



AGENDA

Wednesday, 21 November 2018

Ordinary Council Meeting

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Wednesday, 21 November 2018

Time: 9:00am

Location: Council Chambers

**Peter Franks
Chief Executive Officer**

Order Of Business

1	Members in Attendance	5
2	Apologies/Leave of Absence/Absence on Council Business	5
3	Bereavements/Condolences	5
4	Declaration of any Material Personal Interests/Conflicts of Interest	5
5	Confirmation of Minutes	5
6	Business Arising out of Minutes of Previous Meeting	5
7	Deputations and Delegations.....	5
8	Corporate and Community Services	7
8.1	M Wallace & A Knudsen - Material Change of Use - Animal Keeping (Boutique Kennel) - Lot 10 on RP747823 - 25 Rainforest Drive, Julatten - DA/17/0020.....	7
8.2	T & L Marsterson – Material Change of Use - Tourist Park (74 Persons Maximum), Animal Keeping (Stables/Agistment) And Outdoor Sport & Recreation - Lot 3 on RP708286 - 548 Mcgrath Road, Mareeba - DA/17/0034	63
8.3	N Derakhshan - Reconfiguring a Lot - Subdivision (1 Into 4 Lots) - Lot 1 on RP743970 - 2-6 Black Mountain Road, Kuranda - RAL/18/0025	101
8.4	SND Developers Pty Ltd - Material Change of Use - Short Term Accommodation - Lot 71 on SP136296 - 28 Keeble Street, Mareeba - MCU/18/0019	145
8.5	Local Government Infrastructure Plan	185
8.6	Compliance & Enforcement Policy	189
8.7	Animal Facility 35 Hickling Avenue, Mareeba - Expression of Interest.....	285
8.8	Council Policy Review and Update	287
8.9	Financial Statements period ending 30 September 2018	349
9	Infrastructure Services.....	361
9.1	Review of Unnamed Road Reserves in Localities of Mareeba, Arriga, Mutchilba and Chillagoe	361
9.2	NDRRA - TMSC2018-18 Design & Construct Flaggy Creek Crossing.....	365
9.3	Master Plan For Davies, Eales and Firth Park	371
9.4	Mareeba CBD Traffic Management Study	405
9.5	Resident Petition - Borland and Rankin Streets, Mareeba.....	429
9.6	Application for Permanent Road Closure, Abutting Lot 1 on MPH40852, RA 1290 Braund Road, Northcote via Dimbulah	435
9.7	Review of Application for Permanent Road Closure Application - Lot 510 HG748, Braund Road, Northcote.....	443
9.8	Mareeba Airport Upgrading - October 2018 Progress Report	455
9.9	Infrastructure Services, Technical Services Monthly Activities Report - October 2018	469

9.10	Capital Project Prioritisation and Decision Making 2019-20.....	475
9.11	Long Term Asset Management Plan.....	493
9.12	Infrastructure Services, Works Section Activity Report - October 2018.....	519
9.13	Infrastructure Services, Water and Wastewater Group Monthly Operations Report - September 2018	529
9.14	Infrastructure Services, Waste Operations Report - October 2018.....	537
9.15	Petition for Maintenance of Hodzic Road	541
10	Office of the CEO	549
10.1	Change in Council Meeting Dates - January and October 2019.....	549
10.2	Councillor Attendance at Conference	551
11	Confidential Reports.....	553
11.1	Tender Evaluation - TMSC2018-17 Lease of Site for Aircraft Refuelling at Mareeba Airport 553	
11.2	Rates Concession Section 275(1)(d) Local Government Regulations 2012.....	553
11.3	Lease to Purchase - Lot 55 on SP198060, Martin Tenni Drive, Mareeba Industrial Park	553
12	Business without Notice	555
13	Next Meeting of Council	555
14	For Information	557
14.1	Audit Committee Meeting Minutes 2 October 2018	557
14.2	Summary of New Planning Applications & Delegated Decisions For The Month of October 2018.....	563

1 MEMBERS IN ATTENDANCE

2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

3 BEREAVEMENTS/CONDOLENCES

4 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST

5 CONFIRMATION OF MINUTES

Ordinary Council Meeting - 23 October 2018

Special Council Meeting - 7 November 2018

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

7 DEPUTATIONS AND DELEGATIONS

8 CORPORATE AND COMMUNITY SERVICES

8.1 M WALLACE & A KNUDSEN - MATERIAL CHANGE OF USE - ANIMAL KEEPING (BOUTIQUE KENNEL) - LOT 10 ON RP747823 - 25 RAINFOREST DRIVE, JULATTEN - DA/17/0020

Date Prepared: 9 October 2018

Author: Planning Officer

Attachments:

1. Approved Plan/s [↓](#)
2. ASK Consulting Engineers Pty Ltd Noise Impact Assessment dated 23 May 2018 [↓](#)
3. Submitter Letters (under separate cover)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	M Wallace & A Knudsen	ADDRESS	25 Rainforest Drive, Julatten
DATE LODGED	26 May 2017	RPD	Lot 10 on RP747823
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Animal Keeping (Boutique Kennel)		
FILE NO	DA/17/0020	AREA	2.467 hectares
LODGED BY	McPeake Town Planning and M Wallace & A Knudsen	OWNER	M Wallace & A Knudsen
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	41 Submissions Received		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. The development application underwent public notification twice. Over both notification periods, 41 submissions were received (not including duplicate submissions). Of the 41 submissions received, 24 objected to the development while 17 were in support of the development.

The applicants propose the establishment of a boutique dog kennel to accommodate a maximum of 10 dogs. The dogs will be accommodated in eight (8) individual chalets contained within a 450m² exercise yard/compound in the north-east corner of the property. The dogs will be contained within the chalets and exercise yard/compound for the duration of their stays and will not have access to the remainder of the subject site, nor will dogs be exercised outside the yard/compound.

The subject site is situated on the north-east fringe of an established rural residential estate with the closest dwelling situated approximately 210 metres away from the proposed kennel

yard/compound. The Planning Scheme's Strategic Framework and Rural Residential Zone Code allow for non-residential land uses to be established in rural residential areas where it can be demonstrated that the proposed use will not likely detract from the amenity of surrounding residential uses.

Given that the proposed kennel development is small scale (max 10 dogs), and that reasonable separations distances have been achieved between the kennel use and nearby dwellings, the development is not likely to impact on residential amenity through its hours of operation, traffic generation, associated advertising devices, visual impact, privacy, lighting, odour and emissions. All of which can be adequately managed through appropriate conditioning. However, being a kennel development, potential loss of amenity through unacceptable noise impacts from dog barking and howling is probable and was the primary planning consideration throughout the assessment of the application.

ASK Consulting Engineers Pty Ltd were commissioned by the applicants to undertake a Noise Impact Assessment (NIA) for the proposed kennel to determine the likelihood and extent of noise impacts associated with the proposed use and to provide noise attenuation measures where necessary. The NIA included acoustic quality objectives derived from the Environmental Protection (Noise) Policy 2008 and also from a previous Planning and Environment Court Judgment for a large-scale kennel development in a rural residential area in the Somerset Regional Council Local Government Area.

The NIA concluded that the proposed kennel development could operate within the defined noise quality objectives (i.e. would not result in unacceptable noise impacts on nearby residential uses) over the daytime, evening and the more noise sensitive night time period, provided an extensive set of noise attenuation measures were implemented into the design and operation of the kennel. These noise attenuation measures include but are not limited to acoustic perimeter fencing around the kennel compound, extensive acoustic buffering design elements built into each chalet, limiting the size of dogs kept at the kennel to small-medium dogs (not greater than 30kg), and confining dogs to the sound proofed chalets during the evening and night time periods.

Based on the findings of the NIA, Council officers consider that the proposed development could proceed without causing an unacceptable loss of amenity to nearby residential uses, subject to these specific noise attenuation measures being implemented which will be secured and enforced through conditions attached to any approval.

These draft conditions were provided to the applicants and have been agreed to. It is recommended that the application be approved in full, subject to conditions.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M Wallace & A Knudsen	ADDRESS	25 Rainforest Drive, Julatten
DATE LODGED	26 May 2017	RPD	Lot 10 on RP747823
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Animal Keeping (Boutique Kennel)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Animal Keeping (Boutique Kennel)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Site Plan - Proposed Boutique Kennel	Applicant	7/08/2018
-	Fenced Area with 8 x Cabins	ASK Consulting Engineers	7/08/2018
-	Front View/Side View	ASK Consulting Engineers	7/08/2018
-	Rear View	ASK Consulting Engineers	7/08/2018

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and

- to ensure compliance with the following conditions of approval.
- 2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
- 3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
 - 3.4 Noise Nuisance/Control
 - 3.4.1 Refrigeration equipment, pumps, filter systems, mechanical plant, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations.
 - 3.4.2 All noise attenuation measures included in *Part 7 Recommendations & Conclusions* of the *Noise Impact Assessment* prepared by *ASK Consulting Engineers dated 23 May 2018 (Report No. 9263R02V03)* must be constructed and implemented prior to the commencement of the use, and maintained/adhered to for the life of the development, to the satisfaction of Council's delegated officer.

The acoustic design elements for each chalet and for the acoustic fencing must be endorsed by a suitably qualified acoustic engineer prior to any building works commencing.

The approved use must not include any sound projecting objects or systems that may cause nuisance to adjoining properties.
 - 3.4.3 In the event that a substantiated (in the opinion of Council's delegated officer) noise complaint is received by Council regarding the approved use, the complaint will need to be assessed by an independent acoustic engineer (RPEQ certified) at the sole cost of the applicant/developer or any subsequent owner/operator.

The complaint shall be assessed against the conditions of approval, the *Environmental Protection (Noise) Policy 2008* and the noise limits

included in *Part 6 Kennel Noise Assessment* of the *Noise Impact Assessment* prepared by *ASK Consulting Engineers* dated *23 May 2018 (Report No. 9263R02V03)*.

Any additional noise mitigation measures recommended by the independent acoustic consultant are to be implemented by the applicant within three (3) months of Council directing the applicant/developer or any subsequent owner/operator to do so.

3.4.4 All complaints received directly by the applicant/operator that relate to operations at the kennel facility must be recorded in a register with the following details:

- (i) nature, time and date of complaint;
- (ii) type of communication (telephone, letter, personal etc.);
- (iii) name, contact address and contact telephone number of complainant (Note: If the complainant does not wish to be identified then "not identified" is to be recorded); and
- (iv) details about the response, investigation and any action undertaken as a result of the complaint.

3.5 Operational Practices/Requirements

3.5.1 No more than 10 guest dogs, not weighing more than 30kg each shall be accommodated within the kennel compound/yard.

3.5.2 Dogs shall be housed in individual chalets, except where they are habitually housed together in their owner's normal domestic environment; and where a shared chalet arrangement will not result in excessing barking or howling.

3.5.3 Dogs accommodated at the kennel shall at all times be kept within the confines of the chalets and/or exercise yard/compound except during their receipt or release.

3.5.4 All dogs accommodated in the kennel must be confined to the chalets between the hours of 6pm and 7am.

3.5.5 Dogs accommodated at the kennel are not permitted to be exercised on the subject site outside the exercise yard/compound, on any nearby property or on any local road.

3.6 Dog Bark Management

3.6.1 Dog barking, howling and related vocalisations are to be actively controlled at all times.

3.6.2 To ensure dog barking is actively controlled and minimised, the applicant/operator must prepare a Bark Management Plan which details the means in which barking will be managed. The plan must set out in sufficient detail the procedures to be strictly undertaken in relation to:

- (a) control of dog barking in the kennel facility (particularly in the exercise yard), in respect of:

- (i) verbal command/interactions;
 - (ii) additional exercise;
 - (iii) the use of ultrasonic "pet training devices"; and
 - (iv) separation procedures.
- (b) the requirement for ongoing monitoring of the kennel facility for aggressive dogs of dogs that cause excessive barking and any procedures that may be in place to isolate these dogs.

The Bark Management Plan must be prepared to the satisfaction of Council's delegated officer and must be adhered to at all times, by any person operating/managing the kennel facility.

3.6 Storage and Preparation of Food

All food associated with the kennel facility is to be stored and prepared in a properly constructed building capable of being easily cleaned, maintained and kept free of vermin. All food must be stored in vermin proof containers.

3.7 Cleaning of Dog Kennel/s

The chalets and dog exercise yard/compound must be cleaned daily and kept in a sanitary condition at all times, to the satisfaction of Council's delegated officer.

3.8 Waste Management

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

3.8.2 All dog faeces and other bodily waste must be collected, where possible, and disposed of off-site at an approved waste management facility. Untreated on site burial is not acceptable.

3.9 Hours of Operation

Dogs are permitted to be dropped off and picked up between the hours of 8am and 5pm, 7 days per week only. Off-site pick up and drop off may occur outside these hours.

Veterinary or other emergency personnel are permitted to attend the kennel facility at all times.

3.10 Signage

No more than 1 sign, no greater than 2m² in sign face area shall be erected on the subject site to advertise the approved use and must not be illuminated, move, revolve, strobe or flash.

The sign must be kept clean, in good order and safe repair for the life of the development, and must be removed when no longer required, to the satisfaction of Council's delegated officer.

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

3.11 Bushfire Management

3.11.1 The applicant/developer must ensure the development is provided with a minimum 5,000 litres of water storage for fire-fighting purposes in proximity to the approved use. Where tank storage is proposed, a 50mm male camlock fire brigade fitting must be installed.

3.11.2 A Bushfire Management Plan for the approved use, incorporating evacuation procedures for kennel dogs, must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

4. Infrastructure Services and Standards

4.1 Access

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

4.2 Stormwater Drainage

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

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

4.3 Car Parking/Internal Driveways

The applicant/developer must ensure the development is provided with three (3) on site car parking spaces which are available solely for the parking of vehicles associated with the approved use.

All car parking spaces and internal driveways/vehicle manoeuvring areas must be maintained with a gravel/grassed surface in order to minimise dust generation and must be delineated and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

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

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

4.4 Landscaping

Prior to the commencement of the use, the applicant/developer is to plant a single one (1) metre wide strip of landscaping along the entire length of the southern and eastern sides of the fenced exercise yard/compound. The landscaping strip should include a range of plants, shrubs and trees of varying heights in order to form an attractive buffer, to the satisfaction of Council's delegated officer.

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

4.5 Lighting

Where outdoor lighting is proposed, the developer shall locate, design and install the lighting so as to avoid nuisance by way of light spill or glare at adjacent properties and roadways.

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

4.6 Water Supply

The approved development must be provided with a potable water supply that can satisfy the standards for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

(D) ASSESSMENT MANAGER'S ADVICE

(a) Compliance with applicable codes/policies

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

(b) Compliance with Acts and Regulations

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

(c) Environmental Protection and Biodiversity Conservation Act 1999

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

(d) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care

guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.datsip.qld.gov.au

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

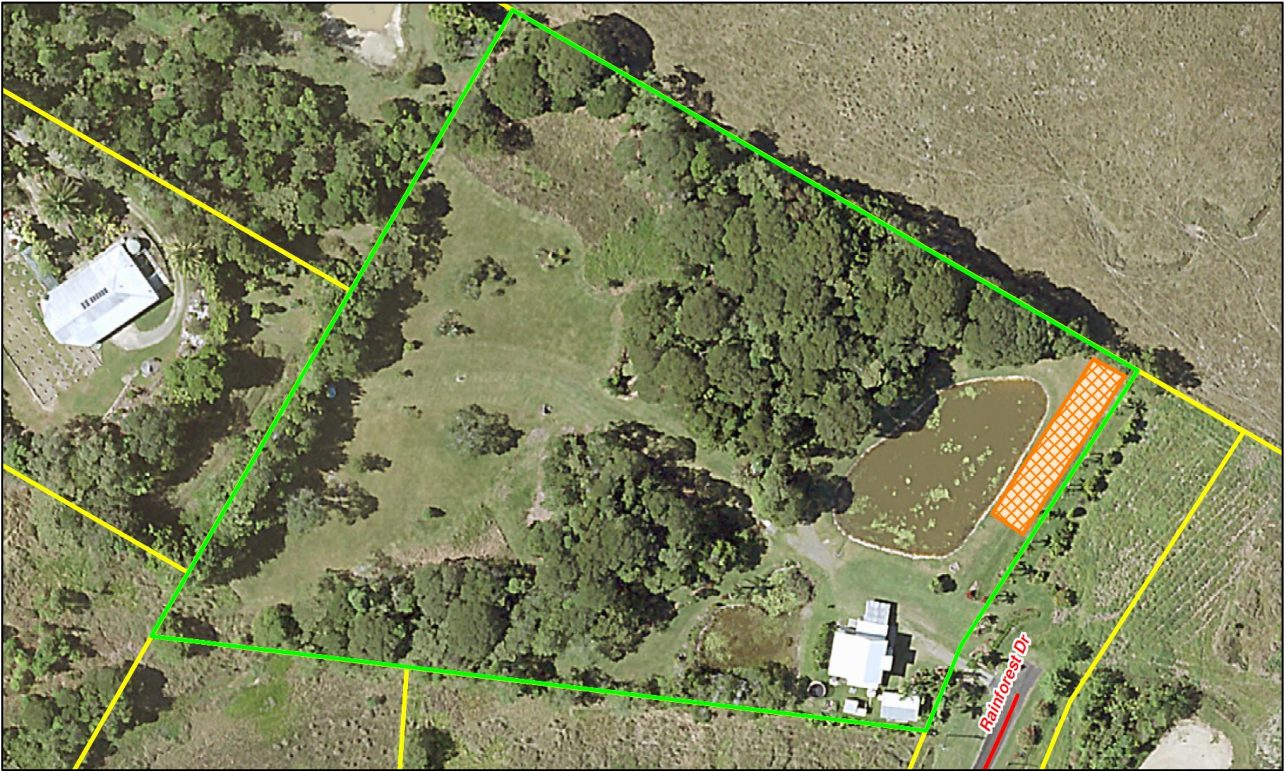
(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

THE SITE

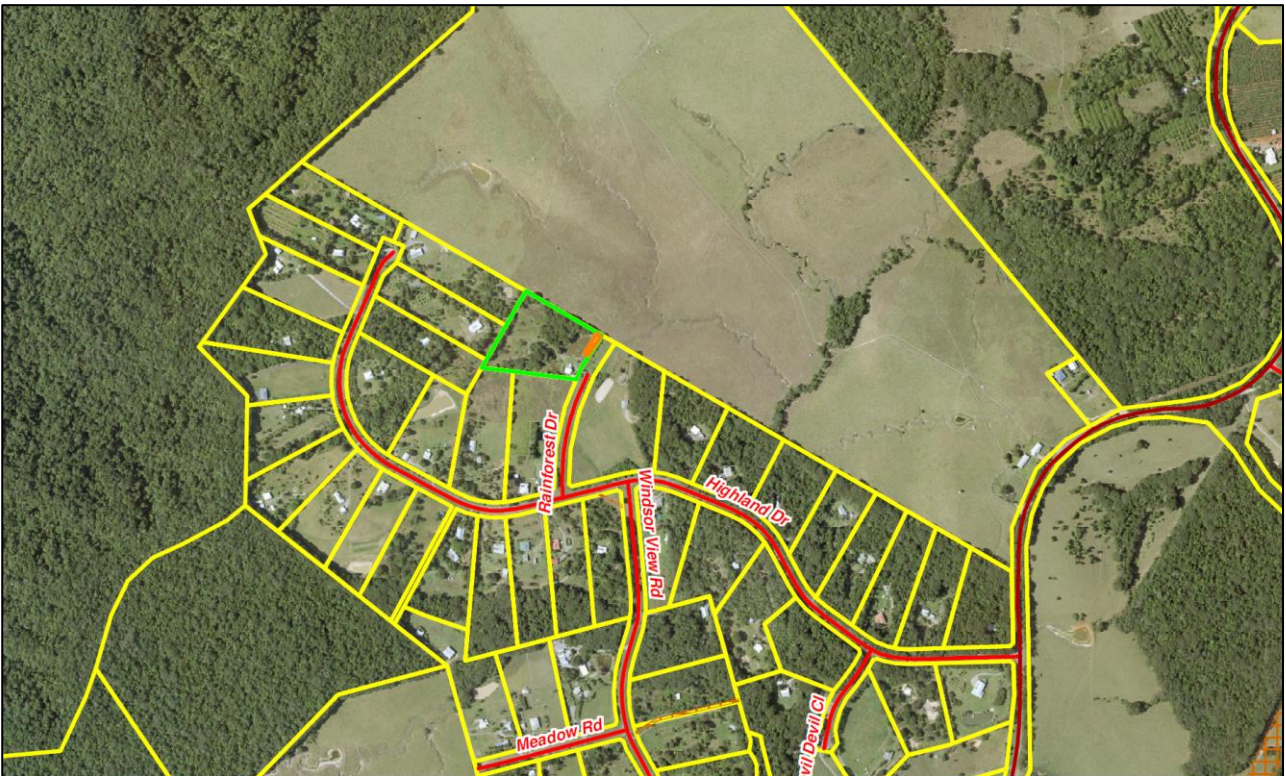
The subject site is situated on the north-east edge of a cluster of rural residential allotments at 25 Rainforest Drive, Julatten, and is more particularly described as Lot 10 on RP747823. The site has a total area of 2.467 hectares, is generally regular in shape, and is zoned Rural Residential under the Mareeba Shire Council Planning Scheme 2016. The site includes 103 metres of frontage to Rainforest Drive which essentially terminates at the site entrance in the southern corner of the lot, the remainder of the Rainforest Drive road reserve remains undeveloped and overgrown. Rainforest Drive is constructed to a bitumen sealed standard for its entire length and the site access crossover is constructed to a gravel standard only.

The site is improved by a dwelling and multiple outbuilding's clustered in the south-east corner of the site as well as two small dams/ponds also situated on the eastern side of the property adjacent the dwelling. Approximately 60% of the site has been cleared and remains grassed with the remaining 40% of the site containing mature vegetation. The site has a slightly undulating topography. Lots immediately adjoining the site to the south and west are zoned Rural Residential and are similar in use to the subject site, being 5-6 acre rural lifestyle lots containing single dwellings. The lot to the north of the site is a 108-hectare Rural zoned property used for livestock grazing, and the lot to the east of the site, separated by Rainforest Drive, is a large Council Park Reserve and is zoned Recreation and Open Space. The proposed boutique kennel location is shown on the below plans.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Animal Keeping (Boutique Kennel) in accordance with the plans shown in **Attachment 1**.

The application provides the following details of the proposed use:

"The proposed development includes the following components:

- *There are 8 chalets (i.e. kennels) and up to 10 dogs (total) onsite.*
- *Dogs will generally have their own individual timber chalets, although multiple related dogs could be grouped together in a kennel.*
- *Kennels have their own individual fenced area/balcony and are to be rotated through a large separate outdoor run during the day.*
- *Dogs will be inside kennels at night with music playing.*

*The location of the kennels and outdoor area is included in **Figure 3.1**. The outdoor area is along the northern section of the eastern site boundary and is to be enclosed with 2m high acoustic barriers. The extent of the area is approximately 45m long x 10m wide and is located approximately 5 m from the northern site boundary. The barrier can include variations of +/- 1 metre to allow for step-ins, recesses or other such design features. The timber kennels are located on the western side of the outdoor area with doors facing into the outdoor area in a E/ESE direction. The kennels may be fully contained within the outdoor area, or fully excluded from the outdoor area with only their front entrance facade contained within the outdoor area.*

The kennel will operate 24 hours per day, and 7 days per week. Dogs will be outside kennels only within daytime hours (7am to 6pm)."

The location of the proposed kennel development on the subject site is shown below:



REGIONAL PLAN DESIGNATION

The subject site is included within the Rural Living Area land use category in the Far North Queensland Regional Plan 2009-2031. The site does not contain any areas of ecological significance.

PLANNING SCHEME DESIGNATIONS

Strategic Framework:

Zone:

Overlays:

Land Use Categories

- Rural Residential Area

Rural Residential Zone

Agricultural Land Overlay

Bushfire Hazard Overlay

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Animal Keeping	Premises used for boarding, breeding or training of animals. The use may include ancillary temporary or permanent holding facilities on the same site and ancillary repair and servicing of machinery.	Aviaries, catteries, kennels , stables, wildlife refuge	Aquaculture, cattle studs, domestic pets, feedlots, grazing of livestock, non-feedlot dairying, piggeries, poultry meat and egg production, animal husbandry

RELEVANT PLANNING INSTRUMENTS

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

(A) Far North Queensland Regional Plan 2009-2031

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

(B) State Planning Policy

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

(C) Mareeba Shire Council Planning Scheme 2016**Strategic Framework****3.3 Settlement pattern and built environment****3.3.10 Element - Rural residential areas****3.3.10.1 Specific outcomes**

- (5) *Limited agricultural and animal husbandry activities may occur in rural residential areas where the offsite impacts of the activity are mitigated in protection of the amenity expectation of the rural residential areas.*
- (6) *Small-scale non-residential and tourism uses which do not impact on character and amenity are facilitated in rural residential areas.*

Comment

As discussed in detail in the Planning Discussion section of the report, the submitted Noise Impact Assessment (NIA) concluded that the proposed kennel could operate within the defined noise quality objectives (i.e. would not result in unacceptable noise impacts on nearby residential uses) over the daytime, evening and the more noise sensitive night time period, provided an extensive set of noise attenuation measures were implemented into the design and operation of the kennel. These noise attenuation measures include but are not limited to acoustic perimeter fencing around the kennel compound, extensive acoustic buffering design elements built into each chalet, limiting the size of dogs kept at the kennel to small-medium dogs (not greater than 30kg), and confining dogs to the sound proofed chalets during the evening and night time periods.

Based on the findings of the NIA, Council officers consider that the proposed development could proceed without causing an unacceptable loss of amenity to nearby residential uses, subject to these specific noise attenuation measures being implemented which will be secured and enforced through conditions of approval.

3.4 Natural resources and environment**3.4.8 Element - Air and noise quality****3.4.8.1 Specific Outcomes**

- (1) *The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.*
- (4) *Sensitive land uses are appropriately separated from areas containing or designated for activities that generate noise and air emissions.*

Comment

As discussed in detail in the Planning Discussion section of the report, the submitted Noise Impact Assessment (NIA) concluded that the proposed kennel could operate within the defined noise quality objectives (i.e. would not result in unacceptable noise impacts on nearby residential uses) over the daytime, evening and the more noise sensitive night time period, provided an extensive set of noise attenuation measures were implemented into the design and operation of the kennel. These noise attenuation measures include but are not limited to acoustic perimeter fencing around the kennel compound, extensive acoustic buffering design elements built into each chalet, limiting the size of dogs kept at the kennel to small-medium dogs (not greater than 30kg), and confining dogs to the sound proofed chalets during the evening and night time periods.

Based on the findings of the NIA, Council officers consider that the proposed development could proceed without causing an unacceptable loss of amenity to nearby residential uses, subject to these specific noise attenuation measures being implemented which will be secured and enforced through conditions of approval.

Relevant Developments Codes

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

- 6.2.10 Rural residential zone code
- 8.2.1 Agricultural land overlay code
- 8.2.3 Bushfire hazard overlay code
- 9.3.6 Rural activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application can satisfy the relevant acceptable outcomes (or performance outcomes where no acceptable outcome is provided, or an acceptable outcome cannot be met) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
Rural residential zone code	<p>The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code. Further discussion is warranted for the following:</p> <ul style="list-style-type: none"> ▪ Performance Outcome PO9 - Amenity (noise) <p>Refer to the planning discussion section of the report.</p>

Agricultural land overlay code	The application can be conditioned to comply with the relevant applicable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application can be conditioned to comply with the relevant applicable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.
Rural activities code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code, apart from the following: <ul style="list-style-type: none"> ▪ Acceptable Outcome AO5.1 Refer to the planning discussion section of the report.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

REFERRAL AGENCY

The application did not trigger a referral to any Referral Agencies.

Internal Consultation

Environmental Health - Acoustic air quality.

PUBLIC NOTIFICATION

The development application was originally placed on public notification from 13 July 2017 to 3 August 2017. The applicant submitted the notice of compliance on 8 August 2017 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

After concerns were raised by Council officers regarding the validity of the original noise impact assessment submitted, the applicants engaged ASK Consulting Engineers Pty Ltd (acoustic & air

quality consultants) to provide further input into the proposed kennel design and to prepare a fresh noise impact assessment. Following proposed changes to the kennel design and the submission of a new noise impact assessment, Council Planning Officers believed it necessary for the application to restart and for public notification to be carried out a second time. Note that all submissions lodged during the initial public notification period have been considered as is required under the Act.

The development application was placed on public notification for the second time from 13 June 2018 to 4 July 2018. The applicant submitted the notice of compliance on 5 July 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

During both public notification periods, 41 properly made submissions were received (**Attachment 3**). Note that some submissions were received during both notification periods (twice) but have only been considered once. Of the 41 submissions received, 24 objected to the proposed development, while the remaining 17 were in support of the development.

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

Grounds for objection /support	Comment
1. Amenity impacts - noise	Refer to the Planning discussion section of report for discussion. Considering the very small scale of the proposed kennel (maximum 10 dogs) it is considered that the proposed development could be reasonably conditioned to ensure minimal amenity impact on surrounding residential uses.
2. Impact on native wildlife	Dogs accommodated at the proposed kennel will be kept and exercised within the exercise yard/compound only, which will be surrounded by solid screen acoustic fencing. It is not proposed to allow dogs to roam the subject site or to walk or exercise dogs along the local road network or at nearby Margheritha English Park. The proposed development is not likely to impact on native wildlife.
3. Property devaluation	Property devaluation is not a relevant town planning consideration.
4. No genuine need for the proposed kennel	This is considered to be an unsubstantiated statement. If demand for the proposed kennel business does not exist, the kennel will simply remain unoccupied.
5. Environmental impact (vegetation clearing/watercourses)	Given the scale of the development, which is quite minimal, its environmental impact is likely to be negligible. The development will not involve vegetation clearing, nor will any chemical products that are not conventional cleaning products be used during the operation of the facility. Dog urine will be watered into the ground within the exercise yard/run and dog faeces will be collected regularly and disposed of off-site.
6. Public safety risk as a result of exercising dogs in public places.	Dogs accommodated at the proposed kennel will be kept within the exercise yard/run only which will be surrounded by solid screen acoustic fencing. There are no plans to allow dogs to roam the subject site or to walk or exercise dogs along the local road network or at Margheritha English Park. The proposed development is not likely to cause a public safety risk.
7. Increase in traffic volumes	<p>The traffic volumes generated by the proposed development are likely to be minimal and no more than a conventional home-based business such as a home-based hair salon, bed and breakfast or home-based child care which could potentially occur on the site without Council approval.</p> <p>The applicants are proposing to provide a drop-off/pick up service which will further reduce vehicle movements to and from the site.</p>
8. The applicants have demonstrated their commitment to ensuring noise impacts are minimised through the involvement of an acoustic consultant in both the design and location of the proposed kennel.	Noted. The application is recommended for approval.
10. Many people in the surrounding area will benefit from the proposed kennel who do not wish to place their dogs in conventional kennels.	Noted. The application is recommended for approval.
11. The proposed kennel will constrain the viability or use of surrounding agricultural land.	The site is adjoined by only one property that is considered to have any viable agricultural potential, this being the large grazing property to the north of the site (Lot 2 on RP740299). The proposed kennel is not considered to be a sensitive land use and is not likely to impact on any agricultural activity carried out on Lot 2, which is likely to be limited to livestock grazing. The owners of Lot 2 on RP740299 submitted a submission in support of the proposed development.

Grounds for objection /support	Comment
12. The site is too small for a kennel development.	Refer to the Planning Discussion section of the report for comments on the size of the site (AO5.1 - Rural Activities Code).
13. The proposed use is inconsistent with the intent of the Rural Residential zone.	The Rural Residential Zone Code provides scope for the establishment of non-residential land uses where such uses can be carried out without causing an unacceptable loss of amenity to nearby residential uses. Refer to Planning Discussion section of the report for commentary on amenity.
14. The proposed kennel will detrimentally impact on other dogs in the surrounding neighbourhood.	<p>It is acknowledged that suppressed noise generated by the kennel that may be inaudible to the human ear may be audible to dogs on neighbouring properties. However, the degree of impact is likely to be similar to that that would be experienced by neighbouring properties if additional dogs were introduced to the surrounding rural residential estate. Intermittent dog barking noise is a general expectation in any residential area, particularly when a public park is present such as nearby Margheritha English Park.</p> <p>Dogs accommodated at the proposed kennel will be kept within the exercise yard/run only, which will be surrounded by solid screen acoustic fencing. There are no plans to allow dogs to roam the subject site or to walk or exercise dogs along the local road network or at Margheritha English Park.</p>
15. If an approval is granted it will make it easier to gain future approvals to expand the kennel.	Any future expansion of the kennel to accommodate more than the 10 dogs proposed will require a further approval from Council. Any future application will be impact assessable (requiring public notification) and will have to follow generally the same application process (now that the Planning Act 2016 has superseded the Sustainable Planning Act 2009).
16. Dogs kept in the kennel will scare horses being ridden at the neighbouring park reserve (Margaretha English Park).	Dogs accommodated at the proposed kennel will be kept within the exercise yard/run only, which will be surrounded by solid screen acoustic fencing. There are no plans to allow dogs to roam the subject site or to walk or exercise dogs along the local road network or at Margheritha English Park. Dogs accommodated at the kennel are not likely to scare horses at the nearby park.
17. The proposed development will change the zoning of the site.	The proposed development is for a material change of use - animal keeping (boutique kennel) only. If approved, the resultant development permit will authorise this use on the property which will remain within the Rural Residential zone (i.e. no zone change will occur).
18. The development is inconsistent in scale with existing development in the area.	When talking about scale (i.e. building size and building bulk), the proposed development is not inconsistent in scale with existing development in the surrounding locality.
19. The noise impact assessment was not undertaken by a suitably qualified professional and seemed sub-optimal.	It is acknowledged that the initial Noise Impact Assessment (NIA) was not carried out by a suitably qualified professional, however after concerns were raised by Council officers, a subsequent NIA was carried out by ASK Consulting Engineers Pty Ltd who specialise in acoustics and air quality. The full NIA is included as Attachment 2 .

Submitters

Name of principal submitter	Address
1. Mrs Catherine McFarlane	179 Highland Drive, Julatten QLD 4871
2. Toni Graham & Warren Kunde	113 Highland Drive, Julatten QLD 4871
3. Michael Ross-Reid on behalf of various	123 Highland Drive, Julatten QLD 4871
4. Cameron Walton	348 Mowbray River Road, Mowbray QLD 4877
5. Kylie Goodall	53 George Road, Forest Creek QLD 4873
6. Peter & Vicki Gray	136 Highland Drive, Julatten QLD 4871
7. Jon Cleary & Donna Palmer	PO Box 6233, Cairns QLD 4870
8. Nikia Vitulskis (Maria Vitulskis as personal rep)	120 Highland Drive, Julatten QLD 4871
9. Julie & Gary Ashcroft	46 Highland Drive, Julatten QLD 4871
10. Sue & Iain Ralston	82 Spring Creek Road, Mowbray QLD 4877
11. Alex McNab & Mary Snodgrass	76 Carr Road, Julatten QLD 4871
12. Bella Baxter	57 Highland Drive, Julatten QLD 4871
13. Susan Ann Baynton	4300 Black Mountain Road, Julatten QLD 4871
14. Craig & Cassandra Morris	29 Carr Road, Julatten QLD 4871
15. Catherine Mills	36 Churchill Creek Road, Julatten QLD 4871
16. Jasmine Fraser	8 Finley Crescent, Oak Beach QLD 4877
17. John & Jane Marsden	36 Rasmussen Road, Julatten QLD 4871
18. John Vitulskis	120 Highland Drive, Julatten Qld 4871
19. Victoria Free, Peter Grice and Family	PO Box 765, Mossman QLD 4873
20. Bronwyn Wiltshire	21 Meadow Road, Julatten QLD 4871
21. Wayne & Ineke Keough	194 Highland Drive, Julatten QLD 4871
22. Maria Mason	120 Highland Drive, Julatten QLD 4871
23. Andrew Cowan & Patricia Campbell	62 Cooks Ridge, Shannonvale QLD 4873
24. Ruth Ernst	125 Highland Drive, Julatten QLD 4871
25. Jeffrey Stone	976 Rex Highway, Julatten QLD 4871
26. Eric Steinberger	PO Box 50, Mossman QLD 4873
27. Joanne Weston	Lot 324 Cape Tribulation Road, Cow Bay QLD 4873
28. Ken Brown	174 Highland Drive, Julatten QLD 4871
29. Miss Louise Bannon	86 Mason Street, Mareeba QLD 4880
30. Julie O'Gorman-Petrack	22 Johnston Road, Mossman QLD 4873
31. Russell and Karen Warland	169 Highland Drive, Julatten QLD 4873
32. Jill Ross-Reid	123 Highland Drive, Julatten QLD 4871
33. Mick Ross-Reid	123 Highland Drive, Julatten QLD 4871
34. Peggy Eldred	138 George Road, Forest Creek QLD 4873
35. Michael and Sharon Tesch	PO Box 145, Mossman QLD 4873
36. Sandra Walsh	178 Highland Drive, Julatten QLD 4873
37. Bryan, William & Cynthia McKeen	1108 Mossman-Mount Molloy Road, Julatten QLD 4873
38. Frank Mrazek	34 Highland Drive, Julatten QLD 4873
39. Maria Mason, Maria Vitulskis, Jon Vitulskis & Nikia Vitulskis	120 Highland Drive, Julatten QLD 4873
40. Duncan Stemp	112 Windsor View Drive, Julatten QLD 4873
41. Ralph "Steve" McFarlane	179 Highland Drive, Julatten QLD 4873

PLANNING DISCUSSION**6.2.10 Rural residential zone code**

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

- (a) The development of large rural residential lots with attendant provision of onsite infrastructure is facilitated;

- (b) *Development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of rural residential activities;*
- (c) *Development avoids areas of ecological significance;*
- (d) *Low-impact activities such as small-scale eco-tourism and outdoor recreation uses are permitted within the zone where the impacts of such uses are acceptable;*
- (e) *Natural features such as creeks, gullies, waterways, wetlands and vegetation and bushland are retained, enhanced and buffered from the impacts of development, with unavoidable impacts minimised through location, design, operation and management requirements;*
- (f) *Other uses may be appropriate where meeting the day to day needs of the rural residential catchment or having a direct relationship to the land in which the particular use is proposed. Any such uses should not have any adverse effects on the residential amenity of the area through factors such as noise generation, traffic generation or other factors associated with the use;*
- (g) *Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct; and*
- (h) *Reconfiguring a lot involving the creation of new lots is not undertaken external to a precinct in the Rural residential zone in consideration of the inherent environmental, and/or physical infrastructure and/or social infrastructure constraints of Rural residential zoned land outside of identified precincts.*

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

Amenity

PO9

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

- (a) *noise;*
- (b) *hours of operation;*
- (c) *traffic;*
- (d) *advertising devices;*
- (e) *visual amenity;*
- (f) *privacy;*
- (g) *lighting;*
- (h) *odour; and*
- (i) *emissions.*

AO9

No acceptable outcome is provided.

Comment

The applicants propose the establishment of a boutique dog kennel to accommodate a maximum of 10 dogs. The dogs will be accommodated in 8 individual chalets contained within a 450m² exercise yard/compound in the north-east corner of the property. The dogs will be contained within the chalets and exercise yard/compound for the duration of their stays and will not have access to the remainder of the subject site, nor will dogs be exercised outside the yard/compound.

The subject site is situated on the north-east fringe of an established rural residential estate with the closest dwelling situated approximately 210 metres away from the proposed kennel

yard/compound. The Rural Residential Zone Code (overall outcome (f) and acceptable outcome AO9) provide scope for non-residential land uses to be established in rural residential areas where it can be demonstrated that the proposed use will not likely detract from the amenity of surrounding residential uses.

Given that the proposed kennel development is small scale (max 10 dogs), and that reasonable separations distances have been achieved between the kennel use and nearby dwellings, the development is not likely to impact on residential amenity through its hours of operation, traffic generation, associated advertising devices, visual impact, privacy, lighting, odour and emissions. All of which can be effectively managed through appropriate conditioning. Being a kennel development, potential loss of amenity through unacceptable noise impacts from dog barking and howling is probable and was the primary planning consideration throughout the assessment of the application.

ASK Consulting Engineers Pty Ltd were commissioned by the applicants to undertake a Noise Impact Assessment (NIA) for the proposed kennel to determine the likelihood and extent of noise impacts associated with the development and to provide noise attenuation measures where necessary. The NIA included acoustic quality objectives derived from the Environmental Protection (Noise) Policy 2008 and also from a previous Planning and Environment Court Judgment for a large-scale kennel development in a rural residential area in the Somerset Regional Council Local Government Area.

The NIA included the following recommendations and conclusion:

"7. Recommendations & Conclusion

It is considered that noise emissions from the proposed kennel facility would be compliant with the following requirements:

- *A 2m high noise barrier is to be constructed around the kennel outdoor area as per Figure 3.1 and the construction details in Section 6.2.4. Any gates in the barrier are also to meet the acoustic requirements. The extent of the area is approximately 45m long x 10m wide, and is located approximately 5 m from the northern site boundary. The barrier can include variations of +/- 1 metre to allow for step ins, recesses or other such design features.*
- *The timber kennels are located on the western side of the outdoor area with doors facing into the outdoor area in an E/ESE direction. The kennels may be fully contained within the outdoor area, or fully excluded from the outdoor area with only their front entrance facade contained within the outdoor area.*
- *The solid walls of the dog kennels can form part of the noise barrier, as long as the wall is solid from ground level to 2m above ground. If the dog kennels are to be raised off the ground, then the area between the dog kennel floor and ground is to consist of a noise barrier.*
- *Kennels are to be limited to housing small and medium sized dogs up to 30 kg in weight. This is to reduce the average dog barking noise level.*
- *In the evening and night dogs will be locked into kennels.*
- *The kennel construction drawings are included in Appendix B, and construction is as follows:*

- *Dimensions: Approximately 3m x 3m floor, with enclosed area approximately 3m x 2m, and the remainder being deck. The deck side is to face into the fenced outdoor area.*
- *Walls: weatherboard (timber or fibre cement) cladding, minimum 50mm glasswool insulation, 6mm fibre cement internal sheeting.*
- *Floor: 15mm compressed fibre cement sheeting.*
- *Roof: metal roof sheeting (e.g. corrugated Colorbond roof), minimum 50mm thick Anticon or glasswool insulation, 6mm fibre cement ceiling.*
- *Door: minimum 35mm thick solid core door facing into the dog outdoor area. The door is to include minimal gaps so as to minimise acoustic leakage. If a half/dutch/stable door is proposed, then the join is to be either rebated or include a cover strip to minimise noise leakage.*
- *Windows: minimum 5mm thick glass or 10mm thick Perspex. Windows are to remain closed in the evening and night.*
- *Ventilation: the ventilation is not to compromise the acoustic performance of the kennel building envelope. Suitable ventilation could consist of (maximum) 300x300 metal ducts with 25mm internal acoustic lining to a 1 metre length. A duct could be added at the lower wall of the kennel, and a second exhaust duct with fan at the roof/ceiling of the kennel. Alternative designs would be possible, but should be approved by an acoustic consultant. The ventilation is to be protected from the dog, and may require a solid cover to prevent air flow in cooler months. Note: the kennel management plan may include air change requirements.*
- *Absorption: An area of 2m² of acoustically absorptive product (minimum NRC 0.65) is to be included into the room (e.g. 50mm insulation covered by perforated foil/steel/fibre cement/fabric, proprietary acoustic product (e.g. megasorber, stratocell whisper) or similar). The absorption should be added to upper wall areas or ceiling to avoid damage by dogs.*
- *General: The kennel is not to include any other penetrations, gaps or holes that would compromise the acoustic performance of the above building elements. For example, lighting should be surface mounted and not cut into the ceiling/wall.*
- *If there are other shelter structures in the dog outdoor area, e.g. communal dog area. Then it is required that the underside of the shelter roof be lined with minimum 50mm thick insulation with a perforated foil facing. The intent of this insulation is to minimise noise reflecting off the roof and over the surrounding noise barrier.*
- *It is recommended that kennel drawings be signed off by an acoustic consultant prior to construction to confirm acceptability.*
- *The kennel should include a management plan, and the aforementioned Court Judgment includes significant detail which should be considered where appropriate. The management plan would likely address owner-operator responsibilities, kennel staff, animal husbandry, and housing."*

Note: Refer to NIA included as **Attachment 2** for full commentary on noise impacts.

The NIA concluded that the proposed kennel development could operate within the defined noise quality objectives (i.e. would not result in unacceptable noise impacts on nearby residential uses) over the daytime, evening and the more noise sensitive night time period, provided an extensive

set of noise attenuation measures were implemented into the design and operation of the kennel. These noise attenuation measures include but are not limited to acoustic perimeter fencing around the kennel compound, extensive acoustic buffering design elements built into each chalet, limiting the size of dogs kept at the kennel to small-medium dogs (not greater than 30kg), and confining dogs to the sound proofed chalets during the evening and night time periods.

Based on the findings of the NIA, Council officers consider that the proposed development could proceed without causing an unacceptable loss of amenity to nearby residential uses, subject to these specific noise attenuation measures being implemented which will be secured and enforced through conditions of approval.

It is considered that the proposed development can be conditioned to comply with PO9.

9.3.6 Rural Activities Code

If for Animal keeping or Intensive animal industries

PO5

Animal keeping or Intensive animal industries are located on land which has an area, dimensions and topography which allow the use to function appropriately and be sufficiently separated from adjoining properties and uses.

AO5.1

Development is located on a site which has an area of 60 hectares or greater.

Comment

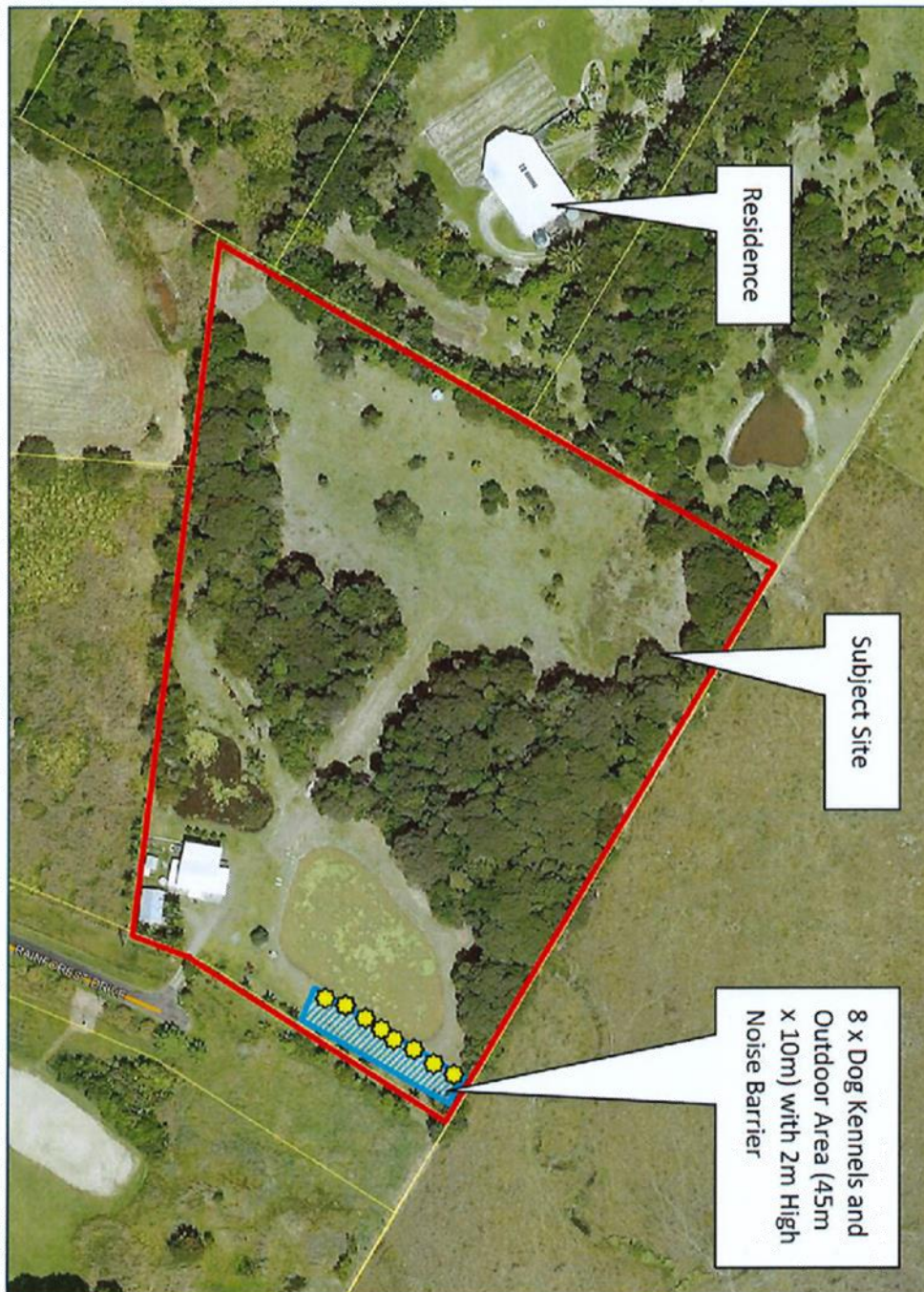
The subject site has an area of just 2.467 hectares and is therefore non-compliant with AO5.1.

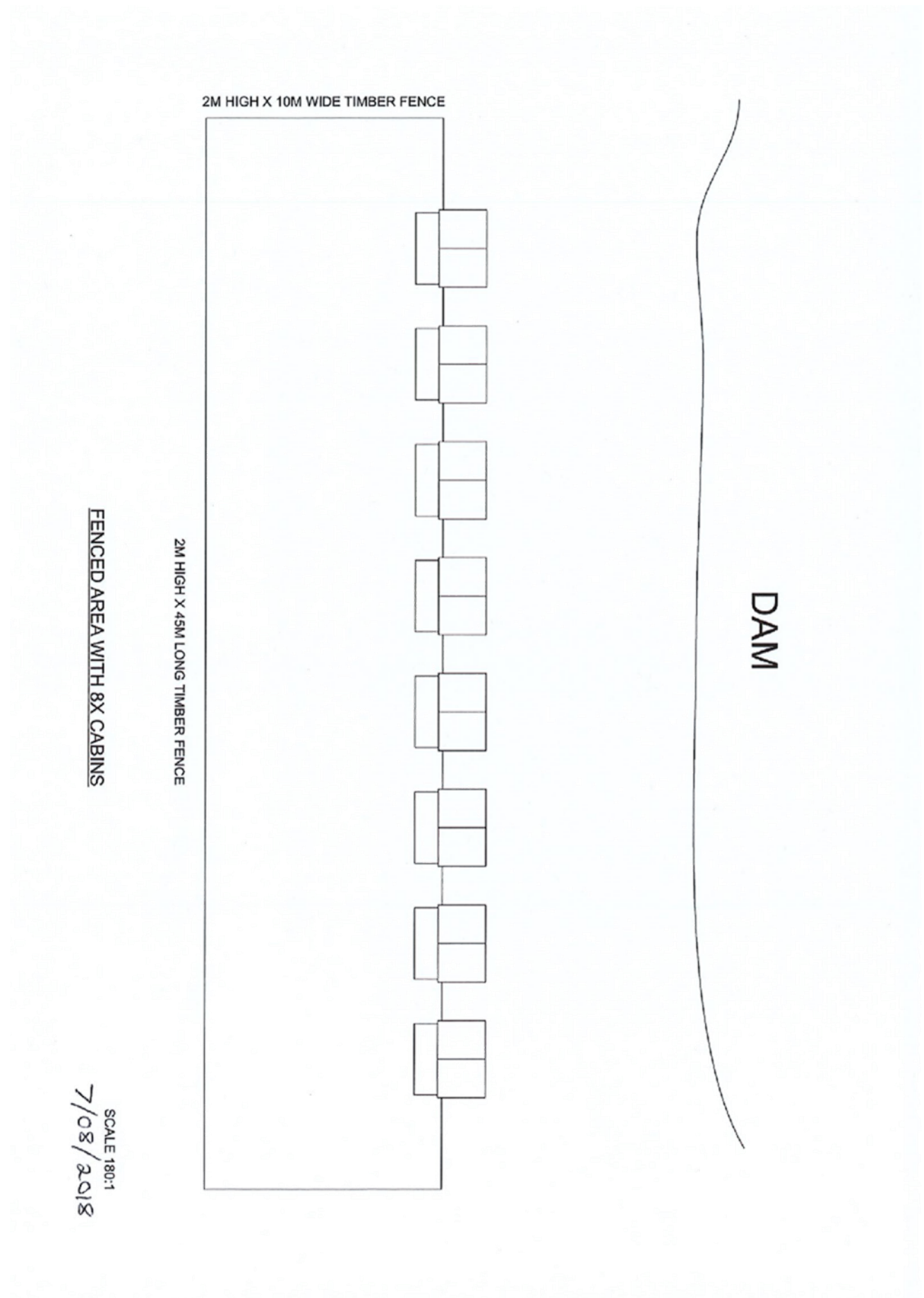
Given the minimal scale of the development (maximum of 10 dogs contained within a 450m² exercise yard/compound, it is considered that the subject sites area, dimensions and topography are adequate to allow the use to function as intended. The proposed use is considerably smaller in scale than most other animal husbandry developments.

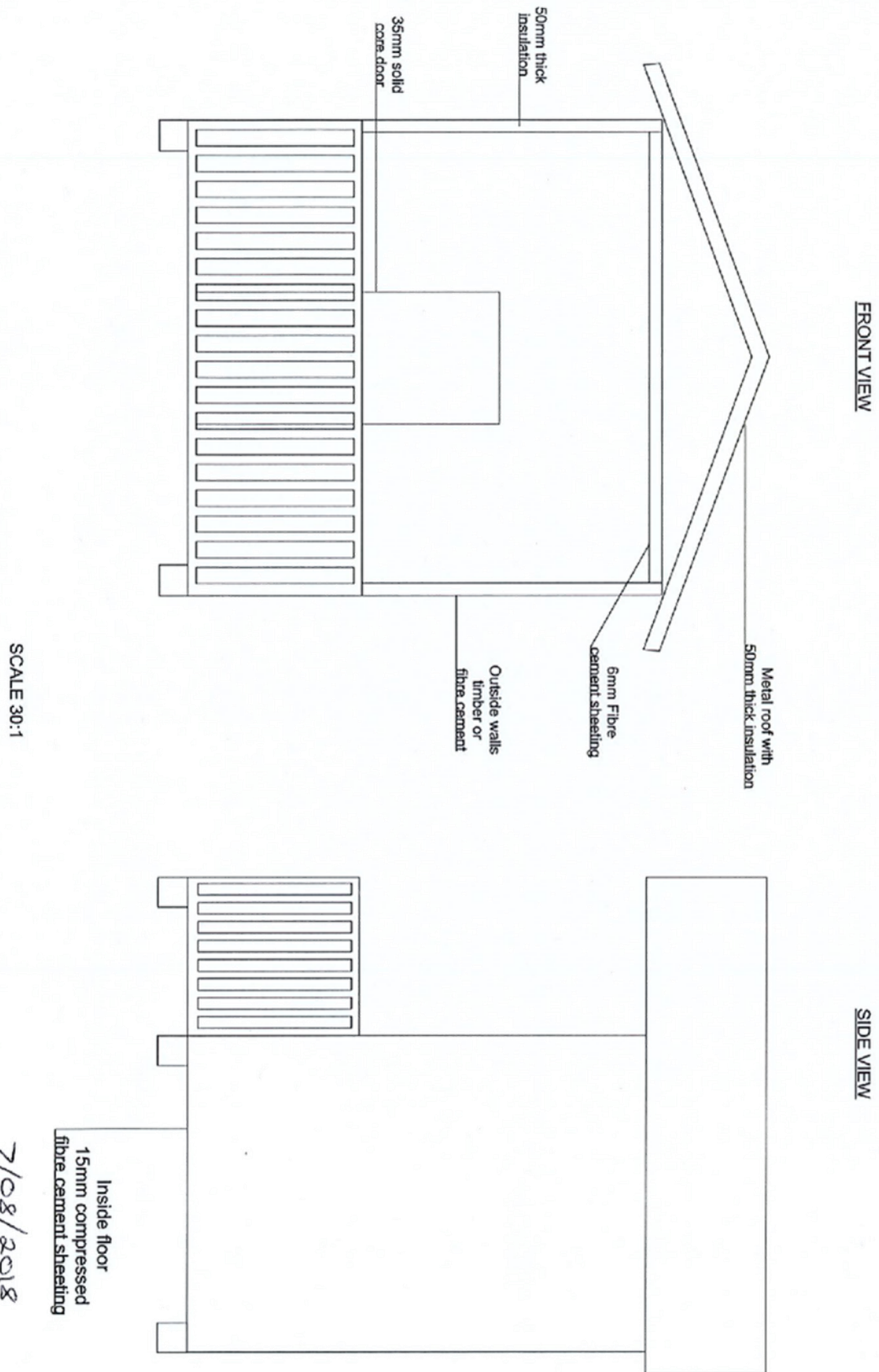
As discussed above, it is considered that the proposed kennel could operate within the defined noise quality objectives (i.e. would not result in unacceptable noise impacts on nearby residential uses) over the daytime, evening and the more noise sensitive night time period, provided an extensive set of noise attenuation measures were implemented into the design and operation of the kennel. These specific noise attenuation measures will be secured and enforced through conditions of approval.

Despite the subject site not meeting the minimum desired size of 60 hectares, it is considered that the development can be conditioned to comply with PO5.

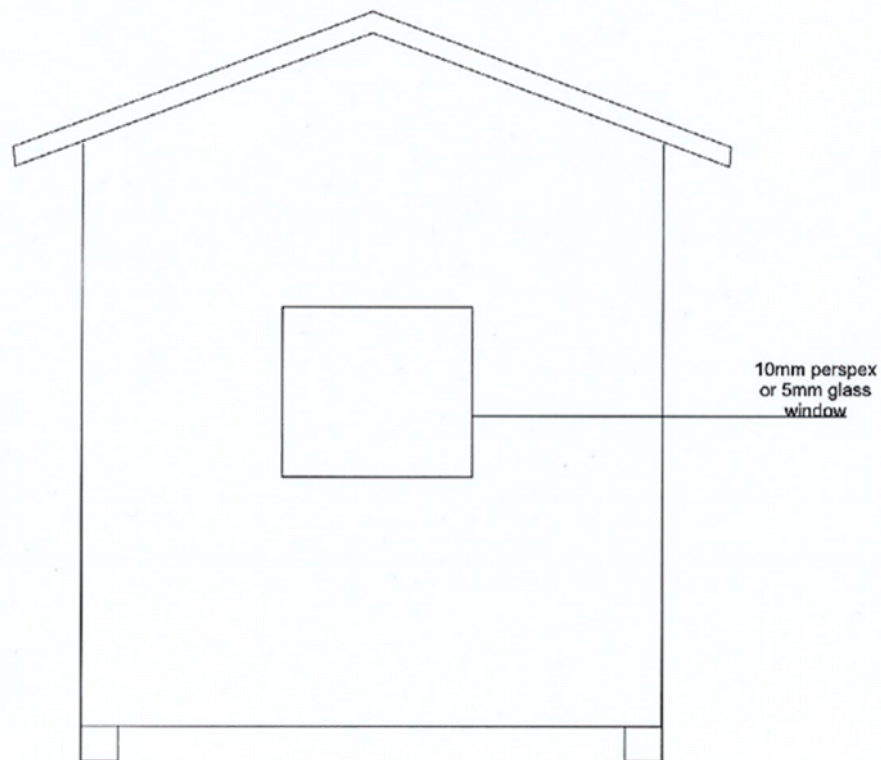
Site Plan - Proposed Boutique Kennel







REAR VIEW



SCALE 30:1

7/08/2018



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Boutique Kennel

25 Rainforest Drive, Julatten

Noise Impact Assessment

Report: 9263R02V03.docx

Prepared for:

Alicia Knudsen

23 May, 2018






Document Control

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9263R02V02	17 May, 2018	Revision – minor changes	Stephen Pugh	-
9263R02V03	23 May, 2018	Revision – minor changes	Stephen Pugh	-

Document Approval

Approver Signature	
Name	Stephen Pugh
Title	Director

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Contents

1.	Introduction	4
2.	Study Area Description	5
3.	Proposed Development	7
4.	Acoustic Criteria	8
4.1	Overview	8
4.2	Mareeba Shire Planning Scheme	8
4.3	Environmental Protection (Noise) Policy	8
4.3.1	Overview	8
4.3.2	Background Creep	8
4.3.3	Acoustic Quality Objectives	9
4.4	Criteria from Court Judgement of Other Kennels	10
5.	Acoustic Measurements	11
5.1	Attended Noise Measurement	11
5.2	Noise Logging	11
6.	Kennel Noise Assessment	14
6.1	Noise Limits	14
6.2	Noise Modelling	14
6.2.1	Model Inputs	14
6.2.2	Calculated Noise Levels from Outdoor Dogs	14
6.2.3	Calculated Noise Levels from Dogs in Kennels	16
6.2.4	Noise Barrier Requirements	17
6.3	Summary	18
7.	Recommendations & Conclusion	19

Appendices

Appendix A	Glossary	21
Appendix B	Project Drawings	22
Appendix C	Noise Contours	23



1. Introduction

ASK Consulting Engineers Pty Ltd (ASK) was commissioned by Alicia Knudsen to provide acoustic consultancy services for the proposed Boutique Kennel being constructed at 25 Rainforest Drive, Julatten.

This acoustic report is to accompany a Development Application for consideration by Mareeba Shire Council for a development permit. The application is made over land at 25 Rainforest Drive, Julatten QLD 4871, and described as Lot 10 on RP747823.

The proposed development includes 8 dog kennels and an exercise area.

The purpose of this report is as follows:

- Outline the relevant project noise criteria.
- Present the results of noise monitoring.
- Predict and assess the noise emissions from the development.
- Describe noise mitigation requirements, if any.

To aid in the understanding of the terms in this report a glossary is included in **Appendix A**.

2. Study Area Description

The proposed development is to be located at 25 Rainforest Drive, Julatten. The site location is shown in **Figure 2.1** (source: QLD Globe Aerial Photography).

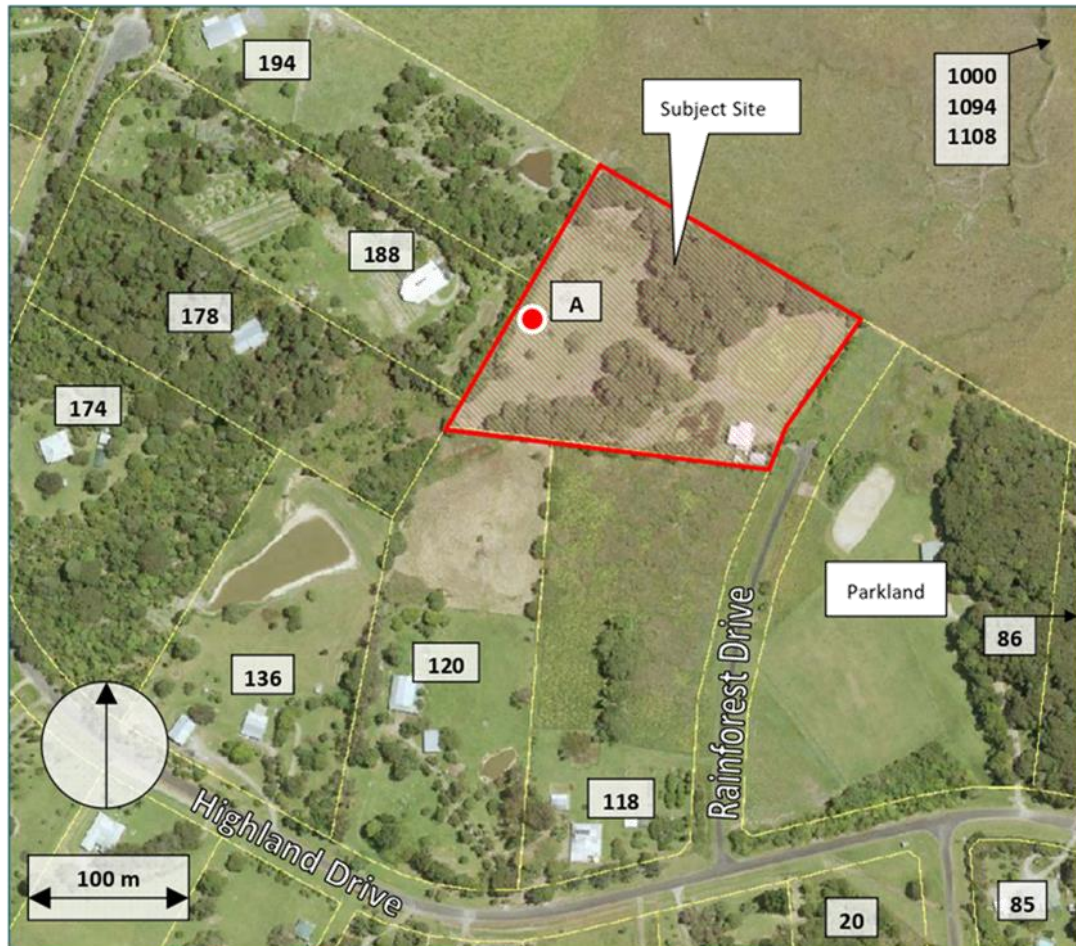


Figure 2.1 Subject Site, Noise Measurement Location A and Street Numbers of Nearby Residences

The site is currently residential property with vacant land.

The proposed development is surrounded by the following uses and premises:

- Agricultural land to the north.
- Parkland and sports field to the east.
- Residential premises to the west, south, south-east and north east, including:
 - 85, 86, 118, 120, 136, 174, 178, 188 and 194 Highland Drive.
 - 20 Windsor View Road.
 - 1000, 1094 and 1108 Mossman Mount Molloy Road.



The proposed development has the potential to create noise impacts on nearby residences due to dogs barking on site. This potential impact is required to be considered in the project design.

If predicted noise emission levels are compliant at the receivers listed above, then it is considered that all noise emission levels are compliant.

3. Proposed Development

The proposed development includes the following components:

- There are 8 chalets (i.e. kennels) and up to 10 dogs (total) onsite.
- Dogs will generally have their own individual timber chalets, although multiple related dogs could be grouped together in a kennel.
- Kennels have their own individual fenced area/balcony, and are to be rotated through a large separate outdoor run during the day.
- Dogs will be inside kennels at night with music playing.

The location of the kennels and outdoor area is included in **Figure 3.1**. The outdoor area is along the northern section of the eastern site boundary, and is to be enclosed with 2m high acoustic barriers. The extent of the area is approximately 45m long x 10m wide, and is located approximately 5 m from the northern site boundary. The barrier can include variations of +/- 1 metre to allow for step-ins, recesses or other such design features. The timber kennels are located on the western side of the outdoor area with doors facing into the outdoor area in a E/ESE direction. The kennels may be fully contained within the outdoor area, or fully excluded from the outdoor area with only their front entrance facade contained within the outdoor area.

Building plans are included in **Appendix B**, though these drawings are superseded by the recommendations of this report.

The kennel will operate 24 hours per day, and 7 days per week. Dogs will be outside kennels only within daytime hours (7am to 6pm).

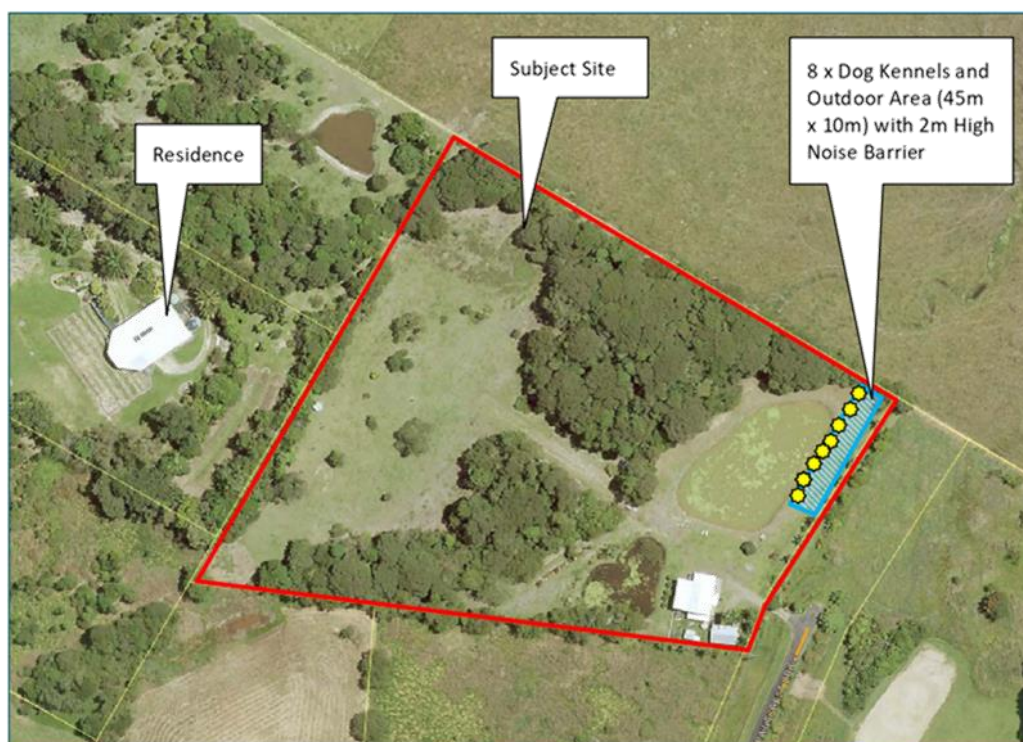


Figure 3.1 Location of Kennels and Outdoor Area (Bounded by Barrier)



4. Acoustic Criteria

4.1 Overview

The Project is located within the Mareeba Shire Council area and therefore is required to comply with the requirements of Mareeba Shire Council in addition to state legislation.

The relevant policies, guidelines and criteria to be considered include:

- Mareeba Shire Council planning scheme QPP version 4.0 (8 January 2016).
- Department of Environment and Heritage Protection (EHP) – Environmental Protection Policy (Noise), Environmental Protection Act and relevant guidelines.
- Relevant noise standards and guidelines.

4.2 Mareeba Shire Planning Scheme

The Mareeba Shire Council planning scheme QPP version 4.0 (8 January 2016) includes the following general requirements for noise:

Part 3 Strategic Framework

3.4 Natural resources and environment

3.4.8 Element – Air and noise quality

3.4.8.1 Specific outcomes

(1) The health, well-being, amenity and safety of the community and the environment is protected from the impacts of air emissions, noise and odour through appropriate management and adequate separation distances.

(2) Mareeba's major industry area accommodates uses with the potential to impact on air and acoustic qualities.

(3) Land uses which emit high level of noise, including for example motor sports, gun clubs and the like will be appropriately located and managed to mitigate acoustic impacts.

(4) Sensitive land uses are appropriately separated from areas containing or designated for activities that generate noise and air emissions.

There are other references to noise, but they appear limited to maintaining (or not detracting from) general noise amenity.

In terms of specific noise criteria, it is proposed to reference other documents including state legislation.

4.3 Environmental Protection (Noise) Policy

4.3.1 Overview

In respect of the acoustic environment, the object of the Act is achieved by the Environmental Protection (Noise) Policy 2008 (EPP (Noise)). This policy identifies environmental values to be enhanced or protected, states acoustic quality objectives, and provides a framework for making decisions about the acoustic environment.

4.3.2 Background Creep

The EPP(Noise) contains noise criteria for controlling background creep, which are to be applied “for an activity involving noise”. The criteria are as follows:



To the extent that it is reasonable to do so, noise from an activity must not be—

- (a) for noise that is continuous noise measured by $L_{A90,T}$ —more than nil dBA greater than the existing acoustic environment measured by $L_{A90,T}$; or
- (b) for noise that varies over time measured by $L_{Aeq,adj,T}$ —more than 5dBA greater than the existing acoustic environment measured by $L_{A90,T}$.

The EPP(Noise) does not define “continuous noise”, but by definition, the “continuous noise” would be required to occur for at least 90% of a measurement period (typically 15 minutes or 60 minutes). Thus this criterion could apply for equipment such as mechanical plant.

The criterion for “noise that varies over time” is appropriate for noise sources operating for less than 90% of a measurement period, and could apply to intermittent events (e.g. vehicles) or mechanical plant that does not run continuously (e.g. air-conditioning).

4.3.3 Acoustic Quality Objectives

The EPP (Noise) contains a range of acoustic quality objectives for a range of receptors. The objectives are in the form of noise levels, and are defined for various periods of the day, and use a number of acoustic parameters.

Schedule 1 of the EPP(Noise) includes the following acoustic quality objectives to be met at residential dwellings:

- Outdoors
 - Daytime and Evening: 50 dBA $L_{Aeq,adj,1hr}$, 55 dBA $L_{A10,adj,1hr}$ and 65 dBA $L_{A1,adj,1hr}$
- Indoors
 - Daytime and Evening: 35 dBA $L_{Aeq,adj,1hr}$, 40 dBA $L_{A10,adj,1hr}$ and 45 dBA $L_{A1,adj,1hr}$
 - Night: 30 dBA $L_{Aeq,adj,1hr}$, 35 dBA $L_{A10,adj,1hr}$ and 40 dBA $L_{A1,adj,1hr}$

In the DEHP EcoAccess Guideline “Planning For Noise Control” documentation it is proposed that the noise reduction provided by a typical residential building façade is 7 dBA assuming open windows. That is, with an external noise source, a 7 dBA reduction in noise levels from outside a house to inside a house is expected when windows are fully open. Thus the indoor noise objectives noted above could be converted to the following external objectives (with windows open):

- Daytime and Evening: 42 dBA $L_{Aeq,adj,1hr}$, 47 dBA $L_{A10,adj,1hr}$ and 52 dBA $L_{A1,adj,1hr}$
- Night: 37 dBA $L_{Aeq,adj,1hr}$, 42 dBA $L_{A10,adj,1hr}$ and 47 dBA $L_{A1,adj,1hr}$

A sensitive receptor is defined as “an area or place where noise is measured”.

The EPP(Noise) states that the objectives are intended to be progressively achieved over the long term. However, as this project involves the introduction of new noise sources it would seem reasonable that the acoustic quality objectives are achieved upon commencement of operation of the project, and this may be the intent of the policy. Therefore, consideration to achieving these acoustic quality objectives will be included in the design noise limits for the project.



4.4 Criteria from Court Judgement of Other Kennels

The Planning and Environment Court Judgment for a dog kennel application has been reviewed due to it including significant acoustic analysis. ASK had been involved in undertaking a peer review of a noise report for the development. The Judgment is No. 936 of 2014 relating to a kennel in Somerset Regional Council.

Part 6.8 of the Judgment includes the following noise limits:

- Average maximum noise level ($L_{max,T}$) of dogs must not exceed:
 - Day (7am to 6pm): Background noise level $L_{90,T} + 10$ dBA or 38 dBA whichever is greater
 - Evening (6pm to 10pm): Background noise level $L_{90,T} + 5$ dBA or 30 dBA whichever is greater
 - Night (10pm to 7am): Background noise level $L_{90,T} + 5$ dBA or 27 dBA whichever is greater
- Average noise level ($L_{Aeq,15mins}$) from the facility must not exceed:
 - Day (7am to 6pm): Background noise level $L_{90,T} + 3$ dBA or 35 dBA whichever is greater
 - Evening (6pm to 10pm): Background noise level $L_{90,T} + 3$ dBA or 30 dBA whichever is greater
 - Night (10pm to 7am): Background noise level $L_{90,T} + 0$ dBA or 25 dBA whichever is greater

In the DA noise report for the development the average minimum background noise levels were reported as 27, 26 and 22 dBA $L_{90,15min}$ for the day, evening and night periods respectively. It is likely that these levels, or similar, were used to establish the absolute $L_{max,T}$ limits noted above in the Judgment.

The above criteria will generally be adopted for this project, with some adaptation where deemed appropriate.

It is noted that the proposed noise limits are more stringent than the EPP(Noise) Background Creep Limits in **Section 4.3.2** and significantly more stringent than the EPP(Noise) Acoustic Quality Objectives outlined in **Section 4.3.3**.



5. Acoustic Measurements

Acoustic measurements consisted of an attended noise measurement and noise logging. The noise measurement location is shown in **Figure 2.1**. The noise monitoring was undertaken in general accordance with Australian Standard AS1055 Acoustics – Description and measurement of environmental noise and the EHP Noise Measurement Manual 2013.

5.1 Attended Noise Measurement

An attended noise measurement was undertaken at Location A as shown on **Figure 2.1**. Location A was located midway along the western boundary of the site.

The measurement was undertaken at 3:30pm on Thursday 1st February 2018 over a 15 minute period using a field and laboratory calibrated Norsonic NOR140 sound level meter. The microphone height was approximately 1.3m above natural ground level and was located in the free field. Weather during the time of monitoring was fine, warm/hot, 30% cloud cover, with a slight breeze at approximately 0 to 3 m/s.

The measured noise levels are summarised in **Table 5.1**.

Table 5.1 Attended Noise Measurement Results

Location	Date & Time	Period (Minutes)	Results & Notes
A	3:30pm 01/02/2018	15	Statistical noise levels: L_{10} 57 dBA, L_{eq} 53 dBA, L_{90} 42 dBA Insects 48, 49, 56, 50, 53, 54 dBA Birds 49, 51, 51, 51, 58, 56, 55, 59 dBA Distant airplane barely audible Distant car engine approximately 40 dBA

Note: * The reported noise levels, excluding the statistical noise levels, are the instantaneous levels read from the sound level meter, and generally represent the range in noise levels or maximum noise levels for a particular noise source.

5.2 Noise Logging

Noise logging was undertaken at Location A as shown on **Figure 2.1**. Logging was undertaken from 3:45pm Thursday 1st February to 11:45am Thursday 8th February 2018 using a field and laboratory calibrated Larson Davis LD831 environmental noise logger. Noise logging was undertaken in the free field.

Data from the Bureau of Meteorology (Cairns) indicates that weather during the monitoring period was generally fine and warm, but with significant rainfall on Tuesday 6th February 2018.

The measured noise levels and rainfall (millimetres) are shown in **Figure 5.1**. The background noise level (L_{90}) data in this figure has been filtered for insect noise by removing the noise level contribution of the 4 kHz and 8 kHz octave bands.

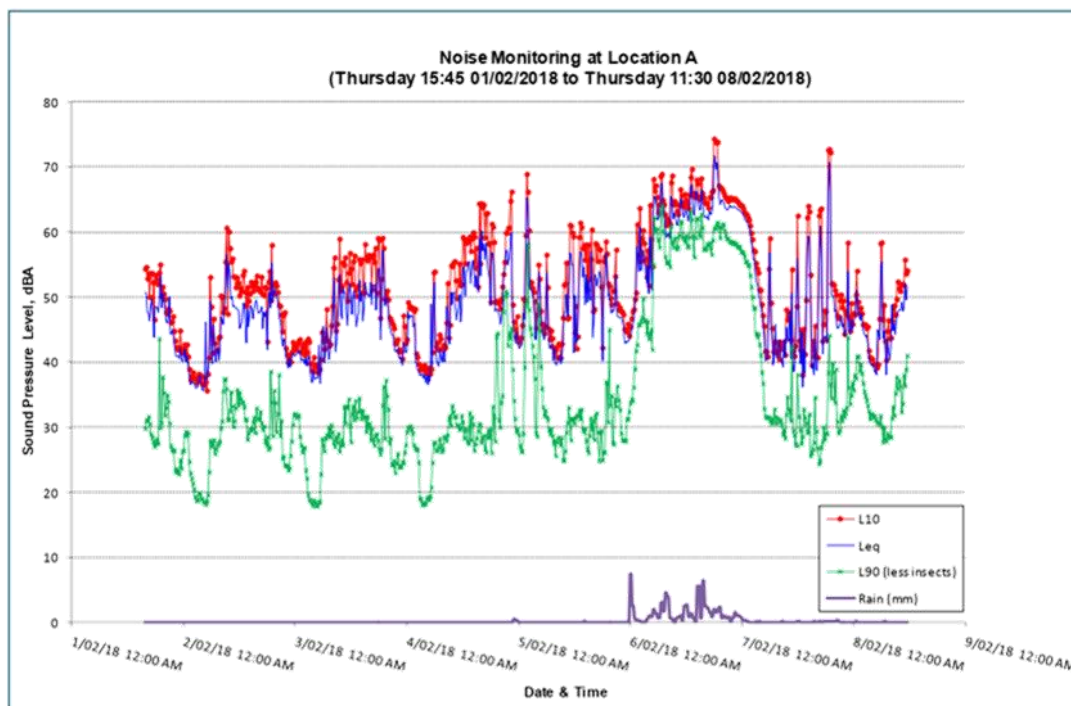


Figure 5.1 Graph of Noise Logging Results at Location A

From the noise logging the statistical results have been summarised in **Table 5.2**.

Table 5.2 Statistical Noise Levels at Location A

Parameter	Noise Levels dBA [Maximum-Top 10%-(Average)-Bottom 10%-Minimum]		
	Day	Evening	Night
L_{max}	79-70-(63)-58-48	77-69-(61)-54-46	74-67-(58)-46-42
L_1	73-66-(58)-49-44	76-67-(56)-49-44	70-64-(51)-41-38
L_{10}	70-64-(53)-43-38	74-66-(54)-47-42	69-63-(48)-39-36
L_{eq}	67-62-(50)-41-36	72-64-(51)-44-40	68-61-(46)-38-36
L_{90}	65-59-(40)-34-31	63-62-(47)-39-34	65-57-(43)-35-34
L_{eq} (less insects)	67-62-(50)-41-36	72-64-(51)-44-40	68-61-(46)-38-36
L_{90} (less insects)	63-58-(35)-27-24	62-59-(36)-26-23	64-51-(33)-19-18

The background noise level was effected by insect noise. As the insect noise is likely a seasonal influence, the noise level data has been filtered to remove the insect noise. The resulting background noise levels calculated using the lowest 10th percentile method are shown in **Table 5.3**.

**Table 5.3 Background Noise Levels (Measured and with Insect Noise Removed) at Location A**

Period	Measured Background Noise Level L ₉₀ dBA	Filtered (Less Insect Noise) Background Noise Level L ₉₀ dBA
Day (7am to 6pm)	34	27
Evening (6pm to 10pm)	39	25
Night (10pm to 7am)	35	18

From the results above the following comments are made:

- The dominant noise was insects and birds. Due to the wet period, it is likely that frog noise was also dominant at times.
- When insect noise is filtered from the data, the background noise levels are low, and typical of rural residential properties.



6. Kennel Noise Assessment

6.1 Noise Limits

Based on the background noise level in **Table 5.3** (less insects) and the noise criteria in **Section 4.4**, the calculated noise limits are as follows in **Table 6.1**.

Table 6.1 Project Noise Limits

Time Period	Background Noise Level (less insects) $L_{90,15mins}$ dBA	Average Maximum Noise Level Limit $L_{max,T}$ dBA	Average Noise Level Limit $L_{eq,15mins}$ dBA
Day (7am to 6pm)	27	37	35
Evening (6pm to 10pm)	25	30	30
Night (10pm to 7am)	18	23	25

It is proposed that the maximum noise level be assessed based on the sound power level of a single dog barking, and the average noise limit be assessed based on the sound power level of 5 dogs barking simultaneously (i.e. 50% of the total 10 dogs proposed).

6.2 Noise Modelling

6.2.1 Model Inputs

A model of the kennels has been setup using the SoundPLAN v7.4 modelling software. The model includes the existing terrain, and the following sound power levels for barking dogs:

- Maximum sound power level ($L_{w,max}$)
 - Large dog : 108 dBA¹
 - Medium dog: 104 dBA (estimate)
 - Small dog: 100 dBA¹
- Average sound power level ($L_{w,eq}$)
 - Large dog: 101 dBA
 - Medium dog: 97 dBA
 - Small dog: 93 dBA

The model includes 2m high solid and continuous barrier to the four sides of the kennel facility.

6.2.2 Calculated Noise Levels from Outdoor Dogs

The predicted noise levels from dogs in the outdoor yard are as follows in **Table 6.2**. The outdoor yard is only used in the daytime (7am to 6pm) and thus the noise levels are only assessed against daytime noise criteria.

Noise contours for the L_{max} noise levels with medium dogs are included in **Figure C.1** in **Appendix C**.

¹ 2013 Rondebush Pty Ltd. Proposed Boarding Kennels, Lowood – Noise Assessment, LHK-R1-310813

**Table 6.2** Calculated Noise Levels from Outdoor Dogs (Daytime Only)

Receiver	Average Maximum Noise Level Limit $L_{max,T}$ dBA			Average Noise Level Limit $L_{eq,15mins}$ dBA		
	Large dog	Medium dog	Small dog	Large dogs x 5	Medium dogs x 5	Small dogs x 5
LIMITS	37			35		
20 Windsor View Road	33	29	25	31	27	23
20 Windsor View Road	35	31	27	33	29	25
85 Highland Drive	33	29	25	32	28	24
85 Highland Drive	35	31	27	34	30	26
86 Highland Drive	30	26	22	29	25	21
86 Highland Drive	33	29	25	32	28	24
118 Highland Drive	40	36	32	38	34	30
118 Highland Drive	41	37	33	38	34	30
120 Highland Drive	39	35	31	36	32	28
120 Highland Drive	39	35	31	37	33	29
136 Highland Drive	37	33	29	35	31	27
136 Highland Drive	38	34	30	35	31	27
174 Highland Drive	28	24	20	27	23	19
174 Highland Drive	28	24	20	27	23	19
178 Highland Drive	32	28	24	32	28	24
178 Highland Drive	33	29	25	32	28	24
178 Highland Drive	33	29	25	33	29	25
178 Highland Drive	33	29	25	33	29	25
188 Highland Drive	39	35	31	38	34	30
188 Highland Drive	40	36	32	38	34	30
188 Highland Drive	40	36	32	39	35	31
188 Highland Drive	41	37	33	39	35	31
194 Highland Drive	32	28	24	30	26	22
194 Highland Drive	32	28	24	31	27	23
1000 Mossman Mount Molloy Road	23	19	15	22	18	14
1000 Mossman Mount Molloy Road	24	20	16	23	19	15
1094 Mossman Mount Molloy Road	25	21	17	25	21	17
1094 Mossman Mount Molloy Road	26	22	18	26	22	18
1108 Mossman Mount Molloy Road	25	21	17	24	20	16
1108 Mossman Mount Molloy Road	26	22	18	25	21	17

From **Table 6.2** it can be seen that noise levels are acceptable at all receivers with small and medium dogs. With large dogs, the noise levels are excessive at some nearby residences.

Based on the above results, it is proposed to limit the kennels to small and medium dogs. There is no detailed data on noise levels for specific dog breeds or specific sizes, but rather the noise levels are calculated based on averaged noise levels. From a review of online literature regarding dog sizes, it is proposed to limit dogs to those up to 30 kg in weight.



6.2.3 Calculated Noise Levels from Dogs in Kennels

In the evening and night dogs will be locked into kennels. The kennels are to be acoustically treated to minimise noise emissions during the particularly noise sensitive night period. The kennel construction drawings are included in **Appendix B**, and construction is as follows:

- Dimensions: Approximately 3m x 3m floor, with enclosed area approximately 3m x 2m, and the remainder being deck. The deck side is to face into the fenced outdoor area.
- Walls: weatherboard (timber or fibre cement) cladding, minimum 50mm glasswool insulation, 6mm fibre cement internal sheeting.
- Floor: 15mm compressed fibre cement sheeting.
- Roof: metal roof sheeting (e.g. corrugated Colorbond roof), minimum 50mm thick Anticon or glasswool insulation, 6mm fibre cement ceiling.
- Door: minimum 35mm thick solid core door facing into the dog outdoor area. The door is to include minimal gaps so as to minimise acoustic leakage. If a half/dutch/stable door is proposed, then the join is to be either rebated or include a cover strip to minimise noise leakage.
- Windows: minimum 5mm thick glass or 10mm thick Perspex. Windows are to remain closed in the evening and night.
- Ventilation: the ventilation is not to compromise the acoustic performance of the kennel building envelope. Suitable ventilation could consist of (maximum) 300x300 metal ducts with 25mm internal acoustic lining to a 1 metre length. An duct could be added at the lower wall of the kennel, and a second exhaust duct with fan at the roof/ceiling of the kennel. Alternative designs would be possible, but should be approved by an acoustic consultant. The ventilation is to be protected from the dog, and may require a solid cover to prevent air flow in cooler months. Note: the kennel management plan may include air change requirements.
- Absorption: An area of 2m² of acoustically absorptive product (minimum NRC 0.65) is to be included into the room (e.g. 50mm insulation covered by perforated foil/steel/fibre cement/fabric, proprietary acoustic product (e.g. megasorber, stratocell whisper) or similar). The absorption should be added to upper wall areas or ceiling to avoid damage by dogs.
- General: The kennel is not to include any other penetrations, gaps or holes that would compromise the acoustic performance of the above building elements. For example, lighting should be surface mounted and not cut into the ceiling/wall.

The predicted noise levels from dogs in the kennels are as follows in **Table 6.3**. Noise contours for the L_{max} noise levels with medium dogs are included in **Figure C.2** in **Appendix C**.

The kennels could be used in the daytime, evening or night. Noise emissions are compared against the most stringent limits, being those imposed at night.

From **Table 6.3** it can be seen that noise levels are acceptable at all receivers, for dogs of all sizes.

**Table 6.3** Calculated Noise Levels from Dogs in Kennels

Receiver	Average Maximum Noise Level Limit $L_{max,T}$ dBA			Average Noise Level Limit $L_{eq,15mins}$ dBA		
	Large dog	Medium dog	Small dog	Large dogs x 5	Medium dogs x 5	Small dogs x 5
LIMITS	23			25		
20 Windsor View Road	14	10	6	13	9	5
20 Windsor View Road	14	10	6	13	9	5
85 Highland Drive	16	12	8	15	11	7
85 Highland Drive	16	12	8	15	11	7
86 Highland Drive	11	7	3	10	6	2
86 Highland Drive	13	9	5	12	8	4
118 Highland Drive	18	14	10	16	12	8
118 Highland Drive	20	16	12	17	13	9
120 Highland Drive	17	13	9	15	11	7
120 Highland Drive	17	13	9	16	12	8
136 Highland Drive	14	10	6	14	10	6
136 Highland Drive	15	11	7	14	10	6
174 Highland Drive	5	1	0	4	0	0
174 Highland Drive	8	4	0	6	2	0
178 Highland Drive	13	9	5	11	7	3
178 Highland Drive	13	9	5	12	8	4
178 Highland Drive	13	9	5	12	8	4
178 Highland Drive	14	10	6	13	9	5
188 Highland Drive	20	16	12	18	14	10
188 Highland Drive	21	17	13	19	15	11
188 Highland Drive	22	18	14	19	15	11
188 Highland Drive	22	18	14	19	15	11
194 Highland Drive	11	7	3	9	5	1
194 Highland Drive	13	9	5	11	7	3
1000 Mossman Mount Molloy Road	3	0	0	3	0	0
1000 Mossman Mount Molloy Road	5	1	0	4	0	0
1094 Mossman Mount Molloy Road	7	3	0	6	2	0
1094 Mossman Mount Molloy Road	8	4	0	8	4	0
1108 Mossman Mount Molloy Road	7	3	0	5	1	0
1108 Mossman Mount Molloy Road	8	4	0	6	2	0

6.2.4 Noise Barrier Requirements

The noise barrier in **Figure 3.1** may be constructed in accordance with a number of alternative designs including via timber, brick, concrete block, sheet metal or earth mound.

The solid walls of the dog kennels can form part of the noise barrier, as long as the wall is solid from ground level to 2m above ground. If the dog kennels are to be raised off the ground, then the area between the dog kennel floor and ground is to consist of a noise barrier.

The noise barrier may comprise a combination of an earth mound or crib lock wall and a timber fence on top. A solid timber barrier with overlapping palings is usually the most economical. The minimum acoustic requirement of the noise barrier is that it be solid and continuous with negligible holes and gaps between

palings or panels or near the ground. The barrier is to be constructed with a material with minimum mass of 12.5 kg/m^2 or minimum acoustic rating of $R_w 23$. The mass requirement is achieved with the construction detail options in **Figure 6.1**.

Barrier Construction Requirements		Overlapped CCA Treated Pine Timber Palings - dimensions		Density (kg/m^2): 12.5
Material	Thickness (mm)			
Fibre cement	8.3			
Compressed fibre cement	6.6			
steel	1.6			
concrete block (hollow)	6.9			
hebel powerpanel	20.8			
glass	5.1			
plywood	22.3			
aluminium	4.3			
perspex	10.5			

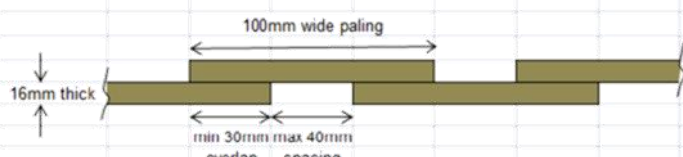


Figure 6.1 Noise Barrier Construction Options (12.5 kg/m^2)

6.3 Summary

Based on the above results, it is proposed to limit the kennels to small and medium dogs, i.e. those up to 30 kg in weight. Kennels are to meet the construction and ventilation requirements of **Section 6.2.3**.

If there are other shelter structures in the dog outdoor area, e.g. communal dog area. Then it is required that the underside of the shelter roof be lined with minimum 50mm thick insulation with a perforated foil facing. The intent of this insulation is to minimise noise reflecting off the roof and over the surrounding noise barrier.



7. Recommendations & Conclusion

It is considered that noise emissions from the proposed kennel facility would be compliant with the following requirements:

- A 2m high noise barrier is to be constructed around the kennel outdoor area as per **Figure 3.1** and the construction details in **Section 6.2.4**. Any gates in the barrier are also to meet the acoustic requirements. The extent of the area is approximately 45m long x 10m wide, and is located approximately 5 m from the northern site boundary. The barrier can include variations of +/- 1 metre to allow for step-ins, recesses or other such design features.
- The timber kennels are located on the western side of the outdoor area with doors facing into the outdoor area in an E/ESE direction. The kennels may be fully contained within the outdoor area, or fully excluded from the outdoor area with only their front entrance facade contained within the outdoor area.
- The solid walls of the dog kennels can form part of the noise barrier, as long as the wall is solid from ground level to 2m above ground. If the dog kennels are to be raised off the ground, then the area between the dog kennel floor and ground is to consist of a noise barrier.
- Kennels are to be limited to housing small and medium sized dogs up to 30 kg in weight. This is to reduce the average dog barking noise level.
- In the evening and night dogs will be locked into kennels.
- The kennel construction drawings are included in **Appendix B**, and construction is as follows:
 - Dimensions: Approximately 3m x 3m floor, with enclosed area approximately 3m x 2m, and the remainder being deck. The deck side is to face into the fenced outdoor area.
 - Walls: weatherboard (timber or fibre cement) cladding, minimum 50mm glasswool insulation, 6mm fibre cement internal sheeting.
 - Floor: 15mm compressed fibre cement sheeting.
 - Roof: metal roof sheeting (e.g. corrugated Colorbond roof), minimum 50mm thick Anticon or glasswool insulation, 6mm fibre cement ceiling.
 - Door: minimum 35mm thick solid core door facing into the dog outdoor area. The door is to include minimal gaps so as to minimise acoustic leakage. If a half/dutch/stable door is proposed, then the join is to be either rebated or include a cover strip to minimise noise leakage.
 - Windows: minimum 5mm thick glass or 10mm thick Perspex. Windows are to remain closed in the evening and night.
 - Ventilation: the ventilation is not to compromise the acoustic performance of the kennel building envelope. Suitable ventilation could consist of (maximum) 300x300 metal ducts with 25mm internal acoustic lining to a 1 metre length. An duct could be added at the lower wall of the kennel, and a second exhaust duct with fan at the roof/ceiling of the kennel. Alternative designs would be possible, but should be approved by an acoustic consultant. The ventilation is to be protected from the dog, and may require a solid cover to prevent air flow in cooler months. Note: the kennel management plan may include air change requirements.
 - Absorption: An area of 2m² of acoustically absorptive product (minimum NRC 0.65) is to be included into the room (e.g. 50mm insulation covered by perforated foil/steel/fibre cement/fabric, proprietary acoustic product (e.g. megasorber, stratocell whisper) or similar). The absorption should be added to upper wall areas or ceiling to avoid damage by dogs.
 - General: The kennel is not to include any other penetrations, gaps or holes that would compromise the acoustic performance of the above building elements. For example, lighting should be surface mounted and not cut into the ceiling/wall.



- If there are other shelter structures in the dog outdoor area, e.g. communal dog area. Then it is required that the underside of the shelter roof be lined with minimum 50mm thick insulation with a perforated foil facing. The intent of this insulation is to minimise noise reflecting off the roof and over the surrounding noise barrier.
- It is recommended that kennel drawings be signed off by an acoustic consultant prior to construction to confirm acceptability.
- The kennel should include a management plan, and the aforementioned Court Judgment includes significant detail which should be considered where appropriate. The management plan would likely address owner-operator responsibilities, kennel staff, animal husbandry, and housing.



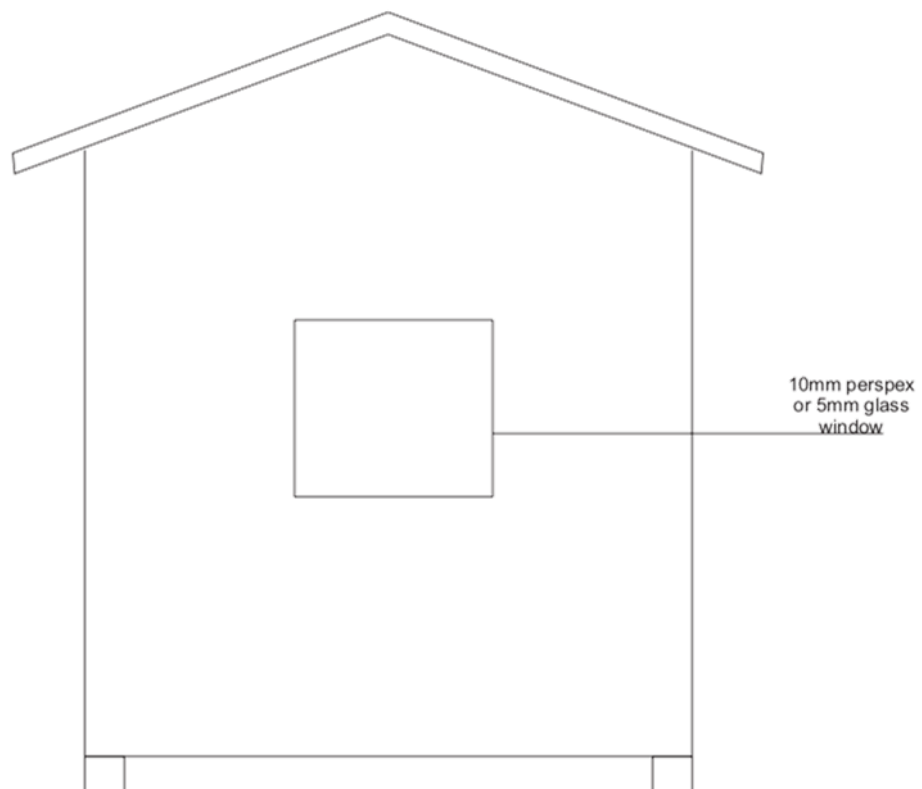
Appendix A Glossary

Parameter or Term	Description
dB	The decibel (dB) is the unit measure of sound. Most noises occur in a range of 20 dB (quiet rural area at night) to 120 dB (nightclub dance floor or concert).
dBA	Noise levels are most commonly expressed in terms of the 'A' weighted decibel scale, dBA. This scale closely approximates the response of the human ear, thus providing a measure of the subjective loudness of noise and enabling the intensity of noises with different frequency characteristics (e.g. pitch and tone) to be compared.
Day	The period between 7am and 6pm.
Evening	The period between 6pm and 10pm.
Night	The period between 10pm and 7am.
Free-field	The description of a noise receiver or source location which is away from any significantly reflective objects (e.g. buildings, walls).
L_1	The noise level exceeded for 1% of the measurement period.
L_{10}	The noise level exceeded for 10% of the measurement period. It is sometimes referred to as the average maximum noise level.
L_{90}	The noise level exceeded for 90% of the measurement period. This is commonly referred to as the background noise level.
L_{eq}	The equivalent continuous sound level, which is the constant sound level over a given time period, which is equivalent in total sound energy to the time-varying sound level, measured over the same time period.
$L_{eq,1\text{hour}}$	As for L_{eq} except the measurement intervals are defined as 1 hour duration.
L_{max}	Maximum A-weighted sound pressure level.
$L_{eq}(24\text{ hour})$	The average L_{eq} noise level over the 24-hour period from midnight to midnight.
$L_{10}(18\text{ hour})$	The arithmetic average of the one-hour L_{10} values between 6am and midnight. This parameter is used in the assessment of road traffic noise.
R_w	Weighted Sound Reduction Index – is a single number evaluation of the property of a partition to attenuate sounds. For the majority of partitions, the value of R_w will be similar to the value for STC. Partitions with particularly poor performance at 100 Hz may have lower values for R_w than for STC. Conversely, partitions with poor performance at 4000 Hz may have higher R_w than for STC. (As per AS1276.1-1999).
Habitable Rooms	According to the "Building Code of Australia" a Habitable Room is: "a room used for normal domestic activities and Includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, home theatre, and sunroom, but Excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods."

