



AGENDA

Wednesday, 18 September 2019

Ordinary Council Meeting

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

Date: Wednesday, 18 September 2019

Time: 9:00am

Location: Council Chambers

**Peter Franks
Chief Executive Officer**

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1 MEMBERS IN ATTENDANCE

2 APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

3 BEREAVEMENTS/CONDOLENCES

4 DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/CONFLICTS OF INTEREST

5 CONFIRMATION OF MINUTES

Ordinary Council Meeting - 21 August 2019

6 BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING

7 DEPUTATIONS AND DELEGATIONS

8 CORPORATE AND COMMUNITY SERVICES

8.1 G & S HORNER - MATERIAL CHANGE OF USE - ANIMAL KEEPING (STABLES) - LOT 11 ON RP748324 - 2 EMERALD HEIGHTS ROAD, MAREEBA - MCU/19/0010

Date Prepared: 4 September 2019

Author: Planning Officer

Attachments: 1. Proposal Plans [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	G & S Horner	ADDRESS	2 Emerald Heights Road, Mareeba
DATE LODGED	2 July 2019	RPD	Lot 11 on RP748324
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Animal Keeping (Stables)		
FILE NO	MCU/19/0010	AREA	3.164 hectares
LODGED BY	U&i Town Plan	OWNER	G & S Horner
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural Residential (Precinct C)		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	N/A - Code Assessment only		

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The applicants propose the establishment of a 300m² stable building and roaming/exercise yard for the keeping of up to 20 horses.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant aspect of the Planning Scheme.

The key issue of the proposed development is ensuring that it does not detrimentally affect the amenity of the immediate area. Impacts and nuisances, if any, are likely to be experienced by immediate adjoining lots only and reasonable conditions have been included to minimise the potential for visual impact as well as noise, odour and dust nuisance. Traffic generated by the development will be minimal and is not likely to impact on Emerald Heights Road and its users or the wider Council road network.

Emerald Heights Estate, like other 5 acre (2 hectare) rural residential estates in the Shire (Ray Road, Ellery Road) contain many types of non-residential land uses of varying scales (hobby farms, transport depots, livestock keeping) that co-exist with little to no land use conflict. It is considered

that the proposed stable use can be established on site, albeit subject to particular conditions, with minimal impact on neighbouring properties.

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

- That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	G & S Horner	ADDRESS	2 Emerald Heights Road, Mareeba
DATE LODGED	2 July 2019	RPD	Lot 11 on RP748324
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - Animal Keeping (Stables)		

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

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

And

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

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
M4-19 (2)	Proposed Development Plans - Animal Keeping (20 Horses)	U&i Town Plan	31/07/2019
FC1905012-1	Building Layout	Wide Span Sheds	13/06/2019

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

- Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, including but not necessarily limited to the subject of 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 **within three (3) months of this development permit taking affect** except where specified otherwise in these conditions of approval, or except where a subsequent alternate timeframe has been agreed upon by Council's delegated officer.
- 2.2 The applicant must notify Council when all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval, and a subsequent compliance inspection be carried out by Council's delegated officer/s.

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/contributions contained 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 external 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
 - 3.4.1 Any on site refuse storage areas must be screened from view from adjoining properties and road reserve by one (1) metre wide landscaped screening buffer or 1.8m high solid fence or building.
 - 3.4.2 Horse manure is not permitted to be stored on the property for any longer than 48 hours after collection from the stables/exercise areas and is not permitted to be sold from the property in bags or in bulk.
 - 3.4.3 Any other waste products collected from the stable floor or exercise yard such as wood shavings, sawdust and sand should be collected frequently enough so as to not cause an odour nuisance detectable at any property boundary and must be disposed of off-site at an approved waste disposal site.

3.5 Hours of Operation

The hours of operation for the approved use, including horse exercising and training but excluding any horse health care activities such as feeding, and veterinarian visits shall be limited to the hours between 6:30am and 6:30pm Monday to Saturday. No operations associated with the approved use (except those mentioned above) are permitted on Sundays or Public Holidays.

3.6 Horse Numbers

3.6.1 No more than 20 horses are to be kept on the property at any one time, inclusive of any "pet" horses or other horses not associated with the training business.

3.6.2 Horses not normally kept on the property are not permitted to be exercised or trained on the property at any time.

3.7 Horse Containment

3.7.1 Horses must be contained within the stable building or "existing fenced area for horses" shown on the approved plan at all times, unless being transported off-site or being exercised/trained in the exercise/training arena immediately to the south of the stable.

3.7.2 No more than two (2) horses at any time can be grazed on the property outside the "existing fenced area for horses" in line with Council's Local Laws and provided the minimum standards for animal keeping contained within Council's Local Laws are maintained at all times, to the satisfaction of Council delegated officer.

3.8 Horses transported off site for training must be loaded/unloaded onto transport vehicles within the "existing fenced area for horses" as shown on the approved plan only and must not be kept in transport vehicles for more than 10 minutes so as to minimise noise nuisance to surrounding residents. Transport vehicles are not to be left idling while loading/unloading of horses is taking place.

No horses are to loaded/unloaded or kept contained in vehicles for any length of time within the Emerald Heights Road reserve.

3.9 Building Materials and Finishes

All building materials and finishes, including roofing iron/tiles, guttering, external blockwork/render and window screening structures must be made from non-reflective, modern building materials and must be of a neutral colour, to the satisfaction of Council's delegated officer.

3.10 Signage

- 3.10.1 No more than one (1) advertising sign for the approved development is permitted on the subject site.
- 3.10.2 The sign must not exceed a maximum sign face area of 1m² and must not move, revolve, strobe or flash.
- 3.10.3 The sign must be kept clean, in good order and safe repair for the life of the approval and must be removed when no longer required.
- 3.10.4 The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

4. Infrastructure Services and Standards

4.1 Access

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

4.2 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 All stormwater drainage must be collected from site and discharged to an approved legal point of discharge.

4.3 Carparking/Internal Driveways

- 4.3.1 The "parking & turn around area" and "new internal driveway" shown on the approved plan must be bitumen, asphalt or concrete sealed, appropriately drained, and maintained for the life of the development, to the satisfaction of Council's delegated officer.
- 4.3.2 The parking and turn around area must include a minimum of three (3) parking spaces designed and delineated/line-marked to Australian Standard AS2890 and the new internal driveway must have a minimum width of 4 metres for its entire length, to the satisfaction of Council's delegated officer.

4.4 Site-specific Environmental Management Plan

The applicant/developer must prepare and submit a detailed site-specific Environmental Management Plan for the development, including practices and management strategies to address the following aspects:

- (i) Erosion and sediment control - to ensure no erosion and degradation over the site occurs as a result of the development and that the release of sediment to Cobra Creek and/or adjoining properties is minimised or avoided;
- (ii) Air quality management - to ensure no dust or noise nuisance is experienced at any nearby sensitive receptor;
- (iii) Odour reduction and management - to ensure no odour nuisance is experienced at any property boundary.

The site-specific Environmental Management Plan must be complied with for the life of the development and any incidents of non-compliance must be reported to Council.

Should Council receive a substantiated complaint relating to any environmental impacts on adjoining properties or nearby sensitive receptors arising from the approved use, the applicant/developer must provide and implement an alternative solution/s to alleviate the impact/s, to the satisfaction of Council's delegated officer.

4.5 Landscaping and fencing

4.5.1 Within three (3) months of this approval taking effect, the applicant/developer must ensure the following landscape buffering is established and growing:

- (i) A minimum 2-metre-wide landscape screening buffer along the northern property boundary extending a distance of 155 metres from the Emerald Heights Road frontage of the site;
- (ii) A minimum 2-metre-wide landscape screening buffer adjacent the southern property boundary extending from the Emerald Heights Road frontage of the site down to the western end of the solid screen fencing required under 4.5.2. The landscaping must be planted on the outside of the fencing and not within Easement A on RP748324.
- (iii) A minimum 1-metre-wide landscape screening buffer around the entire perimeter of the "existing fenced area for horses" shown on the approved plan (excluding access ways). Landscaping around the "parking & turnaround area" and "new internal driveway" is not required.

The abovementioned landscaping must be carried out in accordance with Planning Scheme Policy 6 - Landscaping and Preferred Plant Species and must include shrubs, plants or trees that form an effective visual buffer no less than three (3) metres in height. A minimum of 25% of plants must be provided as larger, advanced stock with a minimum height of 0.7m and the landscaping must be mulched, irrigated and maintained to the satisfaction of Council's delegated officer.

All landscaping must be maintained for the life of the development.

- 4.5.2 Within three (3) months of this approval taking effect, the applicant/developer must install two (2) metre high colorbond or overlapping timber paling fencing (of neutral colour) along the northern property boundary and adjacent the stables and parking & turn around to the extent shown on the approved plan (Plan No. M4-19 (2) dated 31/07/2019)

The fencing must be kept in good order and safe repair for the life of the development, to the satisfaction of Council's delegated officer.

4.6 Lighting

- 4.6.1 Where outdoor lighting is required the developer shall locate, design and install lighting which prevents the potential for light spillage to cause nuisance to neighbours and must be provided in accordance with Australian Standard 1158.1 – Lighting for Roads and Public Spaces.
- 4.6.2 Illumination resulting from direct, reflected or other incidental light emanating from the subject land does not exceed 8 lux when measured at any point 1.5m outside the property boundary of the subject site. The lighting fixtures installed on site must meet appropriate lux levels as documented within Australian Standard 4282 – Control of the Obtrusive Effects of Outdoor Lighting.

(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) 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.

(d) 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.

(e) 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.

(f) Cultural Heritage

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

(E) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

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

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

Development Type	Rate	Measure	Charge	Credit	Balance
	\$ per m ²	m ²	\$	\$	\$
High Impact Rural	\$13.40	300	\$4,020.00	Nil	\$4,020.00
TOTAL CURRENT AMOUNT OF CHARGE					\$4,020.00

THE SITE

The subject site is situated at 2 Emerald Heights Road, Mareeba and is described as Lot 11 on RP748324. The site is irregular in shape, with a total area of 3.146 hectares and is zoned Rural Residential (Precinct C - 2 ha) under the Mareeba Shire Council Planning Scheme 2016. The site is accessed from the cul-de-sac head of Emerald Heights Road via a bitumen sealed crossover. Emerald Heights Road itself is bitumen sealed for its entire length.

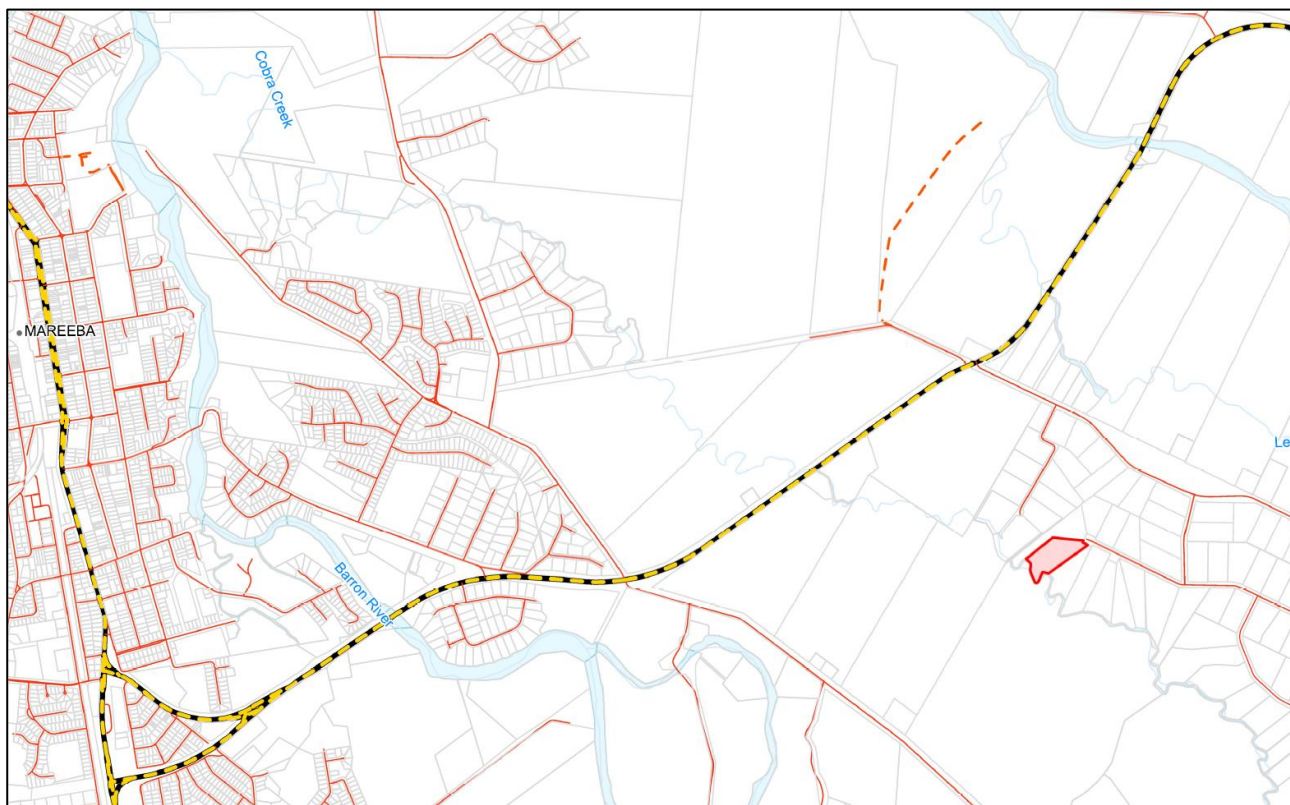
The site is improved by a dwelling house and swimming pool situated towards the front of the property and a timber fenced horse training yard and round exercise yard adjacent the sites south-east boundary. The majority of the site is predominately cleared with scattered vegetation. This vegetation is noticeable denser along the northern side of the site and towards the rear of the site leading down to Cobra Creek which runs immediately behind the property.

All lots immediately surrounding the site are zoned Rural Residential and contain single dwellings with some lots containing semi-rural uses such as hobby farms and the keeping of horses and cows on a non-commercial scale. Land to the west and south-west of the site on the opposite side of Cobra Creek is zoned Rural and is used for sugar cane cropping.



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 24 June 2019, Council received a complaint alleging that the subject site was being used unlawfully as a "horse training business". Upon investigation of the complaint, Council officers deemed that the subject site was being used for "Animal keeping" as defined under the Mareeba Shire Council Planning Scheme 2016 (see below - Planning Scheme Definitions).

Under the instruction of Council officers, the landowners engaged U&i Town Plan planning consultants to prepare and submit this development application for material change of use - animal keeping (stables) on their behalf.

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

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

The application proposes the establishment of a Stable and ancillary exercise/training yard for the keeping of up to 20 horses. The application states the following:

"This development application seeks a development permit for a Material Change of Use under the Planning Act 2016 at 2 Emerald Heights Road, Mareeba. The Material Change of Use seeks to obtain approval for an Animal Keeping (stables) use to be established on site for up to 20 horses. The subject site is located close to town being only 8.7 kilometres from the central business district and is

appropriately positioned within the 2-hectare rural residential precinct on a quiet cul-de-sac on Emerald Heights Road. Accordingly, the site strongly lends itself to be utilised for this type of development as it provides a suitable quiet location for their horses that is only 8 minutes' drive from town.



The proposed stables structure is to be 10m wide x 30m long which will be used to house the horses, with a fence area around the perimeter of the structure for them to roam and feed during the day (see plan above).

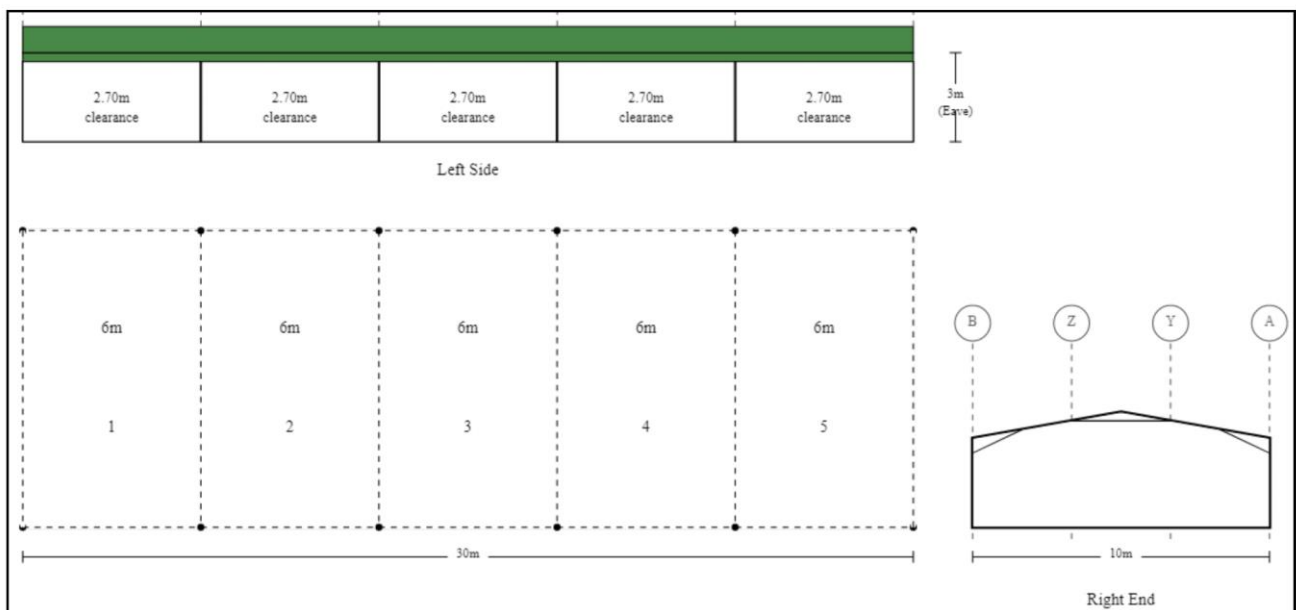


Figure 4: Extract from Development Plans

The owner currently has 10 horses of which two (2) are retired pets. Although they only have 10 horses at this stage, they want to ensure they cater for more as they do help with others for short periods of time. The proposed use will utilise one (1) full time staff member who looks after and

cleans the stables five (5) days a week. The owners of the property are also the trainers for the horses and they load up the horses in the morning and transport them to the Mareeba Race course. The work in the mornings occurs from around 6am to 9:30am. While the horses are not worked on Sundays and are usually at races on Saturdays. Other than housing the horses, the majority of the training and work on the racehorses is done at the Mareeba Race Course.

The stables will be cleaned 7 days a week with fresh shavings and a good base to make sure that there is no smell. All horse waste will be bagged and disposed to friends and relatives for compost and manure for their gardens.

In terms of additional traffic generation associated with the use, the full time-worker comes to the site five (5) days a week (into the site and out once a day). While the trainer who is the owner living at the site takes the horses every second day (in and out of the site once a day) maximum four (4) days a week on race weeks, otherwise three (3) days a week."

REGIONAL PLAN DESIGNATION

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

- *Wetland Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories
	▪ Rural Residential Area
Zone:	Natural Environment Elements
	▪ Biodiversity Area
Overlays:	Rural Residential Zone
	▪ Agricultural Land Overlay
	▪ Airport Environs Overlay
	▪ Bushfire Hazard Overlay
	▪ Environmental Significance Overlay

Planning Scheme Definitions

The proposed use is defined as:-

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

RELEVANT PLANNING INSTRUMENTS

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

(A) Far North Queensland Regional Plan 2009-2031

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

(B) State Planning Policy

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

(C) Mareeba Shire Council Planning Scheme 2016

Relevant Developments Codes

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

- 6.2.10 Rural residential zone code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 9.3.6 Rural activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Rural Residential Zone Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code, apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcome AO2.2 <p>The following Performance Outcomes address the establishment of non-residential development within the Rural residential zone and have been discussed further in the planning discussion section of the report:</p> <ul style="list-style-type: none"> Performance Outcome PO8 Performance Outcome PO9
Airport Environs Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.
Bushfire Hazard Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental Significance Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.
Rural Activities Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code, apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcome AO5.1 <p>Refer to planning discussion section of report for commentary.</p>
Landscaping Code	<p>The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code, apart from the following:</p> <ul style="list-style-type: none"> Acceptable Outcome AO1 Acceptable Outcome AO3.1 <p>Refer to planning discussion section of report for commentary.</p>
Parking and Access Code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.
Works, Services and Infrastructure Code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.

(D) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

Planning Scheme Policy 6 - Landscaping and Preferred Plant Species

If the application is approved, substantial landscape buffering will be required to be planted and maintained by the applicant/landowner. Conditions will be attached to any approval requiring site landscaping be carried out in accordance with the Planning Scheme Policy 6 - Landscaping and Preferred Plant Species.

(E) Adopted Infrastructure Charges Notice

The Mareeba Shire Council Adopted Infrastructure Charges Resolution (No. 2) 2019 - Table 1 - Adopted Charge Rates does not stipulate a particular charge rate for "Specialised uses" which is the use category that Animal keeping is included within. In determining a charge rate, a best fit approach was used and the "High impact rural" use category was considered appropriate in this instance.

The High impact rural use category charge rate is \$13.40 per m² of GFA. The proposed stable structure has a GFA of 300m². Therefore $\$13.40/\text{m}^2 \times 300\text{m}^2 = \$4,020.00$.

An adopted infrastructure charge of \$4,020.00 will be issued with any approval.

REFERRAL AGENCY

The application did not require referral to any referral agency.

Internal Consultation

Environmental Health/Local Laws

PLANNING DISCUSSION

Compliance with the Performance Outcomes contained within the Rural Residential Zone Code, Rural Activities Code and the Landscaping Code are discussed below:

6.2.10 Rural Residential Zone Code***Outbuilding and residential scale******PO2***

Domestic outbuildings:

- (a) do not dominate the lot on which they are located; and*
- (b) are consistent with the scale and character of development in the Rural residential zone.*

AO2.2

On lots greater than 2 hectares, domestic outbuildings do not exceed:

- (a) 200m² in gross floor area; and*
- (b) 8.5 metres above natural ground level.*

Comment

The proposed stable structure will have a gross floor area (GFA) of 300m² and is therefore non-compliant with AO2.2.

Considering the size of the allotment (3.164 hectares) the proposed stable shed will not dominate the site, nor is it likely to impact on adjoining property owners given the setbacks achieved and the landscape buffering required by the conditions of approval. The proposed stable shed is also not inconsistent in size with other sheds in Emerald Heights Estate.

The development complies with PO2.

Non-residential development**PO8**

Non-residential development:

- (a) is consistent with the scale of existing development;*
- (b) does not detract from the amenity of nearby residential uses;*
- (c) does not impact on the orderly provision of non-residential development in other locations in the shire; and*
- (d) directly supports the day to day needs of the immediate residential community; or*
- (e) has a direct relationship to the land on which the use is proposed.*

AO8

No acceptable outcome is provided.

Comment

The proposed non-residential development:

- (a) - Includes buildings/structures that are consistent with the scale of existing development in the surrounding area;
- (b) - will be appropriately conditioned to ensure the stable use can co-exist with surrounding residential land uses with minimal land use conflict (see discussion for PO9 below);
- (c) - will not impact on the orderly provision of this type of development in other locations in the Shire;
- (d) - arguably could support the needs of residents in the immediate surrounds that require the horse training services provided by the proposed use.

The proposed development is considered to comply with PO8.

Amenity**PO9**

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

- (a) noise;*
- (b) hours of operation;*
- (c) traffic;*
- (d) advertising devices;*
- (e) visual amenity;*
- (f) privacy;*
- (g) lighting;*

- (h) odour; and
- (i) emissions.

AO9

No acceptable outcome is provided

Comment

The proposed development is not likely to detrimentally impact on adjacent and nearby residential uses as a result of traffic (traffic generation minimal), advertising devices (none proposed but minimal amount allowed for in conditions), privacy or lighting.

Noise generated by the use is likely to be limited to the loading/unloading of horses to and from training at the Mareeba racecourse. This activity is not likely to occur seven (7) days per week and conditions have been included to ensure that the loading/unloading of horses does not occur before 6:30am and must occur adjacent the stable building away from property boundaries. Horses are also not to be kept in transport vehicles for extended lengths of time. Outside the loading/unloading of horses for transport off site, the only other noise associated with the use will be horses neighing and being exercised which is not likely to significantly impact on adjoining residents. Solid screen fencing and landscaping has been conditioned to further minimise the risk of noise nuisance as well as visual impact and dust nuisance to adjoining residents. Other conditions have also been included to minimise odour and dust nuisance relating to manure and waste collection and disposal, surface treatments and management plans.

Emerald Heights Estate, like other 5 acre (2 hectare) rural residential estates in the Shire (Ray Road, Ellery Road) contain many types of non-residential land uses of varying scales (hobby farms, transport depots, livestock keeping) that co-exist with little to no land use conflict. It is considered that the proposed stable use can be established on site, albeit subject to particular conditions, with minimal impact on neighbouring properties.

Subject to reasonable and relevant conditioning, it is considered the proposed development can comply with PO9.

9.3.6 Rural Activities Code**PO5**

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

AO5.1

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

Comment

The subject site has an area of just 3.164 hectares and is therefore non-compliant with AO5.1.

The 60-hectare minimum lot size required by AO5.1 is considered reasonable for some animal keeping and intensive animal industry uses that require large separation distances in order to

minimise off-site impacts such as kennels (noise impacts from barking) and piggeries and meat poultry farms (intense odour nuisance). However, the 60 hectare minimum lot size is not necessarily required for the less intense, smaller scale types of animal keeping uses such as stables and catteries.

It is considered that the subject sites area, dimensions and topography will allow the proposed stable to function appropriately, and as discussed above, the development has been appropriately conditions to minimise impacts on adjoining properties.

It is considered the proposed development can comply with PO5.

9.4.2 Landscaping Code

PO1

Development, other than in the Rural zone, includes landscaping that:

- (a) contributes to the landscape character of the Shire;*
- (b) compliments the character of the immediate surrounds;*
- (c) provides an appropriate balance between built and natural elements; and*
- (d) provides a source of visual interest.*

AO1

Development, other than in the Rural zone, provides:

- (a) a minimum of 10% of the site as landscaping;*
- (b) planting in accordance with Planning Scheme Policy 6 - Landscaping and preferred plant species;*
- (c) for the integration of retained significant vegetation into landscaping areas;*
- (d) on-street landscaping works in accordance with the Design Guidelines set out in Section D9 Landscaping, of the Planning Scheme Policy 4 - FNQROC Regional Development Manual.*

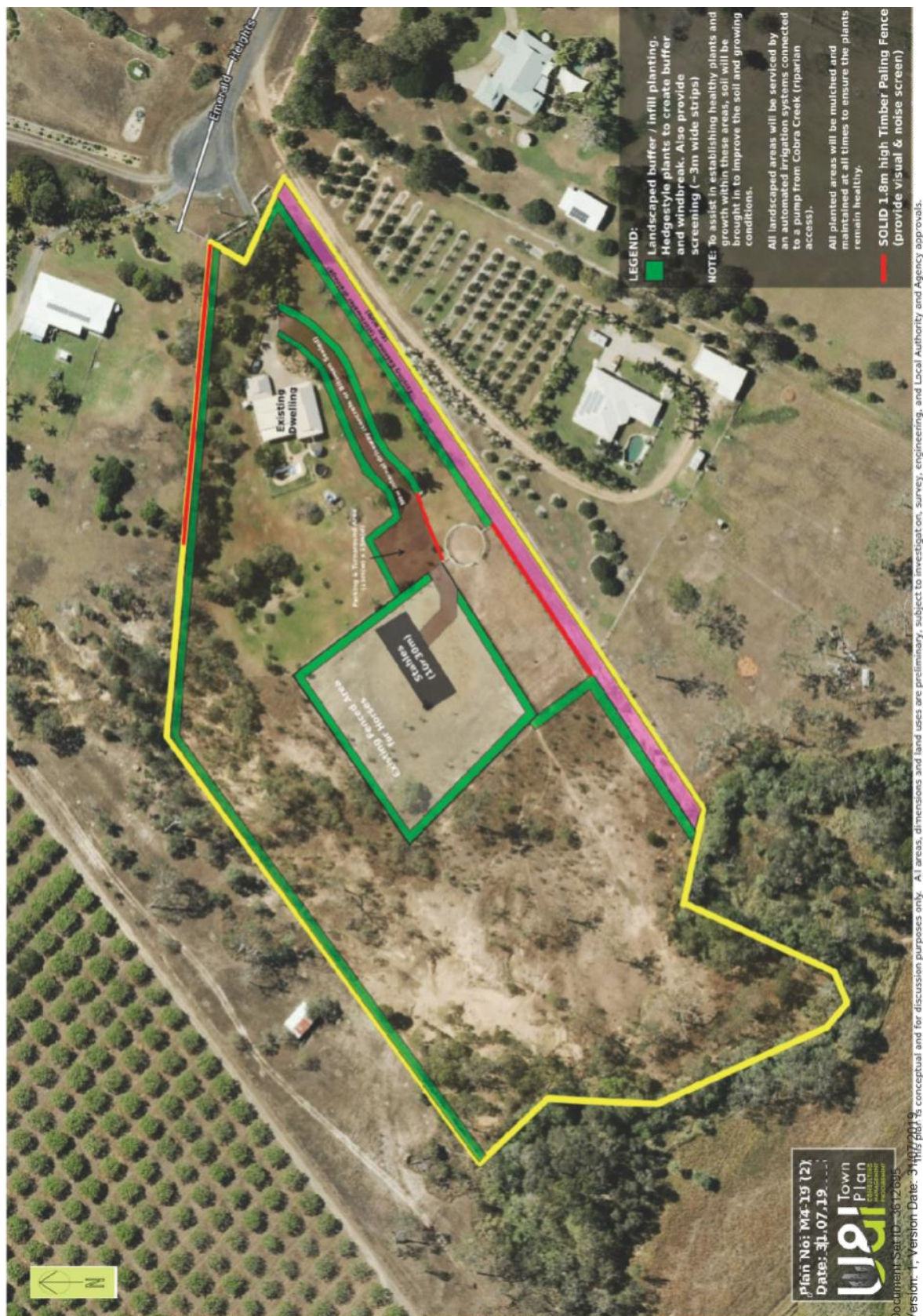
Comment

The proposed development includes less than 10% of the site as landscaping and is therefore non-compliant with AO1.

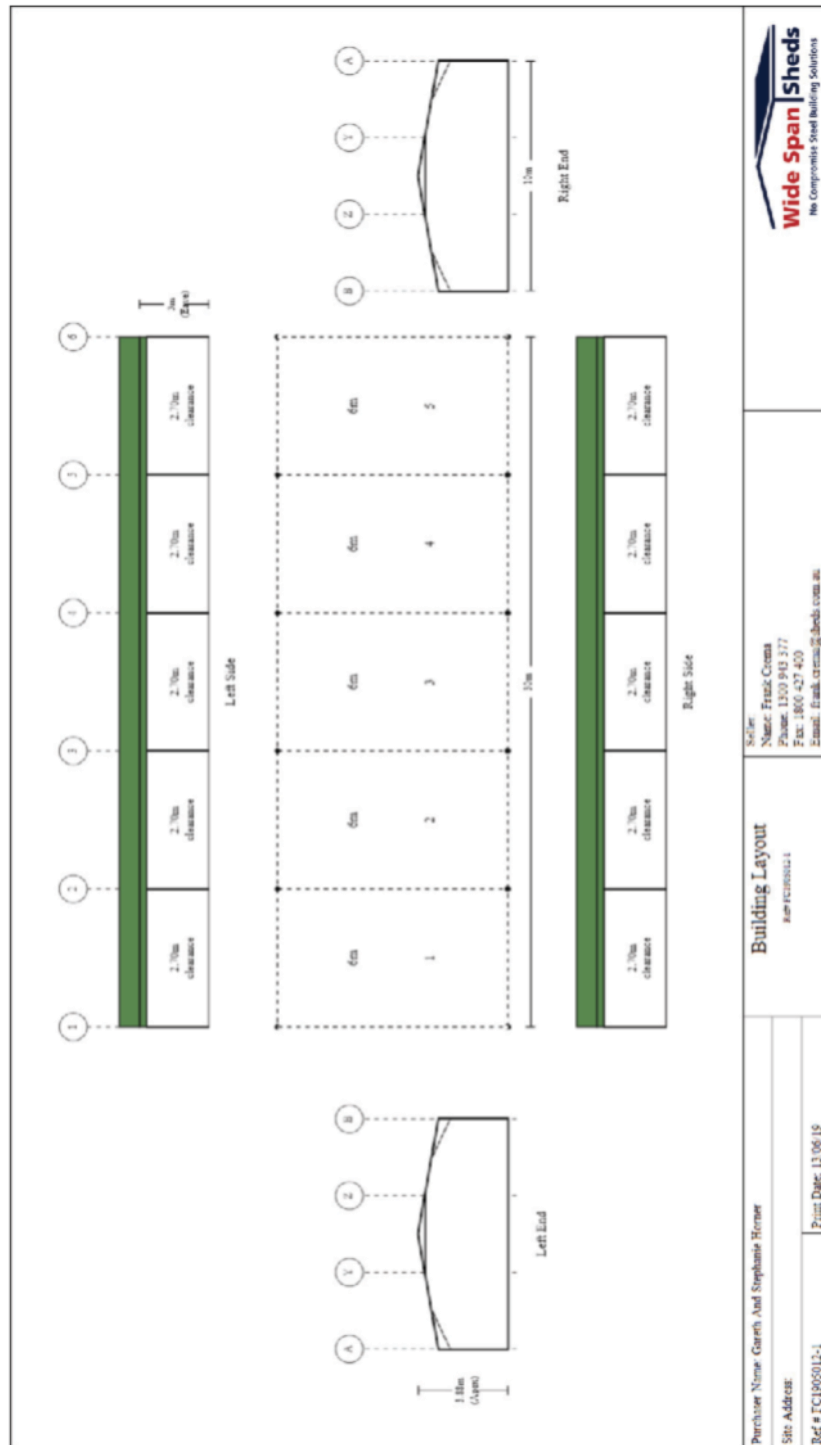
Despite this non-compliance, the amount of landscaping proposed, which for the most part has been secured by condition of approval, will contribute to the attractiveness of the site and provide an appropriate balance and buffer between the proposed development including its built form and surrounding residential development.

The proposed development complies with the relevant components of PO1.

Proposed Development Plans - Animal Keeping (20 Horses)



Building Layout



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8.2	M ANTON - MATERIAL CHANGE OF USE - HIGH IMPACT INDUSTRY (CONCRETE RECYLING YARD - UP TO 5000 TONNES PER YEAR) - LOTS 2 & 3 ON SP223151 - 3276 & 3278 MULLIGAN HIGHWAY, MOUNT MOLLOY - MCU/19/0009
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Date Prepared: 2 September 2019

Author: Senior Planner

Attachments:

1. Proposal Plans [↓](#)
2. Department of State Development, Manufacturing, Infrastructure and Planning response dated 26 August 2019 [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	M Anton	ADDRESS	3276 & 3278 Mulligan Highway, Mount Molloy
DATE LODGED	26 June 2019	RPD	Lots 2 & 3 on SP223151
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)		
FILE NO	MCU/19/0009	AREA	Lot 2 - 217.9ha Lot 3 - 93.88ha
LODGED BY	Urban Sync Pty Ltd	OWNER	Kathleen Colless Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	Nil		

EXECUTIVE SUMMARY

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

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

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant planning instrument.

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

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

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	M Anton	ADDRESS	3276 & 3278 Mulligan Highway, Mount Molloy
DATE LODGED	26 June 2019	RPD	Lots 2 & 3 on SP223151
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Material Change of Use - High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)		

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

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager's advice in (D), 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 not consider that the assessment manager's decision conflicts with a relevant instrument.

- (A) **APPROVED DEVELOPMENT:** Development Permit for Material Change of Use - High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)

- (B) **APPROVED PLANS:**

Plan/Document Number	Plan/Document Title	Prepared by	Dated
Sheet 2	Site Plan	-	-
-	Indicative Site Layout Plan	-	-

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

- (a) Development assessable against the Planning Scheme

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

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use except where specified otherwise in these conditions of approval.
- 2.2 Prior to the commencement of use, the applicant must notify Council that all the conditions of the development permit have been complied with, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.
- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval must be made prior to commencement of the use and at the rate applicable at the time of payment.
- 3.3 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.4 Bushfire Management

A Bushfire Hazard Management Plan for the development must be prepared by a suitably qualified person/s. The Bushfire Hazard Management Plan must demonstrate compliance with the relevant performance outcomes of the Mareeba Shire Council Planning Scheme 2016 Bushfire Hazard Overlay Code.

The development must comply with the requirements of the Bushfire Hazard Management Plan at all times.

3.5 Hours of Operation

The operating hours shall be between 8:00am and 5:00pm Monday to Friday and 8:00am to 1:00pm Saturdays. No operations are permitted on Sundays or Public Holidays.

3.6 Product Sale

All recycled products are to be sold off-site only with no individual sales/transactions permitted from the subject site.

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

3.8 Environmental Management Plan

The applicant/developer shall provide Council with an environmental management plan prepared by a suitably qualified professional which addresses (as a minimum):

- All environmental impacts of the proposal and measures proposed to mitigate the impacts;

- Emergency management procedures;
- Refuse collection and disposal; and
- Management and supervision procedures.

The environmental management plan must be submitted to Council and be approved by Council's delegated officer prior to the commencement of the use.

The applicant/developer or on-site manager must ensure the approved use is operated in accordance with the environmental management plan at all times and for the life of the development.

4. Infrastructure Services and Standards

4.1 Stormwater Management

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

4.1.2 All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.

4.2 Erosion and Sediment Control Plan

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 Prior to the development commencing, the applicant must develop an Erosion and Sediment Control Plan. The plan must detail what measures/procedures will be implemented on-site to prevent erosion and sediment run-off during construction and operation.

4.2.3 The applicant/developer must ensure that the Erosion and Sediment Control Plan is complied with at all times.

4.3 Water Supply

The quality of water provided on site for human contact or consumption must be of a standard for drinking water set by the Australian Drinking Water Guidelines 2004 (National Health and Medical Research Council and the National Resource Management Ministerial Council).

4.4 On-site Wastewater Management

All on site effluent disposal associated with the approved use must be in compliance with the latest version of On-Site Domestic Wastewater Management Standard (ASNZ1547) to the satisfaction of the Council's delegated officer.

4.5 Car Parking/Internal Driveways

The developer must ensure that the development is provided with sufficient on-site car parking spaces which are available for use solely for the parking of vehicles associated with the use of the premises. All car parking spaces and internal driveways must be constructed to at least compacted gravel standard,

clearly identifiable and appropriately drained prior to the commencement of the use, to the satisfaction of Council's delegated officer.

(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) 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.

- (c) 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.

- (d) 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.

- (e) Cultural Heritage

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

(E) REFERRAL AGENCY CONDITIONS

Department of State Development, Manufacturing, Infrastructure and Planning conditions dated 26 August 2019.

(F) RELEVANT PERIOD

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

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

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

- Development Permit for Building Work

(H) OTHER APPROVALS REQUIRED FROM COUNCIL

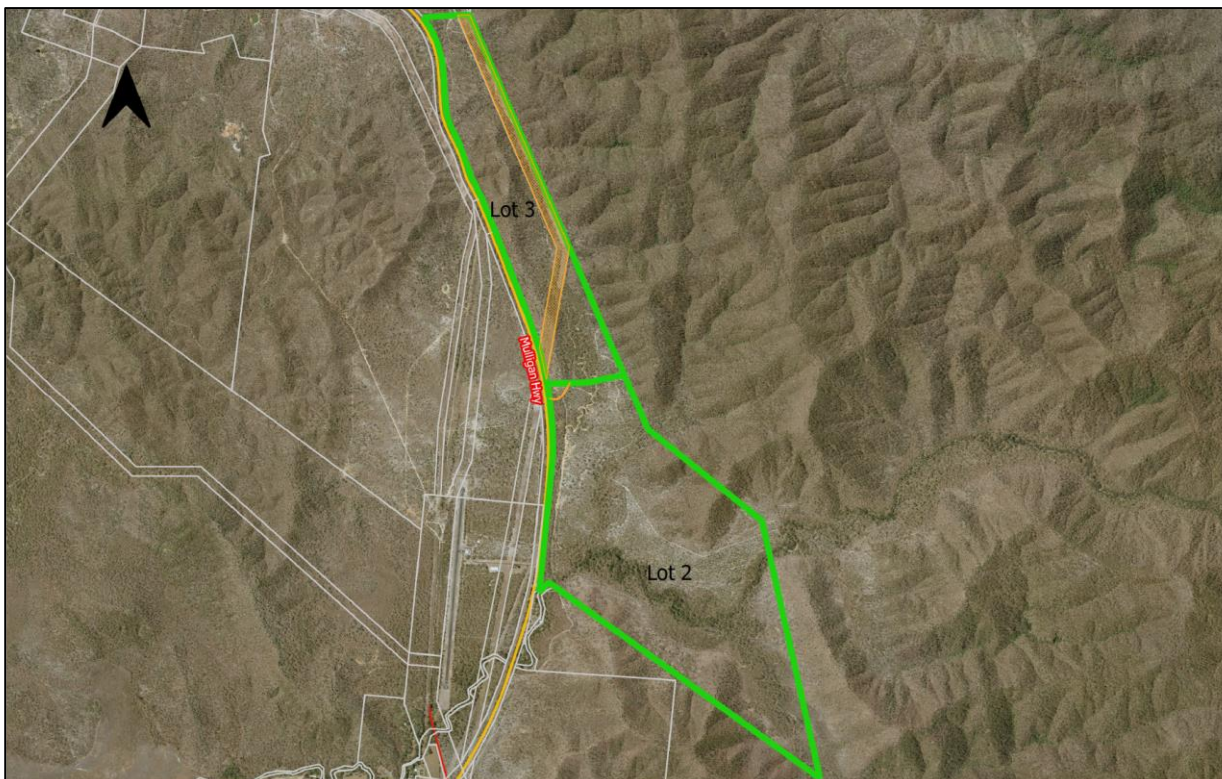
- Compliance Permit for Plumbing and Drainage Work

THE SITE

The subject land is described as Lots 2 and 3 on SP223151 and is situated at 3276 and 3278 Mulligan Highway, Mount Molloy. Both lots 2 and 3 are irregular in shape with areas of 217.9 ha and 93.88 ha respectively and are both zoned Rural under the Mareeba Shire Council Planning Scheme 2016. Both lots contain in excess of 1km of frontage to the Mulligan Highway which is a State controlled road and is bitumen sealed.

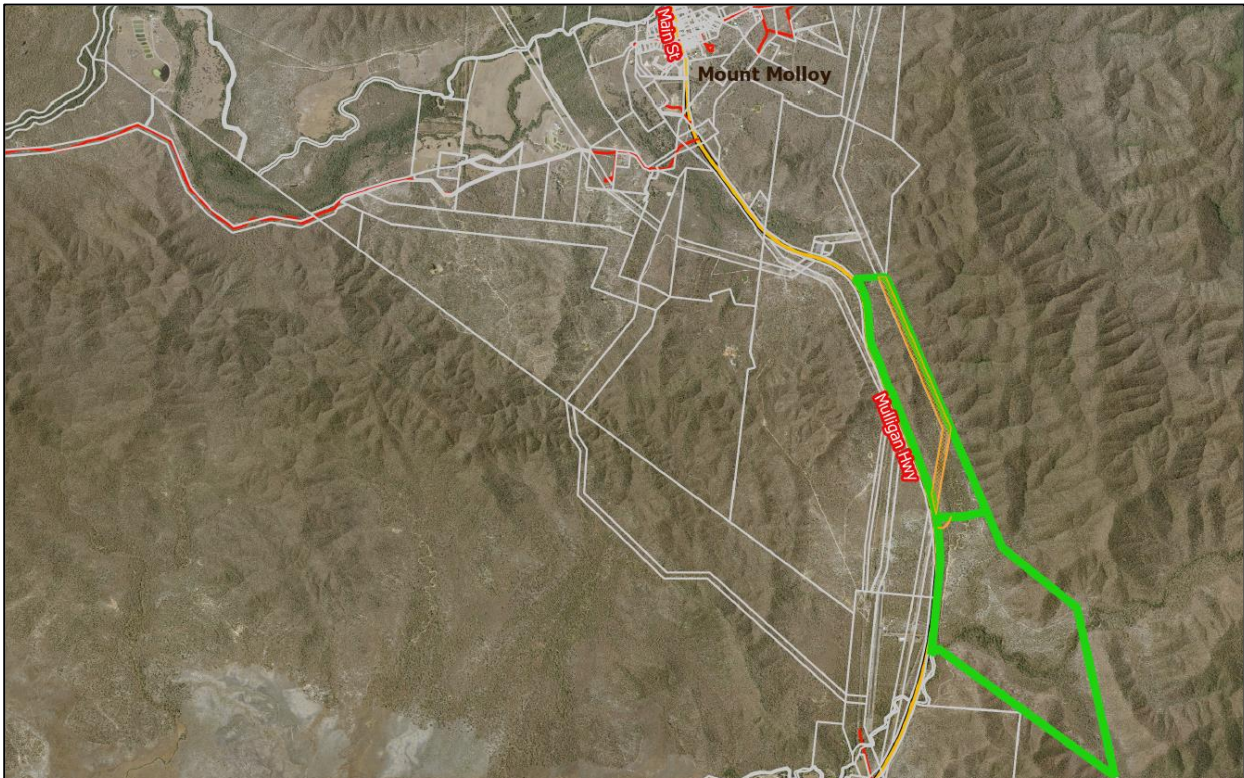
Both lots are unimproved, with the exception of some cattle grazing and mustering infrastructure (cattle yards). Lot 3 is traversed by high voltage electricity lines which lie within an easement in favour of Ergon Energy. Lot 2 contains an access easement within which a gravel access road is constructed which benefits Lot 3 as they share the same access crossover situated along the frontage of Lot 2.

Lots surrounding the site to the west, north and south are zoned rural while the large lot to the east of the site is a National Park and is zoned Conservation.



Map Disclaimer:

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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

Nil

DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Material Change of Use - High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year) in accordance with the plans shown in **Attachment 1**.

The applicant has provided the following description of the proposed development:

"The site forms part of land holdings previously belonging to the former Wetherby Station which was originally established in 1878. More recently, Wetherby Station has subdivided off inferior areas of land (including the site) that have not been considered historically productive and/or commercially viable for the future grazing of cattle.

*The development will utilise an approximate 2ha area of Lot 3 for the storage, recycling and reuse of concrete. The development will involve the delivery, sorting, screening, crushing or storage of **no more** than 5,000 tonnes of concrete per year. The remainder of the site will continue to be used for cattle grazing with 25-30 head of cattle to be retained.*

The concrete will be trucked to the site sporadically with the maximum number of truck visits to the site per year to be 195 x 25-ton semi-truck loads. Truck visits will however, vary, with between five (5) and twenty 25 truck visits per month anticipated (truck movements will be entirely dependent on the number of demolition projects completed by the Applicant and some months, there will likely be no truck movements at all).

A mobile crushing plant from 'Kidners Contracting' in Ravenshoe will be mobilised to site 2 or 3 times per year to turn the concrete waste stockpile into useable road base materials. At other times, the following machinery will be permanently stationed on site for the sorting of different sizes of crushed concrete:

- *1x end loader;*
- *2 x excavators with grab and rock breaker attachments;*
- *1 x tip truck;*
- *1 x bobcat skid steer; and*
- *A mechanical screening plant.*

Crushing and processing of concrete will not last more than 14 working days on each of the 2 or 3 occasions per year. Normal weekly working hours comprising 8am-5pm (Monday-Friday) and Saturday hours of 8am-1pm will apply for any such concrete crushing and processing works.

Two (2) shed structures will be constructed on the site over the course of the first three (3) years of operation and are expected to be approximately 450m² each and have a maximum height of 6m. These sheds will be primarily used for the all-weather housing of any/all required processing plant and equipment and staff vehicles. The 2ha recycling yard will be fully fenced.

The development will employ up to six (6) staff on site at any one time and will not involve any customers as the development will not open to the general public. Staff car parking will be provided in the proposed sheds.

An Environmental Management and Erosion and Sediment Control Plans to be prepared prior to the commencement of the use which will outline how the development will suitably address all environmental matters (air, noise, water, waste etc.).

The development will not be staged, although the sheds may not be constructed straight away.

Water Supply

The applicant will be contracting local water drilling company 'Serra Drilling' to sink a suitable bore (including the provision of 1 x 50,000 litre storage tank) for all the developments water needs.

Water for staff will be provided via 15 litre bottles of potable water, all of which will be delivered by 'Babinda Springs'.

A separate 30,000 litre tank will also be provided for firefighting purposes.

Sewerage

The development will be serviced by an on-site (mobile) toilet/ablutions block.

Electricity and Telecommunications

The development will be provided with an overhead electricity at some time in the future. Solar will be used in the interim.

Mobile phones will be used for telecommunications.

Stormwater (Quantity and Quality)

Stormwater from the 2ha concrete recycling yard will be collected and discharged to the south, south-east, generally running parallel to the Mulligan Highway and via the existing drainage gullies and general sheet flow. Full details of the treatment methods will be included in the Environmental Management Plan to be prepared prior to the commencement of the use.

Stormwater flows and regimes on all other parts of the site will be left in their existing state.

Stormwater from the 2ha concrete recycling yard will be treated (swales or the like) before being discharged to the existing drainage gullies. Full details of the treatment methods will be included in the Environmental Management Plan to be prepared prior to the commencement of the use.

Earthworks

No earthworks are required or proposed to facilitate the development.

Erosion and Sediment Control

An Erosion and Sediment Control Plan will be prepared prior to the commencement of the use.

External Upgrades

The existing 50m wide apron/invert crossing off the Mulligan Highway to the site is proposed to be upgraded with rolled and compacted roadbase to allow heavy rigid vehicles to safely enter and exit the site. The 'driveway' between the Mulligan Highway carriageway and site boundary are also proposed to be upgraded using rolled and compacted roadbase and to a width of approximately 12m wide

Internal Upgrades

All access and internal roadways will be upgraded and will be continually maintained and graded with suitable gravel and road base materials."

REGIONAL PLAN DESIGNATION

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

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none">▪ Rural Other Natural Environment Elements <ul style="list-style-type: none">▪ Biodiversity Areas▪ Ecological Corridor Infrastructure Elements <ul style="list-style-type: none">▪ Major Electrical Infrastructure Transport Elements <ul style="list-style-type: none">▪ State Controlled Road▪ B-double Route▪ Principal Cycle Routes
Zone:	Rural zone
Overlays:	<ul style="list-style-type: none">▪ Bushfire Hazard Overlay▪ Environmental Significance Overlay▪ Hill and Slope Overlay▪ Regional Infrastructure Corridors and Substations Overlay

Planning Scheme Definitions

The proposed use is defined as:

Column 1 Use	Column 2 Definition	Column 3 Examples include	Column 4 Does not include the following examples
<i>High impact industry</i>	<p><i>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:</i></p> <ul style="list-style-type: none"> <i>potential for significant impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise</i> <i>potential for significant offsite impacts in the event of fire, explosion or toxic release</i> <i>generates high traffic flows in the context of the locality or the road network</i> <i>generates a significant demand on the local infrastructure network</i> <i>the use may involve night time and outdoor activities</i> <i>onsite controls are required for emissions and dangerous goods risks.</i> 	<p><i>Abattoirs, concrete batching plant, boiler making and engineering and metal foundry</i></p> <p><i>Note—additional examples may be shown in SC1.1.2 industry thresholds.</i></p>	<p><i>Tanneries, rendering plants, oil refineries, waste incineration, manufacturing or storing explosives, power plants, manufacturing fertilisers, service industry, low impact industry, medium impact industry, special industry</i></p>

RELEVANT PLANNING INSTRUMENTS

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

(A) Far North Queensland Regional Plan 2009-2031

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

(B) State Planning Policy

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

(C) Mareeba Shire Council Planning Scheme 2016**Strategic Framework****3.3.11 Element - Rural Areas**

3.3.11.1(1): Rural areas include rural activities and land uses of varying scale, consistent with surrounding land use, character and site conditions.

Comment

The development has been located to utilise the site's location on a large vacant rural site, positioned between two (2) ridges to appropriately address site constraints and amenity issues associated with the development.

The development is able to sufficiently mitigate any adverse environment and landscape impacts.

3.3.11.1(6): Agricultural areas will be retained in viable holdings and not fragmented or compromised by unsuitable development. Uses and development within this precinct will not cause land use conflicts with primary production or will ensure these conflicts are mitigated.

Comment

The development has been located to utilise the site's location on a large vacant rural site, positioned between two (2) ridges to appropriately address site constraints and amenity issues associated with the development.

The development is able to sufficiently mitigate any adverse environment and landscape impacts.

3.3.11.1(7): Rural areas preserve lands for future uses beyond the life of the planning scheme.

Comment

The development will occupy an approximate two (2) ha of Lot 3. Cattle grazing may continue to occur over the remaining 90 hectares of Lot 3. The proposed development will also require minimal infrastructure allowing the land to revert to rural use should the proposed development cease operation in the future.

3.4.5 Element – Strategic Rehabilitation and Ecological Corridors

3.4.5.1(1): Ecological corridors are major existing habitat corridors that link key biodiversity areas within Mareeba Shire and greater Far North Queensland region. Development does not compromise the habitat connectivity of ecological corridors.

Comment

The site is located between the Mulligan Highway to the west and the largely cleared electricity easement to the east and south. The development will result in two (2) hectares of Lot 3 being cleared, whilst the balance of Lot 3 will remain vegetated and continue its ecological corridor function.

3.6.10 Element - Energy Supply

3.6.10.1(2): High voltage major electrical infrastructure and energy generation facilities are protected from conflicting development.

Comment

The concrete recycling area and both proposed ancillary sheds are setback from the Ergon Energy electricity easement. The internal access road will cross the electricity easement without impacting on the high voltage transmission lines.

Relevant Developments Codes

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

- 6.2.9 Rural zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.9 Regional infrastructure corridors and substations overlay code
- 9.3.5 Industrial activities code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Regional infrastructure corridors and substations overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Industrial activities code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

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

(D) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

REFERRAL AGENCY

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Concurrence Agency for a State transport corridor and clearing of native vegetation.

That Department advised in a letter dated 26 August 2019 that they require the conditions to be attached to any approval (**Attachment 2**).

Advice

The application triggered referral to Ergon Energy as an Advice Agency. No response was received.

Internal Consultation

Technical Services.

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 8 August 2019 to 28 August 2019. The applicant submitted the notice of compliance on 29 August 2019 advising that the public notification requirements were carried out in accordance with the requirements of the Act.

No submissions were received.

PLANNING DISCUSSION

Compliance with Performance Outcome PO6 of the Rural Zone Code is summarised as follows:

PO6

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

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

AO6

No acceptable outcome is provided.

Comment

The proposed development has been assessed against the criteria established under PO6:

- (a) noise, (h) odour, (i) emissions and (g) lighting;*

Performance Outcome PO1 and Acceptable Outcome AO1 of the Industrial Activities Code establishes an acceptable separation distance of 500 metres between a high impact industry and sensitive uses.

The scheme considers the minimum 500 metre separation distance as an appropriate means of ensuring amenity is maintained having regard to noise, odour, light and emissions.

The development achieves a separation distance in excess of 2 kilometres.

- (b) hours of operation;*

The development will not operate outside of 'standard' hours of operation.

- (c) traffic;*

The site gains access from a State-controlled road (Mulligan Highway).

Total truck visits to the site per year will be 195 x 25-ton semi-truck loads. The spread of truck visits throughout the year will be dependent on demolition projects.

The proposed number of annual trucks movements is acceptable on a highway.

- (d) advertising devices;*

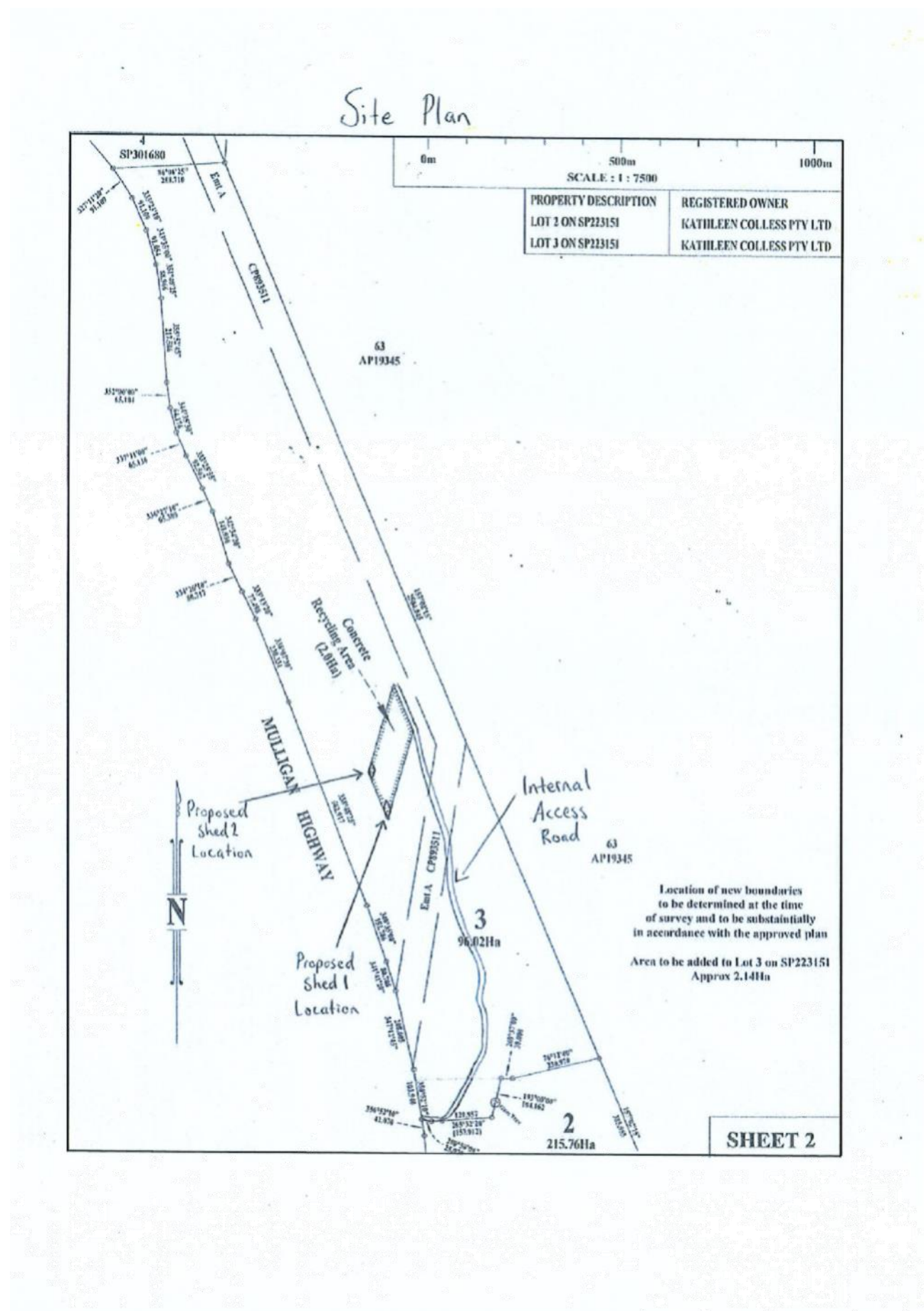
No advertising devices are being proposed.

- (e) visual amenity and (f) privacy;*

The 2ha concrete recycling yard has been located on site, generally in between two (2) mountain ridges. Furthermore, a significant amount of existing vegetation between the 2ha

concrete recycling yard and the Mulligan Highway will be retained. This will ensure the development is suitably screened from nearby sensitive land uses and does not have a negative impact on the visual amenity of the wider locality.

The development complies with PO6.



Indicative Site Layout Plan



A product of
Queensland Globe



50 metres

Print Date: 18/6/2019

Paper Size: A4

Imagery

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RA6-N



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

SARA reference: 1907-12219 SRA
Council reference: MCU/19/0009
Applicant reference: 19-462

26 August 2019

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

Attention: Carl Ewin

Dear Sir/Madam

SARA response—3276 Mulligan Highway, Mount Molloy; 3278 Mulligan Highway, Mount Molloy

**Development Application for Material change of use for Development Permit for a Material
Change of Use for High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)**
(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of
State Development, Manufacturing, Infrastructure and Planning on 17 July 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	26 August 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for Development Permit for a Material Change of Use for High Impact Industry (Concrete Recycling Yard - up to 5,000 tonnes per year)
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Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

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1907-12219 SRA

SARA role:	Referral Agency.
SARA trigger:	Schedule 10, Part 3, Division 4, Table 3 – Clearing native vegetation (Planning Regulation 2017) Development application for a material change of use on a lot that contains native vegetation Schedule 10, Part 9, Division 4, Subdivision 3, Table 4 – State-controlled road (Planning Regulation 2017) Development application for a material change of use within 25m of a State-controlled road
SARA reference:	1907-12219 SRA
Assessment Manager:	Mareeba Shire Council
Street address:	3276 Mulligan Highway, Mount Molloy; 3278 Mulligan Highway, Mount Molloy
Real property description:	2SP223151; 3SP223151
Applicant name:	Martin Anton
Applicant contact details:	PO Box 2970 Cairns QLD 4870 justin@urbansync.com.au
State-controlled road access permit:	This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> • Approved • Reference: TMR19-027837 (500-1400) • Date: 20 August 2019 <p>If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at cairns.office@tmr.qld.gov.au or on 07 4045 7151.</p>

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

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

1907-12219 SRA

For further information please contact Tony Croke, Principal Planner, on 40373205 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Martin Anton, c/- justin@urbansync.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

1907-12219 SRA

1907-12219 SRA

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 3, Division 4, Table 3 – Clearing native vegetation — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources Mines and Energy to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The clearing of vegetation under this development approval is limited to the area identified as Area A as shown on attached Technical Agency Response Plan (TARP) 1907-12219 SRA dated 16 August 2019.	At all times
2.	No built structure, other than for fences, roads, hardstands, and underground services, is to be established, constructed or located within area identified as Area B as shown on the attached Technical Agency Response Plan (TARP) 1907-12219 SRA dated 16 August 2019.	At all times
3.	Any person(s) engaged or employed to carry out the <u>clearing</u> of <u>vegetation</u> under this development approval must be provided with a full copy of this development approval, and must be made aware of the full extent of <u>clearing</u> authorised by this development approval.	Prior to clearing
Schedule 10, Part 9, Division 4, Subdivision 3, Table 4 – State-controlled road — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department on Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
4.	<p>(a) The road access location, is to be located generally in accordance with TMR Layout Plan (34A – 32.78km) prepared by Queensland Government Transport and Main Roads, dated 13/08/2019, File Reference TMR19-27837 (500-1400), Issue A.</p> <p>(b) Road access works comprising of a sealed rural property access must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with Austroads Guide to Road Design, Part 4: Intersections and Crossings – General, Figure 7.4 (rural property access specifically designed for articulated vehicles on a two-way road).</p>	<p>(a) At all times.</p> <p>(b) and (c) Prior to the commencement of use.</p>
5.	Signage, indicating 'trucks turning' is to be installed either side of the road access in accordance with section 1.12.2 Longitudinal Placement of the Department of Transport and Main Roads' <i>Manual of Uniform Traffic Control Devices, Part 1: General introduction and sign illustrations, July 2019</i> .	Prior to the commencement of use.

1907-12219 SRA

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) version 2.4 effective 16 November 2018. If a word remains undefined it has its ordinary meaning.
2.	Words underlined in these conditions have the same meaning given in the Glossary of Terms found within the state code 16: Clearing native vegetation.
3.	Despite this development approval, other permits or approvals may be required for the clearing of vegetation. To determine if the proposed clearing requires other approvals under other local, State or federal laws go to www.qld.gov.au (search 'vegetation clearing requirements').
4.	To request an electronic file of the Derived Points (Attached to Plan: 1907-12219 SRA) as contained in this technical agency response, email a request to the Department of Natural Resources, Mines and Energy (DNRME) at northvegetation@dnrme.qld.gov.au and include application reference (1907-12219 SRA).
5.	In accordance with section 33 of the <i>Transport Infrastructure Act 1994</i> (TIA), an applicant must obtain written approval from Department of Transport and Main Roads (DTMR) to carry out road works, including road access works on a state-controlled road. Please contact DTMR on 4045 7144 to make an application under section 33 of the TIA to carry out road works. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). The road works approval process takes time – please contact Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- The impacts on connectivity or loss of biodiversity and the impact on ecosystem function is considered minimal as the scale of clearing is small and the extent of adjoining remnant vegetation is extensive.
- There are no wetlands within 100m of the proposed clearing.
- The proposed clearing for the access track is 10m which is within the 20m limit allowed.
- Sufficient vegetation will be retained to maintain connectivity and ecological processes on the premises as well as in the surrounding landscape.
- The risk of salinity indicator is considered to be marginal.
- The vegetation on the subject lots as least concern vegetation. There are no endangered or of concern regional ecosystems.
- The subject lots contains no essential habitat.
- There are no compliance activities, any vegetation management requirements for a particular regulated area or offsets related to the premises.
- The Mulligan Highway is not a limited access road.
- The existing shared vehicular access can accommodate vehicles up to a maximum size 'Four Axle Truck – Class 5 Medium Length Heavy Vehicle'.
- The proposal will involve Class 8 'Five Axle Articulated' vehicle/s using the access.
- The shared access will be required to be upgraded to accommodate articulated vehicles on a two-way road.
- The upgrade of the current access will improve entry and exit movements.
- Truck turning signage is required to be erected to warn and inform road users of truck movements ahead.
- The 'lease area' for the proposed concrete recycling yard is located approximately 115m east of the Mulligan Highway, a state-controlled road. This is a sufficient setback from the state-controlled road.
- Filling and excavation works will be limited and undertaken wholly within the 'lease area'.
- Stormwater and drainage flows are discharged naturally on-site and it is unlikely that stormwater and drainage flows will directly impact the state-controlled road.

Material used in the assessment of the application:

- The development application material, submitted plans and information request response
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.4 effective 16 November 2018), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

1907-12219 SRA

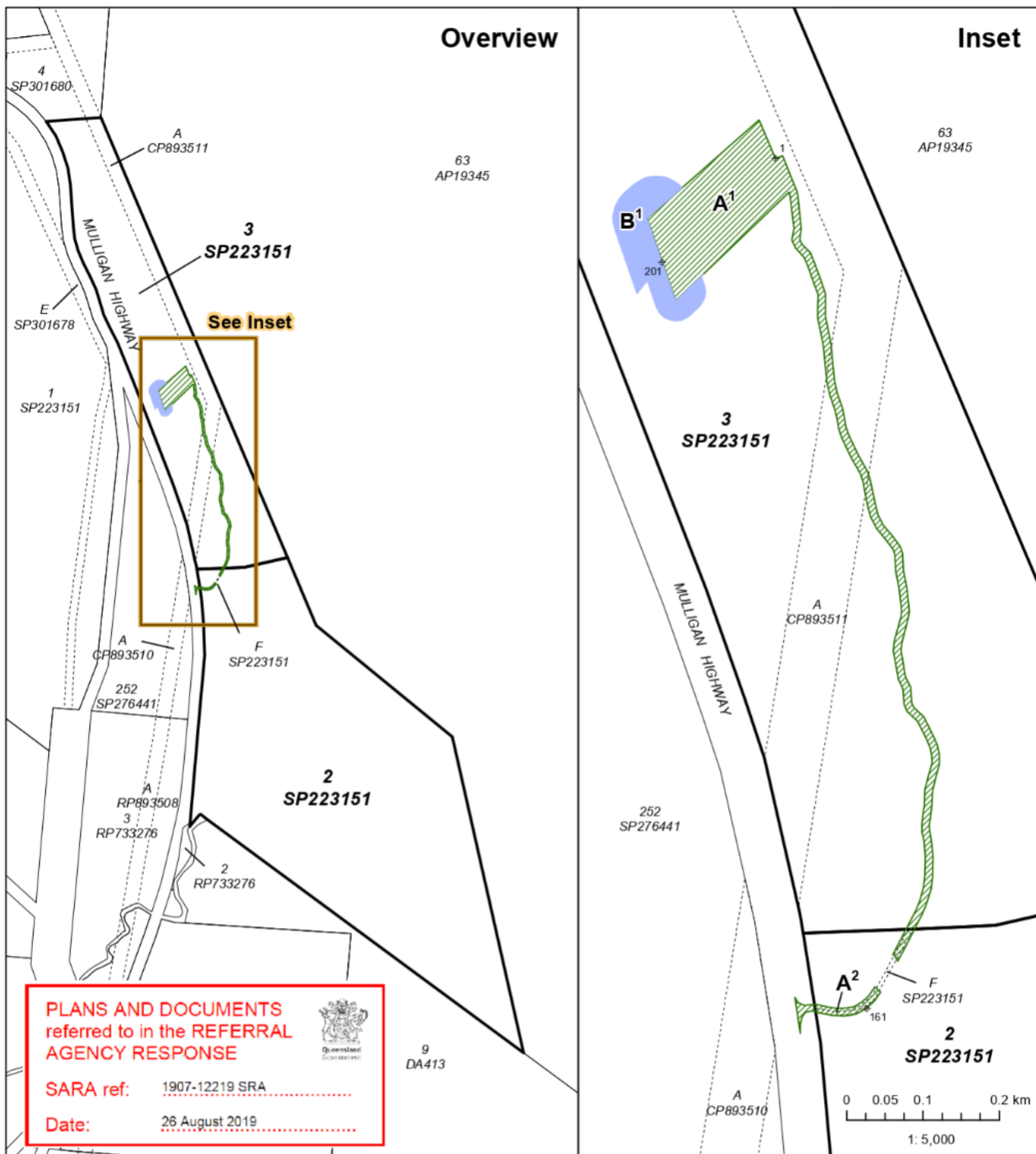
Attachment 4—Change representation provisions

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1907-12219 SRA

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)



<p>LEGEND</p> <p>1 Derived Reference Points for GPS (See Attachment to Plan) (Area start points shown only)</p> <p>Subject Lot(s)</p> <p>Area A (Parts A¹ - A²)</p> <p>Area B (Part B¹)</p> <p>Note: This is a colour plan and should only be reproduced in colour.</p>	<p>Technical Agency Response Plan</p> <p>Plan of Area A (Parts A¹ - A²) and Area B (Part B¹) in Lots 2 & 3 on SP223151</p> <p>eLVAS Case. 2019/003227</p> <p>LOCAL GOVT: MAREEBA SHIRE</p> <p>LOCALITY OF MOUNT MOLLY, SOUTHDGE</p> <p>File Reference: eDocs. 082/0003393</p> <p>Compiled from: DCDB, RVM & NRMO Notes on file</p> <p>Department: DNRME Region: North Prepared by: PJB - j563 Date: 16 August 2019</p>	<p>TARP</p> <p>1907-12219 SRA</p> <p>Sheet 1 of 1</p> <p>Version: 1</p> <p>Queensland Government</p>
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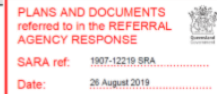
**Attachment to Plan: SDA-1907-12219
Derived Reference Points for GPS**

Page 1 of 2

Datum: GDA 1994, Projection: Transverse Mercator MGA Zone 55

Notes:

Derived Reference Points are provided to assist in the location of area boundaries.
Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.



Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing	Part ID	Unique ID	Easting	Northing
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A1	3	324372	8151919	A1	63	324568	8151065	A1	123	324496	8151430
A1	4	324391	8151875	A1	64	324567	8151061	A1	124	324496	8151431
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**Attachment to Plan: SDA-1907-12219
Derived Reference Points for GPS**

Page 2 of 2

Datum: GDA 1994, Projection: Transverse Mercator MGA Zone 55

Notes: Derived Reference Points are provided to assist in the location of area boundaries.
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Coordinates start at a point indicated on the accompanying plan and proceed in a clockwise direction.

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B1	233	324187	8151889
B1	234	324193	8151891
B1	235	324198	8151892
B1	236	324204	8151893
B1	237	324210	8151893
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Part ID	Unique ID	Easting	Northing
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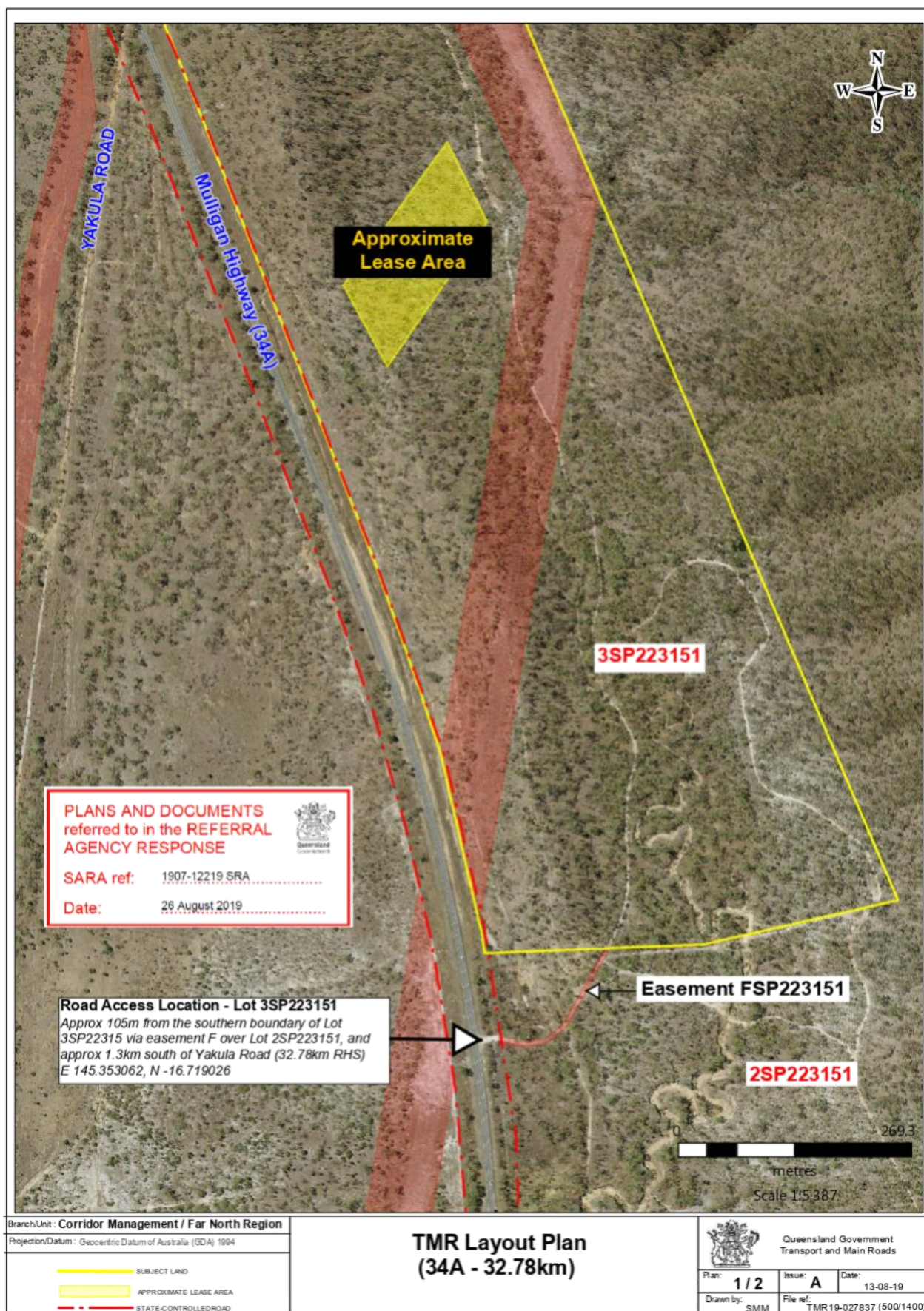
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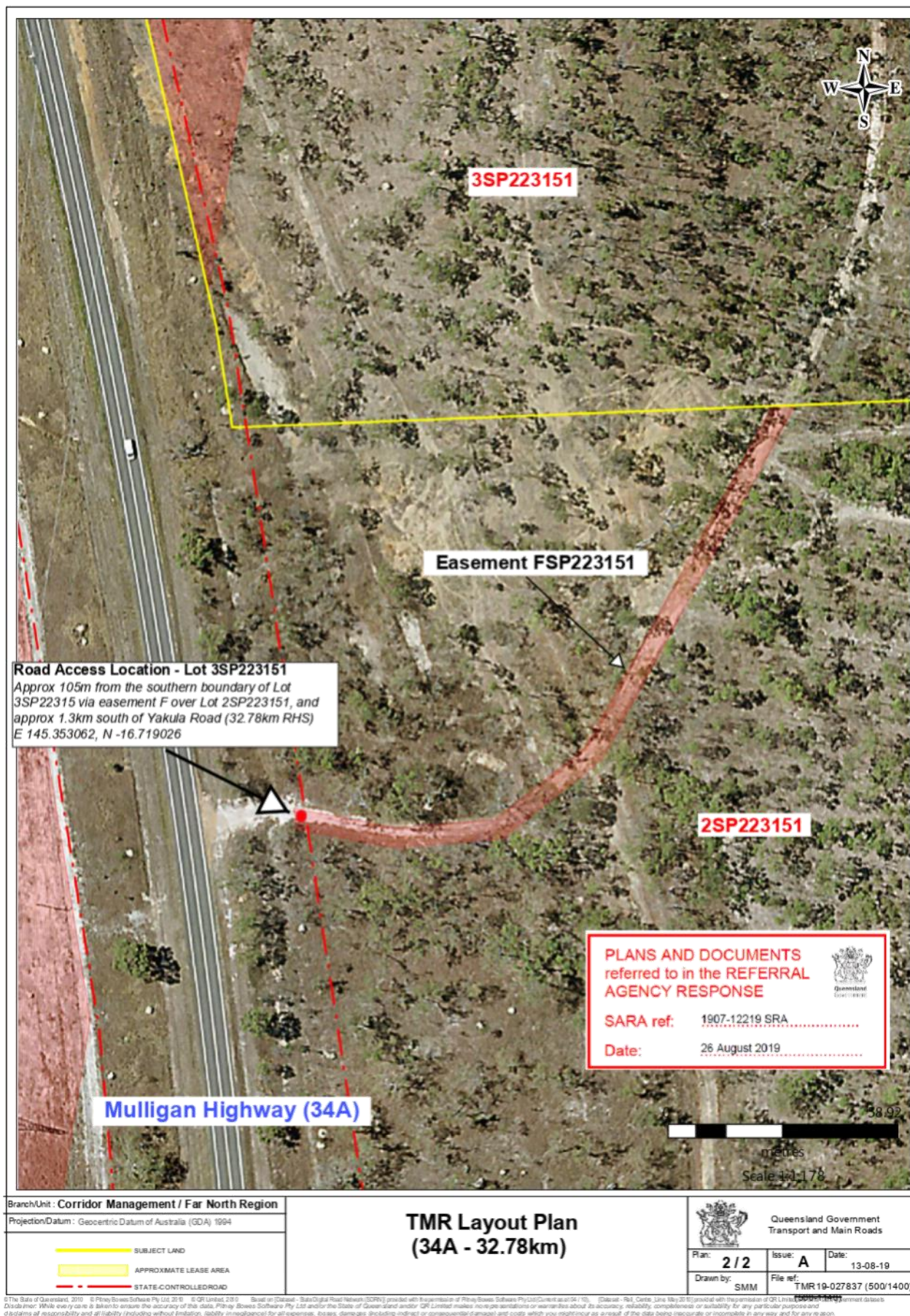
**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**

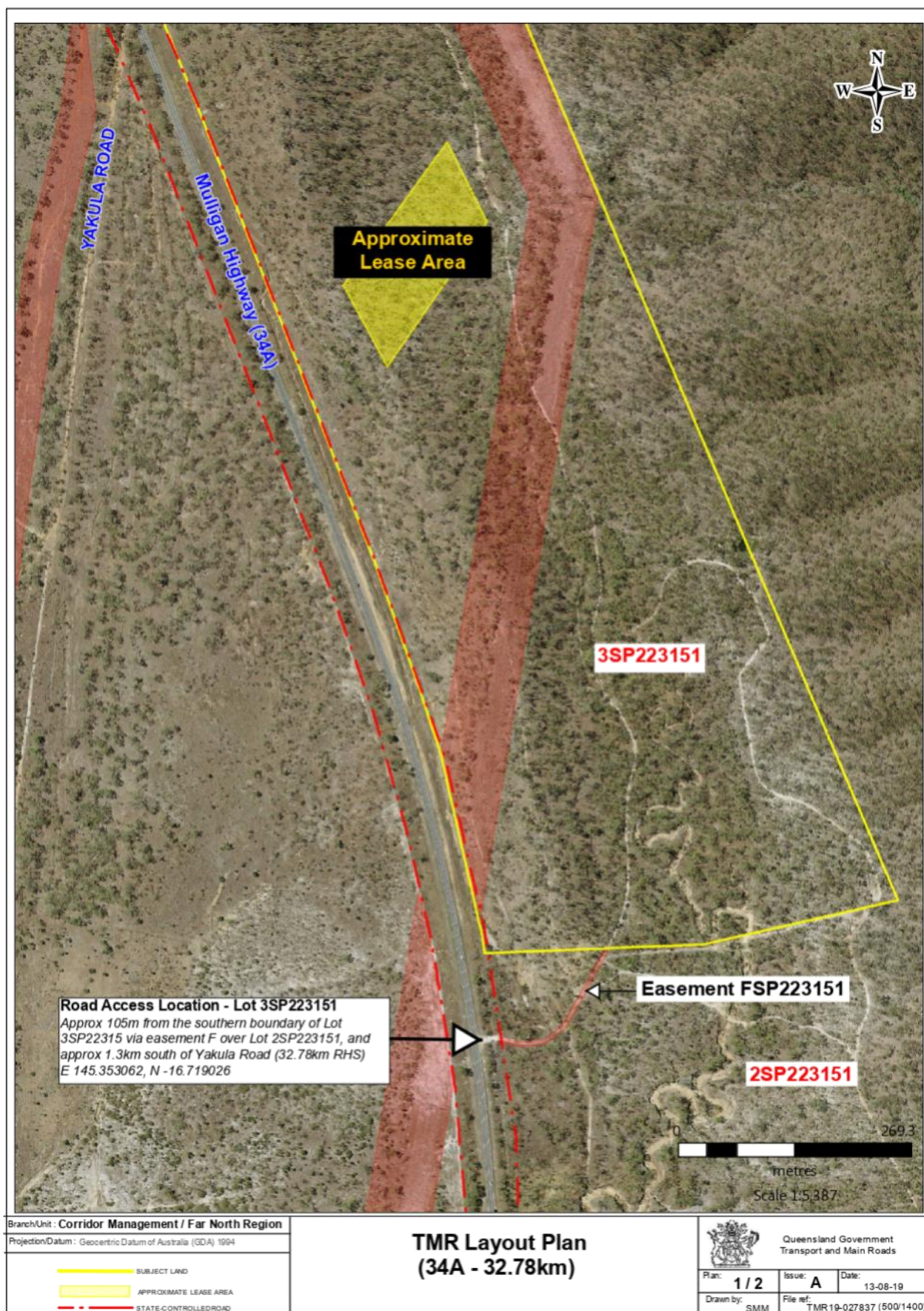


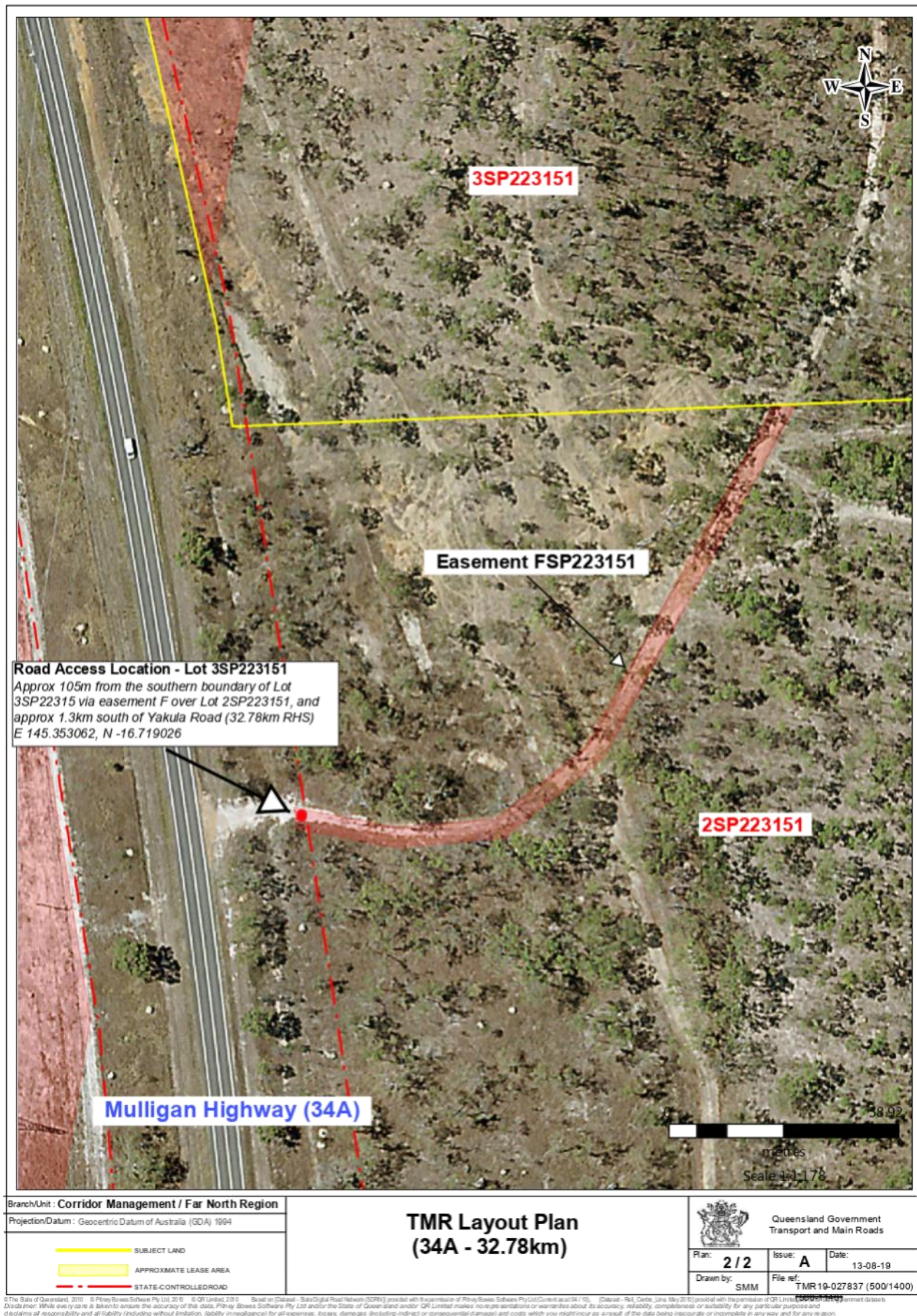
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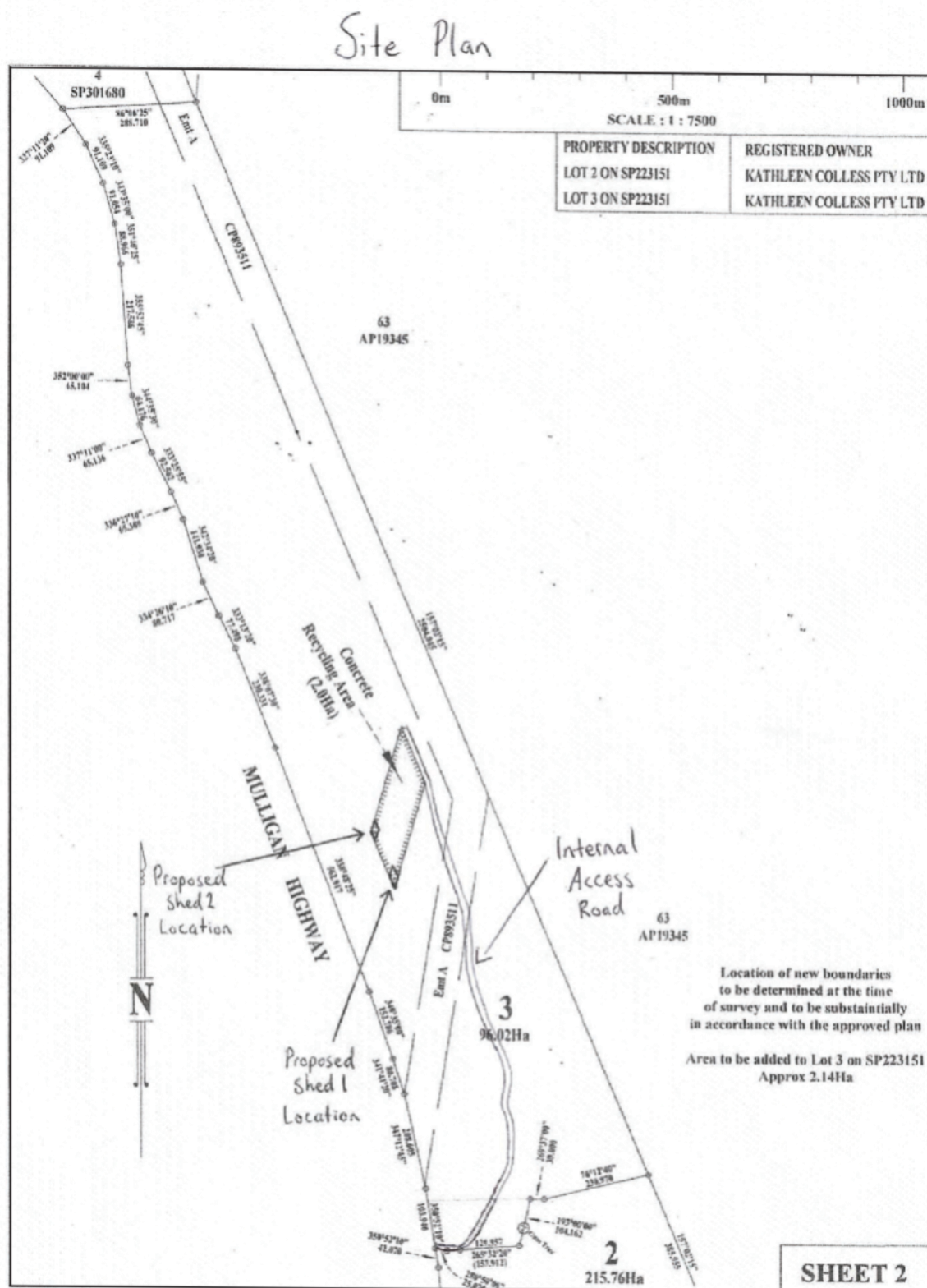
Date: 26 August 2019











Development Assessment Rules—Representations about a referral agency response (concurrence)

The following provisions are those set out in sections 28 and 30 of the *Development Assessment Rules*¹ regarding **representations about a referral agency response (concurrence)**.

Part 6: Changes to the application and referral agency responses and Part 7: Miscellaneous

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

30 Representations about a referral agency response

- 30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

8.3	G DIXON - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 28 ON SP160169 - 3946 KENNEDY HIGHWAY, MAREEBA - RAL/19/0018
------------	---

Date Prepared: 28 August 2019

Author: Senior Planner

Attachments:

1. Proposal Plan [↓](#)
2. Department of State Development, Manufacturing, Infrastructure and Planning response dated 27 August 2019 [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	G Dixon	ADDRESS	3946 Kennedy Highway, Mareeba
DATE LODGED	1 August 2019	RPD	Lot 28 on SP160169
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		
FILE NO	RAL/19/0018	AREA	3.556 hectares
LODGED BY	G Dixon	OWNER	G, J & L Dixon
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Rural zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	n/a		

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 and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is in conflict with and is in conflict with a single Performance Outcome contained within the Agricultural Land Overlay Code relating to the conservation and protection of rural land.

The proposed development conflicts with the overarching intent of the Agricultural land overlay code as it would result in further fragmentation of rural land.

It is recommended that the application be refused.

OFFICER'S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	G Dixon	ADDRESS	3946 Kennedy Highway, Mareeba
DATE LODGED	1 August 2019	RPD	Lot 28 on SP160169
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 lots)		

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

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 Overall outcome (a) of the Agricultural land overlay code;*
2. *The proposed development conflicts with the following Performance Outcome of the Agricultural land overlay code:*

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;*

THE SITE

The subject site is situated at 3946 Kennedy Highway, Mareeba and is described as Lot 28 on SP160169. The site is generally regular in shape with a total area of 3.556 hectares and is zoned *Rural* under the Mareeba Shire Council Planning Scheme 2016.

The site has frontage of approximately 144 metres to the Kennedy Highway. Access to the Kennedy Highway is obtained via a substantial bitumen sealed access which is located at the extreme western extent of the site's frontage.

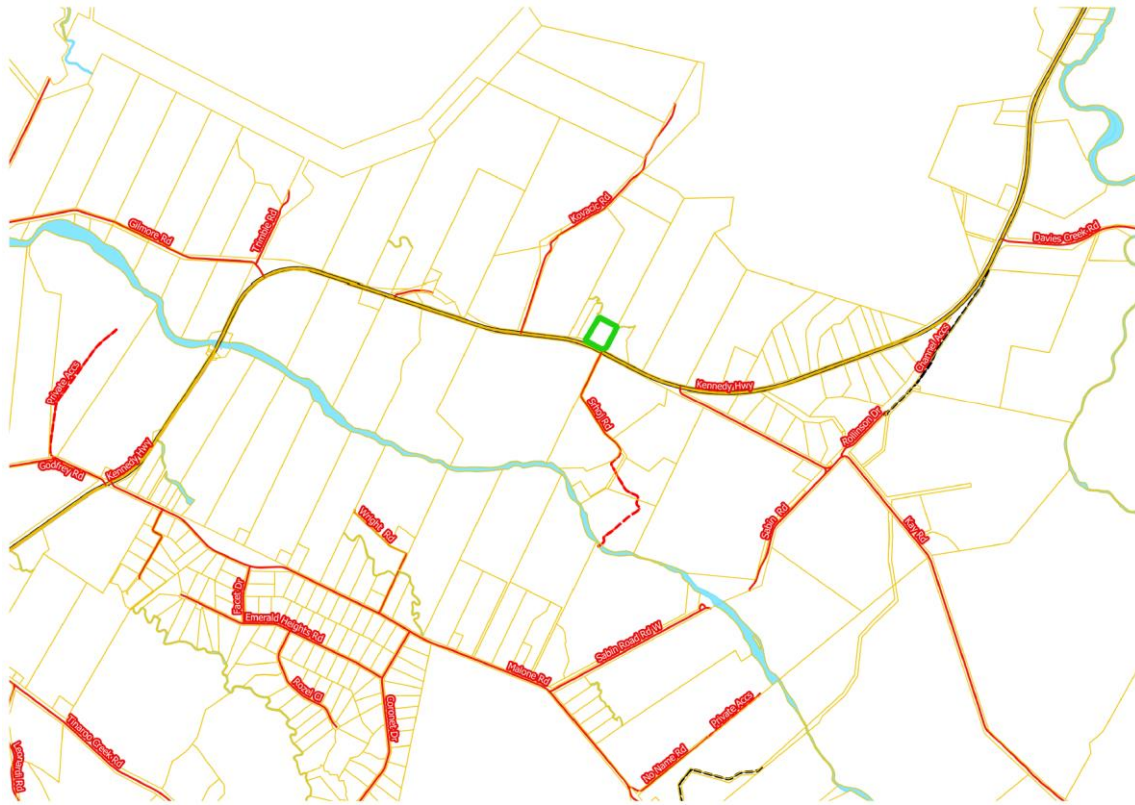
The subject site is improved by an ice creamery, dwelling house and a secondary dwelling. The majority of the site is flat and has been cleared of remnant vegetation. Landscaping is established around the ice creamery and the dwelling house.

The site is currently serviced by an on site water supply, on site effluent disposal system, electricity and telecommunication networks.



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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Surrounding allotments are zoned rural and are predominantly used for rural living purposes.

BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

In 2007, a rural industry (ice cream manufacturing) was established as self-assessable development on the subject site.

In 2009, a development permit was issued for Material Change of Use - Restaurant (retail ice creamery).

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 1 - 1.488 hectares, approx. 124.02 metres frontage to Kennedy Highway;
- Lot 2 - 2.042 hectares, approx. 20 metres frontage to Kennedy Highway.

Proposed Lot 1 would contain the established dwelling house, secondary dwelling and shed. Proposed Lot 2 would contain the ice creamery and associated car parking area.

Access to both lots would continue via the established Kennedy Highway access. An access handle would be created for proposed Lot 1 to allow continued use of the existing internal driveway and Kennedy Highway access.

Services to each allotment would remain substantially unchanged from the existing arrangements for the respective buildings.

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:

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories <ul style="list-style-type: none"> • Rural Agricultural Area • Rural Other Natural Environment Elements <ul style="list-style-type: none"> • Biodiversity Areas
Zone:	Rural zone
Overlays:	Agricultural Land Overlay Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay

RELEVANT PLANNING INSTRUMENTS

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

(A) Far North Queensland Regional Plan 2009-2031

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

(B) State Planning Policy

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

(C) Mareeba Shire Council Planning Scheme 2016

Relevant Developments Codes

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

- 6.2.9 Rural zone code
- 8.2.1 Agricultural land overlay code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 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 section of the Agricultural Land Overlay Code.

Relevant Codes	Comments
Rural zone code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Agricultural land overlay code	<p>The application conflicts with the following performance outcomes and acceptable outcomes:</p> <ul style="list-style-type: none"> ▪ PO6 <p>Refer to planning discussion section of this report.</p>
Airport environs overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Bushfire hazard overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Environmental significance overlay code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Landscaping code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Parking and access code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Reconfiguring a lot code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).
Works, services and infrastructure code	The application can be conditioned to comply with the codes relevant acceptable outcomes and/or performance outcomes (where no acceptable outcome is provided).

(D) Planning Scheme Policies

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(E) Adopted Infrastructure Charges Notice

Not applicable. Both proposed allotments would contain established improvements at the time of new lot registration.

REFERRAL AGENCY

The application triggered referral to the Department of State Development, Manufacturing, Infrastructure and Planning as a Concurrence Agency (State controlled road).

That Department advised in a letter dated 27 August 2019 that they require the conditions to be attached to any approval (**Attachment 2**).

Internal Consultation

Technical Services.

PLANNING DISCUSSION

Noncompliance with Performance Outcome PO6 of the Agricultural Land Overlay Code is summarised as follows:

PO6

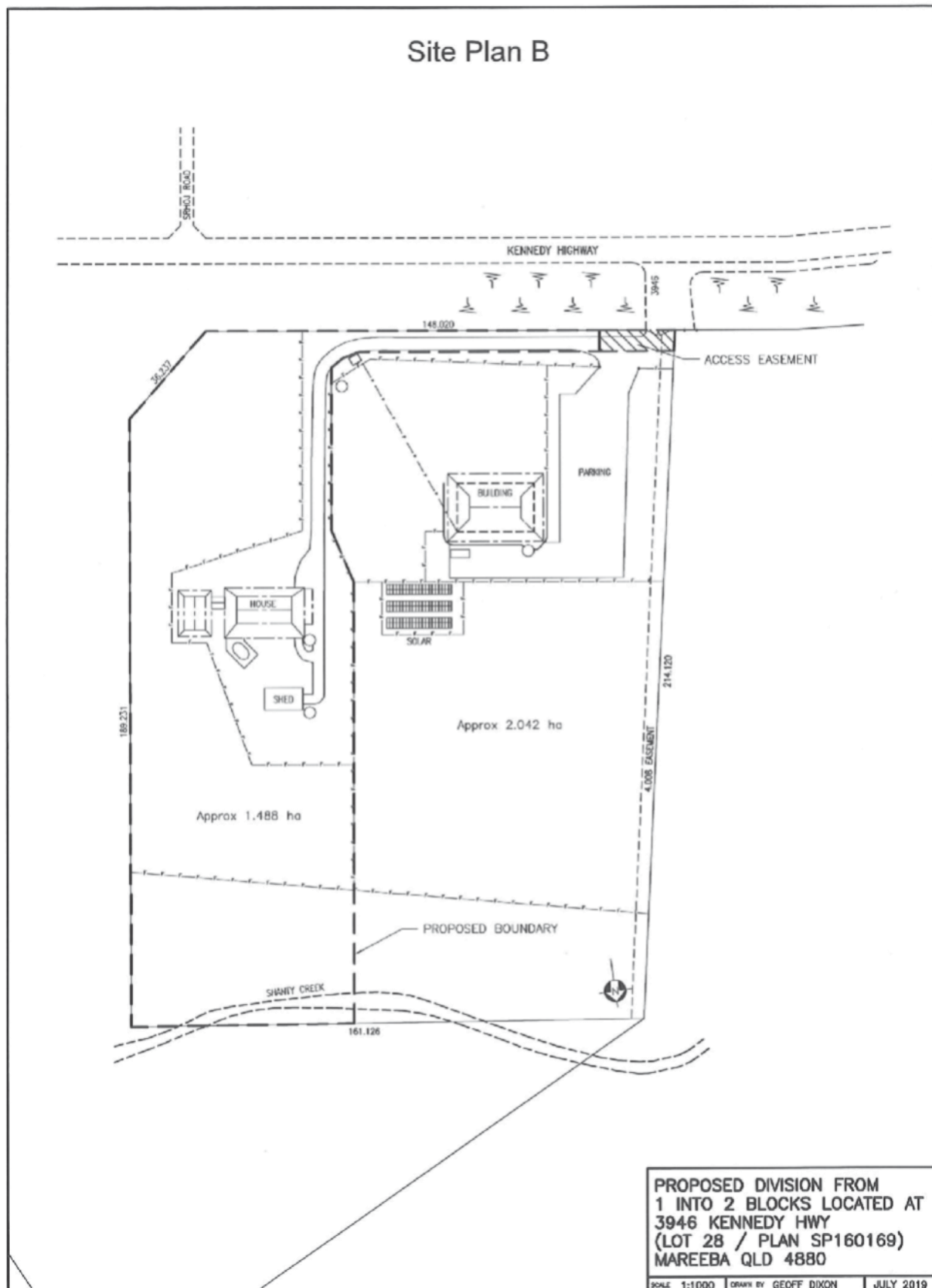
Any Reconfiguring a lot in the 'Class A' area, 'Class B' area or the 'Broadhectare rural' area identified on the **Agricultural land overlay maps (OM-001a-n)**, including boundary realignments, only occurs where it:

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

Comment

The purpose of the reconfiguration is to separate the applicant's business (Emerald Creek Ice Creamery) from the applicant's dwelling house/s. Once on individual allotments, the applicant will have the financial flexibility to dispose of one or both allotments.

Notwithstanding the obvious financial flexibility benefits, the reconfiguration does not satisfy PO6 as it fails to meet any of the criteria in (a) to (d).



RA6-N



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

SARA reference: 1908-12469 SRA
Council reference: RAL/19/0018

27 August 2019

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

Attention: Carl Ewin

Dear Sir/Madam

SARA response—3946 Kennedy Highway, Mareeba

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the Department of State Development, Manufacturing, Infrastructure and Planning on 2 August 2019.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	27 August 2019
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit Reconfiguring a lot (1 lot into 2 lots)
SARA role:	Referral Agency.
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot near a State transport corridor (Planning Regulation 2017)
SARA reference:	1908-12469 SRA
Assessment Manager:	Mareeba Shire Council

Page 1 of 7

Far North Queensland regional office
Ground Floor, Cnr Grafton and Hartley
Street, Cairns
PO Box 2358, Cairns QLD 4870

1908-12469 SRA

Street address: 3946 Kennedy Highway, Mareeba
Real property description: Lot 28 on SP160169
Applicant name: Geoff Dixon
Applicant contact details: PO Box 2393
Mareeba QLD 4880
sharonwil@iinet.net.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Tony Croke, Principal Planning Officer, on 40373205 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Manager (Planning)

cc Geoff Dixon, sharonwil@iinet.net.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Change representation provisions
Attachment 5 - Approved plans and specifications

1908-12469 SRA

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Reconfiguring a lot (1 lot into 2 lots)		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot near a State transport corridor—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The road access location is to be located generally in accordance with Site Plan B: Proposed Division from 1 into 2 Blocks Located at 3946 Kennedy Hwy, prepared by Geoff Dixon, dated July 2019, (as amended by SARA in red).	At all times
2.	<p>(a) The applicant must register an access easement on the title of Proposed Lot 1 for providing access for Proposed Lot 2.</p> <p>(b) The applicant must provide to Cairns Corridor Management Unit (Far.North.Queensland.IDAS@tmr.qld.gov.au) of the Department of Transport and Main Roads a copy of Registration Confirmation Statement and easement registration dealing number as evidence of the registration of the easement referred to in part (a) of this condition.</p>	<p>(a) At the time of survey plan registration.</p> <p>(b) Within 20 business days of registration of the easements.</p>

1908-12469 SRA

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) version 2.5. If a word remains undefined it has its ordinary meaning.

1908-12469 SRA

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the department's decision are:

- The department carried out an assessment of the development application against the State Development Provisions, version 2.5, State code 1: Development in a state-controlled road environment and has found that with conditions, the proposed development complies with the relevant performance outcomes.
- The proposed reconfiguration does not involve any filling/ excavation or the construction of buildings on the premises.
- The proposed development will not change stormwater and/or drainage flows.
- The existing vehicular access to the premises via the Kennedy Highway has current approval under section 62 of the *Transport Infrastructure Act 1994*.
- The proposed development is not increasing traffic generation or changing the type of vehicles utilising the existing approved access.
- The reconfiguration includes an access easement to ensure that legal access can be obtained by both proposed allotments.
- The premises is not impacted by planned upgrades or future state transport corridors.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.5), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

1908-12469 SRA

Attachment 4—Change representation provisions

(page left intentionally blank – attached separately)

1908-12469 SRA

Attachment 5—Approved plans and specifications

(page left intentionally blank – attached separately)

Planning Act 2016 – Change representations provisions.

