

# **Ordinary Meeting**

Council Chambers Date: 17 May 2017 Time: 9:00am

# **AGENDA**

THE ORDINARY MEETING OF THE MAREEBA SHIRE COUNCIL WILL BE HELD AT COUNCIL CHAMBERS, ON <u>WEDNESDAY</u>. 17 MAY 2017 AND THE ATTENDANCE OF EACH COUNCILLOR IS REQUESTED.

PETER FRANKS CHIEF EXECUTIVE OFFICER



# **ORDER OF BUSINESS**

MEMBERS IN ATTENDANCE	
APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS BEREAVEMENTS/CONDOLENCES	
DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST	
CONFIRMATION OF MINUTES	
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ITEM-2 RJ McNab - Reconfiguring a Lot - Subdivision (1 into 2 Lots) - Lot 3 RP836311 - 323 Malone Road, Mareeba - DA/17/0007	
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# CORPORATE AND COMMUNITY SERVICES

# REGIONAL LAND USE PLANNING

ITEM-1 BTM & S STANKOVICH PTY LTD - SUBDIVISION (1 INTO

28 LOTS & DRAINAGE/BALANCE AREA) - LOT 200 SP292105 - KAROBEAN DRIVE, MAREEBA - DA/17/0010

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Senior Planner

**DEPARTMENT:** Corporate and Community Services

#### **APPLICATION DETAILS**

APPLICATION		PREMISES	
APPLICANT	BTM & S Stankovich Pty	ADDRESS	Karobean Drive,
	Ltd		Mareeba
DATE LODGED	12 April 2017	RPD	Lot 200 on
			SP292105
TYPE OF	Development Permit		
APPROVAL			
PROPOSED	Reconfiguring a Lot - Subdivision (1 into 28 lots and		
DEVELOPMENT	drainage/balance area)		

FILE NO	DA/17/0010	AREA	9.1907 hectares
LODGED BY	Freshwater Planning Pty	OWNER	BTM & S Stankovich
	Ltd		Pty Ltd
PLANNING	Mareeba Shire Council Planning Scheme - July 2016		
SCHEME		-	
ZONE	Low Density Residential zor	ne	
LEVEL OF	Code Assessment		
ASSESSMENT			
SUBMISSIONS	n/a		

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

## **EXECUTIVE SUMMARY**

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

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



The application represents the continued development of Amaroo Park Estate, being Stage 9 comprising 28 new residential lots, a drainage lot and a balance lot.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 (including codes and policies) and is not in conflict with any aspect of the planning scheme. The FNQ Regional Plan and State Planning Policy are adequately reflected in the new planning scheme; therefore a separate assessment of the application against these instruments is not required.

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

It is recommended that the application be approved, subject to conditions.

## OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	BTM & S Stankovich Pty	ADDRESS	Karobean Drive,
	Ltd		Mareeba
DATE LODGED	12 April 2017	RPD	Lot 200 on SP292105
TYPE OF	Development Permit		
APPROVAL	·		
PROPOSED	Reconfiguring a Lot - Subdivision (1 into 28 lots and		
DEVELOPMENT	drainage/balance area)		

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 Reconfiguring a Lot - Subdivision (1 into 28 lots and drainage/balance area)



## (B) APPROVED PLANS:

Plan/Do		t	Plan/Document Title	Prepared by	Dated
7202-LL1 Sheet 1	Rev	Α	Proposed Reconfiguration of a Lot (1 into 30 lots)	Twine Surveys Pty Ltd	6.2.2017
7202-LL1 Sheet 2	Rev	Α	Proposed Reconfiguration of a Lot (1 into 30 lots)	Twine Surveys Pty Ltd	6.2.2017

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

# (a) <u>Development assessable against the Planning Scheme</u>

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

# 2. Timing of Effect

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

#### General

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



(including Council's legal expenses) to prepare and register the easement documents.

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

## 3.6 Charges

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

#### 4 Infrastructure Services and Standards

#### 4.1 Access

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

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

## 4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.



- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) The proposed drainage area shall be dedicated for public use land/drainage purposes. All documentation leading to the dedication of this land must be completed at no cost to Council.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

#### 4.3 Roadworks - Internal

- (a) Dandaloo Close, Moondani Avenue, Allara Street and Merindah Close are to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (b) Temporary turnaround areas, with a gravel surface, must be provided at the northern end of Moondani Avenue and Allara Street to allow traffic manoeuvring.
- (c) Bollards are to be installed at the head of Dandaloo Close abutting Emerald End Road road reserve. The number and spacing of the bollards must be sufficient to prevent vehicles travelling directly between the cul-de-sac and Emerald End Road and to the satisfaction of Council's delegated officer. The bollards are to be installed prior to the opening of the respective cul-de-sac road reserve.

## 4.4 Water Supply

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



## 4.5 Sewerage Connection

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

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

## 4.6 Electricity provision/supply

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

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

#### 4.7 Telecommunications

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

## 4.8 Lighting

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

#### (D) ASSESSMENT MANAGER'S ADVICE

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



## (c) Easement Documents

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

## (d) Endorsement Fees

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

# (e) Compliance with applicable codes/policies

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

## (f) Transportation of Soil

All soil transported to or from the site must be covered to prevent dust or spillage during transport. If soil is tracked or spilt onto the road pavements as a result of works on the subject site, it must be removed prior to the end of the working day and within four (4) hours of a request from a Council Officer.

# (g) Environmental Protection and Biodiversity Conservation Act 1999

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

# (h) Cultural Heritage

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



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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	\$ per Lot	Lots		Lots	
Residential	\$17,700.00	28	\$495,600.00	Nil	\$495,600.00
TOTAL CURRENT AMOUNT OF CHARGE					\$495,600.00

## THE SITE

The subject land is the balance land of the incomplete Amaroo Park Estate situated at Karobean Drive, Merindah Close, Dandaloo Close and Emerald End Road, Mareeba and is described as Lot 200 on SP292105.

The land has an area of 12.47 hectares and is zoned *Low Density Residential* under the Mareeba Shire Council Planning Scheme - July 2016.

The site contains 407 metres of frontage to Emerald End Road and 55 metres of frontage to Karobean Drive, both of which are constructed to bitumen sealed standard. The site's frontages to Dandaloo Close and Merindah Close are limited to stub roads which will be constructed to bitumen sealed standard during the current stage.

Being a balance lot for an incomplete estate, the site is unimproved with the majority of the land being cleared and grassed. A small pocket of regrowth is located in the south-eastern corner. The site is able to be connected to town water, sewer, telecommunications and underground electricity supply.

All surrounding allotments are zoned *Low Density Residential* and support residential uses with the exception of Lots 1 and 2 on SP273691 which adjoin the site to the south. Lots 1 and 2 on SP273691 contain the Amaroo Medical centre with the balance area being set aside for future business/commercial development.





Map Disclaimer:

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



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#### BACKGROUND AND CONTEXT

On 11 February 2009, Council approved application REC/08/0012 made by Tableland Earthmoving and Raw Materials Pty Ltd (TERM) for preliminary approval for material change of use to vary the effect of the planning scheme and development permit for reconfiguring a lot - 1 lot into 1 business lot and 135 residential lots of land described as Lot 11 on SP211136, situated on Hastie Road and Emerald End Road, Mareeba, subject to conditions.

Several permissible changes have been made to this approval with the most recent changes being permitted by Council at its 5 December 2013 ordinary meeting. The approval now provides for the creation of 140 allotments consisting of a one (1) hectare business zoned allotment and 139 traditional residential allotments.

The purpose of this approval was essentially to rezone the land to allow for its development in accordance with the residential zone code of the now superseded Mareeba Shire Planning Scheme 2004. Development approval REC/08/0012 has been acted upon with 32 of the 139 residential lots having been created along Karobean Drive as well as the business lot situated on the corner of Karobean Drive and Hastie Road (currently contains the Amaroo Medical Centre).

Under the new Mareeba Shire Council Planning Scheme 2016, the balance land for Amaroo Park Estate (Lot 200 on SP292105) is now zoned *Low density residential*. Given the site's current zoning now supports the creation of residential allotments, the applicant has chosen to reapply under the provisions of the new planning scheme as they believe the new scheme offers them improved development outcomes. Specifically, the new development does not require referral of the application to the Department of Transport and Main Roads.

## PREVIOUS APPLICATIONS & APPROVALS

See background and context.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 28 lots and drainage/balance area) in accordance with the plans shown in **Attachment 1**.

The application represents the continued development of Amaroo Park Estate, being Stage 9 comprising 28 new residential lots, a drainage lot and a balance lot.

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

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

The proposed drainage lot will be created as a reserve for drainage purposes.

## **REGIONAL PLAN DESIGNATION**

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan.



#### PLANNING SCHEME DESIGNATIONS

Strategic Framework: Residential Area

Zone: Low Density Residential zone

Overlays: Airport environs overlay

#### RELEVANT PLANNING INSTRUMENTS

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

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

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

# (b) State Planning Policy

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

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

#### **Relevant Development Codes**

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

- 6.2.6 Low density residential zone code
- 8.2.2 Airport environs overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

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



Relevant Codes	Comments
Low density residential zone Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Airport environs overlay code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Landscaping code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Parking and access code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Reconfiguring a lot code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Works, services and infrastructure code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.

# (e) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

No. 4 - FNQROC Regional Development Manual

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

# (f) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2016, a charge of \$17,700.00 will apply to each additional residential allotment created.

The \$17,700.00 charge was derived from a \$4,425.00 infrastructure charge for the following four (4) trunk infrastructure networks:

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

The application proposes the creation of 28 additional residential lots (not including the drainage lot and balance lot).

 $17,700.00 \times 28 \text{ (lots)} = 495,600.00$ 

#### **REFERRALS**

#### Concurrence

This application did not trigger a referral to a Concurrence Agency.



# **Advice**

This application did not trigger a referral to an Advice Agency.

# **Internal Consultation**

**Technical Services** 

# **PLANNING DISCUSSION**

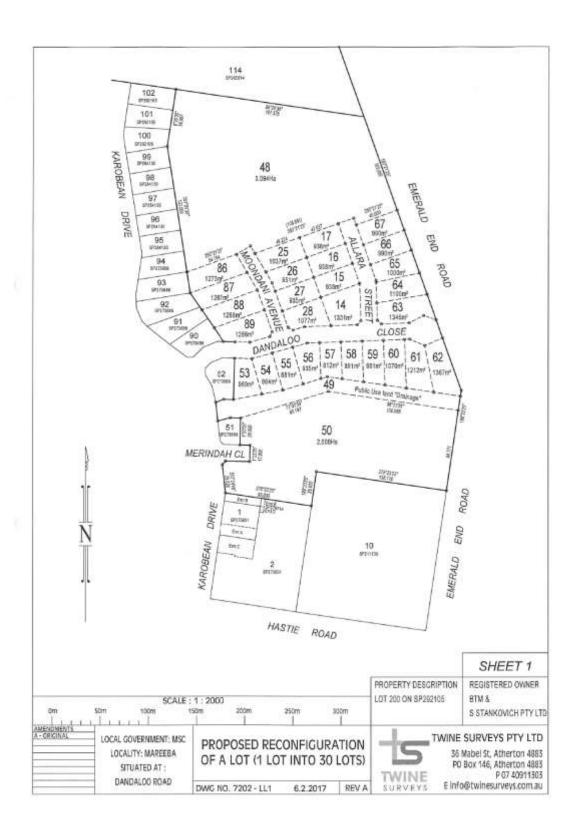
Nil

Date Prepared: 3 May 2017

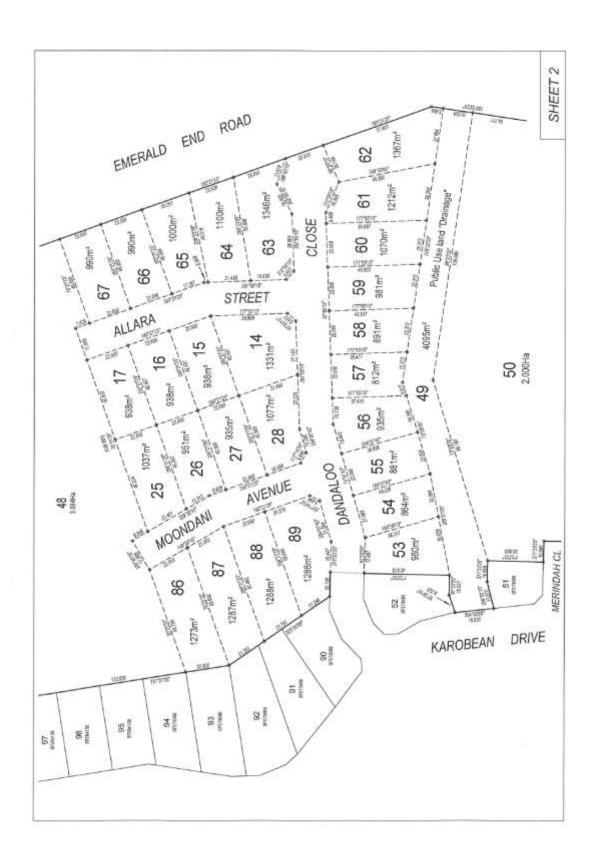


## **ATTACHMENT 1**

## **APPROVED PLANS**











ITEM-2 RJ MCNAB - RECONFIGURING A LOT - SUBDIVISION (1

INTO 2 LOTS) - LOT 3 RP836311 - 323 MALONE ROAD,

MAREEBA - DA/17/0007

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Senior Planner

**DEPARTMENT:** Corporate and Community Services

## **APPLICATION DETAILS**

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

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

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

## **EXECUTIVE SUMMARY**

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

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

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

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



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

It is recommended that the application be refused.

# Supplementary Report - 17 May 2017 Ordinary Meeting

At its Ordinary Meeting held on 19 April 2017, Council resolved that it wished to approve the application and requested that officers prepare a report outlining conditions for approval.

The application has significant conflicts with the Mareeba Shire Council Planning Scheme.

The Sustainable Planning Act 2009 (SPA) provides that Council may decide a development application in a way that conflicts with a relevant instrument only in certain circumstances. One of these circumstances is that there are sufficient grounds to justify the decision, despite the conflict.

This means that Council may approve an application, even though the proposed development conflicts with the planning scheme, if there are sufficient grounds for approving the development despite the conflict.

The term 'grounds' is defined in the SPA to mean matters of public interest. It does not include considerations such as the personal circumstances of the applicant, the owner of the land or another interested party.

Council officer assessment has not identified sufficient matters of public interest (planning grounds) to justify an approval despite these conflicts.

The officer's recommendation remains that the application be refused, however, potential conditions of approval are presented as an additional section at the end of this report.

## OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

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

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

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



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

## (B) ASSESSMENT MANAGER'S REASONS FOR REFUSAL:

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

## PO1

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

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

#### PO<sub>2</sub>

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

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

#### PO<sub>3</sub>

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

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

#### **PO6**

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

- (a) improves agricultural efficiency;
- (b) facilitates agricultural activity; or
- (d) facilitates conservation outcomes; or
- (d) resolves boundary issues where a structure is built over the boundary line of two lots.
- 2. The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code:

## **PO1**

Lots include an area and frontage that:



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

#### A01.1

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

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

## THE SITE

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

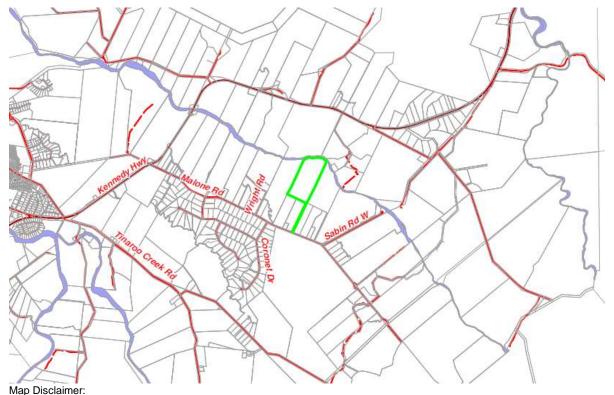
The land has an area of 41.5 hectares with a frontage of approximately 15 metres to Malone Road. Malone Road is constructed to 7 metre wide bitumen sealed standard for the extent of this limited frontage.



Map Disclaimer:

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





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

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

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

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

#### **BACKGROUND AND CONTEXT**

Nil

## **PREVIOUS APPLICATIONS & APPROVALS**

Nil



# **DESCRIPTION OF PROPOSED DEVELOPMENT**

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

The details of the proposed allotments are as follows:

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

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

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

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

## **REGIONAL PLAN DESIGNATION**

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

Land Use Categories

Rural Agricultural Area

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

#### PLANNING SCHEME DESIGNATIONS

Strategic Framework:	<ul> <li>Rural other</li> <li>Natural Environment Elements</li> <li>Biodiversity Areas (Wildlife Habitat)</li> </ul>
Zone:	Rural zone
Overlays:	Agricultural land overlay Airport environs overlay Bushfire hazard overlay Environmental significance overlay Transport infrastructure overlay



#### **RELEVANT PLANNING INSTRUMENTS**

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

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

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

# (b) State Planning Policy

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

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

## **Relevant Development Codes**

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

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

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



Relevant Codes	Comments
Rural zone code	The application complies with applicable acceptable/probable solutions/performance criteria.
Agricultural land overlay code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:
	■ PO1
	■ PO2
	■ PO3
	■ PO6
	Refer to planning discussion section of this report.
Bushfire hazard overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Environmental significance overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Transport infrastructure overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.

Landscaping code	The application complies with applicable acceptable/probable solutions/performance criteria.	
Parking and access code	The application complies with applicable acceptable/probable solutions/performance criteria.	
Reconfiguring a lot code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:	
	<ul><li>PO1 and AO1</li></ul>	
	Refer to planning discussion section of this report.	
Works, services and infrastructure code	The application complies with applicable acceptable/probable solutions/performance criteria.	

# (e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

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

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



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

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

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

The trunk infrastructure for which the payment is required is:

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

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

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

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

#### **REFERRALS**

#### Concurrence

This application did not trigger referral to a Concurrence Agency.

#### Advice

This application did not trigger referral to an Advice Agency.

#### **Internal Consultation**

Technical services



#### PLANNING DISCUSSION

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

## **Conflicts with the Agricultural Land Overlay Code**

#### PO1

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

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

## Comment

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

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

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

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

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

#### PO2

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

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

# Comment

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

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

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



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

## PO3

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

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

# Comment

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

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

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

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

The proposed development is in conflict with P03.

## P06

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

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

#### A06

No acceptable outcome is provided.

## Comment

The proposed development is in conflict with PO6.

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



# Conflicts with the Reconfiguring a Lot Code

#### 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.

#### A01.1

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

## Comment

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

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

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

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

The proposed reconfiguration conflicts with PO1.

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

It is recommended the application be refused.

# PROPOSED CONDITIONS IN THE EVENT COUNCIL DECIDES TO APPROVE THE APPLICATION

The following set of conditions has been prepared should Council choose to approve this application.



#### **Conditions**

1. That in relation to the following development application:

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

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



# Details of the conflict with the relevant instrument

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

#### PO1

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

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

#### PO2

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

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

#### PO3

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

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

#### P06

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

- (a) improves agricultural efficiency;
- (b) facilitates agricultural activity; or
- (d) facilitates conservation outcomes; or
- (d) resolves boundary issues where a structure is built over the boundary line of two lots.
- The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code:

#### PO1

Lots include an area and frontage that:

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

Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict

Proposed Lot 3A is consistent in size with surrounding existing allotments.

The area of proposed Lot 3A is presently used as a horse paddock and not used for agriculture. This area will continue to be used for the keeping of animals following the reconfiguration.

The reconfiguration will maintain the established amenity of the locality.



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

## (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
-	Proposed Lots 3A and 3B	-	-

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

- (a) <u>Development assessable against the Planning Scheme</u>
- 1. Development must be carried out substantially in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, subject to any alterations:
  - found necessary by Council's delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
  - to ensure compliance with the following conditions of approval.

## 2. Timing of Effect

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

## 3. General

- 3.1 The development approval would not have been issued if not for the conditions requiring the construction of infrastructure or the payment of infrastructure charges within the conditions of approval.
- 3.2 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.3 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to the endorsement of the plan of survey and at the rate applicable at the time of payment.
- 3.4 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority unless approved by Council's delegated officer.



- 3.5 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.
- 3.6 Any existing buildings or structures (pools/tennis courts or fences) and/or incidental works that straddle the new boundaries must be altered, demolished or removed, as required, to align with the new property boundaries and/or be wholly contained within a new allotment, unless approved by Council's delegated officer.
- 3.7 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements and to the satisfaction of Council's delegated officer.

## 3.8 Flood Immunity

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

3.9 No filling is to occur below the 100 ARI flood level unless approved as part of a subsequent development permit for operational works.

# 3.10 Charges

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

# 3.11 Rural Addressing

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

#### 4. Infrastructure Services and Standards

#### 4.1 Access

The access crossover between Malone Road and the access handle of proposed Lot 3, must be constructed from the edge of the road pavement, to the property boundary, in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

#### 4.2 Access/Services Easement

An access and services easement in favour of proposed Lot 3A must be provided over the full length of the access handle of proposed Lot 3.

A copy of the easement document must be submitted at the same time applicant/developer seeks approval for signing and dating of the plan of survey.



# 4.3 Stormwater Drainage

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

# 4.4 Water Supply

Proposed Lot 3 must be provided with a water supply via:

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

At the time of construction of a dwelling on proposed Lot 3A, a water supply must be provided via:

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

# 4.5 On-Site Wastewater Management

At the time of construction of a new dwelling on any lot, any associated onsite effluent disposal system must be constructed in compliance with the latest version On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.



# 4.6 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.

## 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 650 of the Sustainable Planning Act 2009)
  - 5.1 The additional payment condition has been imposed as the development will create additional demand on trunk infrastructure which will create additional trunk infrastructure costs for council.
  - 5.2 The developer must pay \$4,425.00 per additional lot as a contribution toward trunk infrastructure with the amount of the contribution increased on 1 July each year in accordance with the increase for the PPI index for the period starting on the day the development approval takes effect, adjusted by reference to the 3-yearly PPI index average to the date of payment.
  - 5.3 The trunk infrastructure for which the payment is required is:
    - The trunk transport network servicing the land (\$4,425.00 per additional allotment)
  - 5.4 The developer may elect to provide part of the trunk infrastructure instead of making the payment.
  - 5.5 If the developer elects to provide part of the trunk infrastructure the developer must:
    - Discuss with Council's delegated officer the part of the works to be undertaken:
    - Obtain the necessary approvals for the part of the works;
    - Indemnify the Council in relation to any actions, suits or demands relating to or arising from the works;
    - Take out joint insurance in the name of the Council and the developer in the sum of \$20,000,000 in relation to the undertaking of the works;
    - Comply with the reasonable direction of Council officers in relation to the completion of the works;



- Complete the works to the standards required by the Council; and
- Complete the works prior to endorsement of the plan of subdivision.

# (D) ASSESSMENT MANAGER'S ADVICE

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

## (b) Easement Documents

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

# (c) Endorsement Fees

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

# (d) Compliance with applicable codes/policies

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

# (e) Notation on Rates Record

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

- conditions regarding flood immunity
- conditions regarding on-site wastewater disposal system design (at time of dwelling construction)
- an approved source of water supply via bore/perennial watercourse, to be supplied prior to occupation of a dwelling house

# (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.gld.gov.au.

# (E) RELEVANT PERIOD

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

- Reconfiguring a Lot not requiring Operational Works two (2) years (starting the day the approval takes effect);
- (F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS
  - Nil
- (G) OTHER APPROVALS REQUIRED FROM COUNCIL
  - Access approval arising from condition number 4.1 (Please contact Planning Section to obtain application form and applicable fee)

Date Prepared: 3 May 2017



# **ATTACHMENT 1**

# **PROPOSED PLANS**





Scale 1cm = (?? m or km) at A4

Map Grid of Australia Zone 55 (GDA94)





Document Set ID: 3238876 Version: 1, Version Date: 21/03/2017







Application for subdivision of Lot 3 RP836311. Ricky McNab

To the Council Planners, Councillors and whomever else this application may concern,

I am aware that my application may not fit in with the local governments planning scheme, however I believe there should be no reason to reject this application for the following reasons.

There are already substantial small blocks all along Malone Road, some good agricultural land and some not.

The block of land that I am applying to have subdivided is not good agricultural land and as seen in the map provided the soil type does not drain well for a large percentage of the block.

This property has been farmed by my parents for 23 years in which time this block has never been planted as it is not suitable for growing crops.

There is already an easement for the entire property which could easily be shared with the two lots.

Electricity is readily available and runs beside Lot 3A on two sides.

Water is available through the easement to the small creek beside this property which is channel fed.

A phone connection is also readily available via NBN.

This application is solely to allow myself to move out of town onto a small piece of land and to allow my children to grow up with room to learn to drive etc. It is not being subdivided to sell off for a profit.

I believe that there is no reason that this subdivision should not be approved.

Regards Ricky McNab 0409616230



ITEM-3 M CEK - RECONFIGURING A LOT - SUBDIVISION (1

INTO 2 LOTS) - LOT 4 RP733075 - 23 WRIGHT ROAD,

MAREEBA - DA/17/0008

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Senior Planner

**DEPARTMENT:** Corporate and Community Services

## **APPLICATION DETAILS**

APPLICATION		PREMISES	
APPLICANT	M Cek	ADDRESS	23 Wright Road,
			Mareeba
DATE LODGED	3 April 2017	RPD	Lot 4 on RP733075
TYPE OF	Development Permit		
APPROVAL			
PROPOSED	Reconfiguring a Lot - Subdivision (1 into 2 lots)		
DEVELOPMENT	-		

FILE NO	DA/17/0008	AREA	3.792 hectares
LODGED BY	M Cek	OWNER	M Cek
PLANNING SCHEME	Mareeba Shire Council Planning Scheme - July 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

# **ATTACHMENTS:**

- 1. Proposal Plan/s
- 2. Applicant's supporting information dated 30 March 2017

## **EXECUTIVE SUMMARY**

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

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

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



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

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

It is recommended that the application be refused.

#### OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

AP	PLICATION		PREMISES
APPLICANT	M Cek	ADDRESS	23 Wright Road,
			Mareeba
DATE LODGED	3 April 2017	RPD	Lot 4 on RP733075
TYPE OF	Development Permit		
APPROVAL			
PROPOSED	Reconfiguring a Lot - Subdivision (1 into 2 lots)		
DEVELOPMENT		•	

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

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

- (A) REFUSED DEVELOPMENT: Development Permit for Reconfiguring a Lot Subdivision (1 into 2 lots)
- (B) ASSESSMENT MANAGER'S REASONS FOR REFUSAL:
  - The proposed development is in conflict with Performance Outcomes PO1, PO2, PO3 and PO6 of the Agricultural Land Overlay Code:

#### PO1

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

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

# PO<sub>2</sub>

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

- (a) avoid land use conflict:
- (b) manage impacts from agricultural activities, including chemical spray drift, odour, noise, dust, smoke and ash;



- (c) avoid reducing primary production potential; and
- (d) not adversely affect public health, safety and amenity.

#### PO<sub>3</sub>

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

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

#### **PO6**

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

- (a) improves agricultural efficiency;
- (b) facilitates agricultural activity; or
- (d) facilitates conservation outcomes: or
- (d) resolves boundary issues where a structure is built over the boundary line of two lots.
- 2. The proposed development is in conflict with Performance Outcome PO1 and Acceptable Outcome AO1 of the Reconfiguring a Lot Code:

## PO1

Lots include an area and frontage that:

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

#### Δ01 1

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

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

# THE SITE

The subject land is described as Lot 4 on RP733075, Parish of Tinaroo, County of Nares, situated at 23 Wright Road, Mareeba.



The land has an area of 3.792 hectares with a frontage of approximately 120 metres to Malone Road and 302 metres to Wright Road. Malone Road is constructed to 5.75 metre wide bitumen sealed standard for the frontage with the subject land. Wright Road is constructed to 3.5 metre wide bitumen sealed standard for the respective frontage.

Access to the subject land is presently obtained via a crossover off Wright Road, located approximately 235 metres from the intersection with Malone Road.

The subject land is improved by a dwelling house and several sheds. A small orchard is established near the dwelling house. Levison Creek forms the northern boundary of the subject land. A narrow corridor of vegetation remains along the banks of Levison Creek.

A small drainage gully traverses the subject land in a north-south direction.

Most adjoining allotments are of a similar area (slightly larger) to the subject land and are developed from rural living and horticultural purposes.



Map Disclaimer:

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





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# **BACKGROUND AND CONTEXT**

Nil

#### PREVIOUS APPLICATIONS & APPROVALS

Nil

# **DESCRIPTION OF PROPOSED DEVELOPMENT**

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

The details of the proposed allotments are as follows:

- Lot A area of 2.15 hectares, approximately 175 metres frontage to Wright Road;
- Lot B area of 1.64 hectares, frontages of approximately 126.6 metres to Wright Road and 129.32 metres to Malone Road.

A water supply easement would be dedicated within proposed Lot A, to allow proposed Lot B access to Levison Creek.

All established structural improvements (dwelling and sheds) will be located within proposed Lot A. Proposed Lot B will be vacant at the time of its creations.



Electricity and telecommunication services are available to the existing allotment and can be extended to service both proposed allotments.

Each proposed allotments will be provided with an FNQROC Development Manual compliant access.

#### **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' does not identify the site as being of any significance.

#### PLANNING SCHEME DESIGNATIONS

**Land Use Categories** 

Rural Agricultural Area

Strategic Framework: • Rural other

Natural Environment Elements Biodiversity Areas (Wildlife Habitat)

Zone: Rural Zone

Agricultural land overlay Airport environs overlay Bushfire hazard overlay

Overlays: Environmental significance overlay

Transport infrastructure overlay

#### **RELEVANT PLANNING INSTRUMENTS**

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

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

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

## (b) State Planning Policy

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

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



# **Relevant Development Codes**

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

6.2.9 Rural zone code Agricultural land overlay code 8.2.1 Airport environs overlay code 8.2.2 8.2.3 Bushfire hazard overlay code Environmental significance overlay code 8.2.4 8.2.11 Transport infrastructure overlay code Landscaping code 9.4.2 9.4.3 Parking and access code 9.4.4 Reconfiguring a lot code Works, services and infrastructure code 9.4.5

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

Relevant Codes	Comments
Rural zone code	The application complies with applicable acceptable/probable solutions/performance criteria.
Agricultural land overlay code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:  PO1 PO2 PO3 PO6 Refer to planning discussion section of this report.
Airport environs overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Bushfire hazard overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Environmental significance overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Transport infrastructure overlay code	The application complies with applicable acceptable/probable solutions/performance criteria.
Landscaping code	The application complies with applicable acceptable/probable solutions/performance criteria.
Parking and access code	The application complies with applicable acceptable/probable solutions/performance criteria.
Reconfiguring a lot code	The application complies with applicable acceptable/probable solutions/performance criteria apart from the following:  PO1 and AO1 Refer to planning discussion section of this report.
Works, services and infrastructure code	The application complies with applicable acceptable/probable solutions/performance criteria.



# (e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

# (f) Additional Trunk Infrastructure Condition (Section 650 of SPA)

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

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

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

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

The trunk infrastructure for which the payment is required is:

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

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

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

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



#### **REFERRALS**

#### Concurrence

This application did not trigger a referral to a Concurrence Agency.

#### **Advice**

This application did not trigger a referral to an Advice Agency.

#### **Internal Consultation**

**Technical Services** 

#### PLANNING DISCUSSION

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

# **Conflicts with the Agricultural Land Overlay Code**

#### PO1

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

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

#### Comment

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

Proposed Lot A will contain the established dwelling house and sheds.

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

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

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

# PO2

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

(a) avoid land use conflict;



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

# Comment

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

Proposed Lot B is adjoined to the west by an established orchard.

Siting an additional rural living allotment, with resultant additional dwelling house, adjacent to Class A area is likely to increase the potential for land use conflict.

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

#### PO<sub>3</sub>

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

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

# Comment

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

Whilst there is a small drainage gully traversing the site in a north-south direction, there is still potential for some form of rural activity to occur over most of the subject land.

The excision of proposed Lot B will result in an additional rural living allotment. A dwelling house will be built on this allotment and this land will be alienated from agricultural production/rural use.

Proposed Lot B is adjoined to the west by an established orchard.

Siting an additional rural living allotment, with resultant additional dwelling house, adjacent to Class A area is likely to increase the potential for land use conflict.

The proposed development is in conflict with P03.

#### **PO6**

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

- (a) improves agricultural efficiency;
- (b) facilitates agricultural activity; or



- (d) facilitates conservation outcomes: or
- (d) resolves boundary issues where a structure is built over the boundary line of two lots.

#### A06

No acceptable outcome is provided.

#### Comment

The proposed development is in conflict with PO6.

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

# Conflicts with the Reconfiguring a Lot Code

#### 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.

#### A01.1

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

## Comment

Existing Lot 4 on RP733075 has an area of 3.792 hectares which is already well below the 60 hectares minimum area nominated in Table 9.4.4.3B.

Proposed Lots A and B would have areas of 2.15 hectares and 1.64 hectares respectively.

The areas of proposed Lots A and B are not consistent with the intent of maintaining larger allotment areas within the Rural zone.

It is acknowledged that multiple small rural allotments already exist in the immediate locality, however the majority of the small allotments were created prior to the 2004 planning scheme.

The proposed reconfiguration conflicts with PO1.



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

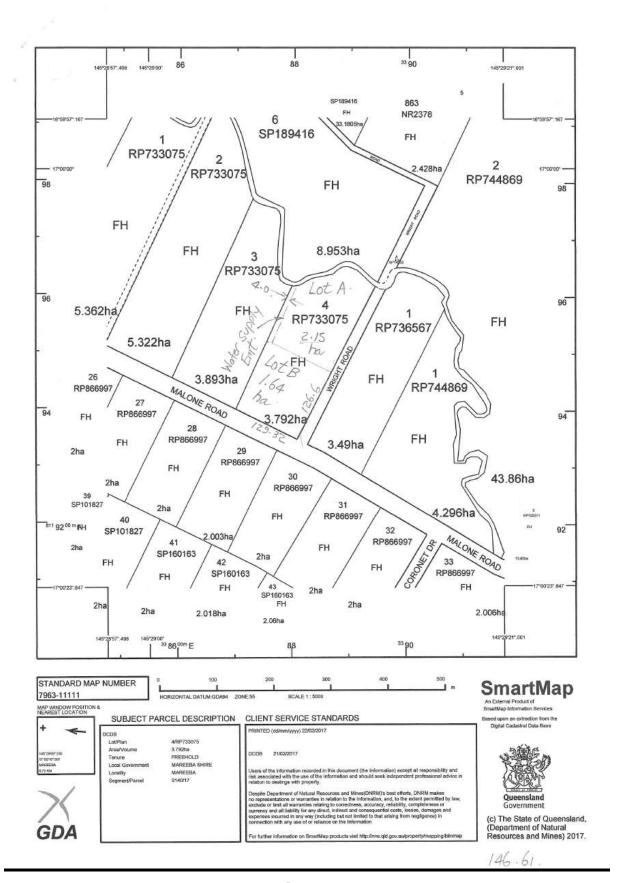
It is recommended the application be refused.

Date Prepared: 12 April 2017



## **ATTACHMENT 1**

# **PROPOSED PLANS**





#### **ATTACHMENT 2**

80801 TILAG

Town Planner Mareeba Shire Council

30.03.17

# 23 Wright Rd Mareeba RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS)

I would like to propose the split of the subject site to form two (2) rural residential sized allotments.

Below are the main reasons for subdivision:

#### Land Description

The land is not viable in any capacity of farming for the following reasons:

- . The land size is not of commercial size.
- . The water allocation is only useful for domestic and hobby type uses.
- . Soil quality is very marginal and is not recommended for many agricultural uses.
- Land is dissected by a gully through the middle of it.
- · Residential living fronting two sides of this block.
- . Rural residential acreage across Malone Road.
- . Chemical spraying would create problems with residents nearby.

This property was never a working farm as it has very limited production capabilities. The topography is rugged and fractured.

On approximately 30% of land there is a gully running through the middle of the property. Approximately 20% of the farm has unproductive gravel soil.

Having frontage on both Malone Rd and Wright Rd, I have immediate neighbours across two roads on 5 acres blocks also.

12 mgs of water allocation supply is available from Levison Creek.

This property has been for sale for 4 years.

To date I have not be able to achieve one single offer despite the price being very

Feedback from Real Estate agents include potential buyers are all pointing to big gully and gravely soil.

To sell the property I am proposing to split property to two blocks and request Mareeba Shire Council for approval of subdivision on this property.

Block A being 2.15 ha with existing buildings and 6 mgs of water allocation.

Block B being 1.6 ha with easement to the Levison Creek and 6 mgs water supply.

Block B already has existing access from Malone Road.

Two smaller blocks would be easier to sell.

Due to recent pension rule changes with land acreage size, I have lost a considerable amount of pension. This situation has created hardship for me and I wish to sell as soon as possible.

Regards Milena Cek



ITEM-4 MACMARD PTY LTD - MATERIAL CHANGE OF USE -

MOTOR SHOWROOM - LIGHT (VEHICLE STORAGE YARD) - LOT 83 M35645 & LOT 1 SP245578 - 22 ILUKA STREET & 313-315 BYRNES STREET, MAREEBA -

DA/17/0001

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

**REPORT OFFICER'S** 

TITLE: Planning Officer

**DEPARTMENT:** Corporate and Community Services

## **APPLICATION DETAILS**

API	APPLICATION		PREMISES	
APPLICANT	Macmard Pty Ltd	ADDRESS	22 Iluka Street &	
			313-315 Byrnes	
			Street, Mareeba	
DATE LODGED	27 January 2017	RPD	Lot 83 on M35645 &	
			Lot 1 on SP245578	
TYPE OF	Development Permit			
APPROVAL				
PROPOSED	Material Change of Use - Motor Showroom - Light (Vehicle			
DEVELOPMENT	Storage Yard)			

FILE NO	DA/17/0001	AREA	Lot 83 - 2,023m <sup>2</sup>
			Lot 1 - 4,048m <sup>2</sup>
LODGED BY	Paul Fagg Town Planner	OWNER	Lot 83 - D Mete
			Lot 1 - Macmard Pty
			Ltd
PLANNING	Mareeba Shire Planning Scheme 2004 (Amendment No. 01/11)		
SCHEME			
ZONE	Residential Zone & Commercial zone		
LEVEL OF	Impact Assessment		
ASSESSMENT	·		
SUBMISSIONS	Six (6) submissions received		

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

2. Department of Infrastructure, Local Government and Planning Referral Agency Response dated 1 March 2017

3. Submitter letters



#### **EXECUTIVE SUMMARY**

Council is in receipt of an impact assessable development application described in the above application details. Public notification of the application attracted 6 submitters whom all objected to the proposed development.

The applicant proposes the use of the lot immediately adjoining the Mareeba Mazda/Mitsubishi car dealership (Lot 83 on M35645) as a storage yard for new and used vehicles awaiting sale at the dealership as well as additional staff parking. No buildings or structures are proposed on the allotment, nor will customers have access to the area. The development of the lot will occur in two stages. Stage 1 will see the development of the majority of Lot 83 as a vehicle storage yard excluding the area containing an existing dwelling in the south-east corner of the lot. Screen fencing will separate the dwelling from the storage yard. Stage 2 of the development will involve the removal of the dwelling and the development of the whole of the allotment as a vehicle storage yard. It should be noted that Stage 1 of the development is currently being conducted on the subject land without approval, with this application having been lodged in order to formalise the existing arrangement.

The application and supporting material has been assessed against the relevant statutory planning instruments including the FNQ Regional Plan, the State Planning Policy and the Mareeba Shire Planning Scheme 2004 and is in conflict with the Planning Scheme's Residential Zone Code as a 'motor showroom - light' is listed as an Inconsistent Use within this zone designation. Despite the conflict, Council officers consider there to be sufficient planning grounds to justify approval, as discussed in the Officer's Recommendation section of this report.

Considering the nature and scale of the proposed development, which is more akin to a car park use than a motor showroom use, it is considered the proposed development could proceed with minimal impact to adjacent residential uses, provided appropriate conditions of approval are applied.

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

It is recommended that the application be approved in full, subject to conditions.

## OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	Macmard Pty Ltd	ADDRESS	22 Iluka Street & 313-315 Byrnes Street, Mareeba
DATE LODGED	27 January 2017	RPD	Lot 83 on M35645 & Lot 1 on SP245578
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of U Yard)	se - Motor Sho	wroom - Light (Vehicle Storage



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), concurrence agency conditions in (E), relevant period in (F), further permits in (G), and further approvals from Council listed in (H);

#### And

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

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
The proposed 'motor showroom - light' use is listed as an Inconsistent Use within the Planning Scheme's Residential Zone Code.	The proposed development is more akin to a car park use than a conventional motor showroom use. The application proposes the development of Lot 83 as a vehicle storage yard ancillary to the existing Mazda/Mitsubishi dealership established on Lot 1. No new buildings or structures are proposed within the vehicle storage yard area. The vehicle storage yard area will be used for the storage of new and used vehicles awaiting sale, as well as additional staff parking. No vehicle repairs or preparation will occur within the vehicle storage yard.
	The proposed expansion of the car dealership business to include the vehicle storage yard is not likely to increase vehicle movements associated with the existing car dealership use; in fact, the proposed storage yard will eliminate the need to store new and used vehicles off-site and is therefore more likely to result in an overall reduction in vehicle movements.
	Despite being listed as an inconsistent use within the Residential zone, the use is not standalone as it is ancillary to the existing car dealership established on Lot 1. It is considered that the proposed development could proceed with minimal impact to surrounding residential uses provided appropriate development and operational controls are conditioned as part of any approval (see conditions below).

 (A) APPROVED DEVELOPMENT: Development Permit for Material Change of Use -Motor Showroom - Light (Vehicle Storage Yard)

# (B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
994 - WD-01.1	Site Plan	Clarke and Prince Pty Ltd	06/02/16

(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

#### Stage 1

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer <u>within 3 months of</u> <u>this approval taking affect</u>, except where specified otherwise in these conditions of approval.
- 2.2 The applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

# Stage 2

- 2.3 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 for stage 2, except where specified otherwise in these conditions of approval.
- 2.4 Prior to the commencement of the use for stage 2, the application must notify Council that all the condition of the development permit relevant to stage 2 have been complied with, except where specified otherwise in these conditions of approval.

#### 3. General

## For Stage 1 & 2

- 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 Waste Management

Refuge storage is not permitted within the vehicle storage yard area.

# 3.5 Hours of Operation

The operating hours shall be between 8am and 5pm Monday to Friday and between 8am and 12pm Saturday. No operations are permitted within the vehicle storage yard area outside of these hours or on Sundays or Public Holidays.

#### 3.6 Public Access

Customers or the general public are not permitted within the vehicle storage yard area at any time.

# 3.7 Signage

No signage is permitted to be erected along the Iluka Street frontage of the site.

- 3.8 The use of the vehicle storage yard area is limited to the storage of new and used vehicles associated with the adjoining car dealership, as well as staff parking. Vehicle maintenance or modifications of any kind are not permitted within the vehicle storage yard area.
- 3.9 Vehicle parts or components rested against the perimeter fence required under Condition 4.4.2 must not extend or protrude above the height of the fence.

#### 4. Infrastructure Services and Standards

#### 4.1 Access

Access to the vehicle storage yard area from Iluka Street shall be limited to emergency access only unless prior approval is sought from Council.

Primary access to the vehicle storage yard area must be from Lerra Street through Lot 1 on SP245578.

Access to the dwelling house on Lot 83 on M35645 is permitted via Iluka Street at all times.

## 4.2 Stormwater Drainage/Water Quality

- 4.2.1 The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- 4.2.2 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.

4.2.3 The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and Report.

# 4.3 Car Parking/Internal Driveways

The vehicle storage yard area, including that part of the storage yard used for staff parking must be concrete, asphalt or bitumen sealed and appropriately drained, to the satisfaction of Council's delegated officer.

In low traffic areas, an alternative to an impervious seal, such as concrete grass pavers may be used subject to approval by Council's delegated officer.

All fully and semi-sealed surfaces must be maintained for the life of the development, to the satisfaction of Council's delegated officer.

# 4.4 Landscaping & Fencing

4.4.1 A landscape plan must be prepared for the site and submitted to Council's delegated officer for consideration and approval. The landscape plan must include, at minimum, a 1 metre wide landscape strip along the Iluka Street frontage of the site (excluding any access points) and include ground cover, shrubs and trees that will grow to form an attractive buffer of no less than two (2) metres in height.

The existing screen fencing along the Iluka Street frontage of the site must be moved 1 metre back into Lot 83 on M35645 to allow for the landscape strip mentioned above. For stage 2, the landscape strip must extend the full length of the Iluka Street frontage (excluding access points).

All landscaping must be mulched, irrigated and maintained for the life of the development, to the satisfaction of Council's delegated officer

4.4.2 For stage 1, a 1.8 metre high solid screen (<u>no gaps</u>) timber or Colorbond fence of neutral colour is to be erected along the northern, southern and eastern boundaries of Lot 83 on M35645 (wrapping around the dwelling on Lot 83 as indicated on the approved site plan - drawing No. 994 - WD-01.1), to the satisfaction of Council's delegated officer.

Fencing along the eastern boundary (Iluka Street frontage) must be setback 1 metre to allow for the landscaping strip mentioned in 4.4.1.



For stage 2, the 1.8 metre high fencing must extend the full length of the southern and eastern boundaries of Lot 83 on M35645.

# 4.5 Lighting

No outdoor lighting is permitted within the vehicle storage area or on Lot 83 on M35645.

Existing lighting on Lot 1 on SP245578 must not be modified in any way to emit light over the vehicle storage area.

# (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) CONCURRENCE AGENCY CONDITIONS

Department of Infrastructure, Local Government and Planning conditions dated 1 March 2017.



# (F) 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);
- (G) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS
  - Nil
- (H) OTHER APPROVALS REQUIRED FROM COUNCIL
  - Nil

## THE SITE

The subject land is described as Lot 83 on M35645 and Lot 1 on SP245578, situated at 22 Iluka Street and 313-315 Byrnes Street, Mareeba respectively. Lot 1 has a mixed zoning with the northern half of the site situated within the *Commercial* zone and the southern half of the site within the *Residential* Zone. Lot 83 is wholly contained within the *Residential* zone.

Lot 1 is regular in shape with a total area of 4,048m<sup>2</sup> and frontages to Byrnes Street and Lerra Street of 71 metres and 56 metres respectively. Both roads are constructed to bitumen sealed standard including kerb and channel for the full frontage of the site, with Byrnes Street being a State controlled road. The site is improved by the Mareeba Mazda/Mitsubishi dealership which includes a car display yard on the southern half of the lot and sales office, maintenance workshop and staff/customer parking on the northern half of the lot.

Lot 83 is also regular in shape with a total area of 2,023m<sup>2</sup> and a frontage of 37.5 metres to Iluka Street. Iluka street is constructed to a bitumen standard however is not sealed from kerb to kerb with grass verges on either side of the road between the sealed pavement and kerbing. Lot 83 is improved by a single dwelling house situated in the south-east corner of the lot which gains access directly from Iluka Street. The remainder of the site is unimproved and is currently being used as a vehicle storage yard ancillary to the car dealership on adjoining Lot 1, the use the subject of this application.





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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Lots surrounding the subject site are zoned residential and contain single detached dwellings with the exception of the lot immediately to the south of Lot 1 which contains the Cardinal Roofing business as well as the Northern Gulf Natural Resource Management Group office.

## **BACKGROUND AND CONTEXT**

Nil

#### PREVIOUS APPLICATIONS & APPROVALS

# MCU/11/0019 - Mareeba Mazda/Mitsubishi Dealership

Council at its Ordinary Meeting held on 19 October 2011, issued a development permit for an application made by Macmard Pty Ltd for material change of use to establish a motor showroom-light, vehicle repair station and associated environmentally relevant activity on land described as Lots 71 & 72 on M35645, Parish of Tinaroo, situated at 313-315 Byrnes Street, Mareeba.

A subsequent negotiated decision notice was approved by Council on 7 December 2011 and issued on 14 December 2011.

A further request to change development approval was approved by Council on 4 October 2012 and issued on 11 October 2012.

Lots 71 and 72 on M35645 have since been amalgamated to create Lot 1 on SP245578.

# DA/16/0017 - Proposed Vehicle Storage Yard Ancillary to Mazda/Mitsubishi Dealership

On 1 April 2016, application was made by Macmard Pty Ltd seeking a development permit for material change of use - motor showroom - light on land described as Lot 83 on M35645 and Lot 1 on SP245578, situated at 22 Iluka Street and 313-315 Byrnes Street, Mareeba.

Development application DA/16/0017 lapsed.

Macmard Pty Ltd has now lodged this fresh development application for the same use proposed under now lapsed development application DA/16/0017.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

The development application seeks a Development Permit for Material Change of Use - Motor Showroom - Light (Vehicle Storage Yard) in accordance with the plans shown in **Attachment 1**.

The applicant proposes the expansion of the sites existing Mareeba Mazda/Mitsubishi car dealership business (situated on Lot 1) onto adjoining Lot 83 in order to improve the efficiency of the business by providing additional areas for the storage of sale vehicles and staff parking.

Essentially, Lot 83 will be used for the storage of new and traded cars awaiting sale as well as staff parking. No new buildings or structures are proposed on Lot 83. Lot 83 will not be used to display vehicles for sale and customers will not have access to the proposed vehicle storage area.



The development of the lot will occur in two stages. Stage 1 will see the development of the majority of Lot 83 as a vehicle storage yard excluding the area containing an existing dwelling in the south-east corner of the lot, with screen fencing separating the dwelling from the storage yard. Stage 2 of the development will involve the removal of the dwelling and the development of the whole of Lot 83 as a vehicle storage yard. It should be noted that Stage 1 of the development is currently being conducted on the subject land without approval, with this application having been lodged in order to formalise the existing arrangement.

Typically, new vehicles are delivered at the premises using transporters and are generally loaded or unloaded on Lerra Street. The applicant states that operationally, it is more efficient to separate the arrival and departure of vehicles for sale/trade in from the existing customer parking/vehicle display area which is accessed from Byrnes Street.

It is therefore proposed to access the Iluka Street block only from the existing Lerra Street access furthest away from the junction with Byrnes Street. The existing vehicle preparation/workshop allows for access through the building and into the proposed vehicle storage area. The applicants have stated that the existing Iluka Street access to the proposed vehicle storage yard area will be used for emergency access only.

The proposed vehicle storage yard expansion will be accessed via dealership staff during the businesses normal operating hours of 8am - 5pm Monday to Friday and 8am - 12 noon on Saturdays.

## **REGIONAL PLAN DESIGNATION**

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Regional Activity Centre in the Regional Plan. The site contains no mapped areas of ecological significance.

# PLANNING SCHEME DESIGNATIONS

Strategic Framework: Major Urban Growth Node (Mareeba)

Zone: Residential

Overlays: Airport and Aviation Facilities Overlay

# **Planning Scheme Definitions**

The proposed use is defined as:-

"Motor showroom - light means the use of premises for the display or sale of motor vehicles, caravans, or boats, whether or not accessories are also sold or displayed there."

#### RELEVANT PLANNING INSTRUMENTS

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



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

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

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

	DRO 4.1 Compact Urban Form				
Land Use Policy		Complies	Comments		
4.1.1	Urban development is contained within the urban footprint	<b>√</b>	Complies - The subject site is situated within the Urban Footprint.		
4.1.2	Urban development is sequenced to ensure logical and orderly land use and infrastructure delivery.	<b>~</b>	Complies - The proposed development is for the expansion of an existing car dealership business onto an adjoining allotment. The adjoining lot will be used for the storage of new and used vehicles awaiting sale as well as for staff parking. As discussed in the body of this report, it is considered that the proposed use can be carried out with minimal impact to adjoining residential uses provided appropriate conditions are applied to any approval.		

	DRO 4.2 Regional Activity Centres				
	Land Use Policy	Complies	Comments		
4.2.1	Regional activity centres are identified and operate as a network in accordance with the regional hierarchy (see table 6 and map 9).	<b>√</b>	Complies - The proposed development will aid in the continued operation of an existing car dealership business that helps define Mareeba as a Regional Activity Centre.		
4.2.2	Development of regional activity centres results in consolidation in the central core and surrounding frame, is of appropriate type and scale, and is accommodated by efficient use of land and buildings.	<b>√</b>	Complies.		

## (b) State Planning Policy

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

An officer assessment of the proposed development against the provisions contained within the SPP has been undertaken and it is not considered to be in conflict with any relevant aspect of the SPP.



# (c) Mareeba Shire Planning Scheme 2004 (amendment no. 01/11)

## **Relevant Desired Environmental Outcomes**

	DEO	Complies	Comments
(h)	All members of the community have appropriate access to relevant services and facilities that meet their needs and create a sense of community satisfaction.	<b>√</b>	Complies.
(n)	Mareeba's role and identity as the main business, economic centre and regional service centre and gateway to the Cape is consolidated.	<b>~</b>	Complies - The proposed development will strengthen Mareeba's role and identity as the Shires main business/economic centre by improving the operational efficiency of a long standing business.
(r)	The identification and protection of the amenity of noise sensitive development and liveability of residential areas.	<b>✓</b>	Complies - See Officer's Recommendation section of the report. The proposed development will be conditioned to minimise the impact on residential amenity.

# **Relevant Development Codes**

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

Part 4, Division 4	Commercial Zone Code
Part 4, Division 6	Residential Zone Code
Part 6, Division 5	Car Parking Code
Part 6, Division 15	Landscaping 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
Commercial Zone Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Residential Zone Code	The proposed 'motor showroom - light' use is listed as an Inconsistent Use within the Residential Zone.  Refer to Officer Recommendation section of report.
Car Parking Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.
Landscaping Code	The application can be conditioned to comply with the relevant acceptable/probable solutions contained within the code.

# (e) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

# No. 4 - Development Manual

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

# (f) Adopted Infrastructure Charges Notice

## Water Supply

The proposed development is for the expansion of the existing car dealership business situated on Lot 1 to include an ancillary vehicle storage area on adjoining Lot 83. The proposed vehicle storage yard will be used to store new and traded vehicles awaiting sale through the dealership, as well as additional staff parking only. No new buildings or structures are proposed.

Given the nature of the proposed use, the development is not likely to place any additional demand on Council's reticulated water supply network; therefore an infrastructure charge for water supply is not considered necessary in this instance.

## Sewerage Supply

The proposed development is for the expansion of the existing car dealership business situated on Lot 1 to include an ancillary vehicle storage area on adjoining Lot 83. The proposed vehicle storage yard will be used to store new and traded vehicles awaiting sale through the dealership, as well as additional staff parking only. No new buildings or structures are proposed.

Given the nature of the proposed use, the development is not likely to place any additional demand on Council's sewerage network; therefore an infrastructure charge for sewerage is not considered necessary in this instance.



### Roadworks

The proposed vehicle storage area will be accessed from Lerra Street through the dealerships workshop/vehicle preparation building. Lerra Street is constructed to the required standard and the access is within 50 metres of Lerra Streets intersection with State controlled Byrnes Street.

Furthermore, the proposed vehicle storage area is not likely to increase vehicle movements associated with the existing car dealership.

Considering the above, an augmentation of the road network contribution is not considered necessary in this instance.

### **REFERRALS**

### Concurrence

The application triggered referral to the Department of Infrastructure, Local Government and Planning as a Concurrence Agency.

That Department advised in a letter dated 1 March 2017 that they require the conditions to be attached to any approval (Attachment 2).

### **Advice**

This application did not trigger referral to an Advice Agency.

### **Internal Consultation**

Nil

### **PUBLIC NOTIFICATION**

The development proposal was placed on public notification from 8 March 2017 to 29 March 2017. The applicant submitted the notice of compliance on 3 April 2017 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

Six properly made submissions were received objecting to the proposed development.

The grounds for objection are summarised and commented on below:



Grounds for objection /support	Comment
Employees of the Mareeba Mazda/Mitsubishi dealership driving at excessive speeds around Iluka & Lerra Streets.	This is a police concern and is associated with the existing car dealership operations and not the proposed vehicle storage area. The proposed vehicle storage area will not result in an increase in staff, sales or vehicle test driving.
Since the dealership business was established there has been an increase in parked cars along Lerra Street.	The proposed vehicle storage area will only serve to decrease the number of cars parked along Lerra Street by providing additional staff parking.
Having a showroom on Iluka Street is going to increase traffic, noise, danger, not to mention additional lighting	The proposed development is not for a conventional motor showroom and is more akin to a car park use, providing additional storage area for new and used vehicles awaiting sale as well as additional staff parking. No buildings or structures are proposed within the vehicle storage yard area. Access to the vehicle storage yard area from Iluka Street will be limited to emergency situations only (enforced by condition).
	Outdoor lighting is not permitted within the proposed vehicle storage yard area.
	The applicant/developer is required to seal the vehicle storage yard area in order to minimise dust and noise.
The proposed motor showroom - light will devalue properties along Iluka Street.	This is not a relevant town planning concern.
The lights keep residents up at night.	This is a compliance issue for the previously approved car dealership which will be investigated by Council. No additional outdoor lighting is permitted within the proposed vehicle storage yard area.
The fence that was erected is insufficient at blocking the light and noise.	A condition will be attached to any approval ensuring no additional outdoor lighting is installed on Lot 83 on M35645. Any light nuisance created from the existing dealership will be investigated by Council.
	A condition will be attached to any approval requiring the erection of solid screen fencing along common boundaries to lots containing residential uses.
Increased traffic along Iluka Street	Access to the vehicle storage yard from Iluka Street will be limited to emergency access only. This will be secured by condition of approval.
Lot 83 will be developed further to include the erection of a building to clean and detail cars.	The proposed development does not include a building to detail and clean cars. Any such building would trigger a subsequent application to Council for material change of use.
The use of Lerra Street for the loading and unloading of vehicles which causes traffic and pedestrian problems.	Previous development approval MCU/11/0019 allows for the loading and unloading of vehicles on Lerra Street. The proposed development will provide additional parking space for the dealership only and is not likely to increase the frequency of vehicle loading and unloading.
The proposed use (motor showroom - light) is listed as an inconsistent use within the Residential Zone.	As discussed in the Officer Recommendation section of this report, despite being listed as an inconsistent use within the residential zone, it is considered that the proposed development could proceed with minimal impact to surrounding residential uses provided appropriate development and operational controls are conditioned as part of any approval.
The proposal is inconsistent with the Strategic Framework, Desired Environmental Outcomes and Residential Zone Code.	The proposed development is not considered to be in conflict with any Strategic Framework strategies, Desired Environmental Outcomes or Residential Zone Code purposes.



Grounds for objection /support	Comment
The proposal is inconsistent with the current Mareeba Shire Council Planning Scheme - July 2016 which places Lot 83 within the Residential zone.	The application was assessed against the superseded Mareeba Shire Planning Scheme 2004 and it is considered that appropriate conditions can be applied to any approval to minimise impact on surrounding residential uses, despite the proposal being listed as an inconsistent use within the residential zone. Council planning officers are not required to assess the application against the provisions contained within the current Mareeba Shire Council Planning Scheme - July 2016 (refer to section 317 of SPA).
The proposal is inconsistent with the domestic scale and residential scale of the streetscape.	The proposed use is more akin to a car park use than a motor showroom use and will not involve the construction of any new buildings or structures. When viewed from Iluka Street, the developed site should appear no different to if any other landowner had constructed 1.8 metre high solid screen fencing around the perimeter of their property.
The applicant/developer intends to construct a vehicle preparation building on Lot 83.	The material change of use application being assessed does not include provision for any buildings or structures on Lot 83. Any such works would be subject to a subsequent application to Council. This is not a relevant consideration for this application.
Approval of the current application would decrease the likelihood of Council refusing any future development applications to intensify the use of Lot 83.	This is not a relevant consideration for this application.
Noise nuisance.	Noise emanating from Lot 83 should be limited to the starting of vehicles and driving them in and out of the vehicle storage yard area. The applicant/developer is required to seal the vehicle storage yard area which will drastically minimise noise.
Dust nuisance.	The applicant/developer is required to seal the vehicle storage yard area which will eliminate dust nuisance.
Stormwater runoff.	A condition will be attached to any approval requiring the preparation of a stormwater management plan. All stormwater will be required to be discharged to an approved legal point of discharge.
Department of Transport and Main Roads Conditions attached to development approval MCU/11/0019 (for current dealership use) are not being adhered to with regards to the loading and unloading of vehicles on Byrnes Street.	This non-compliance will need to investigated by the Department of Transport and Main Roads. Development approval MCU/11/0019 allows vehicles to loaded and unloaded on Lerra Street which does occur.
The development will result in an increase in vehicles being loaded/unloaded on Lerra Street.	The proposed development will improve the operational efficiency of the business. It is unlikely to boost vehicle sales.
The proposed vehicle storage yard will increase the likelihood of car transporters unloading and loading cars within the bounds of the dealership.	Given the current layout of the dealership use on Lot 1, this outcome is unlikely.



# **Submitters**

	Name of principal submitter	Address
1.	Anthony Fichera	PO Box 1619 Mareeba QLD 4880
2.	Victor G Feros Town Planning Consultants on behalf of Giovanni Cheratzu	PO Box 1256 Cairns QLD 4870
3.	Liza & Adrian Jones (petition)	10 Lerra Street Mareeba QLD 4880
4.	Murray & Lyons Solicitors on behalf of John Cheratzu	PO Box 638 Cairns QLD 4870
5.	Amanda Tonizzo	21 Iluka Street Mareeba QLD 4880
6.	Wesley Tonizzo	21 Iluka Street Mareeba QLD 4880

# **PLANNING DISCUSSION**

Nil

Date Prepared: 5 May 2017



# **ATTACHMENT 1**

# APPROVED PLANS (ECM Doc Set ID 3228139)



Document Set ID: 3228139 Version: 1, Version Date: 27/01/2017



### **ATTACHMENT 2**



Department of Infrastructure, Local Government and Planning

Our reference: SDA-0217-036810
Council reference: DA/17/0001
Applicant reference: Mete - Mareeba

1 March 2017

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

Attn: Carl Ewin

Dear Sir / Madam

### Concurrence agency response—with conditions

Material change of use for a motor showroom (vehicle storage yard) on land situated at 22 lluka Street and 313-315 Byrnes Street, Mareeba and described as Lot 83 on M35645 and Lot 1 on SP245578

(Given under section 285 of the Sustainable Planning Act 2009)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the Sustainable Planning Act 2009 on 3 February 2017 and considered properly referred on 6 February 2017 following payment of the assessment fee.

### Applicant details

Applicant name: Macmard Pty Ltd

Applicant contact details: C/- Paul Fagg Town Planner

PO Box 1122

MAREEBA QLD 4880 paulf@skybury.com.au

### Site details

Street address: 22 Iluka Street and 313-315 Byrnes Street, Mareeba

Lot on plan: Lot 83 on M35645 and Lot 1 on SP245578

Local government area: Mareeba Shire Council

Page 1

Far North Queensland Regional Office Ground Floor, Caims Port Authority PO Box 2358 Caims QLD 4870



### Application details

Proposed development: Material change of use for a motor showroom – light

(vehicle storage yard)

### Aspects of development and type of approval being sought

Nature of	Approval	Brief Proposal of	Level of
Development	Туре	Description	Assessment
Material Change of	Development	Material change of use -	Impact
Use	permit	Motor showroom	Assessment

### Referral triggers

The development application was referred to the department under the following provisions of the Sustainable Planning Regulation 2009:

Referral trigger Schedule 7, Table 3, Item 1 – State-controlled road

### Conditions

Under section 287(1)(a) of the Sustainable Planning Act 2009, the conditions set out in Attachment 1 must be attached to any development approval.

### Reasons for decision to impose conditions

Under section 289(1) of the Sustainable Planning Act 2009, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

### Further advice

Under section 287(6) of the Sustainable Planning Act 2009, the department offers advice about the application to the assessment manager—see Attachment 3.

### Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue	
Aspect of development: Material change of use for a motor showroom – light (vehicle storage yard)					
Site Plan: Staff Carpark and Storage Yard	Clark and Prince Pty Ltd	06/02/16	994-WD-01.1	P1	
TMR Layout Plan (664 – 0.85km)	Queensland Government Transport and Main Roads	20/05/2016	275/664(500- 999)	A	



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

For further information, please contact Patricia Gadsden, Senior Planning Officer, SARA Far North QLD on 4037 3233, or email patricia.gadsden@dilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

**Brett Nancarrow** Manager (Planning)

puhons -

Macmard Pty Ltd, C/- Paul Fagg Town Planner, paulf@skybury.com.au Attachment 1—Conditions to be imposed Attachment 2—Reasons for decision to impose conditions Attachment 3—Further advice Attachment 4—Approved Plans and Specifications cc:

enc:



Our reference: SDA-0217-036810
Council reference: DA/17/0001
Applicant reference: Mete - Mareeba

# Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing			
Materia	change of use				
Planning Departi which th	Schedule 7, Table 3, Item 1 – State-controlled road —Pursuant to section 255D of the Sustainable Planning Act 2009, the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):				
1.	The development must be carried out generally in accordance with the following plans:  Site Plan: Staff Carpark and Storage Yard prepared by Clark and Prince Pty Ltd, dated 06/02/16, DWG No 994-WD-01.1, Issue P1.  TMR Layout Plan (664 – 0.85km) prepared by Queensland Government Transport and Main Roads, dated 20/05/2016, File Reference 275/664 (500-999), Issue A.	Prior to the commencement of use and to be maintained at all times.			
2.	T				



Our reference: SDA-0217-036810
Council reference: DA/17/0001
Applicant reference: Mete - Mareeba

### Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the development provides appropriate access and car parking to minimise impact to the state-controlled road.
- 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 the development achieves the outcomes in Module 19.1 Access to statecontrolled roads state code in the State Development Assessment Provisions version 1.10.



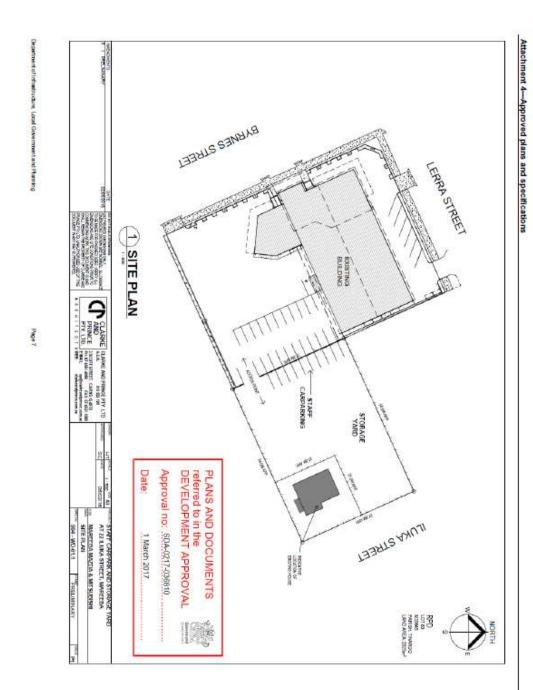
Our reference: SDA-0217-036810
Council reference: DA/17/0001
Applicant reference: Mete - Mareeba

### Attachment 3—Further advice

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

Our reference: Council reference: Applicant reference:

SDA-02 17-036810 DA/17/0001 Moto - Marseb a



SON-0217-036810





Department of Infrastructure, Local Government and Planning

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ATTACHMENT 3

The Assessment Manager Mareeba Shire Council PO Box 154 Mareeba, Qld,.., 4880



27th March 2017

Dear Sir,

Re application no: DA/17/001 Rezoning 22 Iluka St & 313-315 Byrnes St, Mareeba

I am the owner of 24 Iluka St., Mareeba and have noticed that since the 22 Iluka Street property was purchased, the new owners have removed the large trees from the yard, this allows the security flood lights to shine almost directly into the residence at 24 Iluka Street.

Could we please be assured that any existing flood lights can be checked and adjusted so as not to spill light onto bordering properties, and any other security lights to be installed at 22 Iluka Street or 313-315 Byrnes Street would need to be of the type that does not illuminate bordering properties.

The possible access to 22 Iluka Street by car transporters will also be of concern due to this being a residential street. Any truck activity should be confined to 22 Iluka Street containing its own loading area on the property and not using the street to load/unload vehicles, as is now done in Byrne Street.

Yours Sincerely

Anthony Fichera 24 Iluka Street PO Box 1619 Mareeba 4880

Document Set ID: 3240753



# SUBMISSION FOR AND ON BEHALF OF GIOVANNI CHERATZU

IN RESPONSE TO AN APPLICATION BY MACMARD PTY LTD TO THE MAREEBA SHIRE COUNCIL

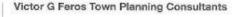
APPLICATION FOR MATERIAL CHANGE OF USE FOR MOTOR SHOW ROOM – LIGHT – IMPACT ASSESSMENT UNDER THE SUPERSEDED MAREEBA SHIRE PLANNING SCHEME (2004)

ON LAND DESCRIBED AS LOT 83 ON M35645 AND LOT 1 ON SP245578 AND LOCATED AT 22 ILUKA STREET AND 313-315 BYRNES STREET, MAREEBA

COUNCIL REFERENCE DA/17/0001

VGF - C1064

**MARCH 2017** 





195 Domoch Terrace comer Gladstone Road Highgate Hill **Brisbane** 4101 Queenaland Australia

Telephone 07 3844 2882 Facsimile 07 3846 1840 brisbanesferosplanning.com.au Level 1 127 Abbott Street PO Box 1256 Cairns 4870 Queensland Australia

Telephone 07 4031 3663 Facsimile 07 4031 2238 calms@ferosplanning.com.au



SUBMISSION IN RESPONSE
TO AN APPLICATION BY MACMARD PTY LTD
TO THE MAREEBA SHIRE COUNCIL
FOR A MATERIAL CHANGE OF USE FOR A
MOTOR SHOW ROOM – LIGHT – IMPACT ASSESSMENT UNDER THE SUPERSEDED
MAREEBA SHIRE PLANNING SCHEME (2004)
ON LAND LOCATED AT 22 ILUKA STREET AND 313-315 BYRNES STREET, MAREEBA

CONT 1.00		JCTION	PAGE NO.		
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SUBMISSION IN RESPONSE
TO AN APPLICATION BY MACMARD PTY LTD
TO THE MAREEBA SHIRE COUNCIL
FOR A MATERIAL CHANGE OF USE FOR A
MOTOR SHOW ROOM – LIGHT – IMPACT ASSESSMENT UNDER THE PROVISIONS OF THE
SUPERSEDED MAREEBA SHIRE PLANNING SCHEME (2004)
ON LAND LOCATED AT 22 ILUKA STREET AND 313-315 BYRNES STREET, MAREEBA

### 1.00 INTRODUCTION

We advise that we act as Town Planning Consultants and Agents for and on behalf of Giovanni Cheratzu, the "submitter" in response to an application by Macmard Pty Ltd for a Material Change of Use for Motor Showroom – Light – Impact Assessment under the provisions of the Superseded Mareeba Shire Planning Scheme (2004) located at 22 Iluka Street and 313-315 Byrnes Street, Mareeba and described as Lot 83 on M35645 and Lot 1 on SP245578, the "subject site".

The submitter is the owner and resident for ten (10) years of land located at 18 Iluka Street, Mareeba and described as Lot 14 on M35691.

Lot 14 on M35691 adjoins the northern boundary of the subject site as shown by Figure 1 – Location and Figure 2 – Locality.

A letter of authority to lodge this submission on behalf of the submitter is attached as Appendix A.

It is noted that the application was lodged with Council on 27 January 2017 together with a request to apply a Superseded Planning Scheme and in particular to "assess and decide a proposed development application under the superseded planning scheme".

It is noted that while the submission is lodged in relation to the subject site, emphasis will be given to Lot 83 on M35645.

IN CONTINUOUS PRACTICE SINCE 1976

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### 2.00 ACTIONS IN RELATION TO THE CURRENT APPLICATION

To provide context for this submission the following actions undertaken by the proponent, Council and the submitter are noted:-

- a) a previous application was lodged with Council on 1 April 2016 and was therefore lodged under the provisions of the Mareeba Shire Planning Scheme (2004);
- b) with the commencement of the Mareeba Shire Council Planning Scheme (2016) on 1 July 2016, the 2004 Scheme became a Superseded Planning Scheme;
- c) the consultant acting on behalf of the proponent provided further information to Council;
- d) public notification of the application was undertaken between 10 November 2016 and 2 December 2016;
- e) a submission dated December 2016 in response to the application was lodged with Council on 1 December 2016;
- f) the consultant acting on behalf of the proponent lodged a Rebuttal Statement dated 19 December 2016 in response to submissions;
- g) Council determined that the original application had lapsed;
- the consultant acting on behalf of the proponent lodged a Request to apply a Superseded Planning Scheme and "relodged" the application on 27 January 2017;
- Council by delegated authority on 30 January 2017 made a determination to approve the request to decide a proposed development application under the superseded planning scheme; and
- j) public notification of the application "relodged" with Council was undertaken between 8 March 2017 to 29 March 2017.



### 3.00 DOCUMENTS COMPRISING THE APPLICATION

Based on discussions with Council on 14 March 2017 and 23 March 2017, it is noted that the application is comprised of the following documents:-

- a) letter dated 27 January 2017 and received by Council on 27 January 2017 lodged the application;
- b) IDAS Forms 1 and 5;
- c) Request to apply a Superseded Planning Scheme Sustainable Planning Act Form 2;
- d) Rebuttal Statement dated 19 December 2016;
- e) Planning Report dated January 2017;
- f) Council letter 30 January 2017 advising that the application can be considered under the Superseded Mareeba Shire Planning Scheme 2004; and
- g) Council's Acknowledgement Notice dated 31 January 2017.

While the previous application has lapsed, the documents previously lodged with Council have relevance to the consideration of the current application.

These documents include the following:-

- a) letter dated 31 March 2016 including IDAS Forms 1 and 5 and site plan received by Council on 1 April 2016 in relation to Lot 83 on M35645;
- an amended IDAS Form 1 received by Council prior to 4 April 2016 to expand the subject site to include Lot 1 on SP245578;
- c) Council's Acknowledgement Notice dated 4 April 2016 and including an Information Request;
- d) letter dated 13 June 2016 including an updated site plan and described by Council's letter dated 13 June 2016 to the submitter as a "partial response to Council's Information Request";
- e) Concurrence Agency Response dated 7 July 2016 including Department of Transport and Main Roads Conditions; and



f) Planning Report dated October 2016.

It is noted that the main purpose of this report is to "respond to Council's Information Request".

Other background documents considered as part of the preparation of this submission include:-

- a) Council's Planning Report considered at the Ordinary Meeting on 4 October 2012 for the Motor Showroom and Workshop on Lot 1 on SP245578;
- b) the Notice of Decision on Request to Change a Development Approval dated 11 October 2012;
- c) the superseded Mareeba Shire Planning Scheme (2004); and
- d) the current Mareeba Shire Planning Scheme (2016).



### 4.00 COMPARISON OF PREVIOUS AND CURRENT

Source

Based on the review of both application following variations are noted:-

- a) the inclusion of an amended covering letter dated 27 January 2017;
- minor amendments to the supporting Town Planning Report, including the provision of photographs;
- the inclusion of a Rebuttal Report dated 19 December 2016 in relation to the grounds of objection lodged with Council as a response to the previous / lapsed application; and
- d) amendments to the description of the proposal and in this regard the relevant descriptions are noted by the following table:-

**Use Description** 

Original Application	Material Change of Use - Motor Showroom
	(Light) implemented in Two Stages - Stage 1
	Motor Vehicle Showroom, excluding existing
	Residential Property, Stage 2 Motor Vehicle
	Showroom - Balance of Site, Including Existing
	Residential Property
Council's Acknowledgement	Motor Showroom - Light
Notice dated 4 April 2016	
Public Notification for	Motor Showroom - Light
original application	
Relodged Application dated	Material Change of Use - Motor Showroom
27 January 2017	(Light) implemented in Two Stages - Stage 1
	Motor Vehicle Showroom, excluding existing
	Residential Property, Stage 2 Motor Vehicle
	Showroom - Balance of Site, Including Existing
	Residential Property
Council's Acknowledgement	Material Change of Use - Motor Showroom -
Notice dated 31 January	Light (Vehicle Storage Yard)
2017	



Public Notification for "relodged" application Motor Showroom - Light

It is noted that the applicant has retained the same use description, however Council has included an additional notation on the Acknowledgement Notice.

Significantly the following matters remain unchanged:-

a) proposed layout plan; and

 responses in terms of the codes and specific provisions within the Superseded Mareeba Shire Council Planning Scheme (2016).

### 5.00 APPLICATION AND SITE DETAILS

Applicant: Macmard Pty Ltd

Application: Material Change of Use

Council description of Impact Assessment for Motor Showroom - Light (Vehicle Storage

the proposal: Yard)

Proponents Description Material Change of Use - Motor Showroom (Light) implemented in two

stages - Stage 1 Motor Vehicle Showroom, excluding existing residential property. Stage 2 Motor Vehicle Showroom - balance of

site, including existing residential property.

Council Application DA/17/0001

Reference

of the proposal

Location: 22 Iluka Street and 313-315 Byrnes Street, Mareeba

Real Property Lot 83 on M35645 and Lot 1 on SP245578

Description:

Area: 6,071m2

Far North Queensland Urban I

Regional Plan:

Superseded Mareeba Shire Planning Scheme

(2004) (amended 2011)

Urban Footprint

Strategic Framework Major Urban Growth Area (Mareeba)

(Refer to Figure 3 - Strategic

Framework)

Zoning

Lot 83 Residential Zone

Lot 1 Part Commercial Zone and part

Residential Zone

(Refer to Figure 4 - Zoning (Existing))



Street and Road Hierarchy

Overlay Map

Byrnes Street - Trunk Collector Road

Lerra Street - Access Place

Iluka Street - Access Street

(Refer to Figure 5 - Street and Road

Hierarchy Overlay Map)

Airport Overlay Map

Located between the 8km to 6km buffers

Current Mareeba Shire Council Planning Scheme (2016) Strategic Framework

Residential Area

(Refer to Figure 6 - Strategic

Framework)

Zoning

- Lot 83 Low Density Residential

- Lot 1 Centre

(Refer to Figure 7 - Zoning (Current))

Bird and Bat Strike Zones

and Light Intensity -

Mareeba

Located between 8km to 3km buffers

Transport Infrastructure -

Mareeba

Byrnes Street - State Controlled Road

Lerra Street - Access Road

lluka Street - Access Road

(Refer to Figure 8 – Transport Infrastructure – Mareeba)

State Controlled Roads

Transport Noise Corridors

- Mareeba Surrounds

The subject site is located within the

Transport Noise Corridor.



### 6.00 CURRENT LAND USES

A Motor vehicle showroom and workshop and associated car parking and vehicle display areas are located on Lot 1 on SP245578. These uses were established on Lot 1 in accordance with a previous planning approval.

A dwelling is located in the south eastern corner of Lot 83 and the balance area of this lot is presently used for vehicle storage associated with the motor vehicle showroom and workshop located on Lot 1 on SP245578.

Excluding the south eastern corner of the site (containing the dwelling), a 1.8m timber screen fence has been constructed on the northern, southern and eastern (Iluka Street frontage).

The area used for vehicle parking has been surfaced by "crusher dust".

### 7.00 LAND USE CONTEXT

Iluka Street containing Lot 83 on M35645 is a residential street containing detached dwellings on lots ranging in size from 959m to 2,023m.

The street is residential in use, scale and intensity.

The area extending from the lots fronting Iluka Street to Constance Street contains predominately detached dwellings.

In general, commercial and light industrial uses are located with frontage to Bymes Street including Lot 1 on SP245578.

Significantly for the consideration of this application the extent of commercial and light industrial uses is defined by the common rear boundaries with frontage to Byrnes Street and Iluka Street.

The submitter's residence located at the corner of Iluka Street and Lerra Street and adjoining the subject site to the north includes a single storey dwelling.



### 8.00 GROUNDS FOR OBJECTION

### 8.01 Preamble

Given that the proposal described by the lapsed application lodged with Council on 1 April 2016 and the current application lodged with Council is substantially the same, the previous discussions and grounds of objection lodged with Council 1 December 2016 are generally reiterated with minor modifications and additions.

Additional discussions and grounds of objection are also provided in response to the Rebuttal Report.

### 8.02 Inconsistency with Superseded Planning Scheme

### a) Discussion

As previously noted the application was lodged with Council within the provisions of the Superseded Mareeba Shire Planning Scheme 2004 (amended 2011) and that Council's assessment of the application will continue under the provisions of this Scheme.

In this regard the following matters are noted:-

- i) Item (e) within (1) Broad Strategies for the Mareeba Shire Area of the Strategic Framework notes that the overall intent of the Planning Scheme is to "create an urban form that maintains a high quality living environment".
- ii) Item (r) within the Desired Environmental Outcomes notes that a measure for the planning scheme is:-

"the identification and protection of the amenity of noise sensitive development and liveability of residential areas."

- iii) The proposed use is defined as "Motor Showroom Light means the use of premises for the display or sale of motor vehicles, caravans, or boats, whether or not accessories are also sold or displayed there".
- iv) Within the Assessment Table for the Residential Zone a Motor Showroom light is an Inconsistent Impact Assessable Use.



Section 4.36 notes that "Inconsistent Uses are contrary to the Zone Outcomes".

 The overall outcomes or purpose for the Residential Zone Code (Section 4.31) focus on residential use and residential amenity.

There is no reference or expectation for a non-residential use being established in this Zone.

### b) Grounds for Objection

- i) The proposal to establish a Motor Showroom Light as an expansion to an existing showroom and workshop on land zoned Residential and within a residential area is contrary to the intent of the superseded Mareeba Shire Planning Scheme 2004 and in particular the matters previously identified by items i) to v).
- Further to item i) above, the proposal is inconsistent with the Strategic Framework,
   Desired Environmental Outcomes and the Residential Zone Code.
- iii) The proponent has not provided proper planning grounds or the justification for the establishment of an "inconsistent use" within the Residential Zone at this location.
- iv) The proposal will result in an unacceptable intrusion of a non-residential use into a long established residential zone.



### 8.03 Inconsistency with Current Planning Scheme

### a) Discussions

It is noted that while the application was lodged under the provisions of the Mareeba Shire Planning Scheme 2004, the current Mareeba Shire Planning Scheme (2016) which commenced seven (7) months prior to the lodgement of the current application is relevant to the assessment of the proposal. Accordingly it is appropriate for both Council and the proponent to give proper regard to the intent of the current Planning Scheme.

The relevance of the current Planning Scheme should be considered within the context of the following statement (page 18) included within the Town Planning Report dated January 2017 submitted to Council by the Planning Consultant acting on behalf of the proponent:-

"Whilst the current application does not seek to override the Planning Scheme, it is clear that the including of part of the land within the residential zone is outdated within the context of this site and the ongoing development of the surrounding area".

The following matters are considered relevant to the assessment of the application:-

- i) It is submitted that the action by Council and in response to general community expectation to include Lot 83 on M35645 in the Low Density Residential Zone clearly demonstrates that this land is intended to be developed for residential purposes. The claim by the proponent's consultant that "inclusion of part of the land within the residential zone is outdated" cannot be substantiated.
- ii) Given that the current Mareeba Shire Planning Scheme (2016) commenced seven (7) months prior to the lodgement of the application with Council it is submitted that the current Planning Scheme is relevant to the assessment of the application.
- iii) Within the Strategic Framework Residential Areas and Development (Section 3.3.7) item 2 notes that "population growth is focused on infill sites within existing residential areas and greenfill developments in residential areas and urban expansion areas to the east and south of Mareeba" (emphasis added) and item 4 notes that "Residential areas contain predominately low density residential development and are characterised by traditional detached housing and dual occupancy development".



- iv) Further to item iii) above, Air and Noise Quality (Section 3.4.8), item 1 notes that "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".
- v) The proposed use is defined as follows:-

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
Low impact industry	Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring or treating of products and have one or more of the following attributes:  • negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise  • minimal traffic generation and heavy-vehicle usage  • demands imposed upon the local infrastructure network consistent with surrounding uses  • the use generally operates during the day (e.g. 7am to 6pm)  • offsite impacts from storage of dangerous goods are negligible  • the use is primarily undertaken indoors.	Repairing motor vehicles, fitting and turning workshop Note—additional examples may be shown in SC1.1.2 industry thresholds.	Panel beating, spray painting or surface coating, tyre recycling, drum re conditioning, wooden and laminated product manufacturing service industry, medium impact industry, special industry
Outdoor sales	Premises used for the display, sale, hire or lease of products where the use is conducted wholly or predominantly outdoors and may include construction, industrial or farm plant and equipment.	Agricultural machinery sales yard, motor vehicles sales yard	Bulk landscape supplies, market



	vehicles, boats and caravans. The use may include ancillary repair or servicing activities and sale or	
es.	fitting of accessories.	

- vi) Within the Assessment Table, both Low Impact Industry and Outdoor Sales are Impact Assessable Uses within the Low Density Residential Zone.
- vii) The following purpose statements from the Low Density Residential Zone Code are relevant:-
  - "(1) The purpose of the Low density residential zone code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.
  - (2) Mareeba Shire Council's purpose of the Low density residential zone code is to:
    - (a) maintain the integrity of established residential areas, which are characterised primarily by Dwelling houses and Dual occupancy development;
    - (b) provide opportunities for other forms of residential development where existing character and amenity will not be compromised; and
  - (3) The purpose of the code will be achieved through the following overall outcomes:
    - (a) The dominant form of development is detached dwelling houses, on a range of lot sizes;
    - (g) Development maintains a high level of residential amenity avoiding uses that introduce impacts associated with noise, hours of operation, traffic, advertising devices, visual amenity, privacy, lighting, odour and emissions;
    - (h) Development reflects and enhances the existing low density scale and character of the area;
    - (k) Non-residential development may be supported in new residential areas where such uses directly support the day to day needs of the immediate residential community;
- viii) The Mareeba Local Plan Code is relevant for the consideration of Lot 1 on SP245578 (containing the existing showroom).



Lot 1 is included within the Town Centre Fringe Precinct while Lot 83 on M35645 (containing the proposed use) is not included within the Local Plan as shown by Figure 9 - Mareeba Local Plan.

The stated purpose of the Town Centre Fringe Precinct is noted as follows:-

"The Town centre fringe precinct consists of commercial and residential uses. The precinct will facilitate destination specific commercial development where it can be demonstrated that design measures can be incorporated to adequately mitigate any impacts upon residential amenity. The precinct will not detract from the role of the Town centre core precinct as the town's primary retail and commercial precinct."

Significantly for the consideration of this submission, the Mareeba Local Plan has identified a 6m setback extending along the rear boundaries of Lot 83 and Lot 1 as shown by Figure 10 - Mareeba Local Plan – Elements.

The intent of this requirement is provided by the following Performance Outcomes and Acceptable Outcomes from the Local Plan.

If on a site affected by the Town centre	e fringe 6 metre setback element
PO4 Larger destination-specific premises that require increased provision for car and service vehicle access are supported where it can be demonstrated that sufficient separation is provided between the use and adjoining residential uses to adequately mitigate any potential impacts on the amenity of adjoining premises, having regard to:  (a) noise; (b) odour; (c) light; and (d) overlooking and privacy.	AO4 Buildings and structures are setback a minimum of 6 metres from the boundary affected by the Town centre fringe 6 metre setback element.

The intent of this provision is clearly to provide a physical separation between the commercial and industrial uses with frontage to Byrnes Street and the residential frontages to Iluka Street.

 ix) The proposed Outdoor Sales use is encompassed by the Commercial Activities grouping.



A purpose element of the code for Commercial Activities is to "ensure Commercial Activities are appropriately located, designed and operated to service the Shire while not impacting on the character and amenity of the area".

The following overall outcome is also relevant "commercial activities minimise impacts on the character amenity of the surrounding area and surrounding land use, particularly residential uses".

x) The proposed Low Impact Industry is encompassed by the Industrial Activities grouping.

A purpose element of the code for Industrial Activities is to ensure these activities are "established and operated in an efficient manner with minimal impact on the character, scale, amenity and environmental values of the surrounding area".

The following overall outcome is also relevant:-

"Industrial activities are appropriately located having regard to topography, surrounding land uses, natural environment, accessibility, local character and potential social and community impacts".

### b) Grounds for Objection

- i) The clear intent of the current Mareeba Shire Planning Scheme (2016) is for Lot 83 to be retained for residential purposes and not for commercial or industrial purposes.
- ii) The current Planning Scheme has reconfirmed the unsuitability of the proposal at this location and the proponent has failed to address the relevant considerations within the current Planning Scheme and in particular the matters previously identified by items i) to x).

The proposal is contrary to the intent of the current Mareeba Shire Planning Scheme (2016).

iii) Further to item iii) above, the proposal is inconsistent with the Strategic Framework, Low Density Residential Zone Code, Mareeba Local Plan Code and the Commercial Activities Code and the Industrial Activities Code; and



iv) The proposal will remove the opportunity for residential infill at a suitable location. This is a key element of the Strategic Framework Residential Areas and Development.

### 8.04 Inappropriate Land Use

The following grounds of objection are submitted in relation to the proposed use of Lot 83 on M35645 as being an inappropriate land use:-

- a) Lot 83 is located within a long established residential street with a high level of residential amenity. The proposal to establish the proposal as part of an extension to an existing Motor Showroom – Light and Vehicle Repair Station is inconsistent and incompatible with the existing uses within the street.
- the proposal is inconsistent with the domestic scale and residential scale of the streetscape.
- the supporting Town Planning Report dated October 2016 indicates that Lot 83 will be "utilised principally for vehicle storage and limited staff parking".

The development of Lot 83 is to be undertaken in two (2) stages as follows:-

Stage 1 - Use the lot for parking while retaining the existing dwelling

Stage 2 – Use the entire lot for parking. It is assumed that the existing dwelling will be removed.

The establishment of these uses on Lot 83 is not consistent with the residential character of Iluka Street and the surrounding area.

d) it is noted that as part of the original application lodged with Council on 1 April 2016 the supporting information advised that:-

"the longer term intend (sic) is to fully seal the area, so that it matches that of the existing vehicle parking area. In addition, the company also wish to erect a vehicle preparation facility, so vehicles can be cleaned and prepared prior to delivery to customers / prior to being offered for sale."



This statement should also be considered within the context with the statement included within the letter dated 13 June 2016 submitted to Council by the proponent's consultant:-

"the company do not wish to construct a vehicle preparation area at this stage"

The proponent's consultant advised in a letter dated 27 January 2017 attaching the current application that:

"For the avoidance of doubt, no buildings are proposed as part of the development."

The most recent statement by the consultant acting on behalf of the proponent to advise that no buildings are proposed as part of this development is acknowledged. However the following matters of concern are identified:-

- i) there is a clear previous intention to erect a vehicle preparation area;
- ii) the establishment of this facility would be entirely consistent and a logical future expansion to the current proposal for the vehicle parking area associated with the existing motor vehicle showroom;
- iii) it is noted that the establishment of a vehicle preparation facility is likely to require the lodgement of an Impact Assessable Application, however such application would be required to be considered by Council within the context of any approval issued for the subject site for non-residential uses as proposed by the current application;
- iv) further to item iii) above, it is submitted that the ability for Council to resist
  the development of further unsuitable or intensified uses on the site based
  on town planning grounds, would be diminished should the current
  proposal be approved;
- v) the intent of both the current Mareeba Shire Council Planning Scheme (2016) to include the site in the Low Density Residential Zone and Superseded Mareeba Shire Planning Scheme (2004) in the Residential Zone demonstrates the unsuitability of the proposal at this location.



e) The proposal will result in an inappropriate expansion and intensification of the existing showroom and workshop to the detriment of the residential amenity of the surrounding area.

### 8.05 Impact on Residential Amenity

The following grounds of objection are submitted in relation to the detrimental impact of the proposal on existing residential amenity:-

a) The supporting Town Planning Report dated October 2016 (page 6) notes that "as far as the company is aware Council has never received any complaints regarding the operation of the business". This comment cannot be sustained.

The submitter advises that concerns have been raised with Council on the adverse impacts of the proposal in relation to:-

- . The use of Lerra Street for the loading and unloading of vehicles
- The operation of the workshop outside the nominated hours of operation
- Light overspill onto adjoining and adjacent residential properties.
- b) The proposal will result in unacceptable noise levels resulting from the operation of use. Such noise levels would not be consistent with the surrounding residential uses.
- c) The use will require the installation of 24 hour security lighting. The overspill of this lighting into adjoining and adjacent residential properties will have a detrimental impact on residential amenity.

It is noted that the current use of the site incorporating security lighting results in light overspill extending into the rear section of the submitter's lot and into the residential lots located on the eastern side of Iluka Street and adjacent to Lot 83.



- d) The proposal will result in unacceptable dust levels impacting on surrounding residential uses resulting from the use of the proposed surface treatment (crusher dust). The supporting Town Planning Report (page 8) notes that "it is not proposed at this stage to fully seal the area". The letter dated 27 January 2017 notes that "the longer term intend (sic) is to fully seal the area". These statements do not demonstrate any commitment to seal the area and on this basis the proposal will have an unacceptable impact.
- The proposal result in unacceptable stormwater run off onto adjoining properties in relation to the volume of water and water quality.

### 8.06 Traffic Impacts

### a) Discussions

The considerations of traffic impacts should be considered within the context of the following matters:-

- i) The Department of Transport and Main Roads conditions of approval dated 19 July 2011 and included within the Negotiated Decision Notice specify that "No parking associated with the development is permitted within the state controlled road reserve (Byrnes Street)".
- ii) Council's Notice of Decision on Request to Change a Development Approval dated 11 October 2012 includes the following condition in relation to the loading / unloading of vehicles
  - "5.1 Vehicles being transported to/from the site by vehicle transporter may be unloaded/loaded in Lerra Street.

If vehicles are to be loaded/unloaded on the subject site vehicles being transported to/from the site must be transported by a vehicle capable of entering and leaving the site in a forward direction.

Vehicles may also be unloaded/loaded in a holding yard or transport depot is a suitable industrial location and driven to/from the site."



- iii) The following statements are noted from the supporting Town Planning Report dated January 2017:-
  - The proponent "has identified an opportunity to expand the existing operation, utilising an adjacent parcel of land to improve the efficiency of the business and provide additional areas of the storage of vehicles and staff parking". (page 6)
  - "The Iluka Street property is required for the storage of vehicles, primarily prior to sale following delivery to the dealership. The area will also be used as a storage area of vehicles that have been 'traded in', prior to being offered for sale or delivered to customers." (page 7)
  - "As such, customers will not have access to this area. Typically, new vehicles
    are delivered at the premises using transporters and are generally loaded or
    unloaded on Lerra Street or Byrnes Street. Operationally, it is more efficient to
    separate the arrival and departure of vehicles for sale/trade in from the
    existing customer parking/vehicle display area which is accessed from Byrnes
    Street." (page 8)
  - "It is therefore proposed to access the Iluka Street block ONLY from the existing Lerra Street access furthest away from the junction with Byrnes Street., This will allow for the utilisation of the existing vehicle receivale/preparation area. The existing vehicle receivale/preparation area allows for access through the building and into the Iluka Street lot. The Byrnes Street access is therefore not required to gain access to the Iluka Street lot." (page 8)
  - "The existing access onto Iluka Street will be used for emergency purposes only." (page 8)

### b) Grounds for Objection

i) Clearly the current use is not operating in accordance with the current DTMR conditions of approval, as the Byrnes Street frontage is presently being used by car transporters to load or unload vehicles. In addition, the use of Lerra Street by car transporters has had an adverse impact on traffic and residential amenity for residents (including the submitter) in Lerra Street.



The expansion of the existing facility will exacerbate existing traffic safety and amenity concerns for residents of Lerra Street by increasing the number of car transporters required to use Lerra Street. In addition this will also introduce additional heavy vehicle movements into the surrounding residential street network.

ii) It is further noted that the inclusion of Lot 83 as part of the current showroom and workshop will provide the opportunity for car transporters to load and unload vehicles on site. This will introduce heavy vehicle truck movements onto the site and in close proximity to existing residences.

This will have an adverse impact on the residential amenity of the surrounding residential uses.

iii) It is significant to note that Condition 5 within the Negotiated Decision Notice dated 14 December 2011 includes the following:-

"Vehicles may also be unloaded / loaded in a holding yard or transport depot is (sic) a suitable industrial location and driven to / from the site".

This statement has confirmed Council's previous intent as part of the original approval that general vehicle parking and storage should be undertaken at a suitable industrial location and located away from the site. The current proposal is contrary to the intent of Council's previous conditions of approval.

It is noted that this provides a viable option to enable vehicle parking and storage for the use to be undertaken at a suitable remote industrial location without creating unacceptable impacts on the amenity of the surrounding residential area.

iv) The supporting information has noted that "the existing access to Iluka Street will be used for emergency purposes only".

It is noted that Lot 83 has lawful frontage to Iluka Street and accordingly the ability of Council to restrict vehicle access to Lot 83 is limited. Accordingly, the proposal to establish the use on Lot 83 is not acceptable as the operation of the use will allow for additional non- residential traffic (including heavy vehicles) direct access to Iluka Street.

This will have a detrimental impact on the residential amenity of the surrounding area.



#### 9.00 RESPONSE TO REBUTTAL REPORT

The following comments are provided in response to the matters identified in the Rebuttal Report:-

- a) Impact on Residential Amenity
  - i) the subject site has been unlawfully and continues to be used unlawfully for this purpose;
  - ii) the current use of the site has demonstrated that the use has an unacceptable impact on the residential amenity of the surrounding area; and
  - iii) the use is an inappropriate use for the site in this residential location and the impacts of proposal cannot be managed by conditions.

#### b) Increase in Traffic

- the assessment of vehicle movements focus on the current access arrangements in Byrnes Street;
- ii) there is no assessment of additional car transporter movements resulting from the increase site size or the requirement to use Lerra Street and the connecting street network for these heavy vehicle movements; and
- iii) it is reiterated that the Department of Transport and Main Roads conditions do not permit the use of Byrnes Street for parking, according, Lerra Street is required to be used for car transporter loading and unloading.

#### c) Devaluation of Property Values

This matter was not identified in the previous submission lodged on behalf of Mr Cheratzu.

#### d) Congestion in Lerra Street

It is agreed that Condition 5.1 in the previous approval for the Motor Showroom and Workshop appears to allow Lerra Street to be used for the loading and unloading of car transporters.



The previous and ongoing use of Lerra Street for this purpose has resulted in an unacceptable impact on the residential amenity in Lerra Street.

The proposal to increase the size of the proposal and therefore the number of vehicles parked on the site will increase the number of car transporters required to use Lerra Street.

This increase in use of Lerra Street for heavy vehicles is not acceptable.

e) Erection of building for vehicle preparation

This matter has been addressed by item g) iv).

f) Inconsistency with Superseded Planning Scheme

This matter has been addressed by the grounds of objection.

In relation to this matter it is reiterated that the proposal to establish a non-residential use into an existing residential street and zoned for residential purposes.

The proponent has not provided sufficient town planning grounds to justify or support the proposed use at this location.

- g) Inconsistency with current Planning Scheme
  - i) there is a community expectation that Council as the Assessment Manager will afford significant weight to the intent and provisions of the Mareeba Shire Council Planning Scheme (2016). This document prepared following extensive consultation, represents the contemporary determination of the suitable land use for the subject site and surrounding area.
  - ii) the current Town Plan has reiterated the suitability of the subject site for residential purposes included additional measures to protect the residential amenity of the site and surrounding area.
  - iii) the Rebuttal Statement seeks to justify matters of impacts of the basis that the "proposed development has already been in operation".



The current previous unlawful use of the site can not be used as a basis to determine or disregard unacceptable impacts on the surrounding residential uses.

iv) in relation to the comments made on the establishment of a vehicle preparation area it is noted that the Rebuttal Statement was prepared in relation to the now lapsed application.

In regard to this matter we reiterate the following statements in the document included with the now lapsed application:-

- a. "the longer term intend (sic) is to fully seal the area, so that it matches that of the existing vehicle parking area. In addition, the company also wish to erect a vehicle preparation facility, so vehicles can be cleaned and prepared prior to delivery to customers / prior to being offered for sale."
- b. "the company do not wish to construct a vehicle preparation area at this stage."

These statements do not definitely "rule out" the establishment of a vehicle preparation area in the future.

This matter has also been addressed in further detail by item 8.04 (d) in this submission.

## h) Statutory Matters

It is noted that the application did not comply "with all statutory matters" and had lapsed.

The above responses to the Rebuttal Report provide further context for the grounds of objection.



#### 10.00 CONCLUSION

Having regard to the facts and circumstances upon which this submission relates, Council is requested to uphold the objections and not approve the application to establish a Motor Showroom – Light (Vehicle Storage Yard) under the provisions of the Superseded Planning Scheme on the subject site described as Lot 1 on SP245578 and Lot 83 on M35645.

By way of conclusion and in addition to the previously stated detailed grounds of objection, the proposal should be refused on the basis of the following general grounds of objection:-

- a) The proposal does not accord with the intent and provisions of the superseded Mareeba Shire Planning Scheme (2004) and the current Mareeba Shire Planning Scheme (2016).
- b) Given that the Mareeba Shire Planning Scheme (2016) became operational seven (7) months prior to the lodgement of the application with Council, there is a high level of public expectation that Lot 83 on M35645 will be retained for residential purposes.
- c) The proposal is an inappropriate and unsuitable use at this location.
- d) The proposal will have a detrimental and unacceptable impact on the amenity of the adjoining and adjacent residential uses.
- e) The proposal will result in the generation of unacceptable levels of traffic, including heavy vehicles within Lerra Street and Iluka Street and the surrounding street network.
- f) The application does not meet the requisite requirements of the Sustainable Planning Act 2009.
- g) The application has not provided proper planning grounds or the justification for the establishment of an "inconsistent" use within the Residential Zone at this location.
- h) The action by the proponent to commence the use of the Lot 83 on M35645 and in breach of the superseded and current Town Planning Scheme is not acceptable.

Council's rejection and refusal of the application is commended.

#### VICTOR G FEROS TOWN PLANNING CONSULTANTS

March 2017



# **FIGURES**





SUBMISSION FOR AND ON BEHALF OF GIOVANNI CHERATZU

IN RESPONSE TO AN APPLICATION BY MACMARD PTY LTD ON LAND AT



22 ILUKA STREET AND 313-315 BYRNES STREET, MAREEBA, QLD 4880

SITE LOCATION

FIGURE 1 MARCH 2017







SUBMISSION FOR AND ON BEHALF OF GIOVANNI CHERATZU

IN RESPONSE TO AN APPLICATION BY MACMARD PTY LTD ON LAND AT



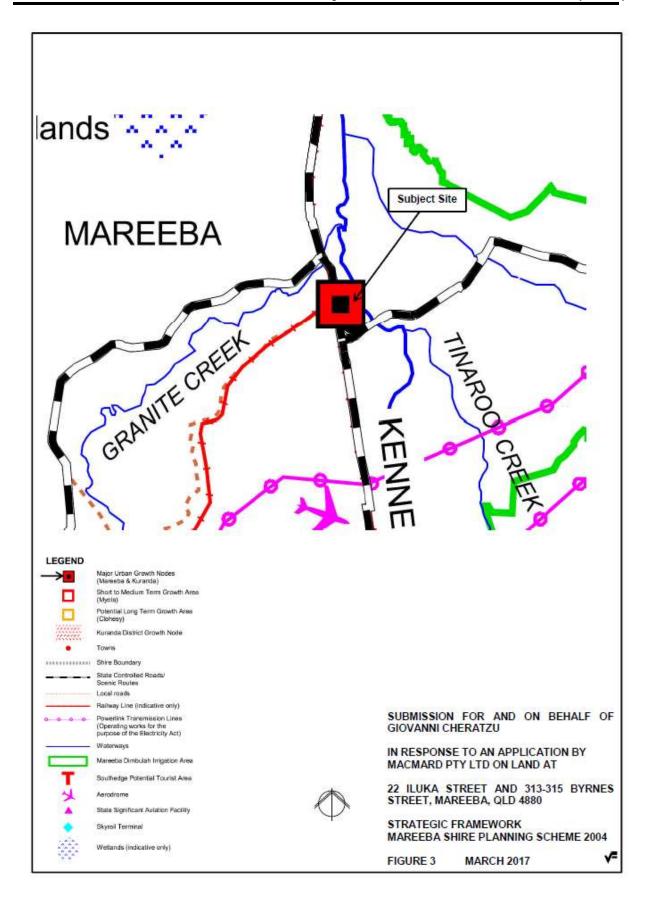
22 ILUKA STREET AND 313-315 BYRNES STREET, MAREEBA, QLD 4880

LOCALITY

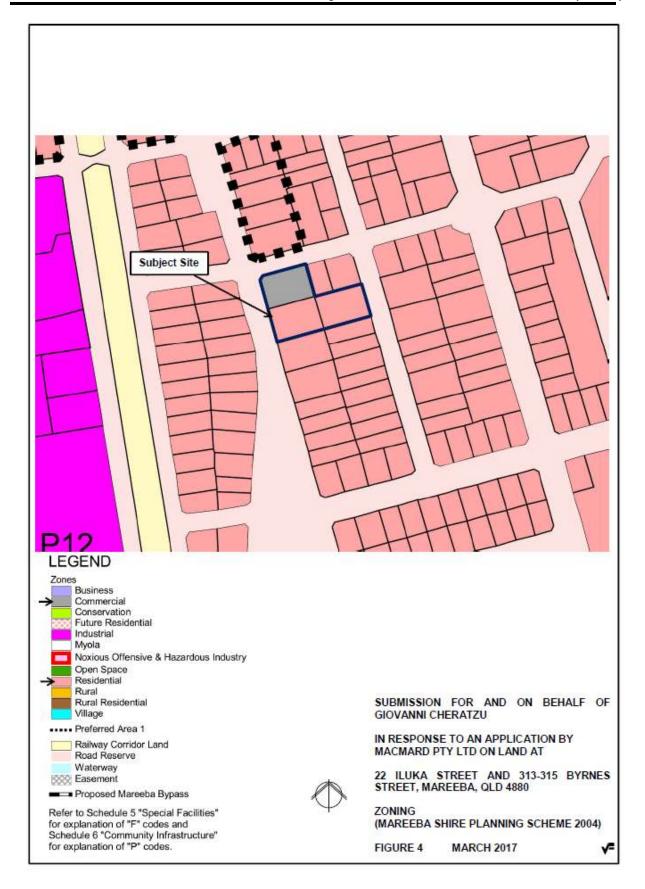
FIGURE 2 MARCH 2017



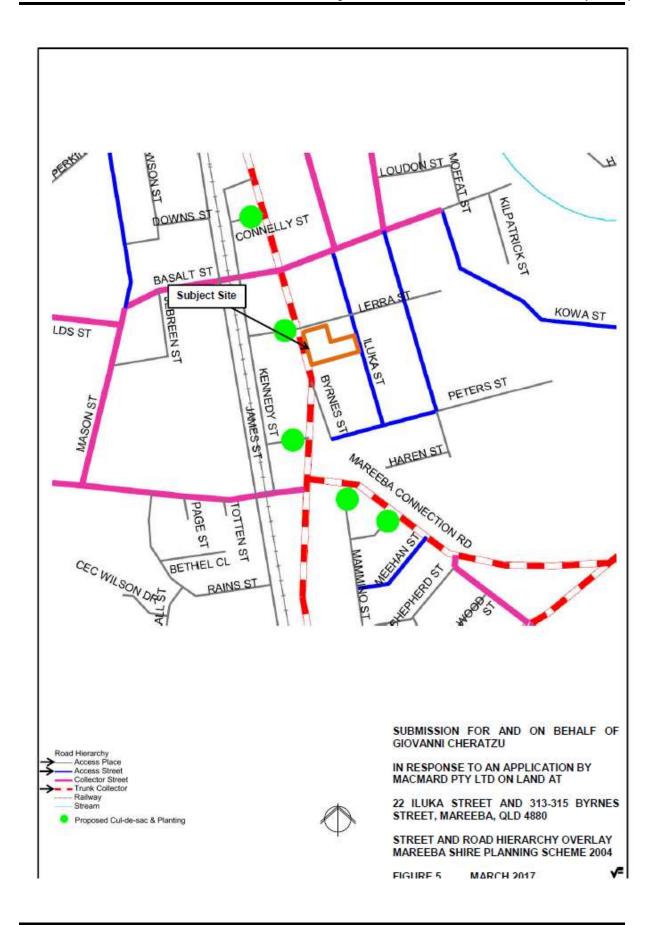




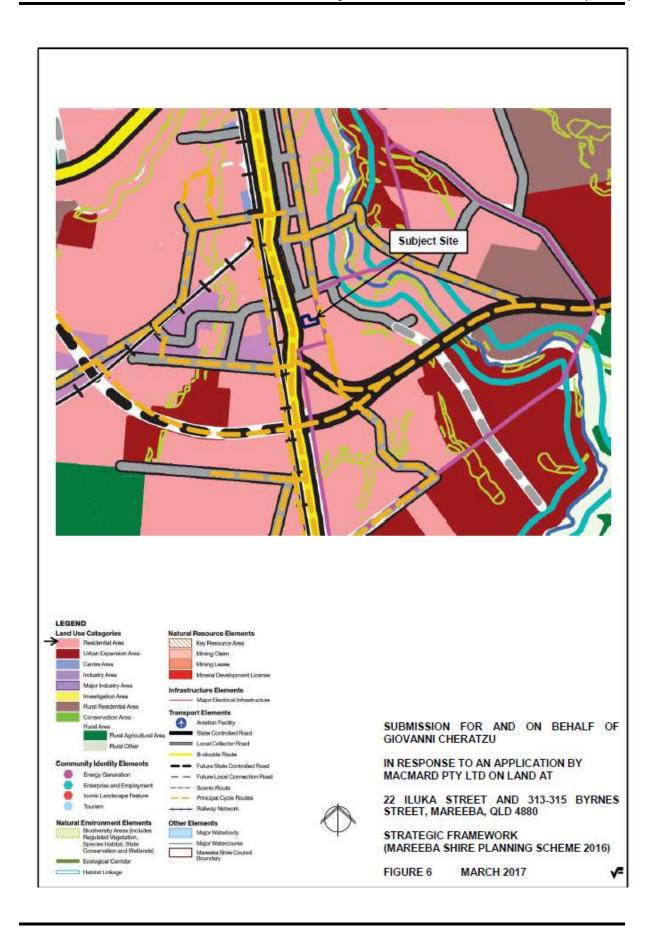




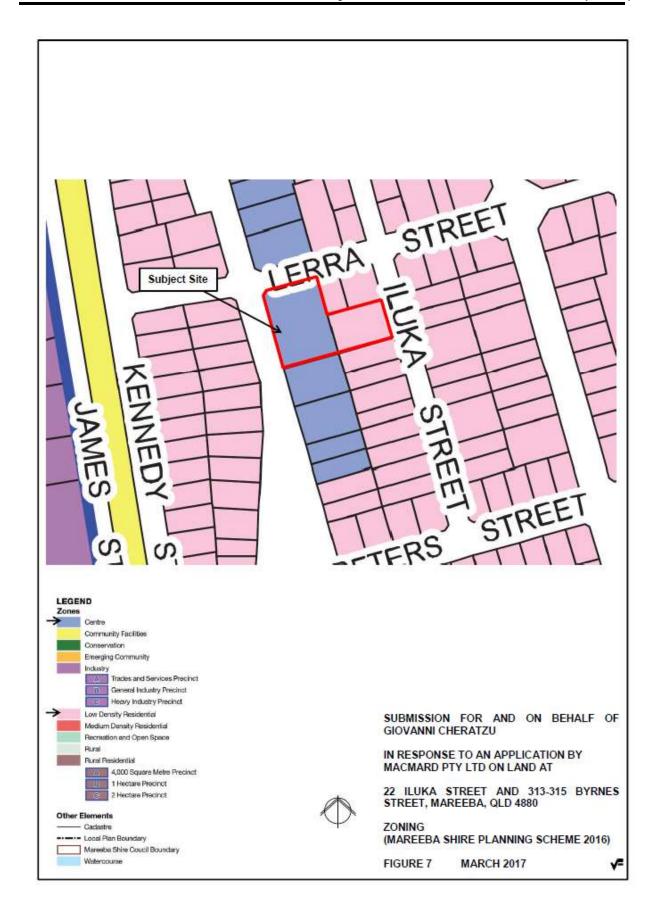




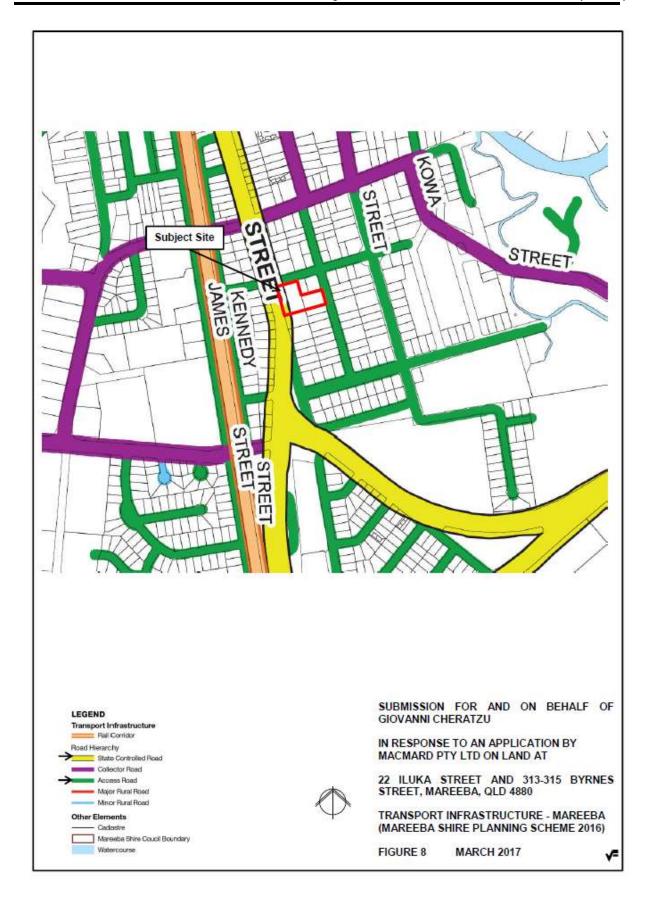




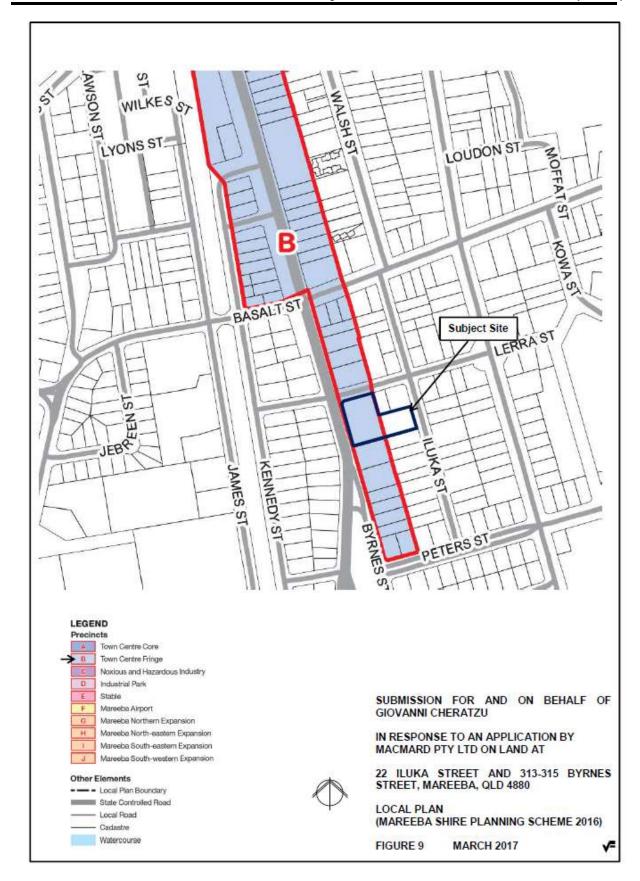




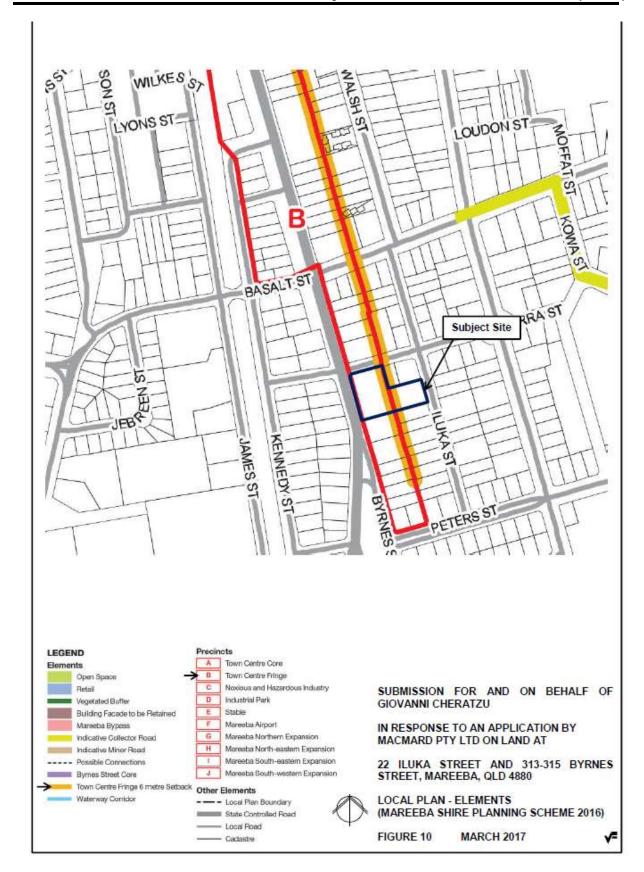














# **APPENDIX A**



John Cheratzu 18 liuka Street MAREEBA QLD 4880

Chief Executive Officer Mareeba Shire Council PO Box 154 MAREEBA QLO 4860

Dear Sir

RE:

SUBMISSION TO THE APPLICATION LODGED BY MACMARD PTY LTD WITH THE MAREEBA SHIRE COUNCIL FOR A DEVELOPMENT PERMIT FOR MOTOR SHOW ROOM

LIGHT (VEHICLE STORAGE YARD) - IMPACT ASSESSMENT UNDER THE PROVISIONS OF THE SUPERSEDED MAREEBA SHIRE PLANNING SCHEME (2004) ON LAND DESCRIBED AS LOT 83 ON M35645 AND LOT 1 ON SP245578, AND SITUATED AT 22 ILUKA STREFT AND 313-315 BYRNES STREET, MAREEBA, QLD 4880 COUNCIL REFERENCE: DA/17/0001

Find attached a submission in relation to the above Development Application, prepared or our behalf by Victor G Ferox Town Planning Consultants.

The attached submission contains the grounds of objection to the application.

Yours faithfully

Giovanni Cheratzu

Signed on the 27 day of MARCH 2017



From: Liza Jones

Sent: 29 Mar 2017 13:20:12 +1000

To: Info (Shared)

Subject: Liza Jones reinforces the objectional stance of residents of Iluka Street

concerning the proposed Mitsubishi development

22.3.17

#### TO WHOM IT MAY CONCERN

In relation to the proposed development from Mitsubishi in Iluka St, previously, as per my letter four months ago dated 22.11.16, I, as well as 22 of my fellow street residents have submitted a petition against this development in our street and our views have not changed. Therefore, the petition still stands.

Property values will decrease, noise and traffic will increase as well as the lighting that shines into many houses adjacent to the property. The commercial zone is on Byrnes Street, so leave the activity operating around there. The workers drive out of their workshop, around the block, down Iluka Street and back into the workshop when they are testing cars.

My view has not changed since my first letter of objection. I still have to dodge cars parked on Lerra Street, not to mention the huge delivery trucks. Just because our street became coincidentally wider recently, does not mean we want more traffic or larger vehicles in our street. The council has to protect rate payer interests. As you can see from the petition, it is obvious our residents do not want this facility in our street.

As I stated in my last letter, I personally approached David Mete in February 2016 and he assured me, and I quote;

"We have no intention of infiltrating Iluka Street." End quote.

#### David Mete, Feb 17th.

Please Mareeba Shire Council, listen to the residents of Iluka Street and do not allow this infrastructure to go ahead. It will ruin the peace and quiet of our street.

Thank you,

Document Set ID: 3241017



22.11.16

Liza Jones 10 Lerra Street Mareeba 480



#### TO WHOM IT MAY CONCERN,

I am writing to address the construction of the MOTOR SHOWROOM at 22 Iluka Street. My extended family has lived in this street all of my life, in one form or another. It has been a quiet street until Mitsubishi came to the area. Since they have been there, we have witnessed workers driving fast around the block when they are testing cars. There is also an increase in parked cars in Lerra St, which makes it dangerous for me personally, when I am on my mobility scooter. I cannot go down Lerra Street without some sort of vehicle hindering my vision. I have to carefully go around the cars, mostly not knowing what is coming around the corner/ across the highway. The huge delivery trucks hardly even fit down the street.

Having a showroom directly on Iluka Street is going to increase traffic, noise, danger, not to mention those horrendous lights in our usually quiet area. THIS SORT OF TRAFFIC CANNOT OCCUR IN ILUKA STREET. Our street will become too dangerous for the residents of the street and it is not wide enough for big vehicles. Most of the houses in Iluka Street are privately owned, some who have lived here for decades. We were not informed about the fence that went up all of a sudden. It was too late after the fact to do something about it, but this has gone too far.

I personally approached David Mete in February and he assured me, and I quote;

"We have no intention of infiltrating Iluka Street." End quote.

David Mete, Feb 17th.

# PLEASE LISTEN TO THE VALUED RESIDENTS OF THE STREET WHO ARE AGAINST THIS CONSTRUCTION. DO NOT ALLOW THIS TO GO AHEAD.

Please find attached a petition that the residents have discussed, collated and signed.

Yours Sincerely,

Liza Jones

Adrian Jones

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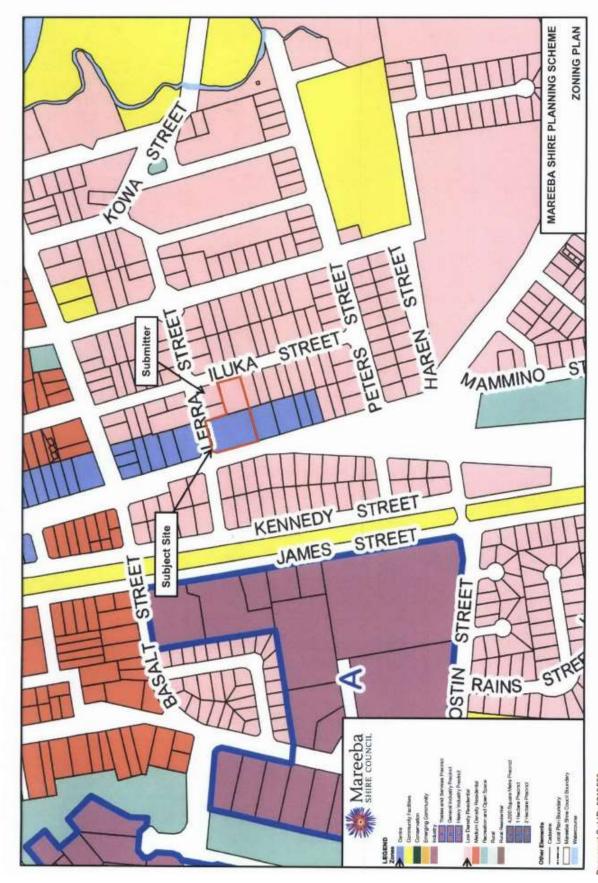


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Document Set ID: 3219539 Version: 1, Version Date: 02/12/2016



From: Martin Treston

Sent: 29 Mar 2017 12:11:08 +1000

To: Carl Ewin

Subject: OBJECTION TO APPLICATION FOR MATERIAL CHANGE OF USE: MACMARD PTY

LTD OVER LAND DESCRIBED AS LOT 83 ON M35645 and LOT 1 ON SP 245578

Attachments: SKMBT\_C22417032912230.pdf

Dear Carl,

We are the solicitors for John Cheratzu.

Please see attached an objection to the Material Change of Use Application. This is a separate and further objection to the Submissions made by John's Town Planners Victor G Feros.

#### Regards,

#### Martin Treston

Partner and Solicitor



Phone: (07) 4051 4477 Fax: (07) 4052 1040

Email: <a href="mailto:mtreston@murraylyons.com.au">mtreston@murraylyons.com.au</a> Street Address: 111 Lake Street, Cairns Qld 4870 Postal Address: PO Box 638, Cairns Qld 4870

LIABILITY LIMITED BY A SCHEME APPROVED UNDER PROFESSIONAL STANDARDS LEGISLATION

From: km-c224@murraylyons.com.au [mailto:km-c224@murraylyons.com.au]

Sent: Wednesday, 29 March 2017 12:23 PM

To: Martin Treston

Subject: Message from KMBT\_C224

Document Set ID: 3241129 Version: 1, Version Date: 30/03/2017



MAP. 29. 2017 10:30 +61740523046

MURRAL & DEUMS SUBJULIUMS

John Cheratzu

\*\*\*\*\*\* ...

29 March 2017

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

Dear Sir/Madam,

RE:

APPLICATION FOR MATERIAL CHANGE OF USE: MACMARD PTY LTD: CHANGE OF USE FOR A MOTOR SHOW ROOM - LIGHT 22 ILUKA STREET, MAREEBA,

am a neighbouring owner to the property at 22 liuka Street, Mareeba.

I have organised at great expense a Submission prepared by my Town Planner objecting to the application by Macmard Pty Ltd for a Material Change of Use for the land at liuka Street. In that Submission my town planner sets out a number of technical grounds as to why this application should not be approved.

The residence next to the property at 22 fluks Street is my home. Like any home owner in the Shire i would have thought i could feel safe in the knowledge that my amenity and lifestyle would not be impacted by actions of a neighbour deciding to change the use of the land. I am very disappointed in the Council firstly permitting the owner to use the land contrary to the Town Plan and then sitting idly by and doing nothing about this for a long time.

Secondly the application by Macmard is designed to allow Macmard to use the land for a Motor Showroom and this will have a big impact on my residence and my lifestyle. The lighting, the oust, parking, noise and security concerns are all troubling me. It is one thing to put in place some conditions and it is another to then be chasing the Council to make sure the owner is doing the right thing about this. To date, my observations are that the Council has done a very poor job in enforcing its own Town Plan.

This application will also have a similar impact on others in the same street who may not be as motivated as I am to do something about this. All our property values will be effected and the street will be far less liveable.

I am all for development that brings in jobs and prosperity to the town. However the real problem here is that the owner Macmard is trying to save money by expanding their business into cheaper residential land rather than finding a new more expensive commercial site. Because of this everyone in the street has to suffer.

The Council should be concerned about the hard working rate payers in this Shire and reject this application.

Yours sipperely.

John Cheratzu



P URP-MCU IT URP.



Amanda Tonizzo
21 Huka Street
Mareeba QLD 4880
Ph: 0439 714 311
ail: mandijohns@hotmail.com

Monday 21st November 2016

The Assessment Manager Mareeba Shire Council PO Box 154 Mareeba QLD 4880

RE: Application No DA/16/0017 - Proposed development at 22 Iluka Street & 313-315 Byrnes Street, Maraeba QLD 4880.

Dear Sir/Madam,

As a resident and property owner on Iluka Street Mareeba, I am writing to express my concerns regarding Application No DA/16/0017 and the proposed development at 22 Iluka Street & 313-315 Byrnes Street Mareeba.

My concerns and complaints regarding this development are:

- Spotlights shining through our front door and windows. Our children's bedrooms
  are at the front of the house and it is affecting their sleep. The lights also reflect off
  of our shed into our main bedroom at the back of the house.
- Devaluation of our property when we purchased our property, the property across
  the road (22 Iluka Street) was a large residential block with a family living in the
  house.
- Traffic there has been an increase in traffic since the Mareeba Mazda/Mitsubishi has moved in.
- Congestion on Lerra Street where the customers and clients park their cars on both sides, making it impossible for through traffic to use the road.

Due to these concerns that I have, I would like to state that I am opposed to the proposed development of 22 Iluka Street & 313-315 Byrnes Street Mareeba.

Thank you for your time,

Amanda Tonizzo



PURP-MCU



Wesley Tonizzo
21 Iluka Street
Mareeba QLD 4880
Ph: 0427 425596
Email: wtonizzo@bigpond.com

Monday 21st November 2016

The Assessment Manager Mareeba Shire Council PO Box 154 Mareeba QLD 4880

RE: Application No DA/16/0017 - Proposed development at 22 Iluka Street & 313-315 Byrnes Street, Mareeba QLD 4880.

Dear Sir/Madam,

As a resident and property owner on Iluka Street Mareeba, I am writing to express my concerns regarding Application No DA/16/0017 and the proposed development at 22 Iluka Street & 313-315 Byrnes Street Mareeba.

My concerns and complaints regarding this development are:

- The Devaluation of our property. When our property was purchased, we were on a
  residential street and surrounded by houses with no immediate businesses. Across
  the road at 22 Iluka Street was a large residential block with a house that a family
  lived in.
- · The lights keep us and our children awake at night.
- The fence that was erected is insufficient at blocking the light and noise.
- Increased traffic on our street, which the road is not in a condition to handle our bitumen does not go to the curb on the sides of the road. Increased traffic is also making it unsafe for our children.
- Further development of the block, including the erection of a building to clean and detail the new cars.

Due to these concerns that I have, I would like to state that I am opposed to the proposed development of 22 Iluka Street & 313-315 Byrnes Street Mareeba.

Thank you for your time,

Wesley Tonizzo





ITEM-5 SUMMARY OF NEW PLANNING APPLICATIONS &

DELEGATED DECISIONS FOR THE MONTH OF APRIL

2017

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Senior Planner

**DEPARTMENT:** Corporate and Community Services

#### **EXECUTIVE SUMMARY**

The purpose of this report is to inform Council of the new planning and development applications received for the month of April 2017 and to summarise the delegated planning decisions made for the same period.

Attachment 1 of this report is a summary of new applications and delegated decisions.

Currently the delegations make provision for officers to approve applications for the first extension of a Development Approval. For example this month officers approved a request received on 31 March 2017 from S Girgenti, to extend the relevant period of the reconfiguration approval (1 into 9 lots) over Lot 78 on SP152626 (the old Mareeba sawmill lot).

Should Council wish to decide all such requests in the future, an appropriate change to the delegations is required. It should be noted that all requests for further extensions are tabled before Council for consideration.

#### OFFICER'S RECOMMENDATION

"That Council receive and note this report."

## **BACKGROUND**

Nil

#### LINK TO CORPORATE PLAN

Nil

#### **CONSULTATION**

*Internal* Nil



External Nil

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

Nil

**POLICY IMPLICATIONS** 

Nil

# **FINANCIAL & RESOURCE IMPLICATIONS**

Capital

Nil

Operating

Nil

# IMPLEMENTATION/COMMUNICATION

Nil

# **ATTACHMENTS**

1. April 2017 summary

Date Prepared: 2 May 2017



# **ATTACHMENT 1**

# Summary of new Planning Development Applications and Delegated Decisions for April 2017

New Development Applications									
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status				
DA/17/0008	3/04/2017	M Cek 23 Wright Road, Mareeba	Lot 4 on RP733075	Reconfiguring a Lot - Subdivision (1 into 2 lots)	In decision making stage.				
DA/17/0009	4/04/2017	Algagresu Pty Ltd 549 Malone Road, Mareeba	Lot 97 on NR273	Material Change of Use - Function Facility and Short-term Accommodation	In public notification stage.				
DA/17/0010	7/04/2017	BTM & S Stankovich Pty Ltd Karobean Drive, Mareeba	Lot 200 on SP292105	Reconfiguring a Lot - Subdivision (1 into 28 lots, drainage area and balance lot)	In decision making stage.				
DA/17/0011	18/04/2017	MH McDougall 8579 Mulligan Highway, Desailly	Lot 191 on SP284408	Reconfiguring a Lot - Subdivision (1 into 23 lots)	Not properly made stage.				
DA/17/0012	18/04/2017	M & G Crushing and Materials Pty Ltd Narcotic Creek Road, Mareeba	Lot 2 on RP733458 & Lot 247 on NR1876	Material Change of Use - Extractive Industry	In acknowledgement stage.				
DA/17/0013	20/04/2017	Mareeba District Rodeo Assoc Inc 614 Mareeba- Dimbulah Road, Mareeba	Lot 314 on NR5792	Material Change of Use - Food and Drink Outlet	Approved on 26 April 2017.				
DA/17/0014	27/04/2017	W & R Blundell & N & N Morris 31B Anzac Avenue, Mareeba	Lot 30 on CP897015	Reconfiguring a Lot - Community Titles Scheme	Approved on 26 April 2017.				
OW/17/0001	7/04/2017	BTM & S Stankovich Pty Ltd Karobean Drive, Mareeba	Lot 200 on SP292105	Operational Works - Roadworks, Stormwater, Water Infrastructure, Drainage, Earthworks, & Sewerage Infrastructure	In decision making stage.				

April 2017 (Regional Land Use Planning)



Decision Notices issued under Delegated Authority									
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type				
DA/17/0004	12/04/2017	B Stevenson	2-18 Haren Street, Mareeba	Lot 157 on NR5658	Reconfiguring a Lot - Subdivision (1 into 2 lots)				
DA/16/0057	13/04/2017	Bright Acquisitions Pty Ltd & L Miller	99 Leonardi Road & 186 Tinaroo Creek Road, Mareeba	Lot 4 on SP108027 & Lot 560 on NR6544	Reconfiguring a Lot - Boundary Realignment and Easement				
DA/17/0005	26/04/2017	V & E Falvo	101-105 Byrnes Street, Mareeba	Lot 406 on M3563	Material Change of Use - Indoor Sport and Recreation (Gymnasium)				
DA/17/0013	DA/17/0013 26/04/2017		614 Mareeba- Dimbulah Road, Mareeba	Lot 314 on NR5792	Material Change of Use - Food and Drink Outlet				

Extensions to Relevant Period issued									
Application #	Date of Decision	Applicant	Address	Property Description	Application Type				
DA/12/0040	11/04/2017	S Girgenti	232 Byrnes Street, Mareeba	Lot 78 on SP152626	Reconfiguring a Lot - Subdivision (1 into 9 lots) - extension of two (2) years to 13 April 2019.				

Building Work assessable against the Planning Scheme Decision Notices issued under Delegated Authority									
Application #	Date of Decision	Applicant	Address	Property Description	Application Type				
BAP/17/0004	10/04/2017	T, D & Y Blake	8 Debel Close, Mareeba	Lot 6 on RP903630	Application for Class 10a shed - building work assessable under Flood Hazard Overlay and Emerging Communities				

April 2017 (Regional Land Use Planning)



					Zone Code.
BAP/17/0005	20/04/2017	M & K Towne	5 Margherita Close, Mareeba	Lot 610 or NR7409	Application for non-compliant gross floor area for class 10a shed.

Survey Plans endorsed									
Application #	Date	Applicant	Address	Property Description	No of Lots				
DA/17/0014	26/04/2017	W & R Blundell & N & N Morris	31B Anzac Avenue, Mareeba	Lot 30 on CP897015	2 lots and common property				

April 2017 (Regional Land Use Planning)





# **GOVERNANCE AND COMPLIANCE**

ITEM-6 DELEGATIONS UPDATE - MAY 2017

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Manager Development and Governance

**DEPARTMENT:** Corporate and Community Services

#### **EXECUTIVE SUMMARY**

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

#### OFFICER'S RECOMMENDATION

"That:

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

### **BACKGROUND**

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

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

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



#### Limitations to the Exercise of Power

All delegations are made subject to the following limitations:

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

#### LINK TO CORPORATE PLAN

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

#### **CONSULTATION**

Internal
Director Corporate and Community Services

External MacDonnells Law

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

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

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

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

### **POLICY IMPLICATIONS**

Nil



# **FINANCIAL & RESOURCE IMPLICATIONS**

*Capital* Nil

Operating Nil

# IMPLEMENTATION/COMMUNICATION

Nil

# **ATTACHMENTS**

1. Instruments of Delegation

Date Prepared: 2 May 2017



# **INSTRUMENT OF DELEGATION**

## Mareeba Shire Council Land Act 1994

Under section 257 of the *Local Government Act 2009*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Instrument of Delegation Land Act 1994



# Schedule 1

# Land Act 1994 ("LANA")

## **CHAPTER 1 - PRELIMINARY**

#### Part 4 - Tidal and non-tidal boundaries and associated matters

Entity power given to	Section of LANA	Description
Registered owner	12(3)	Power to suitably indicate where the boundaries of land are across a surface of water.
Registered owner	12(4)	Power to regulate or prohibit the use or movement of ships in or over water above inundated land.
Owner	13A(4)	Power to:  (a) exercise a right of access for the owner, the owner's family, executive officers, employees, agents and stock over the adjacent area of the watercourse or lake that is the property of the State that adjoins the owner's land; and  (b) exercise a right of grazing for the person's stock over the adjacent area; and  (c) bring an action against a person who trespasses on the adjacent area.
Adjacent Owner	13AC(1)(a)	In certain circumstances, power to consent to the dedication of a reserve.
Applicant	13B(1)	In certain circumstances, power to apply to the Chief Executive to have watercourse land adjoining the relevant land's non-tidal boundary declared to be former watercourse land.
Applicant	13B(2)	Power to give notice of a person's intention to make the application.
Applicant	13B(6)	Power to appeal against the refusal of the application.

### **CHAPTER 2 - LAND ALLOCATION**

## Part 1 - Allocation powers

Entity power given to	Section of LANA	Description
Registered owner	18(1)	Power to reach agreement with the Governor in Council to grant unallocated State land in exchange for all or part of freehold land.
Lessee of a freeholding lease	18(2)	Power to reach agreement with the Governor in Council to grant a freeholding lease in exchange for all or part of a freeholding lease.
Lessee of a term lease	18(3)	Power to enter into agreement with the Minister to lease unallocated State land.

#### Part 2 - Reservations

Entity power given to	Section of LANA	Description
Person	23A(1)	Power to apply to Minister for the allocation of a floating reservation.
Person	23A(6)	Power to appeal against a Minister's decision.

Instrument of Delegation Land Act 1994



Registered owner or lessee	24(3)	Power to apply to the Minister to buy the land.
Registered owner or lessee	25(2)	Power to appeal against the unimproved value of land.
Registered owner or Trustee	26(2)	In certain circumstances, power to agree with the Minister in respect to the specified matters when the Minister is deciding the boundaries of land being resumed.
Lessee, registered owner or trustee	26(4)	Power to appeal against the Minister's decision on the boundaries.
Lessee or registered owner	26B(8)	Power to appeal against the value decided by the Minister for the commercial timber.

# CHAPTER 3 - RESERVES, DEEDS OF GRANT IN TRUST AND ROADS

# Part 1 - Reserves and deeds of grant in trust

#### Division 2 - Reserves

Entity power given to	Section of LANA	Description
Any person	31C(1)	Power to apply to the Minister for the dedication of a reserve.
Any person	31C(2)	Power to give notice of the person's intention to make the application to:  (a) if the person is not the proposed trustee of the reserve - the proposed trustee; and  (b) each person with a registered interest in the unallocated State land over which a reserve is proposed to be dedicated.
Any person	31C(3)	Power to give notice to any other person that the person considers has an interest in the unallocated State land over which the reserve is proposed to be dedicated.
Trustee of a reserve	31D(1)	Power to apply to the Minister:  (a) to change the boundaries of the reserve; or  (b) to change the purpose for which the reserve is dedicated.
Trustee of a reserve	31D(2)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of a reserve	31D(3)	Power to give notice to any other person the trustee considers:  (a) has an interest in the reserve; or  (b) would have an interest in the reserve if the boundaries of the reserve or the purpose for which the reserve is dedicated were changed.
Any person	34(1)	Power to apply for the revocation of the dedication of all or part of a reserve.
Any person	34(2)	Power to give notice of the person's intention to make the application to:  (a) if the person is not the trustee of the reserve - the trustee of the reserve; and  (b) each person with a registered interest in the reserve.
Any person	34(3)	Power to give notice to any other person that the person considers has an interest in the reserve.

Instrument of Delegation Land Act 1994



Local government	34H(1)	Power to apply to the Minister to remove improvements from a revoked reserve.
Trustee of an operational reserve	34l(1)	In certain circumstances, power to apply for the issue of a deed of grant over a reserve.
Trustee of an operational reserve	34l(3)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of an operational reserve	34I(4)	Power to give notice to any other person the trustee considers has an interest in the reserve.

# Division 3 - Deeds of grant in trust

Entity power given to	Section of LANA	Description
Trustee of deed of grant in trust	38A(1)	Power to apply: (a) for an additional community purpose to be notified; or (b) to amalgamate land with common purposes.
Any person	38A(2)	Power to apply for the cancellation of a deed of grant in trust.
Applicant	38A(3)	Power to give notice of the applicant's intention to apply to each of the following:  (a) the trustee of the deed of grant in trust, other than the applicant  (b) each person with a registered interest in the trust land.
Applicant	38A(4)	Power to give notice to any other person the applicant considers has an interest in the trust land.
Owner of improvements on a deed of grant in trust that has been cancelled	38G(1)	Power to apply to the Minister to remove the owner's improvements on a deed of grant in trust.

# Division 5 - Appointments, functions and removal of trustees

Entity power given to	Section of LANA	Description
Proposed trustee	44(4)	Power to provide written acceptance of appointment as trustee.
Trustee	48(1)(a)	Power to apply for the approval of a management plan for the trust land.
Trustee	49	In certain circumstances, power to:  (a) allow the auditor general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the Chief Executive of a Department, to audit the trust's financial accounts; and  (b) help the conduct of the audit, including a disclosure of the financial institution accounts necessary for the audit.



#### Division 6 - Powers of trustee

Entity power given to	Section of LANA	Description
Trustee	52(1)	Power to take all action necessary for the maintenance and management of the trust land.
Trustee of trust land	52(5)	Power to apply for the approval of an action that is inconsistent with the purpose for which the reserve was dedicated or the land was granted in trust ( <i>inconsistent action</i> ).
Trustee	55(1)	Power to surrender all or part of a deed of grant in trust:  (a) on terms agreed to between the Minister and the trustee; and  (b) with the Minister's written approval.
Trustee of a deed of grant in trust	55A(1)	Power to apply to surrender all or part of a deed of grant in trust.
Trustee of a deed of grant in trust	55A(2)	Power to give notice of the trustee's intention to apply to each person with a registered interest in the deed of grant in trust.
Trustee of a deed of grant in trust	55A(3)	Power to give notice to any other person the trustee considers has an interest in the deed of grant in trust.
Owner of improvement s on a deed of grant in trust that has been surrendered	55H(1)	Power to apply to remove the owner's improvements on a surrendered deed of grant in trust.

## Division 7- Trustee leases and trustee permits

Entity power given to	Section of LANA	Description
Trustee	, ,	In certain circumstances, power to allow a trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.

## Division 10 - Cemeteries

Entity power given to	Section of LANA	Description
Local	82	Power to:
government		(a) agree to have the trusteeship of a cemetery transferred; and
		<ul> <li>agree to conditions of the transfer of trusteeship.</li> </ul>

## Division 11 - Other grants for public purposes

Entity power given to	Section of LANA	Description
Trustee of land granted for an estate in fee simple for some	84(1)	In certain circumstances, power to apply to the Minister to surrender land to the State and for the issue of a deed in grant in trust under the Land Act 1994 for a community or public purpose.

Instrument of Delegation Land Act 1994



community, public or	
similar	
purpose	

## Part 2 - Roads

#### Division 1 - Dedicating and opening roads

Entity po	Section of LANA	Description
Person	94(2)	Power to apply for the dedication of a road for public use.

#### Division 2 - Closing roads

Entity power given to	Section of LANA	Description
Public utility provider or adjoining owner for the road	99(1)	Power to apply for the permanent closure of a road.
Adjoining owner for the road or, in certain circumstances, another person	99(3)	In certain circumstances, power to apply to the Minister for the temporary closure of a road.
Adjoining owner	99(4)	Power to ask for the road, on its closure, to be amalgamated with the adjoining owner's adjoining land.
Adjoining owner for the road	99(6)	In certain circumstances, power to ask in the application that, on the closure of the road, the road, the adjoining land and the other land be amalgamated.

## Division 4 - Permanently closed roads

Entity power given to	Section of LANA	Description
Registered owner	109A(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Registered owner	109A(3)	Power to appeal against any conditions the Minister imposes under section 4201.
Trustee or Lessee	109B(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Trustee	109B(4)	Power to appeal against any conditions the Minister imposes under section 4201.



## **CHAPTER 4 - LAND HOLDINGS**

# Part 1 - Making land available

Entity power given to	Section of LANA	Description
Any person	120A(1)	Power to apply for an interest in land without competition.
Proposed lessee	136(5)	Power to enter into a land management agreement.
Buyer or previous lessee	140(1)	Power to negotiate the provisional value (negotiated value).
Buyer or previous lessee	140(2)	Power to give written agreement to the negotiated value becoming the amount to be paid for the improvements.
Buyer or previous lessee	140(4)	Power to make application to the Court to decide the value.

## Part 3 - Leases

Entity power given to	Section of LANA	Description
Lessee	154(1)	Power to apply to the Minister for a lease to be used for additional or fewer purposes.
Lessee	155A(2)	Power to apply to extend a lease.
Lessee	155B(2)	Power to apply to extend a lease.
Lessee	155BA(2)	Power to apply to extend a lease.
Lessee	155DA(4)	Power to make written submissions to the Minister.
Lessee of term lease	158(1)	Power to apply for an offer of a new lease unless the condition of the lease or the Land Act 1994 prohibits a renewal.
Applicant	160(3)	Power to appeal against the Chief Executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.
Lessee	164C(1)	Power to make an extension application.
Lessee	164C(7)	Power to appeal against the Minister's decision.
Lessee	164H(1)(b)	Power to advise the Chief Executive and agree to the lease becoming a rolling term lease.
Lessee	166(1)	Power to make a conversion application.
Applicant	168(5)	Power to appeal against the Chief Executive's decision to refuse the conversion application if the only reason for the refusal is that the applicant had not fulfilled the conditions of the lease.
Lessee	169(a)	Power to enter into a conservation agreement.
Lessee	169(b)(i)	Power to enter into a forest consent agreement in relation to the land.
Lessee	176(1)	Power to apply for approval to subdivide a lease.
Applicant	176E	In certain circumstances, power to appeal against a decision.
Lessee of two or more	176K(1)	In certain circumstances, power to apply for approval to amalgamate existing

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leases		leases.
Applicant	176Q	In certain circumstances, power to appeal against a decision that is given to an Applicant.
Lessee	176UA(2)	Power to enter into a land management agreement.
Lessee	176XA	Power to agree with the Minister to cancel the land management agreement registered on a lease.

## Part 4 - Permits to occupy particular land

i ait 4	i cilillo to	occupy particular land
Entity power given to	Section of LANA	Description
Any person	177A(1)	Power to apply for a permit to occupy unallocated State land, a reserve or road.
Any person	177A(2)	Power to give notice of the person's intention to apply to the following and to any other entity with a registered interest in the proposed permit land:  (a) for a permit for a reserve – the trustee of the reserve; or  (b) for a permit for a State-controlled road – the Chief Executive of the department in which the Transport Infrastructure Act 1994 is administered.
Registered owner	179(2)	In certain circumstances, power to agree with an applicant for a permit on conditions about the maintenance of a boundary fence.
Permittee	180(2)	Power to surrender a permit:  (a) on terms agreed between the Chief Executive Officer and the permittee; and  (b) with the Chief Executive's written approval.
Relevant entity for a permit	180A(1)	Power to apply to cancel a permit.
Relevant entity for a permit	180A(2)	Power to give notice of the entity's intention to apply to:  (a) the permittee; and  (b) any other entity with a registered interest in the permit land.
Relevant entity for a permit	180A(4)	Power to give notice to any other entity the relevant entity considers has an interest in the permit land.
Permittee	180A(5)	Power to apply to surrender a permit.
Permittee	180H(1)	Power to apply to the Chief Executive to remove improvements on permit land.

#### **CHAPTER 5 - MATTERS AFFECTING LAND HOLDINGS**

### Part 2 - Conditions

# Division 3 - Changing and reviewing imposed conditions

Entity power given to	Section of LANA	Description
Lessee, licensee or permittee	210(1)	Power to agree to a change of an imposed condition of the lease, licence or permit.
Lessee, licensee or	210(2)	Power to apply to change conditions of a lease, licence or permit under section 210(1).

Instrument of Delegation Land Act 1994



permittee		
Lessee	212(1)	Power to agree to change an imposed condition about the protection and sustainability of lease land.
Lessee	212(3)	In certain circumstances, power to appeal against a decision.

## Division 3A - Regulated conditions

Entity power given to	Section of LANA	Description
Lessee of a lease		Power to agree with the designated officer for the lease about matters stated in section 212B(5)(a) and (b).

#### Division 5 - Remedial action

Entity power given to	Section of LANA	Description
Lessee	214(3)	Power to enter into an amended or a new land management agreement upon receipt of a remedial action notice.
Lessee or Licensee	214A(4)	Power to make written submissions to the Minister in response to a warning notice.
Lessee	214F(3)	Power to appeal against a decision.

## Part 3 - Resumption and compensation

## Division 2 - Resumption of a lease under a condition of the lease

Entity power given to	Section of LANA	Description
Lessee	226(5)	Power to appeal against the Minister's decision.

#### Division 3 - Resumption of a reservation for a public purpose

Entity power given to	Section of LANA	Description
Owner of the improvement	232(5)	Power to appeal against the Minister's decision.

## Part 4 - Forfeiture

#### Division 2A - Forfeiture of leases by referral to court or for fraud

Entity power given to	Section of LANA	Description
Relevant local government	239(4)	Power to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.

#### Division 3A - Sale of lease instead of forfeiture

Entity power given to	Section of LANA	Description
Lessee	240E(1)	Power to make a written application for permission to sell the lease.
Relevant local	240G(1)	Power to apply to the Minister for approval to sell a lease.

Instrument of Delegation Land Act 1994



government		
Local government	2401(3)	Power to start the process of selling a lease under this subdivision within the required period stated in the notice under section 240H(2).
Local government	2401(4)	Power to set a reserve price for the sale of the lease by auction, or a price for the sale of the lease under an agreement, that is at least the total of all charges owing to the State under the Land Act 1994 relating to the lease.
Lessee of a forfeited lease	243(1A)	Power to apply to remove the lessee's improvements on the lease.

## **CHAPTER 6 - REGISTRATION AND DEALINGS**

## Part 3 - Documents

#### Division 2 - Documents forming part of standard terms documents

Entity power given to	Section of LANA	Description
Person	321(1)	Power to ask the Chief Executive to withdraw a registered standard terms document.

# Part 4 - Dealings affecting land

# Division 1 - Transfers

Entity power given to	Section of LANA	Description
Lessee, licensee or the holder of a sublease	322(1B)	Power to apply for approval to transfer a lease, licence or sublease.
Transferor	322(6)	Power to appeal against the Minister's decision.

## Division 2 - Surrender

Entity power given to	Section of LANA	Description
Registered owner	327	Power to agree to terms of the absolute surrender of freehold land.
Lessee	327A	Power to agree to terms of the absolute or conditional surrender of all or part of a lease.
Registered owner of freehold land	327B	Power to apply to surrender freehold land.
Lessee	327C(1)	Power to apply to surrender all or part of a lease.
Lessee	327C(2)	Power to give notice of the lessee's intention to apply to any other person with a registered interest in the lease.
Lessee	327C(3)	Power to give notice to any other person the lessee considers has an interest in the lease.
Owner of improvements on a lease that has been	3271(1)	Power to apply to remove improvements on surrendered lease.

Instrument of Delegation Land Act 1994



surrendered		
Any grantee of an easement or profit a prendre	330(c)	Power to give written approval to the surrender where the grantee's interests will be adversely affected.

## Division 3 - Subleases

Entity power given to	Section of LANA	Description
Person	332(1)(a)(i)	The power to seek the Minister's written approval to the sublease.
Sublessor	332(8)	Power to appeal against a Minister's decision.
Sublessor	339(1)	Power to lodge a request for the Chief Executive to register the re-entry.

#### Division 3A - Mediation for disputes about terms of particular subleases

Entity power given to	Section of LANA	Description
Party to a sublease	339B(1)	Power to ask the Chief Executive to refer a dispute to mediation.
Party to a sublease	339B(3)(a) (i)	Power to agree on a person to conduct the mediation.
Party to a sublease	339B(3)(b)	Power to decide the way in which the mediation is to be conducted.
Party to a sublease	339B(3)(c)	Power to participate in mediation on behalf of the local government.

## Division 7 - Correcting and changing deeds of grant and leases

Entity power given to	Section of LANA	Description
Registered owner or Trustee	358(1)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust.
Registered owner or Trustee	358(2)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust with the Minister's written approval.
Lessee or a person acting for the lessee	360C(1)	In certain circumstances, power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d).
Lessee or a person acting for the lessee	360C(2)	Power to apply to amend the description in a term lease, other than a State lease, or a perpetual lease if the description of the lease may be amended under section 360A(2)(a), (b) or (c).
Lessee or a person acting for the lessee	360C(3)	Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).
Applicant	360D(2)	Power to give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.
Applicant	360D(3)	Power to give notice to any other person the applicant considers has an interest in the lease.

Instrument of Delegation Land Act 1994



#### Division 8 - Easements

Entity power given to	Section of LANA	Description
Trustee	368(2)(a)	In certain circumstances, power to ask the Chief Executive to extinguish an easement.
Owner of land or public utility provider	371(2)	In certain circumstances, power to sign a document of surrender
Person who has a registered interest in the land	371(3)	Power to agree to surrender an easement.

## Division 8A - Covenants

Entity power given to	Section of LANA	Description
Person	373B(1)(a)	Power to sign a document creating a covenant.
Person	373C(2)(a)	Power to sign a document amending the covenant.
Covenantee	373D(2)	Power to sign a document releasing the covenant.

#### Division 8B - Profits a prendre

	Entity power given to	Section of LANA	Description
l	_essee	373L(a)	Power to ask the Chief Executive to extinguish the profit a prendre.

#### Division 11A - Caveats

Entity power given to	Section of LANA	Description
Caveatee	389H(1)	Power to apply to the Supreme Court for an order that a caveat lodged under this division be removed.

## **CHAPTER 7 - GENERAL**

### Part 2 - Unlawful occupation of non-freehold and trust land

# Division 3 - Action by lessee, licensee, permitee or trustee

Entity power given to	Section of LANA	Description
Trustee, lessee, licensee, or permittee	415(1)	In certain circumstances, power to start a proceeding in the Magistrates Court.



#### Division 4 - Court matters

Entity power given to	Section of LANA	Description
Party	420	Power to appeal to the District Court on a question of law if dissatisfied with a trespass order.

## Part 2A - General provisions for applications

Entity power given to	Section of LANA	Description
Entity	420CB(1)	Power to make a submission against the proposed application to:
		<ul> <li>(a) the person who gave the entity the notice; or</li> </ul>
		(b) the Chief Executive.

### Part 3 - Review of decisions and appeals

## Division 2 - Internal review of decisions

Entity power given to	Section of LANA	Description
Person who has a right of appeal against an original decision	423	Power to apply to the Minister for a review of the decision.
Applicant	425(1)	Power to apply for a stay of the decision to the Court.

# Division 3 - Appeals

Entity power given to	Section of LANA	Description
A person who has applied for the review of a decision under division 2	427	Power to appeal to the Court if dissatisfied with the review decision.

## Part 3B - Making land available for public use as beach

Entity power given to	Section of LANA	Description
Local government	431V(3)	Power to consult with the owner of the lot.
Manager	431W(6)(a)	Power to authorise an officer or employee of the manager of a declared beach area, to enter the area at any time without notice to any other person.
Manager	431X(1)(b) (ii)	Power to authorise or direct a person acting in the performance of functions or powers.



#### Part 4 - Miscellaneous

Entity power given to	Section of LANA	Description
Offeree	442(4)	In certain circumstances, power to apply to the person who made the offer to extend the time stated in the offer or that otherwise applies under subsection (1).
Offeror	442(9)	Power to amend the offer by changing the price or premium to a price or premium decided by the offeror in the way prescribed by regulation.

#### **CHAPTER 8 - CONTINUED RIGHTS AND TENURES**

# Part 5 - Licences and permits

## Division 1 - Occupation licences

Entity power given to	Section of LANA	Description
Licensee	481A	Power to surrender, absolutely, all or part of an occupation licence:  (a) on terms agreed to between the Minister and the licensee;  (b) and with the Minister's written approval.
Public utility provider (an <b>applicant</b> )	481B(1)	Power to apply to cancel all or part of an occupation licence.
Licensee (an applicant)	481B(3)	Power to apply to surrender, absolutely, all or part of an occupation licence.
Applicant	481B(4)	Power to give notice of the applicant's intention to apply to each of the following:  (a) if the applicant is not the licensee of the occupation licence – the licensee;  (b) any other person with a registered interest in the occupation licence;  (c) if the occupation licence is a designated occupation licence – the Chief Executive of the department having responsibility for the administration of the forest reserve, national park, State forest or timber reserve the subject of the designated occupation licence.
Applicant	481B(5)	Power to give notice to any other person the applicant considers has an interest in the occupation licence.
Licensee of occupation licence	481J(1)	Power to apply to remove licensee's improvements on a licence.

### Part 7 - Tenures under other Acts

#### Division 1 - Sale to Local Authorities Land Act 1882

Entity power given to	Section of LANA	Description
Local government		In certain circumstances, power to apply to exchange a conditional deed for a reserve or deed of grant in trust with Council as trustee or a lease issued under the Land Act 1994.



#### **CHAPTER 9 - TRANSITIONAL AND REPEAL PROVISIONS**

# Part 1K - Transitional provisions for Land, Water and Other Legislation Amendment Act 2013

Entity power given to	Section of LANA	Description
Lessee	521ZE(2)	Power to apply in writing to the Minister for the cancellation of the land management agreement for the lease.

## Part 1M - Transitional provisions for Land and Other Legislation Amendment Act 2014

Entity power given to	Section of LANA	Description
Lessee of a lease	521ZL(2)	Power to agree to the renewal application being treated as an extension application and advise the Chief Executive of same.
Lessee of a lease	521ZM(2)	Power to advise the Chief Executive that the lessee wishes the lease to become a rolling term lease.



Schedule 2

#### Limitations to the Exercise of Power

- Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
- 2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
- 3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
- 4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
- 5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
- 6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 03 30 - LANA - Delegation Instrument - Mareeba]



# **INSTRUMENT OF DELEGATION**

## Mareeba Shire Council Land Title Act 1994

Under section 257 of the *Local Government Act 2009*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Instrument of Delegation Land Title Act 1994 Current as at 30 March 2017

1



# Schedule 1

# Land Title Act 1994 ("LATA")

## Part 4 - Registration of land

## Division 3 - Plans of subdivision

Entity power given to	Section of LATA	Description
Registered owner	50(1)(b)(i)	Power to include a statement agreeing to the plan and dedicating the public use land.

## Division 3A - Dedication of road by notice

Entity power given to	Section of LATA	Description
Registered owner	54(1)	Power to sign and lodge for registration a dedication notice.

## Part 6 - Dealings directly affecting lots

# Division 1 - Transfers

Entity power given to	Section of LATA	Description
Local government	60(1)	Power to sign and lodge for registration an instrument of transfer for a lot or interest.

### Division 2 - Leases

Entity power given to	Section of LATA	Description
Local government	64	Power to sign and lodge for registration an instrument of lease for a lot or part of a lot.
Local government	67(1)	Power to sign and lodge an instrument of amendment of the lease.
Lessor	68(1)	Power to sign and lodge a request for the registrar to register the re-entry.
Lessor or Lessee	69(1)	Power to execute and lodge for registration an instrument of surrender.

# Division 4 - Easements

Entity power given to	Section of LATA	Description
Local government	82(1)	Power to sign and lodge for registration an instrument of easement.
Registered owner / Lessee / Person entitled to land / Public Utility	83(1)(b)	Power to sign an instrument of easement.

Instrument of Delegation Land Title Act 1994



Provider		
Local government	83(2)(b)	In certain circumstances, power to approve a plan of survey.
Registered owner	87(a)	Power to ask the registrar to extinguish the easement.
Local government	90(1)	Power to sign and lodge for registration an instrument of surrender of an easement.
Local government	91(1)	Power to sign and lodge for registration an instrument of amendment of the easement.

## Division 4AA - High-density development easements

Entity power given to	Section of LATA	Description
Owner of the benefitted lot	95(7)(c)	Power to give written consent to an owner of a burdened lot to remove, change or otherwise interfere with any support.
Owner of the benefitted lot	96A(5)	Power to provide written consent to an owner of a burdened lot to remove, change or otherwise interfere with any projection.
Owner of the benefitted lot	96C(6)	Power to provide written consent to an owner of a burdened lot to:  (a) remove, change or otherwise interfere with the roof water drainage structure; or  (b) obstruct or otherwise interfere with the flow of water through the structure.

#### Division 4A - Covenants

Entity power given to	Section of LATA	Description
Local government	97A(1)	Power to sign and lodge for registration an instrument of covenant.
Local government	97C(1)	Power to sign and lodge for registration an instrument of amendment of the covenant.
Local government	97D(1)	Power to sign and lodge for registration an instrument releasing a covenant.

# Division 4B - Profits a prendre

Entity power given to	Section of LATA	Description
Local government	97E	Power to sign and lodge for registration an instrument of profit a prendre.
Local government	97K(1)	Power to sign and lodge for registration an instrument of amendment of the profit a prendre.

## Division 4C - Carbon abatement interests

#### Subdivision 2 - Creation and registration

	Entity power given to	Section of LATA	Description
- 1	Local government	97O(1)(a)	Power to sign and lodge for registration an instrument of carbon abatement interest.

Instrument of Delegation Land Title Act 1994



Holders of the registered interests in	1 /	Power to consent to the proposed grant of a carbon abatement interest.
the land		

## Subdivision 3 - Amendments and dealings

Entity power given to	Section of LATA	Description
Local government	97S(1)	Power to sign and lodge for registration an instrument of amendment of a carbon abatement interest.

#### Division 5 - Application by adverse possessor

,,		
Entity power given to	Section of LATA	Description
Person who claims an interest in the lot	104	Power to sign and lodge a caveat.
Caveator	105(2)	Power to: (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice to the registrar, in the way the registrar requires, that the proceeding has started.
Caveator	106	Power to seek leave of the Supreme Court to lodge a further caveat.
Caveator	107(2)	Power to start a proceeding in the Supreme Court to recover a lot.
Applicant	108A(2)	Power to sign a plan of subdivision.

## Part 7 - Other dealings

# Division 1 - Writs of execution

Entity power given to	Section of LATA	Description
Local government	116	Power to sign and lodge a request to register a writ of execution.

### Division 2 - Caveats

Entity power given to	Section of LATA	Description
Caveator	121(1)	Power to sign a caveat.
A person mentioned in s. 122(1)	122(1)	Power to lodge for registration a caveat.
Caveator	124(2)(b)	Power to consent to the registration of an instrument.
Caveator	125	Power to sign and lodge for registration a request to withdraw a caveat.
Caveatee	126(2)	Power to serve a notice requiring the caveator to start a proceeding in a Court of competent jurisdiction to establish the interest claimed under the caveat.
Caveator	126(4)	Power to start a proceeding and notify the registrar in the way described in section 126(4).

Instrument of Delegation Land Title Act 1994



Caveatee	127(1)	Power to apply to the Supreme Court for an order that a caveat be removed.
Caveator or caveatee	128(1)	Power to sign and lodge for registration a request to cancel a caveat.

#### Part 7A - Settlement notice

Entity power given to	Section of LATA	Description
Transferee	139(1)	Power to sign a settlement notice.
Transferee	140(1)	Power to deposit a settlement notice.
Transferee	141(2)(b)	Power to consent to the registration of an instrument.
Transferee	142	Power to sign and deposit a request to withdraw a settlement notice.
An affected person	144(1)	Power to apply to the Supreme Court for an order that a settlement notice be removed.

#### Part 7A - Priority notices1

Entity power given to	Section of LATA	Description
Person	139(1)	Power to deposit a priority notice.
Person	139(2)	Power to sign a priority notice.
Person	141(1)	Power to deposit an extension request
Person	141(2)	Power to sign and extension request
Person	143(1)	Power to deposit a request to withdraw a priority notice.
Person	143(2)	Power to sign a request to withdraw a priority notice.
An affected person	144(1)	Power to apply to the Supreme Court for an order that a priority notice be removed.
Person	145(1)(a)	Power to deposit a request to cancel a priority notice.

## Part 8 - Instruments

### Division 2 - Standard terms documents forming part of instruments

Entity power given to	Section of LATA	Description
Local government	169(1)	Power to lodge a standard terms document and lodge a further standard terms document amending the standard terms document.
Local government	172(1)	Power to ask the registrar to withdraw a registered standard terms document.

Instrument of Delegation Land Title Act 1994

The following changes to Part 7A (Priority notices) which are shown in italics have been introduced following the enactment of the Land and Other Legislation Amendment Act 2017, but they are not yet in effect, and will only come into effect on a date to be fixed by proclamation. When these changes come into effect, the existing Part 7A (Settlement notice) will be replaced.



Schedule 2

#### Limitations to the Exercise of Power

- Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
- 2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
- 3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
- 4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
- 5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
- 6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 03 30 - LATA - Delegation Instrument - Mareeba]



# **INSTRUMENT OF DELEGATION**

## Mareeba Shire Council Tattoo Industry Act 2013

Under section 257 of the *Local Government Act 2009*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Instrument of Delegation Tattoo Industry Act 2013 Current as at 9 March 2017

1



# Schedule 1

# Tattoo Industry Act 2013 ("TAIA")

# Part 7 - General

Entity power given to	Section of TAPA	Description
Relevant agency	61(1)	Power to enter into an arrangement (an <i>information-sharing arrangement</i> ) with the chief executive.



Schedule 2

#### Limitations to the Exercise of Power

- Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
- 2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
- 3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
- 4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
- 5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
- The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 03 09 - TAIA - Delegation Instrument - Mareeba]



# **INSTRUMENT OF DELEGATION**

# Mareeba Shire Council Water Act 2000

Under section 257 of the *Local Government Act 2009*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Instrument of Delegation Water Act 2000

Current as at 1 March 2017

1



Schedule 1

# Water Act 2000 ("WATA")

#### CHAPTER 2 - MANAGEMENT AND ALLOCATION OF WATER

#### Part 1 - Water Rights

Division 3 - Restricting Use of Water

## Subdivision 2 - Moratorium Notices

Entity power given to	Section of WATA	Description
Owner	33(2)(b)	In certain circumstances, power to apply to the Minister for an extension of the completion date.

#### Part 2- Water Planning

#### Division 3 - Water Plans

Entity power given to	Section of WATA	Description
Entity	46(2)(c)	Power to make submission about the draft plan.
Entity	54(2)(c)	Power to make submission about intended postponement.

#### Division 4 - Water Use Plans

Entity power given to	Section of WATA	Description
Entity	61(2)(c)	Power to make submissions about draft plan.

## Division 6 - Water Entitlement Notice

Entity power given to	Section of WATA	Description
Entity	72(2)(c)	Power to make submissions about draft notice.
Proposed Water Allocation Holder	73(1)(a)	In certain circumstances, power to give notice to the Chief Executive.
Existing Interest Holder	73(1)(b)	Power to give notice.
Interest Holder	73(1)(c)	In certain circumstances, power to give notice.
Proposed Water Allocation Holder	73(1)(c)	Power to give consent.



# Part 3 - How State authorises take or interference with Water

# Division 1 – Statutory Authorisation to take or interfere with water

# Subdivision 1 – Authorisations that may not be limited by water planning instruments

Entity power given to	Section of WATA	Description
Constructing Authorities/ Water Service Provider	99(1)	Power to take water to operate public showers or toilets.
Constructing Authority	99(2)	In certain circumstances, power to take water to construct or maintain infrastructure, and power to comply with any conditions attaching to that take.

# Subdivision 2 – Authorisations that may be limited by water planning instrument or regulation

Entity power given to	Section of WATA	Description
Person	101(1)	In certain circumstances, power to take or interfere with water.
Person	102(1)	In certain circumstances, power to take or interfere with water.
Person	102(3)	In certain circumstances, power to take or interfere with water.

## Division 2 - Water licences

### Subdivision 2 - Obtaining a water licence

Entity power given to	Section of WATA	Description
Prescribed Entity	107(4)	Power to apply for a water licence.
Entity specified in section 108(1)(a)-(c)	108(1)	Power to apply for a transmission water licence.
Applicant	112(3)	Power to:  a) publish information in a specified way; and b) publish a notice.
Applicant	112(6)	Power to give the Chief Executive evidence of the publication.

## Subdivision 4 - Dealings with water licences

•		
Entity power given to	Section of WATA	Description
Licensee	121(1)	Power to apply for one or more dealings with a water licence
Applicant	123(2)	Power to give notice of the application to certain entities.
Applicant	123(5)	Power to give the Chief Executive a copy of the notice.
Entity	134(4)	Power to make a submission about the proposed amendment of a water licence

Instrument of Delegation Water Act 2000



Licensee	136(1)	Power to surrender a water licence.
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#### Division 3 - Water Permits

Entity power given to	Section of WATA	Description
Person	137(1)	Power to apply for a water permit

#### Division 4 - Water Allocations

# Subdivision 2 - Converting Water entitlements and granting water allocations

Entity power given to	Section of WATA	Description
Allocation Holder/ Resource Operations Licence Holder	146(2)	Power to enter into a supply contract for the allocation.
Allocation Holder/ Resource Operations Licence Holder	147(4)	Power to enter into a supply contract for the allocation.
Licence Holder	149	Power to require allocation holder to give reasonable security for supplying and storing the allocation.
Licence Holder	154(2)	Power to agree the obligation has been satisfied
Licence Holder	154(3)	Power to give the Chief Executive notice in the approved form.
Allocation Holder	155(2)	Power to give the transferee or lessee under the contract a disclosure statement and an acknowledgement notice.
Holder of Distribution Operations Licence	155(3)(b)	Power to prepare specified document and give the document to the allocation holder.
Holder of Distribution Operations Licence	155(4)	Power to ensure the matters stated in the document mentioned in subsection 3(b) are the matters that the transferee or lessee reasonably need to be aware of before entering into a contract.
Transferee or Lessee	155(5)	Power to terminate the contract.

# Subdivision 3 - Dealings with water allocations

Entity power given to	Section of WATA	Description
Water Allocation Holder	157(1)	Power to give Chief Executive a notice of the proposed transfer or lease.
Water	159(1)	Power to apply to the Chief Executive for a water allocation dealing other than

Instrument of Delegation Water Act 2000



Allocation Holder		a transfer or lease, under the water allocation dealing rules.
Water Allocation Holder	161(1)	Power to lodge a Certificate with the Registrar.
Water Allocation Holder	162(1)	Power to agree to surrender a water allocation.
Holder of the Licence	162(2)	Power to consent to the surrender.
Holder of a Resource Operations Licence or Distribution Operations Licence	161(3)	Power to agree with the Chief Executive about fees.
Water Allocation Holder	164(3)	Power to make submissions.
Holder of a Resource Operations Licence	166(1)(b)	Power to exercise a power of sale.
Holder of a Distribution Operations Licence	166(1)(c)	Power to exercise a power of sale.
Person	166(5)	Power to give notice of the proposed exercise of the power.

#### Subdivision 4 - Registering interests and dealings for water allocations

Entity power given to	Section of WATA	Description
Person	175	Power to search the water allocations register.

# Division 5 – Resource operations licences and distribution operations licences

# Subdivision 1 – Nature and content of resource operations licences and distribution operations licences

Entity power given to	Section of WATA	Description
Nominator	178(1)	Power to give Chief Executive a notice in the approved form.

# Subdivision 2 – Granting or amending resource operations licence or distribution operations licence

Entity power given to	Section of WATA	Description
Entity mentioned in in section 176(2)	181(1)	Power to apply for a resource operations licence for existing or proposed water infrastructure.

Instrument of Delegation Water Act 2000



Entity mentioned in in section 177(2)	181(2)	Power to apply for a distribution operations licence for existing or proposed water infrastructure.
Holder of a Resource Operations Licence or Distribution Operations Licence	184(1)	Power to apply to amend the licence.
Licence Holder	186	Power to agree to an amendment.

# Subdivision 3 – Transferring, amalgamating and cancelling resource operations licences or distribution operations licences

		·
Entity power given to	Section of WATA	Description
Holder of Resource Operations Resource Licence or Distribution Operations Licence	187(1)	Power to apply to the Chief Executive to transfer all or part of the licence to a transferee that can hold the licence.
Current Infrastructure Owner	187(2)	Power to apply, with or without the consent of the approved nominee, to transfer all or part of the licence.
Current Infrastructure Owner	188(2)(a)(i)	Power to provide written consent to an application.
Incoming Owner	188(2)(a) (ii)	Power to provide written consent to an application.
Holder of Resource Operations Licence	193(1)	Power to apply to the Chief Executive to amalgamate licences.
Holder of Distribution Operations Licence	193(2)	Power to apply to the Chief Executive to amalgamate licences.
Owner	193(4)	Power to provide written consent to the amalgamation.
Holder of a licence	195(2)	Power to make submissions

# Subdivision 4 - Operations manuals

Entity power given to	Section of WATA	Description
Holder of a licence	197(2)	Power to prepare an operations manual and submit it to the Chief Executive for approval together with sufficient information.

Instrument of Delegation Water Act 2000



Holder of a licence	198(3)	Power to publish the approved operations manual on the holders website.
Holder of a licence	199(3)	Power to apply in writing to the Chief Executive to have certain matters referred to a referral panel.
Holder of a licence	200(1)	Power to apply to Chief Executive to amend or replace an operations manual.
Holder of a licence	200(6)	Power to publish the statement of changes made to the manual.
Holder of a licence	201(2)	Power to apply to the Chief Executive in writing to amend the manual.
Holder of a licence	201(4)	Power to review the manual as required by the Chief Executive and apply to the Chief Executive in writing to amend it.

## Division 6 - Operations licences

## Subdivision 2 - Granting operations licences

Entity power given to	Section of WATA	Description
Person	202(1)	Power to apply for an operations licence

#### Subdivision 3 - Dealings with operations licences

Entity power given to	Section of WATA	Description
Licensee	211(1)	Power to apply to amend an operations licence.
Licensee	212(3)	Power to make submissions.
Holder	213(1)(a)	Power to give the Chief Executive notice in an approved from when the holder no longer wishes the holder's water to be taken under an operations licence.
Licensee	215(1)	Power to apply to transfer the operations licence.
Licensee	216(1)	Power to surrender an operations licence by giving the Chief Executive a notice of surrender.

#### Part 4 - Riverine Protection

# Division 1 – Granting permits for excavating or placing fill in a watercourse, lake or spring

Entity power given to	Section of WATA	Description
Person	218(1)	Power to apply to the Chief Executive for a Riverine Protection permit.
Registered Owner	218(3)	Power to provide written consent to an application.

## Division 2 - Dealings with riverine protection permits

Entity power given to	Section of WATA	Description
Person	223(1)	Power to make submissions.



#### Part 5 - Quarry Materials

## Division 2 - Granting and selling allocations of quarry material

Entity power given to	Section of WATA	Description
Person	227(1)	Power to apply for an allocation of quarry material.

## Division 4 - Dealings with allocations of quarry material

Entity power given to	Section of WATA	Description
Allocation Notice Holder	235(1)	Power to apply to transfer all or part of the allocation to another person.
Allocation Notice Holder	236(1)	Power to apply to renew the allocation notice before it expires.
Holder	238(1)	Power to make submission.
Allocation Notice Holder	239(1)	Power to surrender the allocation notice by giving the Chief Executive notice of its surrender.

#### CHAPTER 3 - UNDERGROUND WATER MANAGEMENT

#### Part 5 - Make Good Obligations for Water Bores

Division 4 - Disputes about make good obligations

Subdivision 4 - Land Court decision on dispute

Entity power given to	Section of WATA	Description
Eligible party	434(3)	Power to apply to the Land Court to decide the matter the subject of the election notice.

#### **CHAPTER 4 - WATER AUTHORITIES**

### Part 2 - Water authorities

### Division 2 - Procedure

Entity power given to	Section of WATA	Description
Entity	556	Power to make written submissions on the proposed amendment to the chief executive.

#### Part 4 - Board of Directors

## Division 1 - Appointment etc. of board of directors

Entity power given to	Section of WATA	Description
Person	598A	Power to make written submissions on the proposed change to the chief executive.

Instrument of Delegation Water Act 2000



#### Part 7 - Amalgamating, Dissolving and Transferring Functions of Water Authorities and Authority Areas

#### Division 2 - Transferring water authority's functions to local government

Entity power given to	Section of WATA	Description	
Local Government	700A(1)(a) (i)	Power to agree in writing to a proposed transfer by the water authority to the local government of all or part of the authority's functions and on how to implement the proposed transfer.	
Local Government	700A(1)(b)	Power to notify the Minister of an agreement regarding the proposed transfer and ask in writing for the Minister's approval of the proposed transfer.	

#### CHAPTER 5 - INVESTIGATIONS, ENFORCEMENT AND OFFENCES

#### Part 2 - Enforcement Matters

#### Division 1 - Show cause and compliance notices

Entity power given to	Section of WATA	Description
Recipient of a show cause notice	779	Power to make written submissions about the show cause notice.

#### **CHAPTER 6 - REVIEWS AND APPEALS**

#### Part 2 - Internal Review of Decisions

Entity power given to	Section of WATA	Description
Interested person	862(1)	Power to may apply for a review (an <b>internal review</b> ) of particular original decisions.
Applicant	863(3)	Power to give any other person who was given an information notice about the original decision the notice of the application (the <b>submitter notice</b> ) and a copy of the application and supporting documents.

# Part 3 - Appeals and External Reviews

Entity power given to	Section of WATA	Description
Interested person for the original decision	877(1)	Power to appeal against or apply for a review of the review decision.



Schedule 2

#### Limitations to the Exercise of Power

- Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
- 2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
- 3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
- 4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
- 5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
- 6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 03 01 - WATA - Delegation Instrument - Mareeba]



# **INSTRUMENT OF DELEGATION**

# Mareeba Shire Council Water Supply (Safety and Reliability) Act 2008

Under section 257 of the *Local Government Act 2009*, **Mareeba Shire Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Instrument of Delegation
Water Supply (Safety and Reliability) Act 2008

Current as at 1 March 2017

1



# Schedule 1

# Water Supply (Safety and Reliability) Act 2008 ("WSSR")

#### **CHAPTER 2 - INFRASTRUCTURE AND SERVICE**

#### Part 3 - Service Providers

Division 1 - Regulation of service providers

# Subdivision 1 - Application for registration

Entity power given to	Section of WSSR	Description
Service provider	20(1)	Power to apply for registration as a service provider.
Relevant infrastructure owner	21(1)(c)(ii)	Power to give written consent.

# Subdivision 2 - Changing registration details

Entity power given to	Section of WSSR	Description	
Service provider	23(1)	Power to apply to change the service provider's details of registration in the service provider register	
Service provider	23A(2)	In the specified circumstances, power to give the regulator notice of the change in the approved form.	

# Subdivision 3 - Transferring registration

Entity power given to	Section of WSSR	Description
Current infrastructure owner	25A(1)	In the specified circumstances, power to give the regulator notice (the <b>transfer notice</b> ) of the proposed transfer.

# Subdivision 4 - Cancelling registration other than for transfer

Entity power given to	Section of WSSR	Description
Service provider	26(2)	Power to give notice of the possible stoppage.
Service provider	26(8)	In the specified circumstances, power to give notice of the stoppage.
Service provider	28(1)	In the specified circumstances, power to apply to the regulator to have the provider's registration cancelled.
Service provider	28(4)(b)	In the specified circumstances, power to verify information included in the application, or the additional information provided under section 28(4(a), by statutory declaration.



Division 2 - General powers of service providers and authorised persons

Entity power given to	Section of WSSR	Description	
Service provider	33(2)	In the specified circumstances, power to give a person a notice asking the person stated in the notice, why the person's unauthorised connection should not be disconnected.	
Service provider	33(4)	In the specified circumstances, power to be satisfied regarding whether an unauthorised connection should be disconnected.	
Service provider	34(2)	In the specified circumstances, power to give an owner a notice to do work within a reasonable time stated in the notice, to:  (a) rectify the equipment; or  (b) remove the vegetation or other thing.	
Service provider	35(1)	Power to decide the position of a meter on infrastructure supplying water to premises, and to approve the installation of that meter in the position decided.	
Service provider	36(2)(b)	In the specified circumstances, power to give an occupier at least 14 days notice of the entry and the purpose of the entry.	

#### Division 3 - Power to restrict water supply

Entity power given to	Section of WSSR	Description	
Water service provider outside the SEQ Region	41(1) <sup>1</sup>	Power to consider it necessary, to restrict:  (a) the volume of water taken by or supplied to a customer or type of customer; or  (b) the hours when water may be used on premises for stated purposes; or  (c) the way water may be used on premises.	
Water service provider	41(3)	Power to apply a restriction imposed under section 41(1) to water taken from a rainwater tank connected to the service provider's reticulated supply.	
Water service provider	43(1)	Power to give notice of a service provider water restriction to anyone affected by it in the way you consider appropriate having regard to the circumstances in which the service provider water restriction is imposed.	
Water service provider	44(1)	Power to shut off a water supply to premises for a time reasonably necessary for work to be performed on the service provider's infrastructure, including a property service.	
Water service provider	44(2)	In the specified circumstances, power to give to anyone likely to be affected by shutting off the water supply at least 48 hours notice of the intention to shut off the water supply, advising the reasons for shutting it off, and for how long it will be shut off.	
Water service provider	44(3)	In the specified circumstances, power to shut off water supply, without notice, if there is:  (a) a serious risk to public health;  (b) a likelihood of serious injury to persons or damage to property; or  (c) another emergency.	
Water service provider	44(4)	In the specified circumstances power to give, to anyone likely to be affected by the action:  (a) notice of the action; and	

The power to impose such a restriction is only available if is made under one of the circumstances specified in Section 41(2).

Instrument of Delegation Water Supply (Safety and Reliability) Act 2008



(b)	the reasons for the action; and
(c)	if the action is continuing when the notice is given - notice about how long the action will continue.

# Division 4 - Authorised persons

Entity power given to	Section of WSSR	Description	
Service provider	45(1)	Power to appoint a person to be an authorised person if:  (a) satisfied the person has the necessary expertise or experience to be an authorised person; or	
		(b) the person has satisfactorily finished training approved by the service provider.	
Service provider	45(2)	Power to be satisfied that the person:  (a) can perform the functions of an authorised person safely; and  (b) can, while performing those functions, mitigate any risks to public health and safety.	

# Division 6 - Water efficiency management plans

Entity power given to	Section of WSSR	Description
Water service provider	52(2)	Upon written direction of the chief executive, under section 52(1) power to give a customer, or type of customer, a written notice:
		<ul><li>(a) to prepare a plan (a water efficiency management plan); and</li></ul>
		(b) to give it to the water service provider within the reasonable time stated by the chief executive.
Water service provider	52(3)	In the specified circumstances, power to give a customer, or type of customer, a written notice, approved by the chief executive:
		(a) to prepare a plan (also a water efficiency management plan); and
		(b) to give it to the water service provider within the reasonable time stated by the water service provider.
Water service provider	54(1)	For deciding wether or not to approve a water efficiency management plan, power to require the customer to give additional information about the plan within a reasonable period.
Water service provider	54(2)	Power to approve, with or without conditions, or refuse to approve a water efficiency management plan:
		<ol> <li>if additional information is not required – within 60 business days after receiving the plan; or</li> </ol>
		(2) if additional information is required – within 60 business days of when the information is received or should have been given, whichever is earlier.
Water service provider	54(3)	In the specified circumstances, power to give the customer an information notice.
Water service provider	54(5)	Power to extend the period of 20 business days mentioned in section 54(4).
Water service provider	57(2)	Upon the direction of the chief executive, power to give a customer, or type of customer, a written notice requiring the customer to:
		<ul> <li>(a) amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the chief executive; or</li> </ul>
		(b) prepare a new water efficiency management plan and give it to the

Instrument of Delegation Water Supply (Safety and Reliability) Act 2008



		water service provider within the reasonable time stated by the chief executive.
Water service	58(1)	Power to be satisfied that:
provider		<ul> <li>(a) for a customer, or a type of customer, production output or water consumption has increased significantly; or</li> </ul>
		<ul> <li>(b) the cost effectiveness of implementing an approved water efficiency management plan is likely to have changed significantly; or</li> </ul>
		(c) there is or there is likely to be a severe water supply shortage.
Water service provider	58(2)	Subject to being satisfied under section 58(1), power to give the customer a written notice requiring the customer to:
		<ul> <li>(a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or</li> </ul>
		(b) prepared a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.
Water service provider	59(2)	Power to decide a request from a customer under section 59(1).
Water service provider	60(1)	Power to be satisfied or reasonably believe that a customer to whom an approved water efficiency management plan applies has not complied with the plan.
Water service provider	60(2)	In the specified circumstances, power to give the customer a notice, requiring the customer to comply with the plan within the reasonable time stated in the notice.
Water service provider	61(1)	Power to ensure a customer to whom an approved water efficiency management plan applies reviews the plan when the water service provider considers it appropriate.

# Part 4 - Service Providers Obligations

# Division 1 - Drinking water quality management

# Subdivision 2 - Drinking water quality management plans

Entity power given to	Section of WSSR	Description
Drinking water service provider	95(1)	Power to apply to the regulator for approval of a drinking water quality management plan.
Drinking water service provider	99A(1)	In certain circumstances, power to agree with the regulator to amend the providers approved drinking water quality management plan.
Drinking water service provider	100(2)	Power to apply to the regulator for approval of a proposed amended drinking water quality management plan.
Drinking water service provider	102(2)	Power to inform the regulator of noncompliance and the circumstances that gave rise to the noncompliance.
Drinking water service provider	102(3)	Power to give the regulator notice of the following in the approved form:  (a) the noncompliance and the circumstances that gave rise to the noncompliance;  (b) any action taken, or to be taken, by the provider to correct the noncompliance; and  (c) the measures the provider will take to prevent the noncompliance in

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		the future.
Drinking water service provider	102A(2)	In the specified circumstances, power to immediately inform the regulator of the prescribed incident.
Drinking water service	102A(3)	In the specified circumstances, power to give the regulator notice of the following in the approved form:
provider		<ul> <li>(a) the prescribed incident and the circumstances that gave rise to the incident;</li> </ul>
		<ul> <li>(b) any action taken, or to be taken, by the provider relating to the prescribed incident; and</li> </ul>
		(c) the measures the provider will take to prevent the prescribed incident happening again in the future.
Drinking water service provider	103(2)	Power to give a notice to the owner of water storage or other infrastructure to ask the owner to give the drinking water service provider information reasonably requested about the quality of water in the water storage or infrastructure.
Service provider	107(2)(b)	In the specified circumstances, power to apply to the regulator for approval of an amended plan.
Service provider	109(1)	Power to sign a statutory declaration on behalf of the service provider.

#### Division 3 - Customer service standards

Entity power given to	Section of WSSR	Description
Service provider	115(3)	Power to consider submissions made to the provider about the proposed customer service standard.

# Division 5 - Reporting for particular financial years

Entity power given to	Section of WSSR	Description
Service provider	142(2)(a)	Power to prepare a drinking water quality management plan report.
Service provider	142(2)(b)	Power to give the regulator a copy of the drinking water quality management plan report.
Relevant infrastructure owner	1420(2)	In the specified circumstances, power to provide written agreement to a drinking water quality management plan report.

# Division 6 - Water for fire fighting

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Entity power given to	Section of WSSR	Description
Service provider	145(1)	Power to permit a person to take water from a fire fighting system or a service provider's hydrant.



#### Part 5 - Service Areas

#### Division 3 - Access to services in service areas

Entity power given to	Section of WSSR	Description
Service provider	166(3)	In the specified circumstances, power to impose conditions on the installation of water storage tanks and pumps.

#### Division 4 - Connecting to particular registered services

		· · · · · · · · · · · · · · · · · · ·
Entity power given to	Section of WSSR	Description
Service provider	167(2)	In the specified circumstances, power to advise an owner of any work that is considered reasonably necessary to be carried out on premises and any reasonable connection fee to enable the premises to be connected to the infrastructure.
Service provider	168(1)	Power to, by notice given to the owner of premises in the service area, require the owner to carry out works for connecting the premises to a registered service.
Service provider	168(2)(c)	In the specified circumstances, power to agree to an extension of the period within which the work must be completed.

# Division 5 - Restricting domestic water supply

Entity power given to	Section of WSSR	Description
Service provider	169(1)	Power to give a notice to an owner or occupier of domestic premises not to contravene a restriction or to pay a rate or charge for a service.
Service provider	169(2)	Power to decide the minimum level or water necessary for the health and sanitation purposes of the owner or occupier.

# Part 6 - Trade Waste and Seepage Water Approvals

Entity power given to	Section of WSSR	Description
Sewerage Service	180(1)	In the specified circumstances, power to give a person:  (a) an approval to discharge trade waste (a trade waste approval) into
Provider		<ul> <li>(a) an approval to discharge trade waste (a trade waste approval) into Council's sewerage infrastructure; and</li> </ul>
		<ul> <li>(b) an approval to discharge seepage water (a seepage water approval) into Council's sewerage infrastructure.</li> </ul>
Sewerage Service Provider	180(3)	Power to consider the effect of the proposed discharge on any existing or potential re-use of waste water or sludge.
Sewerage	180(4)	Power to be satisfied:
Service Provider		<ul> <li>(a) having regard to the amount, type and strength of the proposed discharge, the discharge will not harm the sewerage or the health and safety of anyone working on the sewerage; and</li> </ul>
		(b) the sewage treatment plant to treat the discharge is capable of treating the discharge to an acceptable standard.
Sewerage Service Provider	180(5)	In the specified circumstances, power to be satisfied the proposed discharge into the sewerage is consistent with the plan.

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Sewerage Service Provider	181(1)	Power to give a trade waste approval or seepage water approval on conditions.
Sewerage Service Provider	182	Power to suspend or cancel a trade waste approval or a seepage water approval (the <b>proposed action</b> ) if satisfied any of the specified circumstances applies.
Sewerage Service Provider	183(1)	In the specified circumstances, power to give an approval holder a show cause notice about the proposed action.
Sewerage Service Provider	183(2)	Power to consider submissions made in response to a show cause notice, to be satisfied the proposed action should be taken, and then to:  (a) if the proposed action was to suspend the approval for a stated period - suspend the approval for not longer the proposed suspension period; or  (b) if the proposed action was to cancel the approval - either cancel the approval or suspend it for a period.
Sewerage Service Provider	183(3)	In the specified circumstances, power to give the approval holder an information notice about the decision.
Sewerage Service Provider	183(4)	Power to consider any submissions and, if not satisfied the proposed action should be taken, the power to give the approval holder a notice about the decision.
Sewerage Service Provider	184(1)	In the specified circumstances, power to suspend or cancel an approval without giving a show cause notice, if further action is considered necessary:  (a) in the interests of public health or safety; or  (b) to prevent environmental harm; or  (c) to prevent damage to Council's sewerage system.
Sewerage Service Provider	184(2)	In the specified circumstances, power to cancel a trade waste approval given by the sewerage service provider.
Sewerage Service Provider	184(3)	In the specified circumstances, power to give the approval holder an information notice about the action.
Sewerage Service Provider	185(2)	Power to give a notice to the approval holder to amend a trade waste approval to ensure that it is consistent with conditions mentioned in section185(1)(a).

#### Part 7 - Offences

Entity power given to	Section of WSSR	Description
Service provider	191	Power to give written consent to a person connecting to, or disconnecting from, the service provider's infrastructure.
Service provider	192(1)	Power to give written consent to a person interfering with a service provider's infrastructure.
Service provider	192(2)	Power to give written consent to a person building over, interfering with access to, increasing or reducing the cover over, or changing the surface of land in any way causing ponding of water over an access chamber for, a service provider's infrastructure.
Service provider	193(3)	Power to give written consent to a person discharging water from an ornamental pond, a swimming pool or the filtration system of a swimming pool into a service provider's infrastructure.

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Service provider	195(1)	Power to give written approval to a person taking water from a service provider's infrastructure.
Service provider	195(2)	In the specified circumstances, power to give written approval to a person taking water from a supply pipe on premises for use off the premises.

# **CHAPTER 3 - RECYCLED WATER MANAGEMENT**

# Part 1A - Recycled Water Schemes

# Division 1 - Registration

Entity power given to	Section of WSSR	Description
Relevant entity for a recycled water scheme	196AA(1)	Power to apply for registration of the scheme.

# Division 2 - Changing registration details

Entity power given to	Section of WSSR	Description
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AD(1)	Power to apply to change the details of the registration recorded in the register.
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AE(1)	Power to apply to cancel the registration if the recycled water is no longer supplied under the scheme.

# Part 2 - Recycled Water Management Planning

Entity power given to	Section of WSSR	Description
Recycled water provider	202(1)	Power to apply to the regulator for approval of a recycled water management plan.
Recycled water provider	203(1)(b)	Power to sign a statutory declaration verifying the information included in the plan, or any additional information given under section 203(1)(a).

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Recycled water provider	208(2)	Power to give regulator notice of a stoppage or proposed stoppage of the production or supply of recycled water, in accordance with the circumstances of that section.
Recycled water provider	208(5)	Power to, as soon as practicable, give the regulator notice of the stoppage or proposed stoppage of the production or supply of recycled water under a scheme and otherwise in the circumstances of that section.
Recycled water provider	209(1)	Power to obtain the regulator's agreement to amend the recycled water management plan for the scheme.
Recycled water provider	212(2)	Power to apply to the regulator for approval of the proposed amended recycled water management plan.
Recycled water provider	212(3)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to:  (a) the recycled water management plan were a reference to the amended recycled water management plan; and  (b) the plan were a reference to the amended plan.
Relevant entity for the recycled water scheme	215(1)	If a recycled water management plan has been suspended, power to apply to the regulator for an approval to resume supply of recycled water under the scheme.
Recycled water provider	215(3)	Power to exercise the delegable powers (if any) contained in sections 202 and 203 as if a reference in the sections to:  (a) the recycled water management plan were a reference to the suspended recycled water management plan; and  (b) the plan were a reference to the suspended plan.
Recycled water provider	215(7)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to:  (a) the recycled water management plan were a reference to the amended recycled water management plan; and  (b) the plan were a reference to the amended plan.

# Part 3 - Notice About Permanently Stopping Supply of Recycled Water

Entity power given to	Section of WSSR	Description
Recycled water provider	230(2)	Power to give a notice to the regulator of a proposed stoppage at least 30 days before the supply of recycled water is stopped.
Relevant entity for the critical recycled water scheme (if relevant)	230(4)	Power to give the regulator notice of the proposed stoppage at least 60 days before supply of the recycled water is stopped.
Relevant entity for the critical recycled water scheme (if	230(6)(b)	Power to sign a statutory declaration verifying the information included in the notice, or any additional information given under section 230(6)(a).

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relevant)		
Recycled water provider	230(9)	Power to give the regulator notice of a stoppage of recycled water under recycled water scheme within 5 days after the supply stops.

# Part 4 - Validation Programs

[This part applies to a recycled water scheme if recycled water is proposed to be supplied under the scheme to augment a supply of drinking water.]

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Entity power given to	Section of WSSR	Description
Recycled water provider	237(1)	Power to apply to the regulator for approval of a validation program.
Relevant entity for the critical recycled water scheme (if relevant)	238(1)(b)	Power to sign a statutory declaration verifying the information included in the program, or any additional information given under section 238(1)(a).
Relevant entity	242(2)	Power to apply to the regulator for approval of the proposed amended validation program.
Recycled water provider	242(3)	Power to exercise the delegable powers (if any) contained in sections 237(2) and sections 238 to 241 as if a reference in the sections to:
		<ul> <li>the validation program were a reference to the amended validation program; and</li> </ul>
		<ul> <li>(b) the program were a reference to the amended program.</li> </ul>

# Part 6 - Reviews and Audits of Recycled Water Management Plans

Entity power given to	Section of WSSR	Description
Recycled water provider	259(2)(b)	In the specified circumstances, power to apply to the regulator for approval of the amended plan.
Scheme manager	259(4)	In the specified circumstances, power to apply to the regulator for approval of the amended recycled water management plan for the scheme.
Recycled water provider	259(6)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to:  (a) the recycled water management plan were a reference to the amended recycled water management plan; and  (b) the plan were a reference to the amended plan.

# Part 7 - Reporting Requirements

# Division 4 - Connecting to registered services

Entity power given to	Section of WSSR	Description
Alerting entity	270(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for the noncompliance, the responsible entity, of the noncompliance and the circumstances that gave rise to the noncompliance.

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Responsible	270(4)	Power to give the regulator notice of the following:
entity for the non-		<ul> <li>(a) the noncompliance and the circumstances that gave rise to the noncompliance;</li> </ul>
compliance		<ul> <li>(b) any action taken, or to be taken, by the entity to correct the noncompliance; and</li> </ul>
		(c) the measures the entity will take to prevent the noncompliance in the future.
Alerting entity	271(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for prescribed incident, the responsible entity, of the prescribed incident.
Alerting entity	271(4)	In the specified circumstances, power to give the regulator notice of:
		<ul> <li>the prescribed incident and the circumstances that gave rise to the prescribed incident;</li> </ul>
		<ul> <li>(b) any action taken, or to be taken, by the entity relating to the prescribed incident; and</li> </ul>
		(c) the measures the entity will take to prevent the prescribed incident happening again in the future.

# Part 8 - Declaration of critical recycled water schemes

Entity power given to	Section of WSSR	Description				
Entity to whom a notice of the regulator's intention to make a decision	303(4)(e)	Power to give the regulator a notice about who the provider and entities agree is the scheme manager.				
Relevant entity for a critical recycled water scheme	306(1)	Power to considers the scheme should not be a critical recycled water scheme, and to ask the regulator to review the making of the declaration.				
Recycled water providers / entity declared to be part of the scheme	307(2)	In the specified circumstances, power to give the regulator notice of who is the scheme manager.				

#### Part 10 - Miscellaneous

i dit io	miscendic				
Entity power given to	Section of WSSR	Description			
Scheme manager for a multiple- entity recycled water scheme	333(2)	In the specified circumstances, power to, by notice, require a recycled water provider or other declared entity for the scheme to give the scheme manager, within a stated reasonable period, information the scheme manager reasonably requires to comply with the scheme manager's obligations under this Act.			



#### CHAPTER 4 - REFERABLE DAMS AND FLOOD AND DROUGHT MITIGATION

#### Part 1 - Referrable Dams

#### Division 2A - Emergency Action Planning and Reporting

#### Subdivision 1 - Preliminary

Entity power given to	Section of WSSR	Description	
Owner of a referable dam		Power to prepare an emergency action plan for a dam under subdivision 3 and to give it to the chief executive for approval.	

# Subdivision 3 - Preparation of emergency actions plans

Entity power given to	Section of WSSR	Power to give an emergency action plan for a dam to the chairperson of the relevant disaster management group for the plan.			
Owner of a referable dam	352G(1)				
Owner of a referable dam	352G(4)	Power to prepare a written response (a <b>Disaster Management Review Response</b> ).			

# Subdivision 6 - Reviewing emergency action plans

Entity power given to	Section of WSSR	Description		
Owner of a referable dam	352O(2)(c) (ii)	Power to give an emergency action plan for a dam to the chief executive.		
Owner of a referable dam	352P	The power, before 1 October each year to:  (a) review the approved emergency action plan for the dam; and  (b) give to the chief executive:  (i) a notice stating whether or not the owner proposes an amendment to the plan because of the review; and  (ii) if the owner proposes an amendment – a copy of the plan including the proposed amendment.		

# Subdivision 9 - Emergency event reporting

Canaliticion of Energency of our reporting					
Entity power given to	Section of WSSR	Description			
Owner of referable dam	352T(2)	Power to prepare a report (an <b>emergency event report</b> ) and to give it to the chief executive.			
Owner of referable dam	352T(2)(b)	Power to agree a further period in writing with the chief executive.			
Owner of referable dam	352T(3)(a)	Power to reasonably consider a hazard no longer poses a risk to the dam.			
Owner of referable dam	352T(3)(b)	Power to reasonably consider that a hazard no longer poses a risk to the safety of persons or property.			
Owner of referable dam	352U(3)	Power to prepare a report (an <b>emergency event interim report</b> ) and to give it to the chief executive officer in accordance with section 352U(2).			



#### Division 3 - Safety Conditions For Existing Referable Dams

E	Intity power given to	Section of WSSR	Description			
	Owner of a eferable dam		Power to agree with the chief executive, an extended period for deciding safety conditions.			

# Subdivision 2 – Chief Executive may give direction or take action about failure of dam

Entity power given to	Section of WSSR	Description		
Owner of land on which a dam is situated / operator of a dam	359(3)	Power to comply with a notice issued under section 359(1).		
Owner of land on which a dam is situated / operator of a dam	359(4)	Power to give to the chief executive officer, a notice that the person intends to remove the dam.		

# Part 2 - Flood Mitigation Manuals and Reporting

#### Division 2 - Preparation of Flood Mitigation Manuals

Entity power given to	Section of WSSR	Description	
Owner of a referable dam		Power to prepare a flood mitigation manual for a dam under division 2 and to give it to the minister for approval.	

#### Division 3 - Approving Flood Mitigation Manuals

		 	-
Entity power given to	Section of WSSR		Description
Owner of a referable dam			are a new flood mitigation manual and give it to the minister in th a notice given under section 371H.

#### Division 4 - Amending and Reviewing Flood Mitigation Manuals

Entity power given to	Section of WSSR	Description	
Owner of a referable dam	372(2)	Power to amend a flood mitigation manual for a dam in compliance with a notice issued under section 372(1).	
Owner of a referable dam	373	Power to:  (a) review and, if necessary, update a flood mitigation manual; and  (b) give a copy of it to the minister for the minister's approval under division 3.	



#### Division 5 - Renewing Flood Mitigation Manuals

Entity power given to	Section of WSSR	Description	
Owner of a referable dam		Power to prepare a new flood mitigation manual for a dam and give it to the minister for approval.	

#### Division 6 - Annual Preparedness Report

Entity power given to	Section of WSSR	Description
Owner of a referable dam	375	Power to after 1 August and before 1 September each year:  (a) prepare a report (an annual preparedness report) under division 6 about the level of preparedness of the dam for a flood event under a flood mitigation manual; and  (b) give the report to the chief executive.

# Division 8 - Authorising Alternative Operational Procedures

Entity power given to	Section of WSSR	Description
Owner of a referable dam	378	Power to reasonably consider that:  (a) an operational strategy under a flood mitigation manual for a dam does not provide or adequately provide for the flood event;  (b) to achieve an objective under the flood mitigation manual and to respond effectively to a flood event that is necessary to:  (i) disregard an operational procedure under the manual (the existing procedure); and  (ii) observe a different operational procedure (the alternative procedure).
Owner of a referable dam	379(1)	Power to give the chief executive the information referred to in that section (the authorisation request information).
Owner of a referable dam	379(2)	Power to give the chief executive the authorisation to request information orally.
Owner of a referable dam	379(3)	Power to give the authorisation request information in writing as soon as practicable after giving the chief executive the information orally.
Owner of a referable dam	381(1)	Power to make reasonable efforts to contact the chief executive to give the chief executive the authorisation request information for the alternative procedure.
Owner of a referable dam	381(4)	Power to, as soon as practicable after failing to contact, or losing contact with, the chief executive, record the authorisation request information in writing and give it to the chief executive.
Owner of a referable dam	381(6)	Power to form the reasonable belief that the chief executive is no longer able to respond to the owner for the purpose of subsection (2).

# Division 9 - Flood Event Reporting

Entity power given to	Section of WSSR	Description
Owner of a referable dam	383(2)	Power to prepare a report (a <b>flood event report</b> ) under division 9 and give it to the chief executive.
Owner of a	383(2)(b)	Power to agree to a further period in writing with the chief executive.

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referable dam	
Owner of a referable dam	Power to comply with a notice given to the owner of the dam under section 384(2).

# Part 3 - Declaring Temporary Full Supply Levels to Mitigate Flood or Drought Division 2 - Obtaining Information and Advising Minister

Entity power given to	Section of WSSR	Description
Owner of a referable dam	391(3)	Power to comply with an impact information notice given under section 391(1).
Owner of a referable dam	392	Power to consult with the chief executive.

#### **CHAPTER 5 - INVESTIGATIONS AND ENFORCEMENT MATTERS**

# Part 5A - Particular Provisions to Monitor Relevant Service Providers

# Division 2 - Improvement plans

Entity power given to	Section of WSSR	Description
Service provider	446(2)	Power to make an improvement plan.
Service provider	447	Power to make an improvement plan.

# Part 8 - Notices of Cost Recovery

#### Division 1 - Show cause notices

Entity power given to	Section of WSSR	Description
Person given a show cause notice, or a copy of a show cause notice	463(1)(d)	Power to make submissions about the show cause notice.

# Part 9 - Enforcement Proceeding

Entity power given to	Section of WSSR	Description
Service provider	475(2)(b) and (c)	Power to start a proceeding for a stated provision.
Service provider	475(5)	Power to give the chief executive notice of the proceeding.
Service provider	476(1)	Power to commence a proceeding for an enforcement order on behalf of the service provider.



#### CHAPTER 6 - OFFENCES, EVIDENTIARY MATTERS AND LEGAL PROCEEDINGS

# Part 3 - Legal Proceedings for Offences

Entity power given to	Section of WSSR	Description
Person / Service provider	496	Power to give notice to the chief executive of a proceeding.
Person	498(1)	Power to commence a proceeding on behalf of the service provider.

# CHAPTER 7 - REVIEWS, APPEALS AND ARBITRATION

### Part 1 - Preliminary

Entity power given to	Section of WSSR	Description
Interested person for an original decision	512(1)	Power to apply for an internal review of an original decision.
Recipient of a submitter notice	513(3)	Power to make written submissions on the internal review application to the reviewer.

#### Part 3 - Appeals and external Reviews

Entity power given to	Section of WSSR	Description
Interested person who applied for an internal review of the original decision	517(1)	Power to appeal against or apply for an external review of the review decision under this section.

#### Part 4 - Arbitration

Entity power given to	Section of WSSR	Description
Interested person who applied an internal review of the original decision	524(2)	Power to, if dissatisfied with a decision, give the authority under the Queensland Competition Authority Act 1997 a notice (a <b>dispute notice</b> ) applying for arbitration on the decision.
Application for arbitration	524A(2)	Power to apply for a stay of a review decision to a court with jurisdiction to hear the proceeding.
Interested person who gave dispute notice	526	Power to withdraw the dispute notice at any time before the authority makes its decision on the dispute.

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#### **CHAPTER 8 - MISCELLANEOUS**

#### Part 3 - Other Miscellaneous Provisions

Entity power given to	Section of WSSR	Description
Water service provider	573	Power to make guidelines to provide guidance to persons about preparing a water efficiency management plan.

#### **CHAPTER 10 - OTHER TRANSITIONAL PROVISIONS**

# Part 8 - Transitional Provisions for *Electricity and Other Legislation Amendment Act* 2014

Entity power given to	Section of WSSR	Description
Administering authority	670(2)	Power to amend the CSG environmental authority to include public health conditions.
Administering authority	670(3)	Power to consider an amendment necessary or desirable.
Administering authority	671(2)	Power to amend the CSG environmental authority to include public health conditions.
Administering authority	671(3)(a)	Power to consider the amendment necessary or desirable.



Schedule 2

#### Limitations to the Exercise of Power

- Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
- 2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
- 3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
- 4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
- 5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
- 6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 03 01 - WSSR - Delegation Instrument - Mareeba]





# **FINANCE**

ITEM-7 FINANCIAL STATEMENTS FOR PERIOD ENDING 30

**APRIL 2017** 

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Manager Finance

**DEPARTMENT:** Corporate and Community Services

#### **EXECUTIVE SUMMARY**

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2016 to 30 April 2017.

# **OFFICER'S RECOMMENDATION**

"That Council note the financial report for the period ending 30 April 2017."

#### **BACKGROUND**

#### **Financial Summary**

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

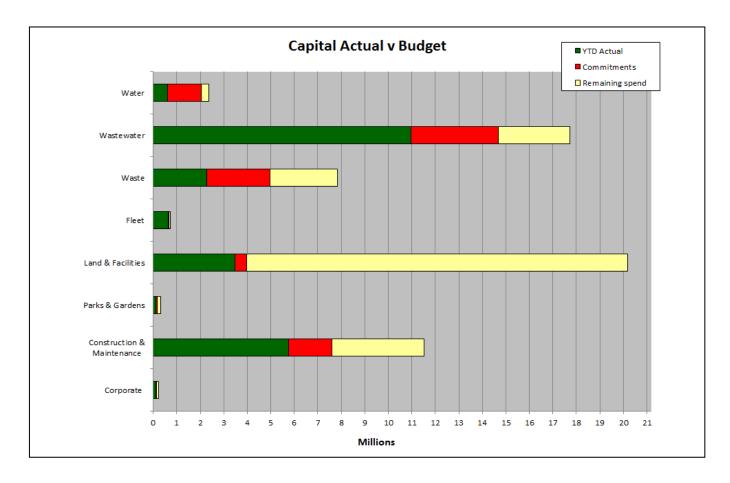
For the period ending 30 April 2017, Council shows an operational surplus of \$10,108,444 compared to a budgeted surplus of \$7,573,748. The large surplus is due to the rates for the half year, 1 January to 30 June 2017, that were issued in February.

April 2017 - Snapshot		
Total Operating Income	\$	42,190,963
Total Operating Expenditure	\$	32,082,519
Operating Surplus	\$	10,108,444
Total Capital Income (grants, developer contributions)	\$	13,989,480
Net Result - Surplus		24,097,924



# Capital Expenditure

Total capital expenditure of \$34,302,128 (including commitments) has been spent for the period ending 30 April 2017 against the 2016/17 annual capital budget of \$60,914,307. This budget figure includes \$3.8M for the capital projects under the Works for Queensland Grant.



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

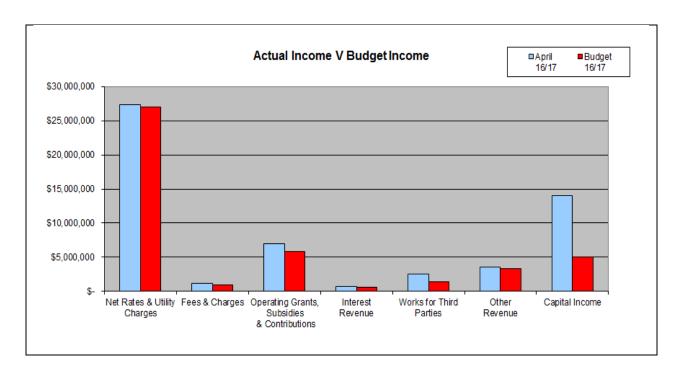
Other capital projects are currently tracking well against budgets.

# **Income Analysis**

Total income (including capital income of \$13,989,480) for the period ending 30 April 2017 is \$56,180,443 compared to the YTD budget of \$44,326,134.



The graph below shows actual income against budget for the period ending 30 April 2017.



Description	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	27,318,064	27,040,738	
Fees & Charges	1,190,489	985,889	
Operating Grants, Subsidies & Contributions	6,947,794	5,894,835	1
Interest Received	681,102	566,940	
Works for Third Parties	2,522,332	1,474,542	2
Other Revenue	3,531,182	3,305,434	3
Capital Income	13,989,480	5,057,756	4

# Notes:

- 1. Council has received an initial prepayment for NDRRA 2016 of \$957k. As the restoration works has no budget allocated, there will be an equivalent offset in expenditure.
- 2. Majority relates to the timing of the budget for RMPC income (\$178k) and additional MRD works (\$617k) which has no budget allocated. There will be an equivalent offset in expenditure.
- 3. Favourable variance relates to the sale of industrial land blocks (\$202k).
- 4. First milestone claim for the Mareeba Airport upgrade of \$2.3M received, along with \$3.1M for Mareeba WWTP upgrade, \$1.8M for Roads to Recovery capital grant

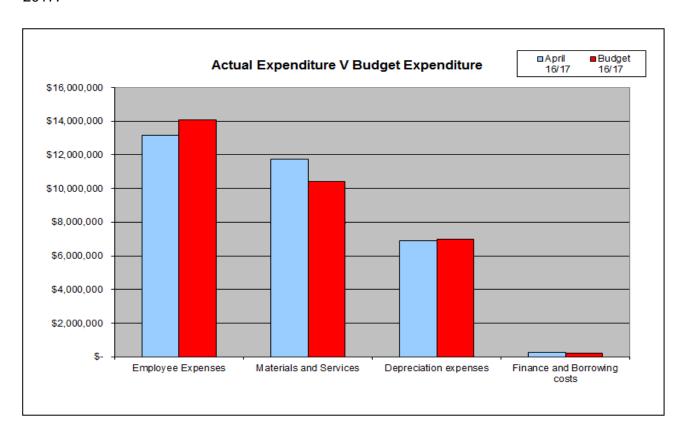


(R2R), \$606k for TIDS, \$425k for Bridges Renewal Program, \$2.8m for the Works for Queensland Grant and \$721k for developer contributions.

# **Expenditure Analysis**

Total expenses for the period ending 30 April 2017 is \$32,082,519 compared to the YTD budget of \$31,694,630.

The graph below shows actual expenditure against budget for the period ending 30 April 2017.



Description	Actual YTD	Budget YTD	Note
Employee expenses	13,175,587	14,070,614	1
Materials & Services	11,735,907	10,416,625	2
Depreciation expenses	6,886,818	6,968,915	
Finance & Borrowing costs	284,207	238,476	

#### Notes:

1. The majority of the reported savings in employee expenses relate to staff costs being debited to construction/capital projects. Also contributing to the variance is the amount of leave staff have taken which is debited to a leave provision reserve (\$435k).



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

#### Loan Borrowings

Council's loan balance as at 30 April 2017 is as follows:

QTC Loans

\$6,619,231

# **Rates and Sundry Debtors Analysis**

#### Rates and Charges

The total rates and charges payable as at 30 April 2017 is \$3,827,634. Of this total, \$1,754,485 belongs to valueless land properties. The process to commence acquisition of these properties will begin shortly. There are currently 238 properties with payments arrangements that total \$215k.

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

Collection House collected \$62,196 for the month of April. Properties with an outstanding balance of \$50 or greater were sent to Collection House on 28 April 2017. This consisted of 468 properties with a total value of \$576,165.

The outstanding amount for properties currently with debt collection is \$1,167,608.

At the time this report was prepared, four properties remained to be auctioned for overdue rates and charges. Nine (9) out of the 13 properties had already paid their outstanding balance in full (\$170k).

#### **Sundry Debtors**

The total outstanding for Sundry Debtors as at 30 April 2017 is \$2,201,563 which is made up of the following:

Current	30 days	60 days	90 + days
\$2,123,671	\$53,512	\$6,805	\$17,575
96.5%	2.4%	0.3%	0.8%

#### LINK TO CORPORATE PLAN

Nil



#### **CONSULTATION**

Internal
Director Corporate & Community Services
Financial Accountant

External Nil

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

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

# **POLICY IMPLICATIONS**

Nil

# FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

# IMPLEMENTATION/COMMUNICATION

Nil

# **ATTACHMENTS**

1. Financial Statements

Date Prepared: 8 May 2017



MAREEBA SHIRE COUNCIL

Budgeted Income Statement by Fund For the period ending 30 April 2017

	ŭ	Consolidated			General Fund		×	Waste Services	
	Actual	Budget	Budget 2016/17	Actual	Budget	Budget 2016/17	Actual	Budget	Budget 2016/17
Revenue									
Rates and utility charges	29,088,260	28,768,652	28,768,652	16,057,458	15,836,277	15,836,277	3,436,479	3,386,909	3,386,909
Less Discounts and Pensioner Remissions	(1,770,196)	(1,727,914)	(1,727,914)	(1,770,196)	(1,727,914)	(1,727,914)			
Net Rates and Utility Charges	27,318,064	27,040,738	27,040,738	14,287,262	14,108,363	14,108,383	3,436,479	3,386,909	3,386,909
Fees and Charges	1,190,489	985,889	1,144,627	1,162,805	960,889	1,114,627			
Operating Grants and Subsidies	6,135,322	5,344,035	7,108,793	6,110,322	5,344,035	7,108,793			
Operating Contributions	812,472	650,800	734,400	,		,			
Interest Revenue	681,102	566,940	680,328	195,183	320,833	385,000	218,671	169,090	202,908
Works for Third Parties	2,522,332	1,474,542	1,769,450	2,436,563	1,449,792	1,739,750			
Other Revenue	3,531,182	3,306,434	4,015,580	1,790,487	1,307,018	1,603,660	1,627,715	1,944,250	2,346,900
Total Operating Revenue	42,190,963	39,268,378	42,493,896	25,982,622	23,490,930	26,060,193	5,282,865	5,500,249	5,936,717
Expenditure									
Employee Expenses	13,176,687	14,070,614	16,908,083	11,716,627	12,559,308	15,090,151	443,185	419,921	504,490
Materials and Services	11,736,907	10,416,625	12,378,175	5,160,245	3,706,296	4,296,403	3,104,652	3,285,185	3,937,270
Depreciation expense	6,886,818	6,968,915	8,362,702	5,077,931	5,012,143	6,014,574	89,564	63,752	76,503
Finance and Borrowing costs	284,207	238,476	311,300	171,169	114,718	146,290			
Total Operating Expenses	32,082,519	31,694,630	37,960,260	22,125,972	21,392,455	25,547,418	3,637,401	3,768,858	4,518,263
Operating Surplus/(Deficit)	10,108,444	7,573,748	4,533,636	3,856,650	2,098,475	512,775	1,645,464	1,731,391	1,418,454
Capital Income									
Capital Contributions	721,482	3,600	63,600	448,148	3,600	63,600			,
Capital Grants and Subsidies	13,164,723	4,388,750	7,557,794	6,799,423	2,813,750	4,407,794			
Profit/(Loss) on Sale of Asset	103,275	665,406	1,165,812	110,225	665,406	1,165,812			
	13,969,480	5,057,758	8,787,206	7,357,796	3,482,756	5,637,206			,
Net Result	24,097,924	12,631,504	13,320,842	11,214,446	5,581,231	6,149,981	1,645,464	1,731,391	1,418,454



MAREEBA SHIRE COUNCIL

Budgeted Income Statement by Fund For the period ending 30 April 2017

734,400 35,000 86,626 208,184 141,452 320,498 690,636 436,26 690,63 Budget 2016/17 Benefited Areas 550,800 72,091 181,353 117,877 320,498 559,977 320,498 Budget YTD 69,875 149,850 81,483 812,472 47,887 314,957 878,904 314,957 Actual YTD 57,420 29,700 28,000 768,059 2,588,966 1,233,124 650,000 1,091,288 650,000 4,916,31 Budget 2016/17 637,540 2,108,395 1,027,603 47,850 24,750 325,000 Water Services 325,000 1,563,712 4,916,317 Budget YTD 613,774 2,282,356 911,985 64,234 75,408 107,884 171,488 142,500 130,000 (6,950) 265,550 1,628,923 25,000 4,898,962 4,898,962 Actual YTD 1,347,352 897,049 165,010 2,868,168 30,000 3,970,483 458,757 2.500,000 4,308,651 Budget 2016/17 Sewerage Services 1,135,406 747,540 123,758 2,388,458 3,195,193 381,754 1,250,000 4,308,651 4,308,651 25,000 ,945,193 Budget YTD 332,126 1,038,804 725,855 113,038 155,127 10,361 130,834 6,235,300 6,366,134 27,684 4,380,404 4,380,404 Actual YTD Less Discounts and Pensioner Remissions Fees and Charges
Operating Grants and Subsidies
Operating Contributions
Interest Revenue
Works for Third Parties
Other Revenue
Total Operating Revenue Capital Income Capital Contributions Capital Grants and Subsidies Profit/(Loss) on Sale of Asset Net Rates and Utility Charges Depreciation expense Finance and Borrowing costs Total Operating Expenses Operating Surplus/(Deficit) Revenue Rates and utility charges Materials and Services Employee Expenses Expenditure Net Result



ITEM-8 AERODROME FEES & CHARGES 2017/2018

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Director Infrastructure Services

**DEPARTMENT:** Infrastructure Services

#### **EXECUTIVE SUMMARY**

This report recommends adoption of the Aerodrome Fees and Charges for 2017/2018.

#### OFFICER'S RECOMMENDATION

"That Council adopt the Aerodrome Fees and Charges for the 2017/2018 financial year as per the Schedule attached."

#### **BACKGROUND**

A review of Mareeba Aerodrome Fees and Charges has been undertaken following a comparison of the existing fees and charges against the fees and charges adopted by a number of other Queensland regional airports. Consideration has also been given to the introduction of parking fees for parking on the grassed areas at the Airport where there are no tie-downs. To date, parking fees have only been charged for hardstand parking where tie-downs are available.

With the exception of the introduction of annualised landing fees for aircraft utilised in flight training (adopted 2 March 2016), the landing and parking fees for the Airport have remained the same for the 2015/2016 and 2016/2017 financial years.

It is proposed that moderate increases be applied to existing landing and parking fees and separate parking fees be introduced for parking on the grassed areas at the Airport.

### LINK TO CORPORATE PLAN

**ECON 2 -** In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries. (The Shire's airports, particularly the Mareeba airport, continue to be developed, encouraging aviation related industry and spillover from Cairns airport.)

#### **CONSULTATION**

Internal
Chief Executive Officer



External Nil

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

The setting of Aerodrome Fees & Charges has regard to the overall financial objective of longer term cost recovery of airport operations as discussed in the Business and Financial Plan developed as part of the Mareeba Airport Upgrade Project.

Fees and charges are determined in accordance with the legislative requirements of the *Local Government Act 2009*.

#### **POLICY IMPLICATIONS**

Nil

#### FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

The fees and charges adopted by Council are designed to recover, as far as possible, the full costs of maintaining and operating the Mareeba Airport.

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

If not you must recommend how the budget can be amended to accommodate the expenditure N/A

#### IMPLEMENTATION/COMMUNICATION

On adoption of the 2017/2018 Fees and Charges, advise Customer Service Officers and update Council's website to reflect the changes and alter associated documents.

#### **ATTACHMENTS**

Proposed Mareeba Shire Council Aerodrome Fees & Charges for 2017/2018.

Date Prepared: 24 April 2017



# 2017/2018 Aerodrome Fees & Charges

Landing Fees (Mareeba and Chillagoe)	Per	GST Applies	Approved Fees 2017/18
Fixed Wing Aircraft and Helicopters (empty weight) less than 2,000kg	Landing	Yes	\$5.00
Fixed Wing Aircraft (empty weight) 2,000kg to 5,700kg	Landing	Yes	\$10.00
Helicopters (empty weight) 2,000kg to 5,700kg	Landing	Yes	\$7.00
Fixed Wing Aircraft and helicopters (empty weight) greater than 5,700kg	Landing	Yes	\$15.00
Repetitive Operations Note: *Repetitive operations charged at one landing per hour (where an aircraft makes more than one landing per hour)			
Annualised landing fees at Mareeba Airport for aircraft utilised in flight training under 2,000kg	Annum	Yes	\$2,000.00
Annualised landing fees at Mareeba Airport for aircraft utilised in flight training between 2,000kg and 5,700kg	Annum	Yes	\$4,000.00
Grassed Areas Parking - Mareeba Only (No tie-downs)			
Mareeba Parking - per year less than 5,700kg. On application to be paid in advance for 12 month period direct to MSC	Year	Yes	\$400.00
Mareeba Parking less than 5,700kg	Day	Yes	\$2.00
Mareeba Parking of aircraft 5,700kg and above	Day or part thereof	Yes	\$20.00
Hardstand Parking and Tie-downs - Mareeba Only			
Mareeba Parking - per year less than 5,700kg. On application to be paid in advance for 12 month period direct to MSC	Year	Yes	\$600.00
Mareeba Parking less than 5,700kg	Day	Yes	\$3.00
Mareeba Parking of aircraft 5,700kg and above	Day or part thereof	Yes	\$30.00





ITEM-9 RURAL ADDRESSING FEES & CHARGES 2017/2018

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

**REPORT OFFICER'S** 

TITLE: Manager Technical Services

**DEPARTMENT:** Infrastructure Services, Technical Services Group

#### **EXECUTIVE SUMMARY**

The setting of the fees and charges for the 2017/2018 financial year has been the responsibility of each relevant department and has been set either based on a set percentage increase or based on cost recovery of actual activity costing and is presented for Council's consideration and endorsement.

Current charges for the installation of a Rural Address were reviewed by Council Officers according to actual costs of installation, materials and map updating.

#### OFFICER'S RECOMMENDATION

"That Council adopt the Rural Addressing Fees & Charges for the 2017/2018 financial year."

#### **BACKGROUND**

Each relevant department has been responsible for recommending the fees & charges for the 2017/2018 financial year. The fees and charges have been recommended on either full cost recovery, discounted community service obligation by direction of Council or based on a set percentage increase.

The installation or replacement of a rural address is triggered by a request from the customer and does not currently require an application under a Local Government Act or Local Law. For this reason the fees collected are not considered to be "cost-recovery fees" as defined by section 97 of the *Local Government Act 2009*.

The head of power to set a fee for this service is provided by section 262(3)(c) of the *Local Government Act 2009* which allows the local government to charge for a service or facility other than a service or facility for which a cost-recovery fee may be fixed.

Fees relating to Rural Addressing were investigated by council officers to determine whether current charges reflect the actual cost of installation, materials and map updating. The process of installation of a new rural address involves responding to a customer request, travel and installation of post with sleeve and number, recording chainage, obtaining GPS coordinates/photos, adding the coordinates to update the GIS mapping system and emailing the details of the new rural address to the relevant stakeholders including emergency services, the electoral office, Australia Post and Telstra.



#### LINK TO CORPORATE PLAN

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

# **CONSULTATION**

Internal
Senior GIS Officer
Budget Officer
Compliance Coordinator

External Nil

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

Local Government Act 2009

# **POLICY IMPLICATIONS**

Nil

#### FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

# IMPLEMENTATION/COMMUNICATION

On adoption of the 2017/2018 Fees and Charges, advise Customer Service and update Council's website.

#### **ATTACHMENTS**

1. Proposed Rural Addressing Fees & Charges for 2017/2018.

Date Prepared: 3 May 2017



Fee Number	Fee Description	Unit	GST Status	Proposed Fee 2017/2018	Cost Recovery Status Under s97(2) Local Government Act 2009	Act or Local Law
F0621	New Rural Address	request	GST	\$295.00		S 262(3)(c) Local Government Act 2009
F0622	Replacement Rural Address	item	GST	\$255.00		S 262(3)(c) Local Government Act 2009
F0623	Replacement Number	item	GST	\$3.50		S 262(3)(c) Local Government Act 2009
F0625	Replacement Number Sleeve	Item	GST	\$28.00		S 262(3)(c) Local Government Act 2009
F0627	Replacement Post	item	GST	\$13.50		S 262(3)(c) Local Government Act 2009





ITEM-10 2017- 2018 BUILDING AND PLUMBING FEES AND

**CHARGES** 

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Building Certifier (Acting Supervisor Building Services)

**DEPARTMENT:** Corporate and Community Services

### **EXECUTIVE SUMMARY**

This report presents the recommended 2017/2018 Fees and Charges for Building Services activities for Council's consideration and endorsement.

### OFFICER'S RECOMMENDATION

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

### **BACKGROUND**

Section 97 of Local Government Act 2009 prescribes the circumstances where a Local Government may set a cost-recovery fee. This section also prescribes that a cost-recovery fee must not be more than the cost to the local government of taking the action for which the fee is charged. Where a local government sets a fee that cannot be classed as a cost-recovery fee under section 97 it is a commercial fee and is set under section 262 (3) of the Local Government Act.

Section 97(3) requires that where a cost-recovery fee is set under section 97(3)(d) or (e) the resolution setting the fee must state the person liable to pay the cost-recovery fee; and the time within which the fee must be paid.

Section 97(2)(e) refers to, the performance of another responsibility imposed upon the local government under the Building Act or the Plumbing and Drainage Act.

Costs for services are reviewed annually, with the full cost recovery model applied wherever possible. The proposed fees for 2017/18 were workshopped with Council on 5 April 2017.

For the most part, the methodology and process costs used in the determination of the 2016/2017 fees have been carried forward.

Some individual fees related to commercial building certification have been slightly increased to reflect the additional cost to Council to provide these services.



### LINK TO CORPORATE PLAN

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

### **CONSULTATION**

Internal

Manager Development and Governance

External

Nil

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

Council must be able to demonstrate that the cost-recovery fees are no more than the cost of providing the service. Council is able to set a fee that is lower than the calculated cost where it is deemed appropriate.

Section 98 of the Local Government Act requires Council to keep a register of cost-recovery fees and it states what must be included in the register.

### **POLICY IMPLICATIONS**

Nil

### FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

Is the expenditure noted above included in the 2017/2018 budget?

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

Nil

### IMPLEMENTATION/COMMUNICATION

On adoption of the 2017/2018 fees, the schedule of fees and charges will be updated. The charge controls in the Council's corporate system (Property & Rating) will need to be updated prior to the commencement of the 2017/2018 financial year. The website will also need to be updated to reflect the new fees.



### **ATTACHMENTS**

1. 2017/18 Fees and Charges for Building Services

Date Prepared: 6 April 2017



Fee Description	Unit	GST Status	Fees Consolidated	Cost Recovery Status Under s97(2) Local Government Act 2009	Act or Local Law
Inspection Fees Inspection Costs (Class 1 and 10 Buildings)					
One inspection cost for all locations	inspection	GST	\$200.00	е	s 51(2) Building Act 1975
Inspection Costs (Class 2 - 9 Buildings) One inspection cost of all locations	inspection	GST	\$260.00	e	s 51(2) Building Act 1975
Class 1a - New Dwelling	p	NO COT		_	- F4(1) Pull-line A + 107F
Application Assessment	application assessment	NO GST GST		a e	s 51(2) Building Act 1975 s 51(2) Building Act 1975
Inspections x 4 minimum	inspection	GST	\$1,370.00	e	s 51(2) Building Act 1975
Class 1a - Additions/Alterations - Extension to Dwellings etc.					
Application	application	NO GST		а	s 51(2) Building Act 1975
Assessment Inspections x 4 minimum	assessment inspection	GST GST	\$1,250.00	e e	s 51(2) Building Act 1975 s 51(2) Building Act 1975
Class 10a - Patios and Roofed Decks					
Application	application	NO GST		a	s 51(2) Building Act 1975
Assessment	assessment	GST	4	е	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$550.00	e	s 51(2) Building Act 1975
Class 10 - Garage, Carport, Shed or the like - Greater than 18m2		NO CCT			- F4(2) Puilding Ast 107F
Application Assessment	application assessment	NO GST GST		a e	s 51(2) Building Act 1975 s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$550.00	e	s 51(2) Building Act 1975
Class 10 - Garage, Shed or the Like Under 18m2, Open Carports max. area 36sqm					
Application	application	NO GST GST	\$210.00	a	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	(3)	\$210.00	e	s 51(2) Building Act 1975
Temporary Structure Application	application	NO GST		a	s 51(2) Building Act 1975
Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$545.00	e	s 51(2) Building Act 1975
Temporary Accommodation Permit					
Assessment	assessment	NO GST GST	¢300.00	a	Local Law No.1 Local Law No.1
Inspections x1 minimum (If necessary)	inspection	usi	\$290.00	a	LOCAI LAW NO.1
Temporary Accommodation Renewal Assessment	assessment	NO GST	\$75.00	a	Local Law No.1
Class 1a - Minor Alterations e.g. Building Repairs					
Application	application	NO GST		a	s 51(2) Building Act 1975
Assessment Inspections x 1 minimum	assessment inspection	GST GST	\$430.00	e e	s 51(2) Building Act 1975 s 51(2) Building Act 1975
Amendment to Application Class 1 & 10 (Inspections Not Included)					
Application	application	NO GST		а	s 51(2) Building Act 1975
Assessment Inspections (if required)	assessment	GST GST	\$465.00	e	s 51(2) Building Act 1975 s 51(2) Building Act 1975
	inspection	(3)	Э <del>ч</del> 05.00	е	s JI(Z) Danulily ACC 1973
Extension of Time or Renewal of Building Approval - Domestic & Commercial Administration	application	GST	\$75.00	a	s 51(2) Building Act 1975
Extension of Time or Renewal of Building Approval - Submitted by a Private Certifier Administration	application	GST	\$75.00	a	s 51(2) Building Act 1975
Amendment to Application Class 2 to 9 (Inspections Not Included)					
Application Assessment	application assessment	NO GST GST	\$440.00	a e	s 51(2) Building Act 1975
	assessment		Ţ	-	



Fee Description	Unit	GST Status	Fees Consolidated	Cost Recovery Status Under s97(2) Local Government Act 2009	Act or Local Law
Class 10a - Mausoleum					
Application	application	NO GST		а	s 51(2) Building Act 1975
Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections x 4 minimum	inspection	GST	\$1,215.00	e	s 51(2) Building Act 1975
Class 2 to 9 - Up to but not Including 500m2					
Application	application	NO GST		a	s 51(2) Building Act 1975
Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections x 4	inspection	GST	\$2,156.00	e	s 51(2) Building Act 1975
Class 2 to 9 - 500m 2 and Greater					
Application	application	NO GST	\$340.00	a	s 51(2) Building Act 1975
Assessment POA	assessment	GST	POA	e	s 51(2) Building Act 1975
Inspections	inspection	GST	\$260.00	e	s 51(2) Building Act 1975
Class 2 to 9 - Additions/Alterations to Commercial Buildings					
Application	application	NO GST		a	s 51(2) Building Act 1975
Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$880.00	e	s 51(2) Building Act 1975
Class 5, 6, 7, 8, 9 - Fit Outs - Non Structural Building Work					
Application	application	NO GST		a	s 51(2) Building Act 1975
Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections (depending on location) x 1 minimum	inspection	GST	\$610.00	e	s 51(2) Building Act 1975
Class 10b - Retaining Walls					
Application	application	NO GST		а	s 51(2) Building Act 1975
Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$495.00	e	s 51(2) Building Act 1975
Class 10b - Swimming Pools, Spas, Above Ground Swimming Pools					
Application .	application	NO GST		а	s 51(2) Building Act 1975
Assessment	assessment	GST	\$435.00	e	s 51(2) Building Act 1975
Inspections x 1 minimum TemporaryFence Inspections x 1 minimum	inspection inspection	GST GST	\$435.00	e e	s 51(2) Building Act 1975 s 51(2) Building Act 1975
Cuinning Deal Compliance Inspection					
Swimming Pool Compliance Inspection Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$345.00	e	s 51(2) Building Act 1975
	,				
Swimming Pool Compliance Certificate Renewal Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspection x 1	inspection	GST	\$280.00	e	s 51(2) Building Act 1975 s 51(2) Building Act 1975
Re-inspection Fee will be charged if necessary	пізресион	031	<b>\$250.00</b>		3 31(2) Dunung Acc 13/3
Class 1a - Additions/Alterations - Re-roof or Re-stump					
Application	application	NO GST		a	s 51(2) Building Act 1975
Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections x 1	inspection	GST	\$445.00	e	s 51(2) Building Act 1975
Change of Builder Notification	-				
Notification	application	NO GST	\$65.00	e	s 51(2) Building Act 1975
Class 10b - Fences, Rainwater Tank, Pervious Shade Sail or the like	-				
Application	application	NO GST		а	s 51(2) Building Act 1975
Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$435.00	e	s 51(2) Building Act 1975
Special structures - (hoardings and gantries, towers, cranes etc.)	<del> </del>				
Application	application	NO GST		a	s 51(2) Building Act 1975
Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$570.00	e	s 51(2) Building Act 1975
BOND APPLICABLE to structure over Council footpaths - (refundable) \$1,000	application	NO GST	\$1,000.00		s 262(3)(c) Local Government Act 2009
	<u> </u>				



		_	_	Cost Recovery Status Under	
Fee Description	Unit	GST Status	Fees Consolidated	s97(2) Local Government Act 2009	Act or Local Law
Advertising Signs					
Application	application	NO GST		а	s 51(2) Building Act 1975
Assessment	assessment	GST	ČE35 00	e	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$535.00	е	s 51(2) Building Act 1975
Bushfire Assessment					
Application	application	NO GST		а	s 51(2) Building Act 1975
Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$495.00	e	s 51(2) Building Act 1975
Siting Dispensation - includes report					
Application	application	NO GST		a	s 51(2) Building Act 1975
Assessment	assessment	GST		е	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$460.00	е	s 51(2) Building Act 1975
Private Certifier Lodgement Class 1 and 10 - Non Commercial					
Application	application	NO GST	\$165.00	a	s 51(2) Building Act 1975
Private Certifier Lodgement - Class 2 to 9 - Commercial Developments					
Application	application	NO GST	\$340.00	a	s 51(2) Building Act 1975
Demolition All Classes (Excluding Plumbing)					
Application	application	NO GST		a	s 51(2) Building Act 1975
Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$490.00	е	s 51(2) Building Act 1975
Pre-inspection for Relocation of structure - preliminary approval					
Application	application	NO GST		a	s 51(2) Building Act 1975
Assessment	assessment	GST		e	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$500.00	е	s 51(2) Building Act 1975
Please note additional charge for out of Shire inspections					
Road Transport Bond					
BOND APPLICATION (refundable) \$5,000	application	NO GST	\$5,000.00		s 262(3)(c) Local Government Act 2009
Re-Establishment Bond					
			10% of re		
BOND APPLICABLE (refundable) \$10,000 - \$25,000	application	NO GST	establishment		s 262(3)(c) Local Government Act 2009
			costs		
Preliminary approval Class 1 to 10		NO COT	C1 45 00		- F4/3) Puildi 1-14035
Application	application	NO GST	\$145.00	a	s 51(2) Building Act 1975
			Assessm ent		
4(1 200/ 55		COT	Charge is 30% of		54(3) D. 37" A 14075
Assessment (charge 30% of fee as per normal schedule)	assessment	GST	fee as per schedule fee for	е	s 51(2) Building Act 1975
			new building		
Inspections x 1 minimum if required	inspection	GST	\$200.00	e	s 51(2) Building Act 1975
Dralimingry approval (commercial)					
Preliminary approval (commercial) Application	application	NO GST	\$340.00	a	s 51(2) Building Act 1975
			Assessment		
			Charge is 30% of		
Assessment (charge 30% of fee as per normal schedule)	assessment	GST	fee as per	e	s 51(2) Building Act 1975
			schedule fee for		
			new building		
Inspections x 1 minimum if required	inspection	GST	\$220.00	е	s 51(2) Building Act 1975
Inspection For Fire Safety Compliance					
Assessment including report depending on complexity POA	assessment	GST	POA	e	s 51(2) Building Act 1975
Inspections x 1 minimum	inspection	GST	\$200.00	е	s 51(2) Building Act 1975
Assessment of Alternate Solution					
Assessment	assessment	GST	POA	e	s 51(2) Building Act 1975



Fee Description	Unit	GST Status	Fees Consolidated	Cost Recovery Status Under s97(2) Local Government Act 2009	Act or Local Law
Certificate of Classification (if not previously issued)					
Application			POA	a	s 51(2) Building Act 1975
Inspections (depending on location) x 1 minimum	application	NO GST	POA	е	s 51(2) Building Act 1975
Copy of Certificate of Classification or Final Inspection Certificate Administration	application	NO GST	\$45.00	с	s 51(2) Building Act 1975
Building Record Search - (Domestic and Commercial) Administration	application	NO GST	\$130.00	С	s 51(2) Building Act 1975
View building/plumbing file at counter Administration	application	NO GST	\$35.00	с	s 51(2) Building Act 1975
Building Record Search - including site inspection - (Domestic and Commercial)		No cor	Arc		- 54(2) D24
Building File Information Only	search	NO GST	\$50.00	С	s 51(2) Building Act 1975
Building File Summary and Plans Building File Inspection	search inspection	NO GST NO GST	\$130.00 \$200.00	c c	s 51(2) Building Act 1975 s 51(2) Building Act 1975
Plumbing Application Fee					
Inspection Costs					
One inspection cost for all locations	application	NO GST	\$190.00	e	s 85, 86 Plumbing & Drainage Act 2002
Miscellaneous Inspection (e.g. Non-Approved Work/Re-inspection or Additional Inspection					
Inspection x 1 minimum	inspection	NO GST	\$190.00	e	s 85, 86 Plumbing & Drainage Act 2002
Minor Plumbing works, modifications to Existing Plumbing and Drainage					
Application	application	NO GST		а	s 85, 86 Plumbing & Drainage Act 2002
Assessment	assessment	NO GST		e	s 85, 86 Plumbing & Drainage Act 2002
Inspection x 1 minimum	inspection	NO GST	\$345.00	е	s 85, 86 Plumbing & Drainage Act 2002
Minor Plumbing Connection (Domestic 10a sheds)					
Application	application	NO GST		a	s 85, 86 Plumbing & Drainage Act 2002
Assessment Inspection x 2 minimum	assessment inspection	NO GST NO GST	\$565.00	e e	s 85, 86 Plumbing & Drainage Act 2002 s 85, 86 Plumbing & Drainage Act 2002
Town Sewer Connection (Domestic and Commercial)					
Application	application	NO GST		a	s 85, 86 Plumbing & Drainage Act 2002
\$18.00 per fixture (minimum \$90)	assessment	NO GST		e	s 85, 86 Plumbing & Drainage Act 2002
Inspections x 4 minimum	inspection	NO GST	\$935.00	e	s 85, 86 Plumbing & Drainage Act 2002
Installation of on site disposal system (in connection with building permit)					
Application	application	NO GST		a	s 85, 86 Plumbing & Drainage Act 2002
Assessment Site & Soil Report	assessment	NO GST		e	s 85, 86 Plumbing & Drainage Act 2002
Assessment per fixture \$18.00 per fixture (minimum \$90)	assessment	NO GST		e	s 85, 86 Plumbing & Drainage Act 2002
Inspections x 4 minimum	inspection	NO GST	\$1,025.00	е	s 85, 86 Plumbing & Drainage Act 2002
Installation of on site disposal system when stand alone application					
Application	application	NO GST		a	s 85, 86 Plumbing & Drainage Act 2002
Assessment Site & Soil Report Inspections x 2 minimum	assessment inspection	NO GST NO GST	\$555.00	e e	s 85, 86 Plumbing & Drainage Act 2002 s 85, 86 Plumbing & Drainage Act 2002
Commoraid shop fit out					
Commercial shop fit out Application	application	NO GST		a	s 85, 86 Plumbing & Drainage Act 2002
Assessment per fixture \$18.00 per fixture (minimum \$90)	assessment	NO GST		e	s 85, 86 Plumbing & Drainage Act 2002
Inspections x 3 minimum	inspection	NO GST	\$745.00	e	s 85, 86 Plumbing & Drainage Act 2002
Additional/Alterations to plumbing fixtures - existing drainage connection					
Application	application	NO GST		a	s 85, 86 Plumbing & Drainage Act 2002
Assessment per fixture \$18.00 per fixture (minimum \$90)	assessment	NO GST		e	s 85, 86 Plumbing & Drainage Act 2002
Inspections x 2 minimum	inspection	NO GST	\$555.00	е	s 85, 86 Plumbing & Drainage Act 2002
Replacement of land application area	, .	No com			or or other kind of the state o
Application Assessment Site & Soil Report	application assessment	NO GST NO GST		a	s 85, 86 Plumbing & Drainage Act 2002 s 85, 86 Plumbing & Drainage Act 2002
Inspections x 1 minimum	inspection	NO GST	\$365.00	e e	s 85, 86 Plumbing & Drainage Act 2002 s 85, 86 Plumbing & Drainage Act 2002
husbeen ous v x minimum	пъресион	140 031	3303.00	I "	5 05, 00 Framing & Drullinge ACL 2002



Disconnection from Council Sewer System  Application  Assessment Inspections x 1 minimum  Connection to Council sewerage system  Application  Assessment per fixture \$18.00 per fixture (minimum \$90) Inspections x 2 minimum  Provide copy of "as constructed" file  Administration  Amendment to Drainage Plan  Application  Assessment per fixture \$18.00 per fixture (minimum \$90)  Change of Plumber  Notification  On Site Sewerage Fadility - Domestic  Annual Administration Fee  Non compliance Fee  Non compliance Fee for water quality test failure and sample analysis fee cost + 0.5 admin occurer	nt NO 6:  n NO 6:	\$1 \$365.00 \$1 \$365.00 \$1 \$555.00 \$1 \$20.00 \$1 \$140.00	a e e e c	s 85, 86 Plumbing & Drainage Act 2002 s 85, 86 Plumbing & Drainage Act 2002
Application Assessment Inspections x 1 minimum  Connection to Council sewerage system Application Assessment per fixture \$18.00 per fixture (minimum \$90) Inspections x 2 minimum  Provide copy of "as constructed" file Administration  Amendment to Drainage Plan Application Assessment per fixture \$18.00 per fixture (minimum \$90)  Amendment to Drainage Plan Application Assessment per fixture \$18.00 per fixture (minimum \$90)  Change of Plumber Notification  On Site Sewerage Fadility - Domestic Annual Administration Fee Non compliance Fee  Non compliance Fee	nt NO 6:  n NO 6:	\$1 \$365.00 \$1 \$365.00 \$1 \$555.00 \$1 \$20.00 \$1 \$140.00	e e a e e	s 85, 86 Plumbing & Drainage Act 2002 s 85, 86 Plumbing & Drainage Act 2002
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Annual Administration Fee year Non compliance Fee occurer		ST \$60.00	е	s 85, 86 Plumbing & Drainage Act 2002
Non compliance Fee occure				
·	NO G	ST	е	s 85, 86 Plumbing & Drainage Act 2002
Non compliance Fee for water quality test failure and sample analysis fee cost + 0.5 admin occurer	e NO G	ST \$100.00	e	s 85, 86 Plumbing & Drainage Act 2002
1	e NO G	ST at cost + 5%	e	s 85, 86 Plumbing & Drainage Act 2002
Inspections x 2 minimum inspect	n NO G	ST \$370.00	e	s 85, 86 Plumbing & Drainage Act 2002
On Site Concurrence Agency				
Assessment assessm	nt NO G	ST \$90.00	e	s 85, 86 Plumbing & Drainage Act 2002
Installation of Solar Hot Water Systems under State Govt rebate scheme or Fee set by State				
Govt Application applicat	n NO G	ST \$30.00	а	s 85, 86 Plumbing & Drainage Act 2002
Back flow prevention device				
Annual Administration Fee applicat	n NOG	ST \$50.00	e	s 85, 86 Plumbing & Drainage Act 2002
Non compliance Fee occure	e NOG	ST \$100.00	е	s 85, 86 Plumbing & Drainage Act 2002
Non compliance Fee for water quality test failure and sample analysis fee cost + 0.5 admin occurer	e NO G	ST at cost + 5%	e	s 85, 86 Plumbing & Drainage Act 2002
Inspections 2 minimum inspect	n NOG	ST \$380.00	e	s 85, 86 Plumbing & Drainage Act 2002



ITEM-11 2017/2018 VISITOR INFORMATION CENTRE TOURISM

**BROCHURE DISPLAY FEES AND CHARGES** 

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Senior Engagement Officer

**DEPARTMENT:** Corporate and Community Services

### **EXECUTIVE SUMMARY**

This report presents the recommended 2017/2018 Visitor Information Centre Tourism Brochure Display Fees and Charges for Council consideration and approval.

### OFFICER'S RECOMMENDATION

"That Council adopt the 2017/18 Visitor Information Centre Tourism Brochure Display Fees and Charges."

### **BACKGROUND**

The Visitor Information Centre Tourism Brochure Display Fees and Charges Policy was implemented in 2014 to achieve a coordinated and consistent approach to the display of brochures in Visitor Information Centres in the Mareeba Shire and Tablelands Regional Council area. Council is supportive of encouraging TTT to develop independent income streams further to Council's annual funding contribution. To create an incentive to become a member, fees and charges are matched to the cost of TTT's Bronze membership.

This is achieved with two alternatives offered for brochure display rights:

**Alternative 1:** The operator takes out membership of Tropical Tablelands Tourism (TTT) which includes brochure display rights, with TTT retaining all membership fees;

**Alternative 2:** The operator pays the same fee as the TTT Bronze membership for brochure display rights in the VIC network, with revenue sharing arrangements in place between TRC and MSC.

TTT has outlined its membership fees for 2017/18, operational from 1 July 2017. It has retained its fees from 2016/17.



The following table outlines the current and proposed fees and charges.

Fee Type	Fee Amount
Annual Visitor Information Centre Tourism Brochure Display Fees	
Yearly fee	\$140.00
3 quarters	\$105.00
2 quarters	\$70.00
1 quarter	\$35.00
Annual Additional Visitor Information Centre Tourism Brochure Display Fees	
Yearly fee	\$65.00
3 quarters	\$48.75
2 quarters	\$32.50
1 quarter	\$16.25

### LINK TO CORPORATE PLAN

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

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

### **CONSULTATION**

Internal

Manager Community Wellbeing

External

Tropical Tablelands Tourism Tablelands Regional Council

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

Nil

### **POLICY IMPLICATIONS**

The policy is complementary to Council's strategic partnership with Tropical Tablelands Tourism where financial sponsorship is provided.



### FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

Is the expenditure noted above included in the 2017/2018 budget? Nil

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

### IMPLEMENTATION/COMMUNICATION

On adoption of the 2017/18 Visitor Information Centre Tourism Brochure Display Fees and Charges Policy fees and the Visitor Information Centre Brochure Display Guidelines will be updated and distributed to Tropical Tablelands Tourism, Tablelands Regional Council, Mareeba Heritage Museum And Visitor Information Centre and staff in Kuranda Visitor Information Centre.

### **ATTACHMENTS**

Nil

Date Prepared: 9 May 2017





### INFORMATION SYSTEMS AND CUSTOMER SERVICE

ITEM-12 ICT STRATEGY AND ACTION PLAN 2017 – 2020

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Manager Systems and Customer Service

**DEPARTMENT:** Corporate and Community Services

### **EXECUTIVE SUMMARY**

Council is seeking to implement a long term strategy to ensure the continuity of delivery of ICT services beyond the expected end of life of the current data centre infrastructure. This strategy is intended to embrace the 'ICT as a Service' ethos, and make use of Cloud service models to the maximum extent permissible.

In September 2016 an EOI was awarded to Gravelroad Group Pty Ltd to deliver such a strategy in close consultation with Council.

This report tables the outcome of that engagement.

### OFFICER'S RECOMMENDATION

"That Council endorse the ICT Strategy and Action Plan 2017 – 2020."

### **BACKGROUND**

The current state of Council's ICT is focused primarily on the traditional 'on premise' model, in which Council owns and operates the vast majority of the back end infrastructure required to deliver the various information systems. Whilst successful to date, this model contains a number of key disadvantages, including:

- A significant up-front capital investment is required to procure the necessary infrastructure to support increasing complex information systems, including the requirement to 'house' the infrastructure in a secure data centre. This infrastructure will require continual replacement over time to remain current and supportable.
- The cost of establishing a full Disaster Recovery capability using an on premise model is prohibitive given the need to essentially duplicate the infrastructure requirements of the primary site, in itself a very expensive exercise.
- Much of the infrastructure is complex in nature, requiring very specific skills sets to be maintained in-house by Council staff. This poses some risk to Council and precludes the same staff from concentrating on system enhancement efforts.



In an attempt to address these, and other, concerns Council has developed an ICT Strategy that focuses on leveraging the best aspects of the burgeoning cloud delivery models for ICT services.

The ICT Strategy has involved significant input from Council's Executive and Senior management team, with a number of workshops being conducted early in the piece. This team was instrumental in forming the overall Vision guiding the strategy, which is:

"Creating simplified and sustainable services and better customer experience through proven cloud first digital platforms".

The team also developed a series of 10 key Principles, which will form the benchmark against which all future ICT decisions and investments will be tested against.

As part of the same consultation process a series of 5 focus areas have been developed to ensure that the right activities and investments are undertaken.

### **Focus Areas**

### Connected Secure and Reliable

The transition to cloud services places far greater emphasis on the performance and availability of Council's internet communications link.

This link is currently delivered by a single provider and is 'sized' to support the on premise model. The future state model sees Council procuring multiple links from disparate providers to allow for link redundancy and a substantial upsizing in the link capacity to carry data.

### **Cloud First**

Council will shift its core ICT efforts to leveraging cloud service providers, to deliver information systems to staff and customers.

All on premise systems will be scrutinised and measured against their suitability to transition to the Cloud. Where this is found to be possible a migration plan that ensures for a low risk approach will be developed and implemented. A number of cloud service delivery models will be considered, from Infrastructure as a Service (IaaS) in which Council retains much of the administrative overhead in delivering the system, to a true Software as a Service (SaaS) model in which this effort is devolved to the relevant provider.

These changes will require a refocus of ICT activities towards contract and supplier management.

### Enterprise Efficiency

A series of actions has been developed that target Council's core Enterprise Resource Planning (ERP) platform provided by TechnologyOne. This encompasses the Cores Enterprise Suite, Property and Rating and Enterprise Content Management products.

TechnologyOne have invested significant effort over recent years to deliver their entire product suite via the Cloud, using a Software as a Service (SaaS) model. This product has matured markedly in recent times and places the suite as a prime candidate to transition as part of Council's 'Cloud First' approach to ICT.



### **Enterprise Mobility**

A move toward the delivery of systems via the Cloud brings with it a number of implicit capabilities, one of which is the ability to access these systems 'anywhere at any time'.

The actions in this focus area look to leverage this capability to deliver system access to both Council staff working in the field, and customers via on-line portals.

### **Digital Customer**

The final focus area seeks to recognise the changing expectations of Council's customer base, who increasingly expect to engage with Council on-line via a single or 'omni-channel' interface.

A transition to the Cloud simplifies many of the challenges surrounding this approach to customer service delivery.

Council will seek opportunities to allow for digital engagement, inclusive of a greater effort in 'pushing' data to customers.

### LINK TO CORPORATE PLAN

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

### **CONSULTATION**

Internal
Executive Management Team
Senior Management Team
ICT Section

External
Gravelroad Group Pty Ltd

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

A thorough risk assessment will be performed before any services are transitioned to the Cloud, inclusive of an information classification exercise. Perspective Cloud providers will be assessed to ensure compliance with all relevant standards.

This Strategy will assist Council in implementing a Disaster Recovery solution.

### **POLICY IMPLICATIONS**

Nil

### FINANCIAL & RESOURCE IMPLICATIONS

### Capital

A separate costing analysis has been performed. The related Implementation Plan breaks the strategy into succinct pieces of work, the budget for which will be requested as timing dictates. Further details will be provided to Council.



Operating

Significant input will be required by Council officers, notably those in ICT and Business Systems.

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

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

### IMPLEMENTATION/COMMUNICATION

Nil

### **ATTACHMENTS**

1. ICT Strategy and Action Plan 2017 – 2020

Date Prepared: 9 May 2017





## ICT Strategy and Action Plan

2017 - 2020



### Foreword:

Mareeba Shire Council provides ICT services based on current technologies and available resources. From a risk management perspective, further enhancements and technological advancements have necessitated the preparation of an ICT Strategy.

This strategy has a direct link to the Corporate Plan 2014 - 2019 and embraces a vision of "creating simplified and sustainable services and better customer experience through proven cloud first digital platforms".

Ten identified principles provide an overarching guidance for all future ICT and digital investments, and support a culture of understanding and embracing the strategy and associated action plans.

Within five focus areas, connected/secure/reliable; cloud first; enterprise efficiency; enterprise mobility; and digital customer, a number of proposed actions have been presented within this strategy. The timeframes to deliver these actions have been estimated based on current resource levels.

It is anticipated that this strategy and associated contents be reviewed annually to ensure alignment with the vision is maintained.



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### Corporate Plan

### Vision

A growing and confident Shire, comprised of diverse communities who share the common values of a relaxed lifestyle and respect for the beauty of the natural environment of the region.

### Mission

It is Council's mission to preserve the values expressed in its vision by creating the foundations for a strong and financially sustainable future for the shire. This will be achieved through responsible and accountable decision-making, cost-effective service provision, and community capacity building through collaborative partnerships.

### **Corporate Values and Principles**

### **Customer focused**

- The customer is our singular focus. We keep the fact that "the community are our customers" in the forefront of every decision and action we take.
- · We are here to serve our community in everything we do.
- We will operate in an efficient and effective businesslike manner to ensure long-term sustainability and to meet community expectations, giving them real value for their money.

### One united team

- We are all new staff members of this new organisation and will work as a united team.
   Where we came from is irrelevant as we go forward together to build a great organisation.
- We operate as a team using the skills and experience of all staff.
- We recognise the value of a diverse work force and actively support the principles of equal employment opportunity.

### Empowered staff who make decisions

- . We all have the power to make decisions in our own areas of authority.
- · We know we will be supported when we do so.
- We are never satisfied with the status quo: we will always strive to improve Council's service and enthusiastically pursue innovative ways of doing so.
- We constantly strive to achieve a balance between the environmental, social and economic needs of the community; the triple bottom line.

### Whole of Council approach

- A whole of Council approach will always be taken, with every decision being made on the basis of what is best for the whole organisation, in accordance with Council's policies and practices.
- We share information throughout the organisation using vigorous and open communication.
- We recognise the importance of involving all our fellow staff members in the decisionmaking process, with managers who provide coaching, support and leadership.

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### **Performance Measures**

To ensure we are achieving our desired outcomes, quantitative and qualitative performance measures will be implemented.

We need to ensure that performance measures developed are meaningful, easily understood and readily accessible to the community. For instance, if we are able to demonstrate to the community that:

- We are delivering quality and sustainable services while keeping rate increases to no more than the percentage increase in the council cost Index
- We have an acceptable Queensland Treasury Corporation (QTC) Sustainability Rating
- Our cost per head to provide general council services is no greater than other councils of a comparable size, and
- Our number of employees per 100 head of population is also equivalent to or less than the industry average;

Then we should be generally satisfied that we are performing reasonably well from an overall organisation and community perspective.

The ongoing review of performance measures will inform our assessment of how well we are delivering on community expectations and how well the organisation is performing in comparison with other local governments. This will allow us to make informed decisions about what areas need more attention and investment.



### ICT Strategy

The transformed use of ICT in Mareeba Shire Council will underpin Council's business transformation as part of the broader continuous improvement agenda. By using a new, modern approach to ICT, and providing better outcomes for Council, the Shire and customers, this strategy supports Council's key strategic priorities<sup>1</sup>:

### Community

Goal: 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

Goal: A natural and living environment that provides safety and enjoyment for the community and visitors.

### Economy

**Goal:** A growing and vibrant local economy supported by a planning scheme that seeks to balance development with rural sustainability and lifestyle considerations.

### Governance

**Goal:** 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.

The ICT Strategy outlines the Council's vision for the future and specific areas of focus that require attention to deliver incremental improvement over time. Each focus area is accompanied by specific actions and outcomes that are guided by Council's ICT principles.

### **ICT Vision**

The Council's vision statement relating to the future of the Information Communications Technology environment provides the forward looking guiding light that will provide direction for the duration of this strategy -2017 - 2020.

"Creating simplified and sustainable services and better customer experience through proven cloud first digital platforms."

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Corporate Plan 2014 - 2019



The ICT Strategy compliments the Council's existing corporate strategy and operational plans as per the following diagram:



Figure One - Mareeba Shire Strategic Alignment

The performance and validity of the ICT strategy and associated action plan is subject to review on an annual basis and will be overseen by the Executive Management Team.



### Strategic Principles

The Council's Strategic principles provide the overarching guidance for all future ICT and Digital investments and are used to create a culture that understands and embraces the strategy and action plan.

- We adopt 'cloud first' solutions to create a sustainable environment and long term value for our customers
- We adopt integrated enterprise platforms and maximise productivity by eliminating manual processes through targeted investment.
- We focus on our core business of delivering services to our customers and leverage industry partners to deliver ICT 'as a Service'.
- We adopt standardised software and processes and minimise complex customisations.
- We keep our ICT environment simple and focused on delivering a great customer experience through incremental evolution.
- We make better decisions through improved use of data and information to create relevant knowledge and intelligence.
- Our ICT investments are delivered in short sprints that provide benefits early into the investment lifecycle.
- Our ICT and digital services maximise efficiency and promote a sustainable financial model.
- We embrace digital innovation and trial new capability through prototyping and testing.
- We provide access to the right tools and information, at the right place and right time.

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# Mareeba ICT Strategy 2017 - 2020



Delivering better business by maximising our investment in enterprise systems.

Key actions

Review Business Continuity Plans (BCF) in

- Complete incremental rollout plan for new Microsoft Office 365 tools.
- Complete Enterprise systems remediation activities to support doud transition.
  - Develop and implement enterprise systems quick
- Develop detailed enterprise systems roadmap with wins program.

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### **Action Plan**

### Overview

ICT represents significant expenditure for the Mareeba Shire and forms a substantial asset, but unlike public buildings the lifecycle of ICT assets is short, requiring upgrades and improvements to be undertaken on a regular basis and, if neglected, can result in high management costs and inefficiencies.

The costs to simply maintain systems that are either at or nearing the end of their useful life are placing a strain on Council's budget. Conversely, the human resources required to continually improve the ICT capability are finite, limiting the delivery of on-going improvements to Council's services.

This strategy will address these problems by taking a new approach to sourcing ICT services, thereby replacing costly, aged systems in a much shorter timeframe than would be possible previously. This will involve potential adoption of a range of procurement solutions focusing predominantly on procuring ICT as a service. While the migration to this approach carries risk, there are significant cost and service delivery benefits to be gained. The Mareeba Shire Council will gradually become a purchaser of ICT services from private providers, and will safely but aggressively reduce its ownership and management of ICT assets and software applications.

This Action Plan supports the intent of the ICT Strategy by outlining the high level activities and associated priorities to achieve the required transformation. The actions contained within the plan provide the platform for a considered and risk managed approach towards achieving the future state and in most instances, will lead flow on activities which will be included in the annual review.

### Strategic Imperatives

In order to achieve its key objectives, Council is focusing on a structured program of activities that will build upon each other as time goes on. Each tranche within the program will deliver new capabilities and assist in achieving:

- Get the fundamentals right Stabilise the ICT environment and conduct cloud readiness
  activities to ensure services are delivered in a robust, reliable and highly available manner.
- Build on the fundamentals Leverage the fundamentals to deliver new and innovative services to support business transformation by embracing high-value technology trends.
- Improve the way Council works Develop a program of incremental digital improvement that
  adopts enhancements that are resultant of Council's transition to cloud based service delivery.

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### Focus Areas

As a result of an extensive consultation process within Council, a series of focus areas have been developed to ensure that the right activities and investments are undertaken.

Initial consultation with Council's senior officers resulted in a comprehensive list of areas where improvements would deliver significant benefits.

These areas have been dissected and incorporated into the following five key focus areas:



Connected, Secure and Reliable

Connecting people utilising secure and reliable technologies.



**Cloud First** 

Leveraging Cloud to deliver cost effective services.



**Enterprise Efficiency** 

Delivering better business by maximising out investment in enterprise systems.



Enterprise Mobility

Increasing access for staff and customers to the right information at the right time.



**Digital Customer** 

Providing access to service when, where and how they are needed.



### Focus Area - Connected, Secure and Reliable

### Overview

Reliable communications networks form the foundation of any organisation's ICT systems, connecting people to critical information when and how it is needed. Whilst robust communications networks have always been important, the reality is that regional Australia continues to suffer from communications black spots that are not considered commercially viable for providers to supply coverage.

In recognition of the impact this issue is having nationally,
Australia is currently undergoing a once in a generation
communications transformation, with the rollout of the National
Broadband Network (NBN) and on-going enhancements to the
Long Term Evolution (LTE) based mobile broadband. Moving
forward, increasing Australia's on-line presence and the
resultant economic benefit is a key focus for all levels of the

We focus on improving our communications systems and security standards to become more Connected, Secure and Reliable.

Whilst robust communications platforms have always been considered important, this is amplified in a cloud first world. Unlike on premise systems that remain available when external communications are interrupted, cloud services are sensitive to the availability of the internet, creating the need for Council to invest in more resilient internet communications systems.

This shift of investment focus means that Council now only need to invest in the resilience of communications networks at a fraction of the cost of building fault tolerance and high availability into the on premise systems. Within this new model, Council and its customers will experience new levels of performance and availability provided by cloud partners.

New internet based cloud services will also facilitate better enterprise mobility by making systems automatically available for use on-line. This includes access form any device with an internet browser, greatly simplifying the existing external access systems.

Whilst better access for staff and customers has major benefits, it also highlights the need for enhanced security to maintain the confidentiality and privacy of Council's data. To address this issue, Council will set minimum security standards that cloud providers will be required to adhere to, which will be coupled with strong auditing and assurance requirements.

Council services leverage better connectivity The cloud based nature of Councils services make them widely available to staff and the Security is enhanced by leveraging industry Communications reliability is increased by capability is increased through the use of better supplier and technology diversity. Service delivery resilience and recovery highly available Cloud services. to reach a wider audience. advancements. Community. Future Access to services outside of the network is A small number of services are exposed to Glosed network environment with an internal External access is the exception, not the Network diversity is limited due to the Security compliance is limited by nature of on premise systems. organisational constraints. the internet. limited Current

Security and compliance costs will decrease over time.

24 Services availability and resilience will increase by leveraging the highly available nature of Cloud Services. Security and compliance levels will increase for a range of Council services.

Council services will be highly scalable through the elastic nature of Cloud Services.

The overall performance and reliability of Councils ICT services will increase.

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# Actions

	Connected, Secure, Reliable	Outcome
CS-01	Implement network capacity diversity project stage one     Identify alternative carriers to add capacity and diversity to Council's internet connectivity.     Complete the required design and procurement activities.     Implement stage one.	Increased capacity and diversity of network connectivity will create a reliable and robust Cloud experience.
CS-02	Implement Cloud optimisation stage one     Develop network tuning design to prioritise and optimise cloud traffic.     Implement automated fault tolerance for internet providers.	Access to cloud systems will receive priority to ensure the best possible customer experience.
CS-03	Identity and Access Management     Complete design activities to support the transition to Azure AD     Test and implement federated solution for production use	Authentication to the Cloud will be secure and standardised, making the adoption of new Cloud services in the future a simple activity.
CS-04	Data Protection and back-up stage one     Conduct risk assessment for proposed cloud provider's data protection services.     Complete a data protection design for Council's systems impacted by the stage one cloud migration.     Identify cloud based data protection solutions as per the approved design.	Council data will be protected and transitioning from one Cloud provider to another will be easier.

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Mareeba Shire Council



### Focus Area - Cloud First

### Overview

For a significant number of years, Council has taken a traditional approach to the delivery of ICT services to staff and its customers. This model has been largely based around owning, operating and managing ICT systems with a team of internal subject matter experts. This model has proven to be very successful over the years with the provision of a range of service delivery improvement initiatives by a team of highly skilled individuals. The historical delivery model employed by Council is echoed more broadly throughout both public and private sector organisations globally due to what was a lack of maturity in cloud based services within mission critical environments.

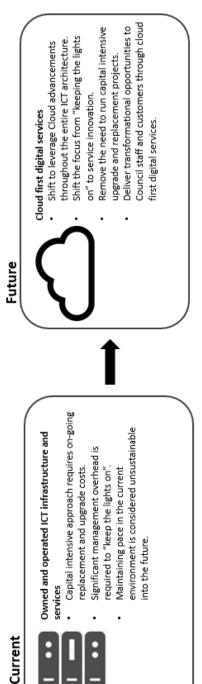
Over the last few years a major change in the adoption of cloud services has occurred, due to a major increase in the maturity of cloud based solutions that range from Software-as-a-service (SaaS), Infrastructure-as-a-Service (IaaS) and fully managed services. The increased level of maturity and 'proven' nature of a range of cloud platforms has caused businesses globally to reconsider their cloud future. Many large scale organisations are now in the process of blending

Our Cloud First approach creates a sustainable environment that focusses on service innovation for the Community.

legacy systems in a hybrid model, or in some circumstances, leveraging SaaS to completely reform their traditional delivery models in favor of the Cloud.

Demands from customers and the community have also changed very quickly in a cloud first, mobile first world, with people now expecting the same ubiquitous services they experience at home to be available within a public sector context. These next generation digital expectations place much more emphasis on service innovation as opposed to 'keeping the lights on' activities, creating the need for organisations to not only transform their ICT but the mix of skills and capabilities as well.

The increased maturity of cloud services combined with the need for organisations to deliver digital innovation to maintain pace with customer expectations, makes the timing right for Council to adopt cloud services in a sustainable, cost effective and risk managed manner. This portion of the action plan focusses on transitioning those previously 'on premise' systems and processes to either a totally cloud environment, or a hybrid solution utilising a combination of both on premise and cloud solutions.



Benefits

Break the capital intensive investment lifecycle, promote sustainability and value for money.

Stay up to date with the latest industry innovation through evergreen cloud services.

Higher levels of security compliance at reduced cost.

Higher le

Higher levels of availability and scalability to meet ever increasing customer demands.



: ( A move from owning and operating ICT platforms shifts the focus to service innovation.

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# Actions

	Cloud Fundamentals	Outcome
CF-01	Cloud Readiness Assessment Conduct overarching assessment of ICT environment and identify priority cloud targets for stage one transition. Conduct information classification assessment for stage one targets. Conduct risk assessment of priority target platforms. Conduct market scan and identify commercial options for priority targets. Prototype and trial options (where suitable).  Prototype and trial options (where suitable). Seek approval for cloud Migration - Stage one.	Provide a clear assessment of 'quick wins' and priority areas to be included in the first stage of the Mareeba Shire cloud migration.
CF-02	<ul> <li>Cloud Transition Plan(s)</li> <li>Develop the required migration and 'transition-in' plans as per approved business case.</li> <li>Conduct required procurement activities and establish commercial arrangements.</li> <li>Commence the design stage for supporting services including Identity and Access Management (IDAM).</li> </ul>	Ensure that a well-planned and risk managed approach is taken to support the migration of Council services to the Cloud.
CF-03	Cloud Migration Stage One Conduct remediation activities for stage one cloud transition. Develop test plans to support stage one transition. Develop decommissioning and architecting plans for legacy systems.	Conduct the transition of priority cloud targets.
CF-04	Cloud Contact and Vendor Performance  Develop minimum viable terms and conditions for cloud contracts.  Develop contract and vendor management framework and capabilities for cloud providers.	Develop supporting management systems to ensure that cloud services providers are held accountable for the management of customer data and performance.

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# Focus Area - Enterprise efficiency

#### Overview

The delivery of day to day services within the Mareeba Shire Council relies upon a range of supporting enterprise platforms to conduct activities ranging from management of ratable properties, financial management, payroll and internet communications to name a few. These services are delivered through a number of strategic partnerships with select vendors who work in close collaboration with internal staff to maintain pace with market developments and emerging business requirements.

All existing enterprise systems are deployed in the traditional manner that require Council staff to procure, design, install, maintain, upgrade and replace in accordance with industry lifecycles. The effort required to even maintain compliance with basic developments such as security updates is time consuming and ultimately detracts from the Council's ability to focus on the continual improvement of the enterprise systems.

We deliver better Enterprise Efficiency by leveraging Software-as-a-Service to power continual improvement.

In recent years, a number of Council's major industry partners have transitioned to the delivery of Software-as-a-Service offerings, creating a major opportunity to break the shackles of the traditional approach. Under a SaaS model, Council no longer need to dedicate resources to the management and maintenance of enterprise systems, which are all taken care of by the partner. Whilst the SaaS transition is not without risk, Council's major partners have spent a number of years refining and improving their SaaS capabilities to the point that platforms are proven within a very diverse customer base over a range of industries. They also offer levels of security, fault tolerance and high availability that Council would otherwise be unable to deliver due to budgetary constraints.

The inevitable transition to the use of SaaS for enterprise systems create the opportunity for Council to shift its focus from the management and maintenance of systems, to the continual improvement of capabilities through dedicated innovation. Council and its customers will also enjoy the benefits of receiving the latest versions of software without having to run major projects, greatly reducing ongoing costs and creating better customer experience through delivery of new services on a regular basis. Under this new model Council will ensure that customer data and security considerations are given the utmost priority and the actions below outline the stages to achieve this change.

Strategic partnerships are formed with key configuration are adopted where possible. Support teams focus on agile innovation Targeted investments are made into new Enterprise systems are Cloud based allowing Council to focus on core Out of the box processes and and continual improvement. enterprise capabilities. Enterprise Efficiency business. vendors. Future Bespoke customisation hinders implementation of Relationships with vendors is highly transactional Slow moving enterprise systems stifle business The on premise nature of existing enterprise Unclear alignment between investment in systems increase the cost and duration of enterprise systems and business strategy. Support teams focus on the support and maintenance of enterprise systems. implementing enhancements. new enterprise capabilities Current

Benefits



Divesting asset ownership and altered support models will refocus on innovation.

New services and capabilities may be developed on a regular basis through agile methods.

New strategic partnerships will influence the direction of enterprise software to the benefit of Staff and the Community.

Simplified enterprise systems make the adoption of new software a simple, cost effective process.

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Mareeba Shire Council

# Actions

	Enterprise Efficiency	Outcome
EF-01	Complete Cloud remediation     Address matters identified in the Cloud Readiness Assessment.     Implement ERP remediation activities as per vendor's recommendations.     Complete productivity suite remediation activities.	Stage one cloud transition targets will be well prepared to make a risk managed transition to the Cloud.
EF-02	Complete productivity suite staged deployment planning     Develop a staged roadmap outlining which productivity suite capabilities will be rolled out in stage one and latter stages of deployment.	Council will gradually implement productivity suite capabilities in accordance with business need.
EF-03	Develop and implement ERP quick wins stage one (Prioritised list of enhancements)     Refine and prioritise ERP enhancements list in accordance with cloud Remediation plan.     Identify and progress 'quick wins' program.	Balance the needs for improvement of existing system with cloud readiness activities.
EF-04	Develop long term ERP Roadmap     Conduct roadmap planning with ERP partner regarding the deployment of future capability.	Define an agreed plan for the continual improvement of Councils ERP platform, post transition to the Cloud.

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# Focus Area - Enterprise mobility

#### Overview

Enterprise mobility revolves around providing staff and customers with access to systems and services anywhere, anytime on a range of different mobile devices. In what is now a cloud first, mobile first world, governments globally need to reimagine service delivery through the mobile lens to maintain pace with service providers who have embraced this change and thus set expectations with customers.

Mareeba Shire Council has historically taken a measured approach to enterprise mobility that has focused on providing some staff with access to basic services on mobile devices, such as email. Very few staff utilise mobile devices for acquiring, filing or sharing data. This is due primarily to the fact that Council's ICT platform resides in an on premise environment that limits simple access via mobile devices.

The benefits for staff and customers in focusing on better use of enterprise mobility is considered to be sizeable. For example, employees could access work orders or upload data and images from a mobile device (phone or tablet) from anywhere throughout the Shire to Council's cloud storage service, cutting the time required to manually enter data at the end of shift. Similarly customers could access Council services through mobile platforms to complete

By improving Enterprise Mobility we are more productive and deliver services at the point of need for staff and customers.

applications or locate information they require to complete an activity or transaction with the Council, without the lost productivity associated with having to travel into Council offices.

Mareeba Shire Council is not alone in the challenges faced when extending enterprise capabilities to front line staff and customers via mobile devices. An overarching lack of mobility, particularly as it relates to data is common with local governments throughout regional Australia. The delay in the adoption of integrated cloud and mobile services means Council has forgone significant benefits in operational performance, time and cost savings. The actions within the strategy will directly address this opportunity.

Increase end user choice and accountability. Facilitate flexible working arrangements for Extend access to enterprise systems for a Improve decision making and situational Improved use of mobile broadband to Device Flexibility & Enterprise Mobility awareness with access to the right Eliminate duplicate data entry information at the right time. increase staff effectiveness. staff, anywhere, anytime. range of mobile devices. Future Most Council applications are accessed by specific The use of advancements in mobile broadband Manual data entry is common, resulting in lost machines with limited access outside of the Desktop Computing with limited mobility Tightly controlled desktop environment. Limited device choice and flexibility. productivity for field workers. technology is limited. Council network. Current

\$ Increased efficiency through better access to information systems anywhere, anytime.

Brower based Cloud access to systems will reduce management complexity and overhead.

Real time data capture will improve planning and reduce data errors.

Improved productivity for field workers and office staff through digitisation of manual processes.

Faster deployment of new enterprise capabilities to a wider range of staff and customers.

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# Actions

	Enterprise Mobility	Outcome
EM-01	Expand device range to include mobile and hybrid platforms     Trial a range of new mobile enabled devices and assess performance.     Shortlist devices and develop.     Add to the supported device list for Council.	Identification of suitable device range to support enhanced field force mobility.
EM-02	Implement a small CYOD pilot program     Implement a small CYOD pilot program with a range of users.     Measure and monitor the effectiveness of enhanced mobility to prioritise future rollout.	The completion of a small pilot will assist in an evidenced based approach towards the broader deployment.
EM-03	Implement Mobile Device Management (MDM)     Complete high level design for mobile device management systems.     Configure and deploy via existing management platforms.	implement platforms that balance the needs of security and compliance, with the functionally and freedom of enterprise mobility.
EM-04	Deploy Clanywhere in-field capability     In alignment with the Enterprise efficiency action items, trial new CiAnywhere capability as it becomes available for production use.	Extend enterprise capabilities to field workers to reduce manual processes and duplication.

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#### Focus Area - Digital Customer

#### Overview

As the pace of change in the delivery of on-line services continues to accelerate across the globe, so do the expectations of customers and how they demand to consume services digitally. Whether it is within a leading digital industry such as banking or a public sector setting, customers expect that organisations are working to create simple and effective ways to deliver services in an omni-channel approach. This would ensure that traditional channels are not neglected but provide new options for those wishing to self-serve. This demand combined with the increased level of maturity and proven nature of cloud, has caused business globally to integrate a digital approach as an adjunct to their cloud strategy.

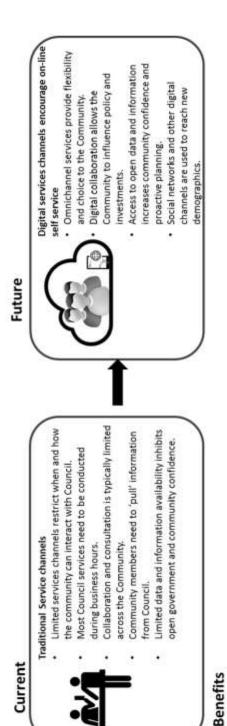
The challenges for organisations trying to keep pace with this change is multi-faceted, requiring legacy systems often developed for internal consumption to be modified or retrofitted to suit a digital world. This approach has proven itself to be costly and very time consuming, requiring investment into a range of specialist skills and capabilities to transform the most basic of services.

We focus on the needs of our Digital Customer and deliver continual improvements to omni channel services.

These challenges apply directly to Mareeba Shire Council's traditional approach to the delivery of services to customers. The time and effort required to manage ICT platforms itself has limited the capacity of the organisation to utilise digital applications and SaaS to collect, store and share information in an omni-channel approach. As Council effects the transition to the use of cloud first services, a major opportunity to deploy new capabilities for customers become available at less cost and time than previously attainable.

Whilst the demands of the digital customer create a primary focus for activities within this section of the strategy, there are also a range of other digital technologies that Council will consider in its future investments in alignment with its principles. For example, major advancements in the Internet of Things (IoT) and specifically remote sensing presents a significant opportunity to automatically monitor the Shires critical infrastructure such as bridges, treatment plans and roads. Major advancements in this digital technology combined with cost effective solutions create major productivity and intelligence benefits for Council and its customers.

By establishing a targeted approach towards digital adoption, it is anticipated that significant benefits to both the internal community within the Council, as well as the external community encompassing all organisations, groups and individuals throughout the Mareeba Shire will be achieved. The actions below outline the priority areas to be delivered.



Potential reduced cost of service for traditional channels, such as over the counter.

Expansion of services available to the community and simplified interaction with Council.

Allow better interaction and community collaboration.

Increased Customer satisfaction via anywhere, anytime self service.

Better community planning and confidence through open access to data and information.

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# Actions

	Digital Customer	Outcome
DC-01	Develop an actionable plan aimed at optimising Council's digital capability     Online presence and omni-channel approach.     Digital service priorities.     Timeframes and deliverables,	Completion of a staged plan to gradually increase Council's on-line presence and transition of services to digital channels.
DC-02	<ul> <li>Implement and integrate Council reporting app</li> <li>Conduct a high level market scan to identify no less than two potential solutions.</li> <li>Conduct a limited pilot of the reporting apps for agreed use cases.</li> <li>Market pilot and measure success.</li> <li>Determine next steps.</li> </ul>	Identification of a suitable reporting app that can be used by customers and staff to report issues within the Shire that require Council attention.
DC-03	Use Open data to share water utilisation statistics with community  • Create dashboards and data sharing capabilities that provide customers with access to water data.	Provide customers with open access to Council data for better decision making.
DC-04	Implement open collaboration forums using open and closed social networks   In alignment with the rollout of a cloud based productivity suite, deploy enterprise social and community collaboration tool for the purposes of consultation.	Reach a wider audience and capture more feedback during community consultation.
DC-05	Assess the viability of loT pilot for infrastructure monitoring in the Shire     Develop a scope of work and use cases relating to a pilot of new loT sensing technologies.     Conduct market engagement and identify suitable capabilities.     If deemed viable, deploy to a sample of assets and measure success.	Better risk management of critical infrastructure through remote monitoring.

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Mareeba Shire Council



# INFRASTRUCTURE SERVICES

ITEM-13 INFRASTRUCTURE SERVICES - MONTHLY REPORT -

**APRIL 2017** 

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Director Infrastructure Services

**DEPARTMENT:** Infrastructure services

# **EXECUTIVE SUMMARY**

This report sets out activities undertaken by the groups within Infrastructure Services during the month of April 2017.

### OFFICER'S RECOMMENDATION

"That Council receive and note the Infrastructure Services, Monthly Activities report for the month of April 2017."

## **BACKGROUND**

# MONTHLY ACTIVITIES

# **WORKS GROUP**

# **Maintenance Activities**

Maintenance activities accruing more than \$1,000 in expenditure were carried out in April at the following locations:



Description	Activity
Ootann Road, Almaden	Road inspections, grading unsealed roads
Pickford Road, Biboohra	Grading unsealed roads
Torwood Road, Bolwarra	Grading unsealed roads
Contract Clearing Account, Chillagoe	Cleaning, general operations, mowing
Bolwarra Road, Crystalbrook	Grading unsealed roads
Leafgold Weir Road, Dimbulah	Slashing
Hurricane Road, Hurricane	Grading unsealed roads
Karma Waters Road, Hurricane	Grading unsealed roads
Clacherty Road, Julatten	Grading unsealed roads, slashing
Euluma Creek Road, Julatten	Bitumen patching, slashing
Pinnacle Road, Julatten	Slashing, road furniture
Black Mountain Road, Julatten	Bitumen patching, grading unsealed roads, road furniture, slashing
Clohesy River Road, Koah	Slashing
Barron Falls Road, Kuranda	Culvert repairs, receptions, slashing, tree clearing / vegetation management
Black Mountain Road, Kuranda	Grading unsealed roads, slashing
Green Forest Road, Kuranda	Culvert repairs
Myola Road, Kuranda	Bitumen patching, slashing
Oak Forest Road, Kuranda	Bitumen patching, grading unsealed roads, slashing
Rob Veivers Drive, Kuranda	Bitumen patching, concrete footpath maintenance, slashing
Fraser Road, Mt Molloy	Slashing

Description	Activity
Main Street, Mt Molloy	Slashing
Wetherby Road, Mt Molloy	Grading unsealed roads, slashing
Mona Mona Road, Mona Mona	Grading unsealed roads
Ivicevic Road, Paddy's Green	Grading unsealed roads, general repairs and maintenance
Bischoff Mill Road, Watsonville	Grading unsealed roads, road inspections

The table below shows the current budget position of road maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,294,997	\$2,744,604	\$2,548,096

# **Capital Works**

# **Kowa Street Pavement Widening**

Works commenced mid-April on the widening of 463m of Kowa Street, Mareeba commencing at the intersection of Basalt and Kowa Streets. The project scope includes pavement widening and sealing, driveway works, culvert headwall construction and barrier kerb installation.

Works are proceeding on program and the project will be sealed in early May with the application of line marking in June.





# Raleigh Street, Dimbulah - Pavement Rehabilitation and Widening

Works commenced mid-April on the pavement rehabilitation and widening of Raleigh Street, Dimbulah. The project scope includes pavement widening and sealing, footpath construction and kerb ramp installation, new barrier kerb and channel and the formalising of existing parking.

The project is advancing well and is programmed to be sealed in mid-May.





# **Bicentennial Lakes Paved Footpath Renewal**

Work commenced early April on the replacement of damaged and uneven sections of paved footpath at the Bicenntenial Lakes precinct.

At the time of reporting, 713m<sup>2</sup> of pavers had been replaced with concrete in eight separate sections. Works will be completed by the end of May.

Vandalism has been a problem in an area below the High School, particularly during the school holidays and has caused repair costs of over \$1,600 to date or approximately the cost of laying an additional 32m<sup>2</sup> of footpath.





# **TMR Routine Maintenance Performance Contract (RMPC)**

Routine maintenance activities were undertaken during April 2017 at the following location;

Primary Location	Activity Name
Kennedy Highway - Cairns/Mareeba	Rest area servicing
	Tractor slashing, urban includes (2) traffic control
Kennedy Highway - Mareeba/Ravenshoe	Tractor slashing, urban
Mulligan Highway - Mt Molloy/Lakeland	Rest area servicing
	Roadside litter collection rural
	Herbicide spraying includes traffic control
	Other bituminous surface work
	Other roadside work
Burke Developmental Road	Pavement repairs, blademix/asphalt (minor less than 8 tonne) includes traffic control
	Medium formation grading (western) with extras and 2 watercarts excludes traffic control
	Edge repair (manual) min 1 tonne includes traffic control
	Pothole patching includes traffic control
	Other roadside work
	Emergency call out / traffic accident
	Other formation work
Mossman - Mt Molloy Road	Roadside litter collection rural
Mareeba Connection Road	Tractor slashing, urban includes (2) traffic control
Mareeba - Dimbulah Road	Tractor slashing, rural includes (2) traffic control
	Repair signs (excluding guide signs)
	Pavement repairs, blademix/asphalt (minor less
	than 8 tonne) includes traffic control
Herberton - Petford Road	Other formation work
	Other bituminious surface work
	Edge repair (manual)
	Medium formation grading (western) with extras and 2 watercarts

The total claim to DTMR for the works listed above for the month of April 2017 was \$180,179.71.

# **Parks and Gardens Section**

# **Maintenance Activities**

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in April at the following locations:



Location
Basalt Gully and Bi-Centennial Lakes, Mareeba
Mary Andrews Gardens, Mareeba
Arnold Park, Mareeba
Centenary Park, Mareeba
Byrnes Street Medians, Mareeba
Council Office and Library, Mareeba
Rotary Park, Mareeba
Parks, Library, CBD and Streets, Kuranda
Wetherby Park, Mt Molloy
Borzi Park, Mareeba
Davies Park, Mareeba
Firth Park, Mareeba
Vains Park, Mt Molloy
Recreational Reserves includes Tennis Court, Chillagoe
Mowing Mareeba Streets
Furniture and Playground Equipment, Mareeba
Sunset / Sunbird Park, Mareeba
Mowing and Maintenance, Irvinebank

Location
Mowing Biboohra Streets
BBQ maintenance, North
Basalt Gully, Mareeba

The table below shows the current budget position of Parks and Gardens maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$1,545,967	\$1,294,010	\$1,537,389

# **Bridge Section**

The table below shows the current budget position of Bridges maintenance for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$514,697	\$428,586	\$230,576

Mareeba Shire Council's bridge inspection program has been formalised and is operating under a works order system. 332 bridges and major culverts have been identified as requiring inspection within our local roads network.

To date, 277 inspections have been completed.



#### **Land Protection Section**

Annual Budget	Year to Date Budget	Year to Date Actual
\$394,729	\$333,711	\$372,946

<u>Tramp Ants</u>: Council officers assisted the electric ant and yellow crazy ant eradication teams in Kuranda by clearing and mulching long grass and weeds from the eradication sites. This work will assist the bait laying crews to access the sites and make the baits more effective.

<u>Pest Management Action Committee Meeting</u>: This meeting is scheduled twice yearly in order to review the Local Area Pest Management/Biosecurity Plan and for all participants to report on their progress of control work on targeted pests. This collaboration ensures that all agencies are working towards the same goals.

<u>Parthenium Weed</u>: There are currently three active sites known to be present in our shire. All have been inspected and were found to be managed in an appropriate way. Ten additional properties were inspected and no Parthenium was detected.

<u>Lantana</u>: Mareeba Shire Council has received a consignment of Lantana Bud Mites from the Lantana Research team. These recently approved biological control agents have been released into twenty sites of suitable infestations within the Shire. These agents do not kill lantana but the mites cause the flowers to be infertile preventing further spread of the pest.

The Upper Walsh Multi Species Weed Removal Program: This program is aimed at the removal of two Jatropha species (Bellyache Bush and Physic Nut), Rubber Vine and Siam Weed. Contributors to the program include the Mitchell River Catchment Management Group, Northern Gulf Resource Management Group, affected landowners, Southern Gulf Catchments NRM and Mareeba Shire Council. The group has treated the full length of Gibb Creek, Emu Creek and all tributaries down to where Emu Creek junctions with the Walsh River. Follow up treatment of this catchment continues with parties remaining committed.

**Wild Dog /Dingo:** Coordinated baiting programs have been carried out in the Springmount, Mt Molloy, Koah and the MDIA.

**<u>Feral Pigs</u>**: Council officers have arranged for shooters to assist our affected ratepayers, used toxic baits in appropriate areas and traps have been loaned.

### WATER AND WASTEWATER GROUP

# **Capital and Maintenance Works Projects**

 Kuranda Suburban Water Security Upgrade Project - 100% design completed and major works started mid-March.

New water pressure pump shed Warril Drive





Platypus Close Water Reservoir Construction



- Hastie Road Sewer Main Project awarded to BJS Plumbing and Civil Contracting.
  This is a Work for Queensland fully funded project. Under boring the section at the
  Barron River to commence early May with a full works crew to begin on the project
  itself by late May.
- Leachate Management Project at the Mareeba Landfill tender assessment complete and before Council for consideration.

# **Environmental Monitoring - Treatment**

- Mareeba STP compliant with Transitional Environmental Plan (TEP).
- Kuranda STP remains compliant with licence conditions.
- Mareeba Landfill noncompliant with surface waters conditions. Program notice submitted. TEP prepared and submitted to DEHP.



# **WASTE**

# **Waste Operations**

- 48m³ of mulch sold (all in small lots).
- 2.9 Tonnes of recyclable material transported to Cairns MRF (including chemical drums).
- Current Mareeba Landfill Compaction Rate of 1.25 Tonnes per m3.
- Mareeba WTS was broken into early hours of 30 March, the night of 5 April, and again 25 April. Security doors have been installed on Crib room and office within compound. Quotes for cameras are in the process of being assessed for remaining Mareeba Waste Transfer area.
- All transfer stations and Mareeba landfill are currently operational.

# **Old Mareeba Landfill Capping Project**

- Waste profiles cut/fill reconciliation and redesign issues resolved with good progress made and waste placement expected to be complete by early May.
- Select fill LLDPE liner subgrade material placement and compaction over the waste 80% complete.
- The western containment bund has been completed and leachate trench components delivered to site.

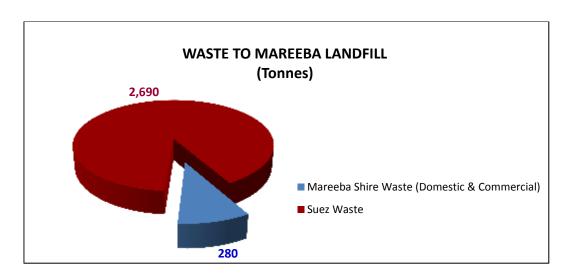




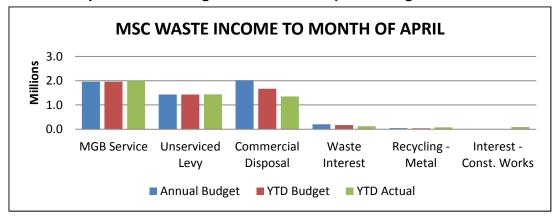


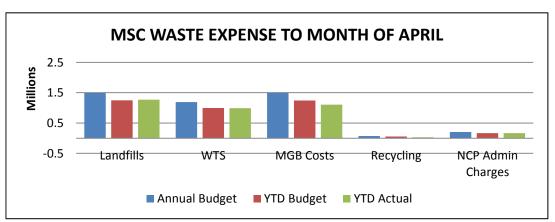
#### Waste to Mareeba Landfill

The Mareeba Shire waste shown in the pie chart below is the waste collected at each of the waste transfer stations (Mareeba included), and deposited directly to the Mareeba landfill. The commercial waste shown below is derived from the Suez recycling plant in Cairns and deposited into the Mareeba landfill.



Financial Operational Budget Information (Per Budget Section Overall)







# **TECHNICAL SERVICES GROUP**

# Design

- 2016/17 Capital Works
  - Bolwarra Road, Tate River Crossing Renewal and Upgrade Preliminary design plans received and given approval by MSC Technical Staff
  - Therwine Street, Kuranda Redevelopment redesign being undertaken
  - Rob Veivers Drive, Kuranda Rehabilitation and Widening Flora Survey undertaken and permission for minor widening works allowed
- 2017/18 Capital Works
  - Chewko Road, Mareeba Survey started
- · Works for Queensland
  - Sabin Road West, Mareeba Intersection Improvements Design completed
  - Gilmore Road, Mareeba Widening works Design completed
  - Margherita Close, Mareeba Widening and Seal Preliminary design work started

#### **Subdivisions**

- On Maintenance Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset
  - Mt Emerald Wind Farm Irrigation Pipeline Protection Slab
  - Amaroo Stage 8
  - Wylandra Stage 6B and 6C
  - Hoolahan Drive Construction of easement drainage
- Off Maintenance Council Asset
  - Howe Farming Kay Road Drainage
- Operational Works
  - 112 Barnwell Road Dam construction completed and being monitoring

### **Project Management**

#### Civil

### 2016-17 Reseals Bitumen and Asphalt Programs

 Boral commenced MSC component of the Asphalt Overlay Programme after the Easter break.

# Oaky Creek Bridge Upgrade

- Kenmac have commenced bridge construction.
- Bridge abutments and pier upgrade complete with concrete curing.
- · Prestressed girder installation commenced.



## **Building**

- Construction of Columbarium Wall at Dimbulah Cemetery work has commenced.
- Solar Panel installation completed at Kowa Street Depot.
- Solar Panel installation completed at Rankin Street.
- Kowa Street Workshop stormwater management upgrade to be completed mid-April.
- Building Inspection (Asset management) Commenced Julatten and Mt Molloy completed.
- Purchase Order issued for the sewer rising main upgrade Hastie Road.
- Tenders for the replacement of the air-conditioners at the Mareeba Leagues Club.
- Reports and preliminary documentation for the replacement of the air-conditioners for the Mareeba Library.
- Mareeba Pool facilities upgrade. Preliminary designs approved. Plans and specifications to be finalised.

# Vandalism and Graffiti

During April 2017, 2 reports of graffiti and vandalism were recorded.

- Mareeba Arnold Park
- Therwine Street, Kuranda

Graffiti and Vandalism	Year to date actuals
2015-16	\$2,134
2016-17	\$14,132

Currently there is no allocated budget for graffiti and vandalism.

### **PROJECT PROGRESS REPORTS**

## MAREEBA AIRPORT UPGRADE

# **Funding**

The Mareeba Airport Upgrade project is funded through a \$13 million grant from the State Government and a \$5 million grant from the Federal Government. Council has received milestone payments of \$1.3 million from the State Government and \$1 million from the Federal Government. Further payment of \$300,000 has been approved by the State Government following lodgement of reports in March 2017 and will be received in May 2017.

# **Programme**

A programme of works has been prepared which reflects the works and commitment made by Council in the funding agreements. The project is on schedule to meet final completion ahead of the target completion date of August 2018 as set in the funding agreement.

Construction of the Airside Infrastructure is scheduled to commence in June 2017 and be completed prior to the 2017/18 wet season. Given the prediction for above average rainfall in the winter and spring months (typically the "dry season"), the completion date for the project may have to be extended if the predictions are correct.



# **Airport Water Supply Upgrade**

Tender TMSC2016-07 for upgrade of the water supply services was awarded to FGF Developments Pty Ltd in July 2016 and work commenced from mid-August 2016. The majority of work including commissioning has now been completed. Certification of the fire-fighting system to meet Queensland Fire and Rescue Services (QFRS) requirements will be completed upon final acceptance by QFRS.

# **Aviation Commercial Precinct - Early Works**

Bonadio Farming has been engaged under QMSC2016-17 for early works on the Aviation Commercial Precinct, which includes completion of ground clearing, removal of underground cobbles and boulders and reinstatement of the site. The contractor has commenced removal of rocks from the northern section of the Aviation Commercial Precinct, with approximately 10,000 cubic metres of rock removed and stockpiled to date. Clearing of vegetation in the southern section has been completed in preparation for rock removal in this area. It is anticipated that this work will be completed in late May 2017.

#### Airside Infrastructure

Jacobs Engineering Group has been engaged to undertake the detailed design and documentation for the runway, taxiways, airfield lighting and aviation commercial precinct (Western Lease Area).

Four (4) firms were invited to tender on this work after being shortlisted through invitations for Expressions of Interest. The tender closing date has been extended to 9 May 2017 due to some minor design amendments and to allow tenderers sufficient time to prepare their tender on 27 April 2017 and it is anticipated that the contract will be awarded in May 2017.

In conjunction with the tender process, Council has called for Expressions of Interest from local suppliers and trade providers to be placed on a register for possible work or supply of materials with the selected principal contractor. This register has been provided to the shortlisted tenderers to assist them in preparing their tenders and ensure opportunities for local businesses are maximised. A total of 79 local businesses have expressed an interest in work on the project.

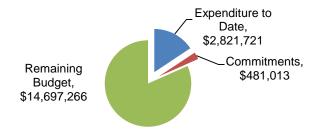
Based on survey responses received from current users, Council plans to maintain a minimum runway length of 900 metres for daytime operations during construction at Mareeba Airport. It is anticipated that the runway may need to be closed at night and occasionally for short periods during the day during construction but will otherwise remain operational. Actual impacts on users will be known following negotiation and award of the contract in late-May 2017.

## **Stakeholder Engagement**

A Communication and Stakeholder Engagement Plan has been developed, which sets out the engagement strategy for delivery phase of the project. Current airport users have been surveyed to help develop a methodology for the construction work. An enewsletter was distributed in late-April 2017 detailing the progress to date and lease opportunities available in the new aviation commercial precinct. Further engagement work in relation to distribution of project information and engagement with local businesses regarding work opportunities on the project is underway.



# **Expenditure**







26 April 2017 - Site reinstatement following rock removal



# MAREEBA WASTEWATER TREATMENT PLANT - DESIGN & CONSTRUCTION CONTRACT TMSC2015-13

# **Funding**

The Mareeba Wastewater Treatment Plant Upgrade project is funded through a \$1.5 million grant from the State Government's Building Our Regions program and a \$5 million grant from the Federal Government's National Stronger Regions Fund, with the balance of the project funded by Mareeba Shire Council. Further funding of \$411,000 has been received from the State Government's Local Government Grants and Subsidies Scheme for the upgrade of trade and industrial waste receival facilities.

The Federal Government has paid Council \$3 million to date from National Stronger Regions Fund. Payments of \$1.2 million have been received from the State Government's Building Our Regions program. The initial payment of \$123,300 has been received from the State Government's Local Government Grants and Subsidies Scheme. Further payment of \$1,000,000 has been approved by the Australian Government following lodgement of reports in April 2017 and will be received in May 2017.

# **Programme**

Council has awarded Contract TMSC2015-13 Mareeba Wastewater Treatment Plant - Design and Construction to Downer Utilities Australia Pty Ltd.

Downer mobilised to site in late May 2016, supplied final 100% design stage drawings on 15 July 2016 and construction currently progressing ahead of schedule by several weeks. During April 2017, the following work was undertaken:

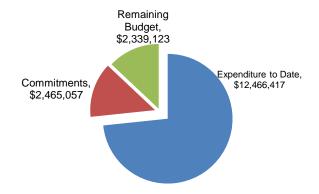
- Continuation of electrical installation for Motor Control Centre (MCC), administration office, decanters, blowers, dewatering equipment and chemical dosing equipment;
- Installation of above-ground pipework to Sequential Batch Reactor (SBR);
- Construction of concrete slabs for RAS/WAS pumps and trade waste receival facilities;
- Installation of pipework for inlet works.

Primary activities scheduled for May 2017 are continuation of electrical installation, civil works and installation of mechanical equipment for the inlet works, preparation for concrete road construction, and commencement of electrical testing and commissioning.

Practical completion is scheduled for early July 2017, with full handover of the plant to Council in August 2017, following successful commissioning, optimisation and process-proving by the contractor.



# **Expenditure**





11 April 2017 - Lifting pre-cast concrete panels into bio-selector section of the sequential batch reactor (SBR)





11 April 2017 - Installation of aeration pipework to sequential batch reactor (SBR)



11 April 2017 - Installation of chemical storage tanks and dosing equipment





24 April 2017 - Aerial photograph of the project site



26 April 2017 - Pouring concrete base slab for trade waste receival facility





26 April 2017 - Installation of electrical cabling to chemical dosing area

# LINK TO CORPORATE PLAN

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

# **CONSULTATION**

Internal Infrastructure Services staff

External Nil

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

Nil

# **POLICY IMPLICATIONS**

Nil



# **FINANCIAL & RESOURCE IMPLICATIONS**

Capital Included in 2016/2017 budget

Operating Included in 2016/2017 budget

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

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

# IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

# **ATTACHMENTS**

Nil

Date Prepared: 5 May 2017



ITEM-14 TENDER EVALUATION TMSC2017-06 PRE-QUALIFIED

SUPPLIERS LIST - INFRASTRUCTURE SERVICES - 1

**JULY 2017 TO 30 JUNE 2019** 

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Director Infrastructure Services

**DEPARTMENT:** Infrastructure Services

### **EXECUTIVE SUMMARY**

Mareeba Shire Council tendered for Pre-Qualified Suppliers for services to be used by the Infrastructure Services Department for the period from 1 July 2017 to 30 June 2019. This tender was for a full scope of services that can be found in the attached list.

The panel of providers proposed to be empanelled are essentially the contractors who have historically provided services to Council. The tender and empanelment process is to formalise within the adopted procurement policy framework, transparent terms of engagement.

#### OFFICER'S RECOMMENDATION

"That Council empanel the TMSC2017-06 Prequalified Suppliers as per the attachment to this report to provide services to the Infrastructure Services Department for the period from 1 July 2017 to 30 June 2019."

# **BACKGROUND**

In an attempt to underpin the decision making process for the selection of contractors with a transparent process, officers determined it was desirable to invite suitably qualified contractors to become Pre-Qualified Suppliers. The invitation was in the form of a tender in accordance with the Procurement Policy 2016/2017 which sets out within Section 4.1 - Sound Contracting Principles and in particular Section 4.3 Open and effective competition and Section 4.6 Ethical behaviour and fair dealing

# LINK TO CORPORATE PLAN

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



#### **CONSULTATION**

Internal

Director Infrastructure Services
Tenders, Contracts & Insurance Officer
Manager Water and Waste
Manager Works
Manager Technical Services
Coordinator Technical Services
Coordinator Fleet & Workshop
Senior Facilities Officer

Senior Facilities Officer Project Manager Civil

Project Manager Building

External Contractors

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

Nil

### **POLICY IMPLICATIONS**

Compliance with relevant legislation and Council Procurement Policy.

# FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

There is opportunity to favourably influence maintenance costs by selecting high performing, cost effective contractors to augment Council's resources.

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

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

Nil

# IMPLEMENTATION/COMMUNICATION

Contractors

### **ATTACHMENTS**

1. Prequalified Supplier Services List

Date Prepared: 5 May 2017



				TMSC2017-06 Pre-Qualified Suppliers - Infrastructure Services	fled Suppliers - Inf	rastructure Se	rvices		
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## TECHNICAL SERVICES

ITEM-15 SCRUB STREET, KURANDA - REQUEST FOR BITUMEN

**SEAL** 

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Technical Officer Investigations

**DEPARTMENT:** Infrastructure Services, Technical Services

#### **EXECUTIVE SUMMARY**

A petition for an upgrade to bitumen seal Scrub Street, Kuranda was introduced to Council at its Ordinary Council Meeting held on 19 April 2017. In accordance with Council Standing Orders, the petition has been received and referred to a Council officer for consideration and a report to Council.

Scrub Street, Kuranda is an urban, no through access, gravel road servicing local traffic only.

The request for an upgrade to bitumen seal is currently listed since 2010 on Council's Project Prioritisation Tool (PPT) with a ranking within the Rural Roads Program of 89.

This report recommends advising the residents of Scrub Street of the current status of the requested upgrade to bitumen seal.

## **OFFICER'S RECOMMENDATION**

"That Council advise the Head Petitioner of Scrub Street that the request for an upgrade to Scrub Street to bitumen seal is on Council's forward works program for consideration in future capitol works budget considerations."

### **BACKGROUND**

A petition was received by Council at its Ordinary Council Meeting held on 19 April 2017 from residents of Scrub Street requesting a bitumen upgrade to Scrub Street, Kuranda.

The petition reads as follows:

We, the undersigned, petition Mareeba Shire Council to conduct urgent maintenance, in the form of bitumen foundation to Scrub Street Kuranda (See Attachment 1: Copy of Petition).

Scrub Street is a no through access gravel road, 370m in length servicing local traffic only, consisting of 15 residential properties (See Attachment 2: Locality Plan). The road is



constructed lower than the adjoining properties and with limited drainage systems in place, the road becomes the effective table drain for any rain event thus causing wash outs, potholes and rutting in the running surface.

The road is graded by Council at least once a year as part of Council's maintenance program, at a cost last financial year of \$1,500.

The requested upgrade by the residents is currently listed within Council's Project Prioritisation Tool (PPT) since 2010. The estimated cost to upgrade to bitumen seal is listed as \$185,000 with an additional cost of \$50,000 to install drainage.

With a ranking of 89 within the sub-category of the Rural Roads Program the upgrade is currently marked as a low priority with roads such as Ootann, Springmount and Leadingham Creek with higher volumes of traffic as examples of projects listed with higher rankings.

### LINK TO CORPORATE PLAN

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

## **CONSULTATION**

Internal
Manager Technical Services
Manager Works

External Nil

## 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 the Head Petitioner of Scrub Street advising of Council's decision.

## **ATTACHMENTS**

- 1. Copy of Petition;
- 2. Locality Plan.

Date Prepared: 9 May 2017

RECORDS

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28th March 2017 Eaumon Edwards 17 Scrub Street KURANDA QLD 4881

Dear Mayor,

I am writing to you on behalf of the rate payers who live in Scrub Street Kuranda. None of our homes have town water, or sewerage. Every year we pay our rates, the same rates you promised wouldn't increase but have risen approximately \$60.00 each notice. Every year our homes are covered in dust from the dirt blowing off the road, we have to negotiate our way down the road to avoid the pot holes, and our road becomes a quagmire during the wet season. The photograph attached to this letter was taken less than two weeks after recent work (if it could be called that) was carried out on the road. Personally, I think it is appalling that although our street is less than 20kilometres from Cairns, I, and my fellow neighbours, still have to drive up a dirt road, which I will add is not that long (0.3 of a kilometre) to access their homes.

Apart from the weekly garbage collection, the Mareeba Shire Council provides the residents of Scrub Street with very little, if anything. However, recently Myola Road, which runs parallel to Scrub Street, was upgraded and yet at no time did the council consider upgrading Scrub Street. I have heard that the recent upgrade to Myola Road was because the road was bumpy and the children were hitting their heads on the windows of the bus taking them to and from school. However, the other reason, and one held by the majority of people in Kuranda, is that the upgrade to Myola Road was to facilitate the pending development of KurWorld.

The residents of Scrub Street have been paying their rates for the past 30 years and I, as well as the other residents of Scrub Street, believe it is time the Mareeba Shire Council provided us with a road in line with what would be expected in the 21st Century. I, along with the residents of Scrub Street will continue to pursue our request for Scrub Street to be upgraded if our request to Mareeba Shire Council falls on deaf ears.

I, and the residents of Scrub Street, have every intention of taking this matter further to our State (Craig Crawford) and Federal (Warren Entsch) representatives. I look forward to you response to this letter in the very near future.

Yours sincerely

Eaumon Edwards (MCMH, MHS, B.Soc.Sc. (Psych))



## **Petition to Mareeba Shire Council**

Date: 3/03/2017

Petition Organiser: Eaumon

Edwards

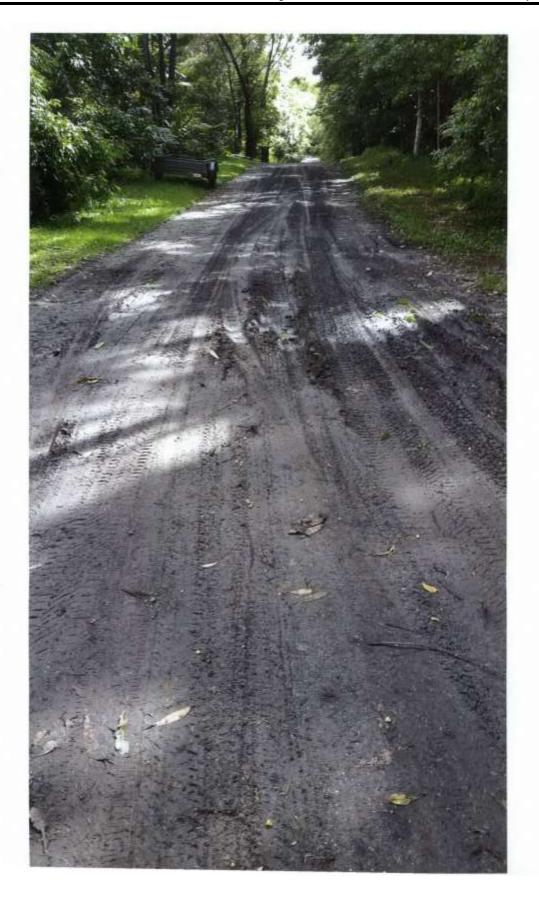
Address: 17 Scrub Street, Kuranda

Telephone number: 0401054401

We, the undersigned, petition Mareeba Shire Council to conduct urgent maintenance, in the form of a bitumen foundation, to Scrub Street Kuranda.

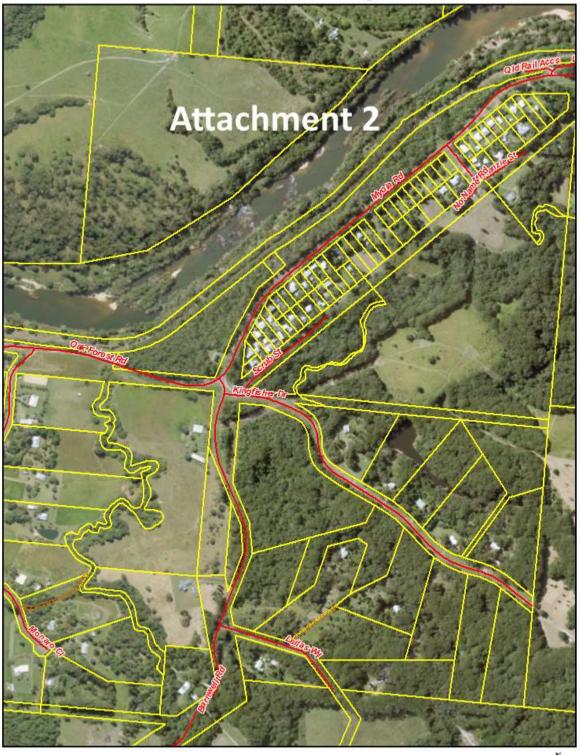
Name	Address	Signature
GAUMON EDWARDS	ASCRUB STREET, KUNANDA	Zanado
TETOY PENED	7 SCRUBISTA	(200K).
Dan Ballinger	15 SCRUB ST	Red
Calhy Harra	9 SCWB St	and
Mick Rae	21 Scrib St	UK
ERIC BULOW	& SCRUB ST	Bulow
Megan Tuine	29 Sorub Street	Majo,
Hosaly Brek	11 Souls ST	The !
Sph	/	
Jack Ballinger	15 scinp st	Jai)
Rod Rogers	118 Green Forest Rd	Roy
JAP DAY.	37 Serus St.,	Leay
Thompon	31 Scrub St.	Elionpiper
Steph Campbell	19 Scrub St.	
	Number of signatures on page	







# **Scrub Street Locality Plan**











ITEM-16 NBN CONNECTION ACTIVITIES

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Manager Technical Services

**DEPARTMENT:** Infrastructure Services, Technical Services

## **EXECUTIVE SUMMARY**

Council has received written advice from Telstra who have been engaged by **NBN** to undertake works in the Kuranda and surrounding areas (4KRA) as part of the construction of the National Broadband Network.

The NBN network is an upgrade to Australia's existing telecommunications network, providing the infrastructure for high-speed internet and phone access.

The purpose of this report is to inform Council of the planned works.

## OFFICER'S RECOMMENDATION

"That Council note the NBN Connection Activities report. Council has provided Telstra with a letter stipulating Council's standard requirements for working on Council controlled land."

## **BACKGROUND**

Notice has been received from Telstra who have been engaged by NBN to undertake works in the Kuranda and surrounding areas. As owner/occupier of the land identified in Attachment 3 of the Notice (copy attached), NBN, by law, is required to give notice before engaging in activities on Council's land.

Works commenced on 16 May 2017 through to 1 June 2018.

## LINK TO CORPORATE PLAN

**ECON 2 -** In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries.

### **CONSULTATION**

Internal

Nil

External

Nil



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

Nil

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL & RESOURCE IMPLICATIONS**

Capital

Nil

Operating

Nil

## IMPLEMENTATION/COMMUNICATION

Nil

## **ATTACHMENTS**

1. Land Access and Activity Notice from Telstra dated 1 May 2017.

Date Prepared: 5 May 2017





From: Amitha Tennakoon Telephone: 03 8697 2947

1 May 2017

Mareeba Shire Council PO Box 154 Mareeba QLD 4880

Attention: Val Shannon - Manager Technical Services

Issued by Email: info@msc.qld.gov.au

CC: ValS@msc.qld.gov.au

#### LAND ACCESS & ACTIVITY NOTICE

# NATIONAL BROADBAND NETWORK - SUBSCRIBER (LEAD-IN) CONNECTION ACTIVITIES PROJECT REFERENCE: OPERATE AND MAINTAIN MASTER AGREEMENT – 4KRA (KURANDA AND SURROUNDING SUBURBS)

Dear Val

nbn colltd (**nbn**) is a licensed telecommunications carrier and is currently overseeing the upgrade of Australia's telecommunications network (**the nbn<sup>™</sup> network**). The **nbn<sup>™</sup>** network is an upgrade to Australia's existing telecommunications network, providing the infrastructure for affordable, high-speed internet and phone access for all Australians.

The Telecommunications Act 1997 (Cth) as amended (**Act**) permits carriers, such as NBN Co Limited, and their contractors to inspect land, maintain telecommunications facilities and carry out the installation of low-impact facilities (and do anything necessary or desirable for that purpose, including entering on and occupying any land) provided that they comply with certain conditions, including that they provide notice, as specified by the Act and the Telecommunications Code of Practice 1997 (Cth) (**Code**), to owners and occupiers of affected land.

Telistra has been engaged by **nbn** to undertake works in **4KRA** as part of the construction of the National Broadband Network.

This letter constitutes a notice under the Act and the Code to you as owner or occupier of the land set out below, that we intend to exercise our powers under Schedule 3 of to the Act for the purpose described below.

As part of the construction of the National Broadband Network, it is necessary to access your land and/or facilities, or public land under your care and management, and undertake the following activities during the timeframe specified. There is no requirement that you be present during the course of our activities.

## LAND LOCATION:

Council land and road reserves (including nature strips and footpaths) outside, adjacent to or in the vicinity of, end-user properties located within the project area identified in Attachment 3 to this Notice.

NBN-CON-TPL-SDDZ





#### PROJECT ACTIVITY:

- Inspection of land in accordance with Division 2 of Schedule 3 of the Telecommunications Act 1997.
- Installation of "low-impact" facilities in accordance with Division 3 of Schedule 3 of the Telecommunications Act 1997 and the Telecommunications (Low-impact Facilities) Determination 1997
- Maintenance of facilities in accordance with Division 4 of Schedule 3 of the Telecommunications Act 1997.

#### **DESCRIPTION OF WORK:**

The proposed work will involve some or all of the following:

- Lifting of pit lids, internal inspection, and insertion of rodding equipment and leaving of rope between NBN Multiport location and private premises.
- · Minor digging, cutting of concrete and reinstatement, as required.
- If necessary, upgrade/repair/raise pits and clear blockages in conduits from pits in the road reserve
  or Council land to private premises.
- Where necessary (for example, where existing lead-in conduit is not usable or not present), installation of new NBN Co lead-in conduits between an existing pit in the footpath and a private premises.
- Hauling of NBN cable through existing Telstra and NBN Co pit and conduit network to install a subscriber connection to nominated premises.
- Excavation to expose existing premises lead-in conduits within the road reserve.
- Trenching or boring to install new premises lead-in conduits within the road reserve.
- . Where required, installation of aerial cable above the road reserve.
- Hauling NBN cable through existing and/or new conduits.
- Testing and replacement of existing NBN infrastructure within above and below ground existing telecommunication facilities.
- Lifting of pits lids and/or opening of cabinets/pillars to perform internal maintenance activities and/or replacement of existing infrastructure/equipment.
- Jointing works, as required.

### DATES PROPOSED TO ENTER PROPERTY TO START AND FINISH ACTIVITY:

ACCESS START DATE: 16 MAY 2017

ACCESS FINISH DATE: 1 JUNE 2018

Please refer to Attachment 3 for location details.

**nbn**'s employees and contractors are authorised to carry out **nbn**'s activities under clause 43 of Schedule 3 to the Act.

In engaging in our activities, we are committed and obliged to take all reasonable steps to ensure that we cause as little detriment and inconvenience, and do as little damage to your land, as is practicable. We will also take all reasonable steps to ensure that the site is restored to a condition similar to its condition before the activities began.

#### **ANTICIPATED EFFECT:**

· Minimal disturbance is anticipated.

NBN-CON-TPL-SBB2





- · Temporary occupation of road reserve areas by small work crews.
- · Noise generation during work hours.
- Some breakout of nature strip and footpath may be performed under this notice.

### PROPOSED REMEDIATION:

- Traffic and pedestrian management procedures will be implemented where required.
- Details of remediation (if any) will be communicated to the relevant authority through consultation.
- After installation/maintenance activities, all areas to be filled graded and land surfaces levelled to a condition similar to its condition before the activity began.
- Standard environmental management techniques would be undertaken.
- · Notification to directly impacted property owners.

Attached you will find further information regarding **nbn**'s rights and responsibilities with respect to carrying out the activities described in this notice and your rights under the Act, which forms part of this notice. This information is important, as it deals with things such as how you can object to **nbn**'s proposed activities, and also the circumstances in which you may have a right to claim compensation.

If you are willing to waive the required notification period before works/activities can commence, please sign and date below and send this notice (Attachment 1) to:

#### Amitha Tennakoon

E: amitha.tennakoon@team.telstra.com.

We thank you for your assistance and co-operation. If you have any queries, please do not hesitate to contact Amitha Tennakoon, on 03 8697 2947. Any objections should be directed to this person.

Yours sincerely,





Amitha Tennakoon – Land Access Coordi

T /03 8697 2947

amitha.tennakoon@team.telstra.com

Locked Bag 5000 Burwood

Melboume Mictoria 3125

tandemoorp.com

## Attachments:

Attachment 1 - Receipt and Commencement Agreement

Attachment 2 - LAAN Additional Information

Attachment 3 - Work Plan

NBN-CON-TPL-SDDZ





# ATTACHMENT 1 - RECEIPT AND COMMENCEMENT AGREEMENT LAND ACCESS & ACTIVITY NOTICE (SURVEY & CONSTRUCTION)

## NATIONAL BROADBAND NETWORK - - SUBSCRIBER (LEAD-IN) CONNECTION ACTIVITIES

PROJECT REFERENCE: OPERATE AND MAINTAIN MASTER AGREEMENT – 4KRA (KURANDA AND SURROUNDING SUBURBS)

As owner/occupier of the land referred to in this notice, I acknowledge receipt of this Land Access & Activity Notice and agree to **nbn** (or its contractors) undertaking the activities described in this notice prior to the access start date advised above should **nbn** (or its contractors) wish to do so.

(name)	(signed)	(date)
(name) Witness	(signed)	(date)

ON BEHALF OF MAREEBA SHIRE COUNCIL

**ACCESS FINISH DATE: 1 JUNE 2018** 





#### ATTACHMENT 2 - ADDITIONAL INFORMATION

## 1. Carrier Powers and Obligations

**nbn**'s employees and its authorised contractors are empowered to carry out **nbn**'s activities under the *Telecommunications Act 1997* (Cth) (the **Act**). Contractors may be engaged on this project by **nbn**, and may be authorised to give statutory notifications or to carry out other activities such as maintenance and/or installation of telecommunications facilities.

**nbn** is required by lawto give you at least ten business days' notice before engaging in activities on your land (or at least two business days if no part of the land that the activity is going to be carried out on is included in a "sensitive area" and the activity is only inspection and survey which will not involve any material disturbance to the land).

All laws providing for the protection of places or items of significance to the cultural heritage of Aboriginal persons or Torres Strait Islanders will be complied with by **nbn**, its employees and its authorised contractors in undertaking the activities described in this notice.

#### 2. Compensation

If you suffer financial loss or damage in relation to property because of anything done by **nbn** when engaging in the activities outlined in this notice, compensation may be payable under clause 42 of Schedule 3 to the Act. Compensation can only be assessed after **nbn** has undertaken the activities and the financial loss or damage has occurred. Accordingly, **nbn** is not in a position to agree on any amounts of compensation until after the activities described in this notice have occurred.

## 3. Objection Process

The *Telecommunications Code of Practice 1997* (Cth) (the **Code**) provides for a right of objection, and outlines how objections must be managed. Under the Code you have a right to object to the activities described in this notice. However, your objection will only be valid for the purposes of the Code if it includes reasons for your objection, and those reasons relate to one (or more) of the matters listed below.

- (i) using your land to engage in the activities;
- (ii) the location of a facility on your land;
- (iii) the date when **nbn** (or its contractor) proposes to start the activities, engage in them or stop them;
- (iv) the likely effect of the activities on your land; or
- the proposals to minimise detriment and inconvenience, and to do as little damage as practicable, to
  your land.

In order for any objection to be valid under the Code, it must be directed in writing to the contact person nominated on this notice within the timeframes below. Those timeframes vary depending on the type of activities **nbn** proposes to undertake. Specifically, if **nbn**'s proposed activities involve:

- (i) inspection and survey any objection must be given within one business day after this notice is received, provided no part of the land is included in a "sensitive area" under the Act, and the activities will not cause a material disturbance to the land. For all other inspection and survey activities, any objection must be given within nine business days after the notice is received; or
- (ii) installation and/or maintenance of telecommunications facilities any objection must be given at least five business days before we propose to engage in the activities.

NBN-CON-TPL-SBB2





If you make an objection on one of the grounds above within the specified timeframes, reasonable efforts will be made to contact you for the purposes of consultation within five business days after receiving your objection. Reasonable efforts will also be made to resolve the objection by agreement with you within 20 business days after receiving your objection.

- (i) If your objection cannot be resolved by agreement within 25 business days after receiving the objection, a further notice (Final Response) will be provided to you advising whether:
- (ii) **nbn** proposes to change the activity (and if so, how); or
- (iii) if nbn does not propose to change the activity, why NBN Co intends engaging in the activity as originally proposed.

If your objection cannot be resolved by agreement and you are not satisfied with our response to your objection, you may request in writing that your objection be referred to the Telecommunications Industry Ombudsman (TIO).

There are time limits for requesting that an objection be referred to the TIO, depending on the type of activities proposed in the notice. Specifically, if the proposed activities involve:

- in spection and survey you must request referral within nine business days after you receive the Final Response; or
- (ii) installation and/or maintenance of telecommunications facilities you must request referral within five business days after you receive the Final Response.

## **Urgent Works**

Pursuant to clause 17(6) of Schedule 3 to the Act, **nbn** does not need to give you notice of its intention to enter your land if access is required to engage in activities which need to be carried out without delay in order to protect any of the following:

- (i) the integrity of a telecommunications network or a facility,
- (ii) the health or safety of persons;
- (iii) the environment;
- (iv) property, or
- (v) the maintenance of an adequate level of service.

#### Privacy

**nbn**, its subsidiaries and contractors collect "personal information" of landowners and individuals within authorities, such as contact details, for the purpose of complying with their obligation to notify owners and occupiers of land in regards to proposed activities on their land under the Act. In doing this, information is usually maintained in a database and may be disclosed to other parties such as contractors engaged by **nbn**.

If we do not collect this information we will not be able to notify you of such proposed activities. You have the right to request access to the personal information that we hold. Any personal information collected by or on behalf of **nbn** will be handled in accordance with **nbn**'s Privacy Statement which you can access at <a href="http://www.nbnco.com.au/privacy.html">http://www.nbnco.com.au/privacy.html</a>.





ATTACHMENT 3 - MAP SHOWING BOUNDARY OF SURVEY AND CONSTRUCTION AREAS 4KRA (KURANDA AND SURROUNDING SUBURBS)







## **WORKS**

ITEM-17 TENDER EVALUATION TMSC2017-12 SUPPLY &

DELIVERY OF TYPE 4.3 ROAD BASE - HERBERTON -

PETFORD ROAD

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Manager Works

**DEPARTMENT:** Infrastructure Services, Works Group

### **EXECUTIVE SUMMARY**

Tender TMSC2017-12 is for the supply and delivery of Type 4.3 Road Base for the Herberton-Petford Road Gravel Resheet project.

The report provides a comparison of tenders received and makes a recommendation on the preferred tenderer.

## OFFICER'S RECOMMENDATION

"That Council resolves to award Tender TMSC2017-12 Supply and Delivery of Type 4.3 Road Base for the Herberton-Petford Road to Wallace Quarrying & Mining at the following unit rate of \$24.30 per tonne for 10,000 tonnes amounting to a total value of \$243,000 (inclusive of GST)."

## **BACKGROUND**

A summary of the tenders received is as set out below. The tender from Wallace Quarrying & Mining is the most advantageous supply arrangement for Council.

Submission From	Rate (per tonne)	Total (approx. 10,000t)	Additional Information
Wallace Quarrying & Mining	\$24.30	\$243,000	Incl GST
Wallace Quarrying & Mining	\$18.80 (side tipper)		Alternative
	\$17.50 (truck & dog)		
Bolwarra Enterprises Pty Ltd	\$28.60	\$286,000	Incl GST
Kidner Contracting Pty Ltd	\$37.00	\$370,000	Incl GST
Tableland Earthmoving & Raw Materials Pty Ltd	\$27.95	\$279,500	Incl GST

Wallace Quarrying & Mining is able to meet specification requirements with respect to gravel quality.



### LINK TO CORPORATE PLAN

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

## **CONSULTATION**

Internal Infrastructure Services staff

External Nil

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

Nil

## **POLICY IMPLICATIONS**

Nil

### FINANCIAL & RESOURCE IMPLICATIONS

Capital

Included in 2016/2017 budget

Operating

Included in 2016/2017 budget

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

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

## IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

## **ATTACHMENTS**

Nil

Date Prepared: 5 May 2017



## WATER & WASTE

ITEM-18 TENDER EVALUATION TMSC2017-08 MAREEBA

LANDFILL LEACHATE PUMP NETWORK

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

**REPORT AUTHOR/** 

**OFFICER'S TITLE:** Manager Water and Waste

**DEPARTMENT:** Infrastructure Services, Water and Waste Group

#### **EXECUTIVE SUMMARY**

The Mareeba Landfill Leachate Pump Network will see the construction and installation of a new pump network from Mareeba Landfill to Mareeba Wastewater Treatment Plant.

This project is partially funded through the Queensland State Government's Department of Infrastructure, Local Government and Planning Local Government Grants and Subsidies Program (LGGSP).

Tenders for TMSC2017-08 Mareeba Landfill Leachate Pump Network closed at 11:00am Tuesday, 18 April 2017 and two (2) responses were received.

This report provides a comparison of tenders received and makes a recommendation on the preferred tenderer.

## **OFFICER'S RECOMMENDATION**

"That Council award Tender TMSC2017-08 Mareeba Landfill Leachate Pump Network to FGF Developments Pty Ltd for a total value of \$1,066,093.80 (exclusive of GST)."

## **BACKGROUND**

This project will be to construct the leachate pump network from Mareeba Landfill to the Mareeba Wastewater Treatment Plant (MWWTP).

The construction and installation of this pump network will allow for the removal and treatment of leachate from Mareeba Landfill to the new Mareeba WWTP for the treatment of the leachate. Currently, leachate is pumped via the sewerage reticulation network. Due to the highly corrosive nature of the leachate and the need to feed the leachate into a holding tank so it can be trickle dosed into the treatment plant, a dedicated purpose built pump station and reticulation is required to manage the leachate.

The project is partially funded by the State Government's Department of Infrastructure, Local Government and Planning under the Local Government Grants and Subsidies Program



(LGGSP) for the Mareeba Industrial Waste Receival Facilities Project. Council received a total of \$411,000 towards the Industrial Waste Receival Facilities Project, with \$200,000 of this dedicated to the leachate pump network project.

The project includes all works associated including recycled water and potable water mains. The contract excludes the supply of a packaged pump station and pumps as Council can source these items at a more competitive rate. The project includes the supply of all materials, accessories, plant, labour and transport to carry out and complete the works to the standard specified in the contract documentation and the drawings.

The list of tenders received and the tendered amount is provided in the table below.

Tenderer	Price (ex GST)	Price (incl GST)
FGF Developments	\$1,066,093.80	\$1,172,703.18
HEH	\$1,116,738.00	\$1,228,411.80

Tenders were assessed on the following criteria and weightings:

Tender Price	40%
Experience	20%
Key Personal	10%
Resources	10%
Understanding	20%

Price is a calculated formula dependent on the actual tender received against the median of all prices received. Scores for the other criteria are subject to the knowledge of the tenderers performance on previous projects. Scores for each criterion are out of 10.

Scoring of the tenderers for this contract resulted in the following (scores out of 10):

Tenderer	Score
FGF Developments	1
HEH	2

The highest scoring tenderer, FGF Developments Pty Ltd, is a Cairns / Mareeba based contractor with local experience in similar civil construction landfill projects.

FGF Developments Pty Ltd tendered a construction program showing the work being completed within 20 weeks of contract award. FGF Developments Pty Ltd supplied a logical, works methodology statement detailing how the work will be undertaken.

The scoring reflects the opinion that FGF Developments Pty Ltd offers Council the best value for money, background experience, skill and methodology to satisfactorily meet the requirements for construction of the Mareeba Landfill Leachate Pump Network.

The tendered price from both tenderers is above the available funding for the project, there are sufficient funds in the Waste Reserves to meet the costs for this project and Council are asked to approve the required funds from the Waste Reserves.



Council will acquire the pumps and packaged pump station for this project due to the competitive pricing Council achieves from suppliers on these critical components.

Total funds required from the Waste Reserves to successfully complete the project are:

Funds from Waste Reserves		
Leachate project	\$272,703.10	
Packaged Pump Station	\$50,160.00	
Pumps and associated fittings	\$142,143.87	
Contingency	\$20,000.00	
Total funds required	\$485,006.97	

## 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
Senior Environmental Advisor
Water and Waste Engineer
Contracts and Project Management Officer
Water and Waste Operational Staff

External
Jacobs Consulting Engineering

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

Nil

## **POLICY IMPLICATIONS**

Nil

## FINANCIAL & RESOURCE IMPLICATIONS

## Capital

Partially funded through the Department of Infrastructure, Local Government and Planning.

## Operating

Ni

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



## IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

## **ATTACHMENTS**

Nil

Date Prepared: 27 April 2017



ITEM-19 TENDER EVALUATION TMSC2017-13 COLLECTION AND

REMOVAL OF FERROUS METAL AND TMSC2017-14 COLLECTION AND REMOVAL OF USED LEAD ACID

**BATTERIES** 

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Water & Waste Engineer

**DEPARTMENT:** Infrastructure Services, Water & Waste Group

#### **EXECUTIVE SUMMARY**

The Far North Queensland Regional Organisation of Councils (FNQROC) invited suitably qualified suppliers to tender for the collection and removal of ferrous scrap metal and/or used lead acid batteries across the FNQROC region. The tender was divided into two separable portions, enabling individual Councils and suppliers to participate in either one or both separable portions of the contract

Separable Portion 1 – Ferrous Scrap Metal Separable Portion 2 – Used Lead Acid Batteries

The following Councils are involved in Separable Portion 1 – Ferrous Scrap Metal.

- Cairns Regional Council (CRC)
- Cassowary Coast Regional Council (CCRC)
- Cook Shire Council (CSC)
- Croydon Shire Council (Croydon SC)
- Douglas Shire Council (DSC)
- Etheridge Shire Council (ESC)
- Hope Vale Aboriginal Shire Council (HVASC)
- Mareeba Shire Council
- Tablelands Regional Council (TRC)
- Wujal Wujal Aboriginal Shire Council (WWASC)
- Yarrabah Aboriginal Shire Council (YASC)

The following Councils are involved in Separable Portion 2 – Used Lead Acid Batteries.

- Cairns Regional Council (CRC)
- Cook Shire Council (CSC)
- Douglas Shire Council (DSC)
- Mareeba Shire Council (MSC)
- Wujal Wujal Aboriginal Shire Council (WWASC)



The intent of the contract is that ferrous metal and ULAB stockpiles are managed at acceptable levels and for Councils to achieve a fair and certain return for the value of the materials collected.

Sims Metal Management are recommended for both separable portions as they provided the most competitive offering both in terms of value for money and the provision of collection schedules and collection arrangements that were considered suitable for all member Councils.

Whilst there are a number of Councils involved in the collective offer to the market, each Council will have an individual contract with the selected supplier as FNQROC does not have formal delegated authority to contract on behalf of Councils.

### OFFICER'S RECOMMENDATION

"That Council resolves to:

- award Contract TMSC2017-13, Separable Portion 1, Collection and Removal of Ferrous Metal to Sims Group Australian Holdings Ltd based on the Schedule of Rates provided for three and a half (3½) years commencing 1 June 2017 to 30 November 2020 with the option to extend by a further two (2) x twelve (12) months; and
- 2. award contract TMSC2017-14, Separable Portion 2, Collection and Removal of Used Lead Acid Batteries to Sims Group Australian Holdings Ltd based on the Schedule of Rates provided for three and a half (3½) years commencing 1 June 2017 to 30 November 2020 with the option to extend by a further two (2) x twelve (12) months; and
- delegate authority to the Chief Executive Officer in accordance with Government Act 2009 to enter into contract, negotiate, finalise and execute any and all matters associated with or in relation to this contract subject to Council's procurement practices and policies."

## **BACKGROUND**

In July 2013 the Regional Waste Management Group identified scrap metal as an improvement opportunity, specifically the management of stockpiles and return on investment. There was dissatisfaction at the levels of service provided by current suppliers and also concern over the risks posed by the metal stockpiles accumulating across the region, particularly during cyclone season.

Research undertaken by FNQROC identified there were limited suppliers in the region and individual Councils were market-takers, competing with one another for scrap metal collection. As a result, Councils experienced a poor level of service from suppliers and a lack of certainty over revenue. In addition, research revealed the situation was impacted by vast fluctuations in the mixed ferrous metal market price, a situation further compounded by the US to AUD exchange rate. The geography of the region, distances between sites, cost and availability of transportation were also cited by suppliers as being problem factors.



As a result of this feedback, FNQROC developed a regional arrangement based on a supplier-led collection scheduling enabling suppliers to realise a number of efficiency gains and economies of scale. Metal prices were linked to an appropriate rise and fall formula, minimising risk to the supplier and in turn providing some transparency in the return to Councils.

The arrangement was separated into two separable portions, enabling councils and suppliers to participate in either one or both separable portions of the contract as follows:

### Collection & Removal of:

Separable Portion 1 – Ferrous Scrap Metal Separable Portion 2 – Used Lead Acid Batteries

Following the success of the first arrangement which was for 12 months and extended by a further 12 months and is shortly due to expire, FNQROC were requested to seek a similar arrangement. A Request for Tender was advertised via the Cairns Post on 28 January 2017 and uploaded to Tenderlink, an online tendering facility which notified appropriately registered suppliers. A tender briefing was held on 14 February 2017.

The invitation received two conforming tenders for Separable Portion 1 – Collection and Removal of Ferrous Scrap Metal:

- 1. Sims Metal Management
- 2. Zebra Metals and Environmental Services

Three conforming tenders were received for Separable Portion 2 – Collection and Removal of Used Lead Acid Batteries:

- 1. Sims Metal Management
- 2. Zebra Metals And Environmental Services
- 3. Tableland Batteries

The tenders were evaluated by the Tender Evaluation Committee made up of representatives from participating Councils.

The submissions were evaluated based on the following criteria and weightings:

Criteria	Separable Portion 1 – Ferrous Metal	Separable Portion 2 – Used Lead Acid Batteries
Relevant experience & capability	20%	15%
Proposed collection schedule	25%	20%
Work procedures & methodology	20%	15%
Local business	10%	10%
Price	25%	40%



### **COMMENT:**

## Recommended Respondent Separable Portion 1 – Ferrous Scrap Metal

Sims Group Australia Holdings Ltd t/a Sims Metal Management

Sims Metal Management provided by far the most competitive quote for all participating Councils and its proposed schedule was also considered reasonable with suitable resources committed to the arrangement.

## Recommended Respondent Separable Portion 2 – Used Lead Acid Batteries

All Suppliers scored relatively consistently to each other against criteria one to four which is 60% of the available weighting. 40% was available for criteria five, price.

Sims Metal Management was again by far the most competitive quote for all participating Councils.

Sims is the incumbent Supplier and has proven itself to be of sound capability in providing a good level of service to participating Councils in the region.

#### **CONSIDERATIONS:**

### Risk Management:

### Collection schedule

The current contract required Sims to provide an annual collection schedule which was based on a list of sites, estimated annual tonnage of metal and required collection frequency provided by Councils. However adherence to the schedule during the contract has been impacted by fluctuating metal volumes, additional service requests by councils and mechanical failure. To mitigate this, the new contract includes the provision of a second collection schedule which includes additional sites that do not require an annual collection but do require a service at least once during the period of the contract. These additional sites will be serviced separately to the main schedule using additional equipment to minimise the impact to the annual service schedule.

In addition, Ferrous metal at all Cairns Reginal Council sites, including depots will be stored in storage facilities provided by Sims and collected on a regular basis and transported back to their yard without the need for compacting. This will significantly free up the baling equipment for use elsewhere in the region and free up time within the collection schedule.

#### Price

The metal market is notoriously volatile. This arrangement incorporates a formula which allows for monthly Rise & Fall. Prices are provided, inclusive of all expenses as follows:

## Ferrous Metal

As a fixed monthly percentage of the specific section of The Tex<sup>1</sup> Report monthly rate for Ferrous Scrap export which is an industry standard document referred to for the price of steel.

## Used Lead Acid Batteries

As a fixed monthly percentage of the London Metal Exchange monthly rate for Lead.



Whilst the actual price per tonne received will vary on a month to month basis, the fixed percentage will remain for the contract term and provide certainty and transparency to all concerned.

Sims has a yard in Cairns and employs 8 local staff.

The Tex report is a Japanese daily publication 'reporting on various news arising in each sector of raw materials for steel production, trade of steel products, resources and energy.' It can be found at: http://www.texreport.co.jp/xenglish/.

### LINK TO CORPORATE PLAN

**ECON 2** In partnership with local business, industry groups and economic and regional development organisations, continue to develop strategies to assist, strengthen, develop and promote existing and new businesses and industries.

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

**GOV 3** Undertake a whole of council service level review to establish sustainable operational costs across core local government business and consult with communities.

### **CONSULTATION**

Internal
Manager Water & Waste
Foreperson Waste Services

External

Regional Procurement Coordinator, FNQ Regional Organisation of Councils

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

Nil

## **POLICY IMPLICATIONS**

Nil

## FINANCIAL & RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

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



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

## IMPLEMENTATION/COMMUNICATION

Nil

## **ATTACHMENTS**

Nil

Date Prepared: 8 May 2017



**ITEM-20** 

TMSC2015-13 MAREEBA WASTEWATER TREATMENT PLANT UPGRADE - VARIATIONS TO CONTRACT CONFIDENTIAL

## **REASON FOR CONFIDENTIALITY**

This report is **CONFIDENTIAL** in accordance with Section 275(1)(e) and (h) of the Local Government Regulation 2012, which permits the meeting to be closed to the public for business relating to the following:

- (e) contracts proposed
- (h) other business for which a public discussion would be likely to prejudice the interests of Council or someone else, or enable a person to gain a financial advantage.





# CHIEF EXECUTIVE OFFICER

ITEM-21 LOT 67 SP136294 MAREEBA

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Chief Executive Officer

**DEPARTMENT:** Office of the Chief Executive Officer

#### **EXECUTIVE SUMMARY**

Lot 67 SP136294 (the Lot) is the parcel of freehold land owned by Queensland Rail. It was until recently leased to Lindsay Transport. It has been deemed surplus to Queensland Rail's requirements and has now been offered for sale to Council for \$270,000 excluding GST.

## **OFFICER'S RECOMMENDATION**

"That Council purchase Lot 67 SP136294 from Queensland Rail for the amount of \$270,000 excluding GST."

#### **BACKGROUND**

This Lot, which is bounded by Frew and Strattmann Streets and the Mareeba/Forsayth railway line, has now been deemed surplus to Queensland Rail's requirements. An opportunity was given to State Departments and Local Government to submit an expression of interest for the purchase of the land and Mareeba Shire Council lodged an expression of interest.

Notification has now been received from Queensland Rail that they are prepared to sell the Lot to Council for the price of \$270,000 exclusive of GST. The sale is subject to the approval of the Chief Executive Officer of Queensland Rail and the endorsement by Property Queensland (Department of State Development).

The offer was received on the 26 April 2017 and Council has 30 days to accept it i.e. by Friday 26 May 2017.

An image of this Lot is attached to this report. It should be noted that the buildings on the lot have been removed since the photograph was taken.

At this stage there is no specific defined use for the land however it is strategically placed close to the Mareeba Central Business District. It would form a valuable strategic asset which could be utilised by Council itself in the future.



The asking price is very reasonable and should Council need funds in the future it could be disposed of as it is a freehold block and at the very least, the purchase price would be recovered.

#### LINK TO CORPORATE PLAN

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

## **CONSULTATION**

Internal
Mayor and Councillors
Director Corporate and Community Services

External

Queensland Rail

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

Nil

#### **POLICY IMPLICATIONS**

Nil

#### FINANCIAL & RESOURCE IMPLICATIONS

## Capital

An amount of \$270,000 would have to be transferred from Reserves to fund the purchase. The nett effect on the Balance Sheet would be \$0 as the reduction in Cash would be offset by an equal increase in disposable assets.

Operating

Nil

## IMPLEMENTATION/COMMUNICATION

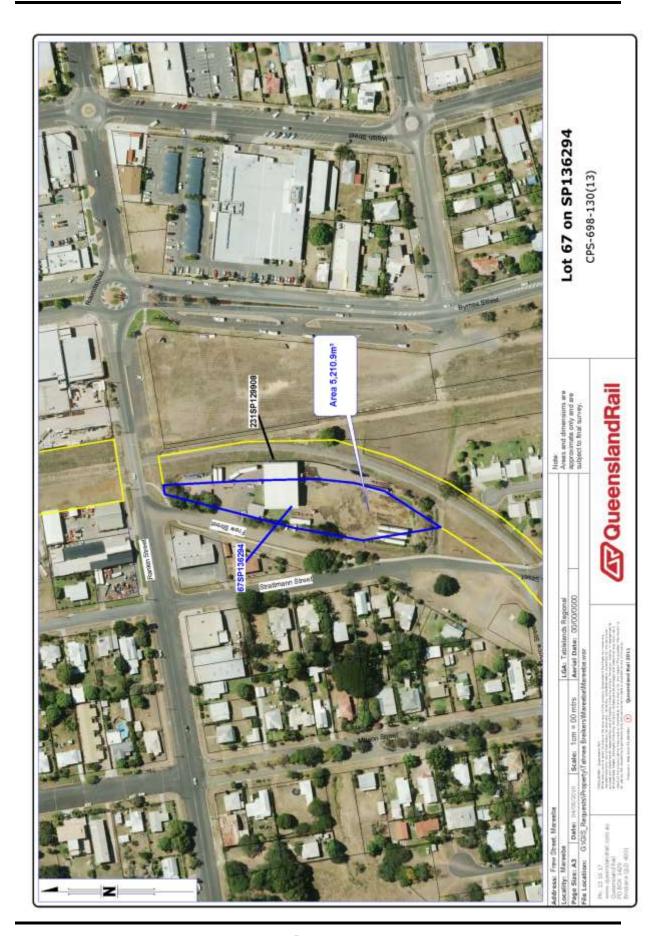
Queensland Rail would be formally notified of Council's decision

#### **ATTACHMENTS**

Aerial image of Lot 67 SP136294

**Date Prepared:** 4 May 2017









ITEM-22 WASTE AGREEMENT WITH SUEZ RECYCLING &

RECOVERY (REGIONAL QUEENSLAND) PTY LTD

**MEETING:** Ordinary

**MEETING DATE**: 17 May 2017

REPORT OFFICER'S

TITLE: Chief Executive Officer

**DEPARTMENT:** Office of the Chief Executive Officer

#### **EXECUTIVE SUMMARY**

In 2007, Mareeba Shire Council (MSC) commenced accepting process residual and contingency waste at the Mareeba Landfill from the Advanced Resource Recovery Facility (ARRF) at Portsmith under a Waste Disposal Agreement (WDA). MSC and initially CEC Resource Recovery Pty Ltd (CEC) and now SUEZ Recycling & Recovery (Regional Queensland) Pty Ltd (SUEZ) were parties to the WDA. The WDA terminated on 07 February 2017 and the landfill is set to cease receiving waste from the ARRF, effective 07 August 2017.

MSC has now successfully negotiated with SUEZ, a second WDA for execution whereby the Mareeba Landfill will continue to receive waste at a reduced tonnage rate and that will provide for appropriate charging, an increase in the security for capping, inclusion of an appropriate Contractor's Guarantor, tightening of SUEZ's environmental compliance obligations, and ownership of all infrastructure including the weighbridge being retained by MSC after the expiration of the second WDA.

The termination of the arrangement with SUEZ either now or in four years does not affect Councils landfill licence and there is space on the site available for Council to construct further cells should they be required.

#### OFFICER'S RECOMMENDATION

"That Council enter into the attached Second Waste Disposal Contract with SUEZ Recycling & Recovery (Regional Queensland) Pty Ltd and delegate the execution of the contract to the Chief Executive Officer."

### **BACKGROUND**

In 2007, Mareeba Shire Council (MSC) commenced participating in a regional contract to deliver waste, along with Cairns Regional Council and Douglas Shire Council, to the Advanced Resource Recovery Facility (ARRF) at Portsmith. SUEZ Recycling & Recovery (Regional Queensland) Pty Ltd currently own and operate the ARRF. This arrangement between the four parties operates under a Waste Management Contract (1396 Contract) and a Participation Deed which will terminate in 2026.



Concurrently, MSC commenced accepting the process residual waste and contingency waste from the ARRF under a Waste Disposal Agreement (WDA) initially entered into with CEC and now SUEZ. Under the WDA, SUEZ was generally responsible for the design and construction of the new cells and the final cover system, whilst MSC is the Environmental Authority holder and is responsible for the day to day operation of the site.

The WDA was expected to last until 2026. However, a Notice of Termination was issued by SUEZ to MSC in 2014 which would result in the WDA terminating on 07 February 2017 and the landfill ceasing to receive process residual waste from the ARRF, effective 07 August 2017. Concurrently, SUEZ gave MSC a letter proposing the opportunity to renegotiate access charges (Waste Levy Amount) for disposal at the Mareeba Landfill, citing escalating costs and capacity constraints at the landfill.

MSC undertook an internal financial modelling review of the Mareeba Landfill to determine whether lowering the Waste Levy Amount would be sustainable in the context of the true cost of running the landfill. The returns that the contract had been delivering MSC had diminished over time. The main contributing factor to this was the operational cost increases ie fuel, materials, wages etc, which had increased at a rate significantly greater than the price per tonne that SUEZ were required to pay. As part of the post de-amalgamation organisation review, a review of the landfill operation was undertaken and measures were implemented to improve efficiencies and bring about cost savings. These measures included the redundancy of two (2) FTE staff as well as a range of other cost saving measures to reduce the overall operational costs. It was also identified that compliance with the licencing requirements had historically been falling well short of what was expected, and working in conjunction with EPA/EHP a number of additional processes were implemented. This had the effect of negating much of the gains achieved through the efficiency review.

Once the detailed financial modelling was completed, it was clear that under the current WDA contract that the Waste Levy Amount needed to increase in order to meet operational and environmental compliance costs for the long term management of the landfill post the closure of these cells. While the WDA and hence the income stream was set to end in 2027, Council would still be responsible for monitoring and managing the site well past this and analysis showed that in 30 years all accumulated reserves to cover these costs would be exhausted.

A review of other conditions in the WDA was also undertaken to identify potential risks to MSC and a number were identified.

From these analyses, MSC formed a view that there was no value in renegotiating the WDA with a lower price per tonne. As a result the notice of termination given by SUEZ ran its course.

During this period, discussions were undertaken between MSC and SUEZ regarding alternative arrangements. There is still a significant amount of space available in the landfill cells constructed by SUEZ and they wanted to be able to utilise this space. Good faith negotiations then took place. Some of the key elements of a proposed Second Waste Disposal Agreement (SWDA) agreed were:

- The term of the SWDA is four (4) years
- The price per Tonne increases by \$10.00 from \$28.11 to \$38.11
- The Capping Security deposit increases in increments from the current \$2 per tonne to \$7.00 per tonne by June 2017



- A one off additional payment of \$511,000 will be provided to MSC as part of the Capping Security deposit by SUEZ
- SUEZ guarantees to deliver a minimum of 25,000 tonnes per annum
- SUEZ's capping obligations are now guaranteed by SUEZ Australia

MSC staff consequently undertook further financial modelling to determine the Waste Levy Amount and other charges required to ensure the financial viability of receiving less tonnage. The data shows that there is a minimum net benefit to Council of \$1,000,000 over the four (4) years as opposed to terminating the arrangement with SUEZ now. This will enable Council to fund the post closure of this cell without having to call on the Ratepayers to fund it.

The Second WDA has been agreed between the parties officers and now is subject to endorsement by Council and SUEZ's Board. The Second WDA is proposed to expire 30 November 2020 unless otherwise terminated or extended under the Contract.

#### 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.

**ENV5** Prepare an environmental scorecard to ascertain the current status of the natural environment in the Shire and to inform Council's response to environmental management and sustainability and the development of protection and conservation plans.

## **CONSULTATION**

Internal
Director Infrastructure Services
Senior Environmental Advisor
Manager Development and Governance
Manager Finance

External

Qld State General Manager, SUEZ Recycling & Recovery (Regional Queensland) Pty Ltd

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

Nil

### **POLICY IMPLICATIONS**

Nil

#### FINANCIAL & RESOURCE IMPLICATIONS

Capital Nil



Operating Nil

# IMPLEMENTATION/COMMUNICATION

Liaise with Qld State General Manager, SUEZ Recycling & Recovery (Regional Queensland) Pty Ltd

# **ATTACHMENTS**

1. Draft Agreement

Date Prepared: 4 May 2017





# Deed - Second Waste Disposal Agreement

Mareeba Shire Council ABN 39 114 383 874

SUEZ Recycling & Recovery (Regional Queensland) Pty Ltd (formerly SITA (Regional Queensland) Pty Ltd and before that CEC Resource Recovery Pty Ltd) ACN 059 222 749

Version: 1

Level 11 Central Plaza Two 66 Eagle Street Brisbane QLD 4000 GPO Box 1855 Brisbane QLD 4001 Australia ABN 42 721 345 951
Telephone +61 7 3233 8888 Fax +61 7 3229 9949

Offices Brisbane Sydney Newcastle

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# Deed - Second Waste Disposal Agreement

Dated

## **Parties**

Mareeba Council Mareeba Shire Council ABN 39 114 383 874

of 65 Rankin St, Mareeba QLD 4880

Contractor SUEZ Recycling & Recovery (Regional Queensland) Pty Ltd (formerly SITA

(Regional Queensland) Pty Ltd and before that CEC Resource Recovery Pty

Ltd) ACN 059 222 749

of Level 3, 3 Rider Boulevard, Rhodes NSW 2138

# Background

- Mareeba Council and the Contractor were parties to the Waste Disposal Agreement.
- B. The Contractor issued a Termination Notice which terminated the Waste Disposal Agreement on 7 February 2017.
- C. On and from the Commencement Date, Mareeba Council and the Contractor are entering into a new agreement, based on the terms and conditions of the Waste Disposal Agreement, as varied by this document.

# Agreed terms

## 1 Definitions and interpretation

## 1.1 Definitions

In this document terms defined in the Second Waste Disposal Agreement have the same meanings when used in this document (including in the Addendum), and:

Term	Definition		
Addendum	means the addendum to this document, containing the amendments to the Waste Disposal Agreement.		
Commencement Date	means 24 May 2017.		
Effective Date	means 1 March 2017.		
Second Waste Disposal Agreement	has the meaning given in clause 2.		
Termination Notice	means the notice issued by the Contractor to Mareeba Council on 7 February 2014, purporting to terminate the		





Term	Definition		
	Waste Disposal Agreement on 7 February 2017.		
Waste Disposal Agreement	means the waste disposal agreement entered into by Mareeba Council and the Contractor dated 23 March 2006.		

#### 1.2 Interpretation

In this document:

- (a) a reference to a clause, schedule, annexure or party is a reference to a clause of, and a schedule, annexure or party to, this document and references to this document include any schedules or annexures;
- a reference to a party to this document or any other document or agreement includes the party's successors, permitted substitutes and permitted assigns;
- if a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- (d) a reference to this document includes the agreement recorded by this document;
- (e) a reference to legislation or to a provision of legislation (including subordinate legislation) is to that legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
- if any day on or by which a person must do something under this document is not a Business Day, then the person must do it on or by the next Business Day;
- a reference to a person includes a corporation, trust, partnership, unincorporated body, government and local authority or agency, or other entity whether or not it comprises a separate legal entity; and
- (h) a reference to 'month' means calendar month.

## 2 Second Waste Disposal Agreement

With effect on and from the Commencement Date:

- the parties are bound to a new agreement, incorporating the terms of this document and the same terms and conditions of the Waste Disposal Agreement, except to the extent altered under clause 2(b); and
- the Addendum contains alterations which amend the terms and conditions of the Waste Disposal Agreement which will apply to the new agreement,

(Second Waste Disposal Agreement).

#### 3 Waste Disposal Agreement

(a) Subject to clause 3(b), nothing in this document:





- prejudices or adversely affects the right, power, authority, discretion or remedy arising under the Waste Disposal Agreement before, on or after the date of this document; or
- discharges, releases or otherwise affects any liability or obligation arising under the Waste Disposal Agreement before, on or after the date of this document.
- (b) The parties agree that on and from the Commencement Date, the rights and obligations under clause 17.9 of the Waste Disposal Agreement cease to apply to any further deliveries and disposals of waste to the Landfill, and the Second Waste Disposal Agreement shall instead govern the further deliveries and disposals of waste to the Landfill and the rights and obligations of the parties in connection with those deliveries and disposals.

# 4 Payment of Capping Uplift

- (a) The Contractor must pay to Mareeba Council the amount of \$511,000.00 within 10 Business Days of the Commencement Date (Capping Uplift).
- (b) The Capping Uplift is to be treated in the same manner as a Security Deposit paid to Mareeba Council in accordance with clause 27 of the Second Waste Disposal Agreement.
- (c) If the Contractor fails to pay the amount required under clause 4(a) on the due date, then interest will accrue on that amount at the rate of 10% per annum, compounding monthly.

## 5 Guarantee

Within 10 Business Days of the Commencement Date the Contractor must ensure SUEZ Australia Holding Pty Ltd ACN 070 452 890 (**Guarantor**) provides to Mareeba Council a guarantee in the form of Schedule 1, duly executed and completed by the Guarantor to the satisfaction of Mareeba Council.

### 6 General

#### 6.1 Amendments

This document may only be amended by written agreement between all parties.

## 6.2 Counterparts

This document may be signed in any number of counterparts. All counterparts together make one instrument.

#### 6.3 No merger

The rights and obligations of the parties under this document do not merge on completion of any transaction contemplated by this document.

#### 6.4 Further assurances

Each party must do all things necessary to give effect to this document and the transactions contemplated by it.

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#### 6.5 Entire agreement

- (a) This document supersedes all previous agreements about its subject matter. This document embodies the entire agreement between the parties.
- (b) To the extent permitted by law, any statement, representation or promise made in any negotiation or discussion, is withdrawn and has no effect except to the extent expressly set out or incorporated by reference in this document.
- (c) Each party acknowledges and agrees that it does not rely on any prior conduct or representation by the other party in entering into this document.

#### 6.6 No waiver

- (a) The failure of a party to require full or partial performance of a provision of this document does not affect the right of that party to require performance subsequently.
- (b) A single or partial exercise of or waiver of the exercise of any right, power or remedy does not preclude any other or further exercise of that or any other right, power or remedy.
- (c) A right under this document may only be waived in writing signed by the party granting the waiver, and is effective only to the extent specifically set out in that waiver.

#### 6.7 Governing law and jurisdiction

- (a) Queensland law governs this document.
- (b) Each party irrevocably submits to the exclusive jurisdiction of the Queensland courts and courts competent to hear appeals from those courts.

#### 6.8 Severability

A clause or part of a clause of this document that is illegal or unenforceable may be severed from this document and the remaining clauses or parts of the clause of this document continue in force.

#### 6.9 Retrospective Effect

This parties acknowledge and agree that, notwithstanding the Commencement Date of this Agreement, elements of this Agreement may apply retrospectively from the Effective Date (where the parties have indicated).





Exe	ecution		
EXEC	CUTED as a deed		
on ABN	ed sealed and delivered / /20 by Mareeba Shire Council 39 114 383 874 by its duly authorised er in the presence of;	×	Signature of Authorised Officer
A	Signature of witness	٨	Full Name of Authorised Officer
٨	Name of witness (print)	٨	Office Held
on Reco	ed sealed and delivered / /20 by SUEZ Recycling & overy (Regional Queensland) Pty Ltd ACN 222 749 by:		
A	Director	٨	Director/Secretary
٨	Full name of Director	٨	Full name of Director/Secretary





## Addendum

#### Amendments

- All references to 'CEC' and 'CEC Waste' are deleted and replaced with 'the Contractor' and 'Contractor Waste' respectively.
- 2 All references to 'Re-Commencement Date' are replaced with 'Commencement Date', and the definition of 'Re-Commencement Date' in clause 1.1 is deleted.
- 3 In clause 1.1, the definition of 'Existing Landfill Cells' is deleted and replaced with:
  - Existing Landfill Cells means the landfill cells at the Landfill designed and constructed by Mareeba Council at the Commencement Date, and excluding any landfill cells at the Landfill designed and constructed by the Contractor, including, without limitation, under any previous agreement.'
- 4 In clause 1.1, the definition of 'Licenced Operating Hours' is deleted and replaced with:
  - 'Licenced Operation Hours means the hours between 7am and 4pm on a Business Day.'
- 5 In clause 1.1, in the definition of 'Monitoring Charge' the words 'under clause 10.1' are deleted and replaced with 'as specified under clause 1.5'.
- In clause 1.1, in the definition of 'Security Deposit' the words 'by \$2.00' are deleted and replaced with 'the amount specified in clause 1.5'.
- 7 In clause 1.1, in the definition of 'Waste Levy', the words 'each Financial Year under clause 9' are deleted and replaced with 'as specified in clause 1.5'.
- 8 In clause 1.1, in the definition of 'Weighbridge Cost', the words 'under clause 11' are deleted and replaced with 'as specified in clause 1.5'.
- 9 A new clause 1.5 is added to read:

'The parties acknowledge and agree that on and from 1 March 2017 the fees under the agreement will be fixed (with no escalation), but with GST payable on those fees in accordance with clause 12, for the remainder of the Term (including any Renewal Term) as follows:

Category of Fee	Amount	Unit of Measure	
Waste Levy Amount (WLA)	\$38.11	Tonne	
Monitoring Charge Amount ( <b>MCA</b> )	\$1.28	Tonne	
Weighbridge Cost	\$11,607.33	Month	
Security Deposit	From 1 March 2017 to 31 May 2017: \$4.60	to 31 Tonne	
	From 1 June 2017 for the remainder of the Term	-111	

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(including any Renewal	
Term): \$7.52	

10 A new clause 1.6 is added to read:

Notwithstanding any other provision of the agreement, if the parties agree, or an independent consultant mutually agreed and appointed by the parties, or failing mutual agreement within 14 days of a dispute arising between the parties then as appointed by the Queensland President of Engineers Australia (and the parties agree to bear the costs of such appointment equally) determines (acting reasonably), that a lack of remaining void space at the Landfill prohibits the Contractor from delivering and disposing of further Waste to the Landfill, then Mareeba Council shall give notice to the Contractor of the same, and Mareeba Council shall not be in breach of this agreement if it thereafter prohibits further delivery and disposal of Waste to the Landfill by the Contractor and Mareeba Council shall have no obligation to accept any further Waste under this agreement.'

- 11 Clause 2 is deleted and marked 'Not Used'.
- 12 Clause 3.1 is deleted and replaced with:

'This agreement will commence immediately upon execution of the Deed – Second Waste Disposal Agreement and retrospectively apply to all deliveries and disposals made on and from 1 March 2017 (Effective Date).'

13 Clause 3.2 is deleted and replaced with:

'This agreement continues in force until the sooner of:

- (i) subject to clause 3.3, 30 November 2020;
- (ii) the date that is three months after the termination of the Waste Management Contract:
- (iii) termination in accordance with clause 17; or
- (iv) termination by the written agreement of the parties."
- 14 Clause 3.3 is deleted and replaced with:

#### '3.3 Right of renewal

The parties may renew this Agreement for a further one (1) year term (Renewal Term) as negotiated and agreed by them in writing, at least nine (9) months prior to 30 November 2020. The Renewal Term shall commence 1 December 2020 and will be on the same terms and conditions of this Agreement unless the parties otherwise agree in writing.'

- 15 Clause 4.1(a) is deleted and marked 'Not Used'.
- 16 Clause 4.2 is deleted and marked 'Not Used'.
- 17 In clause 4.4, delete the words '(other than the design and construction of the Landfill Cells by CEC under clause 13)'.





18 Clause 5.1 is amended to replace 'CEC must' with 'the Contractor may' and at the end of the clause, a paragraph is added as follows:

'This clause does not in anyway limit the obligations of the Contractor to achieve the Minimum Delivery Tonnages.'

19 Clause 5.3 is deleted and replaced with:

#### 5.3 Obligation to deliver Waste

There is no obligation on the Contractor to dispose of or deliver Waste exclusively to the Landfill, however, commencing on and from 1 March 2017, the Contractor must dispose of and deliver a minimum tonnage of Waste to the Landfill during set periods, as stated in the table below (Minimum Delivery Tonnage), except to the extent:

- (a) if the parties agree, or an independent consultant mutually agreed and appointed by the parties, or failing mutual agreement within 14 days of a dispute arising between the parties then as appointed by the Queensland President of Engineers Australia (and the parties agree to bear the costs of such appointment equally) determines (acting reasonably), that a lack of remaining void space at the Landfill prohibits the Contractor from complying with this obligation; or
- (b) the parties agree otherwise in writing.

Period	Minimum Delivery Tonnage		
1 March 2017 - 30 June 2017	8,333 tonnes		
1 July 2017 - 30 June 2018	25,000 tonnes		
1 July 2018 - 30 June 2019	25,000 tonnes		
1 July 2019 - 30 June 2020	25,000 tonnes		
1 July 2020 - 30 November 2020	10,416 tonnes		

- 20 Clause 6.1 is deleted and marked 'Not Used'.
- 21 Clause 6.2 is deleted and marked 'Not Used'.
- 22 Clause 6.4 is deleted and marked 'Not Used'.
- 23 In clause 6.5, subclauses (a), (b) and (c) are each deleted and marked 'Not Used' and the remainder of the clause is unamended.
- 24 Clause 7.2 is deleted and marked 'Not Used'.
- 25 In clause 9.1(a), the words 'Subject to any greater amount payable under clause 9.1(aa), 'are added at the beginning of the clause.
- 26 A new clause 9.1(aa) is added to read as follows:

`For any Period (as referenced by the table in amended clause 5.3) the Contractor must pay Mareeba Council the greater of:

(i) the amount determined under clauses 9.1(a) for the relevant Period; or





(ii) the amount of the Minimum Delivery Tonnage multiplied by the WLA.

In the event the Contractor has already made payments in accordance with clause 9.1(b), and clause 9.1(aa)(ii) applies, the Contractor shall only be liable to pay to Mareeba Council the difference between the Waste Levy it has already paid and (the WLA multiplied by the Minimum Delivery Tonnage applicable in respect of that Period).

If the Contractor is obliged to pay Mareeba Council under clause 9.1(aa)(ii), the parties agree such payment is, without limitation to any other consideration, for the opportunity Mareeba Council has provided to the Contractor to dispose of the Waste during the relevant Period, and such amount is payable regardless of whether or not the Contractor has actually availed itself of that opportunity.'

- 27 In clause 9.1(c), the words 'on which the condition in clause 2.1 is satisfied' are replaced with 'after the Effective Date'.
- 28 Clause 9.2 is deleted and marked 'Not Used'.
- 29 In clause 10.1(a), the words 'Subject to any greater amount payable under clause 10.1(aa), 'are added at the beginning of the clause.
- 30 A new clause 10.1(aa) is added to read as follows:

`For any Period (as referenced by the table in amended clause 5.3) the Contractor must pay Mareeba Council the greater of:

- (i) the amount determined under clauses 10.1(a) for the relevant Period; or
- (ii) the amount of the Minimum Delivery Tonnage multiplied by the MCA.

In the event the Contractor has already made payments in accordance with clause 10.1(b), and clause 10.1(aa)(ii) applies, the Contractor shall only be liable to pay to Mareeba Council the difference between the Monitoring Charge it has already paid and (the MCA multiplied by the Minimum Delivery Tonnage applicable in respect of that Period).

If the Contractor is obliged to pay Mareeba Council under clause 10.1(aa)(ii), the parties agree such payment is, without limitation to any other consideration, for the opportunity Mareeba Council has provided to the Contractor to dispose of the Waste during the relevant Period, and such amount is payable regardless of whether or not the Contractor has actually availed itself of that opportunity.'

- 31 In clause 10.1(c), the words 'on which the condition in clause 2.1 is satisfied' are replaced with 'after the Effective Date'.
- 32 Clause 10.2 is deleted and marked 'Not Used'.
- 33 Clause 11.2 is deleted and marked 'Not Used'.
- 34 Clause 13.1 is amended to add:

'The parties anticipate that the average tonnes of Waste to be delivered to the Landfill by the Contractor in any month will be between 1500 and 2500 tonnes. The Contractor must provide reasonable information and details concerning how the Contractor is tracking against the Minimum Delivery Tonnage).

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Deed - Second Waste Disposal Agreement

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In the event that the Contractor anticipates that it will deliver less than 1500 tonnes of Waste in any month, or will deliver more than 2500 tonnes of Waste in any month, then the Contractor must give Mareeba Council written notice, at least two months prior to the month it anticipates delivering less than 1500 tonnes or more than 2500 tonnes.

The Contractor acknowledges and agrees that Mareeba Council is relying upon notice issued under this clause, without limitation, to ensure it has sufficient staff and equipment available at the Landfill.'

- 35 Clause 13.2 is deleted and marked 'Not Used'.
- 36 Clause 13.3 is deleted and marked 'Not Used'.
- 37 Clause 13.4 is deleted and marked 'Not Used'.
- 38 Clause 13.5 is deleted and marked 'Not Used'.
- 39 In clause 13.6 delete the words 'under clause 13.4'.
- 40 In clause 13.7 delete the words 'under clause 13.4'.
- 41 Clause 13.8 is deleted and replaced with:

'Mareeba Council acknowledges that the Contractor may, with prior written approval of Mareeba Council (not to be unreasonably withheld), subcontract its obligations under clause 13 to a third party. The Contractor shall remain vicariously liable to Mareeba Council for any acts or omissions of its subcontractors.'

- 42 In clause 13.9(a) delete the words 'including, without limitation, the design and construction of the Landfill Cells in accordance with this clause 13'.
- 43 In clause 13.9(b) the words 'in respect of the design and construction by CEC of the Landfill Cells in accordance with this' are replaced with 'in performance of the obligations of the Contractor under'.
- 44 In clause 13.10, each reference to the words 'to construct the Landfill Cells under clause 13.8' are replaced with 'to perform an obligation under clause 13'.
- 45 In clause 13.11(a), the figure '\$10,000,000' is replaced with '\$20,000,000'.
- 46 In clause 13.14(a)(i) the word 'copy' is replaced with 'summary (containing detail to the reasonable satisfaction of Mareeba Council)'.
- Clause 13.18 is amended by adding the following to the end: 'Any deliveries of material delivered to and stockpiled at the Landfill after the Effective Date by the Contractor are also exclusively available to the Contractor for capping the Landfill Cells as required by clauses 13.19 to 13.21 inclusive. The Contractor is responsible for implementing erosion and sediment control measures in relation to any such stockpiled material'.
- 48 Clause 13.19 is amended to add the following at the end:
  - "Without limiting any other obligations under this agreement, the Contractor must (at its own cost):
  - (a) provide Mareeba Council with at least 14 days prior notice of any capping to Landfill Cells;





- (b) consult with Mareeba Council, and any relevant Government Agency (including without limitation the Department of Environment and Heritage Protection) about what is reasonably required for the final capping to Landfill Cells;
- (c) obtain the RPEQ signoff on the final capping to Landfill Cells; and
- (d) comply with most recent version of the "DEHP Guideline for the Siting, Operation, Rehabilitation of Landfill" and any replacement document.'
- 49 Clause 14 is amended to add the following at the end:

'All infrastructure at the Landfill (including, without limitation the Weighbridge), as between the parties, is owned by Mareeba Council and will remain the property of Mareeba Council after expiration or termination of this agreement.'

- 50 Clause 17.2 is deleted and marked 'Not Used'.
- 51 Clause 17.8 is deleted and marked 'Not Used'.
- 52 Clause 17.9(a) is deleted and replaced with:

'(a) the Contractor will only have the right to continue to deliver Contractor Waste to the Landfill where the Contractor and Mareeba Council agree to such continued delivery in writing, and in such case the delivery will be limited to the period agreed in writing by the Contractor and Mareeba Council. If no continued delivery agreement is reached, the Contractor must cease delivery of all Contractor Waste to the Landfill on the date of termination.'

- 53 In clause 17.9(e), the words 'clauses 13.19, 13.20 and 13.21' are replaced with 'clauses 13.9, 13.10, 13.19, 13.20 and 13.21'.
- 54 Clause 18.5 is amended to replace the word 'annually' with 'quarterly'.
- 55 A new clause 27A is added to read as follows:

#### 'Early return of Security Deposit

After termination or expiry of the agreement, the Contractor may provide a program of works for the performance of its obligations under clauses 13.19 and 13.20, setting out the milestones upon which parts of the works will be completed and an amount payable to a subcontractor from the Security Deposit upon the completion of each milestone. Mareeba Council will review any such program (acting reasonably) and may request amendments or alterations to the program, milestones and amounts payable. If the parties agree in writing on the program, including the milestones and amount payable, it will become the capping program (Capping Program).

If a Capping Program is agreed, then the Contractor may engage a subcontractor, on terms and conditions that permit Mareeba Council to pay the Contractor based on work properly completed by the subcontractor, the amount specified in the Capping Program from the Security Deposit, within 10 Business Days of agreement by Mareeba Council and the Contractor that the milestone specified in the Capping Program has been completed. If the parties do not agree, then an independent consultant mutually agreed and appointed by the parties, or failing mutual agreement within 14 days of a dispute arising between the parties then as appointed by the Queensland President of Engineers Australia (and the parties agree to bear the costs of such appointment equally)

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determines (acting reasonably), that the milestone specified in the Capping Program has been completed.

If Mareeba Council pays any amount from the Security Deposit to the Contractor under this clause, it will be deemed to be a return of that amount of the Security Deposit to the Contractor, and Mareeba Council shall have no further liability to the Contractor for that amount.

Any amount of Security Deposit which has not been returned in accordance with this clause, will subject to any rights of Mareeba Council to the Security Deposit, otherwise be returned to the Contractor in accordance with clause 27.6.

Nothing in this clause 27A, including without limitation the approval of the Capping Program, a subcontractor or any payment made by Mareeba Council shall relieve the Contractor from any of its obligations under this Contract, including without limitation clauses 13.19 and 13.20.

For the avoidance of doubt, Mareeba Council will have no liability to the subcontractor, and the Contractor remains vicariously liable to Mareeba Council for any acts or omissions of the subcontractor."





## Schedule 1

Guarantee	
Deed of Guaran	tee
This deed made th	e day of 20
Ву:	SUEZ Australia Holding Pty Ltd ABN 30 070 452 890 of Level 3, 3 Rider Boulevard, Rhodes NSW 2138 ('Guarantor')
In favour of:	Mareeba Shire Council ABN 39 114 383 874 of 65 Rankin St, Mareeba QLD 4880 ('Mareeba Council')
('Deed')	

- A. Mareeba Council and SUEZ Recycling & Recovery (Regional Queensland) Pty Ltd (formerly SITA (Regional Queensland) Pty Ltd and before that CEC Resource Recovery Pty Ltd) ACN 059 222 749 of Level 3, 3 Rider Rouleyard, Rhodes, NSW 2138 (Contractor) have entered into an agreement.
- Level 3, 3 Rider Boulevard, Rhodes NSW 2138 ('Contractor') have entered into an agreement dated [#insert date] (the 'Second Waste Disposal Agreement') in relation to the disposal of waste at the landfill at Vaughn Street, Mareeba and being part Lot 517 CP 851.
- B. It is a condition of the Second Waste Disposal Agreement that the Contractor ensures that the Guarantor executes this deed, and the Guarantor confirms its acceptance of this deed by the Guarantor's execution of this Deed.

## The Parties Agree:

Background

## 1. Guarantee of Performance

The Guarantor guarantees to Mareeba Council the due and punctual performance of every legal, equitable, contractual, statutory or other duty, undertaking, warranty, guarantee, indemnity, covenant, agreement or other obligation ('Obligation') on the part of the Contractor which at any time arises under the Second Waste Disposal Agreement including without limitation:

- any Obligation on the part of the Contractor to pay Mareeba Council any amount, costs, expenses, damages or other liabilities, whether present, future, actual or contingent, liquidated or unliquidated;
- (b) any Obligation arising from any variation to the Second Waste Disposal Agreement:
  - (i) agreed between the Contractor and Mareeba Council; or
  - (ii) made in accordance with the Second Waste Disposal Agreement,
  - at any time, whether or not the Guarantor is aware of, or consents to, the variation; and
- (c) the Unenforceable Contractor's Obligations referred to in clause 6 of this Deed,

('Contractor's Obligations').

#### 2. Indemnity for Loss

The Guarantor indemnifies the Mareeba Council and agrees at all times hereafter to keep the Mareeba Council indemnified from and against all damages, costs, losses, expenses and liabilities ('Liabilities') which Mareeba Council may suffer or incur consequent upon or arising out of the





Contractor's Obligations not being performed, observed or fulfilled and the Guarantor agrees that the indemnity given by the Guarantor under this clause:

- is a separate and additional Obligation of the Guarantor under this Deed;
- (b) is given by the Guarantor as a principal indemnifier and not as a surety;
- (c) applies even though Mareeba Council may not be entitled for any reason to recover those Liabilities from the Contractor, with the effect that the moneys are not recoverable from the Guarantor on the basis that the Guarantor has otherwise only given a guarantee in respect of payment of those amounts; and
- is given on the other terms of this Deed (with all necessary changes being made) so far as those other terms can apply.

#### 3. Continuing Guarantee and Indemnity

This Deed shall be a continuing Obligation and security and shall not be considered as wholly or partially satisfied or discharged by the payment at any time or times hereafter of any sum or sums of money for the time being due to Mareeba Council under the Second Waste Disposal Agreement or by any settlement of any other Obligation or any other matter or thing.

Unless expressly stated otherwise in this Deed, the rights and remedies under any indemnity or otherwise provided under this Deed are cumulative and not exclusive of any rights or remedies provided by law or any other right or remedy.

It is not necessary for Mareeba Council to incur expense or to make payment before enforcing a right of indemnity under the Deed. The Guarantor must pay, as a debt due and payable, on demand any amount it must pay under an indemnity in the Deed.

Any amount which the Guarantor is expressly liable to pay or reimburse to the Mareeba Council under this Deed shall be a debt due and payable to the Mareeba Council by the Guarantor in the time expressly provided or otherwise on demand.

## 4. Liability not discharged by other events

The liability of the Guarantor and the rights of Mareeba Council under this Deed shall not be affected by:

- (a) the granting of time or other indulgence or concession to the Contractor;
- the compounding, release, abandonment, variation, relinquishment or renewal of any of the rights of Mareeba Council against the Contractor;
- (c) any neglect or omission to enforce such rights;
- (d) the liquidation of the Contractor;
- the termination, cancellation, rescission, assignment or novation of the Second Waste Disposal Agreement in whole or in part;
- the Second Waste Disposal Agreement being or becoming void or voidable in whole or in part; or
- (g) any other act, matter or thing which under the law relating to sureties would or might but for this provision release the Guarantor from its Obligations under this Deed or any part of them.

#### 5. Assignment by Mareeba Council

Mareeba Council may assign the benefit of this Deed to the extent that the assignee also accepts an assignment of the Second Waste Disposal Agreement. Mareeba Council shall be entitled to provide any information it may have concerning the Guarantor to any proposed assignee.





#### 6. Invalidity of the Contractor's Obligations

Despite any other provisions of this Deed, the guarantee and indemnity given by the Guarantor under this Deed shall also extend and apply to Obligations on the part of the Contractor which were void from the beginning, or have been subsequently avoided or are otherwise unenforceable by the Mareeba Council as a result of:

- (a) any legal limitation, disability or incapacity relating to the Contractor;
- (b) any delay, neglect or failure to register or perfect the Second Waste Disposal Agreement or obtain any consent or authorisation necessary to give legal effect to the Second Waste Disposal Agreement (other than by reason of an act or omission of Mareeba Council);
- (c) the Contractor's failure to comply with any law; or
- (d) any death, mental incapacity, winding up, liquidation, bankruptcy, insolvency, voluntary administration, composition of debts, scheme of reconstruction, official management, receivership, assignment of property, scheme of arrangement or other incapacity, insolvency or demise on the part of or entered into by the Contractor,

whether or not Mareeba Council should have known about the same ('Unenforceable Contractor's Obligations').

#### 7. Governing Law

This Deed and any matter arising in connection with it shall be governed by the laws of the State of Queensland, and the parties submit to the non-exclusive jurisdiction of the Courts of that State.

#### 8. Successors and assigns

References in this Deed to the Guarantor, Mareeba Council and the Contractor shall be taken to include their respective successors and assigns.

#### 9. Limitation of Liability

For the avoidance of doubt, and subject only to clause 6 of this Deed, the Guarantor's total aggregate liability under this Deed shall not in any circumstances exceed, or be different to, the liability of Contractor under or in connection with the Second Waste Disposal Agreement.

In respect of clause 6 of this Deed, the Guarantor's total aggregate liability under this Deed shall not in any circumstances exceed, or be different to, what the liability of the Contractor would have been under or in connection with the Second Waste Disposal Agreement if the Unenforceable Contractor's Obligations had instead been fully enforceable against the Contractor and full recovery had been made by Mareeba Council for the Contractor's liability.

#### 10. Counterparts

This document may be signed in any number of counterparts. All counterparts together make one instrument. A party intends to be bound by this Deed on the date it executes this Deed.

The parties have signed, sealed and delivered this Deed on the day stated below.





Signed sealed and delivered on / /20 by SUEZ Australia Holding
Pty Ltd ABN 30 070 452 890:

A Director A Director/Secretary

Signed sealed and delivered on / /20 by Mareeba Shire Council

ABN 39 114 383 874 by its duly authorised officer in the presence of:

Signature of Authorised Officer

Signature of Authorised Officer

Name of witness (print)

Office Held



# **BUSINESS WITHOUT NOTICE**

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The next meeting of Council will be held at Mareeba 9:00 am on Wednesday 21 June 2017





# **APPENDIX - CONFIDENTIAL ITEMS**