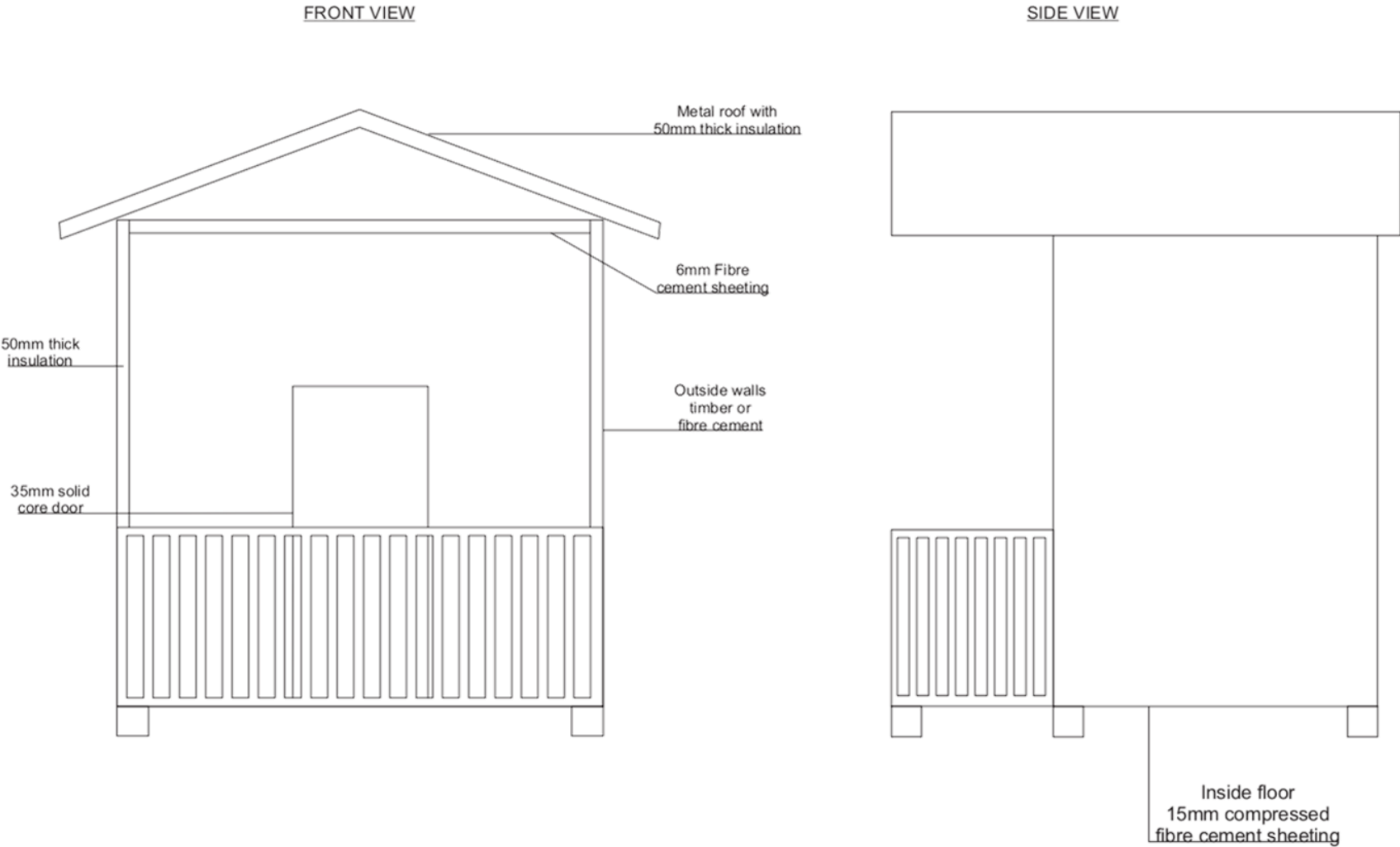


Appendix B Project Drawings

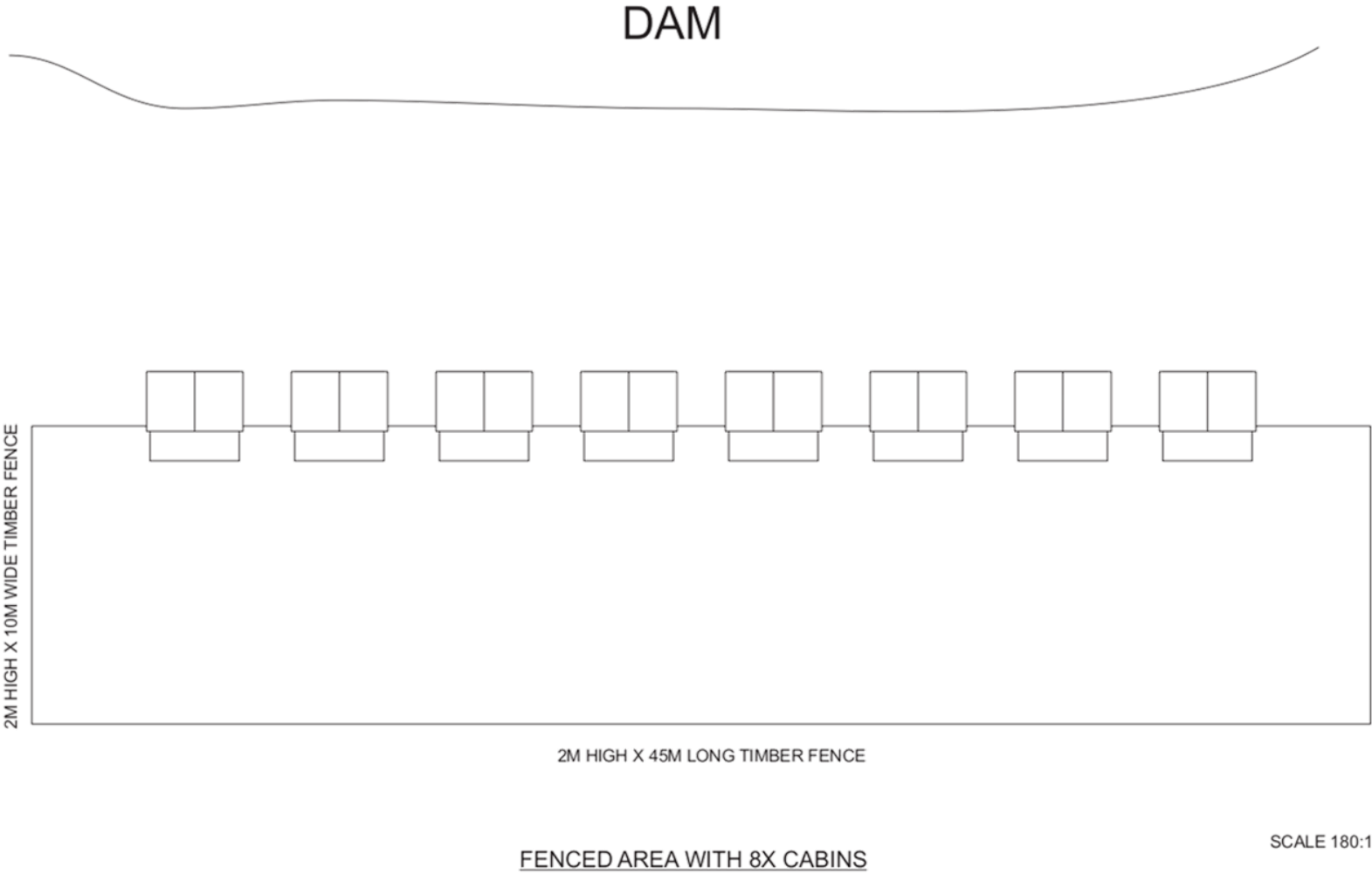
REAR VIEW



SCALE 30:1

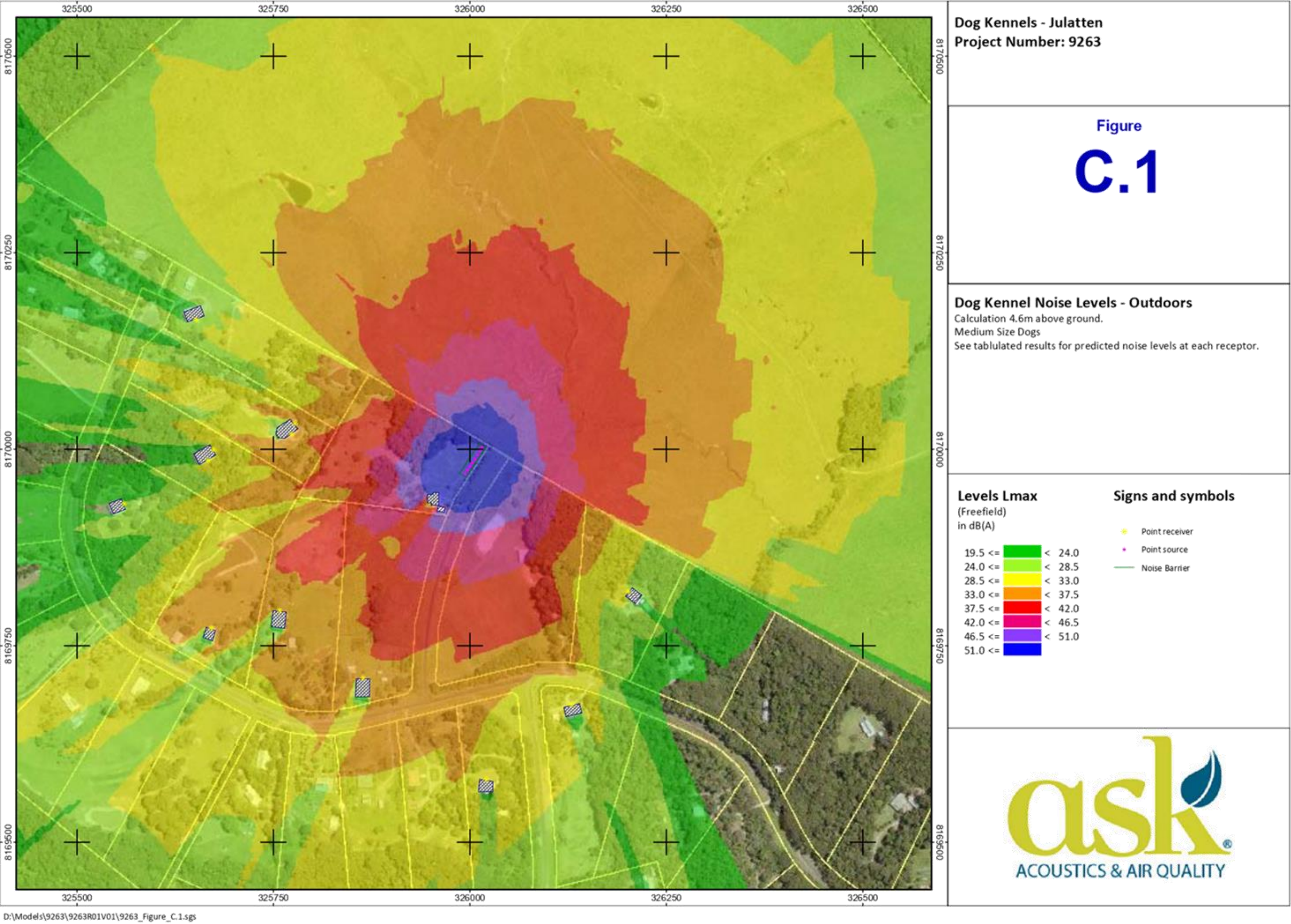


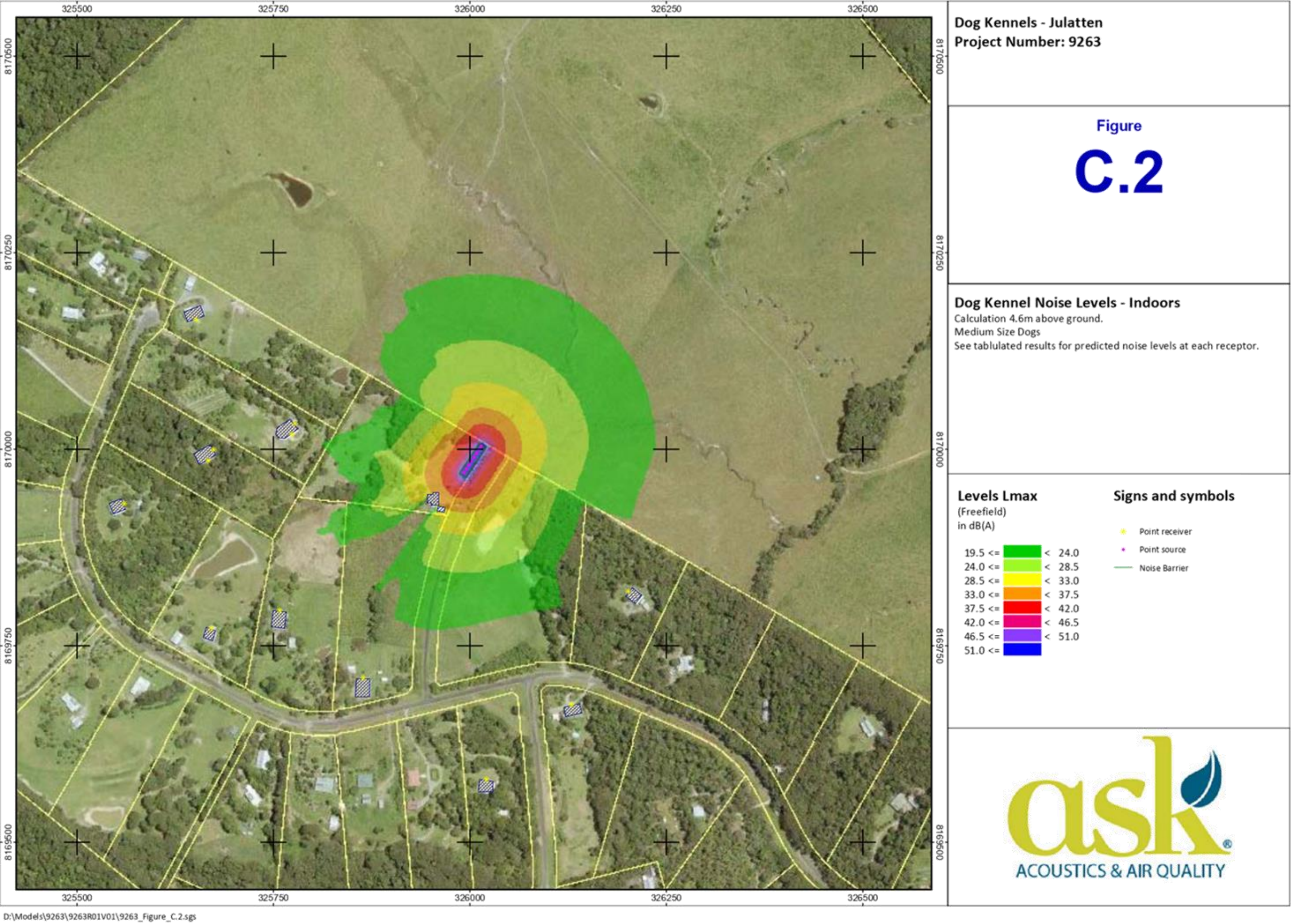
SCALE 30:1





Appendix C Noise Contours





8.2 T & L MARSTERSON – MATERIAL CHANGE OF USE - TOURIST PARK (74 PERSONS MAXIMUM), ANIMAL KEEPING (STABLES/AGISTMENT) AND OUTDOOR SPORT & RECREATION - LOT 3 ON RP708286 - 548 MCGRATH ROAD, MAREEBA - DA/17/0034

Date Prepared: 9 October 2018

Author: Senior Planner

Attachments:

1. Proposal Plans [↓](#)
2. Department of State Development, Infrastructure, Local Government and Planning Third Party Advice - 24 October 2017 [↓](#)
3. Submitter Letter [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	T & L Marsterson	ADDRESS	548 McGrath Road, Mareeba
DATE LODGED	30 June 2017	RPD	Lot 3 on RP708286
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Tourist Park (74 persons maximum), Animal Keeping (Stables/Agistment) and Outdoor Sport & Recreation		

FILE NO	DA/17/0034	AREA	45.388 hectares
LODGED BY	Freshwater Planning Pty Ltd	OWNER	T & L Marsterson
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	One (1)		

EXECUTIVE SUMMARY

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

The application is impact assessable and one (1) properly made submissions were received in response to public notification of the application.

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

The key issue of the proposed development is the adequacy of the relevant section of McGrath Road, in particular the railway level crossing at Biboohra. Queensland Rail have recommended the asphalt sealing of this level crossing prior to the commencement of the development.

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

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

OFFICER'S RECOMMENDATION

It is recommended that:

1. In relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	T & L Marsterson	ADDRESS	548 McGrath Road, Mareeba
DATE LODGED	30 June 2017	RPD	Lot 3 on RP708286
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Tourist Park (74 persons maximum), Animal Keeping (Stables/Agistment) and Outdoor Sport & Recreation		

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

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

And

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

- (A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Tourist Park (74 persons maximum), Animal Keeping (Stables/Agistment) and Outdoor Sport & Recreation

- (B) APPROVED PLANS:

• Plan/Document Number	• Plan/Document Title	• Prepared by	• Dated
• DA01 A Sheet 1 of 2	• Proposed Development - Tourist Park & Outdoor Sport and Recreation	• Freshwater Planning Pty Ltd	• May 2017
• DA01 A Sheet 2 of 2	• Proposed Development - Tourist Park & Outdoor Sport and Recreation	• Freshwater Planning Pty Ltd	• May 2017

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

- (a) Development assessable against the Planning Scheme

1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.
2. Timing of Effect
 - 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
 - 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
3. General
 - 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure within the conditions of approval.
 - 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
 - 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
 - 3.4 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.
 - 3.5 Noise Nuisance

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

Guests are not permitted to play amplified music of any kind.

3.6 Waste Management

The applicant shall ensure there is no on site disposal of refuse associated with the approved use unless such refuse is disposed of in refuse bins provided in accordance with the following:

- (i) No refuse is to be stored on site outside the refuse bins at any time.
- (ii) An on-site refuse storage area for all refuse bins must be provided and be screened from view from adjoining properties and road reserve by a one (1) metre wide landscaped screening buffer, 1.8m high solid fence or building.

Lids or coverings must be installed on all refuse storage bins when not in use to prevent wildlife scavenging.

3.7 Bushfire Management

3.7.1 A Bushfire Management Plan, incorporating evacuation procedures, campfire guidelines and fire break/trail maintenance for the tourist park must be prepared to the satisfaction of Council's delegated officer. The approved use must comply with the requirements of the Management Plan at all times.

3.7.2 The applicant must ensure any open fires are appropriately managed and contained.

3.8 Flood Evacuation Plan

The applicant shall prepare a flood evacuation plan for the tourist park. A copy of the flood evacuation plan must be given to each guest upon arrival at the tourist park.

3.9 Signage

3.9.1 No more than one (1) advertising sign for the approved development is permitted on the subject site.

3.9.2 The sign must not exceed a maximum sign face area of 6m² and must not move, revolve, strobe or flash.

3.9.3 The sign must be kept clean, in good order and safe repair for the life of the approval.

3.9.4 The sign must be removed when no longer required.

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

- 3.10 The maximum length of stay for any caravan/motorhome must not exceed five (5) consecutive days.
- 3.11 The tourist park must only accommodate self contained caravans and motor homes. Self contained caravans and motor homes must have an onboard toilet and shower, onboard water supply and wastewater holding tanks.
- 3.12 Notification of Potential Rural Zone Impacts

The applicant is to erect a sign at or near the tourist park entry advising guests that the subject land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is in a rural locality. The signage should generally state the following:

"Guest should take note:

- *The locality may be used for intensive rural uses;*
- *Guests may experience off site effects from rural activities, including noise, sprays and dust that may cause a loss of residential amenity. Existing and/or self-assessable agricultural and rural uses in the locality have a 'right to farm' or a right to legally continue the use."*

4. Infrastructure Services and Standards

4.1 Access

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

4.2. Occupational railway crossing

The existing occupational railway crossing (ID: 1839) of the Tablelands Branch located south of the subject site and providing access to the Mulligan Highway is not approved for use by the development.

The railway manager (Queensland Rail) has advised that as this crossing is a private crossing no public access to the development is permitted.

4.3 McGrath Road

- 4.3.1 The railway level crossing of the Tablelands Branch at McGrath Road (ID: 1838) must be sealed with asphaltic concrete or similar material which must extend over the crossing and for a minimum distance of

10m from the outer rail track (edge running rail) on each side of the crossing, to the satisfaction of Council's delegated officer.

4.3.2 Prior to the commencement of Stage 3, a single coat dust seal must be provided on McGrath Road for the full frontage of Lot 1 on RP734862 (approximately 91 metres), to the satisfaction of Council's delegated officer.

4.3.3 The reasonable value, as agreed by Council's delegated officer, of work required under Condition 4.3.1 and 4.3.2, will be credited towards the infrastructure contribution payable under Condition 5.2.

4.4 Stormwater Drainage/Water Quality

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

4.4.2 Prior to the development commencing, the applicant must develop a Stormwater Quality Management Plan, including an Erosion and Sediment Control Plan. The plan must detail what measures will be implemented to prevent erosion in the event the surface of the tourist park area deteriorates due to wet weather and/or high traffic.

4.4.3 (a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor.

(b) Any works on the land must not:

- i. create any new discharge points for stormwater runoff onto the railway corridor;
- ii. interfere with and/or cause damage to the existing stormwater drainage on the railway corridor;
- iii. surcharge any existing culvert or drain on the railway corridor;
- iv. reduce the quality of stormwater discharge onto the railway corridor.

4.4.4 The applicant/developer must ensure that the Stormwater Quality Management Plan is complied with for the life of the development.

4.5 Car Parking/Internal Driveways

4.5.1 All car parking associated with the approved use must be accommodated within the subject land (Lot 3 on RP708286).

- 4.5.2 All internal access roads used as part of the approved use must be constructed to a four (4) metre wide all weather compacted gravel standard, prior to the commencement of the use.

The internal access roads must be maintained at this standard for the life of the development.

4.6 Lighting

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

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

4.7 Non-Reticulated Water Supply

All non-potable water supplied to park visitors must be clearly labelled at each tap - Non Potable Water - not safe for Human Consumption.

In the event that the motor home park is provided with a potable water supply, it must be treated so as to be potable (safe for drinking in accordance with National Health Medical Research Guidelines).

4.8 On-Site Wastewater Management

- 4.8.1 All on site effluent disposal associated with the approved uses must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.
- 4.8.2 No black or grey water from caravans/motorhomes is to be discharged on site.
- 4.8.3 Any accidental discharge of black or grey water on site must be reported to Council immediately.

5. Additional Payment Condition

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 \$9,170.00 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.

A credit will be applied towards this contribution in accordance with Condition 4.3.3.

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

- The trunk transport infrastructure servicing the land

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 the commencement of the use.

(D) ASSESSMENT MANAGER'S ADVICE

(a) Overdimensional Road Loads (Queensland Rail)

Under the Transport Infrastructure (Rail) Regulation 2006 permission from the Railway Manager (Queensland Rail) is required to take overdimensional road loads across Queensland Rail infrastructure (e.g. rail level crossings and rail bridges). Further information can be obtained from Queensland Rail's website at: <http://www.queenslandrail.com.au/forbusiness/overdimensionalloads>.

(b) Works on a railway

Pursuant to section 255 of the Transport Infrastructure Act 1994, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.

The applicant is therefore recommended to consult with the railway manager (Queensland Rail) regarding the approvals required for sealing the railway level crossing. The applicant should contact Kate Rylands of Queensland Rail on telephone number 07 3072 1229 or at QRPropertyWayleaves@qr.com.au in relation to this matter.

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

(d) Compliance with applicable codes/policies

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

(e) Compliance with Acts and Regulations

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

(f) Environmental Protection and Biodiversity Conservation Act 1999

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

(g) Cultural Heritage

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

(h) Motor Home Park/Caravan Park/Camping Ground

The applicant is advised that an application to Council for approval to operate under Council *Local Law No 1 (Administration) 2018* is required prior to the commencement of the motor home park/caravan park/camping ground.

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Access approval arising from condition number 4.1

THE SITE

The subject land is described as Lot 3 on RP708286, situated at 548 McGrath Road, Bibbohra, approximately 200 metres south-east of the Bibbohra store.

The land is generally regular in shape, having an area of 45.388 hectares, with a frontage of approximately 519 metres to McGrath Road.

The section of McGrath Road between the subject land and Bilwon Road is formed gravel with a typical width of 5.5 to 6.5 metres. Access to the site is gained from McGrath Road via a single gravel crossover located in proximity to the north-west corner of the site.

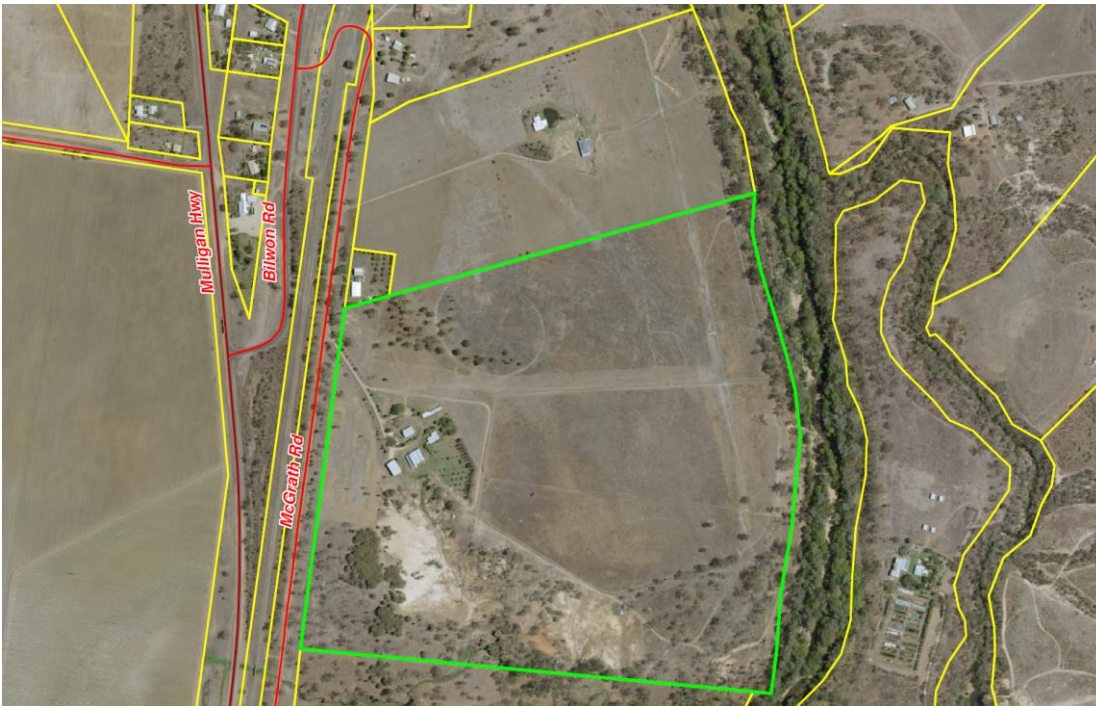
The eastern boundary of the site abuts the Barron River. A very narrow band of remnant vegetation is present along most of the eastern boundary.

The site encompasses the following dwellings, buildings and structures:

- Fibro dwelling - 4 Bedroom, 1 Bathroom with own Effluent Disposal System;
- Concrete block dwelling – 3 Bedroom, 1 Bathroom with own Effluent Disposal System;
- Tool Shed and Tobacco Barn dwelling – 3 Bedroom, 1 Bathroom and Tobacco Barn with own Effluent Disposal;
- Manager's Office dwelling – Open Plan living 2 – 4 Bedrooms, Office and Machinery Shed with own Effluent Disposal;
- Stables – Existing Stables in conjunction with spelling paddocks and Race Track; and ATCO Ablutions Block – ATCO Ablutions Block that contains 3 toilets and showers with own Effluent Disposal.

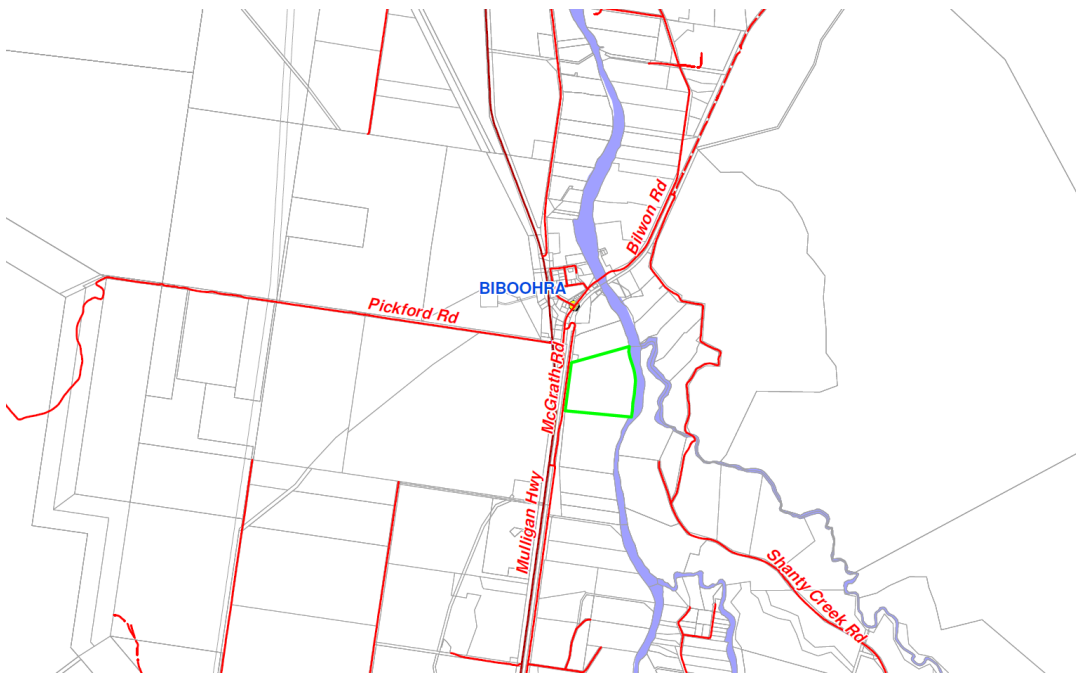
The majority of the buildings are located in a cluster which is set back approximately 100 metres from the McGrath Road frontage. Electricity and telecommunications infrastructure is connected to the site.

The land is zoned Rural under the Mareeba Shire Council Planning Scheme 2016 and is presently used for animal husbandry and an informal tourist park (Birds on the Barron). Surrounding allotments are also zoned rural and used for low intensity animal husbandry.



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

NIL

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Tourist Park (74 persons maximum), Animal Keeping (Stables/Agistment) and Outdoor Sport & Recreation in accordance with the plans shown in **Attachment 1**.

The application proposes the formalisation of the existing caravan stays (Birds on the Barron), stables and to facilitate the future provision of additional caravan and camping stays and outdoor sport and recreation.

The development is proposed to proceed in the following stages:

- **Stage 1 – Caravan Stays**

Formalisation of the existing tourist park use over the site allowing for an average of 25 caravan and camping sites per day with no more than five (5) of these sites to be used as camping sites at any one time.

The majority of the sites will be located within the existing orchard/vacant grassed area situated immediately to the east of the cluster of established farm buildings. A secondary area of five (5) sites catering for off-road campers only, is intended for the Lucerne Paddock adjacent to the Barron River.

The applicant advises that the development will operate as a small scale caravan park use with a focus towards bird watching and nature groups. It is not proposed to install concrete slab sites and caravan visitors will be required to ensure that they are self-sufficient including refuse storage and disposal.

The demountable ablutions block, containing toilets and showers, will be available for guests staying at the 5 camping sites.

- **Stage 2 – Future Caravan Stays**

The provision of no more than 12 additional caravan and camping sites. These sites will be located to the west of the cluster of established farm buildings and to the south of the agistment paddock.

A 20m2 office and ablutions block would be constructed in front of the existing manager's residence.

- **Stage 3 – Outdoor Sport and Recreation and Animal Keeping (Stables/Agistment)**

Stage 3 is the provision of outdoor sport and recreational aspects of the development.

It is proposed to erect an all-weather covered area for horse events, riding lessons with a view to provide riding for the disabled. An ablutions facility with accessible toilets would be provided.

This stage would take advantage of the existing racehorse spelling stables and exercise track. The track will be reformed to a more suitable standard and the existing stables renovated.

The applicants have provided the following statement outlining their objectives for the proposed development:

'The property situated at 548 McGrath Road proposes to attract fully self-contained rv and caravan travellers that visit our area in the winter months, May to October. Our target clientele are budget

bird watchers wishing to stay in close proximity to Mareeba Wetlands while enjoying the tranquillity of a protected flora and fauna environment.

The motive of our proposal for business at 548 McGrath Road is to create a nature friendly, protected wildlife area with preservation of both existing and on-going native flora. Redirected, previously erosive run off water will establish a wetlands with abundant flora and fauna where guests would be welcome to enjoy a protected botanical area.'

For the purpose of the proposed development and for clarity, a caravan and camping site is deemed to contain 2 campers per site with the proposed development holding a maximum of 74 campers/caravaners equating to 37 caravan/camping sites.

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

PLANNING SCHEME DESIGNATIONS

	Land Use Categories
	<ul style="list-style-type: none"> ▪ Rural Other ▪ Rural Agricultural Area
Strategic Framework:	Natural Environment Elements
	<ul style="list-style-type: none"> ▪ Biodiversity Areas ▪ Habitat Linkage
Zone:	Rural zone
	Agricultural land overlay
	Bushfire hazard overlay
	Environmental significance overlay
Overlays:	Flood hazard overlay
	Hill and slope overlay
	Regional infrastructure corridors and substations overlay
	Transport infrastructure overlay

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Tourist park	<p>Premises used to provide for accommodation in caravans, self-contained cabins, tents and similar structures for the public for short term holiday purposes.</p> <p>The use may include, where ancillary, a manager's residence and office, kiosk, amenity buildings, food and drink outlet, or the provision of recreation facilities for the use of occupants of the tourist park and their visitors, and accommodation for staff.</p>	Camping ground, caravan park, holiday cabins	Relocatable home park, tourist attraction, short-term accommodation, non-resident workforce accommodation
Outdoor sport and recreation	<p>Premises used for a recreation or sport activity that is carried on outside a building and requires areas of open space and may include ancillary works necessary for safety and sustainability.</p> <p>The use may include ancillary food and drink outlet(s) and the provision of ancillary facilities or amenities</p>	Driving range, golf course, swimming pool, tennis courts, football ground, cricket oval	Major sport, recreation and entertainment facility, motor sport, park, community use

	conducted indoors such as changing rooms and storage facilities.		
Animal keeping	<p>Premises used for boarding, breeding or training of animals.</p> <p>The use may include ancillary temporary or permanent holding facilities on the same site and ancillary repair and servicing of machinery.</p>	Aviaries, catteries, kennels, stables, wildlife refuge	Aquaculture, cattle studs, domestic pets, feedlots, grazing of livestock, non-feedlot dairying, piggeries, poultry meat and egg production, animal husbandry

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3.11 Element—Rural areas

3.3.11.1 Specific outcomes

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

Comment

The proposed uses of tourist park, animal keeping and outdoor sport and recreation functions (covered arena for horse events and riding lessons) will provide a range and

mix of uses within a rural area at a scale that is not likely to have a detrimental impact on the surrounding rural amenity or nearby agricultural activities.

The development complies.

- (3) *Tourism, rural industry, intensive animal industries and outdoor recreation facilities are developed in the rural area in a way which:*
- (a) *does not impede or conflict with agricultural activities and production; and*
 - (b) *does not compromise rural character and scenic qualities; and*
 - (c) *does not adversely impact on ecological and biodiversity values.*

Comment

The proposed uses of tourist park, animal keeping and outdoor sport and recreation functions (covered arena for horse events and riding lessons) will provide a range and mix of uses within a rural area at a scale that is not likely to have a detrimental impact on the surrounding rural amenity or nearby agricultural activities.

The development complies.

- (5) *Rural lifestyle, tourism, outdoor recreation, horticultural activities and natural bushland uses may be considered in other rural areas where appropriately located, serviced and otherwise consistent with the Strategic Framework.*

Comment

The proposed uses of tourist park, animal keeping and outdoor sport and recreation functions (covered arena for horse events and riding lessons) will provide a range and mix of uses within a rural area at a scale that is not likely to have a detrimental impact on the surrounding rural amenity or nearby agricultural activities.

The development complies.

3.7.2 Element—Rural and Agricultural land

3.7.2.1 Specific outcomes

- (1) *Agricultural areas are preserved for the purpose of primary production and are protected from fragmentation, alienation and incompatible development.*

Comment

The proposed development is for a material change of use for tourist park, animal keeping and outdoor sport and recreation functions (covered arena for horse events and riding lessons).

Minimal new built infrastructure is proposed. The proposed development will provide a range and mix of uses within a rural area at a scale that is not likely to have

a detrimental impact on the surrounding rural amenity or nearby agricultural activities.

The subject land will be able to be returned to full agricultural use should the need arise at any point in the future.

The development complies.

- (2) *Other rural areas* are maintained in economically viable holdings and continue to develop and expand their rural infrastructure and operations.

Comment

The proposed development is for a material change of use for tourist park, animal keeping and outdoor sport and recreation functions (covered arena for horse events and riding lessons). No reconfiguring a lot is proposed.

Minimal new built infrastructure is proposed. The proposed development will provide a range and mix of uses within a rural area at a scale that is not likely to have a detrimental impact on the surrounding rural amenity or nearby agricultural activities.

The subject land will be able to be returned to full agricultural use should the need arise at any point in the future.

The development complies.

- (4) *Built infrastructure and non-agricultural uses within farms will be co-located and clustered with existing farm dwellings and infrastructure to prevent encroachment on productive land.*

Comment

The proposed development will largely make use of the existing built infrastructure with minimal new built infrastructure being proposed.

No further significant encroachment onto agricultural land will occur.

The proposed development complies.

- (5) *Development ensures rural activities in all rural areas are not compromised by incompatible development and fragmentation.*

Comment

The proposed development will provide a range and mix of uses within a rural area at a scale that is not likely to have a detrimental impact on the surrounding rural amenity or nearby agricultural activities.

The proposed development complies.

3.7.7 Element—Tourism

3.7.7.1 Specific outcomes

- (3) *Tourist parks in key locations provide sites to accommodate caravans and recreational vehicles across the shire. Facilities to accommodate caravans and recreational vehicles are developed in a variety of urban and, at a limited scale, rural locations, to encourage extended visitations within the shire. Tourist facilities are designed to ensure they provide a high quality of infrastructure and services to visitors.*

Comment

The proposed development is suitably located to service tourist traffic using the Mulligan Highway or visiting attractions such as the Mareeba Wetlands. The site's proximity to Bibbohra and Mareeba will provide visitors with good access to services and other tourist attractions.

The proposed development complies.

- (4) *The outstanding scenic qualities of the regional landscape and the character and heritage values of the shire's activity centres are recognised and protected for their role in promoting and attracting visitors to the shire. Development in scenic and highly visible locations will minimise its impacts on scenic amenity through sensitive location, design, colour and scale.*

Comment

The proposed development is somewhat reliant on the scenic qualities of the natural landscape (Barron River) on and adjacent the subject site. The proposed development will not impact on the scenic amenity values of the surrounding rural area.

The proposed development complies.

- (5) *A variety of small-scale, low impact tourist facilities are established across the rural landscape, including:*
- (a) tourist attractions and facilities within activity centres;*
 - (b) cultural interpretive tours;*
 - (c) nature based tourism;*
 - (d) sports and recreational activities;*
 - (e) tourist attractions;*
 - (f) adventure tourism;*
 - (g) farm based tourism;*
 - (h) food based tourism;*
 - (i) bed and breakfasts;*
 - (j) camping and recreational vehicle facilities;*

(k) *cycle tourism.*

Comment

The proposed development directly addresses the intent of this specific outcome.

The development complies.

- (6) *Small scale tourism related development is sensitively designed, scaled and located so as to not compromise the natural landscape values and agricultural values of Mareeba Shire.*

Comment

The proposed development will not compromise the existing natural landscape values and is unlikely to impact on surrounding rural uses.

The proposed development complies.

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
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.9 Regional infrastructure corridors and substations overlay code
- 8.2.11 Transport infrastructure overlay code
- 9.3.1 Accommodation activities code
- 9.3.6 Rural activities code
- 9.3.7 Sport and recreation activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Agricultural land overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Airport environs overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Flood hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Hill and slope overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Regional infrastructure corridors and substations overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Transport infrastructure overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Accommodation activities code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Rural activities code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Sport and recreation activities code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

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

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

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

The applicant has nominated a maximum capacity of 37 sites (Stage 1 - 25 sites & Stage 2 - 12 sites) for the caravan and camping aspect of the development.

Due to the seasonal nature of drive tourism, particularly caravans and motor homes, the park is likely to operate six (6) months per year (May to October), at the typical 50% occupancy for similar facilities.

Applying the seasonal and occupancy discounts results in an average of 18.5 vehicle movements per day for the caravan and camping aspect.

As the other proposed development aspects are not expected to result in significant further daily traffic movements, it would be reasonable to round up the 18.5 vehicle movements to 20 vehicle movements per day.

Under the 2018/19 Schedule of Fees, the base contribution of \$4,585.00 is equivalent to 10 vehicle movements per day. As such the contribution applicable to this development would be:

- $\$4,585.00 \times 2 = \underline{\$9,170.00}$

The value of the McGrath Road railway crossing works required by Condition 4.2 will be credited against this contribution.

REFERRALS

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

Third Party Advice

The application was referred to the Department of Infrastructure, Local Government and Planning for third party advice in relation to the McGrath Road railway crossings.

The Department advised in a letter dated 24 October 2017 (**Attachment 2**), that Council should condition the proposed development in respect to:

- *Stormwater and Drainage impacts on the railway*
- *Railway Level Crossing*

The railway manager (Queensland Rail) has provided the following advice to assist in preparing this third party advice:

Since there are existing complaints about the road and approaches to crossing before additional traffic starts accessing the development, the Council needs to be active in providing a safer alignment or something such as sealed surface, road markings and any additional warning signage deemed appropriate to provide additional warning of the road conditions / rail crossing ahead (e/g. RX-9 railway crossing signage). Low train volumes and therefore driver complacency is also the biggest risk at this crossing.

There is an existing occupational crossing (ID:1839) of the Tablelands Branch located south of the subject site. This crossing has limited queuing distance available between the Mulligan Highway and the railway. The railway manager (Queensland Rail) has confirmed that the proposed use should not be permitted to use the occupational crossing as a means of access. No indication of proposed treatments to stop traffic directly accessing the highway via this crossing have been submitted with the referral material.

Recommendation for Conditions***Stormwater and Drainage impacts on the railway***

1. (a) *Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor.*
- (b) *Any works on the land must not:*
 - i. *create any new discharge points for stormwater runoff onto the railway corridor;*
 - ii. *interfere with and/or cause damage to the existing stormwater drainage on the railway corridor;*
 - iii. *surcharge any existing culvert or drain on the railway corridor;*
 - iv. *reduce the quality of stormwater discharge onto the railway corridor.*

Railway Level Crossing

2. *The railway level crossing of the Tablelands Branch at McGrath Road (ID: 1838) must be sealed with asphaltic concrete or similar material which must extend over the crossing*

and for a minimum distance of 10m from the outer rail track (edge running rail) on each side of the crossing.

Recommendation for Advice

General advice

1. Occupational crossing

The existing occupational crossing (ID: 1839) of the Tablelands Branch located south of the subject site and providing access to the Mulligan Highway is not approved for use by the development.

The railway manager (Queensland Rail) has advised that as this crossing is a private crossing no public access to the development is permitted.

Further development permits, compliance permits or compliance certificates (SPA section 335(1)(i) and (k))

2. Overdimensional Road Loads (Queensland Rail)

Under the Transport Infrastructure (Rail) Regulation 2006 permission from the Railway Manager (Queensland Rail) is required to take overdimensional road loads across Queensland Rail infrastructure (e.g. rail level crossings and rail bridges). Further information can be obtained from Queensland Rail's website at: <http://www.queenslandrail.com.au/forbusiness/overdimensionalloads>.

3. Works on a railway

Pursuant to section 255 of the Transport Infrastructure Act 1994, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.

The applicant is therefore recommended to consult with the railway manager (Queensland Rail) regarding the approvals required for sealing the railway level crossing.

Please be advised that this development approval does not constitute an approval or agreement under section 255 of the Transport Infrastructure Act 1994 and that such approvals need to be separately obtained from the relevant railway manager.

The applicant should contact Kate Rylands of Queensland Rail on telephone number 07 3072 1229 or at QRPropertyWayleaves@qr.com.au in relation to this matter.

The conditions and advice as recommended by the Department have been included in the officer's recommendation.

The Department has also provided the following general advice to Council regarding Council's obligations under the Memorandum of Understanding for Railway Crossings:

As per the Memorandum of Understanding between the Local Government Association of Queensland and Queensland Rail and the Department of Transport and Main Roads with respect to the Management and Funding Responsibility for Level Crossing Safety, the local government is responsible for any safety upgrades to a level crossing if the change in risk to the level crossing is due to changes in nearby land uses which have been authorised by local government.

The approval of the development proposal is likely to impact on the safety of the railway level crossing of the Tablelands Branch at McGrath Road (ID: 1838). Mareeba Shire Council should continue to monitor the level of safety risk and number of reported level crossing issues as further development in the area is approved

Consideration should also be given to implementing improved safety controls, as required. Mareeba Shire Council is recommended to consult with the railway manager (Queensland Rail) regarding the upgrade of the railway level crossing prior to the commencement of the development. Please contact Kate Rylands of Queensland Rail on telephone number 07 3072 1229 or at QRPropertyWayleaves@qr.com.au regarding this matter.

It is likely that the issues to be resolved regarding the railway level crossing will involve establishing a safer road alignment/ sight lines, and appropriate advance warning signage and other safety controls. This is likely to necessitate an Australian Level Crossing Assessment (ALCAM) Model to be undertaken using road traffic data. The type of safety controls to be installed at the crossing would depend on the ALCAM outcomes and other considerations such as sight lines. The ALCAM assessment would be undertaken by the railway manager but would be reliant on traffic information provided by Mareeba Shire Council.

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 13 October 2017 to 6 November 2017. The applicant submitted the notice of compliance on 7 November 2017 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

One (1) properly made submission was received.

The grounds of the submission are summarised and commented on below:

Grounds for objection /support	Comment
<p>The submitter is a neighbour and advises that they do not object to the development.</p> <p>The submitter does raise concerns regarding the safety of the rail crossing at the northern end of McGrath Road</p>	<p>The issues raised by the submitter relate to the McGrath Road access, not any concerns about activities proposed to be undertaken on the subject land.</p>

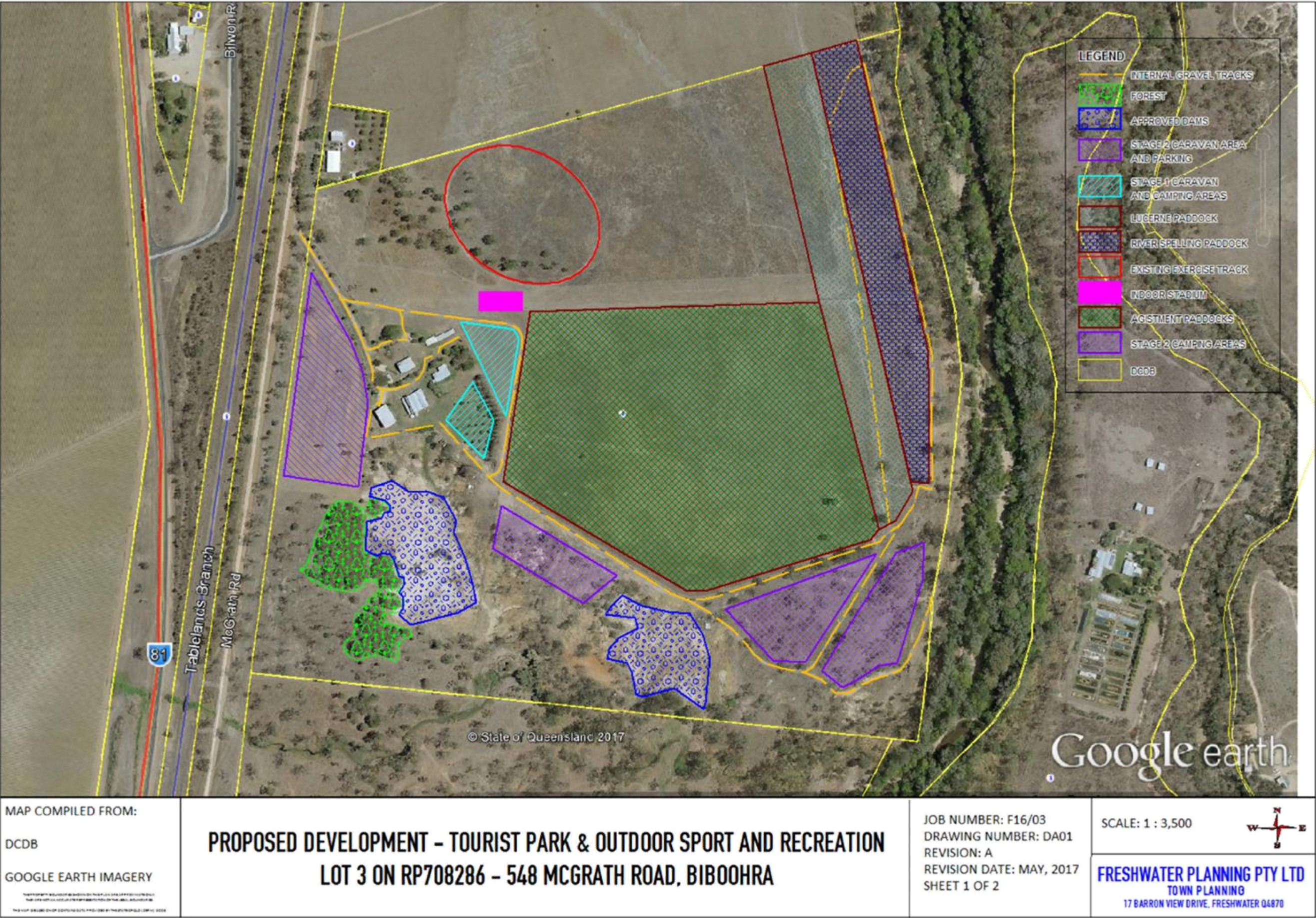
and the safety of the private rail crossing approximately 1 kilometre to the south of the development.	No access to the development will be permitted via the private railway level crossing to the south of the proposed development (Condition 4.2).
The submitter suggests that a new rail crossing be constructed between Bilwon Road and McGrath Road, adjacent to the development entry.	Queensland Rail has recommended the asphalt sealing of the railway level crossing on McGrath Road (Bilwon Road end) (Condition 4.3).
The submitter also suggests a reduction of the speed limit on McGrath Road.	Council can review the speed limit on any Council road should it become obvious that a problem exists.

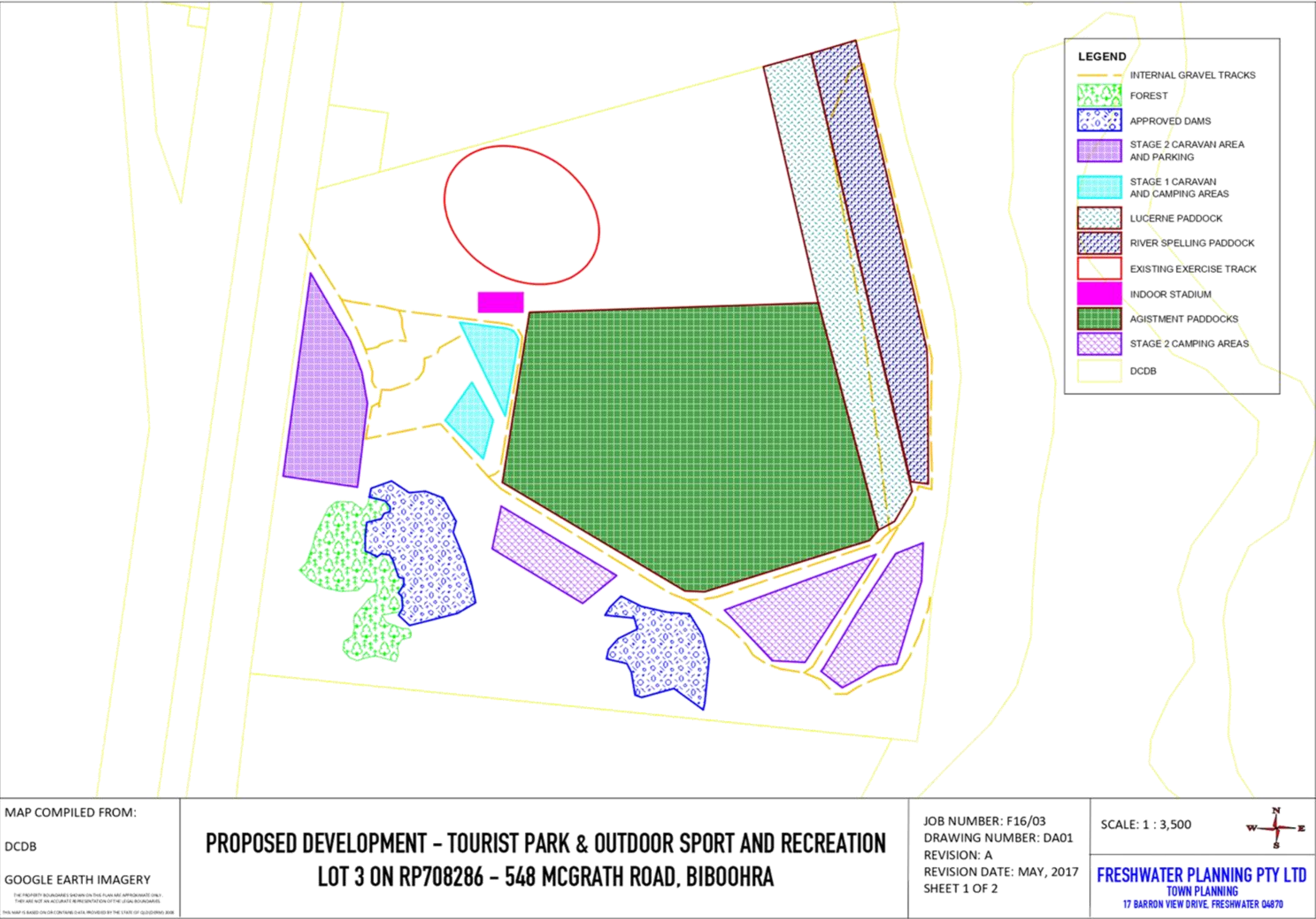
Submitters

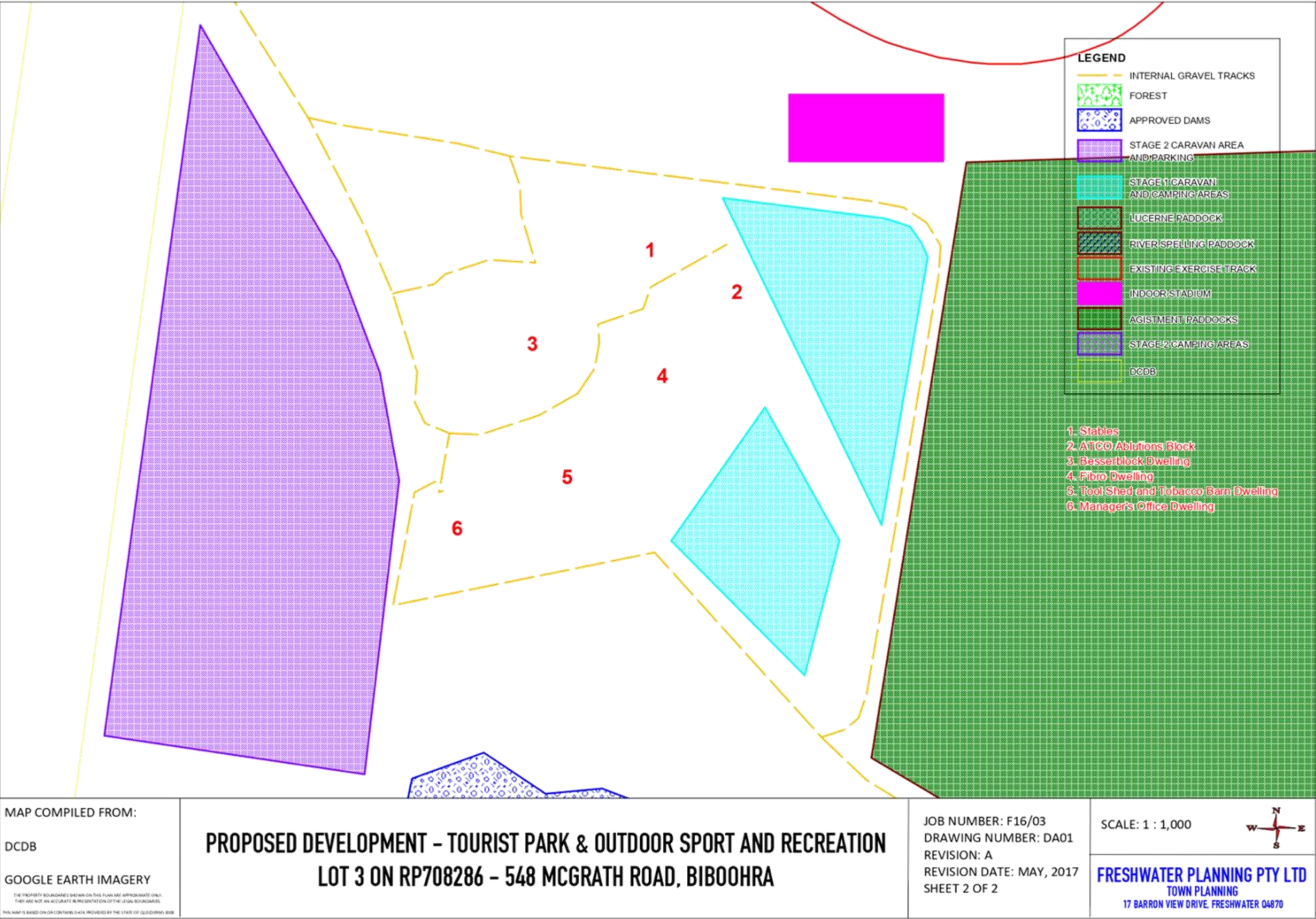
Name of principal submitter	Address
1. G Whitworth	558 McGrath Road (PO Box 1165), Mareeba

PLANNING DISCUSSION

Nil









Department of Infrastructure,
Local Government and Planning

Our reference: **OUT17/6858**
Your reference: **DA/17/0034**

24 October, 2017

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

Attention: Mr Carl Ewin

Dear Sir

Third party advice

Application for Material change of use (tourist park, animal keeping and outdoor sport and recreation) on land situated at 548 McGrath Road and described as Lot 3 on RP708286
(Given under section 34.1 of the Development Assessment Rules)

The Department of Infrastructure, Local Government and Planning received your request under section 34.1 of the Development Assessment Rules on 10 October 2017 seeking third party advice. It is noted that you are seeking advice in relation to railways and in particular the potential impacts of the proposed development on the level crossing.

The department has carried out an assessment of the application and outlined below are the key findings of the assessment:

- The accommodation activities onsite are proposed to be limited to a maximum of 74 persons. This would ensure that the thresholds in Schedule 20 of the *Planning Act 2016* are not exceeded (premises designed to accommodate 75 people), and as such the department is not triggered as a referral agency for this development.

- The access via McGrath Road directly impacts a crossing of the Tablelands Branch (ID: 1838). The crossing is protected by signage and the crossing surface appears to be unsealed.

The volume, duration and frequency of construction and operational traffic generated by the development proposal is uncertain. Consequently, it is uncertain whether the safety controls at the railway level crossings will be adequate for the development.

- The rail transport infrastructure at the crossing, namely the track formation may be impacted on by increased use.
- There needs to be sufficient clearance from the railway level crossing to allow the maximum size of vehicle used in the operation queue. The applicant has not provided details of the maximum design vehicle length or a definitive crossing arrangement. The minimum clearance should be 5m from the edge running rail (of the closest railway track) as per Section 5.4 – Short Stacking and Figure 3.2 – Yellow Box Marking of AS1742.7:2016 Manual of Uniform Traffic Control Devices, Part 7. Railway plus the length of the maximum design vehicle.
- The approaches to the railway level crossing on McGrath Road have limited sight distances due to the curve of the road.
- The railway manager (Queensland Rail) has provided the following advice to assist in preparing this third party advice:

Since there are existing complaints about the road and approaches to crossing before additional traffic starts accessing the development, the Council needs to be active in providing a safer alignment or something such as sealed surface, road markings and any additional warning signage deemed appropriate to provide additional warning of the road conditions / rail crossing ahead (e/g. RX-9 railway crossing signage). Low train volumes and therefore driver complacency is also the biggest risk at this crossing.

- There is an existing occupational crossing (ID:1839) of the Tablelands Branch located south of the subject site. This crossing has limited queuing distance available between the Mulligan Highway and the railway. The railway manager (Queensland Rail) has confirmed that the proposed use should not be permitted to use the occupational crossing as a means of access. No indication of proposed treatments to stop traffic directly accessing the highway via this crossing have been submitted with the referral material.
- The project will likely involve the construction of additional outbuildings and hardstand that may have stormwater impacts on the railway from the pre-development scenario if not appropriately managed.
- The area is flood prone as identified on the council's planning scheme flood overlay mapping and subject to overland flow paths. The Barron River traverses the eastern boundary of the site.
- The submitted information indicates that a forest and dams are proposed to contain erosive run off water on site, and that earthworks have already occurred onsite to address erosion impacts. It is unclear if the works on site will result in backwater or loss of floodplain storage which could adversely impact upon the railway corridor. Additionally, it is unclear if the site's drainage ultimately discharges beneath the railway, north of the site.

Outstanding Issues - Information Request

The following additional information is required to undertake a more thorough assessment of the proposed development's impacts upon the railway corridor, and in turn provide refined recommended conditions and advice for Council to consider including in the decision notice.

Item	Information requested												
Railways													
1.	<p>Railway Level Crossing Safety</p> <p>The railway level crossing of the Tablelands Branch at McGrath Road (ID: 1838) could be adversely impacted on by development generated traffic.</p> <p>The applicant is requested to provide RPEQ certified traffic engineering information to address the following:</p> <ul style="list-style-type: none">the expected traffic distribution on the road network as a result of the proposed development. This should identify the roads intended to be used by development generated traffic;identification of any railway level crossing/s likely to be impacted on by development generated traffic (including construction and operational traffic and staff/visitor/patron movements). The proportion of development generated traffic that is likely to use the identified railway level crossing/s should be identified;the expected timeframe for the delivery of the proposed development including the commencement of construction and the completion of the development/works (including any stages);existing traffic flows (expressed as vehicles per day) over the impacted railway level crossing/s, including daily (peak hour) fluctuations, and number and percentage of heavy vehicles;the expected background traffic growth (expressed as vehicles per day) over the impacted railway level crossing/s, including the number and percentage of heavy vehicles. This should include background traffic growth from the anticipated commencement of construction and each development stage to a ten year horizon;the expected development generated traffic (expressed as vehicles per day), including daily fluctuations (peak hour) and percentage of heavy vehicles, that will pass over the impacted railway level crossing/s from the commencement of construction, and each development stage to a ten year design horizon;the following data table is required to be populated for each impacted railway level crossing: <table><tr><th colspan="4">AADT over railway level crossing (Prepare table for each impacted railway level crossing)</th></tr><tr><th>Year</th><th>Without development (background growth)</th><th>With development</th><th>No. and dimensions/type of heavy vehicles</th></tr><tr><td>2017 (current scenario)</td><td></td><td></td><td></td></tr></table>	AADT over railway level crossing (Prepare table for each impacted railway level crossing)				Year	Without development (background growth)	With development	No. and dimensions/type of heavy vehicles	2017 (current scenario)			
AADT over railway level crossing (Prepare table for each impacted railway level crossing)													
Year	Without development (background growth)	With development	No. and dimensions/type of heavy vehicles										
2017 (current scenario)													

Item	Information requested												
	<table><tr><td>Commencement of Construction (prepare for each stage)</td><td></td><td></td><td></td></tr><tr><td>Commencement of the use (prepare for each stage)</td><td></td><td></td><td></td></tr><tr><td>Ten year design horizon</td><td></td><td></td><td></td></tr></table> <ul style="list-style-type: none">the maximum size and type of vehicle (including length, width, height and weight) anticipated over the impacted railway level crossing/s as a result of the development during construction and on-going operation (including any stages);demonstrate how the development generated traffic will not worsen vehicular queuing (short stacking) issues over the impacted railway level crossings. In particular, demonstrate that there is sufficient clearance from the railway level crossing to allow the maximum size of vehicle used in the operation to queue at the relevant intersection. The minimum clearance should be 5m from the edge running rail (of the closest railway track) as per Section 5.4 – Short Stacking and Figure 3.2 – Yellow Box Marking of AS1742.7:2016 <i>Manual of Uniform Traffic Control Devices, Part 7: Railway</i> plus the length of the maximum design vehicle.confirmation of sight distances on each side of the impacted railway level crossing/s. The sight distances on each approach to the McGrath Road level crossing of the Tablelands Branch are limited due to the curve in the road.	Commencement of Construction (prepare for each stage)				Commencement of the use (prepare for each stage)				Ten year design horizon			
Commencement of Construction (prepare for each stage)													
Commencement of the use (prepare for each stage)													
Ten year design horizon													
2.	<p>Information Request Advice - Occupational crossing</p> <p>The existing occupational crossing (ID: 1839) of the Tablelands Branch located south of the subject site and providing access to the Mulligan Highway is not approved for use by the development.</p> <p>The railway manager (Queensland Rail) has advised that as this crossing is a private crossing no public access to the development is permitted at this location.</p>												
3.	<p>Stormwater and Flooding Impacts on the Railway</p> <p>The applicant is requested to provide stormwater information which assesses the potential stormwater impacts on the railway corridor as a result of the proposed development and recommends appropriate mitigation measures.</p> <p>In particular, the applicant should demonstrate that the management of stormwater post development can achieve a no worsening impact (on the pre-development condition) for all flood and stormwater events that exist prior to development and up to a 1% Annual Exceedance Probability (AEP) (equivalent to 1/100 year Average Recurrence Interval (ARI)). Stormwater management for the proposed development must ensure no worsening or actionable nuisance to the railway corridor, including rail transport infrastructure, caused by peak discharges, flood levels, frequency/duration of flooding, flow velocities, water quality, sedimentation and scour effects.</p>												

Item	Information requested
	<p>Overland flow paths should be identified and hydraulic conveyance will need to be maintained on the site as part of the proposed development. The flood storage capacity of the site must be maintained as part of the proposed development. The proposed development should not impede or interfere with any potential drainage, stormwater or floodwater flows from the railway corridor through the site. Stormwater and floodwater flows from the proposed development must not damage or interfere with the railway. The proposed development should not cause a concentration of stormwater (including floodwater) flows discharging on the railway during construction or thereafter. Existing stormwater drainage infrastructure on the railway should not be interfered with or damaged by the proposed development such as through concentrated flows, surcharging, scour or deposition. All relevant legal points of discharge should be identified.</p> <p>The stormwater information should include details of the mitigation measures proposed to address any potential stormwater impacts (including flooding impacts) of the proposed development.</p>

Recommendation for Conditions and Advice

Where the above further issues cannot be raised by Council, it is recommended that the following conditions and advice statements be considered by Council for inclusion in any decision notice issued.

No.	Conditions of development approval	Condition timing
Development Permit - Material Change of Use for Tourist Park (74 persons), animal keeping and outdoor sport and recreation		
Stormwater and Drainage impacts on the railway		
1	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> i. create any new discharge points for stormwater runoff onto the railway corridor; ii. interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; iii. surcharge any existing culvert or drain on the railway corridor; iv. reduce the quality of stormwater discharge onto the railway corridor. 	(a) and (b): At all times
Railway Level Crossing		
2	The railway level crossing of the Tablelands Branch at McGrath Road (ID: 1838) must be sealed with asphaltic concrete or similar material which must extend over the crossing and for a minimum distance of 10m from the outer rail track (edge running rail) on each side of the crossing.	Prior to the commencement of operational work or building work, whichever occurs first

General advice	
Ref.	Railways
1.	<p>Occupational crossing</p> <p>The existing occupational crossing (ID: 1839) of the Tablelands Branch located south of the subject site and providing access to the Mulligan Highway is not approved for use by the development.</p> <p>The railway manager (Queensland Rail) has advised that as this crossing is a private crossing no public access to the development is permitted.</p>
Further development permits, compliance permits or compliance certificates (SPA section 335(1)(i) and (k))	
Ref.	Railways
2.	<p>Overdimensional Road Loads (Queensland Rail)</p> <p>Under the <i>Transport Infrastructure (Rail) Regulation 2006</i> permission from the Railway Manager (Queensland Rail) is required to take overdimensional road loads across Queensland Rail infrastructure (e.g. rail level crossings and rail bridges). Further information can be obtained from Queensland Rail's website at: http://www.queenslandrail.com.au/forbusiness/overdimensionalloads.</p>
3.	<p>Works on a railway</p> <p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p> <p>The applicant is therefore recommended to consult with the railway manager (Queensland Rail) regarding the approvals required for sealing the railway level crossing.</p> <p>Please be advised that this development approval does not constitute an approval or agreement under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager.</p> <p>The applicant should contact Kate Rylands of Queensland Rail on telephone number 07 3072 1229 or at QRPropertyWayleaves@qr.com.au in relation to this matter.</p>

Outlined below is separate advice to Council as the local road manager and is not to be included in the decision notice.

General advice to Mareeba Shire Council – not to be included in Decision Notice	
Ref.	Railways
4.	<p>Memorandum of Understanding for Railway Crossings</p> <p>As per the <i>Memorandum of Understanding between the Local Government Association of Queensland and Queensland Rail and the Department of Transport and Main Roads with respect to the Management and Funding Responsibility for Level Crossing Safety</i>, the local government is responsible for any safety upgrades to a level crossing if the change in risk to the level crossing is due to changes in nearby land uses which have been authorised by local government.</p>

The approval of the development proposal is likely to impact on the safety of the railway level crossing of the Tablelands Branch at McGrath Road (ID: 1838). Mareeba Shire Council should continue to monitor the level of safety risk and number of reported level crossing issues as further development in the area is approved.

Consideration should also be given to implementing improved safety controls, as required. Mareeba Shire Council is recommended to consult with the railway manager (Queensland Rail) regarding the upgrade of the railway level crossing prior to the commencement of the development. Please contact Kate Rylands of Queensland Rail on telephone number 07 3072 1229 or at QRPropertyWayleaves@qr.com.au regarding this matter.

It is likely that the issues to be resolved regarding the railway level crossing will involve establishing a safer road alignment/ sight lines, and appropriate advance warning signage and other safety controls. This is likely to necessitate an Australian Level Crossing Assessment (ALCAM) Model to be undertaken using road traffic data. The type of safety controls to be installed at the crossing would depend on the ALCAM outcomes and other considerations such as sight lines. The ALCAM assessment would be undertaken by the railway manager but would be reliant on traffic information provided by Mareeba Shire Council.

If you require any further information, please contact Belinda Jones, Senior Planning Officer on 40373239, or via email belinda.jones@dilgp.qld.gov.au who will be able to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

P O Box 1165
Mareeba Qld 4880

3.11.2017

The Assessment Manager
Mareeba Shire Council

P O Box 154

Mareeba Qld 4880



Dear Sir/Madam

Re: Public Notice of Development
Application at 548 McGrath Rd. Mareeba

We have no problem with this development other than the increased traffic and due to the very poor quality rail crossing/access from the northern end of McGrath Rd. onto Bilsie Rd. and the very dangerous rail crossing, access to McGrath Rd. from Mulligan Highway in the 100 kph zone on the southern side of the development, feel there needs to be a safer access/rail crossing from Bilsie Rd adjacent to the proposed development entry.

There needs to be an appropriate speed limit on McGrath Rd particularly in the area of the development for turning traffic such as caravans and B Vs.

Please feel free to ring me on 0427 010078
at any time to discuss or clarify any
issues arising from the above suggestions

Yours faithfully
George Whitworth
558 Mc Grath Rd.

8.3 N DERAKHSHAN - RECONFIGURING A LOT - SUBDIVISION (1 INTO 4 LOTS) - LOT 1 ON RP743970 - 2-6 BLACK MOUNTAIN ROAD, KURANDA - RAL/18/0025

Date Prepared: 10 October 2018

Author: Senior Planner

Attachments:

1. Proposal Plans [↓](#)
2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response - 28 August 2018 [↓](#)
3. Submitter letters [↓](#)
4. Applicant's response to submitter concerns [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	N Derakhshan	ADDRESS	2-6 Black Mountain Road, Kuranda
DATE LODGED	31 August 2018	RPD	Lot 1 on RP743970
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 lot into 4 lots)		

FILE NO	RAL/18/0025	AREA	3.036 hectares
LODGED BY	Elizabeth Taylor Town Planner	OWNER	N Derakhshan
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential zone - No precinct		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Three (3) properly made		

EXECUTIVE SUMMARY

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

The application is impact assessable and three (3) properly made submissions were received in response to public notification of the application. A fourth, not properly made submission was received the day after the close of the public notification period.

It has been assessed against the relevant statutory planning instruments, including the Regional Plan and the Planning Scheme. Where a conflict has been identified with a limited number planning scheme provisions, the development is able to satisfy the planning scheme's relevant higher order provisions.

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

OFFICER'S RECOMMENDATION

It is recommended that:

1. In relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	N Derakhshan	ADDRESS	2-6 Black Mountain Road, Kuranda
DATE LODGED	31 August 2018	RPD	Lot 1 on RP743970
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 lot into 4 lots)		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 lot into 4 lots)

(B) APPROVED PLANS:

• Plan/Document Number	• Plan/Document Title	• Prepared by	• Dated
• -	• Proposal Plan of Reconfiguration	• -	• July 2018

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

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

2. Timing of Effect

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

3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.
- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Where approved existing buildings and structures are to be retained, setbacks to any new property boundaries are to be in accordance with Planning Scheme requirements for the relevant structure and/or Queensland Development Code. A plan demonstrating compliance of any existing buildings or structures that are in close proximity to any new property boundary must be submitted prior to endorsement of the plan of survey.
- 3.7 All development works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

3.8 Charges

All outstanding rates, charges and expenses pertaining to the land are to be paid in full prior to the endorsement of a plan of survey.

3.9 Building Envelopes

- (a) The approved building envelopes for proposed Lots 1, 2, 3 and 4 are the building envelopes as defined on the Proposal Plan of Reconfiguration July 2018.
- (b) Prior to endorsement of the survey plan the approved building envelope areas must be defined by survey markers set at each corner, to the satisfaction of Council's delegated officer.
- (c) All future buildings must be located within the approved building envelopes.

4. Infrastructure Services and Standards

4.1 Access

- (a) Access must be provided/constructed to each allotment in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.
- (b) A bitumen, asphalt or concrete driveway shall be provided within the access easements to the satisfaction of Council's delegated officer. The driveway will:
 - have a minimum formation width of 3 metres;
 - be constructed for the full length of the access handle;
 - be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access handle;
 - service and utility conduits are to be provided for the full length of the concrete or sealed driveway constructed within the access handle.

4.2 Roadworks – External Construction - Black Mountain Road for full frontage of Lot 1 on RP743970

The development side of Black Mountain Road must be widened from the existing centreline to an overall sealed width of 4.5 metres, with barrier kerb constructed on the development side. This widening must be blended into the existing seal to avoid sharp transitions in the sealed pavement.

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

The new section of barrier kerb must connect to the existing kerb at the intersection of the Kennedy Highway and Black Mountain Road.

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

4.3 Stormwater Drainage

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

- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

4.4 Water Supply

- (a) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).
- (b) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.5 On-Site Wastewater Management

Any future on-site effluent disposal system on each lot must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.6 Electricity Provision/Supply

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

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

4.7 Telecommunications

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

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

- 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
- 5.2 The developer must pay \$10,155.00 (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 water supply infrastructure servicing the land (\$5,570.00 per additional lot)
 - The trunk open space infrastructure servicing the land (\$4,585.00 per additional lot)
- 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
- 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
- Discuss with Council's delegated officer the part of the works to be undertaken;
 - Obtain the necessary approvals for the part of the works;
 - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
 - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
 - Comply with the reasonable direction of Council officers in relation to the completion of the works;
 - Complete the works to the standards required by the Council; and
 - Complete the works prior to endorsement of the plan of subdivision.

(D) ASSESSMENT MANAGER'S ADVICE

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

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

Quotation Request. The Water Quotation Request must be lodged and the required connection fee paid prior to the signing of the survey plan.

(c) Easement Documents

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

(d) Endorsement Fees

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

(e) Compliance with applicable codes/policies

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

(f) Notation on Rates Record

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

- an approved building envelope plan
- a registered easement over the subject site

(g) Environmental Protection and Biodiversity Conservation Act 1999

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

(h) Cultural Heritage

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

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response dated 28 August 2018.

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

THE SITE

The subject site is described as Lot 1 on RP743970, situated at 2-6 Black Mountain Road, Kuranda.

The site has an area of 3.036 hectares with a frontage of approximately 151 metres to Black Mountain Road and 168 metres to the Kennedy Highway. The frontage section of Black Mountain Road is formed to bitumen sealed standard with the width varying between 6 metres and 7.5 metres.

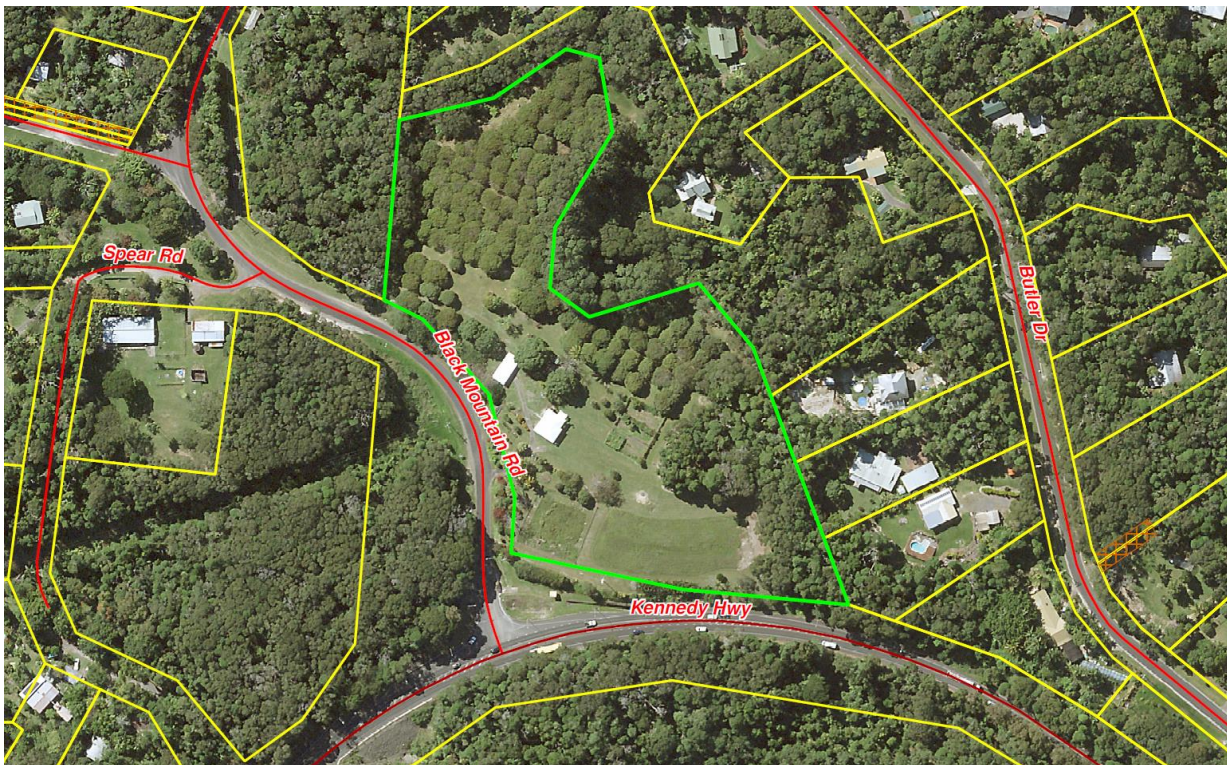
The subject site is irregular in shape and gently undulating. Improvements comprise of a dwelling house, domestic outbuildings, water bore and other agricultural elements. Approximately 80 percent of the site has been cleared of original vegetation, with approximately 30 percent of this area comprising an old lychee orchard.

Limited regrowth/regulated/riparian vegetation remains along a creek which meanders along part of the site's northern and eastern boundary. A further area of approximately 4,900m² of regrowth/regulated/riparian vegetation remains in the site's south-eastern corner.

Access to the subject land is obtained directly off Black Mountain Road via an existing driveway located approximately 80 metres north of the Kennedy Highway/Black Mountain Road intersection. There is no direct access from the subject land onto the Kennedy Highway.

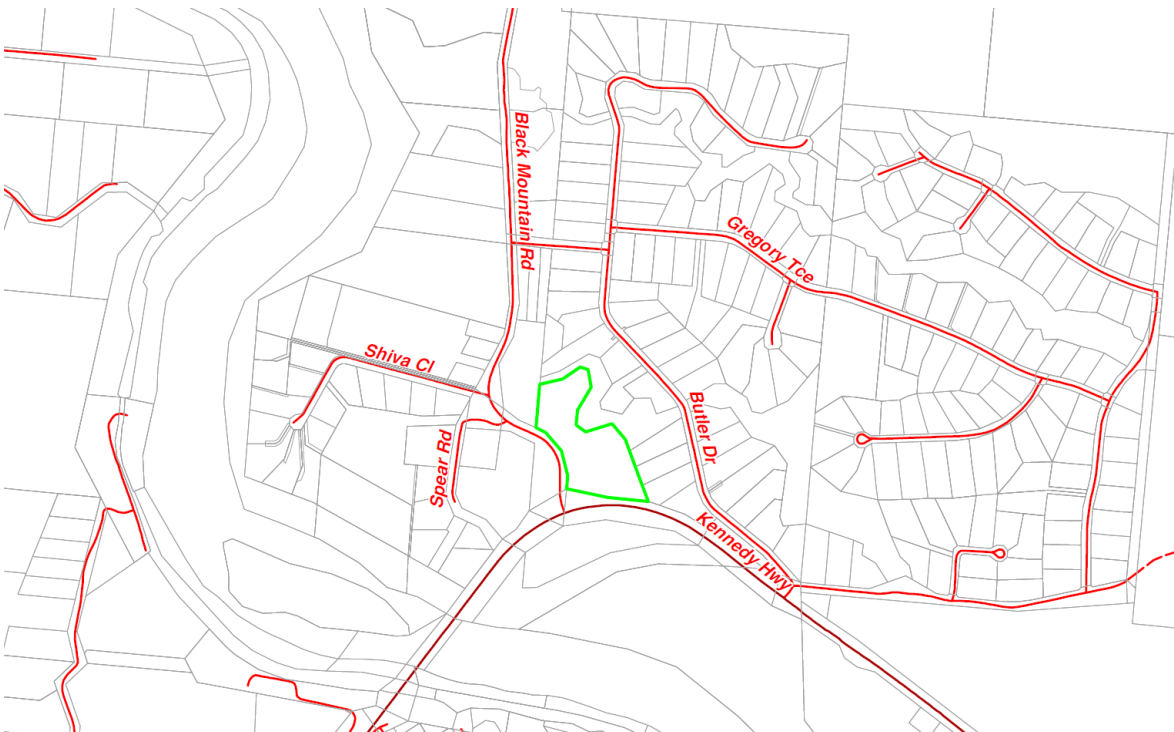
The site is serviced with reticulated electricity, telecommunications, town water and garbage collection and the existing house has a septic disposal system.

The site is located approximately 850 metres to the north of the Kuranda township. The immediate local area is developed with well - established rural residential housing, with surrounding rural residential lots averaging between 4,000m² and 6,000m².



Map Disclaimer:

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



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 lot into 4 lots) in accordance with the plans shown in **Attachment 1**.

The details of the proposed allotments are as follows:

- Lot 1 - area of 6,505m², access to Black Mountain Road via 8 metre wide easement;
- Lot 2 - area of 4,418m², 62 metres frontage to Black Mountain Road;
- Lot 3 - area of 6,432m², 44 metres frontage to Black Mountain Road;
- Lot 4 - area of 13,006m², 30 metres frontage to Black Mountain Road.

Access to the proposed allotments will be obtained via two shared driveways off Black Mountain Road. The existing site access will be upgraded to serve proposed Lots 3 and 4. A new FNQROC standard access will be constructed adjacent to the western boundary to serve proposed Lots 1 and 2.

Proposed Lot 3 will contain the established dwelling house, shed and associated onsite effluent disposal system.

Proposed Lots 1, 2 and 4 will be created vacant with each lot having the potential to accommodate a single dwelling house in the short term. A building envelope has been identified for each allotment in order to maintain appropriate setbacks from the neighbouring waterway, regulated vegetation and the Kennedy Highway.

Each proposed lot will be provided with access to the established urban services, with the exception of reticulated town sewerage which is not available on the northern side of the Barron River.

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

	Land Use Categories
	<ul style="list-style-type: none"> • Rural Residential Area
Strategic Framework:	Natural Environment Elements
	<ul style="list-style-type: none"> • Biodiversity Areas
	Transport Elements
Zone:	<ul style="list-style-type: none"> • Local Collector Road
	Rural Residential zone - No precinct
	Airport environs overlay
	Environmental significance overlay
Overlays:	Flood hazard overlay
	Hill and slope overlay
	Scenic amenity overlay
	Transport infrastructure overlay

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3.10 Element - Rural Residential areas

3.3.10.1 Specific outcomes

- (1) *Rural residential development is consolidated within rural residential areas where it will not result in the fragmentation or loss of agricultural areas or biodiversity areas.*
- (2) *Infill development within rural residential areas occurs only where appropriate levels of infrastructure are available and provided, the existing rural living character can be maintained and an activity centre is proximate.*

- (3) *No further subdivision of greater than anticipated density occurs within rural residential areas that are not proximate to an activity centre and its attending physical and social infrastructure.*
- (4) *Rural residential areas across Mareeba Shire are characterised by a range of lot sizes, consistent with the form of historical subdivision in the vicinity of proposed development.*

Comment

The subject site is in a rural residential area and is not agricultural land. The site has previously been cleared and the proposed reconfiguration will not lead to the fragmentation or loss of biodiversity areas.

The proposed development is infill development. The site is serviced by all infrastructure typically conditioned for rural residential development. The size and configuration of the proposed allotments will maintain the existing rural living character.

The site is approximately 850 metres north of the Kuranda township and roughly 1.2 kilometres walking distance.

The proposed development does not conflict with these specific outcomes.

3.4.4 Element - Biodiversity areas

3.4.4.1 Specific outcomes

- (1) *Development avoids adverse impacts on the ecological values of biodiversity areas and where avoidance is not possible the adverse impacts are minimised and, for an area of high ecological significance, no net loss in biodiversity values is achieved.*
- (2) *Development on lots containing biodiversity areas ensures their ongoing protection and retention through application of conservation covenants or dedication for public use.*
- (3) *Biodiversity areas that are considered to be of regional, state or higher levels of significance are awarded levels of protection commensurate with these values.*
- (4) *The ecological values of biodiversity areas which have been degraded are rehabilitated as part of the development, and commensurate with the scale of development.*
- (6) *Endangered and of-concern ecosystems and threatened species habitat including upland refugia ecosystems, wet sclerophyll, and the habitat of endemic species are protected across all land tenures.*

Comment

The applicant considers that the development complies as it is only proposed in the cleared areas and in the area containing the old Lychee orchard.

The subject land includes mapped areas of wildlife habitat area along the eastern boundary.

Building envelopes are proposed for each lot to ensure future development will be sited outside the wildlife habitat area.

The proposed development does not conflict with these specific outcomes.

3.5.4 Element - Scenic amenity

3.5.4.1 Specific outcomes

- (1) *Areas of high scenic amenity (such as scenic routes) are protected from development which is visually inappropriate, obtrusive, unattractive or insensitive. Scenic routes include:*
 - (a) *Great Tropical Drive;*
 - (b) *Savannah Way;*
 - (c) *Wheelbarrow Way;*
 - (d) *Black Mountain Road;*
 - (e) *Barron Falls Road;*
 - (f) *The Great Inland Way;*
 - (g) *Kuranda Range; and*
 - (h) *Rex Range.*
- (2) *Development ensures scenic amenity values are maintained through sensitive location, design, materials, colour schemes, scale, minimising earthworks and retention of native vegetation.*

Comment

The subject land is elevated above the Kennedy Highway with limited visibility of the proposed development from this section of the Shire scenic route.

The proposed development is in keeping the established settlement pattern and would not reduce the scenic attributes.

The proposed development does not conflict with these specific outcomes.

Relevant Development Codes

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

- 6.2.10 Rural residential zone code
- 8.2.2 Airport environs overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.11 Scenic amenity overlay code

- 8.2.12 Transport infrastructure overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Rural residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Environmental significance overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Flood hazard overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Hill and slope overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Scenic amenity overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Transport infrastructure overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Reconfiguring a lot code	<p>The application can be conditioned to comply with the relevant acceptable outcomes contained within the code apart from the following:</p> <ul style="list-style-type: none"> ▪ Acceptable Outcome AO1.1 ▪ Performance Outcome PO13, Acceptable Outcome AO13 <p>The applicant has demonstrated compliance with the higher order Performance Outcome PO1 and in the case of PO13 and AO13, demonstrated compliance with the higher order Overall Outcomes of the Reconfiguring a Lot code.</p> <p>Further details are provided as the end of this report.</p>

Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
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(e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(f) Additional Trunk Infrastructure Condition

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

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

The development, which will create three (3) additional rural residential lots, is predicted to place additional demand on Council's trunk water supply infrastructure and trunk open space infrastructure.

The developer must pay a one off payment of **\$10,155.00** (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 water supply infrastructure servicing the land (\$5,570.00 per additional lot)
- The trunk open space infrastructure servicing the land (\$4,585.00 per additional lot)

REFERRALS

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

That Department advised in a response dated 28 August 2018 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 27 August 2018 to 14 September 2018. The applicant submitted the notice of compliance on 17 September 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Three (3) properly made submissions were received and two (2) of those objected to the proposed development. A fourth submission, objecting to the development, was received outside the public notification period.

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

Grounds for objection/support	Comment
Submitter (Paterson) expresses support for the development.	Noted.
Development application seeks to override the planning scheme. Submitter does not support overriding the planning scheme without demonstrated community or environmental benefit.	<p>The application is not a variation request and does not seek to change the Mareeba Shire Council Planning Scheme 2016 or the way it applies to the subject land.</p> <p>The proposed development is impact assessable development, not prohibited development. Being impact assessable, Council is required to assess the proposed development against all relevant provisions of the Mareeba Shire Council Planning Scheme 2016.</p> <p>Impact assessment has been completed and it is this report writer's assessment that the proposed development does satisfy all relevant provisions of the existing Mareeba Shire Council Planning Scheme 2016.</p> <p>Where a conflict has been identified with a limited number planning scheme provisions, the development is able to satisfy the planning scheme's relevant higher order provisions.</p>
Development will directly impact on environment, specifically the adjoining watercourse which is habitat to endangered species, such as cassowary, turtle and other fauna.	<p>A building envelope is shown for each proposed lot. These building envelopes are sited to ensure they avoid the areas of regulated vegetation and wildlife habitat mapped by the environmental significance overlay. The environmental significance overlay will continue to have effect for all future assessable development within the subject land.</p> <p>The environmental significance overlay does map a waterway traversing the subject land, however it is acknowledged that this mapped waterway is misaligned and the actual waterway is within the adjoining Council owned land.</p> <p>The proposed building envelopes achieve the planning scheme's nominated waterway setback.</p>

	<p>All future on site effluent disposal systems will be required to meet the latest standards applicable at the time of their installation.</p>
<p>The proposal plan shows two (2) shared accesses off Black Mountain Road for the four (4) proposed lots. Development should be limited to two (2) lots only.</p>	<p>The shared access arrangement is a sound planning outcome and does give justification to reduce lot numbers.</p> <p>The easements proposed will be conditioned to require a sealed driveway within each.</p>
<p>Development does not meet the community standards of supporting sensitive and sustainable urban development.</p>	<p>Impact assessment has been completed and it is this report writer's assessment that the proposed development does satisfy all relevant provisions of the existing Mareeba Shire Council Planning Scheme 2016.</p> <p>Where a conflict has been identified with a limited number planning scheme provisions, the development is able to satisfy the planning scheme's relevant higher order provisions.</p>
<p>The subject land is not located within a rural residential precinct. The planning scheme should not be amended.</p>	<p>The subject land is not within a rural residential precinct.</p> <p>The application is not a variation request and does not seek to change the Mareeba Shire Council Planning Scheme 2016 or the way it applies to the subject land.</p> <p>The proposed development is impact assessable development, not prohibited development. Being impact assessable, Council is required to assess the proposed development against all relevant provisions of the Mareeba Shire Council Planning Scheme 2016.</p> <p>Impact assessment has been completed and it is this report writer's assessment that the proposed development does satisfy all relevant provisions of the existing Mareeba Shire Council Planning Scheme 2016.</p> <p>Where a conflict has been identified with a limited number planning scheme provisions, the development is able to satisfy the planning scheme's relevant higher order provisions.</p>
<p>The building envelope on proposed Lot 4 is too small and too close to the</p>	<p>The proposed building envelopes allow for the reasonable development of each lot.</p>

dwelling on proposed Lot 3, losing the rural residential feel.	Any prospective purchaser of Lots 3 and 4 can make the determination as to whether they accept the level of amenity offered by each allotment.
Too much reliance is placed on the developer to inform Council where the creek boundary is.	The environmental significance overlay does map a waterway traversing the subject land, however it is acknowledged that this mapped waterway is misaligned and the actual waterway is within the adjoining Council owned land.
Development cannot be supported due to conflicts with the planning scheme.	<p>The proposed development is impact assessable development, not prohibited development. Being impact assessable, Council is required to assess the proposed development against all relevant provisions of the Mareeba Shire Council Planning Scheme 2016.</p> <p>Impact assessment has been completed and it is this report writer's assessment that the proposed development does satisfy all relevant provisions of the existing Mareeba Shire Council Planning Scheme 2016.</p> <p>Where a conflict has been identified with a limited number planning scheme provisions, the development is able to satisfy the planning scheme's relevant higher order provisions.</p>
An ecologic appraisal was submitted as the fourth (4) not properly made submission.	<p>Noted.</p> <p>The development has been assessed against the applicable planning instruments.</p>

The applicant has provided their response to the submissions (**Attachment 4**).

Submitters

Name of principal submitter	Address
1. John & Michele Paterson (support)	57 Butler Drive, Kuranda QLD 4881
2. Jenny Jensen	61 Butler Drive, Kuranda QLD 4881
3. Steven Nowakowski	PO Box 4761, Cairns QLD 4870
Not properly made submission	

4. Jo Martin, for Kuranda Region Planning Group	Recreation Centre, Kuranda QLD 4881
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PLANNING DISCUSSION

Compliance with the Performance Outcomes and Purpose of the Reconfiguring a Lot Code is summarised as follows:

Reconfiguring a Lot Code

PO1

Lots include an area and frontage that:

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

AO1.1

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

Comment

Table 9.4.4.3B does not nominate a minimum area and frontage for rural residential allotments that are located outside a precinct.

Assessment is therefore necessary against PO1 and the criteria it nominates:

- (a) The proposed lots will be consistent with the design of lots in the surrounding area.
- (b) The proposed lots allow the desired amenity of the zone to be achieved.
- (c) Each of the proposed lots is of sufficient size and shape to be able to accommodate all buildings, structures and works associated with the intended land use;
- (d) The existing site access will be upgraded to provide shared access to Lots 3 and 4. A new shared access adjacent to the western boundary will provide access to proposed Lots 1 and 2. A sealed driveway will be required within the proposed access handle;
- (e) The subject land is conveniently located at approximately 1,000 metres (walking distance) from the Kuranda town centre;
- (f) Future buildings will be sited away from the waterway and remaining vegetation; and

- (g) The proposed lot layout reasonably responds to site's constraints.

The development complies with PO1.

PO13

New lots are only created in the Rural residential zone where land is located within the 4,000m² precinct, the 1 hectare precinct or the 2 hectare precinct.

AO13

No acceptable outcome is provided.

Comment

The proposed development conflicts with PO13 as the subject land is not located within a rural residential zone precinct.

An assessment of the development's consistency with the purpose of the Reconfiguring a Lot Code is discussed below:

The purpose of the Reconfiguring a Lot code will be achieved through the following overall outcomes:

- (a) *Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;*

The site is already serviced by all infrastructure typically conditioned for rural residential development.

- (b) *Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct;*

The size and shape of the proposed allotments are consistent with the Rural Residential zone - 4,000m² precinct. The subject land is within the Rural Residential zone, but outside the 4,000m² precinct.

Part of the subject land's eastern boundary adjoins the Rural Residential zone - 4,000m² precinct (Top of the Range Estate).

- (c) *Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;*

The ultimate use of each lot is a single dwelling house with the potential for some ancillary domestic outbuildings. Proposed Lot 3 already contains a dwelling house and shed.

Proposed Lots 1, 2 and 4 all have sufficient area and dimensions to accommodate a future dwelling house and avoid/protect environmental features. A building envelope is nominated for each lot to keep structures away from the environmental features.

- (d) *A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;*

The proposed development would add to the range of lot sizes available.

- (e) *Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;*

Not applicable. The proposed development does not require an extension to the road network.

- (f) *Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;*

The site is approximately 850 metres north of the Kuranda township and roughly 1.2 kilometres walking distance. An established pedestrian path links the northern side of the Barron River back to the Kuranda township.

- (g) *Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;*

The 'top of the range estate' area is already serviced by 3 hectares of park and recreation reserve on Gregory Terrace. The subject land also has convenient access to existing local/district parks and facilities found throughout the Kuranda district.

Due to the proposed developments relatively small scale and the adequate supply of existing parkland and facilities, a monetary infrastructure contribution is considered to be appropriate.

- (h) *Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;*

Council already holds title over the waterway/riparian corridor adjoining the subject land.

- (i) *Subdivision within the Rural zone maintains rural landholdings in viable parcels;*

Not applicable. The subject land is within the Rural Residential zone, not the Rural zone.

- (j) *Land in historical townships is not reconfigured to be used for urban purposes; and*

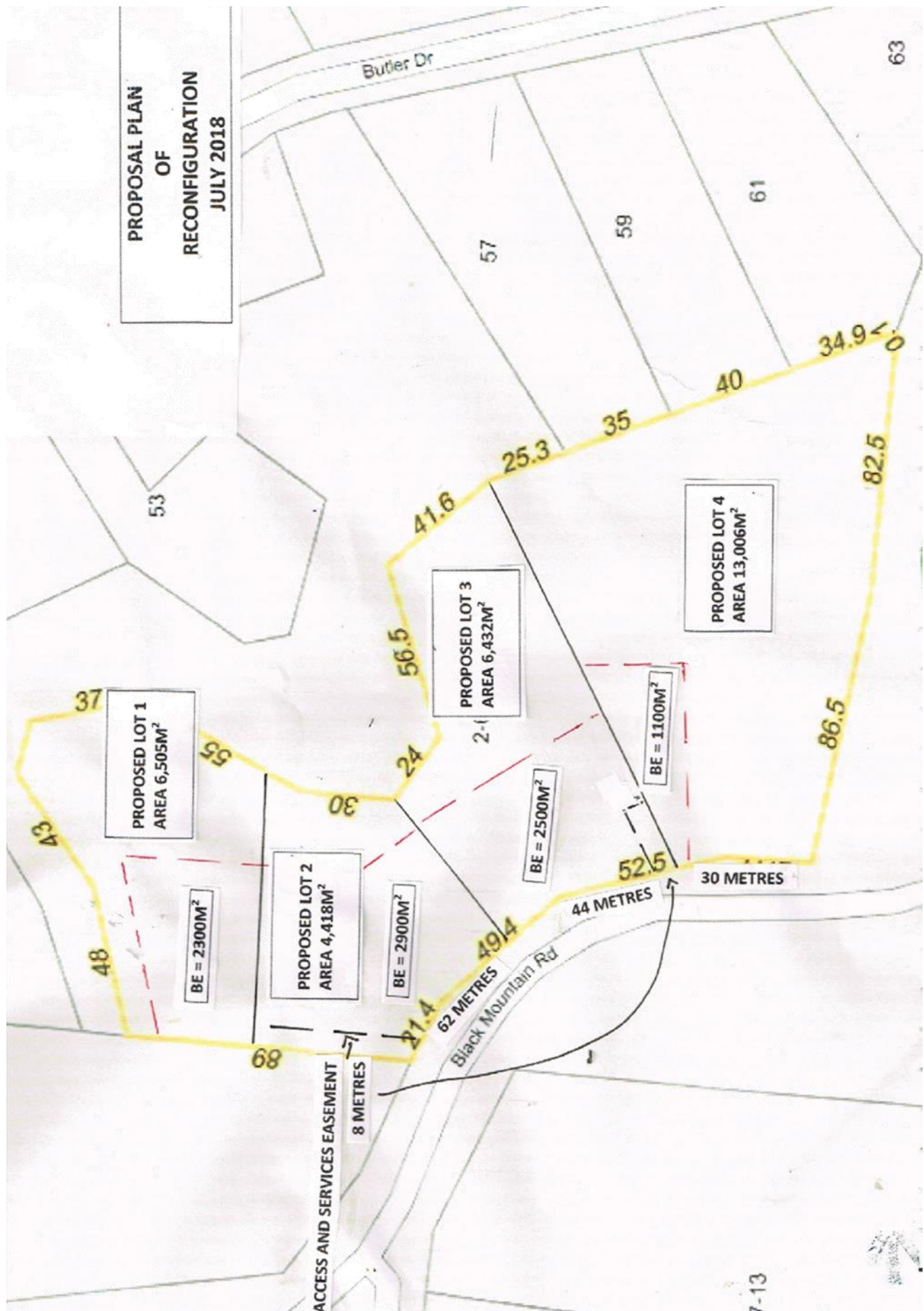
Not applicable. The subject land is not within a historical township for the purpose of the planning scheme.

- (k) *Residential subdivision and greenfield development is designed to consider and respect:*

i. *topography;*

- ii. climate responsive design and solar orientation;*
- iii. efficient and sustainable infrastructure provision;*
- iv. environmental values;*
- v. water sensitive urban design;*
- vi. good quality agricultural land; and*
- vii. the character and scale of surrounding development.*

The proposed lot layout appropriately and efficiently responds to the relevant identified criteria.



2-6 Black Mountain Rd - Google Maps

4 BLOCK. Aerial

7/24/2018



<https://www.google.com.au/maps/place/2-6+Black+Mountain+Rd,+Kuranda+QLD+4881/@-16.8120657,145.6373777,295m/data=!3m1!1e3!4m5!3m4!1s0x6978704f8c47f8a5:0xdca300358a8b1c1a18m2!3d-16.812127...>

RA6-N



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

Our reference: 1808-6718 SRA
Your reference: RAL/18/0025

28 August 2018

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

Attention: Brian Millard

Dear Mr Millard

Referral agency response—with conditions

Development Application seeking a Development Permit for Reconfiguring a Lot – One (1) Lot into Four (4) Lots on land located at 4-6 Black Mountain Road, Kuranda, more specifically Lot 1 on RP743970
(Given under section 56 of the *Planning Act 2016*)

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 9 August 2018.

Applicant details

Applicant name:	Mr N Derakhshan
Applicant contact details:	23 Valley Street Freshwater QLD 4870 liz@elizabethtaylor.net.au

Location details

Street address:	2-6 Black Mountain Road, Kuranda
Real property description:	Lot 1 on RP743970
Local government area:	Mareeba Shire Council

Application details

Development Permit	Reconfiguring a Lot - One (1) Lot into Four (4) Lots
--------------------	--

Referral triggers

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

Page 1 of 4

North and North West regional office
Level 4, 445 Flinders Street, Townsville
PO Box 5666, Townsville QLD 4810

1808-6718 SRA

- 10.9.4.2.1.1 State transport corridors and future State transport corridors
- 10.9.4.2.3.1 State transport corridors and future State transport corridors

Conditions

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

Reasons for decision to impose conditions

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

Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Proposal Plan of Reconfiguration	-	July 2018	-	-

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

For further information please contact Javier Samanes, A/ Principal Planning Officer, on 47583416 or via email NQSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Graeme Kenna
Manager (Planning)

cc Mr N Derakhshan, liz@elizabethtaylor.net.au

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

1808-6718 SRA

Attachment 1—Conditions to be imposed

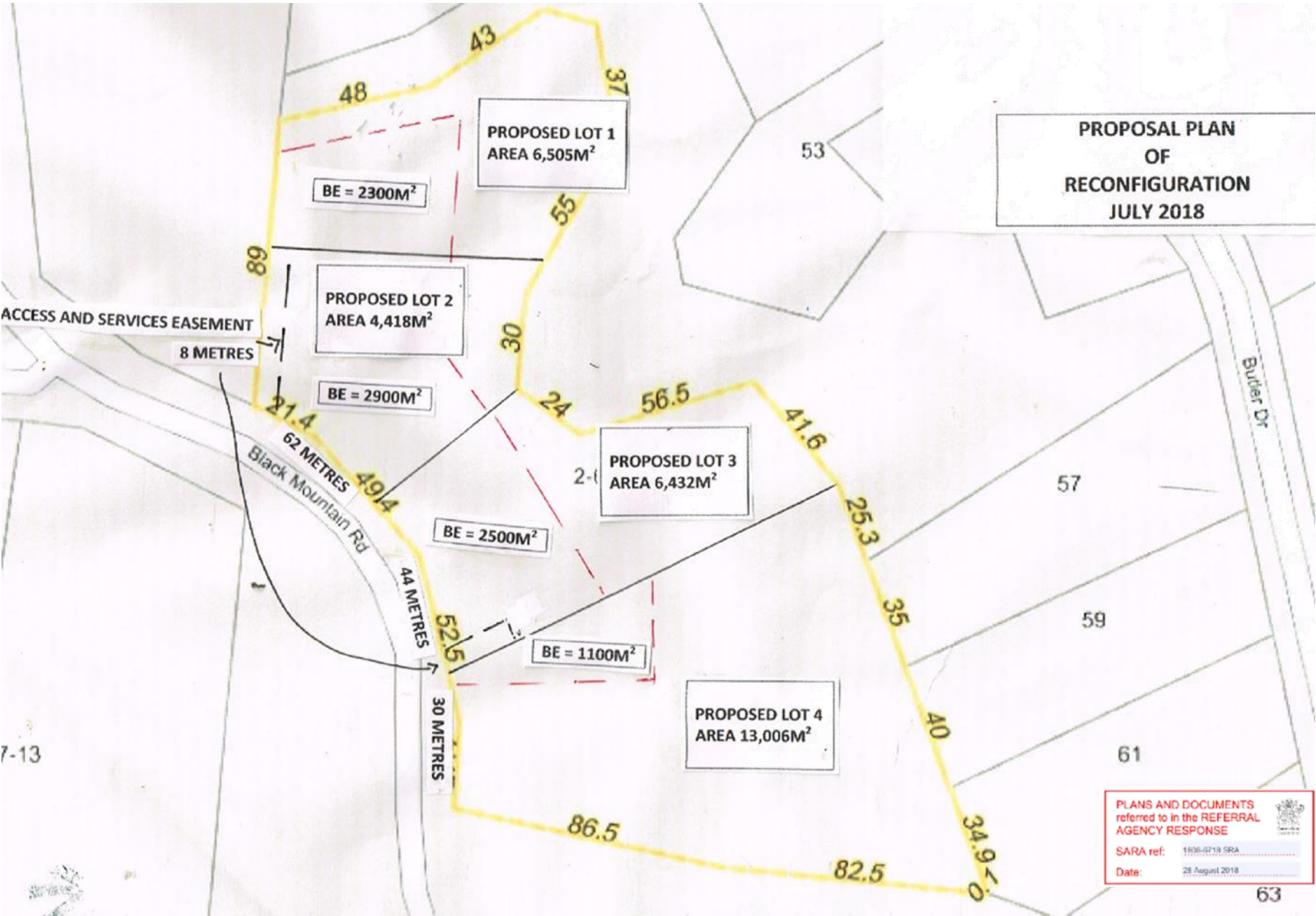
No.	Conditions	Condition timing
Reconfiguring a Lot – One (1) Lot into Four (4) Lots		
10.9.4.2.1.1 and 10.9.4.2.3.1 – State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Road access to the development must be provided generally in accordance with Proposal Plan of Reconfiguration, dated July 2018.	Prior to submitting the Plan of Survey to the local government for approval
2.	Direct access is not permitted between Kennedy Highway and the subject site.	At all times

1808-6718 SRA

Attachment 2—Reasons for decision to impose conditions

The reasons for the decision to impose conditions are:

- To ensure the road access location to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road.
- To ensure direct access to the state-controlled road is prohibited where not required.



From: Jenny Jensen
Sent: 9 Sep 2018 20:07:50 +1000
To: Info (Shared); Brian Millard
Subject: RAL/18/0025 - Objection submission - Jenny Jensen
Attachments: Submission from Jenifer J Jensen in response to.pdf, Submission MSC from JJ Jensen Sept18 001 (2).jpg

ATT: Brian Millard
RE: Submission to Development Application RAL/18/0025 at 2-6 Black Mt Rd

I wish to submit an objection to this Development Application.
My submission is attached.

Thank You

Please Note: If required with signature, please note that a scanned copy with original signature is also attached

Jenifer (Jenny) Jensen

Mobile: 0414262040

Submission from Jenifer J Jensen in response to:

Development Application: Reconfiguration of a Lot – One (1) Lot into four (4) Lots

2- 6 Black Mountain Rd, Kuranda

On: Lot 1 RP743970

Application: RAL/18/0025

I wish to make a submission to OBJECT to the Development Application.

I own a property at (Lot 77) 61 Butler Drive Kuranda, which immediately adjoins the proposed Lot 4 of the Development Application.

My concerns are as follows:

- 1. This Development Application seeks to override the MSC Planning Scheme which was adopted recently after extensive consultation and considerable drafting. Whilst Council has the ability to override the Planning Scheme, I do not support contravening the Planning Scheme unless there is clear evidence of a significant reason to do so.** In the case of this Development Application, no significant evidence has been provided to warrant overriding the current Planning Scheme, other than economic gain. No community or environmental benefit has been demonstrated.
- 2. This proposed Development would impose direct impacts on the environment,** given that there is a water course along the boundary area of my property and the proposed Lot 4. This is habitat to highly endangered species including cassowaries, as well colonies of freshwater turtles and other fauna.
- 3. In terms of sound planning principles, the proposed division into 4 lots is deficient** as the proposed plan shows only two access points, each of which would each provide access for two properties. It would seem that if the Development were to be approved, only two (2) not four (4) lots should be allowed.
- 4. Overall, this Development does not meet the community standards of only supporting sensitive and sustainable urban development in such a sensitive ecological area.**

Signed:

Date:

Submission from Jenifer J Jensen in response to:

Development Application: Reconfiguration of a Lot – One (1) Lot into four (4) Lots

2- 6 Black Mountain Rd, Kuranda

On: Lot 1 RP743970

Application: RAL/18/0025

I wish to make a submission to OBJECT to the Development Application.

I own a property at (Lot 77) 61 Butler Drive Kuranda, which immediately adjoins the proposed Lot 4 of the Development Application.

My concerns are as follows:

1. **This Development Application seeks to override the MSC Planning Scheme which was adopted recently after extensive consultation and considerable drafting. Whilst Council has the ability to override the Planning Scheme, I do not support contravening the Planning Scheme unless there is clear evidence of a significant reason to do so.** In the case of this Development Application, no significant evidence has been provided to warrant overriding the current Planning Scheme, other than economic gain. No community or environmental benefit has been demonstrated.
2. **This proposed Development would impose direct impacts on the environment,** given that there is a water course along the boundary area of my property and the proposed Lot 4. This is habitat to highly endangered species including cassowaries, as well colonies of freshwater turtles and other fauna.
3. **In terms of sound planning principles, the proposed division into 4 lots is deficient** as the proposed plan shows only two access points, each of which would each provide access for two properties. It would seem that if the Development were to be approved, only two (2) not four (4) lots should be allowed.
4. **Overall, this Development does not meet the community standards of only supporting sensitive and sustainable urban development in such a sensitive ecological area.**

Signed:

Date:


9th September 2018.

From: First National Kuranda - John
Sent: 6 Sep 2018 12:59:43 +1000
To: Info (Shared)
Subject: RAL/18/0025 - John and Michele Paterson submits support for Development Application

Good Afternoon

We would like to lodge our agreement for this development on Black Mountain Road, Kuranda to proceed.

Regards

John and Michele Paterson
57 Butler Dv
Kuranda

Document Set ID: 3436664
Version: 1 Version Date: 07/09/2018

From: Steven Nowakowski
Sent: 4 Sep 2018 18:48:20 +1000
To: Info (Shared)
Subject: RAL/18/0025 - Objection submission - Steven Nowakowski
Attachments: Objection to RAL180025.pdf

Hello Mareeba Shire Council,

Please find attached an objection to the reconfiguration of a Lot on Black Mountain Road Kuranda.

Kind Regards,
 Steven Nowakowski

Document Set ID: 3436033
 Version: 1 Version Date: 05/09/2018

Steven Nowakowski
PO Box 4761
CAIRNS QLD 4870

3rd September 2018

Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Dear Sir/Madam,

RE: RAL/18/0025

I wish to object to the reconfiguration of a Lot at 2-6 Black Mountain Road, Kuranda.

The subject property falls outside Precinct A of the Rural Residential Zone.

The Planning Scheme was developed with public participation and consultation and reflects the desires and aspirations of the community. Therefore, the subject property was excluded from Precinct A as an outcome from community consultation at the time of the development of the Planning Scheme. The Planning Scheme should not be amended because one developer wishes to maximise profits from an investment.