Chapter 3 Development Assessment

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

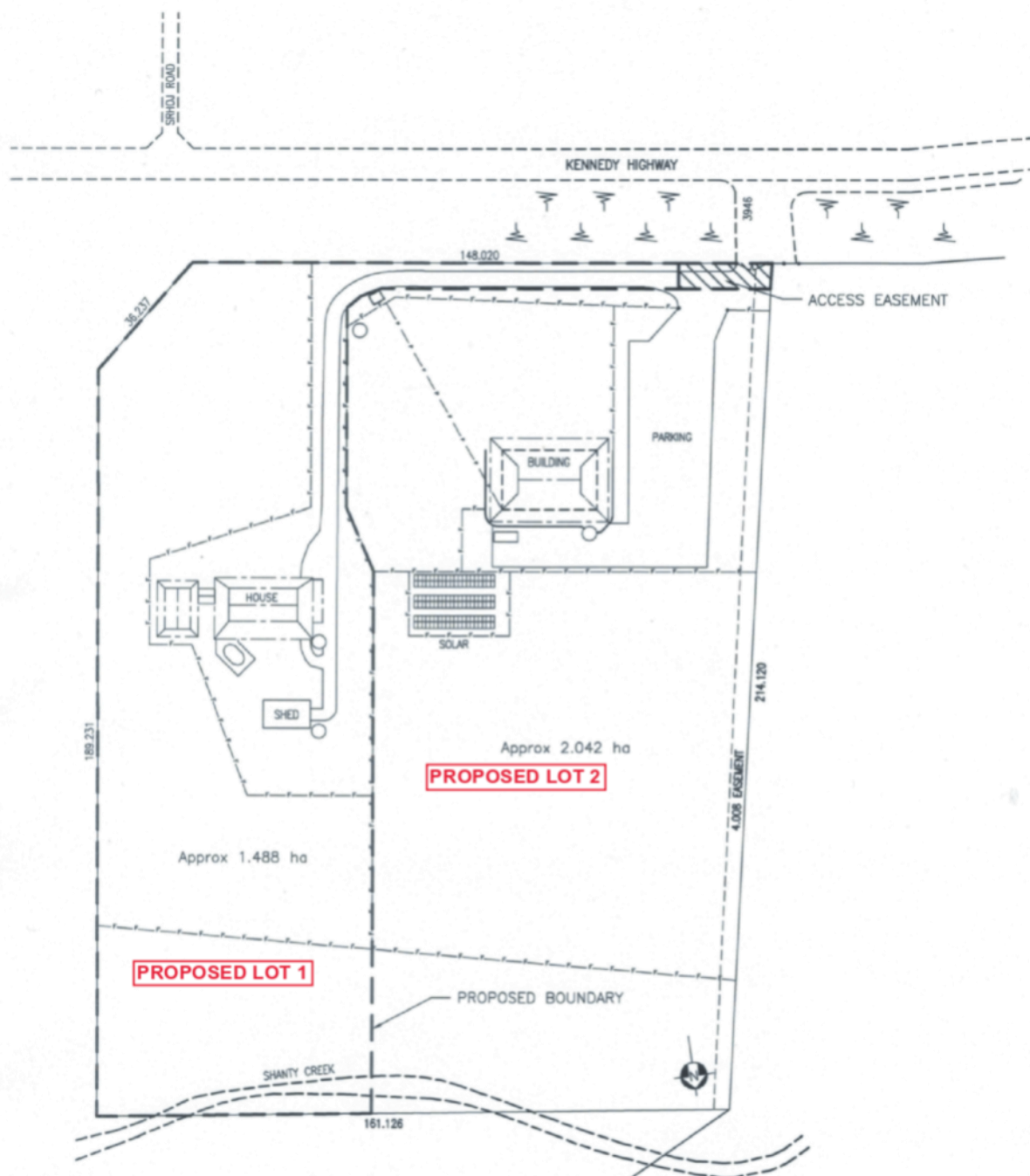
75 Making change representations

- 1) The applicant may make representations (***change representations***) to the assessment manager, during the applicant's appeal period for the development approval, about changing—
 - (a) a matter in the development approval, other than—
 - i. a matter stated because of a referral agency's response; or
 - ii. a development condition imposed under a direction made by the Minister under chapter 3, part 6, division 2; or
 - (b) if the development approval is a deemed approval—the standard conditions taken to be included in the deemed approval under section 64(8)(c).
- 2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.
- 3) Only 1 notice may be given.
- 4) If a notice is given, the appeal period is suspended—
 - (a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or
 - (b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—
 - i. the applicant withdraws the notice, by giving another notice to the assessment manager; or
 - ii. the applicant receives notice that the assessment manager does not agree with the change representations; or
 - iii. the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.
- 5) However, if the assessment manager gives the applicant a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

- 1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.
- 2) The assessment manager must, within 5 business days after deciding the change representations, give a decision notice to—
 - (a) the applicant; and
 - (b) if the assessment manager agrees with any of the change representations—
 - i. each principal submitter; and
 - ii. each referral agency; and
 - iii. if the assessment manager is not a local government and the development is in a local government area—the relevant local government; and
 - iv. if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and
 - v. another person prescribed by regulation.
- 3) A decision notice (*a **negotiated decision notice***) that states the assessment manager agrees with a change representation must—
 - (a) state the nature of the change agreed to; and
 - (b) comply with section 63(2) and (3).
- 4) A negotiated decision notice replaces the decision notice for the development application.
- 5) Only 1 negotiated decision notice may be given.
- 6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Site Plan B



PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

SARA ref: 1908-12469 SRA

Date: 27 August 2019



Amended in red by SARA on
27 August 2019

PROPOSED DIVISION FROM
1 INTO 2 BLOCKS LOCATED AT
3946 KENNEDY HWY
(LOT 28 / PLAN SP160169)
MAREEBA QLD 4880

SCALE 1:1000 DRAWN BY GEOFF DIXON JULY 2019

8.4	T BLAKE - RECONFIGURING A LOT - SUBDIVISION (1 INTO 2 LOTS) - LOT 6 ON RP903630 - 8 DEBEL CLOSE, MAREEBA - RAL/19/0015
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Date Prepared: 6 September 2019

Author: Planning Officer

Attachments:

1. Site Plan [↓](#)
2. Submission/s [↓](#)

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	T Blake	ADDRESS	8 Debel Close, Mareeba
DATE LODGED	2 July 2019	RPD	Lot 6 on RP903630
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		
FILE NO	RAL/19/0015	AREA	4,902m ²
LODGED BY	Victor G Feros Town Planning Consultants	OWNER	T, D & Y Blake
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Emerging Communities Zone		
LEVEL OF ASSESSMENT	Impact Assessment		
SUBMISSIONS	One (1) submission		

EXECUTIVE SUMMARY

Council is in receipt of an impact assessable development application described in the above application details. During public notification of the application, one (1) properly made submission was received.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and is not considered to conflict with any relevant aspect of the Planning Scheme.

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	T Blake	ADDRESS	8 Debel Close, Mareeba
DATE LODGED	2 July 2019	RPD	Lot 6 on RP903630
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 2 Lots)		

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

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

And

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

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

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
VGF-C1149 Sheet 1	Site Plan	Victor G Feros Town Planning Consultants	25 June 2019

(C) ASSESSMENT MANAGER'S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

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

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the 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 within the conditions or the payment of infrastructure charges within the Adopted Infrastructure Charges Notice.
- 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 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

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

An asphalt sealed or reinforced concrete driveway (no bitumen) must be provided within the access handle for Lot 1. The driveway will:

- have a minimum formation width of three (3) metres
- be constructed for the full length of the access handle and connect with the required access crossover;
- be formed with one-way crossfall to cater for stormwater drainage such that any stormwater runoff is contained within the access strip
- service and utility conduits (electricity, water supply, telecommunications) are to be provided for the full length of the concrete or sealed driveway constructed within the access handle of the battle axe allotment(s).

4.2 Stormwater Drainage

The applicant must ensure a non-worsening effect on surrounding land as a consequence of the development (including between Lot 1 and 2) 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.

4.3 Water Supply

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

4.4 On-Site Wastewater Management

Prior to Council endorsing a plan of survey, a plan prepared by a licensed surveyor must be submitted to Council demonstrating that each lot's respective on-site wastewater disposal systems, including and soakage trenches, are wholly located within the lot that they service, to the satisfaction of Council's delegated officer.

4.5 Fencing

4.5.1 Prior the endorsement of a plan of survey the applicant/developer is required to install solid screen colorbond or overlapping timber paling fencing, with minimum height of 1.8m and maximum height of 2m along the entire length of the common boundary between Lots 1 and 2 excluding

that part of the common boundary between Debel Close and the point in line with the forward most projection of the dwelling on Lot 2.

4.5.2 The erection of fencing along the common boundary of Lot 1 and 2 between Debel Close and the point in line with the forward most projection of the dwelling on Lot 2 is optional and is not required to be solid screen fencing, however, cannot exceed 1.8m in height.

4.5.3 That part of the fencing that crosses Easement B on RP901433 must not interfere with the purpose of the easement (drainage).

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.

(D) ASSESSMENT MANAGER'S ADVICE

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

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

(d) Endorsement Fees

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

(e) Compliance with applicable codes/policies

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

(f) Notation on Rates Record

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

- a registered drainage easement over the lots (Easement B on RP901433)
- flood immunity

(g) 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.

(h) 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

(i) Cultural Heritage

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

(E) RELEVANT PERIOD

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

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

(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)

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

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot (no sewer)</i>	<i>Lots</i>		<i>Lots</i>	
Residential	\$14,100.00	2	\$28,200.00	1 lot (\$14,100.00)	\$14,100.00
TOTAL CURRENT AMOUNT OF CHARGE					\$14,100.00

THE SITE

The subject site is situated at 8 Debel Close, Mareeba, and is described as Lot 6 on RP903630. The site is irregular in shape with a total area of 4,902m² and is zoned Emerging Communities under the Mareeba Shire Council Planning Scheme 2016. The site contains 32 metres of frontage to Debel Close which is constructed to a bitumen sealed standard including kerb and channel for its entire length. The site is accessed via two crossovers, one being concrete sealed and the other gravel only.

The site is improved by a dwelling house, secondary dwelling (granny flat), a swimming pool and two outbuildings all constructed on the western half of the property. A 4m wide drainage easement exists along part of the northern boundary of the site which is responsible for draining the cul-de-sac head of Debel Close to a seasonal watercourse/gully that runs to the east the site.

All surrounding lots are zoned Emerging Communities and contain single detached dwellings with some also containing secondary dwellings (granny flats).



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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Nil

Nil

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 2 Lots) in accordance with the plan shown below and included as **Attachment 1**.



The proposed subdivision will split the sites dwelling and front shed (front shed not shown on plan) from the rear secondary dwelling (granny flat) and rear shed. The proposed divisional line is shown on the above plan. A 5.8m wide access handle has been included along the western side of proposed Lot 1 for access and services and will include a concrete or asphalt sealed driveway.

Both lots will have connections to town water, electricity and telecommunications (via the NBN fixed wireless network) and will be serviced by existed separate on-site wastewater disposal systems.

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

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories
	▪ Investigation Area
Zone:	Natural Environment Elements
	▪ Biodiversity Area
Overlays:	Emerging Communities zone
	- Environmental Significance Overlay
	- Flood Hazard Overlay

RELEVANT PLANNING INSTRUMENTS

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

(a) Far North Queensland Regional Plan 2009-2031

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

(b) State Planning Policy

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

(c) Mareeba Shire Council Planning Scheme 2016**Strategic Framework**

The aspects of the Planning Scheme's Strategic Framework relevant to the application are as follows:

3.3 Settlement pattern and built environment**3.3.1 Strategic outcomes**

- (3) *Residential areas and urban expansion areas support strategically located and logically sequenced residential development, maximising the efficient utilisation of new and existing infrastructure, particularly active and public transport. Residential development, including infill housing in designated areas, is focussed in Mareeba and the Kuranda district. A diversity of housing choices is developed within proximity to services and activity centres while protecting the character of the shire.*

Housing for aged persons, both for independent and assisted living, is provided to support the aging population of the shire. Aged care development is provided in suitable locations in the residential areas and urban expansion areas of the shire.

Comment

The subject land and all immediate surrounding lots are mapped as an urban expansion area by the Planning Scheme's Strategic Framework mapping. The subject site and immediate surrounding lots are considered to be significantly constrained from future urban development by both the existing size of the lots (which are consistent with the desired size of residential land not serviced by town sewer), the locations of the existing dwellings on these lots and the flood hazard constraint that encompasses most of the eastern half of the subject site as well as the land immediately surrounding the site.

The proposed development will not further compromise the development potential of the subject land anymore than it already is through existing configuration, built form and environmental constraints. The development does not conflict with the intent of Strategic Outcome 3.

3.3.8 Element - Urban expansion and investigation areas

3.3.8.1 Specific outcomes

- (1) Urban expansion areas and investigation areas are anticipated to provide for development beyond the life of the planning scheme and are preserved for this purpose, with interim development not compromising future residential development.*

Comment

The subject land and all immediate surrounding lots are mapped as an urban expansion area by the Planning Scheme's Strategic Framework mapping. The subject site and immediate surrounding lots are considered to be significantly constrained from future urban development by both the existing size of the lots (which are consistent with the desired size of residential land not serviced by town sewer), the locations of the existing dwellings on these lots and the flood hazard constraint that encompasses most of the eastern half of the subject site as well as the land immediately surrounding the site.

The proposed development will not further compromise the development potential of the subject land anymore than it already is through existing configuration, built form and environmental constraints. The development does not conflict with the intent of Specific Outcome 1.

3.3.8.2 Land use strategies

- (1) Investigation areas are to be investigated to accommodate future development beyond the life of the planning scheme. Investigation areas are not to be developed unless there is an insufficient supply of land for the purpose intended to be developed. The purpose of development in an investigation area should promote a logical land use pattern, having regard to nearby land use and the established hierarchy of activity centres. In the instance that new or expanded areas are investigated, these are to be supported by detailed land use investigations that must demonstrate:*
 - (a) need for land for the proposed land use;*
 - (b) mitigation or avoidance of impacts on sensitive receiving environments;*

- (c) *where involving good quality agricultural land:*
 - (i) *there is no alternative land available that is not good quality agricultural land; and*
 - (ii) *the need for future development represents a public benefit.*
- (d) *suitable mitigation or offset arrangements in respect to impacts on areas of high ecological significance*
- (e) *consistency with the Strategic Framework.*
- (f) *consistency with State and Regional Planning requirements.*

Comment

The subject land and all immediate surrounding lots are mapped as an urban expansion area by the Planning Scheme's Strategic Framework mapping. The subject site and immediate surrounding lots are considered to be significantly constrained from future urban development by both the existing size of the lots (which are consistent with the desired size of residential land not serviced by town sewer), the locations of the existing dwellings on these lots and the flood hazard constraint that encompasses most of the eastern half of the subject site as well as the land immediately surrounding the site.

The proposed development will not further compromise the development potential of the subject land anymore than it already is through existing configuration, built form and environmental constraints. The development represents logical infill development, making efficient and practical use of significantly constrained residential land and is therefore not considered to be in conflict with the intent of Land Use Strategy 1.

Relevant Developments Codes

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

- 6.2.4 Emerging community zone code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

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

Relevant Codes	Comments
Emerging Community Zone Code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.
Environmental Significance Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.

Flood Hazard Overlay Code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.
Landscaping Code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.
Parking and Access Code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.
Reconfiguring a Lot Code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code apart from the following: <ul style="list-style-type: none"> • Acceptable Outcome AO1.1 • Acceptable Outcome AO2.2 • Acceptable Outcome AO8.3 Refer to planning discussion section of report.
Works, Services and Infrastructure Code	The application can be conditioned to comply with the relevant acceptable outcomes (and/or performance outcomes where no acceptable outcome is provided) contained within the code.

(d) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

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

(e) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2019, a charge of **\$14,100.00** will apply to the additional residential allotment created.

The \$14,100.00 charge was derived from a \$4,700.00 infrastructure charge for the following four (3) trunk infrastructure networks:

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

No infrastructure charge was applied for the Sewer as the property is not serviced by this trunk infrastructure network.

REFERRAL AGENCY

The application did not trigger referral to any Referral Agency.

Internal Consultation

Development Engineering

PUBLIC NOTIFICATION

The development proposal was placed on public notification from 25 July 2019 to 16 August 2019. The applicant submitted the notice of compliance on 19 August 2019 advising that the public notification requirements were carried out in accordance with the requirements of the Act. One (1) properly made submissions was received which objected to the proposed development. The grounds for objection/support are summarised and commented on below:

Grounds for objection /support	Comment
The existing secondary dwelling (granny flat) on the subject site is being used unlawfully.	The alleged unlawful use of the granny flat on the subject site is not relevant to the application for subdivision. Notwithstanding this, Council officers have been on the subject site and confirm the granny flat is being lawfully occupied.
The site is currently overdeveloped and is not consistent with the nature and character of the immediate surrounding area.	<p>The building bulk and scale on the site is actually not inconsistent with other lots along Debel Close with two other lots containing lawful granny flats and some lots including multiple outbuildings.</p> <p>If the proposed subdivision is approved, the granny flat will become the primary dwelling on proposed Lot 1. The flood hazard overlay mapping which constrains the majority of proposed Lot 1 will essentially ensure the lot is not significantly developed any further.</p> <p>The presence of the granny flat has no bearing on the assessment of the application. If proposed Lot 1 was vacant, the application would still likely be recommended for approval.</p>
The proposed development is in conflict with the intent of the Emerging Community Zone which is to protect land that may be suitable for urban development in the future and to manage the timely conversion of non-urban land to urban purposes.	This issue has been addressed and discussed throughout the body of the report. The proposal is not considered to be in conflict with any relevant aspect of the Planning Scheme.
The proposed development will compromise the future development potential of the land for urban purposes.	This issue has been addressed and discussed throughout the body of the report. The land and immediate surrounding land is significantly constrained from future urban development by existing lots sizes and configurations, the location of permanent improvements such as dwellings on surrounding lots, and the flood hazard constraints. The proposal is not considered to be in conflict with any relevant aspect of the Planning Scheme.
The reduced width access handle should be appropriately fenced, landscaped and the driveway constructed to an appropriate standard.	Has been conditioned to comply where considered relevant.

Grounds for objection /support	Comment
The planning report did not include an effluent disposal report not any engineering comments in relation to the provision of adequate servicing of the site.	The two habitable structures on site are serviced by existing separate wastewater disposal systems. A condition has been included requiring a licensed surveyor provide a plan demonstrating that each disposal system is wholly contained within the lots that each system services. Each lot will be connected to all available urban services (apart from town sewer).
The proposed lots should be connected to Council's sewer network which was required for the Williams Close holiday park development.	This is not considered reasonable or relevant for a 1 into 2 lot subdivision located a considerable distance from the sewer network. The Planning Scheme allows on-site wastewater disposal where the land is not serviced by the town sewer network.
The creation of the additional lot will impact on the amenity of surrounding uses.	The proposed additional lot is consistent in size and use with other lots in the immediate vicinity and is not likely to have any amenity impacts on neighbouring properties outside that typically experienced with an increase in density which is the overarching future intent of this area.
Acoustic fencing should be installed to protect the amenity of residents to the south in Williams Close.	Acoustic fencing is not normally required to separate residential land uses from one-another. The requirement for the installation of acoustic fencing along the southern boundary of the land is not considered reasonable or relevant. Screen fencing is proposed along the common boundary of the new lots due to the proximity of the sites two dwellings.
The submitter claims the applicant/landowner has undertaken illegal operational work (earthworks) at the eastern end of the site, in particular illegal filling which has resulted in a change in location of a seasonal gully/watercourse that runs partially within the site but primarily within the lot to the east.	This is not relevant to the assessment of this development application for reconfiguring a lot and will be investigated separately by Council officers.

Submitters

Name of Principal submitter	Address
1. Freshwater Planning Pty Ltd on behalf of Greg Williams	17 Barron View Drive, Freshwater QLD 4870

PLANNING DISCUSSION

Compliance with the Performance Outcomes (where an acceptable outcome cannot be met) of the Reconfiguring a Lot Code are summarised as follows:

Reconfiguring a Lot Code

Area and frontage of lots

PO1

Lots include an area and frontage that:

- (a) is consistent with the design of lots in the surrounding area;*
- (b) allows the desired amenity of the zone to be achieved;*

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

AO1.1

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

Comment

Table 9.4.4.3.B dictates that land within the Emerging Communities Zone achieve a minimum lot size of 10 hectares and a minimum frontage of 100m. The proposed reconfiguration is therefore non-compliant with AO1.1.

These minimum lot and frontage requirements are intended to advance and help achieve the overarching intent of the Emerging Communities Zone which is to preserve and protect land considered suitable for future residential development beyond the life of the Planning Scheme.

As previously discussed, the subject site and immediate surrounding lots are considered to be significantly constrained from future urban development by both the existing size of the lots (which are consistent with the desired size of residential land not serviced by town sewer), the locations of the existing dwellings on these lots and the flood hazard constraint that encompasses most of the eastern half of the subject site as well as the land immediately surrounding the site. The proposed development will not further compromise the development potential of the subject land anymore than it already is through existing configuration, built form and environmental constraints.

The development represents logical infill development, making efficient and practical use of significantly constrained residential land and both proposed lots will allow the desired amenity of the zone to be achieved. The proposed development complies with PO1.

Existing building and easements**PO2**

Reconfiguring a lot which contains existing land uses or existing buildings and structures ensures:

- (a) *new lots are of sufficient area and dimensions to accommodate existing land uses, buildings and structures; and*
- (b) *any continuing use is not compromised by the reconfiguration.*

AO2.2

All lots containing existing buildings and structures achieve the setback requirement of the relevant zone.

Comment

For residential land uses and structures like that contained on the subject site, Queensland Development Code setbacks of 1.5m from side and rear boundaries apply. Part of the existing dwelling (patio/carport awning) on proposed Lot 2 will be setback just 0.5 metres from the common boundary with proposed Lot 1.

This lesser boundary setback will encroach on the access handle of proposed Lot 1 only and is not likely to have any detrimental amenity impacts on the continued use of Lot 1 for residential purposes. The development will comply with PO2.

Rear lots**PO8**

Rear lots are designed to:

- (a) provide a high standard of amenity for residents and other users of the site;*
- (b) provide a high standard of amenity for adjoining properties; and*
- (c) not adversely affect the safety and efficiency of the road from which access is gained.*

AO8.3

Access to lots is via an access strip with a minimum width of:

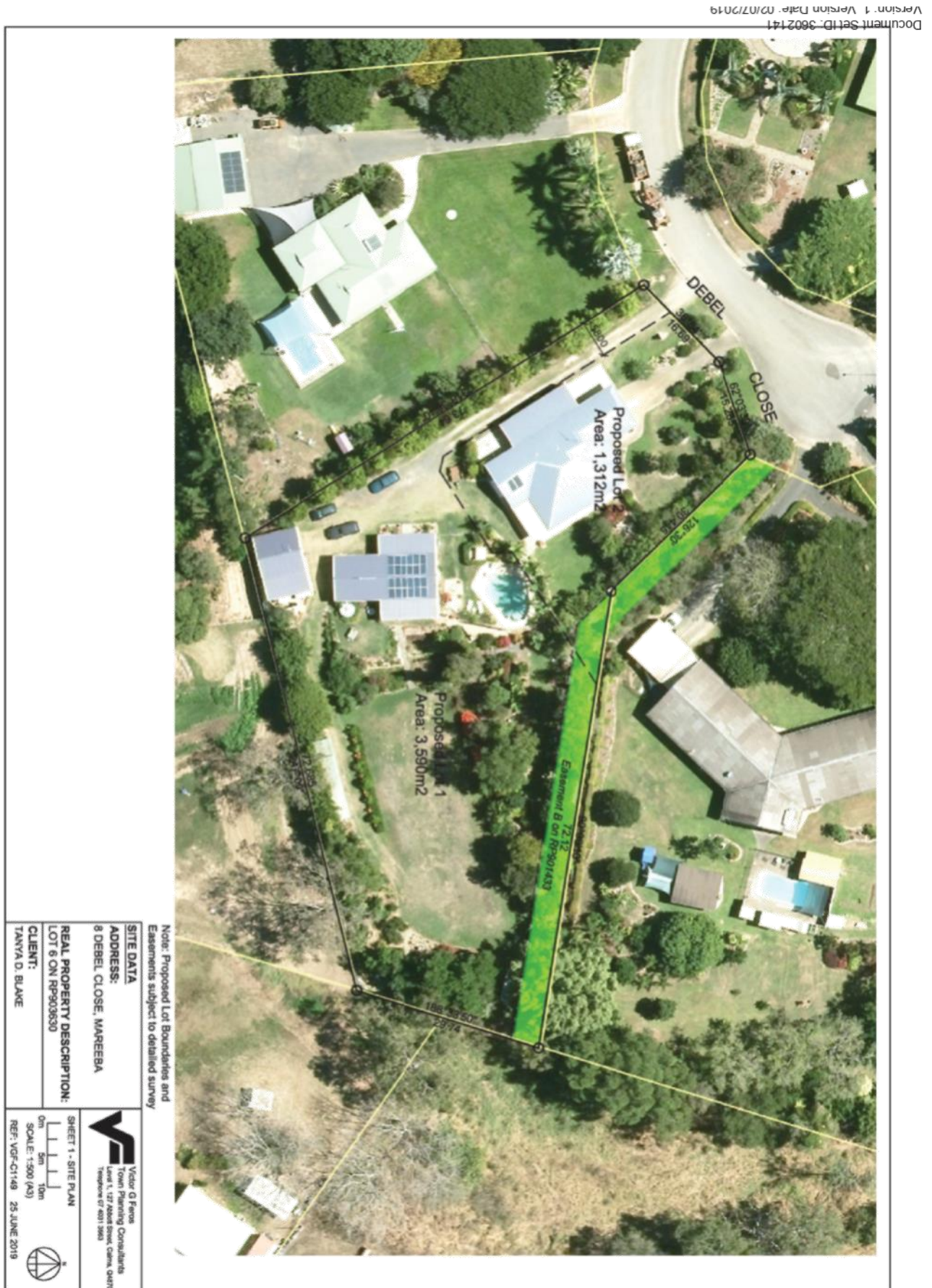
- (a) 4 metres where in the Low density residential zone or Medium density residential zone; or*
- (b) 8 metres otherwise.*

Comment

The subject site is situated within the Emerging community zone. Proposed Lot 1 includes an access strip of only 5.8 metres and is therefore non-compliant with AO8.3 (b).

Despite the access strip being narrower than the required 8m, the 5.8 metre wide strip provided is considered more than adequate and will ensure a high standard of amenity for residents of proposed Lot 1 as well as residents of proposed Lot 2 and Lot 7 on RP901433 situated on either side of the access strip. The proposed access handle is not likely to impact on the safety and efficiency of Debel Close.

The development complies with PO8.



Your Ref: RAL/19/0015
Our Ref: F19/18

15 August, 2019

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



Attention: Regional Land Use Planning Group

Dear Sir,

**RE: PUBLIC NOTIFICATION SUBMISSION
APPLICATION FOR A RECONFIGURATION OF A LOT – 1 LOT INTO 2 LOTS
LOT 6 ON RP903630, 8 DEBEL CLOSE, MAREEBA.
DEVELOPMENT APPLICATION RAL/19/0015.**

The following Submission is provided in relation to the Reconfiguration that is currently under Public Notification for the Development Application RAL19/0015 located at 8 Debel Close, Mareeba. This Submission is submitted on behalf of Mr Greg Williams and his family, an adjoining property owner of the aforementioned site, who resides at and owns 1 and 2 Williams Close, Mareeba.

The Site

The site is understood to contain a single Dwelling and Approved 'Granny Flat' over a previously Zoned Rural Residential Allotment. The client is lead to believe that the current site does not use the Approved 'Granny Flat' (which contains three Bedrooms) for the purposes that it was originally Approved for. The overdevelopment of the site, containing a 5 Bedroom Dwelling, 3 Bedroom Secondary Dwelling, two separate garages including one with an additional laundry attached, three garden sheds and swimming pool was not considered to be within the Rural Residential nature and character of the immediate and surrounding area. Further to this, there does not seem to be sufficient nor appropriate protection of the amenity and visual aesthetics for this considered overdevelopment from the adjoining allotments. Whilst the proposed Development does aim to resolve this overdevelopment by dividing the existing structures over the site into two allotments, this still leaves a substantial amount of improvements over both allotments without any substantial separation between the site and Mr Williams property. It is clearly considered that the Approved 'Granny Flat' or Secondary Dwelling as nominated within the Report is substantial and large enough to be consider a dwelling itself especially considering its proposed Lot 2 also contains the substantial detached garage and laundry, swimming pool and Garden Sheds.

It is noted that Debel Close and McGrath Road does include existing allotments of 1,011 m² to 1,012 m² however, these allotments are understood to predate the Emerging Community Zoning of the site and area with the Survey Plan 901433 (attached to the Development Application) demonstrating these existing smaller allotments prior to February, 1996 (which even predates that Mareeba Shire Planning Scheme, 2004). As these existing allotments well predate the Emerging Community Zone and Superseded Mareeba Shire Planning Scheme, 2004, the use of these allotments for argumentative purposes within the currently Zoning is considered minimal.

Planning Scheme

Freshwater Planning Pty Ltd
t/e The Freshwater Trust
ACN 603 020 220 | ABN 31 187 983 959

P: 0402729004
E: FreshwaterPlanning@outlook.com
A: 17 Barron View Drive, FRESHWATER QLD 4870

The site subject to the Development Application that is currently under Public Notification is understood to be designated within the Emerging Community Zone within the Mareeba Shire Planning Scheme. The purpose of the Emerging Community Zone is to *'identify land that is suitable for urban purposes and protect land that may be suitable for urban development in the future and to manage the timely conversion of non-urban land to urban purposes'*. The proposal is not considered to protect the designated non-urban suitable for development within the future as the proposal effectively restricts any future development over the site. The proposed Reconfiguration configuration ensures that there is no ability for future development over the site with the proposed Reconfiguration resulting in layout not conducive to Urban Developments. The proposal results in the provision of a 1,365 m² Allotment and a rear access (battleaxe) allotment with an area of 3,537 m² which is constrained from further development. In addition to this, the proposal is not considered to manage the timely conversion of non-urban land to urban purposes as there are a substantial number of vacant, available and Approved Residential and Rural Residential Allotments within the Mareeba Shire. It is not considered that appropriate justification has been provided for the conversion of this non-urban land to urban purposes. Page 2

The Emerging Community Zone is considered to allow for *'the sequenced release of land to meet community need and market demand for new urban development in designated urban growth areas'*. However, Mr Williams does not consider this area to be of an immediate growth area within the Shire nor has sufficient evidence been provided to meet the community need and market demand for this type of development. The Mareeba Shire Planning Scheme nominates that *'Urban development may occur in the zone in accordance with an approved structure plan but the primary purpose of the zone and the code is to reserve land for future urban development, the majority of which is likely to occur beyond the life of the planning scheme'*. Whilst the Zoning does allow for Development within the life of the Planning Scheme, there is no immediate need demonstrated nor has any significant effort to protect the existing nature and character of the area been provided. The resulting impacts to the adjoining allotments need to be mitigated to aid in justification for the Development.

The Emerging Community Zone states that *'Interim development does not compromise the future development potential of the land for urban purposes'* with the proposed layout not resulting in the ability for future or further development of the site. The proposal is not considered of orderly sequence nor a minor proposal given the resulting configuration. It is considered that the proposal does not develop land in a sustainable manner to reflect the desired land use patterns which does not conform to the purpose of the Zone Code.

The Reconfiguration of a Lot Code requires that any rear access allotment contain a minimum width of 8.0 metres with the proposal only providing 4.5 metres. It is considered that a reduction in the width of the Rear Allotment acceptable given the current constraints of the proposal however, this should be appropriately fenced and vegetated (screened) with the removal and relocation of the rear access handle's driveway to a three (3) metre concrete or bitumen handle requiring the removal of the existing vegetation along the boundary. The 4.5 metre should be required to contain appropriate screening via both fencing and landscaping. This will need to ensure that no adverse impacts are provided to the adjoining allotments and allotment owned by Mr William given the increased traffic, noise, light spray, etc resultant of the Secondary Structure now being considered a standalone Dwelling House.

The proposal did not include an Effluent Disposal Report nor any Engineering Comments in relation to the provision of adequate servicing of the site. The proposal did include the location of the existing trenches for the purposes of demonstrating setbacks to new boundaries however, this did not include the location of the waste from the laundry attached to the garage which is provided with a water connection and any other water waste associated with the laundry/garage. The provision of an Effluent Disposal Report or comments by a suitably qualified Engineer or equivalent should be Conditioned to be provided as part of any Approval. Further to this,

the proposal seeks to provide Urban Purposes over the site with the proposal Reconfiguration. The recently Approved Development within Williams Close for Urban Purposes contained sufficient area for the provision of Effluent Disposal however, was required by Council to connect to the Reticulated Sewerage Network. Given the site's proximity and proposal for Urban Purposes negating the existing Rural Residential Uses over the site, the proposal should be provided with connection to all Urban Services. The connection to the existing Reticulated Sewerage Network is considered acceptable and appropriate within this instance given the recent Approved Development within Williams Close and the site proximity to the Approved Development and its proposed Urban Uses. Page 3

The proposed Reconfiguration is not considered to conform to the existing nature and character of the immediate and surrounding area and will result in the affects to the visual aesthetics and amenity of the site. The proposal will result in the increased activity by providing additional population over the site from what is considered to be a Secondary Dwelling. If there is not change to the level of Use to what is existing then Mr Williams is correct that the current Use is not as per what the additional structure was originally Approved for and a Show Cause Notice should be granted over the site. Given this increase by the creation of an additional allotment over the site, Mr Williams is concerned that the increase will upset the existing amenity and visual aesthetics to his adjoining property and surrounding Dwelling Houses. The proposal does not offer any protection to Mr Williams from the increased development of the site and as per noted in the Town Planning Submission *'that the proposal will achieve the future development potential of the subject site for urban purposes'*.

Proponents Submission

In relation to the recent Development Approval provided over the allotment adjoining the site of the current Development Application, the Blake's (inclusive of Tanya Blake the applicant for this Development Application) provided a Submission within the Public Notification process outlining that *'After spending a million dollars on our retirement place of residence. Being told by the council that this is a Rural Residential stable, previously established and well settled subdivision. Where we could live peacefully'*. The Submissions main concern was with the amenity and noise from the increased Development of the site affecting their Rural Residential Lifestyle and the Lifestyle of Debel Close stating that Development would be *'destroying so many family's right to peace and quite (sic)'* in addition to *'This sound will echo and reverberate, over our back fence. Over our neighbours back fence, across their block onto our property'*. The Blakes also noted that *'development will damage our peaceful expensive investment and will totally destroy the FAITH, the integrity what everyone believed we had'*. Similar comments were also received within the Submissions from Residents within Debel Close noting the affect that any Development would have over the existing nature and Rural Residential character of Debel Close. Ms Blake's proposal is now to allow for Urban Purposes and Urban Development within this Rural Residential Area that she and residents within Debel Close fought so hard to protect.

The proposal provides for an increase in scale, population and development over the site into an Urban format within an existing Rural Residential Character Area. This has been proposed without any amelioration or regards to the impacts that this increased development will have on the surrounding properties. Proposed Lot 1 contains an area of 1,365 m² and contains a significant site coverage which is not in character or nature of the immediately surrounding area. It is not considered that the proposal has appropriately provided sufficient mitigation measures to ensure to protect the existing amenity, visual aesthetics and character of the site and its surrounding area.

Mr Williams is also concerned on behalf of the all the Residents within Debel Close given their strong opinions in relation to the recent Development Approval within Williams Close especially in relation to the affect that development would have by providing Urban Uses within their established Rural Residential Area of which Ms Blake is now proposing within Debel Close.

Conclusion

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Whilst the proposed Reconfiguration is considered not to develop land in a sustainable manner to reflect the desired land use patterns which does not conform to the purpose of the Zone Code, Mr Williams is not against Development within the Shire nor over this adjoining allotment. However, he does believe that Development needs to be appropriate, limiting any additional impacts that may arise from the Development or increase in population. Mr Williams does not believe that the proposal provides for appropriate mitigation measures to protect the existing nature and character of the area and requests that Council impose the following within the Conditions of any Approval provided over the site:

- ✚ Council ensure that the setbacks for Buildings are provided in accordance with the Queensland Development Code and remain at 1.5 metres from the proposed new common boundary at a minimum.
- ✚ The reduction in the width of the Rear Access Allotment is considered acceptable provided that it contains appropriate vegetation screening and solid fencing given its proximity adjoining Residential properties. It is considered appropriate that Council Condition Acoustic Fencing and the provision of a Landscaping Strips within the rear access handle continuing along the entire length of the western boundary.
- ✚ The Report nominates that the proposal to be Urban Expansion resulting in an Allotment less than 1,400 m² to be used for Urban Purposes negating the existing Rural Residential Uses over the site. However, the proposal does not supply all Urban Services nor an Engineering Report dealing with services, in particularly Effluent Disposal, rather just the location of the existing trenches for the purposes of demonstrating setbacks to new boundaries. An Engineering Report should be Conditioned to be provided covering all aspects of servicing and Stormwater disposal.
- ✚ The Urban Development Approved within Williams Close was required to connect to the Reticulated Sewerage System and given's the proposal's proximity to the site and proposed Urban Purpose Uses, it is considered fair, reasonable and appropriate that the proposed Urban Reconfiguration be required to be connected to all Urban Services including the Reticulated Sewerage Network.
- ✚ The additional increase in population and conversion from existing Rural Residential natured and characterd Uses over the site to Urban Purposes and Urban Uses has not been adequately addressed over the site which will directly affect the amenity, noise and visual aesthetics to Mr Williams adjoining property and properties within Williams Close. It is requested that Council Condition the provision of Acoustic Fencing (2.4 m in height) and Landscaping Strips similar to those Conditioned within the recent Development Approval for Williams Close along the southern boundary of the site protecting the existing area from the encroachment of Urban Uses.

Yours faithfully,



MATTHEW ANDREJIC ON BEHALF OF MR GREG WILLIAMS

FRESHWATER PLANNING PTY LTD

P: 0402729004

E: FreshwaterPlanning@outlook.com

A: 17 Barron View Drive, FRESHWATER QLD 4870

From: Freshwater Planning
Sent: 16 Aug 2019 14:27:17 +1000
To: Natacha Jones
Subject: Additional Submission - RAL/19/0015 - 8 Debel Close, Mareeba

MSC Planning Admin,

In addition to the provided Public Notification Submission in relation to the Development Application RAL/19/0015 located at 8 Debel Close, Mareeba care of Mr Greg Williams. Mr Williams who's address is 1 & 2 Williams Close, Mareeba and Postal Address is PO Box 173, MAREEBA QLD 4880 would also like the following to be noted in addition to the already provided Submission.

Mr Williams understands that the applicant of the site has undertaken illegal filling of the waterway/watercourse that now abuts and is located along the rear of the allotment. Mr Williams, who is a previous owner of land that incorporate the proposed site notes that the original location of the watercourse was located traversing a different path of the site which is understood to be no longer the case given the provision of suspected illegal filling. This has had an affect on the existing waterway and requests that this be investigated as part of the Development Assessment undertaken by Council Officers over the site and that appropriate measures be taken by the Council.

Thanks and Regards,

Matt Andrejic
On behalf of Mr Greg Williams



Matthew Andrejic
Director
Freshwater Planning Pty Ltd

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8.5 COUNCIL POLICY REVIEWS

Date Prepared: 23 August 2019

Author: Director Corporate and Community Services

Attachments:

1. Standing Orders (Meeting Procedures) for Council Meetings [↓](#)
2. Councillor Remuneration, Expenses and Resources Policy [↓](#)
3. Internal Audit Policy [↓](#)
4. Internal Audit Charter [↓](#)
5. Rates Rebates and Remissions Policy 2019/20 [↓](#)
6. Enterprise Risk Management Policy [↓](#)
7. Enterprise Risk Management Process [↓](#)
8. Enterprise Risk Management Framework [↓](#)

EXECUTIVE SUMMARY

All Council Policies are adopted with future review dates. These reviews have taken place for a number of policies and these updated policies are presented to Council for their consideration.

RECOMMENDATION

That Council:

1. Repeals the following Policies:
 - (a) Standing Orders (Meeting Procedures) for Council Meetings adopted on 15 May 2019;
 - (b) Councillor Remuneration, Expenses Reimbursement and Resources Policy adopted on 6 April 2016;
 - (c) Internal Audit Policy adopted on 15 November 2017;
 - (d) Internal Audit Charter adopted on 15 November 2017;
 - (e) Rates Rebates and Remissions Policy 2019/20 adopted on 19 June 2019;
 - (f) Enterprise Risk Management Policy, Process and Framework adopted on 20 December 2017; and
 - (g) Caretaker Period Policy adopted on 20 September 2016;
2. Adopts the attached Policies as amended:
 - (a) Standing Orders (Meeting Procedures) for Council Meetings;
 - (b) Councillor Remuneration, Expense Reimbursement and Resources Policy;
 - (c) Internal Audit Policy;
 - (d) Internal Audit Charter;
 - (e) Rates Rebates and Remissions Policy 2019/20;
 - (f) Enterprise Risk Management Policy, Process and Framework

BACKGROUND

Policy reviews are undertaken as a compliance assurance to Council and the broader community. These reviews are carried out on a cyclic basis (often every four years) by management and generally identify such things as:

- Legislative changes and requirements
- References and relativities to other documents
- Updates to improve alignment with processes and best practice
- Template updates and general grammar corrections

A summary of changes is provided below for each of the policies presented in this report.

Standing Orders (Meeting Procedures)

On the 21 May 2018, in response to recommendations by the Crime and Conduct Commission (CCC), the Queensland Government adopted two amendments to the Local Government Act:

- Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018; and
- Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018.

The above amendments resulted in Council adopting a revised Standing Orders (Meeting Procedures) for Council Meetings on 12 November 2018. Amendments to this policy were adopted by Council on 17 April 2019 and 15 May 2019. A further internal review has resulted in amendments to the attached document to improve this policy.

Councillor Remuneration, Expenses Reimbursement and Resources Policy

Scheduled policy reviews and transfer across to the new templates have resulted in some minor changes and corrections. Other changes have been made for example, to reflect the current daily rates according to the Australian Tax Office determinations for incidental costs and meal claims and to reflect our current practices for the provision of vehicles. No changes are anticipated to financially impact Councillors or the organisation.

Internal Audit Policy

The amended Internal Audit Policy proposes no changes other than to move it across to the new template documents.

Internal Audit Charter

Changes and corrections have been made to the Internal Audit Charter to more accurately reflect the most efficient and effective use of this resource. The Internal Audit function works very closely with management and the Audit Committee to address items identified in Council's Enterprise Risk Register.

Rates Rebates and Remissions Policy 2019/20

The proposed changes to this policy are to ensure clarity around the intent of application around residential housing inclusive of community housing properties.

Caretaker Period Policy

The existing Caretaker Period Policy is based on two guiding pieces of legislation:

- The Local Government Act 2009
- The Local Government Electoral Act 2011

Based on changes suggested in the Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019, and that there is no formal requirement to have such a policy, it is recommended that this policy be repealed.

Should further information come to hand in regard to this matter we will advise Council accordingly.

Enterprise Risk Framework

Council's previous suite of Enterprise Risk Management documents was consistent with the Australian Standard ISO 31000:2009 Risk Management - Principles and Guidelines. The new documents have been reviewed and amended to be consistent with the Australian Standard ISO 31000:2018 Risk Management – Guidelines. The new guidelines introduce changes to the principles of risk management which better reflects Council's current Enterprise Risk Management Framework. Another notable change in the standard is to the process. The new standard has added an extra step of Recording and Reporting. Council's previous process had this element included in each of the steps. Council's new Enterprise Risk Management Process still includes the recording and reporting in each step but additionally consolidates the recording and reporting requirements in a final step to be consistent with the standard.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

The revised policies are to be published on Council's website.



Standing Orders (Meeting Procedures) for Council Meetings

Policy Type	Governance Policy	Version	5.0
Responsible Officer	Manager Development and Governance	Date Approved	18 September 2019
Review Officer	Manager Development and Governance	Review Due	21 November 2022
Author	Director Corporate and Community Services	Commencement	18 September 2019

1. PURPOSE

The purpose of the Standing Orders (meeting procedures) for Council Meetings is to provide written rules for the orderly conduct of Council Meetings.

As required under section 150F of the *Local Government Act 2009* (LGA) this policy also sets out:

- the process for how a Chairperson of a Local Government meeting may deal with instances of unsuitable conduct by Councillors in Local Government meetings and Local Government committee meetings; and
- the process for how suspected inappropriate conduct of a Councillor referred by the Independent Assessor (the Assessor) is to be dealt with at a Local Government meeting.

It is intended that these procedures will help strengthen public confidence in Local Government to deal with the conduct of Councillors in meetings.

2. SCOPE

This policy applies to all meetings of the Mareeba Shire Council, other than a post election meeting.

3. POLICY STATEMENT

3.1 STANDING ORDERS

1. These Standing Orders apply to all meetings of Council and any standing Committees.
2. Any provision of these Standing Orders may be suspended by resolution of any meeting of Council. A separate resolution is required for any such suspension and must specify the application and duration of each suspension.
3. Where at a Council meeting a matter arises which is not provided for in these Standing Orders, such matters shall be determined by resolution of Council upon a motion which may be put without notice but otherwise in conformity with these Standing Orders.

3.2 PROCEDURES FOR MEETINGS OF COUNCIL – INCLUDING REFERRALS FROM THE INDEPENDENT ASSESSOR

3.2.1 Presiding Officer

1. The Mayor will preside at a meeting of Council.

Standing Orders for Council Meetings

2. If the Mayor is absent or unavailable to preside, the Deputy Mayor will preside.
3. If both the Mayor and the Deputy Mayor are absent or unavailable to preside, a Councillor chosen by the Councillors present at the meeting will preside at the meeting.

3.2.2 Order of Business

1. The order of business shall be determined by resolution of Council from time to time. The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. A motion to alter the order of business may be moved without notice.
2. Unless otherwise altered, the order of business shall be as follows:
 - Attendances
 - Apologies and granting of leaves of absence
 - Confirmation of Minutes
 - Officers Reports
3. The minutes of a preceding meeting whether an ordinary or a special meeting, not previously confirmed shall be taken into consideration, at every ordinary meeting of Council, in order that such minutes may be confirmed and no discussion shall be permitted with respect to such minutes except with respect to their accuracy as a record of the proceedings.

3.2.3 Agendas

1. Council Reports shall be made available to Councillors, if practical, two (2) days prior to meetings.
2. The Agenda may contain:
 - Apologies / leave of absence/absence on Council business
 - Bereavements / condolences
 - Declaration of any material personal interests / conflicts of interest
 - Confirmation of minutes of previous meetings
 - Business arising out of minutes of previous meetings
 - Deputations and delegations
 - Mayoral minutes
 - Notified motions
 - Consideration of officers' reports to Council
 - General business
 - Consideration of closed session matters
 - Notice of next meeting
3. Business not on the Agenda or fairly arising from the Agenda shall not be considered at any Meeting unless permission for that purpose is given by Council at such meeting. Business must be in accordance with the adopted Terms of Reference for each Committee.
4. Matters considered under General Business shall only include non-substantive issues ie requests for a report to be prepared or leave of absence.
5. In terms of transparency and good governance, the items that Council should be making substantive decisions about should be contained in the public agenda and as such, General Business should not allow for making of decisions on matters of public interest.

Standing Orders for Council Meetings**3.2.4 Mayoral Minute**

The Mayor may move that a matter be introduced to the Agenda for consideration at a meeting. This motion does not require to be seconded but requires a majority vote.

3.2.5 Petitions

1. Any petition presented to a meeting of Council shall:
 - be in legible writing or typewritten and contain a minimum of ten (10) signatures;
 - must include the name and contact details of the Principal Petitioner (i.e., one person who is the organiser and who will act as the key contact for the issue);
 - include the postcode of all petitioners; and
 - have the details of the specific request/matter appear on each page of the petition.
2. A petition must be forwarded or handed to the CEO, who shall take reasonable steps to check the validity of the petition, and include it on the agenda for the next ordinary meeting of Council. Noting that the agenda closes 7 days prior to a meeting.
3. A petition may be presented to a meeting of Council by a Councillor who, before presenting the petition, shall, as far as practicable, become acquainted with the subject matter of the petition. A Councillor, on presenting a petition to a meeting, shall:
 - (a) state the nature of the petition; and
 - (b) read the petition.
4. Where a petition is presented to a meeting of Council no debate on or in relation to it shall be allowed and the only motion which may be moved is that the petition be received; or received and referred to a committee or officer for consideration and a report to Council; or not be received because it is deemed invalid.
5. Council will respond to the Principal Petitioner in relation to all petitions deemed valid.

3.2.6 Deputations

1. A deputation wishing to attend and address a meeting of Council shall apply in writing to the CEO not less than seven (7) clear days before the meeting.
2. The CEO, on receiving an application for a deputation shall notify the Chair who shall determine whether the deputation may be heard. The CEO shall inform the deputation of the determination in writing. Where it has been determined the deputation will be heard, a convenient time shall be arranged for that purpose, and a time period allowed.
3. For each deputation, a nominated spokesperson shall be appointed to address Council. A deputation shall be given adequate opportunity to explain the purpose of the deputation.
4. If a member of the deputation other than the appointed speakers interjects or attempts to address the Council, the Chair may finalise the deputation.
5. The Chair may terminate an address by a person in a deputation at any time.

Standing Orders for Council Meetings**3.3 MOTIONS****3.3.1 *Motions***

1. A Councillor is required to 'propose' a motion and then another Councillor is required to 'second' the motion.
2. When a motion has been moved and seconded, it shall become subject to the control of Council and shall not be withdrawn without the consent of Council.
3. Other Councillors can propose amendments to the motion which must be voted on before voting on the final motion.
4. A motion brought before a meeting of Council in accordance with the Act or these Standing Orders shall be received and put to the meeting by the Chair. The Chair may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.
5. The Chair may call the notices of motion in the order in which they appear on the agenda, and where no objection is taken to a motion being taken as a formal motion, the Chair may put the motion to the vote without discussion.
6. Where a Council wishes to propose a specific motion this must be submitted to the CEO for inclusion in the Agenda seven (7) days prior to the meeting.

3.3.2 *Absence of Mover of Motion*

1. Where a Councillor who has given notice of a motion is absent from the meeting of Council at which the motion is to be considered, the motion may be:
 - moved by another Councillor at the meeting; or
 - deferred to the next meeting.

3.3.3 *Motion to be seconded*

1. A motion or an amendment to a motion shall not be debated at a meeting of Council unless or until the motion or the amendment is seconded, with the exception of Procedural Motions.
2. Notwithstanding clause 3.3.3.1, where there is no seconder, a Councillor who moves a motion or an amendment to a motion may request permission of the Chair to speak in support of that motion or amendment in an attempt to have the motion seconded.

3.3.4 *Amendment of Motion*

1. An amendment to a motion shall be in terms which retain the identity of the original motion and does not contradict the motion.
2. Not more than one motion or one proposed amendment to a motion may be put before a meeting of Council at any one time.
3. Where an amendment to a motion is before a meeting of Council, no other amendment to the motion shall be considered until after the first amendment has been put.
4. Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

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Standing Orders for Council Meetings**3.3.5 Speaking to motions and amendments**

1. The mover of a motion or amendment shall read it and shall state that it is so moved but shall not speak to it until it is seconded.
2. The Councillor who proposed the motion is given the option of speaking first on the motion. The Chair then calls on any councillor who wishes to speak against the motion. Councillors will then alternate speaking for or against the motion until all Councillors who wish to speak have had the opportunity.
3. A Councillor may make a request to the Chair for further information before or after the motion or amendment is seconded.
4. A motion or amendment may be withdrawn by the mover thereof with the consent of Council, which shall be signified without debate, and a Councillor shall not speak upon such motion or amendment thereof after the mover has been granted permission by Council for its withdrawal.
5. The mover of a motion shall have the right to reply. The mover of any amendment shall have no right of reply. Each Councillor shall speak no more than once to the same motion or same amendment except as a right of reply.
6. Each speaker shall be restricted to not more than three (3) minutes unless the Chair rules otherwise.
7. Where two or more Councillors indicate they may wish to speak at the same time, the Chair shall determine who is entitled to priority.
8. Where a decision is made at a meeting involving either or both of the following:
 - (a) entering into a contract the total value of which is more than the greater of:
 - \$200,000 (ex GST) or;
 - 1% of the net rates and utility charges (or such other amounts as may be specified by legislation from time to time); and/or
 - (b) is inconsistent with the policy or approach:
 - ordinarily followed by the local government for that type of decision or;
 - previously adopted by the local government and which is still in force

and that decision is also inconsistent with a recommendation or advice given to Council by officers, the minutes of the meeting must include a statement of the reasons for not adopting the recommendation or advice. (reference S273 *Local Government Regulation 2012*).

3.3.6 Method of taking vote

1. A resolution is determined by a vote on a motion. A resolution is the formal adoption by Council of a position or an action.
2. Before any matter is put to the vote, the Chair may direct the motion or amendment to be read again. The Chair shall, in taking the vote on a motion or amendment, put the question, first in the affirmative and then in the negative and may do so as often as necessary to form and declare an opinion as to whether the affirmative or the negative has the majority vote.
3. Abstaining from voting is a negative vote.

Standing Orders for Council Meetings

4. The Chair has a deliberative vote and can exercise this right as a member of Council. If the votes on a matter are equal, legislation provides for the Chair to have a 'casting vote' to break the deadlock and bring resolution on the matter before Council.
5. Unless otherwise directed by the Chair, voting shall be by a show of hands.
6. Any Councillor may call for a division on a question before the Chair calls for a vote. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The vote for a division shall be taken by a show of hands.
7. The Chair shall declare the result of a vote or a division as soon as it has been determined.
8. The Chair will call for all Councillors in favour of the motion to indicate their support. The Chair will then call for all Councillors against the motion to indicate their objection. A Councillor may call for a 'division' to ensure their objection to the motion is recorded in the minutes. A call for a division must be made before the Chair calls for the vote. If a division is taken, the minute secretary shall record the names of Councillors voting in the affirmative and of those voting in the negative. The Chair shall declare the result of a vote or a division as soon as it has been determined.
9. Councillors have the right to request that their names and how they voted be recorded in the minutes if they so request, for voting other than by Division.
10. Except upon a motion to rescind or alter it, the resolution shall not be discussed after the vote has been declared.
11. If a report contains distinct recommendations, the decision of Council may be taken separately on each recommendation.

3.3.7 Rescinding or altering resolutions

1. A resolution of Council may not be altered or rescinded unless notice of motion is given in accordance with the requirements of the Local Government Act 2009 or the Local Government Regulation 2012.
2. Where a motion to rescind or alter a resolution is lost, a motion of the same or like effect shall not be moved until at least three months after the date on which the first mentioned motion to rescind or alter was lost.
3. Councillors present at the meeting at which a motion to rescind or alter a resolution is put, may defer consideration of that motion. Such deferral shall not be longer than three months.

3.3.8 Procedural motions

1. A Councillor at a meeting of Council may, during the debate of a matter at the meeting, move, as a procedural motion, without the need for a seconder the following motions:
 - that the question/motion be now put
 - that the motion and amendment now before the meeting be adjourned
 - that the meeting proceed to the next item of business
 - that the question lie on the table
 - a point of order
 - a motion of dissent against the Chairs decision

<p>Standing Orders for Council Meetings</p>

- that this report/document be tabled
 - to suspend the rule required that....
 - that the meeting stand adjourned
2. A procedural motion, that the question be put, may be moved and where such a procedural motion is carried, the Chair shall immediately put the question to the motion or amendment to that motion under consideration. Where such procedural motion is lost, debate on the motion or amendment to that motion shall continue.
 3. The procedural motion, that the motion and amendment now before the meeting be adjourned, may specify a time or date, to which the debate shall be adjourned. Where no date or time is specified,
 - a further motion may be moved to specify such a time or date; or
 - the matter about which the debate is to be adjourned, shall be included in the business paper for the next meeting.
 4. Where a procedural motion, that the meeting proceed to the next item is carried, debate on the matter that is the subject of the motion shall cease and may be considered again by Council on the giving of notice in accordance with the Standing Orders.
 5. A procedural motion, that the question lie on the table, shall only be moved where the Chair or a Councillor requires additional information on the matter before the meeting (or the result of some other action of Council or person is required) before the matter may be concluded at the meeting. Where such a procedural motion is passed, the Council shall proceed with the next matter on the business paper. The motion, that the matter be taken from the table, may be moved at the meeting at which the procedural motion was carried or at any later meeting.
 6. Any Councillor may ask the Chair to decide on a 'point of order' where it is believed that another Councillor has:
 - failed to comply with proper procedures,
 - is in contravention of the Local Government Act/Regulations, or
 - is beyond the jurisdiction power of Council.

Points of order cannot be used as a means of contradicting a statement made by the Councillor speaking. Where a 'point of order' is moved, consideration of the matter to which the motion was moved shall be suspended subject to clause 2 in the section titled 'Method of taking vote' as outlined above. The Chair shall determine whether the point of order is upheld.

Upon the question of order suddenly arising during the process of a debate, a Councillor may raise a point of order, and thereupon the Councillor against whom the point of order is raised, shall immediately cease speaking. Notwithstanding anything contained in these standing orders to the contrary, all questions or order at any time arising shall, until decided, suspend the consideration and decision of every other question.

7. A Councillor may move 'a motion of dissent' in relation to a ruling of the Chair on a point of order. Where such motion is moved, further consideration of any matter shall be suspended until after a ruling is made. Where a motion of dissent is carried, the matter to which the ruling of the Chair was made shall proceed as though that ruling had not been made. Where as a result of that ruling the matter was discharged as out of order, it shall be restored to the business paper and be dealt with in the normal course of business.

Standing Orders for Council Meetings

8. The motion, 'that this report/document be tabled', may be used by a Councillor to introduce a report or other document to the meeting. On tabling the document, it ceases to be a confidential document and is available for public scrutiny.
9. A procedural motion, "to suspend the rule requiring that", may be made by any Councillor in order to permit some action that otherwise would be prevented by a procedural rule. A motion to suspend a rule shall specify the duration of such a suspension.
10. A procedural motion, that the meeting stands adjourned, may be moved by a Councillor at the conclusion of debate on any matter on the business paper or at the conclusion of a Councillor's time for speaking to the matter, and shall be put without debate. Such a procedural motion will specify a time for the resumption of the meeting and on resumption of the meeting the Council shall continue with the business before the meeting at the point where it was discontinued on the adjournment.
11. Any other procedural motion is required to be seconded.

3.3.9 Conduct during Meetings

1. Councillors will conduct themselves in accordance with the principles of the LGA and the standards of behavior set out in the Code of Conduct. The Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.
2. After a meeting of Council has been formally constituted and the business commenced, a Councillor shall not enter or leave from such meeting without first notifying the Chair.
3. Councillors shall speak of each other during the Council meeting by their respective titles, "Mayor" or "Councillor", and in speaking of or addressing officers shall designate them by their respective official or departmental title, and shall confine their remarks to the matter then under consideration.
4. No Councillor who is speaking shall be interrupted except upon a point of order being raised either by the Chair or by a Councillor.
5. When the Chair speaks during the process of a debate, the Councillor then speaking or offering to speak shall immediately cease speaking, and each Councillor present shall preserve strict silence so that the Chair may be heard without interruption.
6. Councillors shall ensure there is no audible noise from mobile devices during a formally constituted meeting save and except with permission of the Chair.
7. Councillors may sit or stand and address the Chair while moving any motion or amendment, seconding any motion or amendment or taking part in any discussion, placing or replying to any question, or addressing the Council for any other purpose.
8. Councillors shall remain seated and silent while a vote is being taken.
9. No Councillor shall make personal reflections on or impute improper motives to any other Councillor.

Standing Orders for Council Meetings**3.4 QUESTIONS**

1. A Councillor may at a Council meeting ask a question for reply by another Councillor or an officer regarding any matter under consideration at the meeting. A question shall be asked categorically and without argument and no discussion shall be permitted at the meeting of Council in relation to a reply or a refusal to reply to the question. A Councillor or officer to whom a question is asked without notice may request that the question be taken on notice for the next Meeting.
2. A Councillor who asks a question at a meeting, whether or not upon notice, shall be deemed not to have spoken to the debate of the motion to which the question relates.
3. The Chair may disallow a question which is considered inconsistent with an acceptable request or good order, provided that a Councillor may move a motion that the Chair's ruling be disagreed with, and if such motion be carried the Chair shall allow such question.

3.5 MAINTENANCE OF GOOD ORDER**3.5.1 *Disorder***

1. The Chair may, where disorder by other than a Councillor arises at a meeting of Council, adjourn the meeting. On resumption of the meeting, the Chair shall move a motion, which shall be put without debate, to determine whether the meeting shall proceed. Where such a motion is lost, the Chair shall declare the meeting closed, and any outstanding matters referred to a future meeting.

3.5.2 *Business of Objectionable nature*

1. If, at a meeting of Council, the Chair or a Councillor considers that a matter or motion before a meeting is of an objectionable nature or outside the powers of Council, the Chair or another Councillor may move a motion to declare a point of order that the matter not be considered further.

3.6 ATTENDANCE AND NON-ATTENDANCE**3.6.1 *Attendance of public*****3.6.2 *and media at meeting***

1. An area shall be made available at the place where any meeting of Council is to take place for members of the public and media to attend the meeting and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.
2. When the Council is sitting in Closed Session, the public and representatives of the media shall be excluded.
3. The resolution that Council proceed into Closed Session must specify the nature of the matters to be considered and these matters must be in accordance with Section 275 *Local Government Regulation 2012*. The Chair may direct any persons improperly present to withdraw immediately. Council must not make a resolution (other than a procedural resolution) in a closed session. Council must resolve to move out of closed session so that a resolution can be passed on the matters considered in Closed Session.

Standing Orders for Council Meetings**3.6.3 Public Participation at meetings**

1. Except when invited to do so by the Chair, a member of the public shall not take or attempt to take part in the proceeding of a meeting.
2. In each Meeting, time may be required to permit members of the public to address the Council on matters of public interest related to local government. The time allotted shall not exceed fifteen minutes and no more than three speakers shall be permitted to speak at any one meeting. The right of any individual to address the Council during this period shall be at the absolute discretion of Council.
3. If any address or comment is irrelevant, offensive, or unduly long, the Chair may require the person to cease making the submission or comment.
4. For any matter arising from such an address, Council may take the following actions:
 - refer the matter to a committee
 - deal with the matter immediately
 - place the matter on notice for discussion at a future meeting
 - note the matter and take no further action.
5. During a debate on a motion, the Chair may invite submission, comments or questions from members of the public.
6. Any person addressing the Council shall stand and act and speak with decorum and frame any remarks in respectful and courteous language.
7. Any person who is considered by the Council or the Mayor to be unsuitably dressed may be directed by the Mayor or Chairperson to immediately withdraw from the meeting. Failure to comply with such a request may be considered an act of disorder.
8. Any person who is considered by the Council or the Mayor to be conducting themselves in an unsuitable manner, may be directed by the Mayor or Chair to immediately withdraw from the meeting. Should any person fail to adhere to this direction, they may be forcibly removed from the premises.
9. Audio and/or video recording of a Council meeting by a member of the public is not permitted unless approved by the Chair.

3.7 PROCESS FOR DEALING WITH UNSUITABLE MEETING CONDUCT BY A COUNCILLOR IN A MEETING

While Councillors generally will conduct themselves in accordance with the principles of the LGA, the Chairperson may observe or be made aware of instances of possible unsuitable meeting conduct.

When dealing with an instance of unsuitable conduct by a Councillor in a meeting, the following procedures must be followed:

1. The Chairperson must decide whether or not unsuitable meeting conduct has been displayed by a Councillor.
2. If the Chairperson decides the unsuitable meeting conduct has occurred, the Chairperson must consider the severity of the conduct and also if the Councillor has had any previous warnings issued. If the Chairperson decides the conduct is of a serious nature, section 3.7, item 7 for the steps to be taken.

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<p>Standing Orders for Council Meetings</p>

3. If the Chairperson decides unsuitable meeting conduct has occurred but is of a less serious nature, the Chairperson may request the Councillor take remedial actions such as:
 - Ceasing the unsuitable meeting conduct and refraining from exhibiting the conduct
 - Apologising for their conduct
 - Withdrawing their comments.
4. If the Councillor complies with the Chairperson's request for remedial action, no further action is required.
5. If the Councillor fails to comply with the Chairperson's request for remedial action, the Councillor may warn the Councillor that failing to comply with the request may result in an order being issued.
6. If the Councillor complies with the Chairperson's warning and request for remedial action, no further action is required.
7. If the Councillor still continues to fail to comply with the Chairperson's request for remedial action, the Chairperson may make one or more of the orders below:
 - an order reprimanding the Councillor for the conduct
 - an order requiring the Councillor to leave the meeting, including any area set aside for the public and stay out for the duration of the meeting.
8. If the Councillor fails to comply with an order to leave and stay away from the meeting, the Chairperson can issue an order that the Councillor be removed from the meeting.
9. Following the completion of the meeting, the Chairperson must ensure:
 - (a) details of any order issued is recorded in the minutes of the meeting
 - (b) if it is the third (3rd) or more order within a 12-month period made against a Councillor or the Councillor has refused to leave following an order issued to leave the meeting,
 - (c) these matters are to be dealt with at the next meeting of the Local Government and treated as inappropriate conduct pursuant to the LGA.
 - (d) the Local Government's Chief Executive Officer is advised to ensure details of any order made must be updated in the Local Governments Councillor Conduct Register pursuant to the LGA.

Any Councillor aggrieved with an order issued by the Chairperson can move a motion of dissent for parts 1, 7 and 8 above.

3.8 MEETING PROCESS FOR DEALING WITH SUSPECTED INAPPROPRIATE CONDUCT WHICH HAS BEEN REFERRED TO A LOCAL GOVERNMENT

Pursuant to section 150AF of the LGA, after receiving a referral by the Assessor or under section 3.7, item 9(b) of this document of an instance of suspected inappropriate conduct to deal with, the Local Government must complete an investigation into the conduct.

After the completion of the investigation, the Local Government must decide whether the Councillor has engaged in inappropriate conduct under this procedure in a Council meeting, unless it has delegated responsibility for this decision under section 257 of the LGA.

When dealing with an instance of suspected inappropriate conduct which has been referred to a Local Government by the Assessor, the Local Government must:

Standing Orders for Council Meetings

1. Be consistent with the Local Government principle of transparent and accountable decision making in the public interest, when dealing with suspected inappropriate conduct in an open meeting of the Council. However, where the complainant or other parties may be adversely affected due to the nature of the complaint, the Council may resolve to go into closed session under section 275 of the *Local Government Regulation 2012* (the LGR).
2. When deliberating on the issue the subject Councillor must leave the place where the meeting is being held, including any area set aside for the public. Should the complainant be a Councillor, that Councillor must declare a conflict of interest and leave the place where the meeting is being held, including any area set aside for the public or provide a detailed explanation on how it would be in the public interest for the complainant Councillor to stay.
3. The Local Government should then debate the issue and decide whether the accused Councillor engaged in inappropriate conduct.
4. If the Local Government decides that the subject Councillor has engaged in inappropriate conduct, the Local Government is then required to decide what penalty or penalties from the following orders if any to impose on the subject Councillor:
 - an order that the Councillor make a public admission that the Councillor has engaged in inappropriate conduct
 - an order reprimanding the Councillor for the conduct
 - an order that the Councillor attend training or counselling to address the Councillor's conduct, including at the Councillor's expense
 - an order that the Councillor be excluded from a stated Local Government meeting
 - an order that the Councillor is removed, or must resign, from a position representing the Local Government, other than the office of Councillor, for example, the Councillor
 - is ordered to resign from an appointment representing the Local Government on a State board or committee
 - an order that if the Councillor engages in the same type of conduct again, it will be treated as misconduct
 - an order that the Councillor reimburse the Local Government for all or some of the costs arising from the Councillor's inappropriate conduct.
5. When making an order, the Local Government can take into consideration any previous inappropriate conduct of the Councillor, and any allegation made in the investigation that was admitted, or not challenged and that the Local Government is reasonably satisfied is true.
6. The subject Councillor and where relevant the complainant Councillor, must be invited back into the place where the meeting is being held once a decision has been made.
7. The Local Government must ensure the meeting minutes reflect the resolution made.

3.8.1 Material Personal Interest

Councillors are ultimately responsible for disclosing a material personal interest on matters to be discussed at a Local Government or committee meeting. When dealing with a material personal interest, Councillors must abide by the following procedures:

1. A Councillor with a material personal interest must inform the meeting of the Local Government of their material personal interest and set out the nature of the interest, including:
 - The name of the person or other entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting

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Standing Orders for Council Meetings

- How a person or other entity stands to gain the benefit or suffer the loss
 - If the person or other entity who stands to gain the benefit or suffer the loss is not the Councillor – the nature of the Councillor’s relationship to the person or entity.
2. The Councillor must then leave the place of the meeting and stay away while the matter is being discussed and voted on unless the subject Councillor has Ministerial approval to participate in the matter.
 3. In the event the majority of Councillors have a material personal interest regarding a matter:
 - the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 238 of the LGA; or
 - if the matter cannot be delegated under the section 238 of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to conditions the Minister for Local Government may impose.
 4. Once the Councillor has left the area where the meeting is being conducted, the Local Government can continue discussing and deciding on the matter at hand.
 5. The Chairperson is responsible for ensuring that the minutes contain the Councillor’s declaration in addition to the necessary information as listed below:
 - The name of the Councillor who has a material personal interest in the matter
 - The material personal interest, including the particulars mentioned by the Councillor regarding the material personal interest
 - Whether the Councillor participated in the meeting, or was present during the meeting, under an approval granted by the Minister for Local Government.
 6. Should a Councillor disclose a material personal interest it must be recorded in the meeting minutes and provided on the Local Government’s website in accordance with the LGA.

3.8.2 Conflict of Interest

Councillors are ultimately responsible for disclosing of a real or perceived conflict of interest on matters to be discussed at a Local Government or committee meetings. When dealing with a conflict of interest, Councillors must abide by the following procedures:

1. A Councillor with a real or perceived conflict of interest must inform the meeting of the Local Government of their conflict of interest and set out the nature of the interest, including:
 - The nature of the interests
 - If the Councillors personal interest arise because of the Councillors relationship with, or receipt of a gift or benefit from, another person, then:
 - the name of the other person
 - the nature of the relationship or value and date of receipt of the gift or benefit received
 - the nature of the other persons interests in the matter
 - name of the person or other entity who will be advantaged or disadvantaged depending on the outcome of the consideration of the matter at the meeting.
2. In the event a Councillor suspects that another Councillor has not informed the meeting of a real or perceived conflict of interest concerning a matter being discussed in a meeting they are obliged to advise the meeting of the suspected conflict.

Standing Orders for Council Meetings

3. The subject Councillor must then be provided the opportunity to address the meeting about the potential need to make a declaration of conflict of interest. This could include prior advice from the Integrity Commissioner on the potential conflict of interest.
4. The subject Councillor must leave the meeting or advise the other Councillors why they believe they are able to act in the public interest while remaining in the meeting. The subject Councillor must then leave the meeting.
5. The Councillors must then decide whether the subject Councillor has a real or perceived conflict of interest or could reasonably be taken to have a conflict of interest in the matter.
6. If the Councillors decide there is no conflict of interest, the subject Councillor may return to the meeting and the meeting may continue.
7. If the Councillors decide there is a conflict of interest they must then decide whether the subject Councillor can participate in the meeting including voting in the public interest on the matter or whether the Councillor should remain out of the meeting while the matter is being discussed and voted on.
8. When deciding whether a Councillor may stay in a meeting and vote following declaration of a conflict of interest, the Councillors must consider significant variables such as:
 - The size or significance of the benefit the subject Councillor stands to receive or benefit
 - The benefit the subject Councillor stands to receive versus the benefit the community stands to receive from the potential decision
 - The closeness of any relationship the subject Councillor may have with a given person or group
9. In making the decision under part 8, it is irrelevant how the subject Councillor intended to vote on the issue or any other issue.
10. In the event the majority of Councillors have a conflict of interest regarding a matter:
 - the Local Government must resolve to delegate the consideration and decision on the matter, pursuant to section 238 of the LGA; or
 - if the matter cannot be delegated under the section of the LGA, the Local Government should seek Ministerial approval for the Councillors to be able to consider and vote on the matter, subject to conditions the Minister for Local Government may impose.
11. Where a conflict of interest has been declared, the Chairperson must ensure the minutes of the meeting and the Local Governments website are updated and record:
 - The name of the Councillor who has declared the conflict of interest
 - The nature of the personal interest, as described by the Councillor
 - If the Councillor voted on the matter, how they voted
 - How the majority of Councillors voted on the matter.

3.8.3 Closed Meetings

Local Government and standing committees may resolve that a meeting be closed to the public if its Councillors or members consider it necessary to discuss any of the following matters:

- Appointment, dismissal or discipline of employees
- Industrial matters affecting employees
- Local Government's budget

Standing Orders for Council Meetings

- Rating concessions or contracts proposed to be made by the Local Government or starting or defending legal proceedings involving the Local Government
- Any action to be taken by the Local Government under the Planning Act 2009 (PA), including applications made to it under the PA
- Business for which a public discussion would be likely to prejudice the interests of the Local Government or someone else or enable a person to gain a financial advantage.

A Local Government or committee must not make a resolution (other than procedural) in a closed session meeting. A Local Government cannot go into closed session if any person is to take part in the meeting by teleconferencing.

1. To take an issue of accountability and transparency, the Local Government must first pass a resolution to do so.
2. In the interests of accountability and transparency, the Local Government must specify the nature of the matter to be discussed and the reasoning of the Councillors for going into closed session.
3. If the matter is known in advance, the agenda should clearly identify that the matter will be considered in closed session and name the topic to be discussed and a brief explanation of why it is deemed necessary to take the issue into closed session.
4. The minutes of a Local Government must clearly detail the matter discussed and reasoning for discussing the matter in closed session. The Local Government must also ensure they comply with the statutory obligations associated with recording of passed resolutions.

3.9 PROCEDURES NOT PROVIDED FOR

If an appropriate or adequate method of dealing with any matter is not provided for in the Standing Orders, the method of dealing with the matter may be determined by resolution upon a motion which may be put without notice in conformity with the local law and Standing Orders.

3.10 AMENDMENT OF STANDING ORDERS

Standing Orders are a Council policy and can be amended by resolution of Council at any time.

4. REPORTING

No additional reporting is required

5. DEFINITIONS

Assessor means the Independent Assessor appointed under section 150CV of the LGA

conduct includes—

- (a) failing to act; and
- (b) a conspiracy, or attempt, to engage in conduct

inappropriate conduct see section 150K of the LGA

investigation policy, refers to this policy, as required by section 150AE of the LGA

Standing Orders for Council Meetings

LGA means the *Local Government Act 2009 (the Act)*

local government meeting means a meeting of—

- (a) a local government; or
- (b) a committee of a local government.

misconduct see section 150L of the LGA

unsuitable meeting conduct see section 150H of the LGA

6. RELATED DOCUMENTS AND REFERENCES

Code of Conduct for Councillors
Councillors Conduct Register
Investigations Policy
Local Government Act 2009

7. REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.



Councillor Remuneration, Expenses Reimbursement and Resources Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Chief Executive Officer	Date Approved:	18 Sep 2019
Review Officer:	Chief Executive Officer	Review Due:	18 Sep 2023
Author:	Director Corporate and Community Services	Commencement:	18 Sep 2019

1. PURPOSE

The purpose of the policy is to ensure that elected members can receive reimbursement of reasonable expenses and be provided with the necessary facilities to perform their role. The policy will ensure accountability and transparency in the reimbursement of expenses incurred by the Mayor, Deputy Mayor and Councillors.

The policy also includes details of how the remuneration payable to local government Councillors is determined by the Local Government Remuneration and Discipline Tribunal.

2. STATEMENT OF PRINCIPLES

This policy is consistent with the local government principles as set out in the *Local Government Act 2009*:

- Transparent and effective processes, and decision making in the public interest;
- Sustainable development and management of assets and infrastructure, and delivery of effective services;
- Democratic representation, social inclusion and meaningful community engagement;
- Good governance of, and by, local government; and
- Ethical and legal behaviour of Councillors and local government employees.

3. SCOPE

This policy applies to the Mayor, Deputy Mayor and Councillors of the Mareeba Shire.

4. BACKGROUND / SUPPORTING INFORMATION

A local government is required to adopt an expenses reimbursement policy in accordance with the relevant provisions of the *Local Government Regulation 2012*.

The adopted policy can be amended, by resolution, at any time and must be able to be inspected and a copy purchased by the public at the local government's public office and also published on the local government's website.

In order to provide clarity around the provisions of the policy, the following will apply:

Council business will include attendance at any official meeting of the Council, including the meetings of any Committee appointed by the Council under the relevant section of the *Local Government Regulation 2012*, Councillor forums and workshops and meetings of any external agency, committee, board or organisation on

Councillor Remuneration, Expenses Reimbursement and Resources Policy
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which Council input or representation is desirable and to which a Councillor has been appointed by formal resolution of the Council.

Council business also includes attendance at meetings and functions of community groups and organisations which Councillors have been formally requested or appointed to attend in an official capacity. It should be noted, however, that Council business should result in a benefit being achieved either for the local government and/or the local government area. Council may decide that this extends to performing civic ceremony duties such as opening a school fete, however, participating in a community group event or being a representative on a board not associated with Council is not regarded as Council business.

5. POLICY STATEMENT

5.1 REMUNERATION

In accordance with the relevant provisions of the *Local Government Act 2009*, the Local Government Remuneration and Discipline Tribunal is responsible for:

- a. Establishing the categories of local governments; and
- b. Deciding which categories each local government belongs to; and
- c. Deciding the remuneration that is payable to the Councillors in each of those categories.

In accordance with the relevant sections of the *Local Government Regulation 2012*, the Tribunal must, on or before 1 December each year and for each category of local government, decide and publish in the Gazette the remuneration schedule that may be paid from 1 July of the following year to a Mayor, Deputy Mayor or a Councillor of a local government in each category.

The remuneration may include, or may separately provide for, remuneration for the duties a Councillor may be required to perform if the Councillor is appointed to a committee, or as chairperson or deputy chairperson of a committee, of a local government.

The remuneration fixed by the Tribunal is all inclusive and no additional remuneration is payable for sick leave, annual leave, or any other benefits otherwise applicable to employees other than superannuation. The remuneration can not include any amount for expenses to be paid or facilities to be provided to a Councillor under the expenses reimbursement section of this policy.

The maximum amount of remuneration payable to a Councillor, as determined by the Tribunal, must be paid to the Councillor unless the local government decides, by resolution, not to pay the maximum amount.

Any resolution not to pay the maximum amount must be made within 90 days after each remuneration schedule is published in the Gazette. Apart from a resolution not to pay the maximum amount, there are no other resolutions required of Council in relation to remuneration and the schedules published by the Tribunal apply automatically from the 1 July in each year.

The Tribunal has determined that the Mareeba Shire Council will be a Category 2 Council as from 1 July 2016.

5.1.1 Superannuation and tax

The Council may, by unanimous Council resolution, elect to be an "eligible local governing body". This empowers the withholding of Councillors' income tax and automatic payment of the superannuation guarantee contribution.

Councillor Remuneration, Expenses Reimbursement and Resources Policy**5.2 EXPENSES****5.2.1 *Payment of Expenses***

Reimbursement of expenses will be paid to a Councillor through administrative processes approved by the Council's Chief Executive Officer (CEO) subject to:

- the limits outlined in this policy and
- Council endorsement by resolution.

The administrative process for payment of expenses is:

- Councillors complete the Councillor Expenses Reimbursement Voucher, attaching copies of supporting documentation such as log book extracts and receipts;
- Completed forms submitted to the CEO for approval;
- Office of the CEO forwards approved forms to accounts payable.

5.2.2 *Travel as required to represent Council*

Council will reimburse local and in some cases interstate and overseas travel expenses (e.g. flights, motor vehicle, accommodation, meals and associated registration fees) deemed necessary to achieve the business of Council where:

- a Councillor is an official representative of Council; and / or
- the activity/event and travel have been endorsed by resolution of Council or approved by the Mayor and/or the CEO.

Councillors are to travel via the most direct route, using the most economical and efficient mode of transport.

5.3 VEHICLES**5.3.1 *Use of council vehicles on council business***

A Council vehicle will be provided for use by the Mayor and other Councillors may have access to a Council vehicle, as required (and if available at the time), for official Council business. A Councillor wishing to use a Council vehicle for Council business must submit a request to the Chief Executive Officer at least two (2) days prior to use, except in exceptional circumstances as determined between the Councillor, Mayor and CEO.

5.3.2 *Private use of Council vehicles*

Private use of Council owned vehicles is only permitted if prior approval has been granted by the Mayor in writing. Reimbursement for private usage will be calculated on the basis of the number of private kilometres travelled as per log book substantiation, multiplied by the appropriate rate per business kilometre as determined by the Australian Taxation Office.

NOTE: Private use is not encouraged and only approved in extreme circumstances.

"Private use" in this context does not include incidental and occasional private use if the private destination is on a direct path between Council business destinations.

Councillor Remuneration, Expenses Reimbursement and Resources Policy
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Fuel costs

Fuel for a Council owned vehicle used for official Council business, will be provided or paid for by Council.

Fuel costs associated with use of a Councillor's private vehicle are covered by the private vehicle expenses reimbursement rates.

5.3.3 Use of a Councillor's private vehicle

A Councillor's private vehicle usage will be reimbursed by Council if the:

- travel within the region is required to conduct official Council business (this includes driving their own private vehicle to and from Council offices and use of their vehicle to carry out any inspections deemed necessary to fulfil their role as a Councillor, including inspections of roads, Council works and facilities, areas of complaint and development application proposals);
- travel outside the region has been endorsed by Council resolution or by the Mayor;
- claim for mileage is substantiated with log book details; and
- total travel claim, where applicable, does not exceed the cost of the same travel using economy flights plus the cost of taxi transfers.

Reimbursement rates for business kilometres as published by the Australian Tax Office will be applied.

Private vehicle insurance is at the risk of the user for both private and business use.

NOTE: Any fines incurred while travelling in Council owned vehicles or privately owned vehicles when attending to Council business, will be the responsibility of the Councillor incurring the fine.

5.3.4 Policy on vehicle use in cases of where high mileage travel

Reimbursement of private vehicle use is only cost effective under a certain threshold. This threshold is dependent on the type of vehicle and will be determined on a regular basis (where necessary) to ensure the most cost efficient method is used.

Where Councillors are expected to, or do, travel over the annual threshold, they can, by request to the Mayor, be provided with a Council vehicle under the same terms and conditions as the Mayor instead of being reimbursed a kilometre allowance. This will also be dependent on the availability of a Council vehicle.

In the event that a Council vehicle is allocated to a Councillor as a result of this clause, this allocation will be reviewed quarterly to ensure that the threshold is still being exceeded. A logbook must be maintained at a standard that the ATO will accept to negate any FBT liability.

5.3.5 Car parking amenities

Council will reimburse Councillors for parking costs paid by Councillors while attending to official Council business.

5.4 TRAVEL BOOKINGS

All Councillor travel approved by Council will be booked and paid for by Council, unless travelling by private or Council vehicle. Wherever possible, payment for such travel will be made by Council in advance.

Councillor Remuneration, Expenses Reimbursement and Resources Policy

Economy class is to be used where possible although Council may approve business class in certain circumstances.

Airline tickets are not transferable and can only be procured for the Councillor's travel on Council business. They cannot be used to offset other unapproved expenses. (e.g. cost of partner or spouse accompanying the Councillor).

Council will pay for reasonable expenses, per ATO determination, incurred for overnight accommodation when a Councillor is required to stay outside the Mareeba Shire Council local government area.

5.5 TRAVEL TRANSFER COSTS

Any travel transfer expenses associated with Councillors travelling for Council approved business will be reimbursed.

Example: Trains, taxis, buses and ferry fares.

5.6 ACCOMMODATION

All Councillor accommodation for Council business will be booked and paid for by Council. Council will pay for the most economical deal available. Where possible, the minimum standards for Councillors' accommodation should be three or four star rating. Where particular accommodation is recommended by conference organisers, Council will take advantage of the package deal that is the most economical and convenient to the event. Should more than one Councillor attend the same event, Council will book and pay for a separate accommodation room for each attending Councillor.

5.7 MEALS

Council will reimburse the reasonable cost of meals for a Councillor where a Councillor:

- incurs the cost personally; and
- is not provided with a meal:
 - within the registration costs of the approved activity/event;
 - during an approved flight; and
- produces a valid tax invoice.

Council will reimburse the actual cost of meals, however the current Australian Taxation Office determination in this regard will be considered with regard to the reasonableness of the claim.

If a Councillor, for some legitimate reason, is unable to produce a tax invoice and seeks reimbursement for meals while attending official Council business, he/she may claim up to a maximum of the following meal allowance amounts (noting this can only occur when the meal was not provided within the registration costs of the approved activity/event):

Breakfast	\$25.20	Applies if the Councillor is required to depart their home prior to 6.00am
Lunch	\$28.75	
Dinner	\$49.60	Applies if the Councillor returns to their home after 9.00pm

Councillor Remuneration, Expenses Reimbursement and Resources Policy

No alcohol will be paid for by Council.

Should the Councillor choose not to attend a provided dinner/meal, then the full cost of the alternative meal shall be met by the Councillor.

5.8 INCIDENTAL ALLOWANCE

Up to \$20.05 per day, as per ATO determination, may be paid by Council to cover any incidental costs incurred by Councillors required to travel, and who are away from home overnight, for official Council business.

5.9 ADMINISTRATIVE TOOLS

Administrative tools will be provided to Councillors as required to assist Councillors in their role.

Administrative tools may include:

- Office space and Council meeting rooms;
- Access to computers;
- Use of Council landline telephone and internet access;
- Access to fax, photocopier, scanner, printer and stationery;

Secretarial support may also be provided for the Mayor and Councillors, within the existing staff structure, by Council resolution.

In recognition of the fact that office space within Council facilities is limited and that use of technology such as internet and electronic distribution of agendas and minutes is generally more efficient and practical than requiring Councillors to travel to the Council administration centre to undertake the day to day tasks associated with their role, accordingly, Council will supply and pay for an internet and land based phone line at the Councillor's residence. An individual combination printer/scanner/fax may also be provided for home office use if required.

Council will pay the installation costs (if required) and the monthly costs for the line rental and current internet package. The amount paid will be based on the Telstra Home Broadband S package .

iPad

To further enhance the ability of Councillors to communicate electronically with Council, particularly email communication and distribution of agendas, minutes and other information, Council will pay for the purchase of an iPad and associated internet usage via a monthly package arrangement. The package will be to the value of Telstra Mobile Package M base model Apple device.

The Councillor is to arrange the purchase of the iPad and appropriate monthly data plan in their personal capacity. Council will pay the package amount, as above, to the Councillor on a monthly basis. Any costs over and above the monthly payment by Council will be at the Councillor's expense.

Alternatively, Councillors may elect to have an iPad supplied to them by Council and connected to a Council arranged monthly data plan.

Mobile Phone

Councillor Remuneration, Expenses Reimbursement and Resources Policy

As per the above arrangements for supply of an iPad for Councillors' use, Council will also pay the costs of a mobile phone package for Councillors.

The package will be to the value of Telstra Mobile Package XL base model Apple device.

The Councillor is to arrange the purchase of the phone and appropriate monthly phone plan in their personal capacity. Council will pay the package amount, as above, to the Councillor on a monthly basis. Any costs over and above the monthly payment by Council will be at the Councillor's expense.

Alternatively, Councillors may elect to have an iPhone supplied to them by Council and connected to a Council arranged monthly phone plan. Where this option is chosen, an amount of \$240 per annum will be deducted from the remuneration payable to the Councillor/s concerned to cover the cost of any private usage of the Council phone unless a Statutory Declaration is signed undertaking not to use the phone for private calls.

General

All Council supplied electronic devices are provided under Council's policies relating to computer use, security and internet and email usage. Supplied devices will be supported and maintained through Council's IT Request Tracker system within standard business hours.

Where required, training in the use of the equipment/software that has been provided by Council will be available.

Council will be responsible for the ongoing maintenance and reasonable wear and tear costs of Council owned equipment that is supplied to Councillors for official business use.

5.10 INSURANCE COVER

Council will indemnify or insure Councillors in the event of injury sustained while discharging their civic duties. Specifically, insurance cover will be provided for public liability, professional indemnity, Councillors liability and personal accident.

Council will pay the excess for injury claims made by a Councillor resulting from conducting official Council business and on any claim made under insurance cover.

Council will cover costs incurred through injury, investigation, hearings or legal proceedings into the conduct of a Councillor, or arising out of, or in connection with the Councillor's performance of his/her civic functions. Where it is found that a Councillor breached the provisions of the Local Government Act or that the conduct the subject of investigation, hearings or legal proceedings was intentional, deliberate, dishonest, fraudulent, criminal or malicious, the Councillor will reimburse Council for all associated costs incurred by Council.

5.11 PROFESSIONAL DEVELOPMENT

Where Council resolves that Councillors are to attend training courses, workshops, seminars and conferences that are related to the role of a Councillor (mandatory professional development), Council will reimburse the total costs of their attendance at the nominated events.

In addition, where a Councillor identifies a need to attend a conference, workshop or training to improve skills relevant to their role as a Councillor (discretionary professional development), expenses will be reimbursed

Councillor Remuneration, Expenses Reimbursement and Resources Policy

as per Council resolution on a case by case basis. The Mayor may attend any LGAQ conference/seminar or other relevant conference as Council's representative as required.

Councillors desirous of undertaking either mandatory or discretionary professional development should advise the CEO of their interest in attending a specific training course, workshop, seminar or conference and the CEO will provide a report to Council seeking Council endorsement of attendance at the event.

6. REPORTING

No additional reporting is required

7. DEFINITIONS

Nil

8. RELATED DOCUMENTS AND REFERENCES

Nil

9. REVIEW

It is the responsibility of the Chief Executive Officer to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council, with a preference to reviewing within six months of each quadrennial election.



Internal Audit Policy

Policy Type	Governance Policy	Version:	2.0
Responsible Officer	Chief Executive Officer	Date Approved:	18 Sep 2019
Review Officer:	Director Corporate and Community Services	Review Due:	1 July 2023
Author:	Director Corporate and Community Services	Commencement:	18 Sep 2019

1. PURPOSE

To establish a policy about an internal audit function and its interaction with the Audit Committee.

2. SCOPE

This policy is to apply to the Internal Auditor, the Audit Committee and staff involved in the internal audit function.

3. POLICY STATEMENT

Council will establish and maintain an internal audit function.

Council is to appoint an Internal Auditor (who may or may not be a local government employee).

The Internal Auditor must perform the following duties:

- a) Identify and assess the risks to which the local government's operations are exposed;
- b) Prepare audit plans to lessen the identified risks;
- c) Develop a work program for all internal audit activities of the local government;
- d) Supply a summary of each internal audit report to the Mayor, Chief Executive Officer and the Audit Committee;
- e) Supply a summary of audit findings, actions taken and actions outstanding to the Mayor, Chief Executive Officer and Audit Committee;
- f) Attend Audit Committee meetings;
- g) Perform probity reviews on various matters across Council as required.

4. REPORTING

No additional reporting is required

5. DEFINITIONS

Nil

6. RELATED DOCUMENTS AND REFERENCES

Section 105(1) of the *Local Government Act 2009* provides that each local government must establish an efficient and effective internal audit function.

Section 207 of the *Local Government Regulation 2012* provides as follows:

207 Internal audit

- (1) For each financial year, a local government must—

Internal Audit Policy

- (a) prepare an internal audit plan; and
- (b) carry out an internal audit; and
- (c) prepare a progress report for the internal audit; and
- (d) assess compliance with the internal audit plan.

(2) A local government's **internal audit plan** is a document that includes statements about—

- (a) the way in which the operational risks have been evaluated; and
- (b) the most significant operational risks identified from the evaluation; and
- (c) the control measures that the local government has adopted, or is to adopt, to manage the most significant operational risks.

(3) A local government must give its audit committee—

- (a) the progress report mentioned in subsection (1)(c); and
- (b) at least twice during the year after the internal audit is carried out, each of the following documents—
 - (i) a summary of the recommendations stated in the report;
 - (ii) a summary of the actions that have been taken by the local government in response to the recommendations;
 - (iii) a summary of any actions that have not been taken by the local government in response to the recommendations.

7. REVIEW

It is the responsibility of the CEO to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every four years or as required by Council.



Internal Audit Charter

Policy Type	Council Procedure	Version:	2.0
Responsible Officer	Chief Executive Officer	Date Approved:	18 Sep 2019
Review Officer:	Director Corporate and Community Services	Review Due:	1 July 2023
Author:	Director Corporate and Community Services	Commencement:	18 Sep 2019

1. PURPOSE

Section 105 (1) of the *Local Government Act 2009* requires Council to establish an internal audit function. It is the policy of Council to provide an internal audit function, independent of all other organisational functions. This Internal Audit Charter establishes the authority and responsibility conferred by Council on the internal audit function and incorporates the internal audit requirements of Section 207 of the *Local Government Regulation 2012*. It is the purpose of this Charter to define the function, scope, operating and reporting parameters for the internal audit activity.

2. SCOPE

The internal audit function is established to assist the Council, Audit Committee, Chief Executive Officer (CEO) and other levels of management to achieve sound managerial control over all activities under their control, in order that these activities can be carried out efficiently and effectively. The objectives of internal audit are achieved by furnishing Council, Audit Committee and CEO and other levels of management with reports, analyses, appraisals, recommendations, counsel and information concerning the activities audited/reviewed and by promoting effective control at reasonable cost.

Accordingly audit planning must be sufficiently comprehensive to regularly audit/review all facets of Council's operations, having regard to the functions and duties imposed on Council. An effective audit function will provide Council and the CEO with:

- Risk based appraisals of Council functions and activities to determine their appropriateness in the context, of Council objectives (including, but not restricted to accounting and financial management information, performance monitoring and control systems).

3. PROCEDURE STATEMENT

3.1 INDEPENDENCE AND POSITION OF INTERNAL AUDIT FUNCTION WITHIN COUNCIL

The internal audit function has independent status within the Council and for that purpose:

- a) Shall be responsible for operational purposes to the CEO but shall have further access to the Audit Committee.
- b) Subject to 3.1(a), shall be independent of any section or officer or employee of Council.
- c) Shall have no executive or managerial powers, functions, authorities or duties except those relating to the management of the audit function.
- d) Shall not be involved in the day-to-day operation of Council, nor in the internal operational checking systems of Council except those relating to the administration and management of the audit activities.
- e) Shall not be responsible for the designing, installing or maintaining of systems, procedures or controls, but will advise on these matters and provide assurance to management that completed systems will contribute to the achievement of the intended corporate objectives. If,

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Internal Audit Charter

however, the internal audit function is involved in the detailed development or implementation of a system, then any post implementation review should, as far as possible, be conducted by staff entirely independent of the Internal Auditor.

3.2 AUTHORITY

Internal audit function has neither direct responsibility, nor authority over any of the activities which it audits. Therefore the audits and evaluations do not in any way relieve other persons in Council of the responsibilities assigned to them.

Internal audit function shall generally undertake projects in accordance with internal audit plans approved by the Audit Committee but shall also conduct such further unscheduled projects as the CEO considers desirable. Due consideration should also be given to the views of the Directors in regard to suitable projects.

Internal audit function is authorised to review all areas of Council and to have access to all of Council's activities, records (both manual and electronic), property and personnel relevant to the scope of their audit project. Council activities include entities over which Council has direct management or financial control.

All employees shall co-operate fully in making available any material or information reasonably requested by the Internal Auditor.

It is the policy of Council that all audit activities remain free of influence by any organisational elements. This will include such matters as scope of audit programs, the frequency and timing of examinations and the content of audit reports.

For approved areas of audit, evaluation and review, where the Internal Auditor does not possess all the necessary experience/skills, additional internal or external resources may be utilised, subject to approval by the CEO, or as provided for in the audit plan.

3.3 RELATIONSHIP TO EXTERNAL AUDIT

In accordance with *Australian Auditing Standards*, the Internal Auditor may advise the Auditor- General or its delegates about any audit findings. Also to advise CEO and where it involves the CEO, the Managers.

The Internal Auditor shall co-operate fully with the Auditor-General and the appointed external auditor in respect of any internal audits undertaken by the internal audit function. Working papers together with any further explanations are to be made available in order to enhance the effectiveness of the total audit coverage and to minimise duplication.

To ensure that the internal audit function is aware of all matters associated with its functional responsibilities, the Internal Auditor is to be supplied with copies of all relevant correspondence received from external audit and Queensland Audit Office.

3.4 INTERNAL AUDIT ACTIVITIES

The activities of the Internal Audit is generally subject to the Audit Plan.

The range of internal auditing is to determine whether the organisation's network of governance, risk management and control processes, as designed and represented by management, is adequate and functioning in an effective manner. It may include, but is not necessarily limited to, the following:

Internal Audit Charter

- The core role of internal audit function with regard to Enterprise Risk Management (ERM) is to provide objective assurance to Council on the effectiveness of the organisation's ERM activities to help ensure key business risks are being managed appropriately and that the system of internal control is operating effectively.
- Developing a Three Year Internal Audit Plan and an Annual Internal Audit Plan, based on risk analysis. The plans shall be reviewed and approved by the Audit Committee. In the formulation of these plans, the views of the CEO should be taken into consideration. Work programs/proposals will be prepared for each audit activity or project undertaken by Internal Audit.
- Conduct audit projects of Council activities as directed by the CEO.
- Undertake a probity role as directed by the chief executive officer such as, but not limited to, probity checks on significant tender processes.
- Reviewing the reliability and integrity of financial and operating information and the means used to identify, measure, classify and report such information.
- Reviewing the systems established to ensure compliance with those policies, plans, procedures, laws and regulations which could have a significant impact on operations and reports and whether the organisation is in compliance. The internal audit function should also be pro-active in offering advice to management with regard to the implications of future legislation, policy and industry changes.
- Reviewing the means of safeguarding assets and, where appropriate, verifying the existence of such assets.
- Co-ordinating audit work around external auditor requirements to assure completeness of coverage, preventing a duplication of effort and ensuring the effective use of audit resources.
- Promote high standards of personal and Council performance through the promotion of Council's Code of Conduct.

The scope of internal audit function extends to include all departments, groups, sections and teams, funded schemes and entities over which council has direct management, sponsorship or financial control.

Any dispute as to whether an activity falls within the scope of council's internal audit function shall be determined by the CEO.

3.5 RESPONSIBILITY FOR DETECTING AND REPORTING IRREGULARITIES

Internal Audit is not legally or professionally responsible for preventing irregularities (which include fraud, other illegal acts and errors). In order to facilitate the fraud/corruption prevention function, the Internal Auditor should be informed of any special investigation, fraud, theft or other suspected cases of misappropriation.

The responsibility for prevention of irregularities rests with Council and management through the implementation and continued operation of an adequate internal control system. The Internal Auditor is responsible for examining and evaluating the adequacy and the effectiveness of actions taken by management to fulfil this obligation.

Internal Audit Charter

However, in exercising due professional care, Internal Audit should be alert to the possibility of irregularities and those conditions and activities where irregularities are most likely to occur. Due care implies reasonable care and competence, not infallibility, nor extraordinary performance. It requires internal auditors to conduct examinations and verifications to a reasonable extent.

The Internal Auditor has a responsibility to report irregularities to the CEO.

The CEO is responsible for reporting any irregularities according to the provisions of the Local Government Act 2009, the Crime and Corruption Act 2001 and any other statutory regulations that may come into force from time to time. In this regard the Internal Auditor will fulfil the role of liaison officer to the Crime and Corruption Commission.

3.6 INTERNAL AUDIT APPROACH

Internal Audit will adopt an integrated risk based approach to allocating resources and planning.

3.6.1 Risk profile and Internal Audit Plans

The plan of engagement for Council's internal audit activities should be based on a risk assessment, undertaken annually, so that greater audit attention can be directed to areas of higher risk.

Based on the risk assessment, the general direction of Council's internal audit activities over the medium term is to be documented in the Strategic Internal Audit Plan covering a three year period. This plan shall be reviewed by the CEO and approved by the Audit Committee. The plan will also be reviewed annually to take account of any change in circumstances.

The annual Audit Plan projects may include financial, compliance, performance, due diligence, information systems, program evaluation, operational audits and other approaches as deemed appropriate, given the resources and also the priorities established through the risk assessment process and other more recent considerations.

3.6.2 Responsibilities and Auditing Standards:

The audit function will be carried out in accordance with appropriate Standards including:

- i. The Institute of Internal Auditors' Standards for Professional Practice;
- ii. The Information Systems Audit and Control Association (ISACA) Statements on Information Systems Auditing Standards; and
- iii. Auditing and Assurance Standards Board (AUASB).

Audit will discharge its responsibilities in accordance with this document and the Standards with the proviso that this document shall not be overridden by the Standards, should a conflicting interpretation arise.

Specific Standards which are to be followed include:

- Audit staff must maintain an independent outlook and must ensure their independence to plan, investigate and report with honesty and objectivity.
- Projects are to be performed by or under the control of a suitably skilled, experienced and competent person(s).
- Findings and recommendations or suggestions are developed and documented with due care during the course of each engagement, such that the reporting process is expedited.
- Regular quality assurance reviews of project plans, reports and working papers are carried out.

Internal Audit Charter

3.7 RESPONSIBILITY OF MANAGEMENT FOR CORRECTIVE ACTION

The CEO is responsible for seeing that action is either planned or taken on recommendations made or deficient conditions reported by auditors (internal and external).

3.8 QUALITY ASSURANCE

In order to ensure that the quality of internal audit work is consistently maintained at a high standard, Internal Audit should establish and maintain a quality assurance program.

4. REPORTING

4.1 INTERNAL AUDIT REPORTING:

A draft memorandum shall be prepared and issued by the Internal Auditor to the director/manager as soon as possible after the completion of an audit project. The draft memo will include comments and recommended action plans by the operational manager where appropriate.

The Director receiving the report should respond to the Internal Auditor. This response is to indicate recommended actions to be taken or planned; nominate a responsible officer and a timetable for the anticipated completion of these actions in regard to the specific findings and recommendations in the draft report.

A final memo will be prepared and issued by the Internal Auditor to the CEO and will include the comments and action plans as per the response of the director/manager. If a response is not received by the due date, Internal Audit is required to issue the draft as the final audit report with a comment in relation to the non-response.

A copy of this report will also be forwarded to the Mayor and the Audit Committee by the CEO.

The Internal Audit may also advise the Queensland Audit Office or the Auditor-General's delegate/contractor about any audit findings as appropriate or if requested.

5. DEFINITIONS

Nil

6. RELATED DOCUMENTS AND REFERENCES

Internal Audit Policy

7. REVIEW

It is the responsibility of the CEO to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every four years or as required by Council.



Rate Rebate and Remission Policy 2019/20

Policy Type	Council Policy	Version:	1.0
Responsible Officer	Manager Finance	Date Approved:	18 September 2019
Review Officer:	Director Corporate and Community Services	Review Due:	17 June 2020
Author:	Manager Finance	Commencement:	18 September 2019
Document Number:		Published:	External

1. PURPOSE

This document sets out Council policy, as per annual budget resolution, in relation to the granting of rebates and remissions on rates and charges.

2. POLICY STATEMENT

To identify target groups and establish guidelines to assess requests for rates and charges remissions in relation to ratepayers who are in receipt of an approved Government pension and non-for-profit organisations.

3. PRINCIPLES

3.1 PENSIONER REMISSION

Applicants for the remission of rates from the Mareeba Shire Council and the State Government must satisfy the following conditions:

- If an application is mailed in, it must be completed in detail and accompanied by a copy of both sides of the current Pensioner Concession Card (PCC) or a DVA Gold Card.
- An applicant must truthfully and correctly supply all information requested.
- The Council Pensioner Remission is allowable on only one property at a time
- A new application must be lodged if you change your address.
- Should all owners not be in receipt of a pension or allowance, a proportionate amount of remission may be payable based upon State Government Guidelines.
- If a co-owner is in a spousal or recognised de-facto relationship and is an approved pensioner and is wholly responsible for payment of all rates and charges, the subsidy will be granted in full.

3.1.1 Council Pensioner Remission

Council grants a remission of thirty percent (30%) of the general rates up to a maximum of \$240 per year to pensioners within the Mareeba Shire Council area, providing they qualify for a remission in accordance with the conditions, as set out below.

This excludes water usage charges, special rates or special charges, interest and other charges on land.

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Rate Rebate and Remission Policy 2019/20
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To be eligible you must be:

- A holder of a Pensioner Concession Card (PCC) or a DVA Gold Card.
- The owner or life tenant of the property which is your principal place of residence. A life tenancy can be created only by a valid Will and is effective only after the death of the property owner, or by a Supreme or Family Court Order.
- Legally responsible for the payment of local council rates and charges levied on that property.

The Council Pensioner Remission is allowable on only one property at a time and a new application must be lodged if you change your address.

The Council Pensioner Remissions can only be granted from the date on the pension card or 1 July 2019 (whichever is the latter), provided the application qualifies with Council's conditions.

Where the Council Pensioner Remission applies, Council will remit the appropriate amount off the rates notice.

3.1.2 State Government Pensioner Remission

In addition to the remission allowed by Council, the State Government Scheme for Subsidisation of Rates and Charges payable to Local Authorities by Approved Pensioners is administered by the Council and under this Scheme, a further 20% remission is allowed to approved Pensioners up to a maximum of \$200.00 per annum on rates and charges and 20% off the Emergency Management Levy.

Where the State Government Pensioner Remission applies, Council will remit the appropriate amount off the rates notice and claim the reimbursement from the State Government.

3.2 COMMUNITY GROUP RATE AND CHARGE REMISSION

3.2.1 Eligibility

Community groups eligible for rate and charge remission are defined as:

- a) A not for profit, incorporated group or association of persons with the primary aim of conducting activities and providing services for community benefit; and
- b) The community group relies predominantly on volunteer labour, community fundraising, membership fees and donations;
- c) The community group does not receive state or federal government operational grants and does not rely on a fee for service business model.

Eligible community groups must:

- Operate within the boundaries of the Mareeba Shire Council;
- Own or lease and occupy the land on which the general rates are being levied and the rates notice issued in the Group's name;
- The property must not be used for residential purposes including community housing properties;
- Not utilise gaming machines to raise revenue;

Rate Rebate and Remission Policy 2019/20
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- In its constitution clearly prohibit any member of the Group making private profit or gain either from the ongoing operations of the Group or as a result of the distribution of assets if the Group was wound up (this condition does not apply to the owner of a cultural icon);
- Meet the definition of a not-for-profit community group as per Mareeba Shire Council Community Partnerships Program Policy;
- Not have outstanding rates on the property.
- The remission is not available on vacant land.

3.2.2 Types of Remissions

Council grants a remission to Council approved not-for-profit community, recreation and sporting Groups, based on the level of commerciality of the Group. Council is committed to supporting not for profit community Groups to have access to affordable space for community activities but excludes the subsidisation of commercial activity. This assistance applies to eligible community groups in the shire, irrespective of whether or not they occupy Council land or facilities.

Therefore, community Groups are assessed, according to their level of commerciality, and assigned (by Council) to one of two community group types:

- Type A Community Group - limited commerciality
- Type B Community Group - substantial commerciality.

This categorisation not only enables Council to make available fair, reasonable and transparent assistance to each community group, depending on their level of commerciality, but it also recognises that community groups can change over time experiencing increased or decreased levels of commerciality and the group's categorisation can be changed accordingly.

Council will offer a higher level of assistance to Type A Community Groups than those assessed as Type B Community groups.

3.2.2.1 Assessing Type A Groups: Limited Commerciality

The group's revenue raising streams are limited to membership fees, community donations, minor event charges, raffles and other fundraising and food canteen. If the group has a bar, then patrons are mainly members and limited profit is made.

3.2.2.2 Remissions Granted to Type A Groups

The following rebates and remissions are available to eligible Type A Community Groups:

- Rate Remission: One hundred percent (100%) of the general property rates per year;
- Charge Remission: One hundred (100%) per year on Utility Charges (Sewerage and Water Access Charges) and the Waste Management Charge.
- Volunteer Brigade Equipment and Maintenance Special Charge and local SES Levy: One hundred percent (100%) of the Levy/Charge.

Rate Rebate and Remission Policy 2019/20
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- The State Emergency Management Levy is collected by Council on behalf of the State Government so no remission or rebate from Council is available to community groups.

3.2.2.3 Assessing Type B Group: Substantial Commerciality

The group's revenue raising streams include those of Type A Groups but also include the regular operation of a bar and commercial kitchen, charge industry recognised gate entry fees and commercial sponsorship. Community groups who operate gaming machines are not eligible for rate rebates and charge remissions.

3.2.2.4 Remissions Granted to Type B Groups

The following rebates and remissions are available to eligible Type B Community Groups:

- Rate Remission: Fifty percent (50%) of the general property rates up to a maximum of \$1,000 per year;
- Charge Remission: Twenty percent (20%) up to a maximum of \$200 per year on total Utility Charges (Sewerage and Water Access Charges) and the Waste Management Charge;
- Volunteer Brigade Equipment and Maintenance Special Charge and local SES Levy: One hundred percent (100%) of the Levy/Charge.
- The State Emergency Management Levy is collected by Council on behalf of the State Government so no remission or rebate from Council is available to community groups.

3.2.3 Application and Continuation of the Remission

The remission/s, if approved, will apply from the start of the rating period in which the application was successful and will be shown on the rates notice.

Applications for Rate and/or Charge Remission will only be considered for not-for-profit, community groups as defined above and which comply with all the eligibility criteria.

There is a responsibility upon the not-for-profit, community group to contact the Council when there is a change that could affect the status of the remission so as to avoid the necessity for the Group to reimburse the remission so obtained, including changes in the level of commerciality of the Group

Where the Rate and Charge Remission applies, Council will remit the appropriate amount off the rates notice.

3.2.3.1 Application Process for Community Groups with Council Lease

- Council will allocate Rate Rebate and remission entitlements to eligible Community Groups with a Council Community Lease.
- It is the responsibility of the Community Group to contact Council should the Group believe it has not been granted these entitlements.
- Council may need to conduct a site inspection and / or request further information.
- If in circumstances where a Group does not fulfil its lease obligations, the remission may be cancelled.

Rate Rebate and Remission Policy 2019/20**3.2.3.2 Application Process for Other Community Groups**

- An initial application using the approved form must be lodged and approved applicants are reviewed annually for eligibility.
- The application must also include any two of the following supporting documentation:
 - A copy of the Group's constitution or certificate of incorporation;
 - Minutes of its most recent Annual General Meeting;
 - Incorporated groups are to provide a copy of their most recent audited financial statement (no greater than 12 months old), unincorporated groups are to provide a copy of their most recent reconciled financial statement (no greater than 12 months old);
 - Details of the Group's not-for-profit status from the Australian Taxation office or similar.

The *Local Government Regulation 2012* - Chapter 4, Part 10 Concessions, gives local governments the power to grant concessions for rates and charges.

A concession may only be of the following types:

- (a) a rebate of all or part of the rates or charges
- (b) an agreement to defer payment of the rates or charges
- (c) an agreement to accept a transfer of unencumbered land in full or part payment of the rates or charges

A concession may only be granted by resolution of the Council and for the Mareeba Shire Council; this is done as part of the annual budget adoption process and also noted in the adopted Revenue Statement.

3.3 WATER CONSUMPTION DONATION

Council will consider providing a donation towards water consumption costs for eligible community groups, if water consumption exceeds \$100 per annum. To be eligible for financial assistance community groups must also meet the eligibility criteria as per sections 8 and 9 of the Community Partnerships Program policy and meet the definition of a community group as defined below:

- a) A not for profit, incorporated group or association of persons with the primary aim of conducting activities and providing services for community benefit; and
- b) The community group relies predominantly on volunteer labour, community fundraising, membership fees and donations;
- c) The community group does not receive state or federal government operational grants and does not rely on a fee for service business model.

Rate Rebate and Remission Policy 2019/20
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Eligible community groups are classified by Council into three (3) categories depending on water usage and a level of assistance is provided to each category as follows:

Group 1:	Community groups watering playing fields and large public lawns/grounds
Assistance:	35% of actual annual water consumption up to a maximum \$2,000 donation
Group 2:	Community groups watering for dust suppression eg. Horse and pony clubs, rodeo associations
Assistance:	35% of actual annual water consumption up to a maximum \$1,000 donation
Group 3:	Community groups using water for human consumption and gardens
Assistance:	35% of actual annual water consumption up to a maximum \$500 donation

Requests for a donation for water consumption fees will be considered throughout the year and must be made in writing by letter or email to the Community Wellbeing Officer, Mareeba Shire Council. Approved requests will be paid as a donation on the rates notice to offset the costs of water consumption and will apply from the next rating period after approval is granted.

4. SCOPE

This policy applies to:

- Pensioners who own and reside on their property within the Mareeba Shire Council area and who meet the requirements set out in this document.
- Not-for-Profit community, recreation and sporting groups who meet the requirements set out in this document.

5. DEFINITIONS

Council - Mareeba Shire Council

6. RELATED DOCUMENTS AND REFERENCES

Local Government Regulation 2012
Mareeba Shire Council Revenue Policy
Mareeba Shire Council Revenue Statement
Mareeba Shire Council Community Partnerships Program Policy

7. REVIEW

It is the responsibility of the Director Corporate and Community Services to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed annually or as required by Council.

Enterprise Risk Management Policy



Policy Type	Council Policy	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	18 September 2019
Review Officer:	Director Corporate and Community Services	Review Due:	18 September 2021
Author:	Manager Development and Governance	Commencement:	18 September 2019

1. SCOPE

This Policy applies to all elected representatives, officers, employees, contractors and volunteers of the Mareeba Shire Council as well as committee members; and to all Council activities, including entities which Council has direct ownership, management, sponsorship or financial control.

2. PURPOSE

The purpose of this Policy is to communicate Councils' commitment to the development and maintenance of an Enterprise Risk Management Framework and Risk Management Process in accordance with AS/NZS ISO 31000:2018.

3. RELATED DOCUMENTS AND REFERENCES

- Enterprise Risk Management Framework
- Enterprise Risk Management Process
- Audit Committee Policy
- Audit Committee Terms of Reference
- Fraud and Corruption Prevention Management Policy
- *Local Government Act 2009*
- *Local Government Regulation 2012*

4. DEFINITIONS

Risk

A risk to the business is any action or event that has the potential to impact on the achievement of business objectives. Risk also arises as much from the possibility that opportunities will not be realised as it does from the possibility that threats will materialise or that errors will be made.

Risk Management Framework (RMF)

A set of components that provide the foundation and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation.

Risk Management Policy

Statement of overall intentions and direction of an organisation related to risk management.

Risk Management Process

The systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

Enterprise Risk Management Policy

5. POLICY STATEMENT

This policy aims to ensure that a consistent approach is taken across the organisation in the identification, assessment and management of risks and that risk management is a normal part of the decision making process at all levels and in all sections of Council.

6. POLICY OBJECTIVES

The objectives of this policy are to:

- Align Council's risk management activities with Council's objectives as identified in, Council's corporate and operational plans;
- Promote risk management principles as a strategic tool to ensure better informed decision making throughout Council; and
- Embed a culture of risk management across the Council.
- Minimise or eliminate adverse impacts from Council's services or infrastructure on the community, visitors and the environment;
- Capitalise on opportunities identified for Mareeba Shire Council;
- Safeguard Council's employees, contractors, committees, volunteers, assets, financial sustainability, property, reputation and information;
- Maintain and improve the safety, reliability and quality of service provided by Mareeba Shire Council, within Council's controls and capabilities

7. POLICY STATEMENTS**7.1 RISK APPETITE**

As a public authority the Council has a relatively conservative appetite for risk.

Council has some appetite for risks that involve:

- (a) Improving efficiency, reducing costs and/or generating additional sources of income
- (b) Maintaining and where necessary improving levels of service to the community

Council has no appetite for risks that:

- (a) Have a significant negative impact on Council's long term financial sustainability
- (b) Result in major breaches of legislative requirements and/or significant successful legal claims against the Council
- (c) Compromise the safety and welfare of staff, contractors and/or members of the community
- (d) Cause significant and irreparable damage to the environment
- (e) Result in major disruption to the delivery of key Council services
- (f) Result in widespread and sustained damage to the Council's reputation
- (g) Result in significant loss of key assets and infrastructure.

7.2 SOURCES OF RISK

Council manages seven (7) interrelated risk categories and accepts a moderate level of risk in the delivery of Council's key strategic priorities (objectives) of Community, Environment, Economy and Governance. The 7 risk categories are; Health & Safety, Environmental, Financial, Service Delivery & IT, Infrastructure & Assets, Legal & Regulatory, Political & Reputational.

Low and moderate risks will be managed by the Councillors, the Senior Management Team and staff as part of daily operations.

Significant and extreme risks identified and managed by the Responsible Officer will subsequently be monitored and reviewed by the EMT and the Audit committee.

Enterprise Risk Management Policy

7.3 RISK MANAGEMENT PRINCIPLES

Management and employees must assume responsibility for ERM facilitated by the following guiding principles:

- a) **Integrated** - risk management is integral part of all organisational activities;
- b) **Structured and comprehensive** - a structured and comprehensive approach to risk management contributes to consistent and comparable results;
- c) **Customised** - the risk management framework and process are customised and proportionate to the organisation's external and internal context related to its objectives;
- d) **Inclusive** - Appropriate and timely involvement of the stakeholders enables their knowledge, views and perceptions to be considered. This results in improved awareness and informed risk management;
- e) **Dynamic** - Risk can emerge, change disappear as an organisation's external and internal context changes. Risk management anticipates, detects, acknowledges and responds to those changes and events in an appropriate and timely manner;
- f) **Best available information** - The inputs to risk management are based on historical and current information, as well as on future expectations. Risk management explicitly takes into account any limitations and uncertainties associated with such information and expectations. Information should be timely, clear and available to relevant stakeholders;
- g) **Human and cultural factors** - Human behaviour and culture significantly influences all aspects of risk management at each level and stage; and
- h) **Continual improvement** - Risk management is continually improved through learning and experience.

8. RESPONSIBILITIES & REVIEW

It is the responsibility of the Manager Development and Governance to monitor the adequacy of this policy and the associated Enterprise Risk Management Framework and Enterprise Risk Management Process and recommend any improvements and amendments.

This policy will be formally reviewed every two years by Councils Senior Management Team or as required by Council or the Audit Committee. This Policy will also be reviewed when any of the following evaluations occur:

1. Audit reports relating to risk management activities being undertaken by Council indicate that a policy review from a legislative, compliance or governance perspective is justified.
2. Relevant legislation, regulations, standards and policies are amended or replaced.
3. Other circumstances as determined from time to time by the Chief Executive officer or through a resolution of Council.
4. Corporate Plan is amended/updated.

Enterprise Risk Management Process



Policy Type	Council Process	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	18 September 2019
Review Officer:	Director Corporate and Community Services	Review Due:	18 September 2021
Author:	Manager Development and Governance	Commencement:	18 September 2019

1. COUNCILS APPROACH

To manage all business risk, Council will follow the current published Australian Standard for risk management.¹ Using this approach there are six key stages to the risk management process.²

STEP 1. Communicate and Consult - with internal and external stakeholders

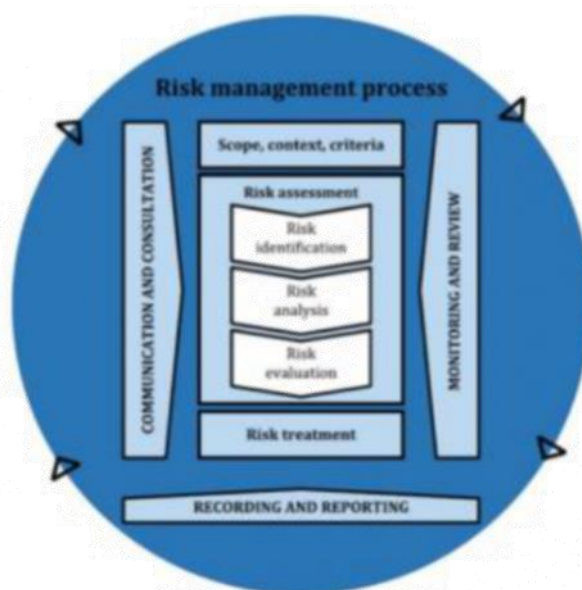
STEP 2. Establish the Context - the boundaries

STEP 3. Risk Assessment - identify, analyse and evaluate risks

STEP 4. Treat Risks - Implement and assess controls to address risk

STEP 5. Monitoring and Review - risk reviews and audit

STEP 6. Recording and Reporting - communicate outcomes



Our Risk Approach using AS/NZS ISO 31000:2018

¹ See Australian Standard AS ISO 31000:2018 Risk management - Guidelines.

² Ibid s 6.

Enterprise Risk Management Process

2. COMMUNICATE AND CONSULT

Communication and consultation are integral to the process and must occur throughout the process. Communication efforts with stakeholders must be focused on two-way dialogue rather than a one-way flow of information from decision makers to stakeholders.

An expert's perception may differ from that of the layman's however both perspectives may contribute to the process. To limit ambiguity and duplication, risk assessments and treatments should be undertaken in a group environment with key stakeholders in attendance. Any uncertainties should be discussed to determine basic assumptions, measurements and mitigation strategies.

It is important to communicate and consult with stakeholders at each step of the risk management process. Communication efforts must be focused on consultation and two-way dialogue, rather than a one-way flow of information from decision makers to stakeholders

The Manager Development & Governance will be available to assist employees throughout the risk management process including risk assessments, developing treatments and reporting.

Any changes to the Enterprise Risk Management (ERM) Framework that impact the process are to be communicated to all stakeholders.

3. ESTABLISH THE CONTEXT

This step provides value to the process as it is where the alignment, planning, understanding and preparation occur. The context concerns the understanding of the local government's scope for risk management and defines the criteria against which risks will be assessed. It also reviews any factors which may contribute or have a significant impact on the local government achieving its objectives.

It concerns the operations and activities of local government and reviews the internal and external environment in which these operations and activities operate. The context internal or external refers to the environment in which council seeks to achieve the particular objective being assessed this includes:

External context

- The cultural, social, political, legal, regulatory, financial, technological, economic and natural environment. (This can be local, state, national or international)
- Key drivers and trends having impact on council's objectives; and
- Relationships with, and perceptions and value, of external stakeholders.

Internal context

- Governance, organisational structure, roles and responsibilities;
- Corporate and operational plans, policies and objectives, and the strategies in place to achieve them;
- Organisational capabilities, in terms of resources, knowledge, systems and technology
- Relationships with, and perception and values of internal stakeholders; and
- Information systems and decision-making processes.

The risk management context considers the goals, objectives, strategies, scope and parameters of Council activities that could be a source of uncertainty or those parts of Council where the risk management process is being applied. This includes consideration of the benefits, costs and opportunities of risk management activities and the resources required. Setting the risk criteria is also part of establishing the context.

Enterprise Risk Management Process

4. RISK ASSESSMENT

Risk Assessment is the overall process of risk identification, analysis and evaluation. The ERM Process details the risk assessment and treatment process and includes;

- Risk calculator
- Associated risk consequence and likelihood matrix tables
- Guidance on control and treatment plans

4.1 RISK IDENTIFICATION

Risk identification is the process of identifying key risks facing Council. This involves thinking through the sources of risks, the potential hazards, the possible causes and the potential exposure. If a risk is identified that the likelihood of occurring is within 3 months, then Managers should immediately do a risk assessment and treatment plan if required to be presented in Council's ordinary meeting.

Risk identification occurs within the context of the risk management activity, procedure or process. Council focuses on effective management of the following material risks categories and types:

Risk Category	Risk Type
Financial	Strategic Risk
Environmental	Financial Risk
Infrastructure and Assets	Operational Risk
Political and reputational	Information Technology
Legal, compliance	Human Resources
Health and Safety	Regulatory
Service Delivery and IT	Macro Risk

It is important to undertake a systematic and comprehensive identification of key risks. Quarterly the Risk Matrix will be updated with identified Risks during the previous quarter operations. The questions when identifying risks are:

- What can happen?
- Where can it happen?
- Why can it happen?
- How can it happen?
- What is the impact?
- When can it happen?

It is also important to consider the potential causes of a risk as it will help to address the risk, which is the next stage of the risk management process. Potential causes may include: commercial relationships, financial activities, operational issues, political influences, personal/human behaviour, natural events, business interruption, management activities, technology issues, technical issues or legal relationships.

A comprehensive list of risks is generated based on events that may create, enhance, prevent, degrade, accelerate or delay the achievement of Council's objectives. The identification activity should also include risk associated with not pursuing an opportunity as well as any risks not under Council's control.

Generally, risk identification and analysis tend to focus on the negative consequences of risk, and the consequence table normally reflects the negative or detrimental impacts. However, the risk management

Enterprise Risk Management Process

approach can be used to identify and prioritise opportunities with positive or beneficial consequences to enhance decision making and the achievement of objectives.

4.2 RISK ANALYSIS

Once identified, the risks can then be analysed. Risk analysis is a process using predetermined criteria to assess the level of risk based on the likelihood and consequences of a risk eventuating. From this analysis the level of inherent risk can be determined using the Risk Rating Matrix.

The methodology to analyse risks involves 4 steps;

Identify the existing controls - the controls that are currently in place to reduce the risk must be considered. Controls can include any policy, process, procedure, mechanism, practice or other actions which modify the consequences and/or their likelihood.

Rate the likelihood - likelihood is the chance of the consequence eventuating. The likelihood ratings ranging from 1 to 5 (rare to almost certain), located in the risk calculator, are used when considering the likelihood of a risk consequence eventuating.

Rate the consequences - the consequences reflect the extent of the impact on objectives. The consequences are considered in the context of the listed consequence categories, and the most likely severity or degree of each consequence. Consequence ratings from 1 to 5 (insignificant to catastrophic) are used when considering the range of impacts on Council and the Community. The greater the significance of the consequences on Council and the community, the higher the rating.

Determine the level of Risk - the combination of consequence and likelihood will produce a level of risk using the risk calculator. The severity ranges from low and moderate to significant and extreme.

Likelihood Matrix

When considering the likelihood of a risk, you need to consider both the probability and frequency of occurrence. Council will use the following likelihood ratings:

Rating	Likelihood	Description	Quantification
1	Rare	The event may occur but only in exceptional circumstances. No past event history	Once every 50 years
2	Unlikely	The event could occur in some circumstances. No event history.	Once every 20 years
3	Possible	The event may occur at some time. Some past warning signs or previous event history	Once every 5 years
4	Likely	The event will probably occur. Some recurring past event history.	Once a year
5	Almost Certain	The event is expected to occur in normal circumstances. There has been frequent past history	Once every 6 months or more

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Consequence Matrix

The consequence assessment is the effect or the impact of the risk event. It can be measured in a number of ways, such as financially (in terms of profit or loss), environmentally (in terms of effort required to remedy) etc. Council will utilise the following consequence ratings, based on the seven listed material risks.

Risk Consequence Matrix

		Consequences				
		1	2	3	4	5
		Insignificant	Minor	Moderate	Major	Catastrophic
Risk Category	Health & Safety	Staff issue causes negligible impact. Injuries require first aid or non-treatment of injuries	General morale and attitude problems. Injury involving lost time in the workplace	Widespread staff issues cause failure to deliver several minor strategic objectives	Staff issues cause widespread failure to deliver essential services. Temporary disability or hospital admission < 3 days	Death or permanent disability or long term hospital admissions
	Environmental	Minor adverse event that can be remedied immediately	Isolated instances of environmental damage requiring effort to fix in the short term	Adverse events that cause widespread damage but reversible in the short to medium term. May incur cautionary notice or infringement notice	Significant adverse event causing widespread damage which may be reversed through appropriate remedial action in the medium term. Penalties may apply	Major adverse event requiring continual long term remedial action. Significant penalties may apply
	Financial	Financial impact (expenditure or revenue) <\$50,000 Budget variation manageable in the short term	Financial impact (expenditure or revenue) between \$50,000-\$250,000 Budget variation manageable without impact on bottom line of budget absorbed over current financial year.	Financial impact (expenditure or revenue) between \$250,000 - \$500,000 Impact on budget beyond current financial year but manageable within next financial year	Financial impact (expenditure or revenue) between \$500,000 - \$1million Impact on budget with recovery over proceeding two or three financial years	Financial impact (expenditure or revenue) >\$1 million on budget with recovery over three or more financial years
	Service delivery/ IT	Interruption to a service not requiring any further remedial action and with minimal impact on customers	Interruption to a service requiring further remedial action and with moderate impact on customers	Interruption to core business function or essential service with significant customer impact for up to 48 hours	Interruption to core business function or essential service for 2-7 days	Interruption to core business function or essential service greater than 7 days
	Infrastructure & Assets	Some damage where repairs are required however facility or infrastructure is still operational	Short term loss or damage where repairs required to allow the infrastructure to remain operational using existing internal resources	Short to medium term loss of key assets and infrastructure where repairs required to allow the infrastructure to remain operational. Cost outside of budget allocation	Widespread, short term to medium term loss of key assets and infrastructure. Where repairs required to allow the infrastructure to remain operational. Cost significant and outside of budget allocation	Widespread, long term loss of substantial key assets and infrastructure. Where infrastructure requires total rebuild or replacement.
	Legal/ Compliance	Dispute resolved through internal process or expertise	Dispute resolved through legal advice	Corporation directed to undertake specific activities to remedy breaches in legislation that may require the involvement of legal firms	Deliberate breach or gross negligence/formal investigations from third party (Ministerial involvement, Ombudsman or QCCC)	Major breach of legislation resulting in major corporation penalties, fines, QCCC investigation that may result in legal action against corporation staff or class action
	Political/ Reputational	Political activity that requires minor changes in operations. Issue may result in a number of adverse local complaints	Political activity that requires changes in operations. Issues may attract limited media coverage	Political activity that requires changes in operations with budget and resource implications. Issue may attract regional and state media coverage through various mediums with minimal consequence	Political activity that requires changes in operations with significant ongoing budget or resource implications. Issue may attract significant State and National media coverage with some effect on Councils reputation	Political activity that results in irreparable damage. Prolonged adverse media attention. Staff and Elected members forced to resign.

Enterprise Risk Management Process

Risk Rating Matrix

Inherent risk is the overall raw risk. It is determined by combining the likelihood and the consequence rating. The level of inherent risk will determine how each risk is treated. The following matrix shows the inherent risk levels that will be used by Council.

		Consequence				
		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	6 Moderate	7 Significant	8 Extreme	9 Extreme	10 Extreme
Likely	4	5 Moderate	6 Moderate	7 Significant	8 Extreme	9 Extreme
Possible	3	4 Low	5 Moderate	6 Moderate	7 Significant	8 Extreme
Unlikely	2	3 Low	4 Low	5 Moderate	6 Moderate	7 Significant
Rare	1	2 Low	3 Low	4 Low	5 Moderate	6 Moderate

*Risk Rating Matrix***4.3 RISK EVALUATION**

Risk evaluation is about deciding whether risks are acceptable or unacceptable. The term "as low as reasonably practicable" (ALARP) will be used where risks are assessed, evaluated and determined to be acceptable.

For a risk to be ALARP it must be possible for the risk owner to demonstrate that the cost involved in reducing the risk further would be grossly disproportionate to the benefit gained. The ALARP principle arises from the fact that infinite time, effort and money could be spent on the attempt of reducing a risk to zero with little or no further benefit to Council or the community.

The purpose of risk evaluation is to assist in making decisions on the outcomes of the risk analysis; in particular which risks require further treatment and the priority for implementing those treatments.

Where risk treatment produces a business benefit, further control is necessary, and a risk treatment plan will need to be developed.

Generally, risks with extreme and significant risk ratings will require further treatment. Risks with low and moderate risk ratings need to be considered together with the context to determine if further treatment is necessary. Risk evaluation involves comparing the level of risk (Risk Rating) against Council's known priorities and requirements. The treatment strategy for each risk will vary depending on the determined level of inherent risk.

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Extreme - requires immediate action as the potential risk exposure could be devastating. Action may include detailed research, planning and decision making at the Senior Management Level.

Significant - requires action very soon as it has the potential to be damaging to the organisation. Senior Management attention and action needed.

Moderate - requires treatment with routine or specific procedures. Management responsibility must be specified.

Low - continue to monitor and re-evaluate the risk, ideally treat with routine procedures.

Risks that affect other Council departments/sections/units need to be communicated to those areas and in-turn those people need to be included in the analysis and evaluation processes to ensure that risk treatments are appropriate from a whole of Council perspective.

Any risks where the calculation is thought to be too high or too low are to be adjusted and documented accordingly. The output of the risk evaluation is a prioritised list of risks requiring further action. Low or acceptable risks should be monitored and periodically reviewed to ensure that they remain acceptable.

Risks ranked as **Moderate and Low** are to be reviewed by the person with the delegated operational responsibility on an annual basis. The outcome of the review and any changes to the risk exposure are to be reported to the relevant Director. No treatment plans required for risks identified at this level.

Risks ranked as **Extreme and Significant** require detailed analysis of practices and controls to determine the residual risk rating. Risks with an inherent risk of extreme or significant will be actively managed by the CEO who will determine any delegation of the process. A treatment plan will be developed where appropriate to improve the residual risk. The CEO will report to Council on the status of these risks, with the worsening of any extreme risks being reported to the Mayor immediately. Any other significant change to Council's risk exposure will be reported to the Council as soon as possible.

Councillors acknowledge that it is not appropriate or in the best interest to stakeholders, to eliminate all risks. A component of risk evaluation is also to consider if the current control measures are sufficient and that the risk is appropriately managed.

Further Classification of Risks

Risks may be classified even further into the following zones:

Generally Acceptable (GA): in the area of the chart ranked "low", risks have little impact and are unlikely to occur. Risks in this region don't pose an immediate threat to the project or organisation, and some can even be ignored.

As Low As Reasonably Possible (ALARP): This is a zone of acceptable risk including "low" and "moderate" ranking areas. Risks within this region of the matrix are tolerable or not significantly damaging; work can proceed without addressing the risks immediately.

Generally Unacceptable (GU): this is the area of the chart where risk is "Significant" or "Extreme". Risks in this region are quite damaging, highly likely to occur and would threaten the project or organisation. They are highest priority and must be addressed immediately.

Enterprise Risk Management Process

5. TREAT THE RISKS

Risk treatment involves identifying the range of options for treating unacceptable risks, assessing the options, preparing risk treatment plans and implementing them.

Risk treatment involves a cyclical process of:

- Assessing a risk treatment;
- Deciding whether residual risk levels are tolerable;
- If not tolerable, generating a new risk treatment; and
- Assessing the effectiveness of the new treatment.

Treatment options include;

- 1 Preventative - These types of controls focus on preventing the risk occurring.
- 2 Detective - Detect risk or issues and report.
- 3 Corrective - These controls typically respond, recovery, and prevent further occurrences.
- 4 Recovery-focused - This control is not a matter of reducing the risk but a reduction in the consequence by having efficient processes for recovery.
- 5 Directive - Direct adjustment in policies, procedures or guidelines.

Deterrent - Introducing an element that discourages violations or the risk

Treatment plans should clearly identify the priority order in which the individual treatments should be implemented. Where a number of treatments are available, a tool to determine the best option (or most viable option) is a cost benefit analysis. Where a risk is 'extreme' the executive management team and the audit committee may approve a specific risk treatment plan to manage the risk.

6. MONITOR AND REVIEW OF RISKS

The risk register will be reviewed and updated on an annual basis, or more frequently where a new or changed risk is identified in the Council reporting process. Once changes have been reviewed and agreed upon by the appropriate members of the Senior Management Team, the Audit Committee should review the risk registers, as presented, for adoption by Council.

Monitoring and review ensures that changing context and priorities are managed and emerging risk are identified. Included in this step are:

- Monitoring and review of controls (effectiveness, adequacy, changes in risk environment etc);
- Learning lessons from successes and failures in terms of root causes and control effectiveness;
- Improving the risk management process; and
- A combination of audit processes and line management review etc.

All risk assessments and treatments will be conducted in accordance with the ERM Process. All relevant documentation must be placed in Council's electronic recordkeeping system. The Manager Development & Governance will collate all risks into the Risk Register for future monitoring.

Enterprise Risk Management Process

Risk reports should be presented to Council through the Audit Committee where possible. The Manager Development and Governance will report at least annually on:

- Significant and Extreme risks; and
- Any risks that have been identified as requiring treatment; and
- Full details of any risks previously adopted by Council or new risks that have been added or amended since previous report;
- All risks assessed as being ALARP (tolerable).

Council must provide direction as to their continued acceptance of specific risks and agreed controls or treatments.

7. RECORDING AND REPORTING

Recording is an integral part of Council's governance and seeks to:

- Disseminate risk management activities and outcomes across Council;
- Provide information for decision-making;
- Improve future risk management activities;
- Assist interaction with all relevant stakeholders.

Factors for inclusion in the reporting activities include:

- Specific stakeholder information needs;
- Cost, frequency and timeliness of reporting;
- Method of reporting;
- Relevance of information to Council's objectives and decision-making.

Decisions on the creation, retention and storage of documented information should be made in accordance with Council's Records Management Policy.

Enterprise Risk Management Framework



Policy Type	Council Framework	Version:	2.0
Responsible Officer	Manager Development and Governance	Date Approved:	18 September 2019
Review Officer:	Director Corporate and Community Services	Review Due:	18 September 2021
Author:	Manager Development and Governance	Commencement:	18 September 2019

1. INTRODUCTION

As defined in AS/NZS ISO 31000:2018 - Risk Management - Guidelines, risk is the effect of uncertainty on objective and risk management is the approach encompassing strategy, processes, culture, technology, standards and knowledge in identifying, analysing, evaluating, managing, treating, monitoring, reviewing and communicating uncertainties the organisation encounters. In other words risk management is a suite of 'tools' to identify and mitigate the risk of uncertainty in meeting Council's strategic and operational objectives.

However, enterprise risk management is more than risk management. Enterprise risk management is a structured, coordinated approach of aligning strategy, processes, people, technology and knowledge to manage risk.

While risk is inherent in all of Council's business activities, programs, services, projects, processes and decisions, enterprise risk management is about removing traditional divisions or barriers and including thinking about risk, not just as involving a loss, but as an occurrence that may provide opportunities which may have both positive and negative consequences. As such, Council is committed to consistent, efficient and effective risk management, sharing risk information across the organisation to allow effective allocation of resources and reduced duplication.

Enterprise risk management requires the Council and management to consider the bigger risk landscape and the processes that flow from this; noting that risk management is the responsibility of Council, Council employees, contractors, volunteers and suppliers.

This Enterprise Risk Management Framework should be read in conjunction with the Enterprise Risk Management Policy and the Enterprise Risk Management Process. The implementation of this framework will:

- ensure a consistent and best practice approach to risk management throughout the organisation;
- establish a structured process for identifying, analysing, evaluating, managing, treating, monitoring, reviewing and communicating risks; and
- encourage the integration of risk management into Council's overall governance, planning, management, reporting processes, policies, operations, values and culture.

1.1 COUNCIL'S MISSION

It is the Council's mission to provide cost-effective services, foster collaborative partnerships and maintain accountable governance to promote the prosperity and liveability of the Shire.

1.2 COUNCIL'S VALUES

Council has established a set of values which are implicit in our work practices, including risk management, and guide us in servicing our community. Corporate Values and Principles are;

Enterprise Risk Management Framework

1. Sustainable

We operate in an efficient and effective businesslike manner to ensure long-term sustainability by optimising customer service levels whilst managing community expectations.

2. United team

Our people work respectfully and collaboratively to achieve Council's goals with every decision being made based on what is best for the whole organisation.

3. Customer focussed

The community are our customers and we are here to serve our community in everything we do.

4. Community Partnerships

We build partnerships with the community to deliver better outcomes.

5. Ethical Conduct

We operate fairly, with open, honest, transparent and accountable behaviour and consistent decision-making.

6. Striving to be better

We strive to improve Council's service and enthusiastically pursue innovative ways of providing services simply and effectively.

7. Skilled workforce

We ensure our workforce is equipped with the skills and knowledge needed for today and into the future.

1.3 ERM FRAMEWORK INTEGRATION WITH THE CORPORATE PLAN

The Enterprise Risk Management Framework aims to enhance Council's ability to meet its corporate and operational objectives. Figure 1 shows how the strategic and operational planning process is integrated and linked to the risk management process.

Our corporate objectives are:

Financial Sustainability - a council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner

Community - an engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events

Transport and Council Infrastructure - the provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles

Economy and Environment - a resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come

Governance - Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community

Enterprise Risk Management Framework

Management will use the Enterprise Risk Management Framework in determining the risks associated with achieving the corporate plan activities and operational plan key performance indicators; thereby using enterprise risk management (ERM) to support and facilitate the achievement of our strategic and operational objectives.



Figure 1 - Linking Corporate and Operational Planning with Risk Management

2. PURPOSE

The purpose of the Enterprise Risk Management Framework is to provide an organisational approach towards the management of risk. ERM encompasses the following:

- Application of the level of risk Council is prepared to accept.
- Development of proactive strategies to identify, control, treat and manage those risks.
- Developing and promoting a positive risk management culture, integrated throughout Council as part of the day-to-day business and organisational activities.
- Strengthening sound corporate governance practices, supporting informed decision making, priority planning, budgeting and reporting.
- Improving operational effectiveness and efficiency, and communication of risk throughout the organisation.
- Establishment of organisational roles, responsibilities and accountabilities for risk management.

3. RELATED DOCUMENTS

- AS/NZS ISO 31000:2018 Risk Management –Guidelines
- Council's Corporate Plan
- **Enterprise Risk Management Policy (MSC)**

Enterprise Risk Management Framework

- **Enterprise Risk Management Process (MSC)**
- *Fraud and Corruption Prevention Policy (MSC)*
- *Fraud and Corruption Prevention Guidelines (MSC)*
- *Local Government Regulation 2012*
- *Operational Plan (MSC)*

4. DEFINITIONS

For the purposes of this framework the following definitions apply:

CEO	Chief Executive Officer A person who holds an appointment under section 194 of the Local Government Act 2009. This includes a person acting in this position.
Control Owner	The person responsible for implementing controls and monitoring existing controls to determine, document and report on control effectiveness, adequacy and changes in risk environment. In some cases the control owner is the risk owner or the control owner would normally report to the risk owner.
Council	Mareeba Shire Council.
Council ERM Standards	Rules providing instruction to risk owners and Council employees on specific areas of their risk management responsibilities.
Current (Residual) Risk Rating	The level of risk remaining after risk treatment.
Enterprise Risk Management (ERM)	Council's approach to risk management encompassing strategy, processes, culture, technology, standards and knowledge in identifying, analysing, evaluating, managing, treating, reviewing and communicating uncertainties encountered to achieve an appropriate balance between minimising losses and maximising opportunities in meeting its objectives.
Enterprise Risk Management Framework	Council's adopted systems, processes and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving ERM throughout Council. The framework provides an expression of intent on what, why and how risk is to be managed and shows how Council provides capacity to manage risk according to the intent.
Risk	The effect of uncertainty on objectives.
Risk Analysis	A process of identifying the cause and source of a risk, its positive and negative consequences, and the likelihood that those consequences can occur. The level of risk is determined through this process.
Risk Calculator	A tool for ranking and displaying risks by defining ranges for consequence and likelihood.
Risk Criteria	Terms of Reference against which the significance of a risk is evaluated. Risk criteria are based on organisational objectives, internal and external context and can be derived from standards, laws, policies and other requirements.
Risk Owner	A Council employee (usually a Director and/or Manager) authorised by the CEO to manage a particular risk and is accountable for doing so.
Risk Profile	Description of any set of risks as defined. For example: the whole of council or only a part.
Risk Register	The system maintained by Council listing the identified and assessed risks.
Risk Tolerance	Organisation's or stakeholder's readiness to bear the risk, after risk treatment, in order to achieve its objectives.

Enterprise Risk Management Framework

Risk Treatment	The process to modify risk. Can involve taking (opportunity), avoiding, removing, changing, sharing. If the risk has a negative consequence treatment may also be referred to as risk mitigation.
Risk Treatment Plan	A plan detailing the process to modify risk.
Senior Management Team	For the purpose of implementing the ERM framework this refers to the CEO, Directors, Managers and other employees approved by the CEO to be a risk owner.

5. RISK MANAGEMENT PRINCIPLES

This ERM framework is based on the following risk management principles as adapted from AS/NZS ISO 31000:2018 - Risk Management - Guidelines:

- a) **Integrated** - risk management is integral part of all organisational activities;
- b) **Structured and comprehensive** - a structured and comprehensive approach to risk management contributes to consistent and comparable results;
- c) **Customised** - the risk management framework and process are customised and proportionate to the organisation's external and internal context related to its objectives;
- d) **Inclusive** - Appropriate and timely involvement of the stakeholders enables their knowledge, views and perceptions to be considered. This results in improved awareness and informed risk management;
- e) **Dynamic** - Risk can emerge, change disappear as an organisation's external and internal context changes. Risk management anticipates, detects, acknowledges and responds to those changes and events in an appropriate and timely manner;
- f) **Best available information** - The inputs to risk management are based on historical and current information, as well as on future expectations. Risk management explicitly takes into account any limitations and uncertainties associated with such information and expectations. Information should be timely, clear and available to relevant stakeholders;
- g) **Human and cultural factors** - Human behaviour and culture significantly influences all aspects of risk management at each level and stage;
- h) **Continual improvement** - Risk management is continually improved through learning and experience;

6. RESPONSIBILITIES

The imbedding of a risk management culture in all work and business practices within the organisation is the responsibility of Council, Council employees, contractors, volunteers and suppliers. The responsibilities and accountabilities of specific personnel or groups of personnel are shown in Figure 2 and described below:

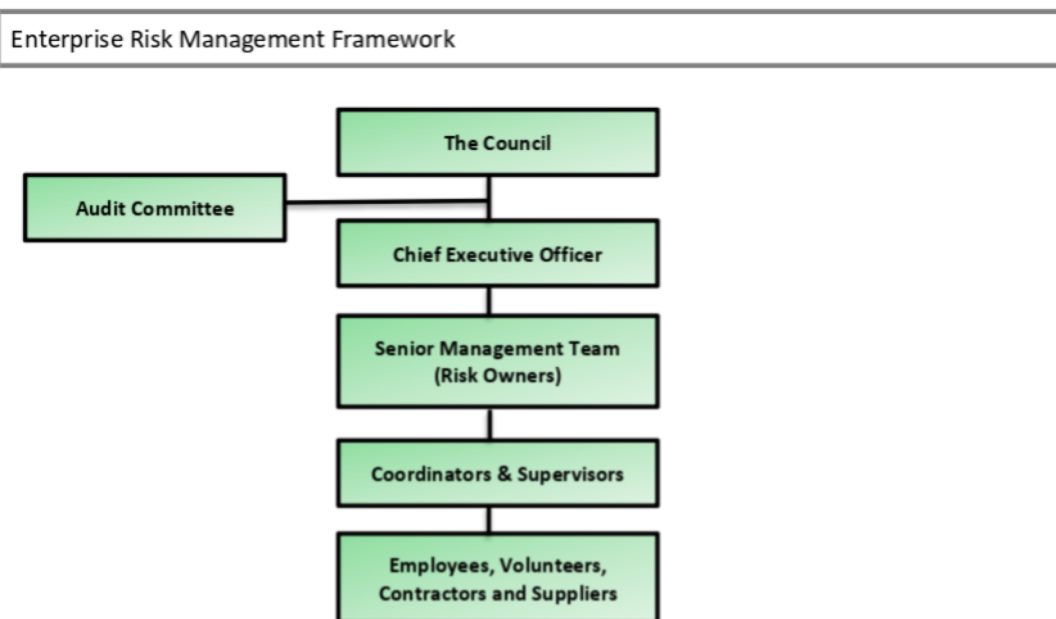


Figure 2 - ERM Governance Structure

6.1 THE COUNCIL

The Council provides direction and oversight of risk management across the organisation including:

- Adoption of Council's ERM Policy, this framework, risk registers and any updates. These ordinarily will be first reviewed by Audit Committee if the timing of their meetings allows for it;
- Oversee the management of risks with a high or very high current risk rating, including the effectiveness of associated controls through the review and discussion of quarterly risk management reports;
- Satisfying itself that the as low as reasonably practicable (ALARP) evaluation of risks with an existing high or very high current risk rating is tolerable;
- Satisfying itself that risks with lower ratings are effectively managed, with appropriate controls in place and effective reporting structures; and
- Approving major decisions affecting Council's risk profile or exposure.

6.2 CHIEF EXECUTIVE OFFICER (CEO)

The CEO is accountable to the Council and has overall responsibility for protecting the organisation from unacceptable costs or losses associated with Council operations and for developing, approving and implementing processes for effectively managing the risks that may affect the achievement of Council's corporate and operational objectives-specifically Council's ERM framework, policies and process.

6.3 SENIOR MANAGEMENT TEAM

The effectiveness of ERM within Council is directly linked to management's awareness of and commitment to its principles and the promotion and application of risk management in decision making and day-to-day operations.

The Senior Management Team, as the risk owners within their areas of responsibility, is responsible for:

Enterprise Risk Management Framework

- Promoting and overseeing the development of a positive risk management culture throughout Council;
- Providing direction and guiding the inclusion of risk management in all corporate and operational decision making;
- Possessing a clear understanding of the risk profile relating to their area;
- Maintaining the framework for managing, monitoring and reporting risk;
- Performance against the risk register. This will be a key performance indicator and will be assessed as applicable;
- Documenting any new risks identified due to changes in the work environment. Risk records must be maintained and updated on an on-going basis to reflect any changes;
- Having an appreciation of the wider risk environment and where risks extend beyond their direct control, cooperating to identify and prioritise risks, developing clear accountabilities for their management and committing to collective solutions and outcomes. Where risks may impact across another risk owner's area of responsibility, collaborating with the appropriate employees to ensure that the risk is being adequately managed, e.g. the risk isn't being over or under controlled; and
- Ensuring adequate resourcing and risk management training in their area.

6.4 COORDINATORS AND SUPERVISORS

Applicable to their area of responsibility, Coordinators and Supervisors are responsible for the implementation of risk management practices (e.g. internal controls) and the results of those activities.

6.5 ALL EMPLOYEES, VOLUNTEERS, CONTRACTORS AND SUPPLIERS

All Council employees, volunteers, contractors and suppliers are responsible for:

- Meeting their obligations under relevant legislation (including Workplace Health and Safety) and the ERM framework;
- Acting at all times in a manner which does not jeopardise the health and safety of themselves or any other person in the workplace;
- Providing direction and training to persons for whom they have a supervisory responsibility or duty of care provision relating to risk management, and health and safety;
- Identifying areas where risk management practices should be implemented and documented, advising their supervisors accordingly; and
- Reducing the risk, and minimising the impact, of fraud and corruption within their work environment.

6.6 AUDIT COMMITTEE

The main objective of the Audit committee is to assist Council in fulfilling its corporate governance role and oversight of financial management and reporting responsibilities imposed under the Financial and Performance Management Standard 2009, the Queensland Local Government Act 2009 and other relevant legislation. More specifically the Committee will:

- Enhance Councillors' ability to exercise due care, diligence and skill in relation to compliance with applicable laws and policy;

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Enterprise Risk Management Framework

- Add to the credibility and objectivity of financial reports;
- Ensure the independence and effectiveness of Council's Internal Audit function;
- Monitor the use of appropriate accounting and disclosure policies;
- Examine existing policies and recommend changes to enhance their effectiveness against unethical behaviour;
- Provide a communication link between management, internal and external auditors and Council;
- Maintain its independence from the day-to-day operation of the Council;
- Be aware of its obligations and responsibilities to the community

The Audit Committee is accountable to the Council, advising of its activities, findings and recommendations including risk management matters. The Committee is to review the risk registers and/or any updates, as presented, for adoption by Council.

7. COUNCIL'S ERM STANDARDS

The following standards are provided to support ERM and to provide clear instruction to risk owners on the approach Council requires.

7.1 STANDARD 1 - SUPPORT AUDIT RECOMMENDATIONS

Risks identified through either an internal or external audit shall be placed in the appropriate risk register by the risk owner (the Manager Development & Governance can assist if required). The final content of the documented risk and any risk treatment plan is the responsibility of the risk owner.

7.2 STANDARD 2 - LEARNING FROM INCIDENTS, SUCCESSES AND FAILURES

Incidents, successes and failures are an opportunity to check the risk register and make adjustments to its content based on the required actions listed below. Risk owners need to ask the following questions:

- Did we identify the risk and causes?
- Why did our controls work or fail - did we identify the controls?
- Did we detect a control gap?
- Should we change our analysis?
- What further risk treatment is required now?

At this review stage where changes are detected and in accordance with the Risk Assessment Process updates are to be made to the risk register.

7.3 STANDARD 3 - RISK OWNERSHIP AND MANAGEMENT

A risk owner is defined as "A Council employee (usually a Director and/or Manager) authorised by the CEO, through this document, to manage a particular risk and is accountable for doing so."

For Corporate Risks, the CEO will delegate a Director or Manager to own and report on specified corporate risks.

For risks at a departmental and sectional level, Directors and Managers will maintain the ownership of these risks. However it is expected, according to specific need, that they will allocate the day to day management of some of these risks, particularly those with a lower current risk rating, to Coordinators or

Enterprise Risk Management Framework

Supervisors.

For risks relating to capital projects and major events, Directors and Managers will maintain the overall ownership of these risks; unless the CEO nominates another Council employee to own the risks for a specific project or event. For risk reporting purposes, capital project and major event risks must be documented in the risk register by the risk owner.

8. RISK MANAGEMENT PROCESS

The risk management process must be an integral part of management, embedded in the culture and practices of Council, and tailored to our operational and business processes. The risk management process (shown in Figure 3 taken from AS/NZS ISO 31000:2018 - Risk Management Guideline) involves establishing the context, assessing the risk, treating the risk, monitoring the risk and reviewing the risk. The whole process needs to be communicated to stakeholders who are consulted with throughout the process. (see Figure 3 Summary of Council's Risk Management Process)

Mareeba Shire Council's **Enterprise Risk Management Process** provides the detail for Risk Assessment. This process includes the thresholds for 'likelihood' and 'consequence' as determined by Council as well as the Risk Rating Matrix which enables the Risk Rating to be determined for each identified risk.

This process also guides the user as to what action needs to be taken depending on the inherent risk as calculated. For example a risk with an Extreme Rating requires immediate action and must be reported to the CEO, while a risk that has a Low rating may not require any treatment other than ongoing monitoring.

The establishment of the context is specific to each individual risk. The key stakeholders will vary from one risk to another and should include individuals from a range of levels who are involved in the delivery of the service or identified activity.

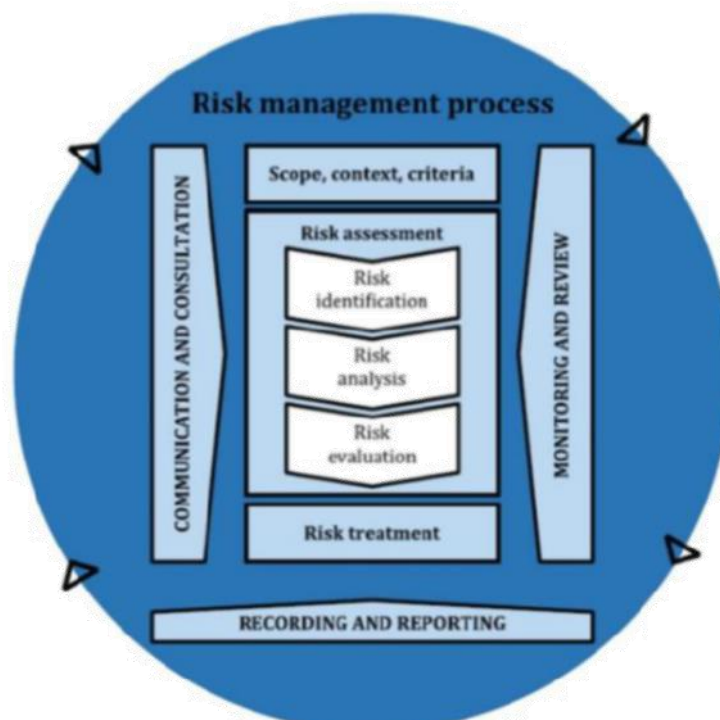


Figure 3 - Summary of Council's Risk Management Process

Enterprise Risk Management Framework

9. RESOURCES

Risk management needs to be appropriately resourced to maintain an effective and stable process to increase awareness, responsibility and ownership of Council's risk management principles. Resourcing considerations include:

- employees, skills, experience and competence;
- responsibilities for each step in the risk management process;
- organisational process to manage risk;
- procedures and processes;
- supporting technology system; and
- risk management training.

10. INSURANCE

Council's insurance portfolio is managed by the Governance Section. All insurance policies are to be sourced through this section and not by the individual business areas.

10.1 INSURANCE AS A RISK MANAGEMENT TOOL

Council should use its available resources efficiently and effectively to manage risk, minimising loss to the community and its assets. Insurance may be used to transfer or manage the risk of financial loss however, in some instances it may not be cost beneficial to do so and may not be transferable in every instance.

When considering the use of insurance the following should be considered:

- Nature of the risk;
- Availability of alternative risk management and mitigation strategies;
- Financial consequences of choosing not to insure; and
- Level of loss Council is willing to fund.

Responsible officers must ensure they have the appropriate insurances for their specific risks. The level of insurance required should be based on tolerance levels, past claims experience, the availability and cost of insurance. Officers should:

- Ensure they consider all insurable risks and insure appropriately; and
- Consider Council's risk profile and determine the appropriate level of insurance required.

Preventative and mitigating measures should be considered to reduce the probability or severity of an adverse risk event occurring, if proven to be of cost-benefit, even if the risk has been insured. Regardless of whether the risk is able to be insured or not, the risk owner should document how the risk is to be managed via the risk register.

11. TRAINING

The Manager Development & Governance will be responsible for ensuring adequate training is provided to employees involved in the risk management process.

Enterprise Risk Management Framework

11.1 INDUCTION TRAINING

As part of the corporate induction training, human resources staff will highlight the importance of workplace health and safety and risk management in the workplace.

11.2 RISK MANAGEMENT TRAINING

Employees involved in the "organisational wide" risk management process, predominantly risk owners, are to be provided risk management training.

12. RAISING AWARENESS OF RISK MANAGEMENT

One mechanism to raise awareness of enterprise risk management with the Senior Management is to put a greater emphasis on the following section headings in Council reports, with the risk implications being a mandatory component of the reports;

- link to corporate plan,
- consultation
- legal and risk implications,
- policy implications,
- financial & resource implications

Council Reports must identify risks, particularly those with Significant and Extreme risk ratings. Where such risks have been identified an action item must be created to ensure that the register is updated in a timely fashion. This is also an opportunity to discuss the status of any risk treatment implementation plans.

13. REVIEW OF ENTERPRISE RISK MANAGEMENT DOCUMENTS

Item	Process
Risk Management Policy	Document to be reviewed by Councils Senior Management Team every two years or when there is a major change in Council. To be approved by Audit Committee and Council.
Risk Management Framework	Document to be reviewed every two years with changes to be endorsed by the Audit Committee and approved by the Council. May also be reviewed where improvements are identified.
Risk Management Process	Document to be monitored and reviewed on an ongoing basis and changes to be endorsed by the Audit Committee and approved by the EMT.
Strategic Risks (Organisational level)	Directors and CEO to review all strategic and operational risks (significant to extreme) and treatments. Report to Audit Committee on annual basis or where a change is made.
Operational Risks (Department level)	Managers to review risks and treatments when data at the task level has changed. Regular reviews to be undertaken (on all significant risks) and reported to the EMT.
Individual risks (Task level)	The monitoring and review will be ongoing. Checking the process used reflects up to date information. May be prompted by an incident where a control failed or was not in place.

8.6 DELEGATIONS UPDATE AUGUST 2019

Date Prepared: 1 September 2019

Author: Manager Development and Governance

Attachments:

1. Instrument of Delegation - Environmental Protection Regulation 2019 [↓](#)
2. Table of Delegable Powers - Waste Reduction and Recycling Reg 2011 [↓](#)
3. Table of Delegable Powers - Planning Regulation 2017 [↓](#)

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. Also, to ensure good governance within Council the Delegations and Authorisations Policy has been reviewed.

RECOMMENDATION

That:

1. Council delegates the exercise of the powers contained in the attached Table of Delegable Powers and Instrument of Delegation, with such powers to be exercised subject to any limitations; and
2. Any prior delegations of power relating to the same matters are revoked.

BACKGROUND

Council have 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. All delegations are made subject to the limitations on the attached documentation.

This report and the recommended delegations of power to the CEO if executed by resolution of Council, will provide a base for good decision making and accountability while maintaining statutory compliance by the Mareeba Shire Council.

Council subscribes to a monthly delegation's 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 attached Tables of Delegable Power and Instrument of Delegation display the legislation recently reviewed by MacDonnells and the amendments or additions to be made as a result thereof.

Environmental Protection Regulation 2019 (Qld) ("ENRP")

On 1 September 2019, a new ENRP will commence which repeals the Environmental Protection Regulation 2008 (Qld).

The explanatory notes to the Bill for the ENRP, states that it is in substantially similar form to the existing legislation. Amendments have been made to reflect current drafting practice and ensure the continued effective operation of the regulation.

Whilst a number of changes have been made to reflect current drafting practice, other changes have been made to:

- remove redundant provisions and definitions;
- update titles, standards, versions, terminology etc. to ensure references are current;
- correct technical errors, such as incorrect and missing references to sections of the regulation and other legislation;
- clarify the policy intent of existing provisions;
- insert new transitional provisions to ensure the effective operation of the regulation.

Some of the more substantial changes are explained in more detail below.

These changes have resulted in the renumbering of many of the provisions. The remaking of the Environmental Protection Regulation 2008, the Environmental Protection (Noise) Policy 2008 and the Environmental Protection (Water) Policy 2009 in new contemporary form has also necessitated consequential amendments to other subordinate legislation which are included in the legislation.

A further consequential amendment is made to the Waste Reduction and Recycling Regulation 2011 to re-insert a section about waste collection by local governments which was incorrectly repealed on 1 July 2019 by the Waste Reduction and Recycling (Waste Levy) Amendment Regulation 2019.

Waste Reduction and Recycling Regulation 2011 (Qld) ("WRRR")

The WRRR has been amended by the ENRP which comes into force on 1 September 2019.

The amendment updates the reference to the repealed Environmental Protection Regulation 2008 to the new ENRP and has resulted in an insertion of Part 2A relating to designation of areas by local governments for general and green waste collection.

Planning Regulation 2017 (Qld) ("PLR")

The PLR has been amended by the Planning Legislation (Fees and Other Matters) Amendment Regulation 2019 (Qld) which came into force on 1 July 2019.

The amendment which affects Council allows it (or its delegate) to determine the prescribed amount of the maximum charges for certain trunk infrastructure, for certain types of buildings.

Council does this by determining what other development type with a prescribed fee is similar to the development before it in the "other uses" category of developments, and then applying the prescribed amount for that similar development to the "other uses" development before Council.

The amendments to the PLR are otherwise generally to:

1. update fees in line with the Government indexation rate and the Queensland Roads and Bridges construction index;
2. facilitate the timely development of certain youth detention centres;
3. clarify when dwelling houses and dual occupancies may or may not be regulated by a local categorising instrument; and
4. give effect to the most current version of the State Development Assessment Provisions (SDAP).

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

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.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

INSTRUMENT OF DELEGATION

Mareeba Shire Council *Environmental Protection Regulation 2019 ("ENPR")*

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.

Schedule 1

Environmental Protection Regulation 2019 ("ENPR")**CHAPTER 3 – ENVIRONMENTALLY RELEVANT ACTIVITIES****Part 1 – Environmentally relevant activities – general matters****Division 3 – Development application relating to concurrence ERAs**

Entity power given to	Section of ENPR	Description
Assessment Manager or Referral Agency	19(4)	Power to consider the specified benchmarks under section 19(2).

CHAPTER 4 – REGULATORY REQUIREMENTS¹**Part 2 – Regulatory requirements for all environmental decision**

Entity power given to	Section of ENPR	Description
Administering Authority	35(1)	Power to when making an environmental management decision relating to an environmentally relevant activity, other than the prescribed ERA; (a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1 and 2; and (b) consider the environmental values declared under this regulation; and (c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i> ; and (d) consider each of the following under any relevant environmental protection policies- (i) the management hierarchy; (ii) environmental values; (iii) quality objectives; (iv) the management intent; and (e) if the bilateral agreement requires the matters of national environmental significance to be consider- consider those matters.
Administering Authority	35(3)	In the specified circumstance, power to: (a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1; and

¹ The powers under Chapter 4 may only be exercised by a local government for a matter the enforcement and administration of which has been devolved to the local government under Chapter 8, Part 1, Division 1 and which has not been excluded by Chapter 8, Part 1, Division 2.

		(b) consider the matters mentioned in subsection (1)(b), (c) and (d).
Administering Authority	36(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose conditions about each of the specified matters.
Administering Authority	37(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose monitoring conditions about the release of contaminants from the activity on the receiving environment.
Administering Authority	37(2)	Power to, when considering whether to impose a monitoring condition, consider the specified matters.

Part 3 – Additional regulatory requirements for particular environmental management decisions

Entity power given to	Section of ENPR	Description
Administering Authority	40(2)	In the specified circumstances, power to refuse to grant an application if the authority considers that, because of the activity, the wetland may be destroyed or reduced in size or the biological integrity of the wetland may not be maintained.
Administering Authority	41(2)	In the specified circumstances, power to refuse to grant an application if the authority considers one of the specified matters to be relevant.

CHAPTER 5 – MATTERS RELATING TO ENVIRONMENTAL MANAGEMENT AND ENVIRONMENTAL OFFENCES

Part 1 – Categorisation of commercial waste and industrial waste

Division 3 – Notification, reporting and record keeping

Entity power given to	Section of ENPR	Description
Generator of waste	51(2)	In the specified circumstances, power to notify the administering authority of the change in waste types within 24 hours after receiving the test results for the retesting.
Generator of waste	51(3)	In the specified circumstances, within 10 business days of receiving the test results for the retesting of the waste, power to give the administering authority a written report stating the specified things.
Generator of waste	52(1)	Power to, for each load of the waste transported to a receiver, record the prescribed information for the load in the approved form.
Generator of waste	52(2)	Power to, before or when the load is given to a receiver, give the prescribed information for the load to the receiver.
Receiver of tested waste	53(2)	In the specified circumstances, power to, before or when the receiver is given the load, record the prescribed information for the load in the approved form.

Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.
Local Government	103(1)(a)	In the specified circumstances, power to require that the occupier of serviced premises ensure that a waste container supplied for the premises is kept at a particular place at the premises.
Local Government	103(2)(a)	In the specified circumstances, power to arrange to collect waste from the container at a place.
Local Government	104(2)	In the specified circumstances, power to require the person to ensure each of the specified things is supplied at the premises.
Local Government	104(2)(a)(i)	Power to specify a level required by the local government for an elevated stand holding all waste containers.
Local Government	104(2)(a) (ii)	Power to require an imperviously paved area where all waste containers can be placed to be drained.

Division 2 – Removal of general waste

Entity power given to	Section of ENPR	Description
Local Government	105(2)	In the specified circumstances, power to give the occupier of the relevant premises a written notice stating the specified things.
Local Government	106(2)(a)	In the specified circumstances, power to give a written approval (a relevant approval) to the owner or occupier of the relevant premises for depositing or disposing of the waste.
Local Government	106(2)(b)	In the specified circumstances, power to impose conditions on the approval.

Division 3 – Storage and treatment of industrial waste

Entity power given to	Section of ENPR	Description
Local Government	107(1)	Power to require the occupier of relevant premises where there is industrial waste to do the specified things.
Local Government	107(2)	In the specified circumstances, the power to supply industrial waste containers at the premises.
Local Government	107(4)	Power to approve a type of waste container for storing industrial waste at premises within the local government's area.
Local Government	108	Power to determine the standard that industrial waste must be treated to for disposal of the waste at a waste facility.
Local Government	108	Power to require the occupier of relevant premises where there is industrial waste to treat the waste to a standard for disposal of the waste at a waste facility.

Part 3 – Requirements and restrictions for waste facilities

Entity power given to	Section of ENPR	Description
Waste Facility Owner or Operator	112(1)	Power to consent to a person: (a) entering the facility other than to deposit waste; or (b) remaining on the facility after depositing waste; or (c) interfering with waste at, or removing the waste from, the facility.
Waste Facility Owner or Operator	113(2)(a)	In the specified circumstances, the power to display signs giving reasonable directions at the facility,
Waste Facility Owner or Operator	113(2)(b)	In the specified circumstances, the power to give reasonable instructions to a person who transports and delivers waste to the waste facility
Waste Facility Owner or Operator	113(2)(c)	In the specified circumstances, the power to request the person who transports and delivers waste to waste facility to give information to the owner or operator about the type and amount of waste being delivered.

CHAPTER 9 – FEES

Part 3 – Annual Fees

Division 3 – Amendment application for environmental authorities

Entity power given to	Section of ENPR	Description
Administering Authority	173(2)	Power to require, by written notice, the holder of a relevant authority to pay the authority the difference between the annual fee and the reduced annual fee.

Schedule 2

LIMITATIONS TO THE EXERCISE OF POWER

1. 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.

[2019 09 01 - ENPR - Delegation Instrument]

Schedule 2

LIMITATIONS TO THE EXERCISE OF POWER

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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.

[2019 09 01 - ENPR - Delegation Instrument]

Delegable Powers under the Waste Reduction and Recycling Regulation 2011 ("WRRR")

Part 2A – Designation of areas by local governments for general or green waste collection

Entity power given to	Section of WRRR	Description	Date of Resolution of Delegation to CEO
Local Government	7(b) ¹	Power to decide the frequency of general waste or green waste collection in the designated areas.	

Part 3 - Waste levy

Division 4 – Discounting waste levy for residue waste

Entity power given to	Section of WRRR	Description	Delegation to the CEO / Date of Resolution
Holder of the approval	11J(1)(b)	In the circumstances, the power to give the chief executive a report that complies with subsection (2) within 2 months after each reporting period ends.	

[2019 039 2201 - WRRR - Delegation Table]

¹Section 7A of the WRRR confirms that this section expired on 1 July 2018

Delegable Powers under the Planning Regulation 2017 ("PLAR")

SCHEDULE 16 – PRESCRIBED AMOUNT

<u>Entity power given to</u>	<u>Section of PLAR</u>	<u>Description</u>	<u>Date of Resolution of Delegation to CEO</u>
<u>Local Government</u>	<u>Table 1 "Other uses"</u>	<u>Power to apply to a use that is listed in Column 1 a prescribed amount for another similar use listed in Column 1 (other than in this row).</u>	

[2019 072 2201 - PLAR - Delegation Table]

8.7 FINANCIAL STATEMENTS PERIOD ENDING 31 AUGUST 2019**Date Prepared:** 3 September 2019**Author:** Manager Finance

Attachments: 1. Budgeted Income Statement by Fund [↓](#)
 2. Capital Listing [↓](#)

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an overview of financial matters for the period 1 July 2019 to 31 August 2019.

RECOMMENDATION

That Council;

1. note the financial report for the period ending 31 August 2019;
2. endorse emergency purchase order PAD13478;
3. approve, in accordance with Council's procurement policy the Mareeba International Club as a sole supplier of a large venue in Mareeba; and
4. approve the amended 2019/20 capital works program to include capital carry overs from 2018/19 and additional capital projects.

BACKGROUND

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

For the period ending 31 August 2019, the actual results are in line with the year to date budget.

The budgeted figures reflect the 2019/20 Budget as adopted by Council at the 19 June 2019 meeting. There are no issues or concerns to discuss or highlight at this stage. The surplus is due to the rates notices being issued in August 2019.

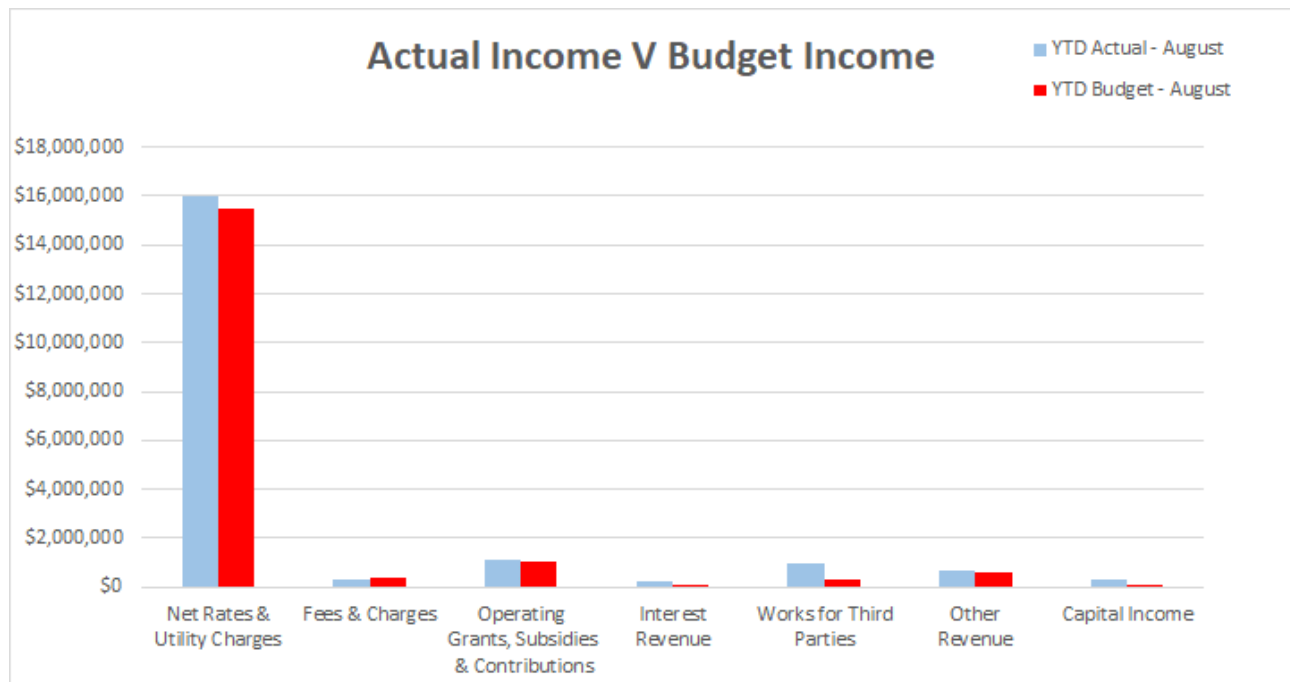
August 2019 - Snapshot

Total Operating Income	\$	19,201,134
Total Operating Expenditure	\$	8,714,634
Operating Surplus/(Deficit)	\$	10,486,500
Total Capital Income (grants, developer contributions)	\$	323,359
Net Result - Surplus/(Deficit)	\$	10,809,859

Income Analysis

Total income (including capital income of \$323,359) for the period ending 31 August 2019 is \$19,524,493 compared to the YTD budget of \$17,919,857.

The graph below shows actual income against budget for the period ending 31 August 2019



	Actual YTD	Budget YTD	Note
Net Rates & Utility Charges	15,988,024	15,467,457	1
Fees & Charges	270,573	357,453	
Operating Grants, Subsidies & Contributions	1,114,356	1,021,686	
Interest Received	199,017	83,418	2
Works for Third Parties	975,362	298,500	3
Other Revenue	653,802	605,045	
Capital Income	323,359	86,298	

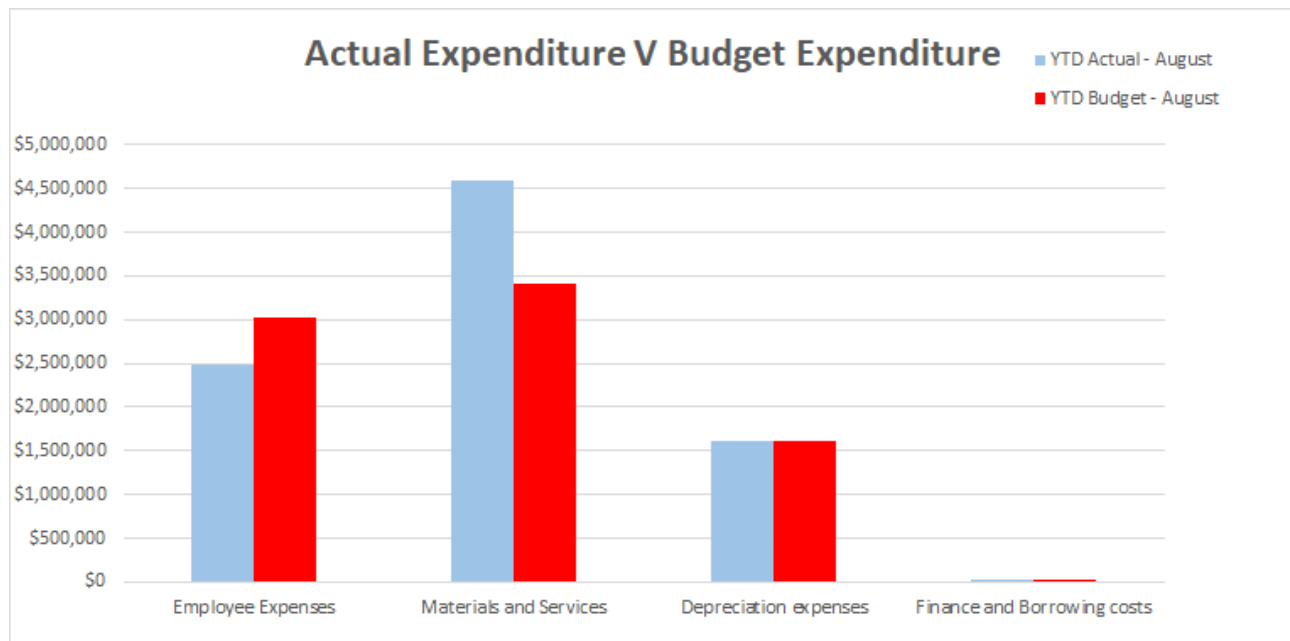
Notes:

1. Rates for the half year ending 31 December 2019 were levied in August. The favourable variance relates to the rates discount, which is only recorded when rate payments are made. As more rate payments are received before discount dates, this variance will reduce.
2. QTC interest received is above budget expectation due to June 2019 interest of \$93k being received in July. August QTC interest received \$81k.
3. Favourable result due to 3rd party works which are not budgeted for. The associated costs form part of the operational expenses which were also not budgeted for. The net impact of these additional works is likely to be a small surplus.

Expenditure Analysis

Total expenses for the period ending 31 August 2019 is \$8,714,634 compared to the YTD budget of \$8,079,729.

The graph below shows actual expenditure against budget for the period ending 31 August 2019.



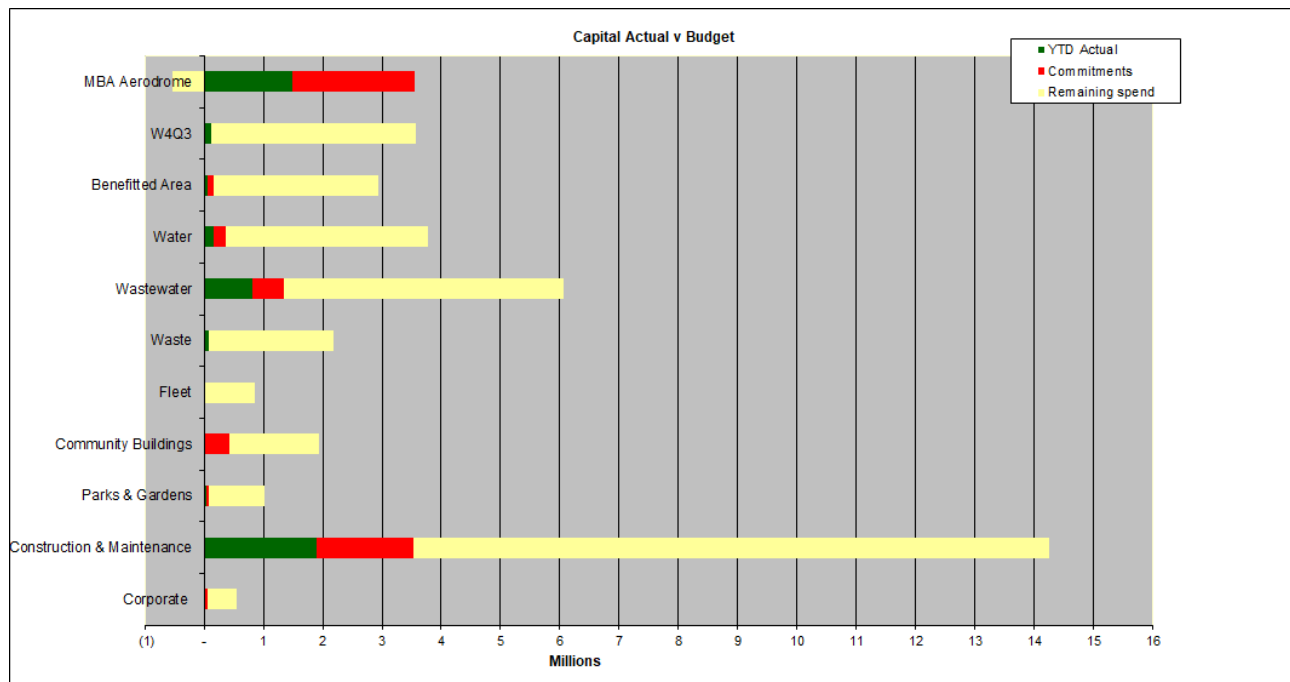
	Actual YTD	Budget YTD	Note
Employee expenses	2,485,226	3,032,862	
Materials & Services	4,589,954	3,410,220	1
Depreciation expenses	1,621,646	1,621,646	
Finance & Borrowing costs	17,808	15,000	

Notes:

1. The majority of the variance relates to NDRRA expenditure and additional 3rd party works. This is offset by the additional income.

Capital Expenditure

Total capital expenditure of \$9,704,645 (including commitments) has been spent for the period ending 31 August 2019 against the 2019/20 adjusted annual capital budget of \$40,347,50. This budget figure now includes carry overs from 2018/19 of \$8,373,114 and new and additional funds required for 2019/20 capital projects of \$4,517,728.



It should be noted that due to the on-ground conditions there will be an overspend on the airport project however the quantum is still unknown.

Loan Borrowings

Council's loan balance is as follows:

QTC Loan - Mareeba Sewerage Treatment Plant \$4,456,709

Rates and Sundry Debtors Analysis

Rates and Charges

The total rates and charges payable as at 31 August 2019 are \$13,484,924 which is broken down as follows:

Status	31 August 2019		31 August 2018	
	No. of properties	Amount	No. of properties	Amount
Valueless land	17	855,373	77	2,572,050
Payment Arrangement	84	133,018	73	92,480
Collection House	251	1,015,704	207	825,964
Exhausted – awaiting sale of land	9	108,489	10	102,815
Sale of Land	-	-	-	-
Other (includes current rates)	7,098	11,372,340	7,260	11,187,358
TOTAL	7,459	13,484,924	7,627	14,780,667

The Rate Notices for the period ending 31 December 2019 were issued on 12 August 2019 with the discount due date being 13 September 2019. Total Gross Rates and Charges levied for this six (6) month period totalled \$17,429,286.

Collection House collected \$75,622 for the month of August 2019.

Sundry Debtors

The total outstanding for Sundry Debtors as at 31 August 2019 is \$1,169,103 which is made up of the following:

Current	30 days	60 days	90 + days
\$1,073,000	\$10,700	\$73,058	\$12,345
92%	1%	6%	1%

The majority of the current total relates to the third party works invoice to the Department of Main Roads.

Procurement

One (1) emergency purchase order was recorded for August as follows;

Order Number	Quotation Process	Order Date	Supplier Name	Order Amount	Reason
PAD13478	Emergency	12/18/19	Tradelink	\$5,000 (actual costs \$1,514.72)	Emergent works - pipework leaking and only supplier locally that had the products in stock

Sole Supplier

In the absence of another suitable large venue, Council will recognise the Mareeba International Club as a sole supplier for the purpose of procuring such events as the Seniors Morning Tea and Australia Day. In the event of an alternate suitable venue, this sole supplier arrangement will be relinquished and will revert to obtaining quotes for facility hire for council events.

RISK IMPLICATIONS

Nil

Legal/Compliance/Policy Implications

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

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

LINK TO CORPORATE PLAN

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

Budgeted Income Statement by Fund 2019/20 Budget

Consolidated

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	16,435,793	16,464,207	32,928,414
Less Discounts and Pensioner Remissions	(447,769)	(996,750)	(1,993,500)
Net Rates and Utility Charges	15,988,024	15,467,457	30,934,914
Fees and Charges	270,573	357,453	1,245,717
Operating Grants and Subsidies	953,734	1,021,686	7,215,763
Operating Contributions	160,622	-	920,662
Interest Revenue	199,017	83,418	500,509
Works for Third Parties	975,362	298,500	1,791,000
Other Revenue	653,802	605,045	3,628,870
Total Operating Revenue	19,201,134	17,833,559	46,237,435
Expenditure			
Employee Expenses	2,485,226	3,032,862	18,329,611
Materials and Services	4,589,954	3,410,220	13,393,002
Depreciation expense	1,621,646	1,621,646	9,729,879
Finance and Borrowing costs	17,808	15,000	317,163
Total Operating Expenses	8,714,634	8,079,729	41,769,655
Operating Surplus/(Deficit)	10,486,500	9,753,830	4,467,780
Capital Income			
Capital Contributions	43,285	-	-
Capital Grants and Subsidies	280,074	86,298	10,428,798
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	323,359	86,298	10,428,798
Net Result	10,809,859	9,840,128	14,896,578

Budgeted Income Statement by Fund 2019/20 Budget			
<u>General</u>			

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	9,044,061	8,972,475	17,944,951
Less Discounts and Pensioner Remissions	(447,769)	(996,750)	(1,993,500)
Net Rates and Utility Charges	8,596,292	7,975,725	15,951,451
Fees and Charges	268,315	357,453	1,245,717
Operating Grants and Subsidies	953,734	1,021,686	7,215,763
Operating Contributions	1,117	-	-
Interest Revenue	92,380	48,333	290,000
Works for Third Parties	959,103	290,500	1,743,000
Other Revenue	383,171	313,945	1,860,270
Total Operating Revenue	11,254,112	10,007,642	28,306,201
Expenditure			
Employee Expenses	2,250,648	2,720,794	16,494,992
Materials and Services	3,121,012	1,754,654	4,407,198
Depreciation expense	1,080,837	1,080,837	6,485,022
Finance and Borrowing costs	17,808	15,000	185,000
Total Operating Expenses	6,470,305	5,571,285	27,572,212
Operating Surplus/(Deficit)	4,783,807	4,436,357	733,989
Capital Income			
Capital Contributions	23,503	-	-
Capital Grants and Subsidies	759	86,298	8,626,298
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	24,262	86,298	8,626,298
Net Result	4,808,069	4,522,655	9,360,287

Budgeted Income Statement by Fund 2019/20 Budget			
<u>Waste</u>			

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	1,913,094	1,903,299	3,806,598
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	1,913,094	1,903,299	3,806,598
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	22,860	8,333	50,000
Works for Third Parties	-	-	-
Other Revenue	232,465	278,267	1,669,600
Total Operating Revenue	2,168,419	2,189,899	5,526,198
Expenditure			
Employee Expenses	67,067	75,403	393,821
Materials and Services	562,974	732,564	4,365,426
Depreciation expense	34,214	34,214	205,285
Finance and Borrowing costs	-	-	-
Total Operating Expenses	664,255	842,181	4,964,532
Operating Surplus/(Deficit)	1,504,164	1,347,718	561,666
Capital Income			
Capital Contributions	4,954	-	-
Capital Grants and Subsidies	54,314	-	190,000
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	59,268	-	190,000
Net Result	1,563,432	1,347,718	751,666

Budgeted Income Statement by Fund 2019/20 Budget

Wastewater

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	2,488,983	2,477,187	4,954,374
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	2,488,983	2,477,187	4,954,374
Fees and Charges	2,258	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	35,336	14,167	85,000
Works for Third Parties	-	500	3,000
Other Revenue	9,980	7,500	45,000
Total Operating Revenue	2,536,557	2,499,354	5,087,374
Expenditure			
Employee Expenses	65,753	88,095	536,235
Materials and Services	278,118	328,104	1,635,815
Depreciation expense	246,951	246,951	1,481,708
Finance and Borrowing costs	-	-	132,163
Total Operating Expenses	590,822	663,150	3,785,921
Operating Surplus/(Deficit)	1,945,735	1,836,204	1,301,453
Capital Income			
Capital Contributions	5,429	-	-
Capital Grants and Subsidies	225,000	-	462,500
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	230,429	-	462,500
Net Result	2,176,164	1,836,204	1,763,953

Budgeted Income Statement by Fund 2019/20 Budget

Water

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	2,821,227	2,943,658	5,887,316
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	2,821,227	2,943,658	5,887,316
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	-	-	-
Interest Revenue	24,738	4,167	25,000
Works for Third Parties	16,259	7,500	45,000
Other Revenue	27,422	5,333	32,000
Total Operating Revenue	2,889,646	2,960,658	5,989,316
Expenditure			
Employee Expenses	90,199	133,928	815,254
Materials and Services	562,760	514,616	2,712,759
Depreciation expense	245,315	245,315	1,471,893
Finance and Borrowing costs	-	-	-
Total Operating Expenses	898,274	893,859	4,999,906
Operating Surplus/(Deficit)	1,991,372	2,066,799	989,410
Capital Income			
Capital Contributions	9,400	-	-
Capital Grants and Subsidies	-	-	1,150,000
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	1,150,000
Net Result	2,000,772	2,066,799	2,139,410

Budgeted Income Statement by Fund 2019/20 Budget			
<u>Benefited Area</u>			

	Actual YTD	Budget YTD	2019/20 Budget
Revenue			
Rates and utility charges	168,428	167,588	335,175
Less Discounts and Pensioner Remissions	-	-	-
Net Rates and Utility Charges	168,428	167,588	335,175
Fees and Charges	-	-	-
Operating Grants and Subsidies	-	-	-
Operating Contributions	159,505	-	920,662
Interest Revenue	23,703	8,418	50,509
Works for Third Parties	-	-	-
Other Revenue	764	-	22,000
Total Operating Revenue	352,400	176,006	1,328,346
Expenditure			
Employee Expenses	11,559	14,642	89,309
Materials and Services	65,091	80,281	271,804
Depreciation expense	14,329	14,329	85,972
Finance and Borrowing costs	-	-	-
Total Operating Expenses	90,978	109,252	447,085
Operating Surplus/(Deficit)	261,422	66,754	881,261
Capital Income			
Capital Contributions	-	-	-
Capital Grants and Subsidies	-	-	-
Profit/(Loss) on Sale of Asset	-	-	-
Total Capital Income	-	-	-
Net Result	261,422	66,754	881,261

Capital Project Reference	Project	Status
<u>1. Reseal Program</u>		
CP00467	19/20 Reseal program	Original
CP00343	18/19 Reseal program	Carry over
<u>2. Gravel Resheet</u>		
CP00468	19/20 Gravel resheet	Original
CP00371	18/19 Gravel resheet	Carry over
<u>3. Roads</u>		
CP00462	TIDS19/20 - Chettle Road. Rehabilitate. Ch. 2.243 - 4.003	Original
CP00560	Design Program, All. Design forward works projects	Original
CP00470	TIDS & R2R19/20 - Chettle Road, Arriga. Rehabilitate Pavement. Chainage 5.5 - 7.21	Original
CP00471	Anzac Avenue and Ceola Drive Mareeba. Channelised intersection including shoulder widening and line marking	Original
CP00472	W4Q3 - Bailey St – widen seal	Original
CP00473	W4Q3 - Lerra St – kerb to kerb and drainage improvements	Original
CP00554	W4Q3 - Pickford Road Bibbohra upgrades	Original
CP00438	MIP - Keegan Street extension to connect to Effley Street	Original
CP00259	Ootann Road. New bitument seal to 9m wide	Carry over
CP00370	MIP subdivision development extension of Effley Street to Lot 223	Carry over
CP00568	NDRRA Betterment	New
<u>4. Bridges</u>		
CP00469	R2R19/20 - Chapman Road, Bushy Creek Bridge, Julatten. Replace timber bridge with concrete bridge	Original
CP00474	Hales Siding Road. Replace timber bridge with concrete	Original
CP00475	Kanervo Road - Davies Creek Bridge. Replace timber superstructure with concrete	Original
CP00476	W4Q3 - Mount Mulligan Road Crossing adjustments	Original
CP00555	W4Q3 - Anzac Avenue Bridge Mareeba replacement and upgrade	Original
CP00556	Anzac Avenue Bridge Mareeba replacement and upgrade (other funding)	New
<u>5. Drainage</u>		
CP00477	Various Locations. Renew minor culverts that are in poor condition	Original
CP00478	Parkland Circuit. Replace stormwater pipes that have separated	Original
CP00375	Malone Road Drainage Stage 2	Carry over
CP00373	R2R - Girders Atherton Creek Bridge Ray Road	Carry over
CP00374	R2R - Girders Clohesy Creek Bridge Barron St	Carry over
<u>6. Parking</u>		
CP00376	Railway Avenue, new car park. Stage One. Mareeba	Carry over
CP00362	W4Q2 - Julatten School Bus Turnaround	Carry over
<u>7. Traffic Facilities</u>		
CP00479	W4Q3 - Pedestrian crossing Anzac Avenue	Original
<u>8. Footpaths</u>		
CP00480	W4Q3 - Footpath Renewal, All localities	Original
CP00481	W4Q3 - Eales Park to Ward Street connection footpath replacement, Mareeba	Original
CP00443	Footpath Renewal Program	Carry over
CP00151	Mba & Kuranda Pedestrian and Bikeway Study	Carry over

Capital Project Reference	Project	Status
<u>9. Parks and Open Spaces</u>		
CP00482	Sunbird Park, Mareeba. Irrigation upgrade - Stage 2	Original
CP00483	W4Q3 - Gregory Terrace Park, Kuranda. Renew softfall and replace playground equipment	Original
CP00484	Seed funding for Bi-Centennial Lakes, Mareeba priority project/s	Original
CP00485	Mareeba irrigation upgrades to include Alex Lawson Park, Mary Andrews Park and Byrnes Street Centre islands at the northern end of town	Original
CP00486	Cemetery shed extension	Original
CP00487	Reef Guardian Project.	
	Bicentennial Lakes, Mareeba. Install trash rack & fencing	Original
CP00488	Replace irrigation and vegetation on Antonio Drive.	Original
CP00552	W4Q3 - Eastern Mareeba CBD Byrnes Street Trees Project	Original
CP00381	Kuranda CBD. Renew irrigation and planting	Carry over
CP00284	Shire Beautification Program	Carry over
CP00384	Kuranda Esplanade renew furniture	Carry over
CP00156	Mba Off Road trails masterplan	Carry over
CP00450	Mareeba Shire Rail Trail	Carry over
CP00558	Arnold Park Power Box Works	New
<u>10. Water</u>		
CP00489	Telemetry/SCADA upgrades	Original
CP00490	Valve replacement program (reticulation)	Original
CP00562		
	Uncommitted: Subject to grant. Rankin Street West water main replacement and upgrade	Original
CP00491	Construct water bore site at Chillagoe (investigative work)	Original
CP00492	Mareeba Water Treatment Plant replace filter media	Original
CP00563		
	Uncommitted: Subject to grant. Replace Mareeba Water Treatment Plant Generator with a 700KVA	Original
CP00564	Replace existing reservoirs in Chillagoe with new 500KL concrete reservoir	Original
CP00493	Install flow meters at Centenary Park booster pump station, Wylandra booster pump station and Mason Road booster pump station	Original
CP00494	Replace water main on Leinster Drive, Kenneally Rd Estate	Original
CP00495	Replace water main on Vaughan St.	Original
CP00496	Costin Street main replacement	Original
CP00497	Dimbulah Water Treatment Plant replace filter media	Original
CP00498	Kuranda WTP clear water pump station staged pumps renewal	Original
CP00499	Replace Kuranda water plant filter auto valves	Original
CP00342	Byrnes St water main upgrade	Carry over
CP00392	Water Main replacement Clacherty Street	Carry over
CP00394	Refurb Centenary Park booster pump station	Carry over
CP00459	MIPP2 - Infrastructure Pipeline Project	Carry over
<u>11. Wastewater</u>		
CP00500	Telemetry/SCADA upgrades	Original
CP00400	Barang Street pump station, Kuranda. Capacity upgrade	Original
CP00502	4 new standby generators for priority sewerage pump stations	Original
CP00503	Mareeba Sewer CCTV & relining program.	Original
CP00504	Mareeba and Kuranda relining strategy	Original
CP00505	Manhole rehabilitation and replacement program	Original
CP00506	Manhole H2S protection	Original
CP00507	Granite Creek WWPS Pump 3 replacement	Original
CP00508	Minor Sewerage Pump Stations H2S protection	Original
CP00509	Kullaroo, Jumrum and Palm Close pump station wet well pipe renewal	Original
CP00364	Kuranda WWTP embankment works	Carry over
CP00401	Mareeba Sewer reline program	Carry over
CP00409	Replace grit classifier at Kuranda and Mareeba WWTP	Carry over

Capital Project Reference	Project	Status
<u>12. Waste</u>		
CP00510	Old Mareeba Landfill leachate extraction well extensions and extraction pumps	Original
CP00511	Regional Waste Planning Strategy for Mareeba Transfer Station	Original
CP00565	Uncommitted: Subject to grant funding. Connect Kuranda Waste Transfer Station to the Ergon network	Original
CP00566	Uncommitted: Subject to grant funding.	
CP00567	Kuranda Transfer Station reserve fire fighting water tank and bore	Original
	Uncommitted: Subject to grant funding.	
CP00412	Kuranda Waste Transfer Station weighbridge and gatehouse	Original
CP00417	Design and construction of MBA Transfer Station reconfig of site layout	Carry over
	Relocate the large open frame shed from railway yard to Mareeba Transfer Station	
		Carry over
CP00458	Mareeba Landfill upgrade - gates, fencing	Carry over
<u>13. Aviation Facilities</u>		
CP00069	Mareeba Aerodrome Upgrade	Carry over
<u>14. Depots and Council Offices</u>		
CP00512	Kowa St Building, Mareeba. Air conditioner condition assessment	Original
CP00513	Mount Molloy Depot, Mount Molloy. Replace ridge capping	Original
CP00514	Kowa St Depot Building, Mareeba. Paint external walls	Original
CP00515	Replace Parks and Gardens Depot Shed, Kowa St, Mareeba	Original
CP00516	Chillagoe Depot, Chillagoe. Roof extension from existing storage shed across to shipping container	Original
CP00553	W4Q3 - Rankin Street Office - replace airconditioner	Original
CP00179	Kowa St Depot - Car Park Upgrade	Carry over
CP00429	Roof Replacement/repairs - Soil Lab	Carry over
CP00430	Replace Roof. Mareeba Kowa Street Office	Carry over
<u>15. Facilities</u>		
CP00517	Dimbulah Swimming Pool. Replace Filtration system including pumps, tanks and pipework	Original
CP00518	W4Q3 - Mareeba Swimming Pool. Replace filtration systems	Original
CP00519	Mareeba Community Hub	Original
CP00520	W4Q3 - Mareeba Pound. Upgrade pound and refuge facility	Original
CP00521	Mareeba Leagues Club Grandstand Dressing Rooms. Replace the existing rubber tiles with continuous rubber matting	Original
CP00522	W4Q3 - Chillagoe Hall External Refurbishment	Original
CP00523	W4Q3 - Repaint Chillagoe Hub	Original
CP00524	Dimbulah Caravan Park. Refurbishment of the dongas and amenities facilities	
		Original
CP00525	Dimbulah Memorial Park . Replace toilet facilities soakage trenches	Original
CP00526	Mareeba Swimming Pool. Pool heater	Original
CP00186	Mareeba Library Business Case and Design	Carry over
CP00431	Kda Aquatic Centre - new steel roof over top of existing concrete filter shed	Carry over
CP00432	Replace grease trap at Mareeba Leagues Club	Carry over
CP00192	PCYC Replace Exterior/paint	Carry over
CP00194	Kda Recreation Centre - refurb	Carry over
CP00444	Kda Mens Shed	Carry over
CP00433	Provide alternative cottage/donga for Mareeba Animal Refune caretaker	Carry over
<u>16. Community Housing</u>		
CP00527	BD-001088 1/4 Hay Street. Replace carport	Original
CP00528	BD-000569 3 Wilkes Street. Replace awning	Original
CP00460	Structural works 2A-2F Barang St Kuranda	Carry over

Capital Project Reference	Project	Status
<u>17. Fleet</u>		
CP00529	Replace Unit 625	Original
CP00530	Replace Unit 210	Original
CP00531	Replace Unit 620	Original
CP00532	Replace Unit 1280	Original
CP00533	Replace Unit 306	Original
CP00534	Major Repairs for Asset No 5420	Original
CP00535	Major Repairs for Asset No 5421	Original
CP00536	Replace Unit 1293	Original
CP00537	Repaint Unit 632	Original
CP00538	Replace Unit 4052	Original
CP00427	New GPS Vehicle Management System	Carry over
<u>18. Other</u>		
CP00539	NBN FTTP build	Original
CP00540	SIP Migration	Original
CP00541	Tech One ECR	Original
CP00542	Tech One EAM Mobility including licensing and hardware	Original
CP00543	Data Protection Infrastructure	Original
CP00544	Mareeba Cemetery Lawn Beam	Original
CP00545	Mareeba Cemetery Headstone Beam	Original
CP00546	Mareeba Cemetery Mausoleum Wall	Original
CP00446	New Cemetery - Kuranda Area Investigation	Original
CP00548	GIS & Survey Hardware Upgrade	Original
CP00549	Asset Inspection Hardware	Original
CP00550	WWII Markers	Original
CP00441	ICT - Annual Cloud Implementation	Carry over
CP00569	CCTV - Stores	New
<u>19. KIAC</u>		
CP00258	Therwine Street Re-development	Carry over
CP00335	Walking Tracks - Phase 1	Carry over
CP00336	New Wayfinding Singage	Carry over
CP00337	Information Technology	Carry over
CP00338	Rehab of Jum Rum Walking Track	Carry over
CP00331	Barron Falls Walking Track Phase 2	New
CP00561	Jungle Walk Track Rehabilitation	New

9 INFRASTRUCTURE SERVICES

9.1 QMSC2019-07 BARANG STREET RENEWAL PROJECT - COMMUNITY HOUSING

Date Prepared: 8 September 2019
Author: Manager Technical Services
Attachments: Nil

EXECUTIVE SUMMARY

Council invited quotations from suitably qualified contractors to undertake the structural upgrade and remedial building works to six (6) Community Housing units in Barang Street, Kuranda.

The submission period for compliant quotations closed 1 August 2019, with three (3) quotations being received, all of which exceeded the projects budget by a significant margin.

RECOMMENDATION

That Council not award QMSC2019-07 Barang Street Renewal Project - Community Housing.

BACKGROUND

Council invited quotations from suitably qualified contractors to undertake the structural upgrade and remedial building works to six (6) Community Housing units in Barang Street, Kuranda.

The submission period for compliant quotations closed 1 August 2019, with three (3) quotations being received, all of which exceeded the projects budget by a significant margin.

Due to the significant variance between available budget and received quotations, it is recommended that Council not award the Contract and instead seek alternative arrangements for the delivery of the works. In addition, there were a number of exclusions and omissions in the tender prices which would have the potential to further increase the cost.

A summary of the submissions, as opened, are as follows;

Supplier	Price Excl GST	Price Inc GST
H.C Building & Construction	\$314,392.00	\$345,831.20
Ngoonbi Community Services Indigenous Corporation	\$331,727.01	\$365,454.00
Richardson's Building Services	\$265,381.50	\$291,919.65

RISK IMPLICATIONS

Financial

All submissions provided exceeded the available budget, therefore awarding the contract would not only require the addition of funds to address the quoted shortfall, however, would also require additional funding to be set aside to address potential costs arising from latent conditions.

Infrastructure and Assets

Works to refurbish the structures will be undertaken in the current financial year, thereby addressing any ongoing concerns with the facilities.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Procurement Policy - Value for Money.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Alternative arrangements will be sourced to deliver the works at a cost discount to the submissions received. Additional funding will be required, further information as to funding requirement will be provided once alternative delivery methods have been developed.

Is the expenditure noted above included in the current budget?

Partially funded in budget.

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

Additional funding will be sought once costings are known.

Operating

Potential for reduced operational costs as the structures will be refurbished.

Is the expenditure noted above included in the current budget?

yes.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Tenderers will be notified in writing of the resolution.

9.2 QMSC2019-10 SUPPLY AND DELIVERY OF VEHICLE

Date Prepared: 8 September 2019
Author: Manager Technical Services
Attachments: Nil

EXECUTIVE SUMMARY

Council has invited quotations for the supply and deliver of one (1) only two-wheel drive manual, single cab chassis, fitted with bull-bar.

Procurement of the vehicle is part of Council's regular plant replacement program, as approved in the 2019-20 Capital Works Budget.

Three (3) quotations were received from two (2) suppliers, with a third supplier advising they were unable to provide a quotation at this time.

RECOMMENDATION

That Council awards contract QMSC2019-10 to the Mete Auto Group (Mareeba) for the supply and delivery of one (1) new 2019 Mazda BT50, 4x2 cab chassis, fitted with steel bulbar, at a value of \$24,363.64 (Excluding GST).

BACKGROUND

Council invited quotations QMSC2019-10 for the supply and delivery of vehicles closing 13 August 2019.

A replacement vehicle is required for Asset No. 1293 which is used by Council's street and parks cleaning staff. The vehicle is required for transport of staff and equipment daily to conduct maintenance of streets and parks.

Three (3) quotations were received from two (2) respondents. A summary of the quoted prices is shown below for the supply and delivery of one (1) Single Cab Chassis Utility 4x2 as per Council's requirements detailed in the RFQ.

Graeme Ford Motors (Mareeba) notified council via Tenderlink, that the required vehicle is not available within the companies range of vehicles, therefore a tender was not submitted.

Supplier	Vehicle	Price Excl GST	Price Inc GST
Mete Auto Group (Mareeba)	Mitsubishi Triton	\$22,454.55	\$24,700.00
Mete Auto Group (Mareeba)	Mazda BT50	\$24,363.64	\$26,800.00
John Cole Isuzu (Atherton)	Isuzu D-Max	\$22,266.34	\$24,492.97

Registration and CTP insurance are excluded from the quoted price, as this is calculated at delivery and accrued to Council's common registration renewal date in March each year and is common for all quotes.

After-market equipment including rotating light, two-way radios and other associated electronic equipment required will be installed by Council's workshop staff or nominated contractor/s at the time of vehicle change over and prior to delivery to the end user of the vehicle

Quotations were assessed against price and non-price criteria, including whole-of-life costs, which resulted in the recommendation to award procurement to Mete Auto Group (Mareeba) for the Mazda BT50.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Local Government Regulation 2012 and Council Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Procurement of identified plant is included in the 2019-20 Capital Budget of Council and remains within the approved budget.

Is the expenditure noted above included in the current budget?

Yes.

Operating

Procurement relates to the replacement of existing fleet, no additional operational plant anticipated.

Is the expenditure noted above included in the current budget?

Yes.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Successful and unsuccessful tenderers will be notified.

9.3 QMSC2019-11 SUPPLY AND DELIVERY OF VEHICLE

Date Prepared: 8 September 2019
Author: Manager Technical Services
Attachments: Nil

EXECUTIVE SUMMARY

Council has invited quotations for the supply and deliver of one (1) only two-wheel drive manual, extra cab utility, fitted with an aluminium drop side body and bull-bar.

Procurement of the vehicle is part of Council's regular plant replacement program, as approved in the 2019-20 Capital Works Budget. On receipt of the replacement vehicle, Council Officers will seek to dispose (by auction) the aged fleet.

Quotations were received from two (2) suppliers (one of which was non-compliant), with a third supplier advising they were unable to provide a compliant quotation at this time.

RECOMMENDATION

That Council;

1. awards contract QMSC2019-11 to the Mete Auto Group (Mareeba) for the supply and delivery of one (1) new 2019 Mazda BT50, 4x2 Freestyle cab chassis XT, at a value of \$32,636.36 (Excluding GST), and
2. authorise the disposal by Auction of Asset No. 1280 - 2012 Toyota Hi-Lux 4x2.

BACKGROUND

Council invited quotations QMSC2019-11 for the supply and delivery of vehicles closing 13 August 2019.

A replacement vehicle is required for Asset No. 1280, which is used by Council's on-call Water and Wastewater operations team. The vehicle is required for general day to day operation within the Water and Wastewater group, after hours call outs and is required to tow Council's trailer (approx. 3,000 Kgs).

Quotations were received from two (2) suppliers (one of which was non-compliant), with a third supplier advising they were unable to provide a compliant quotation at this time.

Graeme Ford Motors (Mareeba) notified council via Tenderlink, that the required vehicle is not available within the companies range of vehicles, therefore a tender was not submitted.

Supplier	Vehicle	Price Excl GST	Price Inc GST
Mete Auto Group (Mareeba)	Mazda BT 50	\$32,636.36	\$35,900.00
John Cole Isuzu (Atherton) (Non-compliant)	Isuzu D-Max	\$32,201.12	\$35,421.23

Registration and CTP insurance are excluded from the quoted price, as this is calculated at delivery and accrued to Council's common registration renewal date in March each year and is common for all quotes.

After-market equipment including rotating light, two-way radios and other associated electronic equipment required will be installed by Council's workshop staff or nominated contractor/s at the time of vehicle change over and prior to delivery to the end user of the vehicle

Quotations were assessed against price and non-price criteria, including whole-of-life costs, which resulted in the recommendation to award procurement to Mete Auto Group (Mareeba) for the Mazda BT50 Freestyle XT.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Local Government Regulation 2012 and Council Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Procurement of identified plant is included in the 2019-20 Capital Budget of Council and remains within the approved budget.

Is the expenditure noted above included in the current budget?

Yes.

Operating

Procurement relates to the replacement of existing fleet, no additional operational plant anticipated.

Is the expenditure noted above included in the current budget?

Yes.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Successful and unsuccessful tenderers will be notified.

9.4 TMSC2019-09 LEASE & MANAGEMENT OF THE MAREEBA SWIMMING POOL AND KURANDA AQUATIC CENTRE

Date Prepared: 12 August 2019

Author: Manager Technical Services

Attachments: Nil

EXECUTIVE SUMMARY

On 29 June 2019, Mareeba Shire Council invited submissions from suitably qualified and experienced operators to enter into the Lease and Management of the Mareeba Swimming Pool and Kuranda Aquatic Centre, which closed 23 July 2019.

One (1) conforming and one (1) non-conforming submission was received for each of the facilities, both of which were supplied by Cotters Aquatic Swim & Fitness. Cotters Aquatic Swim & Fitness is the incumbent lessee for both Mareeba Swimming Pool and Kuranda Aquatic Facility.

RECOMMENDATION

That Council;

1. awards the tender TMSC2019-09 to Cotters Aquatic Swim & Fitness for the Lease and Management rights of the Mareeba Swimming Pool at an annual cost to Council of \$5,000 for a two (2) year period with options of two further one (1) year extensions;
2. awards the tender TMSC2019-09 to Cotters Aquatic Swim & Fitness for the Lease and Management rights of the Kuranda Aquatic Centre at an annual cost to Council of \$75,000 for a two (2) year period with options of two further one (1) year extensions;
3. delegates authority to the Chief Executive Officer to negotiate and finalise all matters relevant to the Leases.

BACKGROUND

On 29 June 2019, Mareeba Shire Council invited submissions from suitably qualified and experienced operators to enter into the Lease and Management of the Mareeba Swimming Pool and Kuranda Aquatic Centre, which closed 23 July 2019.

One (1) conforming and one (1) non-conforming submission was received for each of the facilities, both of which were supplied by Cotters Aquatic Swim & Fitness. Cotters Aquatic Swim & Fitness is the incumbent lessee for both Mareeba Swimming Pool and Kuranda Aquatic Facility.

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation:

Criteria	Weighting
Tendered Price	30%
Relevant Experience	20%
Key Personnel Skills and Experience	20%
Tenderer's Resources	15%
Demonstrated Understanding	15%
Total	100%

MAREEBA SWIMMING POOL:

The Tenderer has proposed that Council would pay a fee to for operation of the Mareeba Swimming Pool. Previously, Council has been paid a small fee by the lessee. In addition, a minor extension to

the current operating hours has also been proposed. Increases to the gate entry fees and hire fees have also been proposed.

Description	2016-19 Lease	2019-22 Lease	Comment
Lease Term (Years)	3	3+3	Clarification will be required on Terms of 'Lease Options'
Management Fee (indexed yearly)	\$13,000 (paid to MSC)	\$20,000 (to be paid by MSC)	Facility to be managed at a Cost to Council; previously Council was paid a fee by the lessee.

Council officers entered into negotiations with Cotters Aquatic Swim & Fitness to ensure the contracting principles represented in the Procurement Policy were fully realised.

Following the negotiations the fee for managing the Mareeba Pool was reduced to \$5,000 per annum and the hours of operation are to remain the same, being;

Operating Hours	2018/19 Operating Hours 1 August - 30 May	2019/20 Operating Hours 1 August - 30 May
Monday	6am - 6pm	6am - 6pm
Tuesday	6am - 6pm	6am - 6pm
Wednesday	6am - 6pm	6am - 6pm
Thursday	6am - 6pm	6am - 6pm
Friday	6am - 6pm	6am - 6pm
Saturday	9am - 5pm	9am - 5pm
Sunday	10am - 5pm	10am - 5pm

A slight increase to the existing Fees and Charges will occur when the new lease is executed, being;

Category	2018/19 Fees & Charges	2019/20 Fees & Charges
Adults	\$3.80 per person	\$4.00 per person
Children 2 to 15 years	\$2.50 per person	\$2.50 per person
Pensioners	\$2.80 per person	\$3.00 per person
Spectators and Children to 2 Years	\$1.00 per person	\$1.50 per Spectator \$1.00 per Children (<2yrs)
Pool Hire	\$75 per hour or Part thereof. \$325 per day.	\$80 per hour or Part thereof. \$330 per day.
Lane Hire	\$15 per lane per hour	\$20 per lane per hour

To understand the potential cost to the Ratepayer in operating the facility, Officers undertook a high-level review of annual costs. The review indicates that the cost to Ratepayer, based on the 2018-19 patronage, in the 2019-20 financial year will be approximately \$4.33 per entry.

KURANDA AQUATICS FACILITY:

The Tenderer has proposed that Council would pay a fee to for operation of the Kuranda Aquatic Facility. Two (2) options have been presented for operation of the facility, with differing lease fees payable by Council. Corresponding alternatives for operating hours have been proposed for each option. Council has previously paid a fee for operating the facility and the proposed fee options

represent a slight increase in the cost to Council. Increases to the gate entry fees and hire fees have also been proposed.

Description	2016-19 Lease	2019-22 Lease Option 1	2019-22 Lease Option 2	Comment
Lease Term (Years)	3	3+3	3+3	Clarification will be required on Terms of 'Lease Options'
Management Fee (indexed yearly)	\$65,000 (paid by MSC)	\$75,000 (paid by MSC)	\$85,000 (paid by MSC)	Facility to be managed at a Cost to Council.

Operating Hours	Current 1 August - 30 May	Tenderer's Option 1 1 August - 30 May	Tenderer's Option 2 1 August - 30 May
Monday	12pm - 6pm	12pm - 6pm	12pm - 6pm
Tuesday	6am - 6pm	6am-10am 2pm - 6pm	6am - 6pm
Wednesday	6am - 6pm	6am-10am 2pm - 6pm	6am - 6pm
Thursday	6am - 6pm	6am-10am 2pm - 6pm	6am - 6pm
Friday	6am - 6pm	6am-10am 2pm - 6pm	6am - 6pm
Saturday	8am - 6pm	9am - 5pm	9am - 5pm
Sunday	10am - 5pm	10am - 5pm	10am - 5pm

Council officers entered into negotiations with Cotters Aquatic Swim & Fitness to ensure the contracting principles represented in the Procurement Policy were fully realised.

Following the negotiations the fee for managing the Kuranda Aquatic Facility was set at \$75,000 per annum. Due to very low patronage numbers in the early hours of Saturday, a minor change to the

opening times will be incorporated into the new lease conditions, which will also align the Saturday times with the Mareeba Facility. Hours of operation are to be as shown below;

Operating Hours	2018/19 Operating Hours 1 August - 30 May	2019/20 Operating Hours 1 August - 30 May
Monday	12pm - 6pm	12pm - 6pm
Tuesday	6am - 6pm	6am - 6pm
Wednesday	6am - 6pm	6am - 6pm
Thursday	6am - 6pm	6am - 6pm
Friday	6am - 6pm	6am - 6pm
Saturday	8am - 6pm	9am - 5pm
Sunday	10am - 5pm	10am - 5pm

A slight increase to the existing Fees and Charges will occur when the new lease is executed, being;

Category	2018/19 Fees & Charges	2019/20 Fees & Charges
Adults	\$3.80 per person	\$4.00 per person
Children 2 to 15 years	\$2.50 per person	\$2.50 per person
Pensioners	\$2.80 per person	\$3.00 per person
Spectators and Children to 2 Years	\$1.00 per person	\$1.50 per Spectator \$1.00 per Children (<2yrs)
Family	\$9.50 per family	\$11.50 per family
Pool Hire	\$75 per hour or Part thereof. \$325 per day.	\$80 per hour or Part thereof. \$330 per day.
Lane Hire	\$15 per lane per hour	\$20 per lane per hour

To understand the potential cost to the Ratepayer in operating the facility, Officers undertook a high-level review of annual costs. The review indicates that the cost to Ratepayer, based on the 2018-19 patronage, in the 2019-20 financial year will be approximately \$31.09 per entry.

It is anticipated that the Leases will take effect, as at 1 November 2019.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Allowance within the existing 2019/20 budget has been made, future budgets will be funded accordingly.

Is the expenditure noted above included in the current budget?

Yes, any additional funds will be sought through savings in the Facilities Budget.

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

Any additional funds required in the 2019-20 operational budget will be sought through savings from the Facilities Operational Budget.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

9.5 TMSC2019-11 LEASE & MANAGEMENT OF THE DIMBULAH SWIMMING POOL AND DIMBULAH CARAVAN PARK

Date Prepared: 12 August 2019
Author: Manager Technical Services
Attachments: Nil

EXECUTIVE SUMMARY

On 29 June 2019, Mareeba Shire Council invited submissions from suitably qualified and experienced operators to enter into the Lease and Management of the Dimbulah Swimming Pool and Dimbulah Caravan Park, which closed 23 July 2019.

One (1) conforming and one (1) non-conforming submission was received for each of the facilities, both of which were supplied by Cotters Aquatic Swim & Fitness.

RECOMMENDATION

That Council;

4. 1. awards the tender TMSC2019-11 to Cotters Aquatic Swim & Fitness for the Lease and Management rights of the Dimbulah Swimming Pool at an annual cost to Council of \$30,000 for a two (2) year period with options of two further one (1) year extensions;
5. awards the tender TMSC2019-11 to Cotters Aquatic Swim & Fitness for the Lease and Management rights of the Dimbulah Caravan Park at an annual cost to Council of \$20,000 for a two (2) year period with options of two further one (1) year extensions; and
6. delegates authority to the Chief Executive Officer to negotiate and finalise all matters relevant to the Leases.

BACKGROUND

On the 29 June 2019, Mareeba Shire Council invited submissions from suitably qualified and experienced operators to enter into the Lease and Management of the Dimbulah Swimming Pool and Dimbulah Caravan Park, which closed 23 July 2019.

One (1) conforming and one (1) non-conforming submission was received for each of the facilities, both of which were supplied by Cotters Aquatic Swim & Fitness.

Tenders were assessed in accordance with the evaluation criteria stated in the tender documentation:

Criteria	Weighting
Tendered Price	30%
Relevant Experience	20%
Key Personnel Skills and Experience	20%
Tenderer's Resources	15%
Demonstrated Understanding	15%
Total	100%

Council officers entered into negotiations with Cotters Aquatic Swim & Fitness to ensure the contracting principles represented in the Procurement Policy were fully realised.

DIMBULAH SWIMMING FACILITY:

The Tenderer has proposed that Council would pay a fee to for operation of the Dimbulah Swimming Pool. The previous manager of Dimbulah Swimming Pool and Caravan Park was not paid however Council previously paid for all expenses including maintenance, electricity and insurance. No changes to the current operating hours have been proposed, however increases to the gate entry fees and hire fees have been proposed including introduction of an entry fee for spectators.

Description	2016-19 Lease	2019-22 Lease	Comment
Lease Term (Years)	Nil	1+1+1	Clarification will be required on Terms of 'Lease Options'
Management Fee (indexed yearly)	Nil	\$30,000 (by MSC)	Facility to be managed at a Cost to Council.

Council officers entered into negotiations with Cotters Aquatic Swim & Fitness to ensure the contracting principles represented in the Procurement Policy were fully realised.

Following the negotiations the term was agreed to be 2+1+1 and the fee for managing the Swimming pool would be \$30,000 per annum but they would be responsible for the electricity charges, for both the Pool and the Caravan park.

The hours of operation are to be maintained as previously agreed and as shown below;

Operating Hours	2018/19 Operating Hours 1 October - 31 May	2019/20 Operating Hours 1 October - 31 May
Monday	Closed	Closed
Tuesday	2pm - 6pm	2pm - 6pm
Wednesday	2pm - 6pm	2pm - 6pm
Thursday	2pm - 6pm	2pm - 6pm
Friday	2pm - 6pm	2pm - 6pm
Saturday	12pm - 5pm	12pm - 5pm
Sunday	12pm - 5pm	12pm - 5pm
Swimming Club has access outside of Public Hours		

A slight increase to the existing Fees and Charges will occur when the new lease is executed, being;

Category	2018/19 Fees & Charges	2019/20 Fees & Charges
Adults	\$2.50 per person	\$2.80 per person
Children 2 to 15 years	\$1.50 per person	\$1.50 per person
Spectators and Children to 2 Years	Free	\$1.00 per Spectator Free - Children (<2yrs)

To understand the potential cost to the Ratepayer in operating the facility, Officers undertook a high-level review of annual costs. The review indicates that the cost to Ratepayer, based on the 2018-19 patronage, in the 2019-20 financial year will be approximately \$39.05 per entry.

DIMBULAH CARAVAN PARK:

Two (2) options have been presented for operation of the facility, with differing lease fees payable by Council, depending on whether Council pays for electricity (the standard terms are based on the lessee paying electricity). The previous manager of Dimbulah Swimming Pool and Caravan Park was not paid, however Council previously paid for all expenses including maintenance, electricity and insurance. Increases to some hire fees have been proposed with notable increases in the hire fees for room accommodation.

Description	2016-19 Lease	2019-22 Lease - Option 1	2019-22 Lease - Option 2	Comment
Lease Term (Years)	Nil	1+1+1	1+1+1	Clarification will be required on Terms of 'Lease Options'
Management Fee (indexed yearly)	Nil	\$20,000 (by MSC)	Nil	Option 2 is based on MSC paying for electricity.

Council officers entered into negotiations with Cotters Aquatic Swim & Fitness to ensure the contracting principles represented in the Procurement Policy were fully realised.

Following the negotiations the term was agreed to be 2+1+1 and the fee for managing the Caravan Park would be \$20,000 per annum and they would be responsible for the electricity charges, for both the Pool and the Caravan park.

An increase to hire rates will be required to address increased operational costs, variances to the current rates are shown below;

Room Hire	Current Fees		Proposed Fees	
	Night Fee	Weekly Fee	Night Fee	Weekly Fee
Powered Site:				
Single person	\$17.00	\$102.00	\$19.00	\$114.00
Couple	\$20.00	\$120.00	\$22.00	\$132.00
Each additional Adult	\$ 4.00	\$ 24.00	\$ 4.00	\$ 24.00
Each additional Child	\$ 2.00	\$ 12.00	\$ 2.00	\$ 12.00
Un-Powered Site:				
Single person	\$12.00	\$ 72.00	\$12.00	\$ 72.00
Couple	\$16.00	\$ 96.00	\$16.00	\$ 96.00
Each additional Adult	\$ 4.00	\$ 24.00	\$ 4.00	\$ 24.00
Each additional Child	\$ 2.00	\$ 12.00	\$ 2.00	\$ 12.00
Rooms:				
Single	\$25.00	\$150.00	\$35.00	\$210.00
Twin	\$40.00	\$240.00	\$50.00	\$350.00
Cabins - Couple	\$70.00	\$420.00	\$72.00	\$432.00
Cabins - each added Bunk Bed	\$ 8.00	\$ 48.00	\$ 8.00	\$ 48.00

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Allowance within the existing 2019-20 budget have been made, future budgets will be funded accordingly.

Is the expenditure noted above included in the current budget?

Yes, any additional funds will be sought through savings in the Facilities Budget.

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

Any additional funds required in the 2019-20 operational budget will be sought through savings from the Facilities Operational Budget.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

IMPLEMENTATION/COMMUNICATION

Advice is provided to residents and businesses affected by any activities.

9.6 INFRASTRUCTURE SERVICES, TECHNICAL SERVICES MONTHLY ACTIVITIES REPORT - AUGUST 2019

Date Prepared: 23 August 2019
Author: Manager Technical Services
Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Fleet, Design, Soils Lab, Survey, Quality, GIS, Project Management, Facilities and Investigation Services activities undertaken by Infrastructure Services during the month of August 2019.

RECOMMENDATION

That Council receives the Infrastructure Services, Technical Services Monthly Report for the month of August 2019.

BACKGROUND

Below is a summary of the activities undertaken by the Technical Services section for the month of August 2019:

DESIGN	
2017/18 Capital Works	<ul style="list-style-type: none"> Anzac Avenue, Mareeba / Ceola Drive Intersection - Detailed design being reviewed
Works for Queensland Rd 3	<ul style="list-style-type: none"> Anzac Avenue, Mareeba - Pedestrian crossing concept plan Eales Park to Ward Street, Mareeba - Detailed design for Footpath reinstatement Bailey Street, Mareeba - Detailed design of road widening to existing kerb and channel
2018/19 Capital Works	<ul style="list-style-type: none"> Mareeba Industrial Estate, Stage 16B, Keegan and Effley Street Extension - Preliminary civil design drawings being reviewed
2019/20 Capital Works	<ul style="list-style-type: none"> Chettle Road, Arriga, Ch 2.3-4.0 - Detailed design being reviewed Chettle Road, Arriga, Ch 5.5-7.21 - Detailed design being reviewed WWII Markers - Procurement of Markers Mareeba Cemetery Mausoleum - GHD awarded contract to design
Miscellaneous	<ul style="list-style-type: none"> Traffic Counters - Installation at various locations Installation of rural addresses DBYD plans Assist with fuel reduction burns As-constructed plans for external customers Solar Energy Audit - Plans for roof dimensions

	<ul style="list-style-type: none"> • Arara Street, Kuranda - Turn paths for proposed dump point • Heritage Centre, Mareeba - Pavement marking option plans • NHVR Turnpaths • Provide assistance to Investigations
SURVEY	
2018/19 Capital Works	<ul style="list-style-type: none"> • Mareeba Aerodrome Upgrade - New Lot Boundary Survey • Mareeba Industrial Estate, Stage 16B, Keegan and Effley Street Extension - Construction setout
2019/20 Capital Works	<ul style="list-style-type: none"> • Anzac Avenue, Mareeba, Pedestrian Crossing - Detailed Survey
Miscellaneous	<ul style="list-style-type: none"> • Mareeba Landfill - Survey volume pick-up • Mt Mulligan Road Survey • BDR Project for TMR - Survey Construction Setout

SUBDIVISIONS AND INVESTIGATIONS	
Subdivisions <i>(Under Construction)</i>	<ul style="list-style-type: none"> • Bundanoon Stage 2 <ul style="list-style-type: none"> ○ Ergon and Telstra being established ○ Kerb and Channel constructed ○ Subgrade and Subbase laid ○ Water and Sewer Mains constructed • 3 Hilltop Close, Kuranda <ul style="list-style-type: none"> ○ Hydro mulch placed ○ Subgrade constructed ○ Water main constructed
On-Maintenance <i>(Monitoring for 12 months as the Defects Liability Period prior to becoming a Council Asset)</i>	<ul style="list-style-type: none"> • Mareeba Roadhouse and Accommodation Park, Williams Close • The Edge Stage 2A (Antonio Drive, Mareeba) • 10 James Street, Mareeba - Road Widening • Kanjini Co-Op Ltd Stage 2 (Emerald Falls Road, Mareeba) • Develop North (Barnwell Road Upgrade) • Amaroo Stage 10 • Mt Emerald Wind Farm Portion B (Private Entrance Repairs)
Off-Maintenance	<ul style="list-style-type: none"> • Rodeo Acres Pty Ltd (Mareeba - Dimbulah Road)
Operational Works	<ul style="list-style-type: none"> • 112 Barnwell property, on-going monitoring of; <ul style="list-style-type: none"> ○ Dam construction completed and being monitored ○ Access completed and monitoring underway ○ Nature Base Tourism Works (MCU/17/0012) completed and being monitored

PROJECT MANAGEMENT	
Civil	<p><u>2017/18 Reseals Bitumen and Asphalt Programmes</u></p> <ul style="list-style-type: none"> • Engaged contractor for line marking of asphalt • Capitalisation and close-out <p><u>2018/19 Reseals Bitumen Program</u></p> <ul style="list-style-type: none"> • Reseal program and line marking complete <p><u>2018/19 Reseals Asphalt Program</u></p> <ul style="list-style-type: none"> • Awarded to NQ Asphalt, commenced early July <p><u>2019/20 Reseals Bitumen</u></p> <ul style="list-style-type: none"> • FNQROC contract extension awarded to FGF <p><u>KIAC Therwine Street Redevelopment</u></p> <ul style="list-style-type: none"> • Capitalisation and close-out, minor defects to be addressed. <p><u>KIAC Kuranda Wayfinding Signage</u></p> <ul style="list-style-type: none"> • Sign style endorsed by KIAC • Aspect completing detail designs and location plans <p><u>KIAC Kuranda Barron Falls Walking Trail</u></p> <ul style="list-style-type: none"> • Engagement with Queensland Parks and Wildlife • Native Title Cultural Heritage engagement being undertaken
Building	<p><u>Arnold Park:</u></p> <ul style="list-style-type: none"> • Installation of additional electrical services <p><u>Barang Street Unit Renewals:</u></p> <ul style="list-style-type: none"> • Preparation of tenders for the renewal of units <p><u>Kuranda Recreation Centre:</u></p> <ul style="list-style-type: none"> • Investigation of building defects in preparation of sourcing quotes for repairs <p><u>Rifle Creek Rest Area, Mt Molloy:</u></p> <ul style="list-style-type: none"> • Investigation of septic system to address ongoing blockage concerns.
NDRRA	<p><u>6-10 March 2018 Event:</u></p> <ul style="list-style-type: none"> • Restoration Works underway; <ul style="list-style-type: none"> ○ Flaggy Creek Bridge - Currently underway to be completed September 2019 ○ Western Roads (Chillagoe West) - Watto's Earthmoving completion September 2019 ○ Mid-Western Area - Watto's Earthmoving completion September 2019 ○ Dimbulah Area - Gregg Constructions, expect completion September 2019 ○ Mareeba-East Area - Gregg Constructions underway, will be completed prior to end of 2019 ○ Airports (Mareeba and Chillagoe) - expected completion September 2019

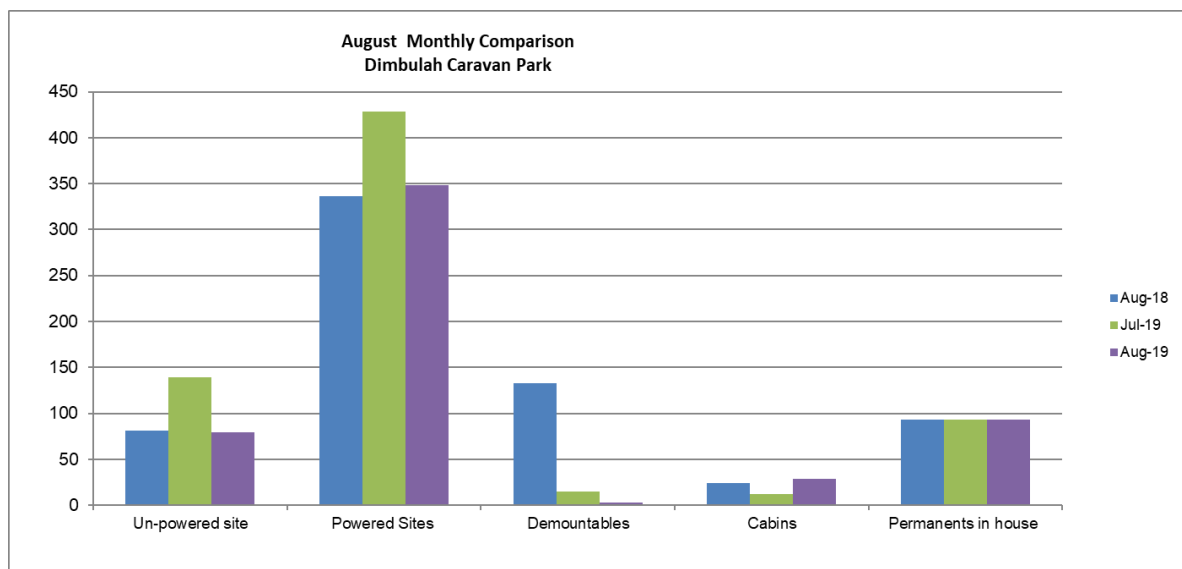
	<ul style="list-style-type: none"> ○ Geotech (landslips) - various <p><u>25 January - 14 February 2019 Event:</u></p> <ul style="list-style-type: none"> ○ Emergent Works completed June 2019. Claim submitted ○ Preparation of the Reconstruction of Essential Public Assets program ongoing, to be submitted September 2019 ○ Bower Street Reconstruction submitted and currently under review QRA.
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FLEET	
Tender	<p><u>2019-20 Vehicle Replacement Program</u></p> <ul style="list-style-type: none"> • Tender for the replacement of two (2) vehicles

FACILITIES

Dimbulah Caravan Park

Total of bookings for August 2019 - 552



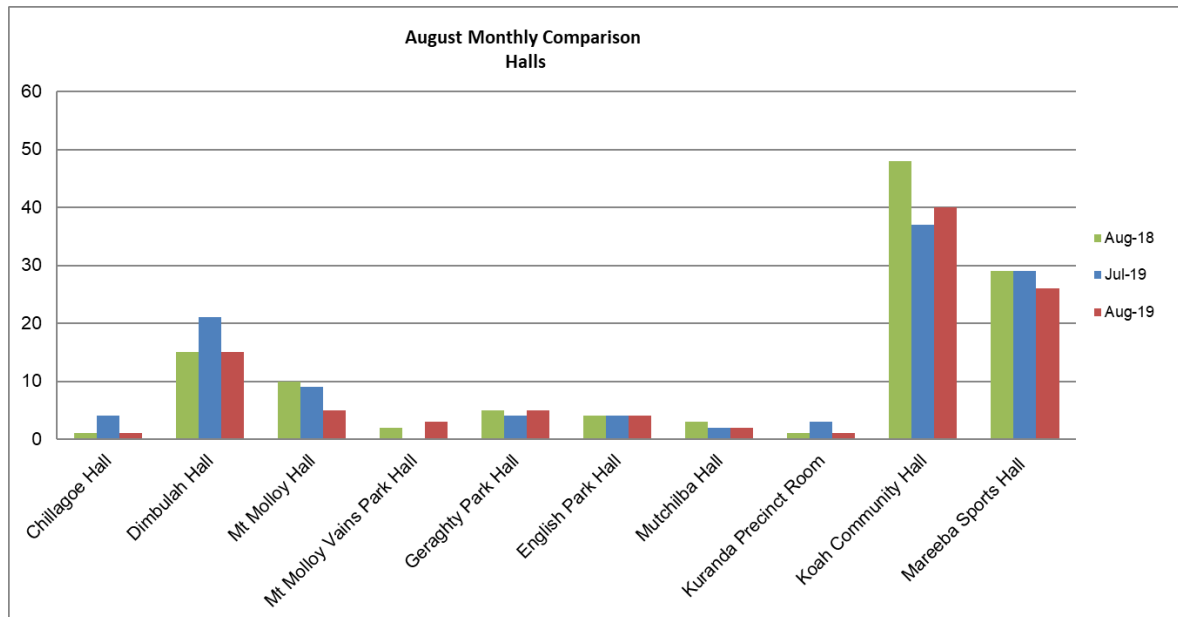
Mareeba Riverside Caravan Park

Total of bookings for August 2019 - 2,790



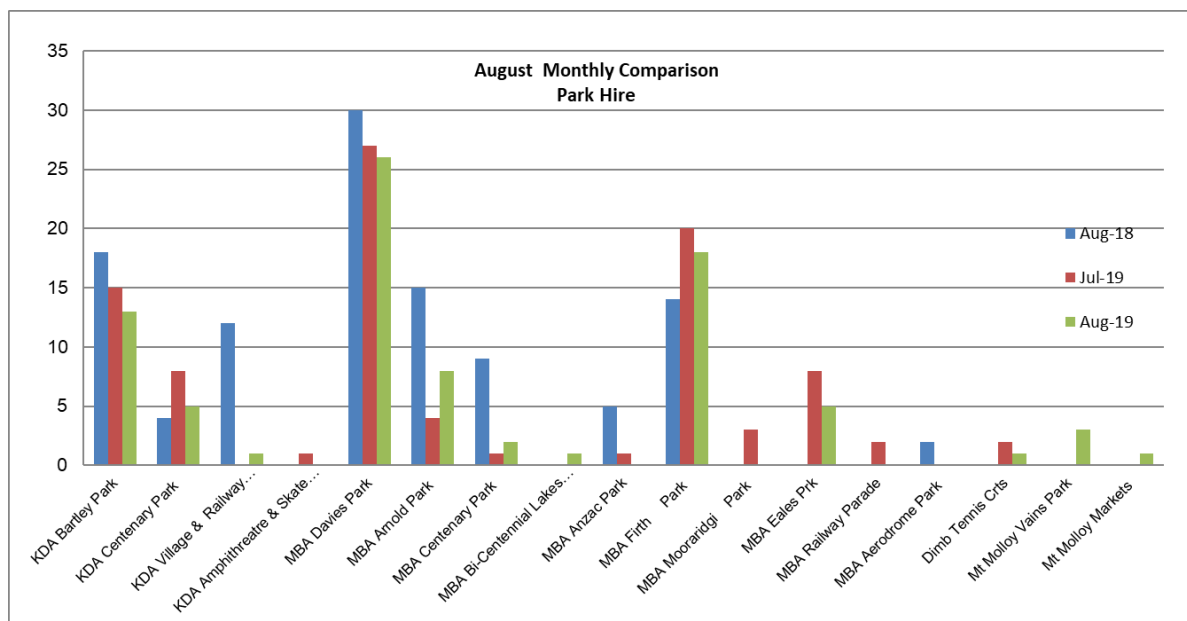
Public Halls

Total of hall bookings for August 2019 - 102



Park Hire

A total of park bookings for August 2019 - 84



Swimming Pools

Dimbulah Pool due to be open end September. Installation of new filter tanks currently in place.

Kuranda Aquatic Centre - 616

Mareeba pool due to be open end September. Installation of new filter tanks near competition.

VANDALISM & GRAFFITI		
Financial Year	Actuals	Comments
2015-16	\$ 2,134.00	During August 2019, five reports of vandalism were recorded. • Mareeba 2 x Pensioner Cottages - 16 and 5a Lyons Street • Mareeba Sports hall • Mareeba Arnold Park • Mareeba Heritage Centre
2016-17	\$ 16,546.00	
2017-18	\$ 23,948.00	
2018-19	\$ 3,558.84	
Currently there is no allocated budget for graffiti and vandalism; these costs are being booked to operational.		

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Projects funded through the Capital Works Program, with savings being found to address unexpected costs.

Is the expenditure noted above included in the current budget?

Yes

Operating

Additional costs associated with graffiti and vandalism

Is the expenditure noted above included in the current budget?

No

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

Savings will be sought within the budget, where possible.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

This report provides Council with an update as to the month's deliverables by the Technical Services group.

9.7 MAREEBA AIRPORT UPGRADING - AUGUST 2019 PROGRESS REPORT

Date Prepared: 5 September 2019
Author: Manager Technical Services
Attachments: Nil

EXECUTIVE SUMMARY

Council has received grant funding from the Australian and Queensland governments towards the upgrading of the Mareeba Airport.

At its Ordinary Meeting of 21 March 2018, Council resolved to award Contract TMSC2017-27 Mareeba Airport Upgrade to FGF Developments Pty Ltd, with works commencing onsite mid-April 2018.

The purpose of this report is to provide an update on progress of the Mareeba Airport Upgrade project.

RECOMMENDATION

That Council receives the August 2019 progress report on the Mareeba Airport Upgrade Project.

BACKGROUNDFunding

Council has received \$13 million from the Queensland State Government's Royalties for Regions program and \$5 million from the Australian Government's National Stronger Regions Fund towards the upgrading of the Mareeba Airport.

Additional funding of \$5 million has been secured under the Australian Government's Building Better Regions Fund (BBRF) to undertake lengthening and strengthening of the runway, taxiways and airfield ground lighting, bringing the total project budget to \$23 million.

Programme and Progress

A programme of works has been prepared which reflects the works and commitment made by Council in the funding agreements. This programme will be updated at fortnightly meetings of the Project Team, which includes Council, FGF and Council's Consultant Contract Management representatives (Trinity Engineering Consultants).

The aviation commercial precinct is substantially complete, with Stage 1 officially opened on 7 March 2019.

The works to upgrade the airfield lighting, runway and taxiway upgrades is ongoing. Although wet weather experienced during the May/June 2019 period has impacted progress, efforts are continuing to expediate the program. Works completed during August included the strengthening of pavement to the eastern runway, reconstruction of the eastern apron and taxiway and continuation of airfield lighting improvements.

Works scheduled for September include completion of the strengthening of pavement to the eastern runway, reconstruction of the eastern apron and taxiway and continuation of airfield lighting. The project is scheduled for completion in October 2019, weather permitting.

The Bureau of Meteorology has engaged Council to install mains power to the automatic weather station, which will allow the installation of improved ceilometer and visibility sensors to assist air traffic in the region. This work has been added to FGF's contract to expedite installation and will be commissioned with the airfield lighting.

Stakeholder Engagement

A Communication and Stakeholder Engagement Plan has been developed, which sets out the engagement strategy for delivery phase of the project. Ongoing engagement will be undertaken for the duration of the project. Project newsletters are planned for release as necessary.

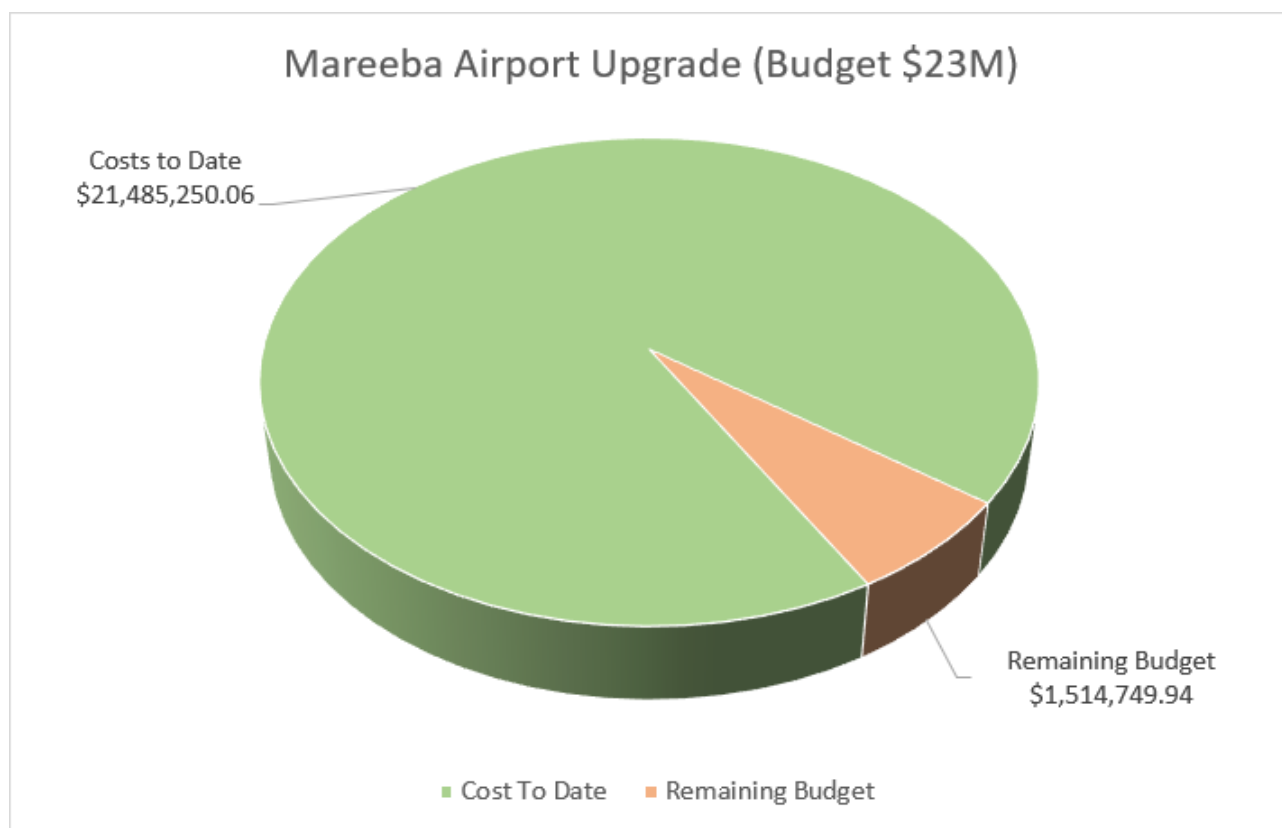
The Method of Working Plan (MOWP) for the runway works was distributed to aerodrome users in December 2018 as per CASA requirements. A MOWP is required for runway and runway strip works that have direct impact on aircraft operations to advise users of the timing and staging of works. The runway work has been staged to minimise impact on users by maintaining operations under reduced runway operating lengths during construction.

Aviation Commercial Precinct Leasing Opportunities

To date, applications have been received for leasing of two (2) sites within the new aviation commercial precinct. Council has received many enquiries regarding leasing of land, with further lease applications expected now that Stage 1 is complete.

Expenditure

Expenditure to date is reflected within the chart below. Noting that the entire budget is fully committed and overruns are expected.





1 August 2019 - Western Runway Strengthening, Extension and Pavement Marking



1 August 2019 - Western Runway Extension Strengthening, Extension and Pavement Marking



9 September 2019 - Eastern Taxiway Refurbishment.

RISK IMPLICATIONS

Financial

Latent conditions and potential project variations represent normal risks with complex projects, nominal allowances have been made and this will result in an overrun.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

The contract is being managed under Australian Standard AS4000-1997 Conditions of Contract. Tender and procurement activities have been completed in accordance with Council's procurement policy.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Funding for this project has been made available from the Australian and State Governments. Minor ineligible expenditure, including funds spent prior to commencement of the grant agreements is to be met by Mareeba Shire Council.

Is the expenditure noted above included in the current budget?

Yes

Operating

Nil

LINK TO CORPORATE PLAN

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

This purpose of this report is to provide Council with an update as to progress of the Project. No additional actions required at this time.

All communication in relation to the project shall be in accordance with the protocols outlined in the deeds of agreement with the Australian and Queensland governments.

9.8 APPLICATION FOR PERMANENT ROAD CLOSURE OF LAND ABUTTING LOT 10 ON RP867000, RA 1575 KENNEDY HIGHWAY, KURANDA

Date Prepared: 26 August 2019

Author: Technical Officer (Investigations)

Attachments: 1. Lot 10 on RP867000 [↓](#)
2. Approximate Fence Alignment [↓](#)

EXECUTIVE SUMMARY

Correspondence has been received from a proponent seeking Council's views regarding an application for permanent closure and amalgamation of a parcel of road reserve that abuts the southern boundary of Lot 10 on RP867000, RA 1575 Kennedy Highway, Kuranda.

RECOMMENDATION

That Council as the Road Manager, advise the proponent and the Department of Natural Resources, Mines and Energy that:

Council provide no objection to the permanent road closure application with the following conditions:

1. before an offer is made, the fence encroachments which extend into Lot 73 on RP903071 are to be corrected for the new boundary alignments; and
2. the sought-after parcel of road reserve is to be amalgamated into Lot 10 on RP867000 on closure; and
3. if closure is granted, Council would require that the full width of the existing road reserve be closed; and
4. the proponent is wholly responsible for all costs associated with finalising the process.

BACKGROUND

As part of the Department of Natural Resources, Mines and Energy (DNRME) road closure application process, DNRME requires a submission from the Road Manager (Council) prior to any decision being finalised.

The proponent has requested permanent closure of the existing road reserve that abuts the southern boundary of 1575 Kennedy Highway, Kuranda (Refer Attachment 1), described as Lot 10 on RP867000. The Road Parcel is approximately 240 metres in length, 20 metres in width and 4,796 m² in area.

The applicant advises they wish to close the road reserve and incorporate it into their adjoining freehold lot to correct minor encroachments. Encroachments include driveway and property access, gardens, cubby house, mower shed and a timber picket fence.

The sought-after land abuts the northern boundary of 1593 Kennedy Highway, Kuranda, described as Lot 73 on RP903071 and tracks in an east-west direction through steep rainforest terrain between the Kennedy Highway and Fallon Road. Council's mapping tool, Intramaps and Queensland Globe, show the southern corner of the picket fence encroaching onto Lot 73 (Refer Attachment 2).

If closure were to be granted, Council would require that the full width of the existing road reserve be closed and amalgamated into Lot 10 on RP867000, further, that any encroachments (including fences) which currently cross into the southern property be removed/relocated accordingly.

There is no Council infrastructure contained within the sought-after land, and due to the proximity of the Fallon Road and Kennedy Highway Intersection (~300m), vertical geometry, sight line constraints and required earthworks/vegetation clearing which would be required, Council Officers would generally not be supportive of the development of an intersection with the State Controlled Land at this location.

RISK IMPLICATIONS

Infrastructure and Assets

No Council infrastructure is currently located within the reserve, and support of a future intersection at this location with the State Controlled Network, would not be supported at this time.

Legal and Compliance

Council is delegated with the authority of Road Manager for local (Council) roads and therefore the needs of the transport network are considered prior to DNRME providing a final position to road closures.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Council is delegated with authority as Road Manager and is therefore required to consider the needs of the future transport network.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

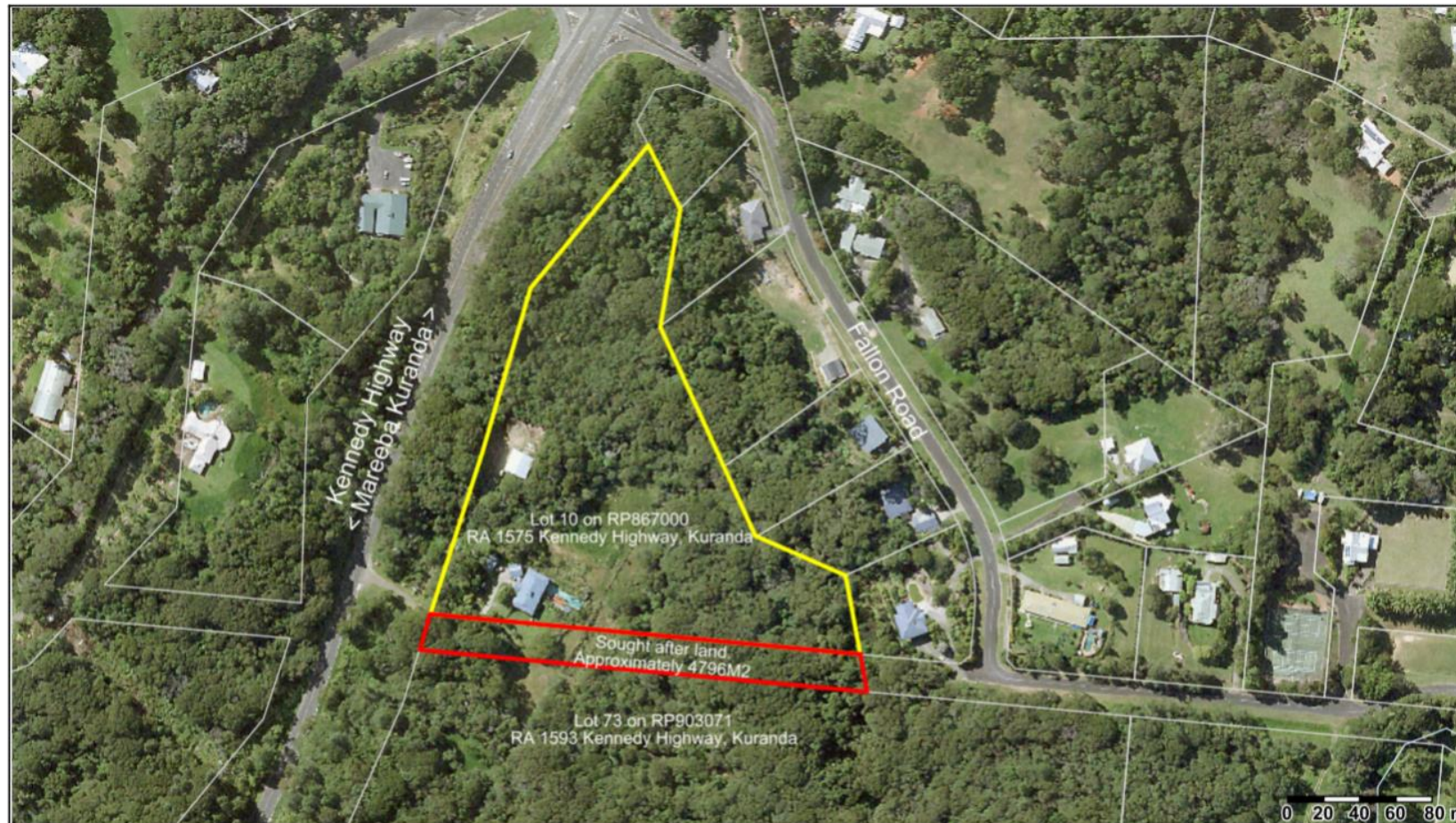
LINK TO CORPORATE PLAN

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Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Following resolution, Council Officers will notify the proponent and DNRME of the outcome.



Lot 10 on RP867000

© 2019 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and the State of Queensland Department of Natural Resources, Mines & Energy (DNRME) [2019]. In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept 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.





Approximate Fence Alignment

© 2019 Mareeba Shire Council (MSC). Based on or contains data provided by MSC and the State of Queensland Department of Natural Resources, Mines & Energy (DNRM) [2019]. In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept 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.



9.9 INFRASTRUCTURE SERVICES, WORKS SECTION ACTIVITY REPORT - AUGUST 2019**Date Prepared: 2 September 2019****Author: Manager Works****Attachments: Nil****EXECUTIVE SUMMARY**

The purpose of this report is to summarise Council's Transport Infrastructure, Parks and Gardens, Bridge and Pest Management activities undertaken by Infrastructure Services during the month of August 2019.

RECOMMENDATION

That Council receives the Infrastructure Services, Works Progress Report for the month of August 2019.

BACKGROUND**Maintenance Activities**

Maintenance activities accruing more than \$1,000 in expenditure were carried out in August at the following locations:

Description	Activity
Crystalbrook Road, Almaden	Grading unsealed roads
Ootann Road, Almaden	Grading unsealed roads
Spring Valley Road, Almaden	Grading unsealed roads
School of Arts Street, Almaden	Grading unsealed roads
Kimalo Road, Arriga	Bitumen patching, clean inlet/outlets culverts, grading unsealed roads
McBean Road, Arriga	Grading unsealed roads
Smelter Road, Chillagoe	Grading unsealed roads
Maniopota Road, Chillagoe	Grading unsealed roads
Bolwarra Road, Crystalbrook	Grading unsealed roads
Carbonate Creek Road, Dimbulah	Grading unsealed roads
Metzger Road, Dimbulah	Grading unsealed roads
Strathleven Road, Gamboola	Grading unsealed roads
Hales Siding Road, Irvinebank	Grading unsealed roads
Euluma Creek Road, Julatten	Bitumen patching, road furniture, slashing
Highland Drive, Julatten	Bitumen patching, slashing
McDougall Road, Julatten	Bitumen patching, grading unsealed roads, slashing
Morrish Road, Julatten	Bitumen patching, grading unsealed roads
Mount Perseverance Road, Julatten	Bitumen patching, grading unsealed roads
Black Mountain Road, Julatten	Bitumen patching, grading unsealed roads -slashing
Bolton Road, Koah	Grading unsealed roads
Cedar Park Road, Koah	Grading unsealed roads, road inspections

Description	Activity
Clohesy River Road, Koah	Grading unsealed roads
Fantin Road, Koah	Grading unsealed roads
Grievson Road, Koah	Grading unsealed roads
Kanervo Road, Koah	Grading unsealed roads
Koah Road, Koah	Bitumen patching, grading unsealed roads, road furniture
Two Chain Road, Koah	Grading unsealed roads
Popovic Road, Koah	Grading unsealed roads
Barron Falls Road, Kuranda	Bitumen patching, grading unsealed roads, prep work for reseals, slashing
Black Mountain Road, Kuranda	Grading unsealed roads, pavement repairs, rehabilitation, slashing
Hilltop Close, Kuranda	Slashing
Meeroo Street, Kuranda	Grading unsealed roads, slashing
Myola Road, Kuranda	Bitumen patching, slashing
Oak Forest Road, Kuranda	Grading unsealed roads, road inspections, slashing
Warril Drive, Kuranda	Bitumen patching, road inspections, slashing
Wirramo Street, Kuranda	Slashing
Byrnes Street, Mareeba	Concrete footpath maintenance, road furniture
Walsh/Rankin Temp Works, Mareeba	Road furniture
Mount Spurgeon Road, Mt Carbine	Grading unsealed roads
Wetherby Road, Mt Molloy	Bitumen patching, grading unsealed roads, road furniture, road inspections, slashing
LA Road, Mona Mona	Culvert repairs, grading unsealed roads, road inspections
Algoma Road, Mutchilba	Bitumen patching, road inspections, slashing
Mutchilba Road, Mutchilba	Grading unsealed roads, road furniture, slashing
Beh Road, Paddy's Green	Grading unsealed roads
Brooks Road, Paddy's Green	Grading unsealed roads
Cetinich Road, Paddy's Green	Grading unsealed roads
Fassio Road, Paddy's Green	Grading unsealed roads
Hawkins Road, Paddy's Green	Grading unsealed roads
Ivicevic Road, Paddy's Green	Grading unsealed roads
Rains Road, Paddy's Green	Grading unsealed roads
Pioneer Road, Petford	Grading unsealed roads, road inspections
Speewah Road, Speewah	Grading unsealed roads, slashing

The table below shows the current budget position of Transport Infrastructure operations for Mareeba Shire Council at the end of August.

Annual Budget	Year to Date Budget	Year to Date Actual
\$3,541,417	\$587,806	\$930,828

2019 Hazard Reduction Burns

During August the annual hazard reduction burns were carried out on Council owned land across Mareeba Shire. The parcels of land treated were as follows;

Dimbulah
Caravan Park
Wolfram Road - East side of Walsh River
Wolfram Road - West side of Walsh River
Cattarossi Street
Sandy Creek Road
Mareeba
Mary Andrews Park
Ward Street
Eales Park
James Street
Tilse Street
Ciobo Close
Clinton Close
Zenel Road
Tramp Ant Vegetation Stockpile - Sewage Treatment Plant

The Mt Molloy, Irvinebank and Montalbion areas are maintained by the local rural fire brigades and the Chillagoe area was treated last year. There are joint burns planned for next calendar year with DERM in both Chillagoe and Watsonville.



Cattarossi Street, Dimbulah



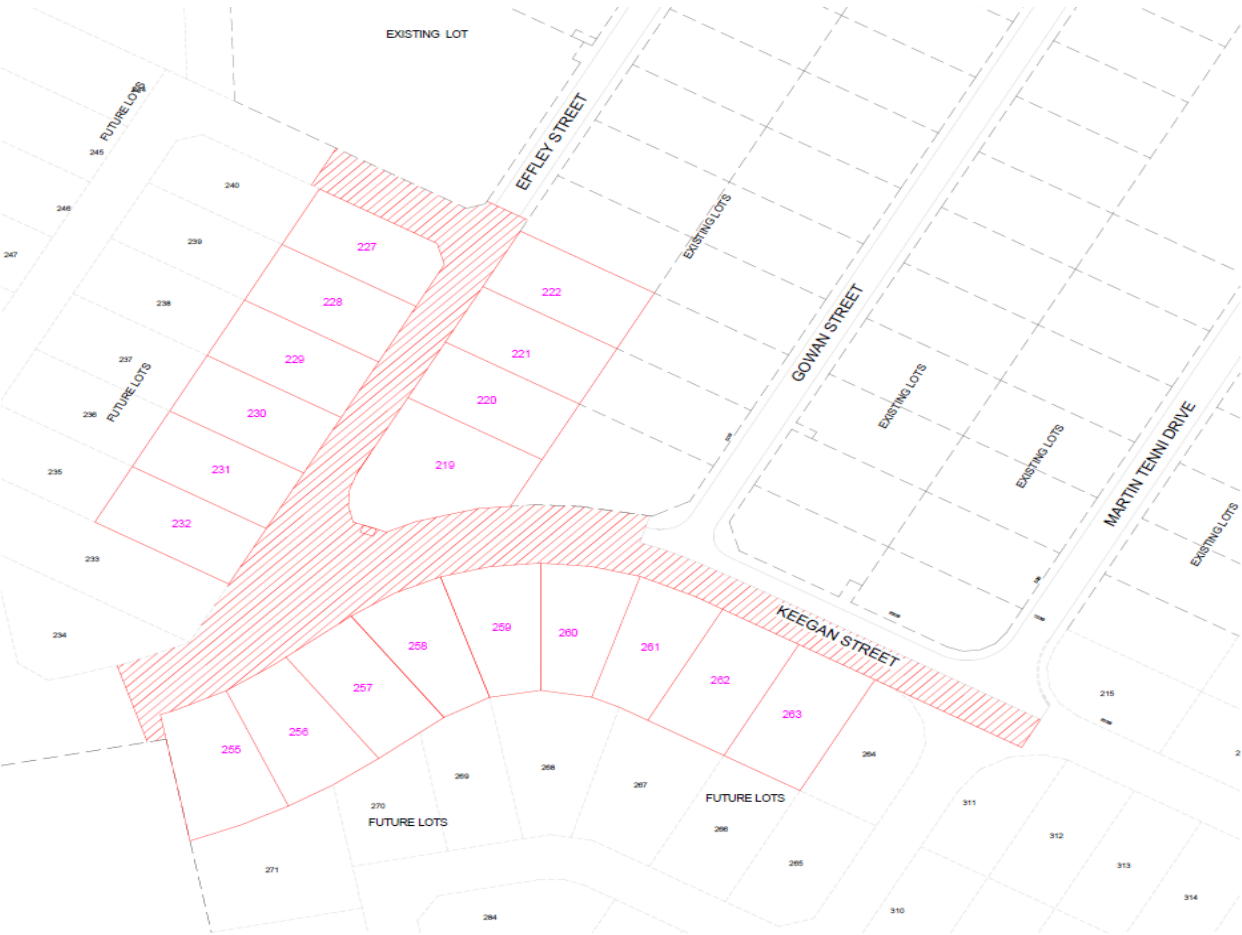
Wolfram Road, Dimbulah

Capital Works

Mareeba Industrial Park Stage 16B

The Works Group component of Stage 16B at the Mareeba Industrial Park continued during August. Works completed included the laying and back filling of the storm water system, cutting of all roads down to subgrade level, filling and levelling the new blocks and the commencement of excavating the Ergon trenches.

The project is tracking well and remains within time and budget with an expected completion date of mid-December.



3rd Party Works DTMR CN-7741 Almaden - Chillagoe Sealing Project

Works commenced in early August on the upgrade of the Burke Developmental Road to bitumen sealed standard from Ch 584.150 to Ch 585.857. These works will link two previously sealed sections to create 6.37km of continuous seal.

The scope of works included the installation of two major culverts, one RCP culvert, minor realignment of the existing road and the construction of a 9m wide sealed pavement.

The project is programmed for completion in late October at an estimated cost of \$1.4M.



TMR Routine Maintenance Performance Contract (RMPC)

Routine maintenance activities were undertaken during August 2019 at the following locations:

Primary Location	Activity Name
Kennedy Highway - Cairns/Mareeba	Asphalt Repairs
	Rest Area Servicing
Mulligan Highway - (Mareeba - Mt Molloy)	Tractor Slashing, Urban
Mulligan Highway - (Mt Molloy- Boundary)	Emergency Call Out / Traffic Accident
	Pothole Patching - Includes Traffic Control
	Rest Area Servicing
	Roadside Litter Collection - Rural
	Tractor Slashing, Urban
Mossman - Mt Molloy Road	Gravel Supply - Heavy Shoulder Grade
	Other Formation Work
	Other Surface Drain Work
	Pavement Repairs, Blademix/Asphalt (Minor Less Than 8 Tonne) - Includes Traffic Control
	Pothole Patching - Includes Traffic Control
	Roadside Litter Collection - Rural
Herberton - Petford Road	Culvert, Pipe and Pit Work
	Other Formation Work
	Pothole Patching - Includes Traffic Control
Mareeba - Dimbulah Road	Other Surface Drain Work
Mareeba Connection	Other Sign Work
Burke Dev Road	Asphalt Repairs
	Culvert, Pipe and Pit Work
	Heavy Shoulder Grading Rural - Includes Traffic Control
	Light Shoulder Grading Rural - Includes Traffic Control
	Light Shoulder Grading Rural - Includes Traffic Control
	Medium Formation Grading (Western) with Extras and 2 WaterCarts - Excludes Traffic Control
	Other Formation Work
	Other Surface Drain Work

The claim to TMR for the month of August 2019 was still being finalised at the time of preparing this report but is estimated to be approximately \$130,000.

Parks and Gardens Section**Maintenance Activities**

Parks and Gardens maintenance activities accruing more than \$1,000 in expenditure were carried out in August at the following locations:

1. Location
2. Basalt Gully and Bi-Centennial Lakes, Mareeba
3. Parks, Library, CBD and Streets, Kuranda
4. Street Mowing, Mareeba
5. Davies Park, Mareeba
6. Vains Park, Mt Molloy
7. Mowing and Maintenance, Irvinebank
8. Margeritha English Park, Highland Drive
9. Borzi Park, Mareeba
10. Anzac Park, Mareeba
11. Rifle Creek Rest Area, Mt Molloy
12. Centenary Park, Mareeba
13. Wetherby Park, Mt Molloy
14. Furniture and Playground Equipment, Mareeba
15. Arnold Park, Mareeba

The table below shows the current budget position of Parks and Gardens operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$1,945,559	\$342,312	\$252,000

Bridge Section

Maintenance Activities

Bridge inspection and maintenance activities were carried out in August 2019 at the following locations:

Structure	Road	Chainage	Area
Bridge	Kanervo Road	3656	Koah
Bridge	Anzac Avenue	0	Mareeba
Bridge	Bakers Road	15364	Mt Molloy
Major Culvert	Pin Road	806	Mutchilba
Bridge	Springmount Road	7450	Mutchilba
Causeway	Tinaroo Creek Road	11648	Mareeba
Causeway	Henry Hannam Drive	11276	Mareeba
Causeway	Henry Hannam Drive	7687	Mareeba
Major Culvert	Highland Drive	459	Julatten
Causeway	Sabin Road West	186	Mareeba
Major Culvert	Wetherby Road	11102	Mt Molloy
Causeway	Pickford Road	3551	Biboohra
Major Culvert	Windsor View Road	284	Julatten
Major Culvert	Ray Road	5850	Mareeba
Causeway	Emerald Falls Road	4826	Mareeba
Causeway	Narcotic Creek Road	5776	Chewko
Causeway	Jim Weir Road	2136	Julatten
Major Culvert	Narcotic Creek Road	1355	Chewko
Major Culvert	Malone Road	2798	Mareeba
Major Culvert	Adil Road	657	Mareeba
Causeway	Wright Road	312	Mareeba
Major Culvert	Clohesy River Road	2510	Koah
Causeway	Wetherby Road	8141	Mt Molloy
Major Culvert	Springmount Road	20256	Arriga
Major Culvert	Tinaroo Creek Road	5017	Mareeba
Causeway	Beh Road	630	Paddy's Green
Causeway	Carman Road	354	Paddy's Green
Causeway	Henry Hannam Drive	9603	Mareeba
Major Culvert	Clayton Lane	10565	Julatten
Major Culvert	Kowa Street	386	Mareeba
Causeway	Davies Creek Road	1530	Mareeba
Causeway	George Fabris Road	1605	Mareeba
Causeway	Trimble Road	372	Mareeba
Major Culvert	Seary Road	465	Mareeba
Major Culvert	Kenneally Road	793	Mareeba
Causeway	Davies Creek Road	1679	Mareeba
Causeway	Henry Hannam Drive	3398	Mareeba
Causeway	Mclver Road	1320	Mareeba
Causeway	Trimble Road	372	Mareeba

Structure	Road	Chainage	Area
Major Culvert	Bowers Street	388	Mareeba
Causeway	Emerald Falls Road	4327	Mareeba
Major Culvert	Emerald End Road	1220	Mareeba
Major Culvert	Blacks Road	114	Mareeba
Major Culvert	Chewko Road	5430	Mareeba

The table below shows the current budget position of Bridge operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$633,064	\$104,560	\$83,170

Land Protection Section

The table below shows the current budget position for Land Protection operations for Mareeba Shire Council.

Annual Budget	Year to Date Budget	Year to Date Actual
\$516,878	\$77,086	\$73,226

Parthenium Weed: A new incursion of Parthenium Weed has been located at the Speewah Waste Transfer Station. This is a significant infestation. Land Protection staff are working in conjunction with the station operator and the infestation site has been cordoned off to keep the public out. This is a protocol to protect the public from being in close contact with the plant that can cause severe allergic reactions with asthma, hay fever and contact dermatitis. It is also to prevent the public and operators contaminating vehicles and plant and thus spreading the weed seeds.

Bellyache Bush, Rubber Vine and Siam Weed: These weeds are present on the Upper Walsh Catchment and together with Biosecurity Queensland, affected landowners and the Catchment Management Staff the weeds are continued to be removed from the catchment in a strategic way that is pushing the weeds from the top of the catchment downstream. Officers and volunteers are using fully integrated controls which include herbicide application through blanket spray, cut stump application, Basal Treatment, mechanical removal and hand removal. In areas of high fuel loads staff will employ fire as a tool. Officers are also incorporating biological control with Jewel Bugs, a seed eating beetle.

3rd Party Works: Council are engaging contractors to carry out weed removal on State Controlled Road Corridors. This work is funded by Department of Transport and Main Roads. Currently Rubber Vine and Caltrope Weed are being removed along the Mulligan Highway from Mt Molloy to the Cook Shire Boundary.

Siam Weed: At the recent Mitchell River Catchment Management AGM, staff presented photos, maps and brochures to those attending in a bid to raise awareness that Siam Weed is now present in the area. Officers spoke about Council's removal program, described the best practice methods of control and supplied the group with MSC contacts with the request that anyone who suspects to have spotted the plant to report it to us.

Wild Dog and Feral Pig Control Program: Programs have been coordinated out in the west of the shire. A total of 296,000 hectares of primary production land has been baited.

More properties within the MDIA have also been treated using fully integrated controls including shooting, trapping, exclusion fencing and baiting.

RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

All capital works are listed in and funded by the 2018/19 and 2019/20 Capital Works Program.

Operating

All operational works are funded by the Section specific 2019/20 maintenance budgets.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

IMPLEMENTATION/COMMUNICATION

Nil

Nil

9.10 TENDER TMSC2019-05 MAREEBA WASTE TRANSFER STATION REDEVELOPMENT

Date Prepared: 4 September 2019

Author: Manager Water and Waste

Attachments: Nil

EXECUTIVE SUMMARY

The Mareeba Waste Transfer Station Redevelopment Project will see the redevelopment of the site into a Waste Transfer Station.

Tenders for TMSC2019-15 Mareeba Waste Transfer Station Redevelopment Project closed at 11:00am Tuesday, 13 August 2019 and seven (7) responses were received.

A review of the tenders identified that the capital funding allowed for this project was insufficient to see the project proceed to the full scope. A redefined scope of works was issued to the tenderers and savings in the order of \$400,000 have been achieved.

This report provides a comparison of tenders received and makes a recommendation on the preferred tenderer and seeks approval from Council to allocate additional funds from the waste reserves to complete the project.

RECOMMENDATION

That Council:

1. awards TMSC2019-15 Mareeba Waste Transfer Station Redevelopment Project to T & K Fitzgerald for the amount of \$1,549,281 (excl GST); and
2. allocate an additional \$720,000 from the Waste Reserves for the project.

BACKGROUND

This report seeks to inform Council of the assessments of tender submissions TMSC2019-15 Mareeba Waste Transfer Station Redevelopment and provide a recommendation on the award of tender and consider the provision of further funds from the Waste Reserves to allow the project to proceed.

Tenders for TMSC2019-15 Mareeba Waste Transfer Station Redevelopment Project closed at 11:00am Tuesday, 13 August 2019 and seven (7) responses were received.

A review of the tenders identified that the capital funding estimated and allowed for this project was insufficient to see the project proceed to the full scope. A redefined scope of works was issued to the tenderers and savings in the order of \$400,000.00 have been achieved.

This report provides a comparison of tenders received and makes a recommendation on the preferred tenderer and seeks approval from Council to allocate additional funds from the waste reserves to complete the project.

Tenderer	Assessment Description Comment	Pricing Excl GST
Durack Civil	Offer met tender specification	\$ 2,003,470.00
Chris Dempsey Cranes	Offer met tender specification	\$ 2,416,489.00
HEH Civil	Offer met tender specification	\$ 1,928,972.00
Koppens Developments	Offer met tender specification	\$ 1,641,011.60
FGF Developments	Offer met tender specification	\$ 1,905,394.33
LDI Constructions	Offer met tender specification	\$ 1,833,406.00
TK Fitzgerald Pty Ltd	Offer met tender specification	\$ 1,549,281.00

Tenders were reviewed in accordance with the evaluation criteria stated in the tender documentation:

Assessment Criteria

Criteria	Weightings
Tendered Price	40%
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Tenderer's Resources	10%
Demonstrated Understanding	20%
Total	100%

Price is a calculated formula dependent on the actual tender received against the median of all prices received. Scores for the other criteria are subject to knowledge of the tenderer's performance on previous projects.

TENDER EVALUATION

The criteria weightings were applied to the scores and the assessment summary is presented below.

Tender Assessment Summary

Tenderer	Total Weighted Score
T & K Fitzgerald Pty Ltd	99
Koppens Development	97
FGF Developments	96
LDI Constructions	96
HEH Civil Pty Ltd	92
Durack Civil	82
Chris Dempsey Cranes	68

RISK IMPLICATIONS

Financial

A council that continuously looks for savings and opportunities while managing Council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Environmental

Compliance with site licence conditions should the project not proceed. Mareeba landfill site is under Council's Environmental Authority EPPR01792213.

Infrastructure and Assets

The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Legal and Compliance

Compliance with site licence conditions should the project not proceed.

FINANCIAL AND RESOURCE IMPLICATIONS***Capital***

Budget exists for the project however provisions of funds from the waste reserves is adequate to allow the project to proceed.

Is the expenditure noted above included in the current budget?

Yes.

Operating

Yes.

Is the expenditure noted above included in the current budget?

Yes.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

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Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Communication with the residents of Mareeba will be undertaken to inform the residents of the project start and completion dates and information will be provided on the routine procedural operations of the redeveloped site.

9.11 INFRASTRUCTURE SERVICES, WATER AND WASTEWATER GROUP MONTHLY OPERATIONS REPORT - AUGUST 2019

Date Prepared: 3 September 2019

Author: Manager Water and Waste

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Water and Wastewater activities undertaken by the Infrastructure Services Department during the month of August 2019.

RECOMMENDATION

That Council receives the Infrastructure Services, Water and Wastewater Progress Report for the month of August 2019.

BACKGROUND**1. Capital Projects and Maintenance Works**

Upgrading of the Vaughan Street Water Main; construction work commenced 2 September and is expected to run for approximately six weeks. Works are being undertaken by Council's water reticulation staff.

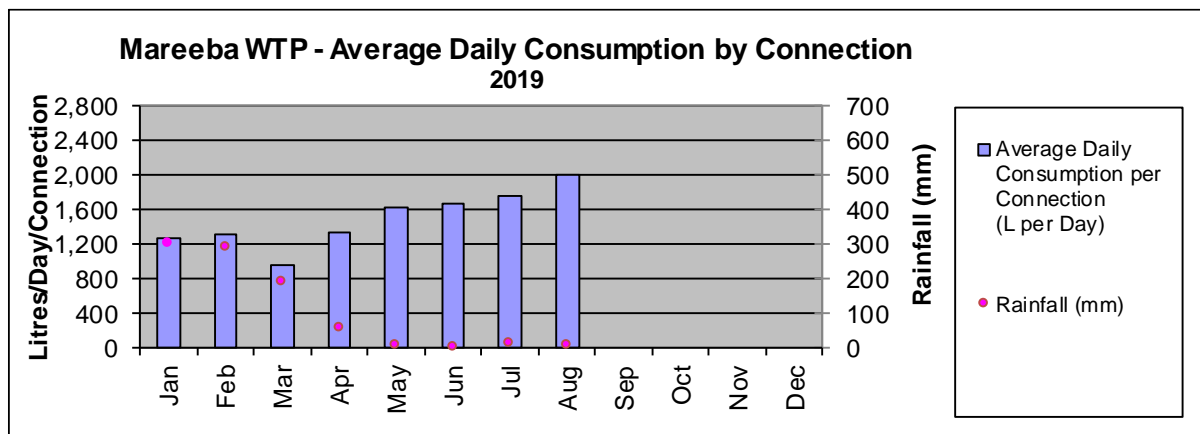
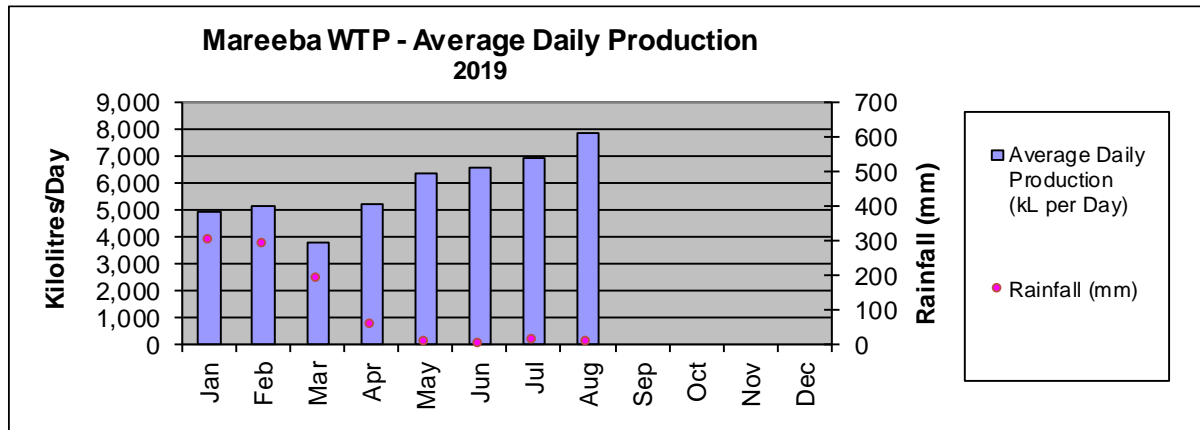
Construction works commenced 3 September on the Barang St Sewer Pump Station Capacity Upgrade Project and expected to run for approximately nine weeks.



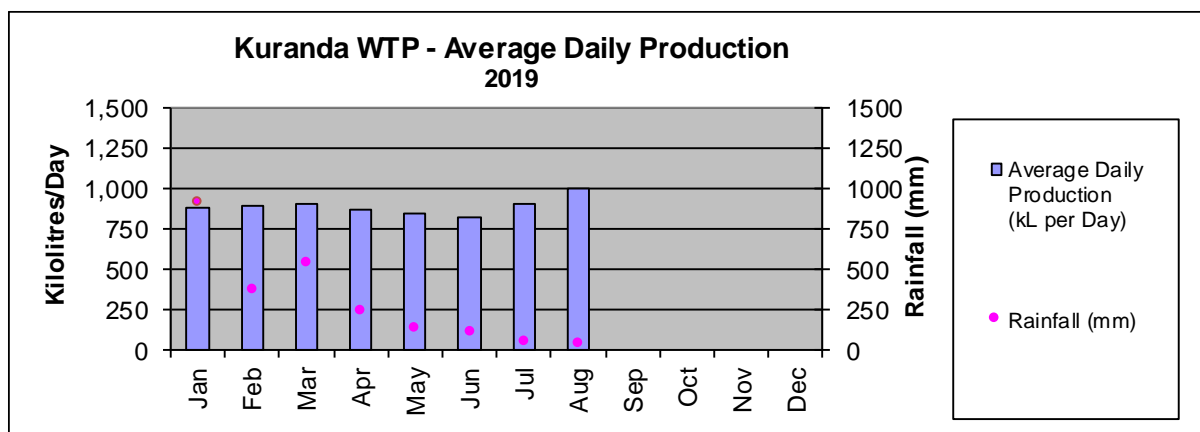
2. Chlorine Residual Readings

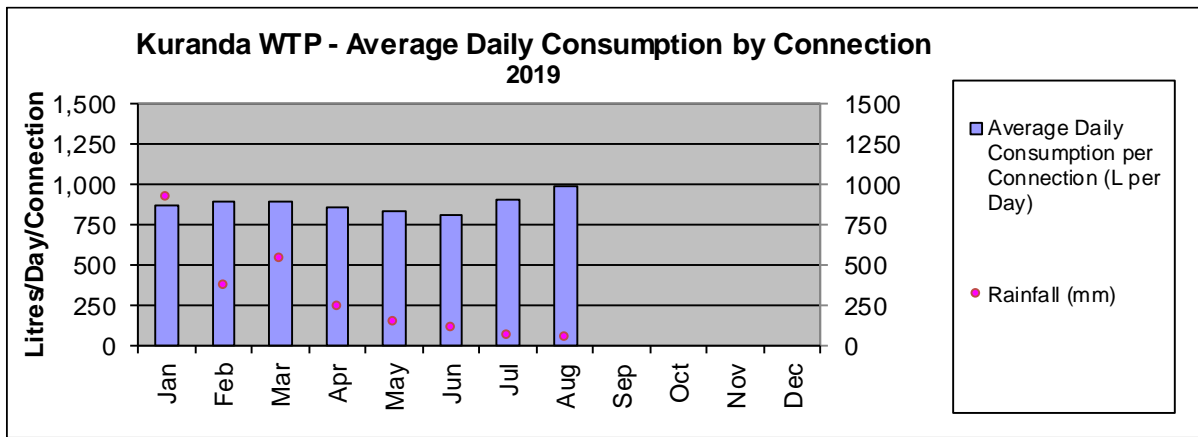
August 2019	Chlorine Residual Readings 2019 Australian Drinking Water Guidelines Maximum 5mg/L												
	Fri 2nd	Mon 5th	Wed 7th	Fri 9th	Mon 12th	Wed 14th	Fri 16th	Mon 19th	Wed 21st	Fri 23rd	Mon 26th	Wed 28th	Fri 30th
	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)	Free Cl (mg/L)
Mary Andrews Park Mareeba	1.09	1.12	1.00	1.07	1.13	1.10	1.14	1.07	0.91	1.06	1.18	1.20	1.10
Wyandra Drive Mareeba	0.90	0.94	0.86	0.91	0.95	0.96	0.77	0.81	0.85	0.80	0.96	0.89	0.87
Gregory Terrace Kuranda	1.12	1.11	0.98	1.13	0.99	0.84	1.04	1.09	0.92	1.23	1.17	1.08	1.06
Mason Rd PS Kuranda	1.11	1.15	1.14	1.13	1.18	0.90	1.19	1.25	1.14	1.19	1.06	1.29	1.14
Chillagoe	1.26	1.24	1.24	1.18	1.23	1.23	1.23	1.16	1.14	1.14	1.13	1.18	1.25
Dimbulah	1.17	1.17	1.15	1.12	1.15	1.10	1.14	1.12	1.07	1.27	1.09	1.03	1.10

3. Mareeba Water Supply Scheme – Operations Data

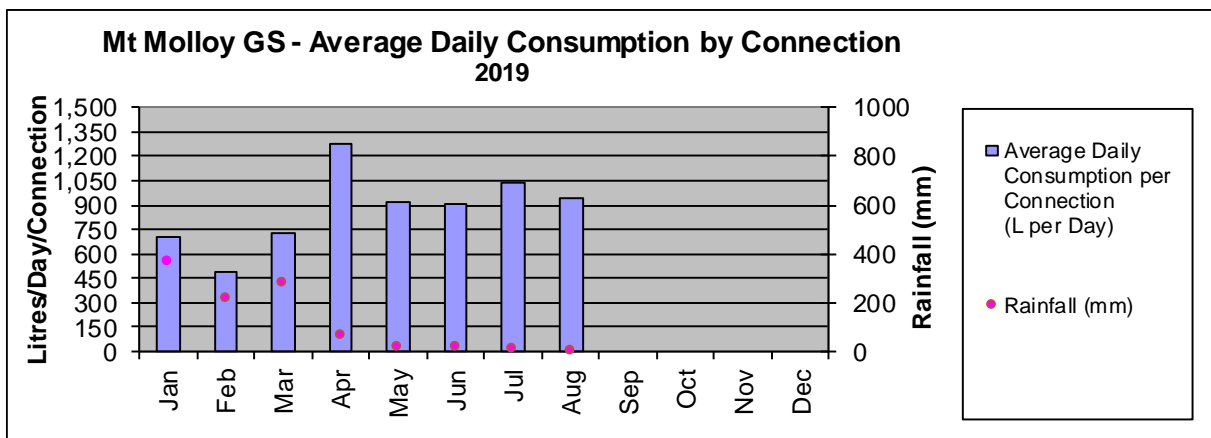
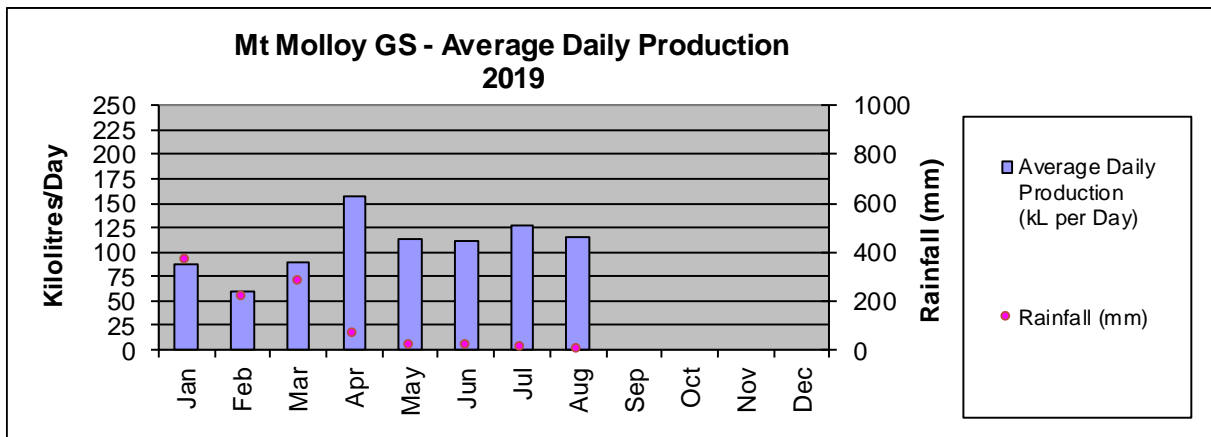


4. Kuranda Water Supply Scheme - Operations Data

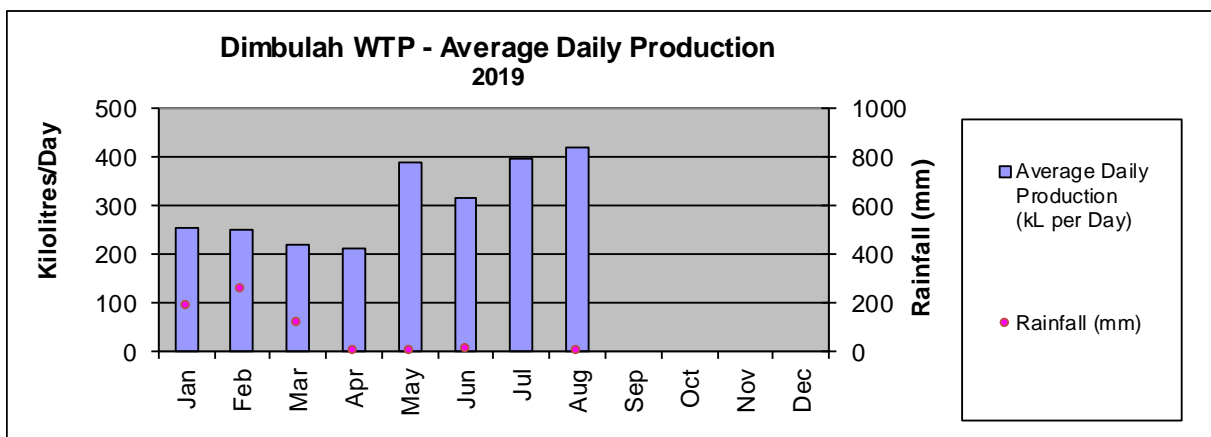


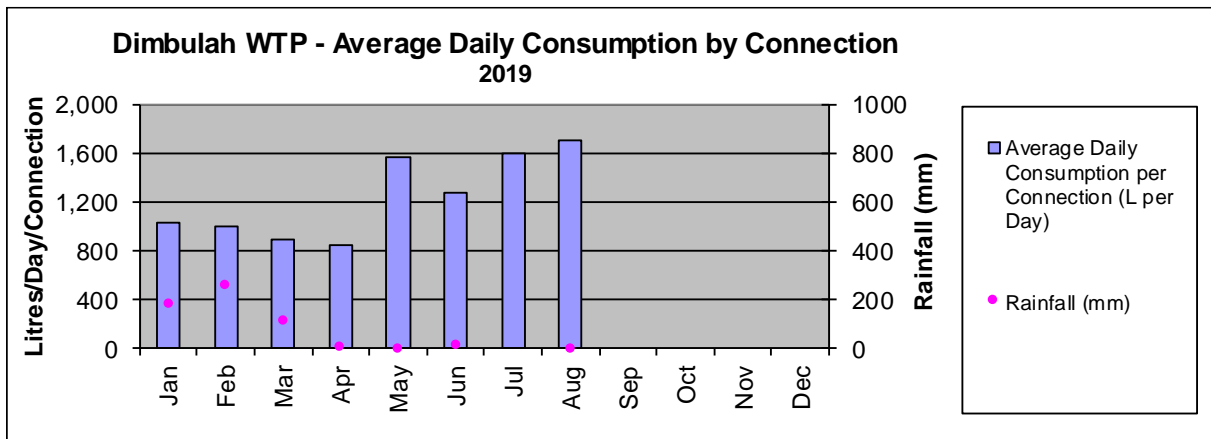


6. Mount Molloy Water Supply Scheme - Operations Data

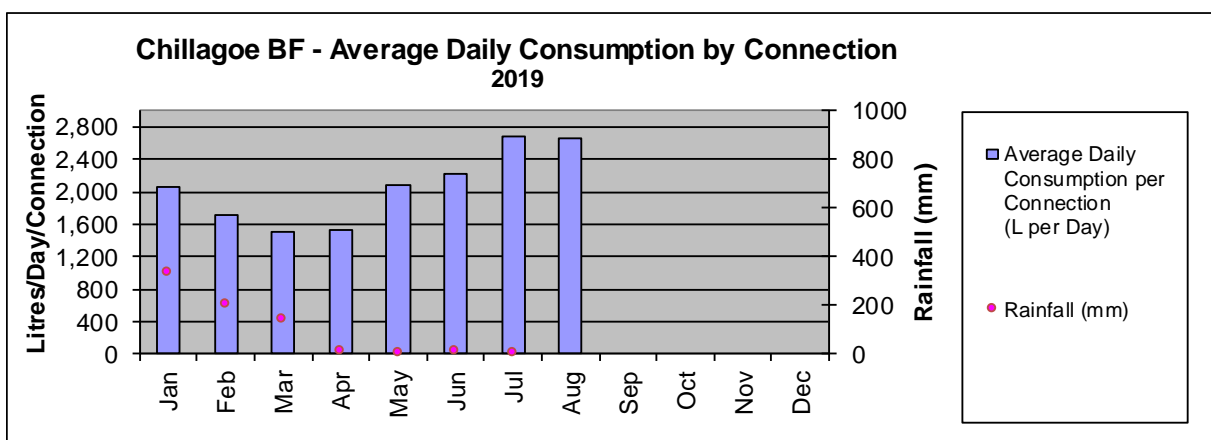
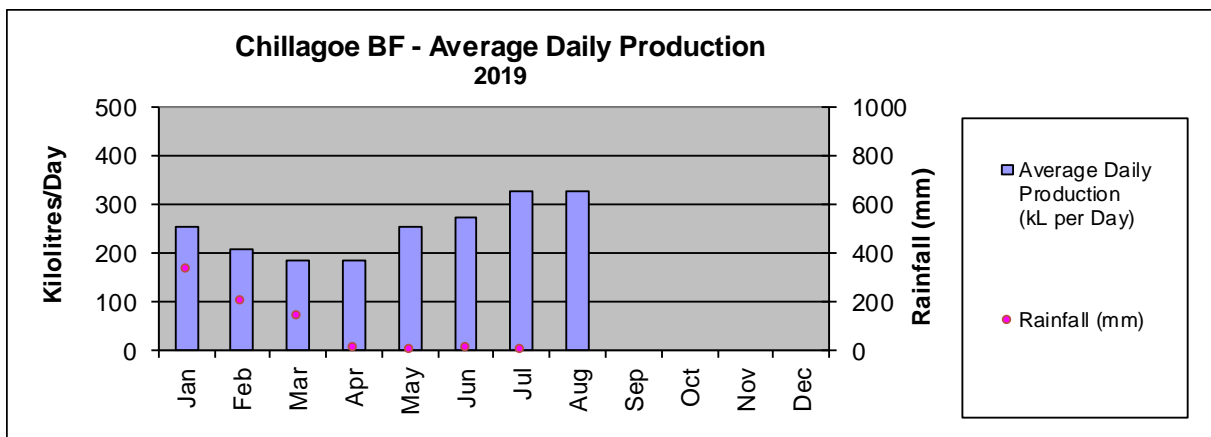


7. Dimbulah Water Supply Scheme - Operations Data

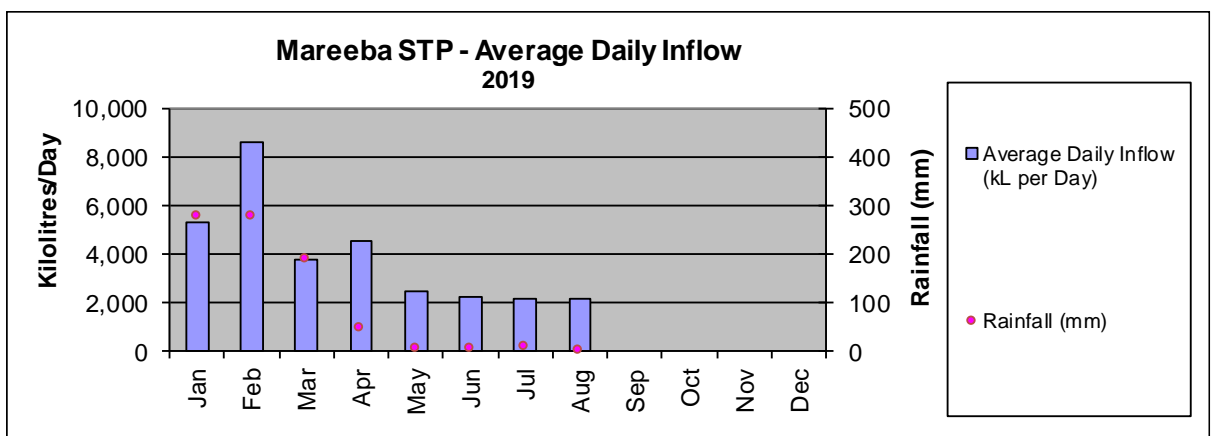


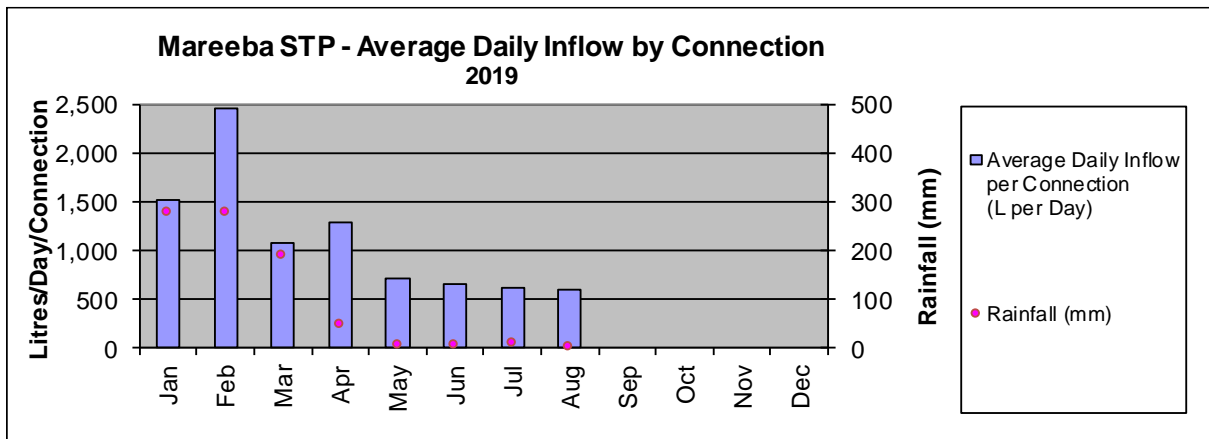


8. Chillagoe Water Supply Scheme - Operations Data

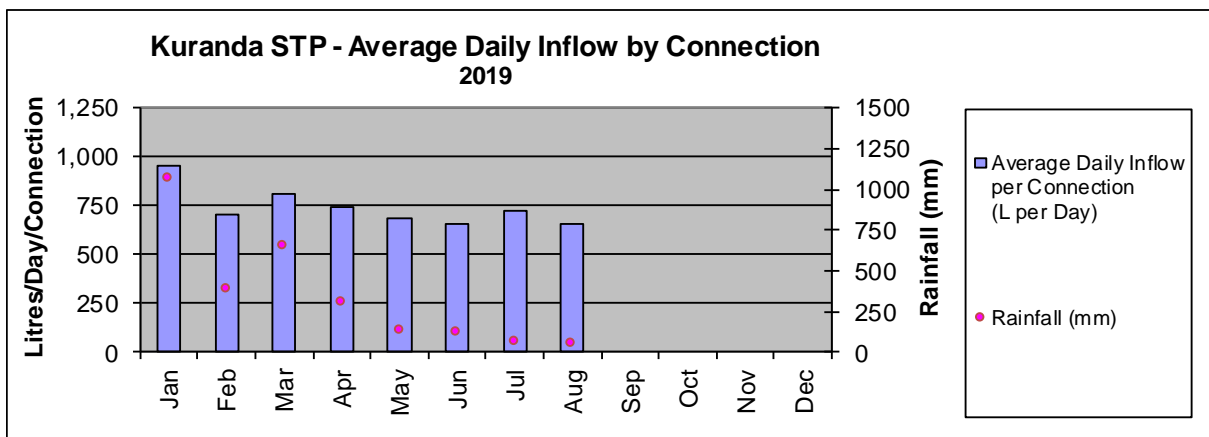
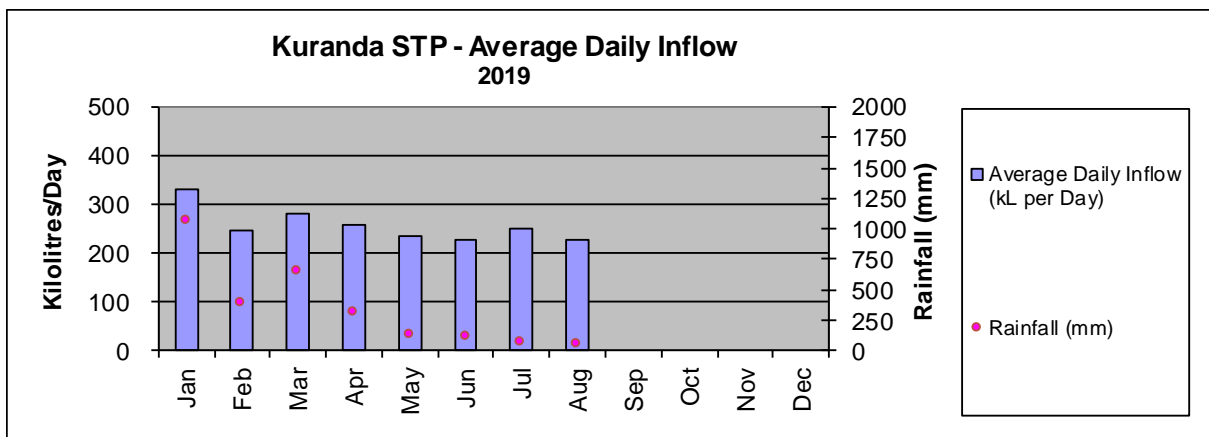


9. Mareeba Wastewater Treatment Plant - Operations Data





10. Kuranda Wastewater Treatment Plant - Operations Data



RISK IMPLICATIONS

Nil

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

As a drinking water service provider, Mareeba Shire Council is required under the *Water Supply (Safety and Reliability) Act 2008* to comply with various legislative and statutory requirements. Council holds an environmental authority issued under the *Environmental Protection Act 1994* to operate water and wastewater treatment facilities.

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

All capital works are listed in and funded by the 2018/19 Capital Works Program.

Operating

All operational works are funded by the Section specific 2018/19 maintenance budgets.

LINK TO CORPORATE PLAN

Financial Sustainability: A council that continuously looks for savings and opportunities while managing council's assets and reserves to ensure a sustainable future in a cost-effective manner.

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Transport and Council Infrastructure: The provision of quality services and infrastructure for our growing community that is planned and managed using sound asset management principles.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

Governance: Sound decision making based on effective frameworks and clear strategic direction to achieve regulatory compliance and affordable levels of service delivered to the community.

IMPLEMENTATION/COMMUNICATION

Nil

Nil

9.12 INFRASTRUCTURE SERVICES, WASTE OPERATIONS REPORT - AUGUST 2019

Date Prepared: 5 September 2019

Author: Manager Water and Waste

Attachments: Nil

EXECUTIVE SUMMARY

The purpose of this report is to summarise Council's Waste activities undertaken by the Infrastructure Services Department during the month of August 2019.

RECOMMENDATION

That Council receives the Infrastructure Services, Waste Operations Progress Report for August 2019.

BACKGROUND

The following is a 'snapshot' of the waste activities undertaken during the month of August 2019.

1. Waste Operations

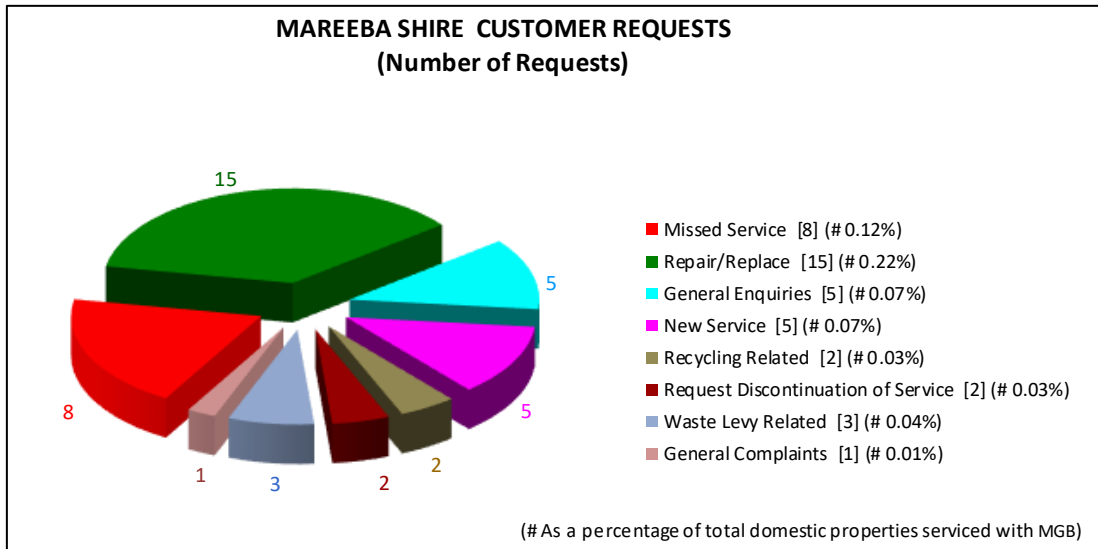
- 4,101 vehicles entered Mareeba waste facility (to drop off or pick up waste)
- 392 vehicles deposited waste to Mareeba Landfill (total)
- 99 Suez vehicles deposited waste to Mareeba Landfill
- 38 Suez vehicles removed waste from Mareeba Waste Transfer Station (WTS) to recycling facility in Cairns
- 51 m³ of mulch was removed (purchased) from Mareeba WTS (all domestic sales)
- The Mareeba Landfill rolling average compaction ratio is currently 0.97 tonnes per m³
- All transfer stations and Mareeba landfill are currently operational

2. Waste Levy

- Initial reporting associated with the waste levy indicates that Council has received slightly less landfill waste than was initially expected with the Levy Liability for August being around \$24,000.
- The estimated total for each month was \$28,000 meaning August was slightly below average.
- The amount of funds raised for commercial waste have been adequately covered by fees charged.
- The advance annual payment is projected to cover household costs over the entire year.
- Council received the first invoice for the Waste Levy for July from the State Government in early September.

3. Customer Service Waste Statistics

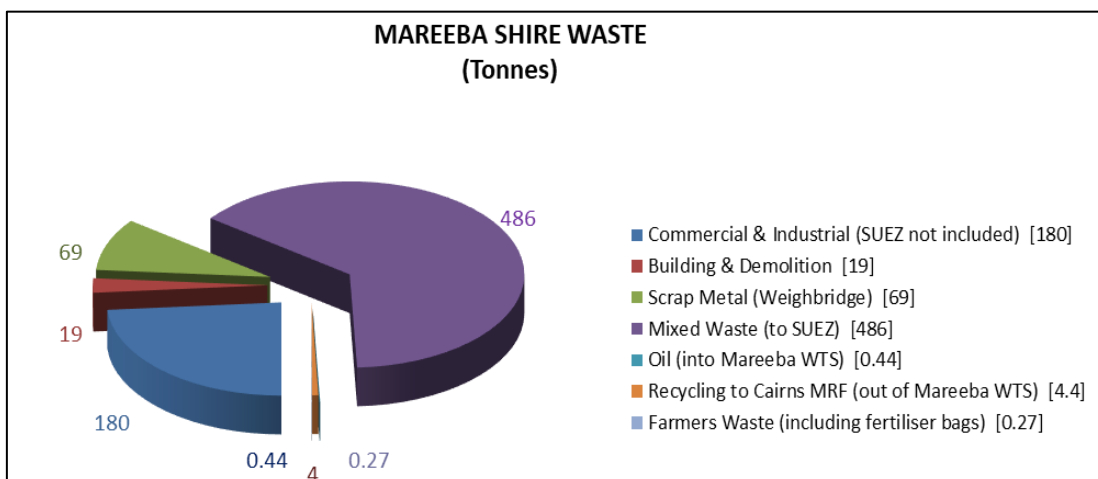
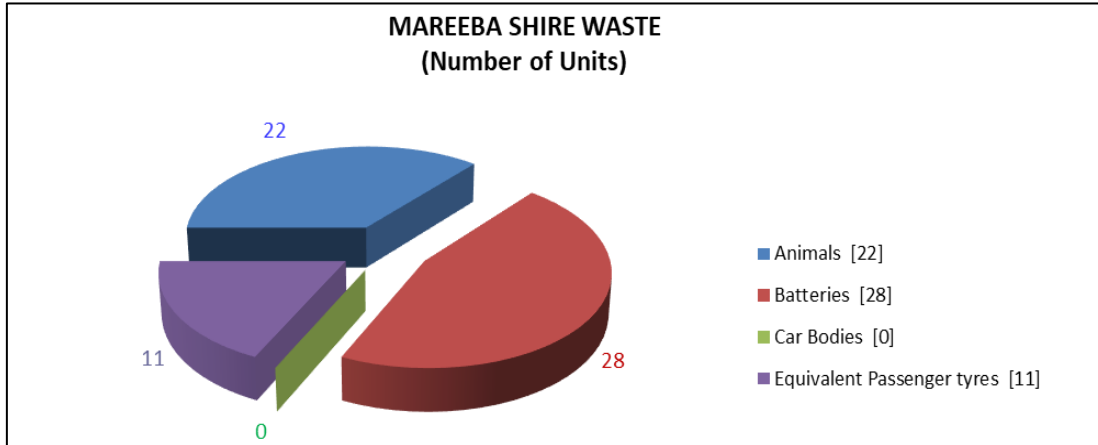
The following graph displays customer requests logged in the Customer Request Management (CRM) system during the month of August 2019.



4. Waste Collected at Each of the Transfer Stations

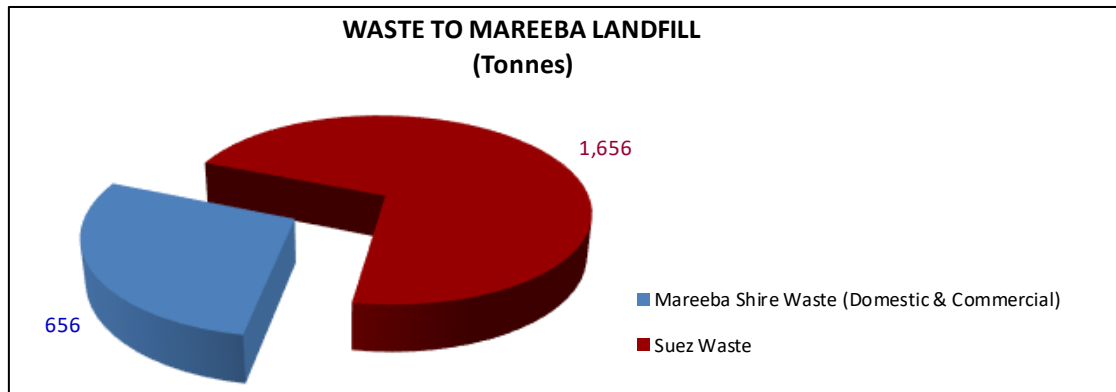
Waste material collected at each of the waste transfer stations is either deposited directly to the Mareeba landfill, recycled or transported to the Suez facility in Cairns for processing.

The following pie charts are separated into waste received as whole units and waste received as accrued tonnage.



5. 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.



RISK IMPLICATIONS

Environmental

Council holds an environmental authority issued under the *Environmental Protection Act 1994* to operate landfill facilities.

LEGAL/COMPLIANCE/POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Capital

Nil

Operating

Nil

LINK TO CORPORATE PLAN

Community: An engaged community which supports and encourages effective partnerships to enhance the liveability of the shire and the wellbeing of residents in communities which are resilient and prepared for unforeseen events.

Economy and Environment: A resilient economy that promotes and supports the shire's natural assets and local industry and encourages investment while preserving and future proofing for generations to come.

IMPLEMENTATION/COMMUNICATION

Nil

10 CONFIDENTIAL REPORTS

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Act 2012:

10.1 New Lease for QPWS at Chillagoe Hub

This matter is considered to be confidential under Section 275 - e of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

10.2 Barron Falls Walking Trails - Design and Supply of Bridge Structures

This matter is considered to be confidential under Section 275 - e of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with contracts proposed to be made by it.

11 BUSINESS WITHOUT NOTICE

12 NEXT MEETING OF COUNCIL

13 FOR INFORMATION

13.1 SUMMARY OF NEW PLANNING APPLICATIONS & DELEGATED DECISIONS FOR THE MONTH OF AUGUST 2019

Date Prepared: 4 September 2019

Author: Senior Planner

Attachments: Nil

Please see below information.

Summary of new Planning Development Applications and Delegated Decisions for August 2019

New Development Applications					
Application #	Lodgement Date	Applicant/ Address	Property Description	Application Type	Status
RAL/19/0018	01/08/2019	Geoff Dixon 3946 Kennedy Highway, Mareeba	Lot 28 on SP160169	ROL (1 into 2 Lots)	In Decision Stage
RAL/19/0019	26/08/2019	M & T Samanes C/- U&I Town Plan 336 Fichera Road, Mareeba	Lots 2 & 3 on RP717083 and Lot 4 on SP160172	ROL - Boundary Realignment	In referral stage
MCU/19/0013	21/08/2019	KVN Australia Trust C/- Planz Town Planning 3727 Mareeba - Dimbulah Road, Mutchilba	Lot 225 on HG293	MCU Rural Industry (Packing Shed)	In referral stage
MCU/19/0014	30/08/2019	Pioneer North QLD Pty Ltd C/- RPS Australia East Leafgold Weir Road, Dimbulah	Lot 108 on SP188692 & Lot 6 on RP910469	MCU Extractive industry	In Confirmation stage

Decision Notices issued under Delegated Authority					
Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
RAL/19/0011	09/08/2019	J Anderson C/- Urban Sync	437 Koah Road, Koah	Lot 272 on NR6957	ROL (1 into 8 Lots)
MCU/19/0003 (OPW/19/0002)	12/08/2019	G & M Beere	321 Malone Road, Mareeba	Lot 2 on RP737772	MCU- Aquaculture and Associated Op Works - Bulk Earthworks (Aquaculture Ponds)

August 2019 (Regional Land Use Planning)

OPW/19/0005	15/08/2019	Neil Selford	25 Earl Street, Mareeba	Lot 16 on M356145	Op Works (Road Widening) for Development Permit MCU/18/0001
MCU/19/0012	15/08/2019	South Pacific Law as Mortgagee in possession	12 Rob Veivers Drive, Kuranda	Lot 500 SP202676 (Level B on BUP100024)	MCU Multiple Dwelling (Conversion of commercial space into 5 residential units)
RAL/19/0017	27/08/2019	Kathleen Colless Pty Ltd	3276 & 3278 Mulligan Highway, Mount Molloy	Lots 2 & 3 on SP223151	ROL Boundary Realignment

Negotiated Decision Notices issued under Delegated Authority

Application #	Date of Decision Notice	Applicant	Address	Property Description	Application Type
Nil					

Change to Existing Development Approval issued

Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Referral Agency Response Decision Notices issued under Delegated Authority

Application #	Date of Decision	Applicant	Address	Property Description	Application Type
CAR/19/0017	07/08/2019	Pop Up Homes Pty Ltd C/- GMA Certification Group	Masterson Street, Mutchilba	Lot 6 on M9162	Referral agency response for building work assessable against a planning scheme - Flood Hazard Overlay Code

August 2019 (Regional Land Use Planning)

Extensions to Relevant Period issued					
Application #	Date of Decision	Applicant	Address	Property Description	Application Type
Nil					

Survey Plans endorsed					
Application #	Date	Applicant	Address	Property Description	No of Lots
DA/13/0125	22/08/2019	Kevin O'Brien	14A Anzac Avenue, Mareeba	LOTS 181 & 182 ON SP289720 (CANCELLING LOT 200 ON SP282407)	2 Lots
DA/17/0011	7/08/2019	Malcolm McDougall	8579 Mulligan Highway, Desailly	PLAN OF EASEMENT B ON SP305167 (IN LOT 22 ON SP302231)	Easement B only
RC2006/27 RC2005/56 (RCL/06/0039)	14/08/2019	Comaray Pty Ltd	Country Road & Annie Court, Mareeba	LOTS 6, 17 & 200 ON SP298320 (CANCELLING LOT 200 ON SP252407)	2 + Balance Lot

August 2019 (Regional Land Use Planning)