. The enclosed Smartmap shows the subject land and the surrounding locality.

Please advise the Department of your views or requirements that the department should consider when assessing this application in terms of section 167(1) of the Land Act 1994.

Objections to the application, and any views or requirements that may affect the future use of the land should be received by close of business on **12 April 2017**. If you offer an objection to the application, a full explanation stating the reason for the objection should be forwarded to this Office.

**Note** - If land is required for a public purpose, it can be acquired at any time by negotiation and where necessary acquisition.

If you wish to provide a response but are unable to do so before the due date, please contact the author before the due date to arrange a more suitable timeframe. If a response is not received by the due date and no alternative arrangements have been made, it will be assumed you have no objections or requirements in relation to this matter.

This information has been provided to you in confidence for the purpose of seeking your views on this matter. It is not to be used for any other purpose, or distributed further to any person, company, or organisation, without the express written permission of the department unless required.

Postal :  
DNRM Cairns  
PO Box 5318  
Townsville  
4810 QLD

Telephone : (07) 4222 5427  
Fax: (07) 4447 9199

If you wish to discuss this matter please contact Taylah Hopper on (07) 4222 5427.

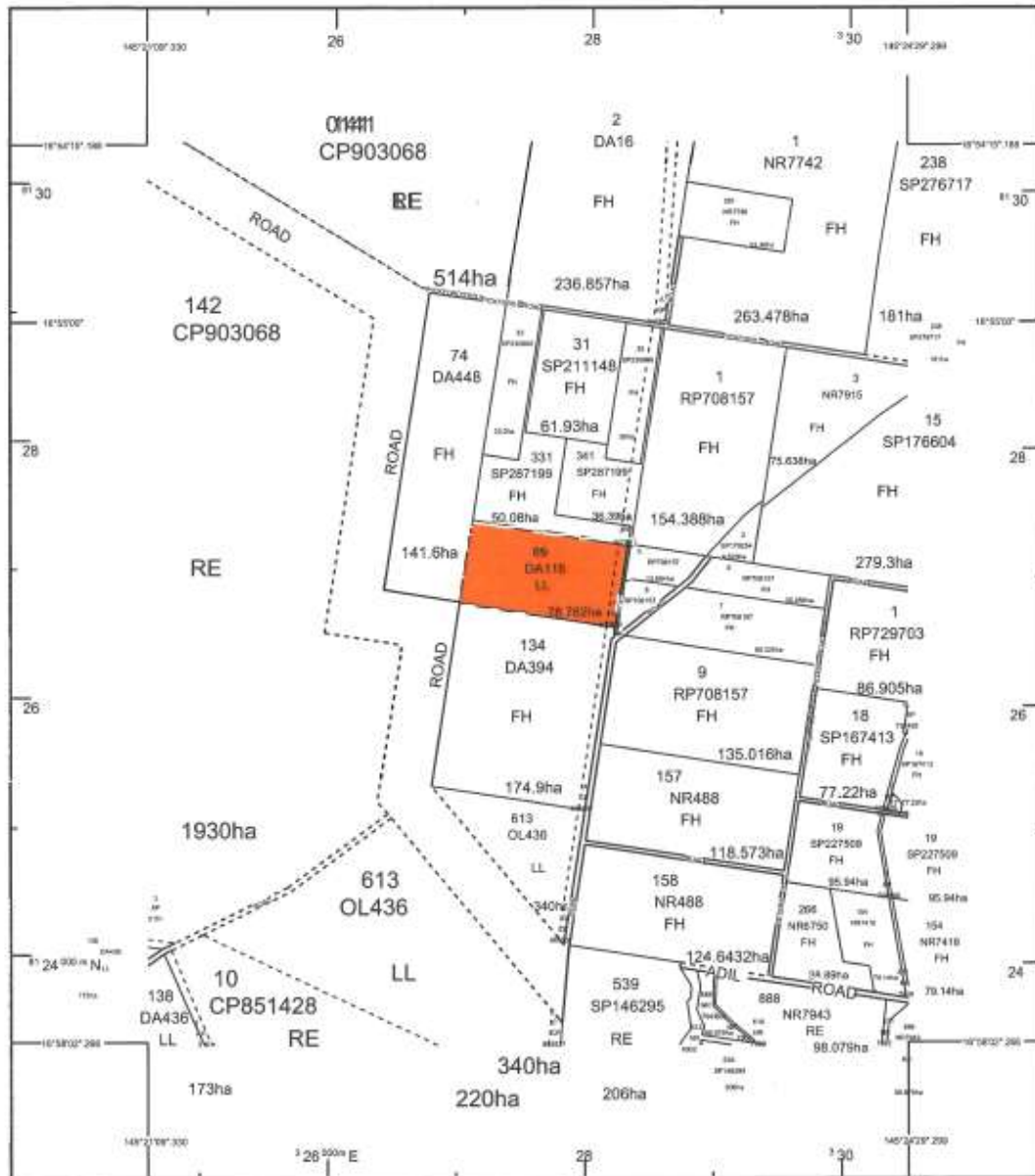
All future correspondence relative to this matter is to be referred to the contact Officer at the address below or by email to [Townsville.SLAMS@dnrm.qld.gov.au](mailto:Townsville.SLAMS@dnrm.qld.gov.au). Any hard copy correspondence received will be electronically scanned and filed. For this reason, it is recommended that any attached plans, sketches or maps be no larger than A3-sized.

Please quote reference number 2017/001074 in any future correspondence.

Yours sincerely



Taylah Hopper  
Land Administration Officer  
Cairns – North Region



**ITEM-7                      ADOPTED INFRASTRUCTURE CHARGES RESOLUTION  
(NO.1) 2017**

**MEETING:**                      Ordinary

**MEETING DATE:**              19 April 2017

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

**DEPARTMENT:**              Corporate and Community Services

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**EXECUTIVE SUMMARY**

*This report presents Adopted Infrastructure Charges Resolution (No.1) 2017 for Council's consideration and endorsement.*

*Adopted Infrastructure Charges Resolution (No.1) 2017 forms Attachment 1 of this report.*

**OFFICER'S RECOMMENDATION**

"That Council under section 630 of the Sustainable Planning Act 2009 adopt Adopted Infrastructure Charges Resolution (No.1) 2017 to have effect on and from 1 July 2017."

**BACKGROUND**

Local governments may, by resolution, adopt charges for providing trunk infrastructure for development. They can also levy different infrastructure charge amounts for local government areas and provide for the indexation of a levied charge. In order to do this, a local government needs to pass an adopted infrastructure charges resolution (AICR) as set out in Section 631 of the *Sustainable Planning Act 2009 (SPA)*.

Mareeba Shire Council passed *Adopted Infrastructure Charges Resolution (No.1) 2016* on 4 May 2016, and this resolution remains in effect.

As part of the preparation of the budget for the 2017/2018 financial year, Council has applied minor increases (approximately 2.0%) to the base infrastructure charge rates.

*Adopted Infrastructure Charges Resolution (No.1) 2016* is established using the base infrastructure charge rates from the 2016/2017 schedule of fees and charges. To levy the increased base infrastructure charge rates from the 2017/2018 schedule of fees and charges, Council must adopt a new AICR to have effect from 1 July 2017.

*Adopted Infrastructure Charges Resolution (No.1) 2017* has been prepared for this purpose.

**LINK TO CORPORATE PLAN**

**GOV 1** - Develop an achievable long term financial plan that underpins Council's long-term financial sustainability.

---

**CONSULTATION**

*Internal*  
Nil

*External*  
Nil

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

Council will not be able to levy the increased infrastructure charges if the new AICR is not adopted.

**POLICY IMPLICATIONS**

Adoption of the Adopted Infrastructure Charges Resolution (No.1) 2017 will allow Mareeba Shire Council to levy the increased infrastructure charges for assessable development within the priority infrastructure areas from 1 July 2017.

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
Nil

*Is the expenditure noted above included in the 2016/2017 budget?*  
Nil

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

**IMPLEMENTATION/COMMUNICATION**

Adopted Infrastructure Charges Resolution (No.1) 2017 will be uploaded to Council's website prior to the 1 July 2017 and will have effect on and from the 1 July 2017.

**ATTACHMENTS**

1. Adopted Infrastructure Charges Resolution (No.1) 2017 (distributed separately)

***Date Prepared:*** 6 April 2017

## GOVERNANCE AND COMPLIANCE

### ITEM-8                      DELEGATIONS UPDATE

**MEETING:**                      Ordinary

**MEETING DATE:**              19 April 2017

**REPORT OFFICER'S  
TITLE:**                      Manager Development and Governance

**DEPARTMENT:**              Corporate and Community Services

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#### EXECUTIVE SUMMARY

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

#### OFFICER'S RECOMMENDATION

"That:

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

#### BACKGROUND

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

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

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

---

## **Limitations to the Exercise of Power**

All delegations are made subject to the following limitations:

1. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to affect adversely, Council's relations with the public at large.
2. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
3. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.

## **LINK TO CORPORATE PLAN**

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

## **CONSULTATION**

*Internal*

Director Corporate and Community Services

*External*

MacDonnells Law

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

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

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

In the case where Council is challenged on an action taken or a decision made by its employees, there needs to be proof that the employee held the powers required to do so. Such documentation is known as the instrument and is required for delegations, sub-delegations and appointments. Section 260 requires the CEO to establish and maintain a register of delegations and make it available to the public.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil



*Operating*  
Nil

## **IMPLEMENTATION/COMMUNICATION**

Nil

## **ATTACHMENTS**

1. Instruments of Delegation (distributed separately)

***Date Prepared:*** 27 March 2017



## ITEM-9 DEVELOPMENT AND GOVERNANCE QUARTERLY REPORT JANUARY TO MARCH 2017

**MEETING:** Ordinary

**MEETING DATE:** 19 April 2017

**REPORT OFFICER'S TITLE:** Manager Development and Governance

**DEPARTMENT:** Corporate and Community Services

### EXECUTIVE SUMMARY

*This report presents the key activities and achievements of the Development and Governance Group for the January to March 2017 quarter.*

### OFFICER'S RECOMMENDATION

"That Council receive and note the quarterly report of the Development and Governance Group for January to March 2017."

### BACKGROUND

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

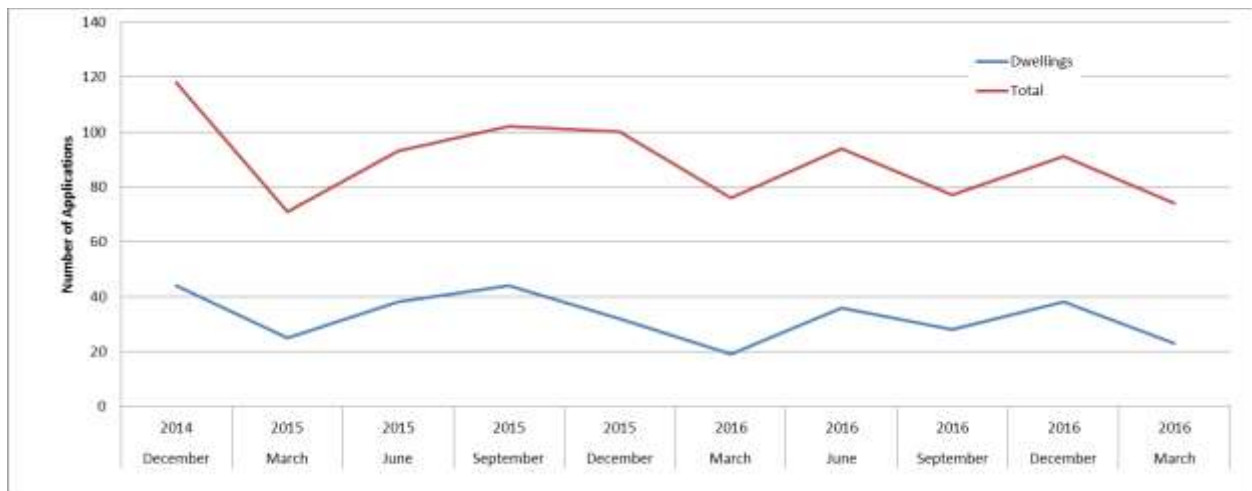
- Governance and Compliance
- Building and Plumbing
- Regional Land Use Planning
- Local Laws and Environmental Health

### BUILDING AND PLUMBING

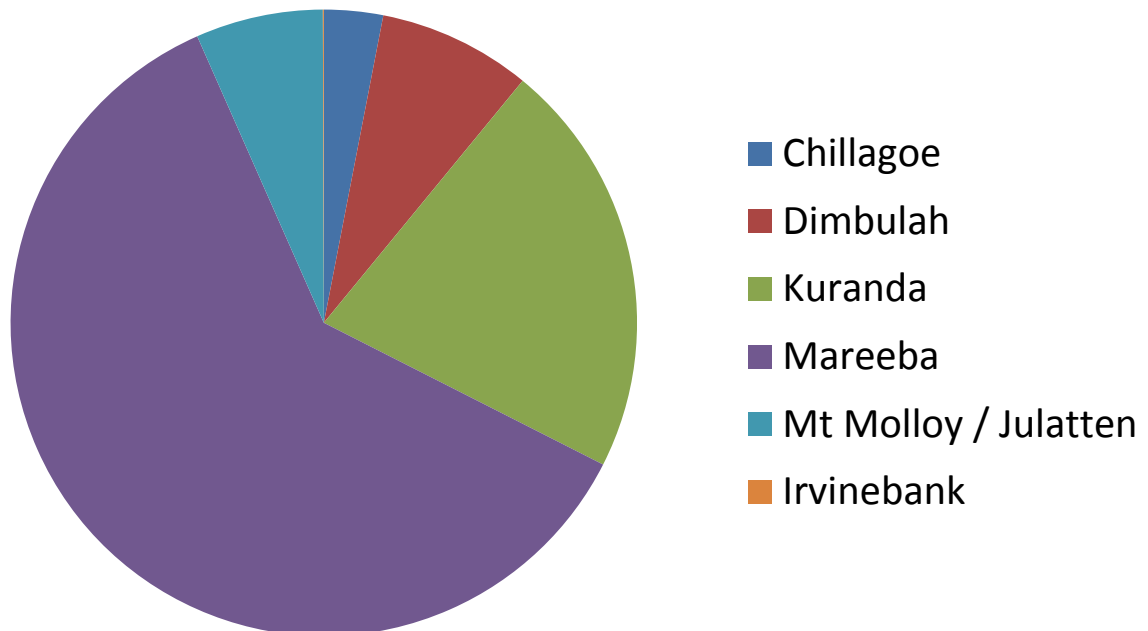
#### Building Approvals

It has been a good start to the year for building and plumbing approval activity. The number of approvals in this first quarter was only slightly below the average monthly figure for the last twelve months and compares favourably to the same quarter last year. There have been 82 approvals granted in this quarter compared to 76 for the same time last year, and a significant increase in the number of dwelling applications saw the value of building work rise by \$1.9M to \$10,601,616.90 for the quarter.

	Jan - Mar 2017		Jan - Mar 2016	
Type	\$	A	\$	A
Dwellings	7,918,146	33	4,253,565	24
10A (Sheds, ETC)	1,807,688	38	1,097,706	33
Commercial	668,584	4	2,991,436	10
Others	207,201	7	357,888	9
<b>Total</b>	<b>10,601,619</b>	<b>82</b>	<b>8,700,595</b>	<b>76</b>



### Jul - Dec YTD Value of Building Applications



### Regulatory Tasks

Building Services dealt with 182 formal customer requests in this period, and issued six Show Cause Notices. Of these six notices, three have been satisfactorily resolved and three remain outstanding, and we are confident that these matters will be successfully concluded without recourse to further enforcement action.

A project to enable Building, Plumbing & Planning Officers to issue on the spot fines for breaches of development legislation was initiated this quarter and is nearing completion, with registration of the fines with SPER the only remaining task. The ability to issue fines to persons and corporations who carry out building and plumbing work (along with other breaches identified in the State Penalties Enforcement Regulation) will greatly enhance our regulatory capabilities.

## REGIONAL LAND USE PLANNING

### New Development Applications

7 development applications were lodged in the March quarter 2017 compared to 17 lodged in the March quarter 2016.

#### Development Applications received/approved during the quarter:

	3rd Quarter 2016-2017	3rd Quarter 2015-2016
New Development Applications lodged	7	17
Decision Notices issued under delegated authority	7	10
Negotiated Decision Notices issued under delegated authority	Nil	Nil
Decision Notices issued (from Council Minutes)	Nil	3
Negotiated Decision Notices issued (from Council Minutes)	Nil	1
Extensions to relevant period issued	4	5
Change to existing Development Approval issued	3	1
Building Work approvals issued under delegated authority	3	4
Survey Plans endorsed	9	7
Notices issued under SPA	1	Nil
Planning Appeals and other Court proceedings	Nil	Nil

## GOVERNANCE AND COMPLIANCE

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

### Leases

The following trustee leases or management agreements were finalised this quarter:

- Hobbit (Old Kuranda Library)
- Mareeba Meals on Wheels Inc

There are multiple leases that are in the final stages of finalisation and execution and will be completed in the next quarter.

The lease between Council and Queensland Rail regarding the rail corridor and associated land has now been executed.

### Complaints Management

Details of complaints received/processed during the quarter ending 31 March 2017 are displayed in the table below:

Complaints carried over from previous period (October to December 2016)	11
Complaints lodged during reporting period (January to March 2017)	6
Complaints finalised during reporting period (January to March 2017)	15
Complaints still in process (not finalised) during reporting period (January to March 2017)	2

## LOCAL LAWS AND ENVIRONMENTAL HEALTH

### Environmental Health

The Environmental Health section responded to a total of 110 enquiries, complaints and service requests for the quarter relating to the following matters:

	3rd Quarter 2016 - 2017	2016 - 2017 year to date	2015 - 2016 year to date
<b>Food Complaints</b>	2	9	6
<b>Food Enquiry</b>	22	67	109
<b>Health Enquiry</b>	5	11	22
<b>Pollution</b>	15	53	67
<b>Flying Foxes</b>	53	61	15
<b>Public Health Complaint, Enquiry</b>	8	26	40
<b>Other</b>	5	23	23
<b>Total</b>	<b>110</b>	<b>250</b>	<b>282</b>

### Notices Issued, Inspections Carried Out, Applications Processed Environmental Health

	3rd Quarter 2016 - 2017	2016 - 2017 year to date	2015 - 2016 year to date
<b>Regulated Parking infringements issued</b>	91	145	523
<b>Animal Management infringements issued</b>	37	380	399
<b>Local Laws Infringements issued</b>	5	18	46
<b>Other infringements issued</b>	0	0	2
<b>Warning letters issued</b>	64	219	157
<b>Compliance Notices issued</b>	8	30	57
<b>Food Inspections done</b>	12	97	87

### Local Laws

Local Laws Officers dealt with a total of 423 complaints and enquiries during the quarter relating to the following matters

## Animals

	<b>3rd Quarter 2016 - 2017</b>	<b>2016 - 2017 year to date</b>	<b>2015 - 2016 year to date</b>
<b>Dangerous Aggressive dogs</b>	37	117	133
<b>Missing/Lost/Found</b>	50	133	92
<b>Barking Complaints</b>	52	136	105
<b>Restrained for Collection</b>	47	113	124
<b>Council traps</b>	44	140	113
<b>Straying Animals</b>	102	319	276
<b>Too Many Animals</b>	7	21	25
<b>Enquiries, Unregistered, Hygiene, unleashed</b>	29	138	148
<b>Cruelty</b>	2	3	3
<b>Other</b>	1	1	0
<b>Total</b>	<b>371</b>	<b>1121</b>	<b>1019</b>

## Others Area

	<b>3rd Quarter 2016 - 2017</b>	<b>2016 - 2017 year to date</b>	<b>2015 - 2016 year to date</b>
<b>Abandoned Vehicles</b>	7	17	8
<b>Pollution</b>	4	14	21
<b>Commercial Use of Roads</b>	2	6	21
<b>Illegal Camping</b>	9	26	22
<b>Illegal Signs</b>	3	4	8
<b>Illegal Parking</b>	11	15	12
<b>Parking</b>	5	10	23
<b>Obstruction of Footpath</b>	3	6	1
<b>Overgrown</b>	5	6	8
<b>General Enquiries</b>	2	16	31
<b>Other</b>	1	2	7
<b>Total</b>	<b>52</b>	<b>122</b>	<b>162</b>

## Impoundments

	<b>3rd Quarter 2016 - 2017</b>	<b>2016 - 2017 year to date</b>	<b>2015 - 2016 year to date</b>
<b>Cats</b>	83	199	141
<b>Dogs</b>	92	306	331
<b>Other</b>	4	14	31
<b>Total</b>	<b>179</b>	<b>519</b>	<b>503</b>

## Dog Registration

	<b>3rd Quarter 2016 - 2017</b>	<b>2016 - 2017 year to date</b>	<b>2015 - 2016 year to date</b>
<b>New Registrations</b>	225	733	658
<b>Deceased</b>	46	184	80
<b>Left the area</b>	20	106	73
<b>Other</b>	4	24	11

**LINK TO CORPORATE PLAN**

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

**ENV 2** - Maintain a proactive response to public health and safety matters including incorporating CPTED principles in town centres and commercial developments

**ENV 3** - Appropriate consideration is given to planning and development controls, design guidelines, traditional ownership and sustainable development principles when making planning decisions.

**CONSULTATION***Internal*

Senior Planner  
Senior Building & Plumbing Officer  
Coordinator Environmental Health & Local Laws  
Governance & Compliance Adviser

*External*

Nil

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

1. Nil

**Date Prepared:** 10 April 2017



**ITEM-10                      OPERATIONAL PLAN QUARTERLY REPORT MARCH 2017**

**MEETING:** Ordinary

**MEETING DATE:** 19 April 2017

**REPORT OFFICER'S TITLE:** Manager Development & Governance

**DEPARTMENT:** Corporate and Community Services

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**EXECUTIVE SUMMARY**

*In accordance with section 174(3) of the Local Government Regulation 2012, the Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.*

*The attached report provides advice on progress in implementing the 2016/17 Operational Plan for the January to March 2017 quarter.*

**OFFICER'S RECOMMENDATION**

"That Council receive and note the progress report on implementation of the 2016/17 Operational Plan for the January to March 2017 quarter."

**BACKGROUND**

The Local Government Regulation 2012 provides that a local government must prepare and adopt an annual operational plan for each year. The Operational Plan is a statement of specific works to be undertaken and services to be provided in order to progress the goals and objectives set out in a Council's Corporate Plan over a period of one year.

The Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months.

The attached document provides a progress report on what action has been taken up to and including the January to March 2017 quarter with respect to the items and projects listed in the Operational Plan.

**LINK TO CORPORATE PLAN**

The Operational Plan details those items or projects that can be carried out within a 12 month budget period to progress the goals and objectives set out in the Council's Corporate Plan and is therefore relevant to all strategies contained within the Corporate Plan.

---

**CONSULTATION***Internal*

Director Corporate &amp; Community Services

Director Infrastructure Services

All Managers

*External*

Nil

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

It is a statutory requirement for an assessment of progress in implementing the Operational Plan to be presented to Council at least on a quarterly basis.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Nil

*Is the expenditure noted above included in the 2016/2017 budget?*

N/A

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

N/A

**IMPLEMENTATION/COMMUNICATION**

N/A

**ATTACHMENTS**

1. Operational Plan Progress Report (distributed separately)

***Date Prepared:*** 11 April 2017

**ITEM-11                      SOLAR PV SYSTEM INSTALLATION PROGRESS  
REPORT****MEETING:** Ordinary**MEETING DATE:** 19 April 2017**REPORT OFFICER'S  
TITLE:** Manager Development & Governance**DEPARTMENT:** Corporate and Community Services

---

**EXECUTIVE SUMMARY**

*Design, Supply, and Installation of two Solar Photovoltaic (PV) Systems for the administration buildings in Rankin Street and Kowa Street Mareeba is underway; this report sets out progress to date.*

**OFFICER'S RECOMMENDATION**

"That Council note the progress report on the Design, Supply, and Installation of two Solar Photovoltaic Systems."

**BACKGROUND**

Council has, since January 2014, focussed on cost savings to build a sustainable future for the Council. After revision and changes to council electricity tariffs, savings were found. From those savings, Council has since invested in Solar technology on its two biggest consumers of electricity in the general fund - the administration buildings in Rankin Street and Kowa Street Mareeba. The contract was awarded to Solgen Energy Pty Ltd on the 21<sup>st</sup> of December 2016.

Approval from Ergon for the installation and connection to the network for a PV system greater than 30kw and less than 200kw has been received for both connections.

Ergon has approved the Kowa Street connection to put up to 75kw per hour back into the electricity network when council is not utilising the electricity produced from the PV. An example of this would be on weekends. Council will not receive any remuneration in regards to the electricity put into the network.

Ergon has approved for the Rankin Street connection to put up to 10kw per hour back to the electricity network. Due to the network surrounding Rankin Street, council is unable to put any more electricity into the network.

The installation has nearly been completed on the Kowa Street facility. There are minor works remaining to complete the installation and a final quality check by Ergon before the system can be connected to the network and fully operational for Councils usage.



(Kowa Street Installation)

The installation has begun on the Rankin Street building and with expected date of major works to being completed by the 22<sup>nd</sup> of April 2017. The installation will be located on the eastern end of the building. Both facilities will have their final checks done by Ergon at the same time in April or May.

When fully operational both facilities will be able to operate solely using the energy produced by the PV systems during daylight hours. Solgen Energy will provide an interface and reports for Council to monitor the performance of the PV system via an external website. This connection also allows for Solgen Energy to monitor for any faulty products and warranty claims.

Based on Ergon's current pricing and factoring upkeep on the system into the future, the savings estimated for council's yearly electricity expenditure would be \$38,000. This would result in an estimated payback period of the PV system over 3.5 years for Rankin Street and 3.1 years for Kowa Street.

## **LINK TO CORPORATE PLAN**

ECON 3 - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

**CONSULTATION***Internal*

Manager Development &amp; Governance

Manager Technical Services

Manager Systems and Customer Service

*External*

Solgen Energy Pty Ltd

Ergon Energy

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

The project was included in the 2015/16 and 2016/17 budget.

*Operating*

Future Electricity Expense will be reduced.

*Is the expenditure noted above included in the 2016/2017 budget?*

Nil

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

Nil

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

1. Nil

***Date Prepared:*** 11 April 2017



---

## FINANCE

### ITEM-12 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MARCH 2017

**MEETING:** Ordinary

**MEETING DATE:** 19 April 2017

**REPORT OFFICER'S TITLE:** Manager Finance

**DEPARTMENT:** Corporate and Community Services

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#### EXECUTIVE SUMMARY

*The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2016 to 31 March 2017.*

#### OFFICER'S RECOMMENDATION

"That Council note the financial report for the period ending 31 March 2017."

#### BACKGROUND

##### Financial Summary

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

For the period ending 31 March 2017, Council shows an operational surplus of \$12,368,720 compared to a budgeted surplus of \$9,835,492. The large surplus is due to the rates for the half year, 1 January to 30 June 2017, that were issued in February.

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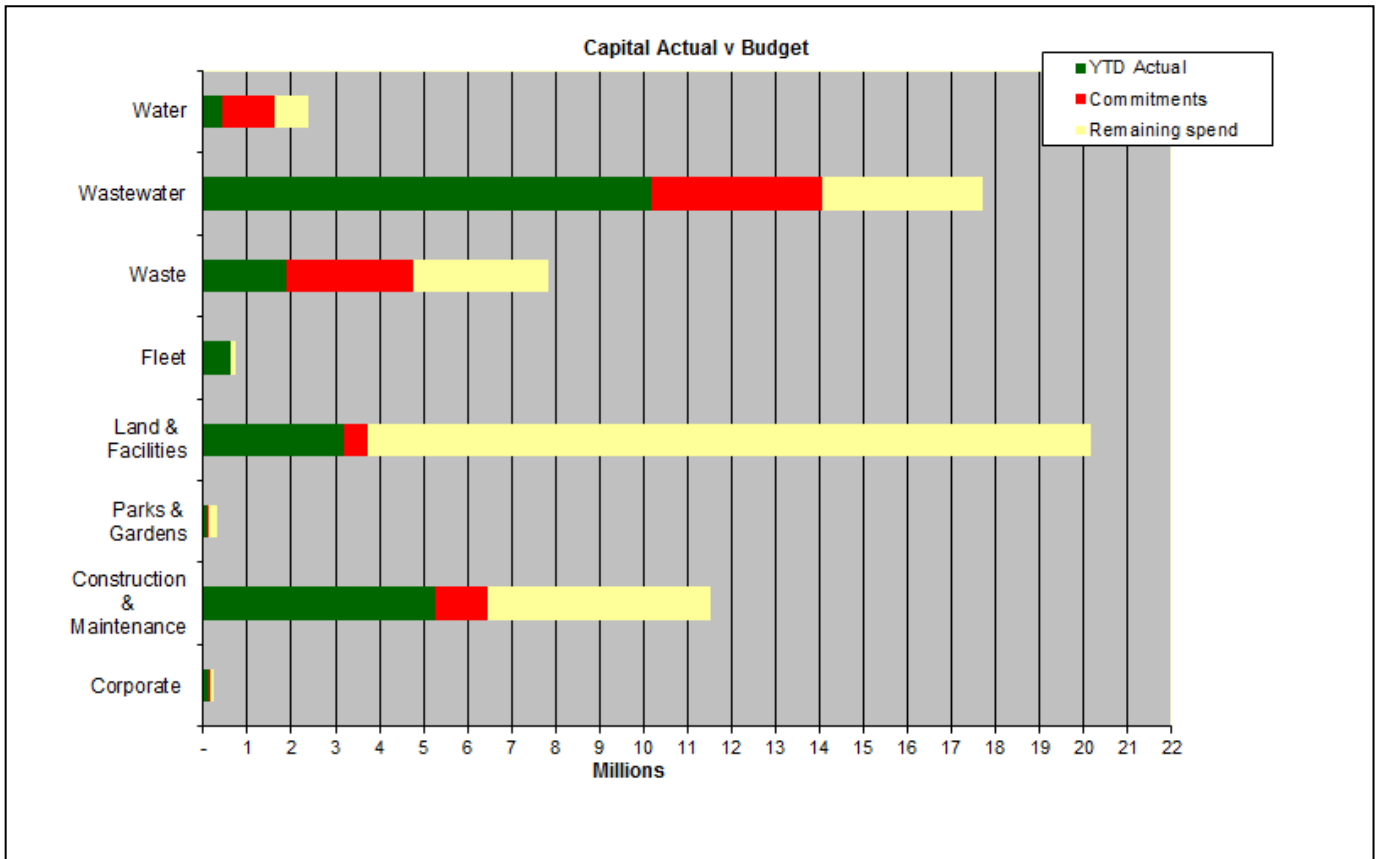
#### ***March 2017 - Snapshot***

Total Operating Income	\$	41,405,772
Total Operating Expenditure	\$	29,037,052
Operating Surplus	\$	12,368,720
Total Capital Income (grants, developer contributions)	\$	12,158,146
<b>Net Result - Surplus</b>	<b>\$</b>	<b>24,526,866</b>

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### Capital Expenditure

Total capital expenditure of \$31,579,463 (including commitments) has been spent for the period ending 31 March 2017 against the 2016/17 annual capital budget of \$60,914,307. This budget figure includes \$3.8M for the capital projects under the Works for Queensland Grant.



The significant remaining spend in the Land and Facilities section relates to the Mareeba Airport Re-development. It is anticipated that commitments will be made throughout the remainder of the financial year.

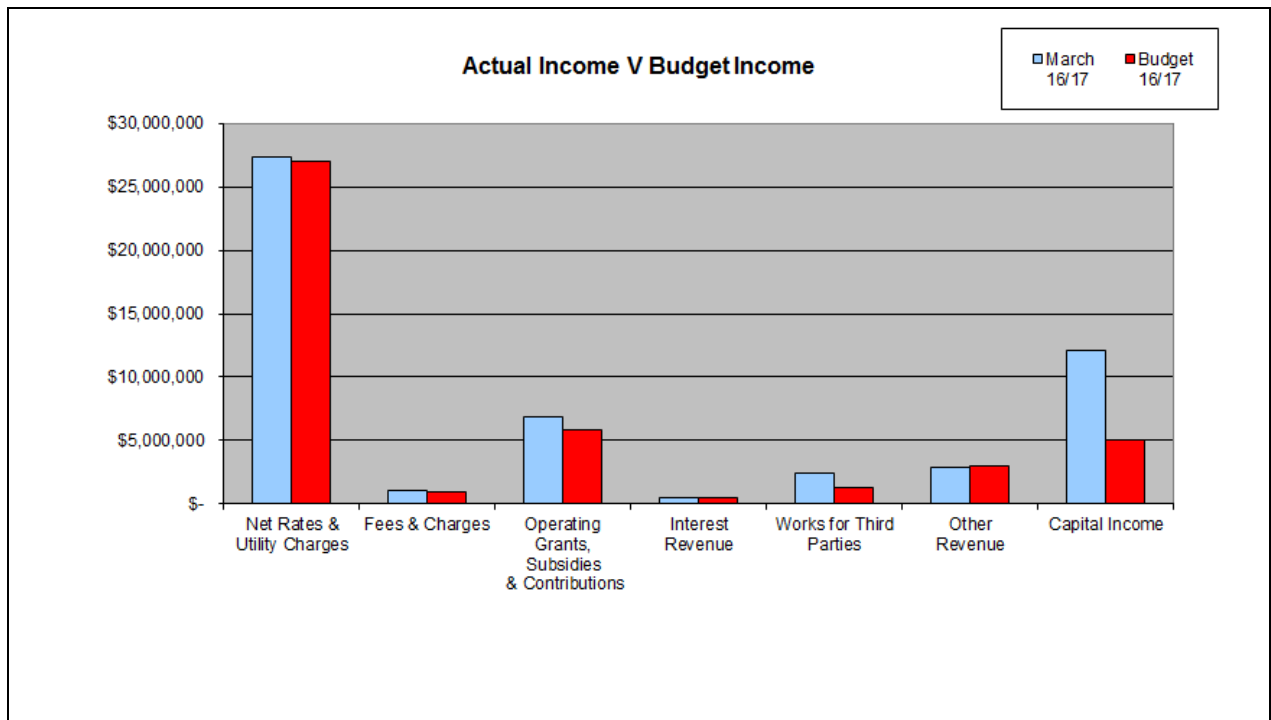
Other capital projects are currently tracking well against budgets.

### Income Analysis

Total income (including capital income of \$12,158,146) for the period ending 31 March 2017 is \$53,563,918 compared to the YTD budget of \$43,710,092.



The graph below shows actual income against budget for the period ending 31 March 2017.



Description	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	27,305,659	27,040,738	
Fees & Charges	1,049,531	907,320	
Operating Grants, Subsidies & Contributions	6,891,929	5,890,876	<b>1</b>
Interest Received	496,748	510,246	
Works for Third Parties	2,396,010	1,327,088	<b>2</b>
Other Revenue	3,265,896	2,976,068	<b>3</b>
Capital Income	12,158,146	5,057,756	<b>4</b>

**Notes:**

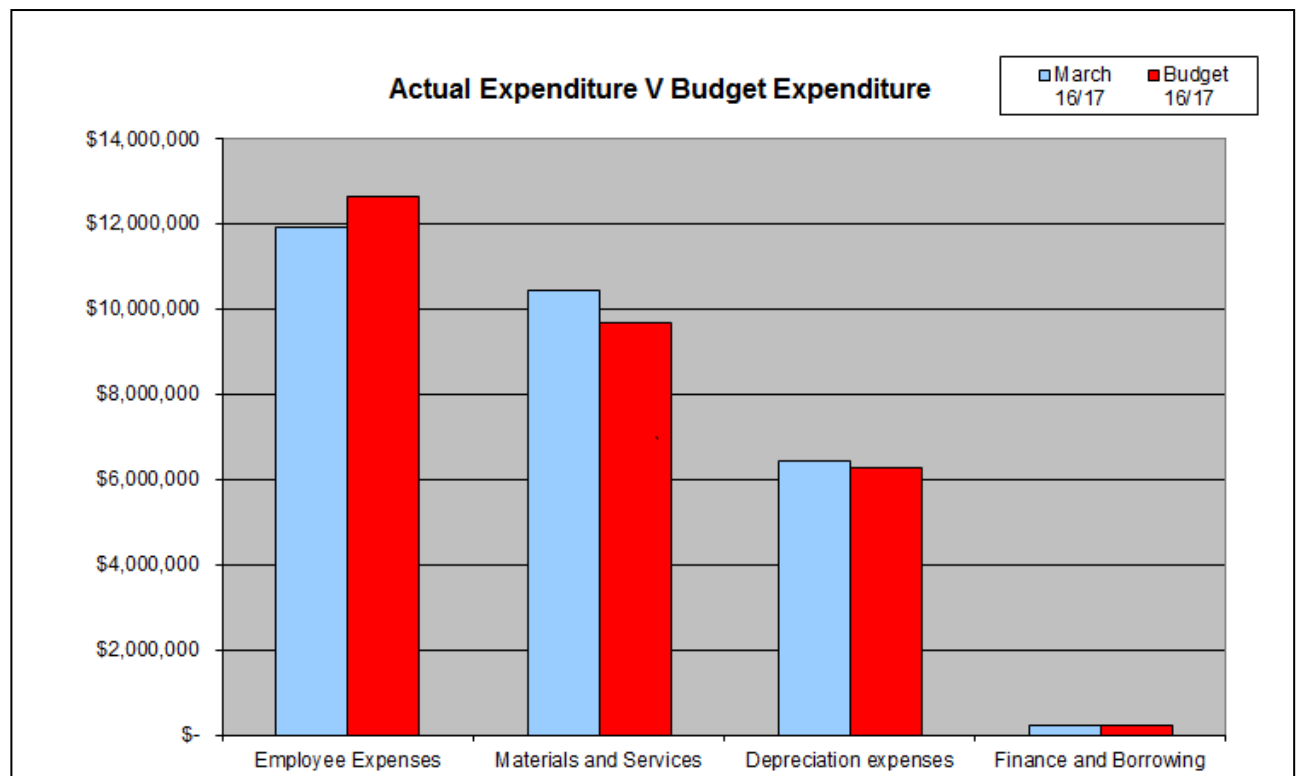
1. Council has received an initial prepayment for NDRRA 2016 of \$957k. As the restoration works has no budget allocated, there will be an equivalent offset in expenditure.
2. Majority relates to the timing of the budget for RMPC income (\$195k), additional works of \$100k being approved on the Mossman-Mt Molloy roads, and \$576k for the BDR Gravel re-sheet works which has no budget allocated. There will be an equivalent offset in expenditure.
3. Favourable variance relates to the sale of industrial land blocks (\$202k).

4. First milestone claim for the Mareeba Airport upgrade of \$2.3M received, along with \$3.1M for Mareeba WWTP upgrade, \$1.8M for Roads to Recovery capital grant (R2R), \$606k for TIDS, \$425k for Bridges Renewal Program, \$2.8m for the Works for Queensland Grant and \$683k for developer contributions.

#### Expenditure Analysis

Total expenses for the period ending 31 March 2017 is \$28,595,037 compared to the YTD budget of \$28,816,844.

The graph below shows actual expenditure against budget for the period ending 31 March 2017.



Description	Actual YTD	Budget YTD	Note
Employee expenses	11,930,353	12,652,113	<b>1</b>
Materials & Services	10,450,744	9,659,230	<b>2</b>
Depreciation expenses	6,441,846	6,272,025	
Finance & Borrowing costs	214,109	233,476	

Notes:

1. The majority of the reported savings in employee expenses relate to staff costs being debited to construction/capital projects. Also contributing to the variance is the

amount of leave staff have taken which is debited to a leave provision reserve (\$402k).

2. Expenditure for the additional DTMR works that was not budgeted for, is the main contributor to the variance, however, majority of this variance has already been recovered through Works for Third Party income above.

### Loan Borrowings

Council's loan balance as at 31 March 2017 is as follows:

QTC Loans	\$6,619,231
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## **Rates and Sundry Debtors Analysis**

### Rates and Charges

The total rates and charges payable as at 31 March 2017 is \$4,442,169. Of this total, \$1,749,961 belongs to valueless land properties. The process to commence acquisition of these properties will begin shortly. There are currently 187 properties with payments arrangements that total \$208k.

Rates were issued on 14 February 2016 for the six (6) months January to June 2016, with the discount period closing on 17 March 2016. Total Gross Rates and Charges levied for this six (6) month period were \$16,323,659.

On 27 March 2017, 1223 reminder notices were issued for a total value of \$2,490,581.

Collection House collected \$81,988 for the month of March. The outstanding amount for properties currently with debt collection is \$444,224.

The Sale of Land auction will take place on Thursday 11 May 2017. Four (4) out of the 13 properties have already paid their outstanding balance in full (\$43,822).

### Sundry Debtors

The total outstanding for Sundry Debtors as at 31 March 2017 is \$932,936 which is made up of the following:

<b>Current</b>	<b>30 days</b>	<b>60 days</b>	<b>90 + days</b>
\$800,352	\$9,538	\$4,762	\$118,283
85.8%	1.0%	0.5%	12.7%

An error was discovered in the December Council Report that the total outstanding amount reported was different to the table provided, therefore the correct figures are provided below.

The total outstanding for Sundry Debtors as at 31 December 2016 was \$1,259,451 which was made up of the following:

Current	30 days	60 days	90 + days
\$988,391	\$192,650	\$14,526	\$63,884
79%	15%	1%	5%

**LINK TO CORPORATE PLAN**

Nil

**CONSULTATION***Internal*

Director Corporate & Community Services  
Financial Accountant

*External*

Nil

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

Section 204 of the Local Government Regulation 2012 requires the financial report to be presented to local government if the local government holds its ordinary meetings more frequently (than once per month) - to a meeting in each month.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

1. Financial Statements

**Date Prepared:** 7 March 2017

**MAREEBA SHIRE COUNCIL**  
**Budgeted Income Statement by Fund**  
**For the period ending 31 March 2017**

	Consolidated		General Fund		Waste Services	
	Actual YTD	Budget YTD 2016/17	Actual YTD	Budget YTD 2016/17	Actual YTD	Budget YTD 2016/17
<b>Revenue</b>						
Rates and utility charges	29,074,066	28,768,652	16,060,523	15,936,277	3,433,206	3,386,909
Less Discounts and Pensioner Remissions	(1,788,397)	(1,727,914)	(1,788,397)	(1,727,914)	-	-
Net Rates and Utility Charges	27,305,659	27,040,738	14,282,126	14,108,363	3,433,206	3,386,909
Fees and Charges	1,049,531	907,320	1,025,307	1,114,627	-	-
Operating Grants and Subsidies	6,079,457	5,340,076	6,054,457	5,340,076	-	-
Operating Contributions	812,472	550,800	-	-	-	-
Interest Revenue	496,748	510,246	156,060	288,750	153,315	152,181
Works for Third Parties	2,396,010	1,327,088	2,314,417	1,304,813	-	-
Other Revenue	3,265,895	2,876,068	1,645,662	1,603,660	1,507,318	1,748,675
<b>Total Operating Revenue</b>	<b>41,405,772</b>	<b>38,652,336</b>	<b>25,478,029</b>	<b>23,105,465</b>	<b>5,093,839</b>	<b>5,287,765</b>
<b>Expenditure</b>						
Employee Expenses	11,930,353	12,852,113	10,667,727	11,294,120	386,192	377,636
Materials and Services	10,450,744	9,859,230	4,489,026	3,541,529	2,762,711	2,958,122
Depreciation expense	6,441,846	6,272,025	4,685,629	4,510,929	137,833	57,377
Finance and Borrowing costs	214,109	233,476	138,120	109,718	-	-
<b>Total Operating Expenses</b>	<b>29,037,052</b>	<b>29,417,844</b>	<b>15,990,502</b>	<b>19,465,396</b>	<b>3,286,736</b>	<b>3,394,135</b>
<b>Operating Surplus/(Deficit)</b>	<b>12,368,720</b>	<b>9,234,492</b>	<b>9,487,527</b>	<b>3,640,069</b>	<b>1,807,103</b>	<b>1,893,630</b>
<b>Capital Income</b>						
Capital Contributions	683,283	3,600	418,800	3,600	-	-
Capital Grants and Subsidies	11,364,723	4,388,750	6,798,423	2,813,750	-	-
Profit/(Loss) on Sale of Asset	110,140	665,406	117,090	665,406	-	-
	12,158,146	8,657,756	7,335,313	3,482,756	-	-
<b>Net Result</b>	<b>24,526,866</b>	<b>14,892,248</b>	<b>12,852,840</b>	<b>7,131,825</b>	<b>1,807,103</b>	<b>1,893,630</b>
						<b>1,418,454</b>

**MAREEBA SHIRE COUNCIL**  
**Budgeted Income Statement by Fund**  
**For the period ending 31 March 2017**

	Sewerage Services		Water Services		Benefited Areas	
	Actual YTD	Budget YTD	Actual YTD	Budget YTD	Actual YTD	Budget 2016/17
<b>Revenue</b>						
Rates and utility charges	4,374,684	4,308,651	4,899,253	4,916,317	316,390	320,498
Less Discounts and Pensioner Remissions	-	-	-	-	-	-
Net Rates and Utility Charges	4,374,684	4,308,651	4,899,253	4,916,317	316,390	320,498
<b>Fees and Charges</b>						
Operating Grants and Subsidies	24,224	22,500	-	-	-	-
Operating Contributions	-	-	25,000	-	-	-
Interest Revenue	108,763	-	45,036	57,420	812,472	734,400
Works for Third Parties	10,360	-	71,233	29,700	33,574	26,250
Other Revenue	300	-	107,819	21,000	-	-
<b>Total Operating Revenue</b>	4,518,331	4,331,151	5,148,341	5,002,657	1,167,232	1,126,898
<b>Expenditure</b>						
Employee Expenses	268,342	343,252	548,489	572,281	59,603	64,824
Materials and Services	942,244	1,029,433	2,124,245	1,960,608	132,518	168,438
Depreciation expense	652,864	672,787	911,923	924,843	73,597	106,089
Finance and Borrowing costs	75,989	123,758	-	-	-	-
<b>Total Operating Expenses</b>	1,939,439	2,169,230	3,584,657	3,457,732	265,718	339,351
<b>Operating Surplus/(Deficit)</b>	2,578,892	2,161,921	1,563,684	1,544,925	901,514	690,637
<b>Capital Income</b>						
Capital Contributions	126,408	-	138,075	0	-	-
Capital Grants and Subsidies	4,435,300	2,500,000	130,000	325,000	-	-
Profit/(Loss) on Sale of Asset	-	-	(6,950)	-	-	-
	4,561,708	2,500,000	261,125	325,000	-	-
<b>Net Result</b>	7,140,600	3,411,921	1,824,809	1,869,925	901,514	690,637

**ITEM-13 LIBRARY SERVICES FEES AND CHARGES 2017 - 18**

**MEETING:** Ordinary

**MEETING DATE:** 19 April 2017

**REPORT OFFICER'S TITLE:** Coordinator Library Services

**DEPARTMENT:** Corporate and Community Services

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**EXECUTIVE SUMMARY**

*This report presents the recommended 2017/18 Library Services fees and charges for approval.*

**OFFICER'S RECOMMENDATION**

"That Council adopt the attached schedule of 2017/18 fees and charges for the Mareeba Shire Library Service."

**BACKGROUND****Methodology**

Current Library fees and charges were reviewed and benchmarked against libraries which are of a similar size and geographically close to Mareeba. All fees and charges were based on a review of the actual cost to Council of delivering the service for 2017/18. It is proposed that the fees remain the same as 2016/17 as the fees cover the cost of service delivery within the stipulations of the Service Level Agreement for Public Library Services. This maintains Council's eligibility for the annual Public Library Grant which covers the purchase of books, DVDs and other library resources.

Current Library fees reflect process costs, CPI and corporate overheads. Several fees have reduced due to lower processing costs as a result of bulk ordering in the previous financial year and sourcing of vendors with lower material costs. Maintaining fees and charges at the current level will promote a balance which will not impact on the library service's ability to provide resources or impede public access to information.

**LINK TO CORPORATE PLAN**

COM 3: Building partnerships to build community capacity and support leadership and self-responsibility

GOV 1: To develop a long term financial plan that is sustainable.

**CONSULTATION***Internal*

Director of Corporate & Community Services  
Manager Community Wellbeing  
Manager Finance

*External*

State Library of Queensland, Director Regional Access and Public Libraries.

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Adopting the inter-library loan fee of \$2.50 will maintain Council's eligibility for the Public Library Grant administered by the State Library of Queensland.

Estimated revenue from library fees and charges are included in the proposed 2017/18 budget.

*Is the expenditure noted above included in the 2016/2017 budget?*

Nil

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

Nil

**IMPLEMENTATION/COMMUNICATION**

On adoption of the 2017/18 fees Library Management Systems, Council's website and Library Guides will be updated.

**ATTACHMENTS**

1. 2017/18 Mareeba Shire Library Services Fees and Charges Schedule

**Date Prepared:**

7 April 2017



<b>Library Fees &amp; Charges 2017 / 2018</b>		<b>Per</b>	<b>Fees 2017 / 18</b>
<u>Lost charge</u> - Cost value of item plus notice charge & administration fee		ITEM	Cost plus \$30.00
<u>Damaged item charges</u> - Items deemed unusable		ITEM	Cost plus \$15.00
<u>Visitor membership fee</u>		UNLIMITED	\$45.00
<u>Replacement CD/DVD cover/cases</u>		ITEM	\$5.00
<u>Replacement membership card</u>		CARD	\$6.00
<u>Library Bags</u>		BAG	\$5.00
<u>Book Sale Non-fiction / Jigsaws / DVD &amp; CD</u>		ITEM	\$3.00
<u>Fiction</u>		ITEM	\$2.00
<u>Junior books</u>		ITEM	\$1.00
<u>Magazines</u>		ITEM	\$0.50
<u>Photocopying</u> Black & White, A4 per side		A4 PAGE	\$0.30
Black & White, A3 per side		A3 PAGE	\$0.60
<u>Printing</u> Black & White, per A4 page		A4 PAGE	\$0.30
Colour, per A4 page		A4 PAGE	\$3.00
<u>Internet Research</u> National & State Library online Databases		FREE	FREE
<u>USB Stick</u>		ITEM	\$12.00
<u>WIFI</u>		FREE	FREE
<u>Full PC Use</u> : The first hour of Full PC use is free, the following fees then apply, depending on PC availability.			
Library Member		30 MIN	\$2.00
Library Member + Concession Card Seniors, Veterans, Health Care		30 MIN	\$1.00
Non-Library members, per 1/2 hr or part thereof		30 MIN	\$3.00
Non-Library members, per hour or part thereof		60 MIN	\$6.00
<u>Inter Library Loan ILL</u> University Loan charge		UNIVERSITY LIBRARY	\$16.50
Processing Charge for uncollected items		UNCOLLECTED ITEM	\$15.00
Freight		FREIGHT PER ITEM	\$2.50



**ITEM-14                      2017- 18 FEES AND CHARGES FOR CEMETERIES**

**MEETING:**                      Ordinary

**MEETING DATE:**              19 April 2017

**REPORT OFFICER'S  
TITLE:**                      Coordinator Customer Service

**DEPARTMENT:**              Corporate and Community Services

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**EXECUTIVE SUMMARY**

*This report details the proposed 2017/18 Fees and Charges for Cemeteries.*

**OFFICER'S RECOMMENDATION**

"That Council adopt the 2017/18 Fees and Charges for Cemeteries."

**BACKGROUND**

Council, as part of its budgetary process and under the legislation of the Local Government Act, is required to adopt a Schedule of Fees and Charges each year.

Each relevant department has been responsible for the setting of the Fees and Charges.

Costs for services are reviewed annually, while Council generally applies a cost recovery model the costs are discounted wherever possible to keep costs within this area affordable.

**LINK TO CORPORATE PLAN**

N/A

**CONSULTATION**

*Internal*  
Councillors  
Co-ordinator Open Spaces  
Manager Systems and Customer Service  
Manager Works  
Co-ordinator Customer Service

*External*  
Nil

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

Nil

**IMPLEMENTATION/COMMUNICATION**

Update schedule of fees and charges displayed on Council's website and advise relevant funeral directors.

**ATTACHMENTS**

1. Proposed Cemeteries Fees and Charges 2017/18

***Date Prepared:*** 10 April 2017

<b>Mareeba Shire Council Cemeteries Fees and Charges</b>			
<b>Fee Name</b>	<b>Per</b>		<b>Fees 2017/18 (GST inc)</b>
<b>Reservation</b>			
Reservation - Grave, Above Ground Vault	Plot		\$565.00
Reservation Child <sup>1</sup> - Grave, Above Ground Vault	Plot		\$282.00
Reservation - Mausoleum Wall	Plot		\$8,100.00
Reservation - Mausoleum Free Standing	Plot		\$3,870.00
Reservation - Niche (Single)	Niche		\$357.00
Reservation - Niche (Double)	Niche		\$419.00
<b>Interment (In addition to reservation fee <sup>2</sup>)</b>			
Interment - Grave	Plot		\$1,641.00
Interment Child <sup>1</sup> - Grave	Plot		\$820.00
Interment - Above Ground Vault, Mausoleum Wall, Mausoleum Free Standing	Plot		\$532.00
Interment - Ashes (Niche; includes installation of plaque)	Niche		\$390.00
Interment - Ashes (In ground)	Plot		\$390.00
<b>Interment Surcharge</b>			
Interment Surcharge (Weekends and public holidays)	Interment		\$1,245.00
<b>Plaque</b>			
Cost of plaque including freight	Plaque		POA
Plaque installation - Lawn Cemetery	Plaque		\$174.00
Plaque installation - Niche (if not installed at interment)	Plaque		\$174.00
<b>Shelter Hire</b>			
Hire of shelter - Weekdays excluding public holidays	Shelter		\$117.00
Hire of second shelter - Weekdays excluding public holidays	Shelter		\$79.00
Hire of shelter - Weekends and public holidays	Shelter		\$204.00
Hire of second shelter - Weekends and public holidays	Shelter		\$139.00
<b>Chair Hire</b>			
Hire of chairs - Weekdays excluding public holidays (per 10)	Per 10		\$89.00
Hire of chairs - Weekends and public holidays (per 10)	Per 10		\$116.00
<b>Miscellaneous</b>			
Construction of a memorial	Plot		\$296.00
Exhumation	Plot		At cost
Removal of slab or headstone	Plot		At cost
Concrete Pilars	Pilar		\$262.00
<sup>1</sup> Child - Less than 9 years old. <sup>2</sup> Second and subsequent interments do not incur a reservation fee.			



**ITEM-15                                      2017/2018 FEES AND CHARGES FOR URBAN AND REGIONAL PLANNING****MEETING:**                                      Ordinary**MEETING DATE:**                                      19 April 2017**REPORT OFFICER'S  
TITLE:**                                      Senior Planner**DEPARTMENT:**                                      Corporate and Community Services

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**EXECUTIVE SUMMARY**

*This report presents the recommended 2017/2018 Fees and Charges for Urban and Regional Planning activities for Council's consideration and endorsement.*

**OFFICER'S RECOMMENDATION**

"That Council adopt the 2017/18 Fees and Charges for Urban and Regional Planning."

**BACKGROUND**

Council as part of its budgetary process and under the legislation of the Local Government Act is required to adopt a Schedule of Fees and Charges each year.

Each relevant department has been responsible for the setting of the Fees and Charges.

Section 97 of Local Government Act 2009 prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost- recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged.

Costs for services are reviewed annually, with the full cost recovery model applied wherever possible. The proposed fees for 2017/18 were workshopped with Council on 5 April 2017.

The underlying principle used in establishing the 2017/2018 fees has been to take the 2016/2017 fees and apply the local government index increase of approximately 2.0%.

As such, the methodology and process costs used in the determination of the 2016/2017 fees have been carried forward.

The fee structure which was last amended by Council in May 2016, in preparation for the commencement of the Mareeba Shire Council Planning Scheme - July 2016, remains unchanged.

**LINK TO CORPORATE PLAN**

**GOV 1** - Develop an achievable long term financial plan that underpins Council's long-term financial sustainability.

**CONSULTATION**

*Internal*  
Manager Development and Governance

*External*  
Nil

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

Council must be able to demonstrate that the cost recovery fees are no more than the cost of providing the service. Council is able to set a fee that is lower than the calculated cost where it is deemed appropriate.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
NIL

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

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

**IMPLEMENTATION/COMMUNICATION**

On adoption of the 2017/2018 fees, the schedule of fees and charges will be updated. The charge controls in the Council's corporate system (Property & Rating) will need to be updated prior to the commencement of the 2017/2018 financial year. The website will also need to be updated to reflect the new fees.

**ATTACHMENTS**

1. 2017/18 Fees and Charges for Urban and Regional Planning (distributed separately)

**Date Prepared:** 6 April 2017

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## COMMUNITY WELLBEING

### ITEM-16 REGIONAL ARTS DEVELOPMENT FUND 2017-18

**MEETING:** Ordinary

**MEETING DATE:** 19 April 2017

**REPORT OFFICER'S TITLE:** Senior Community Wellbeing Officer

**DEPARTMENT:** Corporate and Community Services

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#### EXECUTIVE SUMMARY

*This report presents two elements of the Regional Arts Development Fund (RADF) for Council approval:*

- Proposed 2017/18 RADF budget, that will form the basis of Council's application to Arts Queensland, and
- RADF Advisory Committee recommendations for funding RADF 2016-2017 Community Grants.

#### OFFICER'S RECOMMENDATION

"That Council:

1. Submit an expression of interest to Arts Queensland for the RADF 2017-2018 grant to build cultural tourism activities in the shire; and
2. Co-contribute \$23,000 to the RADF 2017/18 program as outlined in this report; and
3. Approve the RADF Advisory Committee recommendations to fund seven projects for a total of \$38,560 under the RADF 2016-2017 Community Grant Round."

#### BACKGROUND

##### 1. RADF 2017 - 2018 Budget

The Regional Arts Development Fund (RADF) is delivered as a partnership between the Queensland Government through Arts Queensland and eligible local councils across the state. Arts Queensland recently released the RADF 2017/18 guidelines for Council applications. Initially Council's application for funding was to be submitted to Arts Queensland by 7 April 2017, however this has been extended to the 28 April 2017. Eligible Councils can apply for funding guided by set population and co-investment tiers. Council can apply for funding above their population tier maximum where they can provide strong justification.

In 2016, Council approved a two year RADF Strategy which focussed RADF activities on the local priority of cultural tourism, which is "initiatives that develop and promote the community's locally distinct arts, culture and heritage both for members of that community and for visitors."

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There has been significant interest within the community around activities of this nature. It is proposed that the RADF 2016-18 Strategy is continued to be implemented in year two as planned with the following components:

- Identified community initiatives delivered by Council:
  - Mareeba Heritage Museum & Visitor Information Centre,
  - Community events and festivals
  - Chalk Art Festival - to be held October 2017 in Mareeba CBD
  - Arts directory and public art activities (depending on AQ funding)
- Annual community grant funding round
- Training for volunteer members of the RADF Advisory Committee
- Administration and promotion of the RADF Strategy.

It is proposed that Council package existing investment of \$212,000 in relevant arts and cultural activities with Council's cash contribution of \$23,000 in an attempt to leverage a higher contribution from Arts Queensland, which could range from \$30,000 to \$100,000.

Council's co-contribution of \$23,000 is funded by \$13,000 from the proposed 2017/18 operational budget and \$10,000 from the Mareeba CBD Levy and along with the AQ grant, will be allocated to the Chalk Art Festival, community grant round, committee training and administration and depending on the amount of the Arts Queensland's contribution, further work on the arts directory and public art activities may be funded.

## **2. RADF 2016 - 17 Community Grants**

The 2016 - 2017 RADF Community Grant round to allocate \$38,560 closed on 28<sup>th</sup> February 2017 after promotion across the shire. Thirteen applications were received with requests totalling \$85,944. Most applications were of a high standard and responded to the local RADF priority of cultural tourism. The RADF Advisory Committee met on the 15<sup>th</sup> March to consider the applications according to set criteria.

In line with the community grant guidelines, two applicants, who had received funding in the previous year, were not recommended for funding. Another four applications were not recommended for funding due to limited participation and development opportunities and limited project planning and community support. The Committee considered that it would be appropriate to fund the remaining seven projects at a lower amount than that requested by the applicants, based on overall project budget, quality of project planning and achievability of outcomes.

The RADF Advisory Committee has recommended a total of \$38,560 be allocated to the following seven projects. The RADF 2016-2017 budget has sufficient funds to provide these grants:

### **2.1 Ngoonbi Community Services Indigenous Corporation - Keeping Culture Strong - Youth Cultural Camp \$5,000**

This project will see Aboriginal elders work with disengaged youth to provide an understanding of culture and traditions and pass on knowledge such as spear and boomerang making, traditional dance and stories. Delivered as a series of workshops and camp for youth from Kuranda, Mantaka, Kowrowa and Koah this project aims to preserve cultural knowledge and build cultural capacity.

**2.2 Rebecca Koller - Kuranda Roller Door Project \$4,000**

Rebecca Koller and other local artists will beautify the Kuranda townscape by building on the success of the Kuranda Roller Door Project that started in March 2016. Murals depicting Kuranda wildlife, culture and lifestyle will be painted onto the roller doors of supportive local businesses. Business and community support for this project to date has been very positive. This project will provide participation opportunities for local artists and provide enjoyment for locals and visitors alike.

**2.3 Arts in Mind - Arts in Mind Stage 1 \$7,860**

Arts in Mind is a group of local artists who will facilitate a series of affordable art skills workshops for local residents. This will include mosaics, mixed media, tile painting, pottery, glass cutting and stained glass workshops. Stage 1 will culminate in workshop participants developing designs and plans for public art to beautify Mareeba. Consulting with experts will increase local capacity to deliver quality public art installations. Note that Stage 1 will not result in any public art installations and the design and location of any public art produced in the future under this project will require Council approval.

**2.4 Mareeba Heritage Centre Inc - Heritage Multicultural Exhibition \$6,800**

The Mareeba Heritage Centre will promote and conserve the cultural heritage of Mareeba by creating a new "Heritage Multicultural Exhibition." Selected long-term, local residents will be interviewed about their family history and stories of their life in Mareeba. Interviews will be recorded as audio visual podcasts and form the backbone of the permanent exhibition.

**2.5 Julatten and Molloy Association of Ratepayers and Residents (JAMARR) - Mt Molloy and Julatten Story Tree \$7,000**

JAMARR will collect and catalogue cultural stories that centre on significant locations and places of interest in the Mt Molloy and Julatten area. Recorded stories will then be published in various formats such as online walking trails and brochures. Local stakeholders and heritage experts will be consulted in the development of the story tree. The project will build on the existing interest and activity in cultural tourism within the community.

**2.6 Mareeba Arts Society - Mareeba Arts Society Community Mural \$1,900**

The Mareeba Art Society provides arts participation opportunities for residents and visitors, through workshops, craft shop and art gallery. This project will see members collaborate to create a colourful and striking mural to be installed on the outside of the Mareeba Arts Society workshop building at Centenary Park. The mural will act as a guide post to promote the Arts Society to both visitors and residents.

**2.7 Kuranda Media Association - Arts and Heritage Outdoor Spaces Place-making Plan \$6,000**

The Kuranda Media Association in partnership with the Kuranda Community Precinct Advisory Committee will develop a master plan to transform the Precinct into a well-used destination for residents and visitors. The Committee will undertake targeted community engagement, facilitate a planning event and engage a professional consultant to develop the master plan that will describe how outdoor spaces will be utilised for recreation and to showcase art, culture and heritage.

**LINK TO CORPORATE PLAN**

**COM 4:** Encourage vibrant and active community participation in festivals and events, arts, culture and natural heritage activities that celebrate the community and its cultural diversity and enrich lifestyle and encourage tourism.

**CONSULTATION***Internal*

Mareeba Shire Council RADF Committee  
Manager Community Wellbeing  
Manager Systems and Customer Service

*External*

Arts Queensland

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Yes, see below

*Is the expenditure noted above included in the 2016/17 budget?*

2017/18 RADF budget pack incorporates proposed strategy.

2016/17 RADF budget incorporates the community grant round allocation.

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

1. Nil

**Date Prepared:**

7 April 2017

**ITEM-17                      TABLELAND MEN'S SHED MAREEBA**

**MEETING:**                      Ordinary

**MEETING DATE:**            19 April 2017

**REPORT OFFICER'S**  
**TITLE:**                        Manager Community Wellbeing

**DEPARTMENT:**              Corporate and Community Services

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**EXECUTIVE SUMMARY**

*This report presents a request by the Tablelands Men's Shed Mareeba for assistance under the Community Partnerships Program for Council approval.*

**OFFICER'S RECOMMENDATION**

"That Council approve a request by the Tablelands Men's Shed Mareeba for a cash donation of \$15,290 under the Community Partnerships Program to relocate a demountable shed should the State Government agree to hand the shed over."

**BACKGROUND****Demountable Shed Available for Use by Men's Shed**

The Tablelands Men's Shed Mareeba is a well-regarded not for profit, community-based volunteer group providing a range of support services and assistance that contribute significant community benefits which are highly valued in the local community.

The group has requested a cash donation from Council to cover the costs of relocating a demountable shed from Wallace Drive to their property in Lloyd St, Mareeba. The Queensland Government has offered the building to the group, on the condition that Council acts as an intermediary. Council earlier agreed to accept the building on behalf of the Men's Shed and these arrangements are proceeding smoothly. The Men's Shed is very keen to acquire the demountable as it will allow them to expand their activities for which there is a high demand.

**Request for Assistance**

The Tablelands Men's Shed Mareeba has requested financial assistance from Council to cover the relocation costs and building application fees for the shed. Council's Manager Technical Services has been assisting the group with the relocation arrangements and has estimated these costs at:

\$13,500	Shed Relocation
\$ 500	Pre-inspection for relocation of structure
<u>\$ 1,290</u>	Class 2-9 building approval
<u>\$15,290</u>	Total

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The Men's Shed will project manage the relocation of the shed including hiring and paying the contractor and organising the appropriate building inspections.

## **RECOMMENDATION**

Therefore, it is recommended that a one-off cash donation of \$15,290 is provided to the Tablelands Men's Shed Mareeba for the relocation of a demountable shed. The donation is provided under the Community Partnerships Program which has sufficient funds to cover this cash donation.

It is also recommended that, in this instance, Council will not require the payment of two refundable bonds: road transport bond of \$5,000 and a re-establishment bond of \$10,000. These bonds are paid in case damage is caused to a council road or asset during the removal and relocation of the building by a contractor. The bonds have not been factored into the relocation quote provided by the contractor.

## **LINK TO CORPORATE PLAN**

**COM 3:** Encourage the building of strong partnerships with community, private sector and government so as to build community capacity and develop strategies to encourage and support leadership and self-responsibility in the community.

## **CONSULTATION**

### *Internal*

Director Infrastructure Services  
Manager Technical Services  
Senior Community Wellbeing Officer

### *External*

Tablelands Men's Shed Mareeba

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

Nil

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL & RESOURCE IMPLICATIONS**

### *Capital*

Nil

### *Operating*

\$15,290 is available in the Community Partnerships Program for this one-off cash donation

*Is the expenditure noted above included in the 2016/17 budget?*

Yes

**IMPLEMENTATION/COMMUNICATION**

Tablelands Men's Shed Mareeba will be advised of Council's decision

**ATTACHMENTS**

Nil

***Date Prepared:***            *7 April 2017*





## INFRASTRUCTURE SERVICES

### ITEM-18                      INFRASTRUCTURE SERVICES - MONTHLY REPORT - MARCH 2017

**MEETING:**                      Ordinary

**MEETING DATE:**              19 April 2017

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

**DEPARTMENT:**              Infrastructure services

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#### EXECUTIVE SUMMARY

*This report sets out activities undertaken by the groups within Infrastructure Services during the month of March 2017.*

#### OFFICER'S RECOMMENDATION

"That Council receive and note the Infrastructure Services, Monthly Activities report for the month of March 2017."

#### BACKGROUND

#### MONTHLY ACTIVITIES

#### WORKS GROUP

##### Maintenance Activities

Maintenance activities accruing more than \$1,000 in expenditure were carried out in March at the following locations:

Description	Activity
Crystalbrook Road, Almaden	Grading unsealed roads
Bower Road, Arriga	Bitumen patching, general operations, grading unsealed roads
Chettle Road, Arriga	Slashing
Bilwon Road, Bibbohra	Bitumen patching, slashing
Hodzic Road, Bibbohra	Slashing
Pickford Road, Bibbohra	Grading unsealed roads, slashing
Narcotic Creek Road, Chewko	Slashing
Argyle Street, Dimbulah	General operations, mowing, slashing
Leafgold Weir Road, Dimbulah	Culvert repairs, slashing
Raleigh Street, Dimbulah	General operations, mowing, slashing
Euluma Creek Road, Julatten	Road inspections, slashing
McLeans Bridge Road, Julatten	Road inspections, slashing
Morrish Road, Julatten	Slashing
Sides Road, Julatten	Bitumen patching, slashing
Black Mountain Road, Julatten	Grading unsealed roads, road inspections, slashing
Barron Street, Koah	Grading unsealed roads, slashing
Bolton Road, Koah	Grading unsealed roads, slashing
Koah Road, Koah	Bitumen patching, grading unsealed roads, road furniture, slashing
Barang Street, Kuranda	Road furniture, slashing
Barron Falls Road, Kuranda	Grading unsealed roads, slashing
Boyles Road, Kuranda	Grading unsealed roads, slashing
Crothers Road, Kuranda	Grading unsealed roads, road furniture

Description	Activity
Jeffrey Road, Kuranda	Grading unsealed roads, road furniture, slashing
Oak Forest Road, Kuranda	Bitumen patching, grading unsealed roads, road furniture, slashing
Rob Veivers Drive, Kuranda	Bitumen patching, general repairs & maintenance, line marking, mowing, slashing
Chewko Road, Mareeba	Slashing
Kay Road, Mareeba	Slashing
Malone Road, Mareeba	Slashing
McGrath Road, Mareeba	Slashing
Rankin Street, Mareeba	Tree clearing / vegetation management
Shanty Creek Road, Mareeba	Slashing
Fraser Road, Mt Molloy	Slashing
Main Street, Mt Molloy	Slashing
Santowski Crescent, Mt Molloy	Slashing
Wetherby Road, Mt Molloy	Grading unsealed roads, slashing
Armstrong Road, Mona Mona	Grading unsealed roads, slashing, tree clearing/vegetation management
Austin Road, Mona Mona	Grading unsealed roads
LA Road, Mona Mona	Grading unsealed roads
Mona Mona Road, Mona Mona	Grading unsealed roads
Speewah Road, Speewah	Bitumen patching, slashing

The table below shows the current budget position of road maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,294,997	\$2,469,407	\$2,266,157

**Capital Works****Ray Road Formation Widening and Seal**

Works commenced late February on the upgrading of 2.89km of Ray Road. The project involves the widening of the existing formation and seal to 9m and the extension of existing culverts.

Construction has been hampered due to wet weather rework and is currently running about 9% over budget.

The final sealing works and the installation of road furniture is programmed for the second week of April. The line marking will be applied later in the month.



**Work for Queensland Projects****Walsh Street, Dimbulah - Resheet**

Resheeting works commenced in late February at Walsh Street, Dimbulah. 104m of gravel resheet, 150mm deep and 4.5m wide, was constructed on the remaining unsealed section of Walsh Street.

The project was completed under time and under budget.

**Downs Street, Mareeba - Widen and Seal to Kerb**

Works commenced in early March at Downs Street, Mareeba. The project scope included the widening of the pavement and seal to the existing kerb and channel between Lawson and Mason Street and Lawson and James Street, repair of existing driveways and the replacement of approximately 10m of failed kerb and channel.

The project was completed under time and under budget



**Lawson Street, Mareeba - Widen and Seal to Kerb**

Works commenced in early March at Lawson Street, Mareeba. The project scope included the widening of the pavement and seal to the existing kerb and channel on the western side of Lawson Street between Downs and Lyons Street. Car parking line marking will be installed in April.

The project was completed under time and under budget.

**Egan Street, Mareeba - Widen and Seal to Kerb**

Works commenced mid-March at Egan Street, Mareeba. The project scope included the widening of the pavement and seal to the existing kerb and channel on the western side of Egan Street, removing unsuitable subgrade and replacing with rock and bidim and minor kerb and channel repairs.

The project was completed under time and under budget.





**Bailey Street/Martin Avenue, Mareeba - Widening and Seal to Kerb**

Works commenced mid-March at Bailey Street/Martin Avenue, Mareeba. The project scope included the widening of the pavement and seal on the southern side of Bailey Street and the eastern side of Martin Avenue. The pavement and seal on the western side of the Bailey/Martin corner was also widened to allow safe cornering. Line marking will be installed in April.

The project was completed later than programmed due to wet weather but remained within budget.

**TMR Routine Maintenance Performance Contract (RMPC)**

Routine maintenance activities were undertaken during March 2017 at the following location;

Primary Location	Activity Name
Kennedy Highway - Cairns/Mareeba	Rest area servicing
	Pothole patching, includes traffic control
Mulligan Highway - Mareeba/Mt Molloy	Pothole patching, includes traffic control
	Surface correction isolated depression, includes traffic control
	Tractor slashing, rural, includes (2)x traffic control
	Herbicide spraying, includes traffic control
Mulligan Highway - Mt Molloy/Lakeland	Pothole patching, includes traffic control
	Install new and/or relocate old signs standard B Size(800x600) & 1 post
	Rest area servicing
	Roadside litter collection - rural
	Surface correction, premix / A/C (Manual <150 lin. m per 1km) includes traffic control
	Surface correction isolated depression, includes traffic control
	Other culvert, pipe and pit work
	Other roadside work
	Tractor slashing - rural, includes (2)x traffic control
	Other formation work
	Medium formation grading (western) with extras and 2 watercarts, excludes traffic control
Burke Developmental Road	Pavement repairs, gravel (Mech. < 500m2 per 1km), includes traffic control
	Pavement repairs
	Emergency call out / traffic accident
	Other roadside work
	Pothole patching - includes traffic control
	Other bituminous surface work
Mossman - Mt Molloy Road	Herbicide spraying, includes traffic control
	Roadside litter collection - rural
	Other bituminous surface work
	Pothole patching, includes traffic control
	Other vegetation control works
	Emergency call out / traffic accident
Herberton - Petford Road	Other roadside work

The total claim to DTMR for the works listed above for the month of March 2017 was \$114,169.75.

## Parks and Gardens Section

### Maintenance Activities

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in March at the following locations:

Location
Parks and Gardens, Chillagoe
Basalt Gully and Bi-Centennial Lakes, Mareeba
Mary Andrews Gardens, Mareeba
Arnold Park, Mareeba
Centenary Park, Mareeba
Barron Esplanade, Mareeba
Byrnes Street Medians, Mareeba
Molloy Road Approaches, Mareeba
Eales Park, Mareeba
Margeritha English Park, Julatten
Parks, Library, CBD and Streets, Kuranda
Esplanade, Kuranda
Anzac Memorial Park, Kuranda
Town Hall Park, Dimbulah
Borzi Park, Mareeba
Davies Park, Mareeba
Firth Park, Mareeba
Racecourse (Road Reserve), Mareeba
Shaban Park, Mareeba
Vains Park, Mt Molloy
Rec Reserves includes Tennis Court, Chillagoe
Street Mowing, Mareeba
Nursery Mareeba
Furniture and Playground Equipment, Mareeba
Pool and Carpark, Kuranda
Drainage Easements, Mareeba
Town Entry North, Mareeba
Martin Avenue, Mareeba
Sunset / Sunbird Park, Mareeba
Barooga Gardens Park, Dimbulah
Flying fox, Mareeba
Anzac Avenue, Mareeba
Mowing and Maintenance, Irvinebank
Mowing, Bibohra Streets

The table below shows the current budget position of Parks and Gardens maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$1,545,967	\$1,168,032	\$1,352,546

The overspend is due to a number of factors, firstly a seasonal issue with more mowing etc. required this time of year and secondly additional requests for services not catered for in the budget. Strategies to reduce this overspend will be put in place however it is unlikely that the full amount will be able to be recouped.

### Geraghty Park Playground Upgrade

Geraghty Park playground has been closed for some time due to deteriorated play equipment and softfall. Work commenced mid-March to remove some large trees, upgrade or refurbish the play equipment and install new softfall.



The swing seats will be installed in April and RISE will be sanding and painting the play equipment and installing a new balance beam at a later date as part of a Work for the Dole initiative.

The works are currently within budget and are expected to remain so.



### Bridge Section

Annual Budget	Year to Date Budget	Year to Date Actual
\$514,697	\$385,530	\$211,014

Mareeba Shire Council's bridge inspection program has been formalised and is operating under a works order system. 332 bridges and major culverts have been identified as requiring inspection within our local roads network.

To date, 277 inspections have been completed.

### Land Protection Section

Annual Budget	Year to Date Budget	Year to Date Actual
\$394,729	\$303,203	\$339,075

**Yellow Crazy Ants:** Council's Senior Land Protection Officer recently attended a meeting as Council's representative with the Wet Tropics Management group for the area. MSC has been requested by the group to arrange for the slashing / mulching of drains and gullies on Cadagi Drive. This clearing is necessary for the control operators to be able to lay baits. Land Protection staff have also carried out some herbicide application and manual clearing of areas along Jumrum creek so that baits can be laid for the Electric Ants.

**Asian Honey Bees:** Two more swarms have been located and eradicated, one in Jack Bethel Park and the other behind the Garden Settlement. Asian bees are on the increase. In the past few years, officers have eradicated seven swarms within the Mareeba Town limits. Council is required by DPI to take samples of the bees to their entomologist to inspect for the Varroa mites. None have proven positive to date.

**Rabbits:** MSC, working in with TRC and the DAFF Rabbit Research Team have carried out some releases of the latest Rabbit Haemorrhagic Disease Virus (K5 Callisivirus). TRC carried out two releases in their drier areas and we released some virus at a large population of rabbits at Top Eureka. MSC's site was highly successful as the population more than halved within 10 days and Land Protection staff are still finding dead rabbits. The dead rabbits can be retrieved and moved to new rabbit infestations where flies will move the virus into the new populations. In this way officers intend to infest rabbits with this K5 virus throughout the Council area.

**Feral Pigs:** The Northern Gulf Resource Management Group, through the Drought Funding Program, have made funds available to Council for the construction of large permanent silo traps to be placed in strategic sites on private land within our Council area. To date, Council has constructed 17 of these traps on private land parcels and pigs are being caught and destroyed and disposed of by the landowner groups. Officers have also distributed 8 Hog Hopper devices. These pig feeders are designed so that only the pig can access the toxic bait within the feeders. These devices are portable and Council has loaned them to landowners, Enviro and Landcare groups and catchment management groups. Staff have also been carrying out pig baiting on some of the larger cattle operations to the west of Mareeba.

**Wild/Dog Dingo:** More peri-urban dog control has been attended to using all the integrated pest management options that are currently available to Land Protection Staff.

**Weeds:** Gamba Grass and Giant Rats Tail have been treated on Council roadsides in March.

**Piper Auritum:** Piper Auritum is a new species of introduced pepper tree which was located growing wild on Council land below the Old Kuranda markets. The plant has been formally identified by the Queensland Herbarium and it has been warned that this was a rare recording for Northern Australia and that the plant had the ability to become a serious weed in our Wet Tropics areas. Officers have commenced a full removal program. Land Protection staff have treated all plants, mapped locations on Council's GIS and carried out extensive surveys throughout the area of remnant rainforest and on the River riparian. This has been logged onto Council's Land Protection work program for follow up treatment.

**WATER AND WASTEWATER GROUP****Capital and Maintenance Works Projects**

- Kuranda Suburban Water Security Upgrade Project - 100% design completed and major works started mid-March.



- Hastie Road Sewer Main Project awarded to BJS Plumbing and Civil Contracting. This is a Work for Queensland fully funded project.
- Leachate Management Project at the Mareeba Landfill design completed and sent to tender. Work comprises of a new leachate pumping station and main to the new Mareeba WWTP.
- Lightning strike at the Kuranda WWTP and Kuranda WTP caused significant damage to the Kuranda WWTP. Rectification works now completed, insurance claim under way with an estimated \$50,000 in damages.

**Environmental Monitoring - Treatment**

- Mareeba STP compliant with Transitional Environmental Plan (TEP)
- Kuranda STP remains compliant with licence conditions
- Mareeba Landfill
  - A program notice has been submitted to DEHP to address non-compliant surface waters conditions. A TEP has been prepared and submitted to DEHP.

**WASTE****Waste Operations**

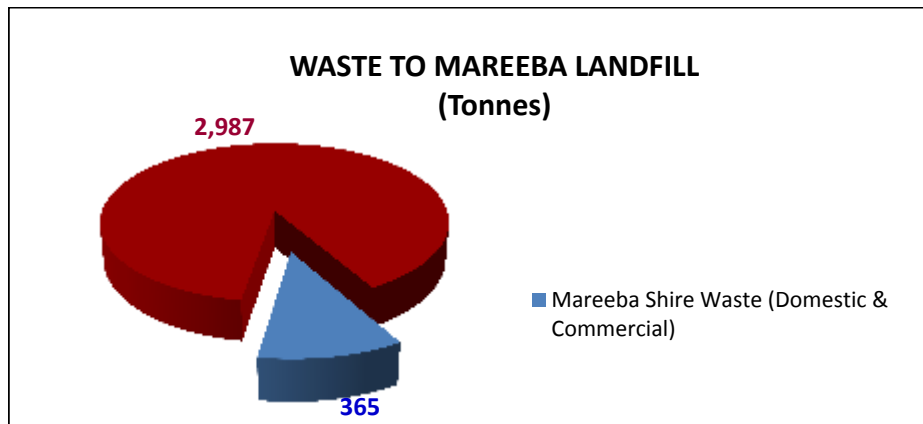
- 72m<sup>3</sup> of mulch sold (all in small lots).
- 2.4 Tonnes of recyclable material transported to Cairns MRF (including chemical drums).
- All transfer stations and Mareeba landfill are currently operational.

**Old Mareeba Landfill Capping Project**

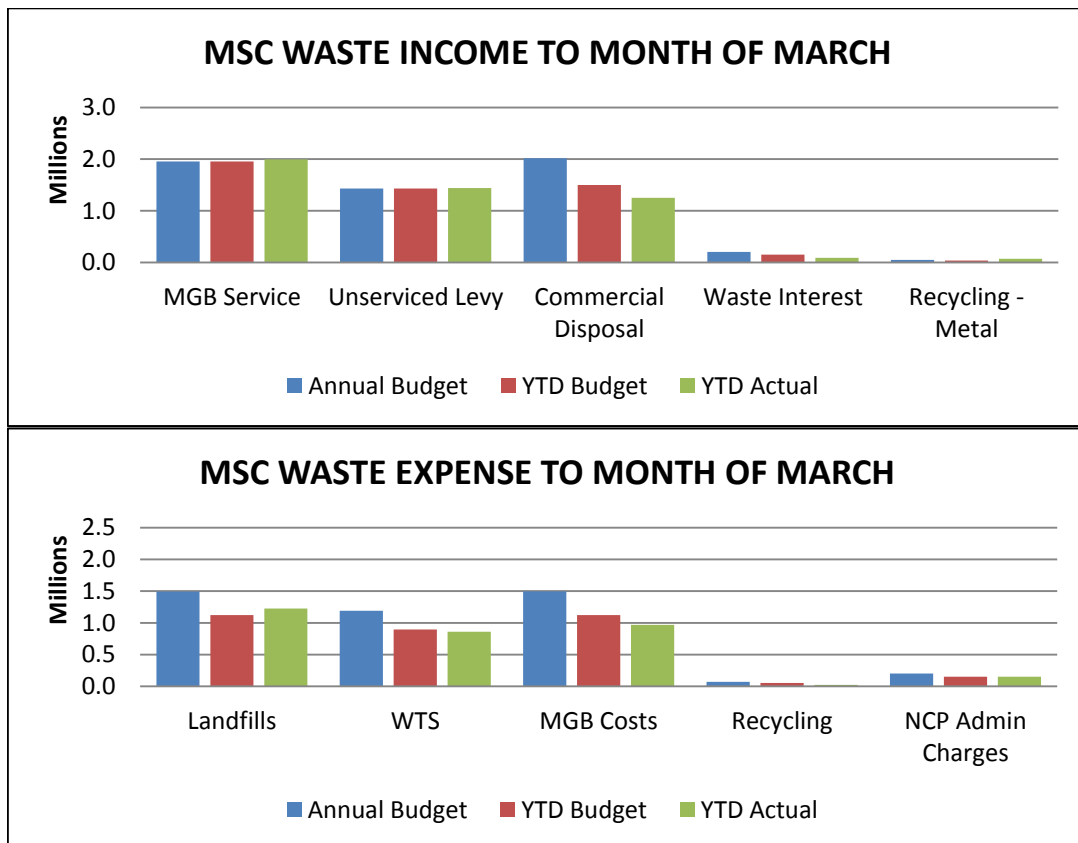
- There have been delays with the compactor not being able to undertake waste placement and profiling on the stockpile due to storm events saturating the waste material which rendered it inaccessible.
- A waste cut / fill reconciliation survey was conducted 14 March resulting in a redesign and adjustment of the slope profile by Golders.
- Waste excavation, placement and stockpile profiling continuing and is expected to be completed in the near future, weather permitting.

**Waste to Mareeba Landfill**

The Mareeba Shire waste shown in the pie chart below is the waste collected at each of the waste transfer stations (Mareeba included), and deposited directly to the Mareeba landfill. The commercial waste shown below is derived from the Suez recycling plant in Cairns and deposited into the Mareeba landfill.



**Financial Operational Budget Information (Per Budget Section Overall)**



**TECHNICAL SERVICES GROUP**

**Design**

- 2016/17 Capital Works
  - Bolwarra Road, Tate River Crossing Renewal and Upgrade - GHD are waiting for waters to subside in order for Geotechnical Investigation to be carried out
  - Therwine Street, Kuranda - Redevelopment redesign being undertaken
- 2017/18 Capital Works
  - Sutherland Street, Mareeba - Design complete and presented to Works for construction



- Works for Queensland
  - Sabin Road West, Mareeba - Intersection Improvements
  - Gilmore Road, Mareeba - Widening works, design being undertaken
  - Margherita Road, Mareeba - Survey undertaken

### **Subdivisions**

- On-Maintenance - Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset
  - Mt Emerald Wind Farm - Intersection upgrade
  - Amaroo Stage 8
  - Wylandra Stage 6B and 6C
  - Howe Farming - Kay Road Drainage
  - Hoolahan Drive - Construction of easement drainage
- Operational Works
  - 112 Barnwell Road - Dam Construction completed and being monitoring

### **Project Management**

#### **Civil**

#### **2016-17 Reseals Bitumen and Asphalt Programs**

- Boral scheduled to commence MSC component of the Asphalt Overlay Programme after the Easter break

#### **Oaky Creek Bridge Upgrade**

- Kenmac have commenced bridge construction
- Bridge abutments and pier upgrade complete with concrete curing
- Prestressed girder installation scheduled to commence immediately following the Easter break

#### **Building**

- Construction of Columbarium Wall at Dimbulah Cemetery.. Work has commenced.
- Solar Panel installation completed at Kowa Street Depot.
- Solar Panel installation at Rankin Street to commence on 10 April.
- Kowa Street Workshop stormwater management upgrade to be completed mid-April.
- The Kuranda Post Office is now operating from the former Kuranda Library building at Thooree Street, Kuranda.

#### **Vandalism and Graffiti**

During March 2017, 8 reports of graffiti and vandalism were recorded.

- Mareeba Sports Hall
- Mareeba Theatre Old Bowls Club Hall
- Mareeba Hastie Street
- Mareeba Firth Park
- Mareeba Barron River Toilets
- Kuranda Precinct Toilets

- Kuranda Centenary Park Toilets

Graffiti and Vandalism	Year to date actuals
2015-16	\$2,134
2016-17	\$10,317

Currently there is no allocated budget for graffiti and vandalism.

## **PROJECT PROGRESS REPORTS**

### **MAREEBA AIRPORT UPGRADE**

#### **Funding**

The Mareeba Airport Upgrade project is funded through a \$13 million grant from the State Government and a \$5 million grant from the Federal Government. Council has received milestone payments of \$1.3 million from the State Government and \$1 million from the Federal Government. Further payment of \$300,000 is due from the State Government following lodgement of reports in March 2017.

#### **Programme**

A programme of works has been prepared which reflects the works and commitment made by Council in the funding agreements. The project is on schedule to meet final completion ahead of the target completion date of August 2018 as set in the funding agreement.

Construction of the Airside Infrastructure is scheduled to commence in May/June 2017 and be completed prior to the 2017/18 wet season. Given the significant rainfall we have had at the commencement of the wet season and the prediction for above average rainfall beyond the current wet season, the completion date for the project may have to be extended if the predictions are correct.

#### **Airport Water Supply Upgrade**

Tender TMSC2016-07 for upgrade of the water supply services was awarded to FGF Developments Pty Ltd in July 2016 and work commenced from mid-August 2016. The majority of work including commissioning has now been completed. Certification of the fire-fighting system to meet Queensland Fire and Rescue Services (QFRS) requirements will be completed upon final acceptance by QFRS.

#### **Ray Road and Vicary Road Upgrade**

LDI Constructions completed the widening and resurfacing Vicary Road and the section of Ray Road between Vicary Road and JRM Braes Road including associated drainage works under TMSC2016-05. Practical Completion was achieved in October 2016 and the contractor returned to complete line marking and rectify minor defects in February 2017.

#### **Vicary Road Leased Area Pavements**

Northern Civil Earthworks were awarded contract TMSC2015-04 for the Vicary Road Leased Area Pavements in July 2016. This work was completed in February 2017.

### Aviation Commercial Precinct - Early Works

Bonadio Farming has been engaged under QMSC2016-17 for early works on the Aviation Commercial Precinct, which includes completion of ground clearing, removal of underground cobbles and boulders and reinstatement of the site. The contractor has commenced removal of rocks from the eastern section of the Aviation Commercial Precinct. Some minor delays to this work have been experienced due to wet weather in March 2017.

### Airside Infrastructure

Jacobs Engineering Group has been engaged to undertake the detailed design and documentation for the runway, taxiways, airfield lighting and aviation commercial precinct (Western Lease Area).

Four (4) firms were invited to tender on this work after being shortlisted through invitations for Expressions of Interest. Tenders close on 27 April 2017 and it is anticipated that the contract will be awarded in May 2017.

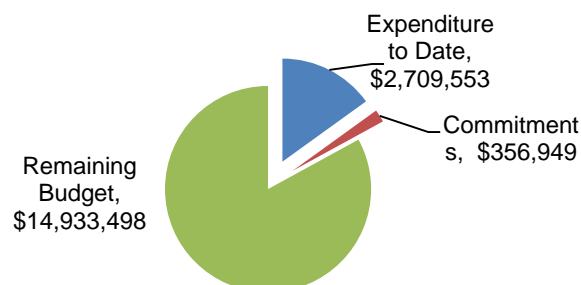
In conjunction with the tender process, Council has called for Expressions of Interest from local suppliers and trade providers to be placed on a register for possible work or supply of materials with the selected principal contractor. This register has been provided to the shortlisted tenderers to assist them in preparing their tenders and ensure opportunities for local businesses are maximised. At the time of preparing this report, 74 local businesses have expressed an interest in work on the project.

Based on survey responses received from current users, Council plans to maintain a minimum runway length of 900 metres for daytime operations during construction at Mareeba Airport. It is anticipated that the runway may need to be closed at night and occasionally for short periods during the day during construction but will otherwise remain operational. Actual impacts on users will be known following negotiation and award of the contract in mid-May 2017.

### Stakeholder Engagement

A Communication and Stakeholder Engagement Plan has been developed, which sets out the engagement strategy for delivery phase of the project. Current airport users have been surveyed to help develop a methodology for the construction work. An e-newsletter is being prepared for distribution in mid-April 2017. Further engagement work in relation to distribution of project information and engagement with local businesses regarding work opportunities on the project is underway.

### Expenditure







Removal of rock for Aviation Commercial Precinct - Early Works



Removal of rock for Aviation Commercial Precinct - Early Works

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**MAREEBA WASTEWATER TREATMENT PLANT - DESIGN & CONSTRUCTION  
CONTRACT TMSC2015-13****Funding**

The Mareeba Wastewater Treatment Plant Upgrade project is funded through a \$1.5 million grant from the State Government's Building Our Regions program and a \$5 million grant from the Federal Government's National Stronger Regions Fund, with the balance of the project funded by Mareeba Shire Council. Further funding of \$411,000 has been received from the State Government's Local Government Grants and Subsidies Scheme for the upgrade of trade and industrial waste receival facilities.

The Federal Government has paid Council \$3 million to date from National Stronger Regions Fund. Payments of \$1.2 million have been received from the State Government's Building Our Regions program. The initial payment of \$123,300 has been received from the State Government's Local Government Grants and Subsidies Scheme.

**Programme**

Council has awarded Contract TMSC2015-13 Mareeba Wastewater Treatment Plant - Design and Construction to Downer Utilities Australia Pty Ltd.

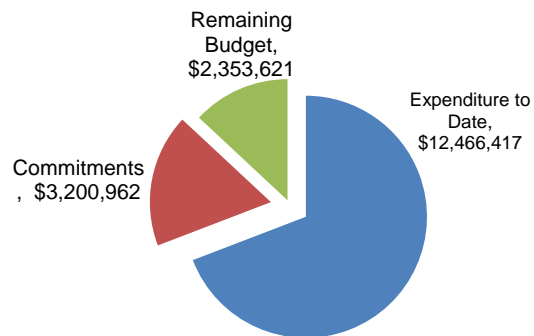
Downer mobilised to site in late May 2016, supplied final 100% design stage drawings on 15 July 2016 and construction currently progressing ahead of schedule by several weeks. During March 2017, the following work was undertaken:

- Internal fitout of the Administration Building completed
- Installation of Programmable Logic Controllers (PLC)s and electrical cabling for Motor Control Centre (MCC)
- Installation of handrails to Sequential Batch Reactor (SBR)
- Completion of backfill to SBR
- Installation of blowers and compressors
- Sludge conveyor installed
- Installation of tanks and equipment for Chemical Dosing Area commenced
- Installation of site electrical conduits and pits
- Site pipework installation

Primary activities scheduled for April 2017 are the completion of pipework, completion of hydrostatic testing and installation of diffusers for the bioreactor, installation of mechanical equipment for the inlet works, electrical installation and installation of the stand-by generator.

The majority of construction is scheduled for completion in April 2017, with wet commissioning scheduled to commence in May 2017. Practical completion is scheduled for early July 2017, with full handover of the plant to Council in August 2017, following successful commissioning, optimisation and process-proving by the contractor.

## Expenditure



21 February 2017 - Aerial photograph of the project site



20 March 2017 - New laboratory fit-out



20 March 2017 - Decanter installed to SBR





20 March 2017 - Compressors and blowers installed



27 March 2017 - Hydrostatic testing of bunds in chemical dosing area



30 March 2017 - Progress on sludge dewatering equipment and installation of pipework

## LINK TO CORPORATE PLAN

**ECON 3** - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

## CONSULTATION

Internal  
Infrastructure Services staff

External  
Nil

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

Nil

## POLICY IMPLICATIONS

Nil

## FINANCIAL & RESOURCE IMPLICATIONS

Capital  
Included in 2016/2017 budget

Operating  
Included in 2016/2017 budget

Is the expenditure noted above included in the 2016/2017 budget?

Yes

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

Nil

## **IMPLEMENTATION/COMMUNICATION**

Advice is provided to residents and businesses affected by any activities.

## **ATTACHMENTS**

Nil

***Date Prepared:***            *5 April 2017*





**ITEM-19                      PETITION FOR SCRUB STREET KURANDA SEALING**

**MEETING:**                      Ordinary

**MEETING DATE:**              19 April 2017

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

**DEPARTMENT:**              Infrastructure Services

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**EXECUTIVE SUMMARY**

*This report introduces a petition which was received by Council on 31 March 2017, from a resident who has collected the signatures in support of the Petition to have Scrub Street, Kuranda sealed.*

**OFFICER'S RECOMMENDATION**

"That Council receive the petition and refer to officers for a report."

**BACKGROUND**

In terms of Council's Standing Orders Council has three (3) options with regard to petitions that are tabled and these are:

1. The petition be received and consideration stand as an order of the day for the meeting; or for a future meeting; or
2. Petition be received and referred to a committee or officer for consideration and a report to the local government; or
3. The petition not be received.

The petition meets the requirements as per the Standing orders, in that it is legible and has more than 10 signatures. The Petition has 14 signatures.

The petition reads as follows:

*We, the undersigned, petition Mareeba Shire Council to conduct urgent maintenance, in the form of a bitumen foundation to Scrub Street, Kuranda.*

The Petition is attached as part of this report.

**LINK TO CORPORATE PLAN**

**ECON 3** - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's

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infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

## **CONSULTATION**

### *Internal*

Mayor

Chief Executive Officer

Director Infrastructure Services

### *External*

Nil

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

Nil

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL & RESOURCE IMPLICATIONS**

### *Capital*

Nil

### *Operating*

Nil

## **IMPLEMENTATION/COMMUNICATION**

The Head Petitioner will be notified of Council's decision.

## **ATTACHMENTS**

1. Letter from Eaumon Edwards dated 28 March 2017 attaching petition to Mareeba Shire Council

28th March 2017

Eaumon Edwards  
17 Scrub Street  
KURANDA QLD 4881

Dear Mayor,

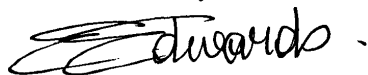
I am writing to you on behalf of the rate payers who live in Scrub Street Kuranda. None of our homes have town water, or sewerage. Every year we pay our rates, the same rates you promised wouldn't increase but have risen approximately \$60.00 each notice. Every year our homes are covered in dust from the dirt blowing off the road, we have to negotiate our way down the road to avoid the pot holes, and our road becomes a quagmire during the wet season. The photograph attached to this letter was taken less than two weeks after recent work (if it could be called that) was carried out on the road. Personally, I think it is appalling that although our street is less than 20kilometres from Cairns, I, and my fellow neighbours, still have to drive up a dirt road, which I will add is not that long (0.3 of a kilometre) to access their homes.

Apart from the weekly garbage collection, the Mareeba Shire Council provides the residents of Scrub Street with very little, if anything. However, recently Myola Road, which runs parallel to Scrub Street, was upgraded and yet at no time did the council consider upgrading Scrub Street. I have heard that the recent upgrade to Myola Road was because the road was bumpy and the children were hitting their heads on the windows of the bus taking them to and from school. However, the other reason, and one held by the majority of people in Kuranda, is that the upgrade to Myola Road was to facilitate the pending development of KurWorld.

The residents of Scrub Street have been paying their rates for the past 30 years and I, as well as the other residents of Scrub Street, believe it is time the Mareeba Shire Council provided us with a road in line with what would be expected in the 21st Century. I, along with the residents of Scrub Street will continue to pursue our request for Scrub Street to be upgraded if our request to Mareeba Shire Council falls on deaf ears.

I, and the residents of Scrub Street, have every intention of taking this matter further to our State (Craig Crawford) and Federal (Warren Entsch) representatives. I look forward to your response to this letter in the very near future.

Yours sincerely



Eaumon Edwards (MCMH, MHS, B.Soc.Sc. (Psych))



## Petition to Mareeba Shire Council

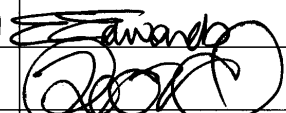
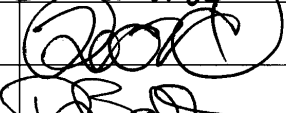
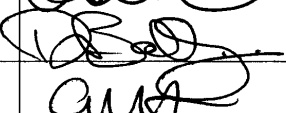
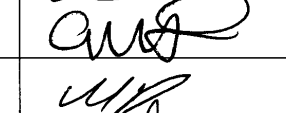

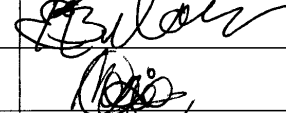



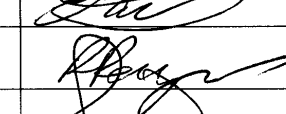
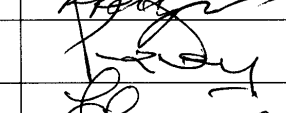
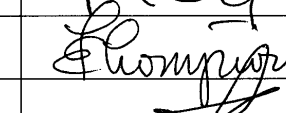
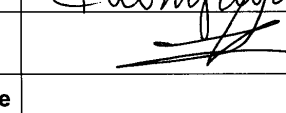

**Date:** 3/03/2017

**Petition Organiser:** Eaumon  
Edwards

**Address:** 17 Scrub Street, Kuranda

**Telephone number:** 0401054401

We, the undersigned, petition Mareeba Shire Council to conduct urgent maintenance, in the form of a bitumen foundation, to Scrub Street Kuranda.

Name	Address	Signature
EAUMON EDWARDS	17 SCRUB STREET, KURANDA	
TRACY PERRO	17 SCRUB ST KURANDA	
Dean Ballinger	15 SCRUB ST	
Cathy Harvey	9 SCRUB ST	
Mick Rae	21 Scrub st	
ERIC BULOW	27 SCRUB ST	
Megan Twine	29 Scrub Street	
Kosalya Bnek	11 Scrub St	
Steve Bail	✓	
Jack Ballinger	15 scrub st Kuranda	
Rod Rogers	118 Greenforest Rd	
PAT DAVEY	37 SCRUB ST.	
Thompson	31 Scrub St.	
Steph Campbell	19 Scrub St.	
Number of signatures on page		





**ITEM-20                      TRAFFIC ADVISORY COMMITTEE - MINUTES OF  
MEETING HELD 21 MARCH 2017**

**MEETING:** Ordinary

**MEETING DATE:** 19 April 2017

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

**DEPARTMENT:** Infrastructure Services

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**EXECUTIVE SUMMARY**

*Minutes of the Mareeba Shire Council Traffic Advisory Committee Meeting held on Tuesday, 21 March 2017 are presented for Council's information.*

*The action items presented in the minutes of the Traffic Advisory Committee (TAC) are recommendations to Council. Council's endorsement or contrary view of the recommendations is required.*

**OFFICER'S RECOMMENDATION**

"That Council note the minutes of the Traffic Advisory Committee Meeting held 21 March 2017."

**BACKGROUND**

The Traffic Advisory Committees (TAC) is a consultative committee of Council established to raise community and other representative body concerns in relation to traffic conditions with Council and the Department of Transport and Main Roads.

**LINK TO CORPORATE PLAN**

**COM 3:** Encourage the building of strong partnerships with community, private sector and government so as to build community capacity and develop strategies to encourage and support leadership and self-responsibility in the community

**CONSULTATION**

*Internal*  
Nil

*External*  
Nil

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

Internal resources for investigation and follow up actions.

*Is the expenditure noted above included in the 2016/2017 budget?*

Nil

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

Nil

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

1. Minutes of Mareeba Shire Council Traffic Advisory Committee Meeting held 21 March 2017. (distributed separately)

***Date Prepared:*** 3 April 2017



**ITEM-21                                      MAREEBA AIRPORT - ASSIGNMENT OF LEASE D  
(REFUELLING FACILITY)**

**MEETING:**                                      Ordinary

**MEETING DATE:**                              19 April 2017

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

**DEPARTMENT:**                                  Infrastructure Services

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**EXECUTIVE SUMMARY**

*This report considers a request for the assignment of Lease D (Refuelling Facility) at the Mareeba Airport from the current lessee, Andrew Crouch, to IOR Aviation Pty Ltd.*

*It is recommended that Council approve the assignment of the lease subject to a number of conditions.*

**OFFICER'S RECOMMENDATION**

"That Council approve the assignment of Lease D at the Mareeba Airport from Andrew Robert Crouch to IOR Aviation Pty Ltd, subject to the following conditions:

1.            The assignee (IOR Aviation Pty Ltd) entering into a Deed containing a covenant as per Clause 2.08.1 of the existing lease to observe, fulfil and comply with all of the covenants, conditions and stipulations contained within the existing lease;
2.            All lease fees, rates and charges levied in respect of Lease D to be paid and up to date as at the date of assignment;
3.            The current lessee and/or assignee being responsible for payment of all costs associated with the assignment of the lease. "

**BACKGROUND**

The attached letter from Miller Harris Lawyers dated 20 March 2017 seeks approval for the assignment of Lease D at the Mareeba Airport from the current lessee, Mr Andrew Crouch, to IOR Aviation Pty Ltd. Lease D is where the Airport fuel facility is currently located.

Miller Harris have attached an ASIC company search in respect of IOR Aviation Pty Ltd.

Under the provisions of the existing lease agreement, a lessee cannot assign, transfer or part with possession of a lease without the consent in writing of the lessor first had and obtained.

From the company search provided, IOR Aviation Pty Ltd appears to be a reputable company and there is no reason why Council should not approve the assignment of the lease subject to:

- IOR Aviation entering into a covenant to comply with all of the terms and conditions of the existing lease agreement;
- all lease fees, rates and charges being paid and up to date as at the date of transfer; and
- the existing lessee and/or IOR Aviation being responsible for all costs involved in the assignment of the lease.

## **LINK TO CORPORATE PLAN**

**ECON 2:** In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries. (*The Shire's airports, particularly the Mareeba airport, continue to be developed, encouraging aviation related industry and spillover from Cairns airport.*)

## **CONSULTATION**

### *Internal*

Chief Executive Officer

### *External*

Mr Andrew Crouch  
Miller Harris Lawyers

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

In accordance with the conditions of the lease, Council approval is required to be obtained before any assignment of the lease can occur. The proposed assignee appears to be a reputable company and there should not be any risk involved in approving the assignment of the lease.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL & RESOURCE IMPLICATIONS**

### *Capital*

Nil

### *Operating*

The current lessee and the assignee will be responsible for any costs associated with the assignment of the lease.

*Is the expenditure noted above included in the 2016/2017 budget?*

N/A

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

N/A

## **IMPLEMENTATION/COMMUNICATION**

Miller Harris will be formally advised of Council's decision following the Council meeting.

## **ATTACHMENTS**

1. Letter from Miller Harris Lawyers dated 20 March 2017 (including ASIC Company search in respect of IOR Aviation P/L). (distributed separately)
2. Copy of executed lease for Lease D, Mareeba Airport (distributed separately)

***Date Prepared:*** 29 March 2017



## WORKS

### **ITEM-22                      INVASIVE PLANTS AND ANIMALS SURVEILLANCE PROGRAM**

**MEETING:**                      Ordinary

**MEETING DATE:**            19 April 2017

**REPORT OFFICER'S  
TITLE:**                        Manager Works

**DEPARTMENT:**              Infrastructure Services, Works Group

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#### **EXECUTIVE SUMMARY**

The new *Biosecurity Act 2014* (the Act) that came into effect on 1 July 2016 requires that Council resolve to authorise a biosecurity program in order for delegated Officers to survey, detect and monitor for the presence, absence and treatment of invasive biosecurity matter within the local government area.

Attached to this report is the draft 'Mareeba Shire Council Invasive Plants and Animals Surveillance Program' which satisfied the requirements of the Act and also compliments Council's Local Area Pest Management Plan 2015-2020.

#### **OFFICER'S RECOMMENDATION**

"That Council, pursuant to section 235 of the *Biosecurity Act 2014*, authorises for the Chief Executive Officer to carry out the surveillance program for invasive biosecurity matter called 'Mareeba Shire Council Invasive Plants and Animals Surveillance Program' within the Mareeba Shire Council local government area."

#### **BACKGROUND**

The new *Biosecurity Act 2014* (the Act) came into effect as of 1 July 2016. Chapter 9 of the Act is in regards to biosecurity programs. There are two types of biosecurity programs being:

- a)     A surveillance program; or
- b)     A prevention and control program.

Council's main function in regard to the Act is to ensure that certain biosecurity matter (invasive biosecurity matter) for the local government's area is managed in compliance with the Act.

For staff to effectively fulfil its obligations under the Act, Officers need to have appropriate delegation to carry out surveillance activities. This delegation is provided through the authorisation of a surveillance program.

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A surveillance program (as per section 233 of the Act) is directed at:

- a) Monitoring compliance with the Act in relation to particular matter to which the Act applies;
- b) Confirming the presence, or finding out the extent of the presence of certain biosecurity matter;
- c) confirming the absence of certain biosecurity matter;
- d) monitoring the effects of measures taken in response to a biosecurity risk;
- e) monitoring compliance with requirements about prohibited matter or restricted matter;
- f) monitoring levels of biosecurity matter or levels of biosecurity matter in a carrier.

The Act requires that to carry out a surveillance program (biosecurity program) a local government must authorise the program by resolution.

Attached is the draft Mareeba Shire Council Invasive Plants and Animals Surveillance Program. The Program outlines the biosecurity matter that is relevant to the Mareeba shire council area which is consistent with the Mareeba shire council Local Area Pest Management Plan 2015-2020 (MSCLGAPMP).

It should be noted that the delegations staff are seeking in this report are authorised under the Biosecurity Act 2014 and can only refer to those invasive species listed under the Act. Navua sedge, Crofton weed and other weed species that Council Officers manage as local priorities cannot be included in the surveillance program under the Biosecurity Act 2014 as they are not listed as declared invasive species under the Act.

It is proposed to commence the Program on 1 May 2017 and operate under the program for a period of three years until 30 April 2020. The Program will be advertised in the local paper and on Council's website and will be available along with the MSCLGAPMP for viewing or purchase from the Council office.

## **LINK TO CORPORATE PLAN**

**ENV 4** - Develop strategies to ensure a coordinated approach to fire management and the management and control of pests, weeds and feral animals and other biosecurity threats.

## **CONSULTATION**

### *Internal*

Infrastructure Services staff

### *External*

Biosecurity Qld (DAF)  
FNQROC

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

Authorised Officers are required to conduct themselves within the limits of their delegated authority and as outlined in the surveillance program. Officers will be reminded of their authority.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

Nil

*Is the expenditure noted above included in the 2016/2017 budget?*

Nil

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

Nil

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

1. Draft Mareeba Shire Council Invasive Plants and Animals, Surveillance Program.  
(distributed separately)

***Date Prepared:*** 6 April 2017





## WATER & WASTE

### ITEM-23                      TRADE WASTE POLICY 2016-2017 AMENDED

**MEETING:**                      Ordinary Meeting

**MEETING DATE:**            19 April 2017

**REPORT OFFICER'S  
TITLE:**                      Manager Water & Waste

**DEPARTMENT:**            Infrastructure Services, Water and Waste Group

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#### EXECUTIVE SUMMARY

*This report outlines an update to the Trade Waste Policy (the Policy) with special regard to the fees and charges schedule.*

*The fee and charge structure is proposed to be changed in the Policy to reflect the adopted fees and charges for the 2016-2017 financial year. The structure moves from a complex formula based on volume and contaminant charge units to a flat fee structure.*

*The Policy is proposed to be made more transparent and easier to read by removing technical guidelines to a Trade Waste Management Plan.*

*Discretion to give exemptions for a trade waste approval is proposed to allow for low risk, small discharge trade waste producers that do not represent an additional loading to the sewerage system.*

#### OFFICER'S RECOMMENDATION

"That Council adopt the draft Trade Waste Policy and Trade Waste Management Plan as attached."

#### BACKGROUND

The Trade Waste Policy was previously before Council at the Ordinary Meeting on 20 July 2016. The amendments at that time were adopted. However, it was later identified that a review of the charging mechanism was required and that there were opportunities to improve the transparency and readability.

An internal review was undertaken by internal finance and compliance officers and the assessment found:

- Under the existing Policy, determining the appropriate charge for category 2 or 3 trade waste is complex and potentially non-attractive to new businesses. It was identified that the 2017-2018 financial year was an opportune time to introduce a new fee structure to:

- Enable Council to have a sound Policy for any new businesses wishing to connect to the sewerage system with a higher volume or higher strength trade waste; and
- Implement any changes prior to the commissioning of the new Mareeba Wastewater Treatment Plant (WWTP); and
- To eliminate impact on customers as Council does not currently have any Category 2 or 3 Trade Waste customers.

A change to a fee structure associated with a Council Policy constitutes a major change that requires Council readoption of the Trade Waste Policy. The Trade Waste fees and charges, proposed to be amended in the Trade Waste Policy, were workshopped with Council on 01 March 2017 and were adopted in Council's Ordinary Meeting on 15 March 2017 (Table 1). The adopted fees and charges for the 2017-2018 financial year incorporate the move from the complex formula based charge to the flat fee structure.

The adopted flat fees were based on a minimum cost recovery for category 2 and an assumed minimum volume and contaminant loading for category 3. These fees will need to be reviewed as new businesses connect to the sewer and Council better understands the characteristics of the trade waste discharged.

	Trade Waste Application				
<b>F0634</b>	Application for Trade Waste first year	year	NO GST	\$	140.00
	Trade Waste Approvals				
<b>F0154</b>	Category One Charge (Low Volume; Low Strength) <500 KL waste per year (Minimum flat fee)	year	NO GST	\$	140.00
<b>F0155</b>	Category Two Charge (High Volume : Low Strength) >500KL waste per year (minimum flat fee)	year	NO GST	\$	450.00
<b>F0156</b>	Category Three Charge (High Volume ; High Strength) - Category 3 charges are calculated on an individual case basis.	year	NO GST	\$	2,500.00

**Table 1 Excerpt from approved Fees and Charges (2017-2018).**

- The existing Policy was becoming increasingly complex and lengthy. Simplification by separating policy statements from technical compliance standards was identified as a way to improve the transparency of the Policy and any decisions made by Council about trade waste matters. The technical compliance information is proposed to be put into a Management Plan for Discharge of Liquid Trade Waste to Sewers and the Sewage Treatment System (Trade Waste Management Plan).

## LINK TO CORPORATE PLAN

**ENV 5** - Prepare an environmental scorecard to ascertain the current status of the natural environment in the Shire and to inform Council's response to environmental management and sustainability and the development of protection and conservation plans.

**ECON 3** - Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

## CONSULTATION

### *Internal*

Director Infrastructure Services  
Senior Environmental Advisor  
Manager Development & Governance  
Technical Officer Trade Waste  
Compliance Coordinator  
Manager Finance

### *External*

Nil

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

Under the Water Supply (Safety & Reliability) Act 2008 (the Act), it is an offence to allow anything other than liquid domestic waste to be discharged into the sewerage system without the permission of the water service provider.

MSC must issue an approval under the Act before any discharge of trade waste into the sewerage system is permitted. Under the Act, Council as the sewerage service provider may give an approval only if satisfied—

- (a) having regard to the amount, type and strength of the proposed discharge, the discharge will not harm the sewerage or the health and safety of anyone working on the sewerage; and
- (b) the sewage treatment plant to treat the discharge is capable of treating the discharge to an acceptable standard”.

Any Trade Waste Approvals must also be consistent with Council's Trade Waste Management Plan.

Trade Waste Charges and Trade Waste Fees associated with Trade Waste Approvals are levied under the Local Government Act 2009. MSC's fees and charges are reviewed for each financial year and detailed in the Prescribed Fees and Charges for that Financial Year.

The discharge of Trade Waste to Stormwater Drainage is prohibited under the *Local Government Act 2009*. Further, under the *Environmental Protection Act 1994*, discharges to receiving waters are required to be treated to a standard set down in licences which will maintain or enhance water quality and environmental values. Under that Act, pollution from storm water is an offence; hence the stormwater system must only be used for the disposal of uncontaminated storm water runoff.

At present MSC has no local law that pertains to the management of trade waste. MSC may make a local law if it deems necessary to manage a trade waste management issue.

## POLICY IMPLICATIONS

The MSC Trade Waste Policy is proposed to be amended and the associated Trade Waste Management Plan adopted.

**FINANCIAL & RESOURCE IMPLICATIONS***Capital*

Nil

*Operating*

Nil

*Is the expenditure noted above included in the 2016/2017 budget?*

Nil

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

Nil

**IMPLEMENTATION/COMMUNICATION***The amended policy will be communicated to all relevant parties within Council.**The amended policy will be uploaded to the Council website.***ATTACHMENTS**

1. Draft amended Trade Waste Policy. (distributed separately)
2. Draft Trade Waste Management Plan. (distributed separately)

***Date Prepared:*** 6 April 2017

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**ITEM-24                                      TENDER EVALUATION - TMSC2017-09 & TMSC2017-10  
WATER CHEMICALS**

**MEETING:**                                      Ordinary

**MEETING DATE:**                              19 April 2017

**REPORT OFFICER'S  
TITLE:**    Water & Waste Engineer

**DEPARTMENT:**                                      Infrastructure Services

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**EXECUTIVE SUMMARY**

*As part of ongoing water treatment operations Council requires various water chemicals for use at its water treatment plants, waste water treatment plants, reservoirs, sewerage pumping stations and swimming pools.*

*Over recent years the supply and delivery of the two largest use chemicals, Sodium Hypochlorite and Liquid Alum, have been made under a collective procurement arrangement with neighbouring Councils in the region. Following the success of these arrangements, Far North Queensland Regional Organisation of Councils (FNQROC) invited submissions for the supply and delivery of Sodium Hypochlorite and Liquid Alum together with four additional chemicals most commonly in use across the region. The Request for Tender was divided into six separable portions, enabling individual Councils and suppliers to participate in either one, some, or all separable portions of the contract.*

*Separable Portion 1 – Sodium Hypochlorite*

*Separable Portion 2 – Liquid Alum*

*Separable Portion 3 – Polyelectrolyte*

*Separable Portion 4 – Calcium Hydroxide (Hydrated Lime)*

*Separable Portion 5 – Caustic Soda*

*Separable Portion 6 – Citric Acid*

*This report relates only to recommendations in relation to Separable Portions 1 and 2.*

*Whilst a number of submissions were received in relation to Separable Portions 3, 4, 5 and 6, these were evaluated by the Tender Evaluation Committee and at this stage it does not appear that there are any suitable for award on a regional collective basis.*

**Separable Portion 1 – Sodium Hypochlorite**

*Ionics Australasia Pty Ltd is recommended. They are currently the only supplier capable of supplying this chemical to the region and are the incumbent supplier under the existing FNQROC arrangement.*

**Separable Portion 2 – Liquid Alum**

*Cleveland Bay Chemical Company is recommended. They are the incumbent supplier under the existing FNQROC arrangement and provided the most competitive offering (overall, as a collective).*

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*Whilst there are a number of Councils involved in the collective procurement arrangement, each will form an individual Contract with the supplier as FNQROC does not have formal delegated authority to contract on behalf of Councils.*

## **OFFICER'S RECOMMENDATION**

"That Council:

1. award contract TMSC2017-09, Separable Portion 1, Supply & Delivery of Sodium Hypochlorite to Ionics Australasia Pty Ltd T/A Elite Chemicals for a period of three and a half (3½) years from 1 June 2017 to 30 November 2020 with the option to extend by a further two (2) x twelve (12) months at an estimated annual contract value of \$90,333 (exclusive of GST); and
2. award contract TMSC2017-10, Separable Portion 2, Supply & Delivery of Liquid Alum to Cleveland Bay Chemical Company Pty Ltd for a period of three and a half years (3½) from 1 June 2017 to 30 November 2020 with the option to extend by a further two (2) x twelve (12) months at an estimated annual contract value of \$125,173 (exclusive of GST); and
3. delegate authority to the Chief Executive Officer in accordance with Government Act 2009 to negotiate, finalise and execute any and all matters in relation to these arrangements."

## **BACKGROUND**

In 2012, Far North Queensland Regional Organisation of Councils developed the first regional collective procurement arrangements for the Supply & Delivery of Sodium Hypochlorite and the Supply & Delivery of Liquid Alum. These collective arrangements enable participating Councils to achieve economies of scale in pricing and eliminate the risk of individual Councils competing against each other for limited supplier resources. For the past five years the supply and delivery of both Sodium Hypochlorite and Liquid Alum have been provided under these collective arrangements,

The current contracts for both Sodium Hypochlorite and Liquid Alum will expire shortly and following the success of these arrangements, FNQROC released a Request for Tender for both chemicals together with a further four of the most commonly used chemicals across the region.

The table below shows which Councils were involved in each separable portion.

<u>Separable Portion 1</u>	Sodium Hypochlorite	Cairns Regional Council Cassowary Coast Regional Council Cook Shire Council Douglas Shire Council Hinchinbrook Shire Council Mareeba Shire Council Tablelands Regional Council Yarrabah Aboriginal Shire Council
<u>Separable Portion 2</u>	Liquid Alum	Cairns Regional Council Cassowary Coast Regional Council Cook Shire Council Douglas Shire Council Mareeba Shire Council Tablelands Regional Council
<u>Separable Portion 3</u>	Polyelectrolyte	Cairns Regional Council Cassowary Coast Regional Council Cook Shire Council Douglas Shire Council Mareeba Shire Council Tablelands Regional Council
<u>Separable Portion 4</u>	Calcium Hydroxide (Hydrated Lime)	Cairns Regional Council Cassowary Coast Regional Council Cook Shire Council Douglas Shire Council
<u>Separable Portion 5</u>	Caustic Soda	Cassowary Coast Regional Council Cook Shire Council Douglas Shire Council Mareeba Shire Council
<u>Separable Portion 6</u>	Citric Acid	Cairns Regional Council Cook Shire Council Tablelands Regional Council

The Request for Tender was advertised 29 October 2016 in the Cairns Post and uploaded to Tenderlink which notifies anyone interested in water chemicals that is registered with Tenderlink that a tender has been released. A Request for Tender briefing took place on 7 November 2016 and the tender closed on 16 December 2016.

#### **COMMENT:**

##### Separable Portion 1 – Sodium Hypochlorite

Submissions were received from the following:

- Ionics Australasia Pty Ltd t/a Elite Chemicals
- IXOM Pty Ltd

One submission was received for the supply of Sodium Hypochlorite. IXOM Pty Ltd provided a submission offering a chlorine gas as an alternative but this was rejected by the evaluation committee.

Ionics Australia is the current contractor and has proven itself to be of sound capability, providing a good service to the region. The tendered prices represent a moderate increase in the region of 3% on current rates which is not considered to be unreasonable.

**Recommended Respondent:** Ionics Australasia Pty Ltd t/a Elite ChemicalsSeparable Portion 2 – Liquid Alum

Submissions were received from the following:

- Cleveland Bay Chemical Company Pty Ltd
- Chemprod Nominees Pty Ltd t/a Omega Chemicals
- IXOM Pty Ltd

IXOM Pty Ltd provided a submission offering an alternative chemical as an alternative solution but this was rejected by the evaluation committee.

The tender submissions were evaluated against the following criteria by the evaluation panel made up of representatives from all participating Councils.

1.	Relevant experience and personnel involved	20%
2.	Tenderer's Resources	15%
3.	Works procedures and methodology	15%
4.	Local business	10%
5.	Value for money	40%

Cleveland Bay Chemical Company Pty Ltd scored highest in criteria one to four and Chemprod Nominees (Omega) collectively scored marginally higher on criteria five, value for money.

Overall (criteria's 1 to 5) as a collective Cleveland Bay scored highest, however for MSC Omega was \$7,224 (8.7% of the contract value, refer to Appendices) cheaper.

Cleveland Bay Chemical Company Pty Ltd is the current contractor and has proven itself to be of sound capability providing good service to participating Councils in the region. This combined with the fact that they are located in FNQ is the reason why we have nominated Cleveland Bay Chemical Company Pty Ltd.

**Recommended Respondent:** Cleveland Bay Chemical Company Pty Ltd

The contract period for both separable portions is for three and a half years (3½) as opposed to three (3) years in order to enable FNQROC to stagger the renewal of regional arrangements where possible.

Separable Portions 3, 4, 5 & 6

A number of submissions were received in relation to Separable Portions 3, 4, 5 & 6. These were evaluated by the Tender Evaluation Committee and at this stage it does not appear that there are any suitable for award on a regional collective basis.



**CONSIDERATIONS:**Risk Management:Contractors

*Ionics Australasia Pty Ltd* is an established company with sound capability and a proven work history and has previously provided the service to many of the Councils in the region for a number of years.

*Cleveland Bay Chemical Company Pty Ltd* is a relatively new organisation having purchased the plant and operations of Bay Chemicals in mid-2016. Bay Chemicals previously supplied Liquid Alum to participating Councils under the FNQROC arrangement. The contract was novated to Cleveland Bay Chemicals and they have continued to provide the service to Councils without issue.

FNQROC Procurement Coordinator

The adherence by the contractors to the delivery of the contract is overseen by the FNQROC Procurement Coordinator on behalf of participating Councils.

**LINK TO CORPORATE PLAN**

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

**ECON 3:** Undertake the management of Council's assets in accordance with the long term asset management plans developed for all infrastructure asset classes to ensure the Shire's infrastructure networks are maintained and renewed to maximise their long term benefit to industry and the community.

**GOV 3:** Undertake a whole of council service level review to establish sustainable operational costs across core local government business and consult with communities.

**CONSULTATION***Internal*

Manager Water &amp; Waste

Supervisor Water &amp; Wastewater Treatment

*External*

Regional Procurement Coordinator, FNQ Regional Organisation of Councils

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

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

Nil

*Is the expenditure noted above included in the 2016/2017 budget?*

Yes

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

Nil

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

1. FNQ010 Regional Supply & Delivery of Water Chemicals - Sodium Hypo; (distributed separately)
2. FNQ010 Regional Supply & Delivery of Water Chemicals - Contract Values; (distributed separately)
3. FNQ010 Regional Supply & Delivery of Water Chemicals - Liquid Alum. (distributed separately)

***Date Prepared:*** 31 March 2017

## **CHIEF EXECUTIVE OFFICER**

### **MEDIA AND EVENTS**

#### **ITEM-25                      ADVERTISING SPENDING POLICY**

**MEETING:**                      Ordinary

**MEETING DATE:**            19 April 2017

**REPORT AUTHOR/  
OFFICER'S TITLE:**        Corporate Communications Officer

**DEPARTMENT:**              Office of the Chief Executive Officer

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#### **EXECUTIVE SUMMARY**

*The purpose of this report is to inform Council of the implementation of the Advertising Spending Policy. Council adopted the TRC policy at de-amalgamation.*

*A review of the policy has determined that it remains mandatory to meet the requirements of Section 197 of the Local Government Regulation 2012.*

*This policy is to provide for the control of expenditure on advertisements placed by Council in various media.*

#### **OFFICER'S RECOMMENDATION**

"That Council adopt the Advertising Spending Policy."

#### **BACKGROUND**

*This policy is to provide for efficient and effective use of council expenditure on advertisements placed by Council in various media.*

*The objectives of this policy are:*

- a) to meet the requirements of Section 197 of the Local Government Regulation 2012;*
- b) the advertising is to provide information or education to the public; and*
- c) the information or education is provided in the public interest.*

#### **CONSULTATION**

*Internal*  
Chief Executive Officer

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Director Corporate & Community Services  
Manager Finance  
Manager Development and Governance

*External*  
Nil

**LEGAL IMPLICATIONS (STATUTORY BASIS, LEGAL RISKS)**

Nil

**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
Nil

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

1. Advertising Spending Policy (distributed separately)

***Date Prepared:*** 11 April 2017

**ITEM-26                      WHEELBARROW RACE 2017 SPONSORSHIP**

**MEETING:**                      Ordinary

**MEETING DATE:**              19 March 2017

**REPORT OFFICER'S  
TITLE:**                      Director Corporate and Community Services

**DEPARTMENT:**              Corporate and Community Services

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**EXECUTIVE SUMMARY**

*Council staff are entering a team in the Wheelbarrow Race this year and are seeking financial support.*

**OFFICER'S RECOMMENDATION**

"That Council enter and fund a Council team in the 2017 Wheelbarrow Race"

**BACKGROUND**

Mareeba Shire Council will host the annual Wheelbarrow Race on the 19-21 May 2017.

Council employees are entering a team this year to show their support, particularly with the change in direction of the race. This event offers staff a fantastic opportunity to team build and form relationships which in turn enhance communications across the workforce to better serve Council and the community.

External sponsorships are a consideration in terms of fundraising, however due to the fact that this team represents council, there are a number of restrictions in terms of accepting sponsorship from certain businesses or industries. This can be seen as council favouring or supporting particular businesses and can raise a probity risk. For this reason before any external sponsorships are sought specific approval must be obtained from the CEO and any sponsorships granted will be fully disclosed.

**CONSULTATION**

*Internal*  
Nil

*External*  
Nil

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

Probity risk

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**POLICY IMPLICATIONS**

Nil

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*

Nil

*Operating*

The costs to be funded by Council will include the entry fee and hire of a bus and will be funded from the HR budget.

*Is the expenditure noted above included in the 2016/2017 budget?*

No

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

Operational savings including organisational wide staff training

**IMPLEMENTATION/COMMUNICATION**

Nil

**ATTACHMENTS**

Nil

**Date Prepared:** 5 April 2017

## ORGANISATIONAL DEVELOPMENT

### **ITEM-27                      AUDIT COMMITTEE INDEPENDENT CHAIRPERSON - EOI**

**MEETING:**                      Ordinary

**MEETING DATE:**            19 April 2017

**REPORT OFFICER'S  
TITLE:**                      Director Corporate and Community Services

**DEPARTMENT:**            Corporate and Community Services

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#### **EXECUTIVE SUMMARY**

*This report is presented to seek Council approval to invite Expressions of Interest (EOI) for Audit Committee Independent Chairperson.*

#### **OFFICER'S RECOMMENDATION**

"That Council invites Expressions of Interest from suitably qualified professionals to fulfil the role of Audit Committee Independent Chairperson"

#### **BACKGROUND**

In accordance with Section 105 of the Local Government Act 2009, a local government must establish an Audit Committee. Section 210 of the Local Government Regulation 2012 sets out the requirements relating to the composition of members of the Audit Committee.

At the post-election (first) meeting of the new Council held on 2 January 2014, Council resolved that the Mareeba Shire Audit Committee comprise two councillors and an independent member as chairperson. Council advertised for Expressions of Interest (EOI) for the position of Audit Committee - Independent Chairperson in June 2014 with the successful applicant Katrina Faulkner being offered the position for a period of two years with the option for a further 12 month extension. The current contract is due to expire on 3 September 2017.

It is proposed that the appointment period for the successful applicant be for a period of two years with the option for a further 2 x 2 year extensions.

#### **LINK TO CORPORATE PLAN**

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

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**CONSULTATION**

*Internal*  
Audit Committee

*External*  
Nil

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

Council has a statutory obligation under the Local Government Act to appoint an Audit Committee. A key role of the Audit Committee is to review Council's exposure to risk and the strategies that are in place to mitigate that risk.

**POLICY IMPLICATIONS**

Audit Committee and Internal Audit policies, charters and terms of reference were adopted by Council at its meeting held on 4 June 2014 and will be reviewed after the appointment of the Independent Chairperson.

**FINANCIAL & RESOURCE IMPLICATIONS**

*Capital*  
Nil

*Operating*  
Nil

**IMPLEMENTATION/COMMUNICATION**

The EOI will be advertised in accordance with Council Policy.

**ATTACHMENTS**

***Date Prepared:*** 27 March 2017



## **BUSINESS WITHOUT NOTICE**

### **NEXT MEETING OF COUNCIL**

The next meeting of Council will be held at Mareeba 9:00 am on Wednesday 17 May 2017



**APPENDIX - COMMITTEE MEETING MINUTES****Audit Committee Meeting**

Mareeba Council Chambers  
Date: Thursday 23 March 2017  
Time: 10:00am

**MINUTES**

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THE MEETING OF THE MAREEBA SHIRE COUNCIL AUDIT COMMITTEE WILL BE HELD AT COUNCIL CHAMBERS, ON THURSDAY, 23 MARCH 2017 AND THE ATTENDANCE OF EACH COMMITTEE MEMBER IS REQUESTED (K FAULKNER, CRS DAVIES AND GRAHAM).

PETER FRANKS  
CHIEF EXECUTIVE OFFICER



**MEMBERS IN ATTENDANCE**

K Faulkner (Chairperson), Cr M Graham

**OFFICERS IN ATTENDANCE**

P Franks (Chief Executive Officer), J McCarthy (Director Corporate and Community Services) E Tatti (Finance Manager), A Archie (Manager Development and Governance) A Cornes (Grant Thornton – External Auditor), A Unantenne (Queensland Audit Office), - via phone, T Townsend (Pacifica – Internal Auditor) – via phone

**APOLOGIES**

Cr T Gilmore, Cr K Davies, W Elliott (Grant Thornton), C Eagle (Pacifica)

**DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/  
CONFLICTS OF INTEREST BY AUDIT COMMITTEE AND  
OBSERVERS**

There were no Material Personal Interests or Conflicts of Interest declared by any Councillor or senior Council officer in relation to the items of business listed on the Minutes.

**CONFIRMATION OF MINUTES**

Moved by Cr Graham

Seconded by K Faulkner

"That the Minutes of the Audit Committee Meeting held on 4 October 2016 be confirmed as true and correct."

**CARRIED**

**FINANCIAL MANAGEMENT, REPORTING AND INTERNAL CONTROL****ITEM 1 FINANCIAL STATEMENTS FOR PERIOD ENDING 28 FEBRUARY  
2017**

Moved by Cr Graham

Seconded by K Faulkner

"That the Audit Committee note the financial report for the period ending 28 February 2017."

**CARRIED**

**INTERNAL AUDIT****ITEM-2 INTERNAL AUDIT STATUS REPORT**

Moved by Cr Graham

Seconded by K Faulkner

"That the Audit Committee notes the report."

**CARRIED****GOVERNANCE AND RISK MANAGEMENT****ITEM-3 ENTERPRISE RISK MANAGEMENT**

Moved by Cr Graham

Seconded by K Faulkner

"For information of Audit Committee."

**CARRIED****EXTERNAL AUDIT****ITEM-4 AUDIT STRATEGY 2016 - 2017**

Moved by Cr Graham

Seconded by K Faulkner

"That the Audit Committee note the report"

**CARRIED****LEGISLATIVE AND REGULATORY COMPLIANCE****ITEM-5 PURCHASING REPORT FEBRUARY 2017**

Moved by Cr Graham

Seconded by K Faulkner

"That the Audit Committee receive and note the report."

**CARRIED****ITEM-6 EOI INDEPENDENT CHAIRPERSON AND AUDIT  
CHARTER REVIEW**

Moved by Cr Graham

Seconded by K Faulkner

"That the Audit Committee note for Council decision."

**CARRIED**

**GENERAL BUSINESS**

Nil

**NOTIFICATION OF SIGNIFICANT LEGAL MATTERS - CEO**

Nil

**MATTERS TO BE REPORTED TO COUNCIL**

EOI Independent Chairperson

**NEXT MEETING OF AUDIT COMMITTEE**

The next meeting of the Audit Committee will be held on 17 August 2017 at 10am

There being no further business, the meeting closed at 11.07 am.

.....  
K Faulkner  
Chairperson





## SUMMARY OF NEW PLANNING APPLICATION & DELEGATED DECISIONS FOR THE MONTH OF MARCH 2017

### Summary of new Planning Development Applications and Delegated Decisions for March 2017

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
DA/17/0004	7/03/2017	B Stevenson 2-18 Haren Street, Mareeba	Lot 157 on NR5658	Reconfiguring a Lot - Subdivision (1 into 2 lots)	In referral stage.
DA/17/0005	14/03/2017	V & A Falvo 101-105 Byrnes Street, Mareeba	Lot 406 on M3563	Material Change of Use - Indoor Sport and Recreation (Gymnasium)	In referral stage.
DA/17/0006	15/03/2017	ZW Cowe & AJ Smith Euluma Creek Road, Julatten	Lot 105 on SP273723	Reconfiguring a Lot - Subdivision (1 into 2 lots)	Approved on 30 March 2017.
DA/17/0007	20/03/2017	RJ McNab 323 Malone Road, Mareeba	Lot 3 on RP7335311	Reconfiguring a Lot - Subdivision (1 into 2 lots)	In decision making stage.

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
DA/17/0002	2/03/2017	A Muis	61 Masons Road, Kuranda	Lot 1 on RP745448	Reconfiguring a Lot - Subdivision (1 into 2 lots)
DA/17/0003	21/03/2017	K Smith	74 Mines Road, Mareeba	Lot 1 on RP711038	Reconfiguring a Lot - Subdivision (1 into 2 lots)
DA/17/0006	30/03/2017	ZW Cowe & AJ Smith	Euluma Creek Road, Julatten	Lot 105 on SP273723	Reconfiguring a Lot - Subdivision (1 into 2 lots)

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
REC/07/0015	22/03/2017	Warwick Colefax Family Trust	Barron Falls Road, Kuranda	Lot 10 on RP860997	Reconfiguring a Lot - Subdivision (1 into 10 lots) -

March 2017 (Regional Land Use Planning)

					extension of one (1) year to 8 March 2018.
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Building Work assessable against the Planning Scheme Decision Notices issued under Delegated Authority					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
BAP/17/0001	10/03/2017	N & J Palmer	51 Hoolahan Drive, Mareeba	Lot 301 on SP214765	Request for GFA dispensation to allow 144m2 addition to 144m2 shed.
BAP/17/0002	21/03/2017	H Punch	12 Coondoo Street, Mareeba	Lot 610 on NR7409	Application for 33.6m2 carport - building work assessable under Kuranda Local Plan.
BAP/17/0003	22/03/2017	G Kraushaar	Dawson Road, Mareeba	Lot 4 on SP183708	Application for dwelling house - building work assessable under Flood Hazard Overlay.

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
DA/14/0006	15/03/2017	S & C Torrisi	687 Springs Road, Mareeba	Lot 109 on CP867369	2 lots
DA/16/0025	30/03/2017	H Grundling & J Golzar	1 Spring Crescent, Kuranda	Lot 90 on SP214824	2 lots
DA/16/0042	10/03/2017	Stelbay Pty Ltd & S & P Murat	259 Mclver Road, Mareeba	Lots 1 & 2 on RP720121 & Lot 7 on RP857695	Boundary Realignment
RC2006/27 & REC/08/0110	14/03/2017	Comaray Pty Ltd	Country Road, Mareeba	Lot 100 on SP282400	3 lots
REC/07/0052	1/03/2017	Hockey Machinery Sales Pty Ltd	Godwin Drive, Mareeba	Lot 99 on SP292128	2 lots

March 2017 (Regional Land Use Planning)

REC/06/0112	15/03/2017	Sibi Girgenti Holdings Pty Ltd	McIver Road, Mareeba	Lot 2 on RP736573	2 lots (re-endorsement)
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March 2017 (Regional Land Use Planning)



## **ATTACHMENTS TO AGENDA ITEMS**