Issues I have highlighted thus far are:

- i) The allowable building envelope for the Proposed New Lot 4 is too small and constrained. If a dwelling is built on Lot 4 it will be too close to the existing structure on Proposed Lot 3. This will diminish the rural residential 'feel' for these proposed blocks and does not meet the intent of the rural residential lifestyle.
- ii) Too much reliance is placed on the developer to inform council where the actual creek boundary is. Mention is made that the creek is mapped wrong so where is the correct boundary? Does the creek setbacks reflect this?
- iii) Further development of the subject Lot cannot be supported due to a conflict with The Mareeba Shire Planning Scheme 2016

Yours truly,

Steven Nowakowski

From: Jo Martin
Sent: 15 Sep 2018 10:51:01 +1000
To: Info (Shared); 'Kuranda Region Planning Group'
Subject: RAL/18/0025 - submission - ecological appraisal by Kuranda Region Planning Group
Attachments: ECOLOGICAL-APPRAISAL-FOR-MSC-RAL180025.pdf

Hi MSC,

Please find attached the submission for RAL 180025.

Kind regards,

jo

For Kuranda Region Planning Group



Virus-free. www.avast.com



ECOLOGICAL APPRAISAL

PREPARED FOR MAREEBA SHIRE COUNCIL



DATE: 14 SEPTEMBER 2018

MSC CODE: RAL/18/0025 APPLICANT: N Derakhshan C/- Elizabeth Taylor Town Planner DESCRIPTION: ROL (1 into 4 Lots) ADDRESS: 2-6 Black Mountain Road KURANDA DOCUMENTS: RAL180025 - Confirmation Notice 3.84 MB RAL180025 - New DA - N Derakhshan 4.88 MB	FILING CODE: KRPB-BM026 SITE MAPPING SUPPLIED: <ul style="list-style-type: none"> MSC2016 ZM0011 SITE PLAN EPBC species Matters of State Significance
--	---

 Cassowary Sightings - four sightings within 1000m of site	 Kuranda Tree Frog records - within 500m of site
 Ecological Corridor - Fairyland Link - site within 300m of Barron River	 MSES Buffered Streams - yes, on site

COMMENTARY BY JO MARTIN

MAP 1 shows the site in relation to MSC2016 planning scheme zone map and shows the site outside of **Zone A 4,000** sqm precinct.

MAP 2 shows the submitted plan shows proposed lot sizes of:

PROPOSED LOT 1 AREA **6,505** sqm

PROPOSED LOT 2 AREA **4,418** sqm

PROPOSED LOT 3 AREA **6,432** sqm

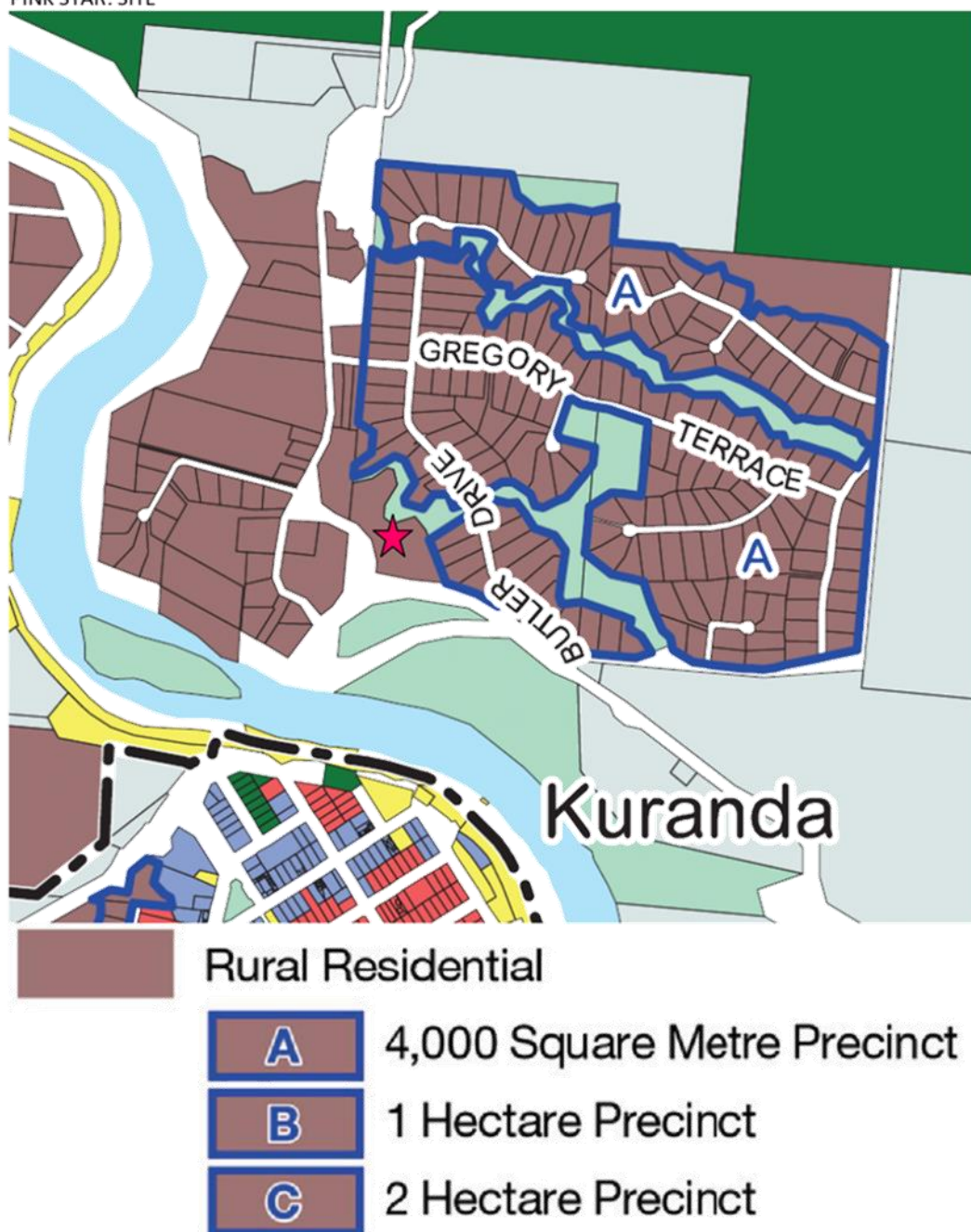
PROPOSED LOT 4 AREA **13,006** sqm

The proposed lot sizes are *not in accordance with the MSC2016 zone*. Minimum lot size for the site is **10,000** sqm (1ha).

MAP3 shows the site in relation to EPBC threatened species, in particular the Cassowary and Kuranda Tree Frog. Black Mountain subdivisions are home to the highest density of Cassowary in Kuranda and will require lower human densities to preserve essential habitat on freehold land.

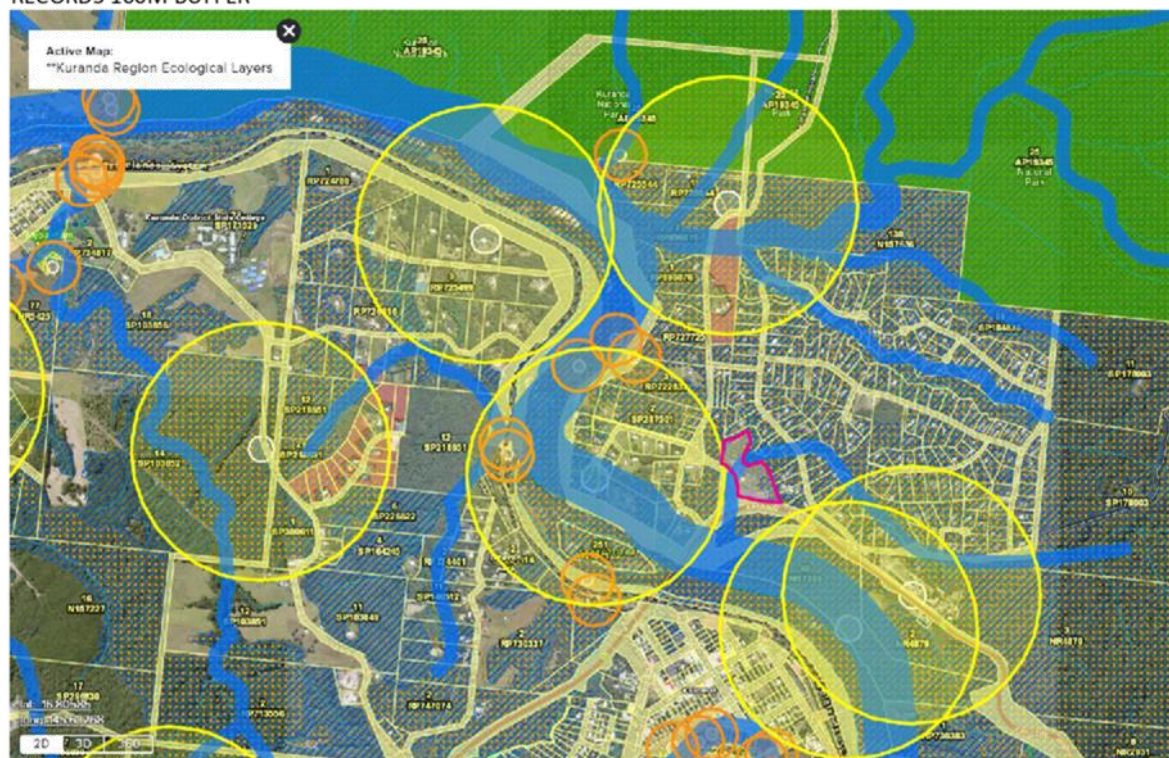
MAP4 and **MAP5** show the site in relation to Matters of State Significance (MSES) ESSENTIAL HABITAT and WILDLIFE HABITAT. The site currently forms one of the few *deadzones* in canopy cover in the Black Mountain area. Conservation efforts would require less density/lots approved by council and native revegetation restored outside of building envelopes, in the best case scenario.

MAP 1 MAREEBA SHIRE COUNCIL PLANNING SCHEME ZONE MAP – KURANDA ZM0011
PINK STAR: SITE

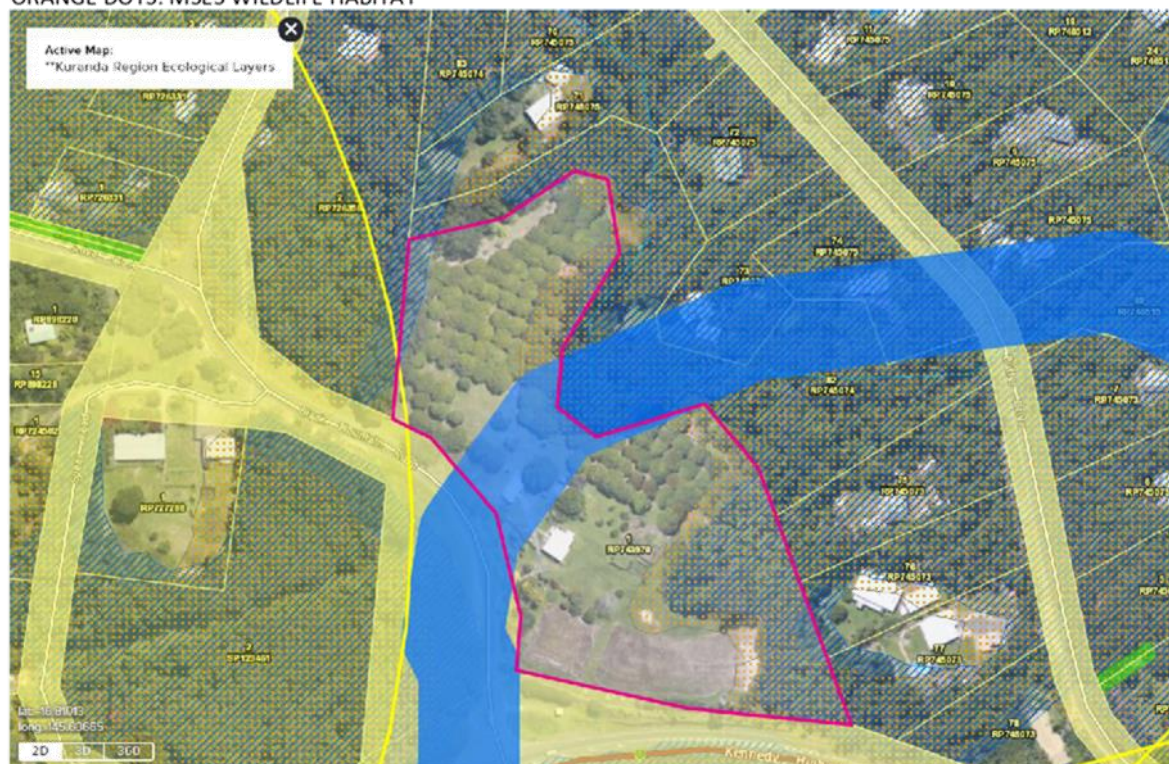


PRECINCT	SQUARE METRES	HECTARES
A	4,000	0.4
B	10,000	1
C	20,000	2

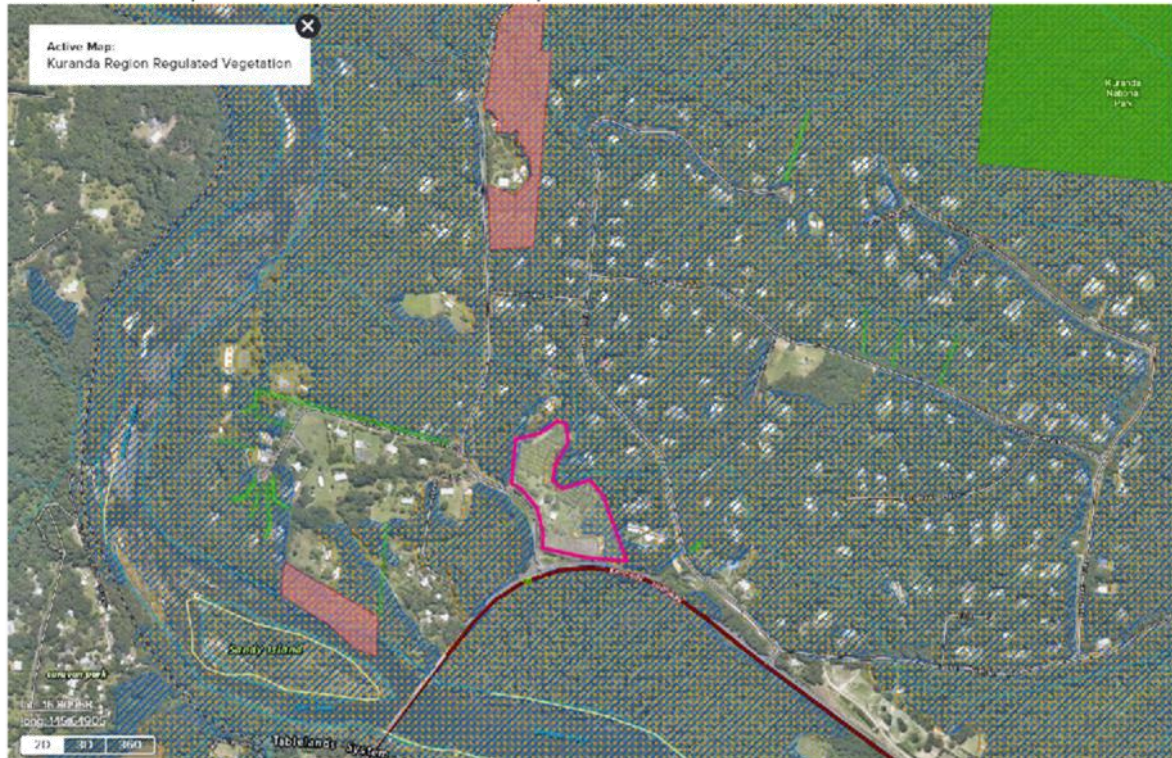
MAP 3 PINK: SITE | YELLOW CIRCLES: CASSOWARY EXTENT 500M BUFFER | ORANGE CIRCLES: KURANDA TREE FROG RECORDS 100M BUFFER



MAP 4 PINK: SITE | BLUE: BUFFERED STREAMS, CONSERVATION SIGNIFICANCE | BLUE HASH: ESSENTIAL HABITAT | ORANGE DOTS: MSES WILDLIFE HABITAT



MAP 5 PINK: SITE | BLUE HASH: ESSENTIAL HABITAT | ORANGE DOTS: MSES WILDLIFE HABITAT



Document Set ID: 3439509
Version: 1 Version Date: 17/09/2018

Brian Millard

Subject: FW: Submissions for ROL (1 into 4 Lots) 2-6 Black Mountain Road, Kuranda - N Derakhshan - RAL/18/0025

From: Navid Derakhshan <navidd@hotmail.com>
Sent: Tuesday, 18 September 2018 4:53 PM
To: Liz Taylor <liz@elizabethtaylor.net.au>
Subject: Re: Submissions for ROL (1 into 4 Lots) 2-6 Black Mountain Road, Kuranda - N Derakhshan - RAL/18/0025

Many thanks, Liz.

I offer the following comments in relation to each of the points raised within each submission:

1) Objection received from Jo Martin, representing the Kuranda Region Planning Group:

- First and foremost, the submission was emailed to the Council a day after the closing date - not sure if this is acceptable or not?
- Points 1 and 2 are one and the same, yes the property is outside the 4000m² precinct, this is why the application is Impact Assessable.
- For point 3, the objector's own maps show that the property is outside the buffer zones required for Cassowary and tree frog habitats.
- Point 4, all proposed building envelopes are well outside any relevant buffer zones, including those listed by the objector. Furthermore, the property is currently a disused Lychee orchard and open paddock with little-to-no prospect of EVER being re vegetated with native trees. If, however the property is divided into four smaller lots, individual property owners are more likely to plant native vegetation to create privacy and seclusion for themselves thereby increasing areas of native vegetation/habitat areas.

2) Objection received from Steven Nowankowski:

- The comment about "the Planning Scheme should not be amended because one developer wishes to maximise profits from an investment" is ridiculous and irrelevant. The reason the application has been made is because Council's mapping is incorrect and the site has been proven to have further development potential, which if Council had known at the time the Planning Scheme was prepared would have probably resulted in the site being included in Precinct A to allow further subdivision.
- Point 1 is not relevant as any potential buyer will make up their own mind about rural residential amenity and, in any event, it can be easily addressed with planting/screening along the boundary between Lots 3 and 4 and the Building Envelope in Lot 4 has an area of 1,100m²- which is nearly double the area of a standard residential lot, providing plenty of options for the siting of a new dwelling.
- Point 2 has already been addressed in the submission, and yes the required creek set-backs have been taken into account.
- Point 3 is a repeat of the objector's earlier comment, albeit with better reasoning. Again, this is why we are submitting an application to show that the mapping errors in the Planning Scheme suggested the site had no development potential but ground-truthing on site has proven the opposite and that is why the application has been made; to show there are no insurmountable

conflicts between the proposed development and the Planning Scheme when the on- site opportunities and constraints are accurately mapped and assessed.

3) Objection received from Jenny Jensen:

- Point 1 - the development application directly benefits the community (with no detrimental environmental impacts) in providing much needed housing accommodation in the Kuranda region.
- Point 2 - all proposed lots and building envelopes are outside all relevant buffer zones, as required.
- Point 3 - is contradictory to the objector's first 2 points. There is no difference between having 4 lots or having 2 lots - either the development goes against the Planning Scheme and has 'direct impacts' on the environment OR it doesn't. Only two vehicular accesses to four lots are proposed to limit vehicular access to and from Black Mountain Road, surely this is a good outcome?
- Point 4 - the objector's comment is subjective and inaccurate based on ideology rather than a logical or factual argument. This development has been designed following ground-truthing and an opportunities and constraints exercise, surely this is sensitive and sustainable development.

Happy to chat further on any of the above.

Talk with you soon.

Navid

8.4 SND DEVELOPERS PTY LTD - MATERIAL CHANGE OF USE - SHORT TERM ACCOMMODATION - LOT 71 ON SP136296 - 28 KEEBLE STREET, MAREEBA - MCU/18/0019

Date Prepared: 5 November 2018

Author: Senior Planner

Attachments:

1. Proposal Plans [↓](#)
2. Department of State Development, Manufacturing, Infrastructure and Planning Referral Agency Response - 15 October 2018 [↓](#)
3. Submissions [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	SND Developers Pty Ltd	ADDRESS	28 Keeble Street, Mareeba
DATE LODGED	17 July 2018	RPD	Lot 71 on SP136296
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Short-Term Accommodation		
FILE NO	MCU/18/0019	AREA	2,797m2
LODGED BY	Freshwater Planning Pty Ltd	OWNER	SND Developers Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Medium Density Residential zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Three (3) properly made		

EXECUTIVE SUMMARY

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

The application is impact assessable and three (3) properly made submissions were received in response to public notification of the application.

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

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

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	SND Developers Pty Ltd	ADDRESS	28 Keeble Street, Mareeba
DATE LODGED	17 July 2018	RPD	Lot 71 on SP136296
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Short-Term Accommodation		

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

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

And

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

(A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use - Short-Term Accommodation

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
1323-A-00	Cover Sheet	Humac Design	-
1323-A-01B	Site Plan	Humac Design	11.09.2018
1323-A-02B	Floor Plan	Humac Design	11.09.2018
1323-A-03B	First Floor Plan	Humac Design	11.09.2018
1323-A-04B	Elevations	Humac Design	11.09.2018

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

- Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
 - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.
- 2.3 Prior to the commencement of use, the applicant must provide a letter from the Department of State Development, Manufacturing, Infrastructure and Planning confirming that the department is satisfied their conditions are complied with and/or that the department has no objections to the commencement of the use.

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.
- 3.4 Noise Nuisance
 - 3.4.1 Refrigeration equipment, pumps, compressors and mechanical ventilation systems must be located, designed, installed and maintained to achieve a maximum noise level of 3dB(A) above background levels as measured from noise sensitive locations and a maximum noise level of 8dB(A) above background levels as measured from commercial locations.
 - 3.4.2 The applicant is required to install and maintain suitable screening to all air conditioning, lift motor rooms, plant and service facilities located at the top of or on the external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building. There are to be no individual external unscreened air conditioning units attached to the exterior building facade.
 - 3.4.3 The use, including the unloading or loading of goods, is not to include the use of any sound projecting objects or systems that may cause a nuisance to adjoining properties.

3.5 Waste Management

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

Certification by a Registered Professional Engineer of Queensland (RPEQ) must be provided to Council which demonstrates that internal access is of adequate design and construction to allow waste collection/delivery vehicle to enter and exit the site in a forward gear, prior to the issue of a development permit for operational works.

3.6 Maximum Accommodation Density

The total number of people accommodated by the approved development at any one time must not exceed 148 persons, exclusive of the on-site manager.

3.7 No amplified entertainment above 75dB(C) shall be carried out on the subject land.

3.8 Privacy

Any windows on the western side of the managers unit must be screened using fixed external blinds/screens so that no windows have direct views into Lots 72 to 74 on SP136296.

3.9 Amenity

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

3.10 Full time onsite manager

A full time, onsite manager must be present onsite at all times during the operation of the approved use. The contact details for the onsite manager are to be made public accessible to all adjoining property owners.

4. Infrastructure Services and Standards

4.1 Access

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

4.2 Stormwater Drainage/Water Quality

- 4.2.1 Prior to the approval of operational works, the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer. The Stormwater Management Plan and Report must detail the stormwater drainage for the whole of the development.
- 4.2.2 The Stormwater Management Plan must ensure a non-worsening effect on surrounding land as a consequence of the development, and must take all reasonable and practicable measures to ensure discharge occurs in compliance with the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual.
- 4.2.3 The applicant/developer must construct the stormwater drainage infrastructure for the development in accordance with the approved Stormwater Management Plan and Report.
- 4.2.4 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Frontage Works - Keeble Street

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

- (a) The developer is to construct kerb and channel on the development side of Keeble Street for the full frontage of the subject land;
- (b) The applicant is to widen the existing asphalt seal on Keeble Street to the kerb and channel required by Condition 4.3(a);
- (c) A concrete footpath minimum of 2.0m width must be constructed along the development side of Keeble Street for the full frontage of the subject land;
- (d) Signage and line marking as per the Department of Transport and Main Roads Manual of Uniform Traffic control Devices (MUTCD);
- (e) Footpath earthworks, topsoiling and turfing reinstatement of all disturbed footpath areas;
- (f) Adjustments and relocations necessary to public utility services resulting from these works;

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

4.4 Car Parking/Internal Driveways

The developer must ensure that the development is provided with a minimum of 25 on-site car parking spaces, two (2) 22 seater bus parking bays and eight (8) bicycle parking spaces which are available solely for the parking of vehicles associated with the use of the premises.

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

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

- Australian Standard AS2890:1 Off Street Parking – Car Parking Facilities;
- Australian Standard AS1428:2001 – Design for Access and Mobility;
- Australian Standard AS2890.3 – Bicycle Parking Facilities.

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

4.5 Landscaping

4.5.1 The development must be landscaped in accordance with an approved landscape plan.

4.5.2 Prior to the issue of the development permit for operational works, a detailed landscape plan, must be prepared for the site and submitted to Council's delegated officer for consideration and approval.

4.5.3 The landscape plan must demonstrate compliance with the Landscaping Code. Plant species are to be generally selected from the Plant Schedule in Planning Scheme Policy 6 - Landscaping and preferred plant species.

4.5.4 The landscaping plan must incorporate the following:

- landscaping strips within the subject land, along the Keeble Street frontage and all side and rear boundaries.
- Trees that will grow to provide shade must be planted throughout the car park area and around its perimeter at the rate of one (1) tree per ten (10) car parking spaces or part thereof; or shade structures are provided over 40% of the car parking spaces.

4.5.5 A minimum of 25% of new plants is provided as larger, advanced stock with a minimum plant height of 0.7 metres and mulched to a minimum depth of 0.1 metres with organic mulch.

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

4.6 Fencing

Prior to the commencement of the use, the applicant/developer must erect a 1.8 metre high, neutral colour, timber paling fence along the full southern and western boundaries of the subject land.

The fencing must comply with Queensland Rail drawing number QR-C-S3231 - 'Standard Timber Fence 1800mm High Timber Paling Fence'.

All fencing must be erected prior to the commencement of the use and must be maintained in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.7 Lighting

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

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

NOTE: The design is to integrate the principles of Crime Prevention through Environmental Design (CPTED) theory. Lighting design is to illuminate potential areas of concealment and is to project illumination so that a human face is easily discernible from 15 metres and there is to be sufficient night lighting, which renders people, colours, vegetation and objects correctly. i.e. 'white' light. Particular attention should be given to pathways, driveways and common external spaces.

4.8 Water Supply

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

- (b) Prior to the issue of a development permit for operational works, the developer must submit engineering plans and specifications for the connection of the development to Council's reticulated water supply system demonstrating compliance with Condition 4.8(a).

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

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

4.9 Sewerage Connection

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

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

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

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (c) Water Meters/Water Service Connection

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

upon the approved hydraulic drawings at the time of lodgement of a Water Quotation Request.

(d) Property Connection to existing sewer main

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

(e) Food Premises

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

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

(g) Compliance with applicable codes/policies

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

(h) Compliance with Acts and Regulations

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

(i) Environmental Protection and Biodiversity Conservation Act 1999

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

(j) Cultural Heritage

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

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 15 October 2018

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work
- Development Permit for Operational Works

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

- Compliance Permit for Plumbing and Drainage Work

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

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Amount
Proposal					
Development authorised under MCU/18/0019	Accommodation (short term)	Suite with 1-2 bed/room with no ensuite	\$6,000.00	22	\$132,000.00
		Suite with 3 or more bed	\$8,400.00	10	\$84,000.00
		Total			\$216,000.00
Credit					
Existing Lot	Residential	Per Lot	\$18,340.00	1	\$18,340.00
TOTAL					\$197,660.00

THE SITE

The subject land is situated at 28 Keeble Street, Mareeba and is described as Lot 71 on SP136296. The land is irregular in shape having an area of 2,797m² and is zoned Medium Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The land has approximately 24.45 metres frontage to Keeble Street. Keeble Street is constructed to a six (6) metre wide asphalt sealed standard, with kerbing, for the entire frontage of the subject land. A one (1) metre wide paved footpath extends along Keeble Street.

The subject land is vacant, flat and generally unconstrained by natural or physical features (vegetation, watercourses etc). All urban services can be made available to the subject land.

All side and rear boundaries of the subject land adjoin railway corridor land. The active rail corridor is located immediately to the east and the railway works depot immediately to the south. An access driveway to the railway works depot extends along the site's entire western boundary.

Neighbouring allotments to the north are zoned Centre under the Mareeba Shire Council Planning Scheme 2016. The 4 properties adjoining the western side of the railway works depot access driveway are zoned Medium Density Residential and are each developed with a single dwelling house.



Map Disclaimer:

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

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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - Short-Term Accommodation (backpacker style accommodation for up to 148 guests) in accordance with the plans shown in **Attachment 1**.

The proposed development comprises of two buildings, a large irregularly shaped accommodation building and a smaller reception building.

The accommodation building is sited adjacent to the eastern and southern boundaries with the eastern leg being single storey and the southern leg being two stories. The accommodation building will comprise of:

- 5 rooms with 4 beds
- 8 rooms with 6 beds
- 4 rooms with 2 beds and ensuite

- 10 rooms with 4 beds and ensuite
- 4 rooms with 8 beds
- Male and female amenities

The accommodation building includes a third centrally located single storey leg containing the guest kitchen, laundry and storage areas. An outdoor clothes drying area is proposed adjacent to laundry, with the accommodation building screening this area from Keeble Street. Covered walkways featured throughout the accommodation building.

The second building is a two storey reception building located in the north-western corner of the site fronting Keeble Street. The ground floor contains the reception, linen storage and office, with the second storey being a manager's residence.

The total building site coverage is approximately 1,200m² or 43% of the site. All proposed buildings will be setback a minimum of two metres from the side and rear boundaries.

In excess of 1,000m² of the site is intended for open space and landscaping. The open space areas will encompass a BBQ area and communal open space. Landscaping is proposed throughout the entire site with particular attention to the Keeble Street frontage and the side boundaries.

On-site parking facilities will comprise of 25 car spaces, inclusive of 1 managers space and 1 disabled space and spaces for 2 x 22 seat mini-buses. A designated bicycle rack will be provided in proximity to the accommodation building.

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3 - 'Areas of Ecological Significance' does not identify the site as being of any significance.

PLANNING SCHEME DESIGNATIONS

	Land Use Categories
Strategic Framework:	<ul style="list-style-type: none"> • Residential Area
	Transport Elements
Zone:	<ul style="list-style-type: none"> • Local Collector Road
	Medium Density Residential zone

Planning Scheme Definitions

The proposed use is defined as:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
<i>Short-term accommodation</i>	<p><i>Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained.</i></p> <p><i>The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.</i></p>	<i>Motel, backpackers, cabins, serviced apartments, accommodation hotel, farm stay</i>	<i>Hostel, rooming accommodation, tourist park</i>

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme 2016

Strategic Framework

3.3.3 Element - Major regional activity centre

3.3.3.1 Specific outcomes

- (1) *The role and function of Mareeba as the major regional activity centre for services in Mareeba Shire is strengthened. Mareeba is to accommodate the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire.*
- (2) *Development within Mareeba over time enhances the Shire's self-sufficiency in terms of services offered, business and employment opportunities.*
- (3) *Mareeba is characterised by a relative lack of development constraints, and is supported by an expanding major industry area and Mareeba Airport. Mareeba has significant residential, industrial and commercial growth potential.*

Comment

The proposed development will support the role and function of Mareeba as a major regional activity centre. The development will offer backpacker style accommodation and it is anticipated that most of the backpackers staying in this facility will ultimately be engaged in supporting the rural economy.

The development will be connected to the reticulated water and sewer networks. Its location adjacent to the Mareeba town centre will provide guests with high quality access to established facilities and services. Guests will also have good access to the open space and recreation facilities within the Mareeba township.

3.7 Economic development**3.7.1 Strategic outcomes**

- (3) *Mareeba Shire is increasingly provided with retail and business opportunities and improved government services to enhance self-sufficiency. These opportunities and services are consolidated through the clustering and co-location of commercial uses in activity centres and are particularly focussed within Mareeba. Kuranda, as a village activity centre, maintains its level of self-reliance through servicing its local catchment with a range of services and employment opportunities.*

Comment

The proposed development will support the role and function of Mareeba as a major regional activity centre. The development will offer backpacker style accommodation and it is anticipated that most of the backpackers staying in this facility will ultimately be engaged in supporting the rural economy.

The development will be connected to the reticulated water and sewer networks. Its location adjacent to the Mareeba town centre will provide guests with high quality access to established facilities and services. Guests will also have good access to the open space and recreation facilities within the Mareeba township.

3.7.7 Element—Tourism**3.7.7.1 Specific outcomes**

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

Comment

The proposed development will support the role and function of Mareeba as a major regional activity centre. The development will offer backpacker style accommodation and it is anticipated that most of the backpackers staying in this facility will ultimately be engaged in supporting the rural economy.

The development will be connected to the reticulated water and sewer networks. Its location adjacent to the Mareeba town centre will provide guests with high quality access to established facilities and services. Guests will also have good access to the open space and recreation facilities within the Mareeba township.

In this instance, any amenity impacts can be mitigated through reasonable conditioning of the development.

(d) Relevant Development Codes

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

6.2.7 Medium density residential zone code

8.2.2 Airport environs overlay code

8.2.12 Transport infrastructure overlay code

9.3.1 Accommodation activities code

9.4.2 Landscaping code

9.4.3 Parking and access code

9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Medium density residential zone code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following: <ul style="list-style-type: none"> Acceptable Outcome AO5 Refer to planning discussion section of report.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Transport infrastructure overlay code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Accommodation activities code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following: <ul style="list-style-type: none"> Acceptable Outcomes AO4.1 & AO4.2 Refer to planning discussion section of report.
Landscaping code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome provided) contained within the code apart from the following: <ul style="list-style-type: none"> Acceptable Outcome AO1

	Refer to planning discussion section of report.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable outcomes contained within the code.

(e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(f) Adopted Infrastructure Charges Notice

Adopted Infrastructure Charges are based on Mareeba Shire Council's Adopted Infrastructure Charges Resolution (No. 1) 2017, which categorises the proposed Short-term accommodation land use within the 'Accommodation (short term)' charge category.

The 'Accommodation (short term)' charge category applies the following charge rates for a hotel or short-term accommodation:

- \$6,000 per suite (with 1 or 2 bedrooms), or
- \$8,400 per suite (with 3 or more bedrooms), or
- \$6,000 per bedroom (for a bedroom that is not within a suite)

The proposed development consists of 32 units, inclusive of the managers unit. Twenty-two (22) of the units are either not a suite or have 2 or less beds. The remaining ten (10) units have 3 or more beds.

A credit of \$18,340.00 applies to the existing vacant lot.

The applicable infrastructure charges for the development are as follows:

Category	Use Charge	Unit of Measure	Charge Rate	No of Units	Amount
Proposal					
Development authorised under MCU/18/0019	Accommodation (short term)	Suite with 1-2 bed/room with no ensuite	\$6,000.00	22	\$132,000.00
		Suite with 3 or more bed	\$8,400.00	10	\$84,000.00
		Total			\$216,000.00
Credit					

Existing Lot	Residential	Per Lot	\$18,340.00	1	\$18,340.00
TOTAL					\$197,660.00

REFERRAL AGENCY

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a concurrence agency for a State transport corridor and State transport infrastructure.

The Department advised in a letter dated 15 October 2018 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 26 September 2018 to 19 October 2018. The applicant submitted the notice of compliance on 23 October 2018 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Three (3) properly made submissions were received with two (2) objecting to the proposed development.

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

Grounds for objection /support	Comment
Submitters operate the fruit and vegetable processing/transport facility immediately to the north of the subject land.	The subject land is within the Medium Density Residential zone and can be developed for a dwelling house, dual occupancy and/or multiple dwelling (units) as accepted development without requiring planning approval.
They are concerned that the proposed development may conflict with their established operations. (lights, noise, dust, 24 hour operation, refrigerated vans)	Code assessable uses on the subject land may include residential care facility, retirement facility and/or child care centre. The potential for conflict between a residential development on the subject land and the nearby fruit and vegetable processing/transport facility is likely to be higher should a long term accommodation use be established on the subject land. The proposed short-term accommodation development will limit guests to a maximum 3 month stay and readily allows for guests to move on in the

	<p>event they find the established local amenity less than desirable.</p>
<p>Application proposes high density development in a medium density area.</p>	<p>The Mareeba Shire Council Planning Scheme 2016 includes a Low Density Residential zone and a Medium Density Residential zone.</p> <p>The planning scheme does not have a high density residential zone.</p> <p>The development of higher density residential uses is appropriate for the Medium Density Residential zone. In the case of the subject land, the site is fully serviced, is in walking distance to shops/services and the Bicentennial Lakes.</p>
<p>The development will be a huge eyesore with a prison like appearance.</p>	<p>The submitters opinion of the building design is noted.</p> <p>The design is not inconsistent with other similar scale accommodation developments.</p>
<p>Concerned about noise (loud music) and odour (bbq) from the development detrimentally impacting on their residential property.</p>	<p>Any ongoing operational noise and emissions would be controlled by various legislation and is not expected to be of a level to result in ongoing nuisance to surrounding residential areas. A full time manager will live on site and will respond to any issues that arise.</p> <p>Maintenance of amenity will benefit the developments guests as much as it will benefit those living in proximity to the development.</p>
<p>Two storey development will adversely impact on privacy.</p>	<p>The development has limited windows overlooking the nearby dwelling houses.</p> <p>Where overlooking windows are proposed (the managers unit), suitable screening will be conditioned to maintain a reasonable level of privacy.</p>
<p>Development will adversely impact on stormwater patterns.</p>	<p>The development will be conditioned to require all stormwater discharge to be to Keeble Street.</p> <p>The development will also be conditioned to require to no nett increase in the rate of stormwater discharge as a result of the development.</p> <p>The applicant is proposing the use of on-site rain water tanks to provide for stormwater detention.</p>
<p>The development may overload sewerage infrastructure.</p>	<p>The development will be conditioned to require discharge to the Mareeba reticulated sewerage network at a location with sufficient capacity.</p> <p>The connection specifics will be engineered as part of the operational works stage.</p>

The increase in traffic movements may impact on road and pedestrian safety.	Frontage works on Keeble Street would be conditioned for the development. These frontage works would ensure road and pedestrian movements were maintained.
The development will devalue properties in the area.	Potential fluctuations in land value is not considered to be a land use planning assessment criteria.
The submitter supports the location of the proposed development due to the proximity of shops and being an established higher density area.	Noted.

Submitters

Name of principal submitter	Address
1. Foodpac Pty Ltd	PO Box 60, Finch Hatton QLD 4756
2. C & S Shephard	3 Strattmann Street, Mareeba QLD 4880
3. T Wheatley (support)	PO Box 1570, Mareeba QLD 4880

PLANNING DISCUSSION

The development's compliance with the Performance Outcomes of the Medium Density Residential Zone Code, Accommodation Activities Code and the Parking and Access Code is summarised as follows:

Medium Density Residential Zone Code

P05

Buildings and structures occupy the site in a manner that:

- (a) makes efficient use of land;*
- (b) is consistent with the bulk and scale of surrounding buildings; and*
- (c) appropriately balances built and natural features.*

A05

Gross floor area does not exceed 600m².

Comment

The proposed development will exceed 600m² GFA with a total nett floor area (excluding covered walkways only) of approximately 1,024m².

The subject land has an area of 2,797m² which is 7 times the minimum area for a medium density residential allotment.

Due to the size of the subject land, the proposed floor area equates to a site coverage of approximately 43%. The remainder of the site will contain parking facilities and open space areas.

The proposed buildings are a combination of 1 and 2 storeys with pitched roofs and covered walkways/verandahs throughout.

A two (2) metre wide building setback is provided to all side and rear boundaries.

The proposal will make efficient use of the land, will balance built form with open space/landscaping, and is not unreasonable in terms of bulk and scale.

The development complies with PO5

Accommodation Activities Code

PO4

Accommodation activities are provided with sufficient private and communal open space areas which:

- (a) accommodate a range of landscape treatments, including soft and hard landscaping;*
- (b) provide a range of opportunities for passive and active recreation;*
- (c) provide a positive outlook and high quality of amenity to residents;*
- (d) is conveniently located and easily accessible to all residents; and*
- (e) contribute to an active and attractive streetscape.*

AO4.1

*Development, except for Caretaker's accommodation, Dwelling house, Dual occupancy or Home based business, includes communal open space which meets or exceeds the minimum area, dimension and design parameters specified in **Table 9.3.1.3C**.*

AO4.2

*Development includes private open space for each dwelling or accommodation unit which meets or exceeds the minimum area, dimension and design parameters specified in **Table 9.3.1.3D**.*

Comment

Table 9.3.1.3C calls for communal open space at a minimum area of 50m² and 20% of the site area.

The proposed development provides includes approximately 1,000m² of landscaping, grassed BBQ areas and communal open space.

The site plan identifies a communal open space area of approximately 110m² directly adjacent to the kitchen.

The proposed development does not achieve Table 9.3.1.3C's communal open space area of 20% of the site (approx 560m²), however the general provision of landscaping and open space will still achieve PO4.

The proposed open space arrangements will satisfy PO4.

Parking and Access Code

PO1

Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the:

- (a) nature of the use;*
- (b) location of the site;*
- (c) proximity of the use to public transport services;*
- (d) availability of active transport infrastructure; and*
- (e) accessibility of the use to all members of the community.*

AO1

*The number of car parking spaces provided for the use is in accordance with **Table 9.4.3.3B**.*

Note—Car parking spaces provided for persons with a disability are to be considered in determining compliance with AO1

Comment

Table 9.4.3.3B calls for onsite car parking at the rate of one (1) space per unit.

The proposed development has 31 rooms/units plus a manager's unit. Compliance with AO1 would require at least 32 onsite car parking spaces.

The development proposes 25 car parking spaces plus 2 x 22 seat mini-bus spaces.

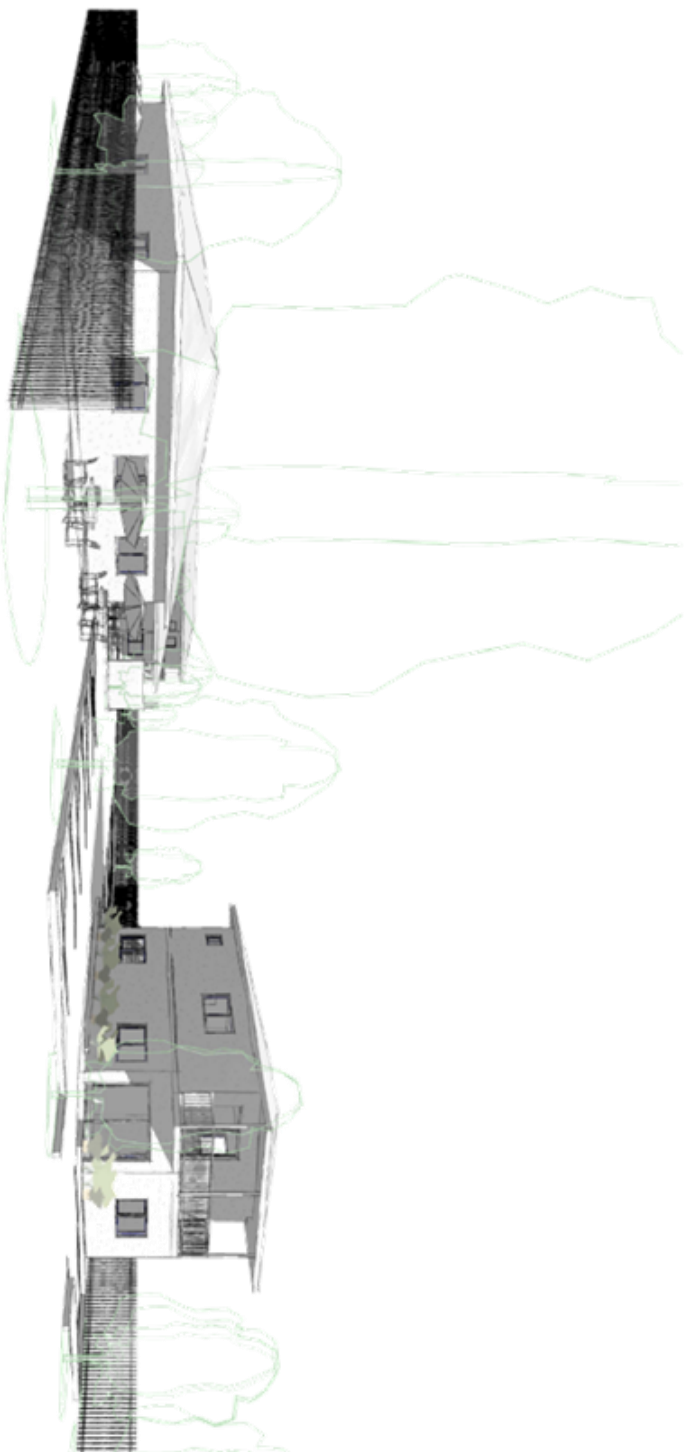
The applicant has provided the following statement in support of the proposed car parking arrangements:

"It is common knowledge that the occupants for Short-Term Accommodation either ride share or don't own a vehicle for the majority. While recent trends are starting to show that more and more Short-Term Accommodation users are starting to obtain a vehicle, the majority of these vehicles ride share. The proposal provides for a sufficient amount of vehicle parking spaces for the proposed use, in addition to this the proposed development has designated parking spaces for 22-seater buses to ensure that sufficient and suitable vehicle spaces are provided for the development."

The development's proposed combination of conventional vehicle spaces and mini-bus spaces is considered equivalent to the 32 conventional spaces called for by Table 9.3.3.3B.

The development complies with PO1.

PROPOSED SHORT-TERM ACCOMODATION
FOR
JASSAR & MANESH
AT
28 KEEBLE STREET,
MAREEBA

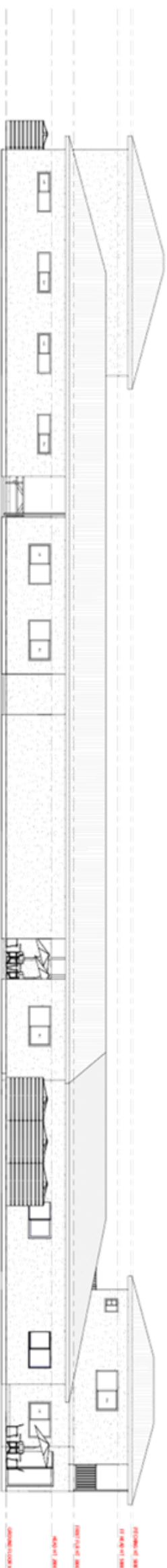
Page 168

Item 8.4 - Attachment 1

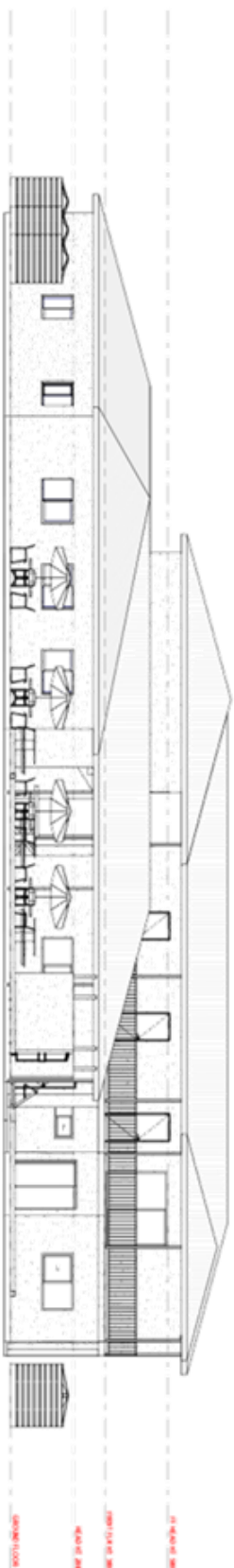
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REVISIONS

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RA6-N



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

Our reference: 1808-6659 SRA
Your reference: MCU/18/0019

15 October 2018

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

Attention: Carl Ewin

Dear Sir/Madam,

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

The development application described below was properly referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 8 August 2018.

Applicant details

Applicant name:	SND Developers Pty Ltd C/- Freshwater Planning Pty Ltd
Applicant contact details:	17 Barron View Drive Freshwater QLD 4870 freshwaterplanning@outlook.com

Location details

Street address:	28 Keeble Street, Mareeba
Real property description:	Lot 71 on SP136296
Local government area:	Mareeba Shire Council

Application details

Development permit	Material Change of Use for Short-term Accommodation
--------------------	---

Referral triggers

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

- 10.9.4.1.1.1 Infrastructure - state transport infrastructure
- 10.9.4.2.4.1 State transport corridors and future State transport corridors

Page 1 of 5

Fitzroy/Central regional office
Level 2, 209 Bolsover Street,
Rockhampton
PO Box 113, Rockhampton QLD 4700

1808-6659 SRA

Conditions

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

Reasons for decision to impose conditions

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

Advice to the applicant

The department offers advice about the application to the applicant—see Attachment 3.

Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material change of use				
Site Plan (as amended in red)	HUMAC Design	11/09/2018	1323-A-01	B

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

For further information please contact Haidar Etemadi, Planning Officer, on (07) 4924 2915 or via email RockhamptonSARA@dsmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc Freshwater Planning Pty Ltd, freshwaterplanning@outlook.com

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

Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
Material change of use		
State transport infrastructure and railway corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The setback from the railway corridor must be provided generally in accordance with the following plan: <ul style="list-style-type: none"> Site Plan prepared by HUMAC Design dated 11 September 2018, reference 1323-A-01 and revision B, as amended in red to show the setback extent from the railway corridor boundary. 	Prior to the commencement of use and to be maintained at all times.
2.	Any excavation, filling/backfilling/compaction, retaining structures, batters, stormwater management measures and other works involving ground disturbance must not encroach upon or de-stabilise the railway corridor, including all transport infrastructure or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
3.	<p>(a) Stormwater management of the development must ensure no worsening or actionable nuisance to the railway corridor.</p> <p>(b) Any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the railway corridor; (ii) interfere with and/or cause damage to the existing stormwater drainage on the railway corridor; (iii) surcharge any existing culvert or drain on the railway corridor; (iv) reduce the quality of stormwater discharge onto the railway corridor. <p>(c) RPEQ certification with supporting documentation must be provided to the Program Delivery and Operations Unit, Department of Transport and Main Roads, Far North Queensland Region (Far.North.Queensland.IDAS@tmr.qld.gov.au) confirming that the development has been constructed in accordance with parts (a) and (b) of this condition.</p>	<p>(a) At all times.</p> <p>(b) At all times.</p> <p>(c) Prior to the commencement of use.</p>
4.	Fencing must be provided along the eastern, western and southern site boundaries with the railway corridor in accordance with: <ul style="list-style-type: none"> Queensland Rail drawing number QR-C-S3231 – ‘Standard Timber Fence 1800mm High Timber Paling Fence’, or Queensland Rail drawing number QR-C-S3230 – ‘Standard – Fencing 1.8m High Chain Link Security Fence without Rails’. 	Prior to the commencement of use and to be maintained at all times.

1808-6659 SRA

Attachment 2—Reasons for decision to impose conditions

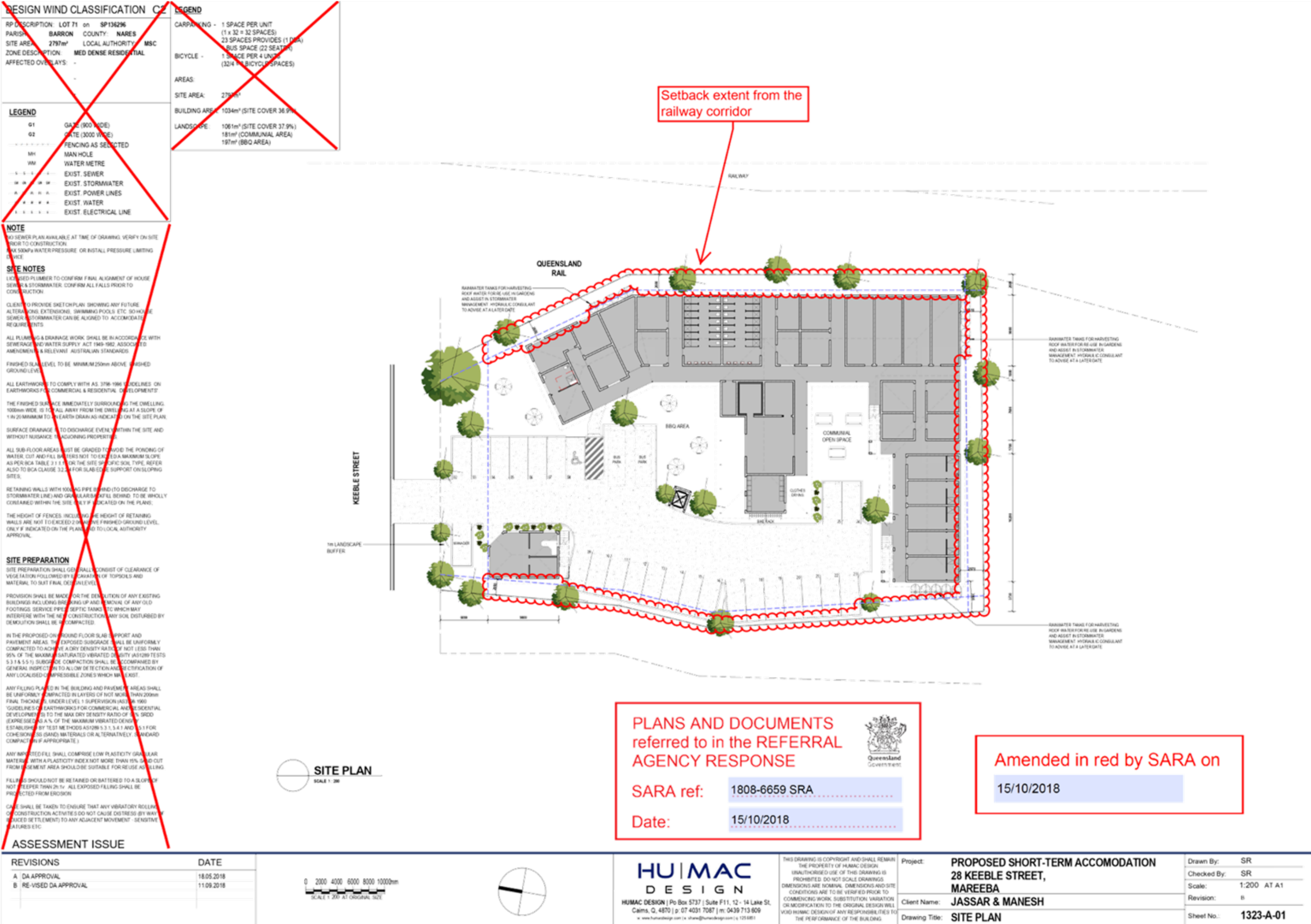
The reasons for this decision are to ensure:

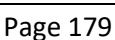
- the development is setback from the railway corridor generally in accordance with the plans of development submitted with the application
- the development and its construction does not cause adverse structural impacts on state-transport infrastructure
- that the impacts of stormwater events associated with development are minimised and managed to avoid creating any adverse impacts on the state-transport corridor
- that there is no unauthorised access onto the transport corridor and to protect impacts on the transport corridor.

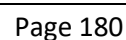
1808-6659 SRA

Attachment 3—Advice to the applicant

<i>Transport Infrastructure Act 1994 – Works on a railway</i>	
1.	<p>Under section 255 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the railway manager to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations. Please contact the Queensland Rail Property Team at developmentenquiries@qr.com.au or on telephone number (07) 3072 1068 in relation to this matter.</p> <p>In particular, the applicant should contact Queensland Rail regarding the removal and installation of fencing along the site boundary with the railway corridor and any service/utility connections required in the railway corridor.</p> <p>Please be advised that this concurrence agency response does not constitute an approval under section 255 of the <i>Transport Infrastructure Act 1994</i> and that such approvals need to be separately obtained from the relevant railway manager.</p>







To C.E. Officer
Mareeba Shire Council



10th.October 2018
C.L. & S Shephard
3 Strattmann Street
Mareeba 4880

P URP-MCU
IT PLANNING
MCU/18/0019.

With reference to the Development Permit 28 Keeble St Mareeba ref MCU/18/0019

We hereby advise you that we have concerns with the terms Medium density are used. Prior developments in the area are what we believe are medium density, containing units. This application is an application to change to "High Density", surely 150 people, 22 cars, and 2 busses on the block is a high concentration of use, we strongly oppose this.

The development will be a huge eyesore, looks like something you might see at Lotus Glen, a prison. The figures based on 5 persons per vehicle is not realistic and there are no 5 bed rooms on the plan.

We are very concerned that the noise from such a concentration on the site and the use of the barbeque area and loud music blasting will be detrimental to our lifestyle. Will they have a lights out time? control of alcohol or drugs on the site? we use the Riverside Caravan Park as an example of misuse and abuse. With the proposed development facing Northly and the prevailing winds north to south means that any noise or odours will impact moreso on the existing housing in Strattmann Street.

Being 2 storey what will the finished height, from now, be after filling and building, the higher the worse. Any filling will affect the flow of rain/ storm water which currently flows towards Keeble Street will be impacted onto existing Railway and onto the existing rail road corridor and impact on all the existing house blocks, and we feel our privacy will be compromised.

Is the existing sewer system capable to handle such an increase and therefore impact on us who currently connected to it?

With the large increase of vehicle movement on/off the site and the Rail access road we doubt that, anyone using the Keeble St. footpath, their safety will be compromised without huge reconstruction. It is too close to the Railway Crossing and associated intersection on Railway Avenue & Jacobson Street

We believe the any property in the vicinity of "the mini jail" will be devalued as a result if this permit is approved as proposed.

Sincerely

Colin & Sandra Shephard.

FOODPAC PTY LTD

6556 Mackay-Eungella Road,
Netherdale Q 4756
Tel: + 61 7 4958 3271
Email: enquiries@foodpac.com.au



ABN: 81 058 909 890

PO Box 60 Finch Hatton Q 4756
Fax: + 61 7 4958 3141
www.foodpac.com.au

P. URP- MCJ
MCJ/18/0019
AC PLANNING

8/10/2018

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



Dear Sir

Re: submission to Mareeba Shire Council on proposed development on Lot 71 on SP 136296, 24 Keeble Street, Mareeba.

Conditions of objections to the above proposed development are:

The proposed development will incur ramifications detrimental to the operations and viability of long term occupiers of Part A Lot 60 SP 136295 and Lot C AP 23121. Part A Lot 60 SP 136295 is owned by Queensland Rail and borders the Queensland Rail corridor tracks. Since its existence it has been dedicated to fruit and vegetable hub transport activities.

This QR site has recently had a major upgrade to cater for additional fruit and vegetable harvests for processing by southern companies. It is the only multi-grower collection point in Mareeba supplying southern processing operations.

Changes to the Material Change of Use on property on Lot 71 on SP 136296 would present opportunities for complaints and subsequent legal action against Foodpac Pty Ltd as a result of the company conducting its normal business.

Normal business is the receiving, packing and dispatch of various fruits including mango, avocado and pineapple. Additional produce is to be included in the next eighteen months.

As a result of the close proximity to the nature of the development, complaints would be made against lights, noise and dust. Lights, noise and dust are the result of normal operations being conducted during 24 hour loading and unloading of trucks with forklifts and the continuous running of refrigerated vans. This is a nonstop operation with driver times and distances of the upmost consideration.

Yours faithfully
Godfrey O'Neill
Managing Director
Foodpac Pty Ltd

Mareeba Shire Council

65 Rankin St

Mareeba QLD 4880

Teresa Wheatley

Po Box 1570

Mareeba QLD 4880

REF – MCU/18/0019

Dear Mareeba Shire Council, Town Planners & Councillors,

I would like to show my full support for this application as this is an appropriate location for this kind of establishment being close to shops and amenities and the location is also high density living already.

Kind Regards

Teresa Wheatley

8.5 LOCAL GOVERNMENT INFRASTRUCTURE PLAN

Date Prepared: 8 November 2018

Author: Senior Planner

Attachments: 1. Minister for State Development, Manufacturing, Infrastructure and Planning letter 5 November 2018 [↓](#)

EXECUTIVE SUMMARY

The Mareeba Shire Council Local Government Infrastructure Plan (LGIP) was adopted on 5 November 2018 and commenced on 9 November 2018.

In accordance with Council's resolution of 20 June 2018, this report summarises the steps taken to complete and adopt the LGIP.

RECOMMENDATION

That Council receive and note this report.

BACKGROUND

A draft of the LGIP was presented to Council at the Ordinary Meeting of 20 June 2018. Council resolved as follows:

"That Council:

- 1. Receive and note the draft Mareeba Shire Council Local Government Infrastructure Plan as attached (**Attachment 1**) to this report.*
- 2. Delegate authority to the Chief Executive Officer to undertake all statutory steps, under the (repealed) Sustainable Planning Act 2009 and Statutory Guideline 01/16, to complete and adopt the Mareeba Shire Council Local Government Infrastructure Plan.*
- 3. Instruct Council officers to submit a report to Council detailing the steps taken to complete and adopt the Mareeba Shire Council Local Government Infrastructure Plan following the adoption of the Local Government Infrastructure Plan."*

The key milestone dates and actions undertaken to finalise and adopt the LGIP are as follows:

18 July 2018 - Final draft of the LGIP provided to Council by Jacobs;

18 July 2018 - 1st external review of LGIP commenced by Cardno;

23 July 2018 - 1st external review of LGIP completed by Cardno;

24 July 2018 - LGIP sent to Minister for review and requesting approval to publicly notify the LGIP;

16 August 2018 - Minister issues unconditional approval for Council to publicly notify the LGIP;

16 August 2018 - Public notification of the LGIP commenced with notice in the Cairns Post and MSC website;

26 September 2018 - Public notification ended. No submissions were received.

28 September 2018 - 2nd external review of LGIP commenced by Cardno;

2 October 2018 - 2nd external review of LGIP completed by Cardno;

3 October 2018 - LGIP sent to Minister requesting approval for Council to adopt;

5 November 2018 - Minister issues unconditional approval for Council to adopt the LGIP;

5 November 2018 - LGIP adopted;

9 November 2018 - LGIP commenced with notice in the Cairns Post, Qld Government Gazette and MSC website.

The Mareeba Shire Council Local Government Infrastructure Plan (LGIP) was adopted on 5 November 2018 and commenced on 9 November 2018.

RISK IMPLICATIONS

Infrastructure and Assets

By legislation, Council is required to have an adopted LGIP in place to continue to levy infrastructure charges or impose conditions about trunk infrastructure on applicable development approvals.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

The LGIP details Council's plans to deliver new trunk infrastructure to service the Priority Infrastructure Area (PIA) for the period 2016 to 2031 for the following infrastructure networks:

- Water supply
- Sewerage
- Stormwater
- Transport
- Parks and land for community facilities

Trunk Infrastructure is higher order infrastructure which services multiple users, examples of trunk infrastructure include:

- In the water supply network - water treatment facilities, water storage facilities, pumping stations and higher order water distribution mains.
- In the sewerage network - sewerage treatment plants, sewer pump stations, rising mains and higher order gravity mains.
- In the stormwater network - stormwater channels, stormwater culverts and pipes and stormwater detention basins.
- In the transport network - arterial roads, sub-arterial roads and major distributor roads.
- In the parks and land for community facilities network - local, district and regional recreation and sporting parks.

The PIA is the area that Council intends to service with trunk infrastructure of the 15 year planning horizon of the LGIP. Whilst most properties within the PIA are serviced by all five trunk infrastructure networks, some properties within the PIA will not be serviced by the sewerage network over the 15 year LGIP planning horizon.

An infrastructure charge may be imposed as part of a development approval where the development will result in additional demand on Council's trunk infrastructure networks. Where Council imposes an infrastructure charge, it must do so in accordance with its infrastructure charges resolution.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

The preparation of the LGIP is included in the 2018/19 budget.

Is the expenditure noted above included in the current budget?

Yes

Operating

Nil

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

IMPLEMENTATION/COMMUNICATION

The LGIP has commenced and is available on the MSC website.



The Hon. Cameron Dick MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

Our ref: MC18/6008
Your ref: URP-SCH

1 William Street
Brisbane QLD 4000
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3719 7200
Email statedevelopment@ministerial.qld.gov.au
www.dsdmip.qld.gov.au

- 5 Nov 2018

Councillor Tom Gilmore
Mayor
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Email: info@msc.qld.gov.au

Dear Councillor ~~Gilmore~~ *Tom,*

Thank you for your letter of 3 October 2018 requesting approval for Mareeba Shire Council to adopt its proposed Local Government Infrastructure Plan (LGIP).

I congratulate the council on achieving this significant milestone. Having an approved LGIP in place will ensure the council has the ability to levy charges or impose trunk infrastructure conditions on future development approvals.

The proposed LGIP has been assessed against the requirements of the *Sustainable Planning Act 2009*, and for compliance with Statutory guideline 01/16: Making and amending local planning instruments and Statutory guideline 03/14: Local Government Infrastructure Plans.

I am pleased to advise that I am satisfied the proposed LGIP complies with all statutory requirements, and that the council may now proceed to adopt the proposed LGIP.

If you require any further information, please contact Mr Tony Croke, Principal Planner, Planning and Development Services – FNQ, Department of State Development, Manufacturing, Infrastructure and Planning, on (07) 4037 3205 or tony.croke@dsdmip.qld.gov.au, who will be pleased to assist.

Yours sincerely

CAMERON DICK MP
Minister for State Development, Manufacturing,
Infrastructure and Planning

cc: Mr Peter Franks
Chief Executive Officer
Mareeba Shire Council
peter@msc.qld.gov.au

8.6 COMPLIANCE & ENFORCEMENT POLICY

Date Prepared: 6 November 2018

Author: Manager Development and Governance

Attachments:

1. Compliance and Enforcement Policy [↓](#)
2. Compliance and Enforcement Manual (Building and Plumbing Sub-Manual) [↓](#)
3. Building and Plumbing Sub-Manual - Schedule 1 [↓](#)
4. Building and Plumbing Sub-Manual - Schedule 2 [↓](#)
5. Building and Plumbing Sub-Manual - Schedule 3 [↓](#)

EXECUTIVE SUMMARY

Council's 2018/19 Operational Plan includes a project to review compliance throughout the organisation. As part of this review, it was identified a Policy should be adopted and a Manual developed to document how Council seeks compliance and enforces laws for which it operates in.

RECOMMENDATION

That Council adopt the Compliance and Enforcement Policy.

BACKGROUND

Council completes a variety of compliance and enforcement procedures but presently has no official internal framework to ensure consistent and transparent policies and procedures are in place across the organisation.

The Compliance and Enforcement Policy and Manual will guide the end-to-end procedure of compliance, including evidence gathering, when to issue informal warnings, fines, and prosecution via legal action. With consistent templates and procedures, the Manual will ensure Council's actions are transparent, justified and accurate.

The Policy empowers the Manual and sets out the process for consistent decision making, including:

- a) transparent and effective processes, and decision-making in the public interest;
- b) sustainable development and management of assets and manufacture, and delivery of effective services;
- c) democratic representation, social inclusion and meaningful community engagement;
- d) good governance of, and by, local government; and
- e) ethical and legal behaviour of Councillors and local government employees.

The objective of the Compliance and Enforcement Policy is to maximise voluntary compliance with laws administered by Council via education, however, Council may utilise enforcement, appropriate for the nature of an offence.

The Compliance and Enforcement Manual provides guidance on how to conduct the above process in a manner that is relevant for specific sections of Council and the associated Regulation or Act. Whilst minor variations may occur in the method of investigation, templates and type of compliance or enforcement as a result of variations in offences dealt with by each section of Council, the Manual

ensures the overarching process and enforcement matrix criterion are consistent across the organisation.

The level of enforcement, defined by the enforcement matrix criterion within the Manual, measures the culpability of an offender against the impact of the offence. Low scores against this criterion may warrant an educational response, medium score may warrant education and an official warning letter, and a high score may warrant immediate enforcement in the form of a penalty or legal action.

Set out in this manner, the Policy and Manual ensure that Council's actions in compliance are:

- transparent, in that:
 - action taken is fair and impartial;
 - the reasons why decisions are made are recorded;
- consistent, in that:
 - action is taken consistently so as to build public trust and encourage reports about possible unlawful activity;
 - decisions made comply with the principles in this policy unless there are demonstrated sufficient grounds to support a departure from those principles.
- lawful, in that:
 - powers of entry, evidence gathering and compliance processes are conducted in a manner that will have merit in court, should enforcement escalate;

Currently, the Manual identifies the process for Building and Plumbing compliance. In the coming year, the Manual will be extended to include but not limited to Planning, Local Laws, and Animal Management.

RISK IMPLICATIONS

Legal and Compliance

The adoption and implementation of the policy and manual will ensure consistent and transparent application of enforcement. This should reduce the risk of legal and compliance matters not achieving their intended purposes due to poor execution by Council.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Further sub-manuals will be developed for Planning, Local Laws, and Animal Management.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

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

IMPLEMENTATION/COMMUNICATION

The policy should be made available via Council's website and intranet.



Compliance and Enforcement Policy

Policy Type	Governance Policy	Version:	1.0
Responsible Officer	Manager Development and Governance	Date Approved:	
Review Officer:	Manager Development and Governance	Review Due:	2020
Author:	Senior Compliance Officer	Commencement:	2018

1. PURPOSE

This document sets out Council's policy in respect of investigating and enforcing offences in relation to laws administered by Council to ensure that its education, compliance and enforcement activities are consistent with the local government principles in section 4 of the *Local Government Act 2009* which are:

- (a) transparent and effective processes, and decision-making in the public interest;
- (b) sustainable development and management of assets and manufacture, and delivery of effective services;
- (c) democratic representation, social inclusion and meaningful community engagement;
- (d) good governance of, and by, local government; and
- (e) ethical and legal behaviour of Councillors and local government employees.

The primary objective of the policy is to maximise voluntary compliance with laws administered by Council via a framework for consistent decision making which includes:

- (a) education, to promote public awareness of the laws it administers and enforces;
- (b) compliance, which is achieved by audits and inspections to ensure activities undertaken comply with the law or are rectified to ensure compliance;
- (c) enforcement, which is achieved by undertaking enforcement action where appropriate to the nature of an offence to:
 - (i) remedy a contravention of a law;
 - (ii) impose a penalty or punishment for the contravention of a law.

When undertaking education, compliance or enforcement actions, Council will ensure that its actions are:

- (a) proportionate, in that action undertaken is proportionate to the level of risk and seriousness of the breach;
- (b) transparent, in that:

Education, Compliance and Enforcement Policy
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- (i) action taken is fair and impartial;
- (ii) the reasons why decisions are made are recorded;
- (c) consistent, in that:
 - (i) action is taken consistently to build public trust and encourage reports about possible unlawful activity;
 - (ii) decisions made comply with the principles in this policy unless there are demonstrated sufficient grounds to support a departure from those principles.

Where education, compliance or enforcement actions are required, Council will seek to ensure that its actions result in the quickest, lowest cost and fair resolution of a matter in the public interest.

Detailed guidelines for undertaking education, compliance and enforcement actions are contained in Council's Education, Compliance and Enforcement Manual.

Where Council determines to depart from this policy, the reasons for that departure are to be recorded in the Council decision.

This policy may be amended by a further resolution of Council.

2. SCOPE

This policy applies to all Councillors and employees of Council.

3. POLICY STATEMENT

Sources of knowledge of alleged unlawful activity

- 3.1 Council receives information about alleged unlawful activity from many sources including members of the public, other government agencies, inspections by Council employees and Councillor referrals.
- 3.2 All reports of alleged unlawful activity are to be logged in Council's electronic customer request system and actioned in a timely manner by the relevant branch of Council.
- 3.3 Council will send an acknowledgement to a member of the public who brings an alleged unlawful activity to the Council's knowledge unless that person has advised that they wish to remain anonymous.
- 3.4 Council will not usually advise the member of the public of the outcome of any investigation carried out by the Council unless that person advises that they wish to be advised of the outcome. In this case, the Council will advise the member of the public of the outcome of the investigation subject to any information privacy principles which prevent this from occurring.

Investigating alleged unlawful activity

- 3.5 The purpose of an investigation into an alleged unlawful activity is to:

Education, Compliance and Enforcement Policy
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- (a) Determine the cause of the activity;
 - (b) determine if the activity involves a contravention of a law;
 - (c) gather evidence to the required standard to support any enforcement action which might be undertaken
- 3.6 Not all reports of alleged unlawful activity will require investigation. Prior to carrying out an investigation, Council officers will undertake a desktop assessment to determine whether an investigation is warranted.
- 3.7 Factors relevant to the Council not carrying out an investigation are:
- (a) there is insufficient information about the alleged unlawful activity and there is no ability to obtain further information, for example because the initial complaint was anonymous;
 - (b) the alleged unlawful activity is lawful, for example a development approval for the activity has been given by Council;
 - (c) Council does not have jurisdiction in relation to the alleged unlawful activity, in which case the Council will refer the matter to the relevant authority which holds jurisdiction;
 - (d) the alleged unlawful activity has previously been investigated by the Council and there is no new material evidence which would be likely to lead to a different determination by the Council in respect of the matter;
 - (e) the matter the subject of a complaint involves a civil dispute between parties which does not involve the Council;
 - (f) the complaint is frivolous or vexatious;
 - (g) any other relevant matter.
- 3.8 If Council decides to not investigate an alleged unlawful activity it will record this decision on the case file together with the reasons for making the decision.

Decision to take education, compliance or enforcement action

- 3.9 If an investigation has been carried out and Council holds the view that an unlawful activity has occurred or is occurring, Council will determine whether education, compliance or enforcement action should be taken.
- 3.10 In determining whether to take education, compliance or enforcement action, the Council will consider and balance the following matters in the public interest:
- (a) whether the activity occurred without the alleged offender's knowledge or consent;
 - (b) whether the activity was committed with intent or was a genuine mistake;
 - (c) whether education or a formal warning would be likely to result in compliance;
 - (d) whether prior warnings or instructions have been given to the alleged offender;

Education, Compliance and Enforcement Policy
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- (e) whether the alleged offender is a repeat offender;
- (f) whether the alleged offender has demonstrated contrition and is assisting with the resolution of the matter;
- (g) the extent or severity of the activity and whether it is continuing;
- (h) the harm or potential harm caused by the activity;
- (i) the seriousness of the breach;
- (j) the time that has elapsed since the occurrence of the activity;
- (k) whether the alleged offender could not, by reasonable diligence have prevented the activity;
- (l) the costs and benefits of education, compliance or enforcement action;
- (m) the prospects of successfully prosecuting the breach based on the available evidence;
- (n) any other relevant matter.

- 3.11 If there is actual or potential harm to the environment or the life, health or safety of the community, Council will determine whether to take education, compliance or enforcement action commensurate with the applicable risk.

Method of education, compliance and enforcement action

- 3.12 If Council determines that education, compliance or enforcement action is appropriate, the Council has a range of actions that it can take which are detailed in the Education, Compliance and Enforcement Manual. The available actions include:

- (a) providing information or advice;
- (b) compliance letter;
- (c) penalty infringement notice;
- (d) show cause notice;
- (e) enforcement notice;
- (f) complaint and summons in the Magistrates Court;
- (g) declaration in the Planning and Environment Court;
- (h) enforcement order in the Planning and Environment Court.

- 3.13 In accordance with Council's Enterprise Risk Management Policy, Council will conduct a risk assessment in respect of an unlawful activity to determine the appropriate education, compliance or enforcement action to take. Whilst the appropriate response may vary, Council will usually respond to the assessed level of risk by undertaking education, compliance or enforcement action as follows:

Education, Compliance and Enforcement Policy

Level of risk	Education, compliance or enforcement action
Very Low	<ul style="list-style-type: none"> Provide information or advice to the alleged offender to educate them about the offence to ensure it does not reoccur.
Low	<ul style="list-style-type: none"> Issue a compliance / advice letter. If the unlawful activity is not rectified, issue a show cause notice and if necessary an enforcement notice.
Moderate	<ul style="list-style-type: none"> Issue a penalty infringement notice if an applicable offence under the <i>State Penalties Enforcement Regulation 2014</i>. Issue a show cause notice and if necessary an enforcement notice if not an applicable offence under the <i>State Penalties Enforcement Regulation 2014</i>.
High	<ul style="list-style-type: none"> Issue a complaint and summons in the Magistrates Court for matters not involving a development offence under the <i>Planning Act 2016</i>. Issue a complaint and summons in the Magistrates Court or seek a declaration and enforcement order in the Planning and Environment Court for matters involving a development offence under the <i>Planning Act 2016</i>.
Very high	<ul style="list-style-type: none"> Issue a complaint and summons in the Magistrates Court for matters not involving a development offence under the <i>Planning Act 2016</i>. Issue a complaint and summons in the Magistrates Court or seek a declaration and enforcement order in the Planning and Environment Court for matters involving a development offence under the <i>Planning Act 2016</i>. If necessary, seek an injunction to prevent future or continuing unlawful activity.

- 3.14 Council will determine the level of risk associated with an unlawful activity by assessing it against the following criteria:

Level of risk	Applicable criteria
Very Low	<ul style="list-style-type: none"> No or insignificant breach has occurred. No risk to the environment or life, health or safety. May be easily rectified.
Low	<ul style="list-style-type: none"> Minor breach has occurred. No or insignificant risk to the environment or life, health or safety.

Education, Compliance and Enforcement Policy

Level of risk	Applicable criteria
	<ul style="list-style-type: none"> May be easily rectified.
Moderate	<ul style="list-style-type: none"> Material breach has occurred. Material risk to the environment or life, health or safety. Likely to be rectified without Court order.
High	<ul style="list-style-type: none"> Material breach has occurred. Serious risk to the environment or life, health or safety. Requires court orders to rectify breach or impose a sanction.
Very high	<ul style="list-style-type: none"> Material breach has occurred. Serious risk to the environment or life, health or safety. Requires court orders to rectify breach or impose a sanction. Requires urgent interlocutory injunction to restrain activity.

- 3.15 Education, compliance and enforcement action will be undertaken in accordance with Council's delegations. If no relevant delegation exists, a decision whether to undertake education, compliance or enforcement action will be made by the Council by resolution at a Council meeting.
- 3.16 Any alleged unlawful activity involving a high or very high risk will be referred to the Manager Development and Governance or the relevant Department's Director for advice prior to education, compliance or enforcement action being undertaken. In the event that the Manager Development and Governance and the relevant Director are not available, the matter is to be referred to the Chief Executive Officer.

Commencing legal proceedings

- 3.17 The Council will be guided by legal advice in deciding whether to commence legal proceedings and will consider the following:
- (a) *Whether there is sufficient evidence to establish a case to the required standard of proof* - The Council considers the decision to take legal proceedings as a serious matter, and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof which is:
 - (i) beyond a reasonable doubt, for a complaint and summons in the Magistrates Court; and
 - (ii) the balance of probabilities, for a declaration and enforcement order in the Planning and Environment Court.
 - (b) Whether there is a reasonable prospect of success before the relevant court - Given the expense of legal proceedings, the Council will not take legal proceedings unless

Page 6 of 8

Education, Compliance and Enforcement Policy

there is a reasonable prospect of success before a court. In making this assessment, the Council will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences and any other factors which could affect the likelihood of a successful outcome.

- (c) Whether the public interest warrants legal action being pursued - The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. The Council should therefore consider the following factors when deciding to commence legal proceedings:
 - (i) the availability of any alternatives to legal proceedings;
 - (ii) whether an urgent resolution is required;
 - (iii) the possible length and expense of the legal proceedings;
 - (iv) any possible counter-productive outcomes of the legal proceedings;
 - (v) what orders may be made by the Court in the event of a successful outcome;
 - (vi) whether the legal proceedings would be unduly harsh or oppressive.

Role of Councillors in enforcement

- 3.18 Councillors should encourage members of the public to report alleged unlawful activity to the Council.
- 3.19 Where an alleged unlawful activity is brought to a Councillor's knowledge, the Councillor should report the matter to the Council's customer service team so that it is logged in the Council's electronic case management system.
- 3.20 Councillors should ensure that any communications with Council employees in relation to an alleged unlawful activity complies with Council's Acceptable Request Guidelines.

4. REPORTING

No additional reporting is required

5. DEFINITIONS

Chief Executive Officer means a person who holds an appointment as Chief Executive Officer of the Council under section 194 of the *Local Government Act 2009*. This includes a person acting in this position.

Council means the Mareeba Shire Council.

Councillors means all Councillors, including the Mayor, of the Council.

Manager Development and Governance means the Manager Development and Governance of the Council.

Education, Compliance and Enforcement Policy
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6. RELATED DOCUMENTS AND REFERENCES

- **Compliance and Enforcement Manual**
- Enterprise Risk Management Policy
- *Local Government Act 2009*

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

**Compliance and Enforcement Manual (Building and Plumbing Sub Manual)**

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Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

Acknowledgement comment

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ii

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

Table of Contents

1	Introduction	6
1.1	Purpose	6
1.2	How to use this Manual	6
1.3	Structure.....	6
1.4	Legislation.....	7
1.5	Definitions	8
2	General enforcement principles	9
2.1	Duty to enforce.....	9
2.1.1	General.....	9
2.1.2	Common Law	9
2.1.3	Civil Liability Act 2003	9
2.2	Conduct of investigations	10
2.2.1	General.....	10
2.2.2	Local Government Jurisdiction	10
2.2.3	Authorised Persons	10
2.2.4	Entering Land	11
2.2.5	Entering Land Under A Warrant	12
2.2.6	Powers After Entering A Property	12
2.2.7	Interviewing.....	12
2.2.7.1	General.....	12
2.2.7.2	Planning	13
2.2.7.3	Objective or Outcome	13
2.2.7.4	Interviewing Environment	13
2.2.7.5	Questioning.....	13
2.2.7.6	Recording the Interview	14
2.2.7.7	Interviewing Children and Members of a Minority Group	14
2.3	Evidence for legal proceedings	15
2.3.1	Burden of Proof	15
2.3.2	Standard of Proof.....	15
2.3.3	Best Evidence Rule	16
2.3.4	Real Evidence	16
2.3.5	Documentary Evidence.....	16
2.3.5.1	Criminal Proceedings	Error! Bookmark not defined.

iii

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

2.3.5.2	Authentication.....	Error! Bookmark not defined.
2.3.5.3	Rejection of Evidence	Error! Bookmark not defined.
2.3.5.4	Weight Given by Court.....	Error! Bookmark not defined.
2.3.5.5	Copies of Evidence.....	Error! Bookmark not defined.
2.3.5.6	Weight to be given to copies.....	Error! Bookmark not defined.
2.3.5.7	Oral Evidence to be Preferred	17
2.4	Penalties	17
2.4.1	Penalty units	17
2.4.2	Value of a penalty unit	17
2.4.3	Penalties for corporations.....	18
2.5	Ancillary enforcement activities	18
2.5.1	Penalty infringement notices.....	18
2.6	Disclosing personal information	18
2.6.1	General.....	18
2.6.2	Relevant provisions of the Privacy Act.....	18
2.6.3	Exemptions for law enforcement agencies.....	19
2.6.4	Relevant provisions of the RTI Act.....	19
2.6.5	Procedure	19
2.7	Administrative matters	19
2.7.1	Delegations.....	19
2.7.2	Service of documents.....	19
2.7.3	Keeping records.....	20
3	Building Act 1975.....	22
3.1	Offences.....	22
3.2	Penalties for offences	22
3.2.1	Corporation fines under penalty provisions	22
3.2.1.1	Liability of executive officers of a corporation	22
3.2.1.2	Corporation fines.....	23
3.3	Enforcement options for an offence.....	23
3.3.1	General.....	23
3.3.2	Compliance letter	23
3.3.3	Penalty infringement notice.....	23
3.3.4	Show cause notice	24
3.3.4.1	Content requirements.....	24

iv

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

3.3.5	Enforcement notice.....	24
3.3.5.1	Specific requirements of an enforcement notice.....	25
3.3.5.2	Content requirements.....	25
3.3.6	Complaint and summons.....	25
3.4	Administrative matters	26
3.4.1	Authorised person.....	26
3.4.2	Powers of entry	26
3.4.3	Procedure for entry.....	26
3.4.4	Time to commence proceedings	27
4	Plumbing and Drainage Act 2002	28
4.1	Offences.....	28
4.2	Penalties for offences	28
4.2.1	Corporation fines under penalty provisions	28
4.3	Enforcement options for an offence.....	28
4.3.1	General.....	28
4.3.2	Compliance letter	28
4.3.3	Penalty infringement notice.....	28
4.3.4	Show cause notice	29
4.3.4.1	Content requirements.....	29
4.3.5	Enforcement notice.....	29
4.3.5.1	Content requirements.....	30
4.3.5.2	Enforcement notice for backflow prevention devices.....	30
4.3.6	Complaint and summons.....	30
4.4	Administrative matters	31
4.4.1	Inspector powers.....	31
4.4.2	Appointment of inspectors	31
4.4.3	Powers of entry	31
4.4.4	Time to commence proceedings	31

v

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

1 INTRODUCTION**1.1 PURPOSE**

The purpose of the Education, Compliance and Enforcement Manual (building and plumbing sub manual) (Manual) is to clearly set out the powers and duties of enforcement that the Mareeba Shire Council (Council) has in respect of offences under State legislation.

The Manual provides information to help facilitate the effective investigation of offences, gathering evidence to support the relevant elements of offences and identifying and implementing the appropriate education, compliance and enforcement options.

The aim of the Manual is to provide a comprehensive and easy-to-use reference tool to Council officers to promote the efficient resolution of offences under State legislation.

It is recommended that Council's investigation and enforcement officers familiarise themselves with the Manual. However, the Manual should not replace an appropriate knowledge of the applicable law that Council officers are to enforce.

1.2 HOW TO USE THIS MANUAL

The Manual has been developed to assist council officers in enforcement matters as a reference tool and a general information guide, not as a legislative instrument, and to assist with developing and maintaining precedent documents relevant to various enforcement matters.

Council officers using the Manual should identify the appropriate section of legislation for an enforcement matter, the elements of an offence and the available education, compliance and enforcement options as well as research the relevant legislation to ensure actions are based on the law and not the Manual which is a guide to the law.

1.3 STRUCTURE

The structure of the Manual is as follows:

Section 1	Introduction to the Manual
Section 2	Overview of general enforcement principles such as principles on investigations, evidence and penalties. It provides a theoretical basis for which council officers can gain a better understanding of the legal principles behind enforcement.
Section 3 and 4	Advice as to the enforcement of relevant offences under State Legislation
Schedule 1	Provides an enforcement options matrix for State legislation.
Schedule 2	Provides checklists which detail the elements of offences under State Legislation which must be established in order to prove that a person has committed an offence.
Schedule 3	Provides precedent documents issued in respect of offences under State Legislation to inform the preparation of Council precedents.

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

1.4 LEGISLATION

The Manual is relevant to current legislation for the Acts and Regulations stated in the following table

<i>Acts Interpretation Act 1954</i>
<i>Building Act 1975</i>
<i>Building Regulation 2006</i>
<i>Civil Liability Act 2003</i>
<i>Evidence Act 1977</i>
<i>Information Privacy Act 2009</i>
<i>Local Government Act 2009</i>
<i>Local Government Regulation 2012</i>
<i>Penalties and Sentences Act 1992</i>
<i>Penalties and Sentences Regulation 2015</i>
<i>Planning Act 2016</i>
<i>Plumbing and Drainage Act 2002</i>
<i>Right to Information Act 2009</i>
<i>Standard Plumbing and Drainage Regulation 2003</i>
<i>State Penalties Enforcement Act 1999</i>
<i>State Penalties Enforcement Regulation 2014</i>

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

1.5 DEFINITIONS

AIA means the <i>Acts Interpretation Act 1954</i> .
BA means the <i>Building Act 1975</i> .
BR means the <i>Building Regulation 2006</i> .
CLA means the <i>Civil Liability Act 2003</i> .
Council means the Mareeba Shire Council.
Evidence Act means the <i>Evidence Act 1977</i> .
LGA means the <i>Local Government Act 2009</i> .
Local Government Act has the meaning in schedule 4 (Dictionary) of the LGA.
PA means the <i>Planning Act 2016</i> .
PDA means the <i>Plumbing and Drainage Act 2002</i> .
PRA means the <i>Public Records Act 2002</i> .
Privacy Act means the <i>Information Privacy Act 2009</i> .
PSA means the <i>Penalties and Sentences Act 1992</i> .
RTI Act means the <i>Right to Information Act 2009</i> .
SPDR means the <i>Standard Plumbing and Drainage Regulation 2003</i> .
SPEA means the <i>State Penalties Enforcement Act 1999</i> .
SPER means the <i>State Penalties Enforcement Regulation 2014</i> .

2 GENERAL ENFORCEMENT PRINCIPLES

2.1 DUTY TO ENFORCE

2.1.1 General

A local government is responsible for enforcing legislation within its jurisdiction and also its local laws. A local government's jurisdiction to enforce legislation is not unlimited and is prescribed in the *Local Government Act 2009* (LGA) to include laws under which a local government may perform its responsibilities. These responsibilities are generally set out in the particular piece of legislation that the local government is seeking to enforce.

2.1.2 Common Law

The common law (the legal term for judge made law) imposes on a local government a duty of care to enforce laws within the local government's jurisdiction.

In the case of *Pyrenees Shire Council v Day (1998) 151 ALR 147* the High Court held that where the Council has a statutory duty to exercise its powers and failure of which causes damage to a person or property, the Council will have breached its duty and will be liable for any resulting damage or injury.

Likewise, in the case of *Ryan v Great Lakes Council (2002) 211 CLR 540* the High Court held that, where a Council is conferred with the power to deal with a particular risk and knows of the risk to persons or property, it cannot refuse to exercise its powers unless the Council has some good reason for not exercising those powers so far as they are needed to prevent the risk eventuating.

The effect of these decisions is that if the Council has knowledge of a situation which may cause damage and it has the statutory powers to rectify the situation, then it has a duty of care to ensure that its powers are effectively exercised to resolve the situation and prevent the damage or injury.

In response to these decisions, and others, the State of Queensland implemented the *Civil Liability Act 2003* (CLA), that, whilst not absolving local governments of all civil liability for its actions, or inactions, has made it more difficult for a person to prove that a local government is liable for not enforcing a statute, or taking some other action to reduce the risk of an accident.

2.1.3 Civil Liability Act 2003

The CLA provides that the following principles apply in determining whether a local government, as a public authority, has a duty or has breached a duty:

- (a) the functions required to be exercised by the authority are limited by the financial and other resources that are reasonably available to the authority for the purpose of exercising the functions;
- (b) the general allocation of financial or other resources by the authority is not open to challenge;
- (c) the functions required to be exercised by the authority are to be decided by reference to the broad range of its activities (and not merely by reference to the matter to which the proceeding relates); and
- (d) the authority may rely on evidence of its compliance with its general procedures and any applicable standards for the exercise of its functions as evidence of the proper exercise of its functions in the matter to which the proceeding relates.

The CLA also provides that an act or omission of a local government does not constitute a wrongful exercise or failure unless the act or omission was in the circumstances so unreasonable that no local

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

government having the functions of the authority in question could properly consider the act or omission to be a reasonable exercise of its functions.

2.2 CONDUCT OF INVESTIGATIONS**2.2.1 General**

A key function of a local government is to investigate complaints and enforce laws within its jurisdiction.

Once a complaint has been made or the Council becomes aware of a possible contravention of a law, the conduct of an investigation is critically important to ensure that the appropriate evidence is gathered to satisfy every element of the offence.

There are strict time limits for commencing proceedings by way of a complaint and summons. Investigations should, therefore, be conducted promptly to ensure that all necessary evidence is collected in sufficient time for proceedings to be commenced.

It is also important that council officers conduct timely investigations so as not to lose potential evidence. The appropriate timeliness of an investigation will differ between offences and will need to be evaluated by council officers. For example, an investigation into a possible breach of a development permit may be less immediate than an investigation into a dog attack.

2.2.2 Local Government Jurisdiction

The LGA provides that a local government has jurisdiction for a Local Government Act. The LGA defines a Local Government Act as a law under which a local government performs the local government's responsibilities, including but not limited to the following:

- *Local Government Act 2009*
- *Building Act 1975*
- *Planning Act 2016*
- *Plumbing and Drainage Act 2002*
- *Water Act 2000*
- *Water Supply (Safety and Reliability) Act 2008*
- a local law
- a planning scheme

Legislation will generally specify whether a local government has responsibilities to perform under the legislation, usually by way of providing for the appointment of council officers as authorised persons to perform powers under the legislation.

2.2.3 Authorised Persons

The LGA allows a local government to appoint a person as an authorised person under the LGA to ensure that members of the public comply with the Local Government Acts.

The chief executive officer must give each authorised person an identity card.

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

Authorised persons are given general powers under the LGA in addition to the powers given to authorised persons under certain legislation which are discussed further in Section 3 to 4 of the Manual.

When an authorised person exercises a power under the LGA in relation to a person, the authorised person must:

- (a) first produce his or her identity card for the person to inspect; or
- (b) have his or her identity card displayed so it is clearly visible to the person.

Council officers should ensure that their identity card remains current, so it is available for use when required.

2.2.4 Entering Land

Whilst most Local Government Acts specifically provide for powers of entry for authorised persons under the legislation; the LGA provides a **general power of entry** to authorised persons. Specific powers of entry are discussed with the respective legislation in Section 3 to 4 of the Manual.

Under the LGA, an authorised person may enter a public place without the permission of the occupier of the place if the place is not closed to the public (for example by way of a closed gate) (section 128 (Entering a public place that is open without the need for permission) of the LGA).

An authorised person may also enter private property that is not closed to entry by the public to ask the occupier for permission to stay on the property to exercise powers under a Local Government Act (section 129 (Entering private property with, and in accordance with, the occupier's permission) of the LGA). When asking the occupier for permission, the authorised person must inform the occupier:

- (a) of the purpose of entering the property;
- (b) that anything or information that the authorised person finds on the property may be used as evidence in court; and
- (c) that the occupier is not obliged to give permission.

If the occupier gives permission, the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

If the occupier signs the document, the authorised person must immediately give a copy of the document to the occupier. In order to produce a copy of the document to give to the occupier, the copy signed should be on carbon copy.

In any proceedings, if a question arises as to whether the occupier of a property gave permission to allow an authorised person to stay on the property under the LGA, unless a document that confirms the occupier gave permission is produced in evidence a court may assume that the occupier did not give the permission, unless the contrary is proved.

If the occupier gives permission, the authorised person may stay on the property and exercise the powers that the occupier has agreed to be exercised on the property.

However, the right to stay on the property:

- (a) is subject to any conditions that the occupier imposes (including about the times when the property may be entered, for example); and
- (b) may be cancelled by the occupier at any time.

2.2.5 Entering Land Under A Warrant

Under the LGA, an authorised person may enter a private property with, and in accordance with, a warrant. To obtain a warrant an authorised person must apply to a magistrate (section 130 (Entering private property with, and in accordance with, a warrant) of the LGA).

A Magistrate may issue the warrant only if the Magistrate is satisfied that there are reasonable grounds for suspecting:

- (a) there is a particular thing or activity that may provide evidence of an offence against a Local Government Act (the evidence); and
- (b) the evidence is at the place or may be at the place within the next 7 days.

2.2.6 Powers After Entering A Property

After entering a property other than:

- (a) entering a property to ask the occupier of the property for permission to stay on the property; or
- (b) under section 132 (Entering under an application, permit or notice), 133 (Entering property under an approved inspection program); or
- (c) under 134A (Entry by authorised person, at reasonable times, to inspect regulated pools),

an authorised person may, for the purpose related to the entry of the property (section 135 (General powers after entering a property) of the LGA), do any of the following:

- search any part of the property
- inspect, test, photograph or film anything that is in or on the property
- copy a document that is in or on the property
- take samples of or from anything that is in or on the property
- take into or onto the property any persons, equipment and materials that the authorised person reasonably requires for exercising the authorised person's powers
- require the occupier of the property, or a person in or on the property, to give the authorised person reasonable help to exercise the authorised person's powers above.

Should consent by the occupier be revoked at any time after entry of the property, the authorised person should not exercise any of the above powers after this point otherwise the evidence will not be lawfully obtained.

Further powers of entry under specific legislation are further discussed in **Section 3 to 4** of the Manual.

2.2.7 Interviewing

2.2.7.1 General

Interviewing is a critical element of a council officer's investigation and must be conducted in a lawful, efficient and appropriate manner to gain the necessary evidence to sustain the elements of an offence. An effective interview will generally require the following elements:

- (a) planning;

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

- (b) a clear idea of the objective or outcome sought from the interview;
- (c) an appropriate interviewing environment;
- (d) appropriate questioning to achieve the objective of the interview; and
- (e) effective record of the contents of the interview.

2.2.7.2 Planning

In the conduct of an investigation, it will often be appropriate to interview people to gain relevant information about the situation. Once the council officer has the appropriate background information, the council officer should plan how to conduct an interview with an appropriate person. In planning the interview, the council officer should consider the following:

- (a) who the person is;
- (b) what role the person has in the alleged contravention;
- (c) what information the Council officer expects that person to have; and
- (d) how this information relates to the elements of an offence.

To effectively plan an interview, the council officer must have sufficient knowledge of the relevant law that has allegedly been contravened including the elements of an offence.

Elements of offences are determined by breaking up each offence into its constituent elements. Examples of how this is done are contained in the Offence Element Checklist in **Schedule 2** of the Manual.

The Council has the burden of establishing all elements of an offence in order to prove that a person has committed the offence. Council officers should plan an interview to ensure that questions are asked which cover each element of an offence.

2.2.7.3 Objective or Outcome

The objective or outcome sought from the interview by the council officer should be to gather sufficient evidence that can be used to satisfy each element, to the greatest extent possible, of an offence for the purpose of possible prosecution.

However, council officers should also have the objective of conducting a thorough, lawful, fair and impartial interview.

2.2.7.4 Interviewing Environment

It is important that the council officer conducts the interview in an appropriate environment. This will usually be the site where the alleged contravention has occurred or is occurring. This will allow the council officer not only to gather evidence from the interviewee's direct statements but also possibly other evidence at the site if authorised to do so.

2.2.7.5 Questioning

Asking appropriate questions in an interview is obviously the most critical element of interviewing. Without thorough and well thought out questions, the council officer may not extract the necessary information to sustain the elements of an offence and secure a successful result in a court proceeding.

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

It is often useful for the Council to have a standard interview sheet that has a set of standard questions that are asked at the beginning of every interview to establish basic information about the interviewee and the subject of the investigation. An example of the standard questions that should be asked to establish sufficient capacity of the interviewee are as follows:

- What is your full name?
- What is your date of birth?
- What is your address?

If the interviewer suspects that interviewee meets any of the below criteria, then it is appropriate to ask the interviewee and take appropriate actions regarding the answer.

- English is not their first language;
- Difficulties reading and writing;
- Are currently under the influence of alcohol or any prescribed or recreational drug; and
- Suffer from any form of mental disability.

The remainder of the questions will need to be tailored to each investigation in order to be relevant and extract the appropriate information. However, as a general strategy, it is useful for the council officer to ask open questions such as 'where did the clearing occur?' rather than closed or leading questions such as 'did the clearing occur in the corner of the property?'. Open questions will generally produce more information than closed questions including, on occasions, information the council officer did not think to ask for.

2.2.7.6 Recording the Interview

Taking an accurate record of the interview is of great importance. Council officers should ensure that the form record of the interview clearly sets out the precise information that is obtained. If a council officer takes a written record, it should be shown to the interviewee at the conclusion of the interview and the council officer should ask the interviewee if they agree with the contents and acknowledge that the written record is accurate by signing the statement.

This is essential if the statement is later presented to the court as evidence in a situation where the witness would not be available to testify (see section 2.3.4 of the Manual). If an interview is digitally recorded, it is also critical that the recording is done with the interviewee's knowledge.

2.2.7.7 Interviewing Children and Members of a Minority Group

The Evidence Act provides that children are presumed to be competent to give evidence in a proceeding.

Nonetheless, the Council's position is that children should not be interviewed, unless necessary. Council officers should, therefore, seek to exhaust all other options to obtain the necessary evidence before interviewing children.

If it is necessary to interview a child, the interviewing environment should preferably be a familiar and non-threatening environment for the child. The child should also preferably be

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

accompanied by a parent or legal guardian unless there is an immediate need for information from the child. Additionally, the questions asked by the council officer should be kept simple and easy to understand.

Similar care should be taken when interviewing a member of a minority group such as a person who does not speak English as their first language. Where possible, an interpreter should be provided to assist with the interview. If it is not practicable to provide an interpreter, the council officer should speak slowly and ask simple questions that are easy to understand. The council officer should ensure that they clearly explain the purpose of the interview and that any information given by the interviewee to them may be used in a court of law in respect of the subject of the investigation.

2.3 EVIDENCE FOR LEGAL PROCEEDINGS

2.3.1 Burden of Proof

The burden of proof in a legal proceeding can be separated into the following:

- (a) the legal burden; and
- (b) the evidential burden.

The legal burden is the duty to satisfy a court to the appropriate standard, or level, of proof on a particular issue. Generally the prosecutor in criminal cases will bear the legal burden in relation each element of the offence, and any defence.

The evidential burden is the burden to produce enough evidence on a particular issue to warrant the court at least considering it. The prosecutor in criminal cases will bear the evidential burden in relation to each element of the offence. Sometimes a defendant will bear the evidential burden to prove a defence, but a defendant will generally not bear the legal burden.

The evidentiary burden to prove a defence borne by a defendant may be discharged by the evidence lead by the prosecution, particularly when witnesses are cross examined.

Even where a defendant bears the burden of proof in relation to a defence, the prosecutor will always bear the ultimate burden of proving the case.

2.3.2 Standard of Proof

The standard of proof is the amount and quality of evidence required to discharge the burden of proof.

If Council prosecutes an infringement of an Act, it will bear the burden to prove the case 'beyond reasonable doubt'.

In some instances an Act may provide a defence to prosecution. If a defence exists, the Act may provide that the defendant will bear burden to prove the defence. If so, the defendant must prove the defence 'on the balance of probabilities'.

If the defence in the Act does not require the defendant to prove the defence, the prosecutor (Council) will bear the burden to prove that the defence does not apply to the standard of 'beyond reasonable doubt'.

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

However, if a defence exists, the defendant's obligation to prove the defence only arises if the prosecutor first proves its case 'beyond reasonable doubt'.

Authorised persons must, when considering whether to prosecute, decide whether the evidence proves each element of the offence, and that the defence does not apply, beyond reasonable doubt. Prior to prosecuting in Court, legal advice should be sought to determine whether there is sufficient evidence to sustain a prosecution.

In civil cases the standard of proof is 'on the balance of probabilities', however, a prosecution under an Act by a local government is not a civil case.

2.3.3 Best Evidence Rule

In evidence, there is a general rule that provides the best evidence must be used to prove a fact in issue. Therefore, council officers should take particular care in ensuring that original documents, recordings and other relevant material are safely retained for presentation as evidence. Where it is not possible to retain the original document, copies of the original should be retained.

2.3.4 Types of Evidence

There are a number of types of evidence that can be admitted in court to prove an element of an offence and may include the following:

Documentary Evidence - includes photographs, tape recordings, video, maps, graphs, drawings, computer records, or any other record of information whatsoever.

Oral evidence - is the verbal testimony of a witness in court. That witness will, ideally, be speaking to something that they perceive with their own senses (sight, sound, smell, etc), if they seek instead to relate what someone else perceived and then communicated to them, then their testimony may well be rejected as hearsay by the court.

View - a view involves a visit by the court to a relevant place to enable the court to better understand the evidence presented. This may be particularly relevant for proceedings involving development offences.

Real Evidence – describes all evidence that may be obtained from a thing, for example, DNA, a weapon, clothing, however, real evidence requires contextual evidence to be of any value. For example, a rotten post in a pool fence is real evidence, but oral or documentary evidence (a photo) will be required to prove that the rotten post was forming part of the non-compliant pool fence on the property.

2.3.5 Facts in issue

Every offence has a number of facts that must be proven by the prosecution. These are referred to by the expression "fact in issue". However, generally a defendant will only challenge some of the facts, and admit some of the facts.

Authorised persons must be familiar with each offence when gathering evidence and ensure each element of the offence is proven by evidence. Particular care should be taken if a person disputes a fact during an inspection. For example, if an authorised person considers that a pool fence is non-compliant because the fence post is rotten and this is refuted during the

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

inspection, the occupier is likely to raise this as a fact in issue during any prosecution. Therefore, sufficient evidence should be obtained to prove beyond reasonable doubt that the fence post was rotten.

2.3.6 Direct and circumstantial evidence

“Direct” evidence is evidence that leads directly to the proof of a fact, while ‘circumstantial’ evidence is indirect evidence of a fact in issue.

For example: Oral evidence from a person stating that the person saw an offence being committed is direct evidence. An admission from a defendant that they had planned to fix a non-compliant fence does not establish the fence is non-compliant. Fingerprints, DNA and handwriting are other examples of circumstantial evidence.

2.3.6.1 *Whilst circumstantial evidence may be important in securing a conviction, and convictions can occur solely on circumstantial evidence, authorised persons should endeavour to gather direct evidence, which will make prosecution much easier. Oral Evidence to be Preferred*

The Council prefers oral evidence to be given wherever possible. Council officers will give oral evidence in the witness box wherever possible.

People giving oral evidence may refresh their memory from notes taken by the person contemporaneously with the event. That is, any notes taken by the officer at the inspection, or immediately following the inspection may, subject to leave from the court, be referred to whilst giving oral evidence in court.

Given that Council officers may be giving oral evidence several months, or even years after the event, detailed notes may be essential to enable an officer to give an accurate account of the issue. The Court is also likely to place greater weight on oral evidence if it aware that contemporaneous notes were taken at the time.

2.4 PENALTIES

2.4.1 Penalty units

Penalties for offences under State legislation and the Council's local laws are set on the basis of penalty units. In legislation and the Council's local laws, there is a maximum penalty prescribed by way of penalty units for contravention of particular provisions. The actual amount of penalty units imposed on an offender of a provision in legislation or a local law may vary depending on the circumstances of the case.

2.4.2 Value of a penalty unit

Section 5(1) (Meaning of penalty unit) of the Penalties and Sentences Act 1992 (PSA) provides the dollar value of a penalty unit.

Section 5(2) (Meaning of Penalty Act) provides that if an Act expresses a penalty or other matter as a number (whether whole or fractional) of penalty units, the monetary value of the penalty or other matter is the number of dollars obtained by multiplying the current value of a penalty unit by the number of penalty units.

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

If the monetary value of the penalty obtained in accordance with the above paragraph for an infringement notice is not a multiple of \$1, the amount is rounded down to the nearest multiple of \$1.

2.4.3 Penalties for corporations

Under section 181B (Corporation fines under penalty provision) of the PSA, if a provision prescribes a maximum fine for an offence and the provision does not expressly prescribe a maximum fine for a body corporate which is different from the maximum fine for an individual:

- (a) the maximum fine attaching to an offence is taken only to be the maximum fine for an individual; and
- (b) if a body corporate is found guilty of the offence, the court may impose a maximum fine of an amount equal to five times the maximum fine for an individual.

2.5 ANCILLARY ENFORCEMENT ACTIVITIES**2.5.1 Penalty infringement notices**

Penalty infringement notices can be issued for certain offences under State legislation and a local government's local laws.

Section 13(1) (Service of infringement notices—generally) of the SPEA and section 4 (Infringement notice offences and fines for nominated law) of the SPER allows an authorised person to issue an infringement notice to a person that has committed a particular offence. Sections 4 to 6 of the SPER prescribe penalty infringement notice offences and infringement notice fines for the Acts and Regulations mentioned in the schedules.

Further details on issuing infringement notices are discussed under the relevant local law and legislation in **Section 3 and 4** of the Manual.

2.6 DISCLOSING PERSONAL INFORMATION**2.6.1 General**

An issue of particular importance to the Council is the appropriate procedure for dealing with personal information. On occasions, the Council may be requested to disclose information in relation to an investigation such as the identity of a person making a complaint or the contents of a complaint or allegation.

2.6.2 Relevant provisions of the Privacy Act

The Privacy Act provides that an agency (Council) must comply with the Information Privacy Principles (IPPs) in the Privacy Act.

The IPPs provide that the local government having control of a document containing personal information must give an individual the subject of the personal information access to the document if the individual asks for access. The Privacy Act also provides that the local government must not disclose personal information to an entity other than the individual the subject of the personal information unless an exception applies.

Under the Privacy Act "personal information" is defined as:

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

"information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion."

2.6.3 Exemptions for law enforcement agencies

Under the Privacy Act, the local government is also a law enforcement agency as it has responsibility for functions or activities directed to the prevention, detection, investigation, prosecution or punishment of offences and other breaches of the law for which penalties or sanctions may be imposed.

The Privacy Act provides exemptions for compliance with certain IPPs for law enforcement agencies in relation to prevention, detection, investigation, prosecution or punishment or breaches of the law which impose penalties or sanctions.

However, these exemptions only apply where the Council in performing a law enforcement role is satisfied on reasonable grounds that noncompliance with the IPPs is necessary for the performance of its responsibility, including the conduct of proceedings started or about to be started in a court or tribunal in relation to the responsibility.

2.6.4 Relevant provisions of the RTI Act

The RTI Act gives people the right to access information held by the Council unless, on balance, it is contrary to the public interest to give access.

A person may apply to access information, including personal information of other people under the RTI Act. In deciding whether to disclose information under the RTI Act, weight must be given to the relevant factors favouring disclosure and the relevant factors favouring non-disclosure which are set out in Schedule 4 of the RTI Act.

The disclosure of personal information is a factor favouring non-disclosure which is required to be taken into account by Council officers when deciding an RTI application.

2.6.5 Procedure

The procedure to be followed by the Council's investigation and enforcement officers in relation to using and disclosing personal information in respect of law enforcement is the Council's formal application process under the Privacy Act or RTI Act as appropriate. This process ensures that disclosure of personal information will go through a formal assessment process rather than a Council officer personally disclosing personal information.

2.7 ADMINISTRATIVE MATTERS**2.7.1 Delegations**

Council officers should familiarise themselves with Council's delegations register.

Education, compliance or enforcement actions should always be undertaken by a Council officer holding a relevant delegation. If no relevant delegation exists, the matter should be referred to the Council to determine the appropriate action by resolution.

2.7.2 Service of documents

In carrying out its compliance and enforcement powers, duties and functions, the Council may need to serve documents on a person. The relevant law may provide the method of service applicable in

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

the situation, however, if no guidance is provided, section 39 (Service of documents) of the Acts Interpretation Act 1954 (AIA) will apply to provide the method of service of a document. The section provides as follows:

- (a) If an Act requires or permits a document to be served on a person, the document may be served:
 - i. on an individual - by delivering it to the person personally or by leaving it at, or by sending it by post, telex, facsimile or similar facility to, the address of the place of residence or business of the person last known to the person serving the document; or
 - ii. on a body corporate - by leaving it at, or sending it by post, telex, facsimile or similar facility to, the head office, a registered office or a principal office of the body corporate.
- (b) The above point applies whether the expression 'deliver', 'give', 'notify', 'send' or 'serve' or another expression is used.
- (c) Nothing above:
 - i. affects the operation of another law that authorises the service of a document otherwise than as provided above; or
 - ii. affects the power of a court or tribunal to authorise service of a document otherwise than as provided in the subsection.

Section 39A (Meaning of service by post etc.) of the AIA provides for the meaning of service by post and provides as follows:

- (a) If an Act requires or permits a document to be served by post, service:
 - i. may be affected by properly addressing, prepaying and posting the document as a letter; and
 - ii. is taken to have been affected at the time at which the letter would be delivered in the ordinary course of post, unless the contrary is proved.
- (b) If an Act requires or permits a document to be served by a particular postal method, the requirement or permission is taken to be satisfied if the document is posted by that method or, if that method is not available, by the equivalent, or nearest equivalent, method provided for the time being by Australia Post.
- (c) The above points apply whether the expression 'deliver', 'give', 'notify', 'send' or 'serve' or another expression is used.
- (d) Without limiting the second point, the requirement or permission mentioned in the point is taken to be satisfied, and is always taken to have been satisfied, for the service of a document if the document is, or was, posted by certified mail provided by Australia Post.

2.7.3 Keeping records

The Public Records Act 2002 (PRA) requires that the Council keep full and accurate records of its activities.

To ensure compliance with the PRA, Council officers should ensure that in undertaking education, compliance and enforcement activities in accordance with this Manual that file notes are taken and entered into Council's electronic records system.

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

3 BUILDING ACT 1975

3.1 OFFENCES

Offences under the *Building Act 1975* (BA) and the *Building Regulation 2006* (BR) for which the local government has jurisdiction are described in **Schedule 1**.

3.2 PENALTIES FOR OFFENCES

Section 2.4 of this Manual discusses the general principles in relation to penalties for offences. **Schedule 1** specifies the penalty for a breach of the relevant offence provision of the BA and BR.

3.2.1 Corporation fines under penalty provisions

3.2.1.1 *Liability of executive officers of a corporation*

Section 257 (Liability for executive officer- particular offences committed by corporation) of the BA provides that an executive officer of a corporation commits an offence if:

- (a) the corporation commits an offence against an executive liability provision; or
- (b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

The maximum penalty is the penalty for a contravention of the executive liability provision by an individual.

In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps, a court must have regard to:

- (a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision;
- (b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; or
- (c) any other relevant matter.

The executive officer may be proceeded against for, and convicted of, an offence whether or not the corporation has been proceeded against for, or convicted of, the offence against an executive liability provision.

Section 257 (Liability of executive officer - particular offences committed by corporation) does not affect:

- (a) the liability of the corporation for the offence against the executive liability provision; or
- (b) the liability, under the Criminal Code, Chapter 2 (Parties to offences), of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

An executive liability provision means any of the following provisions:

- section 114A(2) (Owner's obligation to comply with certificate of classification)
- section 115(1) (Compliance with relevant BCA and QDC provisions for occupation and use of building)

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

- section 231AL(6) (Approval for later day for obtaining fire safety (RCB) compliance certificate or certificate of classification)
- section 232(1) (Compliance with pool safety standard—regulated pool)
- section 245B(4) (Decision on application)
- section 245L (Requirement to comply with approved pool safety management plan)

An executive officer, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

3.2.1.2 Corporation fines

The BA does not specify that the maximum fine for a body corporate is different from the maximum fine for an individual. Therefore, under section 181B (Corporation fines under penalty provision) of the Penalties and Sentences Act 1992 (PSA):

- (a) the maximum fine attaching to an offence is taken only to be the maximum fine for an individual; or
- (b) if a body corporate is found guilty of the offence, the court may impose a maximum fine of an amount equal to five times the maximum fine for an individual.

3.3 ENFORCEMENT OPTIONS FOR AN OFFENCE**3.3.1 General**

Schedule 1 specifies that the local government has the following enforcement options in respect of an offence under the BA or BR:

- a compliance letter
- a penalty infringement notice
- a show cause notice
- an enforcement notice
- a complaint and summons

3.3.2 Compliance letter

The local government may serve a compliance letter on a person who is alleged to have committed an offence.

A compliance letter is not provided for under the BA or BR but may be appropriate where remedial action could be taken to remedy the breach and there is no significant risk to public health or safety.

The local government may choose to pursue another enforcement option in lieu of a compliance letter if there is a significant risk to public health or safety.

A precedent compliance letter is provided in **Schedule 3**.

3.3.3 Penalty infringement notice

Section 13(1) (Service of infringement notices - generally) of the State Penalties Enforcement Act 1999 (SPEA) and section 4 (Infringement notice offences and fines for nominated laws) of the State Penalties

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

Enforcement Regulation 2014 (SPER) allow an authorised person under section 202(2)(b)(i) (Appointing authorised persons) of the Local Government Act 2009 (LGA) to issue an infringement notice to a person that has committed a particular offence under the BA.

Schedule 1 specifies the particular offences for which an infringement notice can be issued and also specifies the maximum penalty units for the infringement notice fine.

A precedent letter enclosing an infringement notice is provided in **Schedule 3**.

3.3.4 Show cause notice

Section 248(2) (Enforcement notices) of the BA provides that a local government may give an enforcement notice to a person who does not comply with a particular matter in the BA. However, before a local government gives a person an enforcement notice, the local government must give the person a show cause notice only if the matter is not of a dangerous or minor nature (section 248(3), (4) (Enforcement notices) of the BA).

3.3.4.1 Content requirements

Section 247 (Show cause notices) of the BA specifies that a show cause notice inviting a person to show why an enforcement or revocation notice should not be given to the person must:

- (a) be in writing;
- (b) outline the facts and circumstances forming the basis for the belief that an enforcement or revocation notice should be given to the person;
- (c) state that representations may be made about the show cause notice;
- (d) state how the representations may be made;
- (e) state where the representations may be made or sent; and
- (f) state:
 - i. a day and time for making the representations; or
 - ii. a period within which the representations must be made.

The day or period stated in the show cause notice must be, or must end, at least 20 business days after the show cause notice is given.

A precedent show cause notice is provided in **Schedule 3**.

3.3.5 Enforcement notice

Section 248 (Enforcement notices) of the BA provides that a local government may give an enforcement notice to a person who does not comply with a particular matter of the BA, or an owner of a building, structure or building work if the local government reasonably believes the building, structure or building work:

- (a) was built before the commencement of section 248 (Enforcement notices) of the BA (30 April 1998) without, or not in accordance with, the approval of the local government; or
- (b) is dangerous; or
- (c) is in a dilapidated condition; or
- (d) is unfit for use or occupation; or

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

- (e) is filthy, infected with disease or infested with vermin.

A local government may also give an enforcement notice to a person who does not comply with a particular matter in the Act, as long as the matter is not of a dangerous or minor nature.

An enforcement notice given under section 248 (Enforcement notices) of the BA is taken to be an enforcement notice given under section 168 (Giving enforcement notice) of the Planning Act 2016 (PA.) Note that whilst it is not a statutory requirement for the production of a report to support the issuing of an Enforcement Notice, it is a Council requirement for the purposes of *internal* documentation that a report is produced detailing the reasoning for the decision to undertake enforcement action. Importantly, such report is not issued to the recipient/s of the enforcement action but forms part of the internal supporting documentation for the enforcement action.

3.3.5.1 Specific requirements of an enforcement notice

Section 249 (Specific requirements of enforcement notices) of the BA specifies that an enforcement notice is not limited to specific requirements but may require a person to do any of the following:

- (a) to apply for a development permit;
- (b) to do, or not to do, another act to ensure building work complies with the approval of the local government given before the commencement of section 249 (Specific requirements of enforcement notices) of the BA. (This section commenced on 30 April 1998);
- (c) to repair or rectify the building or structure;
- (d) to secure the building or structure (whether by a system of supports or in another way);
- (e) to fence off the building or structure to protect persons;
- (f) to cleanse, purify and disinfect the building or structure;
- (g) to demolish or remove the building or structure;
- (h) to comply with the BA for a particular matter.

However, a person may be required to demolish or remove the building or structure only if the local government reasonably believes it is not possible and practical to take steps to comply with points (c) to (f) above.

3.3.5.2 Content requirements

The BA does not provide for content requirements in respect of enforcement notices given under the BA. However, it would be good practice to include the same content in an enforcement notice under the BA as what would be contained in an enforcement notice under the PA.

A precedent enforcement notice is provided in **Schedule 3**.

3.3.6 Complaint and summons

A prosecution for an offence under the BA may be commenced in a summary way in the Magistrates Court under the Justices Act 1886 by the filing and serving of a complaint and summons (section 256 (Prosecution of offences) of the BA).

3.4 ADMINISTRATIVE MATTERS

3.4.1 Authorised person

The BA does not provide for authorised persons. However, for section 108A (Owner's obligations about access to certificate of classification) of the BA, an authorised officer means an authorised person under the LGA carrying out functions relating to the BA which includes a local government employee.

Authorised persons should carry their identification card and instruments of appointment when exercising their powers under the BA and BR.

3.4.2 Powers of entry

Section 134A of the LGA gives an authorised person the power to enter a property without consent to inspect a regulated pool for compliance with the pool safety standards under the BA, or if the BA does not apply, compliance with any other law that regulated fencing, or another matter related to pool safety .

If:

- (a) a pool safety inspector notifies the local government about a regulated pool under section 246AC(4) of the BA; or
- (b) the local government must, under section 246ADA of the BA, inspect a regulated pool,

section 246AE of the BA gives the local government the power to enter the property to inspect the pool. (Note, section 246AE does not give an authorised person the power to enter a dwelling).

3.4.3 Procedure for entry

If the owner, or an occupier, of the land is present at the pool site, the employee or agent must do, or make a reasonable attempt to do, the following things before entering the pool site:

- (a) identify himself or herself to the person, by:
 - i. producing his or her identity card for the person's inspection before exercising the power; or
 - ii. having the identity card displayed so it is clearly visible to the person when exercising the power;
- (b) tell the person the purpose of the entry;
- (c) seek the consent of the person to the entry; (*section 134A of the LGA does not require an authorised person to seek consent, this step must only be followed if entry occurs under section 246AE of the BA*)
- (d) tell the person the officer is permitted under the BA, or LGA to enter the place without the person's consent.

If the person is not present, the employee or agent must take reasonable steps to advise the person of the employee's or agent's intention to enter the place. The employee or agent is not required to take the above steps if the employee or agent reasonably believes they may frustrate or otherwise hinder the purposes of the entry.

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

For an authorised person's further powers of entry and powers after entry see sections 2.2.4 (Entering land) to 2.2.6 (Powers after entering a property) of this Manual.

3.4.4 Time to commence proceedings

Section 256 (Prosecution of offences) of the BA provides that a summary proceeding for an offence against the BA must start within the later of the following periods:

- (a) 12 months after the commission of the offence; or
- (b) 6 months after the offence comes to the knowledge of the complainant.

To avoid being statute barred from commencing proceedings, council officers should report potential or actual breaches to the BA to the relevant Manager as soon as possible. Council officers should also ensure that appropriate records are filed.

4 PLUMBING AND DRAINAGE ACT 2002

4.1 OFFENCES

Offences under the Plumbing and Drainage 2002 (PDA) for which the local government has jurisdiction are described in **Schedule 1**.

4.2 PENALTIES FOR OFFENCES

Section 2.4 of this Manual discusses the general principles in relation to penalties for offences. **Schedule 1** specifies the penalty for a breach of the relevant offence provision of the PDA.

4.2.1 Corporation fines under penalty provisions

The PDA does not specify that the maximum fine for a body corporate is different from the maximum fine for an individual. Therefore, under section 181B (Corporation fines under penalty provision) of the Penalties and Sentences Act 1992 (PSA):

- (a) the maximum fine attaching to an offence is taken only to be the maximum fine for an individual; or
- (b) if a body corporate is found guilty of the offence, the court may impose a maximum fine of an amount equal to five times the maximum fine for an individual.

4.3 ENFORCEMENT OPTIONS FOR AN OFFENCE

4.3.1 General

Schedule 1 specifies that the local government has the following enforcement options in respect of an offence under the PDA:

- a compliance letter
- a Penalty Infringement Notice
- a Show Cause Notice
- an Enforcement Notice
- a complaint and summons

4.3.2 Compliance letter

The local government may serve a compliance letter on a person who is alleged to have committed an offence.

A compliance letter is not provided for under the PDA but may be appropriate where remedial action could be taken to remedy the breach and there is no significant risk to public health or safety.

The local government may choose to pursue another enforcement option in lieu of a compliance letter if there is a significant risk to public health or safety.

A precedent compliance letter is provided in **Schedule 3**.

4.3.3 Penalty infringement notice

Section 13(1) (Service of infringement notices - generally) of the State Penalties Enforcement Act 1999 (SPEA) and section 4 (Infringement notice offences and fines for nominated laws) of the State Penalties Enforcement Regulation 2014 (SPER) allow an inspector appointed under section 107 (Appointment

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

and qualifications) of the PDA to issue an infringement notice to a person that has committed a particular offence under the PDA.

Schedule 1 specifies the particular offences for which an infringement notice can be issued under the PDA and also provides the amount of penalty units applicable to each offence (Schedule 1 (Infringement notice offences and fines for nominated laws) of the SPER).

A precedent letter enclosing an infringement notice is provided in **Schedule 3**.

4.3.4 Show cause notice

Before a local government gives a person an enforcement notice under section 116(1)(a)(ii)-(iv) or (2) (Enforcement notices) of the PDA (see section 4.3.5 below), the local government must first give the person a show cause notice inviting the person to show cause why an enforcement notice should not be given to the person (section 115 (Show cause notices) of the PDA).

4.3.4.1 Content requirements

Section 115 (Show cause notices) of the PDA specifies the following requirements for a show cause notice. A show cause notice must:

- (a) outline the facts and circumstances forming the basis for the local government's belief that an enforcement notice should be given to the person;
- (b) state that representations may be made about the show cause notice;
- (c) state how the representations may be made;
- (d) state where the representations may be made or sent;
- (e) state:
 - i. a day and time for making the representations; or
 - ii. a period within which the representations must be made.

The day or period stated in the show cause notice must be, or must end, at least 20 business days after the show cause notice is given.

A precedent show cause notice is provided in **Schedule 3**.

4.3.5 Enforcement notice

Section 116 (Enforcement notices) of the PDA provides as follows:

A local government may give an enforcement notice to the owner of premises requiring the owner to do a stated thing if the local government reasonably believes plumbing or drainage on the premises:

- (a) is in a condition, or functions in a way, that constitutes a danger or health risk to occupiers of the premises or the public; or
- (b) is defective and should be altered, repaired or replaced; or
- (c) is not adequate to deal with the sewage or greywater generated on the premises or is in a condition that unreasonably interferes, or is likely to unreasonably interfere, with the use or enjoyment of any other premises; or
- (d) was installed without, or not in accordance with, the local government's approval; or

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

- (e) the premises are not in a sewerage area and the absence of an on-site sewerage facility on the premises constitutes a danger or health risk to occupiers of the premises or the public; or
- (f) the owner has contravened, or is contravening, section 128K (Offence about discharging blackwater), 128L (Offence about discharging greywater from premises) or 128M (Offences about discharging greywater other than kitchen greywater from premises) of the PDA.

A local government may give written notice to a person who has performed plumbing or drainage work requiring the person to do a stated thing if the local government reasonably believes the work does not comply with the PDA. Note that whilst it is not a statutory requirement for the production of a report to support the issuing of an Enforcement notice, it is a Council requirement for the purposes of *internal* documentation that a report is produced detailing reasoning for the decision to undertake enforcement action. Importantly, such report is not issued to the recipient/s of the enforcement action but forms part of the internal supporting documentation for the enforcement action.

4.3.5.1 Content requirements

The PDA does not specify any content requirements for an enforcement notice but does provide that an enforcement notice may require the owner or person to whom it is given to do any of the following (section 116(3) (Enforcement notice) of the PDA):

- (a) request a compliance assessment;
- (b) do, or not do, a stated thing to ensure plumbing or drainage work complies with the PDA or a relevant compliance permit or certificate; or
- (c) alter, repair, replace or remove plumbing or drainage work.

A precedent enforcement notice is provided in **Schedule 3**.

4.3.5.2 Enforcement notice for backflow prevention devices

Section 117 (Enforcement notice for backflow prevention devices) of the PDA also provides that if a local government reasonably believes pollution of the water supply in premises or the water service provider's water service to premises has been, or could be, caused by the plumbing on the premises, the local government may give an enforcement notice to the owner or occupier of the premises to do any of the following:

- (a) install a backflow prevention device;
- (b) register a backflow prevention device that is required to be registered under the Standard Plumbing and Drainage Regulation 2003 (SPDR); or
- (c) have a backflow prevention device inspected, tested and if necessary repaired or replaced by a licensee licensed to do the work.

These requirements do not limit specific requirements of a notice given under section 117(3) (Enforcement notices for backflow prevention devices) of the PDA.

4.3.6 Complaint and summons

The local government may for an offence under the PDA commence a prosecution in a summary way in the Magistrates Court under the Justices Act 1886 by the filing and serving of a complaint and summons (section 138 (Prosecutions for offences) of the PDA).

4.4 ADMINISTRATIVE MATTERS

4.4.1 Inspector powers

Section 114 (Functions and powers of inspectors and relationship to the Local Government Act 2009 and City of Brisbane Act 2010) of the PDA sets out, amongst other things, an inspector's functions under the PDA. The section provides that an inspector's functions are to conduct investigations and inspections for monitoring and enforcing compliance, in respect of plumbing or drainage on premises, with:

- the PDA
- the Planning Act 2016 (PA)
- the Local Government Act 2009 (LGA)

For performing an inspector's functions, the inspector:

- (a) has the powers of an authorised person under the LGA or CBA and a reference in those Acts to an authorised person is, for the PDA, taken to be a reference to an inspector under the PDA; and
- (b) may give a notice requiring work regulated under the above Acts to be performed.

4.4.2 Appointment of inspectors

For enforcing the PDA, a local government may appoint an individual to be an inspector if it is satisfied the individual is qualified for appointment because the individual has the qualifications and experience prescribed under section 53 (Qualifications and experience) of the SPDR (section 107 (Appointment and qualifications) of the PDA).

A local government must:

- (a) advise the QBCC commissioner of each appointment it makes; and
- (b) within 20 business days after 1 July in each year, give the commissioner a list of its inspectors as at that date.

4.4.3 Powers of entry

For an authorised person's powers of entry and powers after entry see section 2.2.4 (Entering land) to 2.2.6 (Powers after entering a property) of this Manual.

4.4.4 Time to commence proceedings

Section 138 (Prosecutions for offences) of the PDA provides that a proceeding for an offence against the PDA must start within the later of the following periods:

- (a) 2 years after alleged date of commission of the offence, or
- (b) 1 year after the offence comes to the complainant's knowledge.

To avoid being statute barred from commencing proceedings, council officers should report potential or actual breaches to the PA to the relevant Manager as soon as possible. Council officers should also ensure that appropriate records are filed.

Mareeba Shire Council Compliance and Enforcement Manual (Building and Plumbing Sub Manual)

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DOCUMENT CONTROL		
Version	Date	Details
1.0		Written by Senior Compliance Officer
1.0		Reviewed by Manager Development and Governance



Schedule 1

Enforcement Option Matrix

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

Contents

1.	Building Act 1975.....	3
1.1	Table of Offences	3
2.	Plumbing and Drainage Act 2002	9
2.1	Table of Offences	9

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

1. Building Act 1975

1.1 Table of Offences

Offence			Enforcement options					
			Compliance letter	Statutory notice			Magistrates Court	
Section of the Building Act 1975	Enforced by Council	Maximum penalty (penalty units)		Penalty infringement notice (penalty units (individual)/ (corporation))	Show cause notice (s247 of the BA)	Enforcement notice (s248 of the BA)	Complaint and summons (s256 of the BA)	Offence Elements Checklist
Section 83(1) (General restrictions on granting building development approval)	✓	165	✓	✓ (8)/-	✓	✓	✓	-
Section 84(1) (Approval must not be inconsistent with particular earlier approvals or self-assessable development)	✓	165	✓	✓ (8)/-	✓	✓	✓	-
Section 84(2) (Approval must not be inconsistent with particular earlier approvals or self-assessable development)	✓	165	✓	✓ (8)/-	✓	✓	✓	-
Section 86(1) (Requirements on approval of application)	✓	40	✓	✓ (4)/-	✓	✓	✓	-
Section 88(2) (Giving approval documents to applicant)	✓	50	✓	✓ (5)/-	✓	✓	✓	-
Section 88(2B) (Giving approval documents to applicant)	✓	165	✓	-	✓	✓	✓	✓
Section 88(6) (Giving approval documents to applicant)	✓	20	✓	✓ (2)/-	✓	✓	✓	-
Section 99(2) (Obligation to give owner inspection documentation on final inspection)	✓	40	✓	✓ (4)/-	✓	✓	✓	-

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

Offence			Enforcement options					
			Compliance letter	Statutory notice			Magistrates Court	
Section of the Building Act 1975	Enforced by Council	Maximum penalty (penalty units)		Penalty infringement notice (penalty units (individual)/ (corporation))	Show cause notice (s247 of the BA)	Enforcement notice (s248 of the BA)	Complaint and summons (s256 of the BA)	Offence Elements Checklist
Section 102(2) (Obligation to give certificate of classification on inspection after particular events)	✓	20	✓	✓ (2)/-	✓	✓	✓	-
Section 107(2) (Building certifier's obligation to give referral agency certificate and other documents)	✓	40	✓	✓ (4)/-	✓	✓	✓	-
Section 108 (Additional obligations if certificate of classification given by private certifier (class A))	✓	40	✓	✓ (4)/-	✓	✓	✓	-
Section 108A(2) (Owner's obligations about access to certificate of classification)	✓	165	✓	✓ (8)/-	✓	✓	✓	-
Section 108A(4) (Owner's obligations about access to certificate of classification)	✓	165	✓	✓ (8)/-	✓	✓	✓	-
Section 110 (Restriction on making BCA classification or use change)	✓	165	✓	-	✓	✓	✓	-
Section 114(2) (No occupation or use of particular buildings without certificate of classification)	✓	165	✓	-	✓	✓	✓	-
Section 114(3) (No occupation or use of particular buildings without certificate of classification)	✓	165	✓	-	✓	✓	✓	-
Section 114A(2) (Owner's obligation to comply with certificate of classification)	✓	165	✓	✓ (8)/-	✓	✓	✓	-

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

Offence			Enforcement options					
			Compliance letter	Statutory notice			Magistrates Court	
Section of the Building Act 1975	Enforced by Council	Maximum penalty (penalty units)		Penalty infringement notice (penalty units (individual)/ (corporation))	Show cause notice (s247 of the BA)	Enforcement notice (s248 of the BA)	Complaint and summons (s256 of the BA)	Offence Elements Checklist
Section 115(1) (Compliance with relevant BCA and QDC provisions for occupation and use of building)	✓	165	✓	–	✓	✓	✓	–
Section 115(3) (Compliance with relevant BCA and QDC provisions for occupation and use of building)	✓	165	✓	–	✓	✓	✓	–
Section 118 (Restriction on use of buildings built on or after 1 April 1976)	✓	165	✓	–	✓	✓	✓	–
Section 119 (Further restriction on occupation of building for residential purposes)	✓	165	✓	–	✓	✓	✓	–
Section 122 (Building certifier's obligation to give owner inspection documentation if building development approval lapses)	✓	80	✓	✓ (8)/-	✓	✓	✓	–
Section 220 (Owner must ensure building conforms with fire safety standard)	✓	165	✓	✓ (8)/-	✓	✓	✓	–
Section 221(5) (Approval of longer period for conformity with fire safety standard)	✓	165	✓	✓ (8)/-	✓	✓	✓	–
Section 222(5) (Advice as to conformity with fire safety standard)	✓	165	✓	✓ (8)/-	✓	✓	✓	–
Section 226(2) (Obligation about fire safety management plan)	✓	100	✓	✓ (7)/-	✓	✓	✓	–

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

Offence			Enforcement options					
			Compliance letter	Statutory notice			Magistrates Court	
Section of the Building Act 1975	Enforced by Council	Maximum penalty (penalty units)		Penalty infringement notice (penalty units (individual)/ (corporation))	Show cause notice (s247 of the BA)	Enforcement notice (s248 of the BA)	Complaint and summons (s256 of the BA)	Offence Elements Checklist
Section 226(4) (Obligation about fire safety management plan)	✓	100	✓	✓ (7)	✓	✓	✓	–
Section 227 (Accessing fire safety management plan)	✓	20	✓	✓ (2)	✓	✓	✓	–
Section 231(1) (Owner's fire safety record-keeping obligation)	✓	20	✓	✓ (2)	✓	✓	✓	–
Section 232(1) (Compliance with pool safety standard - regulated pool)	✓	165	✓	✓ (7)/(20)	✓	✓	✓	✓
Section 233(2) (Constructing regulated pool - requirement for warning sign)	✓	20	✓	✓ (1)/(3)	✓	✓	✓	✓
Section 233(3) (Constructing regulated pool - requirement for warning sign)	✓	20	✓	✓ (1)/(3)	✓	✓	✓	–
Section 234(2) (Constructing regulated pool - requirement for compliance with pool safety standard)	✓	165	✓	✓ (7)/(20)	✓	✓	✓	–
Section 237(4) (Decision on application)	✓	165	✓	✓ (6)/(18)	✓	✓	✓	–
Section 242(5) (Local government may revoke exemption)	✓	165	✓	✓ (6)/(18)	✓	✓	✓	–
Section 245B(4) (Decision on application)	✓	165	✓	✓ (6)/(18)	✓	✓	✓	–

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

Offence			Enforcement options					
			Compliance letter	Statutory notice			Magistrates Court	
Section of the Building Act 1975	Enforced by Council	Maximum penalty (penalty units)		Penalty infringement notice (penalty units (individual)/ (corporation))	Show cause notice (s247 of the BA)	Enforcement notice (s248 of the BA)	Complaint and summons (s256 of the BA)	Offence Elements Checklist
Section 245E(5) (Local government may revoke exemption)	✓	165	✓	✓ (6)/(18)	✓	✓	✓	–
Section 245G(1) (Requirement to report pool immersion incident)	✓	20	✓	✓ (2)/(6)	✓	✓	✓	–
Section 245K (Requirement to have pool safety management plan)	✓	165	✓	✓ (16)/(48)	✓	✓	✓	–
Section 245L (Requirement to comply with approved pool safety management plan)	✓	165	✓	✓ (16)/(48)	✓	✓	✓	–
Section 245T(1) (Access to regulated pool to be kept secure)	✓	165	✓	✓ (4)/(12)	✓	✓	✓	–
Section 245T(2) (Access to regulated pool to be kept secure)	✓	165	✓	✓ (4)/(12)	✓	✓	✓	–
Section 245T(3) (Access to regulated pool to be kept secure)	✓	165	✓	✓ (4)/(12)	✓	✓	✓	–
Building Regulation 2006								
Section 19 (Building certifier's obligation to keep record of decision about competency)	✓	20	✓	2/-	✓	✓	✓	–
Section 23 (Competent person must not give false or misleading documents)	✓	20	✓	–	✓	✓	✓	–

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

Offence			Enforcement options					
			Compliance letter	Statutory notice			Magistrates Court	
Section of the Building Act 1975	Enforced by Council	Maximum penalty (penalty units)		Penalty infringement notice (penalty units (individual)/ (corporation))	Show cause notice (s247 of the BA)	Enforcement notice (s248 of the BA)	Complaint and summons (s256 of the BA)	Offence Elements Checklist
Section 27(2) (Builder's obligation to give notice for inspection at completion of each stage)	✓	20	✓	4/-	✓	✓	✓	–
Section 28(2) (Prohibition on further building work until stage complies)	✓	20	✓	4/-	✓	✓	✓	–
Section 30(2) (Arranging inspection)	✓	20	✓	✓(2)/-	✓	✓	✓	–
Section 35B(1) (Inspection procedure and process after inspection)	✓	50	✓	✓(5)/-	✓	✓	✓	–
Section 35C(6) (Delaying inspection in particular circumstances)	✓	50	✓	✓(5)/-	✓	✓	✓	–
Section 45 (QBSA licensee must not give false or misleading certificate)	✓	20	✓	–	✓	✓	✓	–

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

2. Plumbing and Drainage Act 2002

2.1 Table of Offences

Offence			Enforcement options					
			Compliance letter	Statutory notice			Magistrates Court	
Section of the Plumbing and Drainage Act 2002	Enforced by Council	Maximum penalty (penalty units)		Penalty infringement notice (individual/corporation)	Show cause notice (s115 of the PDA)	Enforcement notice (s116 of the PDA)	Complaint and summons (s138 of the PDA)	Offence Elements Checklist
Section 82(1) (Plans and all plumbing and drainage work must comply)	✓	165	✓	✓ (10)/(40)	✓	✓	✓	–
Section 83(1) (Compliance permit required for certain compliance assessable work)	✓	1665	✓	✓ (6)/(24)	✓	✓	✓	–
Section 86E(4) (Effect of refusal or withdrawal of application for chief executive approval)	✓	100	✓	–	–	–	✓	–
Section 87(3) (Notifiable work)	✓	60	✓	✓ (6)/(24)	–	–	✓	–
Section 119 (Offences by persons not holding appropriate licence)	✓	165	✓	✓ (10)/-	✓	✓	✓	–
Section 120 (Offence of directing or supervising unlicensed work)	✓	165	✓	✓ (10)/-	✓	✓	✓	–
Section 122 (Contravening licence conditions)	✓	100	✓	✓ (7)/-	–	–	✓	–
Section 123(1) (Limitations on provisional licence holders)	✓	100	✓	✓ (10)/-	–	–	✓	–
Section 123(2) (Limitations on provisional licence holders)	✓	100	✓	✓ (10)/-	✓	✓	✓	–

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

Offence			Enforcement options					
			Compliance letter	Statutory notice			Magistrates Court	
Section of the Plumbing and Drainage Act 2002	Enforced by Council	Maximum penalty (penalty units)		Penalty infringement notice (individual/corporation)	Show cause notice (s115 of the PDA)	Enforcement notice (s116 of the PDA)	Complaint and summons (s138 of the PDA)	Offence Elements Checklist
Section 124 (Restriction on advertising for the carrying out of particular work)	✓	100	✓	✓ (6)/-	-	-	✓	-
Section 125 (Restriction on building or installing particular on-site sewage treatment plant)	✓	500 or 165	✓	✓ (10)/(40)	✓	✓	✓	-
Section 126 (Restriction on building or installing greywater use facility)	✓	165	✓	✓ (5)/(20)	✓	✓	✓	-
Section 127 (Restriction on building or installing chemical, composting or incinerating toilet)	✓	100	✓	✓ (5)/(20)	✓	✓	✓	-
Section 127A (Restriction on dismantling or taking away greywater treatment plant)	✓	100	✓	✓ (5)/(20)	✓	✓	✓	-
Section 128 (Restriction on dismantling or taking away on-site sewerage facility)	✓	100	✓	✓ (5)/(20)	✓	✓	✓	-
Section 128A(1) (Offence to pollute service provider's services)	✓	165	✓	✓ (5)/(20)	✓	✓	✓	✓
Section 128A(2) (Offence to pollute service provider's services)	✓	165	✓	✓ (5)/(20)	✓	✓	✓	✓
Section 128B (Owner's obligation to ensure compliance with conditions of compliance certificate)	✓	165	✓	✓ (3)/(12)	-	-	✓	-

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

Offence			Enforcement options					
			Compliance letter	Statutory notice			Magistrates Court	
Section of the Plumbing and Drainage Act 2002	Enforced by Council	Maximum penalty (penalty units)		Penalty infringement notice (individual/corporation)	Show cause notice (s115 of the PDA)	Enforcement notice (s116 of the PDA)	Complaint and summons (s138 of the PDA)	Offence Elements Checklist
Section 128C (Restriction on operating chemical, composting or incinerating toilet)	✓	100	✓	✓ (3)/(12)	✓	✓	✓	–
Section 128D (Restriction on operating particular on-site sewerage facilities)	✓	100	✓	✓ (3)/(12)	✓	✓	✓	–
Section 128E (Restrictions on operating particular on-site sewage treatment plant)	✓	100	✓	✓ (3)/(12)	✓	✓	✓	–
Section 128F (Restrictions on operating greywater use facility)	✓	100	✓	✓ (3)/(12)	✓	✓	✓	–
Section 128G (Owner's obligation to maintain plumbing and drainage)	✓	165	✓	–	✓	✓	✓	–
Section 128H(1) (Obligations of person who services on-site sewerage facility or greywater treatment plant)	✓	40	✓	–	–	–	✓	–
Section 128H(2) (Obligations of person who services on-site sewerage facility or greywater treatment plant)	✓	100	✓	–	–	–	✓	–
Section 128I (Backflow prevention devices)	✓	165	✓	✓ (7)/(28)	✓	✓	✓	–
Section 128J(1) (Hot water control devices)	✓	165	✓	✓ (7)/(28)	✓	✓	✓	–
Section 128JA(1) (Water meter)	✓	165	✓	✓ (7)/(28)	✓	✓	✓	–

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

Offence			Enforcement options					
			Compliance letter	Statutory notice			Magistrates Court	
Section of the Plumbing and Drainage Act 2002	Enforced by Council	Maximum penalty (penalty units)		Penalty infringement notice (individual/corporation)	Show cause notice (s115 of the PDA)	Enforcement notice (s116 of the PDA)	Complaint and summons (s138 of the PDA)	Offence Elements Checklist
Section 128K(1) (Offence about discharging blackwater)	✓	500	✓	✓ (5)/(20)	✓	✓	✓	✓
Section 128L (Offence about discharging kitchen greywater from premises)	✓	500	✓	✓ (5)/(20)	✓	✓	✓	✓
Section 128M(2) (Offences about discharging greywater other than kitchen greywater from premises)	✓	500	✓	–	✓	✓	✓	–
Section 128M(3) (Offences about discharging greywater other than kitchen greywater from premises)	✓	500	✓	–	✓	✓	✓	–
Section 128M(4) (Offences about discharging greywater other than kitchen greywater from premises)	✓	100	✓	–	✓	✓	✓	–
Section 128N(1) (Permissible and prohibited discharges)	✓	165	✓	✓ (5)/(20)	✓	✓	✓	✓
Section 128N(2) (Permissible and prohibited discharges)	✓	165	✓	✓ (5)/(20)	✓	✓	✓	✓
Section 128O(1) (Stormwater drainage must be separate from on-site sewerage facility)	✓	165	✓	–	✓	✓	✓	–
Section 128O(2) (Stormwater drainage must be separate from on-site sewerage facility)	✓	165	✓	–	✓	✓	✓	–
Section 128OA (Disposal of contents of greywater treatment plant)	✓	100	✓	✓ (5)/(20)	✓	✓	✓	–

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

Offence			Enforcement options					
			Compliance letter	Statutory notice			Magistrates Court	
Section of the Plumbing and Drainage Act 2002	Enforced by Council	Maximum penalty (penalty units)		Penalty infringement notice (individual/corporation)	Show cause notice (s115 of the PDA)	Enforcement notice (s116 of the PDA)	Complaint and summons (s138 of the PDA)	Offence Elements Checklist
Section 128P(1) (Disposal of contents of on-site sewerage facility)	✓	100	✓	✓ (5)/(20)	✓	✓	✓	–
Section 128P(2) (Disposal of contents of on-site sewerage facility)	✓	100	✓	✓ (5)/(20)	✓	✓	✓	–
Section 128P(3) (Disposal of contents of on-site sewerage facility)	✓	100	✓	✓ (5)/(20)	✓	✓	✓	–
Section 128P(4) (Disposal of contents of on-site sewerage facility)	✓	100	✓	✓ (5)/(20)	✓	✓	✓	–
Section 128PA(2) (Offence about using greywater)	✓	500	✓	–	✓	✓	✓	–
Section 128PA(3) (Offence about using greywater)	✓	100	✓	–	✓	✓	✓	–
Section 128Q(1) (Misleading statement by builder, manufacturer or supplier)	✓	100	✓	–	–	–	✓	–
Section 128Q(2) (Misleading statement by builder, manufacturer or supplier)	✓	100	✓	–	–	–	✓	–
Section 128R (On-site sewerage facility no longer required)	✓	40	✓	–	–	–	✓	–
Section 128RA (False or misleading statements)	✓	40	✓	–	–	–	✓	–
Section 128S (False or misleading documents)	✓	40	✓	–	–	–	✓	–
Section 128T (Obstruction of investigators or inspectors)	✓	40	✓	✓ (3)	–	–	✓	–

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 1 Enforcement Option Matrix

Offence			Enforcement options					
				Statutory notice			Magistrates Court	
Section of the Plumbing and Drainage Act 2002	Enforced by Council	Maximum penalty (penalty units)	Compliance letter	Penalty infringement notice (individual/corporation)	Show cause notice (s115 of the PDA)	Enforcement notice (s116 of the PDA)	Complaint and summons (s138 of the PDA)	Offence Elements Checklist
Section 128U (Impersonation of investigator or inspector)	✓	40	✓	–	–	–	✓	–



Schedule 2

Offence Element Checklist

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

Contents

1.	Building Act 1975.....	3
1.1	Section 114(2) (No occupation or use of particular buildings without certificate or classification) of the BA	3
1.2	Section 232(1) (Compliance with pool safety standard - regulated pool) of the BA	5
1.3	Section 233(2) (Constructing regulated pool - requirement for warning sign) of the BA.....	7
2.	Plumbing and Drainage Act 2002	9
2.1	Section 128A(1) (Offence to pollute service provider's services) of the PDA.....	9
2.2	Section 128A(2) (Offence to pollute service provider's services) of the PDA.....	11
2.3	Section 128K(1) (Offence about discharging blackwater) of the PDA.....	13
2.4	Section 128L (Offence about discharging kitchen greywater from premises) of the PDA	17
2.5	Section 128N(1) (Permissible and prohibited discharges) of the PDA.....	20
2.6	Section 128N(2) (Permissible and prohibited discharges) of the PDA.....	21

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

1. Building Act 1975**1.1 Section 114(2) (No occupation or use of particular buildings without certificate or classification) of the BA**

A person must not occupy or use the building unless the person has a reasonable excuse.

Maximum penalty—165 penalty units.

Elements of Offence

No.	Description of element
1.	<p>A <u>'person'</u> commits the offence.</p> <p>The BA does not define 'person'.</p> <p>Section 32D (References to persons generally) of the <i>Acts Interpretation Act 1954</i> relevantly provides that in an Act, a reference to a 'person' includes a reference to a corporation as well as an individual.</p>
2.	<p>A person must not <u>'occupy'</u> or <u>'use'</u> the building.</p> <p>The BA does not define 'occupy' or 'use'.</p> <p>The ordinary meaning of 'occupy' is defined to include 'to take up a place or take possession of something'.</p> <p>The ordinary meaning of 'use' is 'to employ or utilise something for some purpose'.</p>
3.	<p>A person must not occupy or use the <u>'building'</u>.</p> <p>In this section a 'building' is:</p> <p>(a) a building the subject of a building development approval that is not:</p> <p style="padding-left: 20px;">(i) a single detached class 1a building; or</p> <p style="padding-left: 20px;">(ii) a class 10 building or structure; and</p> <p>(b) where a certificate of classification has not been given for the building.</p> <p>Schedule 2 (Dictionary) of the BA provides that a 'building':</p> <p>(a) is a fixed structure that is wholly or partly enclosed by walls or is roofed;</p> <p>(b) the term includes a floating building and any part of a building.</p> <p>Schedule 2 (Dictionary) of the BA provides that 'class', for a building or structure, means its particular Building Code of Australia (BCA) classification.</p> <p>Section A3.2 of the BCA 2016 provides that a 'class 1a building' refers to a single dwelling building which is:</p> <p>(a) a detached house; or</p> <p>(b) one of a group of two or more attached dwellings, each being a building, separated by a fire-resisting wall, including a row house, terrace house, town house or villa unit.</p> <p>Section A3.2 of the BCA 2016 provides that a 'class 10 building' refers to a non-habitable building or structure, which includes:</p>

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

No.	Description of element
	<p>(a) Class 10a—a non-habitable building being a private garage, carport, shed or the like; or</p> <p>(b) Class 10b—a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool, or the like.</p> <p>(c) Class 10c—a private bushfire shelter</p>
4.	<p>An offence under this section is not committed if the person has a '<u>reasonable excuse</u>'.</p> <p>Case law provides that the question of what constitutes a 'reasonable excuse' is to be determined from the terms and structure of a particular statute and the circumstances of each particular case (<i>ASIC v Albarran</i> [2008] FCA 147).</p>

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

1.2 Section 232(1) (Compliance with pool safety standard - regulated pool) of the BA

The owner of a regulated pool must ensure:

- (a) the pool complies with the pool safety standard for the pool; and
- (b) all barriers for the pool are kept in good condition.

Maximum penalty—165 penalty units.

Elements of Offence

No.	Description of element
1.	<p>An owner of a '<u>regulated pool</u>' commits the offence.</p> <p>Section 231B(1) (What is a regulated pool) of the BA provides that 'regulated pool':</p> <ul style="list-style-type: none"> (a) is a swimming pool situated on regulated land; and (b) includes the barriers for the pool. <p>Other than in part 2A (Neighbours' rights and responsibilities for particular dividing fences) of the BA, a regulated pool does not include a swimming pool situated on either of the following if an approved pool safety management plan is in force for the pool:</p> <ul style="list-style-type: none"> (a) common property in a class 3 building, including a class 3 building that is to be constructed; (b) land adjacent to land on which a class 3 building is, or is to be, constructed and that is: <ul style="list-style-type: none"> (i) in the same ownership as the building; or (ii) used in association with the building. <p>Also, a regulated pool does not include a public pool, which means a swimming pool open to the public, whether or not on payment of money, and operated by a local government or other statutory body under the <i>Statutory Bodies Financial Arrangements Act 1982</i>.</p> <p>Section 231A (Definitions for ch 8) of the BA provides that 'regulated land' is land which any of the following is constructed or is to be constructed:</p> <ul style="list-style-type: none"> (a) a class 1, 2, 3 or 4 building; (b) a moveable dwelling park; (c) a residential park. <p>The term includes land adjacent to the land and:</p> <ul style="list-style-type: none"> (a) in the same ownership as the land; or (b) used in association with the land.
2.	<p>The pool must comply with the '<u>pool safety standard</u>' for the pool.</p> <p>Section 231D (What is the <i>pool safety standard</i>) of the BA provides:</p> <p>The pool safety standard is:</p> <ul style="list-style-type: none"> (a) QDC, part MP3.4; and (b) any other standard prescribed under a regulation for ensuring the safety of persons using a regulated pool.

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

No.	Description of element
	<p>Without limiting the above provision, a prescribed standard may provide for both or either of the following for the pool:</p> <ul style="list-style-type: none">(a) the form of a resuscitation sign and the way it must be displayed;(b) the requirements for devices used for recirculation of water in the pool.
3.	<p>A person must ensure the <u>'barriers for the pool'</u> are kept in good condition.</p> <p>Section 231B(2) (What is a regulated pool) of the BA provides that barriers for the pool include any of the following:</p> <ul style="list-style-type: none">(a) the fencing for the pool;(b) the walls of a building enclosing the pool;(c) another form of barrier mentioned or provided for in the pool safety standard.

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

1.3 Section 233(2) (Constructing regulated pool - requirement for warning sign) of the BA

The relevant person must ensure that, before construction of the pool starts, a warning sign, complying with the requirements for a warning sign prescribed under a regulation, is displayed on the land on which the pool is situated in the way prescribed under a regulation.

Maximum penalty—20 penalty units.

Elements of Offence

No.	Description of element
1.	<p>A '<u>relevant person</u>' commits the offence.</p> <p>The BA provides in section 233(4) (Constructing regulated pool—required for warning sign) that a relevant person for a regulated pool is:</p> <ul style="list-style-type: none"> (a) the person who is or is to become the owner of the pool; or (b) the builder of the pool.
2.	<p>The offence applies to each relevant person for a '<u>regulated pool</u>'.</p> <p>Section 231B(1) (What is a regulated pool) of the BA provides that 'regulated pool':</p> <ul style="list-style-type: none"> (a) is a swimming pool situated on regulated land; and (b) includes the barriers for the pool. <p>Other than in part 2A (Neighbours' rights and responsibilities for particular dividing fences) of the BA, a regulated pool does not include a swimming pool situated on either of the following if an approved pool safety management plan is in force for the pool:</p> <ul style="list-style-type: none"> (a) common property in a class 3 building, including a class 3 building that is to be constructed; (b) land adjacent to land on which a class 3 building is, or is to be, constructed and that is: <ul style="list-style-type: none"> (i) in the same ownership as the building; or (ii) used in association with the building. <p>Section 231A (Definitions for ch 8) of the BA provides that 'regulated land' is land which any of the following is constructed or is to be constructed:</p> <ul style="list-style-type: none"> (a) a class 1, 2, 3 or 4 building; (b) a moveable dwelling park; (c) a residential park. <p>The term includes land adjacent to the land and:</p> <ul style="list-style-type: none"> (a) in the same ownership as the land; or (b) used in association with the land. <p>Section 231B(2) (What is a regulated pool) of the BA provides that barriers for the pool include any of the following:</p> <ul style="list-style-type: none"> (a) the fencing for the pool;

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

No.	Description of element
	<p>(b) the walls of a building enclosing the pool;</p> <p>(c) another form of barrier mentioned or provided for in the pool safety standard.</p>
3.	<p>A relevant person must ensure, before construction of the pool starts, a warning is displayed on the land which complies with the <u>'requirements for a warning sign'</u>.</p> <p>Section 14 (Warning sign requirements and display—Act, s233) of the BR provides that:</p> <p>(2) The sign must—</p> <p>(a) warn members of the public in the vicinity of the land that—</p> <p>(i) a swimming pool is under construction on the land; and</p> <p>(ii) there is a potential danger to young children accessing the land; and</p> <p>(b) subject to subsection (4), be placed on, or within 1.5m of, the road frontage for the land; and</p> <p>(c) be mounted so that the bottom of the sign is at least 300 mm above ground level; and</p> <p>(d) be positioned so that it is visible from the road; and</p> <p>(e) be made of weatherproof material.</p> <p>(3) Any lettering relating to the warning outlined in subsection (2)(a) must be at least 50 mm in height and in a bold style.</p> <p>(4) If the land has more than 1 road frontage, a sign need only be placed on 1 of the frontages.</p> <p>(5) The sign may include a reference to a matter other than the warning mentioned in subsection (2)(a).</p>
4.	<p>The warning sign is <u>'displayed on the land'</u> on which the pool is situated in the prescribed manner.</p> <p>Section 14 (Warning sign requirements and display—Act, s233) of the BR provides that a warning sign:</p> <p>(a) subject to (d), be placed on, or within 1.5m of the road frontage for the land; and</p> <p>(b) be mounted so that the bottom of the sign is at least 300 mm above ground level; and</p> <p>(c) be positioned so that it is visible from the road; and</p> <p>(d) if the land has more than 1 road frontage, a sign need only be placed on 1 of the frontages. In this context road frontage, for land, means:</p> <p>(i) if the only access to the land is across other land—the boundary between the other land and any road adjoining the other land at the point of access; or</p> <p>(ii) otherwise—the boundary between the land and any road adjoining the land.</p>

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

2. Plumbing and Drainage Act 2002**2.1 Section 128A(1) (Offence to pollute service provider's services) of the PDA**

In carrying out plumbing work, a person must not do anything likely to pollute water in a water service provider's water service as defined under the Water Supply Act.

Maximum penalty—165 penalty units.

Elements of Offence

No.	Description of element
1.	<p>A <u>'person'</u> commits the offence.</p> <p>The PDA does not define 'person'.</p> <p>Section 32D (References to persons generally) of the <i>Acts Interpretation Act 1954</i> relevantly provides that in an Act, a reference to a 'person' includes a reference to a corporation as well as an individual.</p>
2.	<p>In <u>'carrying out'</u> plumbing work, a person must not do anything likely to pollute water.</p> <p>The PDA does not define 'carrying out'.</p> <p>The ordinary meaning of 'carry out' is 'to accomplish or complete' and in this context would extend to include starting or commencing plumbing work.</p>
3.	<p>In carrying out <u>'plumbing work'</u>, a person must not do anything likely to pollute water.</p> <p>Schedule (Dictionary) of the PDA provides that 'plumbing work' includes installing, changing, extending, disconnecting, taking away and maintaining plumbing, and installing a water meter as part of a service provider's infrastructure for the purpose of measuring the volume of water supplied to premises from the infrastructure.</p> <p>Schedule (Dictionary) of the PDA provides that 'plumbing' means:</p> <ul style="list-style-type: none"> (a) for water—an apparatus, fitting or pipe for supplying water to premises from a service provider's infrastructure or a water storage tank and for carrying water within premises; or (b) for sewage—an apparatus, fitting, fixture or pipe, above ground level, that carries sewage on premises to drainage; or (c) a greywater treatment plant or greywater diversion device. <p>Schedule (Dictionary) of the PDA provides that 'sewage' means household and commercial wastewater that contains, or may contain, faecal, urinary or other human waste.</p> <p>Schedule (Dictionary) of the PDA provides that 'greywater' means wastewater from a bath, basin, kitchen, laundry or shower, whether or not the wastewater is contaminated with human waste.</p>
4.	<p>In carrying out plumbing work, a person must not do anything likely to <u>'pollute water in a water service provider's water service as defined under the Water Supply Act'</u>.</p> <p>The PDA does not define 'pollute'.</p> <p>The ordinary meaning of 'pollute' is 'to make foul or unclean; dirty'.</p>

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

No.	Description of element
	<p>Schedule (Dictionary) of the PDA provides that 'water service provider', for premises, means the person registered under the <i>Water Supply (Safety and Reliability) Act 2008</i> (WSA), chapter 2 (Infrastructure and service), part 3 (Service provider), as the water service provider for retail water services for the premises.</p> <p>Schedule 3 (Dictionary) of the WSA defines 'water service' as:</p> <ul style="list-style-type: none"> (a) water harvesting or collection, including, for example, water storages, groundwater extraction or replenishment and river water extraction; or (b) the transmission of water; or (c) the reticulation of water; or (d) drainage, other than stormwater drainage; or (e) water treatment or recycling. <p>For chapter 2 (Infrastructure and service), part 3 (Service provider) of the WSA, the term does not include a service supplied by infrastructure, if:</p> <ul style="list-style-type: none"> (a) the infrastructure is used solely for mining purposes; or (b) the service is used only by: <ul style="list-style-type: none"> (i) the owner of the infrastructure or the owner's guests or employees including, for example, guests at a resort; or (ii) if the owner of the infrastructure is a body corporate for a community titles scheme under the <i>Body Corporate and Community Management Act 1997</i>—the occupants of lots in the scheme.

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

2.2 Section 128A(2) (Offence to pollute service provider's services) of the PDA

In carrying out drainage work, a person must not do anything likely to pollute a sewerage service provider's sewerage service.

Maximum penalty—165 penalty units.

Elements of Offence

No.	Description of element
1.	<p>A <u>'person'</u> commits the offence.</p> <p>The PDA does not define 'person'.</p> <p>Section 32D (References to persons generally) of the <i>Acts Interpretation Act 1954</i> relevantly provides that in an Act, a reference to a 'person' includes a reference to a corporation as well as an individual.</p>
2.	<p>In <u>'carrying out'</u> drainage work, a person must not do anything likely to pollute a sewerage service provider's sewerage service.</p> <p>The PDA does not define 'carrying out'.</p> <p>The ordinary meaning of 'carry out' is 'to accomplish or complete' and in this context would extend to include starting or commencing drainage work.</p>
3.	<p>In carrying out <u>'drainage work'</u>, a person must not do anything likely to pollute a sewerage service provider's sewerage service.</p> <p>Schedule (Dictionary) of the PDA provides that 'drainage work' includes installing, changing, extending, disconnecting, taking away and maintaining drainage and on-site sewerage work.</p> <p>Schedule (Dictionary) of the PDA provides that 'drainage' means:</p> <ul style="list-style-type: none"> (a) an apparatus, fitting or pipe, either above or below ground level, that carries: <ul style="list-style-type: none"> (i) sewage to a sewer, or to, within or from an on-site sewerage facility; or (ii) greywater from a greywater treatment plant or greywater diversion device; or (b) an on-site sewage treatment plant. <p>Examples of activities described in paragraph (a)(i) above include:</p> <ul style="list-style-type: none"> (a) a pipe carrying effluent to an on-site sewage treatment plant on premises. (b) a pipe carrying treated effluent from an on-site sewage treatment plant off the premises on which the plant is installed to a system of common effluent drainage or a holding tank for collection. <p>Schedule (Dictionary) of the PDA provides that 'sewage' means household and commercial wastewater that contains, or may contain, faecal, urinary or other human waste.</p> <p>Schedule (Dictionary) of the PDA provides that 'greywater' means wastewater from a bath, basin, kitchen, laundry or shower, whether or not the wastewater is contaminated with human waste.</p>
4.	<p>In carrying out drainage work, a person must not do anything likely to <u>'pollute a sewerage service provider's sewerage service'</u>.</p>

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

No.	Description of element
	<p>The ordinary meaning of 'pollute' is 'to make foul or unclean; dirty'.</p> <p>Schedule (Dictionary) of the PDA provides that 'sewerage service provider' means a service provider under the WSA for a sewerage service.</p> <p>Schedule 3 (Dictionary) of the WSA provides that 'sewerage service' means:</p> <ul style="list-style-type: none"> (a) sewage treatment; or (b) the collection and transmission of sewage through infrastructure; or (c) the disposal of sewage or effluent. <p>For chapter 2 (Infrastructure and service), part 3 (Service provider) of the WSA, the term does not include a service supplied by infrastructure, if:</p> <ul style="list-style-type: none"> (a) the infrastructure is used solely for mining purposes; or (b) the service is used only by: <ul style="list-style-type: none"> (i) the owner of the infrastructure or the owner's guests or employees including, for example, guests at a resort; or (ii) if the owner of the infrastructure is a body corporate for a community titles scheme under the <i>Body Corporate and Community Management Act 1997</i>—the occupants of lots in the scheme.

2.3 Section 128K(1) (Offence about discharging blackwater) of the PDA

The owner of premises must ensure all blackwater from plumbing and drainage on the premises is discharged into:

- (a) if the premises is in a sewered area:
 - i. for premises that have an on-site sewage treatment plant that has chief executive approval for use for testing purposes—the on-site sewerage facility for the premises or the infrastructure of the sewerage service provider for the area's sewerage service; or
 - ii. for other premises - the infrastructure of the sewerage service provider for the area's sewerage service; or
- (b) if the premises is not in a sewered area:
 - i. an on-site sewerage facility; or
 - ii. a dry-vault toilet; or
 - iii. an environmentally relevant on-site sewerage facility.

Maximum penalty—500 penalty units.

Elements of Offence

No.	Description of element
1.	<p>An '<u>owner of premises</u>' commits the offence.</p> <p>Schedule (Dictionary) of the PDA provides that an 'owner' means:</p> <ul style="list-style-type: none"> (a) for premises comprising of a building or structure—the owner of the building or structure within the meaning of the <i>Building Act 1975</i> (Schedule 2); or (b) for other premises—the person for the time being entitled to receive the rent for the premises or who would be entitled to receive the rent for the premises if the premises were let to a tenant for rent. <p>Schedule (Dictionary) of the PDA provides that 'premises' means:</p> <ul style="list-style-type: none"> (a) a building or other structure; or (b) land (whether or not a building or other structure is situated on the land).
2.	<p>An owner of premises must ensure all '<u>blackwater</u>' from plumbing and drainage on the premises is discharged.</p> <p>Section 128K(2) (Offences about discharging blackwater) of the PDA provides that 'blackwater' means:</p> <ul style="list-style-type: none"> (a) waste discharged from a human body into a toilet; and (b) water used for the discharge.
3.	<p>An owner of premises must ensure all blackwater from '<u>plumbing and drainage</u>' on the premises is '<u>discharged</u>'.</p> <p>Schedule (Dictionary) of the PDA provides that 'plumbing' means:</p>

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

No.	Description of element
	<p>(a) for water—an apparatus, fitting or pipe for supplying water to premises from a service provider's infrastructure or a water storage tank and for carrying water within premises; or</p> <p>(b) for sewage—an apparatus, fitting, fixture or pipe, above ground level, that carries sewage on premises to drainage; or</p> <p>(c) a greywater treatment plant or greywater diversion device.</p> <p>Schedule (Dictionary) of the PDA provides that 'drainage' means:</p> <p>(a) an apparatus, fitting or pipe, either above or below ground level, that carries:</p> <p>(i) sewage to a sewer, or to, within or from an on-site sewerage facility; or</p> <p>(ii) greywater from a greywater treatment plant or greywater diversion device; or</p> <p>(b) an on-site sewage treatment plant.</p> <p>Examples of activities described in paragraph (a)(i) above include:</p> <p>(a) a pipe carrying effluent to an on-site sewage treatment plant on premises.</p> <p>(b) a pipe carrying treated effluent from an on-site sewage treatment plant off the premises on which the plant is installed to a system of common effluent drainage or a holding tank for collection.</p> <p>The PDA does not define 'discharge'.</p> <p>The ordinary meaning of 'discharge' includes 'to unload, give out or release an object'.</p>
4.	<p>If the premises is in a '<u>sewered area</u>' and it has an '<u>on-site sewage treatment plant</u>' that has '<u>chief executive approval</u>' for use for testing purposes, the blackwater must be discharged into the '<u>on-site sewerage facility</u>' for the premises or the infrastructure of the '<u>sewerage service provider</u>' for the area's sewerage service.</p> <p>Schedule (Dictionary) of the PDA provides that 'sewered area' means a service area for a sewerage service under the WSA.</p> <p>Schedule 3 (Dictionary) of the WSA provides that a 'service area' means an area declared under section 161 (Declaration of service area) of the WSA for either both of the following:</p> <p>(a) a retail water service to customers;</p> <p>(b) a sewerage service to customers.</p> <p>Schedule 3 (Dictionary) of the WSA provides that sewerage service means:</p> <p>(a) sewage treatment; or</p> <p>(b) the collection and transmission of sewage through infrastructure; or</p> <p>(c) the disposal of sewage or effluent.</p> <p>For chapter 2 (Infrastructure and service), part 3 (Service provider) of the WSA, the term does not include a service supplied by infrastructure, if:</p> <p>(a) the infrastructure is used solely for mining purposes; or</p> <p>(b) the service is used only by:</p> <p>(i) the owner of the infrastructure or the owner's guests or employees including, for example, guests at a resort; or</p>

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

No.	Description of element
	<p>(ii) if the owner of the infrastructure is a body corporate for a community titles scheme under the <i>Body Corporate and Community Management Act 1997</i>—the occupants of lots in the scheme.</p> <p>Schedule (Dictionary) of the PDA provides that an 'on-site sewage treatment plant' is a sewage treatment plant installed or to be installed on premises as part of an on-site sewerage facility for the premises.</p> <p>Section 91(1) (Applying for chief executive approval) of the PDA provides that a person may, in the approved form, apply to the chief executive for an approval (chief executive approval) for:</p> <ul style="list-style-type: none"> (a) an on-site sewerage treatment plant or greywater treatment plant if all of the plant is built on the premises where it is, or is to be, used; or (b) an element of an on-site sewage treatment plant or greywater treatment plant, if all of the element is built on the premises where the plant is, or is to be, used; or (c) a wholly prefabricated on-site sewage treatment plant or greywater treatment plant; or (d) a prefabricated element of an on-site sewage treatment plant or greywater treatment plant; or (e) an on-site sewage treatment plant or greywater treatment plant or element of an on-site sewage treatment plant or greywater treatment plant mentioned in paragraphs (a) to (d) above if the plant is proposed to be installed only for testing purposes. <p>However, a person cannot apply for a chief executive approval for a chemical, composting or incinerating toilet.</p> <p>Schedule (Dictionary) of the PDA provides that an 'on-site sewage facility' means:</p> <ul style="list-style-type: none"> (1) A facility, other than an environmentally relevant on-site sewerage facility, installed on premises for: <ul style="list-style-type: none"> (a) treating, on the premises, sewage generated on the premises, and disposing of the resulting effluent: <ul style="list-style-type: none"> (i) on part of the premises (commonly called a 'land application area'); or (ii) off the premises by common effluent drainage or by collection from a tank on the premises; or (iii) by using the effluent for the discharge of a toilet or for surface or subsurface irrigation, if the facility is installed only for testing purposes; or (b) storing on the premises sewage generated on the premises for its subsequent disposal off the premises by collection from the premises. (2) A chemical, composting or incinerating toilet is also an on-site sewerage facility. (3) An on-site sewerage facility does not include a dry-vault toilet that is not a chemical, composting or incinerating toilet. <p>Schedule (Dictionary) of the PDA provides that 'sewerage service provider' means a service provider under the WSA for a sewerage service.</p>
5.	For all other premises is in a sewered area, the blackwater must be discharged into the infrastructure of the <u>'sewerage service provider for the area's sewerage service'</u> .

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

No.	Description of element
	See element 4 above for the definition for 'sewerage service provider' and 'sewerage service'.
6.	<p>If the premises is not in a sewerage area, the blackwater must be discharged into an <u>'on-site sewerage facility'</u>, or a <u>'dry-vault toilet'</u>, or an <u>'environmentally relevant on-site sewerage facility'</u>.</p> <p>See element 4 above for the definition of 'on-site sewage facility'.</p> <p>Schedule (Dictionary) of the PDA provides that a 'dry-vault toilet' means a system of disposing of waste discharged from a human body, incorporating a chamber that:</p> <ul style="list-style-type: none"> (a) receives and treats the waste; and (b) uses a biological degradation or dehydration process to treat the waste; and (c) does not use water other than water for cleaning or to assist the biological degradation process. <p>Schedule (Dictionary) of the PDA provides that an 'environmentally relevant on-site sewerage facility':</p> <ul style="list-style-type: none"> (1) is a facility described in paragraph (2) of this definition that consists of, or includes, a sewage treatment plant, the operation of which is an environmentally relevant activity under the <i>Environmental Protection Act 1994</i>; (2) for paragraph (1) of this definition, the facility is a facility installed on premises for treating, on the premises, sewage generated on the premises, and disposing of the resulting effluent: <ul style="list-style-type: none"> (a) on part of the premises (commonly called a 'land application area'); or (b) off the premises by common effluent drainage or by collection from a tank on the premises.

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

2.4 Section 128L (Offence about discharging kitchen greywater from premises) of the PDA

The owner of premises must ensure kitchen greywater from plumbing and drainage on the premises is discharged into:

- (a) if the premises is in a sewered area - the infrastructure of the sewerage service provider for area's sewerage service; or
- (b) if the premises is not a sewered area:
 - i. an on-site sewerage facility; or
 - ii. an environmentally relevant on-site sewerage facility; or
 - iii. a greywater use facility that includes a greywater treatment plant.

Maximum penalty—500 penalty units.

Elements of Offence

No.	Description of element
1.	<p>An '<u>owner of premises</u>' commits the offence.</p> <p>Schedule (Dictionary) of the PDA provides that an 'owner' means:</p> <ul style="list-style-type: none"> (a) for premises comprising of a building or structure—the owner of the building or structure within the meaning of the <i>Building Act 1975</i> (Schedule 2); or (b) for other premises—the person for the time being entitled to receive the rent for the premises or who would be entitled to receive the rent for the premises if the premises were let to a tenant for rent. <p>Schedule 1 (Dictionary) of the PDA provides that 'premises' means:</p> <ul style="list-style-type: none"> (a) a building or other structure; or (b) land (whether or not a building or other structure is situated on the land).
2.	<p>An owner of premises must ensure '<u>kitchen greywater</u>' from plumbing and drainage on the premises is discharged.</p> <p>Schedule (Dictionary) of the PDA provides that 'kitchen greywater' means greywater from any of the following parts of a domestic dwelling:</p> <ul style="list-style-type: none"> (a) a kitchen; (b) another part that regularly produces significant amounts of greywater contaminated with grease or oil. <p>Schedule (Dictionary) of the PDA provides that 'greywater' means wastewater from a bath, basin, kitchen, laundry or shower, whether or not the wastewater is contaminated with human waste.</p>
3.	<p>An owner of premises must ensure kitchen greywater from '<u>plumbing and drainage</u>' on the premises is '<u>discharged</u>'.</p> <p>Schedule (Dictionary) of the PDA provides that 'plumbing' means:</p> <ul style="list-style-type: none"> (a) for water—an apparatus, fitting or pipe for supplying water to premises from a service provider's infrastructure or a water storage tank and for carrying water within premises; or

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

No.	Description of element
	<p>(b) for sewage—an apparatus, fitting, fixture or pipe, above ground level, that carries sewage on premises to drainage; or</p> <p>(c) a greywater treatment plant or greywater diversion device.</p> <p>Schedule (Dictionary) of the PDA provides that 'drainage' means:</p> <p>(a) an apparatus, fitting or pipe, either above or below ground level, that carries:</p> <p>(i) sewage to a sewer, or to, within or from an on-site sewerage facility; or</p> <p>(ii) greywater from a greywater treatment plant or greywater diversion device; or</p> <p>(b) an on-site sewage treatment plant.</p> <p>Examples of activities described in paragraph (a)(i) above include:</p> <p>(a) a pipe carrying effluent to an on-site sewage treatment plant on premises.</p> <p>(b) a pipe carrying treated effluent from an on-site sewage treatment plant off the premises on which the plant is installed to a system of common effluent drainage or a holding tank for collection.</p> <p>The PDA does not define 'discharge'.</p> <p>The ordinary meaning of 'discharge' includes 'to unload, give out or release an object'.</p>
4.	<p>If the premises is in a '<u>sewered area</u>', the kitchen greywater must be discharged into the infrastructure of the '<u>sewerage service provider</u>' for the '<u>area's sewerage service</u>'.</p> <p>Schedule (Dictionary) of the PDA provides that 'sewered area' means a service area for a sewerage service under the WSA.</p> <p>Schedule 3 (Dictionary) of the WSA provides that a 'service area' means an area declared under section 161 (Declaration of service area) of the WSA for either or both of the following:</p> <p>(a) a retail water service to customers;</p> <p>(b) a sewerage service to customers.</p> <p>Schedule 3 (Dictionary) of the WSA provides that 'sewerage service' means:</p> <p>(a) sewage treatment; or</p> <p>(b) the collection and transmission of sewage through infrastructure; or</p> <p>(c) the disposal of sewage or effluent.</p> <p>For chapter 2 (Infrastructure and service), part 3 (Service provider) of the WSA, the term does not include a service supplied by infrastructure, if:</p> <p>(a) the infrastructure is used solely for mining purposes; or</p> <p>(b) the service is used only by:</p> <p>(i) the owner of the infrastructure or the owner's guests or employees including, for example, guests at a resort; or</p> <p>(ii) if the owner of the infrastructure is a body corporate for a community titles scheme under the <i>Body Corporate and Community Management Act 1997</i>—the occupants of lots in the scheme.</p>

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

No.	Description of element
	Schedule (Dictionary) of the PDA provides that 'sewerage service provider' means a service provider under the WSA for a sewerage service.
5.	<p>If the premises is not in a sewerage area, the kitchen greywater must be discharged into an <u>'on-site sewerage facility'</u>, or an <u>'environmentally relevant on-site sewerage facility'</u>; or a <u>'greywater use facility that includes a greywater treatment plant'</u>.</p> <p>Schedule (Dictionary) of the PDA provides that an 'on-site sewerage facility' means:</p> <ol style="list-style-type: none"> (1) A facility, other than an environmentally relevant on-site sewerage facility, installed on premises for: <ol style="list-style-type: none"> (a) treating, on the premises, sewage generated on the premises, and disposing of the resulting effluent: <ol style="list-style-type: none"> (i) on part of the premises (commonly called a 'land application area'); or (ii) off the premises by common effluent drainage or by collection from a tank on the premises; or (iii) by using the effluent for the discharge of a toilet or for surface or subsurface irrigation, if the facility is installed only for testing purposes; or (b) storing on the premises sewage generated on the premises for its subsequent disposal off the premises by collection from the premises. (2) A chemical, composting or incinerating toilet is also an on-site sewerage facility. (3) An on-site sewerage facility does not include a dry-vault toilet that is not a chemical, composting or incinerating toilet. <p>Schedule (Dictionary) of the PDA provides that in relation to an 'environmentally relevant on-site sewerage facility':</p> <ol style="list-style-type: none"> (1) An environmentally relevant on-site sewerage facility is a facility described in paragraph (2) of this definition that consists of, or includes, a sewage treatment plant the operation of which is an environmentally relevant activity under the <i>Environmental Protection Act 1994</i>. (2) For paragraph (1) of this definition, the facility is a facility installed on premises for treating, on the premises, sewage generated on the premises, and disposing of the resulting effluent: <ol style="list-style-type: none"> (a) on part of the premises (commonly called a 'land application area'); or (b) off the premises by common effluent drainage or by collection from a tank on the premises. <p>Schedule (Dictionary) of the PDA provides that a 'greywater use facility' means a facility that consists of:</p> <ol style="list-style-type: none"> (a) a greywater diversion device and a greywater application area; or (b) a greywater treatment plant and a greywater application area; or (c) a greywater treatment plant. <p>Schedule 1 (Dictionary) of the PDA provides that a 'greywater treatment plant' means a treatment plant installed on premises for treating, on the premises greywater generated on the premises.</p>

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

2.5 Section 128N(1) (Permissible and prohibited discharges) of the PDA

A person must not discharge waste, other than sewage the facility is designed to receive, into an on-site sewerage facility.

Maximum penalty—165 penalty units.

Elements of Offence

No.	Description of element
1.	<p>A <u>'person'</u> commits the offence.</p> <p>The PDA does not define 'person'.</p> <p>Section 32D (References to persons generally) of the <i>Acts Interpretation Act 1954</i> relevantly provides that in an Act, a reference to a 'person' includes a reference to a corporation as well as an individual.</p>
2.	<p>A person must not <u>'discharge'</u> waste.</p> <p>The PDA does not define 'discharge'.</p> <p>The ordinary meaning of 'discharge' includes 'to unload, give out or release an object'.</p>
3.	<p>A person must not discharge <u>'waste, other than sewage the facility is designed to receive'</u>.</p> <p>'Waste' in this context refers to materials and objects that may be discharged as waste other than sewage.</p> <p>Schedule (Dictionary) of the PDA provides that 'sewage' means household and commercial wastewater that contains, or may contain, faecal, urinary or other human waste.</p>
4.	<p>A person must not discharge waste, other than sewage the facility is designed into an <u>'on-site sewerage facility'</u>.</p> <p>Schedule (Dictionary) of the PDA provides that an 'on-site sewerage facility' means:</p> <ol style="list-style-type: none"> (1) A facility, other than an environmentally relevant on-site sewerage facility, installed on premises for: <ol style="list-style-type: none"> (a) treating, on the premises, sewage generated on the premises, and disposing of the resulting effluent: <ol style="list-style-type: none"> (i) on part of the premises (commonly called a 'land application area'); or (ii) off the premises by common effluent drainage or by collection from a tank on the premises; or (iii) by using the effluent for the discharge of a toilet or for surface or subsurface irrigation, if the facility is installed only for testing purposes; or (b) storing on the premises sewage generated on the premises for its subsequent disposal off the premises by collection from the premises. (2) A chemical, composting or incinerating toilet is also an on-site sewerage facility. (3) An on-site sewerage facility does not include a dry-vault toilet that is not a chemical, composting or incinerating toilet.

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

2.6 Section 128N(2) (Permissible and prohibited discharges) of the PDA

A person must not discharge a prohibited substance into an on-site sewerage facility.

Maximum penalty—165 penalty units.

Elements of Offence

No.	Description of element
1.	<p>A 'person' commits the offence.</p> <p>The PDA does not define 'person'.</p> <p>Section 32D (References to persons generally) of the <i>Acts Interpretation Act 1954</i> relevantly provides that in an Act, a reference to a 'person' includes a reference to a corporation as well as an individual.</p>
2.	<p>A person must not 'discharge' a prohibited substance.</p> <p>The PDA does not define 'discharge'.</p> <p>The ordinary meaning of 'discharge' includes 'to unload, give out or release an object'.</p>
3.	<p>A person must not discharge a 'prohibited substance' into an on-site sewerage facility.</p> <p>Schedule (Dictionary) defines 'prohibited substance' to mean:</p> <p>(a) a solid or viscous substance in a quantity, or of a size, that can obstruct, or interfere with the operation of, an on-site sewerage facility; or</p> <p>Examples include:</p> <ul style="list-style-type: none"> • ash, cinders, sand, mud, straw and shavings; • metal, glass and plastics; • paper and plastic dishes, cups and milk containers; • rags, feathers, tar and wood; • whole blood, paunch manure, hair and entrails; • oil and grease; • cement laden waste water, including, wash down from exposed aggregate concrete surfaces. <p>(b) a flammable or explosive solid, liquid or gaseous substance; or</p> <p>(c) floodwater, rainwater and stormwater, and roof water, seepage water, subsoil water and surface water; or</p> <p>(d) a substance that, given its quantity, is capable alone, or by interaction with another substance discharged into an on-site sewerage facility, of:</p> <ul style="list-style-type: none"> (i) inhibiting or interfering with a sewage treatment process; or (ii) causing damage or a hazard to an on-site sewerage facility; or (iii) causing a hazard for humans or animals; or (iv) creating a public nuisance; or

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 2 Offence Elements Checklist

No.	Description of element
	<p>(v) creating a hazard in waters into which it is discharged; or</p> <p>(vi) contaminating the environment in places where effluent or sludge from a sewage treatment plant is discharged or reused; or</p> <p>An example paragraph (d) above is a substance with a pH lower than 6.0 or greater than 10.0, or having another corrosive property.</p> <p>(e) a substance having a temperature of more than:</p> <p>(i) if the local government has approved a maximum temperature for the substance—the approved maximum temperature; or</p> <p>(ii) if paragraph (a) above does not apply—38°C.</p>
4.	<p>A person must not discharge a prohibited substance into an <u>'on-site sewerage facility'</u>. Schedule (Dictionary) of the PDA provides that an 'on-site sewerage facility' means:</p> <p>(1) A facility, other than an environmentally relevant on-site sewerage facility, installed on premises for:</p> <p>(a) treating, on the premises, sewage generated on the premises, and disposing of the resulting effluent:</p> <p>(i) on part of the premises (commonly called a 'land application area'); or</p> <p>(ii) off the premises by common effluent drainage or by collection from a tank on the premises; or</p> <p>(iii) by using the effluent for the discharge of a toilet or for surface or subsurface irrigation, if the facility is installed only for testing purposes; or</p> <p>(b) storing on the premises sewage generated on the premises for its subsequent disposal off the premises by collection from the premises.</p> <p>(2) A chemical, composting or incinerating toilet is also an on-site sewerage facility.</p> <p>(3) An on-site sewerage facility does not include a dry-vault toilet that is not a chemical, composting or incinerating toilet.</p>

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 3 Precedents



Schedule 3

Precedents

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Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 3 Precedents

Contents

1.	General Precedents.....	3
1.1	Non-statutory Compliance Letter.....	3
1.2	Letter attaching Penalty Infringement Notice	4
2.	Building Act 1975.....	6
2.1	Show Cause Notice	6
2.2	Enforcement Notice	9
3.	Plumbing and Drainage Act 2002	12
3.1	Show Cause Notice	12
3.2	Enforcement Notice	15

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 3 Precedents

1. General Precedents

1.1 Non-statutory Compliance Letter

[var1]

Dear Sir / Madam

Breach of the [var2]

The Mareeba Shire Council (**Council**) reasonably believes that you have breached the [var2].

The Council may commence enforcement action for the breach if the action required by the Council to remedy the breach is not taken within the time stated by the Council.

The details of the breach and the action the Council requires to be taken is set out in the following table.

Relevant legislative provision	[var3]
Maximum penalty	[var4]
Details of breach	[var5]
Required action	[var6]
Date to complete required actions	[var7]

If you require further information, please contact the Council on [var8].

Yours faithfully

[var9]

[var10]

Drafting Instructions

- [var1] Specify the date, name and address of the person allegedly committing the breach.
- [var2] Specify the relevant Local Law or Act that has allegedly been breached.
- [var3] Specify the relevant section and Local Law or Act that has allegedly been breached.
- [var4] Specify the relevant Penalty Unit and corresponding dollar amount for the alleged breach. The value of a Penalty Unit is prescribed by section 5 of the *Penalties and Sentences Act 1992*.
- [var5] Specify the facts and circumstances of the alleged breach.
- [var6] Specify the action to be taken or the action not to be taken to remedy the alleged breach.
- [var7] Specify the date within which the required action is to be taken to remedy the breach.
- [var8] Specify the contact details for the relevant Council office (e.g. telephone and email).
- [var9] Council officer's signature.
- [var10] Specify the name and title of the Council officer giving the letter.

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 3 Precedents

1.2 Letter attaching Penalty Infringement Notice

[var1]

Dear Sir / Madam

Penalty Infringement Notice for Breach of the [var2]

TAKE NOTICE THAT you are hereby served with the **attached** Penalty Infringement Notice pursuant to the *State Penalties Enforcement Act 1999* for breach of the [var3].

The Mareeba Shire Council (**Council**) has served you with the Penalty Infringement Notice in lieu of commencing enforcement action for the breach.

You are advised that any further breaches of the [var2] by you may result in the Council taking further enforcement action including issuing further fines or commencing court proceedings against you.

You may wish to consider the options available to you in respect of the Penalty Infringement Notice which are outlined on the back of the Penalty Infringement Notice.

The details of the breach and the action the Council requires to be taken is set out in the following table.

Section of the [var2]	[var3]
Details of the breach	[var4]
Maximum penalty	[var5]
Penalty Infringement Notice fine	[var6]
Required action	[var7]
Date to complete required action	[var8]

If you require further information, please contact the Council on [var9].

Yours faithfully

[var10]

[var11]

Drafting Instructions

- [var1] Specify the date, name and address of the person allegedly committing the breach.
- [var2] Specify the relevant Local Law or Act that has allegedly been breached.
- [var3] Specify the relevant section and Local Law or Act that has allegedly been breached. The offences for which a Penalty Infringement Notice can be issued are prescribed by Schedule 1 of the *State Penalties Enforcement Regulation 2014*.
- [var4] Specify the facts and circumstances of the breach.

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 3 Precedents

- [var5] Specify the relevant maximum Penalty Unit and corresponding dollar amount for the alleged breach. The value of a Penalty Unit is prescribed by section 5 of the *Penalties and Sentences Act 1992*.
- [var6] Specify the actual Penalty Unit and corresponding dollar amount for the alleged breach.
- [var7] Specify the action to be taken or the action not to be taken to remedy the breach.
- [var8] Specify the date within which the required action is to be taken to remedy the breach.
- [var9] Specify the contact details for the relevant Council office (e.g. telephone and email).
- [var10] Council officer's signature.
- [var11] Specify the name and title of the Council officer giving the letter.

DRAFT

2. Building Act 1975

2.1 Show Cause Notice

SHOW CAUSE NOTICE

Building Act 1975

Section 247

TAKE NOTICE THAT:

You	[var1]
Of	[var2]
As	[var3]
Of a building, structure or building work on premises described as	[var4]
Situated at	[var5] (Premises)

are advised that I, [var6] of the Mareeba Shire Council (**Council**) reasonably believe that you have committed, or are committing, an offence against the *Building Act 1975 (BA)* and am considering giving an Enforcement Notice to you under section 248 of the BA.

You are invited to show cause as to why an Enforcement Notice should not be issued to you.

The facts and circumstances forming the basis for the belief that an Enforcement Notice should be given to you are as follows:

1. You are the [var3] of the Premises.
2. Recent inspections carried out by Council officers have revealed that you are [var7].
3. It is apparent from those inspections that:
 - a. [var8]

ENFORCEMENT NOTICE

Should the Council decide to give you an Enforcement Notice, the Council may require you to:

1. [var9]

REPRESENTATIONS ABOUT THIS SHOW CAUSE NOTICE

You may make representations about this Show Cause Notice in writing to:

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

Your written representations must be received by the Council no later than [var10].

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 3 Precedents

If after considering all representations made by you about this Show Cause Notice within the time stated above, the Council will give you an Enforcement Notice if it still believes it is appropriate to do so.

In the event that you fail to show cause within this time, and the Council reasonably believes you have committed or are committing a development offence, an Enforcement Notice will be issued to you.

You should also be aware that failure to comply with this Enforcement Notice attracts a maximum penalty under section 248 of the BA of 4,500 penalty units (which equates to \$[var11] for an individual or \$[var12] for a corporation). In addition, legal costs can be claimed against you.

The Council may take action to commence prosecution or other proceedings for an offence under the BA or issue a Penalty Infringement Notice at any time regardless of this Show Cause Notice if it is considered warranted.

DATED at [var13] this [var14] day of [var15].

[var16]

[var17]

Drafting Instructions

- [var1] Specify the name of the person to whom the Show Cause Notice is given.
- [var2] Specify the address of the person to whom the Show Cause Notice is given.
- [var3] Specify whether the person being issued the Show Cause Notice is the "owner" or "occupier" of the premises.
- [var4] Specify the real property description of the premises that contains the building, structure or building work the subject of the Show Cause Notice.
- [var5] Specify the street address and real property address of the premises that contains the building, structure or building work the subject of the Show Cause Notice.
- [var6] Specify the name of Council officer issuing the Show Cause Notice .
- [var7] Specify the details of the alleged offence.
- [var8] Specify the facts and circumstances forming the basis for the belief that an Enforcement Notice should be given to the person.

For example, state that the building, structure or building works:

- a) was built before the commencement of section 248 of the *Building Act 1975* (30 April 1998) without, or not in accordance with, the approval of the Council.
- b) is dangerous.
- c) is in a dilapidated condition.
- d) is unfit for use or occupation.

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 3 Precedents

- e) is filthy, infected with disease or infested with vermin.
- [var9] Specify the likely required action in an Enforcement Notice.
- [var10] Specify the date by which representations about the Show Cause Notice must be received by the Council.
This date must be at least 20 business days after the Show Cause Notice is given to the person.
- [var11] Specify the corresponding dollar amount for the alleged breach for an individual. The value of a Penalty Unit is prescribed by section 5 of the *Penalties and Sentences Act 1992*.
- [var12] Specify the corresponding dollar amount for the alleged breach for a corporation. The value of a Penalty Unit is prescribed by section 5 of the *Penalties and Sentences Act 1992*.
- [var13] Specify the relevant Council office (e.g. Mareeba).
- [var14] Specify the day the Show Cause Notice is dated.
- [var15] Specify the month and year the Show Cause Notice is dated.
- [var16] Council officer's signature.
- [var17] Specify the name and title of the Council officer giving the Show Cause Notice.

2.2 Enforcement Notice

ENFORCEMENT NOTICE Building Act 1975 Section 248	
TAKE NOTICE THAT:	
You	[var1]
Of	[var2]
As	[var3]
Of a building, structure or building work on premises described as	[var4]
Situating at	[var5]

are advised that I, [var6] of the Mareeba Shire Council (**Council**) reasonably believe that you have committed, or are committing, an offence against the *Building Act 1975* (**BA**) and have therefore issued you with an Enforcement Notice under section 248 of the BA.

The facts and circumstances forming the basis for the belief that an Enforcement Notice should be given to you are as follows:

1. You are the [var3] of the Premises.
2. Recent inspections carried out by Council officers have revealed that you are [var7].
3. It is apparent from those inspections that:
 - a. [var8]

[var9]

REQUIRED ACTION

To remedy the contravention, the Council requires the following action to be taken:

1. [var10]

You are required to comply with the requirements of this Enforcement Notice by [var11]

You should also be aware that failure to comply with this Enforcement Notice attracts a maximum penalty under section 248 of the BA of 4,500 penalty units (which equates to \$[var12] for an individual or \$[var13] for a corporation). In addition, legal costs can be claimed against you.

Pursuant to section 250 of the BA, you have the right to appeal to a development dispute tribunal against the giving of this Enforcement Notice.

If the Enforcement Notice is given in relation to a dangerous building or structure, the appeal must be started within 5 business days. If the Enforcement Notice is given for any other purpose, the appeal must be started within 20 business days.

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 3 Precedents

DATED at [var14] this [var15] day of [var16].

[var17]

[var18]

Drafting Instructions

- [var1] Specify the name of the person to whom the Enforcement Notice is given.
- [var2] Specify the address of the person to whom the Enforcement Notice is given.
- [var3] Specify whether the person being issued the Enforcement Notice is the "owner" or "occupier" of the premises.
- [var4] Specify the real property description of the premises that contains the building, structure or building work the subject of the Enforcement Notice.
- [var5] Specify the street address and real property address of the premises that contains the building, structure or building work the subject of the Enforcement Notice.
- [var6] Specify the name of Council officer issuing the Enforcement Notice.
- [var7] Specify the details of the alleged offence.
- [var8] Specify the facts and circumstances forming the basis for the belief that an Enforcement Notice should be given to the person.
For example, state that the building, structure or building works:
 - (a) was built before the commencement of section 248 of the *Building Act 1975* (30 April 1998) without, or not in accordance with, the approval of the Council.
 - (b) is dangerous.
 - (c) is in a dilapidated condition.
 - (d) is unfit for use or occupation.
 - (e) is filthy, infected with disease or infested with vermin.
- [var9] If the Council is issued a Show Cause Notice, insert:
"Representations were received by [insert who received from] on [insert date] in relation to the Council's Show Cause Notice dated [insert date]. The Council has considered all representations made by [insert who received from] within the period stated in the notice and the Council still believes it is appropriate to give you an Enforcement Notice."
 If the Council is issuing the Enforcement Notice without previously issuing a Show Cause Notice, insert:

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 3 Precedents

"Pursuant to section 248(4) of the Building Act 1975, this Enforcement Notice is being given to you as the Council reasonably considers issuing a Show Cause Notice is not appropriate in the circumstances because the matter is not minor or of a dangerous nature in that [specify why the matter is not minor or of a dangerous nature]".

- [var10] Specify the action that the Council requires to be or not to be done. Without limiting specific requirements an Enforcement Notice may impose, an enforcement notice may require a person to do any of the following:
 - a) to apply for a development permit;
 - b) to do, or not to do, another act to ensure building work complies with the approval of the local government given before the commencement of this section;
 - c) to repair or rectify the building or structure;
 - d) to secure the building or structure (whether by a system of supports or in another way);
 - e) to fence off the building or structure to protect persons;
 - f) to cleanse, purify and disinfect the building or structure;
 - g) to demolish or remove the building or structure;
 - h) to comply with this Act for a particular matter.
- [var11] Specify the date the requirements of the Enforcement Notice must be complied with.
- [var12] Specify the corresponding dollar amount for the alleged breach for an individual. The value of a Penalty Unit is prescribed by section 5 of the *Penalties and Sentences Act 1992*.
- [var13] Specify the corresponding dollar amount for the alleged breach for a corporation. The value of a Penalty Unit is prescribed by section 5 of the *Penalties and Sentences Act 1992*.
- [var14] Specify the relevant Council office (e.g. Mareeba).
- [var15] Specify the day the Enforcement Notice is dated.
- [var16] Specify the month and year the Enforcement Notice is dated.
- [var17] Council officer's signature.
- [var18] Specify the name and title of the Council officer giving the Enforcement Notice.

3. Plumbing and Drainage Act 2002

3.1 Show Cause Notice

SHOW CAUSE NOTICE
 Plumbing and Drainage Act 2002
 Section 115

TAKE NOTICE THAT:

You	[var1]
Of	[var2]
As	[var3]
Of premises described as	[var4]
Situated at	[var5] (Premises)

are advised that I, [var6] of the Mareeba Shire Council (**Council**) reasonably believe that you have committed, or are committing, an offence against the *Plumbing and Drainage Act 2002 (PDA)* and are therefore considering giving you an Enforcement Notice to you under section 116 of the PDA.

You are invited to show cause as to why an Enforcement Notice should not be issued to you.

The facts and circumstances forming the basis for the belief that an Enforcement Notice should be given to you is as follows:

1. You are the [var3] of the Premises.
2. Recent inspections carried out by Council officers have revealed that [var7].
3. It is apparent from those inspections that:
 - a. [var8]

ENFORCEMENT NOTICE

Should the Council decide to give you an Enforcement Notice, the Council may require you to:

1. [var9]

REPRESENTATIONS ABOUT THIS SHOW CAUSE NOTICE

You may make representations about this Show Cause Notice in writing to:

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

Your written representations must be received by the Council no later than [var10].

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 3 Precedents

If after considering all representations made by you about this Show Cause Notice within the time stated above, the Council will give you an Enforcement Notice if it still believes it is appropriate to do so.

In the event that you fail to show cause within this time, and the Council reasonably believes you have committed or are committing a development offence, an Enforcement Notice will be issued to you.

You should also be aware that failure to comply with this Enforcement Notice attracts a maximum penalty under section 168 of the PDA of 4,500 penalty units (which equates to \$[var11] for an individual or \$[var12] for a corporation). In addition, legal costs can be claimed against you.

The Council may take action to commence prosecution or other proceedings for an offence under the PA or issue a Penalty Infringement Notice at any time regardless of this Show Cause Notice if it is considered warranted.

DATED at [var13] this [var14] day of [var15].

[var16]

[var17]

Drafting Instructions

- [var1] Specify the name of the person to whom the Show Cause Notice is given.
- [var2] Specify the address of the person to whom the Show Cause Notice is given.
- [var3] Specify that the person being issued the Enforcement Notice is the "owner" of the premises.
- [var4] Specify the real property description of the premises that contains the building, structure or building work the subject of the Show Cause Notice.
- [var5] Specify the street address and real property address of the premises that contains the building, structure or building work the subject of the Show Cause Notice.
- [var6] Specify the name of Council officer issuing the Show Cause Notice .
- [var7] Specify the details of the alleged offence. For example, insert the following if relevant:
 - (a) is in a condition, or functions in a way, that constitutes a danger or health risk to occupiers of the premises or the public;
 - (b) is defective and should be altered, repaired or replaced.
 - (c) is not adequate to deal with the sewage or greywater generated on the Premises or is in a condition that unreasonably interferes, or is likely to unreasonably interfere, with the use or enjoyment of any other premises.
 - (d) was installed without, or not in accordance with, the Council's approval.
 - (e) is the subject of work which was performed which the Council reasonably believes did not or does not comply with the PDA.

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 3 Precedents

- [var8] Specify the relevant facts and how the evidence gives rise to the Council's belief that an Enforcement Notice should be issued to the person.
- [var9] Specify the likely required action in an Enforcement Notice.
- [var10] Specify the date by which representations about the Show Cause Notice must be received by the Council.
This date must be at least 20 business days after the Show Cause Notice is given to the person.
- [var11] Specify the corresponding dollar amount for the alleged breach for an individual. The value of a Penalty Unit is prescribed by section 5 of the *Penalties and Sentences Act 1992*.
- [var12] Specify the corresponding dollar amount for the alleged breach for a corporation. The value of a Penalty Unit is prescribed by section 5 of the *Penalties and Sentences Act 1992*.
- [var13] Specify the relevant Council office (e.g. Mareeba).
- [var14] Specify the day the Show Cause Notice is dated.
- [var15] Specify the month and year the Show Cause Notice is dated.
- [var16] Council officer's signature.
- [var17] Specify the name and title of the Council officer giving the Show Cause Notice.

3.2 Enforcement Notice

ENFORCEMENT NOTICE	
Plumbing and Drainage Act 2002	
Section 116	
TAKE NOTICE THAT:	
You	[var1]
Of	[var2]
As	[var3]
Of premises described as	[var4]
Situated at	[var5]
<p>are advised that I, [var6] of the Mareeba Shire Council (Council) reasonably believe that you have committed, or are committing, an offence against the <i>Plumbing and Drainage Act 2002 (PDA)</i> and have therefore issued you with this Enforcement Notice under section 116 of the PDA.</p> <p>The facts and circumstances forming the basis for the belief that this Enforcement Notice should be given to you are as follows:</p> <ol style="list-style-type: none"> 1. You are the [var3] of the Premises. 2. Recent inspections carried out by Council officers have revealed that you are [var7]. 3. It is apparent from those inspections that: <ol style="list-style-type: none"> a. [var8] 	
REQUIRED ACTION	
To remedy the contravention, the Council requires the following action to be taken:	
<ol style="list-style-type: none"> 1. [var9] <p>You are required to comply with the requirements of this Enforcement Notice by [var10].</p> <p>You should also be aware that failure to comply with this Enforcement Notice attracts a maximum penalty under section 168 of the PA of 4,500 penalty units (which equates to \$[var11] for an individual or \$[var12] for a corporation). In addition, legal costs can be claimed against you.</p>	
RIGHT TO APPEAL	
<p>Pursuant to section 168 of the PDA, you have the right to appeal to a development dispute tribunal against the giving of this Enforcement Notice. Any appeal must be started within [var13] business day after the Enforcement Notice is given to you.</p>	
<p>DATED at [var14] this [var15] day of [var16].</p> <p>[var17]</p> <p>[var18]</p>	

Compliance and Enforcement Manual (Building and Plumbing Sub Manual) - Schedule 3 Precedents

Drafting Instructions

- [var1] Specify the name of the person to whom the Enforcement Notice is given.
- [var2] Specify the address of the person to whom the Enforcement Notice is given.
- [var3] Specify that the person being issued the Enforcement Notice is the "owner" of the premises.
- [var4] Specify the real property description of the premises that contains the building, structure or building work the subject of the Enforcement Notice.
- [var5] Specify the street address and real property address of the premises that contains the building, structure or building work the subject of the Enforcement Notice.
- [var6] Specify the name of Council officer issuing the Enforcement Notice.
- [var7] Specify the details of the alleged offence. For example, insert the following if relevant:
 - (a) is in a condition, or functions in a way, that constitutes a danger or health risk to occupiers of the premises or the public;
 - (b) is defective and should be altered, repaired or replaced.
 - (c) is not adequate to deal with the sewage or greywater generated on the Premises or is in a condition that unreasonably interferes, or is likely to unreasonably interfere, with the use or enjoyment of any other premises;
 - (d) was installed without, or not in accordance with, the Council's approval;
 - (e) is the subject of work which was performed which the Council reasonably believes did not or does not comply with the PDA.
- [var8] Specify the relevant facts and how the evidence gives rise to the Council's belief that an Enforcement Notice should be issued to the person.
- [var9] Specify the details of the required action having regard to section 116(3) of the PDA.
- [var10] Specify the date the requirements of the Enforcement Notice must be complied with.
- [var11] Specify the corresponding dollar amount for the alleged breach for an individual. The value of a Penalty Unit is prescribed by section 5 of the *Penalties and Sentences Act 1992*.
- [var12] Specify the corresponding dollar amount for the alleged breach for a corporation. The value of a Penalty Unit is prescribed by section 5 of the *Penalties and Sentences Act 1992*.
- [var13] Specify the relevant appeal period. If the Enforcement Notice is given under section 116(1)(a)(i) or (b) or (c) of the PDA, insert "5", otherwise insert "20".
- [var14] Specify the relevant Council office (e.g. Mareeba).
- [var15] Specify the day the Compliance Notice is dated.
- [var16] Specify the month and year the Enforcement Notice is dated.
- [var17] Council officer's signature.
- [var18] Specify the name and title of the Council officer giving the Enforcement Notice.

8.7 ANIMAL FACILITY 35 HICKLING AVENUE, MAREEBA - EXPRESSION OF INTEREST

Date Prepared: 12 November 2018

Author: Manager Development and Governance

Attachments: Nil

EXECUTIVE SUMMARY

This report seeks Council endorsement to invite an Expression of Interest from entities that wish to construct, own, and operate a cat and dog boarding facility or refuge facility, that includes an area for Council's Pound requirements on Lot 561 NR810260, 35 Hickling Avenue, Mareeba.

For Council to identify a financially sustainable solution to the management of its pound facility, Council propose to invite expressions of interest under Section 228(3) of the Local Government Regulation 2012 before considering whether to invite written tenders from short-listed tenderers under Section 228(6).

RECOMMENDATION

That Council invites Expressions of Interest from entities to construct, own, and operate a cat and dog boarding facility or refuge facility, that includes an area for Council's Pound requirements on Lot 561 NR810260, 35 Hickling Avenue, Mareeba.

BACKGROUND

Council has a legislative obligation to impound domestic animals (cats and dogs) wandering at large. Council impounded 663 animals last year in which the animals stayed a total of 2133 nights. Council's current facility is reaching the end of its effective life and requires replacement.

The site at 35 Hickling Avenue, Mareeba is gazetted for the purpose that allows for dog and/or cat boarding. It is proposed that expressions of interest be invited from entities, both for-profit and non-profit, to construct a facility for their own needs but also including a facility for Council to board impounded animals.

A long-term lease arrangement for the land would be entered into between Council and the successful entity to provide prospective applicants confidence over land tenure. The lease arrangement would include the obligation for the successful applicant to provide a dedicated impounding area and service.

RISK IMPLICATIONS**Infrastructure and Assets**

Council's current facility is reaching the end of its effective life and requires replacement.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

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

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

IMPLEMENTATION/COMMUNICATION

Subject to Council approval, Expressions of Interest will be advertised per Council's policy and procedures. An expression should be left open for 4 months to allow possible applicants adequate time to prepare quality submissions.

8.8 COUNCIL POLICY REVIEW AND UPDATE

Date Prepared: 12 November 2018

Author: Manager Development and Governance

Attachments:

1. Code of Conduct for Councillors [↓](#)
2. Fraud and Corruption Control Policy [↓](#)
3. Fraud and Corruption Control Plan [↓](#)
4. Investigation Policy [↓](#)
5. Related Party Disclosures Policy [↓](#)
6. Councillor Acceptable Requests Policy (Guideline) [↓](#)
7. Standing Orders (Meeting Procedures) for Council Meetings [↓](#)
8. Contact with Lobbyists Policy [↓](#)

EXECUTIVE SUMMARY

As a result of the Queensland Government amending the *Local Government Act 2009* on the 21 May 2018, it was necessary to undertake a review of affected policies and procedures. To ensure good governance a number of other policies have also been reviewed.

RECOMMENDATION

That Council:

1. Repeals the following policies/guidelines:
 - (a) Dealing with allegations of corrupt conduct of the CEO Guideline
 - (b) Fraud and Corruption Prevention Policy and Guideline
 - (c) Related Party Disclosures Policy
 - (d) Requests by Councillors for Advice or Information from Staff
 - (e) Standing Orders for Council Meetings
 - (f) Contact with Lobbyists Policy
2. Adopts the following policies/guidelines:
 - (a) Code of Conduct for Councillors
 - (b) Fraud and Corruption Control Policy
 - (c) Fraud and Corruption Control Plan
 - (d) Investigation Policy
 - (e) Related Party Disclosures Policy
 - (f) Councillor Acceptable Requests Policy (Guideline)
 - (g) Standing Orders (Meeting Procedures) for Council Meetings
 - (h) Contact with Lobbyists Policy

BACKGROUND

On the 21 May 2018, in response to recommendations by the Crime and Conduct Commission (CCC), the Queensland Government adopted two amendments to the Local Government Act:

- Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018; and
- Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018.

The above amendments have an effect on the previously adopted Council Meeting Standing Orders, and a number of policies and procedures. The Department of Local Government, Racing and Multicultural Affairs (DLGRMA) have produced a Best Practice Guide for Standing Orders and Model Meeting Procedures as a guide to develop compliant meeting procedures. Additionally, an example of Councillor Code of Conduct and Investigation Policy was used in the preparation of Council's policy. The new Investigation policy is to handle complaints about councillor conduct as required by the *Local Government Act 2009*.

In keeping with the theme of the amendments made by the Queensland Government, Council has reviewed its Fraud and Corruption Policy and supporting documents. The new policy is in accordance with the CCC 'Fraud and Corruption Control - Best Practice Guide' issued in March 2018. This is an opportunity for Council to communicate to the community that Councillors, Chief Executive Officer and Senior Management have a zero-tolerance for fraud in corruption and is committed to acting in the best interest of the community and upholding the principles of honesty, integrity, and transparency.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

In accordance with amendments to the *Local Government Act 2009* Council is required to adopt the above policies and procedures. The DLGRMA Model Meeting Procedures and Investigation Policy content should not be removed but can be added to, which has resulted in no reduction of content to the attached proposed policies and procedures.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

All adopted documents should be published on the Council's website.



Code of Conduct for Councillors

Policy Type	Governance Policy	Version	1.0
Responsible Officer	Manager Development and Governance	Date Approved	21 November 2018
Review Officer	Manager Development and Governance	Review Due	21 November 2022
Author	Manager Development and Governance	Commencement	3 December 2018

1. PURPOSE

The Code of Conduct sets out the principles and standards of behaviour expected of the Mayor and Councillors when carrying out their roles, responsibilities and obligations as elected representatives for their communities. By adhering to the behaviours set out below, Councillors will increase public confidence in Local Government and Local Government decisions.

2. SCOPE

This policy applies to the Mayor and Councillors.

3. POLICY STATEMENT

Under section 150D of the *Local Government Act 2009* (the Act), the Minister for Local Government must make a Code of Conduct stating the standards of behaviour for Councillors in the performance of their responsibilities as elected representatives. In addition to this, the Code of Conduct may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.

Before assuming public office, Councillors must understand and commit to complying with the Local Government principles and obligations of Councillors in accordance with section 169 of the Act, as well as the standards of behaviour set out in this Code of Conduct. All Councillors are required to make a declaration of office under section 169 of the Act. As part of that declaration, Councillors must declare that they will abide by this Code of Conduct.

3.1 THE LOCAL GOVERNMENT PRINCIPLES AND VALUES

The Act is founded on five Local Government principles with which Councillors must comply while performing their roles as elected representatives. These principles are listed below:

1. Transparent and effective processes, and decision-making in the public interest
2. Sustainable development and management of assets and infrastructure, and delivery of effective services
3. Democratic representation, social inclusion and meaningful community engagement
4. Good governance of, and by, Local Government
5. Ethical and legal behaviour of Councillors and Local Government employees

This Code of Conduct provides a set of values that describe the types of conduct Councillors should demonstrate under each principle. These values are listed below:

1. In making decisions in the public interest, Councillors will:
 - make decisions in open council meetings
 - properly inform relevant personnel of all relevant information

Code of Conduct for Councillors

- make decisions in accordance with law and policy
- commit to exercising proper diligence, care and attention
- 2. To ensure that the effective and economical delivery of services, Councillors will:
 - manage rate payer resources effectively, efficiently and economically
 - achieve excellence in service delivery
- 3. In representing and meaningfully engaging with the community, Councillors will:
 - show respect to all persons
 - clearly and accurately explain Council's decisions
 - accept and value differences of opinion
- 4. In exercising good governance, Councillors are committed to:
 - the development of open and transparent processes and procedures
 - keeping clear, concise and accessible records of decisions
- 5. To meet the community's expectations for high level leadership, Councillors will:
 - be committed to the highest ethical standards
 - uphold the system of Local Government and relevant laws applicable

This Code of Conduct also sets out standards of behaviour aimed at helping Councillors understand how the principles and values are put into practice while performing their official duties as elected representatives.

Each standard of behaviour is not intended to cover every possible scenario however they provide general guidance about the manner in which Councillors are expected to conduct themselves.

It is important to note that the principles, values and standards set out in the Code of Conduct are of equal importance.

3.2 STANDARDS OF BEHAVIOUR

This Code of Conduct sets out the standards of behaviour applying to all Councillors (excluding Councillors who are governed under the *Brisbane City Act 2010*) in Queensland. The behavioural standards in the Code of Conduct relate to, and are consistent with, the Local Government principles and their associated values.

The standards of behaviour are summarised as the three Rs, being:

1. **RESPONSIBILITIES**
2. **RESPECT**
3. **REPUTATION**

Each standard of behaviour includes, but is not limited to, several examples to guide Councillors in complying with the Code of Conduct when carrying out their role as elected officials. Councillors are to understand and comply with the following standards of behaviour as set out in the Code of Conduct listed below.

3.2.1 *Carry out RESPONSIBILITIES conscientiously and in the best interests of the Council and the community*

For example, Councillors will at a minimum:

1. Attend and participate meaningfully in all Council meetings, briefings, relevant workshops and training opportunities to assist Councillors in fulfilling their roles unless it meets exceptional circumstances and/or prior leave is given by Council to not attend the event
2. Respect and comply with all Council policies, procedures and resolutions of Council
3. Report any suspected wrongdoing to the appropriate entity in a timely manner

Code of Conduct for Councillors

4. Ensure that their behaviour or capacity to perform their responsibilities as a Councillor is not impaired by the use of alcohol or drugs, or the use of such substances that may put them or others at risk while performing their duties (for example, alcohol, illegal drugs or prescribed/non-prescribed and/or restricted substances)
5. Cooperate with any investigation being undertaken by the Local Government or other entity

3.2.2 Treat people in a reasonable, just, RESPECTFUL and non-discriminatory way

For example, Councillors will at a minimum:

1. Show respect for fellow Councillors, Council employees and members of the public
2. Not bully, harass, intimidate or act in a way that the public would perceive a Councillor's behavior in a derogatory way towards other Councillors, Council employees and members of the public
3. Be respectful of other people's rights, views and opinions

3.2.3 Ensure conduct does not reflect adversely on the REPUTATION of Council

For example, Councillors will at a minimum:

1. When expressing an opinion dissenting with the majority decision of Council, respect the democratic process by acknowledging that the Council decision represents the majority view of the Council
2. When making public comment, Councillors must clearly state whether they are speaking on behalf of Council or expressing their personal views
3. Avoid making unnecessary or irrelevant comments or accusations about Councillors or Council employees in order to undermine them or their position
4. Ensure behaviour and presentation is appropriate to maintain the dignity of the office of Councillor

3.3 CONSEQUENCES OF FAILING TO COMPLY WITH THE CODE OF CONDUCT

Failure to comply with the standards of behaviour in this Code of Conduct, or other conduct prescribed in this Code of Conduct may give rise to a complaint against a Councillor's conduct and subsequent disciplinary action under the Act.

A complaint about the conduct of a Councillor must be submitted to the Independent Assessor who will assess the complaint and determine the category of the allegation.

In order of most to least serious, the categories of complaint are **corrupt conduct**, **misconduct**, **inappropriate conduct** and then **unsuitable meeting conduct**.

3.4 UNSUITABLE MEETING CONDUCT

Under section 150H of the *Local Government Act 2009* (the Act), any conduct, but not inappropriate, misconduct or corruption, by a Councillor that is contrary to the standards of behavior in the Code of Conduct that occurs within a meeting of Council, is dealt with as **unsuitable meeting conduct**.

Examples of unsuitable meeting conduct by a Councillor may include:

- a Councillor behaves in a Council meeting, in a way that intimidates, bullies or harasses a member of the community, another Councillor or a Council employee
- a Councillor continually interrupts or disrupts a speaker at a Council meeting
- a Councillor behaves in an offensive or disorderly way in a Council meeting.

Code of Conduct for Councillors

Unsuitable meeting conduct by a Councillor is dealt with in a Council meeting by the Chairperson of the meeting. It is important that the Chairperson deal with matters of unsuitable meeting conduct locally, and as efficiently and effectively as possible so that Council can continue with their business of making effective decisions in the public interest.

Note: Chairpersons of meetings are carrying out a statutory responsibility under the Act to manage and lead the meeting. As such, where a Chairperson behaves inappropriately in a meeting this involves a serious breach of the trust placed in them as the Chairperson of the meeting and may be dealt with as misconduct (see below).

3.5 INAPPROPRIATE CONDUCT

Under section 150K of the Act, any conduct by a Councillor that is contrary to standards of behaviour in the Code of Conduct or a policy, procedure or resolution of a Council and is not unsuitable meeting conduct (i.e. occurs outside of a meeting of Council), misconduct or corrupt conduct is dealt with as **inappropriate conduct**.

Examples of inappropriate conduct of a Councillor may include:

- a Councillor publicly makes derogatory comments about staff
- a Councillor purports to speak to the media on behalf of Council when not properly authorised under a Council policy
- a Councillor fails to comply with an order made by the Chairperson of a meeting to leave and stay away from the place at which the meeting is being held
- a Councillor has been reprimanded 3 times in 12 months for interrupting other Councillors during meetings.

The Independent Assessor is responsible for assessing allegations of suspected inappropriate conduct. If the Independent Assessor chooses to refer the matter to the Council to deal with, the Council must deal with the matter as quickly and effectively as possible.

3.6 MISCONDUCT

Councillors are required to comply with all laws that apply to Local Governments. This includes refraining from engaging in **misconduct**.

Examples of misconduct of a Councillor may include:

- a Councillor knowingly provides false or misleading information during a meeting of the Council in order to affect a decision
- a Mayor fails to carry out the performance evaluation of the Chief Executive Officer in the manner determined by Council
- a Councillor releases private information about a member of the community acquired as a Councillor
- a Councillor directs a Council employee (other than the Mayor directing the Chief Executive Officer or other senior executive employees) to perform a duty
- a Councillor provides confidential information to the media that came from a closed meeting of Council
- a Councillor has a reasonable suspicion that another Councillor has a material personal interest or conflict of interest but did not disclose it to the presiding officer when the other Councillor failed to disclose it
- a Councillor fails to pay a fine ordered by the Tribunal

Code of Conduct for Councillors

- a Councillor sought assistance or advice from an officer that is not in accordance with Council's acceptable request guidelines
- a Councillor uses a Council vehicle for private use that is not authorised by Council's expenses policy

The Independent Assessor is responsible for assessing and investigating instances of suspected misconduct. The Independent Assessor may then refer the matter to the Councillor Conduct Tribunal to be heard and determined.

3.7 CORRUPT CONDUCT

Corrupt conduct is defined by, and dealt with, under the *Crime and Corruption Act 2001* and must be referred to the Crime and Corruption Commission.

Examples of corrupt conduct of a Councillor may include:

- a Councillor fails to declare a material personal interest in a Council meeting
- a Councillor intentionally fails to update a register of interests in order to hide an interest that could gain a benefit or a loss to the person
- a Councillor engages in fraud against the Council
- a Councillor uses information acquired by a Councillor to gain a financial benefit for the Councillor or someone else
- a Councillor directs a Local Government employee to gain a benefit or cause a detriment to the Councillor or another person
- a Councillor engages in the act of stealing against the Local Government.

4. REPORTING

No additional reporting is required

5. DEFINITIONS

Assessor means the Independent Assessor appointed under section 150CV of the LGA

conduct includes—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

inappropriate conduct see section 150K of the LGA

investigation policy, refers to this policy, as required by section 150AE of the LGA

LGA means the *Local Government Act 2009 (the Act)*

local government meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government.

misconduct see section 150L of the LGA

unsuitable meeting conduct see section 150H of the LGA

Code of Conduct for Councillors

6. RELATED DOCUMENTS AND REFERENCES

Councillors Conduct Register
Crime and Corruption Act 2001
Investigations Policy
Local Government Act 2009
Social Media Policy

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.



Fraud and Corruption Control Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Manager Development & Governance	Date Approved:	21 Nov 2018
Review Officer:	Manager Development & Governance	Review Due:	20 Nov 2020
Author:	Manager Development & Governance	Commencement:	21 Nov 2018

1. PURPOSE

The purpose of this policy is to set out the organisational requirements to prevent fraud and corruption at Mareeba Shire Council (MSC).

2. SCOPE

This policy applies to all Councillors and employees of the Mareeba Shire Council, including persons engaged under a contract of service, and volunteers.

3. POLICY STATEMENT

Council's 2018 - 2022 Corporate Plan affirms the importance of accountable governance and ethical conduct in its' mission and values. These values are also reflected in both the Employee Code of Conduct and Councillors Code of Conduct, but more importantly, are practiced on a daily basis in all aspects of operations.

Council is committed to acting in the best interest of the community and upholding the principles of honesty, integrity and transparency. The Councillors, Chief Executive Officer, and Senior Management have a zero-tolerance stance for fraud and corruption and are expected to conduct themselves within the principles of ethical conduct.

3.1 KEY FACTORS INFLUENCING FRAUD AND CORRUPTION RISK

The Fraud triangle is a framework designed to explain the reasoning behind a worker's decision to commit workplace fraud. The three stages, categorised by the effect on the individual, can be summarised as motivation, opportunity and rationalisation. Broken down, they are:

- **Motivation:** The person is somehow motivated to commit a fraud. Economic factors such as personal financial distress, substance abuse, gambling, overspending, or other similar addictive behaviors may provide motivation.
- **Opportunity:** The employee has sufficient access to assets and information that allows him or her to believe the fraud can be committed and also successfully concealed.
- **Rationalisation:** The employee finds a way to rationalise the fraud, convincing themselves that their actions are really justified. Such rationalisations can include perceived injustices in compensation or promotions, the idea that they are simply "borrowing" from the organisation and fully intend to return the assets at a future date, or a belief that the company doesn't really "need" the assets and won't even realise they are missing.

Fraud and Corruption Control Policy**3.2 FRAUD AND CORRUPTION FRAMEWORK**

Fraud and Corruption Prevention at Council forms part of the organisation's broader governance framework and is interrelated by the policies, procedures, and supporting documents identified in section 6.2 of this policy.

Fraud risk assessments are aligned to Council's Enterprise Risk Management Framework and will be utilised to identify extreme and significant fraud and corruption risk areas. The organisation will utilise these assessments to improve any identified internal control weaknesses.

3.3 ROLES AND RESPONSIBILITIES**3.3.1 *The Chief Executive Officer and Directors***

The CEO and Directors will lead by example in a manner consistent with the values and principles detailed in Employee Code of Conduct. The CEO is required to notify the Crime and Corruption Commission (CCC) if they reasonably suspect corrupt conduct as defined by the *Crime and Corruption Act 2001* has occurred.

The Directors will assume responsibility for fraud and corruption prevention to ensure that the fraud and corruption control policy and plan are implemented effectively across all work areas. Consideration of fraud and corruption issues will form part of both annual and longer term operational and business planning processes.

3.3.2 *Management*

All managers and supervisors must recognise that fraud and corruption may occur in their area of responsibility. Managers are to critically examine their areas of responsibility and business processes to identify and evaluate potential fraud and corruption risk situations. They are to develop and maintain fraud and corruption resistant work practices and report appropriately and identified incidents of fraud or corruption.

3.3.3 *Employees*

All Council Officers are responsible for the following:

- Acting appropriately when using official resources and handling and using public funds, whether they are involved with cash or payment systems, receipts or dealing with suppliers;
- Being alert to the possibility that unusual events or transactions could be indicators of fraud or corruption;
- Reporting details immediately if they suspect that a fraudulent or corrupt act has been committed; and
- Co-operating fully with whoever is conducting internal checks, reviews or investigations into possible acts of fraud or corruption.

All Council officers who have any knowledge of fraudulent or corrupt activities/behaviour within Council have an obligation to report such matters to a manager/supervisor or the Chief Executive Officer.

Fraud and Corruption Control Policy**3.3.4 Audit Committee**

Fraud-related matters will be reported to Council's Audit Committee via the CEO to ensure that a realistic view of Council's exposure and the maturity of its systems to prevent, detect and respond to fraud are understood. Duties of Audit Committee include, but are not limited to:

- reviewing whether management has in place a current and comprehensive enterprise risk management framework and associated procedures designed to ensure that the identification and management of the organisation's business and financial risks, including fraud, are effective;
- reviewing the organisation's fraud control arrangements and satisfying itself that the organisation has appropriate processes or systems in place to capture and effectively investigate fraud-related information;
- reviewing reports that outline any identified allegations of fraud, the status of any ongoing investigations and any changes to identified fraud risk in the organisation; and
- providing comment on recommendations for change to the internal control structure as a result of liaising with both the internal and external auditors.

3.3.1 Internal Audit

The Internal Audit program supports Council's efforts to establish an organisational culture that embraces ethics, honesty, and integrity. Internal Audit assists Council with the evaluation of internal controls used to detect or mitigate fraud and evaluates the organisation's assessment of fraud risk.

Although the Internal Audit considers fraud and corruption within its audit plans and during audits, it is important to note that the responsibility for prevention of irregularities rests with Council and management through the implementation and continued operation of an adequate internal control system. Internal Auditors are responsible for examining and evaluating the adequacy and the effectiveness of actions taken by management to fulfil this obligation.

3.3.1 Development and Governance

The Development and Governance Section is responsible for the coordination of Council's Fraud and Corruption Framework. Duties include but not limited to:

- Governance oversight
 - Monitoring the implementation and application of the Policy and Plan.
 - Monitoring the framework of rules and practices used by the organisation to ensure accountability and transparency in its operations.
 - Recording of incidents of Fraud and Corruption on internal Council's Fraud and Corruption Register.
- Risk Management
 - overseeing the development and implementation of a systematic and coordinated risk management framework
 - developing a register of risk factors, risk management plan and controls
 - assessing whether the organisation maintains effective risk management practices across all its activities
 - ensuring that continuity plans are in place and appropriate, and that the plans are tested and that the tests are meaningful

Fraud and Corruption Control Policy

- monitoring the risk environment, and assessing the impact of any changes on the organisation's risk profile
- integrating fraud and corruption matters with the organisation's overall risk profile
- reporting to senior management on risk-related issues
- assessing whether the organisation is successfully embedding an ethical culture.
- Fraud and Corruption control coordination
 - developing the fraud and corruption control policy and plan and related procedures
 - taking ownership of and administering the fraud and corruption control policy
 - ensuring that policy changes and procedural recommendations arising from periodic reviews are appropriately prioritised and implemented
 - monitoring the performance of staff responsible for implementing the fraud control plan.

The duties of the Manager Development and Governance do not diminish the responsibility of the CEO in the proper execution of the above activities.

3.4 RISK MANAGEMENT SYSTEM

Fraud risk assessments from Council's fraud and corruption register are aligned to Council's Enterprise Risk Management Framework and will be utilised to identify extreme and significant fraud and corruption risks. The CCC survey Profiling the Queensland public sector (CMC 2004) provides an insight into operational areas and functions perceived to have high levels of fraud and corruption risk, including:

- financial functions – such as the receipt of cash, revenue collection and payment systems, salaries and allowances, entertainment expenses
- construction, development and planning functions – ranging from land rezoning or development applications to construction and building activities
- regulatory functions – involving the inspection, regulation or monitoring of facilities; and operational practices, including the issue of fines or other sanctions
- licensing functions – such as the issue of qualifications or licences to indicate proficiency or enable the performance of certain activities
- demand-driven or allocation-based functions – where demand often exceeds supply, including the allocation of services or grants of public funds, or the provision of subsidies, financial assistance, concessions or other relief
- procurement and purchasing functions – including e-commerce activities, tendering, contract management and administration, and the practices of external agents/contractors/consultants and providers of goods/services
- other functions involving the exercise of discretion, or where there are regular dealings between public sector and private sector personnel (especially operations that are remotely based or have minimal supervision).

3.5 CONTROL STRATEGIES

Ensuring that appropriate fraud control measures are in place to prevent, detect, investigate and respond to fraud is an important governance requirement. Effective fraud control strategies should be instigated by the Executive Management Team and embedded in governance/risk programs and appropriately resourced and managed, as this will assist Councils in managing fraud risk to an acceptable level. The Fraud and Corruption Control Plan contains specific details of the organisation's anti-fraud and anti-corruption strategies.

Fraud and Corruption Control Policy**3.6 REPORTING PROCESS**

The reporting of suspected misconduct and maladministration is fundamental to the integrity of Councils fraud and corruption control policy.

The *Financial Accountability Act 2009* (section 61 and section 77) establishes that the accountable officer or statutory body is responsible for establishing, maintaining and reviewing financial internal controls. The Manager Finance is responsible for many internal controls and reports that identify and communicate attempts to defraud Council.

The *Public Service Act 2008* requires Council to provide an employee complaints management system. Employees should refer to Council's Staff Grievance Policy and Procedure. Council encourages employees to take appropriate action, should feel secure in the knowledge that supporting arrangements will protect individuals and preserve the confidentiality as far as possible. Therefore, all employee complaints should initially be treated as Public Interest Disclosures.

External report of suspected fraud or corruption should be referred through Council's Administrative Action Complaints Policy. Additionally, refer to Section 4 of this policy - External Organisational Reporting, for escalation of complaints.

3.7 PROTECTION AND SUPPORT FOR DISCLOSURES**3.7.1 *Work Health and Safety Act 2011***

Organisations have a responsibility to ensure the health and safety of their staff. Failing to take this responsibility seriously is a breach of the *Work Health and Safety Act 2011*.

3.7.2 *Crime and Corruption Act 2001*

Many reports of fraud or corruption will be classified as reports of corrupt conduct as defined in the *Crime and Corruption Act 2001* (CC Act). The CC Act includes provisions to protect those who make reports of corrupt conduct.

3.7.3 *Public Interest Disclosure Act 2010*

Some reports about fraud and corruption will be classified as a public interest disclosure (a PID). A PID is a disclosure of information as a result of a genuine concern about the possible serious wrongdoing of public officers, or of others who may be acting in a way that is not in the public interest. Please refer to Council Public Interest Disclosure Policy.

3.8 INVESTIGATION MANAGEMENT PROCESS

Once suspected fraud or corruption has been identified or reported, a number of processes must follow; please refer to Council's Fraud and Corruption Control Plan and Investigation Policy. The appropriate processes will depend on the nature and seriousness of the alleged conduct. Minor complaints are best dealt with by prompt managerial action. When dealing with serious matters where the conduct would, if proved, be a criminal offence, or provide reasonable grounds for dismissal, a full investigative response is required.

Fraud and Corruption Control Policy

3.9 CODE OF CONDUCT

Fraud and corruption is a departure from the expected standards of behaviour for Councillors and Employees. Council's Employee Code of Conduct defines the expectations and standards of behaviour that are consistent with Council ethical conduct value and associated principles. Just as importantly, Council's employee code of conduct provides benchmarks that clearly state the types of behaviours the organisation considers unacceptable. Please refer to the Employee Code of Conduct for more detail.

3.10 ORGANISATIONAL CULTURE CHANGE (STAFF TRAINING)

Mareeba Shire Council is committed to maintaining an ethical culture within the organisation. To foster an ethical culture, free from fraud and corruption Council will take a "job life-cycle" approach to communicating the issue of fraud and corruption. This includes engagement during:

- Recruitment and selection processes – ensure job advertisements, key selection criteria and promotional materials carry essential information about the values and ethical standards of the organisation to prospective employees.
- Induction – make certain that new officers understand their obligations by providing suitably structured induction programs. Induction training is an opportunity to provide all new personnel with first-hand notice of the organisation's attitude towards fraud and corruption.
- Ongoing employment – as a minimum, ensure that all employees are given access to appropriate education and training about ethics and specifically fraud and corruption risk or issues.

4. EXTERNAL ORGANISATIONAL REPORTING

4.1 REPORTING SUSPECTED FRAUD, CORRUPTION AND OTHER CORRUPT CONDUCT COMMITTED BY EMPLOYEES

All cases of corrupt conduct (which includes fraud and corruption) should be brought to the notice of the CEO. The CEO has a statutory obligation to report any suspicion of corrupt conduct to the CCC. Any attempt to unduly influence a government decision through the offer of bribes, individual rewards or incentives is an offence and must be reported to the CEO who will decide any appropriate further reporting.

4.2 REPORTING LOSS OF THE ORGANISATION'S MONEY OR PROPERTY

There are specific obligations placed on the CEO to report losses of money or property. Per section 307A of the *Local Government Regulation 2012* the obligations depend on whether the loss is:

Relevant legislation	LG Reg section 307A
A "material loss" is:	Cash or equivalent over \$500 Assets valued at over \$1,000
All losses that result from a criminal offence or suspected corrupt conduct	<ul style="list-style-type: none"> • Must be recorded
All material losses	<ul style="list-style-type: none"> • Must be recorded • Must be reported to: <ul style="list-style-type: none"> – the appropriate Minister – the Auditor-General

Fraud and Corruption Control Policy

Material losses that result from criminal offences	<ul style="list-style-type: none"> • Must be recorded • Must be reported to: <ul style="list-style-type: none"> – the appropriate Minister – the Auditor-General – QPS
Material losses that result from suspected corrupt conduct by employees or contractors	<ul style="list-style-type: none"> • Must be recorded • Must be reported to: <ul style="list-style-type: none"> – the appropriate Minister – the Auditor-General – CCC

5. DEFINITIONS

To assist in interpretation, the following definitions shall apply:

CEO means Council's Chief Executive Officer.

Corruption has the same meaning as 'corrupt conduct' under the *Crime and Corruption Act 2001*, being conduct of a person, regardless of whether the person holds or held an appointment, that:

- a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - i. a unit of public administration; or
 - ii. a person holding an appointment; and
- b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - i. is not honest or is not impartial; or
 - ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.
- c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and
- d) would, if proved, be—
 - i. a criminal offence; or
 - ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt conduct may include, but is not limited to:

- a) abuse of public office;
- b) bribery, including bribery relating to an election;
- c) extortion;
- d) obtaining or offering a secret commission;
- e) fraud;
- f) stealing;
- g) forgery;
- h) perverting the course of justice;
- i) an offence relating to an electoral donation;
- j) loss of revenue of the State.

Council Officer mean Employee

Fraud and Corruption Control Policy

Employees is defined as all persons employed by Council on a permanent, temporary or casual basis and includes persons engaged under a contract of service, and volunteers.

Director means the Corporate & Community Services Director and the Infrastructure Services Director

Fraud shall mean a deliberate deception to facilitate or conceal the misappropriation of assets or the taking of an unlawful advantage or benefit.

Fraud may include, but is not limited to:

- Theft;
- Obtaining property, a financial advantage or any other benefit by deception;
- Causing a loss, avoiding or obtaining a benefit by deception;
- Knowingly providing false or misleading information to Council, or failing to provide information where there is an obligation to do so;
- A breach of trust in the performance of official duties, by which an employee or Councillor acts contrary to the interests of Council in order to achieve some personal gain or advantage for themselves or for another person or entity;
- Using forged or falsified documentation for an improper purpose;
- Deliberate mis-statement of accounting information for an improper purpose.

6. RELATED DOCUMENTS AND REFERENCES

The following legislation and policies are relevant to the management of fraud and corruption within Mareeba Shire Council:

6.1 RELEVANT LEGISLATION

Crime and Corruption Act 2001
Criminal Code Act 1899
Integrity Act 2009
Local Government Act 2009
Local Government Regulation 2012
Public Interest Disclosure Act 2010
Public Sector Ethics Act 1994
Right to Information Act 2009

6.2 RELEVANT SUPPORTING DOCUMENTS

Administrative Action Complaint Management Policy;
Audit Committee Charter;
Code of Conduct for Councillors;
Employee Code of Conduct;
Employee Conflict of Interest Policy and Procedure;
Enterprise Risk Management Framework, Policy, and Procedure;
Fraud and Corruption Control Plan;
Gifts and Benefits Policy and Guideline;
Internal Audit Policy;
Investigation Policy;
Public Interest Disclosure Policy.

Fraud and Corruption Control Policy

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every two (2) years or as required by Council.



Fraud and Corruption Control Plan

Policy Type	Administration Policy	Version:	1.0
Responsible Officer	Manager Development & Governance	Date Approved:	21 Nov 2018
Review Officer:	Manager Development & Governance	Review Due:	20 Nov 2020
Author:	Manager Development & Governance	Commencement:	21 Nov 2018

1. PURPOSE

This Plan sets out the standards for accountability that Council expects from Councillors and Employees. It aims to minimise opportunities of Fraud or Corrupt Conduct through a framework of good governance and active and effective control strategies that will continue to build an ethical organisational culture.

2. SCOPE

This plan applies to all Councillors and employees of the Mareeba Shire Council. Employees are defined as all persons employed by Council on a permanent, temporary or casual basis and includes persons engaged under a contract of service, and volunteers.

3. POLICY STATEMENT

Council has zero-tolerance for activities related to fraud and corruption and is supported by a hierarchy of governance and controls to for an ethical organisational culture. This Plan provides the direction and guidance that will assist the Council to meet its commitment in the control of Fraud and Corrupt Conduct.

The Plan objectives are to:

- Support high standards of professional conduct and honest and ethical behaviour within Council;
- Minimise the risk of fraudulent practices or Corrupt Conduct occurring within and being perpetrated against Council;
- Protect Council's assets, public image and reputation;
- Ensure an ethical culture within Council;
- Ensure the Executive Management Teams (EMT) commitment to identify Fraud Risk exposures and establish procedures for prevention, detection and response;
- Ensure Councillors and Employees are aware of their responsibilities in relation to ethical conduct;
- Detail how Council deals with suspected Fraud and Corrupt Conduct through risk management practices; and
- Provide guidance on how suspected instances of Fraud or Corrupt Conduct are managed and dealt with by Council.

3.1 RESPONSIBILITIES

Councillors and Employees have the responsibility to take appropriate action to prevent Fraud and Corrupt Conduct and report suspected fraud and corruption activities they become aware of. Employees must undertake their work and duties in accordance with Council's Employee Code of Conduct, which prescribes standards of ethical conduct. A Code of Conduct alone will not guarantee an honest and corruption-free

Fraud and Corruption Control Plan

organisation, however, with proper education and leadership, it can promote integrity and encourage ethical behaviour, which in turn strengthens the Council's resistance to Fraud and Corrupt Conduct.

Councillors and the EMT have a responsibility for setting the ethical tone of the Council, consistent with the ethical principles set out in the *Public Sector Ethics Act 1994* (Qld) and the *Local Government Act 2009*. EMT plays a key role in the general administration of their work areas and consequently overseeing the implementation, review and monitoring of Fraud and corruption prevention strategies.

3.2 FRAUD AWARENESS

Council recognises that the success and credibility of its Fraud and Corruption Control Policy and Plan will largely depend on how effectively they are communicated. Council will take proactive steps towards ensuring that Councillors, Employees and the local community is aware of Council's zero-tolerance position on Fraud and Corrupt Conduct.

Council will increase awareness by:

- Promoting Council initiatives and policies regarding the control and prevention of Fraud and corruption on the Council website and at Council offices;
- Including guidance on their website, for both Employee and external parties, on how to report suspicions of fraud and corruption;
- Making reference to fraud and corruption initiatives in the Council's Annual Report; and
- Providing education and awareness programs and communication of Council's policies and directives relating to fraud and corruption.

3.3 FRAUD AND CORRUPTION RISK ASSESSMENT

Council's Enterprise Risk Management (ERM) Framework is used as a tool to identify and manage fraud and corruption risks in line with the Fraud and Corruption Control Policy and Plan. Appropriately, fraud and corruption risk will be reviewed across Council on a quarterly basis. Managers will provide assurance that their risks have been reviewed and updated and those risks identified as significant or extreme will be reported to Audit Committee and Council.

A fraud and corruption risk review will focus on the following elements:

- impact of change in organisational structure or functional requirements;
- changes in legislation and delegations;
- contracting and outsourcing;
- the impact of new technology;
- the operating environment, and the Council's relative exposure to external and internal Fraud and corruption;
- exposure to ongoing and emerging trends and threats; and
- the effectiveness of current treatment measures and controls.

The details of the Fraud and corruption risks identified, including treatments and controls will be incorporated into the ERM Register. Additionally, incidents of fraud and corruption will be recorded in Council's Fraud and Corruption Register and treated in accordance with ERM process. All identified risks are to be reviewed on an annual basis and reported as per the ERM Process.

Fraud and Corruption Control Plan

3.4 REPORT ALLEGATIONS OF FRAUD AND CORRUPTION

Concerns or suspicions about fraudulent or corrupt conduct can be reported as follows:

- If you are making a report about an Employee - report to a Manager, Director or the CEO;
- If you are making a report about the CEO - report to the Mayor;
- If your report involves a Councillor or the Mayor - report directly to the Office of Independent Assessor or to the CEO who will either forward the allegation to Office of Independent Assessor or to the Crime and Conduct Commission.

Attempts to investigate the matter personally by a person who has a concern or suspicion must not be conducted. Reports of allegations of fraudulent or corrupt conduct may be received verbally, in writing, or anonymously. Reports of this type may constitute a public interest disclosure under the *Public Interest Disclosure Act 2010*.

Council must ensure that any report of suspected fraud or corrupt conduct is treated confidentially to the fullest extent possible. To affirm the integrity of this reporting function, complaints, complainants, subject officers, witnesses and investigations will be treated and managed confidentially, in accordance with Council's Complaints Process - Administrative Action Complaints Policy, Public Interest Disclosure Policy, and its obligations under the *Public Interest Disclosure Act 2010*.

4. FRAUD AND CORRUPTION CONTROL STRATEGIES

Council recognises that the most effective way to address the issue of Fraud or Corrupt Conduct is to provide exemplary leadership, fully comply with legislative obligations, provide clear and appropriate policy settings, with active and effective control strategies that address prevention, detection, investigation, response, monitoring and reporting.

- **Prevention** - strategies designed to prevent fraud and corruption occurring in the first instance
- **Detection** - strategies to uncover fraud and corruption as soon as possible after it has occurred
- **Response** - systems and processes that assist in responding appropriately to an alleged fraud or corruption when it is detected
- **Monitoring and Evaluation** - strategies to provide assurance that legislative and policy responsibilities are being met, in addition to promoting accountability by providing information that demonstrates compliance with specific fraud and corruption control measures.

4.1 PREVENTION

Fraud and corruption prevention strategies are the first line of defence and provide the most cost-effective method of controlling Fraud and corruption within Council. Key elements of effective fraud and corruption prevention include (but are not limited to):

- A robust Fraud and Corruption Control Policy and Plan;
- Code of Conduct for Employees;
- Councillors Code of Conduct;
- Effective fraud and corruption risk management process;
- A comprehensive Fraud and Corruption Control Framework;
- Prudent Employees;
- Regular awareness training;
- Identification of activities with high fraud and corruption risk exposure, and the application of appropriate control strategies to those activities; and

Fraud and Corruption Control Plan

- Proactive demonstration within the organisation that allegations and incidences of fraud and/or corruption are treated seriously and appropriately addressed.

The below table outlines a range of preventative strategies and measures actioned by Council to manage its fraud and corruption risks.

Element	Components	Action Plan	Oversight	Timeframes
Integrated Policy	Fraud and Corruption Control Policy and Plan	<ul style="list-style-type: none"> • EMT to ensure the Fraud and Corruption Policy Plan are integrated along with other Council Policies • EMT to endorse and promote the plan and policy and take ongoing action to ensure staff are aware of the plan 	Manager Development & Governance	Every 2 years
Risk Assessment	Fraud and Corruption Risk Assessment	<ul style="list-style-type: none"> • Consideration of fraud and corruption risks to be included in Council's ERM Register 	Manager Development & Governance	Quarterly
Internal Controls	Governance Framework	<ul style="list-style-type: none"> • Administration policies, procedures and supporting documents to be promoted to applicable employees. 	Managers	Every 4 years
		<ul style="list-style-type: none"> • Segregation of functions especially in regulatory, financial and cash handling areas. 	Managers/External Audit	Annually
		<ul style="list-style-type: none"> • Where fraud and corruption risks are known to exist, work processes are to be clearly documented and available to Council employees. 	Managers	Quarterly
		<ul style="list-style-type: none"> • Employees to be reminded to make appropriate declarations, and a Register of Interests is to be maintained. 	Manager Organisational Development	Every 2 years
		<ul style="list-style-type: none"> • Delegated Powers and Authorities 	Managers	Annually
	Internal Audit	<ul style="list-style-type: none"> • Internal Audit to periodically review processes and provide recommendations for improvements 	Audit Committee Director Corporate and Community Services	Per Internal Audit Plan

Fraud and Corruption Control Plan

	Gifts and Benefits Policy	<ul style="list-style-type: none"> Review the Gifts and benefits policy 	CEO	Every 4 years
	Employment Screening	<ul style="list-style-type: none"> Conducting appropriate due diligence of potential new employees and existing employees transferring 	Manager Organisational Development	Per Recruitment Guidelines
	Third Party (Contractors)	<ul style="list-style-type: none"> Relevant policies and procedures covering due diligence processes for protentional contractors. 	Managers	Annually
		<ul style="list-style-type: none"> Relevant policies and procedures covering due diligence processes for monitoring past or existing contractors. 	Managers	Annually
Education and Awareness	Fraud Awareness	<ul style="list-style-type: none"> Education and training programme including for employees: <ul style="list-style-type: none"> ➤ Code of Conduct ➤ Public Interest Disclosures ➤ Reporting corrupt conduct ➤ Fraud prevention training ➤ Organisational wide awareness of relevant policies and procedures. 	Manager Organisational Development	Every 2 years
		<ul style="list-style-type: none"> General awareness of the Fraud and Corruption Control Policy and Plan 	Managers	Annually
	Availability of policies and procedures	<ul style="list-style-type: none"> Policies, procedures, and supporting documents to be easily accessible 	Manager Development & Governance	Annually
Community Awareness	Policies, Procedures, and supporting documents	<ul style="list-style-type: none"> To be included on Council website 	Manager Development & Governance	Annually
	Right to Information requests	<ul style="list-style-type: none"> Requests for information in regards to Fraud and Corruption are to be actioned promptly. 	Manager Systems and Customer Service	Annually

Fraud and Corruption Control Plan

4.2 DETECTION

Detection is the key in mitigating Fraud and corruption, and as such, Council has implemented systems aimed at assisting with the detection of Fraud or corruption as soon as possible after it has occurred, in the event that Council's preventive control strategies fail.

The source of fraudulent activity and corrupt conduct may be internal (perpetrated by an employee); external (perpetrated by a customer or an external service provider); or complex (for example, involve collaboration between employees and external service providers).

The CCC survey 'Profiling the Queensland public sector' (CMC 2004) provides an insight into operational areas and functions perceived to have high levels of fraud and corruption risk, including:

- financial functions – such as the receipt of cash, revenue collection and payment systems, salaries and allowances, entertainment expenses
- construction, development and planning functions – ranging from land rezoning or development applications to construction and building activities
- regulatory functions – involving the inspection, regulation or monitoring of facilities; and operational practices, including the issue of fines or other sanctions
- licensing functions – such as the issue of qualifications or licences to indicate proficiency or enable the performance of certain activities
- demand-driven or allocation-based functions – where demand often exceeds supply, including the allocation of services or grants of public funds, or the provision of subsidies, financial assistance, concessions or other relief
- procurement and purchasing functions – including e-commerce activities, tendering, contract management and administration, and the practices of external agents/contractors/consultants and providers of goods/services
- other functions involving the exercise of discretion, or where there are regular dealings between the public sector and private sector personnel (especially operations that are remotely based or have minimal supervision).

The below table outlines controls and measures to detect internal, external and complex fraud and corruption.

Element	Components	Action Plan	Oversight	Timeframes
Internal Controls	Formal and informal work process	<ul style="list-style-type: none"> Specific function processes, guidelines, instructions and risk assessment to be complied with 	Managers	Every 2 years
		<ul style="list-style-type: none"> Ongoing education and awareness of the work process to be provided 	Manager Organisational Development	Annually
Public Interest Disclosures	Management of Public Interest Disclosures	<ul style="list-style-type: none"> Public Interest Disclosure policy to be reviewed and maintained 	Manager Development & Governance	Every 4 years
		<ul style="list-style-type: none"> Management to take reasonable actions to minimise risks of victimisation and to 	Managers	Ongoing

Fraud and Corruption Control Plan

		ensure victimisation of disclosers is dealt with swiftly and appropriately		
Investigations	Detection System	• Post Transactional Reviews	Managers	Annually
		• Implement routine data analytics over areas identified as inherently susceptible to fraud	Manager Development & Governance	Annually
		• Analysis of management accounting and procurement reports to identify trends	Manager Finance	Monthly/annually
		• Work with the external/internal auditors in the detection of fraud	Manager Finance & Audit Committee	Annually
Internal Reporting	Performance Management Framework	• Organisational Structure to be supported through adherence to official delegations, proper and full use of supervisory reporting relationships	Managers	Annually
	Internal Audit	• Internal Audit to consider fraud and corruption as part of the audit scope	Audit Committee	Per Internal Audit Plan
		• Internal Audit to conduct regular reviews of Council functions and processes to identify susceptible areas	Audit Committee	Per Internal Audit Plan

4.3 RESPONSE

Fraud and corruption response is a key element of the overall Fraud and Corruption Control Framework. Council needs to be responsive and vigilant in undertaking preliminary investigations to determine whether allegations have sufficient grounds to be taken further.

Investigations (as statutorily required)

Council will investigate or otherwise formally inquire into all instances of suspected Fraud or Corrupt Conduct exposed as a result of receiving an allegation or detecting fraudulent activity or Corrupt Conduct in line with Council's Investigation Policy. All reports, information, complaints and notifications concerning the alleged fraudulent activity or Corrupt Conduct may be referred to the CCC throughout the investigation process.

Page 7 of 11

Fraud and Corruption Control Plan

Fraud and corruption investigations are to be kept confidential, secure and restricted to only authorised users.

The below steps are to be implemented upon and detection or notification of in conjunction with the Fraud and/or Corruption:

- Step 1: Stop the Fraud Continuing and Preserve Evidence
- Step 2: Record Allegations and the Known Facts
- Step 3: Initial Review
- Step 4: Investigation
- Step 5: Outcomes

Disciplinary Action

Fraudulent activity and Corrupt Conduct may result in formal disciplinary action including dismissal. If approved by the CEO, Council's Manager Organisational Development should be consulted to create a deterrent effect to Employees by illustrating that all cases will be investigated, and disciplinary action will be taken against Employees that "do the wrong thing".

It must be noted that Fraud or Corrupt Conduct may often also involve criminal conduct. This means that an incident can at the same time be within the jurisdiction of the CCC, Council and the Queensland Police Service (QPS), and therefore, the actions and decisions of one agency will have an impact on the other agencies.

Where a disciplinary investigation arises out of alleged criminal conduct, Council will need to take into account any criminal proceedings. If Council's Manager Organisational Development and the QPS are consulted, Council can take disciplinary action before the criminal investigation or prosecution is completed. Whether disciplinary proceedings should await the outcome of criminal proceedings will need to be determined on a case-by-case basis. Council may decide to hold off on disciplinary action until the outcome of the prosecution is known so that if it fails, Council can still institute disciplinary proceedings.

Restitution

Council is committed to recovering losses incurred as a result of fraudulent activity or corrupt conduct. Council pursues all reasonable avenues to limit any financial loss and reputational damage. Council maintains an insurance policy against loss due to fraudulent or Corrupt Conduct activities of its Employees. The table in section 5.1.2 below outlines measures to detect internal, external and complex fraud and corruption.

4.4 MONITORING AND EVALUATION

Effective monitoring and evaluation of Council's fraud and corruption control strategies assist in:

- Assessing the continued relevance and priority of Fraud and corruption strategies in light of current and emerging risks;
- Test whether fraud and corruption strategies are targeting the desired population; and
- Ascertain whether there are more cost-effective ways of combatting fraud and corruption.

5. REPORTING

Internally, fraud-related matters will be reported to Council's Audit Committee via the CEO to ensure that a realistic view of Council's exposure and the maturity of its systems to prevent, detect and respond to fraud are understood.

Fraud and Corruption Control Plan

5.1 REPORTING SUSPECTED FRAUD, CORRUPTION AND OTHER CORRUPT CONDUCT COMMITTED BY EMPLOYEES

The CEO has a statutory obligation to report any suspicion of corrupt conduct to the CCC. Therefore, all cases of corrupt conduct (which includes fraud and corruption) should be brought to the notice of the CEO. Any attempt to unduly influence a government decision through the offer of bribes, individual rewards or incentives is an offence and must be reported to the CEO who will decide appropriate further reporting.

5.2 REPORTING LOSS OF THE ORGANISATION'S MONEY OR PROPERTY

There are specific obligations placed on the CEO to report losses of money or property. Section 307A of the *Local Government Regulation 2012* outlines the obligations dependant on the type of loss.

Relevant legislation	LG Reg section 307A
A "material loss" is	Cash or equivalent over \$500 Assets valued at over \$1,000
All losses that result from a criminal offence or suspected corrupt conduct	<ul style="list-style-type: none"> • Must be recorded
All material losses	<ul style="list-style-type: none"> • Must be recorded • Must be reported to: <ul style="list-style-type: none"> – the appropriate Minister – the Auditor-General
Material losses that result from criminal offences	<ul style="list-style-type: none"> • Must be recorded • Must be reported to: <ul style="list-style-type: none"> – the appropriate Minister – the Auditor-General – QPS
Material losses that result from suspected corrupt conduct by employees or contractors	<ul style="list-style-type: none"> • Must be recorded • Must be reported to: <ul style="list-style-type: none"> – the appropriate Minister – the Auditor-General – CCC

6. DEFINITIONS

To assist in interpretation, the following definitions shall apply:

CCC means the Crime and Corruption Commission.

CEO means Council's Chief Executive Officer.

Corruption has the same meaning as 'corrupt conduct' under the *Crime and Corruption Act 2001*, being conduct of a person, regardless of whether the person holds or held an appointment, that:

- a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—
 - i. a unit of public administration; or

Fraud and Corruption Control Plan

- ii. a person holding an appointment; and
- b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - i. is not honest or is not impartial; or
 - ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
 - iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment.
- c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and
- d) would, if proved, be—
 - i. a criminal offence; or
 - ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.

Corrupt conduct may include, but is not limited to:

- a) abuse of public office;
- b) bribery, including bribery relating to an election;
- c) extortion;
- d) obtaining or offering a secret commission;
- e) fraud;
- f) stealing;
- g) forgery;
- h) perverting the course of justice;
- i) an offence relating to an electoral donation;
- j) loss of revenue of the State.

Council means the Mareeba Shire Council.

Council Officer mean Employee

Employees are defined as all persons employed by Council on a permanent, temporary or casual basis and includes persons engaged under a contract of service, and volunteers.

EMT means Council's Executive Management Team of Council, as constituted from time to time.

ERM means Enterprise Risk Management.

Fraud shall mean a deliberate deception to facilitate or conceal the misappropriation of assets or the taking of an unlawful advantage or benefit.

Fraud may include, but is not limited to:

- Theft;
- Obtaining property, a financial advantage or any other benefit by deception;
- Causing a loss, avoiding or obtaining a benefit by deception;
- Knowingly providing false or misleading information to Council, or failing to provide information where there is an obligation to do so;
- A breach of trust in the performance of official duties, by which an employee or Councillor acts contrary to the interests of Council in order to achieve some personal gain or advantage for themselves or for another person or entity;

Fraud and Corruption Control Plan

- Using forged or falsified documentation for an improper purpose;
- Deliberate misstatement of accounting information for an improper purpose.

LGA means the Local Government Act 2009.

Plan means Council's Fraud and Corruption Control Plan.

7. RELATED DOCUMENTS AND REFERENCES

Administration Actions Complaint Policy
Audit Committee Charter
Code of Conduct for Councillors
Crime and Corruption Act 2001
Employee Code of Conduct
Employee Conflict of Interest Policy and Procedure
Enterprise Risk Management Policy, Framework and Process
Fraud and Corruption Control Policy
Gifts and Benefits Policy and Guideline
Internal Audit Policy
Investigation Policy
Local Government Act 2009
Local Government Regulation 2012
Public Interest Disclosure Act 2010
Public interest Disclosure Policy

8. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every two (2) years or as required by Council.



Investigation Policy

Policy Type	Governance Policy	Version	1.0
Responsible Officer	Manager Development and Governance	Date Approved	21 November 2018
Review Officer	Manager Development and Governance	Review Due	21 November 2022
Author	Manager Development and Governance	Commencement	3 December 2018

1. PURPOSE

This is Council's investigation policy for how complaints about the inappropriate conduct of Councillors will be dealt with as required by the section 150AE of the *Local Government Act 2009* (the LGA). However, this policy does not relate to more serious Councillor conduct.

2. SCOPE

This investigation policy applies to investigations and determinations of a complaint about the alleged inappropriate conduct of a Councillor/s which has been referred by the Independent Assessor.

3. POLICY STATEMENT

3.1 CONFIDENTIALITY

Matters of suspected inappropriate conduct of a Councillor are confidential except as otherwise specifically provided for either in the LGA or this investigation policy.

Note: *It must be kept in mind that the matter is an allegation only and not yet proven. Further, there will be circumstances where the detail of the referral will need to remain confidential to the local government. Any release of confidential information that a Councillor knows, or should reasonably know, to be confidential to the local government may be contrary to section 171(3) of the LGA and dealt with as misconduct.*

3.2 NATURAL JUSTICE

Any investigation of suspected inappropriate conduct of a Councillor/s must be carried out in accordance with natural justice. An overview of the principles of natural justice follows.

"Natural justice" or procedural fairness, refers to three key principles:

- the person being investigated has a chance to have his or her say before adverse formal findings are made and before any adverse action is taken (fair hearing);
- the investigator(s) should be objective and impartial (absence of bias), and
- any action taken is based on evidence (not suspicion or speculation).

A fair hearing means the Councillor who is the subject of the suspected inappropriate conduct matter must be told of the case against them including any evidence and be provided with an opportunity to put their case in writing with the investigation report provided to the Councillors as part of the meeting agenda.

An absence of bias means that any investigation must not be biased or be seen to be biased in any way. This principle embodies the concept of impartiality.

Investigation Policy

Decisions based on evidence requires that the investigation should not be based on mere speculation or suspicion but instead must be based upon logical proof or evidence material.

A proper examination of all issues means the investigation must give a proper and genuine consideration to each party's case.

3.3 ASSESSOR'S REFERRAL

The Council may from time to time receive from the Assessor a referral notice about the suspected inappropriate conduct of a Councillor/s. Council may also receive referrals directly.

3.4 RECEIPT OF ASSESSOR'S REFERRAL

On receipt of a referral notice about the suspected inappropriate conduct of a Councillor/s from the Assessor, the Council's Chief Executive Officer will forward a copy of that referral notice to the Mayor and all Councillors as a confidential document.

Should the Mayor or a Councillor/s (other than the subject of the complaint or the complainant) disagree with any recommendation accompanying the Assessor's referral notice or form the opinion that the complaint should be dealt with in a way other than under this policy, the Mayor or Councillor may request the matter be placed on the agenda of the next Council meeting to decide on the appropriate process to investigate the complaint. Such a request must be made in accordance with the Council's meeting procedure requirements.

3.5 INVESTIGATOR

Unless otherwise resolved by Council, the Mayor will manage the investigation of suspected inappropriate conduct of other Councillors.

If the suspected inappropriate conduct involves conduct that in the circumstances, the Mayor believes, it is in the best interests of the investigation to refer the matter for external investigation, then the Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

If the suspected inappropriate conduct involves:

- an allegation about the conduct of the Mayor, or
- the Mayor as the complainant, then

the Chief Executive Officer must refer the suspected inappropriate conduct to the President of the Tribunal to investigate and make recommendations to the Council about dealing with the conduct.

3.6 EARLY RESOLUTION

Before beginning an investigation, the investigator must consider whether it is appropriate for resolution prior to the investigation. This consideration includes any recommendation made by the Assessor.

A matter is only appropriate for early resolution if the parties to the matter agree to explore early resolution.

The investigator may engage an independent person with suitable qualifications or experience to facilitate this process.

If the matter cannot be resolved, the matter will then be investigated as outlined in this investigation policy.

Page 2 of 5

Investigation Policy

If the matter is resolved prior to investigation, the investigator will advise the Chief Executive Officer of this outcome. In turn, the Chief Executive Officer will advise the Mayor (if the Mayor is not the investigator) and all Councillors that the matter has been resolved. The Chief Executive Officer will also update the Councillor Conduct Register to reflect this.

3.7 TIMELINESS

The investigator will make all reasonable endeavors to complete the investigation and provide a report for inclusion on the agenda of a Council meeting no more than eight weeks after the receipt of the complaint.

***Note:** If the investigator is of the opinion that it may take longer than eight weeks to complete the investigation, the matter should be raised with the Mayor (if the Mayor is not the investigator) to seek an extension of time.*

3.8 ASSISTANCE FOR INVESTIGATOR

If the Mayor is the investigator of a matter of suspected inappropriate conduct, the Mayor may use section 170A of the LGA to seek assistance during the investigation.

The Mayor is authorised by Council to expend money as reasonably needed to engage contractors in accordance with the Council's procurement policy.

3.9 POSSIBLE MISCONDUCT OR CORRUPT CONDUCT

If during the course of an investigation the investigator obtains information which indicates a Councillor/s may have engaged in misconduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Assessor of the possible misconduct.

If during the course of an investigation, the investigator obtains information which indicates a Councillor/s may have engaged in corrupt conduct, the investigator must cease the investigation and advise the Chief Executive Officer. The Chief Executive Officer will then notify the Crime and Corruption Commission of the possible corrupt conduct.

Instances of suspected misconduct or corrupt conduct may be referred back to the Council if determined by the Assessor or Crime and Corruption Commission to be inappropriate conduct.

3.10 COMPLETION OF INVESTIGATION

On the completion of an investigation, the investigator will provide a report to the Council outlining the investigation process, the investigation findings, any recommendations about dealing with the conduct and a record of the investigation costs.

The Council will consider the findings and recommendations of the investigator's report and decide whether the Councillor has engaged in inappropriate conduct and, if so, what action it will take under section 150AH of the LGA.

Provisions for internal and external review of decisions are set out in sections 150CO to 150CS of the LGA.

3.11 NOTICE ABOUT THE OUTCOME OF INVESTIGATION

After an investigation is finalised, the Council must give notice about the outcome of the investigation to the person who made the complaint about the Councillor/s' conduct that was the subject of the investigation.

Investigation Policy

3.12 COUNCILLOR CONDUCT REGISTER

The Chief Executive Officer of the respective Council must ensure decisions about suspected inappropriate conduct of a Councillor/s must be entered into the Councillor conduct register.

Where a complaint has been resolved under section 3.6 of this policy, the Chief Executive Officer will update the register to reflect that the complaint was withdrawn.

3.13 EXPENSES

Council must pay any reasonable expenses of Council associated with the informal early resolution or investigation of suspected inappropriate conduct of a Councillor including any costs of:

- the president of the Tribunal in undertaking an investigation for Council;
- a mediator engaged under this investigation policy;
- a private investigator engaged on behalf of or by the investigator;
- travel where the investigator needed to travel to undertake the investigation or to interview witnesses;
- seeking legal advice; and
- engaging an expert.

Note: Council may order the subject Councillor reimburse it for all or some of the costs arising from the Councillor's inappropriate conduct.

Any costs incurred by complainants or the subject Councillors will not be met by Council.

4. REPORTING

The Chief Executive Officer must ensure decisions about suspected inappropriate conduct of a Councillor/s be entered into the Councillor conduct register.

5. DEFINITIONS

Assessor means the Independent Assessor appointed under section 150CV of the LGA

behavioural standard means a standard of behaviour for Councillors set out in the Code of Conduct approved under section 150E of the LGA

conduct includes—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

Councillor conduct register means the register required to be kept by Council as set out in section 150DX of the LGA

inappropriate conduct see section 150K of the LGA

investigation policy, refers to this policy, as required by section 150AE of the LGA

investigator means the person responsible under this investigation policy for carrying out the investigation of the suspected inappropriate conduct of a Councillor or Mayor

Investigation Policy

LGA means the *Local Government Act 2009 (the Act)*

local government meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government.

misconduct see section 150L of the LGA

model procedures see section 150F of the LGA

natural justice – a set of principles to ensure fair and just decision making, including a fair hearing, an absence of bias, decisions based on evidence, and the proper examination of all issues.

referral notice see section 150AC of the LGA

Tribunal means the Councillor Conduct Tribunal as established under section 150DK of the LGA

unsuitable meeting conduct see section 150H of the LGA

6. RELATED DOCUMENTS AND REFERENCES

Code of Conduct for Councillors
Councillors Conduct Register
Fraud and Corruption Control Policy
Fraud and Corruption Control Plan
Local Government Act 2009
Standing Orders (meeting procedures) for Council Meetings

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.



Related Party Disclosure Policy

Policy Type	Governance Policy	Version	2.0
Responsible Officer	Chief Executive Officer	Date Approved	21 Nov 2018
Review Officer	Director Corporate and Community Services	Review Due	20 Nov 2022
Author	Director Corporate and Community Services	Commencement	21 Nov 2018

1. PURPOSE

To provide guidance to Council to achieve compliance with the *Australian Accounting Standard AASB 124 – Related Party Disclosures*.

2. SCOPE

This policy applies to related parties of Council and their transactions with Council.

3. POLICY STATEMENT

3.1 IDENTIFICATION OF RELATED PARTIES AND TRANSACTIONS

A related party is a person or entity that is related to the Council.

For the purpose of this policy, related parties of Council are;

- A subsidiary, associate or joint venture of Council
- Key Management Personnel (KMP)
- Close family members of KMP
- Any entities controlled or jointly controlled by KMP or their close family members.

3.1.1 *Subsidiary, associated or joint venture of Council*

These are entities that are controlled by Council, jointly controlled by Council or over which Council has significant influence.

For the purpose of this policy, Council does not have any entities in this category.

3.1.2 *Key Management Personnel (KMP)*

Key Management Personnel (KMP) are persons having authority and responsibility for planning, directing and controlling the activities of Council either directly or indirectly.

KMP's for the Council are considered to be;

- Councillors (including the Mayor)
- Chief Executive Officer
- Directors
- A person acting in the Chief Executive Officer or Director position (that are not already identified as a KMP).

Related Party Disclosures Policy

Council requires all KMP's to fill out a Related Party Declaration form (as per **Appendix 1**) identifying the following:

- their close family members
- entities that they control or are associated with; and
- entities that their close family members control or jointly control.

Declarations are required bi-annually each financial year. Should an individual's circumstances materially change between these periods a new declaration must be completed.

3.1.3 Close family members of KMP

Close family members are people who may be expected to influence or be influenced by, that person in their dealings with Council and include:

- that person's children and spouse or domestic partner
- children of that person's spouse or domestic partner
- dependants of that person or that person's spouse or domestic partner.

KMP will identify close family members through the Related Party Declaration form.

3.1.4 Entities controlled or jointly controlled by KMP or their close family members

Entities include companies, trust, joint ventures, partnerships and non-profit associations such as sporting clubs.

Key management personnel will identify all entities through the Related Party Declaration form.

Transactions between Council and related parties, whether monetary or not, are required to be identified. The types of transactions may include:

- Grants and Subsidy payments made to associated entities of Council
- Non-monetary transactions between Council and related parties
- Goods and services provided by Council to related parties
- Purchase of materials and services from related parties
- Compensation made to key personnel
- Fees and charges charged to related parties
- Infrastructure contributions and application fees from related parties.

3.2 ASSESSMENT OF RELATED PARTY TRANSACTIONS AND DISCLOSURES

Once the related party transactions have been identified they will be analysed by the Manager Finance and Manager Development and Governance. Where transactions are found to be of material or significant nature, they will be disclosed in the financial statements.

Related Party Disclosures Policy

The following matters must be considered in determining the materiality and significance of any related party transactions:

- Significance of transaction in terms of size
- Whether the transaction was carried out on non-market terms
- Whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets
- Whether the transaction is disclosed to regulatory or supervisory authorities
- Whether the transaction has been reported to senior management
- Whether the transaction was subject to Council approval.

Transactions or balances that occur within an **ordinary citizen transaction** shall be excluded from the detailed disclosures. An exception to this would be if the terms and conditions differ from those offered to the general public the transaction may be material therefore a disclosure would be required.

4. REPORTING

Related Party Disclosures are reported in Council's Annual Report.

5. DEFINITIONS

Close family members of a person are those family members who may be expected to influence or be influenced by, that person in their dealings with Council and include;

- that person's children and spouse or domestic partner
- children of that person's spouse or domestic partner
- dependants of that person or that person's spouse or domestic partner

Entities include companies, trusts, incorporated and unincorporated associations, joint ventures, control or joint controlled entities and partnerships.

Key Management Personnel are defined in Section 3.1.2 of this policy.

Materiality means the assessment will be assessed on a case by case basis assessing if the amount and/or nature of the transaction would be considered beneficial to the related party.

Ordinary citizen transactions means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

Related Party is defined in Section 3.1 of this policy.

Related Party Transactions are a transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged.

Related Party Disclosures Policy

6. RELATED DOCUMENTS AND REFERENCES

The sources of legal obligations behind this Policy are:

- Local Government Act 2009
- Local Government Regulation 2012
- AASB 124 Related Party Disclosures

7. REVIEW

It is the responsibility of the Director Corporate and Community Services to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

Related Party Disclosures Policy

APPENDIX 1



Mareeba
SHIRE COUNCIL

Declaration

Related Party Declaration for Key Management Personnel

PRIVATE AND CONFIDENTIAL

Name of Key Management Person: _____

Position of Key Management Person: _____

(List details of known close family members, entities that are controlled/jointly controlled by KMP and entities that are controlled/jointly controlled by the close family members of KMP)

Name person or entity	Relationship
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
(attach separate sheet if required)	

I, _____
(insert full name and position)

declare that the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members. I make this declaration after reading the fact sheet supplied by council which details the meaning of the words "close family members" and "entities controlled, or jointly controlled, by myself or my close family members".

Declared at: _____ on the: _____

Signature of KMP: _____

Name of KMP: _____

Related Party Declaration

V1: 14/09/2016



Councillors Acceptable Requests Policy (Guideline)

Policy Type	Governance Policy	Version:	1.0
Responsible Officer	Chief Executive Officer	Date Approved:	21 Nov 2018
Review Officer:	Chief Executive Officer	Review Due:	20 Nov 2022
Author:	Director Corporate and Community Services	Commencement:	21 Nov 2018

1. PURPOSE

This policy (Guidelines) in accordance with Section 170A of the Local Government Act 2009 sets out the requirements Councillors must follow when seeking advice or information from an employee.

2. SCOPE

This policy applies to all Councillors and employees of Mareeba Shire Council.

3. BACKGROUND

The Mayor and Councillors will from time to time require advice or assistance from the employees of Council to enable them to make a decision and effectively carry out their responsibilities.

Pursuant to s170A (6) of the Act, Council is required to adopt by resolution, Acceptable Requests Guidelines.

Accordingly, these Guidelines are intended to provide clear guidance to the Mayor, Councillors, CEO and employees about the way in which a Councillor may:

- A. ask a Council employee to provide "advice" to assist the Councillor to carry out his or her responsibilities under the Act (s170A(1)); and
- B. ask the CEO, subject to any limits prescribed under a regulation, to provide "information" that Council has access to, relating to the local government (s170A(2)).

Example of a limit prescribed under a regulation -

A regulation may prescribe the maximum cost to a local government of providing information to a councillor.

The underpinning principles and Councillors' responsibilities under the Act are set out in Sections 4 and 12 respectively. The provisions of these Sections require Councillors to act in the interests of the residents of the local government area, to ensure effective service delivery and to be accountable to the community for the performance of the local government.

4. POLICY STATEMENT

Requests by Councillors for assistance or advice relating to policy or complex matters should be directed to the CEO, relevant Director or Manager.

Councillors should use their judgement in directing their request to the appropriate level. Conversely, it is expected that staff should also use their judgement to advise Councillors if it would be more appropriate for the Councillor's request to be dealt with by another staff member including a more senior staff member.

Acceptable Requests Guidelines for Councillors and Employees
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As a guide, the more complex the issue or where the Councillor request involves significant policy issues, then a Councillor should direct their request to a Manager, Director, or CEO.

For matters other than requests regarding policy or complex matters (see above), in order to carry out their responsibilities a Councillor may request assistance, advice or information from the relevant Council employee on matters that are within that employee's scope of responsibility or knowledge provided that:

- The employee normally provides similar assistance, advice or information to either the public or other employees within Council.
- Any request for advice is made without any direction or pressure as to the conclusion or recommendation of the employee's advice. However, direction as to the layout or level of detail of the advice or information is acceptable.
- The timeframe and methodology for the delivery of the request is reasonable having regard to the complexity of the request and the workload of the employee at the time of the request.

To assist in supporting the acceptable request guidelines Councillors are encouraged in the first instance to seek advice from the following Delegated Employees:

Department	Position
Office of the Chief Executive Officer	Corporate Communications Officer
	Personal Assistant to the Mayor
	Senior Executive Support Officer
Corporate & Community Services	Director Corporate and Community Services
	Executive Support Officer
	Manager Development and Governance
	Supervisor Health and Local Laws
	Senior Planner
	Manager Finance
	Manager Systems and Customer Service
	Coordinator Customer Service
	Manager Community Wellbeing
Infrastructure Services	Manager Organisational Development
	Director Infrastructure Services
	Manager Water and Waste
	Manager Technical Services
	Manager Works

Any Councillor who is unsure about how and when they may approach staff should seek advice from the CEO. Similarly, any staff who is unsure about the appropriateness of a request from a Councillor should seek advice from their Director or the CEO. Any conflicts arising between Councillors and staff resulting from their interactions are to be brought to the attention of the CEO or their Director.

4.1 LIMITS ON REQUESTS TO THE CEO FOR INFORMATION

Requests by Councillors to the CEO for information relating to Council are limited by the Local Government Act as follows:

- Any limit prescribed under a Regulation (pursuant to section 170A (2) of the Act); and
- Pursuant to section 170A(3) of the Act, information:

Acceptable Requests Guidelines for Councillors and Employees

- That is a record of the regional conduct review panel or tribunal; or
- If disclosure of the information to the Councillor would be contrary to an order of a Court or tribunal; or
- That would be privileged from production in a legal proceeding on the ground of legal professional privilege.

5. REPORTING

No additional reporting is required

6. DEFINITIONS

For the purpose of this Policy, the following definitions apply:

Act means the *Local Government Act 2009*.

Advice means an opinion or recommendation offered as a guide to action, conduct etc.

CEO means the Chief Executive Officer.

Decision means a conclusion or resolution reached after consideration.

Information/Council Records include letters, reports/documents, facsimiles, attachments, tapes, emails, electronic media, and/or other forms of information including discussions during meetings.

7. RELATED DOCUMENTS AND REFERENCES

Right to Information Act 2009
Local Government Act 2009
Code of Conduct for Councillors
Employees' Code of Conduct

8. REVIEW

It is the responsibility of the Chief Executive Officer to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.



Standing Orders (Meeting Procedures) for Council Meetings

Policy Type	Governance Policy	Version	2.0
Responsible Officer	Manager Development and Governance	Date Approved	21 November 2018
Review Officer	Manager Development and Governance	Review Due	21 November 2022
Author	Director Corporate and Community Services	Commencement	3 December 2018

1. PURPOSE

The purpose of the Standing Orders (meeting procedures) for Council Meetings is to provide written rules for the orderly conduct of Council Meetings.

As required under section 150F of the *Local Government Act 2009* (LGA) this policy also sets out:

- the process for how a Chairperson of a Local Government meeting may deal with instances of unsuitable conduct by Councillors in Local Government meetings and Local Government committee meetings; and
- the process for how suspected inappropriate conduct of a Councillor referred by the Independent Assessor (the Assessor) is to be dealt with at a Local Government meeting.

It is intended that these procedures will help strengthen public confidence in Local Government to deal with the conduct of Councillors in meetings.

2. SCOPE

This policy applies to all meetings of the Mareeba Shire Council, other than a post election meeting.

3. POLICY STATEMENT

3.1 STANDING ORDERS

1. These Standing Orders apply to all meetings of Council and any standing Committees.
2. Any provision of these Standing Orders may be suspended by resolution of any meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
3. Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

3.2 PROCEDURES FOR MEETINGS OF COUNCIL – INCLUDING REFERRALS FROM THE INDEPENDENT ASSESSOR

3.2.1 Presiding Officer

1. The Mayor will preside at a meeting of Council.

Standing Orders for Council Meetings

2. If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
3. If both the Mayor and the Deputy Mayor are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.

3.2.2 Order of Business

1. The order of business shall be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.
2. Unless otherwise altered, the order of business shall be as follows:
 - Attendances
 - Apologies and granting of leaves of absence
 - Confirmation of Minutes
 - Officers Reports
3. The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed shall be taken into consideration, at every ordinary meeting of Council, in order that such minutes may be confirmed and no discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.

3.2.3 Agendas

1. The Agenda may contain:
 - Apologies / leave of absence/absence on Council business
 - Bereavements / condolences
 - Declaration of any material personal interests / conflicts of interest
 - Confirmation of minutes of previous meetings
 - Business arising out of minutes of previous meetings
 - Deputations and delegations
 - Mayoral minutes
 - Notified motions
 - Consideration of officers' reports to Council
 - General business
 - Consideration of closed session matters
 - Notice of next meeting
2. Business not on the Agenda or fairly arising from the Agenda shall not be considered at any Meeting unless permission for that purpose is given by Council at such meeting. Business must be in accordance with the adopted Terms of Reference for each Committee.
3. Matters considered under General Business shall only include non-substantive issues ie requests for a report to be prepared or leave of absence.
4. In terms of transparency and good governance, the items that Council should be making substantive decisions about should be contained in the public agenda and as such, General Business should not allow for making of decisions on matters of public interest.

Standing Orders for Council Meetings

3.2.4 Petitions

1. Any petition presented to a meeting of Council shall:
 - be in legible writing or typewritten and contain a minimum of ten (10) signatures;
 - must include the name and contact details of the Principal Petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue);
 - include the postcode of all petitioners; and
 - have the details of the specific request/matter appear on each page of the petition.
2. Where a Councillor presents a petition to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is that the petition be received; or received and referred to a committee or officer for consideration and a report to Council; or not be received because it is deemed invalid.
3. Council will respond to the Principal Petitioner in relation to all petitions deemed valid.

3.2.5 Deputations

1. A deputation wishing to attend and address a meeting of Council shall apply in writing to the CEO not less than seven (7) clear days before the meeting.
2. The CEO, on receiving an application for a deputation shall notify the Chair who shall determine whether the deputation may be heard. The CEO shall inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and a time period allowed.
3. A Council may decide to accept or not accept a deputation request. For deputations comprised of three or more persons, only three persons shall be at liberty to address Council unless the Councillors at the meeting determine otherwise by resolution. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
4. If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chair may finalise the deputation.
5. The Chair may terminate an address by a person in a deputation at any time.

3.3 MOTIONS

3.3.1 Motions

1. A Councillor is required to 'propose' a motion and then another Councillor is required to 'second' the motion.
2. When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.
3. Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.

Standing Orders for Council Meetings

4. A motion brought before a meeting of Council in accordance with the Act or these Standing Orders shall be received and put to the meeting by the Chair. The Chair may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
5. The Chair may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chair may put the motion to the vote without discussion.
6. Where a Council wishes to propose a specific motion this must be submitted to the CEO for inclusion in the Agenda seven (7) days prior to the meeting.

3.3.2 Absence of Mover of Motion

1. Where a Councillor who has given notice of a motion is absent from the meeting of Council at which the motion is to be considered, the motion may be:
 - moved by another Councillor at the meeting; or
 - deferred to the next meeting.

3.3.3 Motion to be seconded

1. A motion or an amendment to a motion shall not be debated at a meeting of Council unless or until the motion or the amendment is seconded, with the exception of Procedural Motions.

3.3.4 Amendment of Motion

1. An amendment to a motion shall be in terms which retain the identity of the original motion and does not contradict the motion.
2. Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
3. Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
4. Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

3.3.5 Speaking to motions and amendments

1. The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
2. The Councillor who proposed the motion is given the option of speaking first on the motion. The Chair then calls on any councillor who wishes to speak against the motion. Councillors will then alternate speaking for or against the motion until all Councillors who wish to speak have had the opportunity.
3. A Councillor may make a request to the Chair for further information before or after the motion or amendment is seconded.
4. A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.

Page 4 of 15

Standing Orders for Council Meetings

5. The mover of a motion shall have the right to reply. The mover of any amendment shall have no right of reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
6. Each speaker shall be restricted to not more than five (5) minutes unless the Chair rules otherwise.
7. Where two or more Councillors indicate they may wish to speak at the same time, the Chair shall determine who is entitled to priority.
8. Where a decision is made at a meeting involving either or both of the following:
 - (a) entering into a contract the total value of which is more than the greater of:
 - \$200,000 (ex GST) or;
 - 1% of the net rates and utility charges (or such other amounts as may be specified by legislation from time to time); and/or
 - (b) is inconsistent with the policy or approach:
 - ordinarily followed by the local government for that type of decision or;
 - previously adopted by the local government and which is still in force

and that decision is also inconsistent with a recommendation or advice given to Council by officers, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice. (reference S273 Local Government Regulation 2012).

3.3.6 Method of taking vote

1. The Chair will call for all Councillors in favour of the motion to indicate their support. The Chair will then call for all Councillors against the motion to indicate their objection. A Councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. A call for a division must be made before the Chair calls for the vote. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The Chair shall declare the result of a vote or a division as soon as it has been determined.
2. Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by Division.
3. Except upon a motion to rescind or alter it, the resolution shall not be discussed after the vote has been declared.
4. If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

3.3.7 Rescinding or altering resolutions

1. A resolution of Council may not be altered or rescinded unless notice of motion is given in accordance with the requirements of the Local Government Act 2009 or the Local Government Regulation 2012.
2. Where a motion to rescind or alter a resolution is lost, a motion of the same or like effect shall not be moved until at least three months after the date on which the first mentioned motion to rescind or alter was lost.

Standing Orders for Council Meetings

3. Councillors present at the meeting at which a motion to rescind or alter a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three months.

3.3.8 Procedural motions

1. A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, without the need for a seconder the following motions:
 - that the question/motion be now put
 - that the motion and amendment now before the meeting be adjourned
 - that the meeting proceed to the next item of business
 - that the question lie on the table
 - a point of order
 - a motion of dissent against the Chair's decision
 - that this report/document be tabled
 - to suspend the rule required that....
 - that the meeting stand adjourned
2. A procedural motion, that the question be put, may be moved and where such a procedural motion is carried, the Chair shall immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.
3. The procedural motion, that the motion and amendment now before the meeting be adjourned, may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified,
 - a further motion may be moved to specify such a time or date; or
 - the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
4. Where a procedural motion, that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion shall cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.
5. A procedural motion, that the question lie on the table, shall only be moved where the Chair or a Councillor requires additional information on the matter before the meeting (or the result of some other action of Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper. The motion, that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
6. Any Councillor may ask the Chair to decide on a 'point of order' where it is believed that another Councillor has:
 - failed to comply with proper procedures,
 - is in contravention of the Local Government Act/Regulations, or
 - is beyond the jurisdiction power of Council.

Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'point of order' is moved, consideration of the matter to which the motion was moved shall be suspended subject to clause 2 in the section titled 'Method of taking vote' as outlined above. The Chair shall determine whether the point of order is upheld.

Standing Orders for Council Meetings

Upon the question of order suddenly arising during the process of a debate, a Councillor may raise a point of order, and thereupon the Councillor against whom the point of order is raised, shall immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or order at any time arising shall, until decided, suspend the consideration and decision of every other question.

7. A Councillor may move 'a motion of dissent' in relation to a ruling of the Chair on a point of order. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chair was made shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.
8. The motion, 'that this report/document be tabled', may be used by a Councillor to introduce a report or other document to the meeting. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
9. A procedural motion, "to suspend the rule requiring that", may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.
10. A procedural motion, that the meeting stands adjourned, may be moved by a Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's time for speaking to the matter, and shall be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment.

3.3.9 Conduct during Meetings

1. Councillors will conduct themselves in accordance with the principles of the LGA and the standards of behavior set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
2. After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chair.
3. Councillors shall speak of each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers shall designate them by their respective official or departmental title, and shall confine their remarks to the matter then under consideration.
4. No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chair or by a Councillor.
5. When the Chair speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chair may be heard without interruption.

Standing Orders for Council Meetings**3.4 QUESTIONS**

1. A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next Meeting.
2. A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
3. The Chair may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chair's ruling be disagreed with, and if such motion be carried the Chair shall allow such question.

3.5 MAINTENANCE OF GOOD ORDER**3.5.1 Disorder**

1. The Chair may, where disorder by other than a Councillor arises at a meeting of Council, adjourn the meeting. On resumption of the meeting, the Chair shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed. Where such a motion is lost, the Chair shall declare the meeting closed, and any outstanding matters referred to a future meeting.

3.5.2 Business of Objectionable nature

1. If, at a meeting of Council, the Chair or a Councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of Council, the Chair or another Councillor may move a motion to declare a point of order that the matter not be considered further.

3.6 ATTENDANCE AND NON-ATTENDANCE**3.6.1 Attendance of public media at meeting**

1. An area shall be made available at the place where any meeting of Council is to take place for members of the public to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
2. When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.
3. The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with Section 275 *Local Government Regulation 2012*. The Chair may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in Closed Session.

Standing Orders for Council Meetings

3.6.2 Public Participation at meetings

1. Except when invited to do so by the Chair, a member of the public shall not take or attempt to take part in the proceeding of a meeting.
2. In each Meeting, time may be required to permit members of the public to address the Council on matters of public interest related to local government. The time allotted shall not exceed fifteen minutes and no more than three speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the absolute discretion of Council.
3. If any address or comment is irrelevant, offensive, or unduly long, the Chair may require the person to cease making the submission or comment.
4. For any matter arising from such an address, Council may take the following actions:
 - refer the matter to a committee
 - deal with the matter immediately
 - place the matter on notice for discussion at a future meeting
 - note the matter and take no further action.
5. During a debate on a motion, the Chair may invite submission, comments or questions from members of the public.
6. Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.
7. Any person who is considered by the Council or the Mayor to be unsuitably dressed may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.

3.7 PROCESS FOR DEALING WITH UNSUITABLE MEETING CONDUCT BY A COUNCILLOR IN A MEETING

While Councillors generally will conduct themselves in accordance with the principles of the LGA, the Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.

When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

1. The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
2. If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must consider the severity of the conduct and also if the Councillor has had any previous warnings issued. If the Chairperson decides the conduct is of a serious nature, section 3.7, item 7 for the steps to be taken.
3. If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
 - Apologising for their conduct
 - Withdrawing their comments.

<p>Standing Orders for Council Meetings</p>

4. If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
5. If the Councillor fails to comply with the Chairperson's request for remedial action, the Councillor may warn the Councillor that failing to comply with the request may result in an order being issued.
6. If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
7. If the Councillor still continues to fail to comply with the Chairperson's request of remedial action, the Chairperson may make one or more of the orders below:
 - an order reprimanding the Councillor for the conduct
 - an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
8. If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting.
9. Following the completion of the meeting, the Chairperson must ensure:
 - (a) details of any order issued is recorded in the minutes of the meeting
 - (b) if it is the third (3rd) or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting,
 - (c) these matters are to be dealt with at the next meeting of the Local Government and treated as inappropriate conduct pursuant to the LGA.
 - (d) the Local Government's Chief Executive Officer is advised to ensure details of any order made must be updated in the Local Governments Councillor Conduct Register pursuant to the LGA.

Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 1, 7 and 8 above.

3.8 MEETING PROCESS FOR DEALING WITH SUSPECTED INAPPROPRIATE CONDUCT WHICH HAS BEEN REFERRED TO A LOCAL GOVERNMENT

Pursuant to section 150AF of the LGA, after receiving a referral by the Assessor or under section 3.7, item 9(b) of this document of an instance of suspected inappropriate conduct to deal with, the Local Government must complete an investigation into the conduct.

After the completion of the investigation, the Local Government must decide whether the Councillor has engaged in inappropriate conduct under this procedure in a Council meeting, unless it has delegated responsibility for this decision under section 257 of the LGA.

When dealing with an instance of suspected inappropriate conduct which has been referred to a Local Government by the Assessor, the Local Government must:

1. Be consistent with the Local Government principle of transparent and accountable decision making in the public interest, when dealing with suspected inappropriate conduct in an open meeting of the Council. However, where the complainant or other parties may be adversely affected due to the nature of the complaint, the Council may resolve to go into closed session under section 275 of the *Local Government Regulation 2012* (the LGR).

Standing Orders for Council Meetings

2. When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must declare a conflict of interest and leave the place where the meeting is being held, including any area set aside for the public or provide a detailed explanation on how it would be in the public interest for the complainant Councillor to stay.
3. The Local Government should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.
4. If the Local Government decides that the subject Councillor has engaged in inappropriate conduct, the Local Government is then required to decide what penalty or penalties from the following orders if any to impose on the subject Councillor:
 - an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
 - an order reprimanding the Councillor for the conduct
 - an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
 - an order that the Councillor be excluded from a stated Local Government meeting
 - an order that the Councillor is removed, or must resign, from a position representing the Local Government, other than the office of Councillor, for example, the Councillor
 - is ordered to resign from an appointment representing the Local Government on a State board or committee
 - an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
 - an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.
5. When making an order, the Local Government can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that the Local Government is reasonably satisfied is true.
6. The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made.
7. The Local Government must ensure the meeting minutes reflect the resolution made.

3.8.1 Material Personal Interest

Councillors are ultimately responsible for disclosing a material personal interest on matters to be discussed at a Local Government or committee meeting. When dealing with a material personal interest, Councillors must abide by the following procedures:

1. A Councillor with a material personal interest must inform the meeting of the Local Government of their material personal interest and set out the nature of the interest, including:
 - The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting
 - How a person or other entity stands to gain the benefit or suffer the loss
 - If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor's relationship to the person or entity.

Standing Orders for Council Meetings

2. The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter.
3. In the event the majority of Councillors have a material personal interest regarding a matter:
 - the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 238 of the LGA; or
 - if the matter cannot be delegated under the section 238 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to conditions the Minister for Local Government may impose.
4. Once the Councillor has left the area where the meeting is being conducted, the Local Government can continue discussing and deciding on the matter at hand.
5. The Chairperson is responsible for ensuring that the minutes contain the Councillor's declaration in addition to the necessary information as listed below:
 - The name of the Councillor who has a material personal interest in the matter
 - The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest
 - Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.
6. Should a Councillor disclose a material personal interest it must be recorded in the meeting minutes and provided on the Local Government's website in accordance with the LGA.

3.8.2 Conflict of Interest

Councillors are ultimately responsible for disclosing of a real or perceived conflict of interest on matters to be discussed at a Local Government or committee meetings. When dealing with a conflict of interest, Councillors must abide by the following procedures:

1. A Councillor with a real or perceived conflict of interest must inform the meeting of the Local Government of their conflict of interest and set out the nature of the interest, including:
 - The nature of the interests
 - If the Councillors personal interest arise because of the Councillors relationship with, or receipt of a gift or benefit from, another person, then:
 - the name of the other person
 - the nature of the relationship or value and date of receipt of the gift or benefit received
 - the nature of the other persons interests in the matter
 - name of the person or other entity who will be advantaged or disadvantaged depending on the outcome of the consideration of the matter at the meeting.
2. In the event a Councillor suspects that another Councillor has not informed the meeting of a real or perceived conflict of interest concerning a matter being discussed in a meeting they are obliged to advise the meeting of the suspected conflict.
3. The subject Councillor must then be provided the opportunity to address the meeting about the potential need to make a declaration of conflict of interest. This could include prior advice from the Integrity Commissioner on the potential conflict of interest.

Standing Orders for Council Meetings

4. The subject Councillor must leave the meeting or advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. The subject Councillor must then leave the meeting.
5. The Councillors must then decide whether the subject Councillor has a real or perceived conflict of interest or could reasonably be taken to have a conflict of interest in the matter.
6. If the Councillors decide there is no conflict of interest, the subject Councillor may return to the meeting and the meeting may continue.
7. If the Councillors decide there is a conflict of interest they must then decide whether the subject Councillor can participate in the meeting including voting in the public interest on the matter or whether the Councillor should remain out of the meeting while the matter is being discussed and voted on.
8. When deciding whether a Councillor may stay in a meeting and vote following declaration of a conflict of interest, the Councillors must consider significant variables such as:
 - The size or significance of the benefit the subject Councillor stands to receive or benefit
 - The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision
 - The closeness of any relationship the subject Councillor may have with a given person or group
9. In making the decision under part 8, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue.
10. In the event the majority of Councillors have a conflict of interest regarding a matter:
 - the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 238 of the LGA; or
 - if the matter cannot be delegated under the section of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to conditions the Minister for Local Government may impose.
11. Where a conflict of interest has been declared, the Chairperson must ensure the minutes of the meeting and the Local Governments website are updated and record:
 - The name of the Councillor who has declared the conflict of interest
 - The nature of the personal interest, as described by the Councillor
 - If the Councillor voted on the matter, how they voted
 - How the majority of Councillors voted on the matter.

3.8.3 Closed Meetings

Local Government and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:

- Appointment, dismissal or discipline of employees
- Industrial matters affecting employees
- Local Government's budget
- Rating concessions or contracts proposed to be made by the Local Government or starting or defending legal proceedings involving the Local Government

Standing Orders for Council Meetings

- Any action to be taken by the Local Government under the Planning Act 2009 (PA), including applications made to it under the PA
- Business for which a public discussion would be likely to prejudice the interests of the Local Government or someone else or enable a person to gain a financial advantage.

A Local Government or committee must not make a resolution (other than procedural) in a closed session meeting. A Local Government cannot go into closed session if any person is to take part in the meeting by teleconferencing.

1. To take an issue of accountability and transparency, the Local Government must first pass a resolution to do so.
2. In the interests of accountability and transparency, the Local Government must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.
3. If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.
4. The minutes of a Local Government must clearly detail the matter discussed and reasoning for discussing the matter in closed session. The Local Government must also ensure they comply with the statutory obligations associated with recording of passed resolutions.

3.9 PROCEDURES NOT PROVIDED FOR

If an appropriate or adequate method of dealing with any matter is not provided for in the Standing Orders, the method of dealing with the matter may be determined by resolution upon a motion which may be put without notice in conformity with the local law and Standing Orders.

3.10 AMENDMENT OF STANDING ORDERS

Standing Orders are a Council policy and can be amended by resolution of Council at any time.

4. REPORTING

No additional reporting is required

5. DEFINITIONS

Assessor means the Independent Assessor appointed under section 150CV of the LGA

conduct includes—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

inappropriate conduct see section 150K of the LGA

investigation policy, refers to this policy, as required by section 150AE of the LGA

LGA means the *Local Government Act 2009 (the Act)*

Standing Orders for Council Meetings

local government meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government.

misconduct see section 150L of the LGA

unsuitable meeting conduct see section 150H of the LGA

6. RELATED DOCUMENTS AND REFERENCES

Code of Conduct for Councillors
Councillors Conduct Register
Investigations Policy
Local Government Act 2009

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.



Contact with Lobbyists Policy

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Review Officer:	Manager Development & Governance	Review Due:	20 Nov 2022
Author:	Manager Development & Governance	Commencement:	21 Nov 2018

1. PURPOSE

The purpose of the Contact with Lobbyists Policy is intended to provide guidance for Councillors and Council Officers when dealing with lobbyists.

2. POLICY BACKGROUND

Free and open access to Councillors, and Council itself is vital to efficient and effective local government. It is accepted that Councillors and Council Officers may be approached or lobbied by members of the community on a broad range of issues. However, there is a difference between the type of lobbying carried out by members of the community representing their own interests and professional lobbyists engaged by a third-party client for a fee or reward to influence local government decision-making.

Regulation of the activities of professional lobbyists is via the *Integrity Act 2009* which defines lobbying and related concepts, places limitations on lobbying activities and also requires the registration of professional lobbyists with the Integrity Commissioner.

To ensure that there is no confusion as to who is classified as a lobbyist and what are considered lobbying activities, it is important to have a clear understanding of the definition of "lobbyist" and "lobbying activity" as set out in the *Integrity Act 2009*.

It is always the aim of Council to ensure that all decisions are legal, ethical and impartial. Such principles are reflected in s4 the *Local Government Act 2009* (i.e. the "local government principles") and s12 of that Act (the responsibilities of Councillors). Providing a policy as to how Councillors and Council Officers should deal with lobbyists will assist in better decision-making for Councillors and Council Officers relating to lobbyists dealings with Council and can also be used to confirm Council's approach with potential lobbyists.

3. POLICY STATEMENT

This policy confirms Council's commitment to:

- Compliance with relevant Codes of Conduct, the *Local Government Act 2009* and the *Integrity Act 2009* which regulates contact between lobbyists and local government representatives;
- A consistent and transparent approach with regard to Councillors' and Council Officers' contact with lobbyists to ensure that the public's expectations of transparency and integrity are upheld; and
- Ensuring that careful consideration is given to any recommendations or directions provided by the Integrity Commissioner in relation to lobbying.

Contact with Lobbyists Policy

The focus of this Policy is on lobbying activities conducted by lobbyists (as defined below) however it is important to note that in certain circumstances, such as, Council's Expression of Interest and Tender Process, the act of lobbying a Councillor or Council Officer may not be permitted under any circumstances whether it is conducted by a lobbyist (as defined below) or an individual acting on their own behalf.

4. SCOPE

This policy applies to all Councillors and Council officers.

5. GUIDING PRINCIPLES

5.1 LOBBYISTS' OBLIGATIONS

It is the responsibility of lobbyists to register on the Lobbyists' Register held by the Integrity Commissioner and to ensure that all lobbying is conducted in accordance with the Lobbyists Code of Conduct, as approved by the Commissioner.

When a lobbyist makes initial contact with a Councillor or Council Officer in order to carry out a lobbying activity, that lobbyist must inform the Councillor or Council Officer:

- a) That they are a lobbyist currently listed on the register of registered lobbyists held by the Integrity Commissioner, or
- b) That they are a listed person for a lobbyist who is currently on the register of registered lobbyists; and
- c) That they are making contact on behalf of a third party; and
- d) The name of the third-party; and
- e) The nature of that third party's issues; and
- f) The reasons for the approach.

When a lobbyist who became a former senior government representative (including a former Councillor) less than two years earlier makes contact with a Councillor or Council Officer, they must indicate all of the following:

- a) That they are a former senior government representative;
- b) When they became a former senior government representative; and
- c) That the matter is not a 'related lobbying activity' - an activity prohibited under the *Integrity Act 2009*.

In addition to the above, the Integrity Commissioner requires a lobbyist to record details of any lobbying contact made with a Councillor or Council Officer. For the avoidance of doubt, this policy does not set out all the requirements and processes imposed upon lobbyists by the *Integrity Act 2009*.

5.2 COUNCIL OBLIGATIONS

Under s71 of the *Integrity Act 2009*, a Councillor or Council Officer must not knowingly permit an entity that is not a registered lobbyist to carry out a lobbying activity for a third-party client.

If a Councillor or Council Officer becomes aware that an entity seeking to carry out a lobbying activity for a third-party client is not a registered lobbyist, Council is required to advise the Integrity Commissioner as soon as practicable.

Contact with Lobbyists Policy

Under s70 of the *Integrity Act 2009*, for 2 years after a person becomes a former senior government representative the person must not carry out a related lobbying activity for a third-party client and a Councillor or Council Officer must not knowingly permit a related lobbying activity. If a Councillor or Council Officer is aware that an entity seeking to carry out a lobbying activity for a third-party client is not a registered lobbyist, the details must be provided to the CEO, and the Integrity Commissioner is to be advised as soon as practicable.

Under the advice of the Queensland State Archivist made under the *Public Records Act 2002*, records need to be created and retained of all contact by our Councillors and Council Officers with all entities seeking to influence government decision-making whether the lobbyist was registered or not.

The Integrity Commissioner requires that Council maintains its own register of contact with lobbyists and be able to provide this to the Office of the Integrity Commissioner as required. Council will maintain a Contact with Lobbyists' Register, which is to be made available to the Integrity Commissioner. Attachment 1 sets out the format of the Register of Contact with Lobbyists Register as provided by the Integrity Commissioner.

Council's Organisational Guideline 'Contact with Lobbyists' will set out the specific procedures to assist Councillors and Council Officers comply with their obligations.

5.3 COMPLIANCE WITH ETHICAL STANDARDS

The *Integrity Act 2009* seeks to ensure that contact between lobbyists, as defined by The Act, and a Council representative is conducted in accordance with public expectations of transparency and integrity, and in the public interest. In this regard, Councillors and Council Officers should remember that legislation binds them, codes of conduct and Council policies to ensure that all actions were taken and decisions made are legal, ethical and impartial.

Such principles are reflected in s4 of the *Local Government Act 2009* ("the local government principles") and s12 and 13 of that Act (s12 responsibilities of councillors; s13 Responsibilities of local government employees).

6. DEFINITIONS

A **lobbyist** is an entity such as a body corporate, partnership, unincorporated body, individual or trustee that carries out a **lobbying activity** for a third-party client or whose employees or contractors carry out a lobbying activity for a third-party client.

A **third-party client** is an entity that engages another entity in providing services constituting, or including, a lobbying activity for a fee or other reward that is agreed to before the other entity provides the services.

The following entities, or an employee or contractor of, or person otherwise engaged by such entities are **not considered lobbyists**:

- A non-profit entity;
- An entity constituted to represent the interests of its members (for example, an employer group, a trade union, a professional body such as the Queensland Law Society);
- Members of trade delegations visiting Queensland;
- An entity carrying out incidental lobbying activities;
- An entity carrying out a lobbying activity only for the purpose of representing that entity's own interests.

Contact with Lobbyists Policy

A **non-profit entity** is an entity that is not carried on for the profit or gain of its members (for example, a charity, church, club or environmental protection society).

An entity carries out **incidental lobbying activities** if the entity undertakes, or carries on a business, primarily intended to allow individuals to undertake a technical or professional occupation in which lobbying activities are occasional only and incidental to the provision of professional or technical services. Examples of incidental lobbying activities include:

- An entity is carrying on the business of providing architectural services, as or by using, a practicing architect under the *Architects Act 2002*.
- An entity carrying on the business of providing professional engineering services as, or by using, a registered professional engineer under the *Professional Engineers Act 2002*;
- An entity carrying on the business of providing legal services as an Australian legal practitioner or a law practice under the *Legal Profession Act 2007*;
- An entity is carrying on the business of providing accounting services as, or by using, an accountant who holds a practising certificate issued by CPA Australia, the Institute of Chartered Accountants in Australia or the Institute of Public Accountants.

A **lobbying activity** is:

Contact with a government representative in an effort to influence State or Local Government decision-making, including:

- The making or amendment of legislation; and
- The development or amendment of a government policy or program; and
- The awarding of a government contract or grant; and
- The allocation of funding; and
- The making of a decision about planning or giving of a development approval under the *Planning Act 2016*.

Contact includes telephone contact, email contact, written mail contact and face-to-face meetings.

The following contact is **not a lobbying activity**:

- Contact with a committee of the Legislative Assembly or a Local Government;
- Contact with a member of the Legislative Assembly, or a Councillor, in his or her capacity as a local representative on a constituency matter;
- Contact in response to a call for submissions;
- Petitions or contact of a grassroots campaign nature in an attempt to influence government policy or decision;
- Approved contact in response to a request for tender;
- Statements made in a public forum;
- Responses to requests by government representatives or Opposition representatives for information;
- Incidental meetings beyond the control of a government representative or Opposition representative (for example, a Minister or the Leader of the Opposition speaks at a conference and has an unscheduled discussion with a lobbyist who is a conference participant).
- Contact on non-business issues, including, for example, issues not relating to a third-party client of the lobbyist or lobbyists' sector; or
- Contact only for the purpose of making a statutory application.

A **statutory application** means an application under an Act that is considered and decided by a government representative under that Act (for example, an application for a licence, permit or other authority).

Contact with Lobbyists Policy

A former **senior government representative** is someone who previously held one of the following positions:

- The Premier or another Minister;
- An Assistant Minister;
- A Councillor;
- A public sector officer, who was a chief executive, senior executive or senior executive equivalent (an employee, other than chief executive, whose remuneration is equal to or greater than the remuneration payable to a senior executive);
- A ministerial staff member; or
- An assistant minister staff member.

A **related lobbying activity**, for a person who is a former senior government representative or former Opposition representative, means a lobbying activity relating to the person's official dealings as a government representative or Opposition representative in the two years before becoming a former senior government representative or a former opposition representative.

The **Lobbyists Register** is a register of registered lobbyists kept by the Integrity Commissioner. The register is published on the Integrity Commissioner's website.

The **Lobbyists Code of Conduct** is approved by the Integrity Commissioner for lobbyists in relation to lobbying activities. The purpose of the Lobbyists Code of Conduct is to provide standards of conduct for lobbyists to ensure that contact between lobbyists and government and opposition representatives is carried out in accordance with public expectations of transparency and integrity

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

8. ATTACHEMENTS

[illegible]

8.9 FINANCIAL STATEMENTS PERIOD ENDING 30 SEPTEMBER 2018

Date Prepared: 8 November 2018

Author: Manager Finance

Attachments: 1. Budgeted Income Statement [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2018 to 31 October 2018.

RECOMMENDATION

That Council note the financial report for the period ending 31 October 2018.

BACKGROUND

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

For the period ending 31 October 2018, the actual results are in line with the year to date budget.

The budgeted figures reflect the 2018/19 Budget as adopted by Council at the 20 June 2018 meeting.

There are no issues or concerns to discuss or highlight at this stage.

Snapshot

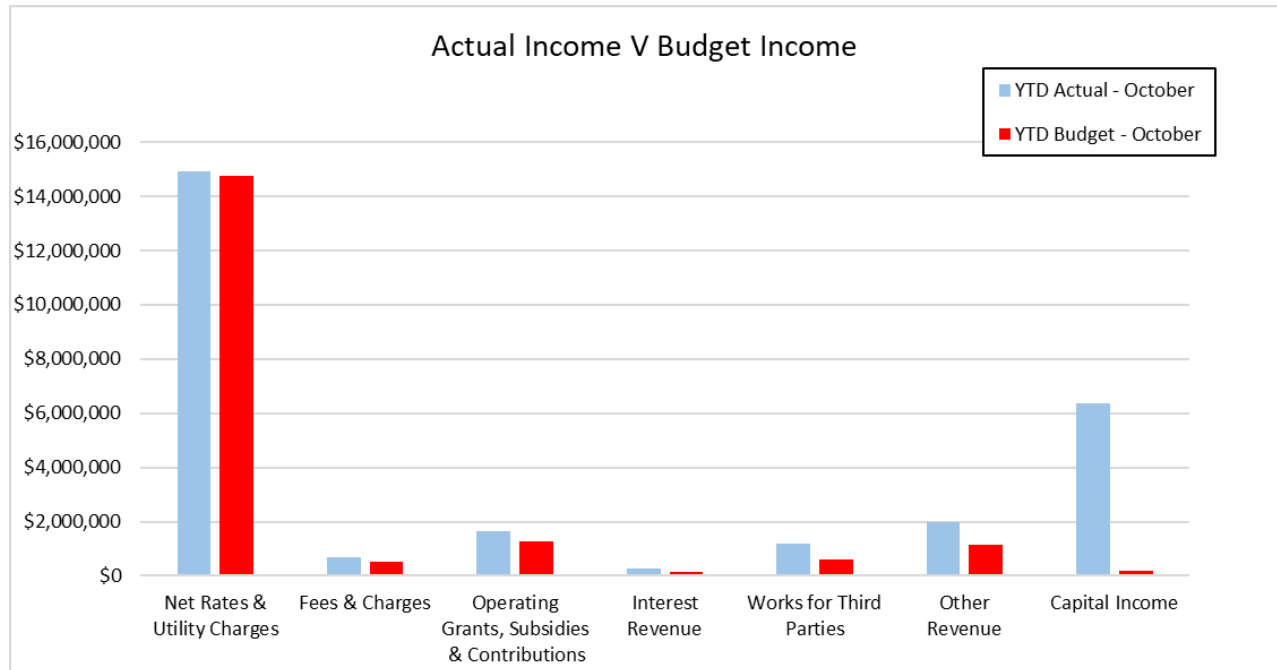
Total Operating Income	\$	20,642,039
Total Operating Expenditure	\$	13,987,873
Operating Surplus/(Deficit)	\$	6,654,166
Total Capital Income (grants, developer contributions)	\$	6,379,030
Net Result - Surplus/(Deficit)	\$	13,033,196

The surplus shown above is a result of a regular timing issue with the total rate income for the period July to December 2018 having been levied in August.

Income Analysis

Total income (including capital income of \$6,379,030) for the period ending 31 October 2018 is \$27,021,069 compared to the YTD budget of \$18,655,327.

The graph below shows actual income against budget for the period ending 31 October 2018.



	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	14,929,655	14,756,778	
Fees & Charges	675,442	513,520	1
Operating Grants, Subsidies & Contributions	1,636,614	1,282,138	
Interest Received	252,601	155,167	
Works for Third Parties	1,176,270	604,333	2
Other Revenue	1,971,457	1,145,892	3
Capital Income	6,379,030	197,500	4

Notes:

- Higher than anticipated revenue from infringements, fines and penalties (\$38k) and registrations for animals and food licensing (\$24k). Additional revenue from cemetery services (\$88k) however this is offset an equal amount of expenses.
- A portion of the favourable variance relates to how the budget has been allocated for RMPC works which is equally apportioned over 12 periods however actual works does not reflect this same trend. This will also be the same for expenditure. The rest of the

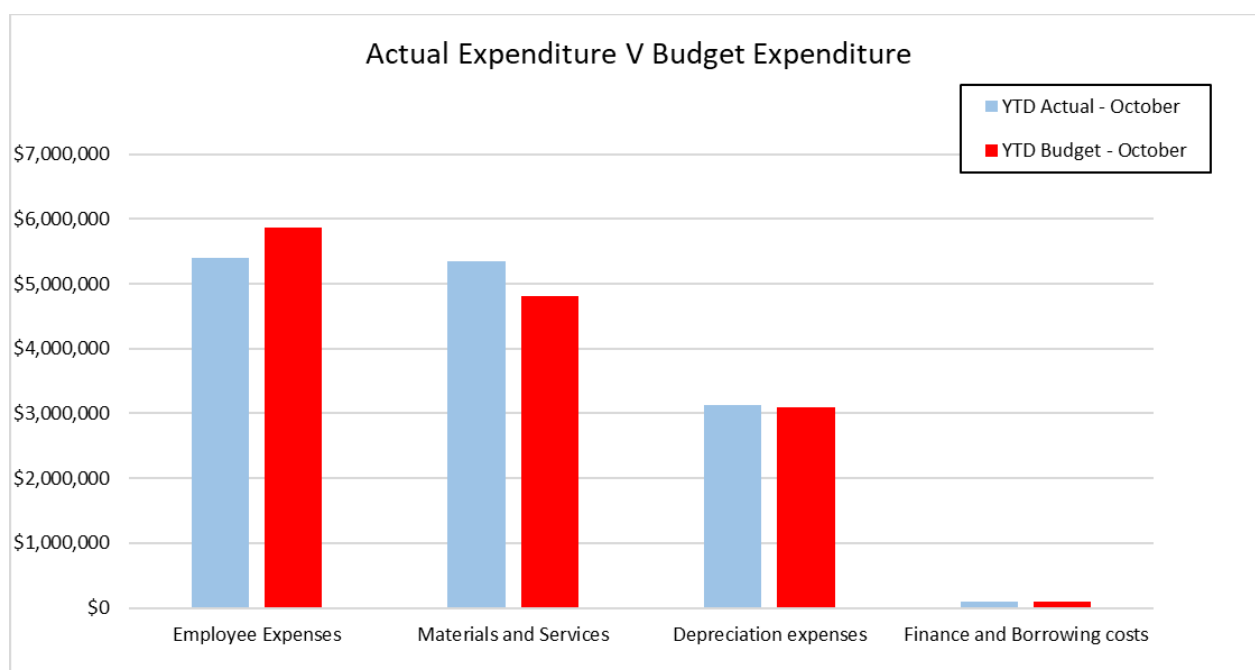
favourable variance is due to additional 3rd party works which was not originally budgeted for. The associated costs form part of the operational expenses which were also not budgeted. The net impact of these additional works is likely to be a small surplus and will be reported at the completion of the works.

3. Favourable result due to the balance of the payments for sale of land at the Mareeba and Chillagoe Industrial Estates (\$630k) and sale of scrap metal (\$97k). Lease and rental income currently above budget (\$135k) due to annual invoices raised however budget has been apportioned equally over 12 periods.
4. Council has currently received \$6.3M in capital grants (W4Q2, R2R, TIDS, Mareeba Airport) and \$131k for developer contributions which are not reflected in the budget.

Expenditure Analysis

Total expenses for the period ending 31 October 2018 is \$13,987,873 compared to the YTD budget of \$13,874,603.

The graph below shows actual expenditure against budget for the period ending 31 October 2018.



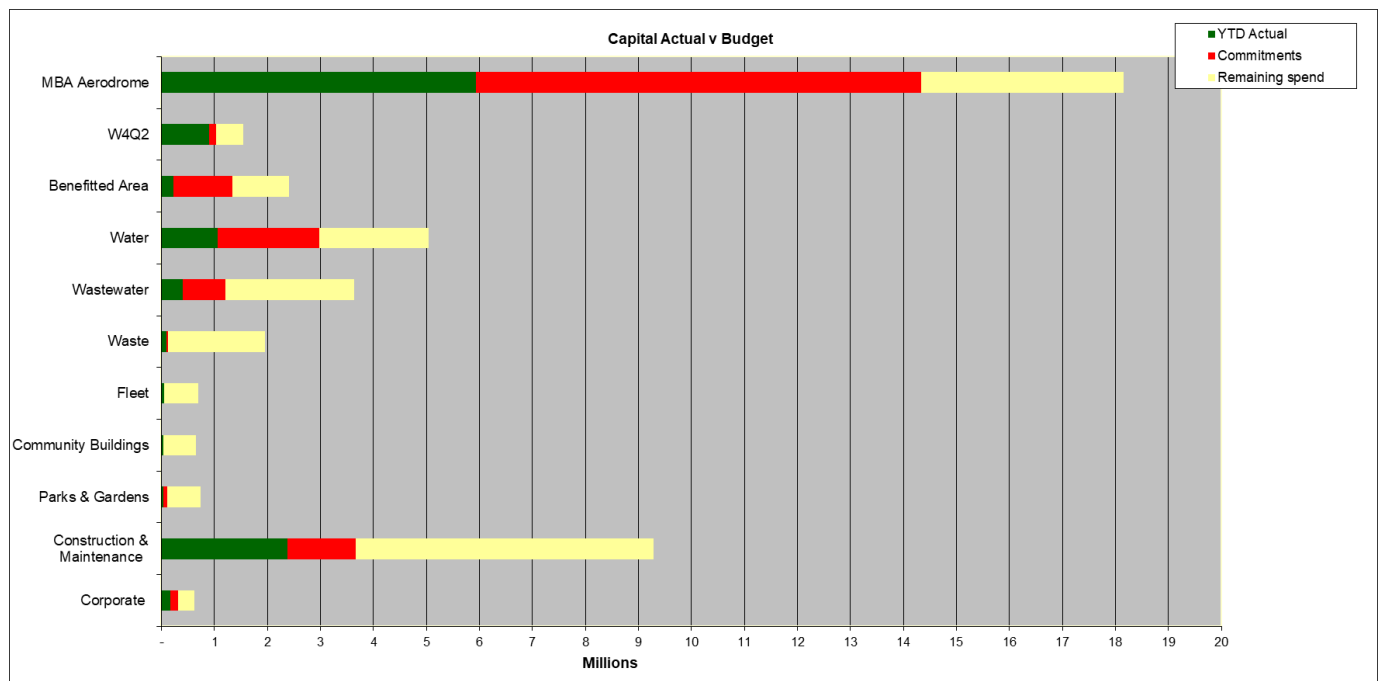
	Actual YTD	Budget YTD	Note
Employee expenses	5,406,860	5,865,676	1
Materials & Services	5,344,020	4,817,603	2
Depreciation expenses	3,133,389	3,092,777	
Finance & Borrowing costs	103,603	98,548	

Notes:

1. There are no significant issues to report. The reason for the variance at this point in time is a result of the budget apportionment - with employee expenses (including the EBA increase and level increments) allocated equally over 12 periods however the increase only occurs in October. Staff absences and staff working on capital also contributes to this variance.
2. As per the comment above for Works for Third Parties, the expenditure for RMPC is allocated equally over 12 periods however actual works does follow same trend. Further there have been additional 3rd party works which was not budgeted for however there is income to offset this expense.

Capital Expenditure

Total capital expenditure of \$25,208,038 (including commitments) has been spent for the period ending 31 October 2018 against the 2018/19 adjusted annual capital budget of \$45,026,445. This budget figure now includes carry overs from 2017/18.



Loan Borrowings

Council's loan balance is as follows:

QTC Loans \$6,081,753

Rates and Sundry Debtors Analysis**Rates and Charges**

The total rates and charges payable as at 31 October 2018 is \$4,133,103 which is broken down as follows:

Status	31 October 2018		31 October 2017	
	No. of properties	Amount	No. of properties	Amount
Valueless land	77	2,616,184	73	1,993,163
Payment Arrangement	264	218,220	230	226,671
Collection House	551	1,134,320	567	1,025,600
Exhausted – awaiting sale of land	11	106,063	13	139,822
Sale of Land	-	-	-	-
Other (e.g. supplementary rates)	85	58,316	398	109,740
TOTAL	988	4,133,103	1281	3,494,996

The Rates Notices for the period ending 31 December 2018 were issued on 10 August 2018 with the discount due date being 14 September 2018. Total Gross Rates and Charges levied for this six (6) month period totalled \$16,645,878.

Any properties with an outstanding balance of \$50 or greater were sent to Collection House for recovery on 30 October 2018.

Collection House collected \$33,715 for the month of October 2018.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 October 2018 is \$3,384,161 which is made up of the following:

Current	30 days	60 days	90 + days
\$2,664,615	\$672,622	\$33,362	\$12,562
79%	20%	1%	0%

Procurement

There were no emergency orders for the month.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

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

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

Nil

Budgeted Income Statement by Fund 2018/19 Budget

Consolidated

	Actual YTD	Budget YTD	2018/19 Budget
Revenue			
Rates and utility charges	15,862,035	15,705,965	31,411,930
Less Discounts and Pensioner Remissions	(932,380)	(949,188)	(1,898,375)
Net Rates and Utility Charges	14,929,655	14,756,778	29,513,555
Fees and Charges	675,442	513,520	1,144,760
Operating Grants and Subsidies	1,155,861	1,056,485	7,000,458
Operating Contributions	480,754	225,653	902,610
Interest Revenue	252,601	155,167	465,500
Works for Third Parties	1,176,270	604,333	1,813,000
Other Revenue	1,971,457	1,145,892	3,428,100
Total Operating Revenue	20,642,039	18,457,827	44,267,983
Expenditure			
Employee Expenses	5,406,860	5,865,676	17,726,398
Materials and Services	5,344,020	4,817,603	12,919,811
Depreciation expense	3,133,389	3,092,777	9,451,936
Finance and Borrowing costs	103,603	98,548	330,190
Total Operating Expenses	13,987,873	13,874,603	40,228,335
Operating Surplus/(Deficit)	6,654,166	4,583,224	3,839,649
Capital Income			
Capital Contributions	131,238	-	-
Capital Grants and Subsidies	6,247,792	197,500	4,843,000
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	4,843,000
	6,379,030	197,500	
Net Result	13,033,196	4,780,724	8,682,649

Budgeted Income Statement by Fund 2018/19 Budget

General

	Actual YTD	Budget YTD	2018/19 Budget
Revenue			
Rates and utility charges	8,711,358	8,609,609	17,219,218
Less Discounts and Pensioner Remissions	(932,380)	(949,188)	(1,898,375)
Net Rates and Utility Charges	7,778,978	7,660,422	15,320,843
Fees and Charges	665,222	506,853	1,124,760
Operating Grants and Subsidies	1,155,861	1,056,485	7,000,458
Operating Contributions	-	-	-
Interest Revenue	169,679	96,667	290,000
Works for Third Parties	1,143,306	589,333	1,768,000
Other Revenue	1,430,573	579,058	1,727,600
Total Operating Revenue	12,343,618	10,488,818	27,231,661
Expenditure			
Employee Expenses	4,924,568	5,278,040	15,939,758
Materials and Services	2,747,344	1,879,023	4,259,218
Depreciation expense	2,122,443	2,097,149	6,291,449
Finance and Borrowing costs	68,498	64,000	192,000
Total Operating Expenses	9,862,853	9,318,212	26,682,425
Operating Surplus/(Deficit)	2,480,766	1,170,606	549,236
Capital Income			
Capital Contributions	120,975	-	-
Capital Grants and Subsidies	6,247,792	197,500	3,493,000
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	3,493,000
	6,368,767	197,500	
Net Result	8,849,533	1,368,106	4,042,236

Budgeted Income Statement by Fund 2018/19 Budget

Waste

	Actual YTD	Budget YTD	2018/19 Budget
Revenue			
Rates and utility charges	1,847,791	1,833,003	3,666,006
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	1,847,791	1,833,003	3,666,006
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	9,081	16,667	50,000
Works for Third Parties	-	-	-
Other Revenue	484,313	539,667	1,619,000
Total Operating Revenue	2,341,186	2,389,336	5,335,006
Expenditure			
Employee Expenses	123,473	119,774	362,994
Materials and Services	1,162,474	1,331,758	3,982,893
Depreciation expense	56,311	47,920	143,760
Finance and Borrowing costs	-	-	-
Total Operating Expenses	1,342,258	1,499,452	4,489,647
Operating Surplus/(Deficit)	998,928	889,884	845,359
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	-
Net Result	998,928	889,884	845,359

Budgeted Income Statement by Fund 2018/19 Budget

Wastewater

	Actual YTD	Budget YTD	2018/19 Budget
Revenue			
Rates and utility charges	2,386,989	2,388,762	4,777,524
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	2,386,989	2,388,762	4,777,524
Fees and Charges	10,220	6,667	20,000
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	27,925	28,333	85,000
Works for Third Parties	432	-	-
Other Revenue	22,910	3,333	10,000
Total Operating Revenue	2,448,476	2,427,095	4,892,524
Expenditure			
Employee Expenses	141,801	196,916	597,079
Materials and Services	482,670	636,733	1,724,062
Depreciation expense	486,143	481,008	1,443,024
Finance and Borrowing costs	35,105	34,548	138,190
Total Operating Expenses	1,145,719	1,349,204	3,902,355
Operating Surplus/(Deficit)	1,302,757	1,077,892	990,169
Capital Income			
Capital Contributions	5,678	-	-
Capital Grants and Subsidies	-	-	450,000
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	450,000
	5,678	-	-
Net Result	1,308,435	1,077,892	1,440,169

Budgeted Income Statement by Fund 2018/19 Budget

Water

	Actual YTD	Budget YTD	2018/19 Budget
Revenue			
Rates and utility charges	2,753,639	2,713,049	5,426,097
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	2,753,639	2,713,049	5,426,097
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	22,919	8,333	25,000
Works for Third Parties	32,532	15,000	45,000
Other Revenue	27,657	11,667	35,000
Total Operating Revenue	2,836,746	2,748,049	5,531,097
Expenditure			
Employee Expenses	184,323	242,278	739,190
Materials and Services	847,588	869,426	2,683,432
Depreciation expense	434,373	432,684	1,471,655
Finance and Borrowing costs	-	-	-
Total Operating Expenses	1,466,285	1,544,388	4,894,277
Operating Surplus/(Deficit)	1,370,461	1,203,661	636,820
Capital Income			
Capital Contributions	4,585	-	-
Capital Grants and Subsidies	-	-	900,000
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	900,000
	4,585	-	-
Net Result	1,375,046	1,203,661	1,536,820

Budgeted Income Statement by Fund 2018/19 Budget**Benefited Area**

	Actual YTD	Budget YTD	2018/19 Budget
Revenue			
Rates and utility charges	162,258	161,543	323,085
Less Discounts and Pensioner Remissions	-	-	
Net Rates and Utility Charges	162,258	161,543	323,085
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	480,754	225,653	902,610
Interest Revenue	22,997	5,167	15,500
Works for Third Parties	-	-	-
Other Revenue	6,005	12,167	36,500
Total Operating Revenue	672,013	404,528	1,277,695
Expenditure			
Employee Expenses	32,695	28,668	87,377
Materials and Services	103,945	100,664	270,206
Depreciation expense	34,119	34,016	102,048
Finance and Borrowing costs	-	-	-
Total Operating Expenses	170,759	163,347	459,631
Operating Surplus/(Deficit)	501,254	241,181	818,064
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	-
	-	-	
Net Result	501,254	241,181	818,064

9 INFRASTRUCTURE SERVICES

9.1 REVIEW OF UNNAMED ROAD RESERVES IN LOCALITIES OF MAREEBA, ARRIGA, MUTCHILBA AND CHILLAGOE

Date Prepared: 12 November 2018

Author: Director Infrastructure Services

Attachments: Nil

EXECUTIVE SUMMARY

At its meeting of 20 December 2017 Council endorsed the naming of ten (10) unnamed roads. Following enquiries and objections received after the installation of road name signage in 2018, Council Officers have reviewed this matter.

It has been identified that five (5) of these roads are more accurately described as private access roads rather than public roads, and should not have been signposted, nor maintained by Council.

RECOMMENDATION

That Council denotes the following roads as private access roads and therefore revokes the road names for these formerly unnamed roads:

1. Lee Sye Road, off Tyrconnell Road, Arriga
2. Ganly Road, off Henry Hannam Drive, Mareeba
3. Mutchilba Road, off Mutchilba Road (at intersection of McLeod Road), Mutchilba
4. Lowe Road, off Metzger Road, Mutchilba
5. Ferguson Street, off Eastern Street, Chillagoe

BACKGROUND

As part of Council's ongoing review of its roads, it was identified that there were a number of unnamed roads.

At the Council meeting of 20 December 2017, ten (10) unnamed roads were named following advice received from residents and road name signage was subsequently installed in 2018.

Following installation of this signage, objections were received from affected residents in relation to the road naming and rural addressing. Due to the extent of this feedback, Council officers have undertaken a full review of the process.

A validation exercise was undertaken as part of the review and the following factors were assessed for the roads named at the meeting of 20 December 2017:

- Whether a road name has been assigned to the road reserve in the digital cadastral database (DCDB) maintained by the Department of Natural Mines and Energy (DNRME);
- Whether the road has been historically and substantially maintained by Council through review of maintenance records;

- The function of the road and whether it performs the function of a public access road;
- The number of properties serviced by the road; and
- The current and/or most appropriate location for installation of rural addressing for the properties adjacent to the road.

Through this review, it has been identified that five (5) roads are more accurately described as private accesses rather than public roads. Therefore, they should not be signposted or be maintained by Council.

These roads are:

- Lee Sye Road, off Tyrconnell Road, Arriga
- Ganly Road, off Henry Hannam Drive, Mareeba
- Mutchilba Road, off Mutchilba Road (at intersection of McLeod Road), Mutchilba
- Lowe Road, off Metzger Road, Mutchilba
- Ferguson Street, off Eastern Street, Chillagoe

It is proposed that the names for these roads be revoked and returned to the list of approved road names for future allocation. It is also proposed to denote these roads as unnamed private access roads in Council's road asset register and notify other agencies (DNRME, emergency services, etc) of the changes. Accordingly, the recently-installed road name signage should be removed and affected properties should retain their existing rural address numbers, which are all assigned to the adjacent Council-maintained road.

RISK IMPLICATIONS

Legal and Compliance

Council is not legally obligated to undertake repairs or maintenance of private access roads.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

While land dedicated for roads (often referred to as "road reserves") is owned by the State Government, Council is the road manager responsible for use, access, construction, maintenance and naming of road reserves under the Local Government Act 2009 (the "Act"). Under S74 of the Act, local governments are required to keep an up to date register and map of roads in their area, including private roads. Council is not legally obligated to undertake repairs or maintenance of private access roads.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Is the expenditure noted above included in the current budget?

NA

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

NA

Operating

Works to remove the road name sign posts will be funded through the operational budget for Roads and Transport.

Is the expenditure noted above included in the current budget?

Yes

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

NA

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

IMPLEMENTATION/COMMUNICATION

Council officers wrote to affected property owners seeking feedback on the proposed changes and undertook engagement where feedback was received. Further correspondence will be sent advising residents, DNRME and emergency services of the decision prior to recently-installed road name signs for affected roads being removed.

9.2 NDRRA - TMSC2018-18 DESIGN & CONSTRUCT FLAGGY CREEK CROSSING

Date Prepared: 12 November 2018

Author: Manager Technical Services

Attachments: 1. **Mona Mona Community - Alternate Access** [↓](#)

EXECUTIVE SUMMARY

This report seeks to inform Council of the assessments of tender submissions for TMSC2018-18 Design and Construct Flaggy Creek Crossing and provide recommendation on award of the tender.

The Flaggy Creek Crossing, Mona Mona Road, Mona Mona was a single span laminated timber structure, which suffered catastrophic damage arising from the flooding 6 - 10 March 2018. Due to the extent of damage across the region, the Queensland Reconstruction Authority (QRA) declared the Event a Natural Disaster triggering funding arrangements which provide Local Governments with assistance to reinstate essential public infrastructure.

Council has engaged the services of Trinity Engineering and Consulting (TEC) to undertake site investigations necessary for the development of a detailed reinstatement design.

On 22 September 2018, Council invited Tenders from suitably qualified and experienced contractors to undertake the reconstruction of the Crossing, which closed Tuesday 16 October 2018.

Four (4) tenders were received, with Officers recommendation for award provided below.

An application for assistance has been submitted for consideration to the Queensland Reconstruction Authority (QRA), with QRA providing approval of both a Scope of Works and preliminary Budget. However, to ensure confidence of funding, Council Officers will seek confirmation that the Value and Scope of Works as tendered remains eligible for reimbursement under the Disaster Relief Funding Arrangements.

RECOMMENDATION

That Council:

1. awards the contract for TMSC2018-18 Design and Construct Flaggy Creek Crossing to King Concreting (QLD) Pty Ltd, trading as Civform, at a total value of \$590,835 (exclusive of GST) subject to Queensland Reconstruction Authority approval of the awarding of the Tender to the recommended Contractor, with consideration to Project Value and Scope; and
2. delegates authority to the Mayor and Chief Executive Officer in accordance with the Local Government Act 2009 to enter into contracts, negotiate, finalise and execute any and all matters relating to this Tender.

BACKGROUND

The Flaggy Creek Crossing, Mona Mona Road, Mona Mona was a single span laminated timber structure, which suffered catastrophic damage arising from the flooding 6 - 10 March 2018. Due to the extent of damage across the region, the Queensland Reconstruction Authority (QRA) declared the Event a Natural Disaster (Attachment 1) triggering funding arrangements which provide Local Governments with assistance to reinstate essential public infrastructure.

Although it is anticipated that the crossing will be closed to traffic for an extended duration, alternate access for the community of Mona Mona will remain via Black Mountain Road (refer Attachment 2).

Council has engaged the services of Trinity Engineering and Consulting (TEC) to undertake site investigations necessary for the development of a detailed reinstatement design.

On 22 September 2018, Council invited Tenders from suitably qualified and experienced contractors to undertake the reconstruction of the Crossing, which closed Tuesday 16 October 2018.

Four (4) tenders were received, with Officers recommendation for award provided below.

An application for assistance has been submitted for consideration to the Queensland Reconstruction Authority (QRA), with QRA providing approval of both a Scope of Works and preliminary Budget. However, to ensure confidence of funding, Council Officers will seek confirmation that the Value and Scope of Works as tendered remains eligible for reimbursement under the Disaster Relief Funding Arrangements.

Scope of the Works

The scope of works to design and construct a new single lane bridge to replace the existing timber bridge over Flagg Creek on Mona Mona Road, Mona Vale.

The design and construction shall be in accordance with the "FNQROC Development Manual"; "Austroads Guide to Road Design"; "AS 5100: Bridge Design" and "AS 2159: Piling - Design and Installation", as well as all other referenced and relevant Australian Standards.

Council requires both a cost effective and low maintenance design solution for the new bridge and associated road approaches with the design life of the bridge to be 100 years and the road approaches to be 20 years.

The Contractor will be responsible for all aspects of the design, documentation and construction of the new bridge including:

- any further geotechnical investigation of the site that is deemed required by the design engineer (RPEQ)
- preparation and RPEQ certification of design drawings, design reports and construction specifications;
- all construction plant, materials and labour associated with the demolition and removal of the existing timber bridge, transport to Timber Restoration Systems (35-37 Beachmere Road, Caboolture, QLD. 4510) and construction of the new bridge and road approaches.

Tenders Received

A summary of the tender prices submitted (as opened) is provided in the following table.

Tenderer	Compliant / Non-Compliant	Total (Ex GST)
CMP Group Pty Ltd	Compliant	\$1,419,159.00
King Concreting (QLD) Pty Ltd trading as Civform	Compliant	\$ 590,835.00
LDI Constructions	Compliant	\$ 991,424.00
Timber Restoration Systems Pty Ltd	Compliant	\$ 549,915.89

Tender Evaluation

Trinity Engineering and Consulting (TEC) were engaged to undertake evaluation of the tenders, post-tender negotiations and contract management on Council's behalf. Tenders were reviewed in accordance with the evaluation criteria stated in the tender documentation:

- a) Value for money
- b) Relevant Experience
- c) Key Personnel and Experience
- d) Tenderers Resources
- e) Demonstrated Understanding
- f) Local Content

All Tender submissions were assessed for conformance, compliance and discrepancies.

Preferred Tender

Based on both Quantitative and Qualitative criteria assessment, King Concreting (QLD) Pty Ltd, trading as Civform, is the preferred tenderer for Contract TMSC2018-18 Design and Construct Flaggy Creek Crossing.

RISK IMPLICATIONS**Financial**

Actual Costs associated with the reconstruction of the crossing are eligible for reimbursement through the Disaster Relief Funding Arrangements which is administered via the Queensland Reconstruction Authority (QRA). Council have maintained regular contact with the QRA to ensure the proposed Design is compliant and meets the required value for money criteria.

Environmental

To ensure compliance with relevant environmental standards, the Department of Agriculture and Fisheries (DAF) has been included in the design development phase of the project. DAF have provided preliminary approval of the design and methodology.

Infrastructure and Assets

The reconstructed crossing will provide an engineering and environmentally compliant solution to reinstate access the location.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Tenders were sought in line with Councils Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

\$590,835 (ex GST) Contract Value; additional costs associated with Contact Management and Contingencies will be applicable. All eligible costs are able to be sought for reimbursement through Disaster Relief Funding Arrangements.

Is the expenditure noted above included in the current budget?

No, however the actual costs associated with the project are reimbursable via the Disaster Relief Funding Arrangements.

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

Nil

Operating

The replacement structure will not increase the operational costs associated with maintaining the structure.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

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

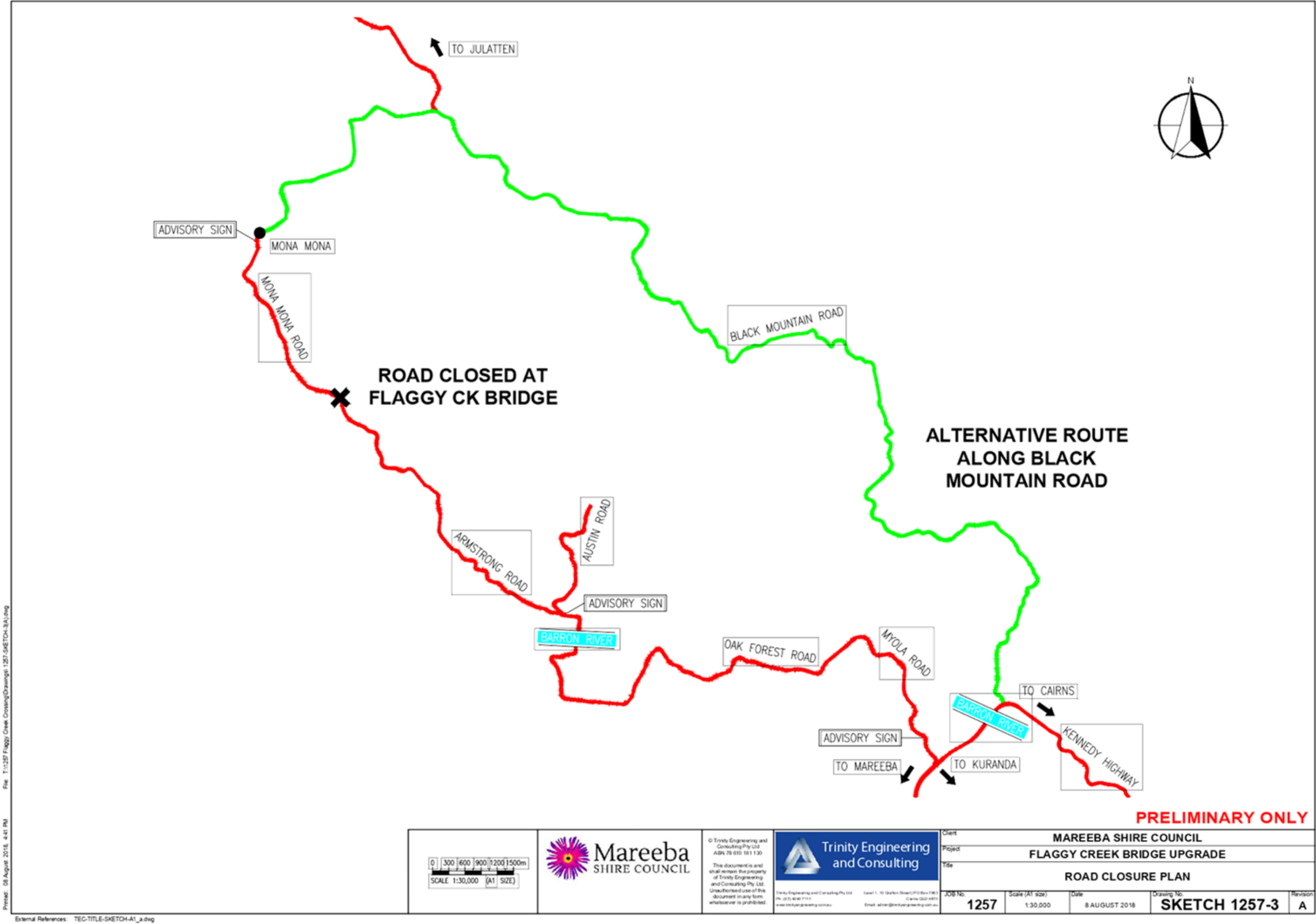
Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

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

IMPLEMENTATION/COMMUNICATION

Engagement of the Contractor will allow the reinstatement of the crossing as a matter of priority.



9.3 MASTER PLAN FOR DAVIES, EALES AND FIRTH PARK

Date Prepared: 14 October 2018

Author: Manager Technical Services

Attachments: 1. 2018 Master Plan Davies, Eales & Firth Parks - Otium Planning Group [↓](#)

EXECUTIVE SUMMARY

Following a community group's initiative Otium Planning and Landplan Landscape Architects were engaged to develop a comprehensive Masterplan for Davies, Eales and Firth Parks (the Plan). The Plan is intended to inform future decisions regarding the potential siting of sporting infrastructure within the bounds of the precinct.

Any development or works will be dependent on funding becoming available via grants or community groups. This Master Plan is not in Council's forward works program and hence Council has no funding allocated.

RECOMMENDATION

That Council adopts the Master Plan for Davies, Eales and Firth Parks.

BACKGROUND

A community interest group sought community and business input towards the development of a master plan for Davies, Eales and Firth Parks (finalised July 2015 by GGI Architects), however this plan was predominantly structured towards the siting of the outdoor netball courts and the potential development of a new, indoor multi-purpose facility.

In 2017, Otium Planning and Landplan Landscape Architects were engaged to undertake investigations and stakeholder engagement to further develop on the previous plan and deliver a comprehensive Masterplan for the Davies, Eales and Firth Park areas (The Plan), refer Attachment 1.

Otium's engagement was to focus on the following key aspects;

- Understanding the sport and recreation issues, needs and opportunities available at Davies, Firth and Eales Parks.
- Determine the future development requirements of Davies, Firth and Eales Parks.
- Build on key themes and strategies developed by the previous Master Plan in 2015.
- Potential to incorporate a new two (2) court indoor facility into expansion plans of the Mareeba Leagues Club.
- The master plan will recommend an implementation strategy, including priorities, based on information collected during this study.

The Plan identifies a broad range of potential improvements, including estimate of costs to assist with future budgeting and/or grant applications. A prioritised staging plan has been developed for the improvements as shown in Table 1 below.

Priority	Master Plan Reference	Element	Comment	Estimate of Costs
1	12	Formalise Parking Node for Firth Park	Sealed parking area (could be undertaken with "Scalplings" or other low-cost surface).	
2	-	Application for closure of Doyle Street	Commence discussions and applications with State Government to seek closure of Doyle St and incorporation of the closed portion into the precinct.	\$10,000
3	10	Play and Picnic Node	Develop a small recreation space with play facilities, drinking water, 2 seats and 1-2 tables. Consider active or adventure play features.	\$75,000
4	-	Landscape enhancement/shade tree planting	Planting shade trees as indicated on Firth Park and to provide shade and amenity around the proposed recreation node (10).	\$6,000
5	5	Pedestrian Crossings.	Traffic calming crossings such as a large speed mound with crossing stripes or similar and warning signs. (3 crossings).	\$60,000
6	13	Upgrade Female Facilities	Female toilets and change facility upgrade within the existing amenities block.	\$20,000
7	4	Fencing of the Netball Area	Install chain wire fencing to separate the outdoor sport courts and the club amenities building from the rest of Davies Park. An access gate should still be included into the field areas. Fencing should retain enough area inside to allow for spectator stands around courts.	\$20,000
8	7	Bollards around Firth Park	Vehicle restriction bollards will protect the playing surface. Replas low maintenance bollards are recommended.	\$10,000
9	19	Reconstruction of Pedestrian Bridge	Install basic prefab bridge crossing for cyclists and pedestrians. Consider installing solar lighting for safety.	\$125,000
10	18	Indigenous Culture interpretive nodes	Undertaken in partnership with Muluridgi.	TBA

Table 1: Prioritised Staging Plan

Although the Plan provides recommendations regarding the prioritisation of upgrades, it is not the intention of the plan to set timelines for delivery. The Plan is intended to inform Council on future decisions regarding the potential siting of sporting infrastructure within the bounds of the precinct.

No Council commitment to funding elements identified within the Plan is sought at this time. Any development or works will be dependent on additional funding becoming available.

Community Engagement:

Feedback was sought from a number of sporting and community and represents a high level of engagement undertaken in development of the Plan.

The Plan is intended to inform Council on future decisions regarding the potential siting of sporting infrastructure within the bounds of the precinct.

RISK IMPLICATIONS**Financial**

Nil. There is presently no Council commitment to funding elements identified within the Plan. Any development or works will be dependent on additional funding becoming available.

Infrastructure and Assets

The Plan provides planning for the long-term development of the sporting precinct.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

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

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

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

IMPLEMENTATION/COMMUNICATION

No Council commitment to funding elements identified within 'The Plan' is sought at this time, rather the Plan provides guidance for possible future development within the precinct.



MASTER PLAN FOR DAVIES, EALES & FIRTH PARK

MAREEBA SHIRE COUNCIL



FINAL MAY 2018



Prepared by
Otium Planning Group Pty Ltd
in conjunction with Tait
Morton Johnston & Landplan



LANDPLAN
LANDSCAPE ARCHITECTURE

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TABLE OF CONTENTS

1.	Introduction	2
1.1	Background Understanding and Project Aim	2
1.2	Study Scope and Aim	3
2.	Population and Demographics	3
2.1	Demographic Characteristics	3
2.2	Population Projections	4
3.	Document Review	5
3.1	Document Review	5
3.2	GGI Davies Park Master Plan	6
3.3	Sport and Recreation Trends	9
3.3.1	Generic Trends	9
3.3.2	Facility Planning and Design	9
3.3.3	Megatrends	10
3.3.4	Data on Participation in Exercise, Recreation and Sport	10
3.3.5	Data on Participation in sport and Recreation (Children)	11
4.	Consultation	13
4.1	Stakeholders	13
4.2	Mareeba Leagues Club Upgrades	15
4.3	Considerations for the Master Plan	15
5.	Master Plan Design Consideration	16
5.1	Indoor Facility needs	16
5.2	Pedestrian Access and Links	16
5.3	Site Security and Access	16
5.4	Parkland Opportunities	16
5.5	Contaminated Land- Old Refuse Tip	17
5.6	Additional Field Needs	17
5.7	Player Amenities	17
5.8	Overall Site Improvements	17
6.	Recommendations	18
7.	Proposed Staging Plan and Costs	21
7.1	Recommended Staging Plan	21
7.2	Alternative Staging Approach	23
8.	Warranties and Disclaimers	25
9.	Appendix 1 - The Draft Master Plan	26



1. Introduction

1.1 Background Understanding and Project Aim

In 2015, Mareeba Shire Council, along with Mareeba and Dimbulah Bendigo Bank and a groups of local sporting clubs undertook the initial steps to develop a master plan for Davies, Firth and Eales Parks in Mareeba. This was to support the development of multi-purpose outdoor courts and identify potential sites for an indoor multi-purpose facility.

During this process, a range of options were presented to Council and the key stakeholders with the final decision to develop 4 outdoor multi-use courts, with a canteen and storage for Mareeba Netball and Mareeba Basketball. It also allowed for an upgrade to Firth Park for a turf wicket, amenities block and storage, and parking. The remainder of the desired outcomes were discarded due to time constraints of available “Get Playing” Government funding.

Thanks to the successful grant from Queensland Government, the first stage of the original master plan was completed, including the 4 outdoor courts, practice nets and active transport paths surrounding Davies Park.

The working group supported by Bendigo Bank and with contributions from Mareeba Rugby League Club then proceeded with further investigation as to the feasibility of developing an indoor sports facility to meet court sport needs in the community and to complement the new outdoor courts.

Otium Planning Group was engaged to develop a feasibility and business case for an indoor multi-use facility. This process involved extensive consultation with potential user groups and stakeholders to build on the initial master plan work and develop options for provision.

The preliminary results of the feasibility identified that a new indoor sports centre may be viable if supported by a community-based management model or a not for profit organization agreed to manage the facility. In most of the preliminary modelling some form of cost subsidy was likely to be needed.

During the feasibility investigations it became clear that location of the proposed facility would be a critical factor in potential viability. Two potential location options were presented to the steering committee and Mareeba Shire Council to agree on a future direction. These were:

1. Develop a new standalone facility on the site of the existing sports hall in Arnold Park
2. Develop a new facility as a “hall for hire” adjacent to the Mareeba Leagues Club and negotiate a management agreement with the club.

The preferred option from Council and the steering committee was to incorporate the proposed indoor facility into an expansion of the Mareeba Leagues Club. This had the advantage of keeping the new sports hall close to the new sports courts and would provide additional event capacity to the Leagues Club.

To ensure that the planning for this considered all the other aspects of the Davies, Eales and Firth Parks precinct, and to finalise issues raised in the first masterplan for the precinct, Council engaged Otium Planning and Landplan Landscape Architects to revise the master plan and locate the proposed indoor sports hall.

More detail on the feasibility investigations for the Indoor Sports Centre is contained in the “Mareeba and Dimbulah Community Bank Indoor Sports Complex Business Case”.



1.2 Study Scope and Aim

The aim of the study is to build on the recently completed master plan completed by GGI architects. This report will investigate the following key aspects:

- Understanding the sport and recreation issues, needs and opportunities available at Davies, Firth and Eales Parks.
- Determine the future development requirements of Davies, Firth and Eales Parks.
- Build on key themes and strategies developed by the previous Master Plan in 2015.
- Potential to incorporate a new two court indoor facility into expansion plans of the Mareeba Leagues Club. This will be critical to the feasibility study currently being undertaken as part of the original master plan in 2015.
- The master plan will recommend an implementation strategy, including priorities, based on information collected during this study.

2. Population and Demographics

2.1 Demographic Characteristics

In 2008 the Mareeba Shire Council amalgamated with Tablelands Regional Council until de-amalgamation occurred in 2014. The 2016 census data was released in June 2017 and stated that the Mareeba Shire Council LGA has a population of 21,557, with a median age of 43, six years higher than the Queensland Average¹.

Table 1: 2016 Population by Age Cohort

Cohort	2016	Percentage of total Population
0-4	1,064	4.9%
5-9	1,374	6.4%
10-14	1,439	6.7%
15-19	1,228	5.7%
20-24	1,128	5.2%
25-29	1,179	5.5%
30-34	1,163	5.4%
35-39	1,183	5.5%
40-44	1,450	6.7%
45-49	1,566	7.3%
50-54	1,536	7.1%
55-59	1,600	7.4%
60-64	1,512	7.0%
65-69	1,340	6.2%
70-74	1,157	5.4%
75-79	779	3.6%
80-84	488	2.3%
85+	379	1.8%
Total	21,557	-

¹ http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA34880



Table 1 shows that there is a high proportion of residents aged 45-64, which accounts for 28.8% of the total population of Mareeba. The median age is also higher than the Queensland average as there is a lower proportion of residents aged 20-39, who only account for 21.6% of residents.

The indigenous population within the Mareeba Shire Council is currently at 13% of the total population². This is significantly higher than the proportion in Cairns, at 9.0% and the Queensland average of 4.0%. It will be important to ensure that the needs of the indigenous community are met through the improvements to these three parks.

Table 2 shows the composition of families within Mareeba Shire Council compared to Queensland. This data shows that there is a lower proportion of families with children in Mareeba, which aligns with the population data that there is a higher proportion of older residents.

Table 2: Family Composition

Location	Couple family with no Children	Couple family with Children	One-Parent family
Mareeba Shire Council	44.1%	37.4%	16.8%
Queensland	39.4%	42.5%	16.5%

2.2 Population Projections

The Queensland Government's Statistics Office (QGSO) project the population of Mareeba Shire Council to increase to 24,412 by 2026 and again to 27,301 by 2036. Table 3 shows the projections for 5-year age cohorts, in five-year intervals from 2016-2036.

Table 3: Population projections

Age Cohort	2016	2021	2026	2031	2036
0-4	1,303	1,270	1,291	1,345	1,392
5-9	1,477	1,513	1,514	1,553	1,615
10-14	1,522	1,606	1,664	1,680	1,730
15-19	1,277	1,338	1,426	1,475	1,492
20-24	1,049	1,033	1,100	1,169	1,202
25-29	966	952	979	1,036	1,094
30-34	1,168	1,114	1,131	1,168	1,222
35-39	1,210	1,328	1,321	1,344	1,386
40-44	1,512	1,370	1,518	1,533	1,561
45-49	1,646	1,635	1,528	1,693	1,725
50-54	1,585	1,713	1,719	1,636	1,815
55-59	1,548	1,611	1,747	1,761	1,702
60-64	1,526	1,604	1,688	1,828	1,857
65-69	1,354	1,535	1,649	1,746	1,896
70-74	1,141	1,310	1,498	1,634	1,748
75-79	757	1,016	1,198	1,382	1,536
80-84	477	609	835	1,011	1,186
85+	341	455	608	861	1,139
Total	21,859	23,013	24,412	25,856	27,301

² http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/LGA34880?opendocument



3. Document Review

3.1 Document Review

To develop a greater understanding of the current policy context a document review was undertaken. This section aims to identify existing policies and practices within Mareeba Shire Council and how they will apply to the development of the Master Plan for Davies, Firth and Eales Parks. The following documents were reviewed under this section:

- Mareeba Shire Council Corporate Plan 2014-2019
- Mareeba Shire Council Community Plan
- Tablelands Sport and Recreation Plan

Implication to the Master Plan	Document
<p>The Corporate Plan for Mareeba sets out the vision for the Shire:</p> <p><i>"A growing and confident Shire, comprised of diverse communities who share common values of a relaxed lifestyle and respect for the beauty of the natural environment of the region."</i></p> <p>The Mission statement aims to preserve the values expressed in the vision by creating the foundations for a strong and financially sustainable future for the Shire, by responsible and accountable decision-making, cost-effective service provision, and community capacity building through collaborative partnerships.</p> <p>The Corporate plan sets out 4 key strategic priority areas:</p> <ul style="list-style-type: none"> • Community - communities across the area share a sense of common identity whilst retaining local diversity and enjoy equitable access to services and facilities based on effective partnerships. • Environment - A natural and living environment that provides safety and enjoyment for the community and visitors. • Economy - A growing, and vibrant local economy supported by a planning scheme that seeks to balance development with rural sustainability and lifestyle considerations. • Governance - Sound decision making based on the understanding and confidence of the community, reflected in responsible long-term financial sustainability and clear strategic direction built around core local government business and affordable levels of service. <p>With respect to the development of a master plan for the precinct the following strategies need to be considered:</p> <ul style="list-style-type: none"> • Conduct an analysis of current facilities and develop a Shire wide community facilities plan to guide the assessment of maintenance progresses, possible capital upgrades of existing facilities and community requests for new facilities and ensure equity of access. • 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. • Maintain a proactive response to public health and safety matter including incorporating CPTED principles in town centres and commercial developments. • Appropriate consideration is given to planning and development controls, design guidelines, traditional ownership and sustainable development principles when making planning decisions. • 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. • Prepare a detailed strategic asset management plan to underpin asset sustainability. <p>While amalgamated with the Tablelands Regional Council, a community plan was developed and the Mareeba community identified the need for additional youth venues and activities. These included:</p>	<p>Mareeba Shire Council Corporate Plan 2014-2019</p>
	<p>Tablelands Community Plan 2021 - Unique</p>



Table 4: Draft Concept Plan by GGI

Aspect	Detail
A	Proposed multipurpose courts - court area 30.5m x 15.5m + 3.6m between courts, +3.05m to end New amenities structure may include store, canteen, & ref/meeting aid room Facilities will be fenced separately to others in Davies park Proposed internal Davies park carparking shows approx 60 bays
B	Proposed senior cricket field diameter 137m - 150m. New turf wicket New practice nets Proposed amenities building for storage of equipment Park boundary requires bollards to prevent vehicular access Proposed carparking shows approx 38 bays off Riordan St & 55+ to the length of Courtney St Pedestrian links across Courtney St & Riordan St
C	Proposed senior rectangular field 120m x 80m + 5m runoff To service football & touch, half field located within lot 514 Requires 4 x sunken sewer manholes + caravan dump point relocation Proposed lighting & irrigation, with fencing Arrangements for secure event connectivity with Davies park Car park, 50 bays shown
D	Proposed vehicle free zone Doyle street to become closed in this section Limited access to leagues club loading dock required Reconfiguration of leagues club staff parking required This space has the potential to become an informal active zone for children, youth & the broader community & may incorporate active play & fitness elements The space should remain flexible to allow rugby league to secure it during events for connectivity with Davies Park
E	Potential Mareeba Community Leagues Club parking expansion
F	Proposed senior cricket field diameter 137m - 150m. Shared central amenities proposed may include toilets, change rooms, ref/meet/aid room, storage & canteen New practice nets Pedestrian link to Firth park & Davies park Bollards required to prevent vehicular access Car parking shows x bays
G	Potential Davies park internal parking approx 45+ bays



Table 5: Final GGI Master Plan



The first stage of the Master plan that was developed through the “Get Playing Plus” funding program was points A and B, without proposed parking facilities associated, and the active transport path around the perimeter of Davies Park.



3.3 Sport and Recreation Trends

A range of sport and recreation trends have been observed through studies undertaken by the Otium Planning team for various local governments throughout Australia and analysis of published data (eg ABS, CSIRO, Australian Sports Commission). Below is a summary of sport and recreation participation, planning, design and management trends that may have an impact on sport and reaction planning in the Mareeba region.

3.3.1 Generic Trends

The following general trends influencing the use of sport and recreation facilities are evident:

- Many individuals and families are time poor and the scheduling of activities at times that are convenient to them is increasingly important.
- There is a desire by many participants to simply “turn up and play” with minimal volunteering commitments. Many participants are willing to pay extra for this service, which has created some opportunities for commercial provision.
- Maximum flexibility in design to accommodate varying community needs and forms of use should be a prerequisite. Multi-use sport and recreation precincts may need to consider incorporating opportunities for traditional and non-traditional activities.
- Participation in organised sport is generally static but there is growing demand for social forms of participation in sport.
- Local governments are recognising the importance of creating environments to enable people to lead active and healthy lives, placing greater focus on integration with urban planning, provision and/ or connectivity of walk/ cycle paths, provision of sport and recreation facilities and programs, and provision and access to parks and open space.
- Volunteerism is declining in many sport and recreation organisations. This is placing greater pressure on the remaining volunteer base and may impact on participation levels and/ or costs in future if services that were once provided voluntarily need to be paid for.
- Declining volunteerism is also placing greater pressure on Councils in terms of the way they manage sports facilities on their land.
- There is an awareness of the importance of “risk management” and the need for a “whole-of-life” approach to facility development and asset management.
- Multiple use of sport and recreation facilities, season overlap and across season usage is becoming more prevalent in response to limited supply in some areas.
- Demographic shift, especially in larger cities, is changing the pattern of participation in sport and recreation.
- Many sports peak bodies are responding to social and demographic trends by introducing modified forms of participation and scheduling.

3.3.2 Facility Planning and Design

Trends in facility planning and design include:

- The planning process for new facilities has improved significantly with the conduct of effective feasibility studies being the norm. These studies have generally included management, marketing, and/ or financial plans with demand projections based on sophisticated survey data.
- There is a strong trend away from single purpose facilities towards multi-purpose facilities, however facilities need to be designed to ensure they can meet the specific needs of key user groups.
- Contemporary planning seeks to create, where possible, ‘community hubs’ for sport and recreation that can meet a broader range of needs and facilitate higher utilisation and viability.



- More flexibly designs are being created and there is a growing expectation that facilities will need to be renovated/ upgraded on a periodic basis. There is a realisation that facilities have a 'customer interest life-span', which is much less than the facilities life-span.
- Sport facility designs are increasingly required to cater for different levels and standards of competition.
- Lighting of playing fields and parks for safety and/ or to extend their usage and functionality will be increasingly important. Evening competitions are likely to continue to grow.
- Lighting of playing fields should use contemporary technology to maximise operating viability and minimise impacts on neighbouring residents.
- Future facilities and activities will need to be safe, easily accessible, with few barriers to entry, and cater for formal and informal forms of participation. Provision of safe facilities and safe access-ways is of particular importance where participation by females is concerned.
- Provision for socialising spaces is a key component of facility design.
- Environmentally sustainable design of facilities is a pre-requisite.
- Toilets and change rooms are expected to be adequate in size, accessible to playing areas and PWD compliant.
- With ongoing Governments economic constraints and limited capital and operational budgets, new sports facilities may need to consider joint venture arrangements between private and public sectors and sports associations.
- Due to restricted rates and other revenue bases, local councils, may have to encourage greater private investment in leisure facilities and services. This may be achieved by a mix of rate concessions, payback loans, management rights in return for investment, provision of land and planning concessions.

3.3.3 Megatrends

A 2013 CSIRO report prepared for the Australian Sports Commission identifies six 'megatrends' that are likely to shape sport in Australia over the next 30 years. These are summarised below:

- *A Perfect Fit* - the rise of individual sport and fitness activities. The desire to fit sport into daily life has led to the increase in popularity of fitness and gym activities, running and walking.
- *From Extreme to Mainstream* - the rise in popularity of extreme sports, lifestyle sports and alternative sports such as BMX, skateboarding, kite surfing, inline skating and rock climbing.
- *More than Sport* - recognising the broader benefits of sport, such as social development, mental health, physical health, crime prevention and international co-operation.
- *Everybody's Game* - the need to cater for the aging population and the diverse cultural demographic of Australia.
- *New Wealth, New Talent* - the effect of population growth and income growth throughout Asia is leading to greater investment by Asian countries in sport capabilities. This will lead to tougher competition and creation of new opportunities for Australia in sporting competition and the business environment of sport.
- *Tracksuits to Business Suits* - the increasing corporatisation of sport and influences of market forces on sport.

3.3.4 Data on Participation in Exercise, Recreation and Sport

Between 2001 and 2010 data on participation in sport and recreation was collected via the Exercise, Recreation and Sport Survey. Between 2011 and 2014, similar data was collected by the ABS, however in 2014 the ABS decided to cease collection of sport and recreation data. The AusPlay was subsequently introduced by the Australian Sports Commission to collect data that would:

- Provide insights to help sports grow participation and track trends;
- Provide data that informs government investment, policy and program delivery; and



- Identify and describe links between sport participation and other influential factors.

The AusPlay Survey collects sports participation data for children aged 0-14 and adults aged 15 years and over. While it supersedes previous data collection undertaken by ERASS and the ABS, due to differences in data collection methods, the AusPlay data should not be compared with ERASS or ABS data.

Historical Trends

Between 2001 and 2012³, the following activities consistently featured in the top 10 activities frequently participated in by Queenslanders aged 15 years and over:

- Walking for exercise
- Fitness/ gym
- Cycling/ BMXing
- Swimming
- Jogging/ running
- Golf
- Tennis
- Football sports
- Soccer (outdoor)
- Walking (bush)
- Yoga

2016 Participation Data

According to the AusPlay survey, 2016, the top 15 activities participated in by Queensland adults between January 2016 and December 2016 are listed in the table below.

Table 6: Top 15 sports activities participated in by Queensland Adults in 2016 (AusPlay, April 2017)

Activity	2016 Participation Rate (%)		
	Total	Males	Females
Walking (recreational)	42.7	33.0	52.2
Fitness/ Gym	32.0	28.0	35.8
Athletics, track and field (inc jogging and running)	15.5	16.5	14.6
Swimming	15.1	12.2	18.0
Cycling	10.9	13.5	8.3
Bush Walking	6.5	6.0	6.9
Football/ soccer	5.8	8.1	3.6
Golf	4.5	7.7	1.3
Touch football	4.4	5.2	3.5
Tennis	4.1	4.6	3.7
Yoga	4.1	1.1*	7.1
Fishing (recreational)	3.1	5.6	0.8*
Netball	3.1	0.9*	5.2
Surfing	2.9	4.4	1.3
Cricket	2.3	3.9	0.7*

*Estimate has relative margin of error between 50% and 100% and should be used with caution.

3.3.5 Data on Participation in sport and Recreation (Children)

³ 2014 ABS data only included Australia as a whole and not State data.



Historical Trends

Since 2000 data collected on children's participation in leisure and sport activities consistently featured the following sports in the top 10 activities participated in by children aged 5 to 14 years:

- Swimming
- Soccer (outdoor)
- Australian Rules Football
- Netball
- Basketball
- Tennis
- Martial Arts
- Gymnastics
- Cricket (outdoor)
- Rugby League
- Athletics/ track & field

2016 Data

The top 10 activities participated in by Queensland children between January 2016 and December 2016 are listed in the table below.

Table 7: Top 10 sports activities participated in by Queensland children in 2016 (AusPlay, April 2017)

Activity	2016 Participation Rate (%)		
	Total	Males	Females
Swimming	28.0	26.8	29.3
Football/ soccer	12.8	18.7	6.7*
Gymnastics	7.4	3.6*	11.3
Dancing (recreational)	7.3	0.9**	13.9
Australian football	6.6	10.8	2.2*
Rugby league	6.5	12.5	0.4**
Athletics, track and field (includes jogging and running)	5.4	4.7*	6.2*
Netball	5.0	0.3**	10.0
Tennis	4.9	5.4*	4.5*
Cricket	4.4	8.0	0.6**

*Estimate has relative margin of error between 50% and 100% and should be used with caution.

**Estimate has a relative margin of error greater than 100% and is considered too unreliable to use.



4. Consultation

Following on from the previous master plan, the preparation of the revised master plan and the Indoor Sports Centre Feasibility Study (commissioned by Bendigo Bank and undertaken by Otium Planning Group), implemented a community and organisation consultation program that complemented and built on the work that had been completed.

4.1 Stakeholders

To update the past consultation specific clubs and organisations were invited to meetings with the project team discuss the future of the precinct. The groups that responded to the invitation included:

- Muluridji Traditional Owners
- Mareeba and District Rugby League Club
- Mareeba Mountain Goats
- Mareeba Touch Association
- Tablelands Rugby Union Club
- Mareeba Cricket Club
- Mareeba Basketball Association (from Feasibility Study)
- Mareeba Netball Association (from Feasibility Study)

Other groups were invited, however did not respond during the consultation period. The following table summarises the aspirations, opportunities, constraints and issues expressed by each organisation.

Table 8: Stakeholder Opportunities and Constraints⁴

Club/ organisation	Opportunities/ aspirations	Constraints/ issues
Muluridji Traditional Owners	<ul style="list-style-type: none"> • Would like to incorporate an interpretive walk along the creek <ul style="list-style-type: none"> ◦ Would require consultation with TO's • It is important to develop the bridge section of the walk as it provides a pedestrian link for the community. • In talks with Mareeba Mountain goats regarding use of Native Title land. • There is a need to provide play elements within Eales Park to provide opportunities for children. 	<ul style="list-style-type: none"> • There are culturally significant sites within Eales Park. • There is a concern that the dog-off-leash area may currently be in breach of native title.
Mareeba District Rugby League Club	<ul style="list-style-type: none"> • The Club would like to develop/upgrade the following facilities: <ul style="list-style-type: none"> ◦ Girls change room ◦ First aid room ◦ Storage at Davies and Firth Park ◦ Upgrade lights on second senior field ◦ Referee's Room ◦ Larger away team change room 	<ul style="list-style-type: none"> • Current training schedule separate the junior members between Firth and Davies Park • Currently the second senior field lighting is not suitable training or games. • Currently the girls team does not have field space to train • There is no female change facilities • There is limited storage space, including on Firth Park

⁴ This is a summary of comments from the stakeholders and only represents their views on the issues



Club/ organisation	Opportunities/ aspirations	Constraints/ issues
	<ul style="list-style-type: none"> • Would like to see the netball courts fenced to separate from the Rugby League facilities • Long term requires an additional full-size field. • Require additional junior training space in the short term 	<ul style="list-style-type: none"> • Sharing storage with Cricket is not the ideal situation. • Development of netball courts has allowed spectators into Davies park without paying entry fee • Do not want to see formal paths within Davies Park as it will reduce available training space • Currently the main field is at capacity between November-September.
Mareeba Mountain Goats	<ul style="list-style-type: none"> • Would like to see a link between Bicentennial Lakes and the Mountain Bike skills park along Granite Creek • In talks with the Traditional owners for formal use agreement of Native title land. • Connection to school are important for school MTB programs. 	
Mareeba Touch Association	<ul style="list-style-type: none"> • Increasing the available lit field space would improve competition • Have a good relationship with Rugby League 	<ul style="list-style-type: none"> • Current lighting on the second field is not to a suitable standard. • Lack Volunteers, which has limited the ability to host carnivals • Have to limit the number of teams to 16, due to lighting constraints.
Tablelands Rugby union Club	<ul style="list-style-type: none"> • Happy with the current model for training. Changes would need to be made to the competition operation to increase use by Tablelands Rugby Union • Have a good relationship with Rugby League and Council 	
Mareeba Cricket Club	<ul style="list-style-type: none"> • Looking to build the junior program and female program. • Would like to see bollards/ fencing around Firth Park, but needs to remain open to the community. • Opportunity to link to nearby Borzi Park, which is home to senior cricket. • Currently seeking a grant to improve facilities at Borzi Park • There is potential to add an additional cubical in the existing toilet. • There is the need for some play elements in the Precinct. • Would like to investigate the potential of indoor cricket opportunities in the proposed facility. Previous models in Mareeba were very popular. 	<ul style="list-style-type: none"> • Large litter/ vandalism in Firth Park with broken glass regularly found on the concrete pitch. • There are no lit training areas in Mareeba, reducing the amount of training time available. • No formal parking at Firth Park. <ul style="list-style-type: none"> ◦ Drainage area along Riordan St causes further parking issues. • There is currently no formal agreement between Council and Firth Park. Currently have issues regarding who is required to undertake maintenance. • There are currently no women's change rooms at Firth Park.
Mareeba Basketball Association	<ul style="list-style-type: none"> • Would like to see a two-court indoor facility developed in Mareeba to increase competition. • Require a two-court facility to increase potential carnival opportunities. • Currently in discussions with Council to manage the existing indoor facility. 	<ul style="list-style-type: none"> • Currently facility is not large enough. • The current facility is of poor quality. • There is not enough storage on site. • Current feeling around the club to resistance of price increase.



Club/ organisation	Opportunities/ aspirations	Constraints/ issues
Mareeba Netball Association	<ul style="list-style-type: none"> • Growth in the sport continues to be strong. • Currently a low-cost sport to play socially. • Increasing opportunities and access will encourage higher level of competition. • Would like to hand lease of Firth Park back to Cricket. 	<ul style="list-style-type: none"> • The members may be resistant to increased costs. • Preferred management model does not involve single management entity such as PCYC. • No capital to invest in the facility • Need to avoid saturation of market in town.

4.2 Mareeba Leagues Club Upgrades

The Mareeba Leagues Club has plans to expand their club facilities and improve the range of services and hospitality spaces available. While a club representative has been on the steering group for the Indoor Centre Feasibility, a number of meetings and discussions have also been held with the Leagues Club Management to discuss implications for the Master Plan and the potential impacts and options in regard to a potential indoor facility as part of the precinct.

Discussions were held with Mareeba Leagues Club's CEO to determine potential management models that could be implemented and how the proposed indoor facility can be incorporated into the expansion plans of the Leagues Club. This was an important stage of the process as determining the location of the proposed facility has an impact on the other proposed development aspects of the master plan.

4.3 Considerations for the Master Plan

- There is a need to upgrade the lighting on the second field within Davies Park to reduce the current pressure on the main field.
- Providing an additional rugby league field will also reduce the pressure on the main field and provide additional area for growth for Rugby League and Touch.
- The foot bridge across Granite Ck needs to be redeveloped to provide access to the community to the available facilities in Mareeba.
- There is an opportunity to provide active transport links connecting the Precinct, the Bicentennial Lakes, Borzi Park and the Mareeba MTB skills park.
- Fencing or bollards along the perimeter of Firth Park is needed to reduce pedestrian and vehicles from passing through the field, however the park needs to remain as a public field, open to the community.
- There is a need for improvements to the current toilet/ change facilities at Firth Park, especially to encourage women's participation.
- Overall there is a need to increase the amount of storage across the precinct, specifically for cricket at Firth Park and Rugby League at Davies Park.
- Parking is a concern to both Rugby League and Cricket and there is a need to formalize the parking at both sites.
- Management of the proposed indoor facility will need to ensure that community access is guaranteed.
- Removal of existing indoor facilities in Mareeba will ensure greater chance of viability of the indoor facility.



5. Master Plan Design Consideration

5.1 Indoor Facility needs

The location of the proposed indoor facility in relation to the Leagues Club and its expansion plans will be critical to its viability. The proposed approach is to co-locate the indoor sports centre with the Leagues Club to allow the club to manage the facility as a “hall for hire” but also to have direct access to support large functions and events.

The challenges in locating the indoor sports building appropriately include:

- Ensuring that front of house access to the Leagues Club is not impacted
- Working with the plans for the refurbishment and expansion of the Leagues Club
- Enabling direct user access to the sports hall (i.e. without having to enter the Leagues Club)
- Identifying opportunities for shared infrastructure to benefit both facilities and reduce capital costs
- Ensuring location does not impede normal field sport operations in the precinct.

5.2 Pedestrian Access and Links

Connecting the various elements of the precinct, the community across Granite Creek, and the Bicentennial Lakes and MTB skills park will be important outcomes of the Master plan. Currently, residents are unable to use the existing pedestrian crossing at Granite Creek which should be remediated as part of the master plan implementation.

In addition, connections are missing for critical links between points of interest and completing these is important to ensure the community have access to the precinct and surrounding areas.

Key links include:

- Granite Creek crossing to Ward St
- Path linkage along Granite Creek linking the MTB skills park (behind the Racecourse) to Bicentennial Lakes
- Linkage through Davies Park for field sport users
- Connections with the school through to the creek and to the proposed indoor
- Linking Firth Park to Eales Park and the central large parking area.

5.3 Site Security and Access

While the Rugby League grounds are fenced, and it is possible to control access during games and events there will be emerging issues from netball and basketball needing access to the courts and the potential future indoor sports facility requiring separate access.

Ideally the overall site should be able to support multiple uses at the same time and to facilitate this it is proposed to provide additional fencing around the sports court precinct so that it can operate independently of the field sports area. The court sports area should also retain independent entry and external path access to parking areas.

5.4 Parkland Opportunities

There is an opportunity to provide the community with additional recreation opportunities within Eales Park. Relocation of the dog-off leash area will enable field development to occur on more suitable land and closer to the other fields, while play elements and informal recreation opportunities could be collocated with the fenced off-leash area in Eales Park.



5.5 Contaminated Land- Old Refuse Tip

Much of the area of Eales Park is thought to contain uncontrolled fill from previous refuse tip activity. This land is not ideal for use as sports field and should only be considered for secondary sporting uses. The area adjacent to Doyle St is thought to be relatively fill free and is therefore a more suitable location for the second rectangular field.

Prior to any construction a soil survey is recommended to establish exact boundaries of the fill area and to ensure that capping of any areas is included in future works if required.

Use of the filled area may be subject to some minor subsidence but this is not likely to be a barrier to development for general recreation use. If possible planting with shade trees is recommended to improve the amenity of the area, however, if the geotechnical survey identifies a need for broad capping of the site then shade and landscape planting may need to be undertaken on raised mounds so as not to breach any capping material.

5.6 Additional Field Needs

Both Rugby League and Touch have indicated that there is a shortage of suitable field space within Davies Park. A lack of sufficient field lighting is limiting the potential of Touch, as the second field is poorly lit. Increases in female participation and an additional grade team put further pressure on the fields across the precinct, which are currently at capacity during peak times. A new senior field is proposed as part of the master plan.

While cricket did not identify a need for additional fields, it would be prudent to allow additional capacity for any additional training or junior use demand from the resident field sports. While desirable land (i.e. unfilled) is limited it is proposed that a secondary oval be developed to accommodate any overflow demand that may arise in the future and to provide space for the community's general active recreation.

5.7 Player Amenities

Expansion of participation in cricket has indicated a likely demand for female change rooms and the existing facilities for rugby league and touch users are of basic standard. Upgrading change and toilet facilities has been considered as part of the proposed upgrades planned by the Leagues Club and additional change facilities have been proposed for Firth Park to accommodate cricket.

5.8 Overall Site Improvements

Overall the site needs activation, especially on Eales Park which needs the landscape amenity improved as well as overall connection with the rest of the precinct. Parking is currently a mix of formal and informal areas and improvements in traffic flow and parking nodes can improve the site's capacity to accommodate large events and competition days.

Security and night use are also key considerations with additional or upgraded field lighting identified as a priority by rectangular field sports to allow increased usage at night time. Increased night use will also arise from upgrades to the Leagues Club and security lighting and visibility (passive surveillance) are important to support night use.



6. Recommendations

The following recommendations for the Master Plan will support the inclusion of the two-court indoor sports facility as well as support a range of improvements that improve the carrying capacity of the existing facilities, encourage passive participation in recreation and provide suitable space for continued growth of the existing sporting users.

(please refer to the Master Plan at Appendix A)

The proposed priority ranges from:

- Short (1-3 years)
- Medium (4-7 years)
- Long (7+ years)

Table 9: Recommendations

Ref to Master Plan	Aspect	Rationale	Priority
17	Additional Senior Field	The growth of Rugby League, both in junior members and increased female participation has put increase pressure on the current available fields both in Davies Park and Firth Park. Providing an additional senior field, with longer term plans to light the field would ensure that the future space for growth of Rugby League, and touch in Mareeba.	Medium
12,16,20	Formalised Parking Node	There is limited parking available at Davies Park, especially during the peak use times (training and game days). Currently there is informal parking along Doyle Street and in Eales Park. Providing a formal, bitumen parking area will create a safer pedestrian precinct and provide the required parking for the precinct. This should be provided at Eales Park, and Firth Park, and extensions made to the existing parking area in front of the leagues Club.	Short
1	Closing Doyle Street	The current use of Doyle Street is limited to the residents at the northern end of the street and users of Davies Park. Closing a 190m section of the road and restricting access via Jasper Street only, provides improved pedestrian access within the precinct and allows for improved internal traffic flow.	Short
8	Connection from Bicentennial Lakes to MTB skills Park	Currently used as an informal connection point by the Mareeba Mountain Goats, there is an opportunity to provide a formal connection to be used by the entire community. This can also be the start of a future project to create an active transport loop providing additional opportunities for the community.	Medium
6	Extension of path towards Borzi Park	There are existing paths within the precinct that provide connection internally and externally. Extending this connection to Borzi Park provides the community with access to the majority of sporting facilities within Mareeba. This would also provide Cricket with greater potential for growth, by connecting there two training facilities.	Long



Ref to Master Plan	Aspect	Rationale	Priority
2	Upgrade Lighting to Training Standard	Users of Davies Park have identified that the existing lighting available for training is insufficient. Increasing the lighting on the second senior field would allow temporary relief for training pressure on Rugby League and provide safe conditions of play for Touch.	Medium
10	Play and Picnic Node	There is no access to play opportunities within the precinct or the nearby areas. Providing a play and picnic node gives residents access to these opportunities and increase passive surveillance of the precinct.	Short
5	Pedestrian Crossings	There are currently no current formal pedestrian crossings connecting the High School to Davies Park. The school are a user of the existing facilities at Davies Park and providing safe crossings will increase the safety of students and junior members of the clubs at Davies and Firth Park.	Short
11	Multi-use field	If future needs increase there is sufficient space to provide an additional multi-use field, suitable for Junior Cricket and a Mod-league field. This should be developed when the existing fields and new senior field are at capacity.	Long
13	Upgrade Female Facilities	Female participation is growing in both Rugby League and Cricket. There are currently limited facilities available at both Firth and Davies Parks. Increasing the facilities that are available will encourage greater participation in sport and recreation.	Short
3	Improved Pedestrian Links	Currently there is limited pedestrian links between the three parks, due to the lack of development outside of Davies Park. As the surrounding areas are developed it will be important to ensure that suitable pedestrian links are provided to points of interest, including the play node, Firth Park, and the Dog-off-leash area. These links need to take into consideration construction methods to limit impacts on field layout opportunities within Davies Park (i.e. limiting the amount of hard surface paths between fields).	Ongoing
4	Fencing of the Netball area	To assist both Netball and Rugby League, a lockable fenced area, separating Netball from Rugby League should be constructed. This ensures Rugby League are able to continue to generate income from gate sale. A gate connecting Davies Park and the Netball courts should be included to ensure pedestrian access during non-competition times.	Short
7	Bollards around Firth Park	Bollards around the perimeter of Firth Park will provide additional field security for Cricket from vehicles driving onto the field. This provides additional protection to the existing pitch, while ensuring the community have access to the field.	Short
9	Dog off leash area	Relocating the dog off leash area ensures that the community still have access to the facility, while also ensuring that the development of fields and facilities can be maintained.	Medium
18,19	Reconstruction of pedestrian bridge	Consultation with the traditional owners of the area identified the desire to educate the community on their	Short



Ref to Master Plan	Aspect	Rationale	Priority
	and interpretive nodes	<p>indigenous history and culture. To ensure this is possible it is important to reconstruct the currently damaged pedestrian bridge and provide an interpretive node for traditional knowledge in the native title area.</p> <p>Reconstruction of the pedestrian bridge would also connect the two areas, encouraging youth participation in recreation opportunities.</p>	
21	2 court indoor facility	<p>Important factor in the master plan was the integration of a potential 2-court indoor sport facility with the expansion plans of the Leagues Club. Using the existing plans for expansion of the location should incorporate the new public toilet block, providing access from the facility. There should also be an external entry to the facility to be used by the sporting user groups.</p> <p>The facility should also have an access point into the leagues club to facilitate event capability of the facility and the leagues club.</p>	Medium



7. Proposed Staging Plan and Costs

Implementation of the Master Plan is mostly dependant on successful funding grants and the speed at which Mareeba Leagues Club accesses capital for their proposed expansion.

7.1 Recommended Staging Plan

Based on the master plan priorities, the following sequence is proposed.

Table 10: Proposed staging plan and costs

Ref to Master Plan	Element	Comments	Estimated Cost
STAGE 1			
12,	Formalised Parking Node for Firth Park	Sealed parking area (could be undertaken with "scalpings" or other low-cost surface)	
	Application for closure of Doyle St	Commence discussions and applications with State Government to seek closure of Doyle St and incorporation of the closed portion into the precinct.	\$10,000
10	Play and Picnic Node	Develop a small recreation space with play facilities, drinking water, 2 seats and 1-2 tables. Consider active or adventure play features.	\$75,000
	Landscape enhancement/ shade tree planting	Planting shade trees as indicated on Firth Park and to provide shade and amenity around the proposed recreation node (10).	\$6,000
5	Pedestrian Crossings	Traffic calming crossings such as a large speed mound with crossing stripes or similar and warning signs. (3 crossings)	\$20,000 each
13	Upgrade Female Facilities	Female toilets and change upgraded within the existing amenities block.	\$20,000
4	Fencing of the Netball area	Install chain wire fencing to separate the outdoor sport courts and the club amenities building from the rest of Davies Park. An access gate should still be included into the field areas. Fencing should retain enough area inside to allow for spectator stands around courts.	\$20,000
7	Bollards around Firth Park	Vehicle restriction bollards will protect the playing surface. Replas low maintenance bollards are recommended.	\$10,000
19	Reconstruction of pedestrian bridge	Install basic prefab bridge crossing for cyclists and pedestrians. Consider installing solar lighting for safety.	\$125,000
18	Indigenous culture-interpretive nodes	Undertaken in partnership with Muluridgi.	TBA
STAGE 2			
<i>To commence if funding for the Indoor Centre or the Leagues Club upgrade is secured</i>			
1	Close Doyle Street	Note: Council will need to apply for road closure prior to this stage and have the approval ready to go when this stage of work commences it is suggested that the application process commence as soon as this master Plan is adopted.	TBA



Ref to Master Plan	Element	Comments	Estimated Cost
21	2 court indoor facility	Construction of indoor sports facility as per concept plan and subsequent detailed design. (see separate report for detail).	\$4.2 M
9	Relocated Dog off leash area	Relocation required to allow for the Indoor centre and the new field. Are will be fenced to 1 m high with a water point and "waste bag" station.	\$20,000
14,15,16,20	New/ and upgraded parking areas	Reconfigure and expand the main parking area with main entry relocated to the Doyle St entry (14). Additional parking space on closed road area and adjacent to service the new indoor sport centre and the Leagues club (16). New service access to the rear of the expanded Leagues Club with access through the new carpark (15). New parking area (20) on Doyle St northern terminus. This could be part road and part unsurfaced until funds available for surfacing.	\$150,000
17	Additional Senior Field	Develop a new full-size Rugby League and Union field with post and top rail fencing or bollards to keep vehicles out. Consideration of reticulation for in ground irrigation and power conduits for possible future lighting is recommended.	\$200,000
2	Upgrade Lighting to Training Standard	Upgrade lighting on field 2 to support night training use.	TBA
STAGE 3			
11	Multi-use field	New multi-use field for junior cricket and other codes. Also open for community use.	\$150,000
6	Extension of path towards Borzi Park	Concrete or bitumen path extension to link to Borzi Park	
8	Connection from Bicentennial Lakes to MTB skills Park	Path linkage to be designed in more detail prior to construction, combination of stabilised earth, bitumen and concrete may be possible to reduce costs. Nominal budget only approximately 2 km	\$100,000
3	Improved Pedestrian Links	Path links to make pedestrian links safer. Link within Davies Pk to be defined path link but grass surface. Other links to be bitumen or concrete.	\$20,000



7.2 Alternative Staging Approach

An alternative project approach is to separate the aspects required for the indoor centre from the rest of the project and implement the plan along separate timeframes. This is shown below in Table 11 and Table 12.

Table 11: Proposed Parkland Implementation Plan

Ref to Master Plan	Element	Comments
Parkland Elements		
STAGE 1		
12	Formalised Parking Node for Firth Park	Sealed parking area (could be undertaken with “scalpings” or other low-cost surface)
10	Play and Picnic Node	Develop a small recreation space with play facilities, drinking water, 2 seats and 1-2 tables. Consider active or adventure play features.
10	Landscape enhancement/shade tree planting	Planting shade trees as indicated on Firth Park and to provide shade and amenity around the proposed recreation node (10).
5	Pedestrian Crossings	Traffic calming crossings such as a large speed mound with crossing stripes or similar and warning signs. (3 crossings)
13	Upgrade Female Facilities	Female toilets and change upgraded within the existing amenities block.
4	Fencing of the Netball area	Install chain wire fencing to separate the outdoor sport courts and the club amenities building from the rest of Davies Park. An access gate should still be included into the field areas. Fencing should retain enough area inside to allow for spectator stands around courts.
7	Bollards around Firth Park	Vehicle restriction bollards will protect the playing surface. Replas low maintenance bollards are recommended.
19	Reconstruction of pedestrian bridge	Install basic prefab bridge crossing for cyclists and pedestrians. Consider installing solar lighting for safety.
18	Indigenous culture-interpretive nodes	Undertaken in partnership with Muluridgi.
STAGE 2		
9	Relocated Dog off leash area	Relocation required to allow for the Indoor centre and the new field. Are will be fenced to 1 m high with a water point and “waste bag” station.
17	Additional Senior Field	Develop a new full-size Rugby League and Union field with post and top rail fencing or bollards to keep vehicles out. Consideration of reticulation for in ground irrigation and power conduits for possible future lighting is recommended.
2	Upgrade Lighting to Training Standard	Upgrade lighting on field 2 to support night training use.
STAGE 3		
11	Multi-use field	New multi-use field for junior cricket and other codes. Also open for community use.
6	Extension of path towards Borzi Park	Concrete or bitumen path extension to link to Borzi Park
8	Connection from Bicentennial Lakes to MTB skills Park	Path linkage to be designed in more detail prior to construction, combination of stabilised earth, bitumen and concrete may be possible to reduce costs. Nominal budget only approximately 2 km
3	Improved Pedestrian Links	Path links to make pedestrian links safer. Link within Davies Pk to be defined path link but grass surface. Other links to be bitumen or concrete.



Table 12: Proposed Indoor Facility Implementation Plan

Ref to Master Plan	Element	Comments
Multi-Purpose Indoor Centre (MPIC)		
STAGE 1		
N/A	Application for closure of Doyle St	Commence discussions and applications with State Government to seek closure of Doyle St and incorporation of the closed portion into the precinct.
N/A	Finalise detailed design of MPIC	Commence detailed design of the MPIC.
N/a	Finalise Management model with Mareeba Leagues club	Council and the project steering committee need to finalise the management model with the Mareeba Leagues Club. This needs to ensure community access to the facility.
STAGE 2		
<i>To commence if funding for the Indoor Centre or the Leagues Club upgrade is secured</i>		
1	Close Doyle Street	Note: Council will need to apply for road closure prior to this stage and have the approval ready to go when this stage of work commences it is suggested that the application process commence as soon as this master Plan is adopted.
21	2 court indoor facility construction	Construction of indoor sports facility as per concept plan and subsequent detailed design. (see separate report for detail).
14,15,16,20	New/ and upgraded parking areas	Reconfigure and expand the main parking area with main entry relocated to the Doyle St entry (14). Additional parking space on closed road area and adjacent to service the new indoor sport centre and the Leagues club (16). New service access to the rear of the expanded Leagues Club with access through the new carpark (15). New parking area (20) on Doyle St northern terminus. This could be part road and part unsurfaced until funds available for surfacing.



8. Warranties and Disclaimers

The information contained in this report is provided in good faith. While Otium Planning Group has applied their own experience to the task, they have relied upon information supplied to them by other persons and organisations.

We have not conducted an audit of the information provided by others but have accepted it in good faith. Some of the information may have been provided 'commercial in confidence' and as such these venues or sources of information are not specifically identified. Readers should be aware that the preparation of this report may have necessitated projections of the future that are inherently uncertain and that our opinion is based on the underlying representations, assumptions and projections detailed in this report.

There will be differences between projected and actual results, because events and circumstances frequently do not occur as expected and those differences may be material. We do not express an opinion as to whether actual results will approximate projected results, nor can we confirm, underwrite or guarantee the achievability of the projections as it is not possible to substantiate assumptions which are based on future events.

Accordingly, neither Otium Planning Group, nor any member or employee of Otium Planning Group, undertakes responsibility arising in any way whatsoever to any persons other than client in respect of this report, for any errors or omissions herein, arising through negligence or otherwise however caused.



9. Appendix 1 - The Draft Master Plan

- LEGEND
- 1 Close Doyle Street
 - 2 Upgrade lighting to second field
 - 3 Improved pedestrian link
 - 4 Fencing to Netball area
 - 5 Pedestrian crossing
 - 6 Extension of path to Borzi Park
 - 7 Bollards around Firth Park
 - 8 Trail connecting bike skills to Bicen. Lakes
 - 9 Dog off leash area
 - 10 Passive recreation / play space
 - 11 Multi-use field (junior cricket/mod. league)
 - 12 Formal parking to Firth Park
 - 13 Female change rooms
 - 14 Relocate carperk entry to Doyle Street
 - 15 Service access for Leagues Club
 - 16 Increase formal parking for Leagues Club
 - 17 New Senior Football Field (80x130)
 - 18 Interpretive Node (Traditional Knowledge)
 - 19 Reconstruct pedestrian bridge
 - 20 Formalised parking
 - 21 Twin Courts with external access, linked to new public toilets
 - 22 Leagues Club
 - 23 New Shade structures for Home & Away
 - 24 High School
 - Existing tree
 - New tree





DAVIES PARK SPORTING PRECINCT
Master Plan | Rev 1
Scale 1:3000 @ A3



Mareeba
SHIRE COUNCIL



OTIUM SPORT + LEISURE
Australia New Zealand Asia Pacific



LANDPLAN
LANDSCAPE ARCHITECTURE

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9.4 MAREEBA CBD TRAFFIC MANAGEMENT STUDY

Date Prepared: 9 November 2018

Author: Manager Technical Services

Attachments: 1. MBA CBD Traffic Study Summary & Community Feedback Sheet [↓](#)
2. Mareeba CBD Traffic Study Community Feedback Summary [↓](#)

EXECUTIVE SUMMARY

AECOM Pty Ltd (AECOM) was commissioned by Mareeba Shire Council to undertake the Mareeba CBD Traffic Management Study. The study, which was jointly funded by Mareeba Shire Council (MSC) and the Department of Transport and Main Roads (TMR), was initiated by MSC due to concerns regarding:

- Congestion at the Rankin / Byrnes Street and Rankin / Walsh Street intersections and the interaction of vehicular and pedestrian traffic.
- Operation of the Coles and Target Shopping Centre accesses along Walsh Street.
- Operation of the McDonalds Restaurant carpark access from Rankin Street as well as the entry and exit from Curcio's Bakery.
- Operation of the Constance / Herberton Intersection.

The study extents were then expanded in consultation with TMR to include various intersections along Byrnes Street and the intersection of Mareeba-Dimbulah Road and the Mulligan Highway.

This Report proposes that temporary solutions are put in place in the two (2) sites on Walsh Street and funding provided in the future budgets for detailed design.

RECOMMENDATION

That Council;

1. endorses the Mareeba CBD Traffic Management Study as provided, and
2. approves the implementation plan as detailed.

BACKGROUND

AECOM Pty Ltd (AECOM) was commissioned by Mareeba Shire Council to undertake the Mareeba CBD Traffic Management Study. The study, which was jointly funded by Mareeba Shire Council (MSC) and the Department of Transport and Main Roads (TMR), was initiated by MSC due to concerns regarding:

- Congestion at the Rankin / Byrnes Street and Rankin / Walsh Street intersections and the interaction of vehicular and pedestrian traffic.
- Operation of the Coles and Target Shopping Centre accesses along Walsh Street.
- Operation of the McDonalds Restaurant carpark access from Rankin Street as well as the entry and exit from Curcio's Bakery.
- Operation of the Constance / Herberton Intersection.

The study extents were then expanded in consultation with TMR to include various intersections along Byrnes Street and the intersection of Mareeba-Dimbulah Road and the Mulligan Highway.

Byrnes Street (State Controlled) provides primary access through Mareeba township and is supported via a series of interconnected and parallel roadways. Principle intersections within the network are single lane roundabouts which are located at the extents of the CBD. Figure 1 below provides indicative layout of CBD network.



Figure 1: Layout of CBD Network.

To ascertain potential solutions to the traffic issues affecting the intersections identified in the study, AECOM undertook investigations necessary to assess both the existing traffic loading and driver behaviour. The results of the investigations were utilised in the preparation of concept designs which were then further revised to develop preferred solutions.

Changes proposed include;

Rankin / Walsh Street Roundabout:

Changes proposed for the intersection include;

- Improvements are to cater for a 15year traffic growth model.
- Centre Median to be provided along Rankin Street and Walsh Street to restrict unsafe right turn manoeuvres in/out of bakery.
- Pedestrian refuges to be provided on all approaches to improved pedestrian crossing safety.
- Cycle lanes provided on all approaches and provision made for on road cyclists to enter footpaths where possible.
- Removal of some carparking required to create room for the works.
- Minor relocation of roundabout towards the Mareeba Shire Council administration building to create opportunity for cycle / pedestrian improvements.

Walsh Street (mid-block) - between Rankin & Herberton Street Roundabout:

To address the ongoing congestion experienced by traffic attempting to access both the Target and Coles buildings, the following is proposed;

- Entry and exit points to Target Shopping centre changed to a single location.
- Installation of centre median to remove the right turn access to both Target and Coles carparks.
- Minor relocation of the pedestrian crossing to provide improvements to both Target and Coles carpark accesses.
- Angle carparking along Walsh Street (Target frontage) changed to parallel parking.

Constance / Herberton Street Intersection:

The existing intersection represents the location of highest incident for Council currently, therefore safety improvements proposed include;

- Improvements are to cater for a 15year traffic growth model.
- Intersection upgraded to Roundabout configuration.
- Retention of the existing pedestrian crossing

Council Officers prepared a Community Feedback Sheet that included a consultation brief which was used to seek community feedback on the planned traffic changes at the three (3) council sites. Community feedback has been assessed and incorporated into a potential staged implementation plan.

Community Feedback:

The community engagement process incorporated a phased approach, which sought to directly engage with the immediately affected businesses and Uniting Church representatives prior to seeking wider community feedback. As a result, Council Officers were able to sit down with the key stakeholders and discuss specific aspects of the designs which may have caused concern. The wider community was consulted by way of a Community Feedback Sheet that was publicly available and mailed to impacted residential property owners and residents. The feedback from the wider community along with the issues raised at the meetings with businesses and the church was collated and analysed. Thereby, improvements to the Study's preferred designs were able to be assessed

and incorporated into the temporary works plan so that adverse impacts to the businesses, church and wider community may be minimised where possible.

In all, 120 people participated in the engagement process with 87 Community Feedback Sheets completed, and meetings held with 33 business and church representatives, resulting in 67 unique comments relating to all three sites. 18% of these will be considered during the detailed design phase for further investigation and possible improvement, and are summarised as follows:

Rankin / Walsh Street Roundabout:

- Inclusion of loading zone and left turn storage facility for Curcio's bakery.
- Church access and parking constraints.
- Loss of parking and potential options to minimise associated impact.
- Further improvements for pedestrian crossing safety.

Walsh Street (mid-block) - between Rankin & Herberton Street Roundabout:

- Loss of parking and potential options to minimise associated impact.
- Amalgamation of Target's carpark entrance/exits and its impact to vehicle flow within carpark.
- Loading vehicle storage capacity for the Coles delivery entrances.

Constance / Herberton Street Intersection:

- Parking and delivery access issues for nearby business. Importance of maintaining pedestrian crossing and consider its location to maximise safety.

A full analysis of the results of the community consultation process are included as Attachment 1 and will be available publicly.

Implementation Plan:

As the preferred options provided within the study present a potential for disruption to the current flow of traffic and access to the businesses, a staged approach to its implantation is proposed. This staged approach will allow council to install temporary measures, which will deliver on the general intent of the designs while providing opportunity to amend the final design to incorporate any improvements identified during the trial. This methodology also presents cost effectiveness for the rate payers of Mareeba.

Attachment 1 provides layout plans showing the intended temporary works for both the Rankin / Walsh Roundabout and the Walsh Street (mid-block) sites. It is the intention of the designs to achieve the improvements to driver behaviour through the removal of the right turn facilities whilst providing for improved pedestrian movements. Implementation of the proposal will result in the reduction of on-street parking, the impacts of which will be monitored.

Implementation Program:

1. Implement temporary works to achieve the General Intent of the Design.
 - a. Budget: \$50,000
 - b. Timeframe: Implement prior to end of financial year 2018-19
2. Design and Documentation of Permanent Solution for the three (3) locations;
 - a. Budget: \$100,000
 - b. Timeframe: 2019-20 Financial Year.

3. Construction of Permanent Solution for the three (3) locations;
 - a. Budget: TBA - Grants to be sourced.
 - b. Timeframe: As funding becomes available.

Due to the potential costs associated with the Permanent Solution, no fixed timeframe for delivery is proposed. Rather funding streams will be sought to assist with delivery.

RISK IMPLICATIONS

Financial

It is intended to construct the design through the use of 'cheese blocks', a cost effective option for the provision local area traffic management devices (LATM). Initial budget of \$50,000 for the demolition and installation of temporary islands is considered feasible.

Infrastructure and Assets

Implementation of the temporary solution will result in the removal of existing kerb islands and reduction to on-street parking. New infrastructure will be predominantly constructed from 'cheese blocks' and will be salvaged prior to the permanent solution being installed.

Political and Reputational

Removal of carparking and restrictions to the Churches accesses will potentially cause concern from affected parties, however the benefits to public safety through completion of the project warrants the works progressing.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

\$50,000 implementation concept budget.

Is the expenditure noted above included in the current budget?

No, additional funding will be required to implement the temporary solution.

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

Design and Costing of the permanent solution will be submitted for consideration in the 2019/20 financial year.

Operating

Minor - maintenance of the temporary solution until such time as the permanent solution is constructed will result in minor increase to maintenance expenditure.

Is the expenditure noted above included in the current budget?

No.

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

Costs will need to be captured and reported against the operational budget.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

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

IMPLEMENTATION/COMMUNICATION

Undertaking a staged approach to the implementation of the Masterplan will afford council the opportunity to revise and refine the design to ensure an optimal outcome for the residents of Mareeba.

The report on the community engagement process will be available to the general public on Council's website and will also be emailed to those requesting a copy.



MAREEBA CBD TRAFFIC STUDY SUMMARY AND FEEDBACK SHEET

**DUE DATE
5PM FRIDAY, 22 JUNE 2018**



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Mareeba CBD Traffic Management Study

The Mareeba CBD Traffic Management Study is a joint initiative between Mareeba Shire Council and the Department of Transport and Main Roads.

As part of the study, an assessment of current traffic conditions at priority sites on state and council-controlled roads has been completed.

Council is now seeking community feedback on the planned traffic changes to the three council sites. Staged upgrade options to address current safety and capacity issues will be developed. Works will be completed as funds become available.

Planned Changes to Traffic Conditions

Mareeba Shire Council identified three (3) priority sites on Council roads for assessment during the study:

- Rankin Street/Walsh Street intersection and round-about layout;
- Walsh Street traffic flow and accesses to Coles and Target customer car parks; and the
- Herberton and Constance Streets intersection.

AECOM Pty Ltd, a business with extensive experience in traffic management assessments, investigated the sites and recommended changes to the traffic conditions to improve safety and capacity.

Tell Us Your Feedback

Council is keen to hear your feedback on the planned changes to the traffic conditions at these three sites on Council roads. The community feedback will be considered to finalise the study.

The study's report, summary of the planned traffic management changes at the three Council sites and Feedback Sheet are available:

- Online at Mareeba Shire Council website at www.msc.qld.gov.au
- In hardcopy from Mareeba Customer Service Centre and the Mareeba Library.

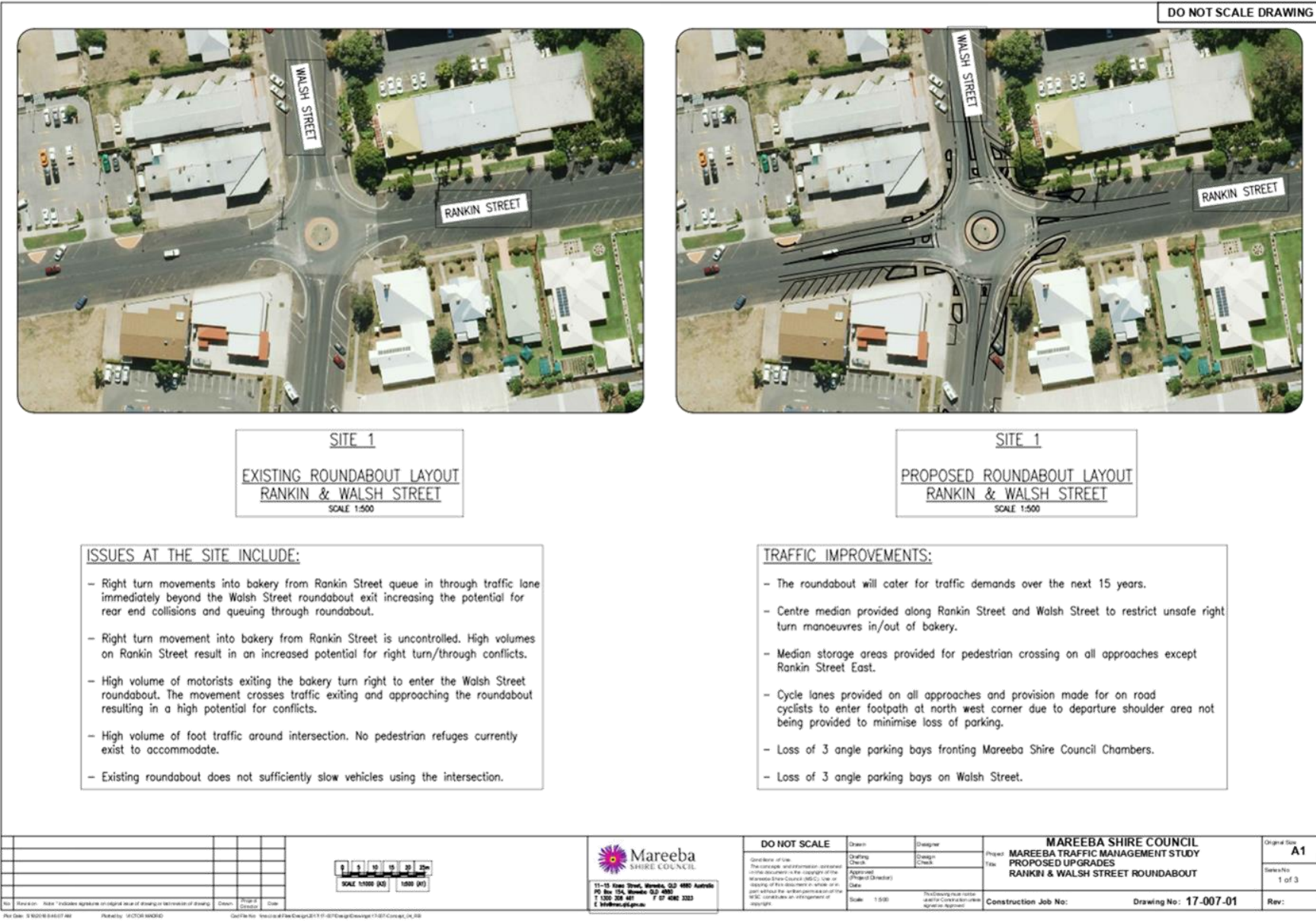
The Feedback Sheet can be completed online at the Council website www.msc.qld.gov.au until **5pm FRIDAY 22nd JUNE 2018**.

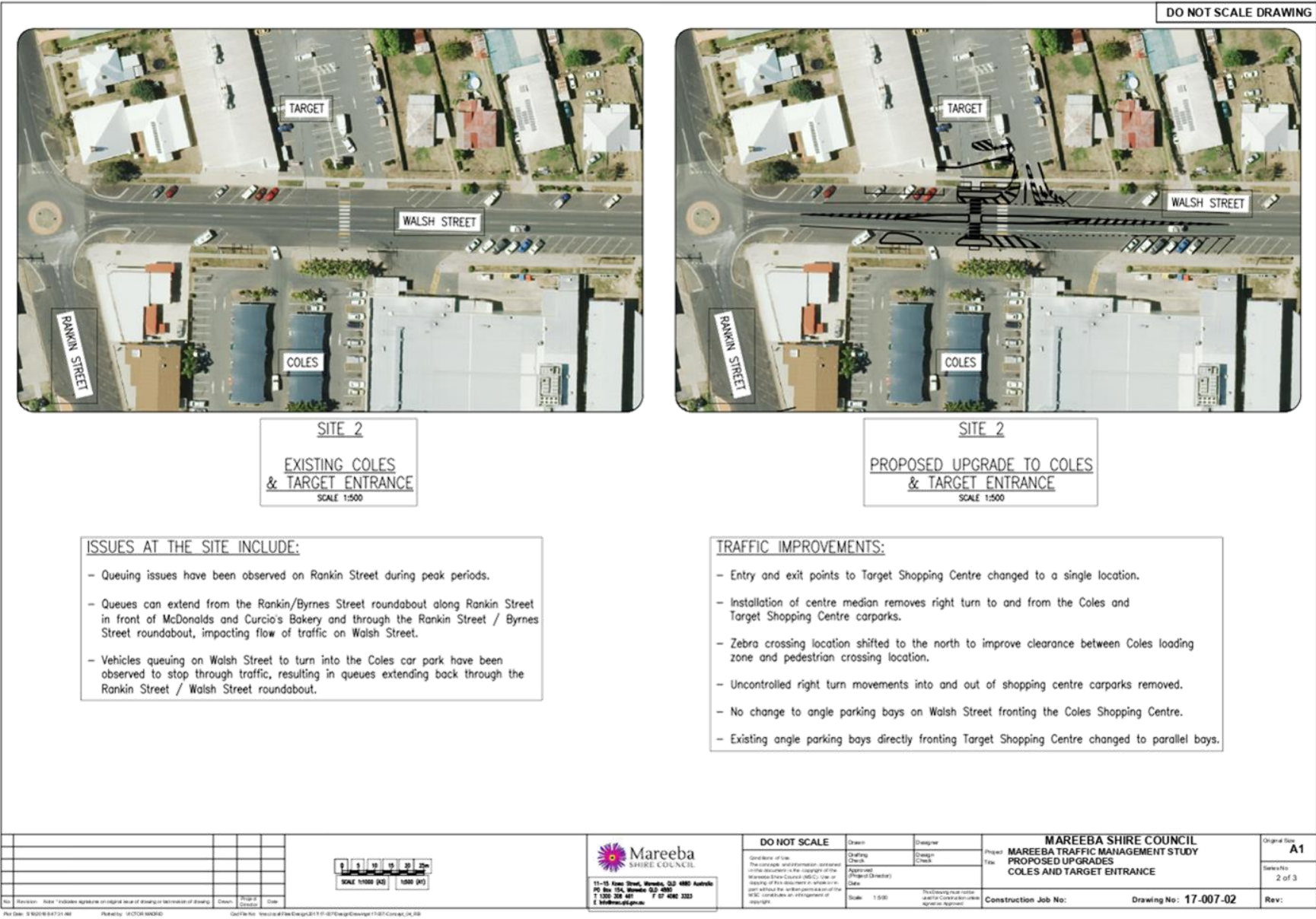
Please return your hard-copy Feedback Sheet by **5pm FRIDAY 22nd JUNE 2018** to:

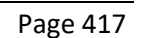
- Mareeba Customer Service Centre or the Mareeba Library
- Post to: CBD Study Feedback, PO Box 154, Mareeba QLD 4880
- Email: info@msc.qld.gov.au

Should you wish to discuss any aspect of this matter further, please direct your enquiry to Council's Infrastructure Services Administration on 07 4086 4757.

If you have feedback regarding the other sites in the study, all of which are on state controlled roads, please provide this directly to Department of Transport and Main Roads on 132380.









<p style="text-align: center;">Feedback Sheet</p> <p style="text-align: center;">Mareeba CBD Traffic Management Study</p>

1. What is your interest in the planned traffic management improvements? You may tick more than one box.

- ☐ Motorised vehicle road user
- ☐ Cyclist
- ☐ Pedestrian
- ☐ Nearby Resident
- ☐ Nearby Business Owner/Operator
- ☐ Nearby Property Owner
- ☐ Other - please specify _____

2. What is your feedback regarding the planned traffic management improvements for Site 1 - Walsh Street and Rankin Street Roundabout Layout?

3. What is your feedback regarding the planned traffic management improvements for Site 2 - Walsh Street traffic flow and access to Coles and Target parking areas?



Feedback Sheet
Mareeba CBD Traffic Management Study

4. What is your feedback regarding the planned traffic management improvements for Site 3 - Herberton Street and Constance Street Intersection?

5. To help us better understand your feedback please tell us about yourself. Please tick the relevant option.

☐ I would prefer to provide my feedback anonymously

Age

- ☐ Up to 19 years
☐ 20 - 39 years
☐ 40 - 59 years
☐ 60 - 79 years
☐ 80+ years

Place of Residence

- ☐ Mareeba township
☐ Another town within Mareeba Shire
☐ Outside Mareeba Shire

6. If you would like Council to inform you about the outcomes of the study, please provide your postal or email address below.

Thank you for taking the time to provide feedback, it will be used to finalise the study.

Please return your Feedback Sheet by 5pm **FRIDAY 22nd JUNE 2018** to:

- Mareeba Customer Service Centre or the Mareeba Library
- Post to: CBD Study Feedback, PO Box 154, Mareeba QLD 4880
- Scan and Email to: info@msc.qld.gov.au

For further information, please contact Council's Infrastructure Services Administration on 07 4086 4757



MAREEBA CBD TRAFFIC STUDY

Community Feedback Summary

NOVEMBER 2018



1. Introduction

The Mareeba CBD Traffic Management Study is a joint initiative between Mareeba Shire Council and the Department of Transport and Main Roads. AECOM Pty Ltd was commissioned to investigate and assess priority sites and recommend changes to the traffic conditions to improve safety and capacity.

Mareeba Shire Council identified three (3) priority sites on Council roads for assessment during the study:

- Rankin Street/Walsh Street intersection and round-about layout;
- Walsh Street traffic flow and accesses to Coles and Target customer car parks; and the
- Herberton and Constance Streets intersection.

After the investigation stage of the study was completed, Council invited community feedback on the planned traffic changes to the three council sites. Design plans for the existing and proposed changes to traffic management layout for these sites (for which community feedback was sought) are provided at the end of this report.

2. Community Engagement Strategy

Mareeba Shire Council undertook targeted and open community engagement during May - July 2018 to obtain feedback on the planned changes for each of the sites. A community consultation brief was developed for each site that identified current issues and proposed improvements and was included in the Community Feedback Sheet. The community engagement strategy involved:

- A Community Feedback Sheet was made available online and in hardcopy from 23 May - 28 June 2018 and was also mailed to residential property owners and residents likely to be impacted at the sites resulting in the return of 87 completed Community Feedback Sheets; and
- 12 face-to-face discussions were held with 33 business operators, commercial property owners, the Chamber of Commerce and the Uniting Church with notes recorded by an Officer. As a result, Council Officers were able to sit down with the businesses and Church members and discuss specific aspects of the designs which may have caused concern, and also discuss issues which were not identified during the initial study investigation phase.

3. Implementation Plan

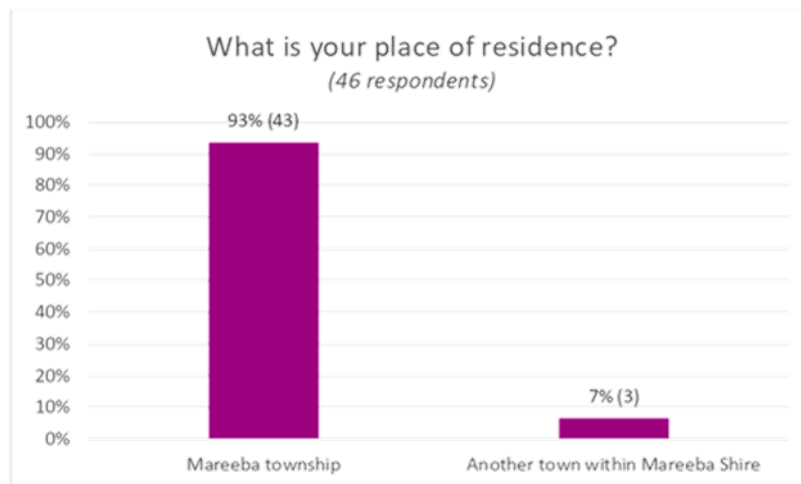
- The Feedback received from 120 stakeholders and members of the wider community will be assessed and incorporated into the temporary works plan so that adverse impacts to businesses, church and the wider community may be minimised where possible.
- A staged approach will be adopted to implementing the changed traffic management plans.
- Depending on funding, some temporary solutions will be trialled in 2019, providing the opportunity to monitor the impacts.
- The implementation of final solutions will be dependent on the outcomes of the trial and will be subject to funding.

Mareeba CBD Traffic Management Study - Community Feedback Report 2018

4. Community Feedback Results

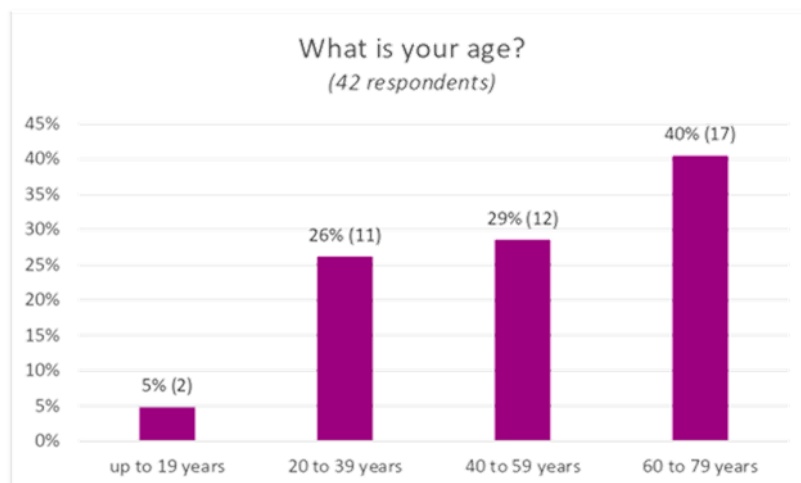
4.1 Place of Residence

Amongst respondents who completed a Community Feedback Sheet and who disclosed their place of residence, the large majority lived in the town of Mareeba (93%) and a small percentage were residents of other towns within the Mareeba shire (7%).



4.2 Age

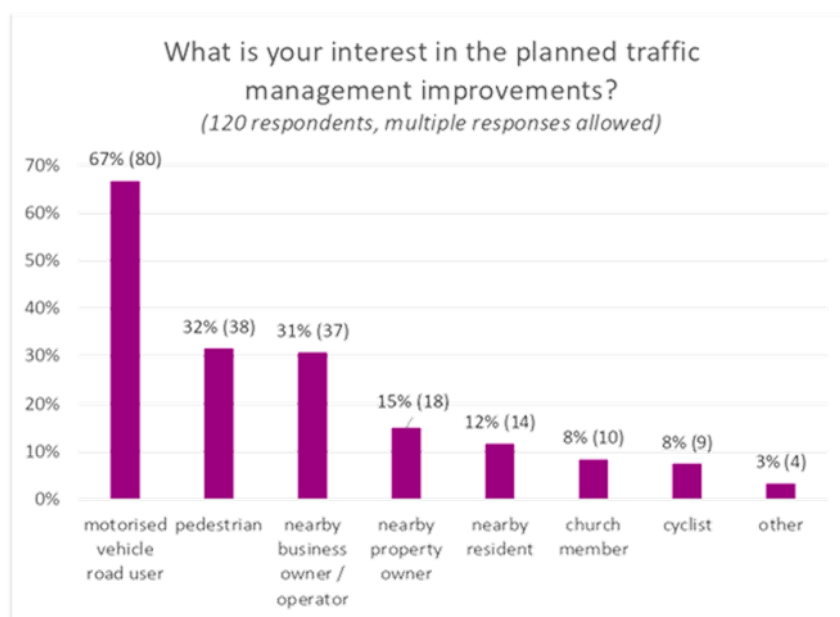
Respondents completing a Community Feedback Sheet tended to be older residents and 40% identified as being 60 to 79 years of age. There were very few respondents under the age of 20 years.



Mareeba CBD Traffic Management Study - Community Feedback Report 2018

4.3 Interest in the Study

All respondents, including those completing a Community Feedback Sheet and those who attended a meeting with Officers, were asked to identify their interest in the traffic management improvements. Respondents were able to choose more than response. Many respondents identified as motorised vehicle users (67%) and approximately one third as pedestrians (32%) and nearby business owners/operator (31%) respectively.



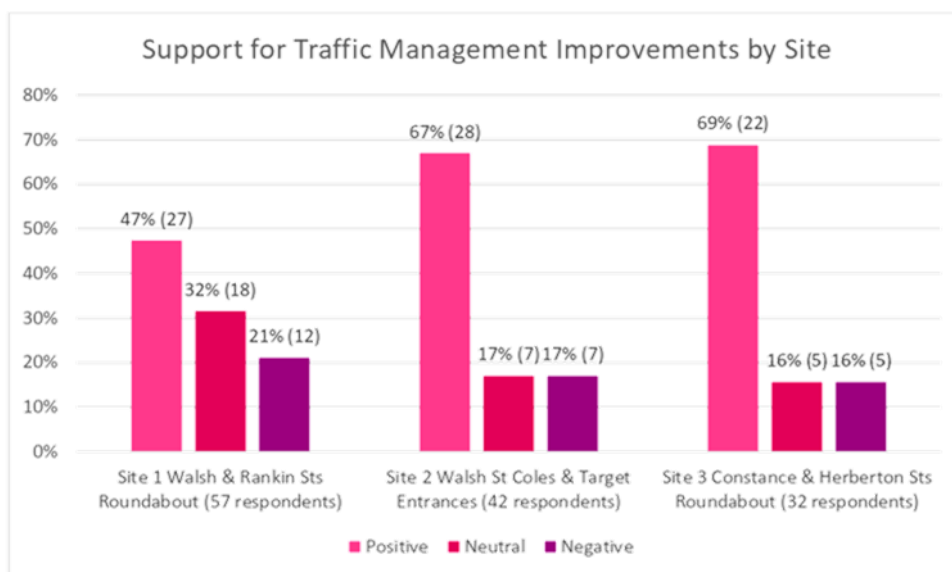
4.4 Level of Support for the Planned Changes

Comments provided were assessed for the respondent's level of support for each of the site plans and grouped into one of the following categories:

- Positive - Respondent supports need to change and / or planned changes
- Neutral - Both positive and negative comments made or unable to assess level of support
- Negative - Respondent does not support need to change and / or planned changes

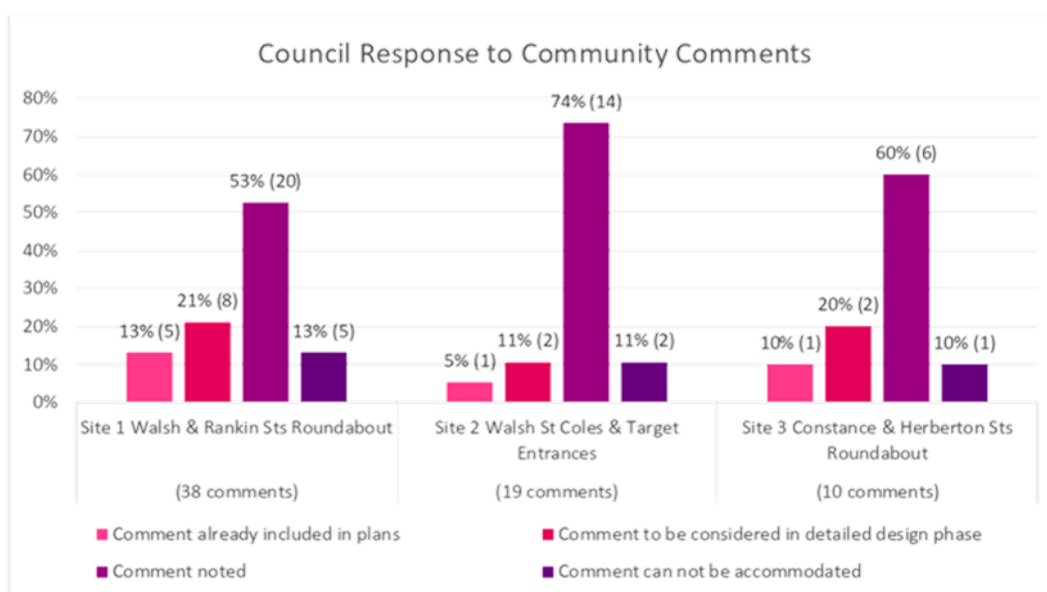
The level of support for Site 2 and Site 3 was similar with approximately two-thirds of respondents supporting the need for change and / or the planned traffic improvements. The level of support for Site 1 proposed improvements was lower and this site received the highest number of comments or suggestions.

Mareeba CBD Traffic Management Study - Community Feedback Report 2018



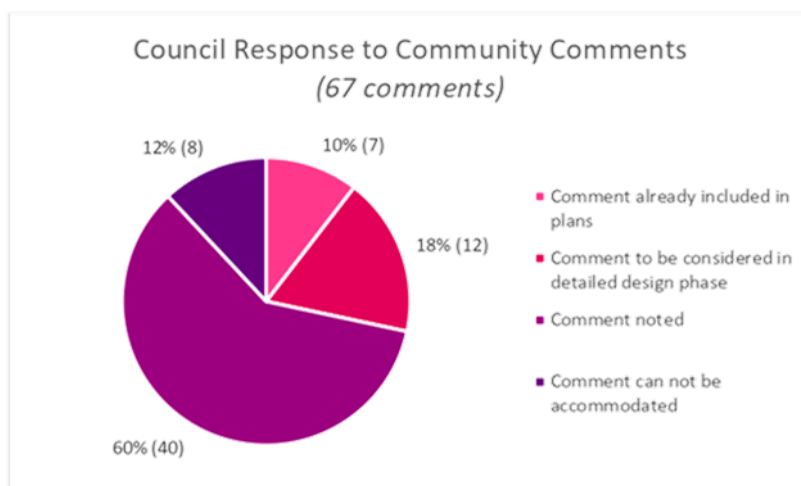
4.5 Council Response to Community Feedback for each Site

The content of community feedback for each site was assessed and grouped according to issue. This resulted in 67 unique issues or suggestions relating to the three site plans (38 comments for Site 1, 19 comments for Site 2, 10 comments for Site 3). The Council response to each unique comment was determined and is tabulated and graphed below.



4.6 Council Response to Community Comments

The content of community feedback for all sites was assessed and grouped according to issue. This resulted in 67 unique issues or suggestions relating to the three site plans. Council's response to each unique comment is graphed below.



The majority of comments (60%) were expressing support, opposition or identifying potential impact of the proposed plans or were suggestions that were out of scope of current plans. These comments have been noted by Council for consideration as the project progresses. Another 12% of comments cannot be accommodated within the plans primarily due to safety and legal requirements.

A considerable proportion of comments (18%) will be considered in the detailed design phase and these are summarised as follows:

Site 1

- Inclusion of loading zone and left turn storage facility for Curcio's bakery.
- Church access and parking constraints.
- Loss of parking and potential options to minimise associated impact.
- Further improvements for pedestrian crossing safety.

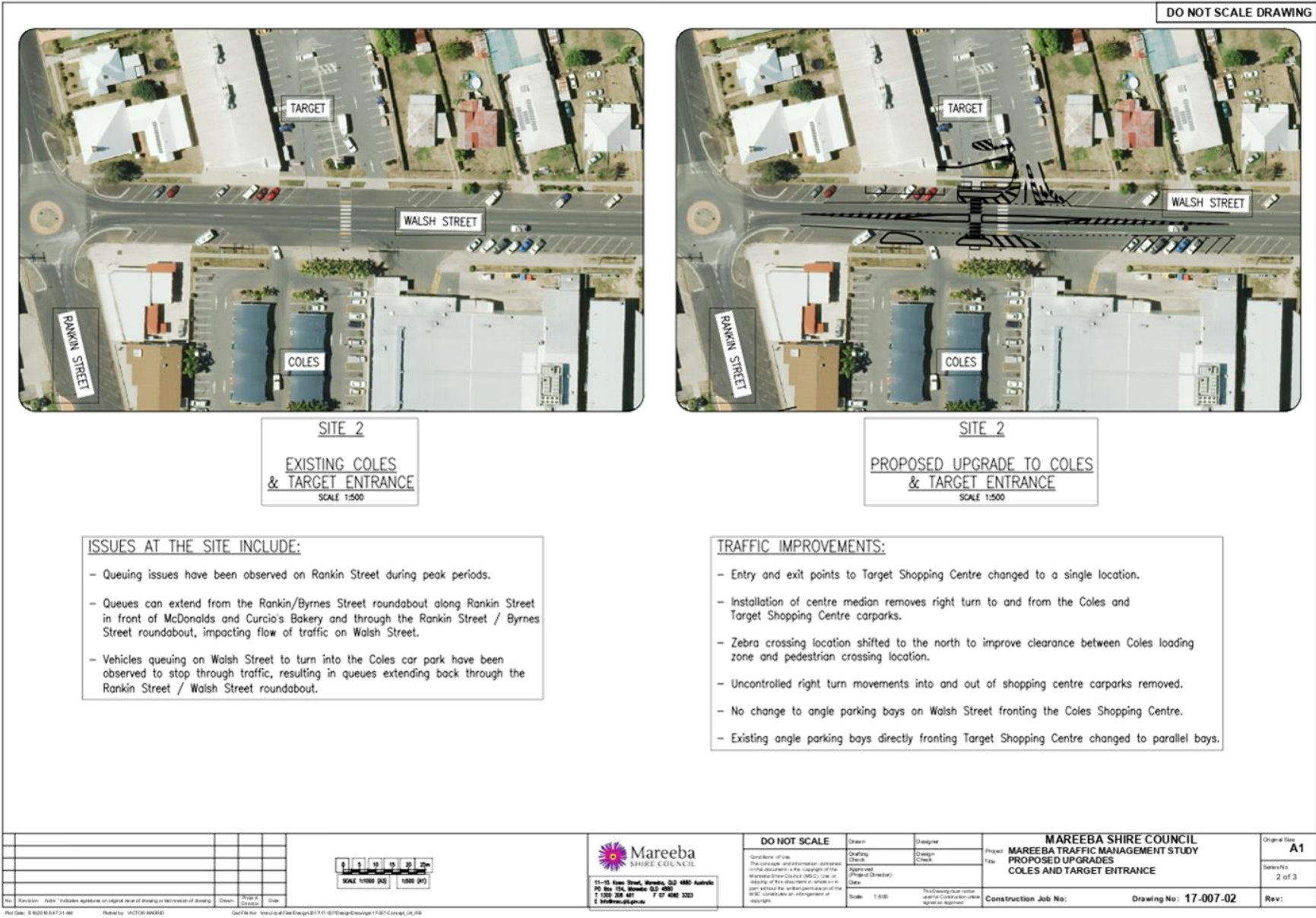
Site 2

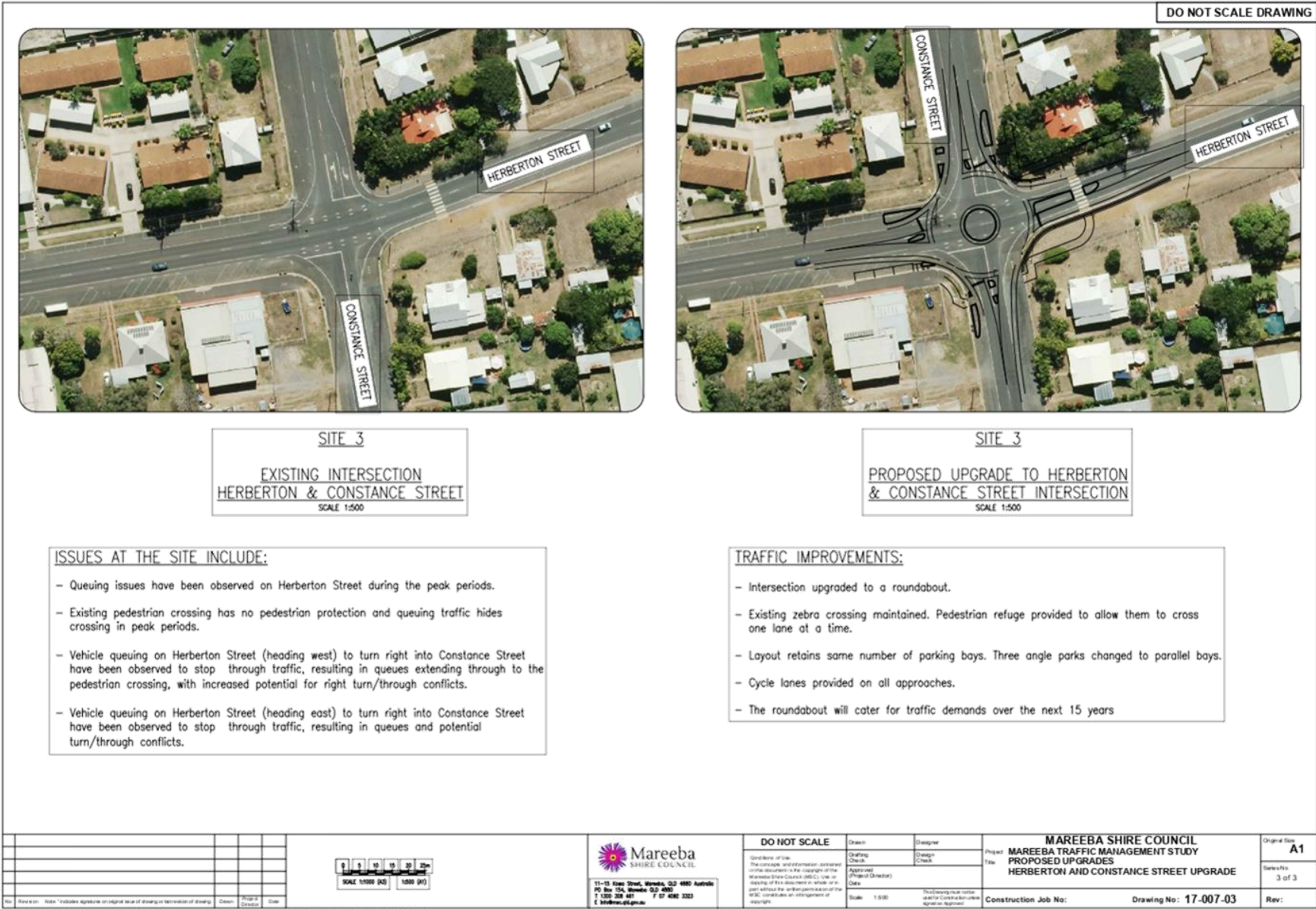
- Loss of parking and potential options to minimise associated impact.
- Amalgamation of Target's carpark entrance/exits and its impact to vehicle flow within carpark.
- Loading vehicle storage capacity for the Coles delivery entrances.

Site 3

- Parking and delivery access issues for nearby business.
- Importance of maintaining pedestrian crossing and consider its location to maximise safety.







9.5 RESIDENT PETITION - BORLAND AND RANKIN STREETS, MAREEBA

Date Prepared: 24 October 2018
Author: Technical Officer (Investigations)
Attachments: 1. Resident Petition [↓](#)
2. Requested Seal and Concrete Areas [↓](#)
3. Borland and Rankin Streets Layout [↓](#)

EXECUTIVE SUMMARY

Following a petition presented at the Ordinary Meeting of 23 October 2018, requesting kerb-to-kerb sealing of Borland Street and Rankin Street, a report has been prepared following assessment of the request.

RECOMMENDATION

That Council advises the Head Petitioner that a project will be included in the Project Prioritisation Tool (PPT), for consideration in a future Capital Works budget, with Borland and Rankin Streets to continue to be maintained as part of normal operations.

BACKGROUND

A petition containing 23 signatures was received via Council's Customer Request Management (CRM) system on 27 September 2018. The petition read (Attachment 1):

"Petition from Borland Street and Rankin Street residence of Mareeba Shire, to have Borland Street and Rankin Street Roads sealed to the gutters. And to have the corner space cemented and utilised for the local children to play on."

The petition was presented to the Ordinary Council Meeting of 23 October 2018 where it was resolved:

"That Council receives the petition and refers it to council officers for further investigation and report to a future Council Meeting."

A review by officers indicates Borland Street currently has two entries within Council's Project Prioritisation Tool (PPT), being:

1. Seal kerb to kerb from Courtney to Hunter Street, southern side only.
2. Widen and seal both sides of Borland Street to kerb and channelling (K&C) from Rankin to Hunter Street.

Borland Street is approximately 15 metres in width when measured from kerb to kerb, with a seal width of approximately 4.5 metres. There is existing K&C in all areas of the request apart from the northern side of Borland Street, between Hunter and Courtney Street.

To achieve the outcomes of the petition, the following scope of works would be required to be implemented:

- a) Construction of approx. 200m of Kerb & Channelling to the norther side of Borland Street, between Hunter and Courtney Streets.

- b) Installation of new gravel pavement and seal between kerbs.
- c) Construction of a large concrete paved area at the entrance of Borland Street from Rankin Street.

History:

A meeting took place on 22 October 2018 between a council officer and the Head Petitioner with the officer being advised of the requested seal and concreting areas (Attachment 2) the requested areas being:

1. Borland Street be sealed for the full length from kerb to kerb.
2. A section of Rankin Street between Borland and Brown Streets be sealed from the kerb to the existing seal.
3. Concrete an area of verge on the corner of Borland and Rankin Streets, to allow for local children to play on.

To obtain a guide for pricing the areas of sealing, concreting, K&C and footpath (Attachment 3) have been measured using Council's GIS Mapping Tool.

The options considered in preparation of this report include:

Option 1 - Maintain Status Quo: Council continues to maintain the road in line with existing maintenance budgets.

Option 2 - Improvements as Requested: Council undertake the works as requested by the residents at an estimated cost of \$380,000.

Option 3 - Alternate Scope of Works: Council undertake the works as requested (minus the large concrete verge) and include the construction of a concrete footpath to the Rankin, Borland, Courtney and Brown Streets town block, at an estimated cost of \$490,000.

It is the recommendation of officers that the 'Alternate Scope of Works' option be listed in the PPT for consideration in future budget deliberations by Council, with Borland and Rankin Streets to be maintained as part of normal maintenance operations in the meantime.

Given the extensive list of projects in the PPT the likely ranking for this project will be low when compared to the some of the higher priority projects currently under consideration and as a result it could be many years before this project comes to fruition.

RISK IMPLICATIONS

The petition claims that Council road and drainage infrastructure has been damaged due to rainfall and flooding. Ongoing monitoring of the issue will be undertaken by officers.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS**Capital**

Option 1: Nil

Option 2: \$380,000

Option 3: \$490,000

Operating

Nil

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

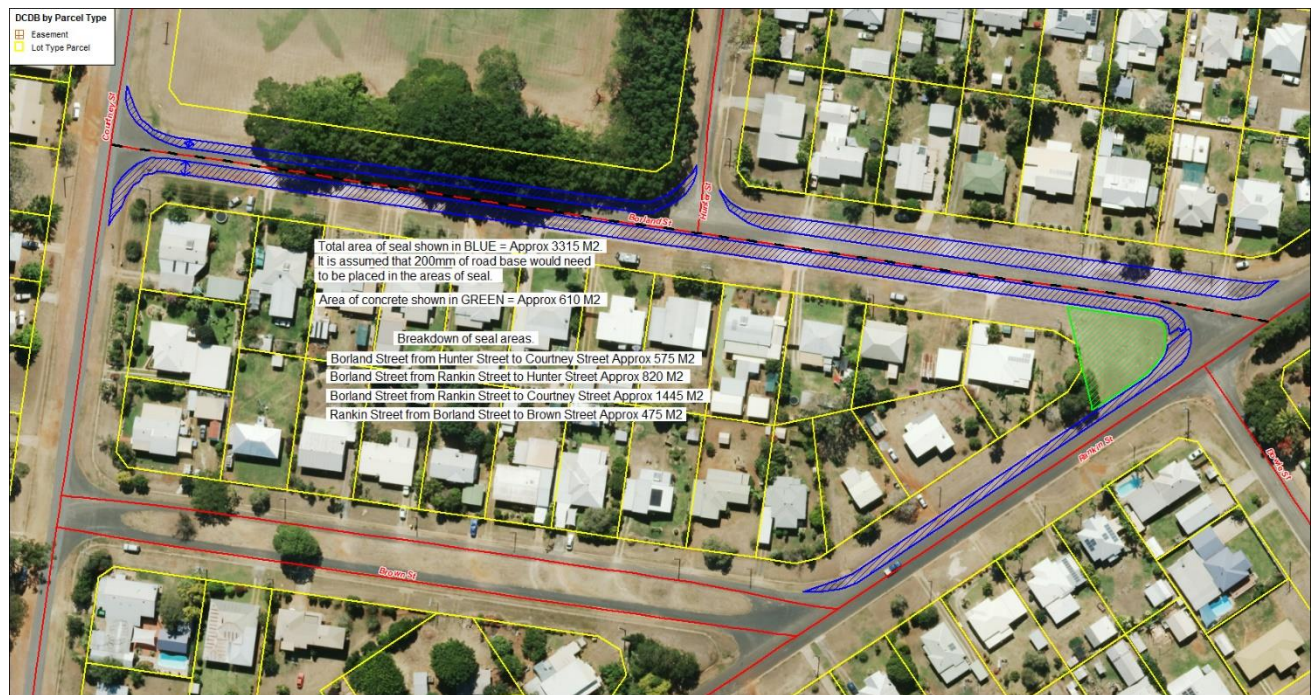
Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

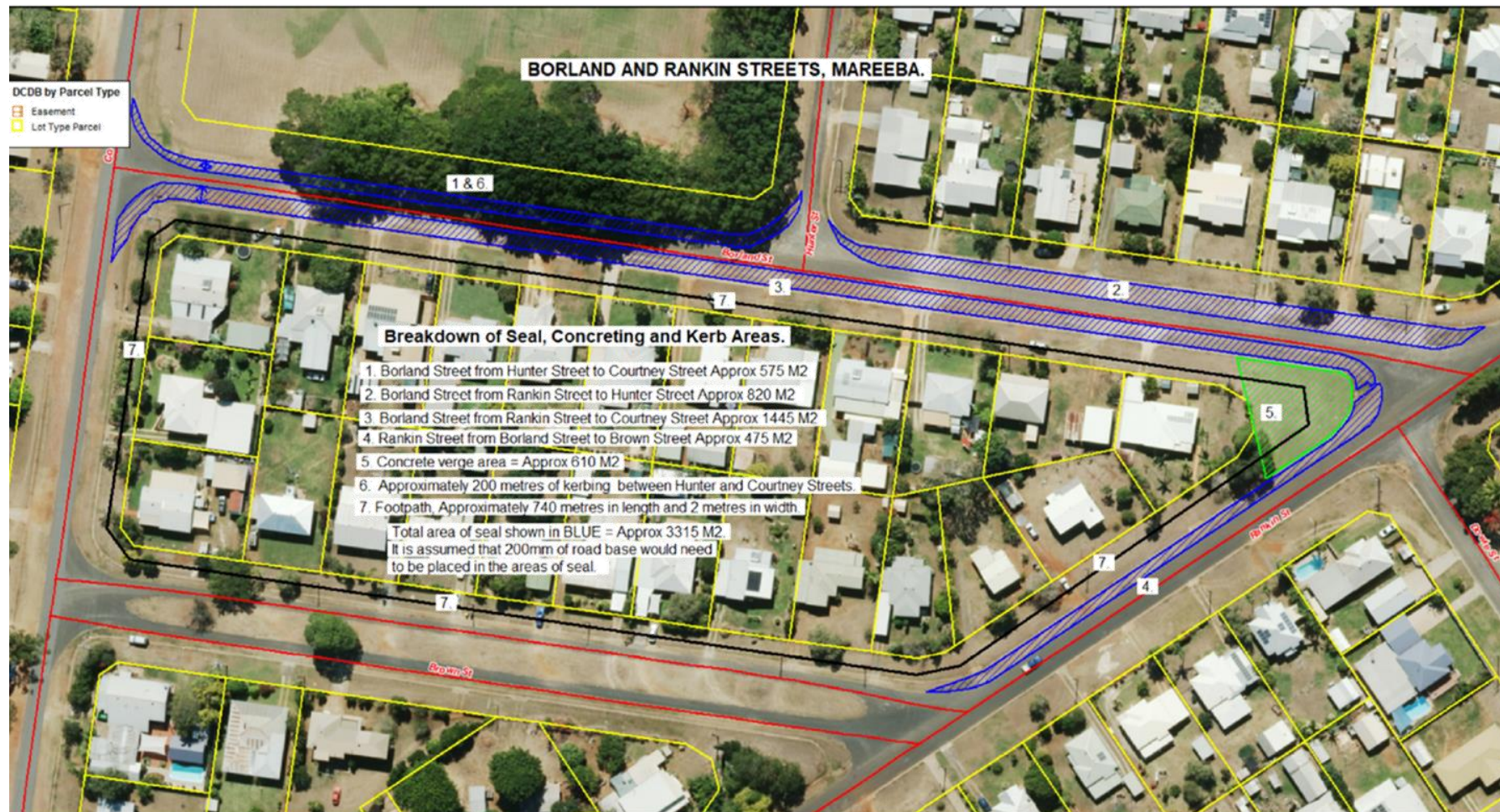
IMPLEMENTATION/COMMUNICATION

The Head Petitioner will be notified of Council's decision.

Petition from Borland Street and Rankin Street residence of Mareeba Shire, to have Borland Street and Rankin Street Roads sealed to the gutters. And to have the corner space cemented and utilised for the local children to play on.

- Paddy Howson 10 Borland St P. Howson
- Norma Howson 10 Borland St. N. Howson
(CEM/19/08375 - also has this complaint in)
- Allan Coulson 4 Borland St. A. Coulson
- Alice Coulson 4 Borland St. A. Coulson
- John Witter 6 Borland St. J. Witter
- Brian Steved 19 Rankin St B. Steved
- Jo Mils 20 Rankin St J. Mils
- M. Smith 22 Rankin St. M. Smith
- Jeannette Hobbs 1 Borland St J. Hobbs
- John Hammond 8 Borland St J. Hammond
- Michelle Coulson 7 Borland St. M. Coulson
- Bruce Shorey 9 Borland St. B. Shorey
- Ray O'Brien 11 Borland St R. O'Brien
- Catherine Brahan 11 Borland St C. Brahan
- Stephanie Shaban 13 Borland St S. Shaban
- Jessica Lowe 13 Borland St J. Lowe
- Roy SHABAN 13 Borland St R. Shaban
- Scheree Dayes 17 Borland St S. Dayes
- Alison Martin 15 Borland St A. Martin
- David Crothers 19 Borland St D. Crothers
- Meredith Winters 12 Borland St M. Winters
- James Winters 12 Borland St J. Winters
- BRUNA CARDOSO - 3 Borland St B. Cardoso





9.6 APPLICATION FOR PERMANENT ROAD CLOSURE, ABUTTING LOT 1 ON MPH40852, RA 1290 BRAUND ROAD, NORTHCOTE VIA DIMBULAH

Date Prepared: 25 October 2018

Author: Technical Officer (Investigations)

Attachments:

1. Correspondence from Landowner's Representative [↓](#)
2. Hand Held GPS Survey Map [↓](#)
3. DNRME Map CNS18/018 [↓](#)
4. Updated DNRME Map CNS18/018A [↓](#)

EXECUTIVE SUMMARY

Correspondence was received on 2 August 2018, from the Landowner's Representative seeking Council's position on an Application for Permanent Road Closure over an area of Esplanade that abuts the boundary of Lot 1 on MPH40852, RA 1290 Braund Road, Northcote via Dimbulah.

RECOMMENDATION

That Council as the Road Manager, advises the Landowner, their Representative and the Department of Natural Resources, Mines and Energy (DNRME) that:

1. Council objects to the current application for permanent road closure, however
2. Council offers no objection to permanent road closures to address identified encroachments only, as per Map CNS18/018A, being the Lot B area and approximately 1250m² in area, and
3. The Landowner is wholly responsible for all costs associated with finalising the process.

BACKGROUND

As part of the Department of Natural Resources, Mines and Energy (DNRME) road closure application process, DNRME requires a submission from the Road Manager (Council) prior to any decision being finalised.

Accordingly, correspondence (Attachment 1) was received via Council's Customer Request Management (CRM) system on 2 August 2018 from the Landowner's representative (Surveyor) seeking Council's position on an application for Permanent Road Closure over an area of Esplanade that abuts the boundary of Lot 1 on MPH40852, RA 1290 Braund Road, Northcote via Dimbulah.

This initial correspondence included documentation that relates to road closure applications being, Department of Natural Resources, Mines and Energy (DNRME) forms, a survey map (Attachment 2) showing the boundary overlay, encroachments and the applied for area, with the Landowners representative advising that:

"We have been requested by the registered owners to submit a proposed road closure application for the consideration of your Council. The registered owners have encroachments on the road reserve and wish to purchase part of the site to include encroachments and also to obtain a further section for private use."

As advised by the Landowners' Representative this map (Attachment 2) was established by using a hand-held GPS. This map showed a significant shift to boundaries in the Northcote area than what was originally shown on the DNRME Map CNS18/018 (Attachment 3) and Council's GIS Mapping Tool, therefore further investigation was warranted.

On 12 September a meeting between Council officers and the Landowner took place with officers advising the Landowner that, due to the inconsistencies reflected in the submitted Plan (Attachment 2) versus current recorded plan (Attachment 3), clarification would be needed with regards to property boundaries, encroachments and proposed areas of closure. In this meeting the Landowner advised officers that their main priority was to fix the current building encroachments.

An identification survey was undertaken, with the updated DNRME Map CNS18/018A (Attachment 4) confirming the significant shift in property boundaries of the Northcote area, which also highlighted the extent of the current encroachments. The updated plan shows the 'Lot B' area being approximately 1250m² and covering the current identified encroachments and having an approximate distance of ten (10) metres from the creek edge to the Lot B area. The correction to the boundaries addressed an encroachment concern for the northern most structure.

The corrected boundaries are now reflected in DNRME and Council's GIS Mapping Tool.

Correction of encroachments to gazetted roads represents an important aspect in managing the Transport Network. It is the Council officer's opinion, that in this instance, Council offers no objection to the correction of encroachments, however, such support be limited to the encroachments only.

Council officers continue to maintain contact with the Landowner's Representative, the Landowner and the DNRME via phone, email and face to face meetings in relation to the matter.

RISK IMPLICATIONS

Infrastructure and Assets

Reduction in Road and Esplanade area may present an impediment to future use and/or maintenance activities.

Legal and Compliance

Council is delegated with the Authority of Road Manager, therefore the needs of the transport network are considered prior to DNRME providing a final position to Road closures.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Council is delegated with authority as Road Manager and is therefore required to consider the needs of the future transport network.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

Following resolution, Council Officers will notify DNRME and the applicant of the outcome.

36 Mabel Street
Atherton QLD 4883

P 07 4093 1303
E info@twinesurveys.com.au
W twinesurveys.com.au

ACN 109 476 422
ABN 66 109 476 422



31st July 2018

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

Dear Sir

Proposed Permanent Road Closure
1290 Braund Road – Glen Russell
G Stewart and K Porter

We have been requested by the registered owners to submit a proposed road closure application for the consideration of your Council.

The registered owners have encroachments on the road reserve and wish to purchase part of the site to include the encroachments and also to obtain a further section for private use.

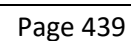
Please find attached the following:-

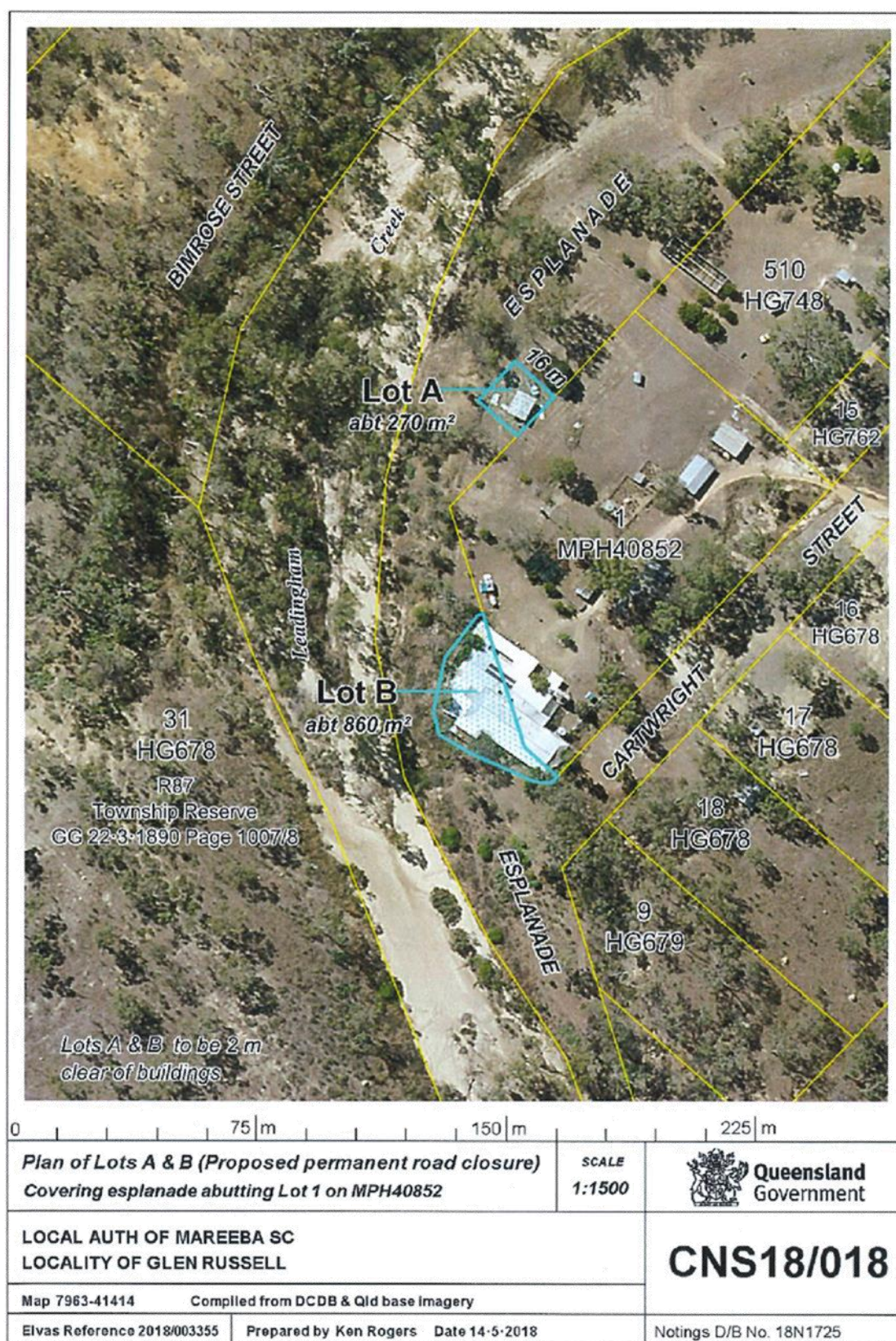
- Application form contact and Land Details – Part A
- Application for Road Closure Part B
- Statement in relation to an application under the Land Act 1994 over State land – Part C
- Proposed Sketch Plan of the Road Closure

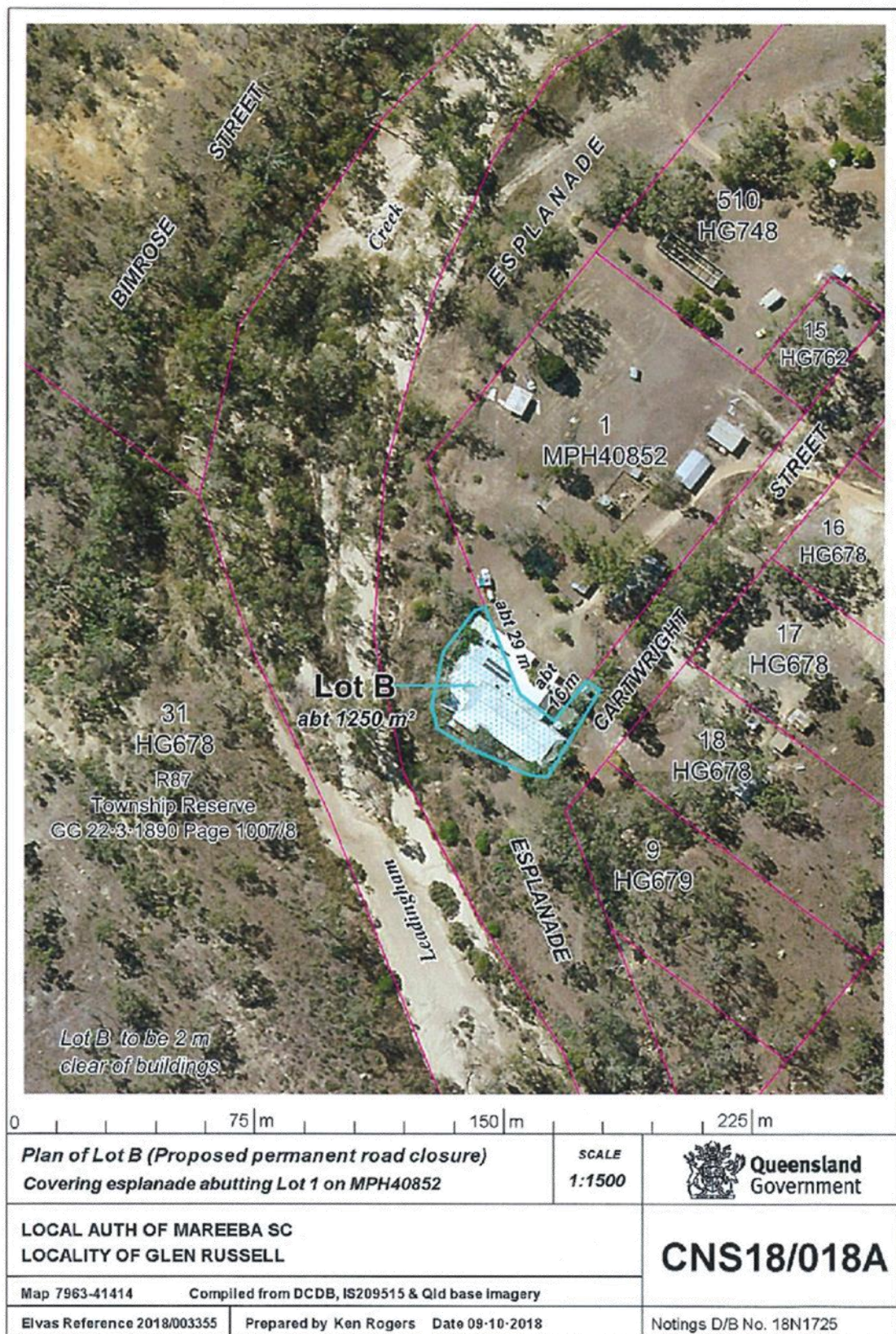
Yours faithfully

Brendan Twine
Twine Surveys Pty Ltd

A handwritten signature in black ink, appearing to read "Brendan Twine".







9.7 REVIEW OF APPLICATION FOR PERMANENT ROAD CLOSURE APPLICATION - LOT 510 HG748, BRAUND ROAD, NORTHCOTE.

Date Prepared: 29 October 2018

Author: Technical Officer (Investigations)

Attachments:

1. January 2018 Officers Report [↓](#)
2. January 2018 Council Resolution [↓](#)
3. 2017 Council GIS Map Imagery [↓](#)
4. Drawing TSV18032 [↓](#)
5. Drawing TSV18032 V2 [↓](#)

EXECUTIVE SUMMARY

The Department of Natural Resources, Mines and Energy (DNRM&E) have advised Council of updated survey information resulting in the correction of boundaries in the area of Northcote, via Dimbulah and affecting the Application for Permanent Road Closure of an area of Esplanade Abutting Lot 510 HG748 - RA 1291 Braund Road, Northcote via Dimbulah.

Following a significant boundary correction, Council has been requested to confirm its position with regards its support for the Permanent Road Closure Application previously considered at its Ordinary Meeting dated 24 January 2018.

RECOMMENDATION

That Council:

1. withdraws its support for the current Permanent Road Closure Application made by the Land Owner of Lot 510 HG748, due to the correction of property boundaries resulting in updated survey details; and
2. offers no objection to permanent road closures to address encroachments if requested by landowner, and the Landowner is wholly responsible for all costs associated with finalising the process.

BACKGROUND

On 17 October 2017 an application for permanent road closure over an area of Esplanade abutting Lot 510 on HG748, RA 1291 Braund Road, Northcote via Dimbulah was received via Council's Customer Request Management (CRM) System.

An Officer's report was prepared (Attachment 1) with the application going before the January 2018 Council Meeting with resolution (Attachment 2) from that meeting being;

"That Council advise the Department of Natural Resources, Mines and Energy (DNRME) of no objection to the permanent road closure as detailed in this report."

Assessment of this application was made from the following information;

- DNRME forms, Parts "A", "B" and "C", supplied by the applicant.
- Smart Map with a hand drawn area of application supplied by the applicant.

- Imagery from Council's GIS Mapping Tool (Attachment 3).

On 15 October 2018, email correspondence was received from DNRME advising Council of updated survey information that impacts on the road closure application. Impacts include a significantly smaller area of the road network than what was originally applied for, however encroachments are now identified within the Cartwright Street gazetted road.

DNRME drawing TSV18032 (Attachment 4) shows the boundary locations before an identification survey was undertaken with DNRME drawing TSV18032 V2 (Attachment 5) showing the amended boundary locations; this boundary amendment is now reflected within Council's GIS Mapping Tool.

To date, the DNRME have not finalised this application or made an offer to the land owner.

Given the new information supplied by DNRME identifying the shift in boundary locations and new encroachments identified, it is the Council officer's opinion that the permanent closure of the area identified as 'Esplanade' would reduce the ability to maintain or gain access to maintain the creek and esplanade area if required.

It is the officer's recommendation that Council support for the permanent road closure application be withdrawn, however continued support be provided when an application for permanent road closure to amend identified encroachments is sought by the land owner of Lot 510 HG748.

RISK IMPLICATIONS

Infrastructure and Assets

Reduction in Road and Esplanade area may present an impediment to future use and/or maintenance activities.

Legal and Compliance

Council is delegated with the authority of Road Manager; therefore the needs of the transport network are considered prior to DNRME providing a final position to Road closures.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Council is delegated with authority as Road Manager and is therefore required to consider the needs of the future transport network.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

Following resolution, Council Officers will notify DNRME and the applicant of the outcome.

There is a wider issue associated with the future potential dissolution of vacant lots within the area. The possible longer term issues associated with supporting an increase in freehold lands within the area, may need to be considered.

Mareeba Shire Council

OFFICER'S REPORT

SUBJECT: APPLICATION FOR PERMANENT ROAD CLOSURE OF AN AREA OF ESPLANADE ABUTTING LOT 510 HG748 - RA 1291 BRAUND ROAD, NORTHCOTE VIA DIMBULAH

MEETING: Ordinary

MEETING DATE: 24 January 2018

REPORT OFFICER'S TITLE: Technical Officer Investigations

DEPARTMENT: Infrastructure Services, Technical Services

EXECUTIVE SUMMARY

Correspondence has been received from the applicant seeking Council's position on an application to permanently close an area of Esplanade abutting Leadingham Creek and the boundary of Lot 510 on HG748, 1291 Braund Road, Northcote via Dimbulah.

It is understood the request for closure is to incorporate the land into the applicant's existing freehold property.

OFFICER'S RECOMMENDATION

"That Council advise the Department of Natural Resources, Mines and Energy (DNRME) of no objection to the permanent road closure as detailed in this report."

BACKGROUND

As part of the Department of Natural Resources and Mines (DNRM) road closure application process, the DNRM requires a submission from the Road Manager prior to any decision on the application.

Accordingly, the DNRM is requesting Council's views as the Road Manager, to permanently close an area of Esplanade abutting Leadingham Creek and the boundary of Lot 510 on HG748.

The applicant wishes to close the esplanade to incorporate it into the adjoining freehold lot as the area of proposed permanent closure has access to Leadingham Creek.

The track and road are not maintained by Council and there are no current plans to use this section of road reserve.

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

Planning Section
Manager Waste and Water
Manager Works
Manager Development and Governance
Governance and Compliance Advisor

External

DNRME
Applicant

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

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

IMPLEMENTATION/COMMUNICATION

Following publication of Council minutes prepare and send communication to DNRM advising of Council's decision.

ATTACHMENTS

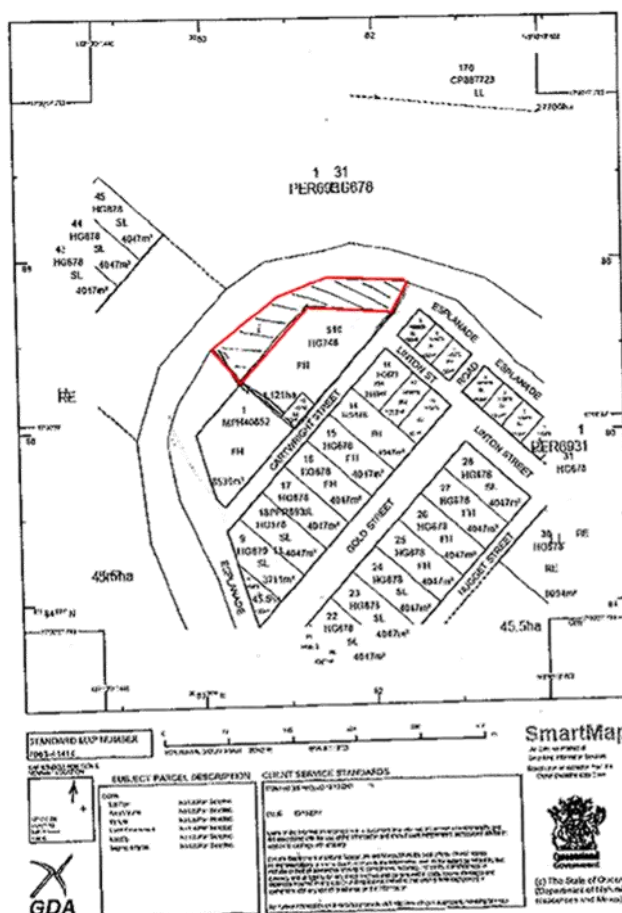
1. Copy of DNRM Locality Plan;
2. MSC - GIS Map Info Plan;
3. MSC - GIS Map Info - Road Easement Plan.

Date Prepared: 9 January 2018

Page 1 of 1

Word OnLine

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PAGE 1 OF 1

HELP IMPROVE OFFICE 100%

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[Agenda Report](#)

User Instructions

If necessary to view the original Agenda Item, double-click on 'Agenda Report' blue hyperlink above.

ACTION FROM ORDINARY MEETING

Held on Wednesday, 24 January 2018

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**SUBJECT: APPLICATION FOR PERMANENT ROAD CLOSURE OF AN
AREA OF ESPLANADE ABUTTING LOT 510 HG748 - RA 1291
BRAUND ROAD, NORTHCOTE VIA DIMBULAH**

Moved by Cr Brown

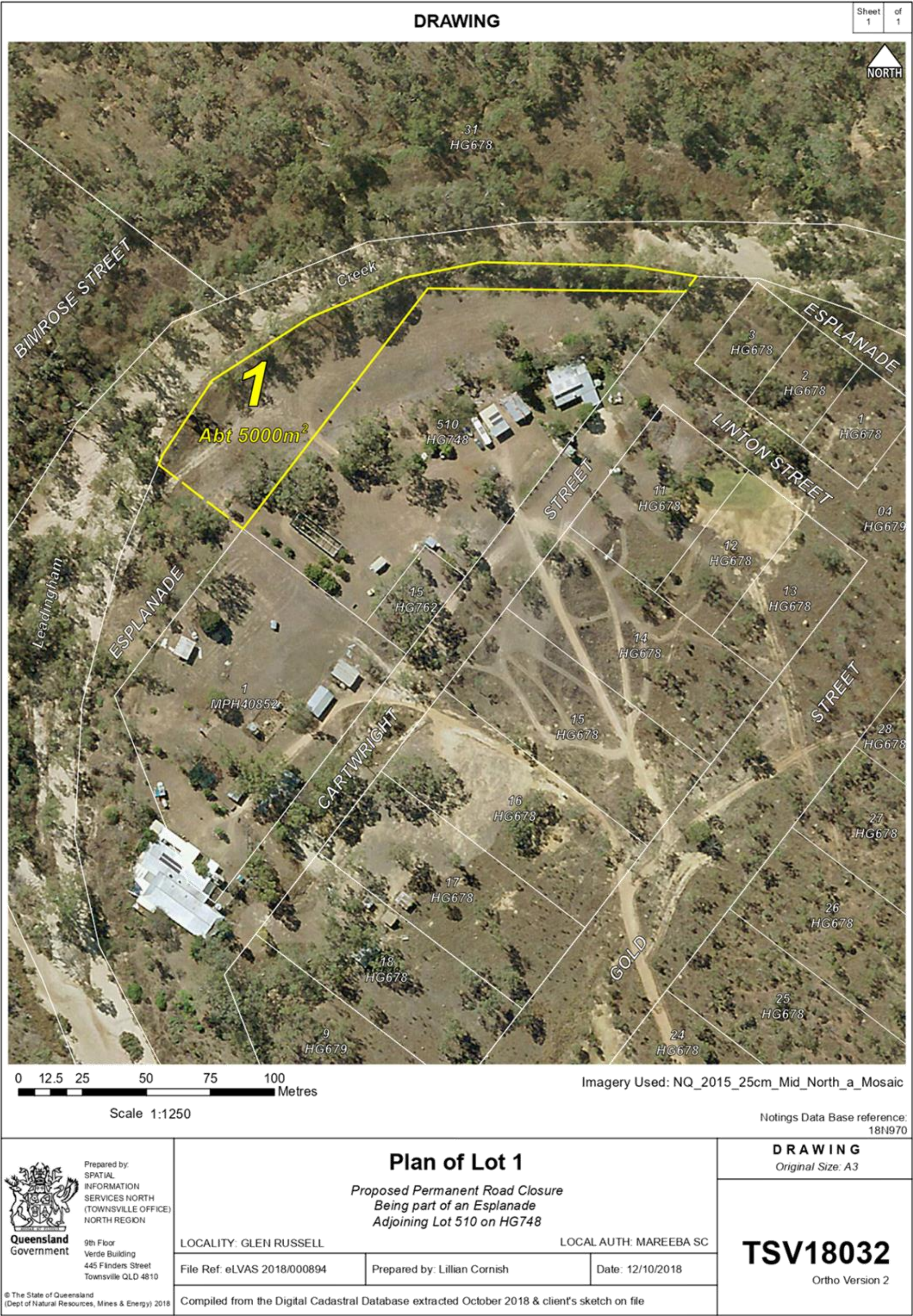
Seconded by Cr Toppin

"That Council advise the Department of Natural Resources, Mines and Energy (DNRME) of no objection to the permanent road closure as detailed in this report."

CARRIED







9.8 MAREEBA AIRPORT UPGRADING - OCTOBER 2018 PROGRESS REPORT

Date Prepared: 9 November 2018

Author: Manager Technical Services

Attachments: 1. Progress Photographs [↓](#)

EXECUTIVE SUMMARY

Council has received grant funding from the Australian and Queensland governments towards the upgrading of the Mareeba Airport.

At its Ordinary Meeting of 21 March 2018, Council resolved to award Contract TMSC2017-27 Mareeba Airport Upgrade to FGF Developments Pty Ltd, with works commencing onsite mid-April 2018.

The purpose of this report is to provide an update on progress of the Mareeba Airport Upgrade project.

RECOMMENDATION

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

BACKGROUNDFunding

Council has received \$13 million from the Queensland State Government's Royalties for Regions program and \$5 million from the Australian Government's National Stronger Regions Fund towards the upgrading of the Mareeba Airport.

Additional funding of \$5 million has been secured under the Australian Government's Building Better Regions Fund (BBRF) to undertake lengthening and strengthening of the runway, taxiways and airfield ground lighting, bringing the total project budget to \$23 million.

Following confirmation of additional funding through BBRF, Council resolved at its Special Meeting on 5 September 2018, to award a variation to Contract TMSC2017-27 up to a value of \$4 million (excluding GST) for amendments to the runway, taxiways and airfield lighting. The remainder of this additional funding has been allocated to design, project management, CASA approvals and contingency.

Programme and Progress

A programme of works has been prepared which reflects the works and commitment made by Council in the funding agreements. This programme will be updated at fortnightly meetings of the Project Team, which includes Council, FGF and Council's Consultant Contract Management representatives (Trinity Engineering Consultants).

In October 2018, FGF continued the installation of underground services, subgrade preparation and pavement construction. Although rock has presented significant challenges, FGF have nearly completed rock breaking activities. To date, delays to the contractor's programme of 5-6 weeks are expected, however the project remains within the programme agreed to with the funding bodies.

Planned construction works for November includes completion of drainage and services installation, and bitumen sealing of pavements. Practical completion is anticipated to be reached in December 2018.

Stakeholder Engagement

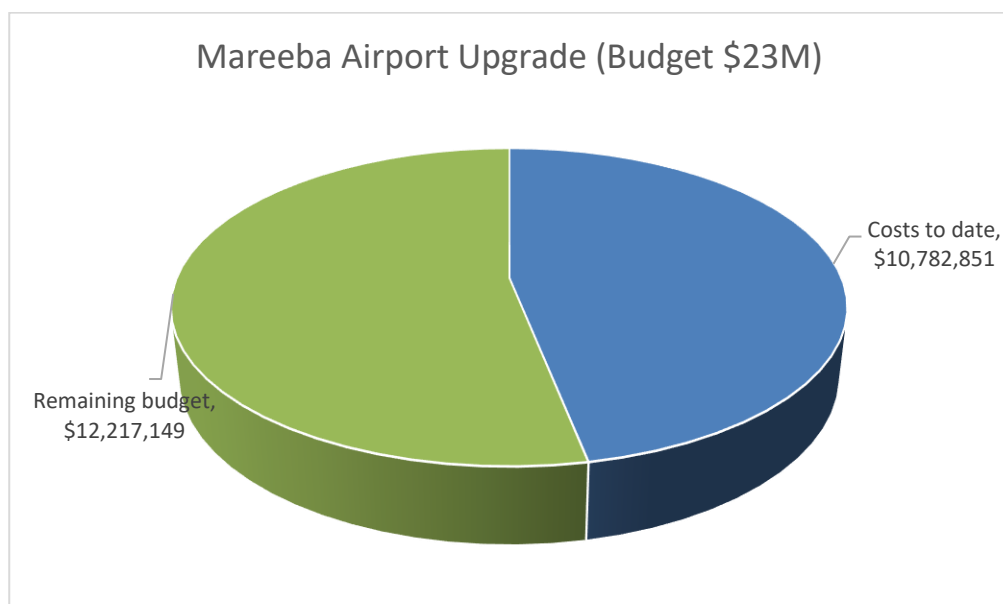
A Communication and Stakeholder Engagement Plan has been developed, which sets out the engagement strategy for delivery phase of the project. Ongoing engagement will be undertaken for the duration of the project. Project newsletters are planned for release as necessary.

Aviation Commercial Precinct Leasing Opportunities

To date, applications have been received for leasing of five (5) sites within the new aviation commercial precinct. Council has received many enquiries regarding leasing of land, with further lease applications expected to be received as construction progresses.

Expenditure

Council expect to receive regular monthly claims which will be reflected within the chart below.



RISK IMPLICATIONS

Financial

Latent conditions and potential project variations represent normal risks with complex projects, nominal allowances within the budget have been made. Rock continues to provide the single largest risk to project budget, however with this item nearing completion the risks will begin to lessen.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

The contract is being managed under Australian Standard AS4000-1997 Conditions of Contract. Tender and procurement activities have been completed in accordance with Council's procurement policy.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Funding for this project has been made available from the Australian and State Governments.

Is the expenditure noted above included in the current budget?

Yes

Operating

Nil

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

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

IMPLEMENTATION/COMMUNICATION

This purpose of this report is to provide Council with an update as to progress of the Project. No additional actions required at this time.

All communication in relation to the project shall be in accordance with the protocols outlined in the deeds of agreement with the Australian and Queensland governments.

PROGRESS PHOTOS MAREEBA AIRPORT- AUGUST- OCTOBER 2018



1 August 2018 - base course for Taxiway E



14 August 2018 - excavation for Road 1



15 August 2018 - water main and fire water service installation



24 August 2018 - construction of box culvert base at carpark entrance



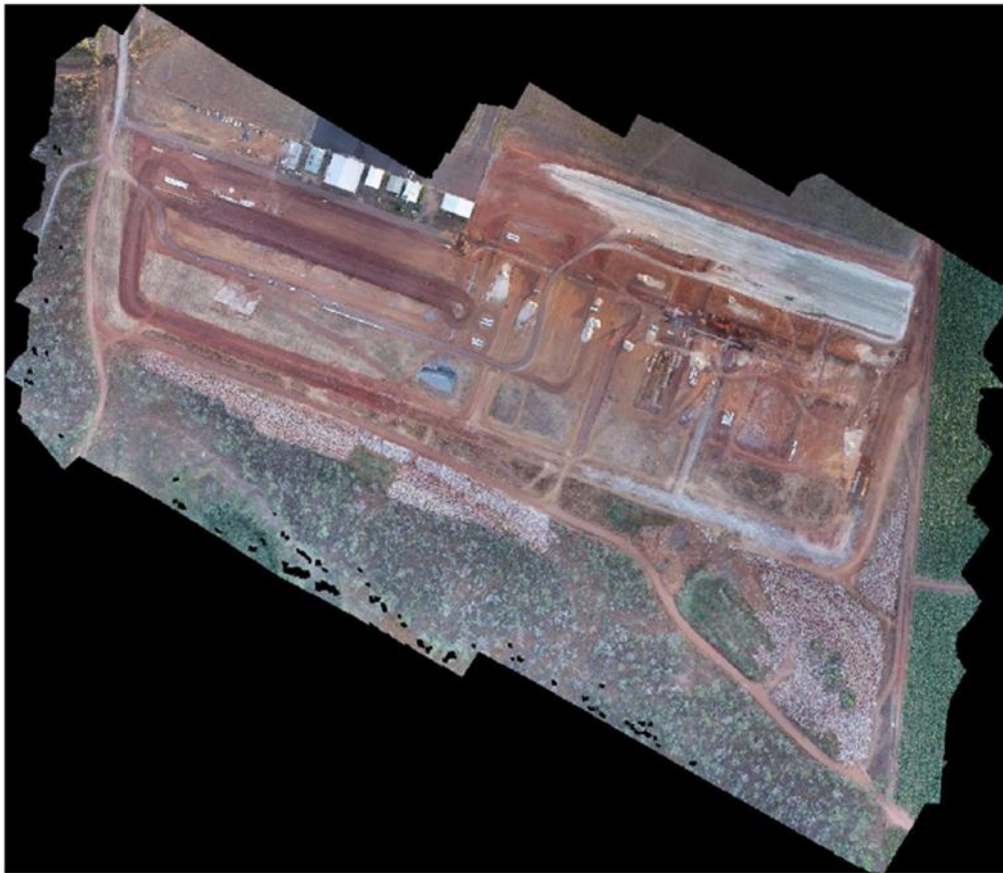
7 September 2018 - Stormwater pit installation for Road 2



10 September 2018 - primer seal for Taxiway F



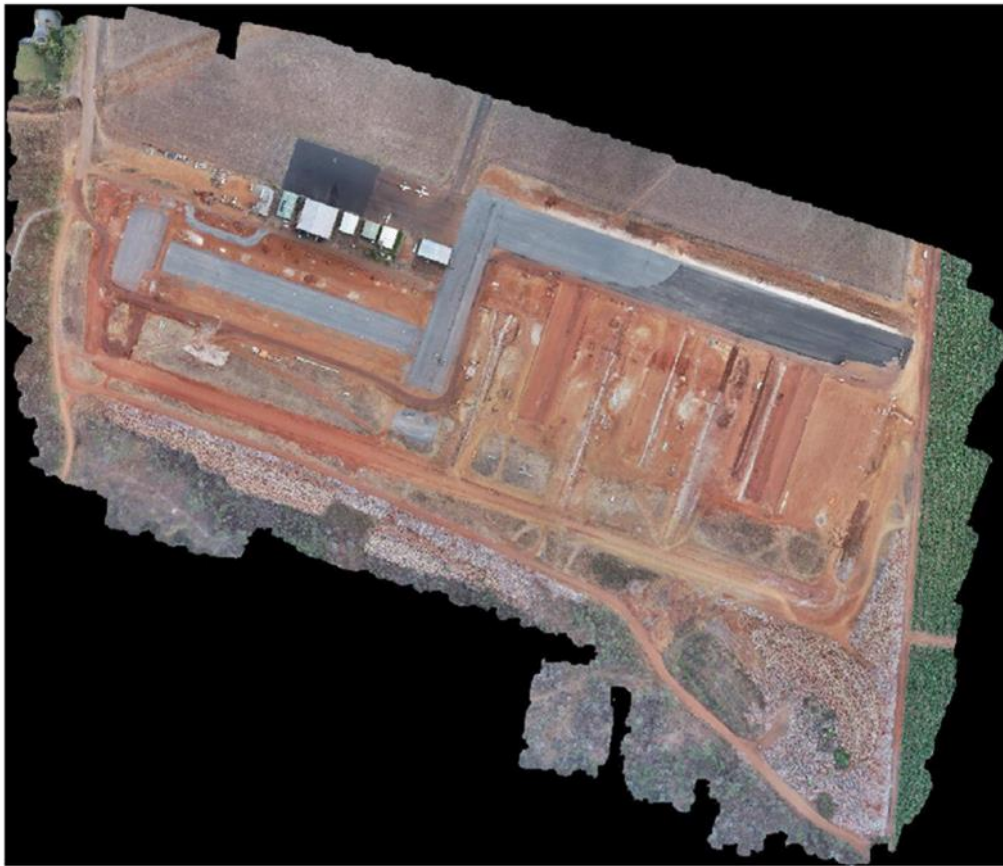
12 September 2018 - base course for Taxiway E1



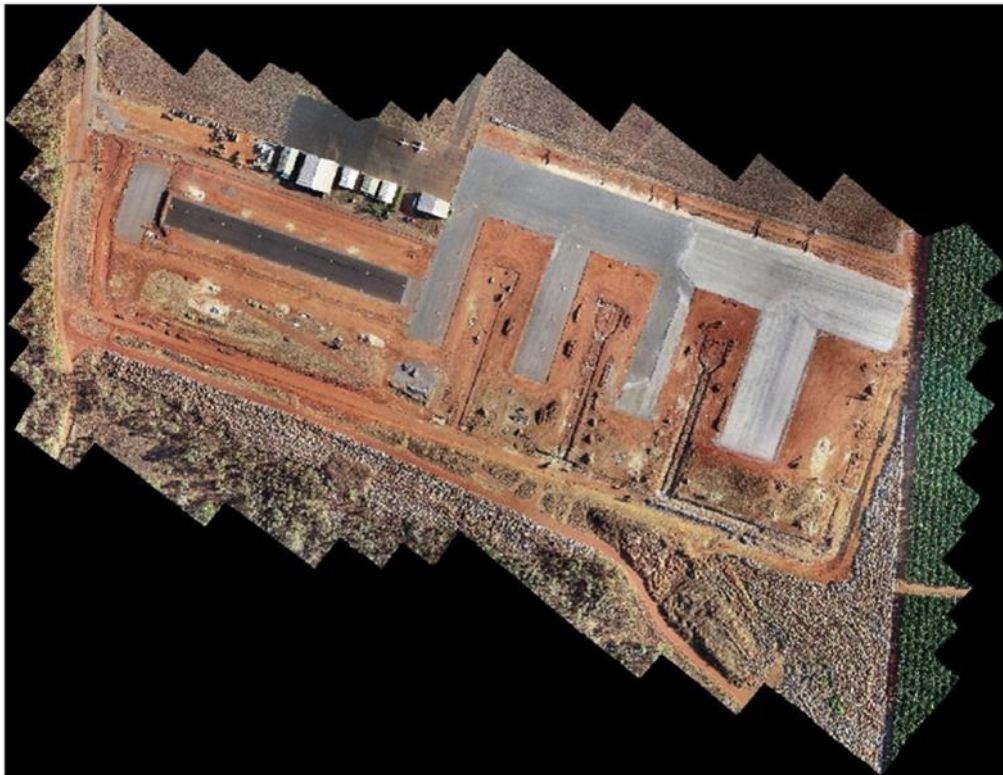
June 2018 - aerial imagery for end-of-month survey



July 2018 - aerial imagery for end-of-month survey



August 2018 - aerial imagery for end-of-month survey



September 2018 - aerial imagery for end-of-month survey



2 October 2018 - aerial imagery showing progress on aviation industrial park



2 October 2018 - aerial imagery showing progress on aviation industrial park.



9 November 2018 - aerial imagery showing progress on aviation industrial park.

9.9 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - OCTOBER 2018

Date Prepared: 6 November 2018

Author: Manager Technical Services

Attachments: Nil

EXECUTIVE SUMMARY

This purpose of this report is to summarise Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management and Investigation Services activities undertaken by Infrastructure Services during the month of October 2018.

RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Monthly Report for the month of October 2018.

BACKGROUND

Below is a summary of the activities undertaken by the Technical Services section for the month of October 2018:

DESIGN	
2017/18 Capital Works	<ul style="list-style-type: none"> • Malone Road Drainage, Mareeba - Redesign to be undertaken
Works for Queensland Rd 2	<ul style="list-style-type: none"> • Flin Creek Bridge, Pinnacle Creek Road - Detailed design received • Boggy Creek Bridge, Hillview Road - Detailed design received • Anzac Avenue, Barron River Bridge, Mareeba - Testing of existing bridge piers and abutments for design planning
2018/19 Capital Works	<ul style="list-style-type: none"> • Mareeba Industrial Estate, Stage 16A - Civil drawings prepared. Electrical, communications plans are being prepared • Mary Andrews Park, Mareeba, Car Park - Detailed design completed • Fumar Road, Mutchilba, Drainage - Detailed design undertaken • Springmount Road, Arriga - On-site construction inspections • Ootann Road CH 78.2-80.2 (Package 2), Almaden - Preliminary design plans undertaken
Miscellaneous	<ul style="list-style-type: none"> • General investigations related to customer requests • Traffic counter installation • Installation of rural addresses • Lynd Crossing site inspection • DBYD plans • Fire evacuation plans • Byrnes Street Master Landscape Plan

SURVEY	
Works for Queensland Rd 2	<ul style="list-style-type: none"> • Bibbohra State School, Car park - As constructed survey • Royes Street, Mareeba - As constructed survey
Miscellaneous	<ul style="list-style-type: none"> • Mareeba Landfill - Survey volume pick-up • Wetherby Road Opening - Cadastral Survey Plan for Lot 37 SP166323 • Borzi Park, Mareeba - Lease area identification
2018/19 Capitals Works	<ul style="list-style-type: none"> • Springmount Road, Arriga - Construction set out • Mt Mulligan Road, Dimbulah - Construction set out • Ootann Road CH 78.2-80.2 (Package 2), Almaden - Detailed Survey • Mareeba Industrial Estate, Stage 16A - Construction setout • Pickford Road, Bibbohra - Construction setout • Mareeba Aerodrome - Obstacle limitation surfaces (OLS) checks • Mary Andrews Park, Mareeba, Car park - Construction setout

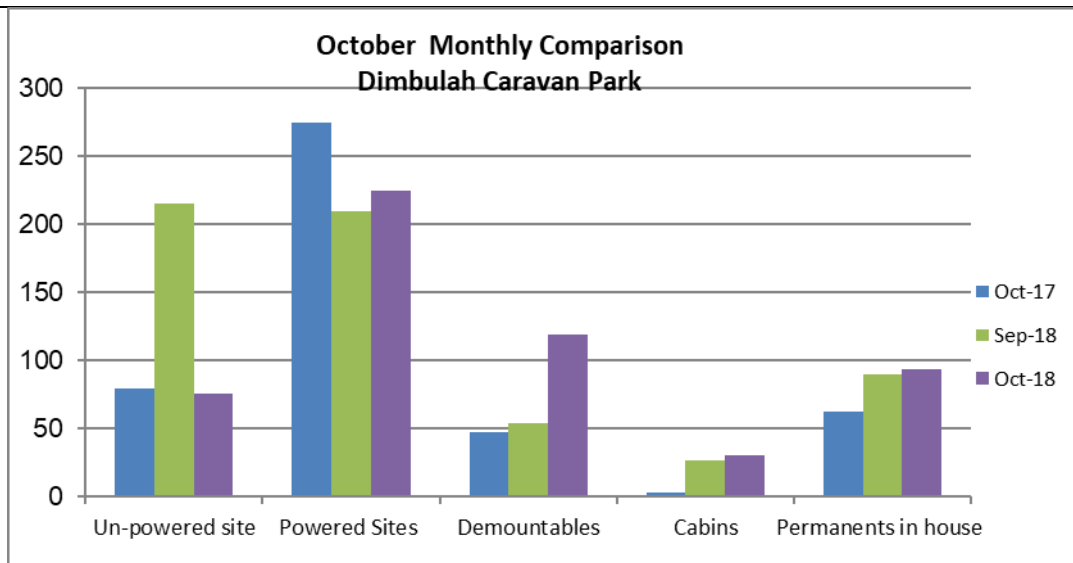
SUBDIVISIONS AND INVESTIGATIONS	
Subdivisions <i>(Under Construction)</i>	<ul style="list-style-type: none"> • Amaroo Stage 10 <ul style="list-style-type: none"> ○ Shaping of internal roads ○ Installation of stormwater, water and sewer services • Bundanoon Stage 2 <ul style="list-style-type: none"> ○ Bulk earthworks being undertaken
On-Maintenance <i>(Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset)</i>	<ul style="list-style-type: none"> • The Edge Stage 2A (Antonio Drive, Mareeba) • Springmount Road and Kippin Drive Intersection Upgrade • Hilltop Close, Kuranda (Vegetation clearing) • Amaroo Stage 9 • 8-10 Forest Close, Kuranda • Rodeo Acres Pty Ltd (Mareeba - Dimbulah Road) • Kanjini Co-Op Ltd Stage 2 (Emerald Falls Road, Mareeba) • Develop North (Barnwell Road Upgrade)
Off-Maintenance	<ul style="list-style-type: none"> • G & A Trevisin Driveway – Wolfram Road
Operational Works	<ul style="list-style-type: none"> 112 Barnwell property, on-going monitoring of; • Dam construction completed and being monitored • Access completed and monitoring underway • Nature Base Tourism Works (MCU/17/0012) completed and being monitored

PROJECT MANAGEMENT	
Building	<ul style="list-style-type: none"> • Kuranda Centenary Park toilets upgrade - Tender awarded to Osbourne Construction Solutions. Pre-start meeting with contractor, architect and council on 9 November 2018.
Civil	<u>2017-18 Reseals Bitumen and Asphalt Programmes:</u> <ul style="list-style-type: none"> • Line marking scope of works to be compiled for a quotation to be sought from outside contractors

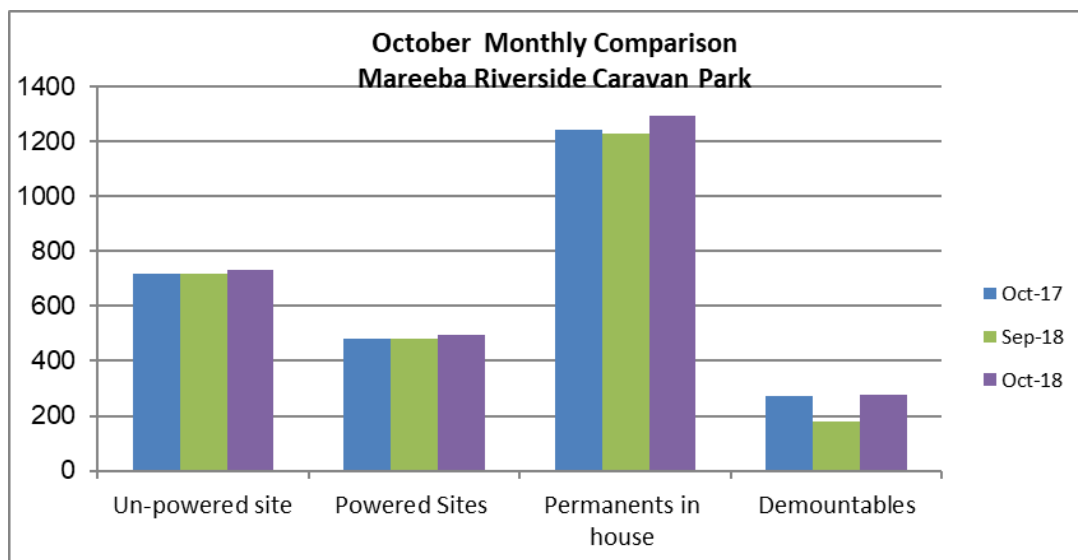
	<p><u>2018-19 Reseals Bitumen Program:</u></p> <ul style="list-style-type: none"> • MSC programme is scheduled for January 2019 <p><u>Therwine Street Redevelopment:</u></p> <ul style="list-style-type: none"> • JMAC commenced work 13 August • First stage of lower Therwine Street nearing completion • Upper Therwine to commence 22 October 2018. <p><u>Kuranda KIAC Wayfinding Signage:</u></p> <ul style="list-style-type: none"> • Initial ASPECT signage audit complete • Audit report and recommendations to be presented to 18 October KIAC meeting <p><u>Kuranda Barron Gorge Walking Trail</u></p> <ul style="list-style-type: none"> • Preliminary contact with Parks and Wildlife detailing the proposal seeking in principal support and approval to proceed
NDRRA	<p><u>6-10 March 2018 Event:</u></p> <ul style="list-style-type: none"> • Emergent Works completed and claim to QRA submitted, finalising minor queries from QRA. • Network Inspection completed, with damage assessment submissions provided to QRA for review. • 3 x QRA restoration submissions lodged and approved by QRA; <ul style="list-style-type: none"> ○ James Creek Crossing, ○ Flaggy Creek Bridge, ○ Geotechnical Restorations (landslips). • 5 x restoration submissions lodged and under consideration by QRA; <ul style="list-style-type: none"> ○ Airport Submissions (Mareeba and Chillagoe). ○ Western Roads (Chillagoe West) ○ Dimbulah Area ○ Mid-Western Area ○ Mareeba-East Area • Tenders released for Reconstruction Works; <ul style="list-style-type: none"> ○ James Creek Crossing ○ Flaggy Creek Bridge ○ Western Roads (Chillagoe West) ○ Dimbulah Area ○ Mid-Western Area ○ Mareeba-East Area

FACILITIES

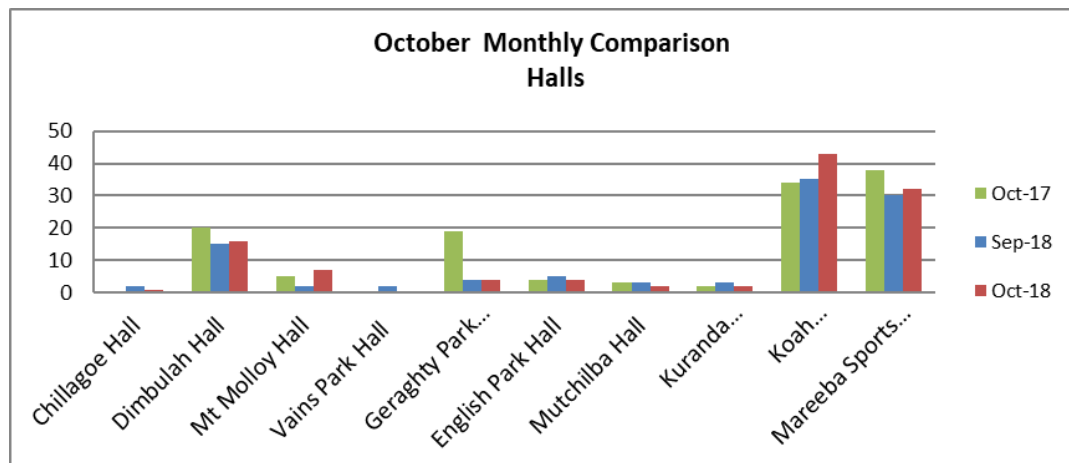
Dimbulah Caravan Park Total of bookings for October 2018 – 542.



Mareeba Riverside Caravan Park Total of bookings for October 2018 - 2802.

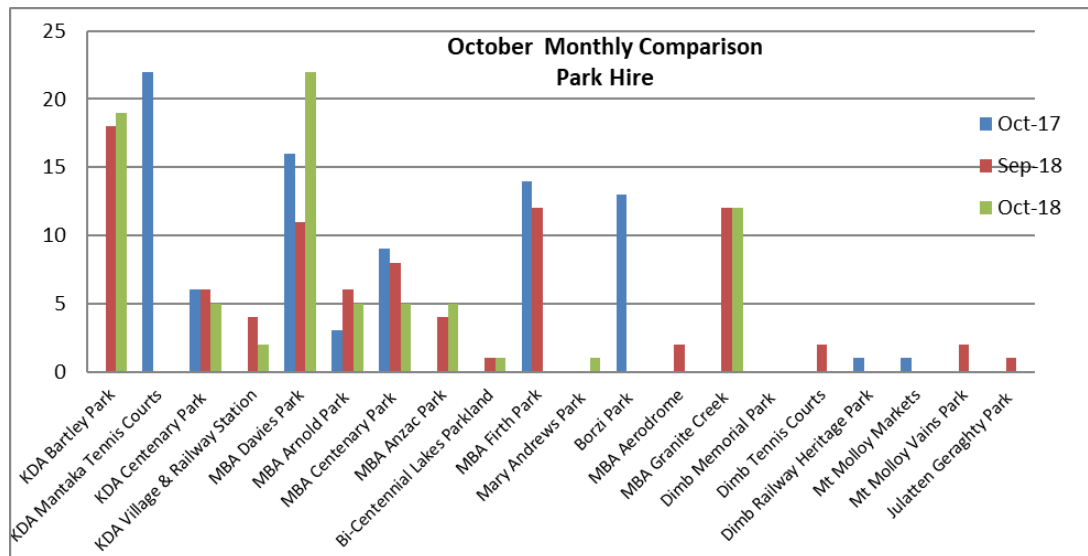


Public Halls Total of hall bookings for October - 111.



Park Hire

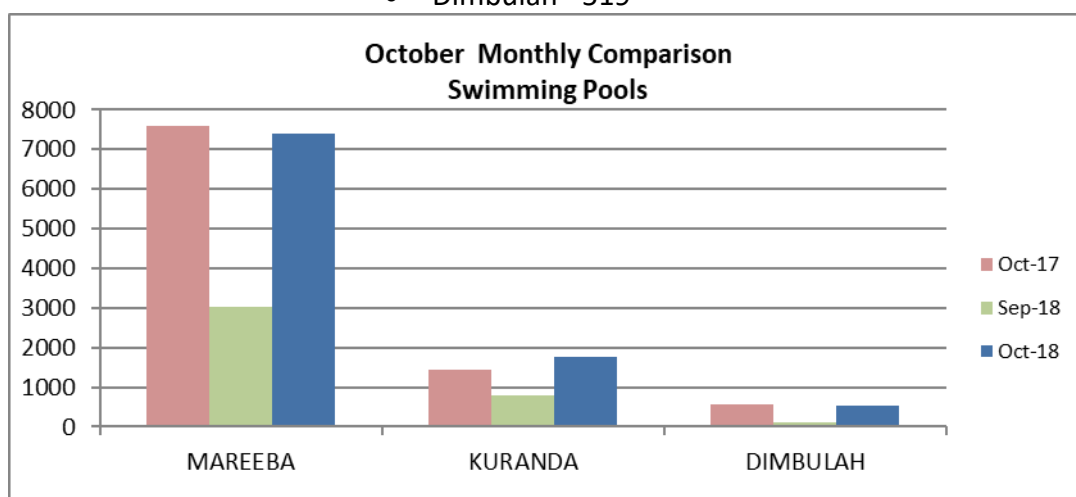
A total of park bookings for October - 77.



Swimming Pools

Total of patron entries for October 2018

- Mareeba - 7404
- Kuranda - 1747
- Dimbulah - 519



Vandalism and Graffiti

During October 2018, 2 reports of graffiti and vandalism were recorded on Councils Facilities.

- Mareeba Theatre Hall
- Mt Molloy Rifle Creek

Graffiti and Vandalism	Year to date actuals
2015-16	\$2,134
2016-17	\$16,546
2017-18	\$23,948
2018-19	\$4,553

Currently there is no allocated budget for graffiti and vandalism; these costs are being booked to operational.

RISK IMPLICATIONS**FINANCIAL AND RESOURCE IMPLICATIONS*****Capital***

Projects funded through the Capital Works Program, with savings being found to address unexpected costs.

Is the expenditure noted above included in the current budget?

Yes

Operating

Additional costs associated with graffiti and vandalism.

Is the expenditure noted above included in the current budget?

No.

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

Savings will be sought within the budget, where possible.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

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

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

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

IMPLEMENTATION/COMMUNICATION

This report provides Council with an update as to the month's deliverables by the Technical Services group.

9.10 CAPITAL PROJECT PRIORITISATION AND DECISION MAKING 2019-20

Date Prepared: 8 November 2018

Author: Strategic Project Officer

Attachments: 1. PPT Proposed Criteria 2019-20 [↓](#)

EXECUTIVE SUMMARY

The Project Prioritisation Tool (PPT) criteria and risk assessment methodology for prioritising infrastructure projects has been reviewed. This report provides the updated criteria for Council's consideration as part of the 2019-20 Capital Works Program development.

RECOMMENDATION

That Council adopts the updated Project Prioritisation Tool (PPT) criteria and risk assessment methodology for prioritising Infrastructure Services capital works projects.

BACKGROUND

Council generates approximately \$30M in net rates and utility charges and owns approximately \$580M (Current Replacement Cost) of assets that are managed to deliver services to the community. We also receive other funding including grants which brings our total operating revenue to approximately \$44 million.

Like most local government authorities, Council has limited funds available for Capital Works projects. To address this issue, the International Infrastructure Management Manual provides several methods for prioritising projects, of which Council regularly uses two (2). The first method is a multi-criteria analysis which is part of Council's Project Prioritisation Tool (PPT, Attachment 1), and the second method is a risk assessment using Council's Enterprise Risk Management Framework.

Asset Management Principles for Capital Investment Decision Making*Why does Council invest in assets?*

Local governments invest in assets to provide services to their communities. Asset investment can be used to sustain services (capital renewal including rehabilitation and replacement) or to improve services (capital upgrade or expansion).

Capital renewal projects may reduce future operating and maintenance expenditure and do not add depreciation expense. Decisions to invest in capital upgrades or expansion to improve service levels will add depreciation, operating and maintenance costs because it increases the asset base.

Grant Applications Project Prioritisation

It is proposed that when capital investment decisions for grant programs are made, the Project Prioritisation Tool and the 2019-20 Capital Works Program methodology are considered.

Project Prioritisation Tool - MSC Methodology for Prioritising Capital Projects*Multi-criteria Analysis*

Each criterion is prepared with a five-point rating system that is weighted at Council's discretion to achieve a priority or appraisal score which is used to rank the projects within the program.

The percentage weightings can be varied to reflect the relative importance between each criterion. Regardless of the significance one or more criteria may have against another, the total percentages must equal 100%. For example, Council may decide safety is of upmost importance and give it 30% weighting with the balance being allocated (in proportionate amounts) across the remaining criteria. Regardless of the weighting allocation, the highest PPT appraisal score is 5.

Each year, Council officers review the criteria used to evaluate projects and where appropriate recommend improvements for Council's consideration. This year's focus is to reduce subjective criteria where possible and include condition data from our expanded asset condition inspection programs.

Updated Roads Criteria

It is proposed to add a condition rating score into the roads PPT criteria. A comprehensive defect and condition assessment program has commenced in 2018 and these scores can now be included for consideration when appraising potential projects. Road resealing and minor rehabilitation works will continue to be provided as a separate program based on condition and age.

Updated Bridges Criteria

Minor amendments are proposed so that the Heavy Vehicle and Traffic criteria are consistent with the Roads criteria.

Updated Drainage Criteria

Flood flow rates are proposed to be removed as this cannot currently be measured. Effectiveness of Solution is proposed to be replaced by a criterion looking at the risk to other Council and Public Assets if the project does not proceed. Environmental Considerations is proposed to be broadened to include a criterion to assess the Functionality of the current drainage situation.

Updated Parking PPT Criteria

This has been reduced to three (3) criteria by combining Intensity of Use and Economic Benefit into a Strategic Significance criterion.

Updated Footpaths Criteria

Safety has been replaced by Condition, allowing officers to assign an objective score that also considers safety using condition data as a proxy. Demand and Economic Benefit are combined into a Strategic Significance criterion. Whole of Life Cost has been added as a new criterion.

Updated Parks Criteria

Demand for the construction of a new park has been removed from the criteria.

Updated Facilities Criteria

Public Health has been included with Environmental Impact. Maintenance benefit has been replaced by Whole of Life Cost, which provides a more inclusive and tangible criterion.

Risk Rating Development

In addition to the PPT appraisal score, a basic risk rating of the current situation to the Council and the community is also provided for each project. Officers ask the question, "What would happen if the project does not proceed?". The risk rating is calculated using Council's Enterprise Risk Management process, with the inherent risk score provided in the Capital Works Planning sheets for Councillor's review. This provides Council with a clear indicator of the risks that are mitigated by funding projects and the risks that are accepted.

Capital Works Planning

Projects are ranked according to the PPT appraisal score and presented to Council with both a PPT appraisal score and a risk rating as outlined in the table below. Projects are identified as discretionary or non-discretionary and grouped accordingly. Non-discretionary projects are typically those which are required to sustain services or external funding is already approved.

Table 1 Sample Capital Project Proposal Appraisal Summary

Rank	Description	Estimate			PPT Appraisal Score	Risk	External Funding	Developer Cont~ns	MSC \$	Comments
		Renewal	Upgrade/ Expansion	Total						

NON DISCRETIONARY (Required to sustain services or external funding is already approved)

1										
---	--	--	--	--	--	--	--	--	--	--

DISCRETIONARY

2										
3										
4										

References

- The International Infrastructure Management Manual (IIMM 2011)
- Institute of Public Works Engineers Australia National Asset Management System (NAMS Plus3)
- AS NZS ISO 31000:2009 Risk Management Standard
- Local Government Asset Investment Guidelines 2006, Local Government Victoria
- Lower Order Road Design Guidelines, Institute of Public Works Engineering QLD 2016
- FNQROC Regional Development Manual

RISK IMPLICATIONS

Financial

The PPT will inform Capital Works Proposals for 2019-20.

Infrastructure and Assets

This plan sets the framework for management of infrastructure and assets.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

The PPT Criteria will provide the framework for Council officers to assess and prioritise projects for Council review.

Is the expenditure noted above included in the current budget?

N/A

Operating

N/A

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

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

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

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

IMPLEMENTATION/COMMUNICATION

Roads Criteria

Criteria	Rating/Interpretation			Weighting
Condition	1	Very Good	All components free of defects and structure well maintained. Only planned maintenance required.	20%
	2	Good	Minor maintenance required plus planned maintenance. Free of defects affecting performance, integrity and durability. Approximately 20 - 40% of useful life consumed.	
	3	Fair	Defects affecting durability which require monitoring and/or maintenance. Significant maintenance required to return to acceptable level of service. Approximately 40 - 60% of useful life consumed.	
	4	Poor	Defects affecting performance and structural integrity. Renewal or upgrade required. Approximately 60 - 80% of useful life consumed.	
	5	Very Poor/Unsafe	Unserviceable. Requires urgent attention, life and property at risk. 80 - 100% of useful life consumed.	
Safety	Number and severity of crashes or proactive treatment.			15%
	1	Very Low	Low risk	
	2	Low	Proactive	
	3	Medium	1 casualty crash in the last 5 years	
	4	High	2 casualty crashes in the last 5 years	
Traffic [Annual Average Daily Traffic]	1	< 10	15%	
	2	10 to 50		
	3	51 to 150		
	4	151 to 300		
	5	> 300		
Heavy Vehicle %	1	0-5%	15%	
	2	5%-15%		
	3	15%-25%		
	4	25%-35%		
	5	>35%		
Whole of Life Cost Impact	Renew our existing assets before improving service levels to reduce WOLC impact on annual budget.			20%
	1	Expansion of road network [new road and/or upgrading from gravel to bitumen].		
	2	Upgrade or widening to improve service level to road users and/or adjacent properties.		
	3	Rehabilitation and proactive upgrade to protect existing road pavement where deterioration is commencing [e.g. bitumen edge dropoff].		
	4	Rehabilitation and upgrade to protect existing road pavement where significant deterioration has occurred and is impacting on safety [e.g. eroding and narrowing of pavement].		
Criticality	Road hierarchy to demonstrate how critical the road is to the community [using the Lower Order Road Design Guidelines to further define Rural Secondary Access criticality].			15%
	1	Rural Secondary Access [Local Access]		
	2	Rural Secondary Access [Minor Road] or Urban Access		
	3	Primary Access or Industrial Access		
	4	Collector		
5	Arterial			
				100%

Bridges Criteria

Criteria	Rating/Interpretation			Weighting	
Condition	Ability to perform its primary function recognised by a condition index.			45%	
	1	Very Good	All components free of defects and structure well maintained. Only planned maintenance required. Approximately 0 - 20% of useful life consumed.		
	2	Good	Minor maintenance required plus planned maintenance. Free of defects affecting performance, integrity and durability. Approximately 20 - 40% of useful life consumed.		
	3	Fair	Defects affecting durability which require monitoring and/or maintenance. Significant maintenance required to return to accepted level of service. Approximately 40 - 60% of useful life consumed.		
	4	Poor	Defects affecting performance and structural integrity. Renewal or upgrade required. Approximately 60 - 80% of useful life consumed.		
	5	Very Poor/Unsafe	Unserviceable. Requires urgent attention, life and property at risk. 80 - 100% of useful life consumed.		
Heavy Vehicle Usage	1	0-5%		15%	
	2	5%-15%			
	3	15%-25%			
	4	25%-35%			
	5	>35%			
Average Annual Daily Traffic Count (AADT)	Number of vehicles per day			10%	
	1	< 10			
	2	10 to 50			
	3	51 to 150			
	4	151 to 300			
	5	> 300			
Detour Distance	Urban		Rural	20%	
	1	Very Low	Detour >0km & <1km		1 Detour >0km & 5km
	2	Low	Detour >1km & <5km		2 Detour >5km & <15km
	3	Medium	Detour >5km & <10km		3 Detour >15km & <30km
	4	High	Detour >10km		4 Detour >30km & <50km
	5	Very High	No alternate access		5 Detour over 50km or no alternative
Height of Bridge	1	Under 1 metre		10%	
	2	1 - 2 metres			
	3	2.1 - 3 metres			
	4	3.1 - 4 metres			
	5	over 4 metres			
				100%	

Drainage Criteria

Criteria	Rating/Interpretation			Weighting
Properties Affected	Score	Properties affected		25%
	1	Very Low	0 - 2	
	2	Low	3 - 5	
	3	Medium	6 - 10	
	4	High	11 - 15	
	5	Very High	> 15	
Risk to Council or other public assets	What would happen to other public assets the drain is protecting if the project doesn't proceed? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009			25%
	1	Low Risk. Manage by routine procedures		
	2	Medium Risk. Planned action required (ie. Make safe and include in forward programs)		
	3	High Risk. Prioritised action required (ie. Make safe and program in current/next program).		
	4	Very High Risk. Immediate Corrective Action required.		
Condition	1	Very Good	All components free of defects and structure well maintained. Only planned maintenance required. Approximately 0 - 20% of useful life consumed.	25%
	2	Good	Minor maintenance required plus planned maintenance. Free of defects affecting performance, integrity and durability. Approximately 20 - 40% of useful life consumed.	
	3	Fair	Defects affecting durability which require monitoring and/or maintenance. Significant maintenance required to return to accepted level of service. Approximately 40 - 60% of useful life consumed.	
	4	Poor	Defects affecting performance and structural integrity. Renewal or upgrade required. Approximately 60 - 80% of useful life consumed.	
	5	Very Poor/Unsafe	Unserviceable. Requires urgent attention, life and property at risk. 80 - 100% of useful life consumed.	
Functionality	1	Very Good	No soil erosion and/or water draining freely.	25%
	2	Good	Minor soil erosion and/or mild water ponding, water drains in a reasonable timeframe.	
	3	Fair	Moderate erosion and/or some periods of water detention.	
	4	Poor	Significant soil erosion and/or long periods of water detention. Structural damage on other assets expected in the medium term.	
	5	Very Poor	Significant soil erosion with imminent structural damage impact on other assets and/or very long periods of water detention.	
				100%

Traffic Facilities Criteria

Criteria	Rating/Interpretation		Weighting	
Safety	Risk level from Road Safety Review, Number and severity of reported incidents, road geometry issues.		30%	
	1	Very Low		
	2	Low		
	3	Medium		
	4	High		
Traffic (Annual Average Daily Traffic)	5	Very High	25%	
	1	< 10		
	2	10 to 50		
	3	51 to 150		
	4	151 to 300		
Community Concern	5	> 300	15%	
	Number of Customer Requests received.			
	1	Very Low		1 resident or customer request.
	2	Low		>1 to <3 residents writing or customer requests
	3	Medium		>3 to <10
Cost Effectiveness	4	High	>10 to <20	
	5	Very High	>20 residents or petition.	
	Takes account of population served and the benefits by proceeding with the project.		15%	
	1	Very Low		
	2	Low		
3	Medium			
4	High			
Strategic Significance	5	Very High	15%	
	Strategic Significance to Council.			
	1	Supplementary		Does not provide a public focus for Council, and is not a key area for Council activities.
	2	Secondary		Does not provide a public focus for the Council.
	3	Standard		Provides a regular focus for the Council.
	4	Intermediate	Provides an important public focus for the Council.	
	5	Premium	Provides a key public focus for the Council, and is a defining icon of Council service.	
			100%	

Parking Criteria

Criteria	Rating/Interpretation			Weighting
Access Improvement	Will improve accessibility to Council facilities, schools, tourism attractions, business centres and public amenities.			40%
	1	Very Low	Alternative parking available with no impact on adjacent properties.	
	2	Low		
	3	Medium	Alternative parking available with some impact on adjacent properties.	
	4	High		
	5	Very High	No alternative parking available with high impact on surrounding properties.	
Safety Improvement	Safety improvement for pedestrians.			30%
	1	No improvement.		
	2			
	3	Moderate improvement. Protected on street car parking.		
	4			
	5	Major improvement to safety. Off street carpark separated from traffic flows.		
Strategic Significance	Strategic Significance to Council.			30%
	1	Supplementary	Does not provide a public focus for Council, and is not a key area for Council activities.	
	2	Secondary	Does not provide a public focus for the Council.	
	3	Standard	Provides a regular focus for the Council.	
	4	Intermediate	Provides an important public focus for the Council.	
	5	Premium	Provides a key public focus for the Council, and is a defining icon of Council service.	
				100%

Footpaths Criteria

Criteria	Rating/Interpretation			Weighting
Condition	1	Very Good	All components free of defects and structure well maintained. Only planned maintenance required. Trip hazards <5mm. Approximately 0 - 20% of useful life consumed.	30%
	2	Good	Minor maintenance required plus planned maintenance. Free of defects affecting performance, integrity and durability. Trip hazards 5mm-10mm. Approximately 20 - 40% of useful	
	3	Fair	Defects affecting durability which require monitoring and/or maintenance. Significant maintenance required to return to accepted level of service. Trip hazards 10 mm-15mm. Approximately 40 - 60% of useful life consumed.	
	4	Poor	Defects affecting performance and structural integrity. Renewal or upgrade required. Trip hazards 15mm-20mm. Approximately 60 - 80% of useful life consumed.	
	5	Very Poor/Unsafe	Unserviceable. Trip hazards >20mm. Requires urgent attention. 80 - 100% of useful life consumed.	
Connectivity	Will improve connectivity by providing a direct link to community services, businesses and public amenities. Enhances the network by filling an existing gap/missing link.			30%
	1	Very Low	No connectivity (standalone pathway).	
	2	Low	Access to local park.	
	3	Medium	Access between residential areas.	
	4	High	Access from residential areas to health services, schools, shops, major parks and Council facilities.	
	5	Very High	Access between health services, schools, shops, major parks and Council facilities.	
	Renew our existing assets before improving service levels to reduce WOLC impact on annual budget.			30%
	1	Expansion of footpath network (new footpath).		
	2			
	3	Concreting of existing Council maintained gravel pathway.		
4				
5	100% renewal of existing footpath (rehabilitation).			
Strategic Significance	1	Supplementary	Does not provide a public focus for Council, and is not a key area for Council activities.	10%
	2	Secondary	Does not provide a public focus for the Council.	
	3	Standard	Provides a regular focus for the Council.	
	4	Intermediate	Provides an important public focus for the Council.	
	5	Premium	Provides a key public focus for the Council, and is a defining icon of Council service.	
				10%
				100%

Parks Criteria

Criteria	Rating/Interpretation	Weighting
Environmental and/or Public Health Impact	Projects will contribute to the natural and built environment and improve public health outcomes.	10%
	1. Very Low Contribution/Improvement	
	2. Low Impact Contribution/Improvement	
	3. Medium Impact Contribution/Improvement	
	4. High Impact Contribution/Improvement	
Utilisation	Utilisation of Recreation facility.	25%
	1. Very Low	
	2. Low	
	3. Medium	
	4. High	
Maintenance	Annual maintenance cost reduction by proceeding with the project.	25%
	1. No Impact 50	
	2. Low Impact 50 & < \$1,000	
	3. Minor Impact \$1,000 & < \$2,500	
	4. Moderate Impact \$2,500 & < \$5,000	
Condition	Condition	25%
	1. Very Good Approximately 0 - 20% of useful life consumed.	
	2. Good Approximately 20 - 40% of useful life consumed.	
	3. Fair Approximately 40 - 60% of useful life consumed.	
	4. Poor Approximately 60 - 80% of useful life consumed.	
Strategic Significance	Strategic Significance of Park to the Council.	15%
	1. Supplementary Does not provide a public focus for Council, and is not a key area for Council activities.	
	2. Secondary Does not provide a public focus for the Council.	
	3. Standard Provides a regular focus for the Council.	
	4. Intermediate Provides an important public focus for the Council.	
	5. Premium Provides a key public focus for the Council, and is a defining icon of Council service.	
		100%

Facilities Criteria

Criteria	Rating/Interpretation		Weighting
Environmental and/or Public Health Impact	Projects will contribute to the natural and built environment and improve public health outcomes.		10%
	1	Very Low Contribution/Improvement	
	2	Low Impact Contribution/Improvement	
	3	Medium Impact Contribution/Improvement	
	4	High Impact Contribution/Improvement	
	5	Very High Impact Contribution/Improvement	
Utilisation	Assessing the use of the facility (Average People/Year)		15%
	1	Very Low	
	2	Low	
	3	Medium	
	4	High	
	5	Very High	
Whole of Life Cost	Renew or existing assets before improving service lives to reduce WCLC impact on our annual budget.		30%
	1	Expansion of Facilities portfolio - new facility	
	2	Upgrade or expansion of a facility to improve service life to the community.	
	3	Renewal and proactive upgrade to protect existing facility where deterioration is commencing.	
	4	Renewal and upgrade to protect existing facility where significant deterioration has occurred and is impacting on safety.	
	5	100% renewal of existing facility	
Functionality and Condition	Ability to perform its primary function	Condition	30%
	1 Very Good	1 Approximately 0 - 20% of useful life consumed.	
	2 Good	2 Approximately 20 - 40% of useful life consumed.	
	3 Fair	3 Approximately 40 - 60% of useful life consumed.	
	4 Poor	4 Approximately 60 - 80% of useful life consumed.	
	5 Very Poor/Unsafe	5 80 - 100% of useful life consumed.	
Strategic Significance	Strategic Significance of building to the Council.		15%
	1 Supplementary	Does not provide a public focus for Council, and is not a key area for Council activities.	
	2 Secondary	Does not provide a public focus for the Council.	
	3 Standard	Provides a regular focus for the Council.	
	4 Intermediate	Provides an important public focus for the Council.	
	5 Premium	Provides a key public focus for the Council, and is a defining icon of Council service.	
			100%

Community Housing Criteria

Criteria	Rating/Interpretation		Weighting
Environmental Impact	Projects will contribute to the natural and built environment, consider sustainable principle and energy efficiencies taking into consideration greenhouse gas emissions, water management, waste management and biodiversity.		10%
	1	High Negative	
	2	Low Negative Impact	
	3	Neutral Impact	
	4	Low Positive Impact	
	5	High Positive Impact	
Health, Wellbeing and Safety	Projects will benefit the health, wellbeing and safety of community housing residents.		20%
	1	No Benefit	
	2	Slight Benefit	
	3	Minor Benefit	
	4	Moderate Benefit	
	5	Major Benefit	
Maintenance	Annual maintenance cost reduction by proceeding with the project.		20%
	1	No Reduction	
	2	Slight Reduction	
	3	Minor Reduction	
	4	Moderate Reduction	
	5	Major Reduction	
Functionality and Condition	Ability to perform its primary function		30%
	1	Very Good (S5)	
	2	Good (S4)	
	3	Fair (S3)	
	4	Poor (S2)	
	5	Very Poor/Unsafe (S1)	
Strategic Significance	Condition		20%
	1	Approximately 0 - 20% of useful life consumed.	
	2	Approximately 20 - 40% of useful life consumed.	
	3	Approximately 40 - 60% of useful life consumed.	
	4	Approximately 60 - 80% of useful life consumed.	
	5	80 - 100% of useful life consumed.	
Strategic Significance	Strategic Significance of building to the Council. Add 1 point if project/building is		20%
	1	Supplementary Does not provide a public focus for Council, and is not a key area for Council activities.	
	2	Secondary Does not provide a public focus for the Council.	
	3	Standard Provides a regular focus for the Council.	
	4	Intermediate Provides an important public focus for the Council.	
	5	Premium Provides a key public focus for the Council, and is a defining icon of Council service.	
			100%

Aerodromes Criteria

Criteria	Rating/Interpretation		Weighting			
Utilisation	Assessing the use of the facility. (Bookings/Year)		25%			
	1	Very Low <500				
	2	Low >500 & <1,000				
	3	Medium >1,000 & <2,000				
	4	High >2,000 & <3,000				
	5	Very High >3,000				
Maintenance	Annual maintenance cost reduction by proceeding with the project.		25%			
	1	No Impact \$0				
	2	Low Impact >0 & < \$1,000				
	3	Minor Impact >\$1,000 & < \$2,500				
	4	Moderate Impact >\$2,500 & < \$5,000				
	5	Major Impact >\$5,000				
Functionality and Condition or Demand (if this is a new asset)	Functionality		Condition	25%		
	1	Very Good			1	Approximately 0 - 20% of useful life consumed.
	2	Good			2	Approximately 20 - 40% of useful life consumed.
	3	Fair			3	Approximately 40 - 60% of useful life consumed.
	4	Poor			4	Approximately 60 - 80% of useful life consumed.
	5	Very Poor/Unsafe			5	80 - 100% of useful life consumed.
Strategic Significance	Strategic Significance of building to the Council. Add 1 point if project is mentioned in		25%			
	1	Supplementary Does not provide a public focus for Council, and is not a key area for Council activities.				
	2	Secondary Does not provide a public focus for the Council.				
	3	Standard Provides a regular focus for the Council.				
	4	Intermediate Provides an important public focus for the Council.				
	5	Premium Provides a key public focus for the Council, and is a defining icon of Council service.				
				100%		

Water Criteria

Criteria	Rating/Interpretation		Weighting	
Risk	What would happen if Council did nothing? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009 Risk Management Standard.		25%	
	1. Low Risk	Manage by routine procedures		
	2. Medium Risk	Planned action required (ie. Make safe and include in forward programs)		
	3. High Risk	Prioritised action required (ie. Make safe and program in current/next program)		
	4. Very High Risk	Immediate Corrective Action required.		
Condition/ Capacity of surrounding assets to service the need	Condition of the current asset		Capacity to service the need.	25%
	1. Very Good	Excellent physical condition. Observable deterioration is insignificant. No adverse service reports.	1. Very good ability to service the need.	
	2. Good	Observation or testing indicates that asset is meeting all service requirements. Minor deterioration observed.	2. Good ability to service the need.	
	3. Fair	Moderate deterioration evident. Minor components or isolated sections need replacement or repair now but not affecting short term structural integrity.	3. Fair ability to service the need.	
	4. Poor	Serious deterioration and significant defects affecting structural integrity. Asset is now moving into zone of failure.	4. Poor ability to service the need.	
	5. Very Poor/ Unsafe	Failed or failure imminent. Immediate need to replace most or all of asset.	5. Very poor ability to service the need.	
	This gives priority to renew water mains, pumps and reservoirs that would have the greatest impact on the community if they fail.			
	1. Insignificant Impact	<100mm supply main or booster pump primarily for irrigation supply such as a park or garden. No part of a treatment plant is considered insignificant.		
	2. Minor Impact	150mm supply main or booster pump for small area (5 or less domestic connections) where supply could be re-routed and service delivery not affected. For a treatment plant, it would be a minor impact if there is a spare or a temporary work-around available.		
	3. Moderate Impact	150mm supply main or booster pump for small area (5 or less domestic connections) where supply cannot be re-routed. For a treatment plant, it would be a moderate impact if it is not a critical control point but there is no spare available. It may cause water restrictions.		
	4. High Impact	Entire reservoir catchment impacted or substantial proportion of CBD impacted. Reservoir, Trunk Main or Major Pump Station. For treatment plants this would include any critical control point asset that would reduce the clear water storage and initiate water restrictions.		
	5. Very High Impact	Entire water scheme impacted or entire CBD impacted. Treatment Plant or CBD Trunk Main or Major Pump Station for CBD. Dialysis Patient or essential service such as but not limited to hospitals, schools, aged care facilities. For treatment plants this would include any critical control point asset that would stop the		
			100%	

Wastewater Criteria

Criteria	Rating/Interpretation		Weight		
Risk	What would happen if Council did nothing? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009 Risk Management Standard.		25%		
	1 Low Risk	Manage by routine procedures			
	2 Medium Risk	Planned action required (i.e. Make safe and include in forward programs)			
	3 High Risk	Prioritised action required (i.e. Make safe and program in current/next program)			
	4 Very High Risk	Immediate Corrective Action required.			
Condition/ Capacity of surrounding assets to service the need	Condition of the current asset		Capacity to service the need.	25%	
	1 Very Good	Excellent physical condition, Observable deterioration is insignificant. No adverse service reports.	1 Very good ability to service the need.		
			2 Good ability to service the need.		
	2 Good	Observation or testing indicates that asset is meeting all service requirements. Minor deterioration observed.	3 Fair ability to service the need.		
			4 Poor ability to service the need.		
	3 Fair	Moderate deterioration evident. Minor components or isolated sections need replacement or repair now but not affecting short term structural integrity.	5 Very poor ability to service the need.		
	4 Poor	Serious deterioration and significant defects affecting structural integrity. Asset is now moving into zone of failure.			
	5 Very Poor/ Unsafe	Failed or failure imminent. Immediate need to replace most or all of asset.			
	Criticality	This gives priority to renew sewer mains and pumps that would have the greatest impact on the community if they fail.			50%
		1 Insignificant Impact	No part of the wastewater reticulation network or treatment plant is considered insignificant.		
2 Minor Impact		100mm connection for small area (5 or less domestic connections) where wastewater could temporarily (1 day) be removed by truck. For a treatment plant, it would be a minor impact if there is a spare or a temporary work-around available.			
3 Moderate Impact		100mm connection for small area (more than 5 domestic connections) where wastewater could not temporarily be removed by one truck or more than 1 day. For a treatment plant, it would be a moderate impact if it is not a critical control point and there is no spare available.			
4 High Impact		Entire pump station catchment impacted or substantial proportion of CBD impacted. Trunk Main or Major Pump Station. For treatment plants this would include any critical control point asset that would impact treatment but not initiate a bypass.			
5 Very High Impact		Entire wastewater scheme impacted or entire CBD impacted. Treatment Plant or CBD Trunk Main or Major Pump Station for CBD. Essential service such as but not limited to hospitals, schools, aged care facilities. For treatment plants this would include any critical control point that results in a bypass.			
			100%		

Waste Criteria

Criteria	Rating/Interpretation	Weighting	
Risk	What would happen if Council did nothing? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009 Risk Management Standard.	20%	
	1. Low Risk Manage by routine procedures		
	2. Medium Risk Planned action required (i.e. Make safe and include in forward programs)		
	3. High Risk Prioritised action required (i.e. Make safe and program in current/next program)		
	4. Very High Risk Immediate Corrective Action required.		
Utilisation	Assessing the use of the facility, Cubic metres of waste per year.	20%	
	1. Very low <2000t		
	2. Low >2000t but <5000t per year		
	3. Medium >5000t but <20000t per year		
	4. High >20000t but <50000t		
	5. Very high >50000t		
Condition/ Capacity of surrounding assets to service the need	Condition of the current asset	Capacity to service the need.	20%
	1. Very Good Excellent physical condition. Observable deterioration is insignificant. No adverse service reports.	1. Very good ability to service the need.	
		2. Good ability to service the need.	
	2. Good Observation or testing indicates that asset is meeting all service requirements. Minor deterioration observed.	3. Fair ability to service the need.	
		4. Poor ability to service the need.	
	3. Fair Moderate deterioration evident. Minor components or isolated sections need replacement or repair now but not affecting short term structural integrity.	5. Very poor ability to service the need.	
	4. Poor Serious deterioration and significant defects affecting structural integrity. Asset is now moving into zone of failure.		
	5. Very Poor/ Unsafe Failed or failure imminent. Immediate need to replace most or all of asset.		
Criticality	This gives priority to transfer station and landfill assets that would have the greatest impact on the community if they fail, are inaccessible or service is interrupted.	40%	
	1. Insignificant Impact No interruption or delays to service.		
	2. Minor Impact Failure of critical asset components that interrupts or delays Council providing the service at the site for up to 1 day.		
	3. Moderate Impact Failure of critical asset components that interrupts or delays Council providing the service at the site for less than 1 week.		
	4. High Impact Failure of critical asset components that interrupts or delays Council providing the service at the site for greater than 1 week.		
	5. Very High Impact Very high number of ratepayers using transfer station or trench. Failure of critical asset components that stops Council providing the service at the site.		
		100%	

Fleet Criteria

Criteria	Rating/Interpretation	Weighting
Risk	What would happen if Council did nothing? Risk assessed with Likelihood and Consequence rating using ISO 31000:2009 Risk Management Standard.	20%
	1. Low Risk Manage by routine procedures	
	2. Medium Risk Planned action required (i.e., Make safe and include in forward programs)	
	3. High Risk Prioritised action required (i.e., Make safe and program in current/next program)	
	4. Very High Risk Immediate Corrective Action required.	
Age	Age of vehicle compared to industry benchmark age for replacement	10%
	1. 1 - 2 years above industry benchmark age for replacement	
	2. 3 - 4 years above industry benchmark age for replacement	
	3. 5 - 6 years above industry benchmark age for replacement	
	4. 7 - 8 years above industry benchmark age for replacement	
	5. More than 8 years above industry benchmark age for replacement	
Condition/ Capacity of other vehicles or machines to service the need.	Condition of the current asset	Capacity of other vehicles or machines to service the need.
	1. Very Good Excellent physical condition. Observable deterioration is insignificant. No adverse service reports.	1. Very good ability to service the need.
		2. Good ability to service the need.
	2. Good Observation or testing indicates that asset is meeting all service requirements. Minor deterioration observed.	3. Fair ability to service the need.
		4. Poor ability to service the need.
	3. Fair Moderate deterioration evident. Minor components need replacement or repair now but not affecting short term structural integrity.	5. Very poor ability to service the need.
	4. Poor Serious deterioration and significant defects affecting structural integrity. Asset is now moving into zone of failure.	
	5. Very Poor/Unsafe Failed or failure imminent. Immediate need to replace most or all of asset.	
Criticality	This gives priority to replace vehicles and machinery that are utilised the most and would have the greatest impact on the community if they fail.	50%
	1. Insignificant Impact Low Utilisation. Another vehicle could be substituted. No impact on service delivery.	
	2. Minor Impact Low Utilisation. Another vehicle could be substituted. Low impact on service delivery.	
	3. Moderate Impact Moderate Utilisation. No spares. Some impact on service delivery.	
	4. High Impact High Utilisation. No spares. Rapid impact on service delivery or high cost to hire a replacement.	
	5. Very High Impact Very High Utilisation. No spares. Immediate impact on service delivery or very high cost to hire a replacement.	
		100%

9.11 LONG TERM ASSET MANAGEMENT PLAN

Date Prepared: 5 October 2018

Author: Strategic Project Officer

Attachments: 1. Long Term Asset Management Plan 2018 [↓](#)

EXECUTIVE SUMMARY

Council adopted its first Long Term Asset Management Plan in March 2017. As an initial plan, a review date was set for October 2018. This report provides the next Long-Term Asset Management Plan for Council's review and adoption in accordance with the Local Government Act 2009 s104.

RECOMMENDATION

That Council adopts the Long Term Asset Management Plan 2018.

BACKGROUND

Council manages assets with a current replacement cost of \$580 million, to deliver fundamental services for the ongoing prosperity, liveability and sustainability of the Shire. The assets include transport; water; wastewater; waste; community housing; aviation and industrial facilities; office buildings and depots; parks and gardens; plant and fleet. Striking an optimal balance between affordability, levels of service and risk management of these assets is key to achieving Council's Corporate Vision of, "*A growing, confident and sustainable Shire*".

The Long-Term Asset Management Plan (LTAMP) has been developed in accordance with the requirements of the Local Government Act 2009 and Local Government Regulation 2012, referencing the International Infrastructure Management Manual (IIMM). It is consistent with the Long Term Financial Plan 2019-2028 with the objective of maintaining financial and infrastructure capital over the long term.

The LTAMP demonstrates how Council will meet its legislative requirements in relation to asset management over the next ten years. The plan provides background information around asset management and our legislative requirements as well as an overview of our strategic framework, asset management principles and community aspirations; the state of our assets, service levels, future demand, lifecycle management, a financial summary and an assessment of our asset management maturity. The plan then provides strategies to ensure the sustainable management of assets in our asset register.

The strategies together with the Long Term Financial Plan are intended to ensure officers can provide frank and transparent advice to inform Council's expenditure decisions. This will support an optimal balance between affordability, levels of service and risk management in the pursuit of ongoing prosperity, liveability and sustainability for the people of the Mareeba Shire.

RISK IMPLICATIONS**Financial**

The LTAMP will improve Council's financial and infrastructure capital sustainability.

Infrastructure and Assets

This plan sets the framework for management of infrastructure and assets.

Legal and Compliance

A Long-Term Asset Management Plan is required under the Local Government Act 2009 and Local Government Regulation 2012.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

A Long Term Asset Management Plan is required under the following legislation:

Local Government Act 2009***s4 (2) The local government principles are—***

- (a) transparent and effective processes, and decision-making in the public interest; and
- (b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) democratic representation, social inclusion and meaningful community engagement; and
- (d) good governance of, and by, local government; and

s104 Financial management systems

(5)(a) The system of financial management established by a local government must include—

- (i) a 5-year corporate plan that incorporates community engagement;
- (ii) a long-term asset management plan;
- iii) a long-term financial forecast;
- (iv) an annual budget including revenue statement;
- (v) an annual operational plan.

Local Government Regulation 2012***s167 Preparation of long-term asset management plan***

- (1) A local government must prepare and adopt a long-term asset management plan.
- (2) The long-term asset management plan continues in force for the period stated in the plan unless the local government adopts a new long-term asset management plan.
- (3) The period stated in the plan must be 10 years or more.

s168 Long-term asset management plan contents

A local government's long-term asset management plan must—

- (a) provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and
- (b) state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and
- (c) be part of, and consistent with, the long-term financial forecast.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

The Long-Term Asset Management Plan is consistent with the Long Term Financial Plan.

Operating

The Long-Term Asset Management Plan is consistent with the Long Term Financial Plan.

Link to Corporate Plan

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

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

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

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

Implementation/Communication

This plan will be published on Council's website and development of individual asset management plans are currently underway.



Long Term Asset Management Plan

2019—2028



Long Term Asset Management Plan 2019 - 2028

**DOCUMENT REVISION HISTORY**

This document is Version 2.0, of the Long-Term Asset Management Plan and covers the period 2019-2028.

Date	Revision details
March 2017	Long Term Asset Management Plan Version 1, covering the period 2017-2026 adopted by Council.
August 2018	Long Term Asset Management Plan second release. Includes updated Enterprise Risk Management Framework and incorporation of Asset Management Policy into the body of the LTAMP.

Review Date:	October 2021
Date Adopted:	

Table of Contents

1. Executive Summary.....	4
2. Legislation	5
3. Overview	6
Strategic Framework.....	6
Asset Management Principles	7
Community Aspirations	8
Asset Management Governance.	9
Councillors.....	9
Chief Executive Officer and Executive Management Team	9
Managers and Staff.....	9
4. State of the Assets	10
5. Service Levels	12
6. Future Demand	13
Demand Forecast.....	13
Demand Management.....	13
Asset Planning.....	13
7. Lifecycle Management.....	14
Background Data	14
Risk Management.....	14
Critical Assets	16
Operations and Maintenance Plans	16
Capital Investment Decisions.....	16
8. Financial Summary	17
9. Asset Management Maturity.....	18
10. Asset Management Strategies	20
11. References	22

1. Executive Summary

Mareeba Shire Council (MSC) manages assets with a current replacement cost of \$580 million, to deliver fundamental services for the ongoing prosperity, liveability and sustainability of the shire. The assets include transport; water; wastewater; waste; community housing; aviation and industrial facilities; office buildings and depots; parks and gardens; plant and fleet. Striking an optimal balance between affordability, levels of service and risk management of these assets is key to achieving Council's Corporate Vision of, *"A growing, confident and sustainable Shire"*.

The Long-Term Asset Management Plan (LTAMP) has been developed in accordance with the requirements of the Local Government Act 2009 and Local Government Regulation 2012, referencing the International Infrastructure Management Manual (IIMM). It is consistent with the Long Term Financial Plan 2019-2028 with the objective of maintaining financial and infrastructure capital over the long term.

The LTAMP demonstrates how Mareeba Shire Council will meet its legislative requirements in relation to asset management over the next ten years. The plan provides background information around asset management and our legislative requirements as well as an overview of our strategic framework, asset management principles and community aspirations; the state of our assets, service levels, future demand, lifecycle management, a financial summary and an assessment of our asset management maturity. The plan then provides strategies to ensure the sustainable management of assets in our asset register.

The strategies together with the Long Term Financial Plan are intended to ensure officers can provide frank and transparent advice to inform Council's expenditure decisions. This will support an optimal balance between affordability, levels of service and risk management in the pursuit of ongoing prosperity, liveability and sustainability for the people of the Mareeba Shire.



Photo 1 Mareeba Wastewater Treatment Plant

2. Legislation

This document has been prepared to demonstrate how Mareeba Shire Council intends to meet the asset management requirements of the *Local Government Act 2009* ('The Act') and the *Local Government Regulation 2012*. According to the Act, local governments must establish a system of financial management that includes a long-term asset management plan (*Local Government Act 2009.s104*).

Under the *Local Government Regulation 2012.s167-168*:

S167

- (1) Councils must prepare and adopt a long-term asset management plan.
- (2) The long-term asset management plan continues in force for the period stated in the plan unless the local government adopts a new long-term asset management plan.
- (3) The period stated in the plan must be 10 years or more.

And;

S168

The contents of the long-term asset management plan must:

- (a) provide for strategies to ensure the sustainable management of the assets mentioned in the local government's asset register and the infrastructure of the local government; and
- (b) state the estimated capital expenditure for renewing, upgrading and extending the assets for the period covered by the plan; and
- (c) be part of, and consistent with, the long-term financial forecast.



Photo 2 Mareeba Swimming Pool - New Kiosk and Change Rooms

Long Term Asset Management Plan 2019 - 2028



3. Overview

Strategic Framework

There are several planning documents that help Council achieve the community's desired outcomes. This plan is prepared under the guidance of the Corporate Plan, Community Plan, Local Government Infrastructure Plan and Long Term Financial Plan. This Long-Term Asset Management Plan establishes our asset management principles together with our current practices; and develops strategies to ensure the sustainable management of our assets. The plan also provides the estimated capital expenditure for renewal, upgrade and extension of assets for the period 2019-2028 and is consistent with the long-term financial forecast.



Figure 1 Our Asset Management Strategic Framework

Asset Management Principles

Council aims to strike an optimal balance between affordability, levels of service and risk management to maintain our financial and infrastructure capital over the long term and support Council's Vision of *"A growing, confident and sustainable Shire"*.

Where possible, funding will provide some flexibility for Council to assess and plan priority projects. However, where there are funding constraints, statutory obligations for safety across each asset class should take precedence.

Our principal focus areas for asset management are:

1. Understand the risk profile associated with Mareeba Shire Council's asset portfolio;
2. Correlate agreed service levels with available funds to justify planned expenditure to the community and government stakeholders;
3. Affordability for the whole community;

so that Council can:

4. Ensure infrastructure and financial capital sustainability by:
 - Understanding the business consequences of reducing capital or maintenance budgets over a ten-year period; and
 - Facilitating appropriate project prioritisation and deferral to meet budget constraints

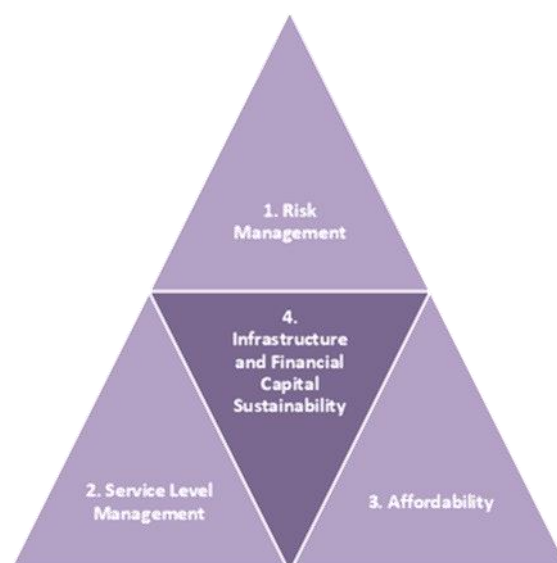


Figure 2 Asset Management Principles

Community Aspirations

Council engages with the community through reference groups, user groups and through Councillor representation.

Requests for maintenance and capital works are investigated and prioritised for consideration and scheduling as part of our maintenance works and potentially as a capital works proposal. Capital works proposals are assessed against a multi-criteria and risk assessment framework that is approved by Council on an annual basis prior to the Capital Works planning period.

Our community's aspirations have been through community meetings and grouped into the areas of Transport Networks, Water Waste and Wastewater, Community Facilities, Parks Open Spaces and Trails and Aviation Facilities & Industrial Estates. These aspirations are summarised in Figure 3.

Transport networks

- Are well maintained and upgraded with adequate capacity for future population, economic growth and enhanced community safety in a rural and remote shire.

Water, waste and wastewater

- Infrastructure meets the needs of our growing population and is managed sustainably.

Community facilities

- Support our growing and diverse population and enable safe, active, healthy, vibrant lifestyles.

Parks, open spaces and trails

- Foster health and wellbeing in our rural and remote towns and districts.

Aviation facilities and industrial estates

- Meet increased demand contribute to jobs and economic growth.

Figure 3 Community Aspiration Summary



Photo 3 Community Engagement

Asset Management Governance

Asset Management is an issue for everyone across the organisation. A team approach reduces the risk of silos being created and ensures that specialist skills are brought together effectively.

A multi-disciplinary asset management team has been established with the following responsibilities:

Councillors

- Act as custodians of community assets;
- Set and approve asset management plans with linkage to Council's Corporate Plan;
- Set levels of service, risk and cost standards based on the community's needs, legislative requirements and Council's ability to fund;
- Ensure asset investment decisions consider whole of life costs and balance the investment in new/upgraded assets with the required investment in asset renewal to meet specified levels of service; and
- Ensure appropriate resources for asset management activities are made available.

Chief Executive Officer and Executive Management Team

- Provide strategic direction and leadership;
- Review existing policies and develop new policies related to asset management; and
- Monitor and review performance of Council's managers and staff in achieving the asset management strategy.

Managers and Staff

- Work collaboratively to develop and implement asset management plans;
- Deliver levels of service to agreed risk and cost standards; and
- Manage infrastructure assets in consideration of long term sustainability.



Figure 4 Asset Management Governance

4. State of the Assets

Council generates approximately \$30M in net rates and utility charges and owns approximately \$580M (Current Replacement Cost) of assets that are managed to deliver services to the community. We also receive other funding including grants which brings our total operating revenue to approximately \$44M. Our assets are recorded and financially managed using Technology One. The following tables provide a snapshot of our assets and service delivery profile.

Table 1 Assets and Service Delivery Snapshot

Service	Assets	#	O&M Costs 2017/18
Transport	Roads (03.020)	2303 km	\$3,597,571
	Footpaths	41 km	
	Kerb & channel	118.5 km	
	Drainage	44.2 km	
	Bridges (03.030)	83	\$379,587
	Major Culverts	129	
	Minor Culverts	2262	
Facilities	Depots (02.117)	9	\$334,843
	Caravan Parks (05.333)	2	\$50,363
	Public Halls (05.334)	14	\$294,952
	Council Buildings (05.335)	53	\$972,215
	Community Housing (05.336)	108	\$809,490
	Mareeba Leagues Club (05.337)	1	\$173,483
	Swimming Pools (05.338)	3	\$569,293
	Industrial Estates (05.339)	1	\$29,494
	Aviation Facilities (03.089)	4	\$262,235
	TV Stations (05.341)	2	\$49,471
	Public Toilets (05.342)	28	\$243,266
Water	Treatment Plants (20,21,22,24.013)	4	\$3,102,503
	Reticulation (20,21,22,23,24.014)		\$1,532,251
	Reservoirs		
	- Number	15	
	- Drinking Water Storage Volume	27.19 ML	
	Pump Stations	17	
Wastewater	Water Mains	247.4 km	
	Treatment Plants (10,11.012)	2	\$1,561,652
	Reticulation (10,11.013)		\$1,620,911
	Pump Stations	30	
	Length sewerage mains	134.95 km	
Plant & Fleet	Manholes	1862	
	Plant and Fleet (03.100)	208	\$2,530,996
Waste	Landfills and trenches (04.114)	3	\$1,443,654
	Waste Transfer Stations (04.117)	8	\$1,279,569
Parks and Open Spaces	Parks & Rec Reserves (03.061)	150 ha	\$1,839,664
	Cemeteries (03.066)	10	\$107,388
TOTAL			\$22,784,860

Long Term Asset Management Plan 2019 - 2028



Table 2 Capital Replacement, Residual Value and Depreciation

Asset Class	Current Replacement Cost	Residual Value	Depreciated Replacement Cost	Annual Depreciation Expense
Transport	\$ 321,769,135	\$ -	\$ 234,586,670	\$ 3,846,440
Facilities	\$ 92,722,216	\$ -	\$ 48,169,829	\$ 1,809,700
Water	\$ 80,821,119	\$ -	\$ 51,170,152	\$ 1,275,152
Wastewater	\$ 76,047,059	\$ -	\$ 59,127,179	\$ 1,165,016
Land	\$ 11,401,732	\$ -	\$ 11,401,732	\$ -
Fleet	\$ 6,203,798	\$ 870,000	\$ 3,462,285	\$ 580,306
Waste	\$ 4,985,652	\$ -	\$ 3,553,624	\$ 120,257
Other (IT, Office Equipment, Telecommunications)	\$ 3,427,818	\$ -	\$ 2,068,703	\$ 173,775
Parks & Open Spaces	\$ 2,240,830	\$ -	\$ 1,634,520	\$ 85,661
WIP	\$ -	\$ -	\$ 14,052,717	\$ -
Total	\$ 579,523,806	\$ 870,000	\$ 429,227,410	\$ 9,056,308

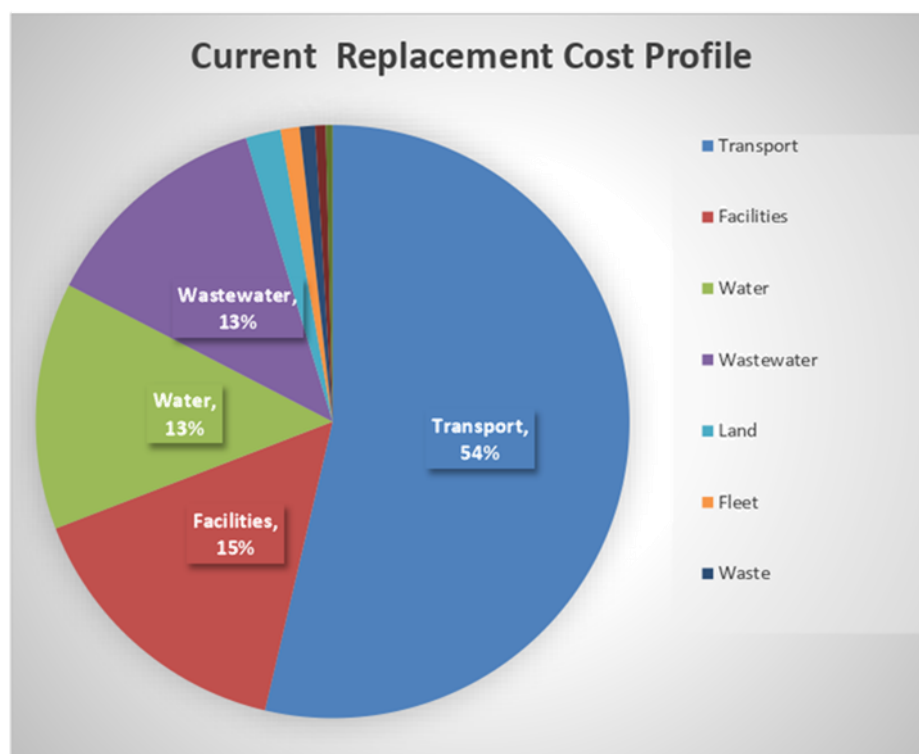


Figure 5 Asset Replacement Cost Profile

5. Service Levels

"Levels of service are the outputs a customer receives from Council. Level of Service statements describe what Council is intending to deliver, commonly relate to service attributes such as quality, reliability, responsiveness, sustainability, timeliness, accessibility and cost and *should be written in terms the end user can understand and relate to*". (IPWEA, 2011)

Documentation of levels of service are being developed through the asset management plan development for individual asset classes. The maturity of these levels of service documents vary between asset classes and are prioritised for improvement through annual asset management maturity assessments and the Operational Plan planning process.

Desired levels of service have been adopted by Council in MSC's Local Government Infrastructure Plan (Jacobs Pty Ltd, 2018).

We can maintain current levels of service for the next ten years based on current knowledge and projections in the Long-Term Financial Plan. However, caution is required when making capital investment decisions to avoid creating funding pressure from allocating funding to new projects, instead of maintaining and renewing existing assets (IPWEA, 2011). Further asset data verification and analysis has been prioritised by Council in the Operational Plan to confirm and formalise our current asset knowledge.



Photo 4 Mount Mulligan Road Intersection Upgrade

6. Future Demand

Demand Forecast

Population growth and ultimate residential development capacity are provided within the Local Government Infrastructure Plan (LGIP) and supporting documents. These were prepared in accordance with the requirements of the *Planning Act 2016* to assist Council's in its long-term asset and financial planning. (Jacobs Pty Ltd, 2018).

Table 3 Existing and Projected Population

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

(Jacobs Pty Ltd, 2018)

Demand Management

Demand for new services is managed through a combination of managing existing assets, upgrading existing assets, providing new assets to meet demand, including conditions on development applications to build new infrastructure and demand management. Demand management practices include non-asset solutions, insuring against risks and managing failures (NAMS and IPWEA, 2011). An example of how Mareeba uses non-asset demand management solutions is enacting water restrictions and encouraging water conservation methods during periods of drought.

Asset Planning

The LGIP establishes assumptions about future growth and urban development including the assumptions of demand for each trunk infrastructure network, the priority infrastructure areas and the desired standards of service for each trunk infrastructure network the desired standard of performance. Schedules of works for existing and future trunk infrastructure have been developed for water supply, wastewater, storm water, transport, public parks and land for community facilities (Jacobs Pty Ltd, 2018). The LGIP Schedules of Works inform the capital works planning processes and development approval conditions.

7. Lifecycle Management

Background Data

MSC uses Technology One to store asset data. Council has well developed asset registers including most core asset data such as asset ID, description, replacement value, depreciation, year of installation and essential financial reporting information.

“Asset condition is a measure of the asset's physical integrity. Information on asset condition underpins effective, proactive asset management programs by enabling prediction of maintenance, rehabilitation and renewal requirements. Asset condition is also critical to the management of risk, because it is linked to the likelihood that the asset will physically fail.” (IPWEA, 2011).

Condition assessments are currently managed differently depending on asset class and asset criticality. Condition assessments are scheduled to meet regulatory requirements and inform the capital renewal planning process. In addition to defect identification, an overall condition rating is assigned to the asset which is used to inform the capital renewal prioritisation process.

Table 4 Condition Rating Criteria

Score	Score Description	Criteria
1	Very Good	Approximately 0 - 20% of useful life consumed.
2	Good	Approximately 20 - 40% of useful life consumed.
3	Fair	Approximately 40 - 60% of useful life consumed.
4	Poor	Approximately 60 - 80% of useful life consumed.
5	Very Poor/Unsafe	Approximately 80 - 100% of useful life consumed.

(Mareeba Shire Council, 2017)

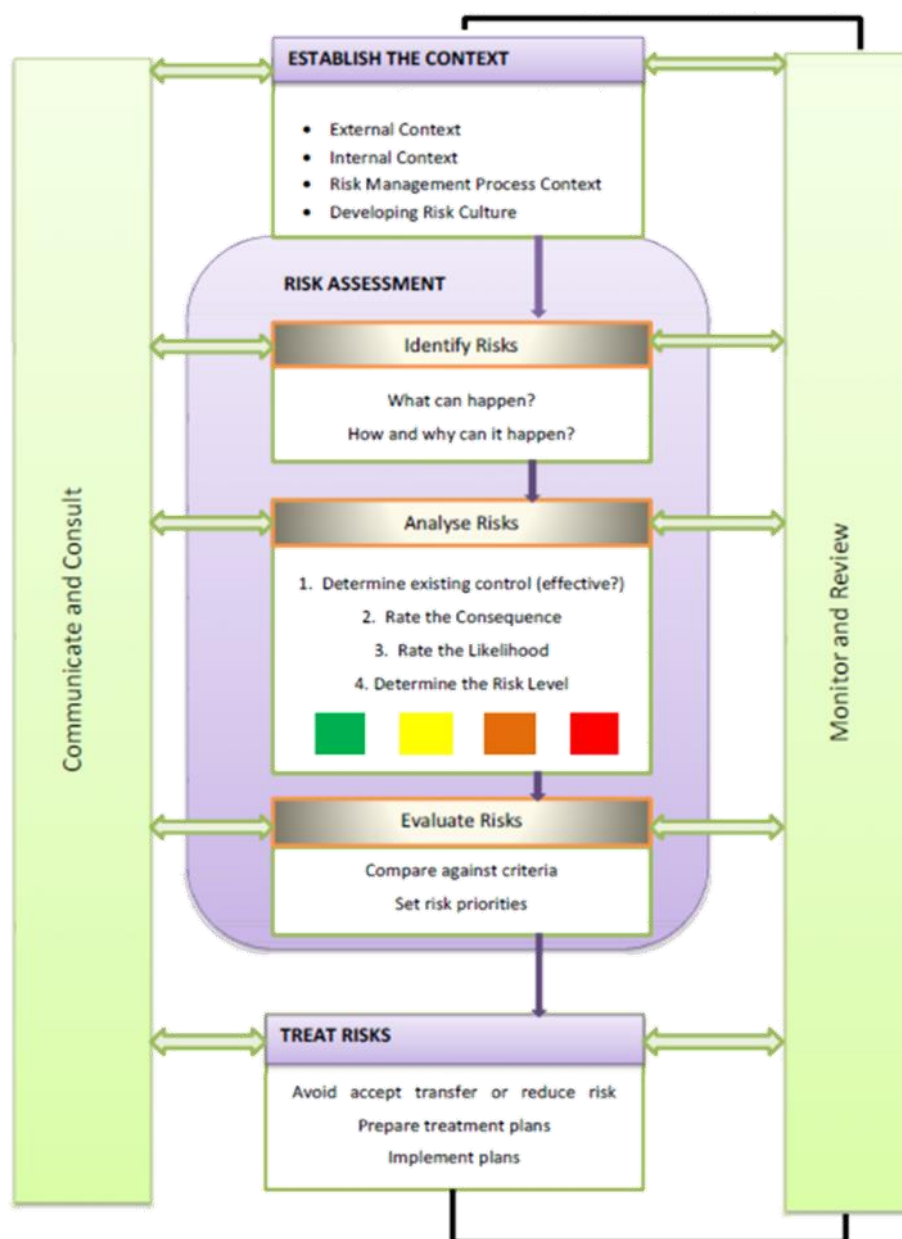
MSC has prioritised asset data verification, including condition assessment and defect identification, as a primary strategic focus area for improvement and this has been captured as an initiative in the Operational Plan 2018-19.

Risk Management

Asset risks are managed using Council's Enterprise Risk Management Framework, Policy and Process. AS/NZS ISO 31000 defines risks as events that may cause failure to achieve objectives. Risk management involves identifying risks, evaluating them and managing the risks. Mareeba Shire has completed initial network level risk assessments for each asset class and has used this to inform the development of the Project Prioritisation Tool.

In addition, for each capital project proposal, a basic risk assessment of the current situation to the Council and the community is completed. This shows the risk of 'doing nothing'. Risk is assessed by combining the likelihood of a risk occurring and the consequence of the risk should the event occur. This is consistent with the AS NZS ISO 31000:2009 Risk Management Standard.

Table 5 Summary of Council's Risk Management Process



(AS/NZS ISO 31000:2009)

Critical Assets

Critical assets are those which are the most important for delivering the required service, and/or have the highest consequences, but not necessarily a high likelihood, of failure (IPWEA, 2011). The failure impact factors currently considered in our risk management framework include Health and Safety, Environment, Financial, Service Delivery/IT, Infrastructure and Assets, Legal/Compliance and Political/Reputation (Mareeba Shire Council, 2017).

Critical assets are a primary focus of the individual asset management plans for prioritised risk treatment. For Mareeba Shire Council it is proposed that critical assets could include the assets identified in Table 6.

Table 6 Examples of Possible Critical Assets

Asset Class	Critical Assets	Likelihood of Failure	Consequence of Failure	Risk Rating
Transport	Bridges and Major Culverts	Rare	Catastrophic	Moderate
Water	Treatment Plants	Possible	Major	Significant
	Reservoirs	Possible	Major	Significant
	Trunk Mains	Possible	Major	Significant
Wastewater	Treatment Plants	Rare	Major	Moderate
	Pump Stations	Possible	Major	Significant
	Trunk Mains	Unlikely	Major	Moderate
Facilities	Aviation Facilities	Rare	Catastrophic	Moderate
Parks and Open Spaces	Playground Equipment	Unlikely	Major	Moderate
Waste	Mareeba Landfill	Unlikely	Major	Moderate

Operations and Maintenance Plans

"Maintenance includes all actions necessary for keeping an asset as near as possible to its original condition but excluding rehabilitation or renewal. Maintenance slows down deterioration and delays the need for rehabilitation or replacement. It ensures that Council can continue delivering the required level of service." (IPWEA, 2011)

Operations and Maintenance planning processes are tailored for each asset class to comply with relevant legislation and regulations. Operations and maintenance works are progressively being incorporated into the TechnologyOne Works Order module so that planned maintenance can be scheduled and tracked, and defects and unplanned maintenance can be recorded and analysed.

Capital Investment Decisions

MSC's Project Prioritisation Tool (PPT) is used to apply Council's adopted decision criteria to all potential projects. The PPT uses both a multicriteria analysis and risk assessment to inform capital investment decisions. This assessment is combined with remaining useful life, condition data and the LGIP Schedules of Works to form the basis of the 10 year works plan for each asset class. Projects are entered in the PPT from a variety of sources including condition assessments, asset register renewal data, community and Councillor requests. Council's initiative to verify asset data (see [Table 10 Strategy One: Develop our asset knowledge](#)) will improve the quality of information available to inform our capital investment decisions.

8. Financial Summary

"Financial and asset management should complement each other rather than there being a separation between the activities. Outputs from asset management strategies and activities should flow into financial management processes and vice versa. Much more financial information is typically required to properly manage assets than might be required to comply with regulatory or accounting standards" (IPWEA, 2011) .

Mareeba Shire's Long Term Financial Plan presents a point in time forecast, and whilst it complies with accounting standards and regulation, there is an identified opportunity to improve and ensure a seamless connection between the asset management strategies and activities and the long term financial plan. The central component of this improvement process is to undertake asset data verification, and this has been committed to by Council in the 2018-19 Operational Plan.

Table 7 Ten Year Capital Expenditure Forecast 2019-2028 (\$'000)

Asset Class	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Buildings	297	955	983	1,010	1,037	1,064	1,093	1,122	1,140	1,171
Plant & equipment	640	564	581	598	616	682	652	671	690	712
Roads, drainage & bridge network	9,740	9,872	8,201	8,766	9,479	9,979	9,186	9,451	9,971	9,986
Water	2,825	3,792	1,990	1,930	1,380	660	767	1,715	670	750
Sewerage	2,813	1,430	2,052	3,274	1,560	1,385	1,330	1,935	1,151	2,000
Parks and Gardens	533	71	73	75	77	80	82	84	84	88
Waste	1905	105	109	112	116	120	123	127	127	131
Total	19,237	16,788	13,989	15,766	14,265	13,970	13,233	15,105	13,834	14,838

(Mareeba Shire Council, 2018)

Table 8 Ten Year Operational Expenditure Forecast 2019-2028 (\$'000)

Asset Class	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Buildings	1,676	1,718	1,761	1,805	1,850	1,896	1,943	1,992	2,042	2,093
Plant & equipment	1,986	2,035	2,086	2,138	2,192	2,247	2,303	2,360	2,419	2,480
Roads, drainage & bridges	4,089	4,192	4,296	4,404	4,514	4,627	4,743	4,861	4,983	5,107
Water	3,423	3,508	3,596	3,686	3,778	3,872	3,969	4,068	4,170	4,274
Sewerage	2,459	2,521	2,584	2,648	2,715	2,783	2,852	2,923	2,996	3,071
Parks and Gardens	3,589	3,678	3,770	3,865	3,961	4,060	4,162	4,266	4,372	4,482
Waste	4,346	4,455	4,566	4,680	4,797	4,917	5,040	5,166	5,295	5,427
Total	21,567	22,107	22,659	23,226	23,806	24,402	25,012	25,637	26,278	26,935

(Mareeba Shire Council, 2018)

9. Asset Management Maturity

Our Asset Management Continuous Improvement Process is outlined in Figure 6 Asset Management Continuous Improvement Process (IPWEA, 2018).

The first step is to assess asset management performance. Council officers assess and review our asset management processes and documentation on an annual basis and identify improvement actions. The annual maturity assessment is based on the core Asset Management Plan Structure in the International Infrastructure Management Manual and is consistent with the Institute of Public Works Engineering Australia (IPWEA) NAMS.PLUS guidelines. The second step is moderation by the relevant Senior Management Team members, and then reporting to EMT so that priorities and methodology for improvements can be agreed.

The maturity assessment and improvement actions are captured in the TechnologyOne Database, including historical information, so that progression and improvements can be tracked. Key priorities are included in the Operational Plan (step three), so that delivery of the improvements (step four) can be monitored through formal corporate processes by Council (step five).



Figure 6 Asset Management Continuous Improvement Process (IPWEA, 2018).

Our goal is to work towards 'Core' asset management maturity, and strategies have been developed to commence this improvement progress. An Asset Management Plan at a 'Core' level of maturity contains asset data including: condition and performance information, description of services, service levels, critical assets, future demand forecasts, asset management processes, a ten-year financial forecast and a three-year improvement plan. This is considered the level of information needed to enable Council to meet the required level of service in the most cost-effective manner, through management of assets for present and future customers. It allows Council to look at the lowest long-term cost rather than short term savings when making decisions. (IPWEA, 2011)



Figure 7 Asset Management Improvement Maturity Index (IPWEA, 2011)

Long Term Asset Management Plan 2019 - 2028



The Asset Management Plan Structure is detailed in Table 8 (IPWEA, 2011) and questions have been developed to ascertain our progress.

Table 9 Asset Management Plan Structure and Maturity Review Questions

1. Levels of Service	
Customer research and expectations	<ul style="list-style-type: none"> Customer request (CR) history used? Community Plan information used?
Strategic and corporate goals	<ul style="list-style-type: none"> Do strategic and corporate goals reflect service delivery?
Legislative requirements	<ul style="list-style-type: none"> Referenced and being implemented?
Current levels of service (what we provide now)	<ul style="list-style-type: none"> Documented? Financial analysis complete? Target KPIs? Measured and reported?
Desired levels of service	<ul style="list-style-type: none"> Desired levels of service (what the community would like).
2. Future Demand	
Demand drivers	<ul style="list-style-type: none"> Considered? Documented?
Demand forecast	<ul style="list-style-type: none"> Are upgrades reactive or planned? Are PIP assets planned and budgeted?
Demand impact on assets	<ul style="list-style-type: none"> Demand analysis predicts changes in utilisation. Impacts of new & upgraded assets on existing assets considered?
Demand management plan	<ul style="list-style-type: none"> Any demand management processes in place or documented?
Asset programs to meet demand	<ul style="list-style-type: none"> Is there a long-term asset upgrade/new program identified to meet projected demand? Are any major projects identified formally or informally to meet expected demand increases?
3. Lifecycle Management	
Background Data	<ul style="list-style-type: none"> How current, reliable and complete is data (age, condition, capacity, performance, historical data). How easy is it to retrieve data in the format you require?
Risk Management Plan	<ul style="list-style-type: none"> Network level risk assessment complete? Critical assets and any other high-risk assets identified? Risk mitigation plan in place for these assets? Priority on critical assets for renewal over other asset renewals or upgrades?
Routine Operations and Maintenance Plan	<ul style="list-style-type: none"> Reactive or planned maintenance? Documented or captured in works orders? Maintenance cost forecasts informing the LTFP?
Renewal Plan	<ul style="list-style-type: none"> Has a 10-year forecast been prepared using: Asset useful lives checked against operational knowledge? Network level risk assessment informs asset renewals? Asset renewal plan documented? Or are renewals funded reactively (when they are failing)?
Creation/Acquisition/Upgrade Plan	<ul style="list-style-type: none"> Has a 10-year forecast been prepared based on demand analysis, condition assessment and risk management? Is the forecast optimised based on whole of life costing (including operating and maintenance expenditure), or are upgrades proposed in an ad-hoc manner? Is there any process in place to determine the cumulative consequences of asset growth?
Disposal Plan	<ul style="list-style-type: none"> Has an assessment of no longer required assets been completed and plans made to dispose or decommission?
Service Consequences and Risks	<ul style="list-style-type: none"> Have service consequences and risks associated with budget constraints (inability to complete identified projects) and been documented?
4. Financial Summary	
Financial Statements and Projections	<ul style="list-style-type: none"> Financial reporting shows historical trends and current position for operational / maintenance / renewal / upgrade / expansion costs.
Funding Strategy	<ul style="list-style-type: none"> Has 10-year renewal and upgrade forecast been matched to available funding? Have any methods of raising additional revenue or managing risks been identified for unfunded projects?
Valuation Forecasts	<ul style="list-style-type: none"> As per accounting standards.
Financial Assumptions	<ul style="list-style-type: none"> As per accounting standards.
Forecast Reliability and Confidence	<ul style="list-style-type: none"> Reviews of useful life, residual method and depreciation method are carried out and documented annually. All assets with remaining life of < 2 years are reviewed against forward works programs and useful/remaining life adjusted to recognise projected remaining life (in progress). Asset reporting functionality
5. Improvement and Monitoring	
Asset Management Maturity	<ul style="list-style-type: none"> Basic, core or advanced?
Improvement Program	<ul style="list-style-type: none"> Any informal or documented improvements in place?
Monitoring and Review	<ul style="list-style-type: none"> Are procedures monitored for compliance or reviewed for improvement?
Performance Measures	<ul style="list-style-type: none"> Are identified KPI's collected, monitored and used for improvements?

10. Asset Management Strategies

Two strategies have been developed to mature Mareeba Shire Council's asset management processes and implement an integrated risk-based plan that delivers an optimal balance between affordability and levels of service.

Table 10 Strategy One: Develop our asset knowledge

Improvement Action	Desired Outcome	Council's Current Commitments	Corporate Plan Goal - Line of Sight
1.1 Further develop and annually review individual Asset Management Plans across the organisation.	Council adopted individual asset management plans.	2018/19 Operational Plan Commitment to develop individual Asset Management Plans (AMPs) for Community Housing, Bridges, Water and Wastewater asset classes.	FIN1 Long-Term Financial Plan that supports effective and sustainable financial management. Maintain and enhance long-term financial plans. All decisions should support Council's strategic direction of financial sustainability.
1.2 Develop sustainable and fair levels of service and performance monitoring framework with a clear line of sight to Corporate Goals.	Ensure that service levels are written in terms the end user can understand and relate to.	Included in 2018/19 Operational Plan as part of commitment for individual AMPs for Community Housing, Bridges, Water and Wastewater. Specific actions for other asset classes identified in annual Asset Management Maturity Reports.	TCI1 Sustainable Infrastructure for the future. Maintain Council infrastructure that sustains industry and development and supports future growth of the region. Where possible develop infrastructure to mitigate against future severe weather events.
1.3 Improve our ability to forecast, manage and plan for new assets to meet future demand.	Better utilisation of existing assets and reduction in capital expenditure where possible.	Included in 2018/19 Operational Plan as part of commitment for individual AMPs for Community Housing, Bridges, Water and Wastewater. Specific actions for other asset classes identified in annual Asset Management Maturity Reports.	TCI4 Public spaces and facilities Encourage partnerships with community, private sector and government to better utilise council facilities and spaces. EAE1 Environmentally responsible and efficient waste and wastewater management Promote the minimisation of waste the community creates.
1.4 Verify data in asset registers.	To maintain and improve confidence in asset register data.	2018/19 Operational Plan Commitment for all asset classes.	TCI1 Sustainable Infrastructure for the future Maintain and enhance Asset Management Plans.
1.5 Progressively improve planned condition and defect inspection programs.	Improve understanding of the existing assets to facilitate better decision making.	2018/19 Operational Plan Commitment for all asset classes.	TCI1 Sustainable Infrastructure for the future Maintain and enhance Asset Management Plans Operate, maintain and renew existing Council infrastructure in accordance with Long Term Asset Management Plan. Maintain Council infrastructure that sustains industry and development and supports future growth of the region.
1.6 Review all asset classes to confirm and document critical assets and high-level business risks for all asset classes.	Allow Council to understand its overall risk exposure and plan to manage risk to acceptable levels.	Included in 2018/19 Operational Plan as part of commitment for individual AMPs for Community Housing, Bridges, Water and Wastewater. Specific actions for other asset classes identified in annual Asset Management Maturity Reports.	GOV2 Strong focus on compliance and enterprise risk Enterprise risk management process is commonly understood across the organisation to manage risk identification and cost effectively control identified risks

Long Term Asset Management Plan 2019 - 2028



Table 11 Strategy Two: Mature our Asset Lifecycle Management

Action	Desired Outcome	Future Commitments	Corporate Plan Goal - Line of Sight
2.1 Increase use of whole of life costing and optimisation for capital investment decision making.	To ensure all aspects of financial sustainability are considered in the capital works planning process.	Included in 2018/19 Operational Plan as part of commitment for individual AMPs for Bridges, Water and Wastewater. Specific actions for other asset classes identified in annual Asset Management Maturity Reports.	FIN1 Long-Term Financial Plan that supports effective and sustainable financial management All decisions should support Council's strategic direction of financial sustainability
2.2 Review and improve capital project acceptance criteria, multicriteria analysis and risk-based decision framework in the Project Prioritisation Tool (PPT).	To continually improve decision making on all projects and to ensure the best outcome for the whole community is achieved.	Annually reviewed and adopted by Council prior to Capital Works proposal identification.	GOV2 Strong focus on compliance and enterprise risk Enterprise risk management process is commonly understood across the organisation to manage risk identification and cost effectively control identified risks.
2.3 Refine Operational Strategies including effective demand management and incident response (contingency) planning.	Effective asset utilisation and readiness for incident response.	Included in 2018/19 Operational Plan as part of commitment for individual AMPs for Bridges, Water and Wastewater. Specific actions for other asset classes identified in annual Asset Management Maturity Reports.	TCI1 Sustainable Infrastructure for the future Operate, maintain and renew existing Council infrastructure in accordance with Long Term Asset Management Plan.
2.4 Refine Maintenance Strategies including Levels of Service and Intervention Levels, workplans for planned and unplanned maintenance.	To deliver the required functionality and performance by retaining an asset as near as practicable to its original condition (excluding rehabilitation and renewal).	Included in 2018/19 Operational Plan as part of commitment for individual AMPs for Bridges, Water and Wastewater. Specific actions for other asset classes identified in annual Asset Management Maturity Reports.	TCI1 Sustainable Infrastructure for the future Maintain Council infrastructure that sustains industry and development and supports future growth of the region.
2.5 Update the Long Term Financial Plan covering ten years incorporating asset management plan capital and operational/maintenance expenditure projections with a sustainable funding position.	Sustainable funding model to provide Council services.	Included in 2018/19 Operational Plan as part of commitment for individual AMPs for Bridges, Water and Wastewater. Specific actions for other asset classes identified in annual Asset Management Maturity Reports.	FIN1 Long-Term Financial Plan that supports effective and sustainable financial management Maintain and enhance long-term financial plans
2.6 Ensure the Long Term Financial Plan continues to form the basis for the annual budgets.	Long term financial planning drives budget deliberations.	Annually reviewed and improvements in place through Operational Plan to strengthen this process as outlined in above sections.	FIN1 Long-Term Financial Plan that supports effective and sustainable financial management All decisions should support Council's strategic direction of financial sustainability

11. References

ABS. (2017). *Estimated Residential Population*.

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IPWEA. (2018). *NAMS.plus3 Asset Management Plan*.

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Mareeba Shire Council. (2017). *Risk Management Framework*.

Mareeba Shire Council. (2018). *Long Term Financial Plan*.

NAMS and IPWEA. (2011). *International Infrastructure Management Manual*. National Asset Management Steering Group (NAMS) and Institute of Public Works Engineers Australia (IPWEA).

Reid, A. C. (2018). *Mareeba Shire Towns and Districts Demographic Profile*.



Photo 5 Kuranda Coondoo Street

9.12 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - OCTOBER 2018**Date Prepared: 6 November 2018****Author: Manager Works****Attachments: Nil****EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens, Bridge and Pest Management activities undertaken by Infrastructure Services during the month of October 2018.

RECOMMENDATION

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

BACKGROUND**Maintenance Activities**

Maintenance activities accruing more than \$1,000 in expenditure were carried out in October at the following locations:

Description	Activity
Tyrconnell Road, Arriga	Prep work for reseals
Bilwon Road, Bibohra	Prep work for reseals
Hodzic Road, Bibohra	Grading unsealed roads
Leadingham Creek Road, Dimbulah	Grading unsealed roads, prep work for reseals, road inspections, slashing
Clacherty Road, Julatten	Bitumen patching, grading unsealed roads, slashing
Euluma Creek Road, Julatten	Bitumen patching, road furniture, slashing
McLeans Bridge Road, Julatten	Bitumen patching, grading unsealed roads, road furniture, road inspections, slashing
Morrish Road, Julatten	Culvert repairs, slashing
Mount Lewis Road, Julatten	Road furniture, slashing
Pinnacle Road, Julatten	Bitumen patching, road furniture, slashing
Black Mountain Road, Julatten	Bitumen patching, grading unsealed roads, slashing
Black Mountain Road, Kuranda	Grading unsealed roads, road furniture, slashing
Boyles Road, Kuranda	Road inspections, slashing
Coondoo Street, Kuranda	Road furniture
Fairyland Road, Kuranda	Prep work for reseals, road furniture
Jarawee Road, Kuranda	Prep work for reseals
Kullaroo Close, Kuranda	Prep work for reseals
Adil Road, Mareeba	Grading unsealed roads, prep work for reseals
Brunalli Road, Mareeba	Slashing
Constance Street, Mareeba	Concrete footpath maintenance, prep work for reseals

Description	Activity
Cummings Street, Mareeba	General repairs and maintenance
Tilse Street, Mareeba	Prep work for reseals
Wylandra Drive, Mareeba	Prep work for reseals
Wetherby Road, Mt Molloy	Grading unsealed roads, road inspections, slashing
Borzi Road, Mutchilba	Prep work for reseals
Lappa-Mount Garnet Road, Petford	Grading unsealed roads
Hoey Road, Speewah	Grading unsealed roads
Speewah Road, Speewah	Grading unsealed roads, road inspections, slashing

The table below shows the current budget position of road maintenance for Mareeba Shire Council at the end of October.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,527,238	\$1,171,557	\$1,076,251

Works for Queensland Package 2

Royes Street, Mareeba - Widen, Seal and Kerb and Driveway Reconstruction

Works recommenced at the Royes Street Widen and Seal project mid-August. The project was suspended in March due to monsoonal rainfall and groundwater impacts.

Practical completion was reached on 25 September 2018 with the installation of a two-coat bitumen seal. Line marking was completed in late October.



Glendon Street Bibboohra, State School Parking Upgrade

Works commenced in mid-September on the upgrade of the Bibboohra State School Car Park on Glendon Street. The project scope includes the widening and asphalt sealing of a section of Glendon Street to cater for parallel and 60-degree parking, the construction of a concrete footpath and kerb and channel and the installation of vehicle stops.

The car park was asphalt sealed in early October 2018 with the line marking installed in late October.



Pinnacle Road Flin Creek Bridge

A Level III Condition and Load Assessment Report was carried out at Flin Creek Bridge on Pinnacle Road in May 2017. The report noted that the three-span timber structure was in very poor condition with an Overall Condition State Rating of 4 (very poor). The report recommended that the existing load limit of 44T be reduced to 7T due to the poor to very poor condition of multiple girders in all three spans.

Mareeba Shire Council engaged GHD Pty Ltd to provide design for minor rehabilitation of the bridge substructure and a replacement super structure.

The fabrication of the replacement deck and kerb units commenced mid-October at the Kowa Street Depot casting yard.

The fabrication of deck and kerb units will be complete by mid-November with the on-site installation of the new components and rehabilitation works on the substructure programmed for early December once the concrete has reached design strength.

It is anticipated that the bridge will be closed for one (1) day for the deck and kerb unit replacement with other works being conducted under traffic.



The table below shows the current status of projects under the Works for Queensland 2 program.

Description	Status
Toilet Facility Dimbulah Cemetery	Complete
Anzac Avenue Barron River Bridge Mareeba (funded under W4Q and Bridges Renewal Programme)	Awaiting design
Upgrade Bi-Centennial Lakes	Path and solar light footings complete
Royes Street Mareeba Upgrade	Complete
Tinaroo Creek Road Upgrades	Complete
Western Roads Causeway Construction	Complete
Mareeba Swimming Pool Refurbishment	Complete
Pinnacle Road Flin Creek Bridge	Girder and deck unit fabrication complete
Hillview Road Boggy Creek Bridge Julatten	Girders on order
Petersen Street Bibbohra Carpark	Complete
Clacherty Road Crossing Improvement	Complete
Black Mountain Road Bridge 7 Mona Mona	Complete
Almaden Transfer Station Upgrade	Complete

Capital Works

Springmount Road - Widening, Upgrade and Seal

Construction work commenced in late August 2018 on the widening, upgrade and sealing of Springmount Road between Middle Creek Road and Oaky Valley Avenue.

The project scope includes the widening of the existing pavement and seal to 8m between CH 9000 - CH 10430 including full width reconstruction between CH 9170 - CH 9230 and filling and raising the pavement level between CH 9980 - CH 10330.

Drainage works include extending existing culverts and headwalls and the removal and replacing of existing redundant culverts with new box culverts.

The project is programmed for sealing in early November and is 50% funded by TIDS.





Mareeba Industrial Park Stage 16A - Effley Street Extension

Works commenced in mid-September 2018 on Stage 16A, Effley Street Extension at the Mareeba Industrial Park. The project scope includes the extension and asphalt sealing of Effley Street, the extension of an existing earth drain, installation of subsoil drains, construction of kerb and channel and construction of an earth berm.

The project is estimated to reach practical completion in late November 2018.



TMR Routine Maintenance Performance Contract (RMPC)

Routine maintenance activities were undertaken during October 2018 at the following locations:

Primary Location	Activity Name
Kennedy Highway	Rest Area Servicing
Mulligan Highway	Other Surface Drain Work
	Rest Area Servicing
	Roadside Litter Collection - Rural
Mossman - Mt Molloy Road	Emergency Call Out / Traffic Accident
	Roadside Litter Collection - Rural
Herberton - Petford Road	Other Roadside Work
Burke Dev Road	Medium Formation Grading (Western) with Extras and 2 WaterCarts - Excludes Traffic Control
	Other Formation Work
	Other Sign Work

The total claim to TMR for the works listed above for the month of October 2018 was \$92,000

Parks and Gardens Section**Maintenance Activities**

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in October at the following locations:

1. Location
2. Street Mowing, Mareeba
3. Wetherby Park, Mt Molloy
4. Eales Park, Mareeba
5. Davies Park, Mareeba
6. Council Office and Library, Mareeba
7. Furniture and Playground Equipment, Mareeba
8. Anzac Park, Mareeba
9. Basalt Gully and Bi-Centennial Lakes, Mareeba
10. Arnold Park, Mareeba
11. Borzi Park, Mareeba
12. Centenary Park, Mareeba
13. Mary Andrews Shade, Mareeba
14. Sunset/Sunbird Park, Mareeba
15. Town Hall Park, Dimbulah
16. Firth Park, Mareeba
17. Byrnes Street Medians, Mareeba
18. Esplanade, Kuranda

The table below shows the current budget position of Parks and Gardens maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$1,849,034	\$623,115	\$574,048

Bridge Section**Maintenance Activities**

Bridge inspection and maintenance activities were carried out in October at the following locations;

Structure	Road	Chainage	Area
Bridge	Leadingham Creek Road	2620	Dimbulah
Bridge	Chewko Road	3035	Mareeba
Bridge	Kanervo Road	2204	Koah
Bridge	Davies Creek Road	3152	Mareeba
Causeway	Davies Creek Road	1530	Mareeba
Causeway	Henry Hannam Drive	3398	Mareeba
Bridge	Bolton Road	1273	Koah
Major Culvert	Carr Road	480	Julatten
Major Culvert	Ganyan Drive	3755	Speewah
Major Culvert	Mahagony Avenue	372	Speewah
Major Culvert	Ganyan Drive	3492	Speewah
Causeway	Koah Road	12388	Koah
Major Culvert	Clohesy River Road	2510	Koah
Major Culvert	Windsor View Road	284	Julatten
Causeway	Cascade Close	217	Mutchilba
Causeway	LA Road	1290	Mona Mona
Causeway	Davies Creek Road	1679	Mareeba
Major Culvert	Tinaroo Creek Road	5017	Mareeba
Major Culvert	Ganyan Drive	983	Speewah
Major Culvert	Kelly Road	120	Speewah
Major Culvert	Stoney Creek Road	726	Speewah
Causeway	Armstrong Road	4034	Mona Mona
Causeway	George Fabris Road	1605	Mareeba
Major Culvert	Ganyan Drive	4244	Speewah
Causeway	Hoey Road	1254	Speewah
Causeway	Ganyan Drive	2370	Speewah
Causeway	Euluma Creek Road	7963	Julatten
Major Culvert	Euluma Creek Road	692	Julatten
Major Culvert	Mary Jane Drive	121	Julatten
Major Culvert	Oaky Valley Avenue	3660	Mutchilba
Major Culvert	Oaky Valley Avenue	4304	Mutchilba
Bridge	Bischoff Mill Road	153	Watsonville
Major Culvert	Douglas Track	1000	Speewah
Major Culvert	Speewah Road	690	Speewah
Major Culvert	Veivers Drive	982	Speewah
Major Culvert	Ray Road	5850	Mareeba
Major Culvert	Wetherby Road	11102	Mt Molloy
Causeway	Mt Perseverance Road	1368	Julatten
Major Culvert	Highland Drive	459	Julatten
Major Culvert	Windsor View Road	962	Julatten
Causeway	Pickford Road	3551	Biboohra
Major Culvert	Pickford Road	2039	Biboohra
Major Culvert	Pine Close	950	Biboohra
Causeway	Lemontree Drive	75	Mutchilba
Causeway	Mclver Road	1320	Mareeba
Causeway	Trimble Road	372	Mareeba

Structure	Road	Chainage	Area
Major Culvert	Adil Road	657	Mareeba
Major Culvert	Kenneally Road	793	Mareeba
Causeway	Wetherby Road	8141	Mt Molloy
Major Culvert	Clayton Lane	10565	Julatten
Major Culvert	Bilwon Road	3320	Biboohra
Major Culvert	Oaky Valley Ave	5145	Mutchilba
Bridge	Speewah Road	192	Speewah
Major Culvert	Speewah Road	1183	Speewah
Causeway	Sabin Road West	186	Mareeba
Major Culvert	Malone Road	2798	Mareeba
Major Culvert	Rankin Street	730	Mareeba
Causeway	Wetherby Road	4054	Mt Molloy
Major Culvert	Carr Road	402	Julatten
Causeway	Fassio Road	7990	Paddys Green
Major Culvert	Bilwon Road	4020	Biboohra
Major Culvert	Blacks Road	114	Mareeba

The table below shows the current budget position of Bridge maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$565,468	\$186,766	\$110,146

Land Protection Section

The table below shows the current budget position for Land Protection operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$461,679	\$142,716	\$134,632

Feral Pigs: Land Protection staff assisted with the construction of feral pig traps and provided advice on placement and design of exclusion fencing. Proactive, coordinated baiting was carried out prior to the fruit crop harvest.

Wild dogs: Coordinated baiting of problem wild dogs throughout the Council area.

Rabbits: Landholder liaison in relation to introducing K5 Rabbit Haemorrhagic disease virus into populations of rabbits within the MDIA.

Bellyache Bush Control: A staged, strategic and cooperative project has been in place since 2002 in the upper Walsh River catchment for the eradication of Bellyache Bush. This project has grown over time to include other pest plants that are high on the priority list of the local Area Land Protection/Biosecurity Plan. These plants include Physic Nut, Rubber Vine, Siam Weed, and Weedy Rats Tail Grasses.

An outbreak of Bellyache bush has recently been found on the Lynd River 2km upstream of the Lynd's Junction with the Mitchell River. Due to the proximity of some creeks that feed into the Staaten River. The Staaten is a relatively clean river and, in a bid to preserve and maintain that

pristine environment it was decided to survey the country between the new weed incursion on the Lynd and the Staaten River to remove any weeds that were found and to map the area for ease of further treatment.

Mareeba Shire's Land Protection section gained the support of the Ewamian Ranger Group, the Staaten River National Park Rangers, Tableland Regional Council Biosecurity work crew, two Biosecurity Queensland officers and the affected landowner.

The crews all worked in tandem during the week of 29 October 2018 and a total of 440 hours was spent surveying 4,500 hectares of flood plain land, riparian zone, range land and claypan.

No weeds were found. The incursions on the Lynd and Mitchell Rivers were mapped and in the future these areas will be re-treated as necessary and monitored.

RISK IMPLICATIONS

Financial

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

All capital works are listed in and funded by the 2018/19 Capital Works Program.

Operating

All operational works are funded by the Section specific 2018/19 maintenance budgets.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

IMPLEMENTATION/COMMUNICATION

Nil

9.13 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - SEPTEMBER 2018

Date Prepared: 6 November 2018

Author: Manager Water and Waste

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Water and Wastewater activities undertaken by the Infrastructure Services Department during the month of October 2018.

RECOMMENDATION

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

BACKGROUND

1. Capital and Maintenance Works Projects

Mareeba CBD Water Main Project is progressing well with the new water main installed and operational and working on the Rankin Street water main upgrade from the Byrnes Street intersection to Constance Street.



2. Budget - Water

MSC Water Income to Month of October

	<i>Annual Budget</i>	<i>YTD Budget</i>	<i>YTD Actual</i>
Water Rates	3,326,023.00	1,663,011.50	1,672,441.40
Water Interest Earned Const Wks	25,000.00	8,333.32	22,918.52
Water NCP Internal Revenue	300,400.00	100,133.36	100,133.36

Water 3rd Party Works	45,000.00	15,000.00	31,073.44
Water Sundry Income	35,000.00	11,666.68	24,062.92
Total	3,731,423.00	1,798,144.86	1,850,629.64

MSC Water Expense to Month of October

	Annual Budget	YTD Budget	YTD Actual
Water Treatment Plant Op/Mtce	3,192,059.50	1,040,642.92	955,856.35
Water Reticulation Op/Mtce	1,692,403.82	558,410.75	496,510.84
Water NCP Admin Charges	272,300.00	90,766.68	90,766.60
Total	5,156,763.32	1,689,820.35	1,543,133.79

3.**MSC Wastewater Income to Month of October**

	Annual Budget	YTD Budget	YTD Actual
Wastewater Rates	4,777,524.00	2,388,762.00	2,386,989.10
Wastewater Interest Earned Const Wks	85,000.00	28,333.32	-755.17
Wastewater NCP Internal Revenue	38,000.00	12,666.68	12,666.64
Wastewater NCP Community Service Obligation	119,400.00	39,800.00	39,800.00
Wastewater 3rd Party Works	0.00	0.00	432.06
Wastewater Sundry Income	0.00	0.00	0.00
Total	5,019,924.00	2,469,562.00	2,439,132.63

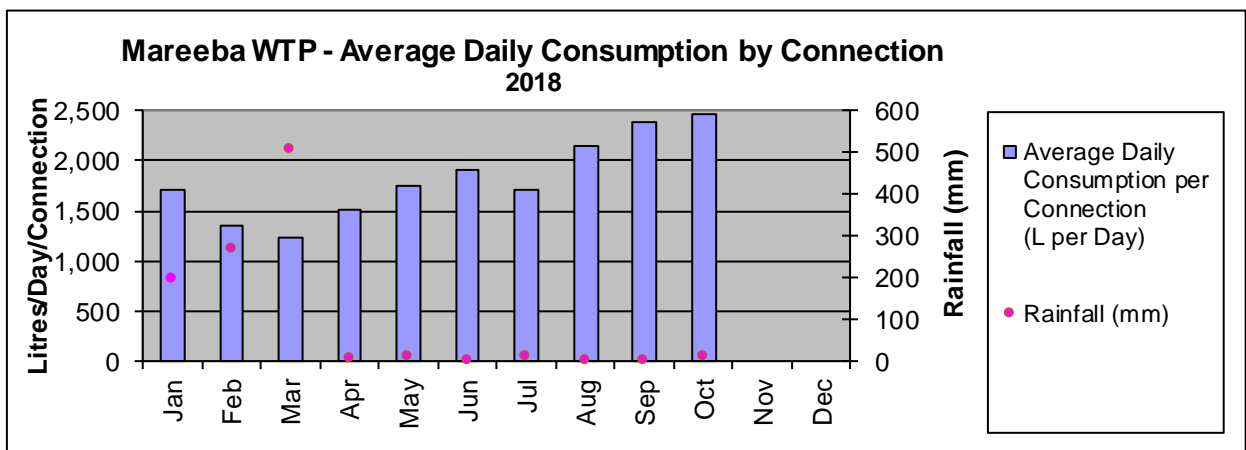
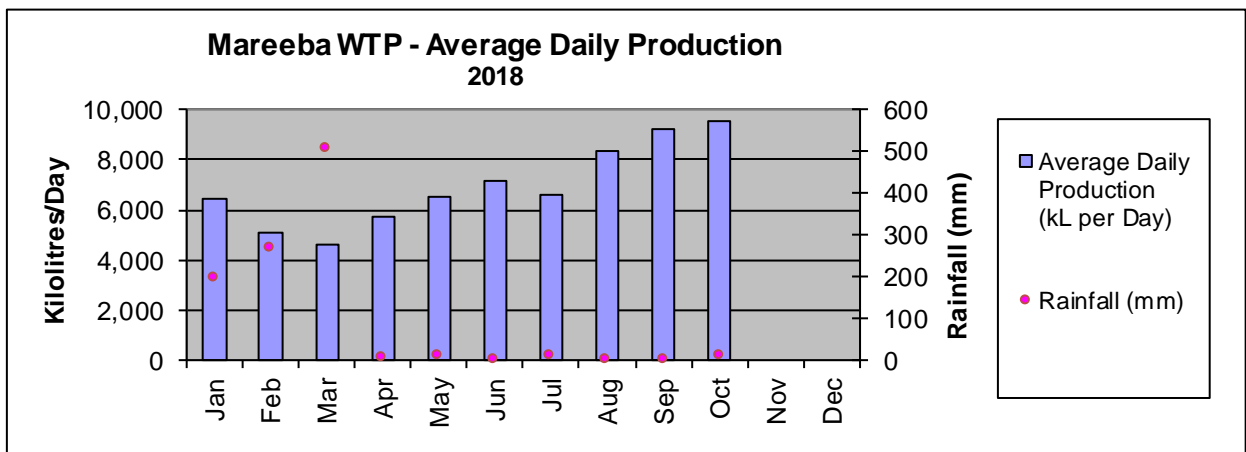
MSC Wastewater Expense to Month of October

	Annual Budget	YTD Budget	YTD Actual
Wastewater Treatment Plant Op/Mtce	2,156,801.10	767,184.71	621,323.12
Wastewater Reticulation Op/Mtce	1,622,563.88	541,413.95	475,155.53
Wastewater NCP Admin Charges	163,300.00	54,433.32	54,433.32
Total	3,942,664.98	1,363,031.98	1,150,911.97

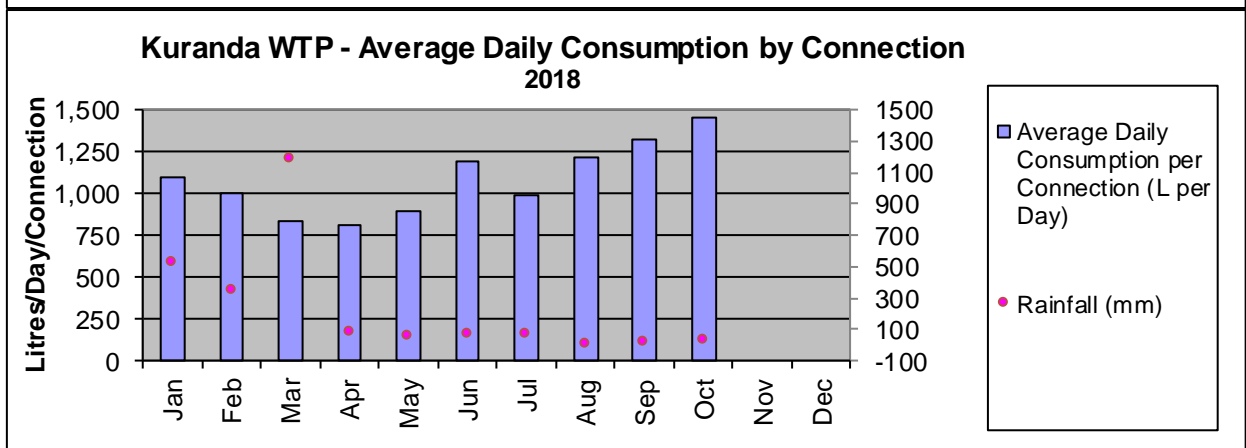
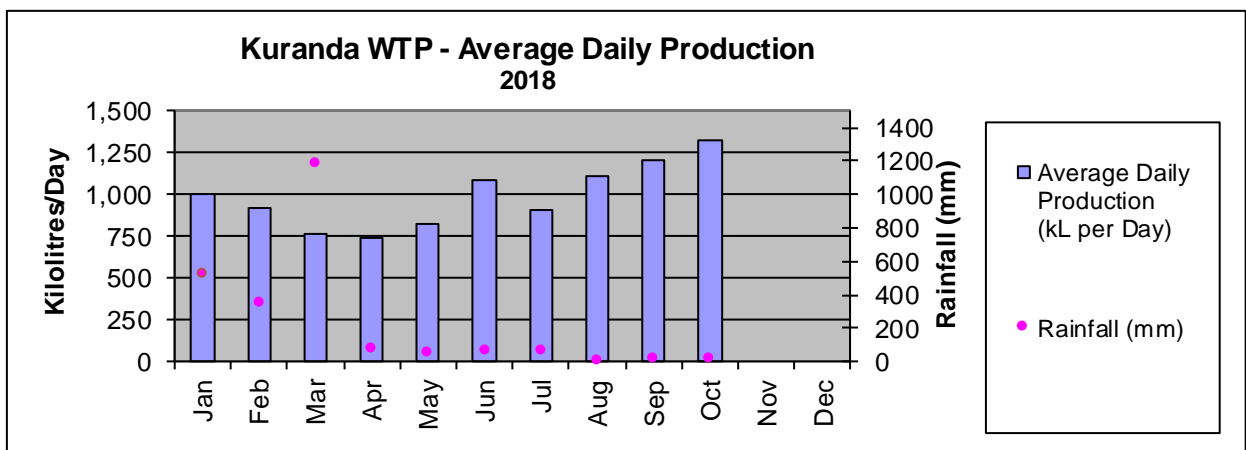
Budget - Wastewater**4. Chlorine Residual Readings**

October 2018	Chlorine Residual Readings 2018 Australian Drinking Water Guidelines Maximum 5mg/L													
	Mon 1st	Wed 3rd	Fri 5th	Mon 8th	Wed 10th	Fri 12th	Mon 15th	Wed 17th	Fri 19th	Mon 22nd	Wed 24th	Thu 25	Mon 29th	Wed 31st
Mary Andrews Park Mareeba	1.13	1.16	1.12	1.09	1.13	1.08	1.16	0.71	0.74	1.10	1.16	0.72	0.35	0.50
Wylandra Drive Mareeba	0.68	0.71	0.67	0.69	0.68	0.74	0.71	0.50	0.56	0.66	0.68	0.64	0.66	0.69
Gregory Terrace Kuranda	0.96	1.05	0.88	1.17	1.13	1.21	0.90	0.94	0.92	0.89	1.24	1.02	0.98	0.90
Mason Rd PS Kuranda	1.21	1.18	1.07	1.43	1.31	1.35	1.18	1.14	1.24	1.22	0.91	1.01	1.18	1.20
Chillagoe	1.24	1.20	1.22	1.23	1.18	1.03	1.22	1.19	1.11	1.18	1.21	1.18	0.78	1.12
Dimbulah	0.88	0.91	0.78	0.84	1.18	1.10	0.91	0.88	0.89	0.77	0.83	1.01	0.87	0.81

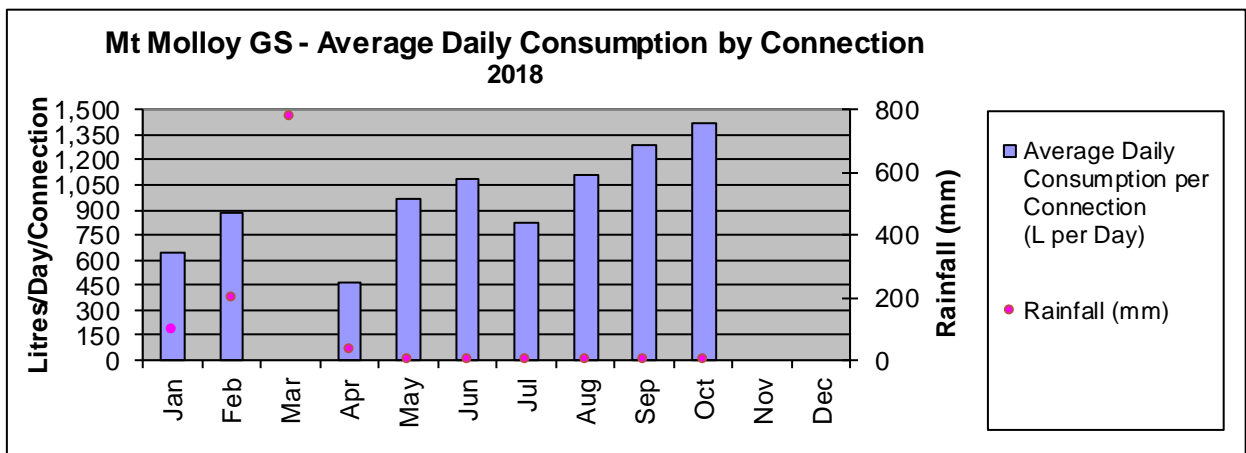
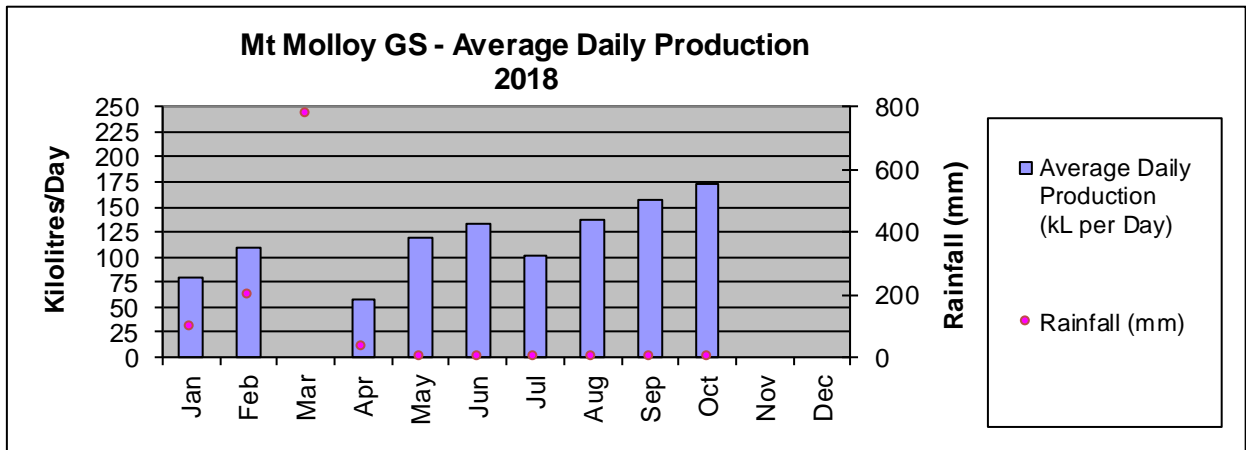
5. Mareeba Water Supply Scheme – Operations Data



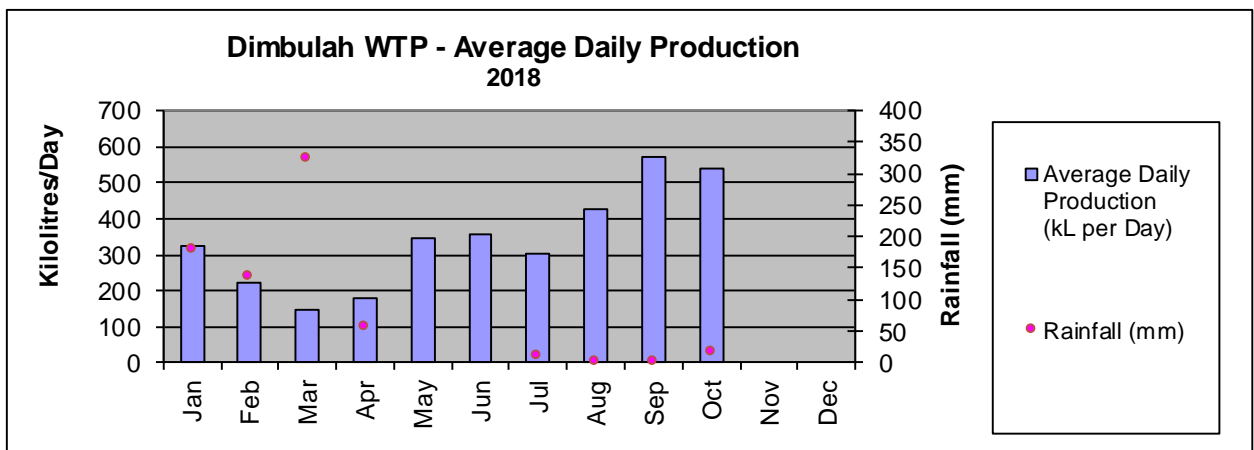
6. Kuranda Water Supply Scheme - Operations Data

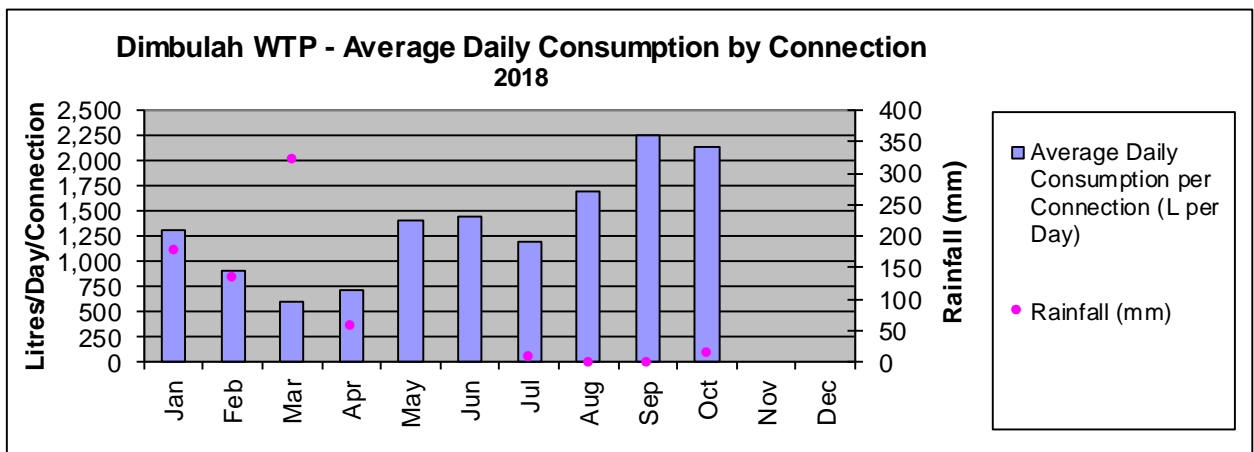


7. Mount Molloy Water Supply Scheme - Operations Data

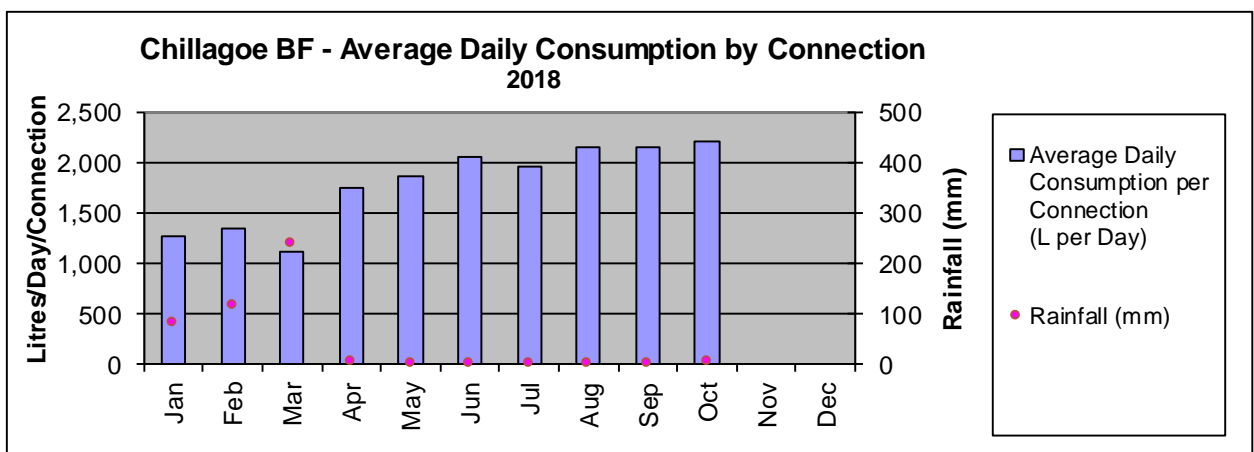
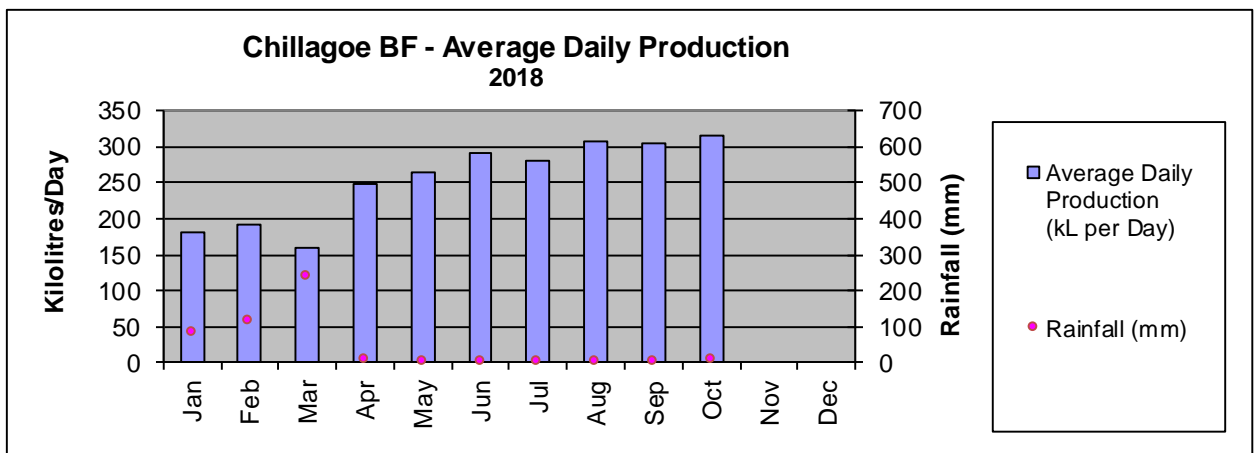


8. Dimbulah Water Supply Scheme - Operations Data

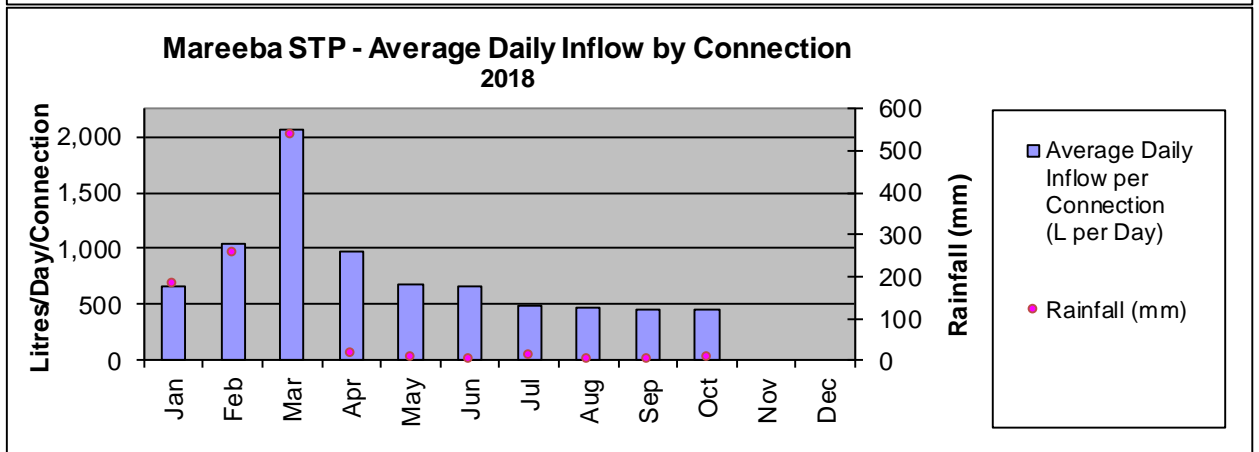
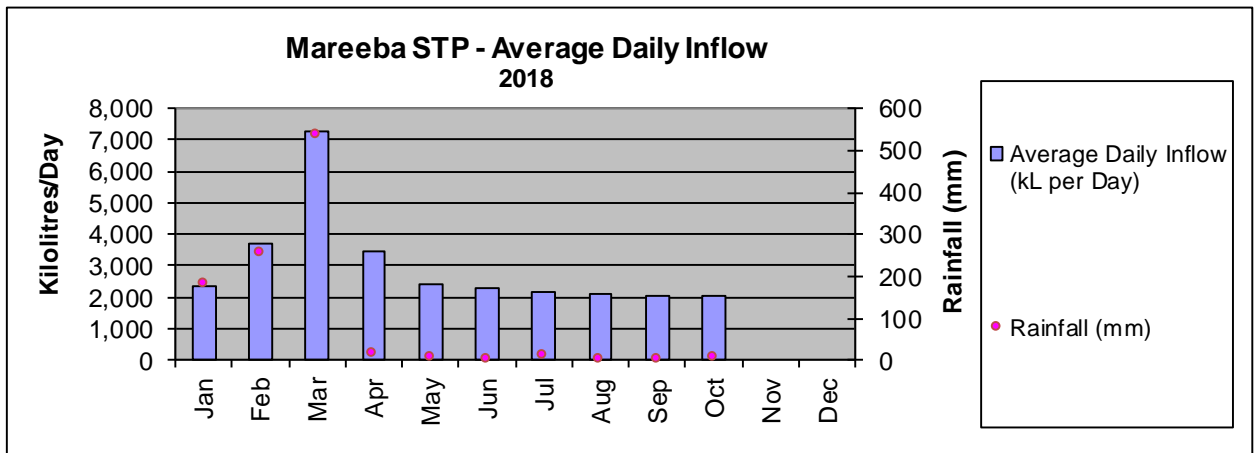




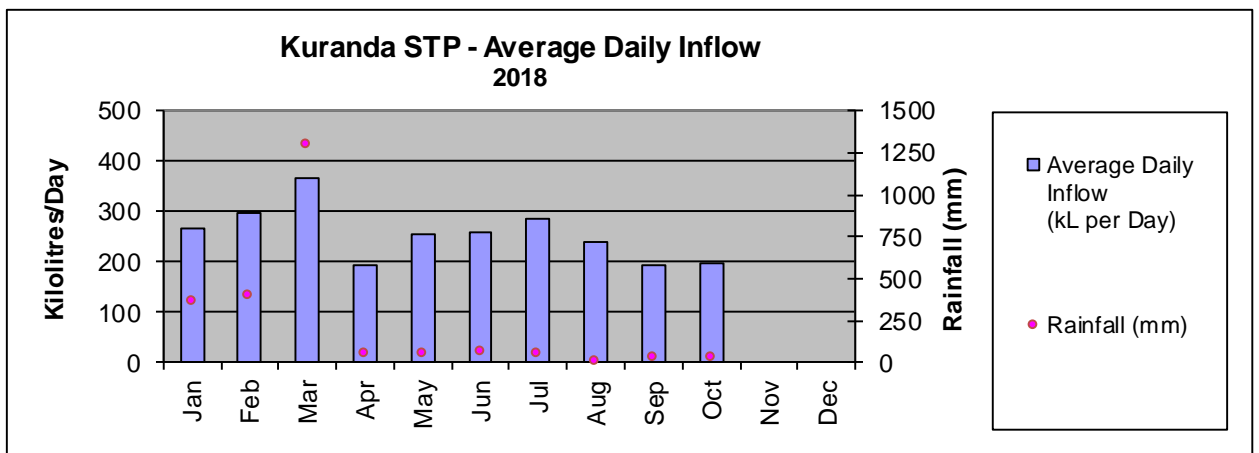
9. Chillagoe Water Supply Scheme - Operations Data

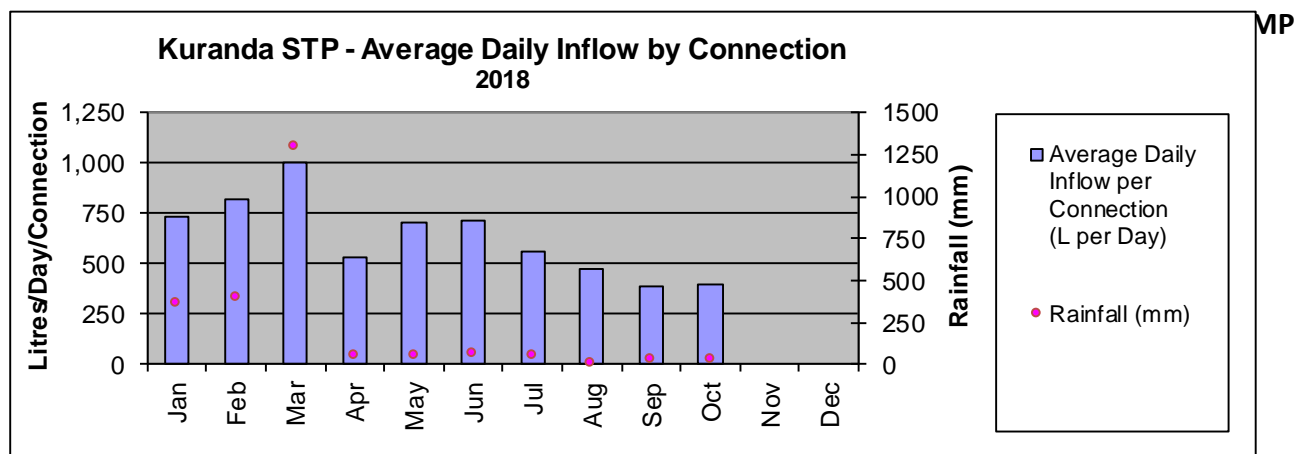


10. Mareeba Wastewater Treatment Plant - Operations Data



11. Kuranda Wastewater Treatment Plant - Operations Data





LICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

As a drinking water service provider, Mareeba Shire Council is required under the Water Supply (Safety and Reliability) Act 2008 to comply with various legislative and statutory requirements. Council holds an environmental authority issued under the Environmental Protection Act 1994 to operate water and wastewater treatment facilities.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

All capital works are listed in and funded by the 2018/19 Capital Works Program.

Operating

All operational works are funded by the Section specific 2018/19 maintenance budgets.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

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

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

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

IMPLEMENTATION/COMMUNICATION

Nil

9.14 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - OCTOBER 2018

Date Prepared: 7 November 2018

Author: Manager Water and Waste

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Waste activities undertaken by the Infrastructure Services Department during the month of October 2018.

RECOMMENDATION

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

BACKGROUND

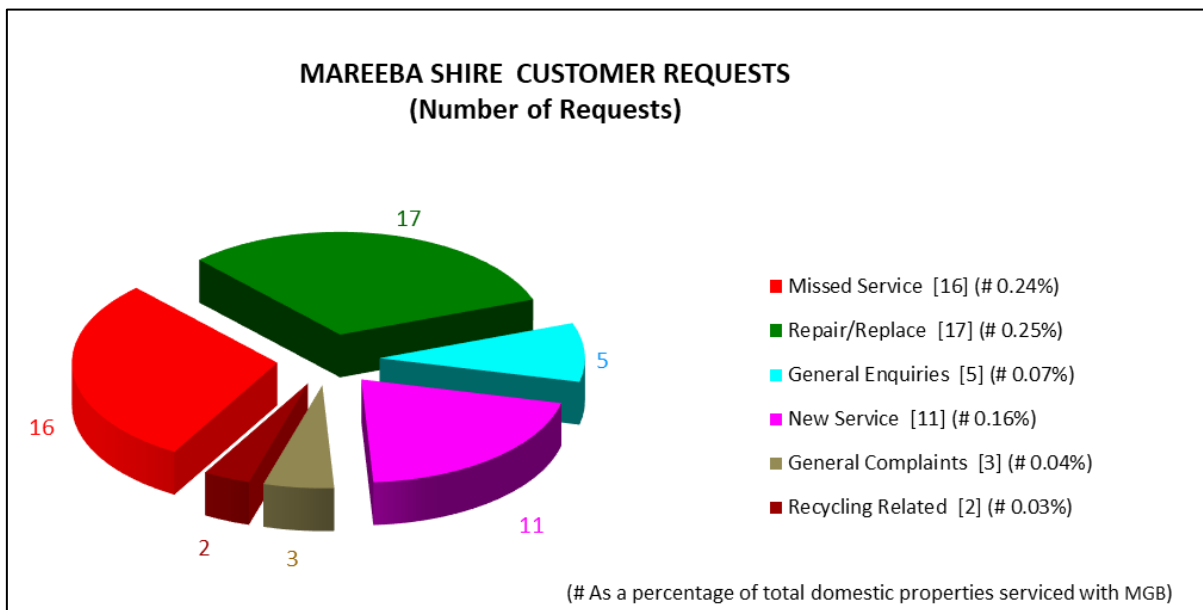
The following is a 'snapshot' of the waste activities undertaken during the month of October 2018.

1. Waste Operations

- 5,399 vehicles entered Mareeba waste facility (to drop off or pick up waste)
- 561 vehicles deposited waste to Mareeba Landfill (total)
- 130 Suez vehicles deposited waste to Mareeba Landfill
- 45 Suez vehicles removed waste from Mareeba Waste Transfer Station (WTS) to recycling facility in Cairns
- 158 m³ of mulch (purchased) removed from Mareeba WTS (111 m³ in bulk sales and 47 m³ in small lots)
- All transfer stations and Mareeba landfill are currently operational

2. Customer Service Waste Statistics

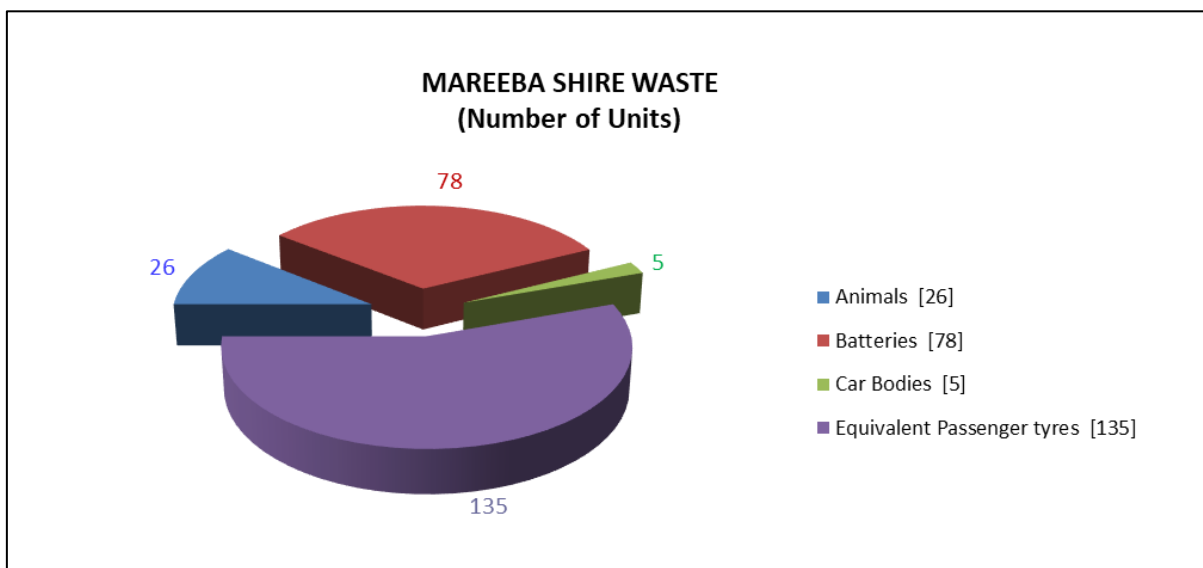
The following graph displays customer requests logged in the Customer Request Management (CRM) system during the month of October 2018. The number of requests in relation to missed services decreased compared with the previous month, following a successful media campaign which notified of changes to collection days and reminded residents that bins must be put out the night before collection day.

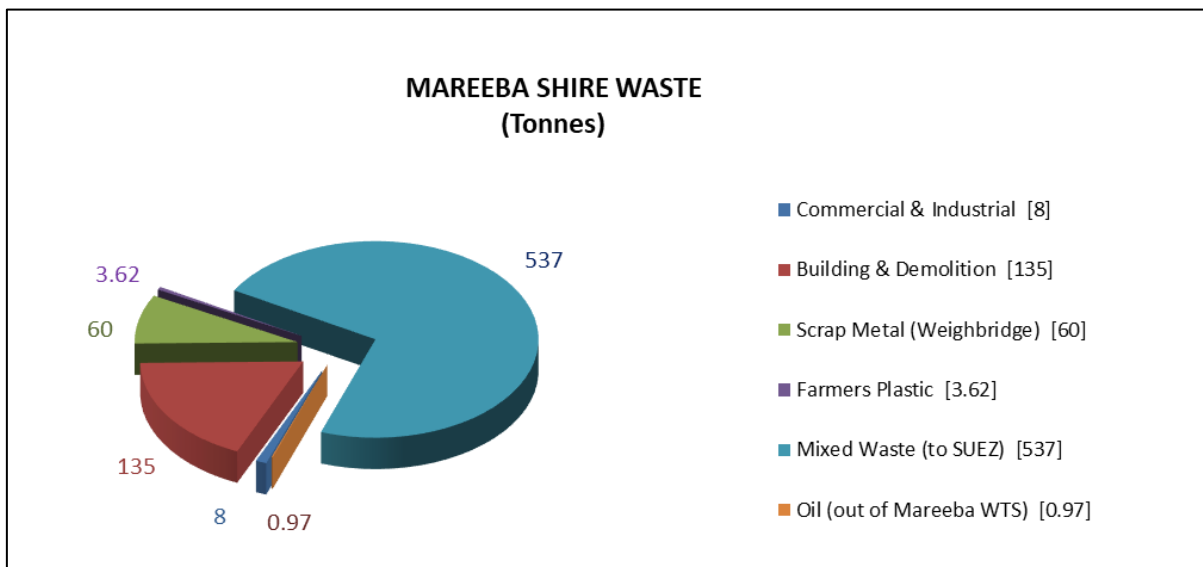


3. Waste Collected at Each of the Transfer Stations

Waste material collected at each of the waste transfer stations is either deposited directly to the Mareeba landfill, recycled or transported to the Suez facility in Cairns for processing.

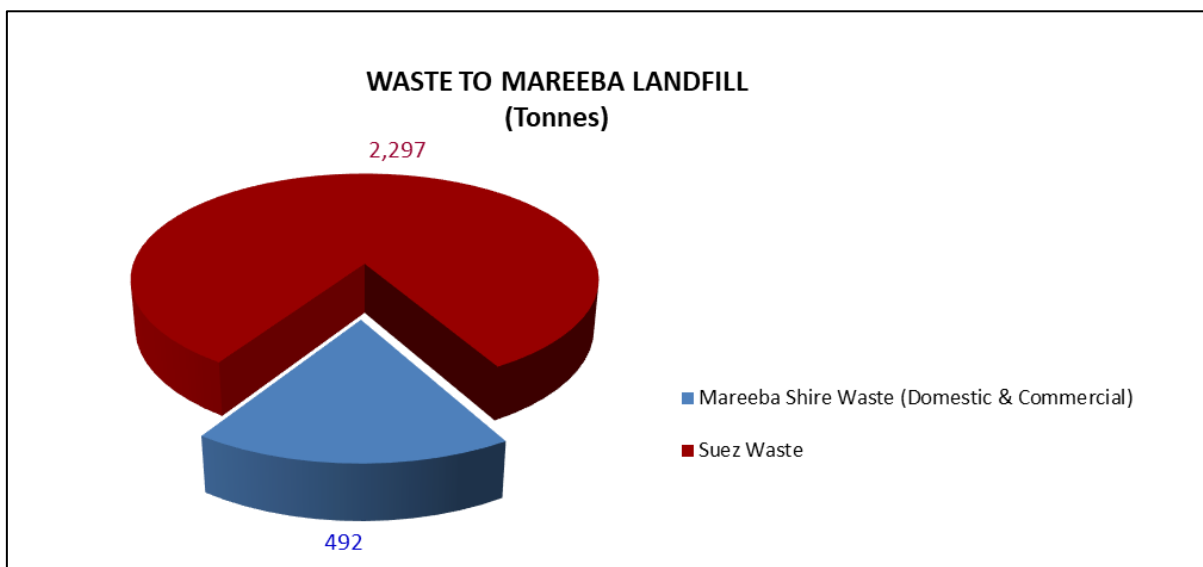
The following pie charts are separated into waste received as whole units and waste received as accrued tonnage.





4. Waste to Mareeba Landfill

The Mareeba Shire waste shown in the pie chart below is the waste collected at each of the waste transfer stations (Mareeba included) and deposited directly to the Mareeba landfill. The commercial waste shown below is derived from the Suez recycling plant in Cairns and deposited into the Mareeba landfill.



5. Budget - Waste

Revenue

	Annual Budget	YTD Budget	YTD Actual
MGB Service	2,160,544.00	1,076,938.68	1,083,070.97
Unserviced Levy	1,525,462.00	762,731.00	764,720.00
Commercial Disposal	1,223,500.00	407,833.36	257,828.72
Waste Interest	50,000.00	16,666.68	11,669.42
Total	5,069,506.00	2,300,836.40	2,246,719.79

Expenditure

	Annual Budget	YTD Budget	YTD Actual
--	---------------	------------	------------

Landfills	1,468,914.46	492,726.11	389,972.02
WTS	1,249,214.49	416,220.12	481,277.41
Collection and Transport Costs	800,000.00	266,666.68	203,542.24
Recycling	40,000.00	13,333.32	13,819.45
NCP Admin Charges	201,804.00	67,268.00	67,268.00
Total	3,759,932.95	1,256,214.23	1,155,879.12

RISK IMPLICATIONS**Environmental**

Council holds an environmental authority issued under the Environmental Protection Act 1994 to operate landfill facilities.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Is the expenditure noted above included in the current budget?

Yes

Operating

Nil

LINK TO CORPORATE PLAN

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

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

IMPLEMENTATION/COMMUNICATION

Nil

9.15 PETITION FOR MAINTENANCE OF HODZIC ROAD

Date Prepared: 15 November 2018

Author: Director Infrastructure Services

Attachments: 1. Letter and supporting petition [↓](#)

EXECUTIVE SUMMARY

This report introduces a petition from residents, received by Council on 29 October 2018 which requests a meeting with Councillors to discuss their concerns and maintenance of Hodzic Road.

RECOMMENDATION

That Council receives the Petition and meet with the Head Petitioner and residents of Hodzic Road to discuss their concerns.

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 generally meets the requirements as per the Standing orders as the Petition has 10 signatures.

The petition reads as follows:

"The residents and ratepayers are concerned at the way in which the road is being maintained. There are concerns surrounding the safety of the use of the road. We are a road whose residents include children and business and also residents in paid employment who need to travel the road if not every day then once a week.

To this end we should like to meet with Councillors to raise our concerns and have them addressed in an appropriate way."

Given the request in the petition is simply to meet with the Councillors the recommendation is simply to accept the Petition and arrange a meeting.

The petition is attached as part of this report.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

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

IMPLEMENTATION/COMMUNICATION

The Head Petitioner will be notified of Council's decision.

KEY COMMUNICATION MESSAGES – INTERNAL USE ONLY

Nil

20
ROA-MAI-SUR

29 October 2018

To Mareeba Shire Council, Councillors' and Appropriate persons,

The residents and Ratepayers of Hodzic Road are extremely concerned at the long periods of time that the road is left in an unsafe condition after rain, and the extended periods between Maintenance grading, (2016 –graded July, 2017 – graded September, 2018 – October/November)

This year it is likely that we will have a good road for 2 months; how can this be good use of public funds?

There are in excess of 25 ratepayers living on this road, including businesses from farming, Joinery, sawmilling, Aquaculture and commercial Hay production, as well as school children, retirees' and people in paid employment travelling the road daily both in and out.

There are close to 500 vehicle movements per week. With this volume of traffic a single grade per year, even if done at a better time of year is not enough.

25mm of rain is enough to damage the road as the "cut outs" to run water off the road are poorly maintained and some culverts are positioned higher than the lowest point in the road. There are some parts of the road that are lower than the surrounding ground which means the water runs down the road instead of off it.

Last year we met with Councillors Alan Peterson, Kevin Davies and Lenore Wyatt on Hodzic Road. We thought then that we had achieved some resolution to our concerns, however, when nothing happened this year and I emailed the Council I was told they had a record of the meeting but no record of any outcomes. This was very disappointing as we had trusted that our concerns would be reported back to the appropriate people.

To this end I present a petition signed by Ratepayers and residents of Hodzic road and look forward to your response to our request for a meeting to discuss these issues.

Regards

John & Fiona Nicholls
586 Hodzic Road, Bibbohra

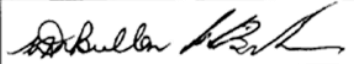
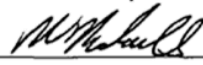

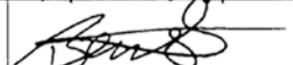

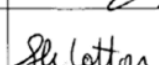
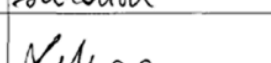
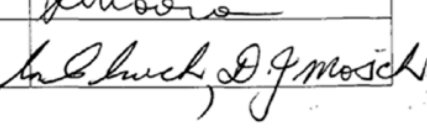
Email: jfnichollskk@gmail.com

Phone: 07 4093 2637

Ratepayer and Residents of Hodzic Road wish to petition the Mareeba Shire Council in regards to the condition Hodzic Road, Mareeba.

We, the Ratepayers and Residents are concerned at the way in which the road is being maintained. There are concerns surrounding the safety of the use of the road. We are a road whose residents include children and business and also residents in paid employment who need to travel the road if not every day then once a week.

To this end we would like to meet with Councillors to raise our concerns and have them addressed in an appropriate way.

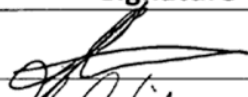
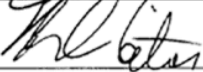
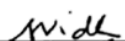

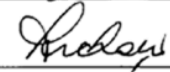

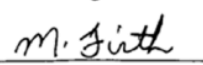
Date	Name	Address and Phone Contact	Signature
20/10/18	Tony & Denise Bullen	1480 HODZIC RD 40850105	
20/10/18	W. NICHOLLS	546 HODZIC RD	
20/10/18	Veronica Oliver	546 Hodzic Road	
20/10/18	Ben stretch	674 Hodzic Road	
20/10/18	DARRY L COSSGROVE	878 HODZIC RD 0448867585	
20/10/18	Lyal + Simone Cotton	828 Hodzic Rd,	
20/10/18	S Moore	764 Hodzic Rd	
20/10/18	Micha & Diane Moschi	1434 Hodzic Rd 40937083, 0428937083.	

Ratepayer and Residents of Hodzic Road wish to petition the Mareeba Shire Council in regards to the condition Hodzic Road, Mareeba.

We, the Ratepayers and Residents are concerned at the way in which the road is being maintained. There are concerns surrounding the safety of the use of the road. We are a road whose residents include children and business and also residents in paid employment who need to travel the road if not every day then once a week.

To this end we would like to meet with Councillors to raise our concerns and have them addressed in an appropriate way.

Page 2 of 4

Date	Name	Address and Phone Contact	Signature
19/11/18	ARCUVA YATES	1250 Hodzic Road 40957906	
10-10-18	Lyal Cotton	878 Hodzic Rd 40932616	
20-10-18	Sue Vidler	656 Hodzic Rd 0477462500	
20-10-18	LEN VIDLER	656 Hodzic Rd 0427230961	
20.10.18	Fiona Nicholls	586 Hodzic Rd 0440932637	
21.10.18	ROSALIND Egan	648 Hodzic Rd 0431210089	 NO E-mail
21.10.18	MICHAEL FIRTH	648 Hodzic Rd 0413209232	 NO E-mail

Ratepayer and Residents of Hodzic Road wish to petition the Mareeba Shire Council in regards to the condition Hodzic Road, Mareeba.

We, the Ratepayers and Residents are concerned at the way in which the road is being maintained. There are concerns surrounding the safety of the use of the road. We are a road whose residents include children and business and also residents in paid employment who need to travel the road if not every day then once a week.

To this end we would like to meet with Councillors to raise our concerns and have them addressed in an appropriate way.

Page 3 of 4

Date	Name	Address and Phone Contact	Signature
21-10-18	John Nichols	586 Hodzic Road. 40932637	<i>J E Nichols</i>
24/10/18	Melissa Whitehead	618 Hodzic Road 0473037250	<i>M Whitehead</i>
24-10-18	Jason Whitehead	" " 0437084212	<i>J Whitehead</i>
24-10-18	JOHN FITZGERALD	374 Hodzic RD 0427948304	<i>John Fitzgerald</i>
25/10/18	BRYAN RAINS	583 HODZIC RD 0419731465	<i>B. Rains</i>
20-10-18	Kevin Wilson	647 Hodzic RD 0429932719	<i>K Wilson</i>

Ratepayer and Residents of Hodzic Road wish to petition the Mareeba Shire Council in regards to the condition Hodzic Road, Mareeba.

We, the Ratepayers and Residents are concerned at the way in which the road is being maintained. There are concerns surrounding the safety of the use of the road. We are a road whose residents include children and business and also residents in paid employment who need to travel the road if not every day then once a week.

To this end we would like to meet with Councillors to raise our concerns and have them addressed in an appropriate way.

Page 4 of 4

Date	Name	Address and Phone Contact	Signature
28.10.18	Linda Ryan	665 Hodzic Rd 40932609	L Ryan
28.10.18	Jim Ryan	665 Hodzic Rd 40932609	Jim Ryan
28.10.18	Rosalea Nixon	602 Hodzic Rd 0477149484	R Nixon
29-10-018	KERWIN RAINS	583 HODZIC RD	K Rains

10 OFFICE OF THE CEO**10.1 CHANGE IN COUNCIL MEETING DATES - JANUARY AND OCTOBER 2019**

Date Prepared: 15 October 2018
Author: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

This report is presented to Council to consider changing the date of the Ordinary Meeting scheduled to be held on 16 January 2019 to Wednesday 23 January 2019. The reason for the proposed change is to accommodate the fact that Council will be closed from 21 December 2018 to 2 January 2019 and as such, business activity with Council would be minimal in the first week of January. This would then result in limited Agenda items being presented to Council if the meeting schedule remains unchanged. It is more appropriate to vary the schedule in this instance ensuring meaningful reports can be presented to Council.

It is also requested that Council consider changing the meeting date from the 16 October 2019 to the 23 October 2019, the reason for the proposed change in Council meeting date is to allow Councillors to attend the annual LGAQ Conference.

RECOMMENDATION

That Council hold its January 2018 Ordinary Council meeting on Wednesday 23 January 2019 and October 2019 Ordinary Council meeting on Wednesday 23 October 2019."

BACKGROUND

Council Meetings are generally held on the third Wednesday of every month, with the deadline for Council Reports the week before. The early part of January has historically been quiet and would result in minimal Agenda items being presented due to the short time frame to prepare the Council Meeting Reports. By moving the Council Meeting back one (1) week there is a greater opportunity to ensure meaningful reports can be presented to Council. The reason for the change in the October date is to allow Councillors to attend the Annual LGAQ Conference.

RISK IMPLICATIONS

N/A

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

N/A

FINANCIAL AND RESOURCE IMPLICATIONS

N/A

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

Council Meeting Dates for 2019 to be advertised in local newspapers, website and via and social media.

10.2 COUNCILLOR ATTENDANCE AT CONFERENCE

Date Prepared: 12 November 2018
Author: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to obtain Council approval for Cr Wyatt to attend the Women in Public Sector Leadership Summit in Canberra 28-31 May 2019.

RECOMMENDATION

That Council approve Cr Wyatt's attendance at the Women in Public Sector Leadership Summit in Canberra 28-31 May 2019.

BACKGROUND

The Women in Public Sector Leadership 2019 will provide attendees with the knowledge, skills and inspiration to promote female leadership and inclusion in the Federal and State public sectors and in local government.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Yes

Is the expenditure noted above included in the current budget?

Yes

LINK TO CORPORATE PLAN

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

IMPLEMENTATION/COMMUNICATION

If approved, conference registration and travel arrangements will be made.

11 CONFIDENTIAL REPORTS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

11.1 Tender Evaluation - TMSC2018-17 Lease of Site for Aircraft Refuelling at Mareeba Airport

This matter is considered to be confidential under Section 275 - e of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

11.2 Rates Concession Section 275(1)(d) Local Government Regulations 2012

This matter is considered to be confidential under Section 275 - d of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with rating concessions.

11.3 Lease to Purchase - Lot 55 on SP198060, Martin Tenni Drive, Mareeba Industrial Park

This matter is considered to be confidential under Section 275 - e of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

12 BUSINESS WITHOUT NOTICE

13 NEXT MEETING OF COUNCIL

14 FOR INFORMATION**14.1 AUDIT COMMITTEE MEETING MINUTES 2 OCTOBER 2018**

Date Prepared: 12 November 2018

Author: Director Corporate and Community Services

Attachments: 1. Audit Committee Meeting Minutes 2 October 2018 [↓](#)

Please see the following Minutes of the Audit Committee Meeting held 2 October 2018.



MINUTES

Tuesday, 2 October 2018
Audit Committee Meeting

Audit Committee Meeting Minutes

2 October 2018

**MINUTES OF MAREEBA SHIRE COUNCIL
AUDIT COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS
ON TUESDAY, 2 OCTOBER 2018 AT 10.00AM**

1 MEMBERS IN ATTENDANCE

Ms Ruth Faulkner, Cr Kevin Davies, Cr Mary Graham

2 OFFICERS IN ATTENDANCE

Anthony Archie (Manager Development and Governance), Elisa Tatti (Manager Finance), Peter Franks (Chief Executive Officer), Sri Narasimhan (QAO), Andrew Cornes (External Auditor), Carolyn Eagle (Internal Auditor)

3 APOLOGIES

Jennifer McCarthy (Director Corporate and Community Services), Tom Gilmore (Mayor)

**4 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST BY
AUDIT COMMITTEE AND OBSERVERS**

Nil

5 CONFIRMATION OF MINUTES

5.1 CONFIRMATION OF MINUTES FROM MEETING HELD 14 AUGUST 2018

COMMITTEE RESOLUTION 2018/1

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Minutes of the Audit Committee Meeting held on 14 August 2018 be confirmed as true and correct.

.CARRIED

6 FINANCIAL MANAGEMENT, REPORTING AND INTERNAL CONTROL

6.1 FINANCIAL STATEMENTS PERIOD ENDING 31 AUGUST 2018

COMMITTEE RESOLUTION 2018/2

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee note the financial report for the period ending 31 August 2018.

CARRIED

6.2 FINANCIAL STATEMENTS YEAR ENDING 30 JUNE 2018**COMMITTEE RESOLUTION 2018/3**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee receive and note the report and recommend Council to adopt.

CARRIED**7 INTERNAL AUDIT****7.1 INTERNAL AUDIT STATUS REPORT****COMMITTEE RESOLUTION 2018/4**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee receive and note the attached reports.

CARRIED**7.2 INTERNAL AUDIT PLAN****COMMITTEE RESOLUTION 2018/5**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That the Audit Committee note the verbal report on the approach to developing the Strategic Internal Audit Plan for the next 3 years and endorse offer of extension and recommend commencement of Fraud & Ethical Conduct Project Review as the first project of the FY 2019 Annual Internal Audit Plan Risk Assessment.

CARRIED**8 GOVERNANCE AND RISK MANAGEMENT****8.1 ENTERPRISE RISK MANAGEMENT****COMMITTEE RESOLUTION 2018/6**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee note the report and recommend that the Chief Executive Officer presents Council with the Significant and Extreme Risks and associated Risk Treatment Plans.

CARRIED

9 EXTERNAL AUDIT**9.1 EXTERNAL AUDIT STATUS REPORT****COMMITTEE RESOLUTION 2018/7**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee receive and note the attached reports.

CARRIED

10 LEGISLATIVE AND REGULATORY COMPLIANCE**10.1 PURCHASING REPORT SEPTEMBER 2018****COMMITTEE RESOLUTION 2018/8**

Moved: Cr Kevin Davies

Seconded: Cr Mary Graham

That the Audit Committee receive and note the report.

CARRIED

10.2 PROBITY AUDIT REPORT**COMMITTEE RESOLUTION 2018/9**

Moved: Cr Mary Graham

Seconded: Cr Kevin Davies

That the Audit Committee receive and note the report.

CARRIED

11 GENERAL BUSINESS**2019 Meeting Dates**

12 March 2019

13 August 2019 (Tentative)

1 October 2019 (Tentative)

12 NOTIFICATION OF SIGNIFICANT LEGAL MATTERS - CEO

Nil

Audit Committee Meeting Minutes

2 October 2018

13 MATTERS TO BE REPORTED TO COUNCIL

Nil

The Meeting closed at 11.50am.

The next meeting of the Audit Committee will be held at Mareeba on 12 March 2019 at 10am

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R. Faulkner

CHAIRPERSON

14.2 SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF OCTOBER 2018
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Date Prepared: 14 November 2018

Author: Senior Planner

Attachments: Nil

Please see below information.

Summary of new Planning Development Applications and Delegated Decisions for October 2018

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
RAL/18/0030	10/10/2018	G Caldwell & A Girgenti C/- Freshwater Planning Pty Ltd 30 River Road, River Road and Wilson Street, Bibbohra	Lot 1 on MPH3410 and Lot 100 & 27 on SP298279	Reconfiguring a Lot - Boundary Realignment	Decision Notice issued on 25/10/2018
RAL/18/0031	9/10/2018	R Wiggins & C Toohey C/- Veris Australia (Scott Sibly) 63 Veivers Drive, Speewah	Lot 21 on RP732901	Reconfiguring a Lot - Subdivision (1 into 2 Lots)	In referral stage
RAL/18/0032	23/10/2018	Tony Short C/- Neil Beck Speewah Road, Speewah	Lot 784 on N157259	Reconfiguring a Lot - Subdivision (1 into 2 Lots)	In Information stage
MCU/18/0026	9/10/2018	G & R Tatti C/- Max Slade Designs Pty Ltd 3 Kenneally Road, Mareeba	Lot 1 on RP725081	Material Change of Use - Short Term Accommodation (4 x 4 Bedroom Units)	In referral stage
OPW/18/0012	15/10/2018	BTM & S Stankovich Pty Ltd 267 Hastie Road, Mareeba	Lot 1 on RP735200	Operational Works (Bulk Earthworks) for Development Permit RAL/18/0012	Decision Notice issued on 23/10/2018
OPW/18/0013	24/10/2018	Phyllis Jean Gibbs C/- Flanagan Consulting Group 244 Kanervo Road KOAH	Lot 17 on SP219912	Operational Works - Roadworks for DA/15/0045	In Confirmation Stage

October 2018 (Regional Land Use Planning)

OPW/18/0014	26/10/2018	Colin Emery C/- Cardno (Qld) Pty Ltd 3 Hilltop Close KURANDA	Lot 84 on SP237138	Operational Works associated with REC/06/0108	In Confirmation Stage
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Decision Notices issued under Delegated Authority

Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
RAL/18/0030	25/10/2018	G Caldwell & A Girgenti C/- Freshwater Planning Pty Ltd	30 River Road, River Road and Wilson Street, Bibbohra	Lot 1 on MPH3410 and Lot 100 & 27 on SP298279	Reconfiguring a Lot - Boundary Realignment
OPW/18/0012	23/10/2018	BTM & S Stankovich Pty Ltd	267 Hastie Road, Mareeba	Lot 1 on RP735200	Operational Works (Bulk Earthworks) for Development Permit RAL/18/0012
RAL/18/0028	10/10/2018	Vittorio & Alfa Falvo	563 Mareeba - Dimbulah Road, Mareeba	Lot 20 & 21 on SP176607	Reconfiguring a Lot - Boundary Realignment

Change to Existing Development Approval issued

Application #	Date of Decision	Applicant	Address	Property Description	Application Type
N/A					

Referral Agency Response Decision Notices issued under Delegated Authority

Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/18/0022	9/10/2018	Raymond & June Wallace C/- Northern Building Approvals	10 Shepherd Street, Mareeba	Lot 2 on RP721893	Non-compliant gross floor area for class 10a shed
CAR/18/0023	23/10/2018	NQ Homes Tropical Living C/- GMA Certification	Whipbird Close, Speewah	Lot 7 on SP232038	Operational work (vegetation clearing) assessable against the Environmental significance overlay code

October 2018 (Regional Land Use Planning)

CAR/18/0024	31/10/2018	Austart Homes Pty Ltd C/- GMA Certification Group	3 Fan Palm Place, Kuranda	Lot 82 on SP172987	Material Change of Use (dwelling house) and associated Operational Works (vegetation clearing) assessable against the Environmental significance overlay code.
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Extensions to Relevant Period issued

Application #	Date of Decision	Applicant	Address	Property Description	Application Type
N/A					

Survey Plans endorsed

Application #	Date	Applicant	Address	Property Description	No of Lots
DA/16/0023	4/10/2018	L Mosch	MOUNT MULLIGAN ROAD, MORROW ROAD, LEADINGHAM CREEK ROAD & BRAUND ROAD, DIMBULAH	LOTS 95 & 191 ON SP244348 (CANCELLING LOT 191 ON SP300478)	1 Lot
DA/16/0019	30/10/2018	Rodeo Acres Pty Ltd	MAREEBA - DIMBULAH ROAD, MAREEBA	LOTS 3 & 100 ON SP306248 (CANCELLING LOT 12 on SP146292)	1 Lot

October 2018 (Regional Land Use Planning